UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *105th* CONGRESS

FIRST SESSION

VOLUME 143—PART 8

JUNE 10, 1997 TO JUNE 23, 1997

(PAGES 10397 TO 11890)

GENERAL SERVICES ADMINISTRATION
AUG 25 2003
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1997

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

SENATE—*Tuesday, June 10, 1997*

The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Listen to this remarkable promise from the Prophet Isaiah:

Then you shall call and the Lord will answer; you shall cry, and he will say, "Here I am."—Isaiah 58:9.

Let us pray.

Almighty God, You also said through the Prophet Isaiah that when we call, You will answer and while we are speaking You will hear—Isaiah 65:24. We thank You that prayer begins with You. It originates in Your heart, sweeps into our hearts, and gives us the boldness to ask what You desire to give.

Today, may constant conversation with You hone the desires of our hearts until they are Your desires for us and for our work together. Then, dear Father, grant us the desires of our hearts. May our human understanding be surpassed by Your gift of supernatural knowledge, our inadequate judgment with Your omniscient wisdom, and our limited expectations with Your propitious plans for us. We yield our minds, hearts, wills, and imaginations to be channels for the flow of Your divine guidance.

Bless the Senators in the decisions they must make and the votes they will cast. Give them, and all of us who work with them, Your strength to endure and Your courage to triumph in things great and small that we attempt for the good of all. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, on behalf of the majority leader, today the Senate will be in a period of morning business until the hour of 12:30 p.m., with Senators to speak up to 5 minutes each, with the exception of three Senators. Under a previous consent agreement, from 12:30 until 2:15 p.m. the Senate will be in recess to allow the weekly policy luncheons to meet. At 2:30 today, it is the hope of the majority that the Senate will be able to discharge from the Labor Committee and begin consideration of S. 419, the Birth Defects Prevention Act. This legislation is not controversial. It is hoped that the Senate will be able to consider and pass this important bill in a short period of time. Senators can therefore expect rollcall votes during today's session of the Senate. As always, Members will be notified accordingly as any votes are ordered with respect to any legislation or executive matters cleared for action.

I thank the Members for their attention.

MEASURES PLACED ON CALENDAR—H.R. 1000, H.R. 908

Mr. THOMAS. I understand there are two bills, Mr. President, due for their second reading, and I would ask that they be read consecutively.

The PRESIDENT pro tempore. The clerk will read the bills for the second time.

The assistant legislative clerk read as follows.

A bill (H.R. 1000) to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for food stamp benefits.

A bill (H.R. 908) to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

Mr. THOMAS. Mr. President, I object to further proceeding on either of these bills at this time.

The PRESIDENT pro tempore. The bills will be placed on the calendar under general orders.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. THOMAS assumed the chair.)

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

DISASTER RELIEF BILL

Mr. DORGAN. Mr. President, those who are watching the activities of the Congress now understand that the Congress, after some delay, passed a disaster bill to provide disaster relief to victims, especially the victims of the blizzards and the floods in South Dakota, North Dakota, and Minnesota, but to provide disaster relief on a much broader scale to those who have been victims of disaster in many States around the country.

The Congress did something different this time on disaster relief. In this circumstance, on this disaster relief bill, which is called a supplemental appropriations bill, the Congress decided to attach some very controversial provisions that don't have any relationship to the bill, that are totally extraneous, unrelated to the disaster bill. They attached these provisions that weeks ago the President said he would not accept.

The result was the disaster bill became a political vehicle asking flood victims and disaster victims to wait: "Hold on over there, we're going to have a political exercise on the disaster bill." And, in fact, this weekend, following the passage of the disaster bill by the Congress last Thursday night, instead of sending the disaster bill to the President then, this weekend it was held over in the House of Representatives, and then the Republican National Committee went on paid radio ads in North Dakota, for example, to make a political issue of this so that the bill could be sent down to the President on Monday, so that they would hope the President would pay a political price for vetoing the bill.

I don't care about one or the other. I don't care about this side, that side,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

your side or my side. What I care about are disaster victims, and disaster bills ought not be the product of political games. In any event, I ask those who would construct a political strategy on the disaster bill, how on Earth could you construct a strategy by which everybody loses? What kind of a political game is that, a game in which you have constructed an approach so that everyone loses, most especially, the losers are the victims of a disaster? Thousands of them this morning who woke up not in their own homes, because their homes are destroyed, but woke up in neighbors' homes, in a neighboring city, relatives' homes, a shelter, a tent, a camper trailer. That is where they are living. They are the first victims of a strategy that plays politics with disaster relief, but there are others.

The other losers are all the folks in the political system. There are no winners here, only losers, and the biggest losers are those who can least afford it: victims of this disaster.

I intend, in just a moment, to ask unanimous consent to call up a bill that I introduced in the Senate yesterday. It is identical to the bill that Congress passed providing disaster relief, except for two things. It takes out the two major controversial provisions to which the President objects. I say, by doing this, let's pass a clean disaster bill, pass it now, get it to the President, get it signed and get disaster relief to the victims who so desperately need it.

Mr. DURBIN. Will the Senator yield?

Mr. DORGAN. I will be happy to yield for a question.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say to my colleague, I can, as said by the President, feel your pain here, because in 1993, my congressional district was inundated in a Midwestern flood.

There are many natural disasters which can befall America and a family. One of the most insidious is a flood. It just never goes away. Some disasters strike quickly, with a tornado or an earthquake or fire, and by the next day, people are starting to reassemble their lives and clean up the mess and put it behind them. A flood lingers, and as it lingers, I have watched family after family in my district reach a level of depression, then desperation. About the only thing that sustains them is not only all of the good neighbors and volunteers who come to their assistance, but the belief that this Nation stands behind them; that, as a family, America says, "We will come to your aid, too. We will assist you."

It is interesting to me that during the course of our history, time and time again, without exception, we have said we are going to waive the rules, we are going to drop the politics, we are just going to focus on helping people. We aren't going to ask them whether they are rich or poor, Democrat or Republican, Independent; it doesn't make any difference. They are Americans, they are neighbors, they are in need.

Let us get on with the business of being a nation of people who care about those in need. Why then are we going through this exercise? Why haven't we passed the disaster bill to help the victims of the flood in North Dakota and South Dakota and Minnesota, and other places? Unfortunately, it is because some of the leaders here believe that this is the kind of bill that puts pressure on the President. Send him a bill that he has to sign, like a disaster bill, and then like a Christmas tree, put on these ornaments, little things totally unrelated to disasters. "Let's send this to him and, boy, we'll force his hand. No President is going to veto a disaster bill with homeless people. We will force him. We will put a provision in there that says we are going to violate the budget agreement, we are going to set up a new standard here for funding agencies."

What does that have to do with disaster assistance? If you were out of your home, if you had seen all of your Earthly belongings inundated with a flood, if you and your kids were huddled in some shelter, would you really want the Congress of the United States of America to get involved in this kind of political gamesmanship?

Even worse, there is a provision in this bill that relates to the taking of the census. Boy, there's a real timely emergency; we better get on this one. Shoot, take a look, it is only 36 months from now that we are going to have to deal with it; 36 months away we are supposed to take the census. The Republican leadership said, "Let's put a provision in this bill that will force the hand of the Federal Government when it comes to taking the census."

This is sad. This is really sad for so many people who have been victimized by this flood to now be victimized by politics on Capitol Hill. And it is outrageous. Senator DORGAN is correct, let us not violate the standard which we have established which says when there is a disaster and a need in America, we will rally behind the victims, our neighbors, our fellow Americans regardless of party label, regardless of agenda.

We are losing it in this debate because the Republican leadership insists on amendments to this bill which have nothing to do—nothing to do—with disaster victims.

I salute my colleague for his efforts. I tell you, I have been there, and I know what it means to go home weekend after weekend and see these families struggling, looking at homes that have been inundated with floodwater and mud, everything in their life washed away—the wedding pictures, everything, it's gone—and then to have to tell them, "I'm sorry, another week has gone by and Congress has not met its responsibility."

I salute my colleagues. Let us hope that just for one brief shining moment that this body will rise above politics and support your effort to bring a clean disaster bill to the table, pass it today, pass it in the House, move it on to the President and get it signed this evening. We can then say to the people huddled in those shelters worried about their future and what they have been through that we have met our responsibility. I thank the Senator.

Mr. DORGAN. Let me make two additional points——

The PRESIDING OFFICER. The Senator from North Dakota has 2 minutes, 15 seconds remaining.

Mr. DORGAN. Let me make two additional points before I propound the unanimous-consent request. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, let me read an editorial from this morning's Fargo Forum, North Dakota's largest newspaper in the Red River Valley. It is, in most cases, a conservative voice. Here is what they say about what is going on, how they observe what is going on in Congress:

> The result [of all of this] is to aggravate the tragedy of the flood by extending uncertainty about relief. Last week, community leaders from Grand Forks and East Grand Forks, Minnesota—many of them longtime, loyal Republicans—urged Congress to quit fooling around with the lives of flood victims. Clean up the disaster bill, they said, so the president can sign it.
>
> Their words were ignored. Instead, Republican congressional leaders and the two governors tried to shift the blame for delays on the president. In a callous display of partisan arrogance, they said his veto would be the delay, not the amendments.
>
> It won't fly here in the Red River Valley—

The Fargo Forum says—

> where people are trying to put their homes, businesses and lives back together.
>
> The president made it clear weeks ago: Unless the disaster aid bill was clean, he would veto it. Nevertheless, Republican leaders fouled up the legislation with unrelated riders, knowing the president's veto was certain. So instead of considering the crucial needs of valley flood victims, they opted for a purely partisan agenda. The onus is on them.
>
> Apologists for the GOP leadership insists adding unrelated matters to popular bills is routine. Maybe so.
>
> But the flood of this century in the valley is not routine. A disaster of such magnitude is not routine. The pain and destruction are not routine. The short construction season for rebuilding is not routine. Surely, the least flood victims can expect is for Congress to put aside its routine nonsense when circumstances are this extraordinary.

This from the Fargo Forum, not a liberal newspaper, normally speaking for conservatives.

Finally, this point. There are those here who say it doesn't matter that we

have messed around with this bill because there is money in the pipeline; no one is being disadvantaged. I heard them spin that yarn for weeks.

We kid people in our part of the country about whoppers. You know the whoppers: Yes, I won this belt buckle in a rodeo riding bulls; my pickup truck's paid for. Now I heard this other whopper: There's money in the pipeline. Tell that to the folks in Grand Forks.

There is a woman living in a tent right now in Grand Forks with her family. There was a woman in the newspaper yesterday, she and her family are out of work and have been out of their home for 5 weeks living in a camper trailer, and they don't know when they are going to get back to their home and she doesn't know when she will have another job. Tell it to them, that there is money in the pipeline.

Better yet, get on a plane and go out there and try to live on that money in the pipeline. The money doesn't exist except in this bill, and the bill must get passed and must be a clean bill so this aid goes to disaster victims, and it ought to be done now. It can be done simply. I introduced a bill yesterday, and I will call it up now by unanimous consent, and if there is objection, it means the Congress will not allow a clean disaster bill to pass. If not now, when?

Let me call up a clean disaster bill where we take out the census issue and the Government shutdown issue and send this bill, as it was written by the Congress, to the President for signature.

Mr. President, I ask unanimous consent to proceed to Calendar No. 18, H.R. 581, and that all after the enacting clause be stricken and the text of S. 851, the clean disaster bill, be substituted in lieu thereof; that the bill be read a third time and passed; and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. There is an objection. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THOMAS. Mr. President, the Senators both know there are negotiations going on now. This performance on the floor does not help at all. Our leaders are talking to your leaders. They are working toward doing it. As a matter of fact, if you want to carry on this thing, there may be some time where you can do it this evening. The fact is, this is not the way to solve the issue. The leaders are meeting, and I object to the request.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand under a previous order that I have 30 minutes under my control at this time.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I thank the Chair.

Mr. President, first, I rise on another topic, but I want to say to the Senator from North Dakota that I fully empathize and sympathize with him on his position. The flood about which my colleague from Illinois spoke a few minutes ago is the same flood that devastated Iowa in 1993. This Congress and the President came to the assistance of the people of Iowa in a very rapid measure. To this day, the people of Iowa talk about how rapidly the funds got out there, the Government was there to help. And the same thing should apply to any disaster anywhere. And it should apply in North Dakota also.

I want to say to my colleague from North Dakota, he is right on the mark. This legislation ought to get through. The money ought to be sent out without all these other political ramifications. So I appreciate the Senator from North Dakota. Again, his position is the correct one. We ought to get the money through here. And we should not be loading it down with political considerations.

THE COMPREHENSIVE TEST BAN TREATY AND THE 34TH ANNIVERSARY OF PRESIDENT KENNEDY'S CALL FOR THE VIGOROUS PURSUIT OF PEACE

Mr. HARKIN. Mr. President, I take the floor today with a couple of my colleagues to note a very important anniversary.

Mr. President, 34 years ago today, on June 10, 1963, President John F. Kennedy delivered a historic address at American University here in Washington, DC, regarding the need for the vigorous pursuit of peace. He declared that the United States has a critical interest in limiting the testing of nuclear weapons. We wanted to mark that occasion today by talking about the need to continue that progress and to bring to completion President Kennedy's dream and goal of the Comprehensive Test Ban Treaty.

I yield at this time to my colleague from Illinois for his unanimous-consent request and for any comments he wants to make.

I reserve the balance of my time.

The PRESIDING OFFICER. Is there objection? The Senator from Illinois.

Mr. DURBIN. Thank you Mr. President.

PRIVILEGE OF THE FLOOR

I ask unanimous consent that privileges of the floor be granted to the following members of my staff, Thomas Faletti and Robin Gaul during the pendency of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I want to thank my colleague from Iowa, Senator HARKIN, for reminding us of this important and historic anniversary. President John Kennedy's speech to American University in 1963, really I think demonstrated a vision of the future which no one believed at the time was really within our reach. We expect leaders in America to challenge us, to think ahead, and to think of a different world, a better world. Certainly President Kennedy did that at American University.

In the midst of the cold war, when it was starting to heat up with nuclear missiles being built at great expense in the Soviet Union and the United States, President Kennedy challenged the United States to think of the vision of a world that was a world of peace, a world where the leaders in countries like the United States and Russia would be focusing their resources on good and positive things rather than weapons of mass destruction.

We have tried through the Comprehensive Test Ban Treaty to reach a milestone on the road to the total abolition of nuclear weapons. This treaty prohibits all nuclear weapons test explosions or other nuclear explosions anywhere in the world.

It is verifiable. We have a global network of monitoring facilities and on-site inspections to make sure that each country lives up to its terms.

President Bush, obviously a Republican leader, initiated a test moratorium in October 1992. President Clinton continued it, and then signed the Comprehensive Test Ban Treaty last year, along with 125 other world leaders. It has been endorsed by the United Nations. Now it must be ratified by the United States. The Senate must put its approval on this notion that we are going to eliminate nuclear weapons testing as part of a global plan to bring real peace to this world. Forty-three other nuclear-capable countries must face that same responsibility.

Why should we do this at this point in our history? Are we not making enough progress? Do we really need this? I think the answers to these questions demonstrate why we are here on the floor speaking to this issue. The Comprehensive Test Ban Treaty would curb nuclear weapons proliferation worldwide.

What does it mean? Not just those nations currently in possession of nuclear weapons, but those that dream—unfortunately dream—of being nuclear powers, they would be held back, too. Our monitoring devices in the test ban treaty will be at least a discouragement, if not a prohibition against their own nuclear testing to become nuclear powers, to join in some nuclear arms race at a new level different from the cold war.

There is another aspect of this that is so troubling. Fully $1 out of every $3

we spend each year now in the United States on what we call the nuclear weapons program is money spent to clean up the mess, the environmental degradation that is left over from our nuclear program. If we stopped the testing and put a halt to the construction of these weapons, we are going to protect our environment, and future generations will certainly be happy to hear that. It saves taxpayer money. And, it is supported by a majority of Americans. In fact, over 80 percent of the American people think it is time for us to do this.

The U.S. nuclear arsenal has consumed about a quarter to a third of all of our defense spending since World War II. I will not recount all the dollars involved; and I am sure my colleagues will during the course of this debate. But, we have put ample resources in this program. We must be reminded over and over again of the words of President Dwight Eisenhower, no dove, our leader in World War II, who stood up and reminded us that every dollar spent on weaponry, every dollar spent in this case on nuclear weaponry, is a dollar not spent on the education of a child, on nutrition for a child at risk. These are things which should be constant reminders of the need to resume this debate.

Despite the end of the cold war and the collapse of the Soviet Union, the United States currently spends at least $33 billion a year on nuclear weapons and weapons-related activity—about 13 percent of our defense budget. These costs continue even though no new warheads or bombs have been built since July 1990.

Nuclear weapons testing has stopped since September 1992. And the size of the nuclear stockpile, because of negotiations, has gone down dramatically; yet, still $33 billion a year right up on the cash register out of the taxpayers' pockets into a nuclear program. And for what? Unfortunately, a third of it, as I said, is used for environmental cleanup. And that should be done. But so much more is being used to maintain and upgrade existing weapons and retain the capability to produce new ones.

Let us realize the vision of President Kennedy, a vision which 34 years ago challenged Americans to think beyond the current cold war in those days to the future, to a future free of nuclear weapons to a more peaceful world.

I am happy to join with my colleague from Iowa, Senator HARKIN, on the floor. And I thank him for reminding us of a commitment made of a vision expressed 34 years ago. It is time for this test ban treaty to be ratified by the United States for a safer world, for ourselves and our children.

I yield back to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank my colleague from Illinois for his very eloquent remarks and for reminding us of just how much we are spending. Even yet today, to maintain this nuclear stockpile, the United States spends roughly $30 billion a year. That is just about three times the amount that we are spending on all medical research at the National Institutes of Health, to find the causes and cures of things like heart disease, cancer, and Alzheimer's, diabetes, Parkinson's disease. Three times what we are spending on this arsenal than all medical research. We are trying to come up with money for NIH.

We had a sense-of-the-Senate resolution last week—98 to 0—to support a doubling of funding for NIH. That would bring it up to about $25 billion a year, not even up to this level. Yet we do not have the money to even get about a 4 or 5 percent increase at NIH.

I thank the Senator from Illinois for his eloquent comments.

I want to also yield to the Senator from Rhode Island for his comments on this topic and thank him for being involved in this discussion on the floor of the Senate. This is an important anniversary. It must be noted. And we must mark it as hopefully the last anniversary in this long journey to get a Comprehensive Test Ban Treaty.

I just say to my friend from Rhode Island and my friend from Illinois, that President Kennedy during that famous speech, 34 years ago today, at American University, called for an end to nuclear testing, and then proceeded to negotiate with the then-Soviet Union and others for a ban on atmospheric testing. Four months later this Senate ratified a ban on all atmospheric testing—4 months. And then here we have been 34 years to get to a comprehensive test ban.

So if they could do that in 4 months, I would think now, certainly before the end of this year, we could bring this to a closure.

I yield to my friend and my colleague from Rhode Island.

Mr. REED. I thank the Senator for yielding. I commend him for his leadership on this important issue. And I also want to commend my colleague from Illinois for his very eloquent statement on this very important topic.

I join my colleagues today in urging the administration to submit the Comprehensive Test Ban Treaty to the Senate for its consideration and, hopefully, ratification. On this day in 1963, President John F. Kennedy delivered his famous address to the graduates of American University. He made his famous call for peace for all time. He was then searching for a solution to a tense nuclear standoff. He stated in that speech:

> Today the expenditure of billions of dollars every year on weapons acquired for the purpose of making sure we never need to use them is essential to keeping the peace. But surely the acquisition of such idle stockpiles—which can only destroy and never create—is not the only, much less the most efficient means of assuring peace.

Mr. President, today we have an alternative means of assuring peace. After years of negotiations and false starts, 60 countries have approved the text of the Comprehensive Test Ban Treaty which would prohibit all nuclear weapons test explosions or other nuclear explosions anywhere in the world.

This treaty would prevent deployment and impede the development of these deadly weapons. It would not enter into force however until ratified by all 44 states which possess nuclear power, including the five countries which have harnessed this power to make nuclear weapons. Its comprehensiveness would reassure the 177 nonnuclear weapons states that nuclear proliferation is waning, thus eliminating the need of these states to develop their nuclear capability.

The Comprehensive Test Ban Treaty clearly has one purpose: To end the arms race and prevent the proliferation of weapons of mass destruction. It seeks to accomplish its goal in an objective and fair manner.

The membership of the executive council, the treaty's principal decisionmaking body, will be distributed evenly throughout the world.

An international monitoring system will use scientific methods to detect and identify prohibited nuclear explosions. A network of seismic, hydroacoustic, and radionuclide monitoring stations will continuously collect and analyze data to ensure global compliance.

A consultation and clarification regime will provide state parties with the opportunity to address accusations of noncompliance before an onsite inspection is ordered. And any state party which demands a frivolous or abusive inspection may be subject to punitive measures.

How can the United States not take the lead in this cause? If we ratify this treaty, others will follow. Imagine a day when world peace is not decided by the size of nuclear stockpiles, but rather by the will and wishes of the people of the world. This treaty is the next step toward that reality.

Mr. President, in his book of several years ago, "The Good War," author Studs Terkel presented an oral history of those touched by World War II. He spoke with many individuals whose lives were shaped by the bomb. Indeed, he spoke with survivors of Hiroshima, who still do not talk about the events of August 6, 1945, without breaking down.

He spoke with an American sailor who swam in the waters of the Marshall Islands the day after a test explosion. He died of cancer before the book was published.

But perhaps Terkel's most disturbing chapter is his last, when he interviewed some children, aged 11 to 15, on a Chicago street corner in 1965.

One child, Sam, stated, "I hope I can die of old age, before the world starts THE war." Ethel then chimed in, "I wanna see if I'm gonna grow up first. I mean, I might not live to be grown up. Cause I don't know when my time is up * * * I never know if I could die overnight from the bomb or something." And finally Raymond said, "This might sound crazy, but I'd like to see a world without bombs. I mean without wars. It would be a lot bigger, the world. Maybe we could enjoy it more. Get a lot out of life, without worrying you would be blown up tomorrow."

Mr. President, generations growing up after World War II were haunted by the specter of annihilation by nuclear weapons. We now have an opportunity to rid these fears, the fears of our children, forever. The American people want this treaty. Over 80 percent of the public support its ratification. It is incumbent upon us to consider this treaty and to ratify it, to put to rest once and for all the specter of nuclear annihilation.

I yield back my time to the Senator from Iowa.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Iowa.

Mr. HARKIN. I thank my colleague.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 20 minutes.

Mr. HARKIN. I thank the Chair.

I thank my colleague from Rhode Island again for continuing to be involved in this discussion, for his leadership in the House and now in the Senate on the total issue of arms control and especially on the issue of the test ban treaty.

Mr. President, let me continue for a little bit to talk some more about the aspects of this treaty and why it is so important that we ratify it this year.

Again, to recap, 34 years ago today, on June 10, 1963, President Kennedy made a historic speech at American University here in Washington, DC. He talked about the need for a test ban treaty to limit the number of nuclear weapons tests. Four months after that, President Kennedy negotiated with the Soviet Union, signed and secured ratification from the United States Senate for the limited test ban treaty that banned all atmospheric tests of nuclear weapons. So, since October 1963, the two nations have had no atmospheric tests of nuclear weapons.

But President Kennedy's goal was not just atmospheric tests. His goal was to ban all nuclear weapons tests. As President Kennedy said on June 10, a comprehensive test ban treaty "would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards * * * the further spread of nuclear arms. It would increase our security; it would decrease the prospects of war." That is a quote from President Kennedy's speech at American University 34 years ago.

Mr. President, completion of a global nuclear test ban treaty negotiations has been a central nuclear arms control objective for more than 40 years. This long-awaited goal was finally won just last September, September 24, 1996, when the United States and other countries signed the Comprehensive Test Ban Treaty, the CTBT as it is called, a treaty consistently supported by more than 80 percent of the American public.

Now, we in the Senate must ensure that the Comprehensive Test Ban Treaty is ratified here in the Senate and by 43 other nuclear-capable countries so that it formally enters into force.

The Comprehensive Test Ban Treaty is a major milestone in the effort to prevent the proliferation of nuclear weapons. It would establish a permanent ban on all nuclear explosions in all environments for any purpose. It's zero-yield prohibition on nuclear tests would help to halt the development and deployment of new nuclear weapons. The treaty would also establish a far-reaching verification program that includes a global network of sophisticated seismic, hydro-acoustic, radionuclide monitoring stations, as well as on-site inspection of test sites to deter and detect violations.

I might just add here, Mr. President, one of the important reasons for getting this treaty ratified as soon as possible is that under this regime, newly emerging nations that may be wanting to develop a nuclear weapon will find it thousands of times more difficult to do so. I will not put myself in a position of saying it will be absolutely impossible, nothing is 100 percent perfect, but many of these smaller nations that may want to have a nuclear weapon are going to need a small nuclear weapon. They will need some of the latest technology in order to have it delivered in a vehicle that they have in their possession or that they might soon acquire. To do that would require testing. If they cannot do the testing, then they cannot acquire the latest technology in nuclear weapon design and construction.

Mr. President, in 1991, the Soviet Union announced a unilateral nuclear weapons test moratorium. In 1992, the House and Senate passed legislation establishing a 9-month U.S. moratorium with restrictions on the number and purpose of any further U.S. tests and a prohibition on U.S. tests after September 30, 1996, unless another nation conducts a test.

In 1993, President Clinton, with advice from the armed services, the nuclear weapons laboratories, and the Energy Department, determined that the U.S. nuclear arsenal was safe and reliable without further testing. On July 3 of that year, he announced he would extend the test moratorium and agree to begin multilateral test ban negotiations in January of 1994.

The Comprehensive Test Ban Treaty was negotiated over more than 2 years at the 61-nation Conference on Disarmament in Geneva. A key turning point occurred in 1995, when our Nation's leading nuclear weapons scientific advisors concluded that our nuclear weapons stockpile is safe and reliable and that even low-yield weapons tests are unnecessary, even the so-called safety tests intended to guard against defects that could lead to accidental warhead detonations.

Spurred by the independent JASON scientific group's report that the United States nuclear arsenal is safe and reliable without testing, and spurred further by the international outcry when the French resumed nuclear testing after a 3-year hiatus, the United States and France then adopted a zero-yield test ban position in the nuclear weapons test ban talks.

So, by August 1996, the negotiations produced a final nuclear weapons test ban treaty text supported by all countries except one, all countries except India, and India sought to include in the treaty a timetable for eliminating all nuclear weapons and, again, India would find its own nuclear weapons development program limited by a ban on testing. So, to overcome one nation's opposition, Australia proposed—and more than 100 other countries supported—a resolution endorsing the Comprehensive Test Ban Treaty, a zero-yield test ban, which was submitted to the U.N. General Assembly and passed by the overwhelming margin of 158–3 on September 10, 1996.

Now, for the Comprehensive Test Ban Treaty to formally enter into force, it must be ratified by 44 named signatory nations, including the five declared nuclear weapons states and the three undeclared nuclear weapons states—India, Israel, and Pakistan. The U.S. ratification requires, of course, a two-thirds vote by the U.S. Senate. However, until the Comprehensive Test Ban Treaty does enter into force, all signatories, including the United States, are bound by article XVIII of the Vienna Convention on Treaties not to undertake any action that violates the purpose or intent of the treaty. In other words, the signatory nations shall not test nuclear weapons.

That is sort of the recent history. Now, what is the next step? Well, several key steps must now be taken. Before the Comprehensive Test Ban Treaty can be considered by the Senate Foreign Relations Committee and the full Senate, the Clinton administration must submit the articles of ratification and must reach agreement with the

Senate leadership to begin formal consideration of the treaty. The treaty must also become a priority for the administration and for the U.S. Senate. The Foreign Relations Committee of the Senate and the Senate in its whole must then proceed with a thorough examination of the treaty and to vote on it. In the end, I believe the Senate will agree that ratification of the treaty is in our country's national security interests just as President Kennedy said 34 years ago today.

The Senator from Illinois mentioned that conservatively we are spending about $30 billion a year now to maintain our nuclear stockpile. I wondered how much we had spent over the intervening years. It turns out that from right after the end of World War II until now, the United States has spent more than $300 billion —that is billion with a "b"—$300 billion, about a third of a trillion dollars, for nuclear weapons and nuclear weapons materials. That does not include the cost of all the delivery vehicles—that is, all of the missiles, the silos we build, the Minutemans and the Titans—and it does not include the cost of all the B–52 bombers, the B–47 bombers, the B–2 bombers, and the B–1 bombers. It does not include that. It does not include the cost of all the submarines, all the Polaris and later the Trident submarines. That probably would come to hundreds of billions more. I am talking just about nuclear weapons material alone, and the weapons themselves—$300 billion approximately that we have spent, and now about $30 billion a year. As I mentioned earlier, Mr. President, that is 2½ times what we are spending on all medical research in the National Institutes of Health. We are spending 2½ times every year to maintain the nuclear stockpile than we are spending on all biomedical research through the National Institutes of Health. That is not right, and that is why it is time to conclude the Comprehensive Test Ban Treaty.

President Kennedy said 34 years ago today that the negotiations for a ban on above-ground nuclear tests were in sight, and he implored the Nation and the international community to bring that treaty to a conclusion. As I said, 4 months later, the agreement was reached and the atmospheric test ban treaty became a reality—in just 4 months at the height of the cold war.

The Soviet Union no longer exists. We have relations with Russia, open relations. We visit their military establishments; they visit ours. We now have an agreement where they will be an adviser to NATO. Well, now it is time for us to conclude the Comprehensive Test Ban Treaty. It has been around a long time. Now we are at the point where we can bring it to its final conclusion.

President Clinton must adopt the same attitude that President Kennedy adopted in 1963. He must insist on a quick closure, to make it a top priority of his administration to get the Comprehensive Test Ban Treaty ratified by the Senate this year. It is in our best interests. It would help secure our planet from nuclear threats. It would go a long way toward ensuring that newly emerging nations do not get their hands on the nuclear trigger and would begin the process of getting rid of, over a period of time, the nuclear stockpiles that we have and saving all of that money that we are now spending and, hopefully, putting that money into important endevors such as medical research.

Well, the end is in sight. We soon can have in hand a comprehensive ban on all nuclear weapons tests.

Mr. President, sometimes it boggles the mind to think of how many nuclear tests we have had in the past. Nuclear tests worldwide, underground tests, 1,517, with the United States doing 815, the old Soviet Union doing 496, France doing 160, Britain 24, China 22, and India 1.

Atmospheric testing: 528 atmospheric tests prior to 1963, with the United States doing 215, the Soviet Union doing 219, France doing 50, Britain, 21, and China, 23. Total, all tests: 2,046.

A sad, sad chapter in the history of humankind; a terrible toll that it has taken not only economically from America and other countries by what we have spent, but I think it has taken a terrible toll environmentally.

Much of the money that we spend now through the Department of Energy for our nuclear weapons stockpile is spent on cleaning up the mess that was made, first, through the production of nuclear materials; second, through the refining of these nuclear materials, and the processing; third, through the storage; and, of course, fourth, through the underground testing.

So we are spending today, and we will continue to spend in our lifetimes, billions of dollars just to clean up the mess that has been made.

There is another mess that has been made that we are paying for dearly. All those atmospheric tests that I mentioned—528 of them—each and every one of those produced in the atmosphere large amounts of plutonium and other toxic materials. I have seen estimates that tons of plutonium were released during all of these tests into the atmosphere, in the food chain, and in sea life. The half-life of plutonium is tens of thousands of years. And, yet, we know it is one of the most carcinogenic materials known to mankind. One microscopic piece of plutonium can cause cancer.

Who knows how much plutonium is embedded into the ground and into the soils from the underground tests, how much of that plutonium may find itself to underground aquifers later on in the evolution of our planet?

We are paying a terrible price for this sad chapter of our history. We shouldn't pay the price any longer. Now is the time to end testing once and for all and close the books on it.

I call upon President Clinton to make this a priority of his administration this year. I call upon the majority leader of the Senate and the minority leader of the Senate to make it a priority for the U.S. Senate this year that we debate and vote on the comprehensive test ban treaty. I call upon the chairman and the vice chair of the Senate Foreign Relations Committee, as soon as the President sends this down, to take it up, to investigate it, to debate it fully, and to vote on it and report it to the floor of the Senate.

This must be a priority. We must do it this year. Let's make this 34th anniversary of President Kennedy's speech at American University the last anniversary before we have a completion of what he called a ban on all nuclear testing.

Mr. FEINGOLD. Mr. President, I rise today to join with my friend, the Senator from Iowa [Mr. HARKIN], in marking the anniversary of President John F. Kennedy's historic speech on nuclear disarmament. It was in that speech, given June 10, 1963, at American University, that President Kennedy announced the initiation of negotiations for a comprehensive ban on nuclear tests. I am pleased to see that now, 34 years later, a comprehensive test ban is on the verge of becoming reality.

I am a strong supporter of the Comprehensive Test Ban Treaty [CTBT] as a way to curtail nuclear proliferation. This treaty, once it is ratified by the 44 actual or potential nuclear powers, will ban all nuclear explosions no matter how small. In 1993, I cosponsored legislation that extended our moratorium on nuclear tests and called on the United States to end all testing by the year 1996. That bill passed and the United States' unilateral move to stop testing has shown our commitment to a worldwide ban on nuclear explosions. As we all know, the CTBT won approval in the U.N. General Assembly last September and, just days after the U.N. vote, President Clinton signed the treaty on behalf of the United States. More than 100 other nuclear and nonnuclear states have also signed the CTBT.

Mr. President, the CTBT will act as an essential complement to the nuclear Non-Proliferation Treaty and will help end the threat of nuclear war. By prohibiting nonnuclear states from developing atomic weapons, the Non-Proliferation Treaty has greatly enhanced global security since it was first signed back in 1968. The CTBT, by prohibiting nuclear testing, will provide further assurance that no additional states will develop nuclear weapons. The world will undoubtedly be a safer place once

all nuclear explosions, even underground ones, are permanently outlawed.

Since President Kennedy first initiated test ban negotiations, the United States has taken the leading role in ending nuclear testing. We must maintain this momentum. I urge the President to submit the CTBT to the Senate for its advice and consent at the earliest possible date and then I would hope the Foreign Relations Committee would take it up for consideration soon thereafter. The United States should continue its leadership by ratifying the CTBT. We should demonstrate that our commitment to a nuclear test ban is as strong as ever.

Mr. JEFFORDS. Mr. President, it gives me great pleasure to join my colleagues today in marking the 34th anniversary of President Kennedy's historic call for negotiations aimed at reducing the risk of nuclear war.

President Kennedy's June 10, 1963, address at American University marked the beginning of serious international efforts to limit the nuclear arms race and to avert the nightmarish possibility of a nuclear war. His initiative resulted a few months later in the Limited Test Ban Treaty, which brought about the first pause in the nuclear powers' efforts to construct bigger, better, and more nuclear weapons.

It's worth noting that President Kennedy's objectives were more ambitious. He had hoped to enact a comprehensive nuclear test ban, but was unable to win agreement for such a bold step. Now, more than three decades later, we have an opportunity to realize this objective.

Following several years of negotiations in the U.N. Conference on Disarmament, the Comprehensive Test Ban Treaty [CTBT] was completed and opened for signature in September 1996. Since then, over 140 countries have signed the document, including all five declared nuclear weapons states. For the treaty to enter into force, 44 key signatories, including the United States, must ratify the agreement prior to September 1998.

Mr. President, over the past few years I have had the privilege of participating on a steering committee of a project organized by the Henry L. Stimson Center on Eliminating Weapons of Mass Destruction. The objective of the group, which included such authorities on foreign policy and national security as Gen. Andrew Goodpaster and Ambassador Paul Nitze, was to consider concrete measures the United States could undertake to work toward the long-term goal of a world free of nuclear weapons. In our third and final report, released in March, we laid out several steps President Clinton and Congress can take now to ensure that future generations are safe from the threat posed by weapons of mass destruction. Ratification of the CTBT was one of the three most urgent measures we recommended.

Enactment of a comprehensive test ban would do more to stem proliferation and reduce the nuclear threat than any other action we could take at this time. The details of the CTBT are technical and complex but the effect of the treaty is pure and simple: it would ban all nuclear test explosions. Not only would this constrain the development of more complex weapons but it would also protect our environment.

The United States already has a moratorium in effect on nuclear weapons tests and has not conducted such a test since 1992. It's time to make this moratorium permanent and ensure that others follow suit.

The administration has indicated its intent to present the CTBT to the Senate for advice and consent. However, to date it has not done so. I appreciate that the treaty is likely to be controversial in some quarters and that the Senate has only recently concluded a hotly contested debate on another important arms control treaty, the Chemical Weapons Convention [CWC]. However, one of the problems we faced with the CWC was that it was not brought before the Senate as quickly as it could have been. For that and other reasons, we found ourselves in late April facing a deadline affecting our participation in the treaty.

Let's not put ourselves in that position again. Let's begin the debate on the treaty now so that our decision on ratification—which I fervently hope will be a positive one—can serve as a signal of encouragement to other countries.

Thirty-four years ago today, President Kennedy called on us to pause and consider the effects of a devastating nuclear conflict. He put us on a path to eliminating this threat. Let's honor his memory by fulfilling one of his grandest objectives. Let's act on and ratify the Comprehensive Test Ban Treaty.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

GREAT OUTDOORS WEEK

Mr. MURKOWSKI. Mr. President, I would like to chat a little bit about recreation in America today and announce that Great Outdoors Week for 1997 began on Monday of this week.

From America's vast forests to her mighty rivers, to her majestic mountains, plains, and valleys, there is the recognition that this Nation is truly blessed with national and natural beauty beyond comparison. As a consequence, it is no wonder that our Nation and our national consciousness are defined in no small part by the great outdoors that we all enjoy.

Coming from my State of Alaska—which is, at least as far as I am concerned, America's premier outdoor State—I have lived near and experienced some of nature's greatest handiwork. I have fished, hunted, sailed, hiked, and camped in probably the best places on Earth.

So it is with great pleasure that I come before my colleagues to announce Great Outdoors Week for 1997.

The recreation community is in Washington this week to host a number of activities to remind those of us inside the beltway that outdoor recreation is a good thing for people, for communities, for the economy, and for conservation. Great Outdoors Week will bring together many people and groups who really care about America's great outdoors. Federal, State, and local officials, recreation enthusiasts, outdoor media, recreation associations, and the recreation industry will all take part in the events scheduled for this week.

I met last night with the Recreation Vehicle Industry Association—the manufacturers and the suppliers of recreation vehicles. There were some 250 to 300 people in the Russell rotunda at a very, very outstanding reception to kick off Great Outdoors Week for 1997.

Mr. President, as on outdoorsman and chairman of the Senate committee with responsibility for our Nation's public lands, I am also going to take an active role in the other events scheduled for this week.

The work of the Committee on Energy and Natural Resources touches the lives of Americans in many ways but few ways more visible than in our oversight of the Nation's great outdoors. Great Outdoors Week really gives us an opportunity to focus on the value of recreation in our lives, and how we can do a better job of encouraging people of all ages to enjoy America's natural and national splendor.

The great outdoors is the main focus of our national recreation initiative. The acronym is REC, and it stands for three goals: reinvigorate, enhance, and conserve.

To reinvigorate and rebuild our national parks, forests, and other Federal lands that provide diverse recreation opportunities.

To enhance the visits Americans make to our public land legacy through improved access, facilities, and servvices.

To conserve America's natural resources that provide recreation opportunities, particularly through wildlife

habitat restoration and protection. It also includes areas in our urban centers with strategies to protect open space, rivers, lakes, and to link parks and trails.

Last year, we passed the largest parks and conservation public lands bill that has passed this body since the 1940's. Containing 119 pieces of legislation, the bill increased park boundaries, designated historical trails and wild and scenic rivers, protected sensitive lands, and benefited virtually every State in this Nation.

It also protected the Presidio in San Francisco, one of the finest recreation areas in our country, by establishing a new management system which takes advantage of private sector expertise, contribution, and finance.

It will also create the National Recreation Lakes Study Commission. This is a nine-member panel which will examine the demand for recreation at federally managed lakes and reservoirs and help develop plans with the private sector to maximize recreational opportunities. A report is due next year, and we may write legislation to increase opportunities in this area.

Thankfully, after I wrote to the President last week, he told me that he will name the remaining four members of the nine-member commission this week so that they can get down to work.

On April 25 of this year, we held a seminar on outdoor recreation trends and benefits.

This Wednesday we will hold an oversight hearing on the stateside program of the Land and Water Conservation Fund. We will hold additional oversight hearings on other aspects of the outdoor recreation capabilities. At least one of them will be a field hearing out West. The committee report, hopefully, will follow.

Putting our heads together, we can decide what the Federal Government can and should do to reinvigorate, to enhance, and to conserve America's outdoors.

Our national parks—our Nation's crown jewels—are losing some of their luster. We need to ensure that all Americans can enjoy and be proud of our parks system for years to come.

We have at least an $8 billion backlog in unfunded projects and programs.

Yellowstone needs about $300 million in road repairs.

Yosemite needs $178 million in repairs after January's floods.

Each year, another 1 percent of the National Parks Service roads fall from fair to poor or failing.

We are working to leave a legacy everyone can be proud of—a new, reinvigorated, world-class National Park System.

Mr. President, an expanded fee demonstration program, major concession reform, a bonding initiative, and additional private-sector sponsorships are all under consideration in this Congress. Our system of parks includes State and local parks as well. Capital needs of State and local recreation systems for 1995–99 are over $27 billion, according to the National Recreation and Parks Association, but we have a problem. The stateside Land and Water Conservation Fund has been shut down.

Over 30 years ago, in a bipartisan effort, Congress and the President created the Land and Water Conservation Fund referred to as the LWCF. It is funded primarily by offshore oil and gas revenues which now exceed $3 billion. My committee has authorized land and water conservation funding to the year 2015 with an annual ceiling of $900 million.

The LWCF stateside program promotes a unique partnership among Federal, State, and local governments. It provides matching grants that enable State and local governments to create recreation facilities, parks, and playgrounds. Because they are matching grants, they double the impact.

The stateside LWCF program has helped finance 37,500 national parks and recreation projects—campgrounds, trails, playgrounds, recreation centers, and gyms. It has also helped in my State of Alaska. We have had a number of very effective State and local parks which received a stateside LWCF grant. The demand continues to increase. As a matter of fact, in fiscal year 1995 over $600 million was requested.

But I want to explain very briefly, Mr. President, that the recent balanced budget agreement between that the administration and the congressional budget negotiators provided $700 million over 5 years for the Federal side of the Land and Water Conservation Fund. That is the portion of the fund used for land acquisition by the Federal land management agencies. The administration wants $315 million of that to buy Headwaters Forest and the New World Mine. This is not what LWCF was designed to do. The remaining $385 million, according to the administration, would be spent for Federal land purchases. That is hardly a State matching program. This means the stateside matching land and water conservation fund program would still remain unfunded.

So what would Americans get for their $700 million? More Federal land acquisitions over the next 5 years chosen by politicians in Washington, DC, rather than the people. State and local recreation projects, the ones closest to the people, get nothing, and that is too bad because those are matching funds and we get twice the bang for the buck. We need to save the stateside Land and Water Conservation Fund program and I have asked appropriators to provide some money to keep the matching grant program alive.

When Congress authorized the Land and Water Conservation Fund, it had two parts. One part dealt with Federal acquisitions. The other provided matching grants for State and local governments to purchase and develop parks and recreation facilities. The administration is trying to abolish the second half, and Congress should simply not let that happen. In fiscal years 1996 and 1997, Congress and the administration simply zeroed out those funds.

Mr. President, let me show you a couple of charts, and I will conclude my remarks. This chart shows the Land and Water Conservation Fund authorizations and appropriations. As one can see, the stateside LWCF appropriations in green have dramatically decreased. Of course, the authorizations have gone way up. What we have here is a dropoff from 1983 to 1995 down to 1996 where there is zero money provided for stateside LWCF matching grants. That is probably the greatest single significance of what the Federal role is. It is in matching, if you will, so that Federal appropriations can come on and the priorities can be addressed in an appropriate manner that represent the will and attitudes of States and local communities.

There is just one other chart that I want to show, and that is the receipts. Where does the money come from? It comes from a dedicated fund, the Outer Continental Shelf areas where revenues now exceed more than $3 billion a year. There is very little from recreation fees. There is some from the motor fuel tax and surplus property sales. The funding for the Land and Water Conservation Fund comes from offshore revenues, but the Appropriations Committee has seen fit to use those funds for other expenditures.

So, Mr. President, during Great Outdoors Week and every other week of the year, I ask that we all remember the value of outdoor recreation to Americans. We are blessed with a great natural bounty. It is our duty to conserve it. As a consequence, I urge my colleagues to reflect on the necessity of having a meaningful stateside Land and Water Conservation Fund program which would provide matching grants benefiting the States and allowing the priorities at hand to be met.

Mr. President, I thank the Chair and I yield the floor.

TRIBUTE TO SENATOR THURMOND

Mr. COVERDELL. Mr. President, it is with great pleasure I come to the floor today to speak about a distinguished colleague and dear personal friend, Senator STROM THURMOND. I, like so many American citizens, have admired the senior Senator from South Carolina for his outstanding service to the United States in this chamber, and for the life he has lived through military service in World War II to his years of teaching, coaching, and practicing law in the Palmetto State.

The accomplishments and achievements which have been a part of Senator THURMOND's life are truly outstanding. Accordingly, his reach across this country, particularly the Southeast, is remarkable. One can go to the Georgia/South Carolina border, traveling along Interstate 20 to Florence, SC, and be driving on the Strom Thurmond Highway. Or one can take a stroll through the U.S. Capitol and walk into the beautiful Strom Thurmond room, so designated in 1991. These are just two of the many facilities named for the distinguished Senator because of his courage and patriotism. He has set a fine example for all Americans—from the students he taught from 1923-28 in Edgefield, McCormick, and Ridge Spring, SC, to the pages, interns, and staffers to whom he has been so gracious, friendly, and helpful since his arrival in the Senate in 1954.

Senator THURMOND has served diligently on the Armed Services, Judiciary, and Veterans' Affairs Committees. He has not only been a champion for his State, supporting such vital missions as those performed at the Savannah River site, but also a leader on security issues for our Nation as a whole. There is no question that his knowledge, understanding, and expertise in military affairs and foreign policy has strengthened our national security and helped to maintain the status of the United States as the world's preeminent military and economic power.

As a soldier, the Senator's record was no less impressive. In World War II, Senator THURMOND volunteered for active service on the day we declared war and flew his glider behind enemy lines during the D-day invasion with the 82d Airborne Division.

Following these heroics, he was awarded 18 decorations, including the Purple Heart, Bronze Star for Valor, and the Legion of Merit with Oak Leaf Cluster. His military service continued as he was promoted to major general in the U.S. Army Reserve in 1959. This is where he continued to serve in distinguished fashion for the next 36 years.

With the rest of his military and political career well documented and chronicled on the floor by my colleagues, I would just like to close now by saying thank you to Senator THURMOND, as a citizen of the United States of America and as a colleague in the Senate. I am honored that I can say I served with you and called you my friend. Moreover, I know that many Americans will join me in commemorating the enduring record you have set and legacy you will leave for future generations.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 9, 1997, the Federal debt stood at $5,348,703,813,773.07. (Five trillion, three hundred forty-eight billion, seven hundred three million, eight hundred thirteen thousand, seven hundred seventy-three dollars and seven cents)

Five years ago, June 9, 1992, the Federal debt stood at $3,940,424,000,000. (Three trillion, nine hundred forty billion, four hundred twenty-four million)

Ten years ago, June 9, 1987, the Federal debt stood at $2,296,260,000,000. (Two trillion, two hundred ninety-six billion, two hundred sixty million)

Fifteen years ago, June 9, 1982, the Federal debt stood at $1,072,647,000,000. (One trillion, seventy-two billion, six hundred forty-seven million)

Twenty-five years ago, June 9, 1972, the Federal debt stood at $428,210,000,000 (Four hundred twenty-eight billion, two hundred ten million) which reflects a debt increase of nearly $5 trillion—$4,920,493,813,733.07 (Four trillion, nine hundred twenty billion, four hundred ninety-three million, eight hundred thirteen thousand, seven hundred thirty-three dollars and seven cents) during the past 25 years.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent to have 5 minutes as if in morning business and to extend the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPPOSITION TO POSSIBLE NOMINATION OF JOHN HAMRE TO BE DEPUTY SECRETARY OF DEFENSE

Mr. GRASSLEY. Mr. President, on May 27 I sent a letter to President Clinton.

In it, I expressed opposition to the possible nomination of Mr. John J. Hamre to fill the No. 2 spot at the Pentagon.

He would be the Deputy Secretary of defense, and it's a big job.

I told the President why I would oppose this nomination—if it's ever made, and I'll give my reasons in just a moment.

But 2 days after writing this letter, the Washington Post ran a story about my opposition to the nomination.

Mr. Hamre was also interviewed.

He attempted to respond to my criticism.

Mr. President, I ask unanimous consent that my letter and the newspaper article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. Mr. President, I would like to address some of Mr. Hamre's assertions.

First, Mr. Hamre's remarks imply that my criticism is somehow personal.

Nothing could be further from the truth. He is a very likeable person.

But my personal feelings have absolutely nothing to do with my position on his nomination.

What I have tried to do is examine all the facts and then reach a conclusion based on those facts.

These are the facts as I know them.

In 1992, the inspector general [IG] examined the Department of Defense's [DOD] progress payment procedures.

The IG along with legal counsel declared that these policies "resulted in the rendering of false accounts and violations of the law."

The IG told the Department to get on the stick and fix the problem.

The bureaucrats balked.

Under pressure, they finally signed an agreement in March 1993.

In signing this document, they agreed to comply with the law.

One of the persons who signed this agreement was Mr. Alvin Tucker.

Well, 7 months after Mr. Tucker signed the agreement, Mr. Hamre became Comptroller and Chief Financial Officer or CFO.

Well, guess what?

Mr. Tucker became Mr. Hamre's most senior deputy. He became the Deputy CFO.

Mr. President, after becoming CFO, Mr. Hamre did nothing to meet the terms of the agreement and comply with the law.

Instead, he sided with the bureaucrats who were thumbing their noses at the law.

He gave them the green light to keep breaking the law.

He personally reauthorized their illegal operation.

Then, early this year he floated a legislative proposal.

His draft language would have sanctioned the procedure that the IG had declared illegal and that he, Mr. Hamre, had personally authorized.

Mr. President, those are the facts.

In my opinion, Mr. Hamre was attempting to legalize a crime.

Mr. Hamre knew full well his progess scheme was operating outside the law.

Otherwise, why would he feel like he needed some legal cover?

Second, he accuses me of making a mountain out of a molehill.

He claims I am focusing on a "small policy" issue.

I take issue with the notion that this is somehow an insignificant issue.

The statute that Mr. Hamre's progress payment scheme violates is section 1301 of title 31 of the United States Code.

This law embodies a sacred constitutional principle: Only Congress has the power to decide how public money many be spent.

This is the device that Congress uses to control the purse strings.

So, Mr. President, this isn't Mickey Mouse stuff. I'm talking about a constitutional principle.

When a constitutional principle is involved, it's very difficult for me to see the smallness of an issue.

Third, Mr. Hamre claims this is an acquisition issue—not a finance and accounting question.

This is an obvious attempt to deflect responsibility—away from himself.

It's an attempt to make it someone else's problem.

His reasoning is flawed.

If Mr. Hamre thinks this is an acquisition issue, maybe he has abdicated his responsibilities under the law—as CFO.

The CFO's responsibilities are spelled out in the "Money and Finance" section of the United States Code. That's in title 31.

His payment scheme violates section 1301 in the same book—title 31.

It does it by deliberately charging payments to the wrong accounts and then juggling the books to cover it up.

Anyone who thinks this is an acquisition issue needs to consult the law books.

When you go to the law library and locate title 31 and open the book, the subtitle staring you in the face is: "Money and Finance."

Section 1301 lies in a chapter entitled "Appropriations."

Mr. President, misappropriation, mischarging and cooking the books takes Mr. Hamre deep into the realm of money and accounting.

If this is just an acquisition issue, I'll eat my hat.

Fourth, when Mr. Hamre became CFO in October 1993, he declared war on financial mismanagement.

To claim success today, he cites "steep drops in contract overpayments."

Mr. Hamre's claims are not supported by the facts.

The General Accounting Office [GAO] has issued a series of reports on DOD overpayments.

These reports demolish Mr. Hamre's success stories.

The most recent report says Mr. Hamre's progress payments scheme is the biggest, single driver behind overpayments. He's to blame.

That's right, Mr. President, Mr. Hamre's own operations are causing overpayments to happen.

That's exactly what it says on page 12 of the GAO report entitled: "Fixing DOD's Payment Problems is Imperative."

This report is dated April 1997 and has the designation NSIAD–97–37.

GAO reports also say that DOD has no capability to detect overpayments.

Virtually every overpayment ever examined by the GAO was detected by the person who got the check in the mail—the contractor—and not the Government.

In almost every case, overpayments were voluntarily refunded by the contractor who got the checks.

Now, Mr. President, if Mr. Hamre were really serious about eliminating overpayments, why didn't he just shut down the illegal progress payments operation—like the IG asked?

That would have removed the primary source of overpayments.

If Mr. Hamre has no capability to detect overpayments, how does he know whether they are going up or down?

How does he know they are going down, if he doesn't know how many there are?

Perhaps, if overpayments are really going down—like he says, it must mean the contractors have stopped making voluntary refunds.

Maybe they have decided to keep the money. That would help to keep the numbers down.

Mr. President, I will have much more to say about Mr. Hamre in the weeks ahead.

Some of my colleagues have asked me why I oppose this nomination.

I want to be sure they know where I am coming from.

EXHIBIT 1

U.S. SENATE,
Washington, DC, May 27, 1997.

President WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to inform you that I am opposed to the nomination of Mr. John J. Hamre to fill the number two position at the Department of Defense (DOD).

Secretary Cohen has recommended that Mr. Hamre be the next Deputy Secretary of Defense.

I am opposed to this nomination because Mr. Hamre has authorized and protected an illegal payment operation.

The procedure in question is the one DOD uses to make progress payments on contracts. Under Mr. Hamre's policy, payments are deliberately charged to the wrong accounts. Then, after the payments are made, DOD attempts to "adjust" the accounting ledgers to make it look like the checks were charged to the right accounts when the money was, in fact, spent some other way. Deliberately charging the wrong accounts and then juggling the books to make them look right is what I call "cooking the books."

Legal counsel has said that DOD's progress payment procedures "result in the rendering of false accounts and violations of Section 1301." Section 1301 is a little known but very important law. It embodies a sacred constitutional principle: Only Congress decides how public money may be spent. Section 1301is the device the Congress uses to control the purse strings.

After the Inspector General declared that DOD progress payment procedures were illegal, the department's Chief Financial Officer (CFO), Mr. Hamre, had a responsibility to institute some reforms. In fact, his senior deputy made a formal commitment to obey the law. But instead of fixing the problem, Mr. Hamre tried to legalize the crime. Earlier this year, he circulated a piece of draft legislation for review and comment. His legislation would have sanctioned the payment procedures that the IG had declared illegal and that he had personally authorized in writing after becoming CFO.

Mr. Hamre's draft bill tells me that he knew full well that his progress payments process was operating outside the law. Otherwise, why was he seeking legal cover?

Mr. President, when I found out about what Mr. Hamre was up to, I went straight to the floor of the Senate to denounce his actions. I did it on two occasions. Once on January 28th (See pages S695–696 in the Record) and again on February 12th (S1265–1267).

I think Mr. Hamre has probably done an excellent job in making a case for the DOD budget before Congress. And that is the John Hamre that most senators know—the one wearing the budget hat. That's John Hamre, the Comptroller. But the budget is just part of his job. He wears another hat. He is also the department's CFO. As CFO, he is responsible for financial management and accounting. This has been his downfall. In the accounting field, Mr. Hamre has done a lousy job. I would give him a grade of F for his performance. The department's books are in a shambles. True, they were that way when he became CFO, but that was four years ago, and they are still that way. The department's books are in such a mess—so much documentation is missing—that they can't be audited as required by the CFO Act of 1990. And the situation is not expected to get much better anytime soon. The IG expects to keep giving DOD disclaimers of opinion "well into the next century."

One reason why DOD keeps flunking the CFO audits is sloppy bookkeeping. DOD refuses to do routine accounting work on a daily basis as transactions occur. And one of the most flagrant examples of sloppy bookkeeping is the progress payment process. As legal counsel said, it results in the rendering of false accounts and violations of Section 1301. Payments are deliberately charged to the wrong accounts and then DOD doctors the books to make them right with the law. With this kind of bookkeeping operation, it's next to impossible to either locate or follow the audit trail.

Mr. President, this is not "mickey mouse" accounting stuff that only "bean counters" need to worry about. This is about the breakdown of discipline and internal controls. That leaves the department's accounts vulnerable to theft and abuse. In recent years, several employees succeeded in tapping into the DOD money pipe undetected, stealing millions of dollars. They were caught as a result of outrageous personal behavior and not because of effective internal controls. How many others are still out there, ripping off the taxpayers?

Under the CFO Act, Mr. Hamre is responsible for "improving internal controls and financial accounting." Because of his personal involvement in the illegal payment process and his failure to clean up the books, I do not believe that Mr. Hamre deserves to be promoted to Deputy Secretary of Defense.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

[From the Washington Post, May 29, 1997]

OFFICIAL IN LINE FOR NO. 2 DEFENSE POST REBUKED

(By Bradley Graham)

John Hamre, the Pentagon comptroller in line to become the Defense Department's new second-in-command, has come under an unusually sharp attack from Sen. Charles E. Grassley (R-Iowa) triggered by a dispute over how the department accounts for progress payments on contracts.

In a letter to President Clinton made public yesterday, Grassley accused Hamre of having "authorized and protected an illegal payment operation" and announced he would oppose Hamre's expected nomination.

The accounting practice, Grassley said, is symptomatic of the Pentagon's chronically "sloppy bookkeeping." He charged Hamre

had "done a lousy job" revamping the Pentagon's financial management during his four years as comptroller, adding that the Pentagon's books remain a "mess."

Hamre, a former Senate staff member who enjoys widespread favor on Capitol Hill, was stunned and puzzled by the harshness and personal focus of Grassley's remarks. At issue, he said, was just an honest disagreement over a Pentagon contracting practice that dates back several decades.

"The senator has taken an important but small acquisition policy issue and applied it to my entire tenure," Hamre said in a brief phone interview. "I'm sorry he's done that, and I'd welcome a chance to talk about it."

Grassley repeatedly has called attention to the Pentagon's antiquated accounting system, deploring its waste and vulnerability to fraud. Hamre, in turn, declared improvements in controls and methods a top priority when he took over as the Pentagon's top financial officer in 1993. Since then, the Pentagon has reported steep drops in contract overpayments and unmatched disbursements, begun a shift from paper-based to electronic payments and consolidated financial offices.

But what troubles Grassley is the Pentagon's continuing practice of making periodic payments on contracts without correlating them to the work done, a process that Grassley says the Pentagon's inspector general declared illegal in 1992.

"Under Mr. Hamre's policy," Grassley wrote, "payments are deliberately charged to the wrong accounts. Then, after the payments are made, DOD attempts to 'adjust' the accounting ledgers to make it look like the checks were charged to the right accounts when the money was, in fact, spent some other way.

"Deliberately charging the wrong accounts and then juggling the books to make them look right is what I call 'cooking the books,'" the senator added.

Hamre maintains there is nothing nefarious about the practice. He said the system of progress payments was adopted years ago to allow the contractor to avoid having to borrow money, and thus keep project costs down. Whether the Pentagon should move to a more precise billing process now, he said, is a contracting issue, not a financial management one. Just how far Grassley intends to go in thwarting Hamre's accession is unclear. While Defense Secretary William S. Cohen has recommended Hamre for the job of deputy secretary, Clinton has not publicly affirmed the choice.

If the nomination goes to Capitol Hill, Grassley could simply vote against it or, as he has done in previous instances, exercise his senatorial prerogative to block the nomination from coming to a floor vote.

"I don't know what we're going to do yet," a Grassley aide said.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent I may speak for a few minutes about some concerns about the budget that I have. I understand the chair will be occupied during that time. I therefore ask consent I be permitted to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLATING THE BUDGET AGREEMENT

Mr. LAUTENBERG. Mr. President, I rise to express some concerns that I have about recent developments that are occurring in the House of Representatives related to the budget. It was just a few nights ago, a few evenings ago, that we got a conference report from the House that was passed by a substantial margin in the Senate that confirms that the work we did in the budget negotiations was satisfactory to both the Members of the other body and the Senate. We had been through it here once before, the conference report, to get the budget resolution confirmed. It passed 78 to 22. The vote was almost identical when we got the conference report back. That was Thursday evening. I was stunned to read in Friday morning's newspaper that there were challenges to the assumptions that were made, to the agreements that were made to try to get that budget done, to try to forge a consensus agreement.

I must point out that this is not an agreement that I have heard people standing up and lauding and saying, "I love it. It is the perfect budget agreement. It is everything my constituents want it to be." By no means. But there is in this budget agreement something I think both parties can salute. There is an investment in the middle class, there is an investment in education, there is some tax relief for the middle class. Once again, if we look at the extremes, we are all woefully short of things that I would have liked to have if I had an ideal opportunity to design it myself. But I do not, and we represent a consensus. Mr. President, 50 States are represented here by the two Senators from each State who are here to argue the case from their particular point of view.

A bipartisan budget agreement was the product of extensive negotiations involving compromises by everyone involved, and many provisions were the subject of protracted discussion, with each word carefully considered and debated. In the end, we struck a delicate balance, and the resulting agreement, if implemented, will provide, I believe, great benefits to our Nation. It will give us the first balanced budget since 1969. It will provide tax relief, as I said earlier, to the middle class. It will protect Medicare, extend its solvency, and it will do something about cleaning up the environment, investments in education, and other significant national priorities.

Unfortunately, since the handshake that took place here—it took place in the negotiating room between the chairman and the ranking members and the representatives of the President—two House committees are now moving to alter the bipartisan budget agreement when the ink is barely dry. It is a matter of great concern to me and it ought to be a matter of great concern to everybody here who thought we had accomplished something significant when we passed that budget agreement. Although the steps have been taken in the other body, I want to raise my concerns here before Senate committees begin the process of marking up their own reconciliation packages.

For instance, one important provision of the bipartisan budget agreement would protect immigrants, legal immigrants who have come to this country, who paid their taxes, played by the rules, and who then suffer from a disability—perhaps from an automobile accident or an illness that robs them of their ability to function as they used to—eyesight or other physical ailments that affect their capacity to walk or to work. The budget agreement says these people should be protected.

It states on page 22 of the agreement of the budget resolution that Congress will:

> . . . restore SSI and Medicaid eligibility for all disabled legal immigrants who are or who become disabled and who entered the United States prior to August 23, 1996.

That was a compromise date, I point out. Unfortunately, last week in the House Ways and Means Subcommittee on Human Resources, they reported a bill that fails to do this and suggests reducing the numbers of people and reducing the availability of these services, these programs for these disabled people. It directly violates this portion of the agreement, the compromise that they are proposing. The compromise was already done. The subcommittee's action is not an innocent mistake. It is not based on differences in interpreting the agreement. This is a blatant, intentional violation of the bipartisan budget accord which should not be tolerated. Certainly it should not be begun unilaterally so soon after the agreement is done.

If we had things that we wanted to talk about, they ought to be talked about cautiously and not entered into the news media immediately as something they want to change.

Mr. President, I ask unanimous consent to have printed in the RECORD two letters from the Director of OMB, Frank Raines, to the chairman of the Budget Committee and to Representative SHAW, the chairman of the Subcommittee on Human Resources in the Committee on Ways and Means, that outline this and other similar concerns about the implementation of the budget agreement.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 5, 1997.

Hon. JOHN KASICH,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed is a letter I sent earlier today to the Chairman and Ranking Member of the Ways and Means

Human Resources Subcommittee regarding Subcommittee markup of legislation to implement the Bipartisan Budget Agreement.

The preliminary markup documents we reviewed were inconsistent with the agreement in several important respects. I hope that by identifying these issues as early as possible, we will be able to implement the agreement in a bipartisan manner.

Sincerely,

FRANKLIN D. RAINES.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, June 5, 1997.

Hon. E. CLAY SHAW, Jr.,

Chairman, Subcommittee on Human Resources, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the Administration and the bipartisan congressional leadership recently reached agreement on a historic plan to balance the budget by 2002 while investing in the future. The plan is good for America, its people, and its future, and we are committed to working with Congress to see it enacted.

With regard to welfare, the budget agreement called for restoring Supplemental Security Income (SSI) and Medicaid benefits for immigrants who are disabled or become disabled and who entered the country before August 23, 1996; extending from five to seven years the exemption in last year's welfare law for refugees and asylees for the purposes of SSI and Medicaid; and making other important changes.

We have reviewed the Subcommittee's draft markup document, however, and we have found a number of provisions that are inconsistent with the budget agreement in these and other areas. Consequently, if the Subcommittee were to proceed with its legislation in this form, we would be compelled to invoke the provisions of the agreement that call on the Administration and the bipartisan leadership to undertake remedial efforts to ensure that reconciliation legislation is consistent with the agreement.

We appreciate the fact that the Subcommittee has a mark that includes several provisions that the Administration supports, such as in the areas of welfare to work and State SSI administrative fees.

Welfare to Work.—We are pleased the budget agreement includes the President's $3 billion welfare-to-work proposal and that the Subcommittee included provisions that meet many of the Administration's priorities. Specifically, we are pleased that the mark provides funds for jobs where they are needed most to help long-term recipients in high unemployment-high poverty areas; directs funds to local communities with large numbers of poor people; awards some funds on a competitive basis, assuring the best use for scarce resources; and gives communities appropriate flexibility to use the funds to create successful job placement and job creation programs.

Though your mark does not address a performance fund, we appreciate your willingness to consider a mechanism to provide needed incentives and rewards for placing the hardest-to-serve in lasting, unsubsidized jobs that promote self-sufficiency. In addition, we stand ready to continue to provide assistance in refining targeting factors.

State SSI Administrative Fees.—The Administration is pleased that the Subcommittee has included a provision, consistent with the budget agreement, to increase the administrative fees that the Federal Government charges States for administering their State supplemental SSI payments and to make the increase available, subject to appropriations, for Social Security Administration (SSA) administrative expenses.

In a number of areas, however, we have serious concerns with provisions that do not reflect the budget agreement. The Administration has separately transmitted draft legislation that reflects the budget agreement's provisions on benefits to immigrants.

Continued SSI and Medicaid Benefits for Legal Immigrants.—The Administration strongly opposes the provision that denies coverage to many legal immigrants who were in the United States when the welfare law was signed but who become severely disabled after that date. The budget agreement explicitly states, "Restores SSI and Medicaid eligibility for all disabled legal immigrants who are or become disabled and who enter the U.S. prior to August 23, 1996." The mark fails to reflect that agreement by only "grandfathering" those now receiving SSI, therefore dropping those who would become disabled in the future and would be eligible for benefits under the agreement. Instead of enacting the budget agreement, the Subcommittee would grandfather immigrants who were on the SSI rolls on August 22, 1996, thus protecting 75,000 fewer immigrants than the budget agreement by the year 2002. By contrast, the agreement targets the most vulnerable individuals by providing a safety net for all immigrants in the country when the welfare law was signed who have suffered—or may suffer in the future—a disabling accident or illness.

In contrast with the budget agreement, which was designed to restore benefits, the markup document would provide SSI and Medicaid benefits to immigrants now on the rolls only if the immigrant has no sponsor, the sponsor has died, or the sponsor has income under 150 percent of the poverty level. The Administration strongly opposes this provision, which would cut off about 100,000 severely disabled legal immigrants who would receive benefits under the budget agreement. We understand that the Subcommittee may drop this provision, and we hope that is true.

As noted above, the agreement provided for both SSI and Medicaid eligibility for disabled legal immigrants. The mark, however, also fails to guarantee Medicaid coverage for all disabled legal immigrants who continue to receive SSI. For States in which SSI eligibility does not guarantee Medicaid coverage and for States that choose not to provide Medicaid coverage to legal immigrants who were in the U.S. prior to August 23, 1996, legal immigrants who receive SSI would not be guaranteed to continue receiving Medicaid. To conform to the policy in the budget agreement, the Subcommittee should include a provision in its bill to explicitly guarantee Medicaid coverage to disabled legal immigrants who continue to receive SSI.

Refugee and Asylee Eligibility.—The budget agreement would extend the exemption period from five to seven years for refugees, asylees, and those who are not deported because they would likely face persecution back home. However, the Subcommittee's proposal would provide that extension for refugees and not for asylees and others. Such asylees and others should receive the additional two years to naturalize.

In addition to the provisions in the Subcommittee markup related to immigration, the Administration has the following concerns:

Unemployment Insurance Integrity.—The Subcommittee draft does not include the provision of the budget agreement that achieves $763 million in mandatory savings over five years through an increase in discretionary spending of $89 million in 1998 and $467 million over five years. These savings are a key component of the budget agreement. The discretionary spending that the agreement assumes, and which would be subject to appropriation, would support the necessary additional eligibility reviews, tax audits, and other integrity activities that, the evidence demonstrates, will yield the savings. We urge the Subcommittee to adopt this provision to achieve the specified savings.

The Federal Unemployment Account.—The Administration supports the proposed increase in the Federal Unemployment Account ceiling, which reflects the budget agreement. The mark, however, does not accomplish another aspect of the agreement, because it only "authorizes" $100 million to the States in 2000–2002 for Unemployment Insurance administrative funding, rather than making the payments mandatory as the agreement provides. We look forward to working with the Subcommittee to address this issue.

The Subcommittee mark also includes a member of provisions that were not specifically addressed in the budget agreement, and about which the Administration has serious concerns. They include the following:

Minimum Wage and Workfare.—The Administration strongly opposes the Subcommittee's proposal on the minimum wage and welfare work requirements.

First, the proposal goes beyond the scope of the budget agreement and, thus, should not be included in the reconciliation bill.

Second, the proposal would undermine the fundamental goals of welfare reform. The Administration believes strongly that everyone who can work must work, and those who work should earn the minimum wage—whether they are coming off of welfare or not. The proposal does not meet this test.

Worker Protections in Welfare to Work.—We are deeply disappointed in the Subcommittee draft's lack of adequate worker protection and non-displacement provisions. We strongly urge the Subcommittee to adopt, at a minimum, the provisions included in H.R. 1385, the House-passed job training reform bill.

Repeal of Maintenance of Effort Requirements on State Supplementation of SSI Benefits.—Historically, the Administration has strongly opposed the repeal of maintenance-of-effort requirement because it would let States significantly cut, or even eliminate, benefits to nearly 2.4 million poor elderly, disabled, and blind persons. Congress instituted the maintenance-of-effort requirement in the early 1970s to prevent States from transferring Federal benefit increases from SSI recipients to State treasuries. The proposal also could cause some low-income elderly and disabled individuals to lose SSI entirely and to lose Medicaid coverage as well. The Administration opposed this proposal in last year's welfare reform debate.

Other TANF Provisions.—The Administration is concerned with several provisions in the mark that were not in the budget agreement. For example, the agreement did not address making changes in the TANF work requirements regarding vocational education and educational services for teen parents. The Administration opposes the provision allowing States to divert TANF funds away from welfare-to-work efforts to other social service activities.

The budget agreement reflects compromise on many important and controversial issues, and challenges the leaders on both sides of the aisle to achieve consensus under difficult circumstances. We must do so on a bipartisan basis.

I look forward to working with you to implement the historic budget agreement.

Sincerely,

FRANKLIN D. RAINES,
Director.

Mr. LAUTENBERG. Mr. President, today the House Commerce Committee, the Subcommittee on Health and Environment, will consider legislation introduced by the chairman of that subcommittee that also breaks the bipartisan budget agreement. The budget agreement calls for $1.5 billion to ease the impact of increasing Medicare premiums on low-income beneficiaries. This provision was included because the budget agreement calls for phasing in increases in Medicare premiums to accommodate the shift of home health care expenditures from part A to part B. We were worried because there is going to have to be, in order to provide the solvency that we found for Medicare to continue, or the Medicaid programs, we had proposed expanding Medicaid premium coverage for Medicare recipients who had incomes of 120 to 150 percent of poverty. That is pretty modest going.

The final agreement threw out the specifics of the premium proposal. However, it did call for spending the $1.5 billion on whatever policy Congress chose to enact. But that was not the understanding. Regretfully, the House committee with jurisdiction of Medicaid will only include $300 to $400 million for this provision, one we labored long and hard over. It is another clear violation of the budget agreement, and it is very troubling.

I am also concerned about the tax bill that the chairman of the House Ways and Means Committee outlined yesterday. The chairman's bill would only provide $30.8 billion—not an insignificant amount—in tax incentives for higher education. But that was fought for very stoutly; that it was to get $35 billion. And only about $22 billion of the proposal of this type is for the benefits that were advocated by the President, understood to be something we could agree on, falling far short of, and I quote here, the "roughly $35 billion." That language was struggled over, "roughly $35 billion." I tell you this, no one can buy a house for "roughly $35,000," or a car for "roughly $15,000." How much is it? Well, that is what it ought to be. That language was compromise language, because we knew the intent or believed the intent of both Speaker GINGRICH and/or the distinguished leader here, Senator LOTT, was their commitment to the program. Although the word "roughly" was there, it should be interpreted broadly, and I think this, frankly, goes too far, when they start making the cuts in the House committee that are inconsistent with the agreement.

Mr. President, the bipartisan budget agreement calls on the House and Senate leadership to take remedial efforts to ensure that this document is implemented in the legislative process. Leadership action is critical if the agreement is to be implemented properly. And, therefore, I hope that Speaker GINGRICH will intervene promptly and require that in all cases I have mentioned the relevant committees make the changes necessary to be consistent with the agreement that we have.

If the congressional leadership fails to enforce the agreement, it will not be worth the paper it is written on and in the process of reconciliation we could be looking at very serious problems getting this program into place.

Mr. President, I also want to take a moment to talk about the disaster supplemental. I am pleased to note that yesterday the President vetoed the bill because it contains the so-called automatic CR. The automatic CR also violates the bipartisan budget agreement for two reasons.

First, it would lower the amount of discretionary spending available for fiscal 1998. The budget agreement calls for $527 billion in discretionary spending for fiscal year 1998, which is $17 million over last year's level. If the automatic continuing resolution is enacted, the majority could refuse to pass the 13 appropriations bills, thereby cutting the $17 billion in discretionary spending. That would absolutely violate one of the basic Democratic accomplishments in the budget agreement and, again, the consensus.

The automatic CR would make deep cuts in programs that are protected in the budget agreement. The bipartisan negotiators agreed to provide large increases in 13 major discretionary programs. Examples of these programs include elementary and secondary education, Pell grants, child literacy, Head Start, national parks, job training, Clean Water Act, Superfund, and the COPS Program. Some of the programs are preferred by Democrats, some preferred by Republicans, but the fact is we arrived at a consensus. Both parties wanted this done. An automatic CR would freeze these programs at last year's level, and they would not get the increases promised in the budget agreement, at least without further congressional action.

So, I hope the leadership will comply with the budget agreement, put the plight of disaster victims above politics, strip the automatic CR from the bill and send the President a clean version of the disaster relief bill that he can sign.

Mr. President, I conclude and I thank you for your indulgence with this simple message: A promise is a promise. A deal is a deal. The Republican leadership made a promise to the Democrats in the Congress and to the President. What I am asking here today is that they make sure that promise is kept by their committee chairs, subcommittee chairs, and those who would violate the agreement after all of that labor and what I think was a smashing success.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I send a bill to the desk and ask for its appropriate referral.

The PRESIDING OFFICER. Without objection, it is so ordered.

Senator, we have passed the hour for recess.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent we extend this time for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The time is extended for 10 minutes.

The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 866 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DISASTER RELIEF BILL

Mrs. HUTCHISON. Mr. President, I would like to finish by adding to what Senator LAUTENBERG has said, that we sent a bill to the President for disaster relief for the victims of North and South Dakota and Minnesota. We sent him a bill that we hoped he would sign. I don't think the President has explained why he would veto a bill that he says is necessary for these disaster victims when, in fact, all we did was say we are also going to make sure that we don't shut down the Government so that the very people we are trying to help will not be able to get the checks that they need after September 30 if Congress and the President have not come to agreement.

It is very important that people understand that the budget agreement for the 1998 budget year are allocations, they are not appropriations. In fact, to actually spend the money, it takes both Congress and the President to agree. Sometimes, the Congress and the President don't agree before September 30, which is the end of the fiscal year. So we have to start a new fiscal year. Now, if there is not an agreement and we don't have a provision for continuing Government, then we can shut down Government again. That is not what anyone wants to do.

So Congress has in the disaster relief bill and the supplemental appropriations to go with that bill, the process that says we are not going to shut down Government, we are going to keep spending money at the same level

that is being spent this year, and then when the agreement is made between Congress and the President, we will be able to go into whatever Congress and the President agree on.

When anyone talks about cuts in spending because we go into the 1998 year under the 1997 spending, there are no cuts because there have been no appropriations for 1998, and we haven't come to agreement on the specifics.

I think it is very proper to ask why the President did not sign the bill. I think it is proper to say to the President, "We did send you a bill; you chose not to sign it. I think you owe an explanation to the disaster victims of why you would stand for the authority to shut down Government when we are trying to continue the process of covering people in case some of the appropriations bills are not passed at the end of the fiscal year."

We just want to make sure that people can plan ahead, that they will know that their paychecks will be there if they work for the Government, that their pensions will be there if they are veterans who have earned their pensions, that there will not be a disruption of our Government. We are not cutting back from this year's expenditures. We will say we will keep on going until we have an agreement, and when that agreement is made, then we go forward and the President and the Congress together do the job that both of us were elected to do. So I think it is very important the people of this country have the facts and know that we are trying to help with all of the Federal emergency management funds that need to be replenished as well as the funds to replenish the Bosnia accounts and the many other supplemental expenditures that are in that bill.

Mr. President, I think it is very important that the President of the United States sign the bill and continue the operation of Government as usual so that the people in our country, on September 30, will not have to worry about a disruption in their lives if they work for the Government or if they have earned veterans' pensions or if they plan a family vacation or if they are going on a business trip and they have not renewed their passports. Those are the things that are at stake here.

We have a lot of responsibility. We can meet that responsibility by making sure that the disaster victims are covered and that we keep Government going on a rational and responsible basis.

Thank you, Mr. President. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will now be in recess until 2:15 p.m.

Thereupon, at 1:05 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

H.R. 908. An act to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

H.R. 1000. An act to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for purposes of determining eligibility of household for food stamp benefits and the amount of food stamp benefits to be provided to the household under the Food Stamp Act of 1977.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2097. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to assessing and collecting tax settlements in Tax Court, received on June 2, 1997; to the Committee on Finance.

EC–2098. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to whether section 277 applies to nonexempt cooperatives, received on June 2, 1997; to the Committee on Finance.

EC–2099. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to summonses to compel taxpayers to sign consent directives, received on June 2, 1997; to the Committee on Finance.

EC–2100. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to Article 23(1)(c) of the U.S.–U.K. Income Tax Treaty, received on June 2, 1997; to the Committee on Finance.

EC–2101. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to the Application for Automatic Extension of Time to File Income Tax, received on June 2, 1997; to the Committee on Finance.

EC–2102. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to disablity benefits under the Policeman and Firefighter's Retirement Fund, received on June 2, 1997; to the Committee on Finance.

EC–2103. A communication from the Office of the Chief Counsel of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule entitled "Utilities Industry Coordinated Issue: Investment Credit on Transition Property," received on June 3, 1997; to the Committee on Finance.

EC–2104. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a treasury notice 97–33, received on June 3, 1997; to the Committee on Finance.

EC–2105. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a treasury notice 97–34, received on June 3, 1997; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN (for himself and Mr. SARBANES):

S. 863. A bill to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. KERREY, and Mr. CONRAD):

S. 864. A bill to amend title XIX of the Social Security Act to improve the provision of managed care under the medicaid program; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. MACK, and Mr. BAUCUS):

S. 865. A bill to provide for improved coordination, communications, and enforcement related to health care fraud, waste, and abuse, to create a point of order against legislation which diverts savings achieved through medicare waste, fraud, and abuse enforcement activities for purposes other than improving the solvency of the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act, to ensure the integrity of such trust fund, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 866. A bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE:

S. 867. A bill to assist State and local governments in establishing effective criminal

records concerning serious and violent juvenile offenders and information concerning adult members of violent criminal gangs and Federal, State, and local criminal justice officials in countering the rise in serious crime, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. HUTCHINSON, Mr. REID, Mr. BRYAN, and Mr. ROCKEFELLER):

S. 868. A bill to amend the Social Security Act to prohibit persons from charging for services or products that the Social Security Administration and Department of Health and Human Services provide without charge; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. TORRICELLI, Mr. WYDEN, Mr. BINGAMAN, Mr. KERRY, Mr. WELLSTONE, Mr. HARKIN, Ms. LANDRIEU, Mr. FEINGOLD, Mrs. MURRAY, Mrs. BOXER, Mr. LEVIN, Mr. SARBANES, Mr. AKAKA, Mr. LAUTENBERG, Mr. DURBIN, Mr. CHAFEE, Mr. KOHL, Mr. INOUYE, Ms. MIKULSKI, Mr. ROBB, Mr. MOYNIHAN, Mrs. FEINSTEIN, Mr. DODD, Mr. REID, Mr. LEAHY, Mr. BRYAN, Ms. MOSELEY-BRAUN, Mr. GLENN, Mr. KERREY, Mr. REED, Mr. D'AMATO, and Mr. CLELAND):

S. 869. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Labor and Human Resources.

By Mr. WELLSTONE:

S. 870. A bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development, approval, and use of medical devices to maintain and improve the public health and quality of life of individuals, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. NICKLES (for himself and Mr. INHOFE):

S. 871. A bill to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS (for himself, Mr. HARKIN, Mr. HATCH, Mr. JOHNSON, Mr. BAUCUS, Mr. D'AMATO, Mr. BENNETT, and Mr. CRAIG):

S. 872. A bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain for sale of stock to certain farmers' cooperatives, and for other purposes; to the Committee on Finance.

By Mr. ASHCROFT:

S. 873. A bill to amend the prohibition of title 18, United States Code, against financial transactions with state sponsors of international terrorism; to the Committee on the Judiciary.

By Mr. FAIRCLOTH (for himself and Mr. SHELBY):

S. 874. A bill to amend title 31, United States Code, to provide for an exemption to the requirement that all Federal payments be made by electronic funds transfer; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself and Mr. SARBANES):

S. 863. A bill to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia; to the Committee on Energy and Natural Resources.

LEGISLATION TO ESTABLISH MAHATMA GANDHI MEMORIAL

Mr. MOYNIHAN. Mr. President, I rise to introduce a bill to authorize the placement of a statue of Mohandas Karamchand Gandhi—Mahatma Gandhi—on Federal land across the street from the Indian embassy in Washington, DC. The Government of India has offered a statue of Gandhi as a gift to the United States. In order to place it on Federal land, an act of Congress is required. This bill will fulfill just that purpose, and I thank the Senator from Florida [Mr. MACK] and the Senator from Maryland, [Mr. SARBANES] for joining me in this endeavor.

India is currently celebrating the 50th anniversary of its independence. Authorizing the placement of a statue of Mahatma Gandhi, often called the father of the Indian nation, would serve as a fitting tribute to Indian democracy which has survived—in fact, thrived—despite enormous challenges, and a symbol of the growing strength of the bonds between our two countries.

It is particularly appropriate that a statue of Mahatma Gandhi be selected for this purpose. The effects of his nonviolent actions and the philosophy which guided them were not limited to his country, nor his time. His influence in the United States was most notably felt in the civil rights movement, but has also infused all levels of our society.

If I may invade ever so slightly the privacy of the President's luncheon table, in May 1994, Mr. Clinton had as his guest the distinguished Prime Minister of India, Mr. P.V. Narasimha Rao, who in his youth was a follower of Mahatma Gandhi. In a graceful passage, Prime Minister Rao related how it came to pass that Mahatma Gandhi, caught up in the struggle for fair treatment to the Indian community in South Africa, and in consequence in jail, read Thoreau's essay on "Civil Disobedience" which confirmed his view that an honest man is duty-bound to violate unjust laws. He took this view home with him, and in the end the British raj gave way to an independent Republic of India. Then Martin Luther King, Jr., repatriated the idea and so began the great civil rights movement of this century.

Dr. Martin Luther King, Jr., has written of the singular influence Gandhi's message of nonviolent resistance had on him when he first learned of it while studying at Crozier Theological Seminary in Philadelphia. He would later describe that influence in his first book, "Stride Toward Freedom":

As I read I became deeply fascinated by [Gandhi's] philosophy of non-violent resistance . . . as I delved deeper into the philosophy of Gandhi, my skepticism concerning the power of love gradually diminished, and I came to see its potency in the area of social reform . . . prior to reading Gandhi, I had concluded that the love ethics of Jesus were only effective in individual relationships . . . but after reading Gandhi, I saw how utterly mistaken I was.

. . . It was in this Gandhian emphasis on love and non-violence that I discovered the method for social reform that I had been seeking for so many months . . . I came to feel that this was the only morally and practically sound method open to oppressed people in their struggle for freedom . . . this principle became the guiding light of our movement. Christ furnished the spirit and motivation and Gandhi furnished the method.

Martin Luther King, Jr., believed that Gandhi's philosophy of nonviolent resistance was the guiding light of the American civil rights movement. As Dr. King wrote, "Gandhi furnished the message." A statue of Gandhi, given as a gift from the Government of India, on a small plot of Federal land along Massachusetts Avenue, in front of the Indian Embassy, will stand not only as a tribute to the shared values of the two largest democracies in the world but will also pay tribute to the lasting influence of Gandhian thought on the United States. An influence that is so pervasive that when the President and the Prime Minister of India meet at the White House for lunch, a half-century after Gandhi's death, it is no surprise that he should be a topic of conversation.

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. KERREY, and Mr. CONRAD):

S. 864. A bill to amend title XIX of the Social Security Act to improve the provision of managed care under the Medicaid Program; to the Committee on Finance.

THE MEDICAID MANAGED CARE ACT OF 1997

Mr. CHAFEE. Mr. President, I am pleased today to introduce The Medicaid Managed Care Act of 1997. This legislation meets two very important objectives in the Medicaid Program. First, it gives States the additional flexibility they need to administer the Medicaid Program by allowing them to enroll Medicaid beneficiaries into managed care Programs. Second, the bill sets Federal standards for managed care to ensure that Medicaid patients receive the same quality of care as those patients who are enrolled in private managed care plans.

Under our legislation, States could require Medicaid patients to enroll in managed care plans without going through the lengthy and cumbersome process of applying to the Secretary of Health and Human Services for a waiver of current Medicaid regulations. In exchange for this important flexibility, States will have to meet a set of minimum Federal standards to ensure that Medicaid patients continue to receive quality care.

For example, States would be required to offer patients a choice of at least two health plans. Plans would be required to meet certain standards of

access to care, quality, and solvency. These standards are especially important given recent problems in States that have set up Medicaid managed care programs under the waiver process. In some instances, plans have failed to contract with enough providers to serve the Medicaid population. Some have been permitted to operate under standards that are lower than commercial insurers are required to meet, and others have used fraudulent marketing practices to entice Medicaid patients to sign up with their plans. These actions have resulted in patients being denied medically necessary services, and have resulted in States and the Federal Government paying for care that was never given.

Considering these abuses, why should we allow Medicaid managed care at all? Because managed care, if implemented correctly, can vastly improve the quality of health care provided to low-income families. In today's fee-for-service program, patients face myriad problems. Some are forced to get care in hospital emergency rooms because they cannot find a private physician willing or able to accept Medicaid's low payment rates. Those who do have access to providers often must wait for hours in clinics which are overcrowded and understaffed. And, sadly, they often do not have access to primary and preventive care services which would have prevented them from becoming ill to begin with.

Medicaid managed care, if done well, provides regular prenatal care to assure that children are born healthy. These plans provide coverage for check-ups and immunizations to prevent serious illnesses. And they give patients a medical home—a provider they know they can go to if they are sick, or a number to call if they have questions.

Medicaid managed care also has the potential of benefiting our overall health care system by providing access to primary care providers rather than forcing patients to make costly and unnecessary visits to hospital emergency rooms. It gives providers the opportunity to catch and treat, or prevent, costly health problems.

Mr. President, we have worked very hard to ensure that this legislation strikes an appropriate balance between the needs of Medicaid beneficiaries and the managed care companies. I want to thank Senators BREAUX and KERREY who helped craft this legislation and are original cosponsors. I also want to thank the many advocacy organizations for their input and support. And I also want to thank some of the managed care organizations who worked with us. I am especially pleased that some of these organizations, such as the HMO Group which is an alliance of health maintenance organizations have endorsed this legislation. Their support is critical to the success of Medicaid managed care.

I ask unanimous consent that the text of the legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENTS TO THE SOCIAL SECURITY ACT.

(a) SHORT TITLE.—This Act may be cited as the "Medicaid Managed Care Improvement Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; amendments to the Social Security Act.
Sec. 2. Improvements in medicaid managed care program.
"PART B—PROVISIONS RELATING TO MANAGED CARE
"Sec. 1941. Beneficiary choice; enrollment.
"Sec. 1942. Beneficiary access to services generally.
"Sec. 1943. Beneficiary access to emergency care.
"Sec. 1944. Other beneficiary protections.
"Sec. 1945. Assuring quality care.
"Sec. 1946. Protections for providers.
"Sec. 1947. Assuring adequacy of payments to medicaid managed care organizations and entities.
"Sec. 1948. Fraud and abuse.
"Sec. 1949. Sanctions for noncompliance by managed care entities.
"Sec. 1950. Definitions; miscellaneous provisions."
Sec. 3. Studies and reports.
Sec. 4. Conforming amendments.
Sec. 5. Effective date; status of waivers.

(c) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

SEC. 2. IMPROVEMENTS IN MEDICAID MANAGED CARE PROGRAM.

Title XIX is amended—

(1) by inserting after the title heading the following:

"PART A—GENERAL PROVISIONS"; AND

(2) by adding at the end the following new part:

"PART B—PROVISIONS RELATING TO MANAGED CARE

"SEC. 1941. BENEFICIARY CHOICE; ENROLLMENT.

"(a) STATE OPTIONS FOR ENROLLMENT OF BENEFICIARIES IN MANAGED CARE ARRANGEMENTS.—

"(1) IN GENERAL.—Subject to the succeeding provisions of this part and notwithstanding paragraphs (1), (10)(B), and (23)(A) of section 1902(a), a State may require an individual who is eligible for medical assistance under the State plan under this title and who is not a special needs individual (as defined in subsection (e)) to enroll with a managed care entity (as defined in section 1950(a)(1)) as a condition of receiving such assistance (and, with respect to assistance furnished by or under arrangements with such entity, to receive such assistance through the entity), if the following provisions are met:

"(A) ENTITY MEETS REQUIREMENTS.—The entity meets the applicable requirements of this part.

"(B) CONTRACT WITH STATE.—The entity enters into a contract with the State to provide services for the benefit of individuals eligible for benefits under this title under which prepaid payments to such entity are made on an actuarially sound basis. Such contract shall specify benefits the provision (or arrangement) for which the entity is responsible.

"(C) CHOICE OF COVERAGE.—

"(i) IN GENERAL.—The State permits an individual to choose a managed care entity from managed care organizations and primary care case providers who meet the requirements of this part but not less than from—

"(I) 2 medicaid managed care organizations,

"(II) a medicaid managed care organization and a primary care case management provider, or

"(III) a primary care case management provider as long as an individual may choose between 2 primary care case managers.

"(ii) STATE OPTION.—At the option of the State, a State shall be considered to meet the requirements of clause (i) in the case of an individual residing in a rural area, if the State—

"(I) requires the individual to enroll with a medicaid managed care organization or primary care case management provider if such organization or entity permits the individual to receive such assistance through not less than 2 physicians or case managers (to the extent that at least 2 physicians or case managers are available to provide such assistance in the area), and

"(II) permits the individual to obtain such assistance from any other provider in appropriate circumstances (as established by the State under regulations of the Secretary).

"(D) CHANGES IN ENROLLMENT.—The State provides the individual with the opportunity to change enrollment among managed care entities once annually and notifies the individual of such opportunity not later than 60 days prior to the first date on which the individual may change enrollment, permits individuals to change their enrollment for cause at any time and without cause at least every 12 months, and allows individuals to disenroll without cause within 90 days of notification of enrollment.

"(E) ENROLLMENT PRIORITIES.—The State establishes a method for establishing enrollment priorities in the case of a managed care entity that does not have sufficient capacity to enroll all such individuals seeking enrollment under which individuals already enrolled with the entity are given priority in continuing enrollment with the entity.

"(F) DEFAULT ENROLLMENT PROCESS.—The State establishes a default enrollment process which meets the requirements described in paragraph (2) and under which any such individual who does not enroll with a managed care entity during the enrollment period specified by the State shall be enrolled by the State with such an entity in accordance with such process.

"(G) SANCTIONS.—The State establishes the sanctions provided for in section 1949.

"(2) DEFAULT ENROLLMENT PROCESS REQUIREMENTS.—The default enrollment process established by a State under paragraph (1)(F)—

"(A) shall provide that the State may not enroll individuals with a managed care entity which is not in compliance with the applicable requirements of this part;

"(B) shall provide (consistent with subparagraph (A)) for enrollment of such an individual with a medicaid managed care organization—

"(i) first, that maintains existing provider-individual relationships or that has entered into contracts with providers (such as Federally qualified health centers, rural health clinics, hospitals that qualify for disproportionate share hospital payments under section 1886(d)(5)(F), and hospitals described in section 1886(d)(1)(B)(iii)) that have traditionally served beneficiaries under this title, and

"(ii) lastly, if there is no provider described in clause (i), in a manner that provides for an equitable distribution of individuals among all qualified managed care entities available to enroll individuals through such default enrollment process, consistent with the enrollment capacities of such entities;

"(C) shall permit and assist an individual enrolled with an entity under such process to change such enrollment to another managed care entity during a period (of at least 90 days) after the effective date of the enrollment; and

"(D) may provide for consideration of factors such as quality, geographic proximity, continuity of providers, and capacity of the plan when conducting such process.

"(b) REENROLLMENT OF INDIVIDUALS WHO REGAIN ELIGIBILITY.—

"(1) IN GENERAL.—If an individual eligible for medical assistance under a State plan under this title and enrolled with a managed care entity with a contract under subsection (a)(1)(B) ceases to be eligible for such assistance for a period of not greater than 2 months, the State may provide for the automatic reenrollment of the individual with the entity as of the first day of the month in which the individual is again eligible for such assistance, and may consider factors such as quality, geographic proximity, continuity of providers, and capacity of the plan when conducting such reenrollment.

"(2) CONDITIONS.—Paragraph (1) shall only apply if—

"(A) the month for which the individual is to be reenrolled occurs during the enrollment period covered by the individual's original enrollment with the managed care entity;

"(B) the managed care entity continues to have a contract with the State agency under subsection (a)(1)(B) as of the first day of such month; and

"(C) the managed care entity complies with the applicable requirements of this part.

"(3) NOTICE OF REENROLLMENT.—The State shall provide timely notice to a managed care entity of any reenrollment of an individual under this subsection.

"(c) STATE OPTION OF MINIMUM ENROLLMENT PERIOD.—

"(1) IN GENERAL.—In the case of an individual who is enrolled with a managed care entity under this part and who would (but for this subsection) lose eligibility for benefits under this title before the end of the minimum enrollment period (defined in paragraph (2)), the State plan under this title may provide, notwithstanding any other provision of this title, that the individual shall be deemed to continue to be eligible for such benefits until the end of such minimum period, but, except for benefits furnished under section 1902(a)(23)(B), only with respect to such benefits provided to the individual as an enrollee of such entity.

"(2) MINIMUM ENROLLMENT PERIOD DEFINED.—For purposes of paragraph (1), the term 'minimum enrollment period' means, with respect to an individual's enrollment with an entity under a State plan, a period, established by the State, of not more than 6 months beginning on the date the individual's enrollment with the entity becomes effective, except that a State may extend such period for up to a total of 12 months in the case of an individual's enrollment with a managed care entity (as defined in section 1950(a)(1)) so long as such extension is done uniformly for all individuals enrolled with all such entities.

"(d) OTHER ENROLLMENT-RELATED PROVISIONS.—

"(1) NONDISCRIMINATION.—A managed care entity may not discriminate on the basis of health status or anticipated need for services in the enrollment, reenrollment, or disenrollment of individuals eligible to receive medical assistance under a State plan under this title or by discouraging enrollment (except as permitted by this section) by eligible individuals.

"(2) TERMINATION OF ENROLLMENT.—

"(A) IN GENERAL.—The State, enrollment broker, and managed care entity (if any) shall permit an individual eligible for medical assistance under the State plan under this title who is enrolled with the entity to terminate such enrollment for cause at any time, and without cause during the 90-day period beginning on the date the individual receives notice of enrollment and at least every 12 months thereafter, and shall notify each such individual of the opportunity to terminate enrollment under these conditions.

"(B) FRAUDULENT INDUCEMENT OR COERCION AS GROUNDS FOR CAUSE.—For purposes of subparagraph (A), an individual terminating enrollment with a managed care entity on the grounds that the enrollment was based on fraudulent inducement or was obtained through coercion or pursuant to the imposition against the managed care entity of the sanction described in section 1949(b)(3) shall be considered to terminate such enrollment for cause.

"(C) NOTICE OF TERMINATION.—

"(i) NOTICE TO STATE.—

"(I) BY INDIVIDUALS.—Each individual terminating enrollment with a managed care entity under subparagraph (A) shall do so by providing notice of the termination to an office of the State agency administering the State plan under this title, the State or local welfare agency, or an office of a managed care entity.

"(II) BY ORGANIZATIONS.—Any managed care entity which receives notice of an individual's termination of enrollment with such entity through receipt of such notice at an office of a managed care entity shall provide timely notice of the termination to the State agency administering the State plan under this title.

"(ii) NOTICE TO PLAN.—The State agency administering the State plan under this title or the State or local welfare agency which receives notice of an individual's termination of enrollment with a managed care entity under clause (i) shall provide timely notice of the termination to such entity.

"(3) PROVISION OF INFORMATION.—

"(A) IN GENERAL.—Each State, enrollment broker, or managed care organization shall provide all enrollment notices and informational and instructional materials in a manner and form which may be easily understood by enrollees of the entity who are eligible for medical assistance under the State plan under this title, including enrollees and potential enrollees who are blind, deaf, disabled, or cannot read or understand the English language.

"(B) INFORMATION TO HEALTH CARE PROVIDERS, ENROLLEES, AND POTENTIAL ENROLLEES.—Each medicaid managed care organization shall—

"(i) upon request, make the information described in section 1945(e)(1)(A)available to enrollees and potential enrollees in the organization's service area; and

"(ii) provide to enrollees and potential enrollees information regarding all items and services that are available to enrollees under the contract between the State and the organization that are covered either directly or through a method of referral and prior authorization.

"(e) SPECIAL NEEDS INDIVIDUALS DESCRIBED.—In this part, the term 'special needs individual' means any of the following individuals:

"(1) SPECIAL NEEDS CHILD.—An individual who is under 19 years of age who—

"(A) is eligible for supplemental security income under title XVI;

"(B) is described under section 501(a)(1)(D);

"(C) is a child described in section 1902(e)(3);

"(D) is receiving services under a program under part B or part E of title IV; or

"(E) is not described in any preceding subparagraph but is otherwise considered a child with special health care needs who is adopted, in foster care, or otherwise in an out-of-home placement.

"(2) HOMELESS INDIVIDUALS.—An individual who is homeless (without regard to whether the individual is a member of a family), including—

"(A) an individual whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations; or

"(B) an individual who is a resident in transitional housing.

"(3) MIGRANT AGRICULTURAL WORKERS.—A migratory agricultural worker or a seasonal agricultural worker (as such terms are defined in section 330(g)(3) of the Public Health Service Act), or the spouse or dependent of such a worker.

"(4) INDIANS.—An Indian (as defined in section 4(c) of the Indian Health Care Improvement Act (25 U.S.C. 1603(c))).

"(5) MEDICARE BENEFICIARIES.—A qualified medicare beneficiary (as defined in section 1905(p)(1)) or an individual otherwise eligible for benefits under title XVIII.

"(6) DISABLED INDIVIDUALS.—Individuals who are disabled (as determined under section 1614(a)(3)).

"(7) PERSONS WITH AIDS OR HIV INFECTION.—An individual with acquired immune deficiency syndrome (AIDS) or who has been determined to be infected with the HIV virus.

"SEC. 1942. BENEFICIARY ACCESS TO SERVICES GENERALLY.

"(a) ACCESS TO SERVICES.—

"(1) IN GENERAL.—Each managed care entity shall provide or arrange for the provision of all medically necessary medical assistance under this title which is specified in the contract entered into between such entity and the State under section 1941(a)(1)(B) for enrollees who are eligible for medical assistance under the State plan under this title.

"(2) PRIMARY-CARE-PROVIDER-TO-ENROLLEE RATIO AND MAXIMUM TRAVEL TIME.—Each such entity shall assure adequate access to primary care services by meeting standards, established by the Secretary, relating to the

maximum ratio of enrollees under this title to full-time-equivalent primary care providers available to serve such enrollees and to maximum travel time for such enrollees to access such providers. The Secretary may permit such a maximum ratio to vary depending on the area and population served. Such standards shall be based on standards commonly applied in the commercial market, commonly used in accreditation of managed care organizations, and standards used in the approval of waiver applications under section 1115, and shall be consistent with the requirements under section 1876(c)(4)(A).

"(b) OBSTETRICAL AND GYNECOLOGICAL CARE.—

"(1) IN GENERAL.—A managed care entity may not require prior authorization by the individual's primary care provider or otherwise restrict the individual's access to gynecological and obstetrical care provided by a participating provider who specializes in obstetrics and gynecology to the extent such care is otherwise covered, and may treat the ordering of other obstetrical and gynecological care by such a participating provider as the prior authorization of the primary care provider with respect to such care under the coverage.

"(2) CONSTRUCTION.—Nothing in paragraph (1)(B)(ii) shall waive any requirements of coverage relating to medical necessity or appropriateness with respect to coverage of gynecological care so ordered.

"(c) SPECIALTY CARE.—

"(1) REFERRAL TO SPECIALTY CARE FOR ENROLLEES REQUIRING TREATMENT BY SPECIALISTS.—

"(A) IN GENERAL.—In the case of an enrollee under a managed care entity and who has a condition or disease of sufficient seriousness and complexity to require treatment by a specialist, the entity shall make or provide for a referral to a specialist who is available and accessible to provide the treatment for such condition or disease.

"(B) SPECIALIST DEFINED.—For purposes of this subsection, the term 'specialist' means, with respect to a condition, a health care practitioner, facility, or center (such as a center of excellence) that has adequate expertise through appropriate training and experience (including, in the case of a child, an appropriate pediatric specialist) to provide high quality care in treating the condition.

"(C) CARE UNDER REFERRAL.—Care provided pursuant to such referral under subparagraph (A) shall be—

"(i) pursuant to a treatment plan (if any) developed by the specialist and approved by the entity, in consultation with the designated primary care provider or specialist and the enrollee (or the enrollee's designee), and

"(ii) in accordance with applicable quality assurance and utilization review standards of the entity.

Nothing in this subsection shall be construed as preventing such a treatment plan for an enrollee from requiring a specialist to provide the primary care provider with regular updates on the specialty care provided, as well as all necessary medical information.

"(D) REFERRALS TO PARTICIPATING PROVIDERS.—An entity is not required under subparagraph (A) to provide for a referral to a specialist that is not a participating provider, unless the entity does not have an appropriate specialist that is available and accessible to treat the enrollee's condition and that is a participating provider with respect to such treatment.

"(E) TREATMENT OF NONPARTICIPATING PROVIDERS.—If an entity refers an enrollee to a nonparticipating specialist, services provided pursuant to the approved treatment plan shall be provided at no additional cost to the enrollee beyond what the enrollee would otherwise pay for services received by such a specialist that is a participating provider.

"(2) SPECIALISTS AS PRIMARY CARE PROVIDERS.—

"(A) IN GENERAL.—A managed care entity shall have a procedure by which a new enrollee upon enrollment, or an enrollee upon diagnosis, with an ongoing special condition (as defined in subparagraph (C)) may receive a referral to a specialist for such condition who shall be responsible for and capable of providing and coordinating the enrollee's primary and specialty care. If such an enrollee's care would most appropriately be coordinated by such a specialist, the entity shall refer the enrollee to such specialist.

"(B) TREATMENT AS PRIMARY CARE PROVIDER.—Such specialist shall be permitted to treat the enrollee without a referral from the enrollee's primary care provider and may authorize such referrals, procedures, tests, and other medical services as the enrollee's primary care provider would otherwise be permitted to provide or authorize, subject to the terms of the treatment plan (referred to in paragraph (1)(C)(i)).

"(C) ONGOING SPECIAL CONDITION DEFINED.—In this paragraph, the term 'special condition' means a physical and mental condition or disease that—

"(i) is life-threatening, degenerative, or disabling, and

"(ii) requires specialized medical care over a prolonged period of time.

"(D) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) shall apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

"(3) STANDING REFERRALS.—

"(A) IN GENERAL.—A managed care entity shall have a procedure by which an enrollee who has a condition that requires ongoing care from a specialist may receive a standing referral to such specialist for treatment of such condition. If the issuer, or the primary care provider in consultation with the medical director of the entity and the specialist (if any), determines that such a standing referral is appropriate, the entity shall make such a referral to such a specialist.

"(B) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) shall apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

"(d) TIMELY DELIVERY OF SERVICES.—Each managed care entity shall respond to requests from enrollees for the delivery of medical assistance in a manner which—

"(1) makes such assistance—

"(A) available and accessible to each such individual, within the area served by the entity, with reasonable promptness and in a manner which assures continuity; and

"(B) when medically necessary, available and accessible 24 hours a day and 7 days a week; and

"(2) with respect to assistance provided to such an individual other than through the entity, or without prior authorization, in the case of a primary care case management provider, provides for reimbursement to the individual (if applicable under the contract between the State and the entity) if—

"(A) the services were medically necessary and immediately required because of an unforeseen illness, injury, or condition and meet the requirements of section 1943; and

"(B) it was not reasonable given the circumstances to obtain the services through the entity, or, in the case of a primary care case management provider, with prior authorization.

"(e) INTERNAL GRIEVANCE PROCEDURE.—Each medicaid managed care organization shall establish an internal grievance procedure under which an enrollee who is eligible for medical assistance under the State plan under this title, or a provider on behalf of such an enrollee, may challenge the denial of coverage of or payment for such assistance.

"(f) INFORMATION ON BENEFIT CARVE OUTS.—Each managed care entity shall inform each enrollee, in a written and prominent manner, of any benefits to which the enrollee may be entitled to medical assistance under this title but which are not made available to the enrollee through the entity. Such information shall include information on where and how such enrollees may access benefits not made available to the enrollee through the entity.

"(g) DUE PROCESS REQUIREMENTS FOR MANAGED CARE ENTITIES.—

"(1) DENIAL OF OR UNREASONABLE DELAY IN DETERMINING COVERAGE AS GROUNDS FOR HEARING.—If a managed care entity (or entity acting an agreement with a managed care entity)—

"(A) denies coverage of or payment for medical assistance with respect to an enrollee who is eligible for such assistance under the State plan under this title; or

"(B) fails to make any eligibility or coverage determination sought by an enrollee or, in the case of a medicaid managed care organization, by a participating health care provider or enrollee, in a timely manner, depending upon the urgency of the situation,

the enrollee or the health care provider furnishing such assistance to the enrollee (as applicable) may obtain a fair hearing before, and shall be provided a timely decision by, the State agency administering the State plan under this title in accordance with section 1902(a)(3). Such decisions shall be rendered as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 72 hours in the case of hearings on decisions regarding urgent care and 5 days in the case of all other hearings.

"(2) COMPLETION OF INTERNAL GRIEVANCE PROCEDURE.—Nothing in this subsection shall require completion of an internal grievance procedure if the procedure does not provide for timely review of health needs considered by the enrollee's health care provider to be of an urgent nature or is not otherwise consistent with the requirements for such procedures under section 1876(c).

"(h) DEMONSTRATION OF ADEQUATE CAPACITY AND SERVICES.—

"(1) IN GENERAL.—Subject to paragraph (3), each medicaid managed care organization shall provide the State and the Secretary with adequate assurances (as determined by the Secretary) that the organization, with respect to a service area—

"(A) has the capacity to serve the expected enrollment in such service area;

"(B) offers an appropriate range of services for the population expected to be enrolled in such service area, including transportation services and translation services consisting of the principal languages spoken in the service area;

"(C) maintains a sufficient number, mix, and geographic distribution of providers of services included in the contract with the State to ensure that services are available to

individuals receiving medical assistance and enrolled in the organization to the same extent that such services are available to individuals enrolled in the organization who are not recipients of medical assistance under the State plan under this title;

"(D) maintains extended hours of operation with respect to primary care services that are beyond those maintained during a normal business day;

"(E) provides preventive and primary care services in locations that are readily accessible to members of the community;

"(F) provides information concerning educational, social, health, and nutritional services offered by other programs for which enrollees may be eligible; and

"(G) complies with such other requirements relating to access to care as the Secretary or the State may impose.

"(2) PROOF OF ADEQUATE PRIMARY CARE CAPACITY AND SERVICES.—Subject to paragraph (3), a medicaid managed care organization that contracts with a reasonable number of primary care providers (as determined by the Secretary) and whose primary care membership includes a reasonable number (as so determined) of the following providers will be deemed to have satisfied the requirements of paragraph (1):

"(A) Rural health clinics, as defined in section 1905(l)(1).

"(B) Federally-qualified health centers, as defined in section 1905(l)(2)(B).

"(C) Clinics which are eligible to receive payment for services provided under title X of the Public Health Service Act.

"(3) SUFFICIENT PROVIDERS OF SPECIALIZED SERVICES.—Notwithstanding paragraphs (1) and (2), a medicaid managed care organization may not be considered to have satisfied the requirements of paragraph (1) if the organization does not have a sufficient number (as determined by the Secretary) of providers of specialized services, including perinatal and pediatric specialty care, to ensure that such services are available and accessible.

"(i) COMPLIANCE WITH CERTAIN MATERNITY AND MENTAL HEALTH REQUIREMENTS.—Each medicaid managed care organization shall comply with the requirements of subpart 2 of part A of title XXVII of the Public Health Service Act insofar as such requirements apply with respect to a health insurance issuer that offers group health insurance coverage.

"(j) TREATMENT OF CHILDREN WITH SPECIAL HEALTH CARE NEEDS.—

"(1) IN GENERAL.—In the case of an enrollee of a managed care entity who is a child described in section 1941(e)(1) or who has special health care needs (as defined in paragraph (3))—

"(A) if any medical assistance specified in the contract with the State is identified in a treatment plan prepared for the enrollee by a program described in subsection (c)(1) or paragraph (3), the managed care entity shall provide (or arrange to be provided) such assistance in accordance with the treatment plan either—

"(i) by referring the enrollee to a pediatric health care provider who is trained and experienced in the provision of such assistance and who has a contract with the managed care entity to provide such assistance; or

"(ii) if appropriate services are not available through the managed care entity, permitting such enrollee to seek appropriate specialty services from pediatric health care providers outside of or apart from the managed care entity; and

"(B) the managed care entity shall require each health care provider with whom the managed care entity has entered into an agreement to provide medical assistance to enrollees to furnish the medical assistance specified in such enrollee's treatment plan to the extent the health care provider is able to carry out such treatment plan.

"(2) PRIOR AUTHORIZATION.—An enrollee referred for treatment under paragraph (1)(A)(i), or permitted to seek treatment outside of or apart from the managed care entity under paragraph (1)(A)(ii) shall be deemed to have obtained any prior authorization required by the entity.

"(3) CHILD WITH SPECIAL HEALTH CARE NEEDS.—For purposes of paragraph (1), a child has special health care needs if the child is receiving services under—

"(A) a program administered under part B or part H of the Individuals with Disabilities Education Act; or

"(B) any other program for children with special health care needs identified by the Secretary.

"SEC. 1943. BENEFICIARY ACCESS TO EMERGENCY CARE.

"(a) PROHIBITION OF CERTAIN RESTRICTIONS ON COVERAGE OF EMERGENCY SERVICES.—

"(1) IN GENERAL.—If a managed care entity provides any benefits under a State plan with respect to emergency services (as defined in paragraph (2)(B)), the entity shall cover emergency services furnished to an enrollee—

"(A) without the need for any prior authorization determination,

"(B) subject to paragraph (3), whether or not the physician or provider furnishing such services is a participating physician or provider with respect to such services, and

"(C) subject to paragraph (3), without regard to any other term or condition of such coverage (other than an exclusion of benefits).

"(2) EMERGENCY SERVICES; EMERGENCY MEDICAL CONDITION.—For purposes of this section—

"(A) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

"(i) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy,

"(ii) serious impairment to bodily functions, or

"(iii) serious dysfunction of any bodily organ or part.

"(B) EMERGENCY SERVICES.—The term 'emergency services' means—

"(i) a medical screening examination (as required under section 1867) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department, to evaluate an emergency medical condition (as defined in subparagraph (A)), and

"(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 to stabilize the patient.

"(C) TRAUMA AND BURN CENTERS.—The provisions of clause (ii) of subparagraph (B) apply to a trauma or burn center, in a hospital, that—

"(i) is designated by the State, a regional authority of the State, or by the designee of the State, or

"(ii) is in a State that has not made such designations and meets medically recognized national standards.

"(3) APPLICATION OF NETWORK RESTRICTION PERMITTED IN CERTAIN CASES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if a managed care entity in relation to benefits provided under this title denies, limits, or otherwise differentiates in benefits or payment for benefits other than emergency services on the basis that the physician or provider of such services is a nonparticipating physician or provider, the entity may deny, limit, or differentiate in coverage or payment for emergency services on such basis.

"(B) NETWORK RESTRICTIONS NOT PERMITTED IN CERTAIN EXCEPTIONAL CASES.—The denial or limitation of, or differentiation in, coverage or payment of benefits for emergency services under subparagraph (A) shall not apply in the following cases:

"(i) CIRCUMSTANCES BEYOND CONTROL OF ENROLLEE.—The enrollee is unable to go to a participating hospital for such services due to circumstances beyond the control of the enrollee (as determined consistent with guidelines and subparagraph (C)).

"(ii) LIKELIHOOD OF AN ADVERSE HEALTH CONSEQUENCE BASED ON LAYPERSON'S JUDGMENT.—A prudent layperson possessing an average knowledge of health and medicine could reasonably believe that, under the circumstances and consistent with guidelines, the time required to go to a participating hospital for such services could result in any of the adverse health consequences described in a clause of subsection (a)(2)(A).

"(iii) PHYSICIAN REFERRAL.—A participating physician or other person authorized by the plan refers the enrollee to an emergency department of a hospital and does not specify an emergency department of a hospital that is a participating hospital with respect to such services.

"(C) APPLICATION OF 'BEYOND CONTROL' STANDARDS.—For purposes of applying subparagraph (B)(i), receipt of emergency services from a nonparticipating hospital shall be treated under the guidelines as being 'due to circumstances beyond the control of the enrollee' if any of the following conditions are met:

"(i) UNCONSCIOUS.—The enrollee was unconscious or in an otherwise altered mental state at the time of initiation of the services.

"(ii) AMBULANCE DELIVERY.—The enrollee was transported by an ambulance or other emergency vehicle directed by a person other than the enrollee to the nonparticipating hospital in which the services were provided.

"(iii) NATURAL DISASTER.—A natural disaster or civil disturbance prevented the enrollee from presenting to a participating hospital for the provision of such services.

"(iv) NO GOOD FAITH EFFORT TO INFORM OF CHANGE IN PARTICIPATION DURING A CONTRACT YEAR.—The status of the hospital changed from a participating hospital to a nonparticipating hospital with respect to emergency services during a contract year and the entity failed to make a good faith effort to notify the enrollee involved of such change.

"(v) OTHER CONDITIONS.—There were other factors (such as those identified in guidelines) that prevented the enrollee from controlling selection of the hospital in which the services were provided.

"(b) ASSURING COORDINATED COVERAGE OF MAINTENANCE CARE AND POST-STABILIZATION CARE.—

"(1) IN GENERAL.—In the case of an individual who is enrolled with a managed care entity and who has received emergency services pursuant to a screening evaluation conducted (or supervised) by a treating physician at a hospital that is a nonparticipating provider with respect to emergency services, if—

"(A) pursuant to such evaluation, the physician identifies post-stabilization care (as defined in paragraph (3)(B)) that is required by the enrollee,

"(B) the coverage through the entity under this title provides benefits with respect to the care so identified and the coverage requires (but for this subsection) an affirmative prior authorization determination as a condition of coverage of such care, and

"(C) the treating physician (or another individual acting on behalf of such physician) initiates, not later than 30 minutes after the time the treating physician determines that the condition of the enrollee is stabilized, a good faith effort to contact a physician or other person authorized by the entity (by telephone or other means) to obtain an affirmative prior authorization determination with respect to the care,

then, without regard to terms and conditions specified in paragraph (2) the entity shall cover maintenance care (as defined in paragraph (3)(A)) furnished to the enrollee during the period specified in paragraph (4) and shall cover post-stabilization care furnished to the enrollee during the period beginning under paragraph (5) and ending under paragraph (6).

"(2) TERMS AND CONDITIONS WAIVED.—The terms and conditions (of coverage) described in this paragraph that are waived under paragraph (1) are as follows:

"(A) The need for any prior authorization determination.

"(B) Any limitation on coverage based on whether or not the physician or provider furnishing the care is a participating physician or provider with respect to such care.

"(C) Any other term or condition of the coverage (other than an exclusion of benefits and other than a requirement relating to medical necessity for coverage of benefits).

"(3) MAINTENANCE CARE AND POST-STABILIZATION CARE DEFINED.—In this subsection:

"(A) MAINTENANCE CARE.—The term 'maintenance care' means, with respect to an individual who is stabilized after provision of emergency services, medically necessary items and services (other than emergency services) that are required by the individual to ensure that the individual remains stabilized during the period described in paragraph (4).

"(B) POST-STABILIZATION CARE.—The term 'post-stabilization care' means, with respect to an individual who is determined to be stable pursuant to a medical screening examination or who is stabilized after provision of emergency services, medically necessary items and services (other than emergency services and other than maintenance care) that are required by the individual.

"(4) PERIOD OF REQUIRED COVERAGE OF MAINTENANCE CARE.—The period of required coverage of maintenance care of an individual under this subsection begins at the time of the request (or the initiation of the good faith effort to make the request) under paragraph (1)(C) and ends when—

"(A) the individual is discharged from the hospital;

"(B) a physician (designated by the managed care entity involved) and with privileges at the hospital involved arrives at the emergency department of the hospital and assumes responsibility with respect to the treatment of the individual; or

"(C) the treating physician and the entity agree to another arrangement with respect to the care of the individual.

"(5) WHEN POST-STABILIZATION CARE REQUIRED TO BE COVERED.—

"(A) WHEN TREATING PHYSICIAN UNABLE TO COMMUNICATE REQUEST.—If the treating physician or other individual makes the good faith effort to request authorization under paragraph (1)(C) but is unable to communicate the request directly with an authorized person referred to in such paragraph within 30 minutes after the time of initiating such effort, then post-stabilization care is required to be covered under this subsection beginning at the end of such 30-minute period.

"(B) WHEN ABLE TO COMMUNICATE REQUEST, AND NO TIMELY RESPONSE.—

"(i) IN GENERAL.—If the treating physician or other individual under paragraph (1)(C) is able to communicate the request within the 30-minute period described in subparagraph (A), the post-stabilization care requested is required to be covered under this subsection beginning 30 minutes after the time when the entity receives the request unless a person authorized by the entity involved communicates (or makes a good faith effort to communicate) a denial of the request for the prior authorization determination within 30 minutes of the time when the entity receives the request and the treating physician does not request under clause (ii) to communicate directly with an authorized physician concerning the denial.

"(ii) REQUEST FOR DIRECT PHYSICIAN-TO-PHYSICIAN COMMUNICATION CONCERNING DENIAL.—If a denial of a request is communicated under clause (i), the treating physician may request to communicate respecting the denial directly with a physician who is authorized by the entity to deny or affirm such a denial.

"(C) WHEN NO TIMELY RESPONSE TO REQUEST FOR PHYSICIAN-TO-PHYSICIAN COMMUNICATION.—If a request for physician-to-physician communication is made under subparagraph (B)(ii), the post-stabilization care requested is required to be covered under this subsection beginning 30 minutes after the time when the entity receives the request from a treating physician unless a physician, who is authorized by the entity to reverse or affirm the initial denial of the care, communicates (or makes a good faith effort to communicate) directly with the treating physician within such 30-minute period.

"(D) DISAGREEMENTS OVER POST-STABILIZATION CARE.—If, after a direct physician-to-physician communication under subparagraph (C), the denial of the request for the post-stabilization care is not reversed and the treating physician communicates to the entity involved a disagreement with such decision, the post-stabilization care requested is required to be covered under this subsection beginning as follows:

"(i) DELAY TO ALLOW FOR PROMPT ARRIVAL OF PHYSICIAN ASSUMING RESPONSIBILITY.—If the issuer communicates that a physician (designated by the entity) with privileges at the hospital involved will arrive promptly (as determined under guidelines) at the emergency department of the hospital in order to assume responsibility with respect to the treatment of the enrollee involved, the required coverage of the post-stabilization care begins after the passage of such time period as would allow the prompt arrival of such a physician.

"(ii) OTHER CASES.—If the entity does not so communicate, the required coverage of the post-stabilization care begins immediately.

"(6) NO REQUIREMENT OF COVERAGE OF POST-STABILIZATION CARE IF ALTERNATE PLAN OF TREATMENT.—

"(A) IN GENERAL.—Coverage of post-stabilization care is not required under this subsection with respect to an individual when—

"(i) subject to subparagraph (B), a physician (designated by the entity involved) and with privileges at the hospital involved arrives at the emergency department of the hospital and assumes responsibility with respect to the treatment of the individual; or

"(ii) the treating physician and the entity agree to another arrangement with respect to the post-stabilization care (such as an appropriate transfer of the individual involved to another facility or an appointment for timely followup treatment for the individual).

"(B) SPECIAL RULE WHERE ONCE CARE INITIATED.—Required coverage of requested post-stabilization care shall not end by reason of subparagraph (A)(i) during an episode of care (as determined by guidelines) if the treating physician initiated such care (consistent with a previous paragraph) before the arrival of a physician described in such subparagraph.

"(7) CONSTRUCTION.—Nothing in this subsection shall be construed as—

"(A) preventing a managed care entity from authorizing coverage of maintenance care or post-stabilization care in advance or at any time; or

"(B) preventing a treating physician or other individual described in paragraph (1)(C) and such an entity from agreeing to modify any of the time periods specified in paragraphs (5) as it relates to cases involving such persons.

"(c) INFORMATION ON ACCESS TO EMERGENCY SERVICES.—A managed care entity, to the extent the entity offers health insurance coverage, shall provide education to enrollees on—

"(1) coverage of emergency services (as defined in subsection (a)(2)(B)) by the entity in accordance with the provisions of this section,

"(2) the appropriate use of emergency services, including use of the 911 telephone system or its local equivalent,

"(3) any cost sharing applicable to emergency services,

"(4) the process and procedures of the plan for obtaining emergency services, and

"(5) the locations of—

"(A) emergency departments, and

"(B) other settings,

in which participating physicians and hospitals provide emergency services and post-stabilization care.

"(d) GENERAL DEFINITIONS.—For purposes of this section:

"(1) COST SHARING.—The term 'cost sharing' means any deductible, coinsurance amount, copayment or other out-of-pocket payment (other than premiums or enrollment fees) that a managed care entity issuer imposes on enrollees with respect to the coverage of benefits.

"(2) GOOD FAITH EFFORT.—The term 'good faith effort' has the meaning given such term in guidelines and requires such appropriate documentation as is specified under such guidelines.

"(3) GUIDELINES.—The term 'guidelines' means guidelines established by the Secretary after consultation with an advisory panel that includes individuals representing emergency physicians, managed care entities, including at least one health maintenance organization, hospitals, employers, the States, and consumers.

"(4) PRIOR AUTHORIZATION DETERMINATION.—The term 'prior authorization determination' means, with respect to items and services for which coverage may be provided by a managed are entity, a determination (before the provision of the items and services and as a condition of coverage of the items and services under the coverage) of whether or not such items and services will be covered under the coverage.

"(5) STABILIZE.—The term 'to stabilize' means, with respect to an emergency medical condition, to provide (in complying with section 1867 of the Social Security Act) such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from the facility.

"(6) STABILIZED.—The term 'stabilized' means, with respect to an emergency medical condition, that no material deterioration of the condition is likely, within reasonable medical probability, to result from or occur before an individual can be transferred from the facility, in compliance with the requirements of section 1867 of the Social Security Act.

"(7) TREATING PHYSICIAN.—The term 'treating physician' includes a treating health care professional who is licensed under State law to provide emergency services other than under the supervision of a physician.

"SEC. 1944. OTHER BENEFICIARY PROTECTIONS.

"(a) PROTECTING ENROLLEES AGAINST THE INSOLVENCY OF MANAGED CARE ENTITIES AND AGAINST THE FAILURE OF THE STATE TO PAY SUCH ENTITIES.—Each managed care entity shall provide that an individual eligible for medical assistance under the State plan under this title who is enrolled with the entity may not be held liable—

"(1) for the debts of the managed care entity, in the event of the medicaid managed care organization's insolvency;

"(2) for services provided to the individual—

"(A) in the event of the medicaid managed care organization failing to receive payment from the State for such services; or

"(B) in the event of a health care provider with a contractual or other arrangement with the medicaid managed care organization failing to receive payment from the State or the managed care entity for such services; or

"(3) for the debts of any health care provider with a contractual or other arrangement with the medicaid managed care organization to provide services to the individual, in the event of the insolvency of the health care provider.

"(b) PROTECTION OF BENEFICIARIES AGAINST BALANCE BILLING THROUGH SUBCONTRACTORS.—

"(1) IN GENERAL.—Any contract between a managed care entity that has an agreement with a State under this title and another entity under which the entity (or any other entity pursuant to the contract) provides directly or indirectly for the provision of services to beneficiaries under the agreement with the State shall include such provisions as the Secretary may require in order to assure that the entity complies with balance billing limitations and other requirements of this title (such as limitation on withholding of services) as they would apply to the managed care entity if such entity provided such services directly and not through a contract with another entity.

"(2) APPLICATION OF SANCTIONS FOR VIOLATIONS.—The provisions of section 1128A(b)(2)(B) and 1128B(d)(1) shall apply with respect to entities contracting directly or indirectly with a managed care entity (with a contract with a State under this title) for the provision of services to beneficiaries under such a contract in the same manner as such provisions would apply to the managed care entity if it provided such services directly and not through a contract with another entity.

"SEC. 1945. ASSURING QUALITY CARE.

"(a) EXTERNAL INDEPENDENT REVIEW OF MANAGED CARE ENTITY ACTIVITIES.—

"(1) REVIEW OF MEDICAID MANAGED CARE ORGANIZATION CONTRACT.—

"(A) IN GENERAL.—Except as provided in paragraph (2), each medicaid managed care organization shall be subject to an annual external independent review of the quality outcomes and timeliness of, and access to, the items and services specified in such organization's contract with the State under section 1941(a)(1)(B). Such review shall specifically evaluate the extent to which the medicaid managed care organization provides such services in a timely manner.

"(B) CONTENTS OF REVIEW.—An external independent review conducted under this subsection shall include—

"(i) a review of the entity's medical care, through sampling of medical records or other appropriate methods, for indications of quality of care and inappropriate utilization (including overutilization) and treatment,

"(ii) a review of enrollee inpatient and ambulatory data, through sampling of medical records or other appropriate methods, to determine trends in quality and appropriateness of care,

"(iii) notification of the entity and the State when the review under this paragraph indicates inappropriate care, treatment, or utilization of services (including overutilization), and

"(iv) other activities as prescribed by the Secretary or the State.

"(C) USE OF PROTOCOLS.—An external independent review conducted under this subsection on and after January 1, 1999, shall use protocols that have been developed, tested, and validated by the Secretary and that are at least as rigorous as those used by the National Committee on Quality Assurance as of the date of the enactment of this section.

"(D) AVAILABILITY OF RESULTS.—The results of each external independent review conducted under this paragraph shall be available to participating health care providers, enrollees, and potential enrollees of the medicaid managed care organization, except that the results may not be made available in a manner that discloses the identity of any individual patient.

"(2) DEEMED COMPLIANCE.—

"(A) MEDICARE ORGANIZATIONS.—The requirements of paragraph (1) shall not apply with respect to a medicaid managed care organization if the organization is an eligible organization with a contract in effect under section 1876.

"(B) PRIVATE ACCREDITATION.—

"(i) IN GENERAL.—The requirements of paragraph (1) shall not apply with respect to a medicaid managed care organization if —

"(I) the organization is accredited by an organization meeting the requirements described in subparagraph (C)); and

"(II) the standards and process under which the organization is accredited meet such requirements as are established under clause (ii), without regard to whether or not the time requirement of such clause is satisfied.

"(ii) STANDARDS AND PROCESS.—Not later than 180 days after the date of the enactment of this section, the Secretary shall specify requirements for the standards and process under which a medicaid managed care organization is accredited by an organization meeting the requirements of subparagraph (B).

"(C) ACCREDITING ORGANIZATION.—An accrediting organization meets the requirements of this subparagraph if the organization—

"(i) is a private, nonprofit organization;

"(ii) exists for the primary purpose of accrediting managed care organizations or health care providers; and

"(iii) is independent of health care providers or associations of health care providers.

"(3) REVIEW OF PRIMARY CARE CASE MANAGEMENT PROVIDER CONTRACT.—Each primary care case management provider shall be subject to an annual external independent review of the quality and timeliness of, and access to, the items and services specified in the contract entered into between the State and the primary care case management provider under section 1941(a)(1)(B).

"(4) USE OF VALIDATION SURVEYS.—The Secretary shall conduct surveys each year to validate external reviews of at least 5 percent of the number of managed care entities in the year. In conducting such surveys the Secretary shall use the same protocols as were used in preparing the external reviews. If an external review finds that an individual managed care entity meets applicable requirements, but the Secretary determines that the entity does not meet such requirements, the Secretary's determination as to the entity's noncompliance with such requirements is binding and supersedes that of the previous survey.

"(b) FEDERAL MONITORING RESPONSIBILITIES.—The Secretary shall review the external independent reviews conducted pursuant to subsection (a) and shall monitor the effectiveness of the State's monitoring and followup activities required under section 1942(b)(1). If the Secretary determines that a State's monitoring and followup activities are not adequate to ensure that the requirements of such section are met, the Secretary shall undertake appropriate followup activities to ensure that the State improves its monitoring and followup activities.

"(c) PROVIDING INFORMATION ON SERVICES.—

"(1) REQUIREMENTS FOR MEDICAID MANAGED CARE ORGANIZATIONS.—

"(A) INFORMATION TO THE STATE.—Each medicaid managed care organization shall provide to the State (at least at such frequency as the Secretary may require), complete and timely information concerning the following:

"(i) The services that the organization provides to (or arranges to be provided to) individuals eligible for medical assistance under the State plan under this title.

"(ii) The identity, locations, qualifications, and availability of participating health care providers.

"(iii) The rights and responsibilities of enrollees.

"(iv) The services provided by the organization which are subject to prior authorization by the organization as a condition of coverage (in accordance with subsection (d)).

"(v) The procedures available to an enrollee and a health care provider to appeal the failure of the organization to cover a service.

"(vi) The performance of the organization in serving individuals eligible for medical assistance under the State plan under this title.

Such information shall be provided in a form consistent with the reporting of similar information by eligible organizations under section 1876.

"(2) REQUIREMENTS FOR PRIMARY CARE CASE MANAGEMENT PROVIDERS.—Each primary care case management provider shall—

"(A) provide to the State (at least at such frequency as the Secretary may require), complete and timely information concerning the services that the primary care case management provider provides to (or arranges to be provided to) individuals eligible for medical assistance under the State plan under this title;

"(B) make available to enrollees and potential enrollees information concerning services available to the enrollee for which prior authorization by the primary care case management provider is required;

"(C) provide enrollees and potential enrollees information regarding all items and services that are available to enrollees under the contract between the State and the primary care case management provider that are covered either directly or through a method of referral and prior authorization; and

"(D) provide assurances that such entities and their professional personnel are licensed as required by State law and qualified to provide case management services, through methods such as ongoing monitoring of compliance with applicable requirements and providing information and technical assistance.

"(3) REQUIREMENTS FOR BOTH MEDICAID MANAGED CARE ORGANIZATIONS AND PRIMARY CARE CASE MANAGEMENT PROVIDERS.—Each managed care entity shall provide the State with aggregate encounter data for all items and services, including early and periodic screening, diagnostic, and treatment services under section 1905(r) furnished to individuals under 21 years of age. Any such data provided may be audited by the State and the Secretary.

"(d) CONDITIONS FOR PRIOR AUTHORIZATION.—Subject to section 1943, a managed care entity may require the approval of medical assistance for nonemergency services before the assistance is furnished to an enrollee only if the system providing for such approval provides that such decisions are made in a timely manner, depending upon the urgency of the situation.

"(e) PATIENT ENCOUNTER DATA.—Each medicaid managed care organization shall maintain sufficient patient encounter data to identify the health care provider who delivers services to patients and to otherwise enable the State plan to meet the requirements of section 1902(a)(27) and shall submit such data to the State or the Secretary upon request. The medicaid managed care organization shall incorporate such information in the maintenance of patient encounter data with respect to such health care provider.

"(f) INCENTIVES FOR HIGH QUALITY MANAGED CARE ENTITIES.—The Secretary and the State may establish a program to reward, through public recognition, incentive payments, or enrollment of additional individuals (or combinations of such rewards), managed care entities that provide the highest quality care to individuals eligible for medical assistance under the State plan under this title who are enrolled with such entities. For purposes of section 1903(a)(7), proper expenses incurred by a State in carrying out such a program shall be considered to be expenses necessary for the proper and efficient administration of the State plan under this title.

"SEC. 1946. PROTECTIONS FOR PROVIDERS.

"(a) INFORMATION TO HEALTH CARE PROVIDERS.—Each medicaid managed care organization shall upon request, make the information described in section 1945(c)(1)(A) available to participating health care providers.

"(b) TIMELINESS OF PAYMENT.—A medicaid managed care organization shall make payment to health care providers for items and services which are subject to the contract under section 1941(a)(1)(B) and which are furnished to individuals eligible for medical assistance under the State plan under this title who are enrolled with the entity on a timely basis consistent with section 1943 and under the claims payment procedures described in section 1902(a)(37)(A), unless the health care provider and the managed care entity agree to an alternate payment schedule.

"(c) APPLICATION OF MEDICARE PROHIBITION OF RESTRICTIONS ON PHYSICIANS' ADVICE AND COUNSEL TO ENROLLEES.—A managed care entity shall comply with the same prohibitions on any restrictions relating to physicians' advice and counsel to individuals as apply to eligible organizations under section 1876.

"(d) PHYSICIAN INCENTIVE PLANS.—Each medicaid managed care organization shall require that any physician incentive plan covering physicians who are participating in the medicaid managed care organization shall meet the requirements of section 1876(i)(8).

"(e) WRITTEN PROVIDER PARTICIPATION AGREEMENTS FOR CERTAIN PROVIDERS.—Each medicaid managed care organization that enters into a written provider participation agreement with a provider described in section 1942(h)(2) shall—

"(1) include terms and conditions that are no more restrictive than the terms and conditions that the medicaid managed care organization includes in its agreements with other participating providers with respect to—

"(A) the scope of covered services for which payment is made to the provider;

"(B) the assignment of enrollees by the organization to the provider;

"(C) the limitation on financial risk or availability of financial incentives to the provider;

"(D) accessibility of care;

"(E) professional credentialing and recredentialing;

"(F) licensure;

"(G) quality and utilization management;

"(I) confidentiality of patient records;

"(J) grievance procedures; and

"(K) indemnification arrangements between the organizations and providers; and

"(2) provide for payment to the provider on a basis that is comparable to the basis on which other providers are paid.

"(f) PAYMENTS TO FEDERALLY-QUALIFIED HEALTH CENTERS.—Each medicaid managed care organization that has a contract under this title with respect to the provision of services of a federally qualified health center shall provide, at the election of such center, that the organization shall provide payments to such a center for services described in 1905(a)(2)(C) at the rates of payment specified in section 1902(a)(13)(E).

"SEC. 1947. ASSURING ADEQUACY OF PAYMENTS TO MEDICAID MANAGED CARE ORGANIZATIONS AND ENTITIES.

"(a) ADEQUATE RATES.—As a condition of approval of a State plan under this title, a State shall find, determine, and make assurances satisfactory to the Secretary that—

"(1) the rates it pays medicaid managed care organizations for individuals eligible under the State plan are reasonable and adequate to assure access to services meeting professionally recognized quality standards, taking into account—

"(A) the items and services to which the rate applies,

"(B) the eligible population, and

"(C) the rate the State pays providers for such items and services;

"(2) the methodology used to adjust the rate adequately reflects the varying risks associated with individuals actually enrolling in each medicaid managed care organization; and

"(3) it will provide for an annual review of the actuarial soundness of rates by an independent actuary selected by the Secretary and for a copy of the actuary's report on each such review to be transmitted to the State and the Secretary and made available to the public.

"(b) ANNUAL REPORTS.—As a condition of approval of a State plan under this title, a State shall report to the Secretary, at least annually, on the rates the States pays to medicaid managed care organizations.

"SEC. 1948. FRAUD AND ABUSE.

"(a) PROVISIONS APPLICABLE TO MANAGED CARE ENTITIES.—

"(1) PROHIBITING AFFILIATIONS WITH INDIVIDUALS DEBARRED BY FEDERAL AGENCIES.—

"(A) IN GENERAL.—A managed care entity may not knowingly—

"(i) have a person described in subparagraph (C) as a director, officer, partner, or person with beneficial ownership of more than 5 percent of the organization's equity; or

"(ii) have an employment, consulting, or other agreement with a person described in such subparagraph for the provision of items and services that are significant and material to the organization's obligations under its contract with the State.

"(B) EFFECT OF NONCOMPLIANCE.—If a State finds that a managed care entity is not in compliance with clause (i) or (ii) of subparagraph (A), the State—

"(i) shall notify the Secretary of such noncompliance;

"(ii) may continue an existing agreement with the entity unless the Secretary (in consultation with the Inspector General of the Department of Health and Human Services) directs otherwise; and

"(iii) may not renew or otherwise extend the duration of an existing agreement with the entity unless the Secretary (in consultation with the Inspector General of the Department of Health and Human Services) provides to the State and to the Congress a written statement describing compelling reasons that exist for renewing or extending the agreement.

"(C) PERSONS DESCRIBED.—A person is described in this subparagraph if such person—

"(i) is debarred, suspended, or otherwise excluded from participating in procurement activities under the Federal acquisition regulation or from participating in nonprocurement activities under regulations issued pursuant to Executive Order 12549; or

"(ii) is an affiliate (within the meaning of the Federal acquisition regulation) of a person described in subparagraph (A).

"(2) RESTRICTIONS ON MARKETING.—

"(A) DISTRIBUTION OF MATERIALS.—

"(i) IN GENERAL.—A managed care entity may not distribute directly or through any agent or independent contractor marketing materials within any State—

"(I) without the prior approval of the State; and

"(II) that contain false or materially misleading information.

"(ii) CONSULTATION IN REVIEW OF MARKET MATERIALS.—In the process of reviewing and approving such materials, the State shall provide for consultation with a medical care advisory committee.

"(iii) PROHIBITION.—The State may not enter into or renew a contract with a managed care entity for the provision of services to individuals enrolled under the State plan under this title if the State determines that the entity distributed directly or through any agent or independent contractor marketing materials in violation of clause (i).

"(B) SERVICE MARKET.—A managed care entity shall distribute marketing materials to the entire service area of such entity.

"(C) PROHIBITION OF TIE-INS.—A managed care entity, or any agency of such entity, may not seek to influence an individual's enrollment with the entity in conjunction with the sale of any other insurance.

"(D) PROHIBITING MARKETING FRAUD.—Each managed care entity shall comply with such procedures and conditions as the Secretary prescribes in order to ensure that, before an individual is enrolled with the entity, the individual is provided accurate oral and written and sufficient information to make an informed decision whether or not to enroll.

"(E) PROHIBITION OF COLD CALL MARKETING.—Each managed care entity shall not, directly or indirectly, conduct door-to-door, telephonic, or other 'cold call' marketing of enrollment under this title.

"(b) PROVISIONS APPLICABLE ONLY TO MEDICAID MANAGED CARE ORGANIZATIONS.—

"(1) STATE CONFLICT-OF-INTEREST SAFEGUARDS IN MEDICAID RISK CONTRACTING.—A medicaid managed care organization may not enter into a contract with any State under section 1941(a)(1)(B) unless the State has in effect conflict-of-interest safeguards with respect to officers and employees of the State with responsibilities relating to contracts with such organizations or to the default enrollment process described in section 1941(a)(1)(F) that are at least as effective as the Federal safeguards provided under section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423), against conflicts of interest that apply with respect to Federal procurement officials with comparable responsibilities with respect to such contracts.

"(2) REQUIRING DISCLOSURE OF FINANCIAL INFORMATION.—In addition to any requirements applicable under section 1902(a)(27) or 1902(a)(35), a medicaid managed care organization shall—

"(A) report to the State (and to the Secretary upon the Secretary's request) such financial information as the State or the Secretary may require to demonstrate that—

"(i) the organization has the ability to bear the risk of potential financial losses and otherwise has a fiscally sound operation;

"(ii) the organization uses the funds paid to it by the State and the Secretary for activities consistent with the requirements of this title and the contract between the State and organization; and

"(iii) the organization does not place an individual physician, physician group, or other health care provider at substantial risk (as determined by the Secretary) for services not provided by such physician, group, or health care provider, by providing adequate protection (as determined by the Secretary) to limit the liability of such physician, group, or health care provider, through measures such as stop loss insurance or appropriate risk corridors;

"(B) agree that the Secretary and the State (or any person or organization designated by either) shall have the right to audit and inspect any books and records of the organization (and of any subcontractor) relating to the information reported pursuant to subparagraph (A) and any information required to be furnished under section paragraphs (27) or (35) of section 1902(a);

"(C) make available to the Secretary and the State a description of each transaction described in subparagraphs (A) through (C) of section 1318(a)(3) of the Public Health Service Act between the organization and a party in interest (as defined in section 1318(b) of such Act);

"(D) agree to make available to its enrollees upon reasonable request—

"(i) the information reported pursuant to subparagraph (A); and

"(ii) the information required to be disclosed under sections 1124 and 1126;

"(E) comply with subsections (a) and (c) of section 1318 of the Public Health Service Act (relating to disclosure of certain financial information) and with the requirement of section 1301(c)(8) of such Act (relating to liability arrangements to protect members); and

"(F) notify the Secretary of loans and other special financial arrangements which are made between the organization and subcontractors, affiliates, and related parties.

Each State is required to conduct audits on the books and records of at least 1 percent of the number of medicaid managed care organizations operating in the State.

"(3) ADEQUATE PROVISION AGAINST RISK OF INSOLVENCY.—

"(A) ESTABLISHMENT OF STANDARDS.—The Secretary shall establish standards, including appropriate equity standards, under which each medicaid managed care organization shall make adequate provision against the risk of insolvency.

"(B) CONSIDERATION OF OTHER STANDARDS.—In establishing the standards described in subparagraph (A), the Secretary shall consider solvency standards applicable to eligible organizations with a risk-sharing contract under section 1876.

"(C) MODEL CONTRACT ON SOLVENCY.—At the earliest practicable time after the date of enactment of this section, the Secretary shall issue guidelines concerning solvency standards for risk contracting entities and subcontractors of such risk contracting entities. Such guidelines shall take into account characteristics that may differ among risk contracting entities including whether such an entity is at risk for inpatient hospital services.

"(4) REQUIRING REPORT ON NET EARNINGS AND ADDITIONAL BENEFITS.—Each medicaid managed care organization shall submit a report to the State and the Secretary not later than 12 months after the close of a contract year containing the most recent audited financial statement of the organization's net earnings and consistent with generally accepted accounting principles.

"(c) DISCLOSURE OF OWNERSHIP AND RELATED INFORMATION.—Each medicaid managed care organization shall provide for disclosure of information in accordance with section 1124.

"(d) DISCLOSURE OF TRANSACTION INFORMATION.—

"(1) IN GENERAL.—Each medicaid managed care organization which is not a qualified health maintenance organization (as defined in section 1310(d) of the Public Health Service Act) shall report to the State and, upon request, to the Secretary, the Inspector General of the Department of Health and Human Services, and the Comptroller General a description of transactions between the organization and a party in interest (as defined in section 1318(b) of such Act), including the following transactions:

"(A) Any sale or exchange, or leasing of any property between the organization and such a party.

"(B) Any furnishing for consideration of goods, services (including management services), or facilities between the organization and such a party, but not including salaries paid to employees for services provided in the normal course of their employment.

"(C) Any lending of money or other extension of credit between the organization and such a party.

The State or Secretary may require that information reported respecting a organization which controls, or is controlled by, or is under common control with, another entity be in the form of a consolidated financial statement for the organization and such entity.

"(2) Each such organization shall make the information reported pursuant to paragraph (1) available to its enrollees upon reasonable request.

"(e) CONTRACT OVERSIGHT.—

"(1) IN GENERAL.—The Secretary must provide prior review and approval for contracts under this part with a medicaid managed care organization providing for expenditures under this title in excess of $1,000,000.

"(2) INSPECTOR GENERAL REVIEW.—As part of such approval process, the Inspector General in the Department of Health and Human Services, effective October 1, 1997, shall make a determination (to the extent practicable) as to whether persons with an ownership interest (as defined in section 1124(a)(3)) or an officer, director, agent, or managing employee (as defined in section 1126(b)) of the organization are or have been described in subsection (a)(1)(C) based on a ground relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct or obstruction of an investigation.

"(f) LIMITATION ON AVAILABILITY OF FFP FOR USE OF ENROLLMENT BROKERS.—Amounts expended by a State for the use an enrollment broker in marketing managed care entities to eligible individuals under this title shall be considered, for purposes of section 1903(a)(7), to be necessary for the proper and efficient administration of the State plan but only if the following conditions are met with respect to the broker:

"(1) The broker is independent of any such entity and of any health care providers (whether or not any such provider participates in the State plan under this title) that provide coverage of services in the same State in which the broker is conducting enrollment activities.

"(2) No person who is an owner, employee, consultant, or has a contract with the broker either has any direct or indirect financial interest with such an entity or health care provider or has been excluded from participation in the program under this title or title

XVIII or debarred by any Federal agency, or subject to a civil money penalty under this Act.

"(g) USE OF UNIQUE PHYSICIAN IDENTIFIER FOR PARTICIPATING PHYSICIANS.—Each medicaid managed care organization shall require each physician providing services to enrollees eligible for medical assistance under the State plan under this title to have a unique identifier in accordance with the system established under section 1173(b).

"(h) SECRETARIAL RECOVERY OF FFP FOR CAPITATION PAYMENTS FOR INSOLVENT MANAGED CARE ENTITIES.—The Secretary shall provide for the recovery and offset against amount owed a State under section 1903(a)(1) an amount equal to the amounts paid to the State, for medical assistance provided under such section for expenditures for capitation payments to a managed care entity that becomes insolvent, for services contracted for with, but not provided by, such organization.

"SEC. 1949. SANCTIONS FOR NONCOMPLIANCE BY MANAGED CARE ENTITIES.

"(a) USE OF INTERMEDIATE SANCTIONS BY THE STATE TO ENFORCE REQUIREMENTS.—Each State shall establish intermediate sanctions, which may include any of the types described in subsection (b) other than the termination of a contract with a managed care entity, which the State may impose against a managed care entity with a contract under section 1941(a)(1)(B) if the entity—

"(1) fails substantially to provide medically necessary items and services that are required (under law or under such entity's contract with the State) to be provided to an enrollee covered under the contract;

"(2) imposes premiums or charges on enrollees in excess of the premiums or charges permitted under this title;

"(3) acts to discriminate among enrollees on the basis of their health status or requirements for health care services, including expulsion or refusal to reenroll an individual, except as permitted by this part, or engaging in any practice that would reasonably be expected to have the effect of denying or discouraging enrollment with the entity by eligible individuals whose medical condition or history indicates a need for substantial future medical services;

"(4) misrepresents or falsifies information that is furnished—

"(A) to the Secretary or the State under this part; or

"(B) to an enrollee, potential enrollee, or a health care provider under such sections; or

"(5) fails to comply with the requirements of section 1876(i)(8) or this part.

"(b) INTERMEDIATE SANCTIONS.—The sanctions described in this subsection are as follows:

"(1) Civil money penalties as follows:

"(A) Except as provided in subparagraph (B), (C), or (D), not more than $25,000 for each determination under subsection (a).

"(B) With respect to a determination under paragraph (3) or (4)(A) of subsection (a), not more than $100,000 for each such determination.

"(C) With respect to a determination under subsection (a)(2), double the excess amount charged in violation of such subsection (and the excess amount charged shall be deducted from the penalty and returned to the individual concerned).

"(D) Subject to subparagraph (B), with respect to a determination under subsection (a)(3), $15,000 for each individual not enrolled as a result of a practice described in such subsection.

"(2) The appointment of temporary management to oversee the operation of the medicaid-only managed care entity upon a finding by the State that there was continued egregious behavior by the plan and to assure the health of the entity's enrollees, if there is a need for temporary management while—

"(A) there is an orderly termination or reorganization of the managed care entity; or

"(B) improvements are made to remedy the violations found under subsection (a), except that temporary management under this paragraph may not be terminated until the State has determined that the managed care entity has the capability to ensure that the violations shall not recur.

"(3) Permitting individuals enrolled with the managed care entity to terminate enrollment without cause, and notifying such individuals of such right to terminate enrollment.

"(4) Suspension of default or all enrollment of individuals under this title after the date the Secretary or the State notifies the entity of a determination of a violation of any requirement of this part.

"(5) Suspension of payment to the entity under this title for individuals enrolled after the date the Secretary or State notifies the entity of such a determination and until the Secretary or State is satisfied that the basis for such determination has been corrected and is not likely to recur.

"(c) TREATMENT OF CHRONIC SUBSTANDARD ENTITIES.—In the case of a managed care entity which has repeatedly failed to meet the requirements of sections 1942 through 1946, the State shall (regardless of what other sanctions are provided) impose the sanctions described in paragraphs (2) and (3) of subsection (b).

"(d) AUTHORITY TO TERMINATE CONTRACT.—In the case of a managed care entity which has failed to meet the requirements of this part, the State shall have the authority to terminate its contract with such entity under section 1941(a)(1)(B) and to enroll such entity's enrollees with other managed care entities (or to permit such enrollees to receive medical assistance under the State plan under this title other than through a managed care entity).

"(e) AVAILABILITY OF SANCTIONS TO THE SECRETARY.—

"(1) INTERMEDIATE SANCTIONS.—In addition to the sanctions described in paragraph (2) and any other sanctions available under law, the Secretary may provide for any of the sanctions described in subsection (b) if the Secretary determines that a managed care entity with a contract under section 1941(a)(1)(B) fails to meet any of the requirements of this part.

"(2) DENIAL OF PAYMENTS TO THE STATE.—The Secretary may deny payments to the State for medical assistance furnished under the contract under section 1941(a)(1)(B) for individuals enrolled after the date the Secretary notifies a managed care entity of a determination under subsection (a) and until the Secretary is satisfied that the basis for such determination has been corrected and is not likely to recur.

"(f) DUE PROCESS FOR MANAGED CARE ENTITIES.—

"(1) AVAILABILITY OF HEARING PRIOR TO TERMINATION OF CONTRACT.—A State may not terminate a contract with a managed care entity under section 1941(a)(1)(B) unless the entity is provided with a hearing prior to the termination.

"(2) NOTICE TO ENROLLEES OF TERMINATION HEARING.—A State shall notify all individuals enrolled with a managed care entity which is the subject of a hearing to terminate the entity's contract with the State of the hearing and that the enrollees may immediately disenroll with the entity without cause.

"(3) OTHER PROTECTIONS FOR MANAGED CARE ENTITIES AGAINST SANCTIONS IMPOSED BY STATE.—Before imposing any sanction against a managed care entity other than termination of the entity's contract, the State shall provide the entity with notice and such other due process protections as the State may provide, except that a State may not provide a managed care entity with a pre-termination hearing before imposing the sanction described in subsection (b)(2).

"(4) IMPOSITION OF CIVIL MONETARY PENALTIES BY SECRETARY.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply with respect to a civil money penalty imposed by the Secretary under subsection (b)(1) in the same manner as such provisions apply to a penalty or proceeding under section 1128A.

"SEC. 1950. DEFINITIONS; MISCELLANEOUS PROVISIONS.

"(a) DEFINITIONS.—For purposes of this title:

"(1) MANAGED CARE ENTITY.—The term 'managed care entity' means—

"(A) a medicaid managed care organization; or

"(B) a primary care case management provider.

"(2) MEDICAID MANAGED CARE ORGANIZATION.—The term 'medicaid managed care organization' means a health maintenance organization, an eligible organization with a contract under section 1876, a provider sponsored network or any other organization which is organized under the laws of a State, has made adequate provision (as determined under standards established for purposes of eligible organizations under section 1876 and through its capitalization or otherwise) against the risk of insolvency, and provides or arranges for the provision of one or more items and services to individuals eligible for medical assistance under the State plan under this title in accordance with a contract with the State under section 1941(a)(1)(B).

"(3) PRIMARY CARE CASE MANAGEMENT PROVIDER.—

"(A) IN GENERAL.—The term 'primary care case management provider' means a health care provider that—

"(i) is a physician, group of physicians, a Federally-qualified health center, a rural health clinic, or an entity employing or having other arrangements with physicians that provides or arranges for the provision of one or more items and services to individuals eligible for medical assistance under the State plan under this title in accordance with a contract with the State under section 1941(a)(1)(B);

"(ii) receives payment on a fee-for-service basis (or, in the case of a Federally-qualified health center or a rural health clinic, on a reasonable cost per encounter basis) for the provision of health care items and services specified in such contract to enrolled individuals;

"(iii) receives an additional fixed fee per enrollee for a period specified in such contract for providing case management services (including approving and arranging for the provision of health care items and services specified in such contract on a referral basis) to enrolled individuals; and

"(iv) is not an entity that is at risk.

"(B) AT RISK.—In subparagraph (A)(iv), the term 'at risk' means an entity that—

"(i) has a contract with the State under which such entity is paid a fixed amount for

providing or arranging for the provision of health care items or services specified in such contract to an individual eligible for medical assistance under the State plan and enrolled with such entity, regardless of whether such items or services are furnished to such individual; and

"(ii) is liable for all or part of the cost of furnishing such items or services, regardless of whether such cost exceeds such fixed payment.".

SEC. 3. STUDIES AND REPORTS.

(a) REPORT ON PUBLIC HEALTH SERVICES.—

(1) IN GENERAL.—Not later than January 1, 1998, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall report to the Committee on Finance of the Senate and the Committee on Commerce of the House of Representatives on the effect of managed care entities (as defined in section 1950(a)(1) of the Social Security Act) on the delivery of and payment for the services traditionally provided through providers described in section 1941(a)(2)(B)(i) of such Act.

(2) CONTENTS OF REPORT.—The report referred to in subsection (a) shall include—

(A) information on the extent to which enrollees with eligible managed care entities seek services at local health departments, public hospitals, and other facilities that provide care without regard to a patient's ability to pay;

(B) information on the extent to which the facilities described in such subsection provide services to enrollees with eligible managed care entities without receiving payment;

(C) information on the effectiveness of systems implemented by facilities described in such subsection for educating such enrollees on services that are available through eligible managed care entities with which such enrollees are enrolled;

(D) to the extent possible, identification of the types of services most frequently sought by such enrollees at such facilities; and

(E) recommendations about how to ensure the timely delivery of the services traditionally provided through providers described in section 1941(a)(2)(B)(i) of the Social Security Act to enrollees of managed care entities and how to ensure that local health departments, public hospitals, and other facilities are adequately compensated for the provision of such services to such enrollees.

(b) REPORT ON PAYMENTS TO HOSPITALS.—

(1) IN GENERAL.—Not later than October 1 of each year, beginning with October 1, 1998, the Secretary and the Comptroller General shall analyze and submit a report to the Committee on Finance of the Senate and the Committee on Commerce of the House of Representatives on rates paid for hospital services under managed care entities under contracts under section 1941(a)(1)(B) of the Social Security Act.

(2) CONTENTS OF REPORT.—The information in the report described in paragraph (1) shall—

(A) be organized by State, type of hospital, type of service, and

(B) include a comparison of rates paid for hospital services under managed care entities with rates paid for hospital services furnished to individuals who are entitled to benefits under a State plan under title XIX of the Social Security Act and are not enrolled with such entities.

(c) REPORTS BY STATES.—Each State shall transmit to the Secretary, at such time and in such manner as the Secretary determines appropriate, the information on hospital rates submitted to such State under section 1947(b)(2) of such Act.

(d) INDEPENDENT STUDY AND REPORT ON QUALITY ASSURANCE AND ACCREDITATION STANDARDS.—The Institute of Medicine of the National Academy of Sciences shall conduct a study and analysis of the quality assurance programs and accreditation standards applicable to managed care entities operating in the private sector or to such entities that operate under contracts under the medicare program under title XVIII of the Social Security Act to determine if such programs and standards include consideration of the accessibility and quality of the health care items and services delivered under such contracts to low-income individuals.

SEC. 4. CONFORMING AMENDMENTS.

(a) REPEAL OF CURRENT REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 1903(m) (42 U.S.C. 1396b(m)) is repealed on the date of the enactment of this Act.

(2) EXISTING CONTRACTS.—In the case of any contract under section 1903(m) of such Act which is in effect on the day before the date of the enactment of this Act, the provisions of such section shall apply to such contract until the earlier of—

(A) the day after the date of the expiration of the contract; or

(B) the date which is 1 year after the date of the enactment of this Act.

(b) FEDERAL FINANCIAL PARTICIPATION.—

(1) CLARIFICATION OF APPLICATION OF FFP DENIAL RULES TO PAYMENTS MADE PURSUANT TO MANAGED CARE ENTITIES.—Section 1903(i) (42 U.S.C. 1396b(i)) is amended by adding at the end the following sentence: "Paragraphs (1)(A), (1)(B), (2), (5), and (12) shall apply with respect to items or services furnished and amounts expended by or through a managed care entity (as defined in section 1950(a)(1)) in the same manner as such paragraphs apply to items or services furnished and amounts expended directly by the State.".

(2) FFP FOR EXTERNAL QUALITY REVIEW ORGANIZATIONS.—Section 1903(a)(3)(C) (42 U.S.C. 1396b(a)(3)(C)) is amended—

(A) by inserting "(i)" after "(C)", and

(B) by adding at the end the following new clause:

"(ii) 75 percent of the sums expended with respect to costs incurred during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to the performance of independent external reviews of managed care entities (as defined in section 1950(a)(1)) by external quality review organizations, but only if such organizations conduct such reviews under protocols approved by the Secretary and only in the case of such organizations that meet standards established by the Secretary relating to the independence of such organizations from agencies responsible for the administration of this title or eligible managed care entities; and".

(c) EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM PARTICIPATION IN PROGRAM.—Section 1128(b)(6)(C) (42 U.S.C. 1320a-7(b)(6)(C)) is amended—

(1) in clause (i), by striking "a health maintenance organization (as defined in section 1903(m))" and inserting "a managed care entity, as defined in section 1950(a)(1),"; and

(2) in clause (ii), by inserting "section 1115 or" after "approved under".

(d) STATE PLAN REQUIREMENTS.—Section 1902 (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(30)(C), by striking "section 1903(m)" and inserting "section 1941(a)(1)(B)"; and

(2) in subsection (a)(57), by striking "hospice program, or health maintenance organization (as defined in section 1903(m)(1)(A))" and inserting "or hospice program";

(3) in subsection (e)(2)(A), by striking "or with an entity described in paragraph (2)(B)(iii), (2)(E), (2)(G), or (6) of section 1903(m) under a contract described in section 1903(m)(2)(A)" and inserting "or with a managed care entity, as defined in section 1950(a)(1);

(4) in subsection (p)(2)—

(A) by striking "a health maintenance organization (as defined in section 1903(m))" and inserting "a managed care entity, as defined in section 1950(a)(1),";

(B) by striking "an organization" and inserting "an entity"; and

(C) by striking "any organization" and inserting "any entity"; and

(5) in subsection (w)(1), by striking "sections 1903(m)(1)(A) and" and inserting "section".

(e) PAYMENT TO STATES.—Section 1903(w)(7)(A)(viii) (42 U.S.C. 1396b(w)(7)(A)(viii)) is amended to read as follows:

"(viii) Services of a managed care entity with a contract under section 1941(a)(1)(B).".

(f) USE OF ENROLLMENT FEES AND OTHER CHARGES.—Section 1916 (42 U.S.C. 1396o) is amended in subsections (a)(2)(D) and (b)(2)(D) by striking "a health maintenance organization (as defined in section 1903(m))" and inserting "a managed care entity, as defined in section 1950(a)(1)," each place it appears.

(g) EXTENSION OF ELIGIBILITY FOR MEDICAL ASSISTANCE.—Section 1925(b)(4)(D)(iv) (42 U.S.C. 1396r-6(b)(4)(D)(iv)) is amended to read as follows:

"(iv) ENROLLMENT WITH MANAGED CARE ENTITY.—Enrollment of the caretaker relative and dependent children with a managed care entity, as defined in section 1950(a)(1), less than 50 percent of the membership (enrolled on a prepaid basis) of which consists of individuals who are eligible to receive benefits under this title (other than because of the option offered under this clause). The option of enrollment under this clause is in addition to, and not in lieu of, any enrollment option that the State might offer under subparagraph (A)(i) with respect to receiving services through a managed care entity in accordance with part B.".

(h) PAYMENT FOR COVERED OUTPATIENT DRUGS.—Section 1927(j)(1) (42 U.S.C. 1396r-8(j)(1)) is amended by striking "***Health Maintenance Organizations, including those organizations that contract under section 1903(m)," and inserting "health maintenance organizations and medicaid managed care organizations, as defined in section 1950(a)(2),".

(i) APPLICATION OF SANCTIONS FOR BALANCED BILLING THROUGH SUBCONTRACTORS.—(1) Section 1128A(b)(2)(B) (42 U.S.C. 1320a-7a(b)) is amended by inserting ", including section 1944(b)" after "title XIX".

(2) Section 1128B(d)(1) (42 U.S.C. 1320a-7b(d)(1)) is amended by inserting "or, in the case of an individual enrolled with a managed care entity under part B of title XIX, the applicable rates established by the entity under the agreement with the State agency under such part" after "established by the State".

(j) REPEAL OF CERTAIN RESTRICTIONS ON OBSTETRICAL AND PEDIATRIC PROVIDERS.—Section 1903(i) (42 U.S.C. 1396b(i)) is amended by striking paragraph (12).

(k) DEMONSTRATION PROJECTS TO STUDY EFFECT OF ALLOWING STATES TO EXTEND MEDICAID COVERAGE FOR CERTAIN FAMILIES.—Section 4745(a)(5)(A) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1396a note) is amended by striking "(except section 1903(m)" and inserting "(except part B)".

(l) CONFORMING AMENDMENT FOR DISCLOSURE REQUIREMENTS FOR MANAGED CARE ENTITIES.—Section 1124(a)(2)(A) (42 U.S.C. 1320a-3(a)(2)(A)) is amended by inserting "managed care entity under title XIX," after "renal dialysis facility,".

(m) ELIMINATION OF REGULATORY PAYMENT CAP.—The Secretary of Health and Human Services may not, under the authority of section 1902(a)(30)(A) of the Social Security Act or any other provision of title XIX of such Act, impose a limit by regulation on the amount of the capitation payments that a State may make to qualified entities under such title, and section 447.361 of title 42, Code of Federal Regulations (relating to upper limits of payment: risk contracts), is hereby nullified.

(n) CONTINUATION OF ELIGIBILITY.—Section 1902(e) (42 U.S.C. 1396a(e)) is amended by striking paragraph (2) and inserting the following:

"(2) For provision providing for extended liability in the case of certain beneficiaries enrolled with managed care entities, see section 1941(c).".

(o) CONFORMING AMENDMENTS TO FREEDOM-OF-CHOICE PROVISIONS.—Section 1902(a)(23) (42 U.S.C. 1396a(a)(23)) is amended—

(1) in the matter preceding subparagraph (A), by striking "subsection (g) and in section 1915" and inserting "subsection (g), section 1915, and section 1941,"; and

(2) in subparagraph (B), by striking "a health maintenance organization, or a" and inserting "or with a managed care entity, as defined in section 1950(a)(1), or".

SEC. 5. EFFECTIVE DATE; STATUS OF WAIVERS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), the amendments made by this Act shall apply to medical assistance furnished—

(1) during quarters beginning on or after October 1, 1997; or

(2) in the case of assistance furnished under a contract described in section 4(a)(2), during quarters beginning after the earlier of—

(A) the date of the expiration of the contract; or

(B) the expiration of the 1-year period which begins on the date of the enactment of this Act.

(b) APPLICATION TO WAIVERS.—

(1) EXISTING WAIVERS.—If any waiver granted to a State under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n) or otherwise which relates to the provision of medical assistance under a State plan under title XIX of the such Act (42 U.S.C. 1396 et seq.), is in effect or approved by the Secretary of Health and Human Services as of the applicable effective date described in subsection (a), the amendments made by this Act shall not apply with respect to the State before the expiration (determined without regard to any extensions) of the waiver to the extent such amendments are inconsistent with the terms of the waiver.

(2) SECRETARIAL EVALUATION AND REPORT FOR EXISTING WAIVERS AND EXTENSIONS.—

(A) PRIOR TO APPROVAL.—On and after the applicable effective date described in subsection (a), the Secretary, prior to extending any waiver granted under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n) or otherwise which relates to the provision of medical assistance under a State plan under title XIX of the such Act (42 U.S.C. 1396 et seq.), shall—

(i) conduct an evaluation of—

(I) the waivers existing under such sections or other provision of law as of the date of the enactment of this Act; and

(II) any applications pending, as of the date of the enactment of this Act, for extensions of waivers under such sections or other provision of law; and

(ii) submit a report to the Congress recommending whether the extension of a waiver under such sections or provision of law should be conditioned on the State submitting the request for an extension complying with the provisions of part B of title XIX of the Social Security Act (as added by this Act).

(B) DEEMED APPROVAL.—If the Congress has not enacted legislation based on a report submitted under subparagraph (A)(ii) within 120 days after the date such report is submitted to the Congress, the recommendations contained in such report shall be deemed to be approved by the Congress.

By Mr. GRAHAM (for himself, Mr. MACK, and Mr. BAUCUS):

S. 865. A bill to provide for improved coordination, communications, and enforcement related to health care fraud, waste, and abuse, to create a point of order against legislation which diverts savings achieved through medicare waste, fraud, and abuse enforcement activities for purposes other than improving the solvency of the Federal hospital insurance trust fund under title XVIII of the Social Security Act, to ensure the integrity of such trust fund, and for other purposes; to the Committee on Finance.

THE MEDICARE ANTI-FRAUD ACT OF 1997

Mr. GRAHAM. Mr. President, I rise today, and join my colleagues, Senator MACK and Senator BAUCUS, to introduce timely legislation that addresses a problem that continues to plague the Medicare Program—fraud and abuse. The premise of this bill is quite simple: if Congress is to look for cuts in the Medicare Program, it should begin with eradicating fraud—for several reasons:

First, we cannot fix Medicare while letting fraud erode the system. The General Accounting Office estimates that the Medicare waste, fraud, and abuse ripoff rate is about 10 percent. With fraud pilfering the health system's resources losses to Medicare and the Federal share of Medicaid could be $30 billion annually. Using the most conservative of estimates, we could cover an additional 2 million seniors a year with funds lost just to Medicare waste, fraud, and abuse.

Mr. President, over the next few weeks, Congress will be ironing out the details of a historic budget agreement—one which will finally balance the budget. And both Congress and the President deserve credit for doing so. However, a balanced budget does not come without some pain—some consequences. For instance, the Medicare Program will realize cuts of approximately $115 billion over the next 5 years. We will be asking our Nation's seniors to share in the sacrifice along with the rest of the country.

Congress cannot, in good conscience, ask the Medicare Program and its beneficiaries to accept cuts unless we also work hard to eradicate fraud and abuse. Passage of the Kennedy-Kassebaum legislation last year was a step in the right direction. But the cheats and swindlers are clever at gaming the system. It is a sad fact that there will always be greedy people looking to take advantage of our Nation's seniors. So it is imperative that Congress be equally vigilant by cracking down on fraud wherever possible. Passage of my bill will continue the process and send this signal to the con artists and thieves: "Your days are numbered."

My legislation is crafted to build on State successes. For instance, one of the most crucial provisions in my bill, modeled after an extremely successful Florida Medicaid antifraud program, requires providers of durable medical equipment, home health, and transportation services to post a $50,000 surety bond to participate in the Medicare Program.

While a $50,000 bond is relatively inexpensive to post for scrupulous contractors, at the cost of between $500 and $1,500, the requirement has achieved tremendous results in my State. Since implementation of the surety bond requirement, the fly-by-night providers have scattered like so many roaches when the lights are turned on.

Durable medical equipment suppliers have dropped by 62 percent, from 4,146 to 1,565; home health agencies have decreased by 41 percent, from 738 to 441; providers of transportation services have disenrolled from the State's Medicaid Programs in droves—from 1,759 to 742, a drop of 58 percent. Fewer providers bilking the State's Medicaid Program is projected to save over $192 million over the next 2 years in Florida.

Two years ago I spent a day working in the U.S. attorney's Office in south Florida. I realized then that it was easier to get a provider number under Medicare than a personal VISA; easier to get a blank check paid for by the Treasury than a VISA or MasterCard.

This bill requires individuals to provide their social security number [SSN] and employer identification number [EIN] to get a Medicare provider number. This will make it more difficult for swindlers to enter the program. This bill has several other provisions which are critical to stemming rampant fraud in the Medicare Program:

My bill would enable State fraud control units, often the first line in the fight against health care fraud, to investigate and prosecute fraud in Federal health care programs.

It would also prevent providers from discharging Medicare debt by declaring bankruptcy. The bill would also preclude Medicare swindlers from transferring their business to a family member in order to circumvent exclusion from the Medicare Program.

This legislation enacts a broad-based Federal statute aimed at suppressing Medicare fraud. It enhances the arsenal of weapons to combat fraud and prescribes stiff penalties against those convicted of fraud.

At the signing of the Medicare bill in Missouri 30 years ago, President Johnson said that Medicare had been planted with "the seed of compassion and duty which have today flowered into care for the sick and serenity for the fearful." Medicare has lived up to its promise. But fraud is threatening to compromise the integrity of the system. We have the prescriptions to combat fraud. Now is the time to employ them if we want to save the integrity of Medicare.

By Mrs. HUTCHISON:

S. 866. A bill to amend title 29, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

THE ENVIRONMENTAL PROTECTION PARTNERSHIP ACT

Mrs. HUTCHISON. Mr. President, the title of the bill I send to the desk is the Environmental Protection Partnership Act of 1997. By introducing this bill, I am suggesting that the Federal Government take a cue from the States regarding environmental protection. Many State governments have passed laws that allow for voluntary audits of environmental compliance. These laws encourage a company to conduct an audit of its compliance with environmental laws. By conducting the audit, the company determines whether it is in compliance with all environmental laws. If it is not, these state laws allow the company, without penalty, to correct any violations it finds so it will come into compliance.

What my bill does is let the Federal Government do the same thing. It lets the Federal Government say to companies all over America, if you want to do a voluntary audit for environmental compliance, we are going to let you do that. We will encourage you but not force you to do it. And we are not going to come in and threaten you with the hammer of the EPA if you, in fact, move swiftly to come into compliance when you find that you are not in compliance.

We think this is the most effective way to clean up the air and water. Our air and water are invaluable natural resources. They are cleaner than they have been in 25 years, and we want to keep improving our efforts to guarantee their protection. This bill will ensure that, in the same fashion as many States have done. It does not preempt State law. If State laws are on the books, then the State laws prevail. But this offers companies all over our country the ability to comply with Federal standards in a voluntary way, to critically assess their compliance and not be penalized if they then take action to immediately come into compliance.

So I am asking that we take up this bill very quickly in committee. I think through this bill we can do a lot of good for America.

Mr. President, today I introduce legislation that will ensure that we continue to increase the protection of our environment in the United States. My bill, the Environmental Protection Partnership Act of 1997, provides incentives for companies to assess their own environmental compliance. Rather than playing a waiting game for EPA to find environmental violations, companies will find—and stop—violations. Many more violations will be corrected, and many others will be prevented.

Under my bill, if a company voluntarily completes an environmental audit—a thorough review of its compliance with environmental laws—the audit report may not be used against the company in court. The report can be used in court, however, if the company found violations and did not promptly make efforts to comply. By extending this privilege, a company that looks for, finds, and remedies problems will continue this good conduct, and protect the environment.

In addition, if a company does an audit, and promptly corrects any violations, the company may choose to disclose the violation to EPA. If the company does disclose the violation, the company will not be penalized for the violations. By ensuring companies that they will not be dragged into court for being honest, the bill encourages companies to find and fix violations and report them to EPA.

This does not mean that companies that pollute go scot-free. Under this bill, there is no protection for: willful and intentional violators; companies that do not promptly cure violations; companies asserting the law fraudulently; or companies trying to evade an imminent or ongoing investigation. Further, the bill does not protect companies that have policies that permit ongoing patterns of violations of environmental laws. And where a violation results in a continuing adverse public health or environmental effect, a company may not use the protections of this law.

Nor does this bill mean that EPA loses any authority to find violations and punish companies for polluting. EPA retains all its present authority.

At the same time that EPA retains full authority to enforce environmental laws, I propose to engage every company voluntarily in environmental protection by creating the incentive for those companies to find and cure their own violations. This frees EPA to target its enforcement dollars on the bad actors—the companies that intentionally pollute our water and air.

Twenty-one States have already passed audit laws. These States understand that to truly protect the environment, everyone must participate. These States have made it possible for companies to want to be good actors and play an active role in environmental protection. Texas has an audit law. Hundreds of companies have carried out a voluntary environmental audit, and after only 18 months, companies had already reported and corrected 50 violations. Other States report similar success.

My bill does not mandate that States adopt these policies. It does not mandate that States amend their laws. Quite the opposite. My bill specifically does not preempt State law. Therefore, a State may choose not to enact an audit law, but a company in that State can still conduct a voluntary audit with respect to Federal environmental law. Further, in a State with an audit law, a company will be able to thoroughly review its entire State and Federal compliance, and remedy any violations it may find. Therefore, my bill supports—but does not supplant—State efforts by encouraging companies to audit their compliance with Federal environmental laws as well.

We have made great strides in cleaning up our environment over the past 30 years. To continue this trend, we need to be preventing pollution, rather than always reacting to environmental problems after they occur. Even EPA agrees that to achieve this, companies need to play an active role in environmental protection. In a recent policy Statement, EPA pointed out that because Government resources are limited, maximum compliance cannot be achieved without active efforts by the regulated community to police themselves. The Environmental Protection Partnership Act will make companies active partners with EPA in assuring compliance with environmental laws.

I am very pleased to be working with the majority leader on this legislation and I hope Members on both sides of the aisle will join me in this effort to increase environmental protection.

By Mr. HARKIN (for himself, Mr. HUTCHINSON, Mr. REID, Mr. BRYAN and Mr. ROCKEFELLER):

S. 868. A bill to amend the Social Security Act to prohibit persons from charging for services or products that the Social Security Administration and Department of Health and Human Services provide without charge; to the Committee on Finance.

THE SOCIAL SECURITY CONSUMER PROTECTIONS ACT

Mr. HARKIN. Mr. President. Today, I am introducing, on behalf of myself,

Senators HUTCHINSON, REID, BRYAN, and ROCKEFELLER, the Social Security Consumer Protection Act. This is a simple, commonsense legislation that will arm consumers with the information they need to protect themselves from a growing type of consumer scam.

Several years ago Congress took an important step toward stamping out frauds against older Americans. We passed a law making it illegal for companies to prey upon senior citizens and others by misrepresenting an affiliation with Social Security or Medicare. After some delay, the Social Security inspector general has begun to enforce this important new consumer protection law. However, we are finding that many scam artists are squirming through a loophole in the law that allows them to charge unwitting consumers for services that are available free of charge from Social Security or Medicare.

A recent investigation by my staff found that unsuspecting consumers—from new parents to senior citizens—are falling prey to con artists charging them for services that are available free of charge from the Social Security Administration. Many of the schemes involve use of materials and names which mislead consumers into believing that the scam artists are affiliated with the Federal Government.

Companies operating under official sounding names like Federal Document Services, Federal Record Service Corp., National Records Service, and U.S. Document Services are mailing information to thousands of unsuspecting Americans, including many Iowans. These companies are scaring people into remitting a fee to receive basic Social Security benefits and eligibility information such as a new Social Security number and card for a baby and changing names upon marriage or divorce.

We began to look into this problem based on a number of complaints from Iowans who had received these deceptive mailings. One example was sent to me by Deb Conlee of Fort Dodge. She received a mailing from a company called Document Service. The official looking letter starts: "Read Carefully: Important Facts about your Social Security Card. The response envelope is stamped "SSA–7701" giving the impression that it is connected with the Social Security Administration. The solicitation goes on to say that she is required to provide Social Security with any name change associated with her recent marriage and get a new Social Security card. It then urges her to send them $14.75 to do this. It says, "We urge you to do this immediately to help avoid possible problems where your Social Security benefits or joint income taxes might be questioned."

Ms. Conlee paid $60 to this company and was furious when she learned that she could have gotten the same services free of charge from Social Security.

Last year I asked Social Security Commissioner Shirley Chater to investigate the complaints of Iowans and those of consumers like her. She responded that the services provided by Document Service "are completely unnecessary. Not only do they fail to produce any savings of time or effort for the customer, they also tend to delay issuance of the new Social Security card." While it is now illegal for a company to imply any direct connection with Social Security or Medicare in mailings, it is not illegal to charge for the very same services that are available at no cost from the government.

So while Congress has acted to try and stop scam artists from trying to fool people into thinking their business is somehow affiliated with Social Security, Medicare, or some other government agency, many are skirting around the edges of this law and are conning consumers into paying for services that they can get free of charge. Nowhere in any of the mailings from these outfits that I have reviewed is there any mention that the services they offer are in fact available to consumers at no cost from the government.

The Social Security Consumer Protection Act would require that any such solicitation prominently display the following consumer alert: "IMPORTANT PUBLIC DISCLOSURE: The product or service described here and assistance to obtain the product or service is available free of charge from the Social Security Administration or the Department of Health and Human Services." Armed with this information, consumers would be able to make informed decisions about where to obtain the service they need or want. Companies found to be in violation of this simple requirement would face fines.

Our legislation would not stop the provision of services by private companies. Rather, it would simply make sure that consumers are fully informed, so that they can make an informed choice about where and how they prefer to receive certain services.

These scams must be put to an end. A simple change in the law would go a long way toward stopping them. The bill we are introducing today would make such a change without imposing an undue burden on legitimate businesses or restricting consumer freedom of choice.

Mr. President, this legislation has been endorsed by the National Committee to Preserve Social Security and Medicare. The National Committee is an effective and aggressive advocate of the rights of older Americans. I am pleased to have their endorsement and ask unanimous consent to include a copy of their letter of support be printed in the RECORD.

I urge my colleagues to review this bill and to work with us to ensure its prompt approval.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE,
Washington, DC, May 8, 1997.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of the 5.5 million members and supporters of the National Committee to Preserve Social Security and Medicare, I am pleased to offer our endorsement of your legislation, the Social Security Consumer Protection Act.

Your legislation would require that any business which solicits direct payment for services which the Social Security Administration provides free of charge must include a clear and prominent written disclaimer. Your bill would also impose new civil and criminal penalties for failure to comply with its provisions. A growing number of businesses have emerged across the country which, for a direct fee, assist individuals who seek to change their names, social security numbers, or obtain other information relative to their work record. Unfortunately, some of these enterprises do not adequately inform would be consumers that they are not affiliated with the federal government, or that such services are provided free of charge by the government. As a consequence, some individuals may be led to believe that they must pay the fee to obtain these services.

We appreciate your leadership on this important matter. People should not be coerced to pay twice for services which are already provided with their hard earned tax dollars.

Sincerely,

MARTHA A MCSTEEN, *President.*

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. TORRICELLI, Mr. WYDEN, Mr. BINGAMAN, Mr. KERRY, Mr. WELLSTONE, Mr. HARKIN, Ms. LANDRIEU, Mr. FEINGOLD, Mrs. MURRAY, Mrs. BOXER, Mr. LEVIN, Mr. SARBANES, Mr. AKAKA, Mr. LAUTENBERG, Mr. DURBIN, Mr. CHAFEE, Mr. KOHL, Mr. INOUYE, Ms. MIKULSKI, Mr. ROBB, Mr. MOYNIHAN, Mrs. FEINSTEIN, Mr. DODD, Mr. REID, Mr. LEAHY, Mr. BRYAN, Ms. MOSELEY-BRAUN, Mr. GLENN, Mr. KERREY, Mr. REED, Mr. D'AMATO, and Mr. CLELAND):

S. 869. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Labor and Human Resources.

THE EMPLOYMENT NON-DISCRIMINATION ACT OF 1997

Mr. JEFFORDS. Mr. President, I am pleased to be here today to introduce the Employment Non-Discrimination Act of 1997 [ENDA]. As many of you recall, my colleagues and I introduced similar legislation in the last Congress. While we were unable to pass ENDA in the last Congress, I was encouraged that ENDA was only narrowly defeated, by a vote of 50 to 49. It is my hope that in the 105th Congress, we can

bridge that narrow gap and pass this legislation. By extending to sexual orientation the same Federal employment discrimination protections established for race, religion, gender, national origin, age, and disability, this legislation will further ensure that principals of equality and opportunity apply to all Americans.

I believe that all Americans deserve to be judged at work based on their ability to do their jobs and not their sexual orientation. People who work hard and perform well should not be kept from leading productive and responsible lives because of an irrational, non-work-related prejudice. Unfortunately, many responsible and productive members of our society face discrimination in their workplaces based on nothing more than their sexual orientation. Because this insidious discrimination persists, there is a need for Congress to pass the Employment Non-Discrimination Act.

Mr. President, the Senate's vote last Congress is no doubt reflective of the American people's support of the concept behind ENDA. In a recent poll, 83 percent of the respondents support the passage of a law extending civil rights and preventing job discrimination against gays and lesbians. While ENDA will achieve this goal of equal rights for job opportunities, it does so by not creating any special rights for gays and lesbians. Specifically, this legislation prohibits preferential treatment based on sexual orientation. In addition, ENDA does not require an employer to justify a neutral practice that may have a statistically disparate impact based on sexual orientation, nor provide benefits for the same-sex partner of an employee. Rather, it simply protects a right that should belong to every American, the right to be free from discrimination at work because of personal characteristics unrelated to successful performance on the job.

Since ENDA's narrow defeat last September, we have taken a fresh look at this important legislation in an attempt to allay some of the concerns raised by ENDA's detractors in the last Congress. I am pleased to announce that we have made several significant improvements in the bill.

Our first change is intended to address the concern raised that employees' privacy rights would be violated if the Equal Employment Opportunity Commission [EEOC] required employers to provide the Government with data on the sexual orientation of their employees. As a result, the bill now prohibits the EEOC from collecting such statistics and from compelling employers to do so. Opponents of the previous legislation were also concerned that the EEOC would require employers who have violated ENDA to hire gay and lesbian employees as part of its enforcement scheme. To alleviate that possibility, the new legislation precludes the EEOC from entering into a consent decree that includes quotas, or gives preferential treatment based on sexual orientation. In addition, we have narrowed the language of the previous bill so that only actual paid employees are protected and we have attempted to ensure that exempted religious organizations from coverage.

In today's global economy, our Nation must take full advantage of every resource that is at our disposal if we want U.S. companies to maintain their competitive advantage over their international competitors. The fact that a majority of Fortune 500 companies have incorporated many of ENDA's policies, clearly indicates the acceptance of these changes within the workplace. In fact, it can be stated that without these American companies, on their own, undertaking these actions to insure adequate working protections for all of their employees they would be less competitive and may even be unable to maintain their existence within this fiercely competitive international environment.

Mr. President, some concern has been raised by my colleagues that passing ENDA will create a new wave of litigation. I am proud to say that my home State of Vermont is one of several States and localities that have enacted a sexual orientation anti-discrimination law, and it is no surprise, to me, that the sky has not fallen. Since the enactment of Vermont's law in 1991 the Vermont Attorney General has initiated only 17 investigations of alleged sexual orientation discrimination. Seven are pending at this time. Five have been closed with determinations that unlawful discrimination cannot be proven to have occurred. Four have been closed for miscellaneous administrative reasons, unrelated to the merits of the charge, and one resulted in a settlement. In addition, I am not aware of a single complaint from Vermont employers about the enforcement of the State law. However, I do know that thousands of Vermonters no longer need to live and work in the shadows. The facts bear out my belief that the effect experienced in Vermont on litigation has been experienced in other States and the District of Columbia that have implemented policies similar to the one of my home State of Vermont.

As I have stated before, success at work should be directly related to one's ability to do the job, period. The passage of ENDA would be a significant step toward ensuring the ability of all people, be they gay, lesbian, or heterosexual, to be fairly judged on their work product, not on an unrelated personal characteristic. I urge all my colleagues to join me in supporting this bill.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employment Non-Discrimination Act of 1997".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to provide a comprehensive Federal prohibition of employment discrimination on the basis of sexual orientation;

(2) to provide meaningful and effective remedies for employment discrimination on the basis of sexual orientation; and

(3) to invoke congressional powers, including the powers to enforce the 14th amendment to the Constitution and to regulate interstate commerce, in order to prohibit employment discrimination on the basis of sexual orientation.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Equal Employment Opportunity Commission.

(2) COVERED ENTITY.—The term "covered entity" means an employer, employment agency, labor organization, joint labor-management committee, an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies, an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) applies, or an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301). The term "covered entity" includes an employing office, as defined in section 401 of title 3, United States Code.

(3) EMPLOYER.—The term "employer" means a person engaged in an industry affecting commerce (as defined in section 701(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(h))) who has 15 or more employees (as defined in section 701(f) of such Act (42 U.S.C. 2000e(f)) for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986.

(4) EMPLOYMENT AGENCY.—The term "employment agency" has the meaning given the term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)).

(5) EMPLOYMENT OR AN EMPLOYMENT OPPORTUNITY.—Except as provided in section 10(a)(1), the term "employment or an employment opportunity" includes job application procedures, hiring, advancement, discharge, compensation, job training, or any other term, condition, or privilege of employment, but does not include the service of a volunteer for which the volunteer receives no compensation.

(6) LABOR ORGANIZATION.—The term "labor organization" has the meaning given the term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

(7) PERSON.—The term "person" has the meaning given the term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).

(8) RELIGIOUS ORGANIZATION.—The term "religious organization" means—

(A) a religious corporation, association, or society; or

(B) a school, college, university, or other educational institution or institution of learning, if—

(i) the institution is in whole or substantial part controlled, managed, owned, or supported by a religion, religious corporation, association, or society; or

(ii) the curriculum of the institution is directed toward the propagation of a religion.

(9) SEXUAL ORIENTATION.—The term "sexual orientation" means homosexuality, bisexuality, or heterosexuality, whether the orientation is real or perceived.

(10) STATE.—The term "State" has the meaning given the term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(i)).

SEC. 4. DISCRIMINATION PROHIBITED.

A covered entity shall not, with respect to the employment or an employment opportunity of an individual—

(1) subject the individual to a different standard or different treatment, or otherwise discriminate against the individual, on the basis of sexual orientation; or

(2) discriminate against the individual based on the sexual orientation of a person with whom the individual is believed to associate or to have associated.

SEC. 5. RETALIATION AND COERCION PROHIBITED.

(a) RETALIATION.—A covered entity shall not discriminate against an individual because the individual opposed any act or practice prohibited by this Act or because the individual made a charge, assisted, testified, or participated in any manner in an investigation, proceeding, or hearing under this Act.

(b) COERCION.—A person shall not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of the individual's having exercised, enjoyed, assisted in, or encouraged the exercise or enjoyment of, any right granted or protected by this Act.

SEC. 6. BENEFITS.

This Act does not apply to the provision of employee benefits to an individual for the benefit of the partner of the individual.

SEC. 7. NO DISPARATE IMPACT; COLLECTION OF STATISTICS.

(a) DISPARATE IMPACT.—The fact that an employment practice has a disparate impact, as the term "disparate impact" is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(k)), on the basis of sexual orientation does not establish a prima facie violation of this Act.

(b) COLLECTION OF STATISTICS.—The Commission shall not collect statistics on sexual orientation from covered entities, or compel the collection of such statistics by covered entities.

SEC. 8. QUOTAS AND PREFERENTIAL TREATMENT PROHIBITED.

(a) QUOTAS.—A covered entity shall not adopt or implement a quota on the basis of sexual orientation.

(b) PREFERENTIAL TREATMENT.—A covered entity shall not give preferential treatment to an individual on the basis of sexual orientation.

(c) CONSENT DECREES.—The Commission may not enter into a consent decree that includes a quota, or preferential treatment to an individual, based on sexual orientation.

SEC. 9. RELIGIOUS EXEMPTION.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall not apply to a religious organization.

(b) UNRELATED BUSINESS TAXABLE INCOME.—This Act shall apply to employment or an employment opportunity for an employment position of a covered entity that is a religious organization, if the duties of the position pertain solely to activities of the organization that generate unrelated business taxable income subject to taxation under section 511(a) of the Internal Revenue Code of 1986.

SEC. 10. NONAPPLICATION TO MEMBERS OF THE ARMED FORCES; VETERANS' PREFERENCES.

(a) ARMED FORCES.—

(1) EMPLOYMENT OR AN EMPLOYMENT OPPORTUNITY.—In this Act, the term "employment or an employment opportunity" does not apply to the relationship between the United States and members of the Armed Forces.

(2) ARMED FORCES.—In paragraph (1), the term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) VETERANS' PREFERENCES.—This Act does not repeal or modify any Federal, State, territorial, or local law creating a special right or preference concerning employment or an employment opportunity for a veteran.

SEC. 11. CONSTRUCTION.

Nothing in this Act shall be construed to prohibit a covered entity from enforcing rules regarding nonprivate sexual conduct, if the rules of conduct are designed for, and uniformly applied to, all individuals regardless of sexual orientation.

SEC. 12. ENFORCEMENT.

(a) ENFORCEMENT POWERS.—With respect to the administration and enforcement of this Act in the case of a claim alleged by an individual for a violation of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202 and 1220);

in the case of a claim alleged by the individual for a violation of such title or of section 302(a)(1) of such Act (2 U.S.C. 1202(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by the individual for a violation of such title;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by the individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1));

(4) the Attorney General shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202 and 1220);

in the case of a claim alleged by the individual for a violation of such title or of section 302(a)(1) of such Act (2 U.S.C. 1202(a)(1)), respectively;

(5) the President, the Commission, and the Merit Systems Protection Board shall have the same powers as the President, the Commission, and the Board, respectively, have to administer and enforce chapter 5 of title 3, United States Code, in the case of a claim alleged by the individual for a violation of section 411 of such title;

(6) a court of the United States shall have the same jurisdiction and powers as the court has to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by the individual for a violation of such title;

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202 and 1220) in the case of a claim alleged by the individual for a violation of section 302(a)(1) of such Act (2 U.S.C. 1202(a)(1));

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by the individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)); and

(D) chapter 5 of title 3, United States Code, in the case of a claim alleged by the individual for a violation of section 411 of such title.

(b) PROCEDURES AND REMEDIES.—The procedures and remedies applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures and remedies applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by the individual for a violation of such title;

(2) the procedures and remedies applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) in the case of a claim alleged by the individual for a violation of such section;

(3) the procedures and remedies applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in the case of a claim alleged by the individual for a violation of such section; and

(4) the procedures and remedies applicable for a violation of section 411 of title 3, United States Code, in the case of a claim alleged by the individual for a violation of such section.

(c) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleged by a covered employee (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) for a violation of this Act, title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleged by such a covered employee for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

SEC. 13. STATE AND FEDERAL IMMUNITY.

(a) STATE IMMUNITY.—A State shall not be immune under the 11th amendment to the Constitution from an action in a Federal court of competent jurisdiction for a violation of this Act.

(b) REMEDIES AGAINST THE UNITED STATES AND THE STATES.—Notwithstanding any other provision of this Act, in an action or administrative proceeding against the United States or a State for a violation of this Act, remedies (including remedies at law and in equity, and interest) are available for the violation to the same extent as the remedies are available for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) by a private entity, except that—

(1) punitive damages are not available; and

(2) compensatory damages are available to the extent specified in section 1977A(b) of the Revised Statutes (42 U.S.C. 1981a(b)).

SEC. 14. ATTORNEYS' FEES.

Notwithstanding any other provision of this Act, in an action or administrative proceeding for a violation of this Act, an entity described in section 12(a) (other than paragraph (4) of such section), in the discretion of

the entity, may allow the prevailing party, other than the United States, a reasonable attorney's fee (including expert fees) as part of the costs.The United States shall be liable for the costs to the same extent as a private person.

SEC. 15. POSTING NOTICES.

A covered entity shall post notices for employees, applicants for employment, and members, to whom the provisions specified in section 12(b) apply, that describe the applicable provisions of this Act in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–10).

SEC. 16. REGULATIONS.

(a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), the Commission shall have authority to issue regulations to carry out this Act.

(b) LIBRARIAN OF CONGRESS.—The Librarian of Congress shall have authority to issue regulations to carry out this Act with respect to employees of the Library of Congress.

(c) BOARD.—The Board referred to in section 12(a)(3) shall have authority to issue regulations to carry out this Act, in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), with respect to covered employees, as defined in section 101 of such Act (2 U.S.C. 1301).

(d) PRESIDENT.—The President shall have authority to issue regulations to carry out this Act with respect to covered employees, as defined in section 401 of title 3, United States Code.

SEC. 17. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or any law of a State or political subdivision of a State.

SEC. 18. SEVERABILITY.

If any provision of this Act, or the application of the provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of the provision to any other person or circumstance shall not be affected by the invalidity.

SEC. 19. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect 60 days after the date of enactment of this Act and shall not apply to conduct occurring before the effective date.

(b) PRESIDENTIAL OFFICES.—The second sentence of section 3(2), and sections 12(a)(5), 12(a)(6)(D), 12(b)(4), and 16(d), shall take effect on, and shall not apply to conduct occurring before, the later of—

(1) October 1, 1997; and

(2) the effective date described in subsection (a).

Mr. LIEBERMAN. Mr. President, I am delighted to join with Senators JEFFORDS, KENNEDY, and over 30 of our colleagues as an original cosponsor of this important legislation, the Employment Non-Discrimination Act of 1997. By guaranteeing that American workers cannot lose their jobs simply because of their actual or perceived sexual orientation, this bill would extend the bedrock American values of fairness and equality to a group of our citizens who too often have been denied the benefit of those most basic values.

Our Nation's foundational document, the Declaration of Independence, expressed a vision of our country as one premised upon the essential equality of all people and upon the recognition that our Creator endowed all of us with the inalienable rights to life, liberty, and the pursuit of happiness. Two hundred and twenty years ago, when that document was drafted, our laws fell far short of implementing the declaration's ideal. But since that time, we have come ever closer, extending by law to more and more of our citizens—to African-Americans, to women, to disabled Americans, to religious minorities, and to others—a legally enforceable guarantee that, with respect to their ability to earn a living at least, they will be treated on their merits and not on characteristics unrelated to their ability to do their jobs.

It is time to extend that guarantee to gay men and lesbians, who too often have been subject to incidents of discrimination and denied the most basic of rights: the right to obtain and maintain a job. A collection of nearly two dozen studies shows that as many as 46 percent of gay and lesbian workers have experienced significant discrimination in the workplace. The fear in which these workers live was clear from a survey of 1,400 gay men and lesbians in Philadelphia. Seventy-six percent of the men and 81 percent of the women told those conducting the survey that they hide their orientation at work out of concern for their job security. This result, although unfortunate, is not surprising in light of a University of Maryland study that found gay men's income to be 11 to 27 percent lower than that of heterosexual men, thanks to the effects of discrimination.

The toll this discrimination takes extends far beyond its effect on those individuals who must live in fear and without full employment opportunities. It also takes an unacceptable toll on America's definition of itself as a land of equality and opportunity, as a place where we judge each other on our merits, and as a country that teaches its children that anyone can succeed here as long as they are willing to do their job and work hard.

This bill provides for equality and fairness—that and no more. It says only what we already have said for women, for people of color, and for others: that you are entitled to have your ability to earn a living depend only on your ability to do the job and nothing else. In fact, the bill would even do somewhat less than it does for women and people of color, because it would not give gay men and women all of the protections we currently provide to other groups protected under our civil rights laws.

Mr. President, this bill would bring our Nation one large step closer to realizing the vision that Thomas Jefferson so eloquently expressed 220 years ago when he wrote that all of us have a right to life, liberty, and the pursuit of happiness. I urge my colleagues to join me in supporting this important legislation.

By Mr. WELLSTONE:

S. 870. A bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development, approval, and use of medical devices to maintain and improve the public health and quality of life of individuals, and for other purposes; to the Committee on Labor and Human Resources.

THE MEDICAL TECHNOLOGY, PUBLIC HEALTH, AND INNOVATION ACT OF 1997

Mr. WELLSTONE. Mr. President, the legislation that I am introducing today, the Medical Technology, Public Health and Innovation Act of 1997, takes a significant step toward improving the effectiveness, timeliness, and predictability of the FDA review process for medical devices.

It is important that we improve the system for device approval in order to provide access to optimal technology to American consumers. We need to do this in order to promote the public health. We must also maintain protections for consumers, which are provided by the FDA's oversight of device manufacturing, development, and marketing. This legislation maintains those protections, while allowing for new efficiencies within the FDA.

Over the past 2 years, I have met with numerous representatives of Minnesota's medical device industry, patient advocates, clinicians, and officials from the FDA, and have concluded that there are indeed steps that Congress should take to make the regulatory process for medical devices more efficient. Minnesotans want the FDA not only to protect public health, but also to promote public health. They want to know not only that new technologies will be safe, but that they will be available to them in a timely manner. Many of Minnesota's medical device manufacturers, researchers, clinicians, and patients in need of new and improved health care technology have become increasingly concerned about the regulatory environment at the FDA. While there have been some improvements in the device review process, there is still a need to increase communication between the FDA and industry; to decrease review times; and to have consistency in the review process.

These needs are highlighted by the following example. A plant operated by a Minnesota-based device company was developing a new treatment for aortic aneurysms, which would require less invasive measures than are currently used. The company developed a protocol for testing its product, submitted the protocol to the FDA and was told by the reviewer that the protocol was invalid. The reviewer suggested a different protocol and the company followed it. Upon completion of the clinical trial, the company submitted the

required data to the FDA. The original reviewer was on an extended leave of absence, so the data went to a different reviewer. The new reviewer deemed the protocol that was used to be invalid, and requested a new clinical trial, which basically followed the protocol that had been rejected by the first reviewer. The company was forced to do a new trial, which resulted in significant delays in getting this important product to market for patient use. I am certain that this is but one of many examples of inconsistently applied processes that delay the release of life-saving technology to the consumer.

The technologies that the FDA regulates are changing rapidly. We cannot afford a regulatory system that is ill-equipped to speed these advances. As a result, both Congress and the Administration are reexamining the paradigms that have governed the FDA. Our challenge will be to define FDA's mission and scope of responsibility, as well as to give guidance on an appropriate balance between the risks and rewards of streamlining all aspects of how FDA does its job—including the approval process for breakthrough products.

The legislation that I am introducing would begin to address these issues in three important ways:

First, it would enable the FDA to adopt nationally and internationally recognized performance standards to improve the transparency and effectiveness of the device review process. Resource constraints and the time-consuming rulemaking process have precluded FDA promulgation of performance standards in the past. This legislation would allow the FDA, when appropriate, to simply adopt consensus standards that are already being used by most of the world and use those standards to assist in determining the safety and effectiveness of class III medical devices. The FDA could require additional data from a manufacturer relevant to an aspect of a device covered by an adopted performance standard if necessary to protect patient safety. Currently, the lack of clear performance standards for class III medical devices is a barrier to the improvement of the quality and timeliness of the premarket approval process.

Second, it would improve communication between the industry and the FDA and the predictability of the review process. I believe that these two factors are extremely important. The bill includes provisions for meetings between the applicant and the FDA to ensure that applicants are promptly informed of any deficiencies in their application, that questions that can be answered easily would be addressed right away, and that applicants would be well informed about the status of their application. I believe that improving communication between the FDA and industry would result in greater compliance with regulations and that this will ultimately benefit consumers and patients.

Third, the legislation would help the FDA focus its resources more appropriately. PMA supplements or 510(k)'s that relate only to changes that can be shown to not adversely affect the safety or effectiveness of the device would not require premarket approval or notification. Manufacturers would instead make information and data supporting the change part of the master record at the FDA. In addition the FDA would be able to exempt from premarket notification requirements those class II devices for which such requirements are unnecessary to ensure the public health without first having to go through the time consuming and bureaucratic process of reclassifying them to class I. The FDA would also have the option of relying on postmarket controls classifying devices. Enabling the FDA to focus its attention where the real risks are will not only streamline the approval process but also benefit consumers.

I look forward to working with Senator JEFFORDS, the chairman of the Labor and Human Resources Committee, and my other colleagues on the Committee on the concepts included in my proposal. I will work vigorously to ensure that they are included in FDA legislation considered by the Senate this year. I look forward to continuing to work on these issues with Minnesotans. Clearly, there are actions that Congress can take to improve the FDA without sacrificing the assurance of safety that all Americans depend on.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Medical Technology, Public Health, and Innovation Act of 1997".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.)

SEC. 2. FINDINGS; MISSIONS STATEMENT.

(a) FINDINGS.—The Congress finds the following:

(1) While the United States appropriately puts a top priority on the regulation of medical technologies to ensure the safety and efficacy of medical technologies that are introduced into the marketplace, the administration of such regulatory effort is causing the United States to lose its leadership role in producing innovative, top-quality medical devices.

(2) One of the key components of the medical device regulatory process that contributes to the United States losing its leadership role in medical device development is the inordinate amount of time it takes for medical technologies to be reviewed by the Food and Drug Administration.

(3) The most important result of the United States losing its leadership role is that patients in the United States do not have access to new medical technology in a timely manner.

(4) Delayed patient access to new medical technology results in lost opportunities to save lives, to reduce hospitalization and recovery time, and to improve the quality of life of patients.

(5) The economic benefits of the United States medical device industry, which is composed principally of smaller companies, has provided through growth in jobs and global trade are threatened by the slow and unpredictable regulatory process at the Food and Drug Administration.

(6) The pace and predictability of the medical device regulatory process are in part responsible for the increasing tendency of United States medical device companies to shift research, product development, and manufacturing offshore, at the expense of American jobs, patients, and leading edge clinical research.

(b) MISSION STATEMENT.—This legislation seeks to improve the timeliness, effectiveness, and predictability of the medical device approval process for the benefit of United States patients and the United States economy by—

(1) providing for the use of nationally and internationally recognized performance standards to assist the Food and Drug Administration in determining the safety and effectiveness of medical devices;

(2) facilitating communication between medical device companies and the Food and Drug Administration;

(3) targeting the use of Food and Drug Administration resources on medical devices that are likely to have serious adverse health consequences; and

(4) requiring the Food and Drug Administration to determine the least costly, most efficient approach to reasonably assuring the safety and effectiveness of devices.

SEC. 3. DEVICE PERFORMANCE STANDARDS.

(A) ALTERNATIVE PROCEDURE.—Section 514 (21 U.S.C. 360d) is amended by adding at the end the following:

"RECOGNITION OF A PERFORMANCE STANDARD

"(c)(1)(A) The Secretary, through publication in the Federal Register, issue notices identifying and listing nationally and internationally recognized performance standards for which persons may provide a certification of a device's conformity under paragraph (3) in order to meet the premarket submission requirements or other requirements under the Act to which the standards are applicable.

"(B) Any person may elect to utilize data other than data required by the standards described in subparagraph (A) to meet any requirement under the Act to which the standards are applicable.

"(2) The Secretary may remove from the list of standards described in paragraph (1) a standard that the Secretary determines is no longer appropriate for making determinations with respect to the regulation of devices.

"(3)(A) A person may provide a certification that a device conforms to an applicable standard listed under paragraph (1) to meet the requirements described in paragraph (1) and the Secretary shall accept such certification.

"(B) The Secretary may, at any time, request a person who submits a certification

described in subparagraph (A) to submit the data or information that the person relied on in making the certification.

"(C) A person who submits a certification described in subparagraph (A) shall maintain the data and information upon which the certification was made for a period of 2 years after the submission of the certification or a time equal to the expected design life of a device, whichever is longer.".

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(x) The falsification of a certification submitted under section 514(c)(3) or the failure or refusal to provide data or information requested by the Secretary under such section.".

(c) SECTION 501.—Section 501(e) (21 U.S.C. 351(e)) is amended by striking "established" and inserting "established or listed".

SEC. 4. PREMARKET APPROVAL.

(a) APPLICATION.—Section 515(c) (21 U.S.C. 360e(c)) is amended—

(1) in paragraph (1)—

(B) in subparagraph (F), by striking "; and" and inserting a semicolon;

(C) in subparagraph (G), by striking "require." and inserting "require; and"; and

(D) by adding at the end the following:

"(H) an identifying reference to any performance standard listed under section 514(c) that is applicable to such device.

(2) by adding at the end the following:

"(3) The Secretary shall accept historical clinical data as a control for use in determining whether there is a reasonable assurance of safety and effectiveness of a device in a case in which the effects of the progression of a disease are clearly defined and well understood.

"(4) The Secretary may not require the sponsor of an application to conduct clinical trials for a device using randomized controls unless the controls—

"(A) are necessary;

"(B) are scientifically and ethically feasible; and

"(C) other less burdensome controls, such as historical controls, are not available to permit a determination of a reasonable assurance of safety and effectiveness.".

(b) ACTION ON APPLICATION.—Section 515(d) (21 U.S.C. 30e(d)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "paragraph (2) of this subsection" each place it appears and inserting "paragraph (8)"; and

(B) by adding at the end the following flush paragraph:

"In making a determination to approve or deny an application, the Secretary shall rely on the conditions of use proposed in the labeling of device as the basis for determining whether or not there is a reasonable assurance of safety and effectiveness. If, based on a fair evaluation of all material facts, the proposed labeling of the device is neither false nor misleading in any particular, the Secretary shall not consider conditions of use not included in such labeling in making the determination.";

(3) by redesignating paragraphs (2) and (3) as paragraphs (8) and (9), respectively; and

(3) by inserting after paragraph (1) the following:

"(2) Each application received under subsection (c) shall be reviewed in a manner to achieve final action within the 180-day period described in subparagraph (A), and the 180-day period may not be altered for any reason without the written consent of an applicant.

"(3)(A) Not later than 100 days after the receipt of an application that has been filed by the Secretary because the application satisfies the content requirements of subsection (c)(1), the Secretary shall meet with the applicant and disclose each deficiency relating to the application that would preclude approval of the application under paragraph (1).

"(B) The applicant shall have the right to be informed in writing with respect to the information communicated to the applicant during the meeting.

"(4) To permit better treatment or better diagnoses of life-threatening or irreversibly debilitating diseases or conditions, the Secretary shall expedite the review for devices—

"(A) representing breakthrough technologies;

"(B) offering significant advantages over existing approved alternatives; or

"(C) for which accelerated availability is in the best interest of the public health.

"(5) The Secretary shall complete the review of all supplemental applicants to an application approved under paragraph (1) that do not contain clinical data within 90 days after the receipt of a supplement that has been accepted for filing.

"(6)(A) A supplemental application shall be required for any change to a device subject to an approved application under this subsection if the change affects safety or effectiveness, unless the change is a modification in a manufacturing procedure or method of manufacturing and the holder of an approved application submits a notice to the Secretary that describes the change and informs the Secretary that the change has been made under the requirements of section 520(f).

"(B)(i) In reviewing a supplement to an approved application for an incremental change to the design of a device that affects safety or effectiveness, the Secretary shall approve the supplement if—

"(I) nonclinical data demonstrate that a design modification creates the intended additional capacity, function, or performance of the device; and

"(II) clinical data from the approved application and any supplements to the approved application provide a reasonable assurance of safety and effectiveness.

"(ii) The Secretary may require, when necessary, additional clinical data to evaluate the design modification to provide a reasonable assurance of safety and effectiveness.

"(7) Any representation in promotional materials for a device subject to an approved application under this subsection shall not be subject to premarket approval under this section, unless such representations establish new conditions of use. Any representations made in promotional materials for devices subject to an approved application shall be supported by appropriate data or information that can substantiate the representations at the time such representations are made.".

(c) WITHDRAWAL OR TEMPORARY SUSPENSION OF APPROVAL OF APPLICATION.—Section 515(e)(1) (21 U.S.C. 360e(1)) is amended in subparagraph (G) by inserting after the word "effect" the words "or listed."

SEC. 5. PREMARKET NOTIFICATION.

(a) EXEMPTION OF CERTAIN DEVICES.—Section 510 (21 U.S.C. 360) is amended—

(1) in subsection (k), by striking "intended for human use" and inserting "intended for human use (except a device that is classified into class I under section 513 or 520 or a device that is classified into class II under section 513 or 520, and is exempt from the requirements of this subsection under subsection (l))";

(2) by adding at the end of subsection (k) (as amended by paragraph (1)) the following flush sentence:

"The Secretary shall review the notification required by this subsection and make a determination under section 513(f)(1)(A) within 90 days after receiving the notification."; and

(3) by adding at the end of the following:

"(l)(A) Within 30 days after the date of enactment of this subsection, the Secretary shall develop and publish in the Federal Register a list of each type of class II device that does not require a report under subsection (k) to provide reasonable assurance of safety and effectiveness. Each type of class II device identified by the Secretary not to require the report shall be exempt from the requirement to file a report under subsection (k) as of the date of the publication of the list in the Federal Register.

"(B) Beginning on the date that is 1 day after the date of the publication of a list under this subsection, any person may petition the Secretary to exempt a type of class II device from the requirement of subsection (k). The Secretary shall respond to the petition within 120 days after the receipt of the petition and determine whether or not to grant the petition in whole or in part.".

(b) SPECIAL RULE RELATING TO EXEMPTION OF CLASS I DEVICES FROM 510K NOTIFICATIONS.—The exemption of a class I device from the notification requirement of section 510(k) shall not apply to a class I device that is life sustaining or life saving or that is intended to be implanted into the human body.

SEC. 6. INVESTIGATIONAL DEVICE EXEMPTION.

(a) REGULATIONS.—Section 520(g) (21 U.S.C. 360j(g)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) The Secretary shall, within 120 days after the date of enactment of this paragraph, by regulation, amending the content of part 812 of title 21 of the Code of Federal Regulations, amend the procedures with respect to the approval of clinical studies under this subsection as follows:

"(A) The Secretary shall permit the sponsor of an investigation to meet with the Secretary prior to the submission of an application to develop a protocol for a clinical study subject to the regulation and require that the protocol be agreed upon in writing by the sponsor and the Secretary.

"(B)(i) The Secretary shall permit developmental changes to devices in response to information gathered during the course of an investigation without requiring an additional approval of an application for an investigational device exemption, or the approval of a supplement to the application, if the changes meet the following requirements:

"(I) The changes do not constitute a significant change in the design of the product or a significant change in basic principles of operation.

"(II) The changes do not adversely affect patient safety.

"(ii) The Secretary shall require that each such change shall be documented with information describing the change and the basis of the sponsor of application for concluding that the change does not constitute a significant change in design or operating principles, and that the change does not adversely affect patient safety.

"(b) CONFORMING AMENDMENTS.—Section 517(a)(7) (21 U.S.C. 360g(a)(7)) is amended—

(1) by striking "section 520(g)(4)" and inserting "section 520(g)(5)"; and

(2) by striking "section 520(g)(5)" and inserting "section 520(g)(6)".

SEC. 7. PRODUCT REVIEW.

Section 513 (21 U.S.C. 360c) is amended by—

(1) in subsection (a)(3)(A)—

(A) by striking ''including clinical investigations where appropriate'' and inserting ''including 1 or more clinical investigations where appropriate'';

(B) by adding at the end the following: ''When evaluating the type and amount of data necessary to find a reasonable assurance of device effectiveness for an approval under section 515, the Secretary shall consider the extent to which reliance on postmarket controls may contribute to such assurance and expedite effectiveness determinations without increasing regulatory burdens on persons who submit applications under section 515(c).'';

(2) in subsection (a)(3), by adding at the end the following:

''(C)(i) The Secretary upon the request of any person intending to submit an application under section 515 shall meet with the person to determine the type of valid scientific evidence within the meaning of subparagraphs (A) and (B) that will be necessary to demonstrate the effectiveness of a device for the conditions of use proposed by such person to support an approval of an application.

''(ii) Within 30 days after such meeting, the Secretary shall specify in writing the type of valid scientific evidence that will provide a reasonable assurance that a device is effective under the conditions of use proposed by the person.

''(iii) Any clinical data, including 1 or more well-controlled investigations, specified by the Secretary for demonstrating a reasonable assurance of device effectiveness shall reflect the Secretary's determination that such data are necessary to establish device effectiveness and that no other less burdensome means of evaluating device effectiveness are available which would have a reasonable likelihood of resulting in an approval.

''(2) The determination of the Secretary with respect to the specification of the valid scientific evidence under clause (ii) shall be binding upon the Secretary, unless such determination by the Secretary would be contrary to the public health''; and

(3) in subsection (i), by adding at the end the following:

''(C) to facilitate reviews of reports submitted to the Secretary under section 510(k), the Secretary shall consider the extent to which reliance on postmarket controls may expedite the classification of devices under subsection (f)(1).

''(D) Whenever the Secretary requests information to demonstrate that devices with differing technological characteristics are substantially equivalent, the Secretary shall only request information that is necessary to making substantial equivalence determinations. In making such requests, the Secretary shall consider the least burdensome means of demonstrating substantial equivalence and request information accordingly.

''(E) Any determinations of substantial equivalence by the Secretary shall be based upon the intended uses proposed in labeling submitted in a report under section 510(k).

''(F) Any representations made in promotional materials for devices shall not require a report under section 510(k), unless such representations establish new intended uses for a legally marketed device.''.

By Mr. NICKLES (for himself, and Mr. INHOFE):

S. 871. A bill to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes; to the Committee on Energy and Natural Resources.

OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997

Mr. NICKLES. Mr. President, I rise today to introduce legislation with Senator INHOFE to establish the Oklahoma City National Memorial and create the Oklahoma City Memorial Trust. The memorial will commemorate the national tragedy ingrained in all of our minds that occurred in downtown Oklahoma City at 9:02 a.m. on April 19, 1995, in which 168 Americans lost their lives and countless thousands more lost family members and friends.

The Oklahoma City National Memorial, to be established as a unit of the National Park Service, will serve as a monument to those whose lives were taken and others will bear the physical and mental scars for the rest of their days. It will stand as a testament to the hope, generosity, and courage shown by Oklahomans and fellow Americans across the country following the Oklahoma City bombing. This will be a place of remembrance, peace, spirituality, comfort, and learning. The memorial complex will include a special place for children, 19 of whom were killed in the blast, to assure them that the world holds far more good than bad.

The memorial site will encompass the footprint of the Alfred P. Murrah Federal Building, Fifth Street between Robinson and Harvey, the site of the Water Resources Building, and the Journal Record Building. Both Park Service and non-Park Service personnel will staff the memorial grounds and interpretive center on the site. The Memorial Trust, comprised of nine unpaid trustees, will administer the operation, maintenance, management, and interpretation of the memorial.

While the thousands of family members and friends of those killed in the bombing will forever bear scars of having their loved ones taken away, the Oklahoma City National Memorial will revere the memory of those lost and venerate the bonds that drew us all closer together as a result.

I welcome all Members to cosponsor this important piece of legislation.

By Mr. ASHCROFT:

S. 873. A bill to amend the prohibition of title 18, United States Code, against financial transactions with state sponsors of international terrorism; to the Committee on the Judiciary.

THE PROHIBITION ON FINANCIAL TRANSACTIONS WITH COUNTRIES SUPPORTING TERRORISM ACT OF 1997

Mr. ASHCROFT. Mr. President, I would like to introduce The Prohibition on Financial Transactions with Countries Supporting Terrorism Act of 1997. This legislation will further isolate state sponsors of international terrorism from the community of responsible nations. By prohibiting financial transactions between U.S. persons and such criminal regimes, this bill will also reduce the financial resources available to terrorist states.

Unfortunately, this is the second time the Senate has had to consider legislation to prohibit financial transactions with state sponsors of terrorism. The Anti-terrorism and Effective Death Penalty Act, passed by Congress and signed into law by the President on April 24, 1996, contained a similar provision—section 321—which prohibited financial transactions with state sponsors of terrorism. Unfortunately, the manner in which the State Department implemented section 321 effectively exempted at least two terrorist States, Sudan and Syria, from the ban on financial transactions with United States citizens.

The Clinton administration seemingly misinterpreted the clear language of section 321 which states that:

> . . . whoever, being a United States person, knowing or having reasonable cause to know that a country is designated . . . as a country supporting international terrorism, engages in a financial transaction with the government of that country, shall be fined under this title, imprisoned for not more than 10 years, or both.

Somehow, our Government read such plain language to permit—not prohibit—almost all financial transactions with terrorist states. The only transactions the lawyers down at Foggy Bottom saw fit to prohibit were financial transactions which might further terrorism within the United States. The bureaucrats at the State Department evidently feel that transactions which further terrorism against citizens of foreign countries or Americans abroad—such as Pan Am flight 103—should not be targeted by this law.

Mr. President, the Congress of the United States has worked extensively in a bipartisan manner to provide the legislative tools needed to defend America and our allies against the rising threat of international terrorism, and I am sorry that the Senate must now revisit this antiterrorism legislation to correct the misguided efforts of this administration to confront and isolate terrorist-supporting nations in an effective manner.

We no longer live in a cold war world where the threats to our national security are easily identifiable. The fluid and complex international environment we face today demands the highest national security vigilance, the kind of vigilance that appears to be lacking in the Clinton administration. The administration's abysmal performance in enforcing United States laws against the proliferation of weapons of

mass destruction by China is now mirrored by the administration's evisceration of Congress' antiterrorism sanctions. This administration finds no inconsistency between President Clinton's claim in an August 1996 speech at George Washington University that America "cannot do business with * * * terrorists who kill * * * innocent civilians," and the State Department issuing regulations for the Anti-terrorism Act that same month that permit most business transactions with terrorist states to continue.

Mr. President, terrorism is no longer a far away phenomenon that American only risk when traveling abroad. Terrorist violence that primarily targeted U.S. citizens overseas is now finding its way to American shores, and the most stringent U.S. antiterrorism policy will be essential to protect our citizens. State sponsors of terrorism possess a hatred of global dimensions, and America is one of their primary targets. Our policies must reflect this understanding.

Mr. President, in the Africa Subcommittee, I have followed closely the global efforts of one particular country on the list of terrorist nations. Since democracy was overthrown by a radical Islamic military coup in 1989, Sudan has quickly joined Iran as the worst of the world's state sponsors of terrorism. Sudan's Government harbors elements of the most violent terrorist organizations in the world: Jihad, the Armed Islamic Group, Hamas, Abu Nidal, Palestinian Islamic Jihad, Hezbollah, and the Islamic Group all run terrorist training camps in Sudan.

Those groups are responsible for hundreds of terrorist attacks around the world that have killed thousands of innocent people. Abu Nidal alone has been responsible for 90 terrorist attacks in 20 countries which have killed or injured almost 900 people. Jihad is responsible for the assassination of Egyptian President Anwar Sadat and Jihad's leader, Sheikh Omar abdel Rahman, is the ideological ringleader of the terrorists that attacked the World Trade Center and plotted to bomb the United Nations in New York. Another terrorist organization, the Islamic Group, regularly targets westerners in Egypt for attack and claims responsibility for the failed assassination attempt on Egyptian President Hosni Mubarak during his visit to Ethiopia in 1995. In addition to harboring such terrorist organizations, Sudan has also given refuge to some of the most notorious individual terrorists in the world, including Imad Moughniyeh who is believed to be responsible for the 1983 bombing of the United States Marine barracks in Beirut which killed 241 American soldiers.

Sudan is not simply a favorite training camp for terrorists, Mr. President. The Sudanese Government actively supports this terrorist activity. For instance, Sudan reportedly provided the weapons and travel documentation for the assassins who attacked President Mubarak during his Ethiopia visit. Two Sudanese diplomats at the United Nations in New York conspired to help Jihad terrorists gain access to the U.N. complex in order to bomb the building.

The conspiracy to bomb the United Nations was just one in a series of terrorist plots to bomb numerous locations around New York, including the Lincoln and Holland Tunnels, the George Washington Bridge, and various U.S. military installations. Five of the twelve defendants convicted in this series of terrorist plots were Sudanese nationals. Thankfully, law enforcement authorities thwarted most of these tragedies before they occurred, but the earlier terrorist attack against the World Trade Center was carried out by the same broader terrorism network in New York and killed six people. Those who bombed the World Trade Center only expressed regret that the twin towers were not toppled as they had planned, a catastrophe that in an instant could have resulted in more American casualties than the entire Vietnam war.

Sudan's involvement in the conspiracy to wage an urban war of terrorism in New York makes it patently clear why our Government has justifiably designated some nations as state sponsors of terrorism and has imposed upon them the most severe penalties and sanctions provided by United States law. I am grateful that America has been relatively isolated from most of the world's terrorist violence, but just as terrorists have targeted Americans abroad in the past, they are now targeting Americans here at home. International terrorism is one of the great threats to our national security, but unfortunately yet another example of a national security threat this administration is failing to forcefully address. By cutting off the flow of financial resources to these rogue regimes, it will become more difficult for them to seed the globe with their acts of violent cowardice.

Mr. President, the legislation I am introducing today will effectively prohibit financial transactions with state sponsors of terrorism—regardless of whether the terrorist attack occurs within the United States or abroad. This prohibition is one step in the fight against international terrorism the administration is evidently unwilling to take.

An analysis of Sudan's involvement in international terrorism gives us an idea of the global designs of terrorist states. Business as usual should not proceed with such regimes, and President Clinton should not have to be coaxed into aggressively enforcing U.S. antiterrorism law to isolate these countries. This legislation will diminish the financial resources available to terrorist states for their campaign of violence and hatred, and I urge the Senate's prompt consideration and passage of this bill.

By Mr. FAIRCLOTH (for himself and Mr. SHELBY):

S. 874. A bill to amend title 31, United States Code, to provide for an exemption to the requirement that all Federal payments be made by electronic funds transfer; to the Committee on Finance.

ELECTRONIC BENEFITS TRANSFER LEGISLATION

Mr. FAIRCLOTH. Mr. President, I am pleased to introduce legislation today that would modify the mandatory EBT legislation that was passed in 1996.

Mr. President, in 1996, the Congress amended the Federal Financial Management Act of 1994—as part of the Omnibus Appropriations Act of 1996, Public Law 104-134—to require that all Federal payments after January 1, 1999, be made by electronic funds transfer.

The legislation I am introducing today would provide an exemption from that requirement for Social Security and veterans benefits, except that a recipient may send written notification to the agency head authorizing that such payments be made electronically. Thus, the legislation makes it optional for the vast majority of Federal beneficiaries, particularly retirees.

This would affect nearly 20 million Social Security recipients who still receive their check through the mail. Also, nearly 40 percent of veterans benefits are still by mail.

Mr. President, I have found that many retirees are unaware of this requirement, and do not desire to have their checks electronically deposited.

Mr. President, these are not welfare checks. The Government should not force retirees to accept this mandate.

In fact, AARP testified before the House Government Reform and Oversight Committee last year, stating that "AARP believes that direct deposit of federal payments should remain optional for current payment recipients." Further, AARP has found that Social Security recipients receiving checks by mail were clustered in a handful of States, including my home State of North Carolina.

Mr. President, many people worked all of their lives for these benefits. They have the right to receive them. Many people served their country for these benefits. The very notion that they will be told where their benefits are being sent is abhorrent. Further, it has even been suggested that benefits could be withheld if persons do not choose a bank to receive a check.

Mr. President, this is wrong. I am not opposed to direct deposit, but I am opposed to it being forced on people. I would urge the Senate to act soon on this legislation.

ADDITIONAL COSPONSORS

S. 121

At the request of Mr. MOYNIHAN, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Texas [Mr. GRAMM], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 121, a bill to amend the Internal Revenue Code of 1986 to provide for 501(c)(3) bonds a tax treatment similar to governmental bonds, and for other purposes.

S. 127

At the request of Mr. MOYNIHAN, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 127, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 278

At the request of Mr. GRAMM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 278, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 387

At the request of Mr. HATCH, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 389

At the request of Mr. ABRAHAM, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 394

At the request of Mr. HATCH, the names of the Senator from California [Mrs. BOXER] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 419

At the request of Mr. BOND, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 509

At the request of Mr. BURNS, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 509, a bill to provide for the return of certain program and activity funds rejected by States to the Treasury to reduce the Federal deficit, and for other purposes.

S. 563

At the request of Mr. SANTORUM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 563, a bill to limit the civil liability of business entities that donate equipment to nonprofit organizations.

S. 564

At the request of Mr. SANTORUM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 564, a bill to limit the civil liability of business entities providing use of facilities to nonprofit organizations.

S. 565

At the request of Mr. SANTORUM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 565, a bill to limit the civil liability of business entities that make available to a nonprofit organization the use of a motor vehicle or aircraft.

S. 566

At the request of Mr. SANTORUM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 566, a bill to limit the civil liability of business entities that provide facility tours.

S. 598

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 598, a bill to amend section 3006A of title 18, United States Code, to provide for the public disclosure of court appointed attorneys' fees upon approval of such fees by the court.

S. 657

At the request of Mr. DASCHLE, the names of the Senator from Nevada [Mr. REID] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 714, a bill to make permanent the Native American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs.

S. 735

At the request of Mr. D'AMATO, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 735, a bill to amend title 10, United States Code, to restore the Department of Defense loan guarantee program for small and medium-sized business concerns that are economically dependent on defense expenditures.

S. 766

At the request of Ms. SNOWE, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 855

At the request of Mr. FAIRCLOTH, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 855, a bill to provide for greater responsiveness by Federal agencies in contracts with the public, and for other purposes.

SENATE CONCURRENT RESOLUTION 7

At the request of Mr. SARBANES, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of Senate Concurrent Resolution 7, a concurrent resolution expressing the sense of Congress that Federal retirement cost-of-living adjustments should not be delayed.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. GORTON, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of Senate Concurrent Resolution 29, a concurrent resolution recommending the integration of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the June 12, 1997, hearing to review the preliminary findings of the General Accounting Office concerning a study on the health, condition, and viability of the range and wildlife populations in Yellowstone National Park which is scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources has been rescheduled.

The hearing will now take place on Thursday, July 10, 1997, at 2 p.m. in

room SD-366 of the Dirksen Senate Office Building in Washington, DC, instead of on June 12, as previously scheduled.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

ADDITIONAL STATEMENTS

HONORING ARGONNE-WEST SCIENTISTS

• Mr. KEMPTHORNE. Mr. President, I rise today to give recognition to four very important individuals involved in the advancement of engineering and science relating to nuclear activities for our country, and specifically within the State of Idaho. I would like to commend Douglas C. Crawford, H. Peter Planchon, John I. Sackett and Bobby R. Seidel on their various efforts in this area which have warranted top awards from the American Nuclear Society.

These four scientists, all employees of the Argonne National Laboratory-West, have made tremendous advances in terms of the science involving the safe generation of nuclear power. For example, Dr. Douglas Crawford was awarded the Young Member Engineering Achievement Award which recognizes a series of experiments on reactor fuels. Dr. Crawford has become a widely recognized expert in the handling, management, and treatment of plutonium. He is also the manager of the Engineering Division's Materials Technology Section at Argonne-West.

Dr. H. Peter Planchon, who serves as an Associate Director of the Engineering Division, received the American Nuclear Society's Seaborg Medal which is awarded for outstanding long-term individual excellence in nuclear investigation and study. Dr. Planchon developed reactor modeling and experiments which have led to the use of passive response to accidents in sodium-cooled reactors. His work and efforts were demonstrated in a 1986 experiment in which Experimental Breeder Reactor—II, at the time operating at full power, was exposed to accident conditions. The reactor safely shut itself down without operator intervention. Thanks to Dr. Planchon's efforts, subsequent tests have shown that simplified nuclear plants could be safely designed for the future.

Dr. John Sackett's contributions to fast reactor technology, resulting in new and better approaches to plant protection and safety, have earned him great recognition and the honor of receiving the Walker Cisler Medal. This medal is a special award which recognizes outstanding scientific or engineering research achievements in the design and development of the fast breeder reactor as applied to electric power generation. Dr. Sackett's efforts truly are outstanding scientific achievements which have led to better plant operation. He currently serves as the Deputy Associate Laboratory Director for Argonne-West.

And finally, the American Nuclear Society's Public Communications Award was given to Dr. Bobby Seidel for his exceptional service in communicating unbiased facts regarding nuclear power to the public, which, as you know, Mr. President, is not always an easy task. Dr. Seidel directs the student and faculty programs at Argonne-West and was the propelling strength behind the planning and construction of the nuclear energy display for the Idaho Falls-Bonneville County Museum. This is a particularly important exhibition of nuclear technology for the people of the Idaho Falls area because so many times a hands-on look at how this process works is a much more effective means of education, rather than merely reading about such technology in a pamphlet or newspaper.

The American Nuclear Society is a nonprofit, international agency comprised of individuals who represent more the 1,600 corporations, educational organizations, and Government agencies. These people, most of whom are engineers, scientists, educators, and students, have created an astounding membership number of over 17,000. Each year, the society chooses the top contributors to the institutes of nuclear science and engineering, and recognizes them with distinctive awards, specific to their fields of work. I am proud to know that this year a few of these awards were given to four outstanding Idaho citizens.

Again, Mr. President, I would like to commend these gentlemen on their accomplishments and contributions to the nuclear scientific and engineering community. These individuals are a valuable asset not only to Argonne-West, but to all of us who rely on nuclear power as an inexpensive, renewable, and reliable source of energy.•

THE BRONX RECEIVES RECOGNITION AS A TOP 10 ALL-AMERICAN CITY

• Mr. MOYNIHAN. Mr. President, the New York City borough once derided as "the worst slum in America" has been named an All-American City by the National Civic League. This achievement, announced last weekend by Bronx Borough President Fernando Ferrer, is the result of a decade of hard work and careful planning. Improved economic conditions have spawned a renewal of spirit; a cultural and economic renaissance that gives hope for the future.

In his 1997 State of the Borough Report, President Ferrer writes, "Ten years ago, the Bronx was best known as the borough of window decals and trash-strewn vacant lots. Abandoned buildings. Illegal Medicaid mills. With its broken windows and broken dreams, the Borough of the Bronx stood as the international symbol of urban failure."

What a difference a decade can make. The National Civic League Award confirms what the residents of the Bronx already knew; their community has undergone an unprecedented transformation. This metamorphosis is evidenced by strong economic growth, 522 new businesses, the preservation of the Old Bronx Borough Courthouse, improvements in transportation, 30,000 new housing units, new parks and recreational facilities, and a celebration of the cultural and ethnic diversity of the people of the Bronx.

President Ferrer, New York City officials and community leaders deserve our praise and our admiration. Together, they have earned an honor for the Bronx that makes all New Yorkers proud. In so doing, they have provided hope to other communities throughout the world. I ask that news stories from the New York Times and the Daily News be printed in the RECORD.

The material follows:

[From the New York Times, June 9, 1997]

THE BRONX IS NAMED AN ALL-AMERICA CITY

The Bronx—once called "the worst slum in America" by former President Carter—is one of America's top communities, the National Civic League said, announcing its annual top 10 All-America Cities.

Other winners were Fremont, Calif.; Hillside Neighborhood (Colorado Springs), Colo.; Aberdeen, Md.; St. Joseph, Mo.; Asheville, N.C.; Statesville, N.C.; Bismarck, N.D.; Aiken, S.C.; and Texas City, Tex.

The 48-year-old competition, sponsored by the Allstate Foundation, judges cities based on citizen participation, collaborative approaches to problem-solving, diversity and education, among other criteria. Each winner receives a $10,000 grant.

Genevieve Brooks, the Bronx's deputy borough president, said strong grass-roots efforts have helped stem crime, improve neighborhood blight and open access to primary health care for the poor. "We are truly very excited that someone else sees the hard work that we have done," Ms. Brooks said.

[From the Daily News, June 9, 1997]

AWARD BRINGS CHEER TO BRONX

(By Bob Kappstatter)

Aaaay. Don't diss the Bronx anymore.

The gritty borough—once called "the worst slum in America" by President Jimmy Carter—has kicked its arson-scarred stereotype.

It has been named one of the top 10 All-American Cities by the prestigious National Civic League, which recognized it for its long battle against crime and drugs.

"We are no longer one of America's best kept secrets, but one of its strongest success stories," crowed Borough President Fernando Ferrer, who handily rattled off a list of the borough's urban renewal accomplishments.

They range from 30,000 new and restored units of housing, to 522 new businesses representing an $460 million investment.

The 48-year-old competition, sponsored by the Allstate Foundation, judged 128 original

entrants based on citizen participation, approaches to problem-solving, diversity and education, among other criteria.

Each winning community receives a $10,000 grant.

Celeste Ortiz, a member of the Undercliff-Sedgwick Neighborhood Safety-Services Council who participated in the competition, said she was "excited to be living in a part of the city that is coming alive again."

"Our morale has changed and now we see the Bronx as part of the city, part of America," she said.

Genevieve Brooks, now Bronx deputy borough president, was one of the original driving forces that helped turn the ashes and rubble of Charlotte St. and places like it into blocks of sparkling new homes.

She said strong local efforts have helped stem crime, erase neighborhood blight and open access to primary health care for the poor.

"We are truly very excited that someone else sees the hard work that we have done," Brooks said.

Other winners announced Saturday night in Kansas City, Mo., were Fremont, Calif.; Hillside Neighborhood (Colorado Springs), Colo.; Aberdeen, Md.; St. Joseph, Mo.; Asheville, N.C.; Statesville, N.C.; Bismarck, N.D.; Aiken, S.C., and Texas City, Tex.

Some 120 communities applied for the reward.●

TRIBUTE TO THE ROBERTS VAUX MIDDLE SCHOOL MIGHTY BISHOPS

● Mr. SANTORUM. Mr. President, I would like to take a few moments of Senate business to congratulate a group of middle school students from Philadelphia. On April 29, the Roberts Vaux Middle School Chess Team won first place in their K–8 division at the National Scholastic Chess Championship in Knoxville, TN. Competing against 4,300 students from almost every State in the Union, team members also earned individual awards for the third and sixth best players in the Nation, as well as for the top sixth and eighth graders in their sections. Additionally, Vaux's Salome Thomas-El won a coach's award.

Collectively known as the Mighty Bishops, or the "Bad Bishops," Demetrius Carroll, Charles Mabine, Earl Jenkins, Anthony Harper, Anwar Smith, Denise Pickard, Latoria Spann, Alisca Shropshire, Tanisha Edwards, Tyeisha Falligan, Donzell White, Thomas Allen, and Ralph Johnson have worked hard for this victory. For instance, the Mighty Bishops practiced at least 5 days per week for 3 hours each day. They used a library of chess books and some computer programs to learn strategies for all aspects of the game. More importantly, they sharpened their problem solving, critical thinking, and decisionmaking skills—skills that will help them not only in competition, but also in life.

Prior to winning the national championship, the team secured significant victories at other competitions. This past January, the Mighty Bishops received first place individual and fourth place team trophies at the Greater New York Junior High Chess Championship. At the U.S. Amateur Team Championship in Parsippany, NJ, Vaux received the top record of any middle school. I would also note that the Mighty Bishops placed second at the Pennsylvania State Championships.

Mr. President, I am proud of these students. These bright young people are a credit to themselves, their school, their families, and their community. I ask my colleagues to join me in congratulating the Mighty Bishops and in extending the Senate's best wishes for continued success.●

TRIBUTE TO JOHN TALLMAN

● Mr. DURBIN. Mr. President, I rise today to pay special tribute to an exceptional hometown hero, John Tallman, who is retiring as president of the Bourbonnais, IL, Fire Protection District after 48 years of distinguished service.

On June 7, 1997 colleagues, friends, and family gathered to celebrate John's retirement after a lifelong commitment to the fire department and the community of Bourbonnais. He certainly deserves such recognition.

Although a farmer by profession, at age 28, John began his service with the volunteer-operated fire protection district as an appointed trustee and was then elected president. As testimony to his commitment and integrity, John has remained the only president in the fire protection district's 49-year history.

Over the years, John guided the fire protection district through remarkable periods of growth and modernization. Under John Tallman's tenure, the Bourbonnais Fire Protection District distinguished itself as one of the outstanding all-volunteer fire departments in the State. Improvements to the fire department facilities, equipment, and service instituted under John's direction enabled the department to better respond to the growing number of emergencies and helped save lives and property.

In addition to his duties with the fire protection district, John has also been a dedicated husband and father, an 18-year member of the Bourbonnais Elementary School Board, a farmer, and a 19-year member of the Kankakee County Board of School Trustees.

John is a role model for all Americans and I commend him for his selfless service and effective leadership to the citizens of Bourbonnais and of our State. A fellow firefighter once described John as being one of a kind. John Tallman leaves behind big shoes to fill, and his leadership and vision as fire protection district president will be missed.●

IN REMEMBRANCE OF JOHN SENGSTACKE

● Ms. MOSELEY-BRAUN. Mr. President, today I would like to offer my most heartfelt condolences to the family, friends, and colleagues of John Sengstacke, Chicago Defender publisher and owner, a Chicago native.

Mr. Sengstacke was a man of vision, who promoted and created opportunities through his words and his actions. He was a person who valued commitment, always urging others to follow through. Under his tutelage, the Chicago Defender became one of the most widely read, informative, and important, independent newspapers for countless Chicagoans.

His was a courageous life, and he always took a stand against segregation and discrimination, always fought to give a voice to the voiceless. Most notable are his efforts as a member of Truman's committee to desegregate the military and his vigilant effort to get the first African-American correspondent into the White House.

He was clear that his role was not only to inform but to educate, by both his personal and professional actions.

John Sengstacke knew the power of the pen was one of the strongest weapons available to African-Americans. He worked tirelessly to get the National Newspaper Publisher's Association established, and it became an organization that would help more than 200 African-American-owned newspapers provide a voice for the African-American community.

We have truly lost one of our finest freedom fighters, but he left a legacy of tenacity and resilience that will endure.

We have much to celebrate in remembering the life of John Sengstacke. I thank John for his friendship, and thank him for blessing us with his legacy.●

WEST VALLEY DEMONSTRATION PROJECT

● Mr. MOYNIHAN. Mr. President, I rise to note that May 28 was a significant day in West Valley, NY, and in the field of nuclear waste disposal. In 1982 we authorized the West Valley demonstration project, in which we would learn to take liquid nuclear waste and mix it with glass. The process is called vitrification, and yields ten foot high glass logs that can be stored safely. After 14 years of preparation, research, and testing, vitrification began last July. On May 28th the 100th glass log was produced.

The success of the vitrification process developed at West Valley and at the Savannah River in Georgia led the Department of Energy to select it as the preferred method of disposal for such wastes. This is an accomplishment that the many hundreds of people in western New York who worked on the project can be most proud of.

They have another 110 logs to go at West Valley, but it is clear that the technology works. It can and will be

replicated at other sites around the country, helping to solve one of our most vexing and serious waste disposal problems. Moreover, vitrification can be used to store other types of hazardous waste without fear of leaking. I congratulate all those at Westinghouse and the many agencies involved with the West Valley project for achieving this milestone.•

CBO COST ESTIMATES—S. 430 AND S. 210

• Mr. MURKOWSKI. Mr. President, when the Committee on Energy and Natural Resources filed its reports on S. 430, the New Mexico Statehood and Enabling Act Amendments of 1997 and S. 210, a bill to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes, the estimates from the Congressional Budget Office were not available. Those reports have now been received and I ask that copies be printed in the RECORD for the information of the Senate and the public.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 21, 1997.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 430, the New Mexico Statehood and Enabling Act Amendments of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Marjorie A. Miller (for the state and local impact), and Victoria V. Heid (for federal costs).

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 430—New Mexico Statehood and Enabling Act Amendments of 1997

S. 430 would amend the New Mexico Statehood and Enabling Act of 1910 and would consent to amendments to the constitution of the state of New Mexico approved by the voters on November 5, 1996. These amendments generally concern the administration of the state's permanent trust funds. Congressional consent to the amendments to the constitution of the state of New Mexico is required before they can be implemented by the state government.

CBO estimates the enacting S. 430 would have no effect on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. S. 430 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments. Enactment of this bill would give New Mexico state officials greater flexibility in investing and distributing the assets of the state's permanent funds.

The estimate was prepared by Marjorie A. Miller (for the state and local impact), and Victoria V. Heid (for federal costs). This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 2, 1997.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 210, a bill to amend the Organic Act of Guam, the revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are John R. Righter (for federal costs), and Marjorie Miller (for the state and local impact).

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 210—A bill to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes

Summary: S. 210 would make several changes to existing laws governing the relationship between the United States and the insular areas, which include Guam, the Virgin Islands, the Republic of the Marshall Islands, and others. In addition, the bill would establish the Commission on the Economic Future of the Virgin Islands and the Commission on the Economic Future of American Samoa to recommend policies and programs to assist the Virgin Islands and American Samoa in developing secure and self-sustaining economies.

Subject to appropriation of the necessary funds, CBO estimates that implementing S. 210 would cost the federal government about $6 million over the 1997–2002 period. In addition, the Joint Committee on Taxation (JCT) estimates that this bill would decrease federal revenues by about $14 million over the 2003–2007 period. Enacting this legislation also could affect direct spending by reducing the amount of offsetting receipts from the sale of federal property. Hence, pay-as-you-go procedures would apply to the bill. CBO estimates, however, that any potential loss of such receipts would not be significant.

S. 210 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 210 is shown in the following table. Assuming appropriation of the amounts specified in the bill for the costs of the proposed commissions and amounts estimated for other costs, CBO estimates that implementing S. 210 would cost about $6 million over the 1997–2002 period.

	By fiscal years, in millions of dollars					
	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
Estimated authorization level	1	2	2	1	1	(1)
Estimated outlays	(1)	2	2	1	1	(1)

[1] Less than $500,000.

The costs of this legislation fall within budget function 800 (general government).

Basis of estimate

Spending subject to appropriation

S. 210 would extend the Department of Agriculture's (USDA's) authority to continue shipping excess food commodities to the Marshall Islands through fiscal year 2001. According to the department, $581,000 was appropriated in fiscal year 1997 for the program. Of that amount, about $525,000 is for food commodities and about $55,000 is for administrative expenses. In addition, the bill would require that the amount of commodities provided to the Marshall Islands reflect changes in its population that have occurred since the enactment of the Compact of Free Association in fiscal year 1986. The amount provided to the program has varied since it began in fiscal year 1987. According to USDA, the program received about $1.6 million in 1987. Between 1988 and 1992, the program received, on average, about $465,000 a year. Since fiscal year 1993, $581,000 has been appropriated each year for the program. S. 210 only specifies a base year from which to calculate changes in the islands' population but not a base level of funding. The estimate adjusts the level of funding received in fiscal year 1988—$501,000—for changes in the price level and for changes in the population since fiscal year 1986. (CBO estimates that the population will have increased by about 60 percent between fiscal years 1986 and 1998.) Under these assumptions, extending the program would cost about $5 million over the 1998–2001 period.

The bill also would establish the Commission on the Economic Future of the Virgin Islands and the Commission on the Economic Future of American Samoa to recommend policies and programs to assist the Virgin Islands and American Samoa in developing secure and self-sustaining economies. Both commissions would have six members, and the bill would require that each commission file its report by June 30, 1999. The bill would authorize an average of $300,000 a year for fiscal years 1997 through 1999 for the costs of each commission. Assuming the bill would not be enacted until later this year, CBO estimates that outlays for the two commissions would total about $1.2 million over fiscal years 1998 and 1999.

S. 210 also would require, subject to availability of appropriated funds, that the Department of the Interior (DOI) take a census of Micronesia within five years of the decennial census of the United States population. A census of Micronesia would thus be required by fiscal year 2005. The bill would limit expenditures on the census to no more than $300,000. In addition, the bill would repeal a requirement that the Administration report annually to the Congress on the impact of the Compact of Free Association on the territories and the state of Hawaii. According to DOI, it has prepared three such reports since 1986. CBO estimates that savings from repealing this requirement would not be significant.

Direct spending and receipts

By granting the government of Guam the right of first refusal on any federal property declared excess on Guam, S. 210 could reduce the amount of offsetting receipts from the sale of surplus federal property. However, according to the General Services Administration (GSA) and DOI, a sale of federal property has never occurred on Guam. Also, the bill would require Guam to pay fair market value for any property transferred for private use. Therefore, CBO estimates that the provision would have no significant impact on federal receipts. In most or all cases, CBO expects the federal government would transfer the property anyway to the government of Guam under one of its public purpose programs.

Under current law, the Virgin Islands is required to secure its bonds with a priority

first lien claim on specified revenue streams, rather than being permitted to secure multiple bond issues on a parity basis with a common pool of revenues. JCT estimates that if the priority lien requirement is repealed, the Virgin Islands would issue more tax-exempt bonds beginning in fiscal year 2003 than under current law. (Fiscal year 2003 is the earliest that the Virgin Islands can refund outstanding revenue bonds issued on a priority basis.) The increase in tax-exempt bonds, which would lower federal revenues, would occur because the Virgin Islands could secure a greater volume of bonds with the same amount of revenues if a parity approach were permitted. JCT estimates that repealing the priority lien requirement for revenue bonds would decrease federal revenues by $14 million over the 2003–2007 period.

If the Virgin Islands were also to receive the authority under separate legislation to refund the outstanding revenue bonds prior to their redemption date in fiscal year 2003, JCT estimates that this provision would decrease revenues by an additional $21 million over the 1998–2002 period and by an additional $2 million over the 2003–2007 period. These estimates assume that the Virgin Islands would refund the priority bonds in fiscal year 1998 and thus increase the volume of outstanding tax-exempt bonds. Thus, if S. 210 were enacted after the enactment of separate legislation authorizing the additional advance refunding by the Virgin Islands, JCT estimates that federal receipts would decrease by about $21 million over the 1998–2002 period and by about $37 million over the 1998–2007 period.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. While H.R. 210 could affect direct spending in fiscal year 1998 by reducing the amount of offsetting receipts from the sale of federal property, CBO estimates that any such effect would not be significant.

Estimated impact on State, local, and tribal governments: S. 210 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Some of the amendments included in this bill would benefit the affected governments—territories and freely associated states of the United States. Generally, the impact of these changes would be small. For example, the bill would give the government of Guam greater access to excess federal property. It would also give the government of the Virgin Islands additional options for issuing bonds and short-term notes.

Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: John R. Righter; Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.•

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 419

Mr. LOTT. Mr. President, I ask unanimous consent that the Labor Committee now be discharged from further consideration of S. 419, a bill to prevent birth defects by developing and implementing new prevention and surveillance strategies and the Senate now proceed to its immediate consideration under the following limitation: One substitute amendment in order to be offered by Senator BOND, no other amendments be in order to the bill, and there be 30 minutes equally divided for debate with Senator BOND in control of 15 minutes, and the ranking member in control of 15 minutes, and further, following the disposition of the amendment, and the expiration or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage of the bill as amended with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, Mr. President, I am a cosponsor of that particular legislation and I appreciate having the chance to debate it on the Senate floor. I think there is probably broad bipartisan support for it. But I have indicated to the majority leader on a number of occasions now our strong desire to delay the consideration of any other legislation until we have the opportunity to consider again the disaster bill.

There are people out there that have birth defects. There are people out there that do not have homes. There are people out there that do not have their farms, their businesses. There are people out there that do not have the opportunity to conduct their lives in a normal way that are waiting day by day for us to respond in a meaningful way to their circumstances.

People in 35 States now have been affected by the disastrous circumstances that are addressed in this piece of legislation. We ought not do anything until we have had the opportunity once more to consider that legislation. So on behalf of the Democratic caucus, Mr. President, I object to the unanimous-consent request.

The PRESIDING OFFICER. Objection is heard. The unanimous consent request of the majority leader is not agreed to.

Mr. LOTT. I regret that the Democrats will not allow the Senate to consider this bipartisan legislation. I know there are a number of Democrats that are cosponsors of it. I presume we are going to find a way to consider this. This legislation would establish a national birth defects prevention research system. I point out that our bill is cosponsored not only by the Democratic leader, but Senator DORGAN, Senator HOLLINGS, Senator CAROL MOSELEY-BRAUN, just to name a few, and a number of Senators on this side of the aisle.

As I know the cosponsors are aware, an estimated 150,000 infants are born each year with serious birth defects, resulting in 1 out of every 5 infant deaths. The bill is designed to establish regional birth defects research programs, establishes the Centers for Disease Control as the coordinating agency for birth defects surveillance and prevention, and authorizes grants to public and nonprofit organizations to develop new public awareness to reduce the incidence of birth defects.

With regard to the supplemental bill, I presume that we are going to continue to work to try to find a resolution to this problem. I think I have proven over the past year that I always believe you can find a way to work through disagreements. Quite often here in the Senate, when we seem to be in an immovable position, when everyone is intractable, Senator DASCHLE and I have found if we go to the Senators that say, "No deal ever," and ask them, "OK, what's the solution?" I think quite often they say, "Well, we can do it this way or that way."

What I have suggested to Senator DASCHLE and to the White House and to the House of Representatives and to the leadership in the Senate, including the chairman of the Appropriations Committee, is we can work together and see if we can come up with language that we can agree on with regard to this very important issue and with regard to preventing a Government shutdown at the end of the fiscal year and find a way to move the bill with some of the other language that is in there. Some of it may have to be removed; some of it may be compromised.

But, you know, compromise is not something where you work it out with yourself, on one side of the aisle or one side of the Capital. Now we have to work among ourselves, Republicans and Democrats, House and Senate and the administration. It involves engagement.

And I have asked several times along the last couple weeks, including last Friday and again yesterday, and including direct conversations with the President—"You know, can't we find a way to come up with some language that you can live with and that we can live with and move this issue beyond us and go on to other issues?"

I want to note also for one and all that this bill was originally requested to be $4.1 billion. It is now at least $8.6 billion. And it is not just funds for disasters around the country, it is also funds for the Department of Defense and a lot of other programs that were not originally requested.

I will just give you some idea what we are talking about. I hope I have the

list here. It does include things like—and these are all good and fine programs, I guess—but $33 million I think it is for the Botanical Gardens, not exactly emergency disaster funding; $23 million for a parking garage in Cleveland, OH. I do not have the list here with me, but there is a long list of things that have been added along the way.

Barnacles have been picked up on this ship. So one of the things I have suggested is, while we continue to work to try to resolve the amount and the language—in fact yesterday I was asked by one of the administration officials—I do not want to put words in their mouth—"What is this objection that Attorney General Reno has to some money in the bill?" I said to this person, "Are you talking about the $2 million for a law enforcement commission?" Would the President want to start talking about vetoing a bill because of $2 million for a law enforcement commission? I do not think so, but I would like to hear what their argument is against it.

One of the things I have suggested, with all honesty, and I did it back before the Memorial Day recess, rather than trying to negotiate this thing down or to solve all the language right now, we should go ahead and do a smaller bill that will provide the real emergency disaster and the urgent salary for DOD. That will still leave a lot of money and a lot of language that we will continue to work on.

I guess what I am saying here is that I would like to get this worked out. I would like for us to move on to the reconciliation bill. I would like for us to move on to appropriations bills. I had hoped we could do two or three appropriations bills before the Fourth of July recess, and I still hope we can put them in there tomorrow. I would like for us to take up some of the nominations that are pending. I would like for us to take up adoption legislation, legislation that passed the House with 465 votes, to make it easier to have adoptions in America. I did not bring it up last week because I found that we have a number of Senators on both sides of the aisle that have been working on that and have some good ideas, including Senator ROCKEFELLER, Senator DEWINE, Senator CRAIG, and Senator CHAFEE. They are working on it, and I think we may have a compromise adoption bill we could call up later on this week.

All I am saying here is let us go on and do some of these bills that we should be able to do in a relatively short period of time, including the birth defects research program, while we continue to see if we can work things out. I am ready. I am ready. Help me. I think we can find a way to get this thing done.

But it does not work this way. It does not work that the President says, "Send me down a full plate of money, $8.6 billion —and, by the way, we do not want any of your language on it." I have gone back and I have looked at supplementals over the years, and there has hardly ever been a supplemental that did not have all kinds of extraneous language, all kinds of add-ons. If necessary, as the afternoon progresses, I will read the list. Many of the supplementals that went to President Reagan, President Carter, and President Bush had not one or two little pieces of language, lots of pieces. I will give you some idea of how on every supplemental, I believe without many exceptions, the Congress has expressed its will. We have input. We deserve some consideration. These are not insignificant issues.

I am not convinced, for instance, on census, that at some point, once we fully understand how the sampling might work, that we would not want to do that. I think I have real legitimate questions that I do not know the answers to yet. Rather than let the administration start on down the trail, and we will do this by sampling, I want to know for sure how that is going to be better than enumeration. I want to know who is going to do it, and how it will be done. I do not know the answers.

All I am saying is, take a time out on this issue, on census, until we have more time to work on it, and then we can resolve it this fall or even next year, but we should not get locked in now before we have had a chance to really look into it.

So, I yield to my colleague, Senator DASCHLE, and ask my colleague to answer this question: If the Senate cannot consider this bill today, would he be in a position, if we cannot do it today, to grant consent for the Senate's consideration during Wednesday's session of the birth defects research program bill?

Mr. DASCHLE. Mr. President, reserving the right to object, let me take the opportunity to respond to a number of points raised by the distinguished majority leader.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. The majority leader says that all disaster bills, all supplemental bills have had extraneous legislation. I suppose that is probably true. But I have also gone back and looked at all these disaster bills and extraneous legislation added to supplemental bills, and there is one difference between all of those in the past and this one: All of those in the past have the agreement of the President; all of those in the past have been negotiated with the White House.

So, of course, you had supplemental legislation. Of course, you had extraneous legislation. But each and every time when that happened, the White House said, "Send it down. I will sign it." In this case, the President has said, "Look, these issues are so controversial and so far reaching and so problematic that I cannot agree." And the difference between this experience and all the others is the majority said, "We will do it anyway."

Now, I give great credit to the Senator from Minnesota, the junior Senator from Minnesota, who sent all of us a letter in the last couple of days. The Senator from Minnesota had a very practical, pragmatic way with which to address this problem. What he suggested is that we simply take those controversial pieces out, have a good debate, have a discussion, see if we can find a compromise. Let's do it. Let's agree right now without any filibusters, without any delay. We can commit to a time certain for legislation dealing with census, for legislation dealing with a continuing resolution, for anything else that may be extraneous and onerous to the White House. We can agree to that.

Now, I have suggested that to some of my Republican colleagues and the answer I get is, "Well, the President is going to veto those bills if they go in their current form and we don't want that." So, in a sense, what they are saying is, we will hold hostage our troops in Bosnia, all of the people detrimentally affected by the natural disasters, and every single other item in this legislation because we want our way. That is what we are being told.

Mr. President, there is no way to compromise with something like that.

Now, like the majority leader, I have tried to find ways, and I give him credit for trying to come up with innovative ways with which to address this problem, but I must say we are in a set of circumstances for which there can be no compromise when it comes to holding hostage victims of natural disasters, holding hostage people serving their country in Bosnia.

We cannot allow that to happen. So, let's take the suggestion made in good faith by the Senator from Minnesota. Let's take those pieces out, let's have a good debate on them, and maybe, in the process, we can find a compromise.

But until that happens, Mr. President, as I said a minute ago, we are going to object to any other piece of legislation coming to the floor. And I object.

THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. LOTT. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the list of some of the extraneous items that have been added to this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[In millions of dollars]

Highway trust fund	$694

Title 1 grants (poor and disadvantaged schools)	$101
VA compensation (mandatory)	932
WIC	58
Botanical Gardens	33
Law Enforcement Commission	2
Breast cancer research	15
Retired Coast Guard pay	9
Olympics counterterrorism fund	3
Indian health	3
California vineyards	9
Customs Service expenses	16
VA parking garage, Cleveland, OH	12

Mr. LOTT. I note the figure I used on the parking garage in Cleveland, OH, was not the accurate number. It is actually $12 million. It also has other interesting things in here, including $3 million for the Olympics counterterrorism fund, $3 million for Indian health care, $9 million for California vineyards.

These may all be good programs and all deserving, but I wonder how they found their way into this supplemental appropriations bill.

Also, I was here during the 1980's and early 1990's. I remember how supplementals worked. Unfortunately, I used to plead with President Reagan not to send supplemental requests up here because I knew it would become a freight train pulling all kinds of things through. I remember Presidents of both parties objecting to things that Congress added to the supplemental appropriations bills. The one we had June 30, 1989, I see one, two, three, four, five, six, seven, eight, nine add-ons. Some are not exactly insignificant, either, like East European refugee assistance, foreign aid to Haiti, funds for the Washington Convention Center. The supplemental appropriations also had about nine add-ons, including renewing section 8 housing contracts.

Remember, supplementals are always alleged to be—while they may not all be natural disasters—they are always alleged to be somewhat emergency, or otherwise they would not be coming to the floor of the Congress saying, "Give us some more money." Most administrations and Congress always underfund food stamp programs, knowing full well we will come back next year and add more money to it.

Again, some of this is pretty significant legislation and pretty costly, also.

The same thing again in 1991 and 1994. There is always language that is added. There is always funding that is added to these bills beyond what was originally requested. So, to infer that this is really something new or different is not the case.

Now, what I maintain is different here, if I could make this point.

Mr. DORGAN. Will the Senator yield?

Mr. LOTT. I will be glad to respond if I could make this point.

When I have suggested, and others have suggested, let's work together to work this out, I give credit to the Democratic leader. He has always been willing to listen, and I think that some of the things we have suggested he has been willing to think about and discuss with his colleagues. And he, like I, we cannot always say it will be this way or that way. We have a conference we deal with and you have an administration that you have to deal with. I have asked the President and his chief of staff, "Please respond. Come back. Let's see if we cannot work this out." Basically, what they are saying is, "Give us the money and no language. We want it our way and no other way." It does not work that way.

However, in the realization and in recognition of the need for some of this to be done, I am advocating while we continue to work on that, that we do a smaller bill that would address some of the concerns that the Senator from South Dakota has.

I yield to the Senator from North Dakota, if I could.

Mr. DORGAN. I very much appreciate that.

Mr. LOTT. Only for a question.

The PRESIDING OFFICER. The majority leader yields for a question.

Mr. DORGAN. I appreciate the Senator from Mississippi yielding for a question.

I ask the Senator if it is not unusual when very controversial amendments are added to disaster bills. I have been around here for some while, as well, and it is clear there have been on the other side of the aisle disaster bills, but not in my memory have very controversial measures been added to disaster bills that attract a Presidential veto and thereby delay or derail the bill.

It seems there are two ways out of this. I ask the Senator from Mississippi about both of them. One approach to resolve this issue is an approach that I offered this morning on the floor by unanimous consent, and the Senator from Minnesota has also, I believe, suggested something similar, and that would be to simply take the two big controversial items out of this, pass the bill, get a Presidential signature and get disaster aid to the victims of disasters.

The second approach is an approach that the Senator from Mississippi seemed to suggest a few moments ago, and I would like to ask a question about that. As the Senator from Mississippi will recall, about 2½ weeks ago, just prior to the Congress breaking for the Memorial Day recess, there was some discussion that if the larger bill cannot go, at least extract the body of real disaster aid and allow that to happen quickly. Now, that could happen this afternoon if others around here believe——

Mr. LOTT. If the Senator would yield, I have been an advocate of doing that for probably about 3 weeks, and I would entertain doing it. I tell you why I said it to Senator DASCHLE earlier today, so that we can do something quickly. Even if we came to an agreement here in the next 24 hours on how we would do this, it would still have to go through the committees and both floors, with amendments in order. It would take time.

This approach that you are suggesting, and I am suggesting, could take 24 hours if we put our heads to it, and we could go on and continue to work and think about the additional money. And the language, keep it in mind now, I do not know how much they are worried about some of these other issues, but I have the impression from the administration that they have a couple of other issues that they are very, very interested in. So it is not just two.

But I am interested in, and I would like to work that out, and, again, we would have to do it over here, and we would have to get it done on the other side of the Capitol and the President would have to be willing to sign it.

I think that approach makes sense—that is all I am saying. Common sense around here usually works pretty darn good.

Mr. DORGAN. If the Senator will yield further for an additional question, we had someone on the other side of the Capitol suggest prior to the weekend break, if this does not get resolved the way we—that being them—want it, we may very well cut the amount of disaster aid that is available to victims of disaster. Over the weekend in North Dakota, we had a lot of folks reacting to that with some real quaking, wondering, what does this mean? I hope that cooler heads will prevail and some common sense will prevail.

I assume there has not been that discussion here in the Senate. We had bipartisan cooperation putting together the disaster portion of the bill, and for that we are very thankful. The trick now, the goal now, is to get that aid to people who woke up this morning and who are homeless, not just dozens but thousands of them, and the Senator suggests an approach I would support, and that is to take those portions of the bill that represent the aid that is necessary to go to disasters to help get their life back in order and pass that.

I ask the Senator——

Mr. LOTT. If I could——

Mr. DORGAN. I just ask if we could assume, with your willingness to do that rather quickly, what kind of impediments does the Senator see to having that get to the President for his signature in the next 24 hours or so?

Mr. LOTT. I think that could be done quickly. It would take—I don't think it could get done right here and how. I'd like to talk further with your leader. One of the problems with the appropriations is they generally begin on the other side. But in furtherance of what you are saying, I have discussed this

this morning with the chairman of the Appropriations Committee here in the Senate and with the Speaker of the House. I presume he is consulting with his chairman and others. So I think this is the process by which we might move pretty quickly.

I think there are opponents to this. There are urgent things sort of now with regard to some of the disaster programs—perhaps some of the housing programs, perhaps some of the agriculture. There is a need to get this done as soon as possible because of weather considerations and so forth.

There is a second and third component. There are some other parts of it, some money that will need to be available and that will be available for months and even years down the line.

So there are really two parts of it. The part that is somewhat in the emergency category is different from what we usually have because you are talking about some new programs and some new ideas—which I think have some attractiveness, by the way. I have said that publicly and to the people from your States; I think it is the way to go. I think it would save money if we can find a way to move people out of what you call the flood way—what we call the floodplain in my neck of the woods—into areas where they will not be flooded year after year. That would wind up in the long run saving money.

So there is that part.

Then there is the funding for the longer term which could be available maybe for your State and may be available for other States as we look at these various disasters.

I will yield to the Senator from Missouri. But let me wrap this up. I am ready. I am willing. And I want to work with you to see if we can't do it that way.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I would like to ask the majority leader a series of questions that I think are necessary to clarify where we stand. I apologize for not being on the floor when he began.

I have the responsibility for the subcommittee that appropriates money for FEMA. I wonder—as has been made clear on the floor, the emergency money is now flowing. There is money—$2 billion in FEMA—that is going for the immediate needs right now. So there is money which can be paid out right now prior to the issuance of the completion of plans and assessments being available.

Is that clear? Has that been made clear?

Mr. LOTT. That has not been made clear, if I could respond to the question in this discussion. But I think repeatedly it has been noted that there is money in the pipeline. The distinguished Senator from Missouri is the chairman of the subcommittee that has jurisdiction in that area. He knows what is available and what should be available to FEMA for housing-type programs. Clearly those funds are flowing. We do need to prospectively for the future have additional funds. But the money is there.

I have spoken to the head of FEMA, James Lee Witt, to ask him that specific question. I have asked him, "Do you need to do something more; something different? You do have the money, don't you? You do have temporary housing available, don't you? If you do not, we would like to help make sure that you have that temporary housing money available and the temporary housing available."

So I think the Senator makes a very good point.

Mr. CONRAD. Mr. President, will the Senator yield?

Mr. BOND. If I could ask another question——

Mr. LOTT. If I could take another question, then I will go back to the Senator from North Dakota.

Mr. BOND. It has been made clear to our colleagues and to the people viewing this that before major disaster relief can start flowing, there has to be damage assessments. I guess it is the understanding of the majority leader that they are at least 2 weeks away from getting the damage assessments. The State has to have a plan submitted and approved by the Federal Emergency Management Agency. Dollars then go to the State from FEMA and from the Department of Housing and Urban Development. Is it the clear understanding that this is a long process which is not being held up during this day or tomorrow, but the money is needed, and we will provide it? But the time required to get the plans in place still has not been completed.

Is that the understanding?

Mr. LOTT. In answer to the Senator's question, that is my understanding. I have been through these disaster situations. I know there is a painful period during which you must have assessments and you must have plans. It is the most difficult time of all. It is actually worse a month after a disaster than it is the day after, in some respects. Or certainly after 6 months you begin to see the light at the end of the tunnel.

We checked this morning from the staff standpoint with regard to FEMA funds available. I understand there is $1.5 billion available as of this morning.

So there are funds available, and they are, I believe, probably flowing to the various States that have been affected.

Mr. CONRAD. Will the Senator yield?

Mr. BOND. I have one final question to the majority leader. I very much appreciate his efforts to bring up the Birth Defects Prevention Act, which would deal with a very serious problem of 150,000 babies being born each year with birth defects in this country. We would like to go to it.

It is my understanding that, even if there were no other measure on the floor, the supplemental appropriations bill would have to come over from the House. There is no reason to filibuster or delay the Birth Defects Prevention Act, because taking care of this bill this afternoon will in no way delay the disaster. It will deal with the disaster of birth defects which we can deal with today without slowing down any supplemental emergency appropriations.

Is that correct?

Mr. LOTT. In answer to the Senator's question, it is absolutely right.

I thank the Senator from Missouri for his work on this legislation. He has worked for a good long while and with the help of a lot of other Senators.

He is absolutely right, also, that we have tried this afternoon, during which time we can do this birth defects legislation while we see if we can work out some agreement or some emergency disaster bill. It would have to pass the House. Also, in connection with the Senator's stand, we want to talk about the supplemental.

I am prepared to work with the Senator from South Dakota to make sure we have adequate time later on this afternoon and tonight to have a full discussion.

I thought last week having protracted discussion would have been counterproductive to trying to get an agreement, to get it completed. If the Senators feel strongly that they want time to do that tonight, my advice is to accommodate you in that effort. Of course, we will want Senators from our side of the aisle to have equal time or opportunity to speak also.

I thank the Senator for his questions. I know he is prepared and ready to go to the birth defects legislation.

Mr. President, I am glad to yield to the Senator from North Dakota for a question only.

Mr. CONRAD. I thank the majority leader.

Mr. President, is the majority leader aware that over the weekend on this question of the money in the pipeline that the Republican Congressman from Minnesota said this: "Those who argue there is money in the pipeline are being disingenuous, at best. There is no money for housing, for livestock, sewerage systems, water supply, housing buyouts. There is no money in the pipeline for those things. They can't really rebuild without the funds that are tied up in the disaster relief bill."

I would like to ask further, is the majority leader aware of what the Republican Governor of South Dakota said on this question? Janklow said, "The delay in the legislation is blocking reconstruction of sewerage facilities, highways, and a state-owned rail line in South Dakota."

He went on to say, "I am not going to award contracts on the come. I'm not a fool."

Janklow said, "What happens if we award a contract and we don't have the money for it?"

Finally, I ask if the majority leader is aware that the mayor of Grand Forks has now written letters to the Senate and said the same thing and asked that the emergency provisions be stripped out—that is, the disaster provisions—and be passed so that in fact the aid can flow.

Is the Senator aware of those developments over the weekend: the Republican Congressman from Minnesota saying the money is not flowing in those specific areas; the Republican Governor of South Dakota saying the same thing; and, finally, the mayor of Grand Forks asking that we move the disaster provisions as expeditiously as possible because they are not getting the aid they desperately need?

Mr. LOTT. As a matter of fact, if I could respond to the question and comments, the Senator is suggesting right there at the end that we try to move the emergency disaster portion of this as expeditiously as possible. I suggested a way we can do that.

I want to remind the Senator also that this additional funding and authorization, I believe, would be available—would have been available yesterday—if the President had signed the bill, a bill that 67 Senators voted for. It would have been available yesterday just like that. But the President of the United States vetoed it because of language that he is not happy with, and, I repeat, a bill that got 67 Senators to vote for it, including, I think, a majority or very close to a majority of Democrats. I know why. And I know that there are some areas where the youth program is being suggested, and I hope we can find a way to move that expeditiously, as has been suggested.

Mr. CONRAD. Will the Senator yield for a further question?

Mr. LOTT. I understand we can't use these dollars until the plans are available to use them. Anyway, we are still waiting on plans from FEMA or from the States.

Mr. CONRAD. Will the Senator yield?

Mr. LOTT. Yes; I am glad to yield for a question only.

Mr. CONRAD. If I could ask the Senator, with this question of the money in the FEMA pipeline, is the Senator aware that there are other pipelines that deliver assistance that in fact don't have money in them? That is, housing doesn't have money in their pipeline, agriculture doesn't have money in their pipeline. So the reference to FEMA is very limited with respect to those parts of disaster relief that they address.

Mr. LOTT. In responding to the question, there are perhaps some programs or agencies that may not have specific disaster funds. I know that the Senator from South Dakota has advocated something new or different with regard to livestock, if that is an accurate way to put it.

I know that agriculture has a good bit of money that they could use in a variety of ways that would be helpful. But, as I understand it, this would be a new program which I am sympathetic to. But before any of this is done, I repeat once again, there has to be a plan.

I just say to my colleagues here again that as soon as we complete this dialog and then we hear from others who are awaiting to speak from both sides of the aisle, including the Senator from Minnesota, who wishes to be heard, I will be glad to talk further with the Senators from North Dakota, Minnesota, and South Dakota, or any other States. We can talk about how we can do this thing expeditiously while we continue to work on the bigger package.

Also, I would like to note, if I could, that we hope to move other issues in the days ahead.

I mentioned that I believe we hope to consider the State Department authorization bill next week, as well as the DOD authorization bill. We need to get this resolved as soon as we can so we can get on to those important issues.

I understand that my Democratic colleagues have also objected to the permission of committees to meet during today's session. One of those committees, which is very important, is the Armed Services Committee. The Armed Services Committee is marking up the Department of Defense authorization bill for the next fiscal year.

This year, unlike a lot of past years, I had the impression that the DOD authorization bill and the Armed Services Committee marking up is going smoothly and that it is not going to be as controversial as it has been in the past; that we may have one or two big amendments, but that this is something we can do in a relatively short period of time—perhaps 3 days.

The Armed Services Committee had three subcommittee meetings planned today in an effort to prepare or report the Department of Defense authorization bill.

I really regret that objection. Needless to say, this objection to committee meetings will only delay and hamper their ability to report this bill.

Then, of course, during the week of the 23d, the Senate will consider both reconciliation bills, both the spending restraint and realignment-of-spending bill. And the tax legislation will be reported out of the Finance Committee.

So we are going to have long days and nights ahead of us. I want the Members to be on notice that we must get this work done before our Fourth of July recess. Therefore, in anticipation of that, Senators should be prepared to be here at least next week throughout all of the week and probably the next week, too. The objection to the birth defects bill, as well as the provisions for committees to meet, will only make these last few weeks even longer.

I understand what you are trying to accomplish here. I hope that we can find a way to allow the committees to meet, and I hope to do that later on this afternoon.

Then I would like also to talk to the Senator from South Dakota the Democratic leader about exactly what we need to do in terms of debate tonight and how long you are thinking about. Also, I need to talk to all of you about how we can move something very quickly and expeditiously.

Mr. SARBANES. Will the majority leader yield for a question?

Mr. LOTT. Mr. President, I yield to Senator SARBANES for the purpose of a question only.

Mr. SARBANES. Will the Senator agree with me that all Members of the Senate have an interest in making sure that this disaster relief is provided to the people who have been hit by this extraordinary national disaster, and that there is a constant reference to the Senators from North Dakota, South Dakota, and Minnesota? Of course, they have been most immediately impacted, but it seems to me that every Member of the Senate has an interest in responding to this.

Mr. LOTT. In response to that question, why, of course. We all have that interest. As a matter of fact, 35 States have had some amount of disasters—whether it is flooding, freezes, or whatever it may be—including my own State, in which I think for three or four counties a request was made by our Governor to have disaster assistance available, which I might note has been turned down by FEMA even though the State right across the river, which was also flooded, was approved.

But in answer to the Senator's question, the Senate, the Congress, has always shown a desire to, as a matter fact, address natural disasters; and also a desire to avoid manmade disasters like the fiascoes we have had 11 times since 1981 of Government shutdowns that also cause people pain and suffering and loss of their jobs and income. So, yes, I feel that sympathy. I have been through it. I have been through hurricanes, tornadoes, freezes, droughts——

Mr. SARBANES. That is the other question.

Mr. LOTT. Ice on the trees, endless amounts, and we have always been sympathetic to each other, and we are this time. We are this time. We are going to provide the disaster assistance the people in the affected States need. We are going to do it.

Mr. CONRAD. Will the Senator yield? Can we do it today?

Mr. LOTT. The question is, how do we do it.

Mr. CONRAD. Can we do it today?

Mr. LOTT. I hope so. I would like to do that. But we can do it one or two ways. We can do sort of the new portion, the emergency portion, or we can work out an agreement on the bigger package. And I am ready to do either one of those. I think we can do it once we make up our minds to do it.

Mr. WELLSTONE. Will the Senator yield?

Mr. SARBANES. Will the Senator yield for one further question?

Mr. LOTT. I will yield.

Mr. SARBANES. I recall the Senator's own State was struck with a disaster.

Mr. LOTT. We have had them all. We have had them all.

Mr. SARBANES. We had a major hurricane, and I remember voting to send disaster relief to the Senator's State in order to meet that situation. I don't recall it being caught up in these kinds of delays.

Mr. LOTT. Well, understand once again——

Mr. SARBANES. In personal disaster relief.

Mr. LOTT. There seems to be an abundance of selective memory around here. I remember—in fact, I have been through how that disaster legislation has worked. In fact, I was a staff member one time on the biggest one of all where we did not have FEMA. We did not have existing law. In fact, if you go back and look at the history of what has led to FEMA, it was in legislation we drafted in 1969. The disaster occurred August 18, as I recall it was, something like that, and we had to rely on the Corps of Engineers and people, volunteers to come in and help us. It was weeks, weeks before we got the legislation and, in fact, got many of the programs to help us. In fact, we did not have a lot of the programs that are now on the books.

I am not saying that that is good. I think we have learned from that experience.

Mr. SARBANES. I hope so.

Mr. LOTT. I am glad we have been through that, and now we are going to provide, as we always have, the assistance that is needed to the people in America who cannot help themselves.

There is one thing that worries me about part of this bill. There is a lot of spending in here that does not relate to these disasters. It has just sort of been added as it's gone along, and I am not putting that just on Democrats either. A lot of these projects, if I go down the list, I can trace them back to some of my colleagues. But we are going to get this done. We can do the emergency stuff, and we can do the bigger package.

But right now everybody is trying to find a way to prevail or to claim victory or to get the PR victory, and I am not—I did not say you. I said we. And when we decide, once we make up our minds we are going to get this done, short term or long term, we are going to find a way to do it. But the fact is, as has always been the case—and it will be this time—the people who have been hurt and hit with these disasters in a variety of States are going to get the help they need.

Mr. WELLSTONE. Will the Senator yield for one final question?

Mr. LOTT. I will be glad to yield for a question from the Senator from Minnesota.

Mr. WELLSTONE. I thank the majority leader. Let me see if I understand what the majority leader said, and I think I do. I expect it to be a friendly question.

Mr. LOTT. I would not expect it to be any other way from the Senator from Minnesota.

Mr. WELLSTONE. The majority leader keeps saying he is determined to get this assistance to the people and he is determined to try and get this done this week. Have I heard that correctly?

Mr. LOTT. I would like very much to be able to do that. It is going to take more than just me though. But that is my desire.

Mr. WELLSTONE. I understand. But the reason I ask the majority leader this, since he is the majority leader, is that—and I put this in the form of a question. Is the majority leader aware—and I believe you are because I think that, agree or disagree on issues, you are very adept at sort of understanding the mood of people in Mississippi or for that matter in the country—is the majority leader aware that the people in our States are just getting sick and tired of it all and they do not understand all the debate about census and all the debate about continuing resolution and all the rest; they do not mind our having separate debate on that and they understand there are disagreements. They do not understand why we just cannot get a clean disaster relief bill to them.

Can the majority leader commit to us that that is what we will do this week, get a clean disaster relief bill that will provide the assistance to people that need it and we will get it done this week? Can the majority leader make that commitment?

Mr. LOTT. I say again I would like that to happen. I am hopeful, and I believe we can get a clean bill through this week but it will not be $8.6 billion. It would be only—the only chance we have to do that, what you are suggesting at this point, would be the truly emergency portions of the bill.

Now, we may also get an agreement on the bigger package and language that would be attached to it, but based on what I have experienced during the last 4 days, I think that is going to take a little longer.

Keep in mind now, I have not been up in Minneapolis, MN, or the delta of Mississippi and not thinking about this. I have been on the phone. I have been probing. I have suggested a variety of ways to solve these problems. I did it on Friday. I did it on Monday. I did it last night. I am trying to find a way to solve this problem, and I am open to suggestions with regard to the census language, for instance. I confess this openly here because I am not ashamed of it at all. I went to the Democratic leader, and I said I think you see what our concerns are. Is there some language that you all could live with?

This is not insignificant. When you talk about changing the way the census is done, this is not without major implications. We do have language in the Constitution with regard to the census. I talked to the Secretary of Commerce this very morning. I am not sitting over in a corner just trying to outlast you guys. I have talked to FEMA, the head of FEMA. I have talked to the Secretary of Commerce. I have talked to the Chief of Staff of the President of the United States. I have talked to the President of the United States, the Democratic leadership, the Speaker of the House.

This morning I was talking to the Secretary of Commerce. I said one of the things—or he suggested one of the things we might do would be to set up a process where there could be a quick judicial determination of this constitutional question.

That is important. And census is important for more than just how you count. It is also important from the standpoint of how many representatives a State has—very important. It also has a great impact on how you get Federal funds. I have towns in my State of Mississippi, and I know it is true in Minnesota, that because of the census count, either undercounting or not proper counting programs, that are not eligible as far as some of our Federal programs, some of the Federal grants and loans, and so this is very important for a long time.

Mr. WELLSTONE. Last question.

Mr. LOTT. Sure. I will be glad to yield further for a question.

Mr. WELLSTONE. I will not hold the floor any longer. I just want to say to the majority leader I am a little troubled by the very lengthy explanation on the census count only because again I think the question that we have put to the majority leader is why not take that issue, around which there is disagreement, and debate it separately and why not take the issue of appropriations bills and the continuing resolution and debate it separately? But that is what we do not agree on. That is controversial. We can have an honest debate. Why link it to what should be a disaster relief bill——

Mr. LOTT. I have an answer.

Mr. WELLSTONE. Providing assistance to people in our States?

Mr. LOTT. I have two answers to that question.

Mr. WELLSTONE. Does the majority leader understand that in our States——

Mr. LOTT. I have two answers.

Mr. WELLSTONE. People do not care a lot about what the majority leader is talking about; they have got a whole lot of pain they are dealing with. We want to get help to them. Can we get the commitment to get help to them?

Mr. LOTT. As a matter of fact, I have two answers. I have suggested to you today, to the leader on your side of the aisle and the Senators from North Dakota, there is a way we can get the emergency funding and do it quickly if we make up our minds and are determined to do that while we continue to work on the solutions here.

But the other point with regard to the census, the reason why I make the explanation is to show once again an abundance—we can solve this. We can solve this problem, but there is a reason why we have to do it now. The die is being cast; the Census Bureau and the Department of Commerce have indicated we are going to do this. And if we wait until October to deal with this issue, we are going to be in a position of having to reverse something that is already set in place. They are getting ready to do it. So we do not have the luxury of saying, well, we will pick up on this in July or September or October. It would be a fait accompli by then.

So that is a consideration. But we will continue to work on that, and we will find—I think we can find a way to do this this afternoon.

Does the Senator from North Dakota wish to ask another question?

Mr. DORGAN. Yes. I do not want something the Senator said a moment ago to stand here and be misinterpreted. The Senator indicated potential existed—in the past some kind of emergency provision—that it would not be $8.6 billion. I want to make clear—I assume you do not mean, as some have suggested on the other side, that, well, if we come back to disaster relief, the folks who are waiting for that relief are going to get a whole lot less relief because we are going to cut it. That has been the implication by some.

Now, we have had agreement on the disaster package in this legislation. There has been no disagreement. Republicans and Democrats have agreed. We have put it in. It is done except it has not gotten through to the President for his signature. But I assume the Senator from Mississippi supports the full complement of disaster relief that is in the bill and is not in any way saying that he would at some point revisit and diminish the amount of disaster relief in the bill. Could you clear that up?

Mr. LOTT. I am not here to negotiate the exact amount. I think we have to work with the committee.

Mr. DORGAN. That is not what I am asking.

Mr. LOTT. Well, I am trying to answer the question. I am not going to say here that it is going to be—I do not know, for instance, what the exact amount is, what the total amount is that would be alleged to, or would be needed for the disaster assistance, so how can I say what the number would finally be? But I am prepared to say this, that there is a difference between the total amount that is requested over a period of months and years for disaster and those parts of it that are urgent, that need to be addressed now, and that is the part I am really focused on. But I am not prepared to say it would be even limited just to that. I think we need to look at what is really needed right now and in the short term or in the foreseeable future and go with that number. I think we have to talk—are you on the appropriations committee?

Mr. DORGAN. Yes. I was part of the conference.

Mr. LOTT. You would certainly be involved in that process.

Mr. DORGAN. But the Senator supported, when the bill passed the Senate the Senator supported the conference report that had this package of disaster assistance in it. I just do not want someone to misinterpret—maybe I am putting words in your mouth, but I do not want someone to misinterpret when you say, well, there may not be $8.6 billion. My assumption is that you support and others in the Senate support the quantity of disaster aid that was decided upon by the conference committee. Is that not correct?

Mr. LOTT. I also supported, I believe it was about $1 billion right before the Memorial Day recess.

Mr. DORGAN. That is correct.

Mr. LOTT. And I realize the situation is different now. But I do not know, I do not know how much different it is. I have supported a lower figure. I supported a higher figure.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. LOTT. Now, look, again, this bill is $8.6 billion and it has got a lot more in it than just disaster aid. It has some disaster relief that is not emergency and not needed for months and even years.

Mr. DORGAN. If the Senator will yield for one additional question. I appreciate the majority leader's indulgence.

I am more concerned than I was before I left my chair.

My assumption has been that we negotiated a disaster relief package. It is significant. It is important. And it is vitally needed by the areas in my part of the country but many others around America as well, and I hope very much that there is no one here who seriously entertains backing away from that commitment.

In any event, one of the reasons that I ask this question is the piece that the Senator from Mississippi provided as samples of nonemergency spending in the supplemental included, for example, $694 million for the highway trust fund. And let me just describe something. Maybe the Senator does not understand this, but we have, for example, in North Dakota right now a highway called Highway 57. It is a link to the Spirit Lake Indian Nation. It is now under water, incidentally. That Indian nation is virtually isolated out there, and there are young kids who need doctors' attention and medical help who at this point have to go far around in order to get it. Their lives are at risk. Commerce stops. Emergency medical assistance is not available. And so we need to deal with these emergency road needs, for example, in Devils Lake which has been flooded every year.

Mr. LOTT. If I can respond to that, it is interesting the Senator would raise that. As a matter of fact, I believe that one of the things that will probably be indicated as urgent disaster need would be in the transportation area which is different from the $694 million that is in the bill, and let me just emphasize this. The President in that area asked I think for about $300 million, but along the way that figure grew to almost $1 billion. I have seen this figure I believe that is there, $694 million. I think that has to do with ISTEA and the allocation formula and that there is a separate emergency transportation item that we might consider. It may not be accurate, but that is the impression I have. That $694 million is for funds all over the country not related to the disaster.

Mr. DORGAN. I would say to the Senator that I have visited with the Department of Transportation Secretary and others, and they are awaiting this disaster bill in order to unlock the money necessary to deal with these critical road problems in the one area I have mentioned, which is Devils Lake, where an entire Indian tribe is isolated out there because the roads are inundated with water. But let me go back to the point I originally made today to the Senator from Mississippi.

I urge you to consider this afternoon doing the following, which would very simply and quickly unlock this issue. There are two major stumbling blocks to having the President sign this disaster bill. One is the attachment of the anti-Government-shutdown provision and the second is the census issue. Let us, as the Senator from Minnesota and others have suggested, set them aside, debate them separately. We will not stand in the way of debating and voting on those issues. And let's take the other bill that has been crafted by a bipartisan majority, Republicans and Democrats in the Senate and the House, and I was on the conference committee, let us take that to the floor, vote it out, send it, and get it

signed and get disaster relief. We could do that this afternoon.

I just don't understand why that is not possible today. Maybe the Senator from Mississippi can tell me why that is practically impossible. I would think it would be the easiest and most immediate solution to getting disaster aid to disaster victims.

Mr. LOTT. As a matter of fact, one of the things that amazes me is the President of the United States would veto a disaster bill because he doesn't want language in there that says we won't have a Government shutdown. As a matter of fact, if we can get this problem worked out now, it will avoid a problem we are surely going to have in October, where, once again, like we do almost every year, we have these fun and games where there is a threat of various departments or agencies or Government shutdowns that has been used by Democrats and Republicans—most effectively, by the Democrats. And all I am saying is, you know, we could work this out. I have suggested some language that I believe most of you could live with, and we ought to go ahead and do that and get this issue resolved and move on.

Of course, obviously, the purpose here would be to separate these things out where the President could veto them, if he wanted to, and not resolve the problem. Why move these on down the line toward another disaster—as I have already pointed out, a manmade disaster—at the end of the fiscal year?

UNANIMOUS CONSENT REQUEST

Mr. LOTT. Let me just say, in order to allow other Members to speak, would the minority leader be willing to allow us consent to provide for speeches by Senators DASCHLE, GRAMS, HUTCHINSON, DORGAN, SARBANES, BOND, WELLSTONE, NICKLES, or his designee, say for 10 minutes each, and following those statements that I be recognized?

Mr. DASCHLE. Mr. President, there are many other Senators who want to be recognized to speak, so I wouldn't want to exclude other Senators who would like very much to participate.

Mr. LOTT. I would not want to exclude them. I think this would just get an agreement that these Senators that are here, waiting for an opportunity to speak—I would like to amend that list to include the Senator from North Dakota—that we get a lineup of speakers, led off by the distinguished Democratic leader. Senator GRAMS has been waiting to speak; Senator HUTCHINSON, who is an original cosponsor of the Government shutdown prevention language, and Senator DORGAN and Senator SARBANES have been waiting. Senator BOND is here and wishes to speak on his birth defects bill. That has been blocked now. It is a bill we should be able to have some limited debate on and get agreement to move on.

Senator WELLSTONE, I am sure, would like to be recognized, Senator CONRAD and Senator NICKLES, or his designee, for 10 minutes each with their statements, and then I be recognized at end of that group.

Then, if others come in, we will get time for others to speak, too. There is no desire to cut Senators off. I am just trying to set up some regular order where I don't hog all the time and I am in a position of saying to you I will yield for a question only so I do not lose control of the floor.

Let's set up an orderly process and we all get our chance to make our speeches, make our statements, without being just a question or response to the question. Would the Senator object to that?

Mr. DASCHLE. Mr. President, I would have two concerns. One is that some Senators may wish to speak longer than 10 minutes.

Mr. LOTT. Would you like to make it 15?

Mr. DASCHLE. Second, they may wish to come back and speak again.

Mr. LOTT. We wouldn't limit that, either.

Mr. DASCHLE. I wouldn't want it to be precluded.

Mr. LOTT. I hope before the afternoon is over, we will have an opportunity to get an agreement for an extended period of time of debate which would be open, with the normal recognition of the Chair and going back and forth on both sides of the aisle, that would go on for quite some time.

Again, I want to talk to the Senator about what length of time he is talking about.

Mr. DASCHLE. Mr. President, so long as no Member is precluded a second time or speaking for a period longer than 10 minutes at a later time, and so long as no other Senator is precluded from speaking at all by this unanimous consent request—I think that is the assertion, now, of the majority leader?

Mr. LOTT. If I could suggest, again, let's start with this and then I will talk to the Democratic leader, and we will go from there. This is just to get it started.

Mr. DORGAN. I reserve the right to object, and I ask the majority leader a question. On two occasions, on the two most recent business days, we were subject to a motion to adjourn and required to vote on that, even though many of us did not feel we should adjourn. We wanted to continue to discuss this issue and attempt to see if we couldn't get the Senate to do its business and pass a clean bill providing disaster relief.

I would just like to understand what we might face later today. I certainly would object to any unanimous-consent request propounded by anyone under any circumstances unless there is some assurance we are not going to face another motion for adjournment and simply be voted down and told the disaster bill is not a subject they want us to visit about on the floor of the Senate for any extended length. Some of us feel very strongly we would like to spend some time on the Senate floor talking about the disaster relief bill and ways to solve this so we can get disaster relief to disaster victims.

So, I guess, before I would agree to a unanimous-consent request, I would like to have some understanding whether we are going to face an adjournment request later.

Mr. LOTT. Well, could I inquire if the leader would be willing to give us consent for our committees to meet, if we could go ahead and lock in a unanimous-consent agreement, or an agreement on how long you all would like to go tonight? Would the Senator like to respond to that?

Mr. DASCHLE. Mr. President, we discussed this matter in the caucus. I think it was unanimous in the caucus that committees would not meet this afternoon, because we really need to have attention focused on this issue. I am afraid I am not able to give that agreement to the majority leader.

Mr. LOTT. Mr. President, if I could say, then, I would like to—and I will talk to the Senators about how we do this—with their cooperation, and I am talking about not just committee meetings, because we will do what we need to do there. But when we begin the debate or comments other Senators are going to make, we will talk with you about how much time we think we need and how we will do that. It is my inclination today to try to get it worked out, where we could have an understanding, an understood period of time, and to not go with a motion to adjourn.

Mr. DORGAN. I wonder if the Senator would agree to the proposition that we not propose a motion to adjourn the Senate without agreement obtained with the minority leader for such a motion.

Mr. LOTT. You know, I am asking here for some process whereby the Senators from the various States would have a chance to make comments for a specified period of time. I asked for 10 minutes. Do you want me to expand that to 15?

Mr. DASCHLE. I think there are Senators who wish to speak longer than 10 minutes. Whether it is at the first opportunity or whether they have the opportunity to come back, that is a concern. But I share the concern expressed by the Senator from North Dakota.

Mr. LOTT. If I could—excuse me for interrupting you, but we are going to have an opportunity for them to speak now and speak again later. And we will have to work out the process to do that.

Mr. CONRAD. Reserving the right to object, what is the assurance that a

Senator would not be precluded from giving a second speech? Because, as the majority has outlined this proposal, as I understand it, a Senator would be able to speak 10 minutes or 15 minutes, but then would be precluded from speaking again, unless the majority leader would alter his unanimous-consent request.

Mr. LOTT. I believe if we get another consent, that that would not apply. Of course, the way the Senate works, if a Senator asks for a specified period of time to speak, that usually is acquiesced to.

Here is the alternative. If you like, I'll just keep talking here. We can go right on until some other time here in the afternoon. But I would like to have a free-flowing discussion, so I would like to do it in an orderly way.

I asked unanimous consent, and then we will get an agreement, I presume later on, that we will have an extended period of time for debate during which Senators will be able to speak for extended periods of time.

Mr. DASCHLE. Will the majority leader yield?

Mr. LOTT. I am glad to yield.

Mr. DASCHLE. Would he entertain a unanimous-consent request which would say we would not adjourn without the consent of both leaders tonight? Because I think, if that were the case, then there would be no objection on this side to working through whatever schedule may accommodate speakers on both sides.

Mr. LOTT. It is my intent, Mr. President, to work with the leader and get an agreement on what time will be needed. I would like to do that. I prefer not to move for adjournment. I think we could work that out. I am indicating to you I would like for you to be able to have that time tonight. But I have been asked for three different things to agree to. I asked for one thing in return, and that's for committees to meet. I am going to have to go through a parliamentary procedure here in order for committees to be able to meet.

Let us do this. Let us talk while others are talking and we could work this out. I think there is no question we can get that done.

Mr. President, I renew my request that the Senators that I outlined be allowed to speak for 10 minutes and that I be recognized at the end of this list, at which time, if there are other Senators who wish to speak, they will be recognized or we will work out an order so the debate can continue.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Reserving the right to object, Mr. Leader, I say to you I would be forced to object if there is no assurance that the rights of this Senator and other Senators will be protected. Because, as the Senator has outlined, the Senator would be able to speak perhaps 10 or 15 minutes and that's it, under this formulation.

Mr. LOTT. I am saying to the Senator from North Dakota, I would like to be able to work with him to do that. I intend to do that. We will talk and we will make that agreement. We will make it in a request at a period of time after we have had some of these speeches so we can talk.

I don't know exactly what you all are thinking about or what you want, but there is no desire to cut the Senator from North Dakota off today. I want him to be able to make his case. I am going to work with you to do that, and I think the record will show I have done that sort of thing in the past. I am telling you here, now, we are going to find a way for you to be able to make the speech you want to make. What more can you ask of me now? And then, we will talk that through while others are speaking.

Mr. CONRAD. I am constrained to object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—COMMITTEE MEETINGS

Mr. LOTT. Mr. President, I have five unanimous consent requests for subcommittees to meet during today's session of the Senate. I ask unanimous consent these request be agreed to en bloc and that each request be printed in the RECORD.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, my consent request was for the Armed Services Committee to meet on S. 450, the Department of Defense authorization bill. They are the Subcommittees on Airland Forces, Strategic Forces, Seapower, Acquisition, and Technology. Also, for the Subcommittee on Near Eastern and South Asian Affairs and the Subcommittee on Foreign Relations to meet on some very important issues, with witnesses to be Senator LIEBERMAN of Connecticut, Mr. William J. Bennett, and Michael J. Horowitz of the Hudson Institute, Father Keith Roderick of the Coalition for the Defense of Human Rights, prepared and waiting to testify before that committee.

The second panel includes Col. Sharbel Barakat, a witness from Iran, and an anonymous witness from Pakistan.

In addition to that, we asked for the Science, Technology and Space Subcommittee, Committee of Commerce, to meet with regard to NASA's international space program, which we have been working feverishly to make work, with other countries including Russia.

Those are the committees that are prepared to meet this afternoon. They have witnesses lined up of both parties and a variety of positions. That has been objected to. I thought it was appropriate we put in the RECORD that objection is heard.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LOTT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The assistant legislative clerk continued the call of the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the next hour be equally divided between Senators LOTT and DASCHLE and, at the end of that hour, that Senator LOTT be recognized to move to adjourn.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I can inquire of the Senator from South Dakota, is it his desire that we not have any further debate at this time?

Mr. DASCHLE. Mr. President, it is the desire on the part of many of our colleagues to speak longer than the time allotted in the unanimous-consent request, and it is certainly the desire of our colleagues not to allow the Senator the opportunity to adjourn the Senate. For that reason, I am compelled to object.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, we have very important committee work that needs to be done. As the Senate knows, the bulk of the work and the writing that goes on in the Senate does occur in committees at the hearings and markups. We have a very important markup now that we need to get done in the Armed Services Committee. The defense of our country is, obviously, something we want to pay very close attention to. We have less than a week in which the Armed Services Committee needs to complete its work.

I would prefer that we get an agreement that the Armed Services Committee, as is always—almost always—the case, be allowed to meet with these other committees. I understand the Senator has a problem, some objections from his conference. I also would prefer that we have an hour of debate equally

divided so that Senators who have been patiently waiting for quite some time can be heard, including Senators here now, and Senator GRAMS of Minnesota who has been waiting to be heard.

I also had hoped that we could work together and get a time worked out whereby we could have extended debate tonight. It doesn't appear that we can work that out. So, I would be prepared to proceed at this time.

Does the Senator have any other comment he would like to make before I propound a unanimous-consent request?

Mr. DASCHLE. Mr. President, the distinguished majority leader mentions the defense markup. I also remind him, as he is very aware, there is money in this supplemental for our troops in Bosnia. Time is running out there, too. There is virtually no time left for us to get the supplemental assistance to the troops in Bosnia. It sends a terrible message to them not to address this legislation more successfully than we have.

I can't think of anything more important in that regard, not only to address the disaster victims but to address the troops in Bosnia, to address all of those who are waiting for some sign that we understand how difficult their circumstances are, including people defending our country in faraway lands.

So, I am compelled to object, and I only hope that at some point in the not-too-distant future, we are going to be able to resolve this matter, because they can't wait any longer.

Mr. LOTT. Mr. President, I also had hoped that we would be able to work out an agreement where there wouldn't be objection to my motion to proceed to the Birth Defects Prevention Act—this is broadly supported legislation; I don't see how there could be objection to it—while we continue to work to find ways to move other legislation while committees are meeting.

I understand the pressure that Senators feel on both sides of the aisle on other issues, but I don't see why that should cause us to halt or prevent us from taking up a very noncontroversial, broadly bipartisan supported legislation like S. 419.

I am also hopeful that this week we could take up the adoption legislation that we have been holding in abeyance for a week. And the Senator from Ohio, Senator DEWINE, has done very good work on that and I believe is prepared to spend time on the floor when we call up that legislation. I hope it will be in the next coming days.

Let us be clear about what this legislation does, the birth defects legislation. No one in this body needs to be told that birth defects are the leading cause of infant mortality in this country. They are directly responsible for one 1 of every 5 infant deaths. Here is a chance to do something about that, not in a week, not in a month, but this afternoon with, I am sure, not very long debate but enough debate so that the issue can be properly addressed.

We have spent the last couple of hours or so talking about other issues other than this bill which we had hoped to call up and begin debating.

No one needs to be told that every year some 150,000 infants are born with a serious birth defect. Here is a chance to do something about that.

Here is a chance to foster the most effective—and, by the way, the most cost effective—ways to prevent birth defects.

We now know that folic acid vitamin supplements can prevent spina bifida. We know that programs to promote avoidance of alcohol, especially early in pregnancy, can dramatically reduce a whole range of birth defects.

We want to get that knowledge out to those who need it. Senator BOND's bill would do that through regional research programs to identify the causes of clusters of birth defects.

His bill, which, by the way, is cosponsored by more than a score of Senators on both sides of the aisle, makes the Centers for Disease Control the lead agency for surveillance of birth defects and prevention activities to reduce their incidence.

His bill proposes grants to public and nonprofit groups to foster public awareness in ways to prevent birth defects. It would also set up a National Information Clearinghouse on Birth Defects.

This legislation, to which there has been objection, is really important and is endorsed by a wide range of groups: The American Academy of Pediatrics, the American Association of Mental Retardation, the American Hospital Association, the Association of Maternal and Child Health Programs, the American Public Health Association, the Council of State and Territorial Epidemiologists, the March of Dimes, the National Association of Children's Hospitals, the National Perinatal Association, the National Easter Seal Society, and the Spina Bifida Association.

On their behalf, I again renew my concern. There has been objection to this bill. On their behalf, I ask that we confer and see if we cannot find a way to bring up this legislation, if not today, tomorrow, while we work on other solutions to other problems.

It is not a partisan issue. It is not controversial. And all that Senator BOND has sought has received support across the political lines and he has urged that we take it up this week. It would be different if it were controversial or if this were a partisan issue. But it is not. It is one that I think we certainly need to get passed. And a lot of good work has gone into it. And I will continue to ask that it be brought up this week. And I will certainly confer with the leaders on the other side of the aisle as we try to find a way to bring to the consideration of the Senate legislation that would help with this very serious and very difficult problem of birth defects.

So now I ask——

Mr. DASCHLE addressed the Chair.

Mr. LOTT. I will be glad to yield for a comment or question from the Democratic leader.

Mr. DASCHLE. As I indicated earlier, Mr. President, I am a cosponsor of this legislation. So obviously I am very supportive of it. But it should be noted this legislation has not had a hearing, it has not been marked up in the committee.

The majority leader—and it is his right to do so—is discharging the committee to bring this bill to the floor. Now, that is an abnormal procedure. That is not something we do every day. Yet the distinguished majority leader has seen fit to bring this bill to the floor without an official markup, and then to amend it with an amendment that we only saw late yesterday. And so it is really not normal legislative procedure to consider a bill of this import, even though there may not be much controversy associated with it, to discharge it, to amend it with an amendment nobody has seen, and to move in this process.

So it is not only our concern for the disaster legislation but our concern for process here that makes me skeptical about the approach the distinguished majority leader has chosen to employ in this regard. So I would hope we could work together, if we can once get this disaster bill passed, to take up the bill, but I really hope we can respect the normal order here and allow the committees to move and to consider bills and then report them out, put them on the calendar, and take them up off the calendar as we would in normal circumstances.

But I thank the majority leader for his willingness to allow me to comment on that particular bill.

I yield the floor.

Mr. LOTT. Mr. President, I would respond to that, if I could, that certainly it is again not controversial. There has been a lot of work done on it. There have been hearings on this bill. And I believe an almost identical provision, if not identical, was a part of the comprehensive health legislation that came up last year. That was a different Congress, but it is not as if it is a new idea. It has been around for awhile. And a number of Senators are very familiar with what it would do, including the Senator from South Dakota.

Mr. President, because he has been so diligent in his effort to wait to be heard, and recognizing that it does not appear we are going to be able to work out some agreement where he could make a statement, I, if I can, yield to the Senator from Minnesota for the purposes of a question so that he could

at least address a question that frames his concerns in this area.

Mr. GRAMS. Thank you very much, Mr. Leader.

I just would like to take a few moments to address a couple concerns and questions. And as I think we are all very disappointed in the fact that yesterday President Clinton vetoed the emergency aid bill which would provide $5.5 billion in disaster relief nationwide—and that comes with a major portion of those dollars directed toward rebuilding and repairing those communities that have been devastated by floods in my home State of Minnesota and, of course, the Dakotas—our legislation I think sent a very clear message that the people of Minnesota have not been forgotten by Congress at this time.

And I just really am concerned and disturbed by the fact that the President has used, as his primary excuse for vetoing the emergency flood relief bill, our inclusion of a measure that would go on to protect these very same victims this fall from what could become a manmade disaster if we do not come to some time agreement between the Congress and the President on funding legislation in the budget debates coming this fall. So for those reasons, I raised repeatedly on the floor that I believe that delivering this bill to the President is of utmost importance.

And I just ask the leader if all considerations have been made or taken into account of trying to get this issue to the President again, to have him somehow—I would like to remind my colleagues who voted for this bill a week ago, that if they say these issues are so controversial, why did they then vote and approve this bill by 67 votes, as the majority leader said, last week and move this on to the President?

So when they say that we are unbending and not willing to compromise on the issue, that it is "our way or no way," really that is what we are hearing from the other end of Pennsylvania Avenue, that if it is not the President's way, it will be no way.

Mr. LOTT. Mr. President, I will respond to the question and comments framing that question by the Senator from Minnesota. I appreciate what he has had to say. And I appreciate his interest in getting this assistance provided. He has been constructive and helpful in that he has been suggesting a variety of ways we could try to come to an agreement on how to proceed here.

He is absolutely right that, as a matter of fact, what we passed last week was a compromise. There had been funds added, language added. And, as a matter of fact, the language dealing with the Government shutdown prevention was a compromise provision. Senator MCCAIN, one of the original sponsors, along with Senator HUTCHISON, offered an amendment and actually raised the level of funding whereby the Government would continue basically at the current year level until an agreement was reached on the next year's appropriations bills.

So it was compromise language. I mean, it should not go without people's notice that it got 67 votes here in the Senate. This matter can be resolved. It can be done quickly. It could have already been dealt with if the President just signed the bill.

The President is not without tools to work with the Congress. But he must understand—and I know the American people understand—that we, as representatives of the people, have a coequal voice in this Government. We have a right to be heard. And we have a right to have very important issues that we are concerned about addressed.

So I again appreciate the Senator's patience here and his suggestions. I know he is going to continue to work with leadership on both sides of the aisle and across the Capitol where he served in trying to find an appropriate solution to this problem.

Mr. GRAMS. I thank the majority leader.

Mr. LOTT. Mr. President, I would also like to inquire of the Senator from Texas. Senator HUTCHISON, had indicated that she had hoped to be able to speak. I wonder if she has a question she would like to propound at this time because I would be able to yield to her at this time, under the rules we find ourselves confronted with, only for a question. So I ask that she frame her comments in the form of a question.

Mrs. HUTCHISON. Thank you, Mr. President.

I was really wanting to question in the arena of a timetable for kinds of disaster relief.

It was indicated by one of the Senators from North Dakota that perhaps it was all or nothing, as if the entire supplemental appropriations bill was part of an emergency disaster. And I was just going to ask the distinguished majority leader if he was not thinking that perhaps there are certainly judgment calls that we can make.

I think the majority leader is saying that if we are going to make some very slimmed down bill to provide for emergency assistance—I think the distinguished majority leader would agree with me, there is also $30 million for plane crash investigations; $6 million to the FBI to reimburse New York State, but New York State has had ongoing expenses with regard to TWA flight 800; $197 million for the National Park Service; $103 million for Fish and Wildlife; $67 million for the Forest Service; $20 million for the Bureau of Indian affairs; $585 million for the Army Corps of Engineers.

I am just wondering if the majority leader doesn't think that perhaps these are supplemental appropriations that are not of an emergency nature and that maybe Congress would be able to make a judgment call if in fact we were talking about emergency relief. Because it seems to me that some of the Senators are saying that, "Look. We want everything, but your issues aren't important. The issue of process, of not being able to shut down Government isn't important."

It may not be important to someone on the other side of the aisle, but it is very important to many people on our side of the aisle that we have a process by which we say to people, here is what you can expect. Veterans can expect to get their pension benefits on time, regardless of whether Congress and the President have not agreed on a particular appropriations bill, that Federal employees can expect to get their checks on time regardless of whether there is an agreement between the President and Congress.

So, you know, I think that there are a lot of issues. And I sincerely believe that it is important for us to set the process of how we are going to handle appropriations this year. Perhaps others do not think that is important. But to say, "You take all of our issues. Throw away all of yours. And that's the only thing that will be acceptable," seems to me to be a little unreasonable.

I just ask the majority leader if he would put all of these other supplemental appropriations in the same position as some part of the emergency bill that really is an emergency where funds really might not be available if there are funds like that?

Mr. LOTT. Mr. President, in responding to the question by the Senator from Texas, obviously I think that she is suggesting a route that is appropriate. There is a difference between a supplemental appropriations in its normal sense and a supplemental appropriations that includes some emergency provisions. Clearly, they could be separated out and moved as the Senator from Texas has suggested.

I want to commend the Senator from Texas for her work as a member of the Appropriations Committee, a member that knows what is in the bill and what is not. And I think some Senators have not had an opportunity to look at all the things that have been added in terms of language and additional spending and programs which may be worthwhile but which are much more in the supplemental range, not in the emergency range, and also could be dealt with in the regular appropriations process.

We are in the period of time now in this year when we ought to be doing our regular appropriations bills. And the need for a supplemental for many of these provisions has been long since past.

Also, I just have to say, the idea of resolving this issue about the annual

confusion at the end of the fiscal year, the threats of and in fact the shutdowns of programs or Agencies, Departments of the Government, that idea originated with the Senator from Texas and Senator MCCAIN. They are the ones who said we need to resolve this now, not October 1 or October 15 or November 1 when we are going through these fiascoes.

The suggestion was that we solve this problem now. The language that was introduced, which was subsequently compromised, by the way, to raise the funding above what the Senator from Texas wanted, originated from her.

I challenge anybody in this institution or anywhere to suggest that the Senator from Texas is not concerned about the need for the disaster assistance or the funds for the Department of Defense. She knows that this issue is important, and she also knows it can be resolved. It can be resolved quickly and it can be resolved in terms of working out language that would serve the American people well in stopping these annual Government shutdown activities.

I commend her for the work she has done, the leadership she has provided, and for the fact she continues to say we can work through this with language which may be different from what she originally started with but with language that is acceptable, or that we go with emergency language only.

I yield to the Senator from Texas for a further question.

Mrs. HUTCHISON. I appreciate the distinguished majority leader yielding to me for a question because I do have a question. I think it is not a matter even of the supplemental appropriations, that they are not worthy, but I think timing is the issue.

I just sense that all of a sudden the ground is shaking. First they said, "Just pass the clean emergency help to the victims." That was the first thing that was said. Now, then, you said, well, OK, let's talk about what is an emergency, and I am seeing all of a sudden a different argument, a different argument that says, oh, wait a minute, what do you mean, that there might be some parts of this bill that would not be part of the emergency?

In fact, there are billions in this bill that are supplemental. They are good. We hope they will pass. But they are not an emergency.

So if you are going to say that it is not important to provide for the orderly transition of fiscal years right now in the first appropriations bill that has come on the floor this year—Mr. President, I think the distinguished majority leader will agree that we have not had another appropriations bill on the floor. If we are not going to set the process right now for how we are going to handle the transition of fiscal years in an orderly and responsible way, when would we do it? Would we do it 1 month before the end of the fiscal year so people would not be able to plan, so that we would not know for sure exactly what was going to happen, so that Federal employees would not know for sure that we would not have another Government shutdown, so that veterans would not know for sure that their pension checks would be on time?

I think to say that now all of a sudden it is not just emergency relief but also everything in the supplemental appropriation which is important to many people in this body—but so is the resolution about not shutting down Government important to a number of people in this body.

I think the distinguished majority leader in good faith said, well, would you like for us to consider a pared down emergency for anything that would not be covered already under the Federal Emergency Management Agency funds which we know have at least $2 billion in the coffers right now that are going right now to the victims in North Dakota, South Dakota and Minnesota? The money is going in. There may be a few places where it is not going in, so the distinguished majority leader, as I understand it, is saying, OK, we should make a list of those where there really is an emergency, not supplemental but emergency, and would you consider working with us to pass that?

Now, all of a sudden, it seems that the argument is changing and we are saying, oh, no, we not only need the emergency appropriations that might not be covered if there are categories like that, but, in addition, we must also have all of the supplemental appropriations for the National Park Service, for the Fish and Wildlife Service, for the Forest Service, for the Bureau of Indian Affairs, for the Army Corps of Engineers, for the Postal Service fund, for the bulk cheese price survey, for the food stamp changes, for grants to local education agencies. Now, I have no doubt these are important appropriations, but are they emergency? That is the question that I ask the distinguished majority leader.

Once he said, "I am willing to talk about a pared down real emergency," all of a sudden it seems to me that now we are shifting to a different issue. We are shifting now to a whole different argument, and they are saying you have to take everything in the bill that the distinguished Senators from North Dakota want, take out everything that the distinguished Senators on this side of the aisle were hoping to get in the way of process to establish a process in the appropriations bill, the first one this year.

It is like saying we have all the cards. But that is not the way America is. We work together here. I think we have the ability to determine if there are emergencies that are not being met, and if that is the issue, then I think we would be able to solve it.

I just ask the majority leader if he believes that we have the ability to determine what is an emergency and what is a supplement.

Mr. LOTT. Mr. President, clearly, the Senator from Texas, Senator HUTCHISON, is right on this. She knows her business. She is on the Appropriations Committee.

I do not know what the exact figure is but probably of the $8.6 billion in this supplemental, well over half of it could not remotely qualify as disaster. It is probably in the range of $5 billion to $6 billion of the $8.6 that would not qualify as emergency disaster, either because it is not directly needed and/or because it could be handled through the regular appropriations bills. Clearly, a large portion of this bill would not qualify as emergency disaster. Again I do not know the exact amount. We have to hear further from the committee members, and I presume we will as the time goes forward.

Mr. DORGAN. I wonder if the Senator——

The PRESIDING OFFICER. Does the majority reader yield?

Mr. LOTT. I will yield if the Senator allows me to make a couple of points. I want to go back and reconfirm something I said a moment ago to make sure it is correct in the RECORD.

The bill that we are trying to get brought up, the birth defects bill, is not a new bill. It was one that has had a lot of work, and the substitute that we have now is going to be considered when we get permission to bring it up. There has been objection to bringing up the birth defects bill by the Democrats. It is almost identical to the language that was approved by the committee on Labor and Human Resources in 1995 and passed the full Senate in September 1996 as part of the Health Profession's Education Consolidation and Reauthorization Act, S. 555.

So the Senate is familiar with this. The Senate has worked on it. The Senate has voted on it. It is not a new issue or one that we are trying to put out without it having been considered by committee or having been considered by the full Senate in the recent past.

I want the RECORD also to reflect that I have tried to get the Democrats to agree for the Armed Services Committee to meet, and other committees, on very important issues. They have objected to bringing up the birth defects bill. They have objected to the Armed Services Committee meeting, the Foreign Relations Committee meeting, the Science Committee from meeting. I even offered an opportunity for us to divide an hour of debate time equally on both sides and to get an agreement where we could have extended debate tonight, and I suggested

even as late as midnight, 6 hours, 7 hours, whatever amount of time that might have been called for. But that was not accepted because they would not agree for the Armed Services Committee to meet and to do their markup work.

I want to say again, my Democratic colleagues have objected to bringing up the birth defects bill, they have objected to very important committees meeting with very important witnesses, and a markup of the Department of Defense. They have objected to dividing the time equally so all Senators can be heard in 10-minute segments of their own time, and they have even refused an offer that I have made for this debate to go on for an extended period of time, perhaps even as late as midnight tonight.

Now, before I make any further motion, did the Senator from North Dakota have a question he would like to ask? And I yield for the purpose of a question.

Mr. DORGAN. I do, and of course the majority leader has the power of scheduling in the U.S. Senate. The objection that we raised was an objection based on the understanding that the unanimous-consent request propounded by the majority leader was that he would remain in control at the end of the period of whether we had an opportunity to speak again and when we had an opportunity to speak again.

We have had, on two occasions now, a motion made to adjourn the Senate and a vote on that, and the majority leader has then adjourned the Senate twice last week and now apparently today, and some of us feel very strongly that we wish to continue to discuss and to push and prod to see if we cannot get a disaster bill passed without the extraneous or unrelated amendments attached to it that have caused a veto.

Now, the reason I rise to ask a question, as I listened intently to the question asked by the Senator from Texas—and she indicated to the majority leader that this was, really, the only appropriations vehicle or the first appropriations vehicle that was available for her to exercise an option to deal with the continuing resolution or Government shutdown amendment.

In fact, there is a House appropriations bill on the calendar, H.R. 581, that the Senator from Texas and others who wish to propose their amendment could offer to attach their amendment to. In addition to that, there are 13 additional appropriations bills that will follow that they can certainly attempt to attach their amendment to.

But the title of this piece of legislation is an appropriations bill making emergency supplemental appropriations for recovery from natural disaster and so on. I am assuming that those who decided to attach it to this piece of legislation did so because by its very title it is an emergency supplemental appropriations bill for recovery from natural disasters.

The Senator from Texas makes the point, as the Senator from Mississippi, there are some things in here that are not an emergency. That is a quarrel I suspect the Senator would have with the Appropriations Committee heads and others. There may well be some things in here that are not an emergency. I have no objection to taking those things and moving them aside and passing the disaster portions of this bill.

I say that it seems to me, at least viewing it, that those who have attached this amendment to this bill have done so believing that this bill is a must-pass piece of legislation because it is an emergency and, therefore, it is a way of moving their agenda along on this Government shutdown amendment. My point is there are 13 more bills. Do it on another bill. Do it on the House bill resting at the desk of the Senate, but do not do it in a way holding up disaster relief.

I am happy to propound the question. It is now 2½ weeks beyond the adjournment for the Memorial Day recess, which is the time when we should have passed this legislation, 2½ weeks beyond that, and the fact is we are now in a circumstance where it does not appear we are any closer to passing a piece of legislation that the President will be able to sign. Will the majority leader, at least from the Senate side, indicate to us that he feels that we can get this thing passed this week in a manner that allows it to be signed?

Mr. LOTT. I would be willing to work with him in that regard. I think we definitely can do it. I believe we will have some time here in a moment where maybe we can talk about that.

Here is the chairman of the Appropriations Committee. He is convening. I have seen him work miracles before, and I know he is prepared to do that again this time with the help from the Senators from North Dakota and the Senator from Texas.

Does the Senator from Oklahoma wish to ask a question with regard to the situation?

Mr. NICKLES. If I could just ask a question, because I understand our colleagues from North Dakota wish to speak on this issue. I know some colleagues on this side of the aisle would like to speak.

Correct me if I am wrong; did you not offer to allow debate on this and other issues, maybe debate as late at 12 o'clock tonight? That is almost an additional 8 hours.

Mr. LOTT. I knew it came as a shock to the Senator from Oklahoma, but he is right.

Mr. NICKLES. I did not want to stay for all of that, but I think the Senator from Mississippi, the majority leader, is being generous with time.

If our colleagues are going to object to the offer that the majority leader made, I do not think they are showing good faith, and that does not increase the likelihood of getting things done.

Now, correct me if I am wrong; I ask the majority leader this question, the majority leader asked permission for the committees to meet?

Mr. LOTT. Correct.

Mr. NICKLES. And stated his intentions to allow the Senate to be able to debate this and other issues on time equally divided; is that not correct?

Mr. LOTT. That is correct.

Mr. NICKLES. My comment would be to the majority leader that I think you are being very generous and I hope our colleagues will cooperate.

Mr. LOTT. Mr. President, I appreciate the questioning of the Senator from Oklahoma, and I say that the procedure which I am about to carry out here has been forced by the fact that we can't get consideration of the birth defect legislation, we can't get permission for key committees to meet, and we can't get a time agreement on how the debate will occur.

QUORUM CALL

Mr. LOTT. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3]

Bond	Grams	Nickles
Conrad	Hutchinson	Stevens
Coverdell	Hutchison	Thurmond
Dorgan	Inhofe	Wellstone
Gorton	Lott	

The PRESIDING OFFICER. A quorum is not present.

VOTE ON MOTION TO ADJOURN

Mr. LOTT. Mr. President, I move that the Senate stand in adjournment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the majority leader. The yeas and nays were ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Louisiana [Mr. BREAUX], the Senator from Nevada [Mr. BRYAN], the Senator from Florida [Mr. GRAHAM], the Senator from Nebraska [Mr. KERREY], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from New York [Mr. MOYNIHAN], and the Senator from West Virginia [Mr. ROCKEFELLER], are necessarily absent.

The result was announced—yeas 55, nays 37, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—55

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chafee	Helms	Smith (NH)
Coats	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Coverdell	Jeffords	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Warner
Enzi	Mack	
Faircloth	McCain	

NAYS—37

Akaka	Feinstein	Levin
Biden	Ford	Lieberman
Bingaman	Glenn	Mikulski
Boxer	Harkin	Murray
Bumpers	Hollings	Reed
Byrd	Inouye	Reid
Cleland	Johnson	Robb
Conrad	Kennedy	Sarbanes
Daschle	Kerry	Torricelli
Dodd	Kohl	Wellstone
Dorgan	Landrieu	Wyden
Durbin	Lautenberg	
Feingold	Leahy	

NOT VOTING—8

Baucus	Graham	Moynihan
Breaux	Kerrey	Rockefeller
Bryan	Moseley-Braun	

The motion was agreed to.

ADJOURNMENT UNTIL TOMORROW

The PRESIDING OFFICER. A quorum is present.

The Senate stands in adjournment until 12 noon on Wednesday.

Thereupon, the Senate, at 4:40 p.m., adjourned until Wednesday, June 11, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 10, 1997:

DEPARTMENT OF THE INTERIOR

PATRICK A. SHEA, OF UTAH, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, VICE JIM BACA.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN E. RHODES, x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be colonel

JOHN M. METTERLE, x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be lieutenant colonel

JOHN J. EGAN, x...

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL SERVICE CORPS, ARMY MEDICAL SPECIALIST CORPS, VETERINARY CORPS, AND ARMY NURSE CORPS (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, UNITED STATES CODE, SECTION 624, 531 AND 3283:

To be major

*DOREEN M. AGIN, x...
CRAIG M. ANDERSON, x...
*JAIME B. ANDERSON, x...
*ANULI L. ANYACHEBELU, x...
*DERRICK F. ARINCORAYAN, x...
*KARYN L. ARMSTRONG, x...
KEVIN R. ARMSTRONG, x...
*MARK A. ARTURI, x...
*JOHN A. AUSTIN, x...
MICHAEL A. AVILA, x...
GILBERTO AYALA, x...
*MORGAN L. BAILEY, x...
*HOLLY S. BAKER, x...
LEWIS L. BARGER, III, x...
PATRICK C. BARRETT, x...
IDA R. BECKHAM, x...
*MARY L. BEMENT, x...
SERGIO R. BENITEZ, x...
JOSEPH P. BENTLEY, x...
*ROSANN M. BIERMAN, x...
JOSEPH M. BIRD, x...
DONNELL L. BLAKEY, x...
ANNETTE BOATWRIGHT, x...
MICHAEL A. BORDERS, x...
JONATHAN E. BRANCH, x...
*EDWARD J. BRIAND, xx...
*CHRISTINE J. BRIDWELL, x...
*DEANNA A. BROWN, x...
*CHERYL L. BROWN, x...
*SANDRA S. BRUNER, x...
MICHAEL J. BUCKELLEW, x...
GLENN M. BULLARD, x...
*PRICE V. BULLOCK, x...
WILLIAM M. BURNS, x...
*ROBERT J. BUSH, x...
LARRY D. CADE, x...
*MARTHA E. CALDWELL, x...
*WENDY R. CAMPBELL, x...
LINDA R. CARMEN, x...
SCOTT A. CARPENTER, x...
WILLIAM E. CARTER, x...
*CRYSTAL D. CHATMANBROWN, x...
*RODNEY S. CHRISTOFFER, x...
RICK F. CLABAUGH, x...
NOLAND P. CLARK, JR., x...
*PAMELA S. CLUFF, x...
*MARIE T. COCHRAN, x...
*SHARON D. COLE, x...
*LYNN C. COLLINS, x...
*CAROLYN M. COMER, x...
REYNALDO T. CORONADO, x...
*BERNARD C. COURTNEY, x...
*LINDA R. COURTICE, x...
*MELANIE J. CRAIG, x...
*MICHAEL D. CRANDELL, x...
*PATRICIA A. CRANE, x...
*BONNIE L. CRON, x...
DAVID N. CROUCH, x...
*TIMOTHY A. CUEVAS, x...
*JEFFREY N. CUNDIFF, x...
*MARY J. CUNICO, x...
*MICHAEL F. DALEY, x...
*ALLAN J. DARDEN, x...
*PATRICIA DARNAUER, x...
*RICHARD N. DAVID, x...
*CHRISTOPHER F. DAVIS, x...
*PAULA DAVISBONNER, x...
*MICHAEL P. DELANEY, x...
PATRICK N. DENMAN, x...
*ROBERT F. DETTMER, x...
*DEBORAH M. DICKSON, x...
*REBECCA L. DOUGLAS, x...
*TERENCE M. DUFFY, x...
*STEVEN M. DUNIHO, x...
DAVID K. DUNNING, x...
RONALD A. DUPERROIR, x...
PAUL H. DURAY JR., x...
ROBERT A. EATON, x...
TIMOTHY D. EDMAN, x...
*RONALD E. ELLYSON, x...
PATRICK S. FAHERTY, x...
DAVID P. FERRIS, x...
CLODETH C. FINDLAY, x...
SAUL FORD JR., x...
*GRETEL FOSTER, x...
KIRK J. FRANK, x...
*XIOMARA I. FRAY, x...
RONNY A. FRYAR, x...
LAWRENCE V. FULTON, x...
*DOROTHY F. GALBERTH, x...
JOHN M. GARRITY, x...
*STEVEN M. GERARDI, x...
*PETER GEREPKA, x...
MARK A. GIFFORD, x...
ROBERT V. GLISSON, x...
ARDIE R. GODBEE, x...
SUSAN D. GOODWIN, x...
*CHRISTOPHER D. GRAHAM, x...
*SANDRA A. GREIDER, x...
ROBERT J. GRIFFITH, x...
*PAULINE V. GROSS, x...
*ARLIN C. GUESS, x...
STEVEN D. HALE, x...
*ROBERT B. HALLIDAY, x...
*STEPHEN K. HALL, x...
LANETTE R. HAMILTON, x...
*JOHN K. HARMER, x...
*JEFFERY L. HARRE, x...
ANTHONY D. HAWKINS, x...
HARRY M. HAYS, x...
GARY A. HAZLETT, x...
DAVID G. HEATH, x...
MICHAEL S. HEIMALL, x...
MICHAEL E. HERSHMAN, x...
PHILLIP L. HOCKINGS, x...
*YOSHIO G. HOKAMA, x...
TIMOTHY N. HOLT, x...
*THOMAS E. HONADEL, x...
*DENISE L. HOPKINS, x...
*ROBIN G. HOUSTON, x...
*THOMASINE S. HOWARD, x...
RONALD D. HOWES, x...
LORI A. HULL, x...
*MELINDA L. JACKSON, x...
SCOTT K. JACOBSEN, x...
*RICHARDSON D. JAMES, x...
*TERI M. JEFFERSON, x...
*WANDA D. JENKINS, x...
ROBERT B. JIMENEZ, x...
JENNIFER L. JOHNSON, x...
*TODD O. JOHNSON, x...
NANCY L. JONES, x...
*SHEILA Y. JONES, x...
*DAVID C. JOSS, x...
STEPHAN KASER, x...
*VIVIAN A. KELLEY, x...
*BRYAN K. KETZENBERGER, x...
KYUNG M. KIM, x...
JEFFERY S. KING, x...
*ERIC R. KOCH, x...
RION D. KOON, x...
*PETER A. KUBAS, x...
BRIAN J. KUETER, x...
*KIMBERLY J. KURTZ, x...
*MARTIN M. LAGODNA, x...
*RONALD L. LANDERS, x...
ANDREW J. LANKOWICZ, x...
*KAREECE L. LARRY, x...
DAVID A. LATCH, x...
DENNIS P. LEMASTER, x...
*PAUL C. LEWIS, x...
DODOO J. LINDSAY, x...
TIMOTHY L. LOBNER, x...
*ALICE D. LUBBERS, x...
LORENZO F. LUCKIE, x...
DONALD O. LUNDY, x...
TIMOTHY P. LYONS, x...
*MARK A. MALZAHN, x...
*KELLY A. MANN, x...
*JANICE E. MANO, x...
GERARD MARTELLY, x...
MARY R. MARTIN, x...
*ROBIN L. MARTIN, x...
*MICHAEL E. MARTINE, x...
*LAWRENCE N. MASULLO, x...
*NOEL L. MATHIS, x...
*RANDY D. MCDONALD, x...
RICHARD E. MEANEY, JR., x...
*LISETTE P. MELTON, x...
*MARGARET E. MERCER, x...
CHARLES B. MILLARD, x...
WILLIAM B. MILLER, x...
KATHLEEN MILLER, x...
*MICHAEL J. MONEY, x...
JOSEPH C. MORGAN, x...
ROSALYN A. MORRIS, x...
PHILIP M. MURRAY, x...
MICHAEL T. NEARY, x...
*RENEE L. NELSON, x...
*JANICE F. NICKIEGREEN, x...
MONICA L. OGUINN, x...
JOHN M. OLSON, x...
*JOAN M. ONEAL, x...
CLAUDIA M. OQUINN, x...
ALEX G. ORNSTEIN, x...
DONNA L. PAGANO, x...
MELISSA A. PALIANI, x...
THOMAS E. PAUL, x...
*JOSEPH M. PAULINO, x...
MIA S. PELL, x...
JEFFREY E. PETERS, x...
*LISA A. PETTY, x...
*ANGELA J. POWELL, x...
CHARLES M. PRICE, x...
*ROBERT C. PUGH, x...
SCOTT J. PUTZIER, x...
*WILLIAM L. RANDALL, x...
*FREDERICK M. RICE, x...
PAUL R. RIVERA, x...
DAVID W. ROBERTS, x...
*ETHEL L. ROBERSON, x...
*NANCY D. ROBLESSTOKES, x...
JOHN P. ROGERS, x...
STEVEN D. ROTH, x...
*MICHELE D. ROUNDS, x...
STEVEN T. RUMBAUGH, x...
*MICHAEL D. SADLER, x...
*WENDY A. SAWYER, x...
*KEVIN J. SCHALLER, x...
WILLIAM F. SCHIEK, x...
*BRUCE H. SCHMIDT, x...
*BRYAN D. SCHMIDT, x...
*DEBORAH J. SELBER, x...
*MARY K. SELMAN, x...
VAN SHERWOOD, x...
*CATHERINE M. SHUTAK, x...
NASIR SIDDIQUE, x...
THOMAS C. SLADE, x...
ROBERT D. SLOUGH, x...

PETER H. SMART, x...
*KIMBERLY A. SMITH, x...
STEPHEN D. SOBCZAK, x...
JOHN SPAIN, x...
THADDEUS T. SPENCER, x...
*BELINDA L. SPENCER, x...
ELIZABETH J. STEAD, x...
*MICHAEL M. STEELE, x...
*PAUL D. STONEMAN, x...
*CHRISTOPH R. STOUDER, x...
*MICHAEL E. STREETER, x...
*LOIS C. STUBBS, x...
JENNIFER R. STYLES, x...
STEPHEN G. SUTTLES, x...
*MARK L. SWOPE, x...
CARMINE F. TAGLIERI, x...
*ROLAND B. TALLEY, x...
*RONNIE H. TALLEY, x...
CASMERE H. TAYLOR, x...
*PATRICIA E. TERRY, x...
JOHN V. TEYHEN III, x...
*CHERYL L. THIESCHAFER, x...
CLARENCE D. THOMAS, x...
GWENDOLYN H. THOMPSON, x...
KIMBERLY A. THOMPSON, x...
RICHARD E. THORP, x...
*REVA THOROUGHMAN, x...
JOHN P. URIARTE, x...
*ELIZABETH A. VANE, x...
DORRIS L. VARNADO, x...
*EDNA L. VELAZQUEZ, x...
THOMAS L. WAGNER, x...
*JOY A. WALKER, x...
*DALE G. WALLIS, x...
*CHARLES K. WALTERS, x...
SCOTT L. WARNER, x...
*BARRY D. WHITESIDE, x...
*KAREN M. WHITMAN, x...
*CARON T. WILBUR, x...
*STEPHANIE C. WILCHER, x...
ANDREW C. WILKINSON, x...
*JOSEPH G. WILLIAMSON, x...
SHARON W. WILLIAMS, x...
DAVID W. WILSON, x...
*BONNITA D. WILSON, x...
*JENNIFER L. WOLENSKI, x...
EDWARD L. WOODY, x...
*CHERYL YATES, x...
DIANE M. ZIERHOFFER, x...
*DONALD G. ZUGNER, x...

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY IN THE MEDICAL CORPS OR DENTAL CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major

BRET T. ACKERMANN, x...
LAN L. ADAMS, x...
PETER J. AHN, x...
ANTHONY W. ALLEN, x...
SUZANNE AMIDON-MAGRO, x...
HENGAMEH ANARAKI, x...
LISA M. ANDERSON, x...
JENNIFER M. ARO, x...
TERRY L. BAGLEY, x...
BRUCE K. BAKER, x...
LUIS BALBUENA, JR., x...
KRISTEN C. BARNER, x...
ROSS BARNER, x...
KEITH J. BAUGH, x...
DEBORAH A. BAUMANN, x...
HOWELL I. BEARD, x...
SARAH W. BECHTA, x...
PHILLIP J. BECKER, x...
BRUCE C. BEGIA, x...
MICHAEL J. BEHNEN, x...
MELINDA L. BEHRENS, x...
CLYDE H. BELGRAVE, x...
JAMES S. BEMBRY, x...
PATRICK J. BENNETT, x...
LOUIS W. BENTON, x...
BERNARD M. BETTENCOURT, x...
CLINTON S. BEVERLY, x...
WILLIAM D. BOAM, x...
ROBERT A. BOMBARD, x...
WARREN K. BONNEY, x...
SETH A. BORQUAYE, x...
MARY J. BORSES, x...
JOSEPH M. BOURDON, x...
FRED H. BRENNAN, JR., x...
CHRISTOPHER M. BRIAN, x...
ROBERT S. BRIDWELL, x...
MICHAEL B. BROOKS, x...
ROSS A. BRUNETTI, x...
BART J. BRUNS, x...
CARL L. BUISING, x...
NORI P. BUISING, x...
RICHARD C. BUTLER, x...
THOMAS R. BYRNES, JR., x...
REX B. CABALTICA, x...
CHRISTOPHER L. CAGGIANO, x...
EARL J. CAMPBELL, x...
CHRISTOPHER P. CANNON, x...
SANDRA L. CARTER, x...
RICHARD L. CATALAN, x...
JEFFREY G. CHAFFIN, x...
JOSEPH J. CHANG, x...
AMY P. CHEN, x...
CATHERINE W. CHEUNG, x...
MICHAEL K. CHINN, x...
FRANCIS M. CHIRICOSTA, x...
MICHAEL J. CHRIST, x...
ANDREW D. CHUNG, x...
MATHEW H. CHUNG, x...
CYNTHIA L. CLAGETT, x...
KATHRYN L. CLARK, x...
NANCY J. CLAY, x...
TERESA A. COLEMAN, x...
TIMOTHY J. COLLINS, x...
WILLIAM C. CONNER, x...
PAUL M. CONSLATO, x...
SHARON S. CONSLATO, x...
PATRICK J. CONTINO, x...
MARICELA CONTRERAS, x...
VENNIS D. COSBY, x...
JOHN W. COURSEY, x...
MARK H. CROLEY, x...
CHRISTOPHER L. CROWDUS, x...
WILLIAM J. CRUSE, x...
MARY B. CRUSER, x...
VICTOR J. DADDIO, x...
LEONARD E. DEAL, x...
DAVID A. DEAN, x...
JOSEPH S. DEGAETANO, x...
JOSE C. DEHOYOS, x...
GEORGIA G. DELACRUZ, x...
LEMWEL G. DELGRA, x...
MARY-ELIZABETH G. DELMONTE, x...
STEPHEN M. DENTLER, x...
THEODORE S. DERSE, x...
KIMBERLY A. DEVER, x...
DIANE DEVITA, x...
KEVIN D. DEWEBER, x...
PHILIP A. DINAUER, x...
MARIE A. DOMINGUEZ, x...
KEVIN M. DOYLE, x...
MICHAEL E. DOYLE, x...
SMITH C. DRIVDAHL, x...
DANIEL L. DROTTS, x...
MARTIN S. DUBRAVEC, x...
CHRISTOPHER J. DUGGINS, x...
NORMAN M. DY, x...
JOHN M. EDAVETTAL, x...
CHARLES C. EGBERT, x...
JULIUS R. ELLIS, x...
ETHAN E. EMMONS, x...
WILLIAM B. EVANS, x...
CRAIG M. EYMAN, x...
JOHN J. FAILLACE, x...
ANITA M. FAST, x...
JEFFREY A. FAULKNER, x...
CYDNEY L. FENTON, x...
GREG E. FIHN, x...
ROBERT L. FLEMING, x...
JORGE E. FOIANINI, x...
DIMITRY A. FOMIN, x...
MICHAEL G. FOX, x...
GREGORY J. FRANE, x...
JOHN T. FRIEDLAND, x...
MICHAEL S. FRIEDMAN, x...
ROBERT A. FROLICHSTEIN, x...
MARK M. FUKUDA, x...
WAYNE A. FULLER, x...
FRANK J. GAFFNEY, x...
MARYANNE GAFFNEY, x...
ALFREDO GARCIA, x...
JON A. GARRAMONE, x...
BYRON D. GATLIN, x...
STEPHEN L. GEORGE, x...
BRUCE N. GIBBON, x...
MARK C. GIBBONS, x...
JOHN F. GILLMAN, x...
MATTHEW D. GILMAN, x...
RONALD P. GIOMETTI, JR., x...
PAULINO E. GOCO, x...
PAUL E. GOURLEY, x...
BLAKE D. GRAHAM, x...
SHAWN P. GRANGER, x...
ROBERT J. GRAY, x...
DAVID R. GREATOREX, x...
STEVEN M. GROSSO, x...
PETER H. GUEVARA, x...
IV T. GUY, x...
MICHAEL K. HALLIDAY, x...
SCOTT R. HAMBLIN, x...
THOMAS J. HAMMER, x...
VINCENT M. HAN, x...
MICHAEL T. HANDRIGAN, x...
ANDREW C. HANNAPEL, x...
DOUGLAS M. HARPER, x...
JEFFERY K. HARPSTRITE, x...
BRIAN K. HARRIS, x...
DONNA M. HARRISON, x...
TIMOTHY P. HART, x...
ERIC I. HASSID, x...
SUSAN L. HAWN, x...
WILLIAM B. HENGHOLD I, x...
MICHAEL D. HERNDON, x...
ROBERT W. HEROLD, x...
ANTHONY D. HIRTZ, x...
ANA C. HODGES, x...
KIM C. HOELDTKE, x...
JOSEPH R. HOFFMAN, x...
RANDALL G. HOFFMAN, x...
JEFFREY A. HOOKE, x...
MATTHEW P. HORTON, x...
JOHN D. HORWHAT, x...
JAMES W. HOWARD, x...
JAMES M. HOWELL III, x...
THOMAS G. HUGHES, x...
KIMBERLY J. HUMULOCK, x...
JOHN P. HUSAK, x...
ALLEN T. JACKSON, x...
STEPHEN C. JACOB, x...
LUKE S. JANOWIAK, x...
MATTHEW B. JENNINGS, x...
NIEL A. JOHNSON, x...
SCOTT J. JOHNSON, x...
DEREK J. JUE, x...
ANDREW D. JUNG, x...
SCOTT M. KAMBISS, x...
STEVEN F. KATOR, x...
GEORGE C. KEOUGH, x...
LEO W. KESTING, x...
BETTY S. KIM, x...
HOON KIM, x...
TIMOTHY L. KINZIE, x...
MICHAEL E. KIRK, x...
JORGE O. KLAJNBART, x...
ROBERT P. KNETSCHE, x...
SARAH R. KOHN, x...
DAVID E. KOON, JR., x...
RAYMOND, KOSTROMIN, x...
ANDREW G. KOWAL, x...
MICHELLE B. KRAVITZ, x...
PAUL J. KUZMA, x...
MICHAEL D. KWAN, x...
DANIEL E. LAEUPPLE, x...
RAMACHANDRA J. LAHORI, x...
EDWARD E. LANCASTER, x...
JONATHAN E. LANE, x...
DEBORAH S. LASLEY, x...
ROBERT K. LATHER, x...
REYNOLDS C. LAVIERI, x...
RICHARD A. LAWS, x...
JEFFREY A. LAWSON, x...
GREGORY Y. LEE, x...
KENNETH D. LEE, x...
PAUL J. LEE, x...
STEPHEN C. LEE, x...
SUNMEE LEE, x...
MARK W. LEFLER, x...
JONATHAN G. LEONG, x...
BRET N. LESUEUR, x...
RORY H. LEWIS, x...
JOHN A. LINFOOT, JR. x...
BRET W. LOGAN, x...
STEPHEN J. LOOS, x...
KERN S. LOW, x...
ROBERT H. LUTZ, x...
ARTHUR G. LYONS, x...
STEVEN A. MAGOLINE, x...
DAVID V. MALAVE, x...
JANICE Y. MALDONADO, x...
MARCOS E. MALDONADO, x...
KENDELL L. MANN, x...
TIMOTHY J. MANOWN, x...
BARRY D. MARTIN, x...
MATTHEW M. MCCAMBRIDGE, x...
RICHARD B. MCCLAIN, x...
ROBERT C. MCCLELLAND, x...
ROBERT T. MCCLELLAND, x...
CRAIG E. MCCOY, x...
DAVID E. MCCUNE, x...
LUISA G. MCELROY, x...
MARK A. MCGRAIL, x...
TIMOTHY P. MCHENRY, x...
JOHN G. MCMANUS, JR. x...
KATHLEEN MCNALLY, x...
AMANDA M. MCSWEENEY, x...
RAMON E. MELENDEZ, x...
BARBARA A. MELENDEZ, x...
ALICIA R. MERCER, x...
GLEN J. MESAROS, x...
CHRISTINE M. METZ, x...
SCOTT J. MEYER, x...
RICHARD J. MILES, x...
JOHN S. MILIZIANO, x...
GEORGE M. MILLER, JR. x...
KEITH C. MILLER, x...
MICHAEL A. MILLER, x...
MATTHEW B. MILLS, x...
GREGORY T. MILROY, x...
AUDREY D. MITCHELL, x...
KATHERINE M. MIZELLE, x...
MICHAEL C. MOORE, x...
RALPH D. MOZINGO, x...
KELLY A. MURRAY, x...
ANNE L. NACLERIO, x...
GRANT K. NAKASHIMA, x...
JOHN E. NEEDHAM, x...
EDWARD A. NELSON, x...
MARK L. NELSON, x...
JOHN C. NICKELL, x...
TODD E. NIELSEN, x...
JOEL B. NILSSON, x...
SUSAN NOE, x...
SHON P. NOLIN, x...
KEVIN C. OCONNOR, x...
DAVID P. ODONNELL, x...
ROBERT G. OLDROYD, x...
HOLLY L. OLSON, x...
ERIC J. ORMSETH, x...
KEVIN J. OSHEA, x...
NICOLE M. OWENS, x...
HYEKYUNG H. PAE, x...
GEN B. PAEK, x...
JOHN M. PALMER, x...
SANDRO B. PARISI, x...
RICHARD T. PASSEY, x...
JOHN F. PAYNE, x...
BRAD A. PENDELL, x...
DAVID C. PETERS, x...
JONATHAN B. PETERSON, x...

STEFAN M. PETTINE, x...
MARK E. POLHEMUS, x...
JEFFERY S. PORTER, x...
JOHN R. PRAHINSKI, x...
XIOMARA I. PUCKERIN, x...
JOHN S. PUJALS, x...
BRET K. PURCELL, x...
JAMES E. RAGAN, x...
DANIEL C. RANDALL, x...
THOMAS F. RAPACKI, x...
ELIZABETH M. RAQUET, x...
REX A. RAWLS, x...
MARK T. REED, x...
MARK L. REEDER, x...
DANA K. RENTA, x...
MATTHEW S. RETTKE, x...
LISVETTE RIVERAMALAVE, x...
MICHAEL L. ROBERTS, x...
JUSTIN D. ROBY, x...
WILBER R. ROESE, x...
MARYJO K. ROHRER, x...
DANIEL S. ROY, x...
DANIEL G. RUDOLPH, x...
ROBERT S. RUDOLPHI, x...
JEFFREY S. SAENGER, x...
STEWART M. SAMUEL, x...
HELEN K. SAVA, x...
TIMOTHY E. SAWYER, x...
MICHAEL J. SCHIFANO, x...
THOMAS K. SCHREIBER, x...
RANDY C. SEXTON, x...
RICHARD P. SHEA, JR., x...
JOLENE SHUMAN, x...
STEVEN D. SIDES, x...
DAVID A. SIEGEL, x...
MARSHAL A. SILVERMAN, x...
DANIEL E. SIMPSON, x...
MICHAEL H. SMYTH, x...
APRIL M. SNYDER, x...
JACK J. SOBRIN, x...
DOUGLAS R. SOMMERS, x...
DOUGLAS M. SORENSON, x...
JEFFREY R. SPINA, x...
DAVID R. STANLEY, x...
BENJAMIN W. STARNES, x...
EUGENE E. STEC, x...
ROBERT C. STELZLE, x...
JOHN C. STITT, x...
ROBERT D. STOFFEY, x...
KELLY A. STUART, x...
JEREMIAH STUBBS, x...
ALICE M. STUTZMAN, x...
RICHARD D. STUTZMAN, x...
STEPHEN A. SUK, x...
JAY SYNN, x...
SHRIKANT K. TAMHANE, x...
PAUL A. TAPIA, JR., x...
ALFRED J. TERP, x...
GREGORY P. THIBAULT, x...
JAMES S. THOMPSON, x...
JENNIFER C. THOMPSON, x...
STACY L. THORNTON, x...
NATHAN TILLOTSON, x...
MICHAEL L. TITZER, x...
ALFREDO B. TIU, x...
JEANNE K. TOFFERI, x...
GLORIA T. TORRES, x...
CHRISTOPHER D. TUMPKIN, x...
JAMES TURONIS, x...
ERWINA Q. UNGOS, x...
IRA D. URETZKY, x...
PETER M. VANDERMEID, x...
JON K. VANVALKENBURG, x...
MARGARET A. VIZGIRDA, x...
ANDREW A. VORIES, x...
JAMES S. WADDING, x...
CHRISTOPHER G. WALSH, x...
OTIS S. WARR IV, x...
JAMIE K. WASELENKO, x...
JOEL C. WEBB, x...
ROBERT L. WEEKS, x...
TRACEY E. WEIR, x...
CHRISTOPHER T. WELSCH, x...
DAVID J. WILKIE, x...
NEAL W. WILKINSON, x...
BEN D. WILLIAMS, x...
BRADFORD J. WILLIAMS, x...
CLARK H. WILLIS, x...
JEFFREY J. WILLIS, x...
CHRISTOPHER J. WILSON, x...
WILLIAM T. WINSLOW, x...
CLAGETT A. WOLFE, JR., x...
PETER W. WONG, x...
FRANKLIN H. WOOD, x...
JOSEPH C. WOOD, x...
VIRGINIA D. YATES, x...
LISA L. YEARWOOD, x...
CAROL R. YOUNG, JR., x...
JOAN H. ZELLER, x...

HOUSE OF REPRESENTATIVES—*Tuesday, June 10, 1997*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. YOUNG of Florida].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 10, 1997.

I hereby designate the Honorable C.W. BILL YOUNG to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] for 5 minutes.

COLONIAL RELATIONSHIP WITH PUERTO RICO IS UNSUSTAINABLE

Mr. ROMERO-BARCELÓ. Mr. Speaker, as Puerto Rico's sole Representative in the U.S. Congress, I rise today in strong support of H.R. 856, the United States Puerto Rico Status Act.

Already 856 is a truly historic piece of legislation that will allow the 3.8 million U.S. citizens' residing in Puerto Rico to exercise their inalienable right to self-determination and to resolve once and for all their 100-year-old colonial dilemma.

In order to understand the magnitude of this very important issue, we have to put matters in historical perspective. Puerto Rico became a territory of the United States in 1898 pursuant to the Treaty of Paris following the Spanish-American War. U.S. citizenship was extended to Puerto Ricans in 1917 under the Jones Act.

Then, in 1950, the U.S. Congress passed the Puerto Rico Federal Relations Act which authorized Puerto Rico to establish a local self-government in the image of State governments. The intent was to create a provisional form of local self-rule until the status issue could be resolved. Puerto Rico would remain an unincorporated territory of the United States subject to the authority and plenary powers of Congress under the territorial clause of the Constitution.

Puerto Rico and the United States are immersed in a colonial relationship that clearly contradicts the most basic tenets of democracy. One in which Puerto Rico's economic, social and political affairs are, to a large degree, controlled and influenced by a government over which we exercise no control and in which we do not participate fully. A relationship that, ironic as it may seem, will not even allow me to vote in favor of this historic bill on final passage when it reaches the floor, although I represent 3.8 million citizens residing in Puerto Rico.

Fellow Members, this relationship is no longer in the best interests of the Nation and the constituents that we represent here in Congress, and it certainly and clearly is not in the best interests of the 3.8 million citizens of Puerto Rico.

Congress not only has the power but also the moral obligation to put an end to the disenfranchisement of the 3.8 million U.S. citizens residing in Puerto Rico. H.R. 856, with its broad bipartisan support of nearly 90 cosponsors, including the gentleman from Georgia, Speaker NEWT GINGRICH, and the gentleman from Missouri Mr. GEPHARDT, clearly evidences that this is not a Republican or a Democratic issue. This is not a liberal or a conservative issue. This is not a majority or minority issue. The issue here is whether the United States, as a nation and as an example and inspiration of democracy throughout the world, can continue to deny equality and maintain 3.8 million of its own citizens disenfranchised.

After 100 years, our Nation has finally begun to recognize that its colonial relationship with Puerto Rico is unsustainable. On June 6, 1997, the Washington Post published an editorial entitled "An Obligation of Equality" that evidences the growing concern nationwide regarding the disenfranchisement of the U.S. citizens of Puerto Rico.

In addressing Congress' long overdue role in this issue, the editorial mentioned a referendum next year giving the territory's nearly 4 million residents a once and for all choice over its relationship with the United States. The key moment came a few weeks ago when the House Committee on Resources approved 44 to 1 a bill from the gentleman from Alaska, DON YOUNG, chairman of the committee, allowing Puerto Ricans to decide the future of their island. The old question is being brought to a new boil by the approach of the centennial of the Spanish-American War.

The gentleman from Alaska said in May when his bill was passed in the committee:

It is time for Congress to permit democracy to fully develop in Puerto Rico, either as a separate sovereign republic or as a State, if a majority of the people are no longer content to continue the existing commonwealth structure for local self-government.

Its supporters tried hard in committee to sweeten the defense of commonwealth that would be put to referendum. For now, anyway, the island's statehood party is on a roll.

For Americans, but wait a minute. Puerto Ricans are already Americans. The issue for all of us is that they are citizens without political rights, including a vote in Congress. This is the anomaly the proposed referendum system proposed to remedy. Whatever the Puerto Rican choice, we continental Americans have an obligation of equality to our fellow citizens on the island.

And that is the end of testimony from an editorial in the Washington Post.

H.R. 856 is the most comprehensive measure affecting self-determination of a U.S. territory since the Alaska and Hawaii Admission Acts of the late 1950's.

I cannot emphasize the importance of this bill not only for the 3.8 million U.S. citizens of Puerto Rico but for the Nation as a whole. The time has come to empower the people by giving them clear choices which they understand and which are truly decolonizing so we can reveal the people of Puerto Rico's true desire through a legitimate act of self-determination.

Let us comply with the call history is making upon us. Let us give our fellow citizens an opportunity in the name of freedom.

Mr. Speaker, I include for the RECORD the editorial from the Washington Post to which I referred.

[From the Washington Post, June 6, 1997]

AN OBLIGATION OF EQUALITY

Americans don't have long to get accustomed to the possibility that they may soon be considering admitting Puerto Rico as the 51st state. This outcome arises from the fact that, largely unattended, Congress is heading toward organizing a referendum next year giving the territory's nearly 4 million residents a "once and for all" choice of its

relationship to the United States. The key moment came a few week ago, when the House Resources Committee approved 44 to 1 a bill from Chairman Don Young (R-Alaska) allowing Puerto Ricans to decide the future of their island. This old question is being brought to a new boil by the approach of the centennial of the Spanish-American War, in which the United States acquired bits of global empire. To many people, 100 years of American sovereignty over a territory denied full rights is enough.

The proposed referendum offers voters a choice among statehood, independence and the existing "commonwealth." Commonwealth, however, enters the contest under a double burden. It has been tried over the decades and found wanting by many, and it is now widely seen as anachronistically "colonial," even though it was a status voluntarily chosen and repeatedly affirmed. Chairman Young said in May, when his bill was passed in committee: "It is time for Congress to permit democracy to fully develop in Puerto Rico, either as a separate sovereign republic or as a state if a majority of the people are no longer content to continue the existing commonwealth structure for local self-government." Its supporters tried hard in committee to sweeten the definition of commonwealth that would be put to referendum. They failed. For now, anyway, the island's statehood party is on a roll.

For Puerto Ricans, the status question bears deeply on identity as well as practical benefit. Closely related is the issue of language; the committee declared that English—a minority language in Puerto Rico—shall apply "to the same extent as Federal law requires throughout the United States." Tough issues of taxes and benefits must also be calculated.

For Americans. . . . But wait a minute. Puerto Ricans are already Americans. The issue for all of us is that they are citizens without full political rights, including a vote in Congress. This is the anomaly the proposed referendum is meant to remedy. Whatever the Puerto Rican choice, we continental Americans have an obligation to equality to our fellow citizens on the island.

FLAG BURNING AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. PAUL] is recognized during morning hour debates for 5 minutes.

Mr. PAUL. Mr. Speaker, the Congress will soon vote on a flag burning amendment to the Constitution. This issue arouses great emotions, even without any evidence flag burning is a problem. When was the last time we heard of a significant incident involving flag burning? It is a nonissue, but Congress has managed to make it one while avoiding the serious matters of life, liberty, and property.

As Congress makes plans to attack the flag enemies, it stubbornly refuses to consider seriously the Doctrine of Enumerated Powers, property rights, political propaganda from a government-run educational system, taxpayers' paid-for NEA sacrilege, licensing of all broadcast networks, or taxpayers' financing of monopolistic political parties, let alone the budget, the debt, the deficit, honest money, policing the world and the entire welfare state.

Will the country actually be improved with this amendment? Will true patriotism thus thrive as the malcontents are legislated into submission? Do we improve the character of angry people because we threaten them with a prison cell better occupied by a rapist?

This whole process fails to address the anger that prompts such misguided behavior as flag burning. We have a government growing by leaps and bounds, our citizens are fearful of the future and we respond by creating the underwear police. Surely flag underwear will be deemed a desecration.

Why is dealing with a symptom of anger and frustration by suppressing free expression a moral good?

The best I can tell is legislative proposals like this come from Congress' basic assumption that it can legislate economic equality and mold personal behavior. The reasoning goes; if Congress thinks it can achieve these goals, why not legislate respect and patriotism, even if it does undermine freedom of expression and property ownership.

Desecration is defined as: "To divest of a sacred character or office, commit sacrilege or blasphemy or to deconsecrate." If consecrate is "to make sacred; such as a church or bread or wine", how can we deconsecrate something not first consecrated? Who then consecrated the flag? When was it done?

"Sacred" beliefs are those reserved for a religious or Godly nature, "To set apart for the worship of a deity. To make holy." Does this amendment mean we now concede the flag is a religious symbol? Will this amendment, if passed, essentially deify the State?

There are some, I am sure, who would like to equate the State with God. The State's assumption of parental rights is already a deep concern to many Americans. Will this encourage more people to accept the State as our God? We imply by this amendment that the State is elevated to a religion, a dangerous notion and one the founders feared. Calling flag burning blasphemous is something we should do with great caution.

Will it not be ironic if the flag is made sacred and we write laws against its desecration at the same time we continue to steal taxpayers' money to fund the National Endowment for the Arts, which truly desecrates Christ and all of Christianity in the name of free speech?

The flag, indeed, is a loved patriotic symbol of American pride and freedom. Many of us, I for 5 years, served our country in the military fighting for the principles of liberty, but not for the physical cloth of which the flag is woven.

There is confusion between the popular symbol and the real stuff, and in the process of protecting our symbols we are about to undermine the real stuff: liberty. The whole notion of legislating against desecration is vague and undefinable. Burning can be easily identified, but should it not matter who paid for the flag? And are there no owners of the particular flag involved? Are all flags to be communal property?

If we pretend flags are universally owned, that means we can use them randomly. If there is no individual ownership, how can one buy or sell a flag? Should it not be a concern as to where the flag is burned and on whose property? With this legislation, the flag will lose its identity as property and become a holy government symbol not to be desecrated. These are difficult questions but they must be answered.

Whatever happened to the notion that freedom to express unpopular, even obnoxious views, including Marxist views, was the purpose of guaranteeing freedom of expression? Of what value is protection of only popular and majority-approved opinions? That is a mockery of liberty. Soviet citizens had that much freedom. Remember, dissidents who burned the Soviet flag were shot.

A national flag police can only exist in a totalitarian state. We should have none of it. Why not police the burning of the Constitution, the Declaration of Independence, the Emancipation Proclamation? These acts, expressing a radical fringe view, would be as equally repugnant.

INTRODUCTION

The Congress will soon vote on a flag burning amendment to the Constitution. This issue arouses great emotions even without any evidence flag burning is a problem. When was the last time we heard of a significant incident involving flag burning? It's a nonissue but Congress has managed to make it one while avoiding the serious matters of life, liberty, and property.

There just is no flag desecration crisis. Where are the demonstrators, where are the letters? Will this only lead to more discredit on Congress? Only 6 percent of the American people trust anything they hear from the Federal Government so why should they believe there is a flag crisis requiring an adjustment to the Bill of Rights for the first time in our history. Since most of what Congress does, leads to unintended consequences, why do we feel compelled to solve imaginary problems?

The American people are way ahead of the U.S. Congress and their distrust is a healthy sign the Republic will survive in spite of all our good deeds and noble gestures. And that's good.

What sense of insecurity requires such a public display to reassure ourselves we are patriots of the highest caliber, confident enough to take on the flag burning movement—a movement yet to raise its ugly head. Our political saviors will have us believe that our loyalty to America hinges on this lone amendment to the Constitution.

As Congress makes plans to attack the flag enemies, it stubbornly refuses to consider seriously: the Doctrine of Enumerated Powers, property rights, political propaganda from a government run educational system, taxpayer's paid-for NEA sacrilege, licensing of all broadcast networks, or taxpayer's financing of monopolistic political parties, let alone the budget, the debt, the deficit, honest money, policing the world, and the entire welfare state.

Pervasive bureaucratic government is all around us and now we're spending time on developing the next addition to the Federal police force—the flag police. Diverting attention away from real problems toward a pseudoproblem is not a new technique of politicians.

MOTIVATION

Political grandstanding is probably the greatest motivation behind this movement to change the Constitution. It's thought to be easy to embarrass those who, on principle, believe and interpret the first amendment differently. Those who vote eagerly for this amendment do it with good intentions as they laugh at the difficult position in which opponents find themselves.

Will the country actually be improved with this amendment? Will true patriotism thus thrive as the malcontents are legislated into submission? Do we improve the character of angry people because we threaten them with a prison cell, better occupied by a rapist?

This whole process fails to address the anger that prompts such misguided behavior as flag burning. We have a government growing by leaps and bounds, our citizens are fearful of the future, and we respond by creating the underwear police—surely, flag underwear will be deemed a desecration.

Why is dealing with a symptom of anger and frustration by suppressing free expression a moral good?

The best I can tell is legislative proposals like this come from Congress' basic assumption that it can legislate economic equality and mold personal behavior. The reasoning goes; if Congress thinks it can achieve these goals, why not legislate respect and patriotism even if it does undermine freedom of expression and property ownership?

DESECRATION

Desecration is defined as: "To divest of a sacred character or office, commit sacrilege or blasphemy or de-(con)secrate." If consecrate is "to make sacred; such as a church or bread and wine," how can we "de-consecrate" something not first "consecrated?" Who then consecrated the flag? When was it done? "Sacred beliefs are those reserved for a religious or Godly nature, i.e., to set apart for the worship of a deity. To make holy." Does this amendment mean we now concede the flag is a religious symbol? Will this amendment if passed essentially deify the state?

There are some, I'm sure, who would like to equate the state with God. The state's assumption of parental rights is already a deep concern to many Americans. Will this encourage more people to accept the state as our God? We imply by this amendment that the state is elevated to a religion—a dangerous notion and one the Founders feared. Calling flag burning blasphemous is something we should do with great caution.

Won't it be ironic if the flag is made sacred—consecrated—and we write laws against its desecration at the same time we continue to steal taxpayer's money to fund the National Endowment for the Arts which truly desecrates Christ and all of Christianity in the name of free speech? I must repeat this question: Won't it be ironic if the flag is made sacred and we write laws against its desecration at the same time we continue to steal taxpayer's money to fund the National Endowment for the Arts which desecrates Christ and all of Christianity in the name of free speech?

The flag indeed is a loved patriotic symbol of American pride and freedom. Many of us, I for 5 years, have served our country in the military fighting for the principles of liberty, but not for the physical cloth of which the flag is woven.

There is confusion between the popular symbol and the real stuff, and in the process of protecting our symbols we are about to undermine the real stuff—liberty. The whole notion of legislating against desecration is vague and undefinable. Burning can be easily identified but shouldn't it matter who paid for the flag? Are there no owners of the particular flag involved? Are all flags to be communal property? If we pretend flags are universally owned, that means we can use them randomly. If there is no individual ownership how can one sell or buy a flag? Should it not be a concern as to where the flag is burned and on whose property? With this legislation the flag will lose its identity as property and become a holy government symbol not to be desecrated? These are difficult questions but they must be answered.

Will using a flag as underwear or as a beach towel or a handkerchief or flying it upside down become a Federal crime?

The American Legion and the Veterans of Foreign Wars burn flags to dispose of them. This respectful ritual is distinguished from a hoodlum doing it only by the intent. Are we wise enough to define and legislate intent under all circumstances? Intent obviously implies an expression of a view. So Congress now feels compelled to police intentions, especially if seen as unpopular.

Whatever happened to the notion that freedom to express unpopular, even obnoxious views, including Marxist ideas was the purpose of guaranteeing freedom of expression. Of what value is protection of only popular and majority-approved opinions? that's a mockery of liberty. Soviet citizens had that much freedom. Remember, dissidents who burned the Soviet flag were shot. A national flag police can only exist in a totalitarian state. We should have none of it.

Why not police the burning of the Constitution, the Declaration of Independence, the Emancipation Proclamation? These acts, expressing a radical fringe view, would be as equally repugnant, and a case could be made they might be even more threatening because their attack would be precise and aimed at the heart of American liberty. The answer is the political mileage is with the flag and tough luck to those who have principled opposition.

But no one should ever squirm or weasel out of the right vote, even if threatened with possible negative political fallout.

FEDERAL AVIATION ADMINISTRATION IS AGENCY IN DISARRAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. MICA] is recognized during morning hour debates for 5 minutes.

Mr. MICA. Mr. Speaker, I am deeply concerned that the Federal Aviation Administration is an agency in disarray, at best. In fact, at worst, it is an unpiloted craft without any direction.

The primary mission of the Federal Aviation Administration is to ensure airplane and passenger safety and security. Last year, after the explosion of TWA flight 800, FAA tightened security at all U.S. airports.

Airports spent hundreds of millions of taxpayer dollars to change parking and cars were towed when vehicles were left unattended. Some of the harassment of the traveling public became, in fact, absurd. Finally, after assurances that no immediate terrorist attack was underway, FAA allowed our airports and the traveling public some more reasonable approaches to airport parking and passenger access.

Now, months after nearly all evidence points to a mechanical failure as the cause of TWA flight 800, FAA continues to harass the American traveling public with several dumb and totally unproductive procedures. Regulations still require that passengers are asked these questions: First, "Have you packed your own luggage or bag?"; and second, "Has your baggage or luggage been in your possession at all times?"

Now, I ask what flaky half-baked terrorist or terrorist accomplice would answer these questions legitimately? Should a passenger honestly confess to this interrogation, they should be cautioned because they will be searched, harassed, and subject to Gestapo-like interrogation.

Mr. Speaker, the loss of life as a result of domestic air terrorism does not even rank as a cause of airline fatalities, yet FAA spends untold resources enforcing, fining, and monitoring this outdated requirement. All this is done in spite of the fact that TWA flight 800 exploded due to a mechanical failure.

□ 1045

In addition to asking the unproductive questions I mentioned, ticket agents must see a photo ID. I submit that not since the fall of the former Soviet Union have American domestic airline passengers or any passengers been subject to similar photo ID requirements.

Now, showing your photo ID at the ticket counter sure does a lot of good. Any fool could check in at a ticket counter, pass their ticket on to another passenger, who would then board the airplane. Now, if the passenger was required to show a ticket, a name, and photo ID as you boarded the airplane

with your ticket coupon, that might match the passengers with the ID's that they present. Here again, FAA makes airlines and passengers jump through useless and needless hoops. Agents and airlines are fined if they fail to comply.

My response when I wrote the FAA, when I questioned and protested these ridiculous regulations, are actually dumber than the requirements FAA has mandated. Why not dedicate FAA personnel, energy, and funding for really improving airline safety and security? We know the causes of almost every fatal domestic airline crash with certainty except for several cases, and the FAA knows them.

One is a problem with 737's. These models carry a tremendous number of passengers. And there are two airline crashes, one in Pittsburgh and the other United, in Colorado, crashes because of problems with their rudders and their stabilization. FAA should be paying attention to this problem. Even in spite of Vice President GORE's announcement in 1996, simulation training and retrofitting of 737's could be expedited rather than taking 2 years as now planned. Further research and resources could be devoted to finding the mechanical problems that downed TWA flight 800 and killed 229 people.

After 10 years, FAA has blown billions of dollars and still failed to upgrade our outdated 1950's air traffic controller system. And after numerous fatal crashes of imported commuter planes, FAA has still not begun to crack down on these imported aircraft. Let us put the emphasis where it should be. Let us get FAA together.

THINGS ARE NOT QUIET ON THE SOUTHERN FRONT

The SPEAKER pro tempore [Mr. YOUNG of Florida]. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. GOSS] is recognized during morning hour debates for 5 minutes.

Mr. GOSS. Mr. Speaker, is all quiet on the southern front? No, not really. Despite the resounding silence from the press and the White House on the current situation in our neighboring country Haiti, things are far from quiet. In fact, things are so bad that the prime minister quit yesterday.

Over the past few weeks, we know Haitians have rioted in the streets of Port-Au-Prince and other towns. Incidents of assaults, rock throwing, and general lawlessness have resulted in death, injury and damage. Yesterday, as I said, things took a turn even for the worse when Prime Minister Rosny Smarth submitted his citing, in fact, the recent fraudulent elections.

Obviously, this is bad for democracy because at this time it appears that only one major party is participating in the elections, and that is not exactly democratic, but it is also bad for reform in Haiti, because with Prime Minister Rosny Smarth leaving, so goes one of the few champions of the tough but necessary economic program that we had envisioned for Haiti. Economic reform is all but a thing of the past in Haiti anyway, and without economic reform there is absolutely no hope for a Democratic future in Haiti.

So through all of this upheaval, one interesting and frankly disturbing fact seems to have surfaced, and that is the fact that the Haitian National Police have had to be supplemented with our military personnel to deal with basic law and order issues in that country. As one diplomat quoted in a wire report recently, "It is clear the military presence in Haiti is not just building roads." Our "road builders," including Special Forces, have been seen responding to the riots carrying on, doing the law and order business, extensive activity in the areas of drug control, those types of things.

Not only do these reports suggest that our troops on the ground are outside of the range of the mission we understood them to be on, which was road building, but it also suggests that our soldiers are at more risk than we have been led to believe. I think it is time for a little candor from the White House about what is going on.

We asked the White House, what is going on? So far we have not heard anything. Official silence reigns as well on the topic of Haiti's recent disappointing local assembly and Senate elections, which is the real reason behind the Smarth resignation and what should have been the starting point for the creation of a new judicial system and permanent electoral council forum in Haiti, which are mightily needed. Because without a judicial system, there is no hope for democracy in Haiti either.

Because the electoral council has decided not to handle blank ballots properly, they have wrongly allowed some candidates, like the infamous Fourel Celestin, to get past the finish line when according to the law they did not win the election. So we now have people who did not win serving as senators in Haiti.

Action on this issue is pending in the Parliament, but the Haitian electoral council is pushing forward for another round of elections, no matter what, this coming weekend. The fact is that each successive election in Haiti has disenfranchised and disenchanted ever more of the Haitians voters, a point illustrated well in the single digit turnout in the last election in April, which, as I say, were fraudulent elections. Yet, I understand less than 10 percent of the people turned out to protest that fact.

What, we ask, will another election under a still darker black cloud do to advance democracy in Haiti? At the very least, the American taxpayers have a right to hear from the administration that enough is enough and that their tax dollars will not go to assist the Haitians to run another questionable if not fraudulent election this weekend.

Mr. Speaker, all is not quiet on the southern front. We know that. What we do not know is when the White House is going to tell us what is going on, when our troops are coming home, and whether or not that will be before the ruinous Haiti policy that the White House has put forth puts us back where we started more than 4 years and 3 billion of the U.S. taxpayers' dollars ago, sadly enough, with thousands of Haitians now today who believe that a dangerous trip across the windward passage to Florida offers them more hope than staying in Haiti.

Is that a policy that we want to back? Certainly not. I think it is time for the White House to give us some explanation and to end the silence of what is really going on in that tragic country where our friendly neighbors are suffering. All is not quiet on the southern front.

DETROIT RED WINGS—STANLEY CUP CHAMPIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan [Mr. KNOLLENBERG] is recognized during morning hour debates for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, at this very hour, thousands of Detroiters are lining the streets of Woodward Avenue in Detroit to honor their Detroit Red Wings, the 1997 Stanley Cup champions. After Saturday's 2 to 1 victory over the Philadelphia Flyers, the Red Wings completed a 4 to 0 sweep to win hockey's hallowed crown, Lord Stanley's Cup, the World champions of hockey.

I was privileged to be at Joe Louis Arena on Saturday evening, and the atmosphere throughout the evening was electric. After the final horn sounded securing the cup victory, the standing room only crowd and fans everywhere rejoiced. There was no other picture that captured the victory better than Red Wing Captain Steve Yzerman circling the ice, holding the massive trophy over his head, sharing the victory with the screaming fans who have waited 42 years for this glorious moment.

The town, Detroit, the community, the State, were starved for a hockey title. They got it Saturday night. The most successful U.S.-based NHL franchise in history had not sipped from the cup since 1955. And after great seasons in 1994, 1995, and 1996. All ended in disappointing playoff defeats, the Wings fought off the demons and the naysayers skating into hockey lore

with Red Wing legends like Gordie Howe, Terry Sawchuck, Ted Lindsey, and many others.

Mr. Speaker, I came to Detroit in the late 1950's, when the Red Wings were a dynasty and hockey was the local religion shared by everyone. They won four Stanley Cup crowns during the 1950's and the expectations were always great. This team and its fans have endured good times and bad times. For years in the mid 1980's, when the Wings were the worst in the league and, in fact, in one season won only 17 games, to the disappointment of the 1995 finals, all that will be swept away today with the parade of victory.

So congratulations go to Scotty Bowman, the coach, to Mike Illitch and Jimmy Devallano for putting this team together. Congratulations, obviously, to Steve Yzerman, the captain, to the MVP Mike Vernon, to Brendan Shanahan, to the Russian five, and to all members of this great club for laboring through the tough times. And congratulations also to the Red Wings fans who stood behind their team through it all. Together, we have finally done it.

With an international flare, unlike many other teams, the Wings have Americans, Canadians, European, and Russian players. Detroit, with all of this group, has finally returned to hockey's ultimate peak. With the 42-year climb filled with pitfalls and setbacks, now it is finally over. It is time for this team and our fans to enjoy the view, the Stanley Cup. But only for the summer. Next season starts in September, and the Red Wings are for real. Mr. Speaker, it is not called Hockey Town USA for nothing.

HOMELESS VETERANS ASSISTANCE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Washington [Mr. METCALF] is recognized during morning hour debates for 1 minute.

Mr. METCALF. Mr. Speaker, I am proud to announce that today I, along with the gentleman from Arizona, BOB STUMP, have introduced H.R. 1754, the Robert Stodola Homeless Veterans Assistance Act. The plight of our Nation's homeless has caught the attention of Congress, and many programs are available to help move these people back into society.

Sadly, though, one of the largest elements of the homeless population, roughly one-third, are short changed each year. These are our country's homeless veterans. For many years, the veterans' share of Federal dollars targeted at our homeless population has been in the single digits. This legislation would ensure a fair share for our veterans, requiring that at least 20 percent of these Federal dollars be spent on programs that primarily benefit homeless veterans.

Mr. Speaker, this legislation is endorsed by the Vietnam Veterans of America, the American Legion, the Non-Commissioned Officers Association of the United States, and the Blind Veterans Association. I would ask my colleagues to cosponsor and support this legislation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 12 noon today.

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We are grateful, O God, that You point us to a world of justice and You give us a vision of communities where people are treated with respect and mercy. We are also aware that You have created us with minds with which to think, hearts with which to care, and hands with which to work. So remind us, O gracious God, that supplied with Your revelation of the goals of life, we would earnestly use the abilities that You have given us so we are good stewards of the resources of our land and faithful custodians of the responsibilities before us. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, June 6, 1997:

H.R. 1469, an act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

POLITICS AHEAD OF PEOPLE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, in January of this year northern Nevada was ravaged by torrential rainstorms and devastating floods. In response to this and other natural disasters, the House and Senate passed legislation providing vital disaster recovery aid, including over 25 million for Nevada alone.

But Mr. Speaker, President Clinton vetoed this legislation yesterday. Why? Because it contains bipartisan provisions that will keep Government from shutting down as it did in 1995. Unfortunately, the President has put politics ahead of people. I am extremely disappointed, Mr. Speaker, that the President has mistakenly chosen partisan politics in a time of such obvious and genuine need for the people of Nevada and the rest of America.

I urge my colleagues to quickly override this veto.

PERSONAL INFORMATION PRIVACY ACT

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, last week the gentleman from New Jersey [Mr. FRANKS] and I introduced H.R. 1813, the Personal Information Privacy Act, a bipartisan bill to safeguard individual privacy. This legislation is a companion to the Feinstein-Grassley bill, S. 600. The Kleczka-Franks bill will prevent credit bureaus, Departments of Motor Vehicles and other commercial users, including those using the Internet, from giving out Social Security numbers and other personal information.

A Social Security number alone gives a criminal access to one's medical, financial, credit, and educational records, as many of my constituents have found out the hard way. Thousands of people are victimized every year by identity fraud. In the first 6 months of this fiscal year, the Social Security Administration logged almost 4,900 allegations of Social Security number fraud. That is up from about 2,400 in the entire fiscal year 1996.

I urge my colleagues to sign on as cosponsors of the Personal Information Privacy Act. We owe it to the citizens of this country to protect them from

one of the fastest growing crimes in the country.

PRESIDENT CLINTON PUTS POLITICS OVER PEOPLE ON FLOOD RELIEF LEGISLATION

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, yesterday President Clinton sent a callous message to the flood-ravaged American families in the Midwest. Only minutes after receiving the disaster relief bill from Capitol Hill, the President who likes to say that he feels our pain told thousands of flood victims that he was going to veto the bill that would help them rebuild their homes and get on with their lives.

Why did President Clinton veto the legislation? Because the bill contained a provision that would stop him from forcing another Government shutdown. Let me repeat that. The President is withholding aid to thousands of flood victims so that he can reserve the right to once again put thousands and thousands of government employees out of work and bring the work of the Federal Government to a halt.

Despite the fact that the President is a master at spin, Mr. Speaker, I do not think he is going to be able to spin this one much. The American people are going to see through this. It is politics at its worst. Let us get the disaster relief to the people who truly need it.

THE ECONOMY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, if this economy is so great, why are American workers losing their jobs? If this economy is so great, why are American workers going bankrupt in record numbers? If that is not enough to massage your Dow Jones, check this out: If this economy is so great, why do many families need three jobs just to pay their bills?

Let us tell it like it is: When you hold this economy to your nosey, this economy does not smell so rosy. If there is any consolation to the American workers, I never heard of anyone in America committing suicide by jumping out of a basement window.

I yield back all the propaganda on this great economy.

UNDER THE HEADING: WHERE ARE THEY NOW?

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, since I spoke about Haiti at morning business early today, I have seen still more evidence to suggest that there is a de facto strong man regime being run in Haiti by former President Aristide, one that functions contrary to and does damage to the embryonic democratic process the United States is supporting there with so many United States tax dollars and so much of our credibility.

International observers and Haitian political parties alike say that the April 6 elections were fraudulent. They were rigged in favor of Aristide, a man who today is sabotaging the economic reform process that is so desperately needed in Haiti, the poorest nation in this hemisphere. Worse still is the fact that all the candidates who are not of Aristide's Famille Lavalas Party are boycotting this Sunday's elections because they are based on a flawed process, as well.

Mr. Speaker, I ask, where are those colleagues today, those champions of Aristide who rallied at the White House to support him when he was President-in-exile? Will they be around to support democracy in Haiti, which is what this is about, rather than restoring a strong man?

IN FAVOR OF A CLEAN SPENDING BILL

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, the Republicans must stop playing politics with the lives of the flood victims of North Dakota and Minnesota. Pass a bill that is disaster relief, plain and simple. Amendments that have nothing to do with disaster relief have no place in a bill designed to bring relief to people in dire need.

Mr. Speaker, I represent a district of hard-working people who live nearly 2,000 miles from the Dakotas, people who now must deal with the so-called immigrant and welfare reforms. My constituents are filled with compassion for those struggling to fulfill the American dream. Their hearts and minds go out to those in need in the Dakotas and Minnesota.

My constituents are outraged that the Republican Party would play politics with people so desperately in need. Shame on them. Pass a clean bill and leave the politics at home.

CONGRATULATING THE LOUISIANA STATE UNIVERSITY MEN'S BASEBALL AND WOMEN'S TRACK AND FIELD TEAMS FOR WINNING NATIONAL CHAMPIONSHIPS

(Mr. McCRERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCRERY. Mr. Speaker, across our Nation this past weekend millions of Americans took part in the weekly ritual of opening their Sunday morning newspaper. For many folks, they first turn to the sports page to get scores or reports on their favorite teams.

But this past Sunday Louisianans did not need to check the papers. In their homes Saturday they had gathered with purple- and gold-clad friends to watch the LSU Tigers win the College World Series for the second consecutive year and for the fourth time in the 1990's. Along the way, LSU rewrote the record books, hitting more home runs than any other college team in history.

Meanwhile the LSU women's track and field team accomplished what many said could not be done, clinching an 11th consecutive national championship. The championship for the Lady Tigers continued the longest active streak of national championships by any men's or women's program in Division I sports.

If you opened the Sunday paper here in our Nation's Capital this last weekend, there was an entire page with stories about the two championships for LSU. Hard work by athletes and coaches on both LSU teams has produced collegiate sports dynasties and has instilled pride in the hearts of Tiger alumni across America. I join the citizens of Louisiana in saying congratulations and thank you to Coach Skip Bertman and his LSU men's baseball team and to Coach Pat Henry and the women's track and field team. Keep going, Tigers.

H.R. 1822, THE STATE INFRASTRUCTURE BANKS FOR SCHOOLS ACT OF 1997

(Mrs. TAUSCHER asked and was given permission to address the House for 1 minute.)

Mrs. TAUSCHER. Mr. Speaker, last week I introduced House Resolution 1822, the State Infrastructure Banks for Schools Act, along with 31 Members from both parties. This is a cost-effective approach to help schools prepare our kids for the 21st century workplace.

We are all familiar with the estimated $112 billion tax dollar price tag to improve school infrastructure. But we now know that a direct correlation exists between the condition of school facilities and the students' achievement. That is right, our kids' grades are affected by the condition of their schools. It is difficult to learn when the roof is leaking or blackouts occur if too many computers are turned on.

H.R. 1822 addresses these problems by funding State Infrastructure Banks, or SIBS, for school construction. These banks provide maximum flexibility in financing and minimal restrictions regarding project approval. As loans are repaid, banks could provide assistance to projects in other schools. Although this is an innovative approach, similar programs have been used for Clean

Water Act infrastructure, making improvements more affordable and widely available.

Mr. Speaker, we need to educate our kids in a stable and supportive environment. I urge my colleagues to cosponsor H.R. 1822.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1559

Mrs. EMERSON. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H.R. 1559.

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

THE 1997 BUDGET

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, for 40 years Congress was in the hands of liberal Democrats who succeeded brilliantly in accomplishing two things. First, they made absolutely sure that, come rain or shine, Government would keep getting bigger and bigger year after year. Second, they made absolutely sure that, come rain or shine, Government would take more and more of your money year after year.

For the great middle class, playing by the rules and paying taxes, big government liberalism soon became the No. 1 obstacle standing in the way of their hopes and dreams. It is time for change. It is hard to save for your future when Government pursues policies that punish saving. It is hard to pass on the family farm or the family business to your children when the Government hits you with a death tax that the children are unable to pay.

□ 1215

It is hard to believe in the American dream anymore when the Government leaves future generations a legacy of more debt and higher taxes.

Fortunately, Mr. Speaker, the 1997 budget finally puts an end to 40 years of expanding Government and endless taxation. This Congress should stand squarely behind the balanced budget.

THE AMERICAN PUBLIC OVERWHELMINGLY OPPOSED TO MFN

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I rise today to encourage all Members of this body to read the poll in today's Wall Street Journal.

By an overwhelming margin, 67 percent of Americans polled by NBC News and the Wall Street Journal said that the United States should demand improvements in China's human rights if China wants to continue its current trading status of MFN; 67 percent.

Among men, the percentage who favor human rights improvement before MFN was renewed was 63 percent. Among women, the percentage was a staggering 70 percent. And I say regarding my side, we are concerned about the gender gap. If we want to see a gender gap, 70 percent of the American women favor linking trade and MFN.

No matter whether we break it down according to party affiliation, income, or age, the results are still the same: 60 to 70 percent favor demanding improvements in China's human rights record before renewing MFN. Republicans polled, 61 percent; Democrats, 73 percent. Of those earning $50,000 or more, 63 percent favor human rights; 76 percent of those earning less than $20,000 favored human rights improvements.

The American people want the Congress to send a message about human rights. They want to send a message about the Catholic priests, the Protestant pastors, the Buddhist monks, and the Muslims being persecuted. I urge this Congress to send a message to the Chinese people. Vote to deny MFN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules but not before 2 p.m. today.

EXTENDING DEADLINE FOR AUSABLE HYDROELECTRIC PROJECT IN NEW YORK

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 848) to extend the deadline under the Federal Power Act applicable to the construction of the AuSable hydroelectric project in New York, and for other purposes.

The Clerk read as follows:

H.R. 848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

(a) PROJECT NUMBERED 10836.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 10836-000NY, the Commission shall, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project, under the extension described in subsection (b), for not more than 3 consecutive 2-year periods.

(b) EFFECTIVE DATE.—This subsection shall take effect on the date of the expiration of the extension of the period required for commencement of construction of the project described in subsection (a) that the Commission issued, prior to the date of enactment of this Act, under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project referred to in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project as provided in subsection (a) for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. DAN SCHAEFER] and the gentleman from Texas [Mr. HALL] each will control 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. DAN SCHAEFER].

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, under section 13 of the Federal Power Act, project construction must begin within 4 years of issuance of a license. If construction has not begun by that time, the Federal Energy Regulatory Commission cannot extend the deadline and must terminate that license.

H.R. 848 and H.R. 1184 provide for extensions for the construction deadline if the sponsor pursues the commencement of construction in good faith and with due diligence. H.R. 1217 provides additional time to complete construction of a project.

These types of bills have not been controversial in the past. The bills do not change the license requirements in any way and do not change environmental standards but merely extend construction deadlines. There is a time in which we have to act, since construction deadlines for one project expired in February and the others expire in the coming months. If Congress does not act, the FERC will terminate the licenses, the project sponsors will lose millions of dollars that they have invested in these projects, and communities will lose the prospect of significant job creation and added revenues.

I should also note that the bills incorporate the views of the Federal Energy Regulatory Commission. The Energy and Power Subcommittee solicited the views of FERC, and the agency does not oppose any of the three bills we have up today.

I would like to briefly describe the first of the bills, H.R. 848. It is a bill to

extend the deadline for commencement of construction of a hydroelectric project in the State of New York. The AuSable project is very important to the village of Keeseville. The Prescott Mill hydropower project was the symbolic heart of the community and the major employee in Keeseville from 1832 until the 1960's. The demise of Prescott Mill in the 1960's caused economic hardship in the village that can be felt today.

Redevelopment of the project will provide a badly needed boost to an area that is going through some very hard times. Jobs are important everywhere, we all know that, but especially in Keeseville, whose unemployment is nearly 18 percent. The Prescott Mill project would permit the village to attract more businesses, provide 35 temporary jobs during construction and 75 permanent jobs. There is extensive support in the village of Keeseville for this particular project.

There is a need to act on H.R. 848 in a timely manner, since the construction deadline expired last February.

Mr. Speaker, I ask that Members support H.R. 848 for the people in Keeseville, NY.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Colorado has pointed out, H.R. 848 would authorize FERC to extend the deadline for commencement of construction of the 800-kilowatt AuSable project to be located in New York.

Mr. Speaker, FERC of course has the authority to extend the initial deadline but for no longer than 2 years. If additional time is needed, Congress can enact legislation to extend that deadline.

I think I should also point out that it is not without warranted reason that these hydroelectric projects are in need of license extensions. In the case of the project in New York, it is very difficult to find a sponsor to secure financing until it has a power sales contract in hand. Generally a licensee cannot secure a contract until it has been granted a license. These circumstances make it critical for a construction license to be granted.

There is no one opposed to it. It is an easy bill with no objection from FERC. I strongly urge my colleagues to join me in voting "yes" on H.R. 848.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 848.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 848, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

EXTENDING DEADLINE FOR BEAR CREEK HYDROELECTRIC PROJECT IN WASHINGTON

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1184) to extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in the State of Washington, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission project numbered 10371, the Commission may, upon the request of the project licensee, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence construction of the project for not more than 3 consecutive 2-year periods.

(b) APPLICABILITY.—The extension under subsection (a) shall take effect for the project upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the project.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project referred to in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project as provided in subsection (a) for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of such expiration.

SEC. 2. REENACTMENT OF SENTENCE IN SECTION 6.

Section 6 of the Federal Power Act (16 U.S.C. 799) is amended by adding the following sentence (deleted by section 108(a) of the General Accounting Office Act of 1996 (Public Law 104-316)) at the end thereof: "Licenses may be revoked only for the reasons and in the manner prescribed under the provisions of this Act, and may be altered or surrendered only upon mutual agreement between the licensee and the Commission after thirty days' public notice.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER and the gentleman from Texas, Mr. HALL each will control 20 minutes.

The Chair recognizes the gentleman from Colorado, Mr. DAN SCHAEFER.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 1184, as amended, authorizes the Federal Energy Regulatory Commission to extend the deadline for commencement of construction of the Bear Creek hydroelectric project in the State of Washington.

The reason for this legislation is the same as with other hydroelectric license extension bills. The onset of intense competition in the electric industry is driving utilities to lower their costs and avoid making long-term commitments. As hydroelectric projects are typically financed through long-term power sales contracts, it has been difficult for many project developers to secure financing to construct licensed projects.

There is a need to act on this legislation in a very timely manner, since the construction deadline expired on December 9, 1997. I should note that H.R. 1184 does not ease the environmental requirements of the license but merely extends the construction deadline.

H.R. 1184, as amended, also would restore a sentence in the Federal Power Act that was erroneously deleted by the General Accounting Office Act of 1996. In the last Congress, both the National Defense Authorization Act and the General Accounting Office Act provided for the deletion of the last sentence of section 6 of the Federal Power Act. The intent of both laws was to strike a requirement that the FERC would file all issued hydropower licenses with the General Accounting Office.

However, since the National Defense Authorization Act was enacted first, the General Accounting Office Act erroneously deleted the next-to-last sentence of section 6 of the Federal Power Act which addressed the authority of FERC to revoke hydropower licenses. H.R. 1184 would restore this sentence to the Federal Power Act.

The Federal Energy Regulatory Commission has no objection to this particular legislation and I urge the support of 1184, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1184, introduced by my colleague, the gentleman from Washington [Mr. METCALF]. The bill allows

the Federal Energy Regulatory Commission to extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in Washington State.

I have had the pleasure of working with the gentleman from Washington, a noted author and a very respected Member of this Congress. I have sat in on many financial meetings with him and have the highest regard for him. He has done a good job on H.R. 1184. It allows FERC simply to extend the commencement of construction for the project for not more than three consecutive 2-year periods.

This extension bill faces no opposition. In keeping with the practice of granting license extensions, H.R. 1184 is a noncontroversial, easy yes vote, and I strongly urge my colleagues to vote in favor of H.R. 1184.

Mr. Speaker, finally, I wish to thank the gentleman from Colorado, and I certainly want to thank the gentleman from Washington for bringing this important legislation to the floor.

Mr. Speaker, I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Speaker, I would like to take this opportunity to thank the chairman, the gentleman from Virginia, Mr. BLILEY, and the subcommittee chairman, the gentleman from Colorado, Mr. DAN SCHAEFER, for considering the next two bills, H.R. 1184 and H.R. 1217, and I appreciate their willingness to work with me on renewing these projects. These are important projects to my district.

The project is located in Skagit County and will result in no new or increased budget authority or tax expenditures or revenues. This facility has operated from 1906 to 1969 when it ceased operation. FERC issued a construction license in 1993 which will expire December 10, 1997. This bill will extend the deadline for the commencement of construction for three, 2-year periods. Such an extension is common on projects where construction has been delayed due to factors outside of the licensee's control. For example, to date, construction has not commenced because of a lack of a power purchase agreement to support project construction financing. As a result of destabilization of the electricity industry and spot prices and, therefore, a market condition such that no power sales contract can be executed.

The legislation provides for up to three consecutive, 2-year extensions, instead of a 6-year extension, to assure that the licensee must continue to meet the section 13 requirement that it prosecute each 2-year extension. If FERC determines the licensee is not acting in good faith, it is expected that FERC will refuse to grant a request for an extension for an additional 2-year extension.

This project has received no challenges and has been determined environmentally sound and nonthreatening by all applicable local, State, and Federal agencies. The Bear Creek facility is located entirely on private property.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 1184, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 1184, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1559

Mrs. LINDA SMITH of Washington. Mr. Speaker, I request my name be removed as cosponsor of H.R. 1559.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

EXTENDING DEADLINE FOR HYDROELECTRIC PROJECT IN WASHINGTON STATE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1217) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The Clerk read as follows:

H.R. 1217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission project numbered 10359, the Commission shall, at the request of the project licensee, extend the time period during which the licensee is required to complete construction of the project to May 4, 2004.

(b) REPORTS.—The licensee for the project described in subsection (a) shall file with the Federal Energy Regulatory Commission, on December 31 of each year until construction of the project is completed, a report on the status of the project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Texas Mr. HALL, each will control 20 minutes.

The Chair recognizes the gentleman from Colorado Mr. DAN SCHAEFER.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself 5 minutes.

□ 1230

Mr. Speaker, H.R. 1217 would direct the Federal Energy Regulatory Commission to extend the deadline for the completion of construction of the Youngs Creek hydroelectric project in the State of Washington. The commencement of construction of this project was initiated in a timely manner, and the project developer expended about 25 percent of total project cost, which is $5.3 million. However, the developer has been unable to secure financing to complete project construction due to uncertainties in the electric industry.

H.R. 1217 extends the deadline for the completion of construction until May 4, 2004. As is the case with others, the extension under the bill does not change or alter the environmental requirements in any way. The Federal Energy Regulatory Commission has no objection to this legislation. I would urge support of H.R. 1217.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1217, which, like the previous bill, was introduced by the gentleman from Washington [Mr. METCALF], my good friend. This bill is exactly like the previous non-controversial hydroelectric project extension, but it is very important to the gentleman from Washington [Mr. METCALF] and is important to his district and his State.

As proven in the past, congressional extension legislation has been noncontroversial and without opposition from FERC. This practice holds true with H.R. 1217. These are easy yes votes, and I strongly urge my colleagues to join in supporting the gentleman from Washington [Mr. METCALF] in H.R. 1217.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

I would also like to congratulate the gentleman from Washington [Mr. METCALF] for his excellent work on these last two bills. I know it is very, very important to the State of Washington, his district.

Mr. METCALF. Mr. Speaker, the project is located in Snohomish County and will result in no new or increased budget authority or tax expenditures or revenues. This facility has 25 percent of the total cost—$5 million—already invested in construction, and this legislation will extend the time to complete construction

for an additional 6 years from May 4, 1998, to May 4, 2004. Two of those years will be consumed by actual construction needed to complete the project.

This legislation will assure that the site is preserved for final construction. This is especially important because construction has already begun although a power sales agreement was not obtained. There is precedent for FERC to grant commencement extensions when construction has been delayed due to market conditions that are such that no power sales contract can be executed. For example, to date, construction has commenced although has been halted because of a lack of a power purchase agreement to support project construction financing. As a result of destabilization of the electricity industry and spot prices and, therefore, a market condition such that no power sales contract can be executed.

Again, the legislation provides for a 6-year construction extension. This is not an unreasonable request for a project already under construction. This project has received no challenges and has been determined environmentally sound and nonthreatening by all applicable local, State, and Federal agencies.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 1217.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill H.R. 1217 was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1217, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

RELATING TO 30TH ANNIVERSARY OF REUNIFICATION OF THE CITY OF JERUSALEM

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 60) relating to the 30th anniversary of the reunification of the city of Jerusalem.

The Clerk read as follows:

H. CON. RES. 60

Whereas for 3,000 years Jerusalem has been the focal point of Jewish religious devotion;

Whereas Jerusalem today is also considered a holy city by members of the Christian and Muslim faiths;

Whereas there has been a continuous Jewish presence in Jerusalem for three millennia and a Jewish majority in the city since the 1840's;

Whereas the once thriving Jewish majority of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;

Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan;

Whereas in 1967 Jerusalem was reunited by Israel during the conflict known as the Six Day War;

Whereas since 1967 Jerusalem has been a united city, and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas this year marks the 30th year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected;

Whereas in 1990 the United States Senate and House of Representatives overwhelmingly adopted Senate Concurrent Resolution 106 and House Concurrent Resolution 290 declaring that Jerusalem, the capital of Israel, "must remain an undivided city" and calling on Israel and the Palestinians to undertake negotiations to resolve their differences;

Whereas Prime Minister Yitzhak Rabin of Israel later cited Senate Concurrent Resolution 106 as having "helped our neighbors reach the negotiating table" to produce the historic Declaration of Principles on Interim Self-Government Arrangements, signed in Washington, D.C. on September 13, 1993; and

Whereas the Jerusalem Embassy Act of 1995 (Public Law 104-45), which became law on November 8, 1995, states as a matter of United States policy that Jerusalem should remain the undivided capital of Israel: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of that historic city;

(2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 30 years;

(3) calls upon the President and the Secretary of State to affirm publicly as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel; and

(4) urges United States officials to refrain from any actions that contradict this policy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 60, legislation that I sponsored with our colleague from New York, Mr. SCHUMER, which commemorates the 30th anniversary of the reunification of Jerusalem.

I want to thank the gentleman from New York [Mr. SCHUMER] for his leadership on this issue and commend him for his steadfast commitment to Israel and Jerusalem. I also want to commend our ranking minority member, the gentleman from Indiana [Mr. HAMILTON], for his support of this legislation.

The legislation before us today reinforces the strong relationship between the American people and the nation of Israel. From Israel's independence in 1948 until the miraculous reunification of Jerusalem in 1967's Six-Say War, Jerusalem was a divided city and Israeli citizens of all faiths, as well as Jewish citizens of all states, were denied access to holy sites in the area, which was controlled by Jordan. The once thriving Jewish majority of the historic Old City of Jerusalem was driven out by force in 1948, not to return again for 19 long years.

Despite the more than 3,000 years of Jewish residency in Jerusalem, Jews were once again cast out from King David's capital by overwhelming force. Once Jerusalem was one city again, the Israeli Government took important steps to guarantee freedom of religious access, not only to the Jews who had been denied their holy sites all those years, but also for Christians and Muslims. With the reunification of the city under Israel's jurisdiction, persons of all religious faiths have been guaranteed full access to their holy sites in Jerusalem.

Congress, in its role as the representative of the American people, has stated its support for Jerusalem as the capital of Israel on numerous occasions. We believe that Jerusalem must remain an undivided city forever. Indeed, the landmark legislation which became law in 1995, the Jerusalem Embassy Relocation Act, states these beliefs as a matter of U.S. policy.

Mr. Speaker, House Concurrent Resolution 60 congratulates the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of that historic city; reiterates the belief that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are going to be protected as they have been by Israel during the past 30 years. It also calls upon the President and the Secretary of State to affirm publicly as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel; and urges United States officials to refrain from any actions that contradict this policy.

Mr. Speaker, I urge my colleagues' strong support for this important measure.

Mr. Speaker, I do not have any further requests for statements. I would like to thank the Speaker, the gentleman from Georgia [Mr. GINGRICH], for his special interest in this resolution, as well as the balance of the leadership on both sides of the aisle for their support of the resolution.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on House Concurrent Resolution 60.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

I would like to note that the legislative business on suspensions will be concluded with the adoption of this resolution and that any Members having amendments with regard to the State Department authorization measure are urged to come to the floor at this time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

I am going to rise in opposition to House Concurrent Resolution 60 relating to the 30th anniversary of the reunification of the city of Israel. I do so reluctantly because I support the unity of the city of Jerusalem. I also value the many positive contributions Israel has made in and to Jerusalem over the last three decades.

I believe that it is critical for the United States to refrain from any actions that undermine the unity of this city which is holy for Jews, Muslims, and Christians. I also believe that the United States should eventually move its embassy in Israel to Jerusalem, which Israel considers its capital.

I regret that the Committee on International Relations was given no opportunity to consider this resolution before the House took it up under this suspension, where amendments are not possible. A single change to the language of the resolution would have gained my support and that of others who support the unity of Jerusalem, but also support forward progress in the Middle East peace process and oppose unnecessarily provocative actions to or by any of the parties to that process.

It would be totally consistent with U.S. policy to say that Jerusalem must remain an undivided city. It would even be acceptable to describe Jerusalem as Israel's capital and then state, as did House Concurrent Resolution 290, which this resolution cites, that it should remain an undivided city.

However, it is not consistent with United States policy articulated over several decades under several administrations of both parties to state, as this resolution does, that Jerusalem must remain the undivided capital of the State of Israel.

Taking such action at this time also hurts U.S. policy more immediately and directly. It will make it more difficult to get an already stalled peace process back on track.

I oppose the resolution at this time for three reasons. First, I do not think it is in the U.S. national interest to take any action that could hinder the peace process or the ability of the United States to continue to play an indispensable role in that process. We need to preserve our role as trusted intermediary, particularly now that we are moving toward permanent status negotiations in which Jerusalem will be a subject.

The United States has a vital interest in seeing the peace process move forward. Such forward movement is not likely to occur if we do serious damage to the critical U.S. role. We cannot preserve this role if the Congress succeeds in its attempt to force a U.S. policy that prejudges an issue as contentious as the final status of Jerusalem, an issue which the Declaration of Principles, signed by both parties in 1993, states will be determined by the parties to the conflict in their final status negotiations.

Second, the issue of Jerusalem has been left for the final status negotiations because of the strong emotion it engenders, because of the controversy it promotes, and because of the need to build confidence among the parties in any proposed solution of the Jerusalem issue. That confidence does not exist among the parties today. This resolution is another unilateral action that can make it more difficult to prepare for the key final status talks.

Finally, I think we need to view this suspension resolution, House Concurrent Resolution 60, together with the other provisions relating to the Middle East that are being discussed and will be voted upon when H.R. 1757, the State Department authorization bill, comes before the House for further consideration later today.

In addition to this resolution on Jerusalem, that bill contains additional problematic language on Jerusalem. We also will vote today on amendments with respect to Syria, actions by the Palestinian Authority with which we disagree, and a possible amendment on reducing aid to Egypt. Each of these amendments has some merit. I agree with much of what they say, but their cumulative effect is to have the United States appear very one-sided on matters where our continued ability to be trusted by all parties is critical.

So, Mr. Speaker, while I join my colleagues in saluting and celebrating a united Jerusalem, I cannot support this resolution at this time. I have, of course, no doubt about the strong support for the resolution. I just think it is appropriate for a few of us to speak out for a nearly 50-year-old American policy in the Middle East, a policy supported by 10 successive Presidents, that has served the Nation and the Middle East well.

□ 1245

I urge my colleagues not to make a difficult peace process even more difficult. I would urge a no vote on House Concurrent Resolution 60.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation with regard to the reunification of Jerusalem has been considered and adopted by the House in prior years, so its consideration should not be considered controversial. President Clinton has stated his support for an undivided Jerusalem. Since the onset of the peace process in 1992, Congress has gone on record on this issue on several occasions. Accordingly, this should not be seen as impairing the peace process. It has not stopped the negotiations from going forward, even when we adopted the Jerusalem Embassy Relocation Act.

Accordingly, I urge our colleagues to support this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER], the original sponsor of this measure.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for yielding me this time and for his leadership on this issue; I thank the ranking member, even though we disagree, for his consideration.

Mr. Speaker, just 30 years ago, Jerusalem was a city divided, divided by barbed wire, divided by faith and divided by violence. In 1948, Jews, who have looked to Jerusalem for 3 millennia as their holy place, were systematically expelled from their holy city. The houses of worship were destroyed, the cemeteries were desecrated. Gravestones served as roads for construction in the city. The most holy of religious sites, the Western Wall, was used ignominiously as a garbage dump. Jews from around the world were unable to worship at their holiest of holy sites.

At the time, the free world rightly declared this heinous act of war illegal but did nothing, absolutely nothing, to change it. Thirty years ago all that changed. Jerusalem was liberated. Jews from around the world could once again pray in Jerusalem. Today Jerusalem is a city reunited, united in geography, united in respect for faith and united in search for peace.

Since 1967, Jerusalem has been the united sovereign capital of Israel, which no Israeli Government, Labor or Likud, would ever agree to divide. There are many issues that divide the Jewish community these days, both here in America and in Israel. This is not one of them. I say to my colleagues that Jewish citizens of America, Jewish citizens of Israel are virtually unanimous in the view that Jerusalem should remain the undivided capital.

I remind Members that under the last 30 years, the holy sites of all three great religions have been open to those who wish to pay their respects and pray there, unlike the period of 1948 to 1967.

In my judgment, the Palestinian Authority has no claim on Jerusalem, not only in fact and in history but because of what they did between 1948 and 1967. They lost it. To make the Wailing Wall a garbage dump? That is absolutely disgraceful and an abomination.

So over the years, recognizing that Congress has affirmed the policy that Jerusalem remain the undivided capital of Israel through numerous resolutions and laws, but never has it been more important that the United States speak with one voice to make the policy clear, that Jerusalem is and will always be the undivided capital of Israel. We in the U.S. House of Representatives understand the significance of Jerusalem to the Jewish people. Today, like Jerusalem, we stand united in congratulating the people of Jerusalem on the 30th anniversary of their city's reunification, united in commending Israel for guaranteeing the right of people of all faiths, Jewish, Christian, Muslim, to pray at their holy sites, united that this holy city never be divided again.

Mr. Speaker, I am proud to offer this resolution today to congratulate the people of Jerusalem on the 30th anniversary of their city's reunification, to say that it is my belief that the United States ought to stand foursquare behind that reunification and not do anything, anything at all, to undercut the fact that we will stand by Israel in its goal to keep Jerusalem united and prevent it from being divided. I say to those who do not believe that, that the peace process in my judgment, if it is based on the view that it ultimately must have a divided Jerusalem, will ultimately fail, and we ought to affirm that now and forever and once and for all.

Mr. Speaker, for 3,000 years, since the destruction of the second temple, the people of Jerusalem and world Jewry have said the following: "Jerusalem, if I forget thee, let my right hand be severed." We will never forget Jerusalem, and we are here to celebrate its permanent reunification.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New York [Mr. SCHUMER] for his leadership on this issue and for his very eloquent words in support of the resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS], the distinguished former chairman of our House Intelligence Committee.

Mr. GOSS. Mr. Speaker, I rise in strong support of this resolution. I believe it is extremely appropriate that we tell the world that we are happy to celebrate this occasion and that we are still committed very much to overseeing our responsibilities toward peace in the area.

I take the view that we are in the business here of underscoring our commitment to the peace process. I do not believe that one can raise the issue of Mideast geopolitics without somehow conveying the idea that there is controversy. But I think that the issue before us is without controversy. It is on the suspension calendar, and I think it is merely a question of acknowledging the leadership of those who have made this possible to come before us. I associate myself with the distinguished remarks of the gentleman from New York, who I think put them so eloquently. I would suggest that to fail to pass this today would send a very bad message. On the other hand it deserves our unanimous support. I congratulate the distinguished chairman for bringing this to our attention.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise today in strong support of this resolution congratulating the Israeli people on the 30th anniversary of the reunification of Jerusalem. Today we in this House reaffirm our commitment to Jerusalem as the unified capital of Israel now and forever. It is especially fitting that we rise today to celebrate the Israeli capital as the people of the Middle East are struggling to bring peace to the region.

In these difficult times it is critical that we show our support for a safe and secure Israel, with Jerusalem as its undivided capital. Jerusalem has been and must remain a center of ethnic and religious diversity where individual rights of worship are respected and protected. Torn apart by war for almost two decades, Jerusalem was united as the capital of the State of Israel 30 years ago and so it shall remain. I commend my colleagues for bringing this important resolution to the floor, and I urge its passage.

Mr. HAMILTON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I simply wanted to point out that the Department of State opposes this resolution. It opposes it on constitutional foreign policy and operational grounds. Quoting from their memoranda,

> The intent of this legislation is to force the administration to recognize Jerusalem as part of the territory of the State of Israel and indeed as the capital of the State of Israel. Our view of Jerusalem is guided by the Declaration of Principles, Oslo I, in which the two sides agreed that Jerusalem will be addressed in permanent status negotiations.
>
> Our objection to this bill is based on our long-standing policy toward Jerusalem and on the fact that this provision raises serious constitutional issues because it purports to limit the President's exclusive authority to conduct the Nation's diplomatic relations and others.

The point simply is that this resolution does not state American policy in the Middle East as it has been for many, many years, supported by 10 Presidents. Members should be aware of the fact that when they vote for this, for all kinds of good reasons, they are nonetheless departing from the U.S. position on the Middle East peace process that has served this Nation and served the Middle East, I think, very well for many years.

Mr. GEPHARDT. Mr. Speaker, I am proud to be an original cosponsor of House Concurrent Resolution 60, and I urge its adoption by the House of Representatives.

Two years ago, I joined many others in the Capitol rotunda to commemorate the 3,000th anniversary of the founding of the city of Jerusalem. It is in the spirit of that powerful ceremony, and in the spirit of Jerusalem itself, that I rise today in support of this resolution.

There is no question that Jerusalem is among the most important sites of modern civilization—a triumph of faith and freedom not just for the Jewish people, but for all people. And although people have fought over Jerusalem for thousands of years, today it stands as a city of peace, in which different races and religious faiths live together.

That is why Jerusalem should remain an undivided city, and be recognized as the capital of Israel. After all, Jerusalem embodies the very notions of liberty, justice, and freedom from persecution upon which Israel was founded. And it is only fitting that the holiest city in the world be celebrated as the center of the Jewish people, who have strived for so long simply to be able to express their faith freely and openly. That's why I supported and Congress passed legislation in 1995 to move the United States Embassy in Israel to Jerusalem.

Today's resolution reiterates the message we delivered in 1995 and which the Congress has expressed in prior years. We must be clear, however, that it is not enough simply to celebrate the past 3,000 years of Jerusalem's existence, or its past 30 years as an undivided city. We must seek to keep Israel and Jerusalem strong for the next 3,000 years. That's part of what the Middle East peace process is all about—and what the United States' unwavering support for Israel is all about.

In closing, I congratulate the residents of Jerusalem and the people of Israel on the 30th anniversary of that city's reunification, and I urge my colleagues to support this resolution.

Mr. GINGRICH. Mr. Speaker, I rise today to express my strong support for House Concurrent Resolution 60, congratulating the people of Israel on the 30th anniversary of the reunification of the city of Jerusalem.

It has been 30 years since Israel in the course of the 6-day war reunified the city of Jerusalem and opened its holy sites to people of all faiths. It has also been the policy of the United States ever since the historic reunification of this most holy city that it should never again be divided.

As a nation, one of our most fundamental principles is the principle of freedom of religion. With this vote, we in Congress reaffirm our belief that an undivided Jerusalem is integral to maintaining the rights of every ethnic and religious group in the city of Jerusalem, and we recognize and commend the people of Israel for protecting this right over the past 30 years.

I would also like to again urge the President and the Secretary of State to affirm publicly

what we in Congress have consistently voiced for many years, that Jerusalem is the Capital of Israel. I also call on the President to move forward at this time with the selection of a site for the new American Embassy in Jerusalem.

Mr. BRADY. Mr. Speaker, today I rise in support of House Concurrent Resolution 60. I am pleased to support this resolution which congratulates the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of Jerusalem, calls upon the President and the Secretary of State to publicly affirm—as a matter of U.S. policy—that Jerusalem must remain the undivided Capital of Israel, and urges U.S. officials to refrain from any actions that contradict this policy.

For 3,000 years, Jerusalem has been the religious, spiritual, and cultural center of the Jewish people. It is also important to note that Jerusalem has sites that are also important to other religious faiths. Furthermore, during the period 1949–1967, the eastern part of Jerusalem was under Jordanian control and people of all faiths were denied access to their holy sites. However, since Jerusalem was reunited in 1967, it has been a city open to people of all religions.

In addition to House Concurrent Resolution 60, the House is also considering another important piece of legislation, the Foreign Relations Authorization Act (H.R. 1757), affecting U.S. policy toward Jerusalem. Both of these bills reaffirm positions taken by Congress in 1995, when it overwhelmingly passed the Jerusalem Embassy Act. While that legislation become law on November 8, 1995, President Clinton, unfortunately, did not sign it. The Jerusalem Embassy Act declares that official U.S. policy should recognize Jerusalem as the Capital of the State of Israel. The bill also supports Jerusalem remaining an undivided city where the rights of every ethnic and religious group are protected. Finally, it requires that the United States move its Embassy from Tel Aviv to Jerusalem by May 31, 1999. We are also committed to seeing this happen and have included provisions to do so in H.R. 1757.

I urge my colleagues to vote for both House Concurrent Resolution 60, as well as H.R. 1757, which reaffirm our belief that Jerusalem should remain Israel's undivided capital.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 60.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

The SPEAKER pro tempore. Pursuant to House Resolution 159 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1757.

□ 1257

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, with Mr. EWING—Chairman pro tempore—in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, June 5, 1997, the amendment offered by the gentleman from New Jersey [Mr. SMITH] had been disposed of.

Pursuant to the order of the House of Thursday, June 5, 1997, each further amendment to the bill, and all amendments thereto, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, except for the following amendments which shall be debated without a time limit:

1. Amendments en bloc offered by the gentleman from New York [Mr. GILMAN] pursuant to the previous order;
2. The amendment by the gentleman from Rhode Island [Mr. KENNEDY] regarding Indonesia;
3. The amendment by the gentleman from California [Mr. MILLER] regarding Cuba;
4. The amendment by the gentleman from New York [Mr. SCHUMER] regarding Egypt;
5. The amendment by the gentleman from New York [Mr. PAXON] or the gentleman from New York [Mr. ENGEL] regarding Palestinian land transactions;
6. The amendment by the gentleman from Ohio [Mr. NEY] regarding Libya;
7. The amendment by the gentleman from South Carolina [Mr. SANFORD] regarding authorization levels;
8. The amendment by the gentlewoman from Georgia [Ms. MCKINNEY] regarding arms transfer code of conduct;
9. The amendment by the gentleman from California [Mr. CAPPS] regarding Tibet;
10. The amendment by the gentleman from New York [Mr. GILMAN] regarding counternarcotics authorities;
11. The amendment by the gentleman from Indiana [Mr. HAMILTON]; and
12. The amendment by the gentleman from New York [Mr. GILMAN].

□ 1300

It shall be in order at any time for the chairman of the Committee on International Relations, or his designee, with the concurrence of the ranking minority member of that committee, or a designee, to offer amendments en bloc. Those amendments en bloc shall be considered read, shall not be subject to amendment, shall not be subject to a demand for a division of the question, and may amend portions of the bill previously read for amendment.

The original proponents of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are now resuming consideration of the foreign relations authorization bill for fiscal years 1998 and 1999. We have a unanimous-consent agreement that makes in order several amendments to be considered under the 5-minute rule without any special time limitation. Other amendments not mentioned in the unanimous-consent request are debatable for up to 10 minutes equally divided between a Member in support and a Member in opposition on the amendment. I request that any Members having an amendment would advise our committee if they plan to offer an amendment. It would help facilitate our work here for the remainder of the day.

I would also like to point out that we are continuing to work with the administration to reach an agreement on reorganization of the foreign affairs agencies. The President has directed that consolidation of USIA and the Arms Control Disarmament Agency take place over a 2-year period. That is our responsibility, to implement that decision. It is my intention to find a solution. I hope that my colleagues on the other side of the aisle will work with us to that end, and I want to thank the ranking minority member, the gentleman from Indiana [Mr. HAMILTON], for his cooperation. We will try to move this bill as expeditiously as possible, and we appreciate the cooperation of our colleagues to work within the agreed time limits.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. EWING). Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. GILMAN. Yes, it is, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. GILMAN:

At end of Title XVII (relating to foreign policy provisions) add the following new section (and conform the table of contents accordingly):

SEC. ADDITIONAL REQUIREMENTS RELATING TO ASSISTANCE.

(a) IN GENERAL.—Section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)) is amended—

(1) in subparagraph (A)(ii), inserting "or under chapter 5 of part II" after "(including chapter 4 of part II)"; and

(2) in subparagraph (B), by inserting before the semicolon at the end the following: ", other than sales or financing provided for narcotics-related purposes following notification in accordance with procedures applicable to reprogramming notifications under section 634A of this Act.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to assistance provided on or after the date of the enactment of this Act.

Mr. GILMAN. Mr. Chairman I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Chairman, the euphemism, war on drugs, is often misused to describe the struggle against the illicit narcotics which destroy our communities and takes the lives of so many of our young people. However in Colombia, the major drug producing nation in our hemisphere, there is a raging narcotics based drug war, and it is only a short 3 hours away by aircraft from Miami. The Colombian National Police, the CNP, our longtime courageous and honest allies in the fight against the drug cartels and their narcoguerrilla allies, in the last 10 years alone they have lost nearly 3,000 police officers. These heavy casualties were taken fighting ours as well as their own grave struggle against the illicit drug trade. These brave police officers captured or killed all of the leadership of the ruthless Medellin cartel as well as all of the key kingpins of the more sophisticated and powerful Cali international drug cartel.

The administration twice decertified the Government of Colombia over the last 2 years without a national interest waiver because of alleged corruption surrounding the Presidency. At the same time, it has badly hurt the Colombian National Police and military fighting the real drug war from the safe and secure office of the Presidency in Bogota.

The annual drug certification statute as now written automatically cuts off foreign military sales and international military education and training. That assistance is given once a nation like Colombia is decertified, without being given a national interest waiver.

As a result, today in Colombia we cannot routinely provide FMS and IMET assistance to the police and the army. In addition, we cannot provide any lethal assistance, ammunition and explosives, in the middle of their raging narcowar.

Nor can we help adequately maintain the numerous pieces of U.S. military equipment we have provided to the security forces in the past to fight drugs. The net effect has been a classic case of shooting one's self in the foot in a matter involving our vital national security, illicit drugs coming from abroad.

The certification law also creates a catch-22 situation for the nation decertified. We are denying them the very military assistance and training they often need to produce increased results in fighting drugs, results they will need later to get certified for fully cooperating in the following year.

My amendment is simple. It was included in H.R. 1486 as it came out of our committee without any opposition. It makes clear that FMS and IMET narcotics-related assistance, when the United States decertifies a nation in the future, without a national interest waiver, would no longer automatically be cut off.

Under my proposal, while the administration need not automatically provide FMS or IMET drug-related assistance, they are not precluded from doing so especially when needed in such clear cut cases like the current drug war that exists in Colombia.

I urge my colleagues to please join in this common sense solution to correct a serious glitch in the current law. Let us give our courageous friends and allies in the Colombian National Police and military in its vital struggle for their lives and that of our children a real fighting chance, and I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HAMILTON. Mr. Chairman, I rise in opposition to the chairman's amendment which inserts into this bill one of his sections in the foreign aid division, which of course the Committee on Rules had stripped from the bill.

This amendment, taken out of the foreign aid division of H.R. 1486, would remove the current legal prohibition against providing military training and military aid to decertified countries. What that means is that, if a country is decertified because it is not cooperating with us in the fight against drugs, the United States would still automatically cut off most development assistance as well as OPIC and Exim which help U.S. companies, but lethal equipment and other military assistance could still be sent to those decertified countries.

I oppose this amendment for two reasons. First, the amendment, I think, is an affront to fair process. The Committee on Rules stripped out the foreign aid half of the Committee on International Relations' bipartisan bill. Now the gentleman from New York [Mr. GILMAN] is coming back with a provision out of the foreign aid division. Members of Congress, the gentleman from New Jersey [Mr. MENENDEZ] and the gentleman from Florida [Mr. HASTINGS] and I, had a provision to revise the drug certification process, but we did not attempt to add it to a State Department authorization bill where it does not belong.

I do not like fooling around with the process. This approach, I think, is unfair to other Members who had provisions in the foreign aid division. The gentleman from New York [Mr. GILMAN] is trying to attach an undoubtedly popular amendment from the foreign assistance bill to a different vehicle. This approach, I think, shows that the gentleman from New York [Mr. GILMAN] has no confidence in the Committee on Rules' pledge that the foreign aid bill will be taken up at a later time. What he is doing now is putting very popular, very attractive, provisions from the foreign aid division into this bill, rewriting it so that it fits under the State Department authorization bill.

Second, however, I oppose the amendment on substance. One of the main reasons for prohibiting military aid is to have a powerful stick to persuade militaries in major drug countries to become U.S. allies on counternarcotics. This amendment removes one of the key levers that the United States has under current law.

What we do here is we would decertify a country saying that they do not cooperate with us, and then we turn around under this amendment and say, "Even though you do not cooperate, we are going to continue to supply you with all of the military aid that you want."

With this amendment, for example, the United States would provide approximately $30 million in additional military assistance to Colombia. Keep in mind Colombia is a country that does not cooperate with us by our own finding in the fight against drugs. This contradicts this amendment, I believe, the very purpose of cutting off assistance to decertified countries. Colombia's military has less incentive to improve Colombia's record if it is getting the aid that it wants any way.

Now I do agree with the gentleman from New York [Mr. GILMAN] that automatic sanctions are counterproductive. The entire decertification statute is badly flawed, and for this reason the committee voted to revise the decertification process and voted to remove all mandatory sanctions. The committee has been denied a chance to bring that product before the House.

In my view rather than make piecemeal changes, as proposed in the Gilman amendment, we should revise the entire statute. The gentleman from New York [Mr. GILMAN] said at committee markup that major changes to the decertification statute should undergo a close review including hearings. Well, this amendment is such a change. The gentleman from New York should withdraw this amendment until such time as the committee has completed that review.

Mr. Chairman, I urge my colleagues to oppose the amendment.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent for 5 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Chairman, I would like to engage in a short colloquy with the gentleman from Indiana [Mr. HAMILTON].

Mr. Chairman, is it the gentleman's understanding that the administration supported this legislative fix to the decertification statute?

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Chairman, is the gentleman asking me if the administration supports his amendment?

Mr. GILMAN. No, I am asking if it is the gentleman's understanding the administration supported this legislative fix to the decertification statute so that they could meet IMET and FMS in these cases?

Mr. HAMILTON. May I respond?

Mr. GILMAN. It is my understanding that the administration did support it.

Mr. HAMILTON. Mr. Chairman, I took the position I did without reference to the administration. I do not know what their position is. They can speak for themselves.

Mr. GILMAN. Mr. Chairman, in further addressing the gentleman's comments I want the gentleman to know that I have full confidence that we are going to move the foreign aid bill at a later date, but this proposal is a matter of extreme urgency. Today the Colombian National Police have only 10 days worth of ammunition in order to continue to conduct the kind of fight that they are conducting against the guerrillas who have been trafficking in narcotics, and it is for that reason that I propose this amendment which merely restores FMS and IMET so that these courageous fighters in the drug war could continue in their efforts.

Mr. HAMILTON. Mr. Chairman, if the gentleman would continue to yield, I was very pleased to hear him say a moment ago that he believes the foreign aid bill will be brought up.

Does the gentleman from New York, the chairman of the committee, have the assurance of the leadership that a foreign aid bill will in fact be brought up on this floor?

Mr. GILMAN. Mr. Chairman, we have been conferring with the leadership, and I will continue in my efforts to try to bring the foreign aid measure to the floor of the House.

Mr. HAMILTON. But the gentleman has no assurance from the leadership that such a bill will be brought forward?

Mr. GILMAN. I have no guarantees at this time. I can only state to the ranking minority member that I will continue strenuous efforts to try to bring the measure to the floor of the House.

Mr. HAMILTON. Let me assure the gentleman I support him in those efforts.

□ 1315

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. NEY. Yes, Mr. Chairman, it is.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. NEY:

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. PROHIBITION ON FOREIGN ASSISTANCE TO ANY COUNTRY THAT ASSISTS LIBYA IN CIRCUMVENTING UNITED NATIONS SANCTIONS.

(a) IN GENERAL.—None of the funds made available in this Act and the amendments made by this Act shall be made available for assistance to any government if the President determines that such country has assisted the Government of Libya in violating sanctions imposed by United Nations Security Council Resolution 748 (1992).

(b) EXCEPTION.—This section shall not apply if the President determines that making such funds available is important to the national security interest of the United States.

Mr. NEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. NEY. Mr. Chairman, Steven Burrell, Shannon Davis, Christopher Jones, Sarah Phillipps, Cynthia J. Smith, these are names of students, not the names of students who I would like to say today are in their communities and able to continue their education and add to their communities' benefit, and maybe one of these names could have found a cure for cancer, maybe one of these names would have done a great humanitarian effort. No, Mr. Chairman, the names I read, Steven Burrell, Shannon Davis, Christopher Jones, Sarah Phillipps, Cynthia J. Smith, these are the names of just a few of the 35 students from Syracuse University who cannot be with us today and never will be with us because they were passengers on Pan Am Flight 103, which was blown out of the sky by a powerful bomb over Lockerbie, Scotland. All told, all 259 passengers and crew aboard the plane were killed, along with 11 people on the ground.

After one of the most extensive investigations in history, two Libyan intelligence agents were implicated for planting an explosive device on the plane that murdered all of the passengers on the plane. After repeated requests, I stress repeated requests, and Libya's failure to extradite the two Libyan agents, the United Nations imposed a ban on air traffic in and out of Libya as a result.

Last week, in a reckless attempt to have the sanctions lifted without actually delivering the two suspects, the Libyan Government, under the direction of Moammar Qadhafi, sent a direct appeal to the families of the victims talking about a compromise. Unfortunately, the letter was more of a cynical propaganda ploy aimed at manipulating the victims' families than it was an actual concession, and the victims' families recognized this publicly.

On top of murdering the families, I think one of the worst things that could have been done was to try to involve them in a propaganda ploy of the Libyan Government.

Now, why did this happen? It happened because earlier this year, on May 8, the Libyan leader, Moammar Qadhafi, defied the U.N. ban on all traffic in and out of Libya. He flew a flotilla of four Boeing 727's to two Libyan countries, Niger and Nigeria. Now this matter is currently being pursued in the U.N. Security Council and the Sanctions Committee.

My amendment, very simply, will prohibit any funds made available through this bill from going to any government that assists Libya in circumventing the U.N. sanction.

We took upon ourselves, and the United Nations agreed, these sanctions for a reason. Not for the pleasure of Moammar Qadhafi to do as he pleases without doing the right thing, which is to turn these people over for trial that killed all of the people on the Pan Am flight, but on top of it, Mr. Chairman, it is blatantly obvious that Moammar Qadhafi does not take the U.N. sanctions seriously, and that Libya continues to harbor and finance terrorist groups that share Qadhafi's anti-Western views all over our planet.

However, real problems begin to arise when other nations of the world assist rogue governments and rogue countries like Libya in circumventing U.N. sanctions. That does not add to the peace or the security of any citizen of any country who at any point in time can fall victim to the rogue activities of a rogue government headed by a ruthless rogue leader, which is what Moammar Qadhafi is.

The United States has the ability, however, to help deter other countries from assisting Libya through the threat of withholding American assistance, and that is the sole purpose of my amendment.

Mr. Chairman, I urge my colleagues' support of this amendment on behalf of the innocent Americans and the innocent peoples from all around the world

who were on this flight and for the other people who have fallen victim to the hideous ways of this brutal leader. I again urge my colleagues' support of this amendment. I would also like to thank the gentleman from New York [Mr. GILMAN] and his staff for all of the hard work that they put into this bill. They have done a wonderful job.

Mr. HAMILTON. Mr. Chairman, I rise in support of the amendment, and I will vote for it. I want to work to refine it down the line, and I have a question or two to the sponsor.

Mr. Chairman, I would inquire of the gentleman from Ohio, what countries would be affected by this amendment?

Mr. NEY. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Chairman, the countries that would be affected would be those countries who, in fact as the amendment states, the President feels has violated the U.N. sanctions. So it could be any country of the world in fact that would allow for a situation like the flotilla to land in their country and they would violate U.N. sanctions. So it is not specific to what countries, but it would be any country who violates the already existing U.N. sanctions.

Mr. HAMILTON. Mr. Chairman, can the gentleman name any country that would be affected, any specific country that would be affected?

Mr. NEY. Well, if the gentleman would further yield, it could be whatever country that violated from this point forward.

Mr. HAMILTON. Is there a country that now violates, if this were law?

Mr. NEY. Mr. Chairman, I feel that the two countries that allowed him to land, and of course the United Nations has to make that decision, which was Niger and Nigeria, but this amendment would be a deterrent to future situations where a country would allow the leader, Moammar Qadhafi, in fact to land on their soil.

Mr. HAMILTON. Mr. Chairman, reclaiming my time, I think the gentleman should be commended. All of us want to support tough sanctions against Libya, because there is not any doubt that Libya has not cooperated with respect to the investigation of Pan Am 103, and there is not any doubt that Libya is not complying with the U.N. resolutions. But I do want to point out in the interest of indicating that some refinements probably have to be made on the gentleman's amendment, the kinds of problems that arise.

For example, South Africa. President Mandela has invited Qadhafi to visit. Is South Africa going to get caught up in this amendment? Or take Tunisia, who is the largest recipient of United States antiterrorism assistance. It is certainly hostile to Libya on a state-to-state basis, but through the Island of Djerba is a major international gateway to Libya. It is quite possible, for example, that Tunisia would be caught up in this amendment.

I point these things out not to be critical of the gentleman's amendment, but simply to encourage him, as the bill moves forward, to be open and receptive to refinements to the bill which would permit us to deal with these fairly specific and fairly difficult situations.

Mr. NEY. Mr. Chairman, if the gentleman would continue to yield, I would just note that I am willing to communicate during the process, of course, and I know the gentleman from Indiana [Mr. HAMILTON] would agree that we would have to be narrow in the scope so that certain unforeseen situations such as the ones that were mentioned, but I think that we would have to be careful, obviously, to always encourage countries to not deal with such regimes, but again, I think we can definitely have a discussion of what situations are appropriate, and also note the language. There is a certain amount of executive flexibility which we can communicate on.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the committee is willing to accept the amendment by the gentleman from Ohio [Mr. NEY], and I want to commend him for his good work on this measure.

I appreciate the work that has been done in trying to improve our sanctions legislation. I will note that the amendment cuts off aid to any country that breaks U.N. sanctions against Libya, and while there is some concern that this amendment will cut off aid to some key allies, I note that this provision does have a national security waiver which the President may exercise in order to continue aid amongst those countries.

Accordingly, Mr. Chairman, I strongly support the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. NEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. NEY. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to the House Resolution 159, further proceedings on the amendment offered by the gentleman from Ohio [Mr. NEY] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. CAPPS

Mr. CAPPS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. CAPPS. Yes, Mr. Chairman, it is.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CAPPS:

At the end of Title XVII (relating to foreign policy provisions) add the following new section (and conform the table of contents accordingly);

Notwithstanding section 1407(b)(1) of this act, for each of the fiscal years 1998 and 1999 at least 30 scholarships shall be made available to Tibetan students and professionals who are outside of Tibet (if practicable, including individuals active in the preservation of Tibet's unique culture, religion, and language), and at least 15 scholarships shall be made available to Burmese students and professionals who are outside Burma.

Mr. CAPPS. Mr. Chairman, my amendment directs USIA, whenever feasible, whenever practical, to include individuals that are active in preserving the culture, religion and language of Tibet in the existing Tibetan Education and Cultural Exchange Program authorized in this bill.

Mr. Chairman, as we know, the Tibetan people have suffered tremendously under a succession of regimes, present regimes in Beijing. Beijing has singlemindedly implemented policies that have plundered and decimated spiritual life, the cultural life, the religious life, and specifically the monastic life, the life of the monks of the people of that country, and forced change in the day-to-day cultural traditions of the Tibetan people.

In the last 2 years, regrettably, this repression has increased. The current Chinese policy toward Tibet may well end in relegating Tibetan culture and language to the history books unless we make conscious efforts to support the preservation of this culture.

Mr. Chairman, before I came here as a Congressman, I was professor of religious studies at the University of California in Santa Barbara. Tibet is very much on my mind these days. Last week I participated in a celebration at Santa Barbara to establish a professorial chair in Tibetan Buddhist studies in my own department.

□ 1330

My own dedication to the study of religion is born of the belief that the cultural and spiritual life of the world benefits immeasurably from the diversity of the world's religious traditions. In Tibet, as in all places, the religion and culture inextricably intertwine and is the glue that holds the people of Tibet together.

Furthermore, the richness of the Tibetan culture in my judgment benefits all of humanity. It enriches the human spirit. The annihilation of this would be a loss to all of us.

This amendment encourages Tibetans to participate in this preservation activity. The preservation of Tibetan

culture, religion, and language, as I have said, is important to us all. This amendment is a significant step in that direction.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. CAPPS. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Chairman, I just want to express my commendation to the gentleman from California [Mr. CAPPS] for offering this amendment. He is a very distinguished scholar in this field. He is applying his expert knowledge to a provision of law and refining it, I think, in a very productive and constructive way. I fully support the amendment and congratulate him for offering it.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. CAPPS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California [Mr. CAPPS]. His Holiness, the Dalai Lama, has diligently and courageously sought to protect Tibetans' unique cultural and religious heritage. The Fulbright Exchange Program has helped in that goal. Accordingly, we are pleased to accept the gentleman's amendment. I urge my colleagues to support the amendment.

Mr. CAPPS. I thank the gentleman.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from California [Mr. CAPPS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. MILLER of California. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California:

At the end of title XVII, insert the following section:

SEC. 1717. CUBAN CIGARS.

It is the sense of Congress that the United States should not prohibit the importation into the United States, or the sale or distribution in the United States, of cigars that are the product of Cuba.

Mr. MILLER of California. Mr. Chairman, the purpose of this amendment is twofold. One is to put an end to the duplicity that takes place so very often inside the beltway in Washington, DC, as members of the government, both the executive branch, the congressional branch, and others denounce the Cuban embargo, or denounce Cuba and continue to support the embargo against Cuba, and then after doing so, light up a Cuban cigar and extol the pleasures and the attributes of that cigar.

However, this practice of lighting up Cuban cigars is not something that is just limited to those who favor, oppose, or have a position on the Cuban embargo. What we know now is that for many, many years, the life of the embargo, over 30 years, is that even in its inception it was designed not to be respected and not to be honored. President Kennedy, when he knew he was going to sign an embargo against Cuba, immediately asked one of his aides to go out and purchase all the Cuban cigars that he could get his hands on so he would have a full stock of them when the embargo went in place.

Since that time, Members of Congress have gone to Cuba in official delegations and met with Fidel Castro and met with other officials in the Cuban Government and have come back with Cuban cigars. They have shared them on a very discreet basis with their good friends, and again, they have enjoyed them to the hilt.

Those of the Members who have served here for some time know very often Members would report to the Speaker of the House of Representatives, Tip O'Neill, about their trips and their conversations with the Cuban Government; and he would very quickly ask you, where are the cigars, knowing that a box of cigars had been sent from Fidel Castro or from some other governmental official to him.

So the point is this, the point is this: that we have people in the political elites, we have people in the media elites, the intellectual elites, who visit the island or who travel overseas and who have the money to buy these cigars, to purchase them. What has happened? For the middle-class cigar smoker, it means the cigar costs somewhere between $15 and $35, maybe more. I think we ought to, if it is good enough for those in the Government, if it is good enough for those in the media, I think we ought to share it with the middle class in this country.

We understand the purposes of this embargo. The idea was that we could impose hardship on the Cuban Government and they would change their ways. This was a sacrifice we were prepared to enter into. If this sacrifice is worth making, it is worth sharing. I think that is what this amendment does.

This amendment also understands that we cannot have it both ways. We cannot have it to condemn and to support the embargo and then engage openly in the products of that. This is what we are talking about. This is the Cohiba cigar. This is the mother lode of cigars.

This is what, when people get together and go to cigar smokers, a few people in the room will have it, and the rest in the crowd will watch them light it up with great admiration. They will talk about how they acquired it; did they mail order it on the Internet? Did they have it sent to them from Holland, where the bands were removed, the Cohiba bands were removed, it entered the country, and then they had the bands sent separately so they could get the bands back on to impress their friends? Or did they get it from a governmental official, a Member of Congress who traveled to Cuba and brought them back to hand them out; let me do you a favor, let me give you a cigar.

Why should not all Americans, if they so desire, enjoy that pleasure? But what we have done is established an embargo on cigars that now means it is really only for the elite. It is only for the elite. This amendment suggests that that should not be allowed, that we should not continue that purpose. We should end the duplicity about this.

Some have suggested that if the ban and embargo were truly enforced, we probably could not get a quorum in the Congress of the United States, or in the U.S. Senate, or maybe even in the President's Cabinet, because they would all be taken off for smoking contraband. Is that what forces us to spend over $1 million a year in customs agents just in Miami for the purposes of searching out cigars?

Do we not have larger problems in terms of our customs service, drugs, other illegal materials, piracy? Should we spend this kind of money just in one city to search out this dangerous little cigar that is enjoyed only inside of the beltway and in the parties among the elite?

I think we can do better than that. I think we can do better by redirecting our resources to those things that are causing the American public great angst, mainly the illegal importation of drugs into this country where we would better use those customs agents. I think we could do better in terms of ending the hypocrisy by those who will raise cain about the government of this island, about the government of Fidel Castro, and then enjoy a Cuban cigar.

This is not a partisan amendment. This smoke flows as heavily from the Republican cloakroom as it does in the Democratic cloakroom.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent for 30 additional seconds.

Mr. DIAZ-BALART. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

AMENDMENT OFFERED BY MR. DIAZ-BALART TO THE AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. DIAZ-BALART. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DIAZ-BALART to the amendment offered by Mr. MILLER of California:

Delete the final period and at the end of the amendment, add the following: "at such time as the government of Cuba has (1) freed all political prisoners, (2) legalized all political activity, and (3) agreed to hold free and fair elections."

Mr. DIAZ-BALART. Mr. Chairman, this amendment offered by the gentleman from California, an attempt to trivialize the suffering of the Cuban people and the apartheid economy that the Cuban worker has to live under, is truly unfortunate. The issue is not cigars, the issue is the fact that the Cuban worker in this example, for example, those who work in the fields and in the factories producing the cigars, their product is sold only in dollars, in hard currency. Yet the Cuban worker cannot collect in any way, shape, or fashion the earnings produced by the dictatorship from his labor.

So he is paid in almost worthless Cuban currency, made worthless, by the way, by the apartheid economy. And of course the dictatorship collects the very handsome, substantial sums in dollars that are generated by the actions of the Cuban worker; in this case, the cigar manufacturer and the agriculture manufacturer, the agricultural worker who works in the fields taking the tobacco to the factories.

So what my amendment to the amendment says, to this very obvious attempt to trivialize the suffering of the Cuban worker and the apartheid economy, what my amendment to the trivializing effort says is very simple: We will have no objection to making Cuban cigars legal when the Cuban producers and the workers involved in that process are able to collect what their labor produces.

Once there is a government in Cuba that frees political prisoners and legalizes political activity, and agrees, in effect, to return sovereignty to the people through willingness to hold free and fair elections, then that will be a government, obviously, that will permit that when the Cuban worker produces something like a cigar, then that currency that is generated by that sale will go to the worker, and not like now, where the dictatorship collects the dollars and keeps the worker in a situation, on the verge of the 21st century, of a total apartheid economy and abject, almost slavery, as I say, just a few years from the 21st century.

I think it is really unfortunate we are trivializing this situation, but that is, in effect, what the amendment, what the core amendment, seeks to do. That is why I think, Mr. Chairman, it is important to amend the amendment by making clear that yes, the American people will be glad to help support the Cuban economy by the purchase of that wonderful product that nature makes possible and the hard work of the Cuban worker makes possible, the Cuban cigar, once the Cuban worker is able to benefit from his and her labor and not an apartheid economy, a regime that imposes an apartheid economy on the Cuban worker.

That is what the amendment makes clear, Mr. Chairman. It is self evident.

Mr. Chairman, I yield to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, I rise in support of the Diaz amendment to the Miller amendment. Cuba is one of the few countries in the world in which the struggle against totalitarianism has not yet been won. Because of the proximity of Cuba to the United States and the historical close relationship between the peoples of our two nations, it is especially important that this victory come sooner rather than later.

In evaluating all proposed legislation, in evaluating all administrative action and diplomatic initiatives with respect to Cuba, it is important to keep several principles in mind.

The CHAIRMAN pro tempore. The time of the gentleman from Florida [Mr. DIAZ-BALART] has expired.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in evaluating all of the proposed legislation, any kind of diplomatic or administrative initiative vis-a-vis Cuba, it is important to keep these following principles in mind: First, such actions must be calculated to emphasize the status of the Castro government as a rogue regime with whom the civilized nations of the world should have no dealings.

Second, our actions must be calculated to hurt the dictatorship and not the Cuban people.

Finally, we should make it clear that Cuba will receive a warm welcome back into the family of free and democratic nations.

□ 1345

By this standard, we have made some terrible mistakes, such as the 1994 Clinton-Castro antirefugee agreement. We made this agreement just a few months after the Castro regime had brutally murdered 40 men, women, and children who were trying to escape from Cuba on the vessel the *Thirteenth of March*. The agreement gave the Castro government just what it wanted, an end to the longstanding United States policy of accepting people who escape from Cuba.

The agreement specified that Castro was to use mainly persuasive methods to keep people from fleeing from Cuba. The United States thereby accepted moral responsibility for whatever forms of persuasion he should choose to employ. And it enhanced the international prestige and the domestic power of the regime.

The Castro government returned the favor a year later by murdering four American citizens, members of the pro-freedom organization Brothers to the Rescue who were flying in international airspace. So we got tough again for a little while.

Mr. Chairman, the adoption of the Miller amendment, if it is not amended successfully by the gentleman from Florida [Mr. DIAZ-BALART], would send a clear signal that the get-tough period is over again. It would send a signal, and it would signal an unwarranted unilateral departure from our policy of isolating Castro. Once again we would send a signal to the world that Castro is not so bad after all.

Mr. Chairman, it is important that we remember just what kind of regime we are dealing with. We must bear in mind that the Castro regime is the No. 1 violator of human rights in our hemisphere.

According to the State Department's country reports on human rights practices for 1996, Cuba is a totalitarian state controlled by Fidel Castro, who has exercised control over all aspects of Cuban life. According to the country reports, among the more serious human rights violations by the regime in recent years are, and I quote:

The authorities were responsible for the extrajudicial killing of dozens of people.

The government continued to employ acts of repudiation, which are attacks by mobs organized by the government but portrayed as responsible public rebukes, against dissident activity.

The government also metes out exceptionally harsh prison sentences to democracy and human rights advocates whom it considers a threat to its control.

Police and prison officials often use beatings, neglect, isolation, and other abuse against detainees and prisoners convicted of political crimes, including human rights advocates, or those who persisted in expressing their views.

Citizens have no legal right to change their government or to advocate change.

The government does not allow criticism of the revolution or its leaders. The Communist Party controls all media as a means to indoctrinate the public.

Religious persecution continues,

The country reports point out.

The government has ignored calls for democratic reform and labeled activists who proposed them as worms and traitors.

The decision on whether to embrace or isolate the Castro regime raises the question of what role human rights and basic decency are to play in our foreign policy. I urge a strong "yes" vote for the Diaz-Balart amendment, and salute him for his longstanding support for democracy in Cuba. His amendment is a step in the right direction in that endeavor.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment originally proposed by the gentleman from California [Mr. MILLER] and in support of the new amendment as proposed by the gentleman from Florida [Mr. DIAZ-BALART].

The Miller amendment comes across as a parody or a caricature, very cruel,

of the Cuban people. It makes a mockery of the suffering Cuban people, of their subjugation, and it belittles their suffering. The Miller amendment is also an affront to the more than three-decades-old United States policy toward Cuba, for it focuses on violations of the trade embargo as justification or cause to weaken our United States policy.

I think it defies all logic when violations in and disregard for U.S. laws are used to defend a position of accommodation with smugglers or, in the final equation, with the Castro regime itself.

Essentially, this Miller amendment is saying that if we cannot beat them, join them. If we cannot curb the violations of U.S. laws and we cannot inhibit interest in Castro's blood products, then let us just make things easier for all and lift those prohibitions.

This is not the way, certainly, that U.S. foreign policy should be run. I really do not think that the United States would have won the cold war and sit as the leader of the free world, if every time its laws were blatantly disregarded, we had thrown up our hands in the air and said, fine, we cannot seem to enforce the laws because people are violating them, so let us just change the law.

This is not the way to proceed. We do not change laws because someone decides to violate them or skirt them. This is like saying we cannot prevent murderers from killing or drug traffickers from polluting our society, so we should change our laws to accommodate those crimes. That is unconscionable and it is just plain wrong.

It would be helpful for the cause of freedom if the gentleman from California would instead introduce an amendment that focused on human rights violations in Cuba, or on the narcotics trafficking by the Castro regime, or on their sponsorship of activities to undermine United States security and hemispheric stability.

If the gentleman would only reflect on four innocent, unarmed victims shot down over international waters on February 24 of last year, three of them United States citizens and the fourth a U.S. legal resident, one of these brave young men served this country proudly in Vietnam, having been decorated for courage in defending the ideals of democracy. I suppose it would be too difficult to think of them or think of the men, women, and children killed by Castro's thugs in Cuban waters because they merely tried to seek freedom; or think about the thousands who perish in Castro's jails because they had the courage to stand up to this cruel regime and defend their right to be free.

That is much more difficult and much less financially rewarding. This amendment certainly seems to be the easy way out.

They should be remembered, and we should remember every day the blood shed by so many throughout the years in the struggle to free Cuba from its enslavement at the hands of the Castro regime. We should not be considering an amendment like the one introduced by the gentleman from California [Mr. MILLER], which only serves to provide a lifeline to the Castro dictatorship.

The Miller amendment contradicts and undermines the objectives and the priorities of United States policy toward Cuba. It serves to belittle the views of the majority of this body, and of the Senate as well, that overwhelmingly supported the passage of the Helms–Burton law. It disregards United States foreign policy priorities and national security interests by placing greater emphasis on financial gain than on the overarching commitment of the United States to help bring democracy to Cuba.

The United States must assume its leadership role and effect concrete, positive changes within the last remaining bastion of totalitarianism and dictatorship. It should not be wasting its position of influence to help fill the pockets of a ruthless dictator.

Unfortunately, it appears that some in this body cannot shift the focus from dollars and cents. It appears that the desire for a Cuban cigar and the idea of capitalizing on trade is stronger than the human instinct to protect the downtrodden and the oppressed.

I hope that the latter will prevail, and that my colleagues will overwhelmingly reject the Miller amendment and instead support the Diaz-Balart amendment.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Diaz-Balart perfecting amendment and to oppose the Miller amendment of my colleague from California.

I have respect for his desire and the desire of a lot of people in this country who want to smoke a Cuban cigar. I understand that. I understand that. But the nature of the question is, What has worked to move the Castro regime to make some positive changes?

And the fact of the matter is, I would quote to the body the realities that our policy, which is to deny the regime hard currency, thereby forcing it to move toward a greater opening, hopefully, for democracy and human rights, has been a policy that has begun to work, especially over the last several years for which the loss of the Soviet Union $6 billion a year and the tightening of our embargo, ending the loopholes and the Libertad legislation, have taken effect so much so that we hear the regime constantly, daily speak against them, and they would not even pay attention to it if it was not having an impact.

Now, the fact of the matter is that our policy has created some very significant things. It has reduced the third largest army in the Western Hemisphere after the United States and Brazil per capita, good for the people in Cuba. Less of a military means more food for Cuban families, less of a military means less instability throughout the Americas, and certainly it is a good action. That has happened because of the necessity created on the regime.

What else has happened? The fact of the matter is that international investment, limited as it is in Cuba, has only been created and accepted over the last couple of years out of necessity, necessity by the fact that the Soviet Union no longer exists and no longer does their aid flow to the regime, and at the same time our policy. So in fact, whatever we believe, for those of us who even disagree with the policy that economic opportunities would create democratic movements, that has been created by necessity.

Lastly, the American dollar, the most hated symbol of the revolution, illegal to own until a couple years ago, is now actively sought within Cuba.

So the fact of the matter, it is our policy of denying the regime hard currency that has moved them, albeit ever so slowly and ever so limitedly, that has moved them to the only positive openings that we have seen.

The other thing is, I know that my colleagues, especially on this side of the aisle, are in strong support of labor rights. A laborer in Cuba, particularly in the tobacco industry and the cigar and leaf-producing and cigar-making industry, does not have the right in Cuba to receive resources directly from a foreign company investment in terms of a salary. That is to say, the foreign company comes into Cuba producing cigars for export and in fact they cannot be paid directly by that foreign company. In fact, they pay the regime. The regime takes the overwhelming amount of the salary and gives a subsistence wage to the worker.

I am sure that my colleagues do not want to be part of an enterprise, as we talk about China and the people's army there, and products produced there and other parts of the world, I am sure that we do not want to exploit Cuban workers who are not able to fully receive the benefits, working conditions and the salary of their sweat and labor.

In fact, by doing this, we would do that. We would permit hard currency to go to the regime. We would not improve the life of workers. On the contrary, we would continue to promote the subsistence wages that they get. We would continue to promote the under class that in fact they slave in on behalf of the regime, and we would permit the regime to be able to continue to oppress its people because it would have resources flowing into it in very significant dollars.

While this is only a sense of the Congress, I think it is the wrong sense.

Right now at this very moment, I just finished getting off of Radio Marti, doing a program in which people from the islands are connected to people through Radio Marti. When we think of the work of independent journalists who get arrested every day for trying to report what is going on in Cuba, if we think about the dissidents that are active in Cuba, the fact of the matter is, this debate even makes a mockery of what they are trying to accomplish every day.

Just a little while ago the gentleman from Ohio [Mr. NEY] offered an amendment pertaining to Libya. No Member here would consider offering an amendment to allow any single Libyan product to enter the United States because of Libya's actions. I can think about that replicated in a whole series of countries across the globe, that we say we will not permit their products to come in because of the nature of forced labor, prison camp labor, or in fact the exploitation of workers.

I have heard many of my colleagues passionately speak about those rights. And so I would urge my colleagues to support the Diaz-Balart amendment. Let Cuban cigars in when freedom and democracy come to the people of Cuba, and when workers are not exploited and they can share in the benefits of proceeds received from the work of their labor.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

I am rising in opposition to the Miller amendment and in support of the Diaz-Balart amendment. As much as some appreciate the Cuban cigars, it is certainly not the key issue. The key issue today with regard to the Miller amendment is freedom in Cuba.

Cuba is not free and this Congress has acted repeatedly to tighten, not loosen, the embargo against Cuba. I cite the Cuba Democracy Act passed by a Democratic Congress and signed by a Republican President. I cite the Helms-Burton Act passed by a Republican Congress, signed by a Democratic President. The gentleman from California [Mr. MILLER] is right, Castro cannot have it both ways or either way, Republican or Democrat, Congress or the President.

The message has been the same, from President Kennedy through Presidents Reagan and Clinton: Free Cuba.

I ask the gentleman from California [Mr. MILLER] to note that there are many fine cigars made outside of Cuba, and I urge the gentleman to familiarize himself with the Opus X or Arturo Fuente cigars until Cuba is free, and let us not allow our strong commitment to human rights to be blown away by any cigar smoke.

Accordingly, I support the Diaz-Balart perfecting amendment. I urge its adoption and defeat of the Miller amendment.

□ 1400

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I recognize the arguments of my colleagues, and that is the reason we have the embargo, but they obviously missed the point on the amendment; that it gets a little old, as people are thumping their chests in the media, in the intellectual discussion groups, in Washington, DC, and in the Halls of Congress about the evils of the Cuban Government and of Fidel Castro, and then kick back to light up a Cuban cigar.

Now, we have an embargo, and the American public does not imbibe in Cuban sugar or Cuban medical services, or financial services or travel, or whatever, and that is a shared sacrifice. That is a shared understanding.

But somehow among the political elites and Members of Congress, the Supreme Court, the U.S. Senate, the President's Cabinet, people can light up a cigar and go on like nothing has happened. The purpose of this amendment is just to point that out; that we ought not to have a policy that is so ragged because of the duplicity that is put in it by the opinion makers in this country. That is the purpose of this amendment. I think, Mr. Chairman, that the reaction I have gotten from my colleagues points that out; that we cannot have it both ways.

But with this policy, a lot of people in this country believe in fact that they can, they can go on and they can condemn these practices and then they can decide to smoke a Cohiba or some other Cuban cigar.

Mr. Chairman, I would urge passage of this amendment.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from Florida [Mr. DIAZ-BALART] to the amendment offered by the gentleman from California [Mr. MILLER].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. MILLER] as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from California [Mr. MILLER] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

The amendment offered by the gentleman from Florida [Mr. STEARNS]; the amendment offered by the gentleman from Florida [Mr. SCARBOROUGH]; the amendment offered by the gentleman from New Jersey [Mr. ENGEL]; and the amendment offered by the gentleman from Washington [Mr. NETHERCUTT].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

MODIFICATION TO AMENDMENT OFFERED BY MR. SCARBOROUGH TO TITLE XVII, FOREIGN POLICY PROVISIONS

Mr. SCARBOROUGH. Mr. Chairman, I ask unanimous consent to modify a previous amendment that we are about to vote on.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. SCARBOROUGH.

At the end of the amendment, add the following:

"This restriction shall not be interpreted to restrict humanitarian assistance or transactions relating to normal diplomatic activities."

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Florida?

Mr. CAPPS. Mr. Chairman, reserving the right to object, I would like the gentleman to explain the changes he has in mind, and I yield to the gentleman from Florida for that purpose.

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman and I advise him that we were going to have the gentleman from Indiana [Mr. HAMILTON] speak to this, but the vote is coming up right away and I regret that we were not able to give the gentleman the background that we gave the gentleman from Indiana.

We add the last line, "This restriction shall not be interpreted to restrict humanitarian assistance or transactions relating to the normal diplomatic activities" in Sudan. And we did so because the gentleman from Indiana had some concerns that the language would actually hamper humanitarian efforts.

Obviously, we are concerned about persecution in Sudan, and we want to do everything we can do to expedite humanitarian assistance to the people in that troubled land, so we have agreed to work with the gentleman from Indiana in any way we can to ensure that humanitarian assistance to Sudan would not be adversely affected.

Mr. CAPPS. Mr. Chairman, further reserving my right to object, I yield to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding to me, and I want to express my appreciation to the gentleman from Florida for

his amendment. I think it is a worthy objective.

I certainly do not intend to object. I do simply want to indicate to him that I think the amendment needs further refinement, and I have appreciated the fact that he is willing to work with me and others, and I think the chairman of the committee, to try to achieve that.

For example, I think under the language as it stands, it may be the case that United States nationals could not receive payment for claims from the Sudanese Government even for a terrorist act. It is possible under the language that U.S. nationals could no longer travel to the countries, even journalists, for example.

I simply point these things out, not to object to the gentleman's amendment, but to raise concerns about it and to say that I will work with him to tighten the amendment and to refine it, and I appreciate very much his willingness to do that.

Mr. SCARBOROUGH. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman from Indiana, and I certainly would defer to the judgment of the chairman and the ranking member on matters such as this. Obviously, they have had experience in these areas much longer than I have. So, actually, I look forward to working with the chairman and the ranking member.

Mr. CAPPS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. GILMAN. Mr. Chairman, reserving the right to object, and I do not intend to object, I merely wish to advise the gentleman that we accept his amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN pro tempore. The modification is agreed to.

The text of the amendment, as modified, is as follows:

Page 185, after line 17, insert the following section:

SEC. 1717. UNITED STATES POLICY REGARDING RELIGIOUS PERSECUTION AND SUPPORT OF TERRORISM BY SUDAN.

(a) FINDINGS.—The Congress finds the following:

(1) Continued disregard of the freedom of religion by Sudan is unacceptable.

(2) Continued support of terrorist activities by Sudan is of deepest concern and shall not be tolerated.

(c) FINANCIAL TRANSACTIONS WITH TERRORISTS.—Notwithstanding any other provision of law, the exception with respect to Sudan under section 2332(a) of title 18, United States Code (provided in regulations issued in August 1996 by the Office of Foreign Assets of the Treasury Department), shall cease to be effective on the date of the enactment of this Act. No such exception under such section may be issued with respect to Sudan until the President certifies to the Congress that Sudan is no longer sponsoring or supporting terrorism. This restriction shall not be interpreted to restrict humanitarian assistance or transactions relating to normal diplomatic activities.

AMENDMENT OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. STEARNS] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STEARNS: At the end of title XVII insert the following new section:

SEC. . STUDY OF THE UNITED NATIONS.

It is the sense of the Congress that the President and the Permanent Representative of the United States to the United Nations should strongly encourage the United Nations to establish a commission to study, report promptly, concerning—

(1) establishing a new location for the headquarters for the United Nations; and

(2) to establish the United Nations as a part-time body.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 108, noes 315, not voting 11, as follows:

[Roll No. 170]

AYES—108

Aderholt	Gekas	Pombo
Bachus	Gibbons	Radanovich
Barr	Goode	Regula
Bartlett	Goodlatte	Riley
Barton	Goodling	Rogan
Bilbray	Green	Rohrabacher
Bono	Gutknecht	Royce
Brady	Hall (TX)	Ryun
Burr	Hansen	Sanford
Burton	Hastings (WA)	Scarborough
Callahan	Hayworth	Schaefer, Dan
Campbell	Hefley	Schaffer, Bob
Chambliss	Hill	Sensenbrenner
Chenoweth	Hilleary	Sessions
Christensen	Hostettler	Shadegg
Coble	Hulshof	Shimkus
Collins	Hunter	Shuster
Combest	Hutchinson	Smith (MI)
Cooksey	Istook	Smith, Linda
Cox	Jones	Solomon
Cramer	Kingston	Souder
Crane	Klug	Spence
Crapo	Largent	Stearns
Cubin	Lewis (KY)	Stump
Cunningham	Lucas	Taylor (MS)
Deal	Manzullo	Taylor (NC)
DeLay	McInnis	Thornberry
Doolittle	McIntosh	Thune
Dreier	McKeon	Tiahrt
Duncan	Metcalf	Wamp
Dunn	Moran (KS)	Watkins
Emerson	Neumann	Watts (OK)
Ensign	Norwood	Weldon (FL)
Everett	Nussle	Weller
Foley	Paul	Whitfield
Fowler	Paxon	Young (AK)

NOES—315

Abercrombie	Armey	Barcia
Ackerman	Baesler	Barrett (NE)
Allen	Baker	Barrett (WI)
Andrews	Baldacci	Bass
Archer	Ballenger	Bateman
Becerra	Gutierrez	Morella
Bentsen	Hall (OH)	Murtha
Bereuter	Hamilton	Myrick
Berman	Harman	Nadler
Berry	Hastert	Neal
Bilirakis	Hastings (FL)	Nethercutt
Bishop	Hefner	Ney
Blagojevich	Herger	Northup
Bliley	Hilliard	Oberstar
Blumenauer	Hinchey	Obey
Blunt	Hinojosa	Olver
Boehlert	Hobson	Ortiz
Boehner	Hoekstra	Owens
Bonilla	Holden	Oxley
Bonior	Hooley	Packard
Boswell	Horn	Pallone
Boucher	Houghton	Pappas
Boyd	Hoyer	Parker
Brown (CA)	Hyde	Pascrell
Brown (FL)	Inglis	Pastor
Brown (OH)	Jackson (IL)	Payne
Bryant	Jackson-Lee (TX)	Pease
Bunning	Jefferson	Pelosi
Buyer	Jenkins	Peterson (MN)
Calvert	John	Peterson (PA)
Camp	Johnson (CT)	Petri
Canady	Johnson (WI)	Pickering
Cannon	Johnson, E. B.	Pickett
Capps	Johnson, Sam	Pitts
Cardin	Kanjorski	Pomeroy
Carson	Kaptur	Porter
Castle	Kelly	Portman
Chabot	Kennedy (MA)	Poshard
Clay	Kennedy (RI)	Price (NC)
Clayton	Kennelly	Quinn
Clement	Kildee	Rahall
Clyburn	Kilpatrick	Ramstad
Coburn	Kim	Rangel
Condit	Kind (WI)	Redmond
Conyers	King (NY)	Reyes
Cook	Kleczka	Rivers
Costello	Klink	Rodriguez
Coyne	Knollenberg	Roemer
Cummings	Kolbe	Rogers
Danner	Kucinich	Ros-Lehtinen
Davis (FL)	LaFalce	Roukema
Davis (IL)	LaHood	Roybal-Allard
Davis (VA)	Lampson	Rush
DeFazio	Lantos	Sabo
DeGette	Latham	Sanchez
Delahunt	LaTourette	Sanders
DeLauro	Lazio	Sandlin
Dellums	Leach	Sawyer
Deutsch	Levin	Saxton
Diaz-Balart	Lewis (CA)	Schumer
Dickey	Lewis (GA)	Scott
Dicks	Linder	Serrano
Dingell	Lipinski	Shaw
Dixon	Livingston	Shays
Doggett	LoBiondo	Sherman
Dooley	Lofgren	Sisisky
Doyle	Lowey	Skaggs
Edwards	Luther	Skeen
Ehlers	Maloney (CT)	Skelton
Ehrlich	Maloney (NY)	Slaughter
Engel	Manton	Smith (NJ)
English	Markey	Smith (OR)
Eshoo	Martinez	Smith (TX)
Etheridge	Mascara	Smith, Adam
Evans	Matsui	Snowbarger
Ewing	McCarthy (MO)	Snyder
Fattah	McCarthy (NY)	Spratt
Fawell	McCollum	Stabenow
Fazio	McCrery	Stark
Filner	McDade	Stenholm
Forbes	McDermott	Stokes
Ford	McGovern	Strickland
Fox	McHale	Stupak
Frank (MA)	McHugh	Sununu
Franks (NJ)	McIntyre	Talent
Frelinghuysen	McKinney	Tanner
Frost	McNulty	Tauscher
Furse	Meehan	Tauzin
Gallegly	Meek	Thomas
Ganske	Menendez	Thompson
Gejdenson	Mica	Thurman
Gephardt	Millender-McDonald	Tierney
Gilchrest	Miller (CA)	Torres
Gillmor	Miller (FL)	Towns
Gilman	Minge	Traficant
Gonzalez	Mink	Turner
Gordon	Moakley	Upton
Goss	Mollohan	Velázquez
Graham	Moran (VA)	Vento
Granger		Visclosky
Greenwood		Walsh

Waters	Weygand	Woolsey
Watt (NC)	White	Wynn
Waxman	Wicker	Yates
Weldon (PA)	Wise	Young (FL)
Wexler	Wolf	

NOT VOTING—11

Borski	Kasich	Rothman
Farr	Molinari	Salmon
Flake	Pryce (OH)	Schiff
Foglietta	Riggs	

□ 1432

Messrs. SMITH of Texas, MCCOLLUM, SAM JOHNSON of Texas, DICKEY, and GORDON changed their vote from "aye" to "no."

Messrs. THUNE, DELAY, BACHUS, SANFORD, WELLER, GOODLATTE, and CRAMER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Chairman, on rollcall No. 170. I was unavoidably detained and could not be present to vote had I been present, I would have voted "no."

AMENDMENT, AS MODIFIED, OFFERED BY MR. SCARBOROUGH

The CHAIRMAN pro tempore (Mr. EWING). The unfinished business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Florida [Mr. SCARBOROUGH] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. SCARBOROUGH:

Page 185, after line 17, insert the following section:

SEC. 1717. UNITED STATES POLICY REGARDING RELIGIOUS PERSECUTION AND SUPPORT OF TERRORISM BY SUDAN.

(a) FINDINGS.—The Congress finds the following:

(1) Continued disregard of the freedom of religion by Sudan is unacceptable.

(2) Continued support of terrorist activities by Sudan is of deepest concern and shall not be tolerated.

(c) FINANCIAL TRANSACTIONS WITH TERRORISTS.—Notwithstanding any other provisions of law, the exception with respect to Sudan under section 2332(a) of title 18, United States Code (provided in regulations issued in August 1996 by the Office of Foreign Assets of the Treasury Department) shall cease to be effective on the date of the enactment of this Act. No such exception under such section may be issued with respect to Sudan until the President certifies to the Congress that Sudan is no longer sponsoring or supporting terrorism. This restriction shall not be interpreted to restrict humanitarian assistance or transactions relating to normal diplomatic activities.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 9, not voting 10, as follows:

[Roll No. 171]

AYES—415

Abercrombie	Deutsch	Jenkins
Ackerman	Diaz-Balart	John
Aderholt	Dickey	Johnson (CT)
Allen	Dicks	Johnson (WI)
Andrews	Dingell	Johnson, E. B.
Archer	Dixon	Johnson, Sam
Armey	Doggett	Jones
Bachus	Dooley	Kanjorski
Baesler	Doolittle	Kaptur
Baker	Doyle	Kasich
Baldacci	Dreier	Kelly
Ballenger	Duncan	Kennedy (MA)
Barcia	Dunn	Kennedy (RI)
Barr	Edwards	Kennelly
Barrett (NE)	Ehlers	Kildee
Barrett (WI)	Ehrlich	Kilpatrick
Bartlett	Emerson	Kim
Barton	Engel	Kind (WI)
Bass	English	King (NY)
Bateman	Ensign	Kingston
Becerra	Eshoo	Kleczka
Bentsen	Etheridge	Klink
Bereuter	Evans	Klug
Berman	Everett	Knollenberg
Berry	Ewing	Kolbe
Bilbray	Fattah	LaHood
Bilirakis	Fawell	Lampson
Bishop	Fazio	Lantos
Blagojevich	Filner	Largent
Bliley	Foglietta	Latham
Blumenauer	Foley	LaTourette
Blunt	Forbes	Lazio
Boehlert	Ford	Leach
Boehner	Fowler	Levin
Bonilla	Fox	Lewis (CA)
Bonior	Frank (MA)	Lewis (GA)
Bono	Franks (NJ)	Lewis (KY)
Boswell	Frelinghuysen	Linder
Boucher	Frost	Lipinski
Boyd	Furse	Livingston
Brady	Gallegly	LoBiondo
Brown (CA)	Ganske	Lofgren
Brown (FL)	Gejdenson	Lowey
Brown (OH)	Gekas	Lucas
Bryant	Gephardt	Luther
Bunning	Gibbons	Maloney (CT)
Burr	Gilchrest	Maloney (NY)
Burton	Gillmor	Manton
Buyer	Gilman	Manzullo
Callahan	Gonzalez	Markey
Calvert	Goode	Martinez
Camp	Goodlatte	Mascara
Canady	Goodling	Matsui
Cannon	Gordon	McCarthy (MO)
Capps	Goss	McCarthy (NY)
Cardin	Graham	McCollum
Carson	Granger	McCrery
Castle	Green	McDade
Chabot	Greenwood	McDermott
Chambliss	Gutierrez	McGovern
Chenoweth	Gutknecht	McHale
Christensen	Hall (TX)	McHugh
Clay	Hamilton	McInnis
Clayton	Hansen	McIntosh
Clement	Hastert	McIntyre
Clyburn	Hastings (FL)	McKeon
Coble	Hastings (WA)	McKinney
Coburn	Hayworth	McNulty
Collins	Hefley	Meehan
Combest	Hefner	Meek
Condit	Herger	Menendez
Cook	Hill	Metcalf
Cooksey	Hilleary	Mica
Costello	Hilliard	Millender-McDonald
Cox	Hinojosa	Miller (CA)
Coyne	Hobson	Miller (FL)
Cramer	Hoekstra	Minge
Crane	Holden	Mink
Crapo	Hooley	Moakley
Cubin	Horn	Mollohan
Cummings	Hostettler	Moran (KS)
Cunningham	Houghton	Moran (VA)
Danner	Hoyer	Morella
Davis (FL)	Hulshof	Murtha
Davis (IL)	Hunter	Myrick
Davis (VA)	Hutchinson	Nadler
Deal	Hyde	Neal
DeFazio	Inglis	Nethercutt
DeGette	Istook	Neumann
Delahunt	Jackson (IL)	Ney
DeLauro	Jackson-Lee (TX)	Northup
DeLay	Jefferson	Norwood
Dellums		

Nussle	Roybal-Allard	Stokes
Oberstar	Royce	Strickland
Obey	Rush	Stump
Olver	Ryun	Stupak
Ortiz	Sabo	Sununu
Oxley	Sanchez	Talent
Packard	Sanders	Tanner
Pallone	Sandlin	Tauscher
Pappas	Sanford	Tauzin
Parker	Sawyer	Taylor (MS)
Pascrell	Saxton	Taylor (NC)
Pastor	Scarborough	Thomas
Paxon	Schaefer, Dan	Thompson
Payne	Schaffer, Bob	Thornberry
Pease	Schumer	Thurman
Pelosi	Scott	Tiahrt
Peterson (MN)	Sensenbrenner	Tierney
Peterson (PA)	Serrano	Torres
Petri	Sessions	Towns
Pickering	Shadegg	Traficant
Pickett	Shaw	Turner
Pitts	Shays	Upton
Pombo	Sherman	Velázquez
Pomeroy	Shimkus	Vento
Porter	Shuster	Visclosky
Portman	Sisisky	Walsh
Poshard	Skaggs	Wamp
Price (NC)	Skeen	Waters
Pryce (OH)	Skelton	Watkins
Quinn	Slaughter	Watts (OK)
Radanovich	Smith (MI)	Waxman
Ramstad	Smith (NJ)	Weldon (FL)
Rangel	Smith (OR)	Weldon (PA)
Redmond	Smith (TX)	Weller
Regula	Smith, Adam	Wexler
Reyes	Smith, Linda	Weygand
Riggs	Snowbarger	White
Riley	Snyder	Whitfield
Rivers	Solomon	Wicker
Rodriguez	Souder	Wise
Roemer	Spence	Wolf
Rogan	Spratt	Woolsey
Rogers	Stabenow	Wynn
Rohrabacher	Stark	Yates
Ros-Lehtinen	Stearns	Young (AK)
Roukema	Stenholm	Young (FL)

NOES—9

Campbell	Hinchey	Paul
Conyers	Kucinich	Rahall
Harman	LaFalce	Watt (NC)

NOT VOTING—10

Borski	Molinari	Schiff
Farr	Owens	Thune
Flake	Rothman	
Hall (OH)	Salmon	

□ 1440

Mr. CONYERS changed his vote from "aye" to "no."

Mr. SPENCE changed his vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ENGEL

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York [Mr. ENGEL] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ENGEL:

At the end of title XVII (relating to foreign policy provisions) add the following (and conform the table of contents accordingly):

SEC. 1717. SANCTIONS AGAINST SYRIA.

(a) FINDINGS.—The Congress finds the following:

(1) Syria remains in a state of war with Israel and maintains large numbers of heavily armed forces near the border with Israel.

(2) Syria occupies Lebanon with almost 40,000 troops and maintains undue influence on all aspects of the Lebanese Government and society.

(3) Syria continues to provide safe haven and support for several groups that engage in terrorism, according to the Department of State's "Patterns of Global Terrorism" report for 1996.

(4) Syria was listed by the Department of State as a country that does not cooperate in the war on drugs.

(5) Syria has not signed the Chemical Weapons Convention, and numerous reports indicate that Syria has increased the production and level of sophistication of chemical weapons. Reports also indicate that such unconventional warheads have been loaded on SCUD-type ballistic missiles with the range to reach numerous targets in friendly nations, such as Israel, Turkey, and Jordan.

(6) Syria routinely commits a wide array of serious human rights violations, and according to a recent Human Rights Watch report, is engaging in the abduction of Lebanese citizens and Palestinian refugees in Lebanon.

(7) Several reports indicate that Syria knowingly allowed the explosives used in the June 1996 Dharan bombing, which killed 19 United States service personnel, to pass through Syria from Lebanon to Saudi Arabia.

(8) More than 20 trips by former Secretary of State Christopher to Damascus, a meeting between President Clinton and Syrian President Hafez Assad, and a Department of State-sponsored intensive negotiation session at Wye Plantation were all unsuccessful in convincing Syria to make peace with Israel. At the same time, most reports indicated that Israel was prepared to make substantial concessions of land in exchange for peace.

(9) According to the Central Intelligence Agency World Fact Book of 1995, petroleum comprises 53 percent of Syrian exports.

(10) By imposing sanctions against the Syrian petroleum industry, the United States can apply additional pressure against Syria to press the Assad regime to change its dangerous and destabilizing policies.

(b) POLICY.—It is the sense of the Congress that the United States should consider applying to Syria sanctions which are currently enforced against Iran and Libya under the Iran and Libya Sanctions Act of 1996 if the Government of Syria does not eliminate its dangerous and destabilizing policies.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 15, not voting 9, as follows:

[Roll No. 172]

AYES—410

Abercrombie	Barrett (NE)	Blagojevich
Ackerman	Barrett (WI)	Bliley
Aderholt	Bartlett	Blumenauer
Allen	Barton	Blunt
Andrews	Bass	Boehlert
Archer	Bateman	Boehner
Armey	Becerra	Bonilla
Bachus	Bentsen	Bono
Baesler	Bereuter	Borski
Baker	Berman	Boswell
Baldacci	Berry	Boucher
Ballenger	Bilbray	Boyd
Barcia	Bilirakis	Brady
Barr	Bishop	Brown (CA)
Brown (FL)	Gephardt	Martinez
Brown (OH)	Gibbons	Mascara
Bryant	Gilchrest	Matsui
Bunning	Gillmor	McCarthy (MO)
Burr	Gilman	McCarthy (NY)
Burton	Gonzalez	McCollum
Buyer	Goode	McCrery
Callahan	Goodlatte	McDade
Calvert	Goodling	McGovern
Camp	Gordon	McHale
Campbell	Goss	McHugh
Canady	Graham	McInnis
Cannon	Granger	McIntosh
Capps	Green	McIntyre
Cardin	Greenwood	McKeon
Carson	Gutierrez	McKinney
Castle	Gutknecht	McNulty
Chabot	Hansen	Meehan
Chambliss	Harman	Meek
Chenoweth	Hastert	Menendez
Christensen	Hastings (FL)	Metcalf
Clay	Hastings (WA)	Mica
Clayton	Hayworth	Millender-McDonald
Clement	Hefley	Miller (CA)
Clyburn	Hefner	Miller (FL)
Coble	Herger	Mink
Coburn	Hill	Moakley
Collins	Hilleary	Mollohan
Combest	Hilliard	Moran (KS)
Condit	Hinchey	Moran (VA)
Cook	Hinojosa	Morella
Cooksey	Hobson	Murtha
Costello	Hoekstra	Myrick
Cox	Holden	Nadler
Coyne	Hooley	Neal
Cramer	Horn	Nethercutt
Crane	Hostettler	Neumann
Crapo	Houghton	Ney
Cubin	Hoyer	Northup
Cummings	Hulshof	Norwood
Cunningham	Hunter	Nussle
Danner	Hutchinson	Oberstar
Davis (FL)	Hyde	Olver
Davis (IL)	Inglis	Ortiz
Davis (VA)	Istook	Owens
Deal	Jackson (IL)	Oxley
DeFazio	Jackson-Lee (TX)	Packard
DeGette	Jefferson	Pallone
Delahunt	Jenkins	Pappas
DeLauro	Johnson (CT)	Parker
DeLay	Johnson (WI)	Pascrell
Dellums	Johnson, E. B.	Pastor
Deutsch	Johnson, Sam	Paxon
Diaz-Balart	Jones	Payne
Dickey	Kanjorski	Pease
Dicks	Kaptur	Pelosi
Dingell	Kasich	Peterson (MN)
Dixon	Kelly	Peterson (PA)
Doggett	Kennedy (MA)	Petri
Dooley	Kennedy (RI)	Pickering
Doolittle	Kennelly	Pickett
Doyle	Kildee	Pitts
Dreier	Kilpatrick	Pombo
Duncan	Kim	Pomeroy
Dunn	Kind (WI)	Porter
Edwards	King (NY)	Portman
Ehlers	Kingston	Poshard
Ehrlich	Kleczka	Price (NC)
Emerson	Klink	Pryce (OH)
Engel	Klug	Quinn
English	Knollenberg	Radanovich
Ensign	Kolbe	Ramstad
Eshoo	Lampson	Rangel
Etheridge	Lantos	Redmond
Evans	Largent	Regula
Everett	Latham	Reyes
Ewing	LaTourette	Riggs
Fattah	Lazio	Riley
Fawell	Leach	Rivers
Fazio	Levin	Rodriguez
Filner	Lewis (CA)	Roemer
Foglietta	Lewis (GA)	Rogan
Foley	Lewis (KY)	Rogers
Forbes	Linder	Rohrabacher
Ford	Lipinski	Ros-Lehtinen
Fowler	LoBiondo	Roukema
Fox	Lofgren	Roybal-Allard
Frank (MA)	Lowey	Royce
Franks (NJ)	Lucas	Ryun
Frelinghuysen	Luther	Sanchez
Frost	Maloney (CT)	Sanders
Furse	Maloney (NY)	Sandlin
Gallegly	Manton	Sanford
Ganske	Manzullo	Sawyer
Gejdenson	Markey	Saxton
Gekas	Martinez	Scarborough
	Mascara	Schaefer, Dan
	Matsui	Schaffer, Bob
	McCarthy (MO)	Schumer
	McCarthy (NY)	Scott
	McCollum	Sensenbrenner
	McCrery	Serrano
	McDade	Sessions
	McGovern	Shadegg
	McHale	Shaw
	McHugh	Shays
	McInnis	Sherman
	McIntosh	Shimkus
	McIntyre	Shuster
	McKeon	Sisisky
	McKinney	Skaggs
	McNulty	Skeen
	Meehan	Skelton
	Meek	Slaughter
	Menendez	Smith (MI)
	Metcalf	Smith (NJ)
	Mica	Smith (OR)
	Millender-McDonald	Smith (TX)
	Miller (CA)	Smith, Adam
	Miller (FL)	Smith, Linda
	Mink	Snowbarger
	Moakley	Snyder
	Mollohan	Solomon
	Moran (KS)	Souder
	Moran (VA)	Spence
	Morella	Spratt
	Murtha	Stabenow
	Myrick	Stark
	Nadler	Stearns
	Neal	Stenholm
	Nethercutt	Stokes
	Neumann	Strickland
	Ney	Stump
	Northup	Stupak
	Norwood	Sununu
	Nussle	Talent
	Oberstar	Tanner
	Olver	Tauscher
	Ortiz	Tauzin
	Owens	Taylor (MS)
	Oxley	Taylor (NC)
	Packard	Thomas
	Pallone	Thompson
	Pappas	Thornberry
	Parker	Thune
	Pascrell	Thurman
	Pastor	Tiahrt
	Paxon	Tierney
	Payne	Torres
	Pease	Towns
	Pelosi	Traficant
	Peterson (MN)	Turner
	Peterson (PA)	Upton
	Petri	Velázquez
	Pickering	Vento
	Pickett	Visclosky
	Pitts	Walsh
	Pombo	Wamp
	Pomeroy	Watkins
	Porter	Watt (NC)
	Portman	Watts (OK)
	Poshard	Waxman
	Price (NC)	Weldon (FL)
	Pryce (OH)	Weldon (PA)
	Quinn	Weller
	Radanovich	Wexler
	Ramstad	Weygand
	Rangel	White
	Redmond	Whitfield
	Regula	Wicker
	Reyes	Wise
	Riggs	Wolf
	Riley	Woolsey
	Rivers	Wynn
	Rodriguez	Yates
	Roemer	Young (AK)
	Rogan	Young (FL)
	Rogers	
	Rohrabacher	
	Ros-Lehtinen	
	Roukema	
	Roybal-Allard	
	Royce	
	Ryun	
	Sanchez	
	Sanders	
	Sandlin	
	Sanford	
	Sawyer	
	Saxton	

NOES—15

Bonior	Kucinich	Obey
Conyers	LaFalce	Paul
Hall (TX)	LaHood	Rahall
Hamilton	McDermott	Sabo
John	Minge	Waters

NOT VOTING—9

Farr	Livingston	Rush
Flake	Molinari	Salmon
Hall (OH)	Rothman	Schiff

□ 1449

Mr. BONIOR changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. NETHERCUTT

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington [Mr. NETHERCUTT] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill add the following section:

SEC. . SENSE OF CONGRESS RELATING TO THE ABDUCTION AND DETAINMENT OF DONALD HUTCHINGS OF THE STATE OF WASHINGTON.

(a) FINDINGS.—The Congress makes the following findings:

(1) Al-Faran, a militant organization that seeks to merge Kashmir with Pakistan, has waged a war against the Government of India.

(2) During the week of July 2, 1995, Al-Faran abducted Donald Hutchings of the State of Washington, another American John Childs, and 4 Western Europeans in the State of Jammu and Kashmir. John Childs has since escaped.

(3) Al-Faran has executed one hostage and threatened to kill Donald Hutchings and the remaining Western European hostages unless the Government of India agrees to release suspected guerrillas from its jails.

(4) Several militants have been captured by the Indian Government and have given conflicting and unconfirmed reports about the hostages.

(5) Donald Hutchings and the 3 remaining Western European hostages have been held against their will by Al-Faran for nearly 2 years.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the militant organization Al-Faran should release, immediately, Donald Hutchings and 3 Western Europeans from captivity;

(2) Al-Faran and their supporters should cease and desist from all acts of hostage-taking and other violent acts within the State of Jammu and Kashmir.

(3) the State Department Rewards Program should be used to the greatest extent possible to solicit new information pertaining to hostages; and

(4) the governments of the United States, the United Kingdom, Germany, Norway, India, and Pakistan should share and investigate all information relating to these hostages as quickly as possible.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 0, answered "present" 1, not voting 8, as follows:

[Roll No. 173]

AYES—425

Abercrombie	Campbell	Dreier
Ackerman	Canady	Duncan
Aderholt	Cannon	Dunn
Allen	Capps	Edwards
Andrews	Cardin	Ehlers
Archer	Carson	Ehrlich
Armey	Castle	Emerson
Bachus	Chabot	Engel
Baesler	Chambliss	English
Baker	Chenoweth	Ensign
Baldacci	Christensen	Eshoo
Ballenger	Clay	Etheridge
Barcia	Clayton	Evans
Barr	Clement	Everett
Barrett (NE)	Clyburn	Ewing
Barrett (WI)	Coble	Fattah
Bartlett	Coburn	Fawell
Barton	Collins	Fazio
Bass	Combest	Filner
Bateman	Condit	Foglietta
Becerra	Conyers	Foley
Bentsen	Cook	Forbes
Bereuter	Cooksey	Ford
Berman	Costello	Fowler
Berry	Cox	Fox
Bilbray	Coyne	Frank (MA)
Bilirakis	Cramer	Franks (NJ)
Bishop	Crane	Frelinghuysen
Blagojevich	Crapo	Frost
Bliley	Cubin	Furse
Blumenauer	Cummings	Gallegly
Blunt	Cunningham	Ganske
Boehlert	Danner	Gejdenson
Boehner	Davis (FL)	Gekas
Bonilla	Davis (IL)	Gephardt
Bonior	Davis (VA)	Gibbons
Bono	Deal	Gilchrest
Borski	DeFazio	Gillmor
Boswell	DeGette	Gilman
Boucher	Delahunt	Gonzalez
Boyd	DeLauro	Goode
Brady	DeLay	Goodlatte
Brown (CA)	Dellums	Goodling
Brown (FL)	Deutsch	Gordon
Brown (OH)	Diaz-Balart	Goss
Bryant	Dickey	Graham
Bunning	Dicks	Granger
Burr	Dingell	Green
Burton	Dixon	Greenwood
Buyer	Doggett	Gutierrez
Callahan	Dooley	Gutknecht
Calvert	Doolittle	Hall (TX)
Camp	Doyle	Hamilton
Hansen	McDade	Sanders
Harman	McDermott	Sandlin
Hastert	McGovern	Sanford
Hastings (FL)	McHale	Sawyer
Hastings (WA)	McHugh	Saxton
Hayworth	McInnis	Scarborough
Hefley	McIntosh	Schaefer, Dan
Hefner	McIntyre	Schaffer, Bob
Herger	McKeon	Schumer
Hill	McKinney	Scott
Hilleary	McNulty	Sensenbrenner
Hilliard	Meehan	Serrano
Hinchey	Meek	Sessions
Hinojosa	Menendez	Shadegg
Hobson	Metcalf	Shaw
Hoekstra	Mica	Shays
Holden	Millender-McDonald	Sherman
Hooley	Miller (CA)	Shimkus
Horn	Miller (FL)	Shuster
Hostettler	Minge	Sisisky
Houghton	Mink	Skaggs
Hoyer	Moakley	Skeen
Hulshof	Mollohan	Skelton
Hunter	Moran (KS)	Slaughter
Hutchinson	Moran (VA)	Smith (MI)
Hyde	Morella	Smith (NJ)
Inglis	Murtha	Smith (OR)
Istook	Myrick	Smith (TX)
Jackson (IL)	Nadler	Smith, Adam
Jackson-Lee (TX)	Neal	Smith, Linda
Jefferson	Nethercutt	Snowbarger
Jenkins	Neumann	Snyder
John	Ney	Solomon
Johnson (CT)	Northup	Souder
Johnson (WI)	Norwood	Spence
Johnson, E. B.	Nussle	Spratt
Johnson, Sam	Oberstar	Stabenow
Jones	Obey	Stark
Kanjorski	Olver	Stearns
Kaptur	Ortiz	Stenholm
Kasich	Owens	Stokes
Kelly	Oxley	Strickland
Kennedy (MA)	Packard	Stump
Kennedy (RI)	Pallone	Stupak
Kennelly	Pappas	Sununu
Kildee	Parker	Talent
Kilpatrick	Pascrell	Tanner
Kim	Pastor	Tauscher
Kind (WI)	Paxon	Tauzin
King (NY)	Payne	Taylor (MS)
Kingston	Pease	Taylor (NC)
Kleczka	Pelosi	Thomas
Klink	Peterson (MN)	Thompson
Klug	Peterson (PA)	Thornberry
Knollenberg	Petri	Thune
Kolbe	Pickering	Thurman
Kucinich	Pickett	Tiahrt
LaFalce	Pitts	Tierney
LaHood	Pombo	Torres
Lampson	Pomeroy	Towns
Lantos	Porter	Traficant
Largent	Portman	Turner
Latham	Poshard	Upton
LaTourette	Price (NC)	Velázquez
Lazio	Pryce (OH)	Vento
Leach	Quinn	Visclosky
Levin	Radanovich	Walsh
Lewis (CA)	Rahall	Wamp
Lewis (GA)	Ramstad	Waters
Lewis (KY)	Rangel	Watkins
Linder	Redmond	Watt (NC)
Lipinski	Regula	Watts (OK)
LoBiondo	Reyes	Waxman
Lofgren	Riggs	Weldon (FL)
Lowey	Riley	Weldon (PA)
Lucas	Rivers	Weller
Luther	Rodriguez	Wexler
Maloney (CT)	Roemer	Weygand
Maloney (NY)	Rogan	White
Manton	Rogers	Whitfield
Manzullo	Rohrabacher	Wicker
Markey	Ros-Lehtinen	Wise
Martinez	Roukema	Wolf
Mascara	Roybal-Allard	Woolsey
Matsui	Royce	Wynn
McCarthy (MO)	Rush	Yates
McCarthy (NY)	Ryun	Young (AK)
McCollum	Sabo	Young (FL)
McCrery	Sanchez	

ANSWERED "PRESENT"—1

Paul

NOT VOTING—8

Farr	Livingston	Salmon
Flake	Molinari	Schiff
Hall (OH)	Rothman	

□ 1458

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PAXON

Mr. PAXON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997.

Mr. PAXON. Yes, it is, Mr. Chairman.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PAXON:

At the end of the bill add the following (and conform the table of contents accordingly):

TITLE XVIII—OTHER FOREIGN POLICY PROVISIONS

SEC. 1801. CONDEMNATION OF PALESTINIAN DEATH PENALTY FOR LAND SALES.

(a) FINDINGS.—The Congress finds the following:

(1) In recent weeks, senior officials of the Palestinian Authority have announced that the death penalty will be imposed on anyone who sells land to a Jew, based on a now-repealed Jordanian law, even in Israel.

(2) Palestinian Authority Chairman Yasser Arafat stated on May 21, 1997, "Our law is a Jordanian law that we inherited . . . and sets the death penalty for those who sell land to Israelis. . . . We are talking about a few traitors, and we shall implement against them what is written in the law books.".

(3) Palestinian Authority Justice Minister Freih Abu Middein stated on May 5, 1997, "I warned the land dealers several times through the media not to play with fire. For us, whoever sells land to Jews and settlers is more dangerous than collaborators. Therefore, they must be put on trial and sentenced to death . . . they are traitors.".

(4) Palestinian Authority Justice Minister Freih Abu Middein stated on May 28, 1997, "it is obligatory to forbid the sale of land in Ramle, Lod, the Negev, and everywhere else. . . . There are many [land dealers] who have fled from Palestine, but anyone who has broken this serious law will remain a wanted fugitive by the Palestinian people, wherever he may go.".

(5) Legislation implementing the death penalty was prepared for consideration by the Palestinian Legislative Council, but has not yet been considered.

(6) Since the pronouncement of senior Palestinian leaders, at least three Palestinians have been killed for selling land to Israelis, some after visits or other scrutiny by Palestinian security officials. There is further evidence that the killings were committed by Palestinian security officials.

(7) Three Palestinians were extrajudicially executed following their sale of land to Israelis.

(8) The International Covenant on Civil and Political Rights, to which the United States is a party, states, "sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of commission of the crime. . . . This penalty can only be carried out pursuant to a final judgement rendered by a competent court.".

(9) The United States has made a financial commitment to the Palestinian Authority with the understanding that the rule of law would prevail, that there would be no official sanction to extrajudicial killings or violations of human rights, and that basic principles of peaceful and normal relations would be upheld.

(10) Despite claims to the contrary, there is no law in Israel forbidding the sale of land to Arabs or people of other ethnicities or nationalities.

(b) DECLARATIONS OF POLICY.—The Congress declares the following:

(1) The Congress condemns in the strongest possible terms the abhorrent policy and practice of murdering Palestinians for sales of land to Jews. Such actions are violations of international law and the spirit of the Oslo agreements, casting strong doubt as to whether the Palestinians are in compliance with their commitments to Israel. The Congress finds the endorsement and encouragement of this practice by the most senior leadership of the Palestinian Authority to be reprehensible.

(2) The Congress demands that this practice of murder and racism be condemned and renounced by the Palestinian leadership and that it will end immediately. If it does not, the Congress should not permit the provision of direct aid to the Palestinian Authority when the Middle East Peace Facilitation Act of 1995 is considered for reauthorization. The Congress urges the President to take this practice fully into account as he now determines whether the Palestinian Authority is in compliance with its commitments to Israel, which he must do in accordance with the Middle East Peace Facilitation Act of 1995.

(3) The Congress strongly urges the Palestinian Legislative Council to reject categorically legislation imposing the penalty of death on those who sell land to Israelis.

(c) TRANSMISSION OF COPIES.—The Clerk of the House of Representatives and the Secretary of the Senate are directed to transmit copies of this section to the President of the United States, the Secretary of State, the United Nations Secretary General, the United States Ambassador to Israel, the Consul General of the United States in Jerusalem, Israel, the Rais of the Palestinian Authority, all members of Palestinian Legislative Council, and the office of the Palestine Liberation Organization in Washington, District of Columbia.

Mr. PAXON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1500

Mr. PAXON. Mr. Chairman, I come to the floor today to discuss a serious matter that threatens the continued progress toward peace in the Middle East. Early last month we became aware that Yassir Arafat demanded that action be taken to prevent the sale of land to Jews. The Palestinian Authority's Justice Minister later announced the death penalty, death penalty for any Palestinian who sold land to Jews.

Since this announcement, three Palestinians who sold land to Jews have been murdered. There is now a substantial body of evidence showing the involvement of the Palestinian Authority police officers in these murders. Two of the victims were interrogated just days prior to their murder, and in the case of the third victim, one of the suspects under arrest is an active duty Palestinian Authority police officer.

The Israeli Government now says that they have evidence that the chief of the Palestinian General Security Service in the West Bank was directly, directly involved in carrying out two of these killings.

Now, my colleagues, what has been the response of Yassir Arafat to these murders? On May 16, Arafat was quoted in an Arab newspaper as saying, and I am quoting him here,

Recently a decision was passed to punish anyone who sells land, property or homes. We are keeping track of land dealers and we are punishing them.

Later in May the Palestinian Justice Minister expanded this death threat even to Arabs living in Israel outside of the control of the Palestinian Authority.

In brief, my amendment condemns the abhorrent policy of murdering Palestinians for the sale of land to Jews. It also calls upon the Palestinian Authority to condemn this practice and for the Palestinian Legislative Council to reject any legislation imposing the death penalty for the sale of land.

After reviewing and discussing this matter with my colleagues, I think it is clear that we must consider terminating direct U.S. assistance to the Palestinian Authority when we consider extension of the Middle East Peace Facilitation Act later this summer.

Mr. Chairman, the behavior of Yassir Arafat and other members of the Palestinian Authority is completely unacceptable, and we must demand that the Palestinian authorities publicly condemn these reprehensible actions and take necessary steps to ensure that there are no more killings.

I want to be clear: This amendment is not directed to the Palestinian people, but to the leadership of the Palestinian Authority, whose commitment to the Oslo Accords are certainly called into question by their recent actions.

This amendment is necessary today because Congress cannot stand by and allow the peace process to be wrecked. I would hope that the Palestinian leadership will heed our warnings today and put an end to these murders so that this body will not be forced to terminate direct U.S. assistance.

I understand that the State Department is in the process of completing a report to determine if the Palestinian Authority is in full compliance with all of their peace commitments to Israel. I would hope that the State Department take notice of this amendment today and carefully weigh the statements of Yassir Arafat and the recent killings before they make their final certification.

Mr. Chairman, I am pleased to be joined in this effort by my distinguished colleague and friend from New York [Mr. ENGEL] and other Members of this body on both sides of the aisle.

Mr. ENGEL. Mr. Chairman, I rise in support of the gentleman's amendment.

Mr. Chairman, I join with my good friend and colleague, the gentleman from New York [Mr. PAXON] in sponsoring this amendment today. Certainly he said it all. It is an absolute outrage that we would even think about such a proclamation whereby anybody would be threatened with death for selling land to Jews.

I ask my colleagues to imagine if the shoe was on the other foot and if it was reserved, if the Government or Israel or any other government issued such a decree that if land was sold to another group, that person would be condemned to death? It is just outlandish and outrageous to even think that this could happen.

Mr. Chairman, we call on the Palestinian Authority to condemn this practice. Simple enough, it ought to be condemned. If you say you are for peace, if you are for the peace process, if you believe in coexistence, then this practice should be condemned.

We do not believe that it ought to be coddled, we do not believe that the Palestinian Authority, whether it is Mr. Yassir Arafat or anybody else, ought to again be allowed to speak out of 16 sides of his mouth.

Now, I am very, very disturbed because I would like to read into the RECORD some quotes. In recent weeks, some officials of the Palestinian Authority have announced that the death penalty will be imposed on anyone who sells land to a Jew, based on a now repealed Jordanian law, even in Israel.

Now, listen to this: Palestinian Authority Chairman Yassir Arafat stated on May 21 of this year, and I quote,

Our law is Jordanian law that we inherited and sets the death penalty for those who sell land to Israelis. We are talking about a few traitors, and we shall implement against them what is written in the law books.

Another quote: Palestinian Authority Justice Minister Freih Abu Middein on May 5 said,

I warned the land dealers several times through the media not to play with fire. For us, whoever sells land to Jews and settlers is more dangerous than collaborators. Therefore, they must be put on trial and sentenced to death. They are traitors.

The third quote: Palestinian Authority Justice Minister Freih Abu Middein stated on May 28,

It is obligatory to forbid the sale of land in Ramle, Lod, the Negev, and everywhere else. There are many land dealers who have fled from Palestine, but anyone who has broken this serious law will remain a wanted fugitive by the Palestinian people wherever he may go.

I submit to my colleagues that this kind of language is unacceptable, absolutely unacceptable and reprehensible and ought to be condemned in the strongest possible words by this legislative body. Certainly, those of us in the Congress that believe in the peace process may have disagreements from time to time, but certainly to say that they will absolutely murder anybody who sells land to Jews is not something that any civilized nation should tolerate.

As my colleague from New York pointed out, there have already been three murders. There is no doubt about it that those people were murdered because they were looked upon as having sold land to Jews. We cannot tolerate this. We cannot put up with this. We must condemn it. It violates international law. It is a racist policy. It is something that every person in this world and every country that believes in freedom and democracy ought to condemn in the strongest possible terms. The United States should consider suspending aid that is in this bill. It does not mandate it, it says we should consider it, because I think there has to be some kind of accountability.

Mr. Chairman, at what point do we say enough is enough? At what point do we say that actions speak louder than words? We need to absolutely say that it is not enough to say you are for peace, but on the other hand, you make these kinds of proclamations and you sort of judge it and say I will play it both ways. We cannot agree to have the Palestinian Authority say one thing in English for American consumption, American television consumption, and quite another thing in their own language to their own people, certainly when we are talking about murdering people.

Let me say one final thing. These are Palestinians that were murdered by Palestinians. These are people that were condemned to death because they were perceived as selling lands to Jews. So this is nothing that is inherent in an Arab-Israeli conflict. These are Palestinians murdering Palestinians, and it ought to be condemned in the strongest possible terms.

Mr. Chairman, I commend my colleague from New York [Mr. PAXON] for putting forth this resolution with me and others who are going to speak, and I urge a very, very strong "yes" vote from my colleagues.

Mr. GINGRICH. Mr. Speaker, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Paxon amendment, and I commend the gentleman for bringing forcefully to this Congress' attention the fact that there is a new campaign of brutality in the Middle East that threatens the lives of innocent people and the spirit of the peace process.

Imagine this: People whose only crime is selling privately owned land are being killed because they are selling to Israelis. This simply must stop. One might imagine that the Palestinian leadership, engaged as they are in a peace process with Israel, would have been the first to condemn these outrageous killings. But that has not been the case, far from it. Instead, the Palestinian leadership have been instigators in these killings.

On May 5, Palestinian Authority Justice Minister Freih Abu Middein announced that, "The death penalty will be imposed on anyone who is convicted of selling one inch of land to Israel. Even middlemen involved in such deals will face the same penalty."

On May 16, Palestinian Authority Chairman Yassir Arafat said, "We are taking forceful steps against those who do this. Recently a decision was passed to punish anyone who sells land, property or homes. We are keeping track of land dealers and punishing them."

Three Arab realtors have now been brutally murdered under Palestinian control. Israeli security forces have collected evidence implicating the Palestinian Authority security forces directly in the assassinations. Incredibly, the Palestinian Authority continues to strongly defend the acts. The justice minister stated on June 1, "I advise the land dealers to commit suicide instead of getting killed and having their bodies thrown here and there."

In addition, the Palestinian Authority has marked 16 other Arab realtors for death and turned over their names to Palestinian Authority security organizations for execution, according to Israeli defense officials. Fortunately, Israel has been able to foil some of these attempted executions. On May 31, Israeli police arrested six heavily armed Palestinians, at least four of whom were Palestinian Authority policemen, during the attempted abduction of Assad Rajabi, a Palestinian resident of Jerusalem. Also on May 31, three Palestinian Authority policemen attempted to break into the Jerusalem home of Mohammed Abu-Meleh. When family members began screaming, Arab soldiers arrived and the Palestinian Authority policemen fled.

These extrajudicial murders and their endorsement by the Palestinian Authority leadership cast strong doubt on the leadership's commitment to peace. The Palestinians must be on notice that these senseless acts must stop. The vigilante murder of realtors by Palestinian security officials is an egregious violation of human rights and of international norms. The killings must be renounced by the Palestinian leadership and end immediately. If not, I, for one, will actively oppose the continuation of any aid to the Palestinian Authority.

This is the kind of action we identify with Nazis. This is the kind of racist activity that the planet holds to be reprehensible and unacceptable.

Mr. Arafat, you owe it to the world to stop this kind of killing, to protect people engaged in decent commerce, and I think everybody in the United States should take notice. There can be no peace process with murders, torturing, and killings of innocent people only because they sold to somebody who might not be racially or religiously acceptable. That is the behavior of Nazis. That is not a behavior that this country will tolerate.

For every person who went to the Holocaust Museum, consider carefully how it begins. Look at what is happening in Palestine now. Mr. Arafat, I think it is time for you to publicly condemn it. It is time for your security forces to provide security to the innocent, and we serve notice that the United States, at least this House, is paying careful attention to deeds, not simply words.

Mr. HAMILTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment, and I want to commend the two gentlemen from New York, [Mr. PAXON] and [Mr. ENGEL], and the gentleman from Florida [Mr. DEUTSCH], and the gentleman from New Jersey [Mr. SAXTON], for introducing this amendment and pushing it forward.

I think no matter how any of us might feel about the death penalty, all of us would find it deeply troublesome that it might be applied to someone involved in a commercial transaction, the sale of land, and that it would be applied based on an ethnic, religious, or nationalist identity of the buyer or the seller.

□ 1515

It is simply outrageous, as the Speaker has said and others, that any member of the Palestinian leadership would make any statement that, implicitly or otherwise, endorses individuals taking the law into their own hands to carry out acts of vengeance against other Palestinians who may be involved in such land sales.

The Palestinian authority has made some positive steps toward establishing accountable institutions of governance. I believe they are trying to establish a system based on the rule of law. But as the instances that have been called to our attention show, they have a very long way to go. These statements that have been quoted by their leaders are a definite step backward.

I want to make clear that all of us should understand just how sensitive the transfer of land by Palestinians to Israelis and Israelis to Palestinians is. Who controls that land is one of the central issues with which the peace process must grapple. For many Israelis and Palestinians, the sale of land to the other party is perceived as an act of treason.

The Israeli press, for example, has given extended coverage to a protracted and very ugly legal battle in

Israel where one Israeli Jew has filed suit against an Israeli Jewish neighbor for selling their family home to an Israeli Arab. The Israeli Jewish family who sold the home has been subject to extreme harassment, as well as to court action.

Mr. Chairman, I highlight this case only to underscore how sensitive an issue we are confronting here, and how extensive the sensitivities are on the part of all parties. I support this amendment because I do not support anyone being put to death for the sale of land. I am critical of the lack of adherence to the rule of law by the Palestinian authority. I understand; there are legitimate concerns about various activities involving land sales at this point. I want to underscore to the Palestinians and the Israelis the importance of resolving these disputes when they occur on an individual level through a credible legal process, and on the larger level of issues between the parties at the negotiating table. I urge the adoption of the amendment.

Mr. SAXTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to first commend the gentleman from New York [Mr. PAXON], the gentleman from New York [Mr. ENGEL], and the gentleman from Florida [Mr. DEUTSCH] for bringing this matter to the floor.

Mr. Chairman, as everyone has heard here today, it is not pleasant but it is not difficult to describe the actions of the Palestinian Authority and their policy, which is simply stated as: Death to those who would sell land to Jews and other Israelis.

Unfortunately, there have been those of us who have stood in this well a year ago and 2 years ago and suggested that things were not as we all had hoped they would be with the peace process. This is perhaps the most dramatic action that has been taken that serves as an example, but only one of a number of examples, of the attitude of the leadership of the Palestinian Authority, of course, involving most directly Yasser Arafat.

Over the last 2 years in particular, we have time and again called upon the Palestinian Authority to recognize the right of Israel to exist. But instead, we heard nothing. We also called, time and again, for the fulfillment of the promise that Yasser Arafat made in the Oslo Accords and in subsequent statements when he promised to condemn terrorism but never did.

We also view a map of Palestine on Palestinian letterhead which includes the land of Israeli, and we have spoken out as forcefully as we could to suggest to the Palestinian Authority that it would be a good idea to remove that parcel of land that is known to the West and to the world as the State of Israeli from inclusion on their map, but it is still a part of their map.

We have heard speeches aplenty from Yasser Arafat, one set of words in English and yet another set of words, quite different, in his native tongue. So when we began to hear in the media and hear other reports that there was a new Palestinian policy or a reawakened Palestinian policy of threatening to kill, in the beginning, those who sold land to Israelis, and particularly to Jews, and then later when we heard that, in fact, Palestinians who carried out that act that we consider in a free society an act of daily commerce, without discrimination, in this country, at least, and in most of the Western world, and, in fact, in most of the world, about who can sell land to whom; when we saw that policy carried out at least on three occasions when Palestinians were, in fact, killed, exhibiting or carrying out their rightful act of commerce, selling land to others, it reminded, I guess, the Western world that perhaps those of us who have been talking about the recognition of Israel as was promised, who have been talking about the condemnation by the Palestinian Authority of terrorism, who have been talking about the use of the territory or the country of Israel included in the map of Palestine, and who have listened carefully in Arabic and in English to Yasser Arafat's speeches; in short, I think it would be good to say that if Yasser Arafat does change his actions, we are all for peace. But in light of the fact that Yasser Arafat has established a clear track record, the most dramatic part of which is killing his own people who sell land to Jews, it seems to me that it is incumbent upon us to follow the leadership of those who say that we should not support this type of a regime.

The question to my fellow Members is simply this: What kind of regime are we supporting, with upward of $100 million a year in financial assistance? A regime that has this record, that has been spelled out clearly by other Members before me here today, including the Speaker. Is this regime going to uphold basic human rights or human law? Their record clearly, clearly suggests otherwise.

Mr. Chairman, therefore I join with those who say today that it is time for us to take stock, review our policy on aid to the Palestinian Authority, and I urge all Members to vote in the affirmative on this amendment.

Mr. DEUTSCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think for most of us in the Congress and most Americans, if we have heard about the statements of the Justice Minister of the Palestinian Authority or, for that matter, if we have heard or read the statements of Yasser Arafat himself on this issue, it is almost impossible for us to believe that they have actually said what they have said. The statements, which, in fact, have led to deeds as well, are so far from any concept that we as a society and we as a world society hold as values that we want to live by, it is just absolutely almost literally unbelievable.

There are particular parts of the statements, and the activities, I think are particularly offensive. It truly is a pleasure this afternoon to join the Speaker in his comments toward this point as well. Because the statements have not just been to prohibit commerce, but the statements absolutely, specifically have been directed against Jews.

It is a scary thing, it is a scary thing in 1997 that someone who is a leader by definition on the world stage, a leader by definition in the Middle East, Yasser Arafat, at the present time specifically says that if someone sells property to a Jew that the death penalty is an appropriate punishment, without mincing words, without hiding it; saying the same in English and Arabic in terms of his statements: that if someone sells property to a Jew, the appropriate penalty is death.

It is hard in some ways to conceive how the Israelis can stay in the peace process and negotiate with someone who has that frame of reference, who speaks that way, and, in fact, on many occasions has acted that way as well.

There is no alternative to a peace process, but I think that my colleagues and the American people unfortunately need to understand some of the challenges that the Israelis are literally living and occasionally dying with in terms of their partners in peace.

It is also, again, not just the statements but what appears, unfortunately, to be consistent evidence of state apparatus being used to kill people for that action up to the point that has been mentioned, but just absolutely incredulous that it occurred, and irrefutably this occurred; that members of the Palestinian police force actually entered Israel, kidnapped someone who was a land trader, and but for really luck and circumstance, were prevented from leaving Israel and the kidnapping was foiled by Israeli security forces, and using state apparatus to carry through this incredulous threat and action.

Mr. Chairman, I urge my colleagues to support this amendment. I think it is a clear statement that we are making that as partners in a peace process, and the Palestinian Authority is the United States's partner in the peace process, this is not just a peace process involving the Israelis and the Palestinians, the United States of America, this Congress, the American people are part of that process as well. We are a part of it in many ways. We are a part of it directly in terms of our aid, and we are part of it in terms of our support at every level. It is a well known

fact that both Oslo I and Oslo II were signed in the city of Washington.

But I think what is clear and what we are saying is that there is a limit to our partnership. It is absolutely clear that the responsibility of Yasser Arafat is not to call for the death of Jews or the death of Arabs that sell property to Jews, but his responsibility is clearly to condemn that activity, to do everything within his power to prevent it from happening. That is the partner who will bring peace and that is the partner who we, the United States, need as our partner in this process if we are to achieve peace in that part of the world.

He must do it. If he does not, I believe very clearly that this Congress will take appropriate action as well.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to take this opportunity to thank the gentleman from New York [Mr. PAXON] and the gentleman from New York [Mr. ENGEL] for taking the initiative and offering a sense-of-Congress amendment for our conversation relating to the congressional condemnation of the disclosure of the death penalty for land sales to Jews by Palestinians and its support by Chairman Yasser Arafat.

I also want to thank the Speaker, the gentleman from Georgia [Mr. GINGRICH], for his eloquent remarks in support of this amendment. In recent weeks senior officials of the Palestinian Authority announced that the death penalty would be imposed on anyone who sells land to Jews, and three Palestinian men have been murdered, most likely by Palestinian Authority security forces, despite the lack of any legislation implementing the death penalty by the Palestinian Legislative Council.

□ 1530

Approximately 1 month ago, I wrote to Palestinian Legislative Council Speaker Ahmed Kurei urging that the Palestinian Legislative Council not take up such a heinous proposal. The United States has provided substantial assistance to the Palestinians based on the assumption that the rule of law would prevail, that there would be no official sanctions to extrajudicial killings or any violations of human rights, and that basic principles of peaceful and normal relations would be adopted.

Regrettably, the situation in the Palestinian autonomous region has deteriorated considerably, and the respect for human rights has been sorely lacking. Accordingly, this amendment notes that Congress condemns in the strongest possible terms the abhorrent, the abominable policy and practice of murdering Palestinians for sales of land to Jews, and we demand that this practice not only be condemned and renounced by the Palestinian leadership but that it end immediately.

This amendment further notes the sense of Congress in withholding direct assistance to the Palestinian Authority, supporting correspondence that the Senate International Relations Chairman HELMS and I recently sent to Secretary of State Madeleine Albright. An additional $1.25 million has been on hold, funds that were intended to be spent on training for the finance ministry staff, until repudiation of this practice takes place.

The Paxon-Engel amendment, Mr. Chairman, also expresses strong doubt that the Palestinians are in compliance with their commitments to Israel because of this despicable practice, which is in violation of the spirit of the Oslo accords and of international law. This amendment also urges the President to take this practice fully into account in determining when the Palestinian Authority is in compliance with its commitments.

Accordingly, Mr. Chairman, this amendment is fully supported and accepted by our committee, with the hope that Chairman Arafat and the Palestinian Authority and this administration will closely heed our grave congressional concerns. I invite my colleagues to fully support this measure.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of this amendment, and I would like to join my colleagues in congratulating the gentleman from New York [Mr. PAXON], the gentleman from New York [Mr. ENGEL], and the gentleman from Florida [Mr. DEUTSCH] for introducing it.

Mr. Chairman, this amendment would express the sense of Congress to condemn the Palestinian Authority for its policy and practice of executing Palestinians who sell land to Jews. This policy we have heard described today is an obnoxious policy and an illegal policy, a racist policy; obviously, it is all those.

We have also heard that Chairman Arafat on occasion, I spoke to one Member who told me that Chairman Arafat looked him in the eye and said, "We do not condone this, we condemn this." Chairman Arafat has a long history of condoning things in one sphere, to one audience, and condemning them to another, or promoting them to one audience and denying them to another.

Mr. Chairman, Yasser Arafat said the following. He said: "We are taking forceful steps against those who do this. Recently, a decision was passed to punish anyone who sells land, property or homes. We are keeping track of land dealers and punishing them." This was an interview with the Lebanese newspaper Al-Hawadath on May 16, 3 weeks ago.

"We are keeping track of land dealers and punishing them." Well, what does punish mean?

Mr. Arafat's appointee as justice minister, Freih Abu Middein said last week, on June 4: "The land dealers must learn a lesson." This is the Palestinian Authority justice commissioner. "We have a list of names. The people included on the list and others shall be put on trial. The list includes more than 310 names." Interviewed with Al-Ayyam. They will be put on trial.

And then he says, a day later in the Washington Post, the same justice minister, "Since we are talking about committing suicide, I advise the land dealers to commit suicide instead of getting killed and having their bodies thrown here and there." So that is what a trial means to the Palestinian Authority justice minister.

When Chairman Arafat says, "We will punish them," obviously this is what they mean. Extrajudicial punishment, murder of people for ex post facto sins, the sins being committed before the announcement that it was a terrible thing to do, and this terrible thing being sale of land to Jews. We understand that sale of land to Jews by Arabs, or vice versa, for that matter, is a sensitive matter and a topic for discussion, but not a topic for a cause for murder.

Mr. Chairman, we have to understand, when we look at this, in what context this happens. We keep talking about the peace process, but rarely do we hear it mentioned, rarely are we reminded of how asymmetrical the peace process is. What is this basic peace process that we keep talking about?

The basic idea of the Oslo accord, the basic idea of the Oslo accord is that Israel is to surrender something tangible, control over land, in return for something intangible, promises of security; that the Arabs, the Palestinians, are to promise that they have given up their hope of destroying Israel and murdering its entire population and driving it into the sea, which of course has been the official position of the Palestinians, of the PLO, for decades. They are supposed to promise "We have given that up." They have said they have.

They are supposed to repeal the charter which calls for abolishing Israel and eliminating all its population. They are supposed to show by deed that they are against terror, against armed attack against Israelis, and not only condemn it but do everything they can to capture terrorists, to prevent terrorism, to give information to the Israelis, to cooperate in stopping this, in return for which they are to be given control over land, for peace.

It is a lot to ask of someone to give something tangible, land, control, control from which they can exercise measures to enhance their own safety and security, in return for something

intangible, promises, words and pieces of paper. But at least if that peace process is going to work, the whole idea, we should spend a few years before we got to the final status negotiations and give the Palestinians an opportunity to show that they meant it, that they would in fact repeal the charter eliminating, promising to eliminate Israel, that they would stop terrorism.

I regret to say they have not been showing this and this policy of murdering Palestinians who sell land to Jews is one further indication of basic untrustworthiness. If this is not reversed very quickly, we will have to conclude that the peace process may not be won, may not go in the direction it should go. And so, Mr. Chairman, I, therefore, support this amendment, and I hope it may be somewhat effective in causing the Palestinian Authority to rethink its course and to decide finally that if peace is to be achieved, a little honesty and sincerity on the part of the Palestinians is necessary.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank the gentleman from New York [Mr. PAXON] and the gentleman from New York [Mr. ENGEL], but I would also let them know that the Members from California and I think every Republican and Democrat in this House and in the Senate will be supportive of this amendment.

Will we have peace in the Middle East? I do not believe so in my lifetime. I have been in Israel, like many of the Members. I flew there, flew fighters in Israel. I think that there will be a tempo of high activity and a tempo of low activity. But in our lifetime, I do not believe that there will be peace. I think from Ronald Reagan to George Bush to President Clinton, that that effort, that what we need to do is keep the pressure on to keep moving in that direction, just like we must in Bosnia as well.

But I think we do not have to go very far. There is part of a bigger problem that I would like to speak to my colleagues about. This is a symptom of a much larger problem. All you have to do is look inwardly to our own country.

This last month, all you had to do is be a cop in Washington, DC, and three of them were executed; or it was not too long ago and even today that you could end up buying a home in the wrong district, the wrong neighborhood, and you could end up with a burning cross on your front yard and, yes, you could be killed. This is a symptom of what we are seeing, I think, in the Middle East as well.

But there is a much larger, bigger problem of the terrorist activity. It was recently stated that in Iran there was a moderate cleric appointed and that possibly our negotiations with Iran might be easier. I think that is an oxymoron, a moderate cleric. Because if you look around the world between Iraq, Iran, and Libya, where most of the fundamentalist Islamic groups come out of are those three countries. Just like in France and England and Germany and, yes, even on our World Trade Center, these are all symptoms of the same despicable disease called bigotry and Islamic fundamentalism.

I think that if you look at Bosnia today, Izetbegovic, the Islamic leader in Bosnia, has over 10,000 Mujahedin and Hamas that have assembled in that country, which is a real threat to this country, with the same kind of bigotry toward the outside world, not only to Jews but to Christians as well. And it is an area in which this country must stand, as the Speaker said, and stand strong as a world leader.

With that, Mr. Chairman, I would say that we rise, I believe all of us, 100 percent, in support, and we would like to thank the gentleman from New York [Mr. ENGEL], the gentleman from New York [Mr. PAXON], and the gentleman from New Jersey [Mr. SAXTON].

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of this amendment which condemns the deplorable policy and practice of murdering Palestinians because they have sold land to Jews.

I want to thank my colleagues the gentleman from New York [Mr. ENGEL], the gentleman from New York [Mr. PAXON], and the gentleman from New Jersey [Mr. SAXTON] for introducing this amendment. There has been considerable evidence in recent weeks that Palestinian officials have endorsed, either directly or tacitly, the death penalty for Palestinians who sell land to Jews. As a result, at least three Palestinian businessmen have been ruthlessly murdered. This must not be allowed to happen again.

Whether Palestinian officials have explicitly supported this policy or approved of it with a wink or a nod is irrelevant. The facts are that Palestinians are being killed for selling land to Jews and the Palestinian authority has done nothing to stop it. This amendment calls on all Palestinian officials to unequivocally condemn this policy and bring the murderers to justice now.

Mr. Chairman, the United States has afforded the Palestinian authority several benefits that come with internationally recognized autonomy. We have entered into cooperative agreements with them on regional issues. We have engaged in direct diplomatic negotiations with them. We have provided them with economic assistance.

In return we must demand adherence to the rule of law. These recent killings, which have even been linked to Palestinian security officials, represent a total disregard for the rule of law. We must demand more. If the parties are going to work together in the Middle East to bring a real peace to that region, and I for one heartily endorse our active work as facilitators to work with the parties to move us closer to peace, then we must demand more from the parties.

I rise in strong support of this amendment, Mr. Chairman, and urge its adoption.

□ 1545

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

There can be peace in the Middle East in our lifetime, as long as all parties live up to their end of the bargain. However, the Palestinian authority, under the leadership of Yasser Arafat, who professes to be a partner for peace in the Middle East, does things that show the opposite is his real intention. He issues an edict that those Palestinians who sell land to Jews will be killed. In fact, three Palestinians have already been killed and a fourth kidnapped. Arafat's actions show he is not a partner for peace.

Moreover, Arafat does not remove from the Palestinian charter that clause which calls for the destruction of Israel. Again, Arafat's action shows he is not a partner for peace.

Yet in Israel, through the Prime Minister, Netanyahu, he has complied with the Oslo Accords and the peace process by having his government withdraw from Hebron, by restoring funds to the Palestinian authority that were promised, and by returning prisoners who had actually committed crimes against Israelis.

I stand to support the Paxon-Engel amendment because I believe it will help bring about peace, but we can only have that peace if we start having positive actions from Mr. Arafat to match his words when he calls for peace.

Mr. LINDER. Mr. Chairman, I rise today to denounce in the strongest possible terms the ghastly policy of the Palestinian Authority, which imposes the death penalty on Palestinians who would sell their land to a Jew. Clearly, this abhorrent practice is contrary to the Oslo agreements, international law, and common decency.

I would like to join my colleagues—the gentlemen from New York, Mr. PAXON and Mr. ENGEL, the gentleman from New Jersey, Mr. SAXTON, and the gentleman from Florida, Mr. DEUTSCH—in condemning the actions of the Palestinian Authority.

Time and time again, the United States has tried to work with the Palestinian Authority in good faith, but our efforts have not been reciprocated. We can not help this holy region toward peace of one of the parties abandons all sense of decency and order.

I urge my colleagues to support this condemnation, and I urge Mr. Arafat to renounce this practice of murder and racism.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from New York [Mr. PAXON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PAYNE

Mr. PAYNE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. PAYNE. No, it is not.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PAYNE: At the end of the bill add the following (and conform the table of contents accordingly):

TITLE XVIII—MISCELLANEOUS PROVISIONS

SEC. 1801. ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF CONGO.

Notwithstanding section 620(q) of the Foreign Assistance Act of 1961 or any other provision of law, assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) and under chapter 10 of part I of such Act (relating to the Development Fund for Africa) may be made available for the Democratic Republic of Congo.

Mr. PAYNE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, the gentleman from New Jersey [Mr. PAYNE] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I rise in support of lifting the ban on all humanitarian assistance previously blocked for Zaire, now the Democratic Republic of Congo.

My amendment also includes waiving section 620(q) as it pertains to the Brooke amendment, specifically in regard to the Democratic Republic of Congo. We used these waivers in the past for Egypt, Ethiopia, and Nicaragua when we wanted to assist our allies.

Mr. Chairman, the Brooke amendment was placed on Zaire in 1991 when the corrupt dictatorship of Mr. Mobutu was in full force. On April 17 of this year, the gentleman from California [Mr. ROYCE] and I, along with all the members of the Subcommittee on Africa, introduced H.R. 115, a bill that called on Mobutu to step down as President of Zaire. H.R. 115 was passed overwhelmingly by this House and in response Mobutu Sese Seko resigned last month and no longer can harm the people of the Congo.

This bill is symbolic in that it was the first step in getting rid of the cruel dictators in Africa, several of whom still exist, that prevent true democracy from flourishing.

Before I came to Congress and for many years after that, I have spoken out on the corrupt military regime of Mr. Mobutu. It is alleged that Mr. Mobutu has a wealth of several billion dollars in foreign bank accounts. I introduced in the 102d Congress, in 1993, a resolution calling for the administration to draw on its power to have Mr. Mobutu resign and leave Zaire.

We all know that the Mobutu regime started with Patrice Lumumba, who was captured and killed back in the early 1960's, and there were considerable activities during the cold war. Zaire suffered from 75 years of Belgium colonialism, then France's influence on the continent, first as a colonial ruler of most of the western and central parts of the continent, then as economic and political patron of the postindependent governments. Zaire followed with 7 years of chaos and 31 years of Mobutu's dictatorship, laying a foundation for its current crisis.

Laurent Kabila, leader of the Alliance of the Democratic Forces for the liberation of the Congo, has done what so many others have wanted to do for the people of Zaire for 32 years; to rid it of Mr. Mobutu.

Today 1.1 million refugees as well returned to Rwanda and Burundi. The alliance has the support of the neighboring countries of Burundi, Rwanda, Zambia, and Angola.

I am not a pro- or anti-Kabila person, but I feel that we must start to assist the Congo in getting over the tremendous harm done by the Mobutu regime.

I met with Mr. Kabila in Goma in January of this year and traveled to the Congo recently with Mr. CAMPBELL and met with Mr. Karaha, the foreign affairs minister, and Mr. Mawapanga, the finance minister. Both ministers were very qualified and seemed anxious to begin to move the country forward to improve the quality of life for the people in that distressed land.

Mr. Kabila stated at that time that he would hold elections within 2 years. It is my understanding that Mr. Kabila will bring about a transitional government.

It would behoove us to help bring calm and order and, if possible, use our influence to allow the people to learn how democracy works and to assist that country as it moves toward democracy.

There are no roads, no independent media, no functioning police, and there has not been a census taken in years. Some believe that there are between 40 and 50 million people in Zaire, but no one really knows.

When I began my statement, I referred to a former U.S. policy in Africa that was dictated by the cold war. Now that the cold war is over, I think we need to assist in areas where we can to move toward a new democratic society in these former dictatorial countries.

Mr. Chairman, I would ask that we continue to monitor and that we work toward planning and assisting this country move toward elections, and I would hope that we would have support for this resolution.

The CHAIRMAN pro tempore. Does any Member seek time in opposition to the amendment?

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that I be allowed to claim the time in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman from New York [Mr. GILMAN] is recognized for 5 minutes.

There was no objection.

Mr. GILMAN. Mr. Chairman, there is a new beginning in the Democratic Republic of Congo. The old kleptocratic regime of Mobutu Sese Seko is now in the ash bin of history and, in many ways, the lives of the Congolese people can only improve.

Nevertheless, it is far too early to judge the merits of the new Kabila regime. A delegation led by a former colleague, and now Ambassador to the United Nations, Bill Richardson, returned from Kinshasa only a few hours ago. Another delegation from the Agency for International Development is still in the Congo and will not return for 2 more weeks. And right now the administration has no plan for any assistance to the Congo.

The Committee on International Relations has not been asked by the administration to waive the Brooke amendment, and many questions remain about human rights and the treatment of the Rwandan Hutu refugee populations. On Sunday, an article in the Washington Post detailed numerous allegations of massacres of innocent civilians by Kabila's troops in eastern Congo.

Today, human rights organizations and humanitarian agencies still do not have access to large portions of eastern Congo, the location of many of the refugees.

While these questions may all be answered satisfactorily in due time, I do not intend to oppose the amendment at this time. I will note that this is only one stage in the legislative process. In the coming days, before we go to conference, we will be putting the Kabila government on notice to support democracy and human rights before aid can go forward.

Mr. Chairman, we are pleased at this time to accept the gentleman's amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey [Mr. PAYNE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KENNEDY OF RHODE ISLAND

Mr. KENNEDY of Rhode Island. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. KENNEDY of Rhode Island. Yes, it is, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Rhode Island: At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. SENSE OF THE CONGRESS RELATING TO INDONESIA MILITARY ASSISTANCE.

(a) FINDINGS.—The Congress finds the following:

(1)(A) Despite a surface adherence to democratic forms, the Indonesian political system remains strongly authoritarian.

(B) The government is dominated by an elite comprising President Soeharto (now in his sixth 5-year term), his close associates, and the military.

(C) The government requires allegiance to a state ideology known as "Pancasila", which stresses consultation and consensus, but is also used to limit dissent, to enforce social and political cohesion, and to restrict the development of opposition elements.

(2) The Government of Indonesia recognizes only one official trade union, has refused to register independent trade unions such as the Indonesian Prosperity Trade Union (SBSI), has arrested Muchtar Pakpahan, the General Chairman of the SBSI, on charges of subversion, and other labor activists, and has closed the offices and confiscated materials of the SBSI.

(3) Civil society organizations in Indonesia, such as environmental organizations, election-monitoring organizations, legal aid organizations, student organizations, trade union organizations, and community organizations, have been harassed by the Government of Indonesia through such means as detentions, interrogations, denial of permission for meetings, banning of publications, repeated orders to report to security forces or judicial courts, and illegal seizure of documents.

(4)(A) The armed forces of Indonesia continue to carry out torture and other severe violations of human rights in East Timor, Irian Jaya, and other parts of Indonesia, to detain and imprison East Timorese and others for nonviolent expression of political views, and to maintain unjustifiably high troop levels in East Timor.

(B) Indonesian civil authorities must improve their human rights performance in East Timor, Irian Jaya, and elsewhere in Indonesia, and aggressively prosecute violations.

(5) The Nobel Prize Committee awarded the 1996 Nobel Peace Prize to Bishop Carlos Felipe Ximenes Belo and Jose Ramos Horta for their tireless efforts to find a just and peaceful solution to the conflict in East Timor.

(6) In 1992, the Congress suspended the international military and education training (IMET) program for Indonesia in response to a November 12, 1991, shooting incident in East Timor by Indonesian security forces against peaceful Timorese demonstrators in which no progress has been made in accounting for the missing persons either in that incident or others who disappeared in 1995–96.

(7) On August 1, 1996, then Secretary of State Warren Christopher stated in testimony before the Committee on Foreign Relations of the Senate, "I think there's a strong interest in seeing an orderly transition of power there [in Indonesia] that will recognize the pluralism that should exist in a country of that magnitude and importance."

(8) The United States has important economic, commercial, and security interests in Indonesia because of its growing economy and markets and its strategic location astride a number of key international straits which will only be strengthened by democratic development in Indonesia and a policy which promotes political pluralism and respect for universal human rights.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States should not provide military assistance and arms transfers for a fiscal year to the Government of Indonesia unless the President determines and certifies to the Congress for that fiscal year that the Government of Indonesia meets the following requirements.

(1) DOMESTIC MONITORING OF ELECTIONS.—(A) The Government of Indonesia provides official accreditation to independent election-monitoring organizations, including the Independent Election Monitoring Committee (KIPP), to observe national elections without interference by personnel of the Government or of the armed forces.

(B) In addition, such organizations are allowed to assess such elections and to publicize or otherwise disseminate the assessments throughout Indonesia.

(2) PROTECTION OF NONGOVERNMENTAL ORGANIZATIONS.—The police or military of Indonesia do not confiscate materials from or otherwise engage in illegal raids on the offices or homes of members of both domestic or international nongovernmental organizations, including election-monitoring organizations, legal aid organizations, student organizations, trade union organizations, community organizations, environmental organizations, and religious organizations.

(3) ACCOUNTABILITY FOR ATTACK ON PDI HEADQUARTERS.—As recommended by the Government of Indonesia's National Human Rights Commission, the Government of Indonesia has investigated the attack on the headquarters of the Democratic Party of Indonesia (PDI) on July 27, 1996, prosecuted individuals who planned and carried out the attack, and made public the postmortem examination of the five individuals killed in the attack.

(4) RESOLUTION OF CONFLICT IN EAST TIMOR.—

(A) ESTABLISHMENT OF DIALOGUE.—The Government of Indonesia is doing everything possible to enter into a process of dialogue, under the auspices of the United Nations, with Portugal and East Timorese leaders of various viewpoints to discuss ideas toward a resolution of the conflict in East Timor and the political status of East Timor.

(B) REDUCTION OF TROOPS.—The Government of Indonesia has established and implemented a plan to reduce the number of Indonesian troops in East Timor.

(C) RELEASE OF POLITICAL PRISONERS.—Individuals detained or imprisoned for the nonviolent expression of political views in East Timor have been released from custody.

(5) IMPROVEMENT IN LABOR RIGHTS.—The Government of Indonesia has taken the following actions to improve labor rights in Indonesia:

(A) The Government has dropped charges of subversion, and previous charges against the General Chairman of the SBSI trade union, Muchtar Pakpahan, and released him from custody.

(B) The Government has substantially reduced the requirements for legal recognition of the SBSI or other legitimate worker organizations as a trade union.

(c) UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.—As used in this section, the term "military assistance and arms transfers" means—

(1) small arms, crowd control equipment, armored personnel carriers, and such other items that can commonly be used in the direct violation of human rights; and

(2) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training or "IMET"), except such term shall not include Expanded IMET, pursuant to section 541 of such Act.

Mr. KENNEDY of Rhode Island (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. KENNEDY of Rhode Island. Mr. Chairman, the amendment I am offering today will attempt to confirm a commitment from Indonesia to cease its human rights violations throughout that country and, in particular, East Timor.

It will state the sense of this Congress that the United States should impose military sanctions on the country of Indonesia if its human rights record fails to improve.

It is very similar to provisions already included in the original version of the Foreign Policy Reform Act that were accepted in committee by voice vote.

Because the foreign aid portion of this bill is not before us today, I am offering this sense of Congress amendment in its place.

As many Members know, last week the Indonesian Government announced that they have dropped their participation in the expanded IMET military training program and have scrapped plans to buy nine F–16 fighter planes.

This action on the part of Indonesia is a major victory for all of us in this House who believe in the importance of human rights and for those of us who have worked hard to bring about change in the country of Indonesia.

It was clear they were feeling defensive, it was clear they were feeling vulnerable and, as such, they did not want to be beat to the punch and embarrassed by this Congress' action with respect to those planes. And this bill they wanted to get out of the way before this Congress expressed its strong opinion on the human rights abuses in Indonesia.

We cannot rest on this victory, however, and in fact Indonesia's official statement on this issue declared that the criticisms of this body were, and I quote, "wholly unjustified." However, the death of one-third of the people of East Timor for the past 21 years, nearly one-third of the whole population, is evidence enough that these criticisms are indeed justified.

I believe that through the visit that I have made to East Timor myself, personally, my own visits not only with the Government officials representing the Indonesian Government but also with the human rights community who are stationed there in East Timor, that I have a good appreciation of this issue.

I have spoken to both the Nobel Peace Prize winner, Jose Ramos Horta, on several occasions, both here in Washington and in my own State of Rhode Island, and I have spoken to Carlos Belo, Bishop Belo, from the East Timor parish. He has given me many examples of the terrible injustices that occur on a daily basis in East Timor by the Government of Indonesia.

Mr. Chairman, these abuses are occurring in East Timor in large part due to the free hand that the military has given in suppressing the independence movement in East Timor. There is no question that the attacks and abuses are escalating throughout the country, and I am aware that there has been much violence preceding and surrounding the so-called democratic election that has just taken place there. But anybody watching that election knows that it is far from ever being considered a democratic election when the Indonesian Government outlaws campaigning on the part of the opposition.

□ 1600

Unfortunately, Indonesia repeatedly denies that there is a problem with the human rights abuses in their country, and yet the evidence is so crystal clear. In fact, there have been instances like the St. Cruz massacre when it was captured on tape and the tape tells the truth, the truth that the Indonesian Government wants to refuse to believe, and yet we have the evidence and the statistics and the weight of the human rights community and our own State Department report. I might add, the Department of State has considered Indonesia one of the top countries that this country finds is violating human rights.

So, in this legislation, the sense of Congress, we have called for various policy reforms including free and fair elections in East Timor, respect for labor rights, protection of nongovernmental organizations, rights for the East Timorese people, and, of course, for the fair adjudication and release of political prisoners.

Mr. Chairman, that is not the current situation in East Timor. Just wearing a yellow T-shirt, celebrating Bishop Belo's receipt of the Nobel Peace Prize is enough to get you arrested and thrown in jail. In East Timor, the free and fair election, there have not been any. Protections for nongovernmental organizations, that has a dismal report.

Mr. Chairman, I would like to conclude with this one point: I visited the ICRC, the International Committee on Red Cross, and they told me they have never been busier. Well, if any of my colleagues know what the ICRC does, they look out for human rights abuses. So if they have never been busier, we know what they are talking about. It means there have never been as many human rights abuses as are going on this day.

I want to thank the gentleman from New York [Mr. GILMAN] and the gentleman from California [Mr. BERMAN] particularly for their efforts to bring us this amendment to the floor.

Mr. BEREUTER. Mr. Chairman, I do rise in objection to the Kennedy amendment because it is unbalanced in its characteristics, and it is biased by referring only to one side of the violence that has occurred and continues to occur in Indonesia.

And in contrast to what the gentleman from Rhode Island has indicated, I feel that the recently announced self-denial of E–IMET by Indonesia and their expression of no interest in purchasing American-made F–16's is not a major victory for the United States, as the gentleman intends, it is an unfortunate blow to our relationship.

The E–IMET program, or Extended IMET, is designed specifically to encourage better human rights practices and proper civil action, methods of operating and living in a civil society, for military and civilian personnel that take advantage of this training program in the United States. The F–16 sale, of course, was not something that Indonesia itself sought, but the Clinton administration, trying to find some way to dispose of F–16's that it sold to Pakistan but which could not be delivered because of the Pressler amendment, was looking for other purchasers. They found Indonesia as a possible sales prospect.

So it is understandable that Indonesia now, faced with continued opposition and criticism in this Congress, some of it entirely justified, admittedly, but an unbalanced kind of objection and a denial even of something that is in our national interest, the E–IMET program, naturally does not want that fight. The E–IMET program is not that important to them, but it certainly is a loss to us in maintaining good relations with Indonesia and to our effort to improve human rights procedures in Indonesia.

Let us take a look at some of the reasons why Indonesian-American relations are important to this country. First of all, surprising to most people in this country, Indonesia is now the fourth most populous country on Earth. There have been harsh, one-sided amendments offered in this Congress and the committee and on the floor in the past which have reduced our credibility with the Indonesian Government and the military. Why? Because the amendments, this one in particular, will be seen in Indonesia as Indonesian bashing if it is not such criticism offered in some kind of equitable and valid manner. That is to say, if it is not balanced, or if we do not remove the one-sided bias to it.

Indonesia is not Burma or Iraq. It is an important country, a key member of ASEAN, APEC, the ARF, the OIC, and the United Nations. Indonesia has played a very important role in the settlement in Cambodia and peace between the Philippines and the Moros Liberation Front. Indonesia has contributed to efforts to resolve the dispute over the Spratly Islands and has contributed to the Korean Energy Development Organization. Indonesia supported the gulf war efforts against Iraq.

Indonesia's sealanes and air routes are important to United States forces. We, of course, have major economic interest in Indonesia. Our annual bilateral trade is about $12.3 billion. But these are not reasons enough to justify or to be silent about abuses that exist there. I want to try to make this amendment of the gentleman from Rhode Island [Mr. KENNEDY] a balanced amendment.

Mr. Chairman, therefore, I will offer an amendment to the Kennedy amendment.

AMENDMENT OFFERED BY MR. BEREUTER TO THE AMENDMENT OFFERED BY MR. KENNEDY OF RHODE ISLAND

Mr. BEREUTER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BEREUTER to the amendment offered by Mr. KENNEDY of Rhode Island:

In the Findings Section (a), after (4)(A), insert the following new sections (B) and (C):

(B) From May 27 to May 31, the East Timorese resistance forces carried out deplorable human rights violations, including the reported killing of over two dozen persons in an apparent attempt to disrupt national elections. A resistance attack on a truck resulted in the deaths of 16 policemen and one soldier. Attacks on polling places also resulted in the deaths of two election officials.

(C) Violence on the part of either the Indonesian military or the East Timorese resistance forces is not conducive to the just and peaceful solution to the conflict in East Timor.

Change former section (B) to (D) and add the following new section (E);

(E) The Indonesian authorities and the resistance forces in East Timor must refrain from human rights violations, including attacks on civilians and non-combatants.

Insert after sense of the Congress section (b) a second sense of the Congress section to be labeled (c) to read as follows:

(c) Sense of the Congress.—It also is the sense of the Congress that the violent acts of the resistance in East Timor should be condemned, as they discredit the East Timorese cause, and could result in additional violent reprisals by the Indonesian armed forces.

Renumber current section (c), United States Military assistance and arms transfers denied. It will now be numbered (d).

Mr. BEREUTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, as we began to hear, we have had substantial violence which is directly attributable, in substantial part at least, to the guerrilla movement in East Timor. I will read now from a report from Human Rights Watch/Asia, dated June 4, 1997.

A series of attacks between May 27 and May 31 by resistance forces in East Timor, leading to the deaths of at least 9 civilians and more than 20 military and police, has led to widespread arrests of suspected resistance supporters throughout the territory. Human Rights Watch/Asia condemns any targeting of civilians or other noncombatants by East Timorese guerrillas as being in clear violation of international humanitarian law.

That statement on the part of Human Rights Watch lays out a variety of abuses which led to death attributed to the activities of the East Timorese guerrillas. They issued a report the following day which backed away from one of those specific reported incidents, saying, "We do not have the kind of documentation we need." But basically, their assessment stands.

From the Washington Post News Service, I read to my colleagues an account from May 31, 1997. "Separatist guerrillas bombed a police truck with grenades Saturday, killing 17 officers during one of the worst outbreaks of violence in years in the disputed Indonesian territory of East Timor. The deaths raised to 41 the number of people killed in rebel attacks in the past week in East Timor."

I would like to see some of my colleagues who are concerned about violence in East Timor stand up and bring this guerrilla violence to the attention of the House under a 1-minute statement or a Special Order. That did not happen.

Let me mention to my colleagues a few more sections of the secondary amendment that I am offering here today. The following statement is a part of the amendment in addition to the section which the Clerk read: "The Indonesian authorities and the resistance forces," and bear in mind I am talking about both there, "Indonesian authorities and resistance forces in East Timor must refrain from human rights violations, including attacks on civilians and noncombatants."

Finally, in addition to the sense of Congress elements that the gentleman from Rhode Island [Mr. KENNEDY] has added, I add this sense of the Congress section:

It is also the sense of the Congress that the violent acts of the resistance in East Timor should be condemned, as they discredit the East Timorese cause and could result in additional violent reprisals by Indonesian armed forces.

So, Mr. Chairman and my colleagues, in the amendment that I have offered, I am striking nothing that the gentleman from Rhode Island [Mr. KENNEDY] has in his amendment. I am striking not a single word of it. But I am adding, by the words of my secondary amendment, an indication that violence on the part of the Indonesian rebels in East Timor is itself a very counterproductive step and one that we should deplore. This violence is not the approach to efforts to gain additional degrees of autonomy or whatever their legitimate goals might be.

Finally, I want to say as a matter of personal privilege that, of course, while I respect the organization granting the Nobel Peace Prize, I do have to say that while I certainly have nothing but praise for what I understand to be the positions and actions of Bishop Belo, I do indeed wonder about José Ramos Horta and whether or not his efforts are totally directed toward finding, as the Kennedy amendment says, a just and peaceful solution to the conflict in East Timor. I say that in part because when he came to my office earlier this year, when I visited with him, he made false reports about the conclusions and my views after we had that meeting, which he sent to Chairman GILMAN by letter. That is not the kind of conduct that I think we would expect from a person who was the corecipient of the Nobel Peace Prize, nor do I think such a false statement by Mr. Horta serves us well or serves his cause well, either.

I understand that his intent probably is to pursue independence for East Timor. That objective is contrary to U.S. policy. It is a legitimate intent on his part, but I believe he ought to use proper means for arriving at those goals. So I hope for reasons of a balanced amendment on this matter related to Indonesia, that my colleagues will support the secondary amendment offered by the gentleman to the amendment offered by the gentleman from Rhode Island [Mr. KENNEDY].

Mr. Chairman, I am pleased to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I want to thank the gentleman from Rhode Island [Mr. KENNEDY] for introducing this measure and the gentleman from Nebraska [Mr. BEREUTER] for his perfecting amendment. I think it is critically important that our Nation express its concern with regard to some of the problems in Indonesia.

Although Indonesia is a critically important nation in southeast Asia, the record of the Suharto government in terms of democratic freedoms, human rights, labor rights, and basic civil liberties has significant shortcomings, as defined in this amendment. I call on all parties in and outside of the government to renounce violence and embrace peace and democratic principles in resolving all of the issues of contention in that part of the world.

Regretfully, the administration has fallen woefully short in trying to influence Indonesia in the direction of democracy and human rights. Therefore, it is appropriate for the Congress to make the President accountable for the use of the taxpayers' dollars for security assistance until he can certify an amelioration in the conditions of Indonesia.

I urge my colleagues to support this sense of Congress amendment, including the perfecting amendment by the gentleman from Nebraska [Mr. BEREUTER].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

I would like to say that we accept the Bereuter amendment. We do not condone violence on any side. I would like to follow up with a few comments with respect to the points made by the gentleman from Nebraska [Mr. BEREUTER].

That is, having visited East Timor myself this last year, I had an opportunity to sit down with Nobel Peace Prize winner Bishop Belo and spoke with him for a considerable length of time and do have a sense of how these violent occurrences are precipitated. I might add that Bishop Belo himself has said to me that there is a situation where the government is hiring East Timorese to instigate and act as catalysts for violent uprisings, because what it does is give the excuse for the Indonesian military to then crack down on whomever they want to crack down on.

I just want to add that because I have spoken to our own Department of State and some of their officials there, and there is an acknowledgment that the Indonesian government is training such, I guess, double agents, although I do not think they are agents in the cold war sense, but they are East Timorese that are on the payroll of the Indonesian Government that front for this terrorist group in East Timor and thereby justify the reprisals that the Indonesian Government then uses as an excuse to put down these uprisings in the first place. I want to point that out.

I also just want to point out that in the wake of those violent outbreaks that the gentleman from Nebraska [Mr. BEREUTER] pointed out, some of those reports are still yet to be confirmed, although I take nothing away from his effort to deplore any kind of violence.

□ 1615

I want to also add that in the aftermath of the election there were a series of roundups and manhunts by the military and widespread arrests in Dili, Baucau, Ermera and Los Palos under circumstances which torture is very

likely. Of course, we have evidence of torture of those who have been detained in jails within East Timor. I can tell my colleagues that Constantio Pinto, for example, in my district in Rhode Island has given me graphic descriptions of his time in jail when he was tortured repeatedly.

We know that Indonesia is feeling discomfort because of the attention that we are bringing to these issues. It is unfortunate that it has to affect the relationship, but the best way for Indonesia to solve this problem is to clean up their human rights abuses instead of trying to get us to not recognize their human rights abuses.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I would like to comment on two points the gentleman has raised. First, I would ask this question, it is rhetorical, but if the gentleman has a response to it I think the world would like to know it. What does the gentleman expect the Indonesian Government would do when up to 41, or perhaps more, people were killed by guerrillas when in fact some of them were poll watchers, and others were civilians. What does the gentleman think the response should legitimately be in that situation? Do they try to protect people and bring people to justice or not?

The second point I would raise about the allegations that the guerrillas may be or are totally on the payroll of the Indonesian Government, and I refer to those guerrillas that caused the deaths and the tragedy that took place there. I hope the gentleman does not believe that that is the case in all instances, if any. It certainly is not the view of our Government, our State Department, our intelligence agencies and those people that have spoken out on this issue. I just want to raise those two points if the gentleman cares to address them. I certainly do not believe that everybody, if anybody, if any, who killed those people at the polls is on the Indonesian Government payroll.

Mr. KENNEDY of Rhode Island. Mr. Chairman, reclaiming my time, I would like to respond to the gentleman's points.

On the first one, I clearly think that justice needs to be done, but of course there is no justice in East Timor because people can be summarily arrested and tortured without legal representation. I do acknowledge that the gentleman is correct that in the event there is any violence, there should be justice. But the justice system as it currently exists is a one-sided justice system.

On the second point in terms of the payroll, I would acknowledge that I do not think in every instance that those instigating these points of violence whereby the Indonesian Government uses as a pretext to crack down on the East Timorese, that in all those instances it is those that are on their payroll, but I would point out that it is something that is acknowledged on the ground there as being a fundamental truth of the situation.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Kennedy amendment and also further in support of the Bereuter amendment to the Kennedy amendment. Most certainly we should take every opportunity we can on the floor of the House to renounce violence, especially when there is collateral damage involved affecting the lives of civilians.

However, I do take issue with the characterization of what is happening in East Timor. I think our Members should understand that East Timor is a very small place and a large percentage of its population has been killed by the Indonesian Government. Some of that has happened with U.S. weapons. That is most unfortunate. That is why I support so strongly the Kennedy amendment as well as the gentleman's leadership for fighting this fight with such knowledge and such commitment.

The gentleman from Nebraska [Mr. BEREUTER] shared a story of his visit with Mr. Ramos Horta. I will convey mine. Last night in our community over 5,000 people turned out for a conference on nonviolence entitled the Power of Nonviolence. They all gave a standing ovation to Jose Ramos Horta for his appeal for nonviolence in East Timor and throughout the world.

Certainly there are those within a situation who may lose patience, and I think that is the biggest challenge to those who are involved in the nonviolent crusade for change, whether it is in Tibet, and His Holiness was there last night and spoke as well, whether it is in Tibet, Indonesia, or in any other country, that while the leadership of the issue, its initiatives may be based on a commitment to nonviolence, that there are those who have lost their family members, their community people to violence in Indonesia and they may take action. We reject it, we denounce it, but we do not paint every leader of the East Timor movement with the same brush.

Mr. BEREUTER. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the gentlewoman for yielding. I think the gentlewoman knows that current law forbids the kind of military sales to Indonesia that can be used in repressive measures against the civilian population. This amendment does not put that in place. That is a matter of law already.

I would say to the gentlewoman, I hope that she would be concerned when Mr. Horta comes into my office and after he leaves with a very clear understanding of what my point of view is, and which it happens to be the view of the official view of the U.S. Government, which I am supporting as the chairman of the Subcommittee on Asia and the Pacific, for him to go out and lie in writing about it to my chairman and mischaracterize 180 degrees is highly inappropriate. I would hope the gentlewoman would not condone that kind of activity and would be sympathetic as one Member of Congress to another on this matter. I would hope she agrees that Mr. Horta should not be using those tactics. It is unworthy of the Nobel Peace Prize.

Ms. PELOSI. Mr. Chairman, reclaiming my time, on the first point the gentleman brings up about what is the law regarding Indonesia, yes, sir, I am very well aware of it as ranking member of the Committee on Appropriations' Subcommittee on Foreign Operations, Export Financing and Related Programs. We spend a great deal of time, of our committee's time and indeed the floor time, on the issue of military weapons to Indonesia as well as on whether we should have expanded IMET or IMET to Indonesia. My problem with the expanded IMET to Indonesia is that it simply does not seem to be working or taken seriously by the Indonesian military. Certainly it would be appropriate, if properly employed, for us to train the Indonesian military in the importance of human rights in dealing with civilian populations. We just have not seen that happen. The case of East Timor I think is a tragedy for the world.

Around here, and the gentleman from Nebraska [Mr. BEREUTER] knows the respect, the esteem, in which I hold him, Roshomon lives, people go to meetings, they hear different things, they carry away a more optimistic or less optimistic view of a conversation. I respect the gentleman's view of that conversation as a Member of Congress on this floor. I would hope that the gentleman would give Mr. Ramos Horta the ability to respond back to the gentleman to say this is why I drew those conclusions, because I know him to be an honorable man, and I think that the Nobel committee chose well in honoring Jose Ramos Horta and Bishop Belo.

Mr. BEREUTER. Mr. Chairman, if the gentlewoman will yield further, I would say the gentlewoman has a very generous soul, which is one of the reasons I admire her greatly. Her putting the best characterization of the best construction on Mr. Horta's comments about my views are very generous on her part. In this case that generosity is mistaken. There is no doubt that he intentionally mischaracterized the position of this Member, but I thank the gentlewoman and say that her sentiments are a credit to her.

Ms. PELOSI. Mr. Chairman, I urge our colleagues to support the Kennedy amendment as amended by the gentleman from Nebraska [Mr. BEREUTER].

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge a yes vote on the amendment that has been offered by the gentleman from Rhode Island [Mr. KENNEDY] which states in a very strong way that it is the sense of Congress that the United States should not give military assistance and arms transfers to the Government of Indonesia until that Government complies with a few basic human rights benchmarks. I would like to commend the gentleman from Nebraska [Mr. BEREUTER], the chairman of the Subcommittee on Asia and the Pacific, for his perfecting amendment to put us on record in roundly condemning all violence, no matter who commits it. Violence is not an acceptable means to any end. I want to commend my friend for offering that perfecting amendment.

Mr. Chairman, for over 20 years, international human rights advocates have been calling attention to abuses by the Indonesian Government and its occupation of East Timor. Over the years the United States has provided countless millions of dollars worth of military assistance and arms transfers to the Government of Indonesia. There have been no reliable safeguards to ensure that this assistance and these transfers did not facilitate the ongoing brutality. Indonesia's Armed Forces invaded East Timor in 1975 only weeks after East Timor had attained independence from Portugal. Since then the Indonesian Army has carried out a campaign of what amounts to ethnic cleansing against the Timorese through a program of forced migration.

Persecution has been particularly harsh against the Christian majority. More than 200,000 Timorese out of the total population of 700,000 have been killed directly or by starvation in forced migrations from their villages since the Indonesian invasion. There are recent reports of renewed campaigns of repression of Catholics in East Timor. These reports include atrocities such as the smashing of statues of the Blessed Mother. The campaign has also been directed personally against the Catholic Bishop Belo, along with the independence leader Jose Ramos Horta. Bishop Belo's phones are tapped, his fax machine is monitored, his visitors are watched, and his freedom of movement is restricted. But Bishop Belo persists in his courageous efforts to defend justice, peace, and the preservation of the dignity of his people. Recently, he set up a church commission to monitor human rights abuses there and a radio station to disseminate information and news.

There have also been reports of renewed military activity by pro-independence guerrillas in East Timor. I want to make it absolutely clear that violence is unacceptable no matter who commits it. In this respect, again the Bereuter perfecting amendment strengthens the Kennedy amendment and makes it a resolution worthy of support by this body.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was in my office, I saw the debate that was taking place, and I wanted to make a comment in strong support of the Kennedy amendment. I had the opportunity, as the gentleman from Rhode Island [Mr. KENNEDY] did at Christmastime, I visited East Timor in January of this year. Members ought to know Bishop Belo, who got the Nobel Peace Prize because of the nomination of the gentleman from Ohio [Mr. HALL] and others in the Congress. We visited Bishop Belo. On the Island of East Timor, there have been over 200,000 people killed in the last 20 years. If Members were to extrapolate that to the United States, I do not know what that would mean, would it mean 60 million killed or something like that? It is an unbelievable amount.

We met with Bishop Belo. We also were followed by the military and their people, but we went out in the field and talked to a number of people. We went to the Santa Cruz Cemetery, where the massacre took place. For Members who did not follow that massacre, the Indonesian army opened up fire and in cold blood killed these people at the Santa Cruz Cemetery.

We also talked to young people. First, they were afraid to speak, then we got close to them. They started to talk and told us they were afraid. The very nights we were there at 2 o'clock in the morning the Indonesian military would come into their homes and take the young people away. They would not allow them to be visited by their moms and dads.

I personally believe, and this gets a little controversial, I believe that Web Hubbell was hired by the Indonesian Government and we now later found out that Web Hubbell, after he was hired by the Indonesian Government, went to East Timor. East Timor is not the garden spot that one goes to to sit on the beaches. I believe that maybe the administration's policy changed.

The Kennedy amendment is the right thing to do. When we pass this amendment, it will send a message back to the Indonesian Government, who we have a good relationship with and we want to continue to have a good relationship with, but that we care.

Bishop Belo will be in the United States next week. I think we should pass this amendment. I did not want the time to go by without urging strong support for the Kennedy amendment. Frankly, if it were defeated, the message that that would send to the people of East Timor, 500,000 left, 200,000 killed, military occupation, up to maybe 28,000 military people all over the island. Last, there were elections 1½ weeks ago. Up to 41 people were killed. I have been urging, as I know the gentleman from Rhode Island [Mr. KENNEDY] and others feel, that this administration should appoint a special envoy. We saw that they appointed a special envoy to Cyprus, which is very good. They should appoint a special envoy here and do something about it.

I want to commend the gentleman from Rhode Island [Mr. KENNEDY], I want to thank him for taking the time to go over there at Christmas, and I strongly support the amendment.

□ 1630

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I just would like to commend the gentleman for his own visit to East Timor. There is nothing like seeing it in person, to speak to Bishop Belo in East Timor, to visit with the people as the gentleman has, that gives one the strong feelings such as the gentleman has about it.

Like the gentleman from Virginia, I have read a lot about it. But it was not until I visited and saw it myself and heard from the people dramatically about the overwhelming military presence in East Timor and the fear that everyone has going to bed at night, that they are not going to be woken up in the middle of the night, have a gun to their head and dragged out in the middle of the street, go to jail, never to be seen again.

This is the constant state of fear and terror that the people of East Timor live under, given that occupation by the Indonesian Government; and I want to salute the gentleman from Virginia [Mr. WOLF] for his strong words on this amendment.

Mr. WOLF. Mr. Chairman, I thank the gentleman from Rhode Island. We spoke to one youngster who was there who had his ear cut off, that they cut off his ear; and now we spoke to a mom, a mother, who had three children, and they were all, all, missing. One had been killed in Santa Cruz, another had been taken away, and another had been taken away several nights just before we got there.

So the Kennedy amendment is a good amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Kennedy amendment to urge that military sanctions be imposed on Indonesia because of Indonesia's terrible human rights record. I certainly have no objection, and I support the amendment offered by the

gentleman from Nebraska [Mr. BEREUTER] to the amendment because I think that we should be ready to condemn atrocities and brutality wherever they occur.

I have stood on this floor many times, Mr. Chairman, in recent years to criticize Indonesia because of that country's abysmal human rights record and their continued oppression of the people of East Timor. Despite the lack of improvement in Indonesia's human rights record and the opposition of myself and many of my colleagues, Indonesia continues to receive United States military assistance. According to the State Department's country report on Indonesia, quote, the government continues to commit serious human rights abuses.

The State Department report also said that in Indonesia reports of extrajudicial killings, disappearances, and torture of those in custody by security forces increased, not decreased; not stayed the same, increased. Should we really be sending Indonesia more military assistance now, when they have not addressed these critical human rights issues? I do not think so.

Indonesia's policy in East Timor is about the oppression of people who oppose Indonesia's right to torture, kill, repress the people of East Timor. It is about the 200,000 Timorese who have been slaughtered since the Indonesian occupation in 1975, 200,000 killed out of a total population of 700,000. It is about genocide.

I urge my colleagues to support this amendment and send a message to Indonesia that we will not tolerate continued human rights abuses, and I want to thank my colleague from Rhode Island, Mr. KENNEDY, for bringing these issues to our attention and speaking so eloquently on these issues. I do hope that this body will respond to the specific stories which my colleagues have shared, which my good friend, the gentleman from Virginia [Mr. WOLF], has shared. I have not been to East Timor, but I have met many times privately with people who have recounted these stories to us, and we cannot let this record stand. We must take action, and I want to just tell the gentleman, "I support you."

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would just like to say there are countless stories. Unfortunately the ICRC cannot tell them to us because it would abrogate their mandate to be an impartial, as my colleagues know, observer and support to human rights in the countries that they are situated in. But they are only situated in those countries with gross human rights abuses, and they do not want to jeopardize that mission. But they did tell me that they are exceeding their ability to keep on top of all the cases that they have to stay on top of, and what that says to me is volumes about the current situation there.

Mr. Chairman, I would like to thank the gentlewoman from New York for her support.

Mrs. LOWEY. Mr. Chairman, I thank the gentleman from Rhode Island again for his leadership.

Mr. DAVIS of Florida. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Bereuter amendment. This perfecting amendment seeks to add a level of balance and accuracy to the Kennedy amendment which will improve upon its content. It places the House of Representatives on record of being against violence and abusive human rights by all parties to the conflict in East Timor, and for that reason I urge adoption of the amendment to the amendment.

Mr. KIM. Mr. Chairman, I rise in strong opposition to the Kennedy amendment which expresses the sense of Congress that the United States should stop military assistance and education to Indonesia. It appears to me that this amendment will only have a negative effect on United States-Indonesian relations. I believe that this amendment would actually hinder the kind of changes and increased respect for human rights that its proponents claim to seek.

An insult such as this will have a direct and negative impact on all facets of the United States-Indonesian relationship, including economic ties. In 1995 alone, the United States exported $3.3 billion in goods and services to Indonesia. Indonesia is also the host to over $6 billion in United States investment. The only people cheering for the misguided symbolism of this amendment are our foreign competitors who look to take advantage of a souring in United States-Indonesian relations.

The action that this amendment advocates—including cutting off expanded international military education training [E–IMET]—will do nothing to improve human rights in Indonesia and East Timor. What better way to improve human rights in Indonesia than to properly train the military. That is what E–IMET does; it provides educational courses to teach respect for civil authority, human rights, and the rule of law.

While I recognize that improvement is needed in Indonesia, this amendment will have no positive impact on East Timor. The Kennedy amendment is simply pandering to special interests in East Timor at the expense of overall United States interests in the region.

Therefore, I urge my colleagues to oppose the Kennedy amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER] to the amendment offered by the gentleman from Rhode Island [Mr. KENNEDY].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Rhode Island [Mr. KENNEDY], as amended.

The amendment, as amended, was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: The amendment offered by the gentleman from Ohio [Mr. NEY]; the amendment, as amended, offered by the gentleman from California [Mr. MILLER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. NEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. NEY] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 8, as follows:

[Roll No. 174]

AYES—426

Abercrombie	Bryant	DeFazio
Ackerman	Bunning	DeGette
Aderholt	Burr	Delahunt
Allen	Burton	DeLauro
Andrews	Buyer	DeLay
Archer	Callahan	Dellums
Armey	Calvert	Deutsch
Bachus	Camp	Diaz-Balart
Baesler	Campbell	Dickey
Baker	Canady	Dicks
Baldacci	Cannon	Dingell
Ballenger	Capps	Dixon
Barcia	Cardin	Doggett
Barr	Carson	Dooley
Barrett (NE)	Castle	Doolittle
Barrett (WI)	Chabot	Doyle
Bartlett	Chambliss	Dreier
Barton	Chenoweth	Duncan
Bass	Christensen	Dunn
Bateman	Clay	Edwards
Becerra	Clayton	Ehlers
Bentsen	Clement	Ehrlich
Bereuter	Clyburn	Emerson
Berman	Coble	Engel
Berry	Coburn	English
Bilbray	Collins	Ensign
Bilirakis	Combest	Eshoo
Bishop	Condit	Etheridge
Blagojevich	Conyers	Evans
Bliley	Cook	Everett
Blumenauer	Cooksey	Ewing
Blunt	Costello	Fattah
Boehlert	Cox	Fawell
Boehner	Coyne	Fazio
Bonilla	Cramer	Filner
Bonior	Crane	Foglietta
Bono	Crapo	Foley
Borski	Cubin	Forbes
Boswell	Cummings	Ford
Boucher	Cunningham	Fowler
Boyd	Danner	Fox
Brady	Davis (FL)	Frank (MA)
Brown (CA)	Davis (IL)	Franks (NJ)
Brown (FL)	Davis (VA)	Frelinghuysen
Brown (OH)	Deal	Frost

Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—8

Farr
Flake
Hall (OH)
Molinari
Rothman
Schiff
Schumer
Wolf

□ 1656

So the amendment was agreed to.

The result of the vote was announced as above recorded

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA, AS AMENDED

The CHAIRMAN pro tempore [Mr. EWING]. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. MILLER], as amended, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment, as amended.

The Clerk designated the amendment, as amended.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 375, noes 49, not voting 10, as follows:

[Roll No. 175]

AYES—375

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—49

Abercrombie
Becerra
Castle
Clay
Conyers
Coyne
DeFazio
DeGette
Dellums
Dooley
Ehlers
Foglietta
Frank (MA)
Furse
Hinchey
Hinojosa
Holden
Jackson (IL)
Johnson, E. B.
Kanjorski
Kleczka
Kucinich
Lewis (GA)
Lucas
Markey
McDermott
McGovern
McHale
Minge
Mink
Moakley
Murtha
Nadler
Nethercutt
Oberstar
Rangel
Sabo
Serrano
Skaggs
Smith (MI)
Snyder
Tierney
Torres
Towns
Velázquez
Waters
Watkins
Watt (NC)
Waxman

NOT VOTING—10

Farr	Neal	Schumer
Flake	Radanovich	Wolf
Hall (OH)	Rothman	
Molinari	Schiff	

□ 1706

Mr. WAXMAN, Ms. DEGETTE, and Mr. SMITH of Michigan changed their vote from "aye" to "no."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGEL:

At the end of the bill add the following (and conform the table of contents accordingly):

SEC. 1818. INTERNATIONAL FUND FOR IRELAND.

(a) SHORT TITLE.—This section may be cited as the "MacBride Principles of Economic Justice Act of 1997".

(b) ADDITIONAL REQUIREMENTS.—

(1) PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415; 100 Stat. 947) is amended by adding at the end the following new sentence: "United States contributions shall be used in a manner that effectively increases employment opportunities in communities with rates of unemployment significantly higher than the local or urban average of unemployment in Northern Ireland. In addition, such contributions shall be used to benefit individuals residing in such communities.".

(2) CONDITIONS AND UNDERSTANDINGS.—Section 5(a) of such Act is amended—

(A) in the first sentence—

(i) by striking "The United States" and inserting the following:

"(1) IN GENERAL.—The United States";

(ii) by striking "in this Act may be used" and inserting the following: "in this Act—

"(A) may be used";

(iii) by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(B) may be provided to an individual or entity in Northern Ireland only if such individual or entity is in compliance with the principles of economic justice."; and

(B) in the second sentence, by striking "The restrictions" and inserting the following:

"(2) ADDITIONAL REQUIREMENTS.—The restrictions".

(3) PRIOR CERTIFICATIONS.—Section 5(c)(2) of such Act is amended—

(A) in subparagraph (A), by striking "principle of equality" and all that follows and inserting "principles of economic justice; and"; and

(B) in subparagraph (B), by inserting before the period at the end the following: "and will create employment opportunities in regions and communities of Northern Ireland suffering the highest rates of unemployment".

(4) ANNUAL REPORTS.—Section 6 of such Act is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) each individual or entity receiving assistance from United States contributions to the International Fund as agreed in writing to comply with the principles of economic justice.".

(5) REQUIREMENTS RELATING TO FUNDS.—Section 7 of such Act is amended by adding at the end the following:

"(c) PROHIBITION.—Nothing herein shall require quotas or reverse discrimination or mandate their use.".

(6) DEFINITIONS.—Section 8 of such Act is amended—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(3) the term 'Northern Ireland' includes the counties of Antrim, Armagh, Derry, Down, Tyrone, and Fermanagh; and

"(4) the term 'principles of economic justice' means the following principles:

"(A) Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

"(B) Providing adequate security for the protection of minority employees at the workplace

"(C) Banning provocative sectarian or political emblems from the workplace.

"(D) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups.

"(E) Providing that layoff, recall, and termination procedures do not favor a particular religious group.

"(F) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religion.

"(G) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees.

"(H) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.

"(I) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in subparagraphs (A) through (H).".

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 180 days after the date of the enactment of this Act.

Mr. ENGEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, the gentleman from New York [Mr. ENGEL] and a Member opposed each will control 5 minutes.

Is there a Member seeking recognition in opposition?

Mr. HAMILTON. Yes, Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from Indiana [Mr. HAMILTON] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the Engel-Gilman amendment on the International Fund for Ireland principles. I want to at the outset thank the gentleman from New York [Mr. GILMAN] from the Committee on International Relations for all his help and hard work on this amendment.

This amendment is very simple. It simply says that the International Fund for Ireland, to which the United States contributes $20 million per year, that funding for the International Fund for Ireland should not go to any entity in the north of Ireland that discriminates.

We want to ensure that any entity which receives money from the International Fund for Ireland is committed to the principles of nondiscrimination. This is very similar to what was done in South Africa with the Sullivan principles, and this essentially embraces what is called the MacBride principles of nondiscrimination.

This is identical to a bill that I have carried for the past 8 years and under the current Congress, H.R. 150, which sets up nine guidelines to eliminate religious-based discrimination in employment and job training processes in the north of Ireland, while banning provocative sectarian and political emblems from the workplace. Again, we want to ensure that U.S. money is given to entities which promote equal opportunity employment for both Protestants and Catholics and to regions where targeted investment is needed.

Mr. Chairman, these are critical times for the peace process in Ireland. I commend the fact that right now the parties seem to be lined up in terms of really making progress for equality in the peace process. It is very, very important, I believe, that at this point Congress go on record as saying that moneys for the International Fund for Ireland cannot go to entities which discriminate against anybody, be they Catholic or Protestant. That is simply what this says.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. GILMAN], chairman of the committee.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today I rise to offer, along with the gentleman from New York [Mr. ENGEL], the Federal MacBride principles. This important bipartisan antidiscrimination measure dealing with employment practices in Northern Ireland is included in our amendment as a condition for receipt

of any of the U.S. taxpayer contributions to the International Fund for Ireland.

This amendment, which we introduced today, incorporates all of the changes we have made in the MacBride principles; in other words, the principles of economic justice as defined and passed by the last Congress is part of the U.S. contribution to the IFI in the foreign aid bill.

We must treat equally those who would receive any United States foreign assistance the very same as we do for many United States employers doing business in Northern Ireland, where today many of these firms voluntarily comply with the MacBride fair employment principles.

Much more still needs to be done to address the serious continuing problem of discrimination in Northern Ireland, where Catholics are still twice as likely to be unemployed as their Protestant counterparts. This is unfair. It must change if lasting peace and justice are ever to take hold in Northern Ireland.

As a candidate, Mr. Clinton pledged during the 1992 campaign that he would support the MacBride principles. They have been passed into law in all 16 States, including our own State of New York, and American cities and towns have also passed similar resolutions. We must do more to codify these principles in the law this year.

Accordingly, Mr. Chairman, I urge all of our colleagues concerned about lasting peace and justice in Northern Ireland to support the amendment we are introducing today.

Mr. Chairman, I include for the RECORD a letter from the Irish National Caucus in support of this initiative.

The letter referred to is as follows:

IRISH NATIONAL CAUCUS, INC.,
Washington, DC, May 12, 1997.

Hon. BEN GILMAN,
Chairman, House International Relations Committee, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN GILMAN: We, the undersigned leaders of Irish-American organizations, support the linking of the MacBride Principles of economic justice to the International Fund for Ireland as contained in HR 1486.

Attaching the MacBride Principles to foreign aid to Northern Ireland will help to guarantee that hard earned tax-payer's money will not be used to subsidize sectarian discrimination in Northern Ireland.

The MacBride Principles have proven to be the most effective response to anti-Catholic discrimination in Northern Ireland, and the Principles enjoy massive support in the Irish-American community.

Proof that the MacBride Principles are still needed was provided by the recent example of anti-Catholic discrimination in the office of Baroness Denton, the British Minister formerly responsible for fair employment laws in Northern Ireland.

We thank you, Chairman Gilman, for your long and consistent leadership for justice and peace in Ireland.

Sincerely,

Edward J. Wallace, National President, AOH; Francis Hoare, Chairman, Brehon Law Society; Jean Forest, U.S. Voice for Human Rights in Northern Ireland; Edmund Lynch, Chairman, Lawyers National Alliance for Justice in Ireland; Andrew Somers, President, Irish-American Unity Conference; Kathleen Holmes, Chairwoman, American Irish Congress; James V. Mullin, Irish Famine Curriculum Committee; John McPhillips, President, Clan Na Gael; Paul Doris, Chairman, Irish Northern Aid Committee; Fr. Sean McManus, President, Irish National Caucus; Dennis E.A. Lynch, General Counsel, Hibernian Civil Rights Coalition; Frank Durkan, Americans for a new Irish Agenda.

□ 1715

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to this amendment. I, of course, realize the popularity of the amendment but I do think it is important to state the other view. I am not exactly alone in my opposition to this amendment.

The Irish Government has opposed this amendment. They have a new government today, of course, and they have not yet spoken so far as I know. The British Government has opposed this amendment. They, too, have a new government. I am not sure exactly how they feel about MacBride principles, but the British Government has opposed it in the past. And the U.S. Government opposes this amendment.

All of us in this Chamber support fair employment and nondiscrimination in the workplace in Northern Ireland and elsewhere, but I think we have to be very careful about putting layers of red tape into an assistance program. We need to be very careful about imposing conditions that will work at cross-purposes with our shared goals. The investment experts have said to us that mandating conditionality on U.S. assistance to the IFI will have the effect of hindering international investment in the region.

Listen to the words of John Hume; there is not anybody more respected in this Chamber on the Irish question than John Hume. What does he say? I quote him: "If you really want to help us, then encourage investment in areas of high unemployment in Northern Ireland. That is a positive thing to do. The effect of the MacBride principles campaign, whether people like to admit it or not, is to stop investment coming in and that is bad for us."

Now, I suspect most Members in this body do not support affirmative action programs in the United States with all kinds of mandatory requirements. I do not know why they would want to try to legislate affirmative action in another country, but that is precisely what this amendment tries to do. Moreover, I think the amendment is not needed. All enterprises in Northern Ireland must already conform to the United Kindom Fair Employment Act of 1989, which imposes one of the strongest and most comprehensive antidiscriminatory sets of regulations in Europe. Likewise, they must comply with the very elaborate regulations of the European Union.

The IFI board oversees the allocation of all IFI funds. They already rigorously promote fair employment practices and economic development in disadvantaged communities in Northern Ireland. They evaluate each project to ensure that it does not discriminate and funding is specifically targeted to minority and disadvantaged areas.

I believe a better way to proceed here is to preserve support for the IFI, to have confidence in them, to have confidence in the governments that are involved, including our own, and their goals of promoting fair employment practices in Northern Ireland.

We should not be legislating intrusive conditions which are opposed even by these governments and which others could criticize as going beyond U.S. law with respect to affirmative action.

I urge a vote against this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ENGEL. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN pro tempore (Mr. EWING). The gentleman from New York [Mr. ENGEL] has 1½ minutes remaining.

Mr. ENGEL. Mr. Chairman, I yield 1 minute and 10 seconds to the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Chairman, I rise today to support the amendment offered by my good friend and colleague, the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations. The chairman's commitment to the peace process in the north of Ireland has made him an integral part of the Congressional Ad Hoc Committee for Irish Affairs.

At the same time I also want to acknowledge the deep commitment to fair employment legislation and to the peaceful resolution of the conflict in the north of Ireland by another friend and colleague, the gentleman from New York [Mr. ENGEL].

Mr. Chairman, with the election of the new government in Ireland and the United Kingdom and the continued leadership of Senator Mitchell and the Clinton administration, the possibility for a genuine peace process is finally becoming a reality.

The International Fund for Ireland is designed to stimulate job creation and is an integral facet of the peace process. The support of the United States has a tangible effect of contributing to the search for lasting peace by giving

the chronic unemployed, the underemployed, a stake in society, thereby drying up the pond that extremism can swim in.

Mr. Chairman, Catholic males are 2½ times more likely to be unemployed than their counterparts from the other tradition. My support of this amendment is driven by a desire to raise the standard of living of those who have experienced chronic generational unemployment from both communities. I urge the passage of this bill, which is akin to the Sullivan principles that took the moral high ground in South Africa.

Mr. ENGEL. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. WEXLER. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. KENNEDY] is recognized for 1 minute and 20 seconds.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise in strong support of the amendment by the gentleman from New York [Mr. GILMAN] to this legislation. I think that the gentlemen from New York, [Mr. GILMAN], [Mr. MANTON], and [Mr. ENGEL], and others ought to be congratulated for the leadership that others like the gentleman from New York, [Mr. KING] and the like have shown in trying to make certain that we eliminate the kind of terrible discrimination against Catholics that has existed in the north of Ireland.

I was interested to hear the ranking member describe the fact that there are provisions under the existing laws in Great Britain to protect against employment discrimination. Those protections are simply a sham. The truth of the matter is, all they do is allow people to understand that there is a job available. They do nothing about guaranteeing the fact that Catholics can get those jobs.

There has been traditionally a terrible unemployment rate, in some communities as high as 90 percent for generation after generation because of employment discrimination that has existed. All this legislation would call for is that when funds are available from this country to Northern Ireland and to the border communities, that they in fact cannot discriminate against the Catholic minority in the north of Ireland. It is sound legislation, it is the right legislation, and it is the moral and correct thing to do. I congratulate the gentleman from New York [Mr. GILMAN], for his foresight in pursuing this legislation.

Mr. WEXLER. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. ENGEL].

The CHAIRMAN pro tempore. The gentleman from New York [Mr. ENGEL] is recognized for 30 seconds.

Mr. ENGEL. Mr. Chairman, I yield to the gentleman from New York [Mr. KING].

Mr. KING. Mr. Chairman, I rise in support of the Engel-Gilman amendment. I commend them for their efforts.

Mr. Chairman, the Irish peace process is right now at a very defining moment. One of the main causes of violence over the years has been the systematic discrimination against the nationalist community. If American money is going to the north of Ireland for the Fund for Ireland, it is essential that discrimination not be allowed, that systematic discrimination be rooted out and uprooted. It is only then that we can have real peace in Ireland. It is essential that the United States stand by the absolute commitment to peace and justice, and also to ensure that no systematic state-sponsored discrimination be allowed in the north of Ireland.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for an additional 30 seconds.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from New Jersey [Mr. SMITH] is recognized for 30 seconds.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in very strong support of the Engel-Gilman amendment to link United States contributions to the international fund for Ireland to these very important MacBride principles, principles we passed as part of H.R. 1561 last year.

I want to remind Members that when the President vetoed H.R. 1651 last year he went out of his way in a letter to Brian Atwood, the administrator of AID, to say that he is committed to fair employment principles for Catholics in the north of Ireland. The President went on to say that he vetoed that bill for reasons unrelated to the section dealing with the MacBride principles. So while today, the administration may put out language suggesting they are against this provision, in his August 1996 letter to Brian Atwood, the President himself said he was for the MacBride principles.

This is a very important fair employment piece of legislation.

Astonishingly, job discrimination against Catholics in the north of Ireland is the status quo. Consider these facts. Out of the 87,000 children below the poverty line, 58,000, or 66 percent, are Catholic. In Northern Ireland, over 42 percent of Catholic men are unemployed compared to 25 percent of their Protestant colleagues. According to the most recent Labor Force Survey, 55 percent of the unemployed are Catholics, even though they comprise 38 percent of the population over the age of 16.

United States support to the IFI is intended to help mitigate the social and economic problems that contribute to the civil unrest in Northern Ireland. People cannot come to a lasting peace agreement if they are the subject of ongoing, systematic, disparaging discrimination. The MacBride principles, which would eliminate religious-based discrimination in employment and job training, are modest and will go a long way to foster peace and justice in Northern Ireland. At least 16 States—including my home State of New Jersey—and more than 30 U.S. cities have adopted the MacBride principles. Similarly, the Federal Government should adopt this code and ensure that U.S. taxpayer funds do not go to subsidize discrimination in the work force.

Human rights abuses are far-reaching in the north of Ireland. Juryless Diplock courts, ill-treatment of individuals in detention, lack of access to attorneys, search and seizure abuses, sectarian use of plastic bullets, and religious discrimination are common human rights abuses in Northern Ireland. Linking our financial contributions to the IFI to the MacBride principles is a small step in addressing just one of the many human rights abuses that need to be eliminated in order for a lasting and just peace to be achieved in that region.

I wholeheartedly support the amendment and urge its adoption.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. ENGEL].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments?

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER:

At the end of title XVIII insert the following new section:

SEC. 1712. SENSE OF CONGRESS REGARDING ASSISTANCE TO LITHUANIA AND LATVIA.

It is the sense of the United States House of Representatives that—

(1) adequate assistance should be provided to Lithuania and Latvia in fiscal year 1998;

(2) assistance to Lithuania should be continued beyond fiscal year 1998 as it continues to build democratic and free market institutions; and

(3) the President should consider continuing assistance to Latvia beyond fiscal year 1998, as appropriate, to build democratic and free market institutions.

The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, the gentlewoman from New York [Ms. SLAUGHTER] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very straightforward. It just expresses the sense of Congress that foreign aid to the Baltic states of Latvia and Lithuania should be provided in the fiscal year 1998 and beyond for Lithuania. It also states that Latvia should continue to receive

aid as the President determines it necessary. This amendment supports these nations as they continue to evolve toward a free market economy and develop democratic institutions.

On behalf of all the Latvian and Lithuanian Americans who have made this country their home, I am pleased to offer this amendment. Since gaining their independence from the former Soviet Union earlier this decade, Latvia and Lithuania have both made important strides towards democracy and the removal of the shackles of oppressive communism. Lithuania and Latvia have a long, proud history and have struggled valiantly against forces on all sides of their borders, forces that would suppress their freedom in demanding the Soviet troops be removed from their soil and that the Baltic states be granted independence.

In 1990, pro-independence forces were able to win a majority in parliamentary elections in Lithuania. Despite an attempted coup by Soviet soldiers, Lithuania and the other Baltic states were able to gain their independence. Last fall, Mr. Chairman, national elections brought reform forces back into the Parliament following a collapse of the private banking sector and the ensuing Government crisis.

Despite this renewed democratic reform, the State Department made a curious decision to end the aid program to the Lithuania through the Support for the Eastern European Democracies or the SEED Program as reflected in the President's budget request, this in spite of the fact that USAID's in-country mission, the U.S. Embassy and nongovernment at organizations such as the Lithuanian-American community all support continued aid to Lithuania at this time.

The reasons for aid are clear. Continued threats to safety and stability by organized crime in Lithuania are a serious concern. The previous Government failed to place walls between the Government and private interests, resulting in corruption and one of the reasons for its fall from power.

The people of Lithuania responded democratically to these problems by voting in a new reform Government. The new reform Government is trying to adopt anticorruption legislation and is in critical need of technical experts to assist them. Without our aid, this will not be possible. In addition, there is a continued need for technical experts to assist with the reorganization and privatization of the energy sector. Again, our aid is critical.

Mr. Chairman, Lithuania and Latvia have proven to be our allies and our friends. They have requested an invitation to join NATO at the earliest possible date, a request which Congress may soon grant them.

□ 1730

Should we not continue assisting Lithuania and Latvia at this important moment in their history?

Mr. Chairman, I urge the House to support this amendment of continued support to Lithuania and Latvia in fiscal year 1998, and Lithuania beyond, as they continue to build democratic free market institutions.

Mr. GILMAN. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding, and I rise in support of the amendment offered by our good colleague from New York.

The amendment is not an earmark, it is simply an encouragement to the President to make certain that our aid to Lithuania and Latvia is going to be adequate enough to support necessary political and economic reforms in those two Baltic States. Accordingly, Mr. Chairman, I urge the adoption of the amendment.

Ms. SLAUGHTER. Mr. Chairman, reclaiming my time, I thank the gentleman very much.

Mr. WEXLER. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Florida.

Mr. WEXLER. Mr. Chairman, I rise in support of the amendment. It is an appropriate expression of congressional support for United States assistance programs in support of democratic and free market reform in Latvia and Lithuania. I simply just urge very strong support for the Slaughter amendment.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. MCKINNEY

Ms. MCKINNEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Ms. MCKINNEY. Yes, Mr. Chairman, it is.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. MCKINNEY:

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—ARMS TRANSFERS CODE OF CONDUCT

TITLE XX—ARMS TRANSFERS CODE OF CONDUCT

SEC. 2001. SHORT TITLE.

This title may be cited as the "Code of Conduct on Arms Transfers Act of 1997".

SEC. 2002. FINDINGS.

The Congress finds the following:

(1) Approximately 40,000,000 people, over 75 percent civilians, died as a result of civil and international wars fought with conventional weapons during the 45 years of the cold war, demonstrating that conventional weapons can in fact be weapons of mass destruction.

(2) Conflict has actually increased in the post cold war era, with 30 major armed conflicts in progress during 1995.

(3) War is both a human tragedy and an ongoing economic disaster affecting the entire world, including the United States and its economy, because it decimates both local investment and potential export markets.

(4) International trade in conventional weapons increases the risk and impact of war in an already over-militarized world, creating far more costs than benefits for the United States economy through increased United States defense and foreign assistance spending and reduced demand for United States civilian exports.

(5) The United Nations Register of Conventional Arms can be an effective first step in support of limitations on the supply of conventional weapons to developing countries and compliance with its reporting requirements by a foreign government can be an integral tool in determining the worthiness of such government for the receipt of United States military assistance and arms transfers.

(6) It is in the national security and economic interests of the United States to reduce dramatically the $840,000,000,000 that all countries spend on armed forces every year, $191,000,000,000 of which is spent by developing countries, an amount equivalent to 4 times the total bilateral and multilateral foreign assistance such countries receive every year.

(7) According to the Congressional Research Service, the United States supplies more conventional weapons to developing countries than all other countries combined, averaging $11,889,000,000 a year in agreements to supply such weapons to developing countries for the six years since the end of the cold war, 58 percent higher than the $7,515,000,000 a year in such agreements for the six years prior to the dissolution of the Soviet Union.

(8) Since the end of the cold war, 84 percent of United States arms transfers have been to developing countries are to countries with an undemocratic form of government whose citizens, according to the Department of State Country Reports on Human Rights Practices do not have the ability to peaceably change their form of government.

(9) Although a goal of United States foreign policy should be to work with foreign governments and international organizations to reduce militarization and dictatorship and therefore prevent conflicts before they arise, during 4 recent deployments of United States Armed Forces—to the Republic of Panama, the Persian Gulf, Somalia, and Haiti—such Armed Forces faced conventional weapons that had been provided or financed by the United States to undemocratic governments.

(10) The proliferation of conventional arms and conflicts around the globe are multilateral problems, and the fact that the United States has emerged as the world's primary seller of conventional weapons, combined with the world leadership role of the United States, signifies that the United States is in a position to seek multilateral restraints on the competition for and transfers of conventional weapons.

(11) The Congress has the constitutional responsibility to participate with the executive branch in decisions to provide military assistance and arms transfers to a foreign government, and in the formulation of a policy designed to reduce dramatically the level of international militarization.

(12) A decision to provide military assistance and arms transfers to a government that is undemocratic, does not adequately protect human rights, is currently engaged in acts of armed aggression, or is not fully

participating in the United Nations Register of Conventional Arms, should require a higher level of scrutiny than does a decision to provide such assistance and arms transfers to a government to which these conditions do not apply.

SEC. 2003. PURPOSE.

The purpose of this title is to provide clear policy guidelines and congressional responsibility for determining the eligibility of foreign governments to be considered for United States military assistance and arms transfers.

SEC. 2004. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS TO CERTAIN FOREIGN GOVERNMENTS.

(a) PROHIBITION.—Except as provided in subsections (b) and (c), beginning on and after October 1, 1998, United States military assistance and arms transfers may not be provided to a foreign government for a fiscal year unless the President certifies to the Congress for that fiscal year that such government meets the following requirements:

(1) PROMOTES DEMOCRACY.—Such government—

(A) was chosen by and permits free and fair elections;

(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

(C) promotes the rule of law, equality before the law, and respect for individual and minority rights, including freedom to speak, publish, associate, and organize; and

(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions to monitor the conduct of public officials and to combat corruption.

(2) RESPECTS HUMAN RIGHTS.—Such government—

(A) does not engage in gross violations of internationally recognized human rights, including—

(i) extra judicial or arbitrary executions;

(ii) disappearances;

(iii) torture or severe mistreatment;

(iv) prolonged arbitrary imprisonment;

(v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and

(vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal conflicts;

(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

(C) permits access on a regular basis to political prisoners by international humanitarian organizations such as the International Committee of the Red Cross;

(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;

(E) does not impede the free functioning of domestic and international human rights organizations; and

(F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.

(3) NOT ENGAGED IN CERTAIN ACTS OF ARMED AGGRESSION.—Such government is not currently engaged in acts of armed aggression in violation of international law.

(4) FULL PARTICIPATION IN U.N. REGISTER OF CONVENTIONAL ARMS.—Such government is fully participating in the United Nations Register of Conventional Arms.

(b) REQUIREMENT FOR CONTINUING COMPLIANCE.—Any certification with respect to a foreign government for a fiscal year under subsection (a) shall cease to be effective for that fiscal year if the President certifies to the Congress that such government has not continued to comply with the requirements contained in paragraphs (1) through (4) of such subsection.

(c) EXEMPTIONS.—

(1) IN GENERAL.—The prohibition contained in subsection (a) shall not apply with respect to a foreign government for a fiscal year if—

(A) subject to paragraph (2), the President submits a request for an exemption to the Congress containing a determination that it is in the national security interest of the United States to provide military assistance and arms transfers to such government; or

(B) the President determines that an emergency exists under which it is vital to the interest of the United States to provide military assistance and arms transfers to such government.

(2) DISAPPROVAL.—A request for an exemption to provide military assistance and arms transfers to a foreign government shall not take effect, or shall cease to be effective, if a law is enacted disapproving such request.

(d) NOTIFICATIONS TO CONGRESS.—

(1) IN GENERAL.—The President shall submit to the Congress initial certifications under subsection (a) and requests for exemptions under subsection (c)(1)(A) in conjunction with the submission of the annual request for enactment of authorizations and appropriations for foreign assistance programs for a fiscal year and shall, where appropriate, submit additional or amended certifications and requests for exemptions at any time thereafter in the fiscal year.

(2) DETERMINATION WITH RESPECT TO EMERGENCY SITUATIONS.—The President, when, in his determination, it is not contrary to the national interest to do so, shall submit to the Congress at the earliest possible date reports containing determinations with respect to emergencies under subsection (c)(1)(B). Each such report shall contain a description of—

(A) the nature of the emergency;

(B) the type of military assistance and arms transfers provided to the foreign government; and

(C) the cost to the United States of such assistance and arms transfers.

SEC. 2005. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate should hold hearings on—

(1) controversial certifications submitted under section 2004(a);

(2) all requests for exemptions submitted under section 2004(c)(1)(A); and

(3) all determinations with respect to emergencies under section 2004(c)(1)(B).

SEC. 2006. UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.

For purposes of this title, the terms "United States military assistance and arms transfers" and "military assistance and arms transfers" mean—

(1) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), including the transfer of excess defense articles under section 516 of that Act;

(2) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training); or

(3) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (excluding any transfer or other assistance under section 23 of such Act), including defense articles and defense services licensed or approved for export under section 38 of that Act.

Ms. MCKINNEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Georgia?

There was no objection.

Ms. MCKINNEY. Mr. Chairman, I ask unanimous consent that I be recognized for 8 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Georgia?

There was no objection.

Ms. MCKINNEY. Mr. Chairman, I am very proud to offer the McKinney-Rohrabacher amendment, which I believe is a significant enhancement to the legislation we are now considering, the State Department authorization bill.

This is no longer a controversial amendment. Significant compromise and change have been incorporated into this new version of the Arms Trade Code of Conduct that I am introducing today. In the first version of the bill, the President would certify countries at the beginning of each fiscal year that comply with the code of conduct. If the President wanted to sell weapons to a noncomplying government, then the President would have to come to Congress requesting an exemption and have that exemption approved by a vote in Congress.

The administration and some Members of Congress felt this gave too much authority to Congress and deprived the President of his ability to make foreign policy. In the spirit of compromise, we have stripped the original bill of this language and now all that remains are the underlying values that motivated this bill in the first place, and that is that the United States ought not be in the business of supplying weapons to dictators.

Gone is the automatic trigger that some objected to. And so now the piece of legislation before us asks us to make the fundamental assertion of what we stand for in the world and whose side we are on. Is it that the United States of America that speaks eloquently on the subject of respect for human rights and democracy and democratic traditions is only paying lip service to these ideals when confronted with a hungry client wanting our advanced technology only to enhance their ability to torture and abuse their own population? Or do we stand with those people around the world who are victims of the world's tyrants, who have no voice in the international arena and who only have the conscience of the world to help them?

This legislation helps to give the United States a conscience for the leaders around the world who do not have one. This legislation helps to give a voice to those people around the world who cannot speak out in their own countries. And finally, this legislation puts the international behavior of the United States in sync with our words, our beliefs, and our fundamental values.

The initial opponents of this bill did us a favor, really, by asking us to remove and cut certain sections of the bill, because what is left is the fundamental answer to the question, "Will we sell weapons to dictators?"

This bill is no longer about Presidential prerogatives being impinged on. This bill is no longer about too much congressional authority in the area of foreign policy-making. This bill is simply about whether we will apply the standards to our guns and tanks and missiles and bombs that we apply to computers and chemicals.

In this country, even a car is considered a lethal weapon, and we apply certain standards on who can operate a car. So getting a driver's license and keeping that license subjects us all to certain competency requirements, certain standards. If we lose our license, then we fail to meet the requirements for operating the car. Do we not consider it important who purchases our rifles, tanks, guns, and bullets? We even have laws that govern and restrict the flow of certain information and knowledge. Should we not at least be concerned about who gets our weapons that kill people?

At home, after much struggle, we have come up with standards on who can buy a gun. Convicted felons and the mentally ill cannot buy guns legally in this country. Thank goodness we were able to pass the Brady bill so that we could stop certain purchases of guns. Passing the Brady bill was done, though, only after the unreasonableness and extremism of the NRA was demonstrated to the American public.

Unfortunately, the code of conduct has its own equivalent to the NRA which, I believe, is not only extreme but also reckless in its disregard of what happens when these weapons are delivered to our dictator clients.

In 1964, the United States made a decision to support Mobutu Sese Seko, who became a tyrant and a dictator to the people of Zaire. Over the course of the decades of our support for his dictatorship, we shipped almost $170 million of weapons to him. We provided $18 million of training to the military; 1,356 officers, virtually the entire Zairian officer corps, received officer training. A total of $187 million of U.S. military aid went to Zaire.

What was that aid? 2,500 riot control kits; 2,000 military vehicles for crowd control; 2,000 rifles; $2 million worth of ammunition, and 24 military aircraft.

What we gave Mobutu was not military assistance to defend his country from outside intervention. What we gave to Mobutu was the means to control dissent and demonstrations. What we gave Mobutu was the means to control his own population and hence, to keep himself in power. As a result, we are complicit in how he used his military, trained and supplied by us.

This is the kind of end use that concerns us. This is the kind of end use that compelled Dr. Arias and four other Nobel Peace Prize winners to come together 2 weeks ago in New York to declare their support for the code of conduct. Dr. Oscar Arias brought together Jorge Ramos-Horta of East Timor, Betty Williams of Northern Ireland, His Excellency the Dalai Lama of Tibet, and our own Elie Wiesel. Organizations that have won the Noble Peace Prize were also represented at this press conference: Amnesty International, the American Friends Service Committee, and the International Physicians for the Prevention of Nuclear War. Dr. Arias also had letters of support from Archbishop Desmond Tutu, Lech Walesa, and several others who were not able to attend. The gentleman from New York [Mr. GILMAN] attended the press conference and was moved to a standing ovation after the remarks of Elie Wiesel.

So, people who have been recognized in the international community for their dedication to peace have come together to say that this legislation is necessary. How will history record those who do not support this legislation?

Member states of the European Union have already agreed to eight common criteria governing their own arms transfers. There is growing support for European Union-wide code of conduct among all of Europe's governments. Germany, Sweden, The Netherlands, Belgium, and Ireland are all leading this fight. But the boldest steps have been taken by Tony Blair's Britain. The New Labour Government has declared that centrality of human rights in its weapons sales is central to its decisions.

So we are not alone, those of us who want the United States to stand on the opposite side of whatever dictator is there with ready cash for our guns and bullets. History teaches us that those weapons do not end up in a remote depot, they end up either intimidating or "in" people who want a better way of life and who dare to say so; who want freedom of expression and who dare to act; who want to live in a democracy as we do in this country and who dare to confront tyranny.

We are not alone at home either, even in this administration. The recently-confirmed CIA director, George Tenet, on May 6, 1997, at a session of the Senate Select Committee on Intelligence, said the following:

"But the proliferation issue—and particularly the proliferation of ballistic missiles—and conventional weapons—we often ignore what the proliferation of conventional weapons means for U.S. forces—this issue is probably the greatest threat to U.S. forces and our men and women who deploy overseas than any other" issue.

The CHAIRMAN. The time of the gentlewoman from Georgia [Ms. MCKINNEY] has expired.

(By unanimous consent, Ms. MCKINNEY was allowed to proceed for 30 additional seconds.)

Ms. MCKINNEY. Mr. Chairman, I cannot say it any better than our CIA director. The issue before the Congress today is a national security issue and a moral issue. Seldom are we given such a stark opportunity to be on the right side of both issues. The Arms Trade Code of Conduct is just such an opportunity.

I ask my colleagues to vote for this amendment and let us be known by the values we espouse and not the weapons of oppression that we supply.

Mr. Chairman, U.S. weapons are currently being used in 39 of the world's current 42 ethnic and territorial conflicts.

In the past 4 years, 85 percent of U.S. arms sales to the Third World have gone to undemocratic governments. The United States is responsible for 44 percent of all weapons deliveries in the world. The United States is unqualifiedly the arms dealer to the world, and the merchant for death to the world's dictators.

Language requiring Congress to approve an arms sale to a dictator before it's been made has been modified to give the President an automatic waiver for national security purposes which Congress could block after extensive debate.

A total of 453 American soldiers have been killed by armies strengthened by our own weapons and military training: Iraq, Saddam Hussein; Panama, Manuel Noriega; Somalia, Siad Barre, and Haiti, the Duvalier family.

In fiscal year 1994 $7 billion of taxpayer money went to subsidize U.S. arms exports. In fiscal year 1995, that figure jumped to $7.6 billion. After agricultural price supports, this represents the largest subsidy program for business in the entire Federal budget—Welfare for Weapons dealers.

Our Government employs nearly 6,500 full time personnel to promote and service foreign arms sales by U.S. companies.

U.S. subsidies for arms transfers are scheduled to increase. The international market for U.S. arms is estimated to be around $12 to $16 billion per year. Therefore, our foreign customers aren't even paying for the weapons that they get. And more than half of U.S. weapons sales will be paid for by the U.S. taxpayers.

In 1995, subsidies for arms exports accounted for over 50 percent of U.S. bilateral aid and more than 39 percent of total U.S. foreign aid. the emphasis on promoting weapons exports has come at the expense of programs designed to promote economic development and social welfare in these recipient nations. I'd much rather see us exporting tractors and seeds to dictators than guns and bullets.

The American arms trade policy is killing our citizens, destroying worldwide democracy, and sending us spiraling down a path of economic ruin.

President Dwight D. Eisenhower said, "There can be no peace without law. And there can be no law if we were to invoke one code of international conduct for those who oppose us and another for our friends." We must help to stop the arms trade boomerang. Over 300 organizations support the No Arms to Dictators Code of Conduct. Among these organizations are: Vietnam Veterans Of America Foundation, Young Women's Christian Association—the YMCA—of America, and Bread of the World, and organizations of the Presbyterian, Lutheran, and Roman Catholic churches.

I would like to thank the hundreds of volunteers who have put thousands of hours into making the U.S. Code of Conduct our law.

Each of us must be concerned about what happens when we sell weapons to dictators.

I urge my colleagues to support the Arms Trade Code of Conduct.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the amendment, the Arms Transfer Code of Conduct, and it will be the first major reform of U.S. arms transfer policy in almost two decades.

The code of conduct highlights guiding principles on human rights and democracy, which I believe are important to America's leadership role in the post-cold war era. This amendment would help stem the flow of U.S. weapons to countries that brutalize their own people.

The code of conduct would make it clear that in the 21st century the United States of America intends not just to be a military and economic superpower but a moral superpower as well. It signals an end to business as usual for human rights violators.

Mr. Chairman, two-thirds of all of our foreign military sales go to countries described by the State Department Country Reports on Human Rights Practices as human rights violators with undemocratic governments.

Mr. Chairman, a few years ago I made a trip to Croatia when it was under siege. The gentleman from Virginia, [Mr. WOLF], and I visited a city that was literally surrounded by tanks and by military, a place called Vukovar. Vukovar was finally leveled, but while we were there we saw the bomb casings and we saw the 500-pound bombs that were dropped. And I will never forget taking pictures of these bomb casings that had U.S. markings all over them.

I will never forget also talking to President Milosevic and trying to ask him to stop that carnage that was going on in Croatia. Later on it was rolled out to Bosnia. Much of their military capability came from the United States and then was used in a slaughterhouse fashion against people who were unarmed, women and children and men who were civilians.

Mr. Chairman, the code of conduct is not a threat to U.S. national security. It contains a provision for an emergency waiver that would allow the President to transfer arms to a country that does not meet the code's criteria if U.S. national security really did require such a transfer, and it provides for an orderly process for Congress to consider other exceptions of nonemergency nature.

Mr. Chairman, year after year in human rights hearings in the Subcommittee on International Operations and Human Rights, which I now chair, we hear there is a disconnect in U.S. foreign policy between human rights and other considerations. Amnesty International put it best when it said about this administration's human rights policy, that "Human rights is an island off the mainland of U.S. foreign policy." This amendment is a step toward closing the circle, connecting things that ought to be connected.

We must tell the world that freedom and democracy do matter. A good way to begin is by telling the world that the United States will not put deadly weapons into the hands of the enemies of freedom and democracy.

Mr. Chairman, I want to congratulate the gentlewoman from Georgia, [Ms. MCKINNEY], and the gentleman from California, [Mr. ROHRABACHER], for their good work in crafting this amendment, and again I rise in very strong support of it.

□ 1745

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

First of all, I would like to congratulate the gentlewoman from Georgia [Ms. MCKINNEY] on fighting the leadership on this issue. This is not a left-wing issue. This is not a right-wing issue. I am very proud to be here today to stand with CYNTHIA MCKINNEY and all the rest of my colleagues who support this moral code of conduct for the United States of America.

In the post-cold war, the code of conduct is totally consistent with America's traditions and America's principles. In the long-term, it will not only serve the interest of human freedom, but it will also serve our national security and international stability requirements as well.

During the cold war, compromises were necessary. These were compromises that we had to make with nondemocratic regimes because we were defending against even larger gangsters and thugs who wanted to destroy the United States of America and the free world. Today, we should stand for freedom and democracy and we should insist that this be a basis for any relation that we have with other countries and other governments.

I served Ronald Reagan in the White House, who altered a fundamental tactic that was being used during the cold war. Before Ronald Reagan, the U.S. Government was always anti-Communist. But during Ronald Reagan's term of office, he changed our position to being profreedom. Today we should continue Ronald Reagan's successful profreedom policy by pulling back from shipping arms to dictatorships and making sure that we are on the side of the people rather than on the side of the oppressors in those countries where dictatorships exist. This will be in the long-term interest of the United States.

This was, in this policy that Ronald Reagan articulated during the 1980's, is what ended the cold war. It was not the fact that we had more missiles and more guns, although we did increase our weapons. It was the fact that America began to realistically and seriously talk about the promotion of democracy in the world. And in the end, the people who lived under tyranny hammered away at their walls and pulled those walls down and united themselves with the good and decent and democratic countries of the world.

This amendment will in fact strengthen American foreign policy by empowering our diplomats to tell the military dictators that they should liberalize their policies, respect human rights, and join the family of democratic nations, or we will not be their friend and we will not provide them weapons to repress their own people.

What does selling weapons to dictatorships really mean? It means that we will give weapons to people who thwart democratic elections, oppress their people, and then we will expect their people to pay us back. Well, is that not something to be proud of. That is something we can no longer accept in the United States of America. The cold war is over. It is time for us to have a new code of conduct that puts democracy and human rights ahead of a fast buck in selling weapons to the dictators around the world who repress people and violate the very principles which this country is supposed to be all about.

What will the people of the world think about us if we adopt this kind of type of code of conduct? Well, they will know that we are on their side and not the side of the thugs and gangsters who hold power in too much of the world today.

Our Founding Fathers believed that America would be and should be the beacon of liberty, of hope and justice to the whole world. That was our strength. That is what the Founding Fathers believed in. That is what America is supposed to be all about. It is not that we are the toughest guy in the world and have the most weapons, but we can count on the friendship of good and decent people all over the world. That is where America's strength is. That is the type of world

we are trying to build. America's strength was not in that we were allied with dictatorships.

Let me note that on this floor we have two pictures. We have George Washington over here and we have the Marquis D'Lafayette here. Why do we have a picture of a foreigner on the floor of Congress? This was a man who came to the United States before there was a United States. He stood for the principles of freedom and democracy and helped us win our battle against the most oppressive, imperialistic power of the day, Great Britain.

We do not want to betray our Founding Fathers today and side with the oppressors of the world, the people who would use weapons to oppress their own people and stifle democratic institutions. If we do, if this is our policy now that the cold war is over, I can assure my colleagues that if we look at George Washington, the Father of our Country, and if we look very closely into the eyes of Lafayette, that we will see a tear because they will know that we are no longer the American people that they thought we would be.

So I stand here today with people who only years ago were my adversaries on many issues.

The CHAIRMAN pro tempore [Mr. EWING]. The time of the gentleman from California [Mr. ROHRABACHER] has expired.

(By unanimous consent, Mr. ROHRABACHER was allowed to proceed for 30 additional seconds.)

Mr. ROHRABACHER. Mr. Chairman, I would just say that I am very proud to stand with the gentlewoman from Georgia [Ms. MCKINNEY], the gentleman from California [Mr. DELLUMS], very proud to stand with the gentleman from New Jersey [Mr. SMITH], and people on both sides of the aisle, who are saying that through this code of conduct, this is the way America will be strong, this is the way we will live up to what our Founding Fathers wanted us to be, and it is a bipartisan issue, and together we are standing for the true and democratic principles that our Founding Fathers believed in.

I thank the gentlewoman from Georgia.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the new code of conduct for weapons sales, and I commend the gentlewoman from Georgia [Ms. MCKINNEY] for exceptional leadership on this, as well as the gentleman from California [Mr. ROHRABACHER] for his, as well.

Mr. MCGOVERN. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I thank the gentleman for yielding. I rise in support of the McKinney amendment.

Mr. Chairman I rise today in support of the amendment offered by the gentlelady from Georgia [Ms. MCKINNEY]. I want to thank her for the leadership she has taken on this very important issue to establish a code of conduct on U.S. arms transfers.

Mr. Chairman, the United States is the *world's undisputed political leader.* We are *also the undisputed* leader in *arms exports,* shipping more arms abroad than all other countries combined. If we are to set a standard that establishes a pro-democracy, pro-human rights criteria for arms transfers, U.S. leadership is crucial. If the United States sets *a* standard, then our Government can challenge others to adhere to similar standards. When the United States has led the way in the past—such as in the control of ballistic missiles—other nations soon followed.

Simply put, Mr. Chairman, this code of conduct would declare, clearly and unambiguously, that the United States will no longer play the dangerous game of putting dangerous weapons in the hands of dangerous governments. The United States will no longer fuel regional arms races. And the United States will no longer be associated with repression and international weapons proliferation.

The code of conduct that would be established by approving this amendment is very simple. For a country to be eligible to receive U.S. weapons, they must meet four criteria. They must: First, be a democratic form of government; second, respect the basic human rights of their citizens; third, refrain from aggression against other nations; and fourth, fully participate in the U.N. Register of Conventional Arms. These criteria are all primary tenets of U.S. past and present foreign policy. The President may exempt a country from this criteria and the Congress would need to affirm that decision. Over 100 national organizations in the United States support this code of conduct.

A Commission of Nobel Peace Laureates, made up of 16 Nobel Peace Prize winners, have called for an international code of conduct on arms transfers. This commission includes such individuals as Oscar Arias, the former President of Costa Rica; the Dalai Lama; Jose Ramos-Horta from East Timor; Lech Walesa of Poland; Archbishop Desmond Tutu from South Africa; Holocaust survivor and author Elie Wiesel; Mairead Maguire, the champion of peace in Northern Ireland; Rigoberta Menchu, Mayan Indian and human rights advocate from Guatemala; human rights and development champion, Adolofo Perez Esquivel of Argentina; Amnesty International; the American Friends Service Committee; the International Physicians for the Prevention of Nuclear War; and several others.

Certainly the United States should be the leader on such an important international policy.

Yet for some reason, the United States has abrogated its responsibility to be the world leader on this issue. Instead, of the countries that comprise 80 percent of the world's arms exports, only France and the United States remain uncommitted to a policy of denying arms to dictators and human rights abusers. When the Labour Party won the recent elections in Great Britain, they immediately declared that the "Labour Government will not issue export licences for the sale of arms to regimes that might use them for internal repression or international aggression, nor permit the sale of weapons in circumstances where this might intensify or prolong existing armed conflicts or where these weapons might be used to abuse human rights." They also pledged that the British Government will now work for the introduction of a European code of conduct to govern arms exports from all the European Union member states.

Mr. Chairman, the time has come for the United States to establish a code of conduct. I urge my colleagues to vote in support of the McKinney amendment.

Mr. Chairman, I enter into the RECORD the Labour Government's policy on a responsible arms trade along with information on the positions of other European leaders on this issue.

LABOUR'S POLICY PLEDGES FOR A RESPONSIBLE ARMS TRADE

EIGHT STEPS TO STOP THE ARMS-TO-IRAQ SCANDAL HAPPENING AGAIN

1. A Labour Government will not issue export licences for the sale of arms to regimes that might use them for internal repression or international aggression, nor will we permit the sale of weapons in circumstances where this might intensify or prolong existing armed conflicts or where these weapons might be used to abuse human rights.

2. Labour will increase transparency and introduce more stringent controls over the export of defence equipment in line with recommendations of the Scott Report. We will therefore publish an annual report on UK strategic exports. The report will set out the state of export controls and report on their application. It will set out the total value of defence exports to each country, list by country of destination the number of items delivered in each equipment category and give details of all export licences granted and refused. It will be expected that the Foreign, Defence and Trade and Industry Select Committees will wish to examine the annual report which in turn may pave the way for a parliamentary debate.

3. Labour will press for a European Register of Arms Exports which will provide at a European level the information that Britain will make available in the annual report.

4. Labour will work to strengthen the UN Conventional Arms Register encouraging greater disclosure of information on arms exports and arms transfers by all countries and extending it to include other categories of weapons such as small arms.

5. Labour will work for the introduction of a European Code of Conduct setting high common standards to govern arms exports from all European Union member states.

6. Labour will prevent British companies from manufacturing, selling or procuring equipment, such as electric shock batons, designed primarily for torture and we will press for a global ban.

7. Labour will ban the import, export, transfer and manufacture of all forms of anti-personnel land mines and their component parts and we will introduce an immediate moratorium on their use. We will also press internationally for more rapid progress in demining operations.

8. The Scott Inquiry Report demonstrated the extent of "diversionary routes" used by Iraq to acquire defence equipment through

third countries using false end-user certificates. Labour will strengthen monitoring of the end-use of defence exports to prevent diversion to third countries and to ensure that exported equipment is used only on the conditions under which the export licence has been granted. We will also seek cooperation to build a common approach on effective monitoring of end-use within the European Union and under the Wassenar Arrangement.

EUROPEAN PARLIAMENT,
MEMBER OF THE EUROPEAN PARLIAMENT,
May 9, 1997.

DEAR REPRESENTATIVE: We understand that the House of Representatives will be voting on the US Code of Conduct on Arms Transfers which will be offered as an amendment to the Fiscal Year 1998–99 Foreign Aid and State Department Authorisation Bill (HR 1486). We look forward to Congress taking a lead on this vitally important issue.

There are important opportunities this year for the European Union and the United States to coordinate the establishment of similar controls on the arms trade. Previously no country has been willing to take significant unilateral steps towards control, fearing the loss of export markets to competitors. It is, therefore, vital that the US and the EU, as the world's leading suppliers, act together to implement restraint.

Within the European Union (EU), the new British government is committed to establishing an EU Code of Conduct on the arms trade setting high common standards of restraint for all EU Member States. The German, Swedish, Dutch, Irish and Belgian governments have also indicated their support for a restrictive common EU arms export policy as advocated by an EU Code. At European level the European Parliament has passed three resolutions calling on Member States of the European Union to develop a Code of Conduct on arms transfers.

Lack of restraint in the past has led to so-called boomerang effect situations. During the Gulf War allied troops faced an Iraqi army supplied with weapons from both the United States and Europe. Similarly, US troops in Panama, Haiti, Somalia, and the former Yugoslavia have faced hostile forces armed with weapons and weapons technology supplied by the United States.

The establishment of parallel Codes of Conduct on both sides of the Atlantic would counter the familiar argument "if we don't sell arms, someone else will". The debate over US policy on sales of high tech. weaponry to South America highlights the urgent need for a co-ordinated approach. In the past, concerns over the dangers posed by the introduction of new levels of technology dictated US policy in the region. Yet now, the Clinton Administration finds itself under pressure to change its policy, for fear of "losing" sales to Europe and other competitors. The establishment of similar Codes in the US and EU removes this risk by creating responsible common controls.

A European Code of Conduct, similar to that which the House of Representatives is soon to consider, would seek to expand, clarify and implement criteria already agreed by EU Member States. These criteria stress that weapons exports should take into account such factors as the internal and regional stability of recipient states, the human rights record of the recipient state, and the status of democracy in the recipient state.

The adoption of responsible Codes of Conduct in the EU and US would also encourage progress towards the establishment of an International Code of Conduct within the United Nations. With this in mind a Commission of Nobel Laureates led by Dr Oscar Arias, including Mikhail Gorbachev, Jose Ramos Horta, The Most Reverend Desmond Tutu and The Dalai Lama is currently encouraging the development of a such a Code.

We write to encourage you to support the Code of Conduct on Arms Transfers amendment. Due to its undisputed position as the world's leading weapons exporter, success in the United States will add significant weight to the move towards efforts to establish a European wide Code of Conduct. We look forward to Congress taking a leading role, and to a positive outcome.

Yours sincerely,

Glenys Kinnock MEP (UK), First Vice-President, ACP/EU Joint Assembly; Michel Rocard MEP (France), President, Committee for Development Cooperation; Jan Willem Bertens MEP (Netherlands), President, Sub-Committee on Security and Disarmament; Wilfred Martens MEP (Belgium), President of the European People's Party; Bernie Malone MEP (Ireland), Vice President, Employment and Social Affairs Committee; Pauline Green MEP (UK), Leader of the Socialist Group; Dr Christoph Konrad MEP (Germany), Member, Sub-Committee on Security and Disarmament.

CODES OF CONDUCT ON ARMS TRANSFERS: AN OPPORTUNITY FOR THE UNITED STATES AND ITS EUROPEAN ALLIES TO WORK TOGETHER

The European Union (EU) and the United States together account for 80 percent of the global arms trade. There is clearly a need for a more responsible, principled approach to arms exports on the part of the major suppliers. More specifically, increased coordination on arms export policy between the United States and the European Union would better allow the allies to work in concert in their efforts to promote democracy and international stability. A coordinated export policy should emphasize regional and international security considerations, as well as human rights and development, and not allow such critical foreign policy concerns to be overshadowed by short-sighted commercial interests.

The EU has already agreed to eight common criteria governing arms exports, and there is significant progress on expanding the criteria. Specifically, there is growing support among European governments, including the UK and Germany, for an EU-wide Code of Conduct on the arms trade setting high common standards for weapons exports for all EU countries. In addition:

The new UK Government has pledged that it will "work for the introduction of an EU Code of Conduct setting high common standards to govern arms exports from all European Union Member States."

The German government "favours the most binding application possible of the fundamentals contained in the EU Code of Conduct on the arms trade."[1]

THE NEED FOR MULTILATERAL ACTION

Focusing narrowly on maintaining market share, to date, no country has been willing to take unilateral steps toward control, fearing it will lose export markets to competitors. Therefore, it is vital that as the world's leading suppliers, the EU and the United States work together to implement restraint. Building on common guidelines already agreed by the EU and by the Organization on Security and Cooperation in Europe (OSCE), the U.S. and EU should institute parallel Codes of Conduct on arms transfers. Together, these Codes would:

Protect European and American military personnel. Lack of restraint and common policy on arms exports places our armed forces at risk in overseas operations. This weapons "boomerang" endangered European and American troops who faced weapons supplied by their own governments during peacekeeping operations in Somalia, Bosnia and Rwanda. Allied troops also faced an Iraqi army heavily armed as a result of arms exports from the UK and France during the 1980s.

Prevent undercutting. In response to concerns over controversial weapons sales, weapons manufacturers often take the focus away from the policy implications of these transfers by arguing that "if we don't sell, someone else will." As a result, threats of lost market share have overshadowed the real consequences of these transfers—even in the most controversial weapons sales. Cooperation on export policy will prevent either U.S. or European companies from undercutting one another in pursuit of sales, and as a result will allow governments to take a more measured look at the foreign policy and human rights implications of proposed transfers.

Reduce discrepancies on human rights and regional stability. The "if we don't sell, someone else will" argument used by the defense industry also misses the point that weapons sales are not just like any other commodity sold on the international market. Governments deal with weapons transfers differently precisely because the impact that weapons transfers can have is so vast. As major suppliers, the U.S. and EU have a special responsibility to ensure that the perceived economic gain of a weapons transfers does not take precedence over key foreign policy concerns, and that weapons transfers do not contribute to instability and global violence. While human rights and regional stability considerations already play a role in decision-making on arms sales on both sides of the Atlantic, there is considerable divergence in how these standards are translated into policy by different governments. For example, in response to human rights violations, the US has a ban on the export of armored personnel vehicles to Indonesia, whereas the UK recently signed a deal for 100 such vehicles. Parallel US and EU Codes would encourage a convergence of arms export control policies at the higher levels of restraint, thus helping to iron out such discrepancies.

PROGRESS ON THE EU CODE OF CONDUCT

In the aftermath of the Gulf War, EU countries agreed eight common criteria to govern arms exports. These were designed to restrain arms sales to regions of tension, to countries with poor human rights records and to military aggressors. Currently, however, these criteria are vague and non-binding. Despite the adoption of common guidelines, EU countries continue to maintain divergent national arms export policies. Export policies vis-à-vis Indonesia provide a particularly striking example. The UK and Germany will export weapons to Indonesia, though Germany has a presumption of denial on light weapons transfers. Other EU countries' policies are more restrictive. For example: Portugal has a self-imposed arms embargo on Indonesia; Sweden will not approve any new weapons contracts; and Italy temporarily suspended arms exports to Indonesia

[1] The proposed EU Code of Conduct text drafted by the British American Security Information Council, Saferworld, and the World Development Movement.

in 1993 following UN criticism of the Suharto regime's human rights record.

This failure to implement common arms export controls has enabled the EU Member States to defend arms exports to countries in regions of tension or with poor human rights records by arguing that "if we don't sell arms, someone else will." Subsequently, several European governments including the UK and Germany support the adoption of an EU Code of Conduct on the arms trade which would provide a common, restrictive interpretation of the eight criteria. Several other governments, including Sweden, Netherlands, Italy, Belgium and Ireland have also given their qualified support for the EU Code. Specifically, the Code initiative seeks to:

Strengthen the eight criteria already agreed by providing a restrictive interpretation of them and making them legally binding on all EU countries.

Increase accountability and transparency in the arms trade by providing a tool by which parliamentarians can monitor government practice against objective standards.

CODES OF CONDUCT GAINING SUPPORT ACROSS EUROPE AND BEYOND

Support for an EU Code is growing, with the United Kingdom, Germany, Sweden, the Netherlands, Italy, Belgium and Ireland all lending their support to the initiative. Given the new British government's declarations in support for an EU Code, the initiative is likely to gain significant momentum, when the UK holds the EU Presidency in the first half of 1998.

A cross-party network of over 300 parliamentarians across Europe have pledged their individual support for efforts underway to establish Codes of Conduct in the EU and US. Supporters include: Robin Cook, UK Foreign Secretary; Margaret Beckett, UK Minister for Trade and Industry; Reginald Moreels, Belgian Development Minister; Michel Rocard, Member of the European Parliament and former French Prime Minister; and Jan Willem Bertens, Member of the European Parliament from the Netherlands and Chair of the Committee on Security and Disarmament.

An array of over 100 eminent figures have declared their support for national, regional, and international codes of conduct. Supporters include: Dr. Oscar Arias; Dr. Joseph Rotblat; Rev. Desmond Tutu; Mikhail Gorbachev; the Dalai Lama; Patricia Derian, former US Assistant Secretary of State for Human Rights and Humanitarian Affairs; David Lange, former Prime Minister of New Zealand; Barber Conable, former President of the World Bank; and Nobel Peace Prize laureate Mairead Maguire.

Former President of Costa Rica Dr. Oscar Arias has convened a commission of his fellow Nobel Peace laureates to serve as a high-profile "moral voice" in support of Codes of Conduct. The Commission of Nobel Laureates currently includes: Dr. Oscar Arias, Mikhail Gorbachev, Archbishop Desmond Tutu, the Dalai Lama, Lech Walesa, Joseph Rotblat, Mairead Maguire, Betty Williams, Ellie Weisel, José Ramos Horta, Adolpho Perez Esquivel, and Norman Borlaug, as well as Amnesty International, and the American Friends Service Committee. Dr. Arias and the Laureates Commission are now actively promoting a model international code to governments, UN officials, and the general public around the world.

Mr. LUTHER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Minnesota.

Mr. LUTHER. Mr. Chairman, I rise also in support of the McKinney amendment. I commend the gentlewoman for her outstanding leadership on the code of conduct.

Mr. Chairman, I rise in support of the McKinney amendment that aims to curb the proliferation of conventional weapons around the world. The push to sell arms overseas began in the early 1990's after the end of the cold war when Pentagon procurement of conventional weapons significantly decreased, and today in some instances, the U.S Government is actually encouraging foreign government to purchase arms from U.S. defense contractors. This policy is unacceptable, and I call on the administration to join us in curbing these sales.

This Code of Conduct simply requires congressional approval for arms transfers to foreign governments that are undemocratic, do not protect human rights, or are engaged in acts of armed aggression. This common sense amendment does not restrict arms sales to our strongest allies and makes exceptions in cases where national security is an issue.

The United States is by far and away the world's premier arms dealer, and a high percent of U.S. arms sales to the developing world are to non-democratic countries where citizens have no right to choose their own government. These sales strengthen repressive and corrupt militaries and often these countries purchase weapons at the expense of much needed investments in education, health care and basic infrastructure needs. Sometimes these weapons are used against our country's own armed forces.

The European Union, as the second largest arms dealer in the world, has already agreed to eight common criteria governing arms exports and is making significant progress in expanding the criteria. Therefore, the argument that "if we don't sell arms, someone else will," cannot be used in opposition to this amendment. There should be a coordinated policy between the United States and Europe relating to arms sales, and the European Union is to be commended for taking the lead in addressing this critical issue.

With the end of the cold war, the proliferation of conventional weapons around the globe has become an issue of international concern. I urge my fellow House Members to support this responsible amendment. I also commend Ms. MCKINNEY from Georgia for her hard work on this issue.

Mr. ENGEL. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from New York.

Mr. ENGEL. Mr. Chairman, I rise in strong support of the McKinney amendment. We ought not to transfer American weapons to foreign governments that are undemocratic.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I rise in strong support of the McKinney amendment and congratulate the gentleman from California [Mr. ROHRABACHER] on his efforts. This is an important step forward.

Mr. DELLUMS. Mr. Chairman, I sense that we are in the closing moments of this debate and I sense that there is clearly an emerging very strong bipartisan consensus in support of this amendment. So I would simply, in brief, congratulate and thank both my distinguished colleague, the gentlewoman from Georgia [Ms. MCKINNEY], and my distinguished colleague, the gentleman from California [Mr. ROHRABACHER] for their persisting in this effort to establish a code of conduct for this Nation on the transfer and the sale of military arms.

In brief, if we continue, Mr. Chairman, to look upon weapons sales as one of our major exports, I believe that it is imperative that, as a great nation, we establish some basic ground rules on such sales. The beauty, the brilliance, and the eloquence of the amendment that is before us lies in the fact that it is both basic and simple. It simply asks that any country receiving U.S. arms meet four very straightforward conditions. I repeat them and underscore them for the purposes of emphasis:

One, have a democratic form of government. Two, respect human rights. Three, be nonaggressive. And four, participate in the U.N. register of conventional arms. What could be more fundamental? What could be more basic? What could be more simple? Therein lies the eloquence, the brilliance, and the genius of this amendment.

As a longtime supporter and one who has given all of my adult life to the cause of peace, I am pleased, proud, and honored to associate myself with the remarks of all of my colleagues who have spoken prior to me at this point. I would urge my colleagues to support the amendment.

Mr. CAMPBELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment by my colleague from Georgia [Ms. MCKINNEY], and I wish to recount to my colleagues that during the committee deliberation she was gracious enough to accept an amendment of mine to her amendment, which enabled me to support it. It may be of importance to other colleagues who had the same reservation that I did to notice what this amendment does.

The concern that I had is that occasionally American foreign policy requires the transfer of arms to nations that are not exactly exemplars of human rights, but oftentimes we nevertheless find it in our interest to transfer arms to such countries so that they might transfer arms to others.

One can imagine, for example, if it is in the United States interests, and it might be, to support one side or other in a war, let us say an Iran-Iraq situation, but we nevertheless may not wish

that to be known as a matter of public knowledge. We might transfer arms to Saudi Arabia and Saudi Arabia would then transfer them.

In any event, whether that hypothetical is accurate or not, the thought occurred to me that we must be careful to leave the President sufficient freedom when a special circumstance arises that he could carry out the policy of the United States without having it spread across the front pages of the newspapers.

And so the gentlewoman from Georgia [Ms. MCKINNEY] was kind enough to accept in the committee, and we all approved in the committee, the amendment which is now found in the committee print of the bill in clause (d)(2): "The President, when in his determination it is not contrary to the national interest to do so, shall submit to the Congress at the earliest possible date reports containing determinations with respect to emergencies under subsection (c)(1)(b)."

That sentence was added at my request. As a result, if I might just take a moment and parse this, when the President realizes that it is in the national interest not to do so, when it is in the national interest not to make this transfer public, he may, under the emergency circumstances presented in the bill, refrain from doing so.

Certainly, it is in the interest of all of us in the normal case, and consistent with the sense of the amendment of the gentlewoman from Georgia [Ms. MCKINNEY] that we do make public departures from our policy regarding States that fail to meet the standards that were outlined in the amendment. But, occasionally, this will not be the case.

I note to all of my colleagues who might have had concerns about the amendment that as it has now been amended, as it now reads, they should not have such a concern. If it is in the national interest to do so, the President need not make an arms transfer a matter of public record.

Accordingly, I was able to support the McKinney amendment. In the previous Congresses I was not able to do so. But I thought in this case my colleague was gracious, and, I believe, served the national interest, in accepting this amendment. So today, Mr. Chairman, I am able to support it and I urge my colleagues to support it and particularly those of my colleagues who might have expressed some concern about the amendment heretofore.

Last, in one point of lightness to my good friend and colleague from California, Mr. DELLUMS, I believe the provision is that countries must be democratic and not Democrat. I could be in error about that, but I think that is how it should be.

Mr. DELLUMS. Mr. Chairman, if the gentleman would yield, democratic is what the gentleman attempted to say. We tend to get into this Democrat business and I do not like that. I would like to think we are talking substantively here, we are talking about democracy.

Mr. CAMPBELL. Mr. Chairman, might I reclaim my time by saying that the gentleman portrays the very best of that spirit and I was offering the correction only in the sense of humor.

Mr. KENNEDY of Massachusetts. I rise in strong support of my colleagues' amendment. I am pleased to have worked with them for many years now on the issue of demilitarization around the world. By promoting demilitarization we are able to help insure our own Nation's security interest.

In 1995, I joined with Dr. Oscar Arias, the Nobel Peace Prize winner, to launch the Year 2000 Campaign. This campaign seeks to have industrialized nations condition their aid to promote demilitarization. I believe that we should condition U.S. foreign assistance on the size of a country's military budget.

Last Thursday, Dr. Arias joined Betty Williams of Northern Ireland, Elie Wiessel the Holocaust survivor, the Dalai Lama, Desmond Tutu of South Africa, and ten other winners of the Nobel Peace Prize to announce their support for the International Code of Conduct, which is based on the McKinney-Rohrabacher bill.

I do not believe that the U.S. tax dollars should be used to help subsidize a country's military expenditures when that country does not have a democratically elected government or it spends more on weapons than on health care or nutrition or education.

Non-democratic governments received 84 percent—nearly $50 billion—of the $59.1 of American weapons that were transferred to developing countries through foreign aid or Pentagon administered corporate sales during the past 5 years.

Developing countries received 67 percent of the $88.5 billion total of U.S. arms transfers during the past 5 years.

Perhaps Indonesia provides the best example of what we ought not to be doing. The Indonesian Armed Forces have become a military mafia, receiving $1.6 billion every year in United States backed loans from the World Bank—equal to that country's entire reported military budget. Yet it is no secret that the Indonesian military under-reports its military expenditures by somewhere between 25 and 50 percent.

In Indonesia we see a military economy, dictatorship, human-rights abuses, and the illegal occupation of East Timor. The army controls massive private and state-run corporations. They systematically shake-down the wealthy ethnic Chinese business community. The military maintains a shadow government controlling life from the national level to the smallest village.

This amendment would end United States military support for Indonesia. And, after last month's fraudulent elections in which only one party was allowed to campaign and opposition leaders were harassed and jailed, it is about time that the United States end support for Indonesia.

The code of conduct required foreign governments to promote democracy through a free, open, and fair elections. It requires them to promote the rule of law. It requires them to respect human rights. It requires them not to be engaged in armed aggression that violates international law. And it requires them to fully participate in the U.N. Register of Conventional Arms.

These are all ideals which all Americans share. Shouldn't our foreign aid policy reflect these ideals?

Mr. Chairman, the United States has a great deal of power. We also have a great deal of responsibility. We should help foster democracy and freedom in the world. I urge all my colleagues to vote yes on this amendment.

Mr. NADLER. Mr. Chairman, I rise to support the McKinney-Rohrabacher amendment to establish an arms sales code of conduct.

After more than 30 years of the cold war with record high peacetime defense budgets and a tremendous amount of global arms exports, the United States has left the world armed to the teeth with millions of tons of bombs, jets, submarines, and artillery. The world is awash in weapons.

These excessive exports have fueled armed conflicts throughout the world, destabilized regions, and have forced governments of developing nations to spend more money on arms and less money on the vital needs of their people.

In 1994 alone the United States sold or gave $13 billion of weapons to almost 100 countries, many of which, according to the State Department's Country Reports on Human Rights, are run by abusive or nondemocratic regimes. In Panama, Iraq, Somalia, and Haiti, United States Forces were threatened by troops assisted by United States training, weapons, or military technology.

We must put an end to this deadly cycle, and this amendment would do just that by giving Congress a real role in shaping U.S. arms export policy. The bill does not impose an inflexible ban, but instead provides for a responsible review policy, whereby Congress must carefully consider arms sales to abusive regimes. If congress agrees with the President that it is in our national interest to continue to sell weapons to a particular country, then sales would be permitted. This is not a ban on all arms exports; it is a reasonable step that we can take now to begin to curb weapons sales to dangerous regimes.

As the leading arms exporter, the United States has the opportunity and the responsibility to accept certain limitations on the sale of American arms. If we act boldly on this issue, I am confident the world will follow. When the United States led the way by refusing to export anti-personnel landmines, the rest of the world followed and enacted bans of their own. Efforts are already underway to create an international code of conduct on conventional arms transfers, and voting for this amendment will further strengthen those efforts.

I want to commend Representatives MCKINNEY and ROHRABACHER for offering this amendment and I urge my colleagues to vote for it.

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in support of this amendment. I support

the measure because we cannot, in good conscience, continue to turn a blind eye to the undemocratic and often deplorable practices of a few rogue nations.

The code of conduct legislation does more than just recognize the atrocities being committed by these countries. It directs the President to certify countries interested in purchasing weapons from the United States based on their ability to institute democratic practices. The code would prohibit sales of arms to nations partaking in human rights violations and acts of aggression.

Former Senator Hatfield, one of the original sponsors of code of conduct legislation in Congress, stated that last year that "it is time for Congress to assume a greater responsibility for our arms export policies." Those words still ring true. This week, we have voted on amendments to condemn various countries from involvement in terrorism, for brutal acts of religious or ethnic persecution, and to punish countries for acts of armed aggression. Yet, some Members would vote to allow continued sales of arms to these same countries which have raised our ire. It's time to stop talking about the horrific acts of these rogue nations and start doing something to curb the ability of those nations to acquire the tools to conduct their atrocities.

Furthermore, how can we continue to sell arms to nations that may use those weapons against American soldiers? This practice puts our sons and daughters in further danger whenever our troops are deployed. Our soldiers have already faced forces armed with United States produced weapons in recent troop deployments in Iraq, Somalia, Haiti, and Panama. This is unacceptable.

Let's finally bring some accountability to the process of selling arms on the international market. I urge my colleagues to support this amendment.

Mr. FARR of California. Mr. Chairman, I rise today in support of implementing a code of conduct for U.S. arms transfers.

The spread of weapons is one of the most serious threats to our Nation's security today. Unfortunately, our own country has contributed to this proliferation. Tens of billions of dollars of weapons are sold by U.S. arms manufacturers to countries around the world, and today the United States is a leading supplier of military equipment to foreign nations.

Many of these weapons sales are made to governments that are hostile to the United States or to their own people. There is nothing to prevent many of these countries from using American weaponry to suppress democracy or violate human rights within their borders. And let us not forget United States military engagements in Iraq, Panama, and elsewhere where our own troops have been threatened by opposing armies armed with American-made weapons. We should not stand for a policy that sacrifices the lives of our own soldiers for the sake of making a buck.

Congresswoman CYNTHIA MCKINNEY has been a tireless advocate for creating a code of conduct for arms manufacturers which would end this senseless and dangerous practice. The code of conduct would not outlaw arms sales, but require that arms exports be made only to those nations that are democratic and respect the human rights of their own people. Weapons sales to any other countries would require approval by the President and Congress.

Let us stop putting the lives of innocent people at risk. I urge my colleagues to support creating a code of conduct for U.S. arms sales.

Mr. ENGEL. Mr. Chairman, I rise to express support for the amendment offered by my good friend from Georgia, Ms. MCKINNEY. This fine amendment prohibits arms transfers to foreign governments that are undemocratic, do not protect human rights, or are engaged in acts of aggression.

We must all recognize that as the leader of the free world, our country must set the standard in the effort to prevent the sale of arms to dictators. Unfortunately, our Government still provides its materiel to some of the world's most autocratic governments. In fact, in several recent conflicts where large numbers of American troops have served, including Somalia and Panama, we have opposed soldiers armed with weapons supplied by the United States. It's time we learned from these mistakes.

Mr. Chairman, I commend the gentlewoman from Georgia for her leadership on this issue and urge my colleagues to vote in favor of the code of conduct amendment.

Ms. HARMAN. Mr. Chairman, I rise today in opposition to the Rohrabacher amendment to H.R. 1757, the Foreign Relations Authorization Act, which would deny United States foreign assistance to Russia to prevent the transfer of missile technology to China and Iran.

While I am a strong supporter of nonproliferation measures, and measures to increase stability in the Asia-Pacific region, I firmly believe this amendment would have exactly the opposite effect of what it intends: it would, in fact, encourage the illegal transfer of technology by Russia.

The primary reason for the transfer of such technology in cash-strapped Russia is to obtain hard currency. To deny United States aid would make Russia's dire economic circumstances worse. The inevitable response by desperate business interests will be to seek even more illicit trade.

We are all aware of allegations that have recently surfaced regarding Russian technological assistance to rogue nations that would enable them to build advanced missiles capable of targeting our friends and allies.

These allegations must be taken seriously, by the administration and Congress. I have written to and called our National Security Adviser, Sandy Berger, on several occasions and he has arranged several excellent briefings for Members. He has also assured me that President Clinton took up these issues with President Yeltsin at the May 27 Paris summit, follow-up continues, and further efforts will be made at the highest levels later this summer.

Mr. Chairman, this amendment is well intended but misses the mark. We must provide appropriate aid to Russia to help it monitor proliferation, and to rebuild its economy so the impulse for illicit proliferation is reduced.

In this case, less is less. Less aid means less control and less security. I urge my colleagues to vote "no."

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Georgia [Ms. MCKINNEY].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there other amendments?

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. ROHRABACHER. No, it is not, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROHRABACHER:

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. ASSISTANCE FOR THE RUSSIAN FEDERATION.

None of the funds made available to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) for fiscal years, 1998 and 1999 may be made available for the Russian Federation if the Russian Federation, on or after the date of the enactment of this Act, transfers an SS–N–22 missile system to the People's Republic of China.

□ 1800

The CHAIRMAN pro tempore (Mr. EWING). Pursuant to the order of House of June 5, 1997, the gentleman from California [Mr. ROHRABACHER] and a Member opposed, the gentleman from Florida [Mr. WEXLER] each will control 5 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume. Again I would like to offer my congratulations to the gentlewoman from Georgia [Ms. MCKINNEY] for the great job that she did in providing this code of conduct legislation. Again, I was very proud to stand by her and work with her in that effort.

On this particular amendment, it has something to do with a different part of the world in terms of setting standards just for the United States. This particular amendment that I am offering would deny all $95 million in U.S. foreign assistance funding to Russia during fiscal years 1998 and 1999 if the Russian Federation transfers supersonic SSN–22 missiles to China.

This advanced cruise missile system endangers the lives of countless American service men and women and could alter the balance of power in key strategic areas such as the Straits of Taiwan and the Persian Gulf. This sunburn missile was created by the Russians to attack American ships, especially American ships that are equipped with advanced Aegis sea and air radar battle management systems. The SSN–22, a supersonic sea skimmer missile, can be

fired by a ship or from land and it is extremely difficult to defend against. A long-range version of that missile can damage an aircraft carrier.

In December 1996 a secret weapon sale agreement was completed in Moscow during the state visit of the Chinese premier. The Chinese began seeking to acquire this missile in direct response to the deployment of U.S. warships in the Straits of Taiwan during China's attempt to militarily intimidate Taiwan during its national elections.

The immediate impact of the transfer of SSN–22 missiles will give the Chinese significant offensive advantages over regional navies and further their ambitions in the South China Sea and other areas of the Pacific. A serious long-term effect is the Chinese ability to reverse engineer the SSN–22 technology, thus to develop lethal parity with the United States Navy.

Another immediate grave threat is the potential transfer of SSN–22's from China to Iran. China has become the primary arms source for the Iranians, to include the shipments of ballistic missiles and chemical weapons technologies. An SSN–22 mounted on a mobile land platform would be extremely difficult to defend against and would threaten any of the ships in the Straits of Hormuz.

The Government of Russia has gone beyond the threshold of acceptability in its conduct by offering to sell this deadly missile to China. My amendment will send a strong message that in return for the generosity shown by American taxpayers to assist Russia during this time of need, the Russian Government must respect the national security of the United States and the lives of our young men and women in uniform.

Let me be very clear on this, Mr. Chairman. This missile was designed by Russia during the cold war to kill American sailors and American airmen. This missile, if it is transferred to the Chinese, will lead at least to the situation where our people are being put in jeopardy. If we are giving $95 million in aid to Russia while they are sending that type of weapons system to a potential enemy, we are making a mistake. Shame on us. Not shame on them.

My amendment simply says, unless they cease and desist from the transfer of this deadly weapons system to the Chinese, they have gone over the threshold of acceptability and we will be cutting off all of our aid to the former Soviet Union, to Russia.

Mr. Chairman, I reserve the balance of my time.

Mr. WEXLER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to reluctantly oppose the Rohrabacher amendment. The gentleman is someone I admire on the committee and has done much good. I will note that when we considered this amendment in committee, the gentleman from Illinois [Mr. HYDE] offered a perfecting amendment allowing the President to waive this restriction if he found it to be in the national security interest of our Nation.

U.S. assistance programs in Russia are key to United States security. We won the cold war and now it is time to lock in our win to make certain Russia never is such a major threat to the United States.

If the gentleman from California [Mr. ROHRABACHER] would include a Hyde national security waiver, I would not oppose this amendment. However, without a Hyde security waiver, I reluctantly have to oppose the amendment. I am concerned about weapons to China, but this hurts our key interests in Russia without ensuring the end of missile transfers.

Mr. WEXLER. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to this amendment.

Mr. Chairman, the purpose of this amendment is certainly meritorious. Nobody wants Russia to transfer antiship cruise missiles to China. That is for certain. But this amendment would also cut off all assistance to Russia if those arms transfers in fact take place. There is always a question of balance. We provide assistance to Russia because it is in the national security interest of the United States to promote economic reform, promote democracy and help prevent future Chernobyls.

The gentleman from Illinois [Mr. HYDE], as the gentleman from New York [Mr. GILMAN] stated earlier, made these points eloquently during our committee markup of the bill. The gentleman from Illinois [Mr. HYDE] offered a waiver to the Rohrabacher amendment to allow the President to make a judgment whether continuing assistance to Russia was in the national security interest of the United States. The Hyde position prevailed. The committee bill included an amendment with the waiver.

There is no such waiver in this amendment before us now. The amendment gives the President absolutely no flexibility and raises one issue above every other priority in United States-Russian relationships. The amendment distorts United States policy toward Russia, and in fact what it is saying is there would be absolutely no circumstance in which there would be a valid security interest of the United States to provide aid for Russia once the transfer of such an antiship cruise missile was made. I do not believe that that is a plausible policy for the United States. This is a veto item for the President, and I strongly urge defeat of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I am afraid I am going to have to reject the idea of putting a waiver into this bill. The bottom line is when we put waivers into these bills, what we do is we are really making them into a sense-of-the-Congress resolution and not changing a darned thing. If we are here to do anything, let us change some things. Let us get down to some real policy decisions and assert the fact that the Congress of the United States should be here protecting the interests of the people of the United States. The McKinney amendment had some real teeth in it and meant something about human rights and democracy. This amendment has something to do really with the security interest of the United States. What we are saying is that there is a threshold over which the Russians have passed, over that threshold that we can no longer tolerate and continue to give them millions upon millions, $95 million in aid to the Russians. It is unacceptable if we are going to give them that kind of aid for them to transfer weapons that are aimed at murdering, at killing American soldiers and American sailors.

This amendment would basically prevent us from subsidizing people who are then turning around and giving this horrible weapons system to potential enemies of the United States and perhaps costing the lives of American sailors.

Please vote for the Rohrabacher amendment for the long-term interests of peace and of the interests of the Russians as well.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from California [Mr. ROHRABACHER] will be postponed.

AMENDMENT OFFERED BY MR. HALL OF OHIO

Mr. HALL of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. HALL of Ohio. No, it is not, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL of Ohio:

At the appropriate place add the following (and conform the table of contents accordingly):

SEC. . STATEMENT CONCERNING CONFLICT IN EAST TIMOR.

(a) FINDINGS.—The Congress finds the following:

(1) Indonesia invaded East Timor in 1975 and has since systematically oppressed the people of East Timor.

(2) Since 1975 one-third of the population of East Timor is estimated to have perished of starvation, war, and terror.

(3) Indomesia's invasion was condemned by the United Nations, as was its subsequent occupation of East Timor.

(4) On November 12, 1991, Indonesian troops opened fire on thousands of peaceful mourners and demonstrators at the Santa Cruz cemetery in Dili, the capital of East Timor, killing hundreds and wounding hundreds.

(5) Bishop Carlos Felipe Ximenes Bolo has been the preeminent representative of the people of East Timor, and has at great risk to his own life fought for the human and civil rights of the people of East Timor, while also being a steadfast advocate for nonviolence and dialogue between the people of East Timor and the Indonesian authorities.

(b) DECLARATION OF POLICY.—The Congress affirms its support for a just and peaceful solution to the conflict in East Timor.

Mr. HALL of Ohio (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, the gentleman from Ohio [Mr. HALL] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a sense of Congress. It is relative to making a statement concerning the conflict in East Timor. Basically what I am saying is the Congress affirms its support for a just and peaceful solution to the conflict in East Timor.

What happened in 1975 when the country of Portugal pulled out of East Timor, the Indonesian Government came into this small island country and systematically oppressed the people of East Timor to the point where they used to have 700,000 people in their population and a third of them, as estimated, have perished as a result of starvation, war and terror.

Indonesia's invasion was condemned by the United Nations, as was its subsequent occupation of East Timor. On November 12, 1991, Indonesian troops opened fire on thousands of peaceful mourners and demonstrators at Santa Cruz Cemetery in Dili, the capital of East Timor, killing and wounding hundreds.

Bishop Carlos Belo has been the preeminent representative of the people of East Timor and has at great risk to his own life fought for the human and civil rights of the people of East Timor while also being a steadfast advocate for nonviolence and dialog between the people of East Timor and the Indonesian authorities.

The gentleman from Virginia [Mr. WOLF] and I were fortunate enough to nominate Bishop Belo for the Nobel Peace Prize. We were both in Norway this past November, and we were overjoyed and excited that East Timor got the notoriety that they deserve and the reputation that they deserve. The oppression that has gone on in that country has just been unbelievable over the years.

The language that I have in my resolution pretty much parallels what was said about Bishop Belo as he received the Nobel Peace Prize. This is a sense of Congress. It is my understanding that it has support of both sides. I would urge Members to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in support of the amendment, and I ask unanimous consent to claim the 5 minutes in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend my good friend, the gentleman from Ohio [Mr. HALL] for this amendment. I think once again it underscores this body's concern about the actions of the Indonesian Government with respect to the people of East Timor, the horrendous brutality that has taken place there ever since Indonesia invaded and occupied the small island of East Timor.

I think once again the gentleman is communicating the sentiment of this Congress with respect to that troubled part of the world and the fact that we are in solidarity with the Nobel Peace Prize winners, Bishop Belo from East Timor and Jose Ramos Horta, both of whom have received the Nobel Peace Prize for their advocacy on behalf of those troubled people in East Timor who have been struggling for human rights, and those human rights have been systematically neglected and abused by the Indonesian Government. I think the gentleman from Ohio [Mr. HALL] should be commended for his longstanding commitment to this.

□ 1815

I just came to this Congress 3 years ago, Mr. Chairman, and I am joining the gentleman from Ohio [Mr. HALL] in his longstanding advocacy for the people of East Timor. Having visited there myself this past December, I was able to see firsthand what was going on on the ground, speak to the people there, and learn about the atrocities that have been contained within this amendment. Mr. Hall points out that on November 12, 1991, Indonesian troops opened fire on thousands of peaceful mourners and demonstrators at the Santa Cruz cemetery. I think the world watched in horror as film footage was smuggled out of Indonesia that depicted this horrible massacre at Santa Cruz where the Indonesian soldiers opened fire on the crowd there that was assembled, and this told the truth of what was happening in East Timor.

I salute Mr. HALL for once again reminding this Congress and Indonesia that we are not going to sit idly by and watch these human rights abuses continue, and that is why I rise in support of Mr. HALL'S amendment to this bill.

Mr. HALL of Ohio. Mr. Chairman, I want to thank the gentleman from Rhode Island [Mr. KENNEDY] for his very important not only speech, but what he has done relative to this whole issue of East Timor. He is one of the few people, along with the gentleman from Virginia [Mr. WOLF], who has actually been to East Timor and seen with his own eyes the suffering and the oppression that is going on. He has been a real leader, a tremendous partner in this issue, and he has really made a difference.

Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WEXLER].

Mr. WEXLER. Mr. Chairman, I strongly support this amendment, and I commend the gentleman from Ohio [Mr. HALL] for his leadership in bringing it to our attention.

The situation in East Timor has been a festering sore for Indonesia, for United States-Indonesian relations and, most importantly, for the people of East Timor for more than two decades. This amendment puts the House of Representatives on record as supporting a just and peaceful solution to the conflict in East Timor. It deserves our support, and I urge my colleagues to vote for this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. HALL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. SANDERS. No, I do not think it is, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS: title XVII insert the following new title:

TITLE XVIII—SENSE OF CONGRESS REGARDING THE IMPRISONMENT OF NGAWANG CHOEPHEL IN CHINA

SEC. 1801. SENSE OF CONGRESS REGARDING THE IMPRISONMENT OF NGAWANG CHOEPHEL IN CHINA

(a) FINDINGS.—The Congress makes the following findings:

(1) The Chinese Government sentenced Ngawang Choephel to an 18-year prison term plus 4 years subsequent deprivation of his political rights on December 26, 1996, following a secret trial.

(2) Mr. Choephel is a Tibetan national whose family fled Chinese oppression to live in exile in India in 1968.

(3) Mr. Choephel studied ethnomusicology at Middlebury College in Vermont as a Fulbright Scholar, and at the Tibetan Institute of Performing Arts in Dharamsala, India.

(4) Mr. Choephel returned to Tibet in July 1995 to prepare a documentary film about traditional Tibetan performing arts.

(5) Mr. Choephel was detained in August 1995 by the Chinese authorities and held incommunicado for over a year before the Government of the People's Republic of China admitted to holding him, and finally charged him with espionage in October 1996.

(6) There is no evidence that Mr. Choephel's activities in Tibet involved anything other than purely academic research.

(7) The Government of the People's Republic of China denies Tibetans their fundamental human rights, as reported in the State Department's Country Reports on Human Rights Practices, and by human rights organizations, including Amnesty International and Human Rights Watch, Asia.

(8) The Government of the People's Republic of China is responsible for the destruction of much of Tibetan civilization since its invasion of Tibet in 1949.

(9) The arrest of a Tibetan scholar such as Mr. Choephel, who worked to preserve Tibetan culture, reflects the systematic attempt by the Government of the People's Republic of China to repress cultural expression in Tibet.

(10) The Government of the People's Republic of China, through direct and indirect incentives, has established discriminatory development programs which have resulted in an overwhelming flow of Chinese immigrants into Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Quinghai, and have excluded Tibetans from participation in important policy decisions, which further threatens traditional Tibetan life.

(11) The Government of the People's Republic of China withholds meaningful participation in the governance of Tibet from Tibetans and has failed to abide by its own constitutional guarantee of autonomy for Tibetans.

(12) The Dalai Lama of Tibet has stated his willingness to enter into negotiations with the Chinese and has repeatedly accepted the framework Deng Xiaoping proposed for such negotiations in 1979.

(13) The Chinese have displayed provocative disregard for the concerns of the United States by arresting and sentencing prominent dissidents in close proximity to visits to China by senior United States Government officials.

(14) The United States Government policy seeks to foster negotiations between the Government of the People's Republic of China and the Dalai Lama, and presses China to respect Tibet's unique religious, linguistic, and cultural traditions.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Ngawang Choephel and other prisoners of conscience in Tibet, as well as in China, should be released immediately and unconditionally;

(2) to underscore the gravity of this matter, in all appropriate official meetings with representatives of the Government of the People's Republic of China, United States officials should request Mr. Choephel's immediate and unconditional release;

(3) the United States Government should sponsor and promote a resolution at future meetings of the United Nations Commission on Human Rights and other appropriate international fora regarding China and Tibet which specifically addresses political prisoners and negotiations with the Dalai Lama, until those situations in China and Tibet improve substantially;

(4) the United States Department of State should advise American citizens that Tibet is not currently a safe destination for American travelers;

(5) an exchange program should be established in honor of Ngawang Choephel, involving students of the Tibetan Institute of Performing Arts and appropriate educational institutions in the United States; and

(6) the United States Government should seek access for internationally recognized human rights groups to monitor human rights in Tibet.

Mr. SANDERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, the gentleman from Vermont [Mr. SANDERS] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just speak very briefly about Ngawang Choephel.

Mr. Choephel is a Tibetan man who studied ethnomusicology at Middlebury College at Middlebury, VT, on a Fulbright scholarship in 1993, and I should tell my colleagues that when he was at Middlebury College he made a whole lot of friends, and a lot of folks in Middlebury and throughout the State of Vermont are very concerned about his fate. In the summer of 1995 he returned to Tibet to make a nonpolitical documentary film about traditional Tibetan music and dance because he was concerned that his cultural heritage was being forgotten. In the fall of 1995 he was arrested and held incommunicado in a Chinese prison for 1 year until he was accused of espionage last October and sentenced last December.

Mr. Chairman, Ngawang Choephel's only crime was to film dancers in Tibet, but the Chinese Government as part of its long-term campaign to stomp out all remnants of Tibetan cultural identity has accused Mr. Choephel of espionage and sentenced him to 18 years in prison for filming dance in Tibet, and followed by 7 years deprivation of political rights. This is the most severe sentence given a Tibetan in over 7 years.

Mr. Chairman, the State Department agrees that there is no known evidence Mr. Choephel committed any crime. This is simply one more example of an outrageous human rights abuse in China. According to the State Department's human rights country report on China and Tibet, the repression there is so severe that there are currently no active dissidents in all of China; they are all in prison.

Mr. Chairman, my amendment represents the response of the Congress to the situation. It is based on language which passed the Senate without dissent and which I introduced as House Concurrent Resolution 44 earlier this spring with the distinguished gentleman from New York [Mr. GILMAN] and the distinguished gentlewoman from California [Ms. PELOSI].

This resolution simply states that Ngawang Choephel and other prisoners of conscience in Tibet and China should be released immediately, but the United States should seek his release; that we should promote access to Tibet for international human rights groups; that the State Department should advise Americans that Tibet is not a safe destination for American travelers; and that we should continue to promote a resolution at future meetings of the UN Commission on Human Rights addressing human rights in China and Tibet until the situation improves substantially.

This is a nonpartisan noncontroversial amendment, and I urge my colleagues to support it.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in strong support for the amendment offered by the gentleman from Vermont. All the world has come to expect and is not surprised when the rulers of China mercilessly persecute their own citizens. But the case of Mr. Choephel is different and could set a dangerous new trend if left unchecked by civilized nations.

Mr. Choephel is a refugee, was carried across the Tibetan Himalayas by his parents when he was only 2 years old, when they fled the Communist Chinese invasion of their country. He has been living in India since then, gone to study in the United States under a Fulbright Exchange Program established by the Congress to assist Tibetans and His Holiness, the Dalai Lama, to help protect Tibet's unique cultural heritage. He had gone back to Tibet to make a documentary film, to make a film about traditional Tibetan music and dance.

Mr. Choephel's arrest and imprisonment is a refugee nightmare. To return to his own country and to be arbitrarily imprisoned and cut off from the outside world is cruel and an abomination. His imprisonment sends democracies around the world the same type of message that the Chinese Government seeks when it charges parents for the price of a bullet used to execute their own son or daughter or when it appoints a religious leader that he knows the faithful would never follow. The rulers of Beijing apparently want the world to know that we ought to think twice when we assist those who struggle under their oppression.

I do not believe we should, and accordingly I support the gentleman's amendment, and I urge our colleagues to vote for the amendment.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I want to commend the gentleman from Vermont on his amendment. I have spoken on this issue myself. There is no reason for this gentleman to be detained in any fashion that I can see, and I want to express my appreciation to the gentleman from Vermont [Mr. SANDERS] for his initiative, and I urge my colleagues to support it unanimously.

The CHAIRMAN pro tempore. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent to take 5 minutes, even though I am not in opposition to the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. WEXLER. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Florida.

Mr. WEXLER. Mr. Chairman, I commend the gentleman from Vermont [Mr. SANDERS] for drawing attention to this human rights case. Mr. Choephel should be released immediately. That is the bottom line. I and others, I hope, will support the amendment.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. Mr. Chairman, I would ask the gentleman from Vermont if he has any more speakers?

Mr. SANDERS. I believe we do not, Mr. Chairman.

Mr. BEREUTER. Mr. Chairman, I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I would just like to congratulate my colleague from Vermont for offering this amendment.

As my colleagues know, it is how we react not only to statistics of tens of thousands and hundreds of thousands of people and even millions of people in China who are suffering the brutality of tyranny and oppression in that country but also how we treat the case of one individual, as we are today, that makes us different as Americans than other countries. We care about the individual, we care about people, and this message is going to be delivered by this amendment.

I am very proud to stand with my colleague on this, and I hope that the people at home who are listening to this debate on the foreign policy and foreign aid amendments and such will understand we have got some decisions to make about China. We have got to talk as a country about how we are going to confront this growing threat, the clouds that are massing just over the horizon.

The fact is that China and the United States could be at war within 10 years unless we do what is right, and what is right is not to cower. What will lead to a more peaceful world is not to gloss over human rights abuses, but instead to stand forward and step forward with a solid policy of freedom and human rights and let the people of China know that we are on their side and that way encourage the development of democratic institutions, rather than continually backing down, making loud noises about human rights and then backing down.

I believe some of our businessmen, if the entire country of Tibet was incinerated by the Chinese, if the Muslims in the western provinces were all slaughtered, if all the Christians were tortured in China, they would still be saying we must maintain the same policy with China because we have to have some influence on them.

We need to discuss this as a people, as a free people. We need to talk about the moral implications and decisions we are making, and in my opinion morality and practicality go together, and in the long run if we gloss over these moral issues and forget the individuals that are being tyrannized and going through this oppression, it will not work to the best interests of the United States of America.

So I am very grateful today to my colleague from Vermont [Mr. SANDERS] talking about an individual who deserves our attention, and let us pray that he is freed and the people of China, all of the people of China, are freed from their oppression.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for his statement. I urge support for this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOX of Pennsylvania:

At the end of the bill, add the following:

SEC. . DESIGNATION OF ROMANIA AS ELIGIBLE FOR ASSISTANCE UNDER NATO PARTICIPATION ACT OF 1994.—

(1) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(A) Romania has made tremendous progress toward meeting the criteria for accession into the North Atlantic Treaty Organization (NATO) by establishing a mature and functioning democracy, a free market economy, civilian control of the armed forces, respect for the rule of law, respect for human rights and civil liberties, and by implementing a strong economic reform;

(B) Romania has further exhibited its strong commitment to contribute to the stability, reconciliation, and cooperation among the nations of the region by the very significant signing of the basic political bilateral Treaty with Hungary and recent initialing of a similar document with Ukraine;

(C) Romania has already demonstrated its willingness and ability to contribute as a future NATO ally to strengthening the military capabilities and strategic cohesiveness of the Alliance by joining, first among Central and Eastern European countries, the Partnership for Peace Program and by actively participating alongside NATO allies in Bosnia, Angola, Somalia, and Albania;

(D) due to its size, geo-strategic location, economic and military potential, and huge popular support for NATO integration, Romania is of immense and key strategic importance to European stability; and

(E) Romania qualifies under section 203 of the NATO Participation Act of 1994 to receive assistance in making the transition to a full NATO membership and should be invited to start accession negotiations at the earliest stage.

(2) DESIGNATION.—Not later than 180 days after the date of the enactment of this Act, the President shall, pursuant to section 203(d)(2) of the NATO Participation Act of 1994, designate Romania as eligible to receive assistance under the program established under section 203(a) of such Act.

Mr. FOX of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, the gentleman from Pennsylvania [Mr. FOX] and a Member opposed each will control 5 minutes.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume, and I will be exceedingly brief.

Mr. Chairman, I rise to speak in support of this amendment.

Romania is a functioning democracy, and just back in November 1996 we saw where they had the free and fair Presidential elections held for the third

time. We also note with great distinction that Romania has had a free market economy, that its foreign investment is protected by Romanian legislation, that Romania has good relations with its neighbors; further, that Romania has effective control over its military under civilian control. Romania further has a high level of cooperation with NATO, and more important than that point, it has a capacity to deal with security threats in fighting against organized crime, terrorism and drug traffic.

It is for these reasons that I ask the body to support this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend, the gentleman from Pennsylvania, for yielding this time to me, and I rise in very strong support of the Fox amendment.

Romania's quest for NATO membership was given a significant boost when the democratic opposition, led by Emil Constantinescu, was elected to office last November.

□ 1830

The peaceful transfer of power following those internationally sanctioned elections was a genuine turning point for that country, a political development unimaginable not very long ago.

At home, the Romanian Government recently announced a bold package of economic reforms designed to check inflation, reduce the budget deficit, and accelerate privatization. If implemented, these important changes could attract much-needed foreign investment.

An anti-corruption campaign has also been initiated. A series of military reforms were adopted in December to ensure civilian democratic control and modernization of Romania's armed forces. While each of these initiatives will require months to realize, the new Romanian leadership has begun to show its courage in taking these important steps.

The first Central European country to join the Partnership for Peace and one of the most active participants, Romania has taken concrete steps to advance its candidacy for possible NATO membership. Of a particularly important note is the historic Treaty of Understanding, Cooperation and Good Neighborliness concluded with Hungary last September. Romanian troops played an active role in the NATO-led Operation Joint Endeavor, part of IFOR in Bosnia, and has continued to contribute to peacekeeping efforts through its participation in Operation Joint Guard.

These developments underscore the positive role Romania can play in fostering stability in NATO's southern flank. Romania's desire to join NATO was clear through its active participation with its Partnership for Peace as well as the ongoing intensified dialogue with the Alliance since April of 1996.

Mr. Chairman, again I want to thank my good friend for offering this amendment. It puts us squarely in line.

Let me just say finally as a footnote, the gentleman from Virginia [Mr. WOLF] and I and others, going back to the 1980's, led the effort to remove the MFN during the Ceausescu regime, they have absolutely turned the corner, and I think with confidence we can say they will be a good partner as part of NATO.

Mr. Chairman, I submit the following letter for inclusion in the RECORD.

COMMISSION ON SECURITY
AND COOPERATION IN EUROPE
Washington, DC, May 21, 1997.

Hon. WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We urge that the United States actively support the inclusion of Romania among the countries which will be invited by the North Atlantic Treaty Organization (NATO) to begin negotiations for accession to the Alliance. The NATO summit meeting scheduled to be held in Madrid, Spain, on July 8 and 9, 1997, will formally invite some candidate states to commence such negotiations. We believe that Romania deserves to be invited to accede to the Washington Treaty because of both its recent progress in meeting the criteria for membership and its strategic location along NATO's future southeastern edge.

While NATO accession should not be extended to states that do not meet the criteria set forth in the NATO Enlargement Facilitation Act of 1996 (P.L. 104–208), we believe that Romania has demonstrated great progress in all areas and should be favorably considered for inclusion in the first round of enlargement. At a hearing of the Commission on Tuesday, May 13, 1997, we heard testimony from Romania's Ambassador to the United States, His Excellency Mircea Dan Geoana, on the wide range of concerns the Commission and the Congress have had with Romania in recent years. We believe that the evidence supports Romania's claim to meet the criteria for membership, especially in the areas of human rights, national minorities, and freedom of expression and media issues that have been troublesome in the past and were particular subjects of Commission interest.

In light of the rapid approach of the Madrid summit, and the intensive schedule of high-level NATO meetings leading up to that summit, we believe the United States should promptly and publicly clarify its position regarding the NATO process for accession by all states which meet the criteria. An announcement of U.S. support for such a process would lessen diplomatic and media speculation about a possible delay in the invitation for negotiation, supposedly to make more credible a subsequent round of enlargement. We believe all currently qualified states should be invited now to negotiate for accession, and as other states meet the criteria, the process whereby they, too, may be invited to join the alliance should be clearly formulated. This is the only fair way to manage Alliance enlargement and protect important reform efforts underway in those candidate states not included in the first group to be announced at Madrid.

We appreciate your kind attention to our views on this most important matter.

Sincerely,

CHRISTOPHER H. SMITH,
M.C.,
Co-Chairman.
ALFONSE D'AMATO, U.S.S.,
Chairman.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I rise in favor of the gentleman's amendment, and admission of Romania into NATO. It is a great country.

I rise in strong support of the amendment that would support the entry of the country of Romania into the NATO alliance in the first move.

Romania has, without question moved towards irresistible democracy, a free market economy, respect for human rights and the rule of law, and are making great strides in their ability to communicate and interoperate militarily with our NATO forces.

Without question they are qualified and should be admitted to NATO at the earliest convenience.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the chairman of the committee.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment. The key message of this amendment, the European Security Act we will be considering, is that the door to membership at NATO should remain open and include Romania.

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent, notwithstanding my failure to oppose, that I may claim the 5 minutes in opposition.

The CHAIRMAN pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, notwithstanding the fact that I do not oppose, I would say to the gentleman, the gentleman from New York and I, along with nine of our colleagues, recently led a delegation before we went to the North Atlantic Assembly, to Slovenia, and all of us came back I think very much impressed with the tremendous progress they have made in democratization and in their economic reforms and in their ability to pay for modernization to meet the NATO requirements.

We felt, in fact, they were well-qualified to be taken in as a member of NATO in the first round, and we made that recommendation to the Secretary of State, and I know I personally made it to the Secretary of Defense, and I think some of my colleagues have as well.

This matter of Romania is certainly not one that I oppose. I thank the gentleman for his initiative. I just want to make sure that nothing being said here suggests that we have any less respect or support for Slovenia as a first-round entry.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I appreciate the gentleman yielding.

As the gentleman knows, we were in Slovenia and they have also made great progress toward the irreversible democracy, toward a free-market economy, as has Romania. I just wanted to call to the attention of the Members that Romania in particular is one country that has appreciated the support of the United States of America. In doing so, I want my colleagues to know, on both sides of the aisle, they are buying American. In other words, if they and other countries become a part of NATO, member of NATO, they have to be able to communicate and interoperate militarily with the NATO defense organization, and in doing so, they are buying American military equipment that is terribly important if the taxpayers are going to support the expansion of NATO, that these countries, these prospective countries, turn around and then buy American.

Mr. BEREUTER. Mr. Chairman, reclaiming my time, I am proud to mention that my colleague from New York has emphasized this point, the importance of buying American equipment, because it is interoperable in NATO forces and because it is important to our economy.

So taking nothing away from Romania's case, because military-to-military cooperation with Romania and the United States could not be better, and certainly no country has pressed harder for first-round membership than Romania, I did want to make sure that by our action today we say nothing negative about Slovenia's case, and I thank the gentleman for his initiative.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Chairman, I would agree with the gentleman from Nebraska [Mr. BEREUTER] that this in no way diminishes our support for Slovenia, and we appreciate the gentleman's support as well for Romania, and the support of the gentleman from New York [Mr. GILMAN], our chairman.

Mr. BEREUTER. Mr. Chairman, I yield back the balance of my time.

Mr. LEVIN. Mr. Chairman, I rise in strong support of the Fox amendment regarding to Ukraine and adopted by the House.

Since its independence in 1991, Ukraine has made some significant progress in advancing both democracy and stability in the region. It has held free and fair elections without violence for both Parliament and the President, adopted a new democratic constitution, and made significant strides toward reorganizing its economy from command-and-control to market-driven.

Under the reform plan and the leadership of President Kuchma, Ukraine has tackled its runaway inflation, which has dropped from an overwhelming level of 10,000 percent in 1993 to 181 percent in 1995 to 3.5 percent for the first quarter of this year. In addition, privatization efforts have begun to move at an accelerated rate.

Ukraine has also made significant contributions to the future peace and stability of Eastern and Central Europe. First and foremost, Ukraine lived up to its agreement to completely dismantle its entire nuclear arsenal which it inherited from the former Soviet Union and has signed the Nuclear Non-Proliferation Treaty. Ukraine is also in full compliance with the Conventional Forces in Europe Agreement, is an active participant in NATO's Partnership for Peace Program, and has given its full support for the soon to be announced expansion of the NATO alliance. Ukraine has also agreed not to participate in any program to help build a nuclear powerplant in Iran.

These achievements deserve acknowledgment and appreciation from this body. Instead of facing a potentially hostile and nuclear armed country situated on the edge of Europe, the United States benefits from cooperative arrangement with an emerging democracy.

There remain, of course, serious challenges and problems. I am disturbed by press reports in recent months of widespread government corruption and informal barriers to U.S. investment. These are allegations that warrant careful and deliberate consideration.

The answer to these concerns is not to sever relations and threaten to cut off aid as some have proposed. Such proposals run counter to our national and strategic interests in this region and would leave us without leverage to encourage change with Ukraine.

Ukraine is beginning to take some steps to solve these problems. We must encourage this process. President Kuchma has formed an international advisory committee on investment made up of Ukrainians of unquestioned reputation and corporate leaders from around the world. He has established a commission that will work directly out of his office to investigate and prosecute reported corruption. In addition, President Kuchma has removed several Ministers for questionable actions while putting others on notice that he will not accept this behavior.

President Clinton and the administration have indicated their concern over the issue of corruption and clearly communicated that progress needs to be swift. These concerns are clearly laid out in a joint statement from the United States-Ukraine Binational Commission.

Mr. Chairman, with the facts in mind, I urge my colleagues to vote "yes" on the Fox amendment and commend Ukraine for its contributions to Europe. As President Clinton said at the close of the first session of the United States-Ukraine Binational Commission,

The United States values its partnership with Ukraine and believes that we cannot have a successful, undivided, democratic Europe, without a successful, democratic, progressive Ukraine.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOX].

The amendment was agreed to.

Mr. BERMAN. Mr. Chairman, my amendment authorizes U.S. citizen employees to adjudicate nationality abroad and to adjudicate immigrant and nonimmigrant visas. The amendment requires that these U.S. citizen employees: First, successfully complete a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive; and second, be certified by an appropriate State Department official to be qualified to perform consular functions.

I am concerned that the amendment may be interpreted to allow students, interns, part-time employees, or short-term contract employees to handle the important function of adjudicating nationality and immigrant and nonimmigrant visas. Because of the steady increase in visa and document fraud, the security of these functions requires that they be performed by a specialized corps of professional, full-time, experienced U.S. citizen employees.

Due to security and fraud issues, the amendment should not be interpreted to mean that students, interns, part-time employees, or short-term employees—with the exception of retired Foreign Service Officers returning to perform consular services or the spouses of Foreign Service Officers being hired to perform consular services—may adjudicate nationality, immigrant, and nonimmigrant visa, and other consular functions. It is my understanding that Mr. SMITH of Texas agrees with this statement.

Mr. LEVIN. Mr. Chairman, I rise in support of the Engel amendment on Albania. Albania suffered greatly under the misguided rule of its previous Government and needs international support to get back on the path to democracy.

Albania endured many harsh years of totalitarian rule and isolation. It was the last country in Eastern Europe to throw off the yoke of communism and open its borders to the world. It still struggles today.

Albania is the poorest nation in Europe. Matters worsened when high-risk pyramid investment schemes collapsed, robbing tens of thousands of Albanians of their life savings. The result has been mass chaos and anarchy. The Government fell and demonstrations and unrest turned to open rebellion.

Today, the rebellion has been quieted by an international peacekeeping force deployed by the United Nations. A coalition government that includes elements from both the former government and its opposition has been formed to get the country back on track. This new government has promised to hold elections for President and Parliament at the end of this month.

The international community, spearheaded by the Red Cross, has committed humanitarian aid to help Albanians get back on their feet and get on with their lives.

The Engel amendment directs the United States to encourage and support the new

unity government and urge it to guarantee human rights and free and fair elections. In addition, the amendment commends the U.S. military and diplomatic personnel who evacuated U.S. citizens from the country during violent uproar. Finally, the amendment commends our negotiators.

Mr. Speaker, I support the Engel amendment because restoring stability to Albania is vital to our national interests in this region. We cannot allow chaos and unrest to overtake Albania again because it would have a devastating effect on the already delicate situation in this turbulent corner of the world.

Mr. GILMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE), having assumed the chair, Mr. EWING, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1757), to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, had come to no resolution thereon.

LIMITATION ON FURTHER AMENDMENTS TO H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1757 in the Committee of the Whole, pursuant to House Resolution 159, no further amendments to the bill shall be in order except:

First, amendments en bloc offered by the Chairman of the Committee on International Relations pursuant to the order of the House of June 5, 1997; and, second, the following amendment which shall be debatable under the 5-minute rule: Amendment by the gentleman from South Carolina [Mr. SANFORD] regarding authorization levels.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HAMILTON. Mr. Speaker, reserving the right to object, I do not intend to object, but let me just ask a question or two for clarification.

There will be under this unanimous consent request only two amendments permitted?

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, that is correct.

Mr. HAMILTON. Mr. Speaker, one of those amendments would be the en bloc offered by the gentleman as the chairman of the committee, and that is pursuant to the order of the House of June 5, 1997. That means that would be done with the concurrence of the ranking minority member?

Mr. GILMAN. Mr. Speaker, that is correct.

Mr. HAMILTON. And then the second amendment that would be permitted under the 5-minute rule without restriction on time would be the amendment of the gentleman from South Carolina [Mr. SANFORD] with respect to authorization levels?

Mr. GILMAN. Mr. Speaker, that is correct.

Mr. HAMILTON. And no other amendments will be offered?

Mr. GILMAN. And no other amendments, and we hope to be finished early tomorrow morning.

Mr. HAMILTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed earlier today.

RELATING TO THE 30TH ANNIVERSARY OF THE REUNIFICATION OF THE CITY OF JERUSALEM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 60.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 60, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 17, answered "present" 1, not 10, as follows:

[Roll No. 176]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow

Stark	Thune	Waxman
Stearns	Thurman	Weldon (FL)
Stenholm	Tiahrt	Weldon (PA)
Stokes	Tierney	Weller
Strickland	Torres	Wexler
Stump	Towns	Weygand
Stupak	Turner	White
Talent	Upton	Whitfield
Tanner	Velázquez	Wicker
Tauscher	Vento	Wise
Tauzin	Visclosky	Wolf
Taylor (MS)	Walsh	Woolsey
Taylor (NC)	Wamp	Wynn
Thomas	Waters	Yates
Thompson	Watkins	Young (AK)
Thornberry	Watts (OK)	Young (FL)

NAYS—17

Bonior	Kucinich	Petri
Clayton	McDermott	Rahall
Conyers	Minge	Sununu
Dellums	Moran (VA)	Traficant
Dingell	Obey	Watt (NC)
Hamilton	Paul	

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—10

Blumenauer	Molinari	Schiff
Farr	Northup	Schumer
Flake	Pelosi	
Livingston	Pickett	

□ 1900

Mr. WATT of North Carolina and Mr. MINGE changed their vote from "yea" to "nay."

Mr. DICKEY and Mr. CONDIT changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 176, my pager malfunctioned and therefore did not alert me of the pending vote. Had I been present, I would have voted "yes."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 54, PROHIBITING THE PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–126) on the resolution (H. Res. 163) providing for consideration of the joint resolution (H. J. Res. 54) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 437, NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1997

Mr. GOSS, from the Committee on Rules, submitted a privileged resolution (Rept. No. 105–127) on the resolution (H. Res. 164) providing for consideration of the bill (H.R. 437) to reauthorize the National Sea Grant College Program Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, June 9, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on June 9, 1997 at 2:34 p.m. and said to contain a message from the President whereby he returns without his approval, H.R. 1469, the "1997 Emergency Supplemental Appropriations Act."

With warm regards,
ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–96)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 1469, the "Supplemental Appropriations and Rescissions Act, FY 1997." The congressional majority—despite the obvious and urgent need to speed critical relief to people in the Dakotas, Minnesota, California, and 29 other States ravaged by flooding and other natural disasters—has chosen to weigh down this legislation with a series of unacceptable provisions that it knows will draw my veto. The time has come to stop playing politics with the lives of Americans in need and to send me a clean, unencumbered disaster relief bill that I can and will sign the moment it reaches my desk.

On March 19, 1997, I sent the Congress a request for emergency disaster assistance and urged the Congress to approve it promptly. Both the House and Senate Appropriations Committees acted expeditiously to approve the legislation. The core of this bill, appropriately, provides $5.8 billion of much-needed help to people in hard-hit States and, in addition, contains $1.8 billion for the Department of Defense related to our peacekeeping efforts in Bosnia and Southwest Asia. Regrettably, the Republican leadership chose to include contentious issues totally unrelated to disaster assistance, needlessly delaying essential relief.

The bill contains a provision that would create an automatic continuing resolution for all of fiscal year 1998. While the goal of ensuring that the Government does not shut down again is a worthy one, this provision is ill-advised. The issue here is not about shutting down the Government. Last month, I reached agreement with the Bipartisan Leadership of Congress on a plan to balance the budget by 2002. That agreement is the right way to finish the job of putting our fiscal house in order, consistent with our values and principles. Putting the Government's finances on automatic pilot is not.

The backbone of the Bipartisan Budget Agreement is the plan to balance the budget while providing funds for critical investments in education, the environment, and other priorities. The automatic continuing resolution would provide resources for fiscal year 1998 that are $18 billion below the level contained in the Bipartisan Budget Agreement, threatening such investments in our future. For example: college aid would be reduced by $1.7 billion, eliminating nearly 375,000 students from the Pell Grant program; the number of women, infants, and children receiving food and other services through WIC would be cut by an average of 500,000 per month; up to 56,000 fewer children would participate in Head Start; the number of border patrol and FBI agents would be reduced, as would the number of air traffic controllers; and our goal of cleaning up 900 Superfund sites by the year 2000 could not be accomplished.

The bill also contains a provision that would permanently prohibit the Department of Commerce from using statistical sampling techniques in the 2000 decennial census for the purpose of apportioning Representatives in Congress among the States. Without sampling, the cost of the decennial census will increase as its accuracy, especially with regard to minorities and groups that are traditionally undercounted, decreases substantially. The National Academy of Sciences and other experts have recommended the use of statistical sampling for the 2000 decennial census.

The Department of Justice, under the Carter and Bush Administrations and during my Administration, has issued three opinions regarding the constitutionality and legality of sampling in the decennial census. All three opinions concluded that the Constitution and relevant statutes permit the use of sampling in the decennial census. Federal courts that have addressed the

issue have held that the Constitution and Federal statutes allow sampling.

The enrolled bill contains an objectionable provision that would promote the conversion of certain claimed rights-of-way into paved highways across sensitive national parks, public lands, and military installations. Under the provision, a 13-member commission would study the issue and provide recommendations to resolve outstanding Revised Statute (R.S.) 2477 claims. R.S. 2477 was enacted in 1866 to grant rights-of-way for the construction of highways over public lands not already reserved for public uses. It was repealed in 1976, subject to "valid, existing rights."

This provision in the enrolled bill is objectionable because it is cumbersome, flawed, and duplicates the extensive public hearings conducted by the Department of the Interior over the last 4 years. In addition, the proposed commission excludes the Secretary of Defense, but military installations are among the Federal properties that would be affected by the recommendations of the commission. Furthermore, there is no assurance that the proposed commission would provide a balanced representation of views or proper public participation. Under the provision, the Secretary of the Interior can disapprove the commission's recommendations, preventing their submission to the Congress under "fast-track" procedures in the House and Senate. I believe—and my Administration has stated—that a better approach would be for Interior to submit a legislative proposal to the Congress within 180 days to clarify R.S. 2477 claim issues permanently, with full congressional and public consideration.

The enrolled bill contains an objectionable provision that funds the Commission for the Advancement of Federal Law Enforcement. I agree with the Fraternal Order of Police and other national law enforcement organizations that certain activities of the Commission, such as evaluating the handling of specific investigative cases, could interfere with Federal law enforcement policy and operations. This type of oversight is most properly the role of Congress, not an unelected review board. If external views about law enforcement programs are needed, a better approach would be to fund the National Commission to Support Law Enforcement.

I also object to two other items in the bill. One reduces funding for the Ounce of Prevention Council by roughly one-third. This reduction would substantially diminish the work of the Council in coordinating crime prevention efforts at the Federal level and assisting community efforts to make their neighborhoods safer. The Council is in the process of awarding $1.8 million for grants to prevent youth substance abuse and of evaluating its existing grant programs. The Council has received over 300 applications from communities and community-based organizations from all across the country for these grants. In addition, the bill reduces funding for the Department of Defense Dual-Use Applications Program. That program helps to develop technologies used and tested by the cost-conscious commercial sector and to incorporate them into military systems. Reducing funding for this program would result in higher costs for future defense systems. The projects selected in this year's competition will save the Department of Defense an estimated $3 billion.

Finally, by including extraneous issues in this bill, the Republican leadership has also delayed necessary funding for maintaining military readiness. The Secretary of Defense has written the Congress detailing the potential disruption of military training.

I urge the Congress to remove these extraneous provisions and to send me a straightforward disaster relief bill that I can sign promptly, so that we can help hard-hit American families and businesses as they struggle to rebuild. Americans in need should not have to endure further delay.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 9, 1997.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

MOTION OFFERED BY MR. MCDADE

Mr. MCDADE. Mr. Speaker, I move that the message together with the accompanying bill be referred to the Committee on Appropriations.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MCDADE] is recognized for 1 hour.

Mr. MCDADE. Mr. Speaker, by prior agreement with my distinguished friend, the gentleman from Wisconsin [Mr. OBEY], I yield 15 minutes to the gentleman from Wisconsin [Mr. OBEY], and I yield back 30 minutes of the 1 hour.

GENERAL LEAVE

Mr. MCDADE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the veto message of the President to the bill, H.R. 1469, and that I may include tabular material and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

The effort that we knowledge making tonight is an effort to speed to the disaster victims of the country as quickly as we can the assistance which they so direly need. All of us know that there has been a stalemate between the two bodies, between the White House and between the Congress, and this motion which refers this bill back to committee is the beginning of the process, once again, to pass this bill, hopefully in a way that the President will sign it.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes and 30 seconds.

Mr. Speaker, 90 days ago the President sent the Congress an emergency message asking that we appropriate supplemental funds to help flood victims and to help meet the costs of our activities in Bosnia. Last week, instead of responding to that request, the Congress in essence decided to load up that proposal with a series of unrelated riders. One related to roads on public lands, another related to census sampling, and a third created a change in budget rules which would allow Congress to pass appropriations which it prefers but bottle up the passage of the President's budget priorities. That is not the way to establish a bipartisan relationship with the other branch of government.

The President vetoed that proposal. He told us ahead of time he would.

□ 1915

And he has told the Congress to do it right. He said, in essence, do not try to gain political leverage by using the distress of innocent Americans.

Now, I do not hesitate to speak out publicly when I think the President is wrong. I think people on this floor understand that. But the fact is the President is not wrong in this instance. He is absolutely correct.

He recognizes that farmers need this money to get on with their planting. He recognizes that they need it to replace livestock that were killed in the floods. He recognizes that local communities need the community development money in order to plan for their communities' futures. And he recognizes that the Joint Chiefs of Staff have indicated that they will have to stand down in terms of a number of important training exercises and other military activities unless Congress quits fiddling and sends the President the package that he has asked for.

So, very simply, what will happen here tonight is this. At the end of this discussion, when the motion comes to refer this matter to committee, I will ask Members to vote no on the previous question so that, in the event the previous question fails, we can immediately ask unanimous consent to bring up H.R. 1796, which would have the effect of stripping from this proposal the three riders that caused the President to veto the bill and sending a clean bill back to the White House.

It would contain every other provision that was fashioned by the majority in this House except those three political riders. That is all our motion would seek to do.

What we are asking people to do is to recognize that for the people in the affected areas, who we are trying to help with this supplemental, for them, refusal of the Congress to provide needed assistance in a timely fashion is nothing but a second government shutdown. That is what it represents in those areas.

So I ask my colleagues to end that second government shutdown for those purposes by voting no on this proposal to send it to the committee tonight and get on with doing this week what we should have done last week, which is to pass a clean supplemental appropriation.

Mr. McDADE. Mr. Speaker, I yield 2½ minutes to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time, and I say to my colleagues on the floor this evening, "I told you so," because I have been suggesting to Members on both sides for some time now that this is where ultimately we would end up.

We have a bill that has been under consideration for several weeks, and the people in this country, one thing they are not missing is that what is delaying consideration of this bill, what is delaying disaster relief, is politics. I am not sure that everybody understands exactly all the intricacies of the continuing resolution or of the census and what is trying to be accomplished there, but one thing they do know is that this institution, Washington, DC, is playing politics with disaster assistance.

When I was out there this week, and I guess I would urge my other colleagues, because many of them have not seen what I have seen, but when they have looked at the mud-filled basements and seen the disastrous effects the floods and the blizzards have had on the cattle and the livestock industry of my State and the people who are waiting for assistance, when we have said in Washington help is on the way, and we have made a commitment that we are going to deliver, and yet we have failed to do it, what I heard repeatedly this last week was, "Can you in Washington not get it right? You do not seem to get it."

These people want the Republicans and the Democrats and the White House and the Congress to work together in a way that will get a consensus so that we can get this process on the way.

I was on Highway 281, Federal Highway 281 this last week, north of Tulare, SD, just south of Redfield, and there was a gentleman sitting on the center line of Highway 281 fishing for northerns. Highway 281 is completely under water, and with it is the railroad that transports the grain commodities on which our State depends for its economic survival.

We have railroad assistance in this bill. We have several things that are going to be important for agriculture to recover. So I urge this body and our colleagues in the Senate and the White House to get together and to work something out to get this job done.

I believe the message has been sent. Whatever that message was, and it still eludes me, but the fact of the matter is people are waiting, patience is wearing thin, and temperatures are on the rise all over the country. And I am glad to say not just in South Dakota, I think people elsewhere around the country are getting the message we need to do something. Congress needs to act, the White House needs to act, Republicans and Democrats need to develop a consensus in order to get this done. I hope we will get that process underway tonight.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, we have had an opportunity for 83 days, since the administration sent an urgent disaster relief package to Congress, to work out the details and send it on for Presidential signature so we could really address the overwhelming needs of people in 35 different States around the country, some of whom, as in the upper Midwest, continue to suffer as we speak.

We have played around, we have squabbled over details that, frankly, did not even need to be included in this bill, and we have allowed a number of extraneous matters to become an impediment to getting it signed into law. It is time we bring an end to this charade. The public expects us to deliver on fundamental promises we make people, and that is if we have people suffering in this country, we will all get together to help them address it.

The President has indicated that there are two particular amendments he cannot live with. At the moment, it seems we are dead set on sending them right back to him, prolonging the gridlock, bringing down additional disrespect on this institution. We have an opportunity in a few minutes to offer our support for a clean bill that can be signed within several days that will let us restore public trust in this institution and get about the business of doing what we were elected to do, and that is deal with basic problems.

My district suffered in January. We are concerned that we will not be able to prevent another disaster next winter in northern California because we do not have the funds to go about improving our levee system, bringing it back to a level of protection we thought we had last January. It is unconscionable that we continue to argue about the census or about some automatic mechanism by which we could pass all appropriations bills when we all know what we have to do is stick to the business of appropriating funds for disaster relief.

Mr. Speaker, I hope we will act tonight to support this motion which will be made that will give us an opportunity to pass a clean disaster relief bill.

Mr. OBEY. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I believe that each and every one of us is here as a Member of the House of Representatives because the bottom line is we care about people. We believe differently as to how we best help people, but we are here to help people. Let us remember that this bill is about helping people.

Six and a half weeks ago the levees broke on the Red River, inundating Grand Forks and East Grand Forks. This is a photograph that appeared in the newspaper, of a woman being told in the dead of night that she has to get out of her home, leave all her possessions, because the water is about to take everything she knows and holds dear.

The trauma of such an event in such a middle America place like Grand Forks, ND, is beyond my ability to describe to my colleagues, but I was there and, believe me, it was God awful. Now the people are being traumatized by another occurrence, this one not a natural disaster but a Congress-made one.

We need help. It is very clear. It is very clear to any American that has watched the news footage about what we have gone through just how badly we need help. People from around the country have responded in wonderful ways, small ways, like the 7-year-old that dropped off some canned goods so I could send them back to the people I represent; and, large ways, like the woman who gave $15 million in individual grants of assistance.

But they expect fundamentally their government to respond, and we have been unable to respond, unable to respond because we have played to our worst instincts in this body, putting shallow, crass partisan politics in the middle of an effort to get help to people who need it.

This clipping says it all. It says what so many are saying to me as I go back to Grand Forks every weekend: "You are playing with our lives."

My colleagues have to understand that there are people that are not in homes tonight, there are families that are not together, and they cannot make a fundamental decision about even where they are going to live until we pass this bill.

FEMA does not fund the initial buyout program that Grand Forks is going to launch. That is funded by the community development block grant funds in this bill. There is not money in the

pipeline to help these people on these home buy-out decisions. We have to pass the bill first. And so until we pass the bill, these people are stuck. They are in limbo.

Again and again and again, when one goes back to our districts, we hear about how we are in limbo. I would invite any Member of this body to come with me to Grand Forks. If my colleagues do not believe it, come with me to Grand Forks. We will go tomorrow. If Members do not want to miss votes to do that, we will get on the phone. Come with me to my office. We will call Democrats in Grand Forks, we will call Republicans in Grand Forks, we will call anyone my colleagues want to in Grand Forks to hear from the people themselves.

Sometimes maybe in our partisan warfare we forget what this is all about, but it is about helping people. And the people in our area are in a state of tremendous need tonight. Do not play with the lives of those we represent. These are Americans, they need our help. This is our Government, they deserve no less.

Let us act now and, for that reason, take precisely the action the gentleman from Wisconsin is suggesting. Do not go to committee. We have had enough of committees. Let us, as a body tonight, strip off the extra provisions and get the aid out of the House.

Mr. MCDADE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time. Had the President signed this bill, the aid which the gentleman who just appeared in the well wanted to see flow back to his region would have started. We would have had 3 days of moneys out of this bill flowing already into the distressed areas.

So who is playing with whose lives? Could not the President have signed that and understood that to prevent the Government shutdown is another good measure that would have been swept into the mix of providing this relief for the distress of the Middle West?

I have been trying, and everybody knows it, for 10 years now to produce an automatic methodology by which we could prevent Government shutdowns. It has nothing to do with politics. It has nothing to do with trying to get the President to succumb to some political pressure, because I did it when President Bush was President. I did it when President Reagan was President. I did it with a Democrat controlled Congress and a Republican President, and now the reverse, a Republican Congress and a Democrat President.

It merely says that, if we fail as a Congress, which we have done 50-some times in the last 10 years, to come to an agreement on a budget within the budget deadline, that automatically, the next day, last year's appropriations would go into being until the full budget can be completed.

The President in his veto message says, "While the goal of preventing a Government shutdown is a worthy one". That is his language, "is a worthy one"; he proceeds to veto a vehicle that would provide for a method to prevent Government shutdown.

□ 1950

That is politics. That is game playing. He says, on the one hand, it is bad to shut the Government down. Then when the Government was shut down, he blamed the Republicans. Now the Republicans fashion a bill that would prevent the Government shutdown, and he vetoes it, saying we want to see the possibility of a shutdown occur again. That is politics.

Mr. OBEY. Mr. Speaker, I yield myself 1¼ minutes.

Mr. Speaker, that is precisely the same line of argument we heard from the majority party last year when they announced ahead of time that they were going to shut down the Government in order to leverage the President to swallow things that he did not feel he ought to swallow. And then after he stood up for principle, then they said, see, you caused the problem, you caused the problem, after they told the country for 3 months ahead of time they were going to shut the Government down.

What my colleagues have to recognize on that side of the aisle is that for the people in the areas affected by these floods, their refusal to let this legislation go to the White House in shape that can be signed is tantamount to a second Government shutdown. Now it is time that they put their own subjective judgments second to the needs of the people in the affected areas and deliver the aid that they have a right to expect.

Government is either going to be on their side or it is going to be against them. In this case, unless we let this legislation go, they have a perfect right to conclude that Government is against them, and that is not where it ought to be tonight.

Mr. MCDADE. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished minority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. The gentleman from Wisconsin [Mr. OBEY] is absolutely right, Mr. Speaker. For millions of people across this country, this amounts to another Government shutdown. It amounts to the Government turning their back on them, not being there for them when they need the help.

Week after week, we have urged our Republican colleagues to pass a disaster relief bill that would rush help to families struggling to recover from the worst floods to hit the northern plains in 500 years. Disaster relief, emergency relief, nothing more, nothing less, disaster relief; this is help that people desperately need. As the gentlemen from South Dakota and North Dakota so eloquently said this evening, they need to rebuild their homes, to reopen their businesses, to replant their fields, to resuscitate their economy.

And what did my Republican colleagues do? Ignoring President Clinton's promised veto, they loaded up the disaster bill with extraneous provisions, provisions that had nothing whatsoever to do with flood relief, provisions aimed at undermining the accuracy of the U.S. census in the year 2000.

People need help now. We are arguing about a problem in the year 2000. It took the President all of 19 minutes to veto the bill. Now we are back where we were 2 weeks ago. Meanwhile, flood victims are still waiting. They have waited for 83 days. They waited while Congress went on vacation. They waited all weekend. And they are still waiting. They are waiting for some sign of hope. They are waiting without their homes, in trailers. They are waiting without jobs. They are waiting without the ability to work in their fields. They are waiting without their businesses.

I stand ready with my Democratic colleagues to pass a disaster relief bill that just does that, it provides disaster relief to working people who are struggling to get on with their lives and provide it today, now, in a few minutes. Disaster relief. Nothing more. Nothing less. No census formulas. No Government shutdown clauses. Disaster relief.

It is not complicated. It should not be controversial. Enough is enough. The flood victims have run out of patience. Let us vote on disaster relief and do it now. Nothing more. Nothing less. Stay with the proposal that the gentleman from Wisconsin [Mr. OBEY] will be offering on the previous question to vote it down to bring a clean bill to the floor. Stay with the gentleman from South Dakota [Mr. THUNE], who got up here and gave an eloquent statement about the misery of the people that he represents. Stay with your colleague, who wants a clean bill. My colleagues would want no less if they were in his shoes.

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume. I shall speak for just a few seconds, Mr. Speaker.

The one way to begin to bring relief tonight to the people who are affected in this disaster is to vote to send this back to committee so the process can be rejuvenated and worked out. If my colleagues vote for the previous question, Mr. Speaker, it creates chaos in this body. I urge my colleagues to assist the people in our country who are crying out for relief in the disaster by voting to send this bill to committee.

Mr. MCDADE. Mr. Speaker, I have no further requests for time, I yield back

the balance of my time, and I move the previous question on the motion to refer.

The SPEAKER pro tempore (Mr. PEASE). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the motion to refer.

The vote was taken by electronic device, and there were—yeas 216, nays 205, not voting 13, as follows:

[Roll No. 177]

YEAS—216

Aderholt	Ehrlich	LaTourette
Archer	English	Lazio
Armey	Ensign	Lewis (CA)
Bachus	Everett	Lewis (KY)
Baker	Ewing	Linder
Ballenger	Foley	Livingston
Barr	Forbes	LoBiondo
Barrett (NE)	Fowler	Lucas
Bartlett	Fox	Manzullo
Barton	Franks (NJ)	McCollum
Bass	Frelinghuysen	McCrery
Bateman	Gallegly	McDade
Bereuter	Ganske	McHugh
Bilbray	Gekas	McInnis
Bilirakis	Gibbons	McIntosh
Bliley	Gilchrest	McKeon
Blunt	Gillmor	Mica
Boehlert	Gilman	Miller (FL)
Boehner	Goodlatte	Moran (KS)
Bonilla	Goodling	Morella
Bono	Goss	Myrick
Brady	Graham	Nethercutt
Bryant	Granger	Neumann
Bunning	Greenwood	Ney
Burr	Gutknecht	Northup
Burton	Hansen	Norwood
Buyer	Hastert	Nussle
Callahan	Hastings (WA)	Oxley
Calvert	Hayworth	Pappas
Camp	Hefley	Parker
Campbell	Herger	Paul
Canady	Hill	Paxon
Cannon	Hilleary	Pease
Castle	Hobson	Peterson (PA)
Chabot	Hoekstra	Petri
Chambliss	Horn	Pickering
Chenoweth	Hostettler	Pitts
Christensen	Houghton	Pombo
Coble	Hulshof	Porter
Coburn	Hunter	Portman
Collins	Hutchinson	Pryce (OH)
Combest	Hyde	Quinn
Cook	Inglis	Radanovich
Cooksey	Istook	Redmond
Cox	Jenkins	Regula
Crane	Johnson (CT)	Riggs
Crapo	Johnson, Sam	Riley
Cubin	Jones	Rogan
Cunningham	Kasich	Rogers
Davis (VA)	Kelly	Rohrabacher
Deal	Kim	Ros-Lehtinen
DeLay	King (NY)	Royce
Diaz-Balart	Kingston	Ryun
Dickey	Klug	Salmon
Doolittle	Knollenberg	Sanford
Dreier	Kolbe	Saxton
Duncan	LaHood	Scarborough
Dunn	Largent	Schaefer, Dan
Ehlers	Latham	Schaffer, Bob
Sensenbrenner	Snowbarger	Walsh
Sessions	Solomon	Wamp
Shadegg	Souder	Watkins
Shaw	Spence	Watts (OK)
Shays	Stearns	Weldon (FL)
Shimkus	Stump	Weldon (PA)
Shuster	Sununu	Weller
Skeen	Talent	White
Smith (MI)	Taylor (NC)	Whitfield
Smith (NJ)	Thomas	Wicker
Smith (OR)	Thornberry	Wolf
Smith (TX)	Tiahrt	Young (AK)
Smith, Linda	Upton	Young (FL)

NAYS—205

Abercrombie	Hall (TX)	Obey
Ackerman	Hamilton	Olver
Allen	Harman	Ortiz
Andrews	Hastings (FL)	Owens
Baesler	Hefner	Pallone
Baldacci	Hilliard	Pascrell
Barrett (WI)	Hinchey	Pastor
Bentsen	Hinojosa	Payne
Berman	Holden	Pelosi
Berry	Hooley	Peterson (MN)
Bishop	Hoyer	Pickett
Blagojevich	Jackson (IL)	Pomeroy
Blumenauer	Jackson-Lee (TX)	Poshard
Bonior	Jefferson	Price (NC)
Borski	John	Rahall
Boswell	Johnson (WI)	Ramstad
Boyd	Johnson, E. B.	Rangel
Brown (CA)	Kanjorski	Reyes
Brown (FL)	Kaptur	Rivers
Brown (OH)	Kennedy (MA)	Rodriguez
Capps	Kennedy (RI)	Roemer
Cardin	Kennelly	Rothman
Carson	Kildee	Roukema
Clay	Kilpatrick	Roybal-Allard
Clayton	Kind (WI)	Rush
Clement	Kleczka	Sabo
Clyburn	Klink	Sanchez
Condit	Kucinich	Sanders
Conyers	LaFalce	Sandlin
Costello	Lampson	Sawyer
Coyne	Lantos	Scott
Cramer	Leach	Serrano
Cummings	Levin	Sherman
Danner	Lewis (GA)	Sisisky
Davis (FL)	Lipinski	Skaggs
Davis (IL)	Lofgren	Skelton
DeFazio	Lowey	Slaughter
DeGette	Luther	Smith, Adam
Delahunt	Maloney (CT)	Snyder
DeLauro	Maloney (NY)	Spratt
Dellums	Manton	Stabenow
Deutsch	Markey	Stark
Dicks	Martinez	Stenholm
Dingell	Mascara	Stokes
Dixon	Matsui	Strickland
Doggett	McCarthy (MO)	Stupak
Dooley	McCarthy (NY)	Tanner
Doyle	McDermott	Tauscher
Edwards	McGovern	Taylor (MS)
Emerson	McHale	Thompson
Engel	McIntyre	Thune
Eshoo	McKinney	Thurman
Etheridge	McNulty	Tierney
Evans	Meehan	Torres
Fazio	Meek	Towns
Filner	Menendez	Traficant
Foglietta	Millender-McDonald	Turner
Ford	Miller (CA)	Velázquez
Frank (MA)	Minge	Vento
Frost	Mink	Visclosky
Furse	Moakley	Waters
Gejdenson	Mollohan	Watt (NC)
Gephardt	Moran (VA)	Waxman
Gonzalez	Murtha	Wexler
Goode	Nadler	Weygand
Gordon	Neal	Wise
Green	Oberstar	Woolsey
Gutierrez	Olver	Wynn
Hall (OH)	Ortiz	Yates

NOT VOTING—13

Barcia	Fawell	Schiff
Becerra	Flake	Schumer
Boucher	Metcalf	Tauzin
Farr	Molinari	
Fattah	Packard	

□ 1956

Messrs. MARTINEZ, HALL of Texas, and McDERMOTT changed their vote from "yea" to "nay."

Mr. BILBRAY changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore [Mr. PEASE]. The question is on the motion offered by the gentleman from Pennsylvania [Mr. MCDADE].

The motion was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 9, 1997.

Hon. NEWT GINGRICH,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives. I have the honor to transmit a sealed envelope received from the White House on June 9, 1997 at 2:34 p.m. and said to contain a message from the President whereby he transmits proposed legislation entitled the "Cloning Prohibition Act of 1997."

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

CLONING PROHIBITION ACT OF 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–97)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for immediate consideration and prompt enactment the "Cloning Prohibition Act of 1997." This legislative proposal would prohibit any attempt to create a human being using somatic cell nuclear transfer technology, the method that was used to create Dolly the sheep. This proposal will also provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings.

Following the February report that a sheep had been successfully cloned using a new technique, I requested my National Bioethics Advisory Commission to examine the ethical and legal implications of applying the same cloning technology to human beings.

The Commission concluded that at this time "it is morally unacceptable for anyone in the public or private sector, whether in a research or clinical setting, to attempt to create a child using somatic cell nuclear transfer cloning" and recommended that Federal legislation be enacted to prohibit such activities. I agree with the Commission's conclusion and am transmitting this legislative proposal to implement its recommendation.

Various forms of cloning technology have been used for decades resulting in important biomedical and agricultural advances. Genes, cells, tissues, and even whole plants and animals have been cloned to develop new therapies for treating such disorders as cancer, diabetes,, and cystic fibrosis. Cloning technology also holds promise for producing replacement skin, cartilage, or bone tissue for burn or accident victims, and nerve tissue to treat spinal cord injury. Therefore, nothing in the "Cloning Prohibition Act of 1997" restricts activities in other areas of biomedical and agricultural research that involve: (1) the use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; or (2) the use of somatic cell nuclear transfer techniques to create animals.

The Commission recommended that such legislation provide for further review of the state or somatic cell nuclear transfer technology and the ethical and social issues attendant to its potential use to create human beings. My legislative proposal would implement this recommendation and assign responsibility for the review, to be completed in the fifth year after passage of the legislation, to the National Bioethics Advisory Commission.

I urge the Congress to give this legislation prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 9, 1997.*

□ 2000

NO WAY TO RUN A CONGRESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, it has now been 83 days since the President first asked this Congress for disaster relief legislation. Flood-stricken families in the Midwest are desperately waiting for these funds. Yet the majority has loaded up this bill with provisions the President has said that he cannot accept in an effort to embarrass him.

Let me quote from today's Wall Street Journal that says Speaker NEWT GINGRICH has privately indicated that he never expected the President to sign the bill sent to him. Let me also mention what Republicans are privately conceding, that this is more of a rhetorical attempt to embarrass Mr. Clinton, put themselves in a better light after helping to provoke shutdowns in the last Congress.

Mr. Speaker, we are talking about people's lives. There are literally tens of thousands of people unable to make basic decisions about their lives until this bill is enacted. Yet the majority refuses to send a bill without these provisions to the President. This simply is no way to run a Congress.

Mr. Speaker, providing Federal assistance to the victims in times of crisis is one of the fundamental roles of the United States Congress, yet my Republican colleagues would abdicate this basic responsibility in order to score political points.

I implore the majority to stop playing politics with people's lives. Send the President a clean disaster bill today.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WE SHOULD NOT SACRIFICE FREEDOM OF EXPRESSION WITH A FLAG AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PAUL] is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, in 2 days we are going to be debating an amendment to the Constitution dealing with the flag. The proposed flag amendment to the Constitution deals with more than just the issue of freedom of speech. It involves the right of free expression and the right to own property. These two are inseparable. A free society cannot have one without the other; and when one is compromised, so is the other.

When property rights are correctly honored, free expression is guaranteed through that right. The independence of a newspaper, radio station or a church guarantees the use of that property in any free expression desired. No one has the right to use any newspaper, radio or church to exert his or her own opinion as an example of free speech. Catholics have no right to say Mass in a Jewish temple. Certainly in our homes we are protected from others imposing their free speech on us. It is the church property that guarantees freedom of religion. The networks or papers need not submit to demands to be heard by religious believers as an example of free speech. Use of the radio or newspaper by those with strong opinions or religious views is only done voluntarily with the permission of the owner.

Yes, it is very important who owns the flag and where it was desecrated. What if it is in a home or in a church for some weird reason? Do the police invade the premises? Who gets sent in? The BATF, the DEA, the FBI, the U.S. Army or the U.S. flag police? If it is on government property or a government flag or someone else's flag, that is an attack on property that can and should be prosecuted. By legislating against how someone else's flag is being used, the right of free expression and property ownership is infringed just as if it were church property or a newspaper.

We work diligently to protect controversial expression in books, television and movies and even bizarre religious activities through the concept of private property ownership as long as violence is not used. Is this matter any different?

We live in an age where it is becoming more common to attack free expression, and that is a danger we should not ignore. We find one political group attacking expression that violates the subjective rules of politically correctness while working to prohibit voluntary prayer. Now another wants to curtail expression through flag antidesecration laws in the name of patriotism. But there is a better way to handle demonstrations and malcontents.

The danger here is that flag burners frequently express a disdain for big government. Curtailing any expression of criticism of the government is fraught with great danger. Will anyone who opposed big government someday be identified as a friend of the flag burners and treated like one since he is expressing an idea similar to the flag burners? Just because some people are not smart enough to express themselves in any other way than flag burning, it does not justify the careless attack on free expression. Once it is routinely accepted expressing these ideas as dangerous to the status quo, all our freedoms are threatened.

We need to direct our patriotic zeal toward defending the Constitution and to the protection of liberty. Lack of this effort has led to the impending bankruptcy of the warfare state. Now, there is a problem worth directing our attention.

The flag police are no substitute for our policing our own activities and responsibilities here in the Congress. We are endlessly delivering more power in the name of political emergencies, budgetary crises and government efficiency to the Executive, a process not permitted under the Constitution. We permit socialists to attack property rights and the fundamentals of economic liberty as a right under our Constitution. But those who profess respect for private property should not be trapped into attacking flag property when it is used to express unpopular antigovernment views and even change the Bill of Rights to do so.

The socialists know what they are doing, but the anti-desecrators act out of confused emotions while responding to political pressures. We should not further sacrifice freedom of expression with a flag amendment. Especially when compared to the harm done with taxpayers' funding of school programs and NEA desecration, it is negligible. True patriots can surely match the wits of the jerks who burn flags without undermining the first and the fifth amendments.

Mr. Speaker, we can do better than rush to alter constitutionally protected free expression for a nonproblem. We could easily organize bigger and grander demonstrations to celebrate our constitutional liberties for which the flag is our symbol in answer to the flag burners.

I promise to appear any time, any place to celebrate our liberties and countermand the flag burners who work so hard to offend us. We do not need an amendment to the Constitution which for the first time in our history would undermine and curtail the protections of the first amendment.

TRIBUTE TO NEW JERSEY'S 13TH ANNUAL DEAF AND HARD OF HEARING DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

Mr. PAPPAS. Mr. Speaker, as I stand here today, almost three-quarters of a million of my fellow New Jersey citizens are unable to hear what I am saying. It is not that they are not listening, but rather they are physically unable to hear. Although closed captioning television is beneficial to some, many citizens are without the service.

I rise today to recognize my State's proclamation of June 14 as the 13th Annual Deaf and Hard of Hearing Day. This day sets out to raise awareness for an issue and a segment of our population that face a silent disability.

The ability to hear is truly a blessing and something that those of us who can hear often take for granted. For just a moment think of all the different sounds that echo through our daily lives: The birds chirping in the early morning, the music in the car, or the elevator, or familiar voices of our friends, family members, and coworkers.

As a society we depend on sounds in so many ways: Vehicle horns when we are driving, fire alarms to alert us to danger, and even here in Congress we listen for the bells to alert us of upcoming votes.

It is difficult to imagine the everyday difficulties that those citizens who are unable to hear face in their efforts to function in a society that uses sounds in so many ways as a means of communication.

Beyond the sounds we hear, the spoken language is our primary means of expressing and receiving our thoughts and ideas. We use telephones to communicate, we listen to the television and radio for our entertainment and information, but the deaf community and hard of hearing community communicates in a much different way. The silent disability that they face forces them to converse through sign language and use TDD and relay services as an alternative method of telephone communication.

As a student of sign language myself, I am well aware of the daily efforts that must be made to express themselves without spoken words. Yet it is a difficult language to learn but highly necessary for survival. I encourage everyone who has the opportunity to learn, to learn sign language.

This Saturday at the Great Adventure Amusement Park in Jackson, NJ, thousands of people from New Jersey's deaf and hard of hearing community will celebrate the 13th Annual Deaf and Hard of Hearing Day. If anyone is interested in seeking out more information on the day's events, they can call either through Voice or TDD, and the telephone number at the Division of the Deaf and Hard of Hearing in New Jersey is 609–984–7281.

I want to congratulate Richard Herring, the Director of the Division of the Deaf and Hard of Hearing of the New Jersey Department of Human Services, for his efforts in making this annual event such a success. His efforts over the years to celebrate, educate, raise awareness, and recognize the achievements made by fellow citizens have truly had a tremendous impact on both the deaf and hearing communities of my State.

BAD MANAGEMENT OF AN EMERGENCY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. OLVER] is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, today the President, President Clinton, vetoed a bill which he had said very clearly that he was going to veto. Very clearly he had indicated that that veto was coming because of a series of extraneous riders to an otherwise emergency bill. And so we have a situation that I have really in 30 years of legislative life that I have gone through both in Massachusetts, my home State, and here 6 years in the Congress, I think that I have never seen an emergency bill managed more cavalierly, more carelessly by the legislative body and the majority than this one has been managed this year.

It was back in March, the 19th of March, that the President had asked for this legislation totaling about $7.1 billion, part of it to deal with the very serious natural disasters in the Ohio Valley, the flooding in northern California, the Red River Valley, and the Dakotas, and in Minnesota in order to help put back the lives of hundreds of thousands of devastated families, farms and businesses, people whose lives had really been deeply hurt by that and also, by the way, to carry out $1.8 billion that was to provide our peacekeepers in Bosnia, those people, men and women, who wear the American uniform and are doing a dirty and a tough job, but a necessary job, the resources that they need in order to do that.

□ 2015

There is no reason whatsoever why this bill should not have been passed and signed by the President, a clean emergency bill to deal with these natural disasters and with our peacekeepers' needs in Bosnia, no reason at all why that should not have been passed by the Congress and signed into law by the time we went home for our Memorial Day long weekend, and the 10 days that we, as Members of Congress, spent in our districts.

However, on May 23, we recessed. There was an attempt by the majority to adjourn, but instead, that was denied by a relatively wise majority that day, a majority of the Members, and we instead recessed for those 10 days, leaving those hundreds of thousands of families without having been dealt with fairly for the disasters that they had undergone.

Then it took us the whole next week after we came back until June 5, late last week, when we finally passed the emergency legislation, and even then, the majority did not send it to the President. Even then, they held it over the weekend until the beginning of this week, when they knew that they had added provisions to the legislation that the President had said very clearly change the balances of powers that were extraneous to any emergencies that would force a veto, and so early this week he vetoed the legislation.

Why did the Republican majority follow this kind of strange procedure in this legislation? Well, they had a major environmental rider in the legislation which was to the conversion of certain claimed rights-of-way, conversion of rights-of-way to paved highways across National Parks and Public Lands and military installations. That legislation, that rider by itself, could never have passed this Congress, could never have passed either branch of the Congress, yet it was put into this bill and it was not even an emergency.

Then they had a census rider in there that the President said that he would have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate

possible census at the lowest possible cost.

Now, why was that? Well, it turns out that there seemed to be some belief that it was an advantage, it would be an advantage to the Democratic Party. Well, that is not really the case. It is not at all clear who would be advantaged. The only thing happening here was that by adding that rider, we end up with a higher cost census, a less accurate census, and one that is very difficult to get done at all. So that rider was put on.

Then the third and probably the most critical item among the riders was that to impose a distinct power shift in the constitutional powers in dealing with budgets between the Congress and the presidency. For those reasons it was vetoed, and for those reasons the clean bill should be passed by this Congress and sent back to the President so he can sign it.

EUROPEAN SECURITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to speak about a very important issue and that is NATO. On April 4, 1949, the United Nations, Canada and 10 European governments signed the North Atlantic Treaty creating NATO. It was established to deter potential Soviet aggression in Europe and provide for the collective self-defense of the alliance.

Since then, NATO has reshaped its military strategy fundamentally in the wake of the Conventional Armed Forces in Europe Treaty, the Strategic Arms Reduction Treaty, and the massive cuts in U.S. short-range nuclear forces towards power projection with more mobile forces and away from an armored positional force in Central Europe.

During the December 1994 NATO summit, the U.S. expressed its interest in expanding NATO in order to, one, strengthen nations that share our U.S. belief in democracy; two, continue the development of free market economies open to U.S. investment and trade; and, three, secure allies willing to share in cooperative efforts on a range of global issues; and finally, four, preserve a Europe free from domination by any single power.

I believe that the enlargement of NATO will enhance stability by providing NATO's security guarantee for candidate states working to construct viable democracies and free market systems, Mr. Speaker. I call for my colleagues tomorrow to support the European Security Act, which will help to expand NATO. H.R. 1758 declares that the door to membership in NATO should remain open to all emerging democracies in Central and Eastern Europe, and expresses the sense of Congress that the Baltic Nations and Romania should not be admitted to NATO, and declares that Congress will not approve international agreements that accord second-class status to any new NATO members.

Finally, Mr. Speaker, the bill declares that the door to NATO membership should not close in the first round of NATO enlargement this summer. Aspiring members who may be left out of the first round must be assured they will be considered for NATO membership in the future. This particular measure provides that Romania, Estonia, Latvia and Lithuania shall each be designated as eligible to receive assistance under the NATO Participation Act of 1994.

So I urge my colleagues to give careful attention to this legislation when it is debated on the floor, because I believe it is of interest not only to Americans, but to all of those who live in the countries that have been designated as those who will be positive for NATO and positive for world peace.

STOP THE BATTLE OF THE BULGE IN THE SUPPLEMENTAL APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this evening I would like to talk about the battle of the bulge, or maybe it is a battle with the bulge. That is the emergency supplemental appropriations legislation that the Republicans seem to think will play politics with the lives of thousands and thousands and thousands of citizens in the Dakotas, Minnesota, and California, and 29 other States ravaged by flooding and other natural disasters.

Coming from the State of Texas, we well know the tragedy of natural disasters, whether it is hurricanes or floods or tornadoes. Most States in this Nation have had their share. Therefore, it seems much more than a crisis, but a literal shame that the Republicans have decided to play politics with a simple act, and that is, show them the money and get them the money. That is the call, and that is what we need to be doing in the U.S. Congress.

It is interesting that I stand here on June 10, 1997, for it was on March 19, 1997, that the President sent to this Congress, almost 3 months ago, the need for emergency disaster assistance and urged this Congress to act promptly. There is no hardness or difficulty to this legislative act. It is simply to pass an emergency supplemental appropriations bill that will provide $5.8 billion of much-needed assistance to people hard-hit and hit in the pocketbook, if you will.

In addition, it included $1.8 billion for the Department of Defense in related efforts for our peacekeeping needs in Bosnia and Southwest Asia. But yet, rather than send a clean supplemental appropriations bill, this Congress decided to load it down with ill-advised and unnecessary pieces of legislation.

For example, rather than emphasizing the need of those individuals over and over again by passing this clean supplemental appropriations bill, we would find in this particular legislative package the battle of the bulge. We would find elimination of the ability to use sampling in the census.

Someone might ask, why is that relevant? Why are we even having that in legislation without full discussion and understanding whether that is a positive or a negative? Frankly, that is a good question, because in fact it has been clearly shown that sampling is an accepted method of creating the census. Politics again, allegations that sampling benefits one group over the other, Democrats versus Republicans, and yet the real question is providing the dollars for those who are in need in the Dakotas and Minnesota, California, and 29 other States.

What else is in here? Questions under the Department of Justice, issues dealing with the environment. One would wonder why that was in there, and other matters that are extraneous to the actual needs of these citizens.

I would simply say that time is now overdue for clearly responding to the President's veto. He is serious. But more important, he cares about those, and we care about those who are in need of money to pursue the cleanup, the rebuilding, the rebuilding of lives and families. All we have to do is simply respond to the President's request, simple request coming 3 months ago: Pass a clean emergency supplemental appropriations bill. Stop taking away the ounce of prevention program, a program that helps communities work together to eliminate crime. Stop taking away money from the peacekeepers, the men and women in Bosnia who have given their lives for this country. Stop interfering with the environment by trying to undercut an environmental process with the Department of the Interior. Stop interfering with the Department of Defense with the dual-use technologies. All of these issues are in an emergency supplemental bill when all we want is the money for these people to rebuild their communities.

I would simply say it is time now to stop the politics and act quickly, swiftly, certainly more so than we have done over these last 3 months. Bring back a clean emergency supplemental appropriations bill. Let us deal with the people forthrightly in those areas that are in need, and then, if we must, have legislative discussions and hearings relevant to these other aspects of this bill, but let us stop the battle of

the bulge, cut the fat and get down to the bottom line, serve the people who are in need and pass the emergency supplemental appropriations bill.

DISASTERS ARE NOT PARTISAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. SNYDER] is recognized for 5 minutes.

Mr. SNYDER. Mr. Speaker, I thank you and the staff who are putting in long hours here once again. We appreciate you very much.

Mr. Speaker, on March 1, we had a 260-mile swath of tornadoes come through Arkansas. By the weatherman's count, there were approximately 24 different tornadoes that came out of the same storm front and caused tremendous damage through that 260 miles. There were over 20 deaths; the majority of them were in my district. For those that did not die and did not lose family members, their life too was severely affected by the storm, and as many of us do who are elected officials in those type of events, we go out there and try and learn and walk with our constituents through their tragedies.

I do not need to go into great detail about those stories. I have talked with policemen who found bodies, I have talked with family members who found family members. I cannot describe house after house after house of damage.

Any of us who have seen those kinds of storms, we know that those storms are not partisan issues. We know that those victims were not only Democrats or only Republicans or only Independents or only black or only white; we know that they were Americans undergoing great tragedy.

□ 2030

I do not see this issue of the supplemental appropriations being a partisan one. I know that Republicans and Democrats together care about the tornado victims in Arkansas, they care about the flood victims in the northern United States.

The issue is not about who cares the most. We all care about what happens to our fellow Americans. The issue is really to me a more mundane one: How do we do the people's business; how do we in this Chamber, how do we freshmen, just completing our first term, just a few months into our first term, how do we do the people's business?

Frankly, my constituents back home are confused by how we are doing the people's business when it comes to this storm. They see in the paper the words "supplemental appropriations"; and I am a freshman, I hear that phrase, and it sounds like some new type of nutritional drink for athletes: supplemental appropriations.

Then I explain to them that is emergency, emergency money for troops overseas, emergency money for storm victims. Then they want to know, why is there such controversy over emergency dollars that we all agree on? And I do not have a good answer. As a new Member, I am still learning.

Let me tell the Members one of my observations here in the last few months. To me it seems there is a difference between compromise and common ground. We elected officials, we always talk about politics being the art of compromise. Let me suggest, Mr. Speaker, that perhaps in emergencies we ought not to be looking for the compromise. Compromises can take weeks and months to achieve. Perhaps we should be looking for the common ground: Find those things that we all agree on, whether we are Democrat or Republican, whether we are in Congress or in the executive branch and are the President. Find those things we all agree on and let us pass those cleanly without this extraneous material.

Mr. Speaker, I ask support tonight that we pass a clean appropriations bill, take out things on which we are having fights, take out those things that have nothing to do with emergencies, such as how to conduct the census. It does not make sense to the people of Arkansas that we are dealing with a very controversial issue, how do we do the census, when we are trying to provide emergency dollars for our troops in Bosnia, when we are trying to provide emergency dollars for storm victims throughout this country.

Tomorrow I hope we will vote on a clean supplemental appropriations bill. I hope we will vote for one without extraneous material. I hope we will conduct the people's business and find the common ground that the people of Arkansas and the people of this country want.

PASS A CLEAN SUPPLEMENTAL APPROPRIATIONS BILL

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier this year our country faced the disaster of floods and tornadoes that ravaged homes and businesses all across our Nation. In my district in California, the Russian River flooded our communities not once but twice this year. The damage was devastating. It devastated homes, businesses, agricultural lands, and the environment. It played havoc on the tourism industry at the Russian River.

However, Mr. Speaker, in the Congress today we have a disaster of our own. This time the disaster has been caused by the flood of partisan gameplaying and a tornado of political maneuvering by the majority party.

It has been over 2 months since the President requested emergency aid for flood victims. But my colleagues on the other side of the aisle continue to hold disaster relief funds hostage. They have loaded down this supplemental appropriations bill with pet political projects and extraneous provisions and stopped this bill dead in the water.

Mr. Speaker, the consequences of this delay are enormous. Disaster victims across America cannot reconstruct their businesses, their homes, their lives. They cannot clear their fields for new crops. They cannot get on with the job of rebuilding their lives and their environments.

Speaking of victims and their lives, and about what this game is doing to them, the mothers and babies who rely on WIC, the women, infants, and children program, cannot wait any longer. They have to know whether they are going to be thrown off of that program. Without the $76 million in supplemental funds in this bill, more moms and children will be denied critical nutritional assistance, and fewer infants and children will get the nutritional food they need to grow into healthy adults.

Mr. Speaker, it is truly outrageous that the majority party is playing political football with the lives of flood and tornado victims and pregnant women and their babies.

Mr. Speaker, while the rains have stopped and the Sun is shining in California today, the partisan games of the majority continue to cast a dark cloud over our recovery. Let us get on with it. Let us pass a clean supplemental appropriations bill that does what it was intended to do: provide emergency funds, not further some political agenda. Let us not tell these rained-out families that the Sun will come out next week or next month. Let us pass a clean supplemental and let us do it now.

EVEREADY AND THE ENERGIZER BUNNY JOIN THE NAFTA DRUMBEAT OF JOBS AND WAGES LOST TO MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, everybody knows the Energizer Bunny. He has been around since the 1980's, and appeared in more than 40 commercials with his sunglasses and that little drum. Everybody knows his message: The bunny just keeps going and going and going.

Well, last week Eveready Battery Co., maker of the Energizer battery and the largest manufacturer of dry cell batteries in the world, announced that it would be closing its factory in the town of Fremont, OH, and moving all of those jobs to, you guessed it, Mexico; 250 more citizens of our country earning between $10 and $15 an hour

whose jobs are now on the chopping block, outsourced again to a low-wage nation that has no responsibility on environmental considerations. This gives new meaning to the Eveready slogan, it just keeps going and going and going, because those workers in Fremont, OH, now understand what that Energizer bunny is drumming all about.

This particular company is part of a larger trend since NAFTA: a quicker pace of companies moving from our country, moving good jobs that used to pay good wages with benefits in this Nation to low-wage environments, keeping pressure here at home for jobs that are more temporary in nature, more part-time, with no health benefits, and with retirement benefits threatened every step of the way.

Throughout our country companies are moving production and jobs to places like Mexico at a faster pace. In fact, when we add up these Eveready lost jobs, the numbers of people that have already been certified as having been terminated as a result of NAFTA now number over 140,000 around our country, including in States like my own, in Ohio.

We have seen textile and apparel plants leaving the American Southeast. We have seen electronics companies leave Massachusetts and Indiana. We have seen the destruction of the tomato industry in Florida. We have seen the potential for tens of thousands of jobs in the automotive industry to evaporate as companies locate plants in the border areas of Mexico. We have seen the potato industry in Maine laid low because of imports from Canada, and the wheat growers and cattle growers in the Plains States under assault.

The downward pressure on wages and benefits continues around this Nation. NAFTA is making its effects felt in communities throughout our Nation, and no region is exempt. You can run, but you cannot hide from the effects of NAFTA.

Today the Associated Press reports that the community that has been most hard hit by NAFTA is, you would never have guessed it, El Paso, TX. That is right, El Paso, TX, right there on the border, the same El Paso, TX that proponents of NAFTA predicted would be one of the greatest beneficiaries of the trade agreement. El Paso was once a stronghold of the garment industry, but the community has now lost over 5,600 jobs since NAFTA.

Coming in second is Washington, North Carolina, which has lost 3,400 jobs because of NAFTA. If anything, these statistics understate the dimensions of the losses, because not all workers who lose their jobs are reported to the Government of the United States at the Department of Labor.

By the way, it is the U.S. taxpayers that end up paying the costs of unemployed workers that are displaced due to this trade agreement when production is moved outside the United States. Most American citizens do not understand that. They think if people are put out of work, somehow the companies end up paying the costs of the workers' replacement in another field. That obviously does not happen.

Is that not a fine how do you do? Not only do the companies leave and they take the jobs elsewhere, but then it is the people of the United States through their tax dollars that have to subsidize the movement of these workers to hopefully some other job or some type of training.

We do know in all of the studies that have been done that when people leave one job and move to another, they rarely are employed at the same wage level, they rarely get the same benefits, and in fact, since NAFTA's passage, most of these people have seen their standard of living erode in an economy that is supposed to be just doing wonderfully.

I will submit for the RECORD the article that was in the Associated Press this morning, that El Paso leads the Nation in lost jobs, and an article from the News Messenger in Fremont, OH: "NAFTA Cited in Eveready Loss," as further evidence that the agreement is not working.

The articles referred to are as follows:

[From the News-Messenger, June 6, 1997]

NAFTA CITED IN EVEREADY LOSS—TOLEDO AREA U.S. REP BLAMES FREMONT PLANT CLOSING ON FREE TRADE PACT

(By Lynda Rea)

Eveready Battery Co.'s decision to close its Fremont factory is the latest tragedy resulting from the North American Free Trade Agreement (NAFTA), Toledo's U.S. Congresswoman says.

"Every single job we lose is a tragedy for the people who are terminated and the community in which they reside," the 9th District's Marcy Kaptur said.

"Eveready advertises they 'keep going.' Well, I guess they are going. This is 250 workers—that is a huge, huge loss for us."

Eveready announced earlier this week it would close the newly-renamed Energizer factory in 12 to 14 months and move a portion of its production to Mexico, eliminating 250 local jobs.

Asked whether NAFTA played a role in the decision, Eveready officials emphasized that the reason instead is declining consumer demand for carbon zinc batteries, which do not last as long as alkaline batteries.

Domestic production of carbon zinc batteries, which are made in Fremont, has dropped to 30 percent of what it was in 1986, Eveready spokeswoman Jill Winte said.

"NAFTA has not been a factor in the decision-making process," Winte said. "The carbon zinc battery is just a declining segment of the market."

Kaptur says companies are heading south of the border—taking 140,000 American jobs with them since NAFTA started—because of fewer environmental regulations and because they can pay laborers "pennies."

"They all use the excuse they have to compete globally, except all the companies who are doing this are all multi-nationals and they seek the lowest standards."

Comparing Mexican wages to Americans' wages and, more importantly, to corporate profits, "makes me sick," Kaptur said.

Employees at Fremont's Eveready earned $12 to $18 an hour, with the average worker earning around $13, Eveready spokesman Keith Schopp said.

Various sources place the typical Mexican wage between 80 cents and $1.50 an hour, which Kaptur called "hunger wages."

Fremont's closing will create a "small number of incremental jobs" in Mexico, but it is too early to determine the number, Winte said.

"There is no question that the average wage in the U.S. is higher than the average wage in Mexico or outside countries, but that was one of many factors the company considered," Schopp said.

"The main reasons are the U.S. market is moving away from carbon zinc batteries and we need to consolidate production for the Western Hemisphere."

Eveready already has moved production from Brazil, Argentina, Colombia and Ecuador into the existing Eveready plant near Mexico City, which employs 900 people, Schopp said.

U.S. Rep. Paul Gillmor, R-Old Fort, said he found it "disturbing" that local production was going to Mexico, but added he does not blame NAFTA.

Americans were complaining about jobs going to Mexico long before NAFTA began reducing tariffs and other trade barriers, he said.

NAFTA has eliminated a 20 percent duty on American products shipped to Mexico and a 10 percent duty on Mexican products shipped to the U.S., Gillmor said.

"I don't want to see these jobs or any other jobs go to Mexico, but the idea that because the Mexicans had to lower tariffs it has hurt American jobs defies any logic," he said.

Gillmor said NAFTA has had little impact in the Fifth District, which includes Sandusky County. His 1996 poll of 124 firms, employing 17,000 people, found that 72 percent reported no impact on business by NAFTA. Eighteen percent said NAFTA had helped their business and 10 percent reported it had been detrimental.

A local business expert, Richard Smith of the Sandusky County Economic Development Corp., said American companies moving to Mexico is a trend related to NAFTA.

"Personally I think these are short-term solutions," Smith said. "In the long run, quality will suffer. . . . They are leaving behind quality labor when they do that."

Kaptur could not agree more.

"We have had dozens of closings in Ohio already," Kaptur said, listing Goodyear and Allied Signal as examples of movers to Mexico.

" . . . I say to them, 'You sell your product there and don't send it back here. We are not interested.' "

EL PASO LEADS THE NATION IN NAFTA-RELATED JOB LOSSES

EL PASO, TEXAS (AP).—El Paso, once a garment-industry stronghold, has lost more jobs than any other U.S. city since the North American Free Trade Agreement went into effect in 1994, U.S. Department of Labor statistics show.

In El Paso, 5,623 jobs have been lost. Coming in second is Washington, N.C., which has lost 3,400 jobs because of NAFTA.

El Paso mayor-elect Carlos Ramirez said the losses show the city needs to give selected industries strong incentives to come to the city and stay.

"Our economic development areas have to be in jobs where not only we have an economic advantage but also where we have an economic multiplier, such as international trade, light manufacturing and high-tech," Ramirez said.

No figures are kept on jobs created by NAFTA in El Paso. But Ramirez said that from January 1994 to January 1997, El Paso's total number of jobs grew by 13,200 to 236,500.

NAFTA lowered trade tariffs among the United States, Canada and Mexico beginning in 1994. The Labor Department's numbers cover job losses attributed to trade with Canada and Mexico from January 1994 until April 30, 1997.

Nationwide, the Labor Department counts 124,616 NAFTA-related job losses, 45 percent of them from work moving to Mexico. Most of El Paso's NAFTA-related layoffs occurred when companies closed plants and moved operations to Mexico.

The majority of NAFTA layoffs, 77 percent, were in the garment industry. Some analysts said the industry was moving production out of the country before NAFTA anyway.

"El Paso concentrates on men's blue jeans, men's shorts, basically men's clothing, which is very standard. And that is the easiest thing to move offshore." said Raul Hinojosa, director of the North American Integration and Development Center at the University of California at Los Angeles.

Unlike the garment industry, the trucking industry has benefited from NAFTA. More than 500 trucking jobs have been created in El Paso in the past year alone.

When the Labor Department certifies jobs as lost because of NAFTA, the displaced workers become eligible for government-paid retraining.

Armida Arriaga, 56, worked in the El Paso garment industry for 18 years. In May 1996, she lost her job as a seamstress at Tex-Mex Sportswear when the company moved work to Mexico.

"I've used the NAFTA benefits, I'm studying English like others. But I'd prefer to have a job," she said.

Arriaga's benefits, which have included unemployment pay and paid retraining, come to an end in August and she's worried she will not have learned enough by then.

"I'll have to find work, and in sewing there aren't many jobs any more," she said. "That was my profession. I have little hope they'll take me."

Some efforts are under way to extend NAFTA benefits for displaced workers: a worker's advocacy group, La Mujer Obrera, is pushing for bilingual training programs.

U.S. Rep. Silvestre Reyes, D-El Paso, is proposing $12 million for NAFTA's Transitional Adjustment Assistance program. Budget disputes in Congress have so far kept the proposal off the next budget.

TRIBUTE TO MRS. BERTHA MUSICK OF CLARK CENTRAL HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, in 1973 two significant education-related events occurred in my life. No. 1, Clark Central High School teacher Bertha Musick retired after 37 years of teaching. Mrs. Musick had taught social studies, science, and English in elementary school, junior high school, and high school, but during my time in high school she was known as the 11th grade teacher in that feared and hated subject of grammar.

On the 12-year bumpy road to a high school diploma, Bertha Musick was the gatekeeper. If you could not pass 11th grade grammar, you could not get a diploma, and Mrs. Musick did not give away any freebies.

I, along with most Athens, GA, kids, started hearing about Mrs. Musick's 11th grade class as early as in the 9th grade. Pray you do not get her, it is the hardest class at Clark Central, the upper classmen would warn us, yet nothing could be done to prevent it. Student placement and teacher selection was done in some dark, secret chamber far beyond the influence of watchful eyes of 16-year-old students. What would I do if I got Mrs. Musick?

The luck of the draw was such that I did get Mrs. Musick, and I guess from her perspective, she got me. My deepest fears were realized: How was I, a mere average kid, going to live up to her high standards? My first task was to know all of her many ground rules. She was known as a strict no-nonsense instructor; no talking, no napping, no note-passing, and never forget your grammar book. I did all these things, and because I knew she was not going to change, I would have to.

Mrs. Musick, let me say this now if you are listening: I only tonight feel comfortable in confessing that I did forget my grammar book once, and it was one of the most dramatic days of my junior year, but somehow you never noticed. But I can promise you this, it only happened one time. My game plan was to try to fit in as a quiet, even smart student. I decided that I could get by being unnoticed and not rocking the boat, stay under the radar screen.

But I soon found I had a problem, because in the 1970's in Clark Central High School students in each grade were divided by ability. They were four groups. I know the board of education had more suitable terms, but for us kids the four groups were known as the smart group, the medium smart group, the medium group, and the dumb group.

The smart group contained all the future doctors, lawyers, mechanical engineers, accountants, miscellaneous eggheads, National Merit Scholars, and professors' kids. You see, Athens, GA, is a college town. All the University of Georgia professors' kids were in the smart, advanced placement class.

Actually, Mr. Speaker, I, too, am a professor's child, but through some genetic defect I inherited none of the accompanying brains. I was in the average group. But early in 1971, through some quirk of the board of education, I was put into the dumb group. I had never been in this group before, and it bothered me greatly. How did this happen? What strange alignment of the stars put me in this place?

Not knowing what to do, I stumbled into the guidance counselor's office; another great lady, Mrs. Hackey. I asked for her advice. In short, she told me the decision to transfer would be made by Mrs. Musick. My heart sank.

□ 2045

She will think I am dumb. She will not have anything to do with me. Teachers like that think less of you, not more of you. A week passed, and I still lacked the nerve to talk to her. Finally I could not stand it.

I caught Mrs. Musick after class one day. "You see, Mrs. Musick, I have already read a lot of these books that we are supposed to be reading, and I just think I would be better off in the medium class."

She replied, "There is no room in the medium class. Besides, you have a conflict with algebra. What about the advanced group?"

Was she joking? The advanced, that was where all the real smart kids were like Richard Royce and Alice Cooper and David Bowman, certified geniuses from way back, kids who made 1500 on their SAT score and played with slide rules when the rest of us were fiddling around with Etch-a-Sketch. I stammered, "Well, not that much of a leap."

"Do you want to stay in the class you are in now?" I dreaded the thought.

She looked at me and said, "I think you can do it." Now, was not this a surprise? Teachers like this do not give students like me a break. This was strange indeed. A teacher I feared and fretted about giving me a promotion, based on speculation. No one had ever done this for me. I had had plenty of good teachers. I liked plenty of them, and they liked me. But no one had ever gone out on a limb on my behalf.

Then something even more wonderful happened. If Mrs. Musick thought I could do it and she believed in me, maybe I could do it and maybe I could believe in myself also.

Mr. Speaker, this inspiration given to me by a schoolteacher over 25 years ago always has stuck with me. I transferred to the new class and got to work. I doubled my efforts, my enthusiasm for learning. I did not want to let the other kids know I did not really fit in, and I sure did not want to let Mrs. Musick down.

During the Christmas holiday, I worked on my term paper for the winter quarter. I read "For Whom the Bell Tolls", "Thanatopis", "Tess of the D'ubervilles", "Red Badge of Courage", "The Last Leaf". I ended up the year making A and B's, mostly B's, but B's never felt so good. But above all, I was in the advanced class in everything else, algebra, science and history.

What else can I say about the woman who made this possible? She was strict but she was clear. She gave us the rules. We understood them and we followed them, and we if we did not, punishment was sure and swift. There was no pink slip, no parent-teacher conference or gray area. Fairness and certainty were her trademarks in discipline.

On her subject matter, she was passionate. No sentence has been constructed that she could not diagram. Infinitives did not get split and participles did not get dangled on her watch. In fact, I am still a little afraid now, if she is watching, she will catch all my mistakes.

On literature there was none so devoted. One day it snowed, and in Athens, Georgia a snow day to students was worshipped like manna from heaven. No school. While all of the students rushed to the hills for sledding, Mrs. Musick later confessed she could not wait to get back to a good book or two, and with good reason.

She was intimately acquainted with Fitzgerald, Thoreau, Emerson, Huxley, Whitman, Oliver Wendell Holmes and company. She was their peer and they were her friends. Once Lewis Nix suggested Hemingway partied too much in Key West. Mrs. Musick neither confirmed nor denied this but took us all to a higher plane with her admonishment, "Do not talk about one of America's greatest authors in such fashion. He went through a lot in the war." A classy way to handle such a statement. Her love of literature was contagious and many Clark Central students left with reading as a lifetime hobby.

I will close with this. I still do not know what Thanatopis means, but I do know what the poem was about. I traveled with Hemingway to Mount Kilamanjaro, spent some time with Thoreau at Walden Pond, dined with Fitzgerald and Gatsby at West Egg and wept with Oliver Wendell Holmes on the Gettysburg battleground. As they have become immortal, so has Mrs. Musick.

How many students like me left her class with a lifetime habit of reading and yearning for knowledge or even an appreciation of grammar? Our lives live on in the influence that we have on others, and Mrs. Musick's legacy is indelibly etched on thousands of Athens, Georgia kids. I am blessed to have had her and forever better for the experience. I am sorry for those who did not.

I started out, Mr. Speaker, saying there were two significant things that happened in Athens, GA. One, Mrs. Musick retired. The other, Jack Kingston graduated. After 12 years of study, I walked down the aisle with my diploma, a product of lots of classroom hours and homework and wonderful teachers like Mrs. Bertha Musick.

ON SUPPLEMENTAL APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. ROYBAL-ALLARD] is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, as a Member of Congress representing parts of Los Angeles, I am acutely aware of the devastating impact natural disasters have on human life. The Northridge earthquake, for example, not only destroyed homes and parts of communities but lives and people's livelihood.

In response, Congress acted to ease the misery of these victims by quickly appropriating much-needed disaster assistance. By so doing, Congress sent a clear message to these victims that they were not being abandoned by their government and we gave them hope that they would be able to rebuild their lives. Congressional response to the Northridge earthquake represented the Federal Government at its best.

Today, 83 days after the President asked Congress to pass legislation providing desperately needed funds for families suffering the aftermath of the recent floods, these victims are still waiting for Congress to help them in their time of need. Their cries for help fall on the deaf ears of the Republican majority who insist on using the disaster relief bill as a vehicle to ram through an unrelated political agenda which the President has said over and over again is unacceptable.

Despite the President's warning of a veto, the Republican majority put their interests ahead of the interests of the flood victims and included unrelated provisions, knowing the bill would be vetoed. These Republican machinations represent government at its worst. Yes, the issues of the continuing resolution and the census should be considered by this House. But those are separate issues.

Our first and most immediate responsibility is to give help to those who are suffering the ravages of the floods. North and South Dakotans, Minnesotans, northern Californians and Ohio River Valley residents want and deserve to rebuild their lives. They want and deserve to have peace of mind and a modicum of security. They need help to relocate their businesses, repair damaged roads and clear their farms in time for planting.

Yet the Republicans keep placing their political agenda ahead of the needs of these victims. Such game playing is untenable when lives and livelihood are at stake. I call on the majority to do the right thing and immediately remove objectionable extraneous provisions from the emergency supplemental appropriations bill. Send President Clinton an emergency supplemental appropriations bill he can sign. Send the flood victims the relief they so desperately need and deserve.

PASS THE EMERGENCY SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. ALLEN] is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, a few moments ago I told my wife I was coming to this Chamber to talk on the supplemental appropriations bill. And she said, why do they not just pass a clean supplemental bill? Why do they not do it? There are flood victims out there who are waiting for relief. Why do they not do it?

I think that those who have been following this issue over the last few weeks are asking the same question. Why do we not have a clean supplemental appropriations bill? Because clearly there are people in need.

The Republican leadership's failure to pass a clean supplemental appropriations bill has today prompted a Presidential veto. It is not surprising. The President made his position perfectly clear. That Presidential veto is denying our people at home the resources they need to rebuild their lives. Moreover, it is denying our troops in the field the resources they need to carry out their mission. The supplemental appropriations bill provides $5.8 billion to individuals in 33 States hard-hit by disasters. It also provides $1.8 billion to peacekeeping efforts in Bosnia and southwest Asia.

Eighty-three days ago, that is when the President asked this Congress for a disaster relief bill, 83 days ago. Since then the Republican leadership has been persistent in forging ahead with a relief bill that is so loaded down with extraneous and harmful positions that frankly that guaranteed the veto. I do not believe that many people around this country understand that position. Why are we loading up this bill?

I can guarantee you, I do not think a disaster relief bill, if it came to this House pure and clean, disaster relief only, it would pass without a single dissenting vote. The Members in this Chamber want disaster relief. Civic leaders from Grand Forks, ND, and East Grand Forks, MN, and from numerous other communities have cried out that disaster relief is critical and that every day a disaster bill is not enacted is one more day that Americans are denied the necessary resources to rebuild their communities.

I am also holding letters here from Secretary of Defense Cohen and the Chiefs of Staff of the Army and the Air Force which describe the effects on the military of the Republicans' failure to pass a clean bill. Training is curtailed. Maintenance is delayed. Rotations are canceled. Inventories are drained. Our soldiers, sailors, marines, and airmen need a clean supplemental bill.

Mr. Speaker, there is a time for partisan politics and a time to set it aside. But when Americans are hit by a natural disaster, we must act together and

act quickly. The American people and American troops need our support. We must do our job, and we must do it today. Let us pass a clean supplemental appropriations bill to support our troops in Bosnia and our people at home.

There are two provisions I want to mention quickly in that bill that ought to be stricken. One is a provision that would prevent, permanently would prevent the U.S. Census Bureau from using statistical sampling in trying to determine how many people in the year 2000 live in this great country. Statistical sampling. Everyone in this Chamber knows what that means. Every one of us do polling. Every one of us knows that you cannot find out how many people live in a community by knocking on doors and counting. It is a very inefficient way to do it. You need something else, and statistical sampling is the way to go and do it.

The Department of Justice under the Carter administration, under the Bush administration, under the Clinton administration has made it clear that statistical sampling is constitutional and appropriate as a way of determining the size of the population.

Second, there is another provision in here that needs to go. That is a provision that sounds good on its face, which would prevent a Government shutdown, but in fact it removes the incentive for this Congress to pass a budget. We do not need another obstacle to passing a budget. We need to get down to business and do it.

Mr. Speaker, to delay any longer is irresponsible. Playing with other people's lives is wrong. I urge my colleagues to pass a clean disaster relief bill. Only a clean bill will provide the disaster relief necessary and the resources our troops need in Bosnia and southwest Asia in order to do their jobs. Eighty-three days ago the President asked us for disaster relief and we passed a bill that was guaranteed to draw a veto. It is time to get serious, time to pass a clean bill.

Mr. Speaker, I include for the RECORD the following:

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, June 3, 1997.

Memorandum for the Secretary of Defense

From: HQ USAF/CC, 1670 Air Force Pentagon, Washington, DC 20330–1670

Subject: FY97 DoD Contingency Supplemental

I understand that quick passage of the Supplemental may be in jeopardy. The purpose of this memorandum is to make you aware of the impacts of delayed passage (beyond June) on Air Force day-to-day operations.

The Air Force is currently cash flowing over $700 million in support of Bosnia and SWA operations. We are doing so out of third and fourth quarter funding but are fast running out of flexibility and must soon take very dramatic action to avoid incurring an anti-deficiency in our O&M appropriation. On or about 1 July, Air Force commanders must begin taking the following kinds of actions:

Severely curtail or cease non-flying training—skill and proficiency levels reduced, e.g., weapons maintenance.

Severely curtail or cease flying training—squadrons and wings stand down—aircrew readiness degraded.

Cease all non-mission critical travel.

Defer further depot maintenance inductions—aircraft grounded.

Terminate benchstock fills—aircraft spares and consumables inventories drained.

Park non-mission critical vehicles.

Place moratoriums on all but safety related facility maintenance, including runway repair.

Impose civilian hiring freezes.

I know you are aware of the importance of this issue. We are well beyond the point where we can avoid serious disruption to Air Force operations if there is no supplemental. Timing is now critical.

RONALD R. FOGLEMAN,
General, USAF, Chief of Staff.

U.S. ARMY,
THE CHIEF OF STAFF,
Washington, DC, June 3, 1997.

Hon. WILLIAM S. COHEN,
Secretary of Defense, Washington, DC.

DEAR MR. SECRETARY: I need your assistance in expediting the Bosnia Supplemental currently on the Hill. In early April, I advised Congress that in the absence of supplemental funding or the clear assurance that such funding would be forthcoming, I would be forced to begin actions in early May that would result in a degradation of readiness. I have not initiated the panned actions to deal with the lack of supplemental funding because the progress made had convinced me that supplemental funding would be forthcoming.

Recent developments indicate passage of the supplemental may be at risk. This puts the Army in the position of having to provide fourth quarter resource allocation to the field without having supplemental funding in hand. We have a fiscal responsibility to ensure that the allocation of fourth quarter resources is done within current limitations. There are several actions presently under consideration to cope with this situation. Each will have direct readiness and quality of life implications. Actions include the cancellation of Army participation in JCS exercises, Combat Training Center (CTR) rotations, home station training, weapons qualification training, and the deferral of some real property and depot maintenance. Some of these actions could carry over into the next fiscal year. For example, canceling home station training in the fourth quarter of this fiscal year could impact on CTC rotations in the first quarter of FY 1998.

We continue to monitor the supplemental very closely. As the situation develops, the Army will initiate any and all actions necessary to train and operate within the means available to us.

Very Respectfully,

DENNIS J. REINER,
General, U.S. Army, Chief of Staff.

THE SECRETARY OF DEFENSE,
Washington, DC.

Hon. C. W. BILL YOUNG,
Chairman, Subcommittee on National Security, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR BILL: I want to thank you for your action to date on the FY 1997 Bosnia/Southwest Asia Supplemental request, but I want to share with you my concern and that of the Service Chiefs about the impact on operations and training if the supplemental is not approved soon.

In my testimony and discussions with Congress, I have emphasized the need for early action on the supplemental. Based on its likely passage by Memorial Day, few actions were taken by the Department to offset supplemental costs. However, since our request was not approved last month, the Chiefs of Staff of the Army and the Air Force have renewed their concern over the possibility of delayed passage of the supplemental. I have enclosed copies of recent memoranda from them. To ensure that their overall operations are properly funded, the Chiefs have indicated that they cannot risk being left with no options for funding Bosnia/Southwest Asia costs if the supplemental is delayed much longer.

I remain hopeful that quick action can be taken on the supplemental to preclude the disruptive impact to the Department's programs, especially those related to maintaining our readiness capability.

Sincerely,

BILL.

IMPORTANT ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, as the only Independent in the House, let me raise a few issues which I consider to be terribly important but which unfortunately do not get discussed all that much here in the House Chamber. For a start, I think maybe the most important issue as a country that we have to wrestle with is to what degree is the United States of America today a vital democracy.

□ 2100

Sounds like an easy question. We have the right to vote. But, really, to what degree are our people involved in the political process? To what degree do people have faith and expectations of the political process?

Mr. Speaker, I would remind my colleagues that just 4 years ago, in 1994, the gentleman from Georgia [Mr. GINGRICH] and his friends took over the House of Representatives. We had an election in which 38 percent of the people voted. Sixty-two percent of the American people did not vote. And in that election and, today, we continue to have, by far, the lowest voter turnout of any industrialized nation on Earth.

Why is that? And why do we not discuss this issue? Why is it that millions of low-income people no longer participate in the political process, no longer believe that this Congress deals with issues or makes decisions which are relevant to their lives? Why is it that young people, in leaps and bounds, no longer pay attention to what goes on politically and do not believe that the political process is relevant to their

lives? We do not talk about that issue, and I think it is important that we do.

And I think the answer is twofold. First of all, I think there is a great deal of discontent with the two major political parties, and I think that millions of Americans think that both political parties end up representing the wealthy and the powerful.

Second of all, even deeper than that, I think there is a growing belief that real power does not lie within the political process; that it almost does not matter who gets elected, which party controls Congress or State legislatures, but real power rests elsewhere.

In my State of Vermont and throughout this country we see large corporations saying, well, we would like to pay less in taxes within our city or within the State, and if the lawmakers do not give us a tax break, we are going to move to another State or, more likely, we will move out of the United States of America. And what does a mayor or a Governor do or a legislature do under that scenario?

It does not matter what party controls the legislature. Essentially, what people understand is that real power rests with the people who have the money. And if the people who have the money are not pleased, do not get the tax breaks that they want, they are going to move elsewhere. When that happens, people say, why should I vote, it does not make any difference. Politicians really do not have the power.

So I would argue that this country faces a major political crisis. During the 1960's the Beatles were talking about what happened if they started a war and nobody came, nobody fought in the war. My fear is that the day will come where we are going to have an election and people will not come out to vote.

In 1994, we had 38 percent of the people voting in the national congressional elections. Last year, when President Clinton was reelected, I believe we had about 49 percent of the people voting. My guess is the next national congressional elections, in 1998, we will have about 35 percent of the people voting, and the voter turnout will go down and down.

It is up to this institution, the U.S. Congress, to stand up and try to understand what is going on and figure out a way that we can reinvigorate democracy.

We talk a lot about education. Everybody agrees, conservatives and progressives, on the importance of education. But if we are not talking about education for democracy, the right of people to control their own future, what are we talking about?

The second issue I briefly want to touch on is the issue of the booming economy. Mr. Speaker, we cannot open a newspaper without hearing about how fantastic the economy is doing. Some of our Wall Street friends here say, my God, it has never been so good. We cannot imagine it getting any better.

Yet, when we look at the fine print which appears on page 68, somewhere beneath the sports section, we find that the real wages last year for the American worker was up 3.8 percent when inflation was about 3 percent. And if we know that the low-wage workers got a boost because of raising the minimum wage and the upper income workers generally do better, what we conclude is the average middle-class worker continues to see a decline, a drop in his or her real wages. The economy is booming, but the average American worker continues to get poorer. That has been going on for 20 years.

So I would suggest when we talk about a booming economy, let us look at the middle class and the working class of this country. And then, my friends, the economy is not booming so much.

A CLEAN DISASTER RELIEF BILL IS THE RIGHT THING TO DO

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under a previous order of the House, the gentleman from Texas [Mr. LAMPSON] is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, I rise today to express my dismay over the continued mishandling of the disaster relief bill by the Republican leadership.

I represent a district along the gulf coast, and perhaps in several months, after a devastating hurricane, I will find myself in the same position as my colleagues, the gentleman from North Dakota [Mr. POMEROY] and the gentleman from South Dakota [Mr. THUNE]. I know that I would want disaster relief for my constituents in Galveston or Port Arthur or Texas City or Beaumont to be delivered as quickly as possible. Instead, my friends from the Dakotas have watched with what I can only imagine to be a combination of anger and disgust as certain factions within this body have played politics and political games with their aid.

I voted against adjourning for the Memorial Day recess so we could resolve this situation. I cannot imagine how my colleagues must have felt returning to sites of the flood devastation and trying to explain the holdup.

And yet, with great empathy for the flood victims, I felt that I had no choice but to vote against the disaster relief bill when it finally came to the floor.

The practice of attaching extraneous riders to disaster relief legislation may not be new, but as a freshman, it is the first time I had been forced and faced with such a dilemma. It is wrong. It should not be done.

Some of my colleagues have said it is the President playing politics. It is the House of Representatives playing politics and it is not right and should not be done.

I agree with Grand Forks, ND, Mayor Pat Owens, who said: "It is not fair to play with our people's lives and put amendments on to that bill."

The Governor of South Dakota, Bill Janklow, a Republican I might add, refused to put his name on a letter to the President asking him to sign the bill. A Fargo-Moorhead Forum editorial described Janklow's refusal as, "putting the interests of flood victims ahead of partisan considerations."

I appreciate that the people of this area understand why we have been forced to vote against supplying them the aid they need and deserve. A clean disaster aid bill for the victims of the flooding in the Midwest is weeks overdue. It is the right thing to do.

Today, after the President's veto, there is still no clean bill. Mr. Speaker, I must ask why. People's lives are in the balance.

Mr. Speaker, I must also ask why we do not allow the extraneous provisions attached to the disaster bill to stand on their own. Are we afraid they will not stand up to the scrutiny of the committee process? If these are good ideas that will benefit the American people, let them stand alone. If these extraneous provisions have a broad base of support among the American people, allow the Members of this body to consider them on their own merits. Attaching them to a disaster relief bill is cowardly.

I will briefly address just one of these provisions. In the 104th Congress, the House asked the Census Bureau to cut costs on the 2000 census. Followup analysis of the 1990 census done by the Bureau shows that our current method is resulting in an undercount. The National Academy of Sciences has told us a statistical technique called sampling will result in a more accurate count for the final 10 percent of Americans, those who do not respond to the questionnaires. The Census Bureau tells us the use of this technique will save them $1 billion in conducting the 2000 census, almost 25 percent of their cost. The Republicans seek to ban a technique which scientists tell us is better and the counters tell us is cheaper.

Mr. Speaker, this does not add up. The fact that this is attached to a disaster relief bill is a red flag waving high in the sky. It is enormously suspicious, especially when given that a few years back, the gentleman from Georgia, Mr. GINGRICH, specifically requested sampling to be used in his own State.

Mr. Speaker, one side of this debate has been up front with the victims of this flood and one side has made them pawns in a political game. The Fargo-Moorhead Forum newspaper concluded on Sunday morning and I quote again: "Republican leaders in Congress continue to play outrageous political

games with the lives and futures of Red River Valley flood victims."

How true and how sad it is.

A clean disaster relief bill is the right thing to do. Mr. Speaker, let us get it done.

WHAT IS A PERCEPTION'S REALITY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I have been listening to this debate on TV and decided to come over and get involved a little bit. I heard the Beatles' name brought up earlier, and listening to this debate, I am reminded of another Beatles' line out of Strawberry Fields Forever. "They say living is easy with eyes closed; misunderstanding all you see." And then of course the hook is all about how nothing is real in Strawberry Fields.

Well, nothing is real in this debate either. It reminds me so much of what happened over the past couple of years where we had Medicare come up first, and how we Republicans hated our grandmothers and senior citizens because we wanted Medicare to increase at 7.2 percent but the President and the Democrats, who loved our grandparents so much more than us, wanted it to increase at 7.3, 7.4 percent.

Today, I think we voted on the bill in Ways and Means where it passed something like 30 to 3, a similar bill to what so many people were attacking before.

Now it is flood victims. It was also children. We hated children because we only wanted the School Lunch Program to go up 4 percent instead of 6 or 7 percent.

Now we are talking about flood victims, talking about how we want to hurt the flood victims. Of course, as happened during the Government shutdown when the President vetoed bill after bill after bill that we sent him, what people did not recognize was that it was the President who was vetoing the bills. It was the President who vetoed this bill today.

So the President, of course, was handed a wonderful, wonderful issue. It was put in his lap. And I have to wonder how we Republicans keep stepping into it and making these mistakes, but we do because we actually think that we should debate on the merits instead of on political points.

Which brings me to point two. The fact is that this crisis has been created for political purposes. What we do not hear is the fact that FEMA is funded, at least through this month. And we also saw in an AP report about a month ago, when this debate first started coming up before the Memorial Day break, when the President needed an issue, what he did, because the agencies were funded through this time period, he actually pushed up, he forward-funded, according to the AP articles, requirements so he could say, gee, these people are not getting their money.

So the President pushed the dates up for funding so he could create a political crisis, and that is what he did. And so now the President can get out and once again be compassionate and be the one that loves flood victims when Republicans supposedly hate flood victims.

So let us keep a list now. It is senior citizens, it is young children and it is flood victims. I guess the Democrats believe a sucker is born every day.

I can tell my colleagues that I constantly have hurricane victims in my district. I understand how this situation works, and certainly I feel compassion for the people that have been suffering this crisis.

In another area that, again, maybe nothing is real, or maybe as Henry Kissinger says, "In politics, what is a perception's reality," we keep hearing people say just give us a clean bill, just let us fund the flood victims, that is all we really need, when, in reality, if somebody would pick up the New York Times this morning and read in the New York Times that this so-called clean flood bill, where we needed $750 million to actually fund the flood victims, ended up being an $8.4 billion monstrosity.

Now, I want to know where were all these self-righteous people when these emergency parking garages were being put in this bill; when, according to the New York Times article, we threw in, as "an emergency funding" a theater, with theater renovations. And they went and asked the guy who owned the theater, is this theater really an emergency, and he said, well, we had a couple of pipes that leaked last year.

The fact is that we have shoved, these same people who are now screaming give us a clean bill were the same people, both sides, Republicans and Democrats, that were shoving as much stuff into this so-called emergency appropriations bill as they could. And yet now they come back and they whine about how they need a clean bill. Well, that did not seem to concern them that much before.

Also, we shoved in money for apple orchardists. I guess they were so shocked and stunned by the visions they saw on TV that they were not able to attend to their apple orchards. Maybe that requires funding in this emergency appropriations bill.

If we read the New York Times article, we can see that these arguments about how they just want a clean bill is disingenuous. Everybody has gathered around the table and thrown all they could on there.

Finally, we should talk about what this issue is all about. It is about a continuing resolution issue, where we wanted to avoid letting the President do what he did before, vetoing appropriation bill after appropriation bill, and then coming out and going I will not let the Republicans do this, that, or the other.

□ 2115

Again, it is disingenuous. This CR is the only way we ensure that we continue funding FEMA and other agencies at 100 percent without the President vetoing these bills time in and time out, without using flood victims for political purposes.

I say, let us get to the facts of the matter and let us stop using the flood victims as political pawns.

DISASTER ASSISTANCE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. MINGE] is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, I represent the Second District of Minnesota. It is a district that contains almost the entire length of Minnesota River. Minnesota River flows through a broad valley. I think for many, it is known as the Valley of the Jolly Green Giant. It is very productive, it is lush, and it is noted for the table vegetables that have been grown there over the past several decades.

In the valley there is a narrow river that winds back and forth and oxbows and normally is very placid. But occasionally it becomes a raging torrent. In 1997, this river carried more water than it ever has since the area was settled, over 100 years ago. The record water levels resulted in flooding in numerous communities, starting in Ortonville at the head of the river as it flows out of Big Stone Lake, required the evacuation of the community of Odessa. Tributaries flooded in Appleton, Dawson, MN. Montevideo, MN, my home community, was on the evening news for the first time in the history of the community repeatedly because of the efforts of the volunteers to try to stop the damage by sandbagging, building dikes.

Their efforts were successful except for one neighborhood which could not be saved and could not be diked. Downstream, Granite Falls built dikes. It was largely spared the ravages of the flood. North Redwood Falls was affected, however, and a few homes in the community known as New Ulm. This was all damage that was done, but fortunately we were spared the ravages of the communities on the Red River of the North.

People in my area felt quite fortunate, by comparison. The communities pulled together. Thousands of volunteers came from neighboring towns from the urban areas, and a real spirit of cooperation and goodwill prevailed. I can tell you that partisanship was certainly absent in this undertaking.

The people also were impressed with the activities of the Federal Emergency Management Agency, or FEMA, and the Army Corps of Engineers, both of which had a very substantial presence, and the National Guard troops that were mobilized and came in. I held a series of informational meetings on the disaster programs that were being established, the ones that were in place. The FEMA officials, the Army Corps of Engineers, the State agencies, U.S. Department of Agriculture agencies all came and participated in these meetings.

It appeared that we would have a disaster assistance program that would both be effective in addressing the needs of the communities and the residents and would be promptly available. Unfortunately, as the days wore on, it also emerged that partisanship would be a part of the picture.

In an effort to pass legislation that the leadership in this body and the other side of the building knew would be unacceptable to the President, they begin to beat the drums about how important certain riders were. And unfortunately, I concluded that what was happening is that this disaster assistance bill was being hijacked for other purposes. Proposals that could not be passed separately would not be accepted by the President were being shoehorned into the disaster assistance bill in hopes that the President could be brow beaten or embarrassed into signing them.

Well, we know what happened. The President vetoed the legislation. I am not here this evening to say that we have to point fingers at the leadership in the House and the Senate or criticize the President. The fact of the matter is, all of us knew that this legislation as it left Congress was on a collision course with the White House.

It is very difficult for me to tell people at home that the political process is consumed with politics and that we cannot deliver the type of assistance that has become a consensus package for disaster assistance. It is awfully difficult for me to explain to people why it is that controversial riders have to be attached to this legislation. I cannot explain it. I voted for it. I wanted to see it passed. But it was unacceptable.

The previous speaker said the money is in the pipeline. Do not worry. I would just like to briefly point out that although FEMA is well funded, the community development block grant program for relocation assistance is hanging in abeyance. People in businesses do not know what level of relocation assistance will be available, whether it will be available. Precious construction days are slipping by.

Similarly, the livestock indemnity program is in limbo and a number of other programs are simply not being addressed. I would like to urge, I implore the leadership of Congress to promptly send to the President a clean bill so that we can provide the assistance that has been long promised and is badly needed by the victims of this flooding in the upper Midwest.

EMERGENCY RELIEF SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I appreciate the opportunity to address the House and particularly to respond to the gentleman from Florida [Mr. SCARBOROUGH], who spoke and who since left.

Mr. SCARBOROUGH made the point that Republicans, he said, were perceived as not liking children, not liking senior citizens, and now not liking flood victims. I do not know whether that is the case. Maybe that is his feeling and his concern. He also observed that both sides of the House have added things to emergency relief bills in the past and cited a New York Times article, which I have not read but which I know to be true.

That is the case. There is always the time when a bill that should pass and most of us believe must pass and be signed, in this case the belief for those who have been ravaged by rains and flood and who are at risk and what this Nation wants to help. Everybody believes this bill ought to pass and it ought to pass quickly.

But lest my colleagues or anybody else be confused that this is the regular course of business, let me reflect a little bit on history. It took just 15 days to provide the assistance that President Bush asked this Congress to give for the victims of Hurricane Andrew. We are now in the 83rd day.

It was not that President Bush and the Congress, then led by Democrats, controlled by Democrats, agreed on everything. That was not the case. But what President Bush and the Democratic Congress did agree on was that it was our responsibility to pass that emergency relief in a timely fashion, 15 days, as opposed to the 83 days that this bill has languished in this Congress.

And why does this bill languish? Why does a bill that everybody said should pass and must pass not pass? It is, Mr. Speaker, because the leadership of this House and the leadership of the Senate has determined that they want to stare down the President, that they want to muscle the President, that they want to leverage the President, and they have taken hostage the victims of the floods of these past months in order to accomplish that objective.

My colleagues have heard the issues discussed. There are two principal ones. One is called a continuing resolution and it is put forth by the Republicans in this House and in the Senate as an effort to prevent government shutdown.

Mr. Speaker, I represent 56,000 Federal employees. I am for preventing government shutdown. In point of fact, it was in the last Congress for the first time since I have been serving since 1981 that we consciously and purposefully shut down the Government.

The Republican leadership said in April of 1995 they were going to do that. They reiterated that in July of 1995. And sure enough, on November 19, 1995, they shut down the Government, looked the President in the eye, and said, if you do not do it my way, we will do it no way.

That is not what the people sent us here to do. They sent us here to work together. The fact of the matter is that when we did work together, we passed appropriation bills and we opened the Government after 2 long shutdowns consciously planned by the Republican majority to force the President to do something that he said he was not going to do. That never happened when the Republicans were in control in the 1980s and the first 2 years of the 1990s and Democrats controlled this Congress.

Were there differences? Yes. Did the Democrats try to get advantage on the Republican President? Yes. But did there come a time when they said that they would not move, that they would be immovable in the face of presidential opposition? The answer is no.

When President Clinton asked for relief for the Midwest floods just in the last Congress, it just took us 29 days, less than one half of the time that this bill has languished in this House and in the Senate. The other issue that the Republicans talk about as being a must add to the emergency relief for flood victims is this sampling issue. It is all about politics, because Republicans have been quoted as saying, "If we allow sampling and the count that will result, we will find poor people, we will find minorities, and we are afraid that they will vote for Democrats and that will be to our political disadvantage."

So the Speaker of the House, who two years ago said that he thought sampling made sense and ought to be pursued has changed his position. And who suffers? The victims of the rain and the floods are held hostage as this political dispute is engaged.

Mr. Speaker, a number of us have risen on this floor tonight, a number of us are rising throughout this city and talking to the press, talking to the public, and talking, yes, to our colleagues. We have a budget agreement. We sat down and for 5 months worked out a very tough problem. I supported it. That is the proper process, not to hold hostage, either Government employees or flood victims or some other group and say, we will hold their relief

in abeyance if they do not agree with us.

Yes, Mr. Speaker, we urge the leadership of this House and the Senate to bring to this floor a clean, continuing resolution, relief for flood victims, support for our troops in Bosnia and around the world. Pass that, the President will sign it. We can pass it by 12 noon tomorrow and the President will sign it by tomorrow afternoon. That is what we ought to do. Let us be about the business of giving relief to the victims of these floods.

REPUBLICANS PLAY POLITICS WITH DISASTER RELIEF BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ROTHMAN] is recognized for 5 minutes.

Mr. ROTHMAN. Mr. Speaker, what would my colleagues think of someone who stood by watching while a neighbor's house was burning down? What if that person refused to call the fire department for help unless he or she got something in return? We would not think much of that person.

□ 2130

Yet that is exactly what the Republican majority in Congress is doing with the flood victims in North Dakota as well as the victims in 35 other States.

The President of the United States and many of us in Congress have been trying to pass a $5.5 billion disaster relief bill for these families. But the Republican majority, much like they did with the government shutdown last year, is putting extremist ideology and partisan political maneuvering ahead of the relief for these needy people. Instead of giving these families the needed relief that they so very much deserve, they are holding the disaster relief bill hostage by trying to attach highly partisan legislative riders that have nothing to do with disaster relief. They know that these highly partisan extremist Republican riders would never pass the Congress if voted on separately. So what did they do? In very cynical judgment, the Republican leadership decided to tack these partisan riders onto a disaster relief bill, saying in their own political calculus, well, maybe we will embarrass the President of the United States into vetoing this, or maybe he will be so embarrassed he will not veto it and then we will get these partisan goodies for us, the Republican party.

They underestimated President Clinton who said loudly and clearly that he would not be put in the position of having the Republican majority hold these victims hostage and let them get away with it. The Republican majority would have to put forth a clean disaster relief bill. Otherwise, he would not sign it. If they want a debate on these other partisan issues, fine, let us debate them in the Congress. If they are right, we will pass them. If they deserve support, we will support them.

Last week, the Republican Senate majority leader is reported to have said that he would happily provide more trailers for these disaster victims to stay in while they, the Republicans, try to wear down the President to get their legislative goodies. If such reports are true and those remarks were in fact uttered, they are morally reprehensible. Such a position is unfair to these needy American families. Thousands of American citizens are homeless. They just lost all of their worldly possessions and are sleeping in shelters. They await Federal disaster relief funds to finance the rebuilding of their homes and their cities and helping each other in times of need. Is that not the essence of what it means to be an American, being part of the American community?

If the Republicans really believe that their highly partisan political riders are worthy of support, they should remove them from the disaster relief bill and have the Congress take them up separately once the disaster bill, the clean disaster relief bill, has been passed by the House tomorrow. Then we will take up whatever riders they want.

I urge my colleagues and my friends on the other side of the aisle to tell their leadership, the leadership of the Republican party, to stop playing politics with the lives of these thousands and thousands of disaster victims. Put forth a clean disaster relief bill. We will pass it in Congress. Our President will sign it. And let us help these people. Then we will take up your political stuff.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). The Chair must remind all Members that under the rules and precedents of the House, it is not in order to cast reflections on the Senate or its Members individually or collectively.

NAFTA IS A FAILURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes as the designee of the minority leader.

Mr. LIPINSKI. Mr. Speaker, I come to the floor tonight deeply concerned, deeply concerned about our failed trade policies, deeply concerned about the plight of American workers, deeply concerned about the future of America.

Four years ago in this Chamber we had a long, long debate on NAFTA. NAFTA proponents pushed hard for its passage. They promised that NAFTA would create 200,000 American jobs. They warned that NAFTA was critical to the American economy and that American jobs depended on its passage.

After 40 months under NAFTA, we can clearly see that the reality is vastly different. The reality is that NAFTA worsened our trade balance with Mexico and Canada. Since NAFTA went into effect, our $10 billion deficit with Canada turned into a larger $23 billion deficit. Our $1.7 billion surplus with Mexico slid into a $16 billion deficit. Our growing trade deficits with Mexico and Canada mean that we are buying more than we are selling. It means that American jobs are being lost.

The reality is that 90 percent of the companies that promised to create jobs have not. Allied Signal, General Electric, Johnson and Johnson, Mattel, Procter & Gamble, Zenith and Exxon. The list goes on and on and on. They promised NAFTA would create American jobs. In a sense, they signed a promissory note to all the working men and women of America. The note was a promise that working Americans would be better off with NAFTA.

It is obvious today that these multinational corporations have defaulted on this promissory note. NAFTA is a complete and utter failure for working Americans.

Four years ago, in 1993, we all heard the mantra of 200,000 jobs over and over again. Guess what? It is now 1997 and we have lost an estimated 400,000 jobs. This is a net loss. It is a staggering sum. Bear in mind that this is not just another number. There are real people behind the statistics, real people with real families and real problems.

In their blind devotion to free trade, NAFTA proponents lost all contact with reality, and in so doing sacrificed 400,000 American jobs at the altar of free trade.

Some folks want to expand NAFTA to Chile and other Latin American nations. I am absolutely shocked. Can they not see what they have already done? It is plain to see that NAFTA has failed. Yet these blind free trade advocates want to extend it to other nations. How many more American jobs do we have to lose before these people come to their senses? NAFTA is a broken trade agreement. It is an agreement that just does not work.

If we continue to use this framework for future relationships with Chile and other Latin American countries, it will make a lousy situation even worse. The working men and women of America have suffered enough.

Mr. Speaker, I am thinking today of the working men and women of America, men and women who are proud to give a fair day's work for a fair day's pay, men and women who work hard to put food on the table and clothes on the backs of their children, men and women who struggle to make their

mortgage payments, men and women who work longer hours for less. I am thinking today of the people who make up America. I am talking about Main Street, not Wall Street. I am talking about people who care about Medicare, Social Security, crime and education, not leveraged buyouts, not corporate takeovers, and not stock splits.

I am talking about people who put in a full day's work, attend PTA meetings, go to church, work a second job, and still see their family incomes fall, while CEOs sit in their boardrooms and watch stock quotes with the knowledge that they will get their raises anyway.

I grow tired of hearing empty promises, lofty oratory and abstract economic theory. I want to see results. I want to see the jobs they promised us. Instead, I see the 400,000 American jobs that were lost. Instead, I see a trade surplus slide into a huge trade deficit. Instead, I see broken promises.

Unfortunately, for us the bottom line is that these huge multinational corporations focus only on the accountants' bottom line. To them American workers are an afterthought. I see a mentality where gold is God today, and that deeply concerns me.

Mr. Speaker, when I graduated from high school in 1956, the world was a much different place. Thanks to the policies of FDR and the efforts of the organized labor movement, there was a burgeoning middle class in America. The New Deal especially brought a higher standard of living to American working men and women. Jobs were plentiful, workers were treated well and people were happy and optimistic about the future. The American dream was alive and well.

Nowadays the average American worker changes jobs several times during the course of a lifetime. Jobs are scarce and people are insecure about the future. Pessimism and cynicism rule the day. Things have really changed in the last 4 decades. Where has the American dream gone?

I understand that the world has evolved. It is a world economy now, and we cannot shy away from that. But we must make the world market our market. We must make it work for all Americans, not just the multinational corporations who care only about the bottom line. We must make it work for the plumber in Chicago, the fisherman in Maine, the assembly worker in Detroit and the taxicab driver in D.C.

Let us rebuild the American dream for working men and women. Let us begin by establishing free and fair trade relationships with foreign nations and ensure they play by the same rules as we do, rules that cover labor, environmental and human rights issues that must be included in core trade agreements, not as an afterthought.

We must treat these issues as importantly as businesses treat intellectual property rights and rule of law. We must level the playing field and get away from the "gold is God" mentality that some folks cling to so fervently.

Let us put people before profit. What happens to the American middle class happens to America. Let us do all we can to make sure that the working men and women of this country can live out the American dream.

As I mentioned earlier, there are proposals now to expand NAFTA to other countries, such as Chile. To do that, they will need Congress to grant the administration the authority to negotiate trade agreements and submit them to Congress under expedited procedures for an up-or-down vote.

Article 1, section 8 of our Constitution vests Congress with an extremely important responsibility, and that is the responsibility to regulate commerce with foreign nations. It is our responsibility to the American people as well as to the people of the world to enter into fair, responsible trade agreements that respect labor, the environment and human rights.

Proponents of free trade argue that placing such restrictions on trade is counterproductive. The rallying cry of laissez faire economists may be tempting to the ignorant and the blind, but not to those who remember and understand our history.

Let us not forget the numerous social upheavals, economic crashes and depressions that the U.S. has experienced. Let us not forget the lessons learned through those times that government regulation has played a vital and necessary role in the free market. Do we so quickly forget that it was because of government intervention that the social abuses of the late 19th and early 20th century were ended, child labor, sweatshops, substarvation labor wages, widespread pollution and atrocious working conditions?

□ 2145

Thanks to the government and labor unions, we were able to stamp these abuses out.

Some folks have been misled into thinking that government regulations must be bad. History is supposed to provide us with valuable lessons. How quickly some forget.

Mr. Speaker, NAFTA is a failure. It failed because it put profits before people, multinational corporations before families. It failed because NAFTA does not adequately address industrial relations, the right to strike, the right to organize and the right to freely associate. It is clear that Mexican workers do not enjoy the same level of labor rights as we do here in America.

To make a bad situation worse, their wages are essentially capped under an agreement known as el pacto, and a large number of owners also privately set minimum and maximum wages so that they do not compete for workers on this basis.

All of these factors combine to create a downward pressure on wages in Mexico. Since NAFTA began, the wages and living conditions of Mexican workers have not improved. In fact, the exact opposite has occurred. They have declined. The percentage of Mexicans considered extremely poor rose from 31 percent in 1993 to 50 percent in 1996. Real manufacturing wages have declined 25 percent since NAFTA went into effect. Environmental conditions have deteriorated. Instead of moving into the 21st century, they are sliding back to the dark ages.

The unfortunate end result of all this is that Mexican workers are viewed simply as a source of cheap labor by multinational corporations, which creates a serious problem for us in America. With a large pool of cheap labor a short distance away, multinational corporations have a great deal of freedom and incentive to move manufacturing facilities to Mexico, and fewer environmental regulations there means even more money saved. Moving production to Mexico results in low overhead which means higher profits for corporations.

Here is a case in point. During the NAFTA debate in 1993, Zenith Electronics Corp. denied the report that they would transfer all of their production facilities to Mexico as a result of NAFTA. On the contrary, Zenith said NAFTA offers the prospect of more jobs at the company's Melrose Park, IL facility. Needless to say, Zenith announced late last year that it was laying off 800 of its 3,000 workers at the Melrose Park facility.

Not only are companies moving their facilities to Mexico, leaving hundreds of thousands of hard-working Americans in their wake, it is now commonplace for them to use it as a threat. They use it as a scare tactic in order to undermine the efforts of workers to improve their wages, benefits and working conditions through collective bargaining.

A recent Cornell University study found that a significant number of companies threatened to move work to Mexico as part of their efforts to intimidate workers who want to unionize. I find it morally reprehensible to resort to such tactics. It undermines the legal right of American workers who want to form unions. It undermines the basic right of American workers who want to provide a better living for themselves and their families.

Proponents of NAFTA touted it as a win, win, win situation. It sure has been a win, win, win situation. It is a win for big business in Mexico, it is a win for big business in America, it is a win for big business in Canada. It is the working families who lose.

Mr. Speaker, this is an important and complex issue. As the world economy becomes increasingly interwoven

and trade continues to grow as an important part of our national economy, we must ensure that we enter into trade agreements that are fair and equitable to the American worker. We must evaluate trade relationships from this perspective. As such, we have got to take a long hard look at NAFTA and what it has done to the working men and women of America. We must think about granting fast track authority to the administration and what it will mean for the American middle class. We should closely examine the arguments for the expansion of NAFTA to Chile and other Latin American nations.

As the gentleman from Michigan, DAVID BONIOR, noted, there are more people in this Congress who voted against NAFTA 4 years ago than voted for it, and many of those who voted for it say they would never vote for it again. The evidence against NAFTA is growing, and it is becoming just too hard for folks to ignore.

Mr. Speaker, I would now like to yield to the gentleman from Vermont [Mr. SANDERS] who is going to engage me in a colloquy about NAFTA trade and numerous other issues that affect the American working man and woman. Mr. SANDERS.

Mr. SANDERS. Mr. Speaker, I applaud the gentleman's remarks, and I especially congratulate him for focusing his thoughts on what is happening to ordinary working people rather than just the very wealthy and the very powerful.

One of the aspects of modern life which concerns me very much is that when we turn on the television or we read the newspapers, as you well know we hear about the booming economy; do we not? We hear about how some Wall Street folks tell us that the economy has literally never been better in our lifetimes, and they wonder just how long it will continue to be so good.

And then I go back to the State of Vermont, and I talk to working people from one end of the State to the other, and I say to them tell me about the booming economy. And what they say is, BERNIE, I am working two jobs or three jobs, and my wife is out working long hours just to pay the bills. So we do not have too much time to consider the booming economy. We are just working hard to keep our heads above water.

And the reality is, according to the official statistics, that in the midst of all of this great boom, what is going on for the average working person? Well, I do not hear this too much. Yes, we know recently, we read recently, that the CEO's of major corporations are now earning over 200 times what their workers are making, so we can see for the CEO's, the chief executive officers of major corporations, things are booming. That is true.

And we also read recently that compensation for the CEO's last year was 54 percent higher than the previous year. We concede that too. If you are a CEO of a major corporation, I guess the economy is booming.

But when you read through the fine print, you find that for the average American worker last year, wages went up on average by about 3.8 percent. Inflation is about 3 percent. And we know that low-wage workers got a bit of a boost because we raised the minimum wage a little bit. We know that the higher income workers generally do better than the middle-class workers.

So you add it all together, and what you discover is that in the midst of this great boom the standard of living of the average middle-class worker continues to decline, and if the standard of living of working-class people declines today in the midst of a boom, I wonder very much what will happen when our boom ends, as it is sure to end.

I am also concerned that in the midst of all of this so-called boom, the United States continues to have, by far, not even close, the most unfair distribution of wealth and income in the industrialized world. We do not talk about that too much; we do not see this too much on the corporate media's television stations or in the newspapers, but the facts are pretty clear. The wealthiest 1 percent of the population now owns over 40 percent of the wealth of America, and the richest 1 percent owns more wealth than the bottom 90 percent, and we have the greatest gap between the rich and poor of any other country in the industrialized world.

What kind of boom is that? We know that during the last 20 years, while we have seen a significant increase in millionaires and billionaires, 80 percent of all American families have seen either a decline in their net income or, at best, economic stagnation. In fact, adjusted for inflation, the average pay of four-fifths of American workers plummeted 16 percent in 20 years. Twenty years ago in the United States of America, as you well know, the United States led the world in terms of the wages and benefits we provided our workers. We were number one. And now in the midst of the great boom, we are down to 13th place.

In Germany, for example, manufacturing workers there earn over 25 percent of what manufacturing workers in the United States earn. In 1973 the average American worker earned $445 a week. Twenty years later, with inflation adjusted dollars, that same worker was making $373 a week. People today are working far longer hours than they have to, than they were 20 years ago. So you are seeing people working two jobs, three jobs, over time, women who would prefer to be home with their kids being forced to work in order to pay the bills.

Where is the boom for the middle class or the working class of this country? It is not there. And one of the reasons, as you so aptly pointed out in your remarks, is the disastrous and failing trade policy which this country is currently experiencing. And in my opinion it is not just NAFTA, it is GATT, it is Most Favored Nation status with China, it is the huge trade deficit that we have.

And as I think you indicated, the issue is not too complicated. If an American company is forced to choose between paying an American worker a living wage of $10 or $15 an hour providing decent benefits, having to protect the environment, or run to Mexico where you can get a good worker there for 70 or 80 cents an hour, you do not have to worry about the environment, you do not have to worry about unions, what choice is that employer going to make? And the evidence is pretty clear, the choice that that employer made, which is why we have lost hundreds of thousands of jobs.

So I would just say as we begin our discussion here, I know in my State of Vermont, and I suspect throughout the country, there may be a boom, but it certainly is not applying to the middle class or the working families of my State.

Mr. LIPINSKI. I appreciate the gentleman's remarks, and I want to say that we do not necessarily agree with everything that this man had to say, but for me one of the highlights of the last presidential election was when Pat Buchanan was running, and he was running on the issue of insecurity, the economic insecurity of the American middle class, the American working class. He spoke about it a great deal, he articulated it very well, and he forced President Clinton and Senator Dole to talk about it also. And I think they got wide dissemination; a lot of the media picked up on it. Unfortunately, when he went out of the race, President Clinton stopped talking about it, Senator Dole stopped talking about it, and the issue has just drifted away.

And I say to you, you know, I do not understand why the issue drifted away. It is the most significant, important issue facing this Nation today.

I said that when international communism ceased to exist, the Cold War was over and we were in an economic war. And by that, I meant a war to improve the standard of living of the American working and middle class, and to me, I believe we are losing that war, we are losing it more each and every day, each and every week, each and every month, and no one in this Nation, other than a very few voices, seem to have anything to say about it.

What is your opinion on that?

Mr. SANDERS. I think you raise a very, very important point, and I tell you that it is a very—the theme that you are talking about suggests to me very frightening and dangerous times, and this is why.

The average worker reads in the paper that the economy is booming; right? That things are going well? And he says to himself or herself: What is the matter with me? Everybody must be doing well except me. My wages have gone down, I do not have health care, I cannot afford to send my kids to college, I am working longer hours, and I do not see it on the paper. So it must be me; right? I must be the only person in America who is suffering economically.

And as you indicate, of course, it is the vast majority of the people who are hurting.

Now you raised the question: Why is it not talked about?

□ 2200

Well, let me offer the gentleman a suggestion on another issue equally important that we also do not discuss. Where do we get our information from?

Mr. LIPINSKI. From the news media.

Mr. SANDERS. Yes, we turn on the television. Let us look at that for a moment. Who owns NBC? Well, General Electric Corp., one of the largest corporations in America. The gentleman mentioned them, among others.

Mr. LIPINSKI. Yes, I did.

Mr. SANDERS. General Electric is one of the companies who is busy running to Mexico, I think they have been investing in China, they have laid off significant numbers of workers. They come before this body every day trying to figure out a way not to have to pay taxes, leading the efforts against organized labor.

Well, great shock of all shocks. NBC does not have a feature on the decline of the middle class. They do not talk about it too much. O.J. Simpson, we can get thousands of hours. Every airplane crash that ever happened, we can see the great visuals. But the fact that the average American worker has seen a decline in their standard of living, struggling just to keep their heads above water, somehow that story, gee, they just did not get it.

Well, what about ABC? We flip the dial and maybe ABC will give us the story. But who owns ABC? Why, that is the Disney Co. The Disney Co. is busy running to China, they are in Haiti, they are paying people in those countries pennies an hour to produce products that come back into America. I do not recall seeing too many features on their station about the trade issue, or about the exploitation of Haitian or Chinese workers. I do not recall that.

Maybe we will go to CBS, we will get a better story. Well, I guess not. That station is owned by Westinghouse, or maybe we will go to the Fox network that is owned by that strong, progressive Rupert Murdoch worth many billions of dollars. No, I do not think we will see it there either.

So I would argue that one of the reasons that the American people are not seeing the pain of their lives being reflected in the media is that the media is owned by very large multinational corporations, many of whom are taking our jobs to Mexico and China, and the media would rather, what is the word, obfuscate, perhaps, rather give us a lot of entertainment and game shows and soap operas rather than discuss with the American people the important issues, and that would be one reflection I would have on the gentleman's question.

Mr. LIPINSKI. Mr. Speaker, that certainly is a very interesting reflection. I will have to take that under consideration and I will certainly do that, and perhaps I will come to the same conclusion that the gentleman has come to.

But I want to say that I admire the fact that the my colleague the gentleman from Vermont [Mr. SANDERS] and the gentleman from Michigan [Mr. BONIOR] and the gentleman from Oregon [Mr. DEFAZIO] and the gentlewoman from Ohio [Ms. KAPTUR] and the gentleman from New York [Mr. OWENS] and a number of other people come down here on Tuesday night and try to get this message out to the American people. I think it is a wonderful effort and I applaud my colleagues for it. I am very happy to participate with the gentleman from Vermont [Mr. SANDERS] tonight in that effort.

But I have to say to the gentleman in all candor, we need to get a much bigger microphone. We have to have these conversations amplified significantly, I believe, in order to have any real impact on this Nation. I believe that we have to find ourselves a presidential candidate who is willing to articulate the issue about economic insecurity in this Nation, because I do not think there is any other way we can once again get this issue back to the front burner, make the American people aware of the fact that we know what their problem is.

There are some people willing to jump into this battle and try to aid and assist them, but I think the only way we get them motivated, mobilized, is by having someone running for President in this Nation who is going to articulate that issue.

I ask the gentleman his opinion on that.

Mr. SANDERS. Mr. Speaker, I think that would be of enormous importance, and I think as the gentleman knows, I am an Independent.

Mr. LIPINSKI. And I am not asking the gentleman to support anyone here tonight.

Mr. SANDERS. Mr. Speaker, one of the reasons that I am an Independent is that I feel that to a large degree, both political parties are dominated by big money interests and it would be very hard for that candidate who is prepared to stand up to the large multinational corporations who have so much influence over our economy and over the politics of what goes on, it is no great secret.

I mean as the gentleman well knows, we hear a whole lot of discussion about the influence of big labor on the political process, the gentleman is aware that corporate America puts in seven times more money than labor does.

Mr. LIPINSKI. Absolutely.

Mr. SANDERS. Mr. Speaker, the gentleman is aware that when we talk about NAFTA or MFN with China that there is a massive lobbying effort going on by corporate America trying to influence the Members of this body. They will put ads in newspapers throughout this country telling everybody how good these trade policies are. Whether or not the two-party system can give birth to a candidate who is prepared to take on these moneyed interests I frankly have my doubts.

But one of the things that does concern me is that what does go on here in this body is, instead of addressing the real issue of the fact that in many ways this Nation is becoming an oligarchy dominated by a relatively few large corporations and wealthy individuals, instead of recognizing that reality and trying to deal with it and develop policies which address that problem, what we see is a lot of scapegoating. What we see is black being played off against white, native versus immigrant, gay versus straight, everybody against everybody, rather than figuring out how we can come together as a people to try to address the difficult problems that the gentleman articulated about the global economy, can we create, with all of this new technology, every day we hear about the information highway, right, how important the computers are.

Well, if all of that stuff is so valuable, as I expect that it is, why are we not seeing increased wealth going to the middle class and the working class? Why are we not seeing people working fewer hours rather than longer hours? Why are we not seeing more people covered by health insurance rather than fewer? Why do we have by far the highest rate of childhood poverty in the industrialized world? Why are we in the process right now, as some would have us, cutting Medicare by $115 billion, lowering the quality of health care for our senior citizens?

So the issue becomes how do we come together as a people, black and white, immigrant and native born, woman and men, gay and straight, all of us come together and say how do we create decent jobs for our people rather than seeing jobs going to China where workers are being paid 20 cents an hour? How do we use technology to lower the workweek rather than to put American workers out of their jobs?

We are not doing that. We are not addressing that. I think the reason is that we need to begin to come up with

some of the answers to those questions by challenging big money interests and to a large degree, and my feeling is in this body it is almost an issue people feel uncomfortable talking about. We are just not allowed to talk about the power of the wealthy.

Mr. LIPINSKI. Mr. Speaker, that seems to be the case. A lot of people are very uncomfortable talking about it. I am a capitalist. I believe in the free market system. But I also believe that an economy should be run for the benefit of the overwhelming majority of the members of that society, and that really should be the principle that guides us in all the legislation we put forth here, in the other body, in legislation that the President signs into law. Do what is best for the overwhelming majority of the American citizens economically and in every other way.

It may sound very simplistic, and perhaps it really is. But that is the way the country should be governed; that is the way the legislation should come forward. Unfortunately, the longer I am here, the less and less I believe that is happening.

So I would say to the gentleman, I would like the gentleman to conclude if you have any concluding remarks. I am finished for the evening. I hope to be back next Tuesday, but does the gentleman have anything to say in conclusion?

Mr. SANDERS. Mr. Speaker, I would just certainly agree with the gentleman that clearly the task of Congress is to represent the vast majority of the people and not just the very few who are wealthy and powerful. But I think that that is very often not the case.

Let me just point out one example of that in terms of tax policy. In fact, we are debating that right now in terms of the budget that was recently proposed by the gentleman from Texas [Mr. ARCHER], which would give huge tax breaks to the wealthy while at the same time we would cut back on Medicare, certain Medicaid programs and very significantly, by the way, on veterans' programs.

In terms of tax policy what has gone on in this country people should know that from 1977 to 1990, the Social Security tax was raised nine times, and today, people are paying, if one is self-employed, one is paying 15 percent before one pays any income tax and a FICA tax. And yet during that same period, while taxes on working people through the FICA tax went way up, taxes for the wealthy and the large corporations went way down, and the Federal Government ended up collecting significantly less money, which helped cause us the deficit problem that we are trying to address right now.

I would just conclude by saying that the gentleman is absolutely right in suggesting what I think the vast majority of the people would agree with at a moment's notice, and that is the function of this institution is to represent the overwhelming majority of our people who are not wealthy, who work hard, who are struggling to keep their heads above water.

Unfortunately, that is not the case now. The people have the money, have enormous power and enormous influence over this institution. What I would hope is that in the towns and cities all over this country, people begin, must begin to get involved in the political process, must study the issues. What is our trade policy? Is it working? Is it not working? Why is it that we have such an unfair distribution of wealth? What about our tax system? Does it favor the corporations and the wealthy, or the middle class and working families?

I would hope that ordinary people begin to study the issues, get involved in the issues, and play a much more active role in the political process, because God only knows, we certainly need their strength and their energy in order to influence what goes on here.

I thank the gentleman very much for allowing me to join him in this special order.

Mr. LIPINSKI. Mr. Speaker, I appreciate the gentleman joining me tonight.

AMERICAN HERITAGE RIVERS INITIATIVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for 60 minutes as the designee of the majority leader.

Mrs. CHENOWETH. Mr. Speaker, I am here tonight to talk about the White House and its Council on Environmental Quality's latest flight from democracy, embodied in the so-called American heritage rivers initiative.

Mr. Speaker, there are many, many things that are wrong with the American heritage rivers initiative. But tonight I would like to focus on just three of those things. Its procedure, States' rights and water rights, and the separation of powers.

The initiative purports to establish a mechanism by which President Clinton will designate as American heritage rivers 10 rivers per year. It establishes undefined, fictional governing entities known as water communities. These governing water communities will then determine the scope and the size of the designation area, which can include the entire watershed. There are no safeguards for a D designation and no safeguards for private property owners within the area who object to this inclusion in the designation.

I will discuss this in detail later, but first, just before Memorial Day district work period, the Council on Environmental Quality, an unauthorized agency existing on misappropriated funds, I might add, published the American heritage rivers initiative in the Federal Register. It is in the May 19, 1997 volume, page 27253, and I urge my colleagues to read it.

Although CEQ has in the past been the primary overseer of the National Environmental Policy Act process, in this instance CEQ appears to have totally abandoned NEPA's threshold requirements. As the administration knows very well, an environmental impact statement, an EIS, is required any time a major Federal action significantly affecting the quality of the human environment is contemplated. When CEQ proposes to control our Nation's waters, this, Mr. Speaker, is a significant action. Yet, to my knowledge, CEQ has not even bothered to address NEPA's threshold question.

Where is the environmental assessment? How about an EIS, or, at the very least, the very barest recognition under NEPA of finding of no significant impact?

□ 2215

But nothing from the administration. Mr. Speaker, what CEQ has given us is a mere 3-week public comment period, the May 19 date of publication to the June 9 closing of the public comment, with no NEPA documentation.

The Administrative Procedures Act, the APA, applicable to any agency action, requires a minimum of 30 days' public comment period. In general, unless there is an emergency, NEPA's environmental impact statement requires a 90-day public comment period. Yet, here CEQ blatantly violates its own rules and the rules and requirements of the Administrative Procedures Act and offers a mere 3-week comment period.

I am not aware of an emergency. Why the rush? This violates the Administrative Procedures Act and totally ignores the National Environmental Policy Act. Fortunately, Mr. Speaker, the gentleman from Alaska [Mr. DON YOUNG] of the Committee on Resources and the gentleman from Oregon [Mr. BOB SMITH] of the Committee on Agriculture, along with myself and other resources subcommittee chairmen, sent a letter to Katy McGinty strongly advising CEQ to extend the comment period to at least another 90 days. She would have been wise to follow our advice. I entered that letter into the RECORD here on Wednesday, June 4.

Additionally, I am aware of no fewer than 35 other Members making similar extension requests of CEQ. It would certainly be in the best interests of everyone involved in CEQ if that agency would extend the public comment period, and I urge them to do so.

Mr. Speaker, CEQ's comment period closed today. Today I have yet to hear if its counsel has decided to extend its comment period to even the legally required minimum. I read a news account

of how baffled CEQ is by the concerns we have raised. Perhaps if the comment period were extended, enlightenment might follow.

The chairman of the Committee on Resources, the gentleman from Alaska [Mr. DON YOUNG] has also called an oversight hearing for June 26, 1997 in our committee. I have at least a glimmer of hope that we will then have some of our questions answered, but I will not hold my breath.

The last procedural point I would like to point out, Mr. Speaker, is that CEQ has responded to some of these concerns by claiming that the American Heritage Rivers Initiative is not a program, but some other hybrid that does not require a rule. Indeed, CEQ officials have stated that this initiative did not even require a publication in the Federal Register, and to this I say, wrong, absolutely wrong.

Procedurally, I would like to point out that the law, the United States Code that even CEQ is bound by, defines a rule as the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency.

Mr. Speaker, despite CEQ's claims, this so-called initiative is indeed an agency statement of general applicability and future effect designed to implement and describe the organization procedure and practice of an agency. As they say, Mr. Speaker, if it walks like a duck, if it talks like a duck, and swims like a duck, then it must be a duck.

Mr. Speaker, the American Heritage Rivers Initiative is indeed a duck. It is, without a doubt, a rule within the meaning of 5 U.S.C. section 551(4), and is therefore an agency action subject to the procedural requirements under the Administrative Procedures Act; also, under the National Environmental Protection Act. Again, where is the NEPA documentation? Where is the adequate public comment?

Last, the newly enacted congressional review of Agency Rulemaking Act, 5 U.S.C. section 801, et al., requires that the Federal agency promulgating such a rule shall submit to each House of the Congress and to the Comptroller General a report.

To my knowledge, this has not been done. Why? Because CEQ claims that it is not a rule. Again, Mr. Speaker, if it walks like a duck. Procedurally, Mr. Speaker, this proposed American Heritage Rivers Initiative is a disaster, procedurally.

The next issue I would like to discuss is the issue of States' rights and water rights. This necessarily implicates private property.

Mr. Speaker, as I said last Wednesday, one of the reasons for America's strength and meteoric rise is because of the wise use of her rivers and waterways for irrigation, travel, recreation, power, flood control, and all other uses. Through the wise use and allocation of water, America has literally turned our deserts into gardens and a once inhospitable land into wonderful places to live and to recreate. In my State of Idaho, water is the absolute lifeblood of this State. We have more than 15,000 farmers and more than 3 million irrigated acres. That is larger than the sum total of many of the States. Nearly 40,000 individuals are employed in one way or another by agriculture.

Mr. Speaker, many people do not know this, but Idaho has a seaport. The Port of Lewiston and its two adjacent ports via the Snake and Columbia Rivers export 40 percent of America's grain exports to Asia. This is water barge transportation. Yes, Mr. Speaker, water is very important to the State of Idaho and to the Nation.

Mr. Speaker, Idaho's waters or waterways and reclamation projects help make Idaho the gem State. Water is in fact so important that the Idaho Constitution, as approved by Congress when Idaho entered the Union, expressly states that, "The use of all waters is subject to the regulations and control of the State."

Additionally, Idaho code, section 42–101, states:

> All the waters of the State, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the State, are declared to be the property of the State, whose duty it shall be to supervise their appropriation and allotment to those diverting the same therefrom for any beneficial purpose.

Clearly, water within the boundaries of the State of Idaho are, unless privately owned, property of the State of Idaho. How, then, can the Clinton administration designate something that is not the Federal Government's to designate? This is an assault on private property rights, States' rights, America's values, and certainly our Western values.

Quite simply, this initiative will simply replace the long-established and constitutionally protected policies that govern the use of our waterways which are critical to our economic survival, not only in the West but to the entire Nation. That is why, for the past century, the Supreme Court has held in case after case that in the West it is the States who control the use of water.

As I did Wednesday, let me quote from one of the seminal U.S. Supreme Court cases on this issue, the 1978 case entitled "California v. United States," written by Justice Rehnquist.

The Justice writes:

> The history of the relationship between the Federal Government and the States in the reclamation of the arid lands of the Western States is both long and involved, But through it runs the consistent thread of purposeful and continued deference to State water law by the Congress. Indeed, to take from the legislatures of the various States and territories the control of water at the present time would be something less than suicidal. If the appropriation and use were not under the provisions of State law, the utmost confusion would prevail.

Mr. Speaker, this United American Heritage Rivers Initiative would create utmost confusion. How can the Clinton administration assert control over something that it clearly does not own, and so important to our State?

To make matters worse, this initiative is not just limited to the rivers. It redefines communities, watersheds, and jurisdictional boundaries. It creates a governing entity called the river community, but what is a river community, Mr. Speaker? Who belongs to a river community? Do not believe for a minute that a river community will be made up only of people who make their living from and are dependent on our rivers.

Mr. Speaker, this fictional entity, the river community, will then define the area covered by the American Heritage River designation. They decide the length of the area, whether it be an entire watershed, the length of an entire river, or a short stretch of a river, and may cross jurisdictional boundaries, including State boundaries.

Apparently when it comes to rivers, the Clinton administration believes that it takes more than a village, it takes a river community. When someone sitting in New York City can appeal land management decisions in the West, such as a timber sale and grazing allotment plans, with a mere postcard, who is it that the Clinton administration will decide is a member of the river community? What interests will the members of the river community have? Also, how will the designation be made?

Watershed, as we all know very well, Mr. Speaker, can literally be from mountaintop to mountaintop, and include vast areas. What about private property inside these watershed areas? If a private property designation is being contemplated, will the private owner be able to protect and sustain his ownership right? No, he will not. I have learned, Mr. Speaker, through my inquiries that this designation could happen even over the objections of a homeowner, a shopowner, a farmer, a rancher.

What about State and local property? Mr. Speaker, an American Heritage River designation will further dilute local control and decisionmaking. It will do nothing but add another layer of bureaucracy that must be dealt with, another hurdle to overcome when an entity, the private landowner or the State, desires to utilize the land.

CEQ has argued that the designation carries no legal meaning. I disagree. The very designation creates yet another obstacle, legal or not, and yet another tool for the use by environmental

extremists to stop the wise use of our lands. Mr. Speaker, the Supreme Court recognized the importance of water to the arid western United States. Why cannot the Clinton administration respect this supreme law of the land?

As the Supreme Court has stated in the case entitled "California v. United States" in 1978:

> The legislative history of the Reclamation Act makes it abundantly clear that Congress intended to defer to the substance as well as the form of State water law * * * to do otherwise would trivialize the broad language and purpose of the Reclamation Act.

In other words, Mr. Speaker, the utmost confusion will prevail.

The final issue I would like to talk about tonight, Mr. Speaker, is the wisdom of our Founding Fathers as embodied by the doctrine of the separation of powers. As I learned it, the legislative branch creates the laws, the executive branch is to implement and enforce the laws, and the judiciary interprets the laws.

Yet the American Heritage Rivers Initiative was created and tendered solely by the White House and executed without congressional approval. When it comes to our resources issues, the Clinton administration has once again usurped the Congress' lawmaking authority. Nowhere in law can one find the American Heritage Rivers Initiative, nor has Congress conferred to CEQ the power to govern and control our rivers and watersheds.

This raises some very, very serious issues, going beyond who and how this program is authorized. But how is it paid for?

□ 2230

Since the American Heritage Rivers initiative has never been authorized by Congress, exactly which land and water program's funds were siphoned to prepare this proposal? How does the administration intend to continue funding this unauthorized project, if it is established?

CEQ has stated that this program is merely a coordination of existing and ongoing Federal programs. Yet the American Heritage Rivers initiative assigns a so-called river navigator, a Federal official, to the river community, the governing body, to help guide it toward Presidential designation. But I challenge the CEQ to show me where it is that the Congress has authorized a river navigator. And it would be foolish to believe that these river navigators work for free. Who authorized this position? Who appropriated the funds?

My concern, Mr. Speaker, is that funds needed forward on the ground management activities such as rangecons, engineers, biologists, and foresters are being misdirected from other legitimate and authorized programs. Similar to other so-called initiatives unauthorized by Congress, like the Interior Columbia River Basin Ecosystem Management Project, which comes to mind, it costs hundreds of millions of dollars to the American taxpayers and the administration is again operating ultra vires and is misusing taxpayer dollars.

This program is a misappropriation of time, of resources and the taxpayers' money. You can be assured, Mr. Speaker, that we will be addressing each of these three issues at the June 26 Committee on Resources meeting.

CEQ has stated that if any legitimate opposition were to surface against the designation, including opposition by a Member of Congress representing the proposed area, the proposal will not go forward. Pardon me, Mr. Speaker, but if this does not give me much comfort, do not be surprised.

For the RECORD, I oppose any designation of an American Heritage River in the State of Idaho or any place in this Nation. But I call the Members' attention to President Clinton's designation of the Grand Staircase-Escalante National Monument in Utah. Despite CEQ's protestations to the opposite, not one of the members of Utah's congressional delegation nor the Governor were informed of this pending action, which set aside nearly 2 million acres in the State of Utah plus a very, very valuable coal mine.

The Resources Subcommittee on National Parks and Public Lands, of which I am a member, held a hearing in which Senators HATCH and BENNETT, Utah Governor Leavitt, Secretary Babbitt and CEQ chairman Katy McGinty testified. In the face of both Utah Senators and the Governor, Chairman McGinty stated she informed them of the impending monument designation. Both Senators and the Governor clearly and unequivocally stated that they were not informed. At best, the administration acted without consulting the leaders of the State of Utah. At worst, President Clinton acted over the unified objection of that State.

Nonetheless, whether Utah's delegation knew or not is no matter, and I tend to believe the Senators and the Governor that they had no prior knowledge.

CEQ's promises that only a community that wants these designations are empty to me. Its promises leave me with very, very little comfort. The American Heritage Rivers proposal is just one in a string of Clinton administration attacks on natural resource policies in America and most especially in the West.

This is a nation of laws. But from the Utah Monument Ecosystem Management Projects to BLM's law enforcement regulations, this administration has demonstrated an absolute lack of regard for our Nation's laws and regulations, including requirements of the environmental laws.

Mr. Speaker, the administration has blatantly ignored Congress' lawmaking authority, and the American Heritage Rivers initiative is just another example. Take, for instance, Secretary Babbitt's attempted rewrite of 43 CFR 3809 pertaining to surface mining. Secretary Babbitt has stated publicly that he did not need the Congress' help to rewrite the mining law of 1872 but that he could do it administratively.

Mr. Speaker, we cannot allow the administration to ignore this body. Without a check on the executive branch, this Nation will continue down the road to chaos. And unless Congress asserts its constitutional responsibility, it is well on its way to becoming a toothless tiger, capable only of doling out the taxpayers' hard-earned dollars to fund big bureaucracies like the CEQ. Where are we with regard to the protection of property and States rights?

As James Madison wrote in Federalist No. 47, the accumulation of all powers legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self-appointed or elective, may justly be pronounced the very definition of tyranny.

Mr. Speaker, in the name of separation of powers, in the vein of preserving Congress' lawmaking authority and for the good of our country, we must take a stand. We must draw a line and simply say no, we will not let you do that. We must say to the administration, you must act only within your designated authority.

Mr. Speaker, we are a nation of laws. As such we must all follow them, even the White House, but most especially all of us in government.

Tonight, I, along with a number of our colleagues, am introducing H.R. 1843. This bill will prohibit any funds from being spent by the administration on the American Heritage Rivers initiative. I urge the Members to join us on the Chenoweth-Pombo disapproval of the American Heritage Rivers initiative.

In closing, Mr. Speaker, I would like to respond to some comments made by CEQ's Katy McGinty. She is quoted by the Associated Press as stating that she is bewildered and perplexed by our opposition to the American Heritage Rivers initiative. She states that it is 100 percent locally driven. It is government acting purely in partnership with local communities.

To this, Mr. Speaker, I can only say she simply does not get it. When one sees a person in her position state that it is government acting in partnership with local communities, I have grave concerns. We do not want another Federal designation. We do not want a greater Federal presence, and we do not want enhanced Federal control over our waters.

This is not what this Congress is about. The spirit of this Congress is the revitalization of the 10th amendment, the empowerment of local communities

and States, and the recognition that the Federal Government is one of limited and enumerated powers. It is not about another Washington, D.C.-created designation of our resources. It is not about yet another sphere of influence for Federal bureaucrats. And it is certainly not about a Federal Government partnership when the State and local communities are quite capable of governing themselves.

This Congress is about less government, self-determination and freedom. Freedom is still the issue. It is about States rights and property rights and the right of the people to be free of Federal entanglements. And the American Heritage Rivers initiative does not fit this bill.

Mr. Speaker, this issue is really about control, control over our rivers and watersheds. If the Federal Government wants control of the States' waters, then what is next?

If anyone thinks that this CEQ so-called initiative will be anything but a tool of the environmental extremists, they had better think again. Just today I read that an organization dedicated to tearing out the dams and transportation waterways along the Snake and Columbia Rivers have already petitioned the White House to designate the Columbia River as an American Heritage River, which would end the water-based barge transportation, affecting hundreds of thousands of jobs, communities and families in the Northwest. No, this is an issue of control of the wealth and control of our people.

What is next, Mr. Speaker? Part 2, No. 2, calls for aerial and satellite surveillance of the rivers. Well, I ask myself, will I have to wear a number on my hat, on the top of my head, so that the Federal bureaucrats in Washington, DC, using aerial photographs, can monitor when I am out skipping rocks on the river with my grandchildren? What is next?

Yes, Mr. Speaker, this issue is indeed about control of our resources, our wealth and our people. It is sad.

As I discussed earlier, water is the lifeblood of America, of the West and of my State, Idaho. But it is not just control over water that is threatened by this un-American "make our backyard every bureaucrat's business" Heritage Rivers initiative.

Nothing less than private property rights and freedom from unnecessary and harmful Federal intrusion is at stake. Farmers, ranchers, fishermen, homeowners and others who live along rivers and deeply love their rivers may find themselves with diminished rights and reduced control over their property and their activities on the river.

Mr. Speaker, these people, the ones who know the river and depend on its health and preservation, should not lose their rights because Federal bureaucrats or Eastern environmentalists want to initiate a warm and fuzzy, politically correct Federal program or another Clinton photo-op.

State sovereignty, individual freedom, protection of property rights are the ideals that have distinguished this Nation, this great Nation. We do ourselves and all American citizens a disservice if we allow power to be usurped in this fashion.

I urge my colleagues to stand up against this ill-conceived and misdirected American Heritage Rivers initiative and to cosponsor the Chenoweth-Pombo bill.

Mr. Speaker, the imposition of the Clinton-Gore extreme environmentalist policies has taken a tragic toll on the West. We are losing our culture, we are losing our heritage, and we are losing the very way of life that we love so much. My good friend Perry Pendley sums up this feeling about the West in his book, "War on the West," when he writes, and I quote:

"The environmental extremists' vision of the West is of a land nearly devoid of people and economic activity, a land devoted almost entirely to the preservation of scenery and wildlife habitat. In their vision, everything becomes a vast park through which they might drive, drinking Perrier and munching on organic chips, staying occasionally in the bed-and-breakfast operations into which the homes of westerners have been turned, with those westerners who are able to remain fluffing the duvets and pouring cappuccino. They are well on their way to achieving their objective."

Mr. Speaker, I think Perry Pendley hit the nail on the head. Many people in the United States east of the Mississippi just view the West as one big national park, and the American Heritage Rivers initiative is just one more assault in a long line of programs designed to turn the West into a playground for the East.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FLAKE (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. FARR of California (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:

Mr. GEPHARDT, for 5 minutes, today.

Mr. BONIOR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. OLVER, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. CLAYTON, for 5 minutes, today.

Mr. HEFNER, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. ROTHMAN, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:

Mr. PAUL, for 5 minutes, today.

Mr. JONES, for 5 minutes each day, on June 11 and 12.

Mr. PAPPAS, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:

Mr. BERMAN.

Mr. DAVIS of Illinois.

Mr. RANGEL.

Mr. OLVER.

Mr. FAZIO of California.

Ms. SANCHEZ.

Mr. SANDERS.

Mr. LANTOS.

Ms. ESHOO.

Mr. BOYD.

Mr. MORAN of Virginia.

Mr. FRANK of Massachussetts.

Mr. STOKES.

Mr. SABO.

Mr. MEEHAN.

Mr. KUCINICH.

Mr. PASCRELL.

Mr. SCHUMER.

Mr. RAHALL.

Mr. PAYNE.

Mr. HOYER.

Mr. TORRES.

Mr. BROWN of California.

Mr. STARK.

Mr. DINGELL.

Mr. FARR of California.

Mr. GEPHARDT.

The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:

Mr. QUINN.

Mr. PITTS.

Mr. BURTON of Indiana.

Mr. STEARNS.
Mr. GILMAN.
Mr. COLLINS.
Mr. BONILLA.
Mr. DAVIS of Virginia.
Mr. SPENCER.
Mr. WALSH.
Mr. KNOLLENBERG.
Mr. GOODLING.
Mr. MCCOLLUM.
Mr. LEWIS of California.
Mr. DREIER.
Mr. RIGGS.
Mr. DOOLITTLE.
Mr. MCHUGH.

The following Members (at the request of Mrs. CHENOWETH) and to include extraneous matter:

Mr. SHERMAN.
Mr. ETHERIDGE.
Mr. COOKSEY.
Mr. LUCAS of Oklahoma.
Mr. WELDON of Florida.

SENATE BILL REFERRED

A Bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 610. An act to implement the obligations of the United States under the Chemical Weapons Convention; to the Committee on International Relations and in addition, to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned,

BILL PRESENTED TO THE PRESIDENT

Mr. Thomas, from the Committee on House Oversight reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title: On June 9, 1997: H.R. 1469. An Act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

ADJOURNMENT

Mrs. CHENOWETH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 11, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3693. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Melons Grown in South Texas; Assessment Rate [Docket No. FV97–979–1 FIR] received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3694. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Imported Fire Ant; Approved Treatments [Docket No. 96–063–4] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3695. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Viruses, Serums, Toxins, and Analogous Products; Revision of Standard Requirements for Clostridium Perfringens Types C and D Toxoids and Bacterin-Toxoids [Docket No. 92–090–2] received June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3696. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Viruses, Serums, Toxins, and Analogous Products; Definition of Biological Products and Guidelines [Docket No. 93–152–2] (RIN: 0579–AA65) received June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3697. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP–300495; FRL–5719–3] (RIN: 2070–AB78) received June 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3698. A letter from the Chief, Natural Resources Conservation Service, transmitting the Service's "Major" final rule—Environmental Quality Incentives Program [Workplan Number 96–004] (RIN: 0578–AA19) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3699. A communication from the President of the United States, transmitting his requests for an FY 1997 supplemental appropriation and for FY 1998 budget amendments that will adjust his pending budget requests to be consistent with the recently negotiated Bipartisan Budget Agreement between the President and the Leadership of Congress, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—95); to the Committee on Appropriations and ordered to be printed.

3700. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Reservists' Education: Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve (RIN: 2900–AI54) received May 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

3701. A letter from the Attorney-Advisor, Federal Housing Finance Board, transmitting the Board's final rule—Community Support Requirement [Docket No. 97–39] (RIN: 3069–AA35) received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3702. A letter from the Attorney-Advisor, Federal Housing Finance Board, transmitting the Board's final rule—Technical Amendments to Definition of Deposits in Banks or Trust Companies [Docket No. 97–38] (RIN: 3069–AA63) received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3703. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Executive Order 12933 of October 20, 1994—"Nondisplacement of Qualified Workers Under Certain Contracts" (Employment Standards Administration, Wage and Hour Division) (RIN: 1215–AA95) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3704. A letter from the Chairperson, National Commission on Libraries and Information Science, transmitting the twenty-fifth annual report of the activities of the Commission covering the period October 1, 1995 through September 30, 1996, pursuant to 20 U.S.C. 1504; to the Committee on Education and the Workforce.

3705. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] Receiving June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3706. A letter from the Secretary of Education, transmitting a draft of proposed legislation to assist states and secondary and postsecondary schools to develop, implement, and improve career preparation education so that every student has an opportunity to acquire academic and technical knowledge and skills needed for postsecondary education, further learning, and a wide range of opportunities in high-skill and high-wage careers; to the Committee on Education and the Workforce.

3707. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's "Major" final rule—Substances Prohibited From Use in Animal Food or Feed; Animal Proteins Prohibited in Ruminant Feed [Docket No. 96N–0135] (RIN: 0910–AA91) received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3708. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Revisions to Several Chapters and Appendices of the Alabama Department of Environmental Management (ADEM) Administration Code for the Air Pollution Control Program [AL–044–1 9710a; FRL–5829–9] received June 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3709. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio Ozone Maintenance Plan [OH104–2a; FRL–5840–8] received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3710. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Testing and Monitoring Activities [FRL–5839–6] received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3711. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Carbamate Production, Identification and Listing of Hazardous Waste; Land Disposal Restrictions;

Authorization of State Hazardous Waste Programs; and CERCLA Hazardous Substance Designation and Reportable Quantities [EPA530–Z–97; FRL–5839–7] (RIN: 2050–AD59) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3712. A letter from the Deputy Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 96F–0369] received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3713. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Neurological Devices; Effective Date of Requirement for Premarket Approval of Cranial Electrotherapy Stimulators [Docket No. 93N–0027] received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3714. A letter from the Secretary of Health and Human Services, transmitting a draft of an Administration legislative proposal for revitalizing the Public Health Service; to the Committee on Commerce.

3715. A letter from the Director, Resource Management and Planning Staff, Trade Development, International Trade Administration, transmitting the Administration's final rule—Market Development Cooperative Program [Docket No. 970424097–7097–01] (RIN: 0625–ZA05) received June 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3716. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the Office of the Inspector General and the Secretary's semiannual report on final action taken on Inspector General audits for the period from October 1, 1996 through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3717. A letter from the Chairman, Board of Directors, Panama Canal Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3718. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

3719. A letter from the Acting Commissioner of Social Security, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3720. A letter from the Secretary of the Interior, transmitting certification that lands for the North Cannonball Unit, Standing Rock Indian Reservation have had an adequate soil survey, land classification has been made and that the lands to be irrigated are susceptible to agricultural production by irrigation, pursuant to 43 U.S.C. 390a; to the Committee on Resources.

3721. A letter from the Assistant Secretary for Environmental Management, Department of Energy, transmitting a summary of the Department of Energy's "Final Waste Management Programmatic Environmental Impact Statement"; to the Committee on Resources.

3722. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Change in Listing Status of Steller Sea Lion (RIN: 1018–AE10) received June 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3723. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Halibut and Red King Crab Bycatch Rate Standards for the Second Half of 1997 [Docket No. 900833–1095; I.D. 052997D] received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3724. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Apportionment of Reserve [Docket No. 961107312–7021–02; I.D. 052397B] received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3725. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 1996, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

3726. A letter from the Assistant General Counsel, United States Information Agency, transmitting the Agency's final rule—Exchange Visitor Program [22 CFR Part 514] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3727. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Fitness Procedures; Safety Ratings (Federal Highway Administration) [FHWA Docket No. MC–94–22; FHWA–97–2252] (RIN: 2125–AC71) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3728. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Procedures for Participating in and received Data from the National Driver Register Problem Driver Pointer System (National Highway Traffic Safety Administration) [Docket No. 84–02; Notice 11] (RIN: 2127–AG21) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3729. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Use of Non-specification Open-Head Fiber Drum Packagings (Research and Special Programs Administration) [Docket No. RSPA–97–2501 (HM–221B)] (RIN: 2137–AD04) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3730. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of a Report of Building Project Survey for the Department of Transportation (DOT) Headquarters Replacement in Washington, DC, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

3731. A letter from the Board Members, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act and the Railroad Unemployment Insurance Act to ease administration of the railroad retirement and railroad unemployment insurance programs; to the Committee on Transportation and Infrastructure.

3732. A letter from the Secretary of Transportation, transmitting a copy of the report entitled "The Regional Attorney Pilot Project," pursuant to Public Law 102—365, section 4(b)(3) (106 Stat. 973); to the Committee on Transportation and Infrastructure.

3733. A letter from the Acting Associate Deputy Administrator for Government Contracting and Minority Enterprise Development, Small Business Administration, transmitting the revised annual report on Minority Small business and Capital Ownership Development for fiscal year 1996 to replace EC3250 which was transmitted on May 8, 1997, pursuant to Public Law 100—656, section 408 (102 Stat. 3877); to the Committee on Small Business.

3734. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to make certain improvements in the housing loan programs for veterans and eligible persons; to the Committee on Veterans' Affairs.

3735. A letter from the Secretary of Health and Human Services, transmitting a letter informing Congress that the proposal required by Section 4008(k)(1) of the Omnibus Budget Reconciliation Act of 1990 was transmitted with the President's fiscal year (FY) 1998 budget and associated legislative language; to the Committee on Ways and Means.

3736. A letter from the Secretary of Health and Human Services, transmitting a report on the initial estimate of the applicable percentage increase in inpatient hospital payment rates for Federal Fiscal Year (FY) 1998, pursuant to Public Law 101—508, section 4002(g)(1)(B) (104 Stat. 1388—36); to the Committee on Ways and Means.

3737. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation that would clarify the treatment of military and National Guard aircraft as public aircraft; jointly to the Committees on National Security and Transportation and Infrastructure.

3738. A letter from the Administrator, Environmental Protection Agency, transmitting the third report on environmental estuarine monitoring of organotin concentrations, pursuant to 33 U.S.C. 2406; jointly to the Committees on Transportation and Infrastructure and National Security.

3739. A letter from the Administrator, National Highway Traffic Safety Administration, transmitting a copy of a report entitled "NHTSA Plan for Achieving Harmonization of the U.S. and European Side Impact Standards," pursuant to Public Law 104—205; jointly to the Committees on Transportation and Infrastructure and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

[Submitted June 9, 1997]

Mr. BLILEY: Committee on Commerce. H.R. 1277. A bill to authorize appropriations for fiscal year 1998 and fiscal year 1999 for the civilian research, development, demonstration, and commercial application activities of the Department of Energy, and for other purposes; with an amendment (Rept. 105–67 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 10, 1997]

Mr. SOLOMON: Committee on Rules. House Resolution 163. Resolution providing for consideration of the joint resolution (H.J. Res. 54) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (Rept. 105–126). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 164. Resolution providing for consideration of the bill (H.R. 437) to reauthorize the National Sea Grant College Program Act, and for other purposes (Rept. 105–127). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 378. A bill for the relief of Heraclio Tolley (Rept. 105–125). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HYDE (for himself, Mr. MCDERMOTT, Mrs. KELLY, Mr. HAYWORTH, Mr. STARK, Ms. DEGETTE, Ms. JACKSON-LEE of Texas, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. BARR of Georgia, Mrs. MEEK of Florida, Mr. MARTINEZ, Ms. LOFGREN, Mr. WICKER, Mr. GRAHAM, Mr. MANZULLO, Mr. SCHIFF, Mr. CLAY, Mr. EVANS, Mr. FOLEY, Mr. FOGLIETTA, Mr. PARKER, Mr. DELLUMS, Mr. BLILEY, Mr. BROWN of Ohio, Mr. WATT of North Carolina, Mr. BERMAN, Mr. BAKER, and Mr. CUMMINGS):

H.R. 1835. A bill to provide a more just and uniform procedure for Federal civil forfeitures; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself and Mr. MICA):

H.R. 1836. A bill to amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes; to the Committee on Government Reform and Oversight.

By Ms. JACKSON-LEE:

H.R. 1837. A bill to amend title 18, United States Code, with respect to the penalty for the rape of juveniles in prison; to the Committee on the Judiciary.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. GILCHREST, and Mr. CLEMENT) (all by request):

H.R. 1838. A bill to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WHITE (for himself, Mr. TOWNS, Mr. HORN, Mr. NORWOOD, and Ms. DUNN of Washington):

H.R. 1839. A bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM:

H.R. 1840. A bill to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices; to the Committee on the Judiciary.

By Mr. COX of California (for himself and Mr. CAMPBELL):

H.R. 1841. A bill to amend the Internal Revenue Code of 1986 to repeal the death tax for family farms and small businesses; to the Committee on Ways and Means.

By Mrs. CHENOWETH (for herself, Mr. POMBO, Mr. DOOLITTLE, Mr. SMITH of Oregon, Mr. RADANOVICH, Mr. BOB SCHAFFER, Mr. GIBBONS, Mr. HERGER, Mr. HILLEARY, Mr. HASTINGS of Washington, Mr. SMITH of Texas, and Mr. METCALF):

H.R. 1842. A bill to terminate further development and implementation of the American Heritage Rivers Initiative; to the Committee on Resources.

By Mr. BASS (for himself, Mr. SUNUNU, Mr. SANDERS, Mr. METCALF, Mr. PARKER, Mr. YOUNG of Alaska, Mr. BOUCHER, Mr. BONO, Mr. PASTOR, Mr. STUMP, Mr. STRICKLAND, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. WICKER, Mr. GRAHAM, Mrs. CUBIN, Mr. HERGER, Mr. HILL, Mr. HAYWORTH, Mr. RIGGS, and Mrs. EMERSON):

H.R. 1843. A bill to amend title 31, United States Code, to address the failure to appropriate sufficient funds to make full payments in lieu of taxes under chapter 69 of such title by exempting certain users of the National Forest System from fees imposed in connection with such use; to the Committee on Resources.

By Mr. COLLINS:

H.R. 1844. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of aircraft maintenance and repair expenditures required by the Federal Aviation Administration; to the Committee on Ways and Means.

By Mr. ETHERIDGE (for himself, Mr. MCINTYRE, Mr. HEFNER, Mrs. CLAYTON, Mr. COBLE, and Mr. PRICE of North Carolina):

H.R. 1845. A bill to amend the Internal Revenue Code of 1986 to reduce estate taxes on family-owned businesses; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself and Mr. COOKSEY):

H.R. 1846. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Transportation and Infrastructure.

By Mr. GOODLATTE:

H.R. 1847. A bill to improve the criminal law relating to fraud against consumers; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mrs. MORELLA, Mr. CUMMINGS, Mr. MORAN of Virginia, Mr. FAZIO of California, Mr. FORD, and Mr. DAVIS of Virginia):

H.R. 1848. A bill to amend chapter 89 of title 5, United States Code, to modify the formula under which the Government contribution for a Federal employee or annuitant enrolled in a health benefits plan under such chapter is determined; to the Committee on Government Reform and Oversight.

By Mr. LUCAS of Oklahoma:

H.R. 1849. A bill to establish the Oklahoma City National Memorial as a unit of the National Park System, to designate the Oklahoma City Memorial Trust, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY of New York (for herself, Mr. DEFAZIO, Mr. BARRETT of Wisconsin, Ms. SLAUGHTER, Ms. MCKINNEY, Mr. JACKSON, Mr. MCGOVERN, Ms. NORTON, and Mr. ROTHMAN):

H.R. 1850. A bill to require the Secretary of Defense to plan and carry out pilot projects to test various best business practices for defense inventory management; to the Committee on National Security.

By Mr. MORAN of Virginia:

H.R. 1851. A bill to designate the U.S. courthouse located at 200 South Washington Street in Alexandria, VA, as the "Martin V.B. Bostetter, Jr. United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mrs. MYRICK:

H.R. 1852. A bill to reduce the duty on a polymer of alkanediols, monocyclic dicarboxylic acid dimethyl ester, monocyclic monosulfonated dicarboxylic acid dimethyl ester monsodium salt and hydroxy alkoxyalkanesulfonic acid sodium salt; to the Committee on Ways and Means.

By Mr. RIGGS:

H.R. 1853. A bill to amend the Carl D. Perkins Vocational and Applied Technology Education Act; to the Committee on Education and the Workforce.

By Mr. SABO:

H.R. 1854. A bill to amend the Employee Retirement Income Security Act of 1974 to require the offering of children-only coverage to dependents of participants under group health plans, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself, Mr. ALLEN, Mr. BALDACCI, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. PALLONE, and Mr. WEYGAND):

H.R. 1855. A bill to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries; to the Committee on Resources.

By Mr. SAXTON:

H.R. 1856. A bill to amend the Fish and Wildlife Act of 1956 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each U.S. Fish and Wildlife Service region, and for other purposes; to the Committee on Resources.

By Mr. SENSENBRENNER:

H.R. 1857. A bill to amend title 28, United States Code, to provide for Federal jurisdiction of certain multiparty, multiform civil actions; to the Committee on the Judiciary.

By Mr. SHAYS (for himself, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BONIOR, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CAMPBELL, Mr. CAPPS, Mr. CARDIN, Ms. CARSON, Ms. CHRISTIAN-GREEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. COYNE, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DELLUMS, Mr. DEUTSCH, Mr. DICKS, Mr. DIXON, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FATTAH, Mr. FAZIO of California, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD, Mr. FRELINGHUYSEN, Mr. FROST, Ms. FURSE, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GILMAN, Mr. GONZALEZ, Mr. GREENWOOD, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HOOLEY of Oregon, Mr. HORN, Mr. HOYER, Ms. JACKSON-LEE, Mr. JACKSON, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND of Wisconsin, Mr. KOLBE, Mr. KUCINICH, Mr. LANTOS, Mr. LEACH, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mr. LUTHER, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHALE, Ms. MCKINNEY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. RANGEL, Mr. REYES, Ms. RIVERS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Ms. SANCHEZ, Mr. SANDERS, Mr. SAWYER, Mr. SCHUMER, Mr. SERRANO, Mr. SHERMAN, Mr. SKAGGS, Ms. SLAUGHTER, Mr. ADAM SMITH of Washington, Ms. STABENOW, Mr. STARK, Mr. STOKES, Mrs. TAUSCHER, Mr. THOMPSON, Mr. TIERNEY, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, Mr. UNDERWOOD, Ms. VELAZQUEZ, Mr. VENTO, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WEXLER, Mr. WEYGAND, Ms. WOOLSEY, Mr. WYNN, and Mr. YATES):

H.R. 1858. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Education and the Workforce, and in addition to the Committees on House Oversight, Government Reform and Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. TAUZIN, Mr. OXLEY, and Mr. UPTON):

H.R. 1859. A bill to amend the Communications Act of 1934 to reduce restrictions on media ownership, and for other purposes; to the Committee on Commerce.

By Mr. PAUL:

H.J. Res. 80. Joint resolution proposing an amendment to the Constitution of the United States authorizing the State to prohibit the physical destruction of the flag of the United States and authorizing Congress to prohibit destruction of federally owned flags; to the Committee on the Judiciary.

By Mr. SCARBOROUGH:

H.J. Res. 81. Joint resolution disapproving the Federal Communications Commission Order 97-27, relating to revision of the Commission's cable television leased commercial access rules; to the Committee on Commerce.

By Mr. WELDON of Florida (for himself, Mr. DEUTSCH, Mr. COOK, Mr. ROHRABACHER, Mr. WEXLER, Mr. MCGOVERN, Mr. WATTS of Oklahoma, Mr. FROST, Mr. CANADY of Florida, Mr. LIPINSKI, Mr. LAHOOD, Mr. FOX of Pennsylvania, Mr. ABERCROMBIE, Mr. MILLER of Florida, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mrs. THURMAN, Mr. FORBES, Mr. DELLUMS, Mr. PORTER, Mr. ENGEL, and Mr. DICKEY):

H. Con. Res. 95. Concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude; to the Committee on Government Reform and Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

128. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Kentucky, relative to House Resolution No. 20 encouraging the President and the United States Congress to examine United States foreign policy toward Ethiopia; to the Committee on International Relations.

129. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution 13 urging Congress to amend President Clinton's unilateral action in designating the Grand Staircase-Escalante National Monument; urging Congress to require negotiation with the States and a stronger consideration of the social and economic consequences in the designation of national monuments and wilderness areas; and requiring the Secretary of State to transmit copies of the Grand Staircase-Escalante National Monument Resolution; to the Committee on Resources.

130. Also, a memorial of the Legislature of the State of Oregon, relative to Senate Concurrent Resolution 8 urging the Congress of the United States to continue the operation of and reverse the decision to close the Astoria Weather Station; to the Committee on Science.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. RAHALL introduced a bill (H.R. 1860) for the relief of certain Persian Gulf evacuees; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. HUTCHINSON.

H.R. 15: Mr. RUSH, Mr. LANTOS, and Mr. CALVERT.

H.R. 84: Mr. FILNER.

H.R. 96: Mr. JONES, Mr. LEWIS of Georgia, and Mrs. FOWLER.

H.R. 108: Mrs. LOWEY.

H.R. 135: Ms. HOOLEY of Oregon, and Mr. COYNE.

H.R. 145: Mr. DIXON and Mrs. LOWEY.

H.R. 197: Ms. ESHOO.

H.R. 230: Ms. FURSE.

H.R. 245: Mr. FOX of Pennsylvania.

H.R. 404: Mr. SHAYS.

H.R. 407: Mrs. MINK of Hawaii.

H.R. 446: Mr. KING of New York.

H.R. 521: Mr. HUTCHINSON.

H.R. 625: Mr. HOLDEN, Mr. GIBBONS, and Mr. BARRETT of Wisconsin.

H.R. 632: Mr. GOODE, Mr. COBLE, and Mr. ENSIGN.

H.R. 693: Mr. BACHUS.

H.R. 695: Mr. ENGLISH of Pennsylvania.

H.R. 699: Mr. HASTINGS of Washington, Mr. ENSIGN, Mr. QUINN, Mr. SMITH of New Jersey, Mr. LARGENT, Mr. REYES, and Mr. SNYDER.

H.R. 712: Mr. DAVIS of Illinois, Mr. MCGOVERN, and Mr. HASTINGS of Florida.

H.R. 754: Mr. MALONEY of Connecticut and Mr. DELAHUNT.

H.R. 758: Mr. HULSHOF.

H.R. 793: Mr. FILNER.

H.R. 815: Mr. DAVIS of Florida, Mr. WEXLER, and Mr. SHAW.

H.R. 869: Mr. KLUG and Mr. STRICKLAND.

H.R. 873: Mr. WELDON of Pennsylvania.

H.R. 880: Mr. YOUNG of Alaska.

H.R. 910: Mr. BONIOR.

H.R. 922: Mr. COOK.

H.R. 923: Mr. COOK.

H.R. 955: Mr. BLILEY.

H.R. 957: Mr. FOX of Pennsylvania.

H.R. 971: Mr. LAFALCE.

H.R. 983: Ms. MCCARTHY of Missouri, Mr. POSHARD, and Ms. LOFGREN.

H.R. 989: Mr. MCHALE, Mr. HOUGHTON, Mr. MEEHAN, Mr. COBLE, Mr. JACKSON, Mr. DEUTSCH, Mr. KING of New York, Mr. CANADY of Florida, Mr. DELLUMS, Mr. PASTOR, and Ms. PRYCE of Ohio.

H.R. 991: Mr. MINGE.

H.R. 1009: Mr. CHAMBLISS.

H.R. 1018: Mr. HALL of Ohio and Mr. MCCOLLUM.

H.R. 1054: Mr. PACKARD and Mr. TORRES.

H.R. 1059: Mr. COLLINS and Mr. EWING.

H.R. 1063: Mr. DAVIS of Virginia, Mr. BEREUTER, Mr. COLLINS, Mr. SHADEGG, and Mr. HUTCHINSON.

H.R. 1072: Ms. WOOLSEY, Ms. LOFGREN, and Ms. BROWN of Florida.

H.R. 1114: Mr. FILNER, Mr. WEXLER, and Mr. WALSH.

H.R. 1120: Mr. CARDIN and Mr. LAFALCE.

H.R. 1126: Mr. COOK, Mr. MENENDEZ, and Mr. HOSTETTLER.

H.R. 1134: Ms. DANNER, Mr. BORSKI, Mr. GUTKNECHT, Ms. SLAUGHTER, Mr. GREENWOOD, Mr. TAUZIN, Mr. THOMPSON, Mr. DEUTSCH, Mr. SKAGGS, and Mr. KINGSTON.

H.R. 1140: Mr. COBLE.

H.R. 1166: Mr. BORSKI, Mr. MOAKLEY, Mr. BLAGOJEVICH, Mr. BARCIA of Michigan, Mr. BONO, Mr. GOODLING, Mr. PRICE of North Carolina, Mr. SKELTON, Mr. GEJDENSON, and Mr. DOOLITTLE.

H.R. 1173: Mr. BLAGOJEVICH, Mr. RUSH, Mr. PAYNE, Mr. KENNEDY of Massachusetts, Mr. MCCRERY, Mr. FRANK of Massachusetts, Mrs.

MEEK of Florida, Mr. DAVIS of Virginia, Mr. MCDERMOTT, Mr. WATT of North Carolina, Mrs. MCCARTHY of New York, Ms. PELOSI, Mr. TIERNEY, Mr. PETERSON of Minnesota, Mr. MORAN of Virginia, Ms. DELAURO, Mrs. KENNELLY of Connecticut, Mr. GEJDENSON, and Mr. ADAM SMITH of Washington.

H.R. 1203: Mr. CALVERT.

H.R. 1231: Ms. SLAUGHTER.

H.R. 1260: Mr. HALL of Ohio, Mr. DIXON, Mr. CALVERT, Mr. GOODLING, Mrs. EMERSON, and Mr. BROWN of Ohio.

H.R. 1270: Mr. MCINTYRE, Mr. WEXLER, Mr. ADERHOLT, Mr. THORNBERRY, Mr. HUTCHINSON, Mr. SAXTON, Mr. HASTINGS of Florida, Ms. JACKSON-LEE, Mr. WALSH, and Mr. SCOTT.

H.R. 1287: Ms. NORTON, Mr. DUNCAN, Mr. KOLBE, Mr. CAMPBELL, and Mr. LIPINSKI.

H.R. 1288: Mr. COSTELLO.

H.R. 1289: Mr. KUCINICH, Mr. FROST, Mr. BOUCHER, Mr. MEEHAN, Mr. EVANS, Mr. ACKERMAN, Mr. GREENWOOD, Mr. SHAYS, Mr. BAKER, Ms. ESHOO, and Mr. ALLEN.

H.R. 1296: Mr. HORN, Ms. STABENOW, and Mr. FOX of Pennsylvania.

H.R. 1301: Mr. FOGLIETTA.

H.R. 1315: Ms. DEGETTE.

H.R. 1323: Mr. MCDERMOTT, Mr. TORRES, Mr. MORAN of Virginia, and Mr. ALLEN.

H.R. 1350: Mr. CANADY of Florida, Mr. HAYWORTH, Mr. CHRISTENSEN, and Mr. SKAGGS.

H.R. 1355: Ms. WOOLSEY.

H.R. 1363: Mr. FILNER and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1364: Mr. FILNER, Mr. SCHUMER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MARTINEZ.

H.R. 1373: Mr. DAVIS of Illinois and Mr. LEWIS of Georgia.

H.R. 1401: Mr. SKAGGS.

H.R. 1437: Mr. MARTINEZ and Mr. QUINN.

H.R. 1440: Mr. FROST, Mr. MCGOVERN, Mr. LAFALCE, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1455: Mr. TORRES, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MARTINEZ.

H.R. 1480: Mr. FILNER.

H.R. 1496: Mr. FOX of Pennsylvania and Mr. EVANS.

H.R. 1497: Mr. MCGOVERN.

H.R. 1503: Mr. FOX of Pennsylvania.

H.R. 1526: Mr. SAXTON, Mr. ETHERIDGE, Mr. CANADY of Florida, and Mr. ROTHMAN.

H.R. 1531: Mr. CLYBURN, Mr. LIPINSKI, Mr. MCNULTY, Mr. HOLDEN, Mr. YATES, and Mr. WEXLER.

H.R. 1532: Mr. ALLEN, Mr. TAYLOR of Mississippi, Mr. BLAGOJEVICH, Mr. LIVINGSTON, Mr. BEREUTER, Mrs. ROUKEMA, Mr. FAWELL, Mr. SAWYER, Mr. TANNER, Mr. MCINTOSH, Mr. LEACH, Mr. COBLE, Mr. HASTINGS of Florida, Mr. WICKER, Mr. CRAMER, Mr. MCDADE, Mr. HASTERT, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. BOYD, Mr. MARTINEZ, and Mr. DEUTSCH.

H.R. 1541: Mrs. MALONEY of New York, Mr. PORTER, Mr. KLUG, and Mr. FORD.

H.R. 1542: Mr. BILBRAY.

H.R. 1592: Mrs. FOWLER and Mr. TRAFICANT.

H.R. 1604: Mr. STUPAK.

H.R. 1614: Mr. SNYDER.

H.R. 1620: Mr. EHRLICH and Mr. MCCOLLUM.

H.R. 1628: Mr. FAZIO of California, Mr. LEVIN, Ms. DUNN of Washington, Mr. BENTSEN, Ms. PELOSI, Ms. JACKSON-LEE, Ms. CHRISTIAN-GREEN, Mr. ROTHMAN, and Mr. ENGLISH of Pennsylvania.

H.R. 1631: Mr. FILNER, Mr. SESSIONS, Mr. TOWNS, Mr. WATTS of Oklahoma, and Mr. FROST.

H.R. 1658: Mr. DELAHUNT.

H.R. 1679: Mr. HOYER.

H.R. 1689: Mr. DEAL of Georgia, Mr. KLECZKA, Mr. PICKETT, and Mr. HASTERT.

H.R. 1698: Mr. BECERRA, Mr. DELLUMS, Ms. PELOSI, Ms. LOFGREN, Mr. GONZALEZ, Mr. HINCHEY, Mr. MATSUI, and Mr. MILLER of California.

H.R. 1706: Mr. RUSH, Ms. JACKSON-LEE, Ms. LOFGREN, Mr. ACKERMAN, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, and Mr. ENGLISH of Pennsylvania.

H.R. 1716: Mr. SHAYS and Mr. FAWELL.

H.R. 1725: Mr. BORSKI.

H.R. 1732: Mr. SANDERS, Ms. CHRISTIAN-GREEN, Mr. FILNER, and Mr. GUTIERREZ.

H.R. 1764: Mr. PAUL.

H.R. 1773: Mrs. MEEK of Florida and Mr. CUNNINGHAM.

H.R. 1776: Mr. FRELINGHUYSEN and Mr. SANFORD.

H.R. 1812: Mr. BURTON of Indiana and Mr. ROHRABACHER.

H.J. Res. 79: Mr. GIBBONS, Mr. HOSTETTLER, and Mr. BURTON of Indiana.

H. Con. Res. 10: Mr. MILLER of Florida, Mr. HINCHEY, and Mr. STUPAK.

H. Con. Res. 13: Mr. EWING, Mrs. EMERSON, Mr. TURNER, Mr. WAXMAN, and Mr. SCOTT.

H. Con. Res. 47: Mr. LAMPSON, Mr. BERMAN, and Mr. REYES.

H. Con. Res. 60: Mr. PALLONE, Mr. SENSENBRENNER, Mr. WELLER, Mr. HASTERT, Mr. FOX of Pennsylvania, Mr. ETHRIDGE, Mr. LARGENT, Mr. FROST, Mr. ANDREWS, and Mr. HUTCHINSON.

H. Con. Res. 88: Mr. MENENDEZ.

H. Con. Res. 89: Mr. MCDERMOTT, Mr. OLVER, and Mr. HOUGHTON.

H. Con. Res. 91: Mr. DAVIS of Illinois.

H. Res. 15: Mr. EVANS.

H. Res. 122: Mr. FOX of Pennsylvania.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1559: Mrs. LINDA SMITH of Washington and Mrs. EMERSON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

17. The SPEAKER presented a petition of the Board of Supervisors, County of Santa Barbara, California, relative to a vote of support for S.615 by Senator John H. CHAFEE and H.R.761 by Representative Barney Frank at their regular session; jointly to the Committees on Ways and Means and Agriculture.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 437

OFFERED BY: MR. SAXTON

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Sea Grant College Program Reauthorization Act of 1997".

SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. AMENDMENTS TO DEFINITIONS.

(a) SEA GRANT INSTITUTION.—Section 203 (33 U.S.C. 1122) is amended by adding at the end the following new paragraph:

"(16) The term 'sea grant institution' means—

"(A) any sea grant college or sea grant regional consortium, and

"(B) any institution of higher education, institute, laboratory, or State or local agency conducting a sea grant program with amounts provided under this Act.".

(b) FIELD RELATED TO OCEAN, COASTAL, AND GREAT LAKES RESOURCES.—Section 203(4) (33 U.S.C. 1122(4)) is amended to read as follows:

"(4) The term 'field related to ocean, coastal, and Great Lakes resources' means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, and Great Lakes resources.".

(c) SECRETARY.—

(1) IN GENERAL.—Section 203(13) (33 U.S.C. 1122(13)) is amended to read as follows:

"(13) The term 'Secretary' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.".

(2) CONFORMING AMENDMENTS.—The Act is amended—

(A) by striking section 203(15) (33 U.S.C. 1122(15));

(B) in section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, by striking ", the Under Secretary,"; and

(C) by striking "Under Secretary" every other place it appears and inserting "Secretary".

SEC. 4. CONSULTATIONS REGARDING LONG-RANGE PLANNING GUIDELINES AND PRIORITIES AND EVALUATION.

Section 204(a) (33 U.S.C. 1123(a)) is amended in the last sentence by inserting after "The Secretary" the following: ", in consultation with the sea grant institutions and the panel established under section 209,".

SEC. 5. DUTIES OF DIRECTOR.

Section 204(c) (33 U.S.C. 1123(c)) is amended to read as follows:

"(c) DUTIES OF DIRECTOR.—

"(1) IN GENERAL.—The Director shall administer the National Sea Grant College Program subject to the supervision of the Secretary. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

"(A) advise the Secretary with respect to the expertise and capabilities which are available within or through the National Sea Grant College Program, and provide (as directed by the Secretary) those which are or could be of use to other offices and activities within the Administration;

"(B) encourage other Federal departments, agencies, and instrumentalities to use and take advantage of the expertise and capabilities which are available through the National Sea Grant College Program, on a cooperative or other basis;

"(C) encourage cooperation and coordination with other Federal programs concerned with ocean, coastal, and Great Lakes resources conservation and usage;

"(D) advise the Secretary on the designation of sea grant institutions and, in appropriate cases, if any, on the termination or suspension of any such designation;

"(E) encourage the formation and growth of sea grant programs; and

"(F) oversee the operation of the National Sea Grant Office established under subsection (a).

"(2) DUTIES WITH RESPECT TO SEA GRANT INSTITUTIONS.—With respect to the sea grant institutions, the Director shall—

"(A) evaluate the programs of the institutions, using the guidelines and priorities established by the Secretary under subsection (a), to ensure that the objective set forth in section 202(b) is achieved;

"(B) subject to the availability of appropriations, allocate funding among the sea grant institutions so as to—

"(i) promote healthy competition among those institutions,

"(ii) promote successful implementation of the programs developed by the institutions under subsection (e), and

"(iii) to the maximum extent consistent with the other provisions of this subparagraph, provide a stable base of funding for the institutions; and

"(C) ensure compliance by the institutions with the guidelines for merit review published pursuant to section 207(b)(2).".

SEC. 6. DUTIES OF SEA GRANT INSTITUTIONS.

Section 204 (33 U.S.C. 1123) is amended by adding at the end the following new subsection:

"(e) DUTIES OF THE SEA GRANT INSTITUTIONS.—Subject to any regulations or guidelines promulgated by the Secretary, it shall be the responsibility of each sea grant institution to—

"(1) develop and implement, in consultation with the Secretary and the panel established under section 209, a program that is consistent with the guidelines and priorities developed under section 204(a); and

"(2) conduct merit review of all applications for project grants or contracts to be awarded under section 205.".

SEC. 7. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

(a) REPEAL.—Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

(b) CONFORMING AMENDMENT.—Section 209(b)(1) (33 U.S.C. 1128(b)(1)) is amended by striking "and section 3 of the Sea Grant Program Improvement Act of 1976".

SEC. 8. DESIGNATION OF SEA GRANT INSTITUTIONS.

Section 207 (33 U.S.C. 1126) is amended to read as follows:

"SEC. 207. SEA GRANT COLLEGES AND SEA GRANT REGIONAL CONSORTIA.

"(a) DESIGNATION.—The Secretary may designate an institution of higher learning as a sea grant college, and an association or alliance of two or more persons as a sea grant regional consortium, if the institution, association, or alliance—

"(1) is maintaining a balanced program of research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources;

"(2) will cooperate with other sea grant institutions and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

"(3) will act in accordance with such guidelines as are prescribed under subsection (b)(2);

"(4) meets such other qualifications as the Secretary, in consultation with the sea grant review panel established under section 209, considers necessary or appropriate; and

"(5) is recognized for excellence in marine resources development and science.

"(b) REGULATIONS AND GUIDELINES.—

"(1) IN GENERAL.—The Secretary shall by regulation prescribe the qualifications required to be met under subsection (a)(4).

"(2) MERIT REVIEW.—Within 6 months after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1997, the Secretary, after consultation with the sea grant institutions, shall establish guidelines for the conduct of merit review by the sea grant institutions of project proposals for grants and contracts to be awarded under section 205. The guidelines shall, at a minimum, provide for peer review of all research projects and require standardized documentation of all peer review.

"(c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).".

SEC. 9. AUTHORIZATIONS OF APPROPRIATIONS.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act—

"(A) $54,300,000 for fiscal year 1998;

"(B) $55,400,000 for fiscal year 1999; and

"(C) $56,500,000 for fiscal year 2000.

"(2) ZEBRA MUSSEL AND OYSTER DISEASE RESEARCH.—Of the amount authorized for a fiscal year under paragraph (1)—

"(A) up to $2,800,000 of the amount may be made available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel; and

"(B) up to $2,000,000 of the amount may be made available for competitive grants for university research on oyster disease.".

(b) ADMINISTRATION.—Section 212(b) (33 U.S.C. 1131(b)) is amended—

(1) by striking so much as precedes paragraph (2) and inserting the following:

"(b) ADMINISTRATION.—

"(1) LIMITATION.—Of the amount appropriated for each fiscal year under subsection (a), an amount, not exceeding 5 percent of the lesser of the amount authorized under subsection (a) for the fiscal year or the amount appropriated under subsection (a) for the fiscal year, may be used for the administration of this Act, including section 209, by the National Sea Grant Office and the Administration.";

(2) in paragraph (2)—

(A) by striking "subsections (a) and (c)" and inserting "subsection (a)"; and

(B) by striking "(2)" and inserting "(2) LIMITATION ON USE OF OTHER AMOUNTS.—"; and

(3) by moving paragraph (2) 2 ems to the right, so that the left margin of paragraph (2) is aligned with the left margin of paragraph (1), as amended by paragraph (1) of this subsection.

(c) REPEAL.—Section 212 (33 U.S.C. 1131) is amended by repealing subsection (c) and redesignating subsections (d) and (e) in order as subsections (c) and (d).

(d) PROHIBITION ON LOBBYING; NOTICE OF REPROGRAMMING OR REORGANIZATION.—Section 212 (33 U.S.C. 1131), as amended by subsection (c) of this section, is further amended by adding at the end the following:

"(e) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this section shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

"(f) NOTICE OF REPROGRAMMING.—If any funds authorized by this section are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(g) NOTICE OF REORGANIZATION.—The Secretary shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.".

SEC. 10. CLERICAL, CONFORMING, AND TECHNICAL AMENDMENTS.

(a) CLERICAL AMENDMENTS.—

(1) Section 203(3) (33 U.S.C. 1122(3)) is amended by striking "the term" and inserting "The term".

(2) Section 203(6) (33 U.S.C. 1122(6)) is amended by moving subparagraph (F) 2 ems to the right, so that the left margin of subparagraph (F) is aligned with the left margin of subparagraph (E).

(3) The heading for section 204 (33 U.S.C. 1124) is amended to read as follows:

"SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.".

(4) Section 209 (33 U.S.C. 1128) is amended by striking all of the matter that follows the first full sentence through "shall advise", and inserting "(b) DUTIES.—The panel shall advise".

(5) Section 205(b)(3) (33 U.S.C. 1124(b)(3)) is amended by striking "or section 206".

(6) Section 204(d)(1) (33 U.S.C. 1123(d)(1)) is amended—

(A) by striking "five positions" and inserting "one position"; and

(B) by striking "the maximum rate for GS–18 of the General Schedule under section 5332" and inserting "a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376".

(b) CONFORMING AMENDMENTS.—

(1) Section 204(b)(2) (33 U.S.C. 1123(b)(2)) is amended by striking "maximum rate for GS–18" and all that follows through the end of the sentence and inserting "maximum rate payable under section 5376 of title 5, United States Code.".

(2) Section 209 (33 U.S.C. 1128) is amended—

(A) in subsection (b)(3) by striking "colleges and sea grant regional consortia" and inserting "institutions"; and

(B) in subsection (c)(1) in the last sentence in clause (A) by striking "college, sea grant regional consortium," and inserting "institution".

(c) TECHNICAL AMENDMENT.—Section 209(c)(5)(A) (33 U.S.C. 1128(c)(5)(A)) is amended by striking "the daily rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code" and inserting "a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code".

H.R. 1757

OFFERED BY: MR. PAYNE

AMENDMENT NO. 7: At the end of the bill add the following (and conform the table of contents accordingly):

TITLE XVIII—MISCELLANEOUS PROVISIONS

SEC. 1801. ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF CONGO.

Notwithstanding section 620(q) of the Foreign Assistance Act of 1961 or any other provision of law, assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) and under chapter 10 of part I of such Act (relating to the Development Fund for Africa) may be made available for the Democratic Republic of Congo.

H.R. 1757

OFFERED BY: MR. SANDERS

AMENDMENT NO. 8: After title XVII insert the following new title:

TITLE XVIII—SENSE OF CONGRESS REGARDING THE IMPRISONMENT OF NGAWANG CHOEPHEL IN CHINA

SEC. 1801. SENSE OF CONGRESS REGARDING THE IMPRISONMENT OF NGAWANG CHOEPHEL IN CHINA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Chinese Government sentenced Ngawang Choephel to an 18-year prison term plus 4 years subsequent deprivation of his political rights on December 26, 1996, following a secret trial.

(2) Mr. Choephel is a Tibetan national whose family fled Chinese oppression to live in exile in India in 1968.

(3) Mr. Choephel studied ethnomusicology at Middlebury College in Vermont as a Fulbright Scholar, and at the Tibetan Institute of Performing Arts in Dharamsala, India.

(4) Mr. Choephel returned to Tibet in July 1995 to prepare a documentary film about traditional Tibetan performing arts.

(5) Mr. Choephel was detained in August 1995 by the Chinese authorities and held incommunicado for over a year before the Government of the People's Republic of China admitted to holding him, and finally charged him with espionage in October 1996.

(6) There is no evidence that Mr. Choephel's activities in Tibet involved anything other than purely academic research.

(7) The Government of the People's Republic of China denies Tibetans their fundamental human rights, as reported in the State Department's Country Reports on Human Rights Practices, and by human rights organizations, including Amnesty International and Human Rights Watch, Asia.

(8) The Government of the People's Republic of China is responsible for the destruction of much of Tibetan civilization since its invasion of Tibet in 1949.

(9) The arrest of a Tibetan scholar such as Mr. Choephel, who worked to preserve Tibetan culture, reflects the systematic attempt by the Government of the People's Republic of China to repress cultural expression in Tibet.

(10) The Government of the People's Republic of China, through direct and indirect incentives, has established discriminatory development programs which have resulted in an overwhelming flow of Chinese immigrants into Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Quinghai, and have excluded Tibetans from participation in important policy decisions, which further threatens traditional Tibetan life.

(11) The Government of the People's Republic of China withholds meaningful participation in the governance of Tibet from Tibetans and has failed to abide by its own constitutional guarantee of autonomy for Tibetans.

(12) The Dalai Lama of Tibet has stated his willingness to enter into negotiations with the Chinese and has repeatedly accepted the framework Deng Xiaoping proposed for such negotiations in 1979.

(13) The United States Government has not developed an effective plan to win support in international fora, such as the United States Commission on Human Rights, to bring international pressure to bear on the Government of the People's Republic of China to improve human rights and to negotiate with the Dalai Lama.

(14) The Chinese have displayed provocative disregard for the concerns of the United States by arresting and sentencing prominent dissidents in close proximity to visits to China by senior United States Government officials.

(15) The United States Government policy seeks to foster negotiations between the Governments of the People's Republic of China and the Dalai Lama, and processes China to respect Tibet's unique religious, linguistic, and cultural traditions.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Ngawang Choephel and other prisoners of conscience in Tibet, as well as in China, should be released immediately and unconditionally;

(2) to underscore the gravity of this matter, in all official meetings with representatives of the Government of the People's Republic of China, United States officials should request Mr. Choephel's immediate and unconditional release;

(3) the United States Government should sponsor and promote a resolution at future meetings of the United Nations Commission on Human Rights and other appropriate international fora regarding China and Tibet which specifically political prisoners and negotiations with the Dalai Lama, until those situations in China and Tibet improve substantially;

(4) the United States Department of State should advise American citizens that Tibet is not currently a safe destination for American travelers;

(5) an exchange program should be established in honor of Ngawang Choephel, involving students of the Tibetan Institute of Performing Arts and appropriate educational institutions in the United States; and

(6) the United States Government should seek access for internationally recognized human rights groups to monitor human rights in Tibet.

EXTENSIONS OF REMARKS

FEDERAL EMPLOYEE HEALTH CARE PROTECTION ACT OF 1997

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. BURTON of Indiana. Mr. Speaker, I am pleased to introduce today, H.R. 1836, the Federal Employee Health Care Protection Act of 1997. This is significant legislation for our Federal employees and taxpayers because it will help strengthen the integrity and standards of the Federal Employees Health Benefit [FEHB] Program, and allow it to maintain its reputation as a high quality and cost-effective program. H.R. 1836 includes three main provisions that will improve and protect the FEHB Program. First, it gives OPM better tools to deal swiftly with health care providers who try to defraud or abuse the FEHB Program, second, it requires full disclosure of discounted rate agreements between health care providers and health benefit carriers to prevent the fraudulent use of such discounts, and third, it provides the same Federal health benefits coverage for Federal Deposit Insurance Corporation and Federal Reserve Board employees that other Federal employees have.

The FEHB Program is the largest employer-sponsored health insurance system in the country. In 1997, the $16 billion FEHB Program will insure more than 9 million Federal employees, retirees, and their dependents. Partial portability, no preexisting condition limitation, and an annual open enrollment period are facets of the FEHB Program that make it an extremely attractive health care system. The free enterprise-based program has effectively contained costs through private sector competition with limited governmental intervention. The program is often cited as a model of efficiency and effectiveness that the private sector and the public sector should attempt to replicate. The bill I introduced today will improve the program and its performance, without changing the market principles that are the key to the program's success.

One of the most important provisions of this bill addresses the debarment of health care providers engaging in fraudulent practices. This provision would strengthen the ability of OPM to bar FEHB Program participation by, and impose monetary penalties on, health care providers in the FEHB Program who engage in professional or financial misconduct. Under this bill, the administrative sanctions authority would conform more closely with the Medicare Program, particularly with regard to grounds for imposing sanctions and the general availability of post-termination appellant rights.

Another important component of this bill is that it would provide consistent health benefit coverage for employees of the Federal Reserve Board [FED] and the Federal Deposit Insurance Corporation [FDIC]. A number of years ago the FED decided to drop out of the FEHB Program and offer its employees a separate health care plan. Then, in 1993, the FED elected to abandon this health care experiment and offer its employees only FEHB health care options. However, under current law, all employees must have 5 years of continuous enrollment in the FEHB Program to carry their health benefit coverage into retirement. As a result a number of employees who retired during the years when the FED had its own health care system, and some employees currently approaching retirement, are not eligible for FEHB coverage. The FDIC faces a similar situation because it plans to eliminate its alternative health insurance plan at the end of 1997, and go with FEHB options. Without this legislation, the FDIC and the Board will have to establish a non-FEHB plan for those employees who are ineligible for coverage. This would be administratively burdensome and costly to these Federal agencies and, ultimately, to taxpayers. Under this proposal, these ineligible employees would be offered FEHB coverage at no additional cost to the Government.

The third key provision in this bill would require FEHB carriers and their subcontractors to disclose in writing any discounted rate contracts with health care providers. If carriers do not include the required disclosure, they will be prohibited from accessing discounts. I believe that this language is necessary because it will eliminate the practice of silent preferred provider networks [PPO's]. Under conventional PPO arrangements, networks offer enrollees discounted fees to use network providers, or preferred providers. However, under silent PPO's, these discounts are being applied to patients that are not contractually covered by the PPO network. I have great concerns over the ethics and legality of the practice of these types of organizations. The effect of such practices is to reduce carriers' free market bargaining power. It also undermines the value of, and jeopardizes the expansion of, legitimate PPO networks. According to the American Hospital Association, discounts paid to silent PPO's may account for as much as $1 billion in costs for providers throughout the industry. This type of abusive practice should not be allowed in the health care arena, and I believe that the language in this bill will address this problem and protect providers, patients, and legitimate PPO's.

I believe that the changes made in this legislative proposal are important to help improve and strengthen the FEHB Program. I urge my colleagues to join me in supporting this essential legislation.

STATEMENT BY PATRICK EDWARD HOULE, CANAAN MEMORIAL HIGH SCHOOL, REGARDING CENSORSHIP AND EDUCATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues, I would like to have printed in the RECORD this statement by a high school student from Canaan Memorial High School in Vermont, who was speaking at my recent town meeting on issues facing young people.

Mr. HOULE: Congressman Sanders, imagine if you will a world where you have personal choice and freedom to express your inner thoughts and soul through forms of art and media. It would be a world where if someone was offended, they would make the choice not to listen, but they would not try to suppress your right to express it. In this world everyone respects an individual's right to free expression and speech.

Recently K-Mart has said they refuse to sell CDS with offensive lyrics. This is blatant censorship. When someone tries to take away your right to hear something, it is censorship.

There have been many incidents in the United States recently in which censorship has become a factor. For example, in Arizona Newt Gingrich calls for the closing of the Flag Art Exhibit. In Florida a Cuban scholar's visit was canceled after a citizens protest. In Utah a printing company refused to reproduce photos for a women's magazine. In Michigan a "Where Do Queers Come From" exhibit at a local college was closed. And finally in Kentucky, "Blasphemous art" caused an outcry at the University of Kentucky. In school libraries Ernest Hemingway's novels are banned as are several good pieces of literature. Around the world films are banned and are censored. Film festivals and exhibitions are censored as well.

Our grounds for this censorship is broad and well-defined, but are speculative and opinionated. Unfortunately, opinions vary and freedom of speech is a right, but unfortunately rights are being ignored and opinions are preordained.

As you can see, censorship is alive and well in America where our First Amendment right is supposed to be enforced. It has gotten so bad around the world that the life of Salman Rushdie was threatened for writing The Satanic Verses. It's gotten so bad that we've had to turn to a porno king, Larry Flynt as a savior of the First Amendment right.

Basically what it comes down to is if it offends you, you can always turn the other cheek. Pornography even has its value. Some people just cannot live without their pornography, and if it was not for pornography they could be doing much worse things.

If you deny someone's right to see something or say something that they want to say, that eventually they are just going to explode.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I myself do not want a burned flag, but I think if someone wants to protest that way it should be allowed because I know myself I do not pledge allegiance to the flag, I pledge allegiance to the country.

In conclusion, one can censor a work of art but not the idea. The idea will fester and come out in a much more explosive, sometimes more violent way.

Thank you for your time, Congressman Sanders. We hope you help us fight for the cause in your position of leadership.

HONORING ST. MARTIN OF TOURS SCHOOL AS A BLUE RIBBON SCHOOL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. STOKES. Mr. Speaker, I rise to honor St. Martin of Tours School in Maple Heights, OH, of my district, for being selected as a Blue Ribbon School. I would also like to recognize the school's principal, Mrs. Rozann Swanson, M.A.Ed., for the excellent leadership she has provided to the St. Martin of Tours academic community. This year, the U.S. Department of Education gave this prestigious award to only 263 public and private elementary and middle schools across the Nation in recognition of their effectiveness in meeting local, State, and national education goals.

St. Martin of Tours School is very deserving of this distinguished achievement. As we seek to improve education across the Nation, this school serves as a model of educational excellence. St. Martin of Tours School won the Blue Ribbon Award because of its high academic standards, warm and nurturing environment, innovative programs and methods of instruction, as well as parental involvement. This is a school where faculty, staff, students, and parents join together in community to ensure that the students are fully equipped for success in our changing global economy.

At St. Martin of Tours School, instruction is based on the goals of fully engaging the interest, thinking, and participation of students. Active learning lessons allow students to gain knowledge and understanding of subject matter by doing, acting, inquiring, and discovering. Teaching is respected as an art, and instruction is approached as much more than simply imparting factual information. Faculty serve as facilitators for their classes and carefully guide their students intellectual growth. Additionally, the school's curriculum is focused on building students' critical thinking and problem solving skills.

Mr. Speaker, I want to extend my best wishes to St. Martin of Tours School and offer congratulations to the students, faculty, and administration of St. Martin of Tours School in Maple Heights, OH, for their dedication, leadership, and standards of excellence.

A CONGRATULATORY STATEMENT TO SANJAY SHARMA

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. DAVIS of Illinois. Mr. Speaker, I rise to congratulate Sanjay Sharma, a junior at St. Ignatius College Prep in Chicago, IL, who has been named a national winner for the 1997 Voice of Democracy Program for the State of Illinois, and the recipient of the $2,500 Troy and Sandy Rothbart Memorial Scholarship Award. Sanjay, who lives in Elmwood Park is the son of Ms. Prabha Sharma.

Sanjay was sponsored by the Veterans of Foreign Wars Post 1612 in Chicago, IL. The program requires high school student entrants to write and record a 3- to 5-minute essay on an announced patriotic theme. This year's theme, "Democracy—Above and Beyond," attracted over 109,000 students to participate in the competition nationwide.

The Voice of Democracy Scholarship Program was started 50 years ago by the National Association of Broadcasters, the Electronic Industries Association, and the State Association of Broadcasters, with the endorsement of the U.S. Office of Education. Starting in the 1958–59 program year, the Veterans of Foreign Wars became a secondary sponsor in cooperation with other sponsors.

Mr. Speaker, I would like to highlight a part of Sanjay Sharma's well-written essay on democracy.

Democracy is a form of government above and beyond all other forms of government because democracy explores our human essence. Democracy explores what it means to be an American and what makes each and every one of us who we are and who we can be. The United States of America has emerged as a pillar among nations, through the 220 years of ups and downs of its charismatic history. You can't help but realize that there has got to be something special about this democracy business. The power of democracy delves into our hearts, our minds, and our inner beings, revealing to us, that Destiny, Fate, and Choice are all the same breeze that floats over eternity and turns the windmill of our lives.

I am including the entire text of Sanjay Sharma's essay on democracy for the RECORD. All of us in the Seventh Congressional District of Illinois are rightfully proud of Sanjay Sharma.

"DEMOCRACY—ABOVE AND BEYOND"

(By Sanjay Sharma)

Democracy is a form of government above and beyond all other forms of government because democracy explores our human essence. Democracy explores what it means to be an American and what makes each and every one of us who we are and who we can be. The United States of America has emerged as a pillar among nations, through the 220 years of the ups-and-downs of its charismatic history. You can't help but realize that there has got to be something special about this democracy business. The power of democracy delves into our hearts, our minds, and our inner beings, revealing to us, that Destiny, Fate, and Choice are all the same breeze that floats over eternity and turns the windmill of our lives.

Inside each one of us there burns a flame of love, hope, and leadership; and from that flame, there shines a light of character and personality. This light, inside each of us, is enveloped by a cocoon of windows that are enclosed by shutters. One by one, Democracy throws up those shutters, opens those windows, and allows the light within us to shine forth.

Bringing freedom, responsibility, and opportunity into our lives, democracy challenges us to live up to our greatest individual potential and pool our talents and ideas together as a nation, in harmony and progress. And truly the glories of democracy guiding our inner strengths are exhibited in the events of our past and present and the prospects for our future.

Throughout history, an American legacy has taken shape from the past wonders of democracy. In the early foundations of the United States, the opportunities of democracy brought out a light of innovation and pioneering in the millions of immigrants who came from around the world and answered democracy's call by helping to build America. Esterian Mazzuca was a little girl when she arrived from Italy, when she returned to Ellis Island seventy-four years later, she came with eighty-one American descendants. In the 1960's the power of the freedoms of democracy was brilliantly displayed, as lights of unity and hope beamed forth from Martin Luther King, Jr. And his followers in their peaceful demonstrations against segregation. And in 1985, the responsibilities of democracy unveiled lights of goodwill and service in forty-five music celebrities who gathered together to record: "We Are The World" and donate the album's earning (almost $62 million) to the poverty-stricken nations of Africa. Now think, for a moment, about a time when you gathered together with others of the good of a common cause. The warmth and belonging you felt was the warmth of a ray of inner light shining from one of the opened windows inside of you—opened by the power of democracy.

The sands of time are piled in our hands, as memories are being made in our present day and age. In Missoula, Montana, when the children needed a merry-go-round, Chuck Kaparich started to carve the horses himself, and as the contagious democracy spread, soon schoolkids had collected one million pennies and grown-ups assisted in the carving. After four years of communal effort, Missoula has one heck of a merry-go-round. As a little girl performs with her class in their first school pageant, singing her heart out, a tear of joy falls from her parent's eye. The joyous teardrop—a beautiful symbol of the efforts, choices, and qualities which illuminate democracy. A grandmother and grandfather look high into the blackness of the night sky as a rocket scoots upwards, then disappears beyond the stars, only to burst forth in a fountain of blazing reds and blues, in the true fashion of a Fourth-of-July firework. As the night sky is lit up in celebration, there is, for a moment, a twinkle in their eyes—a symbol of the light with which democracy guides America.

As we look toward the future, we are awed by the dawn of a new century—the 21st century. The younger generations of Americans now must grow with democracy and kindle their own inner lights of unity, hope, and leadership shining in democracy's freedoms, responsibilities, and opportunities.

In its wonderful uniqueness, democracy finds a balance between absolute freedom and absolute control. The guiding light of democracy shines above and beyond, showing

us that even freedom does not come free; freedom and opportunity demand our devotion and perseverance—in turn, democracy challenges us to use our talents, ideas, and skills, to carry the nation to its greatest potential.

HONORING HEMPFIELD HIGH SCHOOL STUDENTS COMPETING IN THE "WE THE PEOPLE" FINALS

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. PITTS. Mr. Speaker, today I would like to honor several students from Hempfield High School in Lancaster County, PA who have recently traveled to Washington to compete in the "We the People . . . The Citizen and the Constitution" national finals.

These Hempfield students—who were part of teacher Elaine Savukas's advanced placement government classes—won first and second place in the Pennsylvania "We the People" contest.

The "We the People" competition tests students' knowledge of the Constitution and the Bill of Rights—the two historic documents on which the country was founded.

I cannot emphasize enough the positive impact that gaining a solid understanding of the Constitution and the Bill of Rights will have on these gifted students.

It is vital that America's students follow the lead of those who so diligently studied, learned, and competed in the "We the People" national finals. By taking part in the competition, the Hempfield participants are true winners. Their work will benefit them and their communities long into the future.

Mr. Speaker, I want to congratulate the government students from Hempfield High School and we wish them the best in their futures.

TRIBUTE TO DR. JEFFREY MEILMAN

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. QUINN. Mr. Speaker, I rise today to pay tribute to Dr. Jeffrey Meilman. For almost 70 years, Variety Clubs International and their thousands of members worldwide have led the fight to aid sick and handicapped children. Variety Clubs legendary fundraising efforts have helped build hospitals, schools, and playgrounds bringing countless untold joy to young people and their families.

Each year Variety Clubs holds an International Convention to share new ideas and give special recognition to those individuals who have merited distinguished achievement. This year, one of my constituents, Dr. Jeffrey Meilman, was honored with Variety's Sir James Carreras Award. This prestigious honor recognizes those physicians whose dedication and skills in pediatric medicine is truly exceptional.

Dr. Meilman has provided plastic surgery to countless children throughout the world, many times at his own expense. The result is that through the skillful hands and extraordinary care provided by Dr. Meilman, children in the United States, China, Poland, and throughout the Third World have had the opportunity for their physical health and emotional well being to be restored.

Mr. Speaker, today I would like to bring Dr. Meilman's superlative achievements to the attention of my colleagues in the House, and ask that they join me in expressing our heartfelt appreciation to Dr. Jeffrey Meilman and Variety Clubs International. May they continue to work together to utilize their God-given talents to save the lives of so many of our children.

TRIBUTE TO CATHY MAGUIRE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to my good friend Cathy Maguire, who has just completed a 1-year term as president of the San Fernando Chamber of Commerce. Under Cathy's dynamic leadership, the chamber strengthened the ties between businesses and residents in the city of San Fernando. She will be a tough act to follow.

Anyone who knows Cathy—and there are a lot of us—is not surprised by her successful tenure as chamber president. She is a very hard worker, as well as a regular presence at business and community events throughout the San Fernando Valley. I am amazed at her energy and impressed by her dedication.

The San Fernando Chamber is only one of many organizations to have been the beneficiaries of Cathy's leadership skills over the years. For example, she is also on the board of directors of the Valley Industry and Commerce Association; a member of the Community Advisory Board of El Nido Family Services, San Fernando Valley; president of Soroptimist International, San Fernando Valley; and a member of the board of directors of New Directions for Youth.

In addition to her outside activities, Cathy is district manager for the Southern California Gas Co., where she plays a key role in strategic planning and implementation, financial management and marketing and advocacy. Indeed, the gas company is fortunate to be represented by a person as devoted and personable as Cathy.

I ask my colleagues to join me today in saluting Cathy Maguire, whose selflessness and spirit are an inspiration to us all. I am proud to be her friend.

TRIBUTE TO JUDGE RUDOLPH A. SACCO

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. OLVER. Mr. Speaker, balancing the scales of justice is often a very difficult task. The work of a judge is demanding, complex, and difficult, and it takes a very rare breed to handle the job successfully.

I am honored to have such a judge within the First Congressional District of Massachusetts. During his 23 years on the bench, Probate Court Judge Rudolph A. Sacco has admirably served the citizens of western Massachusetts.

A Boston College and Suffolk Law School graduate, Judge Sacco has never forgotten where he comes from. As an alumnus of Pittsfield High School, Judge Sacco returned to Berkshire County with his degrees, prepared to give back to the community.

After some years in private practice, Judge Sacco was appointed as a special probate judge in 1973. He flourished in that part-time position, and was named a full judge in 1979.

As probate judge, Rudolph Sacco has logged thousands and thousands of miles traveling the beautiful landscape of western Massachusetts. His territory not only covered his home Berkshire County, but Hampshire, Hampden, and Franklin Counties as well. But Judge Sacco has done much more for his community than doling out justice. In 1957, He—along with his wife, the former Katherine Turschmann—founded Camp Karu, a day camp for area children.

Judge Sacco is also a proud father and grandfather, and has been an inspiration to his family.

I join with the Berkshire, Hampden, Hampshire, and Franklin Bar Associations, as well as the Massachusetts Bar Association, in saluting Judge Sacco for his 23 years of dedicated service. I join with the members of the legal community in recognizing his achievements and in hoping that he will continue to offer his talents to western Massachusetts and the court system.

Probate Judge Rudolph A. Sacco serves as an inspiration to his community and the upcoming crop of members of the bench. I would like to express my best wishes to Judge Sacco and his family at this special time. His contributions will never be forgotten.

AMERICAN CANCER SOCIETY—ORANGE COUNTY RELAY FOR LIFE

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Ms. SANCHEZ. Mr. Speaker, I rise today to address my colleagues about an issue that affects every family in this country. I am certain that all of you have a friend or relative, as I do, that has been afflicted by the scourge of cancer. Cancer is a disease that does not discriminate, it strikes every race, every economic level, every age, and every ethnic

group. In 1997 alone we can expect over 130,000 new cases of cancer to be diagnosed, and that will be in the State of California alone.

However, in the war against cancer, we are beginning to see success. Effective and dedicated organizations such as the American Cancer Society are leading the fight in the battle for a cure. For the first time in history, overall death rates from cancer are actually declining, and with an enhanced nationwide effort, the cancer death rate could be cut in half by the year 2015. A major part of that nationwide effort is the contribution of the Orange County American Cancer Society, which served over 5,000 cancer patients in the county last year.

On June 20 and 21, 1997, the Orange County American Cancer Society will hold its annual Relay for Life to raise awareness of the disease and call attention to the work of the American Cancer Society. Community colleges from around Orange County will host teams of runners and walkers competing against each other to raise money for cancer research. Each team will field from 15 to 20 runners. For 18 hours, one team member will be on the track at all times, walking, jogging, or wheelchairing in 30-minute intervals. During the race an all night vigil entitled "The Mile of Hope" will take place to honor cancer survivors and those who have lost their battles against cancer. The Relay for Life is sure to be an enlightening and consciousness raising event. It is the only relay event that raises money for the American Cancer Society in Orange County. I am pleased to call attention to the event and I wish to commend the Orange County American Cancer Society for its work on behalf of our families. I look forward to its continued efforts in the areas of cancer research, education, advocacy, and service.

DEATH OF AUDLEY "QUEEN MOTHER" MOORE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. RANGEL. Mr. Speaker, I rise to pay respect and tribute to Audley Moore, affectionately known as Queen Mother Moore, who died in a Brooklyn nursing home on May 2 at the age of 98. She was given the honorary title of "Queen Mother" by an Ashanti tribe in Ghana.

Mother Moore lived a long and active life, dedicated to public service and improvement of the lives of African-Americans. Born on July 28, 1898 in New Iberia, LA, to second generation freed blacks, she became a revered public figure in Harlem, best known as an advocate for Africa and African-Americans. Moore's ideas and teachings of Pan-African Nationalism was influenced by great political personalities such as W.E.B. DuBois and Marcus Garvey. As a civil rights activist, Mother Moore worked on the defense of the Scottsboro boys. Internationally, she spoke on her disapproval of the Italo-Ethiopian war.

"I am not a part-time struggler," she once said. "I'm in the movement for the liberation of African people full-time, 7 days a week, 24 hours per day, for life."

Her career was influenced by the violence and hatred she endured as a young child and young woman. While in the fourth grade, Moore's parents died and thus ended her formal education. During World War I while in Alabama, Moore was a volunteer nurse who involved herself in the first of her movements for the equality of blacks by organizing support services for black soldiers that were denied by the Red Cross.

Mother Moore was drawn to the idea of black nationalism and economic independence by the oratory of Marcus Garvey, founder of the Harlem-based Universal Negro Improvement Association. She became an active member of the organization, and founded the Harriet Tubman Association to better the conditions of black women. Through this organization, Moore advocated issues such as higher wages, better education, and the lowering of food prices to help improve the conditions of the poor. Following her brief membership in the Communist party—at the time, the only organization that accepted her radical ideas—she focused her attention on seeking economic reparations for descendants of the victims of slavery, cultural identity, and education. She launched a national campaign in support of economic reparations. Moore believed that economic reparations were the first constructive step in black nationalists ideology.

As an orator, her rhetoric on this issue was powerful—

> Ever since 1950, I've been on the trail fighting for reparations. They owe us more than they could ever pay. They stole our language; they stole us from our mothers and fathers and took our names from us. They worked us free of charge 18 hours a day, 7 days a week, under the lash for centuries. We lost over 100 million lives in the traffic of slavery.

In 1962, Mother Moore met with President John F. Kennedy, the United Nations, and the Congressional Black Caucus about the issue of economic reparations. She later organized and directed the Reparations Committee of Descendants of United States Slaves.

One of her last public appearances was at the Million Man March in Washington, DC. Although weak, her poignant speech was delivered by an associate. Her presence was strongly felt and appreciated.

Queen Mother Moore's contributions have had a substantial impact on the lives of Africans and African-Americans. She has served as an inspiration to many and will be greatly missed. I send my deepest condolences to her son, Thomas, grandchildren, and great-grandchild.

TRIBUTE TO DR. GERALD S. LAZARUS

HON. VIC FAZIO

OF CALIFORNIA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. FAZIO of California. Mr. Speaker, my colleague, Mr. MATSUI, and I rise today to pay tribute to Dr. Gerald S. Lazarus, who is stepping down as dean of the School of Medicine at the University of California at Davis, a position he has held since 1993.

A graduate of Colby College and the School of Medicine at the George Washington University, Dr. Lazarus has established an outstanding reputation in the field of dermatology. His work within this discipline includes a residency at the University of Michigan, as well as the position of chief resident in dermatology at Harvard Medical School from 1969 until 1970.

From 1975 until 1982, Dr. Lazarus held the post of chairman of the division of dermatology at the Duke University Medical Center. Following his time in North Carolina, Dr. Lazarus was the Milton B. Hartzell Professor and Chairman of Dermatology at the University of Pennsylvania School of Medicine in Philadelphia from 1982 until 1993.

In 1993, Dr. Lazarus, by then a nationally known figure in academic medicine, assumed the high position of dean of the School of Medicine at UC Davis, and professor in the departments of dermatology and biological chemistry. Dr. Lazarus' leadership at Davis quickly enhanced the medical school's already superior academic standing.

In March 1996, Dr. Lazarus accepted the UC Davis Annual Affirmative Action and Diversity Achievement Award, a worthy recognition of his steadfast commitment to diversity among medical students.

Also in 1996, Dr. Lazarus' alma mater honored him in Washington, DC, with the George Washington University's Distinguished Alumni Achievement Award. This distinction acknowledged his ascension to the very highest levels of academic medical excellence.

While administering one of the Nation's finest medical schools, Dr. Lazarus has also found time to author extensive scholarly publications in numerous academic journals. He has penned more than 125 original papers, including a number of books, during an amazingly prolific career.

His leadership also extends to a variety of professional medical and scientific associations. Dr. Lazarus is currently president of the Society of Investigative Dermatology, as well as a member of the American Society for Clinical Investigation and the American Association of Physicians.

Mr. Speaker, throughout his long and successful career Gerald Lazarus had shown himself to be a great asset to every prominent academic institution with which he has been affiliated. This is certainly true of his tenure at the UC Davis School of Medicine.

On the occasion of his departure from the dean's office at the UCD Medical School, we ask our colleagues to join us in saluting Gerald S. Lazarus, M.D., a remarkable educator, physician, and citizen. Let us wish him every success in his future academic endeavors.

STATEMENT BY SANU MISHRA, BRATTLEBORO HIGH SCHOOL, REGARDING SWEATSHOP LABOR

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed

in the RECORD this statement by a high school student from Brattleboro High School in Vermont, who was speaking at my recent town meeting on issues facing young people.

MS. MISHRA: Good morning, Congressman Sanders. I have come here today to speak about the issue of sweatshops.

The dictionary defines a sweatshop as a factory where workers work long hours for low wages under unwholesome conditions. You know as well as I that this type of work exists today and it is being used by many rich and famous companies. I would like to focus on one particular company, Disney, and its factories in Haiti.

Disney exploits thousands of people in Haiti every day. It hires the Haitian people to work in its sweatshops, paying them only 28 cents an hours, requiring them to strive toward fairly impossible quotas and keeping them from ever being able to change their conditions.

How much responsibility does a company like Disney have for the wellbeing of its employees? According to the United States government the responsibility is large. Corporate codes of conduct guarantee the human rights of any person working for a U.S. company be it in the U.S. or abroad.

Trade benefits are given to Disney by the U.S. and Haiti on the condition that there is respect for human rights, but while Disney enjoys the tax exemptions, it doesn't live up to its part of the bargain. 28 cents an hour is not a living wage. Disney knows this, its manufacturers know this. While it may indeed be the minimum wage in Haiti, we must ask ourselves is it enough for a person to survive?

If you believe as does Disney that it is not an essential, that it is an essential part of everyday life to eat, that education isn't important and that diseases such as malaria and dysentery can be fought off without even medicines then 28 cents is more than enough. But if you would agree that living on sugar water, going to bed hungry and being in constant debt is unfair and not right, then you would side with the Haitian workers.

The average Haitian Disney employee after paying off all her debts she possibly can comes home to her family with little more than $3 in her pocket. Keep in mind that the cost of living in Haiti is just about the same as it is in the U.S. Imagine having to survive on $3 a week, 44 cents a day. 44 cents cannot buy a can of Campbell's soup, it cannot buy the $2 used pair of shoes that one of your children is in desperate need of.

The Haitian workers are not being extravagant in their requests, asking for a 30 cent pay raise from 28 to 58 cents an hour. Right now the workers are receiving less than one half of one percent in the total cost of the merchandise they make, earning 7 cents for every $11.99 pair of Pocohontas pajamas they sew. If granted their request they would be earning 9 cents out of every $11.97 pair of pajamas they sew; that is a two cent difference. This would still leave Disney, the contractors and Walmart with over 99 percent of the profit.

Disney can afford to give a pay rise for its Haitian workers. It pays its CEO, Michael Eisner over $10,000 an hour; $10,000 compared to 28 cents. It would take a worker in Haiti sewing Disney clothes 14 and a half years to earn what Michael Eisner earns in one hour, and 29,000 years to earn what he earns in one year.

Finally, raising the wages of the Haitian workers would not only be beneficial to the workers themselves but to U.S. residents as well. A person earning 28 cents an hour who cannot even afford to feed her own family cannot afford to buy products made in the U.S.

I urge you, Congressman Sanders to look into the dealings of Disney in Haiti; I urge you to put pressure on companies such as Disney to stop the use of sweatshops; I urge you to get Disney to live up to its responsibilities as an employer. The Haitian people deserve better.

In the case of Disney I know that in Grand Rapids there is a factory and Disney moved its company overseas and a lot of people in Grand Rapids lost their jobs. They had been working there for 20 years, as much as 20 years, and now they are without jobs, working at McDonald's or whatever they can find.

The problem is so immense and when I was researching I found that our tax money is going towards helping executives and business people in Haiti continue these sweatshops and I think that needs to be stopped. And I think that even though we have laws, the corporate codes of conduct, et cetera, they are not being followed, so we need people to watch out over these companies because obviously these companies are not doing it themselves.

Citizens, consumers can watch what they are buying if they see something made from Disney, look at where it is made, and if it is made in Haiti you know these people are working for so long and have such hard hours and they are not earning anything. They do not even have enough food to eat. You have to consider that. The clock is really nice, but do you really want to support a sweatshop in Haiti?

HONORING GESU CATHOLIC SCHOOL AS A BLUE RIBBON SCHOOL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. STOKES. Mr. Speaker, Mr. I rise to recognize the outstanding achievements of Gesu Catholic School in University Heights, OH, of my congressional district. Richard Riley, Secretary of the Department of Education has named Gesu Catholic School a Blue Ribbon School. This prestigious award is given to schools in recognition of excellence in teaching and learning. As one of only 263 public and private elementary and middle schools across the Nation to receive this honor, Gesu Catholic School should be commended as should its principal, Sister Mary Reiling, SND, for her strong leadership to the Gesu academic community.

Gesu Catholic School has a strong reputation for excellence in teaching and learning, family involvement, as well as a longstanding commitment to social justice and community outreach. In fact, every Gesu student participates in the gifted/enrichment program and is expected to achieve their maximum potential. Through a well rounded academic curriculum, supportive learning environment, and classroom experience that has been expanded beyond school walls, Gesu is helping its students gain a clear understanding of academic subjects and is teaching them to effectively and appropriately apply their knowledge to real experiences.

Secretary Riley honored Gesu Catholic School because it provides students with a safe, disciplined, and drug-free environment in which to pursue a challenging and rigorous academic experience. Gesu is a Blue Ribbon School because of the hard work of its students, the staunch commitment of its faculty and staff, and the continued support of its parents and graduates.

Mr. Speaker, I am very pleased to commend the faculty, staff, students, and parents of this fine academic institution. By joining their efforts together, the Gesu academic community is providing a tremendous education for many students in my district.

OCC PROF. JAMES MACKILLOP STEPS DOWN AS PRESIDENT OF AMERICAN CONFERENCE FOR IRISH STUDIES

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in congratulating James MacKillop as he steps down from his role of president of the American Conference for Irish Studies.

Professor MacKillop is in the English Department of Onondaga Community College. He has led with great energy and devotion a cultural group which conducts six scholarly meetings a year, awards three book prizes of $500 each per year, and distributes publications on Irish civilization in all its aspects.

With more than 1,600 members in the United States, Canada, and Ireland and a dozen other countries, the ACIS touches on a diverse range of instruction, from women's studies to archeology to discussions of recent Irish cinema.

Professor MacKillop is well known in my district for his association with our shared Irish heritage as well as for his excellence in academic pursuits at our prized community college. I want to wish him well in his further studies of the Irish and their ancestry and customs which have contributed so much to the evolution of our American culture.

THE CASE FOR A MUCH SMALLER MILITARY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, in the June 23d issue of Fortune magazine, Doug Bandow of the Cato Institute has a concise coherent and persuasive statement of the case for a substantial reduction in U.S. military spending. At a time when we are facing drastic measures in various places to meet the widely shared goal of a balanced budget, we can afford even less than before tens of billions of dollars in unnecessary military spending. As Mr. Bandow notes, "the bulk of the Pentagon budget continues to fund Washington's Cold War alliances. For example,

through the North Atlantic Treaty Organization, 100,000 U.S. soldiers stand guard lest phantom Soviet divisions invade Europe * * * the final refuge of those who support big military budgets is 'leadership'. As Newt Gingrich puts it, 'you do not need today's defense budget to defend the United States. You need today's defense budget to lead the world'."

The notion that the United States must spend tens of billions of dollars a year for no valid military purpose but simply to enhance our world leadership, as Mr. Bandow goes on to point out, is simply wrong. Few dispute the importance of the United States being by far the strongest military power. What we are disputing is the need for us to spend tens of billions per year beyond what it takes to maintain that position for the nebulous privilege of leadership which, according to some apparently, we must purchase from our wealthy allies by subsidizing them.

Indeed, in the New York Times for June 4, an article noted that the Japanese plan to deal with their budget deficit by, among other things, further reducing their already very small military budget—secure, no doubt, in the knowledge that the United States taxpayers will provide.

I ask that Mr. Bandow's very thoughtful article be printed for the edification of Members as we debate the budget.

THE CASE FOR A MUCH SMALLER MILITARY

(By Doug Brandow)

How big a military does the U.S. need? The Pentagon, which recently completed its once-every-four-years review, thinks we need pretty much everything we've got. It proposes that we preserve the current force structure, pare manpower levels slightly, and allow inflation to slowly erode overall expenditures—all as if the Cold War had never ended. In reality, the nation's defense needs have changed very dramatically in recent years. The President and Congress should ignore the Pentagon's wish list and cut military spending much more deeply by more than a third.

Military spending is the price of our foreign policy, and after world War II that policy was dictated by the threat of an aggressive Soviet Union and its satellites. All told, America spent more than $13 trillion (in today's dollars) to win the Cold War. But starting in 1989, all the old assumptions collapsed. The Central and Eastern European states overthrew communism, the Berlin Wall fell, and the Warsaw Pact dissolved. The Soviet Union itself disappeared. A foreign policy and force structure designed to deter Soviet aggression suddenly became obsolete.

But U.S. military spending did not change accordingly. Outlays have fallen, but only from the 1985 peak caused by the Reagan defense buildup. Adjusted for inflation, expenditures today remain above those of 1980. President Clinton is spending more now than Richard Nixon did in 1975 and almost as much as Lyndon Johnson did in 1965. The U.S. spends more than three times as much as Moscow, and nearly twice as much as Britain, France, Germany, and Japan combined.

Although the world remains a dangerous place, it is not particularly dangerous for the U.S. observed Colin Powell when he was chairman of the Joint Chiefs of Staff. "I'm running out of demons . . . I'm down to Castro and Kim Il Sung."

The bulk of the Pentagon budget continues to fund Washington's Cold War alliances. For example, through the North Atlantic Treaty Organization (NATO), 100,000 U.S. soldiers stand guard lest phantom Soviet Divisions invade Europe. It's not as if the Western Europeans, with a combined population of 414 million GDP of $7.4 trillion, couldn't defend themselves against Russia, with 149 million people and a $1.1 trillion GDP, Britain, France, and Germany together spend 25% more on the military than Russia, which just announced a further cut in defense outlays. It is time for the Europeans to take over NATO. There is *certainly* no need to expand NATO into Central and Eastern Europe. The old Eastern Bloc needs access to Western markets, not Western soldiers. And America has no vital interest that warrants guaranteeing the borders of Poland, say, or Hungary.

The case for maintaining 100,000 soldiers in East Asia is equally dubious. South Korea has 20 times the GDP and twice the population of North Korea, U.S. citizens spend more than the South Koreans to defend South Korea.

No new threats loom on the horizon. Germany and Japan remain feared by some alleged friends, but neither is likely to declare war on one of its powerful neighbors—many of whom now possess nuclear weapons. China is growing but seems assertive rather than aggressive. Its military expansion has been measured. Brazil, India, and other nations may eventually evolve into regional military powers, but the U.S. has no quarrels with them and can adjust its policies over time if necessary. Outlaw states like Iraq and North Korea pose diminishing conventional threats that should be contained by their neighbors, not by America.

The final refuge of those who support big military budgets is "leadership." As Newt Gingrich puts it, "You do not need today's defense budget to defend the United States. You need today's defense budget to lead the world."

But do you, really? The U.S., after all, has the largest and most productive economy. It is the leading trading nation. Its constitutional system has proved to be one of the world's most durable. Its culture permeates the globe. Perhaps an outsized military isn't required for "leadership." Indeed, even significant budget cuts would still leave Washington with the world's biggest and best military.

No one wants America to be weak, which is why spending on training and technology should remain priorities. But we're ready for a radical restructuring—from, for instance, 1.5 million to 900,000 servicemen, 12 to six aircraft-carrier battle groups, and 20 to ten tactical Air Force wings. The military budget could be cut to some $170 billion from today's nearly $270 billion.

TRIBUTE TO ROBERT DOYLE

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. BOYD. Mr. Speaker, I rise to celebrate the 28th birthday of Robert Doyle, a loyal member of my staff. As a lifelong, faithful Democrat, Bob has served the party with tireless dedication.

Bob's interest in politics began at a young age. His 3-year service as his high school's class president began a noteworthy career in politics. Bob has also worked on several political campaigns including Leader GEPHARDT's Presidential campaign and the Maryland gubernatorial election. In his most recent venture, Bob managed my own successful congressional campaign this past November. He has worked for the office of the majority leader in the Florida State House of Representatives, and as vice president of the Windsor Group, a political consulting firm in Tallahassee.

Bob and I quickly became friends during my time in the Florida Legislature and while working together on the campaign trail. He is like family to me and I am proud to rise today to wish him all the best on his 28th birthday.

STATEMENTS BY JULIE LUDLUM, EMMA STANLEY, JAMIN WHITEHEAD, AND RACHEL REPSTEAD, ENOSBURG HIGH SCHOOL, REGARDING SCHOOL CHOICE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Enosburg High School in Vermont, who were speaking at my recent town meeting on issues facing young people.

MS. LUDLUM: Good afternoon, Congressman Sanders. It is generally acknowledge that an educated citizenry is a desired thing for the United States. It is needless to say that it is imperative in this age of globalization. Through it the skills, knowledge and value of our democratic capitalistic system are imparted to the next generation, thus enabling us to better compete globally. However, many American public schools are not adequately preparing their students. Too many graduates of American high schools are ill prepared to compete in the global marketplace. The question is how best to fix this?

MS. STANLEY: There are many educational models, theories and philosophies to make public schools more effective. While educational theorists, politicians and practitioners are locked into a constant tug of war over the most effective practices to follow. Students needs and wants are not being met. Without a school choice most students are simply along for the ride. Those who wish to get a education which meets their needs and wants must wait until they graduate from high school. At that point they can, within the limits of their financial needs, attend the school of their choice. But why wait until then? why not extend school choice to all high school students or for that matter to all students?

MR. WHITEHEAD: To an extent we in Vermont are afforded school choice. The current practice of some communities of paying tuition for their students to attend middle and high schools elsewhere is defacto school choice. Unfortunately, that is only available for students who do not have a middle or high school in their own communities.

We know that for many of these communities it was originally a decision driven by economics. However, some of these communities have since grown, yet have chosen not to build their own middle and high schools. Why not? To do so would mean giving up school choice. So now the question is how

could making school choice available to all students help public schools better accomplish their missions? What else would be needed to make it work?

Ms. REPSTEAD: Enosburg Junior and Senior High School benefits from this kind of school choice. Our high school is a small, rural middle and high school which serves 475 students from six nearby communities. Approximately one-fourth of the student body is in the middle school and the remainder of the student body is almost evenly split between resident and tuition students.

We recently conducted a random study on the question of school choice. We asked 64 students in grade 6 through 12 to rank how they felt about school choice and in what grade or grades that should be an option and what form it should take. The results were overwhelmingly in favor of school choice by a margin of 95 percent to 5 percent. When we exclude the middle grades from the survey the approval rate was even higher, 98 percent to two percent. The few students who did not favor school choice were from the community of Enosburg. The most obvious explanation is loyalty. Tuitioned students unanimously supported school choice. When considering responses concerning the grade level in which school choice would be an option we noted that most students felt it should be available beginning the year they were in.

Ms. LUDLUM: We feel that a voucher program is the only choice to makes school possible, affordable and effective. We should extend to all Vermont the option of school choice. Families can make the types of educational choices they need and want. It would force public schools to be more competitive as well as stimulate the development of magnet and charter schools. Each of the latter two makes it possible through a variety of educational models to be tested in the marketplace. They would essentially function as working models that public schools could emulate.

The people that are supporting it would have to say that the public schools would have to get better, individual public schools would have to get better because if they didn't nobody would attend the schools that weren't up to the higher standards. Some people say that if public money is going to private schools then the private schools would lose control and the government would be able to issue mandates on them.

In support of school choice people say the competition will make public schools improve because if they do not improve they wouldn't get any money from those students who attend, but in opposition, some people say that private schools receiving governmental funds would not be a good thing because the government might then issue mandates and then would lose what makes them private schools.

Mr. WHITEHEAD. A student who chooses not to go to Enosburg whether they are from Enosburg or not, if they are from a different town from Enosburg their town would pay for it and they would pay as much or roughly as much as they would pay for a public education to Enosburg.

TRIBUTE TO AMBASSADOR DICK CARLSON

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. BONILLA. Mr. Speaker, I rise today to pay tribute to Ambassador Dick Carlson, the former president of the Corporation for Public Broadcasting [CPB]. Ambassador Carlson's strong leadership and commitment guided the CPB during its most turbulent years.

Ambassador Carlson brought his broad experience as a journalist and former news anchor in Los Angeles and as a public servant under the Reagan and Bush administrations to the CPB. He served in the Reagan and Bush administrations as director of the Voice of America and was appointed as Ambassador to the Seychelle Islands by President Bush. The unique combination of diplomatic skills, knowledge of journalism, and broadcasting, and wideranging contacts proved to be a powerful attribute for successfully leading CPB for the last 5 years.

Ambassador Carlson leaves a legacy of commonsense reform at CPB at a time when Congress is moving to balance the budget. Under his leadership CPB moved in the direction of becoming a system of greater efficiency. He helped bring improved ideological balance to the CPB.

CPB should continue in the direction Ambassador Carlson has set out. Following in Ambassador Carlson's footsteps to bring modernization to the CPB as we encounter the 21st century will protect the future of public broadcasting. We salute him and thank him for a job well-done.

TRIBUTE TO IRMO ELEMENTARY SCHOOL

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SPENCE. Mr. Speaker, as the 1996–97 school year comes to a close, I would like to take this opportunity to bring to the attention of my colleagues the achievements of Irmo Elementary School, in Irmo, SC. This outstanding school was one of only two South Carolina elementary schools to receive the Carolina First Palmetto's Finest Award for 1996–97.

The students at Irmo Elementary School consistently score above the State average on standardized tests, and, each school year, since the 1988–89 school year, the school has received either the Education Incentive Award or an Honorable Mention from the South Carolina Department of Education. Irmo Elementary School is guided by its mission statement, which is: "The mission of our school, where excellence is tradition and learning has no boundaries, is to ensure that each child is motivated to achieve his or her full potential through diverse and challenging educational programs that demand superior achievement, provide a foundation for lifelong learning, and instill the desire to become a productive member of society."

Mr. Speaker, I would like to take this opportunity to commend the faculty, administration, and students of Irmo Elementary School, as well as the parents of the students, a dedicated school board, and a strongly supportive community, on the environment of excellence that they have established. It is clear that the students at this fine school are being prepared to meet the challenges of the 21st century.

HONORING LAWRENCE WILLIAM WALSH

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. GOODLING. Mr. Speaker, I rise today to honor one of my constituents, Mr. Lawrence William Walsh, who will retire on July 3, 1997, after nearly 40 years of distinguished public service in the Federal Government.

Mr. Walsh began his career in 1958 with the Civil Aeronautics Administration and most recently served as manager of the Federal Aviation Administration's [FAA] Airports District Office in Harrisburg, where he directed the development of public airports in Pennsylvania and Delaware. He administered a total of 1,262 grants representing $970 million in Federal funds for airports in Pennsylvania and Delaware.

Mr. Walsh has been recognized for his superior performance and has received many commendations during his tenure with the FAA. These awards include: the Airports Division Employee of the Year, Regional Administrators Human Relations Award, Aviation Council of Pennsylvania Achievement Award, and the Regional Administrator's STAR Award.

Mr. Speaker, I am pleased to have the opportunity to honor Mr. Walsh's long record of service and excellence. His dedication to his career and his country is most worthy of special recognition. On behalf of the residents of Pennsylvania's 19th Congressional District, I wish him the very best on his retirement.

TRIBUTE TO PAUL CRONIN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. MEEHAN. Mr. Speaker, at just 12 years of age, Paul Cronin knew he wanted to serve the Commonwealth of Massachusetts. Through hard work and dedication, Paul was able to achieve his dream. He served his hometown, Andover, MA, first as a Selectman and then at age 24 as a State Representative, making him the youngest elected official in the State at the time. His career in public service culminated when he was elected to represent the Massachusetts Fifth District in the U.S. House of Representatives, the seat I now hold.

Paul Cronin passed away on April 5, 1997, at just 59 years old, after a lengthy battle with cancer. It was an especially sad day because just 4 months earlier another great man from the fifth district was taken from us, Paul Tsongas.

Like Tsongas, politics did not consume Cronin's life. Paul Cronin gave unselfishly of himself to his community. He was particularly proud of his long association with the Lawrence Boys and Girls Club, which named its new girls' gym for his mother, Anna Marie Cronin, only after Paul declined the honor for himself.

His career and personal life were marked by optimism and achievement and he faced death as he faced life, with dignity, courage, and perseverance.

PORTER MAGNET SCHOOL DESIGNATED TITLE I DISTINGUISHED SCHOOL

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. WALSH. Mr. Speaker, I want to bring to my colleagues' attention today the significant accomplishment of the Porter Magnet School of Technology and Career Exploration in Syracuse, NY. Porter was recently designated by the Federal Government as a distinguished school.

This elementary school is 1 of 100 schools nationally and five statewide to be commended for the high performance of the students and the innovation of instruction. Porter is the only school in the Syracuse area to receive the commendation.

Many of the programs at Porter are innovative. They involve parents in creative ways, such as communication through audio and visual tapes in instances where literacy at home is a question. The faculty, led by Principal Octavia Wilcox, has worked hard to produce a learning environment which challenges the students. Using tax dollars wisely in pursuit of high standards in education is a top priority.

Every student at Porter takes music, and any student can take piano lessons during school time. They have a pottery wheel in the art class. They have sophisticated computers and their own news team which videotaped a recent visit I made.

But more importantly than the hardware, Porter prides itself in a philosophy. Every child can learn. Parents must be involved. Excellence is worth pursuing.

Principal Wilcox says the faculty tries to compete with other forces, negative forces, for students' time. The curriculum stresses the future and the students are taught to think about what comes next—the next level of education and then careers.

I am very proud to congratulate the Syracuse School District in general for its support of programs like the one at Porter School.

IF NATO IS EXPANDED, OUR ALLIES MUST PAY MORE OF THE COSTS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, I would like to make a few observations today about the European Security Act (H.R. 1758), which authorizes United States taxpayer dollars to prepare the Baltic States for NATO expansion. Let me begin with a quote by former United States Secretary of State, Lawrence Eagleburger, from the Bush administration, commenting on NATO expansion and the Baltic countries:

If we ever think of bringing the Baltic countries into NATO we ought to have our heads examined. First place, it would be a real threat—threat maybe not but a real challenge—to the Russians. Think about the commitment to defend them—we couldn't do it even if we were the only superpower in the world, which we seem to be.

First of all, Russia clearly perceives that the expansion of NATO into the Baltics would be an aggressive, wholly unjustifiable move by the United States. On May 22, 1997, President Boris Yeltsin's spokesman, Sergei Yastrzhembskii, stated that if NATO expands to include Former Soviet Republics, Russia will review all of its foreign policy priorities and its relations with the West. Since the cold war is over, why are we militarily provoking Russia?

Second, how much more are we going to ask United States taxpayers to ante up to defend Europe in an expanded NATO with a still undefined mission? The total price tag is estimated at anywhere from $27 billion to $150 billion over the next 10 to 12 years. The Congressional Budget Office has estimated that the cost of NATO expansion will be between $60.6–$124.7 billion over 15 years. Don't forget that we have already paid $60 million through the NATO Enlargement Facilitation Act in order to assist Poland, the Czech Republic, Hungary, and Slovenia in bringing their Armed Forces up to NATO standards.

Lastly, I am also concerned about reports that several of the prospective new NATO member states have been involved in arms sales to terrorist countries. For example, Poland has made five shipments to Iran of T–72 tanks, equipment and trainers, Slovenia sent M–60 tanks to Iran, and Bulgaria sent North Korea 15 tons of explosives.

After four decades of the cold war and trillions of United States taxpayer dollars allocated to compete in the arms race, many of our constituents understand that it is not the time to continue wasting tens of billions of dollars helping to defend Europe, let alone assuming more than our share of any costs associated with expanding NATO eastward.

Mr. Speaker, in the words of New York Times columnist Thomas Friedman, "We [get] nothing for NATO expansion but a bill."

APPOINTMENT OF REPRESENTATIVE THOMAS FOGLIETTA AS U.S. AMBASSADOR TO ITALY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor one of the House's most distinguished Members, Representative THOMAS FOGLIETTA of Pennsylvania, for his upcoming appointment by the President as the next U.S. Ambassador to Italy. This is an extraordinary and well-deserved honor for a true gentleman who has given four decades of his life to public service.

Since his election to the House of Representatives in 1980, TOM FOGLIETTA has been a tireless fighter for his constituents in Philadelphia and Delaware County. As a member of the Appropriations Committee and a leader of the Urban Caucus, he has protected city jobs, helped restore Independence Hall, and put more police on the streets.

Perhaps just as important to his new duties, TOM FOGLIETTA has also been on the forefront of global affairs. He has worked to provide famine relief to starving people overseas and has never hesitated to speak up against tyrants around the world.

Only in America could the grandson of immigrants who came from Italy over 100 years ago live the dream of representing the birthplace of this Nation's freedom in the Halls of Congress and go on to serve his country as its representative in the land of his family's heritage. TOM FOGLIETTA is an outstanding example of what is possible for those who serve the United States with honor and distinction.

Mr. Speaker, Washington's loss is Italy's gain. Congress will undoubtedly be a lesser place when TOM FOGLIETTA takes his intelligence, dedication, integrity, and charm to Italy. I ask my colleagues to join me in extending best wishes and a fond arrivederci to TOM FOGLIETTA as he stands ready to embark on another exciting chapter of his career, and insert the following editorial from the Philadelphia Inquirer to be included for the RECORD.

[From The Philadelphia Inquirer, May 28, 1997]

ARRIVEDERCI—TOM FOGLIETTA HAS EARNED HIS NEW JOB. LET'S HOPE HIS SUCCESSOR SERVES THE REGION AS WELL AS HE DID

After four decades of public service, Tom Foglietta richly deserves a job that melds diplomacy and la dolce vita: U.S. ambassador to Italy. So even though the Philadelphia area stands to lose its most senior member of the U.S. House, his constituents in the city and in Delaware County can still salute the (unofficial) news that he's headed for Rome.

Mr. Foglietta has worked hard for the needs of Philadelphia and other cities. As a member of the Appropriations Committee since 1993 and as a prime mover of the Urban Caucus, he's tried to aim more federal dollars at urban needs. His local causes have included protecting jobs at the Navy Yard, reversing the neglect of Independence Hall, and funding more police for the city of Chester.

Not all of his votes on pocketbook issues have been dead-on. He backed the Clinton economic package, tax hikes and all, but loudly opposed the modest, Penny-Kasich spending cuts. He sided with labor over consumers by voting against NAFTA.

But Mr. Foglietta is more than a bring-home-the-bacon guy. He's been a leading voice against despots around the globe. He's been as committed to famine relief in Africa as he was to food assistance at home.

A fair assessment of Mr. Foglietta's contributions must look beyond his specific stands on issues. In a city renowned for political corruption, Mr. Foglietta stood against the tide.

Running for Congress as an independent in 1980, he beat the comeback bid by Democrat Michael "Ozzie" Myers, who had been expelled from the House after being convicted of taking an Abscam bribe. In 1984 and 1986, Mr. Foglietta turned back strong challenges by a future felon: then-Councilman James Tayoun.

Endorsing him for Congress in 1980, this Editorial Page called Mr. Foglietta

"sensitive and intelligent and convincingly committed to public service."

Ideally, Mr. Foglietta's successor would share his fervor for urban needs, his commitment to human needs and human rights, his people skills and intelligence, his ethics. And voters would be the ultimate judge of that if he were retiring at the end of a two-year term.

Unfortunately, the vacancy will be filled by a special election, without a primary. The favorite in this Democratic district will be whomever the Democratic organization chooses. The reported front-runners are former Rep. Lucien Blackwell—who was voted out of the Second District seat three years after the Democratic machine handed it to him—and city Democratic boss Bob Brady. Neither of them stacks up to Tom Foglietta.

EXPAND PRIVATE INSURANCE COVERAGE FOR KIDS

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SABO. Mr. Speaker, one out of every seven American children is growing up without health insurance. These 10 million children—including 70,000 in my home State of Minnesota—are less likely to get preventive care to keep them healthy, or see a doctor when they get sick. These obstacles to health care can lead to harmful and lasting effects. For example, children whose ear infections go undiagnosed and untreated can suffer from permanent hearing loss.

Sadly, there are signs that the prognosis for the health of American's children is getting worse. The number of families receiving insurance sponsored by their employer has declined from 67 percent in 1987 to 59 percent in 1995. Additionally, premium costs for family coverage are on the rise, placing health insurance beyond the reach of an increasing number of working families.

Enough is enough. It is time for all of us to commit to solving this problem. Today, I am introducing legislation that takes one step toward a comprehensive solution.

The Children's Health Coverage Improvement Act of 1997 would make children's-only policies widely available to families at more affordable group rates. Federally regulated self-insured health plans would be required to offer these policies as one of the options available to their employees.

Many low-income working families simply cannot find room in the family budget to pay the increasingly large premiums for family policies. Moreover, many financially strapped single parents cannot afford to pay family premiums designed to cover two adults plus children. Kids-only policies could provide an answer for these hard-working and hard-pressed families.

According to a recent survey of 600 employers, the majority of respondents indicated a strong sense of responsibility toward their workers and expressed sympathy for those who are uninsured. My legislation builds upon this sense of community, and creates a new way for employers to make coverage available to children.

This legislation is also sensitive to employers' concerns that they cannot assume further insurance costs. Instead of requiring an employer to shoulder a specified portion of insurance costs, this bill allows the dynamics of the group insurance market to create affordable kids-only policies.

Shoring up the decline in employer-sponsored health care is one way to help get kids insured. Ten million American children need help. It's time for all of us—in both the private and public section—to pitch in and make sure they get it.

IN HONOR OF RICHARD D. ACTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Richard D. Acton, a union leader for over 45 years who has worked tirelessly for his members and for his community.

Dick began his union career as a member of the International Brotherhood of Electrical Workers Union, Local No. 38. He rapidly earned the respect of his peers, and they chose him for higher union office. Dick rose to treasurer and business manager, a post he held for 21 years.

His fellow union leaders recognized Dick's leadership qualities and elected him to the IBEW International Executive Council in 1979, where he served until 1996. Dick was also elected to the post of executive secretary of the Cleveland AFL–CIO Federation of Labor.

Dick devoted much of his time to improving the lives of his members and the Greater Cleveland community. As president of the United Labor Agency, the social service arm of the Cleveland AFL–CIO, the United Auto Workers and the Teamsters, Dick led the institution which embodies the generosity and social commitment of the union movement. The United Labor Agency provides programs in strike assistance, job counseling, training, youth job placement, services for laid-off workers, unemployed, and underemployed persons. Of particular note, the United Labor Agency developed a special economic response team that delivered a range of programs for people who were laid off or were subject to plant closing. The program was so successful that it was replicated around the country. The United Labor Agency also provides needed durable medical equipment, and offers programs for senior citizens and retired workers.

Mr. Speaker, let us recognize the achievements of Dick Acton, who will be honored by his peers on June 11, 1997, for a lifetime of giving, service, and achievement.

TRIBUTE TO EMMA P. URQUHART, DEACONESS OF CALVARY BAPTIST CHURCH

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Emma P. Urquhart, deaconess of Calvary Baptist Church in Paterson, NJ.

A faithful, dedicated, and active member of Calvary Baptist Church, Emma is president of the Senior Missionary Society. As a member of the Progressive Women of Calvary, she supports the Christian ministries in both these organizations. She is also one of the devotion leaders for the Golden Keys senior group.

Emma is very active in Calvary's bereavement endeavors, whether helping in the kitchen, serving the congregation, or attending to the families spiritual needs during their time of sorrow.

Emma is an encourager to the youth, the sick and shut-in, the entire congregation of Calvary Baptist Church, and the community. She calls upon delinquent and past members, and invites them back to the church.

As part of her missionary duties, Emma visits the sick and shut-in at home, hospitals, and nursing homes. Beyond merely visiting, Emma and her group clean the homes and fix meals for the members who are unable to do so for themselves.

Emma volunteers as a teacher in the Saturday Outreach Program and Vacation Bible School. She supports these groups by preparing and serving refreshments for use during group activities. Emma is also a member of the Music Ministry Committee and is a supporter of the current youth leaders of the group.

Emma has served many years on the Board of Christian Education and on the Calvary Baptist Scholarship Committee. Her belief in the future of our children has led her to faithfully make a regular individual donation to the Calvary Baptist Scholarship Fund.

Emma provides a support role as a current and past member of Calvary's Trustee Group. She is a loyal and dedicated member of the Chancellor choir and actively supports all the programs and events the church sponsors each year, including Women's Day.

Emma religiously dedicates her time in prayer to the growth of Calvary Baptist Church and its programs. This time is not only given at Wednesday prayer service or Saturday morning prayer service but faithfully and regularly at home for the church, its people and its mission as well.

Mr. Speaker, I ask that you join me, our colleagues, Emma's family and friends, and the congregation of Calvary Baptist Church in recognizing Deaconess Emma P. Urquhart's outstanding and invaluable service to the community.

STATEMENTS BY ALYSSA LEACH AND SAM HERR, GAILER SCHOOL, MIDDLEBURY, VT, REGARDING THE INTERNET VERSUS THE FIRST AMENDMENT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Gailer School in VT, who were speaking at my recent town meeting on issues facing young people.

Ms. LEACH: Congressman Sanders, the United States government wants to regulate the information available on the Internet via the U.S. Communications Decency Act and Exxon-Garten Communications Decency legislation.

We as adult citizens in the United States believe that this legislation is violating our First Amendment rights to the freedom of expression.

The First Amendment was created by American's founders to protect the individual's rights, two of these rights being freedom of speech and freedom of expression. The CDA is going to be limiting these rights and violating the First Amendment. Is this right? No. The CDA calls for a $100,000 fine and up to two years in jail for transmitting indecent material over the computer networks.

What is indecent? What is indecent to some may not be some to others. To others it is self-expression which is protected by the First Amendment. Expressing yourself is an American right. It may come in the form of unconventional speech down to pornography, but it is all self-expression.

Americans should be able to speak freely over the Internet about controversial issues such as abortion or sex without fear of prosecution. We are not a free people if we cannot speak freely and share our opinions. As for children, they are under their parents' responsibility for guidance on the Internet. Adult expression should not be prohibited for the protection of children. The government does not parent children, parents parent children.

So I say to you, please protect our rights. The Internet is a wonderful way to express and share our opinion with the world. Don't make us have to be afraid of prosecution if we have unconventional, maybe indecent opinions which we wish to express. If the CDA is passed we will start losing our First Amendment rights. Keep us a free people, free to express ourselves.

Mr. HERR. There are also important technological concerns. Forty percent of the websites on the Internet are located on the hard drives of computers that are physically located outside of any area in which the United States can be said to have jurisdiction and this number is growing. How would the Communications Decency Act prevent children within the United States from accessing information and pictures contained within these sites? In addition, it would be entirely possible for United States citizens to rent space on one of these foreign sites and post any information or pictures that he or she wanted to.

The Communications Decency Act makes it illegal for an Internet service provider such as America Online or Togethernet to provide material that is patently offensive to minors. It is possible for these organizations not directly to provide such information to minors by not carrying it on the Internet service which they control. However, there are many public Internet servers that are available for use by anyone attached to the Internet who state it could not be regulated by the Communications Decency Act. Therefore, any Internet service provider whose users could access any of these servers would be open to prosecution under the Communications Decency Act.

As you can see, Representative Sanders, it is clearly unfair to any Internet service provider and could in fact act to shut down the Internet within the United States whereby denying U.S. citizens access to a valuable tool.

Lastly, because of the way Internet protocols are written there is no way of confirming the age of persons accessing a website or a new server. The fear of prosecution has caused many Internet sites to provide material solely for adult audiences because they have been technically unable to prevent minors from accessing their sites. The Electronic ID is the best quick fix for this problem as minors can get these IDs and there are so many competing standards that adults cannot access some sites.

We do not object to your controlling what comes through the Internet to your own computer and what your child sees. There are softwares available for just for that purpose. It's low cost and schools can obtain that as well.

Ms. LEACH: Also monitoring what your children are seeing on the Internet is very important. Relating to what the kids are doing on the Internet is important so you know what they are looking at. It is the parents' responsibility just as it is with television to watch what your kid are looking at and whether you want them to see or not to see. It is illegal to do things like yell fire when it is inappropriate but that is a totally different subject, that is a different kind of expression.

Mr. HERR: I would argue that it is their right to yell fire, but they have to face the consequences of their actions which would be prosecution for manslaughter in that case. It is a valid idea from that person's point of view and whoever did the acts that were portrayed on that Internet site would be liable to prosecution under the current laws.

TRIBUTE TO JAN KARSKI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. LANTOS. Mr. Speaker, I rise today to recognize the extraordinary and heroic accomplishments of Jan Karski, and to invite my colleagues to join me in commending this man who refused to sit quietly and watch the extermination of millions of Jews during the Holocaust. Mr. Karski risked his life to journey into the heart of the Warsaw ghetto and a concentration camp so that he could effectively detail and then convey the horrors of the Nazi regime to the Allied forces. Through his accounts, he is credited with providing President Franklin D. Roosevelt with the motivation to establish the U.S. War Refugee Board, an organization that saved tens of thousands of Jewish lives toward the end of World War II.

Born in 1914 in Lodz, Poland, Jan Karski joined the Polish underground at the age of 25. He was caught and tortured by the Gestapo but did not divulge any information pertinent to his cause. After being rescued from a prison hospital by members of his underground organization, he disguised himself and snuck into both the Warsaw ghetto and in concentration camp. There he witnessed the emaciation, hopelessness, and subhuman conditions that characterized both by the ghetto and the camp.

Mr. Karski's mission was to gather information and convey these horrors to the outside world. Upon speaking with London authorities in 1942, his frightful accounts were met with disbelief and denial. One member of the Polish National Council, Szmul Zygebojm, insisted upon hearing every detail of the squalor that Karski had witnessed, Zygebojm made a vow to do what he could for his fellow Polish Jews that were still living. A few days after his conversation with Mr. Karski, he committed suicide, despairing, and discouraged that he could not help his homeland.

In July 1943, Mr. Karski met with President Roosevelt to inform him of the atrocities being committed by the Nazis and of Hitler's Final Solution. he also met with Felix Frankfurter, a member of the U.S. Supreme Court. At Justice Frankfurter's request, Mr. Karski again described the horrors he had seen with his own eyes. After listening quietly, Justice Frankfurter responded, "Mr. Karski, a man like me talking to a man like you must be totally frank. So I must say: I am unable to believe you." The Polish Ambassador jumped to his feet in indignation at having his young representative insulted. Justice Frankfurter explained, "Mr. Ambassador, I did not say this young man is lying. I said I am unable to believe him. There is a difference." Mr. Speaker, one can only imagine the strength Mr. Karski must have possessed to constantly tell his harrowing story, only to be met with disbelief and in some cases denial.

In 1944, Jan Karski wrote the book "Story of a Secret State" detailing his experiences, which became a bestseller. After the war, he moved to the United States where he married, became an American citizen, and received a doctorate from Georgetown University. Mr. Karski went on to a distinguished teaching career at Georgetown. His many honors and awards include the distinction of "Righteous Gentile," bestowed by the Yad Vashem Holocaust Memorial in Jerusalem. He is also an honorary citizen of Israel, the recipient of a Doctorate of Human Letters honoris causa from Georgetown University, the recipient of a special citation by the United Nations, and the recipient of the Order virturi Militair, the highest Polish military decoration.

Mr. Karski's humility is always evident. When visiting the National holocaust Museum, he came upon the Wall of Righteous, the tribute to non-Jews. He quickly passed the plaque upon which his name was inscribed, instead preferring to seek out the names of his underground comrades. Mr. Karski is quick to point out that "the Jews were abandoned by governments, by church hierarchies, and by societal structures. But they were not abandoned by all humanity." He feels that he is no different from anyone else who tried to ease

the plight of the Jewish people. Remarkably, he insists he did "nothing extraordinary."

The true nature of Jan Karski, despite his protestations, is summed up by two men whose words speak for themselves. Shimon Peres said, "a great man is one who stands head and shoulder above his people, a man who, when surrounded by overpowering evil and blind hatred, does all in his power to stem the tide. Karski ranks high in the all-too-brief list of such great and unique personalities who stood out in the darkest age of Jewish history." In the words of Elie Wiesel: "Jan Karski: a brave man? Better: a just man."

Mr. Speaker, once again I urge my colleagues to join me in recognizing the courage and selflessness of Jan Karski. He is a hero who risked his life for strangers to fulfill what he considered his duty as a human being.

THE CHIEF BANKRUPTCY JUDGE MARTIN V.B. BOSTETTER, JR. COURT HOUSE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. MORAN of Virginia. Mr. Speaker, it is a great honor to rise today in appreciation of Chief Bankruptcy Judge Martin V.B. Bostetter, Jr. and to introduce legislation naming the U.S. Courthouse on South Washington Street in Alexandria in his honor. Chief Judge Bostetter was born on March 11, 1926, in Baltimore, MD, and attended Mount Vernon High School in Fairfax County. During World War II, he served in the U.S. Navy and then attended the University of Virginia where he obtained his bachelor of arts degree in 1950 and his Latin bachelor of laws degree in 1952.

Since 1952, his entire legal career has occurred within an eight block radius in Old Town Alexandria. He began the practice of law in the city of Alexandria, and in 1953, he was appointed special assistant to the city attorney, serving in the capacity of city prosecutor. He resigned that position in 1957 to become associate judge of the municipal court of the city of Alexandria, where he served for a period of 2 years, resigning in 1959.

Judge Bostetter was appointed to the U.S. Bankruptcy Court in 1959, and presently serves as U.S. Bankruptcy Judge for the Eastern District of Virginia, having been appointed chief judge on February 1, 1985. He ranks among the longest sitting full-time bankruptcy judges in the United States.

In 1959, Judge Bostetter established the First Bankruptcy Court in Alexandria, in the former Federal District courthouse—the very building he now occupies as chief judge of the Bankruptcy Court for the District of Virginia, 38 years later. He has taken special interest and great pride in the ongoing renovation of this historic building and landmark.

When Judge Bostetter first sat on the bench in 1959, there were approximately nine bankruptcy filings per month and the bankruptcy court had only one employee. He remained the only full time bankruptcy judge in the Alexandria Division from July 1959 until December 1994. During the late 1980's and early 1990's, he handled the caseload of approximately 2½ judges.

During his service on the bench, Chief Judge Bostetter has seen the Bankruptcy Court for the Eastern District of Virginia grow to three divisions with 5 full-time judges and staff, 90 employees in its clerk's office and averages of more than 2,600 bankruptcy filings per month. The Alexandria Division where he now sits has two full-time judges, 22 employees and averages approximately 790 bankruptcy filing per month.

Chief Judge Bostetter has been a dedicated and loyal public servant serving the people of Virginia faithfully with honor, integrity, and distinction during his tenure as a bankruptcy judge. He has fulfilled his duties with a strong sense of fairness and pragmatism, while at the same time adhering to the constraints imposed by the bankruptcy code and related case law. Moreover, he has set very high standards for the lawyers who practice before him making those lawyers better prepared and more effective advocates for their respective client's interests.

In addition to his responsibilities as a bankruptcy judge, Chief Judge Bostetter has served as a member of the Committee on Court Administration of the Judicial Conference of the United States from July 1, 1982, until it was dissolved by reorganization of the Judicial Conference in 1987. On October 16, 1984, he was elected by the Judicial Center, serving in that position until September 1987. He is a former member of the Transition Advisory Committee on Bankruptcy to the Director of the Administrative Office of the United States Courts. In 1986, he was appointed by Chief Justice Warren Burger as chairman of a committee to expand and improve the educational programs for all bankruptcy judges. Justice Rehnquist, upon assuming the position of the Chief Justice of the United States, reappointed him to continue as a chairman of that committee until his term expired in 1989. In addition, he was appointed to the State-Federal Judicial Relations Committee of the Commonwealth of Virginia in 1991.

In addition to his significant public service as a judge, Judge Bostetter has a strong record of civic contributions as well. He has served as president of the Alexandria Bar Association, president of the Alexandria Junior Chamber of Commerce, president and chairman of the board of the Alexandria Junior Chamber of Commerce, president and chairman of the board of the Alexandria Sertoma Club, president of the Alexandria Mental Health Association, and has also served on the boards of the Alexandria Hospital Corp., the Alexandria Mental Health Clinic, the Alexandria Community Chest, and the Alexandria Boys' Club. In 1959, the Alexandria Junior Chamber of Commerce awarded him the Distinguished Service Award as the "Outstanding Young Man of the Year 1959", and the Kiwanis Club of Alexandria designated him as an honorary member. In 1960, Judge Bostetter was nominated by the Alexandria Junior Chamber of Commerce as one of the Ten Outstanding Men of the United States for his work on the Juvenile Detention Commission.

REMEMBERING THE MIA's

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SCHUMER. Mr. Speaker, I rise today to ask my colleagues to join me in remembering the Israeli soldiers captured by the Syrians during the 1982 Israeli war with Lebanon.

On June 11, 1982, an Israeli unit battled with a Syrian armored unit in the Bekaa Valley in northeastern Lebanon. Sgt. Zachary Baumel, 1st Sgt. Zvi Feldman and Cpl. Yehudah Katz were captured by the Syrians that day. They were identified as the Israeli tank crew, and reported missing in Damascus. The Israeli tank, flying the Syrian and Palestinian flag, was greeted with cheers from bystanders.

Since that terrible day in 1982, the Israeli and United States Governments have been doing their utmost to obtain any possible information about the fate of these missing soldiers, working with the offices of the International Committee of the Red Cross, the United Nations, and other international bodies. According to the Geneva Convention, Syria is responsible for the fates of the Israeli soldiers because the area in Lebanon where the soldiers disappeared was continually controlled by Syria. To this day, despite promises made by the Syrian Government and by the PLO, very little information has been forthcoming about the condition of Zachary Baumel, Zvi Feldman, and Yehudah Katz.

June 11, marks the anniversary of the day that these soldiers were reported missing in action. Fifteen pain-filled years have passed since their families have seen their sons, and still President Assad has not revealed their whereabouts.

One of the these missing soldiers, Zachary Baumel is an American citizen, from my district in Brooklyn, NY. An ardent basketball fan, Zachary began his studies at the Hebrew School in Boro Park. In 1979, he moved to Israel with other family members and continued his education at Yeshivat Hesder, where religious studies are integrated with army service. When the war with Lebanon began, Zachary was completing his military service and was looking forward to attending Hebrew University, where he had been accepted to study psychology. But fate decreed otherwise and on June 11, 1982, he disappeared with Zvi Feldman and Yehudah Katz.

Zachary's parents Yonah and Miriam Baumel have been relentless in their pursuit of information about Zachary and his compatriots. I have worked closely with the Baumels, as well as the Union of Orthodox Jewish Congregations of America, the American Coalition for Missing Israeli Soldiers, and the MIA Task Force of the Conference of Presidents of Major American Jewish Organizations. These groups have been at the forefront of this pursuit of justice. I want to recognize their good work and ask my colleagues to join me in supporting their efforts. For 15 years, these families have been without their children. Answers are long overdue.

HONORING REV. MATTHEW J. PEARSON

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the esteemed pastor of Warner Baptist Church, the Reverend Matthew J. Pearson. The Warner Baptist Church is celebrating their 25th anniversary of guidance under Reverend Pearson.

Matthew was born in Washington, DC, on June 23, 1930. He first studied Bible courses at the Moody Bible Institute in Chicago, IL, and later graduated from the Washington Bible College in Washington, DC. In 1951, he married Mildred Robinson and together they have been blessed with two children, a son, Melvin, and a daughter, Donna. Matthew has been involved in the ministry for 36 years. Previous to this time, he spent 2 years in the United States Army during the Korean war, again showing his dedication to his country and serving others.

In 1955 Matthew joined the Warner Baptist Church where he began serving God as president of the senior choir, member of the deacon board, and as a Sunday school teacher. In 1961, he was called to the ministry and was licensed at the Warner Baptist Church, where he was ordained in 1963. Reverend Pearson became the pastor of Warner Baptist Church in 1972 and a number of accomplishments have been achieved under his leadership. One of his goals has been organizing the ministries of the church for all ages of parishioners.

Matthew is not only heavily involved in his church, but also in his community. He is the chaplain for HOSPICE of Arlington, member of the Lott Carey Foreign Mission, member of the Annandale Christian Community for Action, and an active participant in the Meals-On-Wheels' program. He was also instrumental in organizing the Baileys Crossroads Shelter for the Homeless. Reverend Pearson was recently honored for his devotion to public service by being asked to give the opening prayer at the House of Delegates in Richmond.

The Warner Baptist Church has been blessed for 25 years with Reverend Pearson's religious teachings. I know my colleagues and the congregation of Warner Baptist Church will join me in saluting Reverend Pearson on this special anniversary. It has been a great honor and pleasure to work with Matthew Pearson for nearly 20 years. He is someone who has made a difference in our community. I wish him the best for continued success in the future.

EQUAL PAY ACT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, today marks the 34th anniversary of the Equal Pay Act, the original legislation to address the wage disparity between men and women. I am of the opinion, Mr. Speaker, that while the Equal Pay Act is a necessary piece of legislation, it has not yet lived up to its promise of ensuring equal pay for equal work.

I recently attended a rally held in my district commemorating Pay Inequity Day, which fell on April 11, 1997. Pay Inequity Day marks the day when working women's 1996–97 paychecks will, on average, finally equal what men earned in 1996 alone. This day falls over 4 months into 1997. This is simply unacceptable.

In my work as a Member of Congress, I often focus on the growing problem of income disparity and how the families of America are affected by this and the growing inequality of wealth in our country. In looking at the statistics we see that even 34 years after enacting the Equal Pay Act, the wage disparity between men and women still plagues this country. In 1995, women earned only 71 percent of wages earned by men. According to the National Academy of Sciences, between one-third and one-half of the wage difference between men and women cannot be explained by differences in experience, education, or other legitimate qualifications. Bureau of Labor Statistics data indicates that women earn equal pay in only 2 out of 90 detailed occupations.

What does this mean for the American family? The picture is not good. Vermont families and families across the country are becoming more and more dependent on women's wages. Today, 40 percent of all working women have children under the age of 18—children who depend upon them for care, shelter, food, clothing, et cetera. Although most American families today must rely heavily on women's wages, women with the same qualifications as men continue to make less than their male counterparts.

If we look closely at the wage gap between men and women over the years, we notice that it narrowed slightly in the 1980's. Some may have looked at that as a gain for women. The truth is however, that the narrowing of the gap was largely due to a decline in men's wages. Now how does that fare for American families?

As for my district, according to data supplied by the Institute for Women's Policy Research, Vermont ranks 3d in the Nation for wage equity. The Vermont female/male ratio is 75 percent while the U.S. average is 68 percent. Vermont shares its ranking with Alaska and sits below only Washington, DC. Some may try to indicate that since Vermont is ranked third, we do not have a problem and we can relax. I say that is just not acceptable. It is our job to respond that no pay inequity is acceptable—not 68 percent, not 75 percent, not 95 percent. Women should expect and receive 100 percent—equal pay as men for equal work.

TRIBUTE TO DR. ANTHONY EVANS, RETIRING PRESIDENT OF CALIFORNIA STATE UNIVERSITY AT SAN BERNARDINO

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. BROWN of California. Mr. Speaker, I rise today to pay tribute to Dr. Anthony Evans, the retiring president of California State University at San Bernardino [CSUSB].

Dr. Evans came to CSUSB in 1982, bringing with him the experience of an already illustrious career. He received his doctorate from the University of California, Berkeley, and served as the director of planning for the Peace Corps in addition to specializing in Far East affairs with the U.S. State Department. Prior to coming to CSUSB, Dr. Evans served as provost and vice president of Academic Affairs at Eastern Michigan University.

In his 15 years at CSUSB, Dr. Evans has led the school through remarkable changes. Major construction projects have added, or expanded to, 10 campus buildings, the number of students and faculty have more than doubled, CSUSB was awarded university status, 15 degree programs have been added and alumni have more than tripled.

CSUSB has blossomed under Dr. Evans' leadership. His presence will be sorely missed, however his legacy to the region will be leaving CSUSB well poised to lead San Bernardino into the 21st century. Again, I commend Dr. Evans for his years of service to the Cal State San Bernardino community and I am certain that he will bring as much success to his next endeavor as he did to this one.

RECOGNIZING ROWLAND ADULT SCHOOL ON THE OCCASION OF ITS 25TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize Rowland Adult School on the occasion of its 25th anniversary. Later this evening, Rowland will hold its annual commencement ceremonies and celebrate 25 years of service to our community.

Founded in 1971, Rowland has served over 30,000 students in classes ranging from citizenship, parent literacy and parent education to a variety of community education classes such as notary public, dance, art, language development, and others. Since 1971, the adult school has offered courses for students wishing to obtain their adult school diploma. Additionally, Rowland is a center for general educational development [GED] testing, and has provided this important service to students throughout the years.

As part of the Rowland Unified School District, the adult school has worked to help adults become productive citizens, productive workers, better parents and family members, and civic-minded residents who take an active

role in the community. Rowland helps to foster the development of intellectual, physical, and emotional skills and experiences, providing high school skills, ESL classes, citizenship courses, and a family literacy program. This comprehensive approach has proved very effective in our community, with over 1,000 adults graduating from Rowland Adult School in the past 25 years.

Mr. Speaker, I ask my colleagues to join me in recognizing the dedicated faculty, staff, and administrators of the Rowland Adult School, who have created a vision for the future of the school to continue providing the highest quality education to the adults of our community for many years to come. I would like to recognize Rocky Bettar, Rowland Adult School's director; Melinda Seshike, program specialist, and Gabe Moorman, curriculum coordinator, as well as the many teachers, staff members, instructional assistants and students who will be celebrating Rowland Adult School's 25th anniversary this evening.

THE CITY OF SAN BRUNO RECYCLING PROGRAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. LANTOS. Mr. Speaker, I rise today to recognize the outstanding efforts of the city of San Bruno for its recycling program.

The city of San Bruno, located in the heart of my congressional district, was the first city in San Mateo County to implement a weekly curbside recycling program. Starting in 1988, the program grew to be one of the outstanding environmentally conscious recycling programs in the State of California. The tremendous efforts of the city of San Bruno earned it numerous awards.

One year after implementing the curbside recycling program, the city of San Bruno received the Helen Putnam Award for Excellence in Citywide Weekly Curbside Program by the California League of Cities. Working in conjunction with community leaders, the recycling program was able to boast that 70 percent of the city's households actively participated in recycling, compared to the statewide average of 30 percent. Since then, San Bruno received the first place award from the California State Department of Conservation and the merit of excellence for its curbside recycling program. The growing success of San Bruno's recycling effort is attributed to the proactive partnership between the San Bruno City Council, the San Bruno Garbage Co., city residents, businesses, schools, apartment complexes, and office parks.

Recently, the city of San Bruno renewed its recycling effort by reinstating the San Bruno Environmental and Recycling Committee. The Recycling Committee brings together members of the community and the city of San Bruno to coordinate recycling efforts. The committee, comprised of city council members, teachers, business professionals, and residents, advises the city of San Bruno on methods to improve the recycling campaign. Empowering communities with the ability to recommend policy on environmental and recycling efforts has proven to be a highly effective technique to ensure the long-term success of this community-based recycling effort.

San Bruno's newest effort is driven by the mandate from the State of California that all cities reduce their solid waste by 50 percent by the year 2000. In response to this ambitious goal, the San Bruno Recycling Committee launched its SPACE 2000 Program [Save, Protect and Clean our Environment]. This effort aims to bring recycling to the forefront of the community. In addition to focusing on government and corporate office recycling, SPACE 2000 targets youth. The SPACE 2000 program reaches out to a new generation in order to keep San Bruno an environmentally healthy community. On June 1, 1997, over 1,000 children marched for the environment and recycling in San Bruno's annual Posy Parade, the longest running children's parade in the United States.

I am pleased to recognize San Bruno's proactive, leadership role in reengineering and revitalizing its environment and recycling efforts. As we move into the 21st century, conservation and recycling programs will be the cornerstone of our environmental policy. I am proud of San Bruno's efforts to strengthen community involvement, and its vision and commitment to renew, reuse, and recycle our Nation's resources.

SHIRLEY KLEIN OF DUNBAR, WV, MEMORIALIZES FRANKLIN ROOSEVELT THROUGH POETRY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. RAHALL. Mr. Speaker, I am pleased to call my colleagues attention to a most beautiful tribute to Franklin D. Roosevelt, written by Shirley Klein of Dunbar, WV.

As we are all aware, there has been much controversy recently over the dedication of the Franklin D. Roosevelt Memorial because it does not depict that much-loved President in his wheelchair. The disabled community has come out in strong favor of adding to the memorial, a statue of President Roosevelt in the wheelchair that was so much a part of his every-day lift as he struggled to lift this Nation from its knees during our worst depression, as well as to bring us to victory in World War II. I agree that the memorial ought to be augmented to show this great President in his wheelchair.

Mr. Speaker, Shirley Klein is, like Franklin Roosevelt, disabled and in a wheelchair and, like Franklin Roosevelt, her heart and mind are strong and vibrant and immensely productive. Knowing they shared this particular challenge, even as a child, she wrote a most beautiful poem in tribute to him. If anyone still believes the Roosevelt Memorial ought not to depict him in his wheelchair, Shirley's poem will surely change their minds. Shirley's poem follows:

MEMORIAL

(By Shirley Klein)

Deny him not his throne of grace.
Its wheels were his wings
On which he flew
To save a world,
To heal a land.
Let ages know
This was a man
Who seated firm,
Towered tall.
And I, a child
Who saw him there,
Knew at last
I too could soar.

INTRODUCTION OF LEGISLATION TO ESTABLISH A PERMANENT FORMULA FOR GOVERNMENT CONTRIBUTIONS TO FEDERAL EMPLOYEE HEALTH BENEFIT PLANS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. HOYER. Mr. Speaker, today, I am introducing legislation to set a permanent formula for calculation of the Federal contribution to the Federal employee health benefit plans. My bill would ensure that the Government contribution for civil servants and Federal retirees would remain at approximately 72 percent.

Under existing law, the contribution is set by a formula based on the premiums of five of the largest plans and a sixth, so-called phantom, premiums that represent a large plan that dropped out of FEHBP. This formula, passed in 1989, has held the Federal contribution near 72 percent but will expire at the end of calendar year 1998.

It is estimated that failure to extend or replace this formula would cost an enrollee about $20 a month or $240 per year. That is unacceptable—especially at a time when the budget resolution asks Federal employees to pay an additional five tenths of 1 percent into the CSRS and FERS retirement systems.

I want to thank the many people on the House Budget Committee and at the Office of Management and Budget who responded to my strenuous objections to not replacing the current formula. I am pleased that the budget agreement and resolution assume continuation of the 72-percent contribution. This legislation therefore has no budget implications and, according to preliminary OPM cost estimates, may actually save a small amount of money over the budget agreement baseline.

This bill will calculate, each year a weighted average of the subscription charges for all plans. The employee's or retiree's premium for each plan will be calculated by subtracting 72 percent of that weighted average from the total charge. Unlike previous formulas, this bill establishes a permanent formula that will automatically adjust as carriers enter or leave the FEHBP Program.

The concept of this stable fair share formula was developed by the Office of Personnel Management at my request. It has been refined through extensive discussions with Federal employee organizations, health plan carriers, and other interested parties. I am pleased that Mrs. MORELLA, Mr. CUMMINGS, Mr. MORAN of Virginia, Mr. FAZIO of California,

Mr. FORD, and Mr. DAVIS of Virginia have joined as original cosponsors.

I am hopeful that, working with Mrs. MORELLA and Mr. CUMMINGS, we can add this important legislation to the reconciliation measure as it is marked up in the Government Reform and Oversight Committee. I invite Members who share my concern about protecting this critical benefit for Federal employees and retirees to join us as cosponsors of this legislation.

RECOGNIZING THE OUTSTANDING MILITARY SERVICE OF COL. PETER HUISKING

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. DREIER. Mr. Speaker, I would like to recognize the outstanding military service and contributions to our country of a native of Pomona, CA, on the occasion of his retirement from military service on December 1, 1996: Col. Peter V. Huisking, Military Intelligence Corps, U.S. Army.

Born in Pomona, CA, in 1949, Colonel Huisking attended St. Joseph Elementary School and the Webb School of California, and received an Army Reserve Officer Training Corps [ROTC] scholarship to attend Pomona College in 1967. He was commissioned in field artillery upon graduation from Pomona College in 1971. He served in junior officer positions at the artillery battery level with 2d Battalion, 92d Field Artillery, V Corps, in Giessen, Germany, from 1972 to 1974. As a first lieutenant, he was commander of Battery C, 2d Battalion, 92d Field Artillery.

Colonel Huisking transferred to the Military Intelligence branch in 1974, and served in numerous tactical and strategic intelligence assignments over the next few years: assistant S2, 42d Field Artillery Group, 1974 to 1975; chief, all source production section, 2d Armored Division, Fort Hood, TX, 1975 to 1977; commander, Headquarters and Operations Company, 522d Military Intelligence Battalion, Fort Hood, TX, 1977 to 1978; and staff and faculty, Defense Intelligence College, Washington, DC, 1979 to 1982.

Other overseas assignments included G2 operations officer, 2d Infantry Division, Republic of Korea, from 1982 to 1983; chief, Intelligence Systems Branch, Headquarters U.S. Army, Europe, Heidelberg, Germany, from 1984 to 1986; deputy G2, 1st Armored Division, Ansbach, Germany, 1986; and executive officer, 501st Military Intelligence Battalion, 1986 to 1988.

Colonel Huisking was assigned to Fort Huachuca, AZ, in 1988, where he served as the manager of the Intelligence-Electronic Warfare Program Office. He later commanded the 304th Military Intelligence Battalion at Fort Huachuca, from 1989 to 1991, and served with Headquarters, United States Armed Forces, Central Command in Riyadh, Saudi Arabia, during Operation Desert Storm as the G2 plans officer for unmanned aerial vehicles.

Following service as the Assistant Chief of Staff, G2, 1st Cavalry Division, at Fort Hood, TX, from 1991 to 1992, Colonel Huisking was assigned as a staff officer in the Directorate of Force Development in the Office of the Deputy Chief of Staff for Operations and Plans at Headquarters, Department of the Army, Washington, DC, from 1992 to 1993. He later served as the deputy director for planning in the Directorate of Strategy, Plans, and Policy on the Department of the Army staff from 1993 to 1994. Colonel Huisking's last military assignment was Assistant Chief of Staff, G2, for the U.S. Army Signal Command at Fort Huachuca, AZ, from 1994 until his retirement in December 1996.

Colonel Huisking is a graduate of the U.S. Army Field Artillery School, 1972; the Defense Intelligence College, 1979; the U.S. Army Command and General Staff College, 1984; and the U.S. Army War College, 1996. He also graduated from Georgetown University with a master of arts degree in Government, 1980.

His awards and decorations include the Legion of Merit with Oak Leaf Cluster, the Bronze Star, the Defense Meritorious Service Medal, the Meritorious Service Medal with Oak Leaf Cluster, and several service medals including the Saudi Arabia Kuwait Liberation Medal. He is also a recipient of the U.S. Army Signal Corps Regiment's Order of Mercury. Additionally, Colonel Huisking is authorized to wear the Army staff identification badge.

Colonel Huisking is married to the former Henrietta Hardy of Tucson, AZ. They have three children: Elisabeth, who lives in Virginia; Thomas, a college student in Texas; and Andrea, a student at Smith Middle School, Fort Huachuca, AZ. Colonel Huisking is joining JBL&H Associates of Falls Church, VA, and will work at the U.S. Army Intelligence Center in support of the Directorate of Combat Developments.

Colonel Huisking has served at all military echelons from platoon to the Army staff. He has led American soldiers as a platoon leader, a company commander, and a battalion commander. He served as a intelligence officer in key positions from Artillery Group to Major Army Command. His service has been characterized by his emphasis on two key elements: training for war and taking care of soldiers. This emphasis paid off during the successful deployment of elements of his battalion to Desert Storm. In the words of Maj. Gen. John Stewart, the Assistant Chief of Staff, G2, U.S. Army Forces Central Command, during the gulf war:

> Lieutenant Colonel Huisking's tireless, professional, and consistently correct staff work was a major factor in the success of Intelligence and Electronics Warfare during the Persian Gulf War. A great job.

Colonel Huisking was also an outstanding supporter of every military community he lived in, both in the United States and overseas. He was a strong supporter of the Scouting Program, both boys and girls, and served as committee chairman of the Cub Scout programs. His involvement in youth athletics included coaching in youth T-ball and soccer, and service on Catholic parish councils in communities in Germany and Fort Huachuca, AZ. Additionally, he has served as a lay eucharistic minister and lector since 1979.

As a professional intelligence officer, Colonel Huisking has made a particular impact on tactical intelligence units, having served in four combat divisions, and having been instrumental in the successful implementation of the combat electronic warfare intelligence [CEWI] concept in the Army beginning in 1976. Additionally, his training of the Army's only unmanned aerial vehicle unit before the Persian Gulf war led to its successful development and use during the conflict. His pioneering work in this area ensured that the Army will always go to war with this important intelligence capability.

Colonel Huisking's service to the Army and his country spans a quarter of a century. It included the years of rebuilding the Army after the Vietnam war; standing guard on the frontiers of freedom from the demilitarized zone in Korea to the Iron Curtain in Central Europe; training units which ensured the readiness of the Army to deter aggression and ensure the victory of the United States in the cold war; preparing and leading soldiers to victory in the gulf war; and maintaining and equipping a force ready to deploy to Somalia, Haiti, Bosnia, and other areas of the world during a time of declining resources and increased requirements. Colonel Huisking played an important role in all of these areas. His legacy is in the outstanding soldiers and units who benefited from his leadership, and who will carry the Army into the 21st century.

The citizens of the State of California, particularly the 28th Congressional District, are proud of the service of this native son. They join me in thanking him and his family for their contributions to the Army and the United States, and in wishing them all the best both now and in the future.

WELCOME TO HURRICANE SEASON

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. McCOLLUM. Mr. Speaker, today I rise to highlight the fact that hurricane season is upon us. The official start of hurricane season is June 1. With that comes an entire east coast and gulf coast that braces for the worst—a hurricane ravaging the landscape.

Hurricanes are inevitable. They are unpredictable. They are destructive. And this year, 1997, looks to be a particularly bad year. In fact, the New York Times recently ran a story titled "Storm Warning: Bigger Hurricanes and More of Them." That is not exactly good news. I am attaching the article for the record.

The damage that these storms can cause is absolutely staggering. When measured in today's dollars and projected damage based on property value, the worst hurricane occurred in 1926, before storms were named. It hit southeast Florida and Alabama, and had it hit in the same spot today, it is estimated that it would have caused $72.3 billion in damages. That's right: $72.3 billion. And we thought Andrew in 1992 was bad, hitting only an estimated $33.1 billion in damages if the same hurricane swept through today.

Mr. Speaker, this is virtually beyond comprehension. And it isn't just Florida. If New England were hit today by the same hurricane

that did in 1938, damages could exceed $16 billion. If Camille—1969—hit Mississippi, Louisiana, and Virginia today we'd be looking at almost $11 billion. If Hugo—1989—hit South Carolina today it would be almost $10 billion.

So what are we to do? If all projections are correct, it appears that we may have a major storm along the lines of Andrew slamming into the east coast or gulf coast this summer or fall. On top of this frightening thought is the aftermath of such a tragic event. Andrew put a dozen insurance companies into insolvency and threw the entire disaster insurance market in Florida into turmoil. Reinsurance for hurricanes has virtually disappeared in Florida. Today, rates are skyrocketing if coverage is available at all. What would another hit like that do to Florida? What would such a disaster do to North Carolina? Or Louisiana? Or Texas?

Mr. Speaker, I do not think that we necessarily have to find out just how bad things can get. There is a way to ensure that disaster insurance remains a viable option for homeowners. In fact, I have introduced legislation which would directly address this problem. H.R. 230, the Natural Disaster Protection and Insurance Act, would provide a Federal backstop for truly disastrous events. Essentially, Treasury would auction reinsurance contracts to be bid upon by private insurers and State insurance pools. These contracts would be actuarily sound, protecting the Government against undue loss, while injecting reinsurance back into the disaster insurance market. The contracts would cover disasters that cause over $10 billion in insured losses up to $35 billion. Payment on the reinsurance would come from the proceeds from the auction.

This legislation would be just what the doctor ordered if we are to ensure continued insurance availability in disaster prone areas. Not only does it cover hurricanes, but earthquakes, volcanoes, and tsunamis as well. Perhaps it is appropriate to discuss this when the House is considering a supplemental bill to pay for other disasters, which we are currently doing. Imagine the burden on the Federal Government if people who cannot get adequate insurance come looking for assistance? Just another reason we need to act.

Mr. Speaker, the House Committee on Banking and Financial Services, on which I serve, is scheduled to begin hearings on this and similar legislation in the near future. I urge my colleagues to support a solution to this current and future crisis affecting people in my State and across the country. H.R. 230 is a solid beginning and I look forward to its consideration.

[From the New York Times, June 3, 1997]

STORM WARNING: BIGGER HURRICANES AND MORE OF THEM

(By William K. Stevens)

The East and Gulf Coasts of the United States may be entering a long-anticipated, prolonged siege of more frequent and more destructive hurricanes, forecasters say.

They predict that this summer, more hurricanes than normal will develop in the tropical North Atlantic for the third straight year. This would make 1995–97 the most active three-year period on record for the pinwheeling oceanic cyclones, and the experts say that could be only the beginning.

The 1970's, 1980's and early 1990's were a time of relatively infrequent hurricanes. Those years did have their big storms: 7 of the 10 most costly hurricanes ever to strike the United States mainland did so over that stretch, including Hurricane Andrew in 1992, the costliest ever. But a new Federal study attributes the trend of escalating damage over that period to expanding population and exploding development rather than more frequent or powerful storms.

Now the atmosphere and ocean appear to have entered a new and more ominous hurricane phase. Some experts believe the turbulent stretch beginning two years ago signifies a return to the 1940's, 1950's and 1960's, a period of high hurricane activity in the United States. If that is so, according to the new Federal study, the cost of damage wrought by hurricanes—already the most expensive natural disasters in America—could soar to new heights.

Scientists offer varying explanations of what is responsible for the increase in hurricane frequency. One new study has found that sea-surface temperatures in 1995 were the highest on record in the tropical North Atlantic. That year, 19 tropical storms and hurricanes, double the 1946–1995 average, formed in the Atlantic. The authors of the study concluded that warmer seas encouraged incipient hurricanes to develop by infusing them with more energy. Temperatures in the region of hurricane births, between 10 degrees and 20 degrees north latitude, have remained above average since 1995.

Coincidentally or not, 1995 also saw the highest average global surface temperatures on record, and some scientists say this raises the possibility that global warming is contributing to the increased frequency of hurricanes. The coincidence "is suggestive of some link to global warming, but that needs to be proved," said Dr. Mark A. Saunders, chief author of the study. It is "just one of the possibilities," he said.

Others say that global warming is almost certainly not the cause. One is Dr. William M. Gray, an atmospheric scientist and hurricane expert at Colorado State University in Fort Collins. The rise in sea temperature "is not related to the warming of the planet," he said, noting that global warming has been slow, while the Atlantic sea-surface temperature jumped in a matter of months.

It was Dr. Gray and his group of researchers who correctly predicted that 1995 would be one of the most active seasons on record, although they underestimated 1996. In April, the group forecast that 1997 would also bring more hurricanes than average, including the more intense ones. These major storms are defined as those with peak sustained winds of more than 100 miles an hour, and they account for 75 percent of all hurricane damage. Lesser hurricanes have peak winds of at least 74 miles an hour.

The forecasters predicted that the 1997 hurricane season, which officially began on Sunday and lasts through November, would product 7 hurricanes, 3 of which would be in the intense category, and 4 lesser tropical storms strong enough to be named. By comparison, 11 of the 19 named storms in 1995 were hurricanes, 5 of them severe; last year, 9 of the 13 named storms were hurricanes and 6 were severe.

The Colorado group's forecast applies to an area encompassing the Atlantic Ocean, the Caribbean Sea and the Gulf of Mexico. It is to be updated on Friday, but Dr. Gray said the update was not expected to depart substantially from the April prediction. The forecasters do not attempt to predict whether or where any of the hurricanes will strike land.

The forecasts are based on an array of predictive signs and atmospheric phenomena that Dr. Gray has identified as determining hurricane activity. One is the amount of rainfall in the Sahel region of western Africa, where the small areas of low pressure that are the embryos of hurricanes first form. When the Sahel is wetter, Dr. Gray found, more embryos form. This year, the Sahel is wet.

Another factor is the phenomenon known as El Nino, the huge pool of warm water that develops every two to seven years in the eastern tropical Pacific, changing weather patterns around the world. When it is in place, high-level winds blowing from the west tend to shear off the tops of developing hurricanes in the adjacent Atlantic, causing them to abort. El Nino may make an appearance later this year, forecasters say, but the Colorado group predicts that it will not do so in time to affect the hurricane picture.

Other elements include the behavior of stratospheric winds that circle the globe high above the equator and weather features far remote from the Atlantic hurricane belt—things, for example, like the temperature high above Singapore. On balance, the forecasters say, the indicators point to higher-than-average activity this year.

One of the most powerful indicators, according to the new study by Dr. Saunders and Andrew R. Harris, climate scientists at University College London in Britain, is the Atlantic sea-surface temperature. Their statistical analysis found that while most of the relevant factors were indeed favorable for hurricane development in the banner year of 1995, the dominating influence was the unusually warm ocean. The temperature in the region where hurricanes develop was 1.2 degrees Fahrenheit above the 1946–1995 average, a record. The development region was 0.36 of a degree warmer than average last year and is about 0.9 of a degree warmer now. This, said Dr. Saunders, presages another active season. his study appeared in the May 15 issue of the journal Geophysical Research Letters.

The researchers suggest that warmer seas cause more water to evaporate from the surface. With evaporation, latent heat is released in the atmosphere, and the researchers believe that this is what imparts more energy to the embryonic storms coming out of Africa, making it more likely that they will develop into hurricanes. "It seems that this is a stronger effect that any other mechanism, like El Nino or the monsoon in the western Sahel," Dr. Saunders said.

The question, he said, is whether the rising sea temperature is a natural expression of the climate system's variability, independent of any influence from a warming atmosphere. Dr. Gray, for his part, says he believes the warmer ocean temperature is "a manifestation of a major change in North Atlantic ocean circulation." Stately currents in the North Atlantic undergo periodic shifts on decadal time scales. Dr. Gray said he believed that a new pattern was in place, and that it was likely to presage a decade or two of above-average hurricane activity.

"This is the greatest fear we have," he said, "that we're entering a new era. I believe we are."

If so, the new Federal study on hurricane damage may offer a preview of what lies ahead. In the study, Dr. Roger Pielke Jr. of the National Center for Atmospheric Research in Boulder, Colo., and Dr. Christopher Landsea of the National Oceanic and Atmospheric Administration's hurricane research division in Miami calculated how much damage would result from past hurricanes if they

had occurred in 1995, when the coasts held many more people and much more wealth than earlier.

The calculation, which also accounts for inflation, shows that if the more numerous storms of the very active quarter-century prior to 1970 were to hit the mainland now, each of the storms would cause far more damage than it did back then.

It has been suggested in the past that escalating hurricane damage in more recent decades has resulted from an increase in the number and severity of storms. The Pielke-Landsea analysis found this is not so. In fact, when all hurricane damage was assessed as if it had occurred in 1995, the four biggest hurricanes of the last eight years were no longer the most damaging in history. Andrew, which exacted an all-time record $26.5 billion in actual damages, was downgraded to second place by a monster that struck Florida and Alabama in 1926. Hugo (1989), Opal (1995) and Fran (1996) slip far down the list.

The analysis, its authors wrote, indicates clearly "that the United States has been fortunate in recent decades with regard to storm losses." Now, they wrote, multibillion-dollar losses may become increasingly frequent, and it may be "only a matter of time" before a single storm exacts $50 billion in damages.

TWENTY-FIVE YEARS OF DEDICATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. STEARNS. Mr. Speaker, recently in my district a celebration was held for Cecil Clark of Leesburg, FL on the 25th anniversary of Cecil Clark Chevrolet. I appreciate this opportunity to congratulate Cecil for a quarter century of service to our community.

Fifty years ago Cecil Clark sold his first Chevrolet, along with his first Frigidaire appliance. In 1972, he opened up his own car dealership—Cecil Clark Chevrolet. Over the last 25 years he has sold 25,000 new cars and trucks, and he has sold over 40,000 used vehicles.

His wife Jackie has shared his vision for almost 50 years and has worked with him at his dealership. Now, his son Greg has assumed responsibilities for the dealership as co-owner, and Mr. Clark's daughter, Cindy Clark Brooker, opened her own dealership last year in Wildwood, FL.

Our society is a mobile society, and we are dependent on automobiles. Cecil Clark and his family have been essential in meeting the needs of thousands of people in my district.

Congratulations, Cecil, and my best wishes to you and your family.

FATHER CUNNINGHAM: PASSION, COURAGE, TENACITY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a special person—Father William Cunningham—who passed away last week. Detroiters, those in need and Catholics across America have not only lost a kind benefactor and gentle heart, we have lost a hero, friend, and a perfect model of inspiration and hope.

A visionary pragmatist who founded Focus:HOPE, one of the Nation's largest civil rights organizations, Father Cunningham worked tirelessly for more than three decades building racial harmony and creating jobs in the city of Detroit. Although we have not yet reached his goal, because of his passionate work, relations among our citizens have improved dramatically.

It was a shock to everyone last October to learn that this great man was stricken with cancer, but his courage and tenacity shone bright as the Sun as he fought his deteriorating health to the very end.

His long request to his long-time friend and cofounder of Focus:HOPE Eleanor Josaitis: no plaques, no streets, no buildings named after him, "Just make sure my work continues."

Even during his last breath, this hero to many was still concerned about us—about the future of the city and its people he loved with all his soul.

Focus:HOPE will serve as his lasting legacy. Born out of the ashes of the Detroit riots of 1967, Father Cunningham made his dream of helping the poor a reality. Whether it was food, jobs, or racial harmony, Father Cunningham and Focus:HOPE were on the leading edge, breaking new ground, winning the war on poverty inch by inch.

It was an honor to know such a great man. He was a generous man with a kind heart. His service was to God and his fellow man. He always had a kind word, willing ear, and helpful advice.

Father William Cunningham was a good friend to all he knew and those he didn't know, but could help. He will be missed sorely, but his legacy and spirit will remain ingrained in our souls forever.

TRIBUTE TO ROZ AND BARNEY COOPERMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. BERMAN. Mr. Speaker, we are honored to pay tribute to our dear friends, Roz and Barney Cooperman, who this year are celebrating their 50th wedding anniversary. On June 29, Roz and Barney will celebrate this special occasion in the company of children—they have five—and grandchildren—they have six. Roz and Barney are wonderful parents who have always placed family above all else.

Roz and Barney met in 1946 while attending the University of California at Berkeley. The next year they got married in Brooklyn; the year after that the couple moved to Los Angeles, where they have lived ever since. Barney went into law practice in 1949, while Roz became a history instructor at Los Angeles City College. In 1952 she left teaching to raise a family.

Almost as long as they have been married Roz and Barney have been involved in community and political affairs. Barney has served on the boards of a public radio station, a teacher-training nursery school and Temple Israel of Hollywood. He also started a leading Democratic club, organized local Democratic nominating conventions and served on the state Democratic Central Committee. In 1980 Barney was appointed to the bench as a superior court judge, in which position he served with great distinction until 1995.

As a mother and teacher, Roz has been quite active in the area of education. She has served on the Los Angeles Unified School District's Gender Equity Commission, the LAUSD's Parents' Collaborative and on the Intergroup Relations/Multicultural Education Committee. She has otherwise worked with pro-choice groups and on issues such as welfare reform and affirmative action. She is truly a model of civic involvement.

We ask our colleagues to join us today in saluting Roz and Barney Cooperman, whose devotion to each other and their community is a model for us all. May they have many more years of happiness together.

DISMANTLING THE SAFETY NET

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. STARK. Mr. Speaker, in the few short months since Congress has embarked on the misguided and destructive mission of welfare reform, the dismantling of the safety net necessary for the health and well-being of our Nation's most vulnerable populations—our children and the elderly—has reaped deadly effects. The Republican wish has come true. Republicans have successfully removed the neediest Americans from the rolls—permanently.

In March of this year, one man took his own life to avoid the uncertainty of the future. After receiving a letter informing him that he might be cut off of Social Security, Ignacio Munoz, a 75-year-old elderly legal immigrant, put a gun to his head and pulled the trigger. Mr. Munoz had worked in the United States for 40 years, but the Social Security Administration had payment records only for 10 years. Mr. Munoz committed suicide because of extreme fear of being cut off from his only means of support. Mr. Munoz' fear of being left out in the cold continues to grip the legal and elderly immigrant community.

Still, with vehement opposition from State and local governments, advocacy groups, and poor and disabled Americans themselves, Republicans continue to turn a deaf ear while unashamedly forging ahead. As the Ways and Means Committee begins the welfare reconciliation markup, I believe it is important to heed these predictions from experts concerning the impact of welfare reform:

CHILDREN

In California, nearly 250,000 children would be denied benefits.—Children's Defense Fund

Nationwide, nearly ½ of all children with disabilities, or 140,000, will lose SSI.—Children's Defense Fund

Nearly 3.3 million children would be denied welfare assistance.—Children's Defense Fund

1.14 million children will be driven into poverty, making one child in four poor in America.—Children's Defense Fund

Nearly 134,000 children in New York State would be impoverished.—Children's Defense Fund

300,000 children will be cut from SSI.—Social Security Administration

50,000 children will lose Medicaid benefits.—Social Security Administration

Over 57,000 children in Texas would be reduced to poverty.—Children's Defense Fund

Nearly 64,000 children in Michigan would be made poor.—Children's Defense Fund

1.2 million legal immigrants, including 450,000 children, would lose SSI and/or food stamps.—Children's Defense Fund

10% of all families nationwide would lose some benefits.—Children's Defense Fund

For families with children, more than 20% would lose some benefits.—Children's Defense Fund

20% of families with children would have their incomes reduced by $1,300 a year.—Children's Defense Fund

LEGAL IMMIGRANTS

500,000 legal immigrants will be cut off the SSI rolls—Washington Post, May 3, 1997

Nearly 1,000,000 legal immigrants will lose food stamps.—Washington Post, May 3, 1997

400,000 elderly legal immigrants will not receive SSI.—Los Angeles Times, June 5, 1997

100,000 severely disabled legal immigrants will be cut off SSI.—New York Times, June 5, 1997

1,000,000 legal immigrants could lose food stamps nationwide.—Los Angeles Times, May 2, 1997

Four states—California, New York, Florida, and Texas, with ⅓ of the House of Representatives and all with Republican governors—would be the hardest hit under this new law.—Newsday, April 10, 1997

Legal immigrants account for 5% of those in the U.S. who receive welfare, but will bear 44% of the cuts.—San Francisco Chronicle, February 13, 1997

Legal immigrants—including those poor legal immigrants over 75 or permanently disabled—are wholly ineligible for food stamps.—Center on Budget

CALIFORNIA

224,000 legal immigrants will be cut off in California—Rocky Mountain News, May 17, 1997

Over 3,000 elderly legal immigrants will lose welfare benefits in Sacramento County.—Sacramento Bee, May 17, 1997

41% of all legal immigrants who are scheduled to lose disability payments live in California.—Los Angeles Times, May 2, 1997

427,000 legal immigrants live in California.—Los Angeles Times, May 2, 1997

135,000 legal immigrants over 65 years old live in California.—San Francisco Chronicle, April 19, 1997

Three-fold increase in the number of new homeless.—Alameda County Health Care Services

In California, hundreds of thousands coming off the welfare rolls would vie with one million already on the unemployment rolls for entry-level jobs.—San Francisco Chronicle, January 10, 1997

LOS ANGELES COUNTY

In Los Angeles County 430,000 legal immigrants could lose food stamps and other federal aid.—San Francisco Chronicle, February 13, 1997

In Los Angeles County, welfare cutbacks will impact 518,000 people.—Children's Defense Fund

Up to 227,600 people could lose health care insurance in Los Angeles County.—Children's Defense Fund

Up to 30,000 women could lose prenatal care in Los Angeles County.—Children's Defense Fund

Up to 21,000 additional children could wind up in Foster Care in Los Angeles County.—Children's Defense Fund

Nearly 200,000 legal immigrants on AFDC in Los Angeles County would lose their benefits.—San Francisco Chronicle, February 13, 1997

150,000 receive SSI in Los Angeles County.—San Francisco Chronicle, April 19, 1997

90,000 receiving SSI in Los Angeles County are children.—San Francisco Chronicle, April 19, 1997

200,000 legal immigrants in Los Angeles County on AFDC face a cutoff.—San Francisco Chronicle, April 19, 1997

In Los Angeles County, 430,000 legal immigrants could lose food stamps and other federal aid.—San Francisco Chronicle, February 13, 1997

Nearly 200,000 legal immigrants on AFDC in Los Angeles County would lose their benefits.—San Francisco Chronicle, February 13, 1997

CONNECTICUT

19,000 legal immigrants in Connecticut are on SSI.—Hartford Courant, January 31, 1997

PENNSYLVANIA

484,000 families on AFDC will be affected in Pennsylvania.—Pittsburgh Post-Gazette, March 2, 1997

NEW YORK

The new law will affect 70,000 in New York City.—Newsday, April 22, 1997

85,000 legal immigrants will lose benefits in New York City.—New York Times, May 10, 1997

In an area of Brooklyn called Southside, nearly ½ of the 27,000 residents receive some form of public assistance. If thousands lose their benefits, it would bring extreme hardship to this neighborhood.—New York Times, March 10, 1997

FLORIDA

54,000 legal immigrants live in Florida.—Sun-Sentinel, April 20, 1997

39,000 legal immigrants in Florida are over 65 years old.—Sun-Sentinel, April 20, 1997

43,000 legal immigrants in Florida live in just one county, Dade County.—Sun-Sentinel, April 20, 1997

GRAND OPENING OF THE SUTTER ROSEVILLE MEDICAL CENTER

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. DOOLITTLE. Mr. Speaker, I would like to call to your attention the momentous occasion of the grand opening of the new Sutter Roseville Medical Center, located in Roseville, CA. The center will officially open its doors to patients on Sunday, June 22, 1997.

Sutter Roseville Medical Center is an affiliate of Sutter/CHS, one of northern California's largest not-for-profit health care systems. The medical center will open with 168 licensed beds and the capacity to expand to 188 beds if the need arises. The inpatient areas of the new medical center will include a dedicated birth center, an emergency department and trauma center that is three times the size of the existing Sutter Roseville, and a beautiful, home-styled skilled nursing facility.

The 315,000-square-foot medical center was designed by staff, physicians and members of the community to be responsive to patient and family needs. A critical aspect of the medical center's development is its incorporation of user-friendly outpatient services into its overall design. Another hallmark of the new Sutter Roseville Medical Center is the accentuation of the natural beauty of the Placer County oaklands, which provide a healing environment for patients and their families.

It should also be noted that this remarkable facility would not have been possible without the tremendous commitment and support of the Roseville community. Forty five years ago, this community rallied to raise funds to make Roseville's first hospital a reality. Today, after years of planning and preparation and the raising of over $1.8 million, the Roseville community has once again shown what can be accomplished when people join together toward a common and worthy cause.

Mr. Speaker, I ask that you join me, our colleagues, the residents of Placer County and the city of Roseville in celebrating the grand opening of the Sutter Roseville Medical Center.

A TRIBUTE TO THE REDLANDS HIGH SCHOOL MOCK TRIAL TEAM

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine achievements of an outstanding group of students from Redlands High School in San Bernardino County, CA. Earlier this year, the Redlands High School mock trial team participated in and emerged victorious from both the San Bernardino County championship and State championship competitions, earning the right to compete at the national level.

Under the fine coaching of Donna St. George of Redlands High School and legal coaching of Michael Knish, a deputy public defender for San Bernardino County, the 11-

member mock trial team won the San Bernardino County championship on March 1. On April 6, these dedicated students defeated the best teams in the State of California to win the State championship in Sacramento. As a result of that victory, the Redlands High School mock trial team traveled to Nashville in May to compete in the national championship. They emerged from this competition with a 16th place finish putting Redlands High School among the finest in mock trial teams in the entire United States.

Mr. Speaker, I ask that you join me and our colleagues in paying tribute to Manuel Aguilar, David Burton, Christopher Carrillo, Jesse Dioquino, Angela Gi, Erica Hagstrom Kevin Hicks, Rachel Julagay, Grace Kong, Candice McNeil, and Tiffany Wang. To say the least, I am extremely proud of these fine students and it is only fitting that the House of Representatives recognize their achievements today.

INTRODUCTION OF THE CARL D. PERKINS VOCATIONAL-TECHNICAL EDUCATION ACT AMENDMENTS OF 1997

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. RIGGS. Mr. Speaker, today I am introducing the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997. This bill reauthorizes and reforms the current vocational education statute.

Let me state for the record that this legislation is not, nor is it intended to be, comprehensive school reform. Neither is this legislation intended to be school-to-work or expansion of the School-to-Work Act. School-to-work is a separate freestanding act.

Seventy-five percent of our Nation's youth do not receive a 4-year college degree. It is imperative that our youth receive a high quality education whether they are bound for college, the military, further education or training or directly into the work force.

Too many high school graduates are functionally illiterate—unprepared to meet the needs of the next century. I believe this bill—which focuses on strengthening the academics of vocational-technical education—will work toward eradicating this problem. According to a witness who testified before my subcommittee on the legislation, functional illiteracy costs U.S. business $300 billion annually.

Our Nation's youth deserve a quality education—whether they pursue a vocational-technical course of study or college prep. We should have high expectations of our students.

Education is the key to our Nation's future economic prosperity and the cornerstone of equal opportunity in American society. It is my hope that this legislation broadens the opportunities for vocational-technical students after high school. We held a hearing at Thomas Jefferson High School for Science and Technology in Fairfax, VA and were told by northern Virginia business leaders that 18,000 jobs are currently unfilled in northern Virginia because individuals do not have the skills to fill them. the average salary for these jobs is over $45,000.

If we are going to ensure that America meets the next century as a world leader, we need to focus on making sure our citizens have the technological skills to compete. I want to eliminate the functional illiteracy that permeates our work force.

It is my intent with this legislation that we do not leave behind the 75 percent of students who do not receive a 4-year college degree. I truly think it is time that we stop telling 75 percent of our country they are not good people because they do not have a baccalaureate degree.

This bill would also send 90 percent of funds to the local level. If we are going to see true change in vocational-technical education, it is not going to come from the Federal level. It is going to come from the local level—from the teachers who are in the classroom making a difference.

I have been working very closely with the ranking member of the subcommittee, MARTY MARTINEZ, and hope that he will support the bill and that we can have a bipartisan bill with a broad base of support.

Concerns have been raised regarding the authorization level of the bill—that the number is too low. The 1990 amendments reauthorized the program at $1.6 billion—a number that was never reached. Current appropriation amounts for vocational-technical programs are a little over $1 billion. I believe we should authorize more closely to actual appropriations amounts. Some have suggested using such sums for an authorization amount. While I support this idea, I have been told that the Congressional Budget Office for scoring purposes recommends an actual dollar figure.

INTRODUCTION OF THE LOCAL TELEVISION COMPETITION AND DIVERSITY ACT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. STEARNS. Mr. Speaker, I rise today to offer a substantive piece of legislation regarding the duopoly rules of broadcast ownership under the current law.

In the historic Telecommunications Act that was introduced in 1995, the Commerce Committee of the House of Representatives included provisions in its version of the act that would have allowed ownership of two broadcast stations in a local market. The members of the House Commerce Committee who supported duopoly reform believed that allowing one person or entity to own two such stations would not have a negative effect on local communities, but would in fact promote programming diversity and would strengthen local broadcast owners who could not operate their businesses in a way that provided the best programming services to their local communities.

Unfortunately, our efforts were not agreed to by our Senate colleagues and the duopoly provisions were not a part of the final conference report to the Telecommunications Act, which was signed into law by President Clinton in 1996.

In order to rectify this situation, I have introduced this legislation to provide for real duopoly reform. The heart of the legislation would allow a person or company to own two stations in a local market, but one would have to be a UHF station. Therefore, such an entity could own two UHF stations or a VHF–UHF combination. Notwithstanding, however, the FCC still would have an override of that duopoly condition if they significantly harm diversity in their opinion.

This bill also would allow the FCC, under unusual and compelling circumstance, to allow a person or company to own two VHF stations. Relaxation of the duopoly rule will mean more local programming in the market, more news, more sports, and more children's programming. This change is necessary to ensure that free, over-the-air television continues in a multichannel world.

The communications marketplace today is vastly different than when the television local ownership rule was last examined in 1964. Since that time, there has been a substantial increase in the number of broadcast television stations and phenomenal growth in other video technology and outlets, including cable, DBS, wireless cable, and Internet broadcast. There are now more voices in every market, and more competition for viewers and advertising dollars with these additional players. The competition for advertising dollars has been particularly formidable as cable systems increasingly cluster themselves over entire local markets, thus enabling them to offer advertisers the same buy as local broadcasters.

The sheer abundance of media outlets now available to consumers ensures that a relaxation of the duopoly rule to permit UHF–UHF and UHF–VHF combinations poses no threat to diversity and competition. Indeed, a revision of the duopoly rule will help preserve diversity and competition in local broadcasting markets.

Whether it is providing critical emergency information, as in the case of the recent North Dakota floods, or covering local sports teams, or reporting the local news, local stations serve a unique and vital role in their communities, all at no cost to the viewing public. But local programming is very expensive to produce. Duopoly rule revision will give stations flexibility to pool resources and provide more quality programs for their communities. At the same time, wireless broadcasters and Internet providers will still be competing with these broadcasters for consumers.

I strongly believe that this is good legislation, especially in light of the dramatic ownership changes already taking place in the field of telecommunications. Considering the Bell Atlantic–NYNEX merger, the MCI–BT announced merger, and the proposed AT&T–SBC merger, we are seeing clear consolidation in telephony. There is also multichannel ownership in cable services and cross-cable services, such as Viacom owning MTV, Nickelodeon, and other stations, as well as ABC owning 80 percent of ESPN.

The banning of ownership of two local broadcast stations is a glaring deficiency and unfair result of the Telecommunications Act. The multiple current instances in the industry of Local Marketing Agreements [LMA's], which allows two local broadcast stations to combine efforts and financial relationships in order to

improve their stations' programming ability, reflect that such duopoly ownership could actually promote diversity in programming, as well as saving numerous local stations from bankruptcy enhancing the limited financial resources of many stations.

I am proud to sponsor this legislation and I look forward to the Federal Communications Commission supporting my legislation on duopoly reform through its forthcoming rulemaking on this issue.

SUPPORT WWII ALLIED AIRMEN HELD AS POLITICAL PRISONERS

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. WELDON of Florida. Mr. Speaker, 52 years is a long time to wait, but the Federal Government should finally recognize the bravery and sacrifice of a group of World War II airmen who were held as German political prisoners. These airmen were different from other Allied prisoners because they were held at Buchenwald, a Nazi concentration camp—and therefore not subject to the protections of the Geneva Convention.

Today I am submitting a bill that would give these airmen their long-overdue recognition, and I am proud to say that it has already garnered the bipartisan support of 21 of our House colleagues. Representative PETER DEUTSCH assisted me in this important effort, and I thank him for his early support of this bill. An identical bill will be introduced this week by Senators TIM HUTCHINSON and JOSEPH LIEBERMAN.

The Nazi concentration camps will forever occupy a ignominious place in our human history, and we have long recognized the bravery and daring of many prisoners who fought their Nazi oppressors and struggled to win political and religious freedom. But tragically, the United States has never formally recognized the service, sacrifice, and bravery of these American airmen while they were held as political prisoners at the Buchenwald Concentration Camp.

My bill, which is endorsed by the American Ex-Prisoners of War and the Veterans of Foreign Wars, would recognize these 82 American airmen and ask that the President issue a proclamation commending them, by name, for their service. I have also included a list of these airmen, by name, that I would ask be inserted in the CONGRESSIONAL RECORD.

I encourage all of my colleagues to join us in support of this important measure, so that those veterans still living, and the families and friends of those who have passed on, can fully realize the public recognition these brave men so surely deserve.

LIST OF WWII AMERICAN AIRMEN HELD AT BUCHENWALD CONCENTRATION CAMP

NOT LOCATED

Freeman, E.C.
Hanson, J.T.
Horrigan, R.J.
Scharf, B.T.
Scott, G.W.

DECEASED

Alexander, William
Beck, Levit C.
Crouch, M.E.
Duncan, James H.
Heimerman, L.A.
MacLenahan, J.H.
Mauk, W.E.
Pecus, Steve
Pennel, Sam
Smith, J.W.
Vance, Ira E.
Wilson, P.J.
Zeiser, J.
Chapman, Park
Suddock, D.E.
Horwege, G.L.
Edge, W.L.

STILL LIVING

Bauder, W.F.
Bedford, R.L.
Bowen, C.E.
Brown, R.H.
Carr, F.W.
Chalot, J.A.
Chessir, D.
Coats, B.A.
Cowan, F.K.
Coffman, J.D.
Dauteul, D.F.
Denaro, Joe
Fore, J.W.
Hastin, J.D.
Hilding, R.D.
Hunter, H.F.
Johnson, R.T.
King, Myles A.
Larson, M.E.
Little, B.S.
Ludwig, E.F.
McLaughlin, D.G.
Mitchell, G.E.
Moser, J.F.
Pacha, A.M.
Paxton, S.K.
Powell, W.
Raynolds, N.L.
Richey, G.T. Sr.
Ritter, E.W.
Roberson, C.W.
Ryherd, W.H.
Shearer, D.R.
Straulka, P.A. Jr.
Sypher, L.H.
Thompson, W.A.
Vratney, Frank
Watson, J.P.
Ward, Robert
Williams, W.J.
Zander, A.E.
Phelps, B.F.
Pelletier, A.J.
Friel, Edward J.
Petrich, M.R.

ON CONDEMNING PALESTINIAN DEATH PENALTY FOR LAND SALES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. DINGELL. Mr. Speaker, today the House agreed to an amendment to H.R. 1757, the Foreign Policy Act, which condemns the use by the Palestinian Authority of the death penalty for any Palestinian who sells land to a Jew.

Indeed, the statements cited in the resolution offered by the gentleman from New York [Mr. PAXON] cause great concern because those statements support a violent, divisive, and foolish policy which is based in prejudice and hatred. To condone, or worse yet promote, the execution of citizens for the sale of property to Israelis is wrong, and I support this body's assertion that this policy should be condemned.

I am troubled, however, Mr. Speaker, by the tone of the amendment offered by the gentleman from New York, as well as by the accusations that this behavior represents a unique and unilateral breach of the Oslo accords. Most knowledgeable individuals and observers understand that the breakdown of the Middle East peace talks plays prominently in the background of policies on all sides which have stymied constructive peace negotiations.

Both Israel and the Palestinian Authority have undertaken activities which have led to charges that each side has violated the peace agreements signed on the South Lawn in 1993. Following the recent insistence by Israel that construction of settlements in Har Homa must go forward, there has been a break in the peace talks which has greatly concerned our Government. Secretary of State Albright has concluded that a trip to the region makes little sense until Israel and the Palestinians do more on their own to break the impasse and resume a constructive dialog.

Given these many problems, Mr. Speaker, I must express my reservations with the parts of the amendment offered by the gentleman from New York which imply that only the Palestinian Authority must resume a responsible course. For when it comes time for the President to assure that the Palestinian Authority is meeting its commitments to Israel, will anyone be mindful of the commitments made by Israel to the Palestinians?

CLARIFYING THE TAX TREATMENT OF AVIATION MAINTENANCE COSTS—PREVENTING COST INCREASES OF AVIATION SAFETY

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. COLLINS. Mr. Speaker, today I rise to introduce legislation that will clarify in the Internal Revenue Code what has historically been and should continue to be the tax treatment of expenses attributable to certain FAA-mandated aviation industry maintenance checks.

The IRS has attempted to change the historical tax treatment of certain aviation maintenance expenses by denying the industry's ability to deduct those that arise from ordinary and necessary maintenance and repair of aircraft. Instead, the IRS is requiring that these maintenance costs be treated as nondeductible capital improvements. Previously I joined with several of my colleagues and asked Secretary Robert Rubin to reverse the agency's position. Although I was assured the issue would be studied and I would receive a response, to date I have received no reply.

I strongly support a clarification of the tax treatment of these maintenance expenses so the aviation industry may continue to deduct these expenses. Doing so is important in order to prevent increasing the costs of aviation safety.

I strongly encourage my colleagues to join this effort by cosponsoring this legislation.

MFN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. GILMAN. Mr. Speaker, today, I received a copy of an excellent paper from Frank Gaffney with the William J. Casey Institute of the Center for Security Policy. The paper makes the excellent point that: "While MFN is a blunt instrument * * * it is also the only measure currently on the table that is remotely proportionate to the magnitude of the danger Beijing is creating, to a considerable degree

with resources it is garnering from trade with the United States."

I ask that my colleagues read the paper and request that the full text be printed at this point in the RECORD:

NON-RENEWAL OF MFN FOR CHINA: A PROPORTIONATE RESPONSE TO BEIJING'S EMERGING, TRADE-SUBSIDIZED STRATEGIC THREAT

WASHINGTON, DC.—Congress is expected shortly to consider President Clinton's proposal to renew for an additional year China's Most Favored Nation (MFN) status. While there are many compelling reasons for opposing such a renewal, the William J. Casey Institute of the Center for Security Policy believes that there is one overarching factor that demands this step: Communist China is utilizing much of the huge trade surplus that it enjoys thanks to this privileged trading status to mount a strategic threat to the United States and its vital interests in Asia, the Middle East and beyond.

While MFN is a blunt instrument—affecting, if it is denied, millions of innocent Chinese workers, the economy of Hong Kong, U.S. jobs associated with exports to and imports from China, etc.—it is also the only measure currently on the table that is remotely proportionate to the magnitude of the danger Beijing is creating, to a considerable degree with resources it is garnering from trade with the United States.

CHINA'S OFFENSIVE STRATEGY

In the Summer 1994 edition of Orbis, Ross H. Munro reported that, in 1993, the West was afforded "an unprecedented—and at times disturbing—inside look at how important elements in China's armed forces view neighboring countries as well as the United States." This insight was obtained when a Western diplomat serendipitously obtained a copy of a book entitled "Can China's Armed Forces Win the Next War?" that had been published by the People's Liberation Army (PLA) for internal consumption only.

According to Munro, this book provided "virtual confirmation of reports . . . that the Chinese leadership in general and the senior Chinese officer corps in particular view the United States as China's principal adversary now and for decades to come." This view has become even more entrenched during the intervening years. As Munro and co-author Richard Bernstein put it in their own, critically acclaimed book published earlier this year, "The Coming Conflict with China."

"China's harsh rhetoric and incidents like [a dangerous U.S.-Chinese naval encounter in October 1994] in the Yellow Sea are not so much temporary responses to a temporary situation but products of a fundamental change in the Chinese attitude toward the United States. The use of the words 'hegemonism,' 'subversion' and 'interference' with regard to the United States signals a change in China's strategic thinking. Before, Beijing saw American power as a strategic advantage for the PRC; now, it has decided that American power represents a threat, not just to China's security but to China's plans to grow stronger and to play a paramount role in the affairs of Asia.

"China, in short, has determined that the United States—despite the trade, the diplomatic contacts, the technology transfers, the numerous McDonald's and Kentucky Fried Chickens open in the People's Republic, despite even the limited amount of cooperation that still existed between the two countries—is its chief global rival."

The enormous impetus behind China's determined effort to acquire a modern military capable of decisively projecting power derives from this zero-sum view of the U.S.-PRC relationship.[1] The Chinese leadership believes, after all, that it must be able not only to dominate the nations of East Asia and the South China Sea. It sees China as having to exercise control over the Pacific out to what the Chinese call "the second island chain" (i.e., the Philippines, Japan and even the U.S. territory of Guam).[2] The larger purpose appears to be even more ambitious: to render the United States incapable of exercising influence in Asia that would compete with, let alone counter, Chinese hegemony in the region.

IMPLEMENTING THE STRATEGY

The Chinese are pursuing a multifaceted campaign to accomplish these strategic objectives. The following are among the means the PRC is pursuing toward such ominous ends:

Strategic Force Modernization: The Washington Times recently reported that China is expected to begin deploying by the year 2000 an advanced intercontinental-range ballistic missile, designated the Dong Feng-31 (DF-31). This missile will give Beijing the ability to deliver nuclear warheads with great accuracy throughout the Pacific and parts of the western United States.

The DF-31 reportedly is benefitting from SS-18, SS-25 and Topol-M ICBM technology China is obtaining from Russia and/or Ukraine. Its lethality—and that of other Chinese strategic forces—will be greatly enhanced by supercomputers the United States has provided to Beijing's military-industrial complex.[3] And the DF-31 is expected to be fielded on a mobile transporter-erector-launcher derived from Russian technology supplied by Belarus. The survivability afforded by this MAZ launcher, together with advances in Chinese ballistic missile-launching submarines capable of firing the DF-31, suggests that Beijing is intent on acquiring a formidable strategic nuclear capability that cannot be preemptively destroyed and that will be capable of holding American cities and other targets credibly at risk.

A foretaste of the use to which China may be willing to put such a capability can be seen in a report published on the front-page of the New York Times on 24 January 1996. It described how a senior Chinese official had signaled Beijing's willingness to engage in "nuclear blackmail" against the United States by suggesting that American interference in China's coercion of Taiwan could result in an attack on Los Angeles. In the absence of any deployed U.S. ability to intercept a Chinese ballistic missile launched at Los Angeles—or any other target in the United States—such threats may well have the desired effect.

Build-up of Other Aspects of China's Military: Beijing is also pouring billions of dollars into what might be called a "Great Leap Forward" for other elements of the People's Liberation Army, notably its power-projection capabilities (long-range aircraft, bluewater naval units, precision-guided munitions and unconventional weapons). Such capabilities pose, most immediately, a danger that China will be able to control transit of the South China Sea and access to its energy and other strategic resources.[4]

China's drive to modernize the non-nuclear elements of its military is also benefitting hugely from imported technology. Thanks to advanced machine tools, computer-aided design capabilities, composite materials, chip-manufacturing technology and the other foreign dual-use technology like—whether acquired legally or illegally—together with its purchase of full-up military hardware or components,[5] Beijing is now obtaining new generations of highly competitive jet fighters, cruise missiles, attack submarines and armored vehicles. The threat posed by such weaponry will not arise from China alone; given past Chinese practices, such equipment will shortly be available for purchase by rogue states from Iran to North Korea.

Espionage: The illegal acquisition of U.S. technology—especially that of the dual-use variety—is a priority assignment for the hundreds of People's Liberation Army-owned or -affiliated front companies operating in the United States.[6] Together with large numbers of intelligence operatives, 40,000 graduate and undergraduate students and Overseas Chinese entrepreneurs doing business in this country or with its companies,[7] America faces a literally unprecedented risk of penetration and espionage and, consequently, an immense counter-intelligence challenge. In his new book about economic espionage, "War by Other Means," John Fialka declares that China's prime intelligence agency, the Ministry of State Security, has "flooded the United States with spies, sending in far more than the Russians even at the height of the KGB's phenomenal campaign."

Not least is the danger that China's penetration of the computer and telecommunications industries will translate into a sophisticated, if not unique, Chinese capability to wage information warfare (IW) against the United States. This capability is especially sinister since the vulnerability of America's computer infrastructure to IW attacks offers Beijing a means to inflict grave harm on the U.S. economic and national security in a way that may enable the attacker to avoid detection, responsibility and retaliation.

Arming U.S. Gangs and Drug Lords: China has been caught shipping AK-47s and other lethal firepower to criminal elements in this country with the potential to sow mayhem in American society. PLA-affiliated companies have offered to sell undercover U.S. law enforcement officers posing as drug lords not only automatic weapons—whose lethal effects were evident when the streets of Los Angeles were turned into a war zone by bank robbers wielding AK-47s manufactured by the Chinese firm Norinco[8]—but rocket-propelled grenade launchers, light armored vehicles and shoulder-fired surface-to-air missiles.

China is also believed to be active in supplying narcotics from Southeast Asia to the U.S. market. Its merchant marine—the Chinese Ocean Shipping Company (COSCO)—has been implicated in smuggling drugs as well as guns and other contraband into the United States. President Clinton has nonetheless personally intervened no fewer than three times on COSCO's behalf in connection with the effort this arm of the PLA has been making to take over the U.S. Navy's vast Long Beach Naval Base. This is all the more extraordinary since, according to a senior Soviet military intelligence officer who defected to the United States, China is likely collaborating with Russia in utilizing COSCO assets and facilities for signals intelligence and other espionage activities, pursuant to the two nations' bilateral intelligence cooperation agreement of 1992.

Financial Penetration: Since 1988, China has issued some eighty bonds on the U.S. and Western securities markets. While the bulk of these have been yen-denominated bonds, the total amount of dollar-denominated Chinese bonds (primarily issued in the U.S. market) has now reached at least $6.7 billion.

This preferred borrowing venue provides major Chinese state-owned enterprises and banks intimately connected with the PLA and Beijing's security services with access to large sums of undisciplined, unconditioned and inexpensive cash. This money can be easily diverted to finance activities inimical to U.S. security interests—not to mention American principles and values. Worse yet, in the process, Beijing is successfully recruiting numerous politically influential constituencies in this country that will have a financial vested interest in ensuring that China is not subject to future U.S. economic sanctions, containment strategies or other forms of isolation and/or penalties.

A sense of the implications of such financial operations can be gleaned from the case of one of the conglomerate's run by Wang Jun, the arms dealing Chinese "princling" who was invited to attend a Democratic fund-raising coffee klatch at the Clinton White House last year. The Chinese International Trade and Investment Corporation (CITIC) has, thus far, floated $800 million in dollar-denominated bonds—financial instruments that are now in the portfolios of U.S. pension funds, securities firms, insurance companies and other prominent players in the American investor community.

While the full dimensions of China's efforts to utilize the political access afforded by its financial and other business operations in the United States are, at this writing, far from clear—and currently the subject of intensive congressional and Justice Department investigations, one thing is certain: Beijing has had a keen interest in shaping U.S. policy in various ways, notably by: gaining access to supercomputer and other militarily relevant technology; preventing the exploitation of American deposits of "clean" coal; facilitating the sale of securities in the American market—to say nothing of discouraging close U.S. ties with Taiwan, etc. It adds insult to injury that Chinese efforts to suborn or otherwise influence this country's elected leaders must have been underwritten, at least in part, by the proceeds of undisciplined bond sales to American companies and citizens.

Proliferation: Beijing has, for years, been aggressively and irresponsibly facilitating the spread of weapons of mass destruction (WMD) and other deadly ordinance to rogue states capable of using them against U.S. personnel, interests and/or allies. Worse yet, it seems safe to assume that open source data concerning China's proliferation activities are but the tip of the iceberg. If so, the picture that emerges is one of a nation systematically seeding the Middle East, Persian Gulf and South Asia with chemical, biological and nuclear weapons technology—together with ballistic and cruise missiles with which such arms can be delivered over increasingly long ranges.

This danger is only increased by the prospect that the Peoples Republic of China regards these transactions as more than simply a valuable means of generating hard currency, securing energy supplies and garnering influence around the world. If Beijing is also using proliferation as an integral part of a campaign to diminish U.S. presence and influence in the Western Pacific, the possibility that its clients might use Chinese-supplied arms to precipitate conflict in regions far removed from Asia could seen as desirable by the Chinese leadership. After all, it would almost certainly preoccupy the United States—substantially tying down and drawing down its military, political and strategic resources.

A PRESCRIPTION FOR U.S. POLICY TOWARD CHINA

The United States can no longer indulge in the delusion served up by some of Beijing's paid advocates—namely, that it is up to America whether China will become an enemy. In fact, their writings for internal consumption, their policies and programs make it clear that the Chinese leadership decided to view the U.S. in that way years ago.

The available evidence suggests that it is foolish to discount the implications of China's strategy for U.S. security out of some confidence that Western capitalism's "engagement" with Beijing will ensure that the PRC is transformed, over time, into a benign international power. Americans' ironic embrace of this variation on the Marxist concept of economic determinism not only disregards the practical effects of such "engagement" to date; it also overlooks the dangers that are likely to arise in the interim.

Accordingly, while the United States would prefer to avoid confronting China, it has no responsible choice under present and foreseeable circumstances but to stop engaging in activities that are having the effect of making it yet more difficult and more dangerous to challenge the PRC. The William J. Casey Institute of the Center for Security Policy believes that the place to start is by non-renewal of MFN for China.

This action should be complemented, however, by a number of other, critically important initiatives. These include:

Denying PLA-front companies and other inappropriate Chinese borrowing entities the opportunity to sell bonds in the U.S. market. This step can be taken in a non-disruptive fashion (e.g., by creating a security-minded screening mechanism for these prospective bond issuers) without fear of jeopardizing U.S. exports, jobs or "people-to-people" contacts unaffected by such transactions.

Blocking Chinese access to strategic facilities (in the U.S. and elsewhere, notably at the eastern and western ends of the Panama Canal).

Prohibiting the sale of American military production facilities and equipment to China.

Terminating the "anything goes" policy with respect to the export of dual-use technology to Chinese end-users. In the interest of obtaining maximum pressure for change in China, U.S. allies should be offered the same choice they are currently given under the D'Amato legislation on Iran and Libya (i.e., foreign companies and nationals must decide whether to export militarily-sensitive equipment and technology to China or risk losing their unfettered access to the American marketplace).

Increasing significantly the resources dedicated to uncovering and thwarting Chinese espionage, technology theft and influence operations in the United States. And

Intensifying efforts to provide truthful information and encouragement to those resisting communist repression (including greatly expanding the operations of Radio Free Asia; enforcing the existing bans on the importation of slave labor-produced goods; imposing penalties for religious intolerance, etc.) After all, how a nation treats its own people is a good indicator of how it is likely to deal with those of other states.

This step can help make clear that the United States is not an enemy of the Chinese people, but that it steadfastly opposes the totalitarian government that brutally rules them. It can also help undercut the nationalist xenophobia that the Chinese leadership promotes in its bid to retain power.

THE BOTTOM LINE

The Casey Institute is under no illusion that the tremendous course-correction entailed in such steps will be easily taken by either the U.S. executive or legislative branches. Still, the nature of the threat posed by China is in key respects of a greater magnitude and vastly greater complexity than that mounted by the Soviet Union at the height of the Cold War. It behooves the United States correctly to perceive this danger and respond appropriately before it becomes any harder to do so.

FOOTNOTES

[1]According to a front-page article in the 19-25 May 1997 issue of Defense News; the Pentagon has just released a study entitled "Chinese Views of Future Warfare," that draws on Chinese writings to document "Beijing's doctrinal shift from a low-technology, personnel-intensive people's war to high-technology regional warfare based on information deterrence and possible first-strikes."

[2]China evidently concluded after Operation Desert Storm that the traditional strategy of defending its homeland by retreating into the hinterlands and waging "people's war" could not assure victory against a modern military force like that of the United States. Consequently, the PRC had to adopt a forward defense—geared toward denying the U.S. the in-theater bases, logistical facilities and staging points that were decisive to the Gulf War's outcome.

[3]According to the New York Times of 28 May 1997, the United States has sold 46 supercomputers to China over the last 18 months, "giving the Chinese possibly more supercomputing capacity than the entire Department of Defense." Matters are made worse by former Secretary of Defense William Perry's decision to redefine what a "supercomputer" is: Where in 1992, the standard was arbitrarily increased from 195 MTOPS (million theoretical operations per second) to 10,000 MTOPS. As a result, many extremely powerful machines that fall below the new definition of supercomputer have also been made available for export to China.

[4]For a frightening illustration of the implications of such a development, see Dragonstrike: The Millennial War by the respected British journalists, Humphrey Hawkins and Simon Holberston.

[5]Two articles documenting China's acquisition of militarily relevant technology from the United States and other Western nations are: a front-page Wall Street Journal article by Robert S. Greenberger which appeared on 21 October 1996 and was entitled "Let's Make a Deal—Chinese Find Bargains in Defense Equipment as Firms Unload Assets"; and "Unilateral Armament—Until China's Position in the World is Better Defined, Western Countries Should Stop Selling Arms to Beijing," by Richard Fisher, Jr. which appeared in the 2 June 1997 edition of National Review.

[6]Insight Magazine's Tim Maier cites Wall Street Journal reporter John Fialka as estimating that "about 450 Chinese companies are under federal investigation for economic espionage in the United States," See "PLA Espionage Means Business," 24 March 1997, pp. 8-14.

[7]According to Randolph Quon, an investment banker who formerly worked closely with the Chinese leadership, 150 prominent overseas Chinese families—including the Riadys of Indonesia—represent enormously important economic and strategic assets to the PRC's leadership. Their huge net worth (measured by some observers to be in the trillions of dollars), their influence in their respective countries and their ability to serve as indigenous surrogates, if not as "Fifth Columns," for Beijing enormously complicates the task of responding to China's predations.

[8]According to the London Sunday Times of 6 April 1997, "Norinco [is] a huge state-run arms manufacturing conglomerate, which answers to the State Council, China's cabinet. Norinco has been implicated in the supply to Iran of strategic materials that could help the Islamic regime develop weapons of mass destruction. Its ultimate boss is Li Peng, China's prime minister."

TRIBUTE TO WILLIAM H. OLIVER, AN OUTSTANDING, UPSTANDING AND UNDERSTANDING MAN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. PAYNE. Mr. Speaker, Thursday will mark a milestone in the life of one of my outstanding, upstanding, and understanding constituents. This exceptional person is William H. Oliver. Mr. Oliver will celebrate his 85th birthday on June 12.

Mr. Oliver has lived in East Orange, NJ for 46 years. He is a native of Chase City, VA where he grew up. A true believer in the strength of family, Mr. Oliver has dedicated his life to raising and supporting a family that continues to grow in terms of number, scope, and purpose. Mr. Oliver's family reaches beyond his blood line and includes his church family and the community-at-large.

Mr. Oliver is a very active man. He is thankful for his good health and uses his energy and resources to better himself and the world around him. He is a deacon and the treasurer of his church, Messiah Baptist Church, East Orange. He has held these positions for more than 20 years. His church activities have also included being a member of the trustee board, the male chorus, and past chairman of the Flower Guild. His religion and the love and teachings of Jesus have helped to sustain and refresh him. He is also a Master Mason. His lodge, Jeptha 56, is very fortunate to have him involved in their activities.

When we become older our relationships with our children sometimes change, the provider/dependent roles are switched. That is not the case in Mr. Oliver's life. His two children, William H.L. and Gloria are both accomplished, caring, and committed individuals who serve the law enforcement community. His son is captain of investigators with the Essex County Prosecutor's Office and his daughter is lieutenant with the East Orange Police Department. They use their careers to truly serve, protect, and guide. What is wonderful about these two is their relationship with their dad. They proudly and constantly display their love and respect. It is not uncommon for them to seem like the boy and girl of their youth when it comes to their dad.

Captain Oliver can be seen raptly listening to advice from his experienced elder. Lt. Oliver can be overheard extolling the virtues of her dad and saying how fortunate she is to have him around.

Mr. Speaker, I am sure my colleagues will want to join me as I wish Mr. William H. Oliver a happy birthday and happy Father's Day. I would also like to extend best wishes to Mr. Oliver's descendents in this strong, stable, and viable family—son, William H.L.; daughter, Gloria; granddaughters, Shelly and Krystal, and their husbands, Oran and Vincent; and great-granddaughters, Kourtney and Madison; and the next great-grandchild to be born in December. May God continue to keep and bless each of you.

OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. LUCAS of Oklahoma. Mr. Speaker, today I introduce legislation to establish a national memorial in Oklahoma City by establishing the Oklahoma City National Memorial as a unit of the National Park System and to designate the Oklahoma City Memorial Trust. Few events in the past quarter century have rocked Americans perception of themselves and their institutions, and brought together the people of our Nation with greater intensity than the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in downtown Oklahoma City.

The results of the explosion resulted in the deaths of 168 people. Families and survivors struggled and continue to struggle with the suffering around them and with their own physical and emotional injuries which ultimately shaped their life beyond April 19. Although, these losses and struggles are personal, they resulted from a public attack and are shared with the community, the Nation, and the world. The response of Oklahoma's public servants and private citizens, and those throughout the Nation, remain as a testament to the sense of unity, compassion, heroism, that characterized the rescue and recovery following the bombing.

Due to the national and international impact and reaction, the Federal character of the site of the bombing, and the significant percentage of the victims and survivors who were Federal employees, the Oklahoma City Memorial will be established, designed, managed, and maintained to educate present and future generations, through a public-private partnership, to work together efficiently and respectfully in developing a national memorial relating to all aspects of the April 19, 1995, bombing in Oklahoma City. The character of Oklahomans continue to be on display in their asking the Federal Government for financial assistance on this project. Although the memorial will need approximately $24 million to be established, Oklahomans are asking that legislation establish the Oklahoma City National Memorial as a unit of the National Park System and authorize only $5 million in Federal funding.

In addition to the proposed Federal money, the Oklahoma City Memorial Foundation is seeking $5 million from the Oklahoma State Legislature and $14 million in private donations. The memorial will encompass the Murrah building site, Fifth Street between Robinson and Harvey, and the sites of the Water Resources and the Journal Record buildings. Both National Park Service and non-park service personnel will staff the grounds.

I ask that my colleagues join me in supporting such a worthy piece of legislation. It is the right thing to do.

TRIBUTE TO HANS CHRISTIAN ACKERMAN, RECIPIENT OF THE RHODES SCHOLARSHIP

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. BATEMAN. Mr. Speaker, I rise today to commend and congratulate Mr. Hans Christian Ackerman, a recipient of the prestigious Rhodes scholarship. Hans, a graduate of Menchville High School in Virginia's First District and a 1997 graduate of the College of William and Mary, is one of only 32 students nationwide to earn the much coveted scholarship in honor of philanthropist Cecil Rhodes.

As an interdisciplinary studies major and a member of Phi Beta Kappa, Hans specialized in molecular and cellular biology in college. The Rhodes scholarship will enable him to continue his research on infectious disease in Third World countries at Oxford University for the next 3 years.

Much of Hans' scientific curiosity and his dedication to health in underdeveloped countries was fostered by living with his family in Zaire for 7 years. As a child, Hans witnessed the ravages of rubella and malaria throughout the African populations and was disquieted by the inability to prevent such rampant disease.

Last summer, Hans returned to Africa for 7 weeks as a volunteer with the Kenya AIDS Non-Governmental Organizations Consortium. In Kenya, he spent his time as an AIDS educator and helped administer polio vaccinations.

As a result of his upbringing and his experiences, Hans intends to dedicate his life to preventive care medicine as a primary care provider in underdeveloped countries.

Hans' academic success an spirit of volunteerism are matched only by his achievements in the field of music. While at the College of William and Mary, he actively participated in the Gentlemen of the College a cappella group, the William and Mary Choir and the Early Music Ensemble.

Hans has demonstrated outstanding scholastic achievement, a dedication to the prevention of the spread of deadly disease, and a commitment to improving health care in underdeveloped countries. His variety of interests prove him to be a strong role model for any young American. In view of this young man's special achievements, a hope you will join me in congratulating Mr. Hans Christian Ackerman on being chosen as one of the America's Rhodes scholars.

CAPTAIN BODGIT GAVE THIS OWNER THRILL OF A LIFETIME

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. STEARNS. Mr. Speaker, a former colleague, Congressman Tom Evans has captured the essence of horseracing in America. I'm pleased to make this part of the RECORD because of its significance.

[From the Daily Racing Form, June 7, 1997]

CAPTAIN BODGIT GAVE THIS OWNER THRILL OF A LIFETIME

(By Thomas B. Evans Jr.)

"My Old Kentucky Home," so symbolic of all that the Kentucky Derby represents, was a song I had always loved to sing on many trips to Louisville the first Saturday in May. This year it was even more special, but I could only finish the first few lines. I'm sure it was in part because it's so unlikely that I would ever again have the chance to sing it as an owner, albeit only a small percentage one, of a wonderful horse like Captain Bodgit.

The shared excitement and joy felt by the many owners of Captain Bodgit was contagious and added to his increasing popularity and to the excitement of the moment. As I glanced at the tote board indicating the odds, the Captain was clearly the favorite of the majority at Churchill Downs as well. I was aware of the crowd, and through tears, also of the many people offering encouragement and good luck. However, my thoughts were of the sacrifice, the discipline and hard work that it took to get to the Kentucky Derby.

I thought of the young trainer. Gary Capuano, I was standing behind, and Captain Bodgit's grooms, and exercise rider. Sammy Davis, all of whom cared so much about Captain Bodgit. I thought of the passion with which the Captain approached his races and his workouts and the marvelous example that sets for everyone.

Years of going to the races and enjoying many great times at Derbys past could never prepare you for this incredible moment played out in two electrifying minutes in arguably the greatest classic in American sports. From my own perspective, the anxiety that accompanies political campaigning cannot compare with the anxiety you feel in the days, hours and minutes leading up to the Kentucky Derby.

I thought of so much in those few minutes before the race, including the marvelous support of racing fans, friends and family, and some of my former colleagues in Congress—all of whom I knew were rooting for Captain Bodgit. I thought of my mother and father and the many fun times we had at Delaware Park. As the starting gate opened, the exhilaration and rush of adrenalin I felt were almost beyond comparison.

The stirring stretch drives of the Captain and the courage he displayed along with Free House and Silver Charm will forever be etched in my mind. Taking nothing away from any of the other horses, and especially Silver Charm and Free House, I will always believe in my heart that our horse could have won both races with any degree of racing luck.

Being forced to change leads in the stretch robbed him of his momentum in the Derby, and still, he lost by only a head. Drawing a post position in the Preakness next to a very nervous and fractious horse did not help his start in that race. Starting from 13 lengths behind at Pimlico is difficult to make up, especially on a track that was not kind to closers.

All day long, the track favored speed; therefore Captain Bodgit's sensational close at the end to lose by only a neck was all the more remarkable. The courage he displayed in the last 70 yards of the Preakness was truly unbelievable, and without detracting from the superb talents of Silver Charm, Free House or Touch Gold, I believe the Belmont at a mile and a half was Captain Bodgit's race.

Sadly and unfortunately, we will never know. Out dreams were shattered when word came of Captain Bodgit's injury, which was probably caused by his all-out desire to win in Baltimore. Although the news was bad, I believe most all of us feel that we are indeed fortunate to have had such a marvelous experience.

Although I had dreamed of owning a horse in Kentucky Derby, I never thought it would happen. I will always be thankful of the thrill of owning even a small part of such a wonderful horse.

These great 3-year-olds produced sensational racing and thrilled millions on television. In the process, they have done a lot of thoroughbred racing, which adds so much to so many communities in the United States. From a purely practical standpoint, thoroughbred racing accounts for hundreds of thousands of jobs and hundreds of millions in revenue, not to mention the great enjoyment it brings to so many.

It is sad about Captain Bodgit's injury, but a friend and avid racegoer put it in perspective for me when he said, "Just think, Captain Bodgit will have a new girlfriend every day." I only hope that his offspring will be bred here in America. That way we can look forward to seeing young Captain Bodgit giving us some of the same thrills and displaying the same stamina and courage and the great Captain did for all too short a time.

FAMILY FARM AND SMALL BUSINESS ESTATE TAX RELIEF ACT OF 1997

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. ETHERIDGE. Mr. Speaker, today I am introducing legislation designed to help preserve and protect our Nation's most valuable assets: Families and Family-Owned Businesses.

Family-owned farms and small businesses are the backbone of my State and our Nation. They employ our people, generate economic growth and strengthen our communities. However, Uncle Sam has socked it to family-owned businesses over the years with increasing regulations and taxes. Families are finding it harder and harder to continue operating the family business.

One of the largest obstacles to staying in business for families is Federal estate taxes or death taxes. Before a family has even had the opportunity to properly mourn the passing of a loved one they must begin to face the task of settling the estate. Often a family must endure two deaths; the death of a loved one followed by the death of a business. With tax rates as high as 55 percent on assets in excess of $600,000, death taxes can sap the lifeblood out of a family-owned business and in many cases force the sale of the entire business to settle up with the IRS. Family farms and small businesses are frequently cash poor but rich in assets such as land and equipment. The current $600,000 exemption can often be eaten up in the increased value of land which often has no correlation to the income generating value of the business.

Small businesses and family farm make up 98 percent of all businesses in North Carolina and employ over 50 percent of all workers in North Carolina. The $600,000 exemption is too low and places a burden on some family-owned businesses so severe they cannot survive. People labor too long and hard throughout their lives to see the fruits of their work disappear into Uncle Sam's pockets.

That is why today I am introducing the Family Farm and Small Business Estate Tax Relief Act of 1997. This bill will raise the current exemption for family-owned farms and small businesses from $600,000 to $1.5 million. It will also index the exemption to inflation, something that should have been done a long time ago.

The current estate tax is an unfair double tax on assets generated through income that has already been taxed. It is a disincentive to saving, hard work and entrepreneurship. Current policy undermines everything that is great about America: family, ingenuity, hard work, and providing for the economic security of our children.

There are thousands of Americans across this country that play by the rules and work hard only to be faced with the prospect that their very success will saddle their children with a burden so great that it will force them to abandon the only livelihoods they have ever known.

According to the Congressional Research Service 70 percent of family owned businesses do not survive to the second generation and 87 percent do not survive to the third. This is wrong and it must stop. The Family Farm and Small Business Estate Tax Relief Act is good for our economy, is good for families and is good for America.

I would like to take this opportunity to thank the National Federation of Independent Business (NFIB) and the North Carolina Farm Bureau for their support of my legislation. NFIB and the NC Farm Bureau understand the importance of preserving family-owned businesses.

With the right policies we can strengthen and preserve the family owned business in America. I urge my colleagues to join me in support of this important legislation initiative.

ARMY BIRTHDAY TRIBUTE

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. McHUGH. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me in recognizing the birthday of the United States Army. June 14, 1997 marks the Army's 222 years of service to the United States of America.

For 222 years, our Army's purpose has been to fight and win our nation's wars. America's Army exists to give the nation decisive victory on the battlefield and wherever else the nation needs them. Decisive victory today means more than simply destroying the army of an opponent. It can take many forms: saving lives by producing and delivering clean water to Rwandan refugees, restoring democracy in Haiti, or keeping the peace in Bosnia. Whatever the mission, the nation turns to the

Army for help during crises, and the Army delivers success.

The key to the Army's success has been its willingness to change, to meet the world as it is, while remaining constant in its selfless service and its dedication to duty, honor and country. These are not mere words; they are codes by which the Army lives. General Douglas MacArthur, in 1961, summed it up best when he said, "Yours is the profession of arms, the will to win, the sure knowledge that in war there is no substitute for victory—and that if we fail, the nation will be destroyed."

But the world has changed, and it continues to change. For the Army, the 21st century began in 1989. Think about it. From 1950 to 1989, almost 40 years, the United States of America used its military 10 times. Since 1989, we have used our military 25 times, a 15-fold increase. Let's quickly review some of the major recent actions in which the U.S. Army played a critical role: in 1991, Operation Desert Storm in Southwest Asia and Provide Comfort in Turkey and Iraq; in 1992, relief efforts after Hurricane Andrew; in 1993, Restore Hope in Somalia; in 1994, fighting fires in the Western United States, Uphold Democracy in Haiti, and Support Hope in Rwanda; and in 1995 and 1996, Joint, Joint Endeavor and Joint Guard in Bosnia. Yes, during the past 7 years, the Army has done 70 to 80 percent of the heavy lifting, and they have done it for less than 24 percent of the budget given to the Department of Defense. The U.S. Army is indeed a cost-effective force.

The cold war may have been more dangerous, but today's geopolitical environment is more complex. We must deal with the crumbling of an empire—the breaking up nation-states around the world. We must deal with the possibility of proliferation of weapons of mass destruction—a sure knowledge that any nation with resources can buy instant terror. We must deal with uncertainty throughout the world—what's next, where are we headed? We must deal with the explosive release of religious and racial tensions that have lain dormant in the global village for more than 50 years. We must deal with difficult, emotional issues that have been covered up since World War II.

Television and the other electronic news media have taken us back to the future. How our soldiers deal with those tensions is played our for us at breakfast tables and in our living rooms almost instantaneously—24 hours a day, up close and personal.

It is the responsibility of our generation to sustain and pass on an Army that is as good as, or better than, the one we inherited. Today's Army has evolved into a full-spectrum force. It has shed the label describing it as a strictly threat-based force. We have evolved beyond that. We can reassure our friends and allies, and we can provide support to civilian authorities in times of domestic crisis. If necessary, we can compel and deter potential adversaries.

We've moved out on this exciting journey, and we have come a long way. We are bending metal and we are moving electrons across the battlefield. The term includes Army civilians, soldiers and members of industry working together to secure the future.

We are learning the tremendous potential of situational awareness and information dominance. It is very reassuring to know where all our friendly forces are 100 percent of the time, and to know where our enemy is as well. With that kind of intelligence, the Army can do things they've never done before on the battlefield. This will clearly allow the Army to maintain the edge. It clearly will allow this force to be the world's best Army.

We are in the execution mode of Army 21—the Army of the early 21st century—and changing in a fundamentally different way then ever before. We have information dominance.

The Army's Chief of Staff, General Dennis J. Reimer, has said "Army 21 is critical, but it is only an intermediate stop along our journey. The focus of our intellectual efforts has shifted to the 'Army After Next.' The Army After Next is our effort to look as deep as possible into the future, to look at what happens to the world in the 2025 time frame, to evaluate the geopolitics, the technologies, the human resources and war-fighting capabilities that will be available at that time. Army After Next is a totally different force, but we know a lot about it. We know we want to have greater lethality."

"Army After Next is the objective force," General Reimer said, "but the road to Army After Next goes through Army 21. We must insure that we develop the total force design—that we have the training package right, that we have the force structure right, that we validate the doctrine, and that we insure the technology is there so we can leverage the tremendous potential of this great informational dominance."

General Reimer caution us against the notion that new technology will automatically result in large-scale reductions to the size of the Army. Already since 1989, the active force in all the services has been cut by 700,000 people—about a third. The Army has taken its share of the cuts, but there is a limit to the downsizing we can sustain without losing mission readiness. It takes soldiers with the capability for long term commitment to separate warring parties . . . to reassure fearful civilians . . . to restore public order . . . to keep criminals from taking advantage of the vacuum in civil order . . . to deliver humanitarian assistance . . . to prevent and win the nation's wars. Such capabilities require boots on the ground. We must never forget that soldiers are the essence of the Army—always have been and always will be.

The Army is changing to meet the challenges of today, tomorrow and the 21st century. They must change if they are to remain relevant to the needs of the Nation. They must work smarter, and must be willing to take risks. Not to take risks is the greatest risk of all, because they will miss the window of opportunity to tap the tremendous potential that is there. Despite the ambiguity of future warfare and the many forms it may assume, the battlefield will always be a lonely, frightening and dangerous place. Only soldiers of character and courage, trained to a razor's edge—ably led, superbly equipped and in sufficient numbers—will survive there and win tomorrow as they have in the past.

Yes, the Army is changing to meet the challenges of today, tomorrow and the 21st century. This past year, the soldiers bore out that fact very well:

They concluded operations in Haiti, giving that country an opportunity for democracy.

After years of devastation in Bosnia, we finally deployed our soldiers there. To a war-torn country, those soldiers brought hope and more than a year without war. They also showed the world that the United States means business when it places its soldiers on the ground.

Time and time again, the spirit of our soldiers came through in so many ways. One shining example is the bridge we built across the Sava River. Not only was it the longest pontoon bridge since World War II—620 meters long—but they also put it in under the most difficult conditions. They had sleet. They had rain. They had snow. They had freezing cold. They had mud up to their ankles and they had a hundred-year high-water mark. But our soldiers wouldn't be beaten. They put in the bridge. They put it in on schedule so our forces could successfully enter Bosnia. A tremendous accomplishment and a tremendous tribute. It was not only a tribute to technology but, more important, to our soldiers and their indomitable spirit.

The evacuation of Liberia, Operation Assured Response, involved 300 soldiers—special forces, infantry and signal units. They were called upon to assist with the evacuation of American citizens from Monrovia. Most of those soldiers had just returned from Bosnia. They hadn't even turned in their cold-weather gear when we deployed them into the heat of Liberia to evacuate American citizens. They had no time to prepare, but they performed magnificently. They secured all the American citizens and brought them back safe. They did it without casualties—a flawless mission.

The Military Observer Mission Ecuador and Peru takes place on the border between Ecuador and Peru—a contested border area. Fewer than 60 of our soldiers stand guard down there. They're holding together that critical point of the world and they're doing a magnificent job—just a handful of American soldiers.

Probably the world's most visible event took place in Atlanta at the Summer Olympics of 1996. Again, American soldiers—primarily Army National Guard soldiers assisted by U.S. Army Reserve and active-component soldiers—provided security to the events. They insured that the athletes got to the right place. They insured that officials got to the right place. They earned the accolades of a grateful world.

Task Force Vanguard consisted of active- and reserve-component soldiers sent to fight forest fires in the Northwest United States. It's a tough mission, but they are good at it, and their civilian counterparts admired them for their organization ability, their discipline, and the physical ability and endurance they brought to the task.

Last year, we carried out Operation Desert Strike. Smart weapons from airplanes and ships could not deter Saddam Hussein, so—in the short span of 96 hours—the U.S. Army deployed over 3,500 soldiers—a brigade from the 1st Cavalry Division, two Patriot missile batteries, and other soldiers—to Kuwait. Saddam Hussein got the message, and the world found out what it meant when we talk about "power projection". Yes, we clearly showed last year that we are a full-spectrum force—a force of decision—a force based on capabilities. We're building and maintain the right

force for the times, and we'll keep it honed to a razor's edge. We can't help feeling at least a tinge of regret that the colors of so many proud Army units had to be furled and cased. Fortunately, size by itself is not the most important thing, and America can still take pride in having the world's best army. What they lack in quantity, the more than make up in quality. Know this, they accept the sacrifices that make them better able to fulfill the motto on the Army seal: "This We'll Defend.".

The building of a force better able to defend American freedom is an Army birthday present all of us deserve and should be delighted to receive. This we'll defend—this land, this Nation, this flag that must never be furled and cased.

In closing, let us all reflect for a moment that June 14, 1997, is Flag Day as well as the Army's birthday. Like our Army, the American flag grew out of revolution. And like our Army, the design of our flag—Old Glory—has evolved over the years since 1777. The liberty is stands for, however, remains constant. So does the Army's vigil to protect that liberty, because, in the words of General Eisenhower, "A soldier's pack is not so heavy a burden as a prisoner's chains."

Since 1775, more than 42 million Americans, in times of crisis as well as times of peace, have raised their right hands to take an oath, making America's Army what it is: the premier fighting force in the world and a values-based institution closely bound to the Nation and the Nation's people. They have taken that oath not to a king, and not to a flag alone, but to the ideals our flag represents.

Yesterday the Army was ready, from Lexington and Concord to Gettysburg, and from Normandy to Bosnia. Today they are ready to fight and win the Nation's wars, and to keep the peace or provide humanitarian relief around the globe. Tomorrow, too, they will be ready. Wherever the time, wherever the mission, whatever the challenge, American can count on its Army.

A TRIBUTE TO HELEN WHISTLER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SHERMAN Mr. Speaker, I rise today to honor excellence in service to the Girl Scouts of America and recognize Helen Whistler as the San Fernando Valley Girl Scout Council Woman of the Year.

Girl Scouting is very important throughout our community and our Nation. The Girl Scout's basic promise "To serve God and my country, To help people at all times" is no simple task. But each day women like Helen Whistler go out into the community and spread the Girl Scout promise.

The San Fernando Valley Girl Scout Council Woman of the Year Award is given to honor outstanding efforts in providing Girl Scouting throughout the San Fernando Valley. Their mission "to serve girls in a diverse environment by inspiring them to reach their full potential" can only be realized if someone makes an effort to attract and organize these young women.

Fortunately, there are women like Helen Whistler who excel in promoting the Girl Scout mission. Helen has worked tirelessly to bring Girl Scouting to every girl of our community. She has gathered and analyzed enormous amounts of data that have enabled the council to develop plans which would better serve our women of tomorrow. Helen's research is pivotal to the success of the San Fernando Valley Girl Scout Council.

In addition to providing an extraordinary amount of time to this research, Helen serves as the 3d vice president and secretary of the Board of Directors and on the Executive Committee. Her dedication to the Girl Scout community is greatly appreciated.

I join Helen's family, friends, the San Fernando Girl Scout Council and the women in our community in honoring Helen Whistler as Woman of the Year.

EMPLOYMENT NON-DISCRIMINATION ACT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. GEPHARDT. Mr. Speaker, today, I am proud to be among 150 of my colleagues in the House of Representatives who have joined to introduce the Employment Non-Discrimination Act [ENDA] of 1997. This legislation will extend to gay and lesbian Americans the same employment protections guaranteed to all other Americans without creating special rights or quotas.

It is intolerable that in 39 States hard working women and men can be fired or turned down for a job just because of their sexual orientation. No woman should have to worry about receiving a pink slip because she is gay. No man should be denied a position or a promotion simply because he is gay.

America is blessed with a diverse people and America works best when everyone is allowed to contribute to his or her fullest potential. As a nation, we take pride in our sense of fairness, and in fairness to all Americans it is time to put an end to all forms of employment discrimination. The time has come for the Congress of the United States to provide assurance to every American that his or her opportunity to get a job and to keep a job will be based on their abilities, not on their sexual orientation. Almost 70 percent of American voters believe that is the right thing to do and Congress should act accordingly.

Last year, ENDA supporters were heartened by the near passage of the bill in the Senate. That the Senate vote on ENDA was 49–50, coupled with the fact that today there are 150 original ENDA cosponsors in the House—compared to 139 cosponsors in the last Congress—is proof that progress is indeed being made.

Increasing support for and ultimately enacting ENDA will build upon our Nation's legacy of ensuring fairness in the workplace. We have outlawed employment discrimination based on race, gender, age, religion, or disability. Let us now take the next important step. I urge my colleagues to lend their support to this legislation so we can make it law in the 105th Congress.

CONGRATULATIONS TO THE SOUTHERN EYE BANK

HON. JOHN COOKSEY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. COOKSEY. Mr. Speaker, I rise today in recognition of the 50th anniversary of the Southern Eye Bank of New Orleans, LA, and to congratulate this eye-bank on its continued commitment to excellence.

The Southern Eye Bank was incorporated on June 7, 1947 and opened its doors on July 30, 1947. It was founded under the auspices of the Eye Bank For Sight Restoration in New York City, which was the first eye bank in the United States being founded in 1944 by Dr. Townley Paton. Subsequently other eye banks were located in Boston and Chicago. The Southern Eye Bank was the first in the South.

The initial executive committee included Mr. Charles E. Fenner, as chairman of the board of trustees; Mr. John Reilly, as treasurer; Mr. John Sims, as secretary; Drs. George M. Haik and William B. Clark, as chairmen of the Medical Advisory Committee, and Mrs. Orville Ewing, as the volunteer executive director.

In the ensuing middle years Mr. Robert Simpson served as chairman of the board of trustees. He and Dr. Clark are credited with being the driving force that guided the Southern Eye Bank during its formative period.

This first office was located in the Hutchinson Memorial Building of the Tulane Medical School at 1430 Tulane Avenue. Eventually, in 1948 it moved to the Eye, Ear, Nose and Throat Hospital. The Southern Eye Bank functioned with the cooperation of LSU School of Medicine; the Tulane Medical Center, and various local hospitals—Charity, Hotel, Dieu, Flint Goodrich, Baptist and Lakeshore.

The original purposes of Southern Eye Bank were twofold: to secure corneas for transplant, and to establish a laboratory in which young eye surgeons could be trained to perform corneal grafts. Within the first four months of its opening, the Southern Eye Bank had a list of 3,000 donors. The public was instructed on how to become a donor as follows: Sign the donor card and return it to the Eye Bank Office; the signature must be witnessed, but need not be notarized; the family of the donor must be notified of these intentions; the gift should not be part of a will, since the eye must be used immediately before a will can be probated.

The first corneal transplant, performed under its auspices, was at the Eye, Ear, Nose and Throat Hospital. The patient was a 69-year-old female who had been blind for 7 years. The procedure was deemed a success, that is permanent vision was restored.

Today, the Southern Eye Bank provides approximately 800 corneas for transplantation a year.

Today, over 95 percent of corneal transplants are successful. This success rate reflects significant advances in the way donor corneas are processed.

In 1947 the eye had to be removed within 3 hours of time of death; the transplant had to be performed within 24 hours of recovery; only 50 percent of surgeries were deemed successful.

In 1997 the eye can be removed within 8 hours of the time of death; the transplant can be performed up to 14 days after recovery; about 95 percent of surgeries are successful.

One of the reasons for the increased rate of success was the ability to store corneal tissue in a liquid media so that it could be later used under optimal conditions. In the early days of corneal transplantation (i.e., in 1947), the patient had to wait (sometimes for a long time), for a telephone call to come to the hospital when tissue had become available. Then the transplantation was done as an emergency at a time when conditions in the operating room might not be optimal. A major breakthrough was the development of the M–K media by Drs. Bernard E. McCarey, Ph.D. and Herbert E. Kaufman, MD in 1974. Thereafter, corneal tissue could be stored for up to 3 days and still be viable. This meant that surgery could be done under ideal conditions. Beyond that, it was now possible for individual eye banks to be clearinghouses for distributing tissue to other eye banks throughout the country. This was a major breakthrough. Newer storage media have been developed, but the introduction of the M–K media made it possible for the concept of eye banking to attain the next level.

THE NEED FOR EYE BANKS

Over forty thousand Americans, and hundreds of thousands of others around the world suffer from corneal blindness each year. This visual loss which compromises their quality of life may result from cogenital corneal disease, infection, trauma, chemical burns, or corneal swelling.

Fortunately, through the medical miracle of corneal transplantation, sight restoration is possible. Since there is no substitute for human tissue, the transplant process depends on the priceless gift of corneal donation from one human to the next. The mission of Southern Eye Bank is to safely transfer corneas from the donor to the recipient.

Transplants bring light into the eyes of an infant only a few days old, and the great-grandfather in his eighties, and all those in between.

Donor ocular tissue is used for corneal transplant surgery and reconstructive ophthalmic surgery, and for research to find cures to diseases which cause blindness or visual deterioration. The Southern Eye Bank first meets the needs of those in the local community waiting for a corneal donor, and then provides other eye banks across the country with donor corneas for transplantation.

Today, the Southern Eye Bank provides safe, quality corneas for transplantation, research, and education. This New Orleans medical landmark has been saving vision for the last 50 years, and will continue to do so.

SENATE—*Wednesday, June 11, 1997*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we begin this session of the Senate with affirmations of great truths:

You are the Creator, Sustainer and Redeemer of all.

You are the Sovereign of this Nation.

We are accountable to You for our leadership.

You have called us to serve You.

We are here by Your divine appointment.

The margin of human error is ever-present.

We can limit Your best for our Nation.

Without Your help we can hit wide of the mark.

With Your guidance, we cannot fail.

There are solutions to our most complex problems.

There is no limit to what You will do if we trust You.

So this is a day for hope, optimism, and courage. Set us free of any negative thinking or attitudes. If You could give birth to this Nation, bless us in adversities through the years, and give us victory in just wars, surely You are able to help us now if we will trust You. Fill this Chamber with Your presence and each Senator with Your power. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

ORDERS FOR TODAY

Mr. GREGG. Mr. President, on behalf of the leader I ask unanimous consent that the routine requests through the morning hour be granted and the Senate be in a period of morning business until the hour of 2 p.m., with Senators permitted to speak up to 5 minutes with the following exceptions: Senator GREGG, 10 minutes; Senator GRAMS, 10 minutes; Senator THOMAS, 30 minutes; Senator LOTT or his designee, 10 minutes; Senator DASCHLE or his designee, 60 minutes.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

SCHEDULE

Mr. GREGG. Madam President, for the information of all Members and on behalf of the leader, today, from 12 p.m. to 2 p.m., the Senate will be in a period of morning business. It is the leader's hope that the Senate will be able to consider S. 419, the Birth Defects Prevention Act. Again, this bill is noncontroversial and the Senate should be able to complete action on this important matter in no more than 30 minutes.

In addition, it is the leader's hope that we will be able to consider some of the available executive nominations on today's Executive Calendar. The leader also hopes the Senate will be allowed to consider these items as we are fast approaching the July recess.

In addition, the leader wishes to put all Senators on notice that there is much work to do between now and the start of the adjournment, and that Senators should be prepared to be present and working during the next couple of weeks. And the leader further thanks his colleagues for their attention.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to morning business.

Mr. GREGG. Unless the Democratic leader wishes to go forward, I will proceed with my morning business.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

NASHUA, NH, THE BEST PLACE IN AMERICA TO LIVE

Mr. GREGG. Madam President, today the State of New Hampshire and a number of communities in the State of New Hampshire were afforded a singular and appropriate honor. The city of Nashua, my hometown, where I was born, raised, and went to school, was rated the best place in America in which to live. The city of Manchester and the city of Portsmouth were rated the sixth and fifth best places in the country in which to live. That means the State of New Hampshire, which is a small State—and to paraphrase Daniel Webster, a small State but there are those of us who love it—received the designation of having three of its major communities within the State identified as the best places to live of the top 10 in the country. In fact, only one other State, Florida, was able to put three communities in the top 10. And, of course, Florida is about 6 or 7 times the size of New Hampshire in population.

In addition, no other State was able to put two of its communities in the top five, and New Hampshire has the first community and the fifth community in Nashua and Portsmouth. Those of us who live in New Hampshire and have enjoyed the fruits of being part of that wonderful community, understand that this is not an award which is received as a result of luck, but it is an award which is received as a result of a lot of hard work and, more important, a lot of community spirit. We are a State where people still care about their neighbors. We are a State where we care about how we deal with each other. And, as a result, we have built communities where crime is low, where education is extremely strong, where our health care is rated the best in the country, where our mental health care is rated the best in the country, where we are rated best in the country for caring for troubled children, and where we still maintain a State which has no sales or income tax and delivers effective and efficient and first-class community services to our citizens.

And our citizens get involved. It is a State of voluntarism, a State where people understand if they are going to make their community work well they have to take the time to be involved in the local community activities whether it is the local Babe Ruth League or baseball team, or whether it happens to be the arts community or whether it is just the process of cleaning up the main street on cleanup day.

So I rise to congratulate my fellow citizens of New Hampshire, to especially congratulate the cities of Manchester, Portsmouth, and Nashua, and with a unique emphasis on Nashua in that it was rated No. 1 and that it is my hometown, where I was born and raised and went to school, and I am very proud that they have done so well. I congratulate all of those who make New Hampshire such a fine place to live.

PAYING OUR UNITED NATIONS ARREARS

Mr. GREGG. Madam President, I wanted to talk a little bit about the agreement which we are about to reach, it appears, relative to the United Nations and how we are going to pay our arrears. I chair the Committee on Commerce, State, and Justice, which has jurisdiction over the appropriations that go to the United Nations. At the behest of the majority

leader, Senator LOTT, and at the request of the Secretary of State, Madeleine Albright, myself and Senator HELMS and Senator GRAMS and our staffs have been meeting assiduously with Ambassador Richardson's staff, and the staff of Secretary Albright. We have made considerable progress. In fact, we believe we have reached an agreement as to how to handle these arrearages.

The basic theme of this agreement is that we are going to ask the United Nations to be a better place. We are not going to ask them to do things which are unreasonable. We are not going to ask them to do things which are political. We are just going to ask them to do a better job of handling our money. And to assure that, we are going to set certain benchmarks.

So, we are going to commit to the United Nations; we are basically going to give them what amounts to, in my opinion, an irrevocable letter of credit that we will pay the arrearages as we see them. The number that we agreed on I believe is significant, and I believe it will be agreeable to the people at the United Nations But, in exchange for paying those arrearages—and we are going to do it over a period of time—we are going to ask that the United Nations run a better shop, that it be more efficient, that it use those dollars more efficiently and that it make sure that it handles those dollars the way American taxpayers expect us to handle the dollars that they pay us. Because for every dollar spent at the United Nations today, 25 cents comes from the American taxpayer.

It is very hard today to go back to the people in New Hampshire, my good people who have just been rated so highly as the great place to live by Money magazine—it is very hard to go back to them and say, "Well, we are going to give the United Nations this amount of money for our dues but we are not sure where the money is spent, how it is spent, who it is spent on, or whether, when it is spent, it goes to where they say it is going to go."

To try to correct that, we are asking that the United Nations meet certain very definable, enforceable benchmarks. The Senator from Minnesota, who I notice is on the floor, Senator GRAMS, has been a major player in defining those benchmarks, and of course the Senator from North Carolina, Senator HELMS, chairman of the Foreign Relations Committee, has been a force of immense proportions on defining those benchmarks.

But agreement appears to have been reached, at least between ourselves and the administration. It is an agreement which is fair and which gives the United Nations the dollars which they feel they deserve. But, in exchange for those dollars, it does require that the United Nations be responsible with the management of those dollars and the management of additional dollars that we will be giving them in the foreseeable future. This agreement, I believe, will be included in the foreign relations bill, the authorization bill for foreign affairs, foreign relations, which is going to be coming through—the State Department authorization. It will be marked up later this week.

I just want to express my appreciation for all the people who worked so hard on this. We worked on it for about, I guess, now, almost 4 months. Fairly aggressive negotiations have occurred. I think it is good we have reached an agreement and it is positive for the process and it will immensely improve the operation of the United Nations, should the United Nations decide to go along with proposals that we have made. I presume they will because they are reasonable proposals.

Madam President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, let me claim as much time as I may consume of the leader's time and ask unanimous consent I may be followed by the Senator from Minnesota, Senator WELLSTONE.

Mr. WELLSTONE. If this would help in the deliberations, we have talked to Senator GRAMS and I plan on restricting my remarks to 5 minutes.

The PRESIDING OFFICER. Is the Senator from North Dakota seeking the time that has been designated in the agreement to the minority leader?

Mr. DORGAN. Yes, that is what I requested, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I will not consume but a fraction of the 1 hour, and the Senator from Minnesota, Senator WELLSTONE, will consume a very short amount of time. I believe Senator GRAMS will then be recognized. We had a visit about that and I appreciate the courtesy of both of my colleagues.

A VIGIL ON THE DISASTER RELIEF BILL

Mr. DORGAN. Madam President, last evening a number of us were here, a good many Senators, as a matter of fact, were here almost all night holding a vigil on the issue of the disaster relief bill that seems ensnarled in, regrettably, politics as usual. We have done the only thing we can do, and that is to apply as much consistent pressure as is possible to the Congress to say, "Do the right thing." And the right thing is to pass disaster relief for victims who have suffered natural disasters, especially the flood victims in the region of Minnesota, North Dakota, and South Dakota, and get them that aid as soon as is possible.

I am not here to point fingers or to say that there is this side or that side. For me there is only one side and that is being on the side of victims of a natural disaster. I know there are a lot of things floating around here, back and forth, with extraneous amendments and so on. I am not interested in politics. I am only interested in progress, speaking on behalf of some people who were dealt a very serious blow, one they did not deserve but one that they now have to try to recover from, and one they will recover from when we reach out our hand of help to say, "You are not alone. The rest of the country wants to offer you some help."

During this vigil we held last night—my time was from midnight to 3 in the morning—I found myself at 2 in the morning talking on a nationwide radio talk show with "The Trucking Bozo," I guess his show is called. I guess I didn't think, when I came to the Senate, that I would be, at 2 a.m., talking to the "Trucking Bozo" on a national radio program. But to the extent I had an opportunity to talk to truckers across this country who were hauling America's goods back and forth, I am glad I did. I hope they got the message as well, that most of us want what is right for this country, and what is right at this moment is for Congress to stop all the extraneous things that are going on and pass disaster relief.

In the middle of all of these discussions, however, with the "Trucking Bozo" and a call-in radio station in New York and Denver and Boston and elsewhere across the country, we visited with many victims of the disaster. One of them last evening, among many who shed tears talking about their plight, was a man named Mark. Mark called from Grand Forks, ND. He has been out of his home now, I guess, for 5 or nearly 6 weeks. He has not seen his children, he said, for close to a month. They are with the grandparents. And his wife, he said, is in the hospital, dying of cancer, with a month or month and a half left to live.

He, at 1 in the morning, was calling me to say, "Somehow it's unfair for us to be held hostage here. For me, for my family, for our community, we desperately need to get the help that is in this bill to put our lives back together."

For this person to come, with all of the burdens in his life, to call in and urge, once again, the responsible thing be done, it really almost breaks your heart to know that all of these families, many of whom are now separated, some of whom last night said they are living in tents in their front yard because their home was destroyed and is uninhabitable, others living in camper trailers, others living in shelters, others living in neighboring towns with families split, having lived like that for weeks and now wondering, what about tomorrow? What about my home that was destroyed? What about my

job, it's not there. What about my future and asking us, "Can't you please do something?"

I will not today and will not in the future say that one side is wrong and the other side is right. We are better and they are not. That is not what this is about. It is about Congress doing what it historically always has done on a disaster bill. The Congress is a unique institution. In a democracy, it is a wonderful institution, and I feel privileged every day to wake up and come and serve this country in the U.S. Senate. But we have rules, very few of which in the Senate prevent us from adding things to other bills. On almost any occasion, any day, any way, someone brings a bill to the floor of the Senate and someone adds an amendment that is totally extraneous—and they do it on all sides of the political aisle, and I understand that—but, generally speaking, on disaster bills, that has not been the case. Why? Because disaster relief bills are different. They represent an emergency response to people in need.

This got caught up in some of those issues, and I say let's decide today to stop that. Let's take all of these extraneous issues off, pass this bill, get the President to sign it and get help to the people who desperately need it. I know, because I come from North Dakota and because that was perhaps the hardest hit area—North Dakota, Minnesota, South Dakota—in these disasters, that I have a very parochial interest in this. But I am telling you, if every Member of the Senate could visit with our constituents in our region and walk away not having a broken heart from what those people face and not have a feeling of enormous responsibility to help them in any way possible on an urgent basis, to help them right now to put their lives together, there isn't one Member of this body who can resist this.

The Senators from Minnesota, Senator GRAMS and Senator WELLSTONE, the Senators from South Dakota, Senator DASCHLE and Senator JOHNSON, and the Senators from North Dakota, Senator CONRAD and myself, all of us worked very hard to put the disaster package together. We had great cooperation from all sides of the political aisle in the Senate.

I want to close with this point. While I am enormously gratified by the cooperation we have had and feel gratified with the work we did together, when those who now talk about scaling down this bill also talk about maybe diminishing the amount of disaster aid we have already agreed to and fought so hard to get, I say to them, that is not a way to solve that problem this afternoon or tomorrow, by scaling back the disaster aid those folks are waiting for. Let's instead scale back the extraneous provisions, scale back and eliminate the unrelated amendments, get rid of them and get on with the business of this Congress to pass a disaster bill, have the President sign it and say to Mark, whose wife is in the hospital and whose children are living with grandparents, that we care about you, we want to help you and we want to help you and thousands and thousands of others like you who this morning didn't wake up in their homes because they are destroyed; we want to help you make your lives whole again.

That is part of the culture of this country. It is the best instincts of America to reach out and say, "You're not alone, the rest of the American people are with you and want to help you in this time of crisis."

Let's try to do that today. This Congress can pass this bill today, and I intend to make a unanimous-consent request again to do that, as I did yesterday and the day before. I shall not do that at this moment. If we do it today, the President could sign it tonight and the aid would begin flowing tomorrow, and we would have helped many Americans get back on their feet.

Madam President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair. Madam President, I shall be brief today. Let me just build on the comments of my colleague from North Dakota.

It is my fervent hope, and it is not an exaggeration to say prayer, that when I go home this weekend, back to Minnesota, I will be able to say to people, "Congress has acted, and we have passed a disaster relief bill that will provide you with help so that you can begin the process of rebuilding your lives." That is what people are asking for. No more than that. All of us, if we had been flooded out or if we had been faced with some kind of disaster like this, would also be hoping to get the same kind of help.

Madam President, I, too, last night had a chance to talk to people around the country on radio and television and whatnot. I think that the goal of yesterday and today, because the Senate is not going to really be back conducting business as usual until we get this disaster relief bill passed—that is our commitment, that is how we fight for people in our States—but I think really the goal is to just press and press and press and keep fighting for people, but more with the focus on what we can do as opposed to finger pointing and getting personal.

I have talked to enough Republican colleagues on the majority side who, I believe, even if we don't agree on every issue, want to come together, and I hope it will happen. I think it should happen this week.

I think that this particular form of gridlock is not working well for this Congress, and I don't think people around the country understand how it can be that on a bill which is to provide emergency assistance to people, you get all sorts of other measures dealing with how the Census Bureau does its work or dealing with debates about appropriations bills and the budget and all the rest. I think most people believe that when it comes to disaster relief, you should try and get it to people and keep off the extraneous measures that are so controversial.

There are a lot of good people here on both sides of the aisle. I was asked last night many, many times, especially from Minnesota, "Do you think there is going to be some agreement?" And I said, "I cannot believe there won't be."

I just think it is going to happen. It has to happen.

The only appeal I would make to my colleagues on the other side of the aisle is that if, in fact, we are going to be talking about scaling back the disaster relief, I worry about it because we had a very clear definition of what it would take by way of emergency assistance—and I use those words carefully—to help people get back on their own two feet. This was really a good bipartisan effort. That is what we had. I really hope that my colleagues will understand that we are speaking and we are fighting and we are using our leverage as Senators in order to get the help to people back in our States. We are going to continue to do that until we, in fact, are able to get the job done.

So my appeal to my colleagues is: Let's have an agreement; take the extraneous provisions off this bill. We can debate them separately. We can have an up-or-down vote, or if there is some alternative proposal that people have, great. Let's just try and get the help to people, and let's not delay it any further.

I was asked by somebody back in Minnesota whether I really liked last night. I was on the first shift. I said, "Actually, not so much so. I would rather be doing it on the floor of the Senate. I would rather be in a markup in committee. But I, as a Senator, will do everything I can to fight hard for people in Minnesota."

I think from talking to colleagues in the majority party, we are going to reach agreement. I believe that, I say to my colleague from Minnesota, Senator GRAMS. There has to be an agreement. That is what we have. We have to make that happen so all of us can go back to our States and say to people, "We wish this had not been delayed and delayed and delayed, but now, finally, a good bill is passed and we are going to get the help to you." That is the goal, that should be the result, and I hope that that happens this week. That is my appeal to my colleagues.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

DISASTER RELIEF AND PREVENTING A GOVERNMENT SHUTDOWN

Mr. THOMAS. Madam President, we have asked to set aside a little time this morning to talk about the issue the Senator from Minnesota talks about. Each of us wants to find a way to get help to people who need it as a result of the disaster. I think there are a number of issues involved. I believe as we move toward a solution, it is useful to talk about those things.

Certainly, there are legitimate concerns on both sides of this bill. I am satisfied that our leadership is now putting together something that will be presented, hopefully that will be acceptable.

I think it is well to recognize that we want to get this disaster aid out, but there are certain things that are very important, as in any discussion, to both sides. One of them is to get something in that avoids the human disaster that might well happen in the future if we had another shutdown of the Government. So this can be one of those things.

There also has to be an understanding, of course, on an issue of where there are different points of view that both sides have to be willing to make some accommodation. The idea that somehow you can't do anything unless the President approves is not the system we have here. We have a divided Government. We have the President with authority to do what he does and the Congress with the authority to do what they do. When they come to a conflict, there has to be some movement and not simply a pronouncement that the President doesn't like that and, therefore, it won't happen. That is not the way it works.

So, Madam President, we would like to talk a little bit about that. I am joined by my colleagues. I yield first to the Senator from Minnesota.

Mr. GRAMS. I thank my colleague from Wyoming.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I was very disappointed by President Clinton's veto of the emergency aid bill, which provided some $5.5 billion in disaster relief nationwide, with a major portion of those dollars dedicated to helping to rebuild the flood-ravaged communities of my home State of Minnesota and also in the Dakotas.

Having been with the President in seeing firsthand the damage and the despair that was caused by the flooding, I cannot believe that he was willing to reject our legislation to help support the people of Minnesota and the Dakotas as they rebuild their homes, communities, and their lives in the wake of the flood.

Our legislation sent a very clear message that the people of Minnesota have not been forgotten by Congress during this critical time, but the President's veto suggests, however, that some in Washington need to have their memories refreshed.

I am particularly disturbed by the fact that the President used as his primary excuse for vetoing the emergency flood relief bill our inclusion of a measure to protect flood victims in Minnesota and Americans everywhere from a potential Government shutdown later this year.

For reasons I have repeated on this floor many times, I believe that delivering emergency aid to flood victims and keeping the Government open for business during the rebuilding process must be our twin goals at this time.

Just as the emergency flood relief serves as an assurance to Minnesotans that their urgent needs will be met, our efforts to keep the Government from shutting down will also give them a guarantee that any budget squabbles that happen to pop up here in Washington will not affect our long-term efforts to help rebuild our State. And that is an assurance we can't afford to go without.

By vetoing our flood relief bill, the President indicated that having a leg up in this year's budget debate is higher on his priority list than delivering flood assistance to those who need it. That was wrong, but, as we know, it cannot be changed. The people of Minnesota and the Dakotas already know how well Washington politicians can talk, and they don't want any more talk; they want some action.

Stopping our work in the Senate and blocking us from taking action on anything accomplishes nothing. Positive, constructive action is what the Senate should be working on to deliver. Therefore, I urge my colleagues to join me in working to ensure that flood relief gets out of Washington and that it gets into the hands of the people of Minnesota and the Dakotas as quickly as possible.

Immediately after the veto was announced, I wrote letters to Senate Majority Leader TRENT LOTT and also Minority Leader TOM DASCHLE. In that letter, I proposed a compromise I believe will help speed up the enactment of the disaster relief legislation, while at the same time allowing Congress a separate vote, without any unnecessary delays, on the Government Shutdown Prevention Act. In my letters to Senators LOTT and DASCHLE, I proposed that they consider removing the Government shutdown provision from the emergency aid legislation with a specific time agreement for debating and voting on the two issues in separate pieces of legislation.

That would allow the Senate to debate and pass both the emergency flood relief bill and the Government Shutdown Prevention Act on their individual merits, away from the political haggling that has delayed action on these important bills.

I was encouraged yesterday to learn of the support for my proposal by Vice President AL GORE and Senate Minority Leader DASCHLE. Their announcement of support clearly shows that there is room for negotiations to reconcile our differences and to deliver the flood assistance to Minnesota and the Dakotas.

I have also been in negotiations with the majority leader, who expressed his intention to consider a number of different alternatives, including mine, on how best to move ahead and deliver flood relief.

I am going to continue to work closely with both Senators LOTT and DASCHLE, as well as my other colleagues in the Senate, to expedite this process. From the events of the last 2 days, I am optimistic that the two sides are closer to a reasonable settlement than anyone in the media may be suggesting.

Now we must take action to bridge the gap and ensure the delivery of emergency disaster relief and the continued protection of the American people from a Government shutdown.

At the very least, my proposal has opened the negotiation process to move ahead on these important issues post-veto. Again, while I am disappointed that the President chose to veto emergency flood relief, I hope that he will not shut the present window of opportunity to try to work together to find some common ground.

Certainly, my constituents in Minnesota, who have already suffered so much at the hands of the flood, cannot afford inaction.

As flood victims in Minnesota begin rebuilding their homes, their neighborhoods, their businesses, and their lives in the wake of the flood, they need our assurance that the Federal Government will deliver the aid that it promised.

Flood victims also need to know that the Government will be there throughout the year to meet their urgent needs as their rebuilding progresses.

Our efforts to keep the Government open for business will also help give Minnesotans a guarantee that budget squabbles in Washington will not affect the long-term efforts to rebuild our communities.

Now, I know we may have reached a budget agreement in overall numbers and terms, but a lot of the debate will continue. And there is still the possibility of an agreement not being reached on every part of that budget this fall which could lead to a possible Government shutdown. It has happened before; it could happen again.

In light of that, we want to provide assurances to these victims of the flood this spring in Minnesota and the Dakotas that they would not come up short this fall, they would not face a stop in the work that they are trying to do in rebuilding their lives.

Under my compromise proposal, checks would continue to go out and contracts would be honored this year—in spite of what happens in Washington. And that is an assurance we cannot afford to go without.

In announcing the President's veto, the White House spokesman said that "Americans in need should not have to endure further delay." I could not agree more with that statement.

The people of Minnesota and the Dakotas cannot afford for Washington's budget politics to stand in the way of the rebuilding that has already begun. Now that we have a starting point, let us move ahead and pass the emergency disaster relief we promised. And let us do it as quickly as we can.

Thank you very much, Mr. President.

I yield back my time.

The PRESIDING OFFICER. Who seeks time?

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, first of all, I feel I need to respond to the statement about the President's action. The President did not include unrelated items in a disaster bill. It is not his fault that we are in this circumstance. It is the fault of those who decided to put unrelated items into a disaster relief bill.

THE DELAY IN DISASTER ASSISTANCE

Mr. CONRAD. Mr. President, I represent the State of North Dakota. And our State has been absolutely devastated. We have people, thousands of people, who are still sleeping on cots 54 days after the disaster occurred. Fifty-four days after the dikes broke, we still have thousands of people on cots, people living in cars, people whose homes and businesses have been devastated. And they cannot understand why Congress fails to act.

Mr. President, last night we had a linkup via computer with people who are the leaders of the Grand Forks community—the mayors of Grand Forks and East Grand Forks, the leaders of the business community, the head of the chamber of commerce, leaders of other parts of the Grand Forks community, people from the medical school. And their message was clear and unencumbered. They have asked Congress to send a clean disaster relief bill to the President without unrelated measures, and to do it now. That is their request.

The message was powerful and compelling. People who have had everything lost, people who evacuated their homes at 1 o'clock in the morning and who have not returned since, a city of 50,000, 95 percent of whom were evacuated, with 80 percent of the homes in that community devastated. That is the reality that we are living with.

Mr. President, this chart says it, and says it clearly: Disaster Victims Held Hostage, Day 20. This is just since this Congress took the Memorial Day break without acting. Twenty days of inaction after a bill to provide disaster relief was completely agreed to.

The disaster provisions were agreed to by Democrats, by Republicans, and by the President. It is these unrelated measures that were stuck into this disaster relief bill that have hung things up. The people that I represent say, "Take them out. Quit playing politics with the lives of people. Quit holding hostage thousands of people to a political agenda. Get the disaster relief where it's needed, and get it there now."

Mr. President, this is a sign that a resident of Grand Forks put out on their lawn after Congress decided to take a break without passing disaster relief. It says, "Hey, Congress! Spend your break here!" And here is some of the refuse from the disaster in their front yard. You can see the garbage bags piled up as people try to rebuild their lives.

I have a series of photos here that try to bring this back to what this is really about. It is not about how we take the census in the year 2000. It is not about some budget dispute. This is about people who have been devastated and need help.

This is a picture from Grand Forks. This is the downtown area that not only had a 500-year flood, but had a fire that devastated three entire city blocks. Here is some of the refuse that remains from that disaster.

Go to another picture that shows what is happening in terms of Grand Forks, ND. Here is a downtown area, one of the buildings that burned up in the fire, all the rubble that is there. It is staggering. You go through the city of Grand Forks, it looks like a giant junkyard.

Here is what you see as you go up and down every street in residential Grand Forks—every street, because 80 percent of the homes were damaged in this town. This is what you see on every boulevard. All of the contents of these homes, the washers, the dryers, the carpeting, the furniture is not in the home, it is out here on the street because it has all been destroyed. And these people are asking for one thing, a chance to get their lives back in order.

They have had the worst winter in our history followed by the most powerful winter storm in 50 years that destroyed the electrical grid that served 80,000 people. They were without power for nearly 10 days, in the midst of 40-degree below weather, and then they get hit by the 500-year flood, and then by the worst fire in our State's history. Now they are hit by a disaster of a Congress that fails to act.

Never before in the face of a disaster have we diddled for as long as we have diddled on this disaster. People are asking for help. And this is the condition of their lives.

This is a picture of the business district. It is not just the homes, but it is the businesses that have been destroyed.

I ask my colleagues, if you were in this circumstance wouldn't you expect this body to act, wouldn't you expect a response, wouldn't you expect some help?

This is another picture of what people are going through each and every day now in Grand Forks and East Grand Forks—piles of garbage. This water is not just rainwater, this is water that is putrid. You fly over it, and it stinks because it is filled with every imaginable awful thing. And every home and every business is just destroyed. All of the things that are in there have to go.

This is again a picture of what is outside one of the commercial buildings, and a tremendous amount of destruction. We are going to take years to rebuild. We do not have much time.

We have a short construction season in our part of the country. By October 15 outdoor work will have to be completed. So we do not have time for political games to be played here in Washington.

Let me again repeat the message from the people that I represent. "Please, Congress, pass a disaster relief bill without these unrelated measures so the aid can start to flow."

Some have said, "Well, nothing is being held up. There's money in the pipeline." Last night we heard from the people of Grand Forks. And what they said was very clear. There is not money in the pipeline. There is concrete in the pipeline, because the money is not getting through. There is no money for the buyouts and relocation of the homes and businesses that have been destroyed. There is no money in that pipeline. There is no money in the pipeline to help the ranchers who have lost hundreds of thousands of head of livestock. There is no money in that pipeline. There is no money in the pipeline for the school districts that have taken the kids from the disaster areas. There is no money in that pipeline.

The Governor of South Dakota, Republican by the way, said: On a disaster bill you ought to deal with disasters. He said: For those who say nothing is getting hung up, that's just wrong. And not just he said it, a Republican Congressmen from Minnesota, JIM RAMSTAD, said: Those who say there's money in the pipeline are being disingenuous at best. There is no money for housing. There is no money for buyouts and relocations of the homes and businesses that have been destroyed. There is no money for sewage systems. There is no money for roads. There is no money for a whole

series of things that desperately need resources.

This is the Republican Governor of South Dakota. He said, "If you've got a disaster bill, you ought to deal with a disaster." He was complaining about the congressional leaders here for sticking controversial measures in a disaster relief bill. And he has it exactly right. For those who say nothing is being hung up, "* * * Janklow said the delay in the legislation is blocking reconstruction of sewage facilities, highways and a State-owned rail line in South Dakota."

Mr. President, this is how the flood victims feel.

This is from the largest newspaper in our State. The headline is very clear: "You are playing with our lives." Let me just read what this disaster victim said:

Ranee Steffan has strong words for members of Congress who think flood victims can wait while bickering continues in Washington . . .

"You are playing with our lives" . . . [she was speaking] from the sweltering travel trailer she and her family now call home. "This isn't some game. . . . [She said] You should come here and walk in my shoes for a day."

Homeless for a month, out of work and bounced from one temporary shelter to another, the wife and mother of two is fed up with lawmakers who she believes think[s] Grand Forks residents are "getting along just fine."

They are not getting along just fine. We had one of our colleagues say, "Well, we can send you a bunch of trailers."

People in North Dakota do not see trailers as a long-term answer to their housing needs. Frankly, trailers in a North Dakota winter are not a very acceptable form of housing. We need to rebuild housing, housing that can withstand a North Dakota winter. We do not need a bunch of trailers sent to our part of the country. That is not the answer to what we face.

We have heard a lot of talk about what is happening and what is not happening, what people out there are asking for, what they are not asking for. How about hearing from the people out there. How about listening to them.

This is the mayor of Grand Forks in a letter to Senators LOTT and DASCHLE, this courageous mayor who has become, I think, an inspiration to the country because, in the face of adversity, she has provided extraordinary leadership. Let me just make clear she is not a partisan. To my knowledge she is not a member of either political party. I have no idea what her political identification is. She has always said she is an independent, that her husband is a Republican. That is as much as anybody knows about her legal affiliation.

Here is what she says:

I urge you to strip all of the controversial amendments from the disaster aid bill and send the humanitarian emergency provisions of the bill to the President for his signature.

That is what she says. She continues:

We are grateful for the emergency aid provisions included in this bill. These provisions, especially funds for the Community Development Block Grant program, will be essential for Grand Forks to be able to recover and rebuild. North Dakota's short construction season dictates that we must take action quickly to rebuild and relocate homes away from the floodplain.

But the political fight over provisions unrelated to disaster relief have stalled this bill and delayed the recovery process for Grand Forks and other cities in the Red River Valley. This disaster aid is needed now. We are simply unable to make decisions about how and if we will be able to rebuild our city without knowing the extent of Federal resources available. We need funds now for housing, for buy-outs and relocation and homes of businesses, for roads and bridges, for school districts and many more urgent needs. With each passing day thousands of residents of Grand Forks and other communities are unable to get on with their lives and are forced to live in shelters, in government-issued trailers, or with relatives.

Again, thank you for the emergency provisions included in the disaster aid bill. I urge you to strip the controversial, non-disaster related measures from the disaster bill and send the humanitarian emergency provisions to the President for his signature.

This was the elected leader of the city of Grand Forks.

Last night, we heard that identical message from the head of the chamber of commerce, from other leaders of the business community, from people from all walks of life, a member of the police department, a member of the city works department, all of them talking to people across the country via satellite as they told their story, what has happened in their community, and what they are asking for now.

It has been 83 days since the President asked for disaster legislation. It has been 53 days since the dikes broke. It has now been 20 days—20 days—since Congress agreed to a disaster package but left town without enacting it before the Memorial Day recess.

Let me just read part of a letter from one of my constituents: "The people here have no homes, no jobs, and no other homes to go to. They have no toys, no bikes, no clothes, or anything else for their children, and you go home for a break. What are you thinking of?"

That is a sample of the literally hundreds of letters that we have gotten from the disaster area.

This is a letter from another constituent:

Perhaps you should visit here and see and feel the pain and devastation. Spend 3 days here, and you will soon understand why people are depressed and the anxiety level is extreme. We are stressed out.

Also, I am sure that if this disaster had hit your district, you would want to pass the legislation with a sense of urgency. That's all we expect.

What this means to me and my family: Relief from the flood of the century. It brought flood waters into our community, our house and six rental properties I own and manage. Indeed, the amount of damage I have sustained is mind boggling. I'm on the brink.

We urge you to pass the disaster relief bill today. Please don't delay another day. We can't wait.

I have hundreds, if not thousands, of letters like this from people out there who are asking their Government to respond. These people are proud people. They are independent people. They are hard-working people. But they have been hit with a series of disasters unprecedented in our State's history.

The worst winter ever, followed by the most powerful winter storm in 50 years, followed by a 500-year flood, followed by a fire in the midst of flood that destroyed much of the town of Grand Forks, a city of 50,000 people that had 95 percent of that town evacuated. That has never happened in America's history, a town of that size completely evacuated. The town right across the river, East Grand Forks, in Minnesota, a city of 9,000, was entirely evacuated. We are not going to be able to rebuild much of these towns. Many of these homes are just absolutely destroyed. Those homes need to be torn down. They represent a health hazard. The businesses, too, need to be torn down. We need to move back from the river to a more defensible location, but that cannot happen until and unless this Congress acts.

I just conclude by saying when the shoe is on the other foot—and I have been in the Senate 10 years—we were ready to help. We never delayed anybody's disaster bill ever. I never even thought of adding controversial provisions to a disaster bill that someone else needed. I just ask our colleagues to give us the same chance and extend the same respect to our constituents. They desperately need help and they need it now.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

EXCESS SPENDING IN DISASTER RELIEF

Mr. THOMAS. Mr. President, I claim the time we had to talk about how to get this job done. We have talked for some time about the need. Now the question is, how do we now find a vehicle to get that done? That is what we ought to be spending our time talking about.

Let me yield to my friend, the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Senator from Wyoming for yielding.

In my view, we have had a longstanding problem in the Congress with emergency appropriations, supplemental appropriations, or so-called disaster bills. The problem has been—and

truly there has been a disaster such as in North Dakota and Minnesota with the Red River flooding, and that is legitimate. But then built on top of that is a lot of spending that has nothing to do with the emergency nature of this piece of legislation.

I went on ahead and supported this supplemental appropriations bill even though I had some concerns about the amount of spending that was in the bill. In my view, the truly emergency provisions that are in there run in the dollar range from $2.5 to $4 billion. The bill is an $8.6 billion bill.

The only thing that made me go ahead and support this particular piece of legislation is a provision in there that said that we would not shut down the Federal Government. I felt it was an appropriate bill. I did not particularly like all the spending that was in there, but I wanted to get something moving ahead so that we could take care of the needs of the people in North Dakota and Minnesota.

Mr. President, I am disappointed that the President chose to put politics ahead of people. I kept this need to take care of those people in mind, even though I was not entirely happy with the bill. I am disappointed he took such a narrow view. By vetoing the 1997 supplemental appropriations and rescissions bill, he has actually delayed its progress after the Congress has moved ahead. This bill would have provided funding for future disaster relief needs and ensured that we would not face a disaster of another Government shutdown.

Now, the majority was accused by the minority of being "hard headed and cold hearted" for not submitting the bill to the President sooner. I cannot imagine how outraged they must be now that the President has vetoed the bill. I hope that those who promised to tie up the Senate until this bill is passed are now willing to fight just as hard to override this veto, thereby providing funding for disaster relief and ensuring that there will not be another Government shutdown.

Let's be clear, this bill is not about holding up money for the flood victims, as some have suggested. Flood victims are currently receiving disaster relief from FEMA, the Federal Emergency Management Agency. To date, FEMA has already allocated over $150 million to victims of the flood. Almost $40 million in housing assistance checks have been issued to more than 21,000 flood victims. In addition, the Small Business Administration has approved more than $75 million in disaster loans.

In short, the flood victims are being cared for. This bill replenishes funds for FEMA and ensures stability for future disaster funding.

Just as importantly, this bill is about preventing another disaster, the manmade disaster of a Government shutdown. This seems to be nothing more than a political move by the President designed to ensure that he can shut down the Government again, just as he did before when we were trying to balance the budget.

This is the same strategy we have seen from the President before. He impedes, stalls, and ultimately vetoes any compromise we reach, playing political games with public safety, and the productivity of our Federal employees. He then tries to get political mileage out of it by blaming the majority in Congress. When an agreement is finally reached, I have no doubt he will take credit for that, too.

I find it ironic that the President said during his State of the Union Address that the Federal Government should never be shut down again.

Why, then, does he now veto a bill that does exactly that: Ensure that the Government won't be shut down again? The continuing resolution portion of this bill has ensured that Congress and the President will be allowed to continue budget negotiations in good faith without harming the taxpayers or Federal employees and their families.

The President needs to put partisan politics aside and focus on what is good for our country.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, might I ask, are we in morning business?

The PRESIDING OFFICER. That is correct.

MFN STATUS FOR CHINA

Mr. BAUCUS. Mr. President, over the Memorial Day recess, I made a weeklong trip to East Asia. This included stops in Seoul, South Korea; Pyongyang, North Korea; Beijing, China; Hong Kong, as well as Misawa Air Force Base in Japan. I spent most of my time on the three issues of most immediate concern to us in northeast Asia this year. First, food and security problems on the Korean Peninsula; second, the negotiations over China's entry into the World Trade Organization; and third, Hong Kong's transition to Chinese sovereignty, now less than 3 weeks away.

I also discussed longer term issues, including environmental protection, human rights, and United States-China security relations. These are complex subjects, with great implications for our national interest in all sorts of areas. With respect to the three immediate issues, I think our basic strategies are well conceived, and we have good people in the military and the Foreign Service working on them. I am in the process of drafting a trip report that will address them in much more detail.

But we in Congress must first take up a different issue; that is, whether to support the President's decision to renew China's MFN status. So I will return to the floor in coming days to discuss the basic security, trade, environmental, and humanitarian issues we face in China and in East Asia generally. But today I will concentrate on MFN status—why it is legally right; why it is morally right, and why, given our compelling interest in issues like security in Korea, more fair and reciprocal trade with China, and a smooth transition for Hong Kong, it is right for our national interest.

LEGALLY RIGHT

First, renewal of MFN status is right under our law. The Jackson-Vanik law, which has governed renewal of MFN status for nonmarket economies since 1974, is the main law in place. It conditions MFN on two things: the existence of a bilateral commercial agreement, and freedom of emigration. Under the law, the President's choice is clear. We have a bilateral trade agreement signed with China in 1980, and China allows free emigration. Therefore, as a legal matter, the President was right to renew MFN and we should back him up.

MORALLY RIGHT

Second, renewing MFN status is morally right. At times, people in Washington are tempted to see a vote to revoke MFN as something which might promote human rights in China. This is a fine sentiment. People who advocate revoking MFN status to promote human rights are very well intentioned. But the effects of revoking MFN would be the opposite of what they intend.

To revoke MFN status, very simply, is to raise tariffs from Uruguay round to Smoot-Hawley levels. To take one example, that means raising tariffs on toys and stuffed animals from zero to 70 percent overnight, again, automatically, from zero to 70 percent tariff overnight. That hits one of China's major exports to the United States, at about 6 billion dollars' worth last year. And who makes them? On the whole, it's young Chinese working people trying to improve their lives.

What would happen if we revoke MFN status? The result should be obvious. Millions of innocent Chinese workers in toy factories and in other walks of life would lose their jobs. The Chinese Government would certainly be hurt, but it would still be there the next day. But the lives of these workers would be ruined. So, far from improving human rights, revoking China's MFN status would cause immense human suffering in China.

Of course, that would discredit our human rights efforts with the Chinese public. No rational person can expect anyone in China to thank us for harming their economy and inflicting misery on them, their families, or their fellow citizens.

By contrast, if human rights is our motivation, MFN is an irreplaceable part of an effective policy. As the Democracy Wall activist Wang Xizhe—until recently, a political prisoner—says:

> The goal of exerting effective, long-term influence over China can only be achieved by maintaining the broadest possible contacts with China, on the foundation of MFN, thus causing China to enter further into the global family and to accept globally practiced standards of behavior.

A long-term policy may emotionally be hard to accept. There are real human rights problems in China: About 3,000 political prisoners remain in jail, strict limits on freedom of assembly exist, very severe policies in Tibet. We would like to solve them all in a day, but the fact is, that won't happen. Only by staying the course, staying involved through trade and human exchange, as well as diplomacy, can we hope to make a difference.

RIGHT FOR THE NATIONAL INTEREST

Finally, we are Americans first, and we are responsible to the American public on our policy decisions. And renewing MFN status is right for our own national interest.

Security issues are an example. I can say from firsthand experience that we have a very complex, very dangerous situation at hand in the Korean Peninsula.

North Korea is a politically isolated government, with very severe food and economic problems, and a large and well-armed military machine. We have a commitment to joint defense of South Korea, we Americans and the South Koreans, and we have 37,000 men and women permanently on the line just a few miles south of the DMZ. We owe it to them to pursue a very serious, responsible policy that can keep the peace and ensure a swift victory if, God forbid, there is any conflict. And Chinese cooperation is absolutely essential to that. Deliberately antagonizing the Chinese Government and armed forces by revoking MFN will not help at all.

We are also responsible to our own people to make trade with China more fair, more reciprocal, and more beneficial to our country. We have an opportunity to do that this year by bringing China into the World Trade Organization on a commercially acceptable basis. Cutting off MFN status would put us on the opposite track: it would balance trade at close to zero, cutting off jobs and prosperity here as well as in China.

As we look into the next century, we must work to slow global warming, ocean pollution, and the loss of biodiversity. To take just one statistic, in the next 20 years, world greenhouse emissions will grow from 6 to 9 trillion tons a year. Fully 1 trillion of the additional 3 trillion tons will come from China. That is, one-third of all greenhouse gas emissions in the next 20 years, if nothing is done, will come from China.

We have a chance now to moderate that trend. And a political crisis caused by revoking MFN would make that mutually beneficial effort very difficult.

VIEWS OF OUR FRIENDS AND ALLIES

Our own common sense should tell us that China is a key player on all these issues. Wantonly picking a fight with the world's largest country by revoking MFN status, when only 6 countries in the world lack MFN status and 151 countries actually get tariff rates better than MFN, would be foolish.

And our allies tell us the same thing. During my trip last month, I met top national security officials in the South Korean Government. I spoke with senior officers of the Japanese Self-Defense Forces. And I met with Chinese dissidents and democratic political leaders in Hong Kong.

These are our friends, our strategic allies, people we work with every day, people who wish us well. Not a single one of them supported revoking MFN status. To the contrary, they all felt that a good relationship between the United States and China is crucial.

The right course to take, therefore, is very clear. From Korea to human rights to global warming to Hong Kong and Taiwan and trade, we have very serious issues to discuss with the Chinese. And the annual MFN debate is an artificial, unnecessary crisis that makes results on all of them more difficult.

So we should not debate this question into the misty and indefinite future. Instead, we should back up the President this year, renew China's MFN status, and when China faces up to its WTO responsibilities, then make MFN permanent.

Mr. President, I ask unanimous consent that an acknowledgement on the East Asia trip be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR MAX BAUCUS—ACKNOWLEDGMENTS ON EAST ASIA TRIP

Mr. President, we in Congress oversee the work of government. It's our responsibility to eliminate waste. Fix what's broken. Find what's wrong. That's an essential part of the job. But every once in a while, we ought to stop and remind ourselves what's right. And today I'd like to take a few minutes to do that.

I recently returned from a week-long trip to South Korea, North Korea, Beijing and Hong Kong, with a brief stop at Misawa Air Force Base in Japan as well, on official business for the Finance Committee.

In the future I will make a more formal report to the Committee on these visits. But setting the policy issues aside for a moment, this trip reminded me once again that both here in Washington and overseas we have talented, patriotic people who are doing their very best for our country. And today, I would like to take some time to thank for helping to make my trip a success.

In Washington:

Chairman William Roth, and Jane Butterfield of the Finance Committee staff;

Lt. Col. John Wohlman, who served as my military escort officer in Seoul, Pyongyang and Beijing;

Assistant Secretary of Defense Dr. Franklin Kramer and Rear Admiral William Wright, who gave me a very enlightening brief on Korean security issues and our military dialogue with the Chinese armed services, and Col. Martin Wisda of the POW/MIA office;

Charles Kartmann, Deputy Assistant Secretary of State, Howard Lange, State Department China Desk Director and John Long of the State Department's East Asia Bureau;

Peter Scher of the U.S. Trade Representative on the state of our agricultural trade talks with China; and

Teri Patin and the staff of the State Department Office of Congressional Travel.

In Seoul:

With the U.S. Embassy:

Charge d'Affaires Richard Christiansen, an extremely capable and knowledgeable public servant who is one of our country's real experts on Korea; and

Larry Robinson, Political Officer and my Control Officer. Larry worked hard on very short notice to arrange my schedule, and gave me some very good advice about China as well; and

David Schoonover, Agricultural Minister-Counsellor.

With US Forces—Korea:

Gen. John H. Tilleli, Commander of US Forces—Korea;

Gen. George W. Norwood and the other USFK officers, who helped brief me on the security issues we face in Korea; and

The Korean-American Cowboy Association for inviting me to the Memorial Day Rodeo to meet and talk with some of our enlisted men and women.

At Misawa Air Force Base in Japan:

Gen. Bruce Wright, USAF; and

Col. Mark Rogers, USAF.

In Beijing:

Ambassador Jim Sasser and the other participants in the Country Team Briefing;

Kelley Snyder, Second Secretary, Economic Section. Ms. Snyder was principally responsible for arranging meetings with Chinese political leaders, and officials from the National Environmental Protection Agency, the Agriculture Ministry, the People's Liberation Army, the Trade Ministry, the Foreign Ministry and the Hong Kong and Macao Office of the State Council.

Bill Brant, Agricultural Minister, who handled the Embassy's participation in the Mansfield Pacific Center Conference on Food Security and Agricultural Trade, and helped make it a resounding success;

Jim Brown, the Embassy Interpreter.

In Hong Kong:

Consul General Richard Boucher;

Scot Marciel, Economic Officer and my control officer. Scot helped me arrange meetings and gain an understanding of the spectrum of Hong Kong opinion on the transition;

Dr. Douglas Spelman, Chief of the Economic and Political Section;

Robert Tynes of the Consular Section and his staff, who handle a tremendously busy and important office very efficiently; and

Victor Chan of General Services.

Our country has a lot at stake in all these places. We face some difficult issues, and in the case of Korea some very dangerous ones. But I must say that we have some very good people on the job. I could not have had better advice on setting an itinerary, more efficient logistical help in scheduling it, and more informed briefings than I received from them. They have my gratitude, and America is lucky to have them.

Mr. BAUCUS. Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ALL-NIGHT DISASTER VIGIL

Mr. DASCHLE. Mr. President, I want to take a couple of minutes of the time allotted to thank so many of our colleagues from both sides of the Congress for their participation in our all-night vigil last night.

We began at 6 o'clock yesterday evening and worked through until 9 o'clock this morning, nonstop. We had about 25 Senators who participated, Senators from all over the country, and some Senators from States that were not affected by the disaster, not included in the supplemental legislation. We had Members of the House of Representatives who participated and came all the way over to express their concern and to participate. I am told we had close to 50 Members of Congress who participated throughout the night. Many of them stayed up all night. I myself had the opportunity to get a couple hours of sleep.

Especially, I want to thank all of the leadership committee staff for the tremendous job that they did, the DTCC staff, the DPC staff, certainly the steering coordination people, and my staff in the leadership office. They deserve our commendation and a heartfelt thanks for all of the work they did in bringing this about. We had the opportunity, as some of my colleagues have already noted, to talk to people around the country and express to them our sincere hope that they know how hard it is sometimes to get this legislation back on track, but also recognize how desirous we are of making that happen soon.

I have had the opportunity to talk to Senator LOTT this morning. I am hopeful that as a result of our conversation and the conversations that I know he is having with other Members, especially on the House side, that we might actually find some way to reach an agreement sometime before the end of the day. I think that is possible. I think there still has to be a lot of good discussion and good-faith effort to try to find a compromise procedurally. But I certainly am hopeful that can be done today.

Last night we talked to people who simply said that they cannot wait any longer, and there are those who said that the problem they are concerned about now is the very short timeframe that we have within which to do any real construction work in the Dakotas and Minnesota. We have no more than 120 to 125 days. In some cases it is less than 100 days depending on the kind of construction project they are considering. So the bottom line is that if you do not get started soon, you miss an entire construction period in the northern part of our country.

That is why it is imperative that these people know exactly how much money they can expect so they can budget for purposes of letting contracts and making plans on infrastructure. There are going to be projects that are going to require more than 1 year. The mayor of Watertown said she felt that it is going to take 2 to 3 years to deal with all the infrastructure problems that are out there.

So there is no doubt that we are not going to be able to deal with all of the problems we have right now. But we are going to be able to prioritize as soon as we know what the budget is. We are going to be able to let contracts. We are going to be able to address these needs one by one and make some effort at trying to resolve the most difficult priorities first—the most contentious and problematic issues that many of these people have to deal with.

So, Mr. President, I think it is so critical that we get on with this legislation, that we pass it, and that we take out the extraneous legislation.

I indicated that we would be more than happy—and I will repeat it again this morning—to work with leadership on both sides of the Congress and with our Republican colleagues in particular to design a way in which to have a time certain to consider these provisions with even an amount of time to be debated. We could even perhaps consider limitations on amendments—I am not suggesting that today—but perhaps even an amendment limitation in an effort to expedite consideration of these extraneous matters. The two most contentious, of course, are the census and the continuing resolution. They are the ones that we would want to find a way in which there could be a separate debate, a date, and a time certain for consideration and ultimately a vote. Let's do that. We can do it simultaneously with the passage of the disaster bill. But that would allow us the opportunity to move forward even this afternoon.

So I am hopeful that we can accomplish that. I am hopeful that perhaps now in the last 24 or 48 hours there can be a growing appreciation of the need to do something like that. I remain ready to sit down and discuss the matter with anybody who has another idea. Until that time, I think it is important that we begin working on this effort.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains on the amount of time allocated to the leader?

The PRESIDING OFFICER. Ten minutes twenty seconds.

Mr. DORGAN. Mr. President, let me follow on his remarks just for a few minutes and read a couple of letters from some folks because, after all, this is not some theory or some debate about policy. It is a discussion about how this issue impacts the lives of citizens. I thought it would be useful to read a couple of the letters that we have received.

This is a letter from a fellow in Grand Forks, ND, who writes, "The people here have no homes, no jobs, no other homes to go to. They have no toys, no bikes, no clothes, nor anything else, for that matter, for their children."

And he says, "You go home and take a break for Memorial Day recess," addressing that to the Congress. He said, "I am very angry at the way people are playing with the disaster relief bill and the lives of the people who need help now. They have no right to delay this bill or add to this bill. They want to add things, add more money. We will not have enough money even with this bill to repair our lives."

This is a letter from someone named Tim, who is a disaster victim. "I am a victim of the flood of 1997, as well as my family and friends and businesses who are victims of the flood. As you know, we have suffered a great deal, and as long as you continue to stall on the legislation for disaster relief our pain and suffering is prolonged. Perhaps you should visit here and see and feel the pain and devastation. Spend 3 days here and you will soon understand why people are depressed and why the anxiety level is extreme." He said, "We strive to help each other out in this country in times of need. Americans like to spread the burden of disaster among everyone. That is what it means and that is why it makes us a great country, and we need your help now. On behalf of my family, my wife, our two daughters, we need your support."

Rodney and Judy wrote this letter to the Congress and to the President. "We were evacuated from our homes on the 19th of April 1997. It sat under water for a period of 10 to 12 days with 56 inches of sewer and flood water on the main floor of our home. Currently the house

is sitting empty because we are waiting on a bill to be passed by Congress providing flood relief. I am a staff sergeant in the Air Force. My wife and my child also happen to be from Grand Forks, North Dakota. We are proud of our community, and we hate to see it wasted as it is. Right now, even through all of the mess, I have my bags packed and am ready to go at a moment's notice to fight and possibly die for our country. That is our calling in the Air Force. But what Congress is doing to us really hurts. I still make a house payment for a home that sits empty.'' He said, ''The home is getting worse day after day. I can't do anything but wait. Do you think this is fair? How did you enjoy your vacation over the Memorial Day weekend? I spent mine fixing up, repairing, and helping my neighbors so that their homes can be lived in once again. I think you should come out here and spend a few days in the stink and the mud and the junk on the curbs and the streets. All we want is answers. Why is this taking so long? Stop playing games with the disaster bill and get it passed. We are tired of waiting for an issue that should have been taken care of long ago.''

I mentioned earlier today of a call last evening when I was part of the vigil last night from midnight until 3 in the morning, a call from a man named Mark from Grand Forks, ND, whose wife is dying, whose home was flooded, whose family was separated, and who now, like thousands of others in Grand Forks, ND, waits for an answer. Mark is dealing with his wife's illness, with a family that is separated, with a natural disaster, and now he needs to deal with answers to the questions he has. ''What about my future? What is going to happen to my community? How can I put my family and my life back together again?'' And the answers are in this piece of legislation.

We still have people here who, as of last night, are making the case that this doesn't matter. ''Nothing is being held up. It doesn't matter.'' FEMA, the Federal Emergency Management Agency, they say, has money in the pipeline. ''Money is flowing. What are people complaining about?''

Anyone who asks that question has a responsibility to go to Grand Forks, ND, and peek through the tent flap of a tent on the front of a yard of a home that is destroyed where the family is now living, or knock on the door of a camper trailer that is parked in the yard of a home that is destroyed where a family is now living, or go to a shelter where a family now still lives, and ask them, ''What is the hurry? Why are you so anxious?'' Anyone who believes that there is money in the pipeline to do that needs to go talk to those folks, has a responsibility to go to talk to those folks, and then come back and stand on the floor of the Senate or the House and say, ''There is no emergency here.'' And, if they do that, then they will not be telling the truth because they will have known better. They will have known differently.

This is urgent. The thousands of people this morning who woke up not in their own bed, not in their own homes, know it is urgent. They woke up somewhere else—another town, another home, living with a relative, in a shelter, in a motel, in a camper trailer, and, yes, a tent. They know it is urgent. Yet, day after day we continue to hear people in and around this Capitol justifying the stalling on the disaster bill by saying, ''Well, it is not urgent. There is nothing in this bill that will provide urgently needed relief. This is for long-term relief.'' It is fundamentally false; wrong.

Will Rogers said—I quoted him the other day—about someone, ''You know, it is not what he knows that bothers me so much. It is what he says he knows for sure that just ain't so.'' We have people who apparently say they know for sure this aid isn't urgent, and they ought to know it ain't so. If they do not know that, they have a responsibility to become informed.

As long as I serve in this Congress I will never attach a controversial unrelated amendment to a disaster bill because it is unfair to do it. I will not do that. And I hope others will not do it in the future either.

In fact, I think we ought to change the rules of the Senate, and I will intend to propose such a change. I expect it will be hard to get adopted. But I think we ought to change the rules of the Senate and say that on bills that are disaster bills, or emergency bills, you ought not be able to offer extraneous or unrelated or nongermane amendments. Will that be hard to get passed in this body? Of course, it will. But shouldn't there be some category of legislation that is an emergency that represents a response to a disaster that at least ought to be held aside and say, ''All right, this is different. This is urgent, and you don't add extraneous controversial amendments to this''?

I think we ought to have a rule change to require that with respect to those select categories of legislation that represent urgent disaster or urgent emergency disaster relief.

I hope maybe today, after now nearly 3 additional weeks of delay, that we might be able to provide an answer to the victims of these disasters and that the answer would be that the generous amount of relief that has been worked on by both sides but now which has been locked up by the maneuvering of some, that generous amount of relief will now be made available to people to help them put their lives back together. If it is done now, if it is done in the next couple of hours, it can be signed into law this evening and the disaster aid will be available immediately.

If it is not done today, will it be done tomorrow? If not tomorrow, will it be next week, or next month? How long do disaster victims have to wait? How long do they have to wait and how many letters do we have to read? How many phone calls do we have to recount about people's lives which are being interrupted, families split, homes destroyed and lives in chaos because Congress has not done its job?

Let's hope this is resolved today.

Mr. President, I yield the floor.

Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

VOLUNTARY ENVIRONMENTAL SELF-AUDIT

Mr. LOTT. Mr. President, yesterday Senator KAY BAILEY HUTCHISON, my colleague and friend, introduced S. 866, legislation that provides a necessary Federal standard regarding voluntary environmental self-auditing for States. There are nearly two dozen States which are experimenting with laws to encourage self-audits. These laws are aimed at increasing environmental protection and directing scarce enforcement resources toward the real bad actors. We need Federal legislation to make these State laws work, and Senator HUTCHISON has a balanced, fair approach.

I want to take this opportunity today to share with my colleagues how this legislative proposal will strengthen America's environmental policies. I will join Senator HUTCHISON as an active cosponsor to S. 866.

First, I would like to explain what voluntary environmental self-auditing is all about.

In the past 10 years, the number of environmental statutes and regulations that impose compliance obligations, and the corresponding civil and criminal penalties and sanctions for violations, have dramatically increased. In response to these developments, more and more companies are using environmental self-audit programs as a tool to ensure compliance.

Generally, an environmental audit is a means of reviewing a business in order to get a snapshot of its overall compliance with environmental laws and to troubleshoot for potential future problems. EPA defines an audit as ''a systematic, documented, periodic and objective review by regulated entities of facility operations and practices related to meeting environmental requirements.'' Audits can include inspections of equipment to insure that

permit requirements are being met; review of future and present risks of regulated and unregulated materials used at the facility; and surveys of the day-to-day operation of environmental management structure and resources. Some companies have compliance management systems that include day-to-day, even shift-to-shift, voluntary activities to assure compliance.

No State or Federal law requires companies to undertake comprehensive environmental self-auditing. This is just a good business practice initiated by companies that are taking extra steps to be in full compliance with environmental law.

There are no guidelines or standard practices—audits vary considerably because they must accommodate the individual needs of companies or specific facilities to be most effective. They are typically much more extensive than an inspection by a State or Federal regulator because they are done more often and because companies simply know much more about their operations and permit obligations than regulators do. A company conducting its own audit can identify and correct a much wider range of potential environmental violations.

Mr. President, doesn't this sounds like a great idea?

Unfortunately, many companies do not perform voluntary self-audits because the information contained in the audit documents can be obtained by Government regulators, prosecutors, citizens' groups, or private citizens and used to sue the company. Companies completing environmental audits develop documentation of their instances of noncompliance or areas of potential concern. These documents, if made public, are a roadmap for third parties or governments to sue even if the problem has already been corrected and no environmental harm has occurred.

Remember, we have an incredibly complex compliance system. Last year a survey conducted by Arthur Anderson and the National Law Journal found that nearly 70 percent of 200 corporate attorneys interviewed said that they did not believe total compliance with the law was achievable. This is due to the complexity of the law, the varying interpretations of the regulators and the ever-present role of human error and the cost.

Because of this complexity, it is possible and logical that companies which take on the task of self-evaluation will find violations—and that is what we want them to do. Find problems and fix them without waiting a year for a Government inspection.

Companies are already vulnerable to extensive liability under environmental laws. Under the Clean Air Act Amendments of 1990, for example, the maximum civil penalty that may be assessed is now $25,000 per day per violation. EPA's fiscal year 1994 enforcement and compliance assurance accomplishments report shows that 166 civil judicial penalties were brought in 1994 totaling $65.6 million. On average, that is about $400,000 a case. There were 1,433 administrative penalty orders for the same year totaling $48 million.

Mr. President, that's a lot of money. A pretty powerful disincentive to self-auditing.

Yet, nearly two dozen States have recognized this disincentive to self-auditing and have enacted laws to fix the problem. These States and their citizens want more companies to conduct self-audits. Mississippi is one of the States that has acted on this issue.

These State laws typically do three things: First, provide qualified evidentiary protection for internal company audit documents; second, grant penalty immunity to companies that conduct audits and voluntarily disclose all violations they discover in their audit; and third, require prompt cleanup of the violation.

In other words, the States are saying that responsible, self-auditing companies that find and report problems to State authorities are rewarded. The companies do not have to pay a fine and are protected from any court action on an internal company audit.

Mr. President, this is a fair deal. We get more environmental protection—which should be the goal of environmental laws—not just freedom from sanctions and penalties. Senator HUTCHISON's legislation brings better environmental compliance with a voluntary flexible component.

Mr. President, this is basic common sense—companies have an incentive to find and fix their problems right away. What could be better for the environment?

State officials also benefit because they can establish cooperative relationships with companies instead of the current adversarial enforcement system. Taxpayers get a better return from their tax dollars because enforcement resources can be redirected toward the bad guys who are not following the law. And, most importantly, we all benefit from greater compliance with our environmental laws.

Some will say that these State laws are about secrecy and letting polluters off the hook. Opponents say that these laws make it more difficult to prosecute and that they will interfere with enforcement actions or compromise the public's right to know.

Mr. President, this is just not true. These laws protect only the voluntary self-audit document. They do not protect any information required by law to be collected, developed, maintained, reported or otherwise made available to a Government agency. The opponents are saying that protection of the audit document will allow bad actors to hide violations and endanger human health. Of course, that is not true. Any action that causes an imminent threat is not protected and must be immediately reported to authorities. Companies gain nothing from these laws if they are using an audit for a fraudulent purpose, or if they find a violation and don't fix it. If they're cheating, they're out.

These laws present a new way of doing business. No safeguards are removed. The State legislature is just as eager as the Federal Government to protect its citizens. Senator HUTCHISON's legislation has the same safeguards.

Twenty-one States think this is a better way to get things done. Twenty-five other State legislatures are considering this voluntary self-audit legislation. Let me give you those numbers again: 21 States have enacted a voluntary audit law and 25 are considering one.

Mr. President, that is a grand total of 46 States. I'd say this is a definite trend. The Federal Government ought to open its eyes and join the parade.

We need to enact similar legislation on the Federal level to complement and assist those States with a full and effective implementation of this concept. That is what this bill is all about. No rollback of standards. No removal of any environmental law. Yes, a different approach, but one already tested in States where 95 million Americans are currently living. It is time for EPA to see the wisdom of 95 million Americans.

Why not let the States continue to show us innovative ways to achieve environmental progress? I frequently ask that question. The answer is EPA wants to retain the right to enforce the law after it delegates program authority to a State. This means that without a Federal law granting a qualified exception for voluntary self-audits, the EPA can take separate enforcement actions—or overfile—regardless of any State action.

The sad consequence is that a company that wishes to take advantage of a State audit law is not protected from Federal enforcement actions—even though the Federal inspectors didn't find the problem and the company has fixed it.

Why would a company voluntarily disclose violations to a State when the Federal Government can come after them for the same thing?

EPA has been very clear about its intent to scrutinize companies in States that have enacted laws and that are currently addressing audit bills in their legislatures. EPA has set up a task force to monitor the approval of State delegated programs under the Clean Air Act for States with voluntary environmental audit statutes. The agency has indicated that approval of certain State programs may be delayed or denied because of their State audit privilege statutes. EPA has used

this threat to withhold Federal program delegation in order to influence pending State legislation. Does this sound like an agency whose charter is to clean up the environment or does this sound like a bureaucracy that focuses on punishment first? Is this a constructive environmental approach?

Why—in the face of such Federal challenges—did the 21 States enact legislation? Because 95 million citizens want a cleaner environment. The States know it is the right thing to do. Americans want an approach that cleans the environment first. That is also why 25 other States want to consider alternatives. These States have shown great environmental courage.

I firmly believe that States can design and implement effective and successful environmental laws. In fact, States have proven that the Federal Government does not always know best and does not always get the job done.

I hope that EPA does not continue to minimize the independent sovereign rights of States to adopt and enforce environmental laws that protect the environment and add to our quality of life. Perhaps EPA needs to get a copy of the Constitution.

Full use of these State laws will never happen as long as EPA continues an adversarial approach. And Americans miss an opportunity to achieve creative and cost-effective solutions to environmental problems.

Even the Clinton administration has recognized the value of promoting environmental self-auditing when it issued a policy statement in December of 1995. It was a good first step forward, but in 2 years, we've seen only intimidation.

Basically, the administration policy says that if companies come forward and voluntarily disclose violations, then EPA will not prosecute them as aggressively as they could otherwise. Not a real bonus. No evidentiary protection, no protection against citizen suits, and it is only a policy, not a rule, so it does not have the force of law nor does it have any impact on what the Justice Department or the FBI can do. And this policy can and will vary from State to State and company to company.

It is now time for legislation. Senator KAY BAILEY HUTCHISON has accepted the challenge and introduced a sound bill yesterday. This bill fully recognizes the sovereignty of the State. Mr. President, Senator HUTCHISON's bill, S. 866, will encourage environmental self-auditing by setting up incentives at the Federal level for those States with the provision. Nothing more.

Americans get better environmental compliance. I urge my colleagues to give serious consideration to the proposal being advanced by Senator HUTCHISON.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 10, 1997, the Federal debt stood at $5,351,973,547,710.08. (Five trillion, three hundred fifty-one billion, nine hundred seventy-three million, five hundred forty-seven thousand, seven hundred ten dollars and eight cents.)

One year ago, June 10, 1992, the Federal debt stood at $5,134,653,000,000. (Five trillion, one hundred thirty-four billion, six hundred fifty-three million.)

Five years ago, June 10, 1992, the Federal debt stood at $3,939,456,000,000. (Three trillion, nine hundred thirty-nine billion, four hundred fifty-six million.)

Ten years ago, June 10, 1987, the Federal debt stood at $2,294,202,000,000. (Two trillion, two hundred ninety-four billion, two hundred two million.)

Fifteen years ago, June 10, 1972, the Federal debt stood at $1,073,704,000,000 (One trillion, seventy-three billion, seven hundred four million) which reflects a debt increase of more than $4 trillion—$4,278,269,547,710.08 (Four trillion, two hundred seventy-eight billion, two hundred sixty-nine million, five hundred forty-seven thousand, seven hundred ten dollars and eight cents) during the past 15 years.

COMMEMORATING THE 30TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

Mr. MACK. Mr. President, I rise today to commemorate the 30th anniversary of the reunification of Jerusalem and to congratulate the people of Israel on their commitment to freedom.

Jerusalem, Mr. President, is a city unique in all the world. We know much of its 3,000 year history. We know that Jerusalem has been a great city for many people; we know that it remains a holy city for people throughout the world; we know that it is an inseparable part of the Jewish state, a fundamental part of Jewish identity; and we know that it is the undivided capital of the State of Israel.

It was on the hill which we call the Temple Mount that overlooked the Jerusalem of Abraham, where God called upon Abraham to bring his son to be sacrificed; it was here that God made His covenant with man. Jerusalem holds the remains of the first and second temples including the Western Wall of the temple's courtyard, Judaism's holiest site. It is to Jerusalem that Jews everywhere in the world turn in prayer and, no matter where they live, they conclude their celebrations with the refrain "next year in Jerusalem."

Mr. President, I would like to read from perhaps the most moving description of this great city delivered by one of Israel's greatest leaders and statesmen. In 1995, the late Prime Minister Yitzak Rabin delivered the following remarks here in the U.S. Capitol:

Jerusalem is the heart of the Jewish people and a deep source of our pride. On this festive occasion, thousands of miles from home, here and now, we once again are raising Jerusalem above our highest joy, just like our fathers and our fathers' fathers did.

Jerusalem has a thousand faces—and each one of us has his own Jerusalem.

My Jerusalem is Dr. Moshe Wallach of Germany, the doctor of the sick of Israel and Jerusalem, who built Sha'arei Zedek hospital and had his home in its courtyard so as to be close to his patients day and night. I was born in his hospital . . .

My Jerusalem is the focus of the Jewish people's yearnings, the city of its visions, the cradle of its prayers. It is the dream of the return to Zion. It is the name millions murmur, even on their death bed. It is the place where eyes are raised and prayers are uttered.

My Jerusalem is the jerrycan of water measured out to the besieged in 1948, the faces of its anxious citizens quietly waiting in line for bread, the sky whose blackness was torn by flares.

My Jerusalem is Bab el-Wad—the road to the city—which cries out, "Remember our names forever." It is the ashen faces of dead comrades from the War of Independence, and the searing cold of the rusting armored cars among the pines on the side of the road.

My Jerusalem is the great mountain, the military cemetery on Mount Herzl, the city of silence whose earth holds the treasured thousands of those who went to bitter battle—and did not return.

My Jerusalem is the tears of the paratroopers at the Western Wall in 1967 and the flag which once more waved above the remnant of the Temple.

My Jerusalem is the changing colors of its walls, the smells of its markets and the faces of the members of every community and every faith, where all have freedom of thought and freedom of worship in the city where holiness envelops every stone, every word, every glance.

And my Jerusalem is the City of Peace, which will bear great tidings to all faiths, to all nations, "For the Torah shall come forth from Zion and the word of the Lord from Jerusalem . . . Peace be within thy walls and prosperity within thy palaces."

We differ in our opinions, left and right. We disagree on the means and the objective. In Israel, we all agree on one issue: the wholeness of Jerusalem, the continuation of its existence as capital of the State of Israel. There are no two Jerusalems. There is only one Jerusalem. For us, Jerusalem is not subject to compromise, and there is no peace without Jerusalem.

Jerusalem, which was destroyed eight times, where for years we had no access to the remnants of our Temple, was ours, is ours, and will be ours—forever.

"Here tears do not weaken eyes," wrote the Jerusalem poet Yehuda Amichai. "They only polish and shine the hardness of faces like stone." Jerusalem is that stone.

Mr. President, Jerusalem is more than the heart of the Jewish people. It is sacred throughout the world. Jesus was crucified inside today's city, and Mohammed was said to have ascended into Heaven from the Temple Mount. Mr. President, Jerusalem indeed is a great city; it is a city of the world, a city revered by the world, and a city for the world. Its freedom is invaluable.

Unfortunately, from 1948 to 1967, beginning with the war waged against the new State of Israel and ending with Israel's victory in the Six-Day War, Jerusalem was a divided city. During this time, Israelis of all faiths and Jews from around the world were prohibited from entering the eastern part of the city and from praying at the holy sites there. Jerusalem had lost its freedom, and the world had lost its Jerusalem.

This week, Mr. President, marks the anniversary of the liberation of the holy city and its return to freedom. That is why we are congratulating the people of Jerusalem.

Today, Jerusalem is a city of growth, prosperity, and freedom. Upon their victory in 1967, those denied the city for so long did not deny it to the defeated. To this day, perhaps the most holy site for all three major religions of the city remains housed in a Moslem mosque, the Dome of the Rock. But it is a place which can be visited by anyone who desires.

So, beyond honoring the freedom of this great city, I want to congratulate the people of Jerusalem and of Israel for their commitment to religious freedom and the principle that religious faiths should not pay the price of political disputes. The Jews of Israel know very well the importance of religious freedom, and the pain of its denial.

Today, as we remember Jerusalem's proud and turbulent past, and honor its freedom-loving residents, we must appreciate the continuing threat to the city's future.

Thirty years ago today, Mr. President, Israel was at war, fighting for the freedom and indivisibility of Jerusalem. I submit that today, Israel remains at war. We must remember, as the peace which seeks to end this war ebbs and flows, that many people in and around Israel are trying to accomplish through other means what they failed to do in 1967—push Israel into the Mediterranean Sea. In this environment, we must not assume all parties are equally right and equally wrong. The middle of a dispute is usually not halfway in between the belligerents. Treating bombs in cafes and on buses as morally equivalent to bulldozers on deserted hilltops jeopardizes peace.

The Senate, on May 20, passed Senate Concurrent Resolution 21, marking the anniversary of Jerusalem's reunification and congratulating the people of Israel. The measure had 88 initial cosponsors and passed unanimously. This clear message cannot be misunderstood. There is only one Jerusalem and it is the undivided capital of Israel. As the peace process continues there should be no doubt about where the U.S. Senate stands. The Senate strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 30 years and calls upon the President and Secretary of State to publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel.

Mr. MOYNIHAN. Mr. President, today the Senate joins the people of Israel as they celebrate the 30th anniversary of the reunification of Jerusalem. The Six-Day War began after Egyptian President Gamal Abdel Nasser, spurred on by the Soviet Union, conspired with Syria, Jordan, and Iraq to have the people of Israel "thrown into the sea." Nasser persuaded U.N. Secretary General U Thant to withdraw peacekeeping forces from the Gaza strip which for 10 years had acted as a buffer between Israel and Egypt. The Egyptians began amassing troops in the Sinai. Israel, surrounded by 250,000 Arab troops preparing for war, launched a devastating pre-preemptive strike on June 5.

The war was a significant event in Israeli history and resulted in the reunification of Jerusalem, which before the war had been divided with all access to the Old City and its holy sites denied to Jews.

I have been involved with this particular issue in some measure since my tenure as the U.S. Permanent Representative to the United Nations in 1975. By the early 1970's, a Soviet-led coalition wielded enormous power in the U.N. General Assembly and used it in an assault against the democracies of the world. In that regard, I cite an editorial in the New Republic which has said of the United Nations in that time that "During the Cold War, the United Nations became a chamber of hypocrisy and proxy aggression."

Those who had failed to destroy Israel on the field of battle joined those who wished to discredit all Western democratic governments in an unprecedented, sustained attack on the very right of a U.N. member state to exist within the family of nations.

The efforts in the 1970's to delegitimize Israel came in many forms. None more insidious than the twin campaigns to declare Zionism to be a form of racism and to deny Israel's ties to Jerusalem. Those who ranted against the "racist Tel Aviv regime" were spewing two ugly lies. Both had at their heart a denial of Israel's right to exist.

The first lie, the infamous Resolution 3379, was finally repealed on December 16, 1991, after the cold war had ended and as the Soviet Union was dissolving. The second we are still dealing with today.

That Jerusalem is, and should remain Israel's undivided capital would seem an unremarkable statement, but for the insidious campaign—begun in the 1970's—to delegitimize Israel by denying her ties to Jerusalem. For far too long the United States acquiesced in this shameful lie by refusing to locate our embassy in Israel's capital city. As long as Israel's most important friend in the world refused to acknowledge that Israel's capital city is its own, we lent credibility and dangerous strength to the lie that Israel is somehow a misbegotten, illegitimate or transient state.

This suggestion is all the more untenable when you consider that no other people on this planet have been identified as closely with any city as the people of Israel are with Jerusalem—a city which recently celebrated the 3000th anniversary of King David declaring it his capital. No Jewish religious ceremony is complete without mention of the Holy City. And twice a year, at the conclusion of the Passover Seder and the Day of Atonement services, all assembled repeat one of mankind's shortest and oldest prayers, "Next Year in Jerusalem."

Throughout the centuries Jews kept this pledge, often sacrificing their very lives to travel to, and live in, their holiest city. It should be noted that the first authoritative Turkish census of 1844 reported that Jews were by far the largest ethnic group in Jerusalem—long before there was a West Jerusalem, or even any settlements outside the ancient walled city.

When the modern State of Israel declared independence on May 14, 1948, Jerusalem was the only logical choice for the new nation's capital, even if it was only a portion of Jerusalem—the Jordanian Arab Legion having occupied the eastern half of the city and expelled the Jewish population of the Old City. Jerusalem was sundered by barbed-wire and cinderblock and Israelis of all faiths and Jews of all citizenship were barred from even visiting the section under Jordanian occupation.

The world was silent while the historic Jewish Quarter of the city was sacked and razed to the ground, synagogues and schools were destroyed, and 3,000 years of history were denied. This bizarre anomaly only ended on June 5, 1967, when Israel faced renewed aggression from Egypt and Syria, both then close friends of, and dependents of the Soviet Union. As hostilities commenced, Israeli Prime Minister Levi Eshkol sent a message to King Hussein of Jordan promising that, if Jordan refrained from entering the war, Israel would not take action against it. Jordan, however, attacked Israel that same day. Within the week, Israeli forces had captured all of Jerusalem, as well as other territories west of the Jordan River. The City of David was once again united, and has remained so since 1967. Under Israeli rule Jerusalem has flourished as it did not under Jordanian occupation, and the religious shrines of all faiths have been meticulously protected.

Having made the odious link between Zionism and racism, the Soviet inspired coalition now set its sights on

the heart of Israel: Jerusalem. The Seventh Conference of Heads of State of Government of Non-Aligned Countries, which convened in New Delhi, India, March 7 through 11, 1983, devoted several lengthy passages of its Final Declaration to excoriating Israel and its ally, the United States. Special attention was devoted to the question of Jerusalem's status. And not just East Jerusalem as had become the practice of such fora.

I happened to be in New Delhi in the days before the summit began and was shown a draft of the Final Declaration. The draft passage of Israel read: "Jerusalem is part of the occupied Palestinian territory and Israel should withdraw completely and unconditionally from it and restore it to Arab sovereignty."

While surely this can be read as a provocative statement that all of Jerusalem is occupied Palestinian territory, when pressed on the point, my Indian hosts assured me that by Jerusalem they really only meant east Jerusalem, which is to say the Old City, or perhaps the Arab section. Hence, the significance of the revised final text of the declaration of some 101 nations.

This is what the nonaligned declared in that session in 1983:

> West Jerusalem is part of the occupied Palestinian territory and Israel should withdraw completely and unconditionally from it and restore it to Arab sovereignty. West Jerusalem!

The 101 nations of the Non-Aligned Movement declared that the Israeli Parliament and government buildings, Yad Vashem, the Holocaust memorial, the King David Hotel, the whole of the new city, did not belong to Israel. The State of Israel is not a nation. It has no capital, or so said the nonaligned.

What was the response from Washington to such polemics? Not a word. In effect, our silence could have been interpreted as implying that we had no quarrel with those who state that Israel has no capital. And thus, that Israel is less than a sovereign nation.

It was at this point that I brought the issue to the Senate floor. On October 31, 1983, I introduced S. 2031 which required the relocation of our Embassy from Tel Aviv to Jerusalem.

Official documents published by the United States Government at the time, such as the State Department's "Key Officers of Foreign Service Posts: Guide for Business Representatives," listed Jerusalem separate from Israel. The guide listed countries alphabetically, under each of which in subscript was enumerated the various diplomatic posts the United States Government maintained in that country.

There was Ireland, with the one post in Dublin; then came Israel, with one diplomatic office listed, its address in Tel Aviv; then curiously several pages later, after Japan, there was listed a Consulate General in a country called Jerusalem. Then came Jordan and Kenya.

That was how the "Key Officers of Foreign Service Posts" was organized until the end of 1994, when Secretary Christopher published the document with Jerusalem listed under the Israel heading. This is a welcome change. That simple refusal by the United States Government to associate our consulate in Jerusalem with the State of Israel carried much greater weight with the Non-Aligned countries than we realized.

They would not have acted as they had done in 1983 if they did not think at some measure we were not in disagreement. Our documents have so implied.

While my legislation did not pass in 1983, the drive to clarify the status of Jerusalem began to gain momentum in the Senate in 1990 when I submitted Senate Concurrent Resolution 106, which states simply: "Jerusalem is and should remain the capital of the State of Israel." A simple declarative sentence which gained 85 cosponsors and was adopted unanimously by the Senate and by an overwhelming majority in the House.

On November 8, 1995, the Dole-Moynihan Jerusalem Embassy Act became the law of the United States. The law states, as a matter of United States Government policy, that Jerusalem should be recognized as the capital of the State of Israel, and should remain an undivided city in which the rights of every ethnic and religious group are protected as they are today.

In the winter of 1981, I wrote an article in Commentary entitled "Joining The Jackals" in response to the Carter administration's disastrous support for a resolution challenging Israel's rights in Jerusalem. Sixteen years later, we find that the jackals are in retreat. Israelis and Palestinians are negotiating the details of their future. And the United States can make a simple but important contribution to this process by unequivocally recognizing Israel's chosen capital.

The Senate has affirmed this simple proposition by unanimously adopting Senate Concurrent Resolution 21, on May 20, 1997, which commemorates the reunification of Jerusalem and states that:

> [The Senate] strongly believes that
> Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 30 years;
> [and]
> Calls upon the President and Secretary of State to publicly affirm as a matter of United States policy that Jerusalem must remain and undivided capital of the state of Israel.

Mr. President, I thank my colleagues for their strong support of this measure, and again wish to congratulate our friends in Israel on this important occasion.

Mr. KEMPTHORNE. Mr. President, today I join my colleagues in congratulating the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of their capital.

Christianity, Islam, and Judaism hold Jerusalem sacred, and the many holy sites of all faiths make a city a world spiritual and religious center. With the reunification of Jerusalem in 1967, Israel ensured the freedom of worship for all faiths and access to holy places of all religions with the enactment of the Protection of Holy Places Law, 1967.

Today, Jerusalem is a mosaic of many cultures, religions, and nationalities, of peoples and neighborhoods, of old and new. It is a union of contrasts with a unique character. Last year Israel celebrated the Trimillennium of Jerusalem, the City of David. And for the past 3,000 years there has been a continuous Jewish presence in the city. In fact, ever since King David made Jerusalem the capital of his kingdom, Jerusalem has become a center of Jewish existence.

No other nation has ever made Jerusalem its capital in such an absolute and binding fashion. The Temple was built in Jerusalem, and to it the religious made their pilgrimages. Chapters of the Bible were written within its walls, and there the prophets preached their prophesies. The city's ancient stones, imbued with millennia of history, and its numerous historical, sites, shrines, and places of worship attest to its meeting for Jews, Christians, and Muslims. Sanctified by religion and tradition, by history and theology, by holy places and houses of worship, Jerusalem is a city revered by Jews, Christians, and Muslims. It reflects the fervor and piety of the three major monotheistic faiths, each of which is bound to Jerusalem by veneration and love.

The Jewish bond to Jerusalem was never broken. For three millennia, Jerusalem has been the center of the Jewish faith, retaining its symbolic value throughout the generations. The many Jews who had been exiled after the Roman conquest and scattered throughout the world never forgot Jerusalem. Year after year they repeated "Next year in Jerusalem." Jerusalem became the symbol of the desire of Jews everywhere to return to their homeland. It was invoked by the prophets, enshrined in daily prayer, and sung by Hebrew poets in far-flung lands.

As a Christian, Jerusalem is a holy city for me. Jerusalem is the place where Jesus lived, preached, died, and was resurrected. I went to Jerusalem in 1994 and visited various holy sites including the Church of the Holy Sepulcher, the Garden of Gethsemane, and the Via Dolorosa. For me there is something very special about this ancient city and I am glad I was able to

visit these sites unencumbered, as are all persons.

For Islam, the prophet Mohammed was miraculously transported from Mecca to Jerusalem, and it was from there that he made his ascent to heaven. The Dome of the Rock built in the seventh century, is built over the site of Mohammed's ascent.

Every year Jerusalem plays host to hundreds of thousands of Christian pilgrims who come to walk in the footsteps of Jesus and pray at the shrines and churches throughout the city. Thousands of worshipers pray at the Mosques on the Temple Mount, with their numbers swelling into the hundreds of thousands during Moslem holy month of Ramadan.

Jerusalem is a special city for me, my fellow Christians, Moslems, and Jews. For the United States, Jerusalem is the recognized undivided capital of Israel, and the United States embassy will be established in the city by 1999.

Mr. President, again, I want to congratulate the citizens of Jerusalem and Israel on this special occasion. As I wish them all my best for the next 3,000 years, I am reminded of Psalms 122:2–3.

Our feet stood within thy gate,
O Jerusalem,
Jerusalem built up,
a city knit together.

Congratulations, Jerusalem.

Ms. MIKULSKI. Mr. President, I am proud to rise as a cosponsor of Senate Concurrent Resolution 21 and commend the people of Israel on the 30th anniversary of the reunification of Jerusalem.

Jerusalem is and always will be the capital of Israel. For thousands of years the Jewish people prayed, "next year in Jerusalem." This prayer helped to sustain Jews even through the darkest days of the diaspora.

After Israeli independence, Jews were forced out of Jerusalem—where they had lived for three millennia. The holy sites of Jerusalem were closed to Christians and Jews. The Jewish quarter of the old city was destroyed. But since Jerusalem was unified in 1967, it has been open to all religions for the first time in its history.

I have visited Israel with Jews who were there for the first time. When we visited the Western Wall, I saw what it meant for them to touch the stones that their ancestors could only dream of. I saw that Jerusalem is not just a city or a capital. It is the religious and historic homeland of the Jewish people.

Jerusalem is the capitol of Israel—though the world ignores this fact. Why is Israel the only nation that is not allowed to chose its own capital?

There is much talk about building in Jerusalem. Well, there is a building project that I particularly look forward to. America will build its Embassy in Jerusalem by 1999. We should have moved our Embassy long ago.

Mr. President, This year, as we celebrate the 30th anniversary of the unification of Jerusalem, let us mark this great event by reaffirming that Jerusalem is and always will be the capital of the State of Israel.

Mr. HELMS. Mr. President, this past Saturday, June 7, marked the 30th anniversary of the reunification of the city of Jerusalem. Prior to 1967, Jerusalem was a city divided, its center scarred by concrete and barbed wire, with many of its residents displaced. Israel's recovery of Jerusalem during the Six-Day War ended that ugly partition and restored the ability of visitors and residents of all religions to worship freely and visit important holy sites in Jerusalem.

For my part, I am convinced that Jerusalem should remain the unified capital of the State of Israel. I have consistently supported measures before the Congress expressing opposition to the division of the holy city.

The Jerusalem Embassy Relocation Act, passed in 1995, definitively expressed Congress' heartfelt belief that Jerusalem should not only remain the capital of the State of Israel, but that the United States should recognize it as such.

Jerusalem occupies a central place in the Christian, Islamic, and Jewish faiths and I believe it is crucial to each of these great traditions that Jerusalem remain undivided and its holy sites open.

I urge that the President and the State Department declare their support for a free, united Jerusalem, and to avoid interfering in negotiations between Israelis and Palestinians on the status of the holy city.

Mr. President, in these last 30 years, the holy city of Jerusalem has flourished, not just for Israel, but for all people. Nobody can claim complete ownership of one of the spiritual centers of the world. But we can all congratulate the State of Israel on its excellent stewardship.

Mr. LIEBERMAN. Mr. President, I rise today to add my voice to those celebrating the 30th anniversary of the reunification of Jerusalem. The Senate has before it a resolution commemorating this occasion. Its passage will be an appropriate and fitting testimony to the courage of those who reunited and reopened the city, and to the wisdom of those who have maintained it that way for the last three decades.

Jerusalem is a city of faith. It is the spiritual home of Jews, Christians, and Muslims, and it is the sacred symbol and temporal meeting place of their shared legacy and common humanity. Undivided access to its holy sites is a promise made in the tumult of war and kept in the name of peace. Those who made it and those who keep it are rightly remembered by us today.

Jerusalem also is a national city. It is the undivided capital of Israel—the political and cultural center of one of America's staunchest, most important allies. The continued unity of Jerusalem under Israel's flag is not an issue for debate. It is our best assurance that America's most cherished values, including the rule of law and basic human freedoms, will be preserved and protected in a region critical to our own national interest.

Thirty years ago, the people of Israel reunified Jerusalem. But for more than 3,000 years, Jerusalem has endured as the city on the hill. Geography and politics alone do not being to explain its significance. It is a place where God touches us and unifies our histories; it is where the privilege and responsibility of Abraham's heritage becomes our own. Peace with justice in Jerusalem is a measure of our integrity as people of faith; and the best hope for peace with justice in Jerusalem is continued undivided sovereignty.

I urge my colleagues to pass this resolution congratulating the residents of Jerusalem and the people of Israel on the 30th anniversary of that city's reunification.

Mr. D'AMATO. Mr. President, I rise today to commemorate the 30th anniversary of the reunification of Jerusalem.

Jerusalem is and shall remain the undivided capital of the State of Israel. The facts are simple: Jerusalem belongs to Israel for the simple reason that for three millennia, it has been the spiritual, historical, cultural, and moral capital of the Jewish people. In recognition of this fact, the relocation of our Embassy from Tel Aviv to Jerusalem should take place as called for in the Jerusalem Embassy Relocation Act of 1995.

Thirty years after reuniting the city after preempting another attack by her surrounding Arab neighbors, Israel has sought to make the city open to people of all faiths and to make the holy sites available to all who come. The fact remains, that Jerusalem has never been the capital of any nation but that of the Jews. That is the way it should remain.

Mr. President, Jerusalem has been central in the thoughts and minds of the Jewish people for 3,000 years. As the holy city, Jerusalem is the spiritual and religious center of Judaism and is an indivisible part of the State of Israel.

While I understand that the present Middle East peace negotiations are both complicated and delicate, I do not want anyone to fall under the impression that Jerusalem will belong to anyone other than Israel. If the future of Jerusalem remains unclear in the minds of the Palestinians then they will increase their demands and this will further complicate the already tense negotiations.

Let the message be clear: A united Jerusalem is off limits to negotiation.

Mr. GRAHAM. Mr. President, I rise today in support of Senate Concurrent

Resolution 21 of which I am a proud cosponsor. This resolution congratulates the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of that historic city. This resolution also expresses our strong belief that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 30 years. Furthermore it calls upon the President and the Secretary of State to publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel.

There has been a continuous Jewish presence in Jerusalem for three millennia and a Jewish majority in the city for the past 150 years. Jerusalem has been, throughout these years, the holiest of cities and the focal point of Jewish devotion. Jerusalem remains a unique and critically important city to the Jewish people. Jerusalem is also the only city in the world which serves as the capital of the same country, inhabited by the same people, speaking the same language, and worshipping the same God as was the case 3,000 years ago.

During the 1948 Arab-Israeli War, the Jewish people were driven out of the Old City of Jerusalem and denied access to holy sites in the area controlled by Jordan. For 19 years Israelis of all faiths and Jews from all around the world were prevented from visiting their holiest sites by the barbed wire which divided Jerusalem. Today we commemorate 30 years of unrestricted access to these holy sites. Since the Israeli Government reunified Jerusalem under its control, the rights of all religious and ethnic groups have been restored and vigilantly protected.

The protection of the rights of every ethnic and religious group is critical to the maintenance of peace in such a diverse and religiously significant region. We are here today to commend the Israeli people and their government for restoring full access for all people to their holy sites. Today we again lend our support to continued Israeli control of a unified Jerusalem.

Support for a strong, independent, and undivided Israel is the keystone of our policy in the Middle East. Israel is not only the sole democracy in the region, but also a country with which we share cultural and historical ties. Our continued support of Israel, and of Jerusalem as its undivided capital, is especially important in this crucial point in the peace process.

We are here today in continuation of our previous policy initiatives regarding Israel and its control of Jerusalem. In 1990, the Congress adopted concurrent resolutions declaring that the Congress "strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic religious group are protected." In 1992, the Congress adopted resolutions to commemorate the 25th anniversary of the reunification of Jerusalem, additionally reaffirming congressional sentiment that Jerusalem must remain an undivided city.

Congress' most forceful and symbolically consequential actions in recognition of the importance of a unified Jerusalem have been part of its systematic rebuke of its previous policy of maintaining the U.S. Embassy in Tel Aviv. For some time the United States has conducted its official meetings and other business in the city of Jerusalem in de facto recognition of its status as the capital of Israel. The Jerusalem Embassy Act of 1995 stated as a matter of policy that Jerusalem should remain the undivided capital of Israel. Funds for the building of the U.S. Embassy in Jerusalem were recently appropriated in the fiscal year 1998 appropriations bill, H.R. 1486.

As a Member of this Senate and a long-time supporter of Israel, I am proud to stand with many of my distinguished colleagues as a cosponsor of this important resolution.

Mr. KYL. Mr. President, I rise in support of Senate Concurrent Resolution 21, commemorating the 30th anniversary of the reunification of Jerusalem as the capital of Israel.

It is an honor to be a cosponsor of this resolution, as it was to be a cosponsor of the 1995 Jerusalem Embassy Relocation Act. The 1995 act declared that the holy city should remain "undivided" and be "recognized as the capital of the State of Israel."

Mr. President, for 3,000 years there has been a continuous Jewish presence in the city of Jerusalem. No other city on Earth is the capital of the same country, inhabited by the same people, speaking the same language and worshipping the same God, for a span of three centuries as has been the case with Jerusalem.

In 1948, the Arab legion conquered East Jerusalem, including the Old City, as part of the general Arab military offensive to prevent Israel from coming into being. Israel retained control over West Jerusalem. It is important to note, Mr. President, that when East Jerusalem was under Arab or Muslim rule, it never served as a capital city for the rulers. Between 1948 and 1967, when East Jerusalem was under Jordanian control, Jordan's capital remained in Amman. I would also note that during this time, the holy city was closed to other religions. Jews were prevented from visiting their holy places, all the synagogues in the Old City were razed and Jewish burial places were desecrated.

In 1967, as Egypt and Syria moved again toward war against Israel, the Israeli Government urged King Hussein of Jordan to sit out the fighting and promised that the territories he controlled would be left alone if he did so. The King failed to heed the warning. He attacked Israel, and in the ensuing fighting lost East Jerusalem and the West Bank.

When the holy city was reunified after the war, Israel, under Labor Party leadership at the time, declared that Jerusalem will remain undivided forever as Israel's capital and that all people will have free access to their holy places. All people of all faiths are welcome to worship in the holy city. Former Israeli Foreign Minister Shimon Peres said it this way: "Jerusalem is closed politically and open religiously. This mean that it will remain unified, and only as Israel's capital, not two capitals. It will remain under Israeli sovereignty."

I agree with Shimon Peres. Jerusalem is, and should remain, a united city—the capital of Israel. I urge the immediate adoption of this resolution. As the 1995 act did before, Senate Concurrent Resolution 21 will send a principled and constructive signal to all the parties in the Arab-Israeli negotiations that the United States recognizes Jerusalem as the capital of Israel.

Mr. BRYAN. Mr. President, I rise today to join my colleagues in observing the 30th anniversary of the reunification of the city of Jerusalem. Although the modern State of Israel was founded almost 50 years ago, in 1948, the city of Jerusalem was at that time still divided between Israel and Jordan, and its holy sites were not open to all religious groups. After Jerusalem became one again in 1967, these important historical and religious sites were opened to Christians, Jews, Muslims, and all others who wished to worship or simply spend some time in the Old City or at the Western Wall.

I have long supported an undivided Jerusalem in which the rights of every ethnic and religious group will be protected and respected. Jerusalem is not only the capital of Israel, but also the home of more than 40 Christian denominations and the home of the Moslem religion. It is imperative that we work to preserve this city's unity and prevent any actions that would threaten this status. At the same time, we must ensure that our efforts to maintain unity in the holy city do not divide those working toward a lasting peace in the Middle East. Jerusalem is holy to many people in many different ways, and its future has understandably been a sensitive issue in the ongoing peace process. Unfortunately, some have used the issue of a unified Jerusalem to divide those who share in the city's heritage. Our support today for unity in Jerusalem does not in any way detract from our support for peace in the Middle East. The peace process, with our unqualified support, must move forward.

In closing, Mr. President, I simply wish to restate my support for a unified Jerusalem that is open to all those

who wish to visit its historical and spiritual sites. It is fitting that the Senate takes a moment to reflect upon the importance of Jerusalem as a symbol to people of diverse faiths and as a unified city open to all. Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, I have sought recognition today to commemorate the 13th anniversary of the reunification of Jerusalem during the Six-Day War. I congratulate the residents of Jerusalem and the people of Israel on this important anniversary day.

On June 5, 1967, the Israelis responded to threats from their Arab neighbors and 6 days later the war ended with a reunified Jerusalem that once again gave Jews access to the old city and its holy sites. Some called this unexpected price of war a miracle; it is indeed an issue of great importance for the Jewish people.

Jerusalem holds a special place in Jewish history. Since King David, Jerusalem has been at the center of Jewish traditions and the very core of Jewish faith. The very city itself, not just the sites of religious significance, is considered hallowed by those of the Jewish faith. This issue has personal significance to me as well, as members of my own family live and worship in Jerusalem.

Jews have long been the majority of residents of Jerusalem. However, Jerusalem is not only important for the Jewish faith, but for Islam and Christianity as well. I am a cosponsor of the sense-of-the-Congress resolution that recognizes the significance of a unified Jerusalem to the people of Israel and reiterates the Senate's position that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected.

This resolution also calls on the President to publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of Israel. Since coming to the Senate, I have supported initiatives that recognize Jerusalem as the capital of Israel. I also supported the Jerusalem Embassy Relocation Implementation Act of 1995, legislation that will move the United States Embassy in Israel to Jerusalem. I will continue to work to ensure that never again will access to the old city and its holy sites be denied to Jews or to persons of any faith.

Mr. President, I join my colleagues on this momentous day in celebrating the triumph of Israel in the Six-Day War and the reunification of Jerusalem.

Mr. KENNEDY. Mr. President, I join my colleagues in paying tribute to the nation of Israel and its courageous people on the 30th anniversary of the reunification of Jerusalem.

Today, this remarkable city, with its proud history in both the ancient and the modern worlds, stands as a center of diverse religious and cultural interests. Three of the world's great religions—Christianity, Islam, and Judaism—consider Jerusalem to be a holy city, and all three have holy sites in the city.

In 1967, following 20 years of division, Israel reunited Jerusalem during the course of its heroic victory in the Six-Day War. As the capital of Israel, Jerusalem today is a haven for persons of all ethnic and religious groups. As we join in commending Israel on this important anniversary, we also reaffirm our commitment to an undivided Jerusalem.

Mr. HATCH. Mr. President, 30 years ago a singular, unexpected and startling event reshaped the world. I am referring to the conclusion of the Six-Day War of 1967, when the young Jewish state was faced with the amassed forces of the Arab world, bent on its destruction. Israel prevailed against all odds and concluded the short but bloody war with the victorious forces of Israel reclaiming and reuniting the holy city of Jerusalem.

It was the first time since the fall of Jerusalem in 70 C.E. that the city was entirely in Jewish hands. One of the accounts of the first paratroopers and soldiers to reach the wall spoke of Gen. Shlomo Goren, then the chief rabbi of the Israeli Army, who raced to join the first to reach the wall. Last week's Jerusalem Post recounted that he was armed only with a Bible and a shofar, and that as they ran through the narrow streets of Old Jerusalem

> Goren did not stop blowing the shofar and reciting prayers. His enthusiasm infected the soldiers, and from every direction came cries of "Amen!" The paratroopers burst out in song.

The Jewish author Abraham Joshua Heschel wrote movingly of this pivotal event:

> In its solitude the Wall was forced into the role of an unreachable tombstone for the nameless dead. Suddenly the Wall, tired of tears and lamentations, became homesick for song. "O Come, let us sing to the Lord, let us chant in joy to the rock of our salvation!" (Psalm 95:1) It will be called the Rejoicing Wall.

It was the first time since the partition of Jerusalem that Jews could pray at the Western Wall. In fact, after the Israeli paratroopers and soldiers liberated the city, many flocked to the wall even before the mines left by the Jordanians had been removed. A few days later, the headline of the Jerusalem Post read: "200,000 at Western Wall in first pilgrimage since Dispersion".

Heschel wrote:

> July, 1967 * * * I have discovered a new land. Israel is not the same as before. There is great astonishment in the souls. It is as if the prophets had risen from their graves. Their words ring in a new way. Jerusalem is everywhere, she hovers over the whole country. There is a new radiance, a new awe.

Mr. President, the conclusion of this war had profound geopolitical consequences—for the Mideast, and for the world, as the superpowers responded to the consequences of the defeat of the Arab armies. The Soviets increased their support to the Arab regimes intent on revenge, including the virulently anti-Israel governments of Saddam Hussein and Hafez Assad who came to power over the next couple of years. The United States, quick to recognize Israel's declaration of independence almost 20 years before, stood by our democratic friend, as we would during the Yom Kippur War 6 years later, and as we have ever since.

But there was consequences even more profound than the geopolitics. The city of David was in Jewish hands. Whereas the Jewish graves and synagogues had been desecrated since the partitioning in 1948, Israel opened the city to the faithful of the three monotheistic religions. The Muslim leaders retained control of al-Aqsa Mosque and the Dome of the Rock. Hundreds of thousands of Muslims and Christians have joined Jews since then in pilgrimages to holy Jerusalem. Jerusalem today is a city for all faithful.

It is also, as so befits the sadness of this bloody 20th century, the center of unresolved political disputes.

Mr. President, if you look back at the history of the 1967 war, you see that among the Israeli leadership, the possibility of exchanging land for a permanent peace was being considered within days after the Six-Day war. This was a radical notion in that part of the world—and the years it took before the Sinai was returned was a necessary period when facing hostile regimes on every border of a narrow state. But Israel has always demonstrated its willnessness—in fact, its insistence—on cohabiting in the region, and cooperating to do so—as long as its sovereignty and right to exist are recognized. These notions were at the heart of an unformulated peace process then as they are in a more formal peace process now.

It is up to the democratically elected government of Israel to determine the direction and content of that process today, as it is up to Israel's Arab neighbors to accept the reality of the Jewish state.

But one issue has been left more muddled than it should be: the status of Jerusalem. This issue has been debated on this floor for over a decade. I believe that Jerusalem is the capital of Israel, and I have joined many colleagues in expressing that it should be the policy of the United States to recognize Jerusalem as the undivided capital of Israel, and to cease the artificial posturing that has kept our Embassy in Tel Aviv. This is what we declared when we passed the Jerusalem Embassy Act of 1995, and what we reiterated in our recent resolution, Senate Concurrent Resolution 21, congratulating the residents of Jerusalem on the 30th anniversary of reunification.

With these acts, Congress recognized a geopolitical reality. There are times when doing so can enhance the management of peace, by declaring, once and for all, what are the feasible parameters of a negotiated peace. These acts of Congress were such times. If the peace process continues, it will progress more certainly on solid ground. I continue to encourage the administration to join us in correcting a diplomatic anomaly that we have visited on our closest ally in the Middle East for too long.

Mr. President, I offer my deepest congratulations to the residents of Jerusalem, to the citizens of Israel, and to all who appreciate the peace and openness that has reigned over that city since it was reunited 30 years ago.

Ms. LANDRIEU. Mr. President, I rise today to celebrate the 30th anniversary of the reunification of Jerusalem and support the resolution offered by my distinguished colleagues from New York and Florida in marking this auspicious occasion. Psalm 122 admonishes us to "pray for the peace of Jerusalem." This biblical verse is as apt now, on the 30th anniversary of the Holy City's reunification, as it was 3,000, years ago.

Jerusalem knew little peace in the 19 years before 1967. The end of Israel's War of Independence left an obscene no-man's land of barbed wire, tank traps, sniper posts, and minefields. Israel's former adversary left almost no vestige of Jewish history in the historic old city untouched, including the destruction of 58 synagogues; Jewish gravestones from the Mount of Olives were used to build roads and latrines for occupying troops.

Mr. President, Israel's foes had as much regard for the rights of religious pilgrims as they did for religious sites: Jews could not visit the Western Wall, and Israeli Muslims were denied access to the Dome of the Rock and the Al Aqsa mosque. During the occupation, the Christian population of Jerusalem declined from 25,000 to 10,000.

On the morning of June 7, 1967, our entire world changed. Israeli commandos stormed through St. Stephen's Gate on the northeast side of the old city walls and took control over the old city and its centerpiece, the Temple Mount. They discovered that occupying troops had used the Temple Mount area, including the Dome of the Rock and the Al Aqsa mosque, as a huge ammunition dump. Mr. President, what might have happened if the ammunition would have exploded, destroying the Temple Mount and perhaps the nearby Church of the Holy Sepulcher? How great would our spiritual loss have been?

For the first time since the Romans leveled the city in AD 70, Jews controlled the Western Wall—the surviving remnant of Herod's Temple.

Mr. President, shortly after the end of the Six Day War, Israel did something astonishing for a victorious power. Israeli officials assured Arab leaders that the Muslims would keep control of the Islamic holy places on the Temple Mount. That inspired decision began Jerusalem on the road to reunification and began to heal the wounds of centuries.

Mr. President, I traveled to Israel with my father when I was 21 and saw a city transformed from that which had seen pain and anguish for thousands of years. Where barbed wire and armed soldiers had once stood was a magnificent area of trees and grass that now surrounds the renovated walls of the old city. I saw a rebuilt Jewish Quarter in the old city. But Mr. President, most importantly, I saw for myself that free and open access to their holy places for people of all faiths was not merely the goal in Jerusalem, it was the rule.

The city's parks were revitalized. Schools and museums and hospitals sprang up. Music and poetry once again rose into Israel's evening sky. The people came together as artists, architects, lawyers, and theologians in an effort that resulted in a city that no longer just survived but lived and breathed. The Talmud proclaims that "of the 10 measures of beauty that came down to the world, Jerusalem took nine." Mr. President, for the first time since those prophetic words were first formed, those "measures of beauty" saw the light of day.

Mr. President, the question that those brave, industrious people tried to answer is one that we still ask today: How can Jerusalem, which means "city of peace," an ancient symbol of humanity's aspirations for redemption, become a living city that does not betray the promise of its name? An answer tragically eludes us, still today, 30 years after Jerusalem's reunification.

The United States Congress has a long-standing commitment to a united Jerusalem governed by Israel. Seven years ago, Congress declared that Jerusalem "must remain an undivided city" and the Jerusalem Embassy Act of 1995 unequivocally stated that Jerusalem should remain the undivided capital of Israel as a matter of U.S. policy. The resolution introduced by my friends Senator MOYNIHAN and Senator MACK clearly expresses our conviction that it should be so.

Mr. President, it is said that "one prayer in Jerusalem is worth 40,000 elsewhere." This resolution offers the voice of Congress to those voices coming from all over our Nation and the world praying for peace and prosperity for this most special city of all cities on this truly important day.

Thank you, Mr. President. I yield the floor.

AUTHORITY FOR RECORD TO REMAIN OPEN UNTIL 5 P.M.

Mr. LOTT. Mr. President, I ask unanimous consent that the Record remain open until 5 p.m. today for Members to submit statements or for the introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 419

Mr. LOTT. Mr. President, I ask unanimous consent that at the hour of 2 p.m., the Labor Committee be discharged from further consideration of S. 419, a bill to prevent birth defects by developing and implementing new prevention and surveillance strategies and the Senate now proceed to its immediate consideration under the following limitation: one substitute amendment be in order to be offered by Senator BOND; that no other amendments be in order to the bill; and that there be 30 minutes equally divided for debate, with Senator BOND in control of 15 minutes and the ranking member in control of 15 minutes. Further, following the disposition of the amendment and the expiration or yielding back of time, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended, with no intervening action or debate.

Mr. DASCHLE. Mr. President, reserving the right to object, the majority leader propounded a similar unanimous-consent request yesterday. As he recalls, I noted that we have not seen the amendment proposed by Senator BOND, nor has this legislation had the opportunity to be the subject of hearings or markup in the committee. Most importantly, however, since we still have not been able to resolve the matter pertaining to disaster relief, I am compelled to object.

The PRESIDING OFFICER. Objection is heard by the Chair. The majority leader is recognized.

UNANIMOUS-CONSENT REQUESTS—SUPPLEMENTAL APPROPRIATIONS BILL AND AUTHORITY FOR COMMITTEE TO MEET

Mr. LOTT. Mr. President, I ask unanimous consent that at the hour of 2:05 p.m., the Senate begin 3 hours 55 minutes for debate only, to be divided equally between the two leaders or their designees, for discussions with respect to the supplemental appropriations bill, and that there be no motions in order during the approximately 4 hours of debate, other than a motion to adjourn by the majority leader or his designee.

I further ask unanimous consent that it not be in order for the Chair to entertain any unanimous-consent requests with respect to consideration of

any supplemental appropriations bill during the 4-hour period described above.

And, finally, I ask unanimous consent that the Armed Services Committee be permitted to meet during the session of the Senate today, Wednesday, June 11.

In support of that unanimous-consent request, before the Chair puts the request, I would just like to observe that I know there are Senators who would like to be heard on this issue, on the supplemental appropriations bill, about what is in it, the importance of it, how it can be resolved, comments on language that is included, a whole variety of statements that I am sure Senators would like to make to show their interest in and their suggestions as to how we deal with the supplemental appropriations bill. So I think to have 4 hours of debate makes good sense for the Senate to be able to hear what Senators have to say.

I also indicate to our colleagues that there are a lot of discussions underway, a lot of meetings underway. Today, we have been in direct contact with the White House on how some of these issues can be resolved. I have had conversations with Senator DASCHLE. We are communicating with the House leadership to see exactly how they plan to proceed and when that would be. I understand perhaps there is a meeting right now at the White House on some of the provisions of this issue. So I think and I hope that we are making some progress and that we can find some way to bring this issue to fruition in the next few hours. Hopefully, we can have some action on it before we go out this week.

But I think while we are doing that, we should be doing the business of the Senate, having hearings or markups in committees, particularly the Armed Services Committee, which is working on the defense authorization bill which we hope to have up next week in the Senate, and also so that we can continue our efforts to come to an agreement on how we deal with the supplemental appropriations, the Government shutdown provision language, the census language, to try to see how we can work out an agreement and what that language might be. It is very important we have an opportunity to do that this very afternoon. That is why I make the request. I urge it be considered and that it not be objected to.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. I concur with the distinguished majority leader about the efforts now underway and his hope and expectation that at some point these efforts could lead to further success in resolving the impasse that we have faced now for some time. I appreciate his leadership and his personal involvement in making that effort.

I also have to note that there are many on our side of the aisle who have indicated strong objections to committees meeting during such time, so as not to lose the focus that we currently have. There are those who are involved in these efforts who need to be at these committee markups who would otherwise be occupied if they are prevented from participating in the discussions involving the disaster assistance legislation.

I would amend the unanimous-consent request propounded by the majority leader simply to suggest and propose a unanimous-consent agreement that would allow debate on the floor on the supplemental, with debate equally divided with no further consent requests, presuming Senator DORGAN, of course, has had his opportunity to make a request, but that there be no committee meetings.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, was there an objection to my request?

The PRESIDING OFFICER. The Chair heard objection early on.

Mr. LOTT. And you added a request of your own. Let me make sure I understand what it is. First, you are objecting to committee meetings, but you are asking consent that we take up what?

Mr. DASCHLE. That we have, as you suggested, debate on the Senate floor on the supplemental divided evenly for the next 4 hours, as the majority leader suggested.

Mr. LOTT. What supplemental is that?

Mr. DASCHLE. It would be the subject of the debate as you have proposed, as the majority leader has proposed. You had asked unanimous consent that there be debate only equally divided between the two leaders for discussions with respect to the supplemental appropriations bill. I am not suggesting we change that. I am simply saying let's keep our focus on that, and I would not object to a request that involved a discussion as the majority leader has proposed.

Mr. LOTT. Mr. President, I believe I would object to that, but I have a counterproposal maybe we could consider. I do want to note also that the Finance Committee has requested consent to meet this afternoon, also to begin the process of markup on the reconciliation bill, which is required under the budget agreement. I believe it is going to be pretty bipartisan in its makeup, in terms of the spending provisions or the restraint on spending, whichever the case may be. And in order to have this legislation completed in the Finance Committee by, I believe it is the 18th of this month, we need to have them meeting.

But I ask unanimous consent, sort of in the vein of what Senator DASCHLE was talking about, that the Senate now proceed to the consideration of Calendar No. 18, H.R. 581; and further, no amendments be in order, with the exception of one substitute amendment to be offered by the majority leader or his designee; that there be 1 hour total for debate on the bill and the amendment, to be equally divided in the usual form; and finally, that following the expiration or yielding back of time and the disposition of the substitute amendment, the bill be read a third time and the Senate proceed immediately to vote on passage of the bill, as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER. The Chair heard objection to the unanimous-consent request by the minority leader. We now have before us a unanimous-consent request by the majority leader. Is there objection?

Mr. DASCHLE. Reserving the right to object, I ask the majority leader if he could share a copy of the substitute amendment referred to in the unanimous-consent request.

Mr. LOTT. I don't have one now, but I believe that during this time, while we are debating the issue, we could develop one and, as a matter of fact, I believe there is a meeting at the White House right now that would be the subject of this substitute and one we could agree on.

Or I could do it this way. What I suggested yesterday, and where I think we actually should go, is a bill that provides the actual emergency disaster funds and the funds for DOD, but not the language and not the supplemental, just what has been referred to as a narrow disaster and emergency funding bill only, and the amount I am thinking about would be in the range of $3.9 billion. That way, we would get this issue resolved quickly while we continue to work on such things as the census language, where we hope and think maybe we can come to some agreement. We get this thing done; we get it done now.

The House traditionally, as you very well know, is very sensitive about us acting before they do, but we could go ahead and have debate on this and take some action and hold it at the desk. I think this is one way to deal with this emergency. How would the Senator react to that?

Mr. DASCHLE. As I reiterated, again, this morning to the distinguished majority leader, I am more than happy to look at the language that he suggests. I think there may be a way to accommodate just the emergency and all related legislative proposals in the supplemental dedicated to dealing with the disasters throughout the country, emergency or whatever related matters those may be.

Obviously, we would have to see the language before we agreed to any kind of procedural commitment that would allow consideration of this yet unseen proposal.

So we would not be in a position right now, as the majority leader certainly understands, to agree to a unanimous-consent proposal until we have had the opportunity to see the language. But I think the majority leader is on the right track. And if that will break the impasse, I am willing to look at it.

Mr. LOTT. I appreciate the Democratic leader's comments on that. I hope that if we cannot find some other way to resolve the disagreements between now and 2 o'clock tomorrow, that he and I will consult maybe about the idea of doing just this tomorrow. And I do not want in any way to dampen the efforts that are underway to come to a broader total agreement. But in order to get this emergency addressed this week—hopefully within the next 24 hours—I think this is the way that we want to consider doing it.

I hope you will think about that between now and tomorrow and let us look at that as a possibility of what we might do at 2 o'clock tomorrow if something else has not already been worked out.

I again thank the Senator for his comments.

Mr. President, in view of the objection and the interests that we have, the committees meetings, the Finance Committee, the Armed Services Committee, the urgency of the work they are doing, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 6 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Before the Chair puts the question, I say to the Democratic leader, I made the request that we recess until the hour of 6 p.m. He is putting the question. I wanted to make sure you heard.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 2:19 p.m., the Senate recessed until 6 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MCCAIN).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in the executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 848. An act to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, and for other purposes.

H.R. 1184. An act to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and for other purposes.

H.R. 1217. An act to extend the deadline the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The message also announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 60. Concurrent resolution relating to the 30th anniversary of the reunification of the city of Jerusalem.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 848. An act to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1184. An act to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1217. An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURE PLACED ON THE CALENDAR

The following measure was placed on the calendar:

H. Con. Res. 60. Concurrent resolution relating to the 30th anniversary of the reunification of the city of Jerusalem.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2106. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a Treasury Notice 97–25, received on June 9, 1997; to the Committee on Finance.

EC–2107. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, a rule amending the State Energy Program (RIN 1904–AA81), received on June 4, 1997; to the Committee on Energy and Natural Resources.

EC–2108. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "Veterans' Housing Loan Improvements Act of 1997"; to the Committee on Veterans' Affairs.

EC–2109. A communication from the Acting Associate Deputy Administrator for Government Contracting and Minority Enterprise Development, U.S. Small Business Administration, transmitting, pursuant to law, a report entitled "Minority Small Business and Capital Ownership Development"; to the Committee on Small Business.

EC–2110. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, a draft of proposed legislation concerning the production of 141 F–2 Combined Interrogator/Transponder (CIT) IFF Systems; to the Committee on Foreign Relations.

EC–2111. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, two reports concerning agreements between the U.S. and Tanzania for Global Learning and Observation to Benefit the Environment; to the Committee on Foreign Relations.

EC–2112. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, a draft of proposed legislation concerning the Integrated Full Face Helmet in Germany; to the Committee on Foreign Relations.

EC–2113. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification license concerning the export of defense articles or defense services, received on May 29, 1997; to the Committee on Foreign Relations.

EC–2114. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report concerning The Foreign Agents Registration Act; to the Committee on Foreign Relations.

EC–2115. A communication from the Assistant General Counsel, U.S. Information Agency, transmitting, pursuant to law, a report of a rule concerning the Immigration and Nationality Act on the behalf of aliens as amended, received on May 22, 1997; to the Committee on Foreign Relations.

EC–2116. A communication from the Administrator, Department of Transportation, transmitting, pursuant to law, a report concerning European and Australian offset crash tests; to the Committee on Appropriations.

EC–2117. A communication from the Director of the Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services,

transmitting, pursuant to law, a report of a rule concerning Polydextrose, received on June 10, 1997; to the Committee on Labor and Human Resources.

EC–2118. A communication from the Director of the Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule concerning Menhaden Oil, received on June 10, 1997; to the Committee on Labor and Human Resources.

EC–2119. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on a rule concerning protecting animals in the U.S. from diseases, received on June 5, 1997; to the Committee on Labor and Human Resources.

EC–2120. A communication from Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a notice concerning final funding priorities administered by (OSERS); to the Committee on Labor and Human Resources.

EC–2121. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, the audit report required under the Superfund Amendments and Reauthorization for fiscal year 1995; to the Committee on Environment and Public Works.

EC–2122. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule relative to Endangered Status (RIN 1018–AC19) received on June 10, 1997; to the Committee on Environment and Public Works.

EC–2123. A communication from the Acting Deputy Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule relative to endangered status (RIN 1018–AD52) received on June 10, 1997; to the Committee on Environment and Public Works.

EC–2124. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule relative to truck size and weight (RIN 2125–AE04) received on June 5, 1996; to the Committee on Environment and Public Works.

EC–2125. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, seven rules including a rule relative to Approval and Promulgation of Implementation Plans (FRL–5836–8, 5836–2, 5836–6, 5834–4, 5835–4, 5832–2, 5835–8) received on June 5, 1997; to the Commmittee on Environment and Public Works.

EC–2126. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, three rules including a rule relative to Approval and Promulgation of Implementation Plans (FRL–5839–7, 5839–6, 5840–8) received on June 9, 1997; to the Commmittee on Environment and Public Works.

EC–2127. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule relative to endangered status (RIN1018–AC52) received on June 10, 1997; to the Committee on Environment and Public Works.

EC–2128. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule relative to melons, received on June 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2129. A communication from the Congressional Review Coordinator of Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to viruses, serums, toxins and analogous products, received on June 9, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2130. A communication from the Congressional Review Coordinator of Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to approved treatments, received on June 5, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2131. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report of the Securities Investor Protection Corporation for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2132. A communication from the Chairperson of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2133. A communication from the Attorney-Advisor of the Federal Housing Finance Board, transmitting, a notice relative to the rule entitled "Community Support Requirements"; to the Committee on Banking, Housing, and Urban Affairs.

EC–2134. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on retail fees and services of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–2135. A communication from the Attorney-Advisor of the Federal Housing Finance Board, transmitting, a notice relative to the rule entitled "Technical Amendment to Definition of Deposits in Banks or Trust Companies"; to the Committee on Banking, Housing, and Urban Affairs.

EC–2136. A communication from the Assistant Secretary for Environmental Management, Department of Energy, transmitting, pursuant to law, the report on the reduction of environmental hazards and contamination resulting from defense waste for fiscal year 1996; to the Committee on Armed Services.

EC–2137. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, the fiscal year 1996 Defense Environmental Quality Program report; to the Committee on Armed Services.

EC–2138. A communication from the Secretary of Defense, transmitting, notices relative to retirements; to the Committee on Armed Services.

EC–2139. A communication from the Director of the Office of Small and Disadvantaged Business Utilization, (Acquisition and Technology) Under Secretary of Defense, transmitting, pursuant to law, the report on small disadvantage business, historically Black colleges and universities, and minority institutions; to the Committee on Armed Services.

EC–2140. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, the report of a study relative to outsourcing; to the Committee on Armed Services.

EC–2141. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Federal Government Energy Management and Conservation Programs, Fiscal Year 1995"; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–131. A resolution adopted by the Roane County (Tennessee) Commission relative to the National Spallation Neutron Source; to the Committee on Commerce, Science, and Transportation.

POM–132. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION 109

Whereas, To ensure the prudent use of tax dollars designated for disaster assistance, the federal Flood Disaster Protection Act of 1973 mandates the purchase of flood insurance as a condition of receipt of federal or federally related financial assistance for the acquisition or construction of buildings in Special Flood Hazard Areas (SFHAs); and

Whereas, the Act prohibits federal agencies such as the Federal Housing Administration, the Veterans Administration, the Small Business Administration, and any federally regulated lending institution from making or guaranteeing a loan for a building in an SFHA unless flood insurance has been purchased; additionally, it is standard practice for most mortgage companies to require flood insurance on property in designated flood zones as a condition of a loan; and

Whereas, The Federal Emergency Management Agency (FEMA), the entity responsible for designating and mapping flood risk zones, uses several criteria to establish floodplain classifications, including a community's historical flood and hydrology data, flood control measures, existing and planned development, and topography; and

Whereas, For many communities in Texas, the flood insurance requirement is determined using maps that may have been drawn as far back as the 1970s or early 1980s; these dated flood maps do not accurately reflect changes in population, development, or flood control or storm sewer improvements that a community may have implemented to reduce the risk of flooding; and

Whereas, A glaring example of this problem is the City of Laredo, where residents and business owners are required to purchase flood insurance based on FEMA-designated flood zone maps drawn in 1982; and

Whereas, During the past decade, the City of Laredo has constructed numerous concrete channels to divert flood waters and has made storm sewer improvements to help reduce the risk of flood; these projects have been carried out to accommodate the rapid population growth in the city, which has tripled in size over the last 15 years; and

Whereas, The result of federally mandated flood insurance requirements based on outdated maps has created a windfall for insurance companies, which are collecting millions of dollars in flood insurance from people who no longer live in flood zones: Now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby urge the Congress of the United States to request that the Federal Emergency Management Agency update community flood maps every 10 years; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–133. A resolution adopted by the Senate of the Legislature of the State of Oregon; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION 3

Whereas the State of Oregon owns the water resources within the state's rivers, streams and lakes; and

Whereas the State of Oregon has authorized and allowed for the acquisition of the right to the use of water for beneficial purposes and any person may perfect such water right as a vested property right under Oregon law; and

Whereas chapter 228, Oregon Laws 1905, specifically authorized appropriation of water for use in projects authorized under the Federal Reclamation Act of 1902; and

Whereas chapter 5, Oregon Laws 1905, specifically authorized the use of the bed of the Upper Klamath Lake for the storage of water for reclamation and irrigation use and for no other purpose; and

Whereas the Klamath Project was authorized and constructed pursuant to the laws of the states of Oregon and California and the United States; and

Whereas pioneers, settlers, homesteaders and veterans of two world wars, by their industry and commitment, have made the farmland in the Klamath Project enormously productive and a valued part of the economy and culture of the states of Oregon and California; and

Whereas water has been appropriated to beneficial use within the Klamath Project in Oregon and California for irrigation of approximately 230,000 acres; and

Whereas irrigators within the Klamath Project have acquired rights to the use of waters of the Klamath River for irrigation, and these rights are recognized and confirmed in the Klamath River Basin Compact, ratified by the states of Oregon and California and consented to by Act of Congress in 1957; and

Whereas the State of Oregon has the legal authority to quantify and regulate rights to the use of water in Oregon; and

Whereas the State of Oregon has undertaken to adjudicate certain rights to the use of the Klamath River and its tributaries; and

Whereas the United States Court of Appeals has confirmed, over the objection of the United States Department of the Interior, that the State of Oregon has the right and responsibility to determine and administer the rights of claimants to the use of the Klamath River and its tributaries; and

Whereas the United States Department of the Interior has directed and proposes to direct the operation of Klamath Project facilities to allocate water to purposes other than irrigation, including instream purposes and instream uses in California; and

Whereas the Department of the Interior has used and proposes to use the bed of Upper Klamath Lake for the storage of water for purposes other than irrigation, in contravention of the limited authority granted by the State of Oregon; and

Whereas the Department of the Interior purports to have the authority to administratively determine and allocate the water of Oregon and to allocate water away from authorized Klamath Project irrigation uses; and

Whereas the position of the State of Oregon is that the Department of the Interior lacks authority to allocate water or reallocate Klamath Project water supplies and the administration of water must proceed in a manner consistent with Oregon's system for the administration of water rights; and

Whereas the Department of the Interior has failed and refused to address legitimate, fair and fundamental questions concerning its authority and actions; and

Whereas the Department of the Interior has failed and refused to protect the rights of the water users in the Klamath Project vis a vis the thousands of junior users in the Klamath watershed, and has instead proposed only to reallocate water used in the Klamath Project to other users and uses; and

Whereas the actions of the Department of the Interior have resulted in division, distrust and anger; and

Whereas it is desirable and in the interests of the State of Oregon that the rights and interests of the Klamath Project irrigators and Oregon's system for the allocation and administration of water rights be respected; now, therefore,

Be It Resolved by the Senate of the State of Oregon:

(1) The President and the Congress of the United States are respectfully urged to:

(a) Act to ensure the protection and respect for the State of Oregon's authority to allocate water and to determine and administer rights to the use of water; and

(b) Ensure that the United States Department of the Interior and other federal agencies do not operate or direct the operation of Kamath Project facilities except in accordance with the State of Oregon's system for the determination and administration of water rights and to ensure, at a minimum, that the priority of rights in the Klamath Project to the use of Klamath River water is enforced and protected.

(2) A copy of this resolution shall be sent to the President of the United States, the Secretary of the United States Department of the Interior, the President of the Senate and the Speaker of the House of Representatives of the United States and to each member of the Oregon Congressional Delegation.

POM–134. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 94

Whereas, The American people have been threatened by terrorists' actions against citizens, government, and private property, with many of these terrorist activities being carried out with explosive materials; and

Whereas, In passing the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. No. 104–132), the United States Congress closed several loopholes in the effective administration of justice against terrorist activities; in particular, mandating that the Bureau of Alcohol, Tobacco, and Firearms (BATF) conduct a study on the feasibility of tagging, or rendering inert, several products related to the production of explosive materials; and

Whereas, The same act of congress also required the use of detection agents in plastic explosives, increased penalties for conspiracies involving the use of explosives, and provided assistance to law enforcement personnel to combat the threat of terrorism both domestically and abroad; and

Whereas, The Legislature of the State of Texas is aware of the research and implementation efforts of other countries that may provide useful information to protect lives and property through the careful and successful use of taggants; and

Whereas, The BATF is being assisted in its effort to study the technical options and feasibility by the National Research Council (NRC), and to provide this assistance, the NRC has established a "Committee on Marking, Rendering Inert, and Licensing of Explosive Materials"; now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby commend the United States Congress for recognizing the threat to public health and security from the misuse of explosives; and, be it further

Resolved, That the legislature pledge its full support to the efforts now underway by the BATF and the NRC to study the economic, practical, and technical feasibility of tagging, or otherwise rendering inert, explosive materials; and, be it further

Resolved, That the legislature strongly support the active participation of stakeholder interests, including representatives of affected manufacturers and law enforcement personnel, in the conduct of the BATF and NRC studies; and, be it further

Resolved, That the legislature urge the participants of the NRC study to carefully consider the experiences of other countries and how those experiences may relate to the NRC study; and, be it further

Resolved, That the legislature looks forward to the results of the BATF and NRC studies, both the interim report, which is due April 1997, and the final report, which is due February 1998, to advise the State of Texas in establishing reasonable and effective controls on explosive materials and thereby contribute to the enhanced protection of all Texans; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–135. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION 32

Whereas, The south bank of the Red River constitutes the boundary between the states of Texas and Oklahoma; and

Whereas, The exact determination of where the south bank of the Red River is located is extremely difficult to ascertain and subject to widely divergent opinion; and

Whereas, The south bank of the Red River is not a permanent location, but is constantly changing; and

Whereas, The federal government claims ownership of the south half of the Red River within a 116-mile stretch between the 98th Meridian and the mouth of the North Fork of the Red River; and

Whereas, The Kiowa, Comanche, and Apache tribes claim entitlement to 62½ percent of the revenues derived from oil and gas production from these lands; and

Whereas, The changing location of the south bank and the difficulty in determining its location at any given time have created problems in the enforcement of laws, collection of taxes, economic development, and the establishment of property ownership; and

Whereas, It is to the mutual advantage of the states of Texas and Oklahoma to agree on and establish a practicable boundary between both states; and

Whereas, By House Concurrent Resolution 128, Acts of the 74th Legislature, the Texas Red River Boundary Commission was created; and

Whereas, The term of the commission expires on June 30, 1998; and

Whereas, The states of Texas and Oklahoma are working together to adopt a boundary compact to present to their respective legislatures; and

Whereas, If the Texas Red River Boundary Commission is unable to reach a boundary agreement with the Oklahoma Red River Boundary Commission on or before June 30, 1998, the work of the commission will be lost; and

Whereas, It is to the benefit of the citizens of Texas to extend the term of the Texas commission and enable it to continue its work toward a joint boundary resolution; now, therefore, be it

Resolved by the 75th Legislature of the State of Texas, That the term of the Red River Boundary Commission is hereby extended to June 30, 2000; commission members, not to exceed 17 in number, shall be appointed by the governor; the commissioners shall be representative of private property owners, local government elected officials, mineral interests, and the general public; such members shall serve without compensation, except for reasonable travel reimbursement; staffing for this commission shall be provided by the General Land Office, the Office of the Attorney General, and the Texas Natural Resource Conservation Commission; and, be it further

Resolved, That the chairman shall be appointed by the governor; and, be it further

Resolved, That it shall be the duty of the commission to confer and act in conjunction with the representatives appointed on behalf of the State of Oklahoma for the following purposes:

(1) to initially make a joint investigation at the joint expense of the two states as to the appropriate method of establishing a practicable location of the common boundary between the two states with respect to the Red River;

(2) to investigate, negotiate, and report as to the necessity and advisability of a compact between the two states defining and locating a practicable, identifiable state line;

(3) to hold such hearings and conferences in either of the two states as may be required and to take such action, either separately or in cooperation with the State of Oklahoma or the United States, or both, as may be necessary or convenient to accomplish the purposes of this resolution; and

(4) to report to the governor and the Legislature of the State of Texas annually no later than January 15 of each year its findings and recommendations concerning joint action by the State of Texas and the State of Oklahoma; and, be it further

Resolved, That the Red River Boundary Commission shall terminate on June 30, 2000; and, be it further

Resolved, That the legislature hereby respectfully request the president and the Congress of the United States to meet and confer with the commission and the representatives of the State of Oklahoma and to assist in carrying out the purposes of this resolution; and, be it further

Resolved, That the governor of the State of Texas be and is hereby empowered and requested to forward a copy of this resolution to the governor of the State of Oklahoma and to request that the governor or legislature of that state appoint representatives of the State of Oklahoma to confer and act in conjunction with the commission for the purposes above specified, with the understanding that each state pay all expenses of its representatives; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and president of the senate of the United States Congress and to all members of the Texas delegation to the congress with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–136. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Labor and Human Resources.

SENATE RESOLUTION NO. 61

Whereas, in the years since science discovered the harmful effects of chlorofluorocarbons on the earth's protective ozone layer, the United States and other industrial nations have implemented numerous changes to reduce the release of certain chemicals into the air. An international agreement, the Montreal Protocol, has put in place requirements that will have far-reaching health benefits. Alternate processes and materials are now used instead of CFCs routinely by all Americans; and

Whereas, in addition to the industrial and refrigeration uses of CFCs, the chemicals are invaluable to millions of people for their medical applications. An exception to the ban on CFCs was made for their essential uses in pharmaceuticals. For the 30 million Americans with various respiratory conditions, including asthma and cystic fibrosis, CFCs are essential to metered dose inhalers (MDI), a vital component of treatment. In recognition of the life-saving work that MDIs have made possible over the past forty years, provisions have been made through the Montreal Protocol and the FDA to phase in restrictions for CFCs in MDIs; and

Whereas, the current plan is for all CFCs to be prohibited from MDIs one year after a single non-CFC MDI is available. This proposal, if put in place without amendment, holds many perils for sufferers of asthma, chronic obstructive pulmonary disease, and cystic fibrosis; and

Whereas, as alternatives to CFCs in MDIs are developed, it is necessary to acknowledge that the success of inhalers in delivering medications is enhanced by the fact that there are several options available to patients. Some types of inhalers and products work better with some patients than others with the identical disease. There needs to be an adequate number of alternatives for treatment for patients, instead of ending the search for new products after only one is identified; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States and the Food and Drug Administration to phase out the use of chlorofluorocarbons from medical inhalers in a schedule of at least three years to permit the development of as many treatment alternatives as possible; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Food and Drug Administration

POM–137. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Appropriations.

LEGISLATIVE RESOLVE NO. 8

Be it resolved by the Legislature of the State of Alaska:

Whereas the United States and Canada entered into an agreement to reconstruct and pave the Alaska Highway from the Alaska-Canada border to Haines Junction, Yukon Territory, Canada, and the Haines Cutoff Highway from Haines Junction, Yukon Territory, Canada, to the Alaska-Canada border near Haines, Alaska, known as the Shakwak project, as authorized in the Federal-Aid Highway Act of 1973; and

Whereas the Congress authorized $59,000,000 in 1973 for the project and has appropriated $47,000,000 to the Federal Highway Administration for actual construction by Canada; and

Whereas the Congress further authorized $20,000,000 a year for fiscal years 1993–1996 under the Intermodal Surface Transportation Efficiency Act of 1991, which has been fully appropriated; and

Whereas, in the last 16 years, the state has provided $37,000,000 of state federal-aid highway apportionments to assist in meeting the obligations of the agreement; and

Whereas the estimated amount necessary to complete the entire project was in the order of $260,000,000 in United States dollars; be it

Resolved, That the Alaska State Legislature respectfully requests the United States government and the Canadian government to honor their agreement and provide the additional funds necessary through direct federal appropriations, independent of the federal funds apportioned to Alaska by the Federal Highway Administration, to complete the remaining portions of the Shakwak project; and be it

Further resolved, That the United States Congress is respectfully requested to immediately appropriate an additional $94,000,000 to allow work on additional project segments to proceed to a bituminous surface treatment standard.

POM–138. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATIVE RESOLVE NO. 10

Be it resolved by the Legislature of the State of Alaska:

Whereas Alaska had, by regulation, imposed a primary manufacturing requirement applicable to timber harvested from state-owned land that is destined for export from the state; and

Whereas that regulation was permissive, allowing the director of the division of land to require that primary manufacture of forest products be accomplished within the state; and

Whereas, considering the Commerce Clause of the United States Constitution, in Southcentral Timber Development, Inc. v. Wunnicke, 467 U.S. 82, 81 L.Ed.2d 71, 104 S.Ct. 2237 (1984), the United States Supreme Court determined that the state's regulation could not be given effect; while the court found evidence of a clearly defined federal policy imposing primary manufacture requirements as to timber taken from federal land in Alaska, it determined that the existing Congressional sanction reached only to activities on federal land and concluded that the state's assertion of Congressional authorization by silence to allow a state to regulate similar

activities on nonfederal land could not be inferred; and

Whereas since the Wunnicke decision, the Congress has, in the Forest Resources Conservation and Shortage Relief Act of 1990, extended an existing ban on unprocessed log exports from federal land in the 11 contiguous Western states to cover timber harvested from nonfederal sources in those states; the extension of the ban on unprocessed log exports in those states collectively does not affect Alaska; and

Whereas the principal purposes, stated or assumed, in the 1990 Congressional Act for extending the ban on unprocessed log exports in the contiguous Western states—the efficient use and effective conservation of forests and forest resources, the avoidance of a shortfall in unprocessed timber in the marketplace, and concern for development of a rational log export policy as a national matter—are equally valid with respect to the significant timber resources held by this state, its political subdivisions, and its public university; and

Whereas the state cannot act to regulate, restrict, or prohibit the export of unprocessed logs harvested from land of the state, its political subdivisions, and the University of Alaska without a legislative expression demonstrating Congressional intent that is unmistakably clear;

Be it resolved, That the Legislature of the State of Alaska urges the United States Congress to give an affirmative expression of approval to a policy authorizing the state to regulate, restrict, or prohibit the export of unprocessed logs harvested from its land and from the land of its political subdivisions and the University of Alaska.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 417. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002 (Rept. No. 105–25).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 649. A bill to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974 (Rept. No. 105–26).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Jose-Marie Griffiths, of Tennessee, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2001.

Kathryn O'Leary Higgins, of South Dakota, to be Deputy Secretary of Labor.

Yerker Andersson, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1999 (Reappointment).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TORRICELLI:

S. 875. A bill to promote online commerce and communications, to protect consumers and service providers from the misuse of computer facilities by others sending bulk unsolicited electronic mail over such facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GREGG (for himself, Mr. TORRICELLI, Mr. SMITH of New Hampshire, and Mr. JOHNSON):

S. 876. A bill to establish a nonpartisan commission on Federal election campaign practices and provide that the recommendations of the commission be given expedited consideration by Congress; to the Committee on Rules and Administration.

By Mr. MCCAIN (by request):

S. 877. A bill to disestablish the National Oceanic and Atmospheric Administration Corps of Commissioned Officers; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 878. A bill to redesignate the Federal building located at 717 Madison Place, Northwest, in the District of Columbia, as the "Howard T. Markey National Courts Building"; to the Committee on Environment and Public Works.

By Mr. FEINGOLD:

S. 879. A bill to provide for home and community-based services for individuals with disabilities, and for other purposes; to the Committee on Finance.

By Mr. GORTON:

S. 880. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel DUSKEN IV; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 881. A bill to provide for a land exchange involving the Warner Canyon Ski Area and other land in the State of Oregon; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 882. A bill to improve academic and social outcomes for students by providing productive activities during after school hours; to the Committee on Labor and Human Resources.

By Mr. GREGG (for himself, Mr. ROTH, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. MURKOWSKI, Mr. SANTORUM, and Ms. COLLINS):

S. 883. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, to provide pension security, portability, and simplification, and for other purposes; to the Committee on Finance.

By Mr. CLELAND:

S. 884. A bill to amend the Appalachian Regional Development Act of 1965 to add Elbert County and Hart County, Georgia, to the Appalachian region; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself, Mr. KERRY, Mrs. BOXER, Mr. BRYAN, Ms. MOSELEY-BRAUN, Mrs. MURRAY, and Mr. CHAFEE):

S. 885. A bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCONNELL (for himself and Mr. LIEBERMAN):

S. 886. A bill to reform the health care liability system and improve health care quality through the establishment of quality assurance programs, and for other purposes; to the Committee on Labor and Human Resources.

By Ms. MOSELEY-BRAUN (for herself and Mr. DEWINE):

S. 887. A bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI:

S. 875. A bill to promote online commerce and communications, to protect consumers and service providers from the misuse of computer facilities by others sending bulk unsolicited electronic mail over such facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE ELECTRONIC MAILBOX PROTECTION ACT OF 1997

Mr. TORRICELLI. Mr. President, I rise today to introduce the Electronic Mailbox Protection Act of 1997, in the hopes of addressing an increasingly serious threat to online commerce and personal privacy rights—the distribution of unsolicited, bulk e-mail by unidentifiable senders.

It is an unfortunate side effect of the burgeoning and exciting world of online communication and commerce that more and more individuals are finding their electronic mailboxes filled to the cyber-brim with unsolicited messages. And many Internet service providers are facing slowdowns or even breakdowns of their systems due to uncontrollable and unaccountable senders of unidentifiable and unsolicited bulk e-mail.

Mr. President, some have suggested that we simply ban all unsolicited e-mail. But some people do want to receive these unsolicited messages, especially when they are tailored to their personal interests. And legitimate businesses and organizations are increasingly using unsolicited e-mail to recruit new customers, new members, or even financial assistance.

However, many people do not wish to receive unsolicited e-mail at all. And many new businesses are less than fully legitimate—all too frequently, unsolicited e-mail arrives with no return address, and no means of opting-

out of future mailings. In fact, it is precisely because many bulk e-mailers know that their activities are going to meet massive opposition that they disguise their identities or alter their return addresses.

Newly developed software and increasingly brazen cyber-promoters have only exacerbated the problem. In some cases, these messages have slowed down or even crippled Internet service through local or national Internet service providers.

Many of these new cyber-promoters collect millions of addresses from service providers without consent, mail to those who have already expressed a desire to be kept off bulk e-mail lists, or purposefully disguise their identity or return address. They refuse to yield to public pressure, private suit or any other citizen action, and the more destructive of their tactics must be addressed before the situation overwhelms the Internet and paralyzes legitimate online commerce—something must be done.

As a result, I have been working for some time now with privacy groups, marketers, online service providers, and others to develop strong but reasonable legislation to put a stop to the most destructive e-mail practices, while protecting the first amendment rights of all who wish to send legitimate e-mail of any kind.

Mr. President, I have long been concerned about excessive—indeed any—Government regulation of the Internet. Many of the best qualities of American life are represented and enhanced by the Internet—the world's most democratic medium—and I do not wish to stifle speech or inhibit the freedom of commerce or expression. However, the problem of unaccountable junk e-mailers will not go away, and if we do not address this problem with legislation we risk the destruction of all legitimate expression and commerce on the information superhighway.

After a long back and forth process with a wide variety of interests, I believe we are all finally in agreement that the bill I introduce today represents the strongest and most balanced approach to this growing problem. Specifically, my bill includes the following key provisions.

First, and most simply, my bill will prohibit anyone from sending e-mail to a person who has asked not to receive such mail—either prior to receiving the first message or in response to an unsolicited message that made its way into the recipients mailbox. Mr. President, this provision requires no more than common courtesy and proper business sense. But unfortunately, this provision is sorely needed by the thousands—even millions—of recipients of repetitive and unsolicited e-mail.

And the bill also contains a pro-active provision which effectively defines prior notice as including either direct notice or notice through a standard method adopted by an Internet standard setting body, like the Internet Engineering Task Force. In other words, we allow the IETF or another community-recognized organization to discuss, develop, and adopt a method of preemptively informing all senders that certain recipients do not want to receive any unsolicited electronic mail. This could take the form of an opt-out system, an opt-in system, or even some sort of address labeling standard—whatever the Internet community chooses to adopt. But once the standard is in place, my bill will require that senders comply with that standard. We have given the Internet community the tools to enforce their own pro-active steps, and I believe this achieves a proper balance between Government action and self-regulation. As much as is possible, Congress should avoid dictating the details of Internet architecture.

Second, my bill will prohibit sending unsolicited e-mail from an unregistered, illegitimate, or fictitious Internet domain for the purpose of preventing an easy reply. Such tactics have become increasingly common in recent months, because the less responsible marketers know—they just know—that many of the recipients of their unsolicited junk will be unhappy and wish to respond. Rather than act responsibly and respond to complaints as they come in, these fly-by-night marketers prefer to make it impossible to respond. We have all heard from constituents who are simply fed up with these practices, and this bill will empower our constituents to do something about it.

Third, my bill will prohibit the use of procedures designed to defeat or circumvent mail filtering tools. Consumers and service providers are getting better at using mail filters to block out unwanted mail. But these filtering programs, still in relative infancy, are no match for cyber-promoters with sophisticated techniques and all the time in the world to work on skirting the filters and making it into your mailbox.

Next, my bill will prohibit anyone from using a computer program to harvest, or gather, a large number of e-mail addresses for the purpose of sending unsolicited e-mail to those addresses or selling the list to other senders of unsolicited e-mail—if such activity would be against the policy of the computer service from which the addresses are collected. In other words, if America Online or AT&T or Panix or Erols have policies against using a computer to harvest addresses of their subscribers, cyber-promoters would have to comply.

My bill also puts a stop to so-called hit and run spamming, which occurs when someone gets access to a temporary e-mail account, sends out thousands of unsolicited messages, and then abandons the account and leaves the service provider to clean up the mess. Under my bill, registering an Internet domain or e-mail account for the purpose of sending unsolicited e-mail and avoiding replies would be prohibited.

Finally, Mr. President, my bill directs the FTC to pay close attention over the next 18 months to the affects that this bill has on the junk e-mail problem. At the end of that time, the FTC will submit a report to Congress detailing its findings, and we can determine whether or not new action is necessary.

And what will happen to those who break the rules we intend to set down in law? Well, there are two possibilities. First, there is a $5,000 civil penalty for each violation, to be imposed by the U.S. Government.

But more importantly, this bill empowers the individual recipient or service provider suffering the effects of a violation of this bill to sue for damages. These damages range from $500 for simple violations all the way up to $5,000 for particularly egregious or willful abuses. And if we think about the possibilities for class action suits, we can quickly see the deterrent effect of these provisions.

Mr. President, this bill will not prevent all unsolicited e-mail. Legitimate marketers, nonprofit organizations and others will still be able to send unsolicited e-mail, even in bulk. However, this legislation will make the senders of the e-mail accountable to the service providers and to the e-mail recipients. No longer will brazen promoters be able to disguise their identity and hide behind technology—from now on, they will be accountable for what they send and punished if their tactics are of the kind that merit such action.

Put simply, Mr. President, my bill will empower consumers and Internet service providers alike to block, filter, reply to, or prevent unwanted and unsolicited electronic mail.

We all recognize that we should not lightly enter into Internet regulation. But some practices are simply too destructive to ignore, and certain types of unsolicited e-mail must be stopped.

I hope you will join me in working to pass this fair but strong bill to protect individual privacy, preserve freedom of expression, and allow legitimate commerce on the Internet to flourish. I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Mailbox Protection Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Internet has increasingly become a critical mode of global communication and now presents unprecedented opportunities for the development and growth of global commerce and an integrated worldwide economy.

(2) In order for global commerce on the Internet to reach its full potential, individuals and entities using the Internet and other online services should be prevented from engaging in activities that prevent other users and Internet service providers from having a reasonably predictable, efficient, and economical online experience.

(3) Unsolicited electronic mail can be an important mechanism through which commercial vendors, nonprofit organizations, and other providers of services recruit members, advertise, and attract customers in the online environment.

(4) The receipt of unsolicited electronic mail may result in undue monetary costs to recipients who cannot refuse to accept such mail and who incur costs for the storage of such mail, or for the time spent accessing, reviewing, and discarding such mail, or for both.

(5) Unsolicited electronic mail sent in bulk may impose significant monetary costs on the Internet service providers, businesses, and educational and non-profit institutions that carry and receive such mail, as there is a finite volume of mail that such providers, businesses, and institutions can handle at any one point in time. The sending of such mail is increasingly and negatively affecting the quality of service provided to customers of Internet service providers.

(6) While many senders of bulk unsolicited electronic mail provide simple and reliable ways for recipients to reject (or "opt-out" of) receipt of unsolicited electronic mail from such senders in the future, other senders provide no such "opt-out" mechanism, or refuse to honor the requests of recipients not to receive electronic mail from such senders in the future, or both.

(7) An increasing number of senders of bulk unsolicited electronic mail purposefully disguise the source of such mail so as to prevent recipients from responding to such mail quickly and easily.

(8) Many senders of unsolicited electronic mail collect (or "harvest") electronic mail addresses of potential recipients without the knowledge of their intended recipients and in violation of the rules or terms of service of the fora from which such addresses are collected.

(9) Because recipients of unsolicited electronic mail are unable to avoid the receipt of such mail through reasonable means, such mail may threaten the privacy of recipients. This privacy threat is enhanced for recipients whose electronic mail software or server alerts them to new mail as it arrives, as unsolicited electronic mail thereby disrupts the normal operation of the recipient's computer.

(10) In legislating against certain abuses on the Internet, Congress and the States should be very careful to avoid infringing in any way upon constitutionally protected rights, including the rights of assembly, free speech, and privacy.

(11) In order to realize the full potential for online electronic commerce, senders of bulk unsolicited electronic mail should be required to abide by the requests of electronic mail recipients, Internet service providers, businesses, and educational and non-profit institutions to cease sending such mail to such recipients, providers, businesses, and educational and non-profit institutions.

SEC. 3. PROHIBITION ON CERTAIN ACTIVITIES THAT MISAPPROPRIATE THE RESOURCES OF ONLINE SERVICE PROVIDERS.

(a) IN GENERAL.—Whoever, in or affecting interstate or foreign commerce—

(1) initiates the transmission of an unsolicited electronic mail message from an unregistered or fictitious Internet domain, or an unregistered or fictitious electronic mail address, for the purpose of—

(A) preventing replies to such message through use of a standard reply mechanism in the recipient's electronic mail system; or

(B) preventing receipt of standard notices of non-delivery;

(2) uses a computer program or other technical mechanism or procedure to disguise the source of unsolicited electronic mail messages for the purpose of preventing recipients, or recipient interactive computer services, from implementing a mail filtering tool to block the messages from reaching the intended recipients;

(3) initiates the transmission of an unsolicited electronic mail message and fails to comply with the request of the recipient of the message, made to the sender or the listserver as appropriate, to cease sending electronic messages to the recipient in the future;

(4) distributes a collection or list of electronic mail addresses, having been given prior notice that one or more of the recipients identified by such addresses does not wish to receive unsolicited electronic mail and knowing that the recipient of such addresses intends to use such addresses for the purpose of sending unsolicited electronic mail;

(5) initiates the transmission of an unsolicited electronic mail message to a recipient despite having been given prior notice (either directly or through a standard method developed, adopted, or modified by an Internet standard setting organization (such as the Internet Engineering Task Force or the World Wide Web Consortium) to better facilitate pre-emptive consumer control over bulk unsolicited electronic mail) that the recipient does not wish to receive such messages;

(6) registers, creates, or causes to be created an Internet domain or applies for, registers, or otherwise obtains the use of an Internet electronic mail account for the sole or primary purpose of initiating the transmission of an unsolicited electronic mail message in contravention of paragraph (1) or (2);

(7) directs an unsolicited electronic mail message through the server of an interactive computer service to one or more subscribers of the interactive computer service, knowing that such action is in contravention of the rules of the interactive computer service with respect to bulk unsolicited electronic mail messages;

(8) knowing that such action is in contravention of the rules of the interactive computer service concerned, accesses the server of the interactive computer service and uses a computer program to collect electronic mail addresses of subscribers of the interactive computer service for the purpose of sending such subscribers unsolicited electronic mail or distributing such addresses knowing that the recipient of such addresses intends to use such addresses for the purpose of sending unsolicited electronic mail; or

(9) initiates the transmission of bulk unsolicited electronic mail messages and divides the mailing of such messages into smaller mailings for the purpose of circumventing another provision of this Act,

shall be subject to a civil penalty of not more than $5,000 per individual violation.

(b) ENFORCEMENT.—The Federal Trade Commission shall have the authority to commence civil actions under subsection (a).

SEC. 4. RECOVERY OF CIVIL DAMAGES.

(a) IN GENERAL.—Any person whose interactive computer service or electronic mailbox is intentionally misused or infiltrated, or whose requests for cessation of electronic mail messages have been ignored, in violation of section 3 may in a civil action recover from the person or entity which engaged in that violation such relief as may be appropriate.

(b) RELIEF.—In an action under this section, appropriate relief includes—

(1) such preliminary and other equitable or declaratory relief as may be appropriate;

(2) actual monetary loss from a violation, statutory damages of not more than $500 for each violation, and, if the court finds that the defendant's actions were particularly egregious, willful, or knowing violations of section 3, the court may, in its discretion, increase the amount of an award to an amount equal to not more than 10 times the amount available hereunder; and

(3) a reasonable attorney's fee and other litigation costs reasonably incurred.

SEC. 5. STATE LAW.

Nothing in this Act shall be construed to prevent any State from enforcing any State law that is consistent with this Act. No cause of action may be brought and no liability may be imposed under any State or local law that is inconsistent with this Act.

SEC. 6. FEDERAL TRADE COMMISSION STUDY INTO EFFECTS OF UNSOLICITED ELECTRONIC MAIL.

Not later than 18 months after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report detailing the effectiveness of, enforcement of, and the need, if any, for Congress to modify the provisions of this Act.

SEC. 7. DEFINITIONS.

In this Act:

(1) BULK UNSOLICITED ELECTRONIC MAIL MESSAGE.—The term "bulk unsolicited electronic mail message" means any substantially identical unsolicited electronic mail message with 25 or more intended recipients.

(2) ELECTRONIC MAIL ADDRESS.—

(A) IN GENERAL.—The term "electronic mail address" means a destination (commonly expressed as a string of characters) to which electronic mail can be sent or delivered.

(B) INCLUSION.—In the case of the Internet, the term "electronic mail address" may include an electronic mail address consisting of a user name or mailbox (commonly referred to as the "local part") and a reference to an Internet domain (commonly referred to as the "domain part").

(3) INITIATES THE TRANSMISSION.—The term "initiates the transmission", in the case an electronic mail message, refers to the action of the original sender of the message and not to any intervening computer service that may handle or retransmit the message, unless the intervening computer service retransmits the message with an intent to engage in activities prohibited by this Act.

(4) INTERACTIVE COMPUTER SERVICE.—The term "interactive computer service" has the meaning given that term in section 230(e)(2) of the Communications Act of 1934 (47 U.S.C. 230(e)(2)).

(5) INTERNET.—The term "Internet" has the meaning given that term in section

230(e)(1) of the Communications Act of 1934 (47 U.S.C. 230(e)(1)).

(6) INTERNET DOMAIN.—The term "Internet domain" refers to a specific computer system (commonly referred to as a "host") or collection of computer systems attached to or able to be referenced from the Internet which are assigned a specific reference point on the Internet (commonly referred to as the "Internet domain name") and registered with an organization recognized by the computer industry as a registrant of Internet domains.

(7) LISTSERVER.—The term "listserver" refers to a computer program that provides electronic mailing list management functions, including functions that allow individuals to subscribe and unsubscribe to and from electronic mailing lists.

(8) MAIL FILTERING TOOL.—The term "mail filtering tool" means any computer program, procedure, or mechanism used by an individual recipient or interactive computer service to block, return, reroute, or otherwise screen or sort incoming electronic mail messages.

(9) SERVER.—The term "server" refers to any computer that provides support or services of any kind, including electronic mailboxes, to other computers (commonly referred to as "clients").

(10) UNSOLICITED ELECTRONIC MAIL MESSAGE.—The term "unsolicited electronic mail message" means any electronic mail other than electronic mail sent by persons to others with whom they have a prior relationship, including a prior business relationship, or mail sent by a source to recipients where such recipients, or someone authorized by them, have at any time affirmatively requested to receive communications from that source.

SEC. 8. EFFECTIVE DATE.

This provisions of this Act shall take effect 45 days after the date of enactment of this Act.

By Mr. GREGG (for himself, Mr. TORRICELLI, Mr. SMITH of New Hampshire, and Mr. JOHNSON):

S. 876. A bill to establish a nonpartisan commission on Federal election campaign practices and provide that the recommendations of the commission be given expedited consideration by Congress; to the Committee on Rules and Administration.

THE CLAREMONT COMMISSION ACT

Mr. GREGG. Mr. President, I rise today to announce the introduction of the Claremont Commission Act, which I am introducing, along with Senators BOB SMITH, TORRICELLI, and JOHNSON.

We chose this day because it is the anniversary of the historic event that prompted the introduction of this legislation. Two years ago on this very day, a concerned citizen from Newport, NH, Mr. Frank McConnell, stood up at a town meeting in Claremont, NH, and asked an insightful and thought-provoking question of Speaker GINGRICH and President Clinton: What are they going to do about reforming our campaign financing system? The two leaders, who were attending the meeting, promised to create a bipartisan commission to study campaign finance reform and then shook hands on the agreement. That handshake was a famous and short-lived moment of solidarity and bipartisanship. At this time, sadly, no such commission has been created.

The bill that I introduce today is a renewed effort to keep the promise made on that famous day 2 years ago. The Claremont Commission Act was introduced in a bipartisan manner to create an objective commission to look at the issues surrounding the reform of our Nation's campaign finance system. This legislation directs the commission to take important goals into consideration when making recommendations to the Congress with regard to reform legislation. These goals include: limiting the influence of money in Federal elections; increasing voter participation, creating a more equitable electoral system for both challengers and incumbents; and removing the negative aspects of financing of Federal elections. I believe that these are important goals to consider when Congress moves to make actual changes to our campaign financing laws.

The Claremont Commission Act specifically asks the commission to consider and respond to more than 14 questions regarding the most important issues surrounding the campaign finance reform debate. I am especially pleased that the issues of soft money contributions, independent expenditures, and the role of unions will be addressed. In particular, the role of unions and their use of mandatory union dues to make donations to political campaigns is of concern to me. The commission will address the serious issues surrounding how unions finance their political activities, as well as the considerable influence that these organizations wield over the outcome of elections. I am pleased that the creation of this commission can begin to address concerns, as well as other Members of Congress' questions regarding soft money contributions and independent expenditures.

The political infighting that has occurred over the years regarding the financing of our Federal elections will not cease unless a middle ground can be established. I believe that the Claremont Commission Act, by establishing a mechanism for a dispassionate analysis by a group of experts, can provide that middle ground. Hopefully, this bill will allow us to address the concerns of all Americans who have a growing sense of cynicism over our ability to resolve important campaign financing problems.

In closing, I urge my colleagues to take a serious look at this legislation and consider the merits of commissioning a bipartisan recommendation regarding campaign finance reform.

By Mr. MCCAIN (by request):

S. 877. A bill to disestablish the National Oceanic and Atmospheric Administration Corps of Commissioned Officers; to the Committee on Commerce, Science, and Transportation.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION CORPS LEGISLATION

Mr. MCCAIN. Mr. President, on behalf of the administration, today I am introducing legislation to disestablish the National Oceanic and Atmospheric Administration Corps. This legislation is long overdue on the part of the administration, and I am pleased to be able to initiate a possible resolution on this issue.

In 1807, an organization known as the Coast Survey was established; this organization would later become NOAA. The Survey was responsible for charting the U.S. coastline, and its civilian employees were often augmented with military personnel. This interaction between the Survey and the military continued, and, during World Wars I and II, members of the Survey served to defend our Nation. At the end of World War II, these members retained their military rank and compensation but returned to civilian duties as the NOAA Corps. Today, the corps numbers approximately 300 officers.

The corps operates the NOAA Fleet, flies the agency's hurricane research planes, and conducts a variety of activities essential for managing the Nation's natural resources. This bill seeks to maintain these services while improving the cost-effectiveness of the program. Under this legislation, civilian service positions would be created equivalent to existing NOAA Corps positions. Those officers with less than 15 years service would be eligible for these new civilian positions, while those with more than 15 years of service would be retired. Retired officers would still have an opportunity to compete for additional NOAA positions, as determined by the Under Secretary. The entire corps retirement program would be transferred to the Department of the Navy under this proposal.

Disestablishment of the corps has been recommended by the Vice President's National Performance Review, the Government Accounting Office, and the inspector general of the Department of Commerce. The GAO estimates that this bill would save $5 million over a 10-year period.

I am concerned that the NOAA Corps officers be treated fairly, and I understand that several of my colleagues have additional concerns about the impacts of this legislation. I look forward to addressing these issues through the committee process.

By Mr. FEINGOLD:

S. 879. A bill to provide for home and community-based services for individuals with disabilities, and for other purposes; to the Committee on Finance.

LONG-TERM CARE REFORM AND DEFICIT REDUCTION ACT OF 1997

Mr. FEINGOLD. Mr. President, I am pleased to introduce S. 879, the Long-Term Care Reform and Deficit Reduction Act of 1997, legislation to reform fundamentally the way we provide long-term care in this country.

This legislation gives States the flexibility to establish a system of consumer-oriented, consumer-directed home and community-based long-term care services for individuals with disabilities of any age. It does so while reducing the deficit by $30.4 billion over the next 5 years, and $145.7 billion over the next 10 years with the potential for even greater savings.

Mr. President, the bill is based on Wisconsin's home and community-based long-term care program, the Community Options Program, called COP, which has been a national model of reform. COP was the keystone of Wisconsin's long-term care reforms that have saved Wisconsin taxpayers hundreds of millions of dollars.

The legislation is also similar, in large part, to the excellent bipartisan long-term care proposals developed by the Senate Committee on Labor and Human Resources as well as the Senate Committee on Finance during the 103d Congress, which in turn stemmed from the long-term care reforms included in President Clinton's health care reform proposal. Unlike so many other aspects of health care reform, the long-term care provisions that came out of the two Senate committees, that were included in the Mitchell compromise measure, and that were part of the proposals produced by the standing committees in the other body, received bipartisan support. It is somewhat remarkable that when there was so much controversy over so many issues relating to health care reform that there was so much agreement over the need to include long-term care reform.

Mr. President, the success of the Wisconsin program upon which this measure is based stems in large part from its flexibility, a flexibility that benefits both individual consumers of long-term care as well as local administrators.

This legislation reflects that same kind of flexibility. First and foremost, it does so by not creating a new, unfunded mandate. This program is entirely optional for States, and beyond four core services—assessment, care planning, personal assistance, and case management—those States choosing to participate will be free to decide what additional services, if any, they want to offer. States would be able but not required to offer such things as homemaker services, home modifications, respite, assistive devices, adult day care, supported employment, home health care, or any other service that would help keep a disabled individual at home or in the community.

Equally important, the measure provides both some initial funding, and the ability of States to recapture the bulk of the savings they can generate within the current long-term care system. The bill directs the Secretary of Health and Human Services to submit to Congress a proposal by which States could retain, in this new more flexible program, 75 percent of the Federal Medicaid long-term care savings they are able to generate. This not only provides a direct incentive for States to produce Medicaid savings, it also directly links the future of this reform to its ability to deliver results.

The legislation also creates a small hospital link pilot program based on our experiences in Wisconsin where such an initiative has helped direct individuals needing long-term care services out of hospitals, and back to their own homes and communities. The hospital discharge is a critical point of embarkation into the long-term care system for many, and this program helps ensure that those who leave a hospital in need of long-term care can receive needed services where they prefer them—in their own homes.

Mr. President, though I am convinced that long-term care reform can result in substantial savings to taxpayers—and this has been our experience in Wisconsin—this measure does not depend on hypothetical savings for funding. This measure includes funding provisions consisting of specific savings within the health care system. Those savings include extending and making permanent the Medicare secondary payer provisions; establishing a prospective payment system under Medicare for nursing homes; eliminating the technical errors in the reimbursement of certain outpatient hospital services, known as the formula-driven overpayments; and, reforming the way Medicare risk contractors are reimbursed.

Mr. President, this last provision, fixing the payment system for Medicare HMO's, deserves special notice. The current system of reimbursement is flawed, and results in grossly inequitable distribution of costs and benefits within Medicare. Because the risk contract reimbursement formula is driven by the average fee-for-service costs in an area, Medicare beneficiaries in States like Wisconsin, where Medicare's standard fee-for-service costs are kept low, are punished. By contrast, areas with higher costs, including costs driven by unnecessary utilization and even waste, fraud, and abuse, are rewarded with generous benefit packages and little or no copayments.

This system of incentives is backward, and I am pleased to include a proposal to bring some sense and equity to Medicare's reimbursement of risk contracts as part of this measure.

Mr. President, the offsetting reductions in this measure produce savings of $34.1 billion over 5 years, and $166.2 billion over 10 years. Altogether, including the long-term care reforms and grants to States, the bill produces net deficit reduction of $30.4 billion over 5 years, and $145.7 billion over 10 years.

This must be the approach we adopt, even for those proposals which experience shows will result in savings. By including funding provisions in this long-term care reform measure, we ensure that any additional savings produced by these reforms will only further reduce the budget deficit.

And there is strong evidence that there will be additional savings, as we have seen in Wisconsin. Between 1980 and 1993, while the rest of the country experienced increased Medicaid nursing home use of 35 percent, thanks to Wisconsin's long-term care reforms, Medicaid nursing home bed use actually dropped 16 percent in the State, saving Wisconsin taxpayers hundreds of millions of dollars.

Mr. President, aside from the immediate benefits of reducing the budget deficit, we need long-term care reform in its own right.

While the population of those needing long-term care is growing much faster than those providing indirect support as taxpayers, informal care, which is largely provided by families, has been stretched to the limit by the economics of health care and the increasing age of the caregivers themselves.

The default system of formal long-term care, currently funded through the Medicaid Program, requires that individuals impoverish themselves before they can receive needed care, and it largely limits care to expensive institutional settings.

Failure to reform long-term care will inevitably lead to increased use of the Medicaid system—the most expensive long-term care alternative for taxpayers, and the least desirable for consumers.

Mr. President, there are few statistical forecasts as accurate as those dealing with our population, and estimates show that the population needing long-term care will explode during the next few decades. The elderly are the fastest growing segment of our population, with those over age 85—individuals most in need of long-term care—the fastest growing segment of the elderly. The over-85 population will triple in size between 1980 and 2030, and will be nearly seven times larger in 2050 than in 1980.

The growth in the population of elderly needing some assistance is expected to be equally dramatic. Activities of daily living, or ADL's, are a common measure of need for long-term care services. These activities include eating, transferring in and out of bed, toileting, dressing, and bathing. In 1988, approximately 6.9 million elderly

could not perform all of these activities. By 2000, this population is expected to increase to 9 million, and by 2040 to 18 million.

Mr. President, that we have been able to stave off a long-term care crisis to date is due in large part to the direct caregiving provided by millions of families for their elderly and disabled family members. But here also we see that the demographic changes of the next several decades will result in increased strain on the current system.

While the number of people in need of care is increasing rapidly, the population supporting those individuals, either through direct caregiving, or indirectly through their taxes, is growing much more slowly, and thus is shrinking in comparison.

In 1900, there were about 7 elderly individuals for every 100 people of working age. As of 1990, the ratio was about 20 elderly for every 100, by 2020 the ratio will be 29 per 100, and after that it will rise to 38 per 100 by 2030.

These population differences will be further aggravated by the changing nature of the family and the work force. As the Alzheimer's Association has noted, smaller families, delayed childbearing, more women in the work force, higher divorce rates, and increased mobility all mean there will be fewer primary caregivers available, and far less informal support for those who do continue to provide care to family members in need of long-term care services.

Mr. President, while some elderly are relatively well off, thanks in part to programs like Social Security and Medicare that have kept many out of poverty, it is also true that too many seniors still find themselves living near or below the poverty line. This is especially true for those needing long-term care, who, on average, are poorer than those who do not need long-term care. In 1990, about 27 percent of people needing help with some activity of daily living survived on incomes below the poverty level, compared with 17 percent of all older people. About half of impaired elderly have income under 150 percent of poverty, compared with 35 percent of all elderly, and, according to Families USA, while 20 percent of the population as a whole had annual family income under $15,685 in 1992, nearly half of the disabled population had income under that level.

Further aggravating the problem is that informal family member caregivers are getting older. These caregivers are already an average of 57, with 36 percent of caregivers 65 or older. As the population ages, so will the average age of caregivers, and as the population of caregivers increases, their ability to provide adequate informal care diminishes.

Mr. President, all in all our country faces a rapidly growing population needing long-term care services, a population which is disproportionately poor. At the same time, the group of family caregivers, that has kept most of the population needing long-term care out of Government programs like Medicaid, is shrinking relative to those in need of services, and is becoming progressively older.

The inescapable result of these trends is substantial pressure on Government provided long-term care services—services that are inadequate in several fundamental ways.

First, with some exceptions, the current system fails to build effectively on the informal care provided by families.

Mr. President, most people with disabilities, even with severe disabilities, rely on care in their home from family and friends. The Alzheimer's Association estimates that families provide between 80 and 90 percent of all care at home, willingly and without pay. The association estimates that this informal off-budget care would cost $54 billion to replace.

This last figure can be only an estimate, not because it doesn't fairly represent the services currently being provided by family members, but because comparable services are largely unavailable from the long-term care system. The variety of home- and community-based services provided by family members simply do not exist in many areas.

Mr. President, the prevalence of family-provided caregiving affirms that, in reforming our long-term care system, it is vital that we build on top of the existing informal care that is being provided, not try to substitute for that care by imposing a new system. The goal of long-term care reform is first to enable family caregivers to continue to provide the care they currently give and that their family members prefer.

Mr. President, another weakness of the current long-term care system is the lack of a home and community service capacity. This is due in part to the inadequacies of the Medicaid Program. Enacted in 1965, Medicaid was primarily a response to the acute care needs of the poor. Though Congress did not envision Medicaid as a long-term care program, it quickly became the primary source of Government funds for long-term care services.

For many years, those long-term services provided under Medicaid were almost exclusively institutionally based. Not until institutional services, such as nursing homes, had become well established were community- and home-based services funded.

The result of the head start given institutional long-term care services has been a continuing bias toward institutions in our long-term care programs. The rate of nursing home use by the elderly since the advent of Medicare and Medicaid has doubled, while the community and home-based alternatives to institutional care are considered exceptions to institutional care. A State must get a waiver from the Federal Government in order to qualify for community and home-based nonmedical service alternatives under Medicaid and, in many cases, an individual must otherwise be headed to an institution in order to qualify for those Medicaid funded community and home-based alternative programs.

More significantly, there remains an absolute entitlement to institutional care that does not exist for the home and community-based waiver alternatives.

Mr. President, many families have been able to provide long-term care services themselves to their elderly and disabled family members, but the lack of even partial support services makes it increasingly difficult for families to choose to keep their family members at home.

According to a 1991 Alzheimer's Association study, the family caregiving alternative to Government funded long-term care is likely to disappear not because of the increasing impairment of the long-term care consumer, but because of the physical, emotional, or financial exhaustion of the caregiver:

> Family caregivers suffer more stress-related illness, resulting from exhaustion, lowered immune functions, and injuries, than the general population . . . Depression among caregivers of the frail elderly is as high as 43 to 46 percent, nearly three times the norm. . . . The likelihood of health problems is heightened by the relatively high age of caregivers: the average is 57. Thirty-six percent of caregivers are 65 or older.

Mr. President, the impact on the economy of the family caregiver is also significant. Beyond the obvious strain on the personal economy of those families with members needing long-term care services, there is also a significant effect on employers.

One-quarter of American workers over the age of 30 care for an elderly parent, and this percentage is expected to increase with 40 percent of workers expecting to be caring for aging parents in the next 5 years.

These are impressive statistics when one considers that caregivers report missing a week and a half of work each year in order to provide care, and nearly one-third of working caregivers have either quit their job or reduced their work hours because of their caregiving responsibilities.

For those working 20 hours or fewer a week, over half have reduced their work hours because of caregiving responsibilities.

Mr. President, long-term care is very much a woman's issue. Women live longer than men, and make up a greater portion of the population needing care. And women are much more likely to be the family member that is providing care to a loved one who needs long-term care. One in five women have a parent living in their home, and nearly half of adult daughters who are

caregivers are unemployed. Over a quarter of these women said they either quit their jobs or retired early just to provide care for an older person.

In addition to the impact on caregivers as employees, workers, and family breadwinners, there is also a measurable impact on their personal health. As the Alzheimer's Association study noted, caregivers are more likely to be in poor health than the general population, and are three times more likely to suffer from depression, a condition that raises the risk of other ailments such as exhaustion, lowered immune function, stress-related illness, and injury related to their caregiving responsibilities.

Compounding both the work-related and health-related problems, the burden of this kind of caregiving can increase over time. The Alzheimer's Association study noted that unlike caring for a child, which diminishes over time as the child matures and becomes more independent, caregiving responsibilities for an aging parent often increase as they become more dependent and require more care.

Mr. President, failure to reform long-term care will also lead to cost shifting and will undermine our efforts both to contain acute care costs and further reduce the deficit.

Thanks in large part to the lack of universal coverage and the attendant shared responsibility, the health care system has become expert at shifting costs. Federal and State policymakers, in attempting to control costs, have often only created bigger incentives to shift costs as they try to clamp down in one area only to see utilization jump in another. All too often, no real savings are achieved in the end.

This was seen, for example, when the Federal Government changed several aspects of Medicare reimbursements. Patients were discharged from hospitals quicker and sicker than they had been before with a resulting increase in utilization in other areas, including long-term care services such as skilled nursing facilities.

This example is particularly appropriate. As efforts are made to limit costs in the acute care system, it is precisely this kind of shifting, from the acute care side to the long-term care side, that will occur unless long-term care reforms are pursued.

A grandmother who is discharged from a hospital by an HMO seeking to lower its costs, may have little alternative but to enter a nursing home. Long-term care reform could provide her family with sufficient additional supports to be able to care for that grandmother in her own home, and at significantly lower cost to the family and the system as a whole.

But, Mr. President, as important as it is to gain control of our health care costs, long-term care reform is needed first and foremost as a matter of humanity.

In my own State of Wisconsin, long-term care has been the focus of significant reforms since the early 1980's.

One long-term care administrator, Chuck McLaughlin of Black River Falls, WI, testified before a field hearing of the Senate Aging Committee in the 103d Congress that prior to those reforms, he saw an almost complete absence of community or home-based long-term care services for people in need of support.

This was especially visible for older disabled individuals. Except for those seniors with sufficient resources to create their own system of in-home supports, he saw many forced to enter nursing homes who would have liked to have remained in their own home or community.

McLaughlin noted that though some eventually adjusted to leaving their home and entering the nursing home, others never did.

> I saw people who simply willed their own death because they saw no reason to continue living. These were people who were literally torn from familiar places and familiar people. People who had lost the continuity of their lives and the history that so richly made them into who they were now. People who had nurtured and sustained their communities which in turn provided them with positive status in that community. These people were truly uprooted and adrift in an alien environment lacking familiar sights, sounds, and smells. Many of them simply chose not to live any longer. While the medical care they received was excellent, they were more than just their physical bodies. Modern medicine has no treatment for a broken spirit.

Mr. President, for many, the current long-term care system continues to be so inflexible as to be inhumane.

Mr. President, there are many reasons for pursuing long-term care reform—certainly more than are addressed here. But the one which may be the most meaningful for those actually needing long-term care is the ability to make their own choice about what kinds of services they will receive. In particular, this will mean the chance to remain as independent as possible, living at home or in the community or, if they choose, in an institution.

Survey after survey reveal the overwhelming preference for home-based care, and these findings are consistent with the anecdotal evidence available from just about every family facing some kind of long-term care need.

Ann Hauser, a 74-year-old woman who retired after 30 years as a ward clerk in a Milwaukee hospital, offered testimony at a May 9, 1994, field hearing of the Senate Special Committee on Aging that is typical of what many have said over the years.

Now living at home with help from Wisconsin's home and community-based long-term care program, the Community Options Program [COP], Ms. Hauser related a number of problems she had experienced while in different nursing homes.

> While at this nursing home and the others, I was to continue on IV antibiotics and needed some, but not total assistance for chair transfers. Before much time had passed, I was assisted in moving around so seldom that I lost muscle tone. Within 5 months, I became bedridden. The Heuer lift became a cop-out, and I learned that I was better to refuse it so that I would keep the use of some of my muscles. The less active I became, the more depressed I became. I was going downhill fast.
>
> How could I be happy in places that allowed the aides to switch the TV station on my television to their favorite soap operas (when I don't even like shows like that)? Furthermore, when I would remind them that I was at their mercy to finish my bed bath as they stopped to watch just one more minute, they would take away my remote control while I shivered and waited.

The particulars of Ms. Hauser's experience are less important than the overall loss of control and independence that she experienced, something that is common for many in nursing homes. As Ms. Hauser noted:

> How could I thrive in an environment that counted on my remaining inactive when I had been so active until now?

Dorothy Freund also gave testimony at the May 9 field hearing. At the time, she was a nursing home resident. Ms. Freund, who received her B.A. from Ohio State University, majored in English, and later received an additional degree from Maclean College of Drama, Speech, and Voice in Chicago.

After a brief stay in a hospital for treatment to her ankle, she came to a nursing home for further treatment. She gave up her apartment, because it was not designed for maneuvering in a wheelchair, and she has been on the COP waiting list for a year and a half.

Ms. Freund testified that she enjoys helping people, and this was obvious to those at the hearing as she related her efforts to tutor a nursing assistant who had worked at the nursing home. The aide decided that she would like to become a nurse, to get her LPN, but needed to get her high school diploma. Ms. Freund helped her with English, geometry, government, and geography, and, thanks in large part to Ms. Freund's efforts, the nursing assistant did receive her high school diploma.

Ms. Freund spoke about her experience and her thoughts on living in a nursing home:

> Then why not stay at the nursing home and help others in the same way? It is not an atmosphere of peace and quiet for any length of time. I'm not deprecating the nursing home and its quality of care. They are always looking for ways to improve situations and to solve problems that arise. Nor am I downgrading those who are trying their best to give that care. But when the shouting, moaning, screaming, and babbling all go on at the same time it can be bedlam. It may erupt at any moment. . . . The frustrations of being stuffed in a nursing home, the struggle to ride out the storms, and keep one's head above the turbulent waters, can seem overwhelming when there's not even a gleam at the end of the tunnel. But I just can't resign myself to a life of Bingo and Roll-a-ball.

"Don't give up; there must be a way," I keep telling myself.

Ms. Freund's testimony, again, is typical of the experiences of many needing long-term care. And it bears emphasizing that the desire to live in one's own home, and to be able to function as independently as possible, exists despite the high quality of care that is provided in most nursing homes.

Mr. President, this should come as no surprise in a society that values independence so highly. We cannot expect an individual's value system to change the instant they require some long-term care, though this is precisely how our current long-term care system is structured.

If for no other reason, we need to reform our long-term care system to reflect the values we cherish as a nation, to live, as we wish, independently, in our own homes and communities.

Mr. President, during the debate over comprehensive health care reform in the 103d Congress, I issued a report reviewing the long-term care provisions in President Clinton's health care reform legislation and offering some modifications to those provisions based on our experience in Wisconsin. In that report, I noted that Chuck McLaughlin's eloquent comments on the importance of community were not only relevant, even central, to the discussion of long-term care, but that community must also be the focus of our efforts in many other areas of our lives as Americans and citizens of the world.

More often than not, the critical problems we face stem from a failure of community or a lack of adequate community-based supports—for example jobs and economic development, housing, crime, and education. These and other important issues are usually confronted by policymakers at a distance—from Washington, DC or from State capitals—essentially from the top down.

Too often we have tried to solve these challenges, including the challenge of long-term care, by imposing a superior vision from above. This approach has led to inflexible systems that cannot react to individual needs, but rather end up trying to fit the problem to their own structure.

This fundamental weakness is often enough to undermine even the sometimes huge amounts of money that we send along to implement the problem solving. It also limits the kinds of creative approaches those who are "on the ground" may see as useful and necessary.

Mr. President, just as we have a need to reinvent government to respond more efficiently to our country's needs and our national deficit, we need also to reinvent community to allow flexible approaches to problems, and to allow those in the community to exercise their judgment as to how best to solve problems.

A great strength of the Wisconsin long-term care reforms, and especially the home and community-based benefit on which this legislation is based, is that it is focused on the needs of the individual. Eligibility is based on disability, not age, and services are centered around the particular needs of an individual rather than the perceived needs of a group.

The approach this legislation takes is not only appropriate, but integral to the nature of long-term care.

Mr. President, the population needing long-term care services is a diverse group with widely differing needs.

Of the many misconceptions about long-term care, and about programs providing long-term care services, the most common may be that long-term care is purely an elderly issue. Though it is true that the elderly make up the largest part of the population needing long-term care services, long-term care is an issue facing millions of younger Americans. Approximately 1 million children have severe disabilities that require long-term care services.

Beyond the wide difference in the ages of those needing long-term care services, there is a diversity of needs, including the needs of the caregiving family members who may need a variety of different long-term care services.

From individuals with cerebral palsy to families that have a loved one afflicted with Alzheimer's disease, however well intentioned, no one set of services will address the individual needs of long-term care consumers.

Rather than trying to fit all of those needing long-term care services into one set of services, this legislation lets case managers, working with long-term care consumers and their families, determine just what services are needed and preferred.

Mr. President, the failure to enact comprehensive reform will not interrupt my own efforts to advocate and push individual reforms that respond to the needs of people and that can help save our health care system money.

In home and community-based long-term care reform, we can achieve both.

For taxpayers in Wisconsin, COP has saved hundreds of millions of dollars that would otherwise have been spent on more expensive institutional care.

At the same time, COP has provided an alternative that allows the consumer to participate in determining the plan of care and in the execution of that plan.

But, Mr. President, at the Federal level we are behind Wisconsin and other States in reforming long-term care. Despite the creation of community-based Medicaid waiver programs, consumers are, for the most part, faced with few alternatives. This proposal will begin to provide the flexibility State government needs to provide consumer-oriented and consumer-directed services.

Mr. President, I ask unanimous consent that a summary of the measure, followed by the complete text of the legislation, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Long-Term Care Reform and Deficit Reduction Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—HOME AND COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH DISABILITIES
Sec. 101. State programs for home and community-based services for individuals with disabilities.
Sec. 102. State plans.
Sec. 103. Individuals with disabilities defined.
Sec. 104. Home and community-based services covered under State plan.
Sec. 105. Cost sharing.
Sec. 106. Quality assurance and safeguards.
Sec. 107. Advisory groups.
Sec. 108. Payments to States.
Sec. 109. Appropriations; allotments to States.
Sec. 110. Federal evaluations.
Sec. 111. Information and technical assistance grants relating to development of hospital linkage programs.
TITLE II—PROSPECTIVE PAYMENT SYSTEM FOR NURSING FACILITIES
Sec. 201. Definitions.
Sec. 202. Payment objectives.
Sec. 203. Powers and duties of the Secretary.
Sec. 204. Relationship to title XVIII of the Social Security Act.
Sec. 205. Establishment of resident classification system.
Sec. 206. Cost centers for nursing facility payment.
Sec. 207. Resident assessment.
Sec. 208. The per diem rate for nursing service costs.
Sec. 209. The per diem rate for administrative and general costs.
Sec. 210. Payment for fee-for-service ancillary services.
Sec. 211. Reimbursement of selected ancillary services and other costs.
Sec. 212. Per diem payment for property costs.
Sec. 213. Mid-year rate adjustments.
Sec. 214. Exception to payment methods for new and low volume nursing facilities.
Sec. 215. Appeal procedures.
Sec. 216. Transition period.
Sec. 217. Effective date; inconsistent provisions.
TITLE III—ADDITIONAL MEDICARE PROVISIONS
Sec. 301. Elimination of formula-driven overpayments for certain outpatient hospital services.
Sec. 302. Permanent extension of certain secondary payer provisions.

Sec. 303. Financing and quality modernization and reform.

TITLE I—HOME AND COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH DISABILITIES

SEC. 101. STATE PROGRAMS FOR HOME AND COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Each State that has a plan for home and community-based services for individuals with disabilities submitted to and approved by the Secretary under section 102(b) may receive payment in accordance with section 108.

(b) ENTITLEMENT TO SERVICES.—Nothing in this title shall be construed to create a right to services for individuals or a requirement that a State with an approved plan expend the entire amount of funds to which it is entitled under this title.

(c) DESIGNATION OF AGENCY.—Not later than 6 months after the date of enactment of this Act, the Secretary shall designate an agency responsible for program administration under this title.

SEC. 102. STATE PLANS.

(a) PLAN REQUIREMENTS.—In order to be approved under subsection (b), a State plan for home and community-based services for individuals with disabilities must meet the following requirements:

(1) STATE MAINTENANCE OF EFFORT.—

(A) IN GENERAL.—A State plan under this title shall provide that the State will, during any fiscal year that the State is furnishing services under this title, make expenditures of State funds in an amount equal to the State maintenance of effort amount for the year determined under subparagraph (B) for furnishing the services described in subparagraph (C) under the State plan under this title or under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(B) STATE MAINTENANCE OF EFFORT AMOUNT.—

(i) IN GENERAL.—The maintenance of effort amount for a State for a fiscal year is an amount equal to—

(I) for fiscal year 1999, the base amount for the State (as determined under clause (ii)) updated through the midpoint of fiscal year 1999 by the estimated percentage change in the index described in clause (iii) during the period beginning on October 1, 1997, and ending at that midpoint; and

(II) for succeeding fiscal years, an amount equal to the amount determined under this clause for the previous fiscal year updated through the midpoint of the year by the estimated percentage change in the index described in clause (iii) during the 12-month period ending at that midpoint, with appropriate adjustments to reflect previous underestimations or overestimations under this clause in the projected percentage change in such index.

(ii) STATE BASE AMOUNT.—The base amount for a State is an amount equal to the total expenditures from State funds made under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) during fiscal year 1997 with respect to medical assistance consisting of the services described in subparagraph (C).

(iii) INDEX DESCRIBED.—For purposes of clause (i), the Secretary shall develop an index that reflects the projected increases in spending for services under subparagraph (C), adjusted for differences among the States.

(C) MEDICAID SERVICES DESCRIBED.—The services described in this subparagraph are the following:

(i) Personal care services (as described in section 1905(a)(24) of the Social Security Act (42 U.S.C. 1396d(a)(24))).

(ii) Home or community-based services furnished under a waiver granted under subsection (c), (d), or (e) of section 1915 of such Act (42 U.S.C. 1396n).

(iii) Home and community care furnished to functionally disabled elderly individuals under section 1929 of such Act (42 U.S.C. 1396t).

(iv) Community supported living arrangements services under section 1930 of such Act (42 U.S.C. 1396u).

(v) Services furnished in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other institutional setting specified by the Secretary.

(2) ELIGIBILITY.—

(A) IN GENERAL.—Within the amounts provided by the State and under section 108 for such plan, the plan shall provide that services under the plan will be available to individuals with disabilities (as defined in section 103(a)) in the State.

(B) INITIAL SCREENING.—The plan shall provide a process for the initial screening of an individual who appears to have some reasonable likelihood of being an individual with disabilities. Any such process shall require the provision of assistance to individuals who wish to apply but whose disability limits their ability to apply. The initial screening and the determination of disability (as defined under section 103(b)(1)) shall be conducted by a public agency.

(C) RESTRICTIONS.—

(i) IN GENERAL.—The plan may not limit the eligibility of individuals with disabilities based on—

(I) income;

(II) age;

(III) residential setting (other than with respect to an institutional setting, in accordance with clause (ii)); or

(IV) other grounds specified by the Secretary;

except that through fiscal year 2007, the Secretary may permit a State to limit eligibility based on level of disability or geography (if the State ensures a balance between urban and rural areas).

(ii) INSTITUTIONAL SETTING.—The plan may limit the eligibility of individuals with disabilities based on the definition of the term "institutional setting", as determined by the State.

(D) CONTINUATION OF SERVICES.—The plan must provide assurances that, in the case of an individual receiving medical assistance for home and community-based services under the State medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) as of the date a State's plan is approved under this title, the State will continue to make available (either under this plan, under the State medicaid plan, or otherwise) to such individual an appropriate level of assistance for home and community-based services, taking into account the level of assistance provided as of such date and the individual's need for home and community-based services.

(3) SERVICES.—

(A) NEEDS ASSESSMENT.—Not later than the end of the second year of implementation, the plan or its amendments shall include the results of a statewide assessment of the needs of individuals with disabilities in a format required by the Secretary. The needs assessment shall include demographic data concerning the number of individuals within each category of disability described in this title, and the services available to meet the needs of such individuals.

(B) SPECIFICATION.—Consistent with section 104, the plan shall specify—

(i) the services made available under the plan;

(ii) the extent and manner in which such services are allocated and made available to individuals with disabilities; and

(iii) the manner in which services under the plan are coordinated with each other and with health and long-term care services available outside the plan for individuals with disabilities.

(C) TAKING INTO ACCOUNT INFORMAL CARE.—A State plan may take into account, in determining the amount and array of services made available to covered individuals with disabilities, the availability of informal care. Any individual plan of care developed under section 104(b)(1)(B) that includes informal care shall be required to verify the availability of such care.

(D) ALLOCATION.—The State plan—

(i) shall specify how services under the plan will be allocated among covered individuals with disabilities;

(ii) shall attempt to meet the needs of individuals with a variety of disabilities within the limits of available funding;

(iii) shall include services that assist all categories of individuals with disabilities, regardless of their age or the nature of their disabling conditions;

(iv) shall demonstrate that services are allocated equitably, in accordance with the needs assessment required under subparagraph (A); and

(v) shall ensure that—

(I) the proportion of the population of low-income individuals with disabilities in the State that represents individuals with disabilities who are provided home and community-based services either under the plan, under the State medicaid plan, or under both, is not less than

(II) the proportion of the population of the State that represents individuals who are low-income individuals.

(E) LIMITATION ON LICENSURE OR CERTIFICATION.—The State may not subject consumer-directed providers of personal assistance services to licensure, certification, or other requirements that the Secretary finds not to be necessary for the health and safety of individuals with disabilities.

(F) CONSUMER CHOICE.—To the extent feasible, the State shall follow the choice of an individual with disabilities (or that individual's designated representative who may be a family member) regarding which covered services to receive and the providers who will provide such services.

(4) COST SHARING.—The plan may impose cost sharing with respect to covered services in accordance with section 105.

(5) TYPES OF PROVIDERS AND REQUIREMENTS FOR PARTICIPATION.—The plan shall specify—

(A) the types of service providers eligible to participate in the program under the plan, which shall include consumer-directed providers of personal assistance services, except that the plan—

(i) may not limit benefits to services provided by registered nurses or licensed practical nurses; and

(ii) may not limit benefits to services provided by agencies or providers certified under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(B) any requirements for participation applicable to each type of service provider.

(6) PROVIDER REIMBURSEMENT.—

(A) PAYMENT METHODS.—The plan shall specify the payment methods to be used to

reimburse providers for services furnished under the plan. Such methods may include retrospective reimbursement on a fee-for-service basis, prepayment on a capitation basis, payment by cash or vouchers to individuals with disabilities, or any combination of these methods. In the case of payment to consumer-directed providers of personal assistance services, including payment through the use of cash or vouchers, the plan shall specify how the plan will assure compliance with applicable employment tax and health care coverage provisions.

(B) PAYMENT RATES.—The plan shall specify the methods and criteria to be used to set payment rates for—

(i) agency administered services furnished under the plan; and

(ii) consumer-directed personal assistance services furnished under the plan, including cash payments or vouchers to individuals with disabilities, except that such payments shall be adequate to cover amounts required under applicable employment tax and health care coverage provisions.

(C) PLAN PAYMENT AS PAYMENT IN FULL.—The plan shall restrict payment under the plan for covered services to those providers that agree to accept the payment under the plan (at the rates established pursuant to subparagraph (B)) and any cost sharing permitted under section 105 as payment in full for services furnished under the plan.

(7) QUALITY ASSURANCE AND SAFEGUARDS.—The State plan shall provide for quality assurance and safeguards for applicants and beneficiaries in accordance with section 106.

(8) ADVISORY GROUP.—The State plan shall—

(A) assure the establishment and maintenance of an advisory group in accordance with section 107(b); and

(B) include the documentation prepared by the group under section 107(b)(4).

(9) ADMINISTRATION AND ACCESS.—

(A) STATE AGENCY.—The plan shall designate a State agency or agencies to administer (or to supervise the administration of) the plan.

(B) COORDINATION.—The plan shall specify how it will—

(i) coordinate services provided under the plan, including eligibility prescreening, service coordination, and referrals for individuals with disabilities who are ineligible for services under this title with the State medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), titles V and XX of such Act (42 U.S.C. 701 et seq. and 1397 et seq.), programs under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), programs under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and any other Federal or State programs that provide services or assistance targeted to individuals with disabilities; and

(ii) coordinate with health plans.

(C) ADMINISTRATIVE EXPENDITURES.—Effective beginning with fiscal year 2007, the plan shall contain assurances that not more than 10 percent of expenditures under the plan for all quarters in any fiscal year shall be for administrative costs.

(D) INFORMATION AND ASSISTANCE.—The plan shall provide for a single point of access to apply for services under the State program for individuals with disabilities. Notwithstanding the preceding sentence, the plan may designate separate points of access to the State program for individuals under 22 years of age, for individuals 65 years of age or older, or for other appropriate classes of individuals.

(10) REPORTS AND INFORMATION TO SECRETARY; AUDITS.—The plan shall provide that the State will furnish to the Secretary—

(A) such reports, and will cooperate with such audits, as the Secretary determines are needed concerning the State's administration of its plan under this title, including the processing of claims under the plan; and

(B) such data and information as the Secretary may require in a uniform format as specified by the Secretary.

(11) USE OF STATE FUNDS FOR MATCHING.—The plan shall provide assurances that Federal funds will not be used to provide for the State share of expenditures under this title.

(12) HEALTH CARE WORKER REDEPLOYMENT.—The plan shall provide for the following:

(A) Before initiating the process of implementing the State program under such plan, negotiations will be commenced with labor unions representing the employees of the affected hospitals or other facilities.

(B) Negotiations under subparagraph (A) will address the following:

(i) The impact of the implementation of the program upon the workforce.

(ii) Methods to redeploy workers to positions in the proposed system, in the case of workers affected by the program.

(C) The plan will provide evidence that there has been compliance with subparagraphs (A) and (B), including a description of the results of the negotiations.

(13) TERMINOLOGY.—The plan shall adhere to uniform definitions of terms, as specified by the Secretary.

(b) APPROVAL OF PLANS.—The Secretary shall approve a plan submitted by a State if the Secretary determines that the plan—

(1) was developed by the State after a public comment period of not less than 30 days; and

(2) meets the requirements of subsection (a).

The approval of such a plan shall take effect as of the first day of the first fiscal year beginning after the date of such approval (except that any approval made before October 1, 1998, shall be effective as of such date). In order to budget funds allotted under this title, the Secretary shall establish a deadline for the submission of such a plan before the beginning of a fiscal year as a condition of its approval effective with that fiscal year. Any significant changes to the State plan shall be submitted to the Secretary in the form of plan amendments and shall be subject to approval by the Secretary.

(c) MONITORING.—The Secretary shall annually monitor the compliance of State plans with the requirements of this title according to specified performance standards. In accordance with section 108(e), States that fail to comply with such requirements may be subject to a reduction in the Federal matching rates available to the State under section 108(a) or the withholding of Federal funds for services or administration until such time as compliance is achieved.

(d) TECHNICAL ASSISTANCE.—The Secretary shall ensure the availability of ongoing technical assistance to States under this section. Such assistance shall include serving as a clearinghouse for information regarding successful practices in providing long-term care services.

(e) REGULATIONS.—The Secretary shall issue such regulations as may be appropriate to carry out this title on a timely basis.

SEC. 103. INDIVIDUALS WITH DISABILITIES DEFINED.

(a) IN GENERAL.—For purposes of this title, the term "individual with disabilities" means any individual within 1 or more of the following categories:

(1) INDIVIDUALS REQUIRING HELP WITH ACTIVITIES OF DAILY LIVING.—An individual of any age who—

(A) requires hands-on or standby assistance, supervision, or cueing (as defined in regulations) to perform 3 or more activities of daily living (as defined in subsection (d)); and

(B) is expected to require such assistance, supervision, or cueing for a chronic condition that will last at least 180 days.

(2) INDIVIDUALS WHO REQUIRE SUPERVISION DUE TO COGNITIVE OR OTHER MENTAL IMPAIRMENTS.—An individual of any age—

(A) who requires supervision to protect himself or herself from threats to health or safety due to impaired judgment, or who requires supervision due to symptoms of 1 or more serious behavioral problems (that is on a list of such problems specified by the Secretary); and

(B) who is expected to require such supervision for a chronic condition that will last at least 180 days.

Not later than 2 years after the date of enactment of this Act, the Secretary shall make recommendations regarding the most appropriate duration of disability under this paragraph.

(3) INDIVIDUALS WITH SEVERE OR PROFOUND MENTAL RETARDATION.—An individual of any age who has severe or profound mental retardation (as determined according to a protocol specified by the Secretary).

(4) INDIVIDUALS WITH MEDICAL MANAGEMENT NEEDS.—An individual of any age who due to a physical cognitive or other mental impairment requires assistance to manage his or her medical or nursing care (as determined by the Secretary).

(5) YOUNG CHILDREN WITH SEVERE DISABILITIES.—An individual under 6 years of age who—

(A) has a severe disability or chronic medical condition that limits functioning in a manner that is comparable in severity to the standards established under paragraphs (1), (2), or (3); and

(B) is expected to have such a disability or condition for at least 180 days.

The Secretary shall elaborate the criteria for children under 6 years of age based on an analysis of Phase I (1994) and II (1996) of the National Disability Survey.

(6) STATE OPTION WITH RESPECT TO INDIVIDUALS WITH COMPARABLE DISABILITIES.—Not more than 5 percent of a State's allotment for services under this title may be expended for the provision of services to individuals with severe disabilities and long-term medical or nursing needs that are comparable in severity to the criteria described in paragraphs (1) through (5), but who fail to meet the criteria in any single category under such paragraphs.

(b) DETERMINATION.—

(1) IN GENERAL.—In formulating eligibility criteria under subsection (a), the Secretary shall establish criteria for assessing the functional level of disability among all categories of individuals with disabilities that are comparable in severity, regardless of the age or the nature of the disabling condition of the individual. The determination of whether an individual is an individual with disabilities shall be made by a public or nonprofit agency that is specified under the State plan and that is not a provider of home and community-based services under this title and by using a uniform protocol consisting of an initial screening and a determination of disability specified by the Secretary. A State may not impose cost sharing with respect to a determination of disability.

A State may collect additional information, at the time of obtaining information to make such determination, in order to provide for the assessment and plan described in section 104(b) or for other purposes.

(2) PERIODIC REASSESSMENT.—The determination that an individual is an individual with disabilities shall be considered to be effective under the State plan for a period of not more than 6 months (or for such longer period in such cases as a significant change in an individual's condition that may affect such determination is unlikely). A reassessment shall be made if there is a significant change in an individual's condition that may affect such determination.

(c) ELIGIBILITY CRITERIA.—The Secretary shall reassess the validity of the eligibility criteria described in subsection (a) as new knowledge regarding the assessments of functional disabilities becomes available. The Secretary shall report to the Congress on its findings under the preceding sentence as determined appropriate by the Secretary.

(d) ACTIVITY OF DAILY LIVING DEFINED.—In this title, the term "activity of daily living" means any of the following: eating, toileting, dressing, bathing, and transferring.

(e) INDIVIDUALS WITH COGNITIVE OR OTHER MENTAL IMPAIRMENTS DEFINED.—In this title, the term "individuals with cognitive or other mental impairments" means an individual with Alzheimer's disease, dementia, autism, mental illness, mental retardation, congenital or acquired brain injury, or any other severe mental condition.

SEC. 104. HOME AND COMMUNITY-BASED SERVICES COVERED UNDER STATE PLAN.

(a) SPECIFICATION.—

(1) IN GENERAL.—Subject to the succeeding provisions of this section, the State plan under this title shall specify—

(A) the home and community-based services available under the plan to individuals with disabilities (or to such categories of such individuals); and

(B) any limits with respect to such services.

(2) FLEXIBILITY IN MEETING INDIVIDUAL NEEDS.—Subject to subsection (e)(2), such services may be delivered in an individual's home, a range of community residential arrangements, or outside the home.

(b) REQUIREMENT FOR NEEDS ASSESSMENT AND PLAN OF CARE.—

(1) IN GENERAL.—The State plan shall provide for home and community-based services to an individual with disabilities only if the following requirements are met:

(A) COMPREHENSIVE ASSESSMENT.—

(i) IN GENERAL.—A comprehensive assessment of an individual's need for home and community-based services (regardless of whether all needed services are available under the plan) shall be made in accordance with a uniform, comprehensive assessment tool that shall be used by a State under this paragraph with the approval of the Secretary. The comprehensive assessment shall be made by a public or nonprofit agency that is specified under the State plan and that is not a provider of home and community-based services under this title.

(ii) EXCEPTION.—The State may elect to waive the provisions of clause (i) if—

(I) with respect to any area of the State, the State has determined that there is an insufficient pool of entities willing to perform comprehensive assessments in such area due to a low population of individuals eligible for home and community-based services under this title residing in the area; and

(II) the State plan specifies procedures that the State will implement in order to avoid conflicts of interest.

(B) INDIVIDUALIZED PLAN OF CARE.—

(i) IN GENERAL.—An individualized plan of care based on the assessment made under subparagraph (A) shall be developed by a public or nonprofit agency that is specified under the State plan and that is not a provider of home and community-based services under this title, except that the State may elect to waive the provisions of this sentence if, with respect to any area of the State, the State has determined there is an insufficient pool of entities willing to develop individualized plans of care in such area due to a low population of individuals eligible for home and community-based services under this title residing in the area, and the State plan specifies procedures that the State will implement in order to avoid conflicts of interest.

(ii) REQUIREMENTS WITH RESPECT TO PLAN OF CARE.—A plan of care under this subparagraph shall—

(I) specify which services included under the individual plan will be provided under the State plan under this title;

(II) identify (to the extent possible) how the individual will be provided any services specified under the plan of care and not provided under the State plan;

(III) specify how the provision of services to the individual under the plan will be coordinated with the provision of other health care services to the individual; and

(IV) be reviewed and updated every 6 months (or more frequently if there is a change in the individual's condition).

The State shall make reasonable efforts to identify and arrange for services described in subclause (II). Nothing in this subsection shall be construed as requiring a State (under the State plan or otherwise) to provide all the services specified in such a plan.

(C) INVOLVEMENT OF INDIVIDUALS.—The individualized plan of care under subparagraph (B) for an individual with disabilities shall—

(i) be developed by qualified individuals (specified in subparagraph (B));

(ii) be developed and implemented in close consultation with the individual (or the individual's designated representative); and

(iii) be approved by the individual (or the individual's designated representative).

(c) REQUIREMENT FOR CARE MANAGEMENT.—

(1) IN GENERAL.—The State shall make available to each category of individuals with disabilities care management services that at a minimum include—

(A) arrangements for the provision of such services; and

(B) monitoring of the delivery of services.

(2) CARE MANAGEMENT SERVICES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the care management services described in paragraph (1) shall be provided by a public or private entity that is not providing home and community-based services under this title.

(B) EXCEPTION.—A person who provides home and community-based services under this title may provide care management services if—

(i) the State determines that there is an insufficient pool of entities willing to provide such services in an area due to a low population of individuals eligible for home and community-based services under this title residing in such area; and

(ii) the State plan specifies procedures that the State will implement in order to avoid conflicts of interest.

(d) MANDATORY COVERAGE OF PERSONAL ASSISTANCE SERVICES.—The State plan shall include, in the array of services made available to each category of individuals with disabilities, both agency-administered and consumer-directed personal assistance services (as defined in subsection (h)).

(e) ADDITIONAL SERVICES.—

(1) TYPES OF SERVICES.—Subject to subsection (f), services available under a State plan under this title may include any (or all) of the following:

(A) Homemaker and chore assistance.

(B) Home modifications.

(C) Respite services.

(D) Assistive technology devices, as defined in section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2)).

(E) Adult day services.

(F) Habilitation and rehabilitation.

(G) Supported employment.

(H) Home health services.

(I) Transportation.

(J) Any other care or assistive services specified by the State and approved by the Secretary that will help individuals with disabilities to remain in their homes and communities.

(2) CRITERIA FOR SELECTION OF SERVICES.—The State electing services under paragraph (1) shall specify in the State plan—

(A) the methods and standards used to select the types, and the amount, duration, and scope, of services to be covered under the plan and to be available to each category of individuals with disabilities; and

(B) how the types, and the amount, duration, and scope, of services specified, within the limits of available funding, provide substantial assistance in living independently to individuals within each of the categories of individuals with disabilities.

(f) EXCLUSIONS AND LIMITATIONS.—A State plan may not provide for coverage of—

(1) room and board;

(2) services furnished in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other institutional setting specified by the Secretary; or

(3) items and services to the extent coverage is provided for the individual under a health plan or the medicare program.

(g) PAYMENT FOR SERVICES.—In order to pay for covered services, a State plan may provide for the use of—

(1) vouchers;

(2) cash payments directly to individuals with disabilities;

(3) capitation payments to health plans; and

(4) payment to providers.

(h) PERSONAL ASSISTANCE SERVICES.—

(1) IN GENERAL.—For purposes of this title, the term "personal assistance services" means those services specified under the State plan as personal assistance services and shall include at least hands-on and standby assistance, supervision, cueing with activities of daily living, and such instrumental activities of daily living as deemed necessary or appropriate, whether agency-administered or consumer-directed (as defined in paragraph (2)). Such services shall include services that are determined to be necessary to help all categories of individuals with disabilities, regardless of the age of such individuals or the nature of the disabling conditions of such individuals.

(2) CONSUMER-DIRECTED.—For purposes of this title:

(A) IN GENERAL.—The term "consumer-directed" means, with reference to personal assistance services or the provider of such services, services that are provided by an individual who is selected and managed (and, at the option of the service recipient, trained) by the individual receiving the services.

(B) STATE RESPONSIBILITIES.—A State plan shall ensure that where services are provided in a consumer-directed manner, the State shall create or contract with an entity, other than the consumer or the individual provider, to—

(i) inform both recipients and providers of rights and responsibilities under all applicable Federal labor and tax law; and

(ii) assume responsibility for providing effective billing, payments for services, tax withholding, unemployment insurance, and workers' compensation coverage, and act as the employer of the home care provider.

(C) RIGHT OF CONSUMERS.—Notwithstanding the State responsibilities described in subparagraph (B), service recipients, and, where appropriate, their designated representative, shall retain the right to independently select, hire, terminate, and direct (including manage, train, schedule, and verify services provided) the work of a home care provider.

(3) AGENCY ADMINISTERED.—For purposes of this title, the term "agency-administered" means, with respect to such services, services that are not consumer-directed.

SEC. 105. COST SHARING.

(a) NO COST SHARING FOR POOREST.—

(1) IN GENERAL.—The State plan may not impose any cost sharing for individuals with income (as determined under subsection (d)) less than 150 percent of the official poverty level applicable to a family of the size involved (referred to in paragraph (2)).

(2) OFFICIAL POVERTY LEVEL.—For purposes of paragraph (1), the term "official poverty level applicable to a family of the size involved" means, for a family for a year, the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(b) SLIDING SCALE FOR REMAINDER.—The State plan may impose cost sharing for individuals not described in subsection (a) in such form and manner as the State determines is appropriate.

(c) RECOMMENDATION OF THE SECRETARY.—The Secretary shall make recommendations to the States as to how to reduce cost-sharing for individuals with extraordinary out-of-pocket costs for whom the imposition of cost-sharing could jeopardize their ability to take advantage of the services offered under this title. The Secretary shall establish a methodology for reducing the cost-sharing burden for individuals with exceptionally high out-of-pocket costs under this title.

(d) DETERMINATION OF INCOME FOR PURPOSES OF COST SHARING.—The State plan shall specify the process to be used to determine the income of an individual with disabilities for purposes of this section. Such standards shall include a uniform Federal definition of income and any allowable deductions from income.

SEC. 106. QUALITY ASSURANCE AND SAFEGUARDS.

(a) QUALITY ASSURANCE.—

(1) IN GENERAL.—The State plan shall specify how the State will ensure and monitor the quality of services, including—

(A) safeguarding the health and safety of individuals with disabilities;

(B) setting the minimum standards for agency providers and how such standards will be enforced;

(C) setting the minimum competency requirements for agency provider employees who provide direct services under this title and how the competency of such employees will be enforced;

(D) obtaining meaningful consumer input, including consumer surveys that measure the extent to which participants receive the services described in the plan of care and participant satisfaction with such services;

(E) establishing a process to receive, investigate, and resolve allegations of neglect or abuse;

(F) establishing optional training programs for individuals with disabilities in the use and direction of consumer directed providers of personal assistance services;

(G) establishing an appeals procedure for eligibility denials and a grievance procedure for disagreements with the terms of an individualized plan of care;

(H) providing for participation in quality assurance activities; and

(I) specifying the role of the Long-Term Care Ombudsman (under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.)) and the protection and advocacy system (established under section 142 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042)) in assuring quality of services and protecting the rights of individuals with disabilities.

(2) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations implementing the quality provisions of this subsection.

(b) FEDERAL STANDARDS.—The State plan shall adhere to Federal quality standards in the following areas:

(1) Case review of a specified sample of client records.

(2) The mandatory reporting of abuse, neglect, or exploitation.

(3) The development of a registry of provider agencies or home care workers and consumer directed providers of personal assistance services against whom any complaints have been sustained, which shall be available to the public.

(4) Sanctions to be imposed on States or providers, including disqualification from the program, if minimum standards are not met.

(5) Surveys of client satisfaction.

(6) State optional training programs for informal caregivers.

(c) CLIENT ADVOCACY.—

(1) IN GENERAL.—The State plan shall provide that the State will expend the amount allocated under section 109(b)(2) for client advocacy activities. The State may use such funds to augment the budgets of the Long-Term Care Ombudsman (under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) and the protection and advocacy system (established under section 142 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042)) or may establish a separate and independent client advocacy office in accordance with paragraph (2) to administer a new program designed to advocate for client rights.

(2) CLIENT ADVOCACY OFFICE.—

(A) IN GENERAL.—A client advocacy office established under this paragraph shall—

(i) identify, investigate, and resolve complaints that—

(I) are made by, or on behalf of, clients; and

(II) relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the clients (including the welfare and rights of the clients with respect to the appointment and activities of guardians and representative payees), of—

(aa) providers, or representatives of providers, of long-term care services;

(bb) public agencies; or

(cc) health and social service agencies;

(ii) provide services to assist the clients in protecting the health, safety, welfare, and rights of the clients;

(iii) inform the clients about means of obtaining services provided by providers or agencies described in clause (i)(II) or services described in clause (ii);

(iv) ensure that the clients have regular and timely access to the services provided through the office and that the clients and complainants receive timely responses from representatives of the office to complaints; and

(v) represent the interests of the clients before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the clients with regard to the provisions of this title.

(B) CONTRACTS AND ARRANGEMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), the State agency may establish and operate the office, and carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.

(ii) LICENSING AND CERTIFICATION ORGANIZATIONS; ASSOCIATIONS.—The State agency may not enter into the contract or other arrangement described in clause (i) with an agency or organization that is responsible for licensing, certifying, or providing long-term care services in the State.

(d) SAFEGUARDS.—

(1) CONFIDENTIALITY.—The State plan shall provide safeguards that restrict the use or disclosure of information concerning applicants and beneficiaries to purposes directly connected with the administration of the plan.

(2) SAFEGUARDS AGAINST ABUSE.—The State plans shall provide safeguards against physical, emotional, or financial abuse or exploitation (specifically including appropriate safeguards in cases where payment for program benefits is made by cash payments or vouchers given directly to individuals with disabilities). All providers of services shall be required to register with the State agency.

(3) REGULATIONS.—Not later than October 1, 1998, the Secretary shall promulgate regulations with respect to the requirements on States under this subsection.

(e) SPECIFIED RIGHTS.—The State plan shall provide that in furnishing home and community-based services under the plan the following individual rights are protected:

(1) The right to be fully informed in advance, orally and in writing, of the care to be provided, to be fully informed in advance of any changes in care to be provided, and (except with respect to an individual determined incompetent) to participate in planning care or changes in care.

(2) The right to—

(A) voice grievances with respect to servlces that are (or fail to be) furnished without discrimination or reprisal for voicing grievances;

(B) be told how to complain to State and local authorities; and

(C) prompt resolution of any grievances or complaints.

(3) The right to confidentiality of personal and clinical records and the right to have access to such records.

(4) The right to privacy and to have one's property treated with respect.

(5) The right to refuse all or part of any care and to be informed of the likely consequences of such refusal.

(6) The right to education or training for oneself and for members of one's family or household on the management of care.

(7) The right to be free from physical or mental abuse, corporal punishment, and any physical or chemical restraints imposed for purposes of discipline or convenience and not included in an individual's plan of care.

(8) The right to be fully informed orally and in writing of the individual's rights.

(9) The right to a free choice of providers.

(10) The right to direct provider activities when an individual is competent and willing to direct such activities.

SEC. 107. ADVISORY GROUPS.

(a) FEDERAL ADVISORY GROUP.—

(1) ESTABLISHMENT.—The Secretary shall establish an advisory group, to advise the Secretary and States on all aspects of the program under this title.

(2) COMPOSITION.—The group shall be composed of individuals with disabilities and their representatives, providers, Federal and State officials, and local community implementing agencies. A majority of its members shall be individuals with disabilities and their representatives.

(b) STATE ADVISORY GROUPS.—

(1) IN GENERAL.—Each State plan shall provide for the establishment and maintenance of an advisory group to advise the State on all aspects of the State plan under this title.

(2) COMPOSITION.—Members of each advisory group shall be appointed by the Governor (or other chief executive officer of the State) and shall include individuals with disabilities and their representatives, providers, State officials, and local community implementing agencies. A majority of its members shall be individuals with disabilities and their representatives. The members of the advisory group shall be selected from those nominated as described in paragraph (3).

(3) SELECTION OF MEMBERS.—Each State shall establish a process whereby all residents of the State, including individuals with disabilities and their representatives, shall be given the opportunity to nominate members to the advisory group.

(4) PARTICULAR CONCERNS.—Each advisory group shall—

(A) before the State plan is developed, advise the State on guiding principles and values, policy directions, and specific components of the plan;

(B) meet regularly with State officials involved in developing the plan, during the development phase, to review and comment on all aspects of the plan;

(C) participate in the public hearings to help assure that public comments are addressed to the extent practicable;

(D) report to the Governor and make available to the public any differences between the group's recommendations and the plan;

(E) report to the Governor and make available to the public specifically the degree to which the plan is consumer-directed; and

(F) meet regularly with officials of the designated State agency (or agencies) to provide advice on all aspects of implementation and evaluation of the plan.

SEC. 108. PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to section 102(a)(9)(C) (relating to limitation on payment for administrative costs), the Secretary, in accordance with the Cash Management Improvement Act of 1990 (31 U.S.C. 6501 note), shall authorize payment to each State with a plan approved under this title, for each quarter (beginning on or after October 1, 1998), from its allotment under section 109(b), an amount equal to—

(1)(A) with respect to the amount demonstrated by State claims to have been expended during the year for home and community-based services under the plan for individuals with disabilities that does not exceed 20 percent of the amount allotted to the State under section 109(b), 100 percent of such amount; and

(B) with respect to the amount demonstrated by State claims to have been expended during the year for home and community-based services under the plan for individuals with disabilities that exceeds 20 percent of the amount allotted to the State under section 109(b), the Federal home and community-based services matching percentage (as defined in subsection (b)) of such amount; plus

(2) an amount equal to 90 percent of the amount demonstrated by the State to have been expended during the quarter for quality assurance activities under the plan; plus

(3) an amount equal to 90 percent of the amount expended during the quarter under the plan for activities (including preliminary screening) relating to determinations of eligibility and performance of needs assessment; plus

(4) an amount equal to 90 percent (or, beginning with quarters in fiscal year 2007, 75 percent) of the amount expended during the quarter for the design, development, and installation of mechanical claims processing systems and for information retrieval; plus

(5) an amount equal to 50 percent of the remainder of the amounts expended during the quarter as found necessary by the Secretary for the proper and efficient administration of the State plan.

(b) FEDERAL HOME AND COMMUNITY-BASED SERVICES MATCHING PERCENTAGE.—In subsection (a), the term "Federal home and community-based services matching percentage" means, with respect to a State, the State's Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))) increased by 15 percentage points, except that the Federal home and community-based services matching percentage shall in no case be more than 95 percent.

(c) PAYMENTS ON ESTIMATES WITH RETROSPECTIVE ADJUSTMENTS.—The method of computing and making payments under this section shall be as follows:

(1) The Secretary shall, prior to the beginning of each quarter, estimate the amount to be paid to the State under subsection (a) for such quarter, based on a report filed by the State containing its estimate of the total sum to be expended in such quarter, and such other information as the Secretary may find necessary.

(2) From the allotment available therefore, the Secretary shall provide for payment of the amount so estimated, reduced or increased, as the case may be, by any sum (not previously adjusted under this section) by which the Secretary finds that the estimate of the amount to be paid the State for any prior period under this section was greater or less than the amount that should have been paid.

(d) APPLICATION OF RULES REGARDING LIMITATIONS ON PROVIDER-RELATED DONATIONS AND HEALTH CARE-RELATED TAXES.—The provisions of section 1903(w) of the Social Security Act (42 U.S.C. 1396b(w)) shall apply to payments to States under this section in the same manner as they apply to payments to States under section 1903(a) of such Act (42 U.S.C. 1396b(a)).

(e) FAILURE TO COMPLY WITH STATE PLAN.—If a State furnishing home and community-based services under this title fails to comply with the State plan approved under this title, the Secretary may either reduce the Federal matching rates available to the State under subsection (a) or withhold an amount of funds determined appropriate by the Secretary from any payment to the State under this section.

SEC. 109. APPROPRIATIONS; ALLOTMENTS TO STATES.

(a) APPROPRIATIONS.—

(1) FISCAL YEARS 1999 THROUGH 2007.—Subject to paragraph (5)(C), for purposes of this title, the appropriation authorized under this title for each of fiscal years 1999 through 2007 is the following:

(A) For fiscal year 1999, $500,000,000.
(B) For fiscal year 2000, $750,000,000.
(C) For fiscal year 2001, $1,000,000,000.
(D) For fiscal year 2002, $1,500,000,000.
(E) For fiscal year 2003, $2,000,000,000.
(F) For fiscal year 2004, $2,500,000,000.
(G) For fiscal year 2005, $3,250,000,000.
(H) For fiscal year 2006, $4,000,000,000.
(I) For fiscal year 2007, $5,000,000,000.

(2) SUBSEQUENT FISCAL YEARS.—For purposes of this title, the appropriation authorized for State plans under this title for each fiscal year after fiscal year 2007 is the appropriation authorized under this subsection for the preceding fiscal year multiplied by—

(A) a factor (described in paragraph (3)) reflecting the change in the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics for the fiscal year; and

(B) a factor (described in paragraph (4)) reflecting the change in the number of individuals with disabilities for the fiscal year.

(3) CPI MEDICAL CARE EXPENDITURE INCREASE FACTOR.—For purposes of paragraph (2)(A), the factor described in this paragraph for a fiscal year is the ratio of—

(A) the percentage increase or decrease, respectively, in the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, for the preceding fiscal year, to—

(B) such increase or decrease, as so measured, for the second preceding fiscal year.

(4) DISABLED POPULATION FACTOR.—For purposes of paragraph (2)(B), the factor described in this paragraph for a fiscal year is 100 percent plus (or minus) the percentage increase (or decrease) change in the disabled population of the United States (as determined for purposes of the most recent update under subsection (b)(3)(D)).

(5) LEGISLATIVE PROPOSAL FOR ADDITIONAL FUNDS DUE TO MEDICAID OFFSETS.—

(A) IN GENERAL.—Not later than January 1, 1998, the Secretary shall submit to the appropriate committees of Congress a legislative proposal that, during the period beginning on October 1, 1998, and ending on September 30, 2007, for each fiscal year during such period, allocates among the States with plans approved under this title an amount equal to 75 percent of the Federal medicaid long-term care savings. The legislative proposal shall provide that funds shall be allocated to such States without requiring any State matching payments in order to receive such funds.

(B) FEDERAL MEDICAID LONG-TERM CARE SAVINGS DEFINED.—In subparagraph (A), the term 'Federal medicaid long-term care savings' means with respect to a fiscal year, the amount equal to the amount of Federal outlays that would have been made under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) during such fiscal year but for the provision of home and community-based services under the program under this title.

(b) ALLOTMENTS TO STATES.—

(1) IN GENERAL.—The Secretary shall allot the amounts available under the appropriation authorized for the fiscal year under paragraph (1) of subsection (a), to the States with plans approved under this title in accordance with an allocation formula developed by the Secretary that takes into account—

(A) the percentage of the total number of individuals with disabilities in all States that reside in a particular State;

(B) the per capita costs of furnishing home and community-based services to individuals with disabilities in the State; and

(C) the percentage of all individuals with incomes at or below 150 percent of the official poverty line (as described in section 105(a)(2)) in all States that reside in a particular State.

(2) ALLOCATION FOR CLIENT ADVOCACY ACTIVITIES.—Each State with a plan approved under this title shall allocate ½ of 1 percent of the State's total allotment under paragraph (1) for client advocacy activities as described in section 106(c).

(3) NO DUPLICATE PAYMENT.—No payment may be made to a State under this section for any services provided to an individual to the extent that the State received payment for such services under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)).

(4) REALLOCATIONS.—Any amounts allotted to States under this subsection for a year that are not expended in such year shall remain available for State programs under this title and may be reallocated to States as the Secretary determines appropriate.

(c) STATE ENTITLEMENT.—This title constitutes budget authority in advance of appropriations Acts, and represents the obligation of the Federal Government to provide for the payment to States of amounts described in subsection (a).

SEC. 110. FEDERAL EVALUATIONS.

Not later than December 31, 2004, December 31, 2007, and each December 31 thereafter, the Secretary shall provide to Congress analytical reports that evaluate—

(1) the extent to which individuals with low incomes and disabilities are equitably served;

(2) the adequacy and equity of service plans to individuals with similar levels of disability across States;

(3) the comparability of program participation across States, described by level and type of disability; and

(4) the ability of service providers to sufficiently meet the demand for services.

SEC. 111. INFORMATION AND TECHNICAL ASSISTANCE GRANTS RELATING TO DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) demonstration programs and projects have been developed to offer care management to hospitalized individuals awaiting discharge who are in need of long-term health care services that meet individual needs and preferences in home and community-based settings as an alternative to long-term nursing home care or institutional placement; and

(2) there is a need to disseminate information and technical assistance to hospitals and State and local community organizations regarding such programs and projects and to provide incentive grants to State and local public and private agencies, including area agencies on aging, to establish and expand programs that offer care management to individuals awaiting discharge from acute care hospitals who are in need of long-term care so that services to meet individual needs and preferences can be arranged in home and community-based settings as an alternative to long-term placement in nursing homes or other institutional settings.

(b) DISSEMINATION OF INFORMATION, TECHNICAL ASSISTANCE, AND INCENTIVE GRANTS TO ASSIST IN THE DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.—Part C of title III of the Public Health Service Act (42 U.S.C. 248 et seq.) is amended by adding at the end the following:

"SEC. 327B. DISSEMINATION OF INFORMATION, TECHNICAL ASSISTANCE AND INCENTIVE GRANTS TO ASSIST IN THE DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.

"(a) DISSEMINATION OF INFORMATION.—The Secretary shall compile, evaluate, publish, and disseminate to appropriate State and local officials and to private organizations and agencies that provide services to individuals in need of long-term health care services, such information and materials as may assist such entities in replicating successful programs that are aimed at offering care management to hospitalized individuals who are in need of long-term care so that services to meet individual needs and preferences can be arranged in home and community-based settings as an alternative to long-term nursing home placement. The Secretary may provide technical assistance to entities seeking to replicate such programs.

"(b) INCENTIVE GRANTS TO ASSIST IN THE DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.—The Secretary shall establish a program under which incentive grants may be awarded to assist private and public agencies, including area agencies on aging, and organizations in developing and expanding programs and projects that facilitate the discharge of individuals in hospitals or other acute care facilities who are in need of long-term care services and placement of such individuals into home and community-based settings.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (b) an entity shall be—

"(A)(i) a State agency as defined in section 102(43) of the Older Americans Act of 1965 (42 U.S.C. 3002(43)); or

"(ii) a State agency responsible for administering home and community care programs under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); or

"(B) if no State agency described in subparagraph (A) applies with respect to a particular State, a public or nonprofit private entity.

"(2) APPLICATIONS.—To be eligible to receive an incentive grant under subsection (b), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) an assessment of the need within the community to be served for the establishment or expansion of a program to facilitate the discharge of individuals in need of long-term care who are in hospitals or other acute care facilities into home and community-care programs that provide individually planned, flexible services that reflect individual choice or preference rather than nursing home or institutional settings;

"(B) a plan for establishing or expanding a program for identifying individuals in hospital or acute care facilities who are in need of individualized long-term care provided in home and community-based settings rather than nursing homes or other institutional settings and undertaking the planning and management of individualized care plans to facilitate discharge into such settings;

"(C) assurances that nongovernmental case management agencies funded under grants awarded under this section are not direct providers of home and community-based services;

"(D) satisfactory assurances that adequate home and community-based long term care services are available, or will be made available, within the community to be served so that individuals being discharged from hospitals or acute care facilities under the proposed program can be served in such home and community-based settings, with flexible, individualized care that reflects individual choice and preference;

"(E) a description of the manner in which the program to be administered with amounts received under the grant will be continued after the termination of the grant for which such application is submitted; and

"(F) a description of any waivers or approvals necessary to expand the number of individuals served in federally funded home and community-based long term care programs in order to provide satisfactory assurances that adequate home and community-based long term care services are available in the community to be served.

"(3) AWARDING OF GRANTS.—

"(A) PREFERENCES.—In awarding grants under subsection (b), the Secretary shall give preference to entities submitting applications that—

"(i) demonstrate an ability to coordinate activities funded using amounts received under the grant with programs providing individualized home and community-based case management and services to individuals in need of long term care with hospital discharge planning programs; and

"(ii) demonstrate that adequate home and community-based long term care management and services are available, or will be made available to individuals being served under the program funded with amounts received under subsection (b).

"(B) DISTRIBUTION.—In awarding grants under subsection (b), the Secretary shall ensure that such grants—

"(i) are equitably distributed on a geographic basis;

"(ii) include projects operating in urban areas and projects operating in rural areas; and

"(iii) are awarded for the expansion of existing hospital linkage programs as well as the establishment of new programs.

"(C) EXPEDITED CONSIDERATION.—The Secretary shall provide for the expedited consideration of any waiver application that is necessary under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to enable an applicant for a grant under subsection (b) to satisfy the assurance required under paragraph (1)(D).

"(4) USE OF GRANTS.—An entity that receives amounts under a grant under subsection (b) may use such amounts for planning, development and evaluation services and to provide reimbursements for the costs of one or more case mangers to be located in or assigned to selected hospitals who would—

"(A) identify patients in need of individualized care in home and community-based long-term care;

"(B) assess and develop care plans in cooperation with the hospital discharge planning staff; and

"(C) arrange for the provision of community care either immediately upon discharge from the hospital or after any short term

nursing-home stay that is needed for recuperation or rehabilitation;

"(5) DIRECT SERVICES SUBJECT TO REIMBURSEMENTS.—None of the amounts provided under a grant under this section may be used to provide direct services, other than case management, for which reimbursements are otherwise available under title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.).

"(6) LIMITATIONS.—

"(A) TERM.—Grants awarded under this section shall be for terms of less than 3 years.

"(B) AMOUNT.—Grants awarded to an entity under this section shall not exceed $300,000 per year. The Secretary may waive the limitation under this subparagraph where an applicant demonstrates that the number of hospitals or individuals to be served under the grant justifies such increased amounts.

"(C) SUPPLANTING OF FUNDS.—Amounts awarded under a grant under this section may not be used to supplant existing State funds that are provided to support hospital link programs.

"(d) EVALUATION AND REPORTS.—

"(1) BY GRANTEES.—An entity that receives a grant under this section shall evaluate the effectiveness of the services provided under the grant in facilitating the placement of individuals being discharged from hospitals or acute care facilities into home and community-based long term care settings rather than nursing homes. Such entity shall prepare and submit to the Secretary a report containing such information and data concerning the activities funded under the grant as the Secretary determines appropriate.

"(2) BY SECRETARY.—Not later than the end of the third fiscal year for which funds are appropriated under subsection (e), the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the results of the evaluations and reports conducted and prepared under paragraph (1).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1998 through 2000.".

TITLE II—PROSPECTIVE PAYMENT SYSTEM FOR NURSING FACILITIES

SEC. 201. DEFINITIONS.

In this title:

(1) ACUITY PAYMENT.—The term "acuity payment" means a fixed amount that will be added to the facility-specific prices for certain resident classes designated by the Secretary as requiring heavy care.

(2) AGGREGATED RESIDENT INVOICE.—The term "aggregated resident invoice" means a compilation of the per resident invoices of a nursing facility which contain the number of resident days for each resident and the resident class of each resident at the nursing facility during a particular month.

(3) ALLOWABLE COSTS.—The term "allowable costs" means costs which HCFA has determined to be necessary for a nursing facility to incur according to the Provider Reimbursement Manual (in this title referred to as "HCFA-Pub. 15").

(4) BASE YEAR.—The term "base year" means the most recent cost reporting period (consisting of a period which is 12 months in length, except for facilities with new owners, in which case the period is not less than 4 months and not more than 13 months) for which cost data of nursing facilities is available to be used for the determination of a prospective rate.

(5) CASE MIX WEIGHT.—The term "case mix weight" means the total case mix score of a facility calculated by multiplying the resident days in each resident class by the relative weight assigned to each resident class, and summing the resulting products across all resident classes.

(6) COMPLEX MEDICAL EQUIPMENT.—The term "complex medical equipment" means items such as ventilators, intermittent positive pressure breathing machines, nebulizers, suction pumps, continuous positive airway pressure devices, and bead beds such as air fluidized beds.

(7) DISTINCT PART NURSING FACILITY.—The term "distinct part nursing facility" means an institution which has a distinct part that is certified under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and meets the requirements of section 201.1 of the Skilled Nursing Facility Manual published by HCFA (in this title referred to as "HCFA-Pub. 12").

(8) EFFICIENCY INCENTIVE.—The term "efficiency incentive" means a payment made to a nursing facility in recognition of incurring costs below a prespecified level.

(9) FIXED EQUIPMENT.—The term "fixed equipment" means equipment which meets the definition of building equipment in section 104.3 of HCFA-Pub. 15, including attachments to buildings such as wiring, electrical fixtures, plumbing, elevators, heating systems, and air conditioning systems.

(10) GEOGRAPHIC CEILING.—The term "geographic ceiling" means a limitation on payments in any given cost center for nursing facilities in 1 of no fewer than 8 geographic regions, further subdivided into rural and urban areas, as designated by the Secretary.

(11) HCFA.—The term "HCFA" means the Health Care Financing Administration.

(12) HEAVY CARE.—The term "heavy care" means an exceptionally high level of care which the Secretary has determined is required for residents in certain resident classes.

(13) INDEXED FORWARD.—The term "indexed forward" means an adjustment made to a per diem rate to account for cost increases due to inflation or other factors during an intervening period following the base year and projecting such cost increases for a future period in which the rate applies. Indexing forward under this title shall be determined from the midpoint of the base year to the midpoint of the rate year.

(14) MDS.—The term "MDS" means a resident assessment instrument, currently recognized by HCFA, any extensions to MDS, and any extensions to accommodate subacute care which contain an appropriate core of assessment items with definitions and coding categories needed to comprehensively assess a nursing facility resident.

(15) MAJOR MOVABLE EQUIPMENT.—The term "major movable equipment" means equipment that meets the definition of major movable equipment in section 104.4 of HCFA-Pub. 15.

(16) NURSING FACILITY.—The term "nursing facility" means an institution that meets the requirements of a "skilled nursing facility" under section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)) and of a "nursing facility" under section 1919(a) of that Act (42 U.S.C. 1396r(a)).

(17) PER BED LIMIT.—The term "per bed limit" means a per-bed ceiling on the fair asset value of a nursing facility for 1 of the geographic regions designated by the Secretary.

(18) PER DIEM RATE.—The term "per diem rate" refers to a rate of payment for the costs of covered services for a resident day.

(19) RELATIVE WEIGHT.—The term "relative weight" means the index of the value of the resources required for a given resident class relative to the value of resources of either a base resident class or the average of all the resident classes.

(20) R.S. MEANS INDEX.—The term "R.S. Means Index" means the index of the R. S. Means Company, Inc., specific to commercial or industrial institutionalized nursing facilities, that is based upon a survey of prices of common building materials and wage rates for nursing facility construction.

(21) REBASE.—The term "rebase" means the process of updating nursing facility cost data for a subsequent rate year using a more recent base year.

(22) RENTAL RATE.—The term "rental rate" means a percentage that will be multiplied by the fair asset value of property to determine the total annual rental payment in lieu of property costs.

(23) RESIDENT CLASSIFICATION SYSTEM.—The term "resident classification system" means a system that categorizes residents into different resident classes according to similarity of their assessed condition and required services of the residents.

(24) RESIDENT DAY.—The term "resident day" means the period of services for 1 resident, regardless of payment source, for 1 continuous 24 hours of services. The day of admission of the resident constitutes a resident day but the day of discharge does not constitute a resident day. Bed hold days are not to be considered resident days, and bed hold day revenues are not to be offset.

(25) RESOURCE UTILIZATION GROUPS, VERSION III.—The term "Resource Utilization Groups, Version III" (in this title referred to as "RUG–III") refers to a category-based resident classification system used to classify nursing facility residents into mutually exclusive RUG–III groups. Residents in each RUG–III group utilize similar quantities and patterns of resources.

(26) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(27) SUBACUTE CARE.—The term "subacute care" means comprehensive inpatient care designed for an individual that has an acute illness, injury, or exacerbation of a disease process. The care is goal oriented treatment rendered immediately after, or instead of, acute hospitalization to treat 1 or more specific active complex medical conditions or to administer 1 or more technically complex treatments, in the context of a person's underlying long-term conditions and overall situation. In most cases, the individual's condition is such that the care does not depend heavily on high technology monitoring or complex diagnostic procedures. Subacute care requires the coordinated services of an interdisciplinary team including physicians, nurses, and other relevant professional disciplines, who are trained and knowledgeable to assess and manage these specific conditions and perform the necessary procedures. Subacute care is given as part of a specifically defined program, regardless of the site. Subacute care is generally more intensive than traditional nursing facility care and less than acute care. It requires frequent (daily to weekly) recurrent patient assessment and review of the clinical course and treatment plan for a limited (several days to several months) time period, until the condition is stabilized or a predetermined treatment course is completed.

SEC. 202. PAYMENT OBJECTIVES.

Payment rates under the Prospective Payment System for nursing facilities shall reflect the following objectives:

(1) To maintain an equitable and fair balance between cost containment and quality of care in nursing facilities.

(2) To encourage nursing facilities to admit residents without regard to such residents' source of payment.

(3) To provide an incentive to nursing facilities to admit and provide care to persons in need of comparatively greater care, including those in need of subacute care.

(4) To maintain administrative simplicity, for both nursing facilities and the Secretary.

(5) To encourage investment in buildings and improvements to nursing facilities (capital formation) as necessary to maintain quality and access.

SEC. 203. POWERS AND DUTIES OF THE SECRETARY.

(a) RULES AND REGULATIONS.—The Secretary shall establish by regulation all rules and regulations necessary for implementation of this title. The rates determined under this title shall be determined in a budget neutral manner and shall reflect the objectives described in section 202 of this title.

(b) FILING REQUIREMENTS.—The Secretary may require that each nursing facility file such data, statistics, schedules, or information as required to enable the Secretary to implement this title.

SEC. 204. RELATIONSHIP TO TITLE XVIII OF THE SOCIAL SECURITY ACT.

(a) IN GENERAL.—No provision in this title shall replace, or otherwise affect, the skilled nursing facility benefit under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(b) PROVISIONS OF HCFA–15.—The provisions of HCFA–Pub. 15 shall apply to the determination of allowable costs under this title except to the extent that such provisions conflict with any other provision in this title.

SEC. 205. ESTABLISHMENT OF RESIDENT CLASSIFICATION SYSTEM.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish a resident classification system which shall group residents into classes according to similarity of their assessed condition and required services.

(2) MODEL FOR SYSTEM.—The resident classification system shall be modelled after the RUG-III system and all updated versions of that system, and shall be expanded into subacute categories and costs of care.

(3) REFLECTIVE OF CERTAIN TIME AND COSTS.—The resident classification system shall reflect of the necessary professional and paraprofessional nursing staff time and costs required to address the care needs of nursing facility residents.

(b) RELATIVE WEIGHT FOR EACH RESIDENT CLASS.—

(1) IN GENERAL.—The Secretary shall assign a relative weight for each resident class based on the relative value of the resources required for each resident class. If the Secretary determines it to be appropriate, the assignment of relative weights for resident classes shall be developed for each geographic region as determined in accordance with subsection (c).

(2) UTILIZATION OF MDSS.—In assigning the relative weights of the resident classes in a geographic region, the Secretary shall utilize information derived from the most recent MDSs of all the nursing facilities in a geographic region.

(3) RECALIBRATED EVERY 3 YEARS.—Every 3 years the Secretary shall recalibrate the relative weights of the resident classes in each geographic region based on any changes in the cost or amount of resources required for the care of a resident in the resident class.

(c) GEOGRAPHIC REGIONS; PEER GROUPINGS.—

(1) GEOGRAPHIC REGIONS.—The Secretary shall designate at least 3 geographic regions for the total United States. Within each geographic region, the Secretary shall take appropriate account of variations in cost between urban and rural areas.

(2) PEER GROUPING.—The Secretary shall ensure that there are no peer grouping of nursing facilities based on facility size or whether the nursing facilities are hospital-based or not.

SEC. 206. COST CENTERS FOR NURSING FACILITY PAYMENT.

(a) PAYMENT RATES.—Consistent with the objectives described in section 202 of this title, the Secretary shall determine payment rates for nursing facilities using the following cost/service groupings:

(1) The nursing service cost center shall include salaries and wages for the Director of Nursing, quality assurance nurses, registered nurses, licensed practical nurses, nurse aides (including wages related to initial and ongoing nurse aid training and other ongoing or periodic training costs incurred by nursing personnel), contract nursing, fringe benefits and payroll taxes associated therewith, medical records, and nursing supplies.

(2) The administrative and general cost center shall include all expenses (including salaries, benefits, and other costs) related to administration, plant operation, maintenance and repair, housekeeping, dietary (excluding raw food), central services and supply (excluding medical or nursing supplies), laundry, and social services, excluding overhead allocations to ancillary services.

(3) Ancillary services that are paid on a fee-for-service basis shall include physical therapy, occupational therapy, speech therapy, respiratory therapy, and hyperalimentation. The fee-for-service ancillary service payments under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall not affect the reimbursement of ancillary services under part B of title XVIII of that Act (42 U.S.C. 1395j et seq.).

(4) The cost center for selected ancillary services and other costs shall include drugs, raw food, IV therapy, x-ray services, laboratory services, property tax, property insurance, and all other costs not included in the other 4 cost-of-service groupings.

(5) The property cost center shall include depreciation on the buildings and fixed equipment, major movable equipment, motor vehicles, land improvements, amortization of leasehold improvements, lease acquisition costs, capital leases, interest on capital indebtedness, mortgage interest, lease costs, and equipment rental expense.

(b) PER DIEM RATE.—The Secretary shall pay nursing facilities a prospective, facility-specific, per diem rate based on the sum of the per diem rates established for the nursing service, administrative and general, and property cost centers.

(c) FACILITY-SPECIFIC PROSPECTIVE RATE.—The Secretary shall pay nursing facilities a facility-specific prospective rate for each unit of the fee-for-service ancillary services as determined in accordance with section 210 of this title.

(d) REIMBURSEMENT FOR SELECTIVE ANCILLARY SERVICES.—Nursing facilities shall be reimbursed by the Secretary for selected ancillary services and other costs on a retrospective basis in accordance with section 211 of this title.

SEC. 207. RESIDENT ASSESSMENT.

(a) IN GENERAL.—In order to be eligible for payments under this title, a nursing facility shall perform a resident assessment in accordance with section 1819(b)(3) of the Social Security Act (42 U.S.C. 1395i–3(b)(3)) within 14 days of admission of the resident and at such other times as required by that section.

(b) RESIDENT CLASS.—The resident assessment shall be used to determine the resident class of each resident in the nursing facility for purposes of determining the per diem rate for the nursing service cost center in accordance with section 208 of this title.

SEC. 208. THE PER DIEM RATE FOR NURSING SERVICE COSTS.

(a) IN GENERAL.—

(1) NURSING SERVICE COST CENTER RATE.—The Secretary shall calculate the nursing service cost center rate using a prospective, facility-specific per diem rate based on the nursing facility's case-mix weight and nursing service costs during the base year.

(2) CASE-MIX WEIGHT.—For purposes of paragraph (1), the case-mix weight of a nursing facility shall be obtained by multiplying the number of resident days in each resident class at a nursing facility during the base year by the relative weight assigned to each resident class in the appropriate geographic region. Once this calculation is performed for each resident class in the nursing facility, the sum of these products shall constitute the case-mix weight for the nursing facility.

(3) FACILITY NURSING UNIT VALUE.—A facility nursing unit value for the nursing facility for the base year shall be obtained by dividing the nursing service costs for the base year, which shall be indexed forward from the midpoint of the base period to the midpoint of the rate period using the DRI McGraw-Hill HCFA Nursing Home Without Capital Market Basket, by the case-mix weight of the nursing facility for the base year.

(4) FACILITY-SPECIFIC NURSING SERVICES PRICE.—A facility-specific nursing services price for each resident class shall be obtained my multiplying the lower of the indexed facility unit value of the nursing facility during the base year or the geographic ceiling, as determined in accordance with subsection (b), by the relative weight of the resident class.

(5) PATIENT CLASSIFICATIONS.—For patient classifications associated with the use of complex medical equipment and other specialized, noncustomary equipment (particularly subacute classifications), the Secretary shall provide for a daily allowance for such equipment based upon the amortized value of such equipment over the life of the equipment.

(6) SELECTED RESIDENT CLASSIFICATIONS.—For selected resident classifications (particularly subacute classifications) requiring additional or specialized medical administrative staff, the Secretary shall provide for a daily allowance to cover these costs.

(7) DESIGNATION OF CERTAIN RESIDENT CLASSES.—The Secretary shall designate certain resident classes, such as subacute resident classes, as requiring heavy care. An acuity payment of 3 percent of the facility-specific nursing services price shall be added to the facility-specific price for each resident that the Secretary has designated as requiring heavy care.

(8) PER DIEM RATE.—The per diem rate for the nursing service cost center for each resident in a resident class shall constitute the

facility-specific price, plus the acuity payment where appropriate.

(9) PER DIEM RATE REBASED ANNUALLY.—The Secretary shall annually rebate the per diem rate for the nursing service cost center, including the facility-specific price and the acuity payment.

(10) PAYMENT.—To determine the payment amount to a nursing facility for the nursing service cost center, the Secretary shall multiply the per diem rate (including the acuity payment) for a resident class by the number of resident days for each resident class based on aggregated resident invoices which each nursing facility shall submit on a monthly basis.

(b) GEOGRAPHIC CEILING.—

(1) FACILITY UNIT VALUE.—The facility unit value identified in subsection (a)(3) shall be subjected to geographic ceilings established for the geographic regions designated by the Secretary in section 205 of this title.

(2) DETERMINATION.—

(A) IN GENERAL.—The Secretary shall determine the geographic ceiling by creating an array of indexed facility unit values in a geographic region from lowest to highest. Based on this array, the Secretary shall identify a fixed proportion between the indexed facility unit value of the nursing facility which contained the medianth resident day in the array (except as provided in subsection (b)(4) of this section) and the indexed facility unit value of the nursing facility which contained the 95th percentile resident day in that array during the first year of operation of the Prospective Payment System for nursing facilities. The fixed proportion shall remain the same in subsequent years.

(B) SUBSEQUENT YEARS.—To obtain the geographic ceiling on the indexed facility unit value for nursing facilities in a geographic region in each subsequent year, the fixed proportion identified pursuant to subparagraph (A) shall be multiplied by the indexed facility unit value of the nursing facility which contained the medianth resident day in the array of facility unit values for the geographic region during the base year.

(3) EXCLUSIONS FROM DETERMINATION.—For purposes of determining the geographic ceiling for a nursing service cost center, the Secretary shall exclude low volume and new nursing facilities (as defined in section 214 of this title).

(c) EXCEPTIONS TO GEOGRAPHIC CEILING.—The Secretary shall establish by regulation procedures for allowing exceptions to the geographic ceiling imposed on a nursing service cost center. The procedure shall permit exceptions based on the following factors:

(1) Local supply or labor shortages which substantially increase costs to specific nursing facilities.

(2) Higher per resident day usage of contract nursing personnel, if utilization of contract nursing personnel is warranted by local circumstances and the provider has taken all reasonable measures to minimize contract personnel expense.

(3) Extraordinarily low proportion of distinct part nursing facilities in a geographic region resulting in a geographic ceiling that unfairly restricts the reimbursement of distinct part facilities.

(4) Regulatory changes that increase costs to only a subset of the nursing facility industry.

(5) The offering of a new institutional health service or treatment program by a nursing facility (in order to account for initial startup costs).

(6) Disproportionate usage of part-time employees, where adequate numbers of full-time employees cannot reasonably be obtained.

(7) Other cost producing factors specified by the Secretary in regulations that are specific to a subset of facilities in a geographic region (except case-mix variation).

SEC. 209. THE PER DIEM RATE FOR ADMINISTRATIVE AND GENERAL COSTS.

(a) IN GENERAL.—

(1) PAYMENT.—The Secretary shall make payments for the administrative and general cost center by using a facility-specific, prospective, per diem rate.

(2) STANDARDS FOR PER DIEM RATE.—The Secretary shall assign a per diem rate to a nursing facility by applying 2 standards that is calculated as follows:

(A) STANDARD A.—The Secretary shall determine a Standard A for each geographic region by creating an array of indexed nursing facility administrative and general per diem costs from lowest to highest. The Secretary shall then identify a fixed proportion by dividing the indexed administrative and general per diem costs of the nursing facility that contains the medianth resident day of the array (except as provided in subsection (a)(4)) into the indexed administrative and general per diem costs of the nursing facility that contains the 75th percentile resident day in that array. Standard A for each base year shall constitute the product of this fixed proportion and the administrative and general indexed per diem costs of the nursing facility that contains the medianth resident day in the array of such costs during the base year.

(B) STANDARD B.—The Secretary shall determine a Standard B for each geographic region by using the same calculation as in subparagraph (A) except that the fixed proportion shall use the indexed administrative and general costs of the nursing facility containing the 85th percentile, rather than the 75th percentile, resident day in the array of such costs.

(3) GEOGRAPHIC REGIONS.—The Secretary shall use the geographic regions identified in section 205(c) of this title for purposes of determining Standards A and B.

(4) EXCLUSION.—The Secretary shall exclude low volume and new nursing facilities (as defined in section 214 of this title) for purposes of determining Standard A and Standard B.

(5) PER DIEM RATE.—To determine a nursing facility's per diem rate for the administrative and general cost center, Standards A and B shall be applied to a nursing facility's administrative and general per diem costs, indexed forward using the DRI McGraw-Hill HCFA Nursing Home Without Capital Market Basket, as follows:

(A) Each nursing facility having indexed costs which are below the median shall be assigned a rate equal to their individual indexed costs plus an "efficiency incentive" equal to ½ of the difference between the median and Standard A.

(B) Each nursing facility having indexed costs which are below Standard A but are equal to or exceed the median shall be assigned a per diem rate equal to their individual indexed costs plus an "efficiency incentive" equal to ½ of the difference between the nursing facility's indexed costs and Standard A.

(C) Each nursing facility having indexed costs which are between Standard A and Standard B shall be assigned a rate equal to Standard A plus ½ of the difference between the nursing facility's indexed costs and Standard A.

(D) Each nursing facility having indexed costs which exceed Standard B shall be assigned a rate as if their costs equaled Standard B. These nursing facilities shall be assigned a per diem rate equal to Standard A plus ½ of the difference between Standard A and Standard B.

(E) For purposes of subparagraphs (A) through (D), the median represents the indexed administrative and general per diem costs of a nursing facility that contains the medianth resident day in the array of such costs during the base year in the geographic region.

(b) REBASING.—Not less than annually, the Secretary shall rebase the payment rates for administrative and general costs.

SEC. 210. PAYMENT FOR FEE-FOR-SERVICE ANCILLARY SERVICES.

(a) IN GENERAL.—The Secretary shall make payments for the ancillary services described in section 206(a)(3) on a prospective fee-for-service basis.

(b) PAYMENT METHODOLOGY.—The Secretary shall identify the fee for each of the fee-for-service ancillary services for a particular nursing facility by dividing the nursing facility's reasonable costs, including overhead allocated through the cost finding process, of providing each particular service, indexed forward using the DRI McGraw-Hill HCFA Nursing Home Without Capital Market Basket, by the units of the particular service provided by the nursing facility during the cost year.

(c) COMPUTATION PERIOD.—The fee for each of the fee-for-service ancillary services shall be calculated by the Secretary under this title at least once a year for each facility and ancillary service.

SEC. 211. REIMBURSEMENT OF SELECTED ANCILLARY SERVICES AND OTHER COSTS.

(a) IN GENERAL.—Reimbursement of selected ancillary services and other costs identified in section 206(a)(4) of this title shall be reimbursed by the Secretary on a retrospective basis as pass-through costs, including overhead allocated through the cost-finding process.

(b) CHARGE-BASED INTERIM RATES.—The Secretary shall set charge-based interim rates for selected ancillary services and other costs for each nursing facility providing such services. Any overpayments or underpayments resulting from the difference between the interim and final settlement rates shall be either refunded by the nursing facility or paid to the nursing facility following submission of a timely filed medicare cost report.

SEC. 212. PER DIEM PAYMENT FOR PROPERTY COSTS.

(a) IN GENERAL.—The Secretary shall make a per diem payment for property costs based on a gross rental system. The amount of the payment shall be determined as follows:

(1) BUILDING AND FIXED EQUIPMENT VALUE.—In the case of a new facility in any geographic region, the cost for building and fixed equipment used in determining the gross rental shall be equivalent to the median cost of home construction in the region (as measured by RS Means). Such cost shall then be multiplied by the factor 1.2 to account for land and the value of movable equipment. The resulting value shall be indexed each year using the RS Means Construction Cost Index.

(2) AGE.—

(A) IN GENERAL.—The gross rental system establishes a facility's value based on its age. The older the facility, the less its value. Additions, replacements, and renovations shall be recognized by lowering the age of the facility and, thus, increasing the facility's value. Existing facilities, 1 year or older,

shall be valued at the new bed value less 2 percent per year according to the "age" of the facility. Facilities shall not be depreciated to an amount less than 50 percent of the new construction bed value.

(B) ADDITION OF BEDS.—The addition of beds shall require a computation by the Secretary of the weighted average age of the facility based on the construction dates of the original facility and the additions.

(C) REPLACEMENT OF BEDS.—The replacement of existing beds shall result in an adjustment to the age of the facility. A weighted average age shall be calculated by the Secretary according to the year of initial construction and the year of bed replacement. If a facility has a series of additions or replacements, the Secretary shall assume that the oldest beds are the ones being replaced when computing the average facility age.

(D) RENOVATIONS OR MAJOR IMPROVEMENTS.—Renovations or major improvements shall be calculated by the Secretary as a bed replacement, except that the value of the bed prior to renovation shall be taken into consideration. To qualify as a bed replacement, the bed being renovated must be at least 10 years old and the renovation or improvements cost must be equal to or greater than the difference between the existing bed value and the value of a new bed. To determine the new adjusted facility age, the number of renovated beds assigned a "new" age is determined by dividing the total cost of renovation by the difference between the existing bed value and the value of the new bed.

(E) STARTUP OF GROSS RENTAL SYSTEM.—To start up the fair rental system, each facility's bed values shall be determined by the Secretary based on the age of the facility. The determination shall include setting a value for the original beds with adjustments for any additions, bed replacements, and major renovations. For determination of bed values for use in determining the initial rate, the procedures described above for determining the values of original beds, additions, and replacements shall be used.

(3) TOTAL CURRENT VALUE.—The Secretary shall multiply the per bed value by the number of beds in the facility to estimate the facility's total current value.

(4) RENTAL FACTOR.—The Secretary shall apply a rental factor to the facility's total current value to estimate its annual gross rental value. The Secretary shall determine the rental factor by using the Treasury Bond Composite Yield (greater than 10 years) as published in the Federal Reserve Bulletin plus a risk premium. A risk premium in the amount of 3 percentage points shall be added to the Treasury Yield. The rental factor is multiplied by the facility's total value, as determined in paragraph (3), to determine the annual gross rental value.

(5) PER DIEM PROPERTY PAYMENT.—The annual gross rental value shall be divided by the Secretary by 90 percent of the facility's annual licensed bed days during the cost report period to arrive at the per diem property payment.

(6) PER RESIDENT DAY RENTAL RATE.—The per resident day rental rate for a newly constructed facility during its first year of operation shall be based on the total annual rental divided by the greater of 50 percent of available resident days or actual annualized resident days up to 90 percent of annual licensed bed days during the first year of operation.

(b) Facilities in operation prior to the effective date of this Act shall receive the per resident day rental or actual costs, as determined in accordance with HCFA-Pub. 15, whichever is greater, except that a nursing facility shall be reimbursed the per resident day rental on and after the earliest of the following dates:

(1) the date upon which the nursing facility changes ownership;

(2) the date the nursing facility accepts the per resident day rental; or

(3) the date of the renegotiation of the lease for the land or buildings, not including the exercise of optional extensions specifically included in the original lease agreement or valid extensions thereof.

SEC. 213. MID-YEAR RATE ADJUSTMENTS.

(a) MID-YEAR ADJUSTMENTS.—The Secretary shall establish by regulation a procedure for granting mid-year rate adjustments for the nursing service, administrative and general, and fee-for-service ancillary services cost centers.

(b) INDUSTRY-WIDE BASIS.—The mid-year rate adjustment procedure shall require the Secretary to grant adjustments on an industry-wide basis, without the need for nursing facilities to apply for such adjustments, based on the following circumstances:

(1) Statutory or regulatory changes affecting nursing facilities.

(2) Changes to the Federal minimum wage.

(3) General labor shortages with high regional wage impacts.

(c) APPLICATION FOR ADJUSTMENT.—The mid-year rate adjustment procedure shall permit specific facilities or groups of facilities to apply to the Secretary for an adjustment based on the following factors:

(1) Local labor shortages.

(2) Regulatory changes that apply to only a subset of the nursing facility industry.

(3) Economic conditions created by natural disasters or other events outside of the control of the provider.

(4) Other cost producing factors, except case-mix variation, to be specified by the Secretary in regulations.

(d) REQUIREMENTS FOR APPLICATION FOR ADJUSTMENT.—

(1) IN GENERAL.—A nursing facility which applies for a mid-year rate adjustment pursuant to this section shall be required to show that the adjustment will result in a greater than 2 percent deviation in the per diem rate for any individual cost service center or a deviation of greater than $5,000 in the total projected and indexed costs for the rate year, whichever is less.

(2) COST EXPERIENCE DATA.—A nursing facility application for a mid-year rate adjustment must be accompanied by recent cost experience data and budget projections.

SEC. 214. EXCEPTION TO PAYMENT METHODS FOR NEW AND LOW VOLUME NURSING FACILITIES.

(a) DEFINITION OF LOW VOLUME NURSING FACILITY.—In this title, the term "low volume nursing facility" means a nursing facility having fewer than 2,500 medicare part A resident days per year.

(b) DEFINITION OF NEW NURSING FACILITY.—In this title, the term "new nursing facility" means a newly constructed, licensed, and certified nursing facility or a nursing facility that is in its first 3 years of operation as a provider of services under part A of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). A nursing facility that has operated for more than 3 years but has a change of ownership shall not constitute a new facility.

(c) OPTION FOR LOW VOLUME NURSING FACILITIES.—A Low volume nursing facility shall have the option of submitting a cost report to the Secretary to receive retrospective payment for all of the cost centers, other than the property cost center, or accepting a per diem rate which shall be based on the sum of—

(1) the median indexed resident day facility unit value for the appropriate geographic region for the nursing service cost center during the base year as identified in section 208(b)(2) of this title;

(2) the median indexed resident day administrative and general per diem costs of all nursing facilities in the appropriate geographic region as identified in section 209(a)(5)(E) of this title;

(3) the median indexed resident day costs per unit of service for fee-for-service ancillary services obtained using the cost information from the nursing facilities in the appropriate geographic region during the base year, excluding low volume and new nursing facilities, and based on an array of such costs from lowest to highest; and

(4) the median indexed resident day per diem costs for selected ancillary services and other costs obtained using information from the nursing facilities in the appropriate geographic region during the base year, excluding low volume and new nursing facilities, and based on an array of such costs from lowest to highest.

(d) OPTION FOR NEW NURSING FACILITIES.—New nursing facilities shall have the option of being paid by the Secretary on a retrospective cost pass-through basis for all costs centers, or in accordance with subsection (c).

SEC. 215. APPEAL PROCEDURES.

(a) IN GENERAL.—

(1) APPEAL.—Any person or legal entity aggrieved by a decision of the Secretary under this title, and which results in an amount in controversy of $10,000 or more, shall have the right to appeal such decision directly to the Provider Reimbursement Review Board (in this section referred to as "the Board") authorized under section 1878 of the Social Security Act (42 U.S.C. 1395oo).

(2) AMOUNT IN CONTROVERSY.—The $10,000 amount in controversy referred to in paragraph (1) shall be computed in accordance with 42 C.F.R. 405.1839.

(b) HEARINGS.—Any appeals to and any hearings before the Board under this title shall follow the procedures under section 1878 of the Social Security Act (42 U.S.C. 1395oo) and the regulations contained in (42 C.F.R. 405.1841–1889), except to the extent that they conflict with, or are inapplicable on account of, any other provision of this title.

SEC. 216. TRANSITION PERIOD.

The Prospective Payment System described in this title shall be phased in over a 3 year period using the following blended rate:

(1) For the first year that the provisions of this title are in effect, 25 percent of the payment rates will be based on the Prospective Payment System under this title and 75 percent will remain based upon reasonable cost reimbursement.

(2) For the second year that the provisions of this title are in effect, 50 percent of the payment rates will be based on the Prospective Payment System under this title and 50 percent based upon reasonable cost reimbursement.

(3) For the third year that the provisions of this title are in effect, 75 percent of the payment rates will be based on the Prospective Payment System under this title and 25 percent based upon reasonable cost reimbursement.

(4) For the fourth year that the provisions of this title are in effect and for all subsequent years, the payment rates will be based solely on the Prospective Payment System under this title.

SEC. 217. EFFECTIVE DATE; INCONSISTENT PROVISIONS.

(a) EFFECTIVE DATE.—The provisions of this title shall take effect on October 1, 1998.

(b) INCONSISTENT PROVISIONS.—The provisions contained in this title shall supersede any other provisions of title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq. 1396 et seq.) which are inconsistent with such provisions.

TITLE III—ADDITIONAL MEDICARE PROVISIONS

SEC. 301. ELIMINATION OF FORMULA-DRIVEN OVERPAYMENTS FOR CERTAIN OUTPATIENT HOSPITAL SERVICES.

(a) AMBULATORY SURGICAL CENTER PROCEDURES.—Section 1833(i)(3)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395l(i)(3)(B)(i)(II)) is amended—

(1) by striking "of 80 percent"; and

(2) by striking the period at the end and inserting the following: ", less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A).".

(b) RADIOLOGY SERVICES AND DIAGNOSTIC PROCEDURES.—Section 1833(n)(1)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395l(n)(1)(B)(i)(II)) is amended—

(1) by striking "of 80 percent"; and

(2) by striking the period at the end and inserting the following: ", less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished during portions of cost reporting periods occurring on or after July 1, 1997.

SEC. 302. PERMANENT EXTENSION OF CERTAIN SECONDARY PAYER PROVISIONS.

(a) WORKING DISABLED.—Section 1862(b)(1)(B) of the Social Security Act (42 U.S.C. 1395y(b)(1)(B)) is amended by striking clause (iii).

(b) INDIVIDUALS WITH END STAGE RENAL DISEASE.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended—

(1) in the first sentence, by striking "12-month" each place it appears and inserting "18-month", and

(2) by striking the second sentence.

(c) IRS-SSA-HCFA DATA MATCH.—

(1) SOCIAL SECURITY ACT.—Section 1862(b)(5)(C) of the Social Security Act (42 U.S.C. 1395y(b)(5)(C)) is amended by striking clause (iii).

(2) INTERNAL REVENUE CODE.—Section 6103(l)(12) of the Internal Revenue Code of 1986 is amended by striking subparagraph (F).

SEC. 303. FINANCING AND QUALITY MODERNIZATION AND REFORM.

(a) PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS.—Section 1876(a) of the Social Security Act (42 U.S.C. 1395mm(a)) is amended to read as follows:

"(a)(1)(A) The Secretary shall annually determine, and shall announce (in a manner intended to provide notice to interested parties) not later than October 1 before the calendar year concerned—

"(i) a per capita rate of payment for individuals who are enrolled under this section with an eligible organization which has entered into a risk-sharing contract and who are entitled to benefits under part A and enrolled under part B, and

"(ii) a per capita rate of payment for individuals who are so enrolled with such an organization and who are enrolled under part B only.

For purposes of this section, the term 'risk-sharing contract' means a contract entered into under subsection (g) and the term 'reasonable cost reimbursement contract' means a contract entered into under subsection (h).

"(B)(i) The annual per capita rate of payment for each medicare payment area (as defined in paragraph (5)) shall be equal to 95 percent of the adjusted average per capita cost (as defined in paragraph (4)), adjusted by the Secretary for—

"(I) individuals who are enrolled under this section with an eligible organization which has entered into a risk-sharing contract and who are enrolled under part B only; and

"(II) such risk factors as age, disability status, gender, institutional status, and such other factors as the Secretary determines to be appropriate so as to ensure actuarial equivalence.

The Secretary may add to, modify, or substitute for such factors, if such changes will improve the determination of actuarial equivalence.

"(ii) The Secretary shall reduce the annual per capita rate of payment by a uniform percentage (determined by the Secretary for a year, subject to adjustment under subparagraph (G)(v)) so that the total reduction is estimated to equal the amount to be paid under subparagraph (G).

"(C) In the case of an eligible organization with a risk-sharing contract, the Secretary shall make monthly payments in advance and in accordance with the rate determined under subparagraph (B) and except as provided in subsection (g)(2), to the organization for each individual enrolled with the organization under this section.

"(D) The Secretary shall establish a separate rate of payment to an eligible organization with respect to any individual determined to have end-stage renal disease and enrolled with the organization. Such rate of payment shall be actuarially equivalent to rates paid to other enrollees in the payment area (or such other area as specified by the Secretary).

"(E)(i) The amount of payment under this paragraph may be retroactively adjusted to take into account any difference between the actual number of individuals enrolled in the plan under this section and the number of such individuals estimated to be so enrolled in determining the amount of the advance payment.

"(ii)(I) Subject to subclause (II), the Secretary may make retroactive adjustments under clause (i) to take into account individuals enrolled during the period beginning on the date on that the individual enrolls with an eligible organization (that has a risk-sharing contract under this section) under a health benefit plan operated, sponsored, or contributed to by the individual's employer or former employer (or the employer or former employer of the individual's spouse) and ending on the date on which the individual is enrolled in the plan under this section, except that for purposes of making such retroactive adjustments under this clause, such period may not exceed 90 days.

"(II) No adjustment may be made under subclause (I) with respect to any individual who does not certify that the organization provided the individual with the explanation described in subsection (c)(3)(E) at the time the individual enrolled with the organization.

"(F)(i) At least 45 days before making the announcement under subparagraph (A) for a year, the Secretary shall provide for notice to eligible organizations of proposed changes to be made in the methodology or benefit coverage assumptions from the methodology and assumptions used in the previous announcement and shall provide such organizations an opportunity to comment on such proposed changes.

"(ii) In each announcement made under subparagraph (A), the Secretary shall include an explanation of the assumptions (including any benefit coverage assumptions) and changes in methodology used in the announcement in sufficient detail so that eligible organizations can compute per capita rates of payment for individuals located in each county (or equivalent medicare payment area) which is in whole or in part within the service area of such an organization.

"(2) With respect to any eligible organization that has entered into a reasonable cost reimbursement contract, payments shall be made to such plan in accordance with subsection (h)(2) rather than paragraph (1).

"(3) Subject to subsection (c) (2)(B)(ii) and (7), payments under a contract to an eligible organization under paragraph (1) or (2) shall be instead of the amounts that (in the absence of the contract) would be otherwise payable, pursuant to sections 1814(b) and 1833(a), for services furnished by or through the organization to individuals enrolled with the organization under this section.

"(4)(A) For purposes of this section, the 'adjusted average per capita cost' for a medicare payment area (as defined in paragraph (5)) is equal to the greatest of the following:

"(i) The sum of—

"(I) the area-specific percentage for the year (as specified under subparagraph (B) for the year) of the area-specific adjusted average per capita cost for the year for the medicare payment area, as determined under subparagraph (C), and

"(II) the national percentage (as specified under subparagraph (B) for the year) of the input-price-adjusted national adjusted average per capita cost for the year, as determined under subparagraph (D),

multiplied by a budget neutrality adjustment factor determined under subparagraph (E).

"(ii) An amount equal to—

"(I) in the case of 1998, 85 percent of the average annual per capita cost under parts A and B of this title for 1997;

"(II) in the case of 1999, 85 percent of the average annual per capita cost under parts A and B of this title for 1998; and

"(III) in the case of a succeeding year, the amount specified in this clause for the preceding year increased by the national average per capita growth percentage specified under subparagraph (F) for that succeeding year.

"(B) For purposes of subparagraph (A)(i)—

"(i) for 1998, the 'area-specific percentage' is 75 percent and the 'national percentage' is 25 percent,

"(ii) for 1999, the 'area-specific percentage' is 60 percent and the 'national percentage' is 40 percent,

"(iii) for 2000, the 'area-specific percentage' is 40 percent and the 'national percentage' is 60 percent,

"(iv) for 2001, the 'area-specific percentage' is 25 percent and the 'national percentage' is 75 percent, and

"(v) for 2002 and each subsequent year, the 'area-specific percentage' is 10 percent and the 'national percentage' is 90 percent.

"(C) For purposes of subparagraph (A)(i), the area-specific adjusted average per capita cost for a medicare payment area—

"(i) for 1998, is the annual per capita rate of payment for 1997 for the medicare payment area (determined under this subsection, as in effect the day before the date of enactment of the Long-Term Care Reform and Deficit Reduction Act of 1997), increased by the national average per capita growth percentage for 1998 (as defined in subparagraph (F)); or

"(ii) for a subsequent year, is the area-specific adjusted average per capita cost for the previous year determined under this subparagraph for the medicare payment area, increased by the national average per capita growth percentage for such subsequent year.

"(D)(i) For purposes of subparagraph (A)(i), the input-price-adjusted national adjusted average per capita cost for a medicare payment area for a year is equal to the sum, for all the types of medicare services (as classified by the Secretary), of the product (for each such type of service) of—

"(I) the national standardized adjusted average per capita cost (determined under clause (ii)) for the year,

"(II) the proportion of such rate for the year which is attributable to such type of services, and

"(III) an index that reflects (for that year and that type of services) the relative input price of such services in the area compared to the national average input price of such services.

In applying subclause (III), the Secretary shall, subject to clause (iii), apply those indices under this title that are used in applying (or updating) national payment rates for specific areas and localities.

"(ii) In clause (i)(I), the 'national standardized adjusted average per capita cost' for a year is equal to—

"(I) the sum (for all medicare payment areas) of the product of (aa) the area-specific adjusted average per capita cost for that year for the area under subparagraph (C), and (bb) the average number of medicare beneficiaries residing in that area in the year; divided by

"(II) the total average number of medicare beneficiaries residing in all the medicare payment areas for that year.

"(iii) In applying this subparagraph for 1998—

"(I) medicare services shall be divided into 2 types of services: part A services and part B services;

"(II) the proportions described in clause (i)(II) for such types of services shall be—

"(aa) for part A services, the ratio (expressed as a percentage) of the average annual per capita rate of payment for the area for part A for 1997 to the total average annual per capita rate of payment for the area for parts A and B for 1997, and

"(bb) for part B services, 100 percent minus the ratio described in item (aa);

"(III) for part A services, 70 percent of payments attributable to such services shall be adjusted by the index used under section 1886(d)(3)(E) to adjust payment rates for relative hospital wage levels for hospitals located in the payment area involved;

"(IV) for part B services—

"(aa) 66 percent of payments attributable to such services shall be adjusted by the index of the geographic area factors under section 1848(e) used to adjust payment rates for physicians' services furnished in the payment area, and

"(bb) of the remaining 34 percent of the amount of such payments, 70 percent shall be adjusted by the index described in subclause (III); and

"(V) the index values shall be computed based only on the beneficiary population who are 65 years of age or older and are not determined to have end-stage renal disease.

The Secretary may continue to apply the rules described in this clause (or similar rules) for 1999.

"(E) For each year, the Secretary shall compute a budget neutrality adjustment factor so that the aggregate of the payments under this section shall not exceed the aggregate payments that would have been made under this section if the area-specific percentage for the year had been 100 percent and the national percentage had been 0 percent.

"(F) In this section, the 'national average per capita growth percentage' for a year is equal to the Secretary's estimate (after consultation with the Secretary of the Treasury) of the 3-year average (ending with the year involved) of the annual rate of growth in the national average wage index (as defined in section 209(k)(1)) for each year in the period.

"(5)(A) In this section the term 'medicare payment area' means a county, or equivalent area specified by the Secretary.

"(B) In the case of individuals who are determined to have end-stage renal disease, the medicare payment area shall be each State.

"(6) The payment to an eligible organization under this section for individuals enrolled under this section with the organization and entitled to benefits under part A and enrolled under part B shall be made from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund. The portion of that payment to the organization for a month to be paid by each trust fund shall be determined as follows:

"(A) In regard to expenditures by eligible organizations having risk-sharing contracts, the allocation shall be determined each year by the Secretary based on the relative weight that benefits from each fund contribute to the adjusted average per capita cost.

"(B) In regard to expenditures by eligible organizations operating under a reasonable cost reimbursement contract, the initial allocation shall be based on the plan's most recent budget, such allocation to be adjusted, as needed, after cost settlement to reflect the distribution of actual expenditures.

The remainder of that payment shall be paid by the former trust fund.

"(7) Subject to paragraphs (2)(B)(ii) and (7) of subsection (c), if an individual is enrolled under this section with an eligible organization having a risk-sharing contract, only the eligible organization shall be entitled to receive payments from the Secretary under this title for services furnished to the individual.".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 1997.

SUMMARY OF FEINGOLD LONG-TERM CARE REFORM BILL

LONG-TERM CARE SERVICES

Overall

This proposal would give States incentives to provide home and community-based long-term care services through a voluntary, capped grant for severely disabled persons, regardless of age or income. No entitlement to individuals would be created. States would be given greater flexibility and an enhanced federal match relative to the current Medicaid program.

Eligibility

Those meeting any of the following criteria would be eligible for the program:

Individuals requiring assistance, supervision or cuing with three or more activities of daily living.

Individuals with severe mental retardation.

Individuals with severe cognitive or mental impairment.

Children under 6, with severe disabilities.

In addition, States could set aside funds for individuals who may not meet any one of the above criteria, but who have a disability of comparable level of severity.

Services

States participating in the program would be required to provide assessment, plan of care, personal assistance, and case management services. Beyond that, States may also offer any other service that would help keep a disabled individual at home or in the community. (Such services might include homemaker services, home modifications, respite, assistive devices, adult day care, habilitation/rehabilitation, supported employment, home health care, etc.)

Financing

States choosing to participate in the program would receive capped grants, and would match the Federal funding with State funding. The State match rate would be 15% lower than their current Medicaid State match rate.

States would be allowed to charge copayments and establish deductibles for services based on income, except that no such payments could be charged to individuals with income below 150% of poverty.

Total grant funding of the Federal share of the long-term care grants would be $3.75 billion over 5 years, and $20.5 billion over 10 years.

In addition to the specific grants outlined in the new version, the measure also includes a directive to the Secretary of HHS to submit a proposal to Congress whereby States can retain 75% of the Federal Medicaid long-term care savings they achieve through this program (e.g., reduced institutional utilization).

Offsetting Savings

Extend Medicare Secondary Payer Program—savings of $7.2 billion over 5 years, and $18.1 billion over 10 years.

Eliminate Formula-Driven Overpayments—savings of $9.1 billion over 5 years, and $30.1 billion over 10 years.

Establish Prospective Payment System for Skilled Nursing Facilities—savings of $7.7 billion over 5 years, and $24.5 billion over 10 years.

Reform Medicare HMO Reimbursement Formula—savings of $10.1 billion over 5 years, and $93.5 billion over 10 years.

Total offsets: $34.1 billion over 5 years, and $166.2 billion over 10 years.

Net deficit reduction: $30.4 billion over 5 years, and $145.7 billion over 10 years.

By Mr. GORTON:

S. 880. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dusken IV*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER

Mr. GORTON. Mr. President, I ask unanimous consent that S. 880 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106 and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dusken IV* (United States official Number 952645).

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 881. A bill to provide for a land exchange involving the Warner Canyon Ski Area and other land in the State of Oregon; to the Committee on Energy and Natural Resources.

THE WARNER CANYON SKI HILL LAND EXCHANGE ACT OF 1997

Mr. WYDEN. Mr. President, I am pleased to introduce legislation authorizing an exchange of lands between the U.S. Forest Service, the U.S. Fish and Wildlife Service, and Lake County, OR. I believe that this exchange project is a win-win proposition for both the Federal Government and Lake County.

Under my bill, the U.S. Forest Service will deed about 290 acres of national forest land, comprising the Warner Canyon ski hill, to Lake County. In exchange, Lake County will deed roughly 320 acres of land within the Hart Mountain National Antelope Refuge to the Federal Government. The refuge is managed by the U.S. Fish and Wildlife Service.

The specific acreage offered by the county will be determined upon a specific appraisal of all the lands in order to provide for an equal value land trade.

While there is a commonly held notion that western ski areas resemble Oregon's Mt. Bachelor or Colorado's Vail, the fact is that there are many dozens of very small, financially marginal ski hills in the backyards of many small western towns. Warner Canyon is one of them.

The Warner Canyon ski hill has been operated by the nonprofit Fremont Highlanders Ski Club since 1938. It's one of America's last nonprofit ski hills. It has one lift—a T bar. It has 780 vertical feet of skiing. The ski area is about 5 miles from the town of Lakeview, which has a population of roughly 2,500.

The people of Lakeview believe that this legislation is necessary to keep the ski area viable. The Federal requirements for managing ski areas are more in tune with the Vails than the Warner Canyons. I'm told that under county ownership the liability expense alone should be reduced tenfold. The forest supervisor tells us that it costs the Forest Service about $10,000 per year to administer the ski area permit, yet the area generates just more than $400 per year in ski fee revenues to the U.S. Treasury.

I also want to emphasize the benefits of this bill to the Hart Mountain Antelope Refuge. As my colleagues well understand, too many of our national wildlife refuges contain private land inholdings over which the Federal Government has essentially no control. These lands can be sold or developed at any time. If Lake County were ever strapped for cash, it would certainly be their prerogative to sell these parcels to the highest bidder. With this acquisition we move closer to the permanent protection of this important Oregon wildlife refuge.

I am pleased to be joined in this effort by Senator GORDON SMITH.

At this time, Mr. President, I ask unanimous consent to be printed in the RECORD the bill and my statement, a document from the Lake County Board of Commissioners entitled "Reasons to support Warner Canyon Ski Hill Ownership Transfer," and letters of support from the Fremont Highlanders Ski Club, Inc., and the Lake County Chamber of Commerce.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Warner Canyon Ski Hill Land Exchange Act of 1997".

SEC. 2. LAND EXCHANGE INVOLVING WARNER CANYON SKI AREA AND OTHER LAND IN OREGON.

(a) AUTHORIZATION OF EXCHANGE.—If title acceptable to the Secretary for non-Federal land described in subsection (b) is conveyed to the United States, the Secretary of Agriculture shall convey to Lake County, Oregon, subject to valid existing rights of record, all right, title, and interest of the United States in and to a parcel of Federal land consisting of approximately 295 acres within the Warner Canyon Ski Area of the Freemont National Forest, as generally depicted on the map entitled "Warner Canyon Ski Hill Land Exchange", dated June 1997.

(b) NON-FEDERAL LAND.—The non-Federal land referred to in subsection (a) consists of—

(1) approximately 320 acres within the Hart Mountain National Wildlife Refugee, as generally depicted on the map referred to in subsection (a); and

(2) such other parcels of land owned by Lake County, Oregon, within the Refuge as are necessary to ensure that the values of the Federal land and non-Federal land to be exchanged under this section are approximately equal in value, as determined by appraisals.

(c) ACCEPTABLE TITLE.—Title to the non-Federal land conveyed to the United States under subsection (a) shall be such title as is acceptable to the Secretary of the Interior, in conformance with title approval standards applicable to Federal land acquisitions.

(d) VALID EXISTING RIGHTS.—The conveyance shall be subject to such valid existing rights of record as may be acceptable to the Secretary of the Interior.

(e) APPLICABILITY OF OTHER LAWS.—Except as otherwise provided in this section, the Secretary of the Interior shall process the land exchange authorized by this section in the manner provided in subpart 2200 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(f) MAP.—The map referred to in subsection (a) shall be on file and available for inspection in one or more local offices of the Department of the Interior and the Department of Agriculture.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior or the Secretary of Agriculture may require such additional terms and conditions in connection with the conveyances under this section as either Secretary considers appropriate to protect the interests of the United States.

LAKE COUNTY BOARD OF COMMISSIONERS

Robert M. Pardue, Chairman; Jane O'Keeffe, Kathleen Collins

REASONS TO SUPPORT WARNER CANYON SKI HILL OWNERSHIP TRANSFER

Lake County agrees to accept the ownership of 280+-acres of land which is the location of the Warner Canyon Ski Hill with all encumbrance.

Lake County offers 320+-acres of land in the Hart Mountain National Antelope Refuge as the mechanism to equalize the value for the Federal Government.

Lake County desires to have the proposal completed by November 1, 1997 to allow this winter season to come under our ownership.

The exchange will benefit the U.S. Forest Service, Fremont National Forest by removing management costs that exceed return generated by the Special Use Permit to the Fremont Highlanders.

U.S. Fish and Wildlife Service benefits by having ownership of 320+-acres of inholdings within the existing refuge boundary. (Lake County owns additional land within the refuge that can be sued to facilitate this proposal if necessary.)

The Fremont Highlanders Ski Club, operator of the ski area, benefits from lower cost of liability insurance, no cost operating permit and possible supplemental funding from special county recreation funds.

The Lakeview community benefits from the long term stable operation of the ski hill to provide family winter recreation opportunities, facilities for high school ski race team, part time seasonal employment opportunities during high unemployment periods.

Lake County acquires a parcel of land that is adjacent to an existing 40 acres of county land over which the ski lift crosses. This is an opportunity for the county do demonstrate its desire to support the recreation and tourism industry and possibly enhance and expand winter recreation potential. The county receives R.V. registration fee rebates from the State of Oregon for use at county owned park or recreation areas. The Warner Canyon Ski area will be eligible for supplemental funding from these funds.

ROBERT M. PARDUE, *Chairman.*

FREMONT HIGHLANDERS SKI CLUB, INC.,
Lakeview, OR, June 5, 1997.

CHARLES GRAHAM,
Forest Supervisor, U.S. Forest Service, Lake County Commissioners.

DEAR MR. GRAHAM AND LAKE COUNTY COMMISSIONERS: The Fremont Highlanders Ski Club is in full support of the land trade involving Warner Canyon Ski Area between Lake County, the U.S. Forest Service and the U.S. Fish and Wildlife Service. Warner Canyon Ski Area is one of the few remaining non-profit ski areas in the United States. The Fremont Highlanders have operated this

ski area for over 50 years. However, increasing regulations, fees, and insurance costs have severely impacted our ability to operate. We believe the land trade will reduce our costs of operating our ski area and will allow us to better serve our communities recreational interests.

Sincerely,

MICHAEL SABIN,
President.

LAKE COUNTY,
CHAMBER OF COMMERCE,
Lakeview, OR, June 6, 1997.

BOB PARDUE,
Chairman, Lake County Commissioners, Courthouse, Lakeview, OR.

DEAR BOB. On behalf of the Lake County Chamber of Commerce Board of Directors, we would like to congratulate you on your recent decision to make a land trade with the Fremont National Forest, regarding the Warner Canyon Ski Area.

Maintaining the level of operation, to provide a quality skiing experience for recreational skiers in Southeast Oregon, has been a difficult challenge for the Fremont Highlanders Ski Club. Liability Insurance has been a real obstacle, as well as sporadic snow conditions. Thanks to Collins McDonald Trust Fund, as well as other generous Lake County businesses and citizens, we have been able to financially survive.

Three years ago the chamber received a grant to promote winter recreation in Lake County. The success of Warner Canyon Ski Area is an important component to that promotion, which impacts the local economy during the usual slow months.

We are very supportive of this trade and look forward to many successful ski seasons in the future.

Sincerely,

BARB GOVER,
Director, Lake County Chamber of Commerce.

By Mrs. BOXER:

S. 882. A bill to improve academic and social outcomes for students by providing productive activities during after school hours; to the Committee on Labor and Human Resources.

THE AFTER SCHOOL EDUCATION AND SAFETY ACT OF 1997

Mrs. BOXER. Mr. President, I rise to introduce the After School Education and Safety Act of 1997. This bill creates after school enrichment programs for kindergarten, elementary, and secondary school-aged students. Today's youth face far greater social risks than did their parents and grandparents. According to the Federal Bureau of Investigation, youth between the ages of 12 and 17 are most at risk of committing violent acts and being victims of violent crimes between 3 p.m. and 6 p.m.—a time when they are not in school.

My bill will help schools expand their capacity to address the needs of school-aged children between these critical hours. Since juvenile crime peeks at the close of the schoolday—we need to give children a safe and supervised place where they can use those hours to their best advantage. Education is a key component of success. This bill seeks to increase the academic success of students while working to improve their intellectual, social, physical, and cultural skills. For older students, programs will be available to prepare them for work force participation.

Schools receiving grants under the act must provide at least two of the following programs: Mentoring, academic assistance, recreational activities, or technology training. It is critical that we work with our Nation's children during their school years to create strong foundations in academics, technology, and other fields which will carry them into adulthood.

Schools will be able to work within their communities to design programs that meet the needs of the area. Activities authorized by the bill are to take place in a school building or another public facility designated by the school.

Mr. President, the best investment we can make in this country is in our children. I urge my colleagues to review this legislation and join me in making after school a safe time for our Nation's children.

I ask unanimous consent that the text of the legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "After School Education and Safety Act of 1997".

SEC. 2. PURPOSE.

The purpose of this Act is to improve academic and social outcomes for students by providing productive activities during after school hours.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) Greater numbers of students are failing in school and the consequences of academic failure are more dire in 1997 than ever before.

SEC. 4. GOALS.

The goals of this Act are as follows:

(1) To increase the academic success of students.

(2) To improve the intellectual, social, physical, and cultural skills of students.

(3) To promote safe and healthy environments for students.

(4) To prepare students for workforce participation.

(5) To provide alternatives to drug, alcohol, tobacco, and gang activity.

SEC. 5. DEFINITIONS.

In this Act:

(1) SCHOOL.—The term "school" means a public kindergarten, or a public elementary school or secondary school, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 6. PROGRAM AUTHORIZED.

The Secretary is authorized to carry out a program under which the Secretary awards grants to schools to enable the schools to carry out the activities described in section 7(a).

SEC. 7. AUTHORIZED ACTIVITIES; REQUIREMENTS.

(a) AUTHORIZED ACTIVITIES.—

(1) REQUIRED.—Each school receiving a grant under this Act shall carry out at least 2 of the following activities:

(A) Mentoring programs.

(B) Academic assistance.

(C) Recreational activities.

(D) Technology training.

(2) PERMISSIVE.—Each school receiving a grant under this Act may carry out any of the following activities:

(A) Drug, alcohol, and gang, prevention activities.

(B) Health and nutrition counseling.

(C) Job skills preparation activities.

(b) TIME.—A school shall provide the activities described in subsection (a) only after regular school hours during the school year.

(c) SPECIAL RULE.—Each school receiving a grant under this Act shall carry out activities described in subsection (a) in a manner that reflects the specific needs of the population, students, and community to be served.

(d) LOCATION.—A school shall carry out the activities described in subsection (a) in a school building or other public facility designated by the school.

(e) ADMINISTRATION.—In carrying out the activities described in subsection (a), a school is encouraged—

(1) to request volunteers from the business and academic communities to serve as mentors or to assist in other ways;

(2) to request donations of computer equipment; and

(3) to work with State and local park and recreation agencies so that activities that are described in subsection (a) and carried out prior to the date of enactment of this Act are not duplicated by activities assisted under this Act.

SEC. 8 APPLICATIONS.

Each school desiring a grant under this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

(1) identify how the goals set forth in section 4 shall be met by the activities assisted under this Act;

(2) provide evidence of collaborative efforts by students, parents, teachers, site administrators, and community members in the planning and administration of the activities;

(3) contain a description of how the activities will be administered;

(4) demonstrate how the activities will utilize or cooperate with publicly or privately funded programs in order to avoid duplication of activities in the community to be served;

(5) contain a description of the funding sources and in-kind contributions that will support the activities; and

(6) contain a plan for obtaining non-Federal funding for the activities.

SEC. 9 AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $50,000,000 for each of the fiscal years 1998 through 2002.

By Mr. GREGG (for himself, Mr. ROTH, Mr. FAIRCLOTH, Mrs.

HUTCHISON, Mr. MURKOWSKI, Mr. SANTORUM, and Ms. COLLINS):

S. 883. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, to provide pension security, portability, and simplification, and for other purposes; to the Committee on Finance.

THE RETIREMENT INCOME SECURITY AND SAVINGS ACT OF 1997

Mr. GREGG. Mr. President, I am extremely pleased to rise to introduce the Retirement Income, Security, and Savings Act of 1997.

Mr. President, this bill represents the culmination of literally months of work by the Republican Retirement Security Task Force, which I chair. It embodies a collection of policies which would, if enacted, do a tremendous amount for a critical national need—to increase retirement saving and ultimately, therefore, retirement income for all Americans.

It has become almost axiomatic to state that America is in dire need of a qualitative increase in its level of retirement saving. None of the three legs of the metaphorical retirement stool—Social Security, employer-provided pensions, and individual saving—are saving an adequate amount for 21st century retirement needs. Social Security is not really a savings program at all, but is rather funded on a pay-as-you-go basis, the surplus loaned to the Government, to be paid back from general revenues at a future date. Employer-provided pensions only reach half of the working population, and there are problems of underfunding facing even the portion that are covered. And, as a general rule, only a few Americans are putting away sufficient saving on their own initiative to meet their future retirement income needs.

I would like to take a few moments to describe the current details with respect to retirement income in America, and then how our package addresses those needs. Only then, I believe, can my colleagues fully appreciate the quality and importance of the policy recommendations that we are making.

The typical retired American today receives retirement income from a variety of sources. On average, 41.7 percent comes from Social Security, 20.5 percent from asset income, 20.1 percent from pensions, 14.8 percent is annually earned, and the remaining 3 percent comes from a variety of other sources, including welfare programs such as SSI and unemployment compensation.

I would stress that this is only an average picture. The reality varies greatly from American to American. We need to look at the oldest of Americans to see the future of an aging nation. Americans currently 80 and older receive 52.6 percent of their income from Social Security, whereas their pensions provide proportionally less—down to 15.3 percent. And, of course, they are less able to earn money at this age, thus earnings make up only 3.9 percent of their income.

I describe this situation because it dramatizes our future. Americans continue to have longer and longer life expectancies. The population aged 80 and older is growing faster than any other age group, proportionally. This are group currently receives inadequate pension and individual savings income, and has needed to rely more heavily on Social Security. The plain fact is that as America grows older, this group of Americans simply must have access to more in the areas of pension coverage and personal savings if they are to maintain a dignified standard of living.

The current national picture is also not equitable with regard to the treatment of women. Currently, women are almost twice as likely as men to live in poverty in their retirement years—a 15.7 percent poverty rate versus an 8.9 percent poverty rate for men. For women who are widowed or divorced, the picture is worse still—widows suffer a poverty rate of 21.5 percent, divorcees 29.1 percent. Thus, the task force placed high priority on including provisions designed to help women generate saving in their own name.

Also of note are the discrepancies in income sources between high-income and low-income Americans. Among elderly Americans in the lowest quintile, Social Security constitutes 82.6 percent of their income. Their next biggest source is public assistance—SSI, unemployment compensation, and other such sources—which make up 9.1 percent of their income stream. Thus, poorest Americans would benefit the most from expansions of existing pension coverage.

Mr. President, it is, therefore, essential that this Nation pursue policies that increase pension and individual savings in the private sector. One added reason for this is the plight of Social Security. Thus far, Congress has not been willing to address Social Security's enormous unfunded liability. Under current practices, we will continue to pour the annual Social Security surplus into current Government consumption. We have no method to pay for Social Security's trillions in unfunded liability other than the promise of future Government taxation.

Although few are willing to admit it, it is clear from the projections that Social Security in the 21st century will not be able to deliver as large a share of the income of retired Americans as it does today. That is simply not possible when the projected worker-to-collector ratios for the program will hit only 2 to 1 within a generation. When the program is brought into balance, as it must be, what will happen to the millions of Americans who rely on Social Security for the majority of their retirement income? The answer, Mr. President, depends on how successful we are in providing for retirement income via other means.

Our task force approached these problems in as objective a fashion as we could. We decided early on that the problem was one of inadequate saving, instead of one of inadequate regulation, or inequitable distribution. Indeed, many existing regulations and distribution requirements have actually worked against the aim of expanded pension coverage, because they deter employers from providing it. The result is that many small business owners do not believe that they can afford to offer pension coverage. Mr. President, we must begin to make it easier—in fact, we must begin to make it attractive—for employers to offer pensions.

There is a single common theme that runs through the Republican approach to retirement security: Retirement income comes from retirement saving. It comes from nowhere else. Everything in our package aims at generating additional retirement saving in a reasonably direct way. Government must do more to encourage saving, and in many ways this is best done by doing less to discourage it. We have produced a package that would make it easier for additional retirement saving to occur, by facilitating saving via a broad variety of measures.

That is not to say that we did not identify areas of the law where there were simply technical adjustments to be made. Often there are absurd regulatory inconsistencies in our pension structures. We penalize employers who do not properly fund pension plans, but on the other hand, we prevent others from funding the full amount of liabilities that they know are coming. Or we will treat employer contributions one way, but the contributions of the self-employed another way. There is a host of confusing, sometimes inconsistent, regulations in effect. We did our best to identify and to rectify such problems and inconsistencies in existing law.

This package seeks to increase saving through individual savings incentives, through employer funding of pension plans, through simplification, through expanded portability, through defined contribution plans, and through defined benefit plans. We attempted to increase savings on every front. We cast our net wide. Thus, we have a package that is a veritable smorgasbord of reforms, more than Congress could possibly enact this year. But we have produced a host of proposals that are each candidates for at least partial inclusion in budget reconciliation, and I believe that Congress would do well to favorably consider them.

Because we attempted to approach our task with this specific policy objective in mind—increasing savings—we

did not set ourselves up to oppose every idea that originated in another place. The centerpiece proposals of our package—full IRA deductibility for every American, the WISE women's equity package, and the new SAFE defined benefit plan—are not included in the package of pension proposals offered by the minority party. But we did not reject some good technical corrections merely because they have appeared in the work of others. I believe that there is a basis for Congress to review the proposals offered separately by Republicans, and by Democrats, and to pursue many initiatives on which there is a broad area of common ground.

I would like to thank Majority Leader LOTT for convening the task force and for selecting me to be its chairman. I also wish to thank Senator LARRY CRAIG for his helpful coordination of the various Republican task force efforts. I wish to thank each of the members of the Senate Republican Retirement Security Task Force—Senators BOND, COLLINS, HUTCHISON, JEFFORDS, MURKOWSKI, ROBERTS, SANTORUM, FAIRCLOTH—but most especially Finance Committee Chairman Senator WILLIAM ROTH, whose work was absolutely instrumental to this drafting effort. I would like to single out Doug Fisher of Senator ROTH's staff for the technical advice and assistance that he provided to me and to my staff at every stage of this process.

It would be appropriate at this point to say a word of appreciation to Senator GRAHAM of Florida as well, for his parallel work in fashioning a bipartisan package of pension reforms that I understand will be introduced later this week. Our Republican task force has communicated in open and good faith with his bipartisan group, and there have been times when we have found ourselves working on overlapping ground. Senator GRAHAM and his staff have made important and original contributions to a bipartisan effort to promote retirement security, and I believe that we can work with Senator GRAHAM and others in this coalition, throughout the reconciliation process and beyond, to pursue reforms of common interest.

Let me now turn to the specific provisions of our legislation.

Title I would establish a fully deductible IRA for every American. The IRA is becoming a cornerstone of national retirement policy, and the Federal Government should not deter anyone from participating by limiting or eliminating the tax deductibility of the option. We endorse the Roth/Breaux schedule of phasing out the limits on IRA deductibility by 2001, and of indexing the contribution limits for inflation. We would also create the option of the back-loaded IRA—in which contributions are taxed when they are made, instead of upon withdrawal—in order to mitigate the revenue implications in the near-term. Stimulating personal saving—making it attractive for every American to adopt the habit of contributing to an IRA each year—is an important first step toward meeting tomorrow's retirement income needs.

Title II is the WISE bill introduced earlier this year. Already this important piece of legislation has 25 co-sponsors. These women's equity initiatives include a strengthening of the homemaker IRA, permitting a homemaker to make a fully deductible IRA contribution, regardless of whether his or her spouse receives an employer-provided pension. In addition, we would permit individuals who take maternity or paternity leave to make catch-up contributions to their 401–(k) or similar plans for the time missed from work. And—the most creative part of our legislation—we would permit individuals who are absent from pension plan participation for an extended period to raise a child—to make additional contributions upon return, and to catch up for up to 18 years of absence.

The WISE legislation is extremely popular, and I do not need to describe it at length here. However, I would say that it recognizes an important principle too frequently unrecognized in our pension law: That individuals do not have the same opportunities to save at every stage of their lives. Frequently, the financial pressures of raising a child prevent parents from attending to their own retirement saving. WISE attempts to give some flexibility, to permit individuals to put away more money when, at last, they have the surplus income to do so.

Title III of our bill is targeted at expanding pension coverage in small business. This, Mr. President, is a title of our legislation that is just as vital as the first two, for a number of important reasons. First, it is those individuals who work for small businesses who are most likely to lack pension coverage. Second, we felt it was very important in this legislation to do something to make defined benefit plans more attractive to employers. The task force concluded that removing impediments to defined contribution saving was extremely important, but we could not stop there: We needed to pursue parallel methods with respect to establishing pension coverage for individuals who do not have discretionary income to put into retirement savings.

Title III of our legislation begins with the SAFE plan—a fully portable, fully funded, defined benefit plan designed for small business. This legislation attempts to make defined benefit plans a more realistic option for small businesses, just as the SIMPLE plan did last year for defined contribution plans. Because SAFE is a method of creating a defined benefit plan without running into the problems with funding and complex regulation that have deterred small businesses from offering other defined benefit plans, it is good for employers. And because it offers a defined benefit funded by the employer, rather than dependent upon employee contributions, it is good for lower income employees.

In essence, the way SAFE works is this: An employer can choose to establish a SAFE plan that accrues at either a 1-percent, a 2-percent, or a 3-percent rate. What this means is that for every year the employee works, they get either 1 percent, 2 percent, or 3 percent of their salary as their defined benefit upon retirement. If, for example, the employee works for 25 years in a plan that accrues at 3 percent, then their retirement benefit will be 75 percent of working income. Everyone in the plan accrues at the same rate. So the employer can make a choice: If they fund at the lower rate—say, 1 percent—then they will diminish the size of their own pension benefits as well as that of their employees. By treating all employees equally, across the board, SAFE bypasses the need for complex nondiscrimination requirements. Fair treatment is assured by the basic construction of the plan.

SAFE plans are fully funded by the employer. The employer must fund the benefits such that, when a 5 percent interest rate is assumed, enough will be present at time of retirement to pay the defined benefit. If the employer is able to do better, in managing the plan, then that 5 percent interest rate, then the extra goes back into the pension benefits. Annually, the plan is monitored to ensure that the employer has kept pace with that 5 percent rate. If not, then the employer must make a makeup contribution at year's end. So, in all events, the pension benefits are protected. It is annually assured that the promised benefits are fully funded, and it is also possible that the beneficiary will receive more. Moreover, because each individual's pension benefit is fully funded in advance by a defined amount, it is fully portable—the benefit can travel with the employee easily when they switch jobs.

The SAFE plan gives a small business owner the opportunity to create a simple defined benefit plan that has the potential to provide large pension benefits—for both the employees and the employer. Because of that potential and its resulting incentive, and because of the protection from messy discrimination rules, SAFE plans will be an attractive alternative for small businesses. And by creating this alternative, we increase the opportunities for lower income individuals to receive defined benefit pension coverage that they might not be able to fund via a defined contribution system.

It will take too much of the Senate's time to list every aspect of our comprehensive legislation, but I invite

Senators to review this and other provisions we have created to make pensions more attractive to small business owners in title III of the bill.

Title IV contains assorted measures to ensure pension portability. This is essential in a mobile society such as ours, in which pension coverage is lowest among short-tenured young workers, moving from job to job. We do not generate retirement saving if these pension benefits simply turn into a cash-out every time one changes jobs. Our legislation would protect plans that accept rollovers from disqualification, and also specifically facilitate rollovers between a large variety of plans—government plans, nonprofit plans, and others.

Title V of the legislation deals with pension security. We felt it was important to highlight our finding that pension managers have an obligation to comply with the intent of ERISA, which directs that they manage these plans with an eye solely toward maximizing the accumulation of pension assets, not pursuing an external purpose, whether social, political, or any other. Accordingly, we would eliminate the promotion of the Department of Labor's Economically Targeted Investments Program. The last thing that we want, Mr. president, is for pension managers to feel pressured into investing in any vehicles that they do not believe meet the best interests of future pension beneficiaries. To the extent that these economically targeted investments produce healthy, sound investments, they do not need promotion by the Department of Labor. To the extent that they do not, pension managers should not invest in them.

Also in title V, Mr. President, is an important provision that gradually increases the current limitation on full employer funding of pension liabilities. Right now, employers may fund for no more than 150 percent of current liability, even when they may know that future liabilities are accruing and must be funded. This is short-sighted policy by the Federal Government, undertaken solely to protect the Federal balance sheet, by limiting the tax deductibility of pension contributions. I would argue that this existing policy, in the long run, does not even protect the Federal balance sheet, because ultimately, these liabilities must be funded, and the deduction therefore taken. It is better to permit employers to invest the money now, and to let that investment compound to meet future liabilities, rather than to forbid them from doing so, and thereby force them to make a larger contribution later—and then claim an even larger deduction. We must take a far-sighted approach to funding pensions, and not discourage proper pension funding simply because we are looking at a short-term budget window here in the Federal Government. Our provision would gradually increase the 150 percent limit, by 5 percent every 2 years.

Finally, title VI deals with another vital area of pension reform—pension simplification. In this title, Mr. President, Senators will find a host of changes that eliminate existing inconsistencies within law and regulation, as well as facilitating the use of electronic technology to replace cumbersome paperwork. I would draw the attention of the Senate to one particular provision here that would exempt Government plans from existing nondiscrimination rules. These nondiscrimination rules, Mr. President, were not designed for Government plans, and it has proved very vexatious to determine how to apply them in cases when the employer is a government body. I believe that many Senators have probably heard from administrators of State government retirement plans regarding the need to make this exemption permanent, and our bill would do so. This is one provision, Mr. President, that I believe we should seek to include in budget reconciliation this year.

Mr. President, I am very proud to introduce this legislation. Tax law in this area is complicated and dry—I have become too familiar with that these last months—but it is imperative that we shoulder the burden of reforming it to make it work more simply, and more effectively, to encourage greater retirement income saving. I have worked long and hard to create this legislation, and I believe that it represents a good comprehensive effort to enhance the future retirement security of millions of Americans. I thank the rest of the task force, and the majority leader, for this opportunity to lead in this important work, and I commend this legislation to the Senate for its favorable consideration.

By Mr. D'AMATO (for himself, Mr. KERRY, Mrs. BOXER, Mr. BRYAN, Ms. MOSELEY-BRAUN, Mrs. MURRAY, and Mr. CHAFEE):

S. 885. A bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE FAIR ATM FEES FOR CONSUMERS ACT

Mr. D'AMATO. Mr. President, I rise today with Senator KERRY as my primary cosponsor to reintroduce legislation to protect consumers from excessive and redundant fees imposed by automated teller machine [ATM] operators. I am also pleased that Senators BOXER, BRYAN, MOSELEY-BRAUN, MURRAY, and CHAFEE have chosen to join with me once again in cosponsoring this important initiative.

Mr. President, last year, I introduced legislation to eliminate ATM fees. At that time, some of my colleagues argued that consumers could always choose to go to an ATM that does not double-charge. I predicted then that if we permit this practice, eventually every bank will double-charge consumers would have no choice but to pay through the nose.

Last fall, I asked the General Accounting Office to examine ATM fees. I want to know how many banks are double charging and how much consumers are being forced to pay.

This morning the Banking Committee heard GAO's results. Their results detail the spread of the anticonsumer, anticompetitive, and anti-free-market practice—double ATM fees.

In a nutshell, this abusive practice is spreading like wildfire and consumers across the country are getting burned. When I received the GAO report, I was shocked to find that, in just over a year, the number of ATM's that double charge consumers has risen 320 percent since the end of 1995. That means that consumers have less and less of a choice when they need to use an ATM.

The GAO study also reveals that 54 percent of the ATM's in the United States are now double-charging. Soon consumers will have nowhere to turn. For that reason, I am reintroducing my bill, the Fair ATM Fees for Consumers Act.

Until April of last year, most consumers paid a fee, usually about $1, to their own bank each time they used another bank's ATM. This fee was intended to cover the cost of the transaction. Now, in addition to that fee, the ATM operator may charge these consumers a second fee. This second fee can run as high as $3 per transaction. Many consumers are forced to pay a total of $3 or more just to take $20 of their own money out of the bank. That's outrageous.

Double-charging was prohibited in most of the country until April 1, 1996, when Visa and MasterCard, which operate the two largest ATM networks, endorsed this practice. When the Banking Committee held a hearing on double ATM charges last summer Visa and MasterCard refused to appear. I intend to hold further hearings on this issue and I fully expect Visa and MasterCard to testify as to why they suddenly permitted this double charge which hurts consumers and community banks.

Recent estimates show that the average consumer is paying a whopping $155 per year to use automated teller machines or ATM's. The average family will pay several times that amount. That's outrageous. The banks are making windfall profits from working people.

A transaction conducted at an ATM costs about 25 cents while the same transaction conducted by a teller in a bank branch costs well over a dollar. Realizing this, banks strongly encouraged their customers to use ATM's.

ATM's appeared everywhere as banks cut bank on branches and teller service. ATM networks were formed when individual banks joined together and agreed to let each other's customers use any ATM in the network without paying any extra charges.

Now, banks are suddenly claiming that ATM's are no longer cost effective. They have decided to soak consumers with multiple fees every time they need to take money out of their accounts.

Banks report record profits in part by slapping customers and noncustomers with ever-increasing convenience fees. In many cases, consumers are forced to pay multiple fees for a single ATM transaction. Imagine, working men and women are paying two separate fees for the privilege of getting their own money.

This is a windfall for the banks. The consumer receives no additional benefit and the bank provides no additional service. A recent study by the U.S. Public Interest Research Group [U.S. PIRG] reported that banks will profit $1.9 billion from ATM surcharges alone this year. This double charge is a free lunch for the banks and consumers are footing the bill. I am not opposed to banks making a profit, but double ATM fees unfairly exploit the consumer.

Banks argue that consumers have the freedom to go to an ATM that doesn't double-charge. But working people on their lunch hours, or late at night, have no time to hunt for a free ATM when they need cash. As the GAO reported, those free ATM's are getting very hard to find.

The people who are getting hit the hardest are the ones who can least afford it. While many Americans can simply choose to avoid extra fees by taking $100 or $200 every time they go to an ATM, many families struggling to make ends meet don't have that option. Senior citizens on fixed incomes and students with little money to space are being forced to pay $2 or $3 just to take out $20. A $3 fee on a $200 withdrawal is a nuisance, but taking a $3 bite out of a $20 withdrawal is outrageous.

Mr. President, double-charging is a monopolistic practice that eliminates competition and distorts the free market. Banks are using double ATM fees to squeeze small competitors out of business. Community banks, thrifts, and credit unions have customers who depend on access to other institutions' ATM's. These customers now pay twice whenever they use an ATM. Large banks with many ATM's are exploiting this situation to lure away small bank customers. Eventually, small banks will not be able to survive. That's not competition, that's a monopoly.

When ATM's were first introduced, banks claimed that these machines would give consumers more choices and greater convenience. ATM's were supposed to reduce costs and the savings could be passed on to consumers. Today, when bank profits are at record highs, it is astonishing that banks cannot resist the temptation to squeeze consumers a little harder by doubling ATM fees,

I look forward to holding additional hearings on ATM fees during this Congress to provide opponents and proponents of the bill, including representatives of various States that are attempting to enact bans, an opportunity to participate in this debate. I hope may colleagues will join me in taking a stand against this predatory banking practice.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair ATM Fees for Consumers Act".

SEC. 2 DEFINITION.

Section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(12) the term 'electronic terminal surcharge' means a transaction fee assessed by a financial institution that is the owner or operator of the electronic terminal; and

"(13) the term 'electronic banking network' means a communications system linking financial institutions through electronic terminals.".

SEC. 3. CERTAIN FEES PROHIBITED.

Section 905 of the Electronic Fund Transfer Act (12 U.S.C. 1693c) is amended by adding at the end the following new subsection:

"(d) LIMITATION ON FEES.—With respect to a transaction conducted at an electronic terminal, an electronic terminal surcharge may not be assessed against a consumer if the transaction—

"(1) does not relate to or affect an account held by the consumer with the financial institution that is the owner or operator of the electronic terminal; and

"(2) is conducted through a national or regional electronic banking network.".

Mr. KERRY. Mr. President, I am pleased to join my colleague, the chairman of the Banking Committee, in introducing the Fair ATM Fees for Consumers Act of 1997.

Today, in the Banking Committee, representatives of the U.S. General Accounting Office discussed the findings of their report on the growth of ATM surcharges. It is a fascinating report, and I recommend our colleagues take a look at it. I will highlight some of the findings, especially as they pertain to my home State.

I will tell you, Mr. President, it is not often in the Banking Committee that passions run this high on a financial services issue. I have heard from officials of large banks who tell me that prohibiting ATM surcharges is tantamount to nationalizing our banking industry.

Mr. President, I do not believe that it is the business of the U.S. Senate to set prices and fees at banks and other financial institutions. I am a great believer in the free market—not the Federal Government—dictating fee structures. But there is a general sense of fairness that is being violated in this surcharge.

When a depositor opens an account, he or she knows the fees associated with transactions. It is current federal law—found in statutes like the Electronic Funds Transfer Act, the Truth-in-Savings Act, and the Truth-in-Lending Act—that mandates fees to be disclosed to the consumer. So, when we open a bank account, we know how much each transaction will cost.

But now, with this new surcharge, we are left in the dark. In the absence of disclosure law dealing with surcharges, we don't find out, in many cases, how much it will cost to use an ATM machine not associated with our particular bank until our statement appears in the mail, long after the ATM transaction is completed.

That is bad for consumers and it is bad precedent. And, as the GAO report testifies, the trend is not favorable. Historic mergers, consolidations, and acquisitions have taken place in the financial service industry. Bank lobby hours have been curtailed so drastically, and so many human tellers replaced by machines, that we are forced to use ATM's. This is the undeniable direction of the industry.

Mr. President, some of the biggest banks argue that ATM fees are an outgrowth of the convenience consumers derive from using ATM's. But I suspect that other forces are at play. Commercial banks posted record profits last year, surpassing the previous record-breaking year. This new fee is not needed to ensure that banks are profitable.

Mr. President, last year, a constituent of mine from Dorchester, MA, testified before the Banking Committee on this issue. He owns a profitable bank with one ATM machine. He runs the bank well and serves the community. But his small bank is no match for far bigger competitors. He contends that these surcharges are designed by the big banks to draw customers away from community banks. This may not be an issue of establishing prices and fees; this has all the coloration of an antitrust issue. I want to set the marker down clearly—the Congress needs to do a better job in monitoring and preventing the trend of consolidation from running the smaller banks out of business.

In Massachusetts, the two largest banks own more than 62 percent of the

ATM's in the Commonwealth. The GAO report tells us that, nationally, one-third of all ATM's are owned by large banks. So, Massachusetts has double the national concentration. And that is a critical measure, Mr. President. The GAO report found that ATM surcharges are more prevalent among larger banks, 98 percent of which own ATM's. Fifty-four percent of large institutions assessed a surcharge as opposed to 32 percent of smaller institutions. That is the static measure, which is significant enough, but the trend is even more disturbing. The number of ATM's assessing a surcharge has risen 320 percent in the past 13 months. The highest surcharge found was $3 and the average surcharge is $1.14, up from 99 cents last year.

I will say that I appreciate the fact that BankBoston—one of the two large banks in Massachusetts—does not impose surcharges at all. I also know that the Massachusetts Bankers Association is grappling with this issue, trying to find some accommodation, and I am willing to listen to its arguments on this issue. My mind is certainly open to alternatives to the current draft of our legislation. But, Mr. President, I must say that the findings of the GAO report do little to dissuade me that we must move forward to prohibit these surcharges.

I thank my friend, the chairman of the Banking Committee, for his leadership.

Ms. MOSELEY-BRAUN. Mr. President, I would like to congratulate my colleague, the Senator from New York, Senator D'AMATO, for his leadership on this bill, the Fair ATM Fees for Consumers Act.

Few Americans will quarrel with the issue this bill addresses: surcharging, or double charging consumers for a single ATM transaction, is unfair and unnecessary.

Many banks charge their customers for using foreign ATM's—those ATM's not owned by the customer's bank. These fees are disclosed to the customer in advance, allowing consumers to shop for and choose banks that offer the best package of services at the best price.

I don't have a problem with that kind of fee. Customers have that information well in advance, and at a time they can use it. If the services offered by banks fail to meet the customer's satisfaction, customers can take their business elsewhere.

Surcharging, however, undermines all that. Last April, the major computer networks allowed ATM owners to begin charging fees to customers using foreign ATM's. From that day, the floodgates opened, and now customers nationwide are being charged twice for the same transaction—first by their own institution, and by the institution owning the ATM machine.

These costs are spreading. According to a recent General Accounting Office report commissioned by the Senator from New York, ATM surcharges have ballooned 320 percent since 1995.

One example of the surcharge boom is in my hometown of Chicago. Earlier this month, First Chicago NBD instituted surcharges, affecting 710 ATM's in the area. That decision, coupled with the 1,550 ATM's in the region already levying surcharges, now means that more than half of the 4,400 ATM's in the Chicago area have a surcharge.

Mr. President, if current trends continue, few ATM's will remain that have no surcharge, and consumers, despite surcharge warnings posted on the computer screen or on the machine, will truly have no alternative but to be charged twice for the same transaction.

I am aware that there are some costs to convenience. There are more than 122,000 ATM's around the Nation, almost 5 times the number in place a decade ago. Americans used ATM machines more than 9 billion times last year, accessing their bank accounts and other financial services 24 hours a day, 7 days a week. I know there are costs associated with deploying these new machines, handling increased transactions, and other maintenance and safety issues.

It should not be forgotten, however, that banks moved customers to ATM's because, compared to teller transactions, ATM's were cheaper. According to a Mentis Corp. study, an ATM cash withdrawal from an in-branch ATM costs an average of 22 to 28 cents, while the cost of a teller transaction is 90 cents to $1.15. And in some cases, banks charge customers for completing transactions with a teller if those transactions could have been completed at an ATM.

Certainly ATM's are a convenience for customers, but the truth is that banks have deployed more ATM's because it means lower costs to banks.

I remember when banks paid their customers for the use of their money. Today, however, it's increasingly expensive for the average working family to manage even a simple banking account. Americans who make timely credit card payments, or no payments at all, face higher fees. Americans who avoid special banking services are considered unprofitable customers, and face higher fees.

Now, with ATM surcharges, Americans are discovering that they must pay banks an additional $155 each year simply to access their own money.

The market is out of whack. The pubic knows this is unfair, and their visceral reaction is a response to market excess.

I am hopeful that the financial industry will take the necessary steps to remedy this problem. Otherwise, the Government has a duty to correct the abuse of double and triple charging people for accessing their own hard-earned dollars.

It is time to stop nickel and diming the American pocket. That's why I'm pleased to be a cosponsor of this bill, and I urge its swift approval by the U.S. Senate.

By Mr. MCCONNELL (for himself and Mr. LIEBERMAN):

S. 886. A bill to reform the health care liability system and improve health care quality through the establishment of quality assurance programs, and for other purposes; to the Committee on Labor and Human Resources.

THE HEALTH CARE LIABILITY REFORM AND QUALITY ASSURANCE ACT OF 1997

Mr. MCCONNELL. Mr. President, I am pleased to introduce the Health Care Liability Reform and Quality Assurance Act of 1997. This is virtually the same legislation as S. 454 that I introduced in the last Congress with Senators LIEBERMAN and Kassebaum. That bill was reported out of the Labor Committee and received the support of 53 Senators when it was added as an amendment to the product liability legislation. Ultimately, however, the amendment was withdrawn under the threat of a filibuster. I am very happy to, once again, be joining with Senator LIEBERMAN in this effort.

Health care liability is one issue on which there has been some bipartisan consensus about the need to make significant changes. This bill which I am introducing today with the cosponsorship and assistance of Senator LIEBERMAN represents this bipartisan effort.

The purpose of our bill is to promote patient safety, compensate those who suffer injuries fully and fairly, without enriching lawyers and bureaucrats, make health care more accessible, gain some cost containment in health care, strengthen the doctor-patient relationship and encourage medical innovation. Our present system, unfortunately, does none of the above.

First of all, patients don't get compensated. The Rand Corp. has reported that only 43 cents of every dollar spent in the liability system goes to the injured party. That means lawyers, experts, and court fees eat up a significant percentage of every dollar spent in the liability system.

Second, the prohibitive cost of liability insurance means some doctors won't provide care to those in our society who need it most. Half-a-million rural women can't get an obstetrician to deliver their babies. This problem, however, is not limited to rural areas. High malpractice premiums force doctors to avoid the practice of medicine in urban areas as well, making it more difficult for minority communities to get necessary care.

Third, companies that invent new products are discouraged under the current system from putting them on the market. Medical device manufacturers are finding it more difficult to

get raw materials to produce life saving devices because of the risk of lawsuits.

Fourth, doctors are less likely to explore risky treatment because of the proliferation of lawsuits. A doctor has a better than 1 in 3 chance of being sued during his practice years. And the likelihood of suit has nothing to do with whether the doctor was negligent. The General Accounting Office reports that almost 60 percent of all suits are dismissed without a verdict or even a settlement.

So, something is very wrong with our liability system, and our bill will help solve the problem. I have included a summary of the bill's provisions, and I ask unanimous consent that the full text of the bill and the summary be printed in the RECORD.

Mr. President, I am hopeful that health care liability will get full consideration and action in this Congress. It is very important that we tackle this issue, and I look forward to prompt action.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Care Liability Reform and Quality Assurance Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—HEALTH CARE LIABILITY REFORM
Subtitle A—Liability Reform
Sec. 101. Findings and purpose.
Sec. 102. Definitions.
Sec. 103. Applicability.
Sec. 104. Statute of limitations.
Sec. 105. Reform of punitive damages.
Sec. 106. Periodic payments.
Sec. 107. Scope of liability.
Sec. 108. Mandatory offsets for damages paid by a collateral source.
Sec. 109. Treatment of attorneys' fees and other costs.
Sec. 110. Obstetric cases.
Sec. 111. State-based alternative dispute resolution mechanisms.
Sec. 112. Requirement of certificate of merit.
Subtitle B—Biomaterials Access Assurance
Sec. 121. Short title.
Sec. 122. Findings.
Sec. 123. Definitions.
Sec. 124. General requirements; applicability; preemption.
Sec. 125. Liability of biomaterials suppliers.
Sec. 126. Procedures for dismissal of civil actions against biomaterials suppliers.
Sec. 127. Applicability.
Subtitle C—Applicability
Sec. 131. Applicability.
TITLE II—PROTECTION OF THE HEALTH AND SAFETY OF PATIENTS
Sec. 201. Additional resources for State health care quality assurance and access activities.
Sec. 202. Quality assurance, patient safety, and consumer information.
TITLE III—SEVERABILITY
Sec. 301. Severability.

TITLE I—HEALTH CARE LIABILITY REFORM

Subtitle A—Liability Reform

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) EFFECT ON HEALTH CARE ACCESS AND COSTS.—The civil justice system of the United States is a costly and inefficient mechanism for resolving claims of health care liability and compensating injured patients and the problems associated with the current system are having an adverse impact on the availability of, and access to, health care services and the cost of health care in the United States.

(2) EFFECT ON INTERSTATE COMMERCE.—The health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States affect interstate commerce by contributing to the high cost of health care and premiums for health care liability insurance purchased by participants in the health care system.

(3) EFFECT ON FEDERAL SPENDING.—The health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide such individuals with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this Act to implement reasonable, comprehensive, and effective health care liability reform that is designed to—

(1) ensure that individuals with meritorious health care injury claims receive fair and adequate compensation;

(2) improve the availability of health care service in cases in which health care liability actions have been shown to be a factor in the decreased availability of services; and

(3) improve the fairness and cost-effectiveness of the current health care liability system of the United States to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty and unpredictability in the amount of compensation provided to injured individuals.

SEC. 102. DEFINITIONS.

As used in this subtitle:

(1) CLAIMANT.—The term "claimant" means any person who commences a health care liability action, and any person on whose behalf such an action is commenced, including the decedent in the case of an action brought through or on behalf of an estate.

(2) CLEAR AND CONVINCING EVIDENCE.—The term "clear and convincing evidence" means that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established, except that such measure or degree of proof is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt.

(3) COLLATERAL SOURCE RULE.—The term "collateral source rule" means a rule, either statutorily established or established at common law, that prevents the introduction of evidence regarding collateral source benefits or that prohibits the deduction of collateral source benefits from an award of damages in a health care liability action.

(4) CONTINGENCY FEE.—The term "contingency fee" means any fee for professional legal services which is, in whole or in part, contingent upon the recovery of any amount of damages, whether through judgment or settlement.

(5) ECONOMIC LOSSES.—The term "economic losses" means objectively verifiable monetary losses incurred as a result of the provision of (or failure to provide or pay for) health care services or the use of a medical product, including past and future medical expenses, loss of past and future earnings, cost of obtaining replacement services in the home (including child care, transportation, food preparation, and household care), cost of making reasonable accommodations to a personal residence, loss of employment, and loss of business or employment opportunities. Economic losses are neither noneconomic losses nor punitive damages.

(6) HEALTH CARE LIABILITY ACTION.—The term "health care liability action" means a civil action against a health care provider, health care professional, health plan, or other defendant, including a right to legal or equitable contribution, indemnity, subrogation, third-party claims, cross claims, or counter-claims, in which the claimant alleges injury related to the provision of, payment for, or the failure to provide or pay for, health care services or medical products, regardless of the theory of liability on which the action is based. Such term does not include a product liability action, except where such an action is brought as part of a broader health care liability action.

(7) HEALTH PLAN.—The term "health plan" means any person or entity which is obligated to provide or pay for health benefits under any health insurance arrangement, including any person or entity acting under a contract or arrangement to provide, arrange for, or administer any health benefit.

(8) HEALTH CARE PROFESSIONAL.—The term "health care professional" means any individual who provides health care services in a State and who is required by Federal or State laws or regulations to be licensed, registered or certified to provide such services or who is certified to provide health care services pursuant to a program of education, training and examination by an accredited institution, professional board, or professional organization.

(9) HEALTH CARE PROVIDER.—The term "health care provider" means any organization or institution that is engaged in the delivery of health care items or services in a State and that is required by Federal or State laws or regulations to be licensed, registered or certified to engage in the delivery of such items or services.

(10) HEALTH CARE SERVICES.—The term "health care services" means any services provided by a health care professional, health care provider, or health plan or any individual working under the supervision of a health care professional, that relate to the diagnosis, prevention, or treatment of any disease or impairment, or the assessment of the health of human beings.

(11) INJURY.—The term "injury" means any illness, disease, or other harm that is the subject of a health care liability action.

(12) MEDICAL PRODUCT.—The term "medical product" means a drug (as defined in section

201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) or a medical device as defined in section 201(h) of such Act (21 U.S.C. 321(h)), including any component or raw material used therein, but excluding health care services, as defined in paragraph (9).

(13) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of consortium, loss of society or companionship (other than loss of domestic services), and other nonpecuniary losses incurred by an individual with respect to which a health care liability action is brought. Noneconomic losses are neither economic losses nor punitive damages.

(14) PUNITIVE DAMAGES.—The term "punitive damages" means damages awarded, for the purpose of punishment or deterrence, and not for compensatory purposes, against a health care professional, health care provider, or other defendant in a health care liability action. Punitive damages are neither economic nor noneconomic damages.

(15) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(16) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 103. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (c), this subtitle shall apply with respect to any health care liability action brought in any Federal or State court, except that this subtitle shall not apply to an action for damages arising from a vaccine-related injury or death to the extent that title XXI of the Public Health Service Act (42 U.S.C. 300aa-1) applies to the action.

(b) PREEMPTION.—

(1) IN GENERAL.—The provisions of this subtitle shall preempt any State law existing on, or enacted subsequent to, the date of enactment of this Act, only to the extent that such law is inconsistent with the limitations contained in such provisions and shall not preempt State law to the extent that such law—

(A) places greater restrictions on the amount of or standards for awarding noneconomic or punitive damages;

(B) places greater limitations on the awarding of attorneys fees for awards in excess of $150,000;

(C) permits a lower threshold for the periodic payment of future damages;

(D) establishes a shorter period during which a health care liability action may be initiated or a more restrictive rule with respect to the time at which the period of limitations begins to run; or

(E) implements collateral source rule reform that either permits the introduction of evidence of collateral source benefits or provides for the mandatory offset of collateral source benefits from damage awards.

(2) RULES OF CONSTRUCTION.—The provisions of this subtitle shall not be construed to preempt any State law that—

(A) permits State officials to commence health care liability actions as a representative of an individual;

(B) permits provider-based dispute resolution;

(C) places a maximum limit on the total damages in a health care liability action;

(D) places a maximum limit on the time in which a health care liability action may be initiated; or

(E) provides for defenses in addition to those contained in this Act.

(c) EFFECT ON SOVEREIGN IMMUNITY AND CHOICE OF LAW OR VENUE.—Nothing in this subtitle shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) waive or affect any defense of sovereign immunity asserted by the United States;

(3) affect the applicability of any provision of the Foreign Sovereign Immunities Act of 1976;

(4) preempt State choice-of-law rules with respect to actions brought by a foreign nation or a citizen of a foreign nation;

(5) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss an action of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(6) supersede any provision of Federal law.

(d) FEDERAL COURT JURISDICTION NOT ESTABLISHED ON FEDERAL QUESTION GROUNDS.—Nothing in this subtitle shall be construed to establish any jurisdiction in the district courts of the United States over health care liability actions on the basis of section 1331 or 1337 of title 28, United States Code.

SEC. 104. STATUTE OF LIMITATIONS.

A health care liability action that is subject to this Act may not be initiated unless a complaint with respect to such action is filed within the 2-year period beginning on the date on which the claimant discovered or, in the exercise of reasonable care, should have discovered the injury and its cause, except that such an action relating to a claimant under legal disability may be filed within 2 years after the date on which the disability ceases. If the commencement of a health care liability action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

SEC. 105. REFORM OF PUNITIVE DAMAGES.

(a) LIMITATION.—With respect to a health care liability action, an award for punitive damages may only be made, if otherwise permitted by applicable law, if it is proven by clear and convincing evidence that the defendant—

(1) intended to injure the claimant for a reason unrelated to the provision of health care services;

(2) understood the claimant was substantially certain to suffer unnecessary injury, and in providing or failing to provide health care services, the defendant deliberately failed to avoid such injury; or

(3) acted with a conscious, flagrant disregard of a substantial and unjustifiable risk of unnecessary injury which the defendant failed to avoid in a manner which constitutes a gross deviation from the normal standard of conduct in such circumstances.

(b) PUNITIVE DAMAGES NOT PERMITTED.—Notwithstanding the provisions of subsection (a), punitive damages may not be awarded against a defendant with respect to any health care liability action if no judgment for compensatory damages, including nominal damages (under $500), is rendered against the defendant.

(c) PROCEDURE FOR DETERMINING PUNITIVE DAMAGES.—

(1) IN GENERAL.—In any health care liability action subject to this subtitle in which punitive damages are recoverable, the trier of fact shall determine, concurrent with all other issues presented in such action, whether such damages shall be allowed. If the trier of fact determines that such damages are allowed, a separate proceeding shall be conducted by the court to determine the amount of such damages to be awarded.

(2) SEPARATE PROCEEDING.—At a separate proceeding to determine the amount of punitive damages to be awarded under paragraph (1), the court shall consider the following:

(A) The severity of the harm caused by the conduct of the defendant.

(B) The duration of the conduct or any concealment of such conduct by the defendant.

(C) The profitability of the conduct of the defendant.

(D) The number of products sold or medical procedures rendered for compensation, as the case may be, by the defendant of the kind causing the harm complained of by the claimant.

(E) The total deterrent effect of other damages and punishment imposed upon the defendant as a result of the misconduct, including compensatory, exemplary and punitive damage awards to individuals in situations similar to those of the claimant and the severity of any criminal or administrative penalties, or civil fines, to which the defendant has been or may be subjected.

(3) DETERMINATION.—At the conclusion of a separate proceeding under paragraph (1), the court shall determine the amount of punitive damages to be awarded with respect to the health care liability action involved and shall enter judgment for that amount. The court shall clearly state its reasons for setting the amount of such award in findings of fact and conclusions of law, demonstrating consideration of each of the factors described in paragraph (2).

(d) LIMITATION AMOUNT.—The amount of damages that may be awarded as punitive damages in any health care liability action shall not exceed 3 times the amount awarded to the claimant for the economic injury on which such claim is based, or $250,000, whichever is greater. This subsection shall be applied by the court and shall not be disclosed to the jury.

(e) RESTRICTIONS PERMITTED.—Nothing in this Act shall be construed to imply a right to seek punitive damages where none exists under Federal or State law.

SEC. 106. PERIODIC PAYMENTS.

With respect to a health care liability action, if the award of future damages exceeds $100,000, the adjudicating body shall, at the request of either party, enter a judgment ordering that future damages be paid on a periodic basis in accordance with the guidelines contained in the Uniform Periodic Payments of Judgments Act, as promulgated by the National Conference of Commissioners on Uniform State Laws in July of 1990. The adjudicating body may waive the requirements of this section if such body determines that such a waiver is in the interests of justice.

SEC. 107. SCOPE OF LIABILITY.

(a) IN GENERAL.—With respect to punitive and noneconomic damages, the liability of each defendant in a health care liability action shall be several only and may not be joint. Such a defendant shall be liable only for the amount of punitive or noneconomic damages allocated to the defendant in direct proportion to such defendant's percentage of fault or responsibility for the injury suffered by the claimant.

(b) DETERMINATION OF PERCENTAGE OF LIABILITY.—With respect to punitive or noneconomic damages, the trier of fact in a health care liability action shall determine the extent of each party's fault or responsibility for injury suffered by the claimant, and shall assign a percentage of responsibility for such injury to each such party.

SEC. 108. MANDATORY OFFSETS FOR DAMAGES PAID BY A COLLATERAL SOURCE.

(a) IN GENERAL.—With respect to a health care liability action, the total amount of damages received by an individual under such action shall be reduced, in accordance with subsection (b), by any other payment that has been, or will be, made to an individual to compensate such individual for the injury that was the subject of such action.

(b) AMOUNT OF REDUCTION.—The amount by which an award of damages to an individual for an injury shall be reduced under subsection (a) shall be—

(1) the total amount of any payments (other than such award) that have been made or that will be made to such individual to pay costs of or compensate such individual for the injury that was the subject of the action; minus

(2) the amount paid by such individual (or by the spouse, parent, or legal guardian of such individual) to secure the payments described in paragraph (1).

(c) DETERMINATION OF AMOUNTS FROM COLLATERAL SERVICES.—The reductions required under subsection (b) shall be determined by the court in a pretrial proceeding. At the subsequent trial—

(1) no evidence shall be admitted as to the amount of any charge, payments, or damage for which a claimant—

(A) has received payment from a collateral source or the obligation for which has been assured by a third party; or

(B) is, or with reasonable certainty, will be eligible to receive payment from a collateral source of the obligation which will, with reasonable certainty be assumed by a third party; and

(2) the jury, if any, shall be advised that—

(A) except for damages as to which the court permits the introduction of evidence, the claimant's medical expenses and lost income have been or will be paid by a collateral source or third party; and

(B) the claimant shall receive no award for any damages that have been or will be paid by a collateral source or third party.

SEC. 109. TREATMENT OF ATTORNEYS' FEES AND OTHER COSTS.

(a) LIMITATION ON AMOUNT OF CONTINGENCY FEES.—An attorney who represents, on a contingency fee basis, a claimant in a health care liability action may not charge, demand, receive, or collect for services rendered in connection with such action in excess of the following amount recovered by judgment or settlement under such action:

(1) 33⅓ percent of the first $150,000 (or portion thereof) recovered, based on after-tax recovery, plus

(2) 25 percent of any amount in excess of $150,000 recovered, based on after-tax recovery.

(b) CALCULATION OF PERIODIC PAYMENTS.—In the event that a judgment or settlement includes periodic or future payments of damages, the amount recovered for purposes of computing the limitation on the contingency fee under subsection (a) shall be based on the cost of the annuity or trust established to make the payments. In any case in which an annuity or trust is not established to make such payments, such amount shall be based on the present value of the payments.

SEC. 110. OBSTETRIC CASES.

With respect to a health care liability action relating to services provided during labor or the delivery of a baby, if the health care professional against whom the action is brought did not previously treat the pregnant woman for the pregnancy, the trier of fact may not find that the defendant committed malpractice and may not assess damages against the health care professional unless the malpractice is proven by clear and convincing evidence.

SEC. 111. STATE-BASED ALTERNATIVE DISPUTE RESOLUTION MECHANISMS.

(a) ESTABLISHMENT BY STATES.—Each State is encouraged to establish or maintain alternative dispute resolution mechanisms that promote the resolution of health care liability claims in a manner that—

(1) is affordable for the parties involved in the claims;

(2) provides for the timely resolution of claims; and

(3) provides the parties with convenient access to the dispute resolution process.

(b) GUIDELINES.—The Attorney General, in consultation with the Secretary and the Administrative Conference of the United States, shall develop guidelines with respect to alternative dispute resolution mechanisms that may be established by States for the resolution of health care liability claims. Such guidelines shall include procedures with respect to the following methods of alternative dispute resolution:

(1) ARBITRATION.—The use of arbitration, a nonjury adversarial dispute resolution process which may, subject to subsection (c), result in a final decision as to facts, law, liability or damages. The parties may elect binding arbitration.

(2) MEDIATION.—The use of mediation, a settlement process coordinated by a neutral third party without the ultimate rendering of a formal opinion as to factual or legal findings.

(3) EARLY NEUTRAL EVALUATION.—The use of early neutral evaluation, in which the parties make a presentation to a neutral attorney or other neutral evaluator for an assessment of the merits, to encourage settlement. If the parties do not settle as a result of assessment and proceed to trial, the neutral evaluator's opinion shall be kept confidential.

(4) EARLY OFFER AND RECOVERY MECHANISM.—The use of early offer and recovery mechanisms under which a health care provider, health care organization, or any other alleged responsible defendant may offer to compensate a claimant for his or her reasonable economic damages, including future economic damages, less amounts available from collateral sources.

(5) NO FAULT.—The use of a no-fault statute under which certain health care liability actions are barred and claimants are compensated for injuries through their health plans or through other appropriate mechanisms.

(c) FURTHER REDRESS.—

(1) IN GENERAL.—The extent to which any party may seek further redress (subsequent to a decision of an alternative dispute resolution method) concerning a health care liability claim in a Federal or State court shall be dependent upon the methods of alternative dispute resolution adopted by the State.

(2) CLAIMANT.—With respect to further redress described in paragraph (1), if the party initiating such court action is the claimant and the claimant receives a level of damages that is at least 25 percent less under the decision of the court than under the State alternative dispute resolution method, such party shall bear the reasonable costs, including legal fees, incurred in the court action by the other party or parties to such action.

(3) PROVIDER OR OTHER DEFENDANT.—With respect to further redress described in paragraph (1), if the party initiating a court action is the health care professional, health care provider health plan, or other defendant in a health care liability action and the health care professional, health care provider, health plan or other defendant is found liable for a level of damages that is at least 25 percent more under the decision of the court than under the State alternative dispute resolution method, such party shall bear the reasonable costs, including legal fees, incurred in the court action by the other party or parties to such action.

(d) TECHNICAL ASSISTANCE AND EVALUATIONS.—

(1) TECHNICAL ASSISTANCE.—The Attorney General may provide States with technical assistance in establishing or maintaining alternative dispute resolution mechanisms under this section.

(2) EVALUATIONS.—The Attorney General, in consultation with the Secretary and the Administrative Conference of the United States, shall monitor and evaluate the effectiveness of State alternative dispute resolution mechanisms established or maintained under this section.

SEC. 112. REQUIREMENT OF CERTIFICATE OF MERIT.

(a) REQUIRING SUBMISSION WITH COMPLAINT.—Except as provided in subsection (b) and subject to the penalties of subsection (d), no health care liability action may be brought by any individual unless, at the time the individual commences such action, the individual or the individual's attorney submits an affidavit declaring that—

(1) the individual (or the individual's attorney) has consulted and reviewed the facts of the claim with a qualified specialist (as defined in subsection (c));

(2) the individual or the individual's attorney has obtained a written report by a qualified specialist that clearly identifies the individual and that includes the specialist's determination that, based upon a review of the available medical record and other relevant material, a reasonable medical interpretation of the facts supports a finding that the claim against the defendant is meritorious and based on good cause; and

(3) on the basis of the qualified specialist's review and consultation, the individual, and if represented, the individual's attorney, have concluded that the claim is meritorious and based on good cause.

(b) EXTENSION IN CERTAIN INSTANCES.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall not apply with respect to an individual who brings a health care liability action without submitting an affidavit described in such subsection if—

(A) despite good faith efforts, the individual is unable to obtain the written report before the expiration of the applicable statute of limitations;

(B) despite good faith efforts, at the time the individual commences the action, the individual has been unable to obtain medical records or other information necessary, pursuant to any applicable law, to prepare the written report requested; or

(C) the court of competent jurisdiction determines that the affidavit requirement shall be extended upon a showing of good cause.

(2) DEADLINE FOR SUBMISSION WHERE EXTENSION APPLIES.—In the case of an individual who brings an action to which paragraph (1) applies, the action shall be dismissed unless the individual submits the affidavit described in subsection (a) not later than—

(A) in the case of an action to which subparagraph (A) of paragraph (1) applies, 90 days after commencing the action; or

(B) in the case of an action to which subparagraph (B) of paragraph (1) applies, 90 days after obtaining the information described in such subparagraph or when good cause for an extension no longer exists.

(c) QUALIFIED SPECIALIST DEFINED.—

(1) IN GENERAL.—As used in subsection (a), the term "qualified specialist" means, with respect to a health care liability action, a health care professional who has expertise in the same or substantially similar area of practice to that involved in the action.

(2) EVIDENCE OF EXPERTISE.—For purposes of paragraph (1), evidence of required expertise may include evidence that the individual—

(A) practices (or has practiced) or teaches (or has taught) in the same or substantially similar area of health care or medicine to that involved in the action; or

(B) is otherwise qualified by experience or demonstrated competence in the relevant practice area.

(d) SANCTIONS FOR SUBMITTING FALSE AFFIDAVIT.—Upon the motion of any party or on its own initiative, the court in a health care liability action may impose a sanction on a party, the party's attorney, or both, for—

(1) any knowingly false statement made in an affidavit described in subsection (a);

(2) making any false representations in order to obtain a qualified specialist's report; or

(3) failing to have the qualified specialist's written report in his or her custody and control;

and may require that the sanctioned party reimburse the other party to the action for costs and reasonable attorney's fees.

Subtitle B—Biomaterials Access Assurance

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Biomaterials Access Assurance Act of 1997".

SEC. 122. FINDINGS.

Congress finds that—

(1) each year millions of citizens of the United States depend on the availability of lifesaving or life enhancing medical devices, many of which are permanently implantable within the human body;

(2) a continued supply of raw materials and component parts is necessary for the invention, development, improvement, and maintenance of the supply of the devices;

(3) most of the medical devices are made with raw materials and component parts that—

(A) are not designed or manufactured specifically for use in medical devices; and

(B) come in contact with internal human tissue;

(4) the raw materials and component parts also are used in a variety of nonmedical products;

(5) because small quantities of the raw materials and component parts are used for medical devices, sales of raw materials and component parts for medical devices constitute an extremely small portion of the overall market for the raw materials and medical devices;

(6) under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), manufacturers of medical devices are required to demonstrate that the medical devices are safe and effective, including demonstrating that the products are properly designed and have adequate warnings or instructions;

(7) notwithstanding the fact that raw materials and component parts suppliers do not design, produce, or test a final medical device, the suppliers have been the subject of actions alleging inadequate—

(A) design and testing of medical devices manufactured with materials or parts supplied by the suppliers; or

(B) warnings related to the use of such medical devices;

(8) even though suppliers of raw materials and component parts have very rarely been held liable in such actions, such suppliers have ceased supplying certain raw materials and component parts for use in medical devices because the costs associated with litigation in order to ensure a favorable judgment for the suppliers far exceeds the total potential sales revenues from sales by such suppliers to the medical device industry;

(9) unless alternate sources of supply can be found, the unavailability of raw materials and component parts for medical devices will lead to unavailability of lifesaving and life-enhancing medical devices;

(10) because other suppliers of the raw materials and component parts in foreign nations are refusing to sell raw materials or component parts for use in manufacturing certain medical devices in the United States, the prospects for development of new sources of supply for the full range of threatened raw materials and component parts for medical devices are remote;

(11) it is unlikely that the small market for such raw materials and component parts in the United States could support the large investment needed to develop new suppliers of such raw materials and component parts;

(12) attempts to develop such new suppliers would raise the cost of medical devices;

(13) courts that have considered the duties of the suppliers of the raw materials and component parts have generally found that the suppliers do not have a duty—

(A) to evaluate the safety and efficacy of the use of a raw material or component part in a medical device; and

(B) to warn consumers concerning the safety and effectiveness of a medical device;

(14) attempts to impose the duties referred to in subparagraphs (A) and (B) of paragraph (13) on suppliers of the raw materials and component parts would cause more harm than good by driving the suppliers to cease supplying manufacturers of medical devices; and

(15) in order to safeguard the availability of a wide variety of lifesaving and life-enhancing medical devices, immediate action is needed—

(A) to clarify the permissible bases of liability for suppliers of raw materials and component parts for medical devices; and

(B) to provide expeditious procedures to dispose of unwarranted suits against the suppliers in such manner as to minimize litigation costs.

SEC. 123. DEFINITIONS.

As used in this subtitle:

(1) BIOMATERIALS SUPPLIER.—

(A) IN GENERAL.—The term "biomaterials supplier" means an entity that directly or indirectly supplies a component part or raw material for use in the manufacture of an implant.

(B) PERSONS INCLUDED.—Such term includes any person who—

(i) has submitted master files to the Secretary for purposes of premarket approval of a medical device; or

(ii) licenses a biomaterials supplier to produce component parts or raw materials.

(2) CLAIMANT.—

(A) IN GENERAL.—The term "claimant" means any person who brings a civil action, or on whose behalf a civil action is brought, arising from harm allegedly caused directly or indirectly by an implant, including a person other than the individual into whose body, or in contact with whose blood or tissue, the implant is placed, who claims to have suffered harm as a result of the implant.

(B) ACTION BROUGHT ON BEHALF OF AN ESTATE.—With respect to an action brought on behalf of or through the estate of an individual into whose body, or in contact with whose blood or tissue the implant is placed, such term includes the decedent that is the subject of the action.

(C) ACTION BROUGHT ON BEHALF OF A MINOR OR INCOMPETENT.—With respect to an action brought on behalf of or through a minor or incompetent, such term includes the parent or guardian of the minor or incompetent.

(D) EXCLUSIONS.—Such term does not include—

(i) a provider of professional health care services, in any case in which—

(I) the sale or use of an implant is incidental to the transaction; and

(II) the essence of the transaction is the furnishing of judgment, skill, or services;

(ii) a person acting in the capacity of a manufacturer, seller, or biomaterials supplier; or

(iii) a person alleging harm caused by either the silicone gel or the silicone envelope utilized in a breast implant containing silicone gel, except that—

(I) neither the exclusion provided by this clause nor any other provision of this subtitle may be construed as a finding that silicone gel (or any other form of silicone) may or may not cause harm; and

(II) the existence of the exclusion under this clause may not—

(aa) be disclosed to a jury in any civil action or other proceeding; and

(bb) except as necessary to establish the applicability of this subtitle, otherwise be presented in any civil action or other proceeding.

(3) COMPONENT PART.—

(A) IN GENERAL.—The term "component part" means a manufactured piece of an implant.

(B) CERTAIN COMPONENTS.—Such term includes a manufactured piece of an implant that—

(i) has significant non-implant applications; and

(ii) alone, has no implant value or purpose, but when combined with other component parts and materials, constitutes an implant.

(4) HARM.—

(A) IN GENERAL.—The term "harm" means—

(i) any injury to or damage suffered by an individual;

(ii) any illness, disease, or death of that individual resulting from that injury or damage; and

(iii) any loss to that individual or any other individual resulting from that injury or damage.

(B) EXCLUSION.—The term does not include any commercial loss or loss of or damage to an implant.

(5) IMPLANT.—The term "implant" means—

(A) a medical device that is intended by the manufacturer of the device—

(i) to be placed into a surgically or naturally formed or existing cavity of the body for a period of at least 30 days; or

(ii) to remain in contact with bodily fluids or internal human tissue through a surgically produced opening for a period of less than 30 days; and

(B) suture materials used in implant procedures.

(6) MANUFACTURER.—The term "manufacturer" means any person who, with respect to an implant—

(A) is engaged in the manufacture, preparation, propagation, compounding, or processing (as defined in section 510(a)(1)) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(a)(1)) of the implant; and

(B) is required—

(i) to register with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) to include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section.

(7) MEDICAL DEVICE.—The term "medical device" means a device, as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) and includes any device component of any combination product as that term is used in section 503(g) of such Act (21 U.S.C. 353(g)).

(8) RAW MATERIAL.—The term "raw material" means a substance or product that—

(A) has a generic use; and

(B) may be used in an application other than an implant.

(9) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(10) SELLER.—

(A) IN GENERAL.—The term "seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, packages, labels, or otherwise places an implant in the stream of commerce.

(B) EXCLUSIONS.—The term does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services, in any case in which the sale or use of an implant is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who acts in only a financial capacity with respect to the sale of an implant.

SEC. 124. GENERAL REQUIREMENTS; APPLICABILITY; PREEMPTION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—In any civil action covered by this subtitle, a biomaterials supplier may raise any defense set forth in section 125.

(2) PROCEDURES.—Notwithstanding any other provision of law, the Federal or State court in which a civil action covered by this subtitle is pending shall, in connection with a motion for dismissal or judgment based on a defense described in paragraph (1), use the procedures set forth in section 126.

(b) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, this subtitle applies to any civil action brought by a claimant, whether in a Federal or State court, against a manufacturer, seller, or biomaterials supplier, on the basis of any legal theory, for harm allegedly caused by an implant.

(2) EXCLUSION.—A civil action brought by a purchaser of a medical device for use in providing professional services against a manufacturer, seller, or biomaterials supplier for loss or damage to an implant or for commercial loss to the purchaser—

(A) shall not be considered an action that is subject to this subtitle; and

(B) shall be governed by applicable commercial or contract law.

(c) SCOPE OF PREEMPTION.—

(1) IN GENERAL.—This subtitle supersedes any State law regarding recovery for harm caused by an implant and any rule of procedure applicable to a civil action to recover damages for such harm only to the extent that this subtitle establishes a rule of law applicable to the recovery of such damages.

(2) APPLICABILITY OF OTHER LAWS.—Any issue that arises under this subtitle and that is not governed by a rule of law applicable to the recovery of damages described in paragraph (1) shall be governed by applicable Federal or State law.

(d) STATUTORY CONSTRUCTION.—Nothing in this subtitle may be construed—

(1) to affect any defense available to a defendant under any other provisions of Federal or State law in an action alleging harm caused by an implant; or

(2) to create a cause of action or Federal court jurisdiction pursuant to section 1331 or 1337 of title 28, United States Code, that otherwise would not exist under applicable Federal or State law.

SEC. 125. LIABILITY OF BIOMATERIALS SUPPLIERS.

(a) IN GENERAL.—

(1) EXCLUSION FROM LIABILITY.—Except as provided in paragraph (2), a biomaterials supplier shall not be liable for harm to a claimant caused by an implant.

(2) LIABILITY.—A biomaterials supplier that—

(A) is a manufacturer may be liable for harm to a claimant described in subsection (b);

(B) is a seller may be liable for harm to a claimant described in subsection (c); and

(C) furnishes raw materials or component parts that fail to meet applicable contractual requirements or specifications may be liable for a harm to a claimant described in subsection (d).

(b) LIABILITY AS MANUFACTURER.—

(1) IN GENERAL.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant if the biomaterials supplier is the manufacturer of the implant.

(2) GROUNDS FOR LIABILITY.—The biomaterials supplier may be considered the manufacturer of the implant that allegedly caused harm to a claimant only if the biomaterials supplier—

(A)(i) has registered with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) included the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section;

(B) is the subject of a declaration issued by the Secretary pursuant to paragraph (3) that states that the supplier, with respect to the implant that allegedly caused harm to the claimant, was required to—

(i) register with the Secretary under section 510 of such Act (21 U.S.C. 360), and the regulations issued under such section, but failed to do so; or

(ii) include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section, but failed to do so; or

(C) is related by common ownership or control to a person meeting all the requirements described in subparagraph (A) or (B), if the court deciding a motion to dismiss in accordance with section 126(c)(3)(B)(i) finds, on the basis of affidavits submitted in accordance with section 126, that it is necessary to impose liability on the biomaterials supplier as a manufacturer because the related manufacturer meeting the requirements of subparagraph (A) or (B) lacks sufficient financial resources to satisfy any judgment that the court feels it is likely to enter should the claimant prevail.

(3) ADMINISTRATIVE PROCEDURES.—

(A) IN GENERAL.—The Secretary may issue a declaration described in paragraph (2)(B) on the motion of the Secretary or on petition by any person, after providing—

(i) notice to the affected persons; and

(ii) an opportunity for an informal hearing.

(B) DOCKETING AND FINAL DECISION.—Immediately upon receipt of a petition filed pursuant to this paragraph, the Secretary shall docket the petition. Not later than 180 days after the petition is filed, the Secretary shall issue a final decision on the petition.

(C) APPLICABILITY OF STATUTE OF LIMITATIONS.—Any applicable statute of limitations shall toll during the period during which a claimant has filed a petition with the Secretary under this paragraph.

(c) LIABILITY AS SELLER.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable as a seller for harm to a claimant caused by an implant if—

(1) the biomaterials supplier—

(A) held title to the implant that allegedly caused harm to the claimant as a result of purchasing the implant after—

(i) the manufacture of the implant; and

(ii) the entrance of the implant in the stream of commerce; and

(B) subsequently resold the implant; or

(2) the biomaterials supplier is related by common ownership or control to a person meeting all the requirements described in paragraph (1), if a court deciding a motion to dismiss in accordance with section 126(c)(3)(B)(ii) finds, on the basis of affidavits submitted in accordance with section 126, that it is necessary to impose liability on the biomaterials supplier as a seller because the related seller meeting the requirements of paragraph (1) lacks sufficient financial resources to satisfy any judgment that the court feels it is likely to enter should the claimant prevail.

(d) LIABILITY FOR VIOLATING CONTRACTUAL REQUIREMENTS OR SPECIFICATIONS.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant, if the claimant in an action shows, by a preponderance of the evidence, that—

(1) the raw materials or component parts delivered by the biomaterials supplier either—

(A) did not constitute the product described in the contract between the biomaterials supplier and the person who contracted for delivery of the product; or

(B) failed to meet any specifications that were—

(i) provided to the biomaterials supplier and not expressly repudiated by the biomaterials supplier prior to acceptance of delivery of the raw materials or component parts;

(ii)(I) published by the biomaterials supplier;

(II) provided to the manufacturer by the biomaterials supplier; or

(III) contained in a master file that was submitted by the biomaterials supplier to the Secretary and that is currently maintained by the biomaterials supplier for purposes of premarket approval of medical devices; or

(iii) included in the submissions for purposes of premarket approval or review by the Secretary under section 510, 513, 515, or 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360, 360c, 360e, or 360j), and received clearance from the Secretary if such specifications were provided by the manufacturer to the biomaterials supplier and were not expressly repudiated by the biomaterials supplier prior to the acceptance by the manufacturer of delivery of the raw materials or component parts; and

(2) such conduct was an actual and proximate cause of the harm to the claimant.

SEC. 126. PROCEDURES FOR DISMISSAL OF CIVIL ACTIONS AGAINST BIOMATERIALS SUPPLIERS.

(a) MOTION TO DISMISS.—In any action that is subject to this subtitle, a biomaterials supplier who is a defendant in such action may, at any time during which a motion to dismiss may be filed under an applicable law, move to dismiss the action against it on the grounds that—

(1) the defendant is a biomaterials supplier; and

(2)(A) the defendant should not, for the purposes of—

(i) section 125(b), be considered to be a manufacturer of the implant that is subject to such section; or

(ii) section 125(c), be considered to be a seller of the implant that allegedly caused harm to the claimant; or

(B)(i) the claimant has failed to establish, pursuant to section 125(d), that the supplier furnished raw materials or component parts in violation of contractual requirements or specifications; or

(ii) the claimant has failed to comply with the procedural requirements of subsection (b).

(b) MANUFACTURER OF IMPLANT SHALL BE NAMED A PARTY.—The claimant shall be required to name the manufacturer of the implant as a party to the action, unless—

(1) the manufacturer is subject to service of process solely in a jurisdiction in which the biomaterials supplier is not domiciled or subject to a service of process; or

(2) an action against the manufacturer is barred by applicable law.

(c) PROCEEDING ON MOTION TO DISMISS.—The following rules shall apply to any proceeding on a motion to dismiss filed under this section:

(1) AFFIDAVITS RELATING TO LISTING AND DECLARATIONS.—

(A) IN GENERAL.—The defendant in the action may submit an affidavit demonstrating that defendant has not included the implant on a list, if any, filed with the Secretary pursuant to section 510(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(j)).

(B) RESPONSE TO MOTION TO DISMISS.—In response to the motion to dismiss, the claimant may submit an affidavit demonstrating that—

(i) the Secretary has, with respect to the defendant and the implant that allegedly caused harm to the claimant, issued a declaration pursuant to section 125(b)(2)(B); or

(ii) the defendant who filed the motion to dismiss is a seller of the implant who is liable under section 125(c).

(2) EFFECT OF MOTION TO DISMISS ON DISCOVERY.—

(A) IN GENERAL.—If a defendant files a motion to dismiss under paragraph (1) or (2) of subsection (a), no discovery shall be permitted in connection to the action that is the subject of the motion, other than discovery necessary to determine a motion to dismiss for lack of jurisdiction, until such time as the court rules on the motion to dismiss in accordance with the affidavits submitted by the parties in accordance with this section.

(B) DISCOVERY.—If a defendant files a motion to dismiss under subsection (a)(2)(B)(i) on the grounds that the biomaterials supplier did not furnish raw materials or component parts in violation of contractual requirements or specifications, the court may permit discovery, as ordered by the court. The discovery conducted pursuant to this subparagraph shall be limited to issues that are directly relevant to—

(i) the pending motion to dismiss; or

(ii) the jurisdiction of the court.

(3) AFFIDAVITS RELATING STATUS OF DEFENDANT.—

(A) IN GENERAL.—Except as provided in clauses (i) and (ii) of subparagraph (B), the court shall consider a defendant to be a biomaterials supplier who is not subject to an action for harm to a claimant caused by an implant, other than an action relating to liability for a violation of contractual requirements or specifications described in subsection (d).

(B) RESPONSES TO MOTION TO DISMISS.—The court shall grant a motion to dismiss any action that asserts liability of the defendant under subsection (b) or (c) of section 125 on the grounds that the defendant is not a manufacturer subject to such section 125(b) or seller subject to section 125(c), unless the claimant submits a valid affidavit that demonstrates that—

(i) with respect to a motion to dismiss contending the defendant is not a manufacturer, the defendant meets the applicable requirements for liability as a manufacturer under section 125(b); or

(ii) with respect to a motion to dismiss contending that the defendant is not a seller, the defendant meets the applicable requirements for liability as a seller under section 125(c).

(4) BASIS OF RULING ON MOTION TO DISMISS.—

(A) IN GENERAL.—The court shall rule on a motion to dismiss filed under subsection (a) solely on the basis of the pleadings of the parties made pursuant to this section and any affidavits submitted by the parties pursuant to this section.

(B) MOTION FOR SUMMARY JUDGMENT.—Notwithstanding any other provision of law, if the court determines that the pleadings and affidavits made by parties pursuant to this section raise genuine issues as concerning material facts with respect to a motion concerning contractual requirements and specifications, the court may deem the motion to dismiss to be a motion for summary judgment made pursuant to subsection (d).

(d) SUMMARY JUDGMENT.—

(1) IN GENERAL.—

(A) BASIS FOR ENTRY OF JUDGMENT.—A biomaterials supplier shall be entitled to entry of judgment without trial if the court finds there is no genuine issue as concerning any material fact for each applicable element set forth in paragraphs (1) and (2) of section 125(d).

(B) ISSUES OF MATERIAL FACT.—With respect to a finding made under subparagraph (A), the court shall consider a genuine issue of material fact to exist only if the evidence submitted by claimant would be sufficient to allow a reasonable jury to reach a verdict for the claimant if the jury found the evidence to be credible.

(2) DISCOVERY MADE PRIOR TO A RULING ON A MOTION FOR SUMMARY JUDGMENT.—If, under applicable rules, the court permits discovery prior to a ruling on a motion for summary judgment made pursuant to this subsection, such discovery shall be limited solely to establishing whether a genuine issue of material fact exists as to the applicable elements set forth in paragraphs (1) and (2) of section 125(d).

(3) DISCOVERY WITH RESPECT TO A BIOMATERIALS SUPPLIER.—A biomaterials supplier shall be subject to discovery in connection with a motion seeking dismissal or summary judgment on the basis of the inapplicability of section 125(d) or the failure to establish the applicable elements of section 125(d) solely to the extent permitted by the applicable Federal or State rules for discovery against nonparties.

(e) STAY PENDING PETITION FOR DECLARATION.—If a claimant has filed a petition for a declaration pursuant to section 125(b)(3)(A) with respect to a defendant, and the Secretary has not issued a final decision on the petition, the court shall stay all proceedings with respect to that defendant until such time as the Secretary has issued a final decision on the petition.

(f) MANUFACTURER CONDUCT OF PROCEEDING.—The manufacturer of an implant that is the subject of an action covered under this subtitle shall be permitted to file and conduct a proceeding on any motion for summary judgment or dismissal filed by a biomaterials supplier who is a defendant under this section if the manufacturer and any other defendant in such action enter into a valid and applicable contractual agreement under which the manufacturer agrees to bear the cost of such proceeding or to conduct such proceeding.

(g) ATTORNEY FEES.—The court shall require the claimant to compensate the biomaterials supplier (or a manufacturer appearing in lieu of a supplier pursuant to subsection (f)) for attorney fees and costs, if—

(1) the claimant named or joined the biomaterials supplier; and

(2) the court found the claim against the biomaterials supplier to be without merit and frivolous.

SEC. 127. APPLICABILITY.

This subtitle shall apply to all civil actions covered under this subtitle that are commenced on or after the date of enactment of this Act, including any such action with respect to which the harm asserted in the action or the conduct that caused the harm occurred before the date of enactment of this Act.

Subtitle C—Applicability

SEC. 131. APPLICABILITY.

This title shall apply to all civil actions covered under this title that are commenced on or after the date of enactment of this Act, including any such action with respect to which the harm asserted in the action or the conduct that caused the injury occurred before the date of enactment of this Act.

TITLE II—PROTECTION OF THE HEALTH AND SAFETY OF PATIENTS

SEC. 201. ADDITIONAL RESOURCES FOR STATE HEALTH CARE QUALITY ASSURANCE AND ACCESS ACTIVITIES.

Each State shall require that not less than 50 percent of all awards of punitive damages resulting from all health care liability actions in that State, if punitive damages are otherwise permitted by applicable law, be used for activities relating to—

(1) the licensing, investigating, disciplining, and certification of health care professionals in the State; and

(2) the reduction of malpractice-related costs for health care providers volunteering to provide health care services in medically underserved areas.

SEC. 202. QUALITY ASSURANCE, PATIENT SAFETY, AND CONSUMER INFORMATION.

(a) ADVISORY PANEL.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Agency for Health Care Policy and Research (hereafter referred to in this section as the "Administrator") shall establish an advisory panel to coordinate and evaluate, methods, procedures, and data to enhance the quality, safety, and effectiveness of health care services provided to patients.

(2) PARTICIPATION.—In establishing the advisory panel under paragraph (1), the Administrator shall ensure that members of the panel include representatives of public and private sector entities having expertise in quality assurance, risk assessment, risk management, patient safety, and patient satisfaction.

(3) OBJECTIVES.—In carrying out the duties described in this section, the Administrator, acting through the advisory panel established under paragraph (1), shall conduct a survey of public and private entities involved in quality assurance, risk assessment, patient safety, patient satisfaction, and practitioner licensing. Such survey shall include the gathering of data with respect to—

(A) performance measures of quality for health care providers and health plans;

(B) developments in survey methodology, sampling, and audit methods;

(C) methods of medical practice and patterns, and patient outcomes; and

(D) methods of disseminating information concerning successful health care quality improvement programs, risk management and patient safety programs, practice guidelines, patient satisfaction, and practitioner licensing.

(b) GUIDELINES.—Not later than 2 years after the date of enactment of this Act, the Administrator shall, in accordance with chapter 5 of title 5, United States Code, establish health care quality assurance, patient safety and consumer information guidelines. Such guidelines shall be modified periodically when determined appropriate by the Administrator. Such guidelines shall be advisory in nature and not binding.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives, a report that contains—

(A) data concerning the availability of information relating to risk management, quality assessment, patient safety, and patient satisfaction;

(B) an estimation of the degree of consensus concerning the accuracy and content of the information available under subparagraph (A);

(C) a summary of the best practices used in the public and private sectors for disseminating information to consumers; and

(D) an evaluation of the National Practitioner Data Bank (as established under the Health Quality Improvement Act of 1986), for reliability and validity of the data and the effectiveness of the Data Bank in assisting hospitals and medical groups in overseeing the quality of practitioners.

(2) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall prepare and submit to the Committees referred to in paragraph (1) a report, based on the results of the advisory panel survey conducted under subsection (a)(3), concerning—

(A) the consensus of indicators of patient safety and risk;

(B) an assessment of the consumer perspective on health care quality that includes an examination of—

(i) the information most often requested by consumers;

(ii) the types of technical quality information that consumers find compelling;

(iii) the amount of information that consumers consider to be sufficient and the amount of such information considered overwhelming; and

(iv) the manner in which such information should be presented;

and recommendations for increasing the awareness of consumers concerning such information;

(C) proposed methods, building on existing data gathering and dissemination systems, for ensuring that such data is available and accessible to consumers, employers, hospitals, and patients;

(D) the existence of legal, regulatory, and practical obstacles to making such data available and accessible to consumers;

(E) privacy or proprietary issues involving the dissemination of such data;

(F) an assessment of the appropriateness of collecting such data at the Federal or State level;

(G) an evaluation of the value of permitting consumers to have access to information contained in the National Practitioner Data Bank and recommendations to improve the reliability and validity of the information; and

(H) the reliability and validity of data collected by the State medical boards and recommendations for developing investigation protocols.

(3) ANNUAL REPORT.—Not later than 1 year after the date of the submission of the report under paragraph (2), and each year thereafter, the Administrator shall prepare and submit to the Committees referred to in paragraph (1) a report concerning the progress of the advisory panel in the development of a consensus with respect to the findings of the panel and in the development and modification of the guidelines required under subsection (b).

(4) TERMINATION.—The advisory panel shall terminate on the date that is 3 years after the date of enactment of this Act.

TITLE III—SEVERABILITY

SEC. 301. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

HEALTH CARE LIABILITY REFORM AND QUALITY ASSURANCE ACT OF 1997

TITLE I—LIABILITY REFORM

SUBTITLE A—HEALTH CARE LIABILITY REFORM

1. Scope

The bill: Applies to any action, filed in federal or state court, against a health care provider, professional, payor, hmo, insurance company or any other defendant (except in cases based on vaccine-related injuries);

Preempts state law to the extent it is inconsistent with the provisions herein; no preemption for state laws which provide, among other things: a. additional defenses; b. greater limitations on attorneys' fees; c. greater restrictions on punitive or non-economic damages; d. maximum limit on the total damages.

Does not create federal jurisdiction for health care liability actions.

2. Uniform statute of limitations

Cases could be filed two years from the date that the injury was discovered or should have been discovered, except that any person under a legal disability may file within two years after the disability ceases.

3. Limit on punitive damages

Punitive damages will be awarded if it is proven by clear and convincing evidence that the defendant: a. intended to injure; b. understood claimant was substantially certain to suffer unnecessary injury and deliberately failed to avoid injury; or c. acted with conscious disregard of substantial and unjustifiable risk which defendant failed to avoid in a way which constitutes a gross deviation from the normal standard of conduct.

No punitive damages where compensatory damages of less than $500 are awarded.

Trier of fact determines if punitive damages are allowed. If so, then a separate proceeding is conducted by the court.

In determining the amount, court must consider only: a. severity of harm; b. duration of defendant's conduct and any concealment; c. profitability of defendant's conduct; d. number of products sold/procedures rendered which caused similar harm; e. similar awards of punitive damages in similar circumstances; f. criminal penalties imposed on defendant; g. civil fines imposed.

No award may exceed the greater of 3 times the amount of economic damages or $250,000.

4. Periodic payment of future damages

No more than $100,000 of future damages may be required to be paid in one single payment. The court will determine the schedule for payments, based on projection of future losses and reduced to present value. This requirement may be waived, in the interests of justice.

5. Several, not joint, liability

A defendant would be liable only for the amount of non-economic and punitive damages allocated to defendant's direct proportion of fault or responsibility. The trier of fact determines percentage of responsibility of each defendant.

6. Collateral source

Total damages must be reduced by payments from other sources to compensate individuals for injury that is the subject of the health care liability action. The offset is reduced by any amount paid by the injured party (or family member) to secure the payment. The reductions must be determined by the judge in a pretrial proceeding.

7. Attorneys' fees

This section limits attorney contingent fees to 33⅓% of the first $150,000 and 25% of any amount in excess of $150,000.

8. Obstetric cases

This section precludes a malpractice award against a health care professional relating to delivery of a baby, if the health care professional did not previously treat the woman during the pregnancy, unless malpractice is proven by clear and convincing evidence.

9. State-based alternative dispute resolution

Prior to the filing, or immediately following the filing of the action, the parties are encouraged to participate in a state administered alternative dispute resolution system.

The Attorney General will develop adr methods for use by the states, including arbitration, mediation, early neutral evaluation, early offer and recovery. The parties may elect binding arbitration.

10. Certificate of merit

The certificate of merit provision requires that, prior to bringing a lawsuit, an individual (or his or her attorney) must submit an affidavit declaring that a qualified specialist reviewed the facts and concluded that the claim is meritorious.

A qualified specialist means a health care professional with expertise (the specialist practices or teaches or has experience or demonstrated competence) in the same or substantially similar area of practice as that involved in the case.

A court may impose sanctions for the submission of a false affidavit.

SUBTITLE B—BIOMATERIAL ACCESS ASSURANCE

1. Summary

The Biomaterial Access Assurance Act would allow suppliers of the raw materials (biomaterial) used to make medical implants, to obtain dismissal, without extensive discovery or other legal costs, in certain tort suits in which plaintiffs allege harm from a finished medical implant.

TITLE II—PROTECTION OF PATIENT HEALTH AND SAFETY

1. Quality assurance

The quality assurance section requires each state to establish a health care quality assurance program and fund, approved by the Secretary of HHS. It also allocates 50% of all punitive damage awards to be transferred to the fund for the purpose of licensing and certifying health professionals, implementing programs, including programs to reduce malpractice costs for volunteers serving under served areas.

2. Risk management programs

Finally, professionals and providers must participate in a risk management program to prevent and provide early warning of practices which may result in injuries. Insurers also must establish risk management programs and require participation, once every 3 years, as a condition of maintaining insurance.

By Ms. MOSELEY-BRAUN (for herself and Mr. DEWINE):

S. 887. A bill to establish in the National Park Service the National Underground Railroad Network to Freedom Program, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM ACT OF 1997

Ms. MOSELEY-BRAUN. Mr. President, I am pleased to have the opportunity today to introduce the National Underground Railroad Network to Freedom Act of 1997.

The Underground Railroad, as my colleagues know, was among the most successful efforts in history in helping to undermine and destroy the institution of slavery in the United States. Beginning during the colonial period, this clandestine resistance movement reached its peak in the 19th century, helping hundreds of thousands of African-Americans flee servitude in the South and begin new lives in the North, and in Canada, Mexico, and the Caribbean.

Despite its historical significance, the Underground Railroad has not been officially recognized in any fashion. Consequently, in 1990, my distinguished former colleague, Senator Paul Simon, and former Congressman Pete Kostmayer of Pennsylvania, introduced legislation directing the National Park Service to explore and study options for commemorating the Underground Railroad. Congress passed that legislation later that year, and the National Park Service went to work gathering information on the routes and sites used by the Underground Railroad.

That study, completed in 1996, found that the Underground Railroad story was of national significance. The study documented over 380 sites, including 27 national park units, national historic landmarks, routes, privately owned buildings, and churches associated with this resistance movement. The study also found that many of these sites were in imminent danger of being lost or destroyed, and that despite a tremendous amount of interest in the Underground Railroad, little organized coordination and communication existed among interested individuals and organizations. The study reached a final recommendation that the U.S. Congress should authorize and fund a national initiative to support, preserve, and commemorate the sites and routes associated with the Underground Railroad.

Mr. President, the bill I am introducing today, along with my distinguished colleague from Ohio, Senator DEWINE, will enact many of the findings of that National Park Service study into law. Our bill, the National Underground Railroad Network to Freedom Act, will create within the National Park Service a nationwide network of historic buildings, routes, programs, projects, and museums that have certifiable thematic connections to the Underground Railroad. The bill will also allow the National Park Service to produce and disseminate educational and informational materials on the Underground Railroad, and enter into cooperative agreements with Federal agencies, State and local government, and historical societies to provide technical assistance and coordination among network participants. Participation in the network by private property owners is purely voluntary.

This bill does not create a new park unit in the traditional sense. In order to ensure the maximum safety and secrecy of its activities, the Underground Railroad was an amorphous and loosely organized system. No single site or route, therefore, completely characterizes the Underground Railroad, making it unfeasible that these sites could have boundaries and be operated as a traditional national park. Instead, it is the intent of this bill to create a network of cooperative partnerships, identified by an official or unifying symbol or device, at a limited annual operating cost.

Mr. President, we will never know how many individuals were freed from servitude, or how many Americans, black and white, women and men, mayors, ministers, businessmen, housewives, or former slaves endangered or sacrificed their lives in the defense of the belief that no American, and no human, should be bought, traded, or sold.

That's why I urge my colleagues to swiftly pass the Underground Railroad Network to Freedom Act. This bill grants Federal recognition to the Underground Railroad as a significant aspect of American history. This bill helps to preserve the structures and artifacts of an organized resistance movement for freedom. And finally, and most important, this bill commemorates those Americans whose efforts helped destroy the ugly legacy of slavery in this country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Underground Railroad Network to Freedom Act of 1997".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Underground Railroad, which flourished from the end of the 18th century to the end of the Civil War, was 1 of the most significant expressions of the American civil rights movement during its evolution over more than 3 centuries;

(2) the Underground Railroad bridged the divides of race, religion, sectional differences, and nationality, spanned State lines and international borders, and joined the American ideals of liberty and freedom expressed in the Declaration of Independence and the Constitution to the extraordinary actions of ordinary men and women working in common purpose to free a people;

(3) pursuant to title VI of Public Law 101–628 (16 U.S.C. 1a–5 note; 104 Stat. 4495), the Underground Railroad Advisory Committee conducted a study of the appropriate means of establishing an enduring national commemorative Underground Railroad program of education, example, reflection, and reconciliation;

(4) the Underground Railroad Advisory Committee found that—

(A) although a few elements of the Underground Railroad story are represented in existing National Park Service units and other sites, many sites are in imminent danger of being lost or destroyed, and many important resource types are not adequately represented and protected;

(B) there are many important sites that have high potential for preservation and visitor use in 29 States, the District of Columbia, and the Virgin Islands;

(C) no single site or route completely reflects and characterizes the Underground Railroad, since the Underground Railroad's story and associated resources involve networks and regions of the country rather than individual sites and trails; and

(D) establishment of a variety of partnerships between the Federal Government and other levels of government and the private sector would be most appropriate for the protection and interpretation of the Underground Railroad;

(5) the National Park Service can play a vital role in facilitating the national commemoration of the Underground Railroad; and

(6) the story and significance of the Underground Railroad can best engage the American people through a national program of the National Park Service that links historic buildings, structures, and sites, routes, geographic areas, and corridors, interpretive centers, museums, and institutions, and programs, activities, community projects, exhibits, and multimedia materials, in a manner that is both unified and flexible.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of—

(A) the Underground Railroad;

(B) the sacrifices made by slaves who used the Underground Railroad in search of freedom from tyranny and oppression; and

(C) the sacrifices made by the people who helped those slaves; and

(2) to authorize the National Park Service to coordinate and facilitate—

(A) Federal and non-Federal activities to commemorate, honor, and interpret the history of the Underground Railroad;

(B) the Underground Railroad's significance as a crucial element in the evolution of the national civil rights movement; and

(C) the Underground Railroad's relevance in fostering a spirit of racial harmony and national reconciliation.

SEC. 3. NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary") shall establish in the National Park Service a program to be known as the "National Underground Railroad Network to Freedom" (referred to in this Act as the "National Network"). Under the program, the Secretary shall—

(1) produce and disseminate appropriate educational materials, such as handbooks, maps, interpretive guides, or electronic information;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c); and

(3) create and adopt an official and uniform symbol or device for the National Network and issue regulations for use of the symbol or device.

(b) ELEMENTS.—The National Network shall include—

(1) any unit or program of the National Park Service determined by the Secretary to pertain to the Underground Railroad;

(2) any other Federal, State, local, or privately owned property pertaining to the Underground Railroad that has a verifiable connection to the Underground Railroad and that is included on, or determined by the Secretary to be eligible for inclusion on, the National Register of Historic Places;

(3) any other governmental or nongovernmental facility or program of an educational, research, or interpretive nature that is directly related to the Underground Railroad.

(c) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—To achieve the purposes of this Act and to ensure effective coordination of the Federal and non-Federal elements of the National Network referred to in subsection (b) with National Park Service units and programs, the Secretary may enter into a cooperative agreement or memorandum of understanding with, and provide technical assistance to—

(1) the head of another Federal agency, a State, a locality, a regional governmental body, or a private entity; or

(2) in cooperation with the Secretary of State, the Government of Canada, Mexico, or any appropriate country in the Caribbean.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act—

(1) $500,000 for fiscal year 1998; and

(2) $1,000,000 for each fiscal year thereafter.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 20, a bill to amend the Internal Revenue Code of 1986 to increase the rate and spread the benefits of economic growth, and for other purposes.

S. 28

At the request of Mr. THURMOND, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 387

At the request of Mr. HATCH, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 411

At the request of Mrs. HUTCHISON, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 419

At the request of Mr. BOND, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 496

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 555

At the request of Mr. ALLARD, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Oklahoma [Mr. INHOFE], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Kansas [Mr. ROBERTS], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 555, a bill to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund be distributed to States to carry out cooperative agreements for undertaking corrective action and for enforcement of subtitle I of that Act.

S. 561

At the request of Mr. SHELBY, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 561, a bill to require States receiving prison construction grants to implement requirements for inmates to perform work and engage in educational activities, to eliminate certain sentencing inequities for drug offenders, and for other purposes.

S. 622

At the request of Mr. HATCH, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 622, a bill to amend the Internal Revenue Code of 1986 to modify the application of the pension nondiscrimination rules to governmental plans.

S. 627

At the request of Mr. JEFFORDS, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 627, a bill to reauthorize the African Elephant Conservation Act.

S. 720

At the request of Mr. GRASSLEY, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 720, a bill to amend titles XVIII and XIX of the Social Security Act to expand and make permanent the availablity of cost-effective, comprehensive acute and long-term care services to frail elderly persons through Programs of All-inclusive Care for the Elderly (PACE) under the medicare and medicaid programs.

S. 725

At the request of Mr. CAMPBELL, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 725, a bill to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District.

S. 757

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Nebraska [Mr. HAGEL], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Virginia [Mr. ROBB], the Senator from Maine [Ms. COLLINS], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 757, a bill to amend the Employee

Retirement Savings Act of 1974 to promote retirement income savings through the establishment of an outreach program in the Department of Labor and periodic National Summits on Retirement Savings.

S. 781

At the request of Mr. HATCH, the names of the Senator from Utah [Mr. BENNETT], the Senator from Virginia [Mr. WARNER], the Senator from Nebraska [Mr. HAGEL], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 781, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 829

At the request of Mrs. BOXER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 829, a bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes.

S. 852

At the request of Mr. LOTT, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 866

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 866, a bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes.

S. 873

At the request of Mr. ASHCROFT, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 873, a bill to amend the prohibition of title 18, United States Code, against financial transactions with state sponsors of international terrorism.

SENATE RESOLUTION 92

At the request of Mr. LAUTENBERG, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Oregon [Mr. SMITH], the Senator from Virginia [Mr. WARNER], the Senator from Ohio [Mr. GLENN], the Senator from Alaska [Mr. STEVENS], the Senator from New Mexico [Mr. DOMENICI], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. HAGEL], the Senator from Louisiana [Ms. LANDRIEU], the Senator from North Carolina [Mr. HELMS], the Senator from Indiana [Mr. COATS], the Senator from Kentucky [Mr. FORD], the Senator from West Virginia [Mr. BYRD], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Nebraska [Mr. KERREY], the Senator from Hawaii [Mr. AKAKA], the Senator from California [Mrs. BOXER], and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of Senate Resolution 92, a resolution designating July 2, 1997, and July 2, 1998, as "National Literacy Day."

ADDITIONAL STATEMENTS

MEDICARE AND THE ADJUSTED AVERAGE PER CAPITA COST

• Mr. GRAMS. Mr. President, during the Budget Committee's debate on the fiscal year 1998 budget resolution, I joined with my colleague from Oregon, Senator WYDEN to introduce a Sense-of-the-Senate amendment regarding the Medicare reimbursement rate for health plans. In fact, most of my colleagues on the Budget Committee cosponsored this amendment, and I was pleased to see it incorporated into the final budget resolution passed by the Senate.

Reforming the way Medicare determines the reimbursement rate for managed care plans is critical to provide Medicare equity in States like my home State of Minnesota—especially for those citizens in rural communities in my State and throughout the country.

Mr. President, there are three points I would like to emphasize.

First, the Medicare reimbursement rate is unfair. While every American pays the same 2.9-percent payroll tax to the Medicare trust fund, Minnesotans find themselves with the second-lowest reimbursement rates in the Nation. Every single county in Minnesota falls below the national average in terms of Medicare reimbursement. In fact, Minnesota is not alone in this category. There are 16 States in which every county is below the national average—Iowa, Idaho, Maine, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Oregon, South Carolina, South Dakota, Vermont, Washington, Wisconsin, and Wyoming. Clearly, Mr. President, having this many States without a single county at the national average indicates something is wrong with the system.

Second, the Medicare reimbursement formula discourages quality health care. Minnesota has consistently been recognized throughout the Nation, and perhaps the world, as one of the most innovative, efficient, cost, and quality-conscious States in terms of health care. Yet, these same traits—which should be encouraged, not discouraged—have skewed the Medicare formula against our providers and beneficiaries. We are being penalized for our success, while those less efficient States benefit—and have no incentive to move in our direction.

Mr. President, I think it is clear to everyone that efficient health care markets have reduced overutilization, eliminated unneeded hospital beds, and aimed for the highest quality service at the lowest price. Urban areas that are efficient in delivering health care—like Minneapolis, MN—decrease overutilization in the fee-for-service category of Medicare. This reduces the adjusted average per capita cost [AAPCC] which makes it difficult for health plans to remain competitive due to the lower payment.

Third, the Medicare reimbursement formula discriminates against seniors who live in rural communities. These rural Americans already face fewer health care options than those living in urban centers. Because of the lower reimbursement rates health plans receive, there is no incentive for them to offer their services—let alone provide extra benefits many seniors in other States receive at no added cost. That means even fewer choices for the senior citizens living in rural Minnesota.

Mr. President, no one would suggest that we take away the extra benefits seniors receive in other States; indeed, we should encourage health plans to do what they can to provide these benefits, while at the same time focusing on the need to become more efficient and cost-effective. However, what we are saying is that senior citizens living in rural America should at the very least have the opportunity to make these same choices in their health care plan.

I'd like to conclude by offering an example of how the disparity in payment affects the benefits of two seniors living in different States.

A Medicare beneficiary living in Blue Earth County, MN, who would like to enroll in a health plan would have none offered at the reimbursement rate of $302 a month. Not one health plan is willing to offer even basic Medicare coverage at this rate. He or she would have no choice but to enroll in the fee-for-service plan and incur higher out-of-pocket expenses.

However, this same beneficiary's brother, sister or cousin living in Los Angeles County, CA would have their choice of 15 health plans offering full Medicare coverage and in addition, receive a $1,500 prescription drug benefit, $150 credit for hearing aids, and dental coverage. Why do they have these choices? Because their health plans are reimbursed $519 a month and can afford to offer the extra benefits. This disparity is not fair—and it must be fixed.

Mr. President, while I am pleased the Senate has gone on record in support of my sense-of-the-Senate amendment included in the budget resolution, we need to move forward in changing the system. As we begin consideration of the reconciliation bills, I ask all my

colleagues to examine this issue carefully and restore some equity in this outdated formula.●

THE 100TH ANNIVERSARY OF CNA INSURANCE CO.

● Mr. DURBIN. Mr. President, I rise today to recognize the 100th anniversary of CNA Insurance Co., whose headquarters are located in the city of Chicago in my home State of Illinois.

CNA is one of the Nation's largest insurance companies. It employs over 20,000 people nationwide, 6,000 of whom live and work in Illinois. It has offices in more than 100 cities and is represented by nearly 80,000 independent insurance agents across the country.

CNA has always prided itself on being an innovator in the insurance industry. When women began to enter the work force in the early 1900's, CNA was among the first to offer them accident and health coverage. CNA also met the concerns of farmers by developing a new product specifically tailored to their accident and health needs. CNA was one of the first companies to offer worker's compensation coverage and was one of the first to provide retirement income annuities for senior citizens before the establishment of Social Security.

CNA has also played a behind-the-scenes role in some of our Nation's most memorable events. CNA insured Presidential candidates Adlai Stevenson and Dwight Eisenhower against accidents during their campaigns in 1952 and insured President John F. Kennedy's inaugural festivities. It also insured the Beatles' 1965 Shea Stadium performance for the Ed Sullivan Show and the Apollo 16 astronauts' 1972 flight to the moon.

Mr. President, I ask to have printed in the RECORD a more detailed history of CNA that was recently prepared by the company and I would like to congratulate CNA for 100 years of insuring America. I hope that during the next 100 years, CNA continues its record of success and remains a leader in the insurance industry.

The material follows:

A TRIBUTE TO CNA IN CELEBRATION OF ITS CENTENNIAL

CNA Stands for Commitment, 1897–1997

INTRODUCTION

CNA, one of the country's largest commercial insurance groups, is celebrating one hundred years of commitment and service to the American people both at home and abroad. Since 1897, whenever America has sought a sense of security, CNA has been there, anticipating that need and forging its reputation as an industry innovator. Railroad workers, teachers, movie stars, athletes, even U.S. Presidents have depended on CNA's protection against both expected risks and unforeseen dangers.

Since its modest beginnings in Detroit, Michigan, with $100,000 in capital stock and a $60,000 surplus, CNA has become one of the largest property/casualty insurers in the nation, with over $60 billion in assets. Originally operating out of a two-room office with 15 employees, CNA today occupies some 400 office sites in over 100 cities and employs over 20,000 people nationwide. Now headquartered in Chicago, CNA directly employs more than 6,000 people in Illinois alone. Almost 80,000 agents currently represent CNA throughout the United States, testament to the company's successful alliance with independent agents.

CNA's exemplary accomplishment—a century culminating in financial stability and preeminence in the industry—attests to its history of astute leadership, integrity and commitment to quality service.

THE FOUNDING

Collins Hubbard, CNA's founder, set the course of perceptive leadership that has guided CNA to the top of the insurance industry. Calling together several of his colleagues, Hubbard proposed a company that would insure America's working class against unexpected disasters. The Continental Assurance Company of North America, as CNA was then known, provided coverage with an innovative twist: both accident and health insurance, at a time when most of its contemporaries offered only accident coverage.

Focusing on railroad workers as its initial customer base, CNA became the largest insurer in Michigan within two years of its founding. Despite its rapid growth, the fledgling company faced intense competition from other insurance companies. In light of this, the company underwent two major changes. First, it changed its name to the more forceful and representative, Continental Casualty Company. Then, in September 1900, the company merged with Metropolitan Accident Company, a Chicago insurer, and moved its headquarters to Chicago. This strategy catapulted the combined companies to fifth among the nation's accident insurers.

CNA BECOMES AN INDUSTRY LEADER

Early in the 20th century, CNA distinguished itself as a leader in the insurance industry by demonstrating the capacity for discerning new markets and developing innovative products. When women began to enter the work force, CNA was among the first to provide them with accident and health coverage. As agricultural production expanded, CNA devised new products specifically geared to farmers' accident and health concerns.

CNA reinforced its position at the forefront of the industry in 1910 by expanding beyond accident and health into different lines of insurance such as liability, auto insurance and burglary. In 1911, the company entered the life insurance field by forming the Continental Assurance Company. In 1915, CNA began offering workers' compensation coverage as factories employed more people to increase output for the World War I effort.

Policies combining multiple lines of insurance proved successful, particularly as automobiles—and accidents involving automobiles—became commonplace. Motorist coverage insured both the driver and any persons injured or property damage.

The growth of an affluent American middle-class meant increased incidents of theft. Property owners' concerns were met by CNA's wide range of burglary insurance—protecting against bank robberies, home break-ins and safe deposit box theft.

GROUPS AND ASSOCIATIONS

By the early 1920s, the flourishing company was operating in every state and territory of the United States, as well as every province in Canada. That decade also marked the beginning of CNA's pioneering relationship with associations, a relationship that has lasted until the present day and has played a significant role in CNA's rise to the upper echelon of insurance companies.

CNA is credited with the first teachers association group policy, written for the Cleveland Teachers Association in 1921. CNA insured the American Society of Civil engineers in 1945, becoming the first insurer to successfully install a group plan for a nationwide association. Teaming up with the American Camping Association in the 1950s, CNA initiated an educational campaign to promote camp safety and insure campers. Camp insurance led to the formation of "PONY," Protect Our Nation's Youth, a youth program offering medical expense reimbursement from kindergarten through college.

CNA has also demonstrated unwavering commitment to the nation's retirement-age population. In the 1930s, before compulsory Social Security, the company was among the first to offer retirement income annuities. by 1955, CNA had developed the first group health plan for those over 65. Originally conceived as a group medical insurance plan for retired teachers associations, the plan evolved into "Golden 65", a policy offered directly to the individual. After the implementation of Medicare in the summer of 1965, CNA redesigned Golden 65 to complement the Medicare plan, while other insurers exited the over-65 health insurance field.

DEPENDABILITY IN TIMES OF CRISIS

Dependability in times of crisis is a CNA hallmark. The company refused to exit the field of polio insurance at a time when the nation was literally crippled by the rampant, dreaded disease. CNA introduced its polio coverage the year of the worse polio outbreak in two decades. It continued to provide comprehensive and affordable polio coverage for the duration of the epidemic.

The company's willingness to take on the challenge of even the most unusual coverage request has marked its true American spirit—bold, enterprising and innovative. Where other companies see uninsurable risks, CNA sees possibilities—a company trait that has ensured its success and longevity in the insurance business. CNA has staunchly stood behind Americans in all manner of pursuits and ventures, these past 100 years.

CNA insured presidential hopefuls Adlai Stevenson and Dwight Eisenhower against accidents during their campaign trips in 1952. When John F. Kennedy was inaugurated as the nation's 35th president, CNA provided liability coverage for the ceremonial activities. In 1965, President Lyndon B. Johnson asked CNA to write the bond for the train that stood waiting in case emergency evacuation was necessary during Martin Luther King's civil rights protest march to Montgomery, Alabama. The 1968 Democratic Convention in Chicago was covered by CNA's liability insurance.

A special CNA reinsurance policy covered the cancellation or postponement of the 1965 Shea Stadium performance of the Beatles for the Ed Sullivan show. The Apollo 16 astronauts were insured in case of accidental death on their 1972 flight to the moon.

Little League teams around the country have enjoyed CNA protection since 1948, as have Indianapolis 500 drivers, pit crews and race officials. The American athletes competing in the 1952 Helsinki Olympic games were insured by CNA. Water events at the 1996 Atlanta Olympics were covered by MOAC, CNA's marine unit.

CNA CARES ABOUT COMMUNITY

CNA's commitment to its employees, its clients, and the American people extends far beyond insurance. The company encourages and subsidizes both employees and CNA leadership in community projects. In the 1920's, the company sought to enrich the lives of its employees through its Continental Welfare Association which offered disability pensions, life insurance and retirement pensions.

Later, during World War II, the employees reached out to help in the war effort. CNA employees organized their own chapter of the Red Cross, calling it the Continental Red Cross. By the midpoint of the war, Continental employees had invested $232,418 in war bonds.

Today, in more peaceful times, CNA and its employees have dedicated time and resources toward the education of the nation's youth. In the early 1980's, CNA sponsored Illinois' first math contest. With the Chicago Urban League, the Chicago Board of Education, and the Illinois Council of Teachers of Mathematics CNA developed MATHCOUNTS, a model math tutorial program. The program quickly garnered nationwide attention. By 1984, MATHCOUNTS had evolved into the country's first nationwide math contest boasting as cosponsors the National Society of Professional Engineers, the National Council of Teachers of Mathematics, the National Aeronautics and Space Administration, and the U.S. Department of Education.

CNA's investment in the nation's future—its children—is evident in CNA's involvement with the Leadership for Quality Education, a coalition of business and civil leaders working to improve the Chicago school system. OUt of this, CNA created Project Participate, providing paid time off, resources and training to employees wishing to run for Chicago's Local School Councils. CNA has also adopted Chicago's Mark Skinner School as part of the Chicago Board of Education's Adopt-A-School Program.

CONCLUSION

CNA stands for a century of commitment, stability and financial strength. Entering the final years of the 10th century, the company prepared for the 21st century in typical CNA fashion—it acquired the Continental Insurance Company in 1995. This merger, the most significant property/casualty insurance merger in the last 25 years, expanded CNA's scope—elevating its presence worldwide, adding new specialty operations and pooling the considerable talent and resources of both companies.

As the new millennium approaches, unfathomable leaps in technology, social transformations and economic upheaval are as much a source of apprehension today as in 1897. CNA saw the birth of a new century that brought with it several wars, a severe economic depression, fantastic advances in modes of travel and communication, social change and natural disasters. It has met the challenges of the past 100 years and stands poised for another century, confident of its continued success based on its core values: commitment, stability and financial strength.●

TRIBUTE TO THE MEMORY OF KAREN E. WETTERHAHN, PH.D.

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the memory of the late Dr. Karen E. Wetterhahn of Lyme, NH. Karen was an Albert Bradley third century professor in the sciences at Dartmouth College, who died of mercury poisoning on June 8 while working on the cutting edge of the scientific and academic communities.

Karen, a research chemist of international reputation, spanned the fields of inorganic chemistry, biochemistry, and chemical toxicology. Sometime last year while working with dimethyl mercury, she came in contact with and received mercury poisoning during her studies of mercury toxicity. A dedicated member of the Dartmouth community, her work involved understanding how elevated levels of the elements known as heavy metals, which include chromium, lead, and arsenic, interfere with the processes of cell metabolism and the transfer of genetic information.

Karen not only shaped the work inside her laboratory but in the classroom as well. Dr. Wetterhahn helped to develop curriculum in the life science area know as structural biology, which studies the structure of biologically active molecules such as DNA, RNA, and proteins to learn how they function.

She was born in Plattsburgh, NY, in 1948 and graduated from St. Mary's High School in Champlain, NY. Karen graduated magna cum laude at St. Lawrence University where she earned her bachelor's degree. She received her doctorate from Columbia University in 1975, where she won the prestigious Hammett Award in chemistry. Karen was also a National Institutes of Health trainee at the Institute of Cancer Research, Columbia University College of Physicians and Surgeons, also in 1975. One year later she joined the faculty of Dartmouth College, in Hanover, NH.

Karen also had an instrumental role in making Dartmouth's sciences and administration more representative of the changing faces in the college community. While in Hanover, she cofounded Dartmouth's women in science project, which was aimed at increasing the number of women majoring and taking courses in the sciences.

Mr. President, Dr. Wetterhahn worked to make the world a better place, and she will be truly missed by all of us who knew and worked with her. Researchers like the late Karen Wetterhahn are important to the future of New Hampshire and the future of this Nation.●

RECOGNITION OF BOB BELLACK AND RON HEUMILLER'S ASSISTANCE DURING THE NATURAL DISASTERS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of two McCook County Highway Department employees, Bob Bellack and Ron Heumiller, in ongoing disaster recovery efforts in South Dakota.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD was completely underwater when record low temperatures turned swollen streams into sheets of ice.

At the height of the snowstorms in South Dakota, Bob Bellack and Ron Heumiller drove snowplows at 3 to 4 miles per hour and in zero visibility to open roads for rescue and emergency medical crews. Wind gusts of 40 miles per hour dropped the temperature to nearly 70 degrees below zero as the medical crews followed Bob and Ron for 263 miles to rescue families without heat and stranded motorists from all over the county.

While those of us from the Midwest will never forget the destruction wrought by this year's snowstorms and floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from vicious winter weather and rising flood waters. The selfless actions of Bob Bellack and Ron Heumiller illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair our impacted communities. Bob Bellack, Ron Heumiller, and the individuals at the McCook County Highway Department illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

RECOGNITION OF LORI RUSSELL AND BARB NAVRISKY'S ASSISTANCE DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Lori Russell and Barb Navrisky in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads

with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND and 10,000 residents of East Grand Forks, MN were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Barb Navrisky lived through the 1972 flash flood that killed hundreds of people in Rapid City, SD. She knows what her North Dakota neighbors are currently experiencing. Lori Russell knows the devastation all too well. Her parents, Eman and Leona Hejlik, live in Grand Forks and lost their home in the flood. That's why both Barb and Lori mobilized the city of Box Elder, SD and collected clothing, cleaning supplies, food, and toys for flood victims in Grand Forks. Lori and Barb's relief effort included the mayor of Box Elder, Dave Kinser, raising $200 in donations for a Grand Forks resident who lost everything. Students from area high schools and elementary schools also helped by collecting cleaning supplies and food items.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of people like Lori Russell and Barb Navrisky illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. Lori Russell and Barb Navrisky illustrate how two individuals can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

RECOGNITION OF THE ASSISTANCE OF LEO FLYNN DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Leo Flynn in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD was completely underwater when record low temperatures turned swollen streams into sheets of ice. Heavy winter snows forced Big Stone Lake, along the South Dakota and Minnesota border, to 9 feet above flood level. The rising waters drove 40 families from their homes and caused vast amounts of damage.

Many South Dakota communities prepared for the floods by constructing makeshift dikes around homes and neighborhoods. While some of these barriers held up against the rising water, a number of communities saw their defenses washed away in the record levels of flooding. The costs of preparing for, and ultimately cleaning up after, these natural disasters strained municipal budgets and threatened other flood recovery programs. Milbank attorney Leo Flynn came to the assistance of a number of counties and towns by donating $280,000 to help local governments cover the costs of blizzards and flooding.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of individuals like Leo Flynn illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair impacted communities. Leo Flynn illustrates how the actions of an individual can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking him for his selfless efforts.●

RECOGNITION OF GATEWAY 2000'S ASSISTANCE DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the individuals of Gateway 2000 of North Sioux City, SD in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

The individuals of Gateway 2000 donated 17 computers to Grand Forks to assist city hall in resuming everyday operations. These computers enabled the mayor and Grand Forks officials to coordinate flood relief efforts throughout the disaster.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of the individuals from Gateway 2000 illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. These individuals illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

RECOGNITION OF KEVN TELEVISION'S ASSISTANCE DURING THE FLOODS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of individuals at KEVN–TV in Rapid City, SD, in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

KEVN–TV aired a live fundraiser that collected over $53,000 for flood victims in Grand Forks. Many families escaped rising flood waters in the dead of night, often with only the clothes on their back, and ultimately lost everything in their homes. The money donated by KEVN–TV viewers will help families rebuild their lives.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising floodwaters. The selfless actions of the individuals at KEVN–TV illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. The individuals at KEVN–TV in Rapid City illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.•

RECOGNITION OF KOTA RADIO'S ASSISTANCE DURING THE FLOODS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of individuals at KOTA Radio in Rapid City, SD, in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

KOTA Radio aired a live, 2-day fundraiser that collected over $16,000 for flood victims in Grand Forks. Many families escaped rising flood waters in the dead of night, often with only the clothes on their back, and ultimately lost everything in their homes. The money donated by KOTA listeners will help families rebuild their lives.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of the individuals at KOTA Radio illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. The individuals at KOTA Radio in Rapid City illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.•

RECOGNITION OF EMM BAUMAN AND BETA SIGMA PHI'S ASSISTANCE DURING THE FLOODS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Emm Bauman and Rapid City's Beta Sigma Phi chapters in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND and 10,000 residents of East Grand Forks, MN were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Emm Bauman initiated a series of coffee parties in Aberdeen 25 years ago that raised $5,000 for victims of the flash flood that killed hundreds of people in Rapid City, SD. Each participant paid a minimum of $1 and then hosted a smaller party of her own until there was no one left to host. Once again, Emm mobilized fellow members of Betta Sigma Phi to host a series of Friendship Vanishing Coffee Parties in hopes of raising another $5,000 for Grand Forks flood victims. The money will help families who lost everything in the devastating floods rebuild their lives.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters.

The selfless actions of people like Emm Bauman and members of Beta Sigma Phi illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. Emm Bauman and the members of Betta Sigma Phi illustrate how individuals can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.•

BIRTH DEFECTS PREVENTION ACT

• Mr. FRIST. Mr. President, vitamin supplements containing the B vitamin folic acid, have been proven to prevent common and disabling birth defects, including spina bifida and anencephaly, if taken daily before and in the early days after conception. This vitamin could prevent six to nine cases of these birth defects per day, saving $245 million per year in the United States.

On June 10, 1997, the March of Dimes Birth Defects Foundation released a new nationwide survey which shows that while more American women of childbearing age have heard of folic acid, the proportion of women actually taking a multivitamin on a daily basis remains low. Only 32 percent of women ages 18 to 45 take a daily multivitamin containing folic acid.

Awareness of folic acid jumped 14 percentages points over the 2-year period, from 52 percent of women in 1995 to 66 percent in 1997. However, women under age 25 are the least likely to consume vitamins daily, with only 23 percent reporting that they do so, and this age group accounts for 39 percent of all births in the United States. It is because of these statistics that I encourage my colleagues to vote for S. 419, the Birth Defects Prevention Act of 1997.

This legislation would establish a national birth defects surveillance, research, and prevention system. This system would include research projects for the prevention of neural tube defects, one-half of which could be prevented if women of child bearing age consumed a small amount of folic acid daily. In addition, this legislation would set up public education programs to teach more women about the importance of folic acid to the health of their children.

And so together with the March of Dimes I encourage my colleagues to pass this important legislation.•

EMPLOYMENT NON-DISCRIMINATION ACT

• Ms. MOSELEY-BRAUN. Mr. President, our Nation benefits when every citizen has the opportunity to contribute to the best of his or her ability to the economy, to the society, and to the country. Discrimination, in any form, prevents the utilization of all available talents and makes our future less bright than it could be—less bright than it should be. It is for this reason that I join my colleagues, Senator KENNEDY, Senator JEFFORDS, and Senator LIEBERMAN, in cosponsoring the Employment Non-Discrimination Act [ENDA].

The Employment Non-Discrimination Act prohibits employment discrimination based on sexual orientation. It creates no special rights, or quotas, it merely ensures that gay and lesbian Americans have the same rights as every other American in the workplace.

Employment discrimination impedes economic competitiveness, frustrates fairness, and obstructs opportunity.

Employment discrimination impedes economic competitiveness for America's businesses. Our work force is what makes America strong. Discrimination only serves to lessen that strength. Many companies have already adopted their own antidiscrimination policies, recognizing the negative impact discrimination can have on their continuing competitiveness. These businesses understand that there is no place for discrimination as we transition into the 21st century's global workplace.

Unfortunately, not all businesses understand this yet, and in 39 States, employment discrimination based on sexual orientation is still legal. There are many documented cases highlighting the fact that discrimination in the workplace still occurs. Without national legislation to protect all Americans, cases of discrimination against gay men and lesbian women will continue to occur unchallenged and businesses, and thus our national economy, will continue to suffer.

Employment discrimination is fundamentally unfair. Each of us should be allowed to fully participate in society, regardless of our gender, race, or sexual orientation. ENDA prohibits giving preferential treatment to any individual based on sexual orientation. Employers may not provide special treatment to gay men, lesbians, or heterosexuals. The bill provides that an employer may not use the fact of an individual's sexual orientation as the basis for positive or negative action against that individual in employment opportunities. Americans should not be promoted, nor should they be held back, by conditions that have nothing to do with merit, or talents and abilities.

Employment discrimination obstructs opportunity for America's workers. If there is any objective that should command complete American consensus, it is ensuring that every American has the chance to succeed—and that, in the final analysis, is what this bill is about. No issue is more critical to our country, and nothing makes a bigger difference in a person's life than opening up opportunities.

The basic principle we should keep in mind is that every American must have the opportunity to advance as far in their field as their hard work will take them. That is the American way. Gay and lesbian Americans should not have to face discrimination in the workplace, should not face dismissal, be denied promotions, or experience harassment, simply because of their sexual orientation.

In endorsing the Employment Non-Discrimination Act in the 104th Congress the American Bar Association wrote:

> Over the years, and with some struggle, this nation has extended employment discrimination protection to individuals on the basis of race, religion, gender, national origin, age, and disability. ENDA takes the next necessary step by extending this same basic protection to another group that has been vilified and victimized—gay men, lesbians, and bisexuals. All workers, regardless of their sexual orientation, are entitled to be judged on the strength of the work they do; they should not be deprived of their livelihood because of the prejudice of others.

This is an eloquent statement of one of the fundamental tenets of the United States of America—equal opportunity for all. This Nation was founded by people fleeing prejudice and discrimination. ENDA continues that legacy.

As a matter of fundamental fairness and because all workers should be entitled to legal protection and opportunity in the work force, I urge my colleagues to join me in supporting the Employment Non-Discrimination Act.•

TRIBUTE TO ATLAS ADVANCED PYROTECHNICS, RECENT WINNER OF THE NATIONAL PARK SERVICE'S 1997 INDEPENDENCE DAY AERIAL FIREWORKS DISPLAY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Atlas Advanced Pyrotechnics, the Granite State's largest pyrotechnics design firm, on winning the National Park Service's 1997 Independence Day aerial fireworks display, to be held July 4 by the Washington Monument in Washington, DC.

Atlas Advanced Pyrotechnics is well known in the New Hampshire community for some of their spectacular shows like the annual Rock 101 Skyshow and Jaffery's Festival of Fireworks. Atlas won the North American Pyrotechnics Competition in 1994 and was the United States representative at the 1995 Benson and Hedges International Pyrotechnics Competition in Montreal, Canada.

Atlas will light the sky over the Nation's Capital with more than 3,000 shells in 20 minutes. The entire show will be digitally synchronized to patriotic music of Copeland, Gershwin, Bernstein, and Eubie Blake.

In addition to this year's fireworks display on the Mall in Washington DC, the National Park Service has also awarded Atlas the prestigious Harper's Ferry Historical Park display on June 28, at Harper's Ferry, WV.

I commend Atlas for their hard work and dedication that has earned them such prestigious awards. I applaud the people of Atlas for their accomplishments in bringing joy to the American public. I wish them a very happy Fourth of July.•

COMPREHENSIVE TEST BAN TREATY

• Mr. KOHL. Mr. President, I rise today in support of the Comprehensive Test Ban Treaty [CTBT]. Along with many of my colleagues, I call upon the Senate to ratify this important treaty which will help to prevent the proliferation of nuclear weapons, improve the environment in which we live, save billions of dollars, and enhance the security of our Nation.

The CTBT prohibits all nuclear test explosions worldwide. The treaty establishes an international agency to coordinate nuclear policy and verify test ban compliance through an International Monitoring System, onsite inspections, consultation and clarification, and confidence-building measures. The treaty is quite simple, really, and it is something that Americans have wanted for a long time.

"The conclusion of such a treaty * * * would check the spiraling arms race in one of its most dangerous areas. It would place nuclear powers in a position to deal more effectively with one of the great hazards which man faces * * * the further spread of nuclear arms. It would increase our security; it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards."

Those words, so appropriate today, were spoken 34 years ago by President John F. Kennedy, in an historic speech at American University. In that speech, the President announced the beginning of high-level discussions among the United States, the Union of Soviet Socialist Republics, and the United Kingdom regarding "a comprehensive test ban treaty." Even then, long before the demise of the Soviet Union rendered the United States the sole remaining superpower, President Kennedy and many others recognized the dangers inherent in nuclear testing, and the many benefits of a test ban.

A test ban will curb the spread of nuclear weapons, helping to keep them out of the hands of rogue states and terrorists. A test ban will mean that children do not have to grow up in areas contaminated by nuclear explosions. A test ban will mean that money spent on maintaining test sites and running tests—hundreds of millions of dollars a year in the United States alone—could be spent on education, health, and other priorities of the American people. In short, a nuclear test ban will enhance the military, political, and economic security of our Nation. That's why President Clinton has signed and 158 countries in the United Nations have endorsed the Comprehensive Test Ban Treaty. That is also why 80 percent of Americans are calling upon us to ratify it.

When President Kennedy began test ban negotiations 34 years ago, he was realistic about the challenges in negotiating with the Soviet Union. He said, "Our hopes must be tempered with the caution of history, but with our hopes go the hopes of all mankind." Today, Mr. President, history and hope are on our side. Now is the time to conclude the Comprehensive Test Ban Treaty. Now is our chance to fulfill the hopes of all mankind.•

MICHIGAN'S 1997 BLUE RIBBON SCHOOLS

• Mr. ABRAHAM. Mr. President, I rise today in tribute of seven truly exceptional educational institutions in my State of Michigan. On Friday, May 23, the U.S. Department of Education announced the recipients of the 1997 Blue Ribbon School Awards. It gives me great pleasure to recognize today before my colleagues each of these schools and commend them on this prestigious award.

To be named a blue ribbon school is no small achievement; it requires the successful passage of a rigorous nomination and screen process. The Department of Education review panel evaluates as conditions of effective schooling the following: Leadership; teaching environment; curriculum and instruction; student environment; parent and community support; and organizational vitality. The review panel also considers objective indicators of success, such as: Student performance on measures of achievement; daily student and teacher attendance rates; students' postgraduation pursuits; school, staff, and student awards; and high student retention-graduation rates.

Obviously, those select few schools afforded the status of Blue Ribbon Awards are more than deserving of the national attention that accompanies such an honor. I would like to take a moment to individually recognize each of the Michigan elementary and middle schools, and the dedicated principals under whose leadership these schools have thrived, for entry into the CONGRESSIONAL RECORD.

Anna M. Joyce Elementary School, Detroit, MI, Mr. Leslie Brown, principal.

Brace-Lederle Elementary School, Southfield, MI, Dr. Bobbie K. Hentrel, principal.

Grand View Elementary School, Grandville, MI, Mr. Rich Doyle, principal.

Lincoln Park Elementary School, Norton Shores, MI, Ms. Tresea Goff, principal.

Pine Tree Elementary School, Lake Orion, MI, Mrs. Beverly Tepper, principal.

Roguewood School, Rockford, MI, Mrs. Sharon Bennett, principal.

Troy Union Elementary School, Troy, MI, Dr. Ronald J. O'Hara, principal.

Educating our children is no simple task, and everyone involved with the success of these blue ribbon schools deserves to feel a great sense of pride. On behalf of all my fellow Senators I extend to the staff, students, and parents of each of these communities my most sincere congratulations and best wishes for the even brighter future that awaits them.•

ESTATE TAX LAWS MUST BE REFORMED

• Mr. DORGAN. Mr. President, I want Congress to act decisively to stop our estate tax laws from hindering the transfer of family businesses and family farms and ranches to the next generation. These family enterprises are the major creators of new wealth and new jobs in this country. Yet in far too many cases, our estate tax laws force the children and grandchildren who inherit a modestly sized family business to sell it, or a large part of it, to pay off huge estate taxes. I want our tax laws to assist the transfer of family enterprises so they can continue to generate jobs and new wealth. Instead our estate tax laws now hinder that transfer.

I've authored legislation in several Congresses to allow family farms, ranches, and other small family businesses to be passed along to the next generation without being loaded up with massive estate tax debt. The legislation I've introduced in this Congress increases the unified estate and gift tax exemption from $600,000 to $1 million. In addition, it provides a new $1 million exclusion for family business assets. Together, my proposals would allow a family business, valued up to $2 million, to be passed to the children and grandchildren to operate without any estate tax liability.

A number of my colleagues in the Senate share my concerns about estate taxes. In fact, I worked with a core group of Senators, including Senators GRASSLEY, LOTT, NICKLES, and BAUCUS for several months this spring to develop a comprehensive, bipartisan estate tax relief bill. This effort led to the introduction of a bipartisan bill, called the Estate Tax Relief for the

American Family Act of 1997 (S. 479), which includes a number of important provisions including proposals to increase the unified estate and gift tax exemption and to target additional support for family-owned and operated businesses. Most of the changes recommended in this legislation are long-overdue, and I will work with my colleagues to include them in revenue legislation this Congress.

I have decided to add my name as a cosponsor of S. 479 because I support the primary thrust and goals of this initiative. I want to send a reminder to those calling for tax cuts that estate tax relief for family businesses is not a partisan issue. It is important for the survival of our Nation's family businesses, and it should be included in the balanced budget tax relief package now being drafted in Congress.

Although I am adding my name as a cosponsor to signal a bipartisan desire to pass some estate tax relief, I do want to see one provision of this bill changed. The cut in the estate tax rate for estates in the $2.5 million to $11 million range is, I believe, excessive. I would prefer to use the money available for estate tax reduction for a larger exemption at the bottom rather than additional tax breaks at the top.

But I hope that when estate tax relief is enacted that the work we have done together will contribute to helping family businesses and family farms and ranches to be passed on to the children who will continue to operate them.•

THANKING THE LANGUAGE SERVICES SECTION OF THE CONGRESSIONAL RESEARCH SERVICE FOR ITS SUPPORT TO THE SENATE BANKING COMMITTEE

• Mr. D'AMATO. Mr. President, I rise today to thank the language services section of the Congressional Research Service for its support to the Senate Banking Committee in our inquiry into the disposition of heirless assets in Swiss banks, before, during, and after World War II. During the course of our inquiry thousands of pages of documentation have been examined as we have tried to establish the ultimate disposition of assets which were deposited in Swiss banks by Holocaust victims prior to World War II.

Hundreds of pages of these historical documents were written in various languages which dealt with extremely technical matters. It was imperative that the Banking Committee obtain accurate translations for these documents. The language services section never let us down.

I would especially like to recognize David Skelly who provided translation support in the German and French languages. Mr. Skelly worked with my staff on a daily basis and his efforts were truly noteworthy.

On many occasions we contacted Mr. Skelly and solicited his translation assistance on an immediate basis. Mr. Skelly never complained. He never said, "I can't do this. You're asking too much." He said simply, "How soon do you need it?" and "OK. I'll get right on it."

On one particular instance Mrs. Deanna Hammond, Mr. Skelly's supervisor and another true professional in that office, contacted Mr. Skelly at home on his own time and read him a very technical document in German which he translated. Mrs. Hammond typed up the English translation and we had it in our hands 2 hours after sending in our request.

Mr. President, this is the type of dedicated service which Government employees all too often perform, and no one hears anything about it. You certainly won't hear it from anyone in the language service section. This is all in a day's work for them. This is a group of people who take their commitment to the Congress and the American people very seriously. And they deliver.

I consider the language services section to be an indispensable office within the Congressional Research Service which provides a truly unique service to the Congress. I congratulate all of the workers there on their fine work and extend to them my thanks.•

AMERICA'S FREEMASONRY AND FLAG DAY

• Mr. MOYNIHAN. Mr. President, as our Nation prepares to celebrate Flag Day on the 14th of this month, I rise to pay tribute to over 1 million men who belong to the largest and oldest fraternal organization in the world, America's Freemasonry. Since the Continental Congress adopted the Stars and Stripes as our Nation's flag on June 14, 1777, Masons have given this beloved symbol their staunch support.

It is nearly 48 years since President Harry S. Truman signed an act of Congress recognizing Flag Day as a national holiday. Truman's contribution as a Mason follows the efforts of other great Masonic national leaders. Adm. John Paul Jones flew Old Glory at Quiberon Bay, France on February 13, 1778, in the first recognition of the United States by a foreign nation. Nearly 200 years later, Astronaut Edwin "Buzz" Aldrin traveled with an American flag to the Moon. With their distinguished moral code and immutable patriotism, these and other Masons, including Francis Scott Key, helped to advance the flag as a true symbol of our Nation.

Senator Robert C. Winthrop (1809–1894) of Massachusetts once said, "Our flag is our national ensign, pure and simple, behold it! Listen to it! Every star has a tongue, every stripe is articulate." Indeed, with the constant help of America's Freemasonry, the U.S. flag has been seen in every corner of the world and has been recognized as an emblem of our continued democracy.•

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the Senator from Washington [Mrs. MURRAY] as vice chair of the Senate delegation to the Canada-United States Interparliamentary Group during the 105th Congress.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 101–445, appoints Arlene M. Chamberlain, of South Dakota, to the National Nutrition Monitoring Advisory Council.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON MOTION TO ADJOURN

Mr. LOTT. Madam President, I move that the Senate stand in adjournment until 11 a.m. on Thursday, June 12, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to adjourn. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—55

Abraham	Craig	Hatch
Allard	D'Amato	Helms
Ashcroft	DeWine	Hutchinson
Bennett	Domenici	Hutchison
Bond	Enzi	Inhofe
Brownback	Faircloth	Jeffords
Burns	Frist	Kempthorne
Campbell	Gorton	Kyl
Chafee	Gramm	Lott
Coats	Grams	Lugar
Cochran	Grassley	Mack
Collins	Gregg	McCain
Coverdell	Hagel	McConnell

Murkowski	Shelby	Thomas
Nickles	Smith (NH)	Thompson
Roberts	Smith (OR)	Thurmond
Roth	Snowe	Warner
Santorum	Specter	
Sessions	Stevens	

NAYS—44

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Hollings	Reed
Bumpers	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NOT VOTING—1

Inouye

The motion was agreed to.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 11 a.m. tomorrow, Thursday, June 12, 1997.

Thereupon, the Senate, at 6:32 p.m., adjourned until Thursday, June 12, 1997, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 11, 1997:

DEPARTMENT OF COMMERCE

ROBERT L. MALLETT, OF TEXAS, TO BE DEPUTY SECRETARY OF COMMERCE, VICE DAVID J. BARRAM.

POSTAL RATE COMMISSIONER

GEORGE A. OMAS, OF MISSISSIPPI, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2000, VICE WAYNE ARTHUR SCHLEY, TERM EXPIRED.

FEDERAL AVIATION ADMINISTRATION

JANE GARVEY, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION FOR THE TERM OF FIVE YEARS, VICE DAVID RUSSELL HINSON, RESIGNED.

DEPARTMENT OF STATE

KARL FREDERICK INDERFURTH, OF NORTH CAROLINA, TO BE ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS, VICE ROBIN LYNN RAPHEL.

DAVID ANDREWS, OF CALIFORNIA, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE. (NEW POSITION)

TIMBERLAKE FOSTER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

RALPH FRANK, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

JOHN C. HOLZMAN, OF HAWAII, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

NANCY JO POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

AMELIA ELLEN SHIPPY, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be captain

CHRISTINE L. ABELEIN, x...
BRYAN S. APPLE, x...
MICHAEL AUGUSTINE, x...
GLENN S. BACON, x...
RICHARD S. BAKALAR, x...
JOHN L. BALL, x...
MAUREEN R. BANNON, x...
CHARLES O. BARKER, x...
DEBORAH J. BARKER, x...
STEPHEN E. BARKER, x...
DAVID J. BARNETTE, JR., x...
DENNIS G. BENGTSON, x...
JUSTUS BENJAMIN, JR., x...
PHILIP B. BESHANY, x...
RICHARD T. BEX, x...
DONEL S. BIANCHI, x...
SANDRA C. BIBB, x...
JAY A. BLACK, x...
PAUL K. BLAKE, x...
BRUCE N. BLANDY, x...
ROBERT E. BLUNDELL, JR., x...
GERALD A. BOECHLER, x...
LELAND D. BOWEN, x...
JEAN N. BRAKEBILL, x...
TERESA M. BRENNAN, x...
MICHAEL A. BROPHY, x...
SARAH E. BROWN, x...
CHARLES L. BRYNER, JR., x...
GREGORY J. BUCHANAN, x...
LADEAN W. BUNKERS, x...
SHARYN A. BURKE, x...
ALICE M. CAHILL, x...
DAVID M. CHRISTENSON, x...
MARK W. COBB, x...
MICHAEL H. CONAWAY, x...
FRANCES L. CONNOR, x...
THOMAS CORTEMEGLIA, x...
DAVID P. COTE, x...
MARC S. CUNNINGHAM, x...
MELODIE C. DACORTA, x...
LINDA M. DAEHN, x...
JANE G. DALTON, x...
MICHAEL M. DARBY, x...
CHARLES B. DAVIS, x...
SANDRA L. DEGROOT, x...
PATRICIA M. DENZER, x...
JOHN P. DEPNER, x...
JAMES R. DEVOLL, x...
JOLINE I. W. DEVOS, x...
OSCAR W. DICKEY, x...
JAMES L. DIETZ, x...
WILLIAM D. DOLAN, x...
JONATHAN P. EDWARDS, x...
ROGER D. EDWARDS, x...
RICHARD T. EVANS, x...
PAUL E. FARRELL, JR., x...
RICHARD H. FEIERABEND, x...
WILLIAM B. FERRARA, x...
HOWARD H. FISCHER, JR., x...
RICHARD J. FLETCHER, JR., x...
MELANIE D. FRANK, x...
JOHN T. FRENCH, x...
ROBERT F. FRISBY, JR., x...
STUART D. FUNK, x...
VANCE G. GAINER, JR., x...
ROSCOE D. GEORGE, III, x...
H. J. GERHARD, x...
MARK D. GILBERTS, x...
BILLIE G. GOFF, x...
CANDACE M. GORTNEY, x...
KELLY D. GUBLER, x...
JAMES N. HAGARTY, x...
DANIEL W. HANSEN, x...
MARK D. HARNITCHEK, x...
PAMELA A. HEIM, x...
RONALD W. HERTWIG, x...
CLYDE J. HOCKETT, x...
JAMES R. HOFFOWER, x...
MAUREEN P. HOGAN, x...
ELIZABETH K. HOLMES, x...
ROBERT E. HOYT, x...
PHILLIP D. HUNT, x...
JOHN F. JOHNSON, II, x...
EDGAR T. JONES, x...
CHERYL L. KAMINSKA, x...
JOHN R. KELLY, x...
BRIAN R. KELM, x...
DAVID L. KENNEDY, x...
KEVIN R. KERRIGAN, x...
EDWARD M. KILBANE, x...
LOUIS J. KITSLAAR, x...
GENE M. KOHLER, x...
MICHAEL J. KRENTZ, x...
MAUREEN A. KUSNIEREK, x...
LEO KUSUDA, x...
SUSAN LAING, x...
FRANK C. LAWTON, III, x...
FRED C. LEGE, x...
DOUGLAS K. LEIBY, x...
RICHARD J. LEUPOLD, x...
JUDY A. LOGEMAN, x...
JUDITH A. LOHMAN, x...
JEANETTE F. LYNCH, x...
DIANN K. LYNN, x...
MICHAEL D. MAIXNER, x...
MICHAEL P. MALANOSKI, x...
JOSEPH L. MALONE, x...
DAVID L. MALONEY, x...
DONALD W. MARTYNY, x...
ALFRED J. MASKERONI, x...
PAUL J. MASTERS, x...
JAMES A. MAUS, x...
MAUREEN F. MCAVOY, x...
DENNIS K. MCBRIDE, x...
DONALD T. MCBURNEY, x...
JULIAN D. MCCARTHY, x...
BRIAN R. MCDONALD, x...
LLOYD P. MCDONALD, x...
WILLIAM A. MCDONALD, x...
JAMES A. MCGINNIS, x...
BRADLEY G. MCKEEVER, x...
CHRIS R. MCKELVEY, x...
ROBIN T. MCKENZIE, x...
BARBARA S. MCLEAN, x...
PAUL G. MCMAHON, x...
JAMES E. MCPHERSON, x...
LYLE D. MELTON, x...
HERBERT K. MEREDITH, x...
KEVIN E. MIKULA, x...
FREDERICK E. MILLARD, x...
JOHN E. MILNER, x...
PAMELA N. MINKE, x...
JAN K. MITCHELL, x...
MARILYN A. MOONEY, x...
LEE M. MORIN, x...
RAYMOND G. MORIN, x...
LAURIE B. MOSOLINO, x...
GERARDA M. MUKRI, x...
JAMES W. MULLALLY, x...
KEITH D. MUNSON, x...
JOHN E. MURNANE, x...
CHRISTIAN G. MUSIC, x...
ROGER S. MUSTAIN, x...
MATHEW NATHAN, x...
GREGORY D. NAYLOR, x...
RAND H. NELSON, x...
DAVID B. NEWBERRY, x...
BRIAN K. NICOLL, x...
MICHAEL R. NOWACKI, x...
WILLIAM T. NUNNS, x...
RICHARD B. OBERST, x...
JEFFREY M. OGORZALEK, x...
ROBERT T. OLEARY, x...
LAURA P. OMER, x...
RICHARD A. PARKER, x...
JOAN M. PATE, x...
DENNIS R. PLOCKMEYER, x...
JEFFREY L. POTTINGER, x...
STEPHEN A. PRINCE, x...
NANCY A. PUKSTA, x...
HECTOR J. QUILES, x...
JEAN E. QUINDAGRAFFELS, x...
MARY E. QUISENBERRY, x...
KAREN E. RAFALKOWILSON, x...
PETER R. RAYMOND, x...
LINDA M. REINERTSEN, x...
WILLIAM G. REYNOLDS, x...
MICHAEL T. RICCIARDI, x...
KATHERINE A. RIEF, x...
DONALD C. RILLING, x...
KURT C. ROLF, x...
DAVID C. RUFF, x...
JEANNE M. RUSHIN, x...
LYNDA A. SALMOND, x...
MARK B. SAMUELS, x...
ANDRE C. SANTOS, x...
LOUIS J. SAPORITO, x...
ELAINE M. SCHERER, x...
RALPH O. SCHERINI, x...
BARBARA A. SCHIBLY, x...
MICHAEL L. SCHOLTZ, x...
FRANK V. SCHRAML, x...
CHRISTOPHER L. SCHUYLER, x...
BRADEN C. SEAMONS, x...
ANTHONY A. SEBBIO, x...
CAROL A. SHINSKY, x...
BRIAN S. SIEGEL, x...
LYNN P. SIMON, x...
DAVID J. SMITH, x...
MICHAEL L. SMITH, x...
DANIEL R. SMOAK, x...
DANIEL J. SNYDER, x...
MICHAEL R. SPIEKER, x...
TIMOTHY L. STERNBERG, x...
GREGORY L. STOYER, x...
RUSSELL T. STROTHER, x...
HUGH C. SULLIVAN, JR., x...
MICHAEL J. SUSZAN, x...
FRANK J. TESAR, x...
CARLOS A. TORRES, x...
MARLYS G. TUFTIN, x...
RODNEY W. TURK, x...
PENNY B. TURNER, x...
JERROLD L. TWIGG, x...
CATHERINE G. TYMENSKY, x...
ALBERT P. VERHOFSTADT, x...
JOSE J. VICENS, x...
DEAN A. WELDON, x...
RUTH E. WHEELER, x...
TOMMY B. WHITE, x...
ROBERT C. WILKENS, x...
LAURA WILLIAMS, x...
RICHARD P. WILLIAMS, JR., x...
PATRICIA A. WORKMAN, x...
JEFFREY M. YOUNG, x...
LARRY L. YOUNGER, x...

HOUSE OF REPRESENTATIVES—*Wednesday, June 11, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. ROGERS].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 11, 1997.

I hereby designate the Honorable HAROLD ROGERS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are ever indebted, O loving God, that Your spirit is with us from the exhilarating moments of gladness through the valley of the shadow of death. When we celebrate the wonders of faith and hope, Your presence surrounds us and makes us whole; when we miss the mark and the shadows close upon us, Your still small voice rescues us, forgives us, and nourishes us along the way. For the gift of Your abiding spirit wherever we are, we offer this prayer of thanksgiving and praise. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kansas [Mr. TIAHRT] come forward and lead the House in the Pledge of Allegiance.

Mr. TIAHRT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BALANCED BUDGET REPRESENTS A NEW ERA

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the liberals are nervous.

The tax-and-spend crowd is outraged.

The big government supporters of the status quo have declared war.

And what is all the fuss about?

The reason for the anxiety is pretty clear. Those who built the welfare state over the past 40 years are about to have their credit card taken away.

What I hold in my hand, Mr. Speaker, is my congressional voting card. It is given to each Member of Congress. For some it is like a credit card. We stick it in the box, we press the button and we spend and spend and spend, and my children and your children are given the bill.

Well, guess what, Mr. Speaker? After 40 years of big government liberalism, the frenzy of credit card madness is about to end.

With nothing to show for it but $5 trillion in debt and thousands of broken liberal promises, Washington is about to act responsibly for the first time in memory. Washington now has the opportunity to pass a balanced budget with tax cuts, an absolute nightmare to those who built the welfare state over the last 40 years.

But their day is past. This balanced budget represents a new era. Mr. Speaker, the era of credit card madness is over.

TIME TO LOOK AT WORKERS' RIGHTS IN AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, since 1888, Reznor heaters were made in Mercer, PA. Yesterday, Reznor executives told their workers if you do not accept the $2.20 an hour cut, we will move the plant to Mexico; take it or leave it. Four hundred dollars a month, $5,200 a year, $15,600 in cuts over the life of a 3-year contract. Take it or leave it, workers. We will go to Mexico.

Shame, Congress. Mr. Speaker, Reznor executives are holding the gun to their workers' heads. The Congress of the United States is pulling the trigger all around America. Shame, Congress. How about some more NAFTA? I think it is time to take a look at the rights of American workers. I yield back any jobs that might be left.

PRESIDENT WANTS TO SHUT THE GOVERNMENT DOWN

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the President wants to shut the Government down. The President wants to shut the Government down. That is the reason for his veto on the disaster relief bill.

He said it was not a clean bill, that there are riders. Can any of us name a spending bill that does not have riders? This one went from $4.8 billion at his request up to $8.4 billion. We have forward funding of FEMA, we have Bosnia relief, and we have other things. One rider says that if Congress and the President cannot reach an agreement, we will continue government until, until, we work out our differences. That is a good thing. Certainly no reason for a veto.

The bottom line is the President thinks it is more important to shut the Government down than provide relief for those who suffered from a disaster.

Mr. Speaker, the President wants to shut the Government down.

AMERICA NEEDS HIGH EDUCATION STANDARDS

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, America needs high education standards, and I rise today to urge my colleagues to sign on to my resolution in support of educational standards of excellence.

This simple resolution is a commonsense approach to improving education in this country. As a former State superintendent of my State's public schools, I know firsthand that setting high standards and equipping our students and teachers with the tools they need to meet those standards is the best way to assure quality education in our schools for all of our children. This Congress must take aggressive action to provide leadership that is needed to raise educational standards.

Yesterday, I received a letter of support from the Council of Chief State School Officers, which represents the educational policy leadership in each of the 50 States in this country. This letter reads in part:

The Council * * * is pleased to support your resolution urging States to adopt challenging academic standards and tests to measure student achievement.

Later this week I will introduce my bill, and I urge my colleagues to join with the chief State school officers in

each State in support of the educational standards resolution.

BALANCED BUDGET AGREEMENT PUTS MORE MONEY IN POCKETS OF AMERICAN FAMILIES

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I keep hearing from my liberal friends who are outraged that Congress is trying to cut taxes. They look at Washington and they know that Congress is trying to balance the budget and they simply cannot understand why Republicans are calling for tax cuts.

Well, Mr. Speaker, should Congress balance the budget first and then cut taxes? The answer is no. To say that we cannot balance the budget and cut taxes is to forget what that assumes. It assumes that Washington cannot cut spending more. It assumes that Washington should continue to take much of your money while it is waiting to get its act together. It assumes that Washington should do the wrong thing for just a few more years while it is waiting to put its financial house in order.

Mr. Speaker, with all due respect, this is exactly the kind of thinking that got us in this trouble in the first place. The balanced budget agreement gets it right and puts more money in the pockets of American families.

REPUBLICAN TAX BILL: A BAD BILL GETS WORSE

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, the reviews of the Republican tax bill are pouring in. A bad bill gets worse. A favor-the-rich tax plan. Loophole-filled tax cuts are an economic time bomb.

What we are now seeing is, after people have a chance to review the Republican tax bill, they now understand that over 60 percent of the tax cuts go to people in the top 5 percent of income in America. And corporations over time would again go back to paying no taxes at all for the privileges that American society extends to them.

And how do they pay for these exploding tax cuts that will make the deficit worse? They want to take people who are eligible for Medicare at 65 and make them eligible at 67. That means millions of workers who retire or are laid off at their jobs at 58, 59, 60-years-old, will have to wait 7 years to have health care coverage. They want to take poor elderly women, who have the smallest pensions, and tell them they will not pay for their Medicare, and they want to penalize families that put their children into day care and not give them the tax cuts.

THE TRUTH ABOUT LAWSUIT AGAINST DOE REGARDING NUCLEAR WASTE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, this morning I want to dispel a myth and share with my colleagues the truth about a lawsuit against the Department of Energy regarding nuclear waste. Many falsely claim that it forced DOD to accept this garbage by January 31, 1998.

However, the Department of Energy advised its contract holders that it anticipated that it will be unable to begin acceptance of spent nuclear fuel for disposal by January 31, 1998. The Office of Civilian Radioactive Waste Management contends that the delay in disposing of the contract holders' spent fuel is an unavoidable delay and, according to DOE, is not liable for failure to perform under the terms of the contract.

The contract states that neither the Government nor the contract holder shall be liable for damages caused by failure to perform its obligations, if such failure arises out of causes beyond control and without fault or negligence of the party.

Now that the truth has been told, there is no legal obligation by DOE to accept nuclear waste by January 31, 1998. We should not let false information or tactics scare us. Vote "no" on 1270.

PROPOSED EPA OZONE AND PARTICULATE MATTER STANDARDS

(Mr. GOODE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODE. Mr. Speaker, as a result of the 1990 Clean Air Act amendments, America's air quality has improved and those improvements are continuing. Yet after industries have expended billions of dollars, and even before the improvements that will result have been fully realized, America's economy faces additional regulation.

Mr. Speaker, now is not the time to burden America's economy further. An example is an industry that provides employment to nearly 9,000 men and women in the Fifth District of Virginia. Over a year and a half period, the wood furniture and related industries engaged in a negotiated rulemaking with the EPA, the American Lung Association, the Sierra Club, Environmental Defense Fund, and others.

The rulemaking resulted in an agreement that would cost the industry an estimated half billion dollars and would substantially reduce smog-causing emissions and title 3 pollutants. Mr. Speaker, the agency called this process a credit to industry, environmental and governmental cooperation. But almost before the ink was dry, the agency was back proposing more burdensome regulations that their own scientific advisory committee cannot agree will have significant health and environmental benefits.

Mr. Speaker, I know that there are many of us here who are willing to work for standards based on quality science and health and environmental benefits—but not these regulations and not at this time.

NO TAXATION WITHOUT RESPIRATION

(Mr. PARKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARKER. Mr. Speaker, Washington is confiscating the American dream. Family farmers and small business owners work their entire lives to earn a living and build a farm or a business they and their children can be proud of. Then, at the moment of greatest family grieving, when the owner dies, the IRS steps in to take up to 55 percent of that farm or that business. The IRS calls this the estate tax. This is a death tax. It is a tax for dying.

The farmer and the businessperson have paid income taxes, self-employment taxes, property taxes, and school taxes. After all that, Washington wants to take up to 55 percent more just because the owner died; no other reason.

□ 1015

Death and taxes may be inevitable, but they do not have to happen at the same time. It is time for Members of this body to realize that we should have no taxation without respiration.

ENACT FLOOD RELIEF TODAY

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, today many inside the Washington Beltway are gleefully calculating who is winning and who is losing in the disastrous supplemental debate. Is it Congress that has lost because they failed to timely pass a bill? Is it the President who has lost because he vetoed the bill with the extraneous riders?

I will tell my colleagues who has lost. The people of Grand Forks, ND, without homes that have been devastated by the flood; they are the real victims. But I actually think it goes beyond that. When the American people see a disaster that Congress cannot respond to, I think they feel less confidence in their Government, and everyone loses.

We had a wonderful bipartisan effort in building a responsive relief bill. I hope today represents the day when

this bipartisanship will again reemerge in this body and will actually get the bill enacted. Legislation does nothing to help people without enactment.

It is time to put partisan differences aside, pull together, and get the job done. People are hurting very, very badly and they desperately need the flood relief. Let us enact it today.

MONMOUTH COUNTY, NJ, A FINE PLACE TO LIVE

(Mr. PAPPAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAPPAS. Mr. Speaker, I rise this morning to acknowledge Monmouth County, NJ, one of the five counties that make up my congressional district. Monmouth County has been recognized by Money magazine as the third best place to live in America. According to the magazine, "For people who like to live near but not in big cities, there may be no better locale."

The low crime rate, beautiful and scenic area, and deep sense of community may have gone previously unnoticed by Money, but it has been no secret to us in New Jersey. Monmouth County consists of 53 towns that serve as a model of what many towns strive to be and of what many people look for in a community. For many people, Monmouth County is a place to settle down, raise a family, and relish in the American dream come true.

I congratulate the people of Monmouth County on their distinguished achievement. I truly am honored today to have so many of the communities of Monmouth County as part of my congressional district of New Jersey.

HONORING ST. JOSEPH: ALL-AMERICAN CITY

(Ms. DANNER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DANNER. Mr. Speaker, it is with great pride that I recognize the city of St. Joseph, MO, for earning the All-American Award from the National Civic League. St. Joseph is a city rich in history. The wagon trains that opened the West departed from St. Joseph. Gold rushers crowded its streets on the way to California, and it was from St. Joseph that an icon of western adventure, the Pony Express rider, began his journey and a favorite of western lore, Jesse James, ended his.

This award recognizes St. Joseph for its civic accomplishments. The Neighborhood Partnership Revitalization Effort, the Healthy Communities Quality of Life Program, and the city's historic and heroic recovery efforts after the devastating 1993 flood have earned St. Joseph this distinction. St. Joseph residents have always known how special their community is. Now the rest of the world knows.

SAMPLEMATICS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, to understand why the President vetoed the disaster bill, thus denying many of the victims the needed relief, we have to understand samplematics. Sample matics is yet another Democrat attempt to redo mathematics as we know it.

It works like this. Let us look at traditional math. The traditional math will tell us, if we have 10 people in this House, 5 in this House, and 10 in this House, we would have a total of 25 people. Correct? Similar Math 101, no big problem.

Samplematics, according to the Democrats, if we have 10 people in this building, we count 10; 5 in this one, we count 5. The third building, we take a lunch break, so we just say, well, that building might have 50 people in it; and, therefore, we come up with 65.

Even though the Constitution, even though the law says we have to count people in a census head by head, what the Democrats want to do is give census the day off and say, estimate when you feel like it. That is samplematics. That is why the President of the United States canceled disaster relief, and that is why we in Congress have to send him a message to quit playing games and give the people the relief they need.

PASS DISASTER RELIEF

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last night House Democrats joined our colleagues from the other body in an all-night vigil to protest the majority party's failure to pass disaster relief legislation. I think the public has some idea of the incomprehensibility of my Republican colleagues' view of this piece of legislation. They just do not get it.

We worked through the night to send a simple message to our Republican colleagues: Democrats are serious about disaster relief, and we are willing to work around the clock if necessary to do that to get the job done. There are thousands of families in the Midwest. They are desperately waiting for Federal assistance so that they can begin to rebuild their lives again. Families in Minnesota, the Dakotas and in over 30 States across this country are waiting for these disaster relief funds. It is a disgrace that the majority party has chosen to load the bill up with extraneous provisions. They know it. They have acknowledged it.

The gentleman from Georgia [Mr. GINGRICH], the Speaker, has said this is a bill to embarrass the President of the United States. This debate, these issues ought to be debated another time. Pass the disaster relief bill. Help people in the United States make their way.

A BALANCED BUDGET AND PAYING OFF THE FEDERAL DEBT

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, I rise this morning and I would like to use my 1 minute to provide a positive vision for the future of this great country that we live in. The first part of that vision would include the Republican-led Congress working with their counterparts on the other side of the aisle to fulfill our promises of 1995.

We promised the American people a balanced budget so our children could look forward to living the American dream in this great country. But the promise cannot end there and the vision cannot end there. After we get to a balanced budget, we still have a $5 trillion debt, which means our families are paying $500 a month to do nothing but pay the interest on that debt.

So this vision, it needs to be bigger than just balancing the budget, it needs to go to the point of paying off that Federal debt so our families no longer need to send $500 a month to Washington; they can keep it in their own households instead. When we pay down that debt, the money goes back into the Social Security trust fund as well so our seniors can rest assured the money is there.

So I rise this morning to bring our vision for the future of this great country to the American people. Our vision includes a balanced budget, fulfilling our promises of 1995, and it also includes paying off the Federal debt so that our families do not have to send $500 a month to Washington and our seniors can rest assured with Social Security.

NEW CLEAN AIR STANDARDS ARE MISGUIDED

(Mr. DOYLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOYLE. Mr. Speaker, EPA is moving forward with new clean air standards that are, at best, misguided.

How can Administrator Browner say that we know all there is to know about particulate matter when EPA has identified it as one of its six high-priority research topics because of a high degree of uncertainty about the size and composition of the particles that may be responsible for adverse health effects.

Mr. Speaker, I have spent my whole life in Pittsburgh, and people there value clean air as much as anyone. We have a State implementation plan in place right now, and the air keeps getting cleaner. With new standards, the air will not get cleaner, as new regulatory deadlines will supersede existing ones.

With the stakeholder process, our community has come together to examine how to meet our air quality needs. I would note that, after participating in this rigorous process, the Western Pennsylvania Chapter of the American Lung Association, despite threats from the national organization, opposes the new standards.

If anyone at EPA believes that implementing these standards will not have any economic impact, I invite them to walk with me in the Mon Valley section of Pittsburgh and explain to those people where those industries have gone.

PRESIDENT CLINTON REVOKES REAGAN PRO-FAMILY ORDER

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, sometimes we have just got to wonder what they are thinking about sometimes down at 1600 Pennsylvania Avenue. What is the President up to now?

Well, here is a quote from a recent Washington Times article:

> In a single sentence, President Clinton last month quietly revoked an executive order issued by President Reagan that required that all Federal policies be assessed as helpful or harmful to families.

Now, President Reagan's 1987 order was issued so that any new Federal policy would take into account its effects on American families. Now that sounds pretty reasonable to me. Apparently, President Clinton feels otherwise.

Mr. Speaker, President Reagan's executive order was issued to protect American families from intrusive and overreaching government bureaucrats. By revoking that commonsense order, President Clinton clearly showed us all where his loyalties lie.

The score: Big Government 1, American families 0.

SAY NO TO MFN FOR CHINA

(Mr. SANDERS asked and was given permission to address the House for 1 minute.)

Mr. SANDERS. Mr. Speaker, I am delighted that the House passed an amendment that I offered yesterday demanding that Ngawang Choephel, a young Tibetan who studied music at Middlebury College in Vermont, be released immediately from a Chinese jail where he is being held on trumped up charges.

Unfortunately, however, Ngawang Choephel is not alone as a political prisoner in China. In fact, there are large numbers of them. According to the U.S. State Department's own human rights report released earlier this year:

> All public dissent against the party and government was effectively silenced by intimidation, exile, and the imposition of prison terms. No dissidents were known to be active at year's end.

Mr. Speaker, Congress should not be supporting most-favored-nation status with China when that country has absolutely no respect for civil liberties. Congress should not be supporting most-favored-nation status with China when we have a $39 billion trade deficit with them and when corporate America is throwing American workers out on the street as they move factories to China and hire workers there for 20 or 30 cents an hour.

Let us say yes to the freedom of Ngawang Choephel and no to MFN with China.

FLOOD RELIEF

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I rise out of frustration today about what is happening with the flood relief money for northwestern Minnesota and the Dakotas. But I am mostly frustrated with some of the rhetoric, and I am very disappointed with the some of my colleagues for trying to turn this into a partisan political issue.

Some people say, "Well, this bill is not perfect." Absolutely it is not perfect. There is money in there for the troops in Bosnia. I do not support that. There are a lot of other things in this bill that I do not support. But if I wait for the bill that is perfect, that has only in the bill what I absolutely agree with, we are never going to get a bill.

I think the President is being absolutely unreasonable on this because there is money, as I say, in there for Bosnia, there is money in there for parking ramps, there is a lot more money in there, and incidentally, there is money in there that the President did not request. It is money for relocation, and that is very important money for the folks up in the Red River Valley. So if we wait for all the lights to turn green, we are never going to leave the house.

Now why is the President holding up this flood relief money? Because he does not like the anti-Government shutdown provision in it. Is there any Member in this body that will stand on this floor and say they want to make certain that we have the chance to close down the Government come October 1? If they believe that, they ought to come to the floor and say that.

IN SUPPORT OF A CLEAN DISASTER RELIEF APPROPRIATION

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, the President asked the Republicans for a clean disaster relief bill 84 days ago, 84 days. Instead, they sent the President a bill that tells the government how to conduct the census. I ask my colleagues across the aisle, what does the census have to do with the disaster relief?

The Democrats want to vote on a clean bill, but the Republicans will not let us. The Democrats want to help the people of the Midwest to rebuild their lives, but the Republicans will not let us. Mr. Speaker, the Republicans are playing politics with people's lives. They know that, if they pass a clean spending bill to help the flood victims, the President will sign it. But they will not do it.

Mr. Speaker, this is wrong. How many times must we say it? People are suffering and we have got to help them. Give us a clean disaster relief bill.

□ 1030

KEEP GOVERNMENT OPEN AND OPERATING

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Let me give Members my ideas why the President does not like the provision in the disaster relief bill that would continue Government operations at 100 percent of the previous year's level if for some reason an appropriation was not passed into law. It is because if the President passes that provision, he feels he cannot force Congress to put in those increases in appropriation bills that he would like to have. He found out in the last 2 years that he can win in deciding how much to spend on social programs by vetoing appropriation bills and close down Government. He has learned and he thinks he knows that with the help of the liberal press he can spin this politically so he can demand any spending he wants out of Congress in those appropriation bills and simply say, "If you don't put in those appropriation bills that I, the President, want, then I'm going to veto it and any government close-down is going to be the Republicans fault.

If worse comes to worse, it is reasonable to keep Government open and operating at 100 percent of the previous year's level, and not let the President of the United States take over the spending responsibility of the legislative branch and dictate to Congress what is going to be in those appropriation bills.

PASS FAIR DISASTER AND TAX BILLS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I can tell my colleagues what all of us want on the Democratic side of the aisle. We want fair and clean legislation to help the people in the Midwest and we, yes, want the bag of tricks to stop, the trickery that the Republicans are trying to play on the American people.

Frankly, this supplemental appropriation bill does two damaging things. One, it says that the balanced budget deal is not really a deal. It says that the promise of $1.5 billion to help our seniors with Medicare premiums, we will not have to commit to that nor will we have to give you that. That is why we want to put in the supplemental appropriation bill some kind of language that keeps the Government doors open, not because we care about that but because we want to bust the budget and we do not want you to do anything about it.

The census? That is not relevant to appropriations for the people in need. It is the same kind of trickery over and over again. It is the same way with the Republican tax plan, a plan for the rich, not for small businesses, not for middle income or low income individuals who send their children to the lowest income colleges. There is no money in there for them.

Mr. Speaker, let us get away from the bag of tricks. Give the money to the people in the Midwest and pass a fair tax bill.

SUPPORT THE STATE DEPARTMENT AUTHORIZATION BILL

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise in support of the State Department authorization bill which we will be voting on this morning, and I ask our colleagues to note that this bill, H.R. 1757, contains no foreign aid and no U.N. arrearages. These matters will be taken up later in separate legislation.

This bill before us carries out the promise we made to the American people to reform our international affairs bureaucracies designed to fight the cold war. The bill will consolidate two Federal agencies, USIA and ACDA, into the State Department.

The bill also contains other important features, including provisions to tighten the economic squeeze on Cuba's Castro, provisions to nail deadbeat diplomats, provisions to apply the MacBride employment principles in Northern Ireland, and provisions to implement the construction of our United States Embassy in Jerusalem.

Mr. Speaker, I strongly urge our colleagues to support this State Department authorization bill that will be before the House later on this morning.

GIVE PRESIDENT A CLEAN DISASTER BILL

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today because the Republicans are at it again. Our President has requested emergency funds to help flood victims in the Midwest. One more time the Republicans have put partisan politics above the needs of the American people. Republicans insist on trying to put their pet political projects into the emergency relief bill.

We are trying to help those who have lost their homes, their businesses and their possessions acquired through a lifetime of hard work. If there is a role for the Federal Government, this is it. We are a caring and compassionate nation. We must help those in trouble and stricken with misfortune.

It is a shame and a disgrace that once again the Republicans are holding flood victims hostage. Putting politics above the needs of the people is wrong, just plain wrong. Stop playing political games with people's lives, Mr. Speaker. Give this President a clean disaster bill.

SUPPORT ROHRABACHER AMENDMENT TO FOREIGN RELATIONS AUTHORIZATION BILL

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, in a few moments we will be discussing on the floor the foreign relations authorization bill. The first vote today will come in a few moments after that, when this body will vote on an amendment that I have proposed.

The Rohrabacher amendment is very simple. Russia, who is the recipient of $95 million of foreign aid from the United States, has developed a deadly new missile whose purpose is to kill American sailors. It is a supersonic cruise missile that is almost impossible to defend against, which skims along the ocean at supersonic speeds and is designed to attack Aegis cruisers and American aircraft carriers. It will cause havoc in the Straits of Hormuz, in the Straits of Taiwan. It will lead to situations where our sailors in great numbers, tens of thousands of them, will be vulnerable to be killed by this weapon.

The Russians now are proposing to transfer this weapons system to China. My amendment says if they do that, we should cut off the aid that we are giving to Russia. It is that simple.

Mr. Speaker, I ask for support for the Rohrabacher amendment.

RESERVATIONS ABOUT OZONE AND PARTICULATE MATTER REGULATIONS

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Interesting note, Mr. Speaker. Does anybody think it a little strange that some of my colleagues from the other side, in protesting the President's veto of the disaster assistance bill, go through long explanations of the census and Government shutdowns? That is the problem. They are not supposed to be on a disaster assistance bill, but that is not why I rise today.

I rise today, Mr. Speaker, to talk about the Environmental Protection Agency and to express my concerns about the ozone and particulate matter regulations that are being proposed. My concern, Mr. Speaker, is not that I am opposed to clean air, and indeed I put my support for clean air legislation up there with just about anybody else's. My concern is that in this major legislation that will designate many of our areas as nonattainment that have previously been attainment areas, that in this important area of discussion there has been no discussion, or relatively little discussion, about the impact.

I do not remember in my career in Congress such a change of great magnitude with so little public discussion. It certainly ought to be discussed more in the public, it ought to be discussed more in the Congress. That is why I have joined others in urging Administrator Browner not to proceed with these regulations as written, but to take the advice of many others, including, I might add, some of their own advisory bodies to the EPA that have expressed reservations about them.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 663

Mr. BARCIA. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 663.

The SPEAKER pro tempore (Mr. KINGSTON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

The SPEAKER pro tempore. Pursuant to House Resolution 159 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1757.

□ 1038

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, with Mr. ROGERS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, June 10, 1997, the amendment offered by the gentleman from Pennsylvania [Mr. FOX] had been disposed of.

Pursuant to the order of the House of that day, no further amendments are in order except: The amendments en bloc by the gentleman from New York [Mr. GILMAN] pursuant to the order of the House of Thursday, June 5, 1997; and the amendment by the gentleman from South Carolina [Mr. SANFORD] regarding authorization levels.

Each amendment will be debatable under the 5-minute rule.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. GILMAN. Mr. Chairman, this morning we are, as the Chair indicated, resuming consideration of H.R. 1757, our foreign relations authorization measure. We have a few amendments to consider today and will be then prepared to move to final passage.

Through extensive deliberation, we have developed an en bloc amendment that will merge the Arms Control and Disarmament Agency into the State Department. This locks in the President's decision to reorganize the foreign affairs agencies.

The first order of business will be a vote on the Rohrabacher amendment to restrict aid to Russia because of missile deliveries to China. Following that, we will take up the Sanford amendment to reduce funding levels to fiscal 1997 levels. Finally, we will consider the foreign affairs agencies consolidation, and then go on to final passage.

In totality, this is a bipartisan bill and we hope to have the support of our colleagues on the measure.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, proceedings will now resume on the amendment offered by the gentleman from California [Mr. ROHRABACHER], on which further proceedings were postponed on Tuesday, June 10, 1997.

AMENDMENT OFFERED BY MR. ROHRABACHER

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. ROHRABACHER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROHRABACHER:

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. ASSISTANCE FOR THE RUSSIAN FEDERATION.

None of the funds made available to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) for fiscal years 1998 and 1999 may be made available for the Russian Federation if the Russian Federation, on or after the date of the enactment of this Act, transfers an SS–N–22 missile system to the People's Republic of China.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 190, not voting 19, as follows:

[Roll No. 178]

AYES—225

Abercrombie	Cubin	Holden
Aderholt	Cunningham	Hostettler
Archer	Danner	Hulshof
Armey	Davis (VA)	Hunter
Bachus	Deal	Hutchinson
Baker	DeFazio	Inglis
Barcia	DeLay	Istook
Barr	Diaz-Balart	Jenkins
Barrett (NE)	Dickey	Johnson, Sam
Barrett (WI)	Doggett	Jones
Bartlett	Dreier	Kaptur
Barton	Duncan	Kasich
Bilbray	Dunn	Kelly
Blunt	Ehlers	Kim
Bonilla	Emerson	Kingston
Bono	English	Kleczka
Boyd	Ensign	Klug
Brady	Everett	Largent
Bryant	Fawell	Latham
Bunning	Foley	LaTourette
Burr	Fowler	Lazio
Burton	Fox	Leach
Buyer	Franks (NJ)	Lewis (KY)
Callahan	Gallegly	Lipinski
Calvert	Gibbons	Livingston
Camp	Gilchrest	LoBiondo
Campbell	Gillmor	Lucas
Canady	Goode	Luther
Cannon	Goodlatte	Manzullo
Cardin	Goodling	Markey
Castle	Gordon	Mascara
Chabot	Granger	McCollum
Chambliss	Green	McCrery
Chenoweth	Greenwood	McHale
Christensen	Gutknecht	McHugh
Clement	Hall (TX)	McInnis
Coble	Hansen	McIntosh
Coburn	Hastert	McIntyre
Collins	Hastings (WA)	McKeon
Combest	Hayworth	McKinney
Condit	Hefley	Meehan
Cook	Herger	Metcalf
Cooksey	Hill	Mica
Costello	Hilleary	Miller (CA)
Cox	Hinchey	Moran (KS)
Cramer	Hobson	Myrick
Crapo	Hoekstra	Neal
Nethercutt	Rivers	Stark
Neumann	Rogan	Stearns
Ney	Rogers	Stump
Northup	Rohrabacher	Sununu
Norwood	Ros-Lehtinen	Talent
Nussle	Royce	Tanner
Packard	Ryun	Tauzin
Pappas	Salmon	Taylor (MS)
Parker	Sanders	Thomas
Paul	Sanford	Thornberry
Paxon	Saxton	Thune
Pease	Scarborough	Thurman
Pelosi	Schaefer, Dan	Tiahrt
Peterson (MN)	Schaffer, Bob	Tierney
Peterson (PA)	Sensenbrenner	Traficant
Petri	Sessions	Turner
Pickering	Shadegg	Upton
Pitts	Shaw	Wamp
Pombo	Shays	Watkins
Portman	Shimkus	Watts (OK)
Poshard	Shuster	Weldon (FL)
Pryce (OH)	Skeen	Weller
Quinn	Skelton	Whitfield
Radanovich	Smith, Linda	Wicker
Ramstad	Snowbarger	Wolf
Redmond	Solomon	Wynn
Riggs	Souder	Young (AK)
Riley	Spence	Young (FL)

NOES—190

Ackerman	Gilman	Murtha
Allen	Goss	Nadler
Andrews	Graham	Oberstar
Baesler	Hall (OH)	Obey
Baldacci	Hamilton	Olver
Ballenger	Harman	Ortiz
Bass	Hastings (FL)	Owens
Bateman	Hefner	Oxley
Becerra	Hilliard	Pallone
Bentsen	Hinojosa	Pascrell
Bereuter	Hooley	Pastor
Berman	Horn	Payne
Berry	Houghton	Pickett
Bilirakis	Hoyer	Pomeroy
Bishop	Hyde	Porter
Blagojevich	Jackson (IL)	Price (NC)
Bliley	Jackson-Lee	Rahall
Blumenauer	(TX)	Rangel
Boehlert	Jefferson	Regula
Bonior	John	Reyes
Borski	Johnson (CT)	Rodriguez
Boswell	Johnson (WI)	Roemer
Boucher	Johnson, E.B.	Rothman
Brown (CA)	Kanjorski	Roukema
Brown (FL)	Kennedy (MA)	Roybal-Allard
Brown (OH)	Kennedy (RI)	Rush
Capps	Kennelly	Sabo
Carson	Kildee	Sanchez
Clay	Kilpatrick	Sandlin
Clayton	Kind (WI)	Sawyer
Clyburn	King (NY)	Scott
Conyers	Klink	Serrano
Coyne	Knollenberg	Sherman
Cummings	Kolbe	Sisisky
Davis (FL)	Kucinich	Skaggs
DeGette	LaFalce	Slaughter
Delahunt	LaHood	Smith (MI)
DeLauro	Lampson	Smith (NJ)
Dellums	Lantos	Smith (OR)
Deutsch	Levin	Smith, Adam
Dicks	Lewis (CA)	Snyder
Dingell	Lewis (GA)	Spratt
Dixon	Lofgren	Stabenow
Dooley	Lowey	Stokes
Doyle	Maloney (CT)	Strickland
Edwards	Maloney (NY)	Stupak
Ehrlich	Manton	Tauscher
Eshoo	Martinez	Taylor (NC)
Etheridge	Matsui	Thompson
Evans	McCarthy (MO)	Torres
Ewing	McCarthy (NY)	Towns
Fattah	McDade	Velázquez
Fazio	McDermott	Vento
Filner	McGovern	Visclosky
Foglietta	Meek	Waters
Ford	Menendez	Watt (NC)
Frank (MA)	Millender-	Waxman
Frelinghuysen	McDonald	Weldon (PA)
Frost	Miller (FL)	Wexler
Furse	Minge	Weygand
Ganske	Mink	White
Gejdenson	Moakley	Wise
Gekas	Moran (VA)	Woolsey
Gephardt	Morella	Yates

NOT VOTING—19

Boehner	Forbes	Schiff
Crane	Gonzalez	Schumer
Davis (IL)	Gutierrez	Smith (TX)
Doolittle	Linder	Stenholm
Engel	McNulty	Walsh
Farr	Molinari	
Flake	Mollohan	

□ 1104

Messrs. FROST, EWING, and KNOLLENBERG changed their vote from "aye" to "no."

Messrs. PITTS, FOX of Pennsylvania, LATHAM, POSHARD, COSTELLO, HALL of Texas, PACKARD, MORAN of Kansas, and SHAYS and Ms. RIVERS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANFORD:

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—LIMITATION ON AMOUNT APPROPRIATED

SEC. 2001. LIMITATION ON AMOUNT APPROPRIATED.

Notwithstanding the specific authorizations of appropriations in the preceding provisions of this Act (and the amendments made by this Act), the aggregate amount appropriated pursuant to the authorization of appropriations for each of the fiscal years 1998 and 1999 provided in this Act (and the amendments made by this Act) may not exceed the amount appropriated for fiscal year 1997 for the provisions described in this Act (and the provisions of law amended by this Act).

Mr. SANFORD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. ROGERS). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SANFORD. Mr. Chairman, I have an amendment here that would save U.S. taxpayers $265 million in 1998 authorization, and it would save them $265 million in 1999 authorization. That seems to me something worth doing for a couple of different reasons.

First, it seems to me to be in line with what the taxpayers are asking for. What taxpayers are consistently saying to me in my home district is that if we are asked to do more with less, why cannot Government do more with less? Individuals are asked to do more with less, businesses are asked to do more with less.

What this amendment does is not to ask the State Department to do more with less, but simply to do what they are doing with what they have, because this is just a freeze, and I stress that word "freeze," at 1997 levels.

Too, I think this is of interest and again an amendment worth passing because I think it is what our children are looking for. Lawrence Kotklikoff up at the University of Boston did a study on a thing called generational accounting, and in this study they looked at the imputed lifetime tax for a child born into America today; I mean for each of my three young sons, Marshall 4, Landon, 3 and Bolton, 1, for each of those children, the imputed lifetime tax is 84 percent. To me that is unconscionable. That either means the equivalent of economic enslavement or it means the end of the capitalistic system as we know it, but in either case it means unpleasantness for each of my three boys or any of our respective kids or grandkids. Here is a chance to lower, in essence to lighten, the burden by $265 million off one shoulder and $265 million off the other shoulder. That, to me, seems worth doing.

The third reason that I think that this amendment again makes sense is it is consistent with the math. What we talked about in committee last year when we talked about merging two cold-war-era programs, U.S. Information Agency and the Arms Control and Disarmament Agency, both of which were designed to counter Soviet influence, when we talked about merging those two programs, we talked about billions of dollars worth of savings. Yet if we look at the funding here, as we can see by the bill, it goes up by $265 million. This is a chance to take advantage of that savings that we talked about in committee.

A fourth reason that I think this makes a lot of sense is that it reflects reality. If the Berlin Wall had not fallen in 1989, I would not be offering this amendment. But the Berlin Wall did fall, and with it many things changed. If our spending on diplomatic missions and embassies and a whole host of other section 150-related expenditures was to reflect that change, we would have seen a dramatic decrease. But instead, funding has gone up from 1987 to 1994, it dipped slightly after 1994, and now it is on the way back up. To me, that does not reflect reality.

In fact, if we look at State Department funding, State Department funding has in essence doubled from the early 1980's to present. Again, I do not think that reflects the change that came with the fall of the Berlin Wall.

Lastly, I would just mention that a whole host of groups, whether it is Women for Tax Reform, Citizens Against Government Waste, the National Taxpayers Union, Citizens for a Sound Economy, Americans for Tax Reform or the Association of Concerned Taxpayers, think that this amendment is in the best interest of the American taxpayer, and I would urge its adoption.

Mr. MENENDEZ. Mr. Chairman, I move to strike the last word.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I rise to oppose my colleague's amendment, an amendment that I believe is shortsighted. Mr. Chairman, foreign aid is not a frivolous expense of the United States tax dollar, especially when it is in the form of funds to support the State Department and our embassies abroad which serve to represent U.S. political and economic interests overseas.

The men and women who work in our missions overseas are not living in the lap of luxury. To the contrary, let me tell my colleagues, I was recently in Angola where our embassy staff, American citizens, both work and reside in trailer homes inside a heavily-guarded concrete compound where electricity and water are often cut off. These individuals live under these circumstances so that the United States might have some impact with the new government of that country, and to protect the millions of the many U.S. investments that exist in that country.

Those of my colleagues who would find it politically expedient to vote to cut foreign aid and operating expenses for our foreign service agencies fail to understand that there clearly is a price for leadership, and that price is far less, far less, than the cost of any military engagement that we can avoid through our diplomatic efforts, far less than a terrorist attack, far less than even a trade war in terms of dollars and lives.

Although the cold war is over, America has to remain alert to new threats, political instability, international terrorism, nuclear proliferation, epidemic diseases. All of these are things that we face in the context of this funding that we are trying to authorize. Continued U.S. engagement in international organizations and through unilateral and multilateral actions allow us to exert among our allies and our foes to diminish the threats to our political and economic security. Despite the rhetoric about the excesses of foreign policy budget and foreign affairs, the fact of the matter is, we are talking about 1 percent, 1 percent of the total Federal budget in contrast to the defense budget, which is about 18 percent of this Federal budget.

□ 1115

Despite what Members may have heard, annual expenditures for our assistance abroad is quite small and provide a big bang for our buck. In fact, many foreign assistance dollars never get abroad. Eighty percent of U.S. aid contracts and grants go to U.S.-based organizations and firms, and 95 percent of all food aid purchases, for those of the Members who are farmers in the Midwest, are made in the United States, 95 percent of all of those purchases. Nearly all of our military assistance is spent on U.S. goods and

services for those who have the suppliers in their districts who create these particular goods.

Those Members who are considering supporting this amendment should consider this: Isolationism is a far greater threat to the U.S. economy and to American workers than the meager expenditures that we are doing under this agreement. Even opponents of foreign aid must agree that we have economic interests overseas, including economic interests where people are employed here in the United States by what we promote abroad. The Commerce Department estimates that for every 1 billion dollars' worth of exports, we generate over 20,000 U.S. jobs here at home. In that regard, U.S. assistance to promote economic and political stability in developing countries is very, very dramatic.

As we approach the 21st century, we have to understand, as Madeleine Albright, our Secretary of State, has said, we cannot have foreign policy on the cheap. I am talking about looking at the bottom line, our interests here at home. Our interests here at home are fueled by the meager expenditure we make in this regard in the context of our entire budget.

In fact, being able to dictate what the new technologies are at Geneva in the respective organizations that we are participating in; promote U.S. interests abroad; promote the technological advancements that we have set in this service economy, that we have the ability to make a difference in; promote, as I just did in our trip to Africa and South Africa the hundreds of millions of dollars of expenditures by the pharmaceutical industry that are under threat because of a change in South African law as it relates to that pharmaceutical industry, so important to my State of New Jersey, we cannot be engaged in those arguments if we do not have the proper representation at our embassies abroad.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment. I do so with some reluctance. The gentleman from South Carolina [Mr. SANFORD] is a respected and valuable member of our committee. I know that he acts from exactly the right motives in offering this amendment.

I would warmly support this amendment if some of the cuts came to the multibillion dollar foreign aid accounts, of course, not the foreign aid that goes to save children's lives or feed the hungry, but the foreign aid that goes to international social engineering and sometimes to prop up dictatorships. But let me remind Members that we have already cut the major foreign aid provisions out of this bill. They are not in the bill that is before this body.

Then let us look at the numbers. The total spending in this bill, and this is the administration of foreign relations and refugee protection—it is not foreign aid per se although there are some provisions in it—the total spending in this bill is only 3.1 percent over fiscal year 1997, which is approximately the rate of inflation.

There is no money in this bill to fund empire-building, no money for big new programs or even expansion of old ones. The bill is already substantially below the administration's budget request for fiscal year 1998, approximately $181 million below the administration's request. That is also below the budget resolution, which all of us in this committee have voted for, or at least most of us.

This bill saves money, as against the budget agreement. Again, we are already on record as supporting that agreement. It is a Republican-initiated, administration-backed agreement. We are below that, so anyone who says we are exceeding that—yes, we are below last year's, but we are well in line with the budget resolution.

Second, this bill means even greater savings in fiscal year 1999. If we do not pass this bill, the administration will almost certainly request and perhaps even get higher spending on the State Department and related agencies in fiscal year 1999. This bill actually reduces spending in that fiscal year.

Even more important, we have structured this bill so that the modest increases do not primarily go to fund the Federal bureaucracy. Instead, we enhance profreedom, prodemocracy initiatives such as refugee protection, Radio Free Asia, and human rights programs such as the scholarships for young people who have been forced to flee Tibet, Burma, and East Timor.

Even though the Sanford amendment is not aimed specifically at refugees or at Radio Free Asia, the aggregate cuts it imposes would almost certainly result in cuts in these programs. Unfortunately, the refugee account has already taken a cut in real dollars. The modest funding for refugee protection is not even enough to cover the last couple of years' worth of inflation. In real dollar terms, refugees still take a substantial cut over 3 years. Let us not forget we are awash in refugees. Some 26 million people are refugees throughout the world.

Mr. Chairman, I have a letter that I have received from the InterAction Committee on Refugee Assistance, a dozen organizations, including the principal Catholic, Jewish, Lutheran, and Episcopalian refugee assistance agencies, as well as other humanitarian and human rights groups, which details what these groups call the alarming trend toward reduction of resources for refugee protection overseas.

Mr. Chairman, at the proper time I will ask that that be made a part of the RECORD so Members can see how these cuts, this slowing down of refugee protection money, has hurt the Christian Karen refugees from Thailand to Burma, has hurt people in Liberia and elsewhere, simply because there is not enough money to protect these very vulnerable people.

I also want to call attention to the effect that this amendment will almost certainly have on the enhancement we voted for last week, on the amendment that I offered to provide and to boost Radio Free Asia by $70 million. That was, and I want to repeat this as I did last week, an initiative that Speaker GINGRICH came up with; that rather than 8 hours per day of broadcasting, Radio Free Asia ought to be bumped up to 24 hours a day into China, to send the message of freedom and hope to that beleaguered country. This legislation boosts that from the $10 million in the bill each fiscal year, $20 million total, by $70 million. Again, that was an initiative that the Speaker suggested to us.

Mr. Chairman, I ask Members to vote down this amendment. I do so with reluctance, because I so greatly respect the gentleman from South Carolina [Mr. SANFORD], but I think we have done a good job.

In my Subcommittee on International Operations and Human Rights, and I know that the presiding chairman will look at this very carefully as well, we have tried to hold the line on spending. It is a good bill. Again, we are almost $200 million below the budget resolution so we come in under that number.

Mr. Speaker, I insert the following for the RECORD:

AMERICAN COUNCIL FOR
VOLUNTARY INTERNATIONAL ACTION,
Washington, DC, April 9, 1997.

Hon. BENJAMIN GILMAN,
Chair, House International Relations Committee, Washington, DC.

DEAR CHAIRMAN GILMAN: As you work to develop State Department authorization legislation for fiscal years 1998 and 1999, the undersigned agencies urge you to authorize at least $700 million for Migration and Refugee Assistance (MRA), and to work with the Appropriations Committee to ensure that this amount is provided. The MRA account has suffered funding reductions in recent years that seriously jeopardizes the protection of refugees worldwide.

In addition, we urge you to increase the authorization level for the Emergency Refugee and Migration Assistance account to $100 million. This life saving account is a no-year appropriation that has been essential in providing needed flexibility to the Administration to address emergency needs such as the most recent refugee crisis in the Great Lakes Region of Africa.

The authorized level for MRA is currently $671 million, and this amount was appropriated for fiscal years 1994 through 1996. However, for FY 1997 the appropriation was reduced to $650 million (which is the amount requested by the Administration for FY 1998). In addition, Congressional appropriators permitted $12 million of the FY 1997

MRA funding to be used for the administrative expenses of the State Department's Bureau for Populations, Refugees, and Migration (PRM), thus reversing a prohibition on such use of MRA funds that had existed for the previous two years (during those two years, PRM administrative expenses were funded through appropriations for Diplomatic and Consular functions). The Administration again seeks $12 million for this purpose in FY 98. The effect of this earmark is to further reduce the amount available for direct assistance to refugees. In real terms, this means that unless Congress acts this time, there will be $33 million less available for refugees in fiscal year 1998 as compared to 1996. This real reduction in resources for refugees overseas is not acceptable.

Within the MRA account, the funding specified for overseas assistance ($468 million in FY 1997) is used for contributions to international organizations, primarily the United Nations High Commissioner for Refugees (UNHCR). The role of UNHCR in providing life-saving and other assistance to refugees is critical to the protection goal of U.S. refugee policy. For this reason, inadequate MRA funding has a direct impact on the achievement of refugee protection.

EXAMPLES OF UNMET REFUGEE PROTECTION NEEDS

In recent months, several alarming trends have been noted. Among these is understaffing in UNHCR's protection division. Site visits by many of our agencies to refugee situations worldwide regularly find that UNHCR's protection corps is dangerously understaffed, which exposes refugees to serious risks and deprives UNHCR of the ability to fulfill its primary task of protection. The results of inadequate resources are seen in the following examples, provided through site visits by our organizations:

A site visit to Uganda in Central Africa in 1996 found that UNHCR did not have a single protection officer in northern Uganda to monitor the grave protection needs of 200,000 Sudanese refugees there. More than 100 Sudanese were killed in northern Uganda last year during rebel raids on refugee settlements. Similarly, in West Africa UNHCR had a single protection officer in the field to address the needs of 300,000 Liberian refugees in Ivory Coast. These refugees lack proper identification cards and are vulnerable to harassment and abuse by local soldiers as well as by combatants infiltrating refugee sites from Liberia.

In Burundi some 70,000 Burundian refugees were to be repatriated into potentially dangerous areas of the country, UNHCR had to suspend its resettlement efforts in part because it lacked the resources to monitor the safety of returnees. Because of Burundi's dangerous highways, UNHCR needs an expensive air capacity to monitor the safety of recent returnees and gain an early warning capacity for new refugee flows in inaccessible areas of the country.

The United States has advocated for elections in Liberia at the earliest appropriate time, even though 750,000 Liberian refugees—nearly one-fourth of the electorate—are out of the country and potentially disenfranchised. In order to ensure the credibility of any Liberian election, UNHCR may need to bring the electoral process to Liberian refugees if conditions remain too dangerous to bring refugees home to Liberia to vote. It would be an expensive but important undertaking.

In India, UNHCR has terminated assistance to many urban refugees living in Delhi because of lack of funds. The refugees, who live in dire circumstances even with UNHCR assistance, have been despondent, saying that they have no means to survive. One refugee killed herself after her assistance was terminated.

In Nepal, border guards continue to hand over Tibetan refugees to the Chinese authorities. UNHCR is only able to visit the border occasionally, when a full-time presence would be warranted. Also in Nepal, UNHCR has reduced the level of assistance to Bhutanese refugees, despite the fact that there are not prospects for their repatriation or local integration.

UNMET NEEDS IN THE VOLUNTARY RETURN OF REFUGEES

In addition, underfunding of UNHCR's core programs and special initiatives prevents needed assistance to refugees, thwarts efforts at repatriation, and in other ways undermines the goals of the U.S. refugee program. The results of inadequate resources are seen in the following examples, provided through site visits by our organizations:

Landmines have become a more prevalent danger to repatriation. The pending return of 300,000 refugees to Angola is a case in point—Angola is estimated to contain as many as 10 million landmines. A major coordinated effort with international organizations is needed to address this major impediment to safe repatriation. The threat of landmines affects relief routes and repatriation routes, and necessitates landmines awareness programs among refugees. Removal of landmines is usually an expensive but necessary component of reconstruction to facilitate the voluntary return of refugees.

A massive repatriation of 300,000 refugees to Sierra Leone under a fragile peace accord is being pursued. Yet UNHCR's financial constraints have impeded efforts to place a protection officer in the field outside the capital. Similar constraints exists in Liberia as plans for a massive repatriation effort from Ivory Coast and Guinea are being considered. A site visit to Guinea in 1996 found that broken delivery trucks were hampering food deliveries to 200,000 Liberian refugees over some of Africa's most difficult roads. Lack of spare parts for truck repairs is a major problem. The UNHCR had two field officers trying to meet the assistance needs of 200,000 refugees. Some experts consider the acceptable ration to be one field officer per 25,000 refugees.

One of the most promising young countries in Africa. Eritrea, still waits the return home of up to 300,000 refugees. Their repatriation has been stalled for three years, in part by the expense of conducting a repatriation program that provides the level of support that returnees will need in order to rebuild after decades of destruction from civil war.

American agencies working on the ground in Bosnia continue to report the lack of shelter, services, and economic activity as a major deterrent to repatriation of refugees. With the lifting of temporary protection for Bosnians in Europe, there is a need for comprehensive durable solutions to be found. These include voluntary return for most refugees, who will need an infrastructure to be rebuilt in their villages and towns. For others, it will involve resettlement opportunities in third countries such as the United States.

SPECIAL NEEDS OF REFUGEE CHILDREN

UNHCR and other international organizations have recently recognized that special efforts must be made with regard to refugee children. Children constitute over 50% of UNHCR's refugee caseload, and children separated from their parents and normal care givers constitute one of the most vulnerable refugee populations. These children need the assistance of staff trained and equipped to deal with their legal, physical and mental needs.

These services are particularly crucial in order to prevent the recruitment of children as child soldiers, military porters, prostitutes, and forced marriage partners. Refugees families and communities must be assisted in helping their children cope with the effects of physical and psychological trauma and prolonged periods of insecurity and interrupted family life.

With adequate funding and staffing. UNHCR can coordinate with ICRC, UNICEF, nongovernmental organizations, and others to engage in quick intervention, tracing, and reunification programs. These coordinated efforts can help reunite children with caring members of their families or former friends and neighbors willing to help children preserve their language, culture, and relationships with family and their communities.

Conflicts also produce families headed by children, who need special attention to care for the needs of their younger siblings while in exile and particularly on return to their homelands, where they often lack necessary life and vocational skills. Other children with special needs include older teens who have spent years in exile or refugee camps; demobilized child soldiers; victims of sexual abuse or torture; and handicapped or landmine injured minors.

Only 30% of refugee children benefit from formal educational programs, and often teachers and curriculum for these programs are poor. Agencies are anxious to produce and oversee better teaching training and to provide curriculum materials that are educationally challenging and can help children understand the importance of basic human rights and democratic values. Such efforts will help these young students contribute to the reconciliation of their communities and the rebuilding of their societies.

The MRA account also provides funds for the admission of refugees to the U.S. We wish to note in this regard that over the past several years the Administration has drastically reduced the ceiling for refugee admissions. The current admissions level of 78,000, for example, represents a 13% decrease from the FY96 ceiling of 90,000 which in turn was about 20% lower than the FY95 figure of 112,000. This decrease is clearly contrary to the will of Congress, as expressed in last year's defeat of efforts in both the House and Senate to statutorily cap the number of refugee admissions. In addition, recent letters to the State Department from Members in both chambers have urged that the admissions ceiling be restored to between 90,000 and 100,000.

We thank you for your ongoing work on behalf of refugees and other forced migrants, and we appreciate your consideration of our views on this critical funding issue.

Sincerely,

Elizabeth Ferris, Chair, Committee on Migration and Refugee Affairs. Executive Director, Immigration & Refugee Program, Church World Service. On behalf of the following agencies: Tsehaye Teferra, Executive Director, Ethiopian Community Development Council; C. Richard Perkins, Director, Episcopal Migration Ministries; Martin A. Wenick, Executive Director, Hebrew Immigrant Aid Society; Roger Winter, Executive Director, Immigration &

Refugee Services of America, U.S. Committee for Refugees; Robert Devecchi, President, International Rescue Committee; Ralston H. Deffenbaugh, Jr., Executive Director, Lutheran Immigration and Refugee Service; Le Xuan Khoa, President, Southeast Asia Resource Action Center; John Swenson, Director, U.S. Catholic Conference/Migration & Refugee Services; Don Hammond, Vice President, World Relief Corporation.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to oppose the Sanford amendment, the amendment of my colleague. Really, honestly, I would say to the gentleman from South Carolina, I will say that he misconstrues foreign aid and foreign assistance and what we do in the United States.

Further, the gentleman's amendment guts foreign affairs spending levels that we agreed to last week in the budget resolution. Even more important, I think the gentleman ignores the fact, and I heard him in his comments say that we have increased our foreign affairs funding in the last decade, when in fact the last 2 fiscal years we have reduced our foreign affairs funding by 14 percent.

Let me put a human face on this. In January I went with a congressional delegation, the largest one ever to leave the United States to go to China, led by the gentleman from Arizona, JIM KOLBE. Subsequent to that I went with the Speaker of the House again to China in March.

In each instance it was extremely cold in China, particularly in January. We met at our Embassy in China for what is referred to as a country team briefing. That place was leaking and dilapidated. All I can say to Ambassador Sasser and the people that are there is that it must be exceedingly difficult to keep their morale up in just that particular country alone.

I went home in March with a youngster that works at that Embassy who lives in a facility that does not have hot water, did not have heat, and his electricity is off more than it is on. The morale of people in foreign services then, would, of course, be reduced if we find these circumstances.

My colleague, the ranking member, just spoke about being in Angola. I was with him in Angola just 2 weeks ago. When we got there, I do not know whether the gentleman remembers, I would say to the gentleman from New Jersey [Mr. MENENDEZ], but we were told a body was found out on the street the Sunday before we were there. The building next door to the Embassy had been rafed with bullets. Here we have a dilapidated structure, again, with our Ambassador living in it, with potable water being a difficulty, that Ambassador having had malaria seven times, he reported, in addition to others that I have heard that complaint about.

I have talked to the people in the Embassies, and their morale is low. What the gentleman would do is cause that to be a problem.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding. Does that mean, then, that the morale is very high, for instance, in Argentina, where the Embassy is appraised at over $20 million?

Mr. HASTINGS of Florida. I cannot say that the morale is high in Argentina, I do not know that. I can tell the gentleman about Angola and about Zaire, the former Congo. I can tell the gentleman about the Ukraine, where 25 percent of all of what the Embassy does is expedite U.S. business problems.

That is where the gentleman is shortsighted, Mr. Chairman. The gentleman is thinking that the money just goes out and the residual does not leave an impact in the United States of America. It has a tremendous impact, what Embassies do to help American businesses; but even more important, American citizens. We cannot have people, either in tourism or in business, all over the world and not have our facilities to help them.

Mr. SANFORD. If the gentleman will continue to yield, Mr. Chairman, I wholeheartedly agree that our Ambassador staff, our Embassy staffs around the globe do a great job. What I am struggling with is the same thing that the American taxpayer is struggling with. That is that many of them live not in $200 million homes. I have a long list of residences that are appraised at over $1 million.

Mr. HASTINGS of Florida. Taking back my time, Mr. Chairman, that is disingenuous. I do not know that Embassy, but I know the one in Prague, in Paris, in England. Many of those buildings were purchased some time ago, sometimes at almost crazy costs that they were sold for.

So surely American citizens do not live in $20 million homes, but American citizens benefit by low-cost products, American citizens benefit by safe and inhabitable environments that are sometimes produced in circumstances where our Embassies and consulates, which we have already cut immensely around the globe, have caused them to benefit greatly.

That is where I think a part of the mistake is. It is as if we take $16 billion and throw it, poof, up in the air and nothing comes back to us. One whole lot comes back to this country. In Angola, I heard them discussing how Chevron and how Texaco use our Embassy in helping them to be expedited. I can tell the Members, safety and security is a vital concern. The gentleman's measure would ignore that.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my colleague and I would say my friend, the gentleman from South Carolina [Mr. SANFORD], because he is a very thoughtful Member. However, I disagree with him strongly on the issue of whether or not we should make this kind of cut in our State Department authorization.

Mr. Chairman, it would be appropriate if the chairman of the Committee of the Whole House, gentleman from Kentucky, who is also the chairman of the Appropriations subcommittee that funds the State Department, were down here speaking on this. I do not presume to speak for him. But having worked with him for the last 10 years on this issue, I think I have some understanding, as I know the gentleman has an even greater understanding, of the needs in foreign policy.

I would like to focus on one reason that the gentleman from South Carolina gave in support of his amendment. He gave as his fourth reason that the amount of money we are spending in foreign policy does not reflect the reality of the world since the fall of the Berlin Wall.

I would say it is exactly contrary to that. It is precisely because of the fall of the Berlin Wall, it is precisely because of the end of the cold war, that our requirements, our foreign policy responsibilities, have grown apace. The United States still continues to be the only country in the world that is a diplomatic superpower, a military superpower, an economic superpower, and a political superpower. That gives us, whether we like it or not, very substantial responsibilities that we as a country must continue to discharge.

We know this is not a less dangerous world that we live in today simply because of the end of the cold war. Indeed, we find that in many regions of the world conflicts and problems that had heretofore been kept under the surface by an overarching superpower conflict, have now risen to the surface and pose potential dangers to the United States and to the rest of the world.

□ 1130

These are problems that pose potential dangers to the security of the world and to peace in various regions of the world.

Not long ago I took a congressional delegation to China. I mention that because during our visit we went to our Embassy in Beijing. One of the things that this amendment would do would be to cut the funds that are available for renovation and repair of Embassies. We are talking about the U.S. mission in what is the largest country of the world from a population standpoint, the third largest country of the world

in terms of its gross domestic product, its economy, and the country with the largest trade deficit that the United States has.

In Beijing, our Embassy is woefully inadequate; it is desperately in need of repair; it is leaking through the roof; it has inadequate plumbing and inadequate electricity. Frankly, it does not enhance the credibility of the United States, the largest country of the world, the major power in that region, to be in such a woefully inadequate facility. That sends a message that I believe is the wrong kind of message.

But it is more than just the Embassy renovations we are talking about in this proposed cut. What about the Embassy security? We have Embassies all over the world that desperately need to be upgraded from a security standpoint. We are committed to increasing the amount of broadcasting in Radio Free Asia. We are committed to doing more, as the gentleman from New Jersey said, in refugee protection; and an area that I am concerned about, environmental protections along the United States-Mexico border. Commitments that we made as part of the North American Free-Trade Agreement would be substantially cut as a result of this amendment. We would be cutting our efforts to try to establish an Embassy in Jerusalem, our efforts to eliminate child labor all over the world. These are just some of the issues that would be affected by this cut.

The reality is, Mr. Chairman, that we have a funding need that is driven in very large part by currency exchange rates. That is one of the things the gentleman from South Carolina did not focus on when he talked about the rising cost of the State Department. Frequently, the cost is beyond our control. Currency exchange rates drive the amount of money we have to spend overseas. It has nothing to do with the actual dollars that we would be appropriating if all those dollars were being spent here at home. But they're not. We have to pay our foreign nationals in their currency. We have to buy food in that currency. We have to pay for repairs in that currency. So we are driven by factors that are often outside the control of the subcommittee, as the chairman well knows, when we appropriate funds in our subcommittee.

I urge my colleagues to not support this amendment. It simply is not the right time to be sending a signal to the rest of the world that we are going to reduce our involvement, that we are going to reduce our commitment to American foreign policy. I urge my colleagues to reject this amendment.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from South Carolina. This is probably a fairly easy amendment for the Members of this body to vote for. The political repercussions of a "yes" vote in the short-term future would not be great, and one could certainly find it very attractive to talk about cutting spending and trimming back government.

But I would suggest that in terms of the long-term U.S. national interest, this could be one of the most devastating votes that we could make. We are at the point, in terms of our funding of our diplomatic agencies, that we are getting to the point where the inadequacy of the funding, the level of demoralization of the staff, the lack of ability to deal with the rising cost stemming from terrorism and proliferation and all of the other still existing threats to our national security are going to render our diplomatic agencies unable to meet the challenges that they face.

Just a couple of facts in terms of background. We spend less in our international relations spending now than we spent in fiscal year 1985 in unadjusted dollars. In terms of just straight dollar amounts, we are spending less now than we spent in 1985. The budget for the State Department and other diplomatic agencies has already been cut in the past 2 years by 14 percent.

This amendment violates the budget agreement, overrides the vast majority of the Committee on International Relations in terms of the appropriate level, removes the flexibility of the appropriators who are dealing with a very difficult situation where three important agencies, the Justice Department, the Commerce Department and the State Department, are all within their budget, and puts an artificial lid on one aspect of that, which makes their ability to make sensible priority decisions much weaker.

It cuts the Embassy security. It limits our ability to build up Radio Free Asia. It cuts refugee protection. It very much impacts in our effort to develop a broader program for the Mexican-United States border which would allow us to ensure that the very necessary commercial relations, if it exists, are documented, that people have the appropriate credentials and at the same time are not able to come across the border illegally. There is no point to going any further with these cuts.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, could the gentleman show me any of those cuts?

Mr. BERMAN. Could I show the gentleman the cuts?

Mr. SANFORD. Yes, Mr. Chairman.

Mr. BERMAN. The cuts in what the administration has requested in terms of State Department funding?

Mr. SANFORD. Mr. Chairman, if the gentleman will continue to yield, in other words, I would call a cut a cut from what we are spending today. I think we both know this is simply a freeze at 1997 levels.

Mr. BERMAN. Mr. Chairman, we sit here and we decide, we want to build the following Embassies. We want to institute the following new program on the Mexican border. We want the diplomatic security bureau of the Department of State to undertake the following new security measures. We want more commercial attaches in the following Embassy. Then we put on top of that a resolution which freezes the budget. The result of that is a massive cut in other functions that was never anticipated, a reduction in the ability to process passports and all the other basic services that the State Department undertakes. You cannot engage in a whole series of new initiatives and then freeze the budget without expecting massive cuts in other areas.

Mr. SANFORD. Mr. Chairman, I suppose it would be a matter of viewpoint on that. Again, in 1983 the State Department was funded with $1.9 billion. Today it is funded with $3.97 billion. To me that would not be a cut.

Mr. BERMAN. Mr. Chairman, fiscal year 1985, using that as the base, we spent more money on the international relations budget in that year than is being proposed by the President to spend this coming fiscal year. This House has already cut the administration's budget in this area by several hundred million dollars. This amendment would cut it by an additional $200 to $300 million. I think that is a terrible mistake. I urge that the amendment be defeated.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say that I consider the gentleman who has offered the amendment one of the Congress's most distinguished young leaders. My concern, and I would like to extend a little bit beyond, although in full agreement with the last speaker, Mr. BERMAN, as well as the previous speaker, the gentleman from Arizona, Mr. KOLBE, relates to the nature of the world. There are two things that I think this body has to relevantly consider.

As the cold war has come to an end certain international issues are more complicated. It is not just an "us versus them" circumstance. A lot more sophistication is needed. We are also seeing a number of new countries develop. Some of these new countries are former States of the former Soviet Union. Some are former states of a split country, the former Yugoslavia. Some are in other parts of the world.

But the point I would make is that if you want to give legitimacy to these states, you have to recognize them in appropriate ways. That means establish embassies in these countries; that means make it clear that the United

States of America legitimizes the state structure that has come into being, which is in our enormous national interest.

Second, if in a very broad sense one can characterize the last half century as being principally one of geopolitics, we all hope and there is certain potential in the making that the next half century will be largely about geoeconomics. In this contest I think an enormous case can be made that to help American business we are going to have to have not less representation abroad but significantly more, particularly in the area of commercial activities and decentralized consulates.

When you have significant countries with regions that are the equivalent manyfold of the average nation-state, it is very important that the United States business community have an anchor in those regions, whether it be the Shanghais or other cities within the new China or whether they be part of the older countries of western Europe. My sense is that we shortchange the Department of State at great risk to the national security of the United States and also in a very significant way to the future of American commerce.

The State Department has done a very poor job in contract with the last century in projecting commerce as a signal mission. But I think in the coming decades on this commercial component of American representation abroad and the need to have structures to support the commercial component are going to be increasingly important. So as easy as this amendment seems to be to vote for, I think the membership ought to take great caution and support the budget agreement, support the President, who is, after all, all of our President when it comes to foreign policy, and support the leadership of the committee.

Mr. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the gentleman's amendment for many reasons, but I wish to speak specifically on cutting off funds to upgrade our facilities in China.

Mr. Chairman, I have been to China. I have been to the U.S. Embassy in Beijing, as others who spoke before me have. I have witnessed the deplorable conditions of the building in which Ambassador Sasser and his very able staff do their work. Our quarters there, in my judgment, are an embarrassment to this country. They need to be upgraded, and this is not an excessive request. It simply has to do with doing what is right so that we can do our work and maintain the morale of our talented and well-trained representatives in Beijing and throughout the world.

This is not the time to adopt an isolationist foreign policy. On the contrary, the allocations for the State Department are justifiable, so I oppose the amendment and I urge my colleagues to vote against it.

Mr. CHABOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my friend, the gentleman from South Carolina [Mr. SANFORD]. For the first time in recent memory, the Congress is moving away from its free-spending ways. A balanced budget in the next 5 years is now a real possibility. Tax breaks for working American families, albeit not large enough tax breaks, I think we should go much larger than those that are proposed at this time, but they appear to be in the offing. But we could go much further.

The gentleman's amendment, similar to the one I voted for in committee, is a fair one. It simply freezes spending authorization at the level appropriated for fiscal year 1997. Freezes. It was not a cut, although I would support a cut. It is a freeze. We are simply saying that while we work toward a balanced budget, while we reduce taxes for the overburdened American people who are just overtaxed, while we try to move our own citizens off welfare rolls and into productive jobs, that the State Department, the foreign aid bureaucracy and others learn to live on the same allocation appropriated by this Congress for fiscal year 1997.

Mr. Chairman, the gentleman from South Carolina [Mr. SANFORD] in my opinion offers a modest amendment, an amendment that will allow us to proceed even faster to balancing the budget and to giving tax relief to the American people. They are entitled to tax relief.

We keep hearing that we are drastically cutting back, that we are slashing this and slashing that and cutting this. This is not a cut. Some of us would agree to drastically and dramatically cutting, but that is not what this is. This merely freezes last year's levels.

□ 1145

American families go through this type of process, this decisionmaking process, when they have to set priorities all the time. They oftentimes freeze parts of their budget. This is what we ought to do.

It is a modest proposal. We ought to support it. I know the gentleman has already mentioned this early on, but we have had a lot of folks against this amendment for a while. There are a lot of very significant groups that favor this amendment, such as Women For Tax Reform, Citizens Against Government Waste, the National Taxpayers Union, Citizens For A Sound Economy, Americans For Tax Reform. These very pro-taxpayer groups support this amendment.

I would strongly urge my colleagues to support this amendment.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. CHABOT. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, there has been much talk about cuts, and as my colleague just pointed out, this amendment does not cut, it simply freezes. But with the conversations that have taken place, I would have thought there would be leaking roofs, walls falling in.

I want to suggest two places, in addition to again this being a freeze, where savings might come in. One, the State Department itself, as of October 1995, had a list of over 100 properties for potential sale valued at over $467 million. I want to say that again: $467 million. That would take care of, again, any of these shortfalls that have been suggested.

The other thing is a lot of the spending that is proposed in this bill, I mean, for instance, $178 million, we have to multiply these numbers by two; but $178 million for the International Tropical Timber Organization? How about $234,000 for the International Natural Rubber Study Organization? Or how about $134,000 for the International Hydrographic Organization? How about $203,000 for the International Cotton Advisory Study Group? Or $51,000 for the International Copper Study Group?

There are a host of places wherein we could come up with the savings that would keep our embassies doing what they ought to be doing.

Mr. CHABOT. Mr. Chairman, reclaiming my time, I urge my colleagues to support this very modest amendment. Many of us would be willing to go much further than this, and really think we should cut. This does not cut, it merely freezes at last year's levels.

Mr. WEXLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and would like to speak to the aspect of the amendment that I believe cuts really close to the American people. Oftentimes when this Congress speaks about foreign affairs, many Americans do not perceive it as something that touches their lives in any concrete fashion.

One aspect of this amendment, I think, cuts very close to the people in my State, Florida, and in fact to the people of the United States. That is, maybe it is mundane, but that is the ability of Americans to obtain their passports and their visas in a timely manner.

In my community, if individuals need to get a passport in a fast fashion, they are likely to stand in line for 3 hours, 4 hours, 5 hours, sometimes over a couple of days. If there is an emergency, if there is a business need, a family need, oftentimes it will be very difficult to

accomplish that purpose of getting a visa or a passport in a quick fashion.

When this Government was shut down a year and a half ago, extraordinary havoc was created throughout Florida, and I can only imagine throughout the Nation, in the private sector by business people who could not conduct their business.

Now, in fairness, this amendment does not shut down Government, but what it does is it reduces the amount of opportunity, the ability of the State Department to improve their services with respect to Americans obtaining their passports and visas.

The sponsor of the amendment very eloquently spoke of his three little children and the tax burden that they will incur as they grow up. Well, I too, have three little children, but I would respectfully suggest that the manner in which all of America's children will have the ability to pay for our Government in the 21st century and pay for our obligations to our veterans and our senior citizens and our military forces and the obligation of what we call the American way of life, the manner in which we do that is not to stick our head in the sand and pretend that our opportunities cease at our borders; rather, I believe, it is common sense that the manner in which America's children will have the opportunities in the 21st century to pay for the kind of society we want is to increase our opportunities.

Increasing opportunities overseas means to have a very valid presence overseas. The way in which we increase our economic opportunities, our ability to travel, our ability to trade, our ability to make certain that there is peace rather than conflict is not by cutting money in today's budget, in today's bill, which has already been cut from the President's budget proposal; but rather it is to keep it where the President ultimately wanted.

To do otherwise, I believe, would be to defeat the exact purpose that the sponsor of the amendment seeks, and that is to make there be less of a burden on today's children for tomorrow.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to rise in strong support of the Sanford amendment to reduce this bill by $265 million, and I also wanted to respond to some of the previous comments.

We have been told that, if the Sanford amendment passes, America would be sticking our heads in the sands and withdrawing from our international responsibilities. Let me give my colleagues some numbers here. This is $265 million, a lot of money, Mr. Chairman. However, compare that with the overall amount of the bill, which is $6.3 billion. In addition, later on this year we will pass a foreign aid bill which will be approximately $12 billion, or somewhere thereabout. In addition to that, we will be spending around $260 billion on defense. Those are huge numbers.

Mr. Chairman, if I had long hair, this amendment is not even clipping off an inch or two of my long hair. What it does is it plucks out a few of the hairs out of my head. I will still have plenty of hair in my head with or without the Sanford amendment. But I would suggest and recommend strongly that we do have to clip, we do have to trim, because we are over $5 trillion in debt. That is what this is about. This is about trying to make the future good for our children by not enslaving them year after year from deficit spending and increasing the debt.

I want to give my colleagues three areas where we could find savings in this bill. No. 1, we spend hours, and we have already had two or three amendments on the United Nations. One of them talked about pulling America out of the United Nations, another asked for a study so they could find better ways to restructure. Yet, with this bill, we are increasing support for international organizations $68 million. That seems a little odd when we have so many Members who want to actually cut out spending.

We have heard that this amendment will cause a lot of the overseas real estate to go in disrepair and have roofs that leak. And yet, Mr. Chairman, we have already passed the Bachus amendment that moved to sell unnecessary real estate that should give us a 5-year savings of $109 million. Now, that is rather odd, Mr. Chairman, when we are told that this amendment would actually cripple our overseas real estate investment, because the bill itself calls for an increase of $389 million for the next 2 years, each year, for new real estate.

What is it we are trying to do? On the one hand we are trying to reduce, and on the other hand we are trying to expand. What this amendment does is it forces us to get our priorities right.

What is the third area? One of the reasons why most Members are ultimately going to support this bill is because it does consolidate and eliminate two agencies, the Arms Control Disarmament Agency and the U.S. Information Agency.

Now, as one who believes in smaller government, I am excited by this. I think it is very important to consolidate and eliminate duplicative agencies and commissions; and yet this, apparently, is not going to save any money. So why are we doing it; for window decoration? If we are not doing it for more efficiency, why are we doing it? And if we are doing it for inefficiency, is it not true that it will save money?

Mr. Chairman, if we are truthful and sincere about our desire to reduce the size of government and to consolidate and eliminate unnecessary agencies, certainly we are doing that with the implied goal of saving taxpayers' dollars.

The $265 million is a lot of money back in the First District of Georgia, as I am sure it is in all 435 congressional districts; but in terms of a bill that has a cost of over $6.3 billion, in terms of $260 billion in defense that we will be spending around the globe, in terms of $12 billion in foreign aid we will be spending, this $265 million is small and it is reasonable. But it is an important and symbolic first step toward fiscal responsibility.

Mr. Chairman, I urge Members to pass the Sanford amendment.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

My colleagues, when we were in the State senate, we had a parliamentary provision in our rules that would allow us to divide the question on any issue. And when we had an amendment that involved a broad number of areas, we, as members of the State senate, could then make a motion to the chair to divide the issue.

While I respect the sponsors of this amendment, and I think that they are right in wanting to cut Federal Government spending and State Department spending, for the Congress to micromanage to this extent is wrong.

They ought to ask the question on individual amendments. They should ask me if I want to cut Embassy security. Of course, I do not want to cut Embassy security. Our Embassies need security. They need the protection and the money that provides that protection. So maybe we could extract this from the Sanford amendment, and maybe it would be more palatable to me.

They could ask me if I want to cut freedom broadcasting to Cuba. No, I do not want to cut freedom broadcasting to Cuba. So why do we not extract this, Mr. Chairman, from this amendment, and then maybe it would be more palatable to me.

Maybe we could say we want to cut environmental programs along the gulf, the United States-Mexican border. I do not want to do that. There are some parts of the gentleman's measure that I like, but this micromanaging by the Congress is just wrong.

We cannot dictate to the administrative branch of Government everything. We are going to give them an amount of money and we are going to tell them to spend this money judiciously and spend it in such a manner as it is not wasted. So while I respect the gentleman, and I would like to be able to support the philosophy of what he is trying to do, I think that this type of micromanagement is totally wrong.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I would say to the gentleman that my understanding is that the Congress is in charge of the pursestrings of this Nation and that, therefore, this is the kind of micromanaging the taxpayers would expect of us.

Mr. CALLAHAN. Well, Mr. Chairman, reclaiming my time, I understand what the gentleman is saying, but I do not think we can start dictating to the administrative branch of Government, to the State Department that they ought to have blue carpets in their Embassies; we should not have an amendment that says no Embassy can be painted brown or pink.

We ought to recognize that the Constitution gives foreign policy responsibility to the administrative branch of Government. We do hold the pursestrings. I am chairman of the committee that appropriates the money to the State Department for foreign policy, and the chairman here today is the chairman of the committee that handles the State Department affairs, such as most of these things address.

Mr. SANFORD. Mr. Chairman, if the gentleman would be so kind as to continue to yield, the gentleman is precisely right, and that is why this amendment does not attempt to micromanage where any of this money should come from. All it does is freeze at 1997 levels.

Mr. CALLAHAN. I understand that, but, at the same time, this committee, the Committee on International Relations, has gone through hours and hours of hearings trying to draft a bill. Does the gentleman think they do not care about the same things he cares about? Does the gentleman think they just overlooked this or they are trying to give the administration the ability to spend this money in a reckless fashion? Of course they are not.

□ 1200

Mr. SANFORD. I am on that committee and that is why I am offering it.

Mr. CALLAHAN. And my colleagues should have argued these points in the committee where they have the time, where they have the ability, even giving the administration the authority to come in and to tell them what is wrong with these proposals. These feel-good, look-good amendments are wrong.

I think that it sounds good to be able to go back to our districts and say, we introduced this resolution on this amendment to this bill that was going to do these certain things. But in my opinion, and it is in all respect, and certainly my colleague is in a position, being on the Committee on International Relations, to have input, to talk to his colleagues on the subcommittee and on the full Committee on International Relations and to try to either put it in report language or suggest that the sense of the Congress is this.

But for us to begin amending this bill, telling the administration what they are going to spend their money on, what time of day the ambassadors are going to get up, in my opinion, is absolutely wrong. So I respectfully request that my colleagues recognize that we cannot micromanage to this extent and that they vote against the Sanford amendment.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. This amendment is counterproductive, and, in fact, in many ways it is un-American, because we are the world's leader economically, we are the world's leader in terms of setting social trends, we are the world's leader in terms of showing the wisdom and maturity that the rest of the world expects from us and this amendment weakens our leadership capacity.

To cut the State Department is an implication that they are not doing their job. But is not the proof in the pudding? Is not the proof of whether they are doing their job the view that other countries have of us, the extent to which they look to us for guidance, not just in terms of military judgments but more importantly, in terms of the economic judgments that open up markets for our free enterprise system and our competitively priced products.

We are now in a global economy, a global economy in which the United States has the major stake. In fact, the United States has the greatest interest in this global economy because we have the most productive capacity right now for what the rest of the world wants. We do not have enough of a market within our country to maintain the economic growth that we depend upon for our quality of life, so we need to expand market opportunities around the world.

To do so, it will not be the U.S. Government that is going to be investing the majority of resources, it is not U.S. Government personnel who will be directly responsible for accomplishing this national objective. It is the private sector. It is corporations, it is individual entrepreneurs. But they desperately need people in foreign countries, in our embassies that know the country, that can bail them out of problems that they might encounter, that in fact will represent our economic interests in a mature, in a responsible, and in a professional manner.

That is the job of the State Department. They do it very well. They do not do it as well as they should be able to do it today, because we have cut 3,000 people already out of the State Department. If my colleagues want to find out what the effect of that is, they do not have to go to the families of State Department personnel who may have lost their jobs or may have retired early, but go to the executives of our corporations who are involved in international trade and they will tell you they need more help in American embassies, they need more consulates, they need a State Department that is growing at the pace that our economy is growing, they need a State Department that realizes the importance of the global economy and realizes the importance of American leadership within international economies.

How counterproductive could we be to cripple this essential agency of American interests, these committed professionals who are doing the job that we depend upon? I just cannot imagine that Congress would go along with this shortsighted view. But beyond the economic considerations, think of the hundreds of thousands of young Americans who have died in wars, some wars that could have been ended earlier, some wars that never should have begun. We owe it to them to make sure that we avoid that kind of bloodshed in the future, to make sure we avoid those diplomatic failures, to make sure, in fact, that the 21st century is a time of peace and prosperity.

And as important as the Defense Department is, it is not the Defense Department that is going to achieve that goal to the extent that the State Department will be able to achieve it if they have adequate resources. Because knowledge leads to understanding, which leads to respect, which leads to appreciation, which leads to friendship. And it is that global friendship that serves our national interests and will serve the interests of our children and our grandchildren who otherwise may have to risk their lives because of failed diplomacy.

We cannot afford failed diplomacy. We cannot afford not to have the professionals, the people who are dedicated to American ideals in other countries around the world. Why we would cut the State Department more after we have already cut it so badly is beyond me and I hope far beyond the wisdom of this Congress.

So, Mr. Chairman, I would urge my colleagues in this body to support the peace and prosperity that is a direct result of global economic interpendency and vote "no" on the Sanford amendment—and to do so overwhelmingly.

Mr. HAMILTON. Mr. Chairman, I move to strike the requisite number of words, and I oppose the amendment.

Mr. Chairman, I stand in opposition to the Sanford amendment. I want to make several points about it. The first point is that the Sanford amendment is not a cut in the foreign aid budget. There is virtually no foreign aid money in the bill that we are now considering. It is a bill that reauthorizes the State Department.

I know how attractive it is on this floor to support cuts in foreign aid, but I want Members to be very clear that we are not voting here on a foreign aid cut, we are voting with respect to a cut in the State Department authorization bill. What that means is that the cut is aimed at our diplomats and their ability to do their work abroad. That is the first point.

Second, I think the amendment to cut the State Department authorization bill has to be put in some context, and that context simply is that we have had too many cuts already in the so-called 150, or international, account. The international affairs budget has been cut by 30 percent, 37 percent in real terms, since 1986; and as has been mentioned on the floor, in the past 2 years, the funding has been cut by 14 percent.

Now, all of our professional diplomats that I am acquainted with, and I am going to cite some personally in just a moment, believe that these cuts have now begun to harm our ability to conduct foreign policy in a lot of different ways. They cut the diplomatic infrastructure that is crumbling due to funding cuts, which have prevented us from modernizing and maintaining our buildings, making it very difficult for our diplomats to do their exceedingly important work.

It has become increasingly hard to maintain the level of consular services American people deserve overseas. And I suspect there are very few congressional offices that do not deal on a daily basis with demands for consular service from our diplomats. And we have accumulated more than $1 billion in arrears to international organizations, and that undermines our ability to lead in the world and impedes our ability to get multilateral institutions to follow our aid.

The point, simply, is that I do not think that the Sanford amendment can be taken in isolation, it has to be seen in the context of very sharp cuts in the international account over a period of a good many years.

The third point to make is, and this goes directly to the amendment, is I simply think that the State Department cuts that are proposed by the Sanford amendment are much too deep. The bill when it came to the floor already cut the President's request by $200 million. We have adopted on this floor additional cuts of roughly $136 million; and along comes Sanford, which is a $225 million cut.

If we add all of this up together, what we are doing is we are cutting about half a billion dollars from the President's request. So this is not just a freeze. I know the gentleman from South Carolina [Mr. SANFORD] intends this to be a freeze. And if we look at his amendment itself, that is what he is seeking to do, to freeze the level of spending. But if we put it into the context of cuts that have already been adopted on the floor and cuts adopted in the committee, then we have got a very, very substantial whack here out of the President's request.

Now, I must say that I think we have to pay some attention to our top diplomats here. They are the ones who we put out on the front line to try to carry the burden of conducting American foreign policy abroad. What is striking here is that every single one of them in recent years, Republican or Democrat, has said to us that we need to maintain the State Department account.

The chairman has a letter signed by Henry Kissinger and George Shultz and Alexander Haig and James Baker and Lawrence Eagleberger and Gen. Colin Powell and Brent Scowcroft. All of those served with great distinction in the Republican administrations, and all of them believe that we have to maintain the level of funding that was reported in the committee bill.

I know that committee bill is not before us, but they want that level of funding and that means they would be in opposition to the Sanford amendment. Add to those names the present Secretary of State, who has been extremely forceful in urging that this 150 account not be cut, add to those names her predecessor, Warren Christopher, and what you have is every single Secretary of State in the past dozens of years, in addition to some of the national security advisers, all urging us to maintain this level of funding, not to freeze it, not to cut it half a billion dollars.

So I would urge my colleagues here to pay respect to our professional Secretaries of State who have urged adequate funding, and to oppose the Sanford amendment, which not only does it cut but it also undermines the budget agreement which we adopted on this floor just days ago by an overwhelming vote. I urge a vote in opposition to the Sanford amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I abhor excessive Government spending as much as anyone and, as a member of the Committee on Appropriations, try to take that position. I also support many of the things that my good friend, the gentleman from South Carolina [Mr. SANFORD] supports. I think his outreach to cut spending in all areas of Government is certainly prudent. I cannot defend the State Department on every expenditure or everything it does. I have watched it do many foolish things over the years, as we have all in this body. But I have to oppose this amendment because it is the wrong amendment in the wrong place.

This authorization bill will go to the Appropriations Subcommittee. I would advise and invite my colleague, as a member of that subcommittee, to come in and let us look at areas where there might be savings, where there might be opportunities to cut waste, and then deliberately take those one piece at a time if clear explanations are not there for the expenditures.

But to arbitrarily cut this much money from the State Department's budget at this time would do exactly what the gentleman from New York [Mr. GILMAN] has indicated and said clearly it would do. It would create cuts in our security at Embassies. It could cut vital expansions of Embassies in areas, for instance, such as Russia; badly in Russia. We need a country with 11 time zones, a country with an enormous amount of work to do to the projected market system, to convince them to continue along the ways of the market system and freedom. We need to be putting more and more information and communication there.

□ 1215

We need to have availability for their members, for their citizens to be able to come to the United States for both business opportunities as well as educational opportunities. We need to have opportunities for our citizens to travel in Russia. That is just one part of the world that is changing dramatically where we need more communication, where we need more representation rather than less.

As we try to project our message through Radio Free Asia or the broadcasting to Cuba or any of the other areas where we are trying to project our point of view, as we try to expand services for the new countries that have been under totalitarian control and are now allowing their citizens to travel and to come out and see what is happening in the free world, we need to be expanding our efforts in these areas. There are opportunities to save, but across-the-board cuts such as this would not be beneficial to any of the efforts for freedom in this country.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from South Carolina.

Mr. SANFORD. My only question for the gentleman would be, does he think that there might be 3 percent or just shy of 3 percent of waste within the State Department?

Mr. TAYLOR of North Carolina. It would be difficult without reviewing the entire bill to see. It may be, more than a cut, it may be a shift in resources might be needed more than a cut itself.

Mr. SANFORD. This amendment would leave it up to you all basically to decide on how those resources might shift. All it does is freeze and prevent in essence a 3-percent increase.

Mr. TAYLOR of North Carolina. It would mandate, though, if the need were there, it would restrict us in a

way that we would not have the freedom of making that decision. If it was not a question of shifting or if we needed more resources in areas as we mentioned a moment ago, either to project our message across the world or to increase our representation in countries such as Russia, it would limit us from doing that.

I would urge, rather than a broad cut, come sit with us in the meetings and work toward seeing which areas could be changed, rather than locking the hands of the appropriators and the authorizers, for that matter, in any further deliberation by a direct freeze at this time.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to the amendment proposed by the gentleman from South Carolina [Mr. SANFORD] who is a distinguished member of our Committee on International Relations.

Mr. Chairman, the funding in this bill is already below the levels set by the gentleman from Ohio [Mr. KASICH] in the budget adopted by this House. The Sanford amendment would result in cuts to a number of key programs, such as cuts in Embassy security and Embassy renovations. It would cut Radio Free Asia which the Speaker has strongly supported. It would cut freedom broadcasting to Cuba, and refugee protection. It would result in cuts to human rights programs for the oppressed people in Tibet, in Burma, and East Timor. Also affected by the cuts in the Sanford proposal would be United States-Mexico border environmental programs, the United States Embassy construction in Jerusalem, and programs to end child labor abuses. The Sanford amendment will cut all of these programs.

I reiterate, funding on this bill is below the Kasich budget resolution. This bill is part of a plan to balance the budget. Our budget chairman, the gentleman from Ohio [Mr. KASICH], supports the bill in its current form. I will also note that the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the Committee on Appropriations, the gentleman from Kentucky [Mr. ROGERS], the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations, the gentleman from Alabama [Mr. CALLAHAN], the distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, are all united in opposition to the Sanford amendment. This amendment breaks the budget deal negotiated by the gentleman from Ohio [Mr. KASICH] which is strongly backed by the leadership.

Accordingly, Mr. Chairman, I urge our colleagues to defeat the Sanford amendment.

The CHAIRMAN pro tempore (Mr. ROGERS). The question is on the amendment offered by the gentleman from South Carolina [Mr. SANFORD].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANFORD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 261, not voting 10, as follows:

[Roll No. 179]

AYES—163

Aderholt	Foley	Pease
Andrews	Fowler	Peterson (PA)
Archer	Ganske	Petri
Armey	Gekas	Pickering
Bachus	Gibbons	Pombo
Baker	Goode	Portman
Ballenger	Goodlatte	Pryce (OH)
Barr	Goodling	Radanovich
Barrett (NE)	Graham	Ramstad
Bartlett	Granger	Riggs
Barton	Gutknecht	Riley
Bass	Hall (TX)	Roemer
Bilirakis	Hansen	Rogan
Blunt	Harman	Rohrabacher
Boehner	Hastert	Royce
Bono	Hastings (WA)	Ryun
Boswell	Hayworth	Salmon
Brady	Hefley	Sanford
Bryant	Herger	Schaefer, Dan
Bunning	Hill	Schaffer, Bob
Burr	Hilleary	Sensenbrenner
Burton	Hoekstra	Sessions
Camp	Hostettler	Shadegg
Campbell	Hulshof	Shaw
Cannon	Hunter	Shays
Castle	Hutchinson	Shuster
Chabot	Hyde	Smith, Linda
Chambliss	Inglis	Snowbarger
Chenoweth	Istook	Solomon
Christensen	Jenkins	Souder
Coble	Johnson, Sam	Spence
Coburn	Jones	Stearns
Collins	Kim	Stenholm
Combest	Kingston	Stump
Condit	Klug	Sununu
Cook	Largent	Talent
Cox	Lewis (KY)	Tanner
Cramer	Lucas	Tauzin
Crane	Luther	Taylor (MS)
Crapo	Manzullo	Thornberry
Cubin	McCarthy (MO)	Thune
Cunningham	McIntosh	Tiahrt
Danner	McKeon	Traficant
Deal	Mica	Upton
DeFazio	Miller (FL)	Wamp
DeLay	Moran (KS)	Watkins
Dickey	Myrick	Weldon (FL)
Doggett	Nethercutt	Weldon (PA)
Doolittle	Neumann	White
Dreier	Ney	Whitfield
Duncan	Norwood	Wicker
Emerson	Nussle	Young (AK)
English	Parker	Young (FL)
Ensign	Paul	
Everett	Paxon	

NOES—261

Abercrombie	Blumenauer	Clay
Ackerman	Boehlert	Clayton
Allen	Bonilla	Clement
Baesler	Bonior	Clyburn
Baldacci	Borski	Conyers
Barcia	Boucher	Cooksey
Barrett (WI)	Boyd	Costello
Bateman	Brown (CA)	Coyne
Becerra	Brown (FL)	Cummings
Bentsen	Brown (OH)	Davis (FL)
Bereuter	Buyer	Davis (IL)
Berman	Callahan	Davis (VA)
Berry	Calvert	DeGette
Bilbray	Canady	Delahunt
Bishop	Capps	DeLauro
Blagojevich	Cardin	Dellums
Bliley	Carson	Deutsch
Diaz-Balart	Klink	Pickett
Dicks	Knollenberg	Pitts
Dingell	Kolbe	Pomeroy
Dixon	Kucinich	Porter
Dooley	LaFalce	Poshard
Doyle	LaHood	Price (NC)
Dunn	Lampson	Quinn
Edwards	Lantos	Rahall
Ehlers	Latham	Rangel
Ehrlich	LaTourette	Redmond
Engel	Lazio	Regula
Eshoo	Leach	Reyes
Etheridge	Levin	Rivers
Evans	Lewis (CA)	Rodriguez
Ewing	Lewis (GA)	Rogers
Fattah	Linder	Ros-Lehtinen
Fawell	Lipinski	Rothman
Fazio	Livingston	Roukema
Filner	LoBiondo	Roybal-Allard
Foglietta	Lofgren	Rush
Ford	Lowey	Sabo
Fox	Maloney (CT)	Sanchez
Frank (MA)	Maloney (NY)	Sanders
Franks (NJ)	Manton	Sandlin
Frelinghuysen	Markey	Sawyer
Frost	Martinez	Saxton
Furse	Mascara	Schumer
Gallegly	Matsui	Scott
Gejdenson	McCarthy (NY)	Serrano
Gephardt	McCollum	Sherman
Gilchrest	McCrery	Shimkus
Gillmor	McDade	Sisisky
Gilman	McDermott	Skaggs
Gonzalez	McGovern	Skeen
Gordon	McHale	Skelton
Goss	McHugh	Slaughter
Green	McInnis	Smith (NJ)
Gutierrez	McIntyre	Smith (OR)
Hall (OH)	McKinney	Smith, Adam
Hamilton	McNulty	Snyder
Hastings (FL)	Meehan	Spratt
Hefner	Meek	Stabenow
Hilliard	Menendez	Stark
Hinchey	Metcalf	Stokes
Hinojosa	Millender-McDonald	Strickland
Hobson	Miller (CA)	Stupak
Holden	Minge	Tauscher
Hooley	Mink	Taylor (NC)
Horn	Moakley	Thomas
Houghton	Mollohan	Thompson
Hoyer	Moran (VA)	Thurman
Jackson (IL)	Morella	Tierney
Jackson-Lee (TX)	Murtha	Torres
Jefferson	Nadler	Turner
John	Neal	Velázquez
Johnson (CT)	Northup	Vento
Johnson (WI)	Oberstar	Visclosky
Johnson, E. B.	Obey	Walsh
Kanjorski	Olver	Waters
Kaptur	Ortiz	Watt (NC)
Kasich	Owens	Watts (OK)
Kelly	Oxley	Waxman
Kennedy (MA)	Packard	Weller
Kennedy (RI)	Pallone	Wexler
Kennelly	Pappas	Weygand
Kildee	Pascrell	Wise
Kilpatrick	Pastor	Wolf
Kind (WI)	Payne	Woolsey
King (NY)	Pelosi	Wynn
Kleczka	Peterson (MN)	Yates

NOT VOTING—10

Farr	Molinari	Smith (TX)
Flake	Scarborough	Towns
Forbes	Schiff	
Greenwood	Smith (MI)	

□ 1240

Messrs. ALLEN, WELLER, and SHIMKUS, and Ms. SANCHEZ changed their vote from "aye" to "no."

Messrs. BURTON of Indiana, HYDE, and KIM changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENTS EN BLOC OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN pro tempore (Mr. GOODLATTE). The Chair would inquire of the gentleman from Indiana [Mr. HAMILTON] if he concurs in the offering of this en bloc amendments?

Mr. HAMILTON. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. GILMAN:

Strike division A and insert the following (and amend the table of contents accordingly):

DIVISION A—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the "Foreign Affairs Agencies Consolidation and Reinvention Act of 1997".

SEC. 102. CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) With the end of the Cold War, the international challenges facing the United States have changed, but the fundamental national interests of the United States have not. The security, economic, and humanitarian interests of the United States require continued American engagement in international affairs. The leading role of the United States in world affairs will be as important in the twenty-first century as it has been in the twentieth.

(2) In this context, the United States has a historic opportunity to continue the reinvention of the agencies primarily responsible for implementing the Nation's foreign policies.

(3) The United States budget deficit and the agreement to come to a balanced budget over 5 years requires that the foreign as well as the domestic programs and activities of the United States be carefully reviewed. Wherever possible, foreign programs and activities must be streamlined, managed more efficiently, and adapted to the requirements of the post-Cold War era.

(4) In order to streamline the foreign programs and activities of the United States without jeopardizing United States interests, strong and effective leadership will be required. In order to promote this streamlining process, the proliferation of foreign affairs agencies that occurred during the Cold War must be reversed by reinventing, streamlining, and reorganizing the foreign affairs structure under the strengthened leadership of the Secretary of State.

(5) The continuing reinvention, streamlining, and reorganization of the foreign affairs agencies, the Department of State, the Arms Control and Disarmament Agency, the United States Information Agency, the International Development Cooperation Agency, and the United States Agency for International Development, must ensure that these agencies can effectively confront the new and pressing challenges of the post-Cold War world.

(6) Any reinvention, streamlining, and reorganization of the foreign affairs agencies must recognize the fact that arms control and nonproliferation, sustainable development, and public diplomacy are now more central than ever to the success of the United States foreign policy. Any integration of these agencies should preserve the unique skills and capabilities of each of the agencies in a reinvented Department of State.

(7) A reinvented, streamlined, reorganized, and more flexible foreign affairs structure under the strengthened leadership of the Secretary of State can more effectively promote the international interests of the United States and enhance the United States' ability to meet the growing foreign policy challenges during the next century.

(8) The new foreign affairs structure should be one that will maintain the quality of and strengthen the public diplomacy and arms control functions now performed by the United States Information Agency and the Arms Control and Disarmament Agency.

SEC. 103. PURPOSES.

The purposes of this division are—

(1) to provide for the streamlining and reinvention of the Department of State to enable it better to incorporate additional functions and agencies, manage new responsibilities, make the Department more effective, maximize the efficient use of resources, and make it better able to defend American interests and promote American values abroad;

(2) to consolidate and integrate certain agencies and certain functions of other agencies of the United States into the reinvented Department of State;

(3) to ensure that the United States maintains adequate representation abroad within available budgetary resources;

(4) to ensure that programs critical to the promotion of United States interests be maintained; and

(5) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy.

SEC. 104. DEFINITIONS.

The following terms have the following meanings for the purposes of this division:

(1) The term "ACDA" means the United States Arms Control and Disarmament Agency.

(2) The term "agency" means the Department of State, the Arms Control and Disarmament Agency, the United States Information Agency, the International Development Cooperation Agency, and the Agency for International Development.

(3) The term "AID" means the Agency for International Development.

(4) The term "Department" means the Department of State.

(5) The term "officer" is not limited by the meaning of such term under section 2104 of title 5, United States Code.

(6) The term "reorganization" means integration, transfer, consolidation, coordination, authorization, or abolition.

(7) The term "Secretary" means the Secretary of State.

(8) The term "USIA" means the United States Information Agency.

TITLE II—PLAN FOR CONSOLIDATING, STREAMLINING, AND REORGANIZING THE FOREIGN AFFAIRS AGENCIES

SEC. 201. REORGANIZATION PLAN.

(a) REORGANIZATION AUTHORITY.—

(1) IN GENERAL.—No later than 60 days after the date of the enactment of this Act, the President shall submit to the Congress a reorganization plan for the foreign affairs agencies specifying, in accordance with titles III through VI of this division, the reorganization of the Department of State, the Arms Control and Disarmament Agency, the United States Information Agency, the International Development Cooperation Agency, and the Agency for International Development.

(2) MANDATORY ELEMENTS.—The plan shall provide for—

(A) the transfer of the whole or a part of agencies, or of the whole or a part of the functions thereof, to the jurisdiction and control of the Department of State; and

(B) the consolidation or coordination of the whole or a part of agencies, or of the whole or a part of the functions thereof, with the whole or a part of another agency or the functions thereof.

(3) DISCRETIONARY ELEMENTS.—The plan may provide for—

(A) the abolition of all or a part of the functions of an agency, except that no enforcement function or statutory program shall be abolished by the plan; and

(B) the consolidation or coordination of a part of an agency or the functions thereof with another part of the same agency or the functions thereof.

(b) SUBMISSION OF PLAN.—

(1) IN GENERAL.—The President shall submit the reorganization plan for the foreign affairs agencies under subsection (a) to both Houses of Congress on the same day and to each House while it is in session. If on the date that is 60 days after the date of the enactment of this Act, the plan has not been submitted and either House is not in session, the plan shall be submitted on the first day thereafter when both Houses are in session.

(2) INFORMATION REGARDING IMPLEMENTATION.—The message of the President, submitted together with the reorganization plan, shall include information regarding implementation of the plan which shall—

(A) describe in detail—

(i) the actions necessary or planned to complete the reorganization,

(ii) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and

(iii) any preliminary actions which have been taken in the implementation process, and

(B) contain a projected timetable for completion of the implementation process.

The President shall also provide such further background or other information as the Congress may require for its consideration of the plan.

(c) AMENDMENT OF PLAN.—During the 60 calendar-day period after the date on which the plan is submitted to the Congress, the President may transmit to the Congress amendments or modifications to the plan, consistent with this division, which shall be considered as though submitted together with the reorganization plan and shall not affect any effective date or deadline under this division.

SEC. 202. CONTENTS OF REORGANIZATION PLAN.

(a) CONTENTS.—A reorganization plan for the foreign affairs agencies submitted under section 201 of this title—

(1) notwithstanding section 1 of the State Department Basic Authorities Act of 1956, may provide for the appointment and pay of one or more officers of any agency, including appointment of additional Under Secretaries and Assistant Secretaries (except that the total number may not exceed the total number of officers previously authorized at Executive Schedule levels III and IV of the agencies subject to this division), if the President determines, and in the President's message submitting the plan declares that, by reason of a reorganization made by the plan, the provisions are necessary;

(2) shall provide for the transfer or other disposition of the records, property, and personnel affected by a reorganization;

(3) shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with a function or agency affected by a reorganization, as the President considers necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have the functions after the reorganization plan is effective; and

(4) shall provide for terminating the affairs of an agency abolished.

(b) TRANSFERS OF OFFICIALS.—If the reorganization plan for the foreign affairs agencies under section 201 contains provisions pursuant to subsection (a)(1) of this section, an individual holding office immediately prior to the abolition or transfer of the office by this division who was appointed to the office by the President, by and with the advice and consent of the Senate, and who performs duties substantially similar to the duties of an office proposed to be created under such plan, may, in the discretion of the Secretary of State, assume the duties of such new office, and shall not be required to be reappointed by reason of the abolition or transfer of the individual's previous office.

(c) LIMITATION ON TRANSFERS OF UNEXPENDED BALANCES.—The reorganization plan for the foreign affairs agencies may provide for the transfer of unexpended balances pursuant to subsection (a)(3) only if such balances are used for the purposes for which the appropriation was originally made or for the purpose of reorganization.

SEC. 203. LIMITATION ON POWERS.

The reorganization plan for the foreign affairs agencies submitted under this title may not provide for, and a reorganization under this title may not have the effect of—

(1) creating a new executive department, renaming an existing executive department, or abolishing or transferring an executive department or all the functions thereof;

(2) authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is submitted to Congress; or

(3) creating a new agency which is not a component or part of an existing agency.

SEC. 204. EFFECTIVE DATE AND PUBLICATION OF REORGANIZATION PLAN FOR THE FOREIGN AFFAIRS AGENCIES.

(a) EFFECTIVE DATE.—A reorganization plan for the foreign affairs agencies submitted pursuant to section 201 shall become effective in accordance with titles III through VI of this Division, on the effective date specified in each such title with respect to the agency or agencies subject to each such title.

(b) PUBLICATION.—A reorganization plan for the foreign affairs agencies which is effective shall be printed (1) in the Statutes at Large, and (2) in the Federal Register.

(c) AUTHORITY PRIOR TO EFFECTIVE DATE.—Notwithstanding subsection (a), the reorganization plan for the foreign affairs agencies submitted pursuant to section 201 may provide for the transfer of the whole or part of functions prior to the effective dates established in titles II through VI, including the transfer of personnel and funds associated with such functions.

TITLE III—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 201.

CHAPTER 2—ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY AND TRANSFER OF FUNCTIONS

SEC. 311. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 312. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

SEC. 313. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

(a) ESTABLISHMENT OF UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended in subsection (b)—

(1) by striking "There" and inserting the following:

"(1) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security who shall, among other duties, assist the Secretary and the Deputy Secretary in matters related to arms control and international security policy.".

(b) PARTICIPATION IN MEETINGS OF NATIONAL SECURITY COUNCIL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following new subsection:

"(i) The Under Secretary for Arms Control and International Security may, in the role of advisor to the National Security Council on arms control, nonproliferation, and disarmament matters, and subject to the direction of the President, attend and participate in meetings of the National Security Council.".

SEC. 314. REPEAL RELATING TO INSPECTOR GENERAL FOR UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

Section 50 of the Arms Control and Disarmament Act (22 U.S.C. 2593a), relating to the ACDA Inspector General, is repealed.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 321. REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency, shall be deemed to refer to the Secretary of State; and

(2) the United States Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

TITLE IV—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1999; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 201.

CHAPTER 2—ABOLITION OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS

SEC. 411. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency is abolished.

SEC. 412. TRANSFER OF FUNCTIONS.

(a) TRANSFER TO SECRETARY OF STATE.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

(b) PRESERVING THE INDEPENDENCE OF INTERNATIONAL BROADCASTING.—The Broadcasting Board of Governors and the Director of the International Broadcasting Bureau shall continue to have the responsibilities set forth in title III of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6201 et seq.), except that, as further set forth in chapter 3 of this title, references in that Act to the United States Information Agency shall be deemed to refer to the Department of State, and references to the Director of the United States Information Agency shall be deemed to refer to the Secretary of the State.

SEC. 413. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b) is amended—

(1) by inserting "(1) before "There"; and

(2) by adding at the end the following new paragraph:

"(2) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, in addition to the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy who shall have responsibility, among other duties, to assist the Secretary and the Deputy Secretary in matters related to United States public diplomacy policies and programs, including international educational and cultural exchange programs, information, and international broadcasting.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 421. REFERENCES IN LAW.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

SEC. 422. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION TO FUNCTIONS OF DEPARTMENT OF STATE.—Section 501 of Public Law

80–402 section 202 of Public Law 95–426, and section 208 of Public Law 99–93 shall not apply to public affairs and other information dissemination functions of the Secretary of State as carried out prior to any transfer of functions pursuant to this division.

(b) APPLICATION TO FUNCTIONS TRANSFERRED TO DEPARTMENT OF STATE.—Section 501 of Public Law 80–402, section 202 of Public Law 95–426, and section 208 of Public Law 99–93 shall apply only to overseas public diplomacy programs of the Director of the United States Information Agency as carried out prior to any transfer of functions pursuant to this division.

TITLE V—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 501. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 201.

CHAPTER 2—ABOLITION OF INTERNATIONAL DEVELOPMENT COOPERATION AGENCY AND TRANSFER OF FUNCTIONS

SEC. 511. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—The United States International Development Cooperation Agency is abolished.

(b) AID AND OPIC.—Subsection (a) shall not be interpreted to apply to the Agency for International Development (AID) or the Overseas Private Investment Corporation (OPIC).

SEC. 512. TRANSFER OF FUNCTIONS.

The reorganization plan submitted pursuant to section 201 shall provide for the transfer to another agency or agencies of all functions of the Director of the United States International Development Cooperation Agency and all functions of the United States International Development Cooperation Agency and any office or component of such agencies under any statute, reorganization plan, Executive order, or other provision of law before the effective date of this title, except as otherwise provided in this division.

TITLE VI—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 601. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1999; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 201.

CHAPTER 2—REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND TRANSFER OF FUNCTIONS

SEC. 611. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—The Agency for International Development shall be reorganized in accordance with this division and the reorganization plan submitted pursuant to section 201.

(b) AUTHORITY OF THE SECRETARY OF STATE.—The Agency for International Development shall report to and be under the direct authority and foreign policy guidance of the Secretary of State.

(c) FUNCTIONS TO BE TRANSFERRED.—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of the agency:

(1) Press office.

(2) Certain administrative functions.

Strike section 1303 and insert the following:

SEC. 1303. PERSONNEL MANAGEMENT.

The official with primary responsibility for matters relating to personnel in the Department of State, or that person's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.

Strike section 1304 and insert the following:

SEC. 1304. DIPLOMATIC SECRETARY.

Any Assistant Secretary with primary responsibility for diplomatic security, or that person's principal deputy, shall have substantial professional qualifications in the fields of (1) management, and (2) Federal law enforcement, intelligence, or security.

Strike section 1306.

Strike section 1707.

Mr. GILMAN. Mr. Chairman, I am pleased to offer this en bloc amendment which represents a bipartisan agreement with the administration on how to implement the contentious issue of reorganizing and streamlining our Nation's foreign affairs agencies. This bipartisan agreement is the result of lengthy hours of negotiation, and I want to stress to my Republican colleagues that we have not capitulated on any of the key issues of concern to all of us. This bill still eliminates two agencies, and it does so under a strict timetable that will not permit the abolition of agencies to be indefinitely postponed.

Specifically, Mr. Chairman, this amendment mandates that the Arms Control and Disarmament Agency and the International Development Cooperation Agency will be abolished by no later than October 1, 1998. It further mandates that the U.S. Information Agency will be abolished and the Agency for International Development will be partially folded into the State Department by no later than October 1, 1999. There is no waiver, no escape clause, no smoke and mirrors. The agencies will be abolished.

While the October 1 date we have agreed to is 45 days later in each case than initially proposed, the 45 additional days for these agencies is not too great a price to pay for what we have achieved. The critical point is that the initial administration proposal on reorganization provided for neither the mandatory abolition of agencies nor a definite ending by which consolidation had to occur.

□ 1345

The agreement we have reached is not only a good agreement, but it will also enable us to move toward conference with solid, bipartisan support for this bill.

Accordingly, Mr. Chairman, I urge all of my colleagues to fully support this en bloc amendment.

Mr. HAMILTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment, en bloc amendment offered by the gentleman from New York [Mr. GILMAN], chairman of the committee. I think it changes very dramatically the underlying language of the bill on reorganization of U.S. foreign affairs agencies. I certainly want to commend the chairman of the committee and his staff and those in the State Department who worked very assiduously in the last few days and hours to reach an agreement on this amendment. All of them need to be complimented for their work and their diligence and for the work product they have produced.

I think this amendment is now very close to the language of the amendment I originally proposed a few days ago, which the administration also supported. The key point is that this amendment now permits the President to have the kind of flexibility he needs to get the reorganization job done. I think the Chairman's amendment builds in some tight deadlines and other requirements that helps to ensure that the President will follow through on his commitments to reorganize in a timely manner.

I believe, as I said earlier, that the President is entitled to organize the executive branch as he sees fit without micromanagement from the Congress. The President has made the commitment to consolidate and to reorganize the foreign affairs agencies, and we need to make sure he has the tools to carry out that commitment. This amendment provides the President with those tools and allows Congress to focus more on results, less on structure.

So I strongly urge the support and adoption of this amendment.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the bill being managed by the gentleman from New York [Mr. GILMAN], my good friend, and by the gentleman from Indiana [Mr. HAMILTON]. I believe it is a good bill and I believe this en bloc amendment is going to be a pretty good amendment.

At the same time, Mr. Chairman, I want to take this opportunity to address my colleagues and to address both the chairman and the ranking member of the subcommittee. I support, for example, any increase in the efficiency of government. However, someday I would like to take the opportunity to call Bill Rehnquist of the Supreme Court and ask him to come across the street and have a conference

with Members of Congress and give us a basic lesson in civics, and that is the Constitution gives foreign policy to the administrative branch of government.

Mr. Chairman, I did not vote for Bill Clinton, but the American people, the majority of them, did vote for him, and we elected him. They elected him to lead foreign policy. For the Congress to continue to try to micromanage the administrative branch of government to the extent that they are telling them, as I mentioned earlier today, what color to paint their embassies is absolutely wrong.

I know that this particular reorganizational effort that is in this en bloc amendment has had a lot of hearing in the Committee on International Relations, and I commend my colleagues for that. I know that there has been a lot of compromise that has taken place in the last few hours regarding some perfecting amendments to the amendment offered by the gentleman from New York, and I applaud that.

But for us today to tell the administration how they are going to reorganize I think is absolutely wrong. If we want to tell them to reorganize, that is one thing. I understand that the amendment at this point basically does that instead of telling them how to reorganize. They have been talking about reorganization of USAID for the last several months, or the last several years, and we have instructed and pleaded with the administration to take heed. But for the Congress to micromanage to the extent that we start telling the administrative branch of government how they are going to reorganize is in my opinion wrong, and I think it is violative of at least the spirit of the Constitution to do so.

Mr. Chairman, I have listened to the debate for the last several weeks on this issue and I have listened to all of the controversy about Indonesia, and I have talked to some of my colleagues about the problems in Indonesia and I have heard about the problems in Cuba, and certainly, that is what we ought to do, talk about our concerns. We ought to express our views to our colleagues. But at the same time, we must recognize that people are listening to what we say.

Last year on the foreign operations bill, the appropriation bill, for example, there was a great debate talking about we wanted to force the people of Turkey to apologize for a massacre that took place decades ago. It had no business being discussed on the floor of this House, in my opinion. And the Turks, when we needed them in Korea, they were right there. We accepted them into NATO, and yet at the same time we were sending a message to them that we disagree with everything they do, simply because of an atrocity that took place decades ago.

During the debate this week we talked about Indonesia, and I know that a lot of people are concerned about the human rights violations in Indonesia. So am I. But at the same time, we have to recognize that Indonesia is a place where Americans are doing business, where our Government is working to improve the very concerns that we have.

They are working to encourage Indonesia to eliminate any possibility of future actions of human rights violations, and we are moving in the right direction. We give them absolutely no credit for what they have accomplished in consultation with our executive branch of government, and yet criticize them and tell them in a sense that we do not like them, that we do not want anything to do with them, while American businessmen are over there creating jobs for American workers. They are building generator plants, they are building the generators in the United States of America. They are creating jobs. They are making progress, for example, in the area of human rights, and we ought to give them credit there and we ought to let our diplomats, the people we have, the people that have been appointed by the President of the United States, the professionals that he has chosen, to negotiate these things rather than us jumping up on the floor of the House every time we visit a foreign country and become pseudo experts on everything in the world. We are not the body to do that. We can give our messages, but we must recognize that people are listening to this.

Since the debate that took place a few days ago on Indonesia, the President, or the head of Indonesia has now notified us that they do not want to participate anymore in IMET training. I think that is wrong. Our military wants to train their people, train them in human rights, train them in the same type of activities so that we can depend upon them should we ever need them.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. CALLAHAN] has expired.

(By unanimous consent, Mr. CALLAHAN was allowed to proceed for 2 additional minutes.)

Mr. CALLAHAN. Mr. Chairman, I would like to insert in the RECORD a letter from Michael McGowan who was once a member of the Board of Governors of the American Chamber of Commerce, which is all of the American companies doing business in Indonesia, and let the Members have the opportunity to read his views, to recognize that there is more to this than just human rights.

We are doing the same thing with China, and I am concerned about that. When China violated human rights and they locked up Harry Wu, I was one of the ones that accompanied the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, to go to China to try to get Harry Wu out of jail. We should do those things. We should encourage them, but it is like a child coming home with a B-plus and is criticized for not getting an A.

So I want the Members of this body to know that people are paying attention to us, that we should recognize that we have diplomats to work out these problems, that we do have the right to express our concerns, but that we ought to be a little bit more cautious and we ought to be a little bit more cautious on the micromanagement of the Federal Government, of the executive branch of Government, in making certain that we give them the latitude that they need, that is necessary, to reorganize USAID, or any other department that we have jurisdiction over.

JUNE 9, 1997.

Hon. SONNY CALLAHAN,
Committee on Appropriations, U.S. House of Representatives, U.S. Congress, Washington, DC.

DEAR CHAIRMAN CALLAHAN: With regard to the recent congressional debate concerning the Republic of Indonesia, I would like to offer you some personal comments as a seventeen year resident of Indonesia and a member of the Board of Governors of the American Chamber of Commerce in Indonesia.

First, the current debate in the congress does little to further U.S.-Indonesia bilateral relations. Constructive engagement with Indonesia both at a governmental level and through increased bilateral trade and other exchanges will bear more fruit. Through continuing constructive engagement, American policies, principles and values can be best demonstrated to Indonesia. Continuing open debate on the applicability of punitive sanctions does nothing to further this relationship. Should sanctions be imposed, they serve as a double obstacle to continuing engagement by prohibiting new trade and exchange initiatives, while curtailing existing trade and exchange. This is bad for U.S. export growth, and costs American citizens jobs.

While no one can dispute that serious failures occurred in Timor-Timor, the government of Indonesia has demonstrated "Continuous Improvement" of its human rights record as exemplified by its performance during the Timika riots in the province of Irian Jaya and more recently during the elections. Although Indonesians suspected of causing civil disorder have been detained, no deaths have been attributed to government intervention.

Indonesian citizens deem the recent campaign to have been fairly conducted. From the start, the ruling party GOLKAR was never questioned with regard to its majority, only the degree of its majority.

Religious freedom is a tenet of the country's national philosophy. President Soeharto, himself a devout Muslim, openly participates in observances of other religious festivals such as Christmas and Easter.

To a great extent, the current debate in the U.S. is driven by reports of "bad news." This is not surprising as in the old cliché "bad news, sells papers." What I feel is required is as follows:

Continuing Constructive Engagement between the U.S. and Indonesian Governments.

Increasing U.S. Trade with Indonesia together with increasing the presence of U.S. business to demonstrate the application of American Values and Principles.

I thank you for this opportunity to express my thoughts.

Very truly yours,

MICHAEL C. MCGOWAN.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the requisite number of words.

I am very pleased to stand in support of the Gilman amendment, and I would like to yield my remaining time to the gentleman from New York [Mr. GILMAN], the very able chairman of the Committee on International Relations who conducts his committee, as well as the amendments on the floor, in a very fair, bipartisan manner, and it has been an honor for me to be a part of his committee.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding, and I thank her for her support of this amendment. She is a distinguished subcommittee chairman on our committee. I wanted to take this opportunity with regard to the adoption of this amendment, and to also discuss the final passage of this measure.

I would like to note to my colleagues that this measure, as my colleagues consider their final vote, contains no U.N. arrearages, contains no foreign aid, consolidates two Federal agencies that are in the en bloc amendment, merging them into the State Department, pursuant to the President's announcement with regard to the Arms Control Agency and the U.S. Information Agency, and contains traditional State authorization funding passed regularly by Congress, authorizing appropriations for USIA, for State, and ACDA. It contains anti-Castro provisions that will help tighten the economic squeeze on Cuba. It funds important United States-Mexico environmental border programs.

It contains provisions nailing deadbeat diplomats who drink, drive, and kill, winning the endorsements even of our Mothers Against Drunk Driving, and most important, it has been endorsed by Secretaries of State Eagleburger, Baker, Shultz, Haig, and Kissinger, along with National Security Advisors General Colin L. Powell and General Brent Scowcroft.

Mr. Chairman, as we wind up our debate on this bill, I would also like to thank some of the people for their contributions in support of the measure. I would like to thank Members on both sides of the aisle who have cooperated both in committee and here on the floor in particular. I want to thank the gentleman from New Jersey [Mr. SMITH], the distinguished chairman of our Subcommittee on International Operations and Human Rights, who is responsible for a good portion of the bill that is before us and marked up a significant part of it in subcommittee.

I also want to thank the gentleman from Nebraska [Mr. BEREUTER], the chairman of our Subcommittee on Asia and the Pacific, who has been especially supportive, and our other distinguished subcommittee chairpersons who have made contributions.

I want to thank our distinguished ranking Democratic member, Mr. HAMILTON, for his cooperation in working out a bipartisan approach to this bill, and hopefully, we will both be able to get support for this in the other body. The staff and the committee on both the majority and the minority side have worked especially hard on this bill and deserve the thanks of all of our Members. We have also had vital assistance from the Office of Legislative Counsel and from the expert Parliamentarians.

Finally, Mr. Speaker, I would like to express my appreciation to you and your predecessors in the chair for an extensive, long consideration of this measure.

Mr. Chairman, again I urge my colleagues on both sides of the aisle to give their support to this bipartisan measure on the final vote.

□ 1300

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when the Committee rises and reports this bill to the House, I understand that a separate vote may be called for on the amendment I offered that was adopted in the House last Wednesday. If that should occur, it is my intention to call for a separate vote in the House on several other amendments that passed in the Committee of the Whole.

My amendment requires that the Secretary of State issue a report every 3 months listing all complaints by the Government of Cuba to the United States Government agencies. If we are going to be taking another vote on this amendment, I believe then that some other amendments also deserve another vote.

My amendment is not controversial; rather, its purpose is to make sure that Congress has enough information to make informed judgments on our policies toward Cuba. There is no reason to select this particular amendment out of all of the amendments that have been agreed to for a revote. In fact, there is no reason to vote against my amendment, unless Members do not want to see the more balanced and complete view of Cuba that these State Department reports could present. I believe that this information will help Congress make wiser decisions and perhaps prevent future misunderstandings.

For example, before the Brothers to the Rescue planes were shot down on February 24, 1996, Cuba made over 10 complaints to the Federal Aviation Administration about the group's violations of Cuban airspace. If Congress had seen these complaints, this tragedy might have been prevented.

At present the Cuban Government makes formal complaints to the State Department, but complaints are also made to other agencies, such as the FAA or the American interest section in Havana. Some complaints have involved violations of Cuban airspace, the dropping of leaflets in Havana that the Cuban Government finds offensive, traveling too close to Cuban shores, and even, according to the Cuban Government, terrorist acts against Cuban territory.

My amendment would put these complaints in one comprehensive report. If a separate vote is asked on my noncontroversial amendment, whose purpose is to give Congress information, I will ask for separate votes totaling close to 26 on many of the other amendments already passed.

Mr. DIAZ-BALART. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find it very interesting, to say the least, that our colleague on the other side of the aisle has just called the amendment that he introduced in this legislation late at night, when there were literally two other Members on the floor, noncontroversial.

It would be the first time in the history of the United States that taxpayer funds would have to be spent, United States taxpayer funds would have to be spent, every 90 days to file a report by the United States Government with regard to any and all complaints against United States citizens made by the dictatorship of Cuba, one of the handful of terrorist states on the list of terrorist states by the State Department.

It is important that we recognize what the so-called noncontroversial amendment that we are simply seeking a vote on, what that would do. United States taxpayer funds would have to be expended so that any and all complaints made by the terrorist state, the dictatorship of Cuba, any complaints against United States citizens, any and all complaints, would have to be reported on and paid for by United States taxpayers. To call that a noncontroversial amendment is really almost inconceivable.

Now, we are simply asking for a vote, and we are going to ask a vote, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is going to ask for a vote at the appropriate time. It seems inconceivable that that would be called not only noncontroversial but that in any way it would be implied as though it were something excessive on our part to ask for a vote.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Chairman, I thank my colleague for yielding to me.

Mr. Chairman, for our colleague in New York, we do not mean to tie up the time of our colleagues on revote after revote after revote. It is the gentleman who is going to be asking for that. We merely want to call a vote on an amendment which is very controversial, which asks U.S. taxpayers to fund a Castro investigation.

We think there are better uses for the scarce resources of our Nation than to give credibility to a dictator's false accusations. The U.S. Department of State is not an agency of Fidel Castro. We should not treat it as such. Yet, that is what this amendment asks for, so we believe that there are better uses of taxpayer funds.

We are not calling for 20-some-odd votes. The gentleman is the one, I would say to our colleague from New York, who is going to be doing that. We are merely calling for one vote, a roll-call vote, if it is demanded, if we lose on the voice vote; and that is, I think, fair, in the interests of democracy. We are not afraid of votes. We are not afraid of arguing the amendment on its merits.

I think if we had had that opportunity at the appropriate time, I think we would not be in this situation now. We are certainly not worried about the outcome of the vote. We think it is a fair process, when there are more Members present to redebate the issue and revote on the issue. We are not calling for 26 amendment votes, the gentleman is calling for that.

As our colleagues come on the floor, we want them to make sure, after I demand that separate vote on the Serrano amendment, that they understand that the person responsible for them coming time after time to vote is the gentleman from New York [Mr. SERRANO], and not their Florida colleagues.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just say that, if somehow an amendment should be revoted because it was passed on the floor when there were very few Members of Congress, that is the history of this bill. Perhaps the gentleman from New York [Mr. SERRANO] is right for a number of other reasons. This entire bill basically has been debated by few or no Members on the floor.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I thank the gentleman from California for yielding to me.

Mr. Chairman, the gentleman is correct. I came to this floor that evening under the rules of this House and passed an amendment with a number of people on the floor, no different than when other people have passed amendments. The fact of life is that the only reason we are revoting this amendment is because it has to do with the one issue this House never wants to yield on or debate fully.

Second, according to that statement that the gentlewoman made, I think it is proper, then, to revote the others, because some of them passed by a very slim margin. If it is proper to revote one that passed with no vote, then it is proper to revote the other margins.

Then, lastly but not unimportant, I think, it is interesting that so much is made about a report that will come to Congress. I do not know at what point it is improper to tell the taxpayers that Congress should be informed before it makes a decision. But it is interesting to note that at the insistence of some of the people who would be calling for this vote, the bill currently calls for reports on the enforcement of the ongoing Cuban embargo.

In other words, in this bill right now there are provisions for reports to be made to Congress every few months on how that issue is going. So I felt that it was proper to add another report that would balance the issue a little bit, and prevent further problems in the future.

Mr. EWING. Mr. Chairman, I would like to explain a sense-of-the-Congress amendment which calls on the Government of Peru to respect the rights of prisoners to timely legal action. My amendment was adopted by the House as part of Chairman GILMAN's en bloc amendment last week.

The amendment contains strong language commending Peru for their efforts to control drugs and stating that anyone convicted for possession of drugs should face stiff penalties.

A constituent of mine, Jennifer Davis, and her friend Krista Barnes, have been held in prison in Peru for more than 8 months without being formally charged with a crime, without a trial, and without being sentenced. They are being held under horrible conditions which are in violation of basic international standards for the treatment of prisoners. I have a very serious question about whether the United States should continue sending about $100 million in foreign aid to Peru every year when that country is denying American citizens protection of their basic human rights and holding them more than 8 months without a trial.

Jennifer and Krista, who are only 20 years old, were arrested in Peru in September 1996 after being recruited by some Peruvians to carry cocaine. They deserve to be punished for this crime, and they know that. In fact, they immediately admitted their guilt and have gone out of their way to cooperate with the police. As a result, three Peruvians who put them up to this have been arrested.

Their willingness to cooperate has benefited them in no way. Eight months later they sit in prison without being charged and without a trial.

The prison where they are being held is not fit for humans. It was built for 230 but has about 700 prisoners, including small children. The women share a communal bathroom with no running water and no soap. The food is unsanitary and they do not receive any milk, vegetables, or fruit. Disease is rampant as well as rats, roaches, and sick animals. Health care is virtually nonexistent and Jennifer has lost over 22 pounds.

My sense-of-the-Congress language calls on Peru to respect the rights of prisoners to timely legal procedures. This is the minimum the American taxpayers should expect in return for the millions of dollars we give to Peru every year. Eight months without bringing charges and without a trial is unreasonable and unacceptable.

The CHAIRMAN pro tempore. The question is on the amendments en bloc offered by the gentleman from New York [Mr. GILMAN].

The amendments en bloc were agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GOODLATTE] having assumed the chair, Mr. ROGERS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, pursuant to House Resolution 159, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted by the Committee of the Whole?

Ms. ROS-LEHTINEN. Mr. Speaker, I demand a separate vote on the so-called Serrano amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

Mr. SERRANO. Mr. Speaker, I demand separate votes on the following amendments numbered on the Clerk's list in the order in which they appear in the bill.

The amendments are as follows: No. 1, the so-called Gilman amendments en bloc; No. 2, the so-called Gilman amendment; No. 4, the so-called Skaggs amendment, as amended by the so-called Diaz-Balart amendment; No. 3, the so-called Smith of New Jersey amendment; No. 6, the so-called Bachus amendment; No. 5, the so-called Hefley amendment; No. 7, the so-called Gilman amendments en bloc; No. 8, the so-called Goss amendment; No. 10, the so-called Gilman amendments en bloc; No. 9, the so-called Coburn amendment; No. 11, the so-called Smith of New Jersey amendment; No. 15, the so-called Fox of Pennsylvania amendment; No. 16, the so-called Lazio of New York amendment; No. 19, the so-called Smith of New Jersey amendment; No. 20, the so-called Gilman amendment; No. 22, the so-called Scarborough amendment,

as modified; No. 24, the so-called Nethercutt amendment; No. 26, the so-called Paxon amendment; No. 23, the so-called Ney amendment; No. 25, the so-called Miller of California amendment, as amended by the so-called Diaz-Balart amendment; No. 35, the so-called Rohrabacher amendment; No. 29, the so-called Fox of Pennsylvania amendment.

Mr. Speaker, as I stated before, I demand separate votes on each one.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will redesignate the first amendment on which a separate vote has been demanded.

The Clerk redesignated the amendments en bloc.

The SPEAKER pro tempore. The question is on the amendments en bloc offered by the gentleman from New York [Mr. GILMAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SERRANO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5(b) 2 of rule XV, the Chair announces that he may reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the question of adoption of the amendments on which separate votes have been demanded.

The vote was taken by electronic device, and there were—yeas 420, nays 6, not voting 8, as follows:

[Roll No. 180]

YEAS—420

Abercrombie	Blagojevich	Cardin
Ackerman	Bliley	Carson
Aderholt	Blumenauer	Castle
Allen	Blunt	Chabot
Andrews	Boehlert	Chambliss
Archer	Boehner	Chenoweth
Armey	Bonilla	Christensen
Bachus	Bonior	Clay
Baesler	Bono	Clayton
Baker	Borski	Clement
Baldacci	Boswell	Clyburn
Ballenger	Boucher	Coble
Barcia	Boyd	Coburn
Barr	Brady	Collins
Barrett (NE)	Brown (CA)	Combest
Barrett (WI)	Brown (FL)	Condit
Bartlett	Brown (OH)	Conyers
Barton	Bryant	Cook
Bass	Bunning	Cooksey
Bateman	Burr	Costello
Becerra	Burton	Coyne
Bentsen	Buyer	Cramer
Bereuter	Callahan	Crane
Berman	Calvert	Crapo
Berry	Camp	Cubin
Bilbray	Campbell	Cummings
Bilirakis	Canady	Cunningham
Bishop	Capps	Danner
Davis (FL)	Hutchinson	Nadler
Davis (IL)	Hyde	Neal
Davis (VA)	Inglis	Nethercutt
DeFazio	Istook	Neumann
DeGette	Jackson (IL)	Ney
Delahunt	Jackson-Lee (TX)	Northup
DeLauro	Jefferson	Norwood
DeLay	Jenkins	Nussle
Dellums	John	Oberstar
Deutsch	Johnson (CT)	Obey
Diaz-Balart	Johnson (WI)	Olver
Dickey	Johnson, E. B.	Ortiz
Dicks	Johnson, Sam	Owens
Dingell	Jones	Oxley
Dixon	Kanjorski	Packard
Doggett	Kaptur	Pallone
Dooley	Kasich	Pappas
Doolittle	Kelly	Parker
Doyle	Kennedy (MA)	Pascrell
Dreier	Kennedy (RI)	Pastor
Duncan	Kennelly	Paul
Dunn	Kildee	Paxon
Edwards	Kilpatrick	Payne
Ehlers	Kim	Pease
Ehrlich	Kind (WI)	Pelosi
Emerson	King (NY)	Peterson (MN)
Engel	Kingston	Peterson (PA)
English	Kleczka	Petri
Ensign	Klink	Pickering
Eshoo	Klug	Pickett
Etheridge	Knollenberg	Pitts
Evans	Kolbe	Pombo
Everett	Kucinich	Pomeroy
Ewing	LaFalce	Porter
Fattah	LaHood	Portman
Fawell	Lampson	Poshard
Fazio	Lantos	Price (NC)
Filner	Largent	Pryce (OH)
Foglietta	Latham	Quinn
Foley	LaTourette	Radanovich
Ford	Lazio	Rahall
Fowler	Leach	Ramstad
Fox	Levin	Rangel
Frank (MA)	Lewis (CA)	Redmond
Franks (NJ)	Lewis (GA)	Regula
Frelinghuysen	Lewis (KY)	Reyes
Frost	Linder	Riggs
Furse	Lipinski	Riley
Gallegly	Livingston	Rivers
Ganske	LoBiondo	Rodriguez
Gejdenson	Lofgren	Roemer
Gekas	Lowey	Rogan
Gephardt	Lucas	Rogers
Gibbons	Luther	Ros-Lehtinen
Gilchrest	Maloney (CT)	Rothman
Gillmor	Maloney (NY)	Roukema
Gilman	Manton	Roybal-Allard
Gonzalez	Manzullo	Rush
Goode	Markey	Ryun
Goodlatte	Martinez	Sabo
Goodling	Mascara	Salmon
Gordon	Matsui	Sanchez
Goss	McCarthy (MO)	Sanders
Graham	McCarthy (NY)	Sandlin
Granger	McCollum	Sanford
Green	McCrery	Sawyer
Greenwood	McDade	Saxton
Gutierrez	McDermott	Schaefer, Dan
Gutknecht	McGovern	Schaffer, Bob
Hall (OH)	McHale	Schumer
Hall (TX)	McHugh	Scott
Hamilton	McInnis	Sensenbrenner
Hansen	McIntosh	Serrano
Harman	McIntyre	Sessions
Hastert	McKeon	Shadegg
Hastings (FL)	McKinney	Shaw
Hastings (WA)	McNulty	Shays
Hayworth	Meehan	Sherman
Hefley	Meek	Shimkus
Hefner	Menendez	Shuster
Herger	Metcalf	Sisisky
Hill	Mica	Skaggs
Hilleary	Millender-McDonald	Skeen
Hilliard	Miller (CA)	Skelton
Hinchey	Miller (FL)	Slaughter
Hinojosa	Minge	Smith (MI)
Hobson	Mink	Smith (NJ)
Hoekstra	Moakley	Smith (OR)
Holden	Mollohan	Smith, Adam
Hooley	Moran (KS)	Smith, Linda
Horn	Moran (VA)	Snowbarger
Hostettler	Morella	Snyder
Houghton	Murtha	Solomon
Hoyer	Myrick	Souder
Hulshof	Nadler	Spence
Hunter	Neal	Spratt
Stabenow	Thune	Waxman
Stearns	Thurman	Weldon (FL)
Stenholm	Tiahrt	Weldon (PA)
Stokes	Tierney	Weller
Strickland	Torres	Wexler
Stump	Towns	Weygand
Stupak	Traficant	White
Sununu	Turner	Whitfield
Talent	Upton	Wicker
Tanner	Velázquez	Wise
Tauscher	Vento	Wolf
Tauzin	Walsh	Woolsey
Taylor (MS)	Wamp	Wynn
Taylor (NC)	Waters	Yates
Thomas	Watkins	Young (AK)
Thompson	Watt (NC)	Young (FL)
Thornberry	Watts (OK)	

NAYS—6

Cannon	Deal	Royce
Cox	Rohrabacher	Scarborough

NOT VOTING—8

Farr	Molinari	Stark
Flake	Schiff	Visclosky
Forbes	Smith (TX)	

□ 1339

Messrs. DEAL of Georgia, ROYCE and ROHRABACHER changed their vote from "yea" to "nay."

Mr. BORSKI and Mr. OWENS changed their vote from "nay" to "yea."

So the amendments en bloc were agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendments is as follows:

Amendments offered by Mr. GILMAN:

Page 84, line 5, strike "$1,291,977,000" and insert "$1,746,977,000".

Page 84, line 6, strike "$1,291,977,000" and insert "$1,746,977,000".

Strike line 7 on page 110 and all that follows through line 17 on page 112.

Page 84, line 4, insert "(A) AUTHORIZATION OF APPROPRIATIONS.—" before "For".

Page 84, after line 7 insert the following:

(B) PASSPORT INFORMATION SERVICES.—The Secretary of State shall provide passport information without charge to citizens of the United States, including—

(i) information about who is eligible to receive a United States passport and how and where to apply;

(ii) information about the status of pending applications; and

(iii) names, addresses, and telephone numbers of State and Federal officials who are authorized to provide passport information in cooperation with the Department of State.

Page 112, strike line 18 and all that follows through line 7 on page 114 and insert the following:

SEC. 1208. SURCHARGE FOR PROCEEDING CERTAIN MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended—

(1) in paragraph (2) by striking "providing consular services," and inserting "the Department of State's border security program, including the costs of installation and operation of the machine readable visa and automated name-check process, improving the quality and security of the United States passport, passport and visa fraud investigations, and the technological infrastructure

to support the programs referred to in this sentence.";

(2) by striking the first sentence of paragraph (3) and inserting "For fiscal years 1998 and 1998, fees deposited under the authority of paragraph (2) may not exceed $140,000,000 in each fiscal year and, notwithstanding paragraph (2), such fees shall be available only to the extent provided in advance in appropriations Acts."; and

(3) by striking paragraph (5).

The SPEAKER pro tempore: The question is on the amendments offered by the gentleman from New York [Mr. GILMAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 12, as follows:

[Roll No. 181]

AYES—422

Abercrombie	Castle	Evans
Ackerman	Chabot	Everett
Aderholt	Chambliss	Ewing
Allen	Chenoweth	Fattah
Andrews	Christensen	Fawell
Archer	Clay	Fazio
Armey	Clayton	Filner
Bachus	Clement	Foglietta
Baesler	Clyburn	Foley
Baker	Coble	Ford
Baldacci	Coburn	Fowler
Ballenger	Collins	Fox
Barcia	Combest	Frank (MA)
Barr	Condit	Franks (NJ)
Barrett (NE)	Conyers	Frelinghuysen
Barrett (WI)	Cook	Frost
Bartlett	Cooksey	Furse
Barton	Costello	Gallegly
Bass	Cox	Ganske
Bateman	Coyne	Gejdenson
Becerra	Cramer	Gekas
Bentsen	Crane	Gephardt
Bereuter	Crapo	Gibbons
Berman	Cubin	Gilchrest
Berry	Cummings	Gillmor
Bilbray	Cunningham	Gilman
Bilirakis	Danner	Gonzalez
Bishop	Davis (FL)	Goode
Blagojevich	Davis (IL)	Goodlatte
Bliley	Davis (VA)	Goodling
Blumenauer	Deal	Gordon
Blunt	DeFazio	Goss
Boehlert	DeGette	Graham
Boehner	Delahunt	Granger
Bonilla	DeLauro	Green
Bonior	DeLay	Greenwood
Bono	Dellums	Gutierrez
Borski	Deutsch	Gutknecht
Boswell	Diaz-Balart	Hall (OH)
Boucher	Dickey	Hall (TX)
Boyd	Dicks	Hamilton
Brady	Dingell	Hansen
Brown (CA)	Dixon	Harman
Brown (FL)	Doggett	Hastert
Brown (OH)	Dooley	Hastings (FL)
Bryant	Doolittle	Hastings (WA)
Bunning	Doyle	Hayworth
Burr	Dreier	Hefley
Burton	Duncan	Hefner
Buyer	Dunn	Herger
Callahan	Edwards	Hill
Calvert	Ehlers	Hilleary
Camp	Ehrlich	Hilliard
Campbell	Emerson	Hinojosa
Canady	Engel	Hobson
Cannon	English	Hoekstra
Capps	Ensign	Holden
Cardin	Eshoo	Hooley
Carson	Etheridge	Hostettler
Houghton	Meek	Scarborough
Hoyer	Menendez	Schaefer, Dan
Hulshof	Metcalf	Schaffer, Bob
Hunter	Mica	Schumer
Hutchinson	Millender-McDonald	Scott
Hyde	Miller (CA)	Sensenbrenner
Inglis	Miller (FL)	Serrano
Istook	Minge	Sessions
Jackson (IL)	Mink	Shadegg
Jackson-Lee (TX)	Moakley	Shaw
Jefferson	Mollohan	Shays
Jenkins	Moran (KS)	Sherman
John	Moran (VA)	Shimkus
Johnson (CT)	Morella	Shuster
Johnson (WI)	Murtha	Sisisky
Johnson, E. B.	Myrick	Skaggs
Johnson, Sam	Nadler	Skeen
Jones	Neal	Skelton
Kanjorski	Nethercutt	Slaughter
Kaptur	Neumann	Smith (MI)
Kasich	Ney	Smith (NJ)
Kelly	Northup	Smith (OR)
Kennedy (MA)	Norwood	Smith (TX)
Kennedy (RI)	Nussle	Smith, Adam
Kennelly	Oberstar	Smith, Linda
Kildee	Obey	Snowbarger
Kilpatrick	Olver	Snyder
Kim	Ortiz	Solomon
Kind (WI)	Owens	Souder
King (NY)	Oxley	Spence
Kingston	Packard	Spratt
Kleczka	Pallone	Stabenow
Klink	Pappas	Stark
Klug	Parker	Stearns
Knollenberg	Pascrell	Stenholm
Kolbe	Pastor	Stokes
Kucinich	Paul	Strickland
LaFalce	Paxon	Stump
LaHood	Payne	Stupak
Lampson	Pease	Sununu
Lantos	Peterson (MN)	Talent
Largent	Peterson (PA)	Tanner
Latham	Petri	Tauscher
LaTourette	Pickering	Tauzin
Lazio	Pickett	Taylor (MS)
Leach	Pitts	Taylor (NC)
Levin	Pombo	Thomas
Lewis (CA)	Pomeroy	Thompson
Lewis (GA)	Portman	Thornberry
Lewis (KY)	Poshard	Thune
Linder	Price (NC)	Thurman
Lipinski	Pryce (OH)	Tiahrt
Livingston	Quinn	Tierney
LoBiondo	Radanovich	Torres
Lofgren	Rahall	Towns
Lowey	Ramstad	Traficant
Lucas	Rangel	Turner
Luther	Redmond	Upton
Maloney (CT)	Regula	Velázquez
Maloney (NY)	Reyes	Vento
Manton	Riggs	Walsh
Manzullo	Riley	Wamp
Markey	Rivers	Waters
Martinez	Rodriguez	Watkins
Mascara	Roemer	Watt (NC)
Matsui	Rogan	Watts (OK)
McCarthy (MO)	Rogers	Waxman
McCarthy (NY)	Rohrabacher	Weldon (FL)
McCollum	Ros-Lehtinen	Weldon (PA)
McCrery	Rothman	Weller
McDade	Roukema	Wexler
McDermott	Roybal-Allard	Weygand
McGovern	Royce	White
McHale	Rush	Whitfield
McHugh	Ryun	Wicker
McInnis	Sabo	Wolf
McIntosh	Salmon	Woolsey
McIntyre	Sanchez	Wynn
McKeon	Sanders	Yates
McKinney	Sanford	Young (AK)
McNulty	Sawyer	Young (FL)
Meehan	Saxton	

NOT VOTING—12

Farr	Horn	Sandlin
Flake	Molinari	Schiff
Forbes	Pelosi	Visclosky
Hinchey	Porter	Wise

□ 1349

So the amendments were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. VISCLOSKY. Mr. Speaker, earlier today, I was unavoidably detained and was not present for rollcall votes 180 and 181. Had I been present, I would have voted "yea" on both.

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of New Jersey:

Page 96, lines 8 and 9, strike $334,655,000" both places it appears and insert "$344,655,000" and "$341,655,000" respectively.

Page 96, lines 21 and 22, strike $30,000,000" both places it appears and insert "40,000,000" and "33,000,000" respectively.

Page 96, lines 24 and 25, strike "10,000,000" both places it appears and insert "$30,000,000".

Add at the end of Title XI:

SEC. .

(a) It is the sense of Congress that the United States broadcasting through Radio Free Asia and Voice of America increase to continuous, 24-hour broadcasting in Mandarin, Cantonese, Tibetan, and that broadcasting in additional Chinese dialects be increased.

(b) Within 90 days of enactment of this Act, the President shall report to the Congress on a plan to achieve continuous broadcasting in Asia.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 354, noes 72, not voting 8, as follows:

[Roll No. 182]

AYES—354

Abercrombie	Blumenauer	Chenoweth
Ackerman	Blunt	Christensen
Aderholt	Boehlert	Clayton
Allen	Boehner	Clyburn
Andrews	Bonior	Coburn
Archer	Bono	Collins
Armey	Borski	Combest
Bachus	Boswell	Cook
Baesler	Boyd	Cooksey
Baker	Brady	Costello
Baldacci	Brown (FL)	Cox
Ballenger	Brown (OH)	Coyne
Barcia	Bryant	Cramer
Barr	Bunning	Crane
Barrett (NE)	Burr	Crapo
Bartlett	Burton	Cubin
Barton	Buyer	Cunningham
Bass	Callahan	Davis (FL)
Bateman	Calvert	Davis (VA)
Bentsen	Camp	Deal
Bereuter	Campbell	DeGette
Berman	Canady	Delahunt
Berry	Cannon	DeLauro
Bilbray	Capps	DeLay
Bilirakis	Cardin	Deutsch
Bishop	Carson	Diaz-Balart
Blagojevich	Castle	Dickey
Bliley	Chambliss	Dicks

Dixon
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King (NY)
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Mica
Miller (FL)
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—72

Barrett (WI)
Becerra
Bonilla
Boucher
Brown (CA)
Chabot
Clay
Clement
Coble
Condit
Conyers
Cummings
Danner
Davis (IL)
DeFazio
Dellums
Dingell
Dooley
Duncan
Evans
Fattah
Filner
Foglietta
Frank (MA)
Ganske
Gejdenson
Goode
Goodling
Hinchey
Hinojosa
Hoekstra
Jackson (IL)
Kanjorski
Kilpatrick
Kind (WI)
Kingston
Kleczka
Lewis (GA)
Luther
Martinez
McCarthy (MO)
McDermott
Meehan
Millender-McDonald
Miller (CA)
Minge
Mollohan
Obey
Olver
Owens
Parker
Paul
Payne
Pombo
Rivers
Rodriguez
Rush
Sabo
Sanders
Sanford
Sensenbrenner
Serrano
Shuster
Slaughter
Stokes
Tierney
Torres
Velázquez
Vento
Waters
Watt (NC)
Yates

NOT VOTING—8

Farr
Flake
Forbes
Molinari
Rangel
Schiff
Stark
Weldon (FL)

□ 1400

Mr. GOODLING changed his vote from "aye" to "no."

Mr. COYNE and Mr. NADLER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment, as amended, offered by Mr. SKAGGS of Colorado:

Page 97, line 1, insert "(A) AUTHORIZATION OF APPROPRIATIONS" before "For".

Page 97, after line 3, insert the following:

(B) LIMITATION.—Of the amounts authorized to be appropriated under subparagraph (A), no funds shall be used for television broadcasting to Cuba after October 1, "1997, if the President certifies that continued funding is not in the national interest of the United States."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Colorado [Mr. SCAGGS], as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 279, noes 149, not voting 6, as follows:

[Roll No. 183]

AYES—279

Ackerman
Aderholt
Andrews
Bachus
Baker
Ballenger
Barcia
Barr
Barton
Bass
Bateman
Bentsen
Bereuter
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Cook
Cooksey
Cox
Coyne
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Strickland
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOES—149

Abercrombie
Allen
Armey
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Berman
Berry
Bilbray
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Capps
Christensen
Clay
Coble
Condit
Conyers
Costello
Cramer
Cummings

Danner	Kind (WI)	Rodriguez
Davis (IL)	Kleczka	Roemer
Deal	LaFalce	Roybal-Allard
DeFazio	Lewis (GA)	Rush
DeGette	Lofgren	Sabo
Delahunt	Lowey	Sanchez
DeLauro	Luther	Sanders
DeLay	Markey	Sandlin
Dellums	Martinez	Sawyer
Dicks	Matsui	Schumer
Dingell	McCarthy (MO)	Scott
Dixon	McDermott	Sensenbrenner
Doggett	McGovern	Serrano
Dooley	McHale	Shuster
Eshoo	McIntyre	Skaggs
Evans	McKinney	Slaughter
Fattah	Meehan	Smith, Adam
Filner	Millender-McDonald	Stark
Foglietta	Miller (CA)	Stenholm
Frank (MA)	Minge	Stokes
Furse	Mink	Tanner
Ganske	Moakley	Tauscher
Gejdenson	Mollohan	Taylor (MS)
Gonzalez	Moran (VA)	Thompson
Goode	Nadler	Thurman
Hall (OH)	Neal	Tierney
Hall (TX)	Neumann	Torres
Hamilton	Oberstar	Towns
Harman	Obey	Turner
Hefner	Olver	Upton
Hilliard	Owens	Velázquez
Hinchey	Parker	Vento
Hoekstra	Paul	Visclosky
Hooley	Payne	Waters
Jackson (IL)	Petri	Watt (NC)
Jefferson	Pomeroy	Waxman
Kanjorski	Poshard	Weygand
Kennedy (MA)	Price (NC)	Whitfield
Kennelly	Rangel	Wise
Kildee	Rivers	Woolsey
Kilpatrick		Yates

NOT VOTING—6

Archer	Flake	Molinari
Farr	Forbes	Schiff

□ 1412

Messrs. DOGGETT, HOEKSTRA, CRAMER, NEUMANN, and WHITFIELD changed their vote from "aye" to "no."

Messrs. COYNE, CLYBURN, and FAZIO of California and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY:

At the end of chapter 1 of title XII (relating to Department of State authorities and activities) insert the following new section and amend the table of contents accordingly):

SEC. 1221. NOTIFICATION OF CRIMES COMMITTED BY DIPLOMATS.

Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.; commonly referred to as the "Foreign Missions Act") is amended by inserting after section 204A the following:

"SEC. 204B. CRIMES COMMITTED BY DIPLOMATS.

"(a) RECORDS.—(1) The Secretary of State shall develop and maintain records on each incident in which an individual with immunity from the criminal jurisdiction of the United States under the Vienna Convention who the Secretary reasonably believes has committed a serious criminal offense within the United States which was not subject to the criminal jurisdiction of the United States. Each such record shall include—

"(A) the identity of such individual;

"(B) the nature of the offense committed by such individual, including whether against property or persons;

"(C) whether such offense involved reckless driving or driving while intoxicated; and

"(D) the number and nature of all other criminal offenses committed in the United States by such individual.

"(2) The Secretary shall submit an annual report to the Congress on the incidents occurring during the preceding year. The report shall include the information maintained under paragraph (1) together with information under section 1706(a).

"(b) EDUCATION AND ENCOURAGEMENT OF LOCAL LAW ENFORCEMENT INDIVIDUALS.—The Secretary shall take such steps as may be necessary—

"(1) to educate local law enforcement officials on the extent of the immunity from criminal jurisdiction provided to members of a foreign mission, and family members of such members, under the Vienna Convention; and

"(2) to encourage local law enforcement officials to fully investigate, charge, and prosecute, to the extent consistent with immunity from criminal jurisdiction under the Vienna Convention, any member of a foreign mission, and any family member of such a member, who commits a serious criminal offense within the United States.

"(c) INTERFERENCE WITH LOCAL PROSECUTIONS.—No officer or employee of the Department of State may interfere with any investigation, charge, or prosecution by a State or local government of—

"(1) an alien who is a member of a foreign mission,

"(2) a family member of an alien described in subparagraph (A), or

"(3) any other alien, not covered by immunity from the criminal jurisdiction of the United States under the Vienna Convention.

"(d) NOTIFICATION OF DIPLOMATIC CORPS.—The Secretary shall notify the members of each foreign mission of United States policies relating to criminal offenses (particularly crimes of violence) committed by such members, and the family members of such members, including the policy of obtaining criminal indictments, requiring such members to leave the country, and declaring such members persona non grata.

"(e) VIENNA CONVENTION.—For the purposes of this section, the term 'Vienna Convention means the Vienna Convention on Diplomatic Relations of April 18, 1961 (TIAS numbered 7502; 23 UST 3227), entered into force with respect to the United States on December 13, 1972.".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 386, noes 42, answered "present" 1, not voting 5, as follows:

[Roll No. 184]

AYES—386

Abercrombie	Doolittle	Kennelly
Ackerman	Doyle	Kildee
Aderholt	Dreier	Kilpatrick
Allen	Duncan	Kim
Andrews	Dunn	Kind (WI)
Archer	Edwards	King (NY)
Armey	Ehlers	Kingston
Bachus	Ehrlich	Kleczka
Baesler	Emerson	Klink
Baker	Engel	Klug
Baldacci	English	Knollenberg
Ballenger	Ensign	Kolbe
Barcia	Eshoo	Kucinich
Barr	Etheridge	LaFalce
Barrett (NE)	Evans	LaHood
Bartlett	Everett	Lampson
Barton	Ewing	Lantos
Bass	Fawell	Largent
Bateman	Fazio	Latham
Bentsen	Foley	LaTourette
Bereuter	Ford	Lazio
Berry	Fowler	Leach
Bilbray	Fox	Levin
Bilirakis	Frank (MA)	Lewis (CA)
Bishop	Franks (NJ)	Lewis (KY)
Blagojevich	Frelinghuysen	Linder
Bliley	Frost	Lipinski
Blumenauer	Furse	Livingston
Blunt	Gallegly	LoBiondo
Boehlert	Ganske	Lofgren
Boehner	Gejdenson	Lowey
Bonilla	Gekas	Lucas
Bono	Gephardt	Luther
Boswell	Gibbons	Maloney (CT)
Boucher	Gilchrest	Maloney (NY)
Boyd	Gillmor	Manton
Brady	Gilman	Manzullo
Brown (FL)	Gonzalez	Markey
Brown (OH)	Goode	Mascara
Bryant	Goodlatte	Matsui
Bunning	Goodling	McCarthy (MO)
Burr	Gordon	McCarthy (NY)
Burton	Goss	McCollum
Buyer	Graham	McCrery
Callahan	Granger	McDade
Calvert	Green	McGovern
Camp	Greenwood	McHale
Campbell	Gutierrez	McHugh
Canady	Gutknecht	McInnis
Cannon	Hall (OH)	McIntosh
Capps	Hall (TX)	McIntyre
Cardin	Hansen	McKeon
Carson	Harman	McNulty
Castle	Hastert	Meehan
Chabot	Hastings (WA)	Menendez
Chambliss	Hayworth	Metcalf
Chenoweth	Hefley	Mica
Christensen	Hefner	Miller (CA)
Clement	Herger	Miller (FL)
Clyburn	Hill	Minge
Coble	Hilleary	Moakley
Coburn	Hilliard	Mollohan
Collins	Hinchey	Moran (KS)
Combest	Hinojosa	Moran (VA)
Condit	Hobson	Morella
Conyers	Hoekstra	Myrick
Cook	Holden	Nadler
Cooksey	Hooley	Neal
Costello	Horn	Nethercutt
Cox	Hostettler	Neumann
Coyne	Houghton	Ney
Cramer	Hoyer	Northup
Crane	Hulshof	Norwood
Crapo	Hunter	Nussle
Cubin	Hutchinson	Oberstar
Cummings	Hyde	Olver
Cunningham	Inglis	Ortiz
Danner	Istook	Oxley
Davis (FL)	Jackson (IL)	Packard
Davis (IL)	Jefferson	Pallone
Davis (VA)	Jenkins	Pappas
Deal	John	Parker
DeFazio	Johnson (CT)	Pascrell
DeGette	Johnson (WI)	Pastor
Delahunt	Johnson, E.B.	Paul
DeLauro	Johnson, Sam	Paxon
DeLay	Jones	Pease
Deutsch	Kanjorski	Pelosi
Diaz-Balart	Kaptur	Peterson (MN)
Dickey	Kasich	Peterson (PA)
Dicks	Kelly	Petri
Doggett	Kennedy (MA)	Pickering
Dooley	Kennedy (RI)	Pickett

Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOES—42

Barrett (WI)
Becerra
Berman
Bonior
Borski
Brown (CA)
Clay
Clayton
Dellums
Dingell
Dixon
Fattah
Foglietta
Hamilton
Hastings (FL)
Jackson-Lee (TX)
Lewis (GA)
Martinez
McDermott
McKinney
Meek
Millender-McDonald
Mink
Murtha
Obey
Owens
Payne
Rahall
Roybal-Allard
Rush
Sanders
Serrano
Snyder
Stokes
Tierney
Towns
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Woolsey

ANSWERED "PRESENT"—1

Filner

NOT VOTING—5

Farr
Flake
Forbes
Molinari
Schiff

□ 1422

Mrs. CLAYTON changed her vote from "aye" to "no."

Mr. SAWYER and Mr. NADLER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. HYDE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman will state it.

Mr. HYDE. Mr. Speaker, I just wonder if we could not take all of these votes on these amendments by sample, rather than actually taking them.

The SPEAKER pro tempore. The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. BACHUS:

At the end of chapter 1 of title XII (relating to Department of State authorities and activities) insert the following new section:

SEC. 1221. REPORT ON OVERSEAS SURPLUS PROPERTIES.

(a) REPORT TO CONGRESS.—Not later than March 1 of each year, the Secretary of State shall submit to the Congress a report listing overseas United States surplus properties for sale.

(b) USE OF FUNDS RECEIVED FROM SALE OF OVERSEAS SURPLUS PROPERTIES.—Notwithstanding any other provision of law, amounts received by the United States from the sale of any overseas United States surplus property shall be deposited in the Treasury of the United States to be used to reduce the deficit.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Alabama [Mr. BACHUS].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 146, not voting 5, as follows:

[Roll No. 185]

AYES—283

Abercrombie
Aderholt
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Riggs
Riley
Rivers
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—146

Ackerman
Allen
Armey
Becerra
Bentsen
Bereuter
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Engel
Fattah
Fazio
Filner
Foglietta
Ford
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kennedy (MA)
Kennelly
Kilpatrick
King (NY)
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Manton
Markey
Martinez
Matsui
McDermott
McGovern
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Oberstar
Olver
Owens
Pallone
Payne
Pelosi
Pomeroy
Porter
Rahall
Rangel
Regula
Reyes
Rodriguez
Rogers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Serrano
Sherman
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stark
Stokes
Stupak
Thompson
Torres
Towns
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—5

Farr	Forbes	Schiff
Flake	Molinari	

□ 1434

Mrs. KENNELLY of Connecticut changed her vote from "aye" to "no."

Messrs. NEAL of Massachusetts, FRELINGHUYSEN, SCOTT, and PAXON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the following amendments be considered en bloc: The so-called Gilman en bloc amendment regarding consular service duties, the so-called Coburn amendment regarding world heritage programs, the so-called Gilman amendment en bloc regarding Peru and Ethiopia, and the so-called Smith amendment regarding impediments to the delivery of aid.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

Mr. SERRANO. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendments is as follows:

Amendments offered by Mr. GILMAN:

Page 120, strike line 11 and all that follows through line 18, and insert the following:

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: "For purposes of this paragraph, a consular officer shall include any United States citizen employee of the Department of State designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as he may prescribe.".

Page 121, after line 17, insert the following:

(e) DEFINITION OF CONSULAR OFFICER.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by—

(1) inserting "or employee" after "officer"; and

(2) inserting before the period at the end of the sentence "or, when used in title III, for the purpose of adjudicating nationality".

(f) TRAINING FOR EMPLOYEES PERFORMING CONSULAR FUNCTIONS.—Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024) is amended by adding at the end the following new subsection:

"(d) Prior to designation by the Secretary of State pursuant to regulation to perform a consular function abroad, a United States citizen employee (other than a diplomatic or consular officer of the United States) shall be required to complete successfully a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive for purposes of performing such function and shall be certified by an appropriate official of the Department of State to be qualified by knowledge and experience to perform such function. As used in this subsection, the term 'consular function' includes the issuance of visas, the performance of notarial and other legalization functions, the adjudication of passport applications, the adjudication of nationality, and the issuance of citizenship documentation.".

SECTION 1304—ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR DIPLOMATIC SECURITY

On page 127 line 20 insert after security "and management".

SECTION 1321—AUTHORIZED STRENGTH OF THE FOREIGN SERVICE

On page 130 line 5 delete 1070 and insert in its place 1,210.

On page 130 line 6 delete 140 and insert in its place 150.

On page 130 line 17 delete 1065 and insert in its place 1,182.

On page 130 line 18 delete 135 and insert in its place 147.

Strike section 1702 of division B, page 163, line 3 to page 164, line 3, and insert the following new section (and renumber the subsequent sections accordingly and conform the table of contents accordingly).

SEC. 1702. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) POLICY.—It shall be the policy of the United States that the United States shall not expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing that the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.

(b) DEFINITIONS.—Except as otherwise provided, terms used in this section have the meanings assigned under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations and provisos contained in the United States resolution of advice and consent to ratification of such Convention.

(c) PROCEDURES.—Procedures shall be established to ensure compliance with subsection (a) in the cases of aliens who are arriving in the United States or who are physically present in the United States and who are subject to removal.

(d) REVIEW AND CONSTRUCTION.—Notwithstanding any other provision of law, no court shall have jurisdiction to review the procedures adopted to implement this section, and nothing in this section shall be construed as providing any court jurisdiction to review claims raised under the Convention or this section, or any other determination made with respect to the application of the policy set forth in subsection (a), except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act, as amended.

Strike section 1712 and insert the following:

SEC. 1712. SENSE OF CONGRESS RELATING TO RECOGNITION OF THE ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY.

It is the sense of Congress that the United States should use its influence with the Turkish Government and as a permanent member of the United Nations Security Council to suggest that the Turkish Government—

(1) recognize the Ecumenical Patriarchate and its nonpolitical, religious mission;

(2) ensure the continued maintenance of the institution's physical security needs, as provided for under Turkish and international law, including but not limited to, the Treaty of Lausanne, the 1968 Protocol, the Helsinki Final Act (1975), and the Charter of Paris;

(3) provide for the proper protection and safety of the Ecumenical Patriarch and Patriarchate personnel; and

(4) reopen the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

Page 183, line 1, strike "cases and the" and insert "cases through the provision of records and the unilateral and joint".

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from New York [Mr. GILMAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 428, noes 0, not voting 6, as follows:

[Roll No. 186]

AYES—428

Abercrombie	Cardin	Ensign
Ackerman	Carson	Eshoo
Aderholt	Castle	Etheridge
Allen	Chabot	Evans
Andrews	Chambliss	Everett
Archer	Chenoweth	Ewing
Armey	Christensen	Fattah
Bachus	Clay	Fawell
Baesler	Clayton	Fazio
Baker	Clement	Filner
Baldacci	Clyburn	Foglietta
Ballenger	Coble	Foley
Barcia	Coburn	Ford
Barr	Collins	Fowler
Barrett (NE)	Combest	Fox
Barrett (WI)	Condit	Frank (MA)
Bartlett	Conyers	Franks (NJ)
Barton	Cook	Frelinghuysen
Bass	Cooksey	Frost
Bateman	Costello	Furse
Becerra	Coyne	Gallegly
Bentsen	Cramer	Ganske
Bereuter	Crane	Gejdenson
Berman	Crapo	Gekas
Berry	Cubin	Gephardt
Bilbray	Cummings	Gibbons
Bilirakis	Cunningham	Gilchrest
Bishop	Danner	Gillmor
Blagojevich	Davis (FL)	Gilman
Bliley	Davis (IL)	Gonzalez
Blumenauer	Davis (VA)	Goode
Blunt	Deal	Goodlatte
Boehlert	DeFazio	Goodling
Boehner	DeGette	Gordon
Bonilla	Delahunt	Goss
Bonior	DeLauro	Graham
Bono	DeLay	Granger
Borski	Dellums	Green
Boswell	Deutsch	Greenwood
Boucher	Diaz-Balart	Gutierrez
Boyd	Dickey	Gutknecht
Brady	Dicks	Hall (OH)
Brown (CA)	Dingell	Hall (TX)
Brown (FL)	Dixon	Hamilton
Brown (OH)	Doggett	Hansen
Bryant	Dooley	Harman
Bunning	Doolittle	Hastert
Burr	Doyle	Hastings (FL)
Burton	Dreier	Hastings (WA)
Buyer	Duncan	Hayworth
Callahan	Dunn	Hefley
Calvert	Edwards	Hefner
Camp	Ehlers	Herger
Campbell	Ehrlich	Hill
Canady	Emerson	Hilleary
Cannon	Engel	Hilliard
Capps	English	Hinchey

Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—6

Cox
Farr
Flake
Forbes
Molinari
Schiff

□ 1444

Mr. RANGEL changed his vote from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. GOSS:

Page 139, strike line 19 and all that follows through line 10 on page 141 (and conform the table of contents accordingly).

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 201, not voting 7, as follows:

[Roll No. 187]

AYES—226

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—201

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—7

Farr
Flake
Forbes
Hunter
Molinari
Riggs
Schiff

□ 1453

Mr. TAYLOR of Mississippi changed his vote from "aye" to "no."

Mr. BOEHLERT and Mr. MORAN of Virginia changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 187 I was inadvertently detained. Had I been present, I would have voted "yes".

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. COBURN:

At the end of title XV insert the following new section:

SEC. 1525. PROHIBITION ON FUNDING FOR UNESCO WORLD HERITAGE AND MAN AND BIOSPHERE PROGRAMS.

None of the funds authorized to be appropriated by this Act may be made available to the Man and Biosphere (MAB) Program or the World Heritage Program administered by the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 202, not voting 10, as follows:

[Roll No. 188]

AYES—222

Aderholt	Chabot	Ganske
Archer	Chambliss	Gekas
Armey	Chenoweth	Gibbons
Baesler	Christensen	Gillmor
Baker	Coble	Gilman
Ballenger	Coburn	Goode
Barcia	Collins	Goodlatte
Barr	Combest	Goodling
Barrett (NE)	Condit	Goss
Bartlett	Cook	Graham
Barton	Cooksey	Granger
Bass	Cox	Green
Bateman	Crane	Greenwood
Berry	Crapo	Gutknecht
Bilbray	Cubin	Hall (TX)
Bilirakis	Cunningham	Hansen
Blagojevich	Danner	Hastert
Bliley	Deal	Hastings (WA)
Blunt	Delahunt	Hayworth
Boehlert	DeLay	Hefley
Boehner	Diaz-Balart	Herger
Bonilla	Dickey	Hill
Bono	Doolittle	Hilleary
Brady	Dreier	Hobson
Bryant	Duncan	Hoekstra
Bunning	Dunn	Hostettler
Burr	Ehrlich	Houghton
Burton	Emerson	Hulshof
Buyer	Ensign	Hunter
Callahan	Everett	Hutchinson
Calvert	Ewing	Hyde
Camp	Foley	Inglis
Campbell	Fowler	Istook
Canady	Fox	Jenkins
Cannon	Gallegly	Johnson (CT)
Johnson, Sam	Oxley	Shuster
Jones	Packard	Skeen
Kasich	Pappas	Smith (MI)
Kelly	Parker	Smith (NJ)
Kim	Paul	Smith (OR)
King (NY)	Paxon	Smith (TX)
Kingston	Pease	Smith, Linda
Kleczka	Peterson (MN)	Snowbarger
Knollenberg	Peterson (PA)	Solomon
LaHood	Petri	Souder
Lampson	Pickering	Spence
Latham	Pitts	Stearns
LaTourette	Pombo	Stenholm
Lewis (CA)	Portman	Stump
Lewis (KY)	Pryce (OH)	Sununu
Linder	Quinn	Talent
Livingston	Radanovich	Tauzin
LoBiondo	Redmond	Taylor (MS)
Lucas	Regula	Taylor (NC)
Manzullo	Riggs	Thomas
McCollum	Riley	Thornberry
McCrery	Rogan	Thune
McDade	Rogers	Tiahrt
McHugh	Rohrabacher	Traficant
McInnis	Ros-Lehtinen	Turner
McIntosh	Royce	Upton
McIntyre	Ryun	Walsh
McKeon	Salmon	Wamp
Metcalf	Sanford	Watkins
Mica	Scarborough	Watts (OK)
Miller (FL)	Schaefer, Dan	Weldon (FL)
Moran (KS)	Schaffer, Bob	Weldon (PA)
Myrick	Scott	Weller
Nethercutt	Sensenbrenner	White
Neumann	Sessions	Whitfield
Ney	Shadegg	Wicker
Northup	Shaw	Wolf
Norwood	Shays	Young (AK)
Nussle	Shimkus	Young (FL)

NOES—202

Abercrombie	Fawell	Lofgren
Allen	Fazio	Lowey
Andrews	Filner	Luther
Baldacci	Foglietta	Maloney (CT)
Barrett (WI)	Ford	Maloney (NY)
Becerra	Frank (MA)	Manton
Bentsen	Franks (NJ)	Markey
Bereuter	Frelinghuysen	Mascara
Berman	Frost	Matsui
Bishop	Furse	McCarthy (MO)
Blumenauer	Gejdenson	McCarthy (NY)
Bonior	Gephardt	McDermott
Borski	Gilchrest	McGovern
Boswell	Gonzalez	McHale
Boucher	Gordon	McKinney
Boyd	Gutierrez	McNulty
Brown (CA)	Hall (OH)	Meehan
Brown (FL)	Hamilton	Meek
Brown (OH)	Harman	Menendez
Capps	Hastings (FL)	Millender-McDonald
Cardin	Hefner	Miller (CA)
Carson	Hilliard	Minge
Castle	Hinchey	Mink
Clay	Hinojosa	Moakley
Clayton	Holden	Mollohan
Clement	Hooley	Moran (VA)
Clyburn	Horn	Morella
Conyers	Hoyer	Murtha
Costello	Jackson (IL)	Nadler
Coyne	Jackson-Lee (TX)	Neal
Cramer	Jefferson	Oberstar
Cummings	John	Obey
Davis (FL)	Johnson (WI)	Olver
Davis (IL)	Johnson, E. B.	Ortiz
Davis (VA)	Kanjorski	Owens
DeFazio	Kaptur	Pallone
DeGette	Kennedy (MA)	Pascrell
DeLauro	Kennedy (RI)	Pastor
Dellums	Kennelly	Payne
Deutsch	Kildee	Pelosi
Dicks	Kilpatrick	Pickett
Dingell	Kind (WI)	Pomeroy
Dixon	Klink	Porter
Doggett	Klug	Poshard
Dooley	Kolbe	Price (NC)
Doyle	Kucinich	Rahall
Edwards	LaFalce	Ramstad
Ehlers	Lantos	Reyes
Engel	Lazio	Rivers
English	Leach	Rodriguez
Eshoo	Levin	Roemer
Etheridge	Lewis (GA)	Rothman
Evans	Lipinski	Roukema
Fattah	Roybal-Allard	Slaughter
Rush	Smith, Adam	Torres
Sabo	Snyder	Towns
Sanchez	Spratt	Velázquez
Sanders	Stabenow	Vento
Sandlin	Stark	Visclosky
Sawyer	Stokes	Waters
Saxton	Strickland	Watt (NC)
Schumer	Stupak	Waxman
Serrano	Tanner	Wexler
Sherman	Tauscher	Weygand
Sisisky	Thompson	Wise
Skaggs	Thurman	Woolsey
Skelton	Tierney	Wynn
		Yates

NOT VOTING—10

Ackerman	Forbes	Rangel
Bachus	Largent	Schiff
Farr	Martinez	
Flake	Molinari	

□ 1504

Mr. SAXTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. ROUKEMA and Ms. BROWN of Florida changed their vote from "aye" to "no."

Mr. CONDIT and Mr. PETERSON of Minnesota changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendments is as follows:

Amendments offered by Mr. GILMAN:

At the end of title XVII (relating to foreign policy provision) add the following (and conform the table of contents accordingly):

SEC. 1717. SENSE OF THE CONGRESS REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

(a) FINDINGS.—The Congress finds the following:

(1) The Government of Peru has made substantial progress in the effort to restrict the flow of illicit drugs from Peru to the United States.

(2) The Government of Peru has cooperated greatly with the United States Government to stop individuals and organizations seeking to transport illicit drugs from Peru to the United States and to jail such drug exporters.

(3) Any individual engaging in such exporting of illicit drugs and convicted in a court of law should face stiff penalties.

(4) Any such individual should also have a right to timely legal procedures.

(5) Two United States citizens, Jennifer Davis and Krista Barnes, were arrested in Peru on September 25, 1996, for attempting to transport illicit drugs from Peru to the United States.

(6) Ms. Davis and Ms. Barnes have admitted their guilt upon arrest and to an investigative judge.

(7) Ms. Davis and Ms. Barnes have volunteered to cooperate fully with Peruvian judicial authorities in naming individuals responsible for drug trafficking and several have been arrested.

(8) More than seven months after their arrest, Ms. Davis and Ms. Barnes have not yet been formally charged with a crime.

(9) Peruvian domestic law mandates that formal charges be brought within four to six months after arrest.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Government of Peru should respect the rights of prisoners to

timely legal procedures, including the rights of all United States citizens held in prisons in Peru.

AMENDMENT TO H.R. 1757, AS REPORTED
OFFERED BY MR. KENNEDY OF MASSACHUSETTS

At the end of title XVII, insert the following:

SEC. 1717. SPECIAL ENVOYS FOR MUTUAL DISARMAMENT.

The President shall instruct the United States Ambassador to the United Nations to support in the Security Council, the General Assembly, and other United Nations bodies, resolutions and other efforts to—

(1) appoint special envoys for conflict prevention to organize and conduct, in cooperation with appropriate multilateral institutions, mutual disarmament talks in every region of the world in which all nations would participate, and to report to international financial institutions on the degree of cooperation of governments with these talks;

(2) commit each member state to agree to meet with its regional special envoy within 3 months of appointment to deliver and discuss its proposal for regional (and, where appropriate, international) confidence-building measures, including mutual reductions in the size, proximity, and technological sophistication of its and other nations' armed forces, that would lead to significant cuts in threat levels and military spending; and

(3) commit each member state to agree to continue meeting with the special envoy and such regional bodies and states as the special envoy shall suggest to complete negotiations on such confidence-building measures, with the goal of making significant cuts in military spending by the year 2000.

AMENDMENT TO H.R. 1757, AS REPORTED
OFFERED BY MR. KIM OF CALIFORNIA

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. SENSE OF CONGRESS RELATING TO THE TRANSFER OF NUCLER WASTE FROM TAIWAN TO NORTH KOREA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Republic of China on Taiwan (Taiwan) is considering transferring low-level nuclear waste to the Democratic People's Republic of Korea (North Korea) and paying North Korea an amount in excess of $220,000,000 to accept the nuclear waste.

(2) The transfer of nuclear waste across international boundaries creates worldwide environmental safety concerns.

(3) North Korea rejected the request of the International Atomic Energy Agency (IAEA) to inspect 2 nuclear facilities at Yongbyon in March 1993, in violation of Article III of the Treaty on the Non-Proliferation of Nuclear Weapons, to which North Korea is a signatory.

(4) North Korea has historically been unwilling to allow any third party investigators to inspect its nuclear waste storage facilities.

(5) The failure of North Korea to store nuclear waste safely raises environmental concerns on the Korean peninsula.

(6) The United States has in excess of 37,000 military personnel, plus their families, on the Korean peninsula.

(7) The current North Korean regime has been linked to numerous terrorist activities, including the bombing in 1987 of a Korean Airline aircraft, and the bombing in 1983 in Rangoon, Burma, which killed 4 South Korean Government and 13 diplomatic officials.

(8) North Korea continues to be listed by the United States Department of State as a state supporting international terrorism.

(9) The several hundred million dollars of hard currency generated by this transaction could be used by the militarist regime in North Korea to continue their reign of terror over their own people and the sovereign nations of the Pacific Rim.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Government of Taiwan should refrain from issuing an export license for the transfer of nuclear waste to North Korea until all parties on the Korean peninsula can be assured that—

(1) North Korea can safely handle this nuclear waste;

(2) North Korea will submit to independent third party inspection of their nuclear storage facilities; and

(3) North Korea indicates a willingness to comply with the commitments it made in the "Agreed Framework", entered into in 1994 between North Korea, South Korea, Japan, and the United States, relating to nuclear materials and facilities in North Korea, and meet International Atomic Energy Agency safeguards with respect to North Korea's nuclear program.

AMENDMENT TO H.R. 1757, AS REPORTED
OFFERED BY MR. PALLONE OF NEW JERSEY

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. CONGRESSIONAL STATEMENT REGARDING PRIME MINISTER GUJRAL OF INDIA.

(a) FINDINGS.—The Congress makes the following findings:

(1) Prime Minister Gujral of India has recently received a vote of confidence from the Indian parliament.

(2) Prime Minister Gujral is committed to strengthening ties between the United States and India through the continuation of free market reforms and initiatives.

(3) The Gujral government is on the verge of passing a budget package that will carry forward economic reforms initiated in 1991 that have opened India to foreign investment and trade.

(4) Prime Minister Gujral has made it a priority to improve relations with Pakistan and has recently met with the Prime Minister of Pakistan, Nawaz Sharif, to better relations between the two countries.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Clinton Administration should support and work closely with Indian Prime Minister Gujral in strengthening relations between the United States and India and improving relations in the South Asia region.

AMENDMENT TO H.R. 1757, AS REPORTED
OFFERED BY MR. PALLONE OF NEW JERSEY

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. SENSE OF CONGRESS REGARDING THE SOVEREIGNTY OF BELARUS.

It is the sense of the Congress that the President should strongly urge the Government of President Aleksandr Lukashenka of the Republic of Belarus to defend the sovereignty of Belarus, maintain its independence from the Russian Federation, abide by the provisions of the Helsinki Accords and the constitution of the Republic of Belarus and guarantee freedom of the press, allow for the flowering of the Belarusan language and culture, and enforce the separation of powers.

AMENDMENT TO H.R. 1757, AS REPORTED OFFERED BY MR. ROHRABACHER OF CALIFORNIA

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. CONGRESSIONAL STATEMENT REGARDING THE ACCESSION OF TAIWAN TO THE WORLD TRADE ORGANIZATION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The people of the United States and the people of the Republic of China on Taiwan have long enjoyed extensive ties.

(2) Taiwan is currently the 8th largest trading partner of the United States, and exports from the United States to Taiwan total more than $18,000,000 annually, substantially more than the United States exports to the People's Republic of China.

(3) The executive branch has committed publicly to support Taiwan's bid to join the World Trade Organization and has declared that the United States will not oppose this bid solely on the grounds that the People's Republic of China, which also seeks membership in the World Trade Organization, is not yet eligible because of its unacceptable trade practices.

(4) The United States and Taiwan have concluded discussions on a variety of outstanding trade issues that remain unresolved with the People's Republic of China and that are necessary for the United States to support Taiwan's membership in the World Trade Organization.

(5) The reversion of control over Hong Kong—a member of the World Trade Organization—to the People's Republic of China, scheduled by treaty to occur on July 1, 1997, will, in many respects, afford to the People's Republic of China the practical benefit of membership in the World Trade Organization for the substantial portion of its trade in goods—despite the fact that the trade practices of the People's Republic of China currently fall far short of what the United States expects for membership in the World Trade Organization.

(6) The executive branch has announced its interest in the admission of the People's Republic of China to the World Trade Organization; the fundamental sense of fairness of the people of the United States warrants the United States Government's support for Taiwan's relatively more meritorious application for membership in the World Trade Organization.

(7) It is in the economic interest of United States consumers and exporters for Taiwan to complete the requirements for accession to the World Trade Organization at the earliest possible moment.

(b) CONGRESSIONAL STATEMENT.—The Congress favors public support by officials of the Department of State for the accession of Taiwan to the World Trade Organization.

AMENDMENT TO H.R. 1757, AS REPORTED
OFFERED BY MR. VENTO OF MINNESOTA

At the end of title XVII insert the following new section:

SEC. 1717. REPORTS AND POLICY CONCERNING HUMAN RIGHTS VIOLATIONS IN LAOS.

Within 180 days after the date of the enactment of this Act, the Secretary of State shall report to the appropriate congressional committees on the allegations of persecution and abuse of the Hmong and Laotian refugees who have returned to Laos. The report shall include:

(1) A full investigation, including full documentation of individual cases of persecution, of the Lao Government's treatment of

Hmong and Laotian refugees who have returned to Laos.

(2) The steps the State Department will take to continue to monitor any systematic human rights violations by the Government of Laos.

(3) The actions which the State Department will take to ensure the cessation of human rights violations.

AMENDMENT TO H.R. 1757 OFFERED BY MR. MENENDEZ

At the end of the bill add the following (and conform the table of contents accordingly):

TITLE . WITHHOLDING OF ASSISTANCE TO COUNTRIES THAT PROVIDE NUCLEAR FUEL TO CUBA

(a) IN GENERAL.—Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by adding at the end the following:

"(y)(1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this Act or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.

"(2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—

"(A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlatelelco, and Cuba is in compliance with the requirements of either such Treaty;

"(B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

"(C) incorporates and is in compliance with internationally accepted nuclear safety standards.

"(3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any country, or any entity of a country, to Cuba during the preceding year, including the terms of each transfer of such fuel, assistance, or credits.".

(b) EFFECTIVE DATE.—Section 620(y) of the Foreign Assistance Act of 1961, as added by subsection (a), shall apply with respect to assistance provided in fiscal years beginning on or after the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. MENENDEZ

At the end of bill add the following (and conform the table of contents accordingly):

Title . AVAILABILITY OF AMOUNTS FOR CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1996 AND THE CUBAN DEMOCRACY ACT OF 1992

Not less than $2,000,000 shall be made available under Chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to economic support fund), for fiscal years 1998 to 1999 to carry out the programs and activities under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et. seq.) and the Cuban Democracy Act of 1992 (22 U.S.C. 2001 et. seq.)

AMENDMENT TO H.R. 1757 OFFERED BY MR. GEJDENSON OF CONNECTICUT

Add the following new title to the end of the bill (and adjust the table of contents accordingly)

Title

It is the sense of Congress and the President of the United States should attempt to achieve the foreign policy goal of an international arms sales code of conduct with all Wassenaar Arrangement countries. The purpose of this goal shall be to achieve an agreement on restricting or prohibiting arms transfers to countries that:

(1) Do not respect democratic processes and the rule of law;

(2) Do not adhere to internationally-recognized norms on human rights; or

(3) Are engaged in acts of armed aggression.

AMENDMENT TO H.R. 1757 Offered by Mr. Traficant of Ohio

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—BUY-AMERICAN REQUIREMENTS

SEC. 2001. BUY-AMERICAN REQUIREMENTS.

(A) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that is expending the funds the entity will consistent with International Trade Agreements implemented in U.S. Law, comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE REQUIREMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROBATION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label hearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from New York [Mr. GILMAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 292, noes 135, answered "present" 1, not voting 6, as follows:

[Roll No. 189]

AYES—292

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (OH)
Bryant
Bunning
Callahan
Calvert
Campbell
Capps
Cardin
Carson
Chabot
Chenoweth
Christensen
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Inglis
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez

Vento
Visclosky
Walsh
Watt (NC)
Waxman
Weldon (FL)
Wexler
Weygand
White
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOES—135

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilbray
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Brown (CA)
Brown (FL)
Burr
Burton
Buyer
Camp
Canady
Cannon
Castle
Chambliss
Clay
Coble
Coburn
Collins
Cook
Cooksey
Crane
Deal
DeLay
Dickey
Doolittle
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Gallegly
Gekas
Goode
Graham
Granger
Gutknecht
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jefferson
Jenkins
Johnson, Sam
Jones
Kelly
Kingston
Klug
Knollenberg
Largent
Lewis (CA)
Lewis (KY)
Lucas
McCrery
McDade
McIntosh
McKeon
Meek
Mica
Moran (KS)
Myrick
Norwood
Nussle
Pappas
Parker
Paul
Paxon
Payne
Peterson (PA)
Pitts
Pombo
Pryce (OH)
Radanovich
Redmond
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Sanford
Saxton
Scarborough
Sensenbrenner
Shadegg
Shimkus
Shuster
Skaggs
Smith (MI)
Smith (OR)
Snowbarger
Solomon
Souder
Spence
Stump
Talent
Thompson
Thornberry
Tiahrt
Wamp
Waters
Watkins
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Young (AK)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—6

Farr
Flake
Forbes
Martinez
Molinari
Schiff

□ 1514

Mr. WELDON of Pennsylvania and Mr. HILLEARY changed their vote from "aye" to "no."

Mr. WISE, Mr. DAVIS of Virginia, Mrs. ROUKEMA, and Messrs. McCOLLUM, KIM, PICKERING, and BARTLETT of Maryland changed their vote from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

□ 1515

PARLIAMENTARY INQUIRY

Mr. MANZULLO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman will state his parliamentary inquiry.

Mr. MANZULLO. Mr. Speaker, I would ask that the Chair direct the Sergeant at Arms to lock the doors in order to keep the Members in the Chamber so we can finish voting here in 5 minutes.

Mr. SERRANO. I object.

The SPEAKER pro tempore. The Chair cannot order that at this point.

The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of New Jersey:

In Title 17, add the following new section (and conform the table of contents accordingly):

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 0, answered "present" 1, not voting 8, as follows:

[Roll No. 190]

AYES—425

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—8

Armey
Berman
Farr
Flake
Forbes
Molinari
Schiff
Thomas

□ 1523

Ms. HARMAN, Mrs. CLAYTON and Mr. CLAY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. LEWIS of California. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LEWIS of California. Mr. Speaker, is the next vote on an amendment which was offered by my distinguished colleague from New York, Mr. SERRANO?

The SPEAKER pro tempore. The gentleman is correct.

The SPEAKER pro tempore. The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. SERRANO:

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. REPORT CONCERNING OFFICIAL COMPLAINTS OF THE GOVERNMENT OF CUBA TO THE GOVERNMENT OF THE UNITED STATES.

(a) REPORT TO CONGRESS.—Not later than 3 months after the date of the enactment of this Act, and each subsequent 3 months thereafter, the Secretary of State, after consultations with the heads of other Federal departments and agencies, shall submit to the Congress a report listing all complaints by the Government of Cuba to departments and agencies of the United States Government concerning actions taken by United States persons or the Government of the United States.

(b) UNITED STATES PERSON DEFINED.—As used in this section the term "United States person" means any—

(1) United States citizen or national;

(2) permanent resident alien; or

(3) juridical person organized under the laws of the United States.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. SERRANO].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 141, noes 287, not voting 6, as follows:

[Roll No. 191]

AYES—141

Abercrombie	Becerra	Boucher
Ackerman	Berry	Brown (CA)
Allen	Bishop	Brown (OH)
Baesler	Blumenauer	Capps
Baldacci	Bonior	Carson
Barrett (WI)	Boswell	Clay
Clayton	Jackson (IL)	Payne
Clement	Jackson-Lee (TX)	Pelosi
Clyburn	Jefferson	Poshard
Condit	John	Price (NC)
Conyers	Johnson, E. B.	Rangel
Costello	Kanjorski	Rivers
Coyne	Kennelly	Rodriguez
Cummings	Kilpatrick	Roemer
Davis (IL)	Kleczka	Roybal-Allard
DeFazio	Klink	Rush
DeGette	Kucinich	Sabo
Delahunt	LaFalce	Sanchez
DeLauro	Lantos	Sanders
Dellums	Lewis (GA)	Sawyer
Dicks	Lofgren	Schumer
Dingell	Lowey	Scott
Dixon	Luther	Serrano
Doggett	Maloney (NY)	Skaggs
Dooley	Markey	Slaughter
Eshoo	Martinez	Snyder
Etheridge	Matsui	Stabenow
Evans	McDermott	Stark
Fattah	McGovern	Stenholm
Fazio	McHale	Stokes
Filner	McKinney	Tauscher
Foglietta	Meehan	Taylor (MS)
Ford	Meek	Thompson
Frank (MA)	Millender-McDonald	Tierney
Frost	Miller (CA)	Torres
Furse	Minge	Towns
Gejdenson	Mink	Turner
Gonzalez	Moakley	Velázquez
Hall (OH)	Moran (VA)	Vento
Hall (TX)	Nadler	Visclosky
Hamilton	Neal	Waters
Harman	Oberstar	Watt (NC)
Hastings (FL)	Obey	Waxman
Hefner	Olver	Weygand
Hilliard	Owens	Woolsey
Hinchey	Pastor	Wynn
Hooley		Yates
Hoyer		

NOES—287

Aderholt	Cook	Green
Andrews	Cooksey	Greenwood
Archer	Cox	Gutierrez
Armey	Cramer	Gutknecht
Bachus	Crane	Hansen
Baker	Crapo	Hastert
Ballenger	Cubin	Hastings (WA)
Barcia	Cunningham	Hayworth
Barr	Danner	Hefley
Barrett (NE)	Davis (FL)	Herger
Bartlett	Davis (VA)	Hill
Barton	Deal	Hilleary
Bass	DeLay	Hinojosa
Bateman	Deutsch	Hobson
Bentsen	Diaz-Balart	Hoekstra
Bereuter	Dickey	Holden
Berman	Doolittle	Horn
Bilbray	Doyle	Hostettler
Bilirakis	Dreier	Houghton
Blagojevich	Duncan	Hulshof
Bliley	Dunn	Hunter
Blunt	Edwards	Hutchinson
Boehlert	Ehlers	Hyde
Boehner	Ehrlich	Inglis
Bonilla	Emerson	Istook
Bono	Engel	Jenkins
Borski	English	Johnson (CT)
Boyd	Ensign	Johnson (WI)
Brady	Everett	Johnson, Sam
Brown (FL)	Ewing	Jones
Bryant	Fawell	Kaptur
Bunning	Foley	Kasich
Burr	Fowler	Kelly
Burton	Fox	Kennedy (MA)
Buyer	Franks (NJ)	Kennedy (RI)
Callahan	Frelinghuysen	Kildee
Calvert	Gallegly	Kim
Camp	Ganske	Kind (WI)
Campbell	Gekas	King (NY)
Canady	Gephardt	Kingston
Cannon	Gibbons	Klug
Cardin	Gilchrest	Knollenberg
Castle	Gillmor	Kolbe
Chabot	Gilman	LaHood
Chambliss	Goode	Lampson
Chenoweth	Goodlatte	Largent
Christensen	Goodling	Latham
Coble	Gordon	LaTourette
Coburn	Goss	Lazio
Collins	Graham	Leach
Combest	Granger	Levin
Lewis (CA)	Paxon	Skeen
Lewis (KY)	Pease	Skelton
Linder	Peterson (MN)	Smith (MI)
Lipinski	Peterson (PA)	Smith (NJ)
Livingston	Petri	Smith (OR)
LoBiondo	Pickering	Smith (TX)
Lucas	Pickett	Smith, Adam
Maloney (CT)	Pitts	Smith, Linda
Manton	Pombo	Snowbarger
Manzullo	Pomeroy	Solomon
Mascara	Porter	Souder
McCarthy (MO)	Portman	Spence
McCarthy (NY)	Pryce (OH)	Spratt
McCollum	Quinn	Stearns
McCrery	Radanovich	Strickland
McDade	Rahall	Stump
McHugh	Ramstad	Stupak
McInnis	Redmond	Sununu
McIntosh	Regula	Talent
McIntyre	Reyes	Tanner
McKeon	Riggs	Tauzin
McNulty	Riley	Taylor (NC)
Menendez	Rogan	Thomas
Metcalf	Rogers	Thornberry
Mica	Rohrabacher	Thune
Miller (FL)	Ros-Lehtinen	Thurman
Mollohan	Rothman	Tiahrt
Moran (KS)	Roukema	Traficant
Morella	Ryun	Upton
Murtha	Salmon	Walsh
Myrick	Sandlin	Wamp
Nethercutt	Sanford	Watkins
Neumann	Saxton	Watts (OK)
Ney	Scarborough	Weldon (FL)
Northup	Schaefer, Dan	Weldon (PA)
Norwood	Schaffer, Bob	Weller
Nussle	Sensenbrenner	Wexler
Ortiz	Sessions	White
Oxley	Shadegg	Whitfield
Packard	Shaw	Wicker
Pallone	Shays	Wise
Pappas	Sherman	Wolf
Parker	Shimkus	Young (AK)
Pascrell	Shuster	Young (FL)
Paul	Sisisky	

NOT VOTING—6

Farr	Forbes	Royce
Flake	Molinari	Schiff

□ 1535

Messrs. TAYLOR of North Carolina, MCINTYRE, and SPRATT changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the following noncontroversial amendments be considered en bloc:

The Fox of Pennsylvania amendment regarding Ukraine;

the Lazio of New York amendment regarding child and spousal support obligations;

the Scarborough amendment regarding Sudan;

the Nethercutt amendment regarding release of hostages in India;

the Fox of Pennsylvania amendment regarding Romania in NATO;

the Ney amendment regarding assistance to Libya; and

the Paxon-Engel-Saxton amendment regarding Palestinian land sales.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

Mr. SERRANO. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. FOX of Pennsylvania:

At the end of title XVII insert the following new section:

SEC. 1717. SENSE OF CONGRESS CONCERNING ASSISTANCE FOR UKRAINE.

(a) IN GENERAL.—It is the sense of the Congress that—

(1) the Government and nation of Ukraine are to be commended for their decision to relinquish the nuclear weapons in the possession of Ukraine after the demise of the former Soviet Union;

(2) the Government of Ukraine is to be commended for its recent announcement that Ukrainian enterprises will not participate in the construction of nuclear reactors in Iran;

(3) the Government of Ukraine is to be commended for taking a positive and cooperative position with regard to the admission into the NATO alliance of new member-states in Central and Eastern Europe, particularly Ukraine's willingness to negotiate a bilateral charter with that alliance;

(4) the Government of Ukraine is to be commended for its efforts to ensure that the Russian-dominated Commonwealth of Independent States organization does not serve as a means to reintegrate the independent states of the former Soviet Union into a new political entity under Russian leadership and occupying the territory that comprised the former Soviet Union;

(5) the Government of Ukraine should immediately move to ensure that United States investors who have been subjected to extortion, fraud, or other criminal activity, or to inappropriate, corrupt activities carried out by officials or representatives of the Ukrainian Government, are provided with full restitution or compensation for their losses;

(6) the nation and Government of Ukraine are to be commended for the adoption of a democratic constitution, the conduct of free and fair elections, and the peaceful transfer of executive power since Ukraine gained its independence in 1991; and

(7) the President should respond positively to any request made by the government of Ukraine for United States government agencies assistance and involvement in the implementation of additional programs to fight corruption in Ukraine and to ensure that American investors in that country are not subjected to unfair, inappropriate, or criminal practices on the part of officials of the Government of Ukraine or any citizens of Ukraine.

(b) AVAILABILITY OF AMOUNTS FOR UKRAINE.—It is further the sense of the Congress that the President should ensure that Ukraine receives assistance for fiscal years 1998 and 1999 for political and economic reforms at a level equal to that allocated to Ukraine for fiscal year 1997.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOX].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 12, not voting 7, as follows:

[Roll No. 192]

AYES—415

Abercrombie	Deutsch	Jenkins	Oberstar	Ryun	Stump
Ackerman	Diaz-Balart	John	Olver	Sabo	Stupak
Aderholt	Dickey	Johnson (CT)	Ortiz	Salmon	Sununu
Allen	Dicks	Johnson (WI)	Owens	Sanchez	Talent
Andrews	Dingell	Johnson, E. B.	Oxley	Sanders	Tanner
Archer	Dixon	Johnson, Sam	Packard	Sandlin	Tauscher
Armey	Doggett	Jones	Pallone	Sanford	Tauzin
Bachus	Dooley	Kaptur	Pappas	Sawyer	Taylor (MS)
Baesler	Doolittle	Kasich	Parker	Saxton	Taylor (NC)
Baker	Doyle	Kelly	Pascrell	Scarborough	Thomas
Baldacci	Dreier	Kennedy (MA)	Paxon	Schaefer, Dan	Thompson
Ballenger	Duncan	Kennedy (RI)	Payne	Schaffer, Bob	Thornberry
Barcia	Dunn	Kennelly	Pelosi	Schumer	Thune
Barr	Edwards	Kildee	Peterson (PA)	Scott	Thurman
Barrett (NE)	Ehlers	Kilpatrick	Petri	Sensenbrenner	Tiahrt
Barrett (WI)	Ehrlich	Kim	Pickering	Serrano	Tierney
Bartlett	Emerson	Kind (WI)	Pickett	Sessions	Torres
Barton	Engel	King (NY)	Pitts	Shadegg	Towns
Bass	English	Kingston	Pombo	Shaw	Traficant
Bateman	Ensign	Kleczka	Pomeroy	Shays	Turner
Bentsen	Eshoo	Klink	Porter	Sherman	Upton
Bereuter	Etheridge	Klug	Portman	Shimkus	Velázquez
Berman	Evans	Knollenberg	Poshard	Shuster	Vento
Berry	Everett	Kolbe	Price (NC)	Sisisky	Visclosky
Bilbray	Ewing	Kucinich	Pryce (OH)	Skaggs	Walsh
Bilirakis	Fattah	LaFalce	Quinn	Skeen	Wamp
Bishop	Fawell	LaHood	Radanovich	Skelton	Waters
Blagojevich	Fazio	Lampson	Ramstad	Slaughter	Watkins
Bliley	Foglietta	Lantos	Rangel	Smith (MI)	Watt (NC)
Blumenauer	Foley	Largent	Redmond	Smith (NJ)	Watts (OK)
Blunt	Ford	Latham	Regula	Smith (OR)	Waxman
Boehlert	Fowler	LaTourette	Reyes	Smith (TX)	Weldon (FL)
Boehner	Fox	Lazio	Riggs	Smith, Adam	Weldon (PA)
Bonilla	Frank (MA)	Leach	Riley	Smith, Linda	Weller
Bonior	Franks (NJ)	Levin	Rivers	Snowbarger	Wexler
Bono	Frelinghuysen	Lewis (CA)	Rodriguez	Snyder	Weygand
Borski	Frost	Lewis (GA)	Roemer	Solomon	White
Boswell	Furse	Lewis (KY)	Rogan	Souder	Whitfield
Boucher	Gallegly	Linder	Rogers	Spence	Wicker
Boyd	Ganske	Lipinski	Rohrabacher	Spratt	Wise
Brady	Gejdenson	Livingston	Ros-Lehtinen	Stabenow	Wolf
Brown (CA)	Gekas	LoBiondo	Rothman	Stark	Woolsey
Brown (FL)	Gephardt	Lofgren	Roukema	Stearns	Wynn
Brown (OH)	Gibbons	Lowey	Roybal-Allard	Stenholm	Yates
Bryant	Gilchrest	Lucas	Royce	Stokes	Young (AK)
Bunning	Gillmor	Luther	Rush	Strickland	Young (FL)
Burr	Gilman	Maloney (CT)			
Burton	Gonzalez	Maloney (NY)			
Callahan	Goode	Manton			
Calvert	Goodlatte	Manzullo			
Camp	Goodling	Markey			
Campbell	Gordon	Martinez			
Canady	Goss	Mascara			
Cannon	Graham	Matsui			
Capps	Granger	McCarthy (MO)			
Cardin	Green	McCarthy (NY)			
Carson	Greenwood	McCollum			
Castle	Gutierrez	McCrery			
Chabot	Gutknecht	McDade			
Chambliss	Hall (OH)	McGovern			
Chenoweth	Hall (TX)	McHale			
Christensen	Hansen	McHugh			
Clay	Harman	McInnis			
Clayton	Hastert	McIntosh			
Clement	Hastings (FL)	McIntyre			
Clyburn	Hastings (WA)	McKeon			
Coble	Hayworth	McKinney			
Coburn	Hefley	McNulty			
Collins	Hefner	Meehan			
Combest	Herger	Meek			
Condit	Hill	Menendez			
Conyers	Hilleary	Metcalf			
Cook	Hilliard	Mica			
Cooksey	Hinchey	Millender-McDonald			
Costello	Hinojosa	Miller (CA)			
Cox	Hobson	Miller (FL)			
Coyne	Hoekstra	Minge			
Cramer	Holden	Mink			
Crane	Hooley	Moakley			
Crapo	Horn	Moran (KS)			
Cubin	Hostettler	Moran (VA)			
Cummings	Houghton	Morella			
Cunningham	Hoyer	Murtha			
Danner	Hulshof	Myrick			
Davis (FL)	Hunter	Nadler			
Davis (IL)	Hutchinson	Neal			
Davis (VA)	Hyde	Nethercutt			
Deal	Inglis	Neumann			
DeGette	Istook	Ney			
Delahunt	Jackson (IL)	Northup			
DeLauro	Jackson-Lee (TX)	Norwood			
DeLay	Jefferson	Nussle			
Dellums					

NOES—12

Becerra	Hamilton	Pastor
Buyer	Kanjorski	Paul
DeFazio	McDermott	Pease
Filner	Obey	Rahall

NOT VOTING—7

Farr	Molinari	Schiff
Flake	Mollohan	
Forbes	Peterson (MN)	

□ 1544

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1545

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. LAZIO of New York:

At the end of title XVII (relating to foreign policy provisions) insert the following:

SEC. 1717. SENSE OF CONGRESS REGARDING COMPLIANCE WITH CHILD AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED NATIONS PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all United Nations staff, including diplomats, should comply with binding United States Federal, State, and local court orders regarding child and spousal support obligations;

(2) the internal regulations of the United Nations allows—

(A) the United Nations to release staff salary information to the courts in spousal and child support cases;

(B) the Secretary General to authorize deduction of dependency related allowances from staff salary;

(C) the United Nations to cooperate with appropriate authorities to facilitate proper legal or judicial resolution of the family's claim.

(b) CONGRESSIONAL STATEMENT.—The Secretary of State should urge the United Nations to fully comply with regulations regarding compliance with child and spousal support obligations by United Nations personnel, in a timely manner and to the fullest extent possible.

(c) LIMITATION ON PAYMENT OF ARREARAGES TO THE UNITED NATIONS.—Notwithstanding any other provision of this Act, of funds appropriated for the payment of United States arrearages to the United Nations out of funds authorized to be appropriated by this Act, $10,000,000 shall not be available until the Secretary of State certifies that—

(1) the United Nations is actively enforcing child and spousal support payments in compliance with Federal, State, and local court orders; and

(2) the United Nations is actively reforming its pension policy, making the United Nations pension fund subject to Federal, State, or local court orders of spousal or child support.

The Speaker pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. LAZIO].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a five-minute vote.

The vote was taken by electronic device, and there were—ayes 387, noes 38, not voting 9, as follows:

[Roll No. 193]

AYES—387

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—38

Becerra
Berman
Bonior
Brown (CA)
Campbell
Capps
Carson
Clement
Conyers
Davis (FL)
Dellums
Dingell
Dooley
Eshoo
Filner
Foglietta
Furse
Hamilton
Hilliard
Jackson (IL)
Johnson (WI)
Johnson, E. B.
Kilpatrick
McDermott
Miller (CA)
Obey
Olver
Paul
Payne
Rahall
Rivers
Roybal-Allard
Sanders
Scott
Skaggs
Velázquez
Waters
Watt (NC)

NOT VOTING—9

Doggett
Farr
Flake
Forbes
Goodling
McIntosh
Molinari
Mollohan
Schiff

□ 1752

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. TIAHRT. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. TIAHRT. Would it be in order for us to reconsider the Frank Sinatra congressional award, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

Insert at the end of the bill the following new title:

TITLE . UNITED STATES POLICY WITH RESPECT TO FORCED ABORTION AND FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION

SEC. . FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION.

Section 104 of the Foreign Assistance Act of 1961. Public Law 87–195, is amended by the addition of the following subject.

"(h) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

"(1) PERFORMANCE OF ABORTIONS.—

"(a) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

"(b) Paragraph (a) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

"(2) LOBBYING ACTIVITIES.—

"(a) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will

not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign county concerning the circumstances under which abortion is permitted, regulated or prohibited.

"(b) Paragraph (a) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

"(3) The prohibitions of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or sub-grantee, and the required certifications apply to activities in which the organization engages either directly or through a subcontractor or sub-grantee."

SEC. . FORCED ABORTION IN THE PEOPLE'S REPUBLIC OF CHINA.

Section 301 of the Foreign Assistance Act of 1961, Public Law 87–195, is amended by the addition of the following new subsection:

"(i) LIMITATION RELATING TO FORCED ABORTIONS IN THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding section 614 of this Act or any other provision of law, no funds may be made available for the United Nations Population Fund (UNFPA) in any fiscal year unless the President certifies that (1) UNFPA has terminated all activities in the People's Republic of China, and the United States has received assurances that UNFPA will conduct no such activities during the fiscal year for which the funds are to be made available; or (2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term "coercion" includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 193, not voting 7, as follows:

[Roll No. 194]

AYES—234

Aderholt	Boehner	Chambliss
Archer	Bonilla	Chenoweth
Armey	Bonior	Christensen
Bachus	Bono	Coble
Baker	Borski	Coburn
Ballenger	Brady	Collins
Barcia	Bryant	Combest
Barr	Bunning	Cook
Barrett (NE)	Burr	Cooksey
Bartlett	Burton	Costello
Barton	Buyer	Cox
Bateman	Callahan	Cramer
Bereuter	Calvert	Crane
Berry	Camp	Crapo
Bilirakis	Canady	Cubin
Bliley	Cannon	Cunningham
Blunt	Chabot	Danner
Deal	Kingston	Rahall
DeLay	Kleczka	Redmond
Diaz-Balart	Klink	Regula
Dickey	Knollenberg	Riggs
Dingell	Kucinich	Riley
Doolittle	LaFalce	Roemer
Doyle	LaHood	Rogan
Dreier	Largent	Rogers
Duncan	Latham	Rohrabacher
Dunn	LaTourette	Ros-Lehtinen
Ehlers	Lewis (CA)	Royce
Emerson	Lewis (KY)	Ryun
English	Linder	Salmon
Ensign	Lipinski	Sanford
Everett	Livingston	Saxton
Ewing	LoBiondo	Scarborough
Foley	Lucas	Schaefer, Dan
Fowler	Manton	Schaffer, Bob
Fox	Manzullo	Sensenbrenner
Gallegly	Mascara	Sessions
Ganske	McCollum	Shadegg
Gekas	McCrery	Shaw
Gibbons	McDade	Shimkus
Gillmor	McHugh	Shuster
Goode	McInnis	Skeen
Goodlatte	McIntosh	Skelton
Goodling	McIntyre	Smith (MI)
Goss	McKeon	Smith (NJ)
Graham	Metcalf	Smith (OR)
Granger	Mica	Smith (TX)
Gutknecht	Miller (FL)	Smith, Linda
Hall (OH)	Moakley	Snowbarger
Hall (TX)	Moran (KS)	Solomon
Hamilton	Murtha	Souder
Hansen	Myrick	Spence
Hastert	Nethercutt	Stearns
Hastings (WA)	Neumann	Stenholm
Hayworth	Ney	Stump
Hefley	Northup	Stupak
Herger	Norwood	Sununu
Hill	Nussle	Talent
Hilleary	Oberstar	Tauzin
Hoekstra	Obey	Taylor (MS)
Holden	Ortiz	Taylor (NC)
Hostettler	Oxley	Thornberry
Hulshof	Packard	Thune
Hunter	Pappas	Tiahrt
Hutchinson	Parker	Traficant
Hyde	Paul	Walsh
Inglis	Paxon	Wamp
Istook	Pease	Watkins
Jenkins	Peterson (MN)	Watts (OK)
John	Peterson (PA)	Weldon (FL)
Johnson, Sam	Petri	Weldon (PA)
Jones	Pickering	Weller
Kanjorski	Pitts	Weygand
Kaptur	Pombo	Whitfield
Kasich	Portman	Wicker
Kildee	Poshard	Wolf
Kim	Quinn	Young (AK)
King (NY)	Radanovich	Young (FL)

NOES—193

Abercrombie	Conyers	Furse
Ackerman	Coyne	Gejdenson
Allen	Cummings	Gephardt
Andrews	Davis (FL)	Gilchrest
Baesler	Davis (IL)	Gilman
Baldacci	Davis (VA)	Gonzalez
Barrett (WI)	DeFazio	Gordon
Bass	DeGette	Green
Becerra	Delahunt	Greenwood
Bentsen	DeLauro	Gutierrez
Berman	Dellums	Harman
Bilbray	Deutsch	Hastings (FL)
Bishop	Dicks	Hefner
Blagojevich	Dixon	Hilliard
Blumenauer	Doggett	Hinchey
Boehlert	Dooley	Hinojosa
Boswell	Edwards	Hobson
Boucher	Ehrlich	Hooley
Boyd	Engel	Horn
Brown (CA)	Eshoo	Houghton
Brown (FL)	Etheridge	Hoyer
Brown (OH)	Evans	Jackson (IL)
Campbell	Fattah	Jackson-Lee (TX)
Capps	Fawell	Jefferson
Cardin	Fazio	Johnson (CT)
Carson	Filner	Johnson (WI)
Castle	Foglietta	Johnson, E. B.
Clay	Ford	Kelly
Clayton	Frank (MA)	Kennedy (MA)
Clement	Franks (NJ)	Kennedy (RI)
Clyburn	Frelinghuysen	Kennelly
Condit	Frost	Kilpatrick
Kind (WI)	Moran (VA)	Sherman
Klug	Morella	Sisisky
Kolbe	Nadler	Skaggs
Lampson	Neal	Slaughter
Lantos	Olver	Smith, Adam
Lazio	Owens	Snyder
Leach	Pallone	Spratt
Levin	Pascrell	Stabenow
Lewis (GA)	Pastor	Stark
Lofgren	Payne	Stokes
Lowey	Pickett	Strickland
Luther	Pomeroy	Tanner
Maloney (CT)	Porter	Tauscher
Maloney (NY)	Price (NC)	Thomas
Markey	Pryce (OH)	Thompson
Martinez	Ramstad	Thurman
Matsui	Rangel	Tierney
McCarthy (MO)	Reyes	Torres
McCarthy (NY)	Rivers	Towns
McDermott	Rodriguez	Turner
McGovern	Rothman	Upton
McHale	Roukema	Velázquez
McKinney	Roybal-Allard	Vento
McNulty	Rush	Visclosky
Meehan	Sabo	Waters
Meek	Sanchez	Watt (NC)
Menendez	Sanders	Waxman
Millender-McDonald	Sandlin	Wexler
Miller (CA)	Sawyer	White
Minge	Schumer	Wise
Mink	Scott	Woolsey
	Serrano	Wynn
	Shays	Yates

NOT VOTING—7

Farr	Molinari	Schiff
Flake	Mollohan	
Forbes	Pelosi	

□ 1602

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(Mr. SOLOMON asked and was given permission to speak out of order for 1 minute.)

ANNOUNCEMENT ON SUPPLEMENTAL APPROPRIATION

Mr. SOLOMON. Mr. Speaker, for the purpose of making an announcement about the supplemental appropriation bill, I want to ask the Committee on Rules members to cast their vote early on the next vote and then come up to the Committee on Rules so that we may have an emergency meeting on the supplemental appropriation bill.

I would also just say that I have suggested to the leadership that this bill has to be finished tonight and maybe, with the committees meeting in other buildings, that we ought to perhaps recess for 2 or 3 hours and come back here at about 8 or 9 and then finish the bill around midnight.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the following amendments be considered en bloc:

Scarborough amendment regarding Sudan; Nethercutt amendment regarding release of hostages in India, Fox of Pennsylvania amendment regarding Romania and NATO, Ney amendment regarding assistance to Libya, Paxon-Engel-Saxton amendment regarding Palestinian land sales.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

Mr. SERRANO. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN:

At end of Title XVII (relating to foreign policy provisions) add the following new section (and conform the table of contents accordingly):

SEC. . ADDITIONAL REQUIREMENTS RELATING TO ASSISTANCE

(a) IN GENERAL.—Section 481(e)(4), of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)) is amended—

(1) in subparagraph (a)(ii), inserting "or under chapter 5 of part II" after "(including chapter 4 of part II)"; and

(2) in subparagraph (B), by inserting before the semicolon at the end the following: ", other than sales or financing provided for narcotics-related purposes following notification in accordance with procedures applicable to reprogramming notifications under section 634A of this Act.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to assistance provided on or after the date of the enactment of this Act.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. SCARBOROUGH:

Page 185, after line 17, insert the following section:

SEC. 1717. UNITED STATES POLICY REGARDING RELIGIOUS PERSECUTION AND SUPPORT OF TERRORISM BY SUDAN.

(a) FINDINGS.—The Congress finds the following:

(1) Continued disregard of the freedom of religion by Sudan is unacceptable.

(2) Continued support of terrorist activities by Sudan is of deepest concern and shall not be tolerated.

(b) FINANCIAL TRANSACTIONS WITH TERRORISTS.—Notwithstanding any other provision of law, the exception with respect to Sudan under section 2332(a) of title 18, United States Code (provided in regulations issued in August 1996 by the Office of Foreign Assets of the Treasury Department) shall cease to be effective on the date of the enactment of this Act. No such exception under such section may be issued with respect to Sudan until the President certifies to the Congress that Sudan is no longer sponsoring or supporting terrorism.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. SCARBOROUGH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

PARLIAMENTARY INQUIRY

Mr. ACKERMAN (during the vote). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ACKERMAN. Mr. Speaker, on which amendment is the Chair asking for a recorded vote?

The SPEAKER pro tempore. The chair just put the question on the Scarborough amendment. The Chair announced that the Gilman amendment was adopted by voice vote. This is a vote on the Scarborough amendment.

The Chair is responding during the vote since a rollcall is under way, as to the conduct of the current vote.

The vote was taken by electronic device, and there were—ayes 410, noes 12, not voting 12, as follows:

[Roll No 195]

AYES—410

Abercrombie	Clyburn	Gallegly
Ackerman	Coble	Ganske
Aderholt	Coburn	Gejdenson
Allen	Collins	Gekas
Andrews	Combest	Gephardt
Archer	Condit	Gibbons
Bachus	Cook	Gilchrest
Baesler	Cooksey	Gillmor
Baker	Costello	Gilman
Baldacci	Cox	Gonzalez
Ballenger	Coyne	Goode
Barcia	Cramer	Goodlatte
Barr	Crane	Goodling
Barrett (NE)	Crapo	Gordon
Barrett (WI)	Cubin	Goss
Bartlett	Cummings	Graham
Barton	Cunningham	Granger
Bass	Danner	Green
Bateman	Davis (FL)	Gutierrez
Becerra	Davis (IL)	Gutknecht
Bentsen	Davis (VA)	Hall (OH)
Bereuter	Deal	Hall (TX)
Berman	DeGette	Hamilton
Berry	Delahunt	Hansen
Bilbray	DeLauro	Hastert
Bilirakis	DeLay	Hastings (FL)
Bishop	Dellums	Hastings (WA)
Blagojevich	Deutsch	Hayworth
Bliley	Diaz-Balart	Hefley
Blumenauer	Dickey	Hefner
Blunt	Dicks	Herger
Boehlert	Dingell	Hill
Boehner	Dixon	Hilleary
Bonilla	Doggett	Hilliard
Bonior	Dooley	Hinojosa
Bono	Doolittle	Hobson
Borski	Doyle	Hoekstra
Boswell	Dreier	Holden
Boucher	Duncan	Hooley
Boyd	Dunn	Horn
Brady	Edwards	Hostettler
Brown (CA)	Ehlers	Houghton
Brown (FL)	Ehrlich	Hoyer
Brown (OH)	Emerson	Hulshof
Bryant	Engel	Hunter
Bunning	English	Hutchinson
Burr	Ensign	Hyde
Burton	Eshoo	Inglis
Buyer	Etheridge	Istook
Callahan	Evans	Jackson (IL)
Calvert	Everett	Jackson-Lee (TX)
Camp	Ewing	Jefferson
Canady	Fattah	Jenkins
Cannon	Fawell	John
Capps	Fazio	Johnson (CT)
Cardin	Filner	Johnson (WI)
Carson	Foglietta	Johnson, E. B.
Castle	Foley	Johnson, Sam
Chabot	Ford	Jones
Chambliss	Fowler	Kanjorski
Chenoweth	Frank (MA)	Kaptur
Christensen	Franks (NJ)	Kasich
Clay	Frelinghuysen	Kelly
Clayton	Frost	Kennedy (MA)
Clement	Furse	Kennedy (RI)
Kennelly	Neal	Shadegg
Kildee	Nethercutt	Shaw
Kilpatrick	Neumann	Shays
Kim	Ney	Sherman
Kind (WI)	Northup	Shimkus
King (NY)	Norwood	Shuster
Kingston	Nussle	Sisisky
Kleczka	Oberstar	Skaggs
Klink	Obey	Skeen
Klug	Olver	Skelton
Knollenberg	Ortiz	Slaughter
Kolbe	Owens	Smith (MI)
LaHood	Oxley	Smith (NJ)
Lampson	Packard	Smith (OR)
Lantos	Pallone	Smith (TX)
Largent	Pappas	Smith, Adam
Latham	Parker	Smith, Linda
LaTourette	Pascrell	Snowbarger
Lazio	Pastor	Snyder
Leach	Paxon	Solomon
Levin	Payne	Souder
Lewis (CA)	Pease	Spence
Lewis (GA)	Peterson (MN)	Spratt
Lewis (KY)	Peterson (PA)	Stabenow
Linder	Petri	Stearns
Lipinski	Pickering	Stenholm
Livingston	Pickett	Stokes
LoBiondo	Pitts	Strickland
Lofgren	Pombo	Stump
Lowey	Pomeroy	Stupak
Lucas	Porter	Sununu
Luther	Portman	Talent
Maloney (CT)	Poshard	Tanner
Maloney (NY)	Price (NC)	Tauscher
Manton	Pryce (OH)	Tauzin
Manzullo	Quinn	Taylor (MS)
Markey	Radanovich	Thomas
Martinez	Ramstad	Thompson
Mascara	Rangel	Thornberry
Matsui	Redmond	Thune
McCarthy (MO)	Regula	Thurman
McCarthy (NY)	Reyes	Tiahrt
McCollum	Riggs	Tierney
McCrery	Riley	Torres
McDade	Rivers	Towns
McGovern	Rodriguez	Traficant
McHale	Roemer	Turner
McHugh	Rogan	Upton
McInnis	Rogers	Velázquez
McIntosh	Rohrabacher	Vento
McIntyre	Ros-Lehtinen	Visclosky
McKeon	Rothman	Walsh
McKinney	Roukema	Wamp
McNulty	Roybal-Allard	Waters
Meehan	Royce	Watkins
Meek	Rush	Watts (OK)
Menendez	Ryun	Waxman
Metcalf	Sabo	Weldon (FL)
Mica	Salmon	Weldon (PA)
Millender-McDonald	Sanchez	Weller
Miller (CA)	Sanders	Wexler
Miller (FL)	Sandlin	Weygand
Minge	Sanford	White
Mink	Sawyer	Whitfield
Moakley	Saxton	Wicker
Moran (KS)	Scarborough	Wise
Moran (VA)	Schaefer, Dan	Wolf
Morella	Schaffer, Bob	Woolsey
Murtha	Schumer	Wynn
Myrick	Scott	Yates
Nadler	Sensenbrenner	Young (FL)
	Serrano	
	Sessions	

NOES—12

Campbell	Hinchey	Paul
Conyers	Kucinich	Rahall
DeFazio	LaFalce	Stark
Harman	McDermott	Watt (NC)

NOT VOTING—12

Armey	Fox	Pelosi
Farr	Greenwood	Schiff
Flake	Molinari	Taylor (NC)
Forbes	Mollohan	Young (AK)

□ 1612

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. NETHERCUTT: At the end of title XVII insert the following section:

SEC. 1717. SENSE OF CONGRESS RELATING TO THE ABDUCTION AND DETAINMENT OF DONALD HUTCHINGS OF THE STATE OF WASHINGTON.

(a) FINDINGS.—The Congress makes the following findings:

(1) Al-Faran, a militant organization that seeks to merge Kashmir with Pakistan, has waged a war against the Government of India.

(2) During the week of July 2, 1995, Al-Faran abducted Donald Hutchings of the State of Washington, and 4 Western Europeans in the territory of Jammu and Kashmir, India.

(3) Al-Faran has threatened to kill Donald Hutchings and the Western European hostages unless the Government of India agrees to release suspected guerrillas from its jails.

(4) Several militants have been captured by the Indian Government and have given conflicting and unconfirmed reports about the hostages.

(5) Donald Hutchings and the 4 Western European hostages have been held against their will by Al-Faran for nearly 2 years.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the militant organization Al-Faran should release, immediately, Donald Hutchings and 4 Western Europeans from captivity;

(2) Al-Faran and their supporters should cease and desist from all acts of hostage-taking and other violent acts within the State of Jammu and Kashmir, India;

(3) the State Department Rewards Program should be used to the greatest extent possible to solicit new information pertaining to hostages; and

(4) the governments of the United States, the United Kingdom, Germany, Norway, India, and Pakistan should share and investigate all information relating to these hostages as quickly as possible.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Washington [Mr. NETHERCUTT].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 11, as follows:

[Roll No. 196]

AYES—423

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—11

Armey
Dunn
Farr
Flake
Forbes
Metcalf
Molinari
Mollohan
Pelosi
Schiff
Skaggs

□ 1621

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the following amendments be considered en bloc:

Miller amendment, as amended by Diaz-Balart, regarding Cuban cigars; Fox of Pennsylvania amendment regarding Romania and NATO; Ney amendment regarding assistance to Libya; Rohrabacher amendment regarding Russian arms transfers to China; and the Paxon-Engel-Saxton amendment regarding Palestinian land sales.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

Mr. SERRANO. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment, as amended, is as follows:

Amendment offered by Mr. MILLER of California, as amended:

At the end of title XVII, insert the following section:

SEC. 1717. CUBAN CIGARS.

It is the sense of Congress that the United States should not prohibit the importation into the United States, or the sale or distribution in the United States, of cigars that are the product of Cuba, at such time as the government of Cuba has (1) freed all political prisoners, (2) legalized all political activity, and (3) agreed to hold free and fair elections.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. MILLER], as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 366, noes 59, not voting 9, as follows:

[Roll No. 197]

AYES—366

Ackerman	Danner	Hooley
Aderholt	Davis (FL)	Horn
Allen	Davis (VA)	Hostettler
Andrews	Deal	Houghton
Archer	DeLauro	Hoyer
Armey	DeLay	Hulshof
Bachus	Deutsch	Hutchinson
Baesler	Diaz-Balart	Hyde
Baker	Dickey	Inglis
Baldacci	Dicks	Istook
Ballenger	Dingell	Jackson-Lee
Barcia	Dixon	(TX)
Barr	Doggett	Jenkins
Barrett (NE)	Doolittle	John
Barrett (WI)	Doyle	Johnson (CT)
Bartlett	Dreier	Johnson (WI)
Barton	Duncan	Johnson, Sam
Bass	Dunn	Jones
Bateman	Edwards	Kaptur
Bentsen	Ehrlich	Kasich
Bereuter	Engel	Kelly
Berman	English	Kennedy (MA)
Berry	Ensign	Kennedy (RI)
Bilbray	Eshoo	Kennelly
Bilirakis	Etheridge	Kildee
Bishop	Evans	Kim
Blagojevich	Everett	Kind (WI)
Bliley	Ewing	King (NY)
Blumenauer	Fawell	Kingston
Blunt	Fazio	Klink
Boehlert	Filner	Klug
Boehner	Foley	Knollenberg
Bonilla	Ford	Kolbe
Bonior	Fowler	LaFalce
Bono	Fox	LaHood
Borski	Frank (MA)	Lampson
Boswell	Franks (NJ)	Lantos
Boucher	Frelinghuysen	Largent
Boyd	Frost	Latham
Brady	Gallegly	LaTourette
Brown (FL)	Ganske	Lazio
Brown (OH)	Gejdenson	Leach
Bryant	Gekas	Levin
Bunning	Gephardt	Lewis (CA)
Burr	Gibbons	Lewis (KY)
Burton	Gilchrest	Linder
Buyer	Gillmor	Lipinski
Callahan	Gilman	Livingston
Calvert	Gonzalez	LoBiondo
Camp	Goode	Lofgren
Campbell	Goodlatte	Lowey
Canady	Goodling	Luther
Cannon	Gordon	Maloney (CT)
Capps	Goss	Maloney (NY)
Cardin	Graham	Manton
Carson	Granger	Manzullo
Chabot	Green	Markey
Chambliss	Greenwood	Martinez
Chenoweth	Gutierrez	Mascara
Christensen	Gutknecht	Matsui
Clement	Hall (OH)	McCarthy (MO)
Clyburn	Hall (TX)	McCarthy (NY)
Coble	Hamilton	McCollum
Coburn	Hansen	McCrery
Collins	Harman	McDade
Combest	Hastert	McDermott
Condit	Hastings (FL)	McHugh
Cook	Hastings (WA)	McInnis
Cooksey	Hayworth	McIntosh
Costello	Hefley	McIntyre
Cox	Hefner	McKeon
Cramer	Herger	McNulty
Crane	Hill	Menendez
Crapo	Hilleary	Metcalf
Cubin	Hinojosa	Mica
Cummings	Hobson	Millender-
Cunningham	Hoekstra	McDonald
Miller (CA)	Regula	Spence
Miller (FL)	Reyes	Spratt
Moran (KS)	Riggs	Stabenow
Moran (VA)	Riley	Stark
Morella	Rivers	Stearns
Myrick	Rodriguez	Stenholm
Neal	Roemer	Strickland
Neumann	Rogan	Stump
Ney	Rogers	Stupak
Northup	Rohrabacher	Sununu
Norwood	Ros-Lehtinen	Talent
Nussle	Rothman	Tanner
Oberstar	Roukema	Tauscher
Obey	Royce	Tauzin
Olver	Ryun	Taylor (MS)
Ortiz	Salmon	Taylor (NC)
Owens	Sanchez	Thomas
Oxley	Sandlin	Thompson
Packard	Sanford	Thornberry
Pallone	Sawyer	Thune
Pappas	Saxton	Thurman
Parker	Scarborough	Tiahrt
Pascrell	Schaefer, Dan	Torres
Pastor	Schaffer, Bob	Towns
Paul	Schumer	Traficant
Paxon	Scott	Turner
Pease	Sensenbrenner	Upton
Pelosi	Sessions	Vento
Peterson (MN)	Shadegg	Walsh
Peterson (PA)	Shaw	Wamp
Petri	Shays	Watts (OK)
Pickering	Sherman	Weldon (FL)
Pickett	Shimkus	Weldon (PA)
Pitts	Shuster	Weller
Pombo	Sisisky	Wexler
Pomeroy	Skeen	Weygand
Porter	Skelton	White
Portman	Slaughter	Whitfield
Poshard	Smith (NJ)	Wicker
Price (NC)	Smith (OR)	Wise
Pryce (OH)	Smith (TX)	Wolf
Quinn	Smith, Adam	Woolsey
Radanovich	Smith, Linda	Wynn
Rahall	Snowbarger	Yates
Ramstad	Solomon	Young (FL)
Redmond	Souder	

NOES—59

Abercrombie	Holden	Payne
Becerra	Jackson (IL)	Rangel
Brown (CA)	Jefferson	Roybal-Allard
Castle	Johnson, E. B.	Rush
Clay	Kanjorski	Sabo
Clayton	Kilpatrick	Sanders
Conyers	Kleczka	Serrano
Coyne	Kucinich	Skaggs
Davis (IL)	Lewis (GA)	Smith (MI)
DeFazio	Lucas	Snyder
DeGette	McGovern	Stokes
Delahunt	McHale	Tierney
Dellums	McKinney	Velázquez
Dooley	Meek	Visclosky
Ehlers	Minge	Waters
Fattah	Mink	Watkins
Foglietta	Moakley	Watt (NC)
Furse	Murtha	Waxman
Hilliard	Nadler	Young (AK)
Hinchey	Nethercutt	

NOT VOTING—9

Emerson	Forbes	Molinari
Farr	Hunter	Mollohan
Flake	Meehan	Schiff

□ 1629

Mr. MOAKLEY changed his vote from "aye" to "no."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

□ 1630

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. FOX of Pennsylvania:

At the end of the bill, add the following:

SEC. . DESIGNATION OF ROMANIA AS ELIGIBLE FOR ASSISTANCE UNDER NATO PARTICIPATION ACT OF 1994.—

(1) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(A) Romania has made tremendous progress toward meeting the criteria for accession into the North Atlantic Treaty Organization (NATO) by establishing a mature and functioning democracy, a free market economy, civilian control of the armed forces, respect for the rule of law, respect for human rights and civil liberties, and by implementing a strong economic reform;

(B) Romania has further exhibited its strong commitment to contribute to the stability, reconciliation, and cooperation among the nations of the region by the very significant signing of the basic political bilateral Treaty with Hungary and recent initialing of a similar document with Ukraine;

(C) Romania has already demonstrated its willingness and ability to contribute as a future NATO ally to strengthening the military capabilities and strategic cohesiveness of the Alliance by joining, first among Central and Eastern European countries, the Partnership for Peace Program and by actively participating alongside NATO allies in Bosnia, Angola, Somalia, and Albania;

(D) due to its size, geo-strategic location, economic and military potential, and huge popular support for NATO integration, Romania is of immense and key strategic importance to European stability; and

(E) Romania qualifies under section 203 of the NATO Participation Act of 1994 to receive assistance in making the transition to a full NATO membership and should be invited to start accession negotiations at the earliest stage.

(2) DESIGNATION.—Not later than 180 days after the date of the enactment of this Act, the President shall, pursuant to section 203(d)(2) of the NATO Participation Act of 1994, designate Romania as eligible to receive assistance under the program established under section 203(a) of such Act.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOX].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 10, not voting 7, as follows:

[Roll No. 198]

AYES—417

Abercrombie	Barrett (WI)	Blumenauer
Ackerman	Bartlett	Blunt
Aderholt	Barton	Boehlert
Allen	Bass	Boehner
Andrews	Bateman	Bonilla
Archer	Becerra	Bonior
Armey	Bentsen	Bono
Bachus	Bereuter	Borski
Baesler	Berman	Boswell
Baker	Berry	Boucher
Baldacci	Bilbray	Boyd
Ballenger	Bilirakis	Brady
Barcia	Bishop	Brown (CA)
Barr	Blagojevich	Brown (FL)
Barrett (NE)	Bliley	Brown (OH)

Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—10

Condit
Conyers
Danner
Duncan
Hefley
Obey
Paul
Sabo
Watt (NC)
Yates

NOT VOTING—7

Emerson
Farr
Flake
Forbes
Molinari
Radanovich
Schiff

□ 1639

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. NEY:

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. PROHIBITION ON FOREIGN ASSISTANCE TO ANY COUNTRY THAT ASSISTS LIBYA IN CIRCUMVENTING UNITED NATIONS SANCTIONS.

(a) IN GENERAL.—None of the funds made available in this Act and the amendments made by this Act shall be made available for assistance to any government if the President determines that such country has assisted the Government of Libya in violating sanctions imposed by United Nations Security Council Resolution 748 (1992).

(b) EXCEPTION.—This section shall not apply if the President determines that making such funds available is important to the national security interest of the United States.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. NEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 427, noes 0, not voting 7, as follows:

[Roll No. 199]

AYES—427

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf

Mica	Ramstad	Solomon
Millender-McDonald	Rangel	Souder
Miller (CA)	Redmond	Spence
Miller (FL)	Regula	Spratt
Minge	Reyes	Stabenow
Mink	Riggs	Stark
Moakley	Riley	Stearns
Mollohan	Rivers	Stenholm
Moran (KS)	Rodriguez	Stokes
Moran (VA)	Roemer	Strickland
Morella	Rogan	Stump
Murtha	Rogers	Stupak
Myrick	Rohrabacher	Sununu
Nadler	Ros-Lehtinen	Talent
Neal	Rothman	Tanner
Nethercutt	Roukema	Tauscher
Neumann	Roybal-Allard	Tauzin
Ney	Royce	Taylor (MS)
Northup	Rush	Taylor (NC)
Norwood	Ryun	Thomas
Nussle	Sabo	Thompson
Oberstar	Salmon	Thornberry
Obey	Sanchez	Thune
Olver	Sanders	Thurman
Ortiz	Sandlin	Tiahrt
Owens	Sanford	Tierney
Oxley	Sawyer	Torres
Packard	Saxton	Towns
Pallone	Scarborough	Traficant
Pappas	Schaefer, Dan	Turner
Parker	Schaffer, Bob	Upton
Pascrell	Schumer	Velázquez
Pastor	Scott	Vento
Paul	Sensenbrenner	Visclosky
Paxon	Serrano	Walsh
Payne	Sessions	Wamp
Pease	Shadegg	Watkins
Pelosi	Shaw	Watt (NC)
Peterson (MN)	Shays	Watts (OK)
Peterson (PA)	Sherman	Waxman
Petri	Shimkus	Weldon (FL)
Pickering	Shuster	Weldon (PA)
Pickett	Sisisky	Weller
Pitts	Skaggs	Wexler
Pombo	Skeen	Weygand
Pomeroy	Skelton	White
Porter	Slaughter	Whitfield
Portman	Smith (MI)	Wicker
Poshard	Smith (NJ)	Wise
Price (NC)	Smith (OR)	Wolf
Pryce (OH)	Smith (TX)	Woolsey
Quinn	Smith, Adam	Wynn
Radanovich	Smith, Linda	Yates
Rahall	Snowbarger	Young (AK)
	Snyder	Young (FL)

NOT VOTING—7

Bonior	Forbes	Waters
Farr	Molinari	
Flake	Schiff	

□ 1648

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. ROHRABACHER:

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. ASSISTANCE FOR THE RUSSIAN FEDERATION.

None of the funds made available to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) for fiscal years, 1998 and 1999 may be made available for the Russian Federation if the Russian Federation, on or after the date of the enactment of this Act, transfers an SS–N–22 missile system to the People's Republic of China.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 184, not voting 6, as follows:

[Roll No. 200]

AYES—244

Abercrombie	Fowler	McKinney
Aderholt	Fox	Meehan
Archer	Franks (NJ)	Metcalf
Armey	Gallegly	Mica
Bachus	Ganske	Miller (CA)
Baker	Gibbons	Miller (FL)
Ballenger	Gilchrest	Moran (KS)
Barcia	Gillmor	Myrick
Barr	Goode	Neal
Barrett (NE)	Goodlatte	Nethercutt
Barrett (WI)	Goodling	Neumann
Bartlett	Gordon	Ney
Barton	Graham	Northup
Bateman	Granger	Norwood
Bilbray	Green	Nussle
Blunt	Greenwood	Oxley
Boehner	Gutierrez	Packard
Bonilla	Gutknecht	Pappas
Bono	Hall (TX)	Parker
Boyd	Hansen	Paul
Brady	Hastert	Paxon
Bryant	Hastings (WA)	Pease
Bunning	Hayworth	Pelosi
Burr	Hefley	Peterson (PA)
Burton	Herger	Petri
Buyer	Hill	Pickering
Callahan	Hilleary	Pitts
Calvert	Hinchey	Pombo
Camp	Hobson	Portman
Campbell	Hoekstra	Poshard
Canady	Holden	Pryce (OH)
Cannon	Hostettler	Quinn
Cardin	Houghton	Radanovich
Castle	Hulshof	Ramstad
Chabot	Hunter	Redmond
Chambliss	Hutchinson	Riggs
Chenoweth	Hyde	Riley
Christensen	Inglis	Rivers
Clement	Istook	Rogan
Coble	Jefferson	Rogers
Coburn	Jenkins	Rohrabacher
Collins	Johnson (CT)	Ros-Lehtinen
Combest	Johnson, Sam	Royce
Condit	Jones	Ryun
Cook	Kaptur	Salmon
Cooksey	Kasich	Sanders
Costello	Kelly	Sanford
Cox	Kildee	Saxton
Cramer	Kim	Scarborough
Crane	Kingston	Schaefer, Dan
Crapo	Kleczka	Schaffer, Bob
Cubin	Klug	Sensenbrenner
Cunningham	Largent	Sessions
Danner	Latham	Shadegg
Davis (VA)	LaTourette	Shaw
Deal	Leach	Shimkus
DeFazio	Lewis (KY)	Shuster
DeLay	Linder	Skeen
Diaz-Balart	Lipinski	Skelton
Dickey	Livingston	Smith (OR)
Doggett	LoBiondo	Smith (TX)
Doolittle	Lucas	Smith, Linda
Dreier	Luther	Snowbarger
Duncan	Manzullo	Solomon
Dunn	Markey	Souder
Ehlers	Mascara	Spence
Emerson	McCollum	Spratt
English	McCrery	Stearns
Ensign	McHale	Stenholm
Everett	McHugh	Stump
Ewing	McInnis	Sununu
Fattah	McIntosh	Talent
Fawell	McIntyre	Tanner
Foley	McKeon	Tauzin
Taylor (MS)	Turner	Whitfield
Thomas	Upton	Wicker
Thornberry	Walsh	Wolf
Thune	Wamp	Wynn
Thurman	Watkins	Young (AK)
Tiahrt	Watts (OK)	Young (FL)
Tierney	Weldon (FL)	
Traficant	Weller	

NOES—184

Ackerman	Gonzalez	Obey
Allen	Goss	Olver
Andrews	Hall (OH)	Ortiz
Baesler	Hamilton	Owens
Baldacci	Harman	Pallone
Bass	Hastings (FL)	Pascrell
Becerra	Hefner	Pastor
Bentsen	Hilliard	Payne
Bereuter	Hinojosa	Peterson (MN)
Berman	Hooley	Pickett
Berry	Horn	Pomeroy
Bilirakis	Hoyer	Porter
Bishop	Jackson (IL)	Price (NC)
Blagojevich	Jackson-Lee (TX)	Rahall
Bliley	John	Rangel
Blumenauer	Johnson (WI)	Regula
Boehlert	Johnson, E.B.	Reyes
Bonior	Kanjorski	Rodriguez
Borski	Kennedy (MA)	Roemer
Boswell	Kennedy (RI)	Rothman
Boucher	Kennelly	Roukema
Brown (CA)	Kilpatrick	Roybal-Allard
Brown (FL)	Kind (WI)	Rush
Brown (OH)	King (NY)	Sabo
Capps	Klink	Sanchez
Carson	Knollenberg	Sandlin
Clay	Kolbe	Sawyer
Clayton	Kucinich	Schumer
Clyburn	LaFalce	Scott
Conyers	LaHood	Serrano
Coyne	Lampson	Shays
Cummings	Lantos	Sherman
Davis (FL)	Levin	Sisisky
Davis (IL)	Lewis (CA)	Skaggs
DeGette	Lewis (GA)	Slaughter
Delahunt	Lofgren	Smith (MI)
DeLauro	Lowey	Smith (NJ)
Dellums	Maloney (CT)	Smith, Adam
Deutsch	Maloney (NY)	Snyder
Dicks	Manton	Stabenow
Dingell	Martinez	Stark
Dixon	Matsui	Stokes
Dooley	McCarthy (MO)	Strickland
Doyle	McCarthy (NY)	Stupak
Edwards	McDade	Tauscher
Ehrlich	McDermott	Taylor (NC)
Engel	McGovern	Thompson
Eshoo	McNulty	Torres
Etheridge	Meek	Towns
Evans	Menendez	Velázquez
Fazio	Millender-McDonald	Vento
Filner	Minge	Visclosky
Foglietta	Mink	Waters
Ford	Moakley	Watt (NC)
Frank (MA)	Mollohan	Waxman
Frelinghuysen	Moran (VA)	Weldon (PA)
Frost	Morella	Wexler
Furse	Murtha	Weygand
Gejdenson	Nadler	White
Gekas	Oberstar	Wise
Gephardt	Olver	Woolsey
Gilman	Ortiz	Yates

NOT VOTING—6

Farr	Forbes	Molinari
Flake	Lazio	Schiff

□ 1658

Mrs. CLAYTON, Mr. PETERSON of Minnesota, and Mr. PALLONE changed their vote from "aye" to "no."

Mr. NEAL of Massachusetts changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1700

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will report the last amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. PAXON:

At the end of the bill add the following (and conform the table of contents accordingly):

TITLE XVIII—OTHER FOREIGN POLICY PROVISIONS

SEC. 1801. CONDEMNATION OF PALESTINIAN DEATH PENALTY FOR LAND SALES.

(a) FINDINGS.—The Congress finds the following:

(1) In recent weeks, senior officials of the Palestinian Authority have announced that the death penalty will be imposed on anyone who sells land to a Jew, based on a now-repealed Jordanian law, even in Israel.

(2) Palestinian Authority Chairman Yasser Arafat stated on May 21, 1997, "Our law is a Jordanian law that we inherited . . . and sets the death penalty for those who sell land to Israelis. . . . We are talking about a few traitors, and we shall implement against them what is written in the law books.".

(3) Palestinian Authority Justice Minister Freih Abu Middein stated on May 5, 1997, "I warned the land dealers several times through the media not to play with fire. For us, whoever sells land to Jews and settlers is more dangerous than collaborators. Therefore, they must be put on trial and sentenced to death . . . They are traitors.".

(4) Palestinian Authority Justice Minister Freih Abu Middein stated on May 28, 1997, "it is obligatory to forbid the sale of land in Ramle, Lod, the Negev, and everywhere else. . . . There are many [land dealers] who have fled from Palestine, but anyone who has broken this serious law, will remain a wanted fugitive by the Palestinian people, wherever he may go.".

(5) Legislation implementing the death penalty was prepared for consideration by the Palestinian Legislative Council, but has not yet been considered.

(6) Since the pronouncement of senior Palestinian leaders, at least three Palestinians have been killed for selling land to Israelis, some after visits or other scrutiny by Palestinian security officials. There is further evidence that the killings were committed by Palestinian security officials.

(7) Three Palestinians were extrajudicially executed following their sale of land to Israelis.

(8) The International Covenant on Civil and Political Rights, to which the United States is a party, states, "sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of commission of the crime. . . . This penalty can only be carried out pursuant to a final judgment rendered by a competent court.".

(9) The United States has made a financial commitment to the Palestinian Authority with the understanding that the rule of law would prevail, that there would be no official sanction to extrajudicial killings or violations of human rights, and that basic principles of peaceful and normal relations would be upheld.

(10) Despite claims to the contrary, there is no law in Israel forbidding the sale of land to Arabs or people of other ethnicities or nationalities.

(b) DECLARATIONS OF POLICY.—The Congress declares the following:

(1) The Congress condemns in the strongest possible terms the abhorrent policy and practice of murdering Palestinians for sales of land to Jews. Such actions are violations of international law and the spirit of the Oslo agreements, casting strong doubt as to whether the Palestinians are in compliance with their commitments to Israel. The Congress finds the endorsement and encouragement of this practice by the most senior leadership of the Palestinian Authority to be reprehensible.

(2) The Congress demands that this practice of murder and racism be condemned and renounced by the Palestinian leadership and that it will end immediately. If it does not, the Congress should not permit the provision of direct aid to the Palestinian Authority when the Middle East Peace Facilitation Act of 1995 is considered for reauthorization. The Congress urges the President to take this practice fully into account as he now determines whether the Palestinian Authority is in compliance with its commitments to Israel, which he must do in accordance with the Middle East Peace Facilitation Act of 1995.

(3) The Congress strongly urges the Palestinian Legislative Council to reject categorically legislation imposing the penalty of death on those who sell land to Israelis.

(c) TRANSMISSION OF COPIES.—The Clerk of the House of Representatives and the Secretary of the Senate are directed to transmit copies of this section to the President of the United States, the Secretary of State, the United Nations Secretary General, the United States Ambassador to Israel, the Consul General of the United States in Jerusalem, Israel, the Rais of the Palestinian Authority, all members of Palestinian Legislative Council, and the office of the Palestine Liberation Organization in Washington, District of Columbia.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. PAXON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 0, answered "present" 3, not voting 6, as follows:

[Roll No. 201]

AYES—425

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon

Souder	Thompson	Watts (OK)
Spence	Thornberry	Waxman
Spratt	Thune	Weldon (FL)
Stabenow	Thurman	Weldon (PA)
Stark	Tiahrt	Weller
Stearns	Tierney	Wexler
Stenholm	Torres	Weygand
Stokes	Towns	White
Strickland	Traficant	Whitfield
Stump	Turner	Wicker
Stupak	Upton	Wise
Sununu	Velázquez	Wolf
Talent	Vento	Woolsey
Tanner	Visclosky	Wynn
Tauscher	Walsh	Yates
Tauzin	Wamp	Young (AK)
Taylor (MS)	Waters	Young (FL)
Taylor (NC)	Watkins	
Thomas	Watt (NC)	

ANSWERED "PRESENT"—3

Bonior	Paul	Rahall

NOT VOTING—6

Farr	Forbes	Molinari
Flake	McIntosh	Schiff

□ 1706

Mr. THUNE changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–128) on the resolution (H. Res. 165) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

EUROPEAN SECURITY ACT OF 1997

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 159, I call up the bill (H.R. 1758) to ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 1758 is as follows:

H.R. 1758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "European Security Act of 1997".

SEC. 2. STATEMENTS OF POLICY.

The Congress declares the following to be the policy of the United States:

(1) POLICY WITH RESPECT TO NATO ENLARGEMENT.—(A) The emerging democracies in Central and Eastern Europe that will be invited to begin accession negotiations with the North Atlantic Treaty Organization (NATO) at the NATO summit in Madrid on July 8 and 9, 1997, should not be the last such countries invited to join NATO.

(B) The United States should seek to ensure that the NATO leaders assembled in Madrid agree on a process whereby all other emerging democracies in Central and Eastern Europe that wish to join NATO will be considered for membership in NATO as soon as they meet the criteria for such membership.

(2) POLICY WITH RESPECT TO NEGOTIATIONS WITH RUSSIA.—(A) NATO enlargement should be carried out in such a manner as to underscore the Alliance's defensive nature and demonstrate to Russia that NATO enlargement will enhance the security of all countries in Europe, including Russia. Accordingly, the United States and its NATO Allies should make this intention clear in the negotiations with Russia, including those regarding adaptation of the Conventional Armed Forces in Europe (CFE) Treaty of November 19, 1990.

(B) In seeking to demonstrate to Russia NATO's defensive and security-enhancing intentions, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized. In particular, no commitments should be made to Russia that would have the effect of—

(i) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(ii) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(iii) providing any international organization, or any country that is not a member of NATO, with authority to review, delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including with respect to the deployment of NATO forces or the admission of additional members to NATO; or

(iv) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance.

(C) In order to enhance security and stability in Europe, the United States should seek commitments from the Russian Federation—

(i) to demarcate and respect all its borders with neighboring states;

(ii) to station its armed forces on the territory of other states only with the consent of such states and in strict accordance with international law; and

(iii) to take steps to reduce nuclear and conventional forces in Kaliningrad.

(D) As negotiations on adaptation of the Conventional Armed Forces in Europe (CFE) Treaty proceed, the United States should engage in close and continuous consultations not only with its NATO allies, but also with the emerging democracies of Central and Eastern Europe, Ukraine, and the newly independent states of the Caucasus region.

(3) POLICY WITH RESPECT TO BALLISTIC MISSILE DEFENSE COOPERATION WITH RUSSIA.—(A) As the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning and technical aspects of ballistic missile defense.

(B) Even as the Congress seeks to promote ballistic missile defense cooperation with Russia, it must insist on its constitutional prerogatives regarding consideration of arms control agreements with Russia that bear on ballistic missile defense.

SEC. 3. AUTHORITIES RELATING TO NATO ENLARGEMENT.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2(1).

(b) DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.—

(1) DESIGNATION OF ADDITIONAL COUNTRIES.—Effective 180 days after the date of the enactment of this Act, Romania, Estonia, Latvia, and Lithuania are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of the NATO Participation Act of 1994.

(2) RULE OF CONSTRUCTION.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that Romania, Estonia, Latvia, and Lithuania—

(A) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

(c) REGIONAL AIRSPACE INITIATIVE AND PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Funds described in paragraph (2) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System, including—

(A) the procurement of items in support of these programs; and

(B) the transfer of such items to countries participating in these programs.

(2) FUNDS DESCRIBED.—Funds described in this paragraph are funds that are available—

(A) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(B) during fiscal year 1998 under any Act to carry out the Warsaw Initiative.

(d) EXTENSION OF AUTHORITY REGARDING EXCESS DEFENSE ARTICLES.—Section 105 of Public Law 104-164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1997, 1998, and 1999".

(e) CONFORMING AMENDMENTS TO THE NATO PARTICIPATION ACT OF 1994.—Section 203(c) of the NATO Participation Act of 1994 is amended—

(1) in paragraph (1), by striking ", without regard to the restrictions" and all that follows and inserting a period;

(2) by striking paragraph (2);

(3) in paragraph (6), by striking "appropriated under the 'Nonproliferation and Disarmament Fund' account" and inserting "made available for the 'Nonproliferation and Disarmament Fund'";

(4) in paragraph (8)—

(A) by striking "any restrictions in sections 516 and 519" and inserting "section 516(e)";

(B) by striking "as amended,"; and

(C) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)"; and

(5) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively.

SEC. 4. AUTHORITIES RELATING TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2(2).

(b) AUTHORITY TO APPROVE THE CFE FLANK AGREEMENT.—The President is authorized to approve on behalf of the United States the Document Agreed Among States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, adopted in Vienna, Austria on May 31, 1996, concerning the resolution of issues related to the Conventional Armed Forces in Europe (CFE) Treaty flank zone.

(c) SENSE OF CONGRESS WITH RESPECT TO CFE ADAPTATION.—It is the sense of Congress that any revisions to the Treaty on Conventional Armed Forces in Europe that may be agreed in the ongoing CFE adaptation negotiations can enter into force only if those revisions are specifically approved in a manner described in section 33(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)), and no such approval will be provided to any revisions to that Treaty that jeopardize fundamental United States security interests in Europe or the effectiveness and flexibility of NATO as a defensive alliance by—

(1) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(2) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(3) providing any international organization, or any country that is not a member of NATO, with authority to review, delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including with respect to the deployment of NATO forces or the admission of additional members to NATO; or

(4) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance by, for example, recognizing spheres of influence in Europe.

SEC. 5. BALLISTIC MISSILE DEFENSE COOPERATIVE PROJECTS WITH RUSSIA.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2(3)(A).

(b) ESTABLISHMENT OF PROGRAM OF BALLISTIC MISSILE DEFENSE COOPERATION WITH RUSSIA.—The Secretary of Defense is authorized to carry out a program of cooperative ballistic missile defense-related projects with the Russian Federation.

(c) CONDUCT OF PROGRAM.—The program of cooperative ballistic missile defense-related projects with the Russian Federation under subsection (b) may include (but is not limited to) projects in the following areas:

(1) Cooperation between the United States and the Russian Federation with respect to early warning of ballistic missile launches, including the sharing of information on ballistic missile launches detected by either the United States or the Russian Federation, formalization of an international launch notification regime, and development of a joint global warning center.

(2) Technical cooperation in research, development, test, and production of technology and systems for ballistic missile defense.

(3) Conduct of joint ballistic missile defense exercises.

(4) Planning for cooperation in defense against ballistic missile threats aimed at either the United States or the Russian Federation.

(d) DIALOGUE WITH RUSSIA.—The President should seek to initiate a dialogue with the Russian Federation aimed at exploring the potential for mutual accommodation of outstanding issues between the two nations on matters relating to ballistic missile defense and the Anti-Ballistic Missile Treaty of 1972, including the possibility of developing a strategic relationship not based on mutual nuclear threats.

(e) ANNUAL REPORT.—Not later than January 1, 1998, January 1, 1999, and January 1, 2000, the President shall submit to the Congress a report on the cooperative program under this section. Each such report shall include the following:

(1) A description of the conduct of the program during the preceding fiscal year, including a description of the projects carried out under the program.

(2) A description of the status of the dialogue under subsection (d) during the preceding fiscal year.

(3) A description of the funding for the program during the preceding fiscal year and the year during which the report is submitted and the proposed funding for the program for the next fiscal year.

SEC. 6. RESTRICTION ON ENTRY INTO FORCE OF ABM/TMD DEMARCATION AGREEMENTS.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2(3)(B).

(b) RESTRICTION.—An ABM/TMD demarcation agreement shall not be binding on the United States, and shall not enter into force with respect to the United States, unless, after the date of the enactment of this Act, that agreement is specifically approved in a manner described in section 33(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)).

(c) SENSE OF CONGRESS WITH RESPECT TO DEMARCATION AGREEMENTS.—

(1) OPPOSITION TO MULTILATERALIZATION OF ABM TREATY.—It is the sense of the Congress that until the United States has taken the steps necessary to ensure that the ABM Treaty remains a bilateral treaty between the United States and the Russian Federation (such state being the only successor state of the Union of Soviet Socialist Republics that has deployed or realistically may deploy an anti-ballistic missile defense system) no ABM/TMD demarcation agreement will be considered for approval for entry into force with respect to the United States (any such approval, as stated in subsection (b), to be effective only if provided in a manner described in section 33(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b))).

(2) PRESERVATION OF U.S. THEATER BALLISTIC MISSILE DEFENSE POTENTIAL.—It is the sense of the Congress that no ABM/TMD demarcation agreement that would reduce the potential of United States theater missile defense systems to defend the Armed Forces of the United States abroad or the armed forces or population of allies of the United States will be approved for entry into force with respect to the United States (any such approval, as stated in subsection (b), to be effective only if provided in a manner described in section 33(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b))).

(d) ABM/TMD DEMARCATION AGREEMENT DEFINED.—For the purposes of this section, the term "ABM/TMD demarcation agreement" means an agreement that establishes a demarcation between theater ballistic missile defense systems and strategic anti-ballistic missile defense systems for purposes of the ABM Treaty, including the following:

(1) The agreement concluded by the Standing Consultative Commission on June 24, 1996, concerning lower velocity theater missile defense systems.

(2) The agreement concluded (or to be concluded) by the Standing Consultative Commission concerning higher velocity theater missile defense systems, based on the Joint Statement Concerning the Anti-Ballistic Missile Treaty issued on March 21, 1997, at the conclusion of the Helsinki Summit.

(3) Any agreement similar to the agreements identified in paragraphs (1) and (2).

(e) ABM TREATY DEFINED.—For purposes of this section, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972 (23 UST 3435), and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974 (27 UST 1645).

The SPEAKER pro tempore. Pursuant to House Resolution 159, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 30 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House the European Security Act of 1997. It is an important piece of legislation that will once again

give the Congress the opportunity to demonstrate our support for prompt enlargement of the NATO alliance and our special concern for the security of Romania and three Baltic States.

Furthermore, the legislation charts a course that will permit us to enlarge NATO, as well as to achieve our vital national objectives in the area of ballistic missile defense without disrupting relations with Russia.

This bill takes as a starting point the fact that NATO will begin the process of enlargement this summer consistent with the three laws that we have enacted on this subject over each of the last 3 years. Poland, Hungary, the Czech Republic, and Slovenia currently are the front runners for admission in the first round of enlargement.

This bill identifies two problems with the way NATO enlargement is proceeding: First, we are concerned that a number of countries may not be properly considered for the first round of NATO enlargement, or may be left out of the first round and can find themselves in a security vacuum. Second, we worry that in the rush to mollify Russia, concessions may be made that could jeopardize European security and the effectiveness of NATO.

To reassure the countries that are not currently among the front runners for admission to NATO, this bill designates four additional countries to receive NATO enlargement assistance: Romania, Estonia, Latvia, and Lithuania. The effect is to give these countries the same status under United States law as Poland, Hungary, the Czech Republic, and Slovenia.

□ 1715

This bill goes on to express the sense of Congress that Romania, Estonia, Latvia, and Lithuania should be invited to join NATO as soon as they can satisfy all of the relevant criteria.

With regard to Russia, the bill spells out concessions that we would consider unacceptable. But then to make clear that the purpose of NATO enlargement is not to emasculate Russia, as many in Moscow appear to believe, the bill supports efforts to adapt the Conventional Armed Forces in Europe Treaty, provided this is done in a way that does not make the new NATO members any second class citizens or otherwise jeopardize our security interests in Europe.

This bill supports adaptation of the CFE treaty because we know of no better way to demonstrate to Russia our genuine belief that NATO enlargement will enhance the security of all countries in Europe, including Russia.

With regard to ballistic missile defense, the bill again demonstrates that our objectives can best be achieved in the manner that enhances Russia's security as much as our own.

This legislation, Mr. Speaker, has garnered widespread support since it was first introduced back on April 24. It is supported by all of the major organizations representing Americans of Central and Eastern European descent, ranging from the Polish American Congress to the Armenian Assembly and the Joint Baltic-American National Committee.

Just this week, Mr. Speaker, it has been endorsed by the editors of both the Washington Times and the Washington Post. If it can unite the editors of those two newspapers, who agree on very little, surely it can unite the Congress.

In that spirit, I urge my colleagues to join in supporting this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I want to remind Members about the manner in which this bill comes before us. There have been no hearings in the 105th Congress on NATO enlargement. There have been no hearings on the bill. There has been no consideration in the Committee on International Relations or anywhere else of this bill. Now we have it under a closed rule.

I think how the Congress handles important issues is important because it contributes to the public perception of the Congress. We talk a lot about the importance of the democratic process in countries before they come into NATO. We could very well use some democratic process in consideration of this bill.

The Committee on Rules has decided that on the most important foreign policy issue of the year, probably, there will be one vote, up or down, no amendments, on a bill that has had no process of review by the committee of jurisdiction.

Second, I do not oppose the content of this bill. I plan to vote for it. But I think Members should understand what the bill does and does not do. It is neither a very helpful nor a harmful bill.

Contrary to what some may say in this debate, this bill does not pave the way for another round of NATO enlargement. It does not provide additional assistance. It does not provide different assistance. The assistance that this bill would provide is exactly the same kind of assistance that the administration is currently providing or planning to provide.

Four countries, Romania, Estonia, Latvia, Lithuania, are designated to receive assistance under the NATO Participation Act. But the assistance authorities under that act duplicate existing authorities. No U.S. assistance program, plan, or activity in these countries will be changed because of this act. The bill amounts to a sense of the Congress.

The Baltic States and Romania certainly deserve consideration for NATO membership, but so do others who are not named. The message to the four countries designated under the NATO Participation Act is that "you have a leg up" in the next round of NATO expansion. The message to Bulgaria, to Slovakia, to Albania and to the others is, "Sorry, you lose." This bill says to them, "No matter what you do, you are not now on the list of NATO membership."

The only meaningful change in authorities in this bill would be to allow the administration to use Department of Defense funds for the Regional Airspace Initiative in Eastern Europe, a program to modernize air traffic control systems. Usually in the Congress we have a good many Members at least who oppose raids on Defense Department funds for foreign aid purposes. This would provide about $10 million a year from the operations and maintenance accounts for what these committees view as foreign assistance. While an air traffic control system in Central Europe is useful, we should be clear here that this authority will mean a further depletion in the defense budget.

On the question of the CFE flank agreement, the Senate has already acted. The Senate acted by May 15 to provide its advice and consent. The administration originally asked both the House and the Senate to act on the flank agreement last August. The House in this case is a day late and a dollar short. Its actions on the flank agreement are now irrelevant.

On the question of the ABM treaty and ballistic missile defense, the President will not be obliged to change his policy one iota. He already is carrying out a cooperative program on ballistic missile defense with Russia. He is already carrying out a dialog with Russia on the ABM treaty. He has already agreed to submit the demarcation agreement under the ABM treaty to the Senate for its advice and consent.

I do not approve of the way this bill came to the floor. As I suggested, I really would prefer no bill at this time. NATO enlargement is a complex process with huge stakes. It will not be easy to make it work. It makes sense to let the process unfold gradually, and let a consensus develop on which members should be admitted and in what order.

My preference would be for the Congress not to try to dictate the process by declaring favorites. There is something disturbing about seeing Members champion certain countries, trying to push their favorites to the front of the line.

But this bill is before us, and I do not wish to be recorded in opposition to NATO expansion. The bill will be viewed in Europe and certainly in Eastern Europe as an up-or-down vote on NATO enlargement. I do not intend to be seen as a Member who opposes the aspirations of the Baltic States and

Romania. I think we would be better served if all countries seeking NATO membership were designated under the NATO Participation Act.

NATO enlargement, in my judgment, is going to happen. We have reached a point of no return. I had and still have many questions about enlargement, especially about costs and U.S. commitments. I do not think we have had sufficient debate or consideration of NATO enlargement.

I do believe that, if properly done, NATO enlargement can increase the security of all of Europe and increase the chances that Europe will not be the source of wars. NATO enlargement will certainly assure these new democracies of central Europe and strengthen democratic and market reforms.

I do not think we have adequately considered the impact of enlargement on NATO itself and on those countries not included in enlargement. We certainly have not considered carefully enough the costs of NATO enlargement and how to deal with the hostile reaction of Russia. Much is going to depend on how we manage the process of enlargement.

I support NATO enlargement because I believe that the risks of proceeding with enlargement are less now than the risks of not going forward. You cannot have the President of the United States talk again and again about NATO enlargement, and have 16 governments support NATO enlargement, without enlargement going forward. U.S. credibility and NATO credibility would vanish if we tried to turn back now.

The question now is not whether to enlarge NATO but how to do it in a responsible way. We do not want to antagonize Russia unduly. We do not want to create a two-tiered NATO membership. We should not prejudge the next steps.

We should let the process of NATO enlargement unfold. We should bring in Members only when they are prepared and meet NATO criteria. We should encourage all countries in Eastern Europe to meet NATO criteria, not just a few. We should keep the process open and not create first, second, and third tiers of candidates.

Neither the process under which we consider this bill nor the content of the bill itself should make us especially proud. So far as I can see, it is a foreign policy bill driven largely by domestic political pressures. But neither is it a bad bill. I see no compelling reason to vote against it. I do plan to vote for it.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his supportive remarks with regard to this important bill.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH], distinguished chairman of the Subcommittee on International Relations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to voice my strong support for H.R. 1758.

The language before us is designed first and foremost to preserve the effectiveness and the flexibility of NATO as a defensive alliance. For nearly five decades the North Atlantic Alliance has served and advanced the interests of the United States in Europe by preserving peace, promoting economic prosperity, and advancing our shared principles of democracy, individual liberty, and the rule of law.

Mr. Speaker, I would point out that the underlying legislation provides important assistance to Latvia, Lithuania, Estonia, and Romania as they pursue membership in the alliance irrespective of the outcome of the NATO summit meeting scheduled to take place in Madrid in early July.

Recently the ambassadors from each of these countries, as well as Poland, Hungary, the Czech Republic, Slovenia, Bulgaria, and Slovakia, appeared before the Helsinki Commission, which I co-chair along with Senator D'AMATO, and presented their government's case for NATO membership. I believe, especially after hearing from each of the ambassadors, that it would be an injustice of historic proportions if we did not take advantage of the unique opportunity that we have today to embrace these countries of the region that have demonstrably committed themselves to democracy, human rights, and the rule of law.

During President Constantinescu's short tenure, Romania has made very impressive progress, and I believe deserves every ounce of encouragement, support, and consideration in the lead-up to the July NATO summit. Mr. Speaker, as one of those who has closely followed developments in Romania since 1981, I would hope that Romania is included among those invited to accession negotiations on full NATO membership.

With respect to the Baltic States, I have seen no justification in delaying similar negotiations with Latvia, Lithuania, and Estonia. Despite decades of Soviet domination and brutal repression, the commitment of the Baltic peoples to freedom and democracy ultimately triumphed over totalitarianism. Having persevered for 50 years and overcome the odds by regaining their independence, the Baltic countries deserve to be fully integrated into the West, including NATO, without further delay.

Mr. Speaker, the important legislation before us is aimed at giving further impetus to the enlargement of NATO. It is of critical importance, in my view, that a genuine process be put into place to ensure that emerging democracies not invited in Madrid join NATO but that wish to join the alliance will be given every consideration, and that there be a transparent and a real process for doing so. Platitudes cannot substitute for process. The bill calls for the NATO leaders assembled in Madrid to agree to such a process.

Frankly, Mr. Speaker, I remain very concerned over the recently concluded negotiations undertaken by NATO Secretary General Solana that resulted in the so-called Founding Act between NATO and the Russian Federation. Part of my concern stems from the fact that the talks were conducted against the backdrop of an artificial deadline suggested by the Russians. It is of critical importance that the Founding Act in no way undermine the effectiveness of NATO or reduce new members of the alliance to second-class citizens.

I am particularly concerned about the seemingly one-sided nature of the recently concluded negotiations, focusing as they have on Moscow's security preoccupation, real or imagined. The pending legislation identifies three specific security concerns that I urge the Clinton administration to raise with the Russians until they have been resolved.

The first concern stems from the fact that Russia has not agreed to the international borders with several of her neighbors. Moscow has purposefully dragged its feet on this important issue with the aim of intimidating a number of the countries involved.

The second issue concerns the deployment of Russian forces on the territory of other states. Today there are thousands of Russian troops deployed in and around the Ukrainian port of Sevastopol. Russian troops are likewise stationed in Moldova. The pending amendment calls for a commitment from the Russian Federation to station its armed forces on the territory of other states only with consent of such states and in strict accordance with international law.

Finally, the bill calls for a commitment by the Russians to take steps to reduce nuclear and conventional forces in Kaliningrad, where Moscow has amassed a huge arsenal that poses a potential threat to the Baltic States and to Poland.

□ 1730

Mr. Speaker, the progress in resolving these outstanding issues would go a long way to advance peace and stability throughout Europe, a region of critical importance to our own security and to our own economic and political interests.

I urge adoption of H.R. 1758 in the interests of maintaining the effectiveness and the flexibility of NATO as a defensive alliance. I urge strong support for the bill.

Mr. LANTOS. Mr. Speaker, how much time have we consumed?

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The gentleman

from California [Mr. LANTOS] has 22½ minutes remaining and the gentleman from New York [Mr. GILMAN] has 21 minutes remaining.

Mr. LANTOS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise as a strong supporter of NATO expansion. Two weeks ago this past Sunday, I had the privilege in Bucharest of delivering to President Goncz of Hungary and President Constantinescu of Romania a letter by President Clinton. In this letter, President Clinton congratulated the two Presidents and the two countries for reaching an historic accommodation after centuries of bloodshed, bitterness and wars.

The long-awaited period of reconciliation and peace between these two important countries of Central and Eastern Europe is now a reality. The two Presidents jointly responded to our President, and the two governments strongly favor their simultaneous invitation as NATO members.

May I say, Mr. Speaker, that the debate in this country and in the other 15 NATO countries basically comes down to whether in the first round we should invite just three potential new members, Poland, the Czech Republic, and Hungary, or whether we should invite four or five, including Slovenia and Romania.

I strongly favor, as one who has spent a great deal of time over a lifetime in that region, the simultaneous invitation to membership to all five countries, with the clear understanding that a simultaneous invitation to membership does not guarantee simultaneous acceptance into NATO.

Such a formula, Mr. Speaker, would give us the best of all possible worlds. It would avoid the public relations disaster of having some countries invited and others not invited; it would avoid the backlash that would surely take place in Romania, which has gone through free and open and democratic elections, which has moved vigorously toward privatization and the free market, and which recognizes the importance of a free press and religious freedom. It now is as well qualified to be invited as any of the other five.

Yet I think we must understand that, in terms of economic development and other criteria, all five countries may not be ready to join NATO simultaneously. Therefore, my recommendation: simultaneous invitation; no guarantee of simultaneous admission.

I also believe, Mr. Speaker, that, should this formula not be acceptable, the very least the NATO countries should do at their July meeting is to designate a time certain when the second round of countries will be invited to join NATO. Failure to do so would lead to significant disappointments, a xenophobic backlash and a severe destruction of the spirit which now permeates this region.

These five countries, in my judgment, are fully prepared to begin negotiations in July, and with assistance from the existing NATO contingent will be ready within the next 2 or 3 years to enter NATO as full-fledged, fully equal members. This will be good for NATO, this will be good for the new members, and, I underscore, it will be good for Russia.

In the cold war days, the Soviet Union assumed that NATO is an aggressive military alliance. Those of us who understood NATO throughout argued that NATO is a defensive military alliance. It is a force for stability, prosperity, democracy and freedom. Those are the attributes in Central and Eastern Europe that are beneficial to Russia, and I strongly urge my colleagues to support simultaneous invitation to all five countries mentioned, and I support the legislation of the gentleman from New York.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], the distinguished chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I thank the distinguished chairman of the House Committee on International Relations, the distinguished gentleman from New York [Mr. GILMAN], and congratulate him on his successes earlier today.

Mr. Speaker, I rise in support of the European Security Act strongly. Today we stand on the threshold of the July Madrid summit, where the invitations to seek membership in NATO will be issued, and they are sure to be among the most coveted invitations of the year. What this means is that it is time for this Congress to offer not only words but substantive measures designed to enhance the NATO enlargement process.

The Europe Security Act of 1997 is a strong statement in support of expansion with concrete measures designed to improve the European security environment. It reiterates this round of expansion cannot and should not be the last; that all countries able to meet the requirements for membership should be permitted to seek it. It also seeks to ensure that those countries not included in the first tranche are not left out in the cold, in some kind of a security vacuum.

H.R. 1758 seeks to do so by expanding the circle of countries eligible for enlargement assistance. It also addresses concerns that my colleagues and I have regarding the conventional forces in Europe and includes language to discourage the administration from making further agreements with nonmember states that will undercut the security of the alliance. In other words, it says no to appeasement.

Still further, it is intended to enhance Europe security with measures specifically designed to overcome legal and foreign policy impediments to ballistic missile defense by holding the line on the implementation of demarcation agreements negotiated with Russia and proposals from the White House that would multilateralize the ABM treaty.

The Europe Security Act will offer the opportunity to enhance U.S. security from ballistic missile attack, something of interest to all of us. In the end, the Europe Security Act is about consolidating the process of democratization in the central and eastern Europe, about ensuring that those countries that share our values and took the risks associated with casting off the Soviet Union will be part of the new European security order and enjoy the benefits of freedom.

Mr. Speaker, as the Madrid summit approaches, we know that a difficult process still lies ahead, but it is absolutely certain that enlargement is the right choice. We must not retreat from our world leadership role, we must not forsake our allies, old or new. We have dealt with Russia, the Ukraine and all the interested parties in the past few years on this matter, and it is time to get on with it.

We have worked with the parliamentarians in the North Atlantic Assembly. We have visited with the governments and the people on their turf in Russia, the Ukraine, the Baltics, Hungary, Poland, the Czech Republic, and many others. And, of course, we have been to our NATO's home port and talked to them about this. This is not a new subject. This is a subject whose time has come. I support this legislation and I urge my colleagues to do so.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, it is a terrible thing that this central question of foreign policy comes before us under a closed rule with only 1 hour.

I think the concept of NATO expansion is a reasonable one, but it is not reasonable to go to the American taxpayer, in the light of a budget deal, which will severely constrain spending both in the defense and nondefense areas, and tell the American taxpayer that they will continue to bear a disproportionate share of the cost of defending Europe.

Everyone acknowledges that the expansion of NATO will cost money. The more countries involved, the more money it will cost. That is not a disqualification. But that cost should not be borne by the current formula, which has the U.S. taxpayer subsidizing the nations of Western Europe.

We talked about welfare reform last year. We did not go after the real welfare. The real welfare is the United States taxpayer, 52 years after the end of World War II, years after the Marshall plan succeeded, continuing to

subsidize Germany and England and France and Denmark and Belgium. This bill assumes the status quo.

It is shocking that we were not allowed a chance to offer an amendment to this bill that would say that, whether one is for or against NATO expansion, we in the House do not want a continuation of this subsidy by the American taxpayer of our wealthy allies in Western Europe.

As the Western European nations struggle to meet their 3-percent deficit deadline to get into the Euro, we can be sure they will start cutting back on their military expenditures. And they will cut back on their military expenditures secure in the hope that the American Congress will again be suckered and bail them out.

What this bill does, erroneously in my judgment, is to assume that status quo. I will vote "no". I might be supportive of NATO expansion in some context, but this bill assumes an expansion of NATO under the same terms.

The Washington Post editorial that the gentleman from New York talked about referred to the need for more spending. Do not send the American taxpayer once again to the defense of Europe when the European nations are allowed to get a free ride.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I have a question about this legislation which I wish to direct to its principal sponsor, the distinguished gentleman from New York [Mr. GILMAN], and chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I would be pleased to respond to the questions of the distinguished gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, I note that the legislation states that Romania, Estonia, Latvia, and Lithuania should be invited to become full members of NATO at the earliest possible date upon complete satisfaction of all relevant criteria. The legislation also provides that these four countries are to be designated as eligible to receive assistance under the NATO Participation Act effective 180 days after the date of enactment.

Are these provisions intended to suggest that Congress believes that Romania, Estonia, Latvia, and Lithuania should be kept out of the first round of NATO enlargement this year and, instead, invited to join NATO at a later date in a second or third round of enlargement?

Mr. GILMAN. Mr. Speaker, if the gentleman will continue to yield, I can assure the gentleman that it is not our intention to push these countries into any second or third round of NATO enlargement. The purpose of this legislation is to support the efforts of Romania, Estonia, Latvia, and Lithuania to join NATO. We absolutely are not trying to hold them back.

If at the summit meeting in Madrid this July the members of NATO decide to invite Romania, Estonia, Latvia, and Lithuania to begin accession talks with the alliance as part of the first round of enlargement, we will welcome that. And if they are not invited to join in the first round, we will do all we can to make sure the door to the alliance remains open to them. And that is the purpose of this legislation.

Mr. GIBBONS. Why then does the legislation postpone for 180 days the effective date of the designation of these countries under the NATO Participation Act?

Mr. GILMAN. Well, that designation has to do with eligibility to receive U.S. assistance. The 180-day period provided under the legislation should not be read to suggest that we think it is necessary to wait the entire 180 days before deciding whether to invite these countries to join NATO.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman and esteemed chairman for his clarification, and with the assurance he has provided, I will be pleased to join him in support of this measure.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his interest in the legislation.

□ 1745

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, sometimes this institution suffers from collective amnesia. What we honor tonight in this concept is what happened in Hungary in 1956, what happened in Czechoslovakia in 1968 with Alexander Dubcek, and what happened in Poland just a decade ago. What we honor here today is a simple concept of those electricians and that trade unionist from Gdansk, Lech Walesa, who turned events as we proceeded to the next century, on their ear. Internationally we honor the commitment that they made, and I assure Mr. FRANK's reservations about the manner in which costs are ascribed in these particular instances, but we cannot turn our backs on the heroism.

And remember once again those Soviet tanks as they rolled into Hungary and Czechoslovakia and Jaruzelski threatened to put down those trade unionists. It represents the triumph of the human spirit nurtured in this very institution.

I am pleased to lend my name in support of the concept of expanding NATO to include these republics.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The Chair would point out that the gentleman from California [Mr. LANTOS] has 14½ minutes remaining and the gentleman from New York [Mr. GILMAN] has 16 minutes remaining.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX], another member of our committee.

Mr. FOX of Pennsylvania. Mr. Speaker, it was not long ago, December 1994, that the NATO summit, the United States expressed its interest in expanding NATO in order to strengthen nations that share the U.S. belief in democracy, continue the development of free market economies, open the U.S. investment and trade, secure allies willing to share in cooperative efforts on a range of global issues, and preserve a Europe free from domination by any single power.

The enlargement we are discussing today will enhance stability by providing NATO security guarantee for candidate states working to construct viable democracies and free-market systems. H.R. 1758 declares that the door to membership in NATO should remain open to all emerging democracies in Central and Eastern Europe and expresses the sense of Congress that the bulk of nations in Romania should be admitted to NATO and declares that Congress will not approve international agreements that accord second class status to new members. The bill declares the door to NATO should not close after the first round of NATO enlargement this summer. Members left out of the first round must be assured they will be considered for NATO membership in the future.

So I rise in support of this important bill. NATO enlargement is important to our country, it is important to world peace, and it is important to the growth of human mankind.

I thank the gentleman very much for the opportunity to speak on behalf of this legislation and to our chairman, the gentleman from New York [Mr. GILMAN], who has led this legislation forward.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, last year during consideration of the NATO Enlargement Facilitation Act of 1996, the other body voted to designate Slovenia along with Poland, Hungary, and the Czech Republic as nations that have made progress toward meeting NATO's criteria for new members. And Slovenia certainly stands out as a sterling candidate for admission to NATO, and I appreciate the support on the Democratic side and on the Republican side of the committee in accepting the Senate amendment in conference.

We are soon to witness the Madrid meeting that will discuss the enlargement of NATO. I would urge the administration to keep uppermost on their

agenda Slovenia as a candidate for the first round of expansion. Slovenia has moved successfully to privatize its economy. Everything from banking to aviation has been privatized. They have democratized their politics and their government. They have created 158 local governments and had local elections. They are a significant force in the modernization of trade in the former East European areas and deserve to be a member of NATO.

Mr. Speaker, I urge the administration to accept Slovenia in this first round.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER], another member of our committee.

Mr. LANTOS. Mr. Speaker, in the spirit of collegiality and civility, I yield 1 additional minute to the gentleman from California [Mr. ROHRABACHER].

The SPEAKER pro tempore. The gentleman from California [Mr. ROHRABACHER] is recognized for 2 minutes.

Mr. ROHRABACHER. Mr. Speaker, I do appreciate this time, from the gentleman from California [Mr. LANTOS] in particular, because I am providing a legitimate opposition to this bill.

Mr. Speaker, today I rise in opposition to H.R. 1758. I do not do so with any type of situation where I have a problem in disagreeing with the gentleman from New York [Mr. GILMAN]. Mr. GILMAN has my respect, and I know he is pushing this bill; the gentleman from New York [Mr. SOLOMON] is pushing for this bill. He has my respect. We worked together on so many issues, but I think that it is important for us to recognize the changes that have taken place in the world and for America to take a realistic view of what is going to be happening, what challenges we will face in the years ahead.

NATO did a good job in deterring a Soviet attack on Europe, but what purpose does NATO serve now? Is it worth the expenditure of tens of billions of limited American defense dollars? I do not think so. Europe no longer poses and what is happening in Europe no longer poses a national security threat to the United States of America. We need not spend our limited defense dollars that we have today for the stability of our European friends. They can pay for their own stability.

Why we were in NATO was because the Soviet Union, and a war with the Soviet Union, was a threat to our national security. Staying in NATO now wastes limited dollars that should be spent on American weapons systems that will enable the United States to project power from the continental United States. Spending money on NATO rather than spending money on B–2 bombers or American aircraft carriers, or, yes, on a missile defense system is a waste of money. We need not spend our limited resources for stability in Europe, especially when it takes our focus away from the real part of the world where the threat to American security lies.

By focusing on Europe, we are taking away our focus from Asia, where a belligerent, totalitarian, expansionist China is fast becoming a threat to our national security and a threat to world peace. Let us focus our efforts on strengthening our alliances in Asia, spending our money so that we can deter war on Asia rather than wasting it on NATO, which is a thing of the past.

Mr. LANTOS. Mr. Speaker, I yield myself 2 minutes to respond to my friend from California, Mr. ROHRABACHER.

Mr. Speaker, NATO has been the cornerstone of American security for two generations. NATO has been the essence of our defense strategy vis-a-vis our most formidable opponent since the end of the Second World War, the Soviet Union, and it takes a great deal of naivete to assume that new threats might not reemerge on the Eurasian continent aimed at our allies and indeed the United States.

Expanding NATO and continuing to fund NATO perhaps in a more proportional fashion, as my friend from Massachusetts recommends, is very much in the American national security interests, and to send a message at this stage that the United States wishes to cut back its NATO commitment would be the most suicidally shortsighted gesture of U.S. defense and foreign policy.

Mr. Speaker, I strongly urge my colleagues to reject the notions presented by my good friend from California.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from New York, the chairman of the Committee on International Relations, for yielding me this time. I commend him for bringing this measure to the floor in this timely manner. And Mr. Speaker, I just hope that one of the greatest Presidents this country has ever known is able to be watching this debate here tonight because it is because of he, and his name was Ronald Reagan from the gentleman's State, my good friend; it was because of he and his policies of peace through strength back in the 1980's, backed by Republican and Democratic bipartisan support, including the gentleman from California [Mr. LANTOS] sitting over there, a good Democrat, that brought down the Iron Curtain, that brought down the Berlin wall, and saw peace breaking out and democracy breaking out all over Eastern Europe in countries that the people there, tens of millions of them, that were enslaved by deadly atheistic communism that has no respect for life or human rights at all; those people today have hope because they are now part of a sovereign nation. Be it Latvia, Lithuania, Estonia, Romania, Slovenia, or Poland, or the Czech Republic or Hungary, those people now have hope, the same kind of hope that we Americans have enjoyed, and that is why we need to have this bill on the floor here today.

My colleagues know we fought two world wars in this country, and we fought a very expensive cold war, expensive to the American taxpayer because we had to rebuild our strength, and we had to show the evil empire, as Ronald Reagan said, that we would not tolerate this kind of inhumane philosophy in this world, and that is why just before President Clinton went to Helsinki to meet with President Yeltsin I spoke with him for almost an hour to make sure that we Republicans were speaking the same as the Democrat leadership and the same as the President of the United States that we were going to keep that door open for all countries formerly oppressed by this philosophy called communism, that we would keep that door open for all of these sovereign countries.

Mr. Speaker, President Clinton assured me that there will be no quid pro quo with Yeltsin, that what was said in public would be what was said in private and that those doors would be kept open to these countries once they met the criteria.

And what is that criteria? That criteria is that these sovereign nations, these new sovereign nations, must have advanced to irreversible democracy, that they must have moved to a free market economy, privatizing their industries, that they must live by the rule of law and that they must respect human rights both within their country and across their borders and that, finally, they must be able to participate militarily. What this bill says is to those countries: "You have previously been under Russian influence, that all of your military is not able to communicate or inter-operate with our NATO defense alliance," and this bill is meant to help those countries do just that.

Mr. Speaker, that is why it is so important for us to pass this legislation here today.

This is not spending money, I would say to my good friend from Massachusetts. This is saving money because let me assure my colleagues that once these countries are brought under the greatest defense alliance in the history of the world that there will be no more wars in that part of the world because what is that defense alliance? It says that if Latvia is invaded by an outside military aggressor, that these countries, including America, will come to their rescue to protect their sovereignty. That is what this measure says.

And my colleagues know it is not just for these countries, Latvia, Lithuania, and Estonia, and Romania and Slovenia, the Warsaw Pact countries who have already met that criteria, but it is also for Bulgaria and Slovakia and, yes, even Ukraine, and, yes, my colleagues, even Russia. If Russia would meet this criteria, then they also could become a part of NATO, and their boundaries would also be protected from outside military aggression. That is how to guarantee peace in that part of the world, and it is how to guarantee that U.S. soldiers and sailors and marines and Air Force will never have to go into battle in that part of the world again.

Mr. Speaker, that is why my colleagues need to come to this floor, they need to support this legislation, they need to cast a vote for Ronald Reagan and for the expansion of NATO, because that is how to bring about peace in the world.

Mr. LANTOS. Mr. Speaker, before yielding to my friend from New York I yield myself such time as I may consume. I would merely like to suggest to the distinguished gentleman who has just spoken that in addition to President Reagan, beginning with President Truman, all of our Presidents, Republican and Democratic alike, deserve a great deal of credit, as do Members of Congress who on a bipartisan basis have been so strongly supportive of NATO through the decades.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. ENGEL].

□ 1800

Mr. ENGEL. Mr. Speaker, I thank my friend from California for yielding me this time. I rise in strong support of this bill. I have long been in favor of NATO expansion, and I am very pleased that we finally seem to be moving forward.

Mr. Speaker, I think this bill states what is obvious: That NATO expansion is a good thing, and that countries can join NATO if they meet certain criteria. I think it is very important at this stage to state that in July, we know that certain countries are going to be admitted to NATO, and we want the Congress to go on record as saying that once these countries are admitted to NATO, that the door does not swing shut, that the door is open, that NATO expansion is still on the table, that this Congress is in favor of the concept of expanding NATO.

With the collapse of the Soviet Union and the fall of communism, the Western world, the democratic world, the United States would be foolhardy if it did not take advantage of the fact that these countries, which were formerly Communist countries and dictatorships, want to have free market economies, want to have democracy, and want to be a part of the Western world, of the free world, of the democratic world. It would make no sense for us not to bear the fruits of what happened, and I think if we delay NATO expansion, that is exactly what we would be doing.

No one is saying that countries should be admitted before they meet the criteria. This is simply saying that Romania and the Baltic nations can be considered when they meet the criteria, and again, if there are other nations in Eastern Europe that can meet the criteria and want to become NATO members, they too ought to be considered; that would be the next logical step to this bill.

The bill also makes it clear that such enlargement of NATO does not end at Russia. Indeed, we want to have cooperation with Russia. The President, in the pact that he signed with Mr. Yeltsin, states that, that Russia can be a partner with the West, but that Russia cannot have a veto power over NATO expansion, and that Russia cannot dictate to NATO how NATO expands or to which Nation an invitation is given to join NATO.

So I think that on balance, this is a very, very good measure. It is a measure that is very, very important. It is a measure that will go a long way in guaranteeing democracy, free market economies, and peace as we approach the 21st century.

I compliment the gentleman from New York [Mr. GILMAN], the chairman and my friend, for putting forth this measure.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for yielding me this time.

Quite frankly, I say to my colleagues, I regret that this bill picks winners and losers in the quest to join NATO, as was pointed out by the ranking member of the committee. I personally believe that Slovakia should be and should have been selected for NATO admission in the first round last year, and certainly should be included this year. Unfortunately, this whole process has become a popularity contest rather than a well-considered international security consideration.

Let me submit for the RECORD comments relating to Slovakia's readiness to join NATO. Nicholas Burns of the State Department said April 17, 1997, "The Slovak Republic has made impressive economic progress in four years since independence, and is cooperating fully in Partnership for Peace. We have also been gratified by the Slovak Republic's contribution to peacekeeping operations in Bosnia and Eastern Slavonia."

Just a few days ago, Speaker GINGRICH said in the Washington Times, "I do not think there is any sense to exclude Slovakia."

My grandfather was born in Slovakia and the Slovaks are a patient and peaceful people. They have been free and independent for only 4 years. They were oppressed for 1,000 years. They will wait patiently for a little while longer to take their rightful place in NATO, and I hope that we can support that effort in the future.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from California [Mr. CAPPS]. Although he has been with us only this term, he has already made great contributions to the body.

Mr. CAPPS. Mr. Speaker, I know I will probably vote for this, but I find it somewhat curious that this is probably the only debate we are going to have, which will probably be the most important foreign policy decision that this Congress will make this term, and we are doing it within an hour right now, with very little preparation. This is probably the only time we will be talking about this before the Madrid summit, NATO summit in July.

I just think the ramifications of this are so profound, so deep, so extensive, that I regret that we have to do it in this fashion. I know for a new Member to come here and lecture other Members on how we ought to be doing this is probably not very polite of me, but I think that until we can trust the process that we are using, it is difficult to restore the trust between the people and their representatives here.

Mr. Speaker, I just think by naming four more countries, we are creating expectations among those countries. Also, there are other candidates for NATO membership that are not included on this new list. That means that they will understand what their position is relative to the people who are on the list. I think we raise expectations, we diminish expectations, we create a false euphoria.

So I have lots of problems not just with the bill, but with this matter of proceeding. Because of my great respect for NATO, for the timeliness of NATO expansion, as I say, and I want to associate myself with the remarks of the gentleman from Indiana [Mr. HAMILTON], I will probably vote for the bill, because I think it is a very important step forward. However, I think procedurally, there is a lot lacking in the way we have gone about it.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise in strong support of the legislation introduced by my colleague and friend the gentleman from New York [Mr. GILMAN], and I rise as one of the original cosponsors of this legislation.

I want to speak to the issue of a new era of cooperation with Russia, because there are perhaps some in this body and perhaps some in this country, and

perhaps others outside of this country who think that this bill is attempting to undermine a new relationship with Russia and some of the other former Soviet States. Nothing could be further from the truth.

In fact, in this legislation, Mr. Speaker, is a specific provision that allows us to begin a new era of engaging Russia, especially in the area of missile defense.

Now, this is not necessarily a new area, because in the Committee on National Security for the past several years we in fact have supported funding for joint missile defense initiatives. But what this legislation calls for is a formal process of working with Russia to build a sense of understanding about what we are trying to accomplish. It does not mean that we are going to reveal any secrets, it does not mean that we are going to give the Russians any strategic information; it means that we are going to build confidence and that we are going to continue to work on programs like the RAMOS and the follow-on to the agreed project, which engage our physicists and scientists in new relationships that allow us to show Russia that perhaps the old relationship that was best identified by the strict interpretation of the ABM Treaty is perhaps not suitable for the current relationship between our country and Russia.

In fact, Mr. Speaker, what is kind of interesting is, the Russians have just participated in a 2-year study with us that has been funded by our ballistic missile defense organization, headed up by Dr. Keith Payne and Dr. Shoumikin on behalf of the Russian side, that in fact has called for the possibility of a new bilateral relationship that would allow for, instead of a process of mutually assured destruction upon which we base our bilateral relationship, that we move into looking at the possibility of asymmetrical deterrence, which means that we include offensive missiles in an attempt to bring them down, and as we do so, that we also discuss and perhaps look at changes to the ABM Treaty to allow defensive systems to be put into place without creating a destabilizing impact on our relationship. This bill lays the groundwork for that to happen.

Unfortunately, Mr. Speaker, the administration seems to be going in the opposite direction. I say that because recently at the Helsinki summit there was an agreement to expand the ABM Treaty to include demarcation provisions relative to theater missile defense systems.

Mr. Speaker, a number of us in this body, including a significant number of Members of the minority party, have expressed their concern through a bill that I introduced that said, this is the wrong time to be expanding the ABM Treaty to include theater missile defense systems, and this legislation puts the House on record expressing our concern in that regard.

This legislation also, Mr. Speaker, identifies the strong concerns of this body with the idea and the notion of multilateralizing the ABM Treaty. Many of us think that that would hamper our ability to move away from the strict interpretation of the ABM Treaty and comes at a very inopportune time where Russia has, in fact, given us the willingness in the form of a signal that they are now willing to talk about moving into a posture away from relying on the ABM Treaty as our key instrument in terms of our bilateral relationship.

I think this is extremely important, and yet at the same point in time in approaching this new dialogue with Russia, we want to reassure them that we are not about tweaking them. We are not in this bill attempting to isolate Russia.

In fact, the gentleman from New York [Mr. SOLOMON] made a very important point that he has made in my presence before Russians that were here just a few short weeks ago. He said ultimately, we even envision the day where Russia may be able to qualify for membership in NATO. So in fact, I think that is a basic underlying premise here.

The question is how we get there, and in this era of emerging threats from rogue nations and the threat of destabilization in the Russian military relative to their offensive arms, North Korea and China deploying long-range missiles, we can no longer rely on an outmoded ABM Treaty. This bill allows us to move into a new era where in fact our bilateral relationship is not just based on a strict ABM, but actually allows us to move into a new era of relationship building on cooperate missile defense and also looking at ways that we can in fact move away from the strict interpretation that allowed us in the past to rely on a theory of mutually destroyed destruction.

As the administration moves ahead with NATO expansion, we must make every effort to assure Russia that we are pursuing this new arrangement to enhance everyone's security, not to threaten them. This bill goes a long way toward doing that by establishing a program to pursue joint missile defense projects such as early warning sharing and lay in a groundwork for the revival of United States-Russia talks on the ABM Treaty and missile defense cooperation.

Mr. GILMAN has stated that he believes it is essential that we take proactive steps to build confidence with the Russians. NATO expansion will not be a complete success if it results in a revival of tensions between Russia and the United States. He believes this bill sets us on the right course by establishing initiatives that set the tone for long-term dialog and cooperation.

This bill makes clear our intent to work with the Russians, it states our intention to ensure the fundamental security interests of the United States and that of our NATO partners. While I believe that is wholly appropriate, I think we want to clarify that point. As you know, the bill states that no commitments should be made that would limit the rights or impose responsibilities on new NATO members different from those applicable to current NATO members—including the deployment of nuclear weapons. That statement could be perceived by the Russians as a sign that we intend to support the creation of a new threat at their borders.

Mr. GILMAN has stated that that is certainly not the intent of this bill, nor is it in the administration's plans. In fact, the NATO Council issued a statement on December 10, 1996, that its members have "no intention, no plan, and no reason" to deploy nuclear weapons on the territory of the new member states. He also said that so far as he is aware, no one in this House takes issue with that statement.

Mr. LANTOS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from the District of Columbia [Ms. NORTON], my good friend and distinguished colleague.

Ms. NORTON. Mr. Speaker, I thank my friend for yielding me this time.

I come to the floor because I am amazed by the nature of this debate. It is amazingly subdued when we consider the historic basis upon which we are proceeding. It is almost a historical debate, because the expansion of NATO may surely come to be as important as the creation of NATO itself.

□ 1815

Yet, this is being handled in an hour's worth of debate as just another matter coming before the House of Representatives at the end of a long day.

I have three concerns; domestic, the commitment of troops and burdensharing. I have to measure everything we do on this floor against the Democratic sacrifices that are being agreed to by us all in the name of deficit reduction.

On the matter of burdensharing, this bill does not pass that test. I would feel much better about what we are doing here in this discussion and debate if in fact we had come to some agreement about burdensharing, a word that is virtually empty of content and meaning. I would have thought that the pressures of deficit reduction could produce some progress on burdensharing. There has been little. Instead, we see burden expansion.

But perhaps I am most concerned about article 5 of the treaty itself, and whether in fact this means that there may be the commitment of troops to central Europe as a result of this expansion. That is an issue of primary importance in a country which seems unwilling to commit troops for very much anymore. I really wonder whether or not we really mean, in a place where there has been much disagreement about Bosnia, where there has been great trouble throughout the

United States, that we are now right in the middle of that.

Mr. Chairman, we fell into this expansion. It developed influenced by the last campaign. There has been little debate in this country. The American people do not recognize that they may right now, as this bill is passed, be committing troops, if need be, to central Europe.

I can be convinced, and I will come to the floor this evening to say as yet no one has even tried to convince me or the American people that this historic commitment should be expanded this day, in June 1997.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California [Mr. COX], the distinguished chairman of our policy committee.

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to seek clarification concerning one provision of the bill. Section 6(c) is entitled "Opposition to Multilateralization of ABM Treaty." It states the sense of the Congress that no agreement demarcating the boundary between theater and antiballistic missile defense will be considered until the United States has taken the steps necessary to ensure that the ABM Treaty remains a bilateral treaty between the United States and the Russian federation.

It is my understanding that this provision takes no position with respect to whether such a demarcation agreement should be reached after such steps are taken, or, indeed, whether the United States should take steps to continue the ABM Treaty in force even if it is a bilateral agreement limited to Russia and the United States.

Section 6(c), according to my understanding, simply makes absolutely clear that the administration's rush to conclude an immediate demarcation agreement must be stopped, and that no such demarcation agreement should be concluded prior to resolution of the question of Russia's successorship under the ABM Treaty; and finally, that, should Russia not be deemed to have succeeded, then no such demarcation agreement should be considered at all.

I would ask the gentleman, Mr. Speaker, is that his understanding?

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. COX of California. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, the gentleman is correct. That is my understanding as well.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would conclude by suggesting that perhaps the relatively calm and deliberate and judicious tone of this debate reflects the bipartisan judgment of Congress of NATO's quintessential importance during the past two generations to our security, and our bipartisan commitment to the expansion of NATO.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to stress again what this legislation intends. It is about achieving two of our vital national objectives, enlarging NATO and defending our Nation against the risk of ballistic missile attack in a way that does not upset our relations with Russia.

With regard to NATO enlargement, we are especially concerned that no emerging democracies in central and eastern Europe be left in a security vacuum, and the Baltic states in particular must be regarded as strong contenders for NATO membership. For this reason, our legislation designates these countries as being eligible to receive transition assistance within the NATO Participation Act. I urge our colleagues to support the measure.

Ms. HARMAN. Mr. Speaker, I rise today to express my concerns about H.R. 1758, the European Security Act. Critical issues related to NATO enlargement have not been adequately thought through—unfortunately, politics appears to have been put ahead of policy.

I am primarily concerned about the military and financial obligations the United States will assume under an expanded NATO.

First, we need to think further about the military obligations assumed by the United States in enlarging NATO. In bringing in new members, we must not degrade the ability of the alliance to conduct collective defense. We must guard both against this degradation, and against the possibility that the U.S. burden to the defense of NATO will increase by bringing in countries whose interoperability with NATO—key to collective defense—is still a long way off.

Second, we have been presented with a number of estimates of the financial costs of NATO enlargement—and those estimates vary widely.

The administration estimates a total cost of between $9 billion and $12 billion over the 1997–2009 period, with a cost to the United States of between $150 and $200 million.

The Congressional Budget Office estimates that—depending on how NATO structures its forces after enlargement—costs will range from a low of $61 billion to a high of $125 billion over 15 years—1996–2010, with a U.S. share of $5 to $19 billion over the same period.

Which is the more accurate estimate?

Mr. Speaker, Congress needs more information on the financial costs of enlargement in order to make an informed decision. Specifically:

What portion of these costs are due to developing the required interoperability among new and old members?

What portion to developing infrastructure required by the enlargement of NATO?

How will the on-going adaptation of alliance strategy and structures impact on the costs of enlargement?

How will these costs be apportioned among the allies—old and new?

Mr. Speaker, until these questions are answered, there cannot be a coherent policy that takes account of our resources and security interests.

Mr. LATOURETTE. Mr. Speaker, with the break-up of the Soviet Union and the emergence of Russia and the Commonwealth of Newly Independent States [CIS] of Eastern Europe, management of the post-cold-war environment has proven to be a novel and challenging task. The securities and certainties of the "us versus them" world are gone. Today, traditional allegiances are blurred and future motives are questioned. The North Atlantic Treaty Organization [NATO], however, has prevailed as the one remaining post-cold-war constant. As during the cold war era, the NATO commitment to collective defense is the core of the alliance. It is this guarantee to deter aggression that has prompted the CIS to seek admittance into NATO. Realizing that Russia, still armed with nuclear weapons, might one day become more unstable and aggressive, NATO membership is highly prized. As one who supports a stable and secure Eastern Europe through the expansion of NATO, I am pleased that Congress has not let this situation go unnoticed. In fact, the NATO Enlargement Facilitation Act of 1996—PL 104–208—was adopted last Congress, which named Poland, Hungary, the Czech Republic, and Slovenia as having made the most progress toward meeting NATO membership criteria. In keeping with this sentiment, I encourage my colleagues to support the European Security Act of 1997 so that the door to NATO is not closed after the first round of enlargement and that additional European countries receive U.S. assistance for transition into NATO. I would also like to encourage the members of NATO to accept Slovenia into membership when it meets in Madrid this July.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). All time has expired.

Pursuant to House Resolution 159, the bill is considered read for amendment.

Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. FRANK of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FRANK of Massachusetts. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FRANK of Massachusetts moves to recommit the bill (H.R. 1758) to the Committee on International Relations with instructions to report the bill back forthwith with the following amendment:

At the end of the bill, add the following new section:

SEC. 7. BURDENSHARING.—It is the sense of the Congress that the United States already pays more than a proportionate share of the costs of the common defense of Europe, and that the European members of NATO should pay the bulk of the costs of NATO expansion which are incurred by existing NATO members.".

Mr. FRANK of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes in support of his motion to recommit.

Mr. FRANK of Massachusetts. Mr. Speaker, I offer this on behalf of myself and the gentleman from California [Mr. CONDIT].

Mr. Speaker, there are differing views about NATO expansion. There is, I think, great agreement in this Chamber that the cost of NATO expansion should not be paid in the same formula in which existing and past NATO costs have been paid.

As Members mentioned, NATO grew out of a time when the United States had a degree of superiority in the world as a result of World War II that was unparalleled probably in recent history. America was quite generous in helping bring, among others, our European allies and our former European enemies, it should not be forgotten, up to the current level that they now enjoy. But we believe, and I think it is a widely shared sentiment across this House, that it is no longer appropriate for our European allies to accept a subsidy in the form of disproportionately large payments by the United States.

What this motion to recommit says is that we believe that the increased NATO costs that will come from expansion, there will have to be military standardization and communication upgrades, that to the extent they are borne by existing NATO members, the European members of NATO should pick up the bulk of those costs.

In other words, we are not here trying to impose more costs on the new NATO members. We are saying that the existing NATO members, wealthy and prosperous and the beneficiaries, as they have been over all these years, of our beneficence, and it may have been in our interests as well as theirs; it was in our interests as well as theirs, but it was our dollars much more than theirs, we ask that they now do more than they have been doing.

Mr. LANTOS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. LANTOS. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, on our part we think the gentleman from Massachusetts makes an extremely valid point, and we are pleased to accept his recommittal concern of burdensharing for the Democratic side.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to make this clear, this should not be interpreted as an anti-NATO-expansion argument. Indeed, I would tell those who are in favor of a full-fledged unrestricted NATO expansion that it is in their interests to be supportive of burdensharing.

Franklin Roosevelt was described once by John Kennedy in a phrase that is very important for Members to remember. When John Kennedy began the Alliance for Progress and he looked back to Franklin Roosevelt's Good Neighbor Policy as a first step toward a recognition of mutual interest, he said that Franklin Roosevelt was able to be a good neighbor abroad because he was a good neighbor at home.

The American people will more willingly support international engagement militarily, economically, and other sorts, if they feel they are being treated fairly, if they do not think it is coming at their expense.

The United States, I believe, is prepared to support foreign assistance to people in need, to deal with disease and poverty and economic development. But I think the American people understandably say with regard to France and England and Germany and Denmark and Belgium, and some of the wealthiest and most successful societies in the world, countries that have already benefited greatly from our generosity, that it is time for them not to subsidize us, but no longer to be subsidized by us.

What the gentleman from California [Mr. CONDIT] and I seek to do in this is to say, and I believe frankly it will underpin NATO expansion, it will give the American people more willingness to support this, because we have just done a budget deal. Defense spending will be constrained, not as much as I would like, but it will be constrained. Domestic spending will be constrained. It is simply inappropriate for our allies to allow a disproportionate share of the funding to fall on the American taxpayer.

We have one particular fear. The European nations have to, those that are in the European Union, the majority of whom are in NATO, they have to get their deficits down to 3 percent of their gross domestic product. We are the only country that would meet the European Union's definition, I think, right now.

There will be a strong temptation for them to do that by further cutting their military expenditures. We need for them to understand that they cannot do that in a way that shifts the burden to the United States. It is entirely legitimate, yes, there will be benefits to the United States, but there will be even more benefits for Europe. Peace and security in the Czech Republic, in Hungary, and Slovenia, and Romania and elsewhere will be of at least equal benefit to our European allies; and under the current rules, they do not pay an equal share.

Mr. Speaker, I would hope that we would be willing to adopt this, and as I say, I believe it will strengthen the case for NATO expansion among the American people.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. GILMAN] wish to be recognized on the motion to recommit?

Mr. GILMAN. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] is recognized for 5 minutes on the motion to recommit.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Chairman, as chairman of the House delegation to the North Atlantic Assembly, I can attest that European members do pay the bulk of NATO costs now. While we believe that new members of NATO, as they are added, should and will pay most of the cost of expansion, we agree to that, we believe that would be the case. That is our expectation.

Beyond that, we agree that the existing 14 European countries should pay and will pay the bulk of the expansion costs. Therefore, we agree with and support the instructions offered by the gentleman from Massachusetts [Mr. FRANK].

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

Mr. GILMAN. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 1758, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, add the following new section:

"SEC. 7. Burdensharing

"It is the sense of Congress that the United States already pays more than a proportionate share of the costs of the common defense of Europe, and that the European members of NATO should pay the bulk of the costs of NATO expansion which are incurred by existing NATO members."

□ 1830

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 159, the text of H.R. 1758 will be appended to the engrossment of H.R. 1757, and H.R. 1758 is laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1757, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 1757.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in within which to revise and extend their remarks on H.R. 1757 and on H.R. 1758.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMUNICATION FROM MEMBER OF STAFF IN OFFICE OF THE HONORABLE DAN MILLER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Laura Griffin, member of the staff in the office of the Honorable DAN MILLER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 5, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Circuit Court of the Twelfth Judicial District, Manatee County, State of Florida.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

LAURA GRIFFIN.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO JOHN VOLPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to salute a hero of Montgomery County, PA, and a hero of law enforcement. John Volpe died this week. He was former police chief of Plymouth Township in Montgomery County. For 10 years he was chief; for 34 years he was with the department.

He served in an exemplary manner, a great leader, someone who helped reduce crime, increased public safety. And his record was shown to be one of very special character.

He was the vice president of the FBI National Academy Associates, president of the Montgomery County Chief of Police Association, a product of Norristown area school district, where he excelled academically and athletically. He was a leader of the Plymouth-White Marsh Exchange Club. But above all, a great father, great husband to Marie, one child in the marriage.

He certainly is someone who is a role model and a living embodiment of what is important about a person, someone who gives back to their community, someone who is an example of how to lead life and how to really make a difference in one's community.

John Volpe was such a man and a great law enforcement official, someone who will be long remembered and never forgotten. He was a friend of mine, and I know that all of those who are in law enforcement share with me the deep sympathy for the family.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORBES (at the request of Mr. ARMEY), for today after 10:30 a.m. and the balance of the week on account of family illness.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CAPPS) and to include extraneous matter:)

Ms. HARMAN.
Ms. RIVERS.
Mr. HAMILTON.
Mr. FRANK of Massachusetts.
Mr. MILLER of California.
Mr. RANGEL.
Mr. LANTOS.
Mr. DOYLE.
Ms. ESHOO.
Mr. MEEHAN.
Mr. SKELTON.
Mr. SANDERS.
Mr. BARCIA.
Mr. MANTON.

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. DAVIS of Virginia.
Mr. GILMAN in two instances.
Mr. SHAW.
Mr. FORBES.
Mr. LEWIS of California.
Mr. NEY.
Mr. COBLE.
Mr. CUNNINGHAM.
Mr. SHUSTER.
Mr. GINGRICH.
Mr. MICA.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOX of Pennsylvania.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.
Mr. GEJDENSON, for 5 minutes, today.
Mr. PASCRELL, for 5 minutes, today.
Mr. MENENDEZ, for 5 minutes, today.
Mrs. MALONEY of New York, for 5 minutes, today.
Ms. MILLENDER-MCDONALD, for 5 minutes, today.
Ms. MCKINNEY, for 5 minutes, today.
Mr. BECERRA, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes, today.
Mr. DELAY, for 5 minutes, today.
Mr. SHADEGG, for 5 minutes, today.
Mr. BRADY, for 5 minutes, today.
Mr. EWING, for 5 minutes, today.
Mr. SCARBOROUGH, for 5 minutes, today.
Mr. HASTERT, for 5 minutes, today.
Mr. SMITH of Michigan, for 5 minutes each day, today and on June 12.
Mr. PAXON, for 5 minutes, today.
Mr. MILLER of Florida, for 5 minutes, today.
Mr. BLUNT, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 543. An act to provide certain protection to volunteers, nonprofit organizations, and

governmental entities in lawsuits based on the activities of volunteers.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Thursday, June 12, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3740. A letter from the Director, Regulations Policy Mangement Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Polydextrose [Docket No. 91F–0160] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3741. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Ophthalmic Devices: Reclassification of Rigid Gas Permeable Contact Lens Solution; Soft (Hydrophilic) Contact Lens Solution; and Contact Lens Heat Disinfecting Unit [Docket No. 95N–0400] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3742. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Substances Affirmed as Generally Recognized as Safe: Menhaden Oil [Docket No. 86G–0289] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3743. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Korea for defense articles and services (Transmittal No. 96–17), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3744. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 96–18), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3745. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Italy (Transmittal No. DTC–58–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3746. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Australia (Transmittal No. DTC–55–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3747. A letter from the Secretary of Health and Human Services, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1996, through March 31, 1997, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3748. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report of the Office of Inspector General covering the period October 1, 1996 through March 31, 1997, and the semiannual Management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3749. A letter from the Chairman, Federal Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

3750. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3751. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3752. A letter from the Chief Operating Officer/President, Resolution Trust Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on Internal Controls and the 1996 Audited Financial Statements, pursuant to Public Law 101—73, section 511(a) (103 Stat. 404); to the Committee on Government Reform and Oversight.

3753. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Castilleja levisecta (Golden Paintbrush) (RIN: 1018–AC52) received June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3754. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants: Threatened Status for the Alaska Breeding Population of the Steller's Eider (RIN: 1018–AC19) received June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3755. A letter from the Acting Deputy Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants: Threatened Status for the Guajon (RIN: 1018–AD52) received June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3756. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 053097C] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3757. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closure from Cape Arago, OR, to the Oregon-California Border [Docket No. 970429101–7101–01; I.D. 060397A] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3758. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Gulf of Alaska Statistical Area 620 [Docket No. 96126334–7025–02; I.D. 053097F] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3759. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit [Revenue Ruling 97–25] received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 165. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 105–128). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. S. 768. A bill for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili. (Rept. 105–129). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HINCHEY (for himself and Mr. SHAYS):

H.R. 1861. A bill to amend the Forest and Range land Renewable Resources Planning Act of 1974, the Federal Land Policy and Management Act of 1976, the National Wildlife Refuse System Administration Act of 1966, the National Indian Forest Resources Management Act, and title 10, United States Code, to strengthen the protection of native biodiversity and to place restraints upon clearcutting and certain other cutting practices on the forests of the United States; to the Committee on Agriculture, and in addition to the Committees on Resources, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Ms. MOLINARI:

H.R. 1862. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide death benefits to retired public safety officers; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. GRAHAM, Mr. BARR of Georgia, Mr. BUNNING of Kentucky, Mr. TRAFICANT, Mr. SESSIONS, Mr. BARTLETT of Maryland, Mr. CALLAHAN, Mr. COOKSEY, Mrs. EMERSON, Mr. WATTS of Oklahoma, Mr. CHAMBLISS, Mr. TALENT, Mr. PETERSON of Pennsylvania, Mr. BALLENGER, Mr. ADERHOLT, Mr. HAYWORTH, Mr. WICKER, Mr. NETHERCUTT, Mr. COLLINS, Mr. KNOLLENBERG, Mr. BOEHNER, and Mr. SNOWBARGER):

H.R. 1863. A bill to prohibit the Environmental Protection Agency from establishing a new standard for ozone or particulate matter under the Clean Air Act before existing ozone and particulate matter standards have been attained; to the Committee on Commerce.

By Mr. SHAYS (for himself, Mrs. LOWEY, Mr. ANDREWS, Mr. BARRETT of Wisconsin, Mr. BASS, Ms. CARSON, Mr. CASTLE, Mr. CHABOT, Mr. COYNE, Mr. DELLUMS, Mr. DOYLE, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. FAWELL, Mr. FOGLIETTA, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. GEKAS, Mr. HINCHEY, Mr. HOBSON, Mr. HOLDEN, Mr. HUTCHINSON, Mr. KANJORSKI, Mr. KLUG, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAFALCE, Mr. LATOURETTE, Mr. LIPINSKI, Mr. LOBIONDO, Mr. MCINTOSH, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mr. MCHALE, Mr. MEEHAN, Mr. MENENDEZ, Mr. MILLER of Florida, Mrs. MORELLA, Mr. NEUMANN, Mr. OLVER, Mr. PACKARD, Mr. PORTER, Mr. PORTMAN, Mr. QUINN, Mr. RAMSTAD, Ms. RIVERS, Mr. ROHRABACHER, Mr. ROTHMAN, Mrs. ROUKEMA, Mr. ROYCE, Mr. SCHUMER, Mr. SENSENBRENNER, Mr. SKAGGS, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. STARK, Mr. TORRES, Mr. VISCLOSKY, and Mr. WAMP):

H.R. 1864. A bill to provide for a gradual reduction in the loan rate for peanuts, to repeal peanut quotas for the 2002 and subsequent crops, and to make nonrecourse loans available for peanut producers; to the Committee on Agriculture.

By Mr. SKAGGS (for himsef and Mr. MCINNIS):

H.R. 1865. A bill to designate certain lands in the San Isabel National Forest, in Colorado, as the Spanish Peaks Wilderness; to the Committee on Resources.

By Mr. SMITH of Texas (for himself and Mr. FRANK of Massachusetts):

H.R. 1866. A bill to continue favorable treatment for need-based educational aid under the antitrust laws; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KINGSTON:

H.R. 1867. A bill for the relief of Mr. Guy Lau and Ms. Chantal Lau Pease; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 1868. A bill for the relief of Billy I. Meyer; to the Committee on the Judiciary.

By Ms. MOLINARI:

H.R. 1869. A bill for the relief of the estate of Irwin Rutman; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. RYUN, Mr. LEWIS of California, Mr. DOOLITTLE, and Mr. INGLIS of South Carolina.

H.R. 66: Mr. FILNER.

H.R. 135: Mr. HOLDEN, Mr. RODRIGUEZ, and Mr. KLINK.

H.R. 195: Mr. EHRLICH.

H.R. 217: Mr. NEY and Mr. KNOLLENBERG.

H.R. 253: Mr. MURTHA.

H.R. 255: Mr. BORSKI.

H.R. 304: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. HILLIARD.

H.R. 306: Mr. ALLEN and Mr. RODRIGUEZ.

H.R. 367: Mr. TAUZIN.

H.R. 411: Ms. STABENOW.

H.R. 426: Mr. SNYDER, Mr. PAUL, Mr. SOUDER, and Mr. ALLEN.

H.R. 457: Mr. SENSENBRENNER.

H.R. 475: Mr. MCDADE, Mr. FOGLIETTA, and Mr. MASCARA.

H.R. 482: Mr. ENGEL and Mr. BURTON of Indiana.

H.R. 538: Mr. DELLUMS.

H.R. 594: Mr. ROTHMAN, Mr. SHAW, Mr. CAMPBELL, and Mr. MORAN of Virginia.

H.R. 601: Mr. WATT of North Carolina.

H.R. 602: Mr. WATT of North Carolina.

H.R. 614: Mr. HALL of Texas.

H.R. 619: Mr. ROTHMAN, Mr. BLAGOJEVICH, Mr. DOYLE, Mr. KASICH, and Mr. BONIOR.

H.R. 620: Mr. SKAGGS.

H.R. 681: Mr. RIGGS, Mr. LANTOS, Mr. CAPPS, Mr. SHERMAN, Mr. DELLUMS, Ms. WOOLSEY, Mr. COX of California, and Mr. TORRES.

H.R. 712: Mr. THOMPSON and Mr. LEWIS of Georgia.

H.R. 716: Mr. GOODLATTE.

H.R. 761: Mr. WATT of North Carolina.

H.R. 789: Ms. CARSON.

H.R. 793: Mr. FROST.

H.R. 872: Mr. ROTHMAN and Mr. TORRES.

H.R. 875: Mr. ENGLISH of Pennsylvania, Mr. HEFNER, Mr. DAVIS of Florida, Mr. ALLEN, and Mr. DEAL of Georgia.

H.R. 883: Mr. DOOLEY of California.

H.R. 953: Mr. GILMAN, Mr. PAYNE, and Mr. OWENS.

H.R. 955: Mr. BARCIA of Michigan.

H.R. 977: Mr. GOODE and Mr. WOLF.

H.R. 1114: Mr. EVANS.

H.R. 1129: Mr. MICA, Ms. KILPATRICK, and Mr. SKAGGS.

H.R. 1134: Mr. BARTON of Texas.

H.R. 1223: Mr. WATT of North Carolina.

H.R. 1238: Mr. WATT of North Carolina.

H.R. 1239: Mr. WATT of North Carolina.

H.R. 1281: Mr. GILLMOR, Mr. WEXLER, and Mr. ALLEN.

H.R. 1285: Mr. KING.

H.R. 1329: Mr. GILCHREST.

H.R. 1375: Mr. MATSUI.

H.R. 1425: Ms. LOFGREN.

H.R. 1450: Mr. BECERRA.

H.R. 1514: Mr. WISE.

H.R. 1549: Mr. SKAGGS.

H.R. 1556: Mr. TANNER and Ms. SLAUGHTER.

H.R. 1574: Mr. HOEKSTRA, Mr. BURTON of Indiana, and Mr. HILL.

H.R. 1592: Mr. KLUG.

H.R. 1610: Mr. FLAKE, Mr. LAFALCE, Mr. HINCHEY, Mr. QUINN, and Mrs. MCCARTHY of New York.

H.R. 1613: Mr. SHIMKUS.

H.R. 1623: Mr. ENGLISH of Pennsylvania.

H.R. 1624: Mr. FOGLIETTA and Mr. MCGOVERN,

H.R. 1666: Mr. KLUG.

H.R. 1689: Mr. PALLONE, Mr. RUSH, and Ms. FURSE.

H.R. 1704: Mr. ENGLISH of Pennsylvania and Mr. MANZULLO.

H.R. 1705: Mrs. ROUKEMA and Mrs. MCCARTHY of New York.

H.R. 1719: Mr. WALSH, Mrs. EMERSON, and Mr. COLLINS.

H.R. 1723: Mr. WATT of North Carolina.

H.R. 1724: Mr. WATT of North Carolina.

H.R. 1727: Mr. BILBRAY.

H.R. 1743: Mr. BARTON of Texas.

H.R. 1748: Mr. Shays, Mr. BALDACCI, Mr. HINCHEY, and Mr. HALL of Ohio.

H.R. 1754: Mr. ENGLISH of Pennsylvania and Mr. FILNER.

H.R. 1788: Mr. FROST, Mrs. MEEK of Florida, and Mr. HILLIARD.

H.R. 1799: Mrs. EMERSON and Mr. HOEKSTRA.

H.R. 1839: Mr. OXLEY.

H.J. Res. 64: Mr. BOYD.

H. Con. Res. 68: Mr. BARRETT of Wisconsin.

H. Con. Res. 75: Mr. DOOLITTLE.

H. Con. Res. 80: Mr. HUTCHINSON, Mr. MCINTYRE, Mr. MANZULLO, and Mrs. KELLY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 663: Mr. BARCIA of Michigan.

EXTENSIONS OF REMARKS

TAX RELIEF

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. PACKARD. Mr. Speaker, I rise today in support of America's families. Yesterday afternoon, Ways and Means chairman BILL ARCHER unveiled our plan to provide tax relief for American families. This Nation's hard-working, tax-paying citizens have finally won a major victory.

Mr. Speaker, I am proud that my Republican colleagues have kept our promise to the American people by providing the first major tax relief in 16 years. It is hard to believe that only 4 years ago, a Democrat-controlled Congress passed the largest tax increase in the history of mankind. We have undoubtedly come a very long way.

All too often, our detractors overlook the heavy burden of taxation on families. According to the Tax Foundation, the average American household will pay $24,357 in taxes in 1997. That is over a 5 percent increase since last year.

Chairman ARCHER has fired the first salvo in our fight to return dollars back to families and out of Washington. Tax relief has become a reality because the American people spoke loudly and their elected representatives have listened.

I urge my colleagues to now continue our fight for America's families by working to abolish the IRS altogether and enact a fairer, flatter tax system. I have cosponsored legislation that would establish a national retail sales tax in favor of our current Tax Code.

Mr. Speaker, tax relief is vital to the steady growth of the American economy and to the continued health of the American family.

CONGRATULATIONS TO SOUTHWEST GUILFORD MEN'S BASEBALL TEAM

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. COBLE. Mr. Speaker, right now we are deep into baseball season. From the majors to the minors, from Little League to Babe Ruth League, tens of thousands of men, women, boys, and girls are happily engaged in the Nation's pastime. Among those participants were our Nation's high school baseball teams.

The just-concluded high school baseball season was extremely exciting in the Sixth District of North Carolina. For the first time, the Southwest Guilford High School men's baseball team won the 2–A State championship, defeating Cherryville High School 6 to 4. Southwest Guilford High School, located just outside of Greensboro, NC, capped a 21–11 season with the State title.

The Cowboys have been in the State playoffs for 4 straight years, but they could not have won it this year without an outstanding performance by pitcher and series MVP Jeff Montgomery. However, after being carried off the field with an injury, Montgomery was replaced by pitcher Tim Schilling. At one point during the game, head coach Mike Herndon almost pulled Schilling when Cherryville closed in on the Cowboys 6 to 4, but Schilling persevered and was able to pull through to pitch a winning game.

All of the Cowboys contributed to the State crown including Keith Morris, Andy Harney, Derik Idol, Erick McCoy, James Coates, Zack Samuels, Matt Fletcher, Aaron Berham, Stanton Horne, Brian Mitchell, Brian Tollerson, Ashton Frank, Duane McMurty, Blake Cross, Nick House, Matt Petzoid, Price Stevens, and Ryan Boedicke. Overseeing this group were Head Coach Mike Herndon, Trainer Stacey Foard, Student Trainer Meredith Adsit, Athletic Director Richard Kemp, and Principal Wayne Tuggel.

Congratulations to the Cowboys on an outstanding season. On behalf of the citizens of the Sixth District of North Carolina, we congratulate the Southwest Guilford men's baseball team for winning the State 2A championship.

IN HONOR OF ALLAN B. WEINGOLD

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise and pay tribute to Allan B. Weingold, who has served in the medical profession since 1955. Dr. Weingold will be retiring this month after 40 years of service to the medical profession.

Allan Weingold was born in New York in 1930. After graduating from Oberlin College and attaining his medical degree from New York Medical College, he began his residency at Mount Sinai Hospital in New York which he completed in 1960. During this time, Allan was also the chief of service for the U.S. Army at Rodriguez Army Hospital in San Juan, PR.

After serving as a American Cancer Society Fellow in Gynecologic Oncology, he joined the faculty of the New York Medical College and because the professor and associate chairman of the department of obstetrics and gynecology. In 1973, Dr. Weingold became the professor and chairman of the department of the George Washington University Medical Center, a position he held until 1993. He also served as chairman of the Governing Board of the Medical Faculty Associates, a 300 member multispecialty practice group, and as interim vice president for medical affairs in 1992–93. On March 1, 1995, he assumed the role as vice president and executive dean at the George Washington University Medical Center.

Dr. Weingold is a senior examiner for the Examiner for the American Board of Obstetrics and Gynecology, a former president of the Association Professors of Gynecology and Obstetrics, a former president of the Washington Gynecological Society, a member of the Council of the American Gynecology and Obstetrics Society, and the author of 110 text books, chapters, and other scientific publications.

Dr. Weingold has been honored for his knowledge and skill in his field. He has received numerous awards, including the Conrad Tharaldsen Scholastic Award. He is also a member of the Contin Honor Society and Alpha Omega Alpha, Iota Chapter.

I have known Allan Weingold for 20 years and am proud of his many accomplishments. He has overseen the training of literally hundreds of doctors, many of whom are currently practicing in the Washington metropolitan area. His high standards of ethics, his professional demeanor, and the high-quality of medical practice he has imparted to his students, residents, and leave a lasting legacy for the Washington region's health care. I am proud to have had the opportunity to know this extraordinary man.

Mr. Speaker, I know that my colleagues will join me in applauding Dr. Weingold for his extraordinary efforts and career successes in providing the citizens of the District of Columbia with quality health care. Although his presence will be sorely missed, we wish him and his wife, Marjorie, great success in their future endeavors.

TRIBUTE TO MSGR. JOHN J. BRADLEY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention a remarkable celebration that recently took place to honor Msgr. John J. Bradley as well as the 135th anniversary of St. Bernardine Church in San Bernardino, CA. On June 7, the parish hall was rededicated and named after Monsignor Bradley, a beloved and cherished figure in the history of this historic downtown church.

Monsignor Bradley was ordained on June 4, 1942 at St. Kierans' College, Kilkenny, Ireland, and served in Ireland and England until coming to the United States in 1946. In December 1946, he began serving as an assistant at Sacred Heart Church in Ocean Beach. Monsignor Bradley also served as a pastor at St.

Joseph's Church in Holtville from 1951 to 1953 and at St. John's Church in Encinitas from 1953 to 1961. In June 1961, he became a pastor at St. Bernardine's in San Bernardino, a tenure that lasted 31 years. In July 1992, Monsignor Bradley began 1 year of retired service in residence at St. Bernardine's.

Mr. Speaker, I ask that you join me and our colleagues in paying tribute to this gentle man who has served and inspired our community over the years. One cannot begin to describe the esteem in which this beloved man is held in the local parish. It is only fitting that the House of Representatives recognize his dedicated and faithful service today.

THE NATURAL RESOURCE SUMMIT OF AMERICA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. MILLER of California. Mr. Speaker, I want to take a few moments to talk about one of the silver linings in the cloud of apprehension and mistrust left behind by the 104th Congress in its handling of environmental issues. One of the very good things that came out of that Congress was the formation of the Natural Resource Summit of America. The NRSA is a coalition of now 37 organizations determined not to let natural resource policy in this country fall victim to the sort of extremism that was all too often evident in that 104th Congress.

The existence of one more environmental coalition isn't usually cause for notice. But the NRSA is different, because in this one collection of separate and independent groups, you see the first very impressive signs of the profound change occurring in the debate over natural resources. For the first time in a very long time, hunters, anglers, environmentalists, outdoor publications, outdoor business groups, natural resource scientists, and others have come together around a common set of principles.

One of the NRSA's leaders is Helen Sevier, the Chair and CEO of B.A.S.S., Inc., the parent company of the Bass Anglers Sportman Society. Joined by my distinguished colleague SHERWOOD BOEHLERT, I had the pleasure of meeting Helen and hearing her speak last summer at the NRSA's first grassroots meeting in Birmingham. When I listened to her describe the NRSA, it was clear that the groups were uniting not only around common environmental principles, but also around common sense and an end to partisanship and extreme language.

That day in Birmingham, she recalled being labeled as an "environmental extremist" for opposing the Clean Water Act reauthorization process in the House in the 104th Congress:

> We said, "wait a minute, these guys really don't get it. They don't understand the way Americans really feel about their natural resources. They don't appreciate the 25 years of phenomenal progress that has been made improving our Nation's air and water quality. And they don't recognize the needs that still exist to restore ecosystems and fish and wildlife habitat." So we thought that if the environmental groups and the concerns they expressed on natural resource legislation were considered by Congress to be extreme, or not representative of the values of average Americans, then by merging the image of the hunting and fishing groups with the environmentalists we may be able to refocus congressional attention on the importance of natural resource values among their constituents.

Mr. Speaker, the attention of Congress is already being refocused by cooperative efforts like that of the NRSA. On issues like protection of land and water habitats, clean water, wetlands, and forests, the vast outdoor community has shown its concern and its strength. The NRSA recently sent a letter to every Member of Congress stating the groups' priorities. They include maintaining the integrity of our public lands and waters and keeping them public, strengthening the Clean Water Act, and enhancing funding for the stewardship of public lands and natural resources.

These priorities are the result of more than a year of discussions between some very different people: a pair of scientists, one from the American Fisheries Society another from the National Wildlife Federation, a land protection specialist from the Sierra Club, a conservation expert from the B.A.S.S., an editor at Sports Afield magazine, a lawyer from the Environmental Defense Fund, just to name a few. These discussions produced a framework for action and a set of common sense shared goals.

Mr. Speaker, we are going to hear a lot from the NRSA in the coming months about natural resource policy. But I think we can learn more from than a set of positions on issues. We can learn that groups and individuals who share a vision of the future and are dedicated to the hard work of getting there, should refuse to let traditional partisanship, extreme rhetoric, or simple complacency stand in their way. It's a lesson the NRSA appears to have learned and an example for this Congress to follow.

MONTGOMERY COUNTY, MD, COMMISSION FOR WOMEN: TWENTY-FIVE YEARS OF SERVICE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mrs. MORELLA. Mr. Speaker, I rise today to salute the Montgomery County, MD, Commission for Women as it celebrates 25 years of service to the women of the county. To mark the occasion, the commission will hold a gala dinner, and the proceeds from the event will be used to support a scholarship fund and services for displaced homemakers and disadvantaged women.

In 1972, I had the great privilege and honor to serve on the first Commission and later to be elected as its second president. I have watched with pride as it has grown into an important voice and resource for women throughout the Washington metropolitan area. The commission advises the county executive, the county council, county agencies, and the general public on issues of concern to county women and their families. But, most importantly, the commission is there on a daily basis to serve the immediate and long-term needs of women in Montgomery County.

The Commission for Women provides such direct services as personal and career counseling, career-readiness classes, programs for displaced homemakers, workshops on changing careers, family crisis and transition services for events like separation and divorce and job loss, and workshops on women's health, sexual harassment, dependent care, and time management skills.

This year, as part of its anniversary observance, the commission released a study on the status of women in Montgomery County, an invaluable tool for both the general public and elected officials. Comprising 52 percent of the population, the women of Montgomery County play a critically important role in the county's social and economic health. The study calls for a "paradigm shift in the development of laws, policies, practices and procedures affecting education, employment, health, law enforcement and crime prevention" and underscores an "urgent need to reevaluate outdated policies of schools and of most employers * * * based on the assumption of a single wage earner and an at-home parent."

Montgomery County, MD, has grown and changed in the last 25 years from a quiet bedroom suburb of Washington, DC, into a thriving cosmopolitan community. Over the years, the Montgomery County Commission for Women has been an important force in meeting the challenge of that change and in helping women and their families adjust to and prosper in a dynamic and diverse society.

Mr. Speaker, please join with me in saluting the Montgomery County Commission for Women and its talented and dedicated staff for 25 years of extraordinary service to the people of my county.

DEATH OF AMBASSADOR OMER EISSA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to former Ambassador Omer Eissa, who died in a tragic automobile accident while visiting Sudan on May 20. Ambassador Eissa served with great distinction as Sudan's Ambassador to Washington when Gaafar Mohammed Numeiry was President of Sudan. Ambassador Eissa was a great friend of the United States, and many Members of Congress had the great pleasure of knowing him. I will always be grateful to Ambassador Eissa for the hospitality that he extended to the Dance Theater of Harlem during several of their visits to Washington.

Ambassador Eissa had a long and diversified public service career in Sudan. As a member of the Sudanese Parliament, he was chairman of the Committee on Housing and Education. He was also a member of the Blue Ribbon Committee on Refugees. Subsequently, he was appointed as a member of

President Numeiry's cabinet, which he later left to become Ambassador to the United States, serving concurrently as nonresident Ambassador to Canada and Mexico. While in Washington, Ambassador Eissa served as dean of the Council of Arab Ambassadors as well as dean of the Council of African Ambassadors.

After the coup that removed President Numeiry from office in 1985, Ambassador Eissa made his home near Washington and became an American citizen. I wish to extend my most heartfelt condolences to his wife and children, who can be very proud of what Ambassador Eissa has done for the people of Sudan.

THOMAS B. EVANS, JR.

Washington, DC, May 26, 1997.

HON. CHARLES B. RANGEL,

Rayburn House Office Building, Washington, DC.

DEAR CHARLIE, A good friend of mine, Omer Eissa, recently died in a tragic automobile accident in Sudan where he was visiting a brother who was very ill.

Omer was always a great friend of the United States and hosted Arthur Mitchell and Dance Theatre of Harlem at the Sudanese Embassy on several occasions. You may recall the time we sat in the Presidential Box with the Reagans to watch Dance Theatre perform at the Kennedy Center.

I believe Omer's wife would very much appreciate it if you included some remarks about him in the Congressional Record (a draft statement is attached).

Let's get together one of these days when Alma and Mary Page are in town. She joins me in sending our warmest regards to you both.

Sincerely,

Tom.

WELCOMING REAR ADM. NORMAN T. SAUNDERS TO FLORIDA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. SHAW. Mr. Speaker, I rise today to welcome Rear Adm. Norman T. Saunders to south Florida as the new Commander of the Seventh Coast Guard District and Maritime Defense Command Seven.

Admiral Saunders, in his 30 plus years of service, has represented the U.S. Coast Guard with distinction. Before joining the Seventh District, Admiral Saunders served as chief in the Office of Law Enforcement and Defense Operations. In this capacity, Admiral Saunders directed several Coast Guard programs including enforcement of laws and treaties, operational and military readiness, intelligence, and investigative and security activities. The success of these programs is a testament to the leadership of Admiral Saunders.

Admiral Saunders is the recipient of numerous decorations including two awards of the Legion of Merit, the Bronze Star Medal with Combat "V", two awards of the Coast Guard Commendation Medal, the Navy Commendation Medal with Combat "V", and the Coast Guard Achievement Medal.

Mr. Speaker, the Seventh District, which encompasses 1.8 million square miles in the Atlantic Ocean and Caribbean Sea, plays a vital role in deterring illegal narcotics from entering our streets and communities. Keeping illegal narcotics out of the hands of our youth is one of the many difficult challenges the Coast Guard and the Seventh District face everyday. In addition, the Seventh keeps illegal immigrants from entering the United States. Since 1992, over 43,000 Cuban and 58,000 Haitian migrants have been interdicted by the Seventh. Whether it's fighting the war on drugs or illegal migrant interdictions, I am certain Admiral Saunders will continue the great work of the Seventh District in keeping our shores and waterways clear of any potential dangers.

Mr. Speaker, on behalf of the Florida congressional delegation, I welcome Admiral Saunders and his wife Chris to south Florida and urge my colleagues to pay tribute to a man who continues to serve his country with honor.

A TRIBUTE TO WALTER BETAR

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. SHUSTER. Mr. Speaker, it is with great pride that I rise today to pay tribute to Mr. Walter Betar, a long time servant of the Altoona Area School District within my congressional district. Mr. Betar will be retiring from the Altoona Area High School where he has dutifully served as principal for 25 years of his 41-year career with the district. Please join me in wishing him the best of luck as he begins to pursue new challenges in his retirement.

Mr. Betar graduated from the Altoona Area High School in 1950. Upon graduation he was accepted at the Pennsylvania State University where he went on to earn his B.A. in the General Arts and Sciences. He then attended the Indiana University of Pennsylvania where he earned a Masters of Education in guidance and Counseling. In 1958, during his own academic pursuits, he began his distinguished career in education as a Social Studies instructor at the Altoona Area High School. Mr. Betar would soon move on to administrative positions within his field, first serving as a guidance counselor and then serving as the Director of Federal Programs. During this time he continued to lead by example by continuing his own education, attending Shippensburg State College and the University of Pittsburgh. In 1972 Mr. Betar became Principal of the Altoona Area High School, the very school he had graduated from 22 years earlier.

His 41 years of service with the Altoona Area School District is truly testament to his dedication to the field of education and our community. His lifelong commitment to generations of students is not only commendable but more importantly it has played a valuable part in shaping generations of our youth. Students rely heavily on their educators as role models in their development and we have been very lucky to have such an outstanding example and leader in Mr. Betar.

Mr. Speaker, I will close by once again asking you to help me pay tribute to Mr. Walter Betar on his retirement. His life has been one of service and dedication to others and I am honored to have him as one of my constituents. I would like to thank Walt for his commitment to others and for making our community a better place to live. I wish him the very best in all that he pursues.

SPANISH PEAKS WILDERNESS ACT OF 1997

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. SKAGGS. Mr. Speaker, today I am introducing a bill to give permanent protection as wilderness to the heart of the Spanish Peaks area in Colorado.

The bill is cosponsored by my colleague from Colorado, Mr. MCINNIS. I greatly appreciate his assistance and support.

The mountains now usually known as the Spanish Peaks are two volcanic peaks in Las Animas and Huerfano Counties whose Native America name is Wayatoya. The eastern peak rises to 12,683 feet above sea level, while the summit of the western peak reaches 13,626 feet. The two served as landmarks not only for native Americans but also for some of Colorado's other early settlers and for travelers along the trail between Bent's Old Fort on the Arkansas River and Taos, NM.

With this history, it's not surprising that the Spanish Peaks portion of the San Isabel National Forest was included in 1977 on the National Registry of Natural Landmarks.

The Spanish Peaks area has outstanding scenic, geologic, and wilderness values, including a spectacular system of over 250 free standing dikes and ramps of volcanic materials radiating from the peaks. The State of Colorado has designated the Spanish Peaks as a natural area, and they are a popular destination for hikers seeking an opportunity to enjoy an unmatched vista of southeastern Colorado's mountains and plains.

The Forest Service reviewed the Spanish Peaks area for possible wilderness designation as part of its second roadless area review and evaluation—known as RARE II—and in 1979 recommended designation as wilderness of 19,570 acres. Concerns about private land inholdings in the area prompted Congress, in the Colorado Wilderness Act of 1980, to instead provide for its continued management as a wilderness study area.

A decade later, the Colorado Wilderness Act of 1993 included provisions for long-term management of all the other wilderness study areas in our State's national forests, but meanwhile questions about the land-ownership pattern in the Spanish Peaks area had prompted the Forest Service to change its mind about designating it as wilderness. That, in turn, led to inclusion in the 1993 wilderness bill of a requirement for its continued management of that area as a wilderness study area for 3 years—until August 13, 1996. The 1993 bill also required the Forest Service to report to Congress concerning the extent of non-Federal holdings in the likelihood of acquisition of those holdings by the United States with the owners' consent.

The required report was submitted in 1995. It indicated that within the wilderness study area, there were about 825 acres where the United States owned neither the surface nor the mineral rights, and about 440 acres more where the United States owned the surface but not the minerals. Since then, through voluntary sales, the United States has acquired most of the inholdings. Today only 188 acres of inholdings remain, and 80 of those acres are held by the Wilderness Land Trust, which plans to transfer them to the Forest Service. So the way is now clear for Congress to finish the job of protecting this outstanding area by designating it as part of the National Wilderness Preservation System.

The bill I am introducing today would designate as wilderness about 18,000 acres of the San Isabel National Forest, including both of the Spanish Peaks as well as the slopes below and between them. This includes most of the lands originally recommended for wilderness by the Forest Service, but with boundary revisions that will exclude some private lands.

The lands covered by this bill are not only striking for their beauty and value for primitive recreation, but also for attributes that create unique conditions for endemic plant communities. They fully merit—and need—the protection that will come from their designation as wilderness.

The bill itself is very simple. It would just add the Spanish Peaks area to the list of areas designated as wilderness by the Colorado Wilderness Act of 1993. As a result, all the provisions of the act—including the provisions related to water—would apply to the Spanish Peaks area just as they do to the other areas on that list. Like all the areas now on that list, the Spanish Peaks area covered by this bill is a headwaters area, which for all practical purposes eliminates the possibility of water conflicts. There are no water diversions within the area.

Mr. Speaker, enactment of this Spanish Peaks bill will not finish the job of protecting the Federal lands in Colorado that need the protection that comes with designation as wilderness. We need to provide that protection for lands in Rocky Mountain National Park, as would be done by my bill—H.R. 302—now pending before the Committee on Resources, and also for other areas of our State, including many managed by the Bureau of Land Management. I will continue to work to achieve the protection of these areas. But in the meantime, we should act without delay to pass this important measure for the Spanish Peaks area.

ONONDAGA COUNTY COMMISSIONER OF SOCIAL SERVICES, ROBERT STONE, RETIRING AFTER 24 YEARS OF PUBLIC SERVICE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in commending the Onondaga County Commissioner of Social Services, Robert Stone, for 24 years of dedicated public service as he begins his retirement this month.

Bob Stone is truly a leader in our community. His professionalism, integrity, and leadership throughout his tenure are a testament to his character and high standard in public service.

The commissioner worked tirelessly to revitalize our social service system by opening lines of communication within the department, securing grants, and working with State legislators to produce responsible social service law. The result has been a productive, sensitive, and often innovative department.

Central New York owes a debt of gratitude to Commissioner Stone for his exemplary public service record and his caring approach to helping the truly needy. He joins a very distinguished group of former commissioners of social services, such as John Lascaris and William Walsh.

It is with great admiration and respect that I wish Commissioner Robert Stone the best as he retires from public service and thank him. He leaves our community better for his presence.

TRIBUTE TO PAULA PORTER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Paula Porter, the outgoing chairman of the board of the Victorville Chamber of Commerce in Victorville, CA. Paula was recently honored for her dedicated advocacy on behalf of the citizens and business community of the Victor Valley.

Paula Porter graduated from Victor Valley High School and is a 1981 graduate of the University of Redlands with a bachelor of science degree in business administration. A native Californian and seventh generation native of San Bernardino County, she works as vice president and treasurer of Porter Real Estate. She is the former city clerk and assistant to the city manager for the city of Victorville. Over the years, she has also served in a variety of civic and community oriented capacities.

Paula's longstanding commitment to and support of the Victorville Chamber is demonstrated through her fine leadership and many years of active participation. She was first elected to the board in 1992 and has served in many capacities—vice president for membership services, vice president for financial services, vice president for community services, vice president for business services, and vice president for economic development.

As chairman of the board, Paula has developed a number of new ventures for the chamber including participation in the U.S. Chamber of Commerce Accreditation Program and developing a partnership with the Victor Valley Daily Press newspaper. Over the years, her work has also resulted in technological advances for the chamber including the addition of new computers and an Internet web site.

Mr. Speaker, Paula Porter provides an example of leadership that is deeply respected and admired by her professional colleagues and the community at large. I ask that you join me, our colleagues, and Paula's many admirers in thanking her for such dedicated service and wishing Paula and her husband, Bill, the very best in the years ahead.

STATEMENTS OF KRISTY LAVERY, TARO BEDELL, KELLY JENNINGS, AND TORI TILLATOSN, ESSEX TECHNICAL CENTER, REGARDING TEENAGE SMOKING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Essex Technical Center in Vermont, who were speaking at my recent town meeting on issues facing young people.

Ms. LAVERY. Teenage smoking is a pressing issue in today's society. We feel there is a need with the tobacco industry to try to stop the sale of tobacco to minors. In recent news a big deal was made involving the advertisement of tobacco. For many years the Joe Camel figure in Camel cigarettes has been under the gun. The government believes that advertising is promoting smoking to the young. This is a valid concern considering 3,000 young people a day become a regular smoker according to the 1994 report of the Institute of medicine from the National Academy of Sciences. The number keeps climbing and in 1995, 4.8 percent of students said they had smoked in the last 30 days. Two years earlier in 1993, 3.5 percent said they had smoked in the last 30 days. Two years earlier in 1993, 3.5 percent said they had smoked within the last month. Most of these students admit to buying them without showing proof of ID.

Should the responsibility of cracking down on selling be the sole job of the police? For now it is. It also has to do with store owners and enforcement of punishment and fines. Steps to put more responsibility on store owners are being taken such as the new photo ID law and carding everyone who looks under 27. As a 17-year-old I can tell you I have bought cigarettes when I was younger and had no problem. I have noticed a change in carding more now than I did when I was 15.

The problem is that cigarettes are too accessible to kids. We took a survey at Essex Technical Center on Do you smoke, why or why not? 64 percent of the people said that they had smoked. 35 percent said that they started because of peer pressure. The majority of the non-smokers said they did not smoke because it was gross and it kills you.

We have a tape of interviews from students. We also have those surveys that we did that we can give you and we did. Perhaps we should also show you why the percentages chose to smoke. I feel I have smoked previous in my young years and I quit it because I do not feel I want to die like that. I think it is a disgusting death.

Ms. BEDEL. Yes, it causes cancer, lung cancer, emphysema, and for young kids it is mostly the fact that the health is—you know, in physical activity, you know, people

aren't involved in sports as much and I think it is social. It really has to do with the social part of school.

Ms. LAVERY. A lot of it is peer pressure. They see their friends doing it and everyone picks on you if you do not do it and you get curious and you try doing it and then it is very addictive.

Ms. BEDELL. I do not think it has to do with people picking on other people about it, I think it has to do with like the younger grades in the high school see seniors or juniors in high school smoking and I think that that has a lot to do with it. I know at the Tech Center we go to you are not allowed to—well you cannot smoke on any school property anymore and we have to go off school property to smoke, and I think it is just—it is not a privilege because we do not have a privilege, we have to leave, but I think the younger students see it as a way to get out of school or a way to try to fit in with the older kids. Government control over smoking is going overboard but the money that is spent on smoking is outrageous and kind of ridiculous considering the fact that more and more teenagers are smoking each year. And I agree with the new photo ID law, I am all for that, but I do not think it is being watched enough, I do not think it is being used in many cases in small businesses, and I think it has to start at home, that the government has to take it out of the police's hands and like storeowners' hands and put it into the homes and you know, teach parents how to talk to their kids about smoking because it starts at home.

COMMENCEMENT ADDRESS OF SECRETARY OF STATE MADELEINE K. ALBRIGHT AT HARVARD UNIVERSITY 50 YEARS AFTER SECRETARY OF STATE GEORGE C. MARSHALL ANNOUNCED THE MARSHALL PLAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. LANTOS. Mr. Speaker, this past week the United States and the countries of Western Europe celebrated the 50th anniversary of the June 5, 1947, Commencement Address at Harvard University by then Secretary of State George C. Marshall in which the idea of the Marshall plan was first publicly discussed.

Fifty years to the day after Secretary Marshall delivered that seminal speech, our current Secretary of State, Madeleine K. Albright, was likewise honored with an honorary degree from Harvard University. It was an appropriate and well-deserved honor for Secretary Albright. She has demonstrated during her 5 short months as Secretary of State great sensitivity and outstanding ability to deal with the foreign policy issues facing our Nation. During the previous 4 years when she served as the Permanent U.S. Representative to the United Nations, she demonstrated great diplomatic capability as she acted to further our interests in that world body. She has had a most distinguished academic career, and she has been actively involved in public service throughout her life.

In her address at the Harvard University commencement, Secretary Albright, gave an address that was a masterfully crafted balance of graduation humor, tribute to her predecessor coupled with proper commemoration of the 50th anniversary of the Marshall plan, and the articulation of a vision of the challenges and opportunities for United States foreign policy at the end of the 20th and the beginning of the 21st century.

Mr. Speaker, I ask that Secretary Albright's historic commencement address be placed in the RECORD and I urge my colleagues to give it the serious and thoughtful attention is clearly deserves.

Secretary Albright: Thank you. Thank you, President Pforzheimer, Governor Weld, President Rudenstine, President Wilson, fellow honorands, men and women of Harvard, all those who comprise the Harvard community, guests and friends, thank you.

I'm delighted to be here on this day of celebration and rededication. To those of you who are here from the class of '97, I say congratulations. (Applause.) You may be in debt, but you made it. (Laughter.) And if you're not in debt now, after the alumni association get through with you, you will be. (Laughter and applause.)

In fact, I would like to solicit the help of this audience for the State Department budget. (Laughter.) It is under $20 billion.

As a former professor and current mother, I confess to loving graduation days—especially when they are accompanied by a honorary degree. I love the ceremony; I love the academic settings; and although it will be difficult for me today—let's be honest—I love to daydream during the commencement speech. (Laughter.)

Graduations are unique among the milestones of our lives, because they celebrate past accomplishments, while also anticipating the future. That is true for each of the graduates today, and it is true for the United States. During the past few years, we seem to have observed the 50th anniversary of everything. Through media and memory, we have again been witness to paratroopers filling the skies over Normandy; the liberation of Buchenwald; a sailor's kiss in Times Square; and Iron Curtain descending; and Jackie Robinson sliding home.

Today, we recall another turning point in that era. For on this day 50 years ago, Secretary of State George Marshall addressed the graduating students of this great university. He spoke to a class enriched by many who had fought for freedom, and deprived of many who had fought for freedom and died. The Secretary's words were plain; but his message reached far beyond the audience assembled in this year to an American people weary of war and wary of new commitments, and to a Europe where life-giving connections between farm and market, enterprise and capital, hope and future had been severed.

Secretary Marshall did not adorn his rhetoric and high-flown phrases, saying only that it would be logical for America to help restore normal economic health to the world, without which their could be no political stability and no assured peace. He did not attach to his plan the label, Made in America; but rather invited European ideas and required European countries to do all they could to help themselves. His vision was inclusive, leaving the door open to participation by all, including the Soviet Union—and so there would be no repetition of the punitive peace of versailles—also to Germany.

British Foreign Secretary Ernest Bevin called the Marshall Plan a "lifeline to sinking men," and it was—although I expect some women in Europe were equally appreciative. (Laughter)

By extending that lifeline, America helped unify Europe's west around democratic principles, and planted seeds of transatlantic partnership that would soon blossom in the form of NATO and the cooperative institutions of a new Europe. Just as important was the expression of American leadership that the Marshall Plan conveyed.

After World War I, America had withdrawn from the world, shunning responsibility and avoiding risk. Others did the same. The result in the heart of Europe was the rise of great evil. After the devastation of World War II and the soul-withering horror of the Holocaust, it was not enough to say that the enemy had been vanquished, that what we were against had failed.

The generation of Marshall, Truman and Vandenberg was determined to build a lasting peace. And the message that generation conveyed, from the White House, from both parties on Capitol Hill, and from people across our country who donated millions in relief cash, clothing and food was that this time, America would not turn inward; America would lead.

Today, in the wake of the Cold War, it is not enough for us to say that Communism has failed. We, too, must heed the lessons of the past, accept responsibility and lead. Because we are entering a century in which there will be many interconnected centers of population, power and wealth, we cannot limit our focus, as Marshall did in his speech to the devastated battleground of a prior war. Our vision must encompass not one, but every continent.

Unlike Marshall's generation, we face no single galvanizing threat. The dangers we confront are less visible and more diverse—some as old as ethnic conflict, some as new as letter bombs, some as subtle as climate change, and some as deadly as nuclear weapons falling into the wrong hands. To defend against these threats, we must take advantage of the historic opportunity that now exists to bring the world together in an international system based on democracy, open markets, law and a commitment to peace.

We know that not every nation is yet willing or able to play its full part in this system. One group is still in transition from centralized planning and totalitarian rule. Another has only begun to dip its toes into economic and political reform. Some nations are still too weak to participate in a meaningful way. And a few countries have regimes that actively oppose the premises upon which this system is based.

Because the situation we face today is different from that confronted by Marshall's generation, we cannot always use the same means. But we can summon the same spirit. We can strive for the same sense of bipartisanship that allowed America in Marshall's day to present to both allies and adversaries a united front. We can invest resources needed to keep America strong economically, militarily and diplomatically-recognizing, as did Marshall, that these strengths reinforce each other. We can act with the same knowledge that in our era, American security and prosperity are linked to economic and political health abroad. And we can recognize, even as we pay homage to the heroes of history, that we have our own duty to be authors of history.

Let every nation acknowledge today the opportunity to be part of an international system based on democratic principles is available to all. This was not the case 50 years ago.

Then, my father's boss, Jan Masaryk, foreign minister of what was then Czechoslovakia—was told by Stalin in Moscow that his country must not participate in the Marshall Plan, despite its national interest in doing so. Upon his return to Prague, Masaryk said it was at that moment, he understood he was employed by a government no longer sovereign in its own land.

Today, there is no Stalin to give orders. If a nation is isolated from the international community now, it is either because the country is simply too weak to meet international standards, or because its leaders have chosen willfully to disregard those standards.

Last week in the Netherlands, President Clinton said that no democratic nation in Europe would be left out of the transatlantic community. Today I say that no nation in the world need be left out of the global system we are constructing. And every nation that seeks to participate and is willing to do all it can to help itself will have America's help in finding the right path. (Applause.)

In Africa, poverty, disease, disorder and misrule have cut off millions from the international system. But Africa is a continent rich both in human and natural resources. And today, it's best new leaders are pursuing reforms that are helping private enterprise and democratic institutions to gain a foothold. Working with others, we must lend momentum by maintaining our assistance, encouraging investment, lowering the burden of debt and striving to create successful models for others to follow.

In Latin America and the Caribbean, integration is much further advanced. Nations throughout our hemisphere are expanding commercial ties, fighting crime, working to raise living standards and cooperating to ensure that economic and political systems endure.

In Asia and the Pacific, we see a region that has not only joined the international system, but has become a driving force behind it—a region that is home to eight of the ten fastest growing economies in the world.

With our allies, we have worked to ease the threat posed by North Korea's nuclear program, and invited that country to end its self-imposed isolation. We have encouraged China to expand participation in the international system and to observe international norms on everything from human rights to export of arms-related technologies.

Finally, in Europe, we are striving to fulfill the vision Marshall proclaimed but the Cold War prevented—the vision of a Europe, whole and free, united—as President Clinton said this past week—"not by the force of arms, but by possibilities of peace."

Where half a century ago, American leadership helped lift Western Europe to prosperity and democracy, so today the entire transatlantic community is helping Europe's newly free nations fix their economies and cement the rule of law.

Next month in Madrid, NATO will invite new members from among the democracies of Central and Eastern Europe, while keeping the door to future membership open to others. This will not, as some fear, create a new source of division within Europe. On the contrary, it is erasing the unfair and unnatural line imposed half a century ago; and it is giving nations an added incentive to settle territorial disputes, respect minority and human rights and complete the process of reform.

NATO is a defensive alliance that harbors no territorial ambitions. It does not regard any state as its adversary, certainly not a democratic and reforming Russia that is intent on integrating with the West, and with which it has forged an historic partnership, signed in Paris just nine days ago.

Today, from Ukraine to the United States, and from Reykjavik to Ankara, we are demonstrating that the quest for European security is no longer a zero-sum game. NATO has new allies and partners. The nations of Central and Eastern Europe are rejoining in practice the community of values they never left in spirit. And the Russian people will have something they have not had in centuries—a genuine and sustainable peace with the nations to their west.

The Cold War's shadow no longer darkens Europe. But one specter from the past does remain. History teaches us that there is no natural geographic or political endpoint to conflict in the Balkans, where World War I began and where the worst European violence of the past half-century occurred in this decade. That is why the peaceful integration of Europe will not be complete until the Dayton Peace Accords in Bosnia are fulfilled. (Applause.)

When defending the boldness of the Marshall Plan 50 years ago, Senator Arthur Vandenberg observed that it does little good to extend a 15-foot rope to a man drowning 20 feet away. Similarly, we cannot achieve our objectives in Bosnia by doing just enough to avoid immediate war. We must do all we can to help the people of Bosnia to achieve permanent peace.

In recent days, President Clinton has approved steps to make the peace process irreversible, and give each party a clear stake in its success. This past weekend, I went to the region to deliver in person the message that if the parties want international acceptance or our aid, they must meet their commitments—including full cooperation with the international war crimes tribunal. (Applause.)

That tribunal represents a choice not only for Bosnia and Rwanda, but for the world. We can accept atrocities as inevitable, or we can strive for a higher standard. We can presume to forget what only God and the victims have standing to forgive, or we can heed the most searing lesson of this century which is that evil, when unopposed, will spawn more evil. (Applause.)

The majority of Bosnia killings occurred not in battle, but in markets, streets and playgrounds, where men and women like you and me, and boys and girls like those we know, were abused or murdered—not because of anything they had done, but simply for who they were.

We all have a stake in establishing a precedent that will deter future atrocities, in helping the tribunal make a lasting peace easier by separating the innocent from the guilty; in holding accountable the perpetrators of ethnic cleansing; and in seeing that those who consider rape just another tactic of war answer for their crimes. (Applause.)

Since George Marshall's time, the United States has played the leading role within the international system—not as sole arbiter of right and wrong, for that is a responsibility widely shared, but as pathfinder—as the nation able to show the way when others cannot.

In the years immediately after World War II, America demonstrated that leadership not only through the Marshall Plan, but through the Truman Doctrine, the Berlin airlift and the response to Communist aggression in Korea.

In this decade, America led in defeating Saddam Hussein; encouraging nuclear stability in the Korean Peninsula and in the former Soviet Union; restoring elected leaders to Haiti; negotiating the Dayton Accords; and supporting the peacemakers over the bomb throwers in the Middle East and other strategic regions.

We welcome this leadership role, not in Teddy Roosevelt's phrase, because we wish to be "an international Meddlesome Matty," but because we know from experience that our interests and those of our allies may be affected by regional or civil wars, power vacuums that create opportunities for criminals and terrorists and threats to democracy.

But America cannot do the job alone. We can point the way and find the path, but others must be willing to come along and take responsibility for their own affairs. Others must be willing to act within the bounds of their own resources and capabilities to join in building a world in which shared economic growth is possible, violent conflicts are constrained, and those who abide by the law are progressively more secure.

While in Sarajevo, I visited a playground in the area once known as "sniper's alley," where many Bosnians had earlier been killed because of ethnic hate. But this past weekend, the children were playing their without regard to whether the child in the next swing was Muslim, Serb or Croat. They thanked America for helping to fix their swings, and asked me to place in the soil a plant which they promised to nourish and tend.

It struck me then that this was an apt metaphor for America's role 50 years ago, when we planted the seeds of renewed prosperity and true democracy in Europe; and a metaphor as well for America's role during the remaining years of this century and into the next.

As this great university has recognized, in the foreign students it has attracted, the research it conducts, the courses it offers and the sensibility it conveys, those of you who have graduated today will live global lives. You will compete in a world marketplace; travel further and more often than any previous generation; share ideas, tastes and experiences with counterparts from every culture; and recognize that to have a full and rewarding future, you will have to look outwards.

As you do, and as our country does, we must aspire to set high standards set by Marshall, using means adapted to our time, based on values that endure for all time; and never forgetting that America belongs on the side of freedom. (Applause.)

I say this to you as Secretary of State. I say it also as one of the many people whose lives have been shaped by the turbulence of Europe during the middle of this century, and by the leadership of America throughout this century.

I can still remember in England, during the war, sitting in the bomb shelter, singing away the fear and thanking God for America's help. I can still remember, after the war and after the Communist takeover in Prague, arriving here in the United States, where I wanted only to be accepted and to make my parents and my new country proud.

Because my parents fled in time, I escaped Hitler. To our shared and constant sorrow, millions did not. Because of America's generosity, I escaped Stalin. Millions did not. Because of the vision of Truman-Marshall generation, I have been privileged to live my life in freedom. Millions have still never had that opportunity. It may be hard for you, who have no memory of that time 50 years ago, to understand. But it is necessary that you try to understand.

Over the years, many have come to think of World War II as the last good war, for if ever a cause was just, that was it. And if ever the future of humanity stood in the balance, it was then.

Two full generations of Americans have grown up since the war—first mine, now yours; two generations of boys and girls, who have seen the veterans at picnics and parades and fireworks saluting with medals and ribbons on their chests; seeing the pride in their bearing and thinking, perhaps, what a fine thing it must have been—to be tested in a great cause and to have prevailed.

But today of all days, let us not forget that behind each medal and ribbon, there is a story of heroism yes, but also profound sadness; for World War II was not a good war. From North Africa to Solerno, from Normandy to the Bulge to Berlin, an entire continent lost to Fascism had to be taken back, village by village, hill by hill. And further eastward, from Tarawa to Okinawa, the death struggle for Asia was an assault against dug-in positions, surmounted only by unbelievable courage at unbearable loss.

Today, the greatest danger to America is not some foreign enemy. It is the possibility that we will fail to hear the example of that generation; that we will allow the momentum toward democracy to stall; take for granted the institutions and principles upon which our own freedom is based; and forget what the history of this century reminds us—that problems abroad, if left unattended, will all too often come home to America. [Applause.]

A decade or two from now, we will be known as neo-isolationists who allowed tyranny and lawlessness to rise again; or as the generation that solidified the global triumph of democratic principles. We will be known as the neo-protectionists, whose lack of vision produced financial meltdown; or as the generation that laid the groundwork for rising prosperity around the world. We will be known as the world-class ditherers, who stood by while the seeds of renewed global conflict were sown; or as the generation that took strong measures to forge alliances, deter aggression and keep the peace.

There is no certain road map to success, either for individuals or for generations. Ultimately, it is a matter of judgment, a question of choice. In making that choice, let us remember that there is not a page of American history, of which we are proud, that was authored by a chronic complainer or prophet of despair. We are doers. We have a responsibility, as others have had in theirs, not to be prisoners of history, but to shape history; a responsibility to fill the role of pathfinder, and to build with others a global network of purpose and law that will protect our citizens, defend our interests, preserve our values, and bequeath to future generations a legacy as proud as the one we honor today.

To that mission, I pledge my own best efforts and summon yours. Thank you very, very much.

125TH ANNIVERSARY OF ENTERPRISE STEAMER COMPANY'S SERVICE TO THE VILLAGE OF WALDEN AND WALDEN FIRE DISTRICT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. GILMAN. Mr. Speaker, I rise today in recognition of the Enterprise Steamer Company's 125th anniversary of devoted service to the village of Walden and the Walden fire district. A parade will be held on June 14th in honor of the Enterprise Steamer Company's dedication to the village.

On June 11, 1872, the Walden Village trustees purchased the button steam fire engine. Shortly thereafter, the late Thomas W. Bradley used it to organize the Enterprise Steamer Company No. 2. This vehicle is a vital part of home town parades in the village of Walden, as it has been for 125 years.

Like the button steamer, there are also several members of the company who have been instrumental in its affairs. Former Chief Richard Tenney has been active in the company for 68 years and is currently its oldest living member; consequently, Mr. Tenney is one of the few who saw the button steamer in operation. Other long time members include another previous chief, Robert Goldsmith, who has served for 44 years, Lawrence Shaffer, who has worked for 53 years, and the current president of the Enterprise Steamer Company, Michael Pangia. Mr. Pangia, who has been the company's president for 12 years, is a former chief, assistant chief, and deputy chief, and thus has 44 years of active service. The present chief of the Enterprise Steamer Company is Howard R. Edwards, who is the youngest chief ever to serve for any Walden Fire Company.

In order to celebrate its 125th anniversary of assistance to the Walden fire district, the Enterprise Steamer Company has refurbished its original ticker tape. In addition, the original button steamer has been refurbished, and will be drawn by a team of Clydesdale horses in the anniversary parade, akin to the method in which it was used in the late 1800's. The truck used by the company at present time is a 1972 maxim pumper. Refurbished in 1985, the truck has served the company for 26 years and will also be a part of the anniversary parade.

At the 100th anniversary of the Enterprise Steamer Company, President Johnson attended the festivities. The Enterprise Steamer Company is the only company in Walden to be honored with the presence of an American President. This year, I will be attending this momentous occasion in order to pay tribute to a company which has long benefitted the people of the village of Walden. The Enterprise Steamer Company has provided an invaluable service to the community. The parade held in its honor is a tribute to all those citizens who have performed a great service to all.

HONORING JERUSALEM AS ISRAEL'S UNDIVIDED CAPITAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. FORBES. Mr. Speaker, I rise in support of the resolution calling upon the Clinton administration to publicly reaffirm as United States policy that Jerusalem remain the undivided capital of Israel and congratulate the residents of Jerusalem and all of Israel on the 30th anniversary of the city's reunification. Two years ago, Congress overwhelmingly passed the Jerusalem Embassy Relocation Act of 1995. This historical legislation marked the first time that United States policy recognized Jerusalem as the undivided capital of Israel, and that the United States Embassy be established in the city no later than May 1999. Today, I rise to commend the House on its most recent vote on this issue. Yesterday, by an overwhelming majority, the House passed House Concurrent Resolution 60 expressing the sense of Congress that Jerusalem is the undivided capital of Israel and urging the Clinton administration to publicly affirm it. I wholeheartedly embrace this resolution.

It is imperative that the United States Government adopt a strong public policy affirming that an undivided Jerusalem must remain the capital of Israel, in support of the only democratically elected government, and America's strongest ally in the Middle East. There are good political reasons why the administration should adopt this congressional mandate as U.S. policy. More importantly, there are significant religious, historical, and moral reasons why Jerusalem must remain the undivided capital of Israel.

Jerusalem is the center of Jewish identity and worship and has been since King David made it his capital 3,000 years ago. Throughout that history, the Jewish people have been faithful stewards of the city of Jerusalem, keeping it safe and open to people of all faiths. So deep is the connection to Jerusalem that almost every piece of Jewish literature—from ancient prayers to modern stories—speaks to Jerusalem's religious and cultural significance.

Only once ion its history has Jerusalem been divided—from 1948 to 1967. Barb wire and mine fields split the city, Jews were forbidden access to the sacred holy sites of Judaism, synagogues were demolished, and gravestones were torn up. Today, all Christians, Muslims, and Jews are allowed unrestricted access to their holy sites and the Israeli Government remains committed to preserving the peaceful coexistence between the diverse religious faiths which live side by side in the city.

Jerusalem has been Israel's capital since the rebirth of the state. Even with the city divided, Jerusalem was dedicated as the capital in 1948. For more than four decades, the offices of Israel's President and Prime Minister, the Knesset, and most government ministries have been located in Jerusalem.

We cannot ignore the challenge that has been placed before us if we are to see Israel survive as a free and flourishing state. We

must back up our good intentions with action. Congress must ensure that adequate funds are made available to facilitate the eventual move of the United States Embassy from Tel Aviv to Jerusalem. This will send a message to our allies and foes alike that the United States will not stand for a divided Jerusalem and a war-torn Israel. I urge my colleagues to support Jerusalem's rightful place in the world as the capital of Israel.

STATEMENTS BY LUC FILLION AND EVAN PAUL, CANAAN HIGH SCHOOL, REGARDING INDUSTRIAL HEMP

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Canaan High School in Vermont, who were speaking at my recent town meeting on issues facing young people.

Mr. FILLION. Congressman Sanders, fellow students, we are here today to voice our opinion on the legalization of industrial hemp. Industrial hemp is not a drug, it is not marijuana; it is a relative of the marijuana plant, but contains virtually no delta-9 tetrahydrocannabinol, or THC, the mind-altering drug found in marijuana. This means that industrial hemp cannot get anyone high, even the most stubborn pot smoker.

There are innumerous benefits to be gained from the cultivation of industrial hemp. If only 6% of the contiguous United States were used to grow hemp, it could supply to us all of the electricity, heat, and all the fuel we need for our cars. Hemp could also be used to make stronger and more moisture-resistant paper which would stop paper from shrinking, curling or deteriorating as easily. An acre of hemp can produce four times as much paper as an acre of trees, saving this country's diminishing forests and the rainforest.

Vermont definitely could benefit from industrial hemp's legalization. If Vermont's agricultural and dairy farmers would turn to industrial hemp as their main asset, the farmers could quadruple their agricultural income.

These are just a few of the ways that industrial hemp can be utilized. We would like to know why we are striving if this invaluable resource can help us so tremendously with our problems today?

Mr. PAUL. Hemp can be used to improve so many of the products that we use today. It can be used in ropes and sails for ships; stronger papers and materials ranging in quality from burlap to silk; and healthier, less fatty foods, especially meat substitutes and birdseed.

Hemp can be used for fuel with a 95% efficiency conversion, and unlike fossil fuels (petroleum) or nuclear power, it is a renewable and replenishable resource, and it is extremely easy to grow in nearly all climates, including Vermont's.

Hemp fiber needs little more than nitrogen to grow. Even here in Vermont hemp and other cannabis plants grow wild in ditches and forests. In fact, Australia survived two 19th century famines on the seeds and leaves of industrial hemp alone.

Mr. FILLION. Many officials believe that legalizing hemp would lead to the legalization of marijuana and eventually even harder drugs such as cocaine and heroin. There is no basis whatever for these assumptions. Industrial hemp, as we have stated, is not a drug, so how do you go from legalizing harmless plants to legalizing hard-core drugs? There is no connection between the two.

It makes no sense to be afraid of a plant that has been grown for thousands of years around the globe. In fact, industrial hemp was grown in the United States in the 18th and 19th centuries. It was made illegal in 1937 by the Food and Drug Administration, but only years later during World War II, it was relegalized because of economic troubles. It makes more sense to be afraid of not having it.

Industrial hemp's roots are strong and very extensive, and have been shown to hinder and ultimately prevent erosion in such erosion-prone places as China where hemp, but not marijuana, is legal.

We are not for the legalization of marijuana; we are for the legalization of industrial hemp.

The government already knows the great benefits of legalizing industrial hemp. Our question is, what's the holdup?

Mr. PAUL. Because they do not really know the facts. There are a lot of differences between industrial hemp and marijuana, but because of the world hemp a lot of people have come to believe is a slang word for marijuana. They confuse the two and believe that they are the same thing.

Mr. FILLION. Industrial hemp is a biomass like many other plants, and by using a procedure called porolysis it can be diverted into something that can be used for fuel and into things such as crude oil or oils close to vegetable oil and petroleum.

ACHIEVING A DRUG-FREE AMERICA BY 2001

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. GINGRICH. Mr. Speaker, I want to encourage my colleagues to read the following article by Rev. Nelson Price, who chairs the Drug-Free District Coalition in the sixth district of Georgia. Rampant drug abuse reflects the breakdown of a society, and for this reason, I reiterate my challenge of achieving a drug-free America by 2001. This is not about a Federal program, an additional piece of legislation, or even more money. This is about the daily involvement of local communities, schools, churches, teachers, and, as Reverend Price stresses, parents, to assure that every person can pursue happiness in a drug-free America.

[From the Marietta Daily Journal, June 1, 1997]

PARENTS MUST LEAD DRUG WAR

(By Nelson Price)

We have a crisis.

There is an epidemic sweeping our nation more destructive than any in our history. Tragically most don't even know it.

We speak of the drug culture of the late 1960s and early '70s as bad, and it was. But at the present rate we will exceed those records for illicit drug use in our country. To complicate that, the drugs now being used are significantly stronger. Observe:

Almost one in 10 high school seniors (8.4 percent) uses drugs daily.

Nearly one in five twelfth graders (18.3 percent) uses an illicit drug weekly or more.

More than one in four (26.5 percent) use an illicit drug once a month or more.

Between 1987–88 and 1990–91 there was an increase of 72.6 percent in the annual use of illicit drugs.

Fewer students than ever say parents warn them. Schools are doing a much better job than parents in warning youth about illicit drugs. Some 88.9 percent said their teachers have taught them about drug dangers.

Among the youth who say their parents never talk with them about illicit drugs, 35.5. percent reported using an illicit drug in the past year. That number dropped to 26.6 percent for those whose parents spoke about it "a lot."

Schools are least likely places for drug abuse.

Sure, the evidence of drug use shows up there, but use that isn't the favorite place. Among five choices (home, friend's home, car, school, other place), students reported school as the least likely place. Only 4.2 percent said they smoked marijuana at school. Most reported they used illicit drugs when their parents were in charge. In most instances, it is without the parents' awareness. That in itself indicates the parents aren't in touch with who their child really is.

This is not casual recreational use. Students are getting higher than before on marijuana, cocaine, heroin, LSD and amphetamines. This is not experimental. It is monthly, weekly and daily use. Additionally, students are getting higher than ever on beer, inhalants, hallucinogens and uppers.

Only a parents' war on drugs can stem the tide. Some 73.3 percent of twelfth graders say drugs are easy to get. Building personal character and individual well-being is the way to equip a person to abstain.

Parents, use every resource at our disposal. There is a reason youth use drugs. A primary one is they are spiritually deprived by the media and their world in general. Parents, there are churches who will open their doors and hearts to you today.

The Rev. Nelson Price is pastor of Roswell Street Baptist Church.

HONORING DR. EVERETT SLAVENS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. SKELTON. Mr. Speaker, after nearly 40 years of teaching with integrity and commitment, Dr. Everett Slavens, a former Missourian, now of Arkadelphia, AR, has announced his retirement.

Slavens, who has been blind since birth, has taught in the History Department at Ouachita Baptist University for 36 years. Student workers have assisted Slavens by taking attendance and proctoring during quizzes. In the office, student workers record readings of all papers and tests for Slavens to listen to and grade at his own convenience.

Aside from teaching, Slavens is a scholar of black culture studies. While attending the University of Missouri, at Columbia, he focused his doctoral dissertation on the black press. He is the author of numerous articles and book reviews related to African-American newspapers.

Slavens is an active member of First Presbyterian Church, where he serves on an AIDS care team. After retirement, he plans to write a book and take more time for writing and researching.

It is the dedicated individuals, like Dr. Slavens, who are providing the basis for our future—the education of America's youth. I join with many others in wishing Dr. Everett Slavens all the best in his retirement and in thanking him for his years of service.

LEGACY OF THE MARSHALL PLAN—REMARKS OF SECRETARY OF STATE MADELEINE K. ALBRIGHT AT THE GEORGE C. MARSHALL FOUNDATION DINNER CELEBRATING THE 50TH ANNIVERSARY OF THE MARSHALL PLAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. LANTOS. Mr. Speaker, this past week the United States and the countries of Western Europe celebrated the 50th anniversary of the June 5, 1947, Commencement Address at Harvard University by then Secretary of State George C. Marshall in which the idea of the Marshall plan was first publicly discussed.

Just a few days ago here in Washington on June 5—the anniversary of former Secretary of State Marshall's address at Harvard—our current outstanding Secretary of State, Madeleine K. Albright, delivered excellent remarks at the dinner of the George C. Marshall Foundation celebrating the 50th anniversary of the Marshall plan.

Mr. Speaker, I ask that Secretary Albright's remarks be placed in the RECORD and I urge my colleagues to give her statement serious and thoughtful attention.

President Ford, thank you for that wonderful introduction. Excellencies, distinguished colleagues and guests, in the last few years, we seem to have observed the 50th anniversary of everything. Today, we have been brought together by a foundation dedicated to the memory of a man who made everything possible.

As much as anyone else, it was George Marshall who engineered our victory in the Second World War and who helped us prevent a third.

The United States entered World War II because we had to, because our immediate survival was at stake. The same cannot be said about the Marshall Plan.

In 1947, the American people were weary of war and wary of new commitments. They wanted nothing more than to come home, stay home and make the baby boom boom. It was not self evident that our nation would come together to support the act of unparalleled generosity which was the Marshall Plan. But we did. And we did it in a way that was uniquely inclusive in design, uniquely expansive in scope, and uniquely American in spirit.

We used Marshall aid to encourage the creation of a united Europe, which was an amazingly ambitious goal just a few years after the most terrible war in European history. We offered Marshall aid to the Soviet Union and Eastern Europe, though the Iron Curtain had already begun to descend. Our vision specifically embraced our former adversaries, even though this was hard for many people to accept.

Soon, we would launch the Berlin airlift, though the experts said it was not possible to feed a whole city by air. We would pledge to defend Greece and Turkey, though many said that these nations were too distant and remote to be a part of our community.

Today people ask: How can we best live up to the spirit of the Marshall Plan? The answer is that we must do what is right, even though it is hard. That is the spirit in which our soldiers and diplomats are working in Bosnia. That is the spirit in which we are enlarging NATO, forging new ties with all of Europe's new democracies, and building a new partnership with Russia.

Each of these commitments entails risks and costs. But that just reminds me of something Senator Arthur Vandenberg said during a debate on the Marshall Plan 49 years ago. I quote, "The greatest nation on earth," he said, "either justifies or surrenders its leadership. I have no quarrel with those who disagree because we are dealing with imponderables." He said, "But I cannot say to those who disagree that they have escaped to safety by rejecting or subverting this plan. They have simply fled to other risks, and I fear far greater ones. For myself," Senator Vandenberg said, "I can only say that I prefer my choice of responsibilities."

In the letter that President Clinton asked me to deliver to all of you today, he writes that "our generation has been blessed with the chance to complete the great endeavor that Marshall's generation began—to build a democratic, peaceful, undivided Europe for the first in history." He reminds us that the Marshall Plan's success is evident not just in the recovery of Western Europe's economies, but in the process of European integration that it sparked; the reconciliation between old adversaries that it enabled; and America's lasting engagement in Europe, which it sealed. "No one better understands," the President continues, "all those transatlantic strands than your honoree tonight, my friend Helmut Kohl."

At the beginning of this miraculous decade of coming together, Chancellor Kohl engineered the unification of Germany within the NATO Alliance and the European Union. This was not an easy thing to do. It was an act of faith, requiring great sacrifice. But it was right. And today we look back upon it as the founding act of a Europe that is becoming whole and free.

Chancellor Kohl was a child of the Europe that the Marshall Plan rebuilt and transformed. All his life, he has been a champion of the kind of Europe that Marshall's generation envisioned—a Europe where borders unite rather than divide.

Chancellor Kohl, we thank you for your many years of statesmanship, and we salute you for your leadership in the present. It is my great privilege to introduce you to this audience today. *(Applause.)*

IN MEMORY OF OMER EISSA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. GILMAN. Mr. Speaker, on Tuesday, May 20th, the United States lost a good friend when Omer Eissa, the former Ambassador of Sudan died tragically in an auto accident while visiting his home country.

Ambassador Eissa served with great distinction as Ambassador to the United States when Gaafar Mohammed Numeiry was the President of Sudan, and many Members of Congress came to know him well.

Ambassador Eissa had a long and distinguished career of public service in Sudan, serving as a member of the Sudanese Parliament, where he was chairman of the Committee on Housing and Education, before being appointed to the cabinet of President Numeiry.

He subsequently was appointed Ambassador to the United States, serving concurrently as nonresident Ambassador to Canada and Mexico. During his tenure he also served as dean of the Council of Arab Ambassadors and as dean of the Council of African Ambassadors.

Following the coup that removed President Numeiry from office in 1985, Ambassador Eissa made his home near Washington and became an American citizen. On behalf of my colleagues, I extend heartfelt condolences to his wife and children, who can be justifiably proud of his many accomplishments.

A TRIBUTE TO THE SUFFOLK CHAPTER, ASSOCIATION FOR THE HELP OF RETARDED CHILDREN

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to an organization that provides services to over 1,300 individuals in Suffolk County, Long Island, with the vital mission of educating disabled children. The largest voluntary agency in Suffolk County, the Association for the Help of Retarded Children provides training and habilitative services at 24 locations across the county, and is distinguished by the selflessness, hard work, and dedication of its workers.

The staff at AHRC have for many years worked to provide their communities with a protective and educational environment that these children deserve. At the organization's Sagtikos Educare Center in Commack, infants, preschoolers, and school age children receive individualized attention. Their development is fostered when local school districts are not able to help them. This school is an exceptional place, where disabled students discover new opportunities. The care of any child is a full-time job, but a child with special needs leaves a parent little time to pursue his or her own efforts. It is a blessing to the parents of these children, who have strived to build a better life for their sons and daughters, that the AHRC is here to assist them.

The AHRC does not teach children to accept their conditions, but it fosters their self-esteem, teaches them living skills, and strengthens them both physically and emotionally. The programs help these children to grow

to the point that the need for a lifetime of costly special services is greatly reduced. Furthermore, the AHRC, through its valiant and ongoing efforts, has helped to build community awareness about the abilities of these special young Long Islanders. The AHRC's vocational program has successfully placed its adults into packaging and assembling jobs, where they have joined the proud Long Island work force, gained a large degree of independence, and learned the skills which lead to competitive employment opportunities. Furthermore, the Long Island community has welcomed 16 AHRC-operated residences into its neighborhoods, where disabled adults work together as a family, and participate in the community with their neighbors. Indeed, it brings a great degree of normalcy, independence, and acceptance to their lives.

On June 9, 1997, a fundraiser is being held which recognizes the AHRC's efforts on behalf of our Long Island families, friends, and neighbors. Long Islanders will open their hearts to give back to the organization that has done so much for our community. After all, when one of these very special persons receives the educational or vocational training they need to become a successful and happy member of our community, we all benefit from their presence. I would ask my colleagues in the U.S. House of Representatives to join me in saluting the work of this great organization.

STATEMENTS BY DANIELLE DUPUIS AND PHILIP BIDWELL, ESSEX TECHNICAL CENTER, REGARDING DRUG USE BY TEENAGERS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Essex Technical Center in Vermont, who were speaking at my recent town meeting on issues facing young people.

Ms. DUPUIS. My name is Danielle Dupuis and I live in Colchester. This is Philip Bidwell, he lives in Underhill but attends Essex Technical Center. Rebecca Johnson and Troy Hibbard cannot be here with us today.

We did a survey on teenage drug use in our school and we found that 50 percent of the students in our school use drugs, we found that 21 percent of them use them on a daily basis. The top two drugs in high school were marijuana and alcohol, and they are both used by 50 percent of the students.

We feel that teenage drug use in this country is a rising problem. Everyday in and out of school students are using substances whether they are legal or illegal. We feel that a required high school level drug education class would be a way to solve this problem.

Mr. BIDWELL. Basically we think that it is more and more of a problem everyday in the school systems and we think that in order to resolve this we should have a class that is required in the school system for drug education because it is not that the fifth grade students have a class where they are introduced to drugs and what the effects are and stuff, but as teenagers these get more and more into peer pressure and they need to be brought up against anything that can happen. it is not just a fact of people doing them but people are dying from them.

Ms. DUPUIS. We found that 25 percent of the students that use drugs use them in school.

Mr. BIDWELL. I think that students, if you go up and talk to somebody like a student, that is just not normal to anybody else, but if they are going to somebody the same age just like them they are more open about it.

Ms. DUPUIS. They feel more comfortable. Other drugs were used, but marijuana and alcohol were the main concerns. We surveyed marijuana, cocaine, speed, acid, alcohol, mushrooms, hashish and we then had another category and those were all low, they ran about five or six percent, in that area. There is such a big campaign against drugs but yet there are so many students that are using drugs, you want to know what is the big deal, what is it like? I will try it once. And they try it once and that is it, you are addicted for life. I think a lot of it has to do with just being cool, too.

WOMEN IN THE MILITARY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 11, 1997, into the CONGRESSIONAL RECORD.

WOMEN IN THE MILITARY

The case involving Air Force First Lt. Kelly Flinn has refocused national attention on the role of women in the American military. Women have become an integral part of our fighting force over the last 20 years. The percentage of women in the military has increased from less than 2% in the early 1970s to over 13% today. Women today serve in a wide range of occupations in the services, and have participated with distinction in every major military action, including the Persian Gulf War.

There are two main reasons for the increasing role of women in the military. First, our armed forces need women. Our national security would be diminished by excluding half of the talent and courage from the defense of the country. Prior to 1973 the military could rely on the draft of young men to fill positions in the services. But after the draft was abolished in the wake of the Vietnam War, the services have had to recruit women to meet personnel needs. Second, our society has insisted on greater opportunities for women in the workforce, including the military.

The U.S. military has, for the most part, succeeded in integrating women into the armed forces. The U.S. is the pre-eminent military power in the world today, and its fighting force remains the best-trained, best-equipped and most effective. There have, however, been challenges. The first set of challenges centers on the role of women in the military. Women have traditionally filled clerical, support and medical positions in the services, but there has been a push for women to assume new roles, including combat positions. The second set of challenges relates to sexual conduct among service members. The military has strict rules on sexual misconduct, but has arguably enforced those rules inconsistently.

WOMEN IN COMBAT

Current law gives the Secretary of Defense and the service secretaries discretion over whether women may serve in combat positions and over which assignments may be opened to women. In 1994 the Defense Department opened more than 80,000 combat-related jobs to women. Consequently, more than 92% of the career fields and 80% of the total jobs are now open to women. The Defense Department, nonetheless, continues to restrict certain combat assignments for women, particularly service in ground forces where the risk of direct physical contact with the enemy is high. The Air Force has opened relatively more combat positions to women than have the other services.

There continues to be debate about whether the services should open more combat positions to women or restore pre-existing law which barred them from serving in many such jobs. Those who support opening more positions to women argue that women service members cannot advance to the top positions in the military without combat experience, and make the further point that women who have the ability and desire should be given the opportunity to serve in such positions. In contrast, those who oppose women in combat contend that national security has been and would be jeopardized because women are not as strong or aggressive as men and their presence would impair the effectiveness of the fighting force.

SEXUAL MISCONDUCT

The sexual misconduct cases which have been in the news in recent months have fallen into two general categories. The first group involves cases of sexual harassment and abuse. The most serious scandal has occurred at Aberdeen Proving Ground in Maryland, where 12 drill sergeants have been charged with harassing or abusing female trainees. The services have adopted a policy of "zero tolerance" toward harassment, and have prosecuted the Aberdeen and other cases with vigor. Some in Congress are calling for segregating women and men during basic training to reduce the risk of misconduct, while others say such a change would mark a step backward.

The second group involves cases of adultery and fraternization, which generally refers to relations between officers and enlisted personnel. Adultery and fraternization can be crimes in the military, although a commanding officer has broad discretion in handling such cases. Disciplinary actions range from administrative remedies, such as counseling, to court-martials involving possible fines, demotions, and sentences. Several senior officers where charged with both in recent weeks, as was Kelly Flinn, who was also charged with lying and disobeying orders. The Pentagon says that such conduct erodes discipline and order. Critics contend current policy is too harsh, intrudes greatly into the private lives of service members, and is inconsistently applied.

ASSESSMENT

The military, like the civilian workforce, is adjusting to the large influx of women into its ranks. In many respects, the Pentagon has handled effectively this transition to a mixed-sex force. The U.S. fighting force, as demonstrated in the Persian Gulf War, continues to be the best in the world, and, overall, the military has adapted well to a changing society.

The military, however, continues to face difficult questions on the role of women in

the armed forces. I believe women deserve the opportunity to serve in certain combat positions if they meet service requirements and qualifications for those assignments and if doing so is in the best interest of national security. I do think, however, that these changes should occur incrementally and with extensive consultation with military leaders.

The cases of sexual misconduct raise difficult questions. It is, of course, appropriate for the services to prosecute vigorously cases of rape and harassment, and take every step to keep our recruits safe. The rules on adultery and fraternization are problematic. The military is a highly structured institution, lacking many of the freedoms of the civilian world, and requiring unusual intimacy from close bunks to showers and a strong emphasis on discipline and morale. My impression, however, is that the rules have been arbitrarily applied and that some individuals are punished for behaving in ways others get away with. The military's purpose in dealing with these relationships must be to ensure the good discipline and morale of its troops, not to try to enforce morality. What is most important is that the rules be clearly explained, consistently enforced, and applicable to all, regardless of sex, race or rank.

SPECIAL PEOPLE PROGRAM OF IBPOE OF W

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Ms. RIVERS. Mr. Speaker, for the record, I would like to recognize the Special People Program of the Improved Benevolent Protective Order of the Elks of the World [IBPOE of W]. For the past 10 years, this program has recognized young persons with physical or mental challenges at the Annual Convention of the Elks Fraternity. This extraordinary program, fueled by the hard work of the IBPOE of W, recognizes the individual abilities and contributions of community citizens with special needs.

The Special People Program selects one youth as the annual Poster Child. Each year financial benefits, raised from donations and raffles, are given to this child and his family. In addition, the program continues its commitment to past Poster Children through annual donations.

This year's Poster Child is Marquise Taylor of Lexington, KY. Fifteen-month-old Marquise was born with a severe congenital heart defect as well as Down's Syndrome. In this particular type of heart defect, the separation between his cardiac chambers were not fully developed, resulting in unstable blood flow. Marquise underwent surgery at the age of 5 months to correct this defect and his prognosis is excellent. Yet Marquise still lives with Down's Syndrome, an incurable condition that will continue to challenge him as he grows.

I would like to congratulate the IBPOE of W for their outstanding community service and dedication to supporting citizens with special needs. I wish Marquise and his parents, Carlos and Roxie Taylor, all the best for the future.

SMALL BUSINESS: THE BACKBONE OF OUR ECONOMY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. BARCIA. Mr. Speaker, this country's economy is fueled by a diverse and broad group of smaller companies whose strengths lie in their innovation and flexibility. It is these companies that were recently honored at the 1997 Small Business Person of the Year Award in Washington, DC.

I would like to honor the sole Michigan recipient of this award, Wright-K Technology, Inc., of Saginaw, whose management team of CEO Robert Floeter, President John Sivey and Secretary-Treasurer Constance Kostrzewa was nominated for this distinction by Saginaw Future, Inc. Criteria for nomination and selection included sales and employment growth, staying power, local community commitment, innovativeness of product, and response to adversity.

One of the secrets of Wright-K's success is their strong belief that every single employee of the company is crucial to its ultimate productivity and strength. They value their employees, which comes through in company policy and the simple way they treat everyone who works at Wright-K. I believe that this attitude of respect comes back tenfold to the company since everyone feels that when the company rises, all boats within the company also rise.

The growth of Wright-K Technology has exploded in the past 4 years, evidenced by over a doubling of employees from 146 to nearly 350 today. This manufacturing company designs, builds, and rebuilds special assembly, test, metal removal, laser, and welding equipment. In fact, its superior performance has placed it among the 100 fastest growing firms in Michigan, moving up to No. 55 after debuting at No. 86 in 1996.

Wright-K's management team also gives back to the community many times over by volunteering their time and resources to support important initiatives like school-to-work programs, hospital and church programs, the Boy Scouts, and chambers of commerce. It is through these types of involvement that a company's dedication and staying power in the community is truly characterized.

I am enormously pleased to commend Wright-K Technology, Inc., and to highlight the accomplishments of this firm and its employees both from an economic and a philanthropic standpoint. I believe that this company serves as a model for aspiring small businesses nationwide and globally, and I look forward to witnessing continued years of growth and success.

SULLIVAN LEADS BY DOING

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, we hear a lot from from time to time about burnout—about people whose constitutions are too delicate to allow them to continue with hard work. Unfortunately, that is a condition which often affects those who have taken on a commitment to serve others, especially recently, when the Nation has, sadly, cut back on the resources it makes available to people who seek to alleviate poverty and injustice.

I hope, Mr. Speaker, that the next time someone committed to this fight starts to feel sorry for himself or herself and contemplates easier work, they will read the following editorial and take some inspiration from the example of Mark A. Sullivan.

As this editorial in the Fall River Herald News explains, Mark Sullivan has been the chief executive—and chief strategist, motivator, and philosopher—of Citizens for Citizens in Fall River, MA, an effective community action agency.

I was fortunate enough to meet Mark Sullivan 15 years ago when the Massachusetts congressional district lines were changed and I found Fall River and myself in the same congressional district. Throughout the ensuing period, Mark Sullivan has been one of the strongest sources of advice, encouragement, and inspiration to me.

The Fall River Herald News editorial aptly describes the respect in which he is so justifiably held by those who work for him and, perhaps most interestingly, against him. Mr. Speaker I have always felt lucky to hold this job, and one of the examples I give when people ask me to explain why I feel that way is that I have had the chance to know, befriend, learn from, and work with Mark Sullivan.

SULLIVAN LEADS BY DOING

The row of crock pots lined up along the buffet table at Mark A. Sullivan's silver anniversary celebration just about said it all.

The decidedly casual affair, held at Citizens for Citizens headquarters on Griffin Street, was organized as a surprise to the man who has served as its executive director for the past 25 years.

Clearly, Sullivan's employees know him well. Home-cooked chourico and peppers is more his style than filet mignon and Delmonico potatoes. And that unpretentiousness is the source of both Sullivan's charm and success.

The son of a bus driver/union president and community activist in his own right, Sullivan learned to accept people from all walks of life at a tender age. Sullivan credits both his mother and father with teaching him—by example—to treat all people equally.

That's a quality Sullivan has carried into his work at the community action agency, where he put his own unique and refreshing spin on it.

Renowned—at least in *The Herald News* newsroom—for knowing how to turn a phrase, Sullivan is seldom without an opinion on issues that effect his constituency.

"That designation qualifies us for a grant of $256,000 to eliminate poverty in southeastern Massachusetts," Sullivan once said, explaining the Fall River City Council's endorsement of the agency. "And that's enough to buy everybody a hamburger and send them home."

Indeed, Sullivan has demonstrated a gift for glibness, but also for putting a human face on dry statistics with irreverent, nononsense—sometimes bordering on offensive—explanations.

The sideburns that dipped an inch or two below his earlobes have long since been

trimmed and the thickly pin-striped suit probably placed in mothballs since Sullivan began as CFC director in 1972, but his passion about his job remains undiminished.

Even though Sullivan expresses disdain for what was once known as the war on poverty, pointing to the absurdity of its existence in the greatest economic nation in the history in the world, he has been one of its finest warriors

The secret to his success, Sullivan says with characteristic modesty, is his talent for hiring good people. "I've hired people of good character and intelligence," he said. None of them, we suspect, doubt where the ultimate authority lies, however. A sign on Sullivan's wall in a 1985 photograph reading, "Never mind the dog—beware of the owner," sums up his philosophy on those who cross him.

His shirt sleeves ever rolled up, Sullivan has well earned his reputation as a hands-on administrator. Having never hesitated to admit his own foibles, Sullivan's empathy for those he serves no doubt comes from having experience in life's valleys himself.

Citizens for Citizens is an apt name for an agency of people helping people. And no one seems better suited to leading the organization than the unassuming Sullivan.

A TRIBUTE TO DR. FRANCISCO F. AND GERALDINE LEVINSON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to rise today to congratulate Dr. Francisco F. and Geraldine Levinson on their receipt of the 1997 Merrillville Exchange Club's Book of Golden Deeds Award. Dr. and Mrs. Levinson will receive this award at a luncheon held at the Radisson Hotel at Star Plaza in Merrillville, IN, tomorrow, June 12, 1997. The Levinsons will be joined by friends and family on this special occasion.

The Exchange Club, a national organization devoted to a variety of initiatives involving the Nation's youth, the well-being of its communities, and responsibility of its citizens, bestows the Book of Golden Deeds Award upon individuals who have accepted leadership roles in bettering the communities and/or world in which they live. The Levinsons have been awarded the Book of Golden Deeds Award, the most distinguished award the service club can bestow, for their many contributions to the communities of Gary and Merrillville.

The Levinsons have positively impacted these communities by contributing their time and energy in the areas of health, community organizations, and sports. Dr. Levinson served on the Gary Board of Health for 25 years, and the Indiana State Board of Health for 20 years. Among his many accomplishments while with these organizations was his instrumental role in bringing water fluoridation to the area's filtration system. Dr. and Mrs. Levinson were also essential in the erection of the main building for the Lake County Association for Retarded Children.

In addition, Dr. and Mrs. Levinson have devoted their efforts to numerous volunteer organizations. Dr. Levinson served 5 years of active duty in the U.S. Army, followed by 29 years in the Active Reserves, from which he retired as a lieutenant colonel. He was also an active member of the Gary Exchange Club where he instituted the Toothbrush fund raiser, which successfully raised money for the organization by selling toothbrushes to large corporations. Dr. Levinson has also maintained leadership positions in numerous professional, civic, and community service organizations. Over the years, he has served as president of the Gary Dental Association, the Northwest Indiana Dental Association, the Indiana State Dental Association, Jewish War Veterans, and B'nai B'rith. He has also served on the board of directors for the YMCA, Jewish Welfare Federation, and Consumer Credit Counseling of Northwest Indiana.

Mrs. Levinson has been active in many community organizations, as well, including the Methodist Hospital Auxiliary, the Job Corps Agency, Israel Bond Drive, Jewish Federation, Temple Beth-El, and Temple Israel. She was also a soloist for the Macedonian Choir, and has served on the auxiliary of the Northwest Indiana Dental Society.

The Levinsons have also devoted much time to promoting sports within the community. Over the past 10 years, the Levinsons have been positive influences on the members of the Merrillville High School tennis team, during which Dr. Levinson has acted as a volunteer assistant coach. Creating organizations for community sporting activities has also been a priority for the Levinsons. Some of their endeavors have included the highly successful Gary Junior Tennis Association and the Ross Township Tennis and Racquet Club. The Levinsons were also very active in Club Vida, a social, athletic, and recreational club, where Dr. Levinson was the financial manager of the Club Vida basketball team. In 1940, Dr. Levinson coached the basketball team all the way to the first game of a national championship at Denver, CO.

Other awards Dr. Levinson has received include the Sagamore of the Wabash Award, presented by former Indiana Governor, Robert Orr, and the Lugar Fitness Award, presented by U.S. Senator, the Honorable RICHARD LUGAR. The Sagamore of the Wabash Award is the most prestigious award granted by the Governor of Indiana.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Dr. Francisco F. and Geraldine Levinson on their receipt of the 1997 Merrillville Exchange Club's Book of Golden Deeds Award. Their children, Eileen Samuelson and Don Levinson, five grandchildren, and three great-grandchildren, can be proud of the hard work and dedication the Levinsons have displayed while working to improve the quality of life for the residents of Indiana's First Congressional District.

TRIBUTE TO FRANK LEE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Frank Lee of San Mateo, CA, who passed away on June 7, 1997, and who will be buried in Golden Gate National Cemetery. He will be fondly remembered for his lifelong dedication to marine engineering, significantly improving harbor facilities in the San Francisco Bay area, and providing leadership in the Asian-American community.

Frank Lee gave much of himself to our region and touched people's lives both at home and abroad. He served his country in the South Pacific during World War II as a merchant marine and spent 35 successful years as a marine engineer and naval architect. During his career, he completed the $467 million retrofit of the battleship *New Jersey* and led over 50 design modifications of various U.S. Navy and commercial ships.

Frank Lee served for 28 years on the board of directors of the San Mateo County Harbor District. He was president of the board for six terms, and, in 1994, he was named president emeritus of the board, a position created just for him. Frank Lee has left an indelible mark on our county harbors. He transformed the Pillar Point Harbor into a premier commercial and recreation harbor with 369 berths and then did the same with Oyster Point Harbor.

Frank Lee also found time to provide leadership in the Asian-American community. He was a founder of the Peninsula Association for Chinese Americans, an advisor to the Organization of Chinese Americans, a member of the Asian American Manufacturers Association, and a president of People to People International, an organization promoting world peace. Frank Lee always encouraged other Asian-Americans to become active in the community and gained the respect and admiration of everyone who worked with him. Above all, Frank Lee was devoted to his beautiful family.

Mr. Speaker, Frank Lee will be greatly missed by all whose lives he touched. I ask my colleagues to join me in honoring Frank Lee and his lifetime of contributions to the bay area community.

TRIBUTE TO OFFICER THOMAS FAHEY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. MANTON. Mr. Speaker, I rise today to recognize and honor the outstanding bravery of Police Officer Thomas Fahey, an exemplary New Yorker and 14-year member of the New York Police Department [NYPD] who is currently battling a life-threatening disease.

Officer Fahey has been diagnosed with third-stage cancer with only a 20 percent chance of survival. A team of physicians has already prepared for an experimental procedure whereby Officer Fahey must undergo an exceedingly large amount of blood transfusions of up to 300 pints of extremely rare type O-negative blood.

On Monday, April 21, concerned individuals from throughout the New York metropolitan region arrived in droves at the Flushing Armory in Flushing, Queens, and subsequently donated over 1,000 pints of blood for Officer Fahey. Representatives of the American Red

Cross indicated that this tremendous outpouring of support for Officer Fahey culminated in the largest single-day blood drive in the history of New York State.

For the past decade, Officer Fahey has dutifully served as the NYPD youth officer for the 110th Precinct in Elmhurst, Queens in the Seventh Congressional District. Numerous educational and athletic programs for countless youths within the precinct were successfully implemented on his watch. His dedication to serve his community and fellow citizens illustrates his commitment to helping others.

Indeed, Officer Fahey's distinguished record of community service has not been limited to the city of New York. In addition to the field of law enforcement, Thomas Fahey also earned a solid reputation while serving in the U.S. Navy and U.S. Naval Reserves. Foremost among Officer Fahey's stints of heroic actions made on behalf of our Nation was his active participation in both the Persian Gulf war and the TWA Flight 800 rescue operation.

His professional achievements aside, Officer Fahey is a dedicated family man who has always been there for Debbie, his wife of 17 years, and their three children, Christina, 14, Marissa, 9, and Tammy, 7.

Mr. Speaker, I know my colleagues join me in recognizing Police Officer Thomas Fahey, along with his family, friends, and fellow officers, on the occasion of today's NYPD "10-13" Benefit that has been organized in his behalf. And, I genuinely hope that this event will go a long way in defraying Officer Fahey's excessive medical costs as well as heightening our awareness of an affliction that he and others are forced to confront on a daily basis.

Mr. Speaker, as a former New York City police officer, I am proud to bring Officer Fahey's accomplishments and ordeals to the attention of my colleagues. My best wishes go out to him and his family.

CLARIFICATION BY FATHER DRINAN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. MEEHAN. Mr. Speaker, it has come to my attention that Jesuit Father and Georgetown University Law Center Prof. Robert F. Drinan has withdrawn statements he made in a New York Times article of June 4, 1996, on legislation to ban so-called partial-birth abortion. At the request of the Most Reverend John R. McNamara, regional bishop for Massachusetts' Merrimack region, I am submitting for the RECORD the text of Father Drinan's statement of May 12, 1997, clarifying his position on abortion.

Articles that I wrote in the New York Times on June 4, 1996, and in the National Catholic Reporter on May 31, 1996, were used in ways I did not intend. I withdraw those statements and any statement that could be understood to cast doubt on the Church's firm condemnation of abortion—a doctrine that I totally support.

Moreover, new information about the true nature and widespread use of partial-birth abortion renders my statements on that issue in 1996 factually incorrect.

I do not believe the every moral evil should be outlawed. I do, however, see abortion—particularly partial-birth abortion—as a grave evil and can understand why Church leaders are urging lawmakers to ban it. I do not want anything to impede that effort. On the contrary, I join in that effort and stand ready to promote laws and public policies that aim to protect vulnerable human life from conception until natural death. I support the Catholic bishops in their efforts to exercise moral leadership in the fight against abortion.

TRIBUTE TO TWO GIRL SCOUT GOLD AWARD RECIPIENTS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. SANDERS. Mr. Speaker, today I would like to salute two outstanding young women who are being presented with the Girl Scout Gold Award by the Vermont Girl Scout Council. They are Lori Brown of Rutland, VT and Kathleen Lomedico of Colchester, VT. They were honored on May 29, 1997 for earning the highest achievement award in U.S. Girl Scouting.

The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development. The award can be earned by girls aged 14 to 17, or in grades 9 to 12. To receive the award, these Girl Scouts first earned four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award and the Senior Girl Scout Challenge as well as designing and implementing a Girl Scout Gold Award project to meet a special need in their communities.

As a member of the Vermont Girl Scout Council, Lori Brown first earned badges in child care, reading, music, games, well being, and understanding yourself and others. She then used these skills to design and implement a series of Lenten workshops for the young children in her parish church. Kathleen Lomedico earned badges in artistic crafts and career exploration among others. After learning leadership skills through Girl Scouting, she served as the editor of her high school yearbook. As her Girl Scout Gold Award project she spent the past year organizing and leading a youth group for teens which meets every other week and a youth band which plays every Sunday night for her parish church. Ms. Lomedico wanted the young people in her parish to "feel a sense of home in the church." Both girls used skills they learned in Girl Scouting to help the church of their faith.

These two Senior Girl Scouts have earned my respect and admiration. I believe both girls should receive the public recognition due them for such significant services to their communities and their country.

TRIBUTE TO IYLENE WEISS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Ms. HARMAN. Mr. Speaker, a friend, former neighbor, and unique natural force died last month.

Iylene Weiss probably did more than any other individual to restore the largest wetland in Los Angeles County and its neighboring lagoon, known as Ballona.

At her funeral, Los Angeles City Councilwoman Ruth Galanter read a poem that she composed in two parts as Iylene's health failed. Ruth's poem is a special and deserved tribute and I ask unanimous consent to insert it in the RECORD at this point.

TRIBUTE TO IYLENE WEISS—BY COUNCILWOMAN RUTH GALANTER

We cannot let more time go by without acknowledging that Iylene Weiss has pulled a clever trick.

She made a plan and made it stick that no marina'd grace this shore; no docks, no paving, and, what's more, that birds and worms and clams and such and wetlands plants that you can touch, would fill this water and these banks.

For this, Iylene, we give you thanks; we toast the docents and the kids, we toast the herons and the squids, we raise our cups not once, but twice, to cheer the work of Iylene Weiss.

FAREWELL

Peace be with you now, Iylene; the plants are coming nice and green, and all the folks who cheered you on, in realizing you'd be gone, and also moved by love for you, are doing work you used to do.

At last they've grasped that central theme, that people working as a team, have more successes and more fun, than leaving all the work to one.

And so, Iylene, it's safe to go; it's safe to trust that those you know, will carry on from where you've been; so peace be with you now, Iylene.

CONGRATULATIONS TO VASILIOS PYROVOLIKOS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. NEY. Mr. Speaker, I rise today to congratulate and recognize Vasilios Pyrovolikos for his service during World War II in helping to contribute to the success of the Allied forces.

Mr. Pyrovolikos, like many other civilians, supported members of the Allied forces in the Mediterranean Theatre during World War II. His support and service has been noted in a certificate awarded to him by H.R. Alexander, Field Marshal and Supreme Allied Commander in the Mediterranean Theatre—1930–45—for help given to the sailors, soldiers, and airmen of the British Commonwealth of Nations, enabling them to escape from or evade capture by the enemy.

Mr. Pyrovolikos has also been honored by Col. Harry S. Aldrich, U.S. Army, commanding, for his service with the United States

Army Forces in the Middle East under the supervision of maritime units of the Ministry of the Merchant Marine, Athens, Greece, for the period of June 1, 1944, to October 15, 1944, in appreciation for his contributions to the success of the Allied forces.

It is because of the dedication of people like Mr. Pyrovolikos that this country and our Allies, both then and now, enjoy the freedoms to which we are so accustomed. Mr. Speaker, it is my great honor to salute Mr. Pyrovolikos for his courageous and devoted actions in the name of freedom.

SLOVAKIA DESERVES NATO MEMBERSHIP

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. MICA. Mr. Speaker, my colleagues, I believe in all fairness we should consider Slovakia with the other countries this body has determined to be eligible for NATO participation, both last year and this year.

The Slovak Republic has a democratically elected parliamentary government which has made marked political and economic progress. This country is a valuable participant in the Partnership for Peace and has contributed to peacekeeping operations in Bosnia and eastern Slavonia. The Slovak Republic is a peaceful, law-abiding country that has instituted judicial and free market reforms. When one takes the time to compare Slovakia's record of democratic and humanitarian achievements with those of other former Eastern Bloc countries, it is clear that Slovakia is equally deserving and meritorious of NATO membership.

My colleagues, I took the time to review Amnesty International's 1996 and 1997 reports and the U.S. State Department's Country Reports on Human Rights Practices for 1996 relating to human rights abuses. I examined Slovakia's record and also the record of some of the other nations which have been recommended for NATO membership, including the Czech Republic, Hungary, Lithuania, Poland, and Romania.

Slovakia had no recorded human rights abuses in these reports. The other countries had the following abuses documented.

CZECH REPUBLIC

Freedom of speech and press—so long as you don't talk bad about the Republic or the President.

Police abuses continue to be a problem.

In March 1995, a reporter was sentenced to 4 months imprisonment for calling the president "a traitor and a false prophet" in a newspaper article. (Amnesty)

In April 1995, prison officials beat to death a prisoner at Horni Slavkov prison. (Amnesty)

In June 1994, a Rom citizen was shot to death by police while being interrogated in detention at Horsovsky Tyn. (State Department)

Both the International Helsinki Federation and Human Rights Watch criticized the Government in 1996 and in 1997 for not curbing discrimination and skinhead violence against Romani citizens.

ROMANIA

The Ministry of Internal Affairs supervises the police—sporadic reports of human rights abuse by the police have continued.

At least 4 prisoners of conscience in 1995 and 1 in 1996. (Amnesty)

Many reports of torture and ill-treatment by police, resulting in 1 death in 1995 and 3 in 1996. (Amnesty)

In January 1996, Ion Axente was beaten by a police officer outside a bar in Piscu. After he fell to the ground, his face was sprayed with a paralyzing gas and he was kicked severely in the head. That night he went into a coma and he later died in June. (Amnesty)

In July 1995, the European Parliament passed a resolution calling on the Romanian Government to respect human rights and to end abuses by police and security forces.

Robert Radu was reportedly tortured during interrogation in Constanta in January 1995. Allegedly beaten with a club on the arms, legs, and head by a police officer and suffered a fractured shin. The officer reportedly threatened to kill him unless he said that he had injured himself falling down the stairs. (Amnesty)

In April 1995, Viorel Constantin was punched and kicked by police officers and civil guards outside a bar in Tandarei. Constanti suffered multiple bruising and scratches on the chest and the back, a cracked collar-bone and a ruptured ear drum. (Amnesty)

According to Human Rights Watch, Mircea-Muresul Mosor, a Rom from Comani, was shot and killed in May 1996 while in police custody in Valcele.

In July 1996, 3 Romani minors were held for 5 days on suspicion of theft of a watch and were all beaten, leaving severe bruises on the youths' arms and legs. (Both State Department and Amnesty)

Many other cases of deaths in custody or deaths reportedly due to police brutality have never been resolved.

Free speech is limited by prohibiting "defamation of the country."

In 1996, journalists Tana Ardeleanu and Sorin Rosca-Stanescu—convicted of "seditious libel" and sentenced to serve prison terms—printed an article that claimed former President Ion Iliescu had been recruited for KGB service while a student in Moscow. (State Department)

In 1996, Radu Mazare and Constantin Cumpana—published an article about an illegal contract in the city council—sentenced to 7 month prison terms (although President Iliescu pardoned them). (State Department)

HUNGARY

There continues to be credible reports of police abuses and use of excessive force against suspects.

In May 1996, Hamodi Ahmed was assaulted by police officers outside a Budapest restaurant. The officers pushed him against the wall, handcuffed his arms behind his back and beat him. Later at the 5th District Police Station, Ahmed was repeatedly kicked by 5 or 6 other officers. He later required hospital treatment.

Also in May 1996 and in Budapest, Istvan Nagy was taken to the 8th District Police Station, where he was hit in the face, beaten and kicked. He later required 3 days hospital treatment for a ruptured ear-drum and injuries to the chest and spleen. His crime: he criticized a police officer who had shouted at an old man for crossing a road too slowly. (Amnesty)

In Kunszentmiklos in April 1995, Farkas Geza was punched, kicked and beaten with a rubber truncheon in a police car and in the police station, and a doctor was called in to stop heavy bleeding from his injuries. (Amnesty)

In June 1995, Stefan Vasile Chis was arrested in Budapest and was made to stand against the wall with legs spread apart and was kicked from behind in the genitals 3 times. After falling to the ground he was then repeatedly kicked and beaten. Released the next morning, Chis was admitted to a hospital where he underwent a urological operation and was hospitalized for 10 days. (Amnesty)

In July 1995 Almasi Laszlo died as a result of a severe beating by police officers who were searching his home in Paszto. (Amnesty)

The Hungarian Helsinki Committee reported in 1995 that police misconduct "* * * takes place every day, although the public is only informed by chance, only in conspicuous cases. Guilty police officers are very rarely condemned, and the majority of the officers suspected of such crimes remain on duty." (State Department)

LITHUANIA

"The State Security Department is responsible for internal security and reports to Parliament and the President. The police committed a number of human rights abuses."

Local press reported that police brutality is becoming more common. In many instances, victims reportedly are reluctant to bring charges against police officers for fear of reprisals. (State Department)

Most years the Ministry of Interior refuses to publicize statistics on reported cases of police brutality and in fact has yet to establish an internal affairs group to address this problem.

"Human rights violations continue in the military." The chief resident of one of Vilnius's major hospitals stated that soldiers in the army are constantly being treated for injuries resulting from abuse. In the 1st 6 months of 1996, the same hospital treated 4 soldiers for broken jawbones. (State Department)

Journalists alleges that government officials apply pressure on them not to criticize governmental policies or acts.

POLAND

Restrictions on freedom of speech and press.

Polish Penal Code states that acts that "publicly insult, ridicule, and deride the Polish nation, the Polish Republic, its political system, or its principal organs are punishable by between 6 months and 8 years of imprisonment." (State Department)

The Code imposes a prison term of up to 10 years for a person who commits any of the prohibited acts through print or mass media.

Let me also include excerpts from the State Department's report on Slovakia's human rights record:

SOLVAK REPUBLIC

1996 STATE DEPARTMENT COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

On human rights abuses:

"There were no confirmed reports of political or other extrajudicial killings by government officials."

"There were no reports of politically motivated disappearances."

The Slovak Constitution specifically prohibits torture and other cruel, inhuman or degrading treatment or punishment.

The Constitution specifically prohibits arbitrary arrest and detention, and the Government observes their prohibition.

On freedom of speech and press:

"The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice."

The Constitution provides for freedom of peaceful assembly and association, and the Government respects them in practice.

On freedom of religion:

"The constitution provides for freedom of religious belief and faith, and the Government respects this provision in practice."

On democracy:

"Citizens have the constitutional right to change their government through the periodic free election of their national representatives."

"The law prohibits discrimination and provides for the equality of all citizens. Health care, education, retirement benefits, and other social services are provided regardless of race, sex, religion, disability, language, or social status."

"The Constitution provides minorities with the right to develop their own culture, receive information and education in their mother tongue, and participate in decisionmaking in matters affecting them."

On children's and labor rights:

"The Government demonstrates its commitment to children's rights and welfare through its system of public education and medical care."

"The Constitution provides for the right to form and join unions * * *. The law provides for collective bargaining, which is freely practiced throughout the country * * *. Both the Constitution and the Employment Act prohibit forced or compulsory labor."

While some have been critical of Slovakia's record in this area, a fair comparison with these other countries shows the Slovak Republic has a much better record than any of these candidates.

Finally, my colleagues, I strongly believe it would be in the United States' international interests to grant the Slovak Republic NATO membership. Slovakia is strategically and geographically located in Eastern Europe and occupies an area which may be vital to ensuring security for our fellow NATO allies against future aggression.

It is my hope that we will move in the near future to make the Slovak Republic eligible for NATO participation and permit this country to join the league of nations which stand together in mutual defense and international security.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 12, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 13

9:30 a.m.
Judiciary
To hold hearings on the nomination of Eric H. Holder Jr., of the District of Columbia, to be Deputy Attorney General, Department of Justice.
SD–226

JUNE 16

10:00 a.m.
Judiciary
To hold hearings to examine State-sanctioned discrimination issues in America.
SD–226

2:00 p.m.
Special on Aging
To hold hearings to examine the problem of pension miscalculations, focusing on methods for educating people on the steps they can take to protect themselves and their pension benefits.
SD–628

JUNE 17

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 84, establishing the congressional budget for the United States Government for the fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.
SR–253

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine human cloning ethics and theology issues.
SD–430

10:00 a.m.
Judiciary
To hold hearings on baseball antitrust reform issues.
SD–226

Joint Economic
To hold hearings on high-tech transfers and economic espionage.
SD–138

JUNE 18

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on United States farms exports.
SR–332

9:30 a.m.
Labor and Human Resources
Business meeting, to resume markup of S. 830, to improve the regulation of food, drugs, devices, and biological products.
SD–430

10:30 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources on S. 569 and H.R. 1082, bills to amend the Indian Child Welfare Act of 1978.
SD–106

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 587, to provide for an exchange of lands located in Hinsdale County, Colorado, S. 588, to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest in Colorado, S. 589, to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest in Colorado, S. 590, to provide for a land exchange within the Routt National Forest in Colorado, S. 591, to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in Colorado, S. 541, to provide for an exchange of lands with the city of Greely, Colorado, S. 750, to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, and S. 785, to convey certain land to the city of Grants Pass, Oregon.
SD–366

JUNE 19

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings on emergency medical services for children.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on entrance and special use fees for units of the National Park System and the status of the Fee Demonstration Program implemented by the National Park Service in 1996.
SD–366

JUNE 20

10:00 a.m.
Labor and Human Resources
To hold hearings on improving the quality of child care.
SD–430

JUNE 24

9:30 a.m.
Energy and Natural Resources
To meet to further discuss proposals to advance the goals of deregulation and competition in the electric power industry.
SD–366

JUNE 25

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

JUNE 26

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 783, to increase the accessibility of the Boundary Waters Canoe Area Wilderness.
SD–366
Labor and Human Resources
Children and Families Subcommittee
To hold oversight hearings on the implementation of the Family and Medical Leave Act.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 308, to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges, and S. 360, to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area.
SD–366

JULY 10

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings to review the preliminary findings of the General Accounting Office concerning a study on the health, condition, and viability of the range and wildlife populations in Yellowstone National Park.
SD–366

JULY 23

9:00 a.m.
Finance
International Trade Subcommittee
To hold hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

JULY 30

9:00 a.m.
Finance
International Trade Subcommittee
To resume hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

POSTPONEMENTS

JUNE 12

9:30 a.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on recent administrative and judicial changes to Section 404 of the Federal Water Pollution Control Act.
SD–406

SENATE—*Thursday, June 12, 1997*

The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by a guest Chaplain, the Reverend Dennis E. Ellisen, pastor of the Evangelical Lutheran Church in Appleton, WI. He is a guest of one of our able Senators, Mr. KOHL.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Dennis E. Ellisen, offered the following prayer.

Let us pray.

Almighty God, our Father, we ask Your blessing upon all of us gathered today in the Senate Chamber. May Your spirit and presence rest upon those who bear a special responsibility in our society toward their brothers and sisters. Grant to them, O God our Father, wisdom to discern clearly those paths that will preserve and strengthen the bonds of humanness and the dignity of persons. Grant to them integrity that the principles upon which our society has been mounted may be nurtured. So we pray for Your guidance. In our deliberations we pray that Your spirit will guide us in what we say and do. We do not ask You to do our will but we pray that You will help us to do Your will so that the efforts of the day may be worthy of your blessing. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. BURNS. I thank the Chair.

I yield to the Senator from Wisconsin [Mr. KOHL].

Mr. KOHL. I thank the Senator.

REV. DENNIS E. ELLISEN

Mr. KOHL. Mr. President, I rise today to congratulate the Reverend Dennis E. Ellisen for his wonderful invocation this morning. Reverend Ellisen is the Pastor of Our Savior's Lutheran Church in Appleton, WI. Reverend Ellisen has led the congregation there, which has now swelled to more than 1,600 people, for the past 21 years.

The people of Appleton have been fortunate to have such a compassionate and a strong spiritual leader. During his time there, Reverend Ellisen has made a profound impact on his community and upon his congregation. As a member of the Goodwill Board of Directors, he helps direct efforts to help the neediest in our State.

Perhaps his most significant impact has been in starting the first hospice program in the area. As president of the Visiting Nurses Association, Reverend Ellisen created the first hospice program for Appleton. This courageous and humanitarian effort brings care and companionship to the terminally ill. Without Reverend Ellisen's guidance and leadership, that corner of my State would be less special and a lot of people's lives in Appleton would be less bright.

I thank the Reverend Ellisen for his prayers and words of encouragement today and congratulate him on his years of achievement for the people of Wisconsin.

I thank the Chair.

The PRESIDENT pro tempore. The able Senator from Montana.

ORDERS FOR TODAY

Mr. BURNS. Mr. President, I ask unanimous consent that the routine requests through the morning hour be granted and the Senate be in a period of morning business from the hour of 11 a.m. to 12:30 p.m. with Senators permitted to speak up to 5 minutes with the following exceptions: Senator DOMENICI for 25 minutes, Senator BYRD for 30 minutes, Senator FAIRCLOTH for 5 minutes, Senator TORRICELLI for 20 minutes, and Senator HUTCHINSON for 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BURNS. For the information of all Members, today, from 11 a.m. to 12:30 p.m., the Senate will be in a period of morning business, and it is the leader's hope that following morning business the Senate may be able to proceed to consideration of S. 672, the supplemental appropriations bill. In addition, the Senate may also take up S. 419, the Birth Defects Prevention Act and any executive or legislative business cleared for action during today's session of the Senate. Therefore, Senators can anticipate rollcall votes throughout today's session.

The PRESIDENT pro tempore. The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD, Mr. CRAIG, Mr. HAGEL, and Mr. FORD pertaining to the submission of Senate Resolution 98 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from New Mexico.

Mr. DOMENICI. How much time do I have reserved, Mr. President?

The PRESIDING OFFICER. The Senator has 20 minutes.

Mr. DOMENICI. I am not sure, unless other Senators come to the floor, that I will use all the time.

Let me say to Senator BYRD, I thank him for the 5 minutes he had remaining. He kept it but permitted me to proceed. I didn't even have to ask him. He knew I had to get something done, and I appreciate it very much.

Mr. BYRD. I thank the Senator.

(The remarks of Mr. DOMENICI, Mr. BOND, Mr. KERRY, and Mr. SPECTER pertaining to the introduction of S. 888 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

DEDUCTIBILITY OF HEALTH CARE PREMIUMS

Mr. BOND. Mr. President, I would like to take just a few minutes of the Senate's time to discuss an issue of great importance to the self-employed throughout the country, that of making health insurance more affordable.

Nearly 1.4 million children who live in families headed by a mother or father who is self-employed do not have health insurance. If you work for yourself, typically health insurance is very expensive for both you and your family.

Congress has an opportunity to make it more affordable for families who work for themselves by treating them fairly under the Tax Code.

Currently, large corporations can deduct 100 percent of their share of the employee's health care costs, while the self-employed farmer, child care provider, or truck driver can only deduct 40 percent. That is totally unfair.

It is time that Congress changed the law to allow the self-employed to deduct the full cost of health care premiums. Last year, we worked with Senator Kassebaum to move the deductibility up gradually to 80 percent of the premiums by the year 2006.

That is a great start. Most families cannot afford to wait until the year 2006 to get sick. We want that health care deductibility. That is part of the Home Based Business Fairness Act that is also very important in small business.

On Tuesday, Senator DURBIN and I sent a letter to the Senate Finance Committee that was signed by 53 Senators, a majority of the Senate, urging

them to set aside the money to provide 100-percent health care deductibility. And we truly hope that they will.

We are confident that with this broad support we can make health insurance more affordable for the families who depend upon the earnings of a self-employed father or mother.

I thank the Chair.

EXTENSION OF MORNING BUSINESS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the period of morning business be extended until the hour of 2 p.m. today, with Senators limited to 5 minutes each, with the following exceptions: Senator GRAHAM, 30 minutes; Senator DORGAN, 15 minutes; Senator LOTT or designee, 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I thank the Chair.

(The remarks of Mr. HUTCHINSON pertaining to the submission of Senate Concurrent Resolution 32 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from New Jersey.

TIME TO FACE THE TRUTH ABOUT CHINA

Mr. TORRICELLI. Mr. President, almost 60 years ago, President Roosevelt, in his State of the Union Address, challenged the American people to not simply be content with our own freedom or our own economic progress but to fight for what he called, a world founded upon four essential human freedoms. He described them as the freedom of speech and expression, the freedom of every person to worship God as he sees him in his own heart, freedom from want, and freedom from fear of attack and aggression anywhere in the world.

There was a sense of immediacy to President Roosevelt's remarks. He reminds us that these were not simply distant hopes for another time, but in his words, "It is a definite basis for a kind of world attainable in our own time and generation."

The world we live in, Mr. President, is largely the fulfillment of his vision on that day. After two world wars and a long-enduring cold war, we live in a time where democratic values have become common, markets are open, the rule of law governs the many nations of the globe. From South Africa to the former Soviet Union, across Latin America, freedom—free markets and free expression—have become the common coin of the realm in our time.

But because these values are succeeding does not mean that they have met any final triumph. We have been reminded that in the fight for human freedom, there is no final victory. That is why, Mr. President, I take the floor today to remind our country and my colleagues that it is time to face the terrible truth about China. I raise this question not because China is not important but because it is central to the issue of prosperity and security in the 21st century. There will be no separate future. The free peoples of the world and those who live in China, because of its massive size, rising military power, enormous economic growth and even greater potential, the question about our own freedom and prosperity and most certainly the security of the United States and the allies and other free peoples of the world are inexplicably, inevitably tied to the fate of the Chinese people.

We have learned in the 20th century the painful lesson that nations that may obtain great economic power inevitably translate that economic power into military means, and that military power invites its own use. We have also tragically learned that those nations that rule without the consent of their own people are inherently unstable and inevitably aggressive.

These are truths we do not want to have to recognize. They are facts that I wish could be otherwise, but there is nothing in the history of our time that would lead us to any other conclusion and nothing that can lead us to believe that China in any way will be any different.

Indeed, Mr. President, the record of the Beijing Government, for those who would promote most-favored-nation status and those who do not, for those who seek constructive engagement and those who argue against it, the record is not only remarkably clear but largely indisputable.

In recent years, the Peoples Republic of China has shown little to no regard for commitments that have been made under the Nuclear Non-Proliferation Treaty, the Missile Control Technology Regime, or the Chemical Weapons Convention. China has had a largely open policy regardless of international commitments or responsible policies of nonsignatories by selling technology of a nuclear and missile basis to Pakistan, Iran, and other governments.

In a 1992 memorandum of understanding, China vowed to prohibit the export of any product manufactured by prison labor, but it has almost certainly systematically and knowingly ignored this pledge. Indeed, the activist Harry Wu has documented labor camps where millions of Chinese prisoners, against their own will, manufactured goods for export to the United States and other countries.

In March 1996, the Beijing Government responded to the first ever free election held by a Chinese people on the island nation of Taiwan by firing missiles off the coast of Taiwan, seeking to intimidate its people and its government.

Similarly, the human rights situation within China has continued to deteriorate since the horrible results of its policies in Tiananmen Square. These 8 years later, there not only is no progress on free speech or expression, there is no free speech or expression. Even today, 300 demonstrators who survived Tiananmen Square with their lives remain in jail. Indeed, Mr. President, not a single demonstrator or organizer or individual who spoke in sympathy of the events of Tiananmen Square and was jailed in the days that followed has been released.

There is no freedom of religion. The Dalai Lama remains in exile, a prominent Catholic bishop was recently brutalized, and China has persecuted more Christians than any other nation on Earth for the single crime of worshiping their God.

There is no freedom from want. The benefits of liberalized trade and high import tariffs flow to a small, corrupt, ruling elite while 300 million Chinese live on a single dollar a day.

Finally, its neighbors live in increasing fear of attack. A China that cannot provide for its own people finds the means to build increasing military capability with new technology that it both exports at will and builds to potentially intimidate its neighbors, including the free government of Taiwan.

Mr. President, the facts that I mention today are remarkably not in dispute. Those who even now decide their own position on free and liberalized trade with China and those who argue for or against constructive engagement will, in a matter of weeks, come to this floor to dispute not the facts, only the policy conclusion, because there are those who argue in good faith and will do so in this Chamber that regardless of these conclusions and all the evidence at hand, that if we will only put these facts aside and continue with a policy of liberalized trade, almost certainly as the day follows the night, the Chinese leadership will recognize the error of their ways, share their new prosperity with their people, allow free expression within their institutions and among the Chinese people, and in due course a new government more respectful of international commitments and of human rights will almost certainly evolve.

Mr. President, the simple truth is 8 years have passed since Tiananmen Square. Free expression is not better; it is worse. Respect for the many faiths has not been enhanced; it has deteriorated. Commitment to arms control and a more responsible policy of restricting dangerous technologies for nuclear weapons and missile technologies has not been enhanced; it is also worse.

Mr. President, we do the cause of freedom and the security of our country no benefit by postponing reaching the horrible truth. The 21st century,

Mr. President, will be guided by whether or not there is progress in China in respecting her own people and being a responsible member of the international community. This relationship, more than any other in the world, will answer the critical question of whether the 21st century will be more peaceful, more respectful of humankind, and respect human life more than any other single relationship the United States will have with any other nation in the world. The facts would argue that this policy of constructive engagement is not leading us to that different future.

Last year, the United States had a $40 billion trade deficit with China. This year, it will pass $50 billion. Patience and understanding is not leading China to recognize their obligations as a trading partner. From piracy of copyrighted CD's, to laser discs, to pharmaceutical products, the United States is losing billions of dollars' worth of intellectual property of our own people. In trying to continue to riddle our barriers with exports, with high tariffs, quotas, licensing agreements and discriminatory practices, patience is not leading China to become a responsible trading partner any more than it is leading to respect of rights, or religion, or arms control.

Mr. President, last week in Detroit, the House minority leader, Mr. GEPHARDT, asked that we ground our policy toward China on principle and that it be consistent with other aspects of American foreign policy in our own history. He asked us to remember the words of William Allen White, who said, "Whoever is fighting for liberty is defending America."

The questions that we face with regard to policy on China may be larger because of the enormous power and size of the Chinese nation, but they are not novel. We have faced these issues before in Rhodesia, South Africa, Eastern Europe, and the former Soviet Union. We have found that trade sanctions—and in its most modest form, the denial of preferred trade status—is not only a legitimate but an effective means of promoting human rights and changing national policies. Jackson-Vanik was a remarkable success in leading the Soviet Union to change its immigration policy toward Jews and dissidents by withholding trade preference. Apartheid in South Africa was met by a denial of a policy of constructive engagement by simply refusing to allow our markets to be open until South Africa abandoned apartheid, and it succeeded. Those policies worked in the past.

Today, we impose much stricter policies toward Cuba, Libya, Iraq, Iran, and North Korea—in many instances, for the same violations of arms control agreements, irresponsible sharing of dangerous technologies, violations of human rights, of religion and speech, for the very same instances that I take this floor today to cite in the case of China and which, ironically, will be ceded by proponents of most-favored-nation status for China, we have a policy of denying trade preference. For China, we seek to see a different conclusion, while we cede the same facts.

Mr. President, I argue, however, for more than consistency. I argue that because China has violated these critical rights of her own people, because her Government continues without the consent of the governed and therefore is inherently unstable and potentially dangerous, because these rights have been violated, trade agreements with the United States have been ignored, because dangerous technologies are being shared with the world despite commitments to the contrary, China should not be the exception, she should be the rule. Withholding these trade preferences are not less important because of China's size and power. They are more important.

Mr. President, regardless of our party, our philosophy, or our ideology, I know no Member of the Senate wants anything but friendship with the Chinese people. They have a rich culture, a great history, and in their hands, perhaps more than those of any other people on Earth, lies the question of peace, freedom, and prosperity for the many peoples of the globe.

Mr. President, as President Roosevelt concluded in his State of the Union Address 60 years ago, he reminded us that we needed to be governed by reality and not hope. He concluded, Mr. President, by saying:

> No realistic American can expect from a dictator's peace international generosity, or return of true independence, or world disarmament, or freedom of expression, or freedom of religion—or even good business. Such a peace would bring no security for us or our neighbors.

Mr. President, so be it. The world turns, generations succeed generations, but some truth remains eternal. The wisdom that Roosevelt brought to that dark day facing the authoritarianism of the Third Reich and of fascism, facing the prospect of a cold war he may not have been able to predict, but whose dimensions were beginning to become clear, the wisdom of that day can govern us as well. It is time to face the truth about China.

I know every Member of this Senate wishes they had a chance to revisit in history the gulag, the concentration camps, all the blindness that we brought, the terrible problems of fascism and communism. We all wish that we could have seen the world as clearly as Roosevelt saw it on that day. We didn't all have his wisdom. We could not have all seen the future as clearly.

Mr. President, there is no changing history, but there is still time for the 21st century. I rise today, Mr. President, to ask my colleagues to see China as it is, not as we would have it be. Someday, we will be accountable to the Chinese people themselves, and they will ask: Did you stand with us while we sought to worship our God? Did you defend us when we wanted to speak to our own future? Did you stand with us when we sought to choose our own government? Or, as you did in Iran, as you did often in the cases of communism, as you did in the early years of fascism, did you pretend to see the world as you would have it rather than the facts as they were presented to you? Were you part of change? Did you challenge our leaders? Did you put a price on their oppression? Or did you conspire with them in silence?

Mr. President, that is the choice before us. It is not new. It has faced every generation that has ever stood on the floor of this Senate, every generation that ever succeeded the governance of this country. In a few weeks, when most-favored-nation status becomes an issue on the floor of this Senate, it will come again. I urge my colleagues to confront it with wisdom and reality, recognizing the extraordinary consequences for a new time and a new century, which we so desperately want to be different than the past.

Thank you, Mr. President. I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Delia Lasanta, John Stone, and Hassan Tyler be admitted to the floor for the duration of my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida [Mr. GRAHAM] is recognized.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 889 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING JUNE 6

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending June 6, the United States imported 8,429,000 barrels of oil each day, 421,000 barrels more than the 8,008,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 56.6 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in

America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 8,429,000 barrels a day.

THE 30TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

Mr. DASCHLE. Mr. President, I would like to join my colleagues in congratulating Israel on the 30th anniversary of the reunification of Jerusalem and in welcoming Senate passage of Senate Concurrent Resolution 21, which reaffirmed the Senate's views on this issue. This important event came about as a result of the 1967 Six-Day war, before which the city of Jerusalem was divided, with Jews denied access to the Old City and its holy sites.

We should not underestimate the significance of this event. Jerusalem has been undivided now for 30 years. As a result, people of all religious traditions have access to Jerusalem and all its religious sites. On this anniversary, and with Senate passage of Senate Concurrent Resolution 21, we commit ourselves again to seeing that Jerusalem remains an undivided city in which the rights of every ethnic and religious group are protected.

This anniversary presents a good opportunity for us to assess progress toward peace in the Middle East. While the peace process is moving at a slower pace than many of us would like to see, it is important to acknowledge the difficulty of the task and the progress that has been made thus far under the Oslo accords. It is also important to point out the importance of security as the process unfolds. Previous terrorist attacks have provided graphic justification of Israel's security concerns. I urge the Palestinian Authority to see that its security forces cooperate fully with Israeli security to thwart the work of the terrorists.

Again, I congratulate the people of Israel on the 30th anniversary of the reunification of Jerusalem, and I commend them for ensuring that this holy and historic city is undivided.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Since there is no other Senator here, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent I be permitted to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I further ask that, upon the completion of my remarks, the Senator from North Dakota, Senator DORGAN, be recognized for the 15 minutes that has been allotted to him as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEVILS LAKE FLOOD

Mr. CONRAD. Mr. President, I have taken to the floor numerous times since the disasters that struck North Dakota and attempted to describe to my colleagues the really remarkable series of events that we have experienced: First of all, the greatest snowfall in our State's history; followed by a winter storm in early April that was the most powerful winter storm in 50 years, knocking out the electrical grid to 80,000 people for more than a week, leaving people with 15-foot snowdrifts, leaving people with the most powerful ice storm that we have ever seen that killed literally hundreds of thousands of cattle in North and South Dakota and also tied up the transportation system for most of our State, as well as much of South Dakota and parts of Minnesota. That was then followed by the 500-year flood, which was cataclysmic in Grand Forks. All of the dikes failed, a city of 50,000 was evacuated. Many of those people are still not back in their homes. In fact, 80 percent of the city of Grand Forks was in some way damaged by the floods. And, in the midst of all that, a fire broke out that destroyed much of downtown Grand Forks.

This is a series of events, unparalleled in our State's history, and it has left much of our economy in ruins. It has left people sleeping on cots, living in cars, wondering what will happen to them next. And, as I think everyone here knows now, the disaster bill has been delayed.

But the good news is, there are serious negotiations underway to resolve this issue and resolve it today, and for that we are extremely grateful.

Mr. President, I thought today, because I have spent a great deal of time describing the circumstances in Grand Forks, ND, and in the rest of the Red River Valley, that I would take a bit of time to describe the developing disaster in Devils Lake, ND, because not only have we had this remarkable series of events in the Red River Valley, but Devils Lake, a town of over 9,000 people, has had a slow-motion disaster occurring. This is one of only two major lakes in North America that has a closed basin—no inlet and no outlet. For the last 4 years, the lake has been rising inexorably.

This chart shows the historic water level of Devils Lake. This chart goes from 1867 to 1997, 130 years. You can see the recorded history is the blue line. Recorded history starts back in about 1890, and the lake was at about 1,423 feet. It then went into a period of steep decline where it went down to just over 1,400 feet. But look what has happened since the 1930's. That lake has been rising, sometimes falling, but in recent history, in the last 30 years, rising dramatically. And in the last 4 years, this lake has just gone up and up and up.

Some people might say, "Well, the lake is rising. You know, that's not that big a deal."

Mr. President, this lake is nearly 200 square miles. It is a huge lake. It is nearly three times the size of the entire area of the District of Columbia. This is a lake that is rising inexorably and is acting like a cancer. It is eating everything around it. It is submerging roads, it is inundating homes and bridges. It is just eating up the countryside. In the last 4 years, it has tripled in volume and doubled in size. It is very hard to understand or appreciate this circumstance, because nowhere else in the country do we face anything quite like it.

Mr. President, if I can just show this next chart, it shows the summary of damages in the Devils Lake area. As this lake level rises, you can see what happens to the cost in terms of damages. Already we have spent over $114 million, and that is just from the Federal Government, addressing this disaster. But you can see as the water level rises, the estimates from the Army Corps of Engineers is that we would face over $400 million in Federal costs if the lake level continues to rise. As I indicated, the Federal Government has already spent over $114 million coping with this crisis.

This next picture shows the lake and how it has expanded. You can see, this is the luckiest guy in America today. He just got through on this road. He was driving along, and it looks like he escaped from the lake. You can see the lake coming over the road. This is actually a road, the Minnewaukan Flats Road, completely covered by water now. You can see the various tree lines. You can see how this lake has been expanding and expanding very, very dramatically.

This is one of my favorite pictures, Mr. President, because this shows the little town of Minnewaukan, ND, of 400 people, and they have a sewage lagoon—you can see the outlines of it—surrounded completely now by Devils Lake. When the Federal officials came to Devils Lake, they said to the mayor of the little town of Minnewaukan, "Gee, why did you build this sewage lagoon so close to the lake?" And the mayor and the local officials laughed and they said, "Well, when we built this sewage lagoon, it was 8 miles from the lake"—8 miles. That is how this lake has expanded. Mr. President, this is truly an extraordinary circumstance.

This next picture shows a seed company and what has happened to their operation. It is completely surrounded by water now in this area of Devils Lake. And this water is deep, by the way. It is just amazing how this lake keeps rising.

This picture shows one of the key roads, Highway 57, that connects the city of Devils Lake to the Spirit Lake Nation and to the communities south of Devils Lake. You can see the wave action. These are 5-feet waves on this lake completely breaking over the highway. In fact, if we were to go and take this picture today, this entire road now is under water. That is how rapidly this lake is rising. In fact, it has come up 4 feet already this year. And now remember, we are not talking about some little tranquil lake, we are talking about a huge expanse of water, a lake that is nearly 200 square miles in size now. That is what we are dealing with here, and the water keeps rising.

Mr. President, those are the pictures I wanted to show our colleagues. An important point I wanted to make is that in this disaster supplemental bill, there are a number of measures to address this crisis, in addition to the crisis we have in the Red River Valley, where we had the 500-year flood. We also have provisions to deal with this crisis at Devils Lake.

First, is a provision for an emergency outlet. The Corps of Engineers has determined that one of the things we need to do to fight this disaster is to have an emergency outlet, because we are very close to the point at which this lake will find its own outlet. And if it does, it will be out of the eastern end of the lake where the water quality is, by far, the worst, and it will go over into Stump Lake. At that time, Stump Lake will immediately rise 40 feet. It is hard to get your mind around these numbers because this is so massive. But when this finds its natural outlet at 1,446.6 feet—it is right now at 1,442 feet—at 1,446.6 feet, it spills over into Stump Lake, raising that lake immediately 40 feet.

At 1,457 feet, it spills over into the Sheyenne River Valley, and, as I showed the cumulative impact, we are then talking about over $400 million of cost to the Federal Government. The emergency outlet requires $5 million for the work that needs to be done this year, and that is in this disaster supplemental bill.

Second, we need to raise the levy protecting the city of Devils Lake, and this legislation directs the Corps to expedite action to raise the levy system protecting the city of Devils Lake. The city right now has a dike that is protecting it to about 1,445 feet. This provision will move the protection to 1,450 feet, with 5 feet of free board to deal with the wave action on this very large lake.

Third, there are provisions for emergency funding for Federal Highway Administration to raise roads, because, as I showed, the main linkage point here is already under water. That road—Highway 57—has to be raised and needs to be raised as quickly as possible because it provides the emergency access to all of the communities south of Devils Lake and the Spirit Lake Nation to the regional hospital and the regional shopping center that is in the city of Devils Lake.

Fourth, this legislation provides for the Ramsey County rural sewer system some $600,000 to mitigate damages from the Devils Lake flood to the Ramsey County rural sewer system. As you can imagine, Mr. President, this is a situation in which the rural sewer system is about to float. That is a very bad thing to have happen. All of those underground pipes, as the water table rises, puts enormous hydrological pressure on that rural sewer system, and they are desperately worried that at any time, those pipes will burst through the ground and float. At that point, the entire rural sewer system is destroyed. It is critically important that that money be approved and be approved as quickly as possible.

Fifth, and finally, this legislation includes $15 million for the Natural Resources Conservation Service to purchase floodplain easements for frequently flooded farmland. Landowners in the Devils Lake basin would be eligible for this voluntary floodplain easement program.

Mr. President, I wanted to take this time to describe this disaster so there is an understanding that not only are we dealing with the crisis in the Red River basin, the cities of Grand Forks and other cities up and down the Red River, but that we have a second disaster as well, a slow-motion disaster, and that is the disaster that is occurring at Devils Lake and that there are very important matters that are included in this disaster supplemental bill that deal with those problems.

I thank the Chair and yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

ORDER FOR RECESS

Mr. BENNETT. Mr. President, I ask unanimous consent that following the remarks of Senator DORGAN, the Senate stand in recess until the hour of 3 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from North Dakota.

DISASTER RELIEF IS URGENT

Mr. DORGAN. Mr. President, I am pleased to follow my colleague, Senator CONRAD, who has spent an enormous amount of time and effort dealing with the flooding issues that have afflicted our region of the country. It seems to me that there is some good news on the horizon, and it appears that finally the logjam may be broken. It appears finally, perhaps today, the Congress will pass a bill that contains much-needed disaster relief that the President will sign and that hope and help will be offered and restored to the people of Minnesota, North Dakota, and South Dakota who are victims of this disaster. Even as it appears there are these signs this may happen today, I want to, once again, describe a bit about why we have maintained that it is so urgent that disaster relief be provided for disaster victims.

Senator CONRAD and I represent the State of North Dakota in the U.S. Senate. We are a small State, in many ways. We are 10 times the size of the State of Massachusetts in landmass. It is a pretty big State geographically, but about 640,000 people live in our State. It is a wonderful place to live, and we have a lot of wonderful things to talk about with respect to North Dakota.

Regrettably, the only thing people from the outside who don't come to North Dakota regularly see about our State is to tune in on the morning shows perhaps on a February morning or January morning, and they see that someone says that there is a blizzard or it is cold in our part of the country. It gets that way sometimes. Other times in January or February, it is quite nice. I don't suppose that we could really, in good faith, tell people that in January and February in North Dakota it is balmy and sunny and warm and an equivalent vacation spot to California or Florida. I don't suppose we could do that with great credibility. It does get a little cold sometimes.

In fact, we had a fellow who was in jail in North Dakota, and from his jail cell, he petitioned a judge to extend his jail sentence for 90 days because he alleged that his rights would be violated if he were released from jail in December in North Dakota. He said it was too cold, didn't have clothing, so on and so forth. He asked the judge if the judge would extend his jail sentence for 90 days. The judge promptly told him, no, that he won't extend his jail sentence.

I don't want the actions of one prisoner to allow people to think that it is so cold, you can't exist in our State. It is a wonderful State. But it is true that sometimes in the winter we have some snow, some cold weather, and some wind, and this winter particularly.

Those who have watched what has happened in our State know that we were hit with a devastating winter. In North Dakota, we had the equivalent of 3 year's worth of snow dumped on our State in nearly 3 months. Nearly 10 feet of snow fell in the State of North

Dakota. We suffered, as a result of that, a real disaster—blizzards, roads closed, lives lost because of white-out blizzards where no one could move, ambulances couldn't get through. And then we had, in addition to the blizzards, finally, a 50-year blizzard, the worst in 50 years, and then the melting of all of that snow and the flooding.

While people in North Dakota are patient and tough and resilient and have a wonderful spirit, this winter has been tough for them. Most of what they can do for each other they have done for each other. But sometimes you cannot do it all by yourself.

I have told my colleagues before of the kinds of individual acts of heroism that occurred every day this winter in North Dakota. I told of Don Halvorson, who is a hero of mine. I have not met him. I only talked to him by telephone. But he symbolizes the spirit of the people in North Dakota, saying to others who are in trouble, "Let me help you. You are a neighbor. Let me help."

Don Halvorson was at home one night sleeping at around 3 in the morning near Grafton, ND, out in the country in a farmhouse. Jan Novak was working in town in Grafton, ND. At about 10:30 at night, driving out to her home in the country, it was blizzarding, and the blizzard got worse, and it became a whiteout blizzard. You cannot see in a whiteout blizzard; you cannot see the hand in front of your face with heavy snowfall and winds of 40 miles per hour, temperatures with 60 and 80 degrees below zero windchills.

Well, Jan Novak, on the way home, could not see and ran off the road and became stuck. Her husband became worried, in the middle of this blizzard, and could not find her and called the sheriff up in Grafton, ND. The sheriff sent out some people to look for her. They could not see to drive on the roads.

Finally, they had to call off the search. So they began calling all of the homes along the roads where they thought Jan Novak might have driven. One of the homes they called at 3 in the morning was Don Halvorson's. They said, "A woman is missing. Have you seen a woman driving on your country road past your place?" Of course, he could not see the road anyway because of the whiteout blizzard, but Don said, "No," and then he went back to bed.

But then he said he could not sleep. So at 3:30 in the morning he got back up, got out of bed, in the middle of the blizzard, and put on his winter clothes and trudged out to his tractor. He had a cab on his tractor. He got in that tractor cab, started up the tractor, and with his tractor lights started driving.

About 3 hours later Jan Novak—when I called her she said she had been in the car all of that night, starting the engine to try to keep warm, and finally it was not starting very well. And the temperature and the blizzard was such that she would freeze to death. She began to worry she might not survive through this.

She prayed all night long, she said. At about 6:30 in the morning she had almost given up hope. Her head was bowed in her car, and she was saying a prayer, thinking she would not survive, when a tractor drove up to her car. The tractor lights, in the middle of that blizzard, were about 5 feet away when they became apparent to Jan Novak. It was Don Halvorson, 3 hours in the middle of a blizzard, not being able to see beyond the front fender of his tractor. He drove all around his part of the country looking for this woman who was lost and whose life was in danger.

When I read about what Don had done, I called Don and said, "Tell me how you happened to do this." He said, "When they called my home at 3 in the morning and said that this woman was missing—I didn't know her and obviously had not seen her—I went back to bed, but I couldn't go to sleep." He said, "I just couldn't go to sleep knowing there was a woman out there missing, and I went to search for her." Three hours later he found her.

You talk about a hero. Don Halvorson likely saved Jan Novak's life. That is one story of hundreds and hundreds of stories across our State this winter—the ambulance drivers in Mandan and Flasher, ND, who punched through a huge blizzard-related snowbank that had blocked a road and made all traffic impassable. They, along with the road crews from both sides of this snowbank, punched through in whiteout conditions and no visibility to go out and save a young boy and get him to a hospital. They risked their lives, all of them, and that young boy survived because of them.

All across our State those stories abound—individuals helping others because it is the spirit and the culture of what we do. We say, "Let's help each other."

Our country does that in a larger way. Sometimes one person cannot do enough to help another. Sometimes even a city or a State cannot do enough. Sometimes a flood or earthquake or fire or tornado it overwhelms the ability of one person to make the difference, so our country then makes the difference.

What happened when all of this snow melted in North Dakota, was the Red River Valley suffered a 500-year flood. When the dikes broke in Grand Forks, ND, and East Grand Forks, MN, and that water became a gusher running down the streets to inundate two entire cities and they evacuated two complete communities, it was not a case where one person could solve the problem for another person. It then became a case of us having to say, as people now tried to recover from this calamitous flood, "We want to help you. The rest of the people of the country want to help you."

That is what this fight has been about on this disaster bill. I know I have worn out my welcome for a number of Members of the Senate in recent weeks. They are flat out tired of seeing me on the floor. They think I put too much pressure on them. Some are angry at my presentations on the floor.

But I have no choice. Thousands of people this morning in Grand Forks and East Grand Forks, thousands and thousands of them this morning woke up not in their own homes, because their homes are destroyed. Their lives are on hold until we pass a disaster relief bill.

That bill has been delayed. And now it appears that that bill may today finally be on the road to the President in a manner that will result in a signature, and in the disaster aid being available to those who so desperately need it.

I want again to just read some of the messages of North Dakotans who describe why I am here on the floor and why I have been here for some weeks.

First, simply a drawing by a grade schooler that came in a large packet of drawings. It is pretty simple. Someone in a canoe says, "Save our town." Pretty simple expression that does not need much elaboration. "Save our town." We have the capability to help do that.

Mr. President, here is a Grand Forks resident who says:

> I'm calling on behalf of my grandmother. She's 99 years old. She lost her home and everything in it. She's in Bemidji, MN, now staying in a house with four children. She doesn't know if she's going to get home again. She's in good shape, but I'm really concerned about the trauma at her age, and I don't know what I'd be like in that circumstance. She's pretty strong and she talked about how she was married in World War I, and she went through the Depression and the Dust Bowl and World War II. She lost two out of her three kids. She lost her husband. She's been through it, and all of these milestones in her life, and now she is going through uncertainty of not knowing whether she's going to have a home. Her husband left her well set with a home she could live in for the rest of her life and she's done well until now. And now at age 99 she's homeless.

Kari and Paul Kolstoe, who are from Grand Forks, ND, said:

> Our daughter's 12th birthday was April 18. That was the day the Red River destroyed our home. We lost most of our possessions, but more importantly, we lost the place and our ability to live together as a family. The last 5 weeks we've lived in four different places. Our home has too much damage to be restored. And we now live in limbo waiting for a decision and the money to go on with our lives. * * *
>
> We can deal somehow with the disaster that's happened to us in our town and we're trying to put our lives back together. * * *
>
> But we lost everything. And don't prolong this disaster bill. Allow us to go on with our lives.

That is Kari and Paul Kolstoe from Grand Forks, ND.

There are so many letters.

Rodney and Judy Krause. I talked to Rodney and Judy a couple days ago, as a matter of fact. They are also from Grand Forks, ND.

April 19 [Rod writes] we were evacuated from our home, and it sat under water for a period of 10 to 12 days, with 56 inches of sewage and floodwater on the main floor. Currently, the house is sitting empty and we're waiting for a bill to be passed in Congress dealing with flood relief.

Rod Krause says:

I'm a staff sergeant in the Air Force, and my wife and myself also happen to be from Grand Forks. We're proud of this community, and we hate to see it as wasted as it is from this flood. Right now, as a member of the Air Force, even through all this mess, I have my bags packed and ready to go at a moment's notice to fight, possibly die, for this country, basically at your calling. But what Congress is doing now really hurts. I still need to make a house payment for a home that sits empty. And it keeps getting worse as the days pass. I can't do anything but wait. All we want is an answer. Why is this taking so long?

Arthur Bakken, who is a councilman in Grand Forks, says:

People here have no homes, no jobs, no other homes to go to. They have no toys, no bikes, no clothes, or anything else for their children.

Mr. President, I ask for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I mentioned yesterday a call from a man named Mark whose family has been separated, children living with the grandparents, his home damaged by the flood. His wife is in the hospital with a terminal illness, telling us that his wife has only a couple months to live perhaps, asking us to make the decisions that allow them to get on with their lives.

Here is another little drawing from a schoolchild who sent it to me. It probably says it is as well as any can. It is two different scenes. One is a scene of flooding and devastation and trees down; and it says, "If you do nothing." And the other side is a page with a scene with a park bench and grass and trees and sun and flowers; and underneath it says, "If you do something."

These are people who have voiced to say to us today, through my reading their letters, that they really need help. That is what this disaster legislation is about, reaching out and helping those who, through no fault of their own, have had to bear the burden of a natural disaster of enormous proportions.

I came to Congress some many years ago, and I have on behalf of the constituents in North Dakota on every occasion—on every single occasion—said, when there was an earthquake in California, "Count me in, and count my constituents in, because on behalf of North Dakotans I want so vote yes to provide disaster aid for you."

For flood victims on the Mississippi, I have said, yes, because I think it is important to provide disaster aid for you.

In every circumstance, every day and every way that we have been requested to provide disaster assistance, I have indicated that I felt North Dakotans would want to do that.

North Dakotans now feel that people in the rest of this country will want to do that for us as well—North Dakotans, Minnesotans and South Dakotans—who have suffered through the disaster.

Isn't every disaster unique and isn't every disaster difficult and traumatic? Yes, it is. There is no question about that. We have seen now through the new technology of television in the modern age the gripping scenes of devastation from disasters—death, and destruction. It breaks your heart to see that anywhere in our country.

This disaster was unusual in a couple of respects. First, we were enormously fortunate that we did not suffer a major or massive loss of life. Some lost their lives, but we did not suffer the loss of life of hundreds of citizens.

This combination of blizzards and floods and then fires in the middle of the flood that ripped the guts from a significant city in our State, this combination is a very unusual circumstance because a large city was completely abandoned and evacuated and completely inundated with water. The water came and stayed for a very long period of time.

Now we have hundreds and hundreds and hundreds of homes that will never again be lived in. We have families from every single one of those homes whose possessions are now out on the berm, somewhere out on the boulevard, on the driveway being hauled away in dump trucks—the dolls, the baby carriages, the pictures, all of the belongings of those families. They do not know what will come next for them, what their lives will be like, where they will live, how they will make a house payment on a house that is destroyed. That is why this legislation is so critically important.

Now, I have been very upset that we have not gotten this done. We are about 3 weeks late. I have said repeatedly that I appreciate enormously the cooperation on a bipartisan basis to put a disaster package in this bill that is very substantial and will be enormously helpful to these victims of this disaster. Most every Member of this institution deserves credit for what is in this bill, and I thank them for it.

I am upset that it was delayed. But if today this gets dislodged, and if today this bill gets passed by the House and the Senate and goes to the President for his signature, then we will finally be able to provide the answers that are necessary for these people to understand what the rest of their lives will be like, what will happen to their home, will their job be restored, will their community be rebuilt, will their region recover? Those are the questions that will be answered by the hundreds of millions of dollars in the many categories in this piece of legislation. In fact, the disaster portion is something over $5 billion in this legislation dealing with many, many States.

If and when this happens, and I hope it does today, it will be an enormous benefit to our region, and I will be forever grateful to the Members of the Senate who made it happen.

Mr. President, as I finish, I say to my colleagues, while I have worn out my welcome in recent weeks on this subject, I do not apologize for it. I speak on behalf of people who need a voice in this debate. Let us hope, at the end of this day, we will have some wonderful news for people who have been victims of this disaster.

I yield the floor, and I suggest the absence of a quorum.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 3 p.m.

Thereupon, the Senate, at 1:47 p.m., recessed until 2:58 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBERTS].

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

RECESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 3:30 p.m.

There being no objection, the Senate, at 2:58 and 26 seconds p.m., recessed until 3:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBERTS].

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Mr. President, I am prepared to ask for some unanimous-consent agreements here momentarily. I believe that the Democratic leader will be here. In the meantime, I thought I might just give the Senators some idea of what the time could be for the balance of the afternoon and then some thought about next week.

If we get the agreement we have here before us entered into and agreed to, we would begin debate, I believe, then at about quarter until 4 on the supplemental appropriations, with a vote occurring 1 hour from then. So that vote could occur around quarter of 5. We are looking at the possibility of, of course, getting agreement for committees to keep working, because we have a number of committees that are in very crucial markups—the Armed Services

Committee, the Foreign Relations Committee, and the Finance Committee is meeting in a walk-through, although it is not a markup.

We are also looking at the prospect of calling up again the birth defects bill, which has broad bipartisan support, and we believe we could get a limited time agreement on that. We are contacting the principal sponsors, Senator BOND and perhaps others who are interested in that, and we could take that up somewhere around 5 o'clock and hopefully complete that early in the evening or late this afternoon, because we think we are only going to talk about 30 minutes to an hour, perhaps with the possibility of a recorded vote that could come, I presume, about 6 o'clock.

With regard to the consent agreement that we are about to ask for here, we would begin as soon as we get the agreement on the supplemental appropriations bill. Basically, it is the bill that the House is now considering, or is about to consider. It may be before the Rules Committee and will be going to the floor of the House shortly after that.

We would ask unanimous consent that our agreement only apply if the text has been received from the House and is identical to the bill that we are sending to the desk for the RECORD.

We also have worked out a process to consider the very important issue that we feel very strongly about, and that is the Government Shutdown Prevention Act. And we are going to ask for consent that would allow for a process for it to be brought up, full debate with one relevant amendment for each leader. I think it is a fair way to consider this issue, and the Democratic leader has indicated he thinks that would be the way to proceed.

With regard to the census issue, I understand that they have worked out some language on census with the administration, which is in the document that they are going to be taking up. I do not know the details of the agreement, but I understand that language is in there, for the information of all Senators.

Would the Senator like to comment before I enter the UC request?

Mr. DASCHLE. Mr. President, I thank the distinguished majority leader. I think we have made great progress today. I have had the opportunity to look at all of the details of both the supplemental and the amendments, and I advise my colleagues that I am enthusiastic about the arrangement and would want to agree with the unanimous-consent request. I appreciate very much the great willingness on the part of the majority leader to work with us to accommodate our concerns, and we are ready to move ahead with the agreement.

SUPPLEMENTAL APPROPRIATIONS

Mr. LOTT. Mr. President, I ask unanimous consent then that at 3:45 the Senate proceed to the supplemental appropriations bill and no amendments or motions be in order, there be 1 hour total for debate on the bill to be equally divided between the chairman, Senator STEVENS, and the ranking member, Senator BYRD, of the Appropriations Committee, and finally, following the expiration or yielding back of the time, the Senate proceed to vote on passage of the supplemental notwithstanding the arrival of the papers, and once the Senate receives the papers, the bill be advanced to third reading and passed, all without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that the above-mentioned agreement only apply if the text received from the House is identical to the bill I now send to the desk to be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the bill (H.R. 1871) is as follows:

H.R. 1871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $306,800,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $7,900,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $300,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $29,100,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund", $1,430,100,000: *Provided*, That the Secretary of Defense may transfer these funds only to Department of Defense operation and maintenance accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPLAN 34A/35 P.O.W. PAYMENTS

For payments to individuals under section 657 of Public Law 104–201, $20,000,000, to remain available until expended.

REVOLVING AND MANAGEMENT FUNDS

RESERVE MOBILIZATION INCOME INSURANCE FUND

For an additional amount for the "Reserve Mobilization Income Insurance Fund", $72,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 1

(TRANSFER OF FUNDS)

SEC. 101. The Secretary of the Navy shall transfer up to $23,000,000 to "Operation and Maintenance, Marine Corps" from the following accounts in the specified amounts, to be available only for reimbursing costs incurred for repairing damage caused by hurricanes, flooding, and other natural disasters during 1996 and 1997 to real property and facilities at Marine Corps facilities (including Camp Lejeune, North Carolina; Cherry Point, North Carolina; and the Mountain Warfare Training Center, Bridgeport, California);

"Military Personnel, Marine Corps", $4,000,000;

"Operation and Maintenance, Marine Corps", $11,000,000;

"Procurement of Ammunition, Navy and Marine Corps, 1996/1998", $4,000,000; and

"Procurement, Marine Corps, 1996/1998", $4,000,000.

SEC. 102. In addition to the amounts appropriated in title VI of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), under the heading "Defense Health Program", $21,000,000 is hereby appropriated and made available only for the provision of direct patient care at military treatment facilities.

SEC. 103. In addition to the amounts appropriated in title II of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), under the heading "Operation and Maintenance, Defense-Wide", $10,000,000 is hereby appropriated and made available only for force protection and counter-terrorism initiatives.

SEC. 104. In addition to the amounts provided in Public Law 104-208, $25,800,000 is appropriated under the heading "Overseas Humanitarian, Disaster and Civic Aid": *Provided*, That from the funds available under that heading, the Secretary of Defense shall make a grant in the amount of $25,800,000 to the American Red Cross for Armed Forces emergency services.

SEC. 105. REPORT ON COST AND SOURCE OF FUNDS FOR MILITARY ACTIVITIES RELATING TO BOSNIA.—(a) Not later than 60 days after enactment of this Act, the President shall submit to Congress the report described in subsection (b).

(b) REPORT ELEMENTS.—The report referred to in subsection (a) shall include the following:

(1) A detailed description of the estimated cumulative cost of all United States activities relating to Bosnia after December 1, 1995, including—

(A) the cost of all deployments, training activities, and mobilization and other preparatory activities of the Armed Forces; and

(B) the cost of all other activities relating to United States policy toward Bosnia, including humanitarian assistance, reconstruction assistance, aid and other financial assistance, the rescheduling or forgiveness of bilateral or multilateral aid, in-kind contributions, and any other activities of the United States Government.

(2) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (1), including—

(A) in the case of expenditures of funds of Department of Defense, a breakdown of such expenditures by military service or defense agency, line item, and program; and

(B) in the case of expenditures of funds of other departments and agencies of the United States, a breakdown of such expenditures by department or agency and by program.

SEC. 106. For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental Operation and Maintenance costs arising from hurricane damage to family housing units at Marine Corps Base Camp Lejeune, North Carolina and Marine Corps Air Station Cherry Point, North Carolina, $6,480,000, as authorized by 10 U.S.C. 2854.

CHAPTER 2

RESCISSIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $57,000,000 are rescinded.

MILITARY PERSONNEL, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $18,000,000 are rescinded.

MILITARY PERSONNEL, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $5,000,000 are rescinded.

MILITARY PERSONNEL, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $23,000,000 are rescinded.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $196,000,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $51,000,000 are rescinded.

OPERATION AND MAINTENANCE, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $3,000,000 are rescinded.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $117,000,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $25,000,000 are rescinded.

ENVIRONMENTAL RESTORATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $250,000 are rescinded.

FORMER SOVIET UNION THREAT REDUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $2,000,000 are rescinded.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, $1,085,000 are rescinded.

Of the funds made available under this heading in Public Law 104-61, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, $13,000,000 are rescinded.

MISSILE PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, $2,707,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, $24,000,000 are rescinded.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, $2,296,000 are rescinded.

Of the funds made available under this heading in Public Law 104-61, $15,400,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, $5,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, $3,236,000 are rescinded.

Of the funds made available under this heading in Public Law 104-61, $18,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, $11,000,000 are rescinded.

OTHER PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, $2,502,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, $21,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, $34,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, $52,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, $16,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, $6,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $812,000 are rescinded.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-396, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103-139, $18,700,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, $33,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-335, $4,237,000 are rescinded.

Of the funds made available under this heading in Public Law 104-61, $3,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, $8,000,000 are rescinded.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $1,207,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $49,376,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $40,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $41,000,000 are rescinded.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $16,020,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $163,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $7,700,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,659,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $20,000,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $8,860,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $16,113,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $5,029,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $4,366,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $18,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $16,878,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $9,600,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $24,245,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $172,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $95,714,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $87,000,000 are rescinded.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $6,692,000 are rescinded.

OPERATIONAL TEST AND EVALUATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $160,000 are rescinded.

REVOLVING AND MANAGEMENT FUNDS

NATIONAL DEFENSE SEALIFT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $25,200,000 are rescinded.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $456,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $20,652,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $27,000,000 are rescinded.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

GENERAL PROVISIONS, CHAPTER 2

(RESCISSIONS)

SEC. 201. Of the funds appropriated in the Military Construction Appropriations Act, 1996 (Public Law 104–32), amounts are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Air National Guard", $5,000,000;

"Military Construction, Defense-wide", $41,000,000;

"Base Realignment and Closure Account, Part II", $35,391,000;

"Base Realignment and Closure Account, Part III", $75,638,000; and

"Base Realignment and Closure Account, Part IV", $22,971,000:

Provided, That of the funds appropriated in the Military Construction Appropriations Act, 1997 (Public Law 104–196), amounts are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Army", $1,000,000;

"Military Construction, Navy", $2,000,000;

"Military Construction, Air Force", $3,000,000; and

"Military Construction, Defense-wide", $3,000,000.

(RESCISSION)

SEC. 202. Of the funds appropriated for "Military Construction, Navy" under Public Law 103–307, $6,480,000 is hereby rescinded.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 301. The Department of Defense is directed to report to the congressional defense committees 30 days prior to transferring management, development, and acquisition authority over the elements of the National Missile Defense Program from the Military Services: *Provided*, That the Joint Requirements Oversight Council is directed to conduct an analysis and submit recommendations as to the recommended future roles of the Military Services with respect to development and deployment of the elements of the National Missile Defense Program: *Provided further*, That the analysis and recommendations shall be submitted to the congressional defense committees within 60 days of enactment of this Act: *Provided further*, That for 60 days following enactment of this Act, the Department of Defense shall take no actions to delay or defer planned activities under the National Missile Defense Program based solely on the conduct of the Joint Requirements Oversight Council analysis.

SEC. 302. Notwithstanding section 3612(a) of title 22, United States Code, the incumbent may continue to serve as the Secretary of Defense designee on the Board of the Panama Canal Commission if he retires as an officer of the Department of Defense, until and unless the Secretary of Defense designates another person to serve in this position.

SEC. 303. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.—

(a) AUTHORITY TO ENTER INTO LEASE.—The Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) TERM.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purpose of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an option provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the lessor of the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) CONSIDERATION.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other lessee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

(e) LIMITATION ON CERTAIN ACTIVITIES.—The Secretary may not obligate or expend funds for the costs of any utilities, maintenance and repair, or improvements under this lease under this section in any fiscal year unless funds are appropriated or otherwise made available for the Department of Defense for such payment in such fiscal year.

SEC. 304. Notwithstanding 31 U.S.C. 1502(a), 31 U.S.C. 1552(a), and 31 U.S.C. 1553(a), funds appropriated in Public Law 101–511, Public Law 102–396, and Public Law 103–139, under the heading "Weapons Procurement, Navy", that were obligated and expended to settle claims on the MK–50 torpedo program may continue to be obligated and expended to settle those claims.

SEC. 305. None of the funds available to the Department of Defense in this or any other Act shall be available to pay the cost of operating a National Missile Defense Joint Program Office which includes more than 55 military and civilian personnel located in the National Capital Region.

SEC. 306. Funds obligated by the National Aeronautics and Space Administration (NASA) in the amount of $61,300,000 during fiscal year 1996, pursuant to the "Memorandum of Agreement between the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission," signed September 8, 1994, and September 23, 1994, and Attachments A, B, and C to that Memorandum, shall be merged with Air Force appropriations available for research, development, test and evaluation and procurement for fiscal year 1996, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract.

SEC. 307. For the purposes of implementing the 1997 Defense Experimental Program to Stimulate Competitive Research (DEPSCoR), the term "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands of the United States, American Samoa and the Commonwealth of the Northern Mariana Islands.

TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of direct and guaranteed loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, resulting from flooding and other natural disasters, $23,000,000, to remain available until expended, of which $18,000,000 shall be available for emergency insured loans and $5,000,000 shall be available for subsidized guaranteed operating loans: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $23,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of direct operating loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, $6,300,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency Conservation Program" for expenses, including carcass removal, resulting from flooding and other natural disasters, $70,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

TREE ASSISTANCE PROGRAM

An amount of $9,000,000 is provided for assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by natural disasters: *Provided*, That the entire amount shall be available only to the extent that an official budget request of $9,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

COMMODITY CREDIT CORPORATION FUND

DISASTER RESERVE ASSISTANCE PROGRAM

Effective only for losses in the fiscal year beginning October 1, 1996, through the date of enactment of this Act, the Secretary may use up to $50,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters pursuant to a Presidential or Secretarial declaration requested prior to the date of enactment of this Act in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): *Provided*, That in administering a program described in the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: *Provided further*, That notwithstanding any other provision of law, beginning on October 1, 1997, grain in the disaster reserve established in the Agricultural Act of 1970 shall not exceed 20 million bushels: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds, including debris removal that would not be authorized under the Emergency Watershed Program, resulting from flooding and other natural disasters, including those in prior years, $166,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request for $166,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: *Provided further*, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected agricultural land, the Secretary may use sufficient amounts, not to exceed $15,000,000, from funds provided under this heading to accept bids from willing sellers to provide floodplain easements for such agricultural land inundated by floods: *Provided further*, That none of the funds provided under this heading shall be used for the salmon memorandum of understanding.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

RURAL HOUSING ASSISTANCE PROGRAM

Any unobligated balances remaining in the "Rural Housing Insurance Fund Program Account" from prior years' disaster supplementals shall be available until expended for Section 502 housing loans, Section 504 loans and grants, Section 515 loans, and domestic farm labor grants to meet emergency needs resulting from natural disasters: *Provided*, That such unobligated balances shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: *Provided further*, That such unobligated balances are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: *Provided further*, That notwithstanding section 520 of the Housing Act of 1949, as amended, (42 U.S.C. 1490) the College Station area of Pulaski County, Arkansas shall be eligible for loans and grants available through the Rural Housing Service: *Provided further*, That funds made available in Public Law 104–180 for Community Facility Grants for the Rural Housing Assistance Program may be provided to any community otherwise eligible for a Community Facility Loan for expenses directly or indirectly resulting from flooding and other natural disasters.

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for "Rural Utilities Assistance Program", for the cost of direct loans, loan guarantees, and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding and other natural disasters, $4,000,000, to remain available until September 30, 1998: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FOOD AND CONSUMER SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)" as authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. et seq.), $76,000,000, to remain available through September 30, 1998: *Provided*, That the Secretary shall allocate such funds through the existing formula or, notwithstanding sections 17(g), (h), or (i) of such Act and the regulations promulgated thereunder, such other means as the Secretary deems necessary.

GENERAL PROVISION, CHAPTER 1

SEC. 1001. COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the Committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by subsection (a) terminates effective April 5, 1999.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" for emergency infrastructure expenses and the capitalization of revolving loan funds related to recent flooding and other natural disasters, $52,200,000, to remain available until expended, of which not to exceed $2,000,000 may be available for administrative expenses and may be transferred to and merged with the appropriations for "Salaries and Expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

Of the amount provided under this heading in Public Law 104–208 for the Advanced Technology Program, not to exceed $35,000,000 shall be available for the award of new grants.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

Within amounts available for "Operations, Research, and Facilities" for Satellite Observing Systems, not to exceed $7,000,000 is available until expended to provide disaster assistance related to recent flooding and red tide pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, and not to exceed $2,000,000 is available until expended to implement the Magnuson-Stevens Fishery Conservation and Management Act: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $9,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, $10,800,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

For an additional amount for the operations of the Commission on the Advancement of Federal Law Enforcement, $2,000,000, to remain available until expended.

GENERAL PROVISIONS, CHAPTER 2

SEC. 2001. Of the funds currently contained within the "Counterterrorism Fund" of the Department of Justice, $3,000,000 is provided for allocation by the Attorney General to the appropriate unit or units of government in Ogden, Utah, for necessary expenses, including enhancements and upgrade of security and communications infrastructure, to counter any potential terrorism threat related to the 2002 Winter Olympic games to be held in Utah.

SEC. 2002. EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.—Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "September 30, 1996" and inserting "September 30, 1997".

SEC. 2003. Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by adding at the end thereof the following:

"(d) GOOD SAMARITAN EXEMPTION.—It shall not be a violation of this Act to take a marine mammal if—

"(1) such taking is imminently necessary to avoid serious injury, additional injury, or death to a marine mammal entangled in fishing gear or debris;

"(2) reasonable care is taken to ensure the safe release of the marine mammal, taking into consideration the equipment, expertise, and conditions at hand;

"(3) reasonable care is exercised to prevent any further injury to the marine mammal; and

"(4) such taking is reported to the Secretary within 48 hours.".

SEC. 2004. Notwithstanding any other provision of law, the Secretary of Commerce shall have the authority to reprogram or transfer up to $41,000,000 of the amounts provided under "National Oceanic and Atmospheric Administration, Operations, Research, and Facilities" for Satellite Observing Systems in Public Law 104–208 for other programmatic and operational requirements of the National Oceanic and Atmospheric Administration and the Department of Commerce subject to notification of the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997 and which shall not be available for obligation or expenditure except in compliance with the procedure set forth in that section.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" for emergency expenses due to flooding and other natural disasters, $20,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General" for emergency expenses due to flooding and other natural disasters, $150,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99–662, shall be derived from that fund: *Provided further*, That of the total amount appropriated, $5,000,000 shall be available solely for the Secretary of the Army, acting through the Chief of Engineers, to pay the costs of the Corps of Engineers and other Federal agencies associated

with the development of necessary studies, an interagency management plan, environmental documentation, continued monitoring, and other activities related to allocations of water in the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River Basins: *Provided further*, That no portion of such $5,000,000 may be used by the Corps of Engineers to revise its master operational manuals or water control plans for operation of the reservoirs for the two river basins until (1) the interstate compacts for the two river basins are ratified by the Congress by law; and (2) the water allocation formulas for the two river basins have been agreed to by the States of Alabama, Georgia, and Florida and the Federal representative to the compacts: *Provided further*, That the preceding proviso shall not apply to the use of such funds for any environmental reviews necessary for the Federal representative to approve the water allocation formulas for the two river basins: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies" due to flooding and other natural disasters, $415,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That with $5,000,000 of the funds appropriated herein, the Secretary of the Army is directed to initiate and complete preconstruction engineering and design and the associated Environmental Impact Statement for an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River: *Provided further*, That of the funds appropriated under this paragraph, $5,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4128) if the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", $7,355,000, to remain available until expended, to repair damage caused by floods and other natural disasters: *Provided*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund shall be derived from that fund: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 3

SEC. 3001. (a) Beginning in fiscal year 1997 and thereafter, the United States members and the alternate members appointed under the Susquehanna River Basin Compact (Public Law 91-575), and the Delaware River Basin Compact (Public Law 87-328), shall be officers of the U.S. Army Corps of Engineers, who hold Presidential appointments as Regular Army officers with Senate confirmation, and who shall serve without additional compensation.

(b) Section 2, Reservations, Paragraph (u) of Public Law 91-575 (84 Stat. 1509) and section 15.1, Reservations, Paragraph (d) of Public Law 87-328 (75 Stat. 688, 691) are hereby repealed.

(c) Section 2.2 of Public Law 87-328 (75 Stat. 688, 691) is amended by striking the words "during the term of office of the President" and inserting the words "at the pleasure of the President".

SEC. 3002. Notwithstanding section 5 of the Reclamation Safety of Dams Act of 1978, Public Law 95-578, as amended, the Secretary of the Interior is authorized to obligate up to $1,200,000 for carrying out actual construction for safety of dam purposes to modify the Willow Creek Dam, Sun River Project, Montana.

SEC. 3003. (a) CONSULTATION AND CONFERENCING.—As provided by regulations issued under the Endangered Species Act (16 U.S.C. 1531 et seq.) for emergency situations, formal consultation or conferencing under section 7(a)(2) or section 7(a)(4) of the Act for any action authorized, funded or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure may be deferred by the Federal agency authorizing, funding or carrying out the action, if the agency determines that the repair is needed to respond to an emergency causing an imminent threat to human lives and property in 1996 or 1997. Formal consultation or conferencing shall be deferred until the imminent threat to human lives and property has been abated. For purposes of this section, the term repair shall include preventive and remedial measures to restore the project, facility or structure to remove an imminent threat to human lives and property.

(b) REASONABLE AND PRUDENT MEASURES.—Any reasonable and prudent measures specified under section 7 of the Endangered Species Act (16 U.S.C. 1536) to minimize the impact of an action taken under this section shall be related both in nature and extent to the effect of the action taken to repair the flood control project, facility or structure.

CHAPTER 4

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

ASSISTANCE TO UKRAINE

SEC. 4001. The President may waive the minimum funding requirements contained in subsection (k) under the heading "Assistance for the New Independent States of the Former Soviet Union" contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as included in Public Law 104-208, for activities for the government of Ukraine funded in that subsection, if he determines and so reports to the Committees on Appropriations that the government of Ukraine:

(1) has not made progress toward implementation of comprehensive economic reform;

(2) is not taking steps to ensure that United States businesses and individuals are able to operate according to generally accepted business principles; or

(3) is not taking steps to cease the illegal dumping of steel plate.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction" to repair damage caused by floods and other natural disasters, $4,796,000, to remain available until expended, of which $4,403,000 is to be derived by transfer from unobligated balances of funds under the heading, "Oregon and California Grant Lands", made available as supplemental appropriations in Public Law 104-134: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California Grant Lands" to repair damage caused by floods and other natural disasters, $2,694,000, to remain available until expended and to be derived from unobligated balances of funds under the heading, "Oregon and California Grant Lands", made available as supplemental appropriations in Public Law 104-134: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $5,300,000, to remain available until expended, for technical assistance and fish replacement made necessary by floods and other natural disasters, for restoration of public lands damaged by fire, and for payments to private landowners for the voluntary use of private land to store water in restored wetlands: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $88,000,000, to remain available until expended, to repair damage caused by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LAND ACQUISITION

For an additional amount for "Land Acquisition", $10,000,000, to remain available until expended, for the cost-effective emergency acquisition of land and water rights necessitated by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, $187,321,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of this amount, $30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress, and upon certification by the Secretary of the Interior to the President that a specific

amount of such funds is required for (1) repair or replacement of concession use facilities at Yosemite National Park if the Secretary determines, after consulting with the Director of the Office of Management and Budget, that the repair or replacement of those facilities cannot be postponed until completion of an agreement with the Yosemite Concessions Services Corporation or any responsible third party to satisfy its repair or replacement obligations for the facilities, or (2) the Federal portion, if any, of the costs of repair or replacement of such concession use facilities: *Provided further*, That nothing herein should be construed as impairing in any way the rights of the United States against the Yosemite Concession Services Corporation or any other party or as relieving the Corporation or any other party of its obligations to the United States: *Provided further*, That prior to any final agreement by the Secretary with the Corporation or any other party concerning its obligation to repair or replace concession use facilities, the Solicitor of the Department of the Interior shall certify that the agreement fully satisfies the obligations of the Corporation or third party: *Provided further*, That nothing herein, or any payments, repairs, or replacements made by the Corporation or a third party in fulfillment of the Corporation's obligations to the United States to repair and replace damaged facilities, shall create any possessory interest for the Corporation or such third party in such repaired or replaced facilities: *Provided further*, That any payments made to the United States by the Corporation or a third party for repair or replacement of concession use facilities shall be deposited in the General Fund of the Treasury or, where facilities are repaired or replaced by the Corporation or any other third party, an equal amount of appropriations for "Construction" shall be rescinded.

For an additional amount for "Construction", $10,000,000, to remain available until expended, to make repairs, construct facilities, and provide visitor transportation and for related purposes at Yosemite National Park.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $4,650,000, to remain available until September 30, 1998, to repair or replace damaged equipment and facilities caused by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $14,317,000, to remain available until September 30, 1998, for emergency response activities, including emergency school operations, heating costs, emergency welfare assistance, and to repair and replace facilities and resources damaged by snow, floods, and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $6,249,000, to remain available until expended, to repair damages caused by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any other provision of law, funds appropriated herein and in Public Law 104–208 to the Bureau of Indian Affairs for repair of the Wapato irrigation project shall be made available on a nonreimbursable basis.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for emergency expenses resulting from flooding and other natural disasters, $39,677,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RECONSTRUCTION AND CONSTRUCTION

For an additional amount for "Reconstruction and Construction" for emergency expenses resulting from flooding and other natural disasters, $27,685,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for "Indian Health Services" for emergency expenses resulting from flooding and other natural disasters, $1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDIAN HEALTH FACILITIES

For an additional amount for "Indian Health Facilities" for emergency expenses resulting from flooding and other natural disasters, $2,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 5

SEC. 5001. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading "Title III—General Provisions" amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections "104%" and inserting in lieu thereof "100%"; by striking in each of those sections "1995" and inserting in lieu thereof "1994"; and by striking in each of those sections "and thereafter annually adjusted upward by 4%,".

SEC. 5002. Section 101(d) of Public Law 104–208 is amended as follows: Under the heading "Administrative Provisions, Indian Health Service" strike the seventh proviso and insert the following in lieu thereof: ": *Provided further*, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended".

SEC. 5003. (a) EXTENSION AND EFFECTIVE DATE.—Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking "June 30, 1997" and inserting "March 31, 1999".

(b) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—Section 3711 of such Act is amended by adding at the end the following new subsection:

"(c) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—If, at any time prior to March 31, 1999, the Secretary notifies the Committee on Indian Affairs of the United States Senate or the Committee on Resources in the United States House of Representatives that the Settlement Agreement, as executed by the Secretary, has been submitted to the Superior Court of the State of Arizona in and for Maricopa County for consideration and approval as part of the General Adjudication of the Gila River System and Source, the March 31, 1999, referred to in subsection (b)(1) shall be deemed to be changed to December 31, 1999.".

(c) COUNTIES.—Section 3706(b)(3) of such Act is amended by inserting "Gila, Graham, Greenlee," after "Maricopa,".

(d) PARTIES TO AGREEMENT.—Section 3703(2) of such Act is amended by adding at the end the following new sentence: "The Gila Valley Irrigation District and the Franklin Irrigation District shall be added as parties to the Agreement, but only so long as none of the aforementioned parties objects to adding the Gila Valley Irrigation and/or the Franklin Irrigation District as parties to the Agreement.".

(e) DEFINITIONS.—Section 3703 of such Act is amended by adding the following new paragraphs:

"(12) 'Morenci mine complex' means the lands owned or leased by Phelps Dodge Corporation, now or in the future, delineated in a map as 'Phelps Dodge Mining, Mineral Processing, and Auxiliary Facilities Water Use Area', which map is dated March 19, 1996, and is on file with the Secretary of the Interior.

"(13) 'Upper Eagle Creek Wellfield' means that area in Greenlee County which is bounded by the eastern boundary of Graham County on the west, the southern boundary of the Black River watershed on the north, a line running north and south 5 miles east of the eastern boundary of Graham County on the east, and the southern boundary of the natural drainage of Cottonwood Canyon on the south.".

(f) BLACK RIVER FACILITIES.—Section 3711 of such Act, as amended by subsection (b) of this Act, is further amended by adding at the end the following:

"(d) BLACK RIVER FACILITIES.—

"(1) IN GENERAL.—The provisions and agreements set forth or referred to in paragraphs (2), (3), and (4) below shall be enforceable against the United States in United States district court, and the immunity of the United States for such purposes and for no other purpose is hereby waived. The provisions and agreements set forth or referred to in paragraphs (2)(A), (3), and (4) below shall be enforceable against the Tribe in

United States district court, and the immunity of the Tribe for such purposes and for no other purpose, is hereby waived. The specific agreements made by the Tribe and set forth in paragraph (5) shall be enforceable against the Tribe in United States district court, and the immunity of the Tribe is hereby waived as to such specific agreements and for no other purpose.

"(2) INTERIM PERIOD.—

"(A) As of July 23, 1997, Phelps Dodge shall vacate the reservation and no longer rely upon permit #2000089, dated July 25, 1944. On such date the United States, through the Bureau of Reclamation, shall enter, operate, and maintain the Black River pump station, outbuildings, the pipeline, related facilities, and certain caretaker quarters (hereinafter referred to collectively as the 'Black River facilities').

"(B) The United States and Phelps Dodge shall enter into a contract for delivery of water pursuant to subparagraph (C), below. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the diversion and use of up to 7,300 acre feet per year by the San Carlos Apache Tribe, and no such diversion for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. The United States shall account for the costs for operating and maintaining the Black River facilities, and Phelps Dodge shall reimburse the United States for such costs. Phelps Dodge shall pay to the United States, for delivery to the Tribe, the sum of $20,000 per month, with an annual CPI adjustment from July 23, 1997, for purposes of compensating the Tribe for United States use and occupancy of the Black River facilities. Phelps Dodge and the Tribe shall cooperate with the United States in effectuating an orderly transfer of the operations of the Black River facilities from Phelps Dodge to the United States.

"(C) Notwithstanding any other provision of law, the contract referred to in subparagraph (B) between the United States and Phelps Dodge which provides for the diversion of water from the Black River into the Black River facilities, and the delivery of such water to Phelps Dodge at that location where the channel of Eagle Creek last exits the reservation for use in the Morenci mine complex and the towns of Clifton and Morenci and at no other location, is ratified and confirmed.

"(D) The power line right-of-way over the Tribe's Reservation which currently is held by Phelps Dodge shall remain in place. During the interim period, Phelps Dodge shall provide power to the United States for operation of the pump station and related facilities without charge, and Phelps Dodge shall pay a monthly right-of-way fee to the Tribe of $5,000 per month, with an annual CPI adjustment from July 23, 1997.

"(E) Any questions regarding the water claims associated with Phelps Dodge's use of the Upper Eagle Creek Wellfield, its diversions of surface water from Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed in this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

"(3) FINAL ARRANGEMENTS AND TERMS.—The interim period described in paragraph (2) shall extend until all conditions set forth in paragraph (3)(B) have been satisfied. At such time, the following final arrangements shall apply, based on the terms set forth below. Such terms shall bind the Tribe, the United States, and Phelps Dodge, and shall be enforceable pursuant to subsection (d)(1) of this Act.

"(A) The United States shall hold the Black River facilities in trust for the Tribe, without cost to the Tribe or the United States.

"(B) Responsibility for operation of the Black River facilities shall be transferred from the United States to the Tribe. The United States shall train Tribal members during the interim period, and the responsibility to operate the Black River facilities shall be transferred upon satisfaction of 2 conditions—

"(i) a finding by the United States that the Tribe has completed necessary training and is qualified to operate the Black River facilities; and

"(ii) execution of the contract described in paragraph (3)(E), which contract shall be executed on or before December 31, 1998. In the event that the contract is not executed by December 31, 1998, the transfer described in this subsection shall occur on December 31, 1998 (so long as condition (i) of this subparagraph has been satisfied), based on application of the contract terms described in paragraph (3)(E), which terms shall be enforceable under this Act. Upon the approval of the Secretary, the Tribe may contract with third parties to operate the Black River facilities.

"(C) Power lines currently operated by Phelps Dodge on the Tribe's Reservation, and the right-of-way associated with such power lines, shall be surrendered by Phelps Dodge to the Tribe, without cost to the Tribe. Prior to the surrender of the power lines, the Bureau of Reclamation shall arrange for an inspection of the power lines and associated facilities by a qualified third party and shall obtain a certification that such power lines and facilities are of sound design and are in good working order. Phelps Dodge shall pay for the cost of such inspection and certification. Concurrently with the surrender of the power lines and the right-of-way, Phelps Dodge shall construct a switch station at the boundary of the Reservation at which the Tribe may switch power on or off and shall deliver ownership and control of such switch station to the Tribe. Subsequent to the transfer of the power lines and the right-of-way and the delivery of ownership and control of the switch station to the Tribe, Phelps Dodge shall have no further obligation or liability of any nature with respect to the ownership, operation, or maintenance of the power lines, the right-of-way, or the switch station.

"(D) The Tribe and the United States will enter into an exchange agreement with the Salt River Project which will deliver CAP water controlled by the Tribe to the Salt River Project in return for the diversion of water from the Black River into the Black River facilities. The exchange agreement shall be subject to review and approval by Phelps Dodge, which approval shall not be unreasonably withheld. Notwithstanding any other provision of law, the contract referred to in this subparagraph is ratified and confirmed.

"(E) The Tribe, the United States, and Phelps Dodge will execute a contract covering the lease and delivery of CAP water from the Tribe to Phelps Dodge on the following terms:

"(i) The Tribe will lease to Phelps Dodge 14,000 acre feet of CAP water per year as of the date on which the interim period referred to in paragraph (2) expires. The lease shall be subject to the terms and conditions identified in the Tribal CAP Delivery Contract referenced in section 3706(b). The leased CAP water shall be delivered to Phelps Dodge from the Black River pursuant to the exchange referred to in subparagraph (D) above, based on diversions from the Black River that shall not exceed an annual average of 40 acre feet per day and shall not cause the flow of Black River to fall below 20 cubic feet per second. Such CAP water shall be delivered to Phelps Dodge at that location where the channel of Eagle Creek last exits the Reservation, to be utilized in the Morenci mine complex and the towns of Clifton and Morenci, and at no other location.

"(ii) The leased CAP water shall be junior to the diversion and use of up to 7,300 acre feet per year from the Black and Salt Rivers by the San Carlos Apache Tribe.

"(iii) The lease will be for a term of 50 years or, if earlier, the date upon which mining activities at the Morenci mine complex cease, with a right to renew for an additional 50 years upon a finding by the Secretary that the water is needed for continued mining activities at the Morenci mine complex. The lease shall have the following financial terms:

"(I) The Tribe will lease CAP water at a cost of $1,200 per acre foot. Phelps Dodge shall pay to the United States, on behalf of the Tribe, the sum of $5,000,000 upon the earlier of the execution of the agreement, or upon the expiration of the interim period referred to in paragraph (2) hereof, which amount shall be a prepayment for and applicable to the first 4,166 acre feet of CAP water to be delivered in each year during the term of the lease.

"(II) Phelps Dodge shall pay the United States, on behalf of the Tribe, the sum of $65 per acre foot per year, with an annual CPI adjustment for the remaining 9,834 acre feet of water to be delivered pursuant to the lease each year. Such payments shall be made in advance on January 1 of each year, with a reconciliation made at year-end, if necessary, in the event that less than 14,000 acre feet of CAP water is diverted from the Black River due to shortages in the CAP system or on the Black River.

"(III) Phelps Dodge shall pay in advance each month the Tribe's reasonable costs associated with the Tribe's operation, maintenance, and replacement of the Black River facilities for purposes of delivering water to Phelps Dodge pursuant to the lease, which costs shall be based upon the experience of the Bureau of Reclamation in operating the Black River facilities during the interim period referred to in paragraph (2), subject to an annual CPI adjustment, and providing for a credit for power provided by Phelps Dodge to the Tribe. In addition, Phelps Dodge shall pay a monthly fee of $30,000 to the United States, on behalf of the Tribe, to account for the use of the Tribe's distribution system.

"(IV) Phelps Dodge shall pay the United States operation, maintenance, and replacement charges associated with the leased CAP water and such reasonable interconnection charges as may be imposed by Salt River Project in connection with the exchange referred to in subparagraph (D) above.

"(iv) Notwithstanding the provisions of section 3707(b), any moneys, except Black River facilities OM&R, CAP OM&R and any charges associated with an exchange agreement with Salt River Project, paid to the United States on behalf of the Tribe from the lease referred to under paragraph (3)(D)(iii) shall be held in trust by the United States

for the benefit of the Tribe. There is hereby established in the Treasury of the United States a fund to be known as the 'San Carlos Apache Tribe Lease Fund' for such purpose. Interest accruing to the Fund may be used by the Tribe for economic and community development purposes upon presentation to the Secretary of a certified copy of a duly enacted resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council. Such income may thereafter be expended only in accordance with such budget. Income not distributed shall be added to principal. The United States shall not be liable for any claim or causes of action arising from the Tribe's use or expenditure of moneys distributed from the Fund.

"(v) The lease is not assignable to any third party, except with the consent of the Tribe and Phelps Dodge, and with the approval of the Secretary.

"(vi) Notwithstanding subsection (b) hereof, section 3706 shall be fully effective immediately with respect to the CAP water lease provided for in this subparagraph and the Secretary shall take all actions authorized by section 3706 necessary for purposes of implementing this subparagraph. Notwithstanding any other provision of law, the contract referred to in this subparagraph is ratified and confirmed and shall be enforceable in United States district court. In the event that no lease authorized by this subparagraph is executed, this subparagraph, notwithstanding any other provision of law, shall be enforceable as a lease among the Tribe, the United States, and Phelps Dodge in the United States district court, and the Secretary shall take all action authorized by section 3706 for purposes of implementing this subparagraph in such an event.

"(F) Any questions regarding the water claims associated with Phelps Dodge's use of the Eagle Creek Wellfield, its diversions of surface water from lower Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed by this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

"(4) EAGLE CREEK.—From the effective date of this subsection, and during the Interim Period, the Tribe shall not, in any way, impede, restrict, or sue the United States regarding the passage of water from the Black River facilities into those portions of the channels of Willow Creek and Eagle Creek which flow through the Reservation. Phelps Dodge agrees to limit pumping from the Upper Eagle Creek Wellfield so that the combination of water from the Black River facilities and water pumped from the Upper Eagle Creek Wellfield does not exceed 22,000 acre feet per year of delivered water at the Phelps Dodge Lower Eagle Creek Pump Station below the Reservation. In calculating the pumping rates allowed under this subparagraph, transmission losses from Black River and the Upper Eagle Creek Wellfield shall be estimated, but in no event shall such transmission losses be more than 10 percent of the Black River or Upper Eagle Creek Wellfield water. Based on this agreement, the Tribe shall not, in any way, impede, restrict, or sue Phelps Dodge regarding the passage of water from the Phelps Dodge Upper Eagle Creek Wellfield, except that—

"(A) Phelps Dodge shall pay to the United States, on behalf of the Tribe, $5,000 per month, with an annual CPI adjustment from July 23, 1997, to account for the passage of such flows; and

"(B) the Tribe and the United States reserve the right to challenge Phelps Dodge's claims regarding the pumping of groundwater from the Upper Eagle Creek Wellfield, in accordance with paragraphs (2)(E) and (3)(F) above. In the event that a court determines that Phelps Dodge does not have the right to pump the Upper Eagle Creek Wellfield, the Tribe will no longer be subject to the restriction set forth in this subparagraph regarding the passage of water from the Wellfield through the Reservation. Nothing in this subsection shall affect the rights, if any, that Phelps Dodge might claim regarding the flow of water in the channel of Eagle Creek in the absence of this subsection.

"(5) PAST CLAIMS.—The Act does not address claims relating to Phelps Dodge's prior occupancy and operation of the Black River facilities. The Tribe agrees not to bring any such claims against the United States. The Tribe also agrees that within 30 days after Phelps Dodge has vacated the Reservation, it shall dismiss with prejudice the suit that it has filed in Tribal Court against Phelps Dodge (The San Carlos Apache Tribe v. Phelps Dodge, et al., Case No. C–97–118), which such dismissal shall not be considered a decision on the merits, and any claims that it might assert against Phelps Dodge in connection with Phelps Dodge's prior occupancy and operation of the Black River facilities shall be brought exclusively in the United States district court.

"(6) RELATIONSHIP TO SETTLEMENT.—

"(A) The term 'Agreement', as defined by section 3703(2), shall not include Phelps Dodge.

"(B) Section 3706(j) and section 3705(f) shall be repealed and shall have no effect.

"(7) RATIFICATION OF SETTLEMENT.—The agreement between the San Carlos Apache Tribe, the Phelps Dodge Corporation, and the Secretary of the Interior, as set forth in this subsection, is hereby ratified and approved.".

(g) TECHNICAL AMENDMENT.—Section 3702(a)(3) is amended by striking "qualification" and inserting "quantification".

SEC. 5004. Paragraph (5) of section 104(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended as follows:

(1) In subparagraph (A), by striking ", including polar bears taken but not imported prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994,".

(2) By adding the following new subparagraph at the end thereof:

"(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30 day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph.".

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Public Law 104–208, under the heading "Health Education Assistance Loans Program" is amended by inserting after "$140,000,000" the following: ": *Provided further*, That the Secretary may use up to $499,000 derived by transfer from insurance premiums collected from guaranteed loans made under title VII of the Public Health Service Act for the purpose of carrying out section 709 of that Act".

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

Public Law 104–208, under the heading titled "Children and Families Services Programs" is amended by inserting after the reference to "part B(1) of title IV" the following: "and section 1110".

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support high priority health research, $15,000,000, to remain available until expended: *Provided*, That the Secretary shall award such funds on a competitive basis.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For additional amounts to carry out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, $101,133,000, of which $78,362,000 shall be for Basic Grants and $22,771,000 shall be for Concentration Grants, which shall be allocated, notwithstanding any other provision of law, only to those States, and counties within those States, that will receive, from funds available under the Department of Education Appropriations Act, 1997, smaller allocations for Grants to Local Educational Agencies than they would have received had those allocations been calculated entirely on the basis of child poverty counts from the 1990 census: *Provided*, That the Secretary of Education shall use these additional funds to provide those States with 50 percent of the difference between the allocations they would have received had the allocations under that Appropriations Act been calculated entirely on the basis of the 1990 census data and the allocations under the 1997 Appropriations Act: *Provided further*, That if any State's total allocation under that Appropriations Act and this paragraph is less than its 1996 allocation for that subpart, that State shall receive, under this paragraph, the amount the State would have received had that allocation been calculated entirely on the basis of child poverty counts from the 1990 census: *Provided further*, That the Secretary shall ratably reduce the allocations to States under the preceding proviso for either Basic Grants or Concentration Grants, or both, as the case may be, if the funds available are insufficient to make those allocations in full: *Provided further*, That the Secretary shall allocate, to such counties in each such State, additional amounts for Basic Grants and Concentration Grants that are in the same proportion, respectively, to the total amounts allocated to the State, as the differences between such counties' initial allocations for Basic Grants and Concentration Grants, respectively (compared to what they would have received had the initial allocations been calculated entirely on the

basis of 1990 census data), are to the differences between the State's initial allocations for Basic Grants and Concentration Grants, respectively (compared to the amounts the State would have received had the initial allocations been calculated entirely on the basis of 1990 census data): *Provided further*, That the funds appropriated under this paragraph shall become available on July 1, 1997 and shall remain available through September 30, 1998: *Provided further*, That the additional amounts appropriated under this paragraph shall not be taken into account in determining State allocations under any other program administered by the Secretary.

RELATED AGENCY

NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION

SALARIES AND EXPENSES

For necessary expenses for the National Commission on the Cost of Higher Education, $650,000, to remain available until expended.

GENERAL PROVISIONS, CHAPTER 6

SEC. 6001. Notwithstanding any other provision of law, fiscal year 1995 funds awarded under State-administered programs of the Department of Education and funds awarded for fiscal year 1996 for State-administered programs under the Rehabilitation Act of the Department of Education to recipients in Presidentially declared disaster areas, which were declared as such during fiscal year 1997, are available to those recipients for obligation until September 30, 1998: *Provided*, That for the purposes of assisting those recipients, the Secretary's waiver authority under section 14401 of the Elementary and Secondary Education Act of 1965 shall be extended to all State-administered programs of the Department of Education. This special waiver authority applies only to funds awarded for fiscal years 1995, 1996, and 1997.

SEC. 6002. Notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Higher Education Act that the Secretary deems necessary to assist individuals and other program participants who suffered financial harm from natural disasters and who, at the time the disaster struck were operating, residing at, or attending an institution of higher education, or employed within these areas on the date which the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): *Provided further*, That such authority shall be in effect only for awards for award years 1996–1997 and 1997–1998.

SEC. 6003. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 1997 may be used to administer or implement in Denver, Colorado, the Medicare Competitive Pricing/Open Enrollment Demonstration, as titled in the April 1, 1997, Final Request for Proposals (RFP).

SEC. 6004. EMERGENCY USE OF CHILD CARE FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning on April 30, 1997, and ending on July 30, 1997, the Governors of the States described in paragraph (1) of subsection (b) may, subject to subsection (c), use amounts received for the provision of child care assistance or services under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) to provide emergency child care services to individuals described in paragraph (2) of subsection (b).

(b) ELIGIBILITY.—

(1) OF STATES.—A State described in this paragraph is a State in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or that an area within the State is determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997.

(2) OF INDIVIDUALS.—An individual described in this subsection is an individual who—

(A) resides within any area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997; and

(B) is involved in unpaid work activities (including the cleaning, repair, restoration, and rebuilding of homes, businesses, and schools) resulting from the flood emergency described in subparagraph (A).

(c) LIMITATIONS.—

(1) REQUIREMENTS.—With respect to assistance provided to individuals under this section, the quality, certification and licensure, health and safety, nondiscrimination, and other requirements applicable under the Federal programs referred to in subsection (a) shall apply to child care provided or obtained under this section.

(2) AMOUNT OF FUNDS.—The total amount utilized by each of the States under subsection (a) during the period referred to in such subsection shall not exceed the total amount of such assistance that, notwithstanding the enactment of this section, would otherwise have been expended by each such State in the affected region during such period.

(d) PRIORITY.—In making assistance available under this section, the Governors described in subsection (a) shall give priority to eligible individuals who do not have access to income, assets, or resources as a direct result of the flooding referred to in subsection (b)(2)(A).

EXTENSION OF SSI REDETERMINATION PROVISIONS

SEC. 6005. (a) Section 402(a)(2)(D)(i) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)(i)) is amended—

(1) in subclause (I), by striking "the date which is 1 year after such date of enactment," and inserting "September 30, 1997,"; and

(2) in subclause (III), by striking "the date of the redetermination with respect to such individual" and inserting "September 30, 1997,".

(b) The amendment made by subsection (a) shall be effective as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

CHAPTER 7

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

(TRANSFER OF FUNDS)

For an additional amount for expenses of the "Office of the Secretary of the Senate", to carry out the provisions of section 8 of the Legislative Branch Appropriations Act, 1997, $5,000,000, to remain available until September 30, 2000, to be derived by transfer from funds previously appropriated from fiscal year 1997 funds under the heading "SENATE", subject to the approval of the Committee on Appropriations.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Marissa, Sonya, and Frank (III) Tejeda, children of Frank Tejeda, late a Representative from the State of Texas, $133,600.

OTHER AGENCY

BOTANIC GARDEN

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses, Botanic Garden", $33,500,000, to remain available until expended, for emergency repair and renovation of the Conservatory.

GENERAL PROVISIONS, CHAPTER 7

SEC. 7001. Section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(f)) is amended by adding at the end the following: "The limitation on the minimum rate of gross compensation under this subsection shall not apply to any member or civilian employee of the Capitol Police whose compensation is disbursed by the Secretary of the Senate.".

SEC. 7002. (a) Notwithstanding any other provision of law or regulation, with the approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate is authorized to provide additional facilities, services, equipment, and office space for use by a Senator in that Senator's State in connection with a disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Expenses incurred by the Sergeant at Arms and Doorkeeper of the Senate under this section shall be paid from the appropriation account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate with the approval of the Committee on Rules and Administration of the Senate.

(b) This section is effective on and after the date of enactment of this Act.

SEC. 7003. (a) Section 2 of Public Law 100–71 (2 U.S.C. 65f) is amended by adding at the end the following:

"(c) Upon the written request of the Secretary of the Senate, with the approval of the Committee on Appropriations of the Senate, there shall be transferred any amount of funds available under subsection (a) specified in the request, but not to exceed $10,000 in any fiscal year, from the appropriation account (within the contingent fund of the Senate) for expenses of the Office of the Secretary of the Senate to the appropriation account for the expense allowance of the Secretary of the Senate. Any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.".

(b) The amendment made by subsection (a) shall be effective with respect to appropriations for fiscal years beginning on or after October 1, 1996.

SEC. 7004. The Comptroller General may use available funds, now and hereafter, to enter into contracts for the acquisition of

severable services for a period that begins in one fiscal year and ends in the next fiscal year and to enter in multiyear contracts for the acquisition of property and nonaudit-related services, to the same extent as executive agencies under the authority of sections 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. 253l and 254c).

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $1,600,000, for necessary expenses directly related to support activities in the TWA Flight 800 crash investigation, to remain available until expended.

RETIRED PAY

For an additional amount for "Retired Pay", $9,200,000.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from flooding and other natural disasters, as authorized by 23 U.S.C. 125, $650,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from the December 1996 and January 1997 flooding in the western States.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The limitation under this heading in Public Law 104–205 is increased by $694,810,534: *Provided*, That such additional authority shall remain available during fiscal year 1997: *Provided further*, That notwithstanding any other provision of law, the authority provided herein above shall be distributed to ensure that States receive an amount they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996: *Provided further*, That notwithstanding any other provision of law, $318,077,043 of the amount provided herein above shall be distributed to assure that States receive obligation authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996: *Provided further*, That the remaining authority provided herein above shall be distributed to those States whose share of Federal-aid obligation limitation under section 310 of Public Law 104–205 is less than the amount such States received under section 310(a) of Public Law 104–50 in fiscal year 1996 in a ratio equal to the amounts necessary to bring each such State to the Federal-aid obligation limitation distributed under section 310(a) of Public Law 104–50.

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods, $18,900,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: *Provided*, That up to $900,000 shall be solely for damage incurred in West Virginia in September 1996 and $18,000,000 shall be solely for damage incurred in the Northern Plains States in March and April 1997: *Provided further*, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: *Provided further*, That railroad rights-of-way, bridges, and other facilities owned by class I railroads are not eligible for funding under this head unless the rights-of-way, bridges or other facilities are under contract lease to a class II or class III railroad under which the lessee is responsible for all maintenance costs of the line: *Provided further*, That railroad rights-of-way, bridges and other facilities owned by passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this head: *Provided further*, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That all funds made available under this head are to remain available until September 30, 1997.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", for emergency expenses resulting from the crashes of TWA Flight 800, ValuJet Flight 592, and Comair Flight 3272, and for assistance to families of victims of aviation accidents as authorized by Public Law 104–264, $29,859,000, of which $4,877,000 shall remain available until expended: *Provided*, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any other provision of law, not more than $10,330,000 shall be provided by the National Transportation Safety Board to the Department of the Navy as reimbursement for costs incurred in connection with recovery of wreckage from TWA Flight 800 and shall be credited to the appropriation contained in the Omnibus Consolidated Appropriations Act, 1997, which is available for the same purpose as the appropriation originally charged for the expense for which the reimbursements are received, to be merged with, and to be available for the same purpose as the appropriation to which such reimbursements are credited: *Provided further*, That notwithstanding any other provision of law, of the amount provided to the National Transportation Safety Board, not more than $6,059,000 shall be made available to the State of New York and local counties in New York, as reimbursement for costs incurred in connection with the crash of TWA Flight 800: *Provided further*, That notwithstanding any other provision of law, of the amount provided, not more than $3,100,000 shall be made available to Metropolitan Dade County, Florida as reimbursement for costs incurred in connection with the crash of ValuJet Flight 592: *Provided further*, That notwithstanding any other provision of law, of the amount provided, not more than $300,000 shall be made available to Monroe County, Michigan as reimbursement for costs incurred in connection with the crash of Comair Flight 3272.

GENERAL PROVISIONS, CHAPTER 8

SEC. 8001. Title I of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended under the heading "Federal Transit Administration—Discretionary Grants" by striking "$661,000,000" and inserting "$661,000".

SEC. 8002. Section 325 of title III of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended by deleting all text following: "*Provided*, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.".

SEC. 8003. Section 410(j) of title 23, United States Code, is amended by striking the period after "1997" and inserting ", and an additional $500,000 for fiscal year 1997.".

SEC. 8004. Section 30308(a) of title 49, United States Code, is amended by striking "and 1996" and inserting ", 1996, and 1997".

CHAPTER 9

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount under the heading "Departmental Offices, Salaries and Expenses", $1,950,000: *Provided*, That the Secretary of the Treasury may utilize the law enforcement services, personnel, equipment, and facilities of the State of Colorado, the County of Denver, and the City of Denver, with their consent, and shall reimburse the State of Colorado, the County of Denver, and the City of Denver for the utilization of such law enforcement services, personnel (for salaries, overtime, and benefits), equipment, and facilities for security arrangements for the Denver Summit of Eight being held June 20 through June 22, 1997, in Denver, Colorado subject to verification of appropriate costs.

COUNTER-TERRORISM AND DRUG LAW ENFORCEMENT

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 104–208, $16,000,000 shall be available until September 30, 1998 to develop further the Automated Targeting System.

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (d) of section 2401 of title 39, United States Code, $5,383,000.

GENERAL PROVISIONS, CHAPTER 9

SEC. 9001. The Administrator of General Services is authorized to obligate the funds appropriated in Public Law 104–208 for construction of the Montgomery, Alabama courthouse.

SEC. 9002. None of the funds appropriated or made available in this Act or any other Act may be used by the General Services Administration to implement section 1555 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355) prior to the date of adjournment of the first session of the 105th Congress.

SEC. 9003. (a) The Bureau of Engraving and Printing and the Department of the Treasury shall not award a contract for Solicitation No. BEP-97-13(TN) or Solicitation No. BEP-96-13(TN) until the General Accounting Office (GAO) has completed a comprehensive analysis of the optimum circumstances for government procurement of distinctive currency paper. The GAO shall report its findings to the House and Senate Committees on Appropriations no later than August 1, 1998.

(b) The contractual term of the distinctive currency paper "bridge" contract shall not exceed 24 months, and the contract shall not be effective until the Secretary of the Department of the Treasury certifies that the price under the terms of any "bridge" contract is fair and reasonable and that the terms of any "bridge" contract are customary and appropriate according to Federal procurement regulations. In addition, the Secretary of the Treasury shall report to the Committees on Appropriations on the price and profit levels of any "bridge" contract at the time of certification.

SEC. 9004. (a) Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following:

"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"§ 6391. Authority for leave transfer program in disasters and emergencies

"(a) For the purpose of this section—

"(1) 'employee' means an employee as defined in section 6331(1); and

"(2) 'agency' means an Executive agency.

"(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by such disaster or emergency.

"(c) The Office shall establish appropriate requirements for the operation of the emergency leave transfer program under subsection (b), including appropriate limitations on the donation and use of annual leave under the program. An employee may receive and use leave under the program without regard to any requirement that any annual leave and sick leave to a leave recipient's credit must be exhausted before any transferred annual leave may be used.

"(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office, donate annual leave to the emergency leave transfer program established under subsection (b).

"(e) Except to the extent that the Office may prescribe by regulation, nothing in section 7351 shall apply to any solicitation, donation, or acceptance of leave under this section.

"(f) The Office shall prescribe regulations necessary for the administration of this section.".

(b) The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"6391. Authority for leave transfer program in disasters and emergencies.".

CHAPTER 10

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $928,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Secretary of Veterans Affairs may carry out the construction of a multi-story parking garage at the Department of Veterans Affairs medical center in Cleveland, Ohio, in the amount of $12,300,000, and there is authorized to be appropriated for fiscal year 1997 for the Parking Revolving Fund account, a total of $12,300,000 for this project.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Notwithstanding any other provision of law, of the $1,000,000 appropriated for special purpose grants in Public Law 102-139, for a parking garage in Ashland, Kentucky, $500,000 shall be made available instead for use in acquiring parking in Ashland, Kentucky and $500,000 shall be made available instead for the restoration of the Paramount Theater in Ashland, Kentucky.

PRESERVING EXISTING HOUSING INVESTMENT

For an additional amount for "Preserving existing housing investment", to be made available for use in conjunction with properties that are eligible for assistance under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the Emergency Low Income Housing Preservation Act of 1987, $3,500,000, to remain available until expended: *Provided*, That up to such amount shall be for a project in Syracuse, New York, the processing for which was suspended, deferred or interrupted for a period of nine months or more because of differing interpretations, by the Secretary of Housing and Urban Development and an owner, concerning the timing of the ability of an uninsured section 236 property to prepay, or by the Secretary and a State rent regulatory agency concerning the effect of a presumptively applicable State rent control law or regulation on the determination of preservation value under section 213 of such Act, if the owner of such project filed a notice of intent to extend the low-income affordability restrictions of the housing on or before August 23, 1993, and the Secretary approved the plan of action on or before July 25, 1996.

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING

(TRANSFER OF FUNDS)

For "Capacity building for community development and affordable housing", as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103-120), $30,200,000, to remain available until expended, and to be derived by transfer from the Homeownership and Opportunity for People Everywhere Grants account: *Provided*, That at least $10,000,000 of the funding under this head be used in rural areas, including tribal areas.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

For an additional amount for "Community development block grants fund", as authorized under title I of the Housing and Community Development Act of 1974, $500,000,000, of which $250,000,000 shall become available for obligation on October 1, 1997, all of which shall remain available until September 30, 2000, for use only for buyouts, relocation, long-term recovery, and mitigation in communities affected by the flooding in the upper Midwest and other disasters in fiscal year 1997 and such natural disasters designated 30 days prior to the start of fiscal year 1997, except those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: *Provided*, That in administering these amounts, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary of Housing and Urban Development shall publish a notice in the Federal Register governing the use of community development block grants funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: *Provided further*, That for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each State or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: *Provided further*, That the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursements and uses of funds for or associated with buyouts: *Provided further*, That for purposes of disasters eligible under this head the Secretary of Housing and Urban Development may waive, on a case-by-case basis and upon such other terms as the Secretary may specify, in whole or in part, the requirements that activities benefit persons of low- and moderate-income pursuant to section 122 of the Housing and Community Development Act of 1974, and may waive, in whole or in part, the requirements that housing qualify as affordable housing pursuant to section 290 of the HOME Investment Partnerships Act: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Of the funds appropriated under this head in Public Law 104-204, the Secretary of Housing and Urban Development shall enter into

a contract with the National Academy of Public Administration not to exceed $1,000,000 no later than one month after enactment of this Act for an evaluation of the Department of Housing and Urban Development's management systems.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

BUILDINGS AND FACILITIES

From the amounts appropriated under this heading in prior appropriation Acts for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall, after the closing of the period for filing CERT-related claims pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against the EPA pursuant to such Act. To the extent that unobligated balances then remain from such amounts previously appropriated, the EPA is authorized beginning in fiscal year 1997 to make grants to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

STATE AND TRIBAL ASSISTANCE GRANTS

The funds appropriated in Public Law 104–204 to the Environmental Protection Agency under this heading for grants to States and federally recognized tribes for multi-media or single media pollution prevention, control, and abatement and related activities, $674,207,000, may also be used for the direct implementation by the Federal Government of a program required by law in the absence of an acceptable State or tribal program.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster relief", $3,300,000,000, to remain available until expended: *Provided*, That $2,300,000,000 shall become available for obligation on September 30, 1997, but shall not become available until the Director of the Federal Emergency Management Agency submits to the Congress a legislative proposal to control disaster relief expenditures including the elimination of funding for certain revenue producing facilities: *Provided further*, That of the funds made available under this heading, up to $20,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000,000 under section 417 of the Stafford Act: *Provided further*, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: *Provided further*, That the entire amount appropriated herein shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount appropriated herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 10

SEC. 10001. The Secretary shall submit semi-annually to the Committees on Appropriations a list of all contracts and task orders issued under such contracts in excess of $250,000 which were entered into during the prior 6-month period by the Secretary, the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight (or by any officer of the Department of Housing and Urban Development, the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight acting in his or her capacity to represent the Secretary or these entities). Each listing shall identify the parties to the contract, the term and amount of the contract, and the subject matter and responsibilities of the parties to the contract.

SEC. 10002. Section 8(c)(9) of the United States Housing Act of 1937 is amended by striking out "Not less than one year prior to terminating any contract" and inserting in lieu thereof: "Not less than 180 days prior to terminating any contract".

SEC. 10003. The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 is amended by striking out "on not more than 12,000 units during fiscal year 1996" and inserting in lieu thereof: "on not more than 12,000 units during fiscal year 1996 and not more than an additional 7,500 units during fiscal year 1997".

SEC. 10004. Section 4 (a) and (b)(3) of the HUD Demonstration Act of 1993 is amended by inserting after "National Community Development Initiative": ", Local Initiatives Support Corporation, The Enterprise Foundation, Habitat for Humanity, and Youthbuild USA".

SEC. 10005. Section 234(c) of the National Housing Act is amended by inserting after "203(b)(2)" the following: "or pursuant to section 203(h) under the conditions described in section 203(h)".

SEC. 10006. Section 211(b)(4)(B) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204) is amended by inserting the following at the end: "The term 'owner', as used in this subparagraph, in addition to it having the same meaning as in section 8(f) of the United States Housing Act of 1937, also means an affiliate of the owner. The term 'affiliate of the owner' means any person or entity (including, but not limited to, a general partner or managing member, or an officer of either) that controls an owner, is controlled by an owner, or is under common control with the owner. The term 'control' means the direct or indirect power (under contract, equity ownership, the right to vote or determine a vote, or otherwise) to direct the financial, legal, beneficial, or other interests of the owner.".

CHAPTER 11

OFFSETS AND RESCISSIONS

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

FUND FOR RURAL AMERICA

Of the funds provided on January 1, 1997 for section 793 of Public Law 104–127, Fund for Rural America, not more than $80,000,000 shall be available.

FOOD AND CONSUMER SERVICE

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $80,000,000.

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

EXPORT CREDIT

None of the funds made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997, Public Law 104–180, may be used to pay the salaries and expenses of personnel to carry out a combined program for export credit guarantees, supplier credit guarantees, and emerging democracies facilities guarantees at a level which exceeds $3,500,000,000.

EXPORT ENHANCEMENT PROGRAM

None of the funds appropriated or otherwise made available in Public Law 104–180 shall be used to pay the salaries and expenses of personnel to carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $10,000,000.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $6,400,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the amounts made available to the Attorney General on October 1, 1996, from surplus balances declared in prior years pursuant to 28 U.S.C. 524(c), authority to obligate $3,000,000 of such funds in fiscal year 1997 is rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

CONSTRUCTION

(RESCISSION)

Of the unobligated balances under this heading from amounts made available in Public Law 103–317, $1,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the unobligated balances available under this heading for the Advanced Technology Program, $7,000,000 are rescinded.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $1,000,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $1,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–206 and prior years' Energy and Water Development Appropriations Acts, $11,180,000 are rescinded.

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or

prior years, $17,000,000 are rescinded: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

STRATEGIC PETROLEUM RESERVE

(RESCISSION)

Of the funds made available under this heading in previous appropriations Acts, $11,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–206 and prior years' Energy and Water Development Appropriations Acts, $11,352,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the "," the following: "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),".

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103 as amended, $750,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $13,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF EXPENSES

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $271,000,000 are rescinded.

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, for fixed guideway modernization and bus activities under 49 U.S.C. 5309(m)(A) and (C), $588,000,000 are rescinded.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

EXPENSES, PRESIDENTIAL TRANSITION

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $5,600,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION)

Of the amounts recaptured under this heading during fiscal year 1997 and prior years, $3,650,000,000 are rescinded: *Provided*, That the Secretary of Housing and Urban Development shall recapture at least $5,800,000,000 in amounts heretofore maintained as section 8 reserves made available to housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs: *Provided further*, That all additional section 8 reserve funds of an amount not less than $2,150,000,000 and any recaptures (other than funds already designated for other uses) specified in section 214 of Public Law 104–204 shall be preserved under the head "Section 8 Reserve Preservation Account" for use in extending section 8 contracts expiring in fiscal year 1998 and thereafter: *Provided further*, That the Secretary may recapture less than $5,800,000,000 and reserve less than $2,150,000,000 where the Secretary determines that insufficient section 8 funds are available for current fiscal year contract obligations: *Provided further*, That the Comptroller General of the United States shall conduct an audit of all accounts of the Department of Housing and Urban Development to determine whether the Department's systems for budgeting and accounting for section 8 rental assistance ensure that unexpended funds do not reach unreasonable levels and that obligations are spent in a timely manner.

INDEPENDENT AGENCY

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICS FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $365,000,000 are rescinded.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–211 to NASA for "Space flight, control, and data communications", $4,200,000 are rescinded.

TITLE III

GENERAL PROVISIONS—THIS ACT

SEC. 30001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

BUY-AMERICAN REQUIREMENTS

SEC. 30002. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 30003. The Office of Management and Budget is directed to work with Federal agencies, as appropriate, to support the extension and revision of Federal grants, contracts, and cooperative agreements at universities affected by flooding in designated Federal disaster areas where work on such grants, contracts, and cooperative agreements was suspended as a result of the flood disaster.

TITLE IV—COST OF HIGHER EDUCATION REVIEW

SEC. 40001. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Cost of Higher Education Review Act of 1997".

(b) FINDINGS.—The Congress finds the following:

(1) According to a report issued by the General Accounting Office, tuition at 4-year public colleges and universities increased 234 percent from school year 1980–1981 through school year 1994–1995, while median household income rose 82 percent and the cost of consumer goods as measured by the Consumer Price Index rose 74 percent over the same time period.

(2) A 1995 survey of college freshmen found that concern about college affordability was the highest it has been in the last 30 years.

(3) Paying for a college education now ranks as one of the most costly investments for American families.

SEC. 40002. ESTABLISHMENT OF NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION.

There is established a Commission to be known as the "National Commission on the Cost of Higher Education" (hereafter in this title referred to as the "Commission").

SEC. 40003. MEMBERSHIP OF COMMISSION.

(a) APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(1) Three individuals shall be appointed by the Speaker of the House.

(2) Two individuals shall be appointed by the Minority Leader of the House.

(3) Three individuals shall be appointed by the Majority Leader of the Senate.

(4) Two individuals shall be appointed by the Minority Leader of the Senate.

(5) One individual shall be appointed by the Secretary of Education.

(b) ADDITIONAL QUALIFICATIONS.—Each of the individuals appointed under subsection (a) shall be an individual with expertise and experience in higher education finance (including the financing of State institutions of

higher education), Federal financial aid programs, education economics research, public or private higher education administration, or business executives who have managed successful cost reduction programs.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a Chairperson and a Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson will assume the duties of the Chairperson.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) APPOINTMENTS.—All appointments under subsection (a) shall be made within 30 days after the date of enactment of this Act. In the event that an officer authorized to make an appointment under subsection (a) has not made such appointment within such 30 days, the appointment may be made for such officer as follows:

(1) the Chairman of the Committee on Education and the Workforce may act under such subsection for the Speaker of the House of Representatives;

(2) the Ranking Minority Member of the Committee on Education and the Workforce may act under such subsection for the Minority Leader of the House of Representatives;

(3) the Chairman of the Committee on Labor and Human Resources may act under such subsection for the Majority Leader of the Senate; and

(4) the Ranking Minority Member of the Committee on Labor and Human Resources may act under such subsection for the Minority Leader of the Senate.

(f) VOTING.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

(g) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(h) PROHIBITION OF ADDITIONAL PAY.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by law for persons serving intermittently in the government service to the extent funds are available for such expenses.

(i) INITIAL MEETING.—The initial meeting of the Commission shall occur within 40 days after the date of enactment of this Act.

SEC. 40004. FUNCTIONS OF COMMISSION.

(a) SPECIFIC FINDINGS AND RECOMMENDATIONS.—The Commission shall study and make findings and specific recommendations regarding the following:

(1) The increase in tuition compared with other commodities and services.

(2) Innovative methods of reducing or stabilizing tuition.

(3) Trends in college and university administrative costs, including administrative staffing, ratio of administrative staff to instructors, ratio of administrative staff to students, remuneration of administrative staff, and remuneration of college and university presidents or chancellors.

(4) Trends in (A) faculty workload and remuneration (including the use of adjunct faculty), (B) faculty-to-student ratios, (C) number of hours spent in the classroom by faculty, and (D) tenure practices, and the impact of such trends on tuition.

(5) Trends in (A) the construction and renovation of academic and other collegiate facilities, and (B) the modernization of facilities to access and utilize new technologies, and the impact of such trends on tuition.

(6) The extent to which increases in institutional financial aid and tuition discounting have affected tuition increases, including the demographics of students receiving such aid, the extent to which such aid is provided to students with limited need in order to attract such students to particular institutions or major fields of study, and the extent to which Federal financial aid, including loan aid, has been used to offset such increases.

(7) The extent to which Federal, State, and local laws, regulations, or other mandates contribute to increasing tuition, and recommendations on reducing those mandates.

(8) The establishment of a mechanism for a more timely and widespread distribution of data on tuition trends and other costs of operating colleges and universities.

(9) The extent to which student financial aid programs have contributed to changes in tuition.

(10) Trends in State fiscal policies that have affected college costs.

(11) The adequacy of existing Federal and State financial aid programs in meeting the costs of attending colleges and universities.

(12) Other related topics determined to be appropriate by the Commission.

(b) FINAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall submit to the President and to the Congress, not later than 120 days after the date of the first meeting of the Commission, a report which shall contain a detailed statement of the findings and conclusions of the Commission, including the Commission's recommendations for administrative and legislative action that the Commission considers advisable.

(2) MAJORITY VOTE REQUIRED FOR RECOMMENDATIONS.—Any recommendation described in paragraph (1) shall be made by the Commission to the President and to the Congress only if such recommendation is adopted by a majority vote of the members of the Commission who are present and voting.

(3) EVALUATION OF DIFFERENT CIRCUMSTANCES.—In making any findings under subsection (a) of this section, the Commission shall take into account differences between public and private colleges and universities, the length of the academic program, the size of the institution's student population, and the availability of the institution's resources, including the size of the institution's endowment.

SEC. 40005. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish the Commission's procedures and to govern the manner of the Commission's operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Commission may request from the head of any Federal agency or instrumentality such information as the Commission may require for the purpose of this title. Each such agency or instrumentality shall, to the extent permitted by law and subject to the exceptions set forth in section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Commission, upon request made by the Chairperson of the Commission.

(2) FACILITIES AND SERVICES, PERSONNEL DETAIL AUTHORIZED.—Upon request of the Chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such agency or instrumentality available to the Commission; and

(B) detail any of the personnel of such agency or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out the Commission's duties under this title.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Commission, to such extent and in such amounts as are provided in appropriation Acts, may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge the Commission's duties under this title.

(f) STAFF.—Subject to such rules and regulations as may be adopted by the Commission, and to such extent and in such amounts as are provided in appropriation Acts, the Chairperson of the Commission shall have the power to appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairperson deems advisable to assist the Commission, at rates not to exceed a rate equal to the maximum rate for level IV of the Executive Schedule under section 5332 of such title.

SEC. 40006. FUNDING OF COMMISSION.

There is authorized to be appropriated for fiscal year 1997 for carrying out this title, $650,000, to remain available until expended, or until one year after the termination of the Commission pursuant to section 40007, whichever occurs first.

SEC. 40007. TERMINATION OF COMMISSION.

The Commission shall cease to exist on the date that is 60 days after the date on which the Commission is required to submit its final report in accordance with section 40004(b).

TITLE V—DEPOSITORY INSTITUTION DISASTER RELIEF

SEC. 50001. SHORT TITLE.

This title may be cited as the "Depository Institutions Disaster Relief Act of 1997".

SEC. 50002. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

(a) TRUTH IN LENDING ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from

such disaster that outweigh possible adverse effects.

(b) EXPEDITED FUNDS AVAILABILITY ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Expedited Funds Availability Act for depository institution offices located within any area referred to in subsection (a) of this section if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(c) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than September 1, 1998.

(d) PUBLICATION REQUIRED.—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(1) describes any exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

SEC. 50003. DEPOSIT OF INSURANCE PROCEEDS.

(a) IN GENERAL.—The appropriate Federal banking agency may, by order, permit an insured depository institution to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, on the day before the date of any such determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(b) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than February 28, 1999.

(c) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(3) LEVERAGE LIMIT.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act.

(4) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in subsection (a)(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

SEC. 50004. BANKING AGENCY PUBLICATION REQUIREMENTS.

(a) IN GENERAL.—A qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the agency determines that the action would facilitate recovery from the major disaster:

(1) PROCEDURE.—Exercising the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(2) PUBLICATION REQUIREMENTS.—Making exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) PUBLICATION REQUIRED.—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes any action taken under this section; and

(2) explains the need for the action.

(c) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this section, the term "qualifying regulatory agency" means—

(1) the Board of Governors of the Federal Reserve System;

(2) the Comptroller of the Currency;

(3) the Director of the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(d) EXPIRATION.—Any exception made under this section shall expire not later than February 28, 1998.

SEC. 50005. SENSE OF THE CONGRESS.

(a) FINANCIAL SERVICES.—It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers.

(b) APPRAISAL STANDARDS.—It is the sense of the Congress that each Federal financial institutions regulatory agency should, by regulation or order, make exceptions to the appraisal standards prescribed by title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property located within a disaster area pursuant to section 1123 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3352), if the agency determines that the exceptions can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

SEC. 50006. OTHER AUTHORITY NOT AFFECTED.

No provision of this title shall be construed as limiting the authority of any department or agency under any other provision of law.

TITLE VI—TECHNICAL AMENDMENTS WITH RESPECT TO EDUCATION

SEC. 60001. TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(a) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking "June 30" and inserting "August 31"; and

(2) in subsection (e)(9), by striking "August 30" and inserting "August 31".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

SEC. 60002. DATE EXTENSION.

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking "January 1, 1998" and inserting "January 1, 1999".

SEC. 60003. TIMELY FILING OF NOTICE.

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States' written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997–1998, except that the Secretary may require the States to submit such additional information as the Secretary may require, which information shall be considered part of the notices.

SEC. 60004. HOLD HARMLESS PAYMENTS.

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).".

SEC. 60005. DATA.

(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting "expenditure," after "revenue,"; and

(B) by striking the semicolon and inserting a period;

(2) by striking "the Secretary" and all that follows through "shall use" and inserting "the Secretary shall use"; and

(3) by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

SEC. 60006. PAYMENTS RELATING TO FEDERAL PROPERTY.

Section 8002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)) is amended to read as follows:

"(i) PRIORITY PAYMENTS.—

"(1) IN GENERAL.—Notwithstanding subsection (b)(1)(B), and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996—

"(A) the Secretary shall first use the excess amount (not to exceed the amount equal to the difference of (i) the amount appropriated to carry out this section for fiscal year 1997, and (ii) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2); and

"(B) the Secretary shall use the remainder of the excess amount to increase the payments to each eligible local educational agency under this section.

"(2) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this paragraph is a local educational agency that—

"(A) received a payment under this section for fiscal year 1996;

"(B) serves a school district that contains all or a portion of a United States military academy;

"(C) serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

"(D) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.".

SEC. 60007. TIMELY FILING UNDER SECTION 8003.

The Secretary of Education shall treat as timely filed, and shall process for payment, an amendment to an application for a fiscal year 1997 payment from a local educational agency under section 8003 of the Elementary and Secondary Education Act of 1965 if—

(1) that agency is described in subsection (a)(3) of that section, as amended by section 376 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201);

(2) that agency was not described in that subsection prior to that amendment; and

(3) the Secretary received the amendment to the agency's application prior to the enactment of this Act.

TITLE VII—FOOD STAMP PROGRAM

STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM

(a) IN GENERAL.—Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended—

(1) in subsection (a), by inserting after "necessary, and" the following: "(except as provided in subsection (j))"; and

(2) by adding at the end the following:

"(j) STATE OPTION TO ISSUE BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a State agency may, with the approval of the Secretary, issue benefits under this Act to an individual who is ineligible to participate in the food stamp program solely as a result of section 6(o)(2) of this Act or section 402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612 or 1613).

"(2) STATE PAYMENTS TO SECRETARY.—

"(A) IN GENERAL.—Not later than the date the State agency issues benefits to individuals under this subsection, the State agency shall pay the Secretary, in accordance with procedures established by the Secretary, an amount that is equal to—

"(i) the value of the benefits; and

"(ii) the costs of printing, shipping, and redeeming coupons, and other Federal costs, incurred in providing the benefits, as determined by the Secretary.

"(B) CREDITING.—Notwithstanding section 3302(b) of title 31, United States Code, payments received under subparagraph (A) shall be credited to the food stamp program appropriation account or the account from which the costs were drawn, as appropriate, for the fiscal year in which the payment is received.

"(3) REPORTING.—To be eligible to issue benefits under this subsection, a State agency shall comply with reporting requirements established by the Secretary to carry out this subsection.

"(4) PLAN.—To be eligible to issue benefits under this subsection, a State agency shall—

"(A) submit a plan to the Secretary that describes the conditions and procedures under which the benefits will be issued, including eligibility standards, benefit levels, and the methodology the State agency will use to determine amounts due the Secretary under paragraph (2); and

"(B) obtain the approval of the Secretary for the plan.

"(5) VIOLATIONS.—A sanction, disqualification, fine, or other penalty prescribed under Federal law (including sections 12 and 15) shall apply to a violation committed in connection with a coupon issued under this subsection.

"(6) INELIGIBILITY FOR ADMINISTRATIVE REIMBURSEMENT.—Administrative and other costs incurred in issuing a benefit under this subsection shall not be eligible for Federal funding under this Act.

"(7) EXCLUSION FROM ENHANCED PAYMENT ACCURACY SYSTEMS.—Section 16(c) shall not apply to benefits issued under this subsection.".

(b) CONFORMING AMENDMENTS.—Section 17(b)(1)(B)(iv) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(iv)) is amended—

(1) in subclause (V), by striking "or" at the end;

(2) in subclause (VI), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(VII) waives a provision of section 7(j).".

TITLE VIII—2000 DECENNIAL CENSUS

The Department of Commerce is directed within thirty days of enactment of this Act to provide to the Congress a comprehensive and detailed plan outlining its proposed methodologies for conducting the 2000 decennial Census and available methods to conduct an actual enumeration of the population. This plan description shall specifically include:

(1) a list of all statistical methodologies that may be used in conducting the Census;

(2) an explanation of these statistical methodologies;

(3) a list of statistical errors which may occur as a result of the use of each statistical methodology;

(4) the estimated error rate down to the census tract level;

(5) a cost estimation showing cost allocations for each census activity plan; and

(6) an analysis of all available options for counting hard-to-enumerate individuals, without utilizing sampling or any other statistical methodology, including efforts like the Milwaukee Complete Count project. The Department of Commerce is also directed within thirty days of enactment of this Act to provide to the Congress an estimate and explanation of the error rate at the census block level based upon the 1995 test data.

This Act may be cited as the "1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia".

CONTINUING RESOLUTION

Mr. LOTT. I ask unanimous consent that when the Senate receives from the House legislation which provides for the continuing of Government funding at a level of 100 percent of the fiscal year 1997 for those fiscal year 1998 appropriations that have not been signed by October 1, 1997, the majority leader may proceed with that legislation after consultation with the Democratic leader.

I did not read that smoothly. This is the continuing resolution, Government shutdown prevention language. We assume we will receive it in this 100 percent form of 1997 levels for those 1998 appropriations that have not been signed. There will then be one relevant amendment in order for each leader, limited to 1 hour each, to be counted against the overall 8 hours, and no other amendments or motions be in order to the bill, there be 8 hours for debate on the bill equally divided between the two leaders or their designees, and finally, following the expiration or yielding back of the time, the bill be read a third time and the Senate proceed to a vote on passage, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Let me say, Mr. President, that I appreciate the cooperation of the Senator from South Dakota. He has been willing to work on a number of different approaches to resolve this matter. This is clearly not the way I thought we should proceed. Apparently, the House-passed bill will be at the full funding level of about $8.6 billion. I think that is inappropriate, uncalled for. I think it is important that we get the disaster funds through and the funding for the Department of Defense Bosnia activities, but this bill has grown like Topsy. There is no need for it to be $8.6 billion. There has been a lot of add-ons on both sides of the

Capitol, both parties, and the administration even made an additional request apparently in writing the other day with regard to forward funding.

It seems to be everybody has found a way to add more money here and there, and while enumerated on the floor and put in on the floor, some of the things that have been added—and, again, this is not partisan or it is not aimed at just the Senate or just the House; it is a bicameral, bipartisan exercise—but as the effort has gone forward to try to reduce this funding, basically what this Senator has found is everybody said: No, not mine. Don't take this out. Don't take that out. There is a good reason for that, good reason for this, good reason for everything—always wanting to spend more of the people's tax money. So I am very unhappy with the amount of money involved here.

But I think, as majority leader, it is incumbent upon me to work with all the various parties involved here to find a procedure to get this work done. We have done that, and so now I think we are ready to go forward with the debate. I believe the chairman, Senator STEVENS, is here to give some more details about what is included in this bill.

Mr. DASCHLE. Mr. President, I would ask if the majority leader would just clarify one, I hope, minor point. In the last unanimous-consent request there was a reference to legislation which provides for the continuing of Government funding at a level of 100 percent of fiscal 1997 for fiscal 1998 appropriations. I assume that the reference to that particular legislation only refers to that particular matter and no other extraneous issues that could be attached. Is that the understanding of the majority leader, there would not be anything else in the bill other than continuing appropriations?

Mr. LOTT. Oh, yes, absolutely. Only that substance. Not other unrelated matters. I can think of lots of things they might try to attach to that.

No, not at all. We want this to be considered upfront in the daylight and a sincere effort to work out a way to avoid the fun and games at the end of the fiscal year. I think this will give us that shot. And if the House adds extraneous to it, it will never come up in this form. I would work with the Senator to make sure that does not happen.

Mr. DASCHLE. Mr. President, I appreciate that clarification. That is exactly the assurance I assumed the majority leader would give, and I appreciate very much appreciate his assertion in that regard.

I yield the floor.

Mr. STEVENS. Reserving the right to object, has it been agreed to?

The PRESIDING OFFICER. The Chair would observe that the unanimous-consent request has been agreed to.

Who seeks time?

Mr. STEVENS. I wanted to make certain, Mr. President, there was an agreement that——

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I want to make sure there is an agreement that the conference report that accompanied the bill, the managers' report accompanying the conference report is agreed to without any reservation as being the legislative history for the bill that will be covered by this unanimous-consent agreement. Is that understood?

The PRESIDING OFFICER. Is the Senator from Alaska making that in the form of a unanimous-consent request.

Mr. STEVENS. I do seek to add that to the unanimous consent, that the managers' report—there will be no report accompanying this bill. The statement of managers on the report on H.R. 1469 I wish to be included in this unanimous-consent request as being the legislative history for this bill.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I would certainly not object. On this side of the aisle, there are no reservations or objections to that at all.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Reserving the right to object—I will not object—my only hesitancy was I was wanting to make sure I understood the ramifications of the Senator's request. I think I do, and based on that I do not have any objections.

Mr. STEVENS. I thank both leaders.

The PRESIDING OFFICER. Who seeks time?

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

INTERNATIONAL BUSINESS CRIME

Mr. COCHRAN. Mr. President, several days ago a former staff member of mine in Hattiesburg, MS, brought to my attention a speech that was made at the University of Southern Mississippi to the honors college by Dick Thornburgh, former Attorney General of the United States. It was on the subject of "business crime goes international." In the remarks, former Attorney General Dick Thornburgh talks about the international problems that are created for U.S. businesses by criminal conduct in other countries—extortion, bribery in connection with Government contracts, and the like—and options for dealing with this in a more effective way to help enhance U.S. competitiveness throughout the world. It was such an excellent speech that I ask unanimous consent to have the speech of Dick Thornburgh printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

BUSINESS CRIME GOES INTERNATIONAL

(By Dick Thornburgh)

Contemporary observations on the world economy are invariably premised on the vast expansion of international trade. This increased internationalization of business provides major opportunities for American interests as we begin to accommodate to the global landscape fashioned by NAFTA, the completion of the Uruguay Round of GATT and the coming into being of the new World Trade Organization.

But, as I will discuss this evening, this prospect for expansion is threatened by an accompanying growth in international business crime. Sophisticated illegal operations and enterprises have burgeoned during the 1990s as the world's economic and financial configuration has adjusted to unprecedented change.

Part of this change derives from the rapid advances in technology, communication and transportation which have made the world a smaller place and produced a network of 24-hour trading marts around the globe. Jet travel, faxes, on-line communications and real-time conferencing capabilities have gone a long way toward the realization of what was once only a hypothetical "global community."

The end of the Cold War and the rise of market economies in many areas where they were previously unknown have contributed to this process of internationaization as well. New opportunities for investors and new markets for manufacturers and service providers now exist in countries that were previously in the thrall of totalitarian governments and centrally-directed economies. In Eastern and Central Europe and in the former Soviet Union, for example, while varying degrees of success have been achieved in the actual transition from state-run economies of private enterprise, in most of these countries the commitment from the top of privatization remains a reality.

Meanwhile, in the third world, developing countries are no longer merely pawns in the struggle between democratic and communist ideologies. The socialist economic models adopted by many of these nations during this lengthy competition have been largely discredited and abandoned. It is widely recognized that private investment in market economies will be the key to figure true growth in these underdeveloped areas.

Let me share with you an experience I had at the United Nations which vividly brought this change of attitude home to me. It involved the Center for Transnational Corporations (CTC), a UN affiliate formed during the 1970s at the behest of the Group of 77, the voice of the third world countries. The CTC was created out of a desire to prevent giant Western corporations from visiting suspected predatory practices on these developing countries. Codes of conduct were proposed to regulate the actions of multi-national investors so as to protect fragile developing economies. Now, as we fast forward to the 1990s, we find these same third world countries doing a 180 degree turn. They now urge the United Nations shift its emphasis to induce these same multi-national firms to invest in their nations so as to help create the economic growth, jobs and better quality of life that only an expanding economy can produce.

This shift in attitudes about private investment is emphasized in a recent report of the Bretton Woods Commission. This group was established under the chairmanship of Paul Volcker to observe the 50th anniversary of the conference which established the

World Bank and the International Monetary Fund. Their report noted: "Of the challenges facing the World Bank Group, none is greater than adapting to a world that has turned from public sector dominance towards private enterprise and free markets. A private sector orientation is a new one for development assistance and the World Bank Group should lead the way."

Clearly, American companies are responding to these messages. Private American investments abroad now exceed $700 billion dollars and American businesses now employ some 5.4 million persons in foreign countries. While manufacturing operations have traditionally dominated our overseas activities, more and more growth is now taking place in the service sector. A spokesman for the prime U.S. retailer, Wal-Mart, put it this way: "It is our belief that, with trade barriers coming down, the world is going to be one big market place, and he who gets there first, does the best."

Unfortunately, there is a dark underside to this increase in international activity. With greater private sector activity has come an increase in business crime. And with a greater global reach of legitimate business has come a corresponding increase in the internationalization of illegal business activities. It is this phenomenon that I wish to address this evening.

Business crime, of course, is not an alien concept in the United States. During the nearly three decades since I first joined our Department of Justice, federal investigators and prosecutors have concentrated increasingly upon the more sophisticated types of business crimes—what Ralph Nader calls "crime in the suites."

We have seen an unprecedented emphasis in the 1990s, for example, on cases involving failed savings and loans, illegal trading in securities and commodities, defense procurement fraud, money laundering and corrupt public officials, with high rates of conviction and substantial sentences in each area.

Since the 1920s, the American phenomenon of organized crime—the business of crime itself—and its illicit monopolies in narcotics, illegal gambling and loan sharking has beleaguered legitimate enterprise and been a particular focus for intense law enforcement activities as well.

Efforts against these types of crime have been largely carried out at the federal level since these cases often cross state or international boundaries and, more often than not, require sophisticated law enforcement techniques to unravel purposely complicated transactions designed to escape detection.

Now it appears that, just as business growth has been extended into new regions and nations of the world, so has the reach of these same types of criminal activities become more evident. As new market economies have grown abroad, criminal elements have grasped the opportunity to prosper through illegal activities as well. Particularly in countries without a well-developed rule of law and an embedded legal culture (not to mention professional police establishments and an independent judiciary) criminal enterprises can easily gain a foothold and retard the full potential of increased legitimate business activity.

Consider Russia, where the world's biggest economic transition is taking place, and where more than 100 American joint ventures and partnerships are already underway. As the lumbering state-run economy evolves into a new market-oriented system, reform efforts are beset by racketeering and corruption. There we find that:

Last year, Russian organized crime controlled as much as 40 percent of the nation's turnover in goods and services.

An estimated 80 percent of Russian businesses are said to pay "protection" money to gangsters.

Practices such as the infiltration of legitimate businesses, illegal smuggling, black market activities and public corruption are rife.

The largest Russian investment firm, MMM, almost completely unregulated by our standards, virtually collapsed, leaving an estimated 10 million investors disillusioned, not only with the scam artists responsible, but with the whole notion of capitalism.

When I visited Russia as an observer of their historic parliamentary and presidential elections, rumors abounded that particular candidates were funded by the so-called "Mafiya." In Russia today, this term is used all too loosely and, in some quarters, may merely designate anyone who has turned a profit in the new economy. As one observer has noted, "[p]olice and politicians still fall into the Soviet habit of ascribing mafia connections to anyone who possess what seems to be an unreasonable amount of money." This is not surprising in a culture where generations have been taught the Marxist-Leninist catechism that "all property is theft!"

There is, to be sure, real organized crime in the Russian Federation. Its face is an ugly one indeed, as described by one observer:

"When it comes to control of individual companies, the crime bosses' methods are simple but effective. They approach the director of a large business and suggest a more manageable and productive system that will provide everyone with certain guaranteed economic returns. For the director, noncooperation may mean unbearable operating conditions, refusals of credit, delays in supply, work-place accidents, missing payrolls—even death."

Serious business crime problems are not, of course, confined to the former Soviet sphere. Italy, where the "real" Mafia originated, is in the throes of a major continuing political crisis resulting from the impact of organized crime and official corruption upon its business and governmental structure. An Italian Small Business Association study estimates that the mob controls up to a fifth of all business activity in that country and as many as half of its financial holding companies. Public corruption has already toppled long-standing political institutions and personalities in Italy and the final returns are yet to be tallied.

Activities of other high profile criminal groups as the Japanese Yakuza, the Chinese Triads and, of course, the Colombian drug cartels have impacted the ability of free markets to operate in those countries and visited the heavy toll of corruption upon their economies.

Some even posit the coming into existence of a world-wide criminal cartel which would draw these various groups together to execute their illegal enterprises.

Political change is deeply implicated in the threats posed by business crime. One of the most frequently voiced fears I heard expressed on a recent trip to Hong Kong, for example, is what effect the July 1 take-over by the Peoples Republic of China and the uncertain future of effective law enforcement against business crime and corruption there will have on that community's thriving economy.

And while Hong Kong has highly sophisticated securities regulators and corruption fighters, what of those countries where such mechanisms do not exist? How can market economies be created or sustained without the "checks and balances" inherent in the authority to regulate securities markets, to insure competition through vigorous antitrust enforcement and to stifle attempts to launder dirty money through legitimate financial institutions?

Money laundering, in particular, has become a $100 billion worldwide problem. As recently pointed out in a Foreign Affairs treatment of the subject: "[I]nnovative techniques of moving and concealing vast sums of cash * * * often seem to be outstripping the capacity of the international criminal justice system and its diplomatic and legal underpinnings." In one recent case, the concealing of the illegal movement of funds utilized bank and non-bank institutions in 40 different countries. The speed with which electronic transfers can be effected often leaves law enforcement "a day late and [several million] dollars short" in the pursuit of ill-gotten gains.

Finally, American firms also find themselves at a competitive disadvantage in foreign markets due to the failure of other major trading nations to emulate the strictures of our Foreign Corrupt Practices Act which makes bribery abroad a federal criminal offense. The former chief spokesman of the World Bank has pointed out that:

"International corruption hobbles American corporations, which lose deals when foreign rivals bribe foreign officials. It cheats American taxpayers whose aid dollars end up in the private bank accounts of foreign leaders. And it hurts the world's poor, when aid is siphoned off for political kickbacks by contractors intent upon selling unneeded weapons or presidential palaces."

A recent Commerce Department study estimated that U.S. companies had been edged out by foreign competitors on some $36 billion of international business deals on account of bribes and other government-assisted activities. And—the unkindest cut of all—in many cases, these payments are tax-deductible business expenses for foreign competitors back home.

II.

How has law enforcement reacted to this increasing internationalization of business crime? In fact, as we passed the mid-point of this decade, a great deal of effort was being expended to cope with these challenges. While the late author Claire Sterling described ours as an era where "borders have gone down for crooks, but not for cops," significant steps are being taken to increase cooperative international law enforcement efforts and help meet the problem of the internationalization of business crime. As you might expect, however, much more remains to be done.

Successful action will be required on three separate fronts: (1) stepped-up domestic law enforcement capabilities in each country; (2) bilateral initiatives to increase cooperation between nations; (3) multi-lateral efforts to insure a maximum international reach of effective law enforcement. Let me set forth a brief progress report in each of these areas.

A.

Needless to say, an effective response to international criminal activity begins at home. Here the United States has much to share with its global partners in this effort. Statutes defining racketeering activities and various types of conspiracies, together with investigative techniques such as witness immunity, court-authorized wiretaps and expert accounting skills, are lacking in many

of the countries now called upon to deal with business crimes.

Many of those with the worst problems are lacking in even the rudiments of legal and law enforcement systems to deal with sophisticated criminal activity.

The central problem for the Russian Federation, for example, is identified by one observer as "the legal vacuum at the heart of the Russian economy." That is to say, he continues, "Russian policymakers . . . tried to develop a free market before constructing a civil society in which such a market could safely operate."

During my service as attorney general we visited the then Soviet Union in 1989 to discuss the need for the rule of law and its vigorous implementation, not only in the interest of preserving human rights and civil liberties, but to create a climate within which free markets could exist and economic growth could take place. Many of these principles were, happily, to be reflected in the new Russian constitution approved in the December, 1993 referendum.

Our Moscow meetings were following up by further exchanges here and abroad with representatives of the Russian Federation and those from other Eastern and Central European countries such as Ukraine, Hungary, Bulgaria, Poland and the former Czechoslovakia, all focused on creating systems within which arbitrary rule would give way to concepts of due process enforced by an independent judiciary.

Once these benchmark principles began to be implanted, our focus switched to the nuts-and-bolts of how to make the system work in areas such as securities regulation, creditors rights, promoting competition and fighting racketeering. That work has been ably reinforced by the American Bar Association's Central and Eastern European Law Initiative (CEELI) project, seeking to establish law enforcement and regulatory mechanisms under which the free enterprise system can take root and those seeking to corrupt the system can be brought to justice.

Recently, I met in Moscow with judges of the newly-expanded commercial court system about the handling of business disputes and with Russia's new chief prosecutor concerning the need to crack down on illegal business practices.

Others have also capitalized on American know-how in dealing with law enforcement challenges. The Italian-American Working Group, established by Attorney General William French Smith, provides a forum for U.S. officials to share the latest in techniques for the investigation of organized criminal activities in both countries. And the Justice Department's International Criminal Assistance Training Program (ICITAP) has made available valuable expertise to Central and South American countries interested in racheting up their capabilities to deal with sophisticated criminal activity.

But the basic need continues to be the strengthening of the rule of law and legal cultures within these nations. One Chinese expert, for example, has recently emphasized that "China lacks a legal framework and effective enforcement of a legal system for a market economy." She argued further that the solution to the problem of corruption in China "rests on the development of a . . . modern legal system with binding contracts, property rights and courts to adjudicate disputes."

B.

It is clear, however, that, no matter how proficient the domestic capabilities of any one country, including the United States, become, the challenge of international criminal activity cannot be met on a go-it-alone basis. Thus, increasing attention is being paid to cooperative efforts to ensure that neither evidence nor suspects can find "safe havens" from prosecution simply by crossing international borders.

Probably the most effective bi-lateral tool established for this type of nation-to-nation cooperation is the Mutual Legal Assistance Treaty, or MLAT, as it is popularly designated. During the 1970s, when I headed the Justice Department's Criminal Division, a number of executive agreements regarding the exchange of evidence were established with foreign governments in the aftermath of allegations of illegal payments by Lockheed to foreign officials. The first MLAT treaty, however, was not ratified until 1976 when, not surprisingly, it was the Swiss government which agreed to exchange evidence with U.S. prosecutors on a somewhat limited, but since expanded, basis.

MLATS are now in effect with a total of 15 countries and they provide a useful means by which law enforcement agencies can communicate directly, avoiding sometimes cumbersome diplomatic channels and outmoded formal procedures for the acquisition of evidence. A typical MLAT covers the taking of testimony and providing of documents and other articles of evidence, the service of judicial documents, the execution of searches and seizures, the transfer of persons in custody and assistance in proceedings relating to forfeiture, restitution and the collecting of fines. Counterpart Memoranda of Understanding (MOUs) have been entered into between the Securities and Exchange Commission and regulators in other countries to facilitate investigations in this field, deriving from the 1982 MOU with the Swiss government.

Incidentally, in what has been described as "the first break in the concept of universal bank secrecy," Switzerland in 1989 also adopted a tough anti-money laundering statute. This action followed our meeting with leading Swiss bankers to point out to them the threat to their reputation for probity and integrity in the world's financial circles, should they continue to be indifferent to the sources of funds deposited in their famous "Swiss bank accounts." This "know your customer" law was recently buttressed by additional criminal sanctions and the Swiss example has been followed by others as well, including the United Kingdom, Spain, Hong Kong and Canada. Money laundering also received increased emphasis at the G–7 Summit in 1989 out of which came recommendations from the Financial Action Task Force which have been activated by all leading members of the world financial community.

C.

These multi-lateral efforts have been duplicated by other groups of countries intent upon making the whole of their collective law-enforcement efforts greater than simply the sum of their individual parts.

Within the European Community, for example, the Trevi Group meets twice a year to exchange views on law-enforcement policy and the United States (with Canada) enjoys observer status at such gatherings, giving American law officials a chance to interact with their continental counterparts on a most productive informal basis. Similar mechanisms exist within the Organization of American States and, in 1990, a meeting in Seoul, South Korea brought together attorneys general from 24 Asian and Pacific nations to exchange views on international challenges to law enforcement in that area of the world.

The most significant break-through with regard to multi-lateral law enforcement activity came, however, with the adoption in Vienna in December, 1988 of the United Nations Drug Enforcement Convention, now ratified by 115 nations. This Convention charted an entirely new course for global law enforcement requiring, as it did, the enactment of laws to criminalize specific acts involved in producing and trafficking in illegal drugs (including money-laundering), to provide for the seizure and forfeiture of assets and profits of the drug trade, to simplify the exchange of witnesses and evidence and to expedite extradition procedures.

Although confined for now to drug offenses—a politically popular and highly visible target—the UN Treaty establishes a model for international cooperation against all types of crime that extend beyond the boundaries and the capabilities of individual countries. It will not be long, I would venture to predict, before its counterpart in the area of international business crime begins to attract substantial support in the world community.

Such a suggestion was indeed made at the World Ministerial Conference on Organized Transnational Crime held in Naples, Italy in November, 1994 and repeated at a conference on International Corruption which I attended last month in Buenos Aires, Argentina under the sponsorship of the United Nations Commission on Crime Prevention and Criminal Justice.

Why are these extraordinary mechanisms necessary? One observer has identified the "Basic challenge [to be] how to control growing domains of transnational activities that either ignore or take advantage of national borders when the powers of the state remain powerfully circumscribed by the political, geographical and legal limitations that attend notions of national sovereignty."

The international community has already responded to the threat of drug trafficking by relinquishing portions of state sovereignty through the adoption of the UN Drug Enforcement Convention. If the world is to take full advantage of the prospects for economic growth we have examined today, a similar effort against international business crime and official corruption must be mounted with the same vigor.

* * * * *

As the nation in the forefront of the commitment to the rule of law and the containment of crime, it is to be hoped that the United States will continue to play a lead role in the endeavor to send a consistent message to international criminals, however sophisticated, that "You can run, but you cannot hide" from effective law enforcement.

To do otherwise might well forfeit the unprecedented opportunity we have to help bring the full benefits of free markets and an improved quality of life to portions of the world desperately in need of both.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerkl will call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. BYRD. Mr. President, I am pleased to join the distinguished chairman of the committee, Senator STEVENS, in urging the Senate to adopt the disaster assistance supplemental appropriation bill upon its receipt from the House. The funding levels contained in that bill are the same as those adopted by the Senate in the conference report on H.R. 1469 on June 5 by a vote of 67 to 31. That conference agreement, however, also contained a number of extraneous provisions to which the President objected and which he advised would cause a veto. Upon receipt of the conference agreement to H.R. 1469, the President did, in fact, veto the measure. Subsequently, continuous efforts have been ongoing to resolve the differences on those extraneous provisions in a way that will allow the disaster assistance funding contained in this supplemental to reach the hundreds of thousands of victims of the recent disasters that have beset the Nation over past months.

In all, 33 States will be eligible for the disaster assistance funds provided in the bill. As explained in more detail by the chairman, title I of the bill contains appropriations totaling $1.8 billion in support of our men and women in uniform engaged in peacekeeping operations around the world, particularly in Bosnia. Title II of the bill contains disaster assistance appropriations for a number of departments and agencies throughout the Federal Government with jurisdiction over the emergency relief efforts. Those appropriations total some $5.5 billion. The bill also contains an appropriation of over $937 million for veterans compensation and pensions.

In all, the bill totals some $8.6 billion, the budget authority of which is fully offset by the rescissions of appropriations which are also contained in the bill.

Regarding the extraneous matters which caused the Presidential veto, it is my understanding that they have all been resolved to the satisfaction of the administration and in a way which will allow the President to sign this bill. While I regret that the enactment of this disaster assistance appropriation bill has required many weeks and a Presidential veto in order to achieve its ultimate enactment, I recognize that the proponents of the extraneous provisions that caused the delay feel very strongly about the merits of their provisions, and I appreciate their willingness to allow the removal or modification of them in a way that will allow this bill to go forward so that its benefits can then be forthcoming to the American people for whom they are intended.

In closing, Mr. President, I urge all Members to support the bill, and I congratulate the chairman of the House Appropriations Committee, Mr. LIVINGSTON, and my House counterpart, Mr. OBEY, for their efforts in reaching this agreement, as well as the distinguished chairman of the Senate Appropriations Committee, Mr. STEVENS. In addition, I also thank our distinguished minority leader, Mr. DASCHLE, who has worked tirelessly day and night in resolving these issues. The majority leader, Mr. LOTT, is also to be commended for his efforts on this bill.

How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator from West Virginia has 29 minutes and 30 seconds.

Mr. BYRD. I thank the Chair. I yield to the distinguished Senator from North Dakota, 5 minutes.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the ranking member of the Appropriations Committee, Senator BYRD.

Mr. President, this legislation comes as an enormous relief. As the occupant of the Chair knows well, I have come to the floor many times to plead with my colleagues to deliver this assistance and deliver it as quickly as possible. We have been hung up here, now, in the 54th day since the dikes broke at Grand Forks. A town of 50,000 was completely evacuated; tens of thousands of people still, today, are not back. We have people still who are sleeping on cots, living in cars; thousands of people who are wondering when is help going to come.

We heard over the weeks that there was money in the pipeline. I can tell you, from a local perspective, the money has not been getting through that is necessary for rebuilding and recovery. So this legislation that has now come from the House represents an incredible victory for the people in the disaster areas because the offending provisions, those that caused the President to veto the bill, are now removed. What we have is a clean disaster relief bill, which is what the people of the disaster areas have asked for sincerely, and in many ways with, I think, real patience, because 54 days have elapsed before we are finally going to see this legislation pass and be signed by the President of the United States. Mr. President, a clean disaster relief bill, thank goodness; many of us wondered if this day was going to come and here it is. This bill represents real help that is going to make the difference, a real difference in the lives of people.

I just remind my colleagues, this is what we look at in Grand Forks today. This is the rubble that is left by the devastation of downtown Grand Forks. Remember, we experienced a multiplicity of disasters. We had, first of all, 10 feet of snow this winter, the most snow we have ever had, followed by the most powerful winter storm in 50 years that eliminated electricity for 80,000 people for more than a week, followed by a 500-year flood, by far the worst flood ever in our history. It was absolutely devastating. Then, in the midst of that, a fire that burned much of downtown Grand Forks.

I tell you, we began to think this was apocalyptical. But still, today, we are living with the results. This is the picture of just one boulevard. On every street in Grand Forks and East Grand Forks, this is what you see: The rubble piled, 5, 6 feet high. You can go down the streets and you can see what kind of washer and dryer everybody had in Grand Forks, because they are all out in the boulevards. Every item of personal furniture and clothing is out on these boulevards. People left at 1 o'clock in the morning with only the clothes on their backs, because the dikes failed at that hour.

Again, this is another typical street. You can see the junk piled all up and down the streets of Grand Forks and East Grand Forks, ND. These people are living through a slow-motion disaster because the disaster occurred, the natural disaster, but now we are still living with the results. That is why this money is so desperately needed.

I can tell you, there are many people we want to thank. Senator BYRD, the ranking member of the Appropriations Committee, has been a staunch ally throughout this fight. We deeply appreciate, Senator BYRD, your assistance, and the assistance of your able staff—Jim English I want to name specifically, because he has been a rock. We will never forget the assistance that you, Senator BYRD, have provided and that Jim English has provided as well.

I also want to thank the chairman of the Appropriations Committee, Senator STEVENS, because he, too, listened and heard our plea. And we appreciate it very much.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who seeks time? The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, first of all I thank the distinguished senior Senator from North Dakota for his kind words concerning me, and especially with reference to my very capable staff.

How much time does the Senator from Minnesota require?

Mr. WELLSTONE. Mr. President, I have had a chance to speak on this often. Five minutes, I think, will do it.

Mr. BYRD. I yield 5 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I don't have any rehearsed remarks. I am trying to think exactly what to say. I want to thank my colleague from

North Dakota, both Senators from North Dakota, and the Senators from South Dakota. It has been a pleasure to work with you.

I certainly want to thank the minority leader, Senator DASCHLE, who has done a great job.

Jim English, I am going to say the same thing about you. I want to thank Jim for just incredible work. Larry Stein has been phenomenal as well.

I would like to thank Sarah Neimeyer who has worked with me in my office.

We have had so much help. Senator BYRD, thank you so much for your support. And I would like to thank my Republican colleagues on the other side of the aisle for their support.

Finally, we have come together. Finally we are going to pass a disaster relief bill. Mr. President, all I can say right now is that this has been a long and sometimes bitter fight. I wish it had not been such a long, protracted fight. I wish it had not been a bitter fight. I do not think I am in the mood at all to point fingers today. I think it is better just to say to everybody here, we finally have come together.

Senator STEVENS, thank you for your help. And I think that what matters is not who wins or who loses here in the Senate or in the House. I don't really care. I don't think it's very important. But I do think the people back in Minnesota and the Dakotas win, and that does matter a great deal to me. People are trying to get on with their lives. They are trying to rebuild their lives. And they need the certainty. They need the certainty of knowing whether or not this assistance is going to be available. I think, finally, today, as a Senator from Minnesota, I can look people in the eyes, go back home and meet with people and say, "This is passed, the help is going to be forthcoming. I hope and pray that this will help you and this will help your children and this will help your families."

I am proud of my colleagues on this side of the aisle. I thank colleagues on the other side of the aisle for their support now. Finally, we are together. I am proud of my Democratic colleagues because I think we did the right thing. I think we used the rules of the Senate. The expert—I have to get his attention—the expert who knows more than the other 99 Senators combined is Senator BYRD.

Senator BYRD, I want to get your attention. You do not have to respond. I would say I am proud of my colleagues, I am proud of the Democrats. I said one of the things I am most proud of is I think we did the right thing to be out here fighting for people, and I think it was important to use the rules of the Senate to fight for people. I was saying that you are, of course, the master teacher to all of us. Again, I thank you for what you have taught us.

It feels good to be able to know the process and use the rules, if you can use your leverage to fight for people. I think we did that. But I think most important of all, it is the people who will benefit. We have come together, finally, finally. I think the U.S. Senate, and I hope the House of Representatives and therefore the Congress, will look good to people after what has been a terrible period of time. I do not believe the last several weeks have been a good several weeks for the Congress. They have not built up a lot of respect for our institution. People have not been able to understand the delay. I think, in a way, this is an important victory for people in our States and it is also, I think, a very good thing that finally, finally the U.S. Senate has come through for people.

Mr. President, I have spoken many, many, many, many hours, have given enough speeches to probably deafen all of my colleagues and I do not need to say any more. I am so pleased, I feel so good that we finally are able to pass this bill and we are finally going to be able to help people—really good people who really need the help.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Alaska yields 5 minutes to the Senator from Minnesota.

The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I am very pleased that Congress and the President have finally agreed to the compromise proposal I offered earlier this week to smooth the way for passage of emergency flood relief for the people of Minnesota and the Dakotas.

My compromise calls for separate votes on the emergency disaster relief bill and on legislation to protect the American people from a Government shutdown. Today's vote confirms that was the best way to build the necessary consensus in Washington to deliver flood relief as quickly as possible.

The people of my home state of Minnesota have been waiting with increasing impatience for Washington to stop talking about delivering recovery aid and finally do something about it.

They have been waiting for Congress and the President to work together to finally bridge the gap that led to the veto that now holds up flood relief. I am pleased to say that today, the waiting ends and the rebuilding process can move ahead.

This flood recovery aid means more to us in Minnesota than simply dollars. It sends the message that the people of Minnesota and the Dakotas, who have endured so much during this critical time, have not been forgotten by Washington, and that the promises made by Congress and the President to our States will be promises kept.

But our work does not end with this vote. Once we pass this bill and the President signs it into law, we must keep a watchful eye to ensure that the recovery and rebuilding process in Minnesota and the Dakotas can go forward without any further delays caused by gridlock in Washington.

That is why I believe that Congress must pass the Government Shutdown Prevention Act, which will protect Minnesotans from a Government shutdown as we rebuild our State from the damages caused by the flood.

Under my proposal, which we will adopt today, we can have that vote, free from any procedural delays, and give the people of Minnesota and the Dakotas that important assurance.

Mr. President, this has been a stressful time for individuals, families, farmers, and businesses in the Midwest devastated by the flooding. The delays from Washington did not help anybody.

But with this agreement today, we have reduced the chance that a man-made disaster this fall, in the form of a Government shutdown, will follow the natural diaster that victimized so many people this past spring.

Again, I am pleased that we could work out this agreement and act on my proposal to pass emergency flood aid to Minnesota and the Dakotas. With this compromise, the blame game can end and the rebuilding can continue. It is time to move forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Who yields time?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask the distinguished Senator from Alaska if he has any problem with my yielding time at this point?

Mr. STEVENS. I am happy to have him yield time.

Mr. BYRD. I yield 5 minutes to the distinguished Senator from North Dakota [Mr. DORGAN], and I am going to be off the floor temporarily because I have someone waiting in my office down below. In the meantime, I ask Mr. DORGAN to yield time on my behalf.

Mr. DORGAN. I will be happy to do that.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 5 minutes.

Mr. DORGAN. Mr. President, this is an occasion of some happiness for those of us who have spent a substantial amount of time in the Senate pushing very hard to try to get a disaster relief bill finished.

I today compliment the Senator from Alaska, Senator STEVENS, the Senator from West Virginia, Senator BYRD, and other members of the Appropriations Committee. I have said repeatedly that

when this legislation passes, it will contain a substantial amount of assistance for those who have been hit by natural disasters, especially for those in our region who were devastated by the circumstances of blizzards, floods, and then fires.

There have been a substantial amount of impatience on my part and the part of many others in Congress in the recent 3 or so weeks. We have been impatient because we have constituents who have been impatient. We know that their lives have been on hold, decisions have not been able to be made on a timely basis.

My colleague, Senator CONRAD, my colleagues, Senator WELLSTONE, Senator GRAMS and others, Senator DASCHLE and Senator JOHNSON from South Dakota, we know from going home, our citizens who are victims of these disasters have, in many instances, been living in other communities with relatives, in tents, in camper trailers, in shelters, on cots, and they have been very concerned about the inability to put their lives back together. We have repeatedly pushed for a timely resolution for this matter.

Today, it appears that we will see a piece of legislation through the Congress, and it is my hope to be invited to participate tomorrow morning in a bill-signing ceremony. I hope that President Clinton will have a brief ceremony to sign this legislation, after which a substantial amount of help will be available to people of our region.

What kind of help is it? Well, it is a substantial amount of money to help people who lost their homes. In Grand Forks, ND, alone, 600 homes have been totally destroyed, another 600 to 800 homes have been severely damaged. Those families are not back in their homes and will not be back in their homes. Many of those homes will never again be inhabited, and those families need some help. This legislation reaches out to them to say we want to help you.

The legislation includes some resources for people who have lost livestock in the blizzards this winter. A substantial number of blizzards paralyzed our State. The last blizzard was the worst blizzard in 50 years. We had cattle on their feet suffocating from snow, and white-out conditions where they could breathe nothing but snow. I mentioned the other day that a fellow was in a community and someone said, "Well, what are you going to be doing next?" He was a rancher. He said, "Well, I'm going home to shoot some calves." He had to shoot calves because these are calves whose feet were frozen in the blizzard, cows whose udders were frozen in the blizzard, cows froze to death standing up, cows froze to death in stock ponds when ice gave way and the cattle died in the ice cold water.

I don't need to describe in any greater detail the ravages of blizzard after blizzard after blizzard, the last being the worst blizzard in 50 years, and then the flood that resulted from 10 feet of snow, 3 years' worth of snow dumped on our State in 3 months. The result: a disaster of significant proportions that has upset the lives of so many thousands of families.

The creation of this bill then was a response to that, and although we have gone through enormous angst as a result of delay, today, when this aid begins to flow, we say thanks to a lot of folks who joined hands in this Chamber, on the Appropriations Committee and off, in the leadership, who said we want to be part of a solution.

I know, as I said earlier today, I have worn out my welcome on the floor of the Senate. I know there are some here who are tired of seeing me on the floor, tired of hearing my message and hope that they will not have to suffer much more—the constant drumbeat and the constant urgency that I express on behalf of my citizens, but I make no apology for that. I came here to represent a group of people who need help, and I am pleased that help will be in this legislation when it passes.

The PRESIDING OFFICER. The Senator from North Dakota controls time on his side.

Mr. DORGAN. Mr. President, I yield myself 1 additional minute.

The point I was making was while we feel very strongly about these issues, because our constituents are involved—and they are not just constituents, they are people, families trying to put their lives back together—at the end of the day, when the day is done and the job is done, and this will at least complete this portion of the job for a Congress responding to this disaster, we must stop and say thank you for the help that others have given us.

As we proceed to begin to rebuild and to recover and to have families put their lives together and to have communities rebuild, we will undoubtedly see things that need to be done in next year's appropriations bills, as well.

Mr. President, today when this passes, on final passage, and tomorrow, when the President signs this legislation, I will be enormously pleased that finally disaster relief will be available to many Americans who desperately need it.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Alaska.

Mr. STEVENS. Mr. President, I want to give a little history of what we are dealing with in this 1997 supplemental appropriations bill.

In February of this year, we received a request for $2.1 billion from the President to deal with the funding that had been advanced in the Bosnia peacekeeping efforts overseas in a way that would repay the funds to the various accounts in the Department of Defense from which those moneys were taken. That was $2.1 billion, as I said.

That February budget request also contained mandatory veterans compensation and pensions of $800 million and other requests, mainly a WIC request, women, infants, and children request of $.1 billion. It was $100 million. The total of the budget request in February was $3 billion. There was no disaster attached to that request.

We received a formal request on March 19 for $2 billion related to the disasters. Again, on April 23, we received a request of $300 million. And on June 9, we received a major request of $2.4 billion. Again, Mr. President, that was June 9. Our total formal budget request that is covered by this bill is $7.7 billion. Some of those amounts we had anticipated in the bill that was presented to the Senate previously, but the formal budget request was received June 9 for more than 25 percent of this bill.

I have seen and heard people on the television telling us how we should be getting on with our work. As a matter of fact, I think in terms of supplementals, for us to handle supplemental requests from March 19, April 23, and June 9 by today, which is June 12, I think is not tardy. We have had informal OMB reestimates of $400 million since those others were received. We had an informal increase for mandatory veterans compensation and pensions reported to us on June 3, another $200 million. The total Presidential request before the Senate is $8.2 billion. This bill is $8.9 billion.

The $700 million comes about by the community development block grant, the CDBG moneys, for the disaster of $300 million. We have an SSI provision in this bill, supplemental amount for legal aliens of $200 million. There is an additional $700 million for the Federal Highway Administration, and other minor adjustments made by congressional amendments amount to $200 million. In other words, the total congressional impact on this bill is $700 million.

The bill, for the first time in history, is totally offset. This report offsets in the Defense Department $1.9 billion. It offsets, in domestic offsets, $6.1 billion. There is an additional amount of mandatory spending, mainly veterans compensation and pensions, that is covered by the bill and amounts to $900 million. It does not score under the Budget Act. Those are moneys that were already covered under entitlement provisions.

Mr. President, I made the statement before and I asked unanimous consent that the agreement that applies to this bill is that the statement of the managers that accompanied the conference report for H.R. 1469 would be the legislative history for this bill that is going to be presented to the Senate.

The reason for that is that I did not want it to be just a statement of one person, myself, to make that legislative history. It is the statement of the

Senate now on a unanimous-consent basis that the provisions of the managers' report that accompanied the former conference report, to the extent those provisions are in the bill, are the legislative history for this bill.

There are three items that have been deleted from the bill: the continuing resolution language, the census language and the language that pertained to Revised Statute 2477, the right-of-way provision. I regret deeply being put in the position where that has to be withdrawn. We do, however, have a commitment from the President of the United States that within 180 days, there will be presented to the Congress a bill proposing a legislative solution to the problems that have beset the West since the announcement of the policy by the Secretary of Interior in January of the change in the historic concept that these rights-of-way were to be determined by State law and the statement of policy from the Department of Interior that says they have to be rights-of-way developed by vehicular traffic. Both of the changes are very oppressive, as far as my State is concerned, and we look forward to receiving the legislation that the President has committed his administration to submit to us on that subject, and I hope the Congress will act on that during this session of Congress.

But, Mr. President, it is important that everybody understand that other than the three provisions that have been deleted from the bill, the managers' report that accompanied the conference report is the legislative history for this bill. There were conditions and terms set forth in that managers' report that we expect the administration to comply with. They are now listed as being the formal statement of this Senate as a whole on how the conference report is to be interpreted. I think that is only fair. That is what we intended in the event the conference report had been signed by the President. This is the same bill except for those three provisions.

Mr. President, I ask unanimous consent to have printed in the RECORD the fiscal year 1997 supplemental appropriations requests and congressional action.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FY 1997 Supplemental Appropriation Requests and Congressional Action

[In billions of dollars, by fiscal year 1997 budget authority]

February budget:	
Bosnia/peacekeeping	2.1
Mandatory Veterans compensation and pensions	0.8
Other requests (mainly WIC)	0.1
Total February budget	3.0
Formal budget requests:	
March 19, 1997	2.0
April 23, 1997	0.3

FY 1997 Supplemental Appropriation Requests and Congressional Action—Continued

June 9, 1997	2.4
Total, including formal budget requests	7.7
Informal OMB reestimates (April 14, 1997)	0.4
Informal increase to mandatory Veterans compensation and pensions (June 3, 1997)	0.2
Total, President's request	8.2
Congressional adjustments (House and Senate floor amendments included in conference agreement; plus conference adjustments):	
Community Development Block Grant (CDBG)	0.3
SSI—Legal aliens	0.2
Federal Highway Admin. (non-add obligation limitation)	(0.7)
Other adjustments	0.2
Total H.R. 1469 conference agreement	8.9
Defense offsets	−1.9
Domestic offsets	−6.1
Mandatory spending, mainly Veterans compensation and pensions	0.9

Mr. STEVENS. Mr. President, I reserve the remainder of my time.

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from South Dakota, Senator JOHNSON.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes.

Mr. JOHNSON. Mr. President, I thank the Senator from North Dakota. We have finally reached a point this afternoon that has been awaited for some time by the people of South Dakota, North Dakota and Minnesota, and 30 other States that have been seriously and negatively impacted by the blizzards and floods of this past winter and spring. It had been my hope the passage of this legislation could have been accelerated and without the contention we had to deal with over this past month.

But I do at this point today want to extend thanks to Senator STEVENS for his assistance on this legislation, certainly to Senator DASCHLE, the Democratic leader; Senator BYRD, the ranking member of the Appropriations Committee; Senators DORGAN and CONRAD of North Dakota, my colleagues from the north; and Senator WELLSTONE from Minnesota, in particular who have played a critical role on this floor helping educate the Members and the American public about the urgency and the severity of the crisis that our region faced here and continues to face.

And certainly a thank you as well to President Clinton and his administration, who has responded in a timely fashion to the disaster requests from our Governor, from our State, affirmatively responding both to the blizzard and to the flood disaster requests on the very day that he received the requests, having visited our States, both in the south personally and with the Vice President and his Cabinet officials, and has become very acquainted in a direct way with the immense damage that was done in my State of South Dakota and throughout the region.

So there are a lot of thank yous to be extended for the work on this legislation. But I think that we cannot underestimate the scope of the harm done and the reality that even this legislation, as significant as it is, will not make people whole.

We are looking now, with the most recent estimates in the State of South Dakota, of livestock losses in excess of 300,000. We have an incredible level of damage to fences, to roads, and local governments bankrupt from the snow removal now finding themselves without even matching money to come up with the repair of the roads. That is one of the reasons why the CDBG, the community development block grant, aspect of this will be so critically important.

We have families looking to relocate. We have levees to be rebuilt. We have mayors asking about the repair of their waste water treatment facilities and water treatment facilities. We have rural water projects and systems throughout the State that have been damaged in significant ways.

So in so many ways this legislation is going to be critical in helping people get their lives back together, to making decisions about the future of their homes, of their families, of their farms and ranches and of our public infrastructure.

This legislation will come as badly needed assistance, a hand up, and consistent with a tradition that has marked the American approach to disasters in any part of the country. Whether it has been earthquakes, floods, tornadoes, hurricanes, we have a long tradition in this country of setting aside our partisan differences and working together with a hand up so that people can get back on their feet, at least have the resources to begin that long trek back.

But I think that the winners of this final resolution of the conflicts that we have had are more than just the people of the Dakotas and the Great Plains and all the States that have been affected by these disasters. The American public in general has won this debate over the last several weeks. There was a sense on the part of the American public that we need to handle one issue at a time, that when it comes to disasters, that ought to be a clean bill sent to the President of the United States.

That ultimately is what has transpired, I think in large part because of the great concern and attention given to this legislation by Americans from one coast to the other, many of them living in States that have not had significant disaster problems this past year, but recognize that that hand up

is part of the American tradition and also recognize that in the past when we have had emergency legislation it has been devoid of controversial extraneous matters.

The PRESIDING OFFICER. The time yielded to the Senator from South Dakota has expired.

Mr. JOHNSON. If the Senator would yield an additional 30 seconds.

Mr. DORGAN. I yield an additional 30 seconds.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. So we have maintained that precedent and not moved away from the tradition in this country that we have had in this body of dealing directly with legislation so that it may in a timely fashion get to the people who need it.

It would have been, I think, a tremendous loss and would have been a bad precedent for the future if we had not in fact voted down legislation with controversial issues and used disaster legislation as a political vehicle. So I think that we have won the short-term battle to get help to people who need it but also won the long-term battle for people who need legislation.

Mr. DORGAN. I yield 30 seconds to the Senator from North Dakota, Senator CONRAD.

Mr. CONRAD. I thank the Senator from North Dakota.

There are a number of people I would like to additionally thank. I would like to thank the President for his support. I would like to thank the Democratic leader, Senator DASCHLE, for really brilliant leadership in a very difficult fight. I would also like to thank very much his colleague, Senator JOHNSON from South Dakota, Senator WELLSTONE of Minnesota, my own colleague, Senator DORGAN of North Dakota, who serves on the Appropriations Committee and served on the conference committee that came up with this disaster relief package. He has been extraordinary throughout this fight. I will never forget both his friendship and his advocacy of the State of North Dakota.

If I could have an additional 30 seconds.

Mr. DORGAN. I yield the Senator an additional 30 seconds.

Mr. CONRAD. I would like to thank our colleague in the House, Congressman POMEROY, who really stood up and was counted at a critical time for our State.

I also would like to thank staff members, my own staff people that spent night after night here, Derik Fettig, Kirk Johnson, Bob Van Heuvelen, my own chief of staff Kent Hall, and one person I did not thank, somebody on Senator STEVENS' staff, Steve Cortese, who was of great help in resolving this matter as well.

I want to thank them all. They have made a difference in the lives of people who desperately need help.

Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield such time as the Senator from Texas desires.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President.

I, too, want to thank a few people because I have been very involved in this supplemental emergency appropriations. I have seen the back room negotiations hour after hour, night after night.

I want to thank first the majority leader of the U.S. Senate. There is not a person who has stood truer to principle than the majority leader on all of the issues in this emergency appropriations. He was prepared at all times to make sure that disaster victims were able to get the money that they needed in absolute due course. He was prepared to make sure that all of the money in the defense accounts would go in.

He also was standing on a principle to set the process in place so that at the end of this fiscal year the people who work for the U.S. Government, the people who look to the U.S. Government for services such as passports and all of the other Government services, and the people such as veterans who have earned pensions would know that there would not be a disruption in Government.

I think there has been a lot of rhetoric that has blurred the facts on these issues. In fact, there was never a question of the actual amount that would go to the flood victims of North Dakota. They have been getting the millions of dollars that they need to start the process of rebuilding their State. And we want them to have that. They deserve it. They have it. It is ongoing right now. And it never was in question.

But, Mr. President, I think it is very important as we get ready to vote on this issue to see exactly what is on the table. We have a supplemental appropriations bill that is not only emergency disaster relief, but it is supplemental appropriations. There are many people who are concerned about how big this appropriations bill is. I am concerned as well. I think that it grew too much. But since it is the first appropriations bill of this year—and this is June; we are halfway through the year—a lot of people felt that we had to replenish the coffers before we would get to the 1998 appropriations. So there is that issue and that concern.

We have now a separate opportunity to deal with the anti-Government-shutdown provisions. I think we are going to have a day of reckoning on this because there are those on the floor who have said, "We don't want to shut down Government, but this isn't the right bill."

So now we have an agreement that we will take up, without a filibuster, the issue of shutting down Government. We will send a bill to the President that gives him the opportunity to tell the people of America once again that he does not want to shut down Government. The President has said this on many occasions, but he did not like this bill to have the anti-Government-shutdown provisions. So he is going to get this bill separately, and we are going to vote on an anti-Government-shutdown bill. It has been agreed to by both sides that that will happen without any more political games.

I think the people of America should wake up and see who is trying to play political games with the anti-Government-shutdown issue. We are trying to prepare in an orderly way for the appropriations process in this Congress. We are trying to assure the people who depend on Government, the people who work for Government, and the people who have pensions that are supported by Government that there will not be a disruption if Congress and the President have not agreed on some part of the appropriations bills.

So we have now set the process. We are going to vote on a supplemental appropriations, and we are going to vote on an anti-Government-shutdown provision; and we are going to see if the President of the United States is sincere about wanting to work with Congress in a negotiation with a level playing field that will set a process in place so that we will not have a Government shutdown.

I think the test is yet to come. I hope that the people of America will look to see how people vote when we have a straight up-or-down vote, which the President has asked for, which Congress has acceded to giving the President what he has asked for, and see if the President is sincere about wanting to work with Congress.

I hope very much that the President and Congress will be able to work together. I think Congress has shown for its part that Congress is willing to work with the President and to bow to his wishes. We have given him everything that he has asked from this Congress in a budget resolution, and now in a supplemental appropriations. I hope that this good will goes both ways.

Last, Mr. President, I want to thank the chairman of the committee, Senator STEVENS from Alaska, who likes to describe himself as a bear but who, in fact, is actually one of the most fair, even-handed people I have ever seen in a committee chairmanship in this Congress. He deserves a lot of praise for his patience in working, not only with the President, but with the Democrats and with the Members of the House of Representatives to have a bill that would make sure that we cover the costs of

Bosnia, of the flood victims in North Dakota, of the tornado victims in Texas, who will have some little bit of help from this bill, and the many others who have suffered disasters in our country.

I want to thank my cosponsor, Senator JOHN MCCAIN, for standing up on the principle that we would not have a Government shutdown. I will tell you that Senator MCCAIN and I will not let this issue die. We are going to be back. We are going to have a clean vote. We are going to put the President to the test to see if he really wants to set a process that does not shut down the Government. Senator MCCAIN and I are very sincere in wanting to make sure that never again will we have the debacle of 1995.

So I thank the distinguished chairman of the Appropriations Committee, Senator STEVENS. I thank especially Senator LOTT and Senator MCCAIN for standing on the principles that will make our appropriations process work in a responsible way.

Thank you.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that it be in order to ask for the yeas and nays at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. Mr. President, will the chairman of the Appropriations Committee yield?

I worked with the chairman and the chairman of the House Commerce Justice State Appropriations Committee during the supplemental appropriations conference to craft report language that requires the Department of Commerce to take into account a very important forthcoming GAO study which analyzes the cost of maintaining four National Weather Service regional headquarters offices in the continental United States versus consolidation into three offices by closure of the Southern Region Headquarters office. The language requires the Department of Commerce to take this report into account. It is my wish that it will cease its efforts to close the office now so that it may take the report into consideration, as this language requires them to do.

I want to ensure that this legislative history will be carried forward with the Senate's supplemental appropriations bill. Mr. Chairman, can you give me this assurance?

Mr. STEVENS. Yes, that is the case. And it is my hope that the Department of Commerce will assent to the Senator's wishes in this matter to have this report fully considered.

Mr. ALLARD. Mr. President, I would like to begin by congratulating the people of the Dakotas and Minnesota for their hard work and perserverance through this ordeal. Their resolve speaks volumes about the American spirit, and the American work ethic. I am also pleased with the work of the Federal Emergency Management Agency. These civil servants have helped those Americans affected by natural disasters through one of the worst times of their lives. But Mr. President, I am concerned with the way disaster relief has been handled by Congress and the President.

What has come to be known as the disaster relief bill, is, in reality, nothing of the sort. Yes, there is disaster relief included in this bill, but there are a number of other provisions as well. Two of these provisions are well known to the American public, and they happen to be two provisions that I favor, and I believe a clear majority of Coloradans favor as well. The most important is the Government Shutdown Prevention Act also known as a continuing resolution. The Government Shutdown Prevention Act would allow the President and Congress to continue good faith budget negotiations without the specter of another Government shutdown. Without this, if the President and Congress cannot agree on funding levels by the end of the fiscal year, the Federal Government will shut down. If this happens, retirement checks, social security payments, Government contracts could all be delayed, national parks would be closed, veterans services would be suspended, and Federal employees would be sent home with pay, a waste of valuable tax dollars. The President objects to the inclusion of the Government Shutdown Prevention Act and vetoed disaster relief, holding those victims of natural disasters hostage, because he did not want to live up to the commitment he made during his State of the Union Address.

Since the President has objected to riders unrelated to disaster aid, let's look at what is included in his idea of a clean bill minus what he considers to be unrelated riders. His version of a clean bill includes: Assistance to Ukraine; Language concerning buy-American products; $140 million for the Health Education Assistance Loans Program; $650,000 for the National Commission on the Cost of Higher Education to pay salaries and expenses; $33.5 million for the Botanic Garden to pay salaries and expenses; $1.6 million for the Coast Guard to cover operating expenses relating to the TWA flight 800 crash; $650,000 to implement the Cost of Higher Education Review Act of 1997; and changes to the Welfare Reform Act;

And of most concern to me: $3.5 million for Housing and Urban Development implementation in New York; and $500,000 for a parking garage in Kentucky.

Many of my colleagues have discussed these issues time and time again, and while many of these projects might be worthwhile, they have nothing to do with disaster relief. But the President overlooks each one of these, and finds fault in preventing the Government from shutting down. I ask the President to stop playing games with the American people by claiming that the Shutdown Prevention Act does not belong in a disaster relief bill when there are multiple unrelated riders, to which he does not object, included in the same bill. I am told that a clean disaster relief bill would be in the area of $3.3 billion. With or without the Shutdown Prevention Act, this is not a clean bill, let us stop playing political games with America.

The President vetoed the bill because of extraneous provisions, mainly the Government Shutdown Prevention Act. Because this provision is not included, and because of the other provisions unrelated to disaster relief included, I must vote no. A clean bill would not have these additional provisions and I hope that my colleagues can agree that extraneous means extra, no matter whose projects they are. I yield my time.

Mr. CAMPBELL. Mr. President, today I am voting in favor of the Supplemental Appropriations Act for Fiscal Year 1997. I commend our colleagues, the chairmen of the Senate and House Appropriations Committees, Senator STEVENS and Congressman LIVINGSTON, for their determination, hard work, and leadership on this important bill.

And, as a member of the Senate-House Conference Committee, I appreciate the cooperative efforts of my counterpart, Congressman KOLBE, the chairman of the House Appropriations Subcommittee on Treasury, Postal Service and General Government. I also appreciate the valuable work of my colleague, Senator KOHL, who serves as the ranking member of the Treasury and General Government Subcommittee.

This bill includes much needed assistance to our fellow Americans who have been hard hit by natural disasters. I am also pleased that the conferees agreed to include two of my provisions which are vital to my home State of Colorado.

The first provision includes $1.95 million to support law enforcement efforts during the Denver Summit of Eight which is occurring later this month. This historic economic summit, which includes Russia for the first time as an active participant, will draw the leaders of the world's leading economies and thousands of other participants and guests. The funding which this supplemental includes will reimburse our police officers who are on the

frontlines in providing the necessary security for the Summit of Eight.

The second provision delays the implementation by the Health Care Financing Administration [HCFA] of a Medicare Competitive Pricing Demonstration project in Denver. The project, originally set to begin in January 1998, was ill-conceived in its design and had the potential to disrupt and reduce benefits for over 100,000 Medicare beneficiaries. My colleagues and I are all committed to successfully testing competitive pricing as an alternative reimbursement mechanism for Medicare risk contractors. It is for that very reason I sought a delay and appreciated the resounding support of my Senate and House colleagues.

In light of the importance of this supplemental appropriations bill, I urge my colleagues to support its passage.

I thank the Chair and yield the floor.

Mr. STEVENS. How much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 10 minutes and 21 seconds, and the Senator from West Virginia through the Senator from North Dakota has 5 minutes and 6 seconds.

Mr. DORGAN. I yield 4 minutes to the Senator from Florida, Senator GRAHAM.

Mr. GRAHAM. Mr. President, we have talked about the principles that are represented by our action in legislation. Let me talk about an important principle. That is the principle that when we are dealing with lives and we are dealing with the destruction and the aftermath of a catastrophe, it is not the time to inject political ideology on unrelated subjects. I suggest that has been the policy of this Senate, that has been the policy of this Federal Government.

Let me just give two examples of that policy. On September 21, 1989, Hurricane Hugo slammed into Charleston, SC, and 29 people were killed in South Carolina as a result of Hurricane Hugo. One week after Hurricane Hugo hit South Carolina, this Senate passed, by a vote of 100–0, disaster assistance legislation. On the same day, it passed in the House of Representatives, and the following day, September 29, 8 days after the disaster, President Bush signed that into law. A Democratic Congress, a Republican President, and in 8 days we responded to a major disaster within our Nation.

In my own State of Florida, on August 24, 1992, Hurricane Andrew devastated the southern part of our State, killing 40 people and destroying 25,000 homes. On September 8, President Bush requested $7.7 billion of relief. Ten days later, the House and Senate passed the President's recommendation. It was signed into law on September 23, 1992, 30 days after the hurricane had done such devastation.

Mr. President, that is the kind of schedule, that is the kind of cooperation between a Congress of one party and a President of another that we should expect, that all Americans should expect, in the event of a disaster that causes extensive damage and loss of life.

Contrast those two past experiences with what we are, hopefully, about to conclude today as it relates to the flooding in the Midwest. It was on March 19 of this year that the President made his official request for disaster funds. After that date, the disaster became even more severe as flooding occurred as a result of the severe winter. Today, on June 12, we hopefully will pass the legislation which will go to the President for his signature.

The principle is that we should not allow a repetition of what we are experiencing in this concluding chapter of the suffering of the people of the upper Midwest. They deserve to be treated with the same dignity, respect, and sense of urgency that we accorded the people of South Carolina in 1989, that was accorded to the people of my State of Florida in 1992.

Mr. President, I commend those who have worked so hard to bring this issue to a resolution. I wish we had been congratulating ourselves on this, not on the 12th of June, but many, many weeks earlier. I hope we have learned a lesson from this experience, and that lesson is, deal with the plight of people, not politics, when it comes to humanitarian relief.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. I yield 30 seconds to the Senator.

The PRESIDING OFFICER. The Senator from North Dakota has a total of 45 seconds left.

Mr. CONRAD. Mr. President, I wish to thank several additional people. There have been so many people involved in this effort. The mayor of Grand Forks, Mayor Pat Owens, who has been just remarkable through this series of disasters, and Mayor Lynn Stauss of East Grand Forks, who has come to Washington three times to plead for the assistance that the people of our area need, and two other people on my staff, Geri Gaginis, who is from that area of our State and has worked tirelessly to help the people of that area, and Scott Carlson of my staff, who was really the author of the provisions to help the livestock owners across the part of our country that have lost hundreds of thousands of head of livestock.

Mr. STEVENS. Mr. President, I understand we are waiting for the distinguished Democratic leader. Other than that, I had hoped we could get the vote started sooner. There are people that wanted to make connections and leave.

Pending that, I reserve the balance of my time.

Mr. WELLSTONE. Could I ask the Senator if he would grant me 15 seconds?

Mr. STEVENS. I yield to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I, too, want to thank Mayor Stauss and Mayor Owens from East Grand Forks and Grand Forks for their very courageous voices. They never gave up and they continue to give people hope. They gave all of us here a lot of hope.

I thank my colleague for his courtesy.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am happy to yield to the Democratic leader such time as he desires to use.

Mr. DASCHLE. Let me begin with the chairman. I want to thank the Senator for his kindness. We would not be here if not for the leadership and the extraordinary effort the Senator from Alaska has put forth to bring us to this point. I publicly acknowledge his work and his leadership on behalf of the people in South Dakota and our colleagues here in the Senate. I thank him for all of his effort.

I heard my colleague from South Dakota express what I hope to also express, and that is gratitude to so many people who are responsible for the fact that we are here this afternoon. I begin with our Governor, who has demonstrated extraordinary leadership in ways that are recognized on both sides of the aisle, and Brenda Barger, the mayor of Watertown. Watertown is lucky to have a leader as talented and as gifted as she is. All across South Dakota organizations have come forth and put so much effort into ensuring that our communities and our people could hold themselves together in the way that they did. South Dakotans have endured much over the past months, but throughout these most difficult and unfortunate times they have shown courage and compassion. I also want to thank my colleagues for all of the effort they put forth in making possible this tremendous assistance.

I appreciate very much the work of the administration—the President, the Vice President, James Lee Witt. People in the administration at all levels could not have been more responsive. They went out to the Dakotas and Minnesota not once, not twice, but on numerous occasions in an effort to fully appreciate the magnitude of the problem and to respond as quickly and as comprehensively as they could. The President, on at least two occasions, declared natural disasters in record time, trying as he could to respond in ways that exceeded virtually everyone's expectation.

It has all been said so eloquently by my colleagues but this help is desperately needed. People have waited too long. In some cases, lives have been lost. Throughout our region, hundreds

of thousands of livestock have been killed. The magnitude of this loss is only now being fully appreciated. We need this help and it will now at long last be on the way and in the hands of people who have been waiting patiently, in some cases, for more than 2 months.

The work is only beginning. The passage of this legislation starts the process by which rebuilding can begin. There is so much work to be done in such a short period of time. We have about 100 to 110-some days of construction time available to us. I call upon those in the administration who have already demonstrated such willingness to work with us to respond now in this second phase, making sure that we maximize the use of our time, making sure that we eliminate whatever bureaucratic encumbrances there are in an effort to get this assistance to those who need it the most, as quickly and as efficiently as we possibly can.

So there is much more work to be done and we need to expedite our efforts to ensure that it gets done in the most meaningful way in what time is left, this year, in order for it to be done right.

Again, Mr. President, I express gratitude to all of those who had so much to do with the fact that we are here now this afternoon. I appreciate very much the cooperation, the partnership, and the efforts made by all of those responsible to at long last send the help so desperately needed by so many.

Mr. DORGAN. Will the Senator yield?

Mr. DASCHLE. I yield.

Mr. DORGAN. Mr. President, I did explain the important role of Senator STEVENS from Alaska and our gratitude toward him. However, I would be remiss if I did not tell the Senate the admiration we have for the Senator from South Dakota in his leadership on this issue. He has been faithful and determined on this issue and all of us know that his family has had some medical challenges in recent hours. We very much appreciate what you have done for the country and for our region of the State. Much of the reason we are here at this moment on the edge of victory in having disaster relief approved is because of the efforts of the Senator from South Dakota.

Mr. DASCHLE. I thank my friend and colleague from North Dakota.

I yield the floor.

Mr. STEVENS. I yield back our remaining time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the bill. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announced that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa [Mr. HARKIN] would vote "aye."

The PRESIDING OFFICER (Mr. ENZI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 21, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—78

Akaka	Dorgan	Lugar
Baucus	Durbin	McCain
Bennett	Feinstein	McConnell
Biden	Ford	Mikulski
Bingaman	Frist	Moseley-Braun
Bond	Glenn	Moynihan
Boxer	Gorton	Murkowski
Breaux	Graham	Murray
Brownback	Grams	Reed
Bryan	Grassley	Reid
Bumpers	Hatch	Robb
Burns	Hollings	Roberts
Byrd	Hutchinson	Rockefeller
Campbell	Hutchison	Roth
Chafee	Inouye	Sarbanes
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (OR)
Collins	Kempthorne	Snowe
Conrad	Kennedy	Specter
Coverdell	Kerrey	Stevens
Craig	Kerry	Thompson
D'Amato	Landrieu	Thurmond
Daschle	Lautenberg	Torricelli
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden

NAYS—21

Abraham	Gramm	Lott
Allard	Gregg	Mack
Ashcroft	Hagel	Nickles
Coats	Helms	Santorum
Enzi	Inhofe	Sessions
Faircloth	Kohl	Smith (NH)
Feingold	Kyl	Thomas

NOT VOTING—1

Harkin

The bill (H.R. 1871) was passed.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I think most Senators have been made aware of this by now. But that will be the last recorded vote of today. I have discussed having a voice vote on the birth defects legislation with the principal sponsor, Senator BOND. He agrees that there is no need for a recorded vote.

So we will just pass that on a voice vote.

BIRTH DEFECTS PREVENTION ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 419, a bill to prevent birth defects by developing and implementing new prevention and surveillance strategies, and that the Senate now proceed to its immediate consideration under the following limitation:

One substitute amendment in order to be offered by Senator BOND, no other amendments be in order to the bill, and there be 30 minutes equally divided for debate with Senator BOND in control of 15 minutes and the ranking member in control of 15 minutes; and, further, following the disposition of the amendment and the expiration or yielding back of time, the bill be read a third time and the Senate proceed to a vote on final passage of the bill, as amended, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor so the Senator can begin the time on this bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. BOND. Mr. President, I thank the majority leader.

AMENDMENT NO. 371

(Purpose: To provide a complete substitute)

Mr. BOND. Mr. President, I send to the desk an amendment providing a complete substitute for S. 419.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mr. CRAIG, proposes an amendment numbered 371.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Birth Defects Prevention Act of 1997".

(b) FINDINGS.—Congress makes the following findings:

(1) Birth defects are the leading cause of infant mortality, directly responsible for one out of every five infant deaths.

(2) Thousands of the 150,000 infants born with a serious birth defect annually face a lifetime of chronic disability and illness.

(3) Birth defects threaten the lives of infants of all racial and ethnic backgrounds. However, some conditions pose excess risks for certain populations. For example, compared to all infants born in the United States, Hispanic-American infants are more likely to be born with anencephaly spina bifida and other neural tube defects and African-American infants are more likely to be born with sickle-cell anemia.

(4) Birth defects can be caused by exposure to environmental hazards, adverse health conditions during pregnancy, or genetic mutations. Prevention efforts are slowed by lack of information about the number and causes of birth defects. Outbreaks of birth defects may go undetected because surveillance and research efforts are underdeveloped and poorly coordinated.

(5) Public awareness strategies, such as programs using folic acid vitamin supplements to prevent spina bifida and alcohol avoidance programs to prevent Fetal Alcohol Syndrome, are essential to prevent the heartache and costs associated with birth defects.

SEC. 2. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b-4) is amended to read as follows:

"PROGRAMS REGARDING BIRTH DEFECTS

"SEC. 317C. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects;

"(2) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects; and

"(3) to provide information and education to the public on the prevention of such defects.

"(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

"(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

"(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, Blacks, Native Americans, Asian Americans, and Pacific Islanders;

"(B) shall collect data under subparagraph (A) from birth certificates, death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and

"(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

"(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

"(c) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1998 and of every second such year thereafter, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

"(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

"(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

"(4) describes the activities carried out under this section; and

"(5) contains any recommendations of the Secretary regarding this section.

"(e) APPLICABILITY OF PRIVACY LAWS.—The provisions of this section shall be subject to the requirements of section 552a of title 5, United States Code. All Federal laws relating to the privacy of information shall apply to the data and information that is collected under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1998, $40,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 and 2001.".

Mr. BOND. Mr. President, I ask unanimous consent that Senator CRAIG be added as a cosponsor to S. 419.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I am very pleased that the Senate has chosen finally to address this often overlooked but very compelling health care problem in the United States.

We have been working with the March of Dimes and with colleagues on both sides of the aisle since 1992 to deal with one of the most serious and compelling health care problems in America today. Many people are not aware that birth defects affect over 3 percent of all births in America, and they are the leading cause of infant death.

This year alone, approximately 150,000 babies will be born with a serious birth defect, resulting in 1 out of every 5 infant deaths.

Among the babies who survive, birth defects are a leading cause of lifelong disability. Medical care, special education, and many other services are often required into adulthood, costing families thousands of dollars each year.

Let me share with you an experience I had when I was Governor of Missouri. In the early 1970's, I appropriated dollars to fund the high-cost, but highly effective, neonatal care units at our hospitals.

These remarkable institutions and the dedicated men and women who serve there do a tremendous job of saving low-birth-weight babies and babies with severe birth defects. But it is not enough. As I talked to the people and congratulated them on the great work they were doing, they said, "Why don't we do something to reduce the incidence of birth defects and the problems that bring these tiniest of infants to these very high-tech specialized care units?"

And despite the large number of babies born with and dying from birth defects, we do not even know what causes most defects or where they are even occurring.

An unfortunate situation in Texas a few years ago exemplifies how the lack of a birth defects prevention and surveillance strategy delayed the response to an outbreak of birth defects and may have needlessly cost innocent lives. At least 30 infants in south Texas were born without or with little brain tissue over a short period of time.

Because Texas did not have a birth defects surveillance system, and because our country did not have a comprehensive birth defects prevention and surveillance strategy, the severity of the problem was not recognized until the incidence of birth defects was so high that it was difficult to miss.

To avoid tragedies such as this from reoccurring, there is something that we can do here today.

Passage of the Birth Defects Prevention Act will prioritize our efforts and make Congressional intent clear—more resources should be directed for the prevention of the leading killer of babies, birth defects.

S. 419 is a two-pronged approach to tackling this devastating public health problem.

First, the bill calls for a nationwide birth defects surveillance strategy. The legislation directs the Centers for Disease Control to serve as a national clearinghouse for the collection and storage of data on birth defects and to establish regional centers for the conduct of applied epidemiological research on such defects.

The bill also provides funding to public entities such as State governments to start up or improve existing surveillance programs. Today only about half of the states have some kind of birth defects surveillance system.

The second focus of the Birth Defects Prevention Act is to broaden public and professional awareness of birth defects and prevention opportunities.

Grants will be available to public entities and nonprofit organizations to develop and implement birth defect prevention strategies, such as programs using folic acid vitamin supplements to prevent neural tube defects and alcohol avoidance strategies to prevent fetal alcohol syndrome [FAS].

It is important to note that many birth defects are indeed preventable. For instance, we now know that if women of childbearing age took a simple 400 microgram dose of the B vitamin folic acid each day, 50 to 70 percent

of all cases of spina bifida and anencephaly could be prevented—saving about $245 million each year and more importantly, saving some families the heart ache that many of us have witnessed friends and families go through.

It was a deficiency of folic acid that caused the tragedy in south Texas based on the diet, and it was only when we had enough instances were the researchers able to identify what might be the problem.

A survey released by the March of Dimes just this week highlights the need for an aggressive public awareness program on this issue. The survey indicates that only 32 percent of women ages 18 to 45 take a daily multivitamin containing folic acid. Dr. Jennifer Howse, president of the March of Dimes Birth Defects Foundation, also stated that "seven out of 10 women begin taking folic acid too late to reduce their risk of having a baby with a neural tube defect such as spina bifida or anencephaly. In order to be effective in preventing these defects, folic acid must be consumed before pregnancy and during the early months of pregnancy."

Fetal alcohol syndrome, which increases the risk that babies will suffer from mental retardation, learning disorders and other problems, is also preventable.

Although preventable, an April 25 Associated Press article noted that the number of pregnant women who say they frequently drink alcohol has increased. The survey, conducted by the Centers for Disease Control, found that 3.5 percent of the respondents admitted they had seven or more drinks per week or binged on five or more drinks within the previous month.

Clearly, we must convey these crucial messages regarding birth defect prevention opportunities to the American people. Passage of the Birth Defects Prevention Act is a first step in this process.

The time has come for the U.S. Senate to join with groups such as the March of Dimes, the American Academy of Pediatrics, the Easter Seals Society, the National Association of Children's Hospitals, and many other organizations, in advocating the need for a national strategy to prevent these devastating defects.

The bill also has broad bipartisan support. As of today, the Birth Defects Prevention Act has 33 cosponsors.

Let me conclude by recognizing the hard work and dedication of the March of Dimes and their volunteers throughout America; and specifically, I want to single out Dr. Jennifer Howse, Jo Merrill, and Marina Weiss, for their daily involvement in trying to prevent the No. 1 cause of infant deaths, birth defects.

Our country is forever indebted to the March of Dimes and its 3 million dedicated volunteers for their efforts.

Mr. President, I send to the desk three articles to which I made reference, and I ask that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MORE WOMEN KNOW VITAMIN CAN PREVENT SERIOUS BIRTH DEFECTS, BUT FEW ARE TAKING IT, MARCH OF DIMES SURVEY FINDS

Health Knowledge and Behaviors During Childbearing Years Are Assessed in Major Opinion Poll

WHITE PLAINS, N.Y., JUNE 10.—A new nationwide survey shows that while more American women of childbearing age have heard of folic acid, a B vitamin that can greatly reduce their risk of having a baby with serious birth defects of the brain and spine, the proportion of women actually taking a multivitamin on a daily basis remains low.

Only 32 percent of women ages 18 to 45 take a daily multivitamin containing folic acid. Among women who were pregnant in the two years preceding the survey, only 23 percent reported taking a daily multivitamin before pregnancy began.

"Seven out of 10 women begin taking folic acid too late to reduce their risk of having a baby with a neural tube defect such as spina bifida or anencephaly," said Dr. Jennifer L. Howse, president of the March of Dimes Birth Defects Foundation, which commissioned the survey. "In order to be effective in preventing these birth defects, folic acid must be consumed before pregnancy and during the early months of pregnancy. Much remains to be done to ensure that more women get folic acid at the critical time and in the right amount to improve their chances of having a healthy baby."

The survey follows up a benchmark poll conducted two years ago by the March of Dimes to assess women's knowledge and behavior on a variety of issues relating to healthy pregnancy. In the 1997 survey conducted for the March of Dimes by The Gallup Organization under a grant from the U.S. Centers for Disease Control and Prevention, 2,001 women between the ages of 18 and 45 were asked questions designed to measure changes in awareness and behavior from 1995.

Awareness of folic acid jumped 14 percent points over the two-year period, from 52 percent of women in 1995 to 66 percent in 1997. Awareness of the U.S. Public Health Service recommendation that all women capable of having a baby consume 400 micrograms of folic acid daily to prevent neural tube defects rose from 15 percent in 1995 to 22 percent in 1997. Specific knowledge of the health benefits of folic acid nearly doubled: whereas only 9 percent of women knew in 1995 that folic acid can prevent birth defects, this figure rose to 16 percent in 1997.

Asked in 1995 and 1997 to name a food that is a good source of folic acid, about half of all women who had heard of folic acid were unable to do so. However, in 1997, 16 percent who had heard of folic acid correctly named orange juice as a good source, up from just 6 percent in 1995.

Although nearly all women agree that it is important for a woman who is planning to have a child to see her doctor before she is pregnant, only 27 percent of the women who have had a pregnancy say they actually made a visit to the doctor prior to conceiving.

Since 1995, the March of Dimes has conducted a public health education campaign called "Think Ahead" to inform women of childbearing age of some simple steps they can take before pregnancy to improve their chances of having a healthy baby, including consuming folic acid and getting a medical checkup.

"There were some significant improvements over the 1995 findings, but they fall far short of the levels that the March of Dimes would like to see," Dr. Howse said. "The survey shows that awareness of important health messages can increase when these messages are repeated continuously over time, but that behavior changes more slowly. Younger women especially could benefit from further education efforts."

She noted that women under age 25 are the least likely to consume vitamins daily, with only 23 percent reporting that they do so. However, this age group accounts for 39 percent of all births in the United States.

IMPORTANCE OF THE NEWS MEDIA

Dr. Howse pointed out the importance of the news media in informing women about folic acid. The survey found that 36 percent of women who have heard of folic acid say they learned about it from a magazine or newspaper article, and 22 percent learned of it from radio or television. Fifteen percent of women say they received this information from their doctor.

Dr. Howse noted that although enriched flours for products such as bread, pasta, and cereal will be required to contain folic acid as of January 1, 1998, the amount of folic acid will not be sufficient to remove the need for daily multivitamin use.

She also said the March of Dimes urges passage of the Birth Defects Prevention Act (S. 419 and H.R. 1114), a bill currently before Congress that would establish a national birth defects surveillance, research, and prevention system. This system would include research and demonstration projects for the prevention of neural tube defects.

U.S. Secretary of Health and Human Services Donna E. Shalala said, "It is very important that we take advantage of the prevention opportunity offered by folic acid. We still have a lot of work to do to ensure that preventable birth defects do not continue to occur."

The March of Dimes survey results are based on telephone interviews with a national sample of 2,001 women ages 18 to 45 conducted between January 21 and March 3, 1997. For results based on samples of this size, one can say with 95 percent confidence that the error attributable to sampling and other random effects could be plus or minus 2 percentage points.

Copies of the March of Dimes survey, "Preparing for Pregnancy II," item #41-948-97, can be obtained for $4.50 plus shipping and handling costs by calling toll-free 1-800-367-6630.

The March of Dimes is a national health agency whose mission is to improve the health of babies by preventing birth defects and infant mortality. Through its Campaign for Healthier Babies, the march of Dimes funds programs of research, community service, education and advocacy.

MORE U.S. WOMEN DRINK WHILE PREGNANT, STUDY SAYS

Increase Raises Risk of Fetal Alcohol syndrome

More pregnant women are drinking than in 1991, raising the risk that more babies will suffer mental retardation, learning disorders and other problems, the government reported yesterday.

A telephone survey by the Centers for Disease Control and prevention found that 3.5

percent of 1,313 moms-to-be in 1995 admitted they had had seven or more drinks per week or binged on five or more drinks at once within the previous month. That's up from 0.8 percent of 1,053 pregnant women in 1991.

The sample suggests that 140,000 pregnant women nationwide were frequent drinkers in 1995, compared with 32,000 women in 1991. The CDC also said 16.3 percent of pregnant women surveyed in 1995 had at least one drink in the preceding month, compared with 12.4 percent in 1991.

The reason for the increase is unclear, but CDC researchers plan to reexamine the survey to try to find out. Drinking while pregnant can cause infants to be born with fetal alcohol syndrome, a lifelone condition that can include retardation, facial abnormalities, stunted growth and learning disorders.

The 1995 survey questioned 33,585 randomly selected women pregnant or not—ages 18 to 44. Of the total, more than half said they drank at least once within the past month, and 12.6 percent were frequent drinkers, those who have at least seven drinks a week or five or more at once. The percentages were similar to the 1991 figures, the CDC said.

Claire Coles, an expert on fetal alcohol syndrome, speculated that people may simply be more honest about their drinking than in the earlier survey. In any case, she said, obstetricians and gynecologists need to talk to their patients about the dangers of alcohol.

[From USA Today, June 10, 1997]

FEW WOMEN TAKE FOLIC ACID TO PREPARE FOR PREGNANCY

(By Steve Sternberg)

Although many women of childbearing age now know that folic acid taken daily can avert birth defects, 78% still take a risk rather than a multivitamin, a new survey shows.

The survey of 2,001 women ages 18 to 45, released today by the March of Dimes Birth Defects Foundation, indicates that 66% know the value of folic acid in fetal development, up 14 percentage points from the March of Dimes' first such survey two years ago. Yet just 23% reported taking a multivitamin before their pregnancy began.

"The brain and the spinal cord develop in the first four weeks of pregnancy," says Richard Johnston, medical director of the White Plains, N.Y., foundation. As a result, he says, women must begin taking folic acid before the pregnancy for it to lower the child's risk of birth defects.

Folic acid is found in green leafy vegetables and liver. In 1992, the U.S. Public Health Service advised all women who could become pregnant to take 400 micrograms of folic acid a day to boost their odds of having a normal infant. The recommended daily allowance is 200 micrograms.

The nutrient is so critical for fetal development that the U.S. government last year required that 140 micrograms be added to cereals and bread, trying to boost women's dietary intake without masking a rare but dangerous form of anemia.

The March of Dimes and other groups have spent the last two years trying to get the message out.

If taken within a few weeks of conception, folic acid cuts by two-thirds the risk of two devastating birth defects: spina bifida, a paralyzing abnormality that leaves the nerves of the spine exposed, and anencephaly, in which an infant is born without a developed brain.

Each year, at least 2,500 children are born with one of these defects.

Joseph Molinari, a birth defects epidemiologist at the Centers for Disease Control and Prevention in Atlanta, says of the survey, "We think it's important, because it tells that women are learning about folic acid but not changing their behavior."

Mr. BOND. Mr. President, I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 7 minutes.

Mr. President, I want to join other Members of the Senate in commending Senator BOND for his work in developing this legislation and for his strong commitment to this program. He has been interested in and committed to children over a long period of time—both in the Senate and as a Governor. I think all of us are very much aware of his leadership in the family and medical leave program a number of years ago, and in working closely with Senator DODD and me. This legislation is another indication of his strong commitment in terms of the most vulnerable in our society—the children, and particularly those that have some very special needs in the form of defects.

I join with him, too, in commending the March of Dimes and all of the organizations and all of the volunteers. The individuals who are part of these organizations spend hours and hours doing the hard and difficult work—knocking on doors, spending many hours away from their families in this volunteer commitment to make a difference to children. We too often forget about all of their dedication, hard work and commitment.

I think of the families in this country whose lives in one way or another have been touched by the March of Dimes and the voluntary organizations who have been supportive of the birth defects legislation. I join in thanking them. This is really their achievement, but most importantly the achievement for children; those that are born now and those that are yet to be born in the future whose lives will be enhanced and who will be enriched and will have healthier lives because of this legislation. Also, the parents of those children who will be relieved of a great deal of the anxiety and the concern as they love those children and see these children struggling to deal with some of the really serious kinds of birth defects that affect too many in our country.

As the good Senator has pointed out, so many of these defects are preventable. It would be one thing if they were unavoidable, but they are avoidable. If we develop the kind of approach that I think this legislation provides, we can really see an important difference made for many, many of our children.

As Senator BOND has pointed out, more than 150,000 infants are born with serious birth defects, making birth defects the leading cause of infant mortality in the United States. Families from all racial, ethnic, and economic groups share the risk of having a child born with a serious defect. It makes no difference from what part of this country you come. The danger is there of developing the kind of defects this legislation is focused to try to prevent.

Birth defects are also a leading cause of childhood morbidity and disability. Medical care and special education made necessary by these defects cost families and the Government billions of dollars a year and consume a disproportionate share of our health care resources.

Large numbers, as I mentioned, of these birth defects are preventable. For most, the cause is unknown. But each year thousands of children are born with defects such as spina bifida and fetal alcohol syndrome that are largely preventable. Fetal alcohol syndrome is a leading cause of mental retardation, and it affects approximately 8,000 infants per year, yet all of these case are preventable.

We can do much more to help States to develop surveillance programs which count the number of babies born with birth defects and identify communities and populations at higher risk. Currently, only about half the States have some kind of birth defects surveillance system in place.

We must also develop new and effective types of early intervention which can be integrated into our public health and medical care systems. Preventing birth defects will dramatically reduce the costs of medical care, for special education, and for social services for affected individuals and families.

The Birth Defect Prevention Act is a major step toward a national priority for surveillance, research, and prevention. The act will be overseen by the Centers for Disease Control and will provide grants to the States to establish a State-based birth defect surveillance program and establish regional centers for birth defect prevention research.

It will provide the States with funding for demonstration projects aimed at birth defect prevention as well as technical assistance to implement programs of proven effectiveness. There will be shared information when we find out that some programs have been very effective. We will be able to get that information out to other communities. This will be powerful in terms of enhancing local communities with information that will show the advantages of some of the programs that are proven effective.

It will broaden public and professional awareness of birth defects and prevention opportunities. There is enormous impact this can have in terms of sensitizing the whole medical profession about these needs and that

can have a powerful effect in developing opportunities and modalities for prevention.

In this congressional session we have an unprecedented opportunity to prioritize children and children's health. Along with the Hatch and Kennedy legislation that expands health insurance coverage to uninsured children and improves access to prenatal care, this act will serve to improve health, prevent disease, and enhance the lives of children and families.

Even as we are meeting this afternoon, the Finance Committee is working through how to provide resources to the States to provide help and assistance to millions of American children that would qualify under the Medicare programs to make sure their health care needs are attended to. Senator HATCH and I are hopeful that before long we will have an opportunity again to address the Senate on our program which would ensure that good, comprehensive coverage for children in all of our States is fully funded and financed by an increase in the cigarette tax.

We will have the additional advantage of discouraging young teenagers from smoking.

So I again thank the Senator for his leadership and commend him for his efforts in this area. He has taken a concept and put it into legislation and passed it in a very, very short time. But it is certainly consistent with his longstanding interest with children, and we look forward to work with him on other issues as well that affect children in this country.

Mr DODD. Mr. President, I rise to support the Birth Defects Prevention Act. I commend Senator BOND for his work on this legislation, and I am pleased to have been one of its cosponsors. I am confident that this legislation will significantly enhance our understanding of birth defects and lower the frequency with which they occur.

Birth defects are the leading cause of infant mortality in this country, and in many cases, children with birth defects face a lifetime of disability.

The efforts of these children to cope with and overcome their disabilities are an inspiration to all of us. It is tragic, however, to think that, for so many, their struggles could have been prevented. With better education and health care for mothers, many birth defects can be avoided entirely. Yet, our country still has no national strategy for reducing the incidence of birth defects. That is why I am rising today in support of this legislation.

At the root of our prevention efforts is the need to increase the flow of information regarding birth defects. Without well-coordinated research efforts and surveillance, outbreaks of birth defects may go undetected.

This bill would provide Federal grants to State health authorities for the purpose of collecting and researching birth defects statistics. These grants are necessary since many States have no system in place for the monitoring of birth defects.

This bill would also establish at least five regional research programs that would collect and analyze information on the number, incidence, and causes of birth defects. In addition, it would institute the Center for Disease Control as the coordinating agency for birth defects prevention activities by establishing a clearinghouse within the CDC to collect and store data on birth defects. The CDC would also be responsible for facilitating the coordination of research and policy development to prevent birth defects.

But while efforts to prevent birth defects begin with education, the task of changing the behavioral patterns is far more difficult. While progress is being made in this struggle, there remains a great deal of work to be done. The findings of a March of Dimes study that was released this week provides a great illustration of this point.

A simple 400 mg daily dose of the B vitamin folic acid could prevent 50 to 70 percent of all cases of spina bifida and anencephaly. The recent March of Dimes survey found that 66 percent of all women know the value of folic acid in fetal development, marking a 14 percent increase over the past 2 years. However, just 23 percent of all women reported taking a multivitamin before their pregnancy began. Women are learning about folic acid but not changing their behavior.

As we all know, behavioral patterns do not change overnight, but if we continue to educate the population changes will occur, as evidenced by the fact that the number of women who smoke during pregnancy has dropped 29 percent since 1989.

While there is nothing that can be done to prevent most birth defects, it is unconscionable that every day in America children are being born with illnesses that we could prevent, and in the most severe cases, children are dying. I urge my colleagues to make a commitment to fighting the problem of birth defects, and I ask that they join me in supporting the Birth Defects Prevention Act of 1997.

CODY GROCE

Mr. FAIRCLOTH. Mr. President, I would like to take a moment to tell my colleagues about a very special individual I met recently. Cody Groce is an active, healthy, intelligent 5-year-old from Elkin, NC, who plans on becoming a doctor when he grows up. His story seems like that of any young man, however, Cody is special because he was born with a serious birth defect.

During a prenatal care visit Brenda Groce, Cody's mother, was told that the baby she was carrying had life-threatening urinary problems. At birth, Cody was admitted to a neonatal intensive care unit and had surgery to save his kidneys and his life.

Cody is now healthy and busy sharing his story with people across the country as the National Ambassador for the March of Dimes. I met Cody in March when he came to visit my office to tell me about his story and this important legislation.

There are 150,000 children, like Cody, that are born every year with a serious birth defect. And it is because of these children that we must pass S. 419, the Birth Defects Prevention Act of 1997.

This legislation establishes a national, State-based, birth defects surveillance, research and prevention system to help us to find the causes of birth defects like Cody's and prevent them. Birth defects surveillance programs can count the number of babies born with birth defects and identify communities and/or populations with higher risks. In addition, this legislation develops education and prevention programs for birth defects with known causes.

So, I ask my colleagues help my friend Cody and others like him by voting for S. 419, the Birth Defects Prevention Act of 1997.

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor the Birth Defects Prevention Act and want to urge all of my colleagues to join in support of this important measure. I am especially pleased that the legislative logjam that prevented the Senate's consideration of the bill earlier this week has now been broken, permitting us to do the work of the Senate.

In my roles as the president of the National Commission of Children and cochair of the Health Alliance, I have had occasion to learn firsthand of the daily struggles of families of children with birth defects. These parents must be tireless advocates for their children each and every day to ensure that their child's health and education needs are met and to see that their child has the opportunity to reach his or her full potential. The struggles that these families face in their fight to get adequate insurance coverage for their children's medical needs are trials that no parent or child should have to endure. Perhaps the greatest tragedy is that in many cases, these birth defects could have been prevented, if only the parents had access to information on adequate nutrition and to quality prenatal care, or if our researchers had adequate funding to pursue their questions. That's exactly why this bill is so important.

The Birth Defects Prevention Act would authorize $42 million for the establishment of a comprehensive national system of birth defects prevention programs with oversight by the Centers for Disease Control and Prevention. This would provide for a national, State-based birth defects surveillance system. It would authorize funding and CDC expertise to establish

regional prevention research centers, as well as local prevention and intervention programs. It would also establish a national advisory committee on birth defects and a National Information Clearinghouse on Birth Defects.

This legislation is important because at the present time, less that half our States have a birth defects surveillance system. This has greatly limited our understanding of birth defects as well as our ability to prevent them. Birth defects are the leading cause of infant mortality, responsible for one out of every five infant deaths. Each year, 150,000 children are born with a serious birth defect. Birth defects are also the leading cause of childhood disability. Yet despite the high numbers of babies born each year with birth defects, we still do not know the causes of most birth defects. The establishment of a national tracking system would significantly advance our scientific understanding of birth defects.

As ranking member of the Committee on Veterans' Affairs, I have seen the struggles of men and women who worry that exposures to chemical agents they may have encountered in military service in Vietnam or the Persian Gulf may have contributed to birth defects in their children. I have heard testimony of men and women who bravely served in our military and who now are afraid to start a family or have more children because of these fears. The Institute of Medicine reported an association among our Vietnam veterans between exposure to Agent Orange and a greater risk of having a child with spina bifida. Now we are faced with the very difficult and emotional question of whether there is an increased rate of birth defects among gulf war veterans. The studies are underway, but none has provided a clear answer that will adequately address our concerns. The studies will continue, but some of our difficulty in answering questions about veteran populations has to do with our poor understanding of birth defects. This legislation will help with these issues by increasing our scientific understanding of birth defects and increasing current prevention efforts in all populations. Therefore, I am proud to cosponsor this important bill.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. BOND. Mr. President, unless someone else wishes to speak, I think the distinguished Senator from Massachusetts and I are prepared to yield back.

I express my sincere thanks to Senator KENNEDY, who has long been a champion in this area. His very excellent statement does indicate the tremendous and compelling nature of this problem. This is a problem, unfortunately, that affects 150,000 children a year, but it never seems to get up on the radar screen.

Now, the fact that we are going to pass this on a voice vote—we had 33 sponsors. Actually, I ask unanimous consent that Senator HUTCHISON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. That brings it to 34. I hope that will make the point that we are serious about it. That this is the fifth year, Mr. President, this has got to be passed is an outrage; this is a bill that nobody objects to. I think anybody would think it is common sense. But it just gets crowded off the agenda. I do not intend to let it get crowded off.

I thank the Senator from Massachusetts, the distinguished chairman of the committee, the Senator from Vermont, and their staffs. We included as a substitute the measure as originally passed last year, and I know that we can count on the committee to insist upon it. I cannot believe we will fail this year once again to pass a measure which can do so much to reduce hardship and suffering and needless heartbreak throughout America.

Mr. President, I am prepared to yield back my time.

Is there anyone else seeking time?

Mr. President, I yield back my remaining time and would not ask for the yeas and nays per the previous agreement. I ask it be adopted by voice vote.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 371) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 419), as amended, was passed.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. BOND. Mr. President, I will take only 1 minute and say a sincere thanks to Joe Pierle of my staff, who has worked on this measure and has had great cooperation with the Labor Committee. I also would thank previous staffers, Mark Hayes and Leanne Jerome, who have worked on this for 5 years now. And we hope this is the last time we have to do it.

Again, as I mentioned in my remarks, we very much appreciate and thank the leadership of the March of Dimes and the 3 million dedicated volunteers across this Nation.

I thank the Chair. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Since this is the time for commendation, I would just, if I could, note that Governor BOND, then, in 1981, was effective in developing a long-range prevention, screening and health care initiative in response to Missouri's infant death rate being among the highest in the Nation, and in the 1989–90 period the Better Child Care Act that was developed here in legislation. Just looking through the Senator's achievements—and, as I mentioned earlier, his work on family and medical leave—it is a very clear indication of the Senator's very strong commitment to children. It is something all of us know here, but I think it is well worthwhile having that referenced at the time that we pass this very important piece of legislation.

Again, I commend him and will try to find, if we can, other ways of working on children's issues as well.

I thank the Chair.

Mr. BOND. Mr. President, I thank the distinguished Senator from Massachusetts. It is always a pleasure to work with him in the many, many areas in which we agree. It is not all of them, but when we do agree it is a real pleasure to work with a champion of children's health and well-being.

I thank the Chair.

Mr. KENNEDY. I thank the Senator.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to be speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

1997 SPRING PAGES

Mr. DASCHLE. Mr. President, I rise today to bid farewell to a wonderful group of young men and women who have served as Senate pages over the last 5 months.

This particular group has served with great distinction and has done a marvelous job maintaining a high standard of excellence in both the academic arena and the contributions they make to the day-to-day operations of the Senate.

Page life is not easy. In fact, most people may not fully appreciate the rigorous nature of the page's work. On a typical day, pages rise early and are in school by 6:15 a.m. After spending several hours each morning in school, the pages then report to the Capitol to prepare the Senate Chamber for the day's session. It is the responsibility of the pages to ensure that each Senator's desk has a copy of: The Senate Legislative and Executive Calendars; the legislation under consideration; and the CONGRESSIONAL RECORD, as well as any other document that a Senator might want to have available to colleagues.

Throughout the day, pages are called upon to perform a myriad of tasks. These tasks might include obtaining copies of documents for a Senator's use during debate; ensuring that copies of relevant documents are available for Senators and staff; running errands between the Capitol and the Senate Office Buildings, as well as providing assistance at the regularly scheduled conference luncheons.

Once the Senate has concluded business for the day, no matter what time, the pages return to the dorm and prepare for the next day's classes and Senate session and, we hope, get some much-needed sleep. Even with all of this, the Senate pages continually discharge their tasks efficiently and cheerfully.

Mr. President, it is my hope that we have given the pages some insight into the need for individuals to become involved in community and civic activities. The future of our Nation strongly depends on the generations who will follow us in this august body. I look forward to the likely possibility that one or more of this fine group of young people will return here to serve as Members of the U.S. Senate.

In closing, I hope the experiences the pages have gained here will inspire them to return to their respective communities as better citizens and with a greater appreciation for public service. Speaking on behalf of all Democratic Members, we wish them well and thank them for a job well done. Good luck and best wishes for a bright and successful future.

Mr. President, I ask unanimous consent that a list of the 1997 spring pages be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

1997 SPRING SENATE PAGES

DEMOCRATIC

Mary Elizabeth Begin (RI).
Brian Burton (NY).
Matthew Canter (WI).
Amanda Croushore (WI).
Andrea Hoekman (SD).
Charlotte Houghteling (MA).
Christina Monico (IL).
Robert Mook (VT).
George Nelson (MT).
Karoline Pershell (MI).
David Robinson (AR).
Timothy Smith (TX).
Shatika Starks (MD).
Nathan Zukas (WI).

REPUBLICAN

Carmen Anderson (SC).
LaKeisha Applegate (RI).
Kathryn Brotherton (WA).
Leslie Carter (SC).
Danielle DeArment (VA).
Hamilton Frey (MS).
Whitney Gilliam (SC).
Sarah Gregg (NH).
Jayne Merner (RI).
Catherine Mitchell (NC).
Jordan Raphael (VT).
Brian Reagan (UT).
Joanna Steckler (VA).
Matthew Wales (IN).
Mercedes Weyher (UT).

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 11, 1997, the Federal debt stood at $5,355,419,342,837.75. (Five trillion, three hundred fifty-five billion, four hundred nineteen million, three hundred forty-two thousand, eight hundred thirty-seven dollars and seventy-five cents)

One year ago, June 11, 1996, the Federal debt stood at $5,136,928,000,000. (Five trillion, one hundred thirty-six billion, nine hundred twenty-eight million)

Five years ago, June 11, 1992, the Federal debt stood at $3,942,238,000,000. (Three trillion, nine hundred forty-two billion, two hundred thirty-eight million)

Ten years ago, June 11, 1987, the Federal debt stood at $2,293,413,000,000. (Two trillion, two hundred ninety-three billion, four hundred thirteen million)

Fifteen years ago, June 11, 1982, the Federal debt stood at $1,075,173,000,000 (One trillion, seventy-five billion, one hundred seventy-three million) which reflects a debt increase of more than $4 trillion—$4,280,246,342,837.75 (Four trillion, two hundred eighty billion, two hundred forty-six million, three hundred forty-two thousand, eight hundred thirty-seven dollars and seventy-five cents) during the past 15 years.

THE 30TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

Mr. ALLARD. Mr. President, today, I would like to comment on this historic anniversary that we have reached. Today marks the 30th anniversary of the end of the Six-Day War, and the reunification of Jerusalem as the capital of Israel. It is not only a landmark for the people of Israel, and for Jews around the world, but for people of all faiths and all nationalities.

The 19 years that East Jerusalem was under the control of Jordan saw Jews and Israelis denied the chance to visit the holy sites in the eastern side. The dividing walls and the barbed wire have now come down. When Jerusalem was reunited, Israel opened the city up to all faiths, and that practice continues. Jews, Christians, and Muslims now mingle freely in the entire city.

Reunification did come at a great cost—the price paid was the Six-Day War. Israel launched a preemptive strike against the Arab troops massed against her, and was successful. It ended the dividing of Jerusalem, but it did not end the gunfire. There is still turmoil in Israel.

However, although the Mideast peace process is by no means over, we have perhaps reached a point, as described by Churchill, at the end of the beginning. The recognition and continuation of Jerusalem as the undivided capital of Israel is crucial to the ongoing peace process.

The United States Congress has recognized this fact, and through a series of actions has sought to insure that an undivided Jerusalem is the capital of the State of Israel. Senate Concurrent Resolution 106, in 1990, declared that Jerusalem must remain the undivided capital and called for Israel and the Palestinians to undertake peace negotiations. This war later cited by Prime Minister Rabin as having helped bring participants of the Declaration of Principals on Interim Self-Government Arrangements to the negotiating table. In 1995, the Jerusalem Embassy Act stated as a matter of U.S. Policy that Jerusalem should remain the undivided capital.

We now celebrate the 30th anniversary of the reunification of Jerusalem, and affirm our desire for that ancient city to remain reunited eternally. I ask, too, that Jerusalem eternally remain a symbol of freedom where all religions can share in visiting the holy city and be a model for religious tolerance and freedom throughout the globe.

NATO ENLARGEMENT AFTER PARIS

Mr. BIDEN. Mr. President, having recently returned from Paris and the signing of the NATO-Russia charter, I rise today to discuss what is one of the most important foreign policy questions facing the United States—and facing this body: The enlargement of the North Atlantic Treaty Organization to include several new democracies of Central Europe.

Mr. President, I know that what I have just said will at first seem counterintuitive to many Americans. Why is NATO enlargement so important? After all, the Soviet Union is but a bad memory, communism in Europe lives on in stunted form only in Serbia and Belarus, and no military threat in Europe is in sight.

Moreover, some will correctly point out, the Pacific Rim has become the world's premier area for economic growth, and Latin America, while also a prime opportunity for trade and investment, is vitally important to the United States because of problems like illegal immigration and drug trafficking.

So why are we bothering with Europe, much less tinkering with a hugely successful alliance like NATO?

Mr. President, these are legitimate questions that must be answered. I would submit, first of all, without minimizing the importance of Asia and Latin America, that Europe remains a vital area of interest for the United States for political, strategic, economic, and cultural reasons. A sizable percentage of the world's democracies are in Europe, and the continent remains a major global economic player and partner of the United States.

The European union, composed of 15 vibrant free-market democracies, has embarked upon an ambitious program to create an ever closer union with greater political, economic, and social integration. Most of Central and Eastern Europe has gone through several free elections, and democracy is putting down firm roots.

In economic terms, the European union, with a combined population a third larger than ours, has a combined gross domestic product that exceeds ours. While the United States has a larger—and, I might add, less balanced—trading relationship with Asia than with Europe, we invest far more in Europe.

Several new democracies in Central and Eastern Europe have highly educated work forces, already boast rapidly expanding economies, and already attract considerable American investment.

Moreover, most Americans trace their cultural roots to Europe, and millions retain personal ties to it. By any geopolitical standard, it would be a catastrophe for U.S. interests if instability would alter the current situation in Europe.

How might that instability occur? Well, no one believes that the Russian army is poised to pour through the Fulda Gap in Germany—NATO's horror scenario for 45 years. The Russian army is in such pitiful shape that it could not even reconquer little Chechnya, a part of the Russian federation.

No, the threats to stability in Europe have changed, but they are, if anything, even more real than those of the cold war. We all know what they are. They are ethnic and religious hatred as horrifyingly shown in the hundreds of thousands killed, raped, made homeless, or otherwise brutalized in Bosnia.

They are the well-organized forces of international crime, whose tentacles extend from Moscow and Palermo to New York and Los Angeles.

True—but some might ask why the Europeans can't take care of their own problems? Mr. President, life is not fair. Unfortunately, the history of the 20th century has demonstrated that the United States must play a leading role in organizing the security of Europe. In World War I, in World War II, and lately in Bosnia and Herzegovina, without American leadership the countries of Europe have been unable to resolve their differences peacefully.

While American idealism has certainly played a role in our various interventions to rescue Europe, enlightened self-interest has been the dominant motive. Put simply: It is in the vital interest of the United States that stability be preserved in Europe.

How does that translate into 1997 terms? It means that we must lead the Europeans to create what is called in current policy jargon a new security architecture to guarantee stability to the areas most vulnerable to disruption.

To no one's surprise, I am talking about Central and Eastern Europe, where Newly Independent States are striving to create and solidify political democracy and free markets. It is a difficult process, which if not put into a larger framework could spin out of control.

It is in this context that the enlargement of NATO must be seen. During the cold war, NATO provided the security umbrella under which former enemies like France and Germany were able to cooperate and build highly successful free societies.

It was the framework in which former pariahs like Germany, Italy, and Spain could be reintegrated into democratic Europe. And it was NATO that kept the feud between Greece and Turkey from escalating to warfare.

The enlargement of NATO can now serve to move the zone of stability eastward to central Europe and thereby both prevent ethnic conflicts from escalating and forestall a scramble for new bilateral and multilateral pacts along the lines of the 1930's from occurring.

For if NATO were not to enlarge, the countries between Germany and Russia would inevitably seek other means to protect themselves. The question for today is not "enlarge NATO or remain the same." The status quo is simply not an option.

In fact, we already have clear evidence of how NATO can act as a stabilizing influence in the region. Two years ago, NATO listed friendly relations with neighbors as one of the core criteria for joining the alliance. Merely the possibility of attaining membership rapidly induced centuries-old enemies like Hungary and Romania to bury the hatchet, conclude a treaty of friendship, and even begin intensive military cooperation. The same is true to a lesser extent between Hungary and Slovakia.

Italy and Slovenia have settled a long-festering property dispute. The Czech Republic and Germany have formally come to terms with the Nazis' war-time atrocities and with Czechoslovakia's post-war expulsion of 3 million sudeten Germans. I submit that none of these highly encouraging developments would have occurred without the carrot of admission to NATO having been offered.

Mr. President, there is one additional argument for NATO enlargement: The moral one. For 40 years the United States loudly proclaimed its solidarity with the captive nations of Central and Eastern Europe who were under the heel of Communist oppressors. Now that most of them have cast off their shackles, it is our responsibility to live up to our pledges to readmit them into the West through NATO and the European Union when they are fully qualified.

Let me be precise in my policy formulation. I believe it would be in our national interest for NATO to extend invitations to final negotiations for membership at its July summit in Madrid to Poland, the Czech Republic, Hungary, and Slovenia.

All of these countries have fulfilled the basic criteria for NATO membership—Political democracy, free-market economy, civilian control of the military, peaceful relations with neighbors, and a commitment to NATO principles and Trans-Atlantic security.

In each of these countries democracy and free-market capitalism are on sound footings. All four are able to assume the political, military, and financial responsibilities of membership.

Mr. President, this morning the administration announced that it will only support the candidacies at Madrid of Poland, the Czech Republic, and Hungary. I regret the omission of Slovenia from this list, but I recognize the political realities—especially among the current European members of NATO—that argued for this decision.

After my discussions last night with the President and his advisers, I am convinced that Slovenia will be the No. 1 candidate for membership in the second round of NATO enlargement—and in a short time.

For me, the logic of enlargement is inescapable. But because the issue is complex and remote from the daily lives of most Americans, I also believe that it is critically important immediately to initiate a national debate on NATO enlargement.

No foreign policy, no matter how well-formulated, can be sustained without the informed consent of the American people, which is why we need to launch a national debate to explore the costs, obligations, and benefits to the United States of NATO enlargement. I have asked Chairman HELMS to hold hearings in the Senate Foreign Relations Committee; I believe they will be an essential part of this debate.

Meetings in non-governmental forums across the country are likewise essential if our people are to understand the profound importance of the issue before us.

I believe that when they have examined the facts, the American people will support us in our effort to enlarge the alliance and build the new European security architecture.

For 40 years after World War II, NATO bound together the democracies of Western Europe and North America in a military alliance to counter the threat of Soviet communism. The statesmen who crafted the Washington treaty of 1949 bequeathed their successors an alliance of unparalleled effectiveness, one that deterred aggression for four decades until its adversary collapsed from internal weakness.

Ironically, within the fruits of NATO's success lie the seeds of its possible demise. Alliances are formed to fight wars or to deter them. Once the adversary is gone, unless they adapt to meet changing threats, they lose their reason for being. My good friend from Indiana, Senator LUGAR, recognized this fact when he said that NATO must "go out of area or go out of business," and I wholeheartedly agree with him. For this reason too, the status quo is simply not an option.

Enlargement must be accompanied by a redefinition of NATO's mission. The Alliance's primary mission as outlined in article 5 of the Washington Treaty of April 4, 1949, remains the same: Treating an attack on one member as an attack on all and responding through the use of armed force if necessary. Now, in the current post-cold-war situation, non-article 5 missions like peacekeeping, sometimes in cooperation with non-NATO powers have become possible.

The SFOR joint effort in Bosnia and Herzegovina with Russia and several other non-NATO countries is an excellent example.

But what about our erstwhile adversary, Russia? Many ask whether enlarging NATO will not rekindle the cold war and strengthen the hand of hostile nationalists and communists in Russia. Again, this is not only a legitimate question to ask, but a necessary one.

Mr. President, I firmly believe that NATO enlargement need not adversely affect United States relations with Russia. I came to this conclusion on a trip to Moscow and several central European capitals earlier this spring. My observations are contained in greater detail in a Foreign Relations Committee report that I wrote entitled: "Meeting the challenges of a Post-Cold War World: NATO Enlargement and U.S.-Russia Relations."

Although few Russians are fond of NATO enlargement, policymakers in Moscow have accepted it. Moreover, no Russian politician whom I met—from communist leader Zyuganov, to liberal leader Yavlinsky, to the nationalist General Lebed—believed that NATO enlargement constitutes a security threat to Russia.

In fact, nearly all politicians and experts whom I met understood the nonaggressiveness implicit in NATO's "three no's" —the Alliance's declarations of having no reason, intention, or plan in the current and foreseeable security environment permanently to station nuclear weapons or substantial combat forces of current members on the territory of new members.

Rather, the Kremlin's public opposition to enlargement is largely a psychological question connected with the loss of empire, wounded pride, and—most importantly—an uncertainty about Russia's place in the world of the 21st century.

As part of this uncertainty, most Russian leaders are worried about their country's being marginalized, and as a result they are eager to move forward with its bilateral relationship with the United States.

Mr. President, let us not kid ourselves. Never is a long time, and Russia's current weakened condition is sure to improve. We must continue to engage Russia politically, militarily, and economically.

The Clinton administration, together with our NATO allies, has already begun to do so. As I mentioned earlier, 2 weeks ago in Paris, the heads of government of the 16 NATO members and President Yeltsin signed the so-called "Founding Act on Mutual Relations, Cooperation and Security Between NATO and the Russian Federation." President Clinton asked me to accompany him to represent the United States at the signing ceremony.

Time does not permit me to go into detail about this lengthy document, except to say that it is a good start at binding Russia closer to the West and soothing its bruised feelings, without giving Moscow a decision-making role in NATO's core structures.

It creates a new body called the NATO-Russia Permanent Joint Council, which will serve as a forum for consultation on matters such as peacekeeping operations, conflict prevention, and combatting terrorism.

But let me reemphasize to my colleagues that the Alliance will not in any way be subordinated to the NATO-Russia Joint Council.

When NATO members gather to discuss alliance policy, no outside country will have any right or privilege to prevent NATO from doing what is best for its member states. And no outside country will have any say in whether new countries are admitted to NATO.

Its purely consultative mandate, however, does not mean that the Joint Council cannot evolve into a truly valuable mechanism for promoting mutual trust.

As Russian officials better understand that NATO is not the rapacious caricature of Soviet propaganda, but rather a defensive alliance and force for security and stability in Europe, their animosity toward the organization may dissipate.

And by working together in the Joint Council, Russia can prove that it is a responsible partner for the West.

Through this mechanism and others, over time Moscow can come to realize that the enlargement of NATO by moving the zone of stability eastward to Central Europe will increase Russia's own security.

One problem, however, requires immediate attention. There needs to be a mechanism by which the countries invited at Madrid can participate in NATO before their full accession to membership.

I would suggest in this regard making the candidates observers to the North Atlantic Council.

I am pleased that the chairman of the Subcommittee on European Affairs of the Committee on Foreign Relations, my friend from Oregon, Senator SMITH, plans to hold a hearing on the NATO-Russia Founding Act to examine these issues in detail.

Mr. President, it is also essential that arms control agreements with Russia be ratified and expanded. Of special importance is getting the State Duma to ratify the START II Treaty and then, together with the United States, to move on to further reductions in START III. Despite recent press commentaries, I do not believe that the NATO-Russia Founding Act or NATO Enlargement will substantially affect START II's ratification prospects in the Duma.

Moreover, as the NATO-Russia Founding Act recognizes, the treaty on Conventional Armed Forces in Europe [C.F.E.] must be adapted to reflect the changed environment. The overwhelming Senate ratification last month of the C.F.E. Flank document, together with its approval by the other 29 states parties to the C.F.E. Treaty, augurs well for the C.F.E. adaptation negotiations.

In addition, it is vitally important that the United States continue its economic engagement with Russia, not through massive infusions of money, which Moscow, especially if it cleans up its corruption, does not need, but more through broadened investment and trade, expanded grassroots partnerships, and some targeted technical assistance.

Significantly, not a single senior official in Warsaw, Prague, Budapest, or Ljubljana whom I met wanted to isolate Russia from the West.

In order for NATO enlargement to proceed, both our current allies and the candidate countries invited to join at the Madrid Summit next month must agree to shoulder their fair share of financial costs and all mutual obligations. An agreement on sharing these costs is essential not only to enlargement, but to the continued viability of NATO itself.

The candidates for membership in NATO must assume the financial burden of making their armed forces interoperable with those of NATO members, in addition to meeting the costs of modernizing their militaries, which they must undertake in any event.

Other obligations are political and military, such as agreeing to come to the aid of allies, as described in article 5; allowing basing of NATO troops on their territory, if necessary; and allowing overflights of NATO aircraft, if necessary.

The February 1997 Pentagon study on NATO proposed a distribution of direct costs of enlargement whereby 15 percent would be assumed by the United States, 35 percent by the new members, and 50 percent by the other current members of NATO.

Calculating these ratios begins with the estimate that about 40 percent of direct enlargement enhancements could be nationally funded, and 60 percent common funded.

Estimated direct costs of enlargement total between $9 and $12 billion over 12 years, through 2009. Let me point out to my colleagues that it is only these direct costs that the United States would help pay for. Additional costs not directly related to enlargement will have to be paid for by our current allies and our new allies.

The central European countries must modernize their militaries—a cost they will incur whether or not they join NATO. Those costs are estimated at $10 to $13 billion through 2009. And the responsibilty for bearing these costs rests solely with the governments of the four leading candidates.

Another pivotal issue is that our current allies must develop power projection capabilities, which the United States achieved in the 1980's, if they are to contribute to the new missions of the alliance.

While these capabilities will allow them to help defend new members, they are necessary even if NATO were not to enlarge. As a result, these costs of $8 to $10 billion over 12 years are, likewise, not a direct cost of enlargement, but they are essential to the future of NATO, and they must be borne alone by our current allies.

The expected U.S. contribution of $150 to $200 million per year for 10 years, although a small fraction of our total defense budget, is nonetheless not trivial, given our mandate to balance the U.S. Federal budget by the year 2002.

Mr. President, prospective new NATO members must keep that basic political fact of life in mind, lest they get the erroneous impression that their accession to the alliance would be a painless, free ride.

The candidate countries must make the financial means available if they expect current members to ratify their accession to membership. As I told one Polish military official, "If you want to fly first class, you have to buy a first class ticket." They must realize that freedom isn't free, and security isn't cheap.

Having given this warning, I fear that the 50 percent share of direct enlargement costs allocated to the Western European NATO partners and Canada may, in fact, be politically more difficult than the 35 percent allocated to the new members, particularly after our current allies pay for their power projection enhancements.

One of the complicating factors is that the 11 European NATO members who are also members of the European Union are currently engaged in painful budget cutting in order to meet the Maastricht convergence criteria for Economic and Monetary Union [E.M.U.] on January 1, 1999. Those who qualify may be held to rigid fiscal discipline thereafter, if a stability pact is enforced without "political" criteria.

Resentment against this belt-tightening played a key role in the defeat of President Chirac's conservative coalition in the French elections on June 1st.

As a politician, I empathize with the challenge our European friends face. But we all have to make difficult choices, and if our European allies want continued American involvement in their security, they must step up to the plate.

In order for NATO to remain a vibrant organization with the United States continuing to play a lead role, the non-U.S. members must assume their fair share of direct enlargement costs and for developing power projection capabilities.

To do otherwise would cast the United States in the role of "the good gendarme of Europe"—a role that neither the American people, nor the Senate of the United States, would accept.

Mr. President, there is one more dark cloud looming on the horizon of European-American relations. I fear that a coincidence of events in the late spring of 1998 may make Senate ratification of NATO enlargement problematical. Just when the Senate is likely to be voting on amending the Washington Treaty to accept new members, American ground forces will be completing their withdrawal from Bosnia.

As it now stands, our European NATO allies will follow suit, repeating an "in together, out together" mantra, despite a United States offer to make air, naval, communications, and intelligence assets available to a European-led follow-on force, with an American Rapid Reaction Force on standby alert "over the horizon" in Hungary or Italy.

Many of my colleagues, mindful of the repeated calls by some European NATO members, led by France, for more European leadership in the alliance and a sturdier "European pillar" within NATO, may see in the european refusal to maintain troops in Bosnia evidence of inequitable burden-sharing or—worse still—may question the worth of NATO altogether.

Therefore, I believe that our European NATO partners, especially France and the United Kingdom, should reconsider their unwillingness to lead a post-SFOR ground force in Bosnia after mid-1998.

Mr. President, international organizations other than NATO also have meaningful security components and should be encouraged to intensify their efforts.

The Organization for Security and Cooperation in Europe [O.S.C.E.], which during the past few years has undertaken conflict-prevention, crisis management, and electoral missions in Nagorno-Karabakh, Abkhazia, Chechnya, Bosnia, and Albania, will likely continue to grow in importance. The United States is playing an increasingly important role in the O.S.C.E. And should continue to do so.

The European Union also plays a profound role in stabilizing the continent. The E.U.'s immense economic clout has made it vital to the development of central and Eastern Europe, and it is therefore virtually inconceivable that even a non-NATO E.U. member state would be the object of aggression.

The E.U. hopes some day to create a common foreign and security policy, and in the recent past France concentrated on giving the E.U. an independent military dimension through the Western European Union [W.E.U.].

Two events in the 1990's have altered this development. First, the gulf war revealed how far the U.S. was ahead of Europe in military technology. Second, NATO endorsed a European security and defense identity within the alliance, which would allow European members to carry out contingency operations under W.E.U. political control and strategic direction.

As a result, Paris reconsidered and now intends to re-enter NATO's integrated command. Its demand, however, for European control of the southern command in Naples—a nonstarter idea, totally rejected by the United States—is complicating the issue.

There is, though, a sub-surface tension between NATO and the E.U. from the early 1990's the E.U. firmly proclaimed that NATO enlargement had to precede E.U. expansion [the accession 2

years ago of Austria, Finland, and Sweden excepted]. Some observers have feared that the E.U. has used NATO enlargement as a pretext for postponing the admission of qualified central and Eastern European countries.

Now that NATO has set a 1999 date for completion of its first round of enlargement, the E.U. should move ahead with its own expansion. A first-round target date of 2002 has been cited and should be met.

In the meantime, as President Clinton advocated 2 weeks ago in the Hague, western governments and private enterprise should cooperate on investment mechanisms to assist the economies of the new democracies to move rapidly forward.

Public opinion polls in Poland, the Czech Republic, and Hungary reveal that, to a greater or lesser degree, the citizenries are unclear about the mutual military obligations that NATO membership entails.

With these data in mind, I have personally urged the three national governments quickly to embark upon public education campaigns so that invitations to join NATO in Madrid in July will not catch their populations off guard and unaware of the action their governments are proposing.

The process of NATO enlargement must not lead to the drawing of new lines through Europe. In order to prevent such a development, NATO must make unmistakably clear that the first round of enlargement is not the last, but rather the beginning of an ongoing process.

Moreover, NATO should take steps to strengthen and deepen ties with candidate countries that do not receive invitations at Madrid, in preparation for their joining the alliance at a future date. The newly created Euro-Atlantic Partnership Council, an enhanced partnership for peace program, and bilateral agreements should all be used to underscore the ongoing nature of the NATO enlargement process.

To sum up, NATO is necessarily transforming itself from an alliance that defended its members against the Soviet threat into an alliance that allows democracies to maintain stability in Western Europe and that extends that zone of stability to central and Eastern Europe to deter conflicts and prevent crises from escalating.

An enlarged NATO will allow the new, free-market democracies of Central Europe to undertake their share of the burden of the common defense of their continent. It will allow them to cooperate with one another and with neighboring alliance members. And, contrary to what many critics have argued, it will allow them to save money in providing for their defense.

There will continue to be other institutions essential for European security affiliated with NATO such as the new Euro-Atlantic Partnership Council to enable closer cooperation between NATO and nonalliance countries in the partnership for peace.

There will be a joint commission between NATO and Ukraine similar to the NATO-Russia Permanent Joint Council. And there continue to be fundamentally important organizations like the European Union and the O.S.C.E., all of which I discussed earlier.

By combining NATO enlargement with a formalized relationship with Russia in the new permanent joint council, the United States and its allies can take advantage of the historic opportunity presented by the end of the cold war and lay the foundation for long-term European security.

I believe it is squarely in our national interest to do so, and in the coming year as the Senate prepares to exercise its constitutional responsibility of ratifying or rejecting the accession protocols to the Washington Treaty, I will continue to speak out on the course of NATO enlargement.

I thank the Chair and yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 543. An act to provide certain protection to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

At 12:05 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1757. An act to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.

At 5:37 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1871. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

ENROLLED BILL SIGNED

A message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1871. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 12, 1997 he had presented to the President of the United States, the following enrolled bill:

S. 543. An act to provide certain protection to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2142. A communication from the Chairman of the Board of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2143. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2144. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2145. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2146. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2147. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2148. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2149. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2150. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2151. A communication from the Secretary of Education, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2152. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2153. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2154. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2155. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2156. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2157. A communication from the Secretary of Labor, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2158. A communication from the Attorney General, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2159. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2160. A communication from the Chairman of the Board, National Credit Union Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2161. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2162. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2163. A communication from the Chief Executive Officer of the Corporation for National Service, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2164. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2165. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2166. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2167. A communication from the Chairman of the Board of Directors, Federal Reserve System, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2168. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2169. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the report under the Inspector General Act for the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2170. A communication from the Chairman of the National Bankruptcy Review Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–2171. A committee from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List received on June 2, 1997; to the Committee on Governmental Affairs.

EC–2172. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Prevailing Rate Systems" (RIN3206-AH88) received on June 2, 1997; to the Committee on Governmental Affairs.

EC–2173. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for April 1997; to the Committee on Governmental Affairs.

EC–2174. A communication from the Director of the Office of Managment and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Government Performance and Results Act; to the Committee on Governmental Affairs.

EC–2175. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Career Transition Assistance" (RIN3206–AH26) received on June 10, 1997; to the Committee on Governmental Affairs.

EC–2176. A communication from the Chief Operating Officer and President of the Resolution Funding Corporation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–2177. A communication from the Director of the Office of Managment and Budget, Executive Office of the President, transmitting, a draft of proposed legislation entitled "The Statistical Confidentiality Act"; to the Committee on Governmental Affairs.

EC–2178. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–2179. A communication from the Commissioner of the National Center for Education Statistics, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the report entitled "The Condition of Education 1997"; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–139. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Foreign Relations.

RESOLUTION

Whereas, antipersonnel land mines kill or maim an average of 71 persons per day, the majority of whom are civilian; and

Whereas, the estimated 80,000,000 to 110,000,000 antipersonnel land mines strewn across at least 64 countries, cause havoc in the economics of developing nations: refugees cannot return home, farmers cannot till fields, relief shipments cannot be delivered, herd animals cannot approach water holes, health care systems are overwhelmed by land mine victims and clearance costs are extraordinary; and

Whereas, the ecological and economic impact of antipersonnel land mines has yet to be fully calculated; they render arable land useless, and contribute to over-farming of suitable land; and

Whereas, the United States has been a major producer and exporter an antipersonnel land mines for more than the past 25 years; and

Whereas, the cost, to the American taxpayers of salaries, equipment, transportation, and other needs of removing antipersonnel land mines was approximately $17,000,000 from 1989 to 1996 and will continue

to adversely affect the civilian sector of the United States economy; and

Whereas, despite international momentum for a global ban on antipersonnel land mines, a recent United Nations conference failed to negotiate a ban; and

Whereas, at the Ottawa International Strategy Conference in Ottawa, Canada in October, 1996, the governments of 50 nations adopted the "Ottawa Process" recognizing the urgent need for a ban on antipersonnel mines and outlined actions for reaching a ban rapidly in the hope of signing a treaty to ban antipersonnel land mines in Ottawa in December, 1997; therefore be it

Resolved, That the Massachusetts House of Representatives urges the United States to take action to negotiate an international ban on the manufacture, stockpiling, transfer and use of antipersonnel land mines, with a view to completing the negotiations as soon as possible, by active participation in the Ottawa process by which an international treaty banning antipersonnel land mines will be ready for signing in December, 1997; and be it further

Resolved, That a copy of these resolutions be forwarded by the Clerk of The House of Representatives to the President of the United States, the Presiding Officers of the Congress and to the Members thereof from this Commonwealth.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 363. A bill to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination Program (Rept. No. 105–27).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 63. A resolution proclaiming the week of October 19 through October 25, 1997, as "National Character Counts Week."

S. Res. 92. A resolution designating July 2, 1997, and July 2, 1998, as "National Literacy Day."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

John D. Trasvina, of California, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

Margaret M. Morrow, of California, to be United States District Judge for the Central District of California.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. BOND, Mr. KERRY, Ms. SNOWE, Ms. LANDRIEU, Mr. KEMPTHORNE, Mr. BUMPERS, Mr. HARKIN, Mr. KOHL, Mr. LAUTENBERG, Mr. DASCHLE, Mr. LEVIN, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. CLELAND, Mr. WELLSTONE, Ms. MOSELEY-BRAUN, Mrs. HUTCHISON, Mr. BURNS, Mrs. BOXER, Mr. SPECTER, Mr. MOYNIHAN, Mr. SANTORUM, and Mr. BINGAMAN):

S. 888. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. HATCH, Mrs. BOXER, and Mr. JEFFORDS):

S. 889. A bill to provide for pension reform, and for other purposes; to the Committee on Finance.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 890. A bill to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. FAIRCLOTH, Mr. SESSIONS, Mr. HUTCHINSON, Mr. DEWINE, Mr. COATS, Mr. ASHCROFT, and Mr. COVERDELL):

S. 891. A bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. SMITH of Oregon, Mr. WYDEN, Mr. BUMPERS, Mr. THOMAS, Mr. HUTCHINSON, Mr. BOND, Mr. GREGG, Mr. REID, Mr. FORD, Mr. ROBB, Mr. INOUYE, Mr. SANTORUM, Mr. BREAUX, Mr. HOLLINGS, Mr. GLENN, and Mr. DURBIN):

S. 892. A bill to amend title VII of the Public Health Service Act to revise and extend the area health education center program; to the Committee on Labor and Human Resources.

By Mrs. BOXER:

S. 893. A bill to provide for the conveyance of a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school; to the Committee on Energy and Natural Resources.

S. 894. A bill to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopla Valley Tribe; to the Committee on Indian Affairs.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 895. A bill to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake"; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. HAGEL, Mr. KERREY, Mr. MCCAIN, Mr. CLELAND, Mr. KEMPTHORNE, Mr. INOUYE, Mr. LUGAR, Mr. MCCONNELL, Mr. LEVIN, Mr. HATCH, Mr. LIEBERMAN, Ms. SNOWE, Mr. KERRY, Mr. GRASSLEY, Mr. ROBB, Mr. CHAFEE, Mr. BREAUX, Mr. SMITH of Oregon, Mrs. FEINSTEIN, Mr. MOYNIHAN, Mr. SPECTER, Mr. BUMPERS, Ms. COLLINS, Mr. DURBIN, Mr. JEFFORDS, Mr. REID, Mr. DODD, Mr. D'AMATO, Mr. BYRD, Mr. CAMPBELL, Mr. CONRAD, Mr. ROCKEFELLER, Mr. JOHNSON, Mr. BINGAMAN, Mr. DORGAN, Mr. DASCHLE, Ms. MIKULSKI, Mr. TORRICELLI, Mr. LAUTENBERG, Ms. LANDRIEU, Mr. REED, Mr. WELLSTONE, Mr. KENNEDY, Mr. BRYAN, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. KOHL, Mrs. BOXER, Mr. HARKIN, Mrs. MURRAY, Mr. FORD, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, and Mr. WYDEN):

S. 896. A bill to restrict the use of funds for new deployments of antipersonnel landmines, and for other purposes; to the Committee on Armed Services.

By Mr. WYDEN (for himself and Mr. D'AMATO):

S. 897. A bill to make permanent certain authority relating to selfemployment assistance programs; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. MACK, and Mr. D'AMATO):

S. 898. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Finance.

By Mr. DODD:

S. 899. A bill to amend the Solid Waste Disposal Act to provide for flow control of municipal solid waste; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mr. DEWINE):

S. 900. A bill to provide for sentencing enhancements and amendments to the Federal Sentencing Guidelines for offenses relating to the abuse and exploitation of children, and for other purposes; to the Committee on the Judiciary.

By Mr. KEMPTHORNE:

S. 901. A bill to provide Federal tax incentives to owners of environmentally sensitive lands to enter into conservation easements for the protection of habitat; to amend the Internal Revenue Code of 1986 to allow a deduction from the gross estate of a decedent in an amount equal to the value of real property subject to an endangered species conservation agreement; and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. HAGEL, Mr. HOLLINGS, Mr. CRAIG, Mr. INOUYE, Mr. WARNER, Mr. FORD, Mr. THOMAS, Mr. DORGAN, Mr. HELMS, Mr. LEVIN, Mr. ROBERTS, Mr. ABRAHAM, Mr. MCCONNELL, Mr. ASHCROFT, Mr. BROWNBACK, Mr. KEMPTHORNE, Mr. THURMOND, Mr. BURNS, Mr. CONRAD, Mr. GLENN, Mr. ENZI, Mr. INHOFE, Mr. BOND, Mr. COVERDELL, Mr. DEWINE, Mrs. HUTCHISON, Mr. GORTON, Mr. HATCH, Mr. BREAUX, Mr. CLELAND, Mr. DURBIN, Mr. HUTCHINSON, Mr. JOHNSON, Ms. LANDRIEU, Ms. MIKULSKI, Mr. NICKLES, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH of Oregon, Mr. BENNETT, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRASSLEY, Mr. ALLARD, and Mr. MURKOWSKI):

S. Res. 98. A resolution expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change; to the Committee on Foreign Relations.

By Mr. DASCHLE:

S. Res. 99. A resolution to encourage consumers to consult with their pharmacists in connection with the purchase and use of over-the-counter drug products; to the Committee on Labor and Human Resources.

By Mr. HUTCHINSON (for himself, Mr. LIEBERMAN, Mr. HELMS, Mr. FAIRCLOTH, Mr. TORRICELLI, Mr. REID, Mr. SMITH of New Hampshire, Mr. SANTORUM, Mr. HAGEL, Mr. CRAIG, Mr. MACK, Mr. KOHL, Mr. MURKOWSKI, and Mr. ASHCROFT):

S. Con. Res. 32. A concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BOND, Mr. KERRY, Ms. SNOWE, Ms. LANDRIEU, Mr. KEMPTHORNE, Mr. BUMPERS, Mr. HARKIN, Mr. KOHL, Mr. LAUTENBERG, Mr. DASCHLE, Mr. LEVIN, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. CLELAND, Mr. WELLSTONE, Ms. MOSELEY-BRAUN, Mrs. HUTCHISON, Mr. BURNS, Mrs. BOXER, Mr. SPECTER, Mr. MOYNIHAN, Mr. SANTORUM, and Mr. BINGAMAN):

S. 888. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

THE WOMEN'S BUSINESS CENTERS ACT OF 1997

Mr. DOMENICI. Mr. President, I am pleased to introduce today a bill that strengthens this country's small business sector, and that is the Women's Business Centers Act of 1997. I am also extremely pleased to have the chairman of the Committee on Small Business, Senator BOND, join me on this bill as my principal cosponsor, along with the ranking Democrat from the Small Business Committee who is also an original cosponsor. I note the arrival on the floor of Senator KERRY from Massachusetts. He is the ranking member of the Committee on Small Business.

There are a number of Senators in a very limited period of time who have joined us from both sides of the aisle. I ask unanimous consent that those Senators who are listed in my statement be original cosponsors, because they have indicated a desire to do that.

I thank the ranking member from Massachusetts for his diligence. He has procured a number of cosponsors, and we have also. I believe from the committee itself we have overwhelming support. I would like to take a couple of minutes to explain what we are doing.

First, let me acknowledge that in the U.S. House of Representatives, starting last year, Congresswoman NANCY JOHNSON took a lead in this matter and introduced a women's business bill. I introduced the companion bill in the Senate. By way of the recent history of this issue, we have been funding the women's business centers through appropriations. I take a great deal of pride in saying for the last few years, while the administration either did not fund this effort or reduced it in half, we funded it fully with the assistance of Chairman BOND, Senator HUTCHISON, and others, at $4 million a year. We are asking that this effort, which we will explain briefly, now be funded at $8 million a year.

Mr. President, I say to my fellow Senators, it might come as a shock to many that the fastest growing part of America's small business is women's small business. As a matter of fact, 2 years ago, we had a startling statistic that women-owned businesses employed more people—even then, 2 years ago—than all of the 500 major corporations in America. That means that there is a major business impact in America. Women are doing marvelously well by adding more women's ownership to the business sector. There is more diversification and more segments of the American population are becoming owners of businesses or have a real opportunity to do so.

In my particular State, there exists an entity that helps women's small businesses expand, in some instances, get started. I am very proud of that organization, and, frankly, it is growing. One will note that our bill varies a little bit from Representative JOHNSON's in that we don't want the funds under our bill to be restricted to only those 22 or so States who do not have centers, but rather with the discretion of the administrator, to also use the funds in those States to expand growing programs.

In a very orderly and organized way, without a lot of overhead, women's business centers, by various names, are helping women who have an idea about a small business, providing them with technical assistance, in some instances to provide micro loans, and in all instances to provide the knowledge and wherewithal and planning that is necessary so that they start off on the right foot.

I have had the luxury of visiting with many of the women who are being helped in our State by our women's business center. I have been startled. If I could share by way of anecdote with the Senate, if we had enough time, some of the exciting things women are doing in trying to set up their own businesses and how successful they are, it would take me a long, long time. But let me suggest, there is no lack of willingness to compete and take a risk, which is very, very important to being entrepreneurs, and that is not something that is solely in the province of men. Across America, women are succeeding in business with relish and gusto.

There are many statistics and numbers that we could now talk about in terms of how we go about concluding that this is an important part of the private sector—this women's entrepreneurship in America, and the creation of new jobs in America. Suffice it to say that it is the fastest growing portion of the American small business group.

Women are succeeding and they are not succeeding in any less numbers, less percentages of success than are men. So what we are encouraging is that every State has one of these centers, and it is modeled after successful ones across this country. In my case, we have the Women's Economic Self-Sufficiency Team, which has a corporate name of WESST corp. It is the only technical assistance group of this type in our State devoted to women's business needs. It is doing a marvelous job of helping hundreds of women find out whether their business idea has a chance of succeeding, giving them technical assistance, in some instances getting them loans through normal loan channels, and in some instances using some of the small moneys they get for startup loans.

Funds for this program are small, but the women's business centers derive from a grand idea with a marvelous goal. You can't do much better. Senator BURNS, who occupies the Chair, wants to be added as a cosponsor, and I so request.

We are also very pleased the ranking member of the committee, Senator KERRY, is joining us in support of this measure, along with other Senators serving on the committee: Senators KEMPTHORNE, SNOWE, LANDRIEU, BUMPERS, HARKIN, LEVIN, LIEBERMAN, and WELLSTONE. As well, we welcome and appreciate the support of other noncommittee cosponsors: Senators KAY BAILEY HUTCHISON, MOSELEY-BRAUN, KOHL, LAUTENBERG, DASCHLE, MIKULSKI, and CLELAND.

Mr. President, the Women's Business Centers Act of 1997 bill reflects our commitment for a stronger and more dynamic program for women-owned businesses. Supporting women's businesses is not just common sense, it makes economic sense.

The National Foundation for Women Business Owners cites these statistics to illustrate the importance of women-owned businesses to our U.S. firms, and provide employment to 26 percent of U.S. workers. They contribute over $2.3 trillion in annual revenues to the U.S. economy. Since 1987, women-owned businesses have grown in number by 78 percent. And, they have done so in nontraditional areas such as construction, wholesale trade, transportation, communications, and manufacturing. Forty percent of women business owners have been in business 9 years or longer.

Given these phenomenal statistics, it is time we give more attention to this critical segment of our business community. Women-owned businesses are run by creative and professional entrepreneurs who employ millions of workers and deliver trillions of dollars into our communities. At the same time, these entrepreneurs are far too often overlooked and underestimated by our banking and financial communities, as well as by the Small Business Administration.

I believe it is fair to say that a significant number, if not most, women entrepreneurs have achieved their goals and successes because they are disciplined and committed. We can probably say the same about men who have achieved their business objectives. The difference, however, is that we know there has been a disproportionate amount of training, technical assistance, procurement opportunities, and ready access to capital for male entrepreneurs compared to women.

Despite these disparities, women business owners have achieved their monumental feats because of their business acumen, self-reliance, ingenuity, and dogged determination. Since it is projected that women will own 50 percent of all businesses by the year 2000, the time is now to assist these women entrepreneurs.

Looking at the Small Business Administration's [SBA] record, we can congratulate them on their slowly but surely improvement in the percentage of loan guarantees to women borrowers. Within SBA's 7(a) and 504 loan programs, the agency reports that it has tripled its number of loans to women borrowers from 3,588 in 1992 to 11,452 in 1996. That represents an increase in the dollar amount from $634 million in 1992 to $1.6 billion in 1996. That is the pretty side of the picture.

Turn the picture over, however, and these figures mean that women recipients constitute approximately one-fifth of the total loan clientele and receive approximately one-seventh of the loan guarantee funds. This is at a time when the SBA reports that over the last decade, "new women-owned firms—one-third of all firms—have grown at twice the rate of men-owned businesses." I do not suggest this SBA picture is all bleak, but I do believe the record is less than optimal, and considerably more effort must be given to addressing women's business needs.

This year we are committed to improving and enlarging the scope of the SBA's women's program.

One of the most beneficial programs within the SBA is the Women's Business Centers Program, managed by the Office of Women's Business Ownership. I personally know the excellent record of these centers, of which there are 53 sites in 28 States.

In my State of New Mexico, I have talked with the clients and toured their businesses. Thanks to the able leadership of the centers' personnel, these businesses are growing financially, employing new personnel, and creating new markets for their goods and services.

In New Mexico, the Women's Economic Self-Sufficiency Team—WESST corp—is the only business and technical assistance organization specifically focused on the needs of women. Its mission is to facilitate the startup and growth of women- and minority-owned businesses.

Its target market is low-income, unemployed, and underemployed women. Among its important accomplishments is its expansion to five additional sites, thereby providing much-needed assistance to both rural and urban women across our vast State. Since incorporating in 1988, WESST corp has facilitated the startup and growth of over 500 small businesses. This has created more than 750 jobs and businesses which have average annual gross receipts of $75,000. WESST corp has also established a low-interest revolving loan fund, with 75 percent of the loans extended to rural women and 65 percent to startups.

Under the direction of the very able and creative Agnes Noonan, WESST corp is one of New Mexico's best business services. WESST corp is one of the 28 State organizations that participates in the SBA's Women's Business Centers Program. It is obvious that its contributions are critical to our State's economy.

Between 1987 and 1996, U.S. census figures indicate that the number of New Mexico women-owned firms increased by 60 percent, employment increased by 138 percent, and sales grew by 154 percent. Women-owned firms in New Mexico employ nearly 115,000 people and generate nearly $11 billion in sales. Moreover, women-owned firms account for 41 percent of all firms in New Mexico, provide employment for 35 percent of its workers, and generate 21 percent of its business sales.

As Agnes Noonan says,

> Women's business centers across the United States play a critical role in helping women develop and grow successful small businesses. The acquisition of technical business skills is obviously important. Equally important, however, is the provision of long-term mentoring and support without which many women would never make it beyond an initial orientation session.

It is important that Women's Business Centers, like WESST corp, continue to target their expertise to the thousands of potential and existing women entrepreneurs. These centers are able to leverage public and private resources to help their clients develop new businesses or expand existing ones. The centers' personnel are skilled professionals who give specialized assistance to women.

For example, the Women's Business Development Center in Miami, FL, reports that its programs are:

> tailored to meet the specific needs of the community, i.e., evening and weekend classes, counseling at business sites and other non-traditional methods of providing entrepreneurial training and technical assistance. Classes are often held in Spanish and other languages. Many sites provide child care, transportation and distance training when necessary.

I am 100 percent behind establishing business centers in States that do not have them. At the same time, based upon the extraordinary record of WESST corp in New Mexico, it is also equally important that an existing business center be allowed to expand its services into other geographical sites that will serve women entrepreneurs who would not, or could not, otherwise be served at the so-called flagship center. The primary business site has established its record of activities and services, and it is able to offer valuable expertise and guidance to the new center. Therefore, I believe very strongly that requests for replication of existing programs into new sites must also be given a fair and honest appraisal for financial assistance.

This bill will strengthen the Women's Business Centers Program across the United States. The bill will allow the SBA program to extend its assistance to the individual State organizations from 3 years to 5 years. This will enable the State centers to have a longer period of time to develop their private sector funding base.

Additionally, we have modified the Federal to private matching requirements to ensure the centers have sufficient time to develop the one Federal to each non-Federal dollar match by the 4th year of activity. Most important, this bill authorizes up to $8 million for assisting existing centers, developing new State programs, or for replicating business center sites in other geographical areas. This is an increase in funding for the business centers' programs from the present, and modest, $4 million annual funding.

Senator BOND and I, along with the other cosponsors of the bill, strongly support expansion of the SBA's Women's Business Centers Program. We know how instrumental these programs are in helping women entrepreneurs, and how very critical these businesses are to families, communities, and the overall economic well-being of our States. We urge other Members of the Senate to join us in support of this small but powerful program.

I yield the floor now for Senator BOND who does a marvelous job with the Small Business Committee, has made it a viable active entity, and I thank him for his support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Business Centers Act of 1997".

SEC. 2, WOMEN'S BUSINESS TRAINING CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended to read as follows:

"SEC. 29. WOMEN'S BUSINESS TRAINING CENTERS.

"(a) FINANCIAL ASSISTANCE.—The Administration may provide financial assistance to private organizations to conduct 5-year projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

"(1) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

"(2) management assistance, including training and counseling in how to plan, organize, staff, direct and control each major activity and function of a small business concern; and

"(3) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

"(b) CONDITIONS.—

"(1) NON-FEDERAL CONTRIBUTIONS.—As a condition of receiving financial assistance authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

"(A) in the first, second, and third years, 1 non-Federal dollar for each 2 Federal dollars;

"(B) in the fourth year, 1 non-Federal dollar for each Federal dollar; and

"(C) in the fifth year, 2 non-Federal dollars for each Federal dollar.

"(2) FORM OF NON-FEDERAL CONTRIBUTIONS.—One-half of the non-Federal matching assistance under this section may be in the form of in-kind contributions which are budget line items only, including office equipment and office space.

"(3) FORM OF FEDERAL CONTRIBUTIONS.—The Federal financial assistance authorized pursuant to this section may be made by grant, contract, or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 percent of each year's Federal share awarded to a recipient organization after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

"(4) FAILURE TO OBTAIN PRIVATE FUNDING. If any recipient of assistance fails to obtain the required non-Federal contribution during any project—

"(A) it shall not be eligible thereafter for advance disbursements pursuant to paragraph (3) during the remainder of that project, or for any other project for which it is or may be funded by the Administration; and

"(B) prior to approving assistance to such organization for any other projects, the Administration shall specifically determine whether the Administration believes that the recipient will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

"(c) SUBMISSION OF 5-YEAR PLAN.—Each applicant organization for assistance under this section initially shall submit a 5-year plan to the Administration on proposed fundraising and training activities, and a recipient organization may receive financial assistance under this program for a maximum of 5 years per women's business center site.

"(d) EVALUATION OF APPLICANTS.—

"(1) IN GENERAL.—The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration.

"(2) CRITERIA.—The selection criteria referred to in paragraph (1) shall include—

"(A) the experience of the applicant in conducting programs or on-going efforts designed to impart or upgrade the business skills of women business owners or potential owners;

"(B) the present ability of the applicant to commence a project within a minimum amount of time; and

"(C) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged.

"(e) ESTABLISHMENT OF OFFICE.—There is established within the Administration the Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises, as such term is defined in section 408 of the Women's Business Ownership Act of 1988. The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'small business concern owned and controlled by women', either start-up or existing, includes any small business concern—

"(A) that is not less than 51 percent owned by one or more women; and

"(B) the management and daily business operations of which are controlled by one or more women; and

"(2) the term 'women's business center site' means one or more women's business centers established in conjunction with another women's business center in another location within a State or region—

"(A) that reaches a distinct population that would otherwise not be served;

"(B) whose services are targeted to women;

"(C) whose scope, function, and activities are similar to those of the primary women's business center in conjunction with which it was established.

"(g) REPORTS TO CONGRESS.—

"(1) IN GENERAL.—The Administration shall prepare and transmit a biennial report to the Committee on Small Business of the House of Representatives and the Committee on Small Business of the Senate on the effectiveness of all projects conducted under the authority of this section.

"(2) CONTENTS.—The reports required by paragraph (1) shall provide information concerning—

"(A) the number of individuals receiving assistance;

"(B) the number of start-up business concerns formed;

"(C) the gross receipts of assisted concerns;

"(D) increases or decreases in profits of assisted concerns; and

"(E) the employment increases or decreases of assisted concerns.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $8,000,000 per year to carry out the projects authorized by this section. Notwithstanding any other provision of law, the Administration may use such expedited acquisition methods as it deems appropriate to achieve the purposes of this section, except that it shall ensure that all eligible sources are provided a reasonable opportunity to submit proposals.".

(b) APPLICABILITY.—Any organization conducting a 3-year project under section 29 of the Small Business Act (15 U.S.C. 656) on the day before the effective date of this Act may extend such project to 5 years and receive financial assistance according to section 29(b) of the Small Business Act, as amended by this Act, and subject to procedures established by the Administrator in coordination with the Office of Women's Business Ownership established by this Act.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, it is with great pleasure that I rise today to join my distinguished colleague, Senator DOMENICI, in introducing the Women's Business Centers Act of 1997. I appreciate the kind words, but Senator DOMENICI has long been the leading proponent of women-owned businesses. He has worked hard to secure the additional funding for the centers. I am delighted to work with him on the bill.

Also I am very pleased that my ranking member on the Small Business Committee, Senator KERRY, and many of our colleagues are working together with Senator DOMENICI and us as original cosponsors of the bill.

I think once again this is an opportunity for Congress to demonstrate its strong support for effective programs serving current and future women entrepreneurs. It was just 1 year ago that many of my colleagues will remember that the administration sought to zero out the budget for women's business demonstration sites, and Congress stepped in to ensure full funding. Now we are reaching for new heights—making the program an ongoing effort to fund women's business centers through 5-year grants.

The Committee on Small Business began its work in this session of Congress with the cooperation of my ranking member at a hearing on women-owned and home-based businesses. I will talk more about that in just a few moments. But the hearing we held then and others has provided the committee with extensive testimony and letters of endorsement on the important economic contribution being made by women entrepreneurs and the role played by women business centers. With nearly 8 million firms owned by women—a third of all firms—and 18.5

million people are employed by women-owned firms, which is 1 of 4 working men and women in the U.S., the contribution of women-owned businesses to the economy, which includes nearly $2.3 trillion in sales, deserves recognition and encouragement.

In my home State of Missouri, there are approximately 120,000 women-owned businesses. And, in 1997, the recipient of the Avon Women of Enterprise Award is Georgia Buchanan, president and CEO of All Pro Construction in Grandview, MO. In 1995, Georgia's company was also recognized by the SBA as the National Minority Construction Firm of the Year.

Last year, Missouri's entrepreneurs were recognized as well when Phyllis Hannan, owner of Laser Mark It and Laser Light Technologies, was named SBA's National Small Businessperson of the Year.

We have other women business leaders, including Carol Jones, of Springfield, who operates a large and well-respected realty company, in addition to her civic work and service on the Federal Home Loan Bank Board, and Stella Olson, who is serving as a member of the Small Business Fairness Board for SBA region 7 and is the owner of STAT Enterprises, Inc., a transcription company.

These women are all local success stories taking an active role in expanding their own businesses with management financing and market training necessary for its success.

The Women's Business Centers Act of 1997 recognizes the important contributions made by the 53 women's business centers located in 28 States. The bill increases the level of funding authorized for establishing additional women's business centers to $8 million per year for 3 years, double when compared to the current authorization of $4 million per year. The Clinton administration's budget request for fiscal year 1998 is $4 million. Significantly, the additional funding is intended to ensure that women's business centers exist in all 50 States.

Other important provisions of this bill include allowing Centers receiving funds on the day prior to enactment to apply to extend their eligibility for funding for 2 additional years. Also, for all women's business centers receiving funds under this bill, the private sector match is structured to facilitate a smoother transition to self-sufficiency. The program is designed to provide seed money for women's business centers that can then flourish with the financial support of the local community. Training and services are to be tailored to the local community, and the grantees running the centers must have the requisite experience and commitment to deliver the services suited to women in the area.

The introduction of this bill coincides with the work of the Committee on Small Business to reauthorize the programs of the Small Business Administration, the SBA. The committee has supported the creation and expansion of business development centers dedicated to the unique needs of women who are either current or potential business owners. The women's business centers created under this bill will provide the tried and true ongoing training and assistance, offered by the current demonstration sites, to ensure that their clients have the skills and know-how to build and maintain successful businesses.

This is a win-win bill. It provides women owning businesses or those women preparing to start new small businesses with the tools necessary to support their transition and the challenges faced when trying to expand.

I look forward to working with my colleagues to advance this bill as part of the Small Business Reauthorization Act of 1997. The concepts endorsed today will be incorporated with other reforms so that the services delivered by SBA and its numerous resource partners are beneficial to men and women alike. The committee has important work to do in this regard, and we appreciate Senator DOMENICI and Representative JOHNSON's efforts in this regard.

Mr. DOMENICI. Mr. President, I have sent the bill to the desk for appropriate referral, but I ask unanimous consent that it be held at the desk before being referred for the remainder of the day in case others want to cosponsor it. They can be original cosponsors.

The PRESIDING OFFICER. Without objection, it will be held at the desk.

Mr. DOMENICI. Mr. President, whatever time I have remaining —I do not believe Senator BOND needs any additional time—I yield to Senator KERRY, and he can control it with other Members. I think there is adequate time for others who need it, but I yield whatever time I have to Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized, and the Chair informs him he has 12 minutes.

Mr. KERRY. I thank the Senator from New Mexico. I want to thank the distinguished Senator for his leadership on this issue and also the Senator from Missouri, the chairman of the Small Business Committee. I am delighted to join with both of them. I think this will have an enormous, positive impact, and their leadership is greatly appreciated.

I am pleased to stand in support as we introduce the Women's Business Centers Act of 1997. Nine years ago, when we first established a demonstration program for helping women-owned businesses attain capital and assistance in business development, a lot of people had some doubts about it. The legislation brought together the SBA and independent organizations in order to deliver assistance to women-owned businesses.

Nine years ago, Mr. President, many people in the country were skeptical about the need for women-owned business assistance. There was a kind of perception problem with respect to whether or not it was needed and whether or not a lot of women in the country were going to take advantage of it and, in some cases, doubts even by some about whether or not they could. Everything in the years since then has destroyed the stereotypes. It changed attitudes and has proven that the people who believed in this effort were correct.

The program has matured since its creation. And, to date, nearly 50,000 American women have been served by 54 sites in 28 States and the District of Columbia.

The bill that we introduce today is really only underscoring a small part of the many contributions that women make to the economy of this country. One of the reasons that we are currently enjoying such a significant economic boom is because of the contributions in the last few years from women-owned entrepreneurs.

The Committee on Small Business is particularly pleased to champion this program. All of my Democratic colleagues from the Small Business Committee—Senators BUMPERS, LEVIN, HARKIN, LIEBERMAN, WELLSTONE, CLELAND, and LANDRIEU—have joined us in sponsoring this bill which will make the program permanent.

The program is operated by SBA's Women's Business Ownership Office, which also would become permanent under the legislation. With the SBA's help, we have begun to tap the remarkable resource of women-owned businesses that has been proven to exist over the course of the last years. I know that many knew it always existed, but this pilot project has really given the evidence greater weight than it has ever had before. And I think this should pass overwhelmingly.

Mr. President, women-owned businesses have been a critical component of the remarkable growth spurt we are enjoying in the country. According to the Census Bureau, women-owned businesses represent one-third of all U.S. companies, and they annually contribute more than $1.5 trillion in sales to the U.S. economy. The National Federation of Women Business Owners and Dun & Bradstreet reported that 7.7 million women-owned businesses employ more people than the Fortune 500 companies. So we must provide a strong policy that allows these women to meet their greatest potential and allow this country to benefit from the full measure of their endeavors.

We know that women entrepreneurs are breaking records. Women-owned sole proprietorships have a startup rate twice that of male-owned businesses.

Between 1987 and 1992, the number of women-owned businesses increased by 43 percent, while businesses overall only grew by 26 percent. During the same time, employment by women-owned firms grew 100 percent. Particularly notable, women-owned companies with 100 or more workers increased employment by 158 percent, more than double the rate for all U.S. firms of similar size.

This country needs to preserve and to foster that special entrepreneurial spirit. And the Women's Business Centers Act is a great way to do that.

In Massachusetts, the 147,000 women-owned businesses represent over one-third of all the companies in our State. And through the SBA's women demonstration program—the program which this bill would make permanent—the Center for Women & Enterprise, Inc., was established in Boston in 1995. In just 2 years, the center has served over 1,000 women business owners, 40 percent of which are minorities.

The center offers scholarships for low-income women and provides courses, workshops, and one-on-one counseling. One hundred cities and towns in eastern Massachusetts are benefiting from the work of the center. I want to see that success continue. We can do that, and we can replicate it in State after State by making the women's business centers and the Women's Business Ownership Office permanent assets of the SBA programs.

In addition to counseling, women business owners need access to capital. Women are vital players in business, and yet their access to capital for funding business enterprise has been limited, and it is still limited. The SBA is trying to meet that demand by increasing access to capital.

From 1992 until 1995, the number of SBA guaranteed loans going to women quadrupled. They received $3.8 billion in SBA guaranteed loans during that period of time. And in fiscal year 1996, women-owned businesses received nearly $2 billion in loans from SBA guarantees.

So access to capital is beginning to improve for women business owners, but we need to guarantee that we support programs that continue that trend.

Last month, I helped kick off a national initiative undertaken by the SBA's Women's Business Ownership Office, the National Women's Business Council, and the Federal Reserve Bank in Boston, to convene workshops throughout the United States. These meetings bring together women business owners, lenders, and policymakers to discuss how to expand capital markets to meet the increasing demand of women-owned businesses.

With input from the women's community, I have concluded that this issue is one that is going to be addressed at different levels. We need more micro-loans for startup businesses. We need more business development and technical assistance, more loan package counseling, and more access to venture and angel capital sources.

This program is one key way to maximize women-owned businesses and to wisely use Government resources to boost the private sector's success.

I join with Senator DOMENICI and Senator BOND in urging our colleagues to support the Women's Business Centers Act of 1997. It will provide $8 million in funding that will be used to provide matching grants for women's centers, and the bill will make the program and the Women's Business Ownership Office a permanent part of the important work that the SBA is doing to guarantee opportunity for all of those who wish to create jobs in this country.

We hope to establish sites in every State to serve women entrepreneurs with the passage of this act. And I hope that our colleagues will overwhelmingly support it.

Mr. President, I ask unanimous consent that Senator SPECTER and Senator BOXER also be added as cosponsors.

Mr. President, I reserve the balance of time for other Senators wishing to speak on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to announce my cosponsorship of the Domenici-Bond Women's Business Centers Act of 1997, which will reauthorize this valuable program administered by the Small Business Administration's, the SBA's, Office of Women's Business Ownership.

Women-owned businesses are a major driving force for America's economy. As of 1996, there were nearly 8 million women-owned businesses nationwide, employing more than 18.5 million people and generating close to $2.3 trillion in sales. According to the National Foundation for Women Business Owners, women-owned businesses are growing faster than the overall economy in each of the top 50 metropolitan areas in the United States, including Philadelphia and Pittsburgh. In a study released in March 1997, the foundation reported that as of 1996, Philadelphia's 127,100 women-owned enterprises employed 448,500 people and generated over $56 billion in sales, and Pittsburgh's 54,800 women-owned enterprises employed 141,800 people and generated over $17 billion in sales. These numbers are truly impressive and highlight the significant impact of women in business on Pennsylvania's economy.

Established through the Women's Business Ownership Act of 1988, the women's business centers have been vital in providing services and programs that support and accelerate women's business ownership. My constituents are fortunate to be served by the Women's Business Development Center, located in Philadelphia. Since its formation in July 1995, the center has provided information, business assessment, training, and counseling sessions to over 3,000 prospective, emerging, and established women business owners. It is critical to reauthorize the activities of these centers to ensure that women-owned businesses have the resources necessary to prosper and grow.

Specifically, the Women's Business Centers Act of 1997 would double the authorized appropriation for the women's business centers to $8 million, authorize 5 years of project funding for new centers, extend funding for existing centers for an additional 2 years, and modify the Federal funding match requirements to facilitate self-sufficiency of the centers.

This legislation complements my efforts on behalf of minority and women-owned business enterprises. On April 23, 1997, I reintroduced the Minority and Women Capital Formation Act, S. 635, which provides targeted tax incentives for investors to invest equity capital in minority and women-owned small businesses, as well as venture capital funds dedicated to investing in minority and/or women-owned businesses.

I also worked to secure a $500,000 grant through the Small Business Administration in fiscal year 1997 to support the activities of the National Education Center for Women in Business, located at Seton Hill College in Greensburg, PA. The center promotes women's business ownership by conducting collaborative research, providing educational programs and curriculum development, and serving as an informational clearinghouse for women entrepreneurs.

In conclusion, Mr. President, I urge my colleagues to support swift adoption of the Women's Business Centers Act of 1997 so that we can meet the needs of America's emerging women business owners, which are critical to the economic health of our Nation.

Mr. WELLSTONE. Mr. President, I am very pleased to join my colleagues today as an original cosponsor of the Women's Business Centers Act of 1997. I thank the chairman of the Small Business Committee, Senator BOND, as well as Senators DOMENICI and KERRY, for their leadership on this issue.

As a member of the Small Business Committee, I have followed the success of the women's business demonstration sites—two of which are in Minnesota. I would like to note the effectiveness and good work of those two organizations: Women in New Development, or WIND, of Bemidji, MI, and the Women's Business Center, which is operated in association with the White Earth Reservation Tribal Council in Mahnomen, MI.

This program, and these centers, fill a crucial need in many communities

across the country. They deliver needed technical assistance, and they ultimately help provide tremendous economic benefits.

I recently received a letter from Mary Turner, director of the White Earth center. She pointed out that her center and others operated through the program are committed to delivering services aimed at promoting self-sufficiency, and which are "as diverse as the women we serve—women of color, women on public assistance moving on to self-employment, rural and urban women, and women starting home-based businesses."

Mr. President, the bill will reauthorize the women's demonstration sites, increasing the program's annual funding and authorizing demonstration sites to receive funding for 5 years rather than the current 3 years. I look forward to working with the chairman and other members of our committee to include this measure as part of our broader reauthorization of SBA programs.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. HATCH, Mrs. BOXER, and Mr. JEFFORDS):

S. 889. A bill to provide for pension reform, and for other purposes; to the Committee on Finance.

THE RETIREMENT SECURITY FOR THE 21ST CENTURY ACT

Mr. GRAHAM. Mr. President, today, as I did once before in January of this year, I rise to speak about an issue which is of vital importance to this Nation, the retirement security of our people into the 21st century.

Mr. President, the facts are startling. Fifty-one million working Americans are not covered by any type of retirement plan. An incredible 87 percent of workers employed by small businesses, businesses with fewer than 20 employees, have no private retirement or pension coverage. Less than 40 percent of the 33 million Americans, age 65 and older, today collect a pension. These numbers are very, very disturbing.

There are three foundations for a secure retirement: Social Security, personal savings, and a pension. Each one of these foundations is eroding. Social Security is unlikely to increase. Personal savings rates are falling. Fewer of today's workers will retire with a lifetime pension.

In January, I spoke and mentioned some of the reasons that pension coverage fails to reach so many workers. Some of those reasons include the fact that our work force is changing. For the most part, our pension laws have not kept pace with the changes in the American work force. Think about current workers in an era of tremendous employee mobility—you don't work an entire career for one company, as was the typical pattern for our parents and grandparents. Small business is a tremendously vital part of our economy. Yet, those very small businesses are faced with obstacles in establishing retirement plans.

There has been a decline in union membership, and unionized workers are the most apt to be covered under a defined benefit retirement plan. There is a shift away from manufacturing jobs toward service and retail, and, again, pension coverage is higher in manufacturing sectors than in these new expanding areas of the American economy.

Knowing that these trends will continue, it is obvious that we need to make certain that our pension laws have kept pace with the changing American work force. My goal is to ensure that each American who works hard for 30, 40 years, or more, has every opportunity for a secure and comfortable retirement. I share this goal with many of my colleagues, including Senators ORRIN HATCH, CHARLES GRASSLEY, and JOHN BREAUX, all of whom join me today in introducing this bipartisan bill.

To achieve the goal that every American who works hard for a lifetime will have a secure retirement and pension, we have focused on five areas: Expanded coverage for small businesses, women's equity issues, portability, pension security and enforcement, and simplification. Those, Mr. President, are the five areas of impact for the legislation that we introduce today.

I have been honored to participate with some of my colleagues' efforts to build retirement security for American workers. Senator DASCHLE has created a Democratic pension task force, which led to the introduction of S. 14 on the first day of this session.

Senators MOSELEY-BRAUN, MURRAY, and SNOWE have furthered the debate in helping women achieve a sound retirement, with the Comprehensive Women's Pension Protection Act.

Senators CONRAD and HATCH have focused on clarifying nondiscrimination rules for governmental plans.

Senator BOXER has fought to protect pension assets from abuse in 401(k) plans.

Senator GREGG's leadership has guided the Republican pension task force to introduce its pension proposal earlier this week.

The attention that this issue has received in the Congress highlights its importance to the American people. I am ready to work together and find the common ground that will form the foundation for a secure retirement for millions of Americans.

We will take a common bipartisan approach that will be necessary for both sides of the aisle, both employers and employees, in order to build that foundation for the future. We need to be able to offer businessowners and their workers uncumbersome portability, administrative simplicity and the confidence that their plans are secure and well funded.

To be honest, when I first saw the statistics of how many people are ill prepared for retirement, I was amazed. I started asking "Why?" Why do we have over 50 million Americans not prepared for their retirement? I asked Floridians directly. I have spoken with large and small chambers of commerce.

In my career, I have had the opportunity to spend a workday working directly with the people of our State at more than 300 businesses. I have worked side by side with small business owners, with executives, and their employees.

My staff, visiting a chamber of commerce in central Florida, recalls the answer given as to why small businesses have few pension plans: "Administrative costs and red tape."

When I traveled to Orlando to discuss this bill, I had the arduous task of bringing along the United States Code books and current regulations dealing with pension and retirement. They are overwhelming just by their weight alone.

Our Nation's small businesses need simple options. They should be focusing on what they do best—growing their businesses, growing our economy, not attempting to apply a pension law that was written 30 or more years ago for large businesses to their current circumstances. It is crucial that we make it as uncomplicated as possible for our Nation's businesses to offer their employees retirement security.

We need to cut back on paperwork, eliminate obstacles to starting pension plans, streamline the complex regulations, and provide employers with the guidance and support they need to continue their valuable efforts.

In the end, all of these provisions will encourage employers to offer pension plans because of the lower administrative costs and reduction of red tape.

Let me mention a few specific ideas which are incorporated in this legislation.

Small businesses are the most vital sector of today's economy. This is where job growth is, and all indications are where it will accelerate in the future. Yet, small businesses face many challenges in providing a secure retirement for their employees: Higher administrative costs to manage a plan; a fluctuating income stream—some years profits are up; and sometimes they are down—and a lack of resources to keep current with changing laws and regulations.

This chart demonstrates the problem. Workers in America with a retirement plan: According to the Small Business Administration, if you work for a company that employs 20 or fewer persons, your chances of having a retirement plan are 13 percent; if you work for a firm with between 21 and 100 employees, your chances are 38 percent; if you work for a firm that employs over 500 people, 72 percent of the

time you will be covered by a pension and retirement program.

We need to make it a wise business decision for small businessowners to establish a retirement plan for themselves and for their employees. We need to offer simple creative solutions to expand pension coverage for small businesses.

Payroll deductions for individual retirement accounts is one example, Mr. President, of the kind of change which is made in this legislation.

Even with every effort made for simplification, some businesses won't be able to establish a retirement plan. But even the smallest of small businesses can help their employees. Any step we take to facilitate putting money away for retirement is a step in the right direction.

Payroll deductions are the easiest manner of savings. This provision will facilitate the contributions to IRAs by direct deduction from payrolls.

Modification of the topheavy rules is another step that will facilitate small businesses providing retirement programs. What are topheavy rules? These are rules which were created to assure that private pension plans were not disproportionately tilted toward highly compensated individuals. These rules affect small businesses much more than large companies. Because topheavy rules are excessively cumbersome, small businesses simply don't offer retirement plans for any of their employees.

Our provisions attempt to address this inequity by repealing the family aggregation rules and simplifying the definition of key employees and compensation.

It is important that retirement plans benefit all employees—but, if we can modify these rules to help small family businesses prepare for retirement, millions of Americans would be better off in their retirement years.

Another area of special concern, Mr. President, in this legislation is the impact that old pension and retirement policies have on women. We know that women are coming into the work force in much larger numbers than they did in previous generations. We know that women are the most mobile component of our work force. They change jobs more frequently. They move in and out of the work force as family and other responsibilities dictate. Women tend, during their career, to care for children and aging parents, which makes it difficult for them to stay in one job long enough to secure the benefits that require long periods of employment.

Statistics show that women will live longer in retirement than men. Therefore, they need more, not less, financial resources for their retirement years. Historically during a career, women will earn less than men, thus making it more difficult for them to save for retirement. The provisions that we include in our women and family equity section help both women and men, but they disproportionately help women.

Some of the specific concerns women face during their working careers:

Time away from work for child care, lower salaries, or divorce.

This section can provide a growing sector of our working population a fair chance at a productive and secure retirement.

It provides for faster vesting of employers' matching contribution. Under current law, employers may require up to 5 years of service before an employee is entitled to the employer's matching contribution to the business' defined contribution plan.

Twenty percent of our work force age 45 to 64 have been in their current jobs less than 4 years. That is a huge sector of the work force who are most likely not to stay long enough to vest in their retirement plan. Women are a disproportionate share of that huge portion of the work force. By reducing the vesting period from 5 years to 3 years, we more accurately reflect the changes in our work force.

Spousal IRA is another example of a provision in the current law which particularly adversely affects women. In an American culture where we see more and more two-career couples, we need to encourage each of them to save in every way possible.

Under current law, if one spouse is participating in a retirement program at his or her job, no matter how small, the other spouse is precluded from a tax deductible individual retirement account. Senators ROTH and BREAUX have worked long and hard on this issue, and we have included the results of their efforts in this proposal. It eliminates one barrier that has stood in the way of many two-career families providing for two individuals' pension and retirement security. Individual retirement accounts have proven to be one of the most effective ways to plan for future financial security. Working couples should be encouraged to plan and save through this option. We want to eliminate this barrier to save.

Another aspect that particularly affects women is the fact that they are subject to periodic discontinuity in their employment careers.

As the father of four daughters and eight grandchildren, I know all the joy a child can bring a family and how much planning is needed for the new parents to assure that they and their children can provide for their future years.

Many employees today are taking unpaid leave to spend a few weeks or months with a newborn or a newly adopted child. But by doing so, they may be taking a step away from their own retirement security by not being able to make their usual contributions to their retirement plan. Our provision allows them to do so when they return to the job.

This proposal is modeled after legislation that Congress adopted after the gulf war in which returning veterans were allowed to make a contribution to their retirement programs to cover the period that they were away from their job serving their Nation. We will help our Nation's new parents in the same way that we helped returning veterans.

Saving for retirement is not an easy task. It takes dedication month after month. Under this provision, we will make certain that the good savings habits that parents have started can be sustained even if they take time away from work to be with a newborn child.

Another factor that peculiarly affects women is the issue of portability—the ability to move retirement benefits from one job to the next.

Just looking at some of the current statistics, we know that the average American worker over the course of a 40-year career will have seven different employers. The average worker in a 40-year career will have seven different employers. Our pension laws were written in an era that didn't anticipate this modern mobility of the work force.

Americans' retirement dreams can be dimmed by the consequences of moving from job to job. They will have less retirement assets. Often there is no choice but to make a job change. A spouse gets transferred to another city to keep the family together; the other spouse moves as well. We in Congress have been in favor of keeping families together. Let's make certain that the family is not hurt in later years by a difficult retirement, a constrained retirement, because of that very mobility. An employee can be downsized. Companies can go bankrupt. Hardworking recent college graduates can move up the career leader. Each of these involve job changes.

Mr. President, one of the things that has distinguished the American economy from many other industrialized nations has been this very factor of our mobile work force, that people were willing to move where there were new opportunities, where the changes in the economy dictate that it was to their advantage as well as to the Nation's advantage for people to move from one job to the other. We shouldn't constrain that by imposing a penalty on their long-term retirement security because they have done what is in their interest and what is in the interest of our dynamic economy.

When such moves occur, we need to mobilize the pension money, to put wheels under it, to make it as portable as the people who will benefit by those retirement savings. Providing employees with a vehicle to take their pension money with them during their working careers will allow the accrual of larger pensions making it easier on the worker and the employers to keep track of retirement funds.

How can we do this? We can do it through several proposals which are incorporated in the bill that I introduce today. Similar defined contribution plans should be able to roll over one into the other. Money in a retirement stream should be kept there until retirement. When you leave one job for another, your retirement savings should be able to travel with you.

Mr. President, today American workers have their retirement plans in many different types of specific forms. Well known is the 401(k) plan; also, plans for workers who are employed by nonprofit organizations, workers who are employed by the Government, individual retirement accounts.

What we provide in our legislation is that, if a worker moves, for instance, from a Government employment to a private employment, they would be able to carry with them their accumulated retirement benefits from their previous plan into their new employment.

This will require the consent of both the employees and the new employer to do so. But the law will no longer erect arbitrary barriers against such transition of employment benefits.

All of these plans have their own specific but generally relatively marginal differences. But they all have one common purpose—that is, allowing workers to save for retirement. This ability to move plans as employment history requires a movement will facilitate achieving that objective.

Mr. President, we also need to encourage businesses to allow their employees to do this. We will eliminate the fear among businesses that by accepting a new employee's previous retirement assets, the business risks the disqualification of its own plan.

Once a pension plan is in place, Congress needs to assure that the assets are invested wisely and securely. America's workers are depending on the assets that are accumulating in retirement plans. Our laws protecting pension assets need to give them the confidence that they need to rely on these plans in retirement.

There should be stronger penalties for fraud and embezzlement of plans. We say clearly to the pension fund managers and administrators: If you are guilty of fraud or embezzlement, then your own pension will be at risk. Workers who are hurt by your action will be compensated out of your pension. America's pension fund managers have a sacred trust to millions of employees who will depend on their expertise and skills for a sound retirement. If that trust is broken, harsh sanctions are in order for the guilty party, or managers.

There should be greater access to information by employees as to what is the status of their pension retirement fund. Pension security will be enhanced by an educated work force. Employees with the necessary information will be able to watch over their own retirement assets. A vital aspect of retirement security is keeping pension participants fully informed of what they have in their plans and what to expect when they retire.

Senator GRASSLEY is to be commended for his efforts in this area, making sure that employees receive accurate information and properly computed pensions.

To help employees plan for their retirement, we propose annual benefit statements for all defined contributions plans and every 3 years for defined benefits plans.

These statements will help all employees plan carefully and would also help to reduce pension miscalculations. We are acting in an anticipatory way to cut off what we think could be a future threat to retirement security.

Once we have made every effort to keep our Nation's pension assets protected from fraud and abuse, let us protect these assets from ourselves.

There is already a consumer credit crisis in this country. Millions of American families are overextended, carrying huge balances on multiple credit cards month to month.

Our measure will prohibit 401(k) or similar retirement assets from being tied to credit cards. If these credit cards were allowed, we would be putting Americans on the slippery slope, spending retirement assets before retiring.

Mr. President, I mentioned that one of our principal areas of concern is simplification, to make it easier for all the participants in the retirement security process to know, to be in compliance with the standards and therefore to be encouraged to provide more adequately for their retirement.

Summary plan descriptions and a summary of major modifications will now be substituted for the detailed reporting requirements which are currently required. One less report will be filed. The Department of Labor probably has millions of these current detailed reports stockpiled.

Under our proposal, the Labor Department retains the right to request one of these reports from a company, but for simplification's sake let us not require the reports to be sent in unless they are actually needed.

We are also sanctioning the use of electronic communications. Our pension laws should get on the information highway. We have asked the Department of the Treasury to look to the use of e-mail and modern technology in administering pension plans. It is common sense. It is simpler to use. It is less expensive. It will encourage particularly small businesses to provide retirement plans.

Mr. President, common sense is the foundation of this proposal, to make the punishment for failure to comply with the standards fit the crime. Under current law, the IRS can threaten to disqualify an entire pension plan for inadvertent errors. We are proposing intermediate sanctions, sanctions which are proportionate to the error that has been committed.

The IRS is to be commended for several programs they have initiated to work with businesses in this area. We want to codify elements of those plans that are already in practice. As an example, a plan should not be disqualified if a company finds and fixes an error prior to an Internal Revenue Service audit. Rank-and-file employees will not be taxed even if a plan is disqualified.

Senators HATCH and CONRAD have led the effort to permanently exclude governmental plans from nondiscriminatory rules. Congress placed a temporary moratorium on those rules in 1977. Since then, we have addressed this issue every few years. After two decades, common sense says let us make this permanent.

Mr. President, preparing this generation of workers for retirement is, in my view, almost an issue of national security. We know that beginning early in the 21st century there will be a surge of Americans who will reach retirement age. How well prepared those millions of Americans are for the years after retirement will have a significant impact on the economic, personal, and national security of this Nation. A strong economic future depends upon this.

Mr. President, you represent a State with significant numbers of persons who have chosen to live there in retirement. That is also true of my State of Florida. Every time I go home to my State, I see the result of persons who have conscientiously planned for their retirement—families that have worked hard, invested wisely, saved diligently, and are now enjoying the benefits of retirement in our State.

Collectively, we Americans could learn a lot from this generation. I want to provide this generation with every possible opportunity to have the same lifestyle as our parents are currently enjoying. To achieve this goal, we need businesses to work together with their employees. We need Republicans and Democrats to collaborate in a bipartisan solution to those inhibitions which are currently resulting in over 50 million Americans not having pension retirement plans. We need to work together to find the common ground and to take steps now on the items upon which we agree. Every time we can make pensions more portable, simpler, fairer to women, more attractive to small businesses, more secure, we are helping every American reach their retirement goal. We are making a significant contribution to a better America.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 890. A bill to dispose of certain Federal properties located in Dutch John, UT, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes; to the Committee on Energy and Natural Resources.

THE DUTCH JOHN PRIVATIZATION ACT OF 1997

Mr. BENNETT. Mr. President, I am pleased to introduce the Dutch John Privatization Act of 1997 with my colleague from Utah, Senator HATCH.

I want to explain to my colleagues the history of this community. The town of Dutch John, UT, was established in 1958 by the Bureau of Reclamation to house personnel and equipment during the construction of the Flaming Gorge Dam and Reservoir on the Green River. During this construction period, the town housed over 2,000 people. After the completion of the dam, Dutch John continued to serve as the residence of approximately 175 people, including Federal Government employees and others associated with the Flaming Gorge Dam and Recreation Area.

To this day, basic services for Dutch John, as well as the operative and administrative costs for the town, have been an unnecessary financial burden for the Bureau of Reclamation and the U.S. Forest Service. The cost of providing the full range of community facilities and services—including that of the landlord for the town—have substantially risen over the years, approaching $1 million annually. The time has arrived to transfer the ownership and maintenance of this town into local hands.

For several years, the involved Federal agencies have worked with Daggett County officials and residents in drafting a Dutch John privatization proposal that would protect all affected interests. The outcome of this process is the Dutch John Privatization Act of 1997. This legislation would provide for the transfer of selected Federal property into private ownership; dispose several residential units, public building and facilities; provide for a transition to local government administration and reduce long-term Federal expenditures.

This legislation would transfer approximately 2,400 acres of land, identified by the U.S. Forest Service and the Bureau of Reclamation as no longer necessary to fulfill the agencies' mission, out of Federal ownership. Residents would have the ability to purchase the homes they currently rent from the Bureau of Reclamation at fair market value. Federal agencies would retain ownership of identified needed facilities, including the U.S. Forest Service warehouse and office complex, the Bureau of Reclamation industrial complex, certain personnel housing and the heliport.

As the Federal Government ceases to provide basic community services, such as roads, water, and sewer, local government would be required to assume these responsibilities. Daggett County would receive an annual grant from public power revenues, for 15 years, in order to offset the costs of transition while a traditional community tax base is created.

This bill is a win-win situation. The Federal Government will initially save more than one-half million dollars per year, and after 15 years, will eliminate altogether an expensive obligation. Dutch John will be a self-sustaining community while providing necessary services for the 2 million people that visit the Flaming Gorge National Recreation Area each year.

After 25 years, Dutch John as a government-run town has become an anachronism. This legislation is in the best long-term interest of Federal, State, and local governments. I urge my colleagues to join me in saving the Federal Government the costs of administering the town of Dutch John while providing the means to start a community with a small-resort commercial base in one of the most remote parts of Utah.

Mr. HATCH. Mr. President, I rise, along with Senator BENNETT, to introduce the Dutch John Privatization Act. Dutch John, a city in Daggett County, UT, was established in 1958 by the Bureau of Reclamation to provide a community for the construction and operation of the Flaming Gorge Dam on the Green River. The dam was completed in 1964.

This bill will remove the 2,400 acre township from Federal ownership by allowing for a buy-out of homes by existing lessees and permittees at fair market value and for a transition to local government ownership over 15 years.

This legislation is the result of years of discussion among local, State, and Federal officials, including the Bureau of Reclamation, U.S. Forest Service, and Daggett County.

During the construction of Flaming Gorge Dam, the population of Dutch John reached more than 2,000 people. Today this remote town has approximately 175 persons. As small as it is, the Federal Government still pays about $1 million each year to run the city. As the landlord for Dutch John, the Federal Government must provide the water infrastructure, the sewer system, city roads, and various other public goods and services.

Privatizing Dutch John would release the Federal Government from the burden of the operation and maintenance of this town. The current mandate and budget constraints of the Bureau of Reclamation and the U.S. Forest Service act as disincentives for the Federal Government to invest in Dutch John.

This legislation will allow Federal agencies to retain control and ownership of facilities they have identified as needed for continued Government operation. Homes and properties not retained by the Federal Government will be sold at fair market value to current renters. Holders of federally issued permits and leases would have the right to purchase their underlying leased or permitted land at fair market value. All other properties will be transferred to Daggett County, and the revenues from these sales would be used for costs related to Dutch John.

Under this bill, Daggett County will receive a $300,000 annual grant for the next 15 years as it takes over responsibility for the town's governance and infrastructure. During this transition period, Daggett County would be able to create a local tax base to fund future maintenance, sanitary, and public safety services.

Currently, an environmental assessment is underway that will analyze the need for additional commercial recreation services for national recreation area and Ashley National Forest visitors. We will certainly review these recommendations carefully.

Nevertheless, this legislation reflects the work of many individuals who have worked hard to create a viable plan for the future of Dutch John and that will allow residents to become self-governed. Self-governance, after all, is the cornerstone of our federal system, and Dutch John has been, for all intents and purposes, a Federal colony.

We urge our colleagues to join us in supporting independence for Dutch John.

By Mr. ABRAHAM (for himself, Mr. FAIRCLOTH, Mr. SESSIONS, Mr. HUTCHINSON, Mr. DEWINE, Mr. COATS, Mr. ASHCROFT, and Mr. COVERDELL):

S. 891. A bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes; to the Committee on Governmental Affairs.

THE FAMILY IMPACT STATEMENT ACT OF 1997

Mr. ABRAHAM. Mr. President, on April 21 President Clinton issued an Executive order purporting to defend America's children from environmental health and safety risks. At the very end of this order was a simple, but cryptic statement. That statement was, "Executive Order 12606 of September 2, 1987 is revoked."

With that simple statement, Mr. President, without consulting this body or so much as naming the order revoked, President Clinton struck an unnecessary and uncalled for blow against American families and children.

Executive Order 12606 of September 2, 1987, signed by President Reagan, was one of the most important policy statements of the last 25 years.

As stated in its preamble, that Executive order was intended "to ensure that the autonomy and rights of the

family are considered in the formulation and implementation of policies by Executive departments and agencies.''

That Executive order, which President Clinton so blithely, almost mutely discarded, required our Federal bureaucracy for the first time to consider their actions' effects on the families of this nation.

More than any Government program, America's children are protected, nurtured and given the means they need to lead good lives by their families. No national village can replace the constant care and attention of parents.

By allowing Executive agencies to ignore the effects of their policies on families, President Clinton promises more harm to children than any Executive order he signs could possibly cure.

Because of President Reagan's Executive order, it was the official policy of this country that our bureaucrats must think about families as they formulate and apply rules and regulations.

Do we seriously believe, Mr. President, that the American family no longer needs protection?

Do we seriously believe that Federal rules, regulations, and programs no longer have serious effects on our families?

Do we seriously believe that bureaucrats here in Washington will just naturally craft everything they do so as to serve the interests of our families?

I do not think so, Mr. President. In fact I am convinced that now more than ever our families need our protection. I am convinced that we must ensure that those who work for the Federal Government stop and think about how what they are doing effects our families.

That is why, along with Senators FAIRCLOTH, SESSIONS, TIM HUTCHINSON, DEWINE, COATS, and ASHCROFT, I am introducing the Family Impact Statement Act of 1997. This legislation will reinstate our national policy requiring that Federal bureaucrats consider the effects of their actions on our families.

Specifically, and mirroring the Executive order recently revoked by the President, the Abraham-Faircloth Family Impact Statement Act would require that executive departments assess measures that may have significant impact on family formation, maintenance and general well-being in light of the following questions:

1. Does this action by Government strengthen or erode the stability of the family and, particularly, the marital bond?

2. does this action strengthen or erode the authority and rights of parents in the education, nurture, and supervision of their children?

3. does this action help the family perform its functions, or does it substitute governmental activity for that function?

4. does this action by Government increase or decrease family earnings? Do the proposed benefits of this action justify the impact on the family budget?

5. can this activity be carried out by a lower level of Government or by the family itself?

6. what message, intended or otherwise, does this program send to the public concerning the status of the family?

7. what message does it send to young people concerning the relationship between their behavior, their personal responsibility, and the norms of our society?

Again, mirroring the Executive order President Clinton recently revoked, Abraham-Faircloth would require that the head of the department or agency involved in any policy significantly effecting family well-being certify in writing that such measures has been assessed in light of these criteria. The department or agency head also must provide an explanation of how such measures will enhance family well-being.

The Office of Management and Budget will then, to the extent permitted by law, ensure that the policies of the executive departments and agencies are applied in light of these criteria.

In addition, Mr. President, this legislation will require that the White House Office of Policy Development assess existing and proposed policies and regulations that impact family well-being in light of the same criteria. That office will then provide evaluations on those measures to the Office of Management and Budget, and advise the President on policy and regulatory actions that may be taken to strengthen the institutions of marriage and the family in America.

Mr. President, this legislation will restore a crucial protection for the fundamental institution on which our society is based. By requiring that our departments and agencies consider the impact of their actions on our families it will protect those families from intrusive policies that undermine them, their children's lives, and our social fabric.

I urge my colleagues to join with me to make bureaucrats consider our families' well-being before they act. I urge them to support Abraham-Faircloth.

I yield the floor.

By Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. SMITH of Oregon, Mr. WYDEN, Mr. BUMPERS, Mr. THOMAS, Mr. HUTCHINSON, Mr. BOND, Mr. GREGG, Mr. REID, Mr. FORD, Mr. ROBB, Mr. INOUYE, Mr. SANTORUM, Mr. BREAUX, Mr. HOLLINGS, Mr. GLENN, and Mr. DURBIN):

S. 892. A bill to amend title VII of the Public Health Service Act to revise and extend the area health education center program; to the Committee on Labor and Human Resources.

THE AREA HEALTH EDUCATION CENTER PROGRAM EXTENSION ACT

Mr. GRAHAM. Mr. President, I rise today to introduce legislation in conjunction with Senator MCCAIN and 16 of our colleagues to reauthorize the Area Health Education Center Program under title VII of the Public Health Service Act.

Unfortunately, the law of supply and demand does not always operate to the benefit of rural Americans or the working poor in the health care marketplace. Whether individuals live three counties away from the nearest full-service clinic or just across town, often their access to primary and preventive care is limited.

While recent attention has focused on controlling run-away health care costs, the problem is not only one of cost, but also one of allocation. We need to allocate both our abundant supply of health professionals and the highly concentrated resources of our world class academic health centers to individuals who are underserved in the health care marketplace.

Since its inception in 1973, one of the most effective means of redistributing and reallocating manpower has been the Federal and State-funded Area Health Education Centers Program [AHEC]. AHEC's serve as bridges between medical schools and our Nation's underserved rural and inner-city communities, recruiting and training primary care providers and health professionals, and providing continuing education to existing providers. Nine years ago, the AHEC Program was expanded to include the Health Education Training Centers Program [HETC], which are designed to address the persistent unmet health care needs of population groups such as migrants, minorities, and others.

As Governor of Florida, I became aware of the accomplishments of AHEC's in addressing the maldistribution of health professionals in underserved areas of other southern States such as North Carolina and helped catalyze the initial interest for the development of AHEC's in my State. Since then, I have been pleased to see AHEC's and more recently HETC's grow and flourish throughout Florida and throughout the country.

Based at each of the State's medical schools, Florida's four AHEC programs now cover all 67 counties in the State. The programs and their 10 affiliated centers conduct activities that address regional and State priorities in areas such as public and school health, recruitment of health professionals to medically underserved communities, and special health needs of migrant and immigrant populations.

With more than 44 AHEC programs operating in 42 States, we are finally approaching the full evolution of AHEC into a national system with an infrastructure through which to reach those

communities and populations in greatest need of basic health services. In 1994, 80 of 142 allopathic and osteopathic medical schools were involved with AHEC and HETC programs nationally, and 13 percent of the Nation's total medical school enrollment obtained community-based training through the program.

AHEC's effectiveness lies in this unique ability to combine the resources of academic health centers with those of medically underserved communities and in such a way that enhances the primary care training while increasing access to care. This role continues to increase in importance as States struggle to adjust to changes in medical reimbursements, limitations on welfare, and cutbacks in social services.

One of the most important contributions AHEC's have made in Florida and around the Nation is in the training of health professionals in collaboration with local health education institutions, public health departments, community health centers, rural hospitals, local school systems, and volunteer organizations. As a result AHEC's have generated a great deal of academic and community support. During fiscal year 1994, 32 AHEC programs received $22 million in Federal allocations; this was matched by approximately $106 million in State and local funds. These programs have had such success in gaining local and State funds because State legislators and community leaders have witnessed the very real impact and benefits that AHEC's bring to the lives of the people in their States and communities.

Despite promising health care reforms and increased enrollment in managed care networks, the number of uninsured and underinsured Americans continues to rise. Hundreds of counties throughout the United States are still without doctors, and for many low-income families, whether they be located in the inner-city or a small, rural community, preventive dental care is considered a luxury.

Because these problems have yet to be resolved, and because AHEC is needed as much today as when it was created, Senator MCCAIN and I are sponsoring this legislation to reauthorize AHEC, as we did successfully in 1992. This reauthorization already enjoys widespread bipartisan support—a testament to the pliable nature of this program in meeting the needs of diverse communities. In their first 25 years, AHEC's around the country have repeatedly shown that the sum total of Federal and State dollars that they have been allocated has been money well spent. We would like to see this successful program extended for 5 more years.

Thanks to AHEC, the face of health professions education is changing into a more community-centered enterprise that places higher priority on the everyday needs of all Americans, including those who historically have been underserved. While we have already begun to see the results of this change, many challenges lie ahead in the ongoing effort to ensure access to health care for all Americans. With the contribution of AHEC, our communities and academic health centers will have the means necessary to work together and meet those challenges.

Mr. President, I invite my colleagues to join Senator MCCAIN and me in supporting the reauthorization of this important program which targets health care services to our Nation's most underserved areas. I ask unanimous consent that the full text of the bill and letters of support from the Association of American Medical Colleges and the American Association of Colleges of Osteopathic Medicine be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Area Health Education Center Program Extension Act".

SEC. 2. AREA HEALTH EDUCATION CENTER PROGRAM.

Section 746 of the Public Health Service Act (42 U.S.C. 293j et seq.) is amended to read as follows:

"SEC. 746. AREA HEALTH EDUCATION CENTER PROGRAMS.

"(a) AUTHORITY FOR PROVISION OF FINANCIAL ASSISTANCE.—

"(1) ASSISTANCE FOR PLANNING, DEVELOPMENT, AND OPERATION OF PROGRAMS.—

"(A) IN GENERAL.—The Secretary shall award grants to and enter into contracts with schools of medicine and osteopathic medicine and incorporated consortia made up of such schools, or the parent institutions of such schools, for projects for the planning, development and operation of area health education center programs that—

"(i) improve the recruitment, distribution, supply, quality and efficiency of personnel providing health services in underserved rural and urban areas and personnel providing health services to populations having demonstrated serious unmet health care needs;

"(ii) increase the number of primary care physicians and other primary care providers who provide services in underserved areas through the offering of an educational continuum of health career recruitment through clinical education concerning underserved areas in a comprehensive health workforce strategy;

"(iii) carry out recruitment and health career awareness programs to recruit individuals from underserved areas and under-represented populations into the health professions;

"(iv) prepare individuals to more effectively provide health services to underserved areas or underserved populations through field placements, preceptorships, the conduct of or support of community-based primary care residency programs, and agreements with community-based organizations such as community health centers, migrant health centers, Indian health centers, public health departments and others;

"(v) conduct health professions education and training activities for students and medical residents;

"(vi) conduct at least 10 percent of medical student required clinical education at sites remote to the primary teaching facility of the contracting institution; and

"(vii) provide information dissemination and educational support to reduce professional isolation, increase retention, enhance the practice environment, and improve health care through the timely dissemination of research findings using relevant resources.

"(B) PROJECT TERMS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the period during which payments may be made under an award under subparagraph (A) may not exceed—

"(I) in the case of a project, 12 years or

"(II) in the case of a center within a project, 6 years.

"(ii) EXCEPTION.—The periods described in clause (i) shall not apply to—

"(I) projects that have completed the initial period of Federal funding under this section and that desire to compete for model awards under paragraph (2)(A); and

"(II) projects that apply for awards under subsection (d) regardless of whether such projects have completed their initial period of Federal funding under this section.

"(2) ASSISTANCE FOR OPERATION OF MODEL PROGRAMS.—

"(A) IN GENERAL.—In the case of any entity described in paragraph (1)(A) that—

"(i) has previously received funds under this section;

"(ii) is operating an area health education center program; and

"(iii) is no longer receiving financial assistance under paragraph (1);

the Secretary may provide financial assistance to such entity to pay the costs of operating and carrying out the requirements of the program as described in 746(a)(1).

"(B) MATCHING REQUIREMENT.—With respect to the costs of operating a model program under subparagraph (A), an entity, to be eligible for financial assistance under subparagraph (A), shall make available (directly or through contributions from State, county or municipal governments, or the private sector) recurring non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs.

"(C) LIMITATION.—The aggregate amount of awards provided under subparagraph (A) to entities in a State for a fiscal year may not exceed the lesser of—

"(i) $2,000,000; or

"(ii) an amount equal to the product of $250,000 and the aggregate number of area health education centers operated in the State by such entities.

"(b) REQUIREMENTS FOR CENTERS.—

"(1) GENERAL REQUIREMENT.—Each area health education center that receives funds under this section shall encourage the regionalization of health professions schools through the establishment of partnerships with community-based area health education centers.

"(2) SERVICE AREA.—Each area health education center that receives funds under this section shall specifically designate a geographic area or medically underserved population to be served by the center. Such area or population shall be in a location removed

from the main location of the teaching facilities of the schools participating in the program with such center.

"(3) OTHER REQUIREMENTS.—Each area health education center that receives funds under this section shall—

"(A) assess the health personnel needs of the area to be served by the center and assist in the planning and development of training programs to meet such needs;

"(B) arrange and support rotations for students and residents in family medicine, general internal medicine or general pediatrics, with at least one center in each program being affiliated with or conducting a rotating osteopathic internship or medical residency training program in family medicine, general internal medicine, or general pediatrics in which no fewer than 4 individuals are enrolled in first-year positions;

"(C) conduct interdisciplinary training that involves physicians and other health personnel including, where practicable, public health professionals, physician assistants, nurse practitioners, and nurse midwives; and

"(D) have an advisory board, at least 75 percent of the members of which shall be individuals, including both health service providers and consumers, from the area served by the center.

"(c) CERTAIN PROVISIONS REGARDING FUNDING.—

"(1) ALLOCATION TO CENTERS.—Not less than 75 percent of the total amount of Federal funds provided to an entity under this section shall be allocated by an area health education center program to the area health education centers. Such entity shall enter into an agreement with each center for purposes of specifying the allocation of such 75 percent of funds.

"(2) OPERATING COSTS.—With respect to the operating costs of the area health education program of an entity receiving funds under this section, the entity shall make available (directly or through contributions from State, county or municipal governments, or the private sector) non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs, except that the Secretary may grant a waiver for up to 75 percent of the amount of the required non-Federal match in the first three years in which an entity receives funds under this section.

"(d) HEALTH EDUCATION AND TRAINING CENTERS.—

"(1) REQUIREMENTS.—A health education training center shall be an entity eligible for funds under this section that—

"(A) addresses the persistent and severe unmet health care needs in States along the border between the United States and Mexico and in the State of Florida, and in other urban and rural areas with populations with serious unmet health care needs;

"(B) establishes an advisory board comprised of health service providers, educators and consumers from the service area;

"(C) conducts training and education programs for health professions students in these areas;

"(D) conducts training in health education services, including training to prepare community health workers; and

"(E) supports health professionals practicing in the area through educational and other services.

"(2) ALLOCATION OF FUNDS.—The Secretary shall make available 50 percent of the amounts appropriated for each fiscal year under subsection (e) for the establishment or operation of health education training centers through projects in States along the border between the United States and Mexico and in the State of Florida.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) AREA HEALTH EDUCATION CENTER PROGRAMS.—

"(A) IN GENERAL.—There is authorized to be appropriated to carry out this section, other than subsection (d), $40,000,000 for each of the fiscal years 1998 through 2002.

"(B) REQUIRED OBLIGATION.—Of the amounts appropriated under subparagraph (A) for each fiscal year, the Secretary may obligate for awards under subsection (a)(2)—

"(i) not less than 20 percent of such amounts in fiscal year 1998;

"(ii) not less than 25 percent of such amounts in fiscal year 1999;

"(iii) not less than 30 percent of such amounts in fiscal year 2000;

"(iv) not less than 35 percent of such amounts in fiscal year 2001; and

"(v) not less than 40 percent of such amounts in fiscal year 2002.

"(C) HEALTH EDUCATION AND TRAINING CENTERS.—There is authorized to be appropriated to carry out subsection (d), $10,000,000 for each of the fiscal years 1998 through 2002.

"(2) SENSE OF CONGRESS.—It is the sense of the Congress that—

"(A) every State have an active area health education center program in effect under this section; and

"(B) the ratio of Federal funding for the model program under section 746(a)(2) should increase over time and that Federal funding for other awards under this section shall decrease so that the national program will become entirely comprised of programs that are funded at least 50 percent by State and local partners.".

ASSOCIATION OF AMERICAN MEDICAL COLLEGES,
Washington, DC, June 11, 1997.

Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: The Association of American Medical Colleges (AAMC) strongly supports your legislation to reauthorize the Area Health Education Centers (AHEC) and Health Education Training Centers (HETC) programs, which are authorized under Title VII of the Public Health Service Act.

The Area Health Education Center Program Extension Act will protect the primary objectives of the AHEC and HETC programs, which seek to train physicians and other health professionals to provide primary and preventive medical services to communities that are medically underserved. The flexibility and innovativeness of AHEC programs distinguish them among Title VII programs. Medical schools have led AHEC programs successfully since the inception of the program by Congress. The success of the AHEC program is very much due to the ability of the centers to make the substantial resources of medical schools and their parent institutions available to medically underserved communities. It is essential to these communities that these linkages be preserved.

In a nation with over 2,000 health professionals shortage areas and a changing health care delivery system, the federal government and health professions community must continue to develop innovative ways to train physicians and other health professionals to address the health care needs of the medically underserved. The goal of the AHEC and HETC programs is to provide the catalyst to develop long-term collaborations between medical schools and the community-based health care delivery centers.

Thank you for your leadership on this issue. We look forward to working with you to sustain this vital partnership between medical schools and the communities they serve.

Sincerely,

JORDAN J. COHEN, M.D.

AMERICAN ASSOCIATION OF COLLEGES OF OSTEOPATHIC MEDICINE,
Chevy Chase, MD, June 12, 1997.

Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: The American Association of Colleges of Osteopathic Medicine is very pleased to endorse the Area Health Education Centers Program Extension Act. The AHEC program provides clinical training opportunities to health professions students in rural settings by extending the resources of academic health centers in need of health care and education. Through this linkage, AHEC projects form networks of health related institutions to provide educational services to students, faculty, and practitioners, and ultimately improve health care delivery.

Senator Graham, we applaud your and Senator McCain's leadership in introducing this important legislation. Please contact us if we can be of assistance.

Sincerely,

DOUGLAS L. WOOD, D.O., PH.D.,
President.

Mr. MCCAIN. Mr. President, I am proud to join my colleague Senator BOB GRAHAM in sponsoring the reauthorization legislation for the national Area Health Education Center Program.

The Graham-McCain reuthorization legislation represents the consensus opinion of the Area Health Education Center community nation-wide. The Area Health Education Center Program Extension Act strives to not only reauthorize the existing act, but to do so in an innovative manner.

Currently, 42 States participate in the AHEC program which originated in 1976 when Congress recognized the lack of quality health care available in our country—especially in our rural and low income urban communities. Too many of these cities and towns did not have access to primary medical care services. Too many communities were losing their bright, educated youth to the larger, economically strong cities and medical communities. Our rural and low income communities were faced with many disadvantages including shortages of physicians and a lack of access to basic health care services.

In response to the health care problems facing our rural and low income urban communities, Congress created the Area Health Education Center Program to generate partnerships between medical schools or academic health centers and rural areas throughout a State. Through these partnerships the AHEC program strives to improve the supply and distribution of health care professionals while increasing access to quality health care.

The AHEC programs work to meet the medical needs of undeserved areas

by creating and implementing innovative methods and educational partnerships. Each AHEC program is individually established and created on a State-by-State basis and provides health professional student training, continuing professional education, student recruitment and placement, development of remote site learning resources, and other projects designed to influence the quantity and distribution of health personnel. Several years ago, this program was expanded to include the Health Education Training Center (HETC) program which addresses the high impact needs which exist in certain areas—particularly those along the Mexican-American border.

However, despite all the progress and success of the AHEC and HETC programs over the last 21 years, the need for recruiting and keeping health care professionals still remains a challenge for many of our rural and low-income urban communities. This is why Senator GRAHAM and I, along with 16 of our colleagues are introducing the Area Health Education Center Program Extension Act.

The Graham-MCCAIN reauthorization of the Area Health Education Center Program Extension Act would reauthorize for 5 years the core AHEC program and the existing HETC program. This bill would allow the Secretary of Health and Human Services to award grants and enter into contracts with schools of medicine and osteopathic medicine to develop AHEC and HETC programs.

Under this bill, AHEC and HETC programs are required to continue improving the distribution of health professionals in communities with serious, unmet health care needs. The programs are also required to increase the number of primary care providers in under served areas while recruiting individuals from these areas and from populations not equally represented into health professions. In addition, the AHEC and HETC programs are responsible for conducting training and education activities for health care students, including medical residents.

Initially, funding for AHEC programs is a Federal responsibility. However, after the first 6 years of operation the AHEC program must obtain 50 percent of their funding from their State, county or municipal government or the private sector in order to continue receiving matching Federal funding.

It is important that we continue to support and promote programs. like AHEC and HETC which have developed and are implementing innovative, effective and efficient approaches for making high quality health care accessible throughout our Nation, particularly in rural communities, border States and low-income urban areas.

I believe the AHEC and HETC programs are both bright lights with regard to the potential for addressing the health provider shortage and unmet medical needs in our country. Both the AHEC and HETC programs have clearly demonstrated they are fulfilling a very definite need and ought to be reauthorized and extended. These programs have tremendous potential to continue assisting in effectively addressing the critical health problems in our communities. I urge all of my colleagues to review this important legislation and consider joining us as a cosponsor of this bill.

By Mrs. BOXER:

S. 893. A bill to provide for the conveyance of a parcel of unused agricultural land in Dos Palos, CA, to the Dos Palos Ag Boosters for use as a farm school; to the Committee on Energy and Natural Resources.

DOS PALOS MIDDLE SCHOOL LAND EXCHANGE LEGISLATION

Mrs. BOXER. Mr. President, I am pleased to introduce legislation that would provide the U.S. Department of Agriculture [USDA] the authority to sell much needed land to a local school district in my State of California.

This legislation will grant the USDA the authority to sell 22 acres of land in Dos Palos, CA to either a non-profit group or the Dos Palos School District. The transfer would be based upon an established fair market value of the land, determined by the USDA.

The local community will reap many benefits from this legislation. The school district plans to use the land to establish a farm school to educate and train students and beginning farmers. Under the district's farm school proposal, high school and middle school students will actually farm the land in order to learn all aspects of modern agriculture practices—including irrigation and conservation methods, integrated pest management, agricultural marketing and administration. In addition, the proceeds from the farm school will enable the students to purchase their own equipment and supplies for use at the site. Implementation of this proposal ensures that the land remain in agricultural use for years to come.

This legislation enjoys bi-partisan support, and companion legislation has been introduced by Congressman GARY A. CONDIT in the House. The local school district, the community of Dos Palos, CA, and the USDA have also expressed their support. During the 104th Congress the legislation received expedited review by the House Agriculture Committee, and passed the House by voice vote. Unfortunately, the Senate failed to pass this legislation before adjournment even though there was no known opposition from the leadership or the Senate Agriculture Committee.

By Mrs. BOXER:

S. 894. A bill to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe; to the Committee on Indian Affairs.

THE HOOPA VALLEY SOUTH BOUNDARY ADJUSTMENT ACT

Mrs. BOXER. Mr. President, I am pleased to introduce legislation that would allow the Hoopa Valley Tribe to obtain lands of deep cultural and historical significance.

The Hoopa Valley Tribe has resided in Hoopa Valley, beginning at the mouth of the Trinity River Canyon in Humboldt County, for 10,000 years. In the 1950s, a settlement agreement between the Hoopa Valley Tribe and the U.S. Government designated a 12-by-12 mile area for the Hoopa Valley Reservation. When this land was surveyed and demarcated, a "dog-leg" was created along the southern boundary which omitted certain lands the tribe has deemed culturally and religiously significant.

My legislation will remedy this situation by transferring 2,641 acres of the Six Rivers National Forest to the Hoopa Valley Tribe. I join the U.S. Forest Service in commending the Hoopa Valley Tribe for its history of natural resource management and expertise. This legislation enjoys broad bipartisan support in California and in the House, where it was sponsored by Congressman FRANK D. RIGGS.

During the 104th Congress, the House version of this legislation was unanimously approved. Unfortunately, despite approval from the administration and the Senate Indian Affairs Committee, the legislation was never brought before the full Senate for a vote. I encourage my colleagues to act quickly to provide the Hoopa Valley Tribe with lands necessary to maintain their cultural and religious heritage.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 895. A bill to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake"; to the Committee on Energy and Natural Resources.

THE TRINITY LAKE NAME DESIGNATION ACT

Mrs. BOXER. Mr. President, I am pleased to introduce legislation that would change the name of the Clair Engle Lake in northern California to its commonly known name, Trinity Lake.

Clair Engle Lake is the largest body of recreational water in Trinity County. Every year, thousands of recreational users from all over California come to the lake to fish, boat, hike, and camp.

Since the reservoir was created by the building of the Trinity Dam, local citizens have referred to the lake as Trinity Lake. This usage has been widely adopted by almost all of the general public as well as by Federal, State, and local officials. In fact, this widespread usage of a name other than

the official name has become the cause of confusion for visitors and tourists, and has had a negative economic impact on the lake community.

My legislation would end this confusion by renaming the lake to Trinity Lake. My legislation is supported by the Trinity County Board of Supervisors as well as the Bureau of Reclamation. I also am pleased to be working with Representative WALLY HERGER who has introduced similar legislation in the House of Representatives.

By Mr. LEAHY (for himself, Mr. HAGEL, Mr. KERREY, Mr. MCCAIN, Mr. CLELAND, Mr. KEMPTHORNE, Mr. INOUYE, Mr. LUGAR, Mr. MCCONNELL, Mr. LEVIN, Mr. HATCH, Mr. LIEBERMAN, Ms. SNOWE, Mr. KERRY, Mr. GRASSLEY, Mr. ROBB, Mr. CHAFEE, Mr. BREAUX, Mr. SMITH of Oregon, Mrs. FEINSTEIN, Mr. MOYNIHAN, Mr. SPECTER, Mr. BUMPERS, Ms. COLLINS, Mr. DURBIN, Mr. JEFFORDS, Mr. REID, Mr. DODD, Mr. D'AMATO, Mr. BYRD, Mr. CAMPBELL, Mr. CONRAD, Mr. ROCKEFELLER, Mr. JOHNSON, Mr. BINGAMAN, Mr. DORGAN, Mr. DASCHLE, Ms. MIKULSKI, Mr. TORRICELLI, Mr. LAUTENBERG, Ms. LANDRIEU, Mr. REED, Mr. WELLSTONE, Mr. KENNEDY, Mr. BRYAN, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. KOHL, Mrs. BOXER, Mr. HARKIN, Mrs. MURRAY, Mr. FORD, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, and Mr. WYDEN):

S. 896. A bill to restrict the use of funds for new deployments of antipersonnel landmines, and for other purposes; to the Committee on Armed Services.

THE LANDMINE ELIMINATION ACT OF 1997

Mr. LEAHY. Mr. President, I rise to introduce legislation, with 56 cosponsors—Democrats and Republicans, conservatives and liberals, men and women—to ban new deployments of antipersonnel landmines beginning in the year 2000.

I am honored to be joined by Senator CHUCK HAGEL, who was injured by landmines in Vietnam, and who is the chief cosponsor of this bill.

I also want to give special thanks to Senators BOB KERREY and JOHN MCCAIN, both decorated Vietnam veterans, who are cosponsors of this bill and know far better than I about the terror landmines inflict on our own soldiers. In and out of Congress, those who know these weapons best, hate them most.

Landmines have some marginal military value. So, for that matter, do chemical weapons. But the damage done by these hidden killers long after the guns fall silent and the armies have gone home far outweigh whatever small benefits they add to our enormous and unsurpassed military arsenal.

The victims are not only innocent civilians. There were more than 64,000 American casualties from landmines in Vietnam. If that is not appalling enough, the overwhelming majority of those mines contained U.S. components. They were made here, and they killed and maimed our soldiers halfway around the world.

In Bosnia, more than 250 soldiers under U.N. and NATO commands have been injured, and 29 killed, by landmines. Every American casualty from enemy causes in Bosnia has been from landmines.

And that does not include the thousands of civilians who have fallen victim to these indiscriminate weapons, and the thousands more who will lose their legs, their arms, their eyesight and their lives in the future. For some 68 countries, the bridge to the 21st century is strewn and landmines. 100 million of them.

The purpose of this legislation is to exert U.S. leadership. But what we propose here is no different, indeed it does not go as far, as what others have already done. Great Britain, Canada, Germany, South Africa are some of the countries who have unilaterally renounced their production, use, and export of these weapons, and are destroying their stockpiles.

Some 72 nations have said they will meet in Ottawa this December to sign a treaty banning the weapons, and I suspect that number will continue to climb. Our country has not said if we will go to Ottawa. Why is this administration—which showed such moral leadership on chemical weapons to isolate the rogue nations—putting the United States in the role of a helpless giant when it comes to antipersonnel landmines? Why can we not use that same moral suasion, as others have done? We are not a pariah nation, and we should not act like one.

The United States shows leadership worthy of a great and powerful nation when we are bold on a practical and moral issue like this. We squander that potential and are no different from other nations when we sit on the sidelines, as the administration has done here.

For the past 5 years, the leadership on banning landmines has come from Congress. I hope the President will step forward to move the United States into the front ranks of this global effort, along with Canada and our other allies.

Before some in the Pentagon start drumming up opposition to this bill, I would urge them to consider who is supporting it, and why we support it. Every Member of the Senate who has seen combat is a cosponsor of this bill. This is not about taking away a weapon the Pentagon needs. It is about beginning the next century by renouncing a weapon that does not belong in the arsenal of civilized nations. The Pentagon has far more to gain if the use of antipersonnel landmines is made a war crime.

Finally, to those in the Pentagon who say that so-called smart mines—that are designed to self-destruct automatically—are the solution to this problem, I challenge them to find me a landmine that is smart enough to tell the difference between a soldier and a child. And let us not fool ourselves—the rest of the world does not use self-destruct mines, and they are not going to. They are not going to feel pressured to give up their mines, if we refuse to renounce smart mines. We saw that with chemical weapons, and with the nuclear test ban. There is no substitute for U.S. leadership.

I recognize that the Pentagon may be institutionally incapable of giving up a weapon that has some value, however marginal. Their job is to protect American soldiers, and there are undoubtedly instances when antipersonnel landmines have done that. But they should consider the horrendous casualties these weapons have inflicted on our troops. And they should recognize that just because a weapon has some marginal value does not justify its use when the victims are overwhelmingly innocent civilians, indeed whole societies.

Ultimately, it is a political decision, and the President, as Commander in Chief, needs to act. The question no longer is whether we will ban antipersonnel landmines, but when. This bill moves us closer to that goal.

There is only one way to stop this, and that is to stop it. And the sooner the United States does that, as others have done, the sooner the world can sweep these weapons into the dustbin of history.

Mr. HAGEL. Mr. President, I am proud to serve as the principal Republican sponsor of this important legislation. I want to express my gratitude to my colleague from Vermont, Senator LEAHY, for the dedication and leadership he has shown in bringing this issue before the U.S. Senate.

I approach this issue from two perspectives. First, I've had a real life experience with this issue. My brother and I were wounded twice together in Vietnam as a result of landmines. Second, I am a strong supporter of our military. It's important that we not take any action that would inhibit the military's ability to fight and win wars, do their jobs, and maintain valuable weapons options and strategies.

However, we are dealing with a different world than we fought in world wars, Korea and Vietnam. Our recent military actions have been actions where we've been in and out relatively quickly. I am concerned with the effects of laying down mines and then leaving them behind when our troops

leave. There are already an estimated 110 million landmines in the ground around the world, and the destruction that these mines continue to inflict on innocent lives is devastating. It's the indiscriminate nature of their killing that makes landmines so hideous.

I believe this legislation addresses a number of the concerns expressed by the military. Exemptions have been provided for when the military needs specific options, such as Korea and the use of antitank mines and claymores.

We have a responsibility to those who've served and those who are now serving in the military and the peoples of the world to take a close look at this issue. This question comes down to, is this really a military option we need today? I don't believe it is. After careful study and consideration and seeking the opinions of many present and former military commanders, I have decided that America should show leadership on this issue. We can take the moral high ground and still insure a strong, flexible military. I am proud that my five Senate colleagues who are also Vietnam combat veterans have joined me in support of this legislation.

Mr. FEINGOLD. Mr. President, I am pleased to rise as an original cosponsor of the bill to prohibit U.S. deployment of antipersonnel landmines introduced today by the Senator from Vermont [Mr. LEAHY] and the Senator from Nebraska [Mr. HAGEL]. I want to commend the Senator from Vermont for his countless hours of work to ban antipersonnel landmines.

As we all know, Mr. President, antipersonnel landmines continue to ravage the populations of war-torn areas around the world long after the last shot has been fired and the soldiers have gone home. These weapons pose an enduring threat to postwar reconstruction efforts and to innocent civilians in places such as Bosnia, Angola, and Cambodia. These instruments of war lay in fields where children now play or where farmers seek to grow food for the local populations. In fact, displaced populations are often unable to return to their homes because of the presence of unmarked landmines, and roads have been rendered useless since they cannot be traveled. Antipersonnel landmines cause such high levels of civilian casualties, 500 wounded or killed per week in fact, that they have been called weapons of mass destruction in slow motion.

In 1995, this body went on record against landmines by passing an amendment offered by the Senator from Vermont [Mr. LEAHY] to the fiscal year 1996 Department of Defense authorization bill which I was pleased to cosponsor. That amendment imposed a moratorium on the use of antipersonnel landmines except in limited circumstances.

While, unfortunately, we can never be sure that war-torn areas are completely clear of all active landmines, the current Leahy-Hagel bill will prohibit any U.S. agency from deploying or arming any new antipersonnel landmines after January 1, 2000. This bipartisan legislation also contains language relating to the deployment of landmines on the Korean Peninsula. While I believe that this is an important first step in the eventual elimination of new landmines from the face of the Earth, there is much work still to be done.

I, and many other Senators, believe that this legislation represents the least we can do on this subject. Because of this view, I wrote to President Clinton in February to express my contention that a ban on antipersonnel landmines should be an urgent priority for the United States.

In that same letter, I voiced my support for the so-called Ottawa initiative, which calls for a total ban on the production, storage, trade, or use of antipersonnel landmines and includes a plan to develop and sign a treaty by December 1997. In my view, the administration's decision to pursue negotiations through the United Nations Conference on Disarmament, rather than the Ottawa initiative, jeopardizes the likelihood that the Ottawa initiative will succeed. I believe that we should work within the framework of the Ottawa initiative because it is the best avenue currently available to a total worldwide ban on landmines.

As a member of the Foreign Relations Committee and the ranking member of the Subcommittee on African Affairs, I cannot ignore the approximately 110 million uncleared landmines across the globe. To their credit, some of the countries whose landscapes are riddled with these weapons have begun to take positive steps to ban their further use. In February, the South African Government announced its intention to ban the use, production, development, and stockpiling of antipersonnel landmines. In a news conference announcing this decision, the South African defense minister said that the "indiscriminate use [of landmines] has had a devastating effect internationally, in Africa and in our region. In Angola, the number of amputations resulting from antipersonnel landmines is, tragically, one of the highest in the world, and in Mozambique, thousands of these mines remain uncleared."

The worldwide devastation caused by landmines was discussed earlier this year at the Fourth Annual NGO Conference in Landmines in Maputo, Mozambique. While the conference focused on clearing landmines from Southern Africa, the tales of destruction and death could apply to many areas of the globe. Since the 1992 Peace Agreement ending the civil war in Mozambique, more than 100 people have been killed by landmines, two-thirds of them children. Mr. President, we owe it to these children—who have seen too much violence and death in their young lives—to make sure they have a safe place to play. And we owe it to our young men and women in uniform, who have represented our Nation so well across the globe, to make sure that the United States will cease deploying new landmines.

In closing, Mr. President, this legislation is an important first step in protecting future generations from the devastation that many face on a daily basis all over the world. This bill gives the United States the opportunity to take a leadership role in the banning of antipersonnel landmines. This is an opportunity we should not miss.

By Mr. WYDEN (for himself and Mr. D'AMATO):

S. 897. A bill to make permanent certain authority relating to self-employment assistance programs; to the Committee on Finance.

THE SELF-EMPLOYMENT REAUTHORIZATION ACT

Mr. WYDEN. Mr. President, today I am introducing legislation with Senator D'AMATO to reauthorize the Self-Employment Assistance [SEA] Program. The Self-Employment Assistance Program takes an innovative and cost-effective approach to helping eligible dislocated workers become self-sufficient: It enables them to use their weekly unemployment checks to start their own businesses. The law has helped turn the unemployment safety net into a trampoline of opportunity for thousands of unemployed.

Today, in 38 States the unemployed who wish to start their own businesses are forced to give up their weekly unemployment compensation checks as soon as their company starts generating revenue—but before it provides enough income to support them. It is exactly this problem the Self-Employment Assistance Program is designed to correct. It gives many skilled workers the chance to get back to work faster and helps create new jobs as well.

In a few short years, the Self-Employment Assistance Program (Public Law 103–182; title V) has enabled thousands of unemployed Americans to use their unemployment compensation to establish new businesses. Modeled on experiments in Massachusetts and Washington, self-employment programs can create jobs at no cost to the taxpayer. Using existing funds, the Massachusetts program created dozens of new businesses but actually paid $1,400 less unemployment per worker than the State average. The Washington program created more than 600 new jobs and the firms were paying an average of $10.50 an hour to workers they had hired.

In Oregon, 122 UI claimants enrolled in SEA last year; 76 completed the program. These entrepreneurs are now

running an auto repair shop, a marine maintenance and repair shop, distributing cleaning products to resorts and restaurants along the Oregon coast and setting up a computer cleaning service.

In Grants Pass, OR, one participant said she could not have developed her publication business without SEA. It helped keep her afloat financially while she pursued her self-employment goal. She received counseling from the local Small Business Development Center, and through the center she was able to contact potential customers.

In Sweet Home, OR, another woman said the SEA Program gave her the chance to have an income as she was starting up her day care business. She presently cares for nine children by herself and has plans to increase enrollment and add another teacher and three aides. The Small Business Development Center at Linn-Benton Community College helped her develop her business plan and locate financial resources.

Over the past 3 years, 10 States used the 1993 legislation to create Self-Employment Assistance programs: California, Connecticut, Delaware, Maine, Maryland, Minnesota, New Jersey, New York, Oregon, and Rhode Island. To date, DoL has approved six States plans (California, Delaware, Maine, New Jersey, New York, and Oregon) and four of these—Delaware, Maine, New York, and Oregon—are actually up and running.

Here's how the program works. States are given the flexibility to establish Self-Employment Assistance [SEA] programs as part of their unemployment insurance [UI] programs. It permits States to provide income support payments to the unemployed in the same weekly amount as the worker's regular unemployment insurance [UI] benefits would otherwise be. It permits claimants to work full-time on starting their own business instead of searching for traditional wage and salary jobs.

The law directs the DoL to review and approve State SEA program plans. In States that operate SEA programs, new UI claimants who may be eligible for SEA are identified through worker profiling—automated systems that use a set of criteria to identify those claimants who are likely to exhaust their UI benefits and need reemployment assistance. State SEA program provide participants on a weekly or biweekly basis the same amount as regular UI benefits while they are getting their business off the ground. SEA participants are required to participate in technical assistance programs—entrepreneurial training (accounting, cash flow, finances, taxes, etc), business counseling (business plans, marketing, legal requirements, insurance, etc.), and finance—to ensure they have the skills necessary to operate a business. Finally, SEA programs are required to operate at no additional cost to the unemployment trust fund: the law stipulates that the payment of SEA allowances may not result in any additional benefits charges the unemployment trust fund.

Individuals may choose at any time to opt out of the SEA program; they may resume collection of regular unemployment compensation until the total amount of regular unemployment compensation paid and the SEA paid equals the maximum benefit amount. States, through the title III of the Job Training Partnership Act and Small Business Development Centers, support the costs of providing basic SEA program services, like business counseling and technical assistance, but may allow participants to pay for more intensive counseling and technical assistance.

In effect, the program eliminates a high hurdle for those who have the ingenuity, motivation and energy to start their own businesses. In those States with SEA programs, an unemployed worker no longer has to choose between receiving UI benefits and starting a new business.

Mr. President, as we move into the global economy of the 21st century, we must adopt fresh strategies so that our skilled but unemployed workers can start anew in the private sector. Harvard Business School reported last year that from 1978 to 1996, 22 percent of the workforce, or 3 million workers, at the country's top 100 companies had been laid off, and that 77 percent of all the layoffs involved white collar workers. Many of these highly-skilled and motivated workers want to start their own firms. Congress should not stand in their way. Renewal of the Self-Employment Assistance Program will give those States with programs continued flexibility to help unemployed workers create their own businesses and should encourage those without programs to establish them.

Our bipartisan bill promotes the spirit of entrepreneurship. It carries forward a reasonable and sensible reform of the unemployment insurance system at no cost to the taxpayer.

I would like to thank Senator D'AMATO for joining me as an original cosponsor of this bill. New York has a very active and successful Self-Employment Assistance Program, and I look forward to working closely with him to see this important program reauthorized.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SELF-EMPLOYMENT ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Paragraph (2) of section 507(e) of the North American Free Trade Agreement Implementation Act (26 U.S.C. 3306 note) is hereby repealed.

(b) CONFORMING AMENDMENTS.—Subsection (e) of section 507 of such Act is further amended—

(1) by amending the heading after the subsection designation to read "EFFECTIVE DATE.—"; and

(2) by striking "(1) EFFECTIVE DATE.—" and by running in the remaining text of subsection (e) immediately after the heading therefor, as amended by paragraph (1).

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. MACK, and Mr. D'AMATO):

S. 898. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Finance.

THE REAL ESTATE INVESTMENT TRUST SIMPLIFICATION ACT

Mr. HATCH. Mr. President on behalf of myself and Senators BAUCUS, MACK, and D'AMATO, I rise today to introduce the Real Estate Investment Trust Tax Simplification Act of 1997. This legislation would simplify and reform the tax law concerning Real Estate Investment Trusts [REITs]. Similar legislation has been introduced in the House by Representative E. CLAY SHAW, Jr. along with many of our House colleagues.

REIT's were designed to allow small investors to invest in large real estate projects that they otherwise could not afford, including apartment buildings, office buildings, shopping centers, malls, warehouses, etc. Real Estate Investment Trusts have become a very popular form of investment as indicated by the fact that the market capitalization in the whole industry has risen from $9 billion in 1991 to over $100 billion today.

Mr. President, if a REIT properly follows all of the rules, it is not normally taxed at the entity level, but passes through most items of income to the shareholders to report on their own individual tax returns. However, there are many minefields for the unwary that can inadvertently penalize investors and even the general public in some circumstances. This bill is designed to alleviate these complexities and uncertainties.

Let me share with my colleagues an example of the difficulties facing small investors. Under the current rules, in order to gain the benefits of REIT taxation, the investment has to be passive in nature. Hence, the normal procedure is for the REIT to buy the underlying property and lease it out to tenants. However, the REIT must be careful not to provide directly to the tenants any services that are not customary in the real estate business. If this rule is violated, severe consequences can follow. For example, under a literal interpretation of the law, if a REIT that operates a retail mall provides wheelchairs

to the customers of the retail tenants, or even assists the tenant in moving into its space, the entity's very status as a REIT could be placed in jeopardy. This is ridiculous and needs to be changed.

Furthermore, current law imposes a tax on a REIT that retains capital gains and imposes a second level of tax on the REIT shareholders when they later receive the capital gain distribution. We need to make the changes necessary to help unsuspecting investors to avoid double taxation. This bill would adopt the corresponding mutual fund rules governing taxation of retained capital gains by passing through a credit to shareholders capital gains taxes paid at the corporate level. The bill would also conform a REIT's 95-percent annual distribution requirement to a mutual fund's 90-percent requirement.

Mr. President, this bill also relaxes some of the current law's onerous penalties for failing to perform some recordkeeping requirements. Currently, a REIT could lose its favored tax status simply by failing to send out or receive back shareholder demand letters for the purpose of verifying the fact that no five or fewer parties own controlling interest in the REIT. So, even though the REIT in fact meets this test, Mr. President, simply by failing to have on file sufficient shareholder letters substantiating this fact, all of the REIT shareholders could face the extremely harsh penalty of REIT disqualification and double taxation.

Rather than penalizing the REIT so severely for this oversight, Mr. President, this bill would impose a $25,000 penalty for failing to comply with this requirement, if the failure is inadvertent in nature. The penalty would rise to $50,000 in the case of willful noncompliance. I believe my colleagues would agree that this approach makes much more sense than the current rules. It serves as an adequate incentive to keep the appropriate records without causing the unsuspecting, innocent investors severe and unnecessary tax penalties.

Mr. President, this bill also addresses other problems that are detailed in the summary of the bill that I ask unanimous consent to be included in the RECORD after my remarks.

I do not believe this bill is controversial. And, according to the Joint Committee on Taxation, it will have a negligible effect on revenues. It is also important to note that this bill is endorsed by the National Association of Real Estate Investment Trusts, which represents a high percentage of the REIT industry. Whenever we can do things to simplify the Tax Code without causing substantial revenue loss or negative policy consequences we should do it.

Mr. President, this is an opportunity for us to do just that in the area of real estate investment trusts. I urge my colleagues on both sides of the aisle to join me in reforming and simplifying the tax law regarding this very difficult and complex area of the law.

Mr. President, I ask unanimous consent that the text of the bill and a detailed summary of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Real Estate Investment Trust Tax Simplification Act of 1997".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—REMOVAL OF TAX TRAPS FOR THE UNWARY

SEC. 101. CLARIFICATION OF LIMITATION ON MAXIMUM NUMBER OF SHAREHOLDERS.

(a) RULES RELATING TO DETERMINATION OF OWNERSHIP.—

(1) FAILURE TO ISSUE SHAREHOLDER DEMAND LETTER NOT TO DISQUALIFY REIT.—Section 857(a) (relating to requirements applicable to real estate investment trusts) is amended by adding "and" at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(2) SHAREHOLDER DEMAND LETTER REQUIREMENT; PENALTY.—Section 857 (relating to taxation of real estate investment trusts and their beneficiaries) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) REAL ESTATE INVESTMENT TRUSTS TO ASCERTAIN OWNERSHIP.—

"(1) IN GENERAL.—Each real estate investment trust shall each taxable year comply with regulations prescribed by the Secretary for the purposes of ascertaining the actual ownership of the outstanding shares, or certificates of beneficial interest, of such trust.

"(2) FAILURE TO COMPLY.—

"(A) IN GENERAL.—If a real estate investment trust fails to comply with the requirements of paragraph (1) for a taxable year, such trust shall pay (on notice and demand by the Secretary and in the same manner as tax) a penalty of $25,000.

"(B) INTENTIONAL DISREGARD.—If any failure under paragraph (1) is due to intentional disregard of the requirement under paragraph (1), the penalty under subparagraph (A) shall be $50,000.

"(C) FAILURE TO COMPLY AFTER NOTICE.—The Secretary may require a real estate investment trust to take such actions as the Secretary determines appropriate to ascertain actual ownership if the trust fails to meet the requirements of paragraph (1). If the trust fails to take such actions, the trust shall pay (on notice and demand by the Secretary and in the same manner as tax) an additional penalty equal to the penalty determined under subparagraph (A) or (B), whichever is applicable.

"(D) REASONABLE CAUSE.—No penalty shall be imposed under this paragraph with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect."

(b) COMPLIANCE WITH CLOSELY HELD PROHIBITION.—

(1) IN GENERAL.—Section 856 (defining real estate investment trust) is amended by adding at the end the following new subsection:

"(k) REQUIREMENT THAT ENTITY NOT BE CLOSELY HELD TREATED AS MET IN CERTAIN CASES.—A corporation, trust, or association—

"(1) which for a taxable year meets the requirements of section 857(f)(1), and

"(2) which does not know, or exercising reasonable diligence would not have known, whether the entity failed to meet the requirement of subsection (a)(6),

shall be treated as having met the requirement of subsection (a)(6) for the taxable year."

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 856(a) is amended by inserting "subject to the provisions of subsection (k)," before "which is not".

SEC. 102. DE MINIMIS RULE FOR TENANT SERVICES INCOME.

(a) IN GENERAL.—Paragraph (2) of section 856(d) (defining rents from real property) is amended by striking subparagraph (C) and the last sentence and inserting:

"(C) any impermissible tenant service income (as defined in paragraph (7)).".

(b) IMPERMISSIBLE TENANT SERVICE INCOME.—Section 856(d) is amended by adding at the end the following new paragraph:

"(7) IMPERMISSIBLE TENANT SERVICE INCOME.—For purposes of paragraph (2)(C)—

"(A) IN GENERAL.—The term 'impermissible tenant service income' means, with respect to any real or personal property, any amount received or accrued directly or indirectly by the real estate investment trust for—

"(i) services furnished or rendered by the trust to the tenants of such property, or

"(ii) managing or operating such property.

"(B) DISQUALIFICATION OF ALL AMOUNTS WHERE MORE THAN DE MINIMIS AMOUNT.—If the amount described in subparagraph (A) with respect to a property exceeds 1 percent of all amounts received or accrued during such taxable year directly or indirectly by the real estate investment trust with respect to such property, the impermissible tenant service income of the trust with respect to the property shall include all such amounts.

"(C) EXCEPTIONS.—For purposes of subparagraph (A)—

"(i) services furnished or rendered, or management or operation provided, through an independent contractor from whom the trust itself does not derive or receive any income shall not be treated as furnished, rendered, or provided by the trust, and

"(ii) there shall not be taken into account any amount which would be excluded from unrelated business taxable income under section 512(b)(3) if received by an organization described in section 511(a)(2).

"(D) AMOUNT ATTRIBUTABLE TO IMPERMISSIBLE SERVICES.—For purposes of subparagraph (A), the amount treated as received for any service (or management or operation) shall not be less than 150 percent of the direct cost of the trust in furnishing or rendering the service (or providing the management or operation).

"(E) COORDINATION WITH LIMITATIONS.—For purposes of paragraphs (2) and (3) of subsection (c), amounts described in subparagraph (A) shall be included in the gross income of the corporation, trust, or association."

SEC. 103. ATTRIBUTION RULES APPLICABLE TO TENANT OWNERSHIP.

Section 856(d)(5) (relating to constructive ownership of stock) is amended by adding at the end the following: "For purposes of paragraph (2)(B), section 318(a)(3)(A) shall be applied under the preceding sentence in the case of a partnership by taking into account only partners who own (directly or indirectly) 25 percent or more of the capital interest, or the profits interest, in the partnership."

TITLE II—CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES

SEC. 201. CREDIT FOR TAX PAID BY REIT ON RETAINED CAPITAL GAINS.

(a) GENERAL RULE.—Paragraph (3) of section 857(b) (relating to capital gains) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) TREATMENT BY SHAREHOLDERS OF UNDISTRIBUTED CAPITAL GAINS.—

"(i) Every shareholder of a real estate investment trust at the close of the trust's taxable year shall include, in computing his long-term capital gains in his return for his taxable year in which the last day of the trust's taxable year falls, such amount as the trust shall designate in respect of such shares in a written notice mailed to its shareholders at any time prior to the expiration of 60 days after the close of its taxable year (or mailed to its shareholders with its annual report for the taxable year), but the amount so includible by any shareholder shall not exceed that part of the amount subjected to tax in subparagraph (A)(ii) which he would have received if all of such amount had been distributed as capital gain dividends by the trust to the holders of such shares at the close of its taxable year.

"(ii) For purposes of this title, every such shareholder shall be deemed to have paid, for his taxable year under clause (i), the tax imposed by subparagraph (A)(ii) on the amounts required by this subparagraph to be included in respect of such shares in computing his long-term capital gains for that year; and such shareholder shall be allowed credit or refund as the case may be, for the tax so deemed to have been paid by him.

"(iii) The adjusted basis of such shares in the hands of the shareholder shall be increased with respect to the amounts required by this subparagraph to be included in computing his long-term capital gains, by the difference between the amount of such includible gains and the tax deemed paid by such shareholder in respect of such shares under clause (ii).

"(iv) In the event of such designation, the tax imposed by subparagraph (A)(ii) shall be paid by the real estate investment trust within 30 days after the close of its taxable year.

"(v) The earnings and profits of such real estate investment trust, and the earnings and profits of any such shareholder which is a corporation, shall be appropriately adjusted in accordance with regulations prescribed by the Secretary.

"(vi) As used in this subparagraph, the terms 'shares' and 'shareholders' shall include beneficial interests and holders of beneficial interests, respectively."

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 857(b)(7)(A) is amended by striking "subparagraph (B)" and inserting "subparagraph (B) or (D)".

(2) Clause (iii) of section 852(b)(3)(D) is amended by striking "by 65 percent" and all that follows and inserting "by the difference between the amount of such includible gains and the tax deemed paid by such shareholder in respect of such shares under clause (ii)."

SEC. 202. REDUCTION OF DISTRIBUTION REQUIREMENT.

Clauses (i) and (ii) of section 857(a)(1)(A) are each amended by striking "95 percent (90 percent for taxable years beginning before January 1, 1980)" and inserting "90 percent".

TITLE III—OTHER SIMPLIFICATION

SEC. 301. MODIFICATION OF EARNINGS AND PROFITS RULES FOR DETERMINING WHETHER REIT HAS EARNINGS AND PROFITS FROM NON-REIT YEAR.

Subsection (d) of section 857 is amended by adding at the end the following new paragraph:

"(3) DISTRIBUTIONS TO MEET REQUIREMENTS OF SUBSECTION (a)(2)(B).—Any distribution which is made in order to comply with the requirements of subsection (a)(2)(B)—

"(A) shall be treated for purposes of this subsection and subsection (a)(2)(B) as made from the earliest accumulated earnings and profits (other than earnings and profits to which subsection (a)(2)(A) applies) rather than the most recently accumulated earnings and profits, and

"(B) to the extent treated under subparagraph (A) as made from accumulated earnings and profits, shall not be treated as a distribution for purposes of subsection (b)(2)(B)."

SEC. 302. TREATMENT OF FORECLOSURE PROPERTY.

(a) GRACE PERIODS.—

(1) INITIAL PERIOD.—Paragraph (2) of section 856(e) (relating to special rules for foreclosure property) is amended by striking "on the date which is 2 years after the date such trust acquired such property" and inserting "as of the close of the 3d taxable year following the taxable year in which such trust acquired such property".

(2) EXTENSION.—Paragraph (3) of section 856(e) is amended—

(A) by striking "or more extensions" and inserting "extension", and

(B) by striking the last sentence and inserting: "Any such extension shall not extend the grace period beyond the close of the 3d taxable year following the last taxable year in the period under paragraph (2)."

(b) REVOCATION OF ELECTION.—Paragraph (5) of section 856(e) is amended by striking the last sentence and inserting: "A real estate investment trust may revoke any such election for a taxable year by filing the revocation (in the manner provided by the Secretary) on or before the due date (including any extension of time) for filing its return of tax under this chapter for the taxable year. If a trust revokes an election for any property, no election may be made by the trust under this paragraph with respect to the property for any subsequent taxable year."

(c) CERTAIN ACTIVITIES NOT TO DISQUALIFY PROPERTY.—Paragraph (4) of section 856(e) is amended by adding at the end the following new flush sentence:

"For purposes of subparagraph (C), property shall not be treated as used in a trade or business by reason of any activities of the real estate investment trust with respect to such property to the extent that such activities would not result in amounts received or accrued, directly or indirectly, with respect to such property being treated as other than rents from real property."

SEC. 303. SPECIAL FORECLOSURE RULE FOR HEALTH CARE PROPERTIES.

Section 856(e) (relating to special rules for foreclosure property) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR QUALIFIED HEALTH CARE PROPERTIES.—For purposes of this subsection—

"(A) ACQUISITION BY LEASE TERMINATIONS.—The term 'foreclosure property' shall include any qualified health care property acquired by a real estate investment trust as the result of the termination or expiration of a lease of such property.

"(B) GRACE PERIOD.—In the case of a qualified health care property which is foreclosure property solely by reason of subparagraph (A), in lieu of applying paragraphs (2) and (3)—

"(i) the qualified health care property shall cease to be foreclosure property on the date which is 2 years after the date such trust acquired such property, and

"(ii) if the real estate investment trust establishes to the satisfaction of the Secretary that an extension of the grace period in clause (i) is necessary to the orderly leasing or liquidation of the trust's interest in such qualified health care property, the Secretary may grant 1 or more extensions of the grace period for such qualified health care property.

Any such extension shall not extend the grace period beyond the date which is 6 years after the date such trust acquired such qualified health care property.

"(C) INCOME FROM INDEPENDENT CONTRACTORS.—For purposes of applying paragraph (4)(C) with respect to qualified health care property which is foreclosure property, income derived or received by the trust from an independent contractor shall be disregarded to the extent such income is attributable to—

"(i) leases existing on the date the real estate investment trust acquired the qualified health care property, or

"(ii) leases extended or entered into after the trust acquired such property from lessees pursuant to terms set forth in such existing leases or on terms under which the trust receives a substantially similar or lesser benefit in comparison to the previous lease for such property.

"(D) QUALIFIED HEALTH CARE PROPERTY.—The term 'qualified health care property' means any real property (including interests therein), and any personal property incident to such real property, which—

"(i) is a health care facility, or

"(ii) is necessary or incidental to the use of a health care facility.

For purposes of the preceding sentence, the term 'health care facility' means a hospital, nursing facility, assisted living facility, or other licensed health care facility which extends medical or nursing or ancillary services to patients and which, immediately before the termination, expiration, default, or breach of the lease of or mortgage secured by such facility, was operated by a provider of such services which was eligible for participation in the Medicare program under title XVIII of the Social Security Act with respect to such facility."

SEC. 304. PAYMENTS UNDER HEDGING INSTRUMENTS.

Section 856(c)(6)(G) (relating to treatment of certain interest rate agreements) is amended to read as follows:

"(G) TREATMENT OF CERTAIN HEDGING INSTRUMENTS.—Except to the extent provided by regulations, any—

"(i) payment to a real estate investment trust under an interest rate swap or cap agreement, option, futures contract, forward rate agreement, or any similar financial instrument, entered into by the trust in a transaction to reduce the interest rate risks

with respect to any indebtedness incurred or to be incurred by the trust to acquire or carry real estate assets, and

"(ii) gain from the sale or other disposition of any instrument described in clause (i),

shall be treated as income qualifying under paragraph (2)."

SEC. 305. EXCESS NONCASH INCOME.

Section 857(e)(2) (relating to determination of amount of excess noncash income) is amended—

(1) by striking subparagraph (B),

(2) by striking the period at the end of subparagraph (C) and inserting a comma,

(3) by redesignating subparagraph (C) (as amended by paragraph (2)) as subparagraph (B), and

(4) by adding at the end the following new subparagraphs:

"(C) the amount (if any) by which—

"(i) the amounts includible in gross income with respect to instruments to which section 860E(a) or 1272 applies, exceed

"(ii) the amount of money and the fair market value of other property received during the taxable year under such instruments, and

"(D) amounts includible in income by reason of cancellation of indebtedness."

SEC. 306. PROHIBITED TRANSACTION SAFE HARBOR.

(a) IN GENERAL.—Clause (iii) of section 857(b)(6)(C) (relating to certain sales not to constitute prohibited transactions) is amended by striking "(other than foreclosure property)" each place it appears and inserting "(other than exempt property)".

(b) EXEMPT PROPERTY.—Subparagraph (D) of section 857(b)(6) is amended by adding at the end the following new clause:

"(viii) The term 'exempt property' means—

"(I) foreclosure property, and

"(II) property which, while held by the real estate investment trust, was compulsorily or involuntarily converted (within the meaning of section 1033)."

SEC. 307. SHARED APPRECIATION MORTGAGES.

(a) BANKRUPTCY SAFE HARBOR.—Section 856(j) (relating to treatment of shared appreciation mortgages) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) COORDINATION WITH 4-YEAR HOLDING PERIOD.—

"(A) IN GENERAL.—For purposes of section 857(b)(6)(C), if a real estate investment trust is treated as having sold secured property under paragraph (3)(A), the trust shall be treated as having held such property for at least 4 years if—

"(i) the secured property is sold or otherwise disposed of pursuant to a case under title 11 of the United States Code,

"(ii) the seller is under the jurisdiction of the court in such case, and

"(iii) the disposition is required by the court or is pursuant to a plan approved by the court.

"(B) EXCEPTION.—Subparagraph (A) shall not apply if—

"(i) the secured property was acquired by the trust with the intent to evict or foreclose, or

"(ii) the trust knew or had reason to know that default on the obligation described in paragraph (5)(A) would occur."

(b) CLARIFICATION OF DEFINITION OF SHARED APPRECIATION PROVISION.—Clause (ii) of section 856(j)(5)(A) is amended by striking "gain" each place it appears and inserting "gain or appreciation in value".

SEC. 308. WHOLLY OWNED SUBSIDIARIES.

Section 856(i)(2) (defining qualified REIT subsidiary) is amended by striking "at all times during the period such corporation was in existence".

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act.

REIT TAX PROVISIONS

The tax provisions in the Real Estate Investment Trust Simplification Act ("REITSA") fall within three broad categories.

1. Traps For The Unwary. First, current law disqualifies a REIT that satisfies all required ownership tests but does not follow certain administrative details relating to shareholder demand letters. REITSA would replace the potential disqualification with a reporting penalty imposed on a REIT's failure to follow IRS notification rules.

Second, REITSA would create a de minimis exception to current law so that a REIT's rental income would not be disqualified if it performs nominal, although impermissible, services for a tenant.

Third, REITSA would correct a technical "glitch" in which stock ownership attribution may occur between unrelated partners. The current constructive ownership rule results in certain rents received by a REIT not qualifying for the REIT income tests.

2. Mutual Fund Conformity. First, current law taxes a REIT that retains capital gains, and imposes a second level of the tax on the REIT shareholders when later they receive the capital gain distribution. REITSA would mirror the corresponding mutual fund rules governing taxation of retained capital gains by passing through a credit to shareholders for capital gains taxes paid at the corporate level.

Second, REITSA would conform a REIT's 95% annual distribution requirement to a mutual fund's 90% requirement.

3. Other Simplification Measures. First, REITSA would make a technical change to how a REIT computes its earnings & profits ("E&P"). Since 1986, a REIT must distribute all pre-REIT earnings and profits within its first REIT taxable year or lose its REIT status. However, if a REIT has unexpected year-end earnings, the normal ordering rules governing E&P distributions create a substantial risk that a new REIT may fail to distribute all of its pre-REIT E&P, notwithstanding its good faith efforts to comply with the distribution requirement. REITSA would correct the ordering rules for accumulated E&P distributions to make it easier for a new REIT to comply with the distribution requirement.

Second, REITSA would simplify the administration of the REIT foreclosure property rules by: (a) extending the time period for the foreclosure election from 2 to 3 years; (b) coordinating the foreclosure property independent contractor rule with the primary independent contractor rule for REITs; and (3) creating a more practical definition of independent contractor for certain health care properties.

Third, REITSA would update the current REIT hedging rule to include income from all hedges of REIT liabilities.

Fourth, REITSA would extend an exception to the current 95% distribution rule to include other forms of phantom income, e.g., income from the discharge of indebtedness.

Fifth, REITSA would correct a problem in the wording of Congress' past liberalization of the safe harbor from the 100% excise tax on prohibited transactions, i.e., sales of property in the ordinary course of business. The proposal would not count as a dealer sale property that is involuntarily converted.

Sixth, REITSA would create a safe harbor to the shared appreciation mortgage ("SAM") rules that would not penalize a REIT lender for the borrower's bankruptcy. The proposal also would clarify that SAMs could be based on appreciation in value as well as gain.

Last, REITSA would codify an IRS ruling position by allowing a REIT to use a wholly-owned subsidiary to hold property even if the subsidiary previously had been owned by a non-REIT.

By Mr. DODD:

S. 899. A bill to amend the Solid Waste Disposal Act to provide for flow control of municipal solid waste; to the Committee on Environment and Public Works.

THE MUNICIPAL SOLID WASTE DISPOSAL ACT

Mr. DODD. Mr. President, today, I am introducing the Solid Waste Disposal Act of 1997. It seeks to correct the May 1994 Supreme Court Decision in the matter of Carbone versus Town of Clarkstown which has had a devastating impact on Connecticut and States around the country. This bill is very similar to the proposal that overwhelmingly passed the Senate in the last Congress by a vote of 94 to 6. It protects communities and taxpayers that have invested hundreds of millions of dollars to build economical and environmentally clean solid waste facilities—only to see those dollars now potentially lost because of the Carbone decision. Carbone held that towns and cities cannot control the flow of solid waste to facilities it has built or operated.

In this bill, flow control authority, would remain with those communities that were operating or constructing disposal facilities or had contracted for such disposal prior to the Carbone decision. There is no prospective flow control; in fact, the authority would cease 30 years after enactment of the legislation.

Approximately 35 States were adversely affected by the Carbone decision, which invalidated local flow control authority an issue that is vital to the fiscal soundness and public safety of States and localities. The Justices left it to Congress to reinstate flow control, and it is my belief that if Congress does not enact this legislation, States will continue to suffer environmentally and financially.

State and local governments and State-created entities have a vested interest in how solid waste produced within their borders is transported and disposed of. Flow control is the backbone of Connecticut's integrated waste management plan. My State and many others had the foresight to plan ahead—to move away from landfills toward a more environmentally and economically sound system of recycling and waste-to-energy facilities. And it had been working.

Localities made significant capital investments to construct expensive

waste disposal facilities. In Connecticut, they incurred almost $750 million in debt. More than 80 percent of municipalities in Connecticut have contracts with the State's six waste-to-energy facilities.

By 1991, the recycling rate had increased to 23 percent, but has remained flat since 1994. In 1989, there were 50 landfills, and today, there are only three, a sign of Connecticut's progress in devising a better way to dispose of its solid waste.

Revenues from the facilities, used to pay off the bonds, were to be ensured by flow control authority. Without the ability to direct waste to appropriate facilities, these revenue bonds are in jeopardy. Municipalities entered into put or pay contracts—wherein they agree to dispose of a set amount of waste at a designated facility or pay a penalty. Now, after Carbone they are forced to pay for the shortfall created by trash moving to cheaper, less environmentally friendly disposal areas. Facilities in Connecticut are reporting tonnage reductions of more than 20 percent. That translates into hundreds of thousands of dollars in lost revenue from reduced energy production and tipping fees—what the waste haulers pay to dump the trash.

At a time when Congress is working to ease the tax burden on working families, the Carbone case will cause taxes to increase for a great many Connecticut residents if towns are unable to meet their trash quotas. Citizens would be forced to pay twice —first, to have their waste transported, and again to cover the put-or-pay requirement.

This legislation strikes an appropriate balance between the interests of communities who must dispose of their solid waste and the interests of the haulers paid to move it. I am confident that if we pass this flow control legislation, Connecticut municipalities, and localities around the Nation will be able to administer their solid waste management systems in environmentally sound and fiscally responsible manners.

I understand Senator CHAFEE is currently working to craft legislation on this subject. I look forward to working with him and my other colleagues to resolve this complex problem facing our States and localities. Furthermore, I hope my colleagues will join me in supporting this bill.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

S. 899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Municipal Solid Waste Disposal Act of 1997".

SEC. 2. STATE AND LOCAL GOVERNMENT CONTROL OF MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

"SEC. 4011. STATE AND LOCAL GOVERNMENT CONTROL OF MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIAL.

"(a) DEFINITIONS.—In this section:

"(1) DESIGNATE.—The term 'designate', in reference to the action of a State, political subdivision, or public service authority in designating a waste management facility, means to authorize, require, or contractually commit that all or any portion of the municipal solid waste or recyclable material that is generated within the boundaries of the State, political subdivision, or public service authority be delivered to waste management facilities or facilities for recyclable material or a public service authority identified by the State, political subdivision, or public service authority.

"(2) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of municipal solid waste or voluntarily relinquished recyclable material and direct municipal solid waste or voluntarily relinquished recyclable material to a designated waste management facility or facility for recyclable material.

"(3) LEGALLY BINDING PROVISION OF THE STATE OR POLITICAL SUBDIVISION.—For purposes of the authority conferred by subsections (b) and (c), the term 'legally binding provision of the State or political subdivision' includes a put or pay agreement that designates waste to a waste management facility that was in operation on or before December 31, 1988, and that requires an aggregate tonnage to be delivered to the facility during each operating year by the political subdivisions that have entered put or pay agreements designating that waste management facility. The entering into of a put or pay agreement shall be considered to be a designation (as defined in subsection (a)(1)) for purposes of this title.

"(4) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—The term 'municipal solid waste' means solid waste generated by the general public or from a residential, commercial, institutional, or industrial source, consisting of paper, wood, yard waste, plastics, leather, rubber, and other combustible material and noncombustible material such as metal and glass, including residue remaining after recyclable material has been separated from waste destined for disposal, and including waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets).

"(B) EXCLUSIONS.—The term 'municipal solid waste' does not include—

"(i) waste identified or listed as a hazardous waste under section 3001 or waste regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

"(ii) waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604, 9606) or any corrective action taken under this Act;

"(iii) medical waste listed in section 11002;

"(iv) industrial waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling;

"(v) recyclable material; or

"(vi) sludge.

"(5) POLITICAL SUBDIVISION.—The term 'political subdivision' means a political subdivision of a State.

"(6) PUBLIC SERVICE AUTHORITY.—The term 'public service authority' means—

"(A) an authority or authorities created pursuant to State legislation to provide individually or in combination solid waste management services to political subdivisions;

"(B) other body created pursuant to State law; or

"(C) an authority that was issued a certificate of incorporation by a State corporation commission established by a State constitution.

"(7) PUT OR PAY AGREEMENT.—The term 'put or pay agreement' means an agreement that obligates or otherwise requires a State, political subdivision, *or public service authority* to—

"(A) deliver a minimum quantity of municipal solid waste to a waste management facility; and

"(B) pay for that minimum quantity of municipal solid waste even if the stated minimum quantity of municipal solid waste is not delivered within a required period of time.

"(8) RECYCLABLE MATERIAL.—The term 'recyclable material' means material that has been separated from waste otherwise destined for disposal (at the source of the waste or at a processing facility) or has been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic material such as food and yard waste, or reuse (other than for the purpose of incineration).

"(9) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means a facility that collects, separates, stores, transports, transfers, treats, processes, combusts, or disposes of municipal solid waste.

"(b) AUTHORITY.—

"(1) IN GENERAL.—Each State, political subdivision, or public service authority may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction by directing the municipal solid waste or recyclable material to a waste management facility or public service authority or facility for recyclable material, if the flow control authority—

"(A)(i) had been exercised before May 15, 1994, and was being implemented on May 15, 1994, pursuant to a law (including an ordinance or regulation) or other legally binding provision of the State or political subdivision; or

"(ii) had been exercised before May 15, 1994, without regard to whether implementation of such a law (including an ordinance or regulation) or other legally binding provision of the State or political subdivision was prevented by an injunction, temporary restraining order, or other court action, or was suspended by the voluntary decision of the State or political subdivision because of the pendency of a court action; or

"(B) has been implemented by designating before May 15, 1994, the particular waste management facilities or public service authority to which the municipal solid waste or recyclable material is to be delivered, which facilities were in operation as of May 15, 1994, or were in operation before May 15, 1994, and were temporarily inoperative on May 15, 1994.

"(2) LIMITATION.—The authority of this section extends only to the specific classes or categories of municipal solid waste to which flow control authority requiring a

movement to a waste management facility was applied on or before May 15, 1994 (or, in the case of a State, political subdivision, or public service authority that qualifies under subsection (c), to the specific classes or categories of municipal solid waste for which the State, political subdivision, or public service authority before May 15, 1994, had committed to the designation of a waste management facility).

"(3) LACK OF CLEAR IDENTIFICATION.—With regard to facilities granted flow control authority under subsection (c), if the specific classes or categories of municipal solid waste are not clearly identified, the authority of this section shall apply only to municipal solid waste generated by households.

"(4) EFFECTIVE PERIOD OF AUTHORITY.—With respect to each designated waste management facility, the authority of this section shall be effective during the period ending on the later of—

"(A) the end of the remaining life of a contract between the State, political subdivision, or public service authority and any other person regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994);

"(B) completion of the schedule for payment of the capital costs of the facility concerned (as in effect May 15, 1994 (without regard to whether the capital costs are subsequently refinanced to provide a reduced interest rate with no change in amount or maturity); or

"(C) the end of the remaining useful life of the facility (as in existence on the date of enactment of this section), as that remaining life may be extended by—

"(i) retrofitting of equipment or the making of other significant modifications to meet applicable environmental requirements or safety requirements;

"(ii) routine repair or scheduled replacement of equipment or components that does not add to the capacity of a waste management facility; or

"(iii) expansion of the facility on land that is—

"(I) legally or equitably owned, or under option to purchase or lease, by the owner or operator of the facility; and

"(II) covered by the permit for the facility (as in effect May 15, 1994).

"(5) ADDITIONAL AUTHORITY.—

"(A) APPLICATION OF PARAGRAPH.—This paragraph applies to a State or political subdivision that, on or before January 1, 1984—

"(i) adopted a regulation under State law that required the transportation to, and management or disposal at, waste management facilities in the State, of—

"(I) all solid waste from residential, commercial, institutional, or industrial sources (as defined under State law); and

"(II) recyclable material voluntarily relinquished by the owner or generator of the recyclable material; and

"(ii) as of January 1, 1984, had implemented the regulation in the case of every political subdivision of the State.

"(B) AUTHORITY.—Notwithstanding anything to the contrary in this section (including subsection (m)), a State or political subdivision described in subparagraph (A) may continue to exercise flow control authority (including designation of waste management facilities in the State that meet the requirements of subsection (c)) for all classes and categories of solid waste that were subject to flow control on January 1, 1984.

"(6) FLOW CONTROL ORDINANCE.—

"(A) IN GENERAL.—Notwithstanding anything to the contrary in this section, but subject to subsection (m), during the effective period described in paragraph (4), a political subdivision that adopted a flow control ordinance in November 1991, and designated facilities to receive municipal solid waste before April 1, 1992, may exercise flow control authority until the end of the remaining life of all contracts between the political subdivision and any other person regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994).

"(B) LIMITATION.—The authority under subparagraph (A) applies only with respect to the specific classes or categories of municipal solid waste to which flow control authority was actually applied on or before May 15, 1994.

"(c) COMMITMENT TO CONSTRUCTION.—

"(1) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) of subsection (b)(1), a political subdivision may exercise flow control authority under subsection (b), if—

"(A)(i) the law (including an ordinance or regulation) or other legally binding provision specifically provides for flow control authority for municipal solid waste generated within the boundaries of the political subdivision; and

"(ii) the authority was exercised before May 15, 1995, and was being implemented on May 15, 1994; or

"(B) before May 15, 1994, the political subdivision committed to the designation of the particular waste management facilities or public service authority to which municipal solid waste is to be transported or at which municipal solid waste is to be disposed of under that law (including an ordinance or regulation), plan, or legally binding provision.

"(2) FACTORS DEMONSTRATING COMMITMENT.—A commitment to the designation of waste management facilities or public service authority is demonstrated by 1 or more of the following factors:

"(A) CONSTRUCTION PERMITS.—All permits required for the substantial construction of the facility were obtained before May 15, 1994.

"(B) CONTRACTS.—All contracts for the substantial construction of the facility were in effect before May 15, 1994.

"(C) REVENUE BONDS.—Before May 15, 1994, revenue bonds were presented for sale to specifically provide revenue for the construction of the facility (without regard to whether the revenue bonds are subsequently refinanced to provide a reduced interest rate with no change in amount or maturity).

"(D) CONSTRUCTION AND OPERATING PERMITS.—The State or political subdivision submitted to the appropriate regulatory agency or agencies, on or before May 15, 1994, substantially complete permit applications for the construction and operation of the facility.

"(d) FORMATION OF SOLID WASTE MANAGEMENT DISTRICT TO PURCHASE AND OPERATE EXISTING FACILITY.—Notwithstanding subparagraphs (A) and (B) of subsection (b)(1), a solid waste management district that was formed by a number of political subdivisions for the purpose of purchasing and operating a facility owned by 1 of the political subdivisions may exercise flow control authority under subsection (b) if—

"(1) the facility was fully licensed and in operation before May 15, 1994;

"(2) before April 1, 1994, substantial negotiations and preparation of documents for the formation of the district and purchase of the facility were completed;

"(3) before May 15, 1994, at least 80 percent of the political subdivisions that were to participate in the solid waste management district had adopted an ordinance committing the political subdivisions to the participation, and the remaining political subdivisions adopted such an ordinance within 2 months after that date; and

"(4) the financing was completed (without regard to whether the revenue bonds are subsequently refinanced to provide a reduced interest rate with no change in amount or maturity), the acquisition was made, and the facility was placed under operation by the solid waste management district on or before September 21, 1994.

"(e) FACILITY CONSTRUCTED AND OPERATED.—During the effective period described in subsection (b)(4), a political subdivision may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within the jurisdiction of the political subdivision if—

"(1) before May 15, 1994, the political subdivision—

"(A) contracted with a public service authority or with its operator, to deliver or cause to be delivered to the public service authority substantially all of the disposable municipal solid waste that is generated or collected by or is within or under the control of the political subdivision, for the purpose of supporting revenue bonds issued by and in the name of the public service authority or on its behalf by a State entity for waste management facilities; or

"(B) entered into contracts with a public service authority or its operator to deliver or cause to be delivered to the public service authority substantially all of the disposable municipal solid waste that is generated or collected by or within the control of the political subdivision, which imposed flow control pursuant to a law (including an ordinance or regulation) or other legally binding provision, if revenue bonds were issued in the name of the public service authority for waste management facilities and outstanding (without regard to whether the revenue bonds are subsequently refinanced to provide a reduced interest rate with no change in amount or maturity); and

"(2) before May 15, 1994, the public service authority—

"(A) issued the revenue bonds or had revenue bonds issued on its behalf by a State entity for the construction of municipal solid waste facilities to which the municipal solid waste of the political subdivision is transferred or disposed (without regard to whether the revenue bonds are subsequently refinanced to provide a reduced interest rate with no change in amount or maturity); and

"(B) commenced operation of the facilities.

"(f) STATE-MANDATED DISPOSAL SERVICES.—During the effective period described in subsection (b)(4), a political subdivision may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within the jurisdiction of the political subdivision if, before May 15, 1994, the political subdivision—

"(1) was responsible under State law for providing for the operation of solid waste facilities to serve the disposal needs of all incorporated and unincorporated areas of the county;

"(2) is required to initiate a recyclable material recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent;

"(3) has been authorized by State statute to exercise flow control authority and had implemented the authority through the adoption or execution of a law (including an ordinance or regulation), contract, or other legally binding provision; and

"(4) had incurred, or caused a public service authority to incur, significant financial expenditures to comply with State law and to repay outstanding bonds that were issued specifically for the construction of solid waste management facilities to which the waste of the political subdivision is to be delivered.

"(g) STATE SOLID WASTE DISTRICT AUTHORITY.—A solid waste district or a political subdivision may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within the jurisdiction of the political subdivision if—

"(1) the solid waste district or a political subdivision within the solid waste district—

"(A) is currently required to initiate a recyclable material recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005; and

"(B) uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste, other than development of incineration; and

"(2) before May 15, 1994, the solid waste district or political subdivision or municipality—

"(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid waste within its jurisdiction;

"(B) was authorized by State statute (enacted before January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law (including an ordinance or regulation), regulatory proceeding, contract, franchise, or other legally binding provision; and

"(C) was required by State statute (enacted before January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the solid waste management plan of the solid waste district or political subdivision or municipality was approved by the appropriate State agency before September 15, 1994.

"(h) STATE-AUTHORIZED SERVICES AND LOCAL PLAN ADOPTION.—A political subdivision may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within the jurisdiction of the political subdivision if, before May 15, 1994, the political subdivision—

"(1) had been authorized by a State statute that specifically named the political subdivision to exercise flow control authority and had implemented the authority through a law (including an ordinance or regulation), contract, or other legally binding provision;

"(2) had adopted a local solid waste management plan pursuant to State statute and was required by State statute to adopt the plan in order to submit a complete permit application to construct a new solid waste management facility proposed in the plan;

"(3) had presented for sale a revenue or general obligation bond to provide for the site selection, permitting, or acquisition for construction of new facilities identified and proposed in the local solid waste management plan of the political subdivision (without regard to whether the revenue or general obligation bond is subsequently refinanced to provide a reduced interest rate with no change in amount or maturity);

"(4) includes a municipality or municipalities required by State law to adopt a local law (including an ordinance) to require that solid waste that has been left for collection shall be separated into recyclable, reusable, or other components for which economic markets exist; and

"(5) is in a State that has aggressively pursued closure of substandard municipal landfills, both by regulatory action and under statute designed to protect deep flow recharge areas in counties in which potable water supplies are derived from sole source aquifers.

"(i) RETAINED AUTHORITY.—

"(1) REQUEST.—On the request of a generator of municipal solid waste affected by this section, a State or political subdivision may authorize the diversion of all or a portion of the solid waste generated by the generator making the request to an alternative solid waste treatment or disposal facility, if the purpose of the request is to provide a higher level of protection for human health and the environment or reduce potential future liability of the generator under Federal or State law for the management of the municipal solid waste, unless the State or political subdivision determines that the facility to which the municipal solid waste is proposed to be diverted does not provide a higher level of protection for human health and the environment or does not reduce the potential future liability of the generator under Federal or State law for the management of the municipal solid waste.

"(2) CONTENTS.—A request under paragraph (1) shall include information on the environmental suitability of the proposed alternative treatment or disposal facility and method, compared to that of the designated facility and method.

"(j) LIMITATIONS ON REVENUE.—A State or political subdivision may exercise flow control authority under subsection (b), (c), (d), or (e) only if the State or political subdivision certifies that the use of any of its revenues derived from the exercise of the authority will be used for solid waste management services or related landfill reclamation.

"(k) REASONABLE REGULATION OF COMMERCE.—A law, ordinance, regulation, or other legally binding provision or official act or political subdivision, as described in subsection (b), (c), (d), or (e), that implements flow control authority in compliance with this section shall be considered to be a reasonable regulation of commerce retroactive to its date of enactment or effective date and shall not be considered to be an undue burden on or otherwise considered as impairing, restraining, or discriminating against interstate commerce.

"(l) EFFECT ON EXISTING LAWS AND CONTRACTS.—

"(1) ENVIRONMENTAL LAWS.—Nothing in this section has any effect on any other law relating to the protection of human health and the environment or the management of municipal solid waste or recyclable material.

"(2) STATE LAW.—Nothing in this section authorizes a political subdivision to exercise the flow control authority granted by this section in a manner that is inconsistent with State law.

"(3) OWNERSHIP OF RECYCLABLE MATERIAL.—Nothing in this section—

"(A) authorizes a State or political subdivision to require a generator or owner of recyclable material to transfer recyclable material to the State or political subdivision; or

"(B) prohibits a generator or owner of recyclable material from selling, purchasing, accepting, conveying, or transporting recyclable material for the purpose of transformation or remanufacture into usable or marketable material, unless the generator or owner voluntarily made the recyclable material available to the State or political subdivision and relinquished any right to, or ownership of, the recyclable material.

"(m) TERMINATION OF AUTHORITY; REPEAL.—

"(1) TERMINATION OF AUTHORITY.—Notwithstanding any other provision of this title, authority to control the flow of municipal solid waste or recyclable material by directing municipal solid waste or recyclable material to a waste management facility shall terminate on the date that is 30 years after the date of enactment of this Act.

"(2) REPEAL.—This section and the item relating to this section in the table of contents for subtitle D of the Solid Waste Disposal Act are repealed effective as of the date that is 30 years after the date of enactment of this Act.

"(n) SECTION NOT APPLICABLE TO LISTED FACILITIES.—Notwithstanding any other provision of this title, the authority to exercise flow control shall not apply to a facility that—

"(1) on the date of enactment of this Act, is listed on the National Priorities List under the Comprehensive Environmental, Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.); or

"(2) as of May 15, 1994, was the subject of a pending proposal by the Administrator of the Environmental Protection Agency to be listed on the National Priorities List.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for subtitle D in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following:

"Sec. 4011. State and local government control of movement of municipal solid waste and recyclable material.".

[From the New London News, June 11, 1997]

STONINGTON IS SUED BY TRASH FIRM—COMPANY SEEKS TO BLOCK TOWN GARBAGE COLLECTION

[By Joe Wojtas]

STONINGTON.—One of the town's largest commercial garbage haulers has sued the town in an effort to stop it from taking over trash collection next month.

A hearing will be held June 17 in New London Superior Court on a request by USA Waste Inc. of Franklin and U.W.S. of Rhode Island Inc., a landfill company, for an injunction that would stop the town from implementing its takeover plan on July 1.

USA Waste attorney Thomas J. Donahue Jr., who had warned the town it would be sued if the plan was implemented, had no comment about the suit Tuesday.

USA Waste has reported having 175 commercial customers and numerous residential customers in town. Donahue was not able to say what the value of USA Waste's current contracts are. The plan would void those contracts on July 1.

First Selectmen Donald Maranell said the suit was expected.

"The town has spent a lot of effort researching court cases, state statues and the needs of our residents," he said. "Our ordinance is clearly lawful and in the best interests of the health, safety and welfare of the

residents of the Town of Stonington. It is the town's opinion we will prevail."

Surprisingly, USA Waste was one of the firms that submitted bids to pick up trash for the town and is one of two firms with which the town is negotiating. Maranell said that if USA Waste agrees to terms, it would have to drop any action against the town. A decision is expected in a few days.

RESIDENTS VOTE FOR CHANGE

Residents voted in April to have the town take over all garbage collection to ensure it would be delivered to the Preston incinerator. Town officials said the town would face a $500,000 deficit in the 1997–98 budget if plan was not implemented.

The town said the plan was needed because haulers with contracts to pick up garbage from businesses in town began taking the trash to landfills with lower tipping fees than Preston, such as the U.W.S. site in Warwick.

Town officials charged that haulers were making huge profits because their contracts with businesses were based on the higher Preston fee. They said taxpayers should not have to pay for the deficit so haulers could continue making big profits.

Because the town's contract with Preston requires a certain amount of garbage each year, he shortfall in business garbage meant taxpayers had to pay for the deficit. A court had rules that towns could not force private haulers to take trash to Preston.

Town officials said they could solve the problem by taking over trash collection in town and hiring their own contractor, which would be required to bring all garbage to Preston.

They said a court decision from Babylon, Long Island, allowed that town to implement a similar plan. The Connecticut Resource Recovery Authority has agreed to pay all the town's legal bills because it is looking for a solution to the same problems in other towns.

Private haulers have argued it is unfair for the town to take over garbage collection when the haulers have valid contracts with the businesses.

The suit states the ordinance and regulations passed by the town deprive USA Waste and U.W.S. of their interstate commerce rights, prevent USA Waste from hauling and collecting garbage and deprive U.W.S. of receiving waste from Stonington.

The suit states the town is exceeding its authority and violating state law and the U.S. Constitution. It also points out that the town "devised a scheme" to illegally steer garbage to Preston even though it knew about court decisions preventing such action.

In addition to an injunction, the suit asks a judge to rule that the ordinance and regulations are illegal and unconstitutional.

By Mr. FEINGOLD (for himself and Mr. DEWINE):

S. 900. A bill to provide for sentencing enhancements and amendments to the Federal Sentencing Guidelines for offenses relating to the abuse and exploitation of children, and for other purposes; to the Committee on the Judiciary.

THE CHILD EXPLOITATION SENTENCING ENHANCEMENT ACT OF 1997

Mr. FEINGOLD. Mr. President, I rise today to introduce the Child Exploitation Sentencing Enhancement Act of 1997. I am pleased to be joined in this effort by my friend and colleague from the Senate Committee on the Judiciary, Senator DEWINE. The legislation we are introducing today will increase the criminal penalties for individuals who use computers and the Internet to commit crimes of sexual abuse and exploitation against children.

Just as the miraculous advances in computer technology have opened new worlds to many of us, some have chosen to exploit these technologies to advance criminal activity. Most troubling are those who use computers and the Internet to sexually exploit and abuse children. According to the National Center for Missing and Exploited Children, which supports this legislation, criminals are increasingly using computer telecommunications technology as a means to assist in the sexual victimization of young children.

Mr. President, there can be no doubt that the Internet and advancing computer technologies provide each of us with many new and promising means of communication. However, when these technologies are used to further the criminal sexual exploitation and abuse of children, it is essential, in my view, that this conduct be punished more severely. FBI Director Louis Freeh recently testified before the Senate Appropriations Subcommittee for Commerce, Justice and State and highlighted this problem;

> The same marvelous advances in computer and telecommunications technology that allow our children to reach out to new sources of knowledge and cultural experiences are also leaving them unwittingly vulnerable to exploitation and harm by pedophiles and other sexual predators in ways never before possible.

Mr. President, advances in technology should not be the shield from behind which pedophiles and sexual molesters target and prey upon our children.

In responding to this problem, the Feingold-DeWine legislation directs the U.S. Sentencing Commission to increase criminal penalties for people who intentionally use a computer to entice children into illicit sexual conduct. The bill also directs that sentences be increased for those criminals who seek out children on the Internet and misrepresent their true identity in a knowing effort to gain the trust of the child they intend to sexually victimize.

The provisions in this bill are directed squarely at those molesters and sexual predators who go on-line and hang out in computer chat rooms targeting unknowing young victims. One distinct and unfortunate advantage of the Internet for criminals is that they are able to reach a much wider audience of potential victims than they would if physical contact were required to initiate their criminal activity. Another troubling aspect of this situation is that criminals are provided with near fool-proof anonymity while cruising the Internet looking for victims. In some cases, victims are enticed or lured to meet with the sexual molester. The ability for the criminal to misrepresent their true identity and thus gain the confidence of the victim is a significant aspect of these crimes. Director Freeh also noted this problem recently:

> Pedophiles often seek out young children by either participating in or monitoring activities in chat rooms that are provided by commercial on-line services for teenagers and preteens to converse with each other. These chat rooms also provide pedophiles an anonymous means of establishing relationships with children. Using a chat room, a child can converse for hours with unknown individuals, often without the knowledge or approval of their parents. There is no easy way for the child to know if the person he or she is talking with is, in fact, another 14-year-old, or is a 40-year-old sexual predator masquerading as a peer.

Clearly, Mr. President, a child molester who stalks children on the information superhighway derives benefits that are simply not present if direct physical contact is required to target and recruit the victim. Director Freeh's testimony also noted that sexual criminals also target young victims by posing as children looking for pen pals or by posting notices on computer bulletin boards in order to facilitate and develop relationships which can in turn provide a victim for the predator's illegal sexual activity.

In addition to increasing sentences for criminal activity involving this type of conduct, the legislation expands the pattern of activity sentencing enhancement to a wider range of sexual abuse and exploitation crimes. In doing so, those criminals who have shown an ongoing pattern of sexually exploiting minors will be held accountable for their conduct through longer prison sentences. In doing so, the criminal is incapacitated for a longer period of time thus reducing the potential that they will be set free to victimize again. This sentencing enhancement will now be applicable in cases of sexual abuse, sexual exploitation, and the coercion and enticement of minors for an illegal sexual activity. Additionally, this legislation targets repeat offenders by increasing penalties for repeat offenses and by increasing maximum penalties available under the Federal criminal code. Finally, the legislation authorizes funding to be used to appoint guardian ad litem for children who are the victims of, or witnesses to, crimes involving abuse or exploitation.

Mr. President, there can be no doubt that our children are our most precious resource. I am the father of teenage children and I, like any parent, worry about the health and safety of my children. I encourage my children to utilize the Internet and to gain the benefits of these amazing new technologies—technologies which simply

did not exist a few years ago or when I was growing up. During my tenure in this body I have been a strong believer in the potential of the Internet and sincerely hope that as we move toward the next century that potential will be realized. However, in doing so, I am mindful of the dangers that always exist when individuals—criminals—exploit a new technology to further their illicit criminal activity. The legislation being introduced today speaks directly to the small percentage of individuals who intentionally misuse the Internet to sexually prey upon children. The adoption of this legislation will send a loud and clear message that the Congress of the United States will not tolerate the sexual exploitation of our young people and that the information superhighway will not become a haven for pedophiles and sexual predators.

I ask unanimous consent that a copy of the legislation be printed in the RECORD as well as a copy of a letter from the National Center for Missing and Exploited Children in support of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Exploitation Sentencing Enhancement Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) the sexual exploitation of children, including the sexual abuse of minors, and illegal sexual activity with minors, poses a significant threat to the health, safety, and well-being of children in the United States;

(2) there is a compelling governmental interest in preserving the health and safety of children, and the prevention and elimination of the sexual abuse and exploitation of children serves that interest;

(3) if computers are used to facilitate the sexual abuse or exploitation of children—

(A) by facilitating the contact, persuasion, inducement, enticement, or coercion of a child in order to exploit or engage in illegal sexual activity with that child, the risk of harm is magnified and more dangerous to children because—

(i) the use of a computer allows the sexual offender to target and reach a wider range of potential victims than would otherwise be possible if direct physical presence and contact with the child was necessary to initiate and facilitate the crime; and

(ii) the use of a computer allows the sexual offender to avoid more readily detection by law enforcement officials, as law enforcement officials may lack the resources or training necessary to identify, pursue, and apprehend those individuals who target children for sexual exploitation through the use of computers; and

(B) the use of a computer allows a sexual offender to avoid revealing, or to knowingly conceal from a potential victim, the actual identity of the offender (including the offender's sex, age, and name) and therefore allows the offender to gain more readily the confidence of an unsuspecting child;

(4) there is a compelling governmental interest in prohibiting repeated and continuing patterns of child sexual exploitation through extended incarceration for offenders who use computers to facilitate the sexual exploitation of a child or to sexually exploit a child;

(5) individuals who engage in a repeated and continuing pattern of sexual abuse or exploitation of children over a period of time are particularly harmful to children;

(6) it is important to pay special attention to the identification of those offenders who show the greatest risk of continuing victimizing of children, so that the offenders may be incapacitated through extended incarceration;

(7) consistently, experts in the field of criminal justice find that criminal history, especially a history of sexual offenses, is the most important and accurate predictor of whether an individual might commit a sexual offense in the future;

(8)(A) the report issued by the United States Sentencing Commission in 1996 entitled "Sex Offenses Against Children: Findings and Recommendations Regarding Federal Penalties" contains a review of the cases of all Federal offenders sentenced for offenses of pornography and transportation of minors for illegal sexual activity and criminal sexual abuse;

(B) in the report, the United States Sentencing Commission found that—

(i) in approximately 20 percent of the cases reviewed by the United States Sentencing Commission, the defendant had a prior sex-related conviction;

(ii) 64 percent of the defendants convicted under sexual abuse guidelines who had prior convictions for sexual offenses had committed sexual crimes against children; and

(iii) for all categories of sexual abuse, the probability that a child was the prior victim of such a defendant was high (ranging from a 50 to 70 percent probability);

(9) incapacitation through extended incarceration will prevent those offenders who engage in a repeated and continuing pattern of sexual exploitation of children from continuing to commit the heinous sexual offenses against children; and

(10) the prevention and elimination of the sexual exploitation of children provides a compelling governmental interest in prohibiting repeated and continuing patterns of child sexual exploitation through extended incarceration.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHILD; CHILDREN.—The term "child" or "children" means a minor or minors of an age specified in the applicable provision of title 18, United States Code, that is subject to review under this Act.

(2) MINOR.—The term "minor" means any individual who has not attained the age of 18, except that, with respect to references to section 2243 of title 18, United States Code, the term means an individual described in subsection (a) of that section.

SEC. 4. INCREASED PENALTIES FOR USE OF A COMPUTER IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to the authority granted to the United States Sentencing Commission under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a juvenile under section 2422(b) of title 18, United States Code, and transportation of minors under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to increase penalties if the defendant used a computer with the intent to persuade, induce, entice, or coerce a child of an age specified in the applicable provision referred to in paragraph (1) to engage in any prohibited sexual activity.

SEC. 5. INCREASED PENALTIES FOR KNOWING MISREPRESENTATION IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to the authority granted to the United States Sentencing Commission under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a juvenile under section 2422(b) of title 18, United States Code, and transportation of minors under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to increase penalties if the defendant knowingly misrepresented the actual identity of the defendant with the intent to persuade, induce, entice, or coerce a child of an age specified in the applicable provision referred to in paragraph (1) to engage in a prohibited sexual activity.

SEC. 6. INCREASED PENALTIES FOR PATTERN OF ACTIVITY OF SEXUAL EXPLOITATION OF CHILDREN.

Pursuant to the authority granted to the United States Sentencing Commission under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on criminal sexual abuse, the production of sexually explicit material, the possession of materials depicting a child engaging in sexually explicit conduct, coercion and enticement of minors, and the transportation of minors; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to increase penalties applicable to the offenses referred to in paragraph (1) in any case in which the defendant engaged in a pattern of activity involving the sexual abuse or exploitation of a minor.

SEC. 7. REPEAT OFFENDERS; INCREASED MAXIMUM PENALTIES FOR TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.

(a) REPEAT OFFENDERS.—

(1) CHAPTER 117.—

(A) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§ 2425. Repeat offenders

"(a) IN GENERAL.—Any person described in this subsection shall be subject to the punishment under subsection (b). A person described in this subsection is a person who

violates a provision of this chapter, after one or more prior convictions—

"(1) for an offense punishable under this chapter or chapter 109A or 110; or

"(2) under any applicable law of a State relating to conduct punishable under this chapter or chapter 109A or 110.

"(b) PUNISHMENT.—A violation of a provision of this chapter by a person described in subsection (a) is punishable by a term of imprisonment of a period not to exceed twice the period that would otherwise apply under this chapter.".

(B) CONFORMING AMENDMENT.—The chapter analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2425. Repeat offenders.".

(2) CHAPTER 109A.—Section 2247 of title 18, United States Code, is amended to read as follows:

"§ 2247. Repeat offenders

"(a) IN GENERAL.—Any person described in this subsection shall be subject to the punishment under subsection (b). A person described in this subsection is a person who violates a provision of this chapter, after one or more prior convictions—

"(1) for an offense punishable under this chapter or chapter 110 or 117; or

"(2) under any applicable law of a State relating to conduct punishable under this chapter, or chapter 110 or 117.

"(b) PUNISHMENT.—A violation of a provision of this chapter by a person described in subsection (a) is punishable by a term of imprisonment of a period not to exceed twice the period that would otherwise apply under this chapter.".

(b) INCREASED MAXIMUM PENALTIES FOR TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.—

(1) TRANSPORTATION GENERALLY.—Section 2421 of title 18, United States Code, is amended by striking "five" and inserting "10".

(2) COERCION AND ENTICEMENT OF MINORS.—Section 2422 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "five" and inserting "10"; and

(B) in subsection (b), by striking "10" and inserting "15".

(3) TRANSPORTATION OF MINORS.—Section 2423 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "ten" and inserting "15"; and

(B) in subsection (b), by striking "10" and inserting "15".

(c) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to the authority granted to the United States Sentencing Commission under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines relating to chapter 117 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate such amendments to the Federal Sentencing Guidelines as are necessary to provide for the amendments made by this section.

SEC. 8. CLARIFICATION OF DEFINITION OF DISTRIBUTION OF PORNOGRAPHY.

Pursuant to the authority granted to the United States Sentencing Commission under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines relating to the distribution of pornography covered under chapter 110 of title 18, United States Code, relating to the sexual exploitation and other abuse of children; and

(2) upon completion of the review under paragraph (1), promulgate such amendments to the Federal Sentencing Guidelines as are necessary to clarify that the term "distribution of pornography" applies to the distribution of pornography—

(A) for monetary remuneration; or

(B) for a nonpecuniary interest.

SEC. 9. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

In carrying out this Act, the United States Sentencing Commission shall—

(1) with respect to any action relating to the Federal Sentencing Guidelines subject to this Act, ensure reasonable consistency with other guidelines of the Federal Sentencing Guidelines; and

(2) with respect to an offense subject to the Federal Sentencing Guidelines, avoid duplicative punishment under the guidelines for substantially the same offense.

SEC. 10. AUTHORIZATION FOR GUARDIANS AD LITEM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, for the purpose specified in subsection (b), such sums as may be necessary for each of fiscal years 1998 through 2001.

(b) PURPOSE.—The purpose specified in this subsection is the procurement, in accordance with section 3509(h) of title 18, United States Code, of the services of individuals with sufficient professional training, experience, and familiarity with the criminal justice system, social service programs, and child abuse issues to serve as guardians ad litem for children who are the victims of, or witnesses to, a crime involving abuse or exploitation.

SEC. 11. APPLICABILITY.

This Act and the amendments made by this Act shall apply to any action that commences on or after the date of enactment of this Act.

NATIONAL CENTER FOR
MISSING AND EXPLOITED CHILDREN,
Arlington, VA, May 2, 1997.

Hon. RUSSELL D. FEINGOLD,
Senate Judiciary Committee, Subcommittee on the Constitution, Federalism and Property Rights, Washington, DC.

DEAR SENATOR FEINGOLD: I am writing on behalf of the National Center for Missing and Exploited Children to formally express our support for your leadership in addressing child sexual exploitation using the Internet. The legislation you have proposed will go far to strengthen penalties for offenders and provide justice for child victims.

This bill will strengthen federal penalties for those individuals who prey sexually on children and will assure that the enhanced penalties will apply across the board, so offenders don't slip through the cracks of the system and serve one short sentence after another. This piece of legislation will also accomplish the important goal of providing authorization for the appropriation of federal funds to the guardian *ad litem* program. This program permits judges to appoint court guardians to a child victim or witness, to insure that the child's interests and concerns are considered. Unfortunately, the program is rarely utilized, due solely to a lack of funding. This bill would work towards changing that, and providing victimized children with an ally in the courtroom. The components of this legislation are well-researched, comprehensive, and narrowly focused to achieve its specific and laudable aims.

The National Center for Missing and Exploited Children spearheads nationwide efforts to locate and recover missing children, and raise public awareness about ways to prevent child abduction, molestation and sexual exploitation. As you continue your work in support of children and others victimized by criminal offenders, please do not hesitate to contact us if we can be of assistance in any way.

Again, we strongly commend your efforts, and urge other members of the U.S. Senate and Senate Judiciary Committee to join you. Thank you again for your dedication to the interests of America's criminal victims, and feel free to contact me in the future.

Sincerely,

ERNIE ALLEN,
President/CEO.

By Mr. KEMPTHORNE:

S. 901. A bill to provide Federal tax incentives to owners of environmentally sensitive lands to enter into conservation easements for the protection of habitat; to amend the Internal Revenue Code of 1986 to allow a deduction from the gross estate of a decedent in an amount equal to the value of real property subject to an endangered species conservation agreement; and for other purposes; to the Committee on Finance.

THE ENDANGERED SPECIES CONSERVATION TAX INCENTIVES ACT OF 1997

Mr. KEMPTHORNE. Mr. President, I am introducing today legislation which is intended to provide tax incentives for private property owners who wish to participate in the conservation of land for the preservation of endangered, threatened and other species.

For too long the Federal Government has used its enforcement procedures and its regulatory authority to dictate conservation in aid of endangered and threatened species. This method has failed to produce the kind of results we want. The Endangered Species Act as currently written is almost all stick and no carrot. I would like to begin to change that today.

For 18 months I have worked on a bill to reauthorize the Endangered Species Act. Currently, I am in negotiations with the Democrats and the Administration on a bill that will provide a variety of incentives to property owners to preserve habitat through conservation agreements and plans, prelisting agreements and other preservation tools.

I also have a number of ideas on how to provide tax incentives to private property owners to preserve habitat. Because of the opportunity presented by the budget reconciliation bill, I have suggested to the Finance Committee three of the many options I will later propose in a companion bill to the ESA reauthorization. Those three options are included in the legislation that we are introducing today.

Let me emphasize that inclusion of these new tax incentives will truly benefit both species and people. I've met with many property owners who have

said, "we would be happy to step forward and preserve habitat for species and we would grant a conservation easement if there was an incentive." Well with adoption of the ideas included in this bill there will be.

I have had critics that have said that we should not provide these kinds of incentives to private property owners because we'll have too many people coming forward and saying, "I have an endangered species on my land." What is wrong with that? To my mind, that would be a welcome reversal from the current prevailing attitude that some have about the presence of an endangered species on their property. Right now you have a situation that some land owners believe that if they do have an endangered species, or if it is suggested that they might, they're just as likely to try to remove the habitat to avoid a problem down the road. We need to change that attitude if we're going to recover endangered species.

We are currently at the crossroads of two systems. One where you have government overregulation that tells people what they can and cannot do on their land, and the other a system that encourages property owners to step forward and do something good for species because it's good for you too.

We can depend on our property owners to do what's right and what's good for species. I know that our farmers and ranchers know how to be innovative and creative. They know how to help species. And they know how to manage land.

The right system is one where we encourage active involvement of landowners through incentives. Certainly, I know that if I were an endangered species, I would much rather have a friendly and willing landlord—one that viewed me as an asset—than a reluctant one who viewed me as a threat and a liability because of some bureaucrats and regulations handed down from Washington, DC.

That's what this legislation will do. It's going to make the people active partners.

Later, when I introduce bipartisan legislation to reauthorize the Endangered Species Act I will also introduce a companion bill with additional new ideas to promote conservation through incentives. But as you know Mr. President, the key to legislating is idea and opportunity. We should take advantage of the opportunities presented by the budget reconciliation bill to help both private property owners and our endangered and threatened species. We can do both.

By Mrs. BOXER:

S. 902. A bill to require physicians to provide certain men with information concerning prostate specific antigen tests and to provide for programs of research on prostate cancer; to the Committee on Labor and Human Resources.

THE PROSTATE TESTING FULL INFORMATION ACT

Mrs. BOXER. Mr. President, today, I introduce the Prostate Testing Full Information Act. In a series of town meetings in my State of California, I brought together the top prostate cancer experts in the State, the head of the urology branch at the National Cancer Institute, and prostate cancer survivors to discuss what can be done to aid in the fight against this disease.

The statistics on prostate cancer are alarming. Based on current U.S. rates, about 19 of every 100 men born today will be diagnosed with prostate cancer during their lifetime, while approximately 4 of every 100 men will die from the disease. Between 1973 and 1993, the rate of new cases of prostate cancer rose by 173 percent. During 1997, approximately 370,000 new cases will be diagnosed and more than 40,000 men will die of prostate cancer.

This bill will require physicians, at the time they perform a prostate examination on men over the age of 50, to inform the patient of the availability of the prostate specific antigen [PSA] test and other appropriate diagnostic procedures.

In addition, the bill increases prostate cancer research funding at the National Institutes of Health and the Agency for Health Care Policy and Research.

I urge my colleagues to join me in cosponsoring this important legislation.

I ask unanimous consent that the text of the legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prostate Testing Full Information Act".

SEC. 2. REQUIREMENT RELATING TO CERTAIN PHYSICIANS.

(a) REQUIREMENT.—If a covered physician, during a physical examination, examines the prostate gland of a patient, the physician shall provide information to the patient concerning the availability of appropriate diagnostic procedures, including the prostate antigen test, if any of the following conditions are present:

(1) The patient is over 50 years of age.

(2) The patient manifests clinical symptomatology.

(3) The patient is at an increased risk of prostate cancer.

(4) The provision of the information to the patient is medically necessary, in the opinion of the physician.

(b) ENFORCEMENT.—The Secretary of Health and Human Services shall promulgate regulations that—

(1) require the reporting of covered physicians that violate subsection (a) to the Secretary; and

(2) provide for the application of sanctions to enforce the provisions of subsection (a).

(c) DEFINITION.—In this section, the term "covered physician" means a physician as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)) who has received any Federal payment or assistance under any program under—

(1) the Public Health Service Act (42 U.S.C. 201 et seq.); or

(2) the Social Security Act (42 U.S.C. 301 et seq.).

SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as added by section 603(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 702(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following:

"SEC. 713. REQUIREMENT RELATING TO PROSTATE SPECIFIC ANTIGEN TEST.

"(a) REQUIREMENT.—If a physician, during a physical examination, examines the prostate gland of a patient, the physician shall provide information to the patient concerning the availability of appropriate diagnostic procedures, including the prostate antigen test, if any of the following conditions are present:

"(1) The patient is over 50 years of age.

"(2) The patient manifests clinical symptomatology.

"(3) The patient is at an increased risk of prostate cancer, as determined pursuant to regulations promulgated by the Secretary of Health and Human Services.

"(4) The provision of the information to the patient is medically necessary, in the opinion of the physician.

"(b) PROHIBITION ON LIMITATION.—The provision of information in accordance with subsection (a) may not be prohibited under the terms of—

"(1) any written contract or written agreement between the physician and any group health plan, any health insurance issuer providing health insurance coverage in connection with a group health plan, or any related party with respect to a group health plan; or

"(2) any written statement from the plan, issuer, or related party to the physician.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring a group health plan or a health insurance issuer providing health insurance coverage in connection with a group health plan to provide coverage for prostate specific antigen tests.

"(d) DEFINITION.—In this section, the term 'physician' has the meaning given such term in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)).".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act, as amended by section 603 of the Newborns' and Mothers' Health Protection Act of 1996 and section 702 of the Mental Health Parity Act of 1996, is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Requirement relating to prostate specific antigen test.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 1998.

SEC. 4. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (as added by section 604(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 703(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

"SEC. 2706. REQUIREMENT RELATING TO PROSTATE SPECIFIC ANTIGEN TEST.

"(a) REQUIREMENT.—If a physician, during a physical examination, examines the prostate gland of a patient, the physician shall provide information to the patient concerning the availability of appropriate diagnostic procedures, including the prostate antigen test, if any of the following conditions are present:

"(1) The patient is over 50 years of age.

"(2) The patient manifests clinical symptomatology.

"(3) The patient is at an increased risk of prostate cancer, as determined pursuant to regulations promulgated by the Secretary of Health and Human Services.

"(4) The provision of the information to the patient is medically necessary, in the opinion of the physician.

"(b) PROHIBITION ON LIMITATION.—The provision of information in accordance with subsection (a) may not be prohibited under the terms of—

"(1) any written contract or written agreement between the physician and any group health plan, any health insurance issuer providing health insurance coverage in connection with a group health plan, or any related party with respect to a group health plan; or

"(2) any written statement from the plan, issuer, or related party to the physician.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring a group health plan or a health insurance issuer providing health insurance coverage in connection with a group health plan to provide coverage for prostate specific antigen tests.

"(d) DEFINITION.—In this section, the term 'physician' has the meaning given such term in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 1998.

SEC. 5. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Subpart 3 of part B of title XXVII of the Public Health Service Act (as added by section 605(a) of the Newborn's and Mother's Health Protection Act of 1996) is amended by adding at the end the following new section:

"SEC. 2752. REQUIREMENT RELATING TO PROSTATE SPECIFIC ANTIGEN TEST.

"The provisions of section 2706 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 1998.

SEC. 6. RESEARCH AND EDUCATION REGARDING PROSTATE CANCER; CERTAIN PROGRAMS OF THE PUBLIC HEALTH SERVICE.

(a) NATIONAL INSTITUTES OF HEALTH.—Section 417B(c) of the Public Health Service Act (42 U.S.C. 286a–8(c)) is amended in the first sentence by striking "$72,000,000" and all that follows and inserting the following: "$90,250,000 for fiscal year 1998, $108,500,000 for fiscal year 1999, $126,500,000 for fiscal year 2000, and $145,000,000 for fiscal year 2001.".

(b) AGENCY FOR HEALTH CARE POLICY AND RESEARCH.—Section 902 of the Public Health Service Act (42 U.S.C. 299a) is amended by adding at the end the following:

"(f) ACTIVITIES REGARDING PROSTATE CANCER.—The Administrator shall, with respect to prostate cancer—

"(1) conduct and support research on the outcomes, effectiveness, and appropriateness of health services and procedures; and

"(2) in carrying out section 912(a), provide for the development, periodic review, and updating of clinically relevant guidelines, standards of quality, performance measures, and medical review criteria.".

ADDITIONAL COSPONSORS

S. 293

At the request of Mr. HATCH, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Idaho [Mr. CRAIG], the Senator from Nevada [Mr. REID], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 387

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 419

At the request of Mr. BOND, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 499

At the request of Mr. CHAFEE, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 499, a bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a qualified conservation easement, and to make technical changes to alternative valuation rules.

S. 563

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 563, a bill to limit the civil liability of business entities that donate equipment to nonprofit organizations.

S. 564

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 564, a bill to limit the civil liability of business entities providing use of facilities to nonprofit organizations.

S. 565

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 565, a bill to limit the civil liability of business entities that make available to a nonprofit organization the use of a motor vehicle or aircraft.

S. 566

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 566, a bill to limit the civil liability of business entities that provide facility tours.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 678, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 738

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas [Mr. ROBERTS], the Senator from Arkansas [Mr. HUTCHINSON], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 738, a bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

S. 775

At the request of Ms. MOSELEY-BRAUN, her name was added as a cosponsor of S. 775, a bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the computation of capital gain net income for purposes of the earned income credit.

S. 828

At the request of Mr. DURBIN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S.

828, a bill to provide for the reduction in the number of children who use tobacco products, and for other purposes.

S. 834

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 834, a bill to amend the Public Health Service Act to ensure adequate research and education regarding the drug DES.

S. 883

At the request of Mr. GREGG, the names of the Senator from Georgia [Mr. COVERDELL] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 883, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, to provide pension security, portability, and simplification, and for other purposes.

SENATE RESOLUTION 94

At the request of Mr. WARNER, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Virginia [Mr. ROBB], the Senator from Utah [Mr. BENNETT], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Florida [Mr. MACK], the Senator from New York [Mr. D'AMATO], the Senator from Oklahoma [Mr. NICKLES], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Resolution 94, a resolution commending the American Medical Association on its 150th anniversary, its 150 years of caring for the United States, and its continuing effort to uphold the principles upon which Nathan Davis, M.D. and his colleagues founded the American Medical Association to "promote the science and art of medicine and the betterment of public health."

SENATE RESOLUTION 98—EXPRESSING THE SENSE OF THE SENATE REGARDING THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

Mr. BYRD (for himself, Mr. HAGEL, Mr. HOLLINGS, Mr. CRAIG, Mr. INOUYE, Mr. WARNER, Mr. FORD, Mr. THOMAS, Mr. DORGAN, Mr. HELMS, Mr. LEVIN, Mr. ROBERTS, Mr. ABRAHAM, Mr. MCCONNELL, Mr. ASHCROFT, Mr. BROWNBACK, Mr. KEMPTHORNE, Mr. THURMOND, Mr. BURNS, Mr. CONRAD, Mr. GLENN, Mr. ENZI, Mr. INHOFE, Mr. BOND, Mr. COVERDELL, Mr. DEWINE, Mrs. HUTCHISON, Mr. GORTON, Mr. HATCH, Mr. BREAUX, Mr. CLELAND, Mr. DURBIN, Mr. HUTCHINSON, Mr. JOHNSON, Ms. LANDRIEU, Ms. MIKULSKI, Mr. NICKLES, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH of Oregon, Mr. BENNETT, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRASSLEY, Mr. ALLARD, and Mr. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 98

Whereas the United Nations Framework Convention on Climate Change (in this resolution referred to as the "Convention"), adopted in May 1992, entered into force in 1994 and is not yet fully implemented;

Whereas the Convention, intended to address climate change on a global basis, identifies the former Soviet Union and the countries of Eastern Europe and the Organization For Economic Co-operation and Development (OECD), including the United States, as "Annex I Parties", and the remaining 129 countries, including China, Mexico, India, Brazil, and South Korea, as "Developing Country Parties";

Whereas in April 1995, the Convention's "Conference of the Parties" adopted the so-called "Berlin Mandate";

Whereas the "Berlin Mandate" calls for the adoption, as soon as December 1997, in Kyoto, Japan, of a protocol or another legal instrument that strengthens commitments to limit greenhouse gas emissions by Annex I Parties for the post-2000 period and establishes a negotiation process called the "Ad Hoc Group on the Berlin Mandate";

Whereas the "Berlin Mandate" specifically exempts all Developing Country Parties from any new commitments in such negotiation process for the post-2000 period;

Whereas although the Convention, approved by the United States Senate, called on all signatory parties to adopt policies and programs aimed at limiting their greenhouse gas (GHG) emissions, in July 1996 the Undersecretary of State for Global Affairs called for the first time for "legally binding" emission limitation targets and time-tables for Annex I Parties, a position reiterated by the Secretary of State in testimony before the Committee on Foreign Relations of the Senate on January 8, 1997;

Whereas greenhouse gas emissions of Developing Country Parties are rapidly increasing and are expected to surpass emissions of the United States and other OECD countries as early as 2015;

Whereas the Department of State has declared that it is critical for the Parties to the Convention to include Developing Country Parties in the next steps for global action and, therefore, has proposed that consideration of additional steps to include limitations on Developing Country Parties' greenhouse gas emissions would not begin until after a protocol or other legal instrument is adopted in Kyoto, Japan in December 1997;

Whereas the exemption for Developing Country Parties is inconsistent with the need for global action on climate change and is environmentally flawed; and

Whereas the Senate strongly believes that the proposals under negotiation, because of the disparity of treatment between Annex I Parties and Developing Countries and the level of required emission reductions, could result in serious harm to the United States economy, including significant job loss, trade disadvantages, increased energy and consumer costs, or any combination thereof: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should not be a signatory to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December 1997, or thereafter, which would—

(A) mandate new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period, or

(B) would result in serious harm to the economy of the United States; and

(2) any such protocol or other agreement which would require the advice and consent of the Senate to ratification should be accompanied by a detailed explanation of any legislation or regulatory actions that may be required to implement the protocol or other agreement and should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the protocol or other agreement.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. BYRD. Mr. President, I am submitting a sense-of-the-Senate resolution, and joining me in the introduction of this resolution are the following Senators: Mr. HAGEL, Mr. HOLLINGS, Mr. CRAIG, Mr. INOUYE, Mr. WARNER, Mr. FORD, Mr. THOMAS, Mr. DORGAN, Mr. HELMS, Mr. LEVIN, Mr. ROBERTS, Mr. ABRAHAM, Mr. MCCONNELL, Mr. ASHCROFT, Mr. BROWNBACK, Mr. KEMPTHORNE, Mr. THURMOND, and Mr. BURNS. As I say, Mr. President, I urge other Senators and their staffs to take note of this resolution and to consider joining as cosponsors within the next day or so because we welcome the support of Democrats and Republicans.

This resolution addresses some central issues regarding the conditions for U.S. agreement to revisions to the United Nations Framework Convention on Climate Change. In particular, it addresses the clear need for the participation of developing nations in the ongoing negotiations to undertake such revisions to the global climate change convention, first signed in Rio in 1992, at the so-called Earth Summit.

As my colleagues know, President Bush signed the United Nations Framework Convention on Climate Change in 1992, which was subsequently approved by the Senate and ratified. The treaty calls on all signatories to adopt policies and programs to limit their greenhouse gas [GHG] emissions on a voluntary basis. The goal was to exhort industrialized nations to attempt to scale back their emissions to 1990 levels by the end of the present decade, a goal that has not been achieved by the U.S. nor by the vast majority of the developed nations. Those nations that have met the voluntary goals are those like Russia, whose economy has been in a free fall, its industries idle and its people hurting. This is not the way that anyone wants to meet an emissions reduction target.

This is an important negotiation attempting to address the fundamental issues of man-created climate changes and how to limit the adverse consequences that have been projected by

recent scientific analysis. The perceived culprits in the warming of the globe—emissions of so-called greenhouse gases, including, particularly, carbon dioxide—are caused partly by fossil fuel combustion. Limiting and reducing such combustion and its resultant carbon dioxide are a principal objective of the treaty. It is an effort which has been led by Vice President AL GORE and he is to be highly commended for his sustained effort and achievement in moving this multinational negotiation along. The schedule for the negotiations to revise the Rio Pact is to culminate in meetings in Kyoto, Japan early this December.

The administration, as a result of the disappointing results of the voluntary goals contained in the 1992 agreement, has moved toward supporting mandatory, legally-binding, limitations on emissions to address the long-term effects of the greenhouse gases on the global climate. Worrisome as the prospects of adverse climate change are for all of us, I believe it is unfortunate that the developing world has not seen fit to step up to the plate and assume its clear responsibility to share in the effort being proposed by the United States to limit and reduce greenhouse gas emissions. This is most troublesome because without the participation of the developing world, the goals of the treaty will be largely frustrated, since the amount of carbon dioxide which will be produced by the developing world will exceed—get that—exceed in total, that produced by the industrial OECD nations very soon—by the year 2015. That is not very far away. Indeed, the amount of carbon emissions produced by China alone in that year will exceed the amount produced by the United States. So we are talking about the country with the greatest population in the world, China. India is another, and India probably has 800 million people, perhaps more. But I should emphasize that China alone, in the year 2015, which is only 18 years away, will exceed the United States in its production of carbon dioxide. China is rapidly accelerating her demand for electricity, soon to exceed that of the United States, but China has resisted all efforts to include her as a responsible party in the renegotiation of the Rio Pact.

Mr. President, the big carbon dioxide emitters of the developing world—including, as I have just indicated, in addition to China, the countries of India, Mexico, Brazil, South Korea, and Indonesia—cannot expect to continue or expand their extremely inefficient methods for fossil fuel combustion, producing huge, growing quantities of carbon dioxide, and at the same time insist that only the developed nations, the so-called Annex I nations under the Treaty, agree to legally-binding targets and schedules for limiting these gases. This is particularly troublesome, I believe, because, first, without the participation of the developing nations the process of climate change will continue without much human control. Second, there are certainly technological ways that fossil fuel combustion techniques can be made far more efficient than at present in these nations, so that the extent of economic sacrifice that may be required to limit greenhouse gas emissions may not be onerous if all nations will pull together. Third, under the Treaty, industrial facilities in the Annex I countries will be tempted to move behind the borders of developing countries in order to escape legally-binding controls on their greenhouse gas emissions because that means that if the developing countries are not also on the hook with the Annex 1 countries like the United States, industries will be tempted to go overseas and to send their factories overseas to those so-called developing nations that are not required, if they are not required, to commit themselves to abide by the standards that are to be negotiated by our Government. It would be cheaper, then, for U.S. industries to go overseas. That means our jobs will go overseas. We have seen too much of that already in West Virginia.

This would also frustrate the goals of the Treaty, and cause economic distress, as I have indicated, in the Annex I countries. The developing world should be encouraged to expand its industries in an environmentally responsible manner, knowing that it, too, must prepare to meet limits on greenhouse gas emissions, and not sink to the temptation for quick and dirty development by harboring industrial fugitives from the developed world's mandatory emissions controls.

Therefore, Mr. President, the resolution I am introducing today on behalf of myself and Senator HAGEL and the other Senators whose names I have stated, resolves that the United States should not be a signatory to any protocol to the Rio Pact or to any other agreement which would "mandate new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Countries within the same compliance period." In other words, what is good for the developed goose should be good for the developing gander, in that both should be responsible for their actions if the effort to clean up the global barnyard is to be anything other than a halfway effort. And a halfway effort, in the final analysis, rerves nobody.

In addition, Mr. President, it is not yet clear what regulatory and legislative initiatives may be required in the United States to implement the binding agreement now under negotiations. Therefore, the resolution would also require that any Treaty signed by the United States, when it is submitted to the Senate for its advice and consent, be accompanied by a "detailed explanation of any legislation or regulatory actions that may be required to implement the protocol or other agreement and should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the agreement." I understand that the distinguished junior Senator from Nebraska [Mr. HAGEL], Chairman of the relevant Subcommittee of the Foreign Relations Committee will be holding hearings on this matter beginning on June 19, and I commend him for this initiative.

This is a matter that will require substantial consensus building. That will take time. And I am delighted that Senator HAGEL will begin those hearings in the very near future, June 19. I hope that consideration of the resolution that we are offering today will be seen as a contribution to that consensus building process.

Now, there may have to be some adjustments made to the verbiage that we have chosen and I am sure that Senator HAGEL and the other cosponsors and I will be willing to consider any proposed adjustments, be willing to sit down and talk about any changes that need to be made. And with the hearings that Senator HAGEL plans to conduct, the opportunity will be offered to Senators to appear and make statements, expressing their support, raising questions, offering suggestions, as I say, or whatever. But the important thing is this. We must begin to engage in this consensus building.

Mr. CRAIG addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Idaho.

Mr. CRAIG. Mr. President, I thank you very much.

I stand this morning to join my colleague, the Senator from West Virginia [Mr. BYRD], in the introduction of a sense-of-the-Senate resolution on climate change negotiation.

The Senator from West Virginia and I agree that the administration needs to understand the Senate is very concerned about the potential adverse consequences of the proposed changes to the U.S. Framework Convention on Climate Change to which this body gave its consent shortly after it was signed by President George Bush at the Rio de Janeiro conference in 1992.

I hope this resolution will be a much needed wake-up call to the administration about the seriousness of the Senate's views on its current negotiating position. I do not think it was proper for this administration to change the position of the United States from a voluntary approach that was endorsed

by the entire developed world to a legally binding treaty to impose enforceable greenhouse gas reduction targets by a date certain.

I am particularly concerned the administration did not consult with Congress prior to taking this new position which I am told was reached in the early morning hours of the last day of the Berlin negotiations. Subsequently, the administration has not sought, and certainly not received, consensus support from the Senate on its new approach.

The attitude of this administration toward honest scientific inquiry is very troubling. I do not approve of using political science instead of real science. Mr. President, let me repeat that. I do not approve of this administration's use of political science instead of the real science that is critically necessary when negotiating and understanding an issue of this importance.

It is outrageous that this administration has been running around the country and the whole world, for that matter, claiming, as Deputy Secretary Tim Wirth has done on a number of occasions, that as far as the scientific hypothesis that human activity is warming the planet is concerned, "the debate is over."

Instead of fairly testing that hypothesis, this administration is using its $1 billion-plus annual budget to try to prove only that carbon dioxide is warming the planet and to discredit any studies that might appear legitimate to the contrary.

The Earth has warmed about a degree centigrade since the depths of the of the Little Ice Age of the early 1600's. All but a tiny amount of that increase occurred prior to World War II before significant human loading of carbon dioxide into the atmosphere. In fact, the world's scientists are still debating the extent, if any, to which human emissions of carbon dioxide rather than predominantly actual causes are actually increasing Earth temperatures.

There is agreement on one point, however: That any future change in world temperature caused by human activity will be slight and there is no reason to rush to a new agreement in Kyoto in December of this year.

Finally, Mr. President, it is unacceptable that this administration has refused to admit the details of its proposal or to release any analyses of the anticipated impact of the proposal. The administration has not revealed to us what kinds of differences its proposal would actually have on global temperatures.

The administration's negotiators have refused to release any of their internal economic studies that show huge decimation in the industrial sector of our economy. One can only assume that it is to ensure that they will have free rein to commit the United States to whatever they decide to do in the early morning hours of the last day of the Kyoto conference in December. This kind of secret planning and hidden agenda is contrary to a democracy, and, Mr. President, it is just flat wrong.

The administration should immediately start a more public debate and a more honest consultation with the Senate, which, after all, has the final say on whether the United States will be legally bound to any international agreement. A great time to begin to bring this position into the sunshine will be during the Foreign Relations Committee's hearings scheduled for next week by my colleague and the prime cosponsor of the resolution that is coming to the floor this morning, Senator HAGEL. So I look forward to a more open and honest airing of the issue.

I see the Senator from West Virginia is in the Chamber and let me again thank him for his leadership in the authoring of this very important sense-of-the-Senate resolution on global climate change. I am proud to be a sponsor and to work with him on this effort.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I thank my friend, Senator CRAIG, for his comments. He is a cosponsor of the resolution which I introduce, and I welcome his efforts and the work he is doing in support of the resolution. And I hope that we can get additional cosponsors as well. I am sure that he will be working to that end.

Mr. President, I see Senator HAGEL on the floor. He is the chief cosponsor of this resolution. I do not have the authority to yield to him unless he is appearing on my time, and I will do that. I have 30 minutes at the beginning, as I understand it, so I yield such time as he may consume from the time under my control to the distinguished Senator, Mr. HAGEL.

Mr. HAGEL. Mr. President, I am pleased to join the senior Senator from West Virginia in cosponsoring the resolution that he has brought to the floor this morning. As my distinguished colleague has already noted, this resolution deals with U.S. policy on the global climate issue. This is a very serious issue, with potentially disastrous consequences to the United States economy. Next week I will begin, as Senator BYRD noted, hearings in the Foreign Relations Subcommittee on International Trade and Export Promotion on the global climate negotiations.

Like Senator BYRD, I believe that the Senate must not simply wait until the negotiations are completed and then respond. If we do that, it then would be too late to exercise our constitutional responsibility to not only give our consent to treaties but, even more important, to give our advice to the President.

Next week, my subcommittee will be hearing from the Under Secretary of State for Global Affairs, Tim Wirth. Secretary Wirth has been the administration's chief negotiator in the U.N.'s global climate negotiations.

I will be following that first hearing a week later with a second hearing. We will ask fair questions, tough questions, and we will expect honest answers.

All Americans are concerned about our environment—of course, they are and should be—and how to ensure that it is protected for our children and our grandchildren.

The responsibility we have as public servants, as policymakers, is to seek the best solutions where problems exist and come to a strong and commonsense bipartisan consensus on what is the best policy to deal with this problem.

This resolution offers a general baseline for what we can accept as sensible, commonsense policy.

This resolution does not address all the specific concerns many of us have over this issue. We know that.

As the necessary debate over the global climate issue progresses over the next few months, we will have an opportunity to hear from all sides, just as Senator BYRD pointed out, and further open up this issue and talk about the specifics associated with the global climate issue.

How we deal with this issue of climate control will have serious consequences—serious consequences—for our economy, the environment, Americans' future standard of living, energy costs, energy use, economic growth, our global competitiveness, impact on jobs, trade, national security and maybe, Mr. President, most important, our national sovereignty.

All of these dynamics will be explored before the December meeting in Kyoto, Japan, formally known as the "Third Meeting of the Conference of Parties for the Framework Convention on Climate Change."

Mr. President, this is clearly a very serious issue that demands a major national debate.

The purpose of this resolution that Senator BYRD and I are offering today, with a number of our distinguished colleagues representing States from all over this country with varied economies, varied interests, is to begin that debate, to begin that debate today and to let the world know that the U.S. Senate intends to have a very serious and strong voice in shaping the American position on this global climate issue.

Mr. President, thank you, and I yield back my time.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HAGEL. Yes.

Mr. BYRD. The Senator made a very important point in closing his speech. Here sit the representatives of the people in this body. Here sit the representatives of the States. It is the only

forum in this country which represents the States. And so it is that it is important that this body have a voice, it is important that this body has a responsibility for oversight under the Constitution, has a responsibility to monitor the events and proceedings and developments.

It is not my desire to kill the treaty. We are going to have to face up to this problem. It is going to impact on our grandchildren and their children and their children and their children. And so we have a responsibility to face up to it now. It is not a pleasant thing to consider, to contemplate. But that is the purpose of the resolution. That is the purpose of the hearings the distinguished Senator will conduct. We want to be in on the takeoff, not just on the landing. We have a responsibility to our people, we have a responsibility to this country and to its future. So that is why we have introduced the legislation today, and I compliment the distinguished Senator, and I look forward to working with him in this important, all important, matter.

Mr. President, I ask unanimous consent that the resolution which I shall send to the desk may remain open for other signatories until the close of business today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. How much time do I have remaining?

The PRESIDENT pro tempore. The Senator has 5½ minutes remaining.

Mr. BYRD. I thank the Chair, and I thank my colleague again. I reserve the remainder of my time, send the resolution to the desk and yield the floor.

The PRESIDENT pro tempore. The resolution will be received and referred to the appropriate committee.

Mr. FORD. Mr. President, I rise in support of Senator BYRD's sense of the Senate Resolution on the issue of climate change. A few weeks ago I was back in Kentucky and my youngest grandson, Morgan, wanted some help on his math homework. At first we were both stumped over the list of word problems his teacher had assigned. Then, after all those years, a lesson one of my teachers taught me came back. She taught us to cut out all the extraneous words in those problems. Once we'd stripped it down, she promised we'd have a clear-cut math problem we could recognize how to solve. It wasn't long before Morgan and I had zipped right through those problems.

I think my colleagues will find the same method will work with the Global Climate Change Treaty that's currently being negotiated. It sounds complicated and impressive when you first look it over, but once you strip away all the extraneous language, it comes down to this simple equation. Rules benefitting the economies of developing nations plus rules penalizing the economies of developed nations add up to a big fat zero in net gains for the global environment.

That's because only developed nations would be legally bound by the treaty hammered out by negotiators—the so-called Berlin Mandate. Developing nations are off the hook.

Right now, developed nations and developing nations have about equal levels of carbon emissions. But within five years of the deadline, developing nations will have more than 1½ times the 1990 level of the developed world.

So when you subtract all the half-baked environmental promises, you find the equation is heavily weighted against America and especially against American workers. That's because the United States will have to make the steepest reductions and suffer the costliest and most damaging consequences. Preliminary estimates put the loss at 600,000 jobs each year.

And 600,000 jobs is probably a low estimate, because the treaty creates an enormous incentive for American businesses to shift more and more jobs overseas, to avoid the expensive emission reductions that U.S. businesses will have to meet.

The impact in Kentucky could be especially bad. Not only would miners working in the coalfields of Eastern and Western Kentucky suffer job loss, but many of the businesses and factories that have created a golden triangle in Northern Kentucky would be forced to close. And every single Kentuckian will face higher electric bills and higher gas prices.

But what should really make you scratch your head over this puzzler is that when you add it all up, we won't get a cleaner environment. We won't stop global warming. We won't even get reduced carbon emissions.

That's because every ton of reduced emissions in the United States and other developed nations will be made up—and then some—in the developing world.

So, here's a quick math review. You've got a treaty with devastating consequences for the American economy. You end up with virtually no environmental benefit. Stripped down it looks like nothing more than a massive foreign aid package paid for with American jobs.

It's clear that many American interests are being neglected by our negotiators and that we must come up with a better solution for the problem of global emissions.

Time is limited for the Senate to act to make it clear that the treaty, as currently reported, will get a failing grade. A December signing ceremony is already set for December in Kyoto, Japan.

Mr. President, I believe my colleague, Senator BYRD's resolution is the right method. It sets commonsense parameters for our negotiators to work from to assure that any treaty meets the goal of reduced emissions without penalizing one country over another.

And next time my grandson grumbles about why he has to learn things he'll probably never use again, I'll just remind him that when you get right down to it, even the most complicated global policy problems can be solved with some simple math.

Mr. ABRAHAM. Mr. President, I rise today to join Senators BYRD, HAGEL, and CRAIG to speak about the threat posed by the administration's support of an international global climate treaty. This is a very serious issue, and for too long it has not received the attention it deserves. I applaud Senator BYRD for focusing attention on this matter through his sense of the Senate resolution and I am pleased to be an original cosponsor.

In December of this year, the U.N. Framework Convention on Climate Change will conclude negotiations on a binding treaty to control the emissions of greenhouse gases by the developed nations. The Clinton administration has been pushing hard for such an agreement and intends to implement this treaty in the United States. I would note, however, that this treaty applies only to developed nations. Emerging nations are not included. Countries such as China, India, and South Korea will not pay the costs of the energy taxes or be constrained by the caps on manmade emissions as will the United States. It will be business as usual for these nations despite the fact that emissions of carbon dioxide, the primary greenhouse gas, from developing nations will shortly surpass those of the developed nations.

Despite this obvious flaw, such a treaty might yet be logical if we knew that clear benefits would be derived as a result, but we do not. Scientists are sharply divided as to whether the Earth is warming because of human activity. How then can we justify supporting a treaty which even the U.S. Department of Energy has concluded will be devastating to the economy? How can we seriously consider any proposal which will cost American jobs, slow economic growth, and encourage domestic industries to move offshore when the next century's greatest contributors of greenhouse gases will not share even the smallest portion of this burden. Mr. President, the answer is simple: We cannot and should not.

The United States has made dramatic improvements in pollution control in the last two decades. A clean environment is of paramount importance to Americans, and we will continue to work responsibly toward protecting this Nation's air, water, and land. We must not, however, saddle our economy with new taxes and regulations the sole purpose of which is to limit American productivity. We cannot enter into an agreement which will

do significant harm to our economy and put us at a competitive disadvantage relative to emerging nations when the jury is still out on the effects that mankind may have on climate change.

If future research provides irrefutable evidence that manmade emissions are contributing to global warming, then all Nation's should work together in concert to identify and reduce the greenhouse gases responsible for such a phenomenon. Today, we are far from having such evidence, and to act without it is simply not sound policy.

Mr. President, I yield the floor.

SENATE RESOLUTION 99—RELATIVE TO OVER-THE-COUNTER MEDICATIONS

Mr. DASCHLE submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 99

Resolved,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) The Food and Drug Administration has proposed that the content and format of over-the-counter (OTC) drug product labels be made more user-friendly to help consumers better understand how to properly use these medications.

(2) Almost 60 percent of total OTC drug product sales of $29,000,000,000 are made by community retail pharmacies, where a pharmacist is available for consultation with the consumer about the product.

(3) A significant number of potent prescription medications have been switched to OTC status over the last few years and others are likely to be switched over in the next few years. Many consumers may be unaware of the potential problems that may occur when OTC and prescription drugs are inappropriately used together, and should be encouraged to consult with their doctor and pharmacist. The pharmacist may have the only complete record of all the medications being taken by the consumer that would help avoid these problems.

(4) Pharmacists can help the consumer select the most cost-effective OTC drug product based on the symptoms presented to the pharmacist.

(5) Interaction with the pharmacist on using OTC drug products is particularly important for older Americans, who already use one-third of all prescription drug products and one-third of OTC drug products. As the population ages, older Americans are expected to use almost half of all OTC drug products by the year 2000. According to recent studies, the health care system, including the Medicaid and Medicare programs, incur billions of dollars in unnecessary costs each year as a result of medication-related problems.

(6) The importance of consumer interaction with the pharmacist about OTC drug products was recognized by Congress when it required that Medicaid prospective drug utilization review programs include screening for "serious interactions with nonprescription or OTC medications".

(7) Encouraging pharmacist interaction with consumers on OTC drug products is consistent with recent attempts by consumer groups, the pharmacy community, and the Food and Drug Administration to increase the quality and quantity of written and oral information being provided to consumers with their prescription medications.

SEC. 2. CONSULTATION.

It is the sense of the Senate that the Food and Drug Administration should include a provision in the Administration's new final regulation on the content and format of over-the-counter drug labels which requires that such labels include the phrase "Consult your doctor or pharmacist".

Mr. DASCHLE. Mr. President, today I am submitting a resolution that recognizes the essential role our Nation's community pharmacists play in protecting the public health and educating consumers about over-the-counter [OTC] medications.

The Food and Drug Administration has proposed revisions to the content and format of OTC product labels to make them more informative and consumer-friendly. Among these changes, FDA has proposed adding to OTC labels the recommendation: "Ask your doctor or pharmacist." The FDA is currently soliciting comments on this proposed change, particularly on the benefits and appropriateness of referring consumers to pharmacists for guidance on OTC medications. By demonstrating strong support for a labeling change that refers consumers to pharmacists as well as to doctors, this resolution acknowledges the relevant expertise of community pharmacists and the contribution they make in assuring proper use of OTC medications.

Each year, millions of Americans purchase medications such as painkillers, allergy medications, cold and flu remedies, and other products to treat nonacute medical conditions. Most of these products are purchased at pharmacies, where an on-site pharmacist is always accessible to help the consumer select the medication that is most appropriate and cost effective for them. The labeling change this resolution supports acknowledges that consumers face an intimidating array of medication options, and it reinforces the fact that pharmacists have the experience and expertise to help consumers make the right choice about their medications.

Making this labeling change is also a matter of public health. A significant number of potent prescription medications are now available on an over-the-counter basis, and many more are likely to be introduced. Most consumers are unaware of the potential problems that may occur when prescription drugs and OTC products are taken together. In some cases, the pharmacist may be the only health professional with a complete record of all medications being taken by the consumer. The pharmacist's intervention may well prevent tragic consequences.

Recommending that consumers consult with their pharmacist is particularly important for older Americans, who already use one-third of all prescription and OTC drug products. With the aging of the population, older Americans are expected to use almost half of all OTC medications by the year 2000. As OTC products proliferate and more potent medications become available, the risks to seniors and other consumers compound. It makes sense to foster the pharmacist-consumer link to minimize the potential problems that may result from this trend.

Finally, this labeling change can save the health system money. According to recent studies, Medicare, Medicaid, and the health care system as a whole incur billions of dollars in unnecessary costs each year as a result of medication-related problems. Input from the pharmacist can help reduce this wasted spending, and more importantly, prevent the needless pain and suffering this spending reflects.

For these reasons, I ask my colleagues to join me in urging the FDA to turn a good idea into a reality and make this labeling change. It is a minor revision that could make a major difference as consumers negotiate the increasingly complex array of medications available without a prescription.

SENATE CONCURRENT RESOLUTION 32—RECOGNIZING AND COMMENDING AMERICAN AIRMEN

Mr. HUTCHINSON (for himself, Mr. LIEBERMAN, Mr. HELMS, Mr. FAIRCLOTH, Mr. TORRICELLI, Mr. REID, Mr. SMITH of New Hampshire, Mr. SANTORUM, Mr. HAGEL, Mr. CRAIG, Mr. MACK, Mr. KOHL, Mr. MURKOWSKI, and Mr. ASHCROFT) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 32

Whereas during World War II, 168 Allied airmen were captured by the enemy and held as political prisoners at the Buchenwald concentration camp in Weimar, Germany;

Whereas the captured airmen included 82 Americans, 26 Canadians, 48 Britons, 9 Australians, 2 New Zealanders, and 1 Jamaican;

Whereas the facts and circumstances of their confinement are amply documented in the official records maintained by the National Archives and Records Administration;

Whereas a report from the International Red Cross concerning Stalag Luft III in Sagan, Germany, mentioned 6 American airmen held at Buchenwald, including one whose name does not appear on the lists maintained by the National Archives and Records Administration;

Whereas since the liberation of Buchenwald in 1945 numerous personal memoirs, scholarly books, and articles have been published describing the conditions at the concentration camp;

Whereas this extensive documentation records the extraordinarily inhuman treatment, deprivations, and personal suffering inflicted on the 168 Allied airmen and other inmates at Buchenwald; and

Whereas Allied Governments and veterans organizations outside the United States have

granted special recognition to their citizens and servicemembers who were held as prisoners of war in World War II concentration camps: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes and commends the American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their faithful service, personal bravery, and exceptional fortitude; and

(2) requests that the President issue a proclamation recognizing and commending the service, bravery, and fortitude of those airmen.

Mr. HUTCHINSON. Mr. President, I rise today, to join with my friend and colleague Senator JOSEPH LIEBERMAN, in submitting a bill that will give appropriate and well-deserved recognition to a group of World War II veterans who were held as German political prisoners at the Nazi concentration camp, Buchenwald. Fittingly, today is Shavout in the Jewish religion. This holiday commemorates the Jews receiving the Torah on Mount Sinai and celebrates their fleeing from Egypt.

First and foremost, I want to thank the original cosponsors of this bill: Senators HELMS, FAIRCLOTH, TORRICELLI, REID of Nevada, SMITH of New Hampshire, SANTORUM, HAGEL, CRAIG, MACK, KOHL, MURKOWSKI, and ASHCROFT.

Mr. President, Congressmen DAVE WELDON and PETER DEUTSCH will be introducing similar legislation later today in the House of Representatives.

These brave airmen were different from other Allied prisoners, because they were held at Buchenwald, a Nazi concentration camp—and therefore not subject to the protections of the Geneva Convention.

The Nazi concentration camps will forever occupy an ignominious place in our human history, and we have long recognized the bravery and daring of many prisoners who fought their Nazi oppressors and struggled to win political and religious freedom.

Tragically, Mr. President, the United States has never formally recognized the service, sacrifice, and bravery of these American airmen while they were held as political prisoners at the Buchenwald concentration camp.

Our bill, which has been endorsed by the American Ex-Prisoners of War and the Veterans of Foreign Wars, would recognize these 82 American airmen and ask that the President issue a proclamation commending their service. Mr. President, I do have a list of the names and whereabouts of these 82 American airmen and I ask unanimous consent that it appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF WW II AMERICAN AIRMEN HELD AT BUCHENWALD CONCENTRATION CAMP

NOT LOCATED

Freeman, E.C.
Hanson, J.T.
Horrigan, R.J.
Scharf, B.T.
Scott, G.W.

DECEASED

Alexander, William
Beck, Levit C.
Crouch, M.E.
Duncan, James H.
Heimerman, L.A.
MacLenahan, J.H.
Mauk, W.E.
Pecus, Steve
Pennel, Sam
Smith, J.W.
Vance, Ira E.
Wilson, P.J.
Zeiser, J.
Chapman, Park
Suddock, D.E.
Horwege, G.L.
Edge, W.L.

STILL LIVING

Bauder, W.F.
Bedford, R.L.
Bowen, C.E.
Brown, R.H.
Carr, F.W.
Chalot, J.A.
Chessir, D.
Coats, B.A.
Cowan, F.K.
Coffman, J.D.
Dauteul, D.F.
Denaro, Joe
Fore, J.W.
Hastin, J.D.
Hilding, R.D.
Hunter, H.F.
Johnson, R.T.
King, Myles A.
Larson, M.E.
Little, B.S.
Ludwig, E.F.
McLaughlin, D.G.
Mitchell, G.E.
Moser, J.F.
Pacha, A.M.
Paxton, S.K.
Powell, W.
Reynolds, N.L.
Richey, G.T. Sr.
Ritter, E.W.
Roberson, C.W.
Ryherd, W.H.
Shearer, D.R.
Straulka, P.A. Jr.
Sypher, L.H.
Thompson, W.A.
Vratney, Frank
Watson, J.P.
Ward, Robert
Williams, W.J.
Zander, A.E.
Phelps, B.F.
Pelletier, A.J.
Friel, Edward J.
Petrich, M.R.

Mr. HUTCHINSON. Mr. President, of the 82 American airmen, there are three from my home State of Arkansas: Mr. William Powell of Bella Vista, Mr. Frank Cowan of Harrison, and Mr. Robert Ward of Springdale.

Before I yield the floor, Mr. President, I want to take this opportunity to share the response of two of those Arkansans when they learned that this resolution was being introduced today.

Mr. William Powell said:

The recognition is long overdue. For decades, the Department of Defense and the International Red Cross have stated that there were no military personnel in Buchenwald. Yet as someone who was imprisoned there for 4 months I know of at least 55 other American soldiers who endured the hardships of this camp. Two men even lost lives there. And nearly all suffered diseases later in life because of the treatment they received while held in Buchenwald.

In the late 70s, early 80s, I joined with the other survivors of Buchenwald to push this government to recognize our service. We never wanted any money, we just wanted the United States Government to say, Yes, you were there, and we appreciate what you went through for our country.

I will quote from Mr. Frank Cowan:

It has been a long time coming, but finally our sacrifice will be acknowledged. Unfortunately, many of those who were at Buchenwald have passed on, nevertheless, there are many of us still alive to enjoy this.

Mr. President, I ask my colleagues today to join us in support of this important measure so those veterans still living, and the families and friends of those who have passed on, can fully realize the public recognition these brave men so surely deserve.

AMENDMENTS SUBMITTED

THE BIRTH DEFECTS PREVENTION ACT OF 1997

BOND AMENDMENT NO. 371

Mr. BOND proposed an amendment to the bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Birth Defects Prevention Act of 1997".

(b) FINDINGS.—Congress makes the following findings:

(1) Birth defects are the leading cause of infant mortality, directly responsible for one out of every five infant deaths.

(2) Thousands of the 150,000 infants born with a serious birth defect annually face a lifetime of chronic disability and illness.

(3) Birth defects threaten the lives of infants of all racial and ethnic backgrounds. However, some conditions pose excess risks for certain populations. For example, compared to all infants born in the United States, Hispanic-American infants are more likely to be born with anencephaly spina bifida and other neural tube defects and African-American infants are more likely to be born with sickle-cell anemia.

(4) Birth defects can be caused by exposure to environmental hazards, adverse health conditions during pregnancy, or genetic mutations. Prevention efforts are slowed by lack of information about the number and causes of birth defects. Outbreaks of birth defects may go undetected because surveillance and research efforts are underdeveloped and poorly coordinated.

(5) Public awareness strategies, such as programs using folic acid vitamin supplements to prevent spina bifida and alcohol avoidance programs to prevent Fetal Alcohol

Syndrome, are essential to prevent the heartache and costs associated with birth defects.

SEC. 2. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended to read as follows:

"PROGRAMS REGARDING BIRTH DEFECTS

"SEC. 317C. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects;

"(2) to operate at least 5 regional centers for the conduct of applied epidemiological research on the prevention of such defects; and

"(3) to provide information and education to the public on the prevention of such defects.

"(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

"(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

"(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, Blacks, Native Americans, Asian Americans, and Pacific Islanders;

"(B) shall collect data under subparagraph (A) from birth certificates, death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and

"(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

"(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

"(c) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1998 and of every second such year thereafter, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

"(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

"(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

"(4) describes the activities carried out under this section; and

"(5) contains any recommendations of the Secretary regarding this section.

"(e) APPLICABILITY OF PRIVACY LAWS.—The provisions of this section shall be subject to the requirements of section 552a of title 5, United States Code. All Federal laws relating to the privacy of information shall apply to the data and information that is collected under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1998, $40,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 and 2001.".

THE REIGLE-NEAL CLARIFICATION ACT OF 1997

SARBANES (AND D'AMATO) AMENDMENT NO. 372

Mr. SANTORUM (for Mr. SARBANES for himself and Mr. D'AMATO) proposed an amendment to the bill (H.R. 1306) to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank; as follows:

On page 1, beginning on line 4, strike "Clarification" and insert "Amendments".

On page 1, line 7, insert "(a) ACTIVITIES OF BRANCHES OF OUT-OF-STATE BANKS.—" before "Subsection".

On page 2, strike line 22 and all that follows through page 3, line 2 and insert the following:

"(3) SAVINGS PROVISION.—No provision of this subsection shall be construed as affecting the applicability of—

"(A) any State law of any home State under subsection (b), (c), or (d) of section 44; or

"(B) Federal law to State banks and State bank branches in the home State or the host State.

On page 3, after line 5, add the following:

(b) LAW APPLICABLE TO INTERSTATE BRANCHING OPERATIONS.—Section 5155(f)(1) of the Revised Statutes (12 U.S.C. 36(f)(1)) is amended by adding at the end the following:

"(C) REVIEW AND REPORT ON ACTIONS BY COMPTROLLER.—The Comptroller of the Currency shall conduct an annual review of the actions it has taken with regard to the applicability of State law to national banks (or their branches) during the preceding year, and shall include in its annual report required under section 333 of the Revised Statutes (12 U.S.C. 14) the results of the review and the reasons for each such action. The first such review and report after the date of enactment of this subparagraph shall encompass all such actions taken on or after January 1, 1992.".

Amend the title to read as follows: "An Act to amend Federal law to clarify the applicability of host State laws to any branch in such State of an out-of-State bank, and for other purposes.".

FEINGOLD AMENDMENT NO. 373

Mr. SANTORUM (for Mr. FEINGOLD) proposed an amendment to the bill, H.R. 1306, supra; as follows:

At the appropriate place, insert the following: "Nothing in this act alters the right of states under section 525 of Public Law 96–221."

THE AMERICAN SAMOA DEVELOPMENT ACT OF 1997

AKAKA AMENDMENT NO. 374

Mr. SANTORUM (for Mr. AKAKA) proposed an amendment to the bill (S. 210) to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes; as follows:

On page 25 of the Committee reported bill, beginning on line 7, delete

"identifying such property.

"(4)"

and insert in lieu thereof:

"identifying such property;

"(4) To real property described in the Guam Excess Lands Act (P.L. 103–339, 108 Stat. 3116) which shall be disposed of in accordance with such Act; or

"(5)"

THE PRODUCT LIABILITY REFORM ACT OF 1997, BIOMATERIALS ACCESS ASSURANCE ACT OF 1997

LAUTENBERG (AND OTHERS) AMENDMENT NO. 375

(Ordered referred to the Committee on Commerce, Science, and Transportation.)

Mr. LAUTENBERG (for himself, Mr. HARKIN, Mr. DURBIN, and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill (S. 648) to establish legal standards and procedures for product liability litigation, and for other purposes; as follows:

On page 9, line 14, strike "; or" and insert a semicolon.

On page 9, line 16, strike the period and insert "; or".

On page 9, between lines 16 and 17, insert the following:

(iii) any tobacco product or component of a tobacco product.

On page 11, between lines 14 and 15, insert the following:

(16) TOBACCO PRODUCT.—

(A) IN GENERAL.—The term "tobacco product" means—

(i) cigarettes;

(ii) little cigars;

(iii) cigars as defined in section 5702 of the Internal Revenue Code of 1986;

(iv) pipe tobacco;

(v) loose rolling tobacco and papers used to contain loose rolling tobacco;

(vi) products referred to as spit tobacco; and

(vii) any other form of tobacco intended for human consumption.

(B) CIGARETTE DEFINED.—For purposes of this paragraph, the term "cigarette" means—

(i) any roll of tobacco wrapped in paper or in any substance not containing tobacco that is to be burned;

(ii) any roll of tobacco wrapped in any substance containing tobacco that, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling is likely to be offered to, or purchased by consumers as a cigarette described in clause (i);

(iii) little cigars that are any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco that is a cigarette within the meaning of clause (i)), with respect to which 1,000 units have a weight of not to exceed 3 pounds; and

(iv) loose rolling tobacco and papers or tubes used to contain that tobacco.

Mr. LAUTENBERG. Mr. President, I rise to discuss an amendment I am submitting today to the product liability bill to protect the Nation's public health from the dangers of tobacco. I am joined in this effort by my colleagues Senator DURBIN, Senator HARKIN and Senator WYDEN.

Without this amendment, the product liability bill provides the tobacco industry with a backdoor escape hatch from the settlement negotiations in which they are currently engaged. Without this amendment, the tobacco industry will not have to make concessions to the public health community that could save millions of American lives.

Mr. President, 36 States have now gone to court to recover the millions of dollars in Medicaid and other health care costs that were a direct result of the tobacco industry's deceitful and deadly practices. Thousands of Americans who have been grievously injured by tobacco products, and the loved ones of those who have been killed by tobacco, are seeking compensation from the tobacco industry for their lethal and addictive products. Currently, a bipartisan group of State attorneys' general are involved in sensitive negotiations with the tobacco industry concerning compensation for the illness and death caused by its products. Whether one supports the concept of a settlement or not, the fact that the tobacco industry has come to the table is an amazing development.

They have come to the table because they realize that this President and enough of us in Congress will not allow them to continue seducing and poisoning our children without an appropriate response. They also know that they will be subject to increasing civil liability in the court system. I applaud the attorneys' general for bringing such strong cases against them, that they realized it was time to sit down and possibly release our Nation's children from their stranglehold.

Mr. President, right now, one of the major sticking points in the talks between the attorneys' general and the Big Tobacco is the issue of restrictions on product liability suits that will be brought against the tobacco industry in the future. The industry has asked for a cap on punitive damages, and it wants to eliminate joint and several liability in tobacco cases. The attorneys' general are currently trying to work this issue out with the tobacco companies.

Mr. President, 17 of these attorneys' general have signed on in support of our effort to remove tobacco from the scope of the product liability bill. I ask unanimous consent that letters signed by the attorneys' general endorsing this effort be printed in the RECORD. As time goes on, I expect additional pledges of support from more attorneys' general.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
June 12, 1997.

DEAR MEMBERS OF THE U.S. SENATE: We, the undersigned state Attorneys General, ask you to support the Lautenberg Tobacco Amendment to S. 648, the Product Liability Bill. While we do not in this letter take a position on the overall product liability bill, we support the exclusion of the tobacco industry litigation and tobacco from the scope of the bill.

Frankly, we are asking you not to let the tobacco industry off the hook. If the product liability bill passes without the changes contained in the Lautenberg amendment, the bill could affect the negotiations we are involved in today.

Senator Lautenberg's amendment excludes "tobacco products" from the scope of product liability litigation affected by S. 648. This is the right thing to do. Without the amendment, the tobacco industry will gain substantial protection without conceding anything to the state governments and public health advocates who are now at the negotiating table.

Therefore, we strongly urge you to support the Lautenberg Amendment. We are trying to make historic breakthroughs in these settlement negotiations. It would be a tragedy to take a step backwards.

Sincerely,

TOM MILLER,
Iowa Attorney General.
WINSTON BRYANT,
Arkansas Attorney General.
BOB BUTTERWORTH,
Florida Attorney General.
JEFFREY MODISETT,
Indiana Attorney General.
J. JOSEPH CURRAN,
Maryland Attorney General.
SCOTT HARSHBARGER,
Massachusetts Attorney General.
FRANK KELLEY,
Michigan Attorney General.
JOE MAZUREK,
Montana Attorney General.
HUBERT H. HUMPHREY III,
Minnesota Attorney General.
PETER VERNIERO,
New Jersey Attorney General.
TOM UDALL,
New Mexico Attorney General.
W.A. DREW EDMONDSON,
Oklahoma Attorney General.
D. MICHAEL FISHER,
Pennsylvania Attorney General.
JAN GRAHAM,
Utah Attorney General.
JAMES DOYLE,
Wisconsin Attorney General.
DON SIEGELMAN,
Alabama Attorney General.

ATTORNEY GENERAL OF MISSOURI,
Jefferson City, MO, June 9, 1997.

Sen. FRANK LAUTENBERG,
Washington, DC.

Re S. 648

DEAR SENATOR LAUTENBERG: I applaud your efforts to ensure that the tobacco industry is exempted from the coverage of S. 648, the Products Liability Bill. As Missouri's chief law enforcement officer, I have filed suit against a number of manufacturers of cigarettes and other tobacco products. I have been active in the negotiations between the Attorneys General of the suing states and the tobacco industry. The sweeping protections afforded manufacturers in S. 648 must not be extended to the tobacco industry during the pendency of these historic lawsuits and negotiations. Good luck with your amendment and thank you for your efforts.

Sincerely,

JEREMIAH W. (JAY) NIXON,
Attorney General.

Mr. LAUTENBERG. Mr. President, if the product liability bill passes in its current form, the tobacco industry will get what it wants, and the American public will receive nothing in return. As reported out of the Commerce Committee, the product liability bill will cap punitive damages and eliminate joint and several liability in tobacco liability cases. This would be another sweetheart deal for big tobacco, and it would undercut the state attorneys' general. This is unacceptable. And what will America lose if we don't pass my amendment? Mr. President, I say perhaps millions of lives.

The tobacco industry is on the verge of agreeing to stop marketing to American children, to stop lying and hiding the truth from the American public, to commit to actual target numbers for

reduction of teen smoking, to subject themselves to appropriate regulation by the Food and Drug Administration and to back real reforms that will put teeth into laws that prohibit the sale of cigarettes to kids. Do we in Congress want to throw that away forever? Do we want to give big tobacco the green light to continue seducing and addicting our children? I certainly hope not.

Mr. President, that is why it is critical that we pass my amendment, which would exempt tobacco products from the restrictions on liability covered by the product liability bill. Regardless of how any Senator feels about the overall goals of the product liability bill, exempting tobacco is the right thing to do. We should not sell out our Nation's public health to the tobacco lobby. Congress should not provide the tobacco industry with a back door deal through the product liability bill. To prevent this from happening, we must attach my amendment.

Mr. President, some of my colleagues might ask: "Why should we give tobacco litigation a carve-out from the restrictions of this bill?' The answer is simple and rather straightforward: The tobacco industry is unlike any other American industry. No other industry in this country kills over 400,000 Americans each year. No other industry has conspired to deviously addict children to its product. No other industry has submitted such highly questionable testimony to Congress and the courts. Is this Congress prepared to undercut unprecedented public health programs and give the tobacco industry the sweetheart deal they have been dreaming of? Is Congress going to bail out the industry once again? The American people won't tolerate it.

Mr. President, this Senator will do everything I can to prevent that from happening. I ask my colleagues to join me in support of this effort to remove tobacco litigation from the restrictions of the product liability legislation. It is the right thing to do for the public health, for our State's highest law enforcement officials, and most important, for our kids.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session to markup S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 12, 1997, at 2 p.m. to hold a markup/business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, June 12, at 4 p.m. for a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REAR ADM. AUDREY F. MANLEY

• Mr. FRIST. Mr. President, I rise today to recognize and honor the Deputy Surgeon General and Acting Surgeon General of the U.S. Public Health Service [USPHS], Rear Adm. Audrey F. Manley, as she retires upon completion of more than 20 years of faithful service to our Nation on July 1, 1997.

Upon her retirement Rear Admiral Manley will be leaving both the positions of Deputy Surgeon General, which she has held since February 1994, and Acting Surgeon General, which she has held concurrently since January 1995. She has served in each of these capacities with dedication and distinction as a principal Federal health advisor to the Nation on public health matters; advisor to the Assistant Secretary for Health on policy matters pertaining to the USPHS; and leader for approximately 6,200 active duty members of the Commissioned Corps of the USPHS.

Rear Admiral Manley, a native of Jackson, MS, graduated from Spelman College in Atlanta, GA. She received her medical education at Meharry Medical College in Nashville, TN, and was awarded a master of public health degree from Johns Hopkins University School of Hygiene and Public Health. Her training includes an internship at St. Mary Mercy Hospital in Gary, IN, a residency at Cook County Children's Hospital in Chicago, IL, and various fellowship, research, and teaching experiences. She has also held positions on the faculties of several medical schools.

Rear Admiral Manley became a member of the Commissioned Corps in 1976. Included among her many assignments are Director of Genetic Services, Bureau of Maternal and Child Health, Deputy Associate Administrator for Planning, Evaluation, and Legislation, and Associate Administrator for Clinical Affairs, Health Resources and Services Administration [HRSA]. In 1987, she was appointed Director of the National Health Service Corps, a HRSA component that furnishes primary health care providers to medically underserved communities throughout the country. In 1989, Rear Admiral Manley became the Principal Deputy Assistant Secretary for Health, working with the Assistant Secretary in providing leadership and support across the full spectrum of PHS policy and operational issues. She assisted in directing the eight agencies of the USPHS with a combined budget of $22 billion and 45,000 employees. She was designated Acting Assistant Secretary for Health from January 1993 to July 1993. In July 1993, prior to assuming her current responsibilities, Rear Admiral Manley was named Deputy Assistant Secretary for Intergovernmental Affairs, where she was responsible for 10 PHS Regional Offices and the Office of Emergency Preparedness. In this role she was the principal PHS officer responsible for coordinating the USPHS response to Hurricanes Andrew and Inikki, and Typhoon Omar; the Mississippi flood of 1993; the Los Angeles civil unrest (1991) and the Northridge earthquake of 1994.

Rear Admiral Manley's awards as a member of the Commissioned Corps include the PHS Meritorious Service Medal, the PHS Commendation Medal, the PHS Unit Commendation Award, the Surgeon General's Exemplary Service Medal, the PHS Distinguished Service Medal, and the Hildrus Poindexter Award. She has also received numerous honors and awards from a wide variety of outside organizations.

Mr. President, Rear Admiral Manley has truly been a great credit to the Commissioned Corps and the Public Health Service throughout her career. I know that my colleagues are personally aware of her dedicated service to her country, especially during the 2-years plus in which she provided critical leadership as the Nation's Acting Surgeon General. It gives me great pleasure to recognize Rear Adm. Audrey F. Manley and, along with my colleagues, to wish her a fond farewell as she concludes a distinguished career in the Commissioned Corps of the U.S. Public Health Service and assumes duties as the next president of Spelman College.•

EMPLOYMENT NON-DISCRIMINATION ACT

• Mrs. MURRAY. Mr. President, I am very pleased to join with my colleagues as an original cosponsor of the Employment Nondiscrimination Act of 1997. I speak as a strong supporter of this legislation, because I have always believed that every single American deserves fair treatment under the law no matter their gender, race, religion, or sexual orientation.

As one of only a few women to ever serve in the U.S. Senate, and the first ever from Washington State, I understand what it means to be part of a group that seeks fairness and equal opportunity. I have never advocated for any special protection or special class, just equal treatment and protection under the law.

Not long ago, many thought it would be impossible for women to serve in the

Senate, much less elected office of any kind. It was felt that this was not a suitable occupation for a woman and that by simply being a woman, meant you were incapable of meeting the demands of the job. It was alleged that women would take offense to the unpleasant world of politics and that the presence of women would somehow jeopardize the work done in the U.S. Congress. While these statements may seem impossible to believe today, they do illustrate what many women faced. However, these stereotypes were overcome, and I am confident that none of my colleagues today would deny the tremendous contributions women have made here, in the House, in State and local government, and at every level of public service.

People suffer when stereotypes based on fear or ignorance are used to justify discrimination. I do not believe elected leaders serve our country well if they deny any citizen equal opportunities and equal treatment under the law. A person's success or failure must depend on their qualifications, skills, efforts, and even luck. But, no one should be denied opportunities because of their race, gender, religion, or sexual orientation.

I am continually disappointed when I hear about cases of economic discrimination based solely on one's sexual orientation. It defies logic that in today's society any employer could refuse to hire an individual, deny them equal pay, or professional advancement and subject them to harassment simply because of their sexual orientation. We have a proud history of ensuring basic civil rights for all Americans. We have enacted landmark legislation that seeks to guarantee equal opportunity, but we have failed to ensure that these protections are extended to all Americans. The Employment Nondiscrimination Act will correct this wrong.

As we would all agree, discrimination based on race, gender, ethnic origin, or religion is not just unfair, but illegal as well. ENDA would simply add sexual orientation to this list. It is written even more narrowly than current law, because it does not allow positive corrective actions such as quotas or other preferential treatment. All it says, is a person cannot be treated differently in any decision related to employment, based on their sexuality—whether they are heterosexual or homosexual. Mr. President, this is a reasonable expectation and in fact it has been adopted by nine States, many local governments across the country, and many Fortune 500 companies, who recognize that it simply makes good business sense to value each and every one of their employees equally. It is time our laws reflect these values as well.

To my colleagues who believe this bill would result in increased litigation, I would ask these questions: Should we then have denied women equal rights, because it would have increased the number of cases in our courts? Should we have allowed segregation to continue because of the threat of litigation? Did the Framers of our Constitution think about caseloads in our courts when they guaranteed religious freedom?

My answer to these questions is a strong, clear "no", and I am surprised at the arguments against this legislation. They sound hauntingly familiar to the ones we have heard in the past against allowing women, the disabled, religious members, and racial groups equal protection under the law and equal economic opportunity.

Mr. President, this is not about one group's protection at another's expense. It is about common sense, common decency and about our fundamental values as Americans.

To quote former Senator Barry Goldwater, "anybody who cares about real moral values understands that this is not about granting special rights, it is about protecting basic rights."

In the last Congress, we came within one vote of adopting this important, bipartisan legislation. I urge my colleagues to support this measure so that we can continue our proud tradition of protecting basic civil rights and opportunity for all Americans. If we do not pass this bill, our sisters and brothers, sons and daughters will remain vulnerable to discrimination. We can do better than that.●

TRIBUTE TO MORTIMER CAPLIN

● Mr. WARNER. Mr. President, as a former student and longtime friend of Mr. Mortimer Caplin, I rise today to honor him as a dedicated professor of law at the University of Virginia as well as for his service to the United States. He is well known to the Members of the Senate for his expert counsel in the field of tax law, and is known to people everywhere as a man of the highest integrity and deepest commitment to public service. Mr. President, I ask that you join me in recognizing the invaluable contributions of Mr. Caplin by submitting for the RECORD the following remarks made by his son, Michael Caplin, on the occasion of the naming of the Mortimer Caplin Pavilion at the University of Virginia.

The remarks follow:

DEDICATION OF THE MORTIMER CAPLIN PAVILION AT THE UNIVERSITY OF VIRGINIA LAW SCHOOL, MAY 3, 1997

(By Michael Caplin)

On a cold winter day in 1932, Daniel Caplin drove his only son Mortimer from New York City to central Virginia to visit family friends. If truth be told, Mortimer didn't really want to go, and joined the expedition under protest.

By the time they reached Charlottesville, a light snow had gently draped the town and the University grounds in a sparkling blanket of white. Like everyone who has ever seen that wondrous sight, Mortimer Caplin was completely enchanted.

They stayed the night, and fate bumped them into a childhood friend then enrolled at the University. He took them both to Pi Lambda Phi, where a warm fraternal welcome made the young man feel very much at home. On they went to watch the mighty U.Va. boxing team successfully defend its honor before an adoring crowd of 5,000 packed into Memorial Gym. Mortimer Caplin was captivated by the fierce pride, the superior sportsmanship, and the magical presence of Thomas Jefferson.

Thus began what is now a sixty-five year relationship which has enriched them both. He enrolled in the college and then the law school, and immersed himself in every aspect of campus life-arts, athletics, scholarship, and student government. Here he learned many lessons and skills with which he fashioned a life of stunning achievement. For that he is profoundly grateful. And, like Mr. Jefferson, Mr. Caplin believes that there is a debt of service due from every man to the community which has enriched him. It's a debt he is proud to repay.

He does so by serving our University as a committed teacher, and a distinguished and devoted alumnus. Mr. Caplin also serves on the Law School Foundation, as Chair of the University Council for the arts, and, formerly, as a member of the University Board of Visitors. Most recently, he is Captain of the Law School's bold $100 million fund raising campaign.

When I heard about that campaign, I asked my father if he could honestly say that the world really needed more lawyers. Without a moment's hesitation, he replied with complete innocence, "The world will always need more Virginia lawyers."

That's how he feels about this special place, and that is why he continues to serve our University with unflagging enthusiasm and energy. He always has and always will do whatever he can to preserve and strengthen his most important institution.

Commitment and service of this caliber are very special. My father is a very special person and a very special role model. He is a quiet giant of a human being—a great man who does everything, truly everything, with modest excellence, impeccable integrity, fairness, generosity, and an innocent steadfast faith in the character and value of all people.

Like his father, our Grandpa Dan Caplin, he lives life, attacks it with gusto, and finds joy in everything he does. He laughs with children, chats with strangers, and gives help to anyone in need. He rejoices at the sweet smell of spring, and celebrates the glory of theater, art, and dance. His energy and enthusiasm are boundless.

You may know him for his scholarly articles, his learned discourse, and his many contributions to our government, our society, and our school. You should also know him for the funny games he plays with his grandchildren, lying on the floor, sharing their fantasy babble. That, too, he does with fervor and flair.

He loves his family with a fierce and constant passion that makes us feel strong and safe in a chaotic world. For 51 years he has always made time to check our homework, cheer our victories, examine our failures, support our dreams, and exhort us to make hard choices and disciplined commitment necessary to excel. He is a wonderful, wonderful father. And for 54 enchanted years he celebrated his greatest love and matchless muse, my mother, Ruth Caplin. He is a devoted husband.

Mortimer Caplin is a very special man. He has excelled in everything. His life story is

simply remarkable. He was a skillful actor in college and president of the Virginia Players. He was an NCAA boxing champ, graduated first in his college class, first in his law school class, and was Editor in Chief of the Law Review.

Did you know he commanded a navy battalion during the D-day landing at Omaha Beach? Or, that he might have worked at the FBI if his applications had not been mysteriously lost again and again and again. I thank you, J. Edgar Hoover.

Did you know that when he came to teach at U.Va., Mortimer Caplin was not a tax expert or especially versed in trusts & estates. He was a corporate law buff, but threw himself into these new areas with typical abandon, mastering them, and then teaching with aplomb.

Like his father, he was dedicated to his students, and gave them his very best. And, like his father, he is proudest of his work as a teacher. He trained and disciplined a legion of young lawyers to become assets to their profession and community. Two of those students extolled his vast talents and wisdom to their big brother, who then called Mr. Caplin back into public service, where he served with integrity and distinction.

Caplin & Kennedy's IRS never investigated enemies. They computerized, closed loopholes, and spread the tax burden equally. His superior performance earned him the Treasury Department's highest honor, the Alexander Hamilton Award.

The law firm he founded is excellent, staffed with good, civilized people who, like himself, care about the law and a duty of superior service. And the capital campaign committee under his exuberant leadership, has nearly reached its stunning $100 million goal, including the creation of this magnificent pavilion.

This is an exemplary life. And, on top of all that, you should know that he's been going to the gym at least 3 times a week for 60 straight years, he is at all times within 3 pounds of his college fighting weight, and he is currently #2 nationwide in the number of lengths swum in the 80 years and older category, and it's reported that #1 is probably taking steroids.

I'm very happy to stand here today on behalf of my family to say that we love our father dearly, that we are very proud to be Caplins, and that we thank you all very much for giving him this wonderful honor that he most certainly deserves.

Our society and our school really are better because of the effort and achievement of Mortimer Caplin. And we all really are enriched by his example of life lived passionately on every single level. We all are summoned by his example of integrity, civility, fearless enthusiasm, and uncompromising discipline and resolve. Hit first, hit hardest, and keep on hitting, his U.Va. Boxing coach once said. And so he does. Focus, give of yourself honestly and unselfishly, be optimistic, be kind. Then, everything is possible.

Congratulations, Mr. Caplin, and thank you for doing everything for everybody.●

RECOGNITION OF SUE MATTHEW AND JAN WEGENKE'S ASSISTANCE DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Sue Matthews and Jan Wegenke in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND and 10,000 residents of East Grand Forks, MN were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Sue Matthews and Jan Wegenke are nurses at the Fort Meade Veterans Administration facility in South Dakota. Both Sue and Jan volunteered to travel to Grand Forks and helped victims with mental health issues. In addition to the counseling, Sue and Jan lent a hand wherever needed, including helping many individuals clean out their damaged homes.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of people like Sue Matthews and Jan Wegenke illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. Sue Matthews and Jan Wegenke illustrate how two individuals can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

RECOGNITION OF THE McCOOK COUNTY SEARCH AND RESCUE UNIT'S ASSISTANCE DURING THE NATURAL DISASTERS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of the McCook County Search and Rescue Unit in ongoing disaster recovery efforts in South Dakota.

Early this year, residents of Minnesota, North Dakota and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD was completely underwater when record low temperatures turned swollen streams into sheets of ice.

At the height of the snowstorms in South Dakota, the individuals of the McCook County Search and Rescue Unit donated over 480 manhours in a 3-day period driving at 3 miles per hour to 4 miles per hour in zero visibility. Wind gusts of 40 miles per hour dropped the temperature to nearly 70 degrees below zero as the individuals followed snow plows for 263 miles to rescue families without heat and stranded motorists from all over the county.

While those of us from the Midwest will never forget the destruction wrought by this year's snowstorms and floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from vicious winter weather and rising flood waters. The selfless actions of the McCook County Search and Rescue Unit illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair our impacted communities. The individuals at the McCook County Search and Rescue Unit illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

RECOGNITION OF RENEE PARKER AND THE RAPID CITY UNITED WAY'S ASSISTANCE DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Renee Parker and the Rapid City United Way in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, S.D. to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, S.D. was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, N.D. and 10,000 residents of East Grand Forks, MN were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Renee Parker organized a United Way Jeans Day promotion that continues to amass monetary funds for flood victims. Many families escaped rising flood waters in the dead of night, often with only the clothes on their back, and ultimately lost everything in their homes. I am pleased to say the Jeans Day promotion has collected over $6,350 to help buy goods for these families. Renne Parker has also been instrumental in organizing the Jeans Day promotion for flood victims on a national basis.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of people like Renne Parker and organizations like the Rapid City United Way illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. Renee Parker and the Rapid City United Way illustrate how individuals can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

RECOGNITION OF BUTLER MACHINERY'S ASSISTANCE DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of individuals at Butler Machinery in Rapid City, SD, in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for three weeks. The city of Bruce, SD, was completely under water when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city under water and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Butler Machinery offered free transportation of flood relief items, including food, clothing, bottled water, and toys to Grand Forks. Many families escaped rising flood waters in the dead of night, often with only the clothes on their back, and ultimately lost everything in their homes. I am pleased to say that Butler Machinery has transported over 30 truckloads of items so far to Grand Forks, helping families rebuild their lives. In addition, Butler Machinery has raised nearly $500,000 in donations for flood victims.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of the individuals at Butler Machinery illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. The individuals at Butler Machinery in Rapid City illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

RECOGNITION OF CHUCK TINANT'S ASSISTANCE DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Chuck Tinant in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely under water when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city under water and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

As chairman of the Dakota Disaster Relief Fund, Chuck Tinant has been spearheading volunteer efforts on behalf of the Rapid City Chamber of Commerce. Through Chuck's coordination, the relief fund has raised over $78,000 for flood victims. In addition, Chuck helped organize efforts by students from area high schools and elementary schools, local businesses, and concerned individuals to collect and ship cleaning supplies, toys, furniture, school books, and food items to Grand Forks.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters.

The selfless actions of people like Chuck Tinant illustrates the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. Chuck Tinant illustrates how an individual can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking him for his selfless efforts.•

SERVICE IN AMERICA

• Mr. REED. Mr. President, in April, President Clinton with former Presidents Bush and Ford convened a Summit on Service in Philadelphia. They and other national leaders called upon young people to serve their communities and urged them to spread the spirit of service throughout the country.

The Corporation for National Service [CNS] is among those advancing this spirit. Its mission, as my colleagues are well aware, is to help the country meet its educational, environmental, and public safety needs through service projects conducted and led by young people. The young people who participate in the AmeriCorps Program assist needy individuals, families, and their communities, while building their own self-esteem and earning grants to help them meet the financial costs of higher education.

Since its inception, the Corporation for National Service has taken steps to address the charges of its critics by making necessary changes. Today, CNS fulfills its mandates successfully, efficiently, and cost effectively. In fact, a University of Minnesota study shows that AmeriCorps Programs in that State return $3.90 in benefits for every dollar spent. Studies in Washington State reveal a similar return on investment.

When the Senate considers the reauthorization of the Corporation for National Service, I hope we will continue to foster the spirit of service that was celebrated in Philadelphia. To open the discussion, I ask my colleagues to take the time to read an article entitled "The Value of Service," which appeared in the June edition of Government Executive magazine. This article offers, I believe, a balanced view of CNS's first 4 years. Mr. President, I ask that it be printed in the RECORD. The article follows:

THE VALUE OF SERVICE

(By Annys Shin)

These should be heady days for the Corporation for National Service, the 4-year-old agency that oversees AmeriCorps, President Clinton's pet program to give students financial aid in exchange for a year of community service.

In February, Clinton announced in his State of the Union address that he would use thousands of AmeriCorps volunteers to mobilize an army of reading tutors for grade-school children. In March, CNS chief executive Harris Wofford got a favorable reception on Capitol Hill when he testified before the House and Senate on his agency's budget request. A month later, he stood with President Clinton and former President Bush at a summit meeting on national service in Philadelphia.

All this just a year after AmeriCorps' budget was zeroed out by the House (only to be restored later in negotiations with the Senate) and Congress failed to bring CNS' reauthorization up in committee.

Still, CNS is still fighting to prove that its programs are worth the $600 million a year taxpayers spend on them.

President Clinton's proposed tutoring effort, known as the America Reads Initiative, has further raised the stakes for AmeriCorps and CNS. The Clinton administration has requested $1 billion over the next five years to cover the costs of the program and an additional 50,000 AmeriCorps Challenge Scholarships. Any funding increase or new service initiative can't go forward unless CNS is reauthorized by September, according to a CNS spokesman.

Since CNS is the Clinton administration's most significant expansion of the federal bureaucracy, its leaders have been meticulous since 1993 about measuring the results of their programs to show that they work. Other federal operations will soon follow suit, as the Government Performance and Results Act of 1993 takes full effect, forcing agencies to develop outcomes-based approaches to running their programs.

However, few agencies are likely to face the relentless criticism that CNS has from its Republican opponents, who see the agency and its programs as little more than a political boondoggle. So far, reams of positive data have not been enough to get CNS out of the partisan cross hairs.

AMERICORPS UNDER SIEGE

At the center of all the controversy is AmeriCorps, CNS' flagship program. The agency administers two other service programs, Learn and Serve and the Senior Corps, but neither have received the scrutiny AmeriCorps has.

CNS jointly administers AmeriCorps with 48 state commissions, which vary in size. CNS gives half of AmeriCorps grant funding to the state commissions, which then issue sub-grants to projects. CNS directly funds projects with the rest of the money.

AmeriCorps members are involved in a variety of activities, including assisting crime victims, immunizing children, restoring national parks, developing community-based health care programs and setting up credit unions in low-income communities. In return for a year's service, they get living allowances of $7,600 a year, which can be supplemented by the member's employer. They also receive an education award of $4,725 to put toward paying off student loans or to finance higher education or vocational training. Members can receive living allowances and education grants for up to two terms of service.

Last year, the $215 million that AmeriCorps distributed in the form of grants to states and direct funding of projects went to 450 programs that operate at more than 1,000 sites nationwide and employ 24,000 AmeriCorps members.

None of AmeriCorps' critics have disputed the value of building housing for low-income families or teaching children to read. But some members of Congress question whether the program's benefits are worth its cost to taxpayers.

At many federal agencies, the cost-benefit calculation is far from simple. The Government Performance and Results Act is supposed to help by forcing agencies to come up with strategic plans and to measure the results of their programs. "The Results Act is a major culture change for most agencies," says Jerome F. Climer, president of the Congressional Institute, a think tank that studies governmental reforms.

But at CNS, which was created the same year GPRA became law, no such culture change is necessary. "There was a decision made early on in the program that AmeriCorps had to be judged on the basis of what it actually accomplished, on services delivered," says Steven Waldman, assistant managing editor at U.S. News and World Report, who wrote The Bill (Viking, 1995), a book about Clinton's effort to start a national service program, and later served as Wofford's senior policy adviser. "It was not sufficient to have anecdotal evidence that it was good for the AmeriCorps members. We had to have proof that it was good for the communities it was serving."

COSTS AND BENEFITS

But measuring community impact has proved to be easier said than done. Older service programs such as the Peace Corps have tended to focus more on participant benefits, in part because the impact on participants is easier to gauge than the effect on communities, says JoAnn Jastrzab of the Boston research firm Abt Associates, who has studied some of AmeriCorps' efforts.

Last July, Jastrzab and her colleagues released the findings of a 14-month study of the country's eight largest and most-established youth conservation corps, which get about a third of their funding through AmeriCorps. The study was funded by CNS.

Jastrzab followed participants in one Washington state project who went out into fields armed with toothbrushes to talk to migrant farm laborers about oral hygiene and to try to persuade them to visit a local health clinic on a regular basis. Other volunteers served as translators in the clinic. These services may have raised the number of workers who receive preventive care, and the eventual cost-savings of such preventive care to taxpayers could be measured, Jastrzab concluded, but documenting it could be costly and would require a separate study.

Nevertheless, after comparing operating costs to the value of service provided and the gain in participant earnings in the 15 months following service, Jastrzab and her colleagues estimated that each hour of service youth corps members performed resulted in $1.04 more in benefits than it cost to employ them.

Evaluators have come up with similar cost-benefit ratios for other AmeriCorps programs. Researchers from the Northwest Regional Educational Laboratory found that every federal dollar invested in two Washington state AmeriCorps projects yielded a return up to $2.40 in benefits. University of Minnesota researchers found benefits up to $3.90 for each federal dollar put into several Minnesota AmeriCorps projects. CNS officials say such figures show taxpayers are getting bang for the bucks AmeriCorps spends.

CNS officials have also compiled lists of AmeriCorps project accomplishments. The San Mateo, Calif.-based research firm Aguirre International studied the program's first year of service and put together a list of beneficiaries, which included 10,000 children who were escorted to school through safe

corridors, more than 1,000 teen-agers who received counseling about drug and alcohol abuse, more than 700 families who were able to move into new or refurbished homes, apartment units or shelters, and more than 1,200 people with AIDS who received services.

TRACKING RESULTS

But whether this laundry list of good deeds translates into long-term impact is another story. AmeriCorps participants, says Lance Potter, director of evaluation at CNS, "are people who are out there to solve the problem of homelessness or to teach every child to read. They don't have goals that you can reach in a year."

However, social scientists say that the long-term effect of service programs can be measured through studies that track, for example, literacy rates in areas where AmeriCorps members serve as reading tutors. Such studies are being designed, Potter says. In September, research firm Aguirre International is slated to issue a report on the long-term impact of AmeriCorps' programs.

Tracking the benefits of service work on the people who join AmeriCorps is also a challenge. As with gauging a project's community impact, economists and social scientists have yet to slap a price tag on boosting participants' self-esteem, raising their job aspirations, or increasing the likelihood that they will volunteer in the future.

Adding another wrinkle to measuring benefits to participants is AmeriCorps members' demographics. Programs such as the Youth Corps recruit mostly among disadvantaged youth. When comparing kids who participate in Youth Corps to a group of their peers who didn't, gains in educational attainment or work experience show up clearly. But in evaluating AmeriCorps members, who are recruited regardless of socio-economic status and tend to be older, more educated and better off than Youth Corps members, the benefits to participants are sometimes less dramatic.

An Abt Associates study of Youth Corps programs found they did little to boost the incomes or job opportunities of white male participants when compared to white males who didn't perform a year of service. Black and Hispanic participants, on the other hand, made more money and got better jobs than their non-service counterparts.

The findings reflect a better job market for white males, says Jastrzab, not a detrimental effect of service. But without detailed explanation, the finding gave the appearance of failure.

"When the findings come around to showing different impacts on young people by race, then CNS wants to distance itself from that," says Andy Moore, a spokesman for the National Association of Service Conservation Corps. "This study was publicized in spite of CNS, not because of it."

When there really is bad news about a AmeriCorps-backed project, it doesn't necessarily mean the project loses its funding. But projects that show no interest in completing evaluations at all probably will be cut off, according to Potter.

After its first year, CNS defunded only 50 AmeriCorps grantees, and only 20 in its second year. "We don't want to be in the business of punishing programs for finding out that they have shortcomings," Potter says. "If we do that, we send the message that we don't provide an incentive for them to look hard at their program and find ways to improve it."

In order for an outcome-based approach to work "there must be consequences," argues the Congressional Institute's Climer. "Poorly performing programs must be repaired." There also have to be rewards for improvements, he says.

AmeriCorps' critics have kept CNS officials keenly aware of what will happen if the agency doesn't meet their expectations. This spring, AmeriCorps' congressional critics were disappointed by what they saw as the agency's lack of improvement in management practices and cost control, and renewed threats to kill the program if it doesn't make significant strides over the next year.

Such threats carry greater urgency in the current climate of deficit reduction.

"One of the greatest difficulties that we have is that [AmeriCorps'] funds compete directly with dollars for federal housing programs, veterans benefits, the space program, natural disaster relief and more than a dozen other federal agencies," says David Lestrang, an aide to Rep. Jerry Lewis, R-Calif, chairman of the House Appropriations subcommittee that has jurisdiction over the CNS budget. "It all comes down to a matter of priority. I know this is a priority for the administration but they have to weigh it against other priorities. For Congress, the jury is still out on AmeriCorps."

"If you focused entirely on the cost, you could justify killing any program if you never looked at the benefits," counters Waldman.

DUAL GOALS

The question of whether CNS' programs are cost-effective depends largely on how you define its goals.

In the National and Community Service Trust Act of 1993, the agency's mission is defined as helping "the nation meet its unmet human, education, environmental and public safety needs." But President Clinton also sold AmeriCorps as a way for young people to earn money for college.

Senator Charles Grassley, R-Iowa, a vocal AmeriCorps critic, doesn't dispute the benefits of its programs. But he questions whether it is an efficient way to help kids get to college.

Grassley "has no problem with the work AmeriCorps volunteers are doing-it's valuable work," says Jill Kozeny, one of his aides. "He has a problem with the huge burly cost structure."

Grassley has commissioned several General Accounting Office studies of CNS operations. Two years ago, a GAO study he ordered concluded that the agency was expending about $17,000 in resources on each AmeriCorps participant. Adding state, local and private support for the program, GAO pegged average resources per participant at $26,654. Grassley said this figure was way too high. He also blasted CNS for giving grants to other federal agencies and not garnering more private support for projects.

CNS officials say it's unfair to include other federal, state, local government, and private contributions when estimating program costs. But last year CNS chief executive Harris Wofford said he would implement a plan to require grantees with above average per-participant costs to lower them by 10 percent in the next grant cycle. Wofford also agreed to end funding to other federal agencies, which had totaled $12 million a year for programs such as WritersCorps, a tutoring program underwritten by the National Endowment for the Arts. And he said he would raise requirements for matching private funds from 25 percent to 33 percent of a grantee's budgets. Grassley then helped save AmeriCorps funding for another year.

In March of this year, Grassley and others found more fodder for discontent in another GAO report on the role of state commissions in administering AmeriCorps. The report included costs, attrition rates, and rates of educational award usage among several AmeriCorps projects. One project, the Casa Verde Builders Program in Texas, had an attrition rate of more than 50 percent and cost $2.5 million, half of which came directly from CNS. Grassley's office estimated costs for the program at close to $100,000 per participant.

"We have to look at whether this program is the most cost-effective way to help people go to college," Grassley said on NBC Nightly News shortly after the report came out.

Wofford protests that AmeriCorps is not simply a scholarship program, but a national service one as well.

That is exactly what bothers some of AmeriCorps' critics, who say that the federal government shouldn't be in business of promoting service. Rep. George Radanovich, R-Calif., abhors the idea that AmeriCorps members are in essence "paid to volunteer," according to one of his aides, Fred Greer. "The aim is worthy," Greer says. "But why does it have to be a public program from the start?"

AmeriCorps supporters counter that federal investment is a vital catalyst to boosting community service and a necessary incentive for overworked citizens to volunteer.

Still, even the most ardent AmeriCorps supporters are starting to concede that the non-government sectors have a bigger role to play in national service. At the April summit on service in Philadelphia, Clinton proposed the creation of 50,000 new AmeriCorps Challenge grants that would allow AmeriCorps to add 33,000 members over five years. The new grants would only cover the education award; private and nonprofit organizations would pick up the tab for other program costs and living expenses.

"We're extremely open-minded to ideas from all parts of the political spectrum on how to make national service work," Waldman said in an interview before he left the agency. "Outside of Washington, AmeriCorps is much more a nonpartisan issue."

Congressional opposition puts CNS officials in a bind, because they're forced to be accountable for the effectiveness of projects that they don't directly run, half of which they don't even choose to fund. "Congress set it up this way and if they believe in it they ought to take it seriously," Waldman said. "It puts us in a ridiculous position: Congress wants us to not have any control but hold us accountable."•

TRIBUTE TO THE TOWNS OF NASHUA, PORTSMOUTH AND MANCHESTER ON BEING NAMED TO MONEY MAGAZINE'S BEST PLACES TO LIVE IN AMERICA

• Mr. SMITH of New Hampshire. Mr. President, I rise today to recognize the great citizens of Nashua, NH, Portsmouth, NH, and Manchester, NH, on being named to Money magazine's best places to live in America. Nashua, NH, came in at No. 1, with Portsmouth and Manchester finishing fifth and sixth respectively based on Money magazine's rankings.

The national investment magazine released their list of America's top ten communities based on business climate, economic well-being, quality of

life and other factors that comprise a positive environment in which to work and raise a family. New Hampshire's tourism industry, scenic beauty, lack of sales or income tax, low crime rate, quality education, and family and community spirit make the State attractive for families and businesses to locate here. The people of these communities, and of the entire State, have good reason to be extra proud.

Nashua, the Gate City of the Granite State, named number one by Money magazine, is the only State to receive this honor twice, of which I and the citizens are very proud. The former mill town which borders the Commonwealth of Massachusetts, has a booming economy with manufacturing facilities, hi-tech firms, and defense contractors. Nashua is also close to many cultural arts venues and major medical faculties of neighboring communities, which make it number one as touted by Money magazine.

Portsmouth, New Hampshire's Port City, placed sixth as the most desirable place in the country. The Portsmouth community relies on many major technology and communications firms to help thrust to the forefront of the Nation. The Portsmouth community is a great place to raise a family with its many fine schools and major colleges nearby including the University of New Hampshire in nearby Durham. The Port City is also the home of one of our Nation's finest military institutions, the Portsmouth Naval Shipyard.

Manchester, the Queen City, picked up the sixth place honors in the Nation. The Queen City has many high-tech firms and major telecommunications businesses which help add to the economic power of the city. Manchester sits on the banks of the Amoskeg river, the home to many of the historic manufacturing plants of the late 1800's and early 1900's. Situated in the Merrimack Valley of New Hampshire, Manchester is also home to a booming cultural arts center which is the pride of northern New England.

Mr. President, it is no surprise that New Hampshire is the only State with three towns in the top ten. I can think of no cities in America more deserving of these top honors than Nashua, Portsmouth, and Manchester. I applaud the local officials, enterprising businessmen and women, and the committed citizens of these great cities. They helped bring about an economic revival that has propelled New Hampshire into national recognition once again. I am proud to represent them all in the U.S. Senate.•

NATIONAL HOME OWNERSHIP WEEK

• Mr. SARBANES. Mr. President, this week we mark the second anniversary of the National Home Ownership Week. I rise to join with my constituents and citizens across the Nation to celebrate the efforts to promote and expand the rate of home ownership in this country.

It is my view that home ownership activities foster and encourage the revitalization of neighborhoods. Home ownership stabilizes local communities by providing families with a renewed sense of civic responsibility and commitment to the well-being of their neighborhoods. In addition, home ownership is one of the single most important vehicles for personal financial growth and wealth accumulation. New home ownership encourages investment and job growth in areas where such investment has been lacking. While a majority of Americans today are homeowners, many moderate and low income families are unable to overcome the economic barriers to owning a home. The National Home Ownership Week is part of the national strategy to make the dream of home ownership a reality for these families.

Study after study has demonstrated that many families with high enough incomes to buy homes and who may, in fact, be paying as much in rent as they would be in mortgage payments, are locked out of home ownership because they cannot generate the down payment or closing costs necessary. Helping families to surmount those barriers, and then providing them with mortgages at affordable rates so that they can become home owners, means moving those families toward long-term economic security. Therefore, it is imperative that we work to increase the availability of credit and affordable mortgages for moderate and low income families who labor to own their piece of the American dream.

The number of local events being held across the country to celebrate National Home Ownership Week now exceeds 600. In my state of Maryland, I had the privilege of attending an event in Wheaton, MD, to announce the "Home Ownership Montgomery" initiative as part of this week's celebration of home ownership activities. I was proud to stand with representatives from the Montgomery County Housing Opportunities Commission, the county government, Fannie Mae and other dedicated housing advocates. As part of the strategy to increase the number of Maryland home owners, Montgomery County has partnered with Fannie Mae to make millions of dollars of low interest loans available to low income families who need assistance with closing costs and mortgage payments. It is my hope that these efforts and numerous others will increase the current home ownership rate in Maryland from 65.9 percent to 67.5 percent, the national goal set by the National Partners in Home Ownership.

The success of National Home Ownership Week is made possible by many innovative public-private partnerships. In this age of shrinking Federal resources, partnerships have leveraged funds to support millions of dollars in home ownership activities. National organizations such as the Local Initiatives Support Corporation and the Enterprise Foundation, local nonprofits and for-profits such as Interfaith Housing of Western Maryland, and local governments have developed thousands of homes for low income families. I salute these combined efforts to rebuild local communities. At the same time, we must not forget that federal funding for affordable housing assistance and homeless individuals has been on the decline. The dream of home ownership is a dream that many families of varied incomes desire. It is my hope that National Home Ownership Week will not only help to raise the awareness of the need for increased home ownership, but at the same time, heighten the public's consciousness of the benefits of providing affordable housing for all families.•

TRIBUTE TO MACON COUNTY

• Mr. FRIST. Mr. President, I rise to today to recognize Macon County—a beautiful county in my home state of Tennessee.

The people of Macon County are hard and prosperous workers who have never lost touch with their core community values, even as they have responded to our ever changing times. For instance, with their deep roots in tobacco farming, Macon County farmers have had to adapt to rapid changes in agriculture and agribusiness. For many, that has meant expanding to grow alternative crops—like sweet peppers—to remain competitive throughout the Nation.

Other residents have recognized the value of the area's natural beauty, and the county's tourism has grown as a result. Places like Union Camp Waterfall, Winding Stairs natural rock formation and Red Boiling Springs draw many visitors from Tennessee and throughout the country.

Every year Macon countians celebrate those values, the success of their community and the common bond they share in many different ways. Whether it's their award-winning county fairs or the perfect balance they have achieved between the county's unique natural features, residents of Macon County can take pride in their work and in themselves.

Mr. President, the citizens of Macon County are hardworking, forward-thinking individuals dedicated not only to the growth and success of their community, but also to the growth and success of their community spirit. I salute them all. •

GIRL SCOUT GOLD AWARD

• Mr. LIEBERMAN. Mr. President, today I would like to salute 13 outstanding young women who have been

honored with the Girl Scout Gold Award by Connecticut Trails Girl Scout Council in North Haven, CT. They are Katherine Berinato, Amy Suzanne Brink, Anne T. Dwyer, Sarah Erling, Carolyn Greeno, Paige Henninger, Bri Lyn Howell, Theresa Lacombe, Kristen A. McAree, Elizabeth Shepherd, Jennifer R. Westmoreland, Rebecca Wonneberger, and Heather Swanson. They are being honored on June 8, 1997, for earning the achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14–17, or in grades 9–12.

Girls Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As members of the Connecticut Trails Girl Scout Council, we believe they should receive the public recognition due them for their significant service to their community and their country.●

RIEGLE-NEAL CLARIFICATION ACT OF 1997

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 58, H.R. 1306.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1306) to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENTS NOS. 372 AND 373, EN BLOC

Mr. SANTORUM. Mr. President, Senators D'AMATO and SARBANES have an amendment at the desk, and Senator FEINGOLD has an amendment at the desk, and I ask for their consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes amendments numbered 372 and 373, en bloc.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 372

(Purpose: To amend provisions relating to the applicability of State and Federal law to interstate branching operations, and for other purposes)

On page 1, beginning on line 4, strike "Clarification" and insert "Amendments".

On page 1, line 7, insert "(a) ACTIVITIES OF BRANCHES OF OUT-OF-STATE BANKS.—" before "Subsection".

On page 2, strike line 22 and all that follows through page 3, line 2 and insert the following:

"(3) SAVINGS PROVISION.—No provision of this subsection shall be construed as affecting the applicability of—

"(A) any State law of any home State under subsection (b), (c), or (d) of section 44; or

"(B) Federal law to State banks and State bank branches in the home State or the host State.

On page 3, after line 5, add the following:

(b) LAW APPLICABLE TO INTERSTATE BRANCHING OPERATIONS.—Section 5155(f)(1) of the Revised Statutes (12 U.S.C. 36(f)(1)) is amended by adding at the end the following:

"(C) REVIEW AND REPORT ON ACTIONS BY COMPTROLLER.—The Comptroller of the Currency shall conduct an annual review of the actions it has taken with regard to the applicability of State law to national banks (or their branches) during the preceding year, and shall include in its annual report required under section 333 of the Revised Statutes (12 U.S.C. 14) the results of the review and the reasons for each such action. The first such review and report after the date of enactment of this subparagraph shall encompass all such actions taken on or after January 1, 1992.".

Amend the title to read as follows: "An Act to amend Federal law to clarify the applicability of host State laws to any branch in such State of an out-of-State bank, and for other purposes.".

AMENDMENT NO. 373

(Purpose: Maintaining Right of a State to opt out of DIDA)

At the appropriate place, insert the following:

"Nothing in this act alters the right of states under section 525 of Public Law 96-221."

Mr. D'AMATO. Mr. President, the trigger date for nationwide interstate branching has passed—June 1, 1997. This important legislation will preserve the benefits of the dual banking system and keep the State banking charter competitive in an interstate environment. It is critical that the Senate now consider and pass H.R. 1306, the Riegle-Neal Clarification Act of 1997.

The dual banking system has served this country well for over 100 years. The State banking system has been the source of major advances in the banking industry for the past 70 years.

Mr. President, the dual banking system is under attack. The bill is necessary to preserve confidence in a State banking charter for banks with such a charter that wish to operate in more than one State. In addition, it will curtail incentives for unnecessary Federal preemption of State laws. Finally, the bill will restore balance to the dual banking system by ensuring that neither charter operates at an unfair advantage in this new interstate environment.

Mr. President, the importance of this bill to my State has been communicated by Governor Pataki and the superintendent of banking. New York has more than 90 state-chartered banks with a total of more than half a trillion dollars in assets. These institutions play a vital role in the economic wellbeing of the State of New York. Without this legislation, the largest of these institutions may be tempted to convert to a national charter in order to operate in more than one State. The local bond with these institutions could be broken. New York State bank examiners would be no longer be examining these institutions for compliance with our State community reinvestment and consumer protection laws.

H.R. 1306 will help prevent this alarming scenario. It protects the dual banking system.

Mr. President, the problem cured by this bill can be simply described. The current law may be unclear as to whether consistent rules are used to determine what laws and powers apply to the out-of-State branches of State and federally chartered banks. To the extent it remains uncertain that current law establishes rough parity between charters in this regard, some banks may conclude that the national bank charter is the preferable option. This is not a hypothetical concern; Key Corp., one of the largest State-chartered banks in New York, converted to a national bank because of this uncertainty. H.R. 1306 would resolve any such ambiguity.

First, it would establish that a host State's law would apply to the out-of-State branches of a State-chartered bank only to the same extent that those laws apply to the branches of out-of-State national banks located in the host State. Second, it would make clear that host State branches would be allowed to exercise powers granted by their home State if such powers are permissible for either banks chartered by the host State or for national bank branches in that host State.

Enactment of H.R. 1306 also would bolster efforts in New York and other States to make sure that the State-chartered banks have the powers they need to compete efficiently and effectively in an interstate environment.

Mr. President, this bill is especially important now because of the efforts of the Comptroller of the Currency to preempt State laws and promote the national bank charter at the expense of

the States and other Federal regulators. At a recent oversight hearing, I presented documentation, prepared by the OCC, that confirms that the OCC has mounted an unprecedented, aggressive marketing effort to convince State chartered banks to flip to a national charter.

I am pleased that our colleagues in the House, particularly Chairman LEACH and Representative ROUKEMA, were able to expeditiously guide this bill through the House, where the bill passed on the suspension calendar. I also want to thank my Senate colleagues for their cooperation, especially Senator SARBANES.

Mr. President, Senator SARBANES has reviewed and analyzed carefully the House bill and he has identified the need for a technical clarification to the House-passed bill contained in the amendment we have developed. The amendment would modify the title of the bill, provide a technical clarification to ensure that a national statute that applies to a State-chartered bank in its home State will also apply to a branch of the bank in a host State; and, finally, require the OCC to report to Congress on its preemption decisions since January 1, 1992, and annually thereafter.

The information yielded by this preemption reporting requirement on the OCC's preemption of State law in numerous areas will assist oversight of the Comptroller's use of preemptive authority. In my judgment, in recent years the OCC has used his authority over national banks to thwart traditional areas of State regulation—such as regulation of insurance and consumer protection. With the benefit of the information and analysis the amendment will require, Congress will be in a better position to determine whether current law regarding preemption is too broad or its administrative interpretation and applications have been too expansive.

Mr. President, again I thank my distinguished ranking minority member, Senator SARBANES, and I urge my colleagues to support the amendment and the bill.

Mr. SARBANES. Mr. President, the amendment that I have offered together with Chairman D'AMATO to H.R. 1306 would make three changes in the legislation.

First, it would make the title of the legislation the Riegle-Neal Amendments Act of 1997. This reflects the fact that this legislation makes significant substantive changes to current law, and is not merely a clarification or technical change.

Second, the amendment requires that no provision of subsection 24(j) of the Federal Deposit Insurance Act, as amended by H.R. 1306, shall be construed as affecting the applicability of Federal law to State banks and State bank branches in the home State or the host State. There was a concern that subsection 24(j)(1), as amended by H.R. 1306, could have the unintended result of Federal law not applying to a branch in a host State of an out-of-State State bank that would apply to the bank in its home State.

Third, the amendment would require the Comptroller of the Currency to conduct an annual review of the actions it has taken with regard to the applicability of State law to national banks or their branches during the preceding year, and include in its annual report to Congress the results of the review and the reasons for each action. The first such review and report after the enactment of this legislation shall encompass all such actions taken on or after January 1, 1992.

There are a couple of reasons for the inclusion of this reporting requirement in this amendment. First, under current law, actions by the Comptroller preempting State law only benefit branches of national banks in the affected State. H.R. 1306 would expand the applicability of those preemption decisions to branches of out-of-State State banks. Given this significant expansion of the consequences of the Comptroller's preemption decisions, it seems reasonable and important to require the Comptroller to include in its annual report to Congress a review and explanation of these decisions.

In addition, when Congress enacted the Riegle-Neal Interstate Banking and Branching Efficiency Act in 1994, it specifically provided that State laws regarding consumer protection, community reinvestment, fair lending, and intrastate branching apply to the branches of State and national banks. The act provided that this set of State laws would not apply if Federal law preempts the application of such State laws to a national bank, or if the Comptroller of the Currency determines that the application of such State laws would have a discriminatory effect on the branch in comparison with the effect the application of such State laws would have with respect to branches of a bank chartered by the host State.

Concerns have been raised by consumer groups, both before and since the enactment of Riegle-Neal, that the Comptroller has undertaken preemptive actions which were unnecessarily expansive. The conference report which accompanied the enactment of the Riegle-Neal Act specifically addressed this point. The report stated:

> The Conferees have been made aware of certain circumstances in which the Federal banking agencies have applied traditional preemption principles in a manner the Conferees believe is inappropriately aggressive, resulting in preemption of state law in situations which the federal interest did not warrant that result. One illustration is OCC Interpretive letter No. 572, dated January 15, 1992, from the OCC to Robert M. Jaworski, Assistant Commissioner, State of New Jersey Department of Banking, concluding that national banks in New Jersey are not required to comply with the New Jersey Consumer Checking Account. It is of utmost concern to the Conferees that the agencies issue opinion letters and interpretive rules concluding that Federal law preempts state law regarding community reinvestment, consumer protection, fair lending, or establishment of intrastate branches only when the agency has determined that the Federal policy interest in preemption is clear. In the case of Interpretive Letter No. 572, it is the sense of the Conferees that the fact the Congress has acknowledged the benefits of more widespread use of lifeline accounts through the enactment of the Bank Enterprise Act did not indicate that Congress intended to override State basic banking laws, or occupy the area of basic banking services to such an extent as to displace State laws, or that the existence of State basic banking laws frustrated the purpose of the Congress.

The ruling referred to in the conference report has been under review by the OCC but has not been changed. Other actions have been taken by the Comptroller since the enactment of Riegle-Neal which have raised similar concerns. For example, in 1996 the OCC finalized a regulation exempting national banks from State laws protecting consumers from high credit card fees.

Given these concerns, and the more expansive application the OCC's rulings will have as a result of H.R. 1306, it is important for the Comptroller to report to the Congress annually on its preemption actions, if any, and the rationale for the preemptions.

Mr. FEINGOLD. Mr. President, let me thank the chairman of the Banking Committee, Mr. D'AMATO, and the distinguished ranking member, Mr. SARBANES, for accepting this modification to H.R. 1306, which preserves the right of States to opt out of Federal preemption under provisions of the 1980 Depository Institutions Deregulation and Monetary Control Act [DIDA]. With this amendment, the measure retains a key distinction between DIDA and the National Bank Act by continuing to allow States the right to regulate, except as to national banks, both interest rates and noninterest rate terms, such as late charges, over the limit fees, and not-sufficient fund fees, and I am pleased to offer this modification.

As the former chairman of the Wisconsin Senate Banking Committee, I know the important role of State in this area, and of the contribution State regulation makes to the entire banking system. As the interstate banking and branching laws are implemented, it is critical that States retain that vital role.

Ms. MOSELEY-BRAUN. Mr. President, I am pleased that the Banking Committee, on which I serve, has come to an agreement on the Riegle-Neal clarifications bill. This legislation provides legal certainty for banks and bank supervisors regarding the Riegle-Neal interstate banking law passed in

1994. The Congress passed the interstate banking law to end the patchwork of laws that had arisen in this area, and to provide for an efficient system for banks to operate in more than one State. It was legislation that was badly needed and long overdue, given the huge changes that have been ongoing in our economy generally, and in the financial services area, specifically.

However, some confusion remains regarding the application of home State law versus the application of host State law to a State-chartered bank that branches outside its home State. Although the 1994 law clearly reserved the areas of intrastate branching, community reinvestment, consumer protection, and fair lending for host State jurisdiction, the extent to which other host State laws applied to an out-of-State State chartered bank remained ambiguous. State-chartered banks wanting to expand across State lines have faced legal uncertainty about what law governs their powers outside their home State, and many were contemplating switching to a national charter in order to gain that certainty. This bill, the Riegle-Neal Clarification Act of 1997, eliminates that ambiguity, ensuring the viability of our dual banking system by clearly stating that host State law applies to branches of State-chartered banks only to the extent that it applies to national bank branches.

This bill levels the playing field between State-chartered banks and national chartered banks that branch across State lines. It is important to the preservation of a strong, State-chartered banking system, which benefits the safety and soundness of the banking system as a whole. I wish to commend my colleagues on the Senate Banking Committee who have worked hard on this agreement and I urge swift passage of the bill.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 372 and 373) were agreed to.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; that the title amendment be agreed to; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H. R. 1306), as amended, was deemed read the third time and passed.

The title was amended so as to read:

"An Act to amend Federal law to clarify the applicability of host State laws to any branch in such State of an out-of-State bank, and for other purposes.".

AMENDMENTS TO THE ORGANIC ACTS OF GUAM AND THE VIRGIN ISLANDS AND THE COMPACT OF FREE ASSOCIATION ACT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 64, S. 210.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 210) to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. MARSHALL ISLANDS AGRICULTURAL AND FOOD PROGRAMS.

Section 103(h)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(h)(2) is amended by striking "ten" and inserting "fifteen" and by adding at the end of subparagraph (B) the following: "The President shall ensure that the amount of commodities provided under these programs reflects the changes in the population that have occurred since the effective date of the Compact.".

SEC. 2. AMENDMENT TO THE ORGANIC ACT OF GUAM.

Section 8 of the Organic Act of Guam (48 U.S.C. 1422b), as amended, is further amended by adding at the end thereof the following new subsection:

"(e) An absence from Guam of the Governor or the Lieutenant Governor, while on official business, shall not be a 'temporary absence' for the purposes of this section."

SEC. 3. TERRITORIAL LAND GRANT COLLEGES.

(a) LAND GRANT STATUS.—Section 506(a) of the Education Amendments of 1972 (Public Law 92–318, as amended; 7 U.S.C. 301 note) is amended by striking "the College of Micronesia," and inserting "the College of the Marshall Islands, the College of Micronesia-FSM, the Palau Community College,".

(b) ENDOWMENT.—The amount of the land grant trust fund attributable to the $3,000,000 appropriation for Micronesia authorized by the Education Amendments of 1972 (Public Law 92–318, as amended; 7 U.S.C. 301 note) shall, upon enactment of this Act, be divided equally among the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau for the benefit of the College of the Marshall Islands, the College of Micronesia-FSM, and the Palau Community College.

(c) TREATMENT.—Section 1361(c) of the Education Amendments of 1980 (Public Law 96–374, as amended; 7 U.S.C. 301 note) is amended by striking "and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)" and inserting "the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau". The proportion of any allocation of funds to the Trust Territory of the Pacific islands under any Act in accordance with section 1361(c) of Public Law 96–374 prior to the enactment of this Act shall hereafter remain the same with the amount of such funds divided as may be agreed among the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

SEC. 4. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.

(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the "Property Act"), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be disposed of in accordance with the Property Act.

(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam for other than a public purpose shall be for consideration equal to the fair market value.

(2) Any transfer of excess real property to the Government of Guam for a public purpose shall be without further consideration.

(3) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines in their sole discretion to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam, (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) to the extent the property was transferred for a public purpose, that the property is so utilized; and (E) to the extent the property has been leased by another Federal agency for a minimum of two (2) years under a lease entered into prior to May 1, 1997, that the transfer to the Government of Guam be subject to the terms and conditions of those leasehold interests.

(4) All transfers of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "Administrator" means—

(A) the Administrator of General Services; or

(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

(2) The term "base closure law" means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100–526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510), or similar base closure authority.

(3) The term "excess real property" means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

(4) The term "Guam National Wildlife Refuge" includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the "Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993" to the extent that the federal government holds title to such lands.

(5) The term "public purpose" means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101–47) or other public benefit uses provided under the Guam Excess Lands Act (Public Law 103–339. 108 Stat. 3116).

(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply:

(1) To real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard; or

(2) To real property on Guam that is declared excess by the managing Federal agency for the purpose of transferring that property to the Federal Agency which has occupied the property for a minimum of two (2) years at the time the property is declared excess and which was occupying such property prior to May 1, 1997.

(3) To real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward an agreement providing for the future ownership and management of such real property.

(B) If the parties reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: Provided, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(C) If the parties do not reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration.

(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: Provided, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another federal agency or out of federal ownership except pursuant to an Act of Congress specifically identifying such property.

(4) To real property on Guam that is declared excess as a result of a base closure law, except that with respect to property identified for disposal prior to the date of enactment of this section, such lands shall be subject to subsection (b) of this section.

(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of Interior, may issue such regulations as he deems necessary to carry out this section.

SEC. 5. CLARIFICATION OF ALLOTMENT FOR TERRITORIES.

Section 901(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)(2)) is amended to read as follows:

"(2) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands;".

SEC. 6. AMENDMENTS TO THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS.

(a) TEMPORARY ABSENCE OF OFFICIALS.—Section 14 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1595) is amended by adding at the end the following new subsection:

"(g) An absence from the Virgin Islands of the Governor or the Lieutenant Governor, while on official business, shall not be a 'temporary absence' for purposes of this section.".

(b) PRIORITY OF BONDS.—Section 3 of Public Law 94–392 (90 Stat. 1193, 1195) is amended—

(1) by striking "priority for payment" and inserting "a parity lien with every other issue of bonds or other obligations issued for payment"; and

(2) by striking "in the order of the date of issue".

(c) APPLICATION.—The amendments made by subsection (b) shall apply to obligations issued on or after the date of enactment of this section.

(d) SHORT TERM BORROWING.—Section 1 of Public Law 94–392 (90 Stat. 1193) is amended by adding the following new subsection at the end thereof:

"(d) The legislature of the government of the Virgin Islands may cause to be issued notes in anticipation of the collection of the taxes and revenues for the current fiscal year. Such notes shall mature and be paid within one year from the date they are issued. No extension of such notes shall be valid and no additional notes shall be issued under this section until all notes issued during a preceding year shall have been paid."

SEC. 7. COMMISSION ON THE ECONOMIC FUTURE OF THE VIRGIN ISLANDS.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) There is hereby established a Commission on the Economic Future of the Virgin Islands (the "Commission"). The Commission shall consist of six members appointed by the President, two of whom shall be selected from nominations made by the Governor of the Virgin Islands. The President shall designate one of the members of the Commission to be Chairman.

(2) In addition to the six members appointed under paragraph (1), the Secretary of the Interior shall be an ex-officio member of the Commission.

(3) Members of the Commission appointed by the President shall be persons who by virtue of their background and experience are particularly suited to contribute to achievement of the purposes of the Commission.

(4) Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties.

(5) Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(b) PURPOSE AND REPORT.—

(1) The purpose of the Commission is to make recommendations to the President and Congress on the policies and actions necessary to provide for a secure and self-sustaining future for the local economy of the Virgin Islands through 2020 and on the role of the Federal Government. In developing recommendations, the Commission shall—

(A) solicit and analyze information on projected private sector development and shifting tourism trends based on alternative forecasts of economic, political and social conditions in the Caribbean;

(B) analyze capital infrastructure, education, social, health, and environmental needs in light of these alternative forecasts; and

(C) assemble relevant demographic, economic, and revenue and expenditure data from over the past twenty-five years.

(2) The recommendation of the Commission shall be transmitted in a report to the President, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives no later than June 30, 1999. The report shall set forth the basis for the recommendations and include an analysis of the capability of the Virgin Islands to meet projected needs based on reasonable alternative economic, political and social conditions in the Caribbean, including the possible effect of expansion in the near future of Cuba in trade, tourism and development.

(c) POWERS.—

(1) The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony and receive such evidence as it may deem advisable;

(B) use the United States mail in the same manner and upon the same conditions as departments and agencies of the United States; and

(C) within available funds, incur such expenses and enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out the Commission's functions.

(2) Within funds available for the Commission, the Secretary of the Interior shall provide such office space, furnishings, equipment, staff, and fiscal and administrative services as the Commission may require.

(3) The President, upon request of the Commission, may direct the head of any Federal agency or department to assist the Commission and if so directed such head shall—

(A) furnish the Commission to the extent permitted by law and within available appropriations such information as may be necessary for carrying out the functions of the Commission and as may be available to or procurable by such department or agency; and

(B) detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as the Commission may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(d) CHAIRMAN.—Subject to general policies that the Commission may adopt, the Chairman of the Commission shall be the chief executive officer of the Commission and shall exercise its executive and administrative powers. The Chairman may make such provisions as he may deem appropriate authorizing the performance of his executive and administrative functions by the staff of the Commission.

(e) FUNDING.—There is hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary, but not to exceed an average of $300,000 per year, in fiscal years 1997, 1998 and 1999 for the work of the Commission.

(f) TERMINATION.—The Commission shall terminate three months after the transmission of the report and recommendations under subsection (b)(2).

SEC. 8. COMPACT IMPACT REPORTS.

Paragraph 104(e)(2) of Public Law 99–239 (99 Stat. 1770, 1788) is amended by deleting "President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii." and inserting in lieu thereof, "Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decenial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed $300,000 in any year.".

SEC. 9. ELIGIBILITY FOR HOUSING ASSISTANCE.

(a) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 1436a(a)) is amended—

(1) by striking "or" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: Provided, That, within Guam and the Commonwealth of the Northern Mariana Islands any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.".

SEC. 10. AMERICAN SAMOA STUDY COMMISSION.

(a) SHORT TITLE.—This section may be cited as "The American Samoa Development Act of 1997".

(b) ESTABLISHMENT AND MEMBERSHIP.—

(1) There is hereby established a Commission on the Economic Future of American Samoa (the "Commission"). The Commission shall consist of six members appointed by the President, three of whom shall be selected from nominations made by the Governor of American Samoa, and the Secretary of the Interior ex officio. The President shall designate one of the appointed members of the Commission to be Chairman.

(2) Members of the Commission appointed by the President shall be persons who by virtue of their background and experience are particularly suited to contribute to achievement of the purposes of the Commission.

(3) Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties.

(4) Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(c) PURPOSE AND REPORT.—

(1) The purpose of the Commission is to make recommendations to the President and Congress on the policies and actions necessary to provide for a secure and self-sustaining future for the local economy of American Samoa through 2020 and on the role of the Federal Government. In developing recommendations, the Commission shall—

(A) solicit and analyze information on projected private sector development, including, but not limited to, tourism, manufacturing and industry, agriculture, and transportation and shifting trends based on alternative forecasts of economic, political and social conditions in the Pacific;

(B) analyze capital infrastructure, education, social, health, and environmental needs in light of these alternative forecasts;

(C) assemble relevant demographic, economic, and revenue and expenditure data from over the past twenty-five years;

(D) review the application of federal laws and programs and the effects of such laws and programs on the local economy and make such recommendations for changes in the application as the Commission deems advisable;

(E) consider the impact of federal trade and other international agreements, including, but not limited to those related to marine resources, on American Samoa and make such recommendations as may be necessary to minimize or eliminate any adverse effects on the local economy.

(2) the recommendations of the Commission shall be transmitted in a report to the President, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives no later than June 30, 1999. The report shall set forth the basis for the recommendations and include an analysis of the capability of American Samoa to meet projected needs based on reasonable alternative economic, political and social conditions in the Pacific Basin. The report shall also include projections of the need for direct or indirect Federal assistance for operations and infrastructure over the next decade and what additional assistance will be necessary to develop the local economy to a level sufficient to minimize or eliminate the need for direct Federal operational assistance. As part of the report, the Commission shall also include an overview of the history of American Samoa and its relationship to the United States from 1872 with emphasis on those events or actions that affect future economic development and shall include, as an appendix to its report, copies of the relevant historical documents, including, but not limited to, the Convention of 1899 (commonly referred to as the Tripartite Treaty) and the documents of cession of 1900 and 1904.

(d) POWERS.—

(1) The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony and receive such evidence as it may deem advisable: Provided, That the Commission shall conduct public meetings in Tutuila, Ofu, Olosega, and Tau;

(B) use the United States mail in the same manner and upon the same conditions as departments and agencies of the United States; and

(C) within available funds, incur such expenses and enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out the Commission's functions.

(2) Within funds available for the Commission, the Secretary of the Interior shall provide such office space, furnishings, equipment, staff, and fiscal and administrative services as the Commission may require.

(3) The President, upon request of the Commission, may direct the head of any Federal agency or department to assist the Commission and if so directed such head shall—

(A) furnish the Commission to the extent permitted by law and within available appropriations such information as may be necessary for carrying out the functions of the Commission and as may be available to or procurable by such department or agency; and

(B) detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as the Commission may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(e) CHAIRMAN.—Subject to general policies that the Commission may adopt, the Chairman of the Commission shall be the chief executive officer of the Commission and shall exercise its executive and administrative powers. The Chairman may make such provisions as he may deem appropriate authorizing the performance of his executive and administrative functions by the staff of the Commission.

(f) FUNDING.—There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary, but not to exceed an average of $300,000 per year, in fiscal years 1997, 1998 and 1999 for the work of the Commission.

(g) TERMINATION.—The Commission shall terminate three months after the transmission of the report and recommendations under subsection (c)(2).

SEC. 11. FEDERAL PROGRAMS COORDINATION IN THE FREELY ASSOCIATED STATES AND PROVISIONS FOR BIKINI.

(a) Section 108 of Public Law 101–219 (103 Stat. 1870, 1872) is amended by deleting "shall station" and inserting in lieu thereof "shall, subject to appropriations, station".

(b) Section 501 of Public Law 95–134 is amended by deleting "the Trust Territory of the Pacific Islands," and inserting in lieu thereof "the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau,".

(c) Under the heading "COMPACT OF FREE ASSOCIATION" in TITLE I—DEPARTMENT OF THE INTERIOR of Public Law 100–446 (102 Stat. 1774, 1798) delete "$2,000,000 in any year from income for projects on Kili or Ejit:" and insert in lieu thereof "$2,500,000 in any year from income for projects on Kili or Ejit: Provided further, That commencing on October 1, 1998 and every year thereafter, this dollar amount shall be changed to reflect any fluctuation occurring during the previous twelve months in the Consumer Price Index, as determined by the Secretary of Labor:".

AMENDMENT NO. 374

(Purpose: To except lands scheduled for transfer under the Guam Excess Lands Act from the application of section 4)

Mr. SANTORUM. Mr. President, Senator AKAKA has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for Mr. AKAKA, proposes an amendment numbered 374.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25 of the Committee reported bill, beginning on line 7, delete

"identifying such property.

"(4)"

and insert in lieu thereof:

"Identifying such property;

"(4) To real property described in the Guam Excess Lands Act (P.L. 103-339, 108 Stat. 3116) which shall be disposed of in accordance with such Act; or

"(5)".

Mr. SANTORUM. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 374) was agreed to.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the committee amendment, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended, was agreed to.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 210), as amended, was deemed read a third time and passed, as follows:

S. 210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARSHALL ISLANDS AGRICULTURAL AND FOOD PROGRAMS.

Section 103(h)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(h)(2) is amended by striking "ten" and inserting "fifteen" and by adding at the end of subparagraph (B) the following: "The President shall ensure that the amount of commodities provided under these programs reflects the changes in the population that have occurred since the effective date of the Compact.".

SEC. 2. AMENDMENT TO THE ORGANIC ACT OF GUAM.

Section 8 of the Organic Act of Guam (48 U.S.C. 1422b), as amended, is further amended by adding at the end thereof the following new subsection:

"(e) An absence from Guam of the Governor or the Lieutenant Governor, while on official business, shall not be a 'temporary absence' for the purposes of this section.".

SEC. 3. TERRITORIAL LAND GRANT COLLEGES.

(a) LAND GRANT STATUS.—Section 506(a) of the Education Amendments of 1972 (Public Law 92-318, as amended; 7 U.S.C. 301 note) is amended by striking "the College of Micronesia," and inserting "the College of the Marshall Islands, the College of Micronesia-FSM, the Palau Community College,".

(b) ENDOWMENT.—The amount of the land grant trust fund attributable to the $3,000,000 appropriation for Micronesia authorized by the Education Amendments of 1972 (Public Law 92-318, as amended; 7 U.S.C. 301 note) shall, upon enactment of this Act, be divided equally among the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau for the benefit of the College of the Marshall Islands, the College of Micronesia-FSM, and the Palau Community College.

(c) TREATMENT.—Section 1361(c) of the Education Amendments of 1980 (Public Law 96-374, as amended; 7 U.S.C. 301 note) is amended by striking "and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)" and inserting "the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau". The proportion of any allocation of funds to the Trust Territory of the Pacific islands under any Act in accordance with section 1361(c) of Public Law 96-374 prior to the enactment of this Act shall hereafter remain the same with the amount of such funds divided as may be agreed among the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

SEC. 4. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.

(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the "Property Act"), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be disposed of in accordance with the Property Act.

(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam for other than a public purpose shall be for consideration equal to the fair market value.

(2) Any transfer of excess real property to the Government of Guam for a public purpose shall be without further consideration.

(3) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines in their sole discretion to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam, (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) to the extent the property was transferred for a public purpose, that the property is so utilized; and (E) to the extent the property has been leased by another Federal agency for a minimum of two (2) years under a lease entered into prior to May 1, 1997, that the transfer to the Government of Guam be subject to the terms and conditions of those leasehold interests.

(4) All transfers of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "Administrator" means—

(A) the Administrator of General Services; or

(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

(2) The term "base closure law" means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or similar base closure authority.

(3) The term "excess real property" means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

(4) The term "Guam National Wildlife Refuge" includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the "Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993" to the extent that the federal government holds title to such lands.

(5) The term "public purpose" means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101-47) or other public benefit uses provided under the Guam Excess Lands Act (Public Law 103-339. 108 Stat. 3116).

(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

(2) to real property on Guam that is declared excess by the managing Federal agency for the purpose of transferring that property to the Federal Agency which has occupied the property for a minimum of two (2) years at the time the property is declared excess and which was occupying such property prior to May 1, 1997;

(3) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward an agreement providing for the future ownership and management of such real property.

(B) If the parties reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(C) If the parties do not reach an agreement under paragraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration.

(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another federal agency or out of federal ownership except pursuant to an Act of Congress specifically identifying such property;

(4) to real property described in the Guam Excess Lands Act (P.L. 103-339, 108 Stat. 3116) which shall be disposed of in accordance with such Act; or

(5) to real property on Guam that is declared excess as a result of a base closure law, except that with respect to property identified for disposal prior to the date of enactment of this section, such lands shall be subject to subsection (b) of this section.

(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of Interior, may issue such regulations as he deems necessary to carry out this section.

SEC. 5. CLARIFICATION OF ALLOTMENT FOR TERRITORIES.

Section 901(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)(2)) is amended to read as follows:

"(2) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands;".

SEC. 6. AMENDMENTS TO THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS.

(a) TEMPORARY ABSENCE OF OFFICIALS.—Section 14 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1595) is amended by adding at the end the following new subsection:

"(g) An absence from the Virgin Islands of the Governor or the Lieutenant Governor, while on official business, shall not be a 'temporary absence' for purposes of this section.".

(b) PRIORITY OF BONDS.—Section 3 of Public Law 94-392 (90 Stat. 1193, 1195) is amended—

(1) by striking "priority for payment" and inserting "a parity lien with every other issue of bonds or other obligations issued for payment"; and

(2) by striking "in the order of the date of issue".

(c) APPLICATION.—The amendments made by subsection (b) shall apply to obligations issued on or after the date of enactment of this section.

(d) SHORT TERM BORROWING.—Section 1 of Public Law 94-392 (90 Stat. 1193) is amended by adding the following new subsection at the end thereof:

"(d) The legislature of the government of the Virgin Islands may cause to be issued notes in anticipation of the collection of the taxes and revenues for the current fiscal year. Such notes shall mature and be paid within one year from the date they are issued. No extension of such notes shall be valid and no additional notes shall be issued under this section until all notes issued during a preceding year shall have been paid.".

SEC. 7. COMMISSION ON THE ECONOMIC FUTURE OF THE VIRGIN ISLANDS.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) There is hereby established a Commission on the Economic Future of the Virgin Islands (the "Commission"). The Commission shall consist of six members appointed by the President, two of whom shall be selected from nominations made by the Governor of the Virgin Islands. The President shall designate one of the members of the Commission to be Chairman.

(2) In addition to the six members appointed under paragraph (1), the Secretary of the Interior shall be an ex-officio member of the Commission.

(3) Members of the Commission appointed by the President shall be persons who by virtue of their background and experience are particularly suited to contribute to achievement of the purposes of the Commission.

(4) Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties.

(5) Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(b) PURPOSE AND REPORT.—

(1) The purpose of the Commission is to make recommendations to the President and Congress on the policies and actions necessary to provide for a secure and self-sustaining future for the local economy of the Virgin Islands through 2020 and on the role of the Federal Government. In developing recommendations, the Commission shall—

(A) solicit and analyze information on projected private sector development and shifting tourism trends based on alternative forecasts of economic, political and social conditions in the Caribbean;

(B) analyze capital infrastructure, education, social, health, and environmental needs in light of these alternative forecasts; and

(C) assemble relevant demographic, economic, and revenue and expenditure data from over the past twenty-five years.

(2) The recommendation of the Commission shall be transmitted in a report to the President, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives no later than June 30, 1999. The report shall set forth the basis for the recommendations and include an analysis of the capability of the Virgin Islands to meet projected needs based on reasonable alternative economic, political and social conditions in the Caribbean, including the possible effect of expansion in the near future of Cuba in trade, tourism and development.

(c) POWERS.—

(1) The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony and receive such evidence as it may deem advisable;

(B) use the United States mail in the same manner and upon the same conditions as departments and agencies of the United States; and

(C) within available funds, incur such expenses and enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out the Commission's functions.

(2) Within funds available for the Commission, the Secretary of the Interior shall provide such office space, furnishings, equipment, staff, and fiscal and administrative services as the Commission may require.

(3) The President, upon request of the Commission, may direct the head of any Federal agency or department to assist the Commission and if so directed such head shall—

(A) furnish the Commission to the extent permitted by law and within available appropriations such information as may be necessary for carrying out the functions of the Commission and as may be available to or procurable by such department or agency; and

(B) detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as the Commission may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(d) CHAIRMAN.—Subject to general policies that the Commission may adopt, the Chairman of the Commission shall be the chief executive officer of the Commission and shall exercise its executive and administrative powers. The Chairman may make such provisions as he may deem appropriate authorizing the performance of his executive and administrative functions by the staff of the Commission.

(e) FUNDING.—There is hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary, but not to exceed an average of $300,000 per year, in fiscal years 1997, 1998 and 1999 for the work of the Commission.

(f) TERMINATION.—The Commission shall terminate three months after the transmission of the report and recommendations under subsection (b)(2).

SEC. 8. COMPACT IMPACT REPORTS.

Paragraph 104(e)(2) of Public Law 99-239 (99 Stat. 1770, 1788) is amended by deleting "President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii." and inserting in lieu thereof, "Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decenial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed $300,000 in any year.".

SEC. 9. ELIGIBILITY FOR HOUSING ASSISTANCE.

(a) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 1436a(a)) is amended—

(1) by striking "or" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: *Provided*, That, within Guam and the Commonwealth of the Northern Mariana Islands any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.".

SEC. 10. AMERICAN SAMOA STUDY COMMISSION.

(a) SHORT TITLE.—This section may be cited as "The American Samoa Development Act of 1997".

(b) ESTABLISHMENT AND MEMBERSHIP.—

(1) There is hereby established a Commission on the Economic Future of American Samoa (the "Commission"). The Commission shall consist of six members appointed by the President, three of whom shall be selected from nominations made by the Governor of American Samoa, and the Secretary of the Interior ex officio. The President shall designate one of the appointed members of the Commission to be Chairman.

(2) Members of the Commission appointed by the President shall be persons who by virtue of their background and experience are particularly suited to contribute to achievement of the purposes of the Commission.

(3) Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties.

(4) Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(c) PURPOSE AND REPORT.—

(1) The purpose of the Commission is to make recommendations to the President and Congress on the policies and actions necessary to provide for a secure and self-sustaining future for the local economy of American Samoa through 2020 and on the role of the Federal Government. In developing recommendations, the Commission shall—

(A) solicit and analyze information on projected private sector development, including, but not limited to, tourism, manufacturing and industry, agriculture, and transportation and shifting trends based on alternative forecasts of economic, political and social conditions in the Pacific;

(B) analyze capital infrastructure, education, social, health, and environmental needs in light of these alternative forecasts;

(C) assemble relevant demographic, economic, and revenue and expenditure data from over the past twenty-five years;

(D) review the application of federal laws and programs and the effects of such laws and programs on the local economy and make such recommendations for changes in the application as the Commission deems advisable;

(E) consider the impact of federal trade and other international agreements, including, but not limited to those related to marine resources, on American Samoa and make such recommendations as may be necessary to minimize or eliminate any adverse effects on the local economy.

(2) The recommendations of the Commission shall be transmitted in a report to the President, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives no later than June 30, 1999. The report shall set forth the basis for the recommendations and include an analysis of the capability of American Samoa to meet projected needs based on reasonable alternative economic, political and social conditions in the Pacific Basin. The report shall also include projections of the need for direct or indirect Federal assistance for operations and infrastructure over the next decade and what additional assistance will be necessary to develop the local economy to a level sufficient to minimize or eliminate the need for direct Federal operational assistance. As part of the report, the Commission shall also include an overview of the history of American Samoa and its relationship to the United States from 1872 with emphasis on those events or actions that affect future economic development and shall include, as an appendix to its report, copies of the relevant historical documents, including, but not limited to, the Convention of 1899 (commonly referred to as the Tripartite Treaty) and the documents of cession of 1900 and 1904.

(d) POWERS.—

(1) The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony and receive such evidence as it may deem advisable: *Provided*, That the Commission shall conduct public meetings in Tutuila, Ofu, Olosega, and Tau;

(B) use the United States mail in the same manner and upon the same conditions as departments and agencies of the United States; and

(C) within available funds, incur such expenses and enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out the Commission's functions.

(2) Within funds available for the Commission, the Secretary of the Interior shall provide such office space, furnishings, equipment, staff, and fiscal and administrative services as the Commission may require.

(3) The President, upon request of the Commission, may direct the head of any Federal agency or department to assist the Commission and if so directed such head shall—

(A) furnish the Commission to the extent permitted by law and within available appropriations such information as may be necessary for carrying out the functions of the Commission and as may be available to or procurable by such department or agency; and

(B) detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as the Commission may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(e) CHAIRMAN.—Subject to general policies that the Commission may adopt, the Chairman of the Commission shall be the chief executive officer of the Commission and shall exercise its executive and administrative powers. The Chairman may make such provisions as he may deem appropriate authorizing the performance of his executive and administrative functions by the staff of the Commission.

(f) FUNDING.—There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary, but not to exceed an average of $300,000 per year, in fiscal years 1997, 1998 and 1999 for the work of the Commission.

(g) TERMINATION.—The Commission shall terminate three months after the transmission of the report and recommendations under subsection (c)(2).

SEC. 11. FEDERAL PROGRAMS COORDINATION IN THE FREELY ASSOCIATED STATES AND PROVISIONS FOR BIKINI.

(a) Section 108 of Public Law 101–219 (103 Stat. 1870, 1872) is amended by deleting "shall station" and inserting in lieu thereof "shall, subject to appropriations, station".

(b) Section 501 of Public Law 95–134 is amended by deleting "the Trust Territory of the Pacific Islands," and inserting in lieu thereof "the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau,".

(c) Under the heading "COMPACT OF FREE ASSOCIATION" in TITLE I—DEPARTMENT OF THE INTERIOR of Public Law 100–446 (102 Stat. 1774, 1798) delete "$2,000,000 in any year from income for projects on Kili or Ejit:" and insert in lieu thereof "$2,500,000 in any year from income for projects on Kili or Ejit: Provided further, That commencing on October 1, 1998 and every year thereafter, this dollar amount shall be changed to reflect any fluctuation occurring during the previous twelve months in the Consumer Price Index, as determined by the Secretary of Labor:".

THE CALENDAR

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of the following Calendar numbers on today's Legislative Calendar: Calendar Nos. 67 through 73.

I further ask unanimous consent that the bills be considered read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to any of the bills be placed at the appropriate place in RECORD, with the preceding all done en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

CARL B. STOKES UNITED STATES COURTHOUSE

A bill (S. 289) to designate the U.S. courthouse to be constructed at the corner of Superior Road and Huron Road in Cleveland, OH, as the "Carl B. Stokes United States Courthouse," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF CARL B. STOKES UNITED STATES COURTHOUSE.

The United States courthouse to be constructed at the corner of Superior Road and Huron Road in Cleveland, Ohio, shall be known and designated as the "Carl B. Stokes United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Carl B. Stokes United States Courthouse".

SAM NUNN FEDERAL CENTER

A bill (S. 347) to designate the Federal building located at 100 Alabama Street NW, in Atlanta, GA, as the "Sam Nunn Federal Center," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF SAM NUNN FEDERAL CENTER.

The Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, shall be known and designated as the "Sam Nunn Federal Center".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Sam Nunn Federal Center".

WILLIAM AUGUSTUS BOOTLE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

A bill (S. 478) to designate the Federal building and U.S. courthouse located at 475 Mulberry Street in Macon, GA, as the "William Augustus Bootle Federal Building and United States Courthouse," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 475 Mulberry Street, in Macon, Georgia, shall be known and designated as the "William Augustus Bootle Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "William Augustus Bootle Federal Building and United States Courthouse".

REYNALDO G. GARZA U.S. COURTHOUSE

A bill (S. 628) to designate the U.S. courthouse to be constructed at the corner of 7th Street and East Jackson Street in Brownsville, TX, as the "Reynaldo G. Garza United States Courthouse," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF REYNALDO G. GARZA UNITED STATES COURTHOUSE.

The United States courthouse to be constructed at the corner of 7th Street and East Jackson Street in Brownsville, Texas, shall be known and designated as the "Reynaldo G. Garza United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Reynaldo G. Garza United States Courthouse".

DAVID W. DYER FEDERAL COURTHOUSE

A bill (S. 681) to designate the Federal building and U.S. courthouse located at 300 Northeast First Avenue in Miami, FL, as the "David W. Dyer Federal Courthouse," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DAVID W. DYER FEDERAL COURTHOUSE.

The Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, shall be known and designated as the "David W. Dyer Federal Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "David W. Dyer Federal Courthouse".

J. ROWLAND FEDERAL COURTHOUSE

A bill (S. 715) to redesignate the Dublin Federal Courthouse building located in Dublin, GA, as the J. Roy Rowland Federal Courthouse, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building located at 100 Franklin Street in Dublin, Georgia, and known as the Dublin Federal Courthouse, shall be known and designated as the "J. Roy Rowland Federal Courthouse".

SEC. 2. REFERENCE.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "J. Roy Rowland Federal Courthouse".

MARTIN V.B. BOSTETTER, JR. U.S. COURTHOUSE

A bill (S. 819) to designate the U.S. courthouse at 200 South Washington Street in Alexandria, VA, as the "Martin V.B. Bostetter, Jr. United States Courthouse," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF MARTIN V.B. BOSTETTER, JR. UNITED STATES COURTHOUSE.

The United States courthouse at 200 South Washington Street in Alexandria, Virginia, shall be known and designated as the "Martin V.B. Bostetter, Jr. United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a referenced to the "Martin V.B. Bostetter, Jr. United States Courthouse".

HAWAIIAN HOMES COMMISSION ACT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 64, House Joint Resolution 32.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H. J. Res. 32) to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act of 1920.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the joint resolution be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (House Joint Resolution 32) was deemed read a third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 128, 129, 130, and 131.

I further ask unanimous consent that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements relating to the nominations be placed at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

MISSISSIPPI RIVER COMMISSION

Brigadier General Robert Bernard Flowers, United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 USC 642).

FEDERAL EMERGENCY MANAGEMENT AGENCY

Michael J. Armstrong, of Colorado, to be an Associate Director of Federal Emergency Management Agency.

EXPORT-IMPORT BANK OF THE UNITED STATES

James A. Harmon, of New York, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2001.

Jackie M. Clegg, of Utah, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2001.

STATEMENT ON THE NOMINATION OF MAJ. GEN. ROBERT BERNARD FLOWERS

Mr. CHAFEE. Mr, President, I would like to make a few remarks about the nomination of Maj. Gen. Robert Bernard Flowers to be member and president of the Mississippi River Commission. Last Thursday, June 5, the Committee on Environment and Public Works unanimously reported out General Flowers' nomination.

General Flowers has an impressive background. He has served in the U.S. Army since 1969 and is a registered professional engineer. General Flowers presently is the Army Corps of Engineers Division Commander of the Lower Mississippi Valley, which comprises districts headquartered in St. Louis, Memphis, Vicksburg and New Orleans. In his current position, General Flowers oversees the Corps of Engineers' water resources program in this 156,000 square mile area of the lower Mississippi Valley.

General Flowers' experience will serve him well in the position before him. If confirmed as president of the Mississippi River Commission, General Flowers will be responsible for the planning and implementation of a program to control and develop the lower Mississippi Valley. The MRC also is responsible for the management and oversight of the Mississippi Rivers and Tributaries Project.

I might add that General Flowers is no stranger to the flooding and issues involved in controlling the Mississippi River. In fact, he was unable to join the Committee at his confirmation hearing this past March because of the urgency of terrible flooding in that area. He is a dedicated individual who will continue to be an asset to the Mississippi River and the Nation alike. Thank you.

STATEMENT ON THE NOMINATION OF MICHAEL ARMSTRONG

Mr. CHAFEE. Mr. President, I would like to make a few remarks about the nomination of Michael Armstrong to be Associate Director of Mitigation for the Federal Emergency Management Agency. The President nominated Mr. Armstrong for this position on April 28. Last Thursday, June 9, the Committee on Environment and Public Works unanimously reported out Mr. Armstrong's nomination.

During Mr. Armstrong's confirmation hearing, Senators CAMPBELL, ALLARD, CONRAD, and DORGAN, as well as Representatives SKAGGS and POMEROY, spoke in support of his nomination. In addition, Senator DASCHLE, Governor Romer of Colorado, Governor Racicot of Montana, Governor Janklow of South Dakota, and the Association of State Floodplain Managers have written letters of recommendation on Mr. Armstrong's behalf.

I am pleased to report that Michael Armstrong has an impressive background that suits him well to the position before him. For the past 3½ years, he has served as the Director of FEMA Region 8, which includes the States of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

Mr. Armstrong has done an excellent job as Region 8 director. He has assumed tremendous leadership during major disasters, such as the recent floods in North Dakota. Moreover, Mr. Armstrong has done a great deal to encourage public outreach and coordination between Federal, State, and local response resources.

FEMA is the central agency within the Federal Government responsible for emergency planning, preparedness, mitigation, response, and recovery. The position for which Mr. Armstrong has been nominated, Associate Director of Mitigation, carries out FEMA's policies and programs to eliminate or reduce risks to life and property from natural hazards such as floods, hurricanes, and earthquakes.

Federal emergency management has always focused primarily on how to respond to a disaster, after it strikes. We in Congress are no different; almost every year, we pass supplemental emergency appropriations legislation to pay for the additional, unanticipated costs of timely disasters.

FEMA is beginning to place greater emphasis on the mitigation or prevention of long-term risks before the disaster strikes. The purpose of this shift in focus is hopefully to reduce liabilities and ultimately to reduce the cost of disaster response. This appears to be a smart move, and we are all eager to see FEMA succeed in carrying out this initiative.

If confirmed, Mr. Armstrong will lead FEMA's efforts in mitigating the risks of natural disasters. This task is not an easy one, but I am confident in Mr. Armstrong's ability to face the challenge ahead.

STATEMENT ON THE NOMINATION OF JAMES A. HARMON

Mr. MOYNIHAN. Mr. President, I am pleased to rise today in support of the nomination of James Harmon as President and Chairman of the Export-Import Bank of the United States.

Mr. Harmon is a life-long resident of New York State. After he was born in New York City, his family moved to Mamaroneck where he was raised. After graduating from Brown University and then receiving his M.B.A. in finance from the Wharton Graduate School at the University of Pennsylvania, he returned to New York to launch his professional career.

Currently, Mr. Harmon serves as senior chairman of Schroder Wertheim & Co., Inc., an international investment bank headquartered in New York City. Prior to his assumption of the senior chairmanship in 1996, Mr. Harmon was the chairman and chief executive officer of Schroder Wertheim where he oversaw the expansion of the firm's domestic and international investment banking activities. The merger of Schroder ple [UK] and Wertheim in 1985, initiated by Mr. Harmon, created a global investment bank with approximately 5,000 employees operating in 33 countries around the world. In addition, to his work at Schroder Wertheim, the finance background which Mr. Harmon would bring to the Export-Import Bank was honed during his tenure as a member of the Advisory Committee on International Capital Markets and former chairman of the nominating committee of the Board of Governors of the New York Stock Exchange, Inc.

Mr. Harmon's influence in New York City extends beyond banking. In 1994, along with former New York City Mayor David Dinkins, he founded the Barnard-Columbia University Center for Public Policy where he still serves as chairman of its advisory board. Mr. Harmon is also a member of the executive committee and board of directors of the New York City Partnership, the principal vehicle for private-sector activities which improve the city's economic and social health.

I congratulate the distinguished nominee and wish him great good wishes and congratulations. I thank the President for bringing Mr. Harmon's nomination forward.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, JUNE 16, 1997

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m., on Monday, June 16. I further ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate

then be in a period for morning business until the hour of 12:30 p.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator COVERDELL, or his designee, for 30 minutes; Senator DASCHLE, or his designee, 30 minutes; Senator LEAHY, 30 minutes.

I further ask unanimous consent that immediately following morning business on Monday, the Senate proceed to the consideration of the State Department authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANTORUM. Mr. President, for the information of all Senators, the Senate will not be in session on Friday of this week. The Senate will reconvene on Monday, and following the morning business period, the Senate will begin consideration of the State Department authorization. Senators who intend to offer amendments to that legislation should be prepared to be present on Monday to offer and debate their amendments. Any rollcall votes ordered on any proposed amendment will not occur on Monday, but instead stacked to occur on Tuesday, at a time to be determined by the two leaders. It is hoped that the Senate will be able to finish the State Department authorization bill early next week and the Senate may then begin consideration of the defense authorization bill, if available.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. SANTORUM. Mr. President, I ask unanimous consent that on Friday, June 13, committees have from the hours of 12 to 3 in order to file legislative or executive reported matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. SANTORUM. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment, under the previous order, following the remarks of the Senator from West Virginia, Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

FATHER'S DAY

Mr. BYRD. Mr. President, recently I spoke just before Mother's Day with reference to what that day meant to me and generally, I think, to most Americans. It is a day that originated in West Virginia. This coming Sunday, June 15, is Father's Day. While I am proud to note the many valuable contributions made by fathers in the raising of our precious future generations, these words are harder for me to speak, since that collective noun "fathers" also includes myself. Like, I suspect, most fathers whose jobs necessarily consume much of their time and attention, I carry with me both the realization, of which I regret, that I did not spend as much time with my daughters over the years as I would have wished, and the gratitude that my very capable wife was at home to shoulder so much of the effort in the rearing of our children. And she did a fine, fine job.

Over the course of my life, the American family has changed a great deal. More and more fathers are assuming an ever greater role in the raising of their children, from the changing of diapers to attending parent-teacher conferences. "Soccer moms" now share the sidelines—and the car pooling—with "soccer dads." Fathers, as well as working mothers, have learned the day care drop-off and pick-up routine. There are even growing numbers of single dads taking over the traditional role of mother in addition to their usual career track, and fathers who have opted to be stay-at-home or work-at-home dads in order to become more involved in their children's lives.

When I was a child, children were "seen but not heard" by their fathers, and no man was considered capable—or interested—in the details of raising a young child. Indeed, few men would have had any idea of how to go about caring for an infant, I suppose. And that is why I was reared by my aunt and uncle after my own dear mother died in my first year of life. I can understand and even empathize with my father, and I will always be grateful to my Aunt Vlurma and her husband, Titus Dalton Byrd, for the care and the love, the affection, the attention, and the advice that they gave to me. But, naturally, I will always wonder how my life might have been different had I remained within my own birth family. I remember nothing of my natural mother. I wish that I had more memories of time spent with my father and my siblings. I only can recall spending one week during my lifetime with my natural father.

But I do well remember a kind and gentle foster father, my aunt's husband, who gave me my name and who encouraged me to study and to draw pictures and to play a musical instrument, who encouraged me to reach for the stars and to try to attain goals that were far beyond those which were the norm in our small mining community in southern West Virginia.

Now, he did not want me to toil in the mines as he did. He encouraged me to read. He never bought me a cap buster or cowboy suit. He always bought a drawing tablet or a water color set or a violin or a mandolin or a guitar. He urged me to play music, urged me to develop my abilities.

His education probably did not go beyond the second or third grade. He could manage poor handwriting. He could read. And he read the family Bible. When he left this world, he did not owe any man a penny. In all the years that I lived with him, I never heard him once use God's name in vain, I never heard him grumble at what was put on the table before him. And he and my Aunt Vlurma lived together 53 years. I do not recall ever having heard either of them raise a voice in anger against the other.

He never forgot his little foster son. He always saved something from his lunch for me. He was a coal miner. And I can recall that late in the afternoon I would look up the railroad tracks and watch for him coming down the railroad tracks, carrying his dinner bucket. I would run to meet him. And when I came to him, he would set his dinner bucket down and take the lid off the dinner bucket and reach in and get an apple or a piece of cake. In those days, cakes could be bought for 5 cents at the store—cupcakes, as we called them, some were chocolate, some had coconut icing, and so on. But whatever the cake, he always managed to save it for me. He never failed.

I remember his strong weathered face, his long sturdy hands and his kind, thoughtful eyes as clearly as if he had only this morning patted me on the head and gone off for another back-breaking day in the mines.

He represented strength and security and ageless wisdom to me—it was a time when things were certain and clear and uncomplicated because he was there to make everything right.

As in my own experience, a father's presence looms large in a child's life. A father who sits down to help with homework reinforces the importance of schoolwork. And when a father takes his children to worship services, or better yet, leads them in their bedtime prayers, he instills in them the importance of devotion and respect for the Creator's role in our daily lives.

I am glad that more fathers are taking an interest in their children, as a general matter, I think. It is not always the case, by any means. But they are taking an interest in their children beyond the financial aspect that was all-important during my early days as

a father—when I was making $70 a month working as a produce boy, working as a meatcutter, $70 a month—although that is a role that cannot be abdicated. Children are a joy and a delight, but they are also a very serious lifetime responsibility, both financially and morally. Children are not like a job—they cannot be fired, one cannot quit or resign from the responsibility of being a father, and even declaring moral and financial bankruptcy does not relieve one of the responsibility for the welfare of the children.

So on this Father's Day, as we all remember or honor our fathers—and the scriptures tell us to "honor thy father and thy mother;" most of us were taught at home, to "honor thy father and thy mother"—on this Father's Day, as we all remember or honor our fathers may we also contemplate the great joy that is fueled by a special dad. The material things which daily drive and obsess so much of American life are only transient. When all is said and done they do not amount to much. So many things that occupy our thoughts and our concerns, most of the things we worry about, of course, never happen, but these things that we generally worry about and that loom so large in our daily lives really, really, are not all that large. Among the things that best endure are the love, the values passed on, and the small shared moments recalled with a caring, loving father.

May I say that the man who took on the responsibility of rearing me from the tender age of less than 1 year, I have no doubt that, in Paradise, he is aware of what I am saying today, and I have no doubt that one day, according to the scriptures' promise, I can meet him again. Jesus was mindful of the Heavenly Father when he taught us to pray, saying, first of all, "Our Father who art in heaven."

So let me for a moment, in closing, attempt to recite some lines that were written by someone whose name does not occur to me at the moment, but I think this little bit of verse quite appropriately speaks the thoughts of most Americans, as we look forward to Father's Day. I hope we will take a little time on that day to contemplate the sacrifices of our fathers and to consider the fact that they had concerns about us and loved us.

THAT DAD OF MINE

He's slowing down, as some folks say,
With the burden of years from day to day;
His brow bears many a furrowed line;
He's growing old—that dad of mine.

His shoulders droop, and his step is slow;
And his hair is white, as white as snow;
But his kind eyes sparkle with a friendly light;
His smile is warm, and his heart is right.

He's old? Oh, yes. But only in years,
For his spirit soars as the sunset nears.
And blest I've been, and wealth I've had,
In knowing a man like my old dad.

And proud I am to stand by him,
As he stood by me when the way was dim;
I've found him worthy and just as fine,
A prince of men—that dad of mine.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO THE SENATE PAGES

Mr. BYRD. Mr. President, my attention has just been called to the fact that this is the last day in which we will all be blessed by the services rendered to all Senators on both sides of the aisle by these wonderful young people who sit on the dais, to our right and to our left, who are the pages. Daniel Webster appointed the first page. Tomorrow, these pages will graduate. They go to school while they do this work here for us and for our country. They work for our country, just as we Senators seek to do our best in serving our country. Without these pages, we would find our work to be more difficult, and we can't thank them enough.

They get up early and they go to school. They have to continue to maintain good grades while they are doing the Senate's work. And this is demanding work. They run here, they run there. They are at the beck and call of every Senator all day long.

Tennyson said, "I am a part of all that I have met." I hope these young pages, when they go back to their homes and to their communities throughout the country, will take with them, as I know they will, a part of us, as we will keep with us a part of them.

I take occasion to talk with these young people every now and then. I have told them some stories over the days and weeks. I have told them the story of "The House with the Golden Windows." I have told them Tolstoy's story, "How Much Land Does a Man Need?" And then I related to them a story that was told by Russell Conwell, one of the early Chautauqua speakers, which he had related 5,000 times—the story titled "Acres of Diamonds." And, of course, there have been other stories. But I have found the pages to be so eager—eager to learn, eager to serve.

I think we can all be proud of our young people. We hear sometimes about the bad apples, and there are a few bad apples around. The problem is, they crowd out our view of the good apples. Most of our young people are wholesome, fine young people. They are working in the school rooms, the libraries, the laboratories, and seeking to develop their minds. Perhaps we don't hear as much of them. But they are the future citizens of this country, the great resource of the country. And one day, they will be the chemists, the architects, the teachers, the ministers, the lawyers, the Senators. I know, I have seen that gleam in their eyes. Some of them are thinking about coming back here already—as Senators.

I hope that we Senators have conducted ourselves in a way that will make the pages feel proud of us—proud that you have had the honor and the good fortune to serve here, because it is an honor and you have been fortunate. There are millions of young people throughout this country who would love to serve as pages in the Senate. So I hope that we have, in some way, inspired you to serve and to want to learn. I hope that you will continue to learn. Always seek to excel, to be the best at whatever you are doing. There is always a place for you at the top.

Unfortunately, not too many people want to start at the bottom anymore. But you should be willing to start at the bottom and seek to excel and to learn. In due time, you will be rewarded. Solon said, "I grow old in the pursuit of learning." So continue to learn all of your lives.

We praise the great athletes, but no ballgame ever changed the course of history. Study math, science, chemistry, physics, read well; and in due time, you will contribute to your community and to your country.

A careful man I want to be, a little fellow follows me.
I do not dare to go astray, for fear he will go the self same way.
He thinks that I am good and fine, believes in every word of mine.
The base in me he must not see, that little chap that follows me.
I must remember as I go, through summer's sun and winter's snow,
I am building for the years to be, that little chap that follows me.

That is the way we feel about you. Most of us, certainly, have children and grandchildren, and you are somebody's children and somebody's grandchildren, and we know that they are proud of you.

I took a piece of plastic clay,
And idly fashioned it one day.
And as my fingers pressed it still,
It moved and yielded to my will.
I came again when days were past,
The bit of clay was hard at last.
The form I gave it, it still bore,
And I could change that form no more.

I took a piece of living clay,
And gently formed it day by day.
And molded with my power and art,
A young child's soft and yielding heart.
I came again when years were gone,
He was a man I looked upon.
He still that early impress wore,
And I could change him nevermore.

As I look back across the 80 years of my life, I have lived a full life, and it seems that it was only a little while ago when I was young, like the boys

and girls who are our pages. Even then, I wanted to learn all that I could cram into my head, and I wanted to make something of myself, and to be somebody when I grew up to be a man. I, too, like you, had dreams of all the future years, of what I would do in the days to come.

Ah, how great it is to believe the dream,
As we stand in youth by the starlit stream,
But greater still to live life through,
And find at the end that the dream is true.

One thing, finally, I want to leave with you. Always take God with you. I have lived beyond the psalmist's promise.

The days of our years are threescore years and ten. and if by reason of strength they be fourscore years, yet is their strength, labour and sorrow; for it is soon cut off, and we fly away.

I have lived almost 80 years and I have seen times when I have felt God was near me and listening to me, and you will see those times, too. There will be times in your lives when you will be walking in deep valleys, and you may walk in crowds, but there will be someone closer than the crowd to you. There may be no one else around you, but there is someone with whom you can communicate, someone who will share your grief, and someone who will give you strength, someone who will help lift you up from under great burdens, and that someone is the Heavenly Father. No man is good. We all fall short of the glory of God. But there is a God up there.

Look at the stars tonight, if the skies are clear, and see God's wonderful handiwork. And remember that some of those stars are so far away that the light from them has been traveling millions of light-years—millions of light-years, that some of those stars are so large that they would not be able to pass between the Sun and the Earth. The Sun is 93 million miles away. Yet there are stars so huge that they could not pass between the Earth and the Sun.

Napoleon, as he sat listening to the discussions about material things on the deck of a ship one night, pointed upward and said, "Say what you wish. Who made all of that?"

So you will come across doubters and skeptics and cynics. But you can trust in God. Remember, there are great physicists, great scientists, men and women who have earned degrees from the higher institutions of learning, but they know that there is a hand greater than the hand of man that has created the Earth and the universe—the universes. Keep your faith in Him.

These are the little random thoughts that I have, as we say goodbye to you tomorrow. We will always wish for you these things: work for your hands, a straight path for your feet, sunshine on your windowpane in the morning, a song in your treetop at evening, soft rains for your garden, happiness in your hearts, love at your firesides, and God's blessings always.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 11 A.M., MONDAY, JUNE 16, 1997

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11 a.m. on Monday, June 16.

Thereupon, the Senate, at 6:49 p.m., adjourned until Monday, June 16, 1997, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 12, 1997:

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. WESLEY K. CLARK, x...

DEPARTMENT OF STATE

SUSAN E. RICE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE GEORGE EDWARD MOOSE.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

Captain

JOHN A. ACHENBACH, x...
TOMMY W. ADAMS, x...
JEFFREY L. AIKEN, x...
BENJAMIN P. ALBA, x...
CHRIS L. ALBERG, x...
RICHARD J. ALEXANDER, x...
WILLIAM P. ALEXANDER III, x...
DEMON E. ALLEN JR., x...
BRIAN S. ANDERSON, x...
THOMAS W. ANDERSON, x...
ROBERT J. APRILL, x...
CALVIN L. BAGBY, x...
JOSEPH L. BAILEY JR., x...
EDWARD D. BAIN, x...
DAVID W. BAIR, x...
JEROME A. BALIUKAS, x...
ANTHONY J. BARATTA, x...
PAUL K. BARRETO, x...
PAUL H. BASZNER, x...
JOHN J. BAUCOM, x...
DANIEL B. BELL, x...
MELVIN BELL, x...
DENNIS D. BENSON, x...
FRANKLIN H. BERNARD, x...
DAVID N. BIZE III, x...
RICKY L. BLACKWOOD, x...
WILLIAM G. BODDY, x...
EDWARD B. BONECK, x...
OSCAR J. BRAYNON, x...
JOHN W. BRENNAN JR., x...
DAVID L. BROWER, x...
ROBERT C. BROWN, x...
TERRENCE H. BROWN, x...
DENNIS M. BUNN, x...
CHRISTOPHER T. BUTLER, x...
JAMES W. BYERS, x...
JOHN W. BYRNE IV, x...
CHARLES I. CAMPBELL II, x...
ROBERT J. CAREW, x...
BRANT M. CARTER, x...
KEVIN M. CHEATHAM, x...
CHARLES E. CHENEY, x...
RANDALL C. CIESLAK, x...
WILLIAM A. CIRA, x...
MARK S. CLAY, x...
LAWRENCE E. CLIFFORD, JR., x...
ALEX Y. COBBLE, x...
THOMAS L. COCHENOUR, x...
DOUGLAS H. COE, x...
TERRY L. CONNER, x...
JAMES E. CONNORS, JR., x...
MICHAEL L. COOK, x...
MARK O. COULTHARD, x...
JOHN M. COVERICK, x...
HARRY T. COWELL, x...
STEVEN K. CROWE, x...
JOHN M. CUNNINGHAM, x...
DOUGLAS E. CUPO, x...
CAROLE L. DANISLITTEN, x...
WILLIAM DAVISON, x...
ROBERT M. DAWSON, x...
TIMOTHY J. DAYTON, x...
DIRK J. DEBBINK, x...
MICHAEL A. DEGIGLIO, x...
JAMES W. DEGOEY, x...
GENE V. DELTREDICI, x...
THOMAS M. DLUGOLECKI, x...
KENNETH G. DOMBART, x...
BRIAN W. DOWSLEY, x...
MICHAEL DUGAN, x...
JON A. DUNCAN, x...
HENRY DUNNENBERGER III, x...
THOMAS J. DZIEDZIC, x...
STEVEN Z. ELBINGER, x...
DAVID S. ELLIOTT, x...
WILLIAM A. EMSLIE, x...
CRAIG R. ENOS, x...
FORREST D. ERDIN, x...
HEIDI M. ERNST, x...
JOHN A. ERRIGO, x...
MARK G. ESTES, x...
JOHN D. FAULDERS, x...
DONALD S. FELDMAN, x...
DAN E. FENN, x...
WILLIAM J. FERENCZY, x...
THOMAS N. FETHERSTON II, x...
ROBERT J. FILLER, x...
SCOTT A. FONTAINE, x...
EUGENE, FORD, JR., x...
STEPHEN C. FOX, x...
DAVID R. FRANCHELLA, x...
DONALD B. FRASER, JR., x...
ROGER L. FRITZLER, x...
LOUIS L. FUSCO, JR., x...
CRAIG E. GALLOWAY, x...
JOHN M. GANDY, III, x...
JOHN S. GARDNER, x...
JAMES C. GASSAWAY, x...
TERRENCE M. GAUTREAUX, x...
OLIVER F. GIBSON, III, x...
ROBERT E. GLEASON, x...
RAY A. GOODSON, x...
DOUGLAS GOOLSBY, x...
JEFFREY A. GORMAN, x...
THOMAS M. GORMAN, x...
ELEANOR L. GOWARD, x...
WALTER F. GRADY, x...
DAVID P. GRAY, x...
MICHAEL D. GRIFFES, x...
MICHAEL F., GROMEK, x...
ANTHONY S. GUIDO, x...
JOSEPH P. HAGGERTY, III, x...
WILLIAM A. HALL, x...
ERNEST S. HALTON, x...
DOUGLAS E. HANNUM, x...
ALLEN C. HANSEN, x...
PAUL G. HANSON, III, x...
KATHLEEN L. HARGER, x...
JOSEPH H. HARRINGTON, JR., x...
RODNEY A. HARRIS, x...
WILLIAM C. HARTMAN, x...
LARRY W. HAUTH, x...
RICHARD D. HAYES, III, x...
ROBERT E. HAYES, JR., x...
STUART A. HAYES, x...
MICHAEL L. HEINRICH, x...
WILLIAM L. HENDRIX, x...
THOMAS J. HENNESSEY, x...
GEORGE R. HICKS, JR., x...
KENT R. HIGGINBOTHAM, x...
CARL C. HILL, x...
DONALD C. HILL, JR., x...
FRANCIS C. HINDS, III, x...
JOHN D. HOBDAY, x...
DONNA L. HOPKINS, x...
EMILY H. HOPKINS, x...
JEFFREY C. HOY, x...
DAVID J. HUDACEK, x...
RICHARD H. HUEBNER, x...
FREDERICK P. HUGHES, x...
THOMAS H. HUTCHINSON, x...
FRANK A. INZIRILLO, x...
CHRISTOPHER L. IVES, x...
GREGORY JENKINS, x...
PAUL D. JESS, x...
RONALD E. JOHNSON, x...
WILLIAM G. JOHNSON, x...
CARL W. JORDAN, x...
RONALD L. KAHLENBECK, x...
THOMAS J. KAPURCH, x...
ANDREW B. KARAMANOS, x...
MARTIN P. KAUCHAK, x...
COLEMAN A. KAVANAGH, x...
LLOYD D. KEIGWIN, JR., x...
ROBERT F. KELLY, x...
KENYON H. KENNEDY, x...
STEVEN J. KEOUGH, x...
BARBARA A. KIELY, x...
KEITH W. KINANE, x...
NELSON R. KING, x...
KEVIN J. KINPORTS, x...
KENAN J. KNIERIEM, x...
PETER M. KNOETGEN, x...
DEAN W. KOEHLER, x...
WILLIAM C. KORTHALS, x...
CLIFFORD W. KRCHA, x...
T J. LAGERSTROM, x...
ROBERT D. LEARY, x...
JOSEPH F. LEES, x...
DAVID H. LEHMAN, x...
ROBERT L. LENCE, x...

PETER A. LENZEN, x...
HELEN V. LEONG, x...
JOSEPH A. LIGUORI, x...
STEPHEN O. LILLIE, x...
FREDERICK LITTY, x...
WILLIAM P. LOEFFLER, x...
ADRIAN D. LORENTSON, x...
JOHN A. J. MACGINNIS, x...
JAMES H. MADDEN, x...
MICHAEL P. MAGNOTTI, x...
MARTIN J. MAHON, x...
GEORGE M. MAROZSAN, x...
DAVID L. MASLOW, x...
RICHARD D. MASSEY, x...
EDWARD MASSO, x...
MICHAEL A. MCCABE, x...
THOMAS J. MCCABE, JR., x...
JOSEPH E. MCCARTHY, JR., x...
JAMES C. MCDONALD, x...
ROBERT S. MCEWEN, x...
RODNEY G. MCFADDEN, x...
JOHN P. MCGINN, JR., x...
MICHAEL J. MCGRAW, x...
WILLIAM K. MCINTIRE, x...
PATRICK R. MCKIM, x...
WILLIAM E. MCKINNON, x...
STEPHEN P. MCMULLIN, x...
MICHAEL K. MCVAY, x...
ROBERT W. MEISELAS, x...
LEE J. METCALF, x...
STEPHEN METCALF, x...
MICHAEL A. METSKAS, x...
DAVID R. MICKLE, x...
MARK T. MILLER, x...
GARY E. MITCHELL, x...
ROBERT L. MITCHELL, x...
MICHAEL J. MOON, x...
WILLIAM R. MOORE, x...
RICHARD H. MORCK, x...
CHARLES L. MORIN, x...
RONALD W. MORRISON, x...
KENYON L. MOSS, x...
GERARD A. MUMFREY II, x...
CHARLES W. NEIGHBORS, x...
STEPHEN C. NELSON, x...
COLLEEN NEVIUS, x...
STUART T. NEWMAN, x...
CHARLES A. NUNEZ, x...
FRANCIS J. OKEEFE, x...
ISABELLA J. OLEARY, x...
SEAN P. ONEIL, x...
WILLIAM M. ORR, x...
GARY A. ORSKI, x...
JAMES T. OSTRICH, x...
ISAIAH H. OWENS, JR., x...
RAYMOND J. PAUL, x...
ROBERT S. PEARSON, x...
GERALD W. PEETERS, x...
DAVID E. PENDLETON, x...
PERRY F. PICORIELLO, x...
THOMAS E. PINNEY, x...
GEORGE G. PLATZ, x...
GEORGE F. POELKER, II, x...
PHILLIP L. POIRIER, JR., x...
KEVIN L. POWELL, x...
BARRY E. RAINEY, x...
SCOTT L. RARIG, x...
SCOTT D. REAGAN, x...
THOMAS M. REIDY, x...
CHARLES E. RENNER, x...
WILLIAM C. REUTER JR., x...
WILLIAM B. RHUE, x...
DANIEL C. RIGTERINK, x...
JAMES M. RIPLEY, JR., x...
STEVEN W. ROBERTS, x...
TOMI E. ROESKE, x...
STEVEN W. ROHRSSEN, x...
WILLIAM A. ROIG, x...
OTTO E. ROSSNER, III, x...
MARY A. F. ROWE, x...
STEVEN L. RUSSELL, x...
MARK S. SADEL, x...
PAUL S. SANZO, x...
ALAN D. SARGEANT, x...
DOUGLAS E. SCHAEFER, x...
ALBERT J. SCHUETTE, x...
SUSAN K. SCHWARTZ, x...
JEFFREY L. SCHRAM, x...
DONALD B. SCOTT, x...
RANDALL L. SEGERT, x...
HARRY F. SHAFFER, x...
CHARLES R. SHARRATT, x...
ISMAIL SHEKEM, x...
JAMES B. SHELLEM, x...
PAUL S. SHERBO, x...
ROBERT S. SHERLOCK, x...
WOODROW R. SHIELDS, x...
DAVID J. SHORT, x...
STEVAN D. SILVAST, x...
RICHARD L. SIMONS, x...
DANIEL L. SIMPSON, x...
WILLIAM M. SIMS, JR., x...
ROBERT A. SINIBALDI, JR., x...
GEORGE A. SIRAGUSA, x...
GLENN R. SIVILLS, x...
LEE T. SLAUGHTER, x...
RONALD J. SMELTZER, x...
RONALD L. SMITH, x...
DAVID P. SMOUSE, x...
CARLTON E. SODERHOLM, x...
HAROLD E. SPEARS, JR., x...
DANIEL J. SPOONER, x...
MICHAEL B. STAINBROOK, x...
ALAN R. STEICHEN, x...
TIMOTHY F. STOESSEL, x...
THYRA L. STRAPAC, x...
JOHN L. STRIDE, JR., x...
ALFRED E. STUART, x...
WILLIAM K. STULB, x...
JEFFERY H. SUNDAY, x...
CHARLES W. SWINTON, x...
JOHN J. TARTAGLIONE, x...
PAUL J. TELTHORST, x...
JEFFREY H. THOMAS, x...
DAVID J. THORN, x...
JOHN E. THORP, x...
OWEN G. THORP, x...
MARK S. THORPE, x...
FORREST L. TOUCHBERRY, x...
JAMES H. TULLEY, JR., x...
ROBERT A. TYLICKI, x...
DAVID J. VANPETTEN, x...
CHARLES J. VARGO, x...
THOMAS K. VAUGHN, x...
ROBERT R. VOGEL, x...
JONATHAN R. WADE, x...
RICHARD J. WALLACE, x...
MARGARET M. WATRY, x...
WILLIAM H. WATSON, JR., x...
ROBIN M. WATTERS, x...
ARTHUR J. WEIS, x...
ROBERT F. WEISS, JR., x...
JEFFREY W. WELCH, x...
DANIEL E. WERNLI, x...
MARK L. WEST, x...
GERALD A. WHITE, x...
KENT D. WHITE, x...
JAMES C. WHITSETT, x...
BARRY N. WILBUR, x...
WILLIAM C. WILKERSON, x...
HARVEY E. WILKINSON, JR., x...
IRVIN G. WILLIAMS, III, x...
REX R. WOLFE, x...
EDWARD P. YETSKO, x...
STEPHEN A. YOUNG, x...
SRETEN, ZIVOVIC, x...

CONFIRMATIONS

Executive nominations confirmed by the Senate June 12, 1997:

FEDERAL EMERGENCY MANAGEMENT AGENCY

MICHAEL J. ARMSTRONG, OF COLORADO, TO BE AN ASSOCIATE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

EXPORT-IMPORT BANK OF THE UNITED STATES

JAMES A. HARMON, OF NEW YORK, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2001.

JACKIE M. CLEGG, OF UTAH, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2001.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

MISSISSIPPI RIVER COMMISSION

BRIGADIER GENERAL ROBERT BERNARD FLOWERS, U.S. ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 USC 642).

HOUSE OF REPRESENTATIVES—*Thursday, June 12, 1997*

The House met at 10 a.m.

The Reverend Robert Baggott III, Wayzata Community Church, Wayzata, MN, offered the following prayer:

Will you pray with me.

O God our help in ages past, our hope for years to come, our shelter from the stormy blast and our eternal home. We pause in these early morning hours to offer our prayer to You and to ask that You bend an ear and listen.

We come praying for the people of this great country, America. Those who work, study, love, and play from sea to shining sea. As decisions are contemplated by this esteemed body, may we remember the faces of these people who punch the timeclock, drive the tractor, write the brief, and teach a child. It is their passion, their hope, and vision that keeps America great. May we never forget them.

We would also pray for our dream of America, entrusted to us by our Founders to guard, exercise, and live the dream that all would live in harmony and justice would prevail. That individuals would not be judged by race, religion, or economic plight, but rather would be judged by who they are as children of God.

And we would also pray for these wise Members empowered with the awesome responsibility of keeping our American dream alive. Grant them courage when the road is rough, clarity when confusion reigns, but most of all, wisdom and decisiveness when decisions call.

We would ask these things in Your name, O God, the one who inspires us all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas [Mr. TURNER] come forward and lead the House in the Pledge of Allegiance.

Mr. TURNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain twenty 1-minutes on each side.

THE REVEREND ROBERT BAGGOTT III, GUEST CHAPLAIN

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, we are privileged to have the Reverend Robert Taylor Baggott III of Wayzata, MN, as our guest chaplain today. Bob Baggott is the senior minister of my home church, Wayzata Community Church, and a close personal friend. Bob is a highly respected member of the clergy and a person of great spirituality who has touched many lives throughout our Nation.

In fact, Mr. Speaker, Bob Baggott was brought up in a Baptist church in Georgia. Bob is well known for his inspirational and insightful speaking. He is a product of one of the great preaching seminaries in our Nation, New Orleans Seminary. Reverend Baggott has a remarkable record of community outreach and religious stewardship across this land, from New Orleans and Atlanta to Chicago and Miami to Minnesota.

Bob Baggott started his ministry at Baptist Hospital in New Orleans, then received his masters of divinity degree and served as associate pastor at a Baptist church in Atlanta. From there he accepted a call from Plymouth Congregational Church in Miami, where he founded the New Life Family Shelter.

Also in Miami, Reverend Baggott served as trustee of Miami Interfaith Counseling as well as community services, Christian Community Services, that is, on top of chairing the United Protestant Appeal in Miami.

Little wonder then, Mr. Speaker, that Bob Baggott was voted Man of the Year by the Miami Christian Community Agency.

Reverend Baggott was also chosen as guest preacher at the National Cathedral here in Washington in 1989 to speak at the anniversary service for the victims of the Pan Am flight 103 tragedy.

Mr. Speaker, Reverend Baggott came to Wayzata, MN, our community, after serving as senior minister at First Congregational Church in Naperville, IL. Bob also currently serves on the National Clergy Advisory Board for the Chicago Theological Seminary.

Bob and his wife Beth, who is visiting with us today and sitting in the gallery, are both children of ministers. Bob's father is a retired senior minister of a large Baptist church in Birmingham, AL. Beth's father is a retired Lutheran pastor. Beth and Bob are the proud parents of Taylor who is here today on the floor. Taylor is an 11-year-old hockey player who is going to be a great one in Minnesota, and Peyton, who is with Beth in the gallery, his beautiful 6-year-old sister.

Mr. Speaker, it is a great pleasure and privilege for me to welcome the Reverend Robert Taylor Baggott III and his family to the House today, and we offer him our heartfelt thanks for serving as our guest chaplain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARR of Georgia). All Members are reminded that rules of the House prohibit recognition of visitors in our galleries.

REPORT TO MEMBERSHIP ON FLOOD AID NEGOTIATIONS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. I want to report to the House on the negotiations on flood aid, but before I do, I must report that I just learned to my great delight that Reverend Baggott was in fact a high school student of mine at Newnan where I taught a class. I was teaching in west Georgia and I taught a class in the afternoons for high school students. And it is probably a sign of how long I have been hanging out that he is now a pastor. But we are glad to have his son and daughter with us. That was an additional delight here this morning.

I want to say to all my colleagues on both sides of the aisle that we are making progress. I have been deeply committed to getting flood aid to the victims I visited in Minnesota and North Dakota. I know how important it is to get them the aid.

I was very disappointed when the President vetoed the flood aid on Monday. We believe we are very close to having it worked out and hope in the next few hours to announce and then move a supplemental appropriations bill to provide the flood aid.

But I would say for the country and for all my colleagues that insisting that the Government stay open is not a small thing; that if Senator DASCHLE

will give his word today and get a unanimous consent agreement in the other body to bring up at an appropriate time a continuing resolution to keep open the Government, that he will have guaranteed that the aid will go through much more rapidly, and he has it in his power to do so; and that, frankly, ensuring that Americans are counted in the census by enumeration as the Constitution requires is not a small thing.

I believe that we will have language worked out this morning with the administration to require the census to develop a track of being able to enumerate every citizen, not just have somebody make an estimate, which can easily be politically manipulated. That is a constitutional requirement that goes back to 1790, and we have an obligation.

These are not minor issues, these are not political games. Keeping open the American Government and ensuring that every citizen is counted are important to the people of this country. We believe we have an agreement. We hope to be able to bring this bill to the floor sometime late today.

CONGRESS SHOULD APOLOGIZE FOR SLAVERY

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, generations have passed since the end of slavery. In that time, Congress has done much to undo the effects of that horrible wrong, but we have never apologized. And I was stunned to learn that fact from the Congressional Research Service.

Today I will introduce a resolution apologizing to the African-Americans whose ancestors suffered as slaves. My resolution will not fix the lingering injustice resulting from slavery, but reconciliation begins with an apology. I hope this apology will be a start of a new healing between the races.

Though no one alive today is responsible for slavery, all Americans share our shameful heritage and we all suffer from the consequences of a divided Nation. Therefore, it is fitting for the Congress, as the representatives of the American people, to offer this apology. This apology is long overdue, but it is never too late to admit we were wrong and ask for forgiveness.

DADS HOLD A SPECIAL PLACE IN OUR HEARTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it is that time of year again when America honors its dads. This Sunday, we will celebrate Father's Day, a day to acknowledge the special place which dads hold in our hearts, a day to recognize the role dads have played as father, husband, teacher, mentor, provider, caregiver and friend.

Mr. Speaker, every American has a father, but not every American has a dad, one whom they know, love, spend time with and trust. Because of this fact, our country has suffered. Indeed, the United States is now the world's leader in fatherless families. This has taken its toll in our society.

We know men across America struggle to be good dads, and Members of this House know the sacrifices we have to make to live up to our responsibilities as fathers. Many of us are co-laborers in the struggle. Mr. Speaker, this is why several Members have joined me today to establish the Congressional Task Force on Fatherhood Promotion.

With colleagues from both sides of the aisle, the gentleman from North Carolina [Mr. MCINTYRE], the gentleman from California [Mr. ROGAN], and the gentleman from Texas [Mr. TURNER], I have established the Fatherhood Promotion Task Force, first as a result of the unsavory fact that fatherlessness is a reality for far too many American children and, second, because it is time that men who hold high places be the ones to mold a new reality. We must lead by example.

Mr. Speaker, the time has come for fathers to take hold of and be proud of their role as dad.

I wish every father a happy Father's Day and ask you: Have you loved your children today?

AMEND THE CONSTITUTION TO PREVENT BURNING OF OLD GLORY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in America it is illegal to burn trash, but we can burn the flag. In America it is illegal to remove a label from a mattress, but we can rip the stars and stripes from the flag. In America it is illegal to damage a mailbox, but we can destroy the flag.

Scholars say the Constitution allows it. Maybe so, but the original Constitution allowed slavery and treated women and Indians like cattle. Mr. Speaker, it is time to change the Constitution.

A people that do not honor and respect their flag is a people that does not honor and respect their neighbors or their country. If individuals want to make a political statement, they can burn their bras, burn their pantyhose, burn their BVD's, but they should leave Old Glory alone.

It is time to amend the Constitution.

FATHERHOOD

(Mr. ISTOOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISTOOK. Mr. Speaker, I want to thank all the fathers who do it right. A good father should first be a good husband and show his children by example the love and respect that their mother should receive. A father is one who is there, who quietly and faithfully sees needs and fills them. From diapers to bicycles to homework to growing to adulthood, fathers must be powerful forces of leading by quiet example.

Fathers keep things strong and solid, but they keep it simple. My father set an example for hard work. He came home for dinner. He stayed with the family in the evening, but he had his own business to build and he went back to work late and would work until midnight and then be back home. He set an example.

My father helped me through college, the first to my knowledge in my whole family tree, to get a college degree.

When I married, my wife's father took it on himself to stock our kitchen and our pantry with its first set of food and supplies for us. Simple but significant.

□ 1015

I hope and pray that I will be as good a father to my five children as my father has been to his five children and someday my two sons will be to theirs. Fathers like it simple. So to mine and all of ours, I simply say, thanks, Dad.

FATHERHOOD PROMOTION TASK FORCE

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Speaker, as a new Member from North Carolina, it is a high honor to serve the people in the House. Yet an even more important role in my life is that of being a father. As I approach my 14th year of being called "Dad," we must all realize that fathers do make a difference in the home.

The statistics speak for themselves and are staggering. Four out of ten children in America will go home tonight without a father. The time a father spends with a child averages, one on one, only 10 minutes a day. Violent criminals too often are males who have grown in a home without a father. As leaders of our country, we must do better.

I urge my colleagues to join the Congressional Fatherhood Promotion Task Force. We will explore ways to challenge fathers to that type of commitment, not just another law or another government program, but encouraging fathers to fulfill the calling that they have in their lives.

The future of our country lies in the hands of our children. Through this task force, we will ensure that those hands are properly prepared with persistence and purpose and ready to lead. Please join us in this important mission that we not fail.

PROTECTING THE SACRED SYMBOL OF THIS NATION, THE AMERICAN FLAG

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today, on the eve of Flag Day, in strong support of House Joint Resolution 54, a constitutional amendment to prohibit the desecration of the American flag.

More than 1 million men and women have sacrificed their lives defending this country and the freedom that it represents. It would be a great dishonor for us now to turn our backs on those who gave so much to protect the American flag and what it symbolizes. We must now fight for them in protecting the sacred symbol of this Nation.

Mr. Speaker, as a veteran of both Vietnam and the Desert Storm wars, I proudly support this legislation and urge my colleagues on both sides of the aisle to do the same.

PROMOTION OF FATHERHOOD IS CRITICAL

(Mr. TURNER asked and was given permission to address the House for 1 minute.)

Mr. TURNER. Mr. Speaker, as we approach this Father's Day, many of us are fortunate to reflect upon the positive influence of our own fathers and to feel the sense of joy that comes from being a father. We understand that the experience of having a father is critical to shaping our lives, and we know that there are numerous studies that have been done that point out that loving, committed fathers help children get a better start in life.

According to the Journal of Family Issues, interaction between children and their fathers improves the child's early mental development and physical well-being. We know that children who grow up with committed fathers are less likely to get involved with gangs and drugs and turn out to be better parents themselves. That is why the Book of Proverbs tells us to train the child in the way he should go, and when he is old he will not depart from it.

A group of Members in this House have joined together to form the Fatherhood Promotion Task Force for the purpose of examining Government policies to ensure that those policies promote, encourage, and support families. Every child deserves the love and care of a responsible adult, and the promotion of fatherhood is critical to our future.

REDUCING THE TAX BURDEN ON FATHERS

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, Sunday is Father's Day, and I would like to start by paying tribute to my father, who has done such a great job in helping myself and my brothers and sisters in getting to where we are in our lives today. Certainly, without his support as we were growing up, we would not be here and would not be able to be doing the things we are doing here today.

I also have to think about in the society that we live in how many fathers are forced to work two jobs because of the large tax burden. And I have to hope that the work we are doing out here this week in Washington, working to reduce that tax burden on our American families by providing a $500 per child tax cut and by providing a college tuition tax credit, let us hope that that work and that effort that we are going through this week out here in Washington will somehow allow our fathers to not have to work that second and third job out there in America so that they can in fact spend more time at home with their families and spend more time with their children, providing them the guidance to make this a better nation in the long term for everyone.

CLEAN DISASTER RELIEF BILL

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, I want to take this opportunity to commend the 20 Republican House Members who sent a letter to the Republican leadership to urge passage of a clean disaster relief bill. These brave Members are acknowledging what the American people already know, that the Republicans have played politics with the lives of flood victims.

One Republican said that she is exasperated with her party's leadership. Another Member admitted that the Republicans have made a mistake and that this should only have been a disaster relief bill. Another accused the Republican leadership of acting irresponsibly.

Mr. Speaker, the Democrats have spoken. Some brave Republicans have spoken. But more importantly, the American people have spoken. Please let us send the President a clean disaster relief bill and help those in need. They must not be made to wait any longer.

CUT TAXES, HELP RESTORE THE AMERICAN DREAM

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the American dream is not a dream about more government. It is not a dream about higher regulation or higher taxes. No, Mr. Speaker, the American dream is about freedom and opportunity. It is about having your children do better than yourself. It is about having your own business and handling your own responsibilities.

For the first time since 1969, this Congress is taking steps so that literally millions can again dream the American dream by having a balanced budget. For the first time in 16 years, we will have tax cuts. Cutting taxes is perhaps the most fundamental thing we can do here in Congress to help every American, no matter how much money they make, no matter where they are in life, to dream their dreams with confidence.

Mr. Speaker, we will hear that tax breaks will only go to the rich. But remember, the same people that make that untrue argument are the same people who raised taxes in the first place. Let us cut taxes and help restore the American dream.

SUPPLEMENTAL APPROPRIATIONS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the President asked Congress for disaster relief funding 85 days ago, nearly 3 months. American families are suffering. Why has Congress failed to provide urgently needed disaster assistance? It is because the Republican leadership chose the disaster relief bill as their vehicle to extract political concessions from the President.

Newspaper accounts in the last several days have said that the gentleman from Georgia [Mr. GINGRICH], who appeared here this morning, never expected the President to sign the bill by adding the provisions. They were done in order to embarrass the President, the same Speaker who brought us two Government shutdowns.

The Republican leadership has blocked $5.6 billion for disaster victims in 33 States, $1.9 billion for U.S. military operations in Bosnia and elsewhere. People are hurting and they need our help.

Congressional Democrats held vigil on Tuesday night to send a simple message: We are willing to work around the clock to get the job done. I applaud those Republicans who are finally saying, enough is enough, forget the political games, let us get disaster assistance to those in this country who need it.

CLONING BAN VERSUS PARTIAL BIRTH ABORTION BAN

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, this afternoon the Subcommittee on Technology will conduct a hearing to review the President's National Bioethics Advisory Commission Report on Cloning.

When the President accepted the Commission's report and announced legislation to ban the use of cloning technology to create human beings last Monday, he stated the following, and I quote:

Our scientific explorations must be guided by our commitment to human values, to the good of society, to our basic sense of right and wrong. Nothing makes the necessity of that moral obligation more clear than the troubling possibility that these new animal-cloning techniques could be used to create a child. Attempting to create a human being is unacceptably dangerous to the child and morally unacceptable to our society. Creating a child through this new method calls into question our most fundamental beliefs. It has the potential to threaten the sacred family bonds at the very core of our ideals and our society.

Mr. Speaker, I commend the President on his remarks, and I intend to support the Cloning Prohibition Act. But how is it, Mr. Speaker, that our President can ban a technique to create a human life but veto legislation banning the grisly procedure known as partial birth abortion?

EMERGENCY FLOOD RELIEF BILL

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, today the House can help a lot of fathers, today; we do not have to wait until Sunday, on Fathers Day, by passing the emergency flood relief bill. Today the House has a chance to do what should have been done many months ago, for fathers yes, mothers, children, a whole lot of other people, by passing a flood relief bill that helps West Virginia, Ohio, Tennessee, Kentucky, the Dakotas, the Midwest, California.

The Senate has already agreed to take out the nonrelated matters, the things that do not have anything to do with flood relief. But yet the House has not yet gone along with that. But it can. Why are we arguing about how we shut the Government down or do not shut it down or the census, how we count in the year 2000?

The fact is, if we do not pass this bill today, a lot of local governments may be shutting down and there may not be enough people to count in some of our flood-torn areas. If the House passes it today, West Virginians can begin rebuilding the river banks in Cabell and Putnam County. They can begin working on Herbert Hoover High School and the others that were damaged; farmers can begin getting that emergency assistance because they lost their fences and suffered other damage.

If this bill does not pass today, Mr. Speaker, then Sunday a lot of fathers and their families can ask whether this leadership really cares.

TAX CUTS

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, as I speak, the Committee on Ways and Means continues to debate the details of what would be the first major tax cut enacted in 16 years. This proposal is consistent with the balanced budget agreement. The proposal contains permanent tax relief covering people throughout their lives from the childhood years to the education years, from the saving years to the retirement years. It offers a $500 per child tax credit covering 41 million children.

Education incentives are offered by creating investment accounts to allow parents to save tax-free for their children's higher education. A 10-percent capital gains tax cut rate would cover 5 million Americans, including 2 million senior citizens.

Mr. Speaker, this package represents a clear and more simple vision: Allow the American people to do more by letting them keep more of their earnings.

SUPPORT EMERGENCY DISASTER RELIEF

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, in 1989, northern California was struck by the Loma Prieta earthquake. Families lost their houses, their homes, their personal possessions, their family photographs. It was a terrible disaster and a tragedy.

Before we could even ask, Chairman Jamie Whitten, the chairman of the Committee on Appropriations, came earlier to work than usual and started to prepare the Federal response. He knew that the American people and the American Government have a compact between them that, when disaster strikes, the Federal Government is there to provide comfort and meet the needs of the people.

The Republican leadership in this House of Representatives have broken that compact with the American people, they have violated it. For their own political agenda, they are holding hostage the families of the disaster stricken areas of our country. These families have suffered tremendous losses. They have serious doubt about how they will be made whole. Instead of having the comfort and the embrace of the Congress of the United States, they are ignored.

Despite the best efforts of President Clinton and indeed even the gentleman from Louisiana [Mr. LIVINGSTON], the radical Republican leadership refuses to help the families of America. I hope our colleagues will join the 20 brave Republicans and our Democratic leadership in supporting the emergency disaster relief bill today.

REPEAL THE DEATH TAX

(Mr. RILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RILEY. Mr. Speaker, in America today there is a growing sentiment to repeal the Federal estate tax, commonly known as the death tax. After a lifetime of hard work, many family farmers and small business persons know the death tax will destroy a large portion of their life's work.

The death tax in many ways, Mr. Speaker, is like a disease; and like a disease, treatment is expensive, complicated, and not well understood. In order to prepare for death taxes, a business person must call in a variety of financial specials. The average family business will spend $20,000 on attorneys, $12,000 on accountants, and $11,000 on other financial advisors just to prepare for death taxes.

Mr. Speaker, that is over $40,000 which could have been used to create jobs, buy new equipment, pay higher wages, or increase benefits for employees. All of these items would help grow the economy and improve our quality of life. Mr. Speaker, I encourage the House to repeal the death tax now.

□ 1030

STOP PLAYING GAMES WITH DISASTER RELIEF

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, almost 3 months ago, floods forced thousands of people from their homes, their businesses, their schools, their farms. They lost their possessions, they lost things that meant so much to them like family albums. And they called for help. They asked us to do something to help them.

What did Republicans do? Well, they high-jacked the disaster relief bill. They loaded it up like a pack horse with extraneous measures to advance their own partisan political agenda.

Americans know what an emergency is. They are disgusted with the political games the Republicans are playing with the lives of flood victims just like they were disgusted when Republicans shut the Government down twice.

Now we hear that the Republican leader in the other body is proposing to

cut back this emergency relief by 25 percent, cut emergency relief in order to give it. Well, you go figure. I cannot figure that one out. I cannot figure how they have acted on this whole thing now for the last 3 months. Stop playing games. Let us not trade too little for too late.

WHY THE PRESIDENT VETOED THE DISASTER RELIEF BILL

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the reason the President vetoed the flood relief bill was because he wants to have the ability to shut the Government down. We put in a provision that said that if we cannot reach an agreement, we will continue Government. We will continue it at fiscal year 1997 levels.

But no, that was not good enough for him. He wants to shut the Government down. The President wants to shut the Government down. The President wants to shut the Government down, and that is why he vetoed the disaster relief bill, not because of us, like the Congress wanted to shut the Government down. It is the President. We had a provision to prevent it from happening, and he simply wanted to say I want the right to shut the Government down and blame Congress, like he did last year, in 1995 and 1996. It is very simple.

Once the truth is out and people understand it, they will understand why we want to continue the Government, we want to preserve what is going on. It is very simple. The President wants to shut the Government down.

BALANCED BUDGET AGREEMENT

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute.)

Mr. ADERHOLT. Mr. Speaker, the year was 1974 and that year Patty Hearst was kidnapped. In the same year Hank Aaron hit his 715th homerun. Those two stories were major headlines, but not many people knew that it was the last time the Government will have spent less than 20 percent of the Nation's economic resources. With the new balanced budget, Mr. Speaker, it is going to happen again.

Mr. Speaker, the balanced budget will have $350 billion in gross tax cuts over 10 years for families, for education costs, and for economic growth. Last, Mr. Speaker, the balanced budget agreement will finally do what its name says. It will balance the budget. It will be balanced by 2002, and then keeps it in surplus.

In summary, the agreement means smaller government, lower spending, lower taxes, and a balanced budget, all in one agreement. It cannot be emphasized enough that this happens in one agreement.

INSIDIOUS EFFECTS OF THE DEATH TAX

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, the death tax, known to the IRS as the estate tax, has profound effects on the American public, both direct and indirect. Directly, it forces the liquidation or dismantling of a lifetime of work, building of a family farm or a small business. Indirectly, and more insidiously, it forces taxpayers to undergo complex, expensive planning with lawyers and accountants to help minimize its bite. Workers are laid off when a firm or a farm is dismantled, and local economies are disrupted. This distorts economic activity and increases the cost of doing business in communities.

Throughout the Fifth District of Texas, and this country, the very people who deal in these income distributions are faced with this and really what it is needed to do is to help people rather than putting them on the lower rung of the economic ladder. It harms. The death tax hurts America and it hurts everyone. I am urging this Congress to repeal the death tax now.

THE BALANCED BUDGET AGREEMENT

(Mr. THUNE asked and was given permission to address the House for 1 minute.)

Mr. THUNE. Mr. Speaker, the budget agreement and the legislation that will implement that agreement is a good thing for America. It balances the budget by the year 2002 and keeps the budget in surplus thereafter. It provides $350 billion in gross tax cuts over 10 years for families, for education costs, and for economic growth. It ensures Medicare solvency for 10 years, it does not touch Social Security, and it provides $600 billion in entitlement savings.

This budget is pro-business, it is pro-family, and it is economically responsible. It keeps faith with our children so that they will have a sound government, a growing economy, and a brighter future. It is good for farmers, for small businesses, and for agriculture because it makes important relief in the area of estate taxes and capital gains tax relief.

THE AMERICAN PEOPLE NEED TAX RELIEF

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, the average family in America in 1950 paid about four percent of their income in taxes to all levels of government. Today that tax load on the typical American family of four is about 24 percent; 24 percent of their gross income goes to government at some level.

That is why Republicans in our Contract With America some 2½ years ago decided it was very important to provide tax relief to the American people. We tried over the last 2 years, unsuccessfully to provide this type of permanent tax relief to American families.

Today the Committee on Ways and Means of this Congress will bring a bill to reduce taxes on American families. This will be the first tax decrease from Washington in 16 years. Seventy-five percent of the benefits of this tax package will go to middle income families making between $20,000 and $75,000 a year.

This is Republicans continuing to keep our commitment to the American people. This was the cornerstone of the Contract With America, and I am proud of the work that we are doing in continuing to meet the commitments that we made to the American people.

THE REST OF THE STORY

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I wanted to hold my tongue on the matter of disaster relief to Americans who have been affected by flood, but I could not help but read today's paper when I saw that the President is sending thousands of troops to build parks and other facilities in Central America as Commander in Chief, that in fact in this disaster relief bill there are billions of dollars for Bosnia, which the President wants to keep our troops in Bosnia, and we have spent tens of millions, hundreds of millions of dollars in building bridges and roads in Bosnia at the behest of the President and his policy.

It is my understanding, too, that the President has the authority both to spend money that is in the pipeline to help these flood victims, so that the case that has been made this week is without merit. As Commander in Chief, he could send our troops and military and others and our dollars into this affected area to help those folks. That is the rest of the story.

CAPITAL GAINS TAX RELIEF IMPORTANT FOR AMERICAN ECONOMY

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as we have watched the Committee on Ways

and Means proceed with its markup, I think it is very important for us to recognize that the plan to reduce the top rate on capital gains is in fact not a tax cut for the rich, as many on the other side of the aisle and some harsh critics have said in the past.

If we are to reduce the top rate on capital gains significantly, we can actually increase the take-home pay of the average family of four by $1,500 a year. That itself is a very important tax cut; it will in fact benefit working Americans.

We also have to look at the fact that reducing the top rate on capital gains is not going to cost the Government a nickel. In fact, it is going to gain revenues to the Federal Treasury. How do we know that? Every single time that it has been done, from 1921 under President Warren G. Harding all the way to 1981 under President Ronald Reagan, reducing that top rate, in fact, expands the pie and generates an increased flow of revenues to the Federal Treasury. Reducing the capital gains tax is a very important part of this package. We need to move ahead with it.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 54, PROHIBITING THE PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 163 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 163

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 54) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The joint resolution shall be considered as read for amendment. The joint resolution shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit. The motion to recommit may include instructions only if offered by the minority leader or his designee. If including instructions, the motion to recommit shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule provides a fair and a reasonable way to consider the proposed constitutional amendment to allow this Congress to prohibit the physical desecration of the flag of the United States of America. Let me go through the steps that we will follow.

First, there is 1 hour of debate on this rule, which is equally divided between the majority side and the minority side. After voting on the rule, there will then be 2 hours of debate on the proposed constitutional amendment. That time is equally divided between the chairman and ranking minority member of the Committee on the Judiciary, who happen to be on different sides of this issue, although this is a bipartisan piece of legislation offered here today.

Then the rule allows for a motion to recommit, which may include instructions if offered by the minority leader or his designee.

□ 1045

This would be the opportunity for the minority or those in opposition, since many of the minority are cosponsors of this legislation, it would allow those in opposition to offer an amendment or a substitute and have it voted on in this House.

Mr. Speaker, as we begin this debate, I would like to provide some background on how we got here today, and it is a shame that we even have to be here.

Prior to the Supreme Court decision in Texas versus Johnson in 1989, 48 States and the Federal Government had laws on the books prohibiting the desecration of the American flag.

In the Johnson case the Supreme Court held by a bare 5 to 4 margin that the burning of an American flag as part of a political demonstration was expressive conduct protected by the first amendment to the Constitution.

In response to the Johnson decision, Congress passed the Flag Protection Act of 1989 under suspension of the rules by a record vote of 380 to 38.

Then in 1990, in the case of the United States versus Eichman the Supreme Court in another 5 to 4 decision struck down this statute, ruling that it infringed on expressive conduct protected by the first amendment.

Within days, the House responded by scheduling consideration of a constitutional amendment to protect the flag from physical desecration. The amendment received support from a substantial majority of the House, but unfortunately fell short of the necessary two-thirds vote for a constitutional amendment. The vote at that time was 254 to 177.

Subsequently, Mr. Speaker, 49 States have passed resolutions calling on Congress to pass an amendment to protect the flag of the United States of America. In here are the resolutions of those 49 States.

Subsequently, in the last Congress, we mounted a new effort to pass a constitutional amendment to protect the flag against physical desecration. We were successful in achieving the required two-thirds vote in the House for the first time on this constitutional amendment. The vote then was 312 to 120, and that was substantially higher, 22 votes higher than even needed to amend the Constitution.

Unfortunately, the Senate fell just a few votes short of the needed two-thirds. The vote there was 63 to 36, and consequently the amendment was never put out to the American people to ratify.

Now we are set to begin the final push to victory, my colleagues, in order to try to pick up the few extra votes needed in the Senate. The language of the amendment offered this year is significantly different from the 1990 and 1995 versions, and this is important for Members to pay attention to, especially over in the other body, because many of those that voted against it last time voted against it because it contained a provision which allowed individual States to pass laws prohibiting the physical desecration of the American flag. Those versions provided that the Congress and the States shall have power to prohibit the physical desecration of the flag of the United States.

The version introduced, that I introduced this year, deletes the words "and the States" so that only Congress will have the power to prohibit physical desecration of the flag. This eliminates the concern of those who might have voted against it in years past that were worried about possible confusion which could be caused by different laws in each State.

Now, if this is adopted, there will only be one national law dealing with this issue. Since the whole purpose of this constitutional amendment is to protect the national flag, it makes sense, I guess, that there be a national policy to achieve that goal.

Mr. Speaker, none of us undertake this lightly. The Constitution is a document that has stood the test of time over two centuries. The Founding Fathers wisely made it very difficult to amend this Constitution of ours. Our goal then is not really to change the Constitution. Our goal is to restore the Constitution to the way it was for the first 200 years of this great Nation of ours, up until 1989. And had the Supreme Court not suddenly reinvented the Constitution by a 5-to-4 vote, something that was never there before, we would not even be here today on this floor. But the Supreme Court did take away the right of the people acting through their elected representatives to protect their flag, and we propose today to restore the right of the people to protect that flag.

This is not an idea that just a few people dreamed up, my colleagues. We

are responding to the will of the overwhelming majority of the American people by restoring to the Federal Government power to protect the flag of this Nation.

Stacked on this table right next to me now are more than 3 million signatures, 3 million signatures of people from all walks of life, and I would invite Members to come over and take a look at them, 3 million signatures from my colleagues' congressional districts. These signatures were gathered by the American Legion and the Citizens Flag Alliance. Many of the people that my colleagues see sitting up here in the audience today, from more than 100 organizations, organizations that I think represent a real cross section of America. In fact, when we look at these petitions, they are from people from all walks of life, from religious organizations, not just veterans' organizations, and every single veterans' organization in America has signed these petitions. But they come from religious organizations like the Knights of Columbus and the Masonic orders. They come from civic organizations like the Polish and Hungarian and Ukranian federations. Many of these people were immigrants that came to this country. From fraternal organizations like the Benevolent Order of Elks, Moose International, and the Federation of Police; in fact, all of the police organizations across this country, and from many, many other groups, totaling more than 100, like the National Grain and Future Farmers of America.

But perhaps most impressive again is the resounding support from the States around this country which I pointed to before, 49 out of 50 States, and that is what is in this book that I showed my colleagues a minute ago.

Mr. Speaker, some of the opponents of this proposal have tried to make it sound as if this is some kind of a threat to freedom of speech. The first amendment states, quote, Congress shall make no law abridging freedom of speech, but if this amendment is adopted and implementing legislation is adopted to follow it, every American will be just as free as they are today to say anything they want to about our flag or our country. However much I would disagree with that kind of sentiment, they will be free to say insulting things about the flag or about our country, and I would like to remind our colleagues that under the first amendment even freedom of speech is not unlimited.

For example, speech that is likely to incite an immediate violent response like yelling fire in a crowded theater is not allowed under the laws of this country. It is not protected under the first amendment rights. Obscenity is not protected, and libel is not protected. One cannot go and stand on a crowded street corner or in a residential street corner in the middle of the night and disturb the peace. That is against the law, and it is constitutionally against the law.

Mr. Speaker, this proposed constitutional amendment gives Congress only, only Congress, the power to prohibit physical desecration of our flag. It does not give Congress power to limit what anybody can actually say. As my colleagues know, if they reach into their pocket and they have a dollar bill, they own that dollar bill, it is theirs. But it is against the law for them to burn it, and it ought to be against the law to burn the symbol of our country, the American flag.

Furthermore, I will note that the power to protect the flag was used judiciously for the first 200 years of this Nation's history, and there is no reason to suspect that it will be used any differently in the future.

Mr. Speaker, over the last two centuries, and especially in recent years, immigrants from all over this world have flocked to America seeking what my colleagues and I enjoy, and that is freedom that is a decent safe way of life, and they knew little about America and about our culture and about our heritage. The face of America is changing, and these people when they come here, the one thing they did know: the American flag.

I can recall a number of years ago when I led a delegation to a place called Hanoi in Vietnam, and we sat across from those Communists and we begged them to give us back the remains of fallen soldiers, and they refused to do it. And later on when we left there, we went to a place called Thailand where there was a refugee camp with 180,000 people out in the wilderness in the middle of nowhere, and to get there we had to fly first by plane and then by truck over a dirt road, and as we approached that refugee camp 10 miles away, there began to be people, a few people on either side of the road waving little American flags. And as we proceeded further, there were more and more people, children and old people, and they were all waving little American flags. And as we got near the camp, there was more than 10,000 people lining this dirt road. And I was taken by one particular sign that was almost as wide as the rostrum up there, and on that sign it said: America, please take us home. And when I got out of that truck and I sat and talked with those people, they were not asking us to take them home to America. They were asking us to make it possible for them to go back to their home.

Mr. Speaker, that is what the American flag means. It is the symbol of this country. It is what binds us together, and particularly with the changing face of America. That is why we need to prohibit the physical desecration of this American flag, and that is why I would ask all of my colleagues to come over here in a few minutes, vote for the rule and then vote for this very, very, very important proposed constitutional amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from New York, my dear friend, Mr. SOLOMON, the former marine, but they tell me, Mr. Speaker, there is no such thing as a former marine. It is just a marine. So I respect my colleague, my chairman, my marine who did a great job in explaining the issue before me.

I join my friend, the gentleman from New York [Mr. SOLOMON] not only in supporting the rule, but also in cosponsoring the bill to prohibit desecration of the flag. Mr. Speaker, I was very proud to serve in World War II, and I did serve to defend our flag, but more importantly I served to defend what our flag stands for. Still I cannot believe that people should be allowed to desecrate the flag. I think there are far better ways to express unhappiness than by engaging in an act that thousands and thousands of people find so offensive.

I have met with veterans groups many, many times, and they inform me that their No. 1 priority is protecting the flag that they fought to defend. I think the very least this country can do for these men and women who risk their lives defending the United States is to grant them that wish.

Mr. Speaker, I yield 5 minutes to the honorable gentleman from Colorado [Mr. SKAGGS], a gentleman who distinguished himself in the Vietnam war as a Marine lieutenant.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for the time.

Mr. Speaker, I can think of no better way to begin this debate than by recalling the words of Justice Oliver Wendell Holmes when he said, and I quote, we should be eternally vigilant against attempts to check the expression of opinions we loathe, unquote.

Amending the Constitution and for the first time in our history amending the Bill of Rights is an extremely serious matter, and we should consider it only under the most compelling circumstances. Those who propose this amendment, and they propose it in the deepest good faith and patriotism, should be obliged nonetheless to meet an exacting standard of proof, proof that clearly demonstrates a serious threat or need, a threat or need which goes to the fundamental structure of national government, one which can be addressed only through a change in our national charter and one for which the benefits of that change clearly outweigh the costs.

The proponents of this amendment cannot meet that standard. Where is the threat, Mr. Speaker? Where is the

need? A few zealots misguidedly believe that flag desecration will further their cause.

□ 1100

But their idiocy provides no excuse for us to weaken the first amendment. While isolated acts of disrespect for the flag may test our tempers, we should not let them erode our commitment to freedom of speech.

The first amendment and its guarantee of free and open political expression is at the very heart of our Nation's tradition of freedom and self-government. We change it at our grave peril. We do not need to amend the Bill of Rights to show our respect for the flag.

Respect for the flag should not be mandated, especially not at the expense of the first amendment's guarantee of free speech. More to the point, respect cannot be mandated. To be genuine, to be a respect that truly honors our flag, it cannot be a legal requirement. It must flow from the natural love of our freedom-loving people for the beautiful standard of this Nation and the exquisite symbol of our freedoms.

As Justice Jackson said in the West Virginia State Board of Education case back during World War II, "To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds."

As a Marine veteran and as an American, I have great pride in the flag. I vividly remember what it felt like to get back to the compound and see the flag flying there, and I think I understand the strong feelings of patriotism and pride in flag and country that motivate the supporters of this proposal. Unfortunately, in their understandable passion to protect the flag, they ask us to undermine the Bill of Rights.

As a veteran and as an American, I too am deeply offended by any act of disrespect to the flag, including physical desecration and flag burning. Like the proposal's supporters, I too am fiercely proud of the values and the ideals that our flag symbolizes. But it would be tragic if, in our rush to prohibit disrespect for the flag, we showed greater disrespect for the Constitution.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. Let me just say to the gentleman that just spoke, I have great admiration and respect for him and certainly respect his opinion on this, but he asked the question, where is the need?

Well, I guess we would have to go and ask the gold star mother that I talked to last week, where is the need and how she felt about it. I guess we could ask anyone who has lost a loved one how they feel about it, but I guess more than anything else we could ask the disabled veteran who a few years ago witnessed the burning of an American flag. This man was crippled, crippled from war, and he was so overcome that he jumped into the fray and he was injured, and then a lawsuit was brought against him.

Those are the kind of emotions that come about with something like this, and that is why we need the amendment that would ban the physical desecration of the American flag so that those kind of instances do not happen. Anyone can criticize the flag; anyone can criticize the Supreme Court building right over there, but one cannot go over and physically desecrate that Supreme Court building, one cannot physically desecrate the American dollar, as I said before, and one should not be able to physically desecrate the American flag.

Mr. Speaker, I yield such time as he may consume to the gentleman from Sanibel, FL [Mr. GOSS] a member of the Committee on Rules, a very valuable member who is a cosponsor of the legislation.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. SOLOMON], my friend and the chairman of the Committee on Rules. Certainly his leadership and commitment have prevailed in bringing us here today, and I have nothing but the greatest admiration and commendation for what he is doing.

Mr. Speaker, the stars and stripes is certainly one of our greatest and most enduring monuments. It may be cloth, but it lasts longer than the monuments of steel, the monuments of cement, and the other monuments that we have made, because it is a monument in our heart. Its remarkable simplicity of design has made it perhaps the most universally recognized symbol around the world. It is literally a symbol of hope to millions and millions of people as the representation of freedom and democracy. There is actually a place in the world where there is freedom and democracy.

It is the subject of our National Anthem. When we count the stars, it shows our historical growth and the unity as the United States of America. It is the inspiration for our war fighters, as we have heard testimony here this morning. It is the beloved welcome home sign for Americans traveling abroad. But even more than that, it is a visual reminder of the millions of Americans who have shed their blood and lost their lives in defense of liberty for the United States of America. These are our fathers, mothers, daughters, sons, grandparents, spouses, people we may never have the chance to know again.

So as a nation we proudly display the flag in respect of their courage and the rights they fought to defend. They are the brave who made possible the fact that our homes are in the land of the free.

This amendment clearly has the weight of public opinion behind it. More than four out of five Americans believe that we should have laws to protect the symbol of freedom from physical desecration. Mere statutes have proven ineffective, strangely enough, because of curious and, I would say, wrong-headed Supreme Court decisions passed by the narrowist of margins. Since those rulings, in fact 49 out of 50 States have passed resolutions asking the U.S. Congress to ensure that States have the right to protect the flag.

Now is the time for Congress to get on with it. This has been a challenging process. There is nothing more integral to the lives of all Americans than our Bill of Rights. We all understand that here. But we would certainly never do anything that will infringe on our most sacred and protected freedoms.

But this proposed amendment will not interfere with our right to free speech. Anyone who wishes to express his or her ideas about our flag is certainly free to do so, and accept the consequences. As the Chairman has said, this narrow amendment will simply preclude physical desecration of the flag.

I would say in my district in southwest Florida that burning a flag could well be more of a threat to public safety and public order than screaming "fire" in a crowded theater, which the court has said is a permissible restraint on free speech.

This is an overwhelmingly popular idea whose time has come. As we look toward Flag Day this Saturday, we want to be able to send to our Nation's veterans and in fact to all Americans the simple gift of knowing that the flag that stirs their hearts, that so many have fought for and so many have died for will be as sacred and secure as the freedom and the liberty that it embraces.

I personally feel, if one burns the flag of the United States of America, one is burning a little piece of me, because I feel I have a little piece of that flag and I suspect every American feels that way. I think if one tears the flag, one is tearing a little piece of me. I think every American feels that way.

I would suggest that we do not want to encourage that kind of thing; we should discourage it, and I would suggest that in the event that there is an incident involving the flag, the side of law and order ought to be on those who are protecting the flag, not on the side of those who would destroy one of our most sacred symbols.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations and a veteran Air Force member during the Second World War.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. I am

pleased to rise in support of the Solomon proposal, House Resolution 163, to protect our flag from desecration. Those of us who have seen these acts of desecration find it abominable, and I think this is an excellent measure to protect a banner that we all hold dear to our hearts throughout our Nation.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me this time. I am in support of this rule. I can think of a better rule. I would have liked the rule to be more open. I had a substitute for the particular amendment that we are proposing to the Constitution, but that will not be permissible. However, I will vote for the rule.

I have to compliment the authors of this legislation, recognizing that this cannot be done with legislation, that we have to alter the Constitution, because if one writes legislation, obviously it would not be constitutional. So therefore, I think the authors of the proposal should be complimented.

Also, they deserve some credit for courage, because it is my understanding that this will be the first time that we will alter the Bill of Rights, and in doing so, I think we should do this with a great deal of thoughtfulness.

The courts, as we know, have quite frequently limited our freedom of speech. This is why we have the Istook amendment. The courts have ruled out voluntary prayer in schools, so we are trying to compensate for that with the Istook amendment, and I am a supporter of that, but this amendment is quite different. Instead of expanding the right of free expression, this is curtailing the right of free expression and for that reason I will be opposing the legislation.

We have no flag crisis, and I am quite concerned that once this has passed into the Constitution, it might incite more flag burnings and more flag desecration. Actually, under the Constitution, a more permissible way and more proper way of dealing with the problems that the courts have presented us, is for we as a Congress to withhold the jurisdiction from the courts, and then allow the States to write the legislation that was ruled unconstitutional.

As a matter of fact, even this amendment, as proposed, we could change two words and make it an acceptable amendment to those of us who interpret the Constitution in a strict manner. All we would have to do is the States could write the laws instead of Congress. The first amendment starts out and says the Congress will write no laws, the Congress will make no laws restricting freedom of expression. But here, the last time this amendment came up, they included the States, it said the Congress and the States could write the regulations and the rules, but now it says only the Congress.

I thought we were for less government. I thought we were for less centralization, less police forces up here. I am quite sure that this will become the job of the BATF. I guess we will have a BATFF next, because they will have to police the flag abuse.

There are a lot of reasons why we should oppose this. One is that it is not only a freedom of speech issue, it is also a property rights issue. Withholding and restricting flag burning of other people's flags and Government-owned flags and on Government property, that certainly is legitimate. But freedom of speech and freedom of expression depends on property. We do not have freedom of expression of our religion in other people's churches; it is honored and respected because we respect the ownership of the property. The property conveys the right of free expression, as a newspaper would or a radio station. But once we deal with the property, no matter how noble the gesture, I think that we have to be very, very cautious in this manner.

The original intent of the Founding Fathers in writing the Constitution was never that we would be so involved in writing regulations and legislation of free expression in an attack on private property ownership, and then again, it really defies the ninth and tenth amendments. We would be much better off taking the part of the Constitution that allows us to remove the jurisdiction from the courts and, thus, then permitting the States to write the laws as they see fit.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Let me say before recognizing the next speaker that certainly this Member of Congress would stand and defend any American citizen's right to freedom of speech. I do not consider burning the American flag an expression of speech. I think it is a hateful tantrum.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS], a very distinguished Member.

Mr. STEARNS. Mr. Speaker, I thank the gentleman for yielding. It is probably appropriate that I come to speak after my colleague on this side of the aisle spoke. He talks about amending the Bill of Rights, and that is not what we are doing here. He talks about protecting the first amendment. Let me point out to him that freedom of speech is not absolute. He might believe that freedom of speech is absolute, but it is not, it has never been. That is why we have on the books obscenity laws.

□ 1115

We have on the books public decency laws. So when he talks about the freedom of speech being absolute, I do not agree with him. I would also like to say to him and to others that express his opinion, we have in this country 49 States, 11 more than the 38 needed for ratification, that have called on Congress to submit a constitutional amendment protecting the American flag against physical desecration. We would be clearly lacking in our representation of the American people if we in this body deny it. So those Members of Congress that come from those 49 States where they have asked for ratification, it is on their conscience if they vote against this.

Mr. Speaker, when I think about this issue I am reminded of Theodore Roosevelt when he once said, "There is no room in this country for hyphenated Americanism." I feel that desecration of this flag is a dishonor to over 1 million men and women who have died defending this country.

Our military personnel protect our country's unity, freedom, and value symbolized by the American flag. Mr. Speaker, burning the flag is not a method of speech or expression. It is a measure, a clear measure of hatred for our country. Our flag represents America's past, its present, its struggle and, of course, its promise for a great future.

As an American, I cannot accept the Supreme Court's decision which allows the American flag to be set on fire, spit upon, trampled as a form of political expression protected by the Constitution. That is where the problem many of us have is, where the Supreme Court is allowing people to set it on fire, to spit upon it, and trample it as political expression.

For more than two centuries Old Glory has exemplified the ideals our Nation was founded upon, including its constitutional rights. I remain an ardent supporter of the first amendment; however, I feel strongly that this freedom should not be an excuse for the scornful action of flag desecration. Burning the flag is not simply an expression of personal opinion. Mr. Speaker, it is an act of violence, an act of violence against a national symbol which represents the intangible spirit of liberty.

Again, I say to my colleagues, the freedom of speech is not absolute. The need for a flag protection amendment is a commonsense issue that resonates throughout this country. A vote for this amendment will put a stop to the erosion of decency and mutual respect facing our Nation. Americans do not see it as a partisan or an ideology issue, and neither should we.

Mr. Speaker, I would conclude by pointing out and reminding my colleagues if 49 States, 11 more than needed in the 38 for ratification, have called upon Congress to submit a congressional amendment protecting the American flag against physical desecration, why do not we?

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS], the ranking minority member.

Mr. CONYERS. I thank the gentleman from Massachusetts for yielding time to me, Mr. Speaker.

Mr. Speaker, I would point out to the gentleman from Florida about five Supreme Court cases that prove that the statement that the gentleman uttered about action being equated with speech is not correct. Would that impress the gentleman at all?

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, there is also——

Mr. CONYERS. I ask, would it impress the gentleman at all?

Mr. STEARNS. I could find another five Supreme Court decisions that would refute the gentleman's argument.

Mr. CONYERS. I have my five, and we are going to have general debate for 2½ hours, so I would ask the gentleman to go get one, OK?

Mr. STEARNS. We will be glad to come back here.

Mr. CONYERS. I will yield the gentleman time to show me a case.

Mr. STEARNS. The gentleman asked me a question. Can I pose a question to him?

Mr. CONYERS. Just a moment. That is the end of our discussion.

Mr. STEARNS. The gentleman will not allow me to pose a question to him?

Mr. CONYERS. Of course not.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would respond by saying that all of the court decisions the gentleman from Michigan [Mr. CONYERS] referred to were 5 to 4 decisions. They could just as easily have gone the other way. If Justice Hugo Black, one of the most famous liberals of the Court, had been there, he would have voted with us on this particular issue. He said it is not an infringement on first amendment rights.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 163, I call up the joint resolution (H.J. Res. 54) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 54 is as follows:

H.J. RES. 54

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"The Congress shall have power to prohibit the physical desecration of the flag of the United States.".

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Pursuant to House Resolution 163, the gentleman from Florida [Mr. CANADY] and the gentleman from Michigan [Mr. CONYERS] each will control 1 hour.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 54.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that during the consideration of House Joint Resolution 54, an additional 20 minutes of debate be granted, equally divided and controlled by the gentleman from Illinois [Mr. LIPINSKI] and the gentleman from Maryland [Mr. GILCHREST].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the U.S. flag has long been a source of inspiration for Americans. The Stars and Stripes waving over Fort McHenry in Baltimore Harbor inspired Francis Scott Key to pen our national anthem in 1814. One of the most poignant images of World War II has been memorialized in the Iwo Jima Monument, which captures the moment when U.S. soldiers hoisted the American flag on Mount Suribachi.

Old Glory has had a profound impact on the citizens of this country throughout the years. There is no greater symbol of our unity, our freedom, and our liberty as Americans than our flag. In the words of Justice John Paul Stevens, it is a symbol of our freedom of equal opportunity, of religious tolerance, and of good will for other peoples to share our aspirations.

Until less than a decade ago, most States and the Federal Government enforced laws prohibiting flag desecration. However, in 1989, in Texas versus Johnson, the Supreme Court of the United States, in a 5 to 4 decision, invalidated the laws of 48 States and an act of Congress which protected the flag. The court thus deprived the people of their right to protect the most profound and revered symbol of our national identity. In 1990, Johnson was followed by the decision in United States versus Eichman which held unconstitutional a Federal statute passed by Congress in response to the Johnson decision.

The amendment before the House today would overturn these Supreme Court opinions by restoring the authority of Congress to prohibit the physical desecration of the flag. Nothing in this amendment or in the legislation that will be adopted subsequently will prevent anyone from expressing any idea or viewpoint they wish to express.

No one will be prevented from expressing contempt for the flag, contempt for the country, contempt for the people in power, contempt for the Constitution, or contempt for anything else. The flag protection amendment simply grants Congress the power to restrict one type of conduct, that is, conduct involving the physical desecration of the American flag, which some have chosen as a crude means of expression.

As Chief Justice Rehnquist stated in his dissent in the Johnson case, the physical desecration of the flag is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea but to antagonize others.

By allowing Congress to protect the flag from physical desecration, we would do nothing to impede the full and free expression of ideas by Americans. The first amendment would remain as strong as ever.

Freedom of speech is indeed central to our political system. Protecting freedom of speech is essential to protecting all the other freedoms that we cherish as Americans. Without freedom of speech our system of representative democracy would become a sham.

As the Supreme Court recognized in New York Times Company versus Sullivan, we as Americans have a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.

But that does not mean that individuals have a totally unlimited right to engage in whatever conduct they choose simply because it is done under the banner of free expression. The government has a well-recognized right to place restrictions on obscenity, libel, fighting words, and fraudulent statements. The government may prohibit individuals from parading through the streets naked, even though those individuals do so in the name of free expression.

Such restrictions in no way impede the robust and wide open debate of public issues. We all agree that the government should not attempt to suppress ideas because they are offensive or disagreeable, but as Justice Stevens states in his dissent in Eichman:

It is equally well settled that certain methods of expression may be prohibited if [a] the prohibition is supported by a legitimate societal interest that is unrelated to suppression of the ideas the speaker desires to express; [b] the prohibition does not entail any interference with the speaker's freedom to express those ideas by other means; and [c] the interest in allowing the speaker complete freedom of choice among alternative methods of expression is less important than the societal interest supporting the prohibition.

A prohibition on the physical desecration of the flag of the United States easily satisfies this test. There is a compelling societal interest in maintaining the physical integrity of the flag as a national symbol by protecting it from acts of physical desecration. Such protection can be afforded without any interference in the right of individuals to express their ideas, whatever they may be, by other means.

The interest of the American people in protecting the flag far outweighs any interest in allowing the crude and inarticulate expression involved in burning, shredding, trampling, or otherwise desecrating our flag.

The American people overwhelmingly support a flag protection amendment. We have testimony here to that fact on the table. A recent national survey found that, given the chance, 81 percent of American voters would vote for this amendment being considered by the House today. In addition, 49 of the 50 State legislatures have passed resolutions calling on Congress to pass an amendment to allow protection for the American flag. This amendment, supported overwhelmingly by the American people, recognizes that there are limits to what can be done under the banner of freedom of expression. It recognizes that the American people want to draw a line at this point. They want to draw a line to protect the American flag. The flag belongs to the American people. It is a symbol of our Nation, and no one has a right to desecrate it.

The Stars and Stripes is more than a piece of cloth. It was raised at Iwo Jima, planted on the moon, and has draped the coffins of thousands of Americans who have sacrificed their lives for our great country. It is a national asset. As Justice White has written, the flag is a national property. So it is fitting and necessary that this Congress, speaking for the American people, should pass this amendment to protect and preserve this symbol of our great Nation.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the second annual flag-burning discretion legislative attempt. Last year it was not able to arrive in time for Flag Day, so it was held over for July 4, but this time, although the budget is out of whack and disaster relief is still unresolved, we are able to get this piece of legislation up.

I am happy to join with the ranking member on the Subcommittee on the Constitution of the Committee on the Judiciary to engage in this discussion for a couple of hours.

□ 1130

Now, we are the lawmakers of the land. That presumes that we understand the law. It also assumes that we know something about what the Supreme Court said, Mr. Speaker. What the Supreme Court has said, and I want to correct myself, I said that there were five decisions, there are seven decisions, which I will bring out to my colleagues one at a time, and I will put it in nonlegal discourse so that everybody, no matter what side of the issue they are on, will understand what the current state of the law is at this moment. It is not what some Members have misrepresented it, perhaps accidentally, to be during the debate on the rule.

Now, for those who know what Hugo Black would have done if he had voted on flag burning, that is wonderful. Hugo Black never voted on flag burning, so only the chairman of the Committee on Rules would know what a deceased Supreme Court jurist would have done had the issue come before him. Wonderful.

I will tell what one conservative jurist named Anthony Scalia has done on the Supreme Court on which he presently sits; that is, he has voted with those of us who realize that flag burning is an expression of speech protected by the first amendment.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield for a quotation from Justice Black? Would the gentleman like to hear the words of the Justice himself?

Mr. CONYERS. Mr. Speaker, the gentleman in managing the time on that side.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. N-O.

By the way, Mr. Speaker, the gentleman has 1 hour to do all the quoting he wants.

May I point out, Mr. Speaker, that speech is protected; that action is protected speech under the first amendment. I do not care what anybody once said. At least as we disagree on this subject matter, let us pretend that we understand what the law is. It is there in the books. We have got it in our offices. It is on the computer. Members can ask a staffer. But do not misrepresent the law while I am managing this bill on the part of the Democrats today. If my colleagues do, if time permits, I will try to correct them as we go along.

Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume to point out that the gentleman's questioning with respect to Justice Black is totally unjustified. We do not have to guess what Justice Black would have thought on this subject. Justice Black spoke on the subject.

If the gentleman had read the committee report, the gentleman would have seen the statement from Justice Black. Justice Black said, "It passes my belief that anything in the Federal Constitution bars" a State from "making the deliberate burning of the American flag an offense."

If the gentleman would like the citation, he will find it in the committee report.

Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise today in support of this amendment protecting the Nation's flag. This Saturday we do celebrate Flag Day. I can think of no better way to honor the flag and what it represents than by passing this amendment. Our Nation's flag represents freedom and tolerance around the world. Scores of Americans have fought for the symbol. Many have died for it. I will vote today to honor those sacrifices by protecting our flag.

We Americans have many rights, many freedoms, but desecrating the symbol of those freedoms does not exemplify those rights; it dishonors them. Mr. Speaker, 80 percent of Americans support the idea of protecting the flag and nearly every State has a law supporting it and protecting it. In passing House Joint Resolution 54, we are recognizing the desire to protect it.

During this Congress I hope the other body will also accord the flag its due respect and send the amendment out to be ratified.

Mr. Speaker, in passing House Joint Resolution 54, Congress does not act to restrict speech. It acts to acknowledge our rights by protecting that which represents them, our national symbol.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

I address my remarks to the distinguished chairman of the Subcommittee on the Constitution because he quoted former Supreme Court Justice Black. The quote that he made does not come out of any case that Justice Black ever decided. It is in no decision. It refers to the Justice referring to what each State should do.

Now, either the gentleman does not understand that or he is trying to fool somebody. I do not know which.

Now, ask me to yield.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. No.

Mr. CANADY of Florida. I thank the gentleman again.

Mr. Speaker, I yield myself such time as I may consume.

The gentleman has difficulty apparently comprehending the plain words that are in an opinion written by Justice Black. I have difficulty understanding why the gentleman has such difficulty.

I will point out the last time I recall the gentleman from Michigan standing on the floor and citing a Supreme Court case, he was actually citing a case that had been decided by a district court, and had to be corrected by the ranking member on the subcommittee. I am not surprised that the gentleman is having difficulty understanding the words of Justice Black.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. SCOTT], ranking member on the Subcommittee on the Constitution, distinguished attorney and former State legislator.

Mr. SCOTT. Mr. Speaker, getting back to the point, we find ourselves considering yet another constitutional amendment on the floor. Mr. Speaker, the Constitution of the United States is not a major societal problem in America, and yet we find ourselves for the fourth time this session voting on a constitutional amendment. There are others, a slew of others still pending. This amendment, if ratified, will for the first time in over 200 years reduce our first amendment rights to free speech and expression.

The first amendment has made this country the envy of the world. It has protected us from religious and political upheavals that have led to the demise of numerous other federal governments. It has been a great success, not a failure. The first amendment is our friend and not our enemy. We should, therefore, resist the political temptation to abridge this freedom for short-term political gain.

At the hearing we had on House Joint Resolution 54, we heard testimony that the flag is a symbol of national unity, patriotism, and freedom. I agree. But in a direct affront to the liberty interests on which this country was founded, the resolution is seeking to prohibit a form of political expression. Just as we are free to express our love for the flag in a free country, those with contrary opinions should also be free to express their feelings. Freedom is not a popularity contest. If this were the case, we would never need a Bill of Rights. Popular speech does not need protection.

Instead, our rights only come into play when there is a need to protect the unpopular speech or religion from the tyranny of the majority. In fact, if this amendment is adopted, the only practical effect of the enactment of criminal statutes against flag desecration will be the jailing of political protesters. The idea of jailing political dissidents is obviously inconsistent with our tradition of freedom. I would ask that the Members consider this consequence before they start chipping away at the first amendment.

Let us not be confused. We are not, in this amendment, trying to prohibit flag burning. The truth is that burning a flag is considered the only proper way to dispose of a worn-out flag, and therefore flags are routinely burned by members of the American Legion in patriotic flag retirement ceremonies. This amendment, however, has nothing to do with the act of burning or causing any type of physical harm to the flag. This is not the concern of the supporters of the amendment, and that is why the term "desecration" is used in the amendment rather than "burn," "tear," or "destroy."

Instead, they are seeking to prohibit the use of the flag in situations where they disagree with the content of the expression. In other words, one can burn a flag if one is saying something nice about the flag, but one would be prohibited from burning the flag if they are saying or thinking something that government officials consider offensive. This is absurd because the Government has no business deciding which political speech is permissible or impermissible.

If we were just talking about conduct, we would be able to, we have to look at the effect of this amendment. We can prohibit forms of expression like we can prohibit parades, but we cannot prohibit one kind of parade by Democrats and not the same kind of parade by Republicans. If one can, if we are talking about flag burning, we cannot talk about burning the flag when there are good patriotic expressions but prohibit burning the flag when we do not agree with the expressions being made.

Furthermore, Mr. Speaker, we are not addressing situations where someone steals a flag and burns it. Stealing and destroying someone else's property is already against the law. So we have already been down the road of patriotic but coercive legislation.

I remind my colleagues of the World War II era Supreme Court cases dealing with the statutes compelling school children to pledge allegiance to the flag. We got so wrapped up in our drive to compel patriotism that we lost sight of the high ideals for which the flag stands, because despite our disgust for seeing Nazis force their people to hail Hitler, we in this country were passing laws that forced school children to salute and say a pledge to a flag even if such acts violated their religious beliefs.

Fortunately for the American people, the Supreme Court put an end to this coercion in the landmark case West Virginia State Board of Education versus Barnette. Justice Jackson wrote on behalf of the majority in the Barnette decision when he wrote,

> If there is any fixed star in our Constitution, it is that no official, high, or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.

Unfortunately, it does not seem that we have learned from the eloquence and clarity of Justice Jackson's opinion in Barnette, and instead we are here today poised and anxious to prescribe what shall be orthodox in politics and nationalism, even though we have no business governing a free society in this manner.

Furthermore, Mr. Speaker, our prescription is unknown. The text of the resolution reads: "The Congress shall have power to prohibit the physical desecration of the flag of the United States." Even after the hearing, we still have no idea of what desecration will entail or what shall constitute a flag. Any criminal statute enacted under this amendment will therefore be inherently vague and unworkable. In fact, at the hearing at least one witness supporting the constitutional amendment agreed that the use of the flag in advertising could be considered desecration, and in fact some jurisdictions have criminal statutes on the books prohibiting use of the flag in advertising.

Mr. Speaker, furthermore, we have a question of what is a flag? Is a flag tie a flag? Do we have a national interest in that tie? Is that a national asset? Based on the flag code, wearing a flag tie could be a criminal offense. Considering that both an American Legion representative and a Member of Congress were wearing flag ties on the day of the hearing, I would hope that we would take a closer look at what could be the unintended consequences of this amendment. But of course we all know that the practical effect of the criminal statutes would be that they would only be enforced against political protesters, and that is why the amendment restricts speech and is not protecting the flag.

In conclusion, Mr. Speaker, I urge the House to be guided by the words of Justice Brennan when he wrote,

> We do not consecrate the flag by punishing its desecration, for in so doing we dilute the freedom that this cherished emblem represents.

Therefore, let us not betray the freedom our flag represents.

I urge the House to stand up for the high ideals the flag represents by opposing House Joint Resolution 54.

□ 1145

Mr. LIPINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak on behalf of the resolution, and I appreciate the opportunity to speak on the House

floor today in favor of this important constitutional amendment.

When the gentleman from New York [Mr. SOLOMON] asked me to replace Mr. Sonny Montgomery as the lead Democrat on the flag protection resolution, I was honored and eagerly accepted the role. However, it is important to note that this is not a Republican issue, nor is it a Democratic issue. It is an American issue.

The flag is a symbol of our great Nation and all that we stand for. No other American symbol has been as universally honored or has bestowed such honor as our flag. We pledge allegiance to the flag at the start of each day here in the U.S. House of Representatives, as do schoolchildren throughout the United States. Our national anthem immortalizes the importance of our flag to our soldiers who fought for our freedom. Our flag is a symbol of our freedom.

The flag, being the symbol of American freedoms and ideas, ought to be protected with the same vigor with which we protect the very freedoms and rights it represents. Our Nation's flag deserves respect, care, and protection. Willful desecration of the flag is an insult to all Americans, especially to those who fought to uphold the flag and maintain our freedom.

This constitutional amendment to give to Congress the power to prohibit the physical desecration of the flag in no way contradicts or weakens the first amendment's guarantee of freedom of speech. There has always been some limitations on the freedom of speech.

As mentioned earlier, prior to 1989, when States had flag protection statutes in effect, the American people did not complain that their freedom of speech was being unfairly restricted. In fact, in a recent poll, over 80 percent of Americans did not believe that the physical act of burning the flag was an appropriate expression of freedom of speech as guaranteed by the first amendment.

In addition, flag desecration, such as burning, trampling, spitting, and defecating on the flag is not actual free speech but is expressive conduct. Expressive conduct is understandably afforded a lower level of constitutional protection than actual speech.

This is an American issue, and the American people want the right to protect their flag. Forty-nine State legislatures, including my home State of Illinois, have passed memorializing resolutions asking Congress, asking us here in the U.S. House of Representatives, and the Senate, for the opportunity to ratify a constitutional amendment protecting the flag. Two hundred eighty Members of Congress, from both parties, from all regions of the United States, have listened to their constituents and have cosponsored this important resolution.

I urge all my colleagues to vote in favor of House Joint Resolution 54. We must seize this opportunity to restore the American flag to its rightful place of honor and give the American people the right to protect their greatest symbol, the American flag.

Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. ADERHOLT].

Mr. ADERHOLT. Mr. Speaker, I rise today in support of the resolution today offered by the gentleman from New York [Mr. SOLOMON], an amendment to the Constitution that will give back to the American people the right to protect the one symbol that represents our great country more than any other, the American flag.

America is truly the land of the free and the home of the brave, and many of our country's best and brightest fought hard and gave their lives to protect this Nation. Now we must fight to protect the symbol of all that this country stands for, the American flag, the sacred emblem of our country and our heritage of liberty that was purchased with blood and sorrow.

Each time the flag is desecrated in America today, it is a slap in the face to the men and women who gave their lives to honor this country. By placing the flag in front of our homes and our businesses, we show honor to our veterans, and by desecrating it we show them disrespect.

Mr. Speaker, I urge my colleagues to join with me today in pledging allegiance to our flag.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume, and I rise to speak against the resolution.

Mr. Speaker, as we move closer to amend the Bill of Rights for the first time in our Nation's history, I am reminded of what the gentleman from Georgia [Mr. GINGRICH] said at the opening day of this session of Congress, and I quote, "On the altar of Almighty God, I have sworn eternal hostility to the forces that would bind the minds of men."

That statement is arguably the most moving statement to individual freedom I have ever heard. Though I am no Thomas Jefferson, I too swore an oath before this Chamber to defend the Constitution, and the Bill of Rights in particular. For that reason, I strongly oppose the measure before us.

Jefferson did not pledge to fight for the freedom of good men, of wise men, or of inoffensive men. Until God himself sits in judgment, these distinctions will always reside in the minds of those with power.

Jefferson realized that the only way to defend freedom of good men is to defend the freedom of all men. The test, in fact the only test of a government's commitment to free speech is how it deals with the most unpopular, the most offensive and the most ill-conceived of messages.

We all know what would happen to anyone who burned the flag in Cuba. We all know what would happen to anyone, and we have seen it, who would burn the flag in China at Tiananmen Square. What is remarkable to me, however, is hearing my colleagues suggest that we have something to learn from China or Cuba; that patriotism requires us to become a little bit more like the oppressive regimes that we most often daily criticize.

Throughout the cold war years, we continually reminded ourselves that freedom is not free. One cost of freedom is eternal vigilance against those foes from without and from within. Another is vigilance against the sort of creeping majoritarianism that values freedom from insult more highly than freedom of speech.

The unavoidable cost of freedom is the fact that people will use freedom in insulting and sometimes idiotic ways. The few malcontents who burn flags seek our outrage. They need it to draw attention to their causes. If we ignored their actions or maybe just throw a bucket of water on them, they would soon realize that they were wasting their time.

Today, we not only give what they are doing the outrage that they seek but we enshrine it in the highest document in the lands. We are wrapping this gift in some pretty expensive paper. That expensive paper is the Constitution, whose liberties were bought with the blood of our forefathers. Is this the right thing to do?

In the play, "A Man for All Seasons," Sir Thomas Moore is questioned about whether the law should be used to protect bad men. He is even asked if it is wise to cut through the law to get at the devil. This is his response, and I quote:

> And when the devil turned round on you, do you really think you could stand the winds that blow against you and blow against them? All the laws being flat, I would give the devil protection of the law for my own safety's sake.

Today we are asked a question much like the one asked Thomas Moore. Today we are asked to cut through the Bill of Rights to get at a particular devil: people who burn the flags. But the constitutional limitations which protect them are the same as the constitutional rights which protect us from oppressive governments.

Mr. Speaker, I believe that, no matter what anyone says, the House seems to value the work of Betsy Ross above the work of Madison and Jefferson. In my opinion, the practical effect will be to weaken both and to increase the pressure to restrict other kinds of speech. Thus, we will find ourselves cutting through the first of several swaths to the Constitution to get at

various devils. May God help us should the devil turn round on us.

Our Nation's flag deserves our respect and protection. The best way to show respect for that symbol of freedom is good works, to be loving parents, competent teachers, and responsible legislators. We honor those who have given the ultimate sacrifice for their country by living those ideals.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Speaker, much has been said about this issue being a freedom of expression issue, and it certainly is. Obviously, the American Legion that burns the flag does it differently than the hoodlum on the street, so it does involve an expression of some ideas; that we are limiting that ability for any individual to make this expression.

I am convinced that this is historic. This is the first time that we have worked hard in undermining the Bill of Rights. Some have said that the first amendment cannot be absolute, but in some ways it can be. What we say and do in our homes and churches should be absolute, and we should be able to say and do things.

The restrictions on speech is when we get involved in lying and slandering and doing harm that way. Yes, then there is a limitation. But that is different. When we are in our churches, we should have absolute right of freedom of speech.

But there is more to this than freedom of expression. This is a property rights issue. That is why I am so disappointed with some of my colleagues that have pushed this as an amendment, because this is an attack on property rights. The question seems to be asked very rarely but should be asked: Who owns the flag?

If somebody burned the flag, who owns the flag? They are saying everybody owns it? How does that happen? Can we not buy a flag anymore? Do we believe in collectivism now; that everybody owns the flag and everybody is responsible for it, and we will all do exactly as we are told? That is not part of our system.

We guarantee the right of free speech through property rights, through the reverence that we give to our churches or our radio stations or our newspapers. Nobody has the right to march into our church and preach any religion to us or march into a newspaper or march into a radio station. So in this case we are dealing with a piece of property that should be respected as property. And I think we are attacking that just as much as anything else.

Also, it is disappointing to see that this amendment is actually worse than the last amendment that came to this House floor, because at least the last amendment recognized that maybe the States could write regulations. Under the original Constitution, in the original intent of the Constitution, it would have been permissible for States to write regulations of this sort. It was our courts that have come in and started to overregulate freedom of speech and freedom of expression.

For instance, I am quite comfortable in agreeing with the Istook amendment. Because of the courts, again, we have lost the concept of property in our public schools. In a private school we know what we are allowed to do. But in a public school everything becomes fuzzy. So the courts come in and say, all of a sudden, we cannot even have a voluntary prayer.

So the Istook amendment approaches completely opposite of what we are doing here, because this is restriction of expression, it is a restriction on the private property ownership, and it really attacks the 9th and 10th amendments. Because before, even where the States had been permitted to write laws, they are not permitted under this legislation. Only the Congress shall make the laws.

□ 1200

I thought we were supposed to make the Federal Government smaller as conservatives, not bigger. Here we are adding a new role for the BATF. We have the Bureau of Alcohol, Tobacco and Firearms; and we are going to have a BATFF in order for those individuals to go out and regulate the flag use. And this is Federal.

Just think of how the RICO laws may apply to this. One individual in one group may do something wrong; everybody in that group can be held guilty for that. What if there happens to be someone in there that has done it deliberately in order to get at the group? Could this be entrapment? Has our FBI ever been known to do this?

I think it is a dangerous thing that we are doing. Why are we so fearful? It is implied at times that if we do not endorse this amendment we are less patriotic than the others. I think that is wrong to imply that we might be less patriotic. From my vantage point, from having been involved in politics for a few years, the real attack is not on our liberties. The real attack in this institution is the attack on the Constitution, and this does nothing to address it.

It is almost like window dressing. We are upset and feel guilty and in a mess and cannot do anything. All we need to do is pass a flag amendment and it is going to solve the problem of the attack on the Constitution, which is continuous and endless. We do not need more legislation like this. We do not need an amendment to the Constitution that will, for the first time, alter the Bill of Rights.

I really think those individuals who are pushing this have courage to get out front and say yes, for the first time, we will curtail the authority or the expressions and the rights of the Bill of Rights.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT], one of the finest legal minds on the Committee on the Judiciary, and I would ask him to yield to me briefly.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I would like to turn to my friend, the gentleman from Chicago, Il [Mr. LIPINSKI], who made the point that it is expressive conduct, but not free speech, in defining the flag burning situation.

I would like to ask the gentleman from Illinois [Mr. LIPINSKI] if he has any cases or constitutional theory that would explain how he separated flag burning out of free speech but put it into expressive conduct, which I presume is not covered by the first amendment?

Mr. LIPINSKI. Mr. Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Mr. Speaker, I appreciate the gentleman yielding to me. I say to the ranking member of the committee, I do not have any here right now, but I will be very happy to reach out and try to get them back here prior to the time we have a vote on this issue.

Mr. CONYERS. I thank the gentleman.

Mr. WATT of North Carolina. Mr. Speaker, I have been engaged in a longstanding debate with my colleagues on the Republican side of this House about the definition of what is conservative and what is liberal. And every time I come here, I try to start this way so that I put this debate in context for my friends.

I should start it, "Here we go again." That is one of their conservatives, Ronald Reagan, that was his "Here we go again." Because it has always been my philosophy that the most conservative position in America is to defend the most conservative document in America, and that is our Constitution.

So how my colleagues could start with a Contract With America that had two proposed constitutional amendments in it has always been kind of disconcerting to me, because they keep calling themselves conservatives and it seems to me that that is inconsistent.

How in the 2-year period of that revolution we had introduced in the U.S. House of Representatives a total of 118 proposed constitutional amendments, how they can continue to call themselves conservative, I do not understand.

How in that 2-year period of that conservative revolution we voted more times than on constitutional amendments than in any congressional term

over the last 10 years, and my colleagues can still call themselves conservatives, I do not understand.

Things from the balanced budget amendment to the term limits amendment, to the flag desecration amendment that is back again, to super majority requirement for tax increases, to voluntary school prayer, line-item veto, right to life, provide no person born in the United States on account of birth shall be a citizen here. I mean, a basic constitutional right.

Here we go again. Campaign finance reform in the Constitution, my conservative friends. Repeal the 22d amendment. Abolish the Federal income tax in the Constitution, my friends. Establish English as the only language, the official language of a nation that is a nation of immigrants, in the Constitution. And they are calling themselves conservatives.

These are the conservatives in this body calling themselves conservatives. And here we go again. Here we go again. These are not conservatives. These are radicals. It is a radical notion to amend the Constitution of the United States.

Now, having debunked this notion that those of us who are standing up for the Constitution are the radicals, as opposed to the people who have offered this amendment, now let me go to the notion that we are somehow unpatriotic because we are standing up for the Constitution.

Why do I love my country? Does it have anything to do with the color of the flag? It has to do with the principles that that flag stands for. That is all it has to do with. And every time we diminish those principles, we diminish our rights as American citizens. We honor the flag by honoring the ideals that it represents, and among those ideals is freedom of speech, whether we like what somebody is saying or whether we do not like what somebody is saying.

The Supreme Court said, ''The bedrock principle underlying the first amendment is that the Government may not prohibit the expression of an idea simply because society finds the idea itself disagreeable.'' That is the bedrock principle on which the first amendment is founded.

What is the ultimate test of religious freedom? It is whether we tolerate those who have a religion that is different than the one that we have, not whether we are defending some particular form of religion. It is a bedrock principle of the things in the Bill of Rights.

Now let me go to a third notion here, that we can start amending the Constitution based on polling data. The majority of the American people want the Constitution amended, so let us go out and amend the Constitution. It is the order of the day. It is fashionable. Is that a conservative philosophy or a radical philosophy?

As a philosophical matter, the liberties outlined in the Bill of Rights are fundamental freedoms intended to be impervious to changing political tides, my friends, not wax and wane, depending on who is in the majority this year or next year or this day or the next day. The idea of the Bill of Rights is that there are a set of guaranteed rights that no one, including a majority of Americans, can take away from American citizens.

That is what tyranny by the majority is. My colleagues have heard that term used: tyranny by the majority. The majority can vote and take some basic constitutional human individual rights that I have. We cannot do it in our democracy.

Now lest my colleagues think I stand here as some raving radical or even raving conservative, let me tell my friends that I stand here in the tradition of all the people of North Carolina. This amendment would, for the first time in our Nation's history, 204 years or more, amend the Bill of Rights; and it is a Bill of Rights that the State of North Carolina stood up for from the very beginning.

We refused to join the Nation, refused to join this Union because it did not have a Bill of Rights in this Constitution. We refused to ratify the Constitution in August 1788 by a vote of 184 to 83 because the delegates of North Carolina at their ratifying convention wanted a Bill of Rights included in the Constitution.

It is in that tradition that I stand here, not in some tradition of being liberal or conservative. It is a human rights, a historical tradition. The delegates believed that in order to secure freedom there had to be rights and those rights had to be inviolable. My colleagues can do it by the majority. They all are the majority this year, but they might not be the majority next year. So are we going to go back and amend the Constitution and change it back when you are out of the majority?

My friends, get a hold on what we are doing here. This is about protecting the individual liberties of our Nation that every single one of us would fight and die for; our ancestors fought and died for them, and we would fight and die for them again today if we had to do it. But passing this constitutional amendment ain't got a thing to do with fighting and dying for those principles. Having the guts to stand up and say this is a farce, this is a degradation of our Bill of Rights, that is what our Nation is about.

My colleagues all can vote the popular tide all they want, but those of us who know what the historical significance of the Bill of Rights is will stand our ground and hold out our chest and say we are Americans, too. I hope my colleagues will not forget it, whether they are conservative or liberal. This is about protecting American values. That is what this debate is about. Let us get a hold.

Mr. GILCHREST. Mr. Speaker, I yield 6 minutes to the gentleman from New York [Mr. SOLOMON], sponsor of the amendment.

Mr. SOLOMON. Mr. Speaker, the previous speaker, the gentleman from North Carolina [Mr. WATT], I suppose, I thought I heard him say he was representing the State of North Carolina. I have here Resolution No. 230 from the State of North Carolina legislature asking for this amendment.

The gentleman also said that he was critical of conservatives' efforts to undermine the Constitution. I would just pose the question, did we undermine the Constitution when we added all of the Bill of Rights to the Constitution? I do not think so. Did we undermine the Constitution when we added the 13th, 14th, and 15th amendments on civil rights? I do not think so.

□ 1215

Did we undermine the Constitution when we gave 18-year-olds the right to vote? I do not think so. And I could go through the other 27, but, Mr. Speaker, let me just tell my colleagues I cannot tell them how excited I am that we are finally going to have this opportunity to pass this resolution with more than 300 votes here today, far more than the 290 that we need. And I want to thank the gentleman from Florida [Mr. CANADY], the subcommittee chairman, for steering this amendment on to this floor so soon. I want to thank the gentleman from Illinois [Mr. LIPINSKI] over on the other side of the aisle, one of the good Democrats, who is the bipartisan cosponsor, the main cosponsor, of this legislation, for bringing it here today.

Mr. Speaker, it has been a long time, as I said earlier today, since that tragic day in 1989 when five Supreme Court justices, only five out of nine, said that it was unconstitutional to ban flag burning. Just ask all of the supporters one sees here today all over the Capitol in their uniform who put thousands of hours into the grassroots efforts to pass this amendment. That is why I am so proud to be on the floor today as the main sponsor of the legislation.

Mr. Speaker, today we are hearing the same old arguments that we have heard for years now, for 8 years. I respect those opinions. That is in their first amendment rights, to get up and say what they are saying here today. But, Mr. Speaker, supporters of this amendment come to the floor today with overwhelming support, with nearly 80 percent of the American people, 80 percent. Can they be that wrong? All around the Capitol today we see all of the major veterans organizations who, along with 100 organizations, make up the Citizens Flag Alliance and numbering more than 12 million American

citizens. They have asked us to pass this amendment today. These are people who have headed this grassroots movement.

In fact we can see for ourselves the stack of over 3 million signatures right there on this table from all constituents from all walks of life. They are people from all walks of life, from religious organizations like the Knights of Columbus and the Masonic Orders, Mr. Speaker, from civic organizations; as I mentioned before, from immigrant people that have come to this country. They are Polish and Hungarian and Ukrainian and a lot of other backgrounds. They support this legislation from fraternal organizations like the Benevolent Order of Elks and the Federation of Police, and it goes on, and on, and on; others, like the National Grange, the Future Farmers of America. These are not just veterans who have served their country; this is a cross-section of America asking for this amendment. And again as I have said, 49 out of 50 States have asked for this amendment to be sent to them so that they can ratify it. After all, Mr. Speaker, can 49 out of 50 States be all that wrong?

Some opponents of this amendment claim it is an infringement on their first amendment rights of freedom of speech, and they claim, if the American people knew it, they would be against this amendment. Well, there is a Gallup Poll just taken recently of the American people, and they ask them, and these are real people, Mr. Speaker, these are not people just here inside the beltway. They are out there in real America, outside this beltway. Seventy-six percent of the people said, no, a constitutional amendment to protect our flag would not jeopardize their right of freedom of speech. That is the overwhelming majority of the American people, not just a simple majority.

In other words, the American people do not view flag burning as a protected right, and they still want this constitutional amendment passed no matter what. That is what they said in the poll: No matter what, pass this amendment.

Mr. Speaker, we should never stifle speech, and that is not what we are seeking to do here today. People can state their disapproval of this amendment, they can state their disapproval for this country, if they want to. That is their protected right. However, it is also the right of people to redress their grievances and to amend the Constitution as they see fit. That is what our forefathers gave us the right to do, and they made it very difficult to do. They are asking for this amendment.

Therefore I am asking my colleagues to send this amendment to the States and let the American people decide, not just here in this Congress. Even if my colleagues are opposed to this amendment, give the American people the right to make this decision. My colleagues should not try to make it themselves.

And lastly, Mr. Speaker, over the last two centuries and especially in recent years, immigrants from all over this world have flocked to this great country of ours knowing little about our culture and little about our heritage. But they know a lot about our flag, and they respect it, they salute it, they pledge allegiance to it. And Mr. Speaker, it is the flag which has brought this diverse country of ours together. It is the flag that will keep us together no matter what our ethnic differences, no matter where we come from, whether it is up in the Adirondack Mountains where I live, or Los Angeles, CA, St. Louis, MO, or Dallas, TX. It is the common bond which brings us to this point where we can elevate the Stars and Stripes above the political fray.

That is why it is bipartisan here today with an overwhelming 285 Members, Republicans and Democrats, supporting this amendment. That is why my colleagues must come over here and they must vote yes on it and give the people that they represent the chance to ratify it. My colleagues owe it to those people, and they owe it to America.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, this argument is a strong argument. I realize there are different points of view. One can have a difference of opinion without having a difference of principle. I am a veteran myself, but whether one is a veteran or not, as my colleagues know, I want to do everything I can to honor the flag, to protect the flag because too many people have died in too many wars not to honor that flag and to protect that flag because it means sacrifice. It means that people have given their life to protect this great country.

That is why I rise today in strong support of House Joint Resolution 54, the American Flag Protection Amendment.

This Saturday is Flag Day, a day when Americans all around this Nation will be flying the Stars and Stripes from their homes and businesses in honor of their heritage. Flag Day is celebrated on June 14 in memory of the day in 1777 when the Continental Congress adopted the Stars and Stripes as the official flag of the United States.

While the American flag has changed through the years, the principles for which it stands have not. My colleagues, the flag is a national asset which deserves our respect and protection. We salute it, pledge allegiance to it, fly it from our homes and businesses. When we turn to the flag with head held high and hand over our heart, we give due honor to those who have defended this great Republic.

Please honor these brave men and women and vote "yes" on Senate Joint Resolution 54. I have no doubt that it is going to pass by a resounding number of votes today to send a message across the United States that we honor this country, and this is the country that honors freedom. This is the symbol for all other countries in the world to look at America as the place where we can cherish the flag as well as to look at the United States Capitol as a monument for freedom and peace in the world.

Mr. CONYERS. Mr. Speaker, I yield 6 minutes to the gentleman from New York [Mr. ACKERMAN], a great legislator.

Mr. ACKERMAN. Mr. Speaker, our Founding Fathers must be very puzzled looking down on us today; and instead of seeing us dealing with the very real challenges that face our Nation, they see us laboring under this great compulsion to amend the document that underpins our democracy and trying to give this Congress a great new power at the expense of the people, the power for the first time to stifle dissent. The threat must be great, they must be saying, to justify changing the Bill of Rights for the first time and decreasing, rather than increasing, the rights of the people.

And what is the threat? Is our democracy at risk? What is the crisis in the Republic? What is the challenge to our way of life? Where is our belief system threatened? Are people jumping from behind parked cars waving burning flags at us trying to prevent us from going to work? Trying to grind America to a halt? Do we really believe that we are under such a siege because of a few loose cannons? Need we change the Constitution to save our democracy?

The real threat is not the occasional burning of a flag but the permanent banning of the burners. The real threat is that some of us have now mistaken the flag for a religious icon to be worshipped rather than the symbol of our freedom that is to be cherished. Rather than allowing someone to insult them by demeaning the flag, they would diminish our Constitution.

These rare but vile acts of desecration that have been cited by those who propose changing our founding document do not threaten anybody. If a jerk burns a flag, America is not threatened, democracy is not under siege, freedom is not at risk and we are not threatened, my colleagues; we are offended. And to change the Constitution because someone offends us is in itself unconscionable.

The Nazis, Mr. Speaker, the Nazis and fascists and the imperial Japanese army combined, could not diminish the rights of even one single American; and yet in an act of cowardice, Mr. Speaker, we are about to do what they could not.

Where are the patriots? What ever happened to fighting to the death for

somebody's right to disagree? We now choose instead to react by taking away the right to protest. Even a despicable low-life social malcontent has a right to disagree, and he has a right to disagree in an obnoxious fashion if he wishes. That is the test of free expression, and we are about to fail that test.

Real patriots choose freedom over symbolism. That is the ultimate contest between substance and form. Why does the flag need protecting? Burning one flag or burning a thousand flags does not destroy it. It is a symbol. But change one word of our living Constitution of this great Nation, and it and we will never be the same. We cannot destroy a symbol. Yes, people burn the flag, but, Mr. Speaker, there it is again, right in back. It goes on. It cannot be destroyed. It represents our beliefs.

Now, poets and patriots will tell us that men have died for the flag. But that language itself is symbolic. People do not die for symbols. They fight and they die for freedom. They fight and they die for democracy. They fight and they die for values. To fight and die for the flag means to fight and die for the cause.

Let us remind ourselves we did not enter World War II because the Japanese sunk a bunch of our flags. There happened to have been ships filled with men tied to the other end of those flagpoles, and our way of life was threatened.

We love and we honor and we respect our flag for what it represents. It is different from all other flags. And I notice we do not make it illegal to burn some other country's flags, and that is because our flag is different. No, it is not different because of its shape; they are all basically the same. And it is not different because of its design; they are all similar. And no, not because of the colors. Many have the same colors. Our flag is unique only because it represents our unique values, it represents tolerance for dissent. This country was founded by dissenters that others found obnoxious.

□ 1230

And what is a dissenter? In this case it is a social protestor who feels so strongly about an issue that one would stoop so low as to try to get under our skin and to try to rile us up to prove his point, and have us react by making this great Nation less than it was. And how are we going to react?

Dictatorships crack down on people who burn their nation's flags, not democracies. We tolerate dissent and dissenters, even despicable dissenters.

What is the flag, the American flag? Yes, it is a piece of cloth. It is red, white, and blue with 50 stars and 13 stripes. But what if we pass this amendment and desecrators make flags with 55 stars and burn them? Will we rush to amend our law again? And if they add a stripe or two and set it ablaze, and it surely looks like our flag, but is it? Do we rush in and count the stripes before determining whether or not we have been constitutionally insulted? And what if the stripes are orange instead of red? What mischief are we doing? If it is a full-size color picture of the flag they burn, is it a crime to desecrate a symbol of a symbol? What are we doing?

Our beloved flag represents a great nation, Mr. Speaker. We love our flag because there is a great republic for which it stands made great by a Constitution that we want to protect, a Constitution given to our care by giants and about to be nibbled to death by dwarfs.

Mr. Speaker, I call upon the patriots of the House to rise and defend the Constitution, resist the temptation to drape ourselves in the flag and hold sacred the Bill of Rights. Defend our Constitution and defeat this amendment.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from Florida for yielding me this time. I want to express my appreciation to him for his leadership on this issue, as well as the principal sponsor, the gentleman from New York [Mr. SOLOMON].

Mr. Speaker, I rise in strong support of House Joint Resolution 54, an amendment to the U.S. Constitution to prohibit the physical desecration of the American flag. I am a proud cosponsor of this resolution and am committed to seeing it sent out to the States for ratification.

Like so many other State legislatures, my own State of Arkansas has called on the U.S. Congress to pass this amendment. It is time that we responded to their calls.

Mr. Speaker, the only real objection that I hear concerning this resolution is that somehow protecting the flag infringes upon free speech. The Supreme Court of the United States, in a very close decision, a 5-to-4 decision, ruled that desecrating the flag is to be considered speech that must be protected. What if, what if one of those judges voting in the majority had voted with the other side and said that burning the flag was conduct that can be regulated and prohibited? Would the opponents say that we need to amend the Constitution to protect that very fundamental right to burn the flag? I doubt that they would suggest that.

So they place more confidence in one judge of the Supreme Court that could have gone either way versus 80 percent of the American people that say we need this amendment to the Constitution and the flag should be protected.

With all due respect, Mr. Speaker, the Supreme Court is wrong. Burning the flag is not speech, but is actionable conduct. The Supreme Court is wrong, the American people are right; the flag is deserving of protection. More than 1 million people have fought and died defending not just the flag, but the very ideals for which it stands. Whether on the shores of Normandy or in the sands of Iwo Jima, the American flag has flown as a tribute to freedom. The clarion call of the Liberty Bell is echoed every day when the American flag is unfurled at home and abroad, and it should be protected.

It is commonly accepted that the physical desecration of the American flag is an affront to the memories and families of those who gave their lives so that future generations might live free from tyranny and oppression. We honor their sacrifice by protecting that precious symbol for which they died.

The flag is special, as the gentleman from New York [Mr. SOLOMON] has pointed out. It is a symbol that is flown at half mast during times of tragedy in our country. It is the flag that is draped over the coffins of our soldiers. It is a special symbol in our country, and in memory of those who have fought and paid the ultimate price for our freedom, the star spangled banner is deserving of protection.

The flag must continue to wave o'er the land of the free with respect, dignity, and honor in the schoolyards of our children, on the porches of our neighborhoods, and yes, even in the trenches when Americans are called upon to protect this country. The resolution before us today brings us one step closer to that goal. I urge my colleagues to support this legislation.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the distinguished chairman for yielding me the time and for providing such outstanding leadership, along with the gentleman from New York [Mr. SOLOMON], on this issue.

I believe that the American flag is a sacred symbol of our great Nation. This symbol of our freedom and democracy is worthy of being protected. We owe it to the thousands of service men and women throughout our history that have sacrificed their lives for the ideals represented by the American flag. The flag serves as a remembrance to those who were called upon to make that ultimate sacrifice. Is it wrong to honor their memory by protecting their symbol? No. This concept is neither Republican, Democrat, conservative or liberal. Voting for this legislation is an all-American idea to protect our flag and our country.

There are some who will argue that ending desecration of our great flag will have the effect of attacking our first amendment right to freedom of speech. Not so. So where in this amendment is speech limited? Americans will still be free to say whatever they desire, no matter how repugnant it may

seem to others. Nothing is more un-American, Mr. Speaker, than nonviolent speech. There are many expressions that are not protected under free speech, such as shouting "fire" in a movie theater.

Mr. Speaker, why should the action of burning the flag be protected when it is most used to incite violence and hatred. I remind my colleagues that Supreme Court Justices Earl Warren, Abe Fortas, and Hugo Black have each written opinions that protecting the flag from physical desecration is consistent with the first amendment. The symbol of our freedom must be protected.

There is widespread support for this amendment across the Nation. Forty-nine States have expressed the desire for approval of this amendment. I would also remind my colleagues that congressional approval of the amendment will only clear the first hurdle in the process. Three-fourths of the State legislatures must still pass the amendment for it to become law. The extremely rigorous nature of the amendment process ensures that there must be a groundswell of unified public support for this to become law, and I urge my colleagues to vote "aye" for House Joint Resolution 54.

Mr. CANADY of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on the Constitution, the gentleman from Florida [Mr. CANADY], for yielding me this time.

Mr. Speaker, I am somewhat at a loss for words here, after having sat here and listened even in the wake of the rather irrational debate last year by some of those who opposed the constitutional amendment similar to that which we are proposing today, who took the well of this great body and quite with a straight face said they did not know what the flag of the United States of America was, because the debate, and I hesitate to use that word, the shouting on the other side today, the indeed literal raving on the other side against this really is something that I never thought I would witness anywhere, much less in this body.

I suppose, Mr. Speaker, that perhaps only in Washington, DC, could people again, quite with straight faces, take the well of this House and call a constitutional amendment that simply gives the right of the people of this country the opportunity to pass laws in the Congress defending the flag of this country, only in Washington could somebody with a straight face call those people radicals, or extremists. Yet perhaps it is not really that much of a surprise, Mr. Speaker, because many of these same people believe that it is mainstream to recognize homosexual marriages, believe that it is mainstream to recognize homosexual rights in virtually every other aspect of our society, and yet have the audacity to claim that those tens of millions of Americans, alive and dead, who have defended our country, to call us Nazis for simply standing up, Mr. Speaker, and saying that our flag deserves protection, and the people of this country are asking for it, indeed demanding it, and yet they, those who oppose this amendment, not only call those of us who support it Nazis and extremists and against human rights, apparently now it is a human right, according to the folks on the other side of this issue, to desecrate the flag of this country.

Let us though, Mr. Speaker, put this in proper perspective, and I think the gentleman from New York [Mr. SOLOMON] has done that very, very eloquently, in reminding the citizens of this country that it is not extremist, it is not radical, it is not nazism, it is not dictatorial, to simply say that the people of this country ought to have the right to have their Congress as a manifestation of the will of the vast majority of people in this country to be able to pass a law protecting our flag against desecration.

Indeed, what might perhaps very legitimately be properly labeled as radical are people who take the well of this House and say that the people of this country should be denied that basic right which, indeed, perhaps comes closer to being a human right than what they view as a human right, and that is the right to destroy the one enduring universal symbol of this country, and that is the great flag of the United States of America.

Again, I thank the gentleman from New York [Mr. SOLOMON] and the gentleman from Florida [Mr. CANADY] and the other supporters of this important piece of legislation for recognizing the American people's right to have this voted on and to say to the other side, shame on you for standing up here and saying that the American people should be denied that right. That is all this constitutional proposal does is simply allow the people of this country, through their State legislatures, to do something that the Supreme Court has said is the only way that we, the people of this country, can protect the flag, and that is through this amendment and through laws enacted thereafter.

Mr. CONYERS. Mr. Speaker, I am proud to yield 4 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, our flag commands the deepest respect because it stands for a Nation and a community that is strong, strong enough to tolerate diversity and protect the rights of those expressing unpopular views, and even expressing them on some regrettable occasions in a particularly offensive way. It is our Nation's strong commitment to those values, not the particular design of our flag, that makes this country an unparalleled model of freedom and the greatest of all nations, and it was because of those values that I was proud to serve my country in uniform in Vietnam.

Our Nation was founded on the ideals of democracy and freedom, the freedom to speak our minds, to question, to criticize and discuss freely, without interference from the Government. The depth of our commitment to that freedom is tested and measured in precisely those cases like flag-burning where the views expressed are especially offensive.

How do we honor the liberty for which the flag stands? By diminishing the liberty in order to protect the symbol? Justice Brennan put the proposition wisely and rightly in the Johnson case a few years ago, and I quote, "Nobody can suppose that this one gesture of an unknown man burning a flag will change our Nation's attitude toward a flag. The way to preserve the flag's special role is not to punish those who feel differently. . . It is to persuade them that they are wrong. We do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents."

Today there is a strong movement to limit the scope and the reach of the Federal Government. It is ironic that at this time some would seek to amend the first amendment for the first time and to bring government regulation to selected forms of political expression. That would be a terrible mistake. Our Nation is strong enough to tolerate diversity and protect the rights of all citizens, even those with unpopular views.

The even greater irony is that a constitutional amendment ultimately would render respect for the flag into a government mandate, and so, sadly, to contribute to its own undoing.

What is the grave danger to the republic that would be remedied by this amendment? There is none. What case can be made that this amendment would enhance our constitutional order? Absolutely none. And absent a significant evil to be avoided or some significant improvement to be made, we simply should not undertake the most serious of all acts of Congress, an amendment to the Constitution.

We have heard a lot lately about cost-benefit analysis. What about now? The costs: A real, if subtle, paring down of the rights of open and free expression, a little softening up of the first amendment, making subsequent and more damaging cuts into its protection of freedom that much easier; probably years of litigation about the meaning of the terms "flag" and "desecration" that will abound under this proposed amendment.

□ 1245

The benefit? Old Glory will be protected, even as the magnificent freedoms for which it stands are diminished. We are given a choice, Mr. Speaker. We may allow a few fools a year to tear the flag, or we may deny them, yet in the process tear the Bill of Rights itself, a small price for the protection of all liberty, an unthinkable price for the erosion of liberty.

Mr. LIPINSKI. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. BARR of Georgia. Mr. Speaker, I yield an additional minute to the gentleman from New Jersey [Mr. MENENDEZ].

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman from New Jersey [Mr. MENENDEZ] is recognized for 1½ minutes.

Mr. MENENDEZ. Mr. Speaker, as one of the cosponsors of this resolution, I rise in strong support of it. The flag of the United States of America is unique among all the symbols of this great Nation. No other symbol of our country is so universally recognized or beloved by its people.

Since it was first flown more than 200 years ago, it has represented our unity as a people, our unity based upon the diversity of a people whose heritage traces back from all parts of the world. Some of our families came to America to escape religious persecution. Some, like my own parents, came here to escape political repression. But under the protection of the American flag, we have been one people with a common bond, regardless of our individual ancestries.

Our flag has been carried into battle since the Revolutionary War. Thousands have died for the American flag and what it represents, and in turn have had it draped on their coffins in a silent but powerful recognition of their ultimate sacrifice. We honor it annually on Flag Day. We in the House of Representatives begin each day by reciting the Pledge of Allegiance that begins: "I pledge allegiance to the flag of the United States of America."

Our commitment to it is a reflection of our country's commitment to its people. The American flag is a symbol of American might and resolve, but it is also a symbol of hope and freedom. It is a symbol of the freedom secured by so many at such a great price. To desecrate it is to desecrate the memory of those who died for it. To burn it is to incite the general public.

Clearly we have created legitimate limitations on speech: fire in a theater, the burning of a cross, the painting of swastikas; those have been determined as crimes. I ask my colleagues, in special recognition of that history, that we give it the special protection that it deserves today.

Mr. LIPINSKI. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. BARR of Georgia. Mr. Speaker, I yield an additional 1 minute and 30 seconds to the gentleman from Massachusetts [Mr. KENNEDY].

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. KENNEDY] is recognized for 2 minutes and 30 seconds.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise in strong support of the initiative to try and make certain that we do not allow our flag to be desecrated.

I think we as a Nation have far too few symbols of what it means to be the freest and most formidable democracy on the face of the Earth. I think rather than, as so many of my Democratic colleagues and particularly liberal Democrats have suggested, that this is outrageous and basically an invasion of our rights as provided in our Constitution, I could not disagree more wholeheartedly. I think that this is a protection that we fight for in our democracy. We need to have a few symbols of what it means to be an American. That is what this is all about.

As Professor Parker of Harvard University, who at one time worked for my dad, persuasively argued, that rather than a process for limiting free speech, this amendment is a democratic vehicle for the highest expression of free speech. The amendment is a way for people, through their elected representatives, to establish a baseline, a national standard for robust and wide open freedom of speech. Simply put, amending the Constitution is a way of protecting the first amendment as it now stands. In the words of Professor Parker, "It is not fiddling with the first amendment, it protects the first amendment."

The time is long overdue for defining what we are as a Nation dare to believe in and uphold as sacred. The American flag, which so many have fought and died for, deserves the protection of this amendment. The time has come, Mr. Speaker, to draw that line in the sand and protect the American flag as a symbol of our national unity.

Mr. CONYERS. Mr. Speaker, I yield myself 5 seconds.

Mr. Speaker, I would remind the previous speaker that a friend of ours in the Senate from Massachusetts and another friend of ours from the State of Rhode Island have a contrary view.

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. BARR of Georgia. Mr. Speaker, I am glad to yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

The SPEAKER pro tempore. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 3 minutes.

Mr. TRAFICANT. Mr. Speaker, in America it is illegal to burn trash, but you can burn the flag. In America it is illegal to remove a label from a mattress, but you can in fact rip the stars and stripes from our flag. In America it is illegal to damage a mailbox, but you can destroy our flag.

Some people believe today that this debate is not about the flag, that this debate is about the Constitution. Let us talk about that. The original Constitution allowed slavery. The original Constitution treated women like cattle. The original Constitution treated native American Indians like buffaloes. The original Constitution needed to be changed then. The Constitution needs to be changed now.

Mr. Speaker, this is not a debate about a flag, this is a debate about national pride. A people that do not in fact honor and respect their flag is a people that does not honor and respect either their neighbors or their country.

If America wants to protest, if Americans want to make political statements, burn your brassieres, burn your pantyhose, your BVD's, your credit cards, burn your dollar bills, take a sledgehammer and destroy your car, but the Congress of the United States should say, leave our flag alone. Today's debate, Mr. Speaker, is not about the flag. That is for sure. It is about our national pride.

Let me tell every Member, those soldiers who were carrying that flag up the hill, they were not crawling, groveling, trying to hide from the fire, they were upright. They had that flag up there for everybody to see what that flag meant. They knew they may not come back, but their children would see that flag and their children would respect that flag.

Today's debate is not about the flag, it is about national pride and national respect. I submit, Mr. Speaker, if we as a Congress are going to start reinforcing national pride and respect in our countrymen and in our country, we should change this Constitution. It was right years ago and it is right and fitting today.

I commend the gentleman from New York [Mr. SOLOMON] and I commend this legislation, and I would hope we would get enough votes to pass it.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I would explain to my friend, the gentleman from Ohio [Mr. TRAFICANT] who has lectured us about brassiere and pantyhose burning, mailbox bashing, burning of trash, my dear friend, the gentleman from Ohio [Mr. TRAFICANT], those are not symbolic speech. They are not protected by the Constitution.

Mr. TRAFICANT. Just a little common sense, Mr. Chairman.

Mr. BARR of Georgia. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from Pennsylvania [Mr. PETERSON].

Mr. PETERSON of Pennsylvania. Mr. Speaker, I proudly and passionately

rise today to support this amendment that prevents the desecration of the symbol of freedom, the symbol of opportunity, the symbol that was created with bloodshed. Many of our forefathers gave everything, their life, for this symbol. I thank the gentleman from New York [Mr. SOLOMON] and the gentleman from Florida [Mr. CANADY] for their leadership on this issue, and for allowing me to participate. I am also fiercely proud to join 280-some colleagues in sponsoring this important amendment that will allow Congress to protect our symbol of freedom, our symbol of opportunity.

I think it is important to point out precisely what this amendment says. It simply says that Congress shall have the power to prohibit the physical desecration of the flag of the United States. It does not prescribe how that should be done.

Rather, what it does do is restore to Congress the authority to prohibit the physical desecration of the flag, and really what this means is that it restores the power to the American people via their elected representatives, and not to live with changes brought about by a very liberal judiciary.

As Justice Rehnquist noted, the flag is not simply another idea or point of view competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with almost mystical reverence. All should. In my view, it is literally the fabric which binds us together. It is the symbol of who we are and the emblem we rally around when times get tough.

A gentleman by the name of Mike Ashmond in my district was an immigrant from Iran. He knew what it was like not to live in freedom. He went to Germany first, learned of the freedoms of America, moved to America to run his business, and he loves our American flag. Instead of cutting the ribbon in his business recently he raised the American flag, and he stated, "I want to be able to look out my office window and see the symbol of freedom and opportunity. I want to look out my dining room window and see the symbol of freedom and opportunity, and everywhere I go around my community, because the American people need to realize the price paid for freedom and the freedom and opportunity that it stands for."

Mr. CONYERS. Mr. Speaker, I yield 7 minutes to the distinguished gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, an important member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member very much for his kindness in yielding to me.

Mr. Speaker, I certainly do acknowledge as the sponsor of this amendment that the American people have spoken loudly and resoundingly. There is something great about this debate this afternoon. It is a reflection on what America is all about. America is about disagreement. America is about preserving the Republic.

I realized when I went to this well that I would be a rather lonely person, that the numbers are against me; that in fact the wave of the popular vote says to pass this amendment. But I stand here very proudly, because I live in a nation that allows me and my dissident voice to be able to speak in opposition. Sometimes the tyranny of the majority must be opposed.

As a youngster I used to idolize Abe Lincoln, taught in our schools as a benevolent leader who freed the slaves. Now I understand as an adult that he sought to preserve the Union against, of course, the opposition of a great deal of the majority. Sometimes you must stand lonely to preserve the Union.

So I stand to preserve this Union today. I stand in opposition to my State, the State of Texas. I stand in opposition to those who I have sat and watched on television, for I was not allowed at that time to rise up and be drafted, tears in my eyes as we fought in the Vietnam war. I heard my grandmother tell stories of wondering whether her boys would return from World War II, and yes, friends and neighbors were in the Korean war, and I watched those in my neighborhood go off to Kuwait.

Yet, this amendment says Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for redress of grievances.

□ 1300

Mr. Speaker, I call the gentleman from Michigan [Mr. CONYERS] "JOHN" because I appreciate his steadfast view on the Constitution. It is because of his tradition and that of Barbara Jordan that I carry this Constitution with me on a daily basis.

It is because of that that I recognize that we are fighting today not so much for the flag and the symbol of freedom but we are fighting to preserve this Union. I do not need to be in the well and shout. There is nothing more that I can say that will convince those of my colleagues who are prepared to vote almost unanimously for this amendment.

But I can tell them, having traveled across this land and having the privilege of traveling internationally, I can assure them that Bosnia would have wanted to have a constitution and a nation that did not see the bloody fight. I can assure them that there would have been more preference to the burning of a flag than a Mideast war or the war in the Congo or Liberia or the war that rages in Northern Ireland.

I say to the children, of which those who have gone to the floor have said they truly have a reason to pledge allegiance to the flag of the United States because it is in fact a symbol of freedom, that freedom goes beyond the material of a flag.

I wish I could have been there as we penned the Star-Spangled Banner because I think that is a symbol of freedom. A tarred and marred flag, probably torn and burned, but yet still waving, caused the inspiration of the Star-Spangled Banner. It was the value that had been preserved. It was freedom that had been won. We had won this.

And to the veterans, let me simply say to them, I understand the message that is given to them as they go into battle. That battle is that they fight for the flag. But, no, they fight for Mrs. Jones or they fight for Mrs. Kazarazz or Mrs. Lee or any other ethnic group that have come to this Nation for freedom.

Yes, let me say something to my colleagues. There is a tragic, tragic story being unfolded in Denver, CO. I can say with the deepest of feeling in my heart, I wish that Tim McVeigh had burned a flag and not bombed and killed 168 Americans whose loved ones cry every day for their loss.

It is important that we understand what this constitutional amendment does. It is, in fact, an amendment that says that Congress has a right to define what type of desecration would be legal or illegal. That in and of itself is a denial of freedom, the very fact that we do not even know what we are trying to do. We do not know what we will claim as illegal. We do not know what we will deny a citizen the right of freedom of expression.

I have come from a time when those of us who look like me could not speak, could not ride in the front of the bus. I am grateful for those of goodwill who saw that if we left one person outside the circle, this could not be an equal nation. Well, we are going to do that today.

I leave Members with these words: "The sacred rights of mankind are not to be rummaged among old parchments or musty records. They are written as with a sunbeam in the whole volume of human nature, by the hand of the divinity itself, and can never erased or obscured by mortal power." Alexander Hamilton.

John Marshall said, "A Constitution intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs."

We have not seen a flag burned for almost 20 years.

Then I want to say to my colleagues what Benjamin Franklin said. At the conclusion of the Constitutional Convention Benjamin Franklin was asked, "What have you wrought?" He answered, "A Republic, if you can keep it."

That is my challenge for this day, and I will remain lonely in this well,

for I am going to try and keep this Republic and vote on the side of freedom of this Constitution, the first amendment and the Bill of Rights that has not been amended.

And might I just say, in tribute to someone that I hold with great respect and carried this Constitution, Barbara Jordan would certainly say today, I wish we would all stand to keep the Republic.

Mr. Speaker, it is without question that I rise in opposition to House Joint Resolution 54—proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

My colleagues, when Thomas Jefferson penned the Declaration of Independence, he wrote that: "We, therefore, the Representatives of the United States of America, in General Congress, assembled, solemnly publish and declare, that these colonies are * * * free and independent States * * * and we mutually pledge to each other our lives, our fortunes, and our sacred honor * * * our sacred honor."

My colleagues, that is what the American flag stands for—honor. But it also stands for something even more sacred—freedom. Freedom of expression as contained in the first amendment and the Bill of Rights.

"Congress shall make no law * * * abridging the freedom of speech." This amendment, if passed, for the first time in our Nation's history, would cut back on the first amendment's guarantee of freedom of expression that is the bedrock of our democracy, and one of the fundamental guarantees contained in the Bill of Rights.

In his 1859 essay on liberty, John Stuart Mill recognized the public good and enlightenment which results from the free exchange of ideas. He writes: "First, if any expression is compelled to silence, that opinion for aught we can certainly know, be true * * * secondly, though this silenced opinion be in error, it may, and very commonly does, contain a portion of the truth * * * thirdly, even if the received opinion be not only true but the whole truth; unless it is suffered to be and actually is, vigorously and earnestly contested, it will by most of those who receive it, be held in the manner of a prejudice."

The American system of Government is itself premised on freedom of expression.

On the subject of freedom of expression, Professor Emerson notes: "Once one accepts the premise of the Declaration of Independence—that governments derive 'their just powers from the consent of government'—it follows that the governed must, in order to exercise their right of consent, have full freedom of expression both in forming individual judgments and in forming the common judgments".

In the 204 year history of the Constitution of the United States, not one single word of the original Bill of Rights has been altered. What is the urgency and need to change the Bill of Rights now. There is none.

It is my firm belief that this effort to amend the Constitution of the United States, like other efforts by this same body to amend the Constitution, is an exercise in misjudgment and a severe waste of precious time.

It is rare that a flag is ever burned in our country as a form of political speech or otherwise. From 1777 through 1989, only 45 incidents of flag burning were reported; since the 1989 flag decision, fewer than 10 flag burning incidents have been reported per year.

The flag is a symbol. It is a symbol of freedom, not freedom itself. When given the choice, I chose freedom over symbolism. For it is freedom that allows me to choose the symbols that represent what I believe. Am I offended by the burning of the flag? Yes. But am I threatened by it? No. Where is the imminent threat to freedom in burning the flag? It is simply not present. The real threat are those who seek to amend the Constitution of the United States and severely limit the prized protection of freedom of speech and the Bill of Rights.

It is evident that this is not the first time that we have visited this issue. Congress, in an effort to protect the American flag, passed the first Federal flag desecration law in 1968, which made it illegal to "knowingly" cast "contempt" upon "any flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon [the flag]," which additionally imposed a penalty of up to $1,000 in fines and/or 1 year in jail. In 1969, the Supreme Court in *Street* v. *New York,* 394 U.S. 576, held that New York could not convict a person based on his verbal remarks disparaging the flag.

In 1972, the Supreme Court in *Smith* v. *Goguen,* 415 U.S. 566, held that Massachusetts could not prosecute a person for wearing a small cloth replica of the flag on the seat of his pants based on a State law making it a crime to publicly treat the U.S. flag with "contempt." The Court ruled that the Massachusetts law was vague and thus, unconstitutional.

In 1974, the Supreme Court in *Spence* v. *Washington,* 418 U.S. 405, overturned a Washington State "improper use" flag law which, inter alia, made it illegal to place any marks or designs upon the flag or display such an altered flag in public view.

In each of these three cases, the Supreme Court failed to review the case under the protection of the first amendment.

It was not until 1989, 21 years after the adoption of the 1968 Federal flag desecration law, that the Supreme Court addressed the issue of flag desecration as it related to the first amendment. In *Texas* v. *Johnson,* 491 U.S. 397, the Supreme Court upheld the finding of the Texas Court of Criminal Appeals that Texas law—making it a crime to desecrate or otherwise mistreat the flag in a way that the "actor knows will seriously offend one or more persons"—was unconstitutional as applied.

Gregory Johnson was a member of the Revolutionary Communists Party who was arrested during a demonstration outside of the 1984 Republican National Convention in Dallas, TX, after he set fire to a flag while protestors chanted, "America, the Red, White and Blue, we spit on you."

In a 5 to 4 decision written by Justice Brennan, the Court first found that burning the flag in political protest was a form of expressive conduct and symbolic speech subject to first amendment protection. The Court also determined that under *United States* v. *O'Brian,* 391 U.S. 367 (1967), since the State law was related to the suppression of freedom of expression, the conviction could only be upheld if Texas could demonstrate a "compelling" interest in its law. The Court found that Texas' asserted interest in "protecting the peace" was not implicated under the facts of the case. While the Court acknowledged that Texas had a legitimate interest in preserving the flag as a "symbol of national unity." This interest was not sufficiently compelling to justify a "content based" legal restriction—that is, the law was not based on protecting the physical integrity of the flag in all circumstances, but was designed to protect it from symbolic protest likely to cause offense to others.

In an unequivocal show of contempt for the holding of the Supreme Court in Texas versus Johnson, Members of Congress who supported the Federal flag desecration statute hastily amended it in an effort to make it "content neutral" and conform to the constitutional requirements of Johnson. As a result, the Flag Protection Act of 1989 sought to prohibit flag desecration under all circumstances. This was attempted by deleting the statutory requirement that the conduct cast contempt upon the flag and narrowing the definition of the term "flag" so that its meaning was not based on the observation of third parties.

After a wave of flag burnings in response to passage of the Flag Protection Act, the Bush administration decided to test the law. One incident on the Capital steps in Washington, DC and the other incident in Seattle resulted in the Federal District Court judges in each jurisdiction striking down the 1989 Flag protection law as unconstitutional when applied to political protesters. Each judge relied on the Supreme Court's decision in Johnson in reaching their decisions.

In 1990, the Supreme Court accepted jurisdiction of these cases consolidated as *U.S.* v. *Eichman,* 496 U.S. 310. In a 5 to 4 decision, the Court upheld the lower Federal courts ruling, thus striking down the Flag Protection Act of 1989. The Court held that notwithstanding the effort of Congress to adopt a more content neutral law, the Flag Protection Act continued to be principally aimed at limiting symbolic speech. The Court ruled that the Government's interest in protecting the flag's "status as a symbol of our Nation and certain national ideals" was related "to the suppression of free expression" and that this interest could not justify "infringement on first amendment rights." The 1989 law was still subject to strict scrutiny because it could not be justified without reference to the content of free speech.

The decision of the Supreme Court did not put the issue to rest. In 1990, after the Eichman decision, Congress considered and rejected House Joint Resolution 350—an amendment to the U.S. Constitution specifying that "the Congress and the States have the power to prohibit the physical desecration of the flag of the United States." This failed to get the necessary two-thirds congressional majority by a vote of 254 to 177 in the House and 58 to 42 vote in the Senate.

In 1995, Congress considered the same amendment, House Joint Resolution 79, in the form of two separate resolutions. In the House, the measure passed by a vote of 312

to 120, but a similar measure in the Senate, Senate Joint Resolution 31, failed by a vote of 63 to 36, thus not getting the necessary two-thirds majority of the Senate.

Mr. Speaker, after all of this posturing by Members of Congress in both Houses, here we are again wasting time on the same unnecessary amendment to the Constitution of the United States. The only difference between the resolution that we have before us today, House Joint Resolution 54, and the resolution which failed in the 104th Congress, House Joint Resolution 79, is that House Joint Resolution 54, gives the power to prohibit the physical desecration of the flag of the United States to Congress only, and not to the States. This is the same Trojan horse that was destroyed in the 104th Congress, just a little lighter.

The first amendment implication of this resolution is most damaging. If passed, this would be the very first time in the history of our Nation that we altered the Bill of Rights to place a severe limitation on the prized freedom of expression. This would be a dangerous precedent to set, thus opening the door to the erosion of our protected fundamental freedoms.

The amendment, as written is vague. It states that, "Congress shall have power to prohibit the physical desecration of the flag of the United States." What does the term "desecration" actually mean? Is it the burning of the flag? Flag burning is the preferred means of disposing of the flag when it is old. The Court noted in Texas versus Johnson, that according to Congress it is proper to burn the flag, "when it [the flag] is in such a condition that it is no longer a fitting emblem for display." What criteria will be used to determine when the flag is no longer fit for display and can thus be burned without penalty.

When it comes to potential infringements on first amendment rights, Americans need to clearly understand what would be a violation of the law. This amendment clearly involves an issue of freedom of expression, which is critical to our Democratic system. Adoption of this resolution would amount to a severe restriction of the Bill of Rights.

Surrounding the definition of "desecration" is its religious connotation. Webster Dictionary defines "desecrate" as "to violate the sacredness of." The word "sacred" is defined as "consecrated to a God or having to do with religion." It is not necessary to include the religious word "desecration" within the Constitution and clause unnecessary tension and confusion with the religious clause of the first amendment.

Let me turn my attention to the unwisdom of unnecessarily amending the constitution and playing with the Bill of Rights. The Constitution should not be amendment based on the whims of Members of Congress. There is no urgent need to protect the flag of the United States via an amendment to the Constitution. The pressing need for this proposed amendment to the Constitution of the United States is simply not present.

Mr. Speaker, our veterans fought bravely for the beliefs and values of the American people, not the symbols of the American people. The flag of the United States is a symbol. It is a symbolic representation of the beliefs, values, and views associated with freedom. Our brave soldiers and veterans, both men and women, fight on behalf of the United States. They fight to protect the people of the United States. They fight to protect the beliefs and values of the people of the United States; and our soldiers and veterans die protecting those beliefs. Our soldiers and veterans died for the beliefs of the American people; not the flag.

In quoting the legal philosopher, Lon Fuller, on amending the Constitution, he stated that, "we should resist the temptation to clutter up the Constitution with amendments relating to substantive matters. We must avoid the obvious unwisdom of trying to solve tomorrow's problems today and the insidious danger of the weakening effect of such amendments on the moral force of the Constitution." I continue to share this quote with my colleagues because they continue to try to follow the unwise path of unnecessarily amending the Constitution. Since the beginning of this Republican-majority Congress, Members have tried a number of times to amend the Constitution. This is absurd.

Mr. Speaker, for these reasons, I urge my colleagues to vote "no" on House Joint Resolution 54.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I think it is ironic that I am on the opposite side of my colleague from Houston, and I only have 1 minute. I will try and say it quickly.

I rise as a cosponsor of House Joint Resolution 54. I am proud to be a cosponsor this session and last session. I think it is so important that we recognize, though, that freedom of speech has limits on it. And as much as I defend the right of someone to disagree with what I say on the floor or anyone says on the floor, we also have some limits.

That flag that we have is a symbol of that freedom. Now, granted, it is carried into battle. I would hope that our service personnel would carry the Constitution with them, too. But the flag is that symbol. That is why I think it is important that we pass this constitutional amendment today and send it on to the States for their ratification.

The burning of our national symbol is something that huge majority finds that we should change. This amendment is trying to protect those intangible qualities that the Bill of Rights represents, and it also represents our flag. I ask that we pass this with the two-thirds vote and hopefully the Senate will also.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I rise in strong support of the amendment offered by the gentleman from New York [Mr. SOLOMON] and the gentleman from Illinois [Mr. LIPINSKI] here today.

Woodrow Wilson, our President earlier in this century, once said the flag is the embodiment not of sentiment but of history. It represents the experiences made by men and women, the experiences of those who do and live under this flag.

We are not talking about a symbol. We are talking about our history. We are not limiting the first amendment. We are not saying you cannot criticize an elected official. We are not saying you cannot protest a governmental policy. We are not saying you cannot investigate an alleged violation.

But we are saying that the flag of the United States of America, where our soldiers have fought and died for the freedoms that we hold so dear in this country, where they have fought for the freedoms of Europe and fought to defeat Hitler, where we have carried flags in civil rights marches for equality in this country, that is something unique and special. That cannot and should not be burned.

That flag that is staked on the moon, that flag that is symbolized at Iwo Jima, and this flag that hangs over "in God we trust" is not an insignia and not merely a symbol. It is the United States of America's history. It is our truce. It is our reverence, and we should protect it. I urge my colleagues to vote for this bipartisan amendment.

Mr. CANADY of Florida. Mr. Speaker, I would inquire of the Chair concerning the amount of time remaining on both sides.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman from Florida [Mr. CANADY] has 26 minutes remaining, the gentleman from Michigan [Mr. CONYERS] has 17½ minutes remaining, and the gentleman from Illinois [Mr. LIPINSKI] has 2 minutes remaining.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Speaker, I am proud to stand today and join so many of my colleagues as an original cosponsor and strong supporter of House Joint Resolution 54, the flag desecration amendment.

Many individuals have given their lives, have made the ultimate sacrifice to protect the values that are embodied in our flag. To desecrate the flag, I think, is to belittle the sacrifices of our patriots. Forty-nine out of fifty States, including my home State of New Jersey, have passed resolutions urging the adoption of a constitutional amendment prohibiting the desecration of our flag.

We often talk about listening to the people in this body. We talk about how important it is to listen to what the citizens of the United States are looking for from us, their elected representatives. Mr. Speaker, I think that in this particular case it is time for us to listen to the will of the people. We cannot deny the will of the people on this

particular issue, because it is so overwhelming from every segment of society that this is what we should do, and we cannot forsake the service of our veterans.

This weekend I will observe Flag Day in the small down of Clayton, N.J. As I meet the veterans in that community, I would love to be able to tell them that we in the House of Representatives of this U.S. Congress overwhelmingly passed this resolution that will enable us to protect our flag. I think it is the least we can do for the citizens of the country and for our veterans.

In Clayton we will celebrate the flag as our national monument. No single statue or memorial embodies our national civic pride like the values of our flag. Vandalizing the Washington Monument or the Liberty Bell in Philadelphia would be considered a despicable crime and would be dealt with very severely. The flag should receive nothing less. It should receive the same measure of respect and protection.

I urge my colleagues, think about what is at stake here and please support this bipartisan amendment that would protect our flag.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Speaker, I am proud to support House Joint Resolution 54, which gives the Congress and the States the power to prohibit the physical desecration of the American flag. This has over 280 cosponsors who share my commitment to giving back to the American people the authority to protect our flag.

Opponents of the flag protection amendment say it threatens free speech. Nothing could be further from the truth. "Surely one of the high purposes of a democratic society," wrote Chief Justice William Rehnquist, "is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people whether it be murder, embezzlement, pollution or flag burning."

Talking about the flag is free speech. Criticizing our Government, for those who care to do so, is free speech. But desecrating the American flag is an offensive physical act, not speech to be protected by the first amendment. We can have open and free debate on issues without resorting to burning our flag in public.

The U.S. flag is more than a piece of cloth. It is the symbol of our freedom. It represents the sacrifice of those who gave their lives to win and preserve our way of life. Too many Americans have carried our flag into battle against tyranny and oppression around the world for us to tolerate the public desecration of the flag.

Those who doubt the need to honor and protect our flag need only visit the Iwo Jima Memorial in Arlington, VA, to be reminded of the heroic sacrifice made by our military veterans who carried our flag into harm's way in faraway battles at Iwo Jima and elsewhere. Justice Rehnquist noted the irony that "government may conscript men into the Armed Forces where they must fight and perhaps die for the flag, but the government may not prohibit the public burning of the banner under which they fight." I am proud to play a part in trying to right that wrong.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I find it abhorrent that someone would desecrate the flag of the United States of America. But I will not support an amendment to the Constitution of the United States of America to prevent it from being desecrated.

When I think of the flag, I think about the men and women who died defending it. What they really were defending was the Constitution and the rights and freedoms it guarantees.

In the 101st Congress, my colleagues and I sought to address this problem when we overwhelmingly passed the Flag Protection Act of 1989. I do not feel anyone should be allowed to desecrate the flag. I wish the Supreme Court had decided in favor of the law, but regrettably, by a 5-to-4 vote, it declared the act unconstitutional.

□ 1315

Congress' anger and frustration with the decision has led us to consider amending the Constitution. Our Constitution has been amended only 17 times since the Bill of Rights was passed in 1791. This is the same Constitution that guarantees freedom of speech and of religion, and eventually outlawed slavery and gave blacks and women the right to vote.

Republicans have proposed amendments to the Constitution to balance the budget, mandate school prayer, impose term limits on Members of Congress, institute a line-item veto, change U.S. citizenship requirements, and many other issues. Too many. Amending the Constitution is an extraordinarily serious matter. I do not think we should allow a few obnoxious attention seekers who choose to desecrate the flag to push us into a corner. They have become more important than anyone else and we should not allow them to do this, especially since no one is burning the flag and there is now no constitutional amendment to prevent it from being desecrated.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. RILEY].

Mr. RILEY. Mr. Speaker, the American flag is a symbol of freedom, equal opportunity, religious tolerance and good will to other people of the world who share those values. An attack against it is much more than a burning of a piece of cloth or a matter of free speech. Simply put, it is an attack against the ideals that made our Nation great and the men and women who fought and died for those principles.

Mr. Speaker, those who stand before us today and argue that the constitutional amendment to protect the flag is, in effect, a repeal of the first amendment's right to free speech vastly miss the mark. This amendment is not an attempt to limit speech. Our flag is the property of a free people, a symbol of a free society and a national treasure bought and paid for with the blood of countless brave Americans.

I believe we have a clear and moral obligation to protect the American flag from physical desecration. That is why, Mr. Speaker, I believe we must vote today in favor of the flag protection amendment.

Mr. CANADY of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I thank my colleague for yielding me this time, and I say to the gentleman from Michigan [Mr. CONYERS] that when I was on the floor earlier this morning he asked me several questions and suggested I bring back some Supreme Court cases talking about my speech, and I went back and skipped lunch to get all this information for him, so I am here to present it to him.

The gentleman questioned the distinction I made between pure speech and expressive conduct. Indeed, I have been challenged; I think a couple of people asked me this question: Is there legal authority that supports such a distinction? And as I mentioned, I am pleased now this afternoon to provide the gentleman with that information.

The leading Supreme Court case in this area was decided in 1968 in United States versus O'Brien. The Court upheld against a first amendment challenge the conviction of someone who burned his draft card. The Court sustained his conviction on the basis that there was indeed a constitutional difference between expressive conduct, such as burning one's draft card, maybe someone burning the flag, and pure speech in that it would be easier to uphold a statute that would regulate the former; that is, expressive conduct.

In O'Brien, the Supreme Court held:

> We cannot accept the view that an apparently limitless variety of conduct can be labeled speech whenever the person engaging in the conduct intends thereby to express an idea.

And I have cited the case number and the page and everything.

The Court concluded that prohibiting the burning of a draft card was constitutional because it was "an appropriately narrow means of protecting the government's substantial interests * * * and condemns only the independent, noncommunicative impact of conduct."

So we cannot burn a draft card. We cannot burn a draft card. And we are just saying we cannot burn a flag.

Let me finish.

Mr. Speaker, this distinction has been accepted by a long line of Supreme Court cases, so this distinction has been accepted—now, the gentleman asked for additional Supreme Court cases, here we go—has been accepted by a long line of Supreme Court cases decided since O'Brien. Indeed, Texas versus Johnson; United States versus Eichmann.

The Court applied the same test in those cases as they did in the O'Brien case. While the result they reach by a narrow margin was different than I myself would have reached, they did not question O'Brien's distinction between pure speech and expressive conduct.

So I am glad that I could answer the question for the gentleman.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

I ask my studious lunch-giving colleague to stay on the floor.

It is wonderful they have courses on constitutional law. It helps us all. Because they take the cases and then they go back and review them and they distinguish between the cases.

In the Johnson case that the gentleman cites from 1989, 491 U.S. 397, guess what? They accepted the O'Brien conclusion from the finding in the Johnson case. That is to say, sir, we cannot argue O'Brien about flag burning. We can argue it about something else, like draft cards, but we cannot argue it about flags. And guess what we are dealing with today? Flag burning.

So I give the gentleman a passing grade only for his effort.

Mr. STEARNS. Mr. Speaker, will the gentleman yield me more time, in addition to a passing grade?

Mr. CONYERS. Absolutely not.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume. It is unfortunate that in the pursuit of a free and open debate, the gentleman from Michigan has been unwilling to yield additional time.

I am still trying to understand the gentleman's point. We all know that there is a disagreement with the Supreme Court decision or a couple of Supreme Court decisions. That is no revelation. That is why we are here today.

For anyone who has not figured that out, we are here because we believe the Supreme Court wrongly applied the test that the gentleman from Florida is talking about, and other doctrines that have been developed over the years, to the case of flag burning. That is why we are here.

We are driven to this because, as a last resort, we are going to amend the Constitution to correct the mistake that they made.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I thank the distinguished chair of the Subcommittee on the Constitution of the Committee on the Judiciary. That is why we are here, and it is because the cases favor our side that the gentleman brought this proposed constitutional amendment.

I am glad the gentleman did. It does not prove that we are wrong, it proves that the Supreme Court agrees with our position and the gentleman is attempting to change it.

My dear friend in the well, one of the most considered constitutional scholars we have, is wrong in trying to argue O'Brien for his side. It does not apply.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois, Mr. JOHN PORTER, the distinguished chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations.

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the first amendment to the Constitution, the supreme law of our land, proclaims that Congress shall make no law abridging the freedom of speech or of the press. The principle of free speech in our Constitution is an absolute, without proviso or exception.

The citizens of the newly freed Colonies had lived through the tyranny of a repressive government that censored the press and silenced those who would speak out to criticize it. They wanted to make certain no such government would arise in their new land of freedom. The first amendment, as with all ten amendments, was a specific limitation on the power of government.

Throughout the 210-year history of the Constitution, not one word of the Bill of Rights has ever been altered. But the sponsors of this amendment today, for the first time in our Nation's history, would cut back on the first amendment's guarantee of freedom of expression. I submit that only the most dangerous of acts to the existence of our Nation could possibly be of sufficient importance to require us to qualify the principle of free speech which lies at the bedrock of our free society.

The dangerous act that threatens America, they claim, is the desecration of the flag in protest or criticism of our Government. Now, Mr. Speaker, desecration of the flag is abhorrent to me, as to anyone else. It is offensive in the extreme to all Americans. But it is hardly an act that threatens our existence as a nation.

Such an act, Mr. Speaker, is in fact exactly the kind of expression our Founders intended to protect. They themselves had torn down the British flag in protest. Our founders' greatest fear was of a central government so powerful that such individual protests and criticisms could be silenced.

No, Mr. Speaker, we are not threatened as a nation by the desecration of our flag; rather, our tolerance of this act reaffirms our commitment to free speech and to the supremacy of individual expression over governmental power, which is the essence of our history and the very essence of this country.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker I thank the gentleman for yielding me this time, and I just wish to acknowledge the ongoing debate here between myself and the gentleman from Michigan.

I would say to the gentleman that I think he is correct in the sense that the Supreme Court did not agree with the O'Brien case. They did not agree in this case, but we in Congress are now saying they should have agreed.

The O'Brien case, United States versus O'Brien, was in 1968. Obviously, the gentleman and I both realize that men and women who are on the Supreme Court make different decisions in different periods of the American history; because we can go back and look at some of the decisions they made at the turn of the century, back in the 19th century, and today the gentleman and I would not agree. We would have unanimous opinion that we do not agree with those Supreme Court decisions.

Likewise, I am sure, another 100 years from now, God bless this wonderful country still remains intact and we are all working for democracy, we will not agree. But in this case Congress has the final say-so. So all we are saying in this legislative debate today is what they said in 1968 was relevant and we think they should abide by it.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to point out that the word "desecrate" is a very important word. We have talked about it all day but have not yet defined it. It means to deconsecrate. What I want to know is when we have consecrated the flag.

We are holding the flag in the highest of esteem, and yet liberty is really what should be on the pinnacle. Liberty and the Constitution. When we undermine the Constitution and the Bill of Rights, we undermine liberty and then we diminish the value of the flag.

But to deconsecrate something means that the flag was consecrated. I want to read what that means. It means "To make, declare or set apart as sacred," or, such as a church, "To set apart for the worship of a deity. To change the elements of bread and wine into the body and blood of Christ." Who and when did we raise this flag to this level? Have we deified the state to this extent?

We very often complain about the state taking over parental rights, and here we are now saying that to do anything to the flag is a desecration, which means that we have consecrated the flag. To desecrate means to abuse the sacredness of the subject of sacrilege; that we cannot commit blasphemy.

□ 1330

Mr. LIPINSKI. Mr. Speaker, I yield myself my two remaining minutes.

Mr. Speaker, I would like to make some observations here. No. 1, House Joint Resolution 54 is the following: "The Congress shall have the power to prohibit the physical desecration of the flag of the United States." That means that when we pass this and the Senate passes it, we will have the ability to make a law to prohibit the physical desecration of the flag.

I have heard a considerable amount of tyranny of the majority on this floor today. Yet in order to have this pass, we here in the House of Representatives, one of the two most democratic bodies in the entire world, have to produce 290 votes. The U.S. Senate has to produce 67 out of 100 votes. Then three-fourths of the States of the United States of America have to approve this.

After all that is done, then we have the ability to write a law to protect the physical desecration of the flag. That seems to me to be the most democratic way we could possibly go about this. It cannot be tyranny of the majority when we have that many concerned, democratic individuals involved.

On top of that, it seems to me that most of the arguments that we have heard today against this resolution have really been arguments against a law that would prohibit the physical desecration of the flag. That law has not been written. It will only be written after a long, concerted effort to pass this resolution.

Once again, I say to my colleagues, support the flag, pass House Joint Resolution 54.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri [Mrs. EMERSON].

Mrs. EMERSON. Mr. Speaker, I rise in strong support of House Joint Resolution 54, the Flag Protection Constitutional Amendment. I am proud to be an original cosponsor of this amendment to provide Old Glory with the complete and unqualified protection of the law.

Our flag is an enduring symbol of America's great tradition of liberty and democratic government. Missouri's own Harry Truman hailed the special importance of Old Glory when he signed the Act of Congress which established June 14 of each year as National Flag Day.

With Flag Day just 2 days from now, it is altogether fitting and appropriate for the House to pass the constitutional amendment to outlaw its desecration. Countless brave Americans have followed our flag into battle. More than 1 million have died in its defense. These men and women, our soldiers and veterans, stood in harm's way to defend the flag and the principles which it represents. Please let us not diminish their sacrifices and their courage by looking the other way at the desecration of America's proudest symbol.

Mr. Speaker, I urge a strong "yes" vote on the flag protection amendment.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, and Members of the House, there are two clear schools of thought that have emerged in the annual debate over flag burning. The first school of thought is that we can compel patriotism. The second school of thought is that we cannot compel patriotism. And so, we have heard, I think, a better debate than I participated in in earlier years; and I commend the Members of the Congress on all sides for a debate that I think will be studied and examined by those who will come after us and the American people as well.

Because at the same time that we are reminding the Chinese Government of their need to safeguard the civil liberties in emerging Hong Kong, we find ourselves on the verge of modifying our own Bill of Rights to limit freedom of expression in these United States, to limit freedom of expression. By adopting a constitutional amendment that would then allow Congress to prohibit flag desecration, we would be joining the ranks with countries like China, like Iran, like the regimes of the former Soviet Union and the former South Africa.

So I believe if we are to continue to maintain the moral stature in matters of human rights, it is essential that we remain fully open to even unpopular dissent that may take the obnoxious form of flag burning.

Indeed, the Committee on the Judiciary has been authorized by its distinguished chairman, the gentleman from Illinois, Mr. HENRY HYDE, to take a CODEL to Haiti at the end of this month. I am grateful to him for that because I will be leading that trip. The law of Haiti on this subject provides that burning, mutilating, or degrading or otherwise profaning their national flag is punishable with forced labor up to life. That is Haiti now.

So it is the judgment of many of us that the true test of a nation's commitment to freedom of expression lies in its ability to protect the unpopular forms of expression. It is the most imperative principle of our Constitution that protects not just freedom for the thought and expression we agree with, but for the freedom for the thought we despise. And here we are again. There is no doubt that symbolic speech relating to the flag falls squarely within the ambit of traditionally respected speech. We have talked about that all morning and afternoon.

Seven Supreme Court cases, seven, count them. Our Nation was born in the dramatic, symbolic speech of the Boston Tea Party, and our courts have long recognized that expressive speech associated with the flag is totally protected speech under the first amendment.

Now most Americans deplore burning of an American flag, as we do. It is our allowance of this conduct that reinforces the strength of our constitutional liberty. In one case, a Federal judge back in 1974 wrote that the flag and that which it symbolizes is dear to us, but not so cherished as those high moral, legal, and ethical precepts which our Constitution teaches.

The genius of the Constitution lies in its indifference to a particular individual's cause. The fact that flag burners are able to take refuge in the first amendment means that every citizen can be assured that the Bill of Rights will be available to protect his or her rights and liberties should the need arise.

The adoption of the flag desecration amendment would diminish and trivialize our Constitution. If Congress begins to second guess the court's authority concerning matters of free speech, we will not only be carving out an awkward exception into a document designed to last for the ages, but we will be undermining the very structure created under the Constitution to protect our rights.

Madison, he warned against using the amendment process to correct every perceived constitutional defect that is the style in this Congress. Dozens and dozens of amendments. Do not like it? Change the Constitution. You do not like it? Well, you could write a statute, but let us put it in the Constitution so they will not be able to take it out.

So as a practical matter, this proposed constitutional amendment is not drafted very well, it is poorly drafted, and it will open up a Pandora's box of litigation. The Congress will come back and now make it enforceable. Not only are its terms open-ended and vague, but the resolution gives us no guidance, none, as to its intended constitutional scope or parameter.

So while those who supported claims that we are merely drawing a line between legal and illegal behavior, in actuality, we are drawing no line at all, merely granting the Government open-ended authority to prosecute those dissenters, go get them, that use the flag in a manner that we in Congress deem inappropriate.

But unlike other open-ended provisions of the Bill of Rights which constrain the power of the state against

the individual, the flag desecration amendment represents an unchartered invasion of our liberties rather than a backup mechanism to prevent the Government from usurping our individual rights.

So please, there are a few Members in the Congress that have not made up their mind, please, to those few Members, let us show where America's strength really lies. Join us in rejecting this unsound, inappropriate, intemperate, and unreasonable invasion into the Bill of Rights. I urge a "no" vote on the matter pending in the House.

Mr. Speaker, I yield back the remainder of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HYDE] is recognized for 15 minutes.

Mr. HYDE. Mr. Speaker, I would appreciate it if my colleagues would not interrupt me until I am through because I would like to complete my argument.

I want to preface my remarks by saying there are good people on both sides of this argument. There are no good guys or bad guys here. A very respectable case can be made against the amendment, and it has been made by the gentleman from Michigan [Mr. CONYERS], the gentleman from Colorado [Mr. SKAGGS], and others, without question.

But a very good case and, in my judgment, a better case can be made in support of the amendment; and we hope to do that. We hope we have done that today. I would like to introduce the gentleman from Illinois, [Mr. JOHN PORTER] my constituent, my friend, my neighbor, standing there clutching the flag to his bosom because next to him is the coffin of his 21-year-old son, Lance Cpl. Christian Porter, who died in Operation Desert Storm.

This picture speaks more eloquently than anything I could say; and I hope my colleagues will take a look at it and, if they get a chance, look at the eyes of the gentleman from Illinois [Mr. PORTER] and the gentleman standing by the casket.

□ 1345

Mr. Speaker, we are not alone in thinking as we think. We are not a bunch of yahoos, unlettered, unwashed jingoists. We have some pretty distinguished people who agree with us: Chief Justice Earl Warren, Justice Hugo Black, Justice Abe Fortas, Chief Justice Rehnquist, Justice John Paul Stevens, Justice Sandra Day O'Connor, Justice Byron White. These people knew a little something about the Constitution.

And so this is not a one-sided debate at all. There is authority, there is scholarship on both sides of this issue.

Now there are two important questions in this dispute. First, is flag burning conduct imbued with speech and hence protected by the first amendment? Those of us supporting this amendment shout no to that question despite a 5 to 4 Supreme Court decision in Texas versus Johnson in 1989.

I think the average person knows the difference between freedom of speech and vandalism. Almost any act can be called expressive speech. Blowing up a building can be expressive speech, urinating in public can be a political statement. Why, the courts have declared nude dancing and dial-a-porn services as free speech. To burn an object is to demonstrate one's contempt for it, not speech. It is the antithesis of speech. It is not a form of argument. It is an act of contempt for the very idea of reasoned argument. Flag burning is no more speech than a child's temper tantrum.

And to suggest that the Founders and Framers intended to protect such public displays of childish pique, to suggest that this is what the first amendment free speech clause protects is demeaning and it is degrading.

Free speech has never been absolute as our laws against libel, slander, copyright infringement, and so many more prove. By freedom of speech the Founders meant the freedom to make reasoned arguments about matters touching the common good. They did not mean a freestanding right to say anything one wants, any time and any place.

Freedom of speech is a freedom inherent in the dignity of the people, and the Government should honor it and protect it so that democracy might flourish. But democracy is possible only where a civil society can deliberate the common good freely, openly and publicly.

The notion that our highest value is self-expression has confused some of our leaders. What the highest court has done, by a margin of one vote, no less, is draw the line between speech and conduct at a point that maximizes expression, lest anyone's personal fulfillment be stifled. But America cannot long survive the selfishness of autonomous individuals as its highest value.

There is another value; that with our rights come responsibilities, a value well expressed and embodied in our national symbol, the flag. By reducing freedom of speech to yet another freestanding personal autonomy right, the Supreme Court has once again weakened the once strong fabric of our constitutional democracy and has once again struck a blow against the idea that it is a civil society, not merely autonomous individuals, that makes democracy possible.

As for the substance of the issue, to think seriously about flag protection and flag burning means thinking seriously about the nature of American democracy. The Founders and the Framers pledged their lives, their fortunes and their sacred honor to a democratic experiment of self-governance that engaged the moral energies and the imagination of the people. Democracy for that generation of Americans was not simply a matter of procedures. Democracy was an ongoing test of a people's capacity to be self-governing. Democracy was not a matter simply of rights. It was a matter of duties with rights understood as the freedom to do what we ought, not simply what we like.

Procedural democracy, democracy reduced to an array of legal and political procedures, would have made no sense to Jefferson and Madison and all the rest. They were interested in the substance of democracy. They were interested in the Republican virtue that would make democracy possible.

As my colleagues know, to have a successful monarchy, all that is needed is a virtuous king. But to have a successful democracy, what is needed is a virtuous people. We look around this Chamber, we see the splendid diversity of America, we see men and women whose great grandparents came from virtually every corner of the globe. What holds this democratic community together? A common commitment to certain moral norms is the foundation of the democratic experiment, and just as man does not live by bread alone, human beings do not live by abstract ideas alone. Those ideas and ideals have to be embodied in symbols.

And what is a symbol? A symbol is more than a sign. A sign simply conveys information; a symbol is much more richly textured. A symbol is material reality that makes a spiritual reality present among us. An octagonal piece of red metal on a street corner is a sign. The flag is a symbol. Vandalizing a no parking sign is a misdemeanor. But burning the flag is a hate crime because burning the flag is an expression of contempt for the moral unity of the American people that the flag makes present to us every day.

I said there were two questions. The second question is why do we need this amendment now? Is there a rash of flag burning going on? Happily there is not. But I believe in my heart we live in a time of serious disunity. Our society is pulled apart by the powerful centrifugal force of racism, ethnicity, language, culture, gender and religion. Diversity can be a source of strength, but disunity is a source of peril. We Americans share a moral unity expressed so profoundly in our country's birth certificate, the Declaration of Independence. We hold these truths to be self-evident, Jefferson wrote, the truth that all are equal before the law, the truth that the right to life and liberty is inalienable and inviolable, the truth that government is intended to facilitate,

not impede, the people's pursuit of happiness. Adherence to these truths is the foundation of civil society and of democratic culture in America.

And what is the symbol of our moral unity amidst our racial, ethnic and religious diversity? Old Glory, the Stars and Stripes, the flag. In seeking to provide constitutional protection for the flag we are seeking to protect the moral unity that makes American democracy possible. We have spent the better part of the last 30 years telling each other about the things that divide us. It is time to start talking about the things that unite us, that make us all together Americans. The flag is the symbol, the embodiment of the unity of the American people, a unity built on those self-evident truths on which the American experiment rests, the truths which are our Nation's claim to be a just society.

Let us take a step toward the reconciliation of America and toward constitutional sanity by adopting this amendment. The flag is our connection to the past and proclaims our aspirations for the future. There may be no flags burning right now, but it is worthwhile to elevate our flag in our consciousness, to catch the falling flag and to hold it high as the embodiment of those ideals which we have in common. Too many brave Americans have marched behind it. Too many have come home in a box covered by a flag. Too many parents and widows have clutched that flag to their hearts as the last remembrance of their beloved one. Do not treat that flag with anything less than reverence and respect.

About 183 years ago during the British bombardment of Baltimore, Francis Scott Key looked toward Fort McHenry in the early dawn and asked his famous question. To his joy he saw that our flag was still there. And he might be surprised to learn that our flag is even planted on the Moon. But most especially it is planted in the hearts of every loyal American, and we should clutch it to our bosom, as JOHN PORTER does every day of his life.

Mr. KOLBE. Mr. Speaker, I rise today in opposition to House Joint Resolution 54, a proposed constitutional amendment to ban flag burning.

In both 1990 and 1995, Congress debated and voted down proposed constitutional amendments to ban flag burning; yet once again, with a Federal budget that is far from being balanced, with entitlement programs in desperate need of reform, and with an overwhelming Federal tax burden on American citizens, we are again on the floor debating this issue.

Mr. Speaker, I am a patriotic American. I am a proud American. I am a Navy combat veteran. I know the deep patriotic feeling that the flag elicits, especially when I am in a foreign country, when I stand to say the Pledge of Allegiance at the beginning of our congressional day or at a rally, or when I see a flag neatly folded into a triangle and presented to a grieving family. I also have feelings of disgust and outrage when I see on TV people desecrating the flag. But I still do not support this amendment.

In the past two years, I have supported two constitutional amendments—one to require Congress to balance the budget, the other to limit terms of Members of Congress. These amendments would have fundamentally altered the focus of our national Government and changed the way Congress conducts its business.

This amendment does not do either. In fact, there is not a crisis of disrespect for the American flag, like with the Federal budget. In fact, the Congressional Research Service reports that there were all of 10 incidents of flag burning in 1996. We can count on the fingers of two hands the incidents of flag burning since the Supreme Court ruled that such behavior—despicable though it may be—is constitutionally protected.

Additionally, Mr. Speaker, there are many questions associated with this amendment. Are partial reproductions of flags covered by the intent of the amendment? What about the popular American flag clothing that can be found in department stores in every mall in this country?

We honor our flag with our behavior every day. We show our respect in large ways and in small ways. But this body could do nothing more fundamental to honor our country—and its symbols—than by restoring fiscal responsibility to this Government.

So let us get on with the business we were sent here to do. Let us balance the budget, let us return responsibilities to the States, let us empower the American people. We do not need to pass a constitutional amendment to ban flag desecration to show that we love and respect this great symbol of America.

Mr. Speaker, we can't legislate patriotism and we can't legislate love of the American flag. We can honor our country and our flag by carrying out our responsibilities to our great Nation.

Mr. QUINN. Mr. Speaker, as the only New York State Representative on the House Veterans' Affairs Committee, and as the chairman of the Veterans' Subcommittee on Benefits, I rise today in support of House Joint Resolution 54, the flag desecration amendment.

It is our Nation's flag that serves as constant reminder of those who have bravely fought for the United States of America, so that we may never forget the principles of freedom, independence, and democracy which it so proudly represents.

I am a proud cosponsor of House Joint Resolution 54. I am honored to join with my colleagues in making sure that our most treasured symbol, and the millions of veterans that fought under that symbol, are not forgotten.

The American people have spoken on this issue. A national pole conducted by Wirthlin Worldwide in 1996 reveals that 81 percent of Americans said they would vote for an amendment to protect their flag. In fact, an overwhelming majority of Americans have asked that we pass this amendment and send it back to the States for ratification.

Military personnel will attest that the very sight of Old Glory gives them a renewed sense of purpose and hope. For some, the flag symbolizes comradery, spirit, and the preservation of our Nation's values.

I truly believe that America's values should be reflected in our laws. While teaching our children to pledge allegiance to our flag we must also send the message that it is wrong to allow America's greatest symbol to be desecrated with impunity.

Not only do I urge my fellow colleagues to join me in support of the flag desecration amendment, I encourage them to display the red, white, and blue prominently, let it serve as a proud reminder of the freedom it symbolizes for our country.

Mr. CUNNINGHAM. Mr. Speaker, I rise as a cosponsor of House Joint Resolution 54, in support of protecting the flag of the United States from desecration.

The majority today will find that the physical desecration of the flag of the United States is conduct which is not expressly protected by the freedom of speech clause of the first amendment of the Bill of Rights. It is similar to other types of conduct that carry misguided messages of hate—such as burning a cross in a yard, or painting a swastika on a synagogue, or exploding a Federal building. These are not protected free speech. They are not protected by our Constitution. They are conduct.

And today, 2 days before Flag Day, we address the protection of our flag from desecration.

The flag of the United States represents our country, our ideals, our people, and our history. It represents the motto of our Nation, "E pluribus unum:" out of many, one. It is a symbol of the United States of America here and around the world. Under the Stars and Stripes, men and women have fought and given their last full measure of devotion. This idea is very close to me, because like many others I served my country in the military.

I am reminded by a tale of an American soldier who was captured in battle in Vietnam. He was a prisoner of war. He was subjected to the injustices and deprivations of the enemy. What kept him together was a project in which he used scraps of thread and any material he could find to sew, ever so slowly, an American flag on the inside of his garment. Day by day, he worked. On one day, his captors found his flag. They took the flag, and they beat the brave flag maker to within an inch of his life.

He survived. He was returned to his cage. And he began once again to sew his flag in defiance of his captors.

For this man, for every American who has had a flag flown at half staff or half mast in their honor, for every American who gave the last full measure of devotion for this country, for every American who has had a flag enclosed in their casket or passed on to the surviving generation, and for the strength and unity of America, let us pass this amendment.

Mr. YOUNG of Florida. Mr. Speaker, I rise today in support of House Joint Resolution 54, the flag desecration constitutional amendment. As the Nation prepares to celebrate Flag Day, it is most fitting that we pass this measure and pay tribute to our American flag, our sacred red, white, and blue symbol of liberty.

Nearly 200 years ago a tattered and worn American flag flew over Fort McHenry amidst

dense smoke and heavy artillery fire. Every American now knows the words of tribute penned by Francis Scott Key, describing how after a night of intense fighting, he looked upon Fort McHenry in the early light of day and saw Old Glory, with its broad stripes and its bright stars, still flying high. Today, above the pristine Capitol of our great Nation, the flag still flies high so that all of the world might look upon our Nation and know that we indeed are the land of the free and the home of the brave.

Our American flag is a symbol of freedom and liberty that every American should look upon with patriotic fervor. It flies gloriously over our national buildings, monuments, and parks, quietly over the graves of the dedicated men and women who have bravely served in our Armed Forces, proudly in all our schools and courthouses, and reverently in our churches and places of worship.

This is our American flag. Regardless of race, creed, or color, the Stars and Stripes symbolizes for every American all that is good and right in our Nation. It honors both the living and the dead who have so honorably served and sacrificed in the U.S. military, and it honors the families who work hard every day serving their communities, helping their neighbors, and pursuing the American dream. It is a symbol of strength and protection to our schoolchildren, a symbol of liberty to those who look upon the United States from distant shores, and a symbol of honor and justice to every freedom-loving American.

Mr. Speaker, this is our American flag. May it always fly high over our great land, our America the beautiful.

Mr. DINGELL. Mr. Speaker, I rise to express my outrage at a deplorable and despicable act which disgraces the honor of our country—the burning of the U.S. flag. Behind the Speaker stands our flag; the most beautiful of all the flags, with colors of red, white, and blue, carrying on its face the great heraldic story of 50 States descended from the original 13 colonies. I love it. I revere it. And I have served it in war and peace.

However, today I rise in opposition to House Joint Resolution 54, the flag amendment, which for the first time in over 200 years would amend our Bill of Rights.

Mr. Speaker, throughout our history millions of Americans have served under this flag during wartime; some have sacrificed their lives for what this flag stands for: Our unity, our freedom, our tradition, and the glory of our country. I have proudly served under our glorious flag in the Army of the United States during wartime, as a private citizen, and as an elected public official. And like many of my colleagues, I treasure this flag and fully understand the deep emotions it invokes.

But while our flag may symbolize all that is great about our country, I swore an oath to uphold the great document which defines our country. The Constitution of the United States is not as visible as is our wonderful flag, and oftentimes we forget the glory and majesty of this magnificent document—our most fundamental law and rule of order; the document which defines our rights, liberties, and the structure of our Government. Written in a few short weeks and months in 1787, it created a more perfect framework for government and unity and defined the rights of the people of this great Republic.

The principles spelled out in this document define how an American is different from a citizen of any other nation of the world. And it is because of my firm belief in these principles—the same principles I swore an oath to uphold—that I must oppose this amendment. Because if this amendment is adopted, it will be the first time in the entire history of the United States that we have cut back on the liberties of Americans as defined in the Bill of Rights.

Prior to the time the Supreme Court spoke on this matter, and defined acts of physical desecration to the flag under certain conditions as acts of free speech protected by the Constitution, I would have happily supported legislation which would protect the flag. While I have reservations about the propriety of these decisions, the Supreme Court is, under our great Constitution, empowered to define constitutional rights and to assure the protection of all the rights of free citizens in the United States.

Today, we are forced to make a difficult decision. There is, regrettably, enormous political pressure for us to constrain rights set forth in the Constitution to protect the symbol of this Nation. This vote is not a litmus test of one's patriotism. What we are choosing today is between the symbol of our country and the soul of our country.

When I vote today, I will vote to support and defend the Constitution in all its majesty and glory, recognizing that to defile or dishonor the flag is a great wrong; but recognizing that the defense of the Constitution, and the rights guaranteed under it, is the ultimate responsibility of every American.

I urge my colleagues to honor our flag by honoring a greater treasure to Americans, our Constitution. Vote down this bill.

Mr. FROST. Mr. Speaker, I rise in support of House Joint Resolution 54, a constitutional amendment to protect the flag from physical desecration. The American flag holds a sacred place in our Nation's identity, representing the millions who have made sacrifices in its defense and for the preservation of freedom. I am proud to be a cosponsor of this important legislation.

Amending the Constitution is done only when absolutely necessary, and when it is clear it is the will of the public, not just a whim. I am confident that this legislation meets that high standard. This amendment has been introduced in several Congresses, and support has grown in every session. In fact, during the last session, this legislation passed the House overwhelmingly with strong bipartisan support, falling short in the Senate by a mere three votes.

A constitutional amendment is the last hope for protecting our flag. In 1989, the Supreme Court narrowly decided to strike down existing flag protection laws as an infringement on the rights of free speech. The action of the Court sent a clear message that stronger actions must be taken.

Most Americans share the important belief that our flag can be protected without infringing on free speech. Throughout our history, punishing flag desecration has been viewed as compatible with the letter and spirit of our first amendment. Some of the strongest supporters of individual rights ever to serve on the Supreme Court—former Chief Justice Earl Warren, and former Justices Hugo Black and Abe Fortas—each have written that the Nation could prosecute for physically desecrating the flag without violating the right to free speech.

The views of these great constitutional scholars reflect the same commonsense belief of millions of hardworking Americans who understand that burning the flag is conduct, not speech. If this amendment is approved, and Congress passes a flag protection statute, people will still have the right to say anything about the flag, or anything else. However, the specific action of physical desecration of the flag would be against the law.

All across racial, socio-economic, and political lines, there is a strong belief that the preservation of our flag is vital. In fact, 49 State legislatures have petitioned this body for strong action. I urge Congress to take this historic step to preserve this paramount symbol of our national heritage.

Mr. POSHARD. Mr. Speaker, today we will be debating and voting on a constitutional amendment to allow the States to prohibit desecration of the American flag. I rise today to address this issue, and I would like to do so, at least in the beginning, from a historical perspective.

Our founders, the people who settled this country, were men and women of great faith. They came to this country and lived here for a long while under the edict of the King of England. They came here to escape the suppression of their freedoms, but found as colonists they were still under the control of the King. They were not free to speak their minds, to criticize the Government. They were not free to assemble, to discuss their problems, because the Government, the King, was afraid it might end up being a grievance against him.

They were not free to choose their own religious beliefs according to the dictates of their conscience. They worshipped in the Church of England, or they did not worship at all. The Church of England has the official blessing of the state. The church and the state had formed an alliance linking themselves together, so the church never had to fear the loss of parishioners to other faiths, and the state could control the people through the church.

Newspapers were not free to criticize the Government, or they would be shut down. The Government, if they even suspected a citizen of criticizing them, even in private, could take a citizen from this home in the middle of the night, charge him with sedition against the Government, and that citizen could be jailed or punished without ever having been allowed a trial. Time and again, they tried to confiscate the firearms of the citizens because they feared an armed protest against the Government.

In short, the people were not free. Government controlled their lives in attempts to force its will upon the people.

As it is always true whenever a government attempts to force its will on the people, the people rebelled. They sent away their representatives to Philadelphia to form the First Continental Congress, and that Congress decided to throw off the bonds of slavery that bound them to England. They declared their

independence, raised an army, made George Washington its commander, and, in their own resolution, won their freedom from the oppressive Government of England.

After the Revolutionary War they went back to their individual States and a great debate arose as to whether or not they should even form a national government. They so distrusted a central government and its potential for ruling their lives that when they thought of a national government, all they could remember was oppression.

But there were certain national issues that had to be dealt with. Foreign trade had to be considered, paying off war debts, and so on, and so they sent their representatives back to Philadelphia to form a Second Continental Congress, and it was this Congress that had the task of putting together a new government. They wrote a Constitution of the United States of America.

Notice how they said the "United" States of America. Before, they were not so united. They had operated under the Articles of Confederation, which gave great powers to the individual colonies. They has vast disagreements between themselves, and this new government was their attempt at becoming united.

The Constitution they had written said their new government would consist of three branches. No. 1, the legislative, would be elected from among the people to make the laws; No. 2, the executive, would be elected by the people to execute the laws; and No. 3, the judicial, would be appointed by the executive and approved by the legislative, and they would judge and interpret the laws.

The judicial, the Supreme Court, was appointed for life, because the Founding Fathers knew that if the Supreme Court has to be subjected to the popular opinion of the people every so many years just to keep their jobs, they may do as members of the legislative branch do and vote the popular thing, rather than the thing they believe to be right. So they said this sacred trust of judging the law is so important, that we will remove this branch from political pressure.

They took this Constitution that they were so proud of back to the people of the 13 colonies to be ratified, to be approved. They said to themselves, "Boy, this will be a snap. The people don't have to worry about a king. They get to elect two of the tree branches of government. Many rights are reserved for the States. This is the perfect government." And they must have sighed a sigh of relief. It had been a long struggle, fighting the war, putting this new government together. Now all it needed was the people's stamp of approval, and that would be easy.

But the people said, "No, no, not so fast. Sure, this is a form of government with which we agree. It allows us to participate. But we just got rid of oppression, and this Constitution doesn't say anything about our freedom." And the people said, "Wait just a minute. We want our basic freedoms guaranteed in writing, or we don't approve this government at all." The Founding Fathers, being men of great faith, some of them ministers, sat down to amend this Constitution, to guarantee the people these rights, their freedoms. They wrote 10 amendments to the Constitution, which have become known as the Bill of Rights, and for over 200 years of America's existence, the Bill of Rights has remained unchanged, unamended, unaltered.

I will not mention all of the freedoms articulated in the Bill of Rights, but here are just a few: freedom of speech, assembly, religion, press, a fair and speedy trial before our peers, the right to bear arms, not having to testify against one's self, protection against unreasonable search and seizure.

But we must speak not only of freedom, but of faith, for the two are inextricably bound together. Nothing will bolster your faith more than to read the personal accounts of these great men of faith in their struggle with the concept of freedom.

My understanding over the years of my own faith has been bolstered by my understanding of their concept of faith and freedom. In 1990, when this issue was before the Congress, I was struggling to try to make some sense out of it, and I took my family up to Gettysburg for the weekend. Being from Illinois and representing a couple of the same counties Mr. Lincoln represented when he was in the Congress, I have been a Lincoln scholar my entire life.

As I walked over that great battlefield, I was reminded of his words on the day he dedicated that field. He started his address with these words: "Four score and seven years ago, our forefathers brought forth on this continent a new nation."

Now, the importance of that opening is this: four score and seven years ago did not take them back to the Constitution and the Bill of Rights drafted in 1787. Four score and seven years took them back to 1774 and the Declaration of Independence. Mr. Lincoln considered the Declaration of Independence to be the founding document of this Nation, the document that bound us together as one Nation.

And what was the premise of the Declaration of Independence? Let me state it for you again in Mr. Jefferson's words, "We hold these truths to be self-evident, that all men are created equal, and are endowed by their creator with certain unalienable rights, and that among these are life, liberty and the pursuit of happiness."

Listen to that again. "We hold these truths," not falsehoods, but universal principles, givens, "* * * to be self-evident." They do not need to be pointed out or proven or justified. Some things are so true that any reasonable examination of the conscience would reveal the evidence of their truthfulness. And what is this truth that should be self-evident? That all men are created equal and endowed with certain unalienable rights.

Created equal? Well, certainly not by position, or power, or influence, or even physical or emotional or mental capacity, but equal in the eyes of the Creator with regard to love and respect for their being, and equal in the eyes of the law.

And what are these unalienable rights, these rights that cannot be taken away? Life, not death; liberty, our freedoms; and the pursuit, not the guarantee, the pursuit of happiness.

And who endows us with these rights? Does man? Does the State? No. The founding document of our country says we are endowed those rights by our Creator. Government cannot endow us with these rights. Government can only affirm or deny what is already given to us just by virtue of having been created by God.

President Kennedy spoke of this in his inaugural address, when he said, "These same revolutionary beliefs for which our forefathers fought are still at issue around the globe today. The belief that the rights of man come not from the generosity of the State, but from the hand of God." He went on to say that we dare not forget today that we are the heirs of that first revolution.

President Lincoln, in the Gettysburg Address, sought to affirm by the Government what the Creator had endowed all of our people, equality before the law. The Bill of Rights, which our Founding Fathers penned some 13 years after the Declaration of Independence, sought to articulate some of those God-given rights of life, liberty and the pursuit of happiness in a more concrete fashion, and so they guaranteed with some specificity what God had already granted, given by virtue of creation.

Now, why do I speak of our country's historical beginning, and especially those beginnings with respect to our rights given to us by the Creator and acknowledged so by both the Declaration and the Constitution? Because of this reason: today we will be debating and voting upon a constitutional amendment to make it a criminal offense for anyone to desecrate the American flag.

Some will argue that we should not pass this amendment for various reasons. One, how do you define desecration? Some believe wearing clothing, ties, shirts, and so on that resemble the flag is a form of disrespect and constitutes desecration. Others believe lack of respect by not standing or sitting when appropriate desecrates the flag. Still others believe that burning or walking on the flag is desecration.

Many argue the mere act of defining desecration creates a legal nightmare for enforcement of such a law. Others point out that millions of dollars spent trying to pass and ratify this amendment by three-fourths of the States could better be spent on veterans' health care and other necessities of our people.

Most agree that the flag is held in higher respect today than at almost any other time in our history, as witnessed by only a scattered number of flag desecrations in our Nation among 260 million people, as well as the tremendous outpouring of flag displays in our country at this time. And many wonder aloud why this is even an issue, with all the seemingly complex, almost unsolvable problems facing America today.

Others will say, "This flag is mine. I earned my money. I went down to the corner hardware store. I purchased this flag with my money. It is my private property, and Government won't tell me what to do with it."

But I want us to consider this issue in the light of our beliefs that our rights are God-given, what that means to us as a people and a nation, and whether we actually believe that as a principle anymore. Let me say again that we must speak here not only of freedom, but of faith, for the two are inextricably bound together.

This is what I believe, and I believe it is entirely consistent with the beliefs of our forefathers who penned the precious Bill of Rights, and I believe it is consistent with the words of my own Bible. If we are to examine the nature of the freedom or rights which God has given us, then we must examine the nature of God Himself.

This is what I believe. God is love, unconditional love. He created us as an object of His love because love needs an object on which to lavish itself. God needed us, so He could love us, so He crated us in His image so that He might love us and create fellowship with us so that we might love Him in return.

The Bible says we love because He first loved us. Our response to Him, our purpose for being, is to learn to love in the way that He loves us, unconditionally, to love others, but especially to love Him.

God wants our love. But the great loving merciful heart of God knew something from the beginning. He knew even before He created us that if we were going to learn to love as He does, He had to give us the freedom not to love.

God is God. He is sovereign. He could have created us with no choice, no freedom to choose to love or not to love. He could have demanded our love, our respect. He is God. But He knew that love that is not freely given cannot be real, if we have no choice. He knew that we could learn to love only if we are free. Even our love for God must be freely given. He will never force you to love Him. So God, creating us as the object of His love, gave us a free will to love or not to love, to respect or not to respect. He even gave us the freedom not to love Him.

I am confident our Founding Fathers understood their faith in these very terms. They understood that the great loving heart of God was grieved when His children chose in the free will that He Himself had given them, to hate Him, to despise Him, to sin against love. But they also understood that God continued to love, that He continued to be patient with His rebellious children, that He had faith that eventually love would win them over. And our forefathers said, to the extent possible, we will model this Government upon the principles of our faith, the principle that we will allow our people the free will to choose, to choose to love or not to love, to care or not to care, to respect or not to respect, and we will have the faith to believe that in their freedom they will choose to love. But, in any case, we will not demand it, we will not command it; we will have faith in love winning the hearts of our people.

The issue before us today goes to the heart of that fundamental belief of allowing free will with regard to the issue of respect and love.

Of course there are limitations upon the individual citizens' free will with respect to the endangerment of the safety, health, or welfare of our fellow citizens, but these issues do not touch upon the heart of this matter which is criminalizing the manner in which an individual chooses to differ with his or her government.

Do we want to criminalize an act of free will when it comes to dissent against the Government? Do we really believe that government can legislate love and respect? Remember that the most precious right of any American has is the right to speak out against the Government when they feel in their hearts that government is no longer responsive to their needs.

It is only the right to dissent which keeps the Government in line, and when that right of the citizen is diminished, then the power of the Government to control grows proportionately.

However, those who propose this amendment will say, there are a hundred ways to show your dissatisfaction with the Government. You can march, you can show up at a town meeting and blast your Congressperson, you can organize rallies, you can write letters, you can vote. You do not have to desecrate the flag to show your disagreement, and if you do, we are going to punish you.

But what if a citizen is so in disagreement with this Government over an action it has taken which he feels is morally and ethically wrong and he chooses to emphasize this disagreement in the most emphatic way he knows how, not by the sacrifice of a few hours' time marching or writing a letter or going to a town meeting, but by taking the most precious possession he owns, the American flag, and sacrificing it at the feet of his Congress in protest of his Government?

The question is, Shall we limit dissent against an overbearing government to just those ways that do not matter much, to just those ways of which the Government approves?

Justice Jackson wrote words especially relevant here in Board of Education versus Barnett in 1943. He said, and I quote:

> The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own. Nevertheless, we apply the limitations of the Constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization. Freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or any other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not occur to us.

This principle of sacrificing that which is most precious occurred to me for the first time as a young man when I was growing up. I asked the pastor in my church, "Why did God have to sacrifice the most precious thing He owned, His son, as a protest against sin, so we may be forgiven? Why could He not have sent something that was not so precious, a cow, a goat, a bull, something else? Why was it necessary to sacrifice his most precious possession?" The pastor said to me, "Because sacrificing something less precious would not have gotten the job done."

I believe it should be the purpose of the flag, as it is the Constitution, to invite respect and love, but not to command it, because that violates the free will of the individual and love and respect not freely given cannot be real.

It is only the insecure that demands and commands love. That is why dictators all over the world must have armies to keep them in power. But do their people really love a government which demands their respect at the point of a gun? Have the events in Eastern Europe the last few years taught us nothing?

America is secure, not because we have an army to defend the Government, but because we have a Constitution, a Bill of Rights, to defend the people against the Government. We will remain secure not by suppressing the free will of the people, regardless of what national or political purpose we believe that serves, but by allowing the free will of every single citizen to love or not to love.

If a country is big enough to say to its people, "I love you and I want you to love me but I give you the right not to love if that's what you choose. I'm never going to stand over you with a machine-gun in my hand and force you to care for me, even though it is your care that I need. You are free to love or not to love, to care or not to care, to respect or not to respect." If a country is that big in its heart that secure in its being that loving in its respect for its own people, what choice do you think the people are going to make, to love or not to love?

We have nothing to fear. Neither America nor the flag is in any danger, as long as the precious Bill of Rights, which gives both their meaning and their purpose, stays as it has for the past 200 years, unamended. Listen to the words included in the First Amendment one more time: "Congress shall make no law abridging the freedom of speech."

In 1990, when I was struggling with a previous flag amendment vote, I wrote this piece of prose which I called "Family Matters:"

Glenn?

Yes?

It's God.

Yes?

Still Struggling?

Yes.

What's the problem?

The problem is I'm nearly 45 years old, and I'm still filled with questions about purpose and meaning and who you are. Who are you anyway?

I'm love. Unconditional love.

Who am I?

You're the object of my love. I created you because I needed you. Love must have others upon which to lavish itself. It creates only that it may love more, and I love all of my creation.

What's my purpose for being then?

To learn to love unconditionally. To learn to love me and others in the same way I love you.

Why should I have to learn that? You're God. Why didn't you just create me in such a way that I loved you automatically?

Because love cannot be commanded. How can I be sure you really love me, or your neighbor, if you have no choice? I created you to be free, free to choose, because it is only in your freedom that you can truly learn to love.

But what if I choose not to love you?

That is the risk love takes. It is always the hope of love that the one upon whom love spends itself will freely choose to return that love. But in any case, it can never demand love be returned.

What will you do then if I choose not to love you?

I will continue to love you. I will wait. I will trust. Love never fails.

Glenn?

Yes?

It's Thomas.

Yes?

You walked over to my memorial last night.

Yes.

Why?

Because I'm struggling with a decision on a constitutional amendment to alter the Bill of Rights, and I need some help.

What's the problem?

Some people burned our flag and the country's upset. The President and several Members of Congress want to forbid the practice.

What do you want to do?

I don't know. I'm torn. I'm a history teacher. I've taught the Bill of Rights and the Constitution to hundreds of young people. I've emphasized the importance of those freedoms that you and others penned in that precious document. I've told those children that these freedoms cannot be compromised. But now we have this issue with the flag. I love the flag. It symbolizes all those freedoms the Bill of Rights guarantees. Couldn't we pass just this one amendment?

Would you be willing to pass a second constitutional amendment forbidding the burning of the Bill of Rights?

No, that's not an issue. Nobody thinks about the Bill of Rights. We see the flag a hundred times a day. It's so visible.

You mean the symbol has become greater in the mind of the people than the substance behind the symbol? How did that happen? You were a teacher, not to mention a State Senator and now a Congressman.

Well, what do I do now?

Maybe you start teaching again, as a Congressman. And trust the people to understand. It's the only way to insure that you leave your children no less freedom than we left you.

Dad.

Yes.

I hate this place.

Why?

For lots of reasons. Your stupid rules that say I have to be in by midnight. You won't buy me a car. I'm sick of church every week and it's silly activities. There's a lot more. I * * *

But we feel those things are best for you. It's only because we love you that * * *

Well, I don't love you. Right now I don't love you at all. As soon as I'm eighteen I'm out of here.

Glenn?

Yes.

What do we do?

We remember the proverb, "Bring up a child in the way he should go and when he is old he will not depart from it."

Yes.

We love. We wait. We trust.

Are you sure?

Well, I have decided—I am sure the American people love this country enough to be able to look past the surface nature of this debate and examine its real meaning. The American people, given the chance, will show they love this country, and there is no need to force them to do it by changing the very document that insures our freedom and invites that love.

And this is the truth. For over 200 years now the faith of our Founding Fathers has been justified because we are still the freest Bastion on the face of the Earth and every country in the world yearns for the freedoms in the Bill of Rights.

Every nation has a flag, but only America has a Bill of Rights. For over 200 years now neither the Supreme Court nor the Congress of this Nation has seen fit to change even one small letter in this precious Bill of Rights.

Yes, it is true we have gone through periods of time when rebellious children in disrespect for the great goodness of this country have shown their contempt. They march, they cry injustice, some burn the flag, some join the Communist Party,

In the 1950's, people demanded a constitutional amendment to forbid the Communist Party in this country. In the 1960's and 1970's there were flags burned all across America in the civil rights and Vietnam war protests, and people demanded then a constitutional amendment to protect the flag. Today there are more flags flying in America than ever before in our history. The Communist Party is not even on the ballot in most States, and gets less than one-half of 1 percent in the States where it is on the ballot.

In the last several years, we have had a handful of people out of 260 million arrested for desecrating the flag. Some are demanding now another constitutional amendment to amend the Bill of Rights, to demand that we show respect by not allowing a form of disrespect. The Supreme Court said no, and Congress agreed. I was one of the Members of Congress that agreed.

I believe our forefathers would have said, leave them alone. If they are desecrating this flag out of meanness or ill will, rather than honest differences with their own Government, they will reap their own reward. They cannot destroy the Bill of Rights by destroying the symbol for the freedoms the Bill of Rights gives us. Their ideas will never match up to freedom, no matter what they are.

Leave them alone. The ignorance of their act will show the bankruptcy of their ideas. However, if you take away their free will, even to show disrespect, you will do more injustice to the principles upon which this government was formed than they ever could.

Just as we in our sins against the Creator end up bankrupt by our rebellion, they will end up the same way in their sins against the Nation. Have faith. Have faith that love and freedom will sin. Love never fails.

If we could command respect by the law, we would not need faith, but our forefathers said that faith will be the foundation of our freedoms, the faith that people, because they are free, will in the end choose to be responsible.

This is the history book from which I taught the principles of Government, the Constitution, and the Bill of Rights. This is my Bible, upon whose words I have stacked by life.

This Fourth of July, because I will do today what I think is consistent with my faith, Old Glory for me personally will fly higher and brighter than ever before. God bless America, God bless the Bill of Rights, and God bless our flag.

Mr. PAUL. Mr. Speaker, the Congress will vote today on a "Flag Burning Amendment" to the Constitution. This issue arouses great emotions even without any evidence flag burning is a problem. When was the last time we heard of a significant incident involving flag burning? It's a nonissue but Congress has managed to make it one while avoiding the serious matters of life, liberty, and property.

There just is no flag "desecration" crisis. Where are the demonstrators, where are the letters? Will this only lead to more discredit on Congress? Only 6 percent of the American people trust anything they hear from the Federal Government so why should they believe there is a flag crisis requiring an adjustment to the Bill of Rights for the first time in our history. Since most of what Congress does, leads to unintended consequences, why do we feel compelled to solve imaginary problems?

The American people are way ahead of the U.S. Congress and their distrust is a healthy sign the Republic will survive in spite of all our good deeds and noble gestures. And that's good.

What sense of insecurity requires such a public display to reassure ourselves we are patriots of the highest caliber, confident enough to take on the flag burning movement—a movement yet to raise it's ugly head. Our political saviors will have us believe that our loyalty to America hinges on this lone amendment to the Constitution.

As Congress makes plans to attack the flag enemies, it stubbornly refuses to consider seriously: the Doctrine of Enumerated Powers, property rights, political propaganda from a government run educational system, taxpayer's paid-for NEA sacrilege, licensing of all broadcast networks, or taxpayer's financing of monopolistic political parties, let alone the budget, the debt, the deficit, honest money, policing the world, and the entire welfare state.

Pervasive bureaucratic government is all around us and now we're spending time on developing the next addition to the Federal police force—the flag police. Diverting attention away from real problems toward a pseudo-problem is not a few technique of politicians.

MOTIVATION

Political grandstanding is probably the greatest motivation behind this movement to change the Constitution. It's thought to be easy to embarrass those who, on principle, believe and interpret the 1st Amendment differently. Those who vote eagerly for this amendment do it with good intentions as they laugh at the difficult position in which opponents find themselves.

Will the country actually be improved with this amendment? Will true patriotism thus thrive as the mal-contents are legislated into submission? Do we improve the character of angry people because we threaten them with a prison cell, better occupied by a rapist?

This whole process fails to address the anger that prompts such misguided behavior as flag burning. We have a government growing by leaps and bounds, our citizens are fearful of the future, and we respond by creating the underwear police—surely, flag underwear will be deemed a "desecration".

Why is dealing with a symptom of anger and frustration by suppressing free expression a moral good?

The best I can tell is legislative proposals like this come from Congress' basic assumption that it can legislate economic equality and mold personal behavior. The reasoning goes; if Congress thinks it can achieve these goals, why not legislate respect and patriotism even if it does undermine freedom of expression and property ownership?

DESECRATION

Desecration is defined as: "To divest of a sacred character or office, commit sacrilege or blasphemy or de-(con)secrate." If consecrate is "to make sacred; such as a church or bread and wine," how can we "de-consecrate" something not first "consecrated"? Who then consecrated the flag? When was it done? Sacred beliefs are those reserved for a religious or Godly nature, that is, to set apart for the worship of a deity. To make holy." Does this amendment mean we now concede the flag is a religious symbol? Will this amendment if passed essentially deify the State?

There are some, I'm sure, who would like to equate the State with God. The State's assumption of parental rights is already a deep concern to many Americans. Will this encourage more people to accept the State as our God? We imply by this amendment that the State is elevated to a religion—a dangerous notion and one the Founders feared. Calling flag burning "blasphemous" is something we should do with great caution.

Won't it be ironic if the flag is made sacred—consecrated—and we write laws against its desecration at the same time we continue to steal taxpayer's money to fund the National Endowment for the Arts which truly desecrates Christ and all of Christianity in the name of "free speech"?

The flag, indeed, is a loved patriotic symbol of American pride and freedom. Many of us, I for 5 years, have served our country in the military fighting for the principles of liberty, but not for the physical cloth of which the flag is woven.

There is confusion between the popular symbol and the real stuff, and in the process of protecting our symbols we are about to undermine the real stuff—liberty. The whole notion of legislating against desecration is vague and undefinable. Burning can be easily identified but shouldn't it matter who paid for the flag? Are there no owners of the particular flag involved? Are all flags to be communal property? If we pretend flags are universally owned, that means we can use them randomly. If there is no individual ownership how can one sell or buy a flag? Should it not be a concern as to where the flag is burned and on whose property? With this legislation the flag will lose its identity as property and become a holy government symbol not to be desecrated? These are difficult questions but they must be answered.

Will using a flag as underwear or as a beach towel or a handkerchief or flying it upside down become a Federal crime?

The American Legion and the Veterans of Foreign Wars burn flags to dispose of them. This respectful ritual is distinguished from a hoodlum doing it only by the intent. Are we wise enough to define and legislate "intent" under all circumstances? Intent obviously implies an expression of a view. So Congress now feels compelled to police intentions, especially if seen as unpopular.

Whatever happened to the notion that freedom to express unpopular, even obnoxious views, including Marxist ideas was the purpose of guaranteeing freedom of expression. Of what value is protection of only popular and majority-approved opinions? That's a mockery of liberty. Soviet citizens had that much freedom. Remember, dissidents who burned the Soviet flag were shot. A national flag police can only exist in a totalitarian state. We should have none of it.

Why not police the burning of the Constitution, the Declaration of Independence, the Emancipation Proclamation? These acts, expressing a radical fringe view, would be as equally repugnant, and a case could be made they might be even more threatening because their attack would be precise and aimed at the heart of American liberty. The answer is the political mileage is with the flag and tough luck to those who have principled opposition.

But no one should even squirm or weasel out of the right vote, even if threatened with possible negative political fallout.

FREE EXPRESSION VERSUS PROPERTY

The right of free expression and the right to our property are inseparable. A free society cannot have one without the other. When one is compromised, so is the other. Concentrating on free expression while ignoring the importance of owning property sanctions taxpayer's funding of the likes of the NEA and a Government propaganda machine like the one that permeates our schools from Head Start to the post graduate levels. By ignoring the taxpayers right to control all educational expenditures, property rights are violated.

When property rights are correctly honored, free expression is guaranteed through that right. The independence of a newspaper, radio station, or a church guarantees the use of that property in any free expression desired. Remember, no one has the right to use any newspaper, radio, or church to exert his or her own opinion as an example of "free speech." Catholics have no "right" to say Mass in a Jewish temple. Certainly in our homes we are protected from others imposing their "free speech" on us. It's the church property that guarantees freedom of religion. The networks or papers need not submit to demands to be heard by religious believers as an example of free speech. Use of the radio or newspaper by those with strong opinions or religious views is only done voluntarily with the permission of the owner.

Yes, it is very important who bought the flag and where it was when "desecrated." What if it's in a home or in a church for some weird reason? Do the police invade the premises? Who gets sent in: the BATF, the DEA, the FBI, the U.S. Army, or the flag police? If it's on Government property or a Government flag or someone else's flag, that is an attack on property and can be prosecuted. By legislating against how someone else's flag is being used, the right of free expression and property ownership is infringed just as if it were church property or a newspaper.

We work diligently to protect controversial expression in books, television, movies, and even bizarre religious activities through the concept of private property ownership, as long as violence is not used. Is this matter much different?

We live in an age where it's becoming more common to attack free expression and that's a danger we should not ignore. We find one political group attacking expression that violates the subjective rules of politically correctness while working to prohibit voluntary prayer. Now another wants to curtail expression through flag antidesecration laws in the name of patriotism. But there is a better way to handle demonstrators and malcontents.

The danger here is that flag burners frequently express a disdain for big Government. Curtailing any expression of criticism of the Government is fraught with great danger. Will anyone who opposes big Government someday be identified as a "friend" of the flag burners and treated like one since he is expressing an idea similar to the flag burners. Just because some people aren't smart enough to express themselves in any other way than flag burning, it does not justify the careless attack on freedom of expression. Once it's routinely accepted that expressing these ideas is dangerous to the status quo, all our freedoms are threatened.

SUMMARY

This is a dangerous and needless political exercise. Flag burning is not epidemic or even prevalent. Why must we continuously find dragons to slay? Whom are we trying to reassure? Why do we feel compelled to prove, by voting to change the Constitution, that we are true patriots? Could it be that Congress' lack of vigilance in defending the Constitution has created a sense of guilt that must be purged. But will it really compensate for the endless shredding of the Constitution through legislation that has occurred throughout this century?

If we could spend one-tenth of the time on restoring the Founder's intent in the Doctrine of Enumerated Powers that we have spent suppressing free expression I would be a happy person. Instead, we daily shred the intent of constitutional law by regulations, taxes, and abusing liberty to a point that the Constitution has no relevance. Maybe that's it. If the Constitution has no current relevance, it's assumed to be OK to mess it up even more with an amendment which will serve only to further undermine liberty and threaten free expression.

What the Congress, the Executive, and the Courts have done in the past 50 years to undermine the Constitution is many times more disgraceful and dangerous than what any two-bit punk flag burner can do—especially if we ignore him. If this amendment is passed, flag burners will get more attention, not less. Their cheap message will get more publicity than if we had ignored them. The goal of the flag burner will be enhanced by the amendment by this extra attention they gain.

This amendment will do nothing to restore trust in the Federal Government. It won't fill the void left by the scandals, the perks, the plush pension program, the false promises of the welfare state, and pledges to balance future budgets. This amendment will do nothing to curtail Federal Government control over education, which indeed does infringe on free expression through Government indoctrination. Remember it was Government management of our schools in the name of free expression, which actually led to the prohibition of voluntary prayer.

We need to direct our patriotic zeal toward defending the Constitution and to the protection of liberty. Lack of this effort has led to the impending bankruptcy of the welfare/warfare state. Now there's a problem worth directing our energies.

The flag police are no substitute for our policing our own activities and responsibilities

here in the Congress. We are endlessly delivering more power, in the name of political emergencies, budgetary crisis, and Government efficiency, to the Executive—a process not permitted under the Constitution.

We permit Socialists to attack property rights and the fundamentals of economic liberty as a right under the Constitution. But those who profess respect for private property should not be trapped into attacking flag "property" when it's used to express unpopular anti-Government views and even change the Bill of Rights to do so.

The Socialists know what they are doing but, the antidesecrators act out of confused emotions while responding to political pressures.

We should not further sacrifice freedom of expression with a flag amendment, especially when compared to the harm done with taxpayers funding of school propaganda and NEA desecration, it is negligible.

True patriots can surely match the wits of the jerks who burn flags, without undermining the first and fifth amendments. We can do better than rush to alter constitutionally protected free expression for a nonproblem.

We could easily organize bigger and grander demonstrations to celebrate our constitutional liberties for which the flag is our symbol in answer to the flag burners. I promise to appear, anytime and anyplace, to celebrate our liberties and countermand the flag burners who work so hard to offend us.

Mr. BROWN of California. Mr. Speaker, I rise today in opposition to House Joint Resolution 54, the constitutional amendment to prohibit the physical desecration of the American flag. As I contemplated speaking on this issue today I thought about what I should say. I realized that the statement that I made on the floor back in 1990 is still relevant. As I said back in 1990, I take this time not because I expect to change the mind of a single one of my colleagues, nor contribute some profound insight or new knowledge to the debate. But I have very deep feelings on the matter, and I want my colleagues and my constituents to understand those feelings and to judge me by them, for they go to the heart of why I love my country and wish to serve it to the very best of my ability.

Mr. Speaker, the first amendment speaks first of freedom of religion, then of speech, the press, and assembly. Religion is placed first, because many, if not most of the early American colonists who came to this country, came to escape the restrictions placed upon religious freedom by the kings of England who felt that they ruled by divine right.

No human rules over others by divine right. No flag symbolizing a ruler or a state is sacred. To even speak in such terms denies the primacy of God in the world, demeans the spiritual basis of freedom and democracy and smacks of idolatry. The very term "desecrate" means "to violate the sanctity of * * *" and sanctity is "the quality or state of being holy or sacred."

No earthly flag is sacred or holy. All earthly rules and governments are flawed and imperfect, and must be brought closer to perfection by those willing to protest and to criticize, sometimes in shocking terms. Protection of that right is at the heart of the first amendment.

No single act of political protest is more frequent and disrespectful to the vast majority of American people than that of burning the American flag. I know that every member of this institution is personally and deeply offended by the thought of Old Glory burned in protest. However, we should be even more offended by proposals to fundamentally alter the very principles for which the American flag stands. Mr. Speaker, let us try not to move down that road.

The strength of this Nation has always rested upon the principles of freedom of speech, press, religion, and assembly as embodied in the Bill of Rights. It was for these freedoms that our Founding Fathers created the greatest experiment in popular democracy in human history. The flag is the physical symbol of those freedoms and although it is not sacred, it pains us deeply to see that symbol destroyed by malcontents seeking by their shocking behavior to bring public attention to their unpopular political positions. In amending the Bill of Rights for the first time in our Nation's history, however, we would be doing more damage to the integrity of our society then could ever be inflicted by a small handful of disgruntled protesters seeking to call attention to their views.

The right to freedom of speech as established by the first amendment is not an absolute right. It can be restricted by the law and the courts when necessary to protect public's safety, or the rights of other individuals. But it stands at the apex of those principles and values which were aimed at protecting individual freedom from encroachment by powerful and autocratic organs of government. The first amendment provides protection for those who express views that we believe, as well as those that we abhor.

In writing the Bill of Rights, Thomas Jefferson and James Madison captured the principle in the well-known words of the 18th century French author Voltaire: "I disapprove of what you say, but I will defend to the death your right to say it." Those who wish now to amend the Constitution are saying: "I disapprove of what you are saying, and I intend to make it illegal to say it." This is what tyrannies do, not democracies.

There may be some who will argue that the Supreme Court erred in considering flag burning to fall within the protection of the first amendment by virtue of being a form of symbolic speech. I ask those persons to look within their minds and hearts and analyze the message they received as they watched the Chinese students in Tiananmen Square burn the Chinese flag and erect a miniature Statue of Liberty. Was the message that fun-loving Chinese students needed to keep warm and therefore burned anything available, and that they admired American statuary? No, the message was clear to all that they supported freedom and democracy and opposed the autocratic regime of the Chinese Communist leaders, and were willing to suffer to convey that message. And we applaud their heroism.

That Chinese Government understood the message full well and responded to their young people's demands for greater political freedom with tanks and guns. Right now, that country is considering a law prohibiting flag burning. Throughout history, dictatorships have sought to expand their power by prohibiting disrespect of their symbols. That was the case in 17th and 18th century England, and of course led many citizens to leave their country and settle in America in order to avoid prohibitions. In our country, it is not the symbols that are paramount to us. It is what those symbols represent that unifies us.

Love of country and respect for the values of human freedom cannot be coerced. A country which seeks to do so will not only fail, but its actions will destroy that which it seeks to protect. Some argue that the Bill of Rights can stand a little tinkering. Who are these people kidding? Don't they realize the risks that such a step would pose? In altering the first amendment, we would be heading down a slippery slope of further erosions of the freedoms that we hold so dear.

If flag burning were protected, then the next logical step would be banning desecration of the Constitution, Bill of Rights, Statute of Liberty, and Declaration of Independence. And what about effigies of the President? The destruction of any of these—or any items resembling these important national symbols—is abhorrent and can be seen as a statement of profound disrespect for this Nation. But is that the path that we want to head down, given the courts the role of interpreting whether a flag printed on a matchbook, a replica of the Statute of Liberty, or a copy of the Bill of Rights were destroyed with the intent of making a statement against our Government?

Deep down, I believe that every Member of Congress recognizes the dangerous precedent we would be setting in tampering with the first amendment. We recognize these risks, but we are being pushed toward this decision by crass political opportunists who have already designed the 30-second television spots they intend to use to advance their own political ends. Thomas Jefferson and James Madison would turn in their graves if they saw the work of their genius manipulated in this fashion.

The American flag is among the most powerful symbols in the entirety of human history. It has withstood the test of time not because it was protected against destruction, but because the ideas which it embodies cannot be destroyed—no matter what anyone does to the flag itself.

Mr. Speaker, the easy vote today would be to vote in favor of amending our Constitution. That is what our political pollsters tell us would garner the most votes from the American public. We were not elected to this institution, however, to take the easy road. Our task is a more serious and burdensome one. Each one of us has taken the oath to "support and defend the Constitution of the United States against all enemies foreign and domestic." That document—and all that it stands for—is not threatened by a small handful of political protesters. It is threatened, however, by an effort to amend its most central tenet, the Bill of Rights.

As Justice Anthony Kennedy has argued:

> The hard fact is that sometimes we must make decisions we do not like. We make them because they are right. * * * It is poignant but fundamental that the flag protects those who hold it in contempt.

Nobody likes casting a vote that will be manipulated by high-paid political consultants as

being a "vote against the flag." It is preposterous, however, that we would modify the Constitution for fear of self-serving political attacks. In my view, there could hardly be a more patriotic act than to vote to protect the sanctity of the Bill of Rights. It is not the easy vote, but it is the right one.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of the constitutional amendment allowing for legislation to protect the desecration of our flag. Throughout history, Americans have fought and died for this Old Glory, and we owe it to their memory to protect this symbol at home.

It will indeed be a challenge to at once protect the symbol and also protect that for which it stands. Whether flying over the local high school or the post office, beckoning foreigners at a U.S. Embassy or consulate, covering a crate of aid to victims of strife abroad, or drapping a casket of a servicemember killed in action, the Stars and Strips has and always will instill a sense of pride and security the world over. We have inherited this legacy, from the days Betsy Ross put together the patches of cloth, and we should treasure it, preserving it for the future, a future of much more diversity, patches of different-colored cloth.

So in voting for House Joint Resolution 54, I understand the feelings of free speech being restricted. I urge this body to take tremendous caution in drafting any future laws which will specify liability and penalties. In defending the symbol of the fort, we must not give away the fortress, the Bill of Rights. We must not today give up any power to vigorously defend and fully guard the liberties enshrined in the Bill of Rights in enforcing and adjudicating flag desecration laws.

We have a duty to those who have come and gone before us, and to those that preserve our country as a symbol of freedom the world over. Although desecration of Old Glory is itself an expression of speech, I can, in good conscience, draw this thin red, white, and blue line.

Ms. BROWN of Florida. Mr. Speaker, Unfortunately, I was unavoidably detained and could not cast my vote in support of the flag desecration amendment. Had I been present, I would have voted for the amendment. As a member of the Veterans Affairs Committee, I continue to pledge my support to protect the veterans of our country, as well as the flag of the United States of America. The flag is the most esteemed emblem of this country—and this amendment will restore the authority to Congress to regulate the treatment of our most precious symbol.

To our Nation's veterans and their families, the flag is more than a symbol of our country. It is the cloth under which they defended our country and risked their lives. I truly believe that there should be a means by which we can show our love and respect for the flag—while at the same time monitoring the treatment of this highly important part of America.

Mr. KIM. Mr. Speaker, I rise today in strong support of House Joint Resolution 54, an amendment of the U.S. Constitution to prohibit the physical desecration of the flag.

I grew up in Seoul, Korea. Not the Seoul we know today: modern and democratic. The Seoul I grew up in was an occupied city, invaded by Communist forces that had come down from the North and terrorized the Korean people. My family lost everything during the Communist occupation—including family members and friends, who we saw executed in the streets, right before our very own eyes. It was a living Hell.

I still remember like it was yesterday, the day the American soldiers, strong and brave, arrived in Seoul and drove the Communists out. Behind them—weathering the shrapnel and bullets—was Old Glory. To use, the Red, White, and Blue symbolized freedom and liberty.

In the midst of the battle zone that was my neighborhood, I stood watching the U.S. Marines fight in our streets and drive out the Communists. Suddenly, one of the soldiers broke ranks, picked me up and carried me out of the line of fire to safety. As he put me down, he patted me on the head and gave me two things: a chocolate bar and a small American flag. I kept that flag in my pocket, believing, as I do today, that it was a good luck charm, the symbolism of everything great about America.

That small flag gave me hope. It symbolized the courage and bravery of the young men putting their lives on the line, thousands of miles away from their homes and their families. That American spirit, that flag, made me want to become an American.

I owe a debt of gratitude to that flag, and to everything it represents. There is no greater symbol of freedom and hope anywhere in the world than the Red, White, and Blue. Ask any person in any opposed country, and they will tell you.

So today we again vote on a constitutional amendment to prohibit desecration of our flag. I urge my colleagues to support this resolution. We cannot allow the symbol of our country, the symbol of freedom and liberty, to be dishonored and desecrated. If we do not defend our flag, who will?

Support our flag, vote for this bill.

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise to commend Chairman Solomon and the nearly 300 cosponsors, Republicans and Democrats, who recognize the importance of protecting the American flag. It is downright repulsive that the very symbol of our freedoms and rights can be trampled upon under the guise of the first amendment.

The flag is what soldiers salute every day, it is what we, as Members of Congress, address every morning when we recite the Pledge of Allegiance, it is what we hoist during military ceremonies, it is what we drape over the caskets of our fallen soldiers, and it is what we placed on the Moon in 1969 during one of the proudest moments of my life. To minimize the symbolism of what the flag represents is reprehensible. Congress should have the ability to protect the sanctity of the flag.

The Supreme Court has ruled that physical desecration of the flag is protected by the first amendment to the Constitution. This is a mistake and the reason why we are here today. Congress cannot pass statutory language prohibiting physical desecration of the flag because of this ruling. I join an overwhelming majority of my colleagues in protesting this decision and protecting our flag.

Our veterans, those who have fought to protect the freedoms we cherish, have asked that the flag that they fought for be protected. The Government should attach the same level of importance to the flag that we respect and treasure. This amendment is the right thing to do at the right time. Let's show our veterans that we respect the flag by approving this today.

I appreciate the opportunity to make my voice heard on this important issue and encourage my colleagues to support this measure and send this to the States for ratification.

Mr. SCHIFF. Mr. Speaker, I write today in support of House Joint Resolution 54, the constitutional amendment to prohibit the physical desecration of flag of the United States.

As a 26 year member of the New Mexico Air National Guard and the Air Force Reserve, I believe that our flag occupies a special place in our society, as well as in military protocol. Military members are expected to salute the flag of the United States when it passes by in parade, or during retreat ceremonies.

The flag is our unique symbol that signifies the beliefs on which this country was founded: liberty, freedom, and democracy. Although we have other important national symbols, none are treated with the reverence of our flag.

Although I am a proud cosponsor of House Joint Resolution 54, I was unable to vote today in support of this important constitutional amendment, due to the fact that I am currently back in New Mexico for medical reasons. I voted for a similar amendment in the 104th Congress, and would have done so again today, because I believe that the flag deserves special protection from desecration.

Mr. BISHOP. Mr. Speaker, as an original cosponsor of this resolution, I rise as a proud and strong supporter of this joint resolution which would amend the Constitution of the United States to prohibit the physical desecration of the flag. I want to thank Congressman SOLOMON, the other 284 cosponsors of the bill, and the alliance of groups and individuals for their tireless efforts in support of this bill.

As Flag Day approaches, it is appropriate that we take this opportunity to recognize and emphasize the importance of Old Glory. The flag represents something sacred. It may just be a piece of cloth, but it symbolizes the sacrifice of millions of Americans who have served and died defending our country's promise of freedom and opportunity for all. It represents patriotism itself. Those who oppose legal barriers against flag desecration say this is a restraint on freedom of expression. They are wrong. This cause does not diminish the sacred values on which the country is founded, including free expression. By protecting the flag we honor these values, we uphold them, we strengthen them.

Many Americans have willingly fought and died defending the flag. By legally protecting this unique symbol, we uphold the respect and honor they are due. In the freest country in the world, this hardly imposes a serious threat on expression.

We must pass this resolution so that we can provide our Nation's most precious symbol with the much needed protection it deserves. Forty-nine States have passed resolutions calling upon us to pass this amendment, overwhelming public opinion is calling upon us to

pass this amendment. It is time we answer these calls by passing this amendment. Moreover, it is time we send a message to those who would disrespect and dishonor Old Glory.

Again, I want to express my strong support for this resolution and strongly urge my colleagues to support it.

Ms. PELOSI. Mr. Speaker, I rise in opposition to House Joint Resolution 54, a constitutional amendment to prohibit flag desecration.

Mr. Speaker, I respect and revere our flag, all Americans do. It is a most treasured symbol of our country's freedom. But a constitutional amendment would diminish the freedom of expression that we hold so dear.

Those brave people who struggle for human rights around the world look to the United States and its flag as symbols of freedom and tolerance. We have seen the tragic cost in other countries of placing greater importance upon a nation's symbols then on the freedom of each person to speak freely. We recognize that it is not the flag itself, but the treasured principles of democracy behind it that we must protect at all costs.

Our flag is a piece of cloth that represents freedom and tolerance. But the flag itself must not be mistaken for what it represents. The freedoms of the first amendment are too valuable and cherished, too hard-fought and hard-won to be restricted by this amendment. I urge my colleagues to oppose this restrictive legislation.

Mr. BARCIA. Mr. Speaker, "The flag is the embodiment, not of sentiment, but of history. It represents the experience made by men and women, the experiences of those who do and live under the flag."

President Woodrow Wilson knew the real meaning of our flag when he made this statement in 1915, and it is a sentiment that I firmly share. It is precisely why I cosponsored House Joint Resolution 54, proposing an amendment to the Constitution to prohibit the desecration of the flag of the United States, and it is why my colleagues should vote in favor of this resolution.

From the hands of Betsy Ross, through the eyes of Francis Scott Key during the bombardment of Fort McHenry in 1814, to the raising at Iwo Jima, our flag has represented the hopes and beliefs of generations of Americans. It symbolizes resolve. It symbolizes freedom. It symbolizes democracy.

Over the years, we have had people who have violated the spirit expressed by our flag. They have wrongly suggested that the burning of the flag is a matter of freedom of speech. Well, if you can't shout fire unnecessarily and be protected by the freedom of speech, you shouldn't be able to burn our American flag as an expression of speech.

Our veterans' groups have seen friends and family fall in the line of duty protecting our flag. They proudly salute it as it passes by, bringing back the painful and glorious memories of times served protecting what the flag represents. I can only imagine how they feel when someone, who has had the benefit of not having had to go to war because of the sacrifices that so many have made, defiles our flag in such a disrespectful, demeaning, and childish act of burning it.

Let us never forget the words of Henry Ward Beecher, the American clergyman, editor, and abolitionist, who said: "A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself." We cannot let the world see Americans burn our flag, and then hypocritically criticize others elsewhere in the world who do the same thing. If it is wrong for others to burn the American flag, then it is most assuredly wrong for Americans to burn it. Let our Nation be unified in the fact that there are some things too important to defile, too important to ignore, and chief among them is our flag.

Mr. FRELINGHUYSEN. Mr. Speaker, this Saturday, June 14, America will celebrate Flag Day. Millions of American men and women all across the country retrieved their Star Spangled Banner from the basement or attic and proudly displayed it to honor the day. For many families, the flag itself is a tradition. Perhaps it was granddad's flag, or a gift from a son or daughter serving in the military. Perhaps it even draped the coffin of a sister or brother who paid the ultimate sacrifice for the United States.

Whatever the case—the American flag means something special and personal to each and every one of us. It represents our freedom, our dreams, our liberty, and our common bond. It is the emblem of unity to which every fourth-grader has pledged their allegiance at one time or another. In the House of Representatives, we begin every day with that same pledge. We pledge allegiance to the flag because of "the Republic for which it stands." As a veteran, I believe that our flag is our Nation's most enduring symbol.

It is unfortunate and saddening that some disagree. They use the flag to express an opinion or to make some kind of statement. I think this is complete idiocy. Burning our flag is simply wrong and should be outlawed. As an original cosponsor of a constitutional amendment to ban flag desecration, I am working with almost 300 of my colleagues in the House of Representatives to protect the flag and what it stands for. We are making significant progress; 49 States have already passed resolutions requesting that Congress ban flag desecration.

We hold high respect for the flag not because of what it is but because of what it stands for. We have rules which define the proper way to display, store, and maintain our flag. These rules were established for a reason. They were established so that we would not grow complacent about our flag and hence our unity and freedom. They protect our flag so that we remember the high price we paid for our freedom and personal liberties. Our flag reminds us that we are one Nation, one People—regardless of our diverse backgrounds, religious, or ethnic heritage.

Our flag reminds us of who we are as Americans, and deserves the utmost honor, esteem and protection.

Mr. PACKARD. Mr. Speaker, the United State is often referred to as the great American "melting pot"—a blend of many different people, cultures, and heritages. The American flag represents this diversity; it embodies the values, traditions, and aspirations that bind us together as a nation. It stands above our differences and it unites us in war and peace. No other symbol is so readily recognized as the American flag nor says "America" quite so eloquently.

The beauty and significance of our flag has always inspired Americans to provide some measure of protection from abuse. In fact, the first flag protection laws were enacted in the 1880's. For more than 100 years, our flag enjoyed legal protection. In 1984, 48 States and the Federal Government had laws to safeguard our flag. Five years later, in a 5 to 4 split decision, the U.S. Supreme Court stripped away the people's right to shield the American flag from intentional, public desecration. Americans were outraged by this decision.

Mr. Speaker, America is a beacon of democracy and hope in a world plagued by turmoil and depression. Flag desecration is a slap in the face to all those who have worked to make the United States the model among nations and freedom a guaranteed right.

For these reasons, I intend to support passage of House Joint Resolution 54, introduced by my colleague GERALD SOLOMON, which will permit Congress and the States to prohibit the physical desecration of our flag. I whole-heatedly support Congressman SOLOMON's efforts to defend the flag. No other American symbol captures the spirit of this Nation. It deserves the utmost respect and protection. Americans want to have the flag protected. I will vote to defend our flag from harm and preserve the rights and freedoms of all American citizens.

Mr. BUYER. Mr. Speaker, the legislation before us today would amend the Constitution to empower Congress to enact legislation to protect Old Glory from desecration. The American flag is a mighty symbol, not only to the citizens of this great Nation, but also to those abroad who see it flying, at our embassies or on the ships of our naval fleet. It represents the freedom of our people, the courage of those who have defended it, and the resolve of our people to protect our freedoms from "all enemies, foreign and domestic."

This is not an issue about what people can say about the flag, the United States, or its leaders at any given time. The rights under the first amendment are fully protected. The issue here is that the flag, as a symbol of our Nation, is so revered the Congress has a right to prohibit its willful and purposeful desecration. It is the conduct that is the focus.

Across the river from here, is a memorial to the valiant efforts of our soldiers to raise the flag at Iwo Jima. It was not just a piece of cloth that rose on that day over 50 years ago. It was the physical embodiment of all we, as Americans, treasure; the freedoms we enjoy; the triumph of liberty over totalitarianism; and the duty we have to pass the torch of liberty to our children undimmed.

The flag is a symbol worth defending. I urge the adoption of the flag protection amendment.

Mr. GILMAN. Mr. Speaker, I am proud to rise in strong support of this resolution prohibiting the physical desecration of the flag of the United States. I commend the gentleman from New York [Mr. SOLOMON], the original sponsor of this legislation, for his dedicated work and determination on this important issue.

As Americans across the country prepare to celebrate our Nation's independence, it is befitting that the House of Representatives is considering this important legislation.

For hundreds of years, courageous men and women have fought for the ideals and beliefs that our great Nation represents. To the

many dedicated men and women who have sacrificed for our Nation, our flag is not just a piece of cloth, it is not just the symbol of our Nation, it represents our inherent belief in our freedoms and our ideals.

Based upon these strong beliefs of proud Americans across the country, 49 State legislatures have passed resolutions asking Congress to approve an amendment to the Constitution protecting our flag; 48 States have enacted flag-desecration laws. Over 80 percent of the American people support such an amendment to the Constitution.

This is not any new issue, yet today, it is more important than ever. Accordingly, I urge my colleagues to join in strong support of this legislation.

Let us properly protect our flag and all of the ideals that it represents. I urge my colleagues to vote for House Joint Resolution 54.

Mr. BEREUTER. Mr. Speaker, as an original and strongly committed cosponsor, this Member rises in support of House Joint Resolution 54, the measure before us today which proposes a constitutional amendment authorizing Congress to ban the physical desecration of the American flag.

Certainly, there are legitimate arguments on both sides of the issue of whether or not it is desirable to change the Constitution to permit legislation to protect the American flag. However, opponents of such a constitutional amendment are not entitled to sanctimoniously wrap themselves in the Constitution citing the first amendment. Our Constitution provides a way that Americans can amend it through State ratification. Like the majority of Americans and the vast majority of this Member's Nebraska constituents, this Member believes it is appropriate to propose a constitutional amendment for a legislative method to protect the most important symbol of our Nation—the American flag.

This Member disagreed with the U.S. Supreme Court decision, Johnson versus Texas, which overruled the conviction by the State of Texas of a protester at the 1984 Republican National Convention for setting the American flag on fire. The Court ruled that the burning of the American flag was a form of expression protected by the constitutional guarantee of freedom of speech. In Congress, this Member has been a strong supporter of a constitutional amendment to reverse the Supreme Court's ruling in Johnson versus Texas.

For over 200 years the American flag has occupied a precious spot in the hearts of our Nation's citizens. It is a unique symbol of the principles and values which make this country great and which are generally shared by American citizens. Many have sacrificed, fought, and died under our flag for freedoms forged by the principles and values embodied in the Declaration of Independence and the Constitution.

Mr. Chairman, this Member urges his colleagues to vote in favor of the resolution. This is an important step to ensure that States and Congress can enact legislation protecting our flag without fear that these laws will be ruled unconstitutional.

Mr. DOYLE. Mr. Speaker, as Flag Day quickly approaches, I can think of no other legislation more appropriate for the House to consider than House Joint Resolution 54. As an original cosponsor in both the 104th and 105th Congresses, I am pleased to voice my support for the right of our citizens to protect the American flag.

While much of what the Congress considers derives its momentum from within the Halls of Washington, the genesis and steadfast support of House Joint Resolution 54 comes directly from the constituents we all have the privilege to represent. Hundreds of residents from the 18th Congressional District of Pennsylvania have expressed to me their support for the U.S. Government to have the power to prohibit the physical desecration of the flag. As House Joint resolution 54 has the support of 284 cosponsors, it is apparent proponents from across our great country have been equally vocal about their support. Given the fact that the cosponsor total is just six votes short of the two-thirds majority required for passage, I am confident that this year's vote will surpass the vote in the 104th Congress.

Prohibiting the desecration of our flag does not deny individuals their thoughts or opinions, but preserves our national symbol of freedom as the most visible form of the ideals of the American people. Indeed, our freedom of speech is a result of the supreme efforts of those who contributed to our Nation's independence and unity, and who see our flag as the embodiment of the American spirit. For those individuals who feel differently, I would respectfully urge them to find more productive ways to express themselves, rather than involve themselves in an act of destruction. In the wake of our country's firsthand experience with domestic terrorism and racial tension, House Joint Resolution 54 provides an excellent opportunity to reiterate our commitment to, and respect for, our national history of uniting our diverse population.

I urge my colleagues to vote in favor of protecting the symbol that embodies liberty, freedom, and democracy: our American flag.

Mr. BLUMENAUER. Mr. Speaker, Americans cherish their flag and all it represents. It is fitting and proper to do everything in our power to honor this symbol of America.

This proposed constitutional amendment is the wrong way to go about doing so. The authors of the Constitution and the Bill of Rights gave us a wise and enduring framework, one which has guided this Nation for over 200 years. We should but rarely and in moments of absolute necessity alter their work. This amendment does not meet that test. However repugnant burning or otherwise desecrating the flag is to us individually, flag desecration is not a problem in American society today. In the last 10 years, I cannot remember a single instance where anyone in Oregon walked up to me and raised this as an issue. To elevate a moronic but anachronistic and virtually extinct form of protest to the level of constitutionally defined crime, in my judgment, is likely to increase the incidence of flag desecration as people turn to burnings to gain attention for themselves. This serves the interests of absolutely no one other than the extremists who will have been handed a new tool for expressing their cause.

Mr. STENHOLM. Mr. Speaker, I rise today in support of House Joint Resolution 54, on which I am proud to be listed as an original cosponsor. This constitutional amendment would empower Congress to prohibit the physical desecration of the American flag. My support for this amendment is based on my strong belief in the values of liberty, equality, and personal responsibility which Americans have fought to defend. The flag is a unifying symbol which uniquely embodies the values upon which our Nation was founded, grew, and will continue to prosper.

As I stand here on the floor of the House of Representatives, I am reminded of the importance of the flag as something which brings us together when many other forces seem to pull us apart. This Chamber has seen debates on the most divisive issue facing our Nation. Much ado has been made of growing partisanship within this body. Yet, no matter what the issue of the day, we in the House of Representatives begin each day with the pledge of allegiance. At that point, we discard all other labels and collectively honor the flag which brings us together as one nation.

Not that the flag represents identical things to all of us. To the veteran it may represent the challenges and triumphs of the battlefield. To an immigrant it may represent unimagined opportunity. To a skeptic it ensures the right to disagree while to many others it represents the power of majority rule.

Americans live and think and work and worship in many different ways—not always compatibly and not always politely, but always under the same flag.

The flag's desecration is an affront to the freedoms, justice, and democracy for which it stands. On a more personal level, the flag's desecration is also an affront to the memory of all Americans who were willing to sacrifice their very lives for free speech, free worship, free association. Some Americans made those sacrifices on foreign and domestic battlefields, some on the Underground Railroad to freedom, some on the western plains and mountains as they struggled to tame a wild land, some in the poverty of inner city challenges. Each and every one of these brave patriots fought for the ideals represented by our flag, and each and every one deserves our respect and gratitude.

Protection of our flag is a noble goal which I strongly support. As our Nation prepares to celebrate Flag Day, it is important that each of us find ways in which we can not only protect but also honor this most central of national symbols. Our flag is honored when we love our land, our families, and our rights. Our flag is honored when people speak out about injustice. Our flag is honored when someone risks their own comfort and position to help another.

I challenge every man, woman, and child who loves this Nation to find ways to honor the values which our flag embodies and I urge my colleagues to support House Joint Resolution 54.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). All time for debate has expired.

Pursuant to House Resolution 163, the joint resolution is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 310, nays 114, not voting 10, as follows:

[Roll No. 202]

YEAS—310

Aderholt	Davis (VA)	Hyde
Andrews	Deal	Inglis
Archer	Delahunt	Istook
Armey	DeLay	Jefferson
Bachus	Deutsch	Jenkins
Baesler	Diaz-Balart	John
Baker	Dickey	Johnson (CT)
Baldacci	Dooley	Johnson (WI)
Ballenger	Doolittle	Johnson, E. B.
Barcia	Doyle	Johnson, Sam
Barr	Dreier	Jones
Barrett (NE)	Duncan	Kanjorski
Bartlett	Dunn	Kaptur
Barton	Edwards	Kasich
Bass	Ehrlich	Kelly
Bateman	Emerson	Kennedy (MA)
Bentsen	English	Kennelly
Bereuter	Ensign	Kildee
Berry	Etheridge	Kim
Bilbray	Everett	King (NY)
Bilirakis	Ewing	Kingston
Bishop	Fawell	Klug
Blagojevich	Foley	Knollenberg
Bliley	Ford	Kucinich
Blunt	Fowler	LaHood
Boehlert	Fox	Lampson
Boehner	Franks (NJ)	Lantos
Bonilla	Frelinghuysen	Largent
Bono	Frost	Latham
Boswell	Gallegly	LaTourette
Boyd	Ganske	Lazio
Brady	Gekas	Lewis (CA)
Brown (OH)	Gephardt	Lewis (KY)
Bryant	Gibbons	Linder
Bunning	Gillmor	Lipinski
Burr	Gilman	Livingston
Burton	Goode	LoBiondo
Buyer	Goodlatte	Lucas
Callahan	Goodling	Luther
Calvert	Gordon	Maloney (CT)
Camp	Goss	Manton
Campbell	Graham	Manzullo
Canady	Granger	Martinez
Cannon	Green	Mascara
Carson	Gutierrez	McCarthy (MO)
Castle	Gutknecht	McCarthy (NY)
Chabot	Hall (TX)	McCollum
Chambliss	Hamilton	McDade
Chenoweth	Hansen	McGovern
Christensen	Harman	McHugh
Clement	Hastert	McInnis
Clyburn	Hastings (WA)	McIntosh
Coble	Hayworth	McIntyre
Coburn	Hefley	McKeon
Collins	Hefner	McNulty
Combest	Herger	Menendez
Condit	Hill	Metcalf
Cook	Hilleary	Mica
Cooksey	Hilliard	Miller (FL)
Costello	Hinojosa	Moakley
Cox	Hobson	Molinari
Cramer	Holden	Mollohan
Crane	Horn	Moran (KS)
Crapo	Hostettler	Moran (VA)
Cubin	Houghton	Morella
Cunningham	Hulshof	Murtha
Danner	Hunter	Myrick
Davis (FL)	Hutchinson	Neal
Nethercutt	Rogers	Strickland
Neumann	Rohrabacher	Stump
Ney	Ros-Lehtinen	Stupak
Northup	Rothman	Sununu
Norwood	Roukema	Talent
Nussle	Royce	Tauzin
Ortiz	Ryun	Taylor (MS)
Oxley	Salmon	Taylor (NC)
Packard	Sanchez	Thomas
Pallone	Sandlin	Thompson
Pappas	Sanford	Thornberry
Parker	Saxton	Thune
Pascrell	Scarborough	Thurman
Paxon	Schaefer, Dan	Tiahrt
Pease	Schaffer, Bob	Torres
Peterson (MN)	Sensenbrenner	Towns
Peterson (PA)	Sessions	Traficant
Pickering	Sherman	Turner
Pickett	Shimkus	Upton
Pitts	Shuster	Walsh
Pombo	Sisisky	Wamp
Pomeroy	Skeen	Watkins
Portman	Skelton	Watts (OK)
Pryce (OH)	Smith (NJ)	Weldon (FL)
Quinn	Smith (OR)	Weldon (PA)
Radanovich	Smith (TX)	Weller
Rahall	Smith, Adam	Wexler
Ramstad	Smith, Linda	Whitfield
Redmond	Snowbarger	Wicker
Regula	Solomon	Wise
Reyes	Souder	Wolf
Riggs	Spence	Wynn
Riley	Spratt	Young (AK)
Rodriguez	Stabenow	Young (FL)
Roemer	Stearns	
Rogan	Stenholm	

NAYS—114

Abercrombie	Greenwood	Pastor
Ackerman	Hall (OH)	Paul
Allen	Hastings (FL)	Payne
Barrett (WI)	Hinchey	Pelosi
Becerra	Hoekstra	Petri
Berman	Hooley	Porter
Blumenauer	Hoyer	Poshard
Bonior	Jackson (IL)	Price (NC)
Borski	Jackson-Lee (TX)	Rangel
Boucher	Kennedy (RI)	Rivers
Brown (CA)	Kilpatrick	Roybal-Allard
Cardin	Kind (WI)	Sabo
Clay	Kleczka	Sanders
Clayton	Klink	Sawyer
Conyers	Kolbe	Schumer
Coyne	LaFalce	Scott
Cummings	Leach	Serrano
Davis (IL)	Levin	Shadegg
DeFazio	Lewis (GA)	Shaw
DeGette	Lofgren	Shays
DeLauro	Lowey	Skaggs
Dellums	Maloney (NY)	Slaughter
Dicks	Markey	Snyder
Dingell	Matsui	Stark
Dixon	McDermott	Stokes
Doggett	McHale	Tanner
Ehlers	McKinney	Tauscher
Engel	Meehan	Tierney
Eshoo	Meek	Velázquez
Evans	Millender-McDonald	Vento
Fattah	Minge	Visclosky
Fazio	Mink	Waters
Filner	Nadler	Watt (NC)
Foglietta	Oberstar	Waxman
Frank (MA)	Obey	Weygand
Furse	Olver	White
Gejdenson	Owens	Woolsey
Gilchrest		Yates
Gonzalez		

NOT VOTING—10

Brown (FL)	Forbes	Schiff
Capps	McCrery	Smith (MI)
Farr	Miller (CA)	
Flake	Rush	

□ 1407

The Clerk announced the following pairs:

On this vote:

Mr. Forbes and Mr. Capps for, with Mr. Rush against.

Mr. DINGELL and Mr. BERMAN changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. BROWN of Florida. Mr. Speaker, during rollcall vote No. 202 on House Joint Resolution 54, I was unavoidably detained. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Speaker, on rollcall No. 202, House Joint Resolution 54, I was giving testimony before the Commodity Futures Trading Commission. I arrived in the Chamber too late for any vote to be counted. I am a cosponsor of this bill and had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. SHAW. Mr. Speaker, on rollcall No. 202, I was recorded as a "no" which should have been a "yes." I would like to think that the electronic equipment may have malfunctioned, but having been up all night with the tax-writing committee, I would have to assume that the malfunction was with me.

I ask that the RECORD show my intention and desire to vote "yes" as a cosponsor of the flag-burning amendment to the Constitution.

ANNOUNCEMENT OF DEADLINE FOR FILING AMENDMENTS TO H.R. 1119, THE DEPARTMENT OF DEFENSE AUTHORIZATION BILL

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I rise for the purposes of making an important announcement.

Mr. Speaker, this concerns the defense authorization bill and amendments thereto, so I would appreciate it if the Members would listen up.

The Committee on Rules is planning to meet during the week of June 16 to grant a rule which may restrict amendments for consideration of H.R. 1119, the Defense authorization bill for fiscal year 1998.

Mr. Speaker, any Member contemplating an amendment should submit 55 copies of the amendment and a brief explanation to the Committee on Rules in H–312 of the Capitol no later than Tuesday, June 17, at noon.

Amendments should be drafted to the text of the bill, a copy of which will be available tomorrow at the Committee on National Security.

Members should use the official Office of Legislative Counsel to ensure that their amendments are properly

drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the Rules of the House.

Members may contact Jim Doran, a member of the Committee on Rules staff, at 3-0071 if Members have further questions.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I would inquire of the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, as to approximately how long we can anticipate this recess to last before we come back?

□ 1415

Mr. SOLOMON. Mr. Speaker, I would say to the gentleman, there is going to be a Republican conference right now. I do not know whether the gentleman could contemplate a Democrat conference or not, but that will probably last a half-hour to an hour, and we will be able to get word to him as soon as we can.

Mr. BONIOR. I thank the gentleman.

COMMUNICATION FROM STAFF MEMBER OF HON. JIM McDERMOTT, MEMBER OF CONGRESS

The Speaker pro tempore (Mr. TAYLOR of North Carolina) laid before the House the following communication from Wilda E. Chisolm, staff member of the Hon. JIM MCDERMOTT, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

WILDA E. CHISOLM.

COMMUNICATION FROM STAFF MEMBER OF HON. JIM McDERMOTT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Charles M. Williams, staff member of the Hon. JIM MCDERMOTT, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

CHARLES M. WILLIAMS.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 21 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1602

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. LAHOOD] at 4 o'clock and 2 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 1871, 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations and the Committee on the Budget be considered discharged from further consideration of the bill (H.R. 1871) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, when called up; and that it shall be in order at any time to consider the bill in the House, and that the bill be debatable for not to exceed 1 hour; to be equally divided and controlled by myself and the gentleman from Wisconsin [Mr. OBEY]; and that all points of order against the bill and against its consideration be waived; and that the previous question be considered as ordered on the bill to final passage without intervening motion, except one motion to recommit, with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1871 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. LIVINGSTON. Mr. Speaker, pursuant to the previous order of the House, I call up the bill (H.R. 1871) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 1871 is as follows:

H.R. 1871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $306,800,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $7,900,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $300,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $29,100,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund",

$1,430,100,000: *Provided*, That the Secretary of Defense may transfer these funds only to Department of Defense operation and maintenance accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPLAN 34A/35 P.O.W. PAYMENTS

For payments to individuals under section 657 of Public Law 104–201, $20,000,000, to remain available until expended.

REVOLVING AND MANAGEMENT FUNDS

RESERVE MOBILIZATION INCOME INSURANCE FUND

For an additional amount for the "Reserve Mobilization Income Insurance Fund", $72,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 1

(TRANSFER OF FUNDS)

SEC. 101. The Secretary of the Navy shall transfer up to $23,000,000 to "Operation and Maintenance, Marine Corps" from the following accounts in the specified amounts, to be available only for reimbursing costs incurred for repairing damage caused by hurricanes, flooding, and other natural disasters during 1996 and 1997 to real property and facilities at Marine Corps facilities (including Camp Lejeune, North Carolina; Cherry Point, North Carolina; and the Mountain Warfare Training Center, Bridgeport, California);

"Military Personnel, Marine Corps", $4,000,000;

"Operation and Maintenance, Marine Corps", $11,000,000;

"Procurement of Ammunition, Navy and Marine Corps, 1996/1998", $4,000,000; and

"Procurement, Marine Corps, 1996/1998", $4,000,000.

SEC. 102. In addition to the amounts appropriated in title VI of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), under the heading "Defense Health Program", $21,000,000 is hereby appropriated and made available only for the provision of direct patient care at military treatment facilities.

SEC. 103. In addition to the amounts appropriated in title II of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), under the heading "Operation and Maintenance, Defense-Wide", $10,000,000 is hereby appropriated and made available only for force protection and counter-terrorism initiatives.

SEC. 104. In addition to the amounts provided in Public Law 104–208, $25,800,000 is appropriated under the heading "Overseas Humanitarian, Disaster and Civic Aid": *Provided*, That from the funds available under that heading, the Secretary of Defense shall make a grant in the amount of $25,800,000 to the American Red Cross for Armed Forces emergency services.

SEC. 105. REPORT ON COST AND SOURCE OF FUNDS FOR MILITARY ACTIVITIES RELATING TO BOSNIA.—(a) Not later than 60 days after enactment of this Act, the President shall submit to Congress the report described in subsection (b).

(b) REPORT ELEMENTS.—The report referred to in subsection (a) shall include the following:

(1) A detailed description of the estimated cumulative cost of all United States activities relating to Bosnia after December 1, 1995, including—

(A) the cost of all deployments, training activities, and mobilization and other preparatory activities of the Armed Forces; and

(B) the cost of all other activities relating to United States policy toward Bosnia, including humanitarian assistance, reconstruction assistance, aid and other financial assistance, the rescheduling or forgiveness of bilateral or multilateral aid, in-kind contributions, and any other activities of the United States Government.

(2) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (1), including—

(A) in the case of expenditures of funds of Department of Defense, a breakdown of such expenditures by military service or defense agency, line item, and program; and

(B) in the case of expenditures of funds of other departments and agencies of the United States, a breakdown of such expenditures by department or agency and by program.

SEC. 106. For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental Operation and Maintenance costs arising from hurricane damage to family housing units at Marine Corps Base Camp Lejeune, North Carolina and Marine Corps Air Station Cherry Point, North Carolina, $6,480,000, as authorized by 10 U.S.C. 2854.

CHAPTER 2

RESCISSIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $57,000,000 are rescinded.

MILITARY PERSONNEL, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $18,000,000 are rescinded.

MILITARY PERSONNEL, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

MILITARY PERSONNEL, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $23,000,000 are rescinded.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $196,000,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $51,000,000 are rescinded.

OPERATION AND MAINTENANCE, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $3,000,000 are rescinded.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $117,000,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $25,000,000 are rescinded.

ENVIRONMENTAL RESTORATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

FORMER SOVIET UNION THREAT REDUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $1,085,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $5,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $13,000,000 are rescinded.

MISSILE PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,707,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $24,000,000 are rescinded.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,296,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $15,400,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,236,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $18,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $11,000,000 are rescinded.

OTHER PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,502,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $34,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $52,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $16,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $6,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $812,000 are rescinded.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–396, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–139, $18,700,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $33,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $4,237,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $3,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $1,207,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $49,376,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $40,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $41,000,000 are rescinded.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $16,020,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $163,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $7,700,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,659,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $20,000,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $8,860,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $16,113,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $5,029,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $4,366,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $18,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $16,878,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $9,600,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $24,245,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $172,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $95,714,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $87,000,000 are rescinded.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $6,692,000 are rescinded.

OPERATIONAL TEST AND EVALUATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $160,000 are rescinded.

REVOLVING AND MANAGEMENT FUNDS

NATIONAL DEFENSE SEALIFT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $25,200,000 are rescinded.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $456,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $20,652,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $27,000,000 are rescinded.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

GENERAL PROVISIONS, CHAPTER 2

(RESCISSIONS)

SEC. 201. Of the funds appropriated in the Military Construction Appropriations Act, 1996 (Public Law 104–32), amounts are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Air National Guard", $5,000,000;

"Military Construction, Defense-wide", $41,000,000;

"Base Realignment and Closure Account, Part II", $35,391,000;

"Base Realignment and Closure Account, Part III", $75,638,000; and

"Base Realignment and Closure Account, Part IV", $22,971,000:

Provided, That of the funds appropriated in the Military Construction Appropriations Act, 1997 (Public Law 104–196), amounts are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Army", $1,000,000;

"Military Construction, Navy", $2,000,000;

"Military Construction, Air Force", $3,000,000; and

"Military Construction, Defense-wide", $3,000,000.

(RESCISSION)

SEC. 202. Of the funds appropriated for "Military Construction, Navy" under Public Law 103–307, $6,480,000 is hereby rescinded.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 301. The Department of Defense is directed to report to the congressional defense committees 30 days prior to transferring management, development, and acquisition authority over the elements of the National Missile Defense Program from the Military Services: *Provided*, That the Joint Requirements Oversight Council is directed to conduct an analysis and submit recommendations as to the recommended future roles of the Military Services with respect to development and deployment of the elements of the National Missile Defense Program: *Provided further*, That the analysis and recommendations shall be submitted to the congressional defense committees within 60 days of enactment of this Act: *Provided further*, That for 60 days following enactment of this Act, the Department of Defense shall take no actions to delay or defer planned activities under the National Missile Defense Program based solely on the conduct of the Joint Requirements Oversight Council analysis.

SEC. 302. Notwithstanding section 3612(a) of title 22, United States Code, the incumbent may continue to serve as the Secretary of Defense designee on the Board of the Panama Canal Commission if he retires as an officer of the Department of Defense, until and unless the Secretary of Defense designates another person to serve in this position.

SEC. 303. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.—

(a) AUTHORITY TO ENTER INTO LEASE.—The Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) TERM.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purpose of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an option provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the lessor of the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) CONSIDERATION.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other lessee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

(e) LIMITATION ON CERTAIN ACTIVITIES.—The Secretary may not obligate or expend funds for the costs of any utilities, maintenance and repair, or improvements under this lease under this section in any fiscal year unless funds are appropriated or otherwise made available for the Department of Defense for such payment in such fiscal year.

SEC. 304. Notwithstanding 31 U.S.C. 1502(a), 31 U.S.C. 1552(a), and 31 U.S.C. 1553(a), funds appropriated in Public Law 101–511, Public Law 102–396, and Public Law 103–139, under the heading "Weapons Procurement, Navy", that were obligated and expended to settle claims on the MK–50 torpedo program may continue to be obligated and expended to settle those claims.

SEC. 305. None of the funds available to the Department of Defense in this or any other Act shall be available to pay the cost of operating a National Missile Defense Joint Program Office which includes more than 55 military and civilian personnel located in the National Capital Region.

SEC. 306. Funds obligated by the National Aeronautics and Space Administration (NASA) in the amount of $61,300,000 during fiscal year 1996, pursuant to the "Memorandum of Agreement between the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission," signed September 8, 1994, and September 23, 1994, and Attachments A, B, and C to that Memorandum, shall be merged with Air Force appropriations available for research, development, test and evaluation and procurement for fiscal year 1996, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract.

SEC. 307. For the purposes of implementing the 1997 Defense Experimental Program to Stimulate Competitive Research (DEPSCoR), the term "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands of the United States, American Samoa and the Commonwealth of the Northern Mariana Islands.

TITLE II—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of direct and guaranteed loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, resulting from flooding and other natural disasters, $23,000,000, to remain available until expended, of which $18,000,000 shall be available for emergency insured loans and $5,000,000 shall be available for subsidized guaranteed operating loans: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $23,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of direct operating loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, $6,300,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency Conservation Program" for expenses, including carcass removal, resulting from flooding and other natural disasters, $70,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

TREE ASSISTANCE PROGRAM

An amount of $9,000,000 is provided for assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by natural disasters: *Provided*, That the entire amount shall be available only to the extent that an official budget request of $9,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

COMMODITY CREDIT CORPORATION FUND

DISASTER RESERVE ASSISTANCE PROGRAM

Effective only for losses in the fiscal year beginning October 1, 1996, through the date of enactment of this Act, the Secretary may use up to $50,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters pursuant to a Presidential or Secretarial declaration requested prior to the date of enactment of this Act in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): *Provided*, That in administering a program described in the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: *Provided further*, That notwithstanding any other provision of law, beginning on October 1, 1997, grain in the disaster reserve established in the Agricultural Act of 1970 shall not exceed 20 million bushels: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds,

including debris removal that would not be authorized under the Emergency Watershed Program, resulting from flooding and other natural disasters, including those in prior years, $166,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request for $166,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: *Provided further*, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected agricultural land, the Secretary may use sufficient amounts, not to exceed $15,000,000, from funds provided under this heading to accept bids from willing sellers to provide floodplain easements for such agricultural land inundated by floods: *Provided further*, That none of the funds provided under this heading shall be used for the salmon memorandum of understanding.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

RURAL HOUSING ASSISTANCE PROGRAM

Any unobligated balances remaining in the "Rural Housing Insurance Fund Program Account" from prior years' disaster supplementals shall be available until expended for Section 502 housing loans, Section 504 loans and grants, Section 515 loans, and domestic farm labor grants to meet emergency needs resulting from natural disasters: *Provided*, That such unobligated balances shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: *Provided further*, That such unobligated balances are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: *Provided further*, That notwithstanding section 520 of the Housing Act of 1949, as amended, (42 U.S.C. 1490) the College Station area of Pulaski County, Arkansas shall be eligible for loans and grants available through the Rural Housing Service: *Provided further*, That funds made available in Public Law 104–180 for Community Facility Grants for the Rural Housing Assistance Program may be provided to any community otherwise eligible for a Community Facility Loan for expenses directly or indirectly resulting from flooding and other natural disasters.

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for "Rural Utilities Assistance Program", for the cost of direct loans, loan guarantees, and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding and other natural disasters, $4,000,000, to remain available until September 30, 1998: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FOOD AND CONSUMER SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)" as authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. et seq.), $76,000,000, to remain available through September 30, 1998: *Provided*, That the Secretary shall allocate such funds through the existing formula or, notwithstanding sections 17(g), (h), or (i) of such Act and the regulations promulgated thereunder, such other means as the Secretary deems necessary.

GENERAL PROVISION, CHAPTER 1

SEC. 1001. COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the Committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by subsection (a) terminates effective April 5, 1999.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" for emergency infrastructure expenses and the capitalization of revolving loan funds related to recent flooding and other natural disasters, $52,200,000, to remain available until expended, of which not to exceed $2,000,000 may be available for administrative expenses and may be transferred to and merged with the appropriations for "Salaries and Expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

Of the amount provided under this heading in Public Law 104–208 for the Advanced Technology Program, not to exceed $35,000,000 shall be available for the award of new grants.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

Within amounts available for "Operations, Research, and Facilities" for Satellite Observing Systems, not to exceed $7,000,000 is available until expended to provide disaster assistance related to recent flooding and red tide pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, and not to exceed $2,000,000 is available until expended to implement the Magnuson-Stevens Fishery Conservation and Management Act: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $9,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, $10,800,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

For an additional amount for the operations of the Commission on the Advancement of Federal Law Enforcement, $2,000,000, to remain available until expended.

GENERAL PROVISIONS, CHAPTER 2

SEC. 2001. Of the funds currently contained within the "Counterterrorism Fund" of the Department of Justice, $3,000,000 is provided for allocation by the Attorney General to the appropriate unit or units of government in Ogden, Utah, for necessary expenses, including enhancements and upgrade of security and communications infrastructure, to counter any potential terrorism threat related to the 2002 Winter Olympic games to be held in Utah.

SEC. 2002. EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.—Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "September 30, 1996" and inserting "September 30, 1997".

SEC. 2003. Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by adding at the end thereof the following:

"(d) GOOD SAMARITAN EXEMPTION.—It shall not be a violation of this Act to take a marine mammal if—

"(1) such taking is imminently necessary to avoid serious injury, additional injury, or

death to a marine mammal entangled in fishing gear or debris;

"(2) reasonable care is taken to ensure the safe release of the marine mammal, taking into consideration the equipment, expertise, and conditions at hand;

"(3) reasonable care is exercised to prevent any further injury to the marine mammal; and

"(4) such taking is reported to the Secretary within 48 hours.".

SEC. 2004. Notwithstanding any other provision of law, the Secretary of Commerce shall have the authority to reprogram or transfer up to $41,000,000 of the amounts provided under "National Oceanic and Atmospheric Administration, Operations, Research, and Facilities" for Satellite Observing Systems in Public Law 104-208 for other programmatic and operational requirements of the National Oceanic and Atmospheric Administration and the Department of Commerce subject to notification of the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997 and which shall not be available for obligation or expenditure except in compliance with the procedure set forth in that section.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" for emergency expenses due to flooding and other natural disasters, $20,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General" for emergency expenses due to flooding and other natural disasters, $150,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99-662, shall be derived from that fund: *Provided further*, That of the total amount appropriated, $5,000,000 shall be available solely for the Secretary of the Army, acting through the Chief of Engineers, to pay the costs of the Corps of Engineers and other Federal agencies associated with the development of necessary studies, an interagency management plan, environmental documentation, continued monitoring, and other activities related to allocations of water in the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River Basins: *Provided further*, That no portion of such $5,000,000 may be used by the Corps of Engineers to revise its master operational manuals or water control plans for operation of the reservoirs for the two river basins until (1) the interstate compacts for the two river basins are ratified by the Congress by law; and (2) the water allocation formulas for the two river basins have been agreed to by the States of Alabama, Georgia, and Florida and the Federal representative to the compacts: *Provided further*, That the preceding proviso shall not apply to the use of such funds for any environmental reviews necessary for the Federal representative to approve the water allocation formulas for the two river basins: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies" due to flooding and other natural disasters, $415,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That with $5,000,000 of the funds appropriated herein, the Secretary of the Army is directed to initiate and complete preconstruction engineering and design and the associated Environmental Impact Statement for an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River: *Provided further*, That of the funds appropriated under this paragraph, $5,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4128) if the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", $7,355,000, to remain available until expended, to repair damage caused by floods and other natural disasters: *Provided*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund shall be derived from that fund: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 3

SEC. 3001. (a) Beginning in fiscal year 1997 and thereafter, the United States members and the alternate members appointed under the Susquehanna River Basin Compact (Public Law 91-575), and the Delaware River Basin Compact (Public Law 87-328), shall be officers of the U.S. Army Corps of Engineers, who hold Presidential appointments as Regular Army officers with Senate confirmation, and who shall serve without additional compensation.

(b) Section 2, Reservations, Paragraph (u) of Public Law 91-575 (84 Stat. 1509) and section 15.1, Reservations, Paragraph (d) of Public Law 87-328 (75 Stat. 688, 691) are hereby repealed.

(c) Section 2.2 of Public Law 87-328 (75 Stat. 688, 691) is amended by striking the words "during the term of office of the President" and inserting the words "at the pleasure of the President".

SEC. 3002. Notwithstanding section 5 of the Reclamation Safety of Dams Act of 1978, Public Law 95-578, as amended, the Secretary of the Interior is authorized to obligate up to $1,200,000 for carrying out actual construction for safety of dam purposes to modify the Willow Creek Dam, Sun River Project, Montana.

SEC. 3003. (a) CONSULTATION AND CONFERENCING.—As provided by regulations issued under the Endangered Species Act (16 U.S.C. 1531 et seq.) for emergency situations, formal consultation or conferencing under section 7(a)(2) or section 7(a)(4) of the Act for any action authorized, funded or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure may be deferred by the Federal agency authorizing, funding or carrying out the action, if the agency determines that the repair is needed to respond to an emergency causing an imminent threat to human lives and property in 1996 or 1997. Formal consultation or conferencing shall be deferred until the imminent threat to human lives and property has been abated. For purposes of this section, the term repair shall include preventive and remedial measures to restore the project, facility or structure to remove an imminent threat to human lives and property.

(b) REASONABLE AND PRUDENT MEASURES.—Any reasonable and prudent measures specified under section 7 of the Endangered Species Act (16 U.S.C. 1536) to minimize the impact of an action taken under this section shall be related both in nature and extent to the effect of the action taken to repair the flood control project, facility or structure.

CHAPTER 4

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

ASSISTANCE TO UKRAINE

SEC. 4001. The President may waive the minimum funding requirements contained in subsection (k) under the heading "Assistance for the New Independent States of the Former Soviet Union" contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as included in Public Law 104-208, for activities for the government of Ukraine funded in that subsection, if he determines and so reports to the Committees on Appropriations that the government of Ukraine:

(1) has not made progress toward implementation of comprehensive economic reform;

(2) is not taking steps to ensure that United States businesses and individuals are able to operate according to generally accepted business principles; or

(3) is not taking steps to cease the illegal dumping of steel plate.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction" to repair damage caused by floods and other natural disasters, $4,796,000, to remain available until expended, of which $4,403,000 is to be derived by transfer from unobligated balances of funds under the heading, "Oregon and California Grant Lands", made available as supplemental appropriations in Public Law 104-134: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California Grant Lands" to repair damage

caused by floods and other natural disasters, $2,694,000, to remain available until expended and to be derived from unobligated balances of funds under the heading, "Oregon and California Grant Lands", made available as supplemental appropriations in Public Law 104–134: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $5,300,000, to remain available until expended, for technical assistance and fish replacement made necessary by floods and other natural disasters, for restoration of public lands damaged by fire, and for payments to private landowners for the voluntary use of private land to store water in restored wetlands: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $88,000,000, to remain available until expended, to repair damage caused by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LAND ACQUISITION

For an additional amount for "Land Acquisition", $10,000,000, to remain available until expended, for the cost-effective emergency acquisition of land and water rights necessitated by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, $187,321,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of this amount, $30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress, and upon certification by the Secretary of the Interior to the President that a specific amount of such funds is required for (1) repair or replacement of concession use facilities at Yosemite National Park if the Secretary determines, after consulting with the Director of the Office of Management and Budget, that the repair or replacement of those facilities cannot be postponed until completion of an agreement with the Yosemite Concessions Services Corporation or any responsible third party to satisfy its repair or replacement obligations for the facilities, or (2) the Federal portion, if any, of the costs of repair or replacement of such concession use facilities: *Provided further*, That nothing herein should be construed as impairing in any way the rights of the United States against the Yosemite Concession Services Corporation or any other party or as relieving the Corporation or any other party of its obligations to the United States: *Provided further*, That prior to any final agreement by the Secretary with the Corporation or any other party concerning its obligation to repair or replace concession use facilities, the Solicitor of the Department of the Interior shall certify that the agreement fully satisfies the obligations of the Corporation or third party: *Provided further*, That nothing herein, or any payments, repairs, or replacements made by the Corporation or a third party in fulfillment of the Corporation's obligations to the United States to repair and replace damaged facilities, shall create any possessory interest for the Corporation or such third party in such repaired or replaced facilities: *Provided further*, That any payments made to the United States by the Corporation or a third party for repair or replacement of concession use facilities shall be deposited in the General Fund of the Treasury or, where facilities are repaired or replaced by the Corporation or any other third party, an equal amount of appropriations for "Construction" shall be rescinded.

For an additional amount for "Construction", $10,000,000, to remain available until expended, to make repairs, construct facilities, and provide visitor transportation and for related purposes at Yosemite National Park.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $4,650,000, to remain available until September 30, 1998, to repair or replace damaged equipment and facilities caused by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $14,317,000, to remain available until September 30, 1998, for emergency response activities, including emergency school operations, heating costs, emergency welfare assistance, and to repair and replace facilities and resources damaged by snow, floods, and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $6,249,000, to remain available until expended, to repair damages caused by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any other provision of law, funds appropriated herein and in Public Law 104–208 to the Bureau of Indian Affairs for repair of the Wapato irrigation project shall be made available on a nonreimbursable basis.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for emergency expenses resulting from flooding and other natural disasters, $39,677,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RECONSTRUCTION AND CONSTRUCTION

For an additional amount for "Reconstruction and Construction" for emergency expenses resulting from flooding and other natural disasters, $27,685,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for "Indian Health Services" for emergency expenses resulting from flooding and other natural disasters, $1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDIAN HEALTH FACILITIES

For an additional amount for "Indian Health Facilities" for emergency expenses resulting from flooding and other natural disasters, $2,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 5

SEC. 5001. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading "Title III—General Provisions" amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections "104%" and inserting in lieu thereof "100%"; by striking in each of those sections "1995" and inserting in lieu thereof "1994"; and by striking in each of those sections "and thereafter annually adjusted upward by 4%,".

SEC. 5002. Section 101(d) of Public Law 104–208 is amended as follows: Under the heading "Administrative Provisions, Indian Health Service" strike the seventh proviso and insert the following in lieu thereof: ": *Provided further*, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended".

SEC. 5003. (a) EXTENSION AND EFFECTIVE DATE.—Section 3711(b)(1) of the San Carlos

Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking "June 30, 1997" and inserting "March 31, 1999".

(b) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—Section 3711 of such Act is amended by adding at the end the following new subsection:

"(c) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—If, at any time prior to March 31, 1999, the Secretary notifies the Committee on Indian Affairs of the United States Senate or the Committee on Resources in the United States House of Representatives that the Settlement Agreement, as executed by the Secretary, has been submitted to the Superior Court of the State of Arizona in and for Maricopa County for consideration and approval as part of the General Adjudication of the Gila River System and Source, the March 31, 1999, referred to in subsection (b)(1) shall be deemed to be changed to December 31, 1999.".

(c) COUNTIES.—Section 3706(b)(3) of such Act is amended by inserting "Gila, Graham, Greenlee," after "Maricopa,".

(d) PARTIES TO AGREEMENT.—Section 3703(2) of such Act is amended by adding at the end the following new sentence: "The Gila Valley Irrigation District and the Franklin Irrigation District shall be added as parties to the Agreement, but only so long as none of the aforementioned parties objects to adding the Gila Valley Irrigation and/or the Franklin Irrigation District as parties to the Agreement.".

(e) DEFINITIONS.—Section 3703 of such Act is amended by adding the following new paragraphs:

"(12) 'Morenci mine complex' means the lands owned or leased by Phelps Dodge Corporation, now or in the future, delineated in a map as 'Phelps Dodge Mining, Mineral Processing, and Auxiliary Facilities Water Use Area', which map is dated March 19, 1996, and is on file with the Secretary of the Interior.

"(13) 'Upper Eagle Creek Wellfield' means that area in Greenlee County which is bounded by the eastern boundary of Graham County on the west, the southern boundary of the Black River watershed on the north, a line running north and south 5 miles east of the eastern boundary of Graham County on the east, and the southern boundary of the natural drainage of Cottonwood Canyon on the south.".

(f) BLACK RIVER FACILITIES.—Section 3711 of such Act, as amended by subsection (b) of this Act, is further amended by adding at the end the following:

"(d) BLACK RIVER FACILITIES.—

"(1) IN GENERAL.—The provisions and agreements set forth or referred to in paragraphs (2), (3), and (4) below shall be enforceable against the United States in United States district court, and the immunity of the United States for such purposes and for no other purpose is hereby waived. The provisions and agreements set forth or referred to in paragraphs (2)(A), (3), and (4) below shall be enforceable against the Tribe in United States district court, and the immunity of the Tribe for such purposes and for no other purpose, is hereby waived. The specific agreements made by the Tribe and set forth in paragraph (5) shall be enforceable against the Tribe in United States district court, and the immunity of the Tribe is hereby waived as to such specific agreements and for no other purpose.

"(2) INTERIM PERIOD.—

"(A) As of July 23, 1997, Phelps Dodge shall vacate the reservation and no longer rely upon permit #2000089, dated July 25, 1944. On such date the United States, through the Bureau of Reclamation, shall enter, operate, and maintain the Black River pump station, outbuildings, the pipeline, related facilities, and certain caretaker quarters (hereinafter referred to collectively as the 'Black River facilities').

"(B) The United States and Phelps Dodge shall enter into a contract for delivery of water pursuant to subparagraph (C), below. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the diversion and use of up to 7,300 acre feet per year by the San Carlos Apache Tribe, and no such diversion for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. The United States shall account for the costs for operating and maintaining the Black River facilities, and Phelps Dodge shall reimburse the United States for such costs. Phelps Dodge shall pay to the United States, for delivery to the Tribe, the sum of $20,000 per month, with an annual CPI adjustment from July 23, 1997, for purposes of compensating the Tribe for United States use and occupancy of the Black River facilities. Phelps Dodge and the Tribe shall cooperate with the United States in effectuating an orderly transfer of the operations of the Black River facilities from Phelps Dodge to the United States.

"(C) Notwithstanding any other provision of law, the contract referred to in subparagraph (B) between the United States and Phelps Dodge which provides for the diversion of water from the Black River into the Black River facilities, and the delivery of such water to Phelps Dodge at that location where the channel of Eagle Creek last exits the reservation for use in the Morenci mine complex and the towns of Clifton and Morenci and at no other location, is ratified and confirmed.

"(D) The power line right-of-way over the Tribe's Reservation which currently is held by Phelps Dodge shall remain in place. During the interim period, Phelps Dodge shall provide power to the United States for operation of the pump station and related facilities without charge, and Phelps Dodge shall pay a monthly right-of-way fee to the Tribe of $5,000 per month, with an annual CPI adjustment from July 23, 1997.

"(E) Any questions regarding the water claims associated with Phelps Dodge's use of the Upper Eagle Creek Wellfield, its diversions of surface water from Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed in this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

"(3) FINAL ARRANGEMENTS AND TERMS.—The interim period described in paragraph (2) shall extend until all conditions set forth in paragraph (3)(B) have been satisfied. At such time, the following final arrangements shall apply, based on the terms set forth below. Such terms shall bind the Tribe, the United States, and Phelps Dodge, and shall be enforceable pursuant to subsection (d)(1) of this Act.

"(A) The United States shall hold the Black River facilities in trust for the Tribe, without cost to the Tribe or the United States.

"(B) Responsibility for operation of the Black River facilities shall be transferred from the United States to the Tribe. The United States shall train Tribal members during the interim period, and the responsibility to operate the Black River facilities shall be transferred upon satisfaction of 2 conditions—

"(i) a finding by the United States that the Tribe has completed necessary training and is qualified to operate the Black River facilities; and

"(ii) execution of the contract described in paragraph (3)(E), which contract shall be executed on or before December 31, 1998. In the event that the contract is not executed by December 31, 1998, the transfer described in this subsection shall occur on December 31, 1998 (so long as condition (i) of this subparagraph has been satisfied), based on application of the contract terms described in paragraph (3)(E), which terms shall be enforceable under this Act. Upon the approval of the Secretary, the Tribe may contract with third parties to operate the Black River facilities.

"(C) Power lines currently operated by Phelps Dodge on the Tribe's Reservation, and the right-of-way associated with such power lines, shall be surrendered by Phelps Dodge to the Tribe, without cost to the Tribe. Prior to the surrender of the power lines, the Bureau of Reclamation shall arrange for an inspection of the power lines and associated facilities by a qualified third party and shall obtain a certification that such power lines and facilities are of sound design and are in good working order. Phelps Dodge shall pay for the cost of such inspection and certification. Concurrently with the surrender of the power lines and the right-of-way, Phelps Dodge shall construct a switch station at the boundary of the Reservation at which the Tribe may switch power on or off and shall deliver ownership and control of such switch station to the Tribe. Subsequent to the transfer of the power lines and the right-of-way and the delivery of ownership and control of the switch station to the Tribe, Phelps Dodge shall have no further obligation or liability of any nature with respect to the ownership, operation, or maintenance of the power lines, the right-of-way, or the switch station.

"(D) The Tribe and the United States will enter into an exchange agreement with the Salt River Project which will deliver CAP water controlled by the Tribe to the Salt River Project in return for the diversion of water from the Black River into the Black River facilities. The exchange agreement shall be subject to review and approval by Phelps Dodge, which approval shall not be unreasonably withheld. Notwithstanding any other provision of law, the contract referred to in this subparagraph is ratified and confirmed.

"(E) The Tribe, the United States, and Phelps Dodge will execute a contract covering the lease and delivery of CAP water from the Tribe to Phelps Dodge on the following terms:

"(i) The Tribe will lease to Phelps Dodge 14,000 acre feet of CAP water per year as of the date on which the interim period referred to in paragraph (2) expires. The lease shall be subject to the terms and conditions identified in the Tribal CAP Delivery Contract referenced in section 3706(b). The leased CAP water shall be delivered to Phelps Dodge from the Black River pursuant to the exchange referred to in subparagraph (D) above, based on diversions from the Black River that shall not exceed an annual average of 40 acre feet per day and shall not cause the flow of Black River to fall below 20 cubic feet per second. Such CAP water shall

be delivered to Phelps Dodge at that location where the channel of Eagle Creek last exits the Reservation, to be utilized in the Morenci mine complex and the towns of Clifton and Morenci, and at no other location.

"(ii) The leased CAP water shall be junior to the diversion and use of up to 7,300 acre feet per year from the Black and Salt Rivers by the San Carlos Apache Tribe.

"(iii) The lease will be for a term of 50 years or, if earlier, the date upon which mining activities at the Morenci mine complex cease, with a right to renew for an additional 50 years upon a finding by the Secretary that the water is needed for continued mining activities at the Morenci mine complex. The lease shall have the following financial terms:

"(I) The Tribe will lease CAP water at a cost of $1,200 per acre foot. Phelps Dodge shall pay to the United States, on behalf of the Tribe, the sum of $5,000,000 upon the earlier of the execution of the agreement, or upon the expiration of the interim period referred to in paragraph (2) hereof, which amount shall be a prepayment for and applicable to the first 4,166 acre feet of CAP water to be delivered in each year during the term of the lease.

"(II) Phelps Dodge shall pay the United States, on behalf of the Tribe, the sum of $65 per acre foot per year, with an annual CPI adjustment for the remaining 9,834 acre feet of water to be delivered pursuant to the lease each year. Such payments shall be made in advance on January 1 of each year, with a reconciliation made at year-end, if necessary, in the event that less than 14,000 acre feet of CAP water is diverted from the Black River due to shortages in the CAP system or on the Black River.

"(III) Phelps Dodge shall pay in advance each month the Tribe's reasonable costs associated with the Tribe's operation, maintenance, and replacement of the Black River facilities for purposes of delivering water to Phelps Dodge pursuant to the lease, which costs shall be based upon the experience of the Bureau of Reclamation in operating the Black River facilities during the interim period referred to in paragraph (2), subject to an annual CPI adjustment, and providing for a credit for power provided by Phelps Dodge to the Tribe. In addition, Phelps Dodge shall pay a monthly fee of $30,000 to the United States, on behalf of the Tribe, to account for the use of the Tribe's distribution system.

"(IV) Phelps Dodge shall pay the United States operation, maintenance, and replacement charges associated with the leased CAP water and such reasonable interconnection charges as may be imposed by Salt River Project in connection with the exchange referred to in subparagraph (D) above.

"(iv) Notwithstanding the provisions of section 3707(b), any moneys, except Black River facilities OM&R, CAP OM&R and any charges associated with an exchange agreement with Salt River Project, paid to the United States on behalf of the Tribe from the lease referred to under paragraph (3)(D)(iii) shall be held in trust by the United States for the benefit of the Tribe. There is hereby established in the Treasury of the United States a fund to be known as the 'San Carlos Apache Tribe Lease Fund' for such purpose. Interest accruing to the Fund may be used by the Tribe for economic and community development purposes upon presentation to the Secretary of a certified copy of a duly enacted resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council. Such income may thereafter be expended only in accordance with such budget. Income not distributed shall be added to principal. The United States shall not be liable for any claim or causes of action arising from the Tribe's use or expenditure of moneys distributed from the Fund.

"(v) The lease is not assignable to any third party, except with the consent of the Tribe and Phelps Dodge, and with the approval of the Secretary.

"(vi) Notwithstanding subsection (b) hereof, section 3706 shall be fully effective immediately with respect to the CAP water lease provided for in this subparagraph and the Secretary shall take all actions authorized by section 3706 necessary for purposes of implementing this subparagraph. Notwithstanding any other provision of law, the contract referred to in this subparagraph is ratified and confirmed and shall be enforceable in United States district court. In the event that no lease authorized by this subparagraph is executed, this subparagraph, notwithstanding any other provision of law, shall be enforceable as a lease among the Tribe, the United States, and Phelps Dodge in the United States district court, and the Secretary shall take all action authorized by section 3706 for purposes of implementing this subparagraph in such an event.

"(F) Any questions regarding the water claims associated with Phelps Dodge's use of the Eagle Creek Wellfield, its diversions of surface water from lower Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed by this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

"(4) EAGLE CREEK.—From the effective date of this subsection, and during the Interim Period, the Tribe shall not, in any way, impede, restrict, or sue the United States regarding the passage of water from the Black River facilities into those portions of the channels of Willow Creek and Eagle Creek which flow through the Reservation. Phelps Dodge agrees to limit pumping from the Upper Eagle Creek Wellfield so that the combination of water from the Black River facilities and water pumped from the Upper Eagle Creek Wellfield does not exceed 22,000 acre feet per year of delivered water at the Phelps Dodge Lower Eagle Creek Pump Station below the Reservation. In calculating the pumping rates allowed under this subparagraph, transmission losses from Black River and the Upper Eagle Creek Wellfield shall be estimated, but in no event shall such transmission losses be more than 10 percent of the Black River or Upper Eagle Creek Wellfield water. Based on this agreement, the Tribe shall not, in any way, impede, restrict, or sue Phelps Dodge regarding the passage of water from the Phelps Dodge Upper Eagle Creek Wellfield, except that—

"(A) Phelps Dodge shall pay to the United States, on behalf of the Tribe, $5,000 per month, with an annual CPI adjustment from July 23, 1997, to account for the passage of such flows; and

"(B) the Tribe and the United States reserve the right to challenge Phelps Dodge's claims regarding the pumping of groundwater from the Upper Eagle Creek Wellfield, in accordance with paragraphs (2)(E) and (3)(F) above. In the event that a court determines that Phelps Dodge does not have the right to pump the Upper Eagle Creek Wellfield, the Tribe will no longer be subject to the restriction set forth in this subparagraph regarding the passage of water from the Wellfield through the Reservation. Nothing in this subsection shall affect the rights, if any, that Phelps Dodge might claim regarding the flow of water in the channel of Eagle Creek in the absence of this subsection.

"(5) PAST CLAIMS.—The Act does not address claims relating to Phelps Dodge's prior occupancy and operation of the Black River facilities. The Tribe agrees not to bring any such claims against the United States. The Tribe also agrees that within 30 days after Phelps Dodge has vacated the Reservation, it shall dismiss with prejudice the suit that it has filed in Tribal Court against Phelps Dodge (The San Carlos Apache Tribe v. Phelps Dodge, et al., Case No. C–97–118), which such dismissal shall not be considered a decision on the merits, and any claims that it might assert against Phelps Dodge in connection with Phelps Dodge's prior occupancy and operation of the Black River facilities shall be brought exclusively in the United States district court.

"(6) RELATIONSHIP TO SETTLEMENT.—

"(A) The term 'Agreement', as defined by section 3703(2), shall not include Phelps Dodge.

"(B) Section 3706(j) and section 3705(f) shall be repealed and shall have no effect.

"(7) RATIFICATION OF SETTLEMENT.—The agreement between the San Carlos Apache Tribe, the Phelps Dodge Corporation, and the Secretary of the Interior, as set forth in this subsection, is hereby ratified and approved.".

(g) TECHNICAL AMENDMENT.—Section 3702(a)(3) is amended by striking "qualification" and inserting "quantification".

SEC. 5004. Paragraph (5) of section 104(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended as follows:

(1) In subparagraph (A), by striking ", including polar bears taken but not imported prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994,".

(2) By adding the following new subparagraph at the end thereof:

"(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30 day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph.".

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Public Law 104–208, under the heading "Health Education Assistance Loans Program" is amended by inserting after "$140,000,000" the following: ": *Provided further*, That the Secretary may use up to $499,000 derived by transfer from insurance premiums collected from guaranteed loans made under title VII of the Public Health Service Act for the purpose of carrying out section 709 of that Act".

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

Public Law 104–208, under the heading titled "Children and Families Services Programs" is amended by inserting after the reference to "part B(1) of title IV" the following: "and section 1110".

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support high priority health research, $15,000,000, to remain available until expended: *Provided*, That the Secretary shall award such funds on a competitive basis.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For additional amounts to carry out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, $101,133,000, of which $78,362,000 shall be for Basic Grants and $22,771,000 shall be for Concentration Grants, which shall be allocated, notwithstanding any other provision of law, only to those States, and counties within those States, that will receive, from funds available under the Department of Education Appropriations Act, 1997, smaller allocations for Grants to Local Educational Agencies than they would have received had those allocations been calculated entirely on the basis of child poverty counts from the 1990 census: *Provided*, That the Secretary of Education shall use these additional funds to provide those States with 50 percent of the difference between the allocations they would have received had the allocations under that Appropriations Act been calculated entirely on the basis of the 1990 census data and the allocations under the 1997 Appropriations Act: *Provided further*, That if any State's total allocation under that Appropriations Act and this paragraph is less than its 1996 allocation for that subpart, that State shall receive, under this paragraph, the amount the State would have received had that allocation been calculated entirely on the basis of child poverty counts from the 1990 census: *Provided further*, That the Secretary shall ratably reduce the allocations to States under the preceding proviso for either Basic Grants or Concentration Grants, or both, as the case may be, if the funds available are insufficient to make those allocations in full: *Provided further*, That the Secretary shall allocate, to such counties in each such State, additional amounts for Basic Grants and Concentration Grants that are in the same proportion, respectively, to the total amounts allocated to the State, as the differences between such counties' initial allocations for Basic Grants and Concentration Grants, respectively (compared to what they would have received had the initial allocations been calculated entirely on the basis of 1990 census data), are to the differences between the State's initial allocations for Basic Grants and Concentration Grants, respectively (compared to the amounts the State would have received had the initial allocations been calculated entirely on the basis of 1990 census data): *Provided further*, That the funds appropriated under this paragraph shall become available on July 1, 1997 and shall remain available through September 30, 1998: *Provided further*, That the additional amounts appropriated under this paragraph shall not be taken into account in determining State allocations under any other program administered by the Secretary.

RELATED AGENCY

NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION

SALARIES AND EXPENSES

For necessary expenses for the National Commission on the Cost of Higher Education, $650,000, to remain available until expended.

GENERAL PROVISIONS, CHAPTER 6

SEC. 6001. Notwithstanding any other provision of law, fiscal year 1995 funds awarded under State-administered programs of the Department of Education and funds awarded for fiscal year 1996 for State-administered programs under the Rehabilitation Act of the Department of Education to recipients in Presidentially declared disaster areas, which were declared as such during fiscal year 1997, are available to those recipients for obligation until September 30, 1998: *Provided*, That for the purposes of assisting those recipients, the Secretary's waiver authority under section 14401 of the Elementary and Secondary Education Act of 1965 shall be extended to all State-administered programs of the Department of Education. This special waiver authority applies only to funds awarded for fiscal years 1995, 1996, and 1997.

SEC. 6002. Notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Higher Education Act that the Secretary deems necessary to assist individuals and other program participants who suffered financial harm from natural disasters and who, at the time the disaster struck were operating, residing at, or attending an institution of higher education, or employed within these areas on the date which the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): *Provided further*, That such authority shall be in effect only for awards for award years 1996–1997 and 1997–1998.

SEC. 6003. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 1997 may be used to administer or implement in Denver, Colorado, the Medicare Competitive Pricing/Open Enrollment Demonstration, as titled in the April 1, 1997, Final Request for Proposals (RFP).

SEC. 6004. EMERGENCY USE OF CHILD CARE FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning on April 30, 1997, and ending on July 30, 1997, the Governors of the States described in paragraph (1) of subsection (b) may, subject to subsection (c), use amounts received for the provision of child care assistance or services under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) to provide emergency child care services to individuals described in paragraph (2) of subsection (b).

(b) ELIGIBILITY.—

(1) OF STATES.—A State described in this paragraph is a State in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or that an area within the State is determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997.

(2) OF INDIVIDUALS.—An individual described in this subsection is an individual who—

(A) resides within any area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997; and

(B) is involved in unpaid work activities (including the cleaning, repair, restoration, and rebuilding of homes, businesses, and schools) resulting from the flood emergency described in subparagraph (A).

(c) LIMITATIONS.—

(1) REQUIREMENTS.—With respect to assistance provided to individuals under this section, the quality, certification and licensure, health and safety, nondiscrimination, and other requirements applicable under the Federal programs referred to in subsection (a) shall apply to child care provided or obtained under this section.

(2) AMOUNT OF FUNDS.—The total amount utilized by each of the States under subsection (a) during the period referred to in such subsection shall not exceed the total amount of such assistance that, notwithstanding the enactment of this section, would otherwise have been expended by each such State in the affected region during such period.

(d) PRIORITY.—In making assistance available under this section, the Governors described in subsection (a) shall give priority to eligible individuals who do not have access to income, assets, or resources as a direct result of the flooding referred to in subsection (b)(2)(A).

EXTENSION OF SSI REDETERMINATION PROVISIONS

SEC. 6005. (a) Section 402(a)(2)(D)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)(1)) is amended—

(1) in subclause (I), by striking "the date which is 1 year after such date of enactment," and inserting "September 30, 1997,"; and

(2) in subclause (III), by striking "the date of the redetermination with respect to such individual" and inserting "September 30, 1997,".

(b) The amendment made by subsection (a) shall be effective as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

CHAPTER 7

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

(TRANSFER OF FUNDS)

For an additional amount for expenses of the "Office of the Secretary of the Senate", to carry out the provisions of section 8 of the Legislative Branch Appropriations Act, 1997, $5,000,000, to remain available until September 30, 2000, to be derived by transfer from funds previously appropriated from fiscal year 1997 funds under the heading "SENATE", subject to the approval of the Committee on Appropriations.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Marissa, Sonya, and Frank (III) Tejeda, children of Frank Tejeda, late a Representative from the State of Texas, $133,600.

OTHER AGENCY

BOTANIC GARDEN

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses, Botanic Garden", $3,500,000, to remain available until expended, for emergency repair and renovation of the Conservatory.

GENERAL PROVISIONS, CHAPTER 7

SEC. 7001. Section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61-1(f)) is amended by adding at the end the following: "The limitation on the minimum rate of gross compensation under this subsection shall not apply to any member or civilian employee of the Capitol Police whose compensation is disbursed by the Secretary of the Senate.".

SEC. 7002. (a) Notwithstanding any other provision of law or regulation, with the approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate is authorized to provide additional facilities, services, equipment, and office space for use by a Senator in that Senator's State in connection with a disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Expenses incurred by the Sergeant at Arms and Doorkeeper of the Senate under this section shall be paid from the appropriation account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate with the approval of the Committee on Rules and Administration of the Senate.

(b) This section is effective on and after the date of enactment of this Act.

SEC. 7003. (a) Section 2 of Public Law 100-71 (2 U.S.C. 65f) is amended by adding at the end the following:

"(c) Upon the written request of the Secretary of the Senate, with the approval of the Committee on Appropriations of the Senate, there shall be transferred any amount of funds available under subsection (a) specified in the request, but not to exceed $10,000 in any fiscal year, from the appropriation account (within the contingent fund of the Senate) for expenses of the Office of the Secretary of the Senate to the appropriation account for the expense allowance of the Secretary of the Senate. Any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.".

(b) The amendment made by subsection (a) shall be effective with respect to appropriations for fiscal years beginning on or after October 1, 1996.

SEC. 7004. The Comptroller General may use available funds, now and hereafter, to enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year and to enter in multiyear contracts for the acquisition of property and nonaudit-related services, to the same extent as executive agencies under the authority of sections 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. 253l and 254c).

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $1,600,000, for necessary expenses directly related to support activities in the TWA Flight 800 crash investigation, to remain available until expended.

RETIRED PAY

For an additional amount for "Retired Pay", $9,200,000.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from flooding and other natural disasters, as authorized by 23 U.S.C. 125, $650,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from the December 1996 and January 1997 flooding in the western States.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The limitation under this heading in Public Law 104-205 is increased by $694,810,534: *Provided*, That such additional authority shall remain available during fiscal year 1997: *Provided further*, That notwithstanding any other provision of law, the authority provided herein above shall be distributed to ensure that States receive an amount they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996: *Provided further*, That notwithstanding any other provision of law, $318,077,043 of the amount provided herein above shall be distributed to assure that States receive obligation authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996: *Provided further*, That the remaining authority provided herein above shall be distributed to those States whose share of Federal-aid obligation limitation under section 310 of Public Law 104-205 is less than the amount such States received under section 310(a) of Public Law 104-50 in fiscal year 1996 in a ratio equal to the amounts necessary to bring each such State to the Federal-aid obligation limitation distributed under section 310(a) of Public Law 104-50.

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods, $18,900,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: *Provided*, That up to $900,000 shall be solely for damage incurred in West Virginia in September 1996 and $18,000,000 shall be solely for damage incurred in the Northern Plains States in March and April 1997: *Provided further*, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: *Provided further*, That railroad rights-of-way, bridges, and other facilities owned by class I railroads are not eligible for funding under this head unless the rights-of-way, bridges or other facilities are under contract lease to a class II or class III railroad under which the lessee is responsible for all maintenance costs of the line: *Provided further*, That railroad rights-of-way, bridges and other facilities owned by passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this head: *Provided further*, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That all funds made available under this head are to remain available until September 30, 1997.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", for emergency expenses resulting from the crashes of TWA Flight 800, ValuJet Flight 592, and Comair Flight 3272, and for assistance to families of victims of aviation accidents as authorized by Public Law 104-264, $29,859,000, of which $4,877,000 shall remain available until expended: *Provided*, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any other provision of law, not more than $10,330,000 shall be provided by the National Transportation Safety Board to the Department of the Navy as reimbursement for costs incurred in connection with recovery of wreckage from TWA Flight 800 and shall be credited to the appropriation contained in the Omnibus Consolidated Appropriations Act, 1997, which is available for the same purpose as the appropriation originally charged for the expense for which the reimbursements are received, to be merged with, and to be available for the same purpose as the appropriation to which such reimbursements are credited: *Provided further*, That notwithstanding any other provision of law, of the amount provided to the National Transportation Safety Board, not more than $6,059,000 shall be made available to the State of New York and local counties in New York, as reimbursement for costs incurred in connection with the crash of TWA Flight 800: *Provided further*, That notwithstanding any other provision of law, of the amount provided, not more than $3,100,000 shall be made available to Metropolitan Dade County, Florida as reimbursement for costs incurred in connection with the crash of ValuJet Flight 592: *Provided further*, That notwithstanding any other provision of law, of the amount provided, not more than $300,000 shall be made available to Monroe County, Michigan as reimbursement for costs incurred in connection with the crash of Comair Flight 3272.

GENERAL PROVISIONS, CHAPTER 8

SEC. 8001. Title I of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended under the heading "Federal Transit Administration—Discretionary Grants" by striking "$661,000,000" and inserting "$661,000".

SEC. 8002. Section 325 of title III of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended by deleting all text following: "*Provided*, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.".

SEC. 8003. Section 410(j) of title 23, United States Code, is amended by striking the period after "1997" and inserting ", and an additional $500,000 for fiscal year 1997.".

SEC. 8004. Section 30308(a) of title 49, United States Code, is amended by striking "and 1996" and inserting ", 1996, and 1997".

CHAPTER 9

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount under the heading "Departmental Offices, Salaries and Expenses", $1,950,000: *Provided*, That the Secretary of the Treasury may utilize the law enforcement services, personnel, equipment, and facilities of the State of Colorado, the County of Denver, and the City of Denver, with their consent, and shall reimburse the State of Colorado, the County of Denver, and the City of Denver for the utilization of such law enforcement services, personnel (for salaries, overtime, and benefits), equipment, and facilities for security arrangements for the Denver Summit of Eight being held June 20 through June 22, 1997, in Denver, Colorado subject to verification of appropriate costs.

COUNTER-TERRORISM AND DRUG LAW ENFORCEMENT

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 104–208, $16,000,000 shall be available until September 30, 1998 to develop further the Automated Targeting System.

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (d) of section 2401 of title 39, United States Code, $5,383,000.

GENERAL PROVISIONS, CHAPTER 9

SEC. 9001. The Administrator of General Services is authorized to obligate the funds appropriated in Public Law 104–208 for construction of the Montgomery, Alabama courthouse.

SEC. 9002. None of the funds appropriated or made available in this Act or any other Act may be used by the General Services Administration to implement section 1555 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) prior to the date of adjournment of the first session of the 105th Congress.

SEC. 9003. (a) The Bureau of Engraving and Printing and the Department of the Treasury shall not award a contract for Solicitation No. BEP–97–13(TN) or Solicitation No. BEP–96–13(TN) until the General Accounting Office (GAO) has completed a comprehensive analysis of the optimum circumstances for government procurement of distinctive currency paper. The GAO shall report its findings to the House and Senate Committees on Appropriations no later than August 1, 1998.

(b) The contractual term of the distinctive currency paper "bridge" contract shall not exceed 24 months, and the contract shall not be effective until the Secretary of the Department of the Treasury certifies that the price under the terms of any "bridge" contract is fair and reasonable and that the terms of any "bridge" contract are customary and appropriate according to Federal procurement regulations. In addition, the Secretary of the Treasury shall report to the Committees on Appropriations on the price and profit levels of any "bridge" contract at the time of certification.

SEC. 9004. (a) Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following:

"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"§ 6391. Authority for leave transfer program in disasters and emergencies

"(a) For the purpose of this section—

"(1) 'employee' means an employee as defined in section 6331(1); and

"(2) 'agency' means an Executive agency.

"(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by such disaster or emergency.

"(c) The Office shall establish appropriate requirements for the operation of the emergency leave transfer program under subsection (b), including appropriate limitations on the donation and use of annual leave under the program. An employee may receive and use leave under the program without regard to any requirement that any annual leave and sick leave to a leave recipient's credit must be exhausted before any transferred annual leave may be used.

"(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office, donate annual leave to the emergency leave transfer program established under subsection (b).

"(e) Except to the extent that the Office may prescribe by regulation, nothing in section 7351 shall apply to any solicitation, donation, or acceptance of leave under this section.

"(f) The Office shall prescribe regulations necessary for the administration of this section.".

(b) The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"6391. Authority for leave transfer program in disasters and emergencies.".

CHAPTER 10

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $928,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Secretary of Veterans Affairs may carry out the construction of a multi-story parking garage at the Department of Veterans Affairs medical center in Cleveland, Ohio, in the amount of $12,300,000, and there is authorized to be appropriated for fiscal year 1997 for the Parking Revolving Fund account, a total of $12,300,000 for this project.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Notwithstanding any other provision of law, of the $1,000,000 appropriated for special purpose grants in Public Law 102–139, for a parking garage in Ashland, Kentucky, $500,000 shall be made available instead for use in acquiring parking in Ashland, Kentucky and $500,000 shall be made available instead for the restoration of the Paramount Theater in Ashland, Kentucky.

PRESERVING EXISTING HOUSING INVESTMENT

For an additional amount for "Preserving existing housing investment", to be made available for use in conjunction with properties that are eligible for assistance under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the Emergency Low Income Housing Preservation Act of 1987, $3,500,000, to remain available until expended: *Provided*, That up to such amount shall be for a project in Syracuse, New York, the processing for which was suspended, deferred or interrupted for a period of nine months or more because of differing interpretations, by the Secretary of Housing and Urban Development and an owner, concerning the timing of the ability of an uninsured section 236 property to prepay, or by the Secretary and a State rent regulatory agency concerning the effect of a presumptively applicable State rent control law or regulation on the determination of preservation value under section 213 of such Act, if the owner of such project filed a notice of intent to extend the low-income affordability restrictions of the housing on or before August 23, 1993, and the Secretary approved the plan of action on or before July 25, 1996.

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING

(TRANSFER OF FUNDS)

For "Capacity building for community development and affordable housing", as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), $30,200,000, to remain available until expended, and to be derived by transfer from the Homeownership and Opportunity for People Everywhere Grants account: *Provided*, That at least $10,000,000 of the funding under this head be used in rural areas, including tribal areas.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

For an additional amount for "Community development block grants fund", as authorized under title I of the Housing and Community Development Act of 1974, $500,000,000, of which $250,000,000 shall become available for obligation on October 1, 1997, all of which shall remain available until September 30, 2000, for use only for buyouts, relocation, long-term recovery, and mitigation in communities affected by the flooding in the upper Midwest and other disasters in fiscal year 1997 and such natural disasters designated 30 days prior to the start of fiscal year 1997, except those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or

the Army Corps of Engineers: *Provided*, That in administering these amounts, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary of Housing and Urban Development shall publish a notice in the Federal Register governing the use of community development block grants funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: *Provided further*, That for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each State or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: *Provided further*, That the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursements and uses of funds for or associated with buyouts: *Provided further*, That for purposes of disasters eligible under this head the Secretary of Housing and Urban Development may waive, on a case-by-case basis and upon such other terms as the Secretary may specify, in whole or in part, the requirements that activities benefit persons of low- and moderate-income pursuant to section 122 of the Housing and Community Development Act of 1974, and may waive, in whole or in part, the requirements that housing qualify as affordable housing pursuant to section 290 of the HOME Investment Partnerships Act: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Of the funds appropriated under this head in Public Law 104–204, the Secretary of Housing and Urban Development shall enter into a contract with the National Academy of Public Administration not to exceed $1,000,000 no later than one month after enactment of this Act for an evaluation of the Department of Housing and Urban Development's management systems.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

BUILDINGS AND FACILITIES

From the amounts appropriated under this heading in prior appropriation Acts for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall, after the closing of the period for filing CERT-related claims pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against the EPA pursuant to such Act. To the extent that unobligated balances then remain from such amounts previously appropriated, the EPA is authorized beginning in fiscal year 1997 to make grants to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

STATE AND TRIBAL ASSISTANCE GRANTS

The funds appropriated in Public Law 104–204 to the Environmental Protection Agency under this heading for grants to States and federally recognized tribes for multi-media or single media pollution prevention, control, and abatement and related activities, $674,207,000, may also be used for the direct implementation by the Federal Government of a program required by law in the absence of an acceptable State or tribal program.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster relief", $3,300,000,000, to remain available until expended: *Provided*, That $2,300,000,000 shall become available for obligation on September 30, 1997, but shall not become available until the Director of the Federal Emergency Management Agency submits to the Congress a legislative proposal to control disaster relief expenditures including the elimination of funding for certain revenue producing facilities: *Provided further*, That of the funds made available under this heading, up to $20,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000,000 under section 417 of the Stafford Act: *Provided further*, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: *Provided further*, That the entire amount appropriated herein shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount appropriated herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 10

SEC. 10001. The Secretary shall submit semi-annually to the Committees on Appropriations a list of all contracts and task orders issued under such contracts in excess of $250,000 which were entered into during the prior 6-month period by the Secretary, the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight (or by any officer of the Department of Housing and Urban Development, the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight acting in his or her capacity to represent the Secretary or these entities). Each listing shall identify the parties to the contract, the term and amount of the contract, and the subject matter and responsibilities of the parties to the contract.

SEC. 10002. Section 8(c)(9) of the United States Housing Act of 1937 is amended by striking out "Not less than one year prior to terminating any contract" and inserting in lieu thereof: "Not less than 180 days prior to terminating any contract".

SEC. 10003. The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 is amended by striking out "on not more than 12,000 units during fiscal year 1996" and inserting in lieu thereof: "on not more than 12,000 units during fiscal year 1996 and not more than an additional 7,500 units during fiscal year 1997".

SEC. 10004. Section 4 (a) and (b)(3) of the HUD Demonstration Act of 1993 is amended by inserting after "National Community Development Initiative": ", Local Initiatives Support Corporation, The Enterprise Foundation, Habitat for Humanity, and Youthbuild USA".

SEC. 10005. Section 234(c) of the National Housing Act is amended by inserting after "203(b)(2)" the following: "or pursuant to section 203(h) under the conditions described in section 203(h)".

SEC. 10006. Section 211(b)(4)(B) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204) is amended by inserting the following at the end: "The term 'owner', as used in this subparagraph, in addition to it having the same meaning as in section 8(f) of the United States Housing Act of 1937, also means an affiliate of the owner. The term 'affiliate of the owner' means any person or entity (including, but not limited to, a general partner or managing member, or an officer of either) that controls an owner, is controlled by an owner, or is under common control with the owner. The term 'control' means the direct or indirect power (under contract, equity ownership, the right to vote or determine a vote, or otherwise) to direct the financial, legal, beneficial, or other interests of the owner.".

CHAPTER 11

OFFSETS AND RESCISSIONS

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

FUND FOR RURAL AMERICA

Of the funds provided on January 1, 1997 for section 793 of Public Law 104–127, Fund for Rural America, not more than $80,000,000 shall be available.

FOOD AND CONSUMER SERVICE

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $80,000,000.

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

EXPORT CREDIT

None of the funds made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997, Public Law 104–180, may be used to pay the salaries and expenses of personnel to carry out a combined program for export credit guarantees, supplier credit guarantees, and emerging democracies

facilities guarantees at a level which exceeds $3,500,000,000.

EXPORT ENHANCEMENT PROGRAM

None of the funds appropriated or otherwise made available in Public Law 104–180 shall be used to pay the salaries and expenses of personnel to carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $10,000,000.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $6,400,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the amounts made available to the Attorney General on October 1, 1996, from surplus balances declared in prior years pursuant to 28 U.S.C. 524(c), authority to obligate $3,000,000 of such funds in fiscal year 1997 is rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

CONSTRUCTION

(RESCISSION)

Of the unobligated balances under this heading from amounts made available in Public Law 103–317, $1,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the unobligated balances available under this heading for the Advanced Technology Program, $7,000,000 are rescinded.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $1,000,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $1,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–206 and prior years' Energy and Water Development Appropriations Acts, $11,180,000 are rescinded.

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, $17,000,000 are rescinded: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

STRATEGIC PETROLEUM RESERVE

(RESCISSION)

Of the funds made available under this heading in previous appropriations Acts, $11,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–206 and prior years' Energy and Water Development Appropriations Acts, $11,352,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the "," the following: "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),".

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103 as amended, $750,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $13,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF EXPENSES

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $271,000,000 are rescinded.

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, for fixed guideway modernization and bus activities under 49 U.S.C. 5309(m)(A) and (C), $588,000,000 are rescinded.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

EXPENSES, PRESIDENTIAL TRANSITION

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $5,600,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION)

Of the amounts recaptured under this heading during fiscal year 1997 and prior years, $3,650,000,000 are rescinded: *Provided*, That the Secretary of Housing and Urban Development shall recapture at least $5,800,000,000 in amounts heretofore maintained as section 8 reserves made available to housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs: *Provided further*, That all additional section 8 reserve funds of an amount not less than $2,150,000,000 and any recaptures (other than funds already designated for other uses) specified in section 214 of Public Law 104–204 shall be preserved under the head "Section 8 Reserve Preservation Account" for use in extending section 8 contracts expiring in fiscal year 1998 and thereafter: *Provided further*, That the Secretary may recapture less than $5,800,000,000 and reserve less than $2,150,000,000 where the Secretary determines that insufficient section 8 funds are available for current fiscal year contract obligations: *Provided further*, That the Comptroller General of the United States shall conduct an audit of all accounts of the Department of Housing and Urban Development to determine whether the Department's systems for budgeting and accounting for section 8 rental assistance ensure that unexpended funds do not reach unreasonable levels and that obligations are spent in a timely manner.

INDEPENDENT AGENCY

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICS FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $365,000,000 are rescinded.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–211 to NASA for "Space flight, control, and data communications", $4,200,000 are rescinded.

TITLE III

GENERAL PROVISIONS—THIS ACT

SEC. 30001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

BUY-AMERICAN REQUIREMENTS

SEC. 30002. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any

person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 30003. The Office of Management and Budget is directed to work with Federal agencies, as appropriate, to support the extension and revision of Federal grants, contracts, and cooperative agreements at universities affected by flooding in designated Federal disaster areas where work on such grants, contracts, and cooperative agreements was suspended as a result of the flood disaster.

TITLE IV—COST OF HIGHER EDUCATION REVIEW

SEC. 40001. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Cost of Higher Education Review Act of 1997".

(b) FINDINGS.—The Congress finds the following:

(1) According to a report issued by the General Accounting Office, tuition at 4-year public colleges and universities increased 234 percent from school year 1980–1981 through school year 1994–1995, while median household income rose 82 percent and the cost of consumer goods as measured by the Consumer Price Index rose 74 percent over the same time period.

(2) A 1995 survey of college freshmen found that concern about college affordability was the highest it has been in the last 30 years.

(3) Paying for a college education now ranks as one of the most costly investments for American families.

SEC. 40002. ESTABLISHMENT OF NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION.

There is established a Commission to be known as the "National Commission on the Cost of Higher Education" (hereafter in this title referred to as the "Commission").

SEC. 40003. MEMBERSHIP OF COMMISSION.

(a) APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(1) Three individuals shall be appointed by the Speaker of the House.

(2) Two individuals shall be appointed by the Minority Leader of the House.

(3) Three individuals shall be appointed by the Majority Leader of the Senate.

(4) Two individuals shall be appointed by the Minority Leader of the Senate.

(5) One individual shall be appointed by the Secretary of Education.

(b) ADDITIONAL QUALIFICATIONS.—Each of the individuals appointed under subsection (a) shall be an individual with expertise and experience in higher education finance (including the financing of State institutions of higher education), Federal financial aid programs, education economics research, public or private higher education administration, or business executives who have managed successful cost reduction programs.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a Chairperson and a Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson will assume the duties of the Chairperson.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) APPOINTMENTS.—All appointments under subsection (a) shall be made within 30 days after the date of enactment of this Act. In the event that an officer authorized to make an appointment under subsection (a) has not made such appointment within such 30 days, the appointment may be made for such officer as follows:

(1) the Chairman of the Committee on Education and the Workforce may act under such subsection for the Speaker of the House of Representatives;

(2) the Ranking Minority Member of the Committee on Education and the Workforce may act under such subsection for the Minority Leader of the House of Representatives;

(3) the Chairman of the Committee on Labor and Human Resources may act under such subsection for the Majority Leader of the Senate; and

(4) the Ranking Minority Member of the Committee on Labor and Human Resources may act under such subsection for the Minority Leader of the Senate.

(f) VOTING.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

(g) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(h) PROHIBITION OF ADDITIONAL PAY.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by law for persons serving intermittently in the government service to the extent funds are available for such expenses.

(i) INITIAL MEETING.—The initial meeting of the Commission shall occur within 40 days after the date of enactment of this Act.

SEC. 40004. FUNCTIONS OF COMMISSION.

(a) SPECIFIC FINDINGS AND RECOMMENDATIONS.—The Commission shall study and make findings and specific recommendations regarding the following:

(1) The increase in tuition compared with other commodities and services.

(2) Innovative methods of reducing or stabilizing tuition.

(3) Trends in college and university administrative costs, including administrative staffing, ratio of administrative staff to instructors, ratio of administrative staff to students, remuneration of administrative staff, and remuneration of college and university presidents or chancellors.

(4) Trends in (A) faculty workload and remuneration (including the use of adjunct faculty), (B) faculty-to-student ratios, (C) number of hours spent in the classroom by faculty, and (D) tenure practices, and the impact of such trends on tuition.

(5) Trends in (A) the construction and renovation of academic and other collegiate facilities, and (B) the modernization of facilities to access and utilize new technologies, and the impact of such trends on tuition.

(6) The extent to which increases in institutional financial aid and tuition discounting have affected tuition increases, including the demographics of students receiving such aid, the extent to which such aid is provided to students with limited need in order to attract such students to particular institutions or major fields of study, and the extent to which Federal financial aid, including loan aid, has been used to offset such increases.

(7) The extent to which Federal, State, and local laws, regulations, or other mandates contribute to increasing tuition, and recommendations on reducing those mandates.

(8) The establishment of a mechanism for a more timely and widespread distribution of data on tuition trends and other costs of operating colleges and universities.

(9) The extent to which student financial aid programs have contributed to changes in tuition.

(10) Trends in State fiscal policies that have affected college costs.

(11) The adequacy of existing Federal and State financial aid programs in meeting the costs of attending colleges and universities.

(12) Other related topics determined to be appropriate by the Commission.

(b) FINAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall submit to the President and to the Congress, not later than 120 days after the date of the first meeting of the Commission, a report which shall contain a detailed statement of the findings and conclusions of the Commission, including the Commission's recommendations for administrative and legislative action that the Commission considers advisable.

(2) MAJORITY VOTE REQUIRED FOR RECOMMENDATIONS.—Any recommendation described in paragraph (1) shall be made by the Commission to the President and to the Congress only if such recommendation is adopted by a majority vote of the members of the Commission who are present and voting.

(3) EVALUATION OF DIFFERENT CIRCUMSTANCES.—In making any findings under subsection (a) of this section, the Commission shall take into account differences between public and private colleges and universities, the length of the academic program, the size of the institution's student population, and the availability of the institution's resources, including the size of the institution's endowment.

SEC. 40005. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish the Commission's procedures and to govern the manner of the Commission's operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Commission may request from the head of any Federal agency or instrumentality such information as the Commission may require for the purpose of this title. Each such agency or instrumentality shall, to the extent permitted by law and subject to the exceptions set forth in section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Commission, upon request made by the Chairperson of the Commission.

(2) FACILITIES AND SERVICES, PERSONNEL DETAIL AUTHORIZED.—Upon request of the Chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such agency or instrumentality available to the Commission; and

(B) detail any of the personnel of such agency or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out the Commission's duties under this title.

(d) MAILS.—The Commission may use the United States mails in the same manner and

under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Commission, to such extent and in such amounts as are provided in appropriation Acts, may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge the Commission's duties under this title.

(f) STAFF.—Subject to such rules and regulations as may be adopted by the Commission, and to such extent and in such amounts as are provided in appropriation Acts, the Chairperson of the Commission shall have the power to appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairperson deems advisable to assist the Commission, at rates not to exceed a rate equal to the maximum rate for level IV of the Executive Schedule under section 5332 of such title.

SEC. 40006. FUNDING OF COMMISSION.

There is authorized to be appropriated for fiscal year 1997 for carrying out this title, $650,000, to remain available until expended, or until one year after the termination of the Commission pursuant to section 40007, whichever occurs first.

SEC. 40007. TERMINATION OF COMMISSION.

The Commission shall cease to exist on the date that is 60 days after the date on which the Commission is required to submit its final report in accordance with section 40004(b).

TITLE V—DEPOSITORY INSTITUTION DISASTER RELIEF

SEC. 50001. SHORT TITLE.

This title may be cited as the "Depository Institutions Disaster Relief Act of 1997".

SEC. 50002. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

(a) TRUTH IN LENDING ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(b) EXPEDITED FUNDS AVAILABILITY ACT.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Expedited Funds Availability Act for depository institution offices located within any area referred to in subsection (a) of this section if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(c) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than September 1, 1998.

(d) PUBLICATION REQUIRED.—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(1) describes any exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

SEC. 50003. DEPOSIT OF INSURANCE PROCEEDS.

(a) IN GENERAL.—The appropriate Federal banking agency may, by order, permit an insured depository institution to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, on the day before the date of any such determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(b) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than February 28, 1999.

(c) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(3) LEVERAGE LIMIT.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act.

(4) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in subsection (a)(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

SEC. 50004. BANKING AGENCY PUBLICATION REQUIREMENTS.

(a) IN GENERAL.—A qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the agency determines that the action would facilitate recovery from the major disaster:

(1) PROCEDURE.—Exercising the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(2) PUBLICATION REQUIREMENTS.—Making exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) PUBLICATION REQUIRED.—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes any action taken under this section; and

(2) explains the need for the action.

(c) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this section, the term "qualifying regulatory agency" means—

(1) the Board of Governors of the Federal Reserve System;

(2) the Comptroller of the Currency;

(3) the Director of the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(d) EXPIRATION.—Any exception made under this section shall expire not later than February 28, 1998.

SEC. 50005. SENSE OF THE CONGRESS.

(a) FINANCIAL SERVICES.—It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers.

(b) APPRAISAL STANDARDS.—It is the sense of the Congress that each Federal financial institutions regulatory agency should, by regulation or order, make exceptions to the appraisal standards prescribed by title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property located within a disaster area pursuant to section 1123 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3352), if the agency determines

that the exceptions can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

SEC. 50006. OTHER AUTHORITY NOT AFFECTED.

No provision of this title shall be construed as limiting the authority of any department or agency under any other provision of law.

TITLE VI—TECHNICAL AMENDMENTS WITH RESPECT TO EDUCATION

SEC. 60001. TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(a) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking "June 30" and inserting "August 31"; and

(2) in subsection (e)(9), by striking "August 30" and inserting "August 31".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

SEC. 60002. DATE EXTENSION.

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking "January 1, 1998" and inserting "January 1, 1999".

SEC. 60003. TIMELY FILING OF NOTICE.

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States' written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997–1998, except that the Secretary may require the States to submit such additional information as the Secretary may require, which information shall be considered part of the notices.

SEC. 60004. HOLD HARMLESS PAYMENTS.

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).".

SEC. 60005. DATA.

(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting "expenditure," after "revenue,"; and

(B) by striking the semicolon and inserting a period;

(2) by striking "the Secretary" and all that follows through "shall use" and inserting "the Secretary shall use"; and

(3) by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

SEC. 60006. PAYMENTS RELATING TO FEDERAL PROPERTY.

Section 8002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)) is amended to read as follows:

"(i) PRIORITY PAYMENTS.—

"(1) IN GENERAL.—Notwithstanding subsection (b)(1)(B), and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996—

"(A) the Secretary shall first use the excess amount (not to exceed the amount equal to the difference of (i) the amount appropriated to carry out this section for fiscal year 1997, and (ii) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2); and

"(B) the Secretary shall use the remainder of the excess amount to increase the payments to each eligible local educational agency under this section.

"(2) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this paragraph is a local educational agency that—

"(A) received a payment under this section for fiscal year 1996;

"(B) serves a school district that contains all or a portion of a United States military academy;

"(C) serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

"(D) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.".

SEC. 60007. TIMELY FILING UNDER SECTION 8003.

The Secretary of Education shall treat as timely filed, and shall process for payment, an amendment to an application for a fiscal year 1997 payment from a local educational agency under section 8003 of the Elementary and Secondary Education Act of 1965 if—

(1) that agency is described in subsection (a)(3) of that section, as amended by section 376 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201);

(2) that agency was not described in that subsection prior to that amendment; and

(3) the Secretary received the amendment to the agency's application prior to the enactment of this Act.

TITLE VII—FOOD STAMP PROGRAM

STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM

(a) IN GENERAL.—Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended—

(1) in subsection (a), by inserting after "necessary, and" the following: "(except as provided in subsection (j))"; and

(2) by adding at the end the following:

"(j) STATE OPTION TO ISSUE BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a State agency may, with the approval of the Secretary, issue benefits under this Act to an individual who is ineligible to participate in the food stamp program solely as a result of section 6(o)(2) of this Act or section 402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612 or 1613).

"(2) STATE PAYMENTS TO SECRETARY.—

"(A) IN GENERAL.—Not later than the date the State agency issues benefits to individuals under this subsection, the State agency shall pay the Secretary, in accordance with procedures established by the Secretary, an amount that is equal to—

"(i) the value of the benefits; and

"(ii) the costs of printing, shipping, and redeeming coupons, and other Federal costs, incurred in providing the benefits, as determined by the Secretary.

"(B) CREDITING.—Notwithstanding section 3302(b) of title 31, United States Code, payments received under subparagraph (A) shall be credited to the food stamp program appropriation account or the account from which the costs were drawn, as appropriate, for the fiscal year in which the payment is received.

"(3) REPORTING.—To be eligible to issue benefits under this subsection, a State agency shall comply with reporting requirements established by the Secretary to carry out this subsection.

"(4) PLAN.—To be eligible to issue benefits under this subsection, a State agency shall—

"(A) submit a plan to the Secretary that describes the conditions and procedures under which the benefits will be issued, including eligibility standards, benefit levels, and the methodology the State agency will use to determine amounts due the Secretary under paragraph (2); and

"(B) obtain the approval of the Secretary for the plan.

"(5) VIOLATIONS.—A sanction, disqualification, fine, or other penalty prescribed under Federal law (including sections 12 and 15) shall apply to a violation committed in connection with a coupon issued under this subsection.

"(6) INELIGIBILITY FOR ADMINISTRATIVE REIMBURSEMENT.—Administrative and other costs incurred in issuing a benefit under this subsection shall not be eligible for Federal funding under this Act.

"(7) EXCLUSION FROM ENHANCED PAYMENT ACCURACY SYSTEMS.—Section 16(c) shall not apply to benefits issued under this subsection.".

(b) CONFORMING AMENDMENTS.—Section 17(b)(1)(B)(iv) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(iv)) is amended—

(1) in subclause (V), by striking "or" at the end;

(2) in subclause (VI), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(VII) waives a provision of section 7(j).".

TITLE VIII—2000 DECENNIAL CENSUS

The Department of Commerce is directed within thirty days of enactment of this Act to provide to the Congress a comprehensive and detailed plan outlining its proposed methodologies for conducting the 2000 decennial Census and available methods to conduct an actual enumeration of the population. This plan description shall specifically include:

(1) a list of all statistical methodologies that may be used in conducting the Census;

(2) an explanation of these statistical methodologies;

(3) a list of statistical errors which may occur as a result of the use of each statistical methodology;

(4) the estimated error rate down to the census tract level;

(5) a cost estimation showing cost allocations for each census activity plan; and

(6) an analysis of all available options for counting hard-to-enumerate individuals, without utilizing sampling or any other statistical methodology, including efforts like the Milwaukee Complete Count project. The Department of Commerce is also directed within thirty days of enactment of this Act

to provide to the Congress an estimate and explanation of the error rate at the census block level based upon the 1995 test data.

This Act may be cited as the "1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia".

The SPEAKER pro tempore. Pursuant to the previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, on June 9, the President vetoed H.R. 1469, the initial fiscal year 1997 emergency supplemental appropriations bill that the Congress had sent him. That bill contained a provision on precluding sampling in the 2000 decennial census and an automatic continuing resolution provision that would have provided funding for the Government should the regular appropriations bills not be enacted on October 1. The President found those provisions unacceptable and vetoed that bill.

The bill before the House does not contain any provision on the continuing resolution. The provision in this bill on the decennial census has been agreed to by the President. The provision in the initial bill regarding States' assertions of rights-of-way on Federal lands has been dropped. There are no funding changes from the conference agreement on H.R. 1469, the bill that we had passed initially in the House, conferenced, and the conference report was adopted before it went to the President.

Since this is an introduced bill that was not reported by the Committee on Appropriations or from a committee of conference, there is no report to accompany it. However, this bill is very similar to H.R. 1469. In implementing the provisions of this bill, agencies should use the guidance contained in House Report 105–119, the conference report to accompany H.R. 1469, as appropriate.

Mr. Speaker, with the adjustments described above, if we pass this bill, we can conclude our responsibilities in getting emergency assistance to all impacted parties around the country. I believe that the Senate will take this bill up quickly and pass it unamended.

The President will sign this bill, and we can get on with our regular fiscal year 1998 bills. I urge support of this bill.

At this point in the RECORD, I would like to insert a table reflecting the details of this bill.

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871)

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	TITLE I - DEPARTMENT OF DEFENSE - MILITARY						
	CHAPTER 1						
	DEPARTMENT OF DEFENSE - MILITARY						
	Military Personnel						
.....	Military personnel, Army (emergency appropriations)..	.....	306,800,000	306,800,000	306,800,000	.....	.....
.....	Military personnel, Navy (emergency appropriations)...	.....	7,900,000	7,900,000	7,900,000	.....	.....
.....	Military personnel, Marine Corps (emergency appropriations)	.....	300,000	300,000	300,000	.....	.....
.....	Military personnel, Air Force (emergency appropriations)	.....	29,100,000	29,100,000	29,100,000	.....	.....
	Total, Military personnel	.....	344,100,000	344,100,000	344,100,000	.....	.....
	Operation and Maintenance						
.....	Operation and maintenance, Marine Corps (by transfer) (sec. 101)	.....	(23,000,000)	(23,000,000)	(23,000,000)	.....	.....
104-3	Overseas contingency operations transfer fund (emergency appropriations)	2,006,214,000	1,566,300,000	1,312,900,000	1,430,100,000	-136,200,000	+117,200,000
104-3	OPLAN 34A/35 P.O.W. payments	20,000,000	20,000,000	20,000,000	20,000,000	.....	.....
	Total, Operation and maintenance	2,026,214,000	1,586,300,000	1,332,900,000	1,450,100,000	-136,200,000	+117,200,000
	Revolving and Management Funds						
104-3	Reserve mobilization income insurance fund (emergency appropriations)	72,000,000	72,000,000	72,000,000	72,000,000	.....	.....
	General Provisions						
.....	Defense health program (sec. 102)	.....	21,000,000	.....	21,000,000	.....	+21,000,000
.....	Force protection initiatives (sec. 103)	.....	10,000,000	.....	10,000,000	.....	+10,000,000
.....	Additional transfer authority	.....	.....	(100,000,000)	.....	.....	(-100,000,000)
.....	Red Cross reimbursement (sec. 104)	.....	.....	50,000,000	25,800,000	+25,800,000	-24,200,000
.....	Family housing, Navy and Marine Corps (sec. 106)	.....	6,480,000	6,480,000	6,480,000	.....	.....
	Total, general provisions	.....	37,480,000	56,480,000	63,280,000	+25,800,000	+6,800,000
	Total, Chapter 1:						
	New budget (obligational) authority	2,098,214,000	2,039,880,000	1,805,480,000	1,929,480,000	-110,400,000	+124,000,000
	Appropriations	(20,000,000)	(57,480,000)	(76,480,000)	(83,280,000)	(+25,800,000)	(+6,800,000)
	Emergency appropriations	(2,078,214,000)	(1,982,400,000)	(1,729,000,000)	(1,846,200,000)	(-136,200,000)	(+117,200,000)
	(Additional transfer authority)	.....	.....	(100,000,000)	.....	.....	(-100,000,000)
	(By transfer)	.....	(23,000,000)	(23,000,000)	(23,000,000)	.....	.....
	CHAPTER 2						
	DEPARTMENT OF DEFENSE - MILITARY						
	Military Personnel						
.....	Military personnel, Army (rescission)	.....	.....	-46,000,000	-57,000,000	-57,000,000	-11,000,000
.....	Military personnel, Navy (rescission)	.....	.....	-11,000,000	-18,000,000	-18,000,000	-7,000,000
.....	Military personnel, Marine Corps (rescission)	.....	.....	-5,000,000	-5,000,000	-5,000,000	.....
.....	Military personnel, Air Force (rescission)	.....	.....	-15,000,000	-23,000,000	-23,000,000	-8,000,000
	Total, Military personnel	.....	.....	-77,000,000	-103,000,000	-103,000,000	-26,000,000
	Operation and Maintenance						
.....	Operation and maintenance, Army (rescission)	.....	.....	-174,000,000	-196,000,000	-196,000,000	-22,000,000
.....	Operation and maintenance, Navy (rescission)	.....	.....	-51,000,000	-51,000,000	-51,000,000	.....
.....	Operation and maintenance, Marine Corps (rescission)	.....	.....	-17,000,000	-3,000,000	-3,000,000	+14,000,000
.....	Operation and maintenance, Air Force (rescission)	.....	.....	-117,000,000	-117,000,000	-117,000,000	.....
104-44	Operation and maintenance, Defense-wide (rescission)	-10,000,000	-10,000,000	-25,000,000	-25,000,000	-15,000,000	.....
.....	Environmental restoration, Army (rescission)	.....	.....	-250,000	-250,000	-250,000	.....
.....	Environmental restoration, Navy (rescission)	.....	.....	-250,000	-250,000	-250,000	.....
.....	Environmental restoration, Air Force (rescission)	.....	.....	-250,000	-250,000	-250,000	.....
.....	Environmental restoration, Defense-wide (rescission)	.....	.....	-250,000	-250,000	-250,000	.....
.....	Environmental restoration, Formerly used defense sites (rescission)	.....	.....	.....	-250,000	-250,000	-250,000
.....	Former Soviet Union threat reduction (rescission)	.....	.....	-2,000,000	-2,000,000	-2,000,000	.....
	Total, Operation and maintenance	-10,000,000	-10,000,000	-387,000,000	-395,250,000	-385,250,000	-8,250,000
	Procurement						
.....	Aircraft procurement, Army (rescission)	.....	.....	-9,085,000	-19,085,000	-19,085,000	-10,000,000
.....	Missile procurement, Army (rescission)	.....	.....	-73,707,000	-26,707,000	-26,707,000	+47,000,000
.....	Procurement of weapons and tracked combat vehicles, Army, (rescission)	.....	.....	-7,296,000	-22,696,000	-22,696,000	-15,400,000
.....	Procurement of ammunition, Army (rescission)	.....	.....	-28,236,000	-32,236,000	-32,236,000	-4,000,000

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
.....	Other procurement, Army (rescission)	.....	.....	-23,502,000	-23,502,000	-23,502,000	.....
.....	Aircraft procurement, Navy (rescission)	.....	.....	-62,000,000	-86,000,000	-86,000,000	-24,000,000
.....	Weapons procurement, Navy (rescission)	.....	.....	-22,000,000	-22,000,000	-22,000,000	.....
.....	Procurement of ammunition, Navy and Marine Corps (rescission)	.....	.....	-4,812,000	-812,000	-812,000	+4,000,000
.....	Shipbuilding and conversion, Navy (rescission)	.....	.....	-43,000,000	-61,700,000	-61,700,000	-18,700,000
.....	Other procurement, Navy (rescission)	.....	.....	-15,237,000	-15,237,000	-15,237,000	.....
.....	Procurement, Marine Corps (rescission)	.....	.....	-5,207,000	-1,207,000	-1,207,000	+4,000,000
.....	Aircraft procurement, Air Force (rescission)	.....	.....	-114,650,000	-130,376,000	-130,376,000	-15,726,000
.....	Missile procurement, Air Force (rescission)	.....	.....	-193,195,000	-179,020,000	-179,020,000	+14,175,000
.....	Procurement of ammunition, Air Force (rescission)	.....	.....	.....	-7,700,000	-7,700,000	-7,700,000
.....	Other procurement, Air Force (rescission)	.....	.....	-20,659,000	-33,659,000	-33,659,000	-13,000,000
.....	Procurement, Defense-wide (rescission)	.....	.....	-9,860,000	-29,973,000	-29,973,000	-20,113,000
104-44	National Guard and Reserve equipment (rescission)	-62,000,000	.....	-5,029,000	-13,029,000	-13,029,000	-8,000,000
	Total, Procurement	-62,000,000	.....	-637,475,000	-704,939,000	-704,939,000	-67,464,000
	Research, Development, Test and Evaluation						
.....	Research, development, test and evaluation, Army (rescission)	.....	.....	-14,366,000	-22,366,000	-22,366,000	-8,000,000
.....	Research, development, test and evaluation, Navy (rescission)	.....	.....	-35,978,000	-26,478,000	-26,478,000	+9,500,000
.....	Research, development, test and evaluation, Air Force (rescission)	.....	.....	-150,396,000	-196,245,000	-196,245,000	-45,849,000
.....	Research, development, test and evaluation, Defense-wide (rescission)	.....	.....	-176,090,000	-182,714,000	-182,714,000	-6,624,000
.....	Developmental test and evaluation, Defense (rescission)	.....	.....	-890,000	-6,692,000	-6,692,000	-5,802,000
.....	Operational test and evaluation, Defense (rescission)	.....	.....	-160,000	-160,000	-160,000	.....
	Total, Research, development, test and evaluation	.....	.....	-377,880,000	-434,655,000	-434,655,000	-56,775,000
	Revolving and Management Fund						
.....	National Defense Sealift Fund (rescission)	.....	.....	-35,000,000	-25,200,000	-25,200,000	+9,800,000
	Other Department of Defense Programs						
.....	Defense health program (rescission)	.....	.....	.....	-21,000,000	-21,000,000	-21,000,000
.....	Chemical agents and munitions destruction, Defense (rescission)	.....	.....	-48,108,000	-48,108,000	-48,108,000	.....
.....	Drug interdiction and counter-drug activities, Defense (rescission)	.....	.....	-2,000,000	-2,000,000	-2,000,000	.....
	Total, Other Department of Defense programs	.....	.....	-50,108,000	-71,108,000	-71,108,000	-21,000,000
	General Provisions						
104-3	DOD-wide savings proposals (offset)	-4,800,000,000	.....	.....	.....	.....	.....
.....	Dual-use applications program (rescission)	.....	.....	-100,000,000	.....	.....	+100,000,000
.....	Revised economic adjustments, FY 1997 (rescission)	.....	-307,000,000	.....	.....	+307,000,000	.....
.....	Foreign currency savings, FY 1997 (rescission)	.....	-308,000,000	.....	.....	+308,000,000	.....
.....	Prior year unobligated balances (rescission)	.....	-246,367,000	.....	.....	+246,367,000	.....
.....	Prior year rescissions	.....	-982,500,000	.....	.....	+982,500,000	.....
.....	Military construction, rescissions (sec. 201)	.....	-180,000,000	-235,000,000	-189,000,000	-9,000,000	+46,000,000
.....	Military construction, Navy (rescission) (sec. 202)	.....	-6,480,000	-6,480,000	-6,480,000	.....	.....
	Total, general provisions	-4,800,000,000	-2,030,347,000	-341,480,000	-195,480,000	+1,834,867,000	+146,000,000
	Total, Chapter 2:						
	New budget (obligational) authority	-4,872,000,000	-2,040,347,000	-1,905,943,000	-1,929,632,000	+110,715,000	-23,689,000
	Rescissions	(-72,000,000)	(-2,040,347,000)	(-1,905,943,000)	(-1,929,632,000)	(+110,715,000)	(-23,689,000)
	Offsets	(-4,800,000,000)	.....	.....	.....	.....	.....
	Total, title I:						
	Discretionary budget authority (net)	-2,773,786,000	-467,000	-100,463,000	-152,000	+315,000	+100,311,000
	Appropriations	(20,000,000)	(57,480,000)	(76,480,000)	(83,280,000)	(+25,800,000)	(+6,800,000)
	Rescissions	-72,000,000	-2,040,347,000	-1,905,943,000	-1,929,632,000	+110,715,000	-23,689,000
	Offsets	(-4,800,000,000)	.....	.....	.....	.....	.....
	Emergency appropriations	(2,078,214,000)	(1,982,400,000)	(1,729,000,000)	(1,846,200,000)	(-136,200,000)	(+117,200,000)
	(By transfer)	.....	(23,000,000)	(23,000,000)	(23,000,000)	.....	.....

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	TITLE II - EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS						
	CHAPTER 1						
	DEPARTMENT OF AGRICULTURE						
	Farm Service Agency						
104-58	Emergency conservation program (emergency appropriations)	20,000,000					
104-58	Contingent emergency appropriations	17,000,000	65,000,000	77,000,000	70,000,000	+5,000,000	-7,000,000
.....	Tree assistance program (contingent emergency appropriations)	.....	9,000,000	9,500,000	9,000,000	.....	-500,000
	Total, Farm Service Agency	37,000,000	74,000,000	86,500,000	79,000,000	+5,000,000	-7,500,000
	Agricultural Credit Insurance Fund Program Account						
	Loan subsidies:						
	Farm operating loans:						
.....	Direct	.....	.....	12,600,000	6,300,000	+6,300,000	-6,300,000
.....	Guaranteed subsidized (contingent emergency appropriations)	.....	.....	10,000,000	5,000,000	+5,000,000	-5,000,000
	Subtotal	.....	.....	22,600,000	11,300,000	+11,300,000	-11,300,000
.....	Emergency disaster loans (contingent emergency appropriations)	.....	.....	18,000,000	18,000,000	+18,000,000	.....
	Total, loan subsidies	.....	.....	40,600,000	29,300,000	+29,300,000	-11,300,000
	Loan authorizations:						
	Farm operating loans:						
.....	Direct	.....	.....	(100,000,000)	(50,000,000)	(+50,000,000)	(-50,000,000)
.....	Guaranteed subsidized	.....	.....	(110,000,000)	(55,000,000)	(+55,000,000)	(-55,000,000)
	Subtotal	.....	.....	(210,000,000)	(105,000,000)	(+105,000,000)	(-105,000,000)
.....	Emergency disaster loans	.....	.....	(59,000,000)	(59,000,000)	(+59,000,000)	.....
	Total, loan authorizations	.....	.....	(269,000,000)	(164,000,000)	(+164,000,000)	(-105,000,000)
	Commodity Credit Corporation Fund						
	Disaster reserve assistance program:						
.....	Livestock indemnity program	.....	.....	.....	(50,000,000)	(+50,000,000)	(+50,000,000)
	Natural Resources Conservation Service						
104-58	Watershed and flood prevention operations (emergency appropriations)	66,100,000					
104-58	Contingent emergency appropriations	18,000,000	150,700,000	171,000,000	166,000,000	+15,300,000	-5,000,000
	Total, Natural Resources Conservation Serivce	84,100,000	150,700,000	171,000,000	166,000,000	+15,300,000	-5,000,000
	Rural Housing Service						
	Rural Housing Insurance Fund Program:						
	Rental housing (sec. 515):						
104-58	Loan subsidy (emergency appropriation)	250,000	.....	250,000	.....	.....	-250,000
104-58	(Loan authorization)	(488,000)	.....	(488,000)	.....	.....	(-488,000)
104-58	Rural housing assistance program (emergency appropriations)	750,000	.....	.....	.....	.....	.....
.....	Contingent emergency appropriations	.....	.....	4,000,000	.....	.....	-4,000,000
	Total, Rural Housing Service	1,000,000	.....	4,250,000	.....	.....	-4,250,000
	Rural Utilities Service						
104-58	Rural utilities assistance program (emergency appropriations)	1,000,000	.....	.....	.....	.....	.....
.....	Contingent emergency appropriations	.....	.....	6,500,000	4,000,000	+4,000,000	-2,500,000

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Food and Consumer Service						
104-3	Child nutrition programs	6,250,000					
104-3	Special supplemental nutrition program for women, infants, and children (WIC)	100,000,000	76,000,000	58,000,000	76,000,000		+18,000,000
	Total, Food and Consumer Service	106,250,000	76,000,000	58,000,000	76,000,000		+18,000,000
	Total, Chapter 1:						
	New budget (obligational) authority	229,350,000	300,700,000	366,850,000	354,300,000	+53,600,000	-12,550,000
	Appropriations	(106,250,000)	(76,000,000)	(70,600,000)	(82,300,000)	(+6,300,000)	(+11,700,000)
	Emergency appropriations	(88,100,000)		(250,000)			(-250,000)
	Contingent emergency appropriations	(35,000,000)	(224,700,000)	(296,000,000)	(272,000,000)	(+47,300,000)	(-24,000,000)
	(Loan authorization)	(488,000)		(269,488,000)	(164,000,000)	(+164,000,000)	(-105,488,000)
	CHAPTER 2						
	DEPARTMENT OF COMMERCE						
	Economic Development Administration						
	Economic development assistance programs (emergency appropriations)			54,700,000	50,200,000	+50,200,000	-4,500,000
	Contingent emergency appropriations		47,700,000			-47,700,000	
104-58	(By transfer)	(1,200,000)					
	Salaries and expenses (emergency appropriations)				2,000,000	+2,000,000	+2,000,000
	Contingent emergency appropriations		2,000,000			-2,000,000	
	Total, Economic Development Administration		49,700,000	54,700,000	52,200,000	+2,500,000	-2,500,000
	National Oceanic and Atmospheric Administration						
104-58	Operations, research and facilities (emergency appropriations)	12,000,000					
104-58	Construction (emergency appropriations)	10,800,000	10,800,000	10,800,000	10,800,000		
	Total, National Oceanic and Atmospheric Administration	22,800,000	10,800,000	10,800,000	10,800,000		
	Total, Department of Commerce	22,800,000	60,500,000	65,500,000	63,000,000	+2,500,000	-2,500,000
	DEPARTMENT OF STATE						
	International Organizations and Conferences						
	Contributions to international organizations, current year assessment			100,000,000			-100,000,000
104-3	Arrearage payments (advance appropriation, FY 1999)	921,000,000					
	RELATED AGENCY						
	Commission on the Advancement of Federal Law Enforcement						
	Salaries and expenses		2,000,000		2,000,000		+2,000,000
	Total, Chapter 2:						
	New budget (obligational) authority	943,800,000	62,500,000	165,500,000	65,000,000	+2,500,000	-100,500,000
	Appropriations		(2,000,000)	(100,000,000)	(2,000,000)		(-98,000,000)
	Emergency appropriations	(22,800,000)	(10,800,000)	(65,500,000)	(63,000,000)	(+52,200,000)	(-2,500,000)
	Contingent emergency appropriations		(49,700,000)			(-49,700,000)	
	Advance appropriation, FY 1999	(921,000,000)					
	(By transfer)	(1,200,000)					
	CHAPTER 2A						
	FEDERAL FUNDS						
	Federal payment to the District of Columbia			31,150,000			-31,150,000
	DISTRICT OF COLUMBIA FUNDS						
	Public safety and justice			(8,800,000)			(-8,800,000)
	Capital outlay			(22,350,000)			(-22,350,000)
	Total, District of Columbia funds			(31,150,000)			(-31,150,000)
	CHAPTER 3						
	DEPARTMENT OF DEFENSE - CIVIL						
	DEPARTMENT OF THE ARMY						
	Corps of Engineers - Civil						
	Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee (emergency appropriations)		20,000,000	20,000,000	20,000,000		

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
104-58	Operation and maintenance, general (emergency appropriations)	39,000,000	150,000,000	137,000,000	150,000,000	.....	+13,000,000
104-58	Flood control and coastal emergencies (emergency appropriations)	201,700,000	415,000,000	390,000,000	415,000,000	.....	+25,000,000
104-58	Contingent emergency appropriations	50,000,000	.....	.....	.....	.....	.....
104-58	Advance appropriation, FY 1998	30,500,000	.....	.....	.....	.....	.....
	Total, Department of Defense - Civil	321,200,000	585,000,000	547,000,000	585,000,000	.....	+38,000,000
	DEPARTMENT OF THE INTERIOR						
	Bureau of Reclamation						
104-58	Operation and maintenance (emergency appropriations)	4,500,000	7,355,000	7,355,000	7,355,000	.....	.....
	DEPARTMENT OF ENERGY						
104-78	Energy supply, research and development activities (by transfer)	(19,700,000)	.....	.....	.....	.....	.....
	Total, Chapter 3:						
	New budget (obligational) authority	325,700,000	592,355,000	554,355,000	592,355,000	.....	+38,000,000
	Emergency appropriations	(245,200,000)	(592,355,000)	(554,355,000)	(592,355,000)	.....	(+38,000,000)
	Contingent emergency appropriations	(50,000,000)	.....	.....	.....	.....	.....
	Advance appropriation, FY 1998	(30,500,000)	.....	.....	.....	.....	.....
	(By transfer)	(19,700,000)	.....	.....	.....	.....	.....
	CHAPTER 5						
	DEPARTMENT OF THE INTERIOR						
	Bureau of Land Management						
.....	Construction (emergency appropriations)	.....	1,793,000	393,000	393,000	-1,400,000	.....
104-58	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	(4,403,000)	(4,403,000)	(+1,400,000)	.....
	Total, Bureau of Land Management	.....	1,793,000	393,000	393,000	-1,400,000	.....
	United States Fish and Wildlife Service						
104-58	Resource management (emergency appropriations)	2,000,000	2,250,000	8,350,000	5,300,000	+3,050,000	-3,050,000
104-58	Construction (emergency appropriations)	32,000,000	81,000,000	91,000,000	88,000,000	+7,000,000	-3,000,000
104-58	Land acquisition (emergency appropriations)	15,000,000	15,000,000	5,000,000	10,000,000	-5,000,000	+5,000,000
	Total, United States Fish and Wildlife Service	49,000,000	98,250,000	104,350,000	103,300,000	+5,050,000	-1,050,000
	National Park Service						
104-58	Construction	10,000,000	10,000,000	10,000,000	10,000,000	.....	.....
104-58	Emergency appropriations	147,779,000	156,912,000	157,321,000	157,321,000	+409,000	.....
104-58	Contingent emergency appropriations	30,000,000	30,000,000	30,000,000	30,000,000	.....	.....
	Total, National Park Service	187,779,000	196,912,000	197,321,000	197,321,000	+409,000	.....
	United States Geological Survey						
104-58	Surveys, investigations, and research (emergency appropriations)	1,300,000	4,290,000	4,650,000	4,650,000	+360,000	.....
	Bureau of Indian Affairs						
104-58	Operation of Indian programs (emergency appropriations)	5,800,000	11,100,000	14,317,000	14,317,000	+3,217,000	.....
104-58	Construction (emergency appropriations)	5,000,000	5,554,000	6,249,000	6,249,000	+695,000	.....
	Total, Bureau of Indian Affairs	10,800,000	16,654,000	20,566,000	20,566,000	+3,912,000	.....
	Total, Department of the Interior	248,879,000	317,899,000	327,280,000	326,230,000	+8,331,000	-1,050,000
	RELATED AGENCIES						
	DEPARTMENT OF AGRICULTURE						
	Forest Service						
104-58	National forest system (emergency appropriations)	25,000,000	37,107,000	39,677,000	39,677,000	+2,570,000	.....
104-58	Reconstruction and construction (emergency appropriations)	13,000,000	32,334,000	27,685,000	27,685,000	-4,649,000	.....
	Total, Forest Service	38,000,000	69,441,000	67,362,000	67,362,000	-2,079,000	.....

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Indian Health Service						
.....	Indian health services (emergency appropriations)	.....	1,000,000	1,000,000	1,000,000	.....	.....
.....	Indian health facilities (emergency appropriations)	.....	2,000,000	2,000,000	2,000,000	.....	.....
	Total, Indian Health Service	.....	3,000,000	3,000,000	3,000,000	.....	.....
	GENERAL PROVISIONS						
.....	Recreation fees (sec. 5001)	.....	7,000,000	7,000,000	7,000,000	.....	.....
	Total, Chapter 5:						
	New budget (obligational) authority	286,879,000	397,340,000	404,642,000	403,592,000	+6,252,000	-1,050,000
	Appropriations	(10,000,000)	(17,000,000)	(17,000,000)	(17,000,000)	.....	.....
	Emergency appropriations	(246,879,000)	(350,340,000)	(357,642,000)	(356,592,000)	(+6,252,000)	(-1,050,000)
	Contingent emergency appropriations	(30,000,000)	(30,000,000)	(30,000,000)	(30,000,000)	.....	.....
	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	(4,403,000)	(4,403,000)	(+1,400,000)	.....
	CHAPTER 6						
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Health Resources and Services Administration						
.....	Health education assistance loans program	.....	.....	499,000	499,000	+499,000	.....
	Office of the Secretary						
.....	Public health and social services emergency fund	.....	.....	.....	15,000,000	+15,000,000	+15,000,000
.....	Emergency appropriations	.....	.....	15,000,000	.....	.....	-15,000,000
	Total, Department of Health and Human Services	.....	.....	15,499,000	15,499,000	+15,499,000	.....
	DEPARTMENT OF EDUCATION						
.....	Education for the disadvantaged	.....	.....	585,000,000	101,133,000	+101,133,000	-483,867,000
.....	Advance appropriation, FY 1998	.....	.....	-386,824,000	.....	.....	+386,824,000
	Total, Department of Education	.....	.....	198,176,000	101,133,000	+101,133,000	-97,043,000
	RELATED AGENCY						
	National Commission on the Cost of Higher Education						
.....	Salaries and expenses	.....	650,000	.....	650,000	.....	+650,000
	GENERAL PROVISIONS						
.....	Child care and development block grant (sec. 6004)	.....	.....	1,000,000	1,000,000	+1,000,000	.....
.....	Supplemental security income program (sec. 6005)	.....	240,000,000	240,000,000	240,000,000	.....	.....
	Total, Chapter 6:						
	New budget (obligational) authority	.....	240,650,000	454,675,000	358,282,000	+117,632,000	-96,393,000
	Appropriations	.....	(240,650,000)	(826,499,000)	(358,282,000)	(+117,632,000)	(-468,217,000)
	Emergency appropriations	.....	.....	(15,000,000)	.....	.....	(-15,000,000)
	Advance appropriation, FY 1998	.....	.....	(-386,824,000)	.....	.....	(+386,824,000)
	CHAPTER 7						
	CONGRESSIONAL OPERATIONS						
	SENATE						
	Contingent Expenses of the Senate						
.....	Secretary of the Senate (by transfer)	.....	.....	(5,000,000)	(5,010,000)	(+5,010,000)	(+10,000)
	HOUSE OF REPRESENTATIVES						
	Payments to Widows and Heirs of Deceased Members of Congress						
.....	Gratuities, deceased Members	.....	.....	.....	133,600	+133,600	+133,600
	OTHER AGENCY						
	BOTANIC GARDEN						
.....	Salaries and expenses	.....	.....	.....	33,500,000	+33,500,000	+33,500,000
	Total, Chapter 7:						
	New budget (obligational) authority	.....	.....	.....	33,633,600	+33,633,600	+33,633,600
	(By transfer)	.....	.....	(5,000,000)	(5,010,000)	(+5,010,000)	(+10,000)

aphcsah12n97.006

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER 8						
	DEPARTMENT OF TRANSPORTATION						
	Coast Guard						
.....	Operating expenses	.....	.....	6,473,000	1,600,000	+1,600,000	-4,873,000
104-3	Retired pay	4,200,000	4,200,000	4,200,000	9,200,000	+5,000,000	+5,000,000
	Total, Coast Guard	4,200,000	4,200,000	10,673,000	10,800,000	+6,600,000	+127,000
	Federal Aviation Administration						
.....	Facilities and equipment (Airport and Airway Trust Fund)	.....	40,000,000	.....	.....	-40,000,000	.....
.....	Grants-in-aid for airports	.....	.....	15,520,000	.....	.....	-15,520,000
	Federal Highway Administration						
	Federal-aid highways (Highway Trust Fund):						
104-58	Emergency relief program (emergency appropriations)	276,000,000	276,000,000	276,000,000	650,000,000	+374,000,000	+374,000,000
104-58	Contingent emergency appropriations	15,000,000	374,000,000	374,000,000	.....	-374,000,000	-374,000,000
104-3	(Limitation on obligations)	(318,077,043)	(318,077,043)	(933,193,000)	(694,810,534)	(+376,733,491)	(-238,382,466)
	Total, Federal Highway Administration	291,000,000	650,000,000	650,000,000	650,000,000	.....	.....
	Federal Railroad Administration						
.....	Emergency railroad rehabilitation and repair (emergency appropriations)	.....	.....	.....	18,900,000	+18,900,000	+18,900,000
.....	Contingent emergency appropriations	.....	10,000,000	24,000,000	.....	-10,000,000	-24,000,000
	Total, Department of Transportation	295,200,000	704,200,000	700,193,000	679,700,000	-24,500,000	-20,493,000
	RELATED AGENCY						
	National Transportation Safety Board						
104-3	Salaries and expenses (emergency appropriations)	20,200,000	.....	14,100,000	29,859,000	+29,859,000	+15,759,000
.....	Contingent emergency appropriations	.....	23,300,000	.....	.....	-23,300,000	.....
	GENERAL PROVISIONS						
	Highway traffic safety grants (Highway Trust Fund):						
.....	Alcohol-impaired driving prevention incentive grants (sec. 8003)	.....	500,000	500,000	500,000	.....	.....
.....	National Driver Register (sec. 8004)	.....	2,500,000	.....	2,500,000	.....	+2,500,000
	Total, Chapter 8:						
	New budget (obligational) authority	315,400,000	730,500,000	714,793,000	712,559,000	-17,941,000	-2,234,000
	Appropriations	(4,200,000)	(47,200,000)	(26,693,000)	(13,800,000)	(-33,400,000)	(-12,893,000)
	Emergency appropriations	(296,200,000)	(276,000,000)	(290,100,000)	(698,759,000)	(+422,759,000)	(+408,659,000)
	Contingent emergency appropriations	(15,000,000)	(407,300,000)	(398,000,000)	.....	(-407,300,000)	(-398,000,000)
	(Limitation on obligations)	(318,077,043)	(318,077,043)	(933,193,000)	(694,810,534)	(+376,733,491)	(-238,382,466)
	CHAPTER 9						
	DEPARTMENT OF THE TREASURY						
	Departmental Offices						
.....	Salaries and expenses	.....	.....	1,950,000	1,950,000	+1,950,000	.....
	U.S. POSTAL SERVICE						
104-3	Payment to the Postal Service Fund	5,383,000	5,300,000	5,383,000	5,383,000	+83,000	.....
	FUNDS APPROPRIATED TO THE PRESIDENT						
104-71	Unanticipated needs for natural disasters (emergency appropriations)	200,000,000	.....	.....	.....	.....	.....
	INDEPENDENT AGENCY						
104-61	Federal Election Commission	1,709,000	.....	.....	.....	.....	.....
	Total, Chapter 9:						
	New budget (obligational) authority	207,092,000	5,300,000	7,333,000	7,333,000	+2,033,000	.....
	Appropriations	(7,092,000)	(5,300,000)	(7,333,000)	(7,333,000)	(+2,033,000)	.....
	Emergency appropriations	(200,000,000)	.....	.....	.....	.....	.....
	CHAPTER 10						
	DEPARTMENT OF VETERANS AFFAIRS						
	Veterans Benefits Administration						
104-3	Compensation and pensions	753,000,000	753,000,000	753,000,000	928,000,000	+175,000,000	+175,000,000

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
.....	Preserving existing housing investment	.....	3,500,000	.....	3,500,000	.....	+3,500,000
104-3	Drug elimination grants for low-income housing (by transfer)	(30,200,000)	(30,200,000)	.....	.....	(-30,200,000)	.....
	Capacity Building for Community Development and Affordable Housing						
.....	National community development initiative (by transfer)	.....	.....	(30,200,000)	(30,200,000)	(+30,200,000)	.....
	Community Planning and Development						
104-71	Community development block grants fund (emergency appropriations)	100,000,000	500,000,000	500,000,000	250,000,000	-250,000,000	-250,000,000
.....	Emergency advance appropriation, FY 1998	.....	.....	.....	250,000,000	+250,000,000	+250,000,000
	Total, Department of Housing and Urban Development	100,000,000	503,500,000	500,000,000	503,500,000	.....	+3,500,000
	INDEPENDENT AGENCY						
	Federal Emergency Management Agency						
104-95							
104-58	Disaster relief (emergency appropriations)	3,487,677,000	3,067,677,000	3,100,000,000	3,300,000,000	+232,323,000	+200,000,000
	Disaster assistance direct loan program account:						
	Community disaster loans (by transfer)						
.....	(contingent emergency appropriations)	.....	.....	(20,000,000)	(20,000,000)	(+20,000,000)	.....
.....	Salaries and expenses	.....	5,000,000	.....	.....	-5,000,000	.....
	Total, Federal Emergency Management Agency	3,487,677,000	3,072,677,000	3,100,000,000	3,300,000,000	+227,323,000	+200,000,000
	Total, Chapter 10:						
	New budget (obligational) authority	4,340,677,000	4,329,177,000	4,353,000,000	4,731,500,000	+402,323,000	+378,500,000
	Appropriations	(753,000,000)	(761,500,000)	(753,000,000)	(931,500,000)	(+170,000,000)	(+178,500,000)
	Emergency appropriations	(3,587,677,000)	(3,567,677,000)	(3,600,000,000)	(3,550,000,000)	(-17,677,000)	(-50,000,000)
	Contingent emergency appropriations	.....	.....	.....	.....	.....	.....
	Emergency advance appropriation, FY 1998	.....	.....	.....	(250,000,000)	(+250,000,000)	(+250,000,000)
	(By transfer)	(30,200,000)	(30,200,000)	(30,200,000)	(30,200,000)	.....	.....
	(By transfer) (contingent emergency appropriations)	.....	.....	(20,000,000)	(20,000,000)	(+20,000,000)	.....
	CHAPTER 11						
	OFFSETS AND RESCISSIONS						
	DEPARTMENT OF AGRICULTURE						
	Office of the Secretary						
.....	Fund For Rural America (offset)	.....	-20,000,000	.....	-20,000,000	.....	-20,000,000
	Natural Resources Conservation Service						
.....	Wetlands reserve program (offset)	.....	-19,000,000	.....	.....	+19,000,000	.....
	Food and Consumer Service						
104-3	The emergency food assistance program (offset)	-6,000,000	-20,000,000	-20,000,000	-20,000,000	.....	.....
	Foreign Agricultural Service						
.....	Export credit (offset)	.....	-16,000,000	-16,000,000	.....	+16,000,000	+16,000,000
.....	Export enhancement program (offset)	.....	-23,000,000	-13,000,000	.....	+23,000,000	+13,000,000
	Total, Foreign Agricultural Service	.....	-39,000,000	-29,000,000	.....	+39,000,000	+29,000,000
	Public Law 480 Program Account:						
	Title I - Credit sales:						
104-44	Ocean freight differential (rescission)	-3,500,000	.....	.....	.....	.....	.....
104-44	Loan subsidies (rescission)	-46,500,000	.....	.....	.....	.....	.....
	Total, Public Law 480 program account	-50,000,000	.....	.....	.....	.....	.....
	Total, Department of Agriculture	-56,000,000	-98,000,000	-49,000,000	-40,000,000	+58,000,000	+9,000,000
	DEPARTMENT OF JUSTICE						
	General Administration						
104-44	Working capital fund (rescission)	-6,400,000	-6,400,000	-6,400,000	-6,400,000	.....	.....
	Legal Activities						
.....	Assets forfeiture fund (rescission)	.....	-3,000,000	.....	-3,000,000	.....	-3,000,000

aphics\eh12jn97.008

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Immigration and Naturalization Service						
.....	Construction (rescission)	.....	-1,000,000	.....	-1,000,000	.....	-1,000,000
	Total, Department of Justice	-6,400,000	-10,400,000	-6,400,000	-10,400,000	.....	-4,000,000
	DEPARTMENT OF COMMERCE						
	National Institute of Standards and Technology						
.....	Industrial technology services (rescission)	.....	-7,000,000	.....	-7,000,000	.....	-7,000,000
	National Oceanic and Atmospheric Administration						
.....	Fleet modernization, shipbuilding and conversion (rescission)	.....	-2,000,000	.....	.....	+2,000,000	.....
	Total, Department of Commerce	.....	-9,000,000	.....	-7,000,000	+2,000,000	-7,000,000
	RELATED AGENCIES						
	Federal Communications Commission						
.....	Salaries and expenses (rescission)	.....	-1,000,000	.....	-1,000,000	.....	-1,000,000
	Ounce of Prevention Council						
.....	Direct appropriation (rescission)	.....	-1,000,000	.....	-1,000,000	.....	-1,000,000
	Total, related agencies	.....	-2,000,000	.....	-2,000,000	.....	-2,000,000
	DEPARTMENT OF DEFENSE - CIVIL						
	DEPARTMENT OF THE ARMY						
	Corps of Engineers - Civil						
104-3	Construction, general (offset)	-50,000,000	.....	-30,000,000	.....	.....	+30,000,000
	DEPARTMENT OF ENERGY						
.....	Energy supply, research and development activities (rescission)	.....	-22,532,000	.....	-11,180,000	+11,352,000	-11,180,000
	Power Marketing Administrations						
104-44	Construction, rehabilitation, operation and maintenance, Western Area Power Administration (rescission)	-2,111,000	.....	.....	-11,352,000	-11,352,000	-11,352,000
	Total, Department of Energy	-2,111,000	-22,532,000	.....	-22,532,000	.....	-22,532,000
	DEPARTMENT OF ENERGY						
104-57	Clean coal technology (rescission)	-10,000,000	-17,000,000	-17,000,000	-17,000,000	.....	.....
104-44	Strategic petroleum reserve (rescission)	-11,000,000	-11,000,000	-11,000,000	-11,000,000	.....	.....
	Total, Department of Energy	-21,000,000	-28,000,000	-28,000,000	-28,000,000	.....	.....
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Administration for Children and Families						
.....	Job opportunities and basic skills (JOBS) (offset)	.....	-700,000,000	-700,000,000	-700,000,000	.....	.....
	DEPARTMENT OF EDUCATION						
.....	Federal family education loan program account (rescission)	.....	-849,000	.....	.....	+849,000	.....
	DEPARTMENT OF TRANSPORTATION						
	Federal Aviation Administration						
.....	Grants-in-aid for airports (Airport and Airway Trust Fund) (rescission of contract authorization)	.....	.....	-778,000,000	-750,000,000	-750,000,000	+28,000,000
	National Highway Traffic Safety Administration						
.....	Highway traffic safety grants (Highway Trust Fund) (rescission of contract authorization)	.....	.....	-10,600,000	-13,000,000	-13,000,000	-2,400,000
	Federal Transit Administration						
.....	Trust fund share of expenses (Highway Trust Fund) (rescission of contract authorization)	.....	.....	-271,000,000	-271,000,000	-271,000,000	.....
.....	Discretionary grants (Highway Trust Fund) (rescission of contract authorization)	.....	.....	-588,000,000	-588,000,000	-588,000,000	.....
	Total, Federal Transit Administration	.....	.....	-859,000,000	-859,000,000	-859,000,000	.....
	Total, Department of Transportation	.....	.....	-1,647,600,000	-1,622,000,000	-1,622,000,000	+25,600,000

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	INDEPENDENT AGENCY						
	General Services Administration						
	Federal Buildings Fund:						
.....	Repairs and alterations (rescission)	.....	-1,400,000	.....	.....	+1,400,000	.....
104-44	Expenses, presidential transition (rescission)	-5,600,000	-5,600,000	-5,600,000	-5,600,000	.....	.....
	Total, General Services Administration	-5,600,000	-7,000,000	-5,600,000	-5,600,000	+1,400,000	.....
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
104-44	Annual contributions for assisted housing (rescission)	-250,000,000	-3,823,440,000	-3,650,000,000	-3,650,000,000	+173,440,000	.....
	Federal Housing Administration						
	FHA - General and special risk program account:						
.....	Rescission	.....	.....	-85,000,000	.....	.....	+85,000,000
	Total, Department of Housing and Urban Development	-250,000,000	-3,823,440,000	-3,735,000,000	-3,650,000,000	+173,440,000	+85,000,000
	INDEPENDENT AGENCIES						
	Federal Emergency Management Agency						
.....	Salaries and expenses (emergency rescission)	.....	.....	-5,000,000	.....	.....	+5,000,000
	National Aeronautics and Space Administration						
	National aeronautics facilities (rescission of advance						
.....	appropriation, FY 1998)	.....	-38,000,000	-365,000,000	-365,000,000	-327,000,000	.....
	Funds Appropriated to the President						
.....	Unanticipated needs (emergency rescission)	.....	.....	-4,200,000	-4,200,000	-4,200,000	.....
	Total, Chapter 11:						
	New budget (obligational) authority	-391,111,000	-4,739,221,000	-6,575,800,000	-6,456,732,000	-1,717,511,000	+119,068,000
	Rescissions	(-335,111,000)	(-3,903,221,000)	(-3,775,000,000)	(-3,725,532,000)	(+177,689,000)	(+49,468,000)
	Rescission of contract authorization	.....	.....	(-1,647,600,000)	(-1,622,000,000)	(-1,622,000,000)	(+25,600,000)
	Rescission of advance appropriation	.....	(-38,000,000)	(-365,000,000)	(-365,000,000)	(-327,000,000)	.....
	Offsets	(-56,000,000)	(-798,000,000)	(-779,000,000)	(-740,000,000)	(+58,000,000)	(+39,000,000)
	Emergency rescissions	.....	.....	(-9,200,000)	(-4,200,000)	(-4,200,000)	(+5,000,000)
	Total, title II:						
	Discretionary budget authority (net)	5,500,587,000	1,162,101,000	-280,702,000	-135,511,000	-1,297,612,000	+145,191,000
	Appropriations	(123,342,000)	(392,450,000)	(1,075,075,000)	(508,515,000)	(+116,065,000)	(-566,560,000)
	Rescissions	(-335,111,000)	(-3,903,221,000)	(-3,775,000,000)	(-3,725,532,000)	(+177,689,000)	(+49,468,000)
	Rescission of contract authorization	.....	.....	(-1,647,600,000)	(-1,622,000,000)	(-1,622,000,000)	(+25,600,000)
	Offsets	(-56,000,000)	(-798,000,000)	(-779,000,000)	(-740,000,000)	(+58,000,000)	(+39,000,000)
	Emergency appropriations	(4,686,856,000)	(4,797,172,000)	(4,882,847,000)	(5,260,706,000)	(+463,534,000)	(+377,859,000)
	Contingent emergency appropriations	(130,000,000)	(711,700,000)	(724,000,000)	(302,000,000)	(-409,700,000)	(-422,000,000)
	Emergency rescissions	.....	.....	(-9,200,000)	(-4,200,000)	(-4,200,000)	(+5,000,000)
	Advance appropriation, FY 1998	(30,500,000)	.....	(-386,824,000)	.....	.....	(+386,824,000)
	Advance appropriation, FY 1999	(921,000,000)	.....	.....	.....	.....	.....
	Emergency advance appropriation, FY 1998	.....	.....	.....	(250,000,000)	(+250,000,000)	(+250,000,000)
	Rescission of advance appropriation	.....	(-38,000,000)	(-365,000,000)	(-365,000,000)	(-327,000,000)	.....
	(Limitation on obligations)	(318,077,043)	(318,077,043)	(933,193,000)	(694,810,534)	(+376,733,491)	(-238,382,466)
	(Loan authorization)	(488,000)	.....	(269,488,000)	(164,000,000)	(+164,000,000)	(-105,488,000)
	(By transfer)	(51,100,000)	(30,200,000)	(35,200,000)	(35,210,000)	(+5,010,000)	(+10,000)
	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	(4,403,000)	(4,403,000)	(+1,400,000)	.....
	(By transfer) (contingent emergency appropriations)	.....	.....	(20,000,000)	(20,000,000)	(+20,000,000)	.....
	Mandatory budget authority	757,200,000	757,200,000	757,200,000	937,333,600	+180,133,600	+180,133,600
	Grand total, all titles:						
	Discretionary budget authority (net)	2,726,801,000	1,161,634,000	-381,165,000	-135,663,000	-1,297,297,000	+245,502,000
	Appropriations	(143,342,000)	(449,930,000)	(1,151,555,000)	(591,795,000)	(+141,865,000)	(-559,760,000)
	Rescissions	(-407,111,000)	(-5,943,568,000)	(-5,680,943,000)	(-5,655,164,000)	(+288,404,000)	(+25,779,000)
	Rescission of contract authorization	.....	.....	(-1,647,600,000)	(-1,622,000,000)	(-1,622,000,000)	(+25,600,000)
	Offsets	(-4,856,000,000)	(-798,000,000)	(-779,000,000)	(-740,000,000)	(+58,000,000)	(+39,000,000)
	Emergency appropriations	(6,765,070,000)	(6,779,572,000)	(6,611,847,000)	(7,106,906,000)	(+327,334,000)	(+495,059,000)
	Contingent emergency appropriations	(130,000,000)	(711,700,000)	(724,000,000)	(302,000,000)	(-409,700,000)	(-422,000,000)
	Emergency rescissions	.....	.....	(-9,200,000)	(-4,200,000)	(-4,200,000)	(+5,000,000)
	Advance appropriation, FY 1998	(30,500,000)	.....	(-386,824,000)	.....	.....	(+386,824,000)
	Advance appropriation, FY 1999	(921,000,000)	.....	.....	.....	.....	.....
	Emergency advance appropriation, FY 1998	.....	.....	.....	(250,000,000)	(+250,000,000)	(+250,000,000)
	Rescission of advance appropriation	.....	(-38,000,000)	(-365,000,000)	(-365,000,000)	(-327,000,000)	.....
	(Limitation on obligations)	(318,077,043)	(318,077,043)	(933,193,000)	(694,810,534)	(+376,733,491)	(-238,382,466)
	(Loan authorization)	(488,000)	.....	(269,488,000)	(164,000,000)	(+164,000,000)	(-105,488,000)
	(By transfer)	(51,100,000)	(53,200,000)	(58,200,000)	(58,210,000)	(+5,010,000)	(+10,000)
	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	(4,403,000)	(4,403,000)	(+1,400,000)	.....
	(By transfer) (contingent emergency appropriations)	.....	.....	(20,000,000)	(20,000,000)	(+20,000,000)	.....

aphics\eh12jy97.010

EMERGENCY SUPPLEMENTALS AND RESCISSIONS APPROPRIATIONS ACT, FY 1997 (H.R. 1871) — continued

	Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
Mandatory budget authority	757,200,000	757,200,000	757,200,000	937,333,600	+180,133,600	+180,133,600
Total appropriations in bill (net)	3,484,001,000	1,918,834,000	376,035,000	801,670,600	-1,117,163,400	+425,635,600
SUMMARY OF 1997 SPENDING						
Total discretionary spending, title I	2,098,214,000	2,039,880,000	1,805,480,000	1,929,480,000	-110,400,000	+124,000,000
Total rescissions and offsets, title I	-4,872,000,000	-2,040,347,000	-1,905,943,000	-1,929,632,000	+110,715,000	-23,689,000
Total discretionary spending, title II	4,940,198,000	5,901,322,000	6,681,922,000	6,071,221,000	+169,899,000	-610,701,000
Total rescissions and offsets, title II	-391,111,000	-4,701,221,000	-6,210,800,000	-6,091,732,000	-1,390,511,000	+119,068,000
Total mandatory spending, title II	757,200,000	757,200,000	757,200,000	937,333,600	+180,133,600	+180,133,600
Total spending in bill	7,795,612,000	8,698,402,000	9,244,602,000	8,938,034,600	+239,632,600	-306,567,400

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I would simply like to say that at long, long last I am very happy that we are here in this posture. As the gentleman from Louisiana has indicated, almost 90 days ago the President of the United States asked the Congress to do essentially two things: He asked us to appropriate additional funds in order to meet the disaster needs around the country because various States had experienced severe flooding and other natural disasters; and he asked this Congress to supply the additional funds needed to fulfill our obligations in Bosnia so that the Pentagon would not have to stand down on crucial training exercises and a variety of other activities needed to maintain our military state of readiness.

I want to say that I think the majority on the committee tried to respond to that request in an absolutely straightforward and nonpartisan fashion. I think that the majority on the committee tried to do its duty, as we did on our side of the aisle in the committee. I have noted before my favorite philosopher is Archie the cockroach, and Archie the cockroach said once that somebody is born so unlucky he runs into accidents that started out to happen to somebody else.

That is what sort of happened to this bill. Because along the way, the leadership of the Republican Party in this House insisted that two unrelated provisions be added to the bill, and then another item was added in the Senate. When that happened, the President made quite clear that it was unacceptable to him to add those unrelated items as well as some others, and asked the Congress not to do that so that the needed emergency relief could immediately be gotten to the people who were most in need of it.

That unfortunately did not happen. Last week before we sent this bill to the President, I stood exactly where I am standing now and I urged the House, as did the gentleman from Louisiana on a previous occasion, to simply pass a stripped-down, clean version of this emergency supplemental so that we could in essence end what amounted, what was tantamount to a second government shutdown for the persons in the regions of the country who were affected by these natural disasters. I indicated that if we did not do that last week, we would most assuredly be here this week doing what we should have done last week.

Unfortunately, it has taken a Presidential veto to bring the Congress to its senses, and now we are finally proceeding the way we ought to proceed.

This proposal will meet the disaster needs of the country. It will meet the needs of the Pentagon, and it will also require a report from the administration on how they intend to proceed in dealing with the next census. I think we have reached a reasonable bipartisan accommodation at long last.

I would simply say that I guess what this episode reminded me of is Franklin Roosevelt's speech on Lend Lease a long time ago when he asked, "If your neighbor's House was on fire, would you not lend him your garden hose?" Well, this time around, lots of our neighbors had lost their houses. They had lost their farms. They were looking for help, but still that help was being held up. It was almost as though people were saying, "Well, we will get you some relief for the fire but first we have to paint the fire engine a different color. We have to get a different crew on the truck."

Finally, at long last, I think that that unfortunate business is behind us, and I want to simply congratulate the President for doing what was right. I want to congratulate the committee leadership for in all cases trying to do what it knew was right. And I want to congratulate those Members of the Republican Party who indicated by their uneasiness through the last week that they wanted a different direction from that that was being provided by their leadership and by the House.

I also want to frankly thank the American public, because I think if the American public had not spoken out the way they did, chances are we would not be here today. I think people saw that, I think the American public recognized that what was happening here was wrong, that it needed to be corrected. I am happy that we can bring a vehicle to the House floor that will provide that correction.

I congratulate the gentleman from Louisiana and his staff for bringing this forward. I hope that we can get on with providing finally the relief that is needed to the sections of the country which have experienced such devastating natural disasters over the past several months.

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

I rise for a colloquy with the gentleman from Louisiana, chairman of the committee.

I would like to discuss my understanding about the intentions of the conferees regarding section 4001 on assistance to Ukraine. Mr. Speaker, the language indicates that the President may waive the minimum funding requirements in subsection (k) of the 1997 Foreign Operations, Export Financing and Related Programs Act for activities of the Government of Ukraine. It is my understanding that this language is intended to apply to all the minimum funding requirements in that subsection, including the overall amount of $225 million for Ukraine. Is that the chairman's understanding as well?

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, as the gentleman has indicated, I agree with his interpretation. The language of section 4001 is intended, indeed, to give the President the authority to waive all the minimum funding requirements in subsection (k) of the 1997 act, including the overall earmark. The phrase "for activities for the Government of Ukraine" is intended to extend to the entire assistance program and, therefore, could apply to the overall $225 million earmarked for the Ukraine.

Mr. OBEY. Mr. Speaker, I thank the gentleman for his clarification. I would strongly urge the State Department to exercise the full authority granted by this section.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, strolling over from Committee on Agriculture markup, which is what we are in right now, I could not help but notice, unlike just a short while earlier when it was overcast and kind of drizzling a little, the sky had cleared. The sun was shining.

□ 1615

And I thought this is some signal just to what is occurring on the floor of the House and the Senate right now.

We have a disaster bill urgently needed, and I believe within a few minutes there will be a strong bipartisan vote to do what Congress needs to do and get help directly on the way to those so damaged by these floods. The sky is beginning to clear over this Chamber. The light of good legislation at last is beginning to shine again.

It should not have been this hard. It should not have been this rancorous. But what counts is getting the job done, and what will matter so much to the people I represent in the flood-afflicted area in the next month, the month after that, next year, perhaps the year after that, is that this body finally did act, and acted in a way that provided very meaningful assistance at a time when our need was so substantial.

Mr. Speaker, I want to urge all my colleagues to put the past weeks of debate behind us, then stroll to the voting machines and pass a very large, very strong vote in favor of this disaster relief.

The construction of the bill was the mark of a solid bipartisan effort. We have so appreciated the support of the majority and the minority as we built the package. We will enjoy and deeply appreciate the support of the majority and the minority as we pass the package. And I personally want to extend

my appreciation to each Member who has helped us along the way.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Speaker, I forgot to do something, at least with clarity, and I would simply like to make sure that Members understand exactly what is in this bill.

This is the same bill as the conference agreement: $8.6 billion in disaster relief and funding for Bosnian reimbursement to the Pentagon, minus three controversial riders.

The rider dealing with rights-of-way on public lands has been eliminated; the rider on the census has been eliminated and, instead, there will be a report required from the administration indicating how they intend to proceed in conducting that census; and, third, the automatic CR rider, which was also extremely contentious.

Other than that, this is identical to the conference report.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me begin by saying that this appears to be a victory for many, many people today; certainly those who have suffered because of the floods, particularly in the upper Midwest, the Dakotas and Minnesota. People who have lost their homes and their businesses and their farms and their lives being askew because of the disaster that hit them, we have provided them with hope today. We have provided them with some assistance, or we will be in just a few seconds. So they seem to finally have gotten what they have needed all along, immediate relief for the emergency that they are now suffering.

It is also a victory in many ways for the environment, because the rider on the public lands issue has been taken from this bill. For those who care about our environment and our public lands, they ought to feel good about what has happened today.

It is a victory for those who care about an accurate census, so that the American people will not have to go through a situation in which all Americans will not be counted.

It is also a victory today, I might add, for those who care about education. Because under the automatic CR language that our Republican colleagues were insisting upon, we would have had roughly 375,000 students not receive Pell Grants in this country.

So there are many people who will benefit by the action that will be taken here in just a few minutes. I want to congratulate several people. First of all, let me congratulate the President for staying tough and hanging tough and doing the right thing by insisting we just do emergency supplementals for those who need it.

Let me also suggest that those Representatives and Members of the other body from the Dakotas and Minnesota, our Minnesota colleagues, the gentlemen from North Dakota, Mr. POMEROY, Mr. DORGAN, Mr. CONRAD, and the gentleman from Minnesota, Mr. WELLSTONE, and others who really fought this battle and made a case so strong for their people, we congratulate them.

I also want to thank my colleagues on this side of the aisle, the chairman of the committee, and those 20 Republicans who stood up and said, listen, this is a kind of lunacy; let us put these riders aside and let us get on with taking care of the needs of these people who are suffering so much and our troops who are stationed overseas in Bosnia who need our support. They stepped up in a very difficult situation, and I congratulate them.

Let me also say to my friend from Wisconsin, who has led this battle on the floor now for 3 weeks, we thank him for his diligence and for his fight on this, because he has raised this issue in a way that I think recognizes the legitimate concerns of our colleagues on both sides of the aisle and the need to move forward in a way that will preserve our ability to act in a legitimate way on other issues down the road.

So, in conclusion, Mr. Speaker, I thank the gentleman for his time, and I commend the House for moving forward this bill in short order, so we can get it to the President's desk for his signature and our troops in Bosnia and our flood victims can have the relief and the support that they need.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT], a distinguished member of the Committee on Appropriations.

Mr. TIAHRT. Mr. Speaker, I would like to talk a little bit about what the gentleman from Wisconsin said about why this bill was vetoed in the first place. He mentioned the census sampling that we had in there. What we were trying to do was basically say that we do not want sampling when it comes to the census.

We have a constitutional requirement that says actual enumeration. It means you cannot use sampling. We were trying to follow the Constitution. I know that is sometimes frustrating, but we ought to do it here in America.

The other one was the continuing resolution that said basically that while we are trying to negotiate our differences between the Congress and the President, that we will not shut the government down, we will just continue the government at fiscal year 1997 levels.

The President decided that was a key factor in why he should veto this legislation. It was not because we are going to spend $3.4 billion to pay disaster assistance. We went above and beyond the President's request for disaster assistance. We reached out to the people who were in need and said we will help them relocate. No, instead, he wanted the ability to shut the government down and so he vetoed the legislation.

It was not because we added in $76 million for the women, infants and children's program, it was not that reason he vetoed it. He vetoed it because he wanted the ability to shut the government down.

On January 3, 1996, President Clinton said, "It is deeply wrong to shut the government down while we negotiate. I will continue to do everything I can in good faith in order to reach an agreement, but it is wrong to shut the government down." January 3, 1996.

And yet he vetoed this legislation, denying relief to people in need because he wanted the ability to shut the government down. He wanted to shut the government down, contradictory to what he said on January 3.

So I think we should be very up-front and honest about the reason why the President vetoed this legislation. He vetoed it because he wants the ability to shut the government down. Of course, he conveniently can blame us, and the media seems to carry on that message, but the bottom line was that it was not the disaster relief, it was not the aid to Bosnia, it was not the other things we were doing, it was because he wanted to shut the government down.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I wish to respond to the previous remarks. I think the record is quite clear, and I really did not want to have to get into past history and all of that, but as long as the gentleman has dredged it up, it requires a response.

The fact is that before the government was shut down 2 years ago, on 14 separate occasions the leadership of the majority party was quoted as saying it intended to shut the government down if that was necessary in order to require the President to bend to their will on major matters affecting the future of this country. The public understands that.

With all due respect to the gentleman, he has taken a bath on that issue, and I think the public understands what happened, and I do not see any reason to get into that any more. What we are trying to talk about is tomorrow, not yesterday.

But I simply wanted to make that point because the rhetoric that is being used today is the same rhetoric that was being used against the President 2 years ago. It is not going to be believed by the American public today any more than it was 2 years ago. And I think the sooner we get away from that and get on with the business of government, the better off we will be.

Mr. Speaker, I yield 1 minute to the gentleman from Minnesota, [Mr. MINGE].

Mr. MINGE. Mr. Speaker, I represent an area that was affected by the shutdown of the flood relief program due to the delays in this institution. I think it is tragic that it happened.

I know the folks at home think that we have rocks for brains out here. They cannot figure out what is wrong in Washington, DC. They were hit by a disaster when it flooded; they were hit by another disaster when the process out here was stymied.

I am very pleased that this has finally been resolved. I am very pleased that in the upper Midwest we have stood together on this. I know that my colleague from South Dakota will be speaking, if he has not already this afternoon, and I am very pleased at the bipartisanship that was shown in that State and in other States to try to move this ahead. And I am pleased that the bipartisanship that was developed in the upper Midwest is contagious and it has finally come out to Washington.

One thing I hope is that we have learned our lesson from this effort. It has been sobering. It has not been something that has just been blamed on the Democrats. All of us have taken our share of the blame, and I do not think we can stand it nor can our institutions anymore. We need to prove to this country that we can make government work.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the gentleman from South Dakota [Mr. THUNE] who has been an outstanding spokesman for the flood-ravaged people of his district.

Mr. THUNE. Mr. Speaker, I thank the distinguished gentleman from Louisiana, the chairman of the Committee on Appropriations, for yielding me this time; and I, too, want to thank all of them for all the work they have done, his very able staff and the Members, for bringing us to this point today.

Over the past 5 weeks I have seen the good, the bad and the ugly; for the past 5 weeks, the bad and the ugly of how things can work here. But today we are seeing the good, as people come together to try to do what, granted, we should have done a long time ago.

But I think it is very important for us, because we have made a commitment and it is important that we honor that commitment. I believe that the integrity of this institution, the credibility of the House and the Senate and the White House is about commitments made and commitments honored.

We have made a commitment to the American people for those who have suffered from disasters, and today we are finally delivering on that, and I am very happy to be a part of this day in bringing this process to a conclusion.

Mr. Speaker, I think that it does strike very much at the heart of our ability to govern, and I think it is very important that we have finally achieved an outcome which the people I know in my State of South Dakota are very desperately anxious to see. I would hope that all of us can continue to work in a way that would foster that sort of cooperation on other issues.

I want to thank as well the leadership who have worked, I think on both sides, as was mentioned earlier, I worked very closely with my colleagues from North Dakota, from Minnesota, in trying to come up with something. And I want to thank the leadership, the Speaker, the distinguished majority leader on our side as well, for making trips out to look at that area and to help us craft a solution, which I think probably provides as much flexibility as any disaster relief package that has ever been contemplated around here, and in working with us in a way that we can address the needs of the people who have been afflicted in a way that maximizes local control.

□ 1630

I think that is something that is very much consistent with my philosophy and with our philosophy, and I would hope that it would be a model for things that we can do in the future. But for the mayors of my State, for our Governor, and for the many people who have rolled up their sleeves day in and day out for these past many weeks and have been working together to try and rebuild their communities, this is a very welcome day, it is welcome news, and we are very grateful that this institution and the Senate has acted, as well they should have, and delivered the long needed and much needed disaster relief to the Dakotas, to Minnesota, and to the other States that are afflicted by this.

I just want to thank the leadership and my many colleagues for bringing us to this point and for finally accomplishing this goal.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. PRICE].

Mr. PRICE of North Carolina. Mr. Speaker, I am glad we are finally going to send to the President a bill that he can sign. The hurricane season, after all, opened 12 days ago.

In my home State of North Carolina, debris-filled streams hold the possibility of further disaster. Officials estimate it will take the rest of the year to clean out the upper reaches of streams in the eastern part of North Carolina. This work is necessary to ensure that the flooding that occurred last year does not happen again. This is work that could have already begun had the Congress passed a clean bill last month.

Right now, the Disaster Prevention Agency of North Carolina is praying that another hurricane like Fran does not hit our State. Even slightly above average rainfall in the State could be devastating to those areas hit in September by Fran. If a hurricane were to make landfall, the flooding that would occur, the devastation that would hit families that have been forced to move back into the flood plain could make Fran seem like a spring storm.

Next week, the State of North Carolina will be putting in applications for hazardous mitigation grants to help nearly 1,000 families start over. To be most effective, these funds need to be combined with the community development block grant funds in this bill. Without community development funds, many of those families might not be able to participate.

Mr. Speaker, let us finish this bill, send it to the President, and finally send aid to those across this country who desperately need it.

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding me the time.

I will obviously support this legislation in its present form. It is unfortunate that we did not do this some 60 to 70 days ago. I rise to congratulate the gentleman from Wisconsin [Mr. OBEY], to congratulate the President of the United States, who, once again, stood on principle and said that we need to act, but I am not going to act at the point of a gun, I am not going to condone that with which I do not agree.

There was unanimity 84 days ago, the day after the President asked for this relief, that we ought to ask, ought to move, but those victims of rain and flood should have help. I want to congratulate the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations and my good friend, and I want to congratulate as well my good friend, the gentleman from Florida [Mr. YOUNG], the chairman of the Subcommittee on Defense Appropriation, and of course my good friend, the gentleman from Alabama [Mr. CALLAHAN], is to be congratulated just on general principles.

But the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Florida [Mr. YOUNG] said that we ought to pass a CR, or supplemental appropriation, which said that we ought to help the flood victims and we ought to take care of our troops. Everybody agreed on that, but the lesson of November 1995 and December 1995 and, I say to my friend, the gentleman from Kansas [Mr. TIAHRT], January 1996 has not yet been learned. I say to my friend from Kansas, he can say as many times as he wants that the President wanted to shut down the Government. Nobody will believe him because that is inaccurate and wrong.

I say to my friend that he and the overwhelming majority of his colleagues in November and December and

January 1995 and 1996 repeatedly voted against clean CR's, which would have opened the Government, made services available to the American public; repeatedly I say to my friend, he voted against those clean resolutions.

Why? So that he could include and his colleagues could include items that they clearly knew were unacceptable to the President of the United States and they do not like the democratic process that was set up by our Founding Fathers that said, send something to the President; he vetoes it; and if two-thirds of the Congress disagree, you can pass it into law.

The reason I rise is not only because the gentleman from Kansas [Mr. TIAHRT] I think is not accurately portraying what is the President's view, who wants to keep Government open, and as the gentleman from Wisconsin [Mr. OBEY] said, the opposite of your leadership said they were going to close down Government, but to say let us learn the lesson, let us learn the lesson that we ought to allow the democratic legislative process to operate as our Founding Fathers planned it to be.

Do not once again try to muscle the President of the United States by putting something clearly unacceptable on an item that we all agree on, that ought to pass, that is good policy, that America wants to see us move. If my colleagues have an item, such as sampling, we disagree on, I disagree with my good friend from Mississippi on this issue, but if we have an item, then put the bill on the floor and send it forward. It will be vetoed, I understand that, have it brought back here, and if in the democratic process we override that veto, then they will prevail. But otherwise they should not prevail because the framework did not allow for it. But do not hold hostage either the Government or Government workers or ravaged victims of flood.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I rise with great relief and applaud the willingness of all the parties to reach closure here today so we can send this legislation on to its signature and begin to help repair the damage, both real and psychic, that people all over this country have absorbed in the last 6 months.

We have, I think, in this success an example we need to look to. We have two gentlemen who run the Committee on Appropriations. They are both volatile and yet lovable. The two of them can throw temper tantrums that make us all remember Sil Conte, but they get the job done because they can still work together when it is in the interest of the American people. Had they been allowed to work this issue successfully, they would have accomplished the task long ago.

I am afraid we have had a very difficult lesson. I know the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of this committee, showed us the way we would have had a down payment on this bill weeks ago rather than having gone for a break had we listened to him. But we failed it.

Perhaps as we move into the appropriations process in earnest for the next fiscal year, the Members on both sides of the aisle will take the opportunity to allow their leadership to prevail so that we can get through this process in a way that will make the American people proud of us and that we can deal with the fundamental needs they have, even while we apportion the various political philosophies and come up with the best compromise we can.

I just want you to know the people of northern California, who suffered in the floods of January, are now assured that we can put the system back in place and protect them and their property and their lives next winter, unlike last winter. And for that, I appreciate the efforts that have brought us to this point, including the willingness to compromise and lose face at the last in order to move the public interest forward.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. GUTKNECHT], another flood ravaged State.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me the time.

Several weeks ago, myself and the gentleman from Minnesota [Mr. RAMSTAD] and the gentleman from Minnesota [Mr. PETERSON] and the gentleman from North Dakota [Mr. POMEROY] went to the Red River Valley. It was quite an experience. We got a chance to look into the eyes of those people.

And I know this is true all over the United States, but it is especially true in the upper Midwest that if a farmer is hurt, for example, the next day there will be six tractors there to help them do whatever needs to be done. I think that is the spirit of America. We went there and we saw what was happening. And actually, as a result of that visit, there are special provisions in this disaster relief bill that, as far as I know, have never been done; and I think that is good.

But in many respects, I was thinking about this earlier today, and this has been perhaps the most frustrating 2 or 3 weeks that I have had since I have been in this Congress. In the Tale of Two Cities, they talk about the best of times and the worst of times, and in many respects, this bill and the way it was put together represents the best and worst of this city.

Because I think we all want to help our neighbor, but it is so frustrating when you take three ideas, which I think enjoy overwhelming support, the idea of helping our neighbors when they need the help, I think everyone agrees with that. And I think the notion of having something to make certain that the Government does not shut down, I think that has overwhelming support. And the notion that a census ought to be conducted by real counts rather than guesstimates, again, I think that is a good idea that has overwhelming support.

Only in Washington can we take three good ideas that have overwhelming support, put them together, and have gridlock for 3 weeks. So it is the best of times. It is the worst of times. But I am delighted on behalf of the people of Red River Valley, Minnesota, and the Dakotas that this fight is now over and the relief will be on its way.

So I thank the Speaker, thank the chairman, and thank the President. Let us get on with the business of the House.

Mr. OBEY. Mr. Speaker, does the gentleman from Louisiana [Mr. LIVINGSTON] have any remaining speakers?

Mr. LIVINGSTON. Mr. Speaker, I have no additional speakers.

Mr. OBEY. I yield myself 30 seconds, Mr. Speaker, to simply urge an "aye" vote on this proposition. I do not intend to offer a motion to recommit. I think the sooner we get this bill on to the Senate and on to the President, the better off everyone will be.

Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will not be long. We need to conclude this. This bill has indeed had a tough time. It has been a very interesting 6 or 7 weeks since this bill was first passed. One of the speakers, the gentleman from North Dakota, reminded me of a song that I heard back in my old college days that began with the line: "The stars are out. The Moon is shining on our jolly crowd."

I can say now that this doggone bill is over, I feel that the stars are out, the Moon is shining, and that maybe we can leave here and be a little bit more jolly than we have been around here in the last couple of weeks. We are all happy we are passing this bill.

The President sold a lot of newspapers. TV and radio had lots to talk about. And, in fact, the flood victims were never adversely affected by what went on over these last several weeks. We had real issues, as the gentleman from Minnesota pointed out. We had differences. And as the old saying goes, it was a sloppy process, it was an ugly process. Nobody should ever see how laws and sausage are made.

It was unfortunate that it had to be as sloppy and as ugly as it was, but now it is over. We had a staffer on the Committee on Appropriations, who retired last year, Fred Mohrman. He used to always say, once it is over, it is a perfect day, it is a perfect bill.

Mr. President, we give you a perfect bill. It is over. We are providing you with disaster relief for the flood ravaged territories of this country, some $5-½ billion in disaster relief. We are providing you with the money that you have already spend in Bosnia and Haiti, and all around the world with other military ventures, almost a billion dollars. We are providing you with benefits for the VA for pensions and compensation benefits for veterans, almost a billion dollars, Federal emergency management disaster relief, community development block grants, watershed flood prevention, national park repairs, Supplemental Security Income benefits for legal aliens, and again repayment, replenishment for the troops in the field. All of that is in this bill, along with some language that is acceptable between the White House and the Congress on the census.

□ 1645

Mr. Speaker, all of the money in this bill is paid for with previous appropriations. This is a perfect bill. It should be signed into law. Let us get this behind us so we can get into fiscal year 1998 activities and deal with the very serious issues that are involved in the appropriations for that fiscal year cycle, and let the stars be out and the moon shine on our jolly crowd.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to rise and speak in support of H.R. 1871, the emergency supplemental appropriations.

This legislation will provide much needed assistance to the victims of the floods, and support our Nation's peacekeeping efforts in the former Yugoslavia.

Those provisions which were included in the first submission of this legislation to the President for his signature have been removed. The subjects that were included; an automatic budget resolution, federally funded roads into national forest areas, and restriction of sampling in any future Census.

These areas are serious and each should be considered under the well established congressional legislative democratic process, through hearings, markup, and floor debate. Their exclusion from this Emergency Supplemental Appropriations therefore was the right course for the House leadership to take. Now, we can begin the process of seeking the best policy to further the interest of all Americans in each of these areas.

I believe that every Member of this body will agree that the suffering of others as a result of any cause is difficult to see. The pain of people who are the victims of natural disaster is particularly painful. There is nothing this body could do to legislate the next natural disaster out of existence, but we can agree that we will never again let issues that are unrelated enter into the legislative relief effort.

The least that Members of this body can offer the next victims of natural disaster in our country, is the promise that their best interest will be our only consideration when rendering them aid and assistance through funding legislation.

I would ask that my colleagues join me in support of H.R. 1871, the Emergency Supplemental Appropriations.

Ms. PELOSI. Mr. Speaker, Send It Clean. This is not a complicated message: Send It Clean, Mr. Speaker. It's been 85 days since the President asked the Congress for a disaster relief bill, and for 85 days the Republican leadership has played politics with the lives of suffering Americans. These people have asked for only one thing: Relief. What has the GOP responded with? More pain and suffering.

This is not a complicated message: Send It Clean, Mr. Speaker. This is what the President has been saying; This is what the American people have been saying; This is what House Democrats have been saying; This is what Republicans have been ignoring for 85 days.

Disaster Relief was never the place for the Republican agenda to be advanced. Extraneous bills should be argued on their own merits, and be allowed to stand or fall on those merits.

The folks trying to rebuild their lives in California, North Dakota, Minnesota, Arkansas, and Louisiana are waiting for word that the Democrats are not the only ones listening.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to the order of the House of today, the bill is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 348, nays 74, answered "present" 1, not voting 11, as follows:

[Roll No. 203]

YEAS—348

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Calvert
Camp
Canady
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—74

Archer
Armey
Barr
Bartlett
Barton
Bass
Bilbray
Boehner
Bonilla
Brady
Burr
Burton
Buyer
Callahan
Campbell
Cannon
Chambliss
Christensen
Coburn
Collins
Combest

Cox	Klug	Salmon
Crane	Largent	Sanford
Deal	McInnis	Scarborough
DeLay	McIntosh	Schaefer, Dan
Duncan	Mica	Schaffer, Bob
Goodling	Miller (FL)	Sensenbrenner
Graham	Myrick	Sessions
Hastert	Neumann	Shadegg
Hefley	Norwood	Shays
Hilleary	Nussle	Smith (MI)
Hoekstra	Paul	Snowbarger
Hulshof	Paxon	Stearns
Hunter	Pease	Stenholm
Inglis	Petri	Thornberry
Istook	Riley	Tiahrt
Johnson, Sam	Rohrabacher	Upton
Jones	Royce	Weldon (FL)
Kingston	Ryun	

ANSWERED "PRESENT"—1

Souder

NOT VOTING—11

Farr	Martinez	Pelosi
Flake	McDade	Rush
Forbes	McDermott	Schiff
LaFalce	Miller (CA)	

□ 1707

Messrs. CALLAHAN, WELDON of Florida, RILEY, HUNTER, and BARTLETT of Maryland changed their vote from "yea" to "nay."

Mr. DOOLEY of California and Mr. SKAGGS changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I rise for the purposes of inquiring what the schedule will be for tomorrow and the remainder of the week and for next week. Mr. Speaker, I am primarily interested in the time issue as much as I am in substance, and I think it would be helpful for our colleagues if they knew when we would be meeting next week and when we can expect our first votes. If we do not have the substance of the schedule next week, I understand that, but if we can get some sense.

I have been given a tentative schedule, Mr. Speaker, that says we will have a pro forma session at noon on Monday; and then on Tuesday, we will go in at 12:30 for morning session, 2 o'clock for legislative business, and no recorded votes before 5 p.m.; and then also on Tuesday, the Private Calendar, five suspension bills; and on Wednesday and the balance of the week, we will meet at 10 a.m. and we will do the Sea Grant bill and the National Defense Authorization bill. That is a tentative schedule, and if that is helpful to our colleagues, I would like to have that verified by the other side, if they could.

Well, we will assume, Mr. Speaker, that that is the schedule for next week, and I wish all my colleagues a good weekend.

ADJOURNMENT TO MONDAY, JUNE 16, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from New York?

There was no objection.

HOUR OF MEETING ON TUESDAY, JUNE 17, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, June 16, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, June 17, 1997 for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The Speaker pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENDING ORDER OF HOUSE OF MAY 7, 1997 THROUGH JUNE 24, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the order of the House of May 7, 1997, be extended through Tuesday, June 24, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MIDDLE CLASS TAX CUTS FOR FATHERS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. KINGSTON. Mr. Speaker, with Father's Day coming up, what can we do to help dads and to help parents and help children? Our tax burden right now is one of the biggest problems of raising kids. I know. I have a family of four. If you have a combined income of $55,000, $22,000 of that goes to taxes. Indeed, there are 62 taxes hidden in a gallon of gas and 109 in a loaf of bread.

The Republican bill gives much needed middle class tax relief, for capital gains tax, HOPE scholarships, IRA expansion, death tax penalty, and, most importantly, to the fathers on Father's Day the $500 per child tax credit.

Tax relief gives dads more time to stay at home to spend time with their children and impart values for the next generation. Unless the critics continue with the class envy that they are so clever at and so good, let me say that 71 percent of these taxes go to people with incomes of $75,000 or less and only 1.2 percent with incomes over $200,000. This is a middle class tax cut for fathers, and it is the Republican tax plan. I hope our Democrats will join us in supporting it.

The following shows the amount of tax relief received by people of various income categories over a five year period, according to data provided by the Joint Committee on Taxation: Under $20,000, −$5.5 billion (4.7%); $20,000 to $75,000, −$83.5 billion (71.7%); $75,000 to $100,000, −$19.3 billion (16.6%); $100,000 to $200,000, −$6.7 billion (5.8%); $200,000+, −$1.4 billion (1.2%).

□ 1715

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ATTEMPTS DURING BUDGET NEGOTIATIONS TO COME THROUGH THE BACK DOOR ON ISSUES OF WORKER PAY AND PROTECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I rise to bring to the attention of this House the fact that we have some actions that are going on as we attempt to bring together this budget and to reconcile the differences in the deliberations that have gone on, attempts to come through the back door on some very important issues.

I am very concerned about attempts to treat welfare recipients who are would-be welfare workers differently than we treat other workers in America's workplace. I am concerned that there is an attempt to pay welfare workers less than minimum wage. I am also concerned that there is an attempt to deny workplace protections for recipients who go to work. I am also concerned that along with these two mean-spirited denials of protections in the workplace we find an attempt to deny protection from discrimination.

One would ask, how could this be in 1997, when all of these gains that have been made are gains that were hard fought for, gains that individuals made tremendous sacrifices for? How could we in 1997 have attempts to turn back the clock?

We know that in the last Congress there were some attempts by Republicans to deny an increase in minimum

wage. That issue was hotly debated. We had the American public join in that debate in ways that we have not had the American public involved in in a long time. We engaged the citizens of this country in that debate. The citizens spoke in a loud and clear voice.

What did they say to us? They said, not only do we want an increase in minimum wage, we want the American people to be paid fairly for their labor. We do not think this increase is enough. We think it should be more. We do not like the fact that major CEO's in America are making a million dollars while there is an attempt to continue to squeeze the workers at the bottom. We do not like the fact that entry-level wages have gone down. We do not like the fact that more and more Americans are on part-time labor. We do not like the fact that American workers are going to the negotiating table, not fighting for increases, but are forced to have to fight to hold onto the gains that have been made historically.

So the American people spoke, and they spoke loud and clear. When the American people spoke, we discovered that even some of those on the other side of the aisle who had been attempting to deny this increase in minimum wage got the message. They got the message and they joined with us in the final analysis and supported the increase in minimum wage.

I thought all of the Republicans had learned a lesson. I thought they had heard the American public. But obviously that is not the case, because what we see now is a back-door attempt, a back-door attempt to not only deny that increase that we made for low-wage workers, but an attempt to single out a category of workers and pay them less than the minimum wage. What they could not do in the front door they are now trying to do through the back door.

What they are literally doing is sending a message out to workers, many of them who only make minimum wages, your job is in jeopardy. Your job is in jeopardy because we have found a whole new class of people that we are going to pay less than what we are paying you, so all of those low-wage workers, all of those people working for minimum wage in many of our industries, in our restaurants, in our hotels and places, we have a Republican Congress that is trying to create workers who make even less than they make.

I want the American public to pay attention as we fight this battle. We are going to stand up for low-wage workers. We are not going to allow this back-door attempt. I would like for the American public to stay tuned in to this battle. In the final analysis, if they join with us, we can win again.

INVESTIGATION OF DEMOCRATIC NATIONAL COMMITTEE FUNDRAISING EFFORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, Members might recall that a few weeks ago I discussed some of the participants in the investigation that is about to be undergone by the Committee on Government Reform and Oversight. We talked about Web Hubble, we talked about the Riadys, we talked about a number of people.

Today I want to talk about some of the remaining individuals. Mr. Huang has come up. Mr. Huang has refused to work with the committee in this investigation. Here is Mr. Huang. His former employer, Mr. Riady, no longer lives here. We have no alternative but to ask the White House to produce the documents concerning him. They have produced some documents, grudgingly at each step of the way. Those documents are now being analyzed by staff.

The basic principle here is the American people have the right to know what happened in the fall of 1996 in terms of campaign money being delivered to various candidates in the Democratic National Committee and others from foreign sources that violate existing law.

At one Democratic National Committee fundraiser Charlie Trie, who is from Little Rock, AR, Mr. Trie was a restaurateur, a close friend of the President as Governor, and he became a Democratic National Committee fundraiser and raised more than $100,000 for the party, which the Democratic National Committee has returned. He also contributed $640,000 to the President's legal defense fund. That money was later returned. Mr. Trie has left the country. He is rumored to be in China.

I do not know if this would ever work in China, but for missing people in America it has been helpful for young children. This is Mr. Trie. Maybe that is what we have to do is talk to the Chinese about seeing what we do to find Mr. Trie on milk bottle caps and tops. What his role was and whether or not he was a conduit passing money from the Chinese, we do not know completely yet. All White House documents concerning him are obviously absolutely crucial to this investigation. Again, the American people have a right to know.

Mark Middleton, who we have in the other chart, was a friend of the President's from Arkansas. He also met John Huang and Charlie Trie there. Mr. Middleton, who has taken the fifth, is there. He raised $4 million for the Clinton campaign in 1992 in Arkansas. After the election he came to work in the White House as a Presidential aide and business community liaison for then-Chief of Staff Mack McLarty.

Middleton was a key go-between at the White House, meeting frequently at the White House with Charlie Trie, John Huang, and Pauline Kanchanalak. After Middleton left the White House in 1995 to start up his own consulting business, he was a frequent visitor to the White House, and even retained his White House voice mail for 1½ years after his White House position had ended. That is, of course, the lobbyist advocate's dream.

Mr. Middleton's outside business specializes in deals between the United States and Asian businesses. Mr. Middleton has invoked the fifth amendment, and refuses to testify. What does he know about the foreign sources of the campaign money that has amounted to millions of dollars? The American people have a right to know.

Who is Pauline Kanchanalak? She is from Thailand, married into a prominent Thai family. She and her sister-in-law contributed more than $560,000 to the Democratic National Committee and the affiliated State parties in 1996, of which the DNC, Democratic National Committee, has pledged to return $235,000. She was a frequent visitor to the White House and brought three representatives of a large Thai business conglomerate to one White House fundraising coffee hosted by the President.

On at least two occasions Pauline has been identified as part of the Deputy Prime Minister of Thailand's official party, including once as an adviser to the Deputy Prime Minister. She and John Huang created the United States-Thai Business Council. President Clinton attended the grand opening. She has left the country and is believed to be in Thailand.

What was her role in fundraising? Did she also funnel money from a foreign government to the Democratic National Committee? The American people have a right to know.

Here we have six people, three of whom I have concentrated on today. They have invoked the fifth. They have left the country. It is crucial that we get the records. It is crucial that the American people learn what happened.

A TRIBUTE TO SHARON BRYSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BARCIA] is recognized for 5 minutes.

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a woman of tremendous resolve, Sharon Bryson. She has survived an enormous tragedy and somehow has managed to rise above it and to become a humanitarian and spokesperson for others who share her anguish.

Eight years ago Sharon lost her 13½-year-old son and 2½ years ago she lost her husband to AIDS. Her daughter, Shelley, who is a student working on her master's degree and intends to pursue her Ph.D., is also infected with

HIV. The terrible injustice is that Sharon's husband and son died from HIV after being given blood byproducts considered safe. At the time the individuals said they could be used like water, and individuals who spoke with some authority.

□ 1730

It was not until later that they were warned that the products may contain the HIV virus, too late for Sharon's husband, son, and daughter. It is an outrage that the government allowed tainted blood products to be given to innocent people, destroying entire generations of families. The government must own up to its failure to warn hemophilia patients about the possibilities of the HIV virus in our national blood supply.

In the 1980's, nearly 8,000 hemophiliacs were infected with the HIV virus. Of those infected, two die every day. Although no amount of money can ever replace a family, they must be compensated for their suffering, their anguish and the enormous expenses that they have had to incur.

Human life is too precious not to recognize this devastating tragedy. One life lost is one too many. Sharon is a courageous woman who has refused to give up, despite losing her loved ones. Instead, she has chosen to fight on behalf of the hemophilia community for justice.

It is because of brave, resilient people like Sharon who are willing to share their story that we understand the true impact of hemophilia-associated AIDS. I ask my colleagues on the floor and in the House to join me in acknowledging Sharon Bryson for her bravery and willingness to help others. Sharing her story with me was an act of courage. It certainly brings this tragedy close to home.

We must realize that this tragedy does not only happen in the urban areas or to those who are most at risk. Families from all walks of life are suffering. I am hoping that Sharon's story helps other families and individuals who have been infected through tainted blood products. I also commend her daughter Shelley who, in the face of these difficult medical challenges, continues to want to devote the rest of her life to helping children in need.

As Sharon has so eloquently said:

There is no amount of money that can bring my husband and son back into my life. Perhaps the Ricky Ray Hemophilia Relief Fund Act could bring some meaning to this chapter of my life and restore my faith in the belief that the little people of this great country of ours do matter.

My prayers are with Sharon and her family.

GOVERNMENT SHUTDOWNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. COBLE] is recognized for 5 minutes.

Mr. COBLE. Mr. Speaker, when I came over today I did not plan to speak. But as I heard the discussion on the supplemental some moments ago, referrals were made to the government shutdown in 1995. The government shut down very briefly, I think it was in 1991, regarding virtually identical causes as was the case in 1995; that is, the unwillingness and/or the inability of the President on the one hand and the Congress on the other to agree on budgetary matters. It was universally concluded in 1991 that President Bush shut her down. Oh, yes, he shut the government down. But guess what? When the government shut down in 1995, was it universally concluded that President Clinton shut her down? No. The Congress shut down the government in 1995. President Clinton's fingerprints were not to be found thereon, at least it was not reported.

TV talk show hosts, Mr. Speaker, weekend talk show hosts in particular, ask time and again of their weekend guests, well, are the Republicans going to shut down the government again during the 105th Congress? I have heard it asked dozens of times. A more even-handed question, Mr. Speaker, would be, do the President and the Congress intend to shut down the government again? Never heard that asked once.

I will admit we in the Congress sometimes become prisoners or victims of our own rhetoric. But keep in mind both the executive and the legislative branch must assume some blame when it comes to these matters. President Clinton, President Bush, President whoever, unlike Members of Congress, is elected by the American people, by all of the American people. He is the chief operating officer of the Federal Government, and as such, he is compelled to lead.

The media, and I generally am not critical of the media because I have been the beneficiary of pretty even-handed treatment by them, but the media has a way of portraying news this way or that way, and the way it is portrayed, that is the accounts of news, the way it is portrayed obviously has a direct result in the way that viewers or readers perceive it. You have heard it said, Mr. Speaker, and so have I, that perception is 90 percent of it.

So President Bush having closed down the government in 1991, that is the perception because in many instances that is the way the news was portrayed. But, no, not President Clinton in 1995. I repeat, I was not even going to get into this, but much was said about it today as we were getting into the discussion of the supplemental and I felt obliged to at least address it in this small way.

I hope the media will assume a more objective and therefore less subjective role in its subsequent reporting of these matters. Keep in mind, Mr. Speaker, Pennsylvania Avenue runs two ways. We have the Congress at one end, President Clinton at the other end. President Clinton for this time, whoever it may be subsequently. But this is a two-way street. When government shutdowns occur, they involve both the President and the Congress. And the purpose of this message today from me, the gospel according to COBLE, is to remind people it is a two-way street.

Mr. WICKER. Mr. Speaker, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I thank the gentleman from North Carolina for bringing up this point. I think it is very important. We have had an appropriation bill before us, and we had legislative language on it.

But I hope my friends on the other side of the aisle have not been suggesting today that we are the first people in the history of the Congress to put riders on appropriation bills. For 40 years during Republican and Democrat administrations, the Democrats, when they were in the majority, used this as a legitimate exercise of the power of the purse. I think my friend from North Carolina will agree that we were fighting about some very, very important things on this spending bill.

Mr. COBLE. Reclaiming my time, Mr. Speaker, I say to the gentleman from Mississippi, that is precisely my point. That is the way it needs to be portrayed.

ON THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. MEEK] is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Speaker, when welfare reform was passed, Congress gave very little guidance to States for determining the applicability of existing employment laws to welfare recipients. This meant that States, counties, employers could use any kind of guideline in applying the welfare reform laws.

We all are in agreement, there should have been some reform of welfare. The time had come for that. But the time will never come when we take away some of the employment benefits from the Federal Government that every citizen of this country needs and desires and really should be given.

Congress never said that the Fair Labor Standards Act, which includes the minimum wage provisions, should not be applied to welfare recipients. Neither did they say it should be applied. So those were questions that were left open.

Each time this piece of legislation came to the floor, I questioned those

things. I questioned because of the fact that the Federal Government, which has been sort of the person or the group of people who looked over these laws to be sure that everybody got fair treatment, equal treatment under the law, but with the Welfare Reform Act nothing was mentioned. Congress did not speak about the Fair Labor Standards Act in that particular piece of legislation.

The President and some Members of Congress have tried to determine that welfare recipients in work programs should indeed earn the minimum wage, but some in this Congress want to overturn that decision. For some reason they think, Mr. Speaker, that it is OK for people who were on welfare to make less than minimum wage.

The Congress did a good thing. They want to see these people go from welfare to work. But they did not leave any guidelines to be sure that they when they went from welfare to work, they would be treated fairly, that they would be covered by the fair employment rules, that they would be covered by civil rights laws, this they would be covered by all kinds of Federal protection under the law. It was not there and it still is not there. But there is a great need.

I do not agree with that, Mr. Speaker, because I stand for fairness. I stand for equality, and most Members of this Congress do, if they really understood what they are doing with this, cutting down, being sure that people who are going from welfare to work now may not even get the minimum wage.

Welfare recipients deserve the dignity of equal treatment with their fellow workers. I repeat that. They deserve this dignity. The minimum wage does that. It gives them that dignity. Welfare recipients, Mr. Speaker, are entitled to the protection of wage and hour laws. They are not second class citizens. They deserve the same protection from wage and hour laws that each of us has today.

Minimum wages are not inflated wages. We call them decent wages. This workfare is supposed to provide income and create incentives and opportunities for people receiving welfare. We do know that Congress has enabled them now to be able in 2 years to go out and find a job. But what we did not do is to protect them with the Federal laws that have been there for a very long time.

Mr. Speaker, do not let it be corrupted into an oppressive system that forces workers to toil for cheap wages. It will bring us right back into the welfare syndrome that we just recently got out of because Congress passed these laws to make this happen throughout the country.

MORE ON THE EMERGENCY SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. WICKER] is recognized for 5 minutes.

Mr. WICKER. Mr. Speaker, I am delighted that we have gone ahead and passed the supplemental bill today. I supported it, and there can be no question now as to our commitment to supporting the flood victims and the other needs that were contained in the bill.

My party and my political philosophy were forced to make a tactical retreat today. We abandoned two very key portions of this supplemental bill, and I want to address those in the time that I have today, Mr. Speaker.

First of all, we were trying in this bill to fashion a way to prevent another Government shutdown. The shutdowns of late 1995 and early 1996 were regrettable. The American people told us that they did not want that again. And in the legislation that passed earlier, we had a provision saying that if Congress and the President at the end of the fiscal year are unable to come to a resolution, then automatically the appropriation bills would be funded at 100 percent of the previous year until something could be worked out on a permanent basis.

I feel that that was reasonable. I am sorry we had to abandon that because of the President's veto. But I state to my colleagues and to the American people, Mr. Speaker, that it was a worthwhile goal. It was important and it had everything to do with the bill that we were discussing this week.

The second major issue was the issue of the census. The American people might ask us, Mr. Speaker, what does the census have to do with an emergency spending bill? It has everything to do with the future of our country. It has everything to do with abiding by the Constitution.

There are people in the administration, people in the Commerce Department, in the Bureau of the Census, who want to count about 90 percent of the people in the year 2000, and then guess at the other 10 percent. We are told by congressional studies that those guesses could be off by as much as 35 percent. In other words, a group of 100 people might be counted at 65. They might be counted at 135.

The Constitution of the United States, Mr. Speaker, says that there shall be an actual enumeration, an actual enumeration. That is what the Constitution says. That is what the Founding Fathers said when they fashioned the Constitution. I do not apologize for standing up for the Constitution, for standing up for an issue which is central to the franchise of voters.

Then one more point I want to make to the response to some of the accusations that were made by my friends on the other side of the aisle.

□ 1745

They say we do not need to put riders on appropriation bills. We do not need to appropriate money and then hold a gun to the President's head with these extraneous legislative riders.

For 40 years my friends on the Democratic side of the aisle utilized this tactic. It is a legitimate exercise of the constitutional power of the purse. It is within the prerogative of the House of Representatives to initiate spending bills and to put requirements on those spending bills to make sure the money is spent according to the will of the American people and according to the will of this House. It is part of our responsibility.

As long as that power of the purse is here in this body, whether Democrats are in the majority, as they were for 40 years, or whether Republicans are in the majority, there will continue to be legislative riders. I want to point that out. We were fighting for important things, important principles that affect the future of this country.

I will be happy to yield to my friend from Florida.

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from Mississippi, and I thank him for all his hard work on this.

I hear what the gentleman is saying, and I know a lot of Americans hear what the gentleman is saying. It is deeply troubling to me to hear year in and year out from the other side talking in self-righteous tones that we are doing these awful things that have never been done before; talking about how we are gutting Medicare, and then a year later they vote 36 to 3 to support the same provisions that we were doing a year ago.

Now, supposedly, we are victimizing flood victims, who were fully funded through the State, anyway. And now we hear how we should have sent the President a clean CR. And I guess that is what is most troubling, when I hear the President get on the TV talking about this great need for a clean CR. What was clean about this CR?

AVOID ANOTHER GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, as I was saying just a minute ago to the gentleman from Mississippi, it is frustrating to hear time and time again about the need for these clean CRs.

Now, if we wanted to address just how clean this CR was, and I may ask the gentleman from Mississippi in a minute or two to talk about some of the things that were in the bill, but the President said please do not jeopardize flood relief for these poor victims, just

send me a clean CR, or a clean appropriations bill.

If we wanted to talk about a clean bill, that would add up to about $750 million. If we were concerned about flood relief for the victims of the horrible floods up in the Midwest, we would have sent $750 million. Unfortunately, by the time this bill got passed through the House and through the Senate and through the White House requests, this $750 million quickly became $8.4 billion.

The same Democrats that have stood on this floor earlier today arguing about how horrible it was that we would not send a clean emergency appropriations bill, were the same Democrats that threatened to derail this measure if we did not put in things such as a parking garage in Ohio that had absolutely nothing to do with what the flood victims were suffering from; or who threatened to strike this down if we did not put in provisions pertaining to apple orchard subsidies.

If they can somehow come to the floor and explain to me how subsidies for apple orchardists had anything to do with this flood, I would certainly welcome their arguments. I would like to hear those arguments.

I guess what I am saying is, I just, as a Member of this House, get a little bit tired of this self-righteous indignation from our friends on the other side who talk about how they want this clean bill and yet they fill it up, they load it up with what a lot of Americans would call pork. Their hands certainly are not clean.

I agree also with the gentleman regarding the continuing resolution. For 3 years we have heard the President and our friends on the left whine about how horrible it is that the Republicans were awful enough to shut down the Federal Government and this must never happen again.

I remember all the Democrats flooding to the floor afterwards, where they checked with their pollsters and the pollsters told them this is a really good issue, and they all came down when we were having our morning hour and they are all lining up and saying, "Mr. Speaker, this must never happen again. This must never happen again. It is the most awful thing that has ever occurred. Mr. Speaker, how could they be so cold-hearted? Let us ensure in America today that it will never happen again."

Well, guess what, Mr. Speaker? Guess what, America? They had that opportunity this past week to make sure that the Federal Government would never be shut down again. Not only that, we bent over backwards. We said, okay, not only are we going to pass an insurance policy to make sure that the Federal Government does not get shut down again, we are going to go the extra mile and we are going to allow the government to be funded fully at last year's level.

Now, that is so unbelievably reasonable that I find it astounding that Democrats can still slouch towards the microphone on this floor in self-righteous indignation telling us that they really are concerned about a government shutdown or telling us that we have done this great disservice to the flood victims in the Midwest because we wanted to ensure that the Federal Government was never shut down again.

I mean let us talk about reality for a second. The reality is the flood victims were fully funded. They were fully funded. This was an emergency appropriation to help them a month or so down the road. And yet, and yet, they come in and try to tell us that it is like we are kicking people out of tents or out of trailers because we are trying to ensure that the Federal Government does not get shut down again with this insurance policy.

The real threat to flood victims, not only in the Midwest but the threat to the flood victims in my region in Florida, the threat to earthquake victims in California, the threat to Americans from coast to coast is if this government ever does shut down again and we cannot fund their needs. That is all we were trying to do.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. BARCIA, for 5 minutes, today.
Ms. FURSE, for 5 minutes, today.

(The following Members (at the request of Mr. COBLE) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes, today.
Mr. BOB SCHAFFER of Colorado, for 5 minutes, on June 18.
Mr. GEKAS, for 5 minutes, on June 17 and 18.
Mr. COBLE, for 5 minutes, today.
Mr. EHLERS, for 5 minutes, today.
Mr. METCALF, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WICKER, for 5 minutes, today.

The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. MEEK of Florida, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SCARBOROUGH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mrs. MALONEY of New York.
Mr. STARK.
Mr. HAMILTON.
Mr. KILDEE.
Mr. UNDERWOOD.
Mr. POSHARD.
Ms. CARSON.
Mr. PALLONE.
Mr. WEYGAND.
Mr. FILNER.
Mr. ROEMER.
Mr. SCOTT.
Ms. ESHOO.
Mr. MENENDEZ.
Mr. THOMPSON.
Mr. BARCIA.

(The following Members (at the request of Mr. COBLE) to revise and extend their remarks and include extraneous material:)

Mr. BOB SCHAFFER of Colorado.
Mr. BLUNT.
Mr. WATTS of Oklahoma.
Mr. CASTLE.
Mr. LEWIS of California.
Mr. PAPPAS.
Mr. GALLEGLY.
Mr. GILMAN in two instances.
Mr. PAUL in two instances.

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mrs. MORELLA.
Mr. PAPPAS.
Mr. PRICE of North Carolina.
Mr. LEWIS of California.
Mr. GALLEGLY.
Mr. PAUL.
Mr. FILNER.
Mr. ROEMER.
Mr. SCOTT.
Mr. POSHARD.
Mr. EDWARDS.
Mr. SENSENBRENNER.
Mrs. MCCARTHY of New York.
Mr. GILMAN.
Mr. WATTS of Oklahoma.
Mr. MARTINEZ.
Mr. BARCIA.
Mr. SANDERS.
Mr. STOKES.
Mr. MEEHAN.
Mr. PAYNE.
Mr. KILDEE.
Mr. HOYER.

ADJOURNMENT

Mr. WICKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes

p.m.), under its previous order, the House adjourned until Monday, June 16, 1997, at 12 noon.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State.22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 105th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable BILL REDMOND, Third District, New Mexico.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3760. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Pesticide Tolerances for Emergency Exemptions [OPP-300494; FRL-5718-8] (RIN: 2070-AB78) received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3761. A letter from the Deputy Under Secretary of Defense (Environmental Security), Department of Defense, transmitting the Department's annual report on the defense environmental quality program for fiscal year 1996, pursuant to 10 U.S.C. 2706(b)(1); to the Committee on National Security.

3762. A letter from the Vice-Chairman of the Board, Federal Reserve System, transmitting the annual report on the subject of retail fees and services of depository institutions, pursuant to 12 U.S.C. 1811 nt.; to the Committee on Banking and Financial Services.

3763. A letter from the Secretary of Energy, transmitting the Department's Annual Report on Federal Government energy management and conservation programs during Fiscal Year 1995, pursuant to 42 U.S.C. 6361(c); to the Committee on Commerce.

3764. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan, South Carolina: Adoption of General Conformity Regulations [SC33-1-9714a: FRL-5840-5] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3765. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Source Category Limited Interim Approval of the Operating Permits Program; Michigan [MI001; FRL-5842-3] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3766. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting [AD-FRL-5839-2] (RIN: 2060-AH07) received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3767. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Preparation, Adoption, and Submittal of State Implementation Plans; Appendix M, Test Methods 204, 204A-204F [FRL-5836-1] (RIN: 2060-AF02) received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3768. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia: Determination of Attainment of Ozone Standard and Determination Regarding Applicability of Certain Requirements in the Richmond Area [VA-076-5022a; FRL-5841-5] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3769. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Rule Making Findings of Failure to Submit Required State Implementation Plan: Oregon [FRL-5831-9] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3770. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Thailand for defense articles and services (Transmittal No. 96-19), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3771. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period of October 1, 1996, through March 31, 1997, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

3772. A letter from the Secretary of Health and Human Services, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1996, through March 31, 1997, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3773. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform and Oversight.

3774. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3775. A letter from the Acting Administrator, General Services Administration, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1996, through March 31, 1997, and the Semiannual Management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3776. A letter from the Chairman, National Bankruptcy Review Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3777. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on activities of the Inspector General for the period of October 1, 1996, through March 31, 1997, and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3778. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3779. A letter from the Legislative Counsel, Office of Congressional and Legislative Affairs, Department of the Interior, transmitting a draft of proposed legislation to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996; to the Committee on Resources.

3780. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Swordfish Fishery; Extension of Drift Gillnet Emergency Closure [Docket No. 960314073-7129-04; I.D. 112696C] (RIN: 0648-AI23) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3781. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Regulatory Adjustments [Docket No. 960816226-7124-03; I.D. 111396A] (RIN: 0648-AJ04) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3782. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Civil Money Penalties Inflation Adjustments (Coast Guard) [CGD 96-052] (RIN: 2105-AC63) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3783. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Model 650 Airplanes

(Federal Aviation Administration) [Docket No. 97–NM–101–AD; Amendment 39–10044; AD 97–12–01] (RIN: 2120–AA64) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3784. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–193–AD; Amendment 39–10043; AD 97–11–14] (RIN: 2120–AA64) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3785. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D and E Airspace; Sacremento, CA (Federal Aviation Administration) [Docket No. 97–AWP–13] received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3786. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Falsification of Security Records (Federal Aviation Administration) [Docket No. 28745; Amendment Nos. 107–9 and 108–14] (RIN: 2120–AG27) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3787. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Industrial Seaway Canal, Mississippi (Coast Guard) [CGD08–96–056] (RIN: 2115–AE47) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3788. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Cerritos Channel, CA (Coast Guard) [CG11–90–03] (RIN: 2115–A47) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3789. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Prince William Sound, AK (Coast Guard) [COTP PRINCE WILLIAM SOUND, 97–001] (RIN: 2115–AA97) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3790. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zones, Security Zones, and Special Local Regulations (Coast Guard) [CGD 97–031] (RIN: 2115–AA97) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3791. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Income Tax; Specified Liability Losses [Notice 97–36] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3792. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that Colombia and Ecuador have adopted a regulatory program governing the incidental taking of certain sea turtles, pursuant to Public Law 101–162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1747. A bill to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes; with an amendment (Rept. 105–130). Referred to the Committee on the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 856. A bill to provide a process leading to full self-government for Puerto Rico; with an amendment (Rept. 105–131 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 856. Referral to the Committee on Rules extended for a period ending not later than July 11, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LANTOS (for himself, Mr. CAMPBELL, Mr. ACKERMAN, Mr. BONIOR, Mr. BROWN of California, Ms. CARSON, Mr. DAVIS of Illinois, Mr. DELLUMS, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FOGLIETTA, Mr. FRANK OF MASSACHUSETTS, Mr. FROST, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINCHEY, Mr. JEFFERSON, Mr. MANTON, Mr. MILLER of California, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. RANGEL, Mr. SANDERS, Mr. SCHUMER, Mr. TIERNEY, Mr. TORRES, Mr. VENTO, Ms. WOOLSEY, Ms. VELÁZQUEZ, and Mr. YATES):

H.R. 1870. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Education and the Workforce.

By Mr. LIVINGSTON:

H.R. 1871. A bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLILEY (for himself and Mr. MARKEY):

H.R. 1872. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; to the Committee on Commerce.

By Mr. KANJORSKI (for himself and Mrs. MORELLA):

H.R. 1873. A bill to amend chapter 84 of title 5, United States Code, to make certain temporary Federal service creditable for retirement purposes; to the Committee on Government Reform and Oversight.

By Mr. KANJORSKI (for himself, Mr. BONIOR, Mr. MCGOVERN, Mr. JACKSON, and Mr. TIERNEY):

H.R. 1874. A bill to amend title 5, United States Code, to provide that an individual serving in a position in the competitive or excepted service, under an indefinite or temporary appointment, who performs at least 2 years of service in such a position within a 5-year period, and who passes a suitable noncompetitive examination, shall be granted competitive status for purposes of transfer or reassignment; to the Committee on Government Reform and Oversight.

By Mr. CRANE:

H.R. 1875. A bill to amend the Harmonized Tariff Schedule of the United States to allow entry of peanut butter and paste manufactured from Mexican peanuts in foreign trade zones, without being subject to a tariff-rate quota; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. BROWN of California, Mr. SCHIFF, Mr. BARCIA of Michigan, Mr. BOEHLERT, Mrs. MORELLA, Mr. WELDON of Pennsylvania, Mr. ROHRABACHER, Mr. CRAMER, Mr. BARTON of Texas, Mr. EHLERS, Mr. GUTKNECHT, and Mr. MCHALE):

H.R. 1876. A bill to clarify that certain large components of certain scientific instruments and apparatus shall be provided the same tariff treatment as those scientific instruments and apparatus; to the Committee on Ways and Means.

By Mr. QUINN (for himself, Mr. FILNER, Mr. EVANS, Mr. COOKSEY, Mr. MASCARA, Mr. REYES, Mr. BUYER, Mr. LAHOOD, and Mr. GILCHREST):

H.R. 1877. A bill to amend title 38, United States Code, to expand workstudy for eligible veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CANADY of Florida (for himself, Mr. FOLEY, Mr. MILLER of Florida, and Mr. DAVIS of Florida):

H.R. 1878. A bill to impose an indefinite moratorium on enforcement of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 against certain de minimis parties; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 1879. A bill to suspend temporarily the duty of Triflusulfuron Methyl; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mr. POMBO, and Mr. KENNEDY of Rhode Island):

H.R. 1880. A bill to amend the Immigration and Nationality Act to modify the qualifications for a country to be designated as a visa waiver pilot program country; to the Committee on the Judiciary.

By Mr. WAXMAN:

H.R. 1881. A bill to establish the Tobacco Accountability Board; to the Committee on Commerce.

By Mr. FRELINGHUYSEN:

H.R. 1882. A bill to suspend temporarily the duty on certain parts for in-line skates; to the Committee on Ways and Means.

By Mr. GREENWOOD (for himself and Mrs. JOHNSON of Connecticut):

H.R. 1883. A bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative; to the Committee on Commerce.

By Mr. HEFLEY:

H.R. 1884. A bill to establish limited privileges and immunities for certain information relating to compliance with environmental laws, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, Transportation and Infrastructure, Agriculture, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER (for himself and Mr. EWING):

H.R. 1885. A bill to direct the Secretary of the Army to set aside the conviction of Dr. Samuel A. Mudd by a military commission in 1865 for aiding, abetting, and assisting the conspirators who assassinated President Abraham Lincoln; to the Committee on National Security.

By Mrs. JOHNSON of Connecticut (for herself and Mrs. KENNELLY of Connecticut):

H.R. 1886. A bill to suspend the duties on Pantera; to the Committee on Ways and Means.

H.R. 1887. A bill to suspend the duties on Triacetonamine; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 1888. A bill to suspend temporarily the duty on certain twisted yarn of viscose rayon; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 1889. A bill to suspend temporarily the duty on spring steel; to the Committee on Ways and Means.

H.R. 1890. A bill to suspend temporarily the duty on polyethylene base materials; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself and Mr. CARDIN):

H.R. 1891. A bill to amend the Internal Revenue Code of 1986 to codify the employer status of staffing firms with respect to their workers for purposes of employment taxes and for employee benefit purposes, to clarify and enhance the ability of such firms to sponsor retirement and other employee benefit plans, and to facilitate the nonabusive use of such firms' services by other businesses; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina:

H.R. 1892. A bill to amend the Internal Revenue Code of 1986 to treat as a qualified transportation fringe which is excludable from gross income the payment by the employer of certain telecommunicating-relating expenses of employees; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 1893. A bill to suspend until January 1, 2000, the duty on Tetrafluoroethylene, Hexafluoropropylene, and Vinylidene fluoride; to the Committee on Ways and Means.

By Mrs. ROUKEMA (for herself and Mr. MCDADE):

H.R. 1894. A bill to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission for 10 additional years; to the Committee on Resources.

By Mr. STOKES (for himself, Mr. WYNN, Ms. CHRISTIAN-GREEN, Mr. HASTINGS of Florida, Mr. CUMMINGS, Mr. RUSH, Ms. WATERS, Mrs. CLAYTON, Mr. PAYNE, Mr. FLAKE, Ms. KILPATRICK, Mrs. MEEK of Florida, Ms. BROWN of Florida, Mr. JACKSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. CONYERS, Mr. DELLUMS, Mr. CLAY, Mr. CLYBURN, Mr. LEWIS of Georgia, Mr. HILLIARD, Mr. SCOTT, Mr. DAVIS of Illinois, Ms. JACKSON-LEE, Mr. THOMPSON, Mr. DIXON, Mr. FATTAH, Mr. FORD, Ms. NORTON, Ms. MILLENDER-MCDONALD, Ms. MCKINNEY, Mr. OWENS, Mr. BISHOP, Mr. WATT of North Carolina, Mr. JEFFERSON, Mr. RANGEL, and Ms. CARSON):

H.R. 1895. A bill to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups; to the Committee on Commerce.

By Mr. THORNBERRY:

H.R. 1896. A bill to require that travel awards that accrue by reason of official travel of a Member, officer, or employee of the Senate or House of Representatives be used only for official travel or travel between the Member's state and the District of Columbia, or transferred to a qualified non-profit organization; to the Committee on House Oversight, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WISE:

H.R. 1897. A bill to suspend temporarily the duty on KN001—a hydrochloride; to the Committee on Ways and Means.

By Mr. PAUL:

H.J. Res. 82. Joint resolution proposing an amendment to the Constitution of the United States authorizing the States to prohibit the physical destruction of the flag of the United States and authorizing Congress to prohibit destruction of federally owned flags; to the Committee on the Judiciary.

By Mr. HALL of Ohio (for himself, Mr. WELDON of Florida, Mr. MCNULTY, Mr. CHRISTENSEN, Mr. LANTOS, Mr. ENSIGN, Ms. KAPTUR, Mr. PITTS, Mr. TRAFICANT, Mr. COBURN, Mr. BONIOR, and Mrs. LINDA SMITH of Washington):

H. Con. Res. 96. Concurrent resolution apologizing for those who suffered as slaves under the Constitution and laws of the United States until 1865; to the Committee on the Judiciary.

By Mr. HINCHEY (for himself, Mr. BONIOR, Mr. OBEY, Mr. SPRATT, Mr. EVANS, Mr. CLAY, Mr. CONYERS, Mr. WYNN, Mr. MEEHAN, Mr. SERRANO, Ms. DEGETTE, Mr. SANDERS, Mr. FATTAH, Mr. FILNER, Ms. SLAUGHTER, Ms. WATERS, Mr. DELAHUNT, Mrs. MEEK of Florida, and Mr. NADLER):

H. Con. Res. 97. Concurrent resolution expressing the sense of the Congress that the alternative minimum tax requiring all corporations and individuals with substantial economic income to pay at least a minimum amount of income taxes should be retained; to the Committee on Ways and Means.

By Mrs. MORELLA:

H. Con. Res. 98. Concurrent resolution authorizing the use of the Capitol grounds for the SAFE KIDS Buckle Up Car Seat Safety Check; to the Committee on Transportation and Infrastructure.

By Mr. CASTLE (for himself, Mr. WOLF, Mr. COBURN, Mr. MCKEON, Mrs. ROUKEMA, Mr. LAFALCE, Mr. POSHARD, Mr. GILMAN, Mr. GREENWOOD, Mr. SOLOMON, Ms. LOFGREN, and Mr. LIPINSKI):

H. Res. 166. Resolution to express the sense of the House of Representatives concerning violence on television; to the Committee on Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

131. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 61 memorializing the Congress of the United States and the Food and Drug Administration regarding the phaseout of chloroflurocarbons from medical inhalers; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. SESSIONS and Mr. ROTHMAN.

H.R. 18: Ms. HOOLEY of Oregon, Mr. BURTON of Indiana, Mr. BARCIA of Michigan, and Mr. ROTHMAN.

H.R. 27: Mr. HAYWORTH and Mr. CANNON.

H.R. 38: Mr. LUCAS of Oklahoma.

H.R. 44: Mr. CRAMER and Mr. FRANK of Massachusetts.

H.R. 51: Mr. TURNER, Ms. SANCHEZ, Mr. BOYD, and Mr. HUTCHINSON.

H.R. 65: Mr. LUCAS of Oklahoma, Mr. LARGENT, and Mr. COMBEST.

H.R. 76: Ms. DANNER, Ms. KAPTUR, and Mr. SHAYS.

H.R. 84: Mr. CLYBURN and Mrs. MALONEY of New York.

H.R. 107: Mrs. EMERSON and Mr. DELLUMS.

H.R. 127: Ms. HOOLEY of Oregon and Ms. KAPTUR.

H.R. 135: Mr. BOSWELL, Mr. CLAY, Mr. CRAMER, Mr. DIXON, Mr. FATTAH, Mr. MASCARA, and Ms. SANCHEZ.

H.R. 145: Mr. LAHOOD, Mr. CUMMINGS, and Mr. RAHALL.

H.R. 192: Mr. COOKSEY, Ms. HOOLEY of Oregon, Mr. SNYDER, Mr. BURR of North Carolina, Ms. DEGETTE, Mr. WALSH, Mr. GIBBONS, and Ms. DELAURO.

H.R. 230: Mr. DREIER, Mr. JONES, and Mr. BAKER.

H.R. 282: Mr. LAZIO of New York.

H.R. 303: Mr. COLLINS and Mr. COMBEST.

H.R. 305: Mrs. MORELLA and Mr. LAMPSON.

H.R. 404: Mr. HERGER.

H.R. 414: Mr. GIBBONS.

H.R. 521: Mr. FRANKS of New Jersey and Mr. ROTHMAN.

H.R. 611: Mr. JACKSON.

H.R. 630: Mr. KIM.

H.R. 699: Mrs. CHENOWETH.

H.R. 777: Ms. DELAURO, Mr. TORRES, Mr. MARKEY, Mr. CUMMINGS, Mr. FLAKE, and Ms. CARSON.

H.R. 793: Ms. NORTON.

H.R. 806: Mr. DELLUMS.

H.R. 898: Mr. LUTHER.

H.R. 983: Mr. KLECZKA.

H.R. 1023: Mr. LINDER, Ms. ROS-LEHTINEN, and Mr. ANDREWS.

H.R. 1140: Mr. TRAFICANT.

H.R. 1189: Mr. WELLER.

H.R. 1232: Mr. EVANS.

H.R. 1280: Mr. ENGLISH of Pennsylvania and Mr. HULSHOF,.

H.R. 1284: Mrs. LOWEY.

H.R. 1323: Mrs. LOWEY.
H.R. 1330: Mr. DELLUMS.
H.R. 1361: Mr. FILNER, Mrs. MALONEY of New York, Mr. MANTON, Mr. LIPINSKI, Mr. MCGOVERN, Mr. VISCLOSKY, Mr. TORRES, Mr. UNDERWOOD, Ms. RIVERS, and Mrs. MORELLA.
H.R. 1362: Mr. ALLEN, Mr. CUNNINGHAM, Mr. COMBEST, Mr. SCARBOROUGH, Mr. MCNULTY, Mr. TIERNEY, Mr. THORNBERRY, Mr. CALVERT, and Mr. FOX of Pennsylvania.
H.R. 1382: Mr. BONIOR.
H.R. 1398: Mr. DUNCAN.
H.R. 1421: Mr. SMITH of New Jersey and Mr. GOODLATTE.
H.R. 1432: Mr. SABO and Mr. MCGOVERN.
H.R. 1437: Mr. GEJDENSON.
H.R. 1524: Mr. DELAHUNT, Mr. DEFAZIO, and Ms. HOOLEY of Oregon.
H.R. 1532: Mr. REYES, Mr. SERRANO, Mr. THUNE, Mr. WAMP, Mr. BOB SCHAFFER, Mr. ACKERMAN, Mr. BRYANT, Mr. SCARBOROUGH, Mr. HASTINGS of Washington, Mr. HUTCHINSON, Mr. STRICKLAND, and Mr. ROGAN.
H.R. 1534: Mr. HILL, Mr. PICKETT, Mr. SENSENBRENNER, and Mr. NEUMANN.
H.R. 1536: Mr. SENSENBRENNER.
H.R. 1542: Mr. HILL and Mr. BLUNT.
H.R. 1543: Mrs. TAUSCHER.
H.R. 1556: Mr. PRICE of North Carolina.
H.R. 1592: Mr. LIPINSKI, Mr. JONES, Mr. CUNNINGHAM, Mr. GOSS, Mr. DAVIS of Illinois, and Mr. PETRI.
H.R. 1609: Mr. ROTHMAN.
H.R. 1630: Mr. DELAHUNT, Mr. COBLE, Mr. JOHNSON of Wisconsin, Mr. BORSKI, Mr. STUPAK, and Mr. BLUMENAUER.
H.R. 1636: Mr. POSHARD, Mr. METCALF, Ms. ROYBAL-ALLARD, Mr. TOWNS, Ms. JACKSON-LEE, Mr. SHERMAN, Mr. VENTO, Ms. LOFGREN, Mr. TORRES, and Ms. SLAUGHTER.
H.R. 1685: Mr. GOODLING, Mr. KLUG, Ms. FURSE, Mr. PARKER, Mr. GORDON, Mr. PAPPAS, Mr. FRANK of Massachusetts, Mr. BARTLETT of Maryland, Mr. LATOURETTE, Mr. BAKER, Mr. SPENCE, Mr. NORWOOD, Ms. ROS-LEHTINEN, Mr. RUSH, Mrs. LINDA SMITH of Washington, Mr. DIAZ-BALART, Mr. MCINTOSH, Mr. MCDADE, Mr. ROGERS, Mr. SOUDER, Mr. CRAPO, Mr. GOSS, Mr. SCARBOROUGH, Mr. REGULA, Mr. ISTOOK, Mr. LEWIS of Kentucky, Mr. DREIER, Mr. STRICKLAND, Mr. COBURN, Mr. KINGSTON, Mr. INGLIS of South Carolina, Mr. HUNTER, Mr. BURTON of Indiana, Mr. SCHIFF, Mr. PAYNE, Mr. CALVERT, Mr. PETERSON of Pennsylvania, Mr. HOEKSTRA, and Mr. TAYLOR of North Carolina.
H.R. 1689: Mr. GANSKE.
H.R. 1712: Mr. MANZULLO.
H.R. 1716: Mr. HASTINGS of Florida and Mr. OLVER.
H.R. 1717: Mr. KLUG.
H.R. 1741: Mr. DELAHUNT, Mr. BEREUTER, and Mr. BARRETT of Wisconsin.
H.R. 1766: Mr. NEY, Mrs. EMERSON, Mr. BARCIA of Michigan, and Mr. MCINTYRE.
H.R. 1773: Mr. FROST, Mr. GUTIERREZ, and Ms. RIVERS.
H.R. 1799: Mr. KILDEE and Mr. KNOLLENBERG.
H.R. 1812: Mr. MANZULLO and Mr. CANNON.
H.R. 1815: Mr. FARR of California, Mr. OLVER, Mr. KLECZKA, Mr. THOMPSON, and Mr. DEFAZIO.
H.R. 1818: Mr. WHITFIELD.
H.R. 1819: Mr. FILNER and Mr. ALLEN.
H.R. 1839: Mr. BROWN of Ohio and Mr. NETHERCUTT.
H.R. 1843: Mr. BALDACCI.
H.R. 1847: Mr. MCCOLLUM, Mr. BUYER, and Mr. WEXLER.
H.R. 1848: Mr. WOLF.
H.R. 1853: Mr. PETERSON of Pennsylvania, Mr. GREENWOOD, and Mr. GRAHAM.
H.R. 1854: Mr. OBERSTAR, Mr. FROST, Ms. LOFGREN, Mr. MORAN of Virginia, and Mr. LAFALCE.
H.J. Res. 78: Mr. SENSENBRENNER, Mr. NEY, Mr. BONO, Mr. METCALF, Mr. NUSSLE, and Mr. GOSS.
H. Con. Res. 19: Ms. PELOSI, Mr. GEJDENSON, Ms. NORTON, Mr. MILLER of California, Mr. ABERCROMBIE, Mr. STARK, Mr. MCGOVERN, Mrs. KELLY, Mr. FROST, Mr. SANDERS, Mr. FILNER, Mrs. MORELLA, and Mrs. TAUSCHER.
H. Con. Res. 23: Mrs. TAUSCHER.
H. Con. Res. 52: Mr. STUMP, Mr. HALL of Texas, Mr. ANDREWS, Mr. MCNULTY, and Mr. CLAY.
H. Con. Res. 65: Mr. BILIRAKIS, Mr. LAMPSON, Mrs. ROUKEMA, Mr. LAZIO of New York, Mr. KLECZKA, Mr. STARK, Ms. SANCHEZ, Mr. WEXLER, Mr. PICKERING, Mr. STRICKLAND, Mr. THOMPSON, and Ms. DELAURO.
H. Con. Res. 75: Mr. YATES and Mr. WEXLER.
H. Con. Res. 89: Mrs. MALONEY of New York, Ms. MCCARTHY of Missouri, Mrs. MINK of Hawaii, Mrs. THURMAN, Mr. PALLONE, Mr. RODRIGUEZ, Ms. DELAURO, Mrs. KENNELLY of Connecticut, Mr. BONIOR, Mr. MATSUI, Mr. MILLER of California, Mr. KILDEE, Mr. STUPAK, Mr. HINCHEY, Mr. EVANS, Mr. CRAMER, Mr. ACKERMAN, Ms. ESHOO, Mr. GEJDENSON, Mr. MARKEY, Mr. BROWN of California, Mr. DELAHUNT, Mr. MOAKLEY, Mr. COYNE, Mr. STARK, Mr. NADLER, Mr. WAXMAN, Ms. HARMAN, Mr. FAZIO of California, Mr. BARRETT of Wisconsin, Mr. STRICKLAND, Mr. CARDIN, Mr. VENTO, Mr. ROYCE, Mr. FILNER, Ms. PELOSI, Mr. MENENDEZ, Mr. GORDON, Mr. DEUTSCH, and Mr. SAWYER.
H. Con. Res. 91: Mr. ANDREWS.
H. Res. 37: Mr. ACKERMAN and Mr. WOLF.
H. Res. 119: Mr. LEWIS of Georgia, Mr. MARTINEZ, Mrs. MALONEY of New York, Mr. MCGOVERN, Ms. RIVERS, Mr. KILDEE, Mr. PRICE of North Carolina, Mr. VISCLOSKY, Ms. ROYBAL-ALLARD, and Mr. LUTHER.
H. Res. 139: Mr. BURTON of Indiana, Mr. SHADEGG, Mr. KLUG, Mr. HILL, and Mr. MANZULLO.

EXTENSIONS OF REMARKS

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES CONCERNING VIOLENCE ON TELEVISION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. CASTLE. Mr. Speaker, on any given night, you can turn on your television during primetime and watch someone commit assault, murder, or any other act of violence. While you and I know that the violent world depicted nightly on our television screen does not reflect life accurately, all too often our children take what they see as truth.

Children are particularly sensitive to the world around them, as they notice and absorb everything they see and experience. Study after study for decade after decade has confirmed the commonsense intuition that when children view violence their behavior becomes increasingly violent. The American Psychological Association estimates that a typical child will watch 8,000 murders and 100,000 acts of violence before finishing elementary school.

However, the harm caused by viewing violence is broader than the encouraging of violent behavior. Studies have found that viewing violence increases mistrust of others and fear of being a victim of violence, and desensitizes viewers to violence resulting in calloused attitudes and apathetic behavior toward violence.

Over the years, Congress and broadcasters have sporadically tackled this issue. For example, in 1990, Congress passed the Children's Television Act to increase the amount of quality educational programming for children. The recent rewrite of the telecommunications bill included a requirement that television sets be manufactured with a computer chip that would allow parents to screen out programs, rated by the broadcast industry, that are inappropriate for their children. And more recently, the broadcasters have agreed to work out an industrywide compromise on generating a content based rating system. I support these efforts.

Yet I believe more needs to be done. It is useful to put up signs warning others if a river is polluted, but it is even more useful to clean up the river. That is why I am introducing a resolution, with 11 other Members of Congress, expressing the sense of the House that broadcasters should not air excessively violent programming between the hours of 6 a.m. and 10 p.m.

Cleaning up television will not resolve all of the Nation's ills. But as former Education Secretary William J. Bennett points out, in recent years we have seen an explosion in moral pathologies: Abused and abandoned children, out-of-wedlock births, drug use, violent crime, and just plain trashy behavior, as well as the vanishing of the unwritten rules of decency and civility, social strictures, and basic good manners. He attributes this to the fact that the good requires constant reinforcement, and the bad needs only permission.

Turning the tide, reinforcing the good will ultimately take a massive collective effort, one that engages our families, our civic leaders, our religious leaders, our teachers, our community leaders, all levels of government, neighbors—everyone in society. But the media, too, with its enormous role in the socialization process, must join us in this effort.

CLARIFICATION BY FATHER DRINAN

HON. HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. MEEHAN. Mr. Speaker, it has come to my attention that Jesuit Father and Georgetown University Law Center Prof. Robert F. Drinan has withdrawn statements he made in a New York Times article of June 4, 1996, on legislation to ban so-called partial-birth abortion. At the request of the Most Reverend John R. McNamara, regional bishop for Massachusetts' Merrimack region, I am submitting for the RECORD the text of Father Drinan's statement of May 12, 1997, clarifying his position on abortion.

Articles that I wrote in the New York Times on June 4, 1996, and in the National Catholic Reporter on May 31, 1996, were used in ways I did not intend. I withdraw those statements and any statement that could be understood to cast doubt on the Church's firm condemnation of abortion—a doctrine that I totally support.

Moreover, new information about the true nature and widespread use of partial-birth abortion renders my statements on that issue in 1996 factually incorrect.

I do not believe that every moral evil should be outlawed. I do, however, see abortion—particularly partial-birth abortionas—a grave evil and can understand why Church leaders are urging lawmakers to ban it. I do not want anything to impede that effort. On the contrary, I join in that effort and stand ready to promote laws and public policies that aim to protect vulnerable human life from conception until natural death. I support the Catholic bishops in their efforts to exercise moral leadership in the fight against abortion.

CORRECTING PERCEPTIONS ABOUT GUAM AND THE CNMI

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. UNDERWOOD. Mr. Speaker, recently many Members have expressed interest in the Commonwealth of the Northern Mariana Islands [CNMI]. Some have described it as a model of economic policy, others as a blemish on the fabric of American values. On March 19, 1997, Mr. DELAY submitted an extension of remarks in which he discussed the economic situation in the CNMI. In the context of these remarks, Mr. DELAY made several comparisons between the CNMI and Guam.

Unfortunately, political, governmental, historical, economic, and demographic differences make such comparisons misleading. For example, in 1995, the total work force in the CNMI was 37,393; 32,522—87 percent—of which were foreign born. Considering the number of foreign guest workers the NMI is importing, their level of unemployment should be very low. However, the unemployment rate among U.S. citizens in the CNMI is over 14 percent while on Guam it is about 8 percent. If the NMI's unemployment rate was any higher it would raise serious questions about the use of their foreign guest worker program.

Because Guam does not have a similar guest worker program and complies with Federal minimum wage and labor standards, one cannot take this or other isolated economic statistics and make direct comparisons between the CNMI and Guam. Guam currently pays the prevailing wage which can be four times the minimum wage. However, Mr. DELAY is correct that Guam's economy is hindered by certain economic policies, but these obstacles originate from the Federal Government, not from Guam itself.

In an effort to correct this situation, the people of Guam, through the Draft Guam Commonwealth Act, are seeking a new relationship with the United States and a comprehensive review of the application of Federal laws on Guam. Through this legislation Guam is working toward removing those Federal obstacles to stimulate economic growth and establishing a new political relationship with the Federal Government.

It is important to note that Guam does not want to use the CNMI as a model of labor, immigration, or economic policy. We do not desire to use greater autonomy and control over immigration to establish a massive guest worker program to fuel a low wage garment industry. Rather we seek to stem the flow of immigration to our island which is suffering as a result of the application of Federal immigration. Guam needs some guest workers, but this program must be consistent with our basic principles of justice and fairness.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Contrary to many reports circulating around Congress, the CNMI is neither a den of labor iniquity or a model of economic freedom. I hope that as the debate surrounding the CNMI continues that members remember the historical context in which the NMI joined the American family and don't turn this into a battle ground for a debate on the national minimum wage issue.

I appreciate Mr. DELAY'S support for increased local control for the territories. I invite all Members who support local control to support Guam's desire for a commonwealth status which is consistent with this position. I look forward to working with Mr. DELAY and other Members of Congress on this critical issue.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. DAVIS of Illinois. Mr. Speaker, on Wednesday, June 11, 1997, I missed rollcall vote No. 178, as I was presenting an acknowledgment to students from the University of Illinois at Chicago who were participating in the Department of Energy's Future Car Challenge. I was unable to make it back to the Capitol in time to cast my vote. Had I been present, I would have voted "no" on rollcall vote No. 178.

A TRIBUTE TO W.D. FARR

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to honor a man who helped shape the history of water development in eastern Colorado—William Daven "W.D." Farr. Mr. Farr is the epitome of a Colorado pioneer.

W.D. Farr was born in 1910 in Greeley, CO, and worked on his grandfather's homestead. The Farrs' success at raising sheep led W.D. to enroll at the University of Wisconsin, which had the best sheep research department in the United States. In 1929, Mr. Farr returned to Greeley to join his father, Harry, in business when his studies were cut short by a severe illness. In 1948, Harry divided the business between his two sons. As the business grew over the years, W.D. acquired ranches and farms, plus land for feedlots.

Mr. Farr's vision in the area of local and regional water planning has been invaluable to the citizens of Greeley contributing to the economic prosperity of the community and the development of long range water project planning. Commitment and service to the Greeley community and the State of Colorado have been priorities in Farr's life. His many accomplishments include, but are not limited to the following:

Board of Director of the Greeley-Loveland Irrigation Company from 1947 to 1955;

Board of Director of the Northern Colorado Water Conservancy District from 1955 to 1995;

Chairman of the Greeley Water and Sewer Board for 36 years from its inception in 1959 until January of 1996;

First president of the Municipal Subdistrict of the Northern Colorado Water Conservancy District;

President of the National Cattlemen's Association from 1971 to 1972;

Member of the Water Pollution Control Advisory Board of the U.S. Department of the Interior appointed by President Richard Nixon in 1973;

Chairman of the Region 208 Area Wide Planning Commission of the Larimer-Weld Council of Governments in 1974;

Member of the Colorado Water Congress in 1975; and in 1985 named the Wayne Aspinall Water Leader of the Year by the Colorado Water Congress;

Inaugural inductee into the Colorado Business Hall of Fame when it was established in 1991; and

Inducted into the Colorado Agriculture Hall of Fame in 1995.

On Tuesday, June 17, 1997, the Greeley City Council will honor W.D. Farr by passing a city ordinance recognizing his illustrious service to his community, State, and Nation and naming him chairman emeritus of the Greeley Water and Sewer Board. I am pleased to join with the Greeley community in commending W.D. Farr on his numerous and outstanding contributions.

H.R. 1876, A BILL TO CLARIFY THAT COMPONENTS OF CERTAIN SCIENTIFIC INSTRUMENTS AND APPARATUS SHALL BE PROVIDED THE SAME STATUS AS THE SCIENTIFIC INSTRUMENTS AND APPARATUSES

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. SENSENBRENNER. Mr. Speaker, today we are introducing a bill to clarify the interpretation of language contained in the Florence Agreement, a multilateral international agreement regarding the importation of educational, scientific, and cultural materials. Signed by the United States it allows for the duty-free importation of scientific apparatus into the United States, if used by U.S. approved institutions for educational, scientific, and cultural purposes.

As nations tighten their research budgets, international scientific collaborations involving many nations are becoming more common. Therefore, it is crucial the United States promulgate the same tariff treatment for the importation of component parts of large scientific instruments, as for the scientific instruments themselves. The need for this legislation was demonstrated last year by the difficulties experienced in the Gemini International Telescope project. The U.S. Customs Service narrowly defined the words "scientific instruments or apparatus" not to include "components" of these instruments.

The Gemini project involved two large telescopes under construction in Hawaii and Chile. The project was managed by the Association of Universities in Astronomy [AURA], and involved the United States, United Kingdom, Canada, Chile, Argentina, and Brazil. The telescopes contained several components, including an 8-meter mirror manufactured in the United States. The mirrors were shipped to France for polishing before being returned to Hawaii and Chile for final assembly. The U.S. Customs Service initially contended that the mirror was a component, along with the other large components is not eligible for the same tariff free status as the instrument. Chile, however, was not charging duties on the components destined for there. The 104th Congress had to pass specific legislation to provide tariff relief for the Gemini project.

The prevent future problems, this bill addresses the difficulties encountered through the interpretation of the words "instruments or apparatus" by the U.S. Customs Service. It states that separable components shall be included under the definition of instruments or apparatus, and that therefore they shall be eligible for the same tariff treatment under the Harmonized Tariff Schedule of the United States. This bill will ensure that the United States fulfills the Florence Agreement's intent of furthering the exchange of ideas, knowledge, and information through the interchange of scientific instruments and apparatus.

A SAFE PLACE TO LIVE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. GALLEGLY. Mr. Speaker, I am pleased to report two good news stories related to the quality of life in my district in southern California. The first, relates to statistics compiled by the U.S. Department of Justice which concludes that Ventura County, CA is one of the safest areas to live in the United States. According to the FBI, the county recorded its lowest crime rate in 23 years with a 14.5 percent reduction in the number of crimes for each 1,000 people.

The county Sheriff's department and the Ventura police department report that the 1996 crime rate was the lowest since the early 1970's. The Sheriff's Chief Deputy Bob Brooks recently stated that, "not only has the rate decreased, but the number of crimes reported has also dropped—even as the population almost doubled in the past two decades."

Our second story involves my own hometown of Simi Valley. According to officials in the city of Simi Valley, its 1996 crime rate was low enough to again rank it as the safest city with a population of over 100,000 in California and possibly the safest city of that size in the United States. This success story involving Simi Valley, which has consistently had one of the lowest crime rates in the Nation, is due in large part to the hard work of the members of the city council and the commitment and dedication of Police Chief Randy Adams and the members of his department.

This welcome news was reported by the Nation's law enforcement agencies during the

first 6 months of 1996 and released by the FBI in accordance with the Preliminary Uniform Crime Reporting Program.

These statistics demonstrate the commendable job the Ventura County and Simi Valley law enforcement officers are doing to protect our community and its citizens. Murder, rape, robbery, and aggravated assault have no place in a civilized society and will not be tolerated, especially in Ventura County and its municipalities. The efforts of our uniformed men and women and concerned members of our community have once again shown that we can be safe and secure in our homes and neighborhoods.

While the statistics are promising, we must continue to work to prevent crime, punish habitual offenders, and ensure that victims receive adequate restitution. There is still much to do to maintain this trend of decreasing crime rates. However, this report demonstrates that capable police officers, tough sentencing, positive outreach programs, and people who care have made a tremendous difference and will continue to be effective in the future.

The Ventura County and Simi Valley experiences serve as nationwide models of competent law enforcement and a committed citizenry. I applaud those individuals who personally risk their lives to provide us with a safe community and congratulate them on a job well done.

A TRIBUTE TO DONALD V. WEIDMAN

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. BLUNT. Mr. Speaker, for more than 50 years, Donald V. Weidman has been an effective minister of the Christian gospel. Since 1987, he has served with distinction as executive director of the Missouri Baptist Convention, the statewide association of the more than 1,900 churches and 625,000 members affiliated with the Southern Baptist Convention. Recently, he announced plans to retire effective August 31, 1997.

As early as the 1940's, Don was a member and leader of gospel music groups that traveled extensively in the Midwest. Later, he would enter full-time ministry and serve as the pastor of growing churches in DeSoto, St. Louis, Liberty, and Kansas City, MO. As a denomination stateman, he served with distinction as second vice president of the 16-million member Southern Baptist Convention and as president of the Missouri Baptist Convention. He has been on the boards of trustees for Southwestern Baptist Theological Seminary in Fort Worth, TX; William Jewell College in Liberty, MO; and Baptist Memorial Health Care Systems in Kansas City.

Missouri Baptists have experienced exceptional growth during his years as executive director. A crowing achievement of those years is the current missions and ministry partnership Missouri Baptists have with Baptists in the Republic of Belarus, one of the former Soviet republics.

Don's work extends beyond Baptist circles, however. He has been active in civic clubs, Chambers of Commerce and United Way in every community where he has lived.

Don's wife, Marian, has been a faithful partner is his ministry. Three of their four children are in full-time vocational ministry. Another daughter is an active lay leader in her church.

Don Weidman's compassion, humor, and common sense have served Missouri Baptists well in challenging times. His faith and commitment to seek and follow God's will set a great example for denominational leaders across America.

KILDEE SALUTES THE HOUSE OF SPENCER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Dr. J. Merrill Spencer and his wife Edith Prunty Spencer, who are retiring after 42 years of distinguished service to the residents of Flint, MI as the proprietors of the House of Spencer Mortuary.

Dr. Spencer is a veteran of World War II, and served in the 92d Division known as the Buffalo soldiers. After completing his studies, Dr. Spencer served our community in a number of capacities including, teacher, principal, and postal clerk. The Spencer's founded the House of Spencer Mortuary on November 3, 1955. Dr. Spencer also became a partner in a stock brokerage firm and the Stonehearth Restaurant.

Despite managing several thriving businesses, Dr. Spencer found time to serve on several boards and commissions in Genesee County. He served on the Executive Committee of the Genesee County Democratic Party, the Genesee County Board of Supervisors, was an Alternate Delegate to the 1976 Democratic National Convention, and served for 12 years on the Flint Board of Education. As a lifetime member of the NAACP, Alpha Phi Fraternity, the Morehouse Alumni Association and the Optimist Club, Dr. Spencer has been dedicated to ensuring that every individual is given equal opportunity. As a mentor, he has encouraged many of our youth to succeed.

Although the accomplishments of Dr. Spencer are impressive, I think he would agree that his marriage to Edith Prunty Spencer is what he is most proud of. Mrs. Spencer has been an inspiration to me for her dedication to literacy. Her love of reading led her to work in a number of positions at the Flint Public Library. She retired as Chief of Public Service from the library in 1987 after 37 years of service.

An active member of the Urban League, the NAACP, the League of Women Voters, and the Alpha Kappa Alpha Sorority Incorporated, Mrs. Spencer has provided our community with a strong advocate for women. Mrs. Spencer has been recognized by her peers on many occasions for her selfless dedication to making our community a better place. She was the recipient of the Hands of Mercy Award, was recognized by Who's Who of American Women, and was named Alumnae of Year by Wayne State University. I know that Mrs. Spencer was deeply honored when the Flint Public Library named the periodicals department, the "Edith Prunty Spencer Room."

Mr. Speaker, it is indeed an honor and pleasure for me to rise today to pay tribute to Dr. and Mrs. J. Merrill Spencer. Their lives should serve as an example to all of us. I would also like to extend my sincere congratulations to this dynamic couple on the occasion of their 50th wedding anniversary on September 19, 1997. I ask you and my fellow members of the House of Representatives to join me in wishing the Spencer family all the best in their retirement. They deserve our accolades.

TRIBUTE TO THOMAS FAHEY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on behalf of Elmhurst and Corona, Queens, to pay special tribute to a remarkable individual who has distinguished himself as an exceptional police officer and role model for our young. Thomas Fahey has brought hope to the lives of many in Elmhurst and Queens by reaching out to the community and helping those in need.

As a decorated 14-year veteran of the New York Police Department, Officer Fahey has always been there for our community and our children—especially in these last 8 years, during which he has served as the youth officer at the 110th precinct in Corona and Elmhurst, Queens. He has helped kids that were in trouble and helped kids stay out of trouble. As a mentor and friend he has inspired countless young men and women to stay in school and strive for a better life.

Officer Fahey has led by example, and there can be no better example than his selfless service during rescue efforts after TWA Flight 800 exploded above Long Island. In fact, he received a decoration from New York City for putting his life at risk to help the families and victims of Flight 800. Thomas Fahey is truly a hero, and his work in the community is a shinning example to us all.

Mr. Speaker, I ask that you and all my colleagues join me in honoring Officer Thomas Fahey. He inspires those who work with him, and he has earned the devotion of his friends and the gratitude of his community.

IN HONOR OF IDA INEZ BERROCAL TORRES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to Ida Inez Berrocal Torres, who is being honored

this evening by the Queens Women's Political Caucus. Ms. Torres has been in the forefront of workers' rights, particularly the rights of women and Hispanic workers. The most accurate portrait of Ms. Torres comes from Ms. Torres herself, as she describes herself as a "worker for workers."

Ms. Torres' involvement in the labor movement covers all facets: she has been an organizer, teacher, leader, and elected union official. Her advocacy work in the labor movement began with her position as a telephone operator in the union. In 1965, after a strike at Bloomingdale's, the workers petitioned that Ida become their union organizer for local 3 of United Storeworkers. In 1977, she was elected vice president of local 3, RWDSU, and continues in that capacity today.

Ida's work also has influence on the national level. She currently represents RWDSU on the national executive board of the Coalition of Labor Union Women, serves on the executive board of the New York City Labor Council, and is president of the Hispanic Labor Committee and Advisory Committee to the New York City Central Labor Council.

Ida's role as a teacher has been equally important in the labor movement. She has served as an instructor in labor studies at Cornell University, New York State School of Industrial and Labor Relations, and the Harry Van Arsdale Center for Labor Studies, State University of New York.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Ida Inez Berrocal Torres. I am honored to have such a great woman and leader in my district.

TRIBUTE TO THE U.S. OCEANOGRAPHIC RESEARCH VESSEL, "ATLANTIS"

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. LEWIS of California. Mr. Speaker, several weeks ago our Nation's Capital was blessed with the arrival of the U.S. Oceanographic Research Vessel, *Atlantis*. Operated by the Woods Hole Oceanographic Institute of Massachusetts and brought to Washington, DC, in conjunction with the Office of Naval Research, the 288-foot *Atlantis* docked in Old Town Alexandria prior to leaving on a 2-year global research mission.

The *Atlantis* was built by the U.S. Navy and launched recently in Pascagoula, MS, at a christening ceremony including Members of the House, the Senate, and the administration. The *Atlantis* will be operated by Woods Hole, an outstanding institution that has been a leader in ocean science and research for nearly 70 years. Over the years, the findings of Woods Hole have benefited the United States and the world. Much of this work involves basic research sponsored by a number of Federal departments and agencies including the National Science Foundation, the Department of Commerce, and the Environmental Protection Agency.

The results of the work of Woods Hole is far reaching and vital to our future affecting food production, earthquake and storm predicting, agriculture, medicine, and even our own national defense. This work is also critical to unlocking the mysteries that lie beneath the surface of the world's oceans which comprise two-thirds of the Earth's surface.

Mr. Speaker, the recent arrival of the *Atlantis* in our Nation's Capital served as a reminder of the importance of scientific research which is critical to our national economy and world leadership. I commend the leadership of the Department of Defense and the U.S. Navy for their continued work in this area and urge my colleagues to continue to support the fine work of both the *Atlantis* and the Woods Hole Oceanographic Institute.

MY GOOD FRIEND HOMER C. JONES—GET WELL SOON

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. POSHARD. Mr. Speaker, I rise today to honor an outstanding man, Homer C. Jones. Homer is currently in the hospital and I would like to wish him well and introduce this fine man to my colleagues and the rest of the country. He is a dedicated man who has always helped his fellow neighbors and contributed a great deal to his community.

Homer was born in Galatia, IL, on July 30, 1908; his 90th birthday is just around the corner. He considers Benton, IL, his home, and besides his numerous volunteer efforts he served on the building commission for nearly 30 years. Homer is a well-rounded man, having won his division as a Golden Gloves boxer in 1925, and graduated from the Mohler Barber College in St. Louis. He then returned to Benton and started his career as a barber and is still giving people great haircuts today.

In 1928, he married his first wife, Helen Fisher, and they had two children, Kenneth and Richard. Sadly, Helen was stricken with cancer and passed away after several years of marriage. In 1969, Homer met Vorsa Henly of West Frankfort, IL, fell in love, and they have been a happily married couple ever since. They have been able to share the joy of raising her two daughters Becky Cook and Leslie Higginson.

As an active resident of Benton, Homer has held many elected offices, including precinct committeeman for four terms, president of the Lions Club for four terms, a former Elk Club and Moose Club member, and chairman of the Franklin County Zoning Board. He organized the first stock club in Benton, was elected for 36 years to the Benton Community Center Board, and is also a dedicated 60-year member of the First Baptist Church of Benton.

Mr. Speaker, as you can see, Homer has dedicated his life to serving his community. Now it is our turn to thank Homer for all of the energy and love he expended for so many years to make Benton, IL, a better place. Homer, I will be praying for your recovery and wish you well. It has been an honor to represent you in the U.S. Congress.

TRIBUTE TO FRED FARR

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Ms. ESHOO. Mr. Speaker, a few days ago our colleague Sam Farr of California experienced the loss of his father, former State Senator Fred Farr, who passed away at the age of 86. Fred Farr was widely revered as an effective, compassionate leader who fought to improve the lives of Californians from all walks of life through his work in the State Legislature. Fred Farr's greatness emanated from his goodness and he will be sorely missed by those who knew him and benefited from his efforts.

Mr. Speaker, I ask my colleagues to join me in honoring the life of Fred Farr, and extending our deepest condolences to his son and all his family, and request that the article from the San Jose Mercury News be included in the CONGRESSIONAL RECORD.

At this time, I recall the poet's words . . . "and so he passed on and all the trumpets sounded on the other side."

[From San Jose Mercury News, June 11, 1997]

FRED FARR WAS GREAT MAN AND WORTHY REPRESENTATIVE

(By Lee Quarnstrom)

When my friend John Riley heard that former state Sen. Fred Farr had died Tuesday at the age of 86, he said, "Well, he won't be going to a better place, because Monterey is already paradise."

John, who was once Fred Farr's neighbor in Carmel, wasn't being facetious. He was, in fact, expressing in his own way his admiration for the man who represented the Monterey Bay region in the California Senate and whose son, Sam, now represents us in the Congress.

Let me get this on the record right now: Fred Farr was a great man.

For a tiny portion of this state, the Monterey Bay area has sent some remarkable people to the capitals of California and the United States. Fred Farr was among the best of them.

My first encounter with him was during a special election more than a quarter century ago. I was a reporter for the Watsonville Register Pajaronian, and Farr, who had been redistricted out of the state Senate, was seeking an Assembly seat that had opened up because the incumbent had died in a traffic accident.

As we motored along Highway I somewhere north of Castroville, where he was scheduled to give a stump speech and shake the voters' hands, Farr looked out across a field of row crops and softly told me, "There's what I'm proudest of, of all the things I did in the Legislature."

I asked him what he meant. He explained that he had written the legislation that mandates that sufficient number of portable toilets must be put in the fields when the farmhands who plant and tend and harvest the crops are working.

Before his bill, farm workers had to squat between rows of lettuce or cauliflower—or whatever—when nature called. His bill, he proudly told me, give those men and women who pick our food "some privacy and dignity when they have to relieve themselves."

"What a great man!" I said to myself. And I meant it.

Fred Farr did many things for many people. He saved the Coast Highway through Big Sur when the state Department of Transportation wanted to turn Highway I into a multilane freeway—a deed for which each of us should be eternally grateful.

He helped preserve the stone tower and home of the late and great Carmel poet, Robinson Jeffers. He was a founder of the Tor House Foundation, which helped raise funds so that Jeffers' heirs would not have to sell the house when they needed cash to live on. He was a stalwart liberal during the darkness of the McCarthy era and took stands that caused some Americans to be labeled as Communists.

The last time I saw Farr was when he invited me to lunch in Carmel a few years ago. After our meal he walked me to my car, where I discovered I had a flat tire. He drove me to his gas station and politely asked the mechanic whether he could solve my problem expeditiously. He was not demanding service as a former bigwig, he asked for the mechanic's help simply as the gentleman that he was.

His son Sam told me Tuesday that as his father lay dying, people came to his hospital room not only to pay tribute to Fred Farr, but to touch him, the way people touch those who possess great good souls or notable celebrity.

If there is place where good souls go after the body dies, it will no doubt be more beautiful and probably less crowded that the Monterey Peninsula. If that place exists, Fred Farr will grace it no less than he graced this region he called home and where he died.

HONORING JUDGE ROBERT KURTZ RODIBAUGH

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. ROEMER. Mr. Speaker, it is a great honor to rise today in appreciation of Judge Robert Kurtz Rodibaugh, the senior bankruptcy judge for the South Bend Division of the Northern District of Indiana. It is truly an honor for me to recognize Judge Rodibaugh, who has consistently demonstrated generosity and selfless dedication to the citizens and legal community of northern Indiana.

On Friday, June 13, 1997, a new bankruptcy courthouse on the corner of Western and South Michigan Street in South Bend, IN, will be dedicated in honor of Judge Rodibaugh and his numerous contributions to the legal community. He is recognized by the community and his peers as an honorable man worthy of such a tribute. Judge Rodibaugh has served the citizens and legal community of the Northern District of Indiana wisely, efficiently, and honorably since his initial appointment as a referee in bankruptcy in November 1960 and throughout his legal career as a bankruptcy judge.

Mr. Speaker, throughout his tenure, Judge Rodibaugh has presided over the growth of the bankruptcy court from one small courtroom with a part-time referee and a clerk's office of two employees in South Bend, IN, to four different courtrooms in the cities of South Bend, Fort Wayne, Gary, and Lafayette, IN, with four full-time judges and a clerk's office of over 40 employees. Judge Rodibaugh has fulfilled his duties as a referee in bankruptcy and bankruptcy judge with patience, fairness, dedication, and legal scholarship which is most worthy of recognition. His high standards have benefited the many law clerks and judicial personnel who have served under his tutelage, the lawyers who have practiced before the bankruptcy court, as well as the citizens residing in the Northern District of Indiana.

At the beginning of the current Congress, I reintroduced legislation, H.R. 81, in the U.S. House of Representatives to designate this courthouse as the Robert K. Rodibaugh United States Bankruptcy Courthouse for the South Bend Division of the United States Bankruptcy Court for the Northern District of Indiana. As you may recall, I introduced identical legislation which was passed by the House of Representatives during the last session. Unfortunately, the measure was not considered by the Senate before the 104th Congress adjourned last September. I am honored to be the sponsor of H.R. 81 and pleased that the majority of the Indiana Congressional Delegation has cosponsored my legislation.

Mr. Speaker, it is important for me to indicate that the firm of Panzica Development Co. with Western Avenue Properties, LLC, has graciously agreed to name the new privately owned courthouse building in Judge Rodibaugh's honor, owing to his unblemished character and numerous professional achievements in the bankruptcy field.

Mr. Speaker, I am confident that the Robert Kurtz Rodibaugh United States Bankruptcy Courthouse is an appropriate title for the new bankruptcy court facility. Judge Rodibaugh is a shining example of the importance of public service, whose tireless contributions provide an invaluable service to our community. I am confident that Judge Rodibaugh will continue to play a constructive and important role in our community, and will continue to serve as a powerful inspiration to all of those who come into contact with him.

RABBINIC CABINET VISITS JEWISH COMMUNITY IN TUNISIA

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. SCOTT. Mr. Speaker, I wish to recommend the following article to my colleagues authored by Rabbi Israel Zoberman entitled "Rabbinic Cabinet visits Jewish community in Tunisia" which appeared in the March 14, 1997, edition of the Southeastern Virginia Jewish News. I commend Rabbi Zoberman for his efforts to promote peace in the Middle East.

[From the Southeastern Virginia Jewish News, Mar. 14, 1997]

RABBINIC CABINET VISITS JEWISH COMMUNITY IN TUNISIA

(By Rabbi Israel Zoberman)

Toward the end of January 1997, I traveled to Tunisia as a member of the National Rabbinic Cabinet of the United Jewish Appeal in a historic mission, the first of its kind to represent all the religious movements of American Jewry. The 14 rabbis and three spouses visited the Tunisian Jewish community that is at least 2,000 years old. The Middle East peace process made it possible to visit this remarkable, moderate Arab state that never fought with Israel. Tunisian President Ben Ali has been an active and proud participant in the on-going grand venture to transform a region that has known the burden of costly wars and much suffering, yet is the cradle of human civilization and the birthplace of the three great monotheistic religions.

The Muslim country of Tunisia, which was freed from French rule in 1956, is located in North Africa in the southern Mediterranean with Libya and Algeria as neighbors. In a population close to nine million people, there are about 1,900 Jews, almost equally divided between the capital Tunis in the north and the island of Jerba in the south. The once flourishing Jewish community, which is still quite traditional, numbered over 100,000 members before the establishment of the State of Israel in 1948.

We witnessed first-hand the dedicated labor of faithful love of the American Jewish Joint Distribution Committee (known as JDC and the "Joint"), led by Evelyn Peters, in maintaining human dignity for the old and young, ever ready to act on the highest principles and values of the Jewish legacy. As a young child who was born in Kazakhstan in 1945, my own family of Polish holocaust survivors benefited from the JDC's humanitarian services when we were in the Displaced Persons Camp of Wetzlar at Frankfurt, Germany, in the American zone of occupation, from 1947 to 1949, prior to moving to Israel.

We were warmly received by Chief Rabbi Haim Mador, the lay leaders and members of the Jewish community as well as by the officials of the Tunisian Foreign Ministry who were our kind hosts at a kosher dinner with which they broke the Ramadan fast! We also had an unforgettable reception in Tunis at the official residence of the American Ambassador, Mary Ann Casey. She and her staff were most gracious welcoming us and responding to our questions and insights. They truly made us feel at home away from home. Our nation ought to be proud of the high quality diplomatic team we have in that sensitive and volatile part of the world!

Joined by the affable Gideon Behar in the absence of Shalom Cohen, head of Israel's Economic Interest Section, we learned of Israel's budding diplomatic presence which, to its discomfort and concern, is still housed at a hotel, and of its earnest desire to have a greater impact on building friendly and mutually productive relations with Tunisia.

Our Rabbinic delegation continued to Israel via Rome in the improved climate of renewed hope for the peace process following the signing of the Hebron agreement between Prime Minister Netanyahu and Chairman Arafat. However, the tragic accident of the collision between two helicopters resulting in the death of 73 IDF soldiers on the way to their positions in Lebanon's security zone, united the entire small people in mourning, bringing out its unique sense of family. At the same time, it triggered an essential debate, though a heated one, on relations with Lebanon and Syria, particularly the pivotal role of the latter, being the real power broker in keeping alive (and deadly) the Hezbollah attacks on Israeli forces who are ultimately guarding the Israeli northern border and beyond.

The impressive presence of the aircraft carrier Theodore Roosevelt in Haifa Bay was

a moving statement of the powerful bond between the United States, the world's last superpower, and its brave and reliable ally, the Jewish State. I was reminded of my privilege a few years back to speak in commemoration of the Holocaust aboard that Norfolk-based great symbol of American resolve and capability.

We met with Tunisian Jews in Israel and witnessed their accomplishments and sacrifices. In the southern town of Ofakim, we were in a synagogue modeled after the one left in Jerba. In the nearby Moshav Gilat our host was Aharon Uzon, a former Minister of Agriculture, whose soldier son Shelomo was killed in action and the settlement's synagogue bears his name. Our enchanting guide, Dr. Esther Schely-Newman of the Hebrew university, grew up there and received her doctorate from the University of Chicago.

We were delightfully exposed to the JDC's collaborative creative work in Israel reaching out to children of disadvantaged and problematic families as well as rejoicing with teenagers from the former Soviet Union who displayed through Hebrew song an admirable peace and spirit of absorption into the ancestral homeland which by their own heroic efforts they now proudly claim as their own.

JERUSALEM EMBASSY RELOCATION ACT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. PALLONE. Mr. Speaker, I rise today in support of moving America's Embassy in Israel to Jerusalem, and to require U.S. Government publications refer to Jerusalem as the capital of Israel.

I would also like to take this opportunity to urge the Palestinian Authority to increase its efforts to minimize the horrors of terrorism and encourage commerce between Israelis and Palestinians.

My support for moving the embassy is not to say that I do not support the peace process, it is merely to state that I feel Jerusalem should be Israel's capital and our embassy should be located there.

In every country in the world, in which the United States has diplomatic relations, we have our embassy located in its capital, except Israel. How can America claim support for Israel, and support for its sovereignty over Jerusalem, and not have our embassy located there?

As the peace process continues, it will be important for the Palestinian Authority and Israel to know where America stands. Mr. Speaker, Jerusalem is not negotiable. As Israel's closest ally, the United States has the responsibility to defend the permanent status of Jerusalem as the capital of Israel.

Most Members of Congress support Israel's right to exist, and most recognize that Jerusalem is its capital. Therefore, it is time not only to express our support for Israel, but to prove it by moving our Embassy to Jerusalem.

Mr. Speaker, this week Congress celebrated the 30th anniversary of the Six Days War. Israel was attacked by its neighbors on all sides. Yet, Israel's will to survive and establish itself as a young nation ruled the day. Now, 30 years later the time has come for America to recognize Israeli accomplishments and celebrate these accomplishments by declaring Jerusalem the true capital of Israel.

On this historic occasion, I feel America has the opportunity to send a clear message to Israel, and her new found friends in the Middle East, as well as her enemies, that we will always support Jerusalem as the proper capital of Israel, and will prove our support by moving our embassy there by 1999.

DANKE SCHOEN, HERR KRAFFT

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. BARCIA. Mr. Speaker, in our lifetimes we have the privilege to meet some wonderfully unique and outstanding people. My wife, Vicki, and I have had that special pleasure in getting to know a fine gentleman who is an entrepreneur, a community leader, and an exemplary family man. Mr. Richard Krafft, Jr., of Frankenmuth, MI, is being honored next Tuesday for his 50 years of effort at Star of the West Milling Co., one of the finest operations in our great State. Forty-four of the years have been as the general manager or president.

During this time, Dick Krafft has seen great developments in the agricultural industry of our State. He has been a member and past president of the Michigan Bean Shippers Association, the Michigan Miller's Association, and the Michigan Feed and Grain Dealers Association. He has also been a member and past chairman of the Millers National Federation.

His business experiences have been tremendously varied as he has served on the boards of Michigan Millers Mutual Insurance Co., Monitor Sugar Co., St. Luke's Hospital Foundation, Saginaw Valley State University, and First of America Bank. If anyone has ever done business in Frankenmuth, they have without doubt dealt with Dick Krafft.

And his concern for his community led him to service on the city council for 28 years, plus 8 years as mayor pro-tem and 6 years as the mayor of Frankenmuth, a wonderful community known for its proud German heritage and its spirit of "Gemüetlichkeit"—welcome and happiness. He has also been a member and past president of the Frankenmuth Lions Club, the Frankenmuth Civic Events Council, and the Frankenmuth Chamber of Commerce.

While bringing Star of the West from a small mill to the 20th largest in the Nation today, he has held on to a strong sense of family. He and his wife Mary Ann have been married for a little over 46 years, and are the proud parents of three sons, Mike, Chuck, and John, and the grandparents of five grandchildren.

Mr. Speaker, if we want to see someone who represents an ideal American, an individual who has a devotion to family, community, and commerce, we need look no further than Richard Krafft, Jr. I urge you and all of our colleagues to join me in wishing him the happiest of retirements, and many fruitful challenges in the years to come.

STATEMENTS BY NEAL GAY AND ROBERT BURKE, CHAMPLAIN VALLEY UNION HIGH SCHOOL, REGARDING SCHOOL CHOICE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Champlain Valley High School in Vermont, who were speaking at my recent town meeting on issues facing young people.

Mr. GAY. We are here today to discuss the benefit of school choice. We believe it is essential in a competitive world to have thoughtful, intelligent people. Granted, there are always winners and losers when competition is at hand, but that isn't to say that everyone cannot come out on top.

The world is competitive; that we have established, and that is why school choice is absolutely necessary in an ever-changing democracy. Would not a true democracy embrace the true individual's right to determining their own future?

If a student excels and finds joy in the vastness of literature, then the student shouldn't be restrained. If the student wishes and dreams in the analytical field of mathematics, the student shouldn't be shackled with other burdens.

This is not to say that all liberal arts obligations should be ignored. Students should still be held to the absolute highest standards. A well-rounded education should remain required as it contributes to the student's overall learning. What it boils down to is the intrinsic need to better ourselves.

If that student who loves literature sees that her school has no advanced placement English class, why cannot she take it somewhere else?

See, we do not propose that students should be allowed to puddle jump between schools. We ask that the student find the school that best suits their needs and take all of the classes within that school's walls. We propose that a federal grant be issued to the State of Vermont allowing schools to bask in the freedom of school choice. Schools need to produce the absolute highest quality caliber of students for the betterment of our society as a whole.

See, here is where it gets kind of tricky because we think that a lottery could be instilled making it fair to all students who feel that their school can suit their needs and to get to this lottery a lot of kids could say I do not like my school, I want to go somewhere else, but that is where an application process would be brought forth because the student would have to have a need. Like I go to CVU and to graduate from CVU you have to do a graduation challenge. So the sole reason for a student to want BHS instead of CVU shouldn't be because I just do not want to take the challenge.

Mr. BURKE. The grant would be used to support a study and to make changes based on the study's outcome. We cannot stress the point enough that we live in a competitive place. Competition doesn't mean that there are winners and losers; it gives a chance for everyone to do better.

Mr. GAY. We aren't proposing that the parents get a check for $6,000; that is what the other group proposed, something along the lines of that. We are proposing the student

picks the school that best suits their need that is a public school because as they said, there is a separation between church and state. The federal grant comes into play because the federal grant would be given to the schools that have the highest caliber of classes and the highest amount of students leaving the loser schools is the easy way to phrase that and the loser schools would get the grant to become winner schools. That is why no one comes out on top. Poor schools would take the money to become the best schools.

I take pretty much anywhere from mild to hard classes, I excel more in literature and not all that much in math, and I think I would be better educated at a different school that would offer more perhaps history courses. We have essentially four history courses at my school and we never discuss, we never seem to discuss other parts of the world; essentially, it is all western philosophy courses, and I think I could do better somewhere else.

But I think overall in a public system there has to be the best and the worse have to come together so where we are it is pretty good, but I have heard concerns from other students here today and it sounds like maybe we are pampered where I go to school. CVU is a pretty rich school; we have resources and a lot of them.

I think it could be better. I think when it comes to education you always have to strive to do better because the future of this entire country and the future of preserving democracy depends on a group of intelligent people and you have to maintain that.

Mr. BURKE. I am the opposite of Neal, I excel in math and not so well in literature. I feel I could do better because we do not really have any type of like accelerated program at CVU. Most of the mathematics department, if you do really well in one class you still have to be there for the full time you take the course even if you might be accelerated enough that you could take it in less time or maybe a school that offers more courses in math, not just the basic languages.

Mr. GAY. We are not a part of the educational process at CVU. To do that you have to be either—I think it is you have to be an elected official and at CVU the elected officials are essentially the same people that are on HS and all those higher track programs. I vent my frustrations toward my own school, I write for the ed section of the Burlington Free Press. I use that as my own stomping grounds to perhaps lock my opinions because I am not that well heard as a member of the student government. Seeing that it is our education and I think a lot of the time parents do not always know best, so I think the students should play a more active role in the hiring of teachers and perhaps the firing of teachers.

Mr. BURKE. I feel the same way as far as if the students had a say. I believe right now there are one or two students involved with the actual planning of curriculum and stuff and the way courses are, but they do not have much say because they are students.

Mr. GAY. Thank you for hearing our concerns, Congressman Sanders.

TRIBUTE TO MARCIA NELSON

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to acknowledge Marcia Nelson, a constituent of mine who has been an outstanding member of her community for a number of years. Soon, Marcia will leave New Jersey and head west to settle in Kansas City.

In today's society, community involvement is of extreme importance, but rarely is given ample recognition. Sometimes we take for granted the special individuals who devote their lives to the advancement of those around them. A community is shared by a group of people who each contribute in their own way. Many individuals involve themselves in one aspect of the community, but we must applaud those who go beyond this by serving many of its facets.

Marcia Nelson, a former mayor of Delaware Township, has served the community in political, educational, and social roles. Since 1989, she has committed herself to this community and its progress. She served for 8 years as the executive secretary of the Delaware Township Municipal Utilities Authority and for 6 years as a member of the township committee. She served as an educator of mathematics and acted as a research assistant for a variety of community organizations. She was an active fundraiser for her local high school and developed many programs for educational improvements. These activities in addition to many others have formed a contribution which will not soon be forgotten.

Marcia's efforts are deeply appreciated by her entire community. She has served as a role model and mentor to many of its citizens. It is for this, Mr. Speaker, that I applaud her efforts. Marcia Nelson represents the community involvement which we do not praise enough. The example which she has set is the gateway to bettering our community in the 12th district of New Jersey.

I want to wish Marcia and her husband Bob well. New Jersey will miss them both.

INTRODUCTION OF THE HOME TELECOMMUTER TAX POLICY ACT OF 1997

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. PRICE of North Carolina. Mr. Speaker, I am introducing legislation today to help a growing segment of our work force—telecommuters. This legislation supports new flexibility in the workplace by providing tax incentives for telecommuters. Specifically, this bill allows employees to deduct employer-provided telephone lines for telecommuting purposes.

The Fourth District of North Carolina includes Research Triangle Park, a hotbed of economic, business, and intellectual development. In my visits to RTP companies, management and employees alike have expressed their support for telecommuting. As more families rely on two incomes to make ends meet and as technology continues to allow more creative work environments, telecommuting is quickly becoming a more popular and more viable work option for working families. In addition, studies have shown that telecommuting employees record fewer sick days and demonstrate increased work satisfaction, two factors that contribute to higher worker productivity.

Under current law, employers can provide additional telephone lines to employees who telecommute, but these benefits are considered taxable income to the worker. My bill would create another category under the "qualified transportation fringe", a provision in the Tax Code that allows employers to provide incentives for carpooling and mass transit. This new transportation fringe would allow employers to provide up to $60 per month in tax-exempt telecommuting benefits, most notably an additional telephone line. Telecommuting is simply another form of environmentally friendly transportation to work, and our Tax Code should reflect these priorities.

My bill would give families more control over their work, increase worker productivity for participating businesses and encourage environmentally friendly work patterns. Passage of this bill would give working families another tool to help with their balancing act between family and career. I urge my colleagues to cosponsor the Home Telecommuter Tax Policy Act.

TRIBUTE TO MINNIE COX

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. THOMPSON. Mr. Speaker, I rise today to pay tribute to the late Mrs. Minnie Cox. Mrs. Cox was one of only five African-Americans in Mississippi to supervise a third-class postal facility.

In 1891, Mrs. Cox, was appointed Postmistress of the Indianola Post Office in Indianola, MI, by President Benjamin Harrison. Mrs. Cox served at this position until 1893, only later to regain the post in 1897. Being a person of color, Mrs. Cox's appointment was followed by scrutiny and criticisms not because of her performance, but because of the color of her skin. Mrs. Cox dedicated her life to making sure that the people in Indianola received their mail on a timely basis. She worked 7 days a week and she even paid the rent for delinquent boxes to avoid harassment of her customers.

Mrs. Cox held this position during a time when it was not popular to have African-Americans in an authoritative position. She was an educated, aspiring, and inspiring woman during her time. Along with being a Postmistress, Mrs. Cox and her husband started one of the first African-American-owned banks in the Mississippi Delta as well as one of the first African-American-owned insurance agencies in the South. In 1904, the Cox's organized the Delta Penn Savings Bank. Four years later, the couple organized the Mississippi Beneficial

Insurance Co., which had an income of more than $500,000 and a staff of 400 employees. During the 1910's and 1920's, she was reputed to be one of the richest African-American women in the world.

Mr. Speaker, I ask you to join me in saluting Mrs. Cox for her courage to take her place in society as a trailblazer and role model for many future generations of African-Americans.

BUILDING A MARITIME TEAM

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. EDWARDS. Mr. Speaker, in my role as an administrative cochair of the bipartisan National Security Caucus, I had the honor of participating in a very special awards luncheon last week. I was joined by the House Democratic Leader, Congressman RICHARD GEPHARDT, and my fellow Caucus cochair, Congressman RANDY "DUKE" CUNNINGHAM, in presenting the 1997 International Security Leadership Award to U.S. Secretary of the Navy John H. Dalton.

The luncheon was attended by over 200 representatives of the national security community, and the establishment of a John H. Dalton Congressional Fellowship in Maritime Strategy Studies was also announced. The International Security Leadership Award has been presented to only one individual each year since 1979, and all of the past recipients have made significant contributions to the national security interests of the United States. Past honorees include President George Bush, Secretary of Defense William Perry, Ambassador Jeane Kirkpatrick, and Senator John C. Stennis. John Dalton is a worthy addition to the distinguished list.

The award was presented to Secretary Dalton "* * * in recognition of his leadership, courage and vision in promoting American sea power and a national maritime strategy. The outstanding performance of the U.S. Navy from the Caribbean to the Persian Gulf, in missions as diverse as evacuating non-combatants to enforcing no-fly zones, is a tribute to Secretary Dalton's tremendous dedication and distinguished service to the Navy and Marine Corps and to the nation they serve." The award was conferred on Secretary Dalton on behalf of the 290 lawmakers in the bipartisan National Security Caucus.

As someone who has the privilege of knowing John Dalton for more than 20 years, I want to once again emphasize how deserving I feel he is of this honor for his fine work as Secretary of the Navy. The Secretary's remarks at the presentation ceremony described in considerable detail some of the tremendous work he has done to make our Navy more effective and efficient. Also, Mr. GEPHARDT's introductory comments lucidly describe why Secretary Dalton is so deserving of his award. I ask unanimous consent to have both Mr. GEPHARDT's and Secretary Dalton's remarks entered in the CONGRESSIONAL RECORD.

STATEMENT OF HOUSE DEMOCRATIC LEADER RICHARD A. GEPHARDT—PRESENTATION OF THE INTERNATIONAL SECURITY LEADERSHIP AWARD TO NAVY SECRETARY JOHN DALTON

I am pleased to join you today to give tribute to Secretary of the Navy John Dalton. I have known Secretary Dalton for many years, and consider him to be both a close friend and among the finest Navy Secretaries our nation has ever had. It doesn't suprise me, therefore, that the National Security Caucus has selected him to be its 1997 recipient of the International Security Leadership Award. He truly deserves to join the ranks of the finest military thinkers our nation has been fortunate to have in public service over the last two decades.

John has served with energy, conviction and dedication at a challenging time for our government, the Defense Department, and the Navy. With the end of the Cold War, many have naturally turned more attention to the domestic challenges we face as a nation. We have also focused on efforts to reduce the federal budget deficit, asking all to sacrifice—including our men and women in uniform.

In the midst of these new challenges, John Dalton has ensured that the Navy remains a national priority. Among his most significant contributions has been to develop a comprehensive and bipartisan national maritime strategy.

With the encouragement and support of the National Security Caucus and the entire maritime industry, Secretary Dalton has taken on the difficult task of integrating our naval requirements with our broader maritime capabilities and needs.

He has understood that the key to our nation's military strength is a vital and sustainable maritime infrastructure. Just as he has seen that our most important naval asset is the people who wear the Navy uniform, he has understood that the most important elements of our maritime infrastructure are people—shipyard workers, commercial seafarers, merchant fleet operators, and many others who make America the maritime nation that it is today.

Secretary Dalton, as well as many of us in Congress and many of you here, used this vision of America's maritime strength to secure enactment of the Maritime Security Act last year.

Secretary Dalton has also led the Navy in its efforts to capitalize on new technologies. These technologies not only improve our warfighting capabilities, but also enhance our competitiveness in the global maritime industry. I have witnessed his dedication to this goal first-hand, as he brought the latest generation of F–18 Hornet aircraft into production, using new technologies that have both military and commercial applications.

With this leadership, John Dalton has truly demonstrated a compelling vision of what it will take for our nation to remain the greatest sea power in history. It is therefore fitting that he will give the Paul Hall Memorial Lecture today. Paul Hall was a seafarer's seafarer, and knew that to be a sea power, America must have a strong merchant marine. Through his actions and accomplishments, John Dalton has shown the same commitment to this goal, and has moved our nation closer to achieving it.

It therefore gives me great pleasure to present to John Dalton the 1997 International Security Leadership Award.

REMARKS BY THE HONORABLE JOHN H. DALTON, SECRETARY OF THE NAVY

BUILDING A MARITIME TEAM

Thank you very much, Dick (Gephardt). Distinguished Senate and House members of the National Security Caucus . . . The University of Southern California Paul Hall Memorial Endowment . . . members of the maritime community . . . ladies and gentlemen . . .

It is a great honor to be here on behalf of the Department of the Navy. I want to thank the National Security Caucus Foundation for this very special award. Frankly, I am in awe. The list of previous award winners is truly distinguished. Having earned the confidence of the bi-partisan and highly respected National Security Caucus is indeed very meaningful to me. But I must say that this award truly belongs to the Department of the Navy—to our Sailors, Marines, and civilians that make our force the finest the world has ever known.

I also want to thank the National Security Caucus Foundation for the generous endowment of the maritime fellowship program in my name. This prestigious fellowship will help both inform and focus a generation of decisionmakers on the importance of maintaining and expanding America's maritime traditions. It is indeed my high honor to lend my name to this program.

One of the great concerns upon receiving an honor such as this is that one must keep humility in the proper perspective. I assure you that I have been well-trained on this point by the First Lady of the Navy, my wife Margaret.

I must say again what a great honor it is to be here . . . to follow in the footsteps of some of our shipbuilding and maritime industry greats . . . and surrounded by the legacy of Paul Hall. Paul Hall was a true American—in the most traditional sense. He knew right from wrong—and he fought to make things right.

Paul Hall "walked the walk" . . . and he fought the fights from the waterfront to the halls of Congress. He stood firm, took a stand, and, in the process, helped to build an American institution. Paul Hall lived the Teddy Roosevelt adage that

"Far and away the best prize that life offers is the chance to work hard at work worth doing."

I am indeed honored—and humbled—to be associated with his legacy.

Let me begin my remarks with a few thoughts on the state of the Department of the Navy.

Thanks to many of you gathered here today—and in particular, those members of Congress on the appropriations and authorization committees—our Navy and Marine Corps are second to none. Operationally, programmatically, and in personnel, the Navy-Marine Corps team is answering all bells. The Department is focused and efficient, and we are operating forward to protect America's interests around the world.

There is no doubt that serious challenges remain. The Defense and Navy Departments will answer some of these challenges in the Quadrennial Defense Review, and I will address those areas in a few moments. But, whatever the challenge . . . whenever and wherever our Nation's vital interests are at stake . . . I know that the solution is literally at our fingertips. I speak with such great confidence because of what I see in the Department of the Navy every day.

Our Sailors and Marines are our Nation's most resourceful assets. There is absolutely no challenge that they cannot overcome . . .

no change that they cannot make work . . . no role or mission at which they cannot excel. Sailors and Marines find answers . . . and they get the job done!

I believe the strength of the men and women in our Sea Services is found in their dedication to our core values of Honor, Courage, and Commitment. One need look no further than the changes in the way the Navy Department has conducted its business over the last few years. We realized that we had a problem and have changed the culture of our Department. The Navy and Marine Corps will tolerate nothing less than those actions which ensure the dignity and respect of every individual. And, the Navy Department will continue to ensure that our emphasis on the character of our people remains strong and clear.

I have confidence that the Navy and Marine Corps—from me to the most junior boot Marine and Sailor—will do what we need to do to keep our Service the finest ever. I am proud of our Navy Department—and I am very excited about the opportunities ahead.

I would like to talk about seapower . . . and the relationship of our maritime forces with the uncertain world we face together. As I see it, seapower is the resolute marriage of Naval operations, shipbuilding, and commerce. The unifying element in this enduring relationship is sealift. I feel very strongly about it. In fact, the first contract I awarded as Secretary of the Navy was for our sealift program.

Sealift is critical to the security of the United States. More to the point, sealift is absolutely critical to the sustainment of military operations. Let me paraphrase comments made by General Norman Schwarzkopf following the Gulf War. We can bomb our enemies back to the stone age, but we need to put men and materiel on the ground to fight and win our Nation's wars.

It is absolutely crucial that we maintain America's organic sealift capability. Sealift was a vital element in our success in DESERT STORM . . . and it was vital in Somalia. In fact, carrying troops and equipment to the front lines—from the sea—has been the foundation of our military successes since the Revolution. And, sealift will be critical for operations in the future.

We must continue our focus on building and maintaining the right sealift to ensure our forces have the tools necessary to defend America's vital interests around the world. As most of you are well aware, the Maritime Security Act of 1996 goes a long way toward that end. With the overwhelming approval of the 104th Congress, President Clinton put us on course to protect American jobs and maintain a U.S. presence in international maritime trade, in both peacetime and wartime. Most importantly, the Maritime Security Act reaffirms America's resolve to maintain a strong U.S.-flag presence on the high seas.

The Act is a truly important piece of legislation. But, another element in satisfying our strategic sealift requirements is the work we have done with developing and building Large Medium Speed Roll-on/roll-off ships (or LMSR's or RoRo's) and the Maritime Prepositioning Force ships.

Most people think of seapower as carriers, cruisers, destroyers, frigates, and submarines. Those assets are indeed critical. But, warships alone do not tell the whole story. Let me expand on that idea.

I just visited Diego Garcia, a truly vital strategic asset which we share with the British in the Indian Ocean. I was surprised to learn that I was the first Secretary of the Navy—and the highest-ranking U.S. Government official to visit there. I was glad I went.

Upon arriving, I saw the lagoon literally filled with fully-loaded, combat ready prepositioned ships. I walked away from the harbor with a full appreciation that seapower means strategic sealift.

And, that point was driven home with my last stop of the visit. I toured one of those sealift ships, and spoke with the professional seamen of the American Merchant Marine. Those folks know their mission—and they are ready.

Just this past March, I was at Avondale shipyard to christen the USNS BOB HOPE, the first of the new class of LMSRs. It is indeed an impressive vessel. The BOB HOPE class incorporates the latest technology and leading-edge innovations in cargo stowage, and it is designed from the keel up to meet the Army's lift requirements. I am excited about this part of our strategic shipbuilding program.

We owe a great deal of thanks to Representative Jack Murtha and his colleagues—some of whom are here today—for having the vision and courage to lead the charge to build the required sealift for our Soldiers and Marines. The young men and women we send to fight and win our Nation's wars deserve every ounce of support we can give.

The other side of the sealift coin is that United States must maintain a strong Navy—forward deployed—to keep the Sea Lines of Communication (SLOCs) open.

Protection and maintenance of the SLOCs is a primary role of our Navy. America must ensure that we can move the military equipment whenever and wherever needed. But, we must also guarantee the free flow of commerce through the world's waterways. Peacetime, forward deployed United States Naval forces are the answer.

The forward presence of our Navy ensures unfettered access to global sea lanes. What these forces bring is stability . . . and economic benefits for American industry and labor.

The continuous presence of maritime forces helps maintain fragile regional balances and assure economic stability by guaranteeing freedom of movement upon the world's oceans. In this increasingly interdependent world economy, the United States Navy keeps trade routes open simply by being there. This often overlooked aspect of global maritime presence is of inestimable value to the U.S. and to the entire world economy. For example, note that, excluding that with Canada and Mexico, 90% of America's international trade travels on the high seas. The imperative for protection of the SLOCs is clear.

Our continuous Naval forward presence requires ships and submarines. And, while building the Navy and Marine Corps of the 21st Century remains one of my top priorities, it is the responsibility of all of us gathered today to ensure that America builds the right force. We must maximize our limited resources, yet protect the irreplaceable shipbuilding art which produces the best ships and submarines in the world.

From the Navy perspective, we are on the right course. I am very excited about our shipbuilding plan. It is robust and forward-thinking. Thanks to Congress, we have a solid—and fully funded—budget for shipbuilding to ensure we have the right force to maintain our global presence requirements.

In fact, over the Future Years Defense Plan, we are spending more than 57 billion dollars on 31 new ships, submarines, and major conversions. We have funding for CVN 77; LPD 17 and DDG 51 are on track; and, with Congressional approval, teaming for construction of the New Attack Submarine will solve some difficult funding and industrial base issues we face now and into the future.

We are also conducting research and development for the next generation aircraft carrier—or CVX, the Maritime Fire Support Demonstrator, and a new surface combatant—or SC21. These new programs are exciting because they will use the most advanced technology mankind has to offer, including stealth, advanced materials, and passive damage control to name but a few. They will represent a true revolution in the conduct of maritime operations.

But it is not just the number of ships we are building or planning, but the incredible increase in capability that we are building into each new platform. There simply are no finer, or more advanced, ships and submarines being built anywhere else in the world.

Our shipbuilding plan is an extremely positive and balanced program. But, there is still a long way to go to ensure we have the funding necessary for our ship and aircraft modernization requirements coming in the next decade. That is an issue on which I will be working closely with Secretary of Defense Bill Cohen and Congress in the months ahead. The Quadrennial Defense Review—or QDR—is but the first step in this process.

It is clear that we face a world filled with challenges and uncertainties. The fact is that our Navy and maritime industry must meet the future together—with a single vision. The key is to size the vision correctly—and to build room for plenty of flexibility into our plans and policies to address the upcoming challenges. I like President Harry Truman's idea. He said:

"You can always amend a big plan, but you can never expand a little one. I don't believe in little plans. I believe in plans big enough to meet a situation which we can't possibly foresee now."

I view this period in our history just as an extraordinary opportunity to take stock . . . to build the "big plans" for the future security of the United States. But we must do this together . . . in the halls of Congress, in the Pentagon, and in the shipyards and the seas around the world.

Again, it has been an honor to represent the wonderful men and women of the Department of the Navy here today. Thank you and all members of the National Security Caucus for this very special award. God bless the men and women of the United States Congress entrusted to lead this great Nation . . . God bless those of you that carry on Paul Hall's legacy . . . and God bless America.

NATIONAL CITY'S RETIRED SENIOR VOLUNTEER PATROL: AN EFFECTIVE CITIZEN CRIME FIGHTING PROGRAM TO HELP TAKE BACK OUR NEIGHBORHOODS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. FILNER. Mr. Speaker and colleagues, I rise to honor National City's Retired Senior

Volunteer Program and the spirit of community involvement that has brought this and other citizen-run programs into focus as some of the most effective crime fighting tools.

I am particularly impressed by the cooperation in National City, CA, between the chamber of commerce, the crime prevention commission, city leaders, and the police department in making this program a reality.

All across this Nation, citizens are participating in Retired Senior Volunteer Programs (RSVP) and the first—and still greatly effective citizen crime-fighting program—Neighborhood Watch. These dedicated citizens deserve to receive credit for their work.

With my Taking Back Our Neighborhoods Crime Fighting Act, citizens who pitch in with their time would be rewarded. The act would give a $50 tax credit to people actively involved in Neighborhood Watch groups and other organizations—such as RSVP—that are committed to the reduction of local crime.

Officials throughout the Nation agree that Neighborhood Watch and citizen programs need to be encouraged. My bill is backed by over two hundred police chiefs, sheriffs, district attorneys, community groups, and elected officials—including mayors of cities big and small—from across the country who supported this bill in the last Congress.

I am proposing this tax credit because citizen crime-fighting programs work. They are the most effective crime reduction tools in our communities. Throughout the country, Neighborhood Watch groups have made people feel safer and more secure in their homes, parks, and streets.

Neighborhood Watch and citizen patrols establish relationships among neighbors—and establish partnerships between neighborhoods and their police officers. Citizens are trained how to watch out for their families and monitor their neighborhoods, how to be observant and reliable witnesses, and how to assist their local police.

National City's Retired Senior Patrol officers will provide many of the routine non-life-threatening tasks that police officers perform and free up officers for work that requires sworn police officers. The National City RSVP'ers will perform vacation house checks, traffic control, conduct safety surveys for residents and businesses and will check on seniors living alone. Because of their presence in the community, residents will get to know them and their link to the police department. When neighbors see something suspicious—they'll know who to call.

Similar efforts have been successful. During the last 3 years, San Diego—with its RSVP, Citizens Patrol and Neighborhood Watch—has seen an overall reduction of 36 percent in the crime rate, and a 44- to 48-percent decrease in robberies, homicides and burglaries. Most importantly, those of us who participated were empowered—we felt stronger, we fostered a sense of community, and we saw that we could make a difference in people's lives.

But we still have a long way to go to feel safe in our homes and our neighborhoods. Encouraging people to participate in citizen crime-fighting programs will help us protect our families. Giving people in citizen crime fighting groups a $50 tax break will support the RSVP and the many residents already involved in crime prevention programs, while encouraging more community participation.

Mr. Speaker, I want to commend National City and all of its residents involved in setting up the Retired Senior Volunteer Program. And I ask my colleagues to back up the citizens in their community—like I have the National City RSVP and others like them—and support this important piece of legislation, H.R. 1529. Working together—and only by working together—can we truly reclaim our streets.

RHODE ISLAND TO HOST NATIONAL TRUST FOR HISTORIC PRESERVATION

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. WEYGAND. Mr. Speaker, I rise today to announce an event that will be taking place in Rhode Island in the next millennium. The National Trust for Historic Preservation's National Preservation Conference will be held October 2001 in Providence. It seems quite appropriate that a beautiful city such as Providence, with its rich historical traditions, be the venue of the preservation conference. Providence is not only one of America's oldest cities, but it is also home to 28 national historic landmark districts.

The Providence Preservation Society, Brown University, the Providence-Warwick Convention and Visitor's Bureau, the city of Providence, the nonprofit civic community, and local businesses must be given credit for their contribution and efforts. By pledging to assist with conference planning, tour logistics, meetings and events, and recruitment of volunteers, their enduring commitment and dedication has allowed Providence to shine in the national spotlight as the future site of the national preservation conference. Past achievements and cooperation between various Providence groups, particularly in ethnically diverse neighborhoods, has greatly impressed the National Trust for Historic Preservation and influenced their decision in choosing Providence.

At the forefront of the preservation movement with over 275,000 members, the National Trust for Historic Preservation provides education, leadership, and advocacy to save America's historic places and revitalize our aging communities. The 55th annual meeting of the national trust provides a unique opportunity for thousands of neighborhood activists, architects, real estate developers, planners, and historic property owners from across the Nation to participate in educational sessions, discussion groups, workshops, and area tours.

As a former landscape architect by trade, I am fortunate to have been able to collaborate with the many organizations who have strived to make Providence a beautiful place to live and to visit. I look forward to working with the city of Providence in making this event a tremendous success.

WE WILL TRULY MISS LONG ISLAND DANNY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mrs. McCARTHY of New York. Mr. Speaker, this past Friday on June 6, 1997, Long Island lost a true champion. The loss of this person was a tremendous blow to people from all walks of life he lent a helping hand to. Daniel A. Lehner was an entrepreneur who ran a successful newspaper delivery business and a restaurant. However, he was more than just another successful businessman—he was a person who used his business acumen and prosperity to benefit the community he lived and worked in.

His generosity shined through his efforts to help Long Island while president on the Nassau County Council of Chambers of Commerce, a member of the Association for a Better Long Island, and a member of the Long Island National Guard.

Long Islanders will remember his unceasing efforts to revive Nassau County's mom and pop type retail establishments. Nonviolent offenders will remember their Christmas present of freedom when he posted bail for them. Charity organizations will remember a certain Phantom of the Opera performance whose proceeds were dedicated to them by Mr. Lehner who bought out the performance. Nassau County's Chambers of Commerce will not soon forget the advocacy work he did by bringing the importance of Long Island's small businesses into the media spotlight and into the minds of politicians and ordinary citizens.

His selfless actions in life were rewarded by the joy he brought into the hearts of so many. The people of Long Island will truly miss the man we all referred to as Long Island Danny.

TAIWAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. GILMAN. Mr. Speaker, I have received a copy of a speech by the Minister of Foreign Affairs of the Republic of China, Taiwan, John Chang, which he gave before the European Parliament on May 22, 1997.

Minister Chang's speech outlines the significant progress that Taiwan has made towards economic prosperity, political plurality, and democracy since 1949 and his call for better recognition of the Government of the Republic of China on Taiwan as a full member of the international community. I invite my colleagues to read Minister Chang's compelling arguments.

Accordingly, Mr. Speaker, I ask that Minister Chang's speech be inserted at this point in the CONGRESSIONAL RECORD.

WE, THE REPUBLIC OF CHINA ON TAIWAN, SHALL RISE UP AGAIN—SPEECH GIVEN TO THE EUROPEAN PARLIAMENT, MAY 22, 1997, BRUSSELS, BELGIUM

Mr. Chairman Spencer, distinguished members of the Committee on Foreign Affairs,

Security and Defense Policy, Ladies and Gentlemen:

Thank you all so much for inviting me to speak to you at this very very prestigious forum today. It is truly a great honor not only for my humble self, but also for my government, the Republic of China which is now located on an island called Taiwan. Allow me first of all to convey to each and every one of you the warmest greeting and gratitude from 21.3 million people living in Taiwan. We deeply appreciated this opportunity that our story can finally be directly told and better understood to our respectable members of the European Parliament.

I was told that over the past years, the Dalai Lama of Tibet, Mr. Arafat of PLO and Mr. Mandela of ANC etc., all had been invited to this forum to exchange views with you over their issues. The situation that the Republic of China on Taiwan faces today is totally different from theirs, but there is one thing in common, it is that we all need the fair attention of the world and we all have to appeal to international justice.

It took me about 20 hours to fly over from Taipei to Brussels, the day before yesterday, yet it has taken my government, the Republic of China, more than twenty-five years to be finally given an important international platform like this today to have our voice heard, to have our humble views shared, and to have our story faithfully told.

It is sad to point out that our freedom of speech as a sovereign state, has long been deprived of from almost all international organizations since 1971, the year when we were forced out of the UN, simply because of mainland China's untrue position that there is but one China on earth, which is the People's Republic of China, and that Republic of China on Taiwan is one of their provinces. The sheer existence of one able, prosperous, vigorous and democratic government called the Republic of China, has been for nearly a quarter-century, veiled in thick political fog of world politics. The truth about my country, the truth about my people have all been flagrantly distorted and badly twisted. And the rights of my government as a sovereign state have subsequently been brutally neglected, ignored and even totally denied in world affairs arena for decades.

The Republic of China was established in 1912 by a successful revolution led by Dr. Sun Yet-sen, which overthrew the Ching Dynasty. Dr. Sun Yet-sen was educated in the United States, and he had widely toured the European continent and did his research at the British Empire Library in London for a number of years before he returned to China to lead the revolution. Europe has evidently very much to do with the birth of a modern China. Actually the link between Europe and China, I mean the ancient China, was forged centuries ago.

When any scholar talks about the early contacts between Europe and Cathay, he can never afford to forget to mention two prominent European figures, one is, of course, Marco Polo, the other, Matteo Ricci. Both of them are Italians, the former a legendary merchant, the latter a Jesuit missionary, and they were 300 years apart. Marco Polo traveled with his father and uncle from Venice to China in 1271, when Mongolians were ruling China. He had spent 24 years in China. Matteo Ricci came to China under Ming Dynasty in 1583, he lived in China for 30 years and died there. The great differences between the two great Italians lie in the fact that the trader Marco Polo succeeded in introducing the old Cathay to Europe, yet the missionary Matteo Ricci did things another way around, he introduced Europe to China, not only her culture, science, but the religion of Christianity. The most important contribution that Marco Polo ever rendered was his bringing back to Europe such Chinese inventions as the compass, paper-making, paper money and printing. Many historians believe that Marco Polo's book entitled "Description of the World" may have influenced many explorers, including Christopher Columbus. By citing this portion of history, I intend simply to stress that how close once we were together in the past, and we certainly would be even closer in the future.

A few minutes ago I pointed out that the Republic of China was established in 1912 after a revolution strongly motivated by a new tide of political thought of Europe. It was the first Republic in entire Asia. The ensuing thirty years for the new Republic were all turbulent and chaotic. Only after the end of World War II, the new Republic got a very short breathing period. But it was already too late, the entire nation became fully exhausted by the eight-year-Sino-Japanese war from 1937 to 1945. The Chinese Communists seized the opportunity to engage a civil war against the nationalist government of KMT led by late Generalissimo Chiang Kai-shek. The Communists won the war in 1949, consequently, the government of the Republic of China was then moved from the Chinese mainland to the island of Taiwan with her Constitution which was promulgated in 1947.

In 1949 when the government of the Republic of China was relocated on Taiwan, she remained to be the legitimate government of whole China with a majority of nations in the UN supporting this claim diplomatically, the number was 47 out of 59. As the membership of the UN grew up to exactly 100 in 1960, the number of nations which maintained diplomatic ties with the Republic of China on Taiwan was 53, still a majority support in the world organization. Her diplomatic relations reached a peak ten years later in 1970 with 67 nations formally recognizing her, and the membership of the UN was 126, yet the following year in 1971, a drastic down-turn took place, because of the change of attitude of the US vis-à-vis her relationship with the PRC. The seat of a founding member of the UN, the Republic of China was unprecedently replaced by a relatively young regime, the People's Republic of China which was created in 1949, 38 years junior to the ROC. What was truly in question as an issue at the UN in 1971 was not the Republic of China's legitimacy as a sovereign state which was so challenged and defeated, but it was her representation right which she insisted, should cover the entire China, including the Chinese mainland over which she was not exercising jurisdiction. It was her "representation right" that she lost, not her sovereignty as a state! Around the end of 1971, after the UN fiasco, the number of states which recognized Republic of China on Taiwan dropped from 67 to 54. It was an admitted failure for the Republic of China in her battle with the People's Republic of China over the so-called "Chinese representation right" issue in the UN. Yet this does not mean at all as the PRC has ever so alleged that the Republic of China has lost in the battle at UN together with her statehood. This allegation is absolutely groundless, untrue and absurd in accordance with international law.

There is no denial that after our forced departure from the United Nations, the Republic of China on Taiwan has become more and more isolated internationally. Yet the frustration on the international front has never hampered the iron will and firm determination of the people and government of the Republic of China to move on forward to effectively develop our economy and to enhance our democracy.

Twenty years ago, in 1976, out total trade volume was $15.6 billion US dollars, last year, 1996, our export import trade volume reached $217.2 billion US dollars, with a surplus $14.7 billion US dollars. The Republic of China has been fortunate and had a 6% annual growth for the past ten years, bringing our per capita gross national product to $12,000. Exports have made our economy. Today the Republic of China is a leading producer of electronics, computers and other industrial products. Today we are selling the world disk drives, monitors, notebooks and modems. To give you an example: last year, we had $11.6 billion in computer-hardware production. We are the largest computer manufacturer in the world after the United States, Japan and Germany.

Our trade with the European Union has grown rapidly in a very encouraging way in the past three years. The volume grew from $23 billion in 1994 to $29.5 billion in 1995 and $31.3 billion in 1996.

Of our European trading partners, Germany enjoys the highest volume of $8.6 billion, followed by the Netherlands with $5.2 billion, UK $4.6 billion, France $4.2 billion and Italy $2.6 billion. And Belgium is our 7th trading partner with a volume of $1.32 billion, after Switzerland of $1.75 billion, ahead of Sweden of $1.13 billion. My government has attached great importance to our trade with the European Union as a whole in the past, we will continue to do the same in the future.

Our focus on high technology and electronic exports has been a success. In less than 50 years, Taiwan ranks as the world's 20th largest economy with a gross national product of $275 billion. We are the 13th largest trading nation in the world and have accumulated world's third largest reserves of foreign exchange. Yet we are not a member of the UN.

We have come a long way in terms of political achievements. It was not very long ago that "Martial Law" was still in effect and minimal contacts were allowed between us and our compatriots on the Chinese Mainland. In 1987, just 10 years ago, the late president Chiang Ching-kuo lifted the martial law and allowed the major opposition party—Democratic Progressive Party—to form. President Chiang also eliminated the restrictions and bans on newspapers, public assembly and demonstrations.

President Chiang's decision to lift martial law laid the foundation of a series of additional political reforms beginning in the early 1990s. President Chiang passed away in 1988, and was immediately succeeded by President Lee Teng-Huei in accordance with our Constitution. It was President Lee who charted all those extremely important reforms in the 90's. The National Assembly amended our Constitution to allow the government to hold all-Taiwan elections to replace Assembly members and lawmakers who had not faced their electorate for more than 40 years. In 1991, the first all-Taiwan National assembly was elected, seating 325 members. The assembly further amended the Constitution in 1992 and 1994 to shorten the terms of office for the president and Assembly members from six years to four. Most importantly, the amended Constitution allowed our President to be elected by all voting age citizens in the ROC's jurisdiction in 1996. On March 23, 1996, Dr. Lee Teng-Huei defeated three other presidential rivals and became

the first popularly-elected President of the Republic of China. In the five thousand years of Chinese history, this was the first time that the Chinese people were able to elect their head of state directly. The legitimacy of the government of the Republic of China on Taiwan was rightful strengthened. The fact that the government of the Republic of China is fully exercising her sovereignty and jurisdiction over the area of Taiwan island has become absolutely indisputable in whatever de jure sense.

President Lee Teng-Huei has rapidly transformed Taiwan's old single-party government into a working democracy. He has successfully orchestrated a quiet revolution, bringing new freedoms to his people. This transformation was achieved in quiet manner. There have been no class confrontations, no military coup and no political suppression in Taiwan. The process of reform in Taiwan was unique and unprecedented.

Taiwan now has a multi-party system and has realized the ideal of popularly-elected government. We have a total respect for individual freedom and this is clearly the most free and liberal era in Chinese history. Free speech is fully protected; all types of government controls over society have been relaxed or eliminated. We are now an open, pluralistic and free society. Our government has taken upon itself to defend and protect the fundamental human rights of every citizen. But unfortunately, many countries in the world still indulge themselves in the lie brazenly told by the PRC that the government of the Republic of China does not exist.

Despite our economic strength and political liberalization, we have formal diplomatic ties with only 30 nations in the world, even though we enjoy substantive relations with all major countries. We feel hurt and neglected, because we have not been accorded proper recognition by the world community. Since the late 80's we have been pragmatic in our foreign relations. We try to hold on to our friend and seek new friends and new "connections" whenever possible. So far this new pragmatism has served us well. I have to emphasize here that this new approach on our foreign relations has nothing to do with the so-called "Independence of Taiwan". Taiwan is the name of an area or the name of a province where the government of the Republic of China is situated. Taiwan is not a name of a nation, nor the name of my government. It's simply a geographical term. Since on the island of Taiwan or in the area of Taiwan, there has long been a sovereign government called the Republic of China, there is absolutely no sense for us to try to create another state on Taiwan. What we have been seeking for in the international community is a better recognition of the government of the Republic of China which she deserves to have.

It is true that the People's Republic of China maintains that there is one China, and so do we. Yet we have different interpretation of the "One China". Our position is rather simple that the One China was divided in 1949, which remains divided now. The international community should recognize the fact of a divided China and treat the ROC government as a sovereignty with effective jurisdiction over Taiwan and the offshore islands under its control. The spirit of our diplomacy of pragmatism is based on the acceptance of the fact that PRC is the political entity which has firm and effective control of the Chinese mainland area, and at the same time Taiwan area is under the tight control and legal jurisdiction of my government. We will not compete with the PRC on the "representation right" issue. On international relations, they may well represent the mainland, and we represent Taiwan area. Hence, one China with two separate political entities is a reality no one can deny and a fact that the world must deal with realistically.

Just as East and West Germany enjoyed simultaneously membership in the United Nations before their reunification, Republic of China should be allowed to participate in the world organizations with the PRC. A membership for Taiwan would definitely bring about more peaceful contacts between Taiwan and the mainland and further help pave the way for the reunification of a "One China". In short, like Korea, PRC and ROC on Taiwan deserve recognition. While developing our relations abroad, we hold no hostility with PRC at all, any move in expanding our breathing space in the world community is not aiming at mainland China at all. We simply want to be treated as what we are. We want to be treated no more than what we deserve to have.

Mr. Chairman, as the Republic of China's foreign minister, I would like to stress and also clarify a few points, which might be of interest to you and to your colleagues:

1. Both the Republic of China on Taiwan and the People's Republic of China on mainland believe in One China. The government of the Republic of China, and the political party in power, KMT, repudiates Taiwan independence.

2. One China does not mean the People's Republic of China. Beijing argues that "there is only one China and only the PRC has sovereignty rule over China; therefore Taiwan is part of PRC." We believe that PRC leaders represent a political authority, not single China. Communist China does not equate to the China. China is still now divided and governed by two separate governments; the PRC and the ROC, each having its own jurisdiction and sovereignty over its own areas.

3. Beijing should openly renounce the use of force against Taiwan and resume talks and dialogues with us, Beijing must give peace a chance. All issues can be discussed. President Lee has indicated his willingness to travel to Beijing or anywhere else to hold talks with Communist leaders.

4. Both Chinese societies can benefit from more direct economic, social and cultural exchanges. In fact our investments in the mainland in the last ten years have amounted to more than $25 billion. Our investments have enabled the mainland to build foreign exchange reserves and created jobs. Influx of our capital has improved living standards and relieved poverty and backwardness among the mainland Chinese population.

5. Beijing should accept us as an equal partner. We seek to have better relations with the mainland. We do not want to see Chinese fighting Chinese, not in Taiwan Strait, nor on international arena, but rather Chinese helping Chinese. Our compatriots on the mainland and we share a common ethnic bond.

6. In Taiwan there is no support for a reckless or precipitate reunification with the mainland at the moment, certainly not under the terms or formula set forth by the PRC, such as the so-called "One State, Two Systems" Formula, which definitely is inapplicable and unacceptable to ROC on Taiwan.

7. We will continue our "pragmatic diplomacy" which means that we will seek friends and allies everywhere and want the world to know that we exist. We will seek to expand our trade and cultural offices in over 150 countries and regions, in addition to the 30 nations that have formal ties with us. We will also seek to join international organizations, including the UN, and her peripheral organizations, because we have so much to contribute to the world.

8. Our ultimate goal is for the world to recognize us as a full member of the international community. We are well aware how important and difficult the process of reintegration into the international community will be for Taiwan. However, we have the resources and commitment that will allow us to make our positive contribution to peace, prosperity and good will in the world.

9. We will take full responsibility for our own destiny, but we believe that as an economically prosperous and democratically free nation seeking its proper place in the world, we can expect the nations of the world, particularly the European nations to assist us in this task.

10. We are prepared, too, to shoulder our share of responsibility for helping and assisting other nations, including mainland China, not in the spirit of paternalism or dominance but mutual cooperation and respect.

Looking forward towards the 21st century, I foresee a vibrant Republic of China actively promoting economic and trade cooperation with all regions around the world, but with emphasis on two areas—members of the Association of Southeast Asia Nations (ASEAN) and the mainland China. This type of economic and trade cooperation will strengthen the regional economic infrastructure and will stimulate the flow of resources throughout the region, leading to further economic growth as we seek to become an Asia-Pacific regional operation center by the year 2000.

While pursuing economic growth and strength, the perfection of our democratic system remains to be our most cherished and most urged goal in our national policy. We firmly believe that no country could ever become a truly great country until it becomes fully democratic.

Mr. Chairman, ladies and gentlemen, with your understanding, sympathy and genuine support, as a democratic and sovereign state, in the midst of challenges, unfair, unequal treatments and tests of all kind, we, the Republic of China on Taiwan, shall rise up again.

I thank you all so much.

INTRODUCTION OF A CONCURRENT RESOLUTION AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE SAFE KIDS BUCKLE UP CAR SEAT SAFETY CHECK

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mrs. MORELLA. Mr. Speaker, I am pleased to introduce a resolution, along with Congressman STENY HOYER, that will allow the National SAFE KIDS campaign to use a small portion of the Capitol Hill grounds to conduct a car seat safety check. This initiative, called SAFE KIDS BUCKLE UP, is a joint initiative between the National SAFE KIDS campaign and General Motors Corp. to educate families about the importance of buckling up on every ride. Child passenger safety is on the minds of citizens nationwide. This program will provide

parents and caregivers with essential information about properly securing children in an automobile.

This is not an insignificant issue, Mr. Speaker. Motor vehicle crashes are the leading cause of unintentional injury-related death to children ages 14 and under, yet 40 percent of children are still riding unrestrained. More disturbing is the fact that, of children who are buckled up, 8 out of 10 are restrained incorrectly. Each year more than 1,400 children die as motor vehicle passengers, and an additional 280,000 are injured. Tragically, most of these injuries could have been prevented. Car seats are proven life savers, reducing the risk of death by 69 percent for infants and 47 percent for toddlers.

It will take a nationwide effort to combat this problem. SAFE KIDS BUCKLE UP is a grassroots effort that will disseminate key safety messages through more than 200 SAFE KIDS Coalition, health and education outlets like hospitals and Community Health Centers, and GM dealerships in all 50 States. In addition, educational workshops and car seat check up events will be available at participating GM dealerships.

The program launch, highlighted by a car seat check up for local Federal employees, congressional members and staff, and others from the Metropolitan area, is set for Thursday, August 28, at the foot of the U.S. Capitol to kick off Labor Day Weekend, one of the busiest travel weekends of the year. I am honored to say that I am supporting this event and the overall program along with Congressman HOYER. We urge everyone to support this concurrent resolution allowing this event to take place. Protecting our children is a national issue that deserve national attention.

THE SPIRIT OF MARGE AHRENS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. BARCIA. Mr. Speaker, finding individuals who are truly dedicated to their life's occupation is a special experience. People who believe in their work enhance the quality of everything they do, and set a powerful example to others of how concentration can make the ordinary into something stellar. Next week, the friends and family of Marge Ahrens will be celebrating her work with a retirement party that they have dedicated as the Spirit of Marge Ahrens.

The child of Lucille and Claire Johnson, she came from Harbor Beach, MI, to Bay City, with her husband Fred in August 1967, she became director of library and media services for elementary schools in Bangor Township. She continued her education, earning her master of arts in library science and media specialist. Her contributions over 30 years in education are truly impressive.

She has been involved with several school districts: Bangor Township Schools, Bay-Arenac Intermediate School District, and Essexville-Hampton Public Schools. She has served as a teacher, a career education consultant, a member of the State Planning Committee for State and Federal Grants, and a key component of several music, drama, and art programs. She assisted with summer enrichment programs at Bangor Township and in Caseville. She was very involved with the Bay Arts Council and the Bay Music Foundation, as well as the Essexville Baptist Community Church. She has also been heralded for her work on a MIA–POW Program which, in part, honored the memory of Col. Bruce G. Johnson, Sr., of Harbor Beach, MI.

Marge is also a great supporter of her sons, Andy and Kevin, and has provided them with skilled and loving encouragement from their time as young children to their time as young adults. She successfully blended the roles of mother, teacher, facilitator, and motivator into a combination that is truly deserving of praise.

Mr. Speaker, her friends and family who have worked to put together this event in her honor said in a most special way when in their program for the surprise celebration of a chapter in the life of Marjory Clare Ahrens they wrote: "Some people talk about service, some people live service. Further some watch things happen, some let things happen and others make things happen." They honor her for having made things happen. Today I urge you and all of our colleagues to join me in thanking Marge Ahrens for years of accomplishment, and in wishing her the very best for all years to come.

STATEMENT BY MARK GEORGE AND MARY NEWMAN, HANOVER HIGH SCHOOL, HANOVER, NH, REGARDING AFFIRMATIVE ACTION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Hanover High School in Hanover, NH, who were speaking at my recent town meeting on issues facing young people.

Mr. GEORGE. By supporting affirmative action it is being demonstrated that content of character is less important than the color of skin. Students are being accepted not because they have the qualifications, but because they are Asian, African or Spanish. They are being put into an environment that they are not necessarily ready for. It is like putting a team of basketball players on the ice with hockey players and saying, All is fair; compete.

The problem is not mixing minorities and whites so all are fairly represented, but rather the continuing problem of minorities being lesser qualified. They are being inadequately educated in kindergarten through 12th grade and the government doesn't step in until after graduation. It is not making amends for the injustices of slavery or separate equality but what it is doing is converting, covering up problems with the current system, problems of funding for proper books and classrooms in public schools. Public schools, that means it is the government's problem with money, not entirely of race.

As of 1995, the University of California was accepting only about half of their students based on grades and test scores. The rest were a complex equation that awarded points to minorities and women, and while 565 black students applied to Northwestern in 1996, only 120 were among the entering class of 1,850. In 1993, out of approximately 400,000 black high school seniors nationwide, only 1,644 had combined scores of 1,200 and better on SATs.

Finally, in 1995, Pete Wilson, Governor of California as President of the University of California's Board of Regents voted to end affirmative action programs that considered race, gender or ethnic origin on admissions. At the same time polsters of two-thirds of California's voting population and a growing majority of men opposed quotas. We need to stop compensating for the lack of early education and start teaching.

Ms. NEWMAN. Although the United States has made progress toward protecting its people from discrimination, our nation hasn't come far enough. If our goal is to create a society of equal opportunity, there are a lot of things that we as a country need to do to make that happen.

Since the late 1960s our nation has instituted an affirmative action program. The purpose of affirmative action was originally to end discrimination in the workplace. It has been a futile attempt, however, to make up for years of neglect by our society and its government to do something about racism.

One example of the inadequacy of affirmative action can be found in Texas. In 1994, the University of Texas law school was sued because it had to set up separate admissions standards for white and black students. In a mirror image of the 1950s, the different standards were not to keep out qualified blacks but qualified whites. The reason for this which the lawsuit revealed was looking at the LSAT results in 1992, only 88 blacks in the country had scores higher than the median for white students at the highly selective law school. On scores alone, the school would have admitted nine black applicants to its engineering class of 500 students. Yet affirmative action called for a certain proportion of African Americans to graduate from Texas colleges.

This huge discrepancy between black and white scores has to do with problems that our government is neglecting to solve within minority groups. Ignoring the fact that the black scores weren't sufficient enough for admission will not solve our problems nor will the other laws that require businesses to accept a certain number of people from a certain minority. They only worsen them. They produce the feeling of inferiority among minorities and create negative stereotypes in the minds of the majority. White, educated, upper-middle-class residents are getting angry because they are losing their privileges. They feel that they are now the discriminated segment of our population.

We have given affirmative action a chance to lessen tensions among the people who make up our society, yet it hasn't been enough. There needs to be a different approach to this program and it needs to be stronger than simply handing out privileges. Our government needs to focus on resolving issues of poverty, of unemployment, of public education and the collapse of family structures that face minority groups in America.

If people start feeling good about themselves, if they start feeling like they have a chance to be just like anybody else without unfair advantages from the government, only then will they feel that they are an

equal citizen of the United States. Only then will there be space provided for individuals of any color and any religion, any background in either gender to achieve the success that has to be won, not provided for.

Mr. GEORGE. What they are doing now is unnecessary—they do not always accept people or advance people based on—they are doing it too much on the color or by their gender.

Ms. NEWMAN. I think it is definitely appropriate for the government to recognize that there aren't as many of the kind of person, a race in something like a police department or whatever, I think it is appropriate for the government to say maybe there is a problem, maybe there is discrimination, but for the government to make laws that say that maybe a certain number of white students cannot be accepted into a college because there has to be a certain number of black students, that is not appropriate.

Mr. GEORGE. There are blacks that have achieved and there are Jackie Robinsons, there are Jesse Jacksons, I mean there are blacks that can succeed and if you teach kids in school that they can achieve just as much as a white student can, then they think it is a lot more possible.

Ms. NEWMAN. I do not think you can say "tough luck" but you cannot wait until people are—how do I say this? If you want to promote the feeling that I can be this kind of person, I am a women and even though I never see any women carpenters I can be that person if I want to, but that has to be promoted before. People have to work at that when people are young, when people—like using the black example again, if a black person says I cannot be this kind of person because I am black and because there is discrimination, that problem has to be solved not by giving that person an advantage which would be an unfair advantage, they have to solve that problem by fixing the situation.

CONGRATULATIONS TO ALTUS HIGH SCHOOL

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. WATTS of Oklahoma. Mr. Speaker, recently, more than 1,200 students from 50 States and the District of Columbia were in Washington, DC, to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Altus High School was the State Champions from Oklahoma and represented our State in the finals.

The distinguished members of the team that represented Oklahoma are: Ramon Carlisle, Darin Copeland, Alison Clason, Houston Green, Colin Holman, Stephen Iken, James Lambert, Stacy Lewis, Juanita Martinez, Steffani O'Brien, David Sutherland, Shannon Taylor, and Bridget Winter.

I also would like to recognize their coaches, Rebekkah and Johnny Morrow, who deserve much of the credit for the success of the team. The district coordinator, Diane Morgan, and the State coordinator, Rita Geiger also contributed a significant amount of time and effort to help the team reach the national finals.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the We the People . . . program now in its 10th academic year, has reached more than 75,000 teachers, and 24 million students nationwide at the upper elementary, middle, and high school levels. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

The We the People . . . program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives. These students have honored Oklahoma in their participation in the national finals and I wish them every success in the years ahead.

INTRODUCTION OF THE DISADVANTAGED MINORITY HEALTH IMPROVEMENT AMENDMENTS ACT OF 1997

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. STOKES. Mr. Speaker, I rise to introduce the Disadvantaged Minority Health Improvement Amendments Act of 1997. This Important legislation reauthorizes the programs authorized by the enacted Disadvantaged Minority Health Improvement Act of 1990. This measure is as relevant today as it was in 1990—when I originally introduced it in the House, and Senator KENNEDY, of Massachusetts, in the Senate.

The measure that I am introducing today reauthorizes the health professions loans; scholarships; and fellowships for disadvantaged students; the Department of Health and Human Services' Office of Minority Health; the National Institutes of Health Office of Research on Minority Health; and the Minority Centers of Excellence programs.

Mr. Speaker, I am sure you know the critical nature of this legislation. While every racial and ethnic group experiences some health disparity, minorities and other disadvantaged Americans continue to suffer disproportionately higher rates of death and disease. For example: 29 percent of all AIDS cases in the United States occur in African-Americans and 16 percent in Hispanic-Americans; and every year the African-American community experiences 70,000 excess deaths. These are deaths among people who would not die if their life expectancy and death rates were the same as whites.

This crisis in health care is compounded by the fact that there is a severe underrepresentation of minorities in the health professions. In fact, African-Americans and Hispanic-Americans represent only 3.2 and 4.4 percent of our Nation's practicing physicians, respectively. There has also been very little growth in the number of minority medical school matriculants.

It is important for Congress to realize that—in spite of this Nation's biomedical research advances and increasing ability to treat many chronic diseases, the disparity in the health status of minorities in the United States is continuing to deteriorate.

My colleagues, it is against this backdrop of continued human pain and suffering that I introduce, and I ask that you lend your support to ensure—the enactment of the Disadvantaged Minority Health Improvement Authorization Extension Act of 1997.

Mr. Speaker, the Disadvantaged Minority Health Improvement Act of 1990 gave us the initial tools that are essential for ensuring an improved health status for all Americans. As the disparity in minority health continues to grow and as this disparity cannot be alleviated overnight, the rationale for the Disadvantaged Minority Health Improvement Act is as current and as essential today as it was 8 years ago. It is vitally important that these programs continue.

Mr. Speaker, since the original enactment of this legislation, it has been tinkered with and changed statutorily four times. It is my preference to simply reauthorize these programs and allow them to continue their important work.

Mr. Speaker, the Disadvantaged Minority Health Improvement Authorization Extension Act of 1997 is designed to ensure an improved health status for all Americans. The urgency of the enactment of this legislation is extremely pressing. This national health problem affects each of us and our communities, individually and collectively. Therefore, our joint commitment is required in order to alleviate it. I also strongly urge immediate action on this legislation, and I ask my colleagues to lend their strong support to the enactment of the Disadvantaged Minority Health Improvement Amendments Act of 1997.

INTRODUCTION OF THE SAMUEL MUDD RELIEF ACT OF 1997

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. HOYER. Mr. Speaker, I rise today to introduce legislation which seeks to clear the name of Dr. Samuel A. Mudd and set aside his conviction for harboring John Wilkes Booth, the assassin of President Abraham Lincoln. Due to the tremendous amount of controversy over Dr. Mudd's conviction, his case was reviewed by five high-ranking civilian employees of the Department of the Army in January, 1992. After all the testimony and evidence was presented, the civilian panel unanimously declared Dr. Mudd innocent of the charges. However, without commenting on the facts in this case, the Acting Assistant Secretary of the Army declined to accept this decision based on jurisdictional grounds. I believe that Dr. Mudd deserves an official exoneration, and that the Department of the Army should

follow the recommendations of its own civilian panel, and that of two former Presidents.

On April 14, 1865 President Lincoln was assassinated at Ford's Theater by the actor, John Wilkes Booth. Following the extensive manhunt for Booth that ensued, on April 21, 1865, Dr. Samuel Mudd, a gentleman farmer and physician, living in Southern Maryland, was arrested for "aiding and comforting" Booth. Specifically, he was accused of setting Booth's leg which was broken when he jumped off the balcony onto the stage at Ford's Theater.

Dr. Mudd was represented by General Thomas Ewing, Jr., who served in the U.S. House of Representatives in the 1870's, representing Lancaster, OH. Because President Lincoln was also Commander in Chief, Dr. Mudd was tried before a military commission, known as the Hunter Commission. Although he was found guilty, Dr. Mudd was imprisoned, not hung as were four of Booth's alleged co-conspirators. After being imprisoned in the Dry Tortugas for 4 years, President Andrew Jackson pardoned him because of his devoted medical care of prisoners and guards in a yellow fever epidemic.

For more than 75 years now, Dr. Richard Mudd, the grandson of Dr. Samuel Mudd, has been working to have his grandfather's conviction set aside. He is now 96 years old and has devoted his entire adult life to this very important and worthy cause. His efforts to have the Department of the Army set aside the conviction have been, and continue to be, grounded in fact and have substantial support among historians throughout the Nation. Moreover, former Presidents Carter and Reagan have both written letters proclaiming their belief that Dr. Mudd was innocent.

In July, 1990, at the urging of Senator BIDEN, the Judge Advocate General of the U.S. Army determined that the U.S. Army Board of Correction of Military Records [ABCMR] had the jurisdiction to review such a case and to determine the feasibility of setting aside the conviction. For 2 years, the Mudd family collected historical information and prepared their case, which was presented to the Army in January, 1992. Their argument that Dr. Mudd's conviction should be set aside was based on the premise that the Army did not have jurisdiction over a civilian, who had a constitutional right to be tried by a jury of his peers in civil court. Moreover, his due process rights, they argued, had been violated because insufficient evidence of his guilt had been presented to the military commission.

Mr. Speaker, the five member board unanimously found that Dr. Mudd's conviction should be set aside and recommended such action to the Secretary of the Army. They had determined that the Hunter Commission of 1865 did not have the jurisdictional authority to try Dr. Samuel Mudd and that he had suffered a "gross infringement of his constitutional rights." These jurisdictional arguments were bolstered by a Supreme Court decision in 1886 that a citizen of the United States, who was not a member of the armed forces, could not be tried by the military when the civil courts are open and functioning. However, in a surprise decision in July, 1992, Acting Assistant Secretary William D. Clark declined to adopt the Board's recommendation. While this decision was appealed in August, 1992, no further action was taken until March, 1996.

In March, 1996, as over 130 years had passed since the assassination of President Lincoln, Assistant Secretary Sara Lister declined to adopt the board's recommendation to set aside Dr. Mudd's conviction, adding that her decision did not "involve the substantive aspects of whether Dr. Mudd was actually guilty or innocent." Rather, Assistant Secretary Lister found that it was improper to attempt to retry this case or determine the feasibility and appropriateness of a decision made over 100 years earlier. She thus found that she did not have the appropriate jurisdiction to set aside Dr. Mudd's conviction. She determined that "It would be inappropriate for the Army to administratively correct the record of conviction or attempt to alter legal history by non-judicial means."

However, Mr. Speaker, for those of us who believe that there is significant evidence and information proving Dr. Mudd's innocence, therefore agreeing with the ABCMR's 1992 decision, we cannot stand idly by and allow this conviction to stand. If the facts are clear and conclusive, as the ABCMR found in 1992 and as former Presidents Carter and Reagan have determined, then the Congress must act to set aside the conviction of an innocent man.

Despite the Army's claim that the appropriate time to appeal this decision was 130 years ago, we must understand the hysteria and upheaval that ensued immediately following President Lincoln's tragic assassination. It is clear that the pressure to round up and arrest all of those involved in the assassination led to a conviction that fell far short of meeting the prosecution's burden of proof requirement. Moreover, the process by which Dr. Mudd was found guilty clearly violated his constitutional right to a "trial by jury."

Governor Engler and state legislators from Michigan, including Senator William Van Regenmorter, and the Charles County Board of Commissioners in Maryland support efforts to have this conviction overturned. Moreover, there are hundreds of people throughout the Nation who are dedicated to seeing justice served and history recorded accurately in this case. I am introducing this legislation today with my colleague from Illinois, Representative THOMAS EWING, who himself is collaterally related to Samuel Mudd's lawyer. It directs the Secretary of the Army to set aside the conviction and specifically cites the denial of due process of law and insufficient evidence. Because Dr. Mudd was found guilty by a military court, his record can only be cleared by the U.S. Army.

Mr. Speaker, while it is clear that Dr. Mudd did set John Wilkes Booth's broken leg, there is absolutely no evidence to suggest that he was either a co-conspirator in the assassination of President Lincoln or even aware of the events which had occurred earlier that evening on Friday, April 14, 1865.

I urge my colleagues to join me in ensuring that history is recorded accurately and that our Nation's most basic individual rights, embodied in the Constitution, are not violated at any time. Dr. Samuel Mudd's name and honor and that of his family, many of whom live in my district, hangs in the balance. We ought to allow the findings and decision of the Army Board of Correction of Military Records, the most reputable and qualified entity to date which has reviewed this case, to stand, thus ending the 132-year-long disservice accorded to Dr. Samuel Mudd.

IN HONOR OF LYDIA TRINIDAD: A DISTINGUISHED WOMAN AND TRUE HUMANITARIAN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an outstanding woman, Ms. Lydia Trinidad, who has distinguished herself through selfless dedication to the residents of my home State of New Jersey. Ms. Trinidad's efforts to further the course of personal development will be recognized at the 17th Annual Humanitarian Awards Dinner of the central New Jersey Chapter of the National Conference on June 12 at the Landmark Inn in Woodbridge, NJ.

Tomorrow's celebration is another milestone in a lifetime of service to others. For 23 years, Ms. Trinidad has worked tirelessly as an advocate for the lives of low-income families and individuals, a segment of our society whose needs are often overlooked. In 1980 Ms. Trinidad joined the Puerto Rican Association for Human Development [PRAHD], then a small community organization. As executive director since 1981, she expanded PRAHD to the comprehensive social services agency it is today, serving 12,000 people annually through its 18 programs. Ms. Trinidad's firm commitment to individual development, family advocacy, and the need for intergenerational interaction permeates every facet of this highly respected organization. Under Ms. Trinidad's direction, PRAHD has become a significant source of employment in the central New Jersey area.

Born on the island of Puerto Rico, Ms. Trinidad moved to Perth Amboy, NJ, in 1959 where she still resides. Ms. Trinidad graduated from Montclair State University with a degree in psychology and a minor in sociology. She has chosen to further her education through participation in a number of training programs and seminars in social work, management, business, and bilingual education. Prior to her tenure with PRAHD, Ms. Trinidad served as a counselor/advocate at the Middlesex County shelter as well as assistant manager of the Community Chapel Home in Perth Amboy.

Personally active in the community, Ms. Trinidad sits on various boards, committees, and civic groups including: the William Paterson College Board of Trustees, the Raritan Bay Medical Center Board of Directors, State of New Jersey Department of Human Services Hispanic Advisory Committee, the Central N.J. Chapter of the National Conference—formerly National Conference of Christians and Jews—the Middlesex County REACH Advisory Committee, the State of New Jersey Juvenile Intensive Supervision Program Advisory Council, and the Puerto Rican Congress of New Jersey as board secretary.

Ms. Trinidad has been recognized for her achievements by various awards, including the

William Paterson College Presidents Medal; the City of Perth Amboy's Key to the City; the Community Empowerment Award from the National Conference of Puerto Rican Women, Inc.; Woman of Excellence Award for the Middlesex County Commission of the Status of Women, and the Ariel Trophy from the American Association of Writers Journalists.

It is a privilege to have such a considerate and caring person and working on behalf of the residents of my district. Ms. Trinidad exemplifies the ideal of community service at its best. I am certain my colleagues will rise with me and honor this remarkable individual.

QUALIFIED APPLICANTS ONLY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. PAUL. Mr. Speaker, it has recently come to my attention that Dr. Albert Schweitzer, well known for his selfless dedication to bringing medical care to thousands of poor Africans, would currently be unlikely to gain admittance to an American medical school due to his status as a Lutheran minister. A recent study of medical school admissions practices identified a pervasive bias against medical school candidates with strong religious views.

This aberration in American education was carefully researched and detailed in an article jointly authored by Albert E. Gunn, Esq., M.D., associate dean of admissions at the University of Texas—Houston Medical School and George O. Zenner, Jr., M.D., associate professor at the University of Texas—Houston Medical School. The research of these two highly qualified professionals warrant careful consideration and, as such, I commend the research done by Drs. Gunn and Zenner and am pleased to enter Joseph Sobran's commentary on this significant work into the CONGRESSIONAL RECORD.

QUALIFIED APPLICANTS ONLY

(By Joseph Sobran)

Do medical schools screen Christians out? The question is rarely asked in public, but it has recently received a public answer anyway, though it's not likely you've heard about it.

An article by Albert E. Gunn and George O. Zenner (both doctors) in the spring issue of Issues in Law & Medicine, published in Terre Haute, Ind., offers some appalling findings, taken from interviews and evaluations of applicants to an unnamed school of medicine. The article deserves wider circulation, so permit me to quote extensively from it. It confirms suspicions that hadn't even occurred to me yet, though they should have—proving once again that contemporary life outdoes not only satire, but the most beady-eyed conspiracy theories.

Excerpts from the interviewers' comments on various applicants speak for themselves:

"In discussing various issues related to medicine—especially ethical and moral issues—I felt that her viewpoint was rather narrow or rigid and that she has not thought the issues through very well. She is strongly religious and calls herself a 'Christian'."

"* * * I found Mr. —— to be immature and quite rigid in his thinking. * * * His interests seemed to be exclusively in outdoor sports and in church activities. * * * I was somewhat concerned by Mr. ——'s attitude toward religion and medicine. He is a strict Christian who believes in the literal truth of the Bible. He does not believe in the Darwinian theory of evolution, and does not feel that it should be taught in schools and colleges in the way it is presently taught. In hypothetical situations in which he as a doctor might advise a patient about contraception or abortion, Mr. —— insisted upon taking a highly moralistic stance. For example, he said that when advising a 25-year-old woman about contraception, he would first want her to convince him that her activities were 'moral.' I found this attitude very disturbing."

"Mr. —— is very enthusiastic. * * * God and religion very much influence his life. * * * Mr. —— shows potential for a medical career provided he controls his own preconceived attitudes on what will help a patient."

"What makes this interview difficult is that the student is certainly different from most applicants and is heavy on religion, as expressed numerous times in his essay. Knowing how concerned the committee is about such matters, I questioned him in some detail but not in any way, I believe, to influence his answers. * * * He prays frequently and has fasted on one occasion for three days waiting for a message from God to help him make a difficult decision. He does not hear voices. God answers him by giving him a feeling of what is the right decision. A lot of these matters are reminiscent of other applicants that the committee has turned down, fearing either a psychiatric disorder or a situation where the individual as a medical student or physician will 'moralize' or force religion on a patient when not indicated."

And a few brief comments about various applicants, from viewers and the admissions committee:

"Vague discussing abortion."

"He has found God but does not hear voices."

"Negative view of candidate who said she was Catholic and this influenced her view on abortion."

"Applicant would counsel against abortion and would not refer patient for abortion."

"Do not recommend acceptance due to indecisiveness on abortion and pulling the plug."

"Displayed rigidity in comparing future of fetus to future of pregnant 16-year-old girl."

"Rigid, born-again Christian. Has not resolved how abortion will affect medical practice."

The authors of the article note that "several of the applicants appeared reluctant to discuss their views, possibly fearing that their opposition to abortion might jeopardize their selection." No wonder, when the views of those who expressed disapproval of abortion were so often frowningly judged "rigid," "narrow," and even "indecisive." The authors observe: "No extant records contain a case in which an applicant who favored abortion was described in negative terms."

Not that all Christian applicants were rejected, of course—that would be either demographically difficult or at least suspicious-looking. But even the positive comments of the interviewers and committee display a telling bias:

". . . I am personally satisfied that he is not a born-again Christian. . . ."

"Very religious and moralistic but not evangelistic."

"Mexican-American Catholic, observant, not fanatical."

"He would not hesitate to recommend an abortion or birth control devices to young ladies for whom this would be appropriate. . . . While superficially he resembles other applicants who have been objectionable to the committee, on looking more closely, I am sure he should not be regarded as such."

In the interviews and evaluations, the authors point out, only Christian views and anti-abortion views were discussed negatively. No nonreligious or pro-abortion applicant seems to have been found too "rigid" or, for that matter, too lax or cavalier about abortion. All the interviews and evaluations assume a consensus among the doctors that abortion and the willingness to perform it are desirable, and that any reservations about them are cause for suspicion and alarm. Here is one place where liberals don't seem to seek "diversity" and "pluralism." Or rather, they equate "diversity" and "pluralism" with agreement with their own attitude.

Only religious applicants were grilled about their views—in spite of a state law governing the school that forbids denying admission because of opposition to abortion, and in spite of other laws prohibiting religious discrimination. Presumably the school's own formal code proscribes these admissions policies too, but that doesn't seem to stop anyone.

So while pro-lifers are writing their congressmen or pounding the pavement to change the bogus constitutional law of *Roe* v. *Wade*, this is what's going on behind the closed doors of the medical profession. If you've had trouble finding a Christian doctor, or if you've wondered why the American Medical Association is so fervently pro-abortion, here is your answer. Christian students are getting the message that they're unwelcome in the medical schools. If they want to try to get in anyway, they usually sense that it's a good idea to keep their views under wraps.

This is a sampling from only one school, but it may be worth noting that the school apparently isn't in New York or Los Angeles, but in a conservative and heavily Christian region. We can only guess what things are like in the pagan precincts.

TRIBUTE TO THREE LAW ENFORCEMENT OFFICIALS

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. MEEHAN. Mr. Speaker, I rise today to recognize and honor the excellent work of Assistant United States Attorneys Paula J. DeGiacomo and Despena F. Billings and of FBI Special Agent Thomas J. Daly, Sr. in investigating and prosecuting Paul E. Lowe for carjacking, kidnapping, and transportation for illegal sexual activity.

On December 10, 1995, Lowe abducted a 21-year-old medical secretary at gunpoint after helping her push her vehicle out of a snowbank at the end of her driveway in Lowell, MA. Lowe commandeered the victim's car and drove north to a remote area of New Hampshire, where he hit her in the face and sexually assaulted her. Lowe eventually returned to Lowell with the victim, at which time he threatened her with death were she to call the police.

This case was investigated jointly by the Lowell Police Criminal Bureau and the FBI. It was prosecuted in the U.S. District Court, District of Massachusetts, because Lowe was charged with carjacking, a federal crime. The case broke new legal ground in Massachusetts, as it was the first time that DNA evidence was admitted in a federal criminal case. Lowe was convicted in November 1996, and Judge Patti B. Saris sentenced him to 36 years in prison in March 1997.

The investigation and prosecution of Lowe was a model law enforcement effort. Special Agent Daly, the FBI, and the Evidence Recovery Team [ERT] worked in cooperation with local law enforcement officials to apprehend Lowe and build a strong case against him. Assistant U.S. Attorneys DeGiacomo and Billings worked tirelessly at developing an extremely effective trial strategy. At the same time, they displayed a sincere and much appreciated concern for the victim.

The efforts of Paula DeGiacomo, Despena Billings and Tom Daly, Sr. should not go unnoticed. Massachusetts residents are safer in and outside their homes due to the arrest and conviction of Paul Lowe. The individuals who brought Lowe to justice deserve our recognition and thanks.

RECOGNIZING THE 75TH ANNIVERSARY OF THE LAMBERTVILLE-NEW HOPE ROTARY CLUB

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to acknowledge the Lambertville-New Hope Rotary Club as it celebrates its 75th anniversary dinner on Friday, June 13, 1997.

In today's society as we move further toward the end of big Government, civic responsibility is of particular importance, though it often goes unacknowledged. Think of the value that libraries, parks, little leagues, fire departments, school scholarship funds, or school and work programs provide. Like so many Rotary Clubs across the Nation, the Lambertville-New Hope Club over the years, has been and continues to be, a generous contributor and supporter, to all of these many community organizations, as well as to other combined charities.

The Lambertville-New Hope Rotary Club has had a long history of service to the community. Its inception was in January 1922, and was established as a result of the efforts of Charles Muddock, Arch Moon, and Howard L. Hughes. Over the years, the Lambertville-New Hope Rotary Club has grown significantly and now boasts 25 members on its roster. For many years its members have worked hard to create a diverse array of programs designed to help better the community. For example, the Ely Field project was created to rehabilitate the recreational park and it will forever yield benefits to all community members: small children, recreational sports teams, families, and the elderly.

The club has contributed over $250,000 since its inception in 1922. These funds have gone toward projects that will long benefit the community. I applaud the exemplary sense of social and civil responsibility demonstrated by the club's contributions. The Lambertville-New Hope area has greatly benefited as a result of these contributions.

I would like to recognize Tom Allibone, for his efforts as chairman of the 75th anniversary extravaganza. It promises to be a memorable event which will include a birthday card signed by many citizens in the communities, as well as Governor Whitman. The officers of the club deserve commendation for their efforts during this memorable year. I would like to recognize the president, Gustavo Calderon, president-elect, Dr. Robert Muller, treasurer, Annamarie Heil, vice-president, Lynn Brittingham, secretary, William Buchanan, and sergeant-at-arms, Michael Welsh.

Like the members of Rotary Clubs, I am devoted to facilitating the process of entrepreneurs and business men and women as they work to establish themselves in the community. The Lambertville-New Hope Rotary Club is a prime example of the benefits that citizen leadership can have on a community. Together, we will work to continue to improve the quality of life for the people of the 12th district of New Jersey.

HONORING PASTOR EDWARD McCREE, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to recognize the achievements of Pastor Edward L. McCree, Sr. of Pontiac, MI. On Sunday, June 15, the congregation of Pontiac's Macedonia Missionary Baptist Church will honor Pastor McCree for the many contributions he has made over the last 24 years to both city and State in the name of the Lord.

It is difficult to imagine what the Pontiac community would be like today had Pastor McCree not been called to become Pastor of Macedonia in 1973. From that point on, the Pastor has made it his goal and his promise to beautify the church, the community, and the spirit. Over the years, Macedonia has been blessed with a beautiful new educational facility, renovated sanctuary, day care center, and several other projects that have enhanced the appearance of the church. The church's emergency food kitchen has fed over 5,000 people. These projects were made possible through the strong positive efforts of Pastor McCree and the support of the Macedonia family.

Pastor McCree's time with the ministry has allowed him to develop a strong support network that extends outside the church, yet with the same goals in mind. The pastor has been affiliated with and has been honored by groups such as the Oakland County Ministerial Fellowship, Crystal Lake District Congress, Greater Pontiac Missionary Baptist District Association, and Wolverine State Congress, to name a few. Not one to forget his alma mater, Pastor McCree has also established associations with the American Baptist Church, including serving as its Alumni Association's National president.

Pastor McCree's deeds in the name of the Lord are just as remarkable as his deeds on behalf of the Pontiac community. He has proven himself indispensable in his support of the Pontiac Economic Development Corporation Board, Pontiac Area Urban League, and the Montgomery Defense Fund. He has been appointed to various committees by the Mayor of Pontiac, and was also appointed in 1985 by the Governor to task forces dealing with the Child Abuse Council and Children's Trust Fund.

Mr. Speaker, it is with great pride that I ask you and my fellow members of the 105th Congress to join me in saluting Pastor Edward McCree, Sr. Self evident is his lifelong commitment to enhancing the dignity and nurturing the spirits of all people. I am grateful for the opportunities I have had, and still have to work with him in many different faculties. It is truly people like him that serve as examples of what Americans should strive to be.

STATEMENTS BY IAN GOLLUB AND AMANDA SCHROCKE, HANOVER HIGH SCHOOL, HANOVER NH, REGARDING CLEAR-CUTTING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Hanover High School in Hanover, NH, who were speaking at my recent town meeting on issues facing young people.

Mr. Gollub. Hello, Congressman Sanders. My name is Ian Gollub and I am here today to represent the views of my classmates from Hanover High School in Hanover, New Hampshire.

Clear-cutting the forest in Vermont and elsewhere in our nation is very important to our Vermont-New Hampshire students. My classmates and I sincerely believe that clear-cutting the forests and woodlands not only inhibits future growth but dangerously jeopardizes other aspects of our ecosystem.

The two main issues we have chosen to cover are the environment and economics. First the environmental issue:

Not only are we destroying the forest's aesthetic beauty but we are injuring the long-term health of the forest as well. When we remove trees by clear-cutting, we tear up the ground and compress the soil. The trees are gone, leaving roots and subterranean soil organisms tightly compacted underground to stave and die. Necessary fungi and nutrients are killed by erosion of powerful sunlight falling on an open area for the first time.

For the specific reason organisms, plants or animals are killed then any diversity is lost or impoverished by chronic reduction of regional populations said E.C. Pineau in the magazine, Nature's Companion. Which brings me to my next point.

Large populations of animals are being driven away by the lack of shaded areas in which to live. With such drastic changes in habitat to the local animal populations and the deaths of many preexisting animals and plants we are retarding the rate of ecological regeneration by many, many years.

While some efforts have been made to regenerate the cut forests we will never see the forests full again; just scattered arrangements of various flora growth with no relation to the region's ancestors. But the most typical resolution for the forest is a giant open wasteland, a wasteland which is comprised of dead roots and massive eroded mud surfaces.

The conclusion of our argument confirms our assertion that in no way and no how is clear-cutting beneficial to our nation's flora and fauna life. I would now like to pass the remainder of my time to my classmate and end short.

Ms. Schrocke. So long does the American dream become endangered as the huge logging industry strives to take control of our land. In Maine the large paper industries have reduced the spruce and fir populations valuable for paper production by 40 percent. Currently half of paper pulp is hardwood as a result; hardwood, which is traditionally used by the smaller local timber industries.

These large corporations undermine the values of such industries as local sawmills, fishing and hunting, guides, river rafting companies and perhaps more important to Vermonters, maple syrup producers. These large companies ship an astonishing 24 percent of timber cut overseas as whole logs eliminating jobs for local mills. The name of the game is money, and if selling the timber to the Japanese makes 40 percent more money, that becomes the priority. These corporations yield the rewards while the human consequences are borne by the working people.

If the clear-cutting continues millions of jobs will be lost because people care more about short-term profits than long-term preservation. Vermonters will be forced to pay millions of dollars to plan and instigate reforestation. The government of Alaska found out the hard way when confronted with the need to pay $40 million to reforest the Tongas.

We must also look for further solutions when reforestation plans fail because the nutrients once prevalent in the soil have gone up in smoke and the wasted fields have been sold to condominium developers as many have in Maine. Loggers will become their own breed of endangered species if we do not do something now to preserve our forests for both ecological and economic purposes.

Our classmates at Hanover High School ask that a government policy be instigated which would ban or greatly reduce the practice of clear-cutting in favor of a selected cutting policy. This policy would preserve our forests for future use by reducing soil damage and improper pruning technique which come hand-in-hand with clear-cutting. A law for the continuation of the natural habitat which has stood for centuries and provided for animal and logger both. Now is not a time for talk, now is the time for action.

Mr. Gollub. When you decide that you are going to clear-cut your own property and you decide you would like to therefore ruin your land, the nearby land and surrounding areas, ecosystems and the plants and animals that might only be found in that area would be severely damaged.

Ms. Schrocke. One of the problems is that we are not necessarily asking that private land be regulated so much as the public land because unfortunately as the logging industry and the timber industry cuts the trees on their land they are continually asking our government to sell some of our national forest which we consider to be national treasures.

Mr. Gollub. Well as you might know actually the bill in Vermont was passed I think two days ago and actually I was reading it on the way up, and what it is saying is that when you want to clear-cut now you have within a certain number of feet from other people's harvesting area, you have to have that approved because if you just wanted to destroy your land and your own ecosystem that is not possible because you are influencing the surrounding area. Clear-cutting devastates the soil in the area where trees are cut because of the way the soil is compacted and the trees were removed from nutrients and the other soil organisms are killed and left to die; therefore, the area can be eroded by the sunlight and the water passing through.

Ms. Schrocke. Saying people have the right to do whatever they choose is an okay argument only willing to think in the short term, but if you are willing to think in the long term and you are looking at the long-term repercussions of this, I would say it is more important to feed your family for a lifetime than it is for just a couple of years. And as things are going right now, we are not going to have any forests left for loggers to cut down.

HAPPY 50TH ANNIVERSARY TO THOMAS AND IRENE NEWSHAM

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. BARCIA. Mr. Speaker, I rise today to salute a couple who have endured the test of time. On June 14, 1997, Thomas and Irene Newsham are celebrating their 50th wedding annniversary.

Natives of Bay City, Tom and Irene met after a rolling skating party at a cafe on Midland Street. Shortly thereafter, they fell in love and made a commitment to spend their lives together, a commitment they have taken very seriously.

In these days of disintegrating families, it is reassuring to see a strong, stable marriage built on love, respect and trust. They show the rest of us by example that a marriage can truly endure. Their faith and loyalty has been a great example to their 8 children and 13 grandchildren. Their willingness to help others by giving their time throughout their lives has been greatly appreciated by their family and friends.

Their home was always open to friends and strangers—a policy that continues today. While their house was full of children, they took in one more child, bringing the total to nine, to ensure that he, Jerry, would have a loving and caring home. Father Xavier, as he is now called, grew up to become a priest and shares with others the loving and caring nature he learned from the Newshams.

Tom and Irene are also very proud of their eight biological children who have all dedicated their careers to service. Their eldest child Mary is a nurse and Janet and Tom both work for the sheriffs department. Ken and Jim, both retired, served in the Air Force and Navy respectively. Patrick is working toward his teaching degree, Ann works in the mental health field and their youngest, Maureen, is continuing her family tradition of public service.

Tom served as a positive role model for his family. A World War II veteran, he was the fire marshall for the Bay City Fire Department until his retirement. Irene is a dynamic and energetic woman and her children and grandchildren often have a hard time keeping up with her fast pace. Following Tom's retirement, Irene worked for the Divison on Aging until last year when she retired to help her daughter with her newborn twins. Together, Tom and Irene blossomed into a strong family that is on 50 years and growing. Their newest grandchild is due in August.

With so much talk on reinstalling traditional family values, this event deserves special recognition. I ask my colleagues to join me in wishing Tom and Irene good health and many more happy years together.

MONMOUTH-OCEAN COUNTY, N.J. RANKS NO. 3 MOST LIVABLE IN UNITED STATES

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. PALLONE. Mr. Speaker, I am very pleased to report that a leading national business publication has discovered what I have known all my life—that the Monmouth-Ocean County area of New Jersey is one of the best places to live in the United States.

I would also like to note that Middlesex County, also in my district, is part of a region which moved from 83d to 29th in the national ranking.

I grew up in Long Branch, NJ, a city in historic Monmouth County, where right at my doorstep were the Atlantic Ocean, beautiful rivers and even a few lakes. New York City, with all of its cultural attractions and employment possibilities, was a 1-hour drive away. Locally, a light industrial economic base combined with a thriving tourist season resulted in the creation of many jobs for area families.

Monmouth County scored high on the criteria ranked as important by the readers of Money magazine which conducted the survey. These criteria included a low crime rate, excellent health care, and a clean environment. The high scores in these areas don't just happen by accident—they are the result of a great deal of hard work by the citizens of central Jersey over a period of many years.

I would like to include for the RECORD an article which appeared in the Asbury Park Press today which describes the Monmouth-Ocean County area and why it has earned the designation as the third most livable place in the United States.

The article follows:

[From the Asbury Park Press, June 12, 1997]

HAPPY? WE SHORE ARE!

(By Dennis P. Carmody)

If you want to live someplace better than Monmouth and Ocean counties, better pack your parka and trudge on up to Nashua, N.H., or Rochester, Minn.

At least that is what Money magazine concluded in the publication's annual survey of the best places to live.

In the survey released yesterday, Monmouth and Ocean counties placed higher than ever before, coming in third behind first-place Nashua and second-place Rochester. It came in first among metropolitan areas with a million or more residents.

"We're just elated!" said Pat Padula, tourism representative for Monmouth County. "I think this will make a great impact."

"It's great news and an independent evaluation of why we're all proud to call this area home," said John C. Bartlett Jr., director of the Ocean County Board of Freeholders.

The region's ranking has proved very volatile in the 11 years since the magazine started the list. Just two years ago Monmouth and Ocean counties fell to 167th place; the region's lowest mark ever. Last year it jumped to 38th place.

"Magazine come out with lists because lists sell magazines," cautioned Jack Preston, president of the Monmouth County Association of Realtors. Still, this ranking will lead some folks to take a second look at the area.

"You can be in the countryside here and five minutes later you're at the ocean," Preston said. "Two minutes after that you can be by a river."

Sue Tauriello, president of the Ocean County Association of Realtors, said she planned to make copies of the story to hand out to all her agents at her Dover Township office.

She said the good news would help counter some of the bad national impressions the area has received of late, such as the cancer scare in Dover Township and the murder of Kathleen Stanfield Weinstein, a schoolteacher abducted from a Dover shopping center.

Each year the magazine asks a cross-section of readers to rank 41 different factors that affect a town's quality of life, such as health care, sunny weather and nearby professional sports, said Richard Eisenberg, executive editor for Money.

The magazine's editors then weigh the nation's 300 largest metropolitan areas against those preferences to come up with its list. Changes in reader preferences, economic booms and busts and new sources of data sometimes lead to dramatic shifts in rank, Eisenberg said.

For example, while a low crime rate was considered the most important attribute for the second year in a row, health care issues rose in prominence in this year's survey, Eisenberg said.

That helped Monmouth and Ocean counties, home to 10 major hospitals, Eisenberg said.

The counties' low crime rate, about 65 percent below the national average, also helped, according to the magazine. So did the beaches and parks.

Monmouth and Ocean counties benefited from a new way of ranking the arts. For the first time, the two counties were considered close enough to New York that they could bask in its cultural glory, Eisenberg said.

The two counties lagged in transportation. About 40 percent of residents here work outside the two counties, and their average commute of 27 minutes was seventh-highest on the list, the magazine reported.

Monmouth and Ocean counties were not alone in their improvements. The seven other metropolitan regions in New Jersey all rose in the ranks too.

Central New Jersey, which includes Middlesex, Somerset and Hunterdon counties, saw its placing improve from 83rd to 29th, the magazine reported. Bergen and Passaic counties jumped further than any other area of the list rising 158 slots from 228th to 70th.

Mercer County had the second-highest jump, rising 139 slots from 265th to 126th. Northwest New Jersey, comprised of Essex, Morris, Sussex, Union and Warren counties, rose from 240th place to 136th.

Cumberland County rose from 223rd place to 166th while Atlantic and Cape May counties rose from 268th to 199th. Rounding out the state was Hudson County, which improved from 290th to 220th.

Improvement in the state's economy is a factor, said James W. Hughes, dean of the Edward J. Bloustein School of Planning and Public Policy at Rutgers University, New Brunswick.

"In the past year the gap between New Jersey and the rest of the country in both the unemployment rate and job growth has really started to close," Hughes said.

In April, New Jersey's unemployment rate was 5.2 percent, just 0.3 percent higher than the national average, according to the state Labor Department.

Monmouth County's jobless rate was even lower at 4.3 percent, while Ocean's tied with the state at 5.2 percent, according to the department.

The magazine's top 10 places were dominated by New Hampshire and Florida. After Monmouth and Ocean counties, Punta Gorda, Fla., came in fourth, followed by the New Hampshire towns of Portsmouth and Manchester.

Last year's list-topper, Madison, Wis., came in seventh this year, followed by the highest-ranked large city on the list, San Jose, Calif. Jacksonville and Fort Walton Beach, Fla., rounded out the top 10.

Davenport, Iowa, took last place in this year's survey because of its high crime rate and poor economy.

INFORMATION ON MOST-FAVORED-NATION STATUS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. PAUL. Mr. Speaker, I rise to commend the insight added to the policy debate on most-favored-nation [MFN] status for China by Rev. Robert A. Sirico in an article he authored in yesterday's Wall Street Journal. Reverend Sirico succinctly highlights the danger which occurs when "labor unions and other left-liberal protectionists" align themselves with those factions of the religious right who, at times, are "insensitive to the difference between urging certain moral ends and using government coercion to bring them about."

Reverend Sirico, a Paulist priest, explains that pleas from evangelical missionaries currently working in China have passionately urged United States policymakers not to cut off trade with China as this would endanger Christian's status in China as well as possibly lead to the Chinese Government revoking Christian's visas.

"Economic prosperity through free trade is the most effective distributor of wealth and power, and trade with China is the surest way to break the grip of centralized political power" according to Reverend Sirico who also finds the Chinese Government's treatment of Christians morally objectionable.

It is important, in evaluating United States policy toward the government of China, or any other sovereign foreign government, to differentiate between lowering trade barriers, as MFN status simply does, and United States taxpayer financing of foreign governments through various forms of foreign aid as well as engaging in corporate welfare through such agencies as the World Bank, OPIC, and the IMF. While lowering trade barriers necessarily results in greater economic well-being, foreign aid, and international corporate welfare programs are neither economically prudent nor constitutional. Additionally, misnamed multilateral agreements like NAFTA, or more honestly, government-regulated international trade does not constitute free trade and should be opposed on the same grounds of unconstitutionality and economical ineptness.

I commend the research of Reverend Sirico and thank him for his important contribution to the policy debate regarding most-favored-nation status and recommend a careful reading of his article by everyone genuinely interested in both the proper moral and economic resolution of this issue.

[From the Wall Street Journal, June 11, 1997]

CHINA AND THE TRADE WARRIORS

(By Robert A. Sirico)

Despite occasional tensions between social conservatives and economic conservatives, most social and cultural goals have an economic dimension about which the two camps are generally in agreement. But now a leader of the socially conservative camp has proposed that there is an issue that pits morality and prosperity irreconcilably against one another—U.S. trade with China, a nation known for human-rights violations, and particularly for religious persecution.

Gary Bauer of the Family Research Council is demanding that the U.S. government wage economic war against China with sanctions, boycotts and embargoes. In his campaign for trade restrictions with China, Mr. Bauer and a few other conservative leaders are working hand in glove with labor unions and other left-liberal protectionists, normally diehard opponents of the religious right.

BARRICADES HAVE COLLAPSED

The usual political barricades have collapsed as Mr. Bauer's comrades join forces to oppose congressional attempts to continue normal trading relations with China. In a recent letter, Mr. Bauer compares the urgency of imposing sanctions to issues such as ending slavery and defeating Hitler.

How restricting trade with China will help strengthen American families, faith and morality is unclear. What is clear is that Mr. Bauer finds China's treatment of Christians morally objectionable. I do, too. And he is to be commended for his efforts at raising the public's awareness of Chinese persecution. Christians are threatened, jailed, expelled and even killed in China. Whether this occurs more or less today than in decades past is in dispute. But one human-rights violation is one too many.

That's why I, along with many others, signed an open letter from the Family Research Council to Vice President Al Gore that appeared in major newspapers. It objected to Mr. Gore's failure to emphasize China's poor human-rights record during his March visit. The letter particularly highlighted China's vicious suppression of the rights of Roman Catholics to worship in freedom. The letter said nothing about a broader trade agenda.

I would have signed a similar letter about the appalling treatment of Christians in Egypt (which receives U.S. aid), Saudi Arabia (which the U.S. has defended militarily) and Iraq (where a Kurdish convert to Christianity, Mansour Hussein Sifer, was recently martyred). Friends of freedom should oppose restrictions on worship and religious speech anywhere they may appear, including the U.S.

When I signed the letter on China, however, I did not know that it was a prologue to a full-blown political campaign that would seek to curtail commercial ties between China and the rest of the world. Mr. Bauer's position has evolved from a strong moral stand in favor of religious freedom to waging total trade war.

A charge often leveled against the Christian right is that it is not sensitive to the difference between urging certain moral ends and using government coercion to bring them about. It's usually a canard: In the case of the arts, for example, the religious right seeks not censorship but an end to taxpayer subsidies for blasphemy and obscenity. I regret having to say that this time, however, the Family Research Council has lived up to the stereotype. It is attempting to enlist government power, at the expense of everyone who benefits from U.S.-Chinese commercial relations, thus choosing an inappropriate means to achieve a moral end.

What's more, trade sanctions would be counterproductive. Sanctions won't bring freedom for religious expression in China. They won't end China's cruel policies limiting family size. They won't stop the horrific policy of forced abortions. They won't bring democracy. They can only further isolate China and close off avenues for greater Western influence.

The growth of Western businesses in China, however, would dilute the power of China's communist rulers. As commercial networks develop, Chinese businesspeople are able to travel more freely, and Chinese believers have more disposable income with which to support evangelistic endeavors.

No one understands this better than evangelical missionaries currently working in China. Mr. Bauer's passionate campaign has elicited pleas from many of them for Congress not to cut off trade. Such an action would endanger their status there, and possibly lead China to revoke their visas. It would severely limit opportunities to bring in Bibles and other religious materials. These missionaries understand that commercial relations are a wonderfully liberating force that allow not only mutually beneficial trade but also cultural and religious changes. Why doesn't Mr. Bauer listen to those who know far more about China than Washington think tanks and labor unions do? "They may be too close to the situation," he answers, somewhat flippantly.

Until recently, trade warriors have cited the case of the U.S. Catholic bishops, who have opposed renewing normal trade status with China. At the same time, however, Hong Kong's official Catholic newspaper, the Sunday Examiner, reports new contacts between Beijing and Hong Kong's Catholic hierarchy. These contacts are a major step toward an official recognition of the Catholic Church on the mainland.

TO THE GOOD

This would all be to the good. Diplomacy and international trade strengthen people's loyalties to each other and weaken government power. Beijing has shown itself to be supremely interested in fostering prosperity at home. Christians must take advantage of this impulse, rather than recklessly treating China as a monster that must be slain.

This need not be an issue that divides social conservatives from economic conservatives. Economic prosperity through free trade is the most effective distributor of wealth and power, and trade with China is the surest way to break the grip of centralized political power. Religious conservatives should broaden their focus beyond purely social and cultural issues. Mr. Bauer and his supporters are right to decry the immoral treatment of believers in China. But allowing themselves to be used by protectionist and labor lobbies is an imprudent approach. Just as religious freedom offers the best hope for Christian social influence, economic freedom is the best hope for spreading that influence around the world.

HOUSE OF REPRESENTATIVES—*Monday, June 16, 1997*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. PETRI].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 16, 1997.

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We know, O gracious God, that the pace of living is brisk and yet we know too that we need to take time to meditate on Your good gifts to us and to reflect on how we can translate Your gifts into our daily lives. May we use the gift of faith so our lives develop meaning and purpose; may we use the gift of hope so that we can anticipate a new and brighter day; may we use the gift of love so that we know others with trust and affection and share with them our innermost feelings and experiences. May Your gifts, O God, that have nourished us along the way be with us this day and every day we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida [Mr. SCARBOROUGH] come forward and lead the House in the Pledge of Allegiance.

Mr. SCARBOROUGH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1306. An act to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 210. An act to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes;

S. 289. An act to designate the United States courthouse to be constructed at the corner of Superior Road and Huron Road in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse";

S. 347. An act to designate the Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, as the "Sam Nunn Federal Center";

S. 419. An act to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes;

S. 478. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the "William Augustus Bootle Federal Building and United States Courthouse";

S. 628. An act to designate the United States courthouse to be constructed at the corner of 7th Street and East Jackson Street in Brownsville, Texas, as the "Reynaldo G. Garza United States Courthouse";

S. 681. An act to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Courthouse";

S. 715. An act to redesignate the Dublin Federal Courthouse building located in Dublin, Georgia, as the J. Roy Rowland Federal Courthouse; and

S. 819. An act to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the "Martin V. B. Bostetter, Jr. United States Courthouse".

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Washington [Mrs. MURRAY] as Vice Chair of the Senate delegation to the Canada-United States Interparliamentary Group during the 105th Congress.

The message also announced that pursuant to Public Law 101–445, the Chair, on behalf of the Democratic Leader, appoints Arlene M. Chamberlain, of South Dakota, to the National Nutrition Monitoring Advisory Council.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 13, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Thursday, June 12, 1997 at 6:40 p.m.: that the Senate passed without amendment H.J. Res. 32, and, that the Senate passed without amendment H.R. 1871.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, June 12, 1997:

H.R. 1871. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR PRIVATE CALENDAR, 105TH CONGRESS

The SPEAKER pro tempore. The Chair desires to announce that the official objectors for the Private Calendar for the 105th Congress are as follows:

For the majority: Messrs. SENSENBRENNER, Wisconsin; COBLE, North Carolina; and GOODLATTE, Virginia.

For the minority: Mr. BOUCHER, Virginia, and Ms. DELAURO, Connecticut.

SPECIAL ORDERS

POLITICS AS USUAL BAD POLICY FOR FLOOD VICTIMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, this past weekend and over the past 3

or 4 weeks we have been hearing a lot on television about flood relief and the politization of that process, and we have been hearing about how flood victims got caught in the middle of a political gambit and they have actually been upset and injured by politics as usual in Washington, DC.

Mr. Speaker, I wanted to come to the floor today because I have been looking through some newspapers across the country to see what they were doing outside the beltway and I wanted to check into some of the charges that actually what happened on this flood relief bill actually did affect flood victims, because we get in Washington and one hears different things.

In fact, I heard the Vice President last week go before a press conference and say the following, and this is from the Philadelphia Inquirer dated last week: Vice President GORE accused the Republicans of issuing an ultimatum. Quote: "They are saying to the American people, we want to make it clear that we will hurt you unless these provisions are accepted."

The charge is almost frantic, that actually there were people in this Chamber that wanted to hurt Americans if they did not go along with their own political agenda. It reminded me of some of the things that I heard in the past when the President and Vice President would come out to the press conference when we were trying to balance the budget and try to hide behind Medicare and try to scare senior citizens and talk about how we wanted to slash Medicare, when in fact we were trying to save Medicare and were putting out a proposal very similar to what the President was putting out.

There is this tactic that they always seem to use. Every time you start to nail them down and try to force them to be physically responsible, they would say, oh, you are trying to hurt old people, you are trying to hurt senior citizens, you are trying to hurt young children, you are trying to hurt flood victims. So it was sort of these scare tactics to try to stop us from doing what needed to be done.

During the flood relief bill, what some Members wanted to do was actually put in a provision that would prevent the Federal Government from ever shutting down again. But when this was attempted, the President, the Vice President, and many Members in this Chamber got out there saying, oh, you are hurting the flood victims, you are hurting the flood victims. I have to tell my colleagues as an American sitting out there on the couch watching TV, one would look at it and say, gee, how could anybody want to hurt the flood victims like that.

Then, as is the case usually in Washington, DC, you peel away a layer of rhetoric, you peel away another layer of demagoguery and one gets down to the facts, and the facts look quite different from what politicians inside Washington, DC, are telling us.

This is what the Philadelphia Inquirer wrote on Thursday, June 12. They quoted a political scientist from Carleton College in Minnesota, one of the affected areas, and his name is Steven Scheer and he is a political scientist. He said the following: "Federal money is already flowing into the flood-damaged areas, so this is not going to affect things for a while," said this Minnesota political scientist. Yet, the Democrats indicate that people are drowning and starving as a result of this. It is not true.

Let me say that again. It is not true. A political scientist who lives in Minnesota who studies politics and, more important, understands the pain and the suffering and the misery that the men and the women of the Midwest have been putting up with for so long says firsthand, "the Federal money is already here."

If anybody said what happened in Washington over the past week or two did anything to directly hurt people in the Midwest, then according to this political scientist quoted by the Philadelphia Inquirer, it is not true. Federal money is already flowing, so this is not going to affect things for a while. Yet the Democrats indicate that people are drowning and starving as a result of this. It is not true.

So one sits there and one asks oneself, if it is not true, according to this political scientist in Minnesota and others who understand the process, why would the Vice President of the United States come out and say that it was true that somehow what happened in Washington last week was going to hurt people in the Midwest, or why would the President make the same inferences, why would people on this floor storm up to the microphone day after day after day after day and say something that clearly did not reflect reality?

Well, I guess unfortunately for too many in this Chamber it is politics as usual. If one cannot win by using the facts, then try to win by kind of shifting the facts around. Try to scare people. If one does not want people to sit down and know the real story, then kind of shuffle the deck a little bit and deal from the bottom of the deck once in a while and maybe one can confuse people enough. I mean maybe that is what they think. It is very unfortunate. But the reality is that flood money was sent to the Midwest and in fact has been fully funded for some time and will be fully funded for some time. But again, Democrats used this as a political attack last week for purely political purposes, and it is unfortunate.

So when the Vice President says "We want to make it clear that we will hurt you unless these provisions are accepted," it does not match up with reality. I can say as a Member from the State of Florida, which seems, unfortunately, seems to have a hurricane about two or three times a year, in my district especially—2 years ago we had two hurricanes in 1 month's time period—I understand firsthand about devastation. I understand about how in one day's time, a family's existence, a family's home, their property, their life, can be blown away with the wind, blown away by a flood.

So the last thing that I am going to want to do, the last thing that anybody here is going to want to do is to do anything to hurt flood victims. Again, we did not do that, but we have people coming up here and demagoguing on the issue to try to scare them. I think it is really unfortunate.

Again, that is what happened last year when we were talking about Medicare, when we were trying to save Medicare for senior citizens and keep it solvent. We had so many people coming down here and saying, oh, they are trying to cut Medicare, trying to do this, trying to do that, again, all for political points.

I can tell my colleagues, as somebody who is relatively new to this Chamber, it gets awfully frustrating that we find that too many times debate in this great Chamber, which is really the center of freedom around the world, is resolved to name-calling and demagoguing and fingerpointing, when it would be so much better for the American people if we just debated on the facts.

Now, if we wanted to debate on the facts and if we wanted to find a situation that would hurt flood victims, I can give my colleagues one. I can tell my colleagues what will cause flood victims possibly the gravest risk in trying to put their lives back together as they seek assistance from Washington, DC. What will hurt flood victims in the Midwest the most, what will hurt victims of hurricanes in my part of the world, what will hurt earthquake victims on the west coast the most would be if this Federal Government ever shut down again and funding from Federal agencies were totally cut off. Because as I said before, those flood victims in the Midwest right now are fully funded for the next month or so, even without this emergency supplemental that we passed this last week. But if for some reason the White House and Congress got into a debate, got into a budget battle like we did a few years ago and the President, once again, vetoed every bill that Congress sent down over and over and over again, then the President's veto would have the effect of shutting down the Federal Government.

□ 1215

What do we do? I think we learned our lesson from last time. We wanted to purchase for the American people an

insurance policy to make sure that the Federal Government never shuts down again, and to make sure that the flood victims in the Midwest and the victims of hurricanes in my region and earthquake victims in California do not get cut off from the Federal assistance that they say they need. So we put in a provision that is an insurance policy against the Federal Government ever shutting down.

Mr. Speaker, again, in Washington, DC, things are not ever as they seem. I have to tell the Members, for the President of the United States to say time and time again, for the Vice President, for many Members in this Chamber to say, let us never shut down the Federal Government again, I would think that anybody giving them an insurance policy that would stop the Federal Government from ever shutting down again would be a pretty good thing.

If we wanted to go a step further to make sure that the funding was at 100 percent, that they get every single cent that they would have gotten if we kept funding it at last year's level, we would make sure that this insurance policy paid these people at 100 percent. That is what we tried to do. I say, we tried to do. Actually, I did not vote for the CR bill that got down there, but we will get to the reason why in a second.

But the Republican majority put a bill together that would have in it an insurance policy to keep the Federal Government open and going at 100 percent funding so the flood victims would not be hurt. Yet, the President vetoed that. The Vice President came out, and boy, he was mad. He said, how could they dare hurt the American people, and all we were trying to do was actually trying to help by keeping the Federal Government funded at 100 percent, to make sure that the Federal Government would never shut down.

Mr. Speaker, I cannot tell the Members over the past 2 or 3 years how many times I have seen people come to that podium and say, Mr. Speaker, we must never shut down the Federal Government again. We would almost think if they had sackcloths they would tear them off and they would throw ashes all over their faces. These people were worked up. A couple of times I thought they were going to dab their eyes with the ties that they had, with all their little children on there, to show how much they love children.

Of course, those of us that happen to have children and love children but do not wear those ties, I guess, do not love children as much. But they would come down here and cry and whine, saying, how could we ever shut down the Federal Government again? You are going to hurt too many Americans. The children will be hurt. The grandparents will be hurt. Locusts will descend from the heavens. It will be the end of Western civilization as we know it or, as R.E.M. says, it is the end of the world as we know it.

So we put in this bill a continuing resolution to make sure that the Federal Government is fully funded. Guess what the President does? He vetoes it. So we are sitting there trying to figure out, why would the President veto a bill that we sent to him when he has been saying for 3 years that is what he wanted?

Me not being a really bright guy, I get most of my news from newspapers. So I get this editorial. I read this editorial from the Wall Street Journal. All of a sudden, it starts to make a little bit of sense to me. Now I understand why the President vetoed this insurance policy against shutting down the Federal Government.

The Wall Street Journal had it in their editorial on Tuesday last week, June 10. This is what the editorial says. They start out with a quote from President Clinton. He says this:

"'Shutting down the Government again would be unbelievably irresponsible.' So said President Clinton on January 20, 1996, when he was pinning blame for shutting down parts of the Federal Government on the Republican Congress. Yesterday he vetoed a GOP 'disaster relief' spending bill that contained a provision to prevent precisely that sort of shutdown.

"What gives?," asks the Wall Street Journal. "Won't a shutdown 'cause disruption in the lives of millions of Americans,' as he said on November 14, 1995? What we have here is a moment of political revelation about the Clinton method: He wants to be able to threaten a shutdown, because he knows it'll help him preserve the still-outsized government we have. And as always, he wants an issue, in this case 'disaster relief,' with which to demagogue his opponents."

This is the part I was talking about, about the flood relief bill getting shut down, vetoed this fall:

If any of those 13 spending bills that Congress passes are not signed by the start of the new fiscal year in October, the agencies they fund can't legally open. Democratic Congresses missed this deadline all the time, instead passing continuing resolutions until the final bills were signed around Christmas. This is what the GOP Congress wants to do for fiscal year 1998, proposing to fund the Government at 100 percent of the 1997 levels until they can work out a compromise with the President.

Again, this is that insurance policy that I was talking about. Democratic Congresses, when they ran the Government for 40 years, did these sorts of things all the time. You sign what is called a continuing resolution that funds the Government at 100 percent, to make sure it keeps going. But this is what the President used to try to veto the bill.

"This would keep the Government running, denying Mr. Clinton the chance to dump blame on the GOP. The President's political leverage would thus be reduced and he'd have to fight over each spending bill on the merits. Not that he is helpless: Unlike GOP Presidents, Mr. Clinton can now wield a line item veto, if he has the nerve. But this is trench warfare, where Congress can fight on more equal terms than the evening news.

"Mr. Clinton can't afford to admit to any of this political calculation, of course. That's why he's trying to change the subject entirely and make this a debate about 'disaster relief,' which no one opposes. If Mr. Clinton really wants disaster relief, he can sign the bill."

Again, what you do, I guess, in Washington, when they have got you, when the President says for 3 years, give me a continuing resolution, give me an insurance policy to make sure the Federal Government never shuts down, and we give it to him, he changes the subject. He says, how can you hurt these poor flood victims?

Of course, we were not hurting the poor flood victims. As the Philadelphia Inquirer again quoted the political scientist from Minnesota, Federal money is already flowing into the region, yet the Democrats are indicating people are drowning and starving as a result of this, but it is not true. The flood victims have been taken care of. They will continue to be taken care of.

So unfortunately, all of these statements that have been made, according to this political scientist, just are not true. It is a political battle, it is a political battle that a lot of Americans have not been following, but it is a political battle that is important, because as we go throughout the fall trying to balance the budget for the first time in a generation, trying to give tax relief back to working class Americans, and trying to save the next generation from the crushing debt that this generation is passing on to them, we have got to be able to negotiate with the President in good faith and make sure, and make sure, that he will do the type of things that Americans sent us to Washington to do: to balance the budget, to cut taxes, to send money, power, and influence back to the American people, and yes, to save the American dream for the 21st century.

My son is visiting me this week up in Washington, DC. In fact, he is in the gallery right now. When I see him and his friends running around and playing, like any parent, you start saying, what is their life going to be like 10, 15, 20 years from now? What type of country are they going to live in?

I want to make sure they live in an America where they can pursue the American dream, just like my parents made sure I was able to pursue the American dream, instead of having a

country where they are paying 89 percent in taxes to the Federal Government because of the huge Federal debt that Congress and Presidents have thrown on the American people over the past 40 years.

We have to do something to make a difference, so that is why this insurance policy against shutting down the Federal Government was so important, and why it was so regrettable, first of all, that the President vetoed the bill, because he knew what was doing; and secondly, it was doubly regrettable that he would actually, and I want to be careful here, it is regrettable that he would use flood victims in an attempt to change the subject.

Because the President knows, just like the political science professor in Minnesota knows, just like the Philadelphia Inquirer knows, just like the Wall Street Journal knows, just like everybody that has studied this issue knows, flood relief was pouring into the Midwest. This political battle in Washington, DC was not affecting them. In the end, the only real damage that was done was done on a public relations front to the Republican party.

I am sure that we will all be big enough to dust ourselves off and get past that. That is really not my concern. It is not any member of the Republican party's concern, or at least it should not be. Our concern is making sure those people in the Midwest are taken care of, and they are. We wanted to make sure that the Federal Government was not going to be shut down this fall, and that Federal funding would truly not be cut off.

Reviewing, Mr. Speaker, the President and Vice President say that this budget debate hurt people in the Midwest. It did not. It did not. The funding was already up there. As the Philadelphia Inquirer says, it was used for political purposes.

Secondly, the President and the Democrats have been coming up here for years and have said that they want to make sure that the Federal Government never shuts down again. I guess they really do not care, in the end, do they? They had an opportunity. We gave them an insurance policy to make sure the Federal Government never shut down again, and they were all against it. So they can never say that again, right?

I do not know. In Washington, DC, I think anything is possible. Maybe they will have the audacity to come up here in the next couple of weeks, months, years, and talk about how they want to make sure the Federal Government never shuts down again, but they had an opportunity last week to take care of that, and they decided that they would rather play political games than pass an insurance policy to make sure the Federal Government never shuts down again.

The third thing I want to talk about and conclude on, Mr. Speaker, the third point is, there is a lot of disingenuousness that was going on in the Chamber last week when I heard so many Democrats come up and say, we want a clean bill. Mr. Speaker, send us a clean bill. This is about disaster relief. This is about flood victims. Send us a clean bill, they said.

Did they want a clean bill? No, not really. Not really. Do Members want to know what a clean bill would have been? It would have been about a $750 million bill to take care of flood relief in the Midwest. Do Members know how much that $750 million bill ended up being? It was $8.4 billion. There was enough pork in that bill to feed everybody in Washington, DC for the next 6 months.

There is a parking garage in Cleveland, OH, that somehow found its way into this emergency flood relief bill. In fact, when we tried to take it out Democrats on that side of the aisle said it was a deal killer. They needed that garage. Was it an emergency? No, it was not an emergency. Did it have anything to do with the flood? No, it did not have anything to do with the flood. Was keeping it in making it a clean flood bill? No, it certainly was not. That is pork, plain and simple. It had nothing to do with disaster relief.

There are so many other issues. There was another provision that I read about in the New York Times where the New York Times wrote about how there was a movie theater that needed some repairs, needed some renovations, so it got shoved into this emergency flood bill.

The New York Times went and talked to the manager of the theater, and said, is your theater in really dire need of repair? He said, well, no, not really. A couple of pipes have leaked, but other than that it is doing OK. It had nothing to do with the flood, was not even in the region, and yet another politician in Washington, DC saw that as a reason to shove some more pork into supposedly this emergency relief bill that the Democrats said they wanted to be clean.

□ 1230

And of course, there is also funding for apple orchardists; and I have had trouble tying that one to the flood. I guess the closest I could get was that maybe there were some apple orchard farmers in Washington State that might have seen the flood on TV, and maybe it traumatized them so much they could not go out and work in their orchards. I do not know. I could not figure it out.

But once again, this funding had nothing to do with the flood relief. And yet it got shoved into that bill, and yet we had Democrats that actually had the audacity to come on this floor last week complaining about how they wanted a clean bill. Well, let me tell my colleagues, unfortunately, as I am finding in Washington, DC, there are not a whole heck of a lot of bills that end up being clean. There are not a whole heck of a lot of businesses where pork is not being shoved in left and right.

For some reason, that is the way this place works. I do not like it, but it seems like that is the reality. But it is a reality that the Democrats mastered for 40 years while they were in the majority, while the deficit and the debt went up to $5 trillion. They are the ones that were shoving in parking garages into this flood bill and then coming back and talking in self-righteous indignation about how they wanted a clean flood bill and because the flood bill was not clean, they were going to veto it.

And you know, by the end of it, I have got to admit, I was a little bit disillusioned. Like I said, I came here in 1994 and have been here for about 2 or 3 years. I just never knew it worked like this, that we could have people come on this floor and purposely make statements that they knew were false saying that somebody was trying to hurt flood victims by cutting off relief; and they knew that was false but they said it anyway to gain political points. I did not know that we could have the President of the United States and the Vice President and Democrats and some Republicans come on the floor and bang a podium as hard as they did saying, we must never shut down the Federal Government again; and then when we give them an insurance policy to make sure that the Federal Government never shuts down again, they veto it. I just never knew that people did that, that they could get away with that.

I guess the third thing I did not know was that we can have the same people who were saying do not put pork into this bill, give us a cheap emergency relief bill; those same people, while they were saying that, were the very ones that were shoving pork into the bill. Of course, both sides do that, we find out now. But only one side is the one that is preaching about how they are holier than thou and about how they are self-righteous. And it is just upsetting, it is disappointing. Because I think what it comes down to is there are a lot of people in this Chamber and down in the White House who think that the American people are stupid. That does not sound nice. It really does not sound nice. But I think they really believe the pollsters, and I think they believe the pundits that they can somehow fool all the people all the time. It just is not the case.

I remember last year when we went through the Medicare crisis that we went through, the President of the United States had the Medicare trustees put a report together, and these Medicare trustees came back saying that, unless Medicare was reformed

quickly, we would go bankrupt in 3 or 4 years. Well, that is serious.

I think of my grandparents. I think of my mother and father, my mother in a week, I should not say in the House, but my mother in a week will turn 65 years old. This deeply affects all of us. And I think I am going to have to apologize to my mother for that for revealing her age. But it deeply affects all Americans. It deeply affects middle-class Americans who are struggling to put up with the bills and the debts and the crises that they have to deal with day in and day out without having to worry about Medicare going bankrupt and having to take care of their parents, which they want to do but economically cannot do it.

So when the President's Medicare task force comes out and says Medicare is going bankrupt, something has to be done, then doggone it, something has to be done. And so, we walked right into that. We, as the Republican Party, tried to do something about saving Medicare. And we know, most of the newspapers, most of the magazines said that what we did was laudable, that what we did was correct, that we could extend the life of Medicare for another 10 years.

And so, we passed the bill and then the President vetoed the bill, shut down the Government by vetoing every appropriation bill we sent his way and said that we were slashing Medicare, that we were cutting Medicare, that we were hurting Medicare, that we were hurting senior citizens. Well, I guess, is it the chickens that come home to roost? I guess the chickens came home to roost last week, because a nearly identical bill came before Congress this year, and the same President and the same Democrats that last year were talking about how we were slashing Medicare voted almost unanimously to pass the bill. And they did so because they had to because now, instead of Medicare going bankrupt in 3 or 4 years, we find out that Medicare is going bankrupt in 2 or 3 years because, as usual, we choose politics over good practice and we choose demagoguery over common sense when it is time to gain political points in Washington, DC.

It is sad. It is regrettable. It is unfortunate. But it is the way that this White House does business, and it is the way they have done business. And I think things not only need to change, I think things will change, because I do not believe that Americans are stupid. I do not believe that Americans think the worst of other people. I think Americans are a generous people. I think we are a proud people. And I think we are gifted. I think we can recognize what is right and what is wrong.

If we have to save future generations from a staggering $5 trillion debt, we are going to do that. If we have to cut taxes for working-class Americans because they are spending half of their year paying off the Federal Government, I think we will do that. If we have to save Medicare, if we have to save Social Security, I think in the end we will do that.

We have done great things, great things over the past 20 years. Throughout the 1980's, we had the longest expansion of the economy ever in this history during peacetime, and we won the cold war. In the 1990's, we have had a strong, strong economic expansion. Our economy is growing and we are doing some great things, but we have to continue and we have to fight. I think we have to look for the best in people. I think we have to give American people credit, that we just cannot trot out and say, oh, my opponents hate children, my opponents hate senior citizens, my opponents hate flood victims; because I think we are underestimating the brilliance of the American people.

I think what has happened in the past couple weeks is regrettable, and I hope other Members will come to the floor and will set the record straight and will not run away from criticism like scalded dogs but instead will come to the floor and say three very simple things. The first thing is say, the liberals say we are trying to hurt flood victims. We are not trying to hurt flood victims. The money is still going up there, and we have proof and show the proof.

The second thing they need to come out and say is, the Democrats and the liberals attack the conservatives, saying that they were not going to give the President a clean flood bill. What we need to say is, look at all the garbage that is shoved in that bill. If it is not a clean bill, the parking garage that was put in there and subsidies for apple orchardists that was put in and all the other things that were put in there did not make it any cleaner. We need to work together to make sure this type of bill never passes again.

And the third thing we need to say is, OK, Mr. President, you have been saying for 3 years you do not want to shut down the Federal Government. OK, Mr. Vice President, you have been saying for 3 years you do not want to ever shut down the Federal Government. OK, Mr. Minority Leader, minority whip, you have been saying for 3 years you never want to shut down the Federal Government again. OK, fine, let us give the American people the insurance policy to make sure that the Federal Government never shuts down again, that flood relief is never cut off, that housing assistance to the poor is never cut off again, that all these other things that the Federal Government has been doing never gets cut off again by passing the insurance policy to keep the Federal Government running that this Congress passed a few weeks ago and that the President vetoed.

I do not think we can afford those types of vetoes. We cannot afford the zigzagging. We cannot afford the mixed messages that we have been having for too long. And in conclusion, we cannot afford to have a silent majority in this House who will not stand up and speak out and tell the American people the truth.

The American people are grown up. They are intelligent. They are brilliant. They have created the greatest governmental experiment, the greatest country in the history of civilization. They can take the truth. It is time for this silent majority to once again reassert itself, become a vocal majority, go out and tell the American people the truth, and prepare this country for the 21st century so my children and their children and the American people's future generations can prepare for the 21st century and chase the American dream into the next century like I was able to do.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. SCARBOROUGH) to revise and extend her remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes each day on June 17 and 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. BENTSEN.

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. HOUGHTON.

Mr. DINGELL.

Mr. HAMILTON.

Mr. SCARBOROUGH.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1871. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that

committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On June 12, 1997:

H.R. 1871. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

ADJOURNMENT

Mr. SCARBOROUGH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 17, 1997, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3793. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3794. A letter from the Secretary of Energy, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1996, through March 31, 1997, and the Semiannual Report on Inspector General Audit Reports for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3795. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Miscellaneous Regulations [5 CFR Part 1690] received June 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3796. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Endangered Status for Four Plants from Vernal Pools and Mesic Areas in Northern California (RIN: 1018–AC96) received June 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3797. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Endangered Status for the Plant Lessingia germanorum (San Francisco Lessingia) from California (RIN: 1018–AC98) received June 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3798. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants: Threatened Status for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon (RIN: 1018–AE28) received June 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3799. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, Nearshore Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 961126334; I.D. 060697B] received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security. H.R. 1119. A bill to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes; with amendments (Rept. 105–132). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. JACKSON-LEE:

H.R. 1898. A bill to amend title 18 of the United States Code to penalize the rape of minors in Federal prisons; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself, Mr. HASTINGS of Florida, Mr. HALL of Ohio, Mr. ROYCE, Mr. MENENDEZ, Mr. CHABOT, Mr. PAYNE, Mr. SANFORD, Mr. CAMPBELL, Mr. DAVIS of Florida, Mr. MCHUGH, Mr. BEREUTER, and Ms. ROS-LEHTINEN):

H. Con. Res. 99. Concurrent resolution expressing concern over recent events in the Republic of Sierra Leone in the wake of the recent military coup d'etat of that country's first democratically elected President; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, Mr. SCARBOROUGH introduced a bill (H.R. 1899) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Seagull*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 165: Mr. MCGOVERN, Mr. METCALF, Mr. MANTON, Mr. LIPINSKI, and Mr. SANDERS.

H.R. 167: Mr. ROTHMAN.

H.R. 367: Mr. HASTINGS of Florida.

H.R. 446: Mr. SOUDER and Mrs. LOWEY.

H.R. 531: Mr. BLILEY.

H.R. 692: Mr. PACKARD, Mr. ROHRABACHER, and Mr. COSTELLO.

H.R. 986: Mr. SOUDER and Mr. GOSS.

H.R. 1047: Ms. DELAURO and Mr. PAYNE.

H.R. 1126: Mr. DEFAZIO, Mr. BLUMENAUER, and Ms. WOOLSEY.

H.R. 1146: Mr. POMBO.

H.R. 1401: Mr. BARTLETT of Maryland.

H.R. 1419: Mr. LIPINSKI.

H.R. 1719: Mr. RILEY and Mr. LARGENT.

H.R. 1842: Mr. DICKEY and Mr. PAUL.

H. Con. Res. 13: Ms. MCCARTHY of Missouri, Mr. LEVIN, Mr. RANGEL, Mr. GUTKNECHT, and Mr. BERMAN.

SENATE—*Monday, June 16, 1997*

The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, thank You for this time of prayer in which our minds and hearts can be enlarged to receive Your spirit. You are the answer to our deepest needs. More than any secondary gift You can give, we long for the primary grace of Yourself offered in profound love and acceptance. We have learned that when we abide in Your presence and are receptive to Your guidance, You inspire our minds with insight and wisdom, our hearts with resiliency and courage, and our bodies with vigor and vitality.

Lord, as we begin this day, we commit all our worries to You. We entrust to You our concerns over people we will meet and the circumstances we will encounter and the problems we will face. Our desire is to give ourselves to the work of this day with freedom and joy. Give us strength when we become tired, fresh vision when our wells become dry, and enthusiastic hope when others become disappointed.

Thank You, Father, for the constancy of Your care and love. With one heart we ask You to comfort and strengthen TOM DASCHLE now in his grief over the death of his father, Sebastian Daschle. Be with TOM's mother, Betty, and give her peace in her time of need. Place Your arms of love around this family. In the name of Him who is the resurrection and the life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. For the information of all Senators, the Senate will be in a period of morning business today until the hour of 12:30 p.m. Following morning business, by previous consent, the Senate will begin consideration of the State Department reauthorization bill. Senators who intend to offer amendments to that legislation should be prepared to offer and debate their amendments today. I understand we do have a couple of amendments that may be offered. We have announced earlier that any rollcall votes ordered on those amendments will not occur today but, instead, will be stacked to occur at a time to be determined in the morning by the two leaders. We do hope to open with some early votes so we can get on toward completion of the State Department reauthorization hopefully by tomorrow night. Senator DASCHLE and I discussed that last week before he left, and we agreed that we would try to complete action by Tuesday night, since we have bipartisan agreement on this legislation.

Senators will be notified accordingly exactly when the rollcall votes will be scheduled, and we hope that we can finish the State Department reauthorization so that we can move on to other bills. We now have scheduled the Defense authorization bill for Wednesday and the remainder of the week. We have some other issues that we might try to get up, including the intelligence authorization bill.

So I remind Senators again that there are only 2 weeks remaining prior to the July 4 recess. The next 2 weeks will certainly be very busy, and I hope Senators will continue to be cooperative as we schedule legislation and votes. I thank our colleagues for their cooperation in the Chamber. We may have to go into the night some the next 2 weeks in order to get through the State Department authorization, the Defense authorization, maybe even the intelligence authorization and the two reconciliation bills next week, one on the spending side and, of course, the tax bill. That is a big order, but the Finance Committee will be meeting most of the day tomorrow and Wednesday and Thursday to complete action on those two important reconciliation bills that will carry out the directions of the budget resolution that we agreed to.

SYMPATHY TO THE DASCHLE FAMILY

Mr. LOTT. Mr. President, on behalf of all Senators, I extend our sympathy to the family of Senator DASCHLE. His father, Sebastian "Dash" Daschle, passed away this past weekend in Aberdeen, SD. I talked to Senator DASCHLE on Sunday afternoon and expressed our sympathy to him and to his family, offered our condolences and our assistance in any way we might be helpful. I understand Senator DASCHLE will probably be in South Dakota for the remainder of the week, but he has already talked to Senator WENDELL FORD, and we will work together to carry out the legislative agenda we agreed to this week.

Mr. President, I yield the floor. I believe Senator BREAUX is in the area and wishes to make some morning business statements, but I observe the absence of a quorum until he is available.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. BREAUX. Mr. President, I will not take a great deal of time. I want to talk about the Medicare legislation that is pending in the Senate Finance Committee and the bill which my colleague, Senator CONNIE MACK of Florida, and I will be introducing today.

DEATH OF SEBASTIAN DASCHLE

Mr. BREAUX. Mr. President, I also extend my deepest sympathy and that of my family to our distinguished Democratic leader, Senator DASCHLE, and his family in their loss, and we wish them best wishes during this very difficult time they are undergoing. To the extent he can face the difficult obligations he has ongoing right now, we extend him the greatest sympathy from all of us on the Democratic side and the Republican side as well.

(The remarks of Mr. BREAUX pertaining to the introduction of S. 904 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BREAUX. Mr. President, I know others will be coming to speak and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. KYL. I ask unanimous consent that I be allowed to speak in morning business for up to 10 minutes under the time of Senator COVERDELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGARDING MFN TO CHINA AND MILITARY BUILDUP

Mr. HUTCHINSON. Mr. President, as the House of Representatives begins the process of MFN disapproval today, I rise to once again voice my own strong opposition to the administration's proposed renewal of most-favored-nation status to China. The United States Ambassador to China, James Sasser, has recently stated—and of course Ambassador Sasser is a proponent, as a member of the administration, and he has favored MFN—but Ambassador Sasser said China's defense budget is growing. The Chinese themselves have announced an increase in that budget which will bring total defense outlays next year to $10 billion and he says some suggest the amount is really closer to $40 billion.

So there is nothing at all theoretical about China's military buildup. Even the administration, even those who are saying we should continue most-favored-nation status trading status for China, will admit that there is a dramatic and drastic buildup of military capability in China.

Here is what we know about the Chinese military and its potential, based on the United States Government's own official estimates. The 1997 report by the Office of Naval Intelligence, entitled "Worldwide Challenges to Naval Strike Warfare 1997," is devoted almost entirely to rapid increases in Chinese capabilities with Iraq, North Korea, and Libyan capabilities covered almost as an afterthought. China, it informs us "is working on the development of at least six new tactical aircraft at a time when most nations are finding it difficult to finance even one." It continues, "Overall, the Chinese hope to 'leap' generations of technology with large investments in new air defense capability."

Mr. President, from Beijing, the words of China's military planners themselves, such as this analysis from a paper prepared for senior Chinese officials titled "Can the Chinese Army Win the Next War?" "While the conflict of strategic interests between China and the United States was overshadowed for a time by the tripartite great power relationship, it is now surfacing steadily since the breakup of the Soviet Union. China and the United States, focused on their respective economic and political interests in the Asia-Pacific region, will remain in a sustained state of confrontation."

That is coming from the Chinese Government, predicting a sustained state of confrontation. The evidence concerning a Chinese military buildup is clear, it is crystal clear. Whether this evidence comes straight from the administration that would renew MFN to China or from Beijing, how can we reward this regime with a most-favored-nation status? Many who regard themselves as free traders and who argue against linkage of trade through human rights or any other domestic circumstance would admit that when our own national security is involved, when national security is raised to an issue, then trading is a legitimate leverage and a legitimate tool for us to use as a Nation.

So apart from the abysmal human rights record, apart from the deplorable human rights conditions in China today, apart from the fact that human rights conditions in China have deteriorated over the last 5 years, in spite of all of that, we could look alone at the military buildup in China today and justify denial of most-favored-nation status for China.

I believe that China's chemical and nuclear exports are the most serious proliferation threat in the world today, and China has held that title at least for the past decade and a half. Since 1980, China has supplied billions of dollars worth of nuclear and missile technology to South Asia, South Africa, South America, and the Middle East. China has done so, Mr. President, in the teeth of United States protests and despite repeated promises that they would stop.

The chemical and nuclear exports continue, and while they do, they make it impossible for the United States and the West to halt the spread of weapons of mass destruction, a trend that endangers everyone.

Mr. President, China has been the leading proliferator of nuclear weapons in the world. China gave Pakistan nearly everything it needed to make its first atomic bomb. In the early 1980's, China gave Pakistan a tested nuclear weapon design and enough high-enriched uranium to fuel it. Mr. President, this has to be one of the most egregious acts of nuclear proliferation in history. Then China helped Pakistan produce high-enriched uranium with gas centrifuges. Now, Mr. President, China is helping Pakistan build a reactor to produce plutonium for nuclear weapons, and helping Pakistan increase the number of its centrifuges so it can boost its production of high-enriched uranium.

If we grant MFN trading to China, we tacitly endorse the weapons of mass destruction, we support our enemies in their own military buildup, and last Mr. President we set a poor example as the leader of the free world.

This administration continues to forgive and to forget China for the abuse, the persecution, and the military buildup that it is continuing to employ. There is no reason to think that China's nuclear and chemical export patterns will change. I know the Presiding Officer is well aware of those trends and those practices in China today, but there is no evidence that those patterns will change as long as the United States follows its current policy of MFN trade status for China. China is now saying explicitly that it will not even talk to us about missile and chemical proliferation.

As I have stated before, Mr. President, on this floor, there must be some things more important than expanded trade opportunities, some things more important than the almighty dollar. Today, as the House begins the process of marking up most-favored-nation status disapproval resolution, I think it is the time for this institution to say we will not continue business as usual with China. The administration's lobbying efforts to grant MFN trading status to China will most assuredly intensify in coming days. We as a country and we as an institution must set an example for the world to follow. If we grant this regime MFN, we set, I think, a continued example only of appeasement.

Mr. President, I want to make one last point. The repressive Chinese Communist regime has established a bloodstained record of discrimination, detention, and death. The reeducation through labor camps are really no different at all from the old concentration camps or the gulag. But people seem to know less, they seem to care less, in the case of China. Let this institution show that it, in fact, knows, and it, in fact, cares.

In my closing remarks I quote from an editorial that appeared in my hometown newspaper in Bentonville, AR, last week. The closing words of the editorial said this: "Every time you buy a product labeled Made in China, send up a prayer for Chinese Christians who must live each and every day in fear that their long-suffering faith will cost them their families and their lives."

Mr. President, I suggest it is past time that we stood as a Nation against the intolerable human rights record of the nation of China.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I have spoken on the floor many, many times about the pace of the Senate confirming judicial nominees. The distinguished Presiding Officer, my friend,

has had to do double duty because he has had to listen to me do it in the Judiciary Committee, too, on occasion. I commend his equanimity and patience in listening to my remarks.

Mr. President, I urge all Senators, Republican and Democrat alike, to move forward on the confirmation of judicial nominees. This weekend, on one of the ubiquitous television talk shows, the distinguished majority leader said he intended to block action on all nominations except military nominees until President Clinton fills four seats on the Federal Election Commission. The distinguished majority leader, of course, has the right and power to control the calendar of the Senate. I have no question about that. But I hope he would reconsider this policy for all nominees, but especially for the Federal judiciary.

The distinguished majority leader has a concern with the President on the FEC. I am not going to get in the middle of that issue. Both sides claim they are moving forward with nominees. I have to assume the majority leader of the U.S. Senate has ways of bringing pressure to bear on the President of the United States without having to cripple the Federal judiciary or to do things that might appear, whether intended or not, to diminish the independence of the Federal judiciary.

For example, we have four noncontroversial nominees at the moment in the Federal circuit and district courts. They should not get delayed in this political squabble. They enjoy strong bipartisan support. They were unanimously reported to the full Senate by the Judiciary Committee with all Democrats and all Republicans on that committee voting for them. More importantly, they are desperately needed in the courts which they have been nominated.

Let me give an example. Alan Gold has been nominated to be a U.S. district court judge for the southern district of Florida. Now, this is a noncontroversial nominee but it is also one desperately needed. He is an extremely well qualified nominee. The Judiciary Committee unanimously reported his nomination last month, and the southern district court of Florida desperately needs him to help manage its growing backlog of cases. This is in a district that has one of the fastest-growing populations in this country. In fact, during his confirmation hearing, the distinguished Republican Senator from Florida, Senator MACK, told the Judiciary Committee, "This appointment comes at a critical time for south Florida. The Supreme Court's recent decision in Lenz versus Mathis has resulted in the early release of hundreds of violent criminals back on the streets and brought about a crisis of confidence in the safety of our neighborhood. This unsettling feeling made it especially critical for south Florida to have a full complement of the judges administering the laws to fight violent crime."

We first received Alan Gold's nomination in February of this year. The President nominated him for a vacancy on the district court for the southern district of Florida. This vacancy existed since shortly after the elections last year. He has the support of both Senator GRAHAM and Senator MACK.

He had a hearing on May 7. The Judiciary Committee reported his confirmation to the full Senate on May 22. This is the way the judicial confirmation process should work. The position had been open only a few months. The Senate was out at the time the vacancy occurred. Shortly after the elections, the President moved quickly with a nominee that had strong bipartisan support for his home State senators. The Judiciary Committee moved very quickly, and the nomination passed out unanimously. We know that there is a major need for a judge there. Alan Gold's nomination is now pending on the Senate calendar, awaiting action on the Senate floor. This process should not become entangled in partisan squabbling.

Instead, we should look at the one branch of our Government that is supposed to be nonpartisan—the judiciary—and not allow the Federal judiciary to be caught up in partisan squabbling of Senators or with the White House. We should move this nomination through the Senate very quickly.

Another example of a judicial nomination that we should move quickly is in the northern district of Georgia, where Thomas Thrash, Jr., has been nominated to be a U.S. district judge. We unanimously reported his nomination to the Senate last month, on May 22. But this is also a district—the northern district of Georgia—there in the eleventh circuit that desperately needs Thomas Thrash to help manage a growing backlog of cases.

Now, we received his nomination in May 1996—over a year ago. He was accorded a hearing last Congress, on July 31, 1996. But his nomination got caught in the election year freeze, which said we will not move nominations after a certain time in a Presidential election year. The President nominated him on the first day of this Congress for the same vacancy. That vacancy has existed since March of 1996, for over a year. He had a confirmation hearing on May 7. He was supported by both Senator CLELAND and Senator COVERDELL, one Democrat and one Republican from Georgia, and was reported to the Senate by the Judiciary Committee 2 weeks later. Now, this is not a case that should be held up because of a partisan squabble.

Also pending on the calendar is Eric Clay to be a circuit judge for the sixth circuit, another noncontroversial, well-qualified nominee. The Judiciary Committee unanimously reported his nomination to the Senate on May 22 of this year. Now, the sixth circuit desperately needs help in managing a growing backlog of cases. They have three vacancies, two of which have been designated judicial emergencies by the Judicial Conference of the United States. I mention the judicial emergencies, Mr. President, because this is not a case of some mere debating point; this is the Federal judiciary of this country with emergencies, where they need judges, where we could confirm the judges, and, frankly, the U.S. Senate is not doing its job.

We first received Eric Clay's nomination in March 1996. He was accorded a hearing on March 26, 1996. He was reported unanimously by the Judiciary Committee to the Senate on April 25, 1996. And now, more than a year later, we are still waiting for him to be confirmed. Now, Eric Clay has the strong support of both Senator LEVIN and Senator ABRAHAM, one Republican and one Democrat. We ought to confirm this judge for the sixth circuit.

We also have Arthur Gajarsa's nomination to be U.S. circuit judge for the Federal circuit on the calendar. We first received his nomination in April—not April 1997, but April 1996. His nomination was passed unanimously by the Judiciary Committee back in June of last year. Now he is back here again, passed unanimously again. He ought to be confirmed quickly.

We also have the nomination of Margaret Morrow for the U.S. District Court for the Central District of California on the Senate calendar. She is another well-qualified nominee. Ms. Morrow is the first woman president of the California Bar Association and the Judiciary Committee unanimously approved her nomination last year, but her confirmation got caught up in the election year stall on judicial confirmations. Just last week, the Judiciary Committee again approved her nomination. The Senate should quickly take action on the nomination of Margaret Morrow.

We have confirmed less than one judge a month since the start of this session in January. We have almost 100 vacancies in the Federal judiciary. Many of them are in critical areas, where huge backlogs are occurring, where courts are saying that we are benefiting criminals because they can't be tried; we can't have speedy trials. Criminals get the benefit of this by not having judges to hear the cases. If you have a civil case, forget about a speedy trial.

I just look at some of the headlines we have had recently seen, which are shown on this chart. One is by the Washington Post, by Sue Anne Pressley: "Cases Pile Up as Judgeships Remain Vacant; Drug Crackdown, Immigration Inundate U.S. Courts in Texas." Apparently, you can be on the

southern border of this country and have drug and immigration cases in major courts that can't be heard because you can't get enough judges there.

Bruce Fein is one who has written primarily from a conservative viewpoint. His column: "Judge Not." It speaks of the independent Federal judiciary. He says, "The supreme jewel of our Constitution is a fiercely independent Federal judiciary, but congressional Republicans are attacking this gem."

We have a couple of editorials on the Chief Justice—one from the Washington Post and one from the New York Times—speaking of the alert from the Chief Justice: "A Reminder From the Chief Justice." These are the cases where the Chief Justice of this country—another conservative Republican—has said, "We have a crisis situation; let's move on it."

We have one entitled, "The GOP Hold on Judgeships; Partisan Politics Have Ground Confirmations to a Halt."

Now, I say this, Mr. President—I make the same argument now as when we have had a Republican President and a Democratically controlled Senate. If there is one area where partisan politics should not be allowed, it is in the area of the Federal judiciary.

One thing that sets our country apart from virtually all others is the independence of our Federal judiciary. Every country that in this century has moved toward democracy has sent observers to the United States of America to look at our Federal judiciary and they say, "How do you have such an independent judiciary?" Look what is happening in countries that are sometimes lurching into democracy. They say the one thing that holds them back, that allows crime to continue, that allows an economic system to break down, that allows graft and corruption to occur in each of those countries is because their judiciary cannot be truly independent. In our country, our Federal judiciary is truly independent.

Now, each one of us, I would gather, on this floor at some time or another has disagreed with a decision of a Federal judge, for different reasons. Each one of us, I would be willing to guess, has to thank God we have an independent Federal judiciary and that we can't stand up and tell the judge how to rule. I know that when I argued cases before Federal courts, I used to sit there knowing they were going to be independent, knowing that I might win and I might lose. I would make my best argument, and it would go from there. That is the way it should be.

What I worry about, Mr. President, is that if we allow the Federal judiciary to be caught up in partisan moves, where one side tries to get advantage over the other, while one side or the other might win in the short term, all of us as Americans are damaged because our Federal judiciary is damaged. Every one of us—Republican or Democrat—should know if we look at history, read history, and if we understand history, that one of the reasons we are the greatest democracy history has ever known is because of our independent Federal judiciary. We should never allow anything to happen to cut back on that independence.

I have never seen anything like this current stall in the judicial confirmation process in almost 23 years in the U.S. Senate. I came here in 1974, in one of the largest classes of this Senate. In fact, I today stand here as the only one who has not announced retirement or left. But I think all the way through that, working with some of the finest men and women I have ever known in both parties—and we have had fights, partisan fights, saying that we should do this farm bill this way or this farm bill that way, or this highway bill this way or that way, or the crime bill this way or that way—we fought it out and we have had the votes and one side or the other wins, and the President either signs it or not. We have done this on foreign policy issues and on all others. But the one area that we have tried to protect from partisan squabbles has been the area of the Federal judiciary.

We know that whoever is President is going to have the greatest influence of all of us on who is going to be a Federal judge. President Reagan made it very clear when he ran for President, for example, who he would appoint as Federal judges. A lot of these Federal judges are not the men and women I would have appointed from that circuit or that district. But I voted for all of them because they were honest people, people of integrity, people of confidence, and people I could look at and say, although I might have disagreed with their political background, I know that, as a litigant, if I came before his or her court, I could expect an honest treatment.

President Bush had other ideas who should be there, as President Carter and President Ford did. These are all Presidents I have served with. President Clinton now has his ideas.

Now, the interesting thing, President Ford was appointed, but these others, in every election, at some point during the campaign, it became an issue as to who will this Presidential candidate appoint to the Federal judiciary. And the American people examined their views and they elected President Carter, President Reagan, President Ford, and President Clinton.

A President should be given a great deal of latitude on who he nominates to the Federal court. If we disagree with a nomination, then we can vote against it. But, frankly, Mr. President, not only does it damage the integrity and the independence of the Federal judiciary by just holding judicial nominations hostage where nobody ever even votes on them, but I think it damages the integrity of the U.S. Senate.

I have said many times that the U.S. Senate should be the conscience of the Nation. On occasion, it has been. But it does not reflect the conscience of a great nation when we take a third and independent branch of our Government, a truly independent branch of our Government, and try to whittle away its independence and try to whittle away its efficacy, and do it unwilling to stand on the floor of the U.S. Senate and vote one way or the other.

If President Clinton sends a nominee to the Senate that any Senator—Democrat or Republican—doesn't like, vote against him or her. That is your right as a U.S. Senator. But don't say, well, they look like pretty good people, but we can't even allow a vote on their nomination. And don't say, if you are, for example, in Texas, that it is terrible that drug and illegal immigrant cases are not being heard, what is the court doing? People in Texas should say, what is the U.S. Senate doing? Why aren't they acting? If you are a civil litigant in the sixth circuit or ninth circuit, or a number of others that have emergency vacancies, and you have one of your rights to be protected, what do you do? You say, why aren't those judges hearing these cases? No. Say, why isn't the U.S. Senate confirming people.

Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator should be advised that under the previous order, at 12:30, the Senate was to begin consideration of S. 903. Neither of the floor managers for that legislation are present; therefore, a request to continue would be in order.

Mr. LEAHY. I thank the Chair. I ask unanimous consent to continue for another 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we live, unfortunately, in a partisan time. I have never seen either the U.S. Senate or the House of Representatives tied up in such partisan knots. I find that it is personally distressing to me. I have enormous respect for the U.S. Senate and enormous respect for the House of Representatives.

I have felt it a great privilege to serve with distinguished Republican and Democrat leaders of both the House and the Senate. I think I have been a personal friend of nearly every leader in the House and the Senate in both parties. And I have considered that as one of the great joys of serving in the U.S. Senate. I can think of a number of times I have joined with Members of both parties to push difficult legislation through. The last farm bill was an example when it was

completely tied up. Then it became the Lugar-Leahy-Dole farm bill and passed this Senate with the highest number of votes which I believe a farm bill had ever passed before. The next closest one was probably the Lugar-Leahy farm bill of 5 years before.

I am not suggesting that the two parties hold hands on every issue by any means. I don't think that would serve the country well. But there are certain issues where we come together for the country. We have done this on major foreign policy issues. We have done it at times when this country desperately needed it. We did it recently on the budget agreement.

Mr. President, each one of us should search our souls and ask whether the country is well served by the bitterness that has gone on in some of the partisanship, by the personal attacks against each other and against the institution that we should be proud to serve, or the attacks against the President that have become so personal.

We should ask ourselves if we benefit this great Nation that we are privileged to serve if we diminish and chip away and even destroy some of the independence of our Federal judiciary because, if we do that, Mr. President, some day we will no longer be here. Nobody holds a seat in the U.S. Senate. The distinguished Presiding Officer will leave sometime, and the Senator from Vermont will leave the U.S. Senate sometime. All of us will.

But when we leave, we should look back, and ask, "What did we do here? What mark in history did we leave?" If we have left as our mark that we made the Government better, that we made the Senate better, that we made the Congress better, that we protected the institutions of our Government, that we protected the people of our democracy, then we can go home knowing that we served our Nation well.

But we should ask ourselves, each and every one, if we leave here and say that as a result of our partisanship on either side of the aisle that the Federal judiciary was diminished—one of the great institutions of this country, one of the reasons we have remained a democracy, one of the things which guaranteed our diversity, which allows the most powerful nation that history has ever known to be a democracy and not a dictatorship—then we cannot feel that we have served our Nation well. We cannot feel that we can be proud of our time in the U.S. Senate.

So I urge Senators to think about this story. I realize that we are in a different time—and I am reminded that I have spoken before on the floor of the Senate about the experience my father had in Vermont in 1937, 3 years before I was born. Vermont was one of the most Republican States back in 1936 in the Roosevelt great landslide. Alf Landon—the distinguished father of our distinguished former colleague, Senator Kassebaum—Alf Landon carried two States: Maine and Vermont.

And the head of our largest insurance company, the National Life Insurance Co., basically the titular head of the Republican Party, was standing next to my father on State Street in Montpelier, VT, as President Roosevelt was making a visit to Vermont and went by in an open car. The president of the National Life Insurance Co. stood at attention and took off his hat—all men wore hats at that time—and he held it over his heart as President Roosevelt's car went by. My dad said, "I can't believe you took off your hat for Franklin Roosevelt." He looked with arched concern at my father and said, "Howard, I took off my hat for the President of the United States, not for Franklin Roosevelt."

I have disagreed with Presidents of both parties since I have been here. I have agreed with President Ford, President Carter, President Reagan, President Bush, and President Clinton. I have voted with each of these President's on occasions. I have voted against them on occasions. I felt it a privilege to meet with them and argue with them. I stated my position as clearly as I could, but always respectfully because of the office that they held—the same way those of us who have been lawyers, who have practiced, know the respect that we hold for the courts that we enter. We all rise. We say "Your Honor," and so forth. We have done this not because we felt that every judge that ever appeared before us was the most brilliant person we have ever known, but we have done it because we know this is an institution that must be protected for the sake of our country. Our State courts must be protected for the sake of our States because without an independent judiciary, then our system of government all breaks down.

We looked, following the tragedy of Oklahoma City, at the trial that has just been completed, looked at a judge who commanded the respect of that courtroom. Both sides—the prosecution and the defense—knew the judge who ran that case. I contrast that to a case of a year ago where a judge allowed the case to just fall apart, and how much that damaged our judicial system. Then we go back to the Federal court and see a judge who knows that both sides will have their opportunity and their rights protected, and they will try this case. The lawyers on both sides knew and respected the Federal court. They knew that this was a case that would be handled under our judicial system, even one involving one of the most horrible acts, certainly the most horrible domestic act of my lifetime, and one of the most horrible domestic acts of this Nation's history. But because we can count on the Federal court, the whole Nation could watch, the whole Nation feeling the anguish that we all felt that terrible day in Oklahoma City. We could watch that court and know that our system works, that we could trust that system, because all of us—the distinguished Presiding Officer, myself, and every one of us who—have always protected the integrity of our courts.

Let us not do anything as Senators, for whatever short-term political gain, to tear apart the integrity of our courts. Let us work together and call on the distinguished majority leader, and those who make the decision of when these judges can come up, to work with all of us, not as Democrats nor as Republicans but as U.S. Senators, doing what is best for this Nation, what is best for our judiciary, what is best for our democracy, and what is best for the independence of our judiciary that has made us the great Nation that we are.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 903, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 903) to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for the fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The distinguished Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, the day and the time have arrived. The pending business, as the distinguished clerk has just indicated, is the Foreign Affairs Reform and Restructuring Act of 1997, legislation which was reported from the Senate Foreign Relations Committee this past Thursday, June 12, by a vote of 14 to 4.

This legislation provides sweeping and long overdue reforms in America's foreign affairs agencies. It also mandates tough reforms at the United Nations.

As I have tried to emphasize from the beginning, it has been my hope that the effort to produce this legislation would be a bipartisan one, dedicated to reorganization and revitalization of our foreign policy institutions. That is what this legislation is, and that is what has brought this bill to its present pendency in the Senate. It has been bipartisanship in the Senate, the same kind of honest give and take that led to some of the truly great decisions by this Senate in years past and in past decades.

There is no point now in rehashing past difficulties or actions either by the Senate or by the President of the United States. The important point is that this time around there has been a remarkable degree of working together, of give and take, and a determination by almost everybody involved that this time a piece of legislation will be enacted by the Congress and signed into law by the President of the United States.

I would be remiss if I did not mention the distinguished Secretary of State, Madeleine Albright, who has made very clear and voluntary public assurances about this legislation. And that lady, Mr. President, has as always stood by her word.

While all of that is obviously personally meaningful to me, it is no more so than the splendid cooperation and genuine interest of the distinguished Senator from Delaware, the ranking member of the Foreign Relations Committee, Senator BIDEN, who not only has made clear his bipartisan support, he has worked tirelessly to make sure that he would be on this Senate floor this afternoon to demonstrate his genuine support for a bill which hereinafter should be and will be known as the Helms-Biden Foreign Affairs Reform and Restructuring Act of 1997. I suspect that Senator BIDEN is aware of how grateful I am to him. He is an able colleague for whom I have enormous respect.

That said, Mr. President, both President Clinton and Secretary of State Albright came forward with recommendations addressing many, though not all, of my key concerns, and in the ensuing months Senator BIDEN and I, along with our respective and competent staffs, devoted countless hours putting together this final package which so overwhelmingly was approved by the Foreign Relations Committee this past Thursday.

None of us got everything we wanted, but we worked together, and the legislation before us today is a bipartisan bill that will abolish two of those temporary Federal agencies that were created a half-century ago—the Arms Control and Disarmament Agency and the U.S. Information Agency. Moreover, this bill will move some of the functions of a third such temporary Federal agency known as the Agency for International Development. These functions will move to a position within the State Department under the direct control and supervision of the Secretary of State.

I must be candid. If I had my way, and many other Senators feel precisely the same way, the so-called Agency for International Development would be abolished entirely. But that is going to take a little time. So, instead, this bill is the first of many steps in a perhaps lengthy process of reinventing the foreign affairs apparatus of the U.S. Government. But, have no doubt about it, further reforms will happen a little further down the legislative line in the years ahead.

The ball has begun to roll. But, for now, the pending legislation wipes away the Agency for International Development's often arrogant independence from the Department of State by transferring many of the functions of that independent 50-odd-year-old temporary agency to the State Department, and to assure that the allocation of foreign aid will soon be controlled by the Secretary of State, who will at long last have policy control over our foreign aid program.

I have thought many times, during the lengthy hours that we have worked on this particular piece of legislation, of what Ronald Reagan once said about temporary Federal agencies. He said, "There is nothing so near eternal life as a temporary Federal agency." I think the three agencies that we are working on today are an illustration of that.

In any event, the pending bill will also contain U.N. reform benchmarks that we have been negotiating with the administration for the past 4 months. I think it is fair to say that this bill represents the most comprehensive and most far-reaching U.N. reform package ever considered by this Congress. Indeed, the Washington Post, which is no fan of anybody who wants to reform the United Nations—the Washington Post referred to the plan before the Senate today, and I quote the Washington Post, "* * * as one which would mark the most fundamental shift in relations between the United States and the United Nations since the United Nations was established after World War II."

Let's look at a few details a little more closely. Among other reforms, the pending bill will require the United Nations to reduce the amount of money the American taxpayers are now required to contribute to the United Nations, reduce it from the present 25 percent of the total operations cost to 20 percent of the total U.N. operating costs. If you do not think that is much, I will discuss that with you in just a minute. This reduction is going to be in effect, by the way, no later than fiscal year 2000. That one, single reform, two or three lines in this bill, had it been enacted 5 years ago, would have saved the American taxpayers more than $500 million. The bill looks a little bit better as you talk about it and examine it.

What else is in this bill? This bill requires the United Nations to adopt a real negative growth budget, one that will eliminate at least 1,000 bureaucratic U.N. posts, so that the American taxpayers in the future will pay a smaller percentage of a smaller budget.

It will forbid future U.N. global conferences, for example the Beijing women's summit that caused such a stir in this country and elsewhere, and the Rio Earth summit, meaning that the American taxpayers will never, never again be forced to pay the exorbitant costs of such boondoggles as those two that I mentioned.

The pending bill will require the United Nations to reimburse the American taxpayers for U.S. contributions to U.N. peacekeeping operations. And that means that the U.S. defense budget will no longer be raided to support U.N. experimentation with peacekeeping operations.

Most important, this bill provides a very significant aspect. It forbids requiring the American taxpayers to furnish the money to pay any so-called U.N. arrearages unless and until the requirements in this bill have been met by the United Nations.

A lot of crabbing is going on about it, and a lot of speculation about whether they will like it or not up there. They don't like it. You know who doesn't care one whit whether they like it or not? You are looking at him, Mr. President. My message to the United Nations is simple but clear: No reform, no American taxpayers' money for arrearages.

Last, and certainly not least, this legislation imposes very strict and very specific disciplines on spending and authorizing funding for the Department of State and other related agencies.

Let me repeat for the purpose of emphasis. This legislation is bipartisan. It does not contain everything that I wanted. Senator BIDEN is a tough and fair negotiator. Nor does it reflect everything that the other side—JOE BIDEN and the Democrats—not everything that they wanted is in here. But, in the end, at the end of the day, as is so often said these days, I believe it is evident that the Foreign Relations Committee is proposing important reforms that will be highly beneficial to this country and to the American taxpayers.

So I say again, it is truly a team effort by both sides, and I hasten to mention that it would not have been possible without the extraordinary efforts of the chairman of the International Operations Subcommittee, Senator ROD GRAMS, who devoted so many hours presiding over oversight hearings

on important aspects of this bill. Senator GRAMS worked with us every step of the way in crafting the legislation which I have just described in some detail. Moreover, Senator GRAMS' special expertise, gained by his having served as the U.S. Congressional Delegate to the United Nations, has been enormously helpful in the crafting of this comprehensive U.N. reform proposal. And then the committee has also worked closely with Senator JUDD GREGG, the distinguished chairman of the appropriations subcommittee which has the responsibility, don't you know, for the Departments of Commerce, State, and Justice. Senator GREGG's support for this bill, this pending bill, sent a message to the administration early on that the appropriators as well as the authorizers of the U.S. Senate would be standing together, united in support of this pending bill.

Needless to say, I sincerely hope that the spirit of bipartisanship will continue and that the Senate will expeditiously complete action on it.

PRIVILEGE OF THE FLOOR

Mr. HELMS. Mr. President, I ask unanimous consent that the staff of the Foreign Relations Committee, both majority and minority, be given the privilege of the floor for the duration of the Senate's consideration of S. 903, the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, Senator BIDEN is on his way to the Senate floor. While we await the arrival of the distinguished Senator from Delaware, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, is there controlled time?

The PRESIDING OFFICER (Mr. HUTCHINSON). There is no controlled time. The pending business is S. 903.

Mr. BIDEN. Thank you, Mr. President.

Mr. President, I rise today to speak to the legislation before us. Today, the Senate begins consideration of the Foreign Relations Authorization Act, comprehensive legislation regarding the institutional structure of and the funding for America's foreign policy. This bill contains much more than the usual 2-year authorization and funding for our foreign affairs agency which we attempt to bring to the floor out of the Foreign Relations Committee. It addresses two important issues which were the focus of much-heated debate in the last Congress.

Specifically, this bill provides for the payment of U.S. back dues to the United Nations—I need not say a very controversial and hotly debated subject in this body—contingent, I might add, on specific reforms in that body.

I note parenthetically that I spoke on Friday with the Secretary General, Kofi Annan, and he indicated to me that it was his hope and expectation that the Senate as a whole, that I in particular and the chairman of the full committee, Senator HELMS, would be pleased with a number of the reforms he has initiated consistent with what he indicated he would do. Hopefully, they will be acted upon by the General Assembly this summer. But whether they are or not, the back dues are contingent upon specific reforms in that body.

Additionally, the bill establishes a framework for the reorganization of U.S. foreign policy agencies, which is, in my view, totally consistent with the plan announced by the President of the United States in April. The bill, Mr. President, that we have before us is not only complex and wide ranging, in that it covers more than one specific subject, but it is also the product of what I think most people would acknowledge is a serious bipartisan effort on the part of the chairman of the full committee, members of the subcommittee in the majority, members of the subcommittee in the minority, and me as the ranking member of the committee representing the Democratic position. In addition to that, the administration has been part of this lengthy and very detailed negotiation for the past several months.

Last Thursday, after a markup that lasted less than 3 hours in the Foreign Relations Committee, the Committee on Foreign Relations voted overwhelmingly, 14 to 4, to report this bill, with a majority of the members on each side of the aisle voting in favor of it. I am grateful to the majority leader, Senator LOTT, and to the chairman of the full committee, Senator HELMS, for working together to bring this bill to the floor so promptly. The bipartisan cooperation on this bill thus far is a testament to the commitment of both the chairman of the Foreign Relations Committee, the Republican leadership, along with the administration, to attempt to construct what we all talk about a lot but seldom occurs: a truly bipartisan consensus on American foreign policy.

This bill is quite detailed, so with the indulgence of my colleagues, I will take, which is the norm around here and the requirement, a few moments to explain, as the Democratic manager of the bill, what its major provisions are.

First, the bill contains the basic authorization legislation for the Department of State, or, put in everyday parlance, money, the money for running the Department of State and our suggestion, as all authorizers do, to the appropriators as to how much money we should be spending.

First, it contains the basic authorization legislation for the Department of State, the U.S. Information Agency, the Arms Control and Disarmament Agency and the Peace Corps.

The funding levels in the bill closely reflect that of the President's budget. The total amount authorized for fiscal 1998 is $6.1 billion, as compared to the President's request of $6.2 billion. In fiscal year 1999, and this is a 2-year authorization, the amount provided in this bill is $5.9 billion. This modest reduction represents the reduction in the international organization account consistent with the administration's commitments. During debate on this legislation, I will explain that in more detail.

Within this framework, we have provided, first, full funding for the Department of State's core activities; that is, the diplomatic and consular programs, salaries and expenses, and protection and maintenance of our embassies—full funding. It provides 99 percent of the funding for the U.S. Information Agency's diplomatic programs; full funding for our exchange programs, the Fulbright program and others; and full funding for international broadcasting. It provides full funding for the National Endowment for Democracy, a bipartisan operation that has had very great success; full funding for the Peace Corps and the Asia Foundation; and $819 million over 3 years to pay our U.N. arrears.

After several years of reductions in spending for diplomatic readiness, I am heartened we are restoring funds to the international affairs account, particularly to the core activities of the State Department. Although the cold war has ended, Mr. President, the need for American leadership in world affairs has not. Our diplomats often represent the frontline of our national defense, and with the downsizing of the U.S. military presence overseas, the maintenance of a robust and effective diplomatic capability has become all the more important, in my opinion, and in the opinion of a vast majority of people who study the issue.

Despite the reduction in our military readiness abroad, the increased importance of diplomatic readiness to our national security has not been reflected in recent Federal budgets. According to a study of the Congressional Research Service prepared earlier this year at my request, foreign policy spending is now at its lowest level in 20 years. Stated in 1998 dollars, the budget in the current fiscal year is $18.77 billion, which is 25 percent below the annual average of $25 billion over the past 2 decades, the past 20 years, and 30 percent below the level of 10 years ago, which was very near the end of the Reagan administration.

Mr. President, I emphasize, again, that this is a lot of money, but out of a $1.7 or almost $1.8 trillion budget and

in light of the fact we are the world's only superpower it is a small percentage. To continue to reduce our commitment to foreign affairs at a time when we are necessarily reducing our military activity abroad, our military presence abroad, seems to me to be counterproductive. It seems to me that in the former Soviet Union, the former Soviet states, the newly independent states, we should be having an increased diplomatic presence there. We should be opening consulates; we should have a robust economic presence there; and yet, as a matter of fact, we have been cutting back. This bill reverses that trend.

Let me put it another way. This halts the trend of downward movement and recognizes our need to engage the world with diplomacy and our foreign policy, not with our military.

So I am pleased that we are reversing the hemorrhaging of funds away from foreign policy, according to this bill.

Second, the bill provides a framework for the reorganization of the foreign affairs agencies that is consistent with the President's announced plan on April 18. The backdrop for this, I know the Presiding Officer knows very well, is that the world has changed drastically. The world has changed drastically, as we all discuss and talk about, but we have not reorganized the foreign policy establishment in our country. We have not reorganized our foreign policy apparatus.

Although it made a great deal of sense, in my view, in the past years to have, for example, the Arms Control and Disarmament Agency separate and apart from the State Department and our Agency for International Development separate and apart, and other departments separate and apart, it seems to me, and it seems to most observers, including the administration, that it no longer makes sense. Here the credit must go to the chairman of the Foreign Relations Committee. He has been consistently advocating a major overhaul of the State Department, as well as these other agencies, in terms of consolidation.

I might add that there are provisions in this legislation that, obviously, I should have said at the outset that I don't like. There are provisions I would like to change. For example, I think we should be funding more money for the United Nations, although I acknowledge the amount we funded can get the job done. I think we should be making additional changes and giving greater flexibility to AID than we do in this legislation. The fact of the matter is, this is a product of a compromise on three major, major, major initiatives. As a consequence of that, neither Senator HELMS nor I got all that we bargained for in this. That is the nature of compromise. So this has been a very important element of this whole package for the chairman of the committee.

Like the President's plan, the bill that we bring to the floor today provides for integration of the Arms Control and Disarmament Agency within the State Department within 1 year and ensures that the arms control function is maintained in a position of prominence within the Department of State.

When I went months ago to negotiate or lay out how I would like to proceed and was willing to proceed with the chairman of the full committee, I indicated to him that I would work in a bipartisan way to deal with the reorganization, deal with the United Nations and deal with the funding of the State Department, assuming that he was not using this reorganization and other methods as merely a means for us to withdraw from the world. He not only indicated that it was not his objective, he has followed through and has shown it was not his objective, evidence the fact that we essentially fully fund the State Department for the next 2 years and he has agreed to significant latitude for the State Department in the bill and its reorganization efforts, compared to the bills he has introduced for the last 2 years.

So, like the President's plan, the bill we bring to the floor today provides for the integration of not only ACDA, but also the U.S. Information Agency [USIA], into the State Department. It provides for a 2-year transition for that to occur and creates a position of Under Secretary of State for Public Diplomacy.

Again, I indicated that my concern was that as we bring these specialized agencies of significant consequence into the State Department, where they have never been before, that they be brought in at a level commensurate with their significance, that they not be subsumed in the State Department and essentially lose their visibility and significance.

It seems to me, Mr. President, arms control will be the single most important element of American foreign policy over the next two decades. For it to be taken out of its independent status and subsumed into the State Department would be a mistake. What we do is we establish in this bill a position of prominence for the person who heads ACDA, as well as for USIA, and we create the position of Under Secretary of State for Public Diplomacy. There is only one difference in that it integrates the Office of Public Liaison and Legislative Affairs into the State Department within 1 year.

The reason for that is, we think, quite simple. It is nothing complex. We think it can be done quickly and that it saves bureaucracy and it saves money.

Additionally, this bill puts some flesh on the bones of the President's plan with regard to international broadcasting. The President's plan was virtually silent on this question, stating only that "the distinctiveness and editorial integrity of the Voice of America and the broadcasting agencies would be preserved."

That is just what we have done here.

This bill just holds and protects that principle by maintaining the existing Government structure established by Congress in 1994 consolidating all U.S. Government-sponsored broadcasting. I might add, this was a money-saving effort led by the Senator from Wisconsin, Senator FEINGOLD. He has succeeded, at least in large part, in one of his objectives, which was to save the American taxpayers a great deal of money. We have eliminated a bloated bureaucracy. We have consolidated services, we have consolidated technical capability, and we have preserved the integrity of the radios.

By radios I mean Radio Free Europe/Radio Liberty—the things that Lech Walesa said helped bring down the Berlin Wall more than anything else. We established Radio Free Asia and Radio Marti and TV Marti relating to Cuba. All of these maintain their journalistic integrity because of their editorial integrity.

So we have done, I believe, what the administration indicated it wished to do; that is, maintain the distinctiveness and editorial integrity of these radios as well as the Voice of America. This bill upholds and protects that principle.

As I said, what we have done is consolidated from 1994 all the U.S. Government-sponsored broadcasting, that is Voice of America, Radio and TV Marti, Radio Free Europe/Radio Liberty, Radio Free Asia, and Worldnet TV, under the supervision of one oversight board known as the Broadcasting Board of Governors. That has been done.

Importantly, however, the board and the broadcasters below them will not be merged into the Department of State where their journalistic integrity would be questioned and greatly at risk. The radios will, however, continue to play an important role in advancing U.S. foreign policy objectives.

The board will have what I call a dotted line relationship with the State Department in that the new Undersecretary of State for Public Diplomacy, the same function now performed by the Director of USIA, will have a seat on the board. Additionally, the Secretary of State will provide foreign policy guidance to the board and will be consulted about additions or deletions of language services currently performed by the radios.

Like the President's plan, the bill maintains the Agency for International Development, that is AID, as a separate agency, but provides for its partial integration into the State Department.

This has been the most controversial part of all of this, I might say, Mr.

President. There is a constituency that has a very solid case to be made—I think a very strong case to be made—suggesting that the expertise buildup by AID, headed now by Brian Atwood, and by many other distinguished persons before him, is unique in that it is the outfit that literally goes out and provides for digging the wells, bringing the water, and bringing the new projects to those areas that need the help.

It was very important that we not take that expertise and merge it into the State Department, get it lost with every other GS–15 or 17 or 12 and lose the distinctive nature of those experiences. There is a difference between those who do foreign policy and those who dig wells. It is this distinctive nature—the ability to produce and deliver services—that says we, the United States of America, through our aid program, are going to assist populations in need.

But it has been, I think, a legitimate concern, in light of the new world we now face, that there be more policy sway on the part of the person dealing with the foreign policy of America—the Secretary of State. We have tried to accommodate that, Mr. President. Just as the President announced, the AID administrator will be placed under the direct authority of the Secretary of State and, consistent with the plan's objectives of improving coordination between the regional bureaus at State and AID, the Secretary of State will have authority to coordinate this aid policy.

This is causing a bit of a flap, though. This has been the single biggest thing that, to the average American and I suspect the average Senator, sounds merely like a giant bureaucratic snafu in that somebody's turf is being stepped on and somebody else's turf is not being accommodated, et cetera. It is more than that. It is more serious than that. But I suspect we have not heard the end of what we attempted to do in this legislation.

The concept of aid coordinators, that is, having aid coordinated by the State Department, is not new in this legislation. Since the early 1990's, the State Department has had such coordinators that have supervised the aid programs in Eastern Europe and the former Soviet Union.

Under the leadership of President Bush and, prior to that, under the leadership of the Democratically controlled Foreign Relations Committee, we first had a thing called the SEED program and then the President expanded that, President Bush expanded it into the Freedom Support Act. That aid program involved deciding how much aid would go to the Ukraine, how much aid would go to Russia, et cetera. And we set up a special coordinator within the State Department to do that.

So this is not a new notion we are applying here. This legislation, quite frankly, is modeled on that concept. Indeed, the language we use here is borrowed directly from the Freedom Support Act. But nonetheless we are going to hear more about this because some of my colleagues, on both sides of the aisle, have very, very strong views about this. I suspect we will be debating this aspect of the reorganization more than any other.

Two other issues bear emphasis and belie any charge that we are micromanaging the reorganization of the State Department.

First, unlike the bill reported by this committee in the last Congress, this reorganization bill does not—and I thank the chairman for doing this because it is one of the major disagreements he and I had—this bill does not, as the last bill introduced in the Congress did, mandate specific reductions in budget or personnel. Instead, it requires only a periodic report on savings that are achieved.

Second, the committee has provided no directives—none—on the promised reinvention of the State Department itself.

Let me be clear about this. The President's plan stated that a central element in the plan would be an "intensified, comprehensive internal reform program at State." In other words, the reorganization of State by itself.

Again, for my colleagues listening to this, there are basically three pieces to this reorganization. One is you have the State Department sitting here and then you have these very important agencies, USIA, AID—I think those are the acronyms —U.S. Information Agency, the Administration for International Development and the Arms Control Disarmament Agency.

For historical reasons, they had all been, if you will, satellite agencies outside the direct, immediate control of the State Department, although all related to the State Department. That is one big piece. What do you do about that matrix?

There is a second big piece here. The second big piece is, within the State Department, how many Undersecretaries of State do you have? How many Assistant Secretaries of State? What do you do in terms of how they relate to one another? How many personnel should be in the field and not in the field? How many consulates should you have and not have? These are all very important decisions.

That is part of this $6.1 billion we are giving them to run this year and $5.9 billion in the second year of this 2-year authorization. We do not fool with that. We do not micromanage that. We respond to the concerns of the last administration and this administration. We say, "Look, you present us with a plan. You come up and you go ahead and reorganize that. We're giving you authority to go out and do it. You do it."

We are not micromanaging, but we are going to deal with this big, controversial subject that has been sort of rattling around for the last decade. We are going to take AID, ACDA, and USIA, and we are going to merge them in varying degrees into the State Department.

There are those who are going to come out on the floor and say that Senator HELMS and I are into micromanaging the State Department's day-to-day activities. That is simply not true. That is not what we are doing. But we are tackling the one issue no administration has really been able to successfully deal with. And that is, what do you do about these three very important agencies that have very important constituencies and very important functions? We are taking them—they have been out there by themselves now for a number of years, with good reason—and we are merging them, in light of this changed world, into the State Department. We are doing that. We are doing that, in my opinion, for several reasons.

I will tell you my motivation for doing it. First, internally handled, I am not sure how it would ever get settled in the administration. The constituencies are significant. The bureaucracies are real. They are important. Second, I worried that if we were essentially just going to use this as an excuse to eliminate their functions, we would be doing a great disservice to the Nation. Senator HELMS agreed. Senator HELMS said, let us bring them into, in commensurate positions of responsibility and authority, the State Department. So we are doing that. But even within that, we leave a great deal of flexibility for the Secretary of State and the President of the United States.

Mr. President, I believe I speak for the chairman when I express my hope that the type of reform effort that the President has indicated he wishes to undertake—that is the actual reorganization of the State Department itself, which we do not do—my sincere hope that he will in fact vigorously pursue the long overdue internal management reform needed because the State Department's problems could be compounded by the absorption of two new agencies unless reforms are made.

So the irony here is, Mr. President, we are subsuming these organizations into the State Department, and now it is real important that the internal management and reforms within the State Department take place because, if there is difficulty in terms of organizational structures at State now, they are going to be compounded by bringing in these additional agencies.

We leave all of the aid personnel outside here. We take policy and we put it in, but the personnel, the people who actually go out and make sure the water goes to the village, their unique capability stays out here as an independent agency.

So the point is that we are giving the State Department and the President ample opportunity to do what they say they needed. And I believe the administration—the administration; Freudian slip—my administration, in effect, on the floor that I have to deal with is the majority party. The majority party, led by Senator HELMS, has given a great deal more flexibility than they intended to give for the administration to be able to do that. Obviously, the administration would prefer, as a matter of principle, passage of legislation that delegates broad authority to the President to reorganize the whole shooting match.

Well, in a perfect world I would prefer that as well. The truth of the matter is, it is not a perfect world. My team does not control this place. The other team controls this place. They have very different views. And I think we have worked out, in light of that, a very, very important compromise that is consistent with the overall objective the President has stated.

But under the administration's approach, which is basically just delegate, the only moment for congressional action would be a resolution of disapproval of a plan. What the administration wanted, and if I could have waved a wand—put it another way; if I had 51 votes—I might attempt to accommodate their wish.

But what the administration wanted was that they send a plan to us when they have the opportunity to go through it and vet it. They will say, "This is our reorganization plan, including the whole shooting works. Now, you, the Congress, either approve or disapprove it." You can only—excuse me, you have to disapprove it. If you do not disapprove it, then it becomes law; it is changed. If you disapprove it, it has the benefit, if you are a President, of allowing you to get your plan passed with only one-third of the Congress plus one voting for it, because we can come along and get 51 votes and say, "No; we don't like the plan you submitted," and disapprove it. The President then vetoes our disapproval of his plan. Now we have to override his veto. So we come back up here and we have to find a supermajority if we do not like the plan.

So it is not something Congress would usually buy on to, any more than administrations like to buy on to giving up any prerogative, and one of their prerogatives is to reorganize the executive branch. They do not like the fact that we are doing part of that for them, which is understandable. If I were President, I would feel the same way, or if I were the Secretary of State, I would feel the same way. Conversely, Congresses are not real crazy about offers made to them that allow Presidents essentially to control the agenda, control the outcome by only getting one-third of the Congress plus one person to vote with them.

So here we are. I now am joining the chairman of the full committee in preferring that Congress should place its positive stamp on the President's plan rather than having the chance only to give a stamp of disapproval and to be overridden by one-third plus one.

In general terms, the committee's approach does not provide any less flexibility to reorganize. To be sure, the committee locks in the date for ultimate integration of the two agencies in question. And we are only fully integrating two agencies, USIA and ACDA. And it speeds up the partial integration of AID into State.

Within those broad outlines the administration has considerable flexibility to implement the thousands of decisions required under reorganization. Ultimately, Mr. President, the administration will have to return to the Congress for certain authorities to carry out the complicated integration of two large agencies into the State Department. However, I would be surprised if the administration contends that this requirement to return to Congress is unduly burdensome.

I hope the administration will work with the committee on this procedure. If the administration is committed to the reorganization outlined by the President's April 18 statement, as I believe it is, then it should have no trouble implementing the legislative framework laid down in this bill.

Finally, Mr. President, the bill provides for the payment of U.S. arrearages to the United Nations. Now, in my almost 25 years of being a U.S. Senator, there is little that generates as much enthusiasm for debate than when we talk about paying arrearages to the United Nations. Maybe when we talk about the question of abortion more vigor is displayed on this floor, but only abortion and a few other issues raise the combative instincts of my colleagues more than paying back U.S. arrearages.

Now, the proposal contained in our bill, this bipartisan proposal, led by my friend from North Carolina, I believe will serve three important purposes. One, it should finally end the long festering feud between the United Nations and Washington about our unpaid dues. Second, it should bring much needed reform to the world's body so that it can more efficiently perform its missions, missions which we acknowledge in this legislation that we support. Third, it should, I hope, restore some of the bipartisan support in Congress for the U.N.'s system, support that has existed for most of the U.N.'s 50-year history.

The agreement before the Senate will allow us to pay $819 million in arrears to the United Nations over a 3-year period contingent upon the United Nations achieving specific benchmarks, to borrow Chairman HELMS' expression.

Now, the payments are broken down as follows: In year 1, we will pay $100 million. I might add, even if we wanted to pay more, the budget agreement we passed does not accommodate us paying any more than that, so even if we wanted to pay all the rest, the Congress and the President have limited us to what we can pay under that budget agreement. Now, in year 2—and this was a significant compromise, and he is on the floor, and I want to publicly thank him for accommodating my request on this—in year 2, we pay $475 million, assuming the benchmarks are met. In year 3, we will repay the remaining $244 million.

The significant feature of this payment scheme is that it will allow the administration to pay off virtually all our arrears in the first 2 years for the two most important accounts, which are the regular and peacekeeping budgets. With these two accounts current, our diplomats will have the leverage they need to push through the tough reforms that are needed.

Let me mention a few of the particularly noteworthy benchmarks, again using the chairman's term. The plan calls for a two-stage reduction in our regular U.N. assessment rate from 25 percent to 20 percent. Now, I have been criticized a great deal for going along with this, as my friend from North Carolina, I suspect, has been criticized for going along with paying the arrears. I am told, "JOE, as a supporter of the United Nations how can you possibly insist that the U.S. portion of the United Nation's regular dues be reduced from 25 percent to 20 percent?" And I say I would rather just pay our arrears and then negotiate that. But on the issue of what should we pay, Mr. President, I would respectfully suggest that if the meeting in San Francisco organizing the U.N. were today rather than 50 years ago, we would not be sitting down with economic giants like Japan and the European countries and others and saying, "By the way, we should pay 25 percent."

I argue it made sense after World War II when we were the only economic power left standing in the world. We are not the only economic power left standing in the world. I want to pay our fair share. I do want to carry our burden. But I am hard pressed to see why I am doing such a terrible thing, siding with the chairman, saying our numbers should get down to 20 percent from 25 percent.

As I said, I challenge anyone to tell me why you think there would be a consensus in the world that we should pay 25 percent if we were starting from day one. Now, agreed, admittedly, the chairman and I do not agree on how we should go about this. I would like to pay the arrears, not make it conditional and negotiate our dues because this is a little bit heavy handed, but I am a realist. Politics in the best sense of the word is the art of the practical. We have to get 51 votes to get this

thing moving. The chairman and I have to make compromises. He has come a long way. I am willing to go a long way because I think this meets the most important requirement.

I hear people telling me now, and I see my friends on the floor, saying, "JOE, this is great. You worked out this compromise with Senator HELMS, but if you got him to compromise this much, if you were just a little tougher you would have gotten a billion 300 million for U.N. arrears." First, they do not know my friend like I do. We have worked together for almost 25 years. We came here at the same time. Second, it is amazing how people in hindsight say, "Hey, this is great, this is great. We are moving along in the right direction." This is the end of the road, this direction.

As I told the chairman, he came up to that $819 million, and the administration says they can get the job done with that—it is a bottom-line number with me. If we go to conference and the House cuts that number, I am not voting for this. And the chairman did not like going up that high but he is sure going no higher, unless I misread him. So people say, "Well, JOE, you are forcing the United Nations to make these decisions. It is not fair." Well, I remind them, can the United Nations take another year, can we handle another year of nonpayment without doing permanent damage or additional damage to our status within that agency, which I think is an important agency? Everybody tells me it is important this get done. I asked those folks who now are saying this is not enough, I asked them, you figure out how to get 51 votes for something more than that, and if you do not get 51 votes and this carries over for another year, what damage have we done? If damage would be done by not paying the disputed amount between $819 million and what others say we owe, if damage would be done by that, how much damage would be done if this thing goes over another year? I respectfully suggest, a lot more damage by not acting. And, by the way, I have had this conversation with the President of the General Assembly and with the Secretary-General of the United Nations. They both want action now because they say what our fellow nations in the United Nations are wondering, are we ever going to pay? Do we think we have an obligation? This, at a minimum, establishes that. It is very important, very important.

We may have a slight disagreement, my friend from North Carolina and me, but I see the United Nations as a valuable tool. I do not want to be sending U.S. troops everywhere in the world where there is a need for international action, where there is a need for the world to respond so it does not blow out of control. I do not want to do that. The United Nations can be and is a very valuable adjunct and tool. I do not want to see it come apart. To me, this is the single best way to meet our foreign policy needs now. It is important we act now.

Let me mention a few of the particular noteworthy benchmarks beyond moving from 25 to 20 percent. The plan also requires that the United Nations make a commitment that the United States be reimbursed for support we provided for the peacekeeping operations, something that is very important to the chairman. Some of my colleagues, all of whom I respect, will come to the floor and say, "Well, you know, JOE, look at what our share of the world's resources are and look at what our share of the world's economy is and look at what our share of our involvement in the United Nations is, and it really should be 25 percent." I say, does the rest of the world take into consideration the billions of dollars American taxpayers are paying to keep peace in the world? How about Korea? How about Japan? How much do they pay? How about the billions of dollars we have committed in Bosnia? How about the billions of dollars we have committed around the world? Now, I am not asking the United Nations to credit us for that. I do not know how they would calculate that. I am asking them to recognize it.

I am asking, by us coming up with these arrearages, to stop the bashing, to stop the U.S. bashing, as well as, hopefully, to stop the U.N. bashing. This is a time for us to take advantage of the institutions in the best sense of the word that exist to maintain world peace without our having to be the world cop.

In addition, the plan calls for a number of budgetary and oversight reforms that promise to improve the efficiency both at the U.N. Secretariat and in its largest specialized agencies.

I say again to my friend who is on the floor, he may have been off the floor earlier, I spoke with Kofi Annan on Friday. I suspect the Senator may have, as well. He indicated he appreciated our efforts. Obviously, he would like more. He said something interesting. He said that he was hopeful that you, Mr. Chairman, and I would be pleased with the reforms he has already suggested and that he hopes the United Nations will act upon this year prior to—prior to—commitments mandated by us in these benchmarks. He did not get specific about each, but I am sure, knowing him as I do, he is committed to reasonable reform just like every other major business in the world is reforming and every major governmental institution is reforming and streamlining. I believe that it is the intention of the Secretary-General to do the same thing. The end result will be to increase the efficacy of the United Nations and the fairness of those nations that contribute to its function.

There are many of my colleagues that will look at the list that I mentioned here today and wonder why such detailed restrictions are attached to the payment of this money. In an ideal world, as I indicated in committee, I indicated to the chairman, and I indicate now, I would prefer far fewer restrictions. I support the United Nations with all its flaws because I believe, more often than not, it advances our national interests by providing a forum for combating problems that no single nation can address on its own, or at least no single nation can efficiently address on its own. We should not have to be the nation to address problems solely on our own. Placing conditions on U.S. payment is not unprecedented. Congressional pressure has often been an important catalyst for change in New York.

For example, were it not for the efforts of our former colleague, Nancy Kassebaum—and everybody thinks of Nancy Kassebaum as a supporter of the United Nations and looks to Senator HELMS as the person who stopped all these payments to the United Nations, Senator Nancy Kassebaum, now Nancy Kassebaum Baker, when she was a leader on this floor—her efforts required that the U.N. system would have to adopt a consensus-based budgeting process. Were it not for her efforts, that would not have occurred. Were it not for the initiative of Congress in 1994, then under Democratic control, in fairness to the chairman, there would be no inspector general at the United Nations. That was a condition we placed. That was a Democratically-controlled Senate, that was a Democratically-controlled committee.

So this notion of benchmarks is not an unprecedented notion. What is unprecedented is the Senator from North Carolina saying, "I will sign on to pay our arrearages." That is the unprecedented part, from my standpoint, and the benchmarks that he has insisted upon, I cannot look him in the eye and say that they are not reasonable. I would prefer not to have them, but they are not unreasonable. I would prefer to do it another way, but they are not unreasonable, and consequently I am supporting him because this is all part of an overall agreement to deal with the entire foreign policy of the United States of America.

Mr. President, the achievements I mentioned earlier, the inspector general and others, were reasonable conditions. So, too, are those contained in the Senate bill now before the Senate.

The original plan offered by the majority, in my view, did not meet the same standard, but as a result of good faith negotiations with the majority, we now have a set of conditions, which the administration, including our Ambassador to the United Nations, our former colleague and now Ambassador Bill Richardson, believes are achievable.

Mr. President, I am often asked what it takes to be a U.S. Senator, and I say it takes two very important things: One, you have to be an optimist. If you are not, you are in the wrong business. It is not the place to be. The second thing it requires, I think, is that you be a pragmatist, because we have to achieve a consensus in this body. We represent over 250 million people with very different views. We represent very different constituencies and very different ideologies. Pragmatically, we have to get to the point where we get 51 votes.

I recognize that no plan to pay our U.N. arrearages can get through a Republican-controlled Congress without some of the conditions that are on here. Again, I think the ones that remain are not unreasonable. I believe it is important to get this issue behind us and move toward a bipartisan foreign policy. This legislation should contribute considerably to straightening out our relations with the United Nations.

For those colleagues on my side of the aisle who remain unconvinced, let me state clearly that the administration was involved every step of the way in the U.N. negotiations, and it has signed off on every element of this U.N. package and supports the proposal as the best deal that can be achieved, because they believe, as I do, that we must put this behind us. So I don't want to hear that the chairman did this by fiat, or the chairman—which he is capable of doing—got the ranking member in and convinced him, or has mesmerized him into changing his view. That is not true—possible, but not true. That is not what happened. The administration was either in the room or informed of everything we have done on this point. They, like me, believe that this is the best we can get and that it can get the job done.

Now, I say to some of my colleagues, very bluntly—I will state it on the record—they say that they think the administration is wrong as well. Well, look, I have to sign on with some team here, you know. They are the ones running the show. They are the ones with the expertise. They know a lot more about what is needed to satisfy the 150 some nations of the United Nations. I take their word for it and I believe they are correct—substantively correct—that it can be done. The administration doesn't love this; I don't love it; the chairman doesn't love it. But that's what this legislation is about. That is why we have a Congress. That is how it is supposed to work to arrive at a consensus.

Let me conclude by saying, Mr. President, that I have been here a long time. I have worked on a lot of big bills. I have been, like the chairman of the committee, in the majority and the minority. I like one better than the other. I have been both places, and I have been in both places twice. As I said, I have had the responsibility on my side of the aisle of shepherding through some very comprehensive legislation, not the least of which was the crime bill. But I think if the chairman of the committee and I stood here in January, the first week we were in session, and said that JESSE HELMS of North Carolina and JOE BIDEN of Delaware are going to sit down in a room over the next 5 or 6 months and work out an entire package on how to deal with all this—when is the last time we passed an authorization? It was in 1994. That was the last time we passed any legislation to pay arrearages. It was the last time we got any consensus on how to reorganize. Well, we have done that. We both may be wrong, but we have done it.

We have brought to the floor a comprehensive package. So that I don't confuse anybody, the most important thing to me is, first of all, to maintain my principle, and, second, to maintain the commitments I make. There are going to be amendments on this floor that I would like to vote for. For example, my friend from Indiana, Senator LUGAR, one of the most informed men in the United States of America on foreign policy, believes, as I do, that we should dedicate more than $819 million toward paying our arrearages. As a matter of fact, I am the guy who called him when I thought my friend from North Carolina and I could not work out an agreement, and said, "If I introduce an amendment to raise the arrearages, will you vote for me in committee?" But then the chairman came along and said, "I will agree." I ended up voting against my friend from Indiana in the committee to raise the number higher. I did that because I made a commitment.

This is an overall package, all of this. It is not fair for me to say to the ranking member or to the chairman, who has made significant concessions from his former positions, I want to take this one piece out of the overall agreement and still keep the agreement, any more than it would be fair for him to go into a committee and vote to reduce the number from $819 million to $600 million. He will not do that to me, and I will not do that to him. This is not a matter of us making a personal deal. This is meeting the commitment given to us by the Senate: Can we put together a bipartisan consensus on this?

I want to announce to everybody that I am probably going to be casting votes here, and I will state why at the time—they may say, "How can BIDEN vote that way?" If it stood all by itself, I probably would not vote that way. But I believe the package we brought for the Senate's consideration is serious, balanced, important to the foreign policy of this Nation, and workable. I will stick with it. It is not a perfect bill. Like any document that is the result of negotiations between two opposing parties, it represents compromise and it contains some elements that neither of us like. But it represents, in my judgment, an incredibly constructive compromise. I urge my colleagues to support it.

Mr. President, unless my friend from North Carolina wishes to take the floor, I have nothing further to say.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I shall not devote a lot of time to expressing my appreciation to Senator BIDEN. He knows how I feel. Beginning in January, he is correct, I wasn't sure that we would work this out. He is a fair man, and I try to be. As I look back on it, it was an inspiring experience for me. I thank him, and I hope we can expedite the proceedings from now on.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, the bill is open for amendment. This is a good time for Senators who have amendments—and I hope only a few, if any, do, but I expect there will be some—this would be a good time for them to come over. We will accord them as much time as they need. But I say with all the earnestness that I have, it would be helpful if Senators will come and offer their amendments because the bill is open to amendment at this time.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to proceed for 15 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIGHTING JUVENILE CRIME

Mr. SESSIONS. Mr. President, we are facing a crisis in juvenile crime in America. At no time in our Nation's

history have we experienced such severe and pervasive juvenile violence.

The statistics tell a frightening story. From 1983 to 1992—in just 9 years—juvenile arrests for violent crimes increased 57 percent. Specifically, juvenile arrests for aggravated assaults increased 95 percent while juvenile arrests for murder rose 128 percent. To put it in more concrete terms, over 2 million juveniles are arrested each year, many for violent crimes. In 1995 alone, teenagers committed almost 4,000 murders. Sadly, the worst is yet to come.

A huge demographic explosion will occur early next century. By 2006 the teenage population will top 30 million, the most in 30 years. Respected criminologists, such as James Q. Wilson and Marvin Wolfgang, agree that this demographic bulge could have a disastrous effect because of the large increase in young males in their crime-prone years. The number of juveniles will increase 31 percent by the year 2010. Experts predict this increase, particularly in young males, will mean at least 3,000 more murderers, rapists, and muggers on the streets than exist today. A U.S. Department of Justice report confirms these dire predictions. The Justice report estimates that by the year 2010 juvenile arrests for violent crime will more than double.

So today I want to discuss how we can help the States fight juvenile crime. As chairman of the Youth Violence Subcommittee of the U.S. Senate Judiciary Committee, I am greatly interested in crafting a bipartisan juvenile justice bill. But before we begin, let's face the facts.

The Federal Government has only a limited role in fighting juvenile crime. Ninety-nine percent of all juvenile cases are tried in State courts. I believe that S. 10 is a great bill because its primary focus is aimed at helping the States fight juvenile crime.

So today there are three main provisions of S. 10 that I would like to talk about and to highlight, and which I think we ought to consider: drug testing, the expansion of juvenile detention facilities, and recordkeeping.

S. 10—the Hatch-Sessions bill—deals with these important problems in an effective way. First, let's talk about drug testing. S. 10 provides the States block grants to fight juvenile crime. One of the requirements to receive the block grants is that States make reasonable efforts to drug test all juveniles arrested for a felony. There is no provision in S. 10 more important, in my opinion, than drug testing.

Drug testing is one of the most important diagnostic and rehabilitative tools available in fighting crime. Mr. Eric Holder, President Clinton's nominee for Deputy Attorney General, who testified just last week before the Judiciary Committee, stated that drug testing provided vital information for dealing with juveniles who have been arrested, and that when he served as a Federal judge he tested all arrestees.

Drug testing is so important because it allows authorities to identify a drug problem before the juvenile becomes hopelessly addicted. It tells the parents what may have driven this young person to become involved in crime. It helps the judge to craft an appropriate sentence and appropriate police conditions. It helps the probation officer conduct appropriate supervision of these young offenders. However, many have raised a concern about the cost of drug testing requirements in S. 10. There is great bipartisan support for drug testing. The only question raised is whether or not it is too expensive. It is not. For example, a typical price charged by a commercial laboratory for a single drug test for cocaine and marijuana is $5.75. Moreover, volume purchases of drug testing equipment can reduce that price to even less than $5. Both of these figures have been verified by official price quotes from commercial laboratories.

S. 10 provides $75 million to the States to implement this drug testing provision. If the roughly 900,000 juveniles arrested last year for FBI indexed felonies were tested at $6 a test, it would cost approximately $5.4 million. It should be noted that most States already test arrestees to some extent. Therefore, the cost will be reduced significantly.

Obviously, S. 10 provides more than ample resources, not only for an initial test but for supervision followup tests as well. That is important. When a young person is released from prison, followup tests should be conducted, particularly if he has drug tendencies. A followup test can tell whether or not that child is back into an unhealthy lifestyle and headed for criminal trouble and additional time.

Another important matter is juvenile recordkeeping. Juvenile recordkeeping in America is a travesty. Most judges—whether in adult court or juvenile court—do not have access to a defendant's juvenile record because those records are either sealed or are not shared with other jurisdictions within the law enforcement community. S. 10 greatly improves juvenile recordkeeping without overstepping the Federal Government's role in juvenile crime, and without great expense. One of the few requirements in this bill is that the States make reasonable efforts to record, collect, and disseminate juvenile criminal records for the FBI just like they do for all adult cases.

In order to ease the burden on the States, we provide funds to help them upgrade their juvenile justice record system. We have estimates from organizations that specialize in recordkeeping that State juvenile records can be updated and sent to the FBI for roughly $50 million.

I believe S. 10 provides the States with more than sufficient resources to accomplish this goal. And please note that this bill in no way mandates the States to open their cases. Each State will make its own decision. It simply says that the law enforcement community, through the National Crime Information Center computer system, will have arrests and convictions for serious felonies by juveniles. Those records are only available for law enforcement and judicial purposes.

The following is a true story that illustrates the problem we are talking about. A 15-year-old was arrested and pled guilty to armed robbery. Previously, he had been arrested several times for violent crimes in a different State. Unfortunately, the presiding judge did not have access to these prior arrest records because they were not part of the National Crime Information Center computer system.

Despite the fact that he had pled guilty to a violent crime, the judge decided to release him after being assured that he would be going into a residential facility. Soon after that young offender was released, he shot and paralyzed a police officer during an attempted theft. There is no doubt that the judge would not have released him, had he had access to that juvenile's prior record of violent crime. The lack of access to juvenile records in this case directly contributed to a tragic crime. When a probation officer supervises a young offender, he needs to know the young offender's criminal history. It is simply illogical that we fail to maintain those records in a readily accessible way.

Reporting juvenile records to a national clearinghouse will provide law enforcement officers and judges across this Nation with accurate criminal history information. This will serve to protect law enforcement personnel when they are dealing with juvenile suspects and defendants, as well as provide necessary information to the judiciary.

One proper role for the Federal Government, in law enforcement, is to serve as a national clearinghouse for information. Our proposal fulfills such a role and in the process dramatically improves our juvenile justice system.

There is another matter of importance. The Hatch-Sessions bill helps States improve their juvenile detention centers. The bill provides matching grant money to the States for the construction and renovation of juvenile detention facilities. In the last 20 years, juvenile prison construction has not kept pace with the tremendous increase in juvenile crime. While States and the Federal Government have increased adult prison capacity significantly, the construction of juvenile facilities has been neglected consistently.

Ladies and gentlemen of the Senate, if crime is to be reduced, we must increase juvenile detention and juvenile detention space. I mention crime, and not merely juvenile crime, for this reason. The line between juvenile crime and adult crime has never been so blurred. An ever-increasing amount of serious crime is committed by young offenders. By some accounts, juveniles now account for almost 20 percent of violent crime arrests and over one-third of all property crime arrests.

The following facts illustrate the need for more juvenile detention centers. Only 56 out of every 1,000 juveniles arrested are incarcerated. I repeat that. Only 56 out of every 1,000 juveniles arrested are incarcerated. We are simply not identifying the violent criminals and putting them in prison.

To put it in more concrete terms, consider this. In 1991, over 123,000 juveniles were arrested for violent crimes, yet there were less than 50,000 juvenile beds in the United States available to house them. And many repeat, habitual property criminals have to be incarcerated, too. I wish that were not so, but that is simply the fact. We have had a doubling of violent juvenile crime in less than a decade. We simply have to increase our bed space. Again, I wish that were not so.

A lack of proper juvenile detention centers eliminates the deterrent effect of the criminal justice system. When a police officer arrests an offender in a stolen car for burglarizing a person's home, and he cannot keep him even 1 night in the local jail because it is not an approved juvenile facility or because there is no space in the juvenile facility—that young offender is released back on the street. This undermines respect for the law. Not only does the young offender get the wrong impression, but so do his classmates, running-mates, and gang members. They see Billy get arrested and expect something to happen. When he is released the very same day, they get a message. It is not the message we want to convey. We simply have to step up to the plate and do more about that.

Another matter. Many of my colleagues have indicated that our bill fails to provide sufficient prevention money. I would like to point out that according to the General Accounting Office, the Federal Government currently has 131 programs administered by 16 different departments and agencies that may be used to benefit at-risk and delinquent youth. In 1995, the total cost of these programs exceeded $4 billion. We are already spending tremendous sums of Federal taxpayer money on prevention programs. I hope they work. Some of them do and some of them do not. We need to do a better job of oversight. And the States also are spending tremendous sums of money for prevention purposes. We have a juvenile justice system that is broken, and we need to fix it.

Here is a chart which shows the huge number of programs and the total dollars—$4 billion—being spent right now with Government appropriated funds for at-risk and delinquent youth. This bill has prevention matters in it, but it is also focused primarily on changing our juvenile justice system from a state of collapse into an effective system that will actually work to deter crime.

There are 21 gang intervention programs, 35 mentoring programs, 42 job training assistance programs, 47 counseling programs, 44 self-sufficiency programs, 53 substance abuse intervention programs. Each of these programs is already being funded in an effort to help at-risk young people not get caught up in a life of crime. The penalty imposed for every act of wrongdoing, starting from that first offense, is in itself prevention.

Mr. President, 61 percent of the juveniles brought into the juvenile court system are 15 years of age or younger. These juveniles may still be amenable to discipline. However, there is currently little respect for our State juvenile system because the juvenile judges have little resources and almost no bed space to carry out the sanctions they would like to impose. S. 10 will assist the States in rectifying this deficit in resources.

So, Mr. President, I have mentioned only three provisions of the bill today but there are many more. There is a tough antigang provision that has great potential to crack down on gangs; historic reforms of Federal procedures to make cases more easily prosecutable in Federal court; elimination of unwise Federal mandates; requirements for local juvenile crime, advisory committee groups, and I just noticed the Senator from Delaware has arrived. This provision is modeled after a provision he put in the law a number of years ago to require the local court system to get together to discuss civil case processing.

We believe, and I think Senator BIDEN agrees, that if we are going to give money to a local juvenile court system, we ought to at least ask that the judge, the prosecutor, the sheriff, and the police chief get together and discuss just how well their system is working and what they can do to make that system work better.

I appreciate the consistent leadership over the years that Senator BIDEN has provided. He is the ranking member of the Juvenile Justice Subcommittee, and his contributions were very valuable in putting together a bill that I believe eventually will be a historic step forward in juvenile justice. I believe that this is the most significant juvenile crime bill in over 20 years. Our juvenile justice system is broken. These are sound, thoughtful, practical and effective provisions that will help fix a broken system.

Mr. President, I urge my colleagues as time goes by to give the highest consideration to this legislation and urge their support of its passage.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent to be able to proceed for 20 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I will say at the outset I will cease if anyone comes to the floor. I am acting in a bit of a dual capacity here. I am comanaging the bill that is before us. We are waiting for some of our colleagues to come over with amendments. But in the meantime let me before the Senator from Alabama leaves the floor acknowledge and thank him for his acknowledgement of my efforts in this area and thank him for the knowledge he has brought to this body as a former prosecutor, an attorney general in his State, and as a former U.S. attorney running a Federal operation in his State as well, and for the vigor with which he has attacked the obvious problem. It is only of late that most people are acknowledging we should be focusing on juvenile crime. He in his capacity within his State both as a Federal official and a State official has been focused on it for some time. He and I have some outstanding disagreement on how to approach this, but we are substantially in agreement.

A LESSON FOR ALL OF US

Mr. BIDEN. Mr. President, with your permission, rather than immediately comment on the same subject matter, I ask, as we used to say in the Senate, a point of personal privilege. I would like to comment on a story that was published in my hometown newspaper that is the antithesis of problems relating to juvenile delinquency. It is a story about a family I am very close to.

I should say at the outset I am prejudiced in this regard. I have a very close relationship and high regard for the father and mother of this family, and three of the four children in this family have worked with me and are friends of my children. One of them is in this Chamber today at my request as an employee of one of our colleagues from Florida.

Mr. President, I want to tell this story because we rarely get a chance to share with our colleagues the kind of story I am about to share and, I might add, that in my almost 25 years in the Senate I have only done this on one other occasion, but I think it is just remarkable.

The story is about a family named Kimmel, the Kimmel family. Going way back, I didn't practice law with

but practiced law in adjoining suites to Mort Kimmel and knew his wife Marsha. We go back now about 30 years.

Mr. President, it is the kind of story which I rarely share but my reluctance to discuss this in a public forum was increased initially because the individuals involved were such close personal friends, Mort and Marsha Kimmel and their family. I have known Mort and Marsha, as I said, for 30 years and the children have worked with me on my campaigns and have been friends with my children as well. They are among the most giving and caring people I know.

A story appeared on the front page of our largest statewide newspaper entitled "Triumph of the Heart." I will ask at the appropriate time it be printed in the RECORD. It is a picture of my buddy, Mort Kimmel, and his wife and his four children. I will explain that in a minute. It is focused on a young man named Larry Spiller who is, in fact, the nephew of Mort and Marsha Kimmel.

It is really a story about Larry Spiller and his aunt and uncle and his cousins who welcomed Larry into their home and into their hearts after a severe family tragedy. I think it holds some lessons for what we all say we value but few of us practice. It is a story of selflessness, of sacrifice, and, most of all, of what being family, in my opinion, is all about.

On New Year's Eve, in 1987, the Spiller family got on an airplane—mother, father, and three children—to head to a ski trip in Vermont. Larry's father had a commercial pilot's license. He was instrument-rated but got caught while flying the family up to Vermont, after one stop and then taking off again, in a wind shear 90 feet before the runway as they were landing and the plane crashed. Larry's mother and father both died in the crash, and Larry's two brothers were mortally injured. This young man, Larry Spiller, was then 8 years old. He was the only survivor. And because he happened to have switched seats with his mom just before they attempted to land—he had been riding in the copilot seat, and his mom wanted to get up front to help his dad because of the weather—and he was seated in a seat where his back was to the pilot, I expect and most people think that is the reason why he survived.

Well, what happened was, on that awful day, there was a meeting shortly thereafter that took place in another family, and that is in the family of the brother-in-law, the family of the partner, because Larry's father and my friend, Mort Kimmel, were law partners. But Larry's father happened to have a mother who was the sister of my friend, Mort Kimmel. And so Mort and Marcia Kimmel and their three young children—Wayne, who is now 27, Michelle, who works here in Washington, who is now 24, and Karen, 18—held a family meeting and they made a very fateful decision. They made a decision to bring Larry into their home as another son, another sibling—no holds barred, absolute, total, equal.

Karen, who is now 18 years old, on her own volition gave up her bedroom for her cousin. That was her idea. And many other personal, what appeared to be sacrifices were made through the selfless acts of the three children and the mother and father. It is the kind of selfless family decision that is so often talked about, that we see in the movies and we see glorified, but so seldom do we know of it occurring. Because we all have a tendency to rationalize when that kind of thing happens, even though it is your sister's child who survived. I can picture thousands of good people rationalizing, "Well, wait, we only have so much. If we bring in Larry, then what about our three children? And maybe it is best for * * *" and so on and so forth. As the Presiding Officer knows, the ability of the human mind to rationalize is mind-boggling. But they made no rationalization. They, in a genuine family decision involving all three of their children, decided that there was only one course of action.

There were adjustments and sacrifices for everyone involved. But for the Kimmels, that is all part of being a family. You hear a lot of talk these days about family values, but the Kimmels and Larry Spiller, that young 9-year-old boy at the time, have lived out what in reality is an old-fashioned notion, that families are there for one another.

We have an expression in my family. After my wife and daughter were killed, I came home from the hospital, my two sons were in the hospital, and my sister had already moved into my house. She didn't ask anything—my younger sister and her husband. We have an expression in our family: If you have to ask, it's too late. Well, they didn't have to ask; they just decided and they acted.

Whether it involves taking in an orphaned child or bringing in an elderly parent or grandparent in your home, providing a sibling or an aunt or an uncle a place to get back on their feet on solid ground after a period of rough going or ill health, these sacrifices are all examples of what we mean by family. Make no mistake about it: These decisions are not easy. But family values, real, practice-what-you-preach family values, don't always make it easy for us to make decisions. And they are not always convenient.

Family is, rather, about commitment. And the Kimmel family is a living testament to that commitment.

Let me tell you what the article was about. I will not go on much longer. The article is focused on how this young man, Larry Spiller, who is now graduating from one of the finest high schools in Delaware, about how well he has done in this family. He has excelled both academically and athletically. This young man made all State in both baseball and basketball, did incredibly well in school, and will be attending Cornell University. Like so many other great schools, it is very difficult to get into, and his family has every right to be proud of this young man.

It would have been easy for a 9-year-old child, I can tell you from experience, having been tragically robbed, in this case of his entire immediate family, to let that tragedy define his life. No one would have begrudged him that. That happens to a lot of people whose lives have been scarred by tragedy. And it would have been equally understandable had Mort and Marcia Kimmel and their children allowed Larry to slip into that kind of thinking or allowed Larry to slip through their fingers and allowed the tragedy to be the focal point of their lives. But that did not happen. They all grieved, of course, and still do. But they have been able to move on, to live their lives as a dynamic family, each of them involved in school and sports and civic activities. They proved that while bad things do happen to good people, good things happen, too, especially when you make up your mind not to let the bad experiences define and dominate your life.

Last summer, young Larry turned 18 and received the bulk of his parents' estate. It was a substantial sum of money for a young man just beginning to make his way in the world. It could make Larry's life a lot easier in the coming years. But, instead, Larry Spiller and the Kimmels have used the money to establish the Kimmel-Spiller Charitable Foundation to help sick children and those facing injuries and disabilities.

In the newspaper interview that I will submit for the RECORD, he, young Larry, who was graduating, as I said, was asked what he had to say about this. He said, "There is really no need for me to have all that. I want to work for my own money as a lawyer, which I will probably do, and my parents"—he refers to Mort and Marcia as his parents—"will support me through college. It could help other people."

How many young kids, with that kind of a capability, that kind of money, would say, "You know, there is really no need for me to have it; I'll work for my own money; I'll be able to do it"?

Larry goes on to say in that article, "I'm lucky to be here. I'm lucky I could just move into another family and be so stable. I was always happy to have a second chance."

Larry Spiller and Wayne and Michelle and Karen Kimmel, the other children, and their parents, Mort and Marcia Kimmel, are a very special family, and in their story lie some valuable lessons for all of us. It is not easy to be

a family. The decisions aren't always painless decisions. Sacrifice almost always goes with love. But when love is there, anything can be overcome.

Mr. President, I ask unanimous consent that an article from the Wilmington News Journal about Larry Spiller and his family be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the News Journal, June 11, 1997]

TRIUMPH OF THE HEART

ORPHANED AT 9 AND TAKEN IN BY HIS UNCLE AND FAMILY, LARRY SPILLER IS A STORY OF ACADEMIC, ATHLETIC AND PERSONAL SUCCESS

(By Kevin Tresolini)

Your heart wants to ache for Larry Spiller, but he will not let it.

He is a young man who could have withdrawn, cursing the fates—and the wind shear—that orphaned him almost 10 years ago.

Instead, he radiates happiness.

"I consider myself lucky," Spiller said. "It's not as if nothing has happened, but I'm very comfortable with who I am."

Now 18, he is poised to move into the next phase of life with his graduation tonight from Tower Hill School. He has excelled academically—earning admission to Cornell University beginning this fall—as well as athletically, making All-State in basketball and baseball.

Spiller almost didn't live to see this day.

He was 9 years old, traveling with his parents and two brothers on Dec. 31, 1987, when the six-seat Piper Lance airplane carrying the family crashed 10 feet short of the runway at Burlington (Vt.) International Airport.

Spiller's father, Paul, a 39-year-old Wilmington attorney who was piloting the plane he co-owned, and mother, Judith, 35, were killed instantly. His brothers, Harvey, 14, and David, 5, suffered severe spine and head injuries and died within two weeks.

A National Transportation Safety Board investigation concluded that wind shear—a sudden, violent, vertical burst of wind—brought the plane down.

Spiller, who suffered a broken leg and concussion, survived. And he has become an inspiration to others around him.

"What he's done is unbelievable," said David Glazier, a Brandywine High School senior who is a close friend. "He's the opposite of what you think might happen. I've never seen him upset."

"He is an absolutely outstanding individual," said Steve Hyde, his baseball coach at Tower Hill, "in every sense of the word."

THE PLANE CRASH THAT CHANGED HIS LIFE

Paul Spiller was an experienced pilot with a commercial pilot's license, a flight instructor's certificate and 734 hours of flying time when the Piper Lance left Greater Wilmington Airport at 1:30 p.m. bound for Rutland, Vt.

The Spillers were going to meet friends for a quick vacation at the Killington ski resort.

According to federal transportation officials, the plane landed in Binghamton, N.Y., at 2:47 p.m. to wait out bad weather. At 4:01, the plane left Binghamton.

About an hour later, the Spillers' plane was cleared for approach to Rutland. But the plane began to accumulate ice, and Paul Spiller asked to be diverted to clearer weather. He was informed that Burlington, the picturesque college town straddling Lake Champlain 67 miles to the north, had radar contact and 15 miles visibility. He headed there.

At 5:20 p.m., when he couldn't maintain 5,500 feet altitude because of ice, Spiller declared an emergency. He was given permission to descend to 2,000 feet, where ice began coming off the windshield. Then it iced up again, and the Burlington control tower turned the runway lights up.

"I was in the front seat with my dad when he called an emergency," Larry Spiller remembered. "My mom said, 'Switch seats with me. I want to be up front to help your father.'"

Larry moved to the second row of seats, which pointed backward. His brothers were facing him. Behind them was the luggage compartment.

At 5:40 p.m., the pilot radioed again. "The runway is clear now. I can see it clearly. Thank you."

All seemed fine. One minute later, Paul Spiller radioed again and was cut off midword.

"I just experienced what I think to be wind sh—"

The plane plummeted 200 feet to the ground and slid another 100 feet. It briefly caught fire, but emergency workers—stationed nearby because of the emergency call—quickly extinguished the flames.

Workers found Larry, conscious, with the luggage. They took him and his unconscious brothers to the Medical Center Hospital of Vermont.

Spiller could not recall the crash when he woke up in the hospital and saw his mother's brother, Morton Kimmel.

"When I told him, [about the accident] he didn't believe it," Kimmel said. "I said, 'It's true.'"

Larry visited his brothers, who never regained consciousness.

"I think about [my family] pretty much every day, even if it's just for a second," Larry said. "They're * * *."

SPILLER GETS A NEW FAMILY

With the crash, Morton Kimmel lost his sister, two nephews and a brother-in-law who was his law partner.

But he gained a son, when he took Spiller into his family.

Kimmel and wife, Marcia, eventually became Spiller's legal guardian. His cousins—Wayne, now 27, Michell, 24, and Karen, also 18—became his new siblings.

"They took me in and I was just part of their family," Spiller said. "Ever since then, I've been calling them my parents and my brothers and sister.

"It's really a very normal life. I didn't change schools. I didn't change sports.

"My first father coached me in every sport. My present father now coaches everything, too. Few things changed except the people I was living with."

Larry's grandparents, Benjamin and Bebe Spiller, now living in Pompano Beach, Fla., lost their son, daughter-in-law and two grandsons. Larry gave them a lifeline, Benjamin Spiller said.

"We survived because of him."

'CAN I CALL YOU MOM?'

On his first night with his new family, 9-year-old Larry Spiller, a boy with his whole life ahead of him but the lives of his immediate family members behind him, tentatively asked his aunt, Marcia, "Can I call you mom?"

Feeling it was too soon, and not wanting Larry to forget his real parents, she responded, "Let's just wait."

The following New Year's Eve, one year to the day after the crash, he asked again.

"I was tucking him into bed," she said, "and he said, 'It's been a year', and asked again. We have family meetings every week. I said, 'This would be a big change,' but I knew it would be all right. We talked about it at our next family meeting and said, 'We'd love to do this.'"

Stripped of the security of his immediate family, Larry had every reason to feel alone. He never did.

"Our families were so close," said Spiller, who was a Tower Hill third-grader at the time of the crash. "We were together all the time anyway before the crash. I never felt alone at all, there were so many people around me."

One of the most important was Karen, a cousin eight months younger than Larry.

"Everybody was walking on eggshells," Mort Kimmel said of Larry's first fragile days with his "new" family. "Except Karen. Karen gave him her room. Karen brought him back into reality."

At Tower Hill, classmates marveled at Spiller's strength.

"I remember when he came back to school," said longtime pal Chip Goodman. "His leg was in a cast and part of his head was shaved. But that was all there was to tell you what had happened."

As Spiller developed into an athlete, his new family cheered him on. He would up scoring more than 1,100 points as a Tower Hill basketball player, the third-highest total in school history.

A pitcher and infielder in baseball, he batted .375 as a junior and .351 this spring, securing All-State recognition both years. He'll play in Saturday's annual Blue-Gold Senior All-Star Game, and made the Delaware South roster for this month's Phillies-sponsored Carpenter Cup tri-state tournament at Veterans Stadium. This summer, he's again playing for the defending state champion R.C. du Pont American Legion baseball team.

GIVING AWAY HIS INHERITANCE

On Aug. 5 last summer, Larry's 18th birthday, his biological parents' financial holdings and life insurance benefits, which had been held in trust, became Spiller's. The amount, he said, "is substantial."

He's giving it away. Along with his present parents, Larry has set up the Kimmel Spiller Charitable Foundation. The first grant will likely be worth $30,000 Mort Kimmel said.

"It's a fund for sick kids or people injured or with disabilities," Spiller said. "There's really no need for me to have it. I want to work for my own money as a lawyer, which I'll probably do, and my parents will support me through college. It could help other people.

"I definitely consider myself lucky," Spiller said again. "Just switching seats with my mom. If I hadn't done that, there's no way I would have had a chance to survive.

"I'm lucky to be here. I'm lucky I could just move into another family and be so stable. I was always happy to have a second chance."

Mr. BIDEN. Mr. President, let me conclude by saying that I know there are thousands of other families who made the same kind of sacrifices. When we talk about family values, this is what I mean by family values, family values that reflect a common consensus about sacrifice to make things better for everyone else in the family.

Mr. President, I am proud to know the entire Kimmel family, and I am

proud that one of the young children in that family—not quite so young anymore, she is still very young by our standards—is down here making her contribution to her Nation by working on the staff of one of our colleagues from Florida.

Mr. President, with the Chair's permission, I would like to move onto a different subject, the subject spoken to by my friend from Alabama. If my friend, Senator DURBIN, is ready to move on his, I will withhold that until the next lull we have and respond to my friend from Alabama on the issue he raised regarding youth violence.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. DURBIN. Mr. President, it is my understanding we are considering the foreign affairs bill. I have several amendments to offer in reference to that legislation.

The PRESIDING OFFICER. The Senator is correct. The Senate is on S. 903.

AMENDMENT NO. 377

(Purpose: To express the sense of Congress regarding United States citizens imprisoned in Peru)

Mr. DURBIN. Mr. President, I offer an amendment for consideration by the Senate which I have discussed with Senator BIDEN's staff as well as Senator HELMS' staff.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 377:

The amendment is as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly):

SEC. . SENSE OF CONGRESS REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

(a) FINDINGS.—Congress finds the following:

(1) The Government of Peru has made substantial progress in the effort to restrict the flow of illicit drugs from Peru to the United States.

(2) The Government of Peru has cooperated greatly with the United States Government to stop individuals and organizations seeking to transport illicit drugs from Peru to the United States and to jail such drug exporters.

(3) Any individual engaging in such exporting of illicit drugs and convicted in a court of law should face stiff penalties.

(4) Any such individual should also have a right to timely legal procedures.

(5) Two United States citizens, Jennifer Davis and Krista Barnes, were arrested in Peru on September 25, 1996, for attempting to transport illicit drugs from Peru to the United States.

(6) Ms. Davis and Ms. Barnes have admitted their guilt upon arrest and to an investigative judge.

(7) Ms. Davis and Ms. Barnes have volunteered to cooperate fully with Peruvian judicial authorities in naming individuals responsible for drug trafficking and several have been arrested.

(8) More than 7 months after their arrest, Ms. Davis and Ms. Barnes have not been formally changed with a crime.

(9) Peruvian domestic law mandates that formal charges be brought within 4 to 6 months after arrest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government of Peru should respect the rights of prisoners to timely legal procedures, including the rights of all United States citizens held in prisons in Peru.

Mr. DURBIN. Mr. President, this is a sense-of-the-Senate resolution involving a very sad situation. This amendment expresses the sense-of-the-Senate that the Government of Peru should respect the rights of prisoners to timely legal procedures, including the rights of all United States citizens currently being held in prison in Peru.

This amendment was included in the State Department authorization bill that has been enacted by the House of Representatives. It was offered in that Chamber by my colleague from Illinois, Congressman TOM EWING. It was accepted as part of the chairman's en bloc amendment.

The purpose of this amendment is to encourage the Government of Peru to bring to trial two young Americans who have been held in prison in Peru for more than 7 months without being formally charged or brought to trial. These two young Americans have received a lot of publicity in the United States. One from the State of Illinois, Jennifer Davis, and another, Krista Barnes of California, have admitted their guilt to a serious crime. They were arrested in Peru when they were 19- and 20-year-olds, respectively, after being recruited by drug smugglers in attempting to carry powdered cocaine out of Peru.

These two teenagers made a tragic mistake. They are prepared to accept the legal penalties for their actions. And it will be a harsh penalty. They and their parents are only asking that they be brought to trial by Peruvian authorities and convicted so that they can be extradited to the United States to serve their sentences.

The physical conditions under which Jennifer and Krista are being held are in violation of the basic spirit and letter of international human rights agreements, to which Peru is a signatory. I have spoken to their parents. The prison where they are being held is extremely overcrowded. Basic health care is not provided. Nourishment is inadequate. There is sexual and other violence taking place. The shared bathroom facilities have no running water and are extremely filthy, and disease is rampant.

The amendment specifically states that any individual engaged in the export of illicit drugs and convicted in a court of law should face stiff penalties. But the amendment also states that individuals engaging in the export of illicit drugs should have the right to a timely trial.

I know this is an important matter to many families in Illinois who are friends of Jennifer Davis. They understand the serious mistake she has made. They understand that she will pay a price for it that she will never, ever forget. All they are asking for is humane treatment, that she be brought to trial and, if convicted, we can then apply for extradition to the United States.

What we are asking of Peru is nothing new. The government of that country has already signed international agreements saying that they will treat all prisoners in a humane way, and that they will bring prisoners to trial. So I hope my colleagues in the Senate will join me in the approval of this sense-of-the-Senate resolution as an amendment to the Foreign Affairs bill which is presently under consideration.

At this point, I yield the floor.

Mr. BIDEN. Mr. President, does the Senator have a second amendment?

Mr. DURBIN. I have another amendment, and Senator GORTON of Washington has a companion. If we can deal with the Peruvian amendment first, and hope he comes to the floor momentarily?

Mr. BIDEN. With the permission of the chairman, I think we can deal with this. There is no real objection to what the Senator is suggesting. It makes sense.

There is another one of our colleagues who wishes to deal with a similar circumstance in Peru. Maybe the Senator could withhold seeking action on this and see if we can accommodate this all in one amendment, and possibly move to a second amendment.

Mr. DURBIN. I am learning in the Senate that accommodation is a good idea if your amendment is well received. I sense the amendment is well received.

Mr. BIDEN. Mr. President, I say to my friend, that is the case. The question is whether or not we can accommodate another one of our colleagues as well. It is always better than to have a rollcall vote.

If the Senator will seek to lay aside this amendment temporarily and possibly proceed to his next amendment, maybe we can accommodate both at the same time.

Mr. DURBIN. Yes. I would be happy to.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, the amendment is set aside.

AMENDMENT NO. 378

(Purpose: To designate additional countries as eligible for NATO enlargement assistance)

Mr. DURBIN. Madam President, I have a second amendment that I would like to present for consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. GORTON, proposes an amendment numbered 378.

Mr. DURBIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) DESIGNATION OF ADDITIONAL COUNTRIES.—Effective 180 days after the date of the enactment of this Act, Lithuania, Latvia, Estonia, and Romania are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of the NATO Participation Act of 1994.

(b) RULE OF CONSTRUCTION.—The designation of countries pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(2) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

Mr. DURBIN. Madam President, I hope in designating this amendment, it will designate as my cosponsor Senator GORTON of Washington. He and I are cosponsoring similar amendments, and I think he will be on the floor momentarily to discuss his amendment, but I would like to discuss this amendment directly.

This amendment designates Lithuania, Latvia, Estonia, and Romania as eligible to receive assistance to prepare for future NATO membership.

This amendment does not require that any nation be invited to join NATO. It simply makes Lithuania, Latvia, Estonia, and Romania eligible to receive assistance to prepare for NATO membership in the future. A similar amendment was in the House-passed version of the State Department authorization bill.

I say to my colleagues, this last February, I visited Lithuania, the homeland of my mother, for my fourth visit. I found, much to my amazement, that no matter where I traveled in this small country, no matter what official I sat down to meet with, people had on their mind one thing and one thing only: NATO membership.

The Baltic States, particularly Lithuania and Latvia, believe that NATO membership is crucial to their survival. They are surrounded, in many instances, by questionable circumstances, Russian troops and a lot of question marks that leave them uncertain about their future.

I said to them at that point that when I returned to the Senate, I would do everything in my power to inform and educate my colleagues about this deep, heartfelt feeling in the Baltics, that their membership in NATO is where they want to be in this next century, looking to the West, looking to democracy, being part of our security alliance which was so crucial for half a century in Western Europe.

This amendment is consistent with current laws and programs to assist the new democracies of Central and Eastern Europe to prepare for future NATO membership. It includes, obviously, the Baltics States and Romania. The NATO Participation Act of 1994 authorized the President to establish a program to assist emerging democracies in Central and Eastern Europe to prepare for future NATO membership. The NATO Enlargement Facilitation Act of 1996 designated Poland, Hungary, the Czech Republic, and Slovenia to receive assistance to prepare for future NATO membership, and the act directed the President to designate additional democracies in Central and Eastern Europe if they met certain criteria.

It is clearly in the interest of the United States to support democracy, free-market reform and security in the Baltics and Romania. There is no better way to do this than to help them prepare for NATO membership. Lithuania, Latvia, Estonia, and Romania are doing everything asked of them—and more—to prepare for future NATO membership. They should be designated as eligible to receive assistance under the NATO Enlargement Facilitation Act of 1996.

Examples of how the Baltics and Romania are meeting the criteria established by this act for assistance to prepare for NATO membership:

They have made courageous choices and painful sacrifices to reestablish their freedom and rebuild their democracies and free-market economies. It is hard to imagine, the Baltic States and other Eastern European countries, once members of the Warsaw Pact, which were subjugated to Soviet rule for 50 years, this blanket of Soviet hegemony virtually snuffed out the initiative, creativity and energy of these great nations, but they survived. And not just survived, they came out of it determined to rebuild, rebuild with a face to the West.

All of these nations have applied for NATO membership.

They have made significant progress toward establishing civilian control of their militaries, police and intelligence services.

They are adhering to the rule of law.

They are respecting the values and interests shared by other NATO members.

They are accepting the obligations, responsibilities and costs of NATO membership.

Their parliaments are making financial commitments, many times at great sacrifice, to prepare for NATO membership, significantly increasing their support for national defense and Partnership for Peace activities.

My vision, and I hope one shared by my colleagues, is that an enlarged NATO will put Europe in a position to deal with its own problems in a better fashion. We are now deeply committed in Bosnia, as we should be, to bring peace to that region. But if there were a strong NATO encompassing so many more countries in Europe, I think we can envision a day when that sort of a dispute and that sort of a problem will be dealt with primarily, if not exclusively, by NATO members in European States.

This suggestion of enlarging NATO eligibility is a step on a path that could lead us to that favorable conclusion.

These countries have demonstrated they are fully committed to sharing the responsibilities of NATO membership.

They are building their defense forces in accordance with NATO planning standards.

They are improving their communication and information systems, command and control, and English training.

They are active participants in the Partnership for Peace Program.

They have participated in joint exercises, training programs, and peacekeeping operations led by NATO and the United States.

It was, I guess, incredible to me to consider that a tiny country like Lithuania would send a small group to IFOR in Bosnia to participate in peacekeeping. Tragically, one of the Lithuanian soldiers was one of the early casualties because of the detonation of a mine. The Lithuanian Parliament might, at that point, have had a vigorous debate and decided they made a mistake, that they were not ready to get involved. They decided just the opposite. Even having lost a Lithuanian soldier in a joint effort with the United States and other NATO countries to bring peace to Bosnia, the Lithuanian Parliament voted overwhelmingly to commit even more troops in their peacekeeping effort to demonstrate to Europe, to the world, and all the NATO members they are serious about making this kind of a participation a reality.

I learned last week from the Prime Minister of Latvia that the same type of commitment was made. They have participated in NATO's peacekeeping mission. They have increased their troop commitments, and it is clear that they are sincere. They are strategically significant to an effective NATO defense, and they are likely to be in a position to further the membership of NATO and contribute to the security of the North Atlantic area in the near future.

I have nothing further on this amendment. I defer to the chairman or minority spokesman as to whether they would like to consider the amendment at this point or wait for Senator GORTON to come to the floor with his companion amendment.

Mr. HELMS. Madam President, I suggest we await the arrival of Senator GORTON so we can see the whole picture at one time, if that suits the Senator.

Mr. DURBIN. That is fine.

Mr. BIDEN. Madam President, I agree, but if he will yield for me to make a comment, if I may, to my friend. The Senator has made the case for the Baltics and for Romania. As to the Baltics, it seems to me, the case is obvious. With regard to Romania, that important country has made significant strides in the last 6 months.

I want to make clear so that we all know, what we are talking about is the NATO Enlargement Facilitation Act, which was passed in 1996. Basically, what the act does, Madam President, as you well know, is that it says there are newly independent states, which formerly were satellite states of the Soviet Union, who are seeking membership or may seek membership in NATO. It is kind of a two-stage process. We did the same thing for Hungary, we did the same thing for Poland, we did the same thing for the Czech Republic, and last year we added Slovenia. We basically said, look, we, the Congress and the President, will come up with some money to help you begin to organize yourself to meet the criteria for admission into NATO. This is not a club that you join because you like it, or join because you simply want to join. This is a deal where everybody has to carry their own weight proportionately within the club, and we are not going to admit anybody who cannot do that. But it requires some expenditure of money on the part of these countries to essentially do the political, economic, and military inventory they need to be able to determine whether or not they can meet the criteria. This is what it is. This is prep money to get them up and running to make their case.

So, we are going to be doing here for the Baltics—and I share my friend's view—and for Romania, what we did for Slovenia, for Hungary, for the Czech Republic, and for Poland.

I respectfully suggest, now that our friend from Washington is on the floor as well, that there be consideration of amending their amendment to add Bulgaria. Let me explain why.

I stated earlier on this floor that I was pleased that the Clinton administration decided to support the first three countries mentioned in the first round. In our meetings we had an opportunity to make our case to the President as to who we thought should be invited to final accession negotiations at Madrid next month. I was disappointed, quite frankly, that the administration decided not to push Slovenia in the first round. After discussion with the President and his advisers, however, I am absolutely confident that Slovenia will make it in the second round, and I am confident that Romania will too.

For everybody to understand, we are not just talking about a one-time event. NATO enlargement is an evolving process. Every European democracy, theoretically, is eligible. Probably the Baltics elicit more support than any other area of Europe, for the reasons stated by my friend.

With that in mind, the Senator's amendment designates Lithuania, Latvia, Estonia, and Romania to join Poland, the Czech Republic, Hungary, and Slovenia to be eligible for receiving assistance to prep them for future membership in NATO. They have established democracies, made courageous reforms to create free-market economies, are putting their armies under civilian control, and deserve our support.

Another Eastern European country that deserves inclusion in this amendment to let them get prepped and make their case is Bulgaria. After having gotten off to a very slow start toward democracy after the Wall came down, it has now voted the post-Communists out of office. The new Bulgarian administration has begun free-market economic reforms, and recently the Bulgarian Parliament went on record as naming NATO membership as its primary foreign policy goal.

Madam President, over the centuries, Bulgaria has been the most pro-Russian country in Europe. So these changes are truly noteworthy. Bulgaria is not as far along the path to NATO membership as the other four countries named in Senator DURBIN's amendment, but they have made a definitive break with the past, and the democrats in Sofia, I think, deserve our support and encouragement to move further.

I will not push my second-degree amendment now. Before we vote on this, however, or before the chairman makes a decision, I would like them seriously to consider, while the Senator from Washington is making his case, whether or not we should include Bulgaria.

As the Senator found in traveling to the Baltics, what I found, whether I was in the Balkans or whether I was in Central or Eastern Europe, that the prospect of becoming a member of NATO has a significant positive impact on whether they establish a market economy, whether they move away from the Communist-controlled apparatchiks who are left over, and whether or not they embrace a foreign policy that looks to the West rather than to the East.

So I would ask for his consideration.

Mr. DURBIN. Would the Senator yield?

Mr. BIDEN. Yes.

Mr. DURBIN. There was a Senator from Illinois many years ago named Everett Dirksen who said on another totally unrelated issue that "There is nothing more pregnant than an idea whose time has come." The idea of NATO expansion, the idea of involving former Soviet clients, allies and republics into a new peace-seeking alliance is an idea whose time has come.

I would certainly defer to the Senator's request and be happy to add an amendment in the second degree and hold my amendment at the desk until we accomplish that. The inclusion of Bulgaria would be a very positive addition.

Mr. BIDEN. I thank the Senator from Illinois.

I will check with my chairman to see if he agrees with that.

In the meantime, I see our friend from the State of Washington is here, so I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. What is the question before the Senate?

The PRESIDING OFFICER. Before the Senate is the Durbin amendment No. 378.

AMENDMENT NO. 379

(Purpose: To express the sense of Congress that Estonia, Latvia, and Lithuania should be integrated into the North Atlantic Treaty Organization)

Mr. GORTON. Madam President, with the indulgence of the Senator from Illinois and the two managers of the bill, I should like to ask unanimous consent to set that amendment aside and send up another amendment sponsored jointly by the Senator from Illinois and myself, simply in order to broaden the discussion of this present subject as it is on the present subject with the hope of eventually following the suggestion of the Senator from Delaware and perhaps consolidating this set of ideas into a single amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. With that, Madam President, I ask unanimous consent that the present amendment be set aside and that the amendment I send to the desk be immediately considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. DURBIN, and Mr. D'AMATO, proposes an amendment numbered 379.

Mr. GORTON. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title XVI, insert following:

SEC. . ADMISSION OF ESTONIA, LATVIA, AND LITHUANIA INTO NATO.

(a) FINDINGS.—Congress makes the following findings:

(1) The Baltic countries of Estonia, Latvia, and Lithuania are undergoing a historic process of democratic and free market transformation after emerging from decades of brutal Soviet occupation.

(2) Each of the Baltic countries has conducted peaceful transfers of political power since 1991.

(3) The governments of the Baltic countries have been exemplary in their respect for human rights and civil liberties and have made great strides toward establishing the rule of law.

(4) The governments of the Baltic countries have made consistent progress toward establishing civilian control of their military forces and, through active participation in the Partnership for Peace and the peace support operations of the North Atlantic Treaty Organization (in this resolution referred to as "NATO"), have clearly demonstrated their ability and willingness to operate with the forces of NATO nations and under NATO standards.

(5) Each of the Baltic countries has made progress toward implementing a free market system which has and will continue to foster the economic advancement of the people of the Baltic region.

(6) The Baltic region has often been a battleground for the competing territorial designs of nearby imperial powers which, along with other factors, has contributed to a history of insecurity and instability in the region.

(7) NATO has been a force for stability, freedom, and peace in Europe since 1949.

(8) NATO has indicated it will begin to invite new members in 1997.

(9) Estonia, Latvia, and Lithuania, exercising their inherent right as participating states in the Organization for Security and Cooperation in Europe, have voluntarily applied for membership in NATO.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Estonia, Latvia, and Lithuania are to be commended for their progress toward political and economic liberty and meeting the guidelines for prospective NATO members set out in chapter 5 of the September 1995 Study on NATO Enlargement;

(2) Estonia, Latvia, and Lithuania would make an outstanding contribution to NATO if they become members;

(3) eventual extension of full NATO membership to Estonia, Latvia, and Lithuania would make a singular and lasting contribution toward stability, freedom, and peace in the Baltic region.

(4) upon satisfying the criteria for NATO membership, Estonia, Latvia, and Lithuania should be invited to become full members of NATO at the earliest possible date; and

(5) Estonia, Latvia, and Lithuania should be invited to attend the NATO summit in Madrid on July 8 and 9, 1997.

Mr. GORTON. Madam President, the thrust of this amendment is to encourage the inclusion of the three Baltic Republics, Estonia, Latvia, and Lithuania, in the North Atlantic Treaty Organization at the earliest practicable date. It is similar to the proposal already made by the Senator from Illinois, which is directed more at the time of preparation; this one, with that ultimate goal.

I think that, in the most profound sense, this is not a highly controversial matter. The President has stated that the goal of the United States in the present round is to admit three highly qualified nations, the Czech Republic, Poland, and Hungary, to NATO. I want simply to say at this point that I enthusiastically support that policy on the part of the President and will certainly vote to ratify any treaty to that effect.

I share some of the disappointment of the Senator from Delaware, with whom I previously discussed this subject in private, that the first round is not more expansive than it seems likely to be. I tend to fall on the side of those European allies of ours who would admit Slovenia at the very least and perhaps Romania as well. Nevertheless, any step forward in bringing thoroughly into the fold of the North Atlantic Treaty Organization and therefore into first class membership in the basically Western European and North Atlantic community is a consummation that is devoutly to be sought by all of us.

My particular amendment, and that of the Senator from Illinois, is focused on three nations collectively, not as large in population as the smallest of the three nations that are about to be admitted to NATO.

The three Baltic nations have a unique role in European history, in some respects a uniquely tragic role in that each of them in modern times stood as an independent nation only for roughly 20 years. Between the end of World War II, 1939, 1940, they lost their independence until each of them regained that independence in the early 1990's.

They are unique as well, madam President, in the sense that it is greatly to the credit of the United States of America that this Nation almost alone of all of the nations of the world never formally recognized the incorporation of Estonia, Latvia, and Lithuania into the Soviet Union. For the better part of half a century, there were tiny embassies here in Washington, DC, representing what seemed, I suspect, to most the vain hope that at some distant future day those nations would once again meet their own aspirations and become independent.

I always agreed with this policy. It was policy that was followed by President Franklin Roosevelt, by President Truman, by President Eisenhower, by President Kennedy, by President Johnson, by President Nixon, by President Ford, by President Carter, by President Reagan, into the administration of President Bush, at which point that independence and freedom became a reality.

I had the great honor, Madam President, a number of years ago of having been invited to address the Congress of Estonia, the first, and illegal under Soviet law, calling together a group of people in Estonia to begin that process of independence. It is a mark of the opposition in the then Soviet Union to that independence that I was not granted a visa and was unable to make that speech in Tallinn. I made the speech, however, from the floor of this United States Senate, Madam President, and sent the videotape to Estonia. As I was told afterward, it made a greater splash, greater showing than if I had actually been able to be there in person.

So I have this particularly close feeling for the people of Estonia and for its independence. It was several years later that I was first able to visit that country. But I know what each of these other Senators on the floor knows, that the people of those tiny nations regard themselves as integral parts of our Western European North Atlantic civilization.

Their foreign policy can be summed up in a desire to join the North Atlantic Treaty Organization. Yes, a major part of this is a feeling that their physical security will be enhanced by being a part of NATO. And, yes, in some sense it will be. But I believe more than that, the psychological value felt by the people of those nations, freed after almost half a century of being occupied, frozen in place by a Soviet dictatorship, is equal to whatever the formal security arrangements will be.

I believe that nothing could be more in the tradition of the United States of America, that from 1940 until early in the 1990's never recognized that these nations had lost their independence, than to invite these three small nations as quickly as possible to be a part of the North Atlantic Treaty Organization.

Obviously, they are not on this list for the first round. If in fact a second round is limited to, say, Slovenia and Romania, they will not be a part of the second round either. I do believe, however, Madam President, that it is important for us here in the U.S. Senate to recognize that these aspirations take place because of the tremendous admiration the people of those countries have for the United States and for all we have stood for during their long decades of darkness.

So I hope, and I hope fervently, that in the course of the next 24 hours the group of Senators here on the floor can

reach an accommodation pursuant to which that aspiration on the part of the people of these three small nations will be recognized in this bill by the time that we have passed this bill. The House of Representatives has already done so in slightly different language than my amendment or the amendment from the Senator from Illinois.

One of my suggestions might be that we try to create parallel language so that each of the Houses of Congress has passed exactly the same thought.

I am, however, quite flexible on how we go about granting this degree of recognition and support. But I do think that for the future of democracy, for the future of small countries who so long aspired to be free, and now with our help are free, that this recognition should be granted.

Mr. DURBIN. Will the Senator yield?

Mr. GORTON. Yes.

Mr. DURBIN. I am a cosponsor of the Senator's amendment. I spoke to this issue before his arrival on the floor, and I will not belabor the point. I will say, for colleagues who are wondering what role the smaller states play, Senator GORTON and I coauthored two amendments. My amendment asks that the Baltic States and Romania be considered in terms of funds for preparation to be part of NATO. The amendment then, coauthored by the Senator and myself and presently pending before the Senate, says—and I think this is important—"upon satisfying the criteria for NATO membership, Estonia, Latvia, and Lithuania should be invited to become full members . . ." So it is a two-step process.

I think both amendments are consistent, coauthored by the same two Senators, because we believe that given the funds, given the opportunity, the Baltic States, Romania, and perhaps Bulgaria added by amendment, could certainly then apply as eligible for membership.

I join with my colleague from Washington in saying that at this moment I hope the United States will lead the way in saying that the Baltic States, subjugated to Soviet tyranny for half a century, would have that moment they are praying for, full membership in NATO.

I thank the Senator for yielding and including me in this important amendment.

Mr. GORTON. I thank my friend from Illinois. He has put this case extremely eloquently both in private and in public. I am delighted to be joined with him.

I hope that the two managers of this bill will be in some form able to accommodate the thought that I believe is very widely held in this body and throughout the United States.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. I understand there are amendments pending. I ask unanimous consent the pending amendments be laid aside so it will be in order for me to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 380

(Purpose: To delete section 1145, which limits the remedial authority of the Foreign Service Grievance Board)

Mr. SARBANES. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 380.

The amendment is as follows:

On page 96, delete lines 1 through 12.

Mr. SARBANES. Madam President, this amendment would delete section 1145 in the bill, the section which purports to clarify the remedial authority of the Foreign Service Grievance Board, but which in effect limits the remedial authority of the Foreign Service Grievance Board. I am frank to say I hope we will not do that.

The section in question would expressly limit the remedial authority of the Foreign Service Grievance Board to those actions specified in section 1107(b) of the Foreign Service Act.

Now, as I understand the Department's thinking in this matter, they believe it is necessary to prevent the Board from relying on other statutes as authority for directing remedies that are not contained within section 1107(b) of the act. Those would include the award of liquidated damages in cases that fall under the Fair Labor Standards Act, and compensatory damages in discrimination cases.

Section 1101(a) of the Foreign Service Act provides the Grievance Board with jurisdiction in cases alleging the violation, misinterpretation, or misapplication of applicable law. Thus Congress has given the Foreign Service Grievance Board the authority to decide grievances under other laws, including the Fair Labor Standards Act and the equal employment opportunity laws.

It would seem to me that if we have given them the authority to decide grievances under these other laws, that it was our intention that the Board would have the authority to provide the remedies available under those laws. And those remedies, in particular, are the liquidated damages available under the Fair Labor Standards Act and the compensatory damages under the EEO laws.

In other words, the Grievance Board ought to retain the authority to provide remedies under the laws over which it has jurisdiction.

Of course, first a grievant must be successful in pressing a claim. The question is, having won the grievance, what remedies are available?

Now, the Foreign Service Grievance Board's own regulations provide broad remedial authority. If the Board finds that a grievance is meritorious, the Board is authorized to "take any corrective action" it deems appropriate that is not contrary to law or the applicable collective bargaining agreement.

Furthermore, the act requires the Foreign Service Grievance Board to apply the substantive law that would be applied by the Equal Employment Opportunity Commission for all grievances alleging a violation of the equal employment opportunity laws.

If the Grievance Board is directed to apply the substantive law that would be applied by the EEOC, I see no reason in the world why it would not be able to apply the remedy that would be available to an EEO action. In other words, I am just trying to ensure that the Grievance Board is able to provide appropriate remedies.

These remedies, liquidated damages and compensatory damages, are available under the Fair Labor Standards Act and the EEO laws, and those laws have no exemption in them for the Department of State or other foreign affairs agencies. Nor do they provide any rationale for excluding the foreign affairs agencies from laws with which that every other Federal agency must comply.

I am fearful that by denying or limiting the remedial authority of the Foreign Service Grievance Board, the effect of section 1145 would be to require those with grievances to go into court, or through the EEOC, rather than through the grievance procedure, because the grievance procedure would not be able to provide them full relief. I can't believe that this is the kind of arrangement we want to have.

It seems to me that it makes eminent good sense that the Grievance Board, which has the authority to apply these other statutes in its substantive determinations, ought to have the authority to provide remedies to correct violations. The limitation that is sought to be placed on the remedial authority of the Board would unfairly disadvantage foreign service officers with grievances, whose cases may be quite legitimate.

This is an important issue for people with grievances, and I think we must be careful in working out the statutory arrangements by which they have their grievances resolved. For the life of me,

I don't understand why we would deny to the Board the remedial authorities that I have outlined here. I hope that the managers of the bill will find this amendment acceptable.

Mr. BIDEN. Madam President, I apologize to my colleague. I was on the phone. If he could give me a second to catch up with my staff on what the Senator just had to say before I attempt to answer him. I apologize for not being here while he spoke. If he has a second amendment, he can go ahead and we may be able to work this out. Let me check.

Mr. SARBANES. I appreciate the response of one of the managers of the bill.

Mr. BIDEN. Madam President, rather than take the time of the Senate, I think the suggestions made by the Senator are appropriate, and I would be happy to—and my colleague from North Carolina indicates he would also—accept the Senator's amendment.

Mr. SARBANES. I appreciate that.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 380) was agreed to.

Mr. HELMS. Madam President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Madam President, I ask again that the pending amendments be set aside in order to be able to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 381

(Purpose: To clarify which management officials are prohibited from participating in collective bargaining)

Mr. SARBANES. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 381.

Mr. SARBANES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

The amendment is as follows:

Add at an appropriate point in the bill a new section as follows:

SEC. . LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Section 1017(E)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

"(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, or individuals described in section 1002(12) (B), (C), and (D) who are not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.".

Mr. SARBANES. Mr. President, this amendment would add a section to the bill to clarify a previous action taken by the Congress, which, in effect, was too broad, too expansive, and caused unnecessary difficulties. I support the general purpose of the existing law, which was to prevent conflicts of interest in negotiating management-labor disputes. I am in favor of trying to deal with that problem. But it now appears that we went too far in trying to do so.

The amendment I am now offering would narrow the definition of "management official" to a more appropriate group. A similar provision, I believe, was included in the companion to this bill recently adopted by the House of Representatives.

Let me briefly try to outline the situation. In the early 1990s, the Congress amended the 1980 Foreign Service Act, placing restrictions on the movement of foreign service personnel between certain positions in the American Foreign Service Association, which is the organization that represents foreign service employees, and management jobs in the foreign affairs agencies. The Act was amended to prohibit any individual who served as an agency management official or confidential employee during the preceding 2 years from participating in the management of the American Foreign Service Association for the purposes of collective bargaining or representing them in such bargaining. And, conversely, any individual who had participated in AFSA management for the purposes of collective bargaining, or who represented AFSA at the bargaining table, is precluded, for 2 years, from serving as a management official or confidential employee. So for 2 years, such officials could not move in either direction.

I have no quarrel with the purpose of that amendment, which was to prohibit a foreign service employee from moving from one side of the table to the other in labor-management negotiations. However, I think the definition of "management," as we try to deal with this problem that is currently in the law, is too broad because it can encompass officials who play no role in labor-management relations or the formation of personnel policy.

This broad definition creates an obvious problem for people who might otherwise want to participate in the American Foreign Service Association and hold responsible positions in that organization. If they become officers in AFSA, and then in that capacity participate in labor-management relations—which in many instances is part of the job—they would be precluded from a whole range of potential posts within the agencies.

The amendment I am offering would narrow the definition of "management official" by exempting chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, who are not involved—I emphasize "not involved"—in the formulation of the personnel policies and programs of the Department.

In other words, we would continue the protection against conflicts of interest by covering only those officials who are involved in labor-management relations or personnel policies and programs. And so a foreign service officer who is in any way involved with those issues on behalf of the Department may not move into an AFSA position involving those issues for 2 years.

Likewise, someone who has served in an AFSA position that involves labor-management relations may not take a management position in a foreign affairs agency for 2 years that would involve these issues. But this amendment would not prohibit, for instance, someone who was an officer in AFSA from becoming a Deputy Assistant Secretary in a regional bureau that has nothing to do with developing personnel policies or programs.

At the moment, the broad limitation has a rather chilling effect on people who are willing to assume a responsible role in AFSA. They say to themselves, "If I do that, for 2 years I am blocked out of taking a whole host of positions in the foreign affairs agencies." Of course, AFSA represents the employees in all of the foreign affairs agencies. Its officers are being prevented from taking a wide range of subsequent assignments.

I don't think this was the intent of the statute. I agree with the basic effort to preclude any conflict of interest, and this amendment in fact accepts the proposition that you ought not to be able to go from one side of the bargaining table to the other. But my amendment seeks to limit the current provision's coverage so that it does not exclude former AFSA officers from responsible positions in the foreign affairs agencies that really don't involve the bargaining table. That is the amendment.

Mr. BIDEN. Mr. President, I think the point my friend makes is a valid one. I don't think it was our intention to have this blanket exemption. As I understand the Senator's amendment—and, obviously, the chairman is checking this out himself for his position—from my perspective, it seems to make sense.

I want to ask a question. Where there is the potential for a direct conflict—that is, if I were representing the employees on one side of the table, then I were to shift to a policy position or a management position that had jurisdiction over the very issues I was negotiating, I would still be precluded from taking that management position; but

if I were to go off to be the economic counselor to the Embassy in Paris, or in Beijing, I would not be precluded, is that right?

Mr. SARBANES. That's right. You would be prohibited, for 2 years, from shifting over into a position that involved labor-management relations or developing personnel policy. So you could not just go over to the other side.

Mr. BIDEN. What is happening now, as I understand what the Senator is saying, is a very talented, hopefully ambitious, Foreign Service officer who may very well want the opportunity to have those positions filled—for example, the economic consular in the Embassy in Beijing—may not take the time to fill the position representing the union; that he or she would be precluded from any reasonable prospect for advancement for 2 years after they leave that position for a practical matter.

Mr. SARBANES. That is the basic thrust of it. I am not sure the economic counselor is the right example because I don't think that is covered right now. But currently, as I understand it, you couldn't become a chief of mission or deputy chief of mission.

Mr. BIDEN. That is correct.

Mr. SARBANES. Which is, of course, a very important stepping stone on the career of a Foreign Service officer. I take it that currently, the DCM is regarded as a "management official." Even though the deputy chief of mission is not involved in labor-management negotiations, or in developing department-wide personnel policies, he or she does administer an Embassy.

So the question then is, should you keep someone who has been an officer in the Foreign Service Association from being able to accept such a position? I don't think we should. I do think they should be prohibited from becoming involved with labor-management negotiations.

Mr. BIDEN. Based on what I understand the amendment intends to do, as the staff informs me, I personally don't have any objection, nor I am told does the chairman.

So I urge that we accept the Senator's amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 381) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. I thank the manager of the bill for his courtesy.

I yield the floor.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 382

(Purpose: To provide a substitute for title XXII relating to United Nations arrears payments)

Mr. LUGAR. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Indiana (Mr. LUGAR) proposes an amendment numbered 382.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 180, line 1, strike all through page 198, line 20, and insert the following:

TITLE XXII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

SEC. 2211. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States to the United Nations and its specialized agencies as of September 30, 1997—

(1) $409,500,000 for fiscal year 1998; and

(2) $409,500,000 for fiscal year 1999.

(b) LIMITATIONS.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations (excluding the budgets of the United Nations specialized agencies);

(2) to pay the United States share of United Nations peace operations; and

(3) to pay the United States share of United Nations specialized agencies.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) CONGRESSIONAL NOTIFICATION.—Before the disbursement of funds under this section, the Secretary of State shall notify the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

Mr. LUGAR. Mr. President, the amendment that I have offered strikes Title XXII, which is the portion of the legislation that deals with payments of arrears to the United Nations and reform of the United Nations.

I offer this amendment fully respectful and cognizant of the remarkable work achieved by the Chairman of the Committee, Senator HELMS, and the Ranking Member, Senator BIDEN, in negotiating on behalf of members of the committee a comprehensive bill with regard to the organization in the State Department and other foreign affairs agencies, in addition to the matters relating to the United Nations that are the subject of my amendment.

Mr. President, I want to discuss very broadly today why I take this occasion to offer this amendment because the timeframe for consideration is necessarily very short. The markup in our committee occurred just last Thursday. The debate today on the floor is occurring on Monday, and presumably we will have votes on these and other issues on Tuesday, tomorrow. Therefore, Senators and their staff will need to understand issues quickly in order to make a judgment on what I believe is a monumental turning point in American foreign policy, and perhaps one of the most serious foreign policy debates that we will have this year.

I ask, first of all: Why have we come to such a point? By that, I mean why and how could the United States have come to owe hundreds of millions of dollars to the United Nations? It did not occur overnight. As I will illustrate in the course of my remarks, the amounts we owe are, in most respects, not to the United Nations organization per se. Indeed, again and again I will reiterate that only about 5 percent of our arrears are actually owed to the United Nations. Well over $650 million of the money is owed to other countries in which the United Nations is merely a passthrough largely to these countries for reimbursement of past peacekeeping expenses.

So the debts that we owe are to Great Britain, to France, to Germany, to Italy, and to a host of friends and allies of the United States. We have accumulated debts to them largely because of their peacekeeping activities that we voted for. Our country frequently took the position that we were not in a position nor did we wish to send Armed Forces to various areas in which the United Nations, with our votes, decided to try to keep the peace. Therefore, our agreement in these cases was to pay money while other nations sent their forces, and on some occasions contributed money also.

I mention this point because for several years there has been an assumption on the part of many Members of this body and of the House—perhaps even of the Presidential administration—that the U.N. had very great problems. As a matter of fact, many Members from time to time have suggested a lack of general support for the United Nations, suggesting that it impinged on our sovereignty, and on our ability to conduct foreign policy in a straightforward way. In fact, Mr. President, I submit that a great number of Americans not confined to this Chamber have come to a psychology that the United Nations has been preying upon us; that somehow an organization located in our country, in New York City, has been imposing insuperable demands upon us and they resent that. And, because of our resentment, so this argument goes, we ought to reform the U.N; we ought to teach it a lesson; we ought to deprive it of money; we ought to make editorial views of those activities we think are not very good, even

those that we have voted for; and that by depriving the United Nations of money change its course, we indicate that we really do not wish to participate at all.

Mr. President, I think we are coming to a much more crucial point in this debate than simply whether we will pay the arrears—the money that we owe. I think Senators will fundamentally have to determine: Should we continue to be a part of the United Nations? Because, if in fact the United Nations is deprived of the funds that we owe and other nations take our lead and are not prepared to pay either for diverse reasons of foreign policy it is apparent that the United Nations will be severely weakened. As a matter of fact, it will be less and less effective, if effective at all.

So, Mr. President and Members, I think at the outset as we come to an understanding of how we got to this point, we have to decide: Do we really want the United Nations to be a forceful advocate for peace, for justice, an instrument of our foreign policy, and a group of nations in which we play a vital role as members of the Security Council with veto power from the beginning of the San Francisco Charter? Do we want this? If we do, we are going to have to not only try to shape up the United Nations but shape up our own views and our own activities as a member State—our own leadership, as a matter of fact—if the United Nations is to be effective.

I come out on the side of one who believes that we ought to be active and vital in the United Nations; that, as a matter of fact, the United Nations plays an important part in our foreign policy; that it is extremely important to our overall security in the world; and, that it is an organization in which we play a leading role which ought to be supported by us as opposed to constricted by us, demeaned by us, and criticized by us. Given an opportunity, it seems, that the Congress has again and again not only tried to inhibit the United Nations but, as a matter of fact, may finally succeed in killing it off, if we are not thoughtful.

Mr. President, if Members believe that these are the views of their constituents in a representative democracy, eventually the U.N. will receive the brunt of those attacks. But I would suggest that the American people have different views. As a matter of fact, Members will be interested in polls taken by the Wirthlin group and other polling groups for the United Nations Association. And one question that I found relevant was this one:

Considering the problems we are likely to face in the coming years, how important is it for America to be an active part of the United Nations—an active part—very important, somewhat important, or not important that America be an active member?

Fifty-four percent of Americans said it is very important that we be an active member. Another 28 percent said it is somewhat important that we be an active member. Only 12 percent said it is not important, and 6 percent had no answer.

That is a rather extraordinary breakdown.

Mr. President, of 82 percent of Americans, 54 percent are saying it is very important to be very active in the United Nations.

Then in a Times Mirror poll, they asked: Do you agree or disagree with the following statement: The United States should cooperate fully with the United Nations?

On that kind of a question, 65 percent say we should cooperate fully. Twenty-nine percent disagree with that proposition.

Another question asked: Do you favor or oppose legislation that would have the United States withdraw completely from the United Nations? The Wirthlin group found again: 22 percent favor withdrawal, 71 percent oppose withdrawal, and 7 percent had no answer.

On still another quesiton, overall, do you think that in the long run efforts to strengthen the U.N. would be a good investment or not a good investment? This is the program on international policy attitudes poll.

Sixty-eight percent of Americans said good investment, and 28 percent, not a good investment.

Now we come to the crux of our issue today, Mr. President.

The question posd was: Do you favor or oppose the United States paying its U.N. dues in full? Do you feel that way strongly or somewhat strongly?

Thirty percent favor strongly our paying our dues in full. Twenty-eight percent favor somewhat. Thirteen percent oppose somewhat, and 16 percent oppose strongly.

Adding together those figures, Mr. President, you once again get about the same 2-to-1 ratio. Fifty-eight percent believe that we ought to pay in full, and 29 percent do not.

By 2 to 1 the American public believe that we ought to be paying our fair share and our full share.

Interestingly enough, another qustion asked: Do you believe that U.N. member states should always pay their full dues to the U.N. on schedule, or should a state hold back its dues to pressure other members to agree to changes that it believes are needed? Again, the Wirthlin poll. Mr. President, in 1989, 60 percent of Americans said we should always pay. In April 1996, 78 percent said members should always pay.

I find that interesting, Mr. President.

The evolution of the American people with regard to the United States meeting its obligations has led to a much higher percentage of Americans saying that member states should always pay.

Honor U.N. peacekeeping—the basic reason that we are here today, as a general rule, when it is necessary to use military force to deal with trouble spots in the world—Do you feel more comfortable having the United States contribute to a U.N. military action or for the United States to take military action by itself?

Sixty-nine percent said U.N. military action while 24 percent said U.S. action alone.

Do you think peacekeeping should be a high priority of the United Nations' system; somewhat of a priority; or not a priority? The Wirthlin group poll again: 75 percent of Americans in April 1996 said a high priority, somewhat of a priority said 17 percent, and not a priority, only 6 percent.

Mr. President, I shall not recite further polling data except to make the observation that by fairly large ratios of about 2 to 1, or larger than that, Americans believe that we ought to participate in the U.N.; that we ought to pay our dues on time; that all nations should pay their dues on time; that peacekeeping operations are very important for the United Nations to conduct.

I mention that because it appears to me that most Members may not be aware to whom we owe the money.

I would just simply point out, Mr. President, and I take this opportunity to cite precisely the countries to whom we believe we owe money. They may have different views as to how much we owe, but there is general agreement between the administration and the Foreign Relations Committee to have come up with the figure of $819 million to be authorized and appropriated in one form or another. We have agreed that the U.S. portion of that debt is more than one-third.

Using that ratio, France is owed by the United States $60.1 million; Great Britain is owed $41 million; the Netherlands, $21.3 million; Pakistan, $20.1 million; Germany, $18.3 million; Belgium, $17.3 million; Italy, $17.2 million, $16.1 million to India; $14.2 million to our neighbor Canada, and a long list of countries with smaller sums than that, all owed by the United States, with the United Nations merely a passthrough to them.

Mr. President, it is clear, at least in my judgment, that we owe the money, that it is clear to whom we owe the money, but it is not at all clear whether the money is likely to be repaid.

Now, I mention this because we had a debate in the Foreign Relations Committee markup on Thursday and the assertion was made essentially, and the press has picked up this story largely intact, that however you look at this, this provision entails a significant change in the course of American foreign policy. Essentially there is now agreement on the part of the United States to pay a part of the money we owe.

Following the Foreign Relations Committee meeting, Nick Burns, on behalf of the administration, was asked: "What are you saying to Senator LUGAR who says that the arrears are contractual obligations of the United States and should not be the subject of conditions?" Mr. Burns punts the issue, in my judgment. He says:

Well, I think President Clinton and Secretary Albright have been very clear for as long as they have been in office that we do not like being the largest donor—that is, debtor—to the United Nations. In fact—

Mr. Burns says, and I am quoting—

we have called ourselves publicly the largest deadbeat debtor to the United Nations. We don't like that. The American people don't want their Government to be in arrears to any institution, much less the United Nations, but we have an opportunity here to make sure that while we take steps that are costly for us to pay off our arrears, we send forward a very strong signal that reform is important and the reform ought to be followed through.

Mr. Burns continues.

We have taken the opportunity and we have not been met with a fundamental objection by Secretary General of the United Nations, Kofi Annan. He has welcomed the progress that has been made this week. He has put forward his own reform proposal. So we don't have a problem with the Secretary General and we certainly would look forward to the continued support of Senator Lugar in this effort.

Mr. President, I am not certain what that means. Clearly Mr. Burns does reflect the thought of the administration and most Americans. We do not like to be thought of as a deadbeat country, but he is suggesting, I suppose, that somehow all of that has been finessed this week—a certain amount of reform, a certain amount of payment, the Secretary General not giving fundamental objections and a hope that somehow I might be pacified.

I was even more intrigued by reports on Saturday in the Washington Post and the Washington Times after our Ambassador to the United Nations, Bill Richardson, was accompanied by the distinguished Senator from Minnesota, ROD GRAMS, a member of the Foreign Relations Committee and chairman of the subcommittee dealing with international organizations. Senator GRAMS and Ambassador Richardson went to New York and had a press conference. I quote from the story by John Goshko in the Saturday, June 14, issue of the Washington Post.

John Goshko said:

They denied Congress wants to micromanage the United Nations and they insisted the plan is not a take-it-or-leave-it proposition. Instead, they said, it is a set of suggestions aimed at helping the United Nations become, as GRAMS said, the best United Nations it can be.

The two officials' assertions that conditions or so-called benchmarks in the plan are only suggestions ran counter to remarks by Senator Helms on Thursday.

Senator HELMS is quoted in the story.

"This bill will prohibit the payment—prohibit the payment—"by the American taxpayers of any so-called U.N. arrears until these congressionally mandated benchmarks have been met by the U.N.," Helms said.

Quote again.

The message to the U.N. is simple but clear: no reform, no American money for arrears.

On another key point, Mr. Goshko says:

Washington desires to cut the U.S. share of the U.N. operating budget from 25 percent to 20 percent. Richardson said it would be his job to negotiate with the other members to win such a change. But——

Says Mr. Goshko—

Helms used language implying that attainment of that goal is not subject for negotiation.

Mr. President, let me just say that clearly at some point or other in this debate or on some other occasion, we will have to make up our minds. It will be impossible for Ambassador Richardson or my distinguished friend, Senator GRAMS, to go to New York and indicate, as the Washington Times said, and they quote Senator GRAMS:

"These are broad suggestions." At a press conference both men took pains to soften the edges of a bill most here see as a nefarious "take it or leave it" offer. Mr. Grams said he plans to spend time at the United Nations this summer selling the package to foreign envoys.

But at this stage, whether one has the hard version or the soft version, my basic question is: is it likely the money will be repaid at all? And that is fundamental. If you buy my premise the United Nations is important, that it is important for us to make sure it is beefed up, is stronger, is viable as a part of our foreign policy, then, at a minimum, this means we must pay our arrears. And those arrears are only slightly owed to the U.N. superstructure. Most is owed to our allies with whom we have dealings in many other fora.

If, in fact, we pass legislation—and I believe the legislation that came out with regard to Title XXII, the arrears section we are discussing, leads to so many stipulations, not only micromanagement but conditions to a fault, that the likelihood of very much money passing to our allies or to the U.N. is very small.

The Washington Times article and writer counted as many as 20 conditions that would be required. My staff, in analyzing title XXII, has found at least 38. I have discussed briefly some of the major conditions, and these are major decisions for the United Nations must make to get its money and to make possible our payment of the arrears to our allies. But it is quite a change from dues in which we pay 25 percent of the U.N. budget to 20 percent and is quite a move for us to get 31 percent dues for peacekeeping down to 25.

There are many Americans, not simply Senators in this Chamber, who would rather pay less. So I suspect there will not be an argument that, given your druthers, it would have been fine if our statesmen negotiated a long time ago a U.N. debt for dues for us of 20 percent as opposed to 25, or for 25 percent for peacekeeping as opposed to 31.

Mr. President, I think we have to recognize that we are saying in this legislation is that unless the rest of the world, the other 183 countries, acquiesce to the United States and arbitrarily lower our dues, we will not pay. There may be a suggestion somehow that money is going to come forward, but unless those two requirements are met, it does not appear to me possible that payment is likely to occur.

Now, we add on a number of other conditions such as the fact that U.N. conferences can occur in only four cities in the world and the rest of the world will have to accept that because we put it in this bill and we have said, in essence, we are not going to pay unless each of these conditions is met. Perhaps Ambassador Richardson and Senator GRAMS read this legislation in a different way and saw all of this legislation as merely suggestions, sort of ideas that might be kicked around up there at the U.N. with our friends. That is not the way the bill reads. It says you meet our requirements or there is no money to pay our past dues. And the distinguished chairman of the committee has underlined that view in his own remarks last Thursday.

So, Mr. President, is the money likely to be paid? Probably not. And that means that the debate we are having today is likely to linger. The problem is there will not be as good a time to finally take care of this problem than there is presently. The Budget Committee, those who have been working on the overall reduction to zero deficit in 5 years, set aside the money and their plan is for us to pay off. If we do not authorize the money to do that, then it disappears from the table. It is unlikely to appear again. I do not suspect that the Congress will be involved in another 5-year plan for deficit reduction soon. We will have adopted one. We will be in the plan. We can choose to authorize the money and appropriators can finally decide whether to appropriate it. But at this point we come up with an option, under 20 conditions or 38 conditions, or however many you may be able to derive from Title XXII, that if we decide not to pay any money, we are going to have a problem, and that is what I want to discuss.

Now, what are the problems if we don't pay? I think the problems are not only the inevitable weakness of the U.N., but the quality of our relationships with our allies in the world. Americans may not realize that is the problem we are talking about, our relations with Germany, Great Britain, Italy, with our NATO allies. At other

times in other fora we are discussing NATO expansion, we are discussing new obligations, and arguing how extensive those will be. And most Americans, including myself, who have argued for NATO expansion have pointed out that we anticipate our obligations will be relatively small. I accept the estimate of the President of the United States in his London press conference with Prime Minister Blair that we will be paying $150 million to $200 million a year. But this implies that our European allies will be paying a lot more. The countries coming in will have to pay a great deal to bring their infrastructure up to speed to meet the common defense principles. Essentially, the United States will take the position with regard to NATO expansion that burdensharing means a very large burden taken on by our European allies for their defense, for the defense of Europe, and we will argue that that is perfectly logical; they are the countries most in harm's way and that we already have provided substantial infrastructure in Europe. But the stakes are very high and the money sums are very large that we are going to ask of European allies. Now, what if, in the midst of that argument, we still have the U.N. arrears situation? There are Members of the Senate arguing: We don't like the United Nations. We think it's top heavy with bureaucrats, that these people are inefficient, that too many come from countries other than our own, that essentially they hold too many conferences in strange cities all over the world, and we will not pay either the United Nations or our European allies until all of this is terminated—ad seriatim, as you go through and read Title XXII.

Those negotiations for NATO expansion might be very difficult. I suggest a whole set of other negotiations may be very difficult. I had in my office this afternoon a distinguished Austrian statesman. We have a lot at stake in negotiating on agriculture with Europe, enormous sums, in terms of whether we come to agreement on technology, science and on export subsidies and export taxes. There is a lot at stake for a lot of Americans. Those negotiations are very tough. We are coming up to another GATT round in 1999 on agriculture. It is not at all certain how much headway we shall make. But it makes an enormous difference, in billions of dollars of exports, that we make a lot of headway and that we be negotiating with friends in good faith.

How in the world can we anticipate useful negotiations on NATO or the European agriculture plan or the GATT situation with the very same countries to whom we are, in essence, saying: Sorry, we are not going to pay because a number of Senators don't like the United Nations? They still have a billboard mentality which says, "Get us out of the United Nations."

Some of us are going to have to say on this floor, "Not only keep us in, but make the U.N. work." I certainly subscribe to every reform proposal that makes sense at the United Nations, and the Secretary General, who is a friend of the United States, subscribes to much of that. I have no doubt if we are a vigorous player in the United Nations, as opposed to taking the thought that we are being preyed upon by a group of nations over whom we have no control. If we are a vigorous player, we are going to be able to negotiate changes that are substantial, and we are going to have to do that in the European Community with the agricultural plan and with NATO. There is no free lunch in this business. The idea that we can, with an ultimatum, say, "Take it or leave it," and that somehow the United Nations will make these changes to accommodate us, I believe is unrealistic.

Mr. President, let us take, hypothetically, one more situation suggested by the distinguished junior Senator from Massachusetts, Senator KERRY, during the markup in the Foreign Relations Committee. Senator KERRY said, from his experience in dealing with U.N. reform, and he has had substantial experience on this topic, he thinks there is a possibility that all the other 183 countries will acquiesce. They will finally read Title XXII as the Foreign Relations Committee adopts it and grudgingly, and with great passion and recrimination and so forth, understand that it's lights out for the United Nations if they don't acquiesce to the United States, which they will describe as a bully, as a country operating totally outside international norms, as a country that did not recognize its obligations.

That is still another scenario. I gather proponents of the bill think that is the best scenario. The United States wins. We reduce our dues unilaterally and our peacekeeping moneys. We managed to bully every other nation on Earth into acquiescence on the basis that a United Nations without us would be unthinkable. I would say, under those circumstances, we still have ahead some mighty rough sledding with regard to any other international organizations or negotiations on trade, or NATO, or whatever.

The amendment I have offered is a simple solution. It says, in essence, that we owe $819 million. We ought to pay it in 2 years, two equal installments with no conditions, because we owe it to other countries, essentially. We owe it to some international organizations such as the Food and Agricultural Organizations, the FAO. We are about $100 million behind in our dues payment to them. We are about to lose our seat and our vote, even while those of us in agriculture feel it is very important we be at the table. There are consequences for being a deadbeat, for trying to stiff other countries. We ought not do it. We ought to affirm that the United Nations is important, that we are a leading player, that we are the leading player in terms of confidence building in international diplomacy, in security arrangements which the United Nations represents.

I have offered this amendment as a substitute for the entirety of 18 pages that contain all of these conditions, an extraordinary array of pages and language. I am hopeful Members and their staffs will read this before they commit themselves to a vote in favor of this provision.

I rise today simply to offer Members an alternative. The distinguished Senator from Delaware, the ranking member of the committee, has argued with a great deal of skill in the Foreign Relations Committee markup, that even if my position is right, even if there is some logic to what I have to say, the fact is the alternative was never my position. The fact is, the very best situation that he was able to negotiate with the distinguished chairman of our committee was for 18 pages of title XXII as they now exist. In essence, we are faced with the situation, as I read the logic of the distinguished Senator from Delaware, of a take it or leave it with the Senate, quite apart from a take it or leave it with the rest of the world. The implication is, if we do not adopt title XXII as negotiated, there is likely to be no money, zero money, for the United Nations.

But I am suggesting that the outcome of adopting title XXII may very well be zero money for the United Nations, that you get to zero either way, that we have not solved the arrears problem, that the headlines that somehow or another the United Nations is about to be revived are premature. Or, to state Senator KERRY's position, as I have already: Somehow, the United Nations gets the money, they go through all the hoops and with all of the resentments, recriminations, and difficulties we have around the world, we pay dearly, a multiple of whatever has been squeezed out of this process.

It is not an easy choice for Senators to make. But that is why I pose it in these terms and why I believe it is fundamentally one of the most important debates that we shall have about foreign policy. It gets to the heart of our relationship with our friends, with the rest of the world, and with the United Nations.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I, myself, am in the strangest position I have found myself in, probably, in the 25 years I have been here. I don't disagree with a single thing that my friend from Indiana has stated.

Let me review the bidding, as I understand it, very, very quickly. No. 1,

we have to decide, is the United Nations useful? Is the United Nations an important instrument in dealing with crises and conflicts in the world? Should we be a part of it? Does it augment our foreign policy? Is it important? Is it vital?

In my view, the answer to every one of those questions is a resounding yes. As a matter of fact, I went so far, as the fellow with whom I engaged in a political campaign last year repeatedly pointed out—I wrote a very long paper, not too long ago, about 4 years ago, where I wrote that I believed we missed an opportunity for making the United Nations the centerpiece for the architecture of peace well into the next century. I think it has a capacity far beyond that which we are asking of it, and I think it has a capacity that is unparalleled by any other potential organization existing or one that I can contemplate.

I think we do not spend nearly enough time pointing out what my friend from Indiana has, that 80 percent of the U.N.'s work is helping developing countries help themselves. The fact of the matter is, their work includes promoting and protecting democracy and human rights, developing effective food distribution and food cultivation strategies, assisting disaster victims, helping nations avert military threats by providing a diplomatic floor for dispute resolution. Who else does that besides the United Nations? Where else in the world—where in the world can we possibly go to have any of those functions undertaken?

Some would say the United States should do that. The very people who say the United States should do that are the very people who, when the rubber meets the road, say, "No, no, no, no, we should not be involved. We, the United States, should not be involved. We can't be the world's policemen. We can't be expected to do everything." I find it ironic, the same people say the United Nations isn't worth the powder to you know what.

So much—all of what the United Nations does, frankly, even though it is exasperating and time consuming and frustrating sometimes, is clearly in our interest. We rely on the United Nations to provide humanitarian assistance to millions who otherwise would have no source of food or shelter. We rely on the United Nations to eradicate disease and improve health around the world. And particularly, it is the United Nations that leads the world in helping children by providing food and shelter and by protecting them from the scourge of disease that threatens their health in many parts of the world.

We, the United States, rely on the United Nations to handle the increasing flow of refugees across borders and to prevent refugees from devastating and destroying neighboring economies, security, and the environment. We rely upon the United Nations to counter global crimes. The United Nations coordinates the international cooperation to fight terrorism, to counter drug trafficking. We rely on the United Nations to facilitate and maintain peace. In short, we rely on the United Nations in a way that we rely on no other organization. It is indispensable.

So, that is the place from which we both start. I think it is fair to say our voting records for the last 20 years or so have been almost identical relative to the United Nations. I have not been one who has voted to cut the United Nations.

The point that the Senator has made repeatedly and I have made repeatedly is the average American thinks, when we talk about arrearages we owe the United Nations, they think we owe money to a bloated bureaucracy out there that is wasting our money with all of these ghost employees who are doing nothing but subsidizing the economy back home and wasting our money and then voting against our interests, and that is where the money goes.

Hardly any of the money that we owe goes to the Secretariat, goes to pay salaries at the United Nations, or goes to turn the heat and light on. The bulk of the money we owe, we owe to our friends for the reason my friend said. We said: Hey, we ain't sending GI Joe. You send your guys. You send your guys. We can't be expected to be everywhere. And we vote. We have a vote in the U.N. Security Council. If we don't want to vote to send anybody there, we can say no, and they don't go. But we vote yes because we view it to be in our policy interests, our foreign policy interests. So, who do we owe? We owe France, we owe England, we owe Belgium. I have a list right here. I will repeat it. It bears repeating: France, Great Britain, The Netherlands, Pakistan, Germany, Belgium, Italy, India, Canada. That is where the bulk of the money is we owe—for peacekeeping.

I say to my friend from Indiana, one of the things I tried to note in negotiating this is: I'll tell you what, why don't we just pay all the peacekeeping stuff up front? We can sell that to the folks here. Even the those that don't like the United Nations, they like Great Britain, they like Germany. Even the folks that don't like the United Nations acknowledge France is an ally. Why don't we just pay them, no strings, nothing, pay what we owe, bingo.

I even tried to put in an amendment. The Senator used the phrase, "pass through." In a sense, the United Nations is passing through that money to them. I even came up with language—I should say this young man on my staff came up with language—to say: Guarantee that the money just passes through, cannot be diverted to go anyplace else: Pass through, pay France; pass through, pay Belgium, pass through—et cetera.

Tried that route. As was pointed out accurately by my friends with whom I was negotiating, "Hey, look, we realize if you pay our friends, then the pressure is relieved. The pressure is relieved. We're not likely to get these changes we want in the United Nations."

So you are right, this is pressure; you are right. We finally, after all these negotiations, which included the administration, said, "OK, what do we do? Do we end up essentially emasculating the United Nations, causing its further"—talk about resentment—"further resentment?"

Let me back up. I apologize to my friend for him having to hear this for the third time from me. I have heard from him as well three times, and I welcome hearing 10 more times, because he is right on the merits. I was asked if I would have a meeting with the President of the General Assembly. I forget how many people he brought along with him, three or four folks representing their countries in the United Nations, their Ambassadors.

They came down to see me—I am paraphrasing as was stated by the spokesperson for the President—as a friend of the United Nations seeking my help. We sat around the conference table in my office for, I don't know, an hour, hour and a half. I listened to what they had to say.

I said, basically, "You're right." I said, "Let me get this straight now. You are saying three things to me: One, you acknowledge the United Nations needs some reform and you want that reform to take place anyway and you're going to initiate it. But if we even request, if Senator HELMS' benchmark includes any of the reforms you have already contemplated you want to do, if it did, then it would make it harder for you to do them because people would resent the fact that we were telling you you had to do them." I said, "Do I have that straight?"

They said, "Yes, that's right."

I said, "Let me get the second point. The second point is you desperately need a demonstration of the board of findings of the United States that we're going to pay our debt, and that you can't wait another year on promises. It is no longer good enough you have a President who says he is with you and you have a minority of Senators who say they are with you, you need something tangible right now."

"Yes, that's my second message, Senator."

"But your third message is: Give us the money with no strings now, even if it is not all of it, in order for us to be able to get things underway to demonstrate we will reform in order for you then to have enough votes to produce the rest of the money." I said, "So you acknowledge it is going to have to be staged, right?"

"Yes."

I said, "I agree with you, but before you leave, let me ask you a question. Given your choice, no money and no conditions this year or conditions that are consistent with the things you say you want to do anyway and you are willing to attempt to do, and significant money this year with a significant commitment for the bulk of the money the next year and the remainder the third year, which do you pick?"

They said, "We pick the conditions and money rather than no money, no conditions."

So I sat down with the administration and I said, "OK, folks, you sent up here a proposal for over a billion dollars in 1 year. Got anybody to support it besides me?"

"Yeah, we got some other people to support it," and named, I believe your name was taken in vain, I say to Senator LUGAR, and a few others.

I said, "Do you think you have enough votes to get that done?"

They said, "No, we don't think so."

"What do you want me to do? Well, let's see what we can get done."

So I met with the Secretary, and I met with our U.N. Ambassador, our former colleague from the House. I said, "You have to tell us your drop-dead number"—excuse the expression. "What is the bottom line on this? If I can't get all you need, what is the bottom line on all this? And I want to tell you what the conditions are here that Senator HELMS wants. I don't want any of those conditions, but what ones can you live with and what can't you live with?" And we began a long, long process of negotiating.

The end result is what you see here. The end result is the administration, whether they are right, wrong or indifferent, told me on this part of the U.N., they want more. They don't like the conditions. They believe the minimum number should be $1.21 billion. They don't believe we owe, by the way, 1 billion 4. They don't agree with that. They don't think we owe that, which is the number everybody uses. They say we don't owe that.

When the day was done, the Senator from North Carolina made some significant concessions. That left the Senator from Delaware in a position to say, "OK, the U.N. says, bottom line, they would rather run the risk of not risking another year of nothing," notwithstanding the fact it will cause them serious problems. In turn, I think the Senator is right; it is going to cause us additional problems. The administration says we can do it on this amount of money and we can make those conditions work if you stagger the conditions to the end. "Give us the bulk of the money upfront and make the hard conditions at the end." That is what they said.

So we go back to the threshold question: Is the United Nations in our interest? I believe deeply that it is essential—essential—to the ability to carry a sound foreign policy for this country into the next decade and beyond. OK.

Now, what is the best chance of the U.N. continuing to be viable? Take a chance on something that the President of the General Assembly doesn't like but acknowledges, given two bad choices, would rather have, take the position the President does not like, our U.N. Ambassador does not like but believes can get the job done if that is what it has to be, or go back to square one, which is debate this on principle—and I am not belittling and I am not being a smart guy saying that—debate the principle of this for another 4 months or 2 months or 6 months or a year and leave Ambassador Richardson totally empty-handed, with no money, not give the Secretary General anything to demonstrate that we have other than a minority of us and the President saying we will pay, the check is in the mail, or go ahead and do what is proposed in this legislation?

I honestly believe, unless the administration is fundamentally wrong in their calculation, this is in the absolute best interest of the United States of America and has the greatest prospect of continuing to have the United States viable than any other alternative I can come up with.

The next question, it seems to me, is reasonable to ask: OK, BIDEN, geez, you agree with Senator LUGAR, he is your ally, you are in the same boat on this thing, you agree with the principle he is saying, you got this much, why not go along with him and raise it? Maybe if you speak up now, you may get enough votes to get 51 people in this body to vote up that number.

There is a simple answer to that. It may not be a good answer in the minds of most people. The editorial boards of the New York Times and others won't like it, but if I do that, there is no deal. Then we go back, not negotiating between 819 and 1 billion 21 or whatever the Senator's amendment is going to say precisely, or saying we pay all the 819 without any conditions and whether we pay the 819 with conditions, we go back to zero versus 1.021, or zero versus 819 and no conditions.

I don't suggest that I know any more than my friend from Maryland, Senator SARBANES, and my friend from Indiana, Senator LUGAR, but I do suggest I don't know any less about how this place works. I do suggest that paying this over 2 years will be better than over 3, but the issue is whether it is over 5 or none when we started this. I do suggest it is better to have no conditions than the conditions we have in here, but I suggest it is much worse to have the original conditions than the conditions that are in this bill.

I have a vast amount of respect for both my colleagues. As my friend from Indiana will tell you, when I thought that the Senator from North Carolina was unwilling to raise the level to the amount that the administration said they needed, I picked up the phone and I called the Senator from Indiana, and I called two other of my Republican colleagues on the committee, and I said, "If I offer an amendment to fully fund this," or if we offer it, "can we get it adopted?"

In the case of two other Republican Senators, I said, "If I offer it, will you vote for it?"

In the case of the Senator from Indiana, I said, "If we offer it, what do you think our chances are?"

In the meantime, the Senator from North Carolina, the chairman of the committee, said, "All right, I will go to the minimum number that the administration says they need, but I won't go any further."

In addition to that, we also were able to get the number up for the international organization account for this year's State Department authorization and a lot of other things that the administration wanted.

So here we are. I will end where I began, where the Senator from Indiana began. This is one of the most important decisions we are going to make. The viability of the United Nations and our influence on that organization is critical to American foreign policy interests, to the interests of the United States over the next several decades.

Strategically, we have not one bit of difference. Tactically, is it better to get what the administration says they can make work, what the Secretary General says he appreciates—the attempt we are making and doesn't know if he will get funding from, but thanks for the effort, and what the President of the General Assembly says he would rather have, given two bad choices. Is it tactically better to go that route, to "save the U.N." and us in it, or is it tactically better to not go this route, go the route of the amendment of my friend from Indiana, and if we win, hope that my friend from North Carolina says, "Well, I lost here on the floor, that's OK by me"? I choose the first tactical option for the same strategic reason the Senator from Indiana chooses the second.

I had one of my colleagues say, "You know, you got the chairman to go up to 819. The trouble with you is you just didn't have a tough enough bargain. You could have gotten him to go higher. If you just held faster, he would have gone higher."

I respectfully suggest, name me someone else who got the chairman up to 819 or even remotely close.

There is one other provision I am almost reluctant to raise here, but one of the provisions the chairman has in this mark is that we get paid money for our peacekeeping.

The administration believes there are moneys owed us as well and believes the U.N. owes us about $107 million.

That is not part of this legislation, but it is part of the calculus. It may end up being a fight between OMB and the administration—I mean, within the administration. It may be a fight in some other place if the administration really cares about this. Do not come to me and tell me it is easier to get another $107 million from my good friend here and a majority of his colleagues, our colleagues who are his allies, if they cannot work out an internal problem within the administration.

So we are at least theoretically talking about $925 million versus $1.021 billion. We have all been in this business long enough. If, in fact, our Ambassador to the United Nations—probably the most skilled negotiator we have ever had in that spot in the history of the United Nations—if he cannot figure out the difference over 3 years for roughly $90 million, then he is not the fellow I worked with in the last decade and a half.

Like I said, as one of my colleagues said to me, "Joe, I've been here too long. I'm not doing this on anything other than on pure principle anymore." Well, that is great. That is great. My honest opinion—and that was not said by my friend from Indiana, although he is an incredibly principled guy—in my view, tactically, this is the single best thing that can happen to enhance and give the greatest prospect for the outcome that I desire occurring, and that is, a viable United Nations, with the United States playing a vital role and the United Nations playing a vital role.

Again, every argument made by my friend from Maryland in the committee and my friend from Indiana in the committee, and here, is accurate as it relates to whether or not we are imposing on the United Nations. We are. I might add, I do not know how they voted, but we voted on legislation that imposed on the United Nations an IG, an inspector general. We imposed that on them. I did not hear anybody standing on the floor then saying, "We are imposing on the United Nations." Maybe somebody did. It sure did not reach this level. It is not new.

Some may recall in a previous Republican administration, the Secretary General discussed with us reducing our share to 20 percent—actually, below 20 percent, between 10 and 15 percent—and the then Republican Secretary of State said, "No, we don't want to go that low. It will diminish our influence." So it is not like we are coming out of the blue with a number that cannot possibly be met.

Agreed, I do not like doing business this way. If I sign on to a contract, even though the terms turn against me, I stick with the contract until—as our friend from Mississippi, Senator Stennis, used to say every time you would look at him—I have one of his letters he sent me. He said, "You got to plow the field to the last furrow, to the end of the road." Well, that is how I think contracts work. You plow the field to the last furrow, to the end of the road, then negotiate next year's crop, then negotiate how many furrows next year. That is the better way to do it. That is how I am used to doing business.

Personally, as a Senator, as a legislator, as a man—as a man—this field is not going to have any crops. It is not going to grow anything because there is no plow in the field right now. We may not have enough of a plow to plow the field to the last row, to the last furrow at the end of the row, but, boy, we have 99 percent of the field covered.

Then, as I said earlier—and I will yield the floor with this—in a slightly different context today I said, you know, I am a Senator. That means I am an optimist. To be a Senator, it seems to me, you have to be an optimist. You would not choose this job knowingly if you thought things were not going to turn out.

Well, look, 3 years is a long time. Kofi Annan, the Secretary General, called me on Friday. I realize that is nothing unique. I am not the only guy that has spoken to him. But he called me. I happened to have known him in his former incarnation in the United Nations. He is one heck of a guy. And he called and said, "Joe, I want to thank you for the try." He did not say, "I called and said I think it is a good deal." He said, "I want to thank you." I do not recall whether he said it or I said it, but he will hear it, so he will correct me if I am wrong. My recollection was that one of us said off the other's sentence, "Three years is a long time." And then he said, "I hope by the end of this year many of the very proposals and reforms you're asking for will already be done and maybe that will change some people's minds."

The administration only asks for $100 million in fiscal year 1998, and this gives them $100 million in fiscal year 1998. The conditions they have to meet are basically zero. They have to promise our sovereignty is not in jeopardy, essentially. The second year, the $400 million and some, the conditions get a little tougher—not very tough. The third year, the last $244 million, that is where the rubber meets the road.

The Senator did not want to do it that way. The Senator wanted the rubber to meet the road the first date.

Is that a fair statement, I say to my friend from North Carolina?

He has actually made some genuine, serious concessions. I said, let us keep this ball in play. That is my plea. Let us keep the U.N. in play. Get them money now. Start to pay back our debts now. Get it underway now. As I am one of those guys that thinks once you put the ball in play, we win—we will reach the appropriate outcome.

My concern with the approach taken by my friend from Indiana—and he, as I said, has been here almost as long as I have; he is a skilled politician in the best sense of the word, as well as a principled, knowledgeable legislator—he could be right that the route I am taking you down tactically will not get us to the strategic objective, and maybe the way to do this is call the bluff, call the bluff. But I doubt whether or not even he believes that if we were to prevail, or if I were to abandon this fairly reached deal, that we would likely, at the end of the process, be any further along than we were the end of last year.

Keep in mind—I want to say it again because I have been absolutely, completely straight with my friend from North Carolina—if we go to conference and they have no money—by the way, unless something happened in the last couple days, they have zero, nothing, for the U.N., zero—if this means we go to conference and BIDEN is expected to go from $819 million to $408,500,000, they have the wrong guy. My bottom line is $819 million.

So we may not get to there from here even if we do it my way—not my way, the way suggested in this legislation. But I respectfully suggest no one has laid out for me, and I am anxious to hear it, how we get from here to there. And the "there" is preserving the United Nations, our position within it, its viability, credibility, and ours as well.

I cannot believe, if the Senator from Indiana were President—and he would have made a good one—and I were the Secretary of State—I doubt he would have picked me—I cannot believe, if he said, "JOE, you go see Chirac, you go see Blair, you go see Kohl, you work out something on this arrearages deal with them." I cannot believe I could not get that done for him without damaging my relationship with them and figuring out a way at the end of the day—the end of the day, whether that means 3 years or 5 years or 7 years—to pay what we owe.

But I do not know how to get from here to there. Were he President and I Secretary of State, and he said, "JOE, go work out a deal with those guys. And, by the way, you have no money. We can't come up with a nickel. You go work it out." I do not know, folks—I do not know. I think I have a little bit of a greater faith in this administration than my colleagues do, and a little greater faith in the ability of our Ambassador to the United Nations to make this work without suffering the consequences that could and may be suffered if this were to pass. But like I said, I have not heard any other idea. And I have been working with this too long to fall on my sword.

I again close where I opened. I think on the merits—my friend from North Carolina knows how I feel—I think on the merits my friend from Indiana is correct. But I think the merits and the

friendship of the Senator from Indiana may get me into the girls State championship basketball game in Indiana, maybe, but it will not get me much further—probably will not even get me there.

I yield the floor.

Mr. SARBANES addressed the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Since the Senator sought the floor——

Mr. SARBANES. Go ahead.

Mr. HELMS. I will be glad to yield.

Mr. SARBANES. No.

Mr. HELMS. How long does the Senator wish?

Mr. SARBANES. I will yield to the chairman, obviously.

Mr. HELMS. I understand that. But I respect the Senator from Maryland. I want him to have his say.

Certainly, Mr. President, I am not going to criticize Senator LUGAR. I think and hope we have been friends ever since he came here. I have made several statements publicly in his advocacy. I think he will acknowledge that. But he is not in a position in which he has to make judgments that will lead to either a successful piece of legislation or an unsuccessful one, depending on which decision is made.

Senator BIDEN has very eloquently and accurately described the process by which the committee brought in a lot of views and a lot of people, including the distinguished majority leader, TRENT LOTT, and the relevant appropriations subcommittee chair JUDD GREGG. As I said in my statement earlier, this bill will not represent every provision that I want, but I think it is the best legislation for the American people. I do not need any pollster to tell me that; in fact, I have found out that the results often depend on who the pollster is taking a poll for and what the people who paid for the poll want to accomplish with the poll. That certainly is a game that is played in politics constantly.

But let me say that speaking, I think, for a sizable percentage of the American people—and not having a poll except the ringing of the telephone in my office and the fax machine grinding constantly and the mail by the sackfuls—we do not owe it to the rest of the world to pay the so-called arrearages to the United Nations for peacekeeping, and we certainly do not owe these nickel and dime amounts to our allies or to anyone else, for that matter.

Let me set the record straight just a bit. I do not say this with any hostility, but if you think the American people have not been socked with enough taxes to support whatever project or institution that is supported at the moment, let's look at the facts. Since 1950 the United States—that means the American taxpayers—has given other countries (free of charge) $120 billion in military assistance through grants and loans. In just the past 10 years, the United States paid $40.4 billion in military assistance to another set of countries. I have heard no moaning and groaning on this floor about what we owe, but nothing about all of the support the U.S. has given.

When you add up the low-cost and no-cost loans to the total assistance that the American taxpayers have been forced by their Government—by this Senate, by the House of Representatives, by the President sitting in the Oval Office on Pennsylvania Avenue—the total assistance that the American taxpayers have given out since 1950 amounts to at least $161 billion—and mind you, that does not include interest that has been forgiven when we didn't seek repayment of loans.

In addition, every dime of this has been given away in years when we did not balance the budget. These costs are part of the reason that we have a $5.400 trillion federal debt today. So let me be clear—we long have bankrolled the world, and I will cry tomorrow for those ambassadors from France and Germany, and even Poland, who say that they do not like what JESSE HELMS is doing in the Senate. Well, JESSE HELMS does not like to have to do it, but some of us have reached the point that we have to hold hands tight and work out a deal that will achieve long overdue reforms.

Now, this pending bill is the proposition that has been agreed to by the President of the United States, by the Secretary of State, by JOE BIDEN—who is the ranking Democrat on the Foreign Relations Committee—and by countless other distinguished Americans whom we have consulted and with whom we have worked.

Now, let me tell you something. It is easy to sit back and say, "Well, we have got to pay our debts." With what and on what schedule? Are you going to add it to the federal debt? What are you going to cut out of the budget which we have been unable, thus far, to get balanced in this body and in the House of Representatives and then signed by the President?

We all hear that there is a coalition of interests, but my primary interest happens to be the people who pick up their lunch pail and go to work every morning, who do not know much about Congress. They are trusting us to protect their future and the futures of their children and grandchildren. Now, every campaign they are celebrated as the reason Joe Candidate and Mary Candidate are running for office, looking for votes. But as soon as the election is over, you do not hear much more except a political speech now and then.

Now, I have been on the Foreign Relations Committee quite a while. JOE BIDEN and I held up our hands to take the oath of office on the same day—January 3, 1973, right over in that corner. We have been in the Senate the same length of time. I have enjoyed serving with Senator BIDEN because although he and I seldom agree on fundamental issues, he always shoots straight with me—and I think that he will say that I have shot straight with him. I am a conservative and I am unabashed about it. And JOE, no doubt about it, is a liberal. That is the way it goes in this body.

But also on the Foreign Relations Committee some years ago, I think in the mid-1980s, one of the bad ladies who served on the committee—now, I am not even going to joke about it. She is one of the sweetest ladies I have ever known, one of the brightest ladies I have ever known, and one of the most unyielding ladies I have ever known—and her name was Nancy Kassebaum. It is now Nancy Kassebaum Baker because she is the bride of Howard Baker, the former majority leader of this Senate.

Now, it was, I believe, 1986 an amendment was enacted into law in the State Department Authorization Act. And by the way how many authorization bills have been passed since that year? Not many, not many. So the affairs of the Senate Foreign Relations Committee, Mr. President, have been handled by the Appropriations Committee until this year and we are endeavoring to have the Foreign Relations Committee resume its rightful place in the conduct of foreign affairs. I do not think it ought to be conducted by the Appropriations Committee.

But in any case, our former colleague from Kansas, the then Nancy Kassebaum, used a very interesting approach more than a decade ago in trying to get a budget reform at the United Nations. She was so disappointed and so was I with the way the United Nations was being operated. Her amendment was enacted into law for the authorization act for fiscal years 1986 and 1987. It explicitly and unilaterally withheld 20 percent of the U.S. contribution to the United Nations and its specialized agency until voting reforms took place at the U.N. Now, I must ask, what is so unusual about this bill? We are including provisions that require reforms in the same way—by withholding U.S. contributions. I do not know whether Senator LUGAR was chairman of the Foreign Relations Committee at that time. If he was, I doubt that he very strongly opposed Senator Kassebaum.

But the point is we have so many people who have responsible roles to play in this matter. We are hearing from the President and former Presidents, we are hearing from Secretaries of State and former Secretaries of State, et cetera, et cetera, et cetera, as Yul Brenner said in "The King and I."

I have a letter from Bob Dole supporting this plan. I ask unanimous consent it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HELMS. I appreciate the remarks that Senator LUGAR has made. But I just wish there would be some understanding of what our options are. Sure, we could watch Senator LUGAR talk about it, but we will end up with the Appropriations Committee running for the Senate our role in the foreign policy apparatus.

I admire Senator LUGAR, always have, always will, and I refuse to get in a fuss with him. His amendment is dictating to all those who have worked for months to arrive at a consensus piece of legislation how to do things when he does not have any workable alternative. I will still respect him, but I say that the Foreign Relations Committee, and the Senate, has for the first time in a long time the opportunity to take its rightful place in the procedure of determining the foreign policy apparatus of this country.

I will have more to say, if necessary, as time goes by, but I hope the Senator will not press his amendment.

I thank the Chair. I yield the floor.

EXHIBIT 1

JUNE 12, 1997.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate, Senate Dirksen Office Building Washington, DC.

DEAR JESSE: I want to take this opportunity to commend you for a job well done on your United Nations reform legislation. I know you have spent many hours ensuring that our national interests—and the interests of American taxpayers—are better protected at the United Nations.

As you know, I have long supported efforts to achieve reforms in United Nations peacekeeping and in the other areas of U.N. operations. The personnel, budgetary and organization reforms your legislation requires before additional U.S. funds go to the U.N. are comprehensive and long-overdue. I am pleased to see your legislation effectively precludes U.N. efforts to create a standing army, impose taxation or control U.S. property. I am particularly supportive of the provision which requires U.N. reimbursement for all costs associated with U.S. support for U.N. peacekeeping, and the provision which lowers the U.S. annual assessment for the U.N. budget. If such provisions had been in place in 1993, U.S. taxpayers would have saved literally billions of dollars.

You have put together an impressive piece of legislation. I congratulate you for leading a difficult effort that will result in a more efficient and more limited United Nations, and help ensure that American interests come first in our policy toward the United Nations.

I am writing this letter solely on my own behalf and the opinions expressed herein are my own.

Sincerely,

BOB DOLE.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I commend the very able Senator from Indiana for offering this amendment and for, in effect, crystallizing this issue on the floor of the U.S. Senate.

I share his view that this is an extremely serious matter and that the American commitment to the United Nations, despite various assertions we are hearing to the contrary, in fact may be in the process of being seriously eroded. This is a very important amendment.

It is my own strongly held view that the interests of the United States have been served by our Nation's active participation in the United Nations and the U.N. system. Over the years, since the end of World War II, the U.N. often has been an effective means of promoting U.S. foreign policy interests. When we work with and through the United Nations, we can leverage our resources and our influence in order to achieve a much greater impact than we could unilaterally.

Why do we go to the U.N. and seek these resolutions to sanction various actions we take around the world to serve and protect our national security interests? Because it gives us an international mandate to pursue a course of action, and frequently elicits contributions from other countries. Sometimes, in fact, the other countries are the ones who put their troops on the line, not the United States, in order to accomplish objectives that we regard as important.

Now, in the last decade, our status as the U.N.'s biggest debtor has affected our credibility and undermined our leadership with our allies and within the international community. The United States owes over $1 billion to the U.N. for regular activities and peacekeeping, more by far than any other country. Our arrearages are nearly two-thirds of the total amount owed by all countries to the United Nations.

There has been a misperception that the U.N. can somehow dictate policies to the United States and force us to undertake actions that do not serve American interests.

This is simply not the case. Nothing could be further from the truth. U.N. peacekeeping operations cannot be established without the concurrence of the United States. Of all of these various peacekeeping operations, none of them could have happened without American concurrence in their going forward.

As a key member of the Security Council, we are one of five countries with veto power over all resolutions that are considered by the council. We have a veto power that, in effect, can prevent any action of which we disapprove from taking place.

As a country, we pride ourselves for following the rule of law and holding our citizens responsible for meeting various legal obligations. In fact, we try to get other countries to follow our example and live up to those standards, both domestically and internationally. It is frequently a tremendous challenge to get countries to respect the basic rights of their citizens and to act in accordance with international law.

We ourselves are not now meeting those high standards, as they relate to the United Nations. We undertook commitments under the U.N. Charter, and we have a responsibility to make good on them. The starting point here must be a recognition that this is an obligation that we freely undertook, upon which we have defaulted. We have not met our responsibilities.

Now, this legislation, first of all, does not provide money to meet all of our arrears. There has been a negotiating process between Members of the Congress and the administration. The United Nations says, well, this is what we think the United States owes—$1.3 billion and some. The administration says, no, we think we owe just over $1.0 billion. This legislation has in it just over $800 million. It does not even have the figure which the administration states is what we owe to the United Nations, let alone the figure which the United Nations asserts that we owe.

The gap between the United Nation's assertion and the administration's position is largely the consequence of a unilateral action by the United States lowering its peacekeeping assessment from 31 percent to 25 percent. We just came along and said to the organization, well, we are going to cut it, just like we are doing here now on regular assessments. This is an organization with clear procedures for working out these responsibilities, and we are simply telling them what the situation is going to be.

Now, I have no doubt that if some other country, delinquent in meeting its obligations, showed up with the demands that we have put in this legislation, we would be absolutely outraged. We would say, who do they think they are and what do they think they are doing? They had these obligations and now they are coming in and rewriting them unilaterally and imposing these conditions.

These are conditions on past obligations. This is not looking to the future. This isn't saying, well, we rethought the matter and we don't really want to be part of this organization, unless it does such and such and so and so in the future.

These are past obligations. These are instances in which many countries have gone out and have put their people at risk, at our encouragement as a matter of fact, and now we come along and we refuse to pay the bill. We are refusing, in effect, to reimburse other countries for sending their troops on peacekeeping missions that we have voted for. Many countries have done that. They have gone and sent their

troops, put their troops' lives on the line in order to accomplish these objectives. Our responsibility in most of those instances was to provide the money to cover the activities, activities they were performing for us and for the entire world. Those missions have been accomplished. The bill has not been paid.

The approach taken by Senator LUGAR would seek to address our previous obligations in a very straightforward manner, and he also, as I understand it, has a proposal to fully meet current obligations, thereby enabling us to break out of the cycle of growing debts and waning influence.

Now, it is asserted here that we are not trying to micromanage the United Nations. We just went through this tremendous struggle at the United Nations to get a new Secretary General. The United States was a moving force in that effort and, from all indications, was happy with the change that took place. Now we are throwing a burden on the new Secretary General which I have serious concerns that he can sustain.

I want to go through just a few of the kinds of conditions that are going to be imposed here. I urge my colleagues to take a copy of S. 903 and go through it to see the kind of regime it establishes. Ask yourselves whether this is consistent with our Nation's participation in the U.N. for over 50 years now, as governed by the charter.

First of all, we say that $80 million can only be made available semiannually every year on a certification that the United Nations hasn't taken any actions that raise their budget over what had been projected. What happens if we get a new peacekeeping responsibility? What happens if there is an outbreak of hostilities somewhere, and finally to help bring it under control the United Nations takes action, as it has done in other places, and there are costs associated with that action? Well, I take it, if they do that without finding an offset—even with our support—we must withhold the money.

Twenty percent of the funds made available each fiscal year are going to be withheld to comply with a certification that is contained on pages 158 and 159; $50 million is going to be withheld from disbursement until the Secretary of State certifies that they have cut a thousand posts from the United Nations—995 won't do it; you have to have 1,000. Then the following fiscal year we will withhold $50 million from disbursement until there is a certification that the United Nations is running a vacancy rate of not less than 5 percent.

Now, this isn't negotiated with the United Nations. This is not the outcome of extended discussions as to what the United Nations is going to do. This is the Congress telling the United Nations that this is what it must do. So, in effect, we are saying that we are going to run your organization and all you other countries who pay the bulk of the cost will have to live with it. I would note that even with our large assessments, we are still a minority payor in the U.N. overall.

Then there is a provision, which I hope to address later, that provides for our withdrawal from the United Nations. We have finally come to the point in this legislation where there is a serious proposition for withdrawal of the United States from the United Nations—not an argument about how much we ought to pay, not an argument about how fast we pay the arrearages, but provisions that set out a process for withdrawal. I am frank to tell you that I never thought I would see the day we would be facing this. We ought to confront this challenge head on. If that is the agenda that is behind all of this, we ought to fight it out on the floor of the U.S. Senate.

There are additional conditions that appear in different places throughout this legislation. It is not until you identify them all and look at them all—they are not all in one place—and go through them that you begin to appreciate how heavy a burden is being created here. This bill provides, as the newspaper stories explain today, that if the U.N. does not meet all the benchmarks, they don't get the money.

There was a press conference up in New York where some suggested that these "benchmarks" were only guidelines. But, clearly, they are not simply guidelines. In fact, they are written as binding conditions which, if adopted by the full Congress, will become U.S. law. So this legislation moves beyond suggestions, recommendations, or proposals. These conditions would be mandatory elements of U.S. law, and would have to be carried out.

Now, there is another provision here that, in the next fiscal year, in order to release the money, there has to be a certification by the Secretary of State that the assessed contributions of the United States for the regular budget of the United Nations have been cut from 25 to 22 percent and the following year from 22 to 20 percent. Now, I think trying to negotiate such a reduction is acceptable as a goal or an objective of U.S. policy. But this isn't negotiating a reduction, this is a unilateral condition on which the payment of our arrearages depends.

Here is what we are doing. We are coming along and we are saying we are not going to pay all of our arrearages. We are not even going to pay the amount that our own Government has said we owe. We are going to fall short on that score. Moreover, we are going to create new arrearages. So it is not as though we come in and say, yes, we are going to pay all of our arrearages, we will pay our current assessment in full. We do neither of those two things.

Then we provide those partial repayments under a whole set of conditions, including that the United Nations reduces our assessment—a matter which, under the U.N. process, needs to be negotiated and arrived at by consensus.

I ask Members again to stop and think what their reaction would be if another country showed up in this heavy-handed way and started insisting that this is what would have to be done in order for them to pay up the obligations which they owe. I daresay we would not give them the time of day. So we fall short on meeting the arrearages, we fall short on the current payment, and then we tie these payments to a whole set of conditions. In effect, we say to the United Nations: Well, if you want to get any of this money, you have to do all of this.

Now, I think we must proceed on the basis of careful consideration of the United Nations and its role and its importance. If there are those who don't think we ought to stay in the United Nations, we ought to have that debate. As I have indicated, I think the United Nations overall has served our interests. That doesn't mean we agree with every single thing they have done or we necessarily think that it has been run in an exemplary fashion. It has had its ups and downs, no question about it.

But the real question is: How did the United States approach the U.N.? How is the United States going to exercise its international leadership in the post-cold war-period? Is the United States simply going to dictate, to simply throw its weight around, and say, "Well, we are going to make these unilateral judgments. Congress discussed this; now we are going to bring it to the United Nations, and you had better take it, or else?"

They held a press conference in New York the other day. Our Ambassador and one of our colleagues at the outset of this press conference tried in effect to portray the benchmarks as mere suggestions. But that portrayal comes at odds with what Senator HELMS said in introducing the bill. He said, and I quote from his statement, "Most importantly, this bill would prohibit the payment by the American taxpayers of any so-called U.N. arrears until"—with the "until" underlined—"these congressionally mandated benchmarks have been met by the U.N."

He continues, "The message to the United Nations is simple but clear: no reform, no American taxpayer money for arrears." That doesn't sound like a suggestion.

So that is where we find ourselves. I mean we are now at the point where we are going to dictate these conditions. I think it is going to cause us great difficulty at the United Nations. In fact, I think the committee's approach of seeking unilaterally to impose an American position on the United Nations may well alter the very nature of

our relationship with the U.N. to our own detriment, let alone to our relationship with some of the major actors at the U.N. Many of them are our closest allies over the years and are very much interested in how the United States revolves this matter.

So I commend the Senator from Indiana for bringing this issue forward.

The U.N. has been a favorite target of criticism and abuse. But it has done good work over the years, and I think we certainly need it. We need it to continue to function, hopefully in a strengthened position. The benchmarks or preconditions in this legislation—there are close to 40 of them of one sort or another in this legislation, not all in the same place—will not accomplish that.

The decision to join the United Nations made at the end of World War II was one of the most significant and momentous decisions made in this century. It came on the basis of a great deal of history which had concluded that the American failure to participate in the League of Nations was a very serious error, and that World War II might have been prevented had the United States undertaken an active international role.

The effective workings of the United Nations, as it was envisioned by those who planned it during World War II and in the immediate aftermath, were in effect brought to a standstill by the cold war and the consistent exercise by the Soviet Union of its veto at the security council. The veto, of course, as I have indicated, the United States also has, and has had from the very inception of the United Nations.

With the implosion of the Soviet Union and a change in the whole nature of the international arena, the opportunities for the United Nations to carry forward and carry out many of the responsibilities which had been envisioned for it at the time of its founding reemerged in this decade.

It is difficult because many of the problems they try to contend with are extremely complex involving enmities and hostilities of long standing. Neither the U.N. nor anyone else has a magic wand they can wave over those conflicts. But there is an opportunity for the United States, working through the United Nations and with the United Nations, to make a major contribution to world peace and to world prosperity. But to do that we need to be full members of the organization. And we need to step up and assume our responsibilities. We are not doing that in this legislation.

I am very concerned at what the reaction will be over time. Will they simply swallow it with great resentment? Will they feel when all the certifications can't be made that they really have not been dealt with fairly? Will we be up there managing it in a very detailed way because condition 21 or condition 32 has not been complied with? What do we do when we try to get nations to work with us in a particular direction? We can't compel them to do it.

We exercise our leadership in a sense by developing a consensus to support our position because we think it is the right position. And here we are taking a position which is the wrong position because we are failing to do a very basic thing, and that is simply meet our obligations. These are past responsibilities—not future responsibilities. We are using the fact that we failed to meet past responsibilities, and now are talking about meeting some but not all of them to impose a whole string of conditions and requirements on the United Nations. Otherwise you say, "Well, we simply won't abide by what our obligations were."

I am frank to tell you that I don't think that is the way a great power ought to behave. The United States is a great power. The United States is the great power in the world today. And with that role come important responsibilities in how we exercise that power. In my judgment, we are failing here to exercise those responsibilities in a manner that will strengthen our posture in the international community. I hope but I fear we may find that this effort has in the end altered the nature of our relationship with the U.N. to the detriment of the United States.

Mr. President, I yield the the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have had several inquiries about how late we are going. My response has been, of course, that that is up to the leadership of the Senate. For the time being, I hope that the distinguished Senator from Ohio would be recognized to offer an amendment, and that the pending amendments be laid aside temporarily, at the conclusion of which I would appreciate the Chair recognizing me for any further comment that I may have received from the majority leader in regard to how late we will stay here tonight.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. Reserving the right to object, Mr. President, is it the intent of the distinguished chairman to continue debate on my amendment? The request has been made to lay the amendment aside.

Mr. HELMS. Certainly, as long as the Senator from Indiana wishes to stay. But I did not recognize the very distinguished remarks of the Senator to be pro or con on his amendment, at least as they were written. But to respond to the Senator's question, I will stay here as long as he will.

Mr. LUGAR. I thank the Senator. I would like to be heard again on my amendment.

Mr. HELMS. Very well.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I thank my colleague from North Carolina, and I thank the Chair.

AMENDMENT NO. 383

(Purpose: To exclude from the United States aliens who have been involved in extrajudicial and political killings in Haiti)

Mr. DEWINE. Mr. President, on behalf of myself and my distinguished colleague from Florida, Senator GRAHAM, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. DEWINE), for himself, and Mr. GRAHAM, proposes an amendment numbered 383.

Mr. DEWINE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title XVI of division B of the bill, insert the following new section:

SEC. . EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI.

(a) FINDINGS.—Congress makes the following findings:

(1) At the time of the enactment of this Act, there have been over eighty extrajudicial and political killing cases assigned to the Haitian Special Investigative Unit (SIU) by the Government of Haiti. Furthermore, the government has requested that the SIU investigate on a "priority basis" close to two dozen cases relating to extrajudicial and political killings.

(2) President Jean-Bertrand Aristide lived in exile in the United States after he was overthrown by a military coup on September 30, 1991. During his exile, political and extrajudicial killings occurred in Haiti including Aristide financial supporter Antoine Izmery, who was killed on September 11, 1993; Guy Malary, Aristide's Minister of Justice, who was killed on October 14, 1993; and Father Jean-Marie Vincent, a supporter of Aristide, was killed on August 28, 1992.

(3) President Aristide returned to Haiti on October 15, 1994, after some 20,000 United States troops, under the code name Operation Uphold Democracy, entered Haiti as the lead force in a multi-national force with the objective of restoring democratic rule.

(4) From June 25, 1995, through October 1995, elections were held where pro-Aristide candidates won a large share of the parliamentary and local government seats.

(5) On March 28, 1995, a leading opposition leader to Aristide, Attorney Mireille Durocher Bertin, and a client, Eugene Baillergeau, were gunned down in Ms. Bertin's car.

(6) On May 22, 1995, Michel Gonzalez, Haitian businessman and Aristide's next door neighbor, was killed in a drive-by shooting after alleged attempts by Aristide to acquire his property.

(7) After Aristide regained power, three former top Army officers were assassinated:

Colonel Max Mayard on March 10, 1995; Colonel Michelange Hermann on May 24, 1995; and Brigadier General Romulus Dumarsais was killed on June 27, 1995.

(8) Presidential elections were held on December 17, 1995. Rene Preval, an Aristide supporter, won, with 89 percent of the votes cast, but with a low voter turnout of only 28 percent, and with many parties allegedly boycotting the election. Preval took office on February 7, 1996.

(9) On March 6, 1996, police and ministerial security guards killed at least six men during a raid in Cite Soleil, a Port-au-Prince slum.

(10) On August 20, 1996, two opposition politicians, Jacques Fleurival and Baptist Pastor Antoine Leroy were gunned down outside Fleurival's home.

(11) Other alleged extrajudicial and political killings include the deaths of Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, and Jean-Hubert Feuille.

(12) Although the Haitian Government claims to have terminated from employment several suspects in the killings, some whom have received training from United States advisors, there has been no substantial progress made in the investigation that has led to the prosecution of any of the above-referenced extrajudicial and political killings.

(13) The expiration of the mandate of the United Nations Support Mission in Haiti has been extended three times, the last to July 31, 1997. The Administration has indicated that a fourth extension through November 1997, may be necessary to ensure the transition to a democratic government.

(b) GROUNDS FOR EXCLUSION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996; or

(4) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and were credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume.

(c) EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons, or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(d) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (b).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than three months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary shall submit a report under this subsection not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (b).

(e) DEFINITION.—In this section, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

Mr. DEWINE. Mr. President, my amendment really is a very simple amendment. The amendment that Senator GRAHAM and I have offered would deny entry into the United States to anyone who has been credibly alleged to have ordered or carried out extrajudicial and political killings in the country of Haiti.

Mr. President, to an extent almost unimaginable to us who live in the United States, the history of Haiti has been a sad chronicle of brutal and repeated acts of political violence. Some of these extrajudicial killings occurred while former President Aristide was in exile. Some of these killings occurred after he returned to power. And tragically they have continued to occur after Mr. Aristide left office and President Preval became President.

During Mr. Aristide's exile, the victims included Mr. Aristide's financial support, Antoine Izmery, who was killed on September 11, 1993; Guy Malary, Mr. Aristide's Minister of Justice, who was killed on October 14, 1993, and Father Jean-Marie Vincent, an Aristide supporter who was killed on August 28, 1992.

Mr. President, after President Aristide regained power, it was the other side's turn.

On March 28, 1995, a leader of the opposition to Mr. Aristide, attorney Mireille Durocher Bertin, was gunned down in her car. One of her clients, Eugene Baillergeau, was also killed in the shooting.

On May 22, 1995, Michel Gonzalez was killed in a drive-by shooting—after alleged attempts by Mr. Aristide to acquire his property.

Three former top army officers were assassinated: Col. Max Mayard, killed on October 3, 1995. Col. Michelange Hermann, killed on May 24, 1995. And Brig. Gen. Romulus Dumarsais, killed on June 27, 1995.

Since the inauguration of President Preval, further killings have taken place.

On March 6, 1996, police and ministerial security guards killed at least six men during a raid in Cite Soleil in Port-au-Prince.

On August 20, 1996, two opposition politicians—Jacques Fleurival and Pastor Antoine Leroy—were gunned down outside Mr. Fleurival's home. And the death toll goes on and on: Claude Yves Marie. Mario Beaubrun. Leslie Grimar. Joseph Chilove. Jean-Hurbert Feuille.

The Haitian Government has assigned over 80 extrajudicial and political killing cases to the so-called Special Investigative Unit, the SIU. The Haitian Government says that they have fired several government employees who are suspects in these killings. But the sad fact remains that there has been no substantial progress made in these investigations. With the exception of one case that did go to trial where there was an acquittal, no one else has been tried. No one else has been convicted and no one has been punished for any of these assassinations.

Clearly, Mr. President, we need to do everything in our power to encourage the Haitians to bring the killers to justice. We as a nation have made a substantial investment in the building of Haitian democracy. And the plight of Haitian boat people demonstrates very clearly and dramatically that moving Haiti into some level of stability is clearly in our national interest.

But peace, democracy, and stability will not set down firm roots in Haiti unless and until the Haitian people themselves finally believe that power in their country can no longer be won at gunpoint.

The days when political murders can be carried out with impunity must be brought to an end. This amendment that my colleague, Senator GRAHAM, and I are now offering tells the Haitian people that political murder is no longer business as usual as far as the U.S. Government is concerned. In our view, it is time to stop adding names to the death toll of Haitian politics.

The premise behind this amendment is that visiting the United States is a privilege, one that should not be taken for granted. By not allowing these Haitian political murderers into our country, we send a strong message to them and to all people that political violence in Haiti will not be ignored by the United States.

This amendment does exempt persons on a case-by-case basis for medical reasons and cases in which the person has cooperated fully with the investigation of these political murders. This amendment also includes a reporting requirement. Our administration would be directed to submit to the appropriate congressional committees:) a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings; a list of those who have been refused entry to the United States as a result of this provision; and a report on this matter to be submitted once each year until such time as the Government of Haiti has completed the investigation of the extrajudicial and political killings and has prosecuted those implicated in the killings.

This amendment really is a very practical expression of our solidarity with the Haitian people, our solidarity with the Haitian people, as they aspire to real and true democracy and as they aspire to a peaceful civil society based on the rule of law instead of brutal violence.

For too long, for tragically too long, violence, political violence has been the way of life in Haiti. Whether the government is led by General Cedras or President Aristide or President Preval, one sad truth remains: Too many Haitians die, too many Haitians die due to political violence.

In past remarks on this Senate floor, I have outlined some of the measures the United States has taken and is taking to help the Haitian people break the cycle of violence. We are helping to train and provide resources for the SIU detectives who I talked about a moment ago, and we have sent experienced U.S. police officers to help mentor the young civilian police.

As I have said on this floor on several occasions, one of most heartening things as I have visited Haiti now four times in the last several years is to see the young American, big-city police officers, Creole-speaking, Haitian born but United States citizens who are down there, trying to make a difference with this young police force. So there are things that are happening. Progress is being made. There is some good news. Haitians are making progress in a very tough, uphill battle.

The adoption of this amendment will not solve their problems. It certainly will not solve their problems overnight, but I believe it will help. It will tell the Haitian people that we in the United States are on the side of everyone in that country who wants to create jobs, who wants to create hope; we are on the side of everyone in Haiti who wants a peaceful life, and we are on the side of everyone in Haiti who wants justice.

When a country tries to move to democracy, we always look to see whether there is peaceful transition of power. We look to see whether or not there are elections and whether they are free and fair elections. We sometimes forget that that is not the only indicator of democracy and certainly is not the only indicator of whether or not that country will be able to preserve a fragile democracy.

The other thing we have to look at is whether or not people feel they can have redress in the courts and whether or not, if someone, tragically, is murdered, or someone is injured, they have the opportunity or there will be the opportunity for their assailants to be brought to justice. This amendment deals with that and I believe will help the Government of Haiti and help the people of Haiti continue to progress towards the democracy that we want them to have and that they want. And the understanding must be that democracy is not just about elections, however important they are, but it is also about redress in courts. It is also about justice. It is also about a judicial system in which the general population can have confidence and faith. The solving of some of these high-profile political murders will go a long way to bringing about that type of confidence for the people of Haiti and will go a long way to creating the climate that we know must exist in Haiti if democracy is, in fact, to flourish and to survive.

I ask, as I conclude my remarks, unanimous consent to insert at this point in the RECORD a letter which is referenced in this amendment. It is a letter bearing the date of June 28, 1995, from the Justice Department of the United States to the Minister of Justice of Haiti. I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Industrial Park, Haiti, June 28, 1995.

JEAN JOSEPH EXUME,
Minister of Justice, Government of Haiti,
Port-Au-Prince, Haiti.

DEAR MINISTER EXUME: Following is a list of individuals the Federal Bureau of Investigation (FBI) intends to interview in the immediate future as part of its ongoing investigation of the assassination of Mireille Durocher Bertin and Eugene Baillergeau, Jr., on 3/28/95.

A. From the IPSF:
Maj. Dany Toussaint
Capt. Mendes Lesly Petion
Lt. Youri Latortue
Lt. Mignard Jean-Pierre
Lt. Ruguins Andre
Sgt. Fabien Lucien
Joel Jean (GTMO)
Leslie Sainton (GTMO)
B. From the National Palace:
Maj. Joseph Medard
Cpt. Richard Salomon
Col. Pierre Cherubin II
Lt. Col. Jean Marie Celestin

In addition to the interviews stated above, the following officers have agreed to take a polygraph examination as indicated below:

Lt. Pierre-Onil Lubin, 7/4/95, 1000 HRS.
Lt. Richard Cadet, 7/5/95, 1000 HRS.
Lt. Raynald St. Pierre 7/6/95, 1000 HRS.

The polygraph examinations will be conducted at the Light Industrial Couplex (LIC).

All appointments will be made by interviewing agents with Maj. James Jean-Baptiste for IPSF personnel and with Me. Francois Dormevil for those working at the palace. Thank you for your cooperation in this matter.

Sincerely,

RICHARD J. GIANNOTTI,
Supervisory Special Agent
Federal Bureau of Investigation.

Mr. DEWINE. I thank the Chair. I thank again my distinguished colleague, the chairman of the committee, Mr. HELMS from North Carolina.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I support this amendment and I have a hunch that most Senators will. I will be surprised if there are many Senators who will not support the amendment.

Since the United States returned Aristide to power in Haiti, there have been dozens upon dozens of politically motivated assassinations carried out by Haitian security forces trained by the United States. These people who have been assassinated in almost all cases, as I understand it, have been opponents of Mr. Aristide. Does the Senator agree with that?

Mr. DEWINE. If I could respond to my colleague, tragically, political murders have continued. We saw them before Aristide came to power, we saw them during the time he was in power, and we have continued to see them with the current President, President Preval. I believe it is very important that the people of Haiti must see that no matter who is in power, no one is above the law and supporters of someone in power are not above the law.

Mr. HELMS. Right. In any case, Mr. President, despite the American taxpayers being required to put up the money to prop up the Haitian Government with U.S. troops, and the expenditure of something like $2 billion, the Haitian Government has rebuffed all of the attempts by our Government to investigate these murders. The human rights situation has disintegrated to such a point that last year President Clinton had to rush diplomatic security officers to Haiti to protect Aristide's replacement, President Preval, from his own palace security guards whom the United States had trained and equipped.

Here is one example of so-called justice in Haiti today. Michel Gonzalez lived next door to Mr. Aristide. Mr. Gonzalez was gunned down in May of 1995 outside of his home after refusing to sell his property to Mr. Aristide. The Haitian Government claims that the autopsy report was lost and the Haitian Government refuses to turn over critical evidence to the U.S. Government.

One of those implicated in orchestrating the assassination is Dany Toussaint, who got a U.S. green card as an "agricultural worker"—and I wish I knew how to put oral quotation marks around agricultural worker. In any case, he has been allowed to roam free in the United States, and in Haiti. It seems to me that spending $2 billion on a regime that protects murderers is bad enough, but allowing these assassins to come into the United States is quite another thing. It is not only asinine; it is breathtaking in its stupidity.

In 1993 and 1994, I took some flak as a Senator because I warned that when Aristide and his cronies were fully disclosed, the record would be clear that they are or were anti-American thugs. There is no other way to put it. Aristide himself rose to prominence making hate-filled diatribes against the United States of America. He accused the United States of having some strange diabolic design on Haiti.

Now, I noticed in yesterday's Washington Post a report that Mr. Aristide is engineering a bid to resume power in Haiti even though it is against Haiti's Constitution for him to be President again.

According to this article, and I quote from the Washington Post: "Arrested is rallying his militants by blaming U.S. imperialism for the woes of Haiti's poor." That is some thanks, I guess, for the billions of dollars of American taxpayers' money spent in Haiti or on behalf of Haiti.

There is no getting around the fact that the lives of American servicemen and women were put at risk and billions of taxpayer dollars have been wasted to prop up a government run by corrupt cronies of Arrested—people who hate America and who sanction assassinations against political opponents.

Mr. President, it boils down to this: If the Haitian Government will not prosecute these assassins, the least we can do is deny them U.S. visas.

I wonder if Senator BIDEN is available. I would like to get the yeas and nays. I presume the Senator wants the yeas and nays?

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I would like a rollcall vote, if we could.

Mr. HELMS. The distinguished Senator from Delaware will have to be on the floor in order to get them, but we will get the yeas and nays and have a rollcall vote, probably an early vote tomorrow morning.

I thank the Senator. I have received no further information from the leaders about how late we should go, so I think it is time to hear from the distinguished Senator from Indiana again, Mr. LUGAR.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

AMENDMENT NO. 382

Mr. LUGAR. Mr. President, I thank the Chairman and the Chair. Let me summarize. Earlier in the afternoon I offered an amendment to strike Title XXII from the legislation dealing with the United Nations. Essentially, I call for payment of our debt in 2 years, without conditions.

Title XXII, as we observe, contains 18 pages of conditions. That is the issue. Senator BIDEN, the distinguished ranking member of the committee, argued that he believed in principle that my arguments were correct. He argued that pragmatically, in the negotiation that he had encountered with the distinguished Senator from North Carolina, the chairman led him to believe that the amounts of money, $819 million, and the conditions that are imposed by Title XXII were the best arrangement that was possible under these circumstances.

The distinguished Chairman, Senator HELMS, has argued that the Foreign Relations Committee ought to take action, as opposed to allowing the appropriators to take action, as so often has been the case with matters before our committee in recent years. I certainly subscribe to that thought, that we ought to take action. Clearly this bill as a whole is an attempt to do so in a very comprehensive and positive way. But it is important that Members realize the gravity of the debate that we are having on the United Nations.

Senator SARBANES, I think correctly, in his remarks, mentioned that the very thought of withdrawal, which appears in this bill, is a very serious business. Earlier I suggested that it is not at all beyond conjecture that there will be no money paid to the United Nations given the severity and the number of conditions that are required; that Members, in casting a vote on this, have to consider that casting that vote imperils the United Nations, quite apart from our reputation for paying our debts to our allies who have been involved in peacekeeping operations which we supported.

These are serious matters. A basic dilemma is that the language is very complex. Many Senators may not have had an opportunity to read what the conditions are and all the reasons why this Senator argues it will be very difficult for the payments to be made. Senators may not have realized the implications of nonpayment, noncooperation, and nonleadership on our part could imperil the United Nations. If Senators are, in fact, of a mind that they really do not care or if they believe the United Nations has served its time and that this is an unusual backdoor way of finalizing the problem, that is one point. But if Senators believe, as do two-thirds of the American people, that the United Nations is important, that we ought to be taking leadership, that we ought to be paying our debts, then Senators will vote to do so. They will support my amendment.

It is not inconceivable that my amendment should pass and that we should proceed along this course of action. What has been argued this afternoon by the distinguished Ranking Member of the committee is that the distinguished Chairman disagreed with payment of very much money, and the distinguished Chairman insisted upon a large number of conditions. Apparently, he acquiesced and finally allowed some of the funds to be stricken from the legislation. That is the argument we are having. I would simply say that Senators must consider this, I believe quickly, because the timeframe of all this debate is very rapid. If there were more time, my guess is that around the Nation, members of the general public, editorial writers in newspapers, opinion leaders in foreign policy would agree, this is very serious. This is a moment of truth for the Senate with regard to the United Nations. There would be time for many people to reflect upon this, including Senators who must vote. And it is very possible that Senators would decide we really want to take leadership and we want to affirm the ties that we have with our allies to whom we owe the money.

As we have pointed out again and again, $658 million is owed to countries such as Great Britain, France, Germany, Italy and other friends and allies—not to the Secretariat of the United Nations or the structure that has been described as overblown. That is a red herring; just 5 percent of the money is owed to the United Nations per se. The real issue is whether we will meet our obligations to our friends, whether we will take leadership at the United Nations, whether we will assert that the United Nations should continue as an important part of our foreign policy.

Mr. SARBANES. Will the Senator yield for a question?

Mr. LUGAR. Yes, I will be pleased to respond.

Mr. SARBANES. Are these obligations to our friends, to which the Senator has referred, those instances in which our allies undertook actions under the umbrella authority of the United Nations, often with the use of their own troops, to carry out activities which the United States supported, which the United States made the judgment served our own national security interests? Would that be correct?

Mr. LUGAR. The Senator is absolutely correct, that our interests were served. We voted for peacekeeping operations. Other nations stepped forward, and we agreed to pay our fair share of the money and not to send our troops.

Mr. SARBANES. If the Senator will yield further, in fact, in some of those

instances, while we wanted the activity done, we were unwilling to commit our own forces directly in order to do it, and the problem was then resolved by the willingness of other countries to commit their forces in order to carry out these important activities; was that not the case?

Mr. LUGAR. The Senator is correct. Of course, one of the most vivid and recent experiences was that in Bosnia, to which our country for some time did not wish to commit forces, did not wish to commit NATO or get a vote of our NATO allies. So, as a result, other nations attempted to bring about peace in Bosnia largely because our Nation stood aside but indicated to them they ought to carry on.

Mr. SARBANES. If the Senator will yield further, in fact, if we cannot continue to work this way, I take it that if confronted with a crisis abroad, our choices would either be to do nothing or to become involved unilaterally and directly, by ourselves. We would lose what, it seems to me, has been a very effective weapon for serving U.S. interests without necessarily committing the United States directly in the activity. Would that be correct?

Mr. LUGAR. The Senator has stated the options all too vividly; namely, we respond to security crises by ourselves or we say nothing is going to happen in the world. And worse still, we lose the option, if we do not have the United Nations, of going as we did to the Security Council, at the time the United States presided, during Desert Storm when we obtained a Security Council resolution that brought a number of nations to our side in a very, very important endeavor.

Mr. SARBANES. If the Senator will yield on that very point, it was my very strongly held impression that obtaining the resolution of the Security Council, in effect, gave legitimacy to the strongly driven U.S. action, in terms of international approval that otherwise would have been lacking or missing in the situation.

We treat these U.N. participations as though they don't count for very much. Yet, around the world, the fact that the United States has gone to the United Nations and gotten the United Nations to approve it, gives a legitimacy to the activity that might not be there, at least in the eyes of some countries, if the United States were simply to undertake it directly, without this approbation from the international community.

Mr. LUGAR. The Senator is correct. As the Senator will recall, we took this international legitimacy as a basis for our literally asking other nations all around the globe to pay the bulk of the moneys for Desert Storm. As I recall, over $50 billion was collected from Japan, from Germany, and from many of the nations that are being cited now as countries to whom we owe money in other peacekeeping endeavors.

Mr. SARBANES. I thank the Senator.

Mr. LUGAR. I thank the Senator for his questions.

Mr. President, during this debate, strangely enough, we have really not argued about the text of the 18 pages that I wish to eliminate with my substitute amendment. No Senator has risen to defend that language and the labyrinth of the conditions that are involved in it. Rather, we have had a suggestion that this was the best that could occur, given the players in the legislative drama. I say it is not good enough. As a matter of fact, I believe that very drastic circumstances not in our interest are liable to arise from this language. This is why I make a point of it.

I have not generally not offered amendments to this legislation. I believe the reorganization efforts and a good number of reforms that the committee has brought about in this legislation are important. But I believe the particular item we are talking about now with regard to continuation of the United Nations is a critical item and deserves underlining. It deserves attention, it deserves careful reading by all Senators prior to vote on my amendment or on final passage of legislation that will contain this arrears provision.

I conclude simply by saying that I believe the United Nations is important for our foreign policy. I believe we ought to be vigorous in taking international leadership, in making certain that the United Nations fulfills our aspirations in working constructively with other nations. I believe we ought to pay our obligations to other nations. I believe, as a matter of fact, if we do so, we are likely to be more effective in our negotiation with many of the same nations in other vital international negotiations that will continue on the expansion of NATO, on freer and fairer trade around the globe, and on a number of things that are very important to our security and bread-and-butter interests.

Mr. President, at the appropriate time, I will ask for the yeas and nays. As neither the Chairman nor Ranking Member are on the floor, I suspect the Chair may or may not be in a position to grant that.

I will ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. LUGAR. I thank the Chair.

Mr. HELMS. Mr. President, what does constitute a sufficient second? I am carrying Senator BIDEN's proxy. Could we just have a gentleman's agreement on that?

Mr. LUGAR. I renew my request.

The PRESIDING OFFICER. There now appears to be a sufficient second.

The yeas and nays are ordered.

The yeas and nays were ordered.

Mr. HELMS. Thank you, Mr. President.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Maryland yield to the Senator from North Carolina?

Mr. HELMS. We have just one thing we would like to do——

Mr. SARBANES. Can I make a 30-second statement, and then I will yield the floor.

Mr. President, I simply commend the Senator from Indiana for sounding the alarm in the night, and I very much hope that Members will carefully read through the actual provisions of this legislation. It is very important that they do that. This is a very important issue. I thank the chairman.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 383

Mr. HELMS. Mr. President, on the same basis that we granted the yeas and nays on the question on Senator LUGAR's amendment, I ask for the yeas and nays on Senator DEWINE's amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Senator. We have one more thing that we need to do on Senator GORTON's amendment, which we will approve on a voice vote.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NOS. 378 AND 379, WITHDRAWN

Mr. GORTON. Mr. President, I ask unanimous consent, on behalf of myself, Senator DURBIN and Senator BIDEN, that amendments Nos. 378 and 379 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 378 and 379) were withdrawn.

AMENDMENT NO. 384

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator DURBIN, myself, Senator HELMS, Senator ROTH, Senator BROWNBACK, and Senator BIDEN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. DURBIN, Mr. HELMS, Mr. BIDEN, Mr. ROTH, and Mr. BROWNBACK, proposes an amendment numbered 384.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title XVI, add the following:

SEC. . DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(1) DESIGNATION OF ADDITIONAL COUNTRIES.—Effective 180 days after the date of

the enactment of this Act, Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of the NATO Participation Act of 1994.

(2) RULE OF CONSTRUCTION.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) SENSE OF THE SENATE.—It is the sense of the Senate that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(A) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

Mr. GORTON. This amendment, Mr. President, merges together two amendments related to NATO enlargement offered earlier by Senator DURBIN in the case of amendment No. 378, and myself and others in connection with amendment No. 379.

I understand, through the graciousness and thoughtfulness of the senior Senator from North Carolina and Senator BIDEN from Delaware, that this amendment has now been agreed to. It does express United States support for working toward the qualification of five nations for NATO—the three Baltic States, Lithuania, Latvia and Estonia, together with Romania and Bulgaria. The latter was suggested by Senator BIDEN and expresses the view of the Senate that when each of those nations has become qualified for that membership, that that membership ought to be granted.

I spoke earlier about my strong feelings, strong feelings with which I know Senator DURBIN particularly concurs, in favor of the Baltics after their long struggle through half a century of darkness to their independence and their growing democracies.

Romania, of course, has been suggested by a number of European countries for membership at the current time. It has had dramatic changes toward democracy and responsibility in recent years. Bulgaria, just in the last few months, now seems to be moving in that direction.

We all feel that as they qualify, they ought to be welcomed into this united group of Western European and North Atlantic nations into the North Atlantic Treaty Organization. Each of them will contribute to it, each of them will be strengthened by it, not just from the point of view of their physical security, but I might put it their moral security as well, their desire to be a part of the world from which they were excluded for so long by the Soviet Union.

This amendment is identical, with one exception, to an amendment already passed in the House of Representatives. The wording is precisely the same. Bulgaria, at the suggestion of Senator BIDEN, has been added.

With that, Mr. President, I think I speak for each of the sponsors and I thank Senator HELMS for his understanding and support.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 384) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that Senator D'AMATO be added as a cosponsor to the amendment which was just approved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, may I inquire, is Senator DURBIN's amendment No. 377 still pending?

The PRESIDING OFFICER. It is.

AMENDMENT NO. 377, WITHDRAWN

Mr. HELMS. Mr. President, I send an amendment to the desk on behalf of Senator DURBIN. This amendment modifies the amendment relating to the one filed earlier by him.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. HELMS. Did the Chair understand that the Durbin amendment is being withdrawn? Perhaps I didn't make it clear.

I ask unanimous consent that the Durbin amendment No. 377 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 377) was withdrawn.

AMENDMENT NO. 385

Mr. HELMS. Mr. President, now I send to the desk on behalf of Senator DURBIN an amendment on the same subject.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. DURBIN, proposes an amendment numbered 385.

The amendment is as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly):

SEC. . SENSE OF SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

It is the sense of the Senate that—

(1) as a signatory of the International Covenant on Civil and Political Rights, the Government of Peru is obligated to grant prisoners timely legal proceedings pursuant to Article 9 of the International Covenant on civil and Political Rights which requires that "anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release;" and that "anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful;" and

(2) the Government of Peru should take all necessary steps to ensure that any U.S. citizen charged with committing a crime in that country is accorded open and fair proceedings in a civilian court.

Mr. DODD. Mr. President, I want to commend Senator DURBIN for calling attention to the problems with the judicial system in Peru. He has laid out some very specific cases of two United States citizens who are residents of his State of Illinois.

I would also like to call to the attention of my colleagues the case of Ms. Lori Berenson of New York. Ms. Berenson was convicted of treason by a secret military tribunal in January 1996. Since then she has been serving a very tough sentence under exceeding harsh conditions in the Yamamayo prison.

Mr. President, I do not know about the innocence or guilt of Ms. Berenson with respect to the crimes with which

she has been charged. What I do know is that she was not accorded a fair and open trial which is a hallmark of any democratic legal system. On August 6, 1996, I joined with 19 other Senators in a letter to the President of Peru calling upon him to take all necessary steps to provide an open and fair proceeding in civilian court to Ms. Berenson. I ask unanimous consent that a copy of that letter be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Mr. President, the President of Peru, Alberto Fujimori never responded to that letter.

The pending amendment would once again call upon the Government of Peru to take all necessary steps to provide her with such a trial. I would hope that President Fujimori would take note of this amendment and act in this case and the others that Senator DURBIN has mentioned.

I commend the Senator from Illinois for his very thoughtful and timely amendment. I urge my colleagues to support this amendment.

EXHIBIT 1

U.S. SENATE,
Washington, DC, August 6, 1996.

President ALBERTO KENYO FUJIMORI FUGIMORI,
Palacio de Gobierno, Plaza de Armas s/n, Lima 1–Peru.

DEAR PRESIDENT FUJIMORI: We write to express our deep concern that Ms. Lori H. Berenson, a United States citizen, has not been afforded her rights of due process of law. Ms. Berenson was recently convicted of treason by a military tribunal in Peru and is currently imprisoned in Yanamayo prison. The lack of due process at her trial leaves the question of her involvement in illegal activity unanswered.

We are particularly concerned that Ms. Berenson did not have an open trial; was not allowed to cross-examine witnesses or challenge evidence; and was tried in a military court by judges whose identities were concealed. Such practices preclude a fair trial. We urge you to take steps to ensure that she is retried before a civilian court which upholds internationally recognized rights of due process.

We note that Article 14 of the International Covenant on Civil and Political Rights, ratified by Peru on April 28, 1978, stipulates that:

"Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. . . .

"[and is entitled] to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him."

In addition, it appears inappropriate to try civilians in a military court. We are aware that the Peruvian Government gave assurances to Assistant Secretary of State Alexander Watson over two years ago that civilians would no longer be tried in military courts.

We find it troubling that during the trial of Ms. Berenson, the Peruvian judicial system failed to uphold these and other international standards. The Constitution of the Republic of Peru states that:

"It is the duty of the President of the Republic to obey and ensure obedience to the Constitution and all treaties, laws, and other legal provisions. (Article 118)"

While we make no claims concerning Ms. Berenson's alleged guilt, we ask that you take the necessary steps to provide an open and fair proceeding in a civilian court. Indeed, the entire Peruvian judicial system should be brought in line with the solemn international commitments made by the Peruvian Government.

We thank you for your attention to our request.

Sincerely,

James M. Jeffords, Alfonse M. D'Amato, Daniel Patrick Moynihan, Christopher J. Dodd, Ben Nighthorse Campbell, Carl Levin, Paul Simon, John D. Rockefeller IV, Claiborne Pell, Carol Moseley-Braun, Dianne Feinsein, Patty Murray, Barbara Boxer, Patrick J. Leahy, Dale Bumpers, Daniel K. Inouye, Barbara A. Mikulski, David Pryor, Wendell H. Ford, John F. Kerry.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, inasmuch as the amendment now pending by Senator DURBIN has been approved by both sides, the pending amendment modifies the amendment relating to Peru. There being no objection to that amendment, I propose that it be accepted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 385) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. HELMS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, June 13, 1997, the Federal debt stood at $5,354,082,862,951.39. (Five trillion, three hundred fifty-four billion, eighty-two million, eight hundred sixty-two thousand, nine hundred fifty-one dollars and thirty-nine cents)

Twenty-five years ago, June 13, 1972, the Federal debt stood at $428,345,000,000 (Four hundred twenty-eight billion, three hundred forty-five million) which reflects a debt increase of nearly $5 trillion—$4,925,737,862,951.39 (Four trillion, nine hundred twenty-five billion, seven hundred thirty-seven million, eight hundred sixty-two thousand, nine hundred fifty-one dollars and thirty-nine cents) during the past 25 years.

HONORING THE UTAH JAZZ

Mr. HATCH. Mr. President, I rise today to recognize the Utah Jazz, who just completed their most successful season in franchise history. After clinching the Western Conference Championship with a last-second, heart-stopping shot at the buzzer, they competed for the NBA title against the talented Chicago Bulls with grit and sheer determination. Throughout this season, our Utah Jazz have displayed tremendous skill, determination, strength, and character to forge ahead and accomplish what very few thought they could do. This team captured the hearts of basketball fans from coast to coast with their hard work, down-to-earth personalities, and belief in themselves.

The Utah Jazz story has been filled with many years of strength building and even some challenges. In 1979, a struggling NBA basketball franchise pulled up its stakes and moved from New Orleans to what is the smallest market in the National Basketball Association, Salt Lake City, UT. The Jazz have built their program slowly but surely thanks to the big shoulders of some very good people.

Jazz owner Larry H. Miller had the determination and the vision to know what it could mean for Utah to have its own NBA basketball team. Larry is more than an owner. His players are his family. His love and enthusiasm for his Utah Jazz team is infectious. Utah has been greatly rewarded through Larry's leadership and commitment.

Former coach and current team president, Frank Laydenn has been the Utah Jazz' all-time best cheerleader. Frank has always believed in his team. He has won over many fans through his enthusiasm, humor, and love for the game.

Coach Jerry Sloan is an example of leadership and fortitude. His motto to "never give up," is evident in the guts and determination his players show on the basketball court. Jerry not only teaches his players good basketball skills, he also builds character. He has instilled his own hardwork ethic into every aspect of the Utah Jazz.

John Stockton, the all-time NBA assist and steals leader, has displayed time and time again courage under pressure, and an absolute belief that "we could win." The success he has enjoyed has not detracted from his thoughtful, unassuming manner. He is

indeed a worthy role model for many young people today.

And who else has displayed more utter conviction than league MVP, Karl Malone. Karl has provided the Utah Jazz with leadership and valor. Anyone who has followed the Utah Jazz knows how valuable Karl is to the team's overall scoring and rebounding capabilities. Aside from his on-court presence, Karl has been an outstanding ambassador for the NBA. His reputation of honesty and hard work has made him one of the greatest role models in professional sports.

Not only am I proud of the Utah Jazz for winning the Western Conference Championship, I am even more proud of the high caliber of individuals that make up the Utah Jazz. Our team is willing to work hard, to believe in themselves, to reflect the values of the community in which they play, and to never give up. I am proud of the way they represent our State and its fans.

I am sure that all Utahns would be happy to join with me in saying a big thank you to all of the players on the Jazz, as well as the coaches and management staff for all you have done for Utah—both on and off the court. The Utah Jazz united the people of our great State in a way that has not been equaled since Brigham Young led the covered wagons into the Salt Lake Valley. Citizens from all over our State, and from all walks of life, have united together behind one single entity—the Utah Jazz. This is an accomplishment all its own. The enthusiasm Utahns felt for their team was electric and awe-inspiring. Everyone who has ever felt like an underdog has embraced this team and gloried in its success.

Mr. President, although we didn't bring home the ultimate trophy, our Utah Jazz gave us a season to remember. This team has done us all proud, and we are proud of them. So, here's thanks and best wishes to Karl, and John, Jeff, Greg, Bryon, Shandon, Howard, Greg, Antoine, Adams, Chris, Stephen, and Coach Sloan and his staff. And, as a word of warning to all the teams in the NBA—David slew plenty of Goliaths this year; watch out, we'll be back next year with a hand full of stones.

Go, Jazz!

THE LANDMINE ELIMINATION ACT OF 1977

Mr. BIDEN. Mr. President, last Thursday, 55 of us joined Senators LEAHY of Vermont and HAGEL of Nebraska in cosponsoring the Landmine Elimination Act of 1977. This landmark legislation will bar, as of January 1, 2000, the use of any U.S. funds for new deployments of antipersonnel landmines.

I am proud to be one of the cosponsors of this legislation, which addresses a subject of terrible urgency. Every hour, more innocent civilians are killed or wounded by landmines in Angola, Afghanistan, Bosnia, Cambodia, Ecuador, and elsewhere. The scourge of landmines is so great that the United States and other governments have special aid programs to help locate and destroy landmines left over from the wars of the past.

The United States is pursuing many avenues to battle this plague. We are a signatory of the antipersonnel landmine protocol to the Convention on Conventional Weapons, which I would hope the Senate will give its advice and consent to ratification of that protocol sometime this year. That protocol bans undetectable mines, such as the toy-like plastic butterfly mines that maim so many children. The United States is well on its way toward converting all its nondetectable mines, so there will be very few costs associated with ratification of this protocol.

We are also engaged in negotiations in Geneva and working with the Government of Canada on the projected Ottawa convention in hopes of obtaining a worldwide ban on antipersonnel landmines. But those negotiations have left the United States in a quandary. Russia and China—the world's major suppliers of antipersonnel landmines—have refused to participate in the Ottawa process to achieve an immediate ban on these mines. And Mexico has blocked the U.N. Conference on Disarmament from opening the formal negotiations in which Russia and China are willing to participate.

Nobody is clear on whether Mexico's step reflects frustration with the idea of gradualism in eliminating antipersonnel landmines, or a desire to continue using such mines in Mexico's own war against the domestic guerrilla movements. What is clear, however, is that bold steps are needed to regain momentum in the crusade to end this most horrendous aspect of modern warfare.

Two years ago, two-thirds of this body voted for a moratorium on new antipersonnel landmine deployments, beginning in February 1999. The Landmine Elimination Act of 1977 will go a giant step further, by committing the United States to just say no to these mines on January 1, 2000. This action will put the United States on a higher moral plane than ever before on this issue. With a legally binding commitment to end our own role in sowing needless destruction, perhaps we can more effectively influence Russia and China and Mexico to step up to the responsibility of protecting the innocents even when we make war on our enemies.

S. 896 is a carefully constructed bill, Mr. President, and that is a sign of the seriousness with which this body approaches the topic of landmines. Subsection 2(d) of the bill permits the President to delay application of the ban with respect to the Korean peninsula on a yearly basis if he determines that new deployments would be indispensable to the defense of the Republic of Korea if war should occur there. This is a broader exemption than that in the moratorium we passed 2 years ago, which allows such mining only along international borders and in the DMZ. Given the risk that a dying Stalinist regime in North Korea might throw all its forces into a last-gasp effort to conquer the South, this broader exemption is sensible indeed.

S. 896 also is clearly limited to the most heinous landmines: Mines delivered by artillery, rocket, mortar, or similar means, or dropped from an aircraft. The bill goes to state, at subsection 4(b): "The term 'anti-personnel landmines' does not include command-detonated Claymore munitions."

Command-detonated landmines do not cause the many civilian casualties that have prompted work action. They are generally set off either by a nearby soldier, who waits for the enemy to approach, or by a tripwire in an ambush. They are used often to blow up tanks, and do not leave the indiscriminate killing fields that so plague farmers and travelers and children today.

Nobody is comfortable manufacturing any instrument of death. But at least Claymore munitions are targeted munitions, designed to kill the enemy rather than his neighbors and his children.

The care with which S. 896 has been drafted makes this a bill that all of us can support. I am happy to cosponsor it and I am confident that it will be enacted into law.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—H.R. 363

Mr. NICKLES. Mr. President, when the Subcommittee on Energy Research, Development, Production, and Regulation of the Energy and Natural Resources Committee filed its report on H.R. 363, to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program, the estimates from the Congressional Budget Office were not available. The report has now been received and I ask unanimous consent that it be printed in the RECORD for the information of the Senate and the public.

There being no objection, the material was ordered to be printed in the RECORD as follows:

H.R. 363—An act to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program

Summary: H.R. 363 would extend and modify the authorization for a multiyear initiative focused on the health effects of electric and magnetic fields. This interagency research effort, which is funded jointly with

the private sector, is administered by the Department of Energy (DOE). The current authorization allows the appropriation of up to $65 million over a multiyear period ending in 1997, provided that nonfederal sources match the federal funds. Since the program's inception in 1993, appropriations have totaled $20 million and have been matched by a corresponding amount of nonfederal support. Enacting this legislation would enable the program to receive funding through 1998, and would reduce the multiyear authorization ceiling to $46 million.

Assuming funds are appropriated for these activities in 1998, CBO estimates that enacting H.R. 363 would result in additional discretionary spending of $4 million over the 1998–2002 period. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The legislation does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995.

Estimated cost to the federal government: The estimated budgetary impact of H.R. 363 is shown in the table on the following page. For purposes of this estimate, CBO assumes that appropriations for this program would total $4 million in 1998, the amount provided under current law for 1997, and that this amount would be matched by nonfederal sources. Although the amount authorized to be appropriated in 1998 could total up to $26 million (the balance between the $46 million cap and the $20 million appropriated to date), CBO estimates that the program only needs about $4 million to complete it mission. We assume outlays would follow historical spending patterns for such research and assessment activities at DOE.

SPENDING SUBJECT TO APPROPRIATION

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Spending under current law:						
Budget authority[1]	4	0	0	0	0	0
Estimated outlays	5	2	1	0	0	0
Proposed changes:						
Authorized level	0	4	0	0	0	0
Estimated outlays	0	2	1	1	0	0
Spending under H.R. 363:						
Authorization level[1]	4	4	0	0	0	0
Estimated outlays	5	4	2	1	0	0

[1] The 1997 level is the amount appropriated for that year.

The costs of this legislation fall within budget function 270 (energy).

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 363 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995, and would not impose any costs on state, local, or tribal governments.

Previous CBO estimate: CBO has prepared cost estimates for two other versions of H.R. 363. On March 6, 1997, CBO transmitted a cost estimate for H.R. 363 as ordered reported by the House Committee on Commerce on March 5, 1997. On April 17, 1997, CBO prepared an estimate for the version ordered reported by the House Committee on Science on April 16, 1997. The three estimates for H.R. 363 are identical.

Estimate prepared by: Kathleen Gramp.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

TRIBUTE TO THE U.S. ARMY ON THE OCCASION OF ITS 222d BIRTHDAY

Mr. THURMOND. Mr. President, the primary mission of any army is to fight and win the wars of the nation which it protects. For the past 222 years, since June 14, 1776, the soldiers of the United States Army have valiantly and successfully defended the interests, ideals, and people of our Nation.

The American Army that was born on that June day a little more than two centuries ago is very different from the military force that meets our Nation's security needs as we prepare to enter the new millenium. The soldiers of our first Army were largely untrained, were poorly and infrequently paid, and faced tremendous logistical burdens. It is truly testament to the leadership abilities of General Washington that he was able to hold his troops together in the face of such odds. Of course, the men and women who serve in today's Army receive months of intensive and excellent training before they join their units, are paid fair wages on a regular basis, and benefit from a commitment to creating a professional, career oriented force. Despite these differences, one thing that has remained constant about those who have served in the United States Army over the past 222 years is that these are largely men and women who are selfless individuals and who are motivated by a patriotic desire to make a difference. From Valley Forge to Sierra Leone, no nation's army has benefitted more from the efforts of a finer array of people than our's.

Throughout its history, the American Army and its soldiers have served with distinction on literally every continent of the world. Minutemen, Johnny Reb & Billy Yank, Rough Riders, Doughboys, Dogfaces, and GI Joes have stood up to dictators, deposed tyrants, beaten back communism, defended freedom, and protected all that we hold dear. Additionally, our soldiers have served as a grassroots diplomatic corps in combat boots, spreading to people around the globe the knowledge that Americans are peaceful, that there is no finer form of government than democracy, and that we prefer building friendships with the citizens of other nations to fighting them in wars. There is no question that in many ways, a candy bar given to a small child from a smiling GI is the best form of foreign aid and diplomatic relations that can be undertaken by the United States.

While the battlefield accomplishments of the United States Army are impressive and unequalled in history, the missions of today's Army go far beyond that of warfighting. In addition to being able to act and react decisively to threats to our Nation no matter where they might arise, our Army is now tasked with a number of nontraditional missions which range from providing fresh water to refugees in Rwanda to keeping the peace in Bosnia. Though these missions are more varied and decidedly different from simply containing or destroying our enemies, our soldiers have characteristically embraced their new responsibilities without complaint and are carrying out their duties professionally.

As we approach the new century and look to the future, Americans have good cause to be optimistic. Our Nation is enjoying a period of prosperiety, the world is in a relativly peaceful state, and we no longer are in a Cold War contest with another superpower, however, we must not allow ourselves to be lulled into a state of complacency. While things are calm now, we must remember that threats to our security and interest can crop up suddenly and we must remain vigiliant for such developments. We cannot ignore our military and those who serve in them, to do so would undermine years of hard work and the significant investment we have made in building the finest and most technologically advanced fighting forces ever known to man. Clearly the Army will continue to have a critical role in assuring that the United States remains secure and that the world remains a stable place where disputes are resolved in manners short of warfare.

Mr. President, as the Army celebrates its 222nd birthday, it is important that we pause from our duties to remember the men and women who have served in the ranks of this service throughout its history. It is easy to forget that those who protect us and who carryout the policies we develop in this Chamber are individuals who are young, making many sacrifices, and have volunteered to protect the Nation. Their service is invaluable and they should be commended for their efforts. On this occasion I say to each of these soldiers, from the newest graduate of Fort Jackson to Chief of Staff Reimer, a happy 222nd birthday and thank you for all you do to keep the United States free and safe.

OBSERVATIONS REGARDING A TRIP TO LEBANON

Mr. LEVIN. Mr. President, I visited Lebanon over the Memorial Day recess in order to assess the security situation there. A number of my Lebanese-American constituents have contacted me to request that the State Department's travel policy for Lebanon be changed, and I also decided to see first-hand the situation there.

Pursuant to United States law, the Secretary of State may restrict the use of United States passports for the travel of U.S. citizens to countries with which the United States is at war, where armed hostilities are in progress, or where there is imminent danger to the health or the physical safety of United States travelers. The Secretary of State has exercised that authority in the case of Lebanon and consequently U.S. passports are not valid

for travel to, in or through Lebanon unless special validation has been obtained. The passport restriction includes landing at the Beirut airport en route to another destination.

Special validation is possible for professional reporters; representatives of the American Red Cross traveling pursuant to an officially-sponsored Red Cross mission; compelling humanitarian considerations such as a critical illness of an immediate family member; family reunification such as a situation where a spouse or minor child is residing in Lebanon, with and dependent on, a Lebanese spouse or parent for his or her support; or where the travel is found to be in the national interest.

In view of the limited exceptions to the travel restriction, a number of Americans have resorted to the practice of acquiring a Lebanese visa on a piece of paper separate from their American passports so that they will not encounter any difficulty from U.S. authorities upon returning to the United States. I have been advised that forty to fifty thousand Americans travel to Lebanon by this means each year. In doing so, they may be violating U.S. law. Countless other Americans, despite their earnest desire to visit relatives or friends in Lebanon, await a change in U.S. policy.

I traveled to Lebanon with the approval and support of the State Department. I arrived at the U.S. Embassy compound via U.S. Army helicopter from Cyprus in mid-afternoon on May 29th, spent the night on the embassy compound, and returned to Cyprus by the same means in mid-morning on May 30th.

While in Lebanon, I had a busy schedule. I met at length with our Ambassador Richard Jones. I also met with Nasrallah Sfeir, 76th Maronite Patriarch of Antioch and all of the East; Mohamed Rashid Qabbani, Grand Mufti of the Republic; IMAM Mohamed Mahdi Shamseddine, President, Higher Islamic Shi'a Council; Prime Minister Rafiq Hariri; President Elias Hrawi; and General Emile Lahoud, Commander of the Lebanese Armed Force. In each instance, the meeting was held at the place where the religious figure or government official was located, requiring travel throughout the city of Beirut and its environs. Additionally, I met with a number of government officials, members of the Lebanese Parliament, and Lebanese businessmen at a dinner at the American Embassy hosted by Ambassador Jones.

I made it a point to ask each individual with whom I met about the United States travel policy. I was advised that there are large numbers of Americans in Lebanon at all times and that they are safe. Frequent reference was made to the recent visit of the Pope to Lebanon. Finally, I was told that the U.S. travel policy was keeping relatives apart and was preventing needed U.S. private investment in Lebanon. General Lahoud pointed out that members of the Hizballah Party, which is the primary security concern of the United States, were elected to and participating in the Lebanese parliament and that there had not been an incident against an American in five years.

Significantly, our representatives in Beirut favored a lifting of the travel restriction.

Based upon my personal observations during my visit, it is clear to me that perceptions about the security situation in Lebanon are outdated. There is no substitute for an on-the-scene assessment.

Later on the trip I visited Bosnia and I had an opportunity in Sarajevo to meet with Secretary of State Madeleine Albright. I urged her to send a team to Lebanon to assess the security situation there and was pleased when she advised me that she was doing so. I am confident that such an assessment will provide a sound basis for the revision of the current policy and I have written to Secretary Albright urging her to change the current U.S. policy. Senator ABRAHAM has joined me in writing to Secretary Albright.

While I strongly favor a lifting of the travel restriction, I realize that the situation in Lebanon is not normal. Accordingly, in our letter to Secretary Albright, we also urged that a travel warning for Lebanon be issued in lieu of the current travel restriction. In addition to citing the always possible Hizballah terrorist attacks, I believe that the travel warning should note that as long as foreign military forces are present in Lebanon, the situation there is not normalized.

I ask unanimous consent that our letter to Secretary Albright be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Mr. President, the Secretary of State bears a heavy responsibility when assessing the security situation in a country to determine if travel restrictions should be applied. The imposition of a travel restriction is rare, as it should be. For example, in the case of travel to Somalia, the State Department issued a travel warning on June 28, 1996, which is still in effect, that states that:

The Department of State warns U.S. citizens against all travel to Somalia. Sporadic fighting among local militias continues in parts of the country. Kidnappings and other threats to foreigners occur unpredictably in virtually all regions. There is no national government in Somalia to offer security or police protection for travelers. There is no U.S. diplomatic presence in Somalia to provide consular assistance to U.S. citizens. United Nations peacekeeping forces were withdrawn from Somalia in March 1995 and all U.S. citizens were advised to depart the country.

In another example, the Department of State travel warning that was issued on September 2, 1996 regarding Iraq, states:

The U.S. Government views with grave concern the latest reports of spreading violence in northern Iraq. Given the government of Iraq's renewed repression, we are strongly recommending that all U.S., citizens leave Iraq.

Mr. President, based upon my visit to Lebanon, I see no reason to treat Lebanon more restrictively than countries like Somalia and Iraq. I strongly believe that the time has come to substitute a travel warning for the current travel restriction with regard to Lebanon.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, June 9, 1997.

Hon. MADELEINE K. ALBRIGHT,
Secretary of State, Department of State, Washington, DC

DEAR MADAM SECRETARY: I am writing to you to request a change in the State Department's policy prohibiting the use of a U.S. passport for travel to, in or through Lebanon.

My colleague, Senator Spencer Abraham, who is very familiar with these matters and who has received numerous briefings from Administration officials on this policy, joins me in this request.

As you know, I visited Beirut, Lebanon from May 29 to May 30 via the Beirut Air Bridge that operates out of Cyprus. During my visit to Beirut, I met at length with Ambassador Richard Jones. I also met with Nasrallah Sfeir, 76th Maronite Patriarch of Antioch and all of the East, Mohamed Rashid Qabbani, Grand Mufti of the Republic, IMAM Mohamed Mahdi Shamseddine, President, Higher Islamic Shi'a Council, Prime Minister Rafig Hariri, President Elias Hrawi, and General Emile Lahoud, Commander of the Lebanese Armed Force. In each instance, the meeting was held at the place where the religious figure or government official was located, requiring travel throughout the city of Beirut and its environs. Additionally, I met with a number of government officials, members of the Lebanese Parliament, and Lebanese businessmen at a dinner at the American Embassy hosted by Ambassador Jones.

I made it a point to ask each individual with whom I met about the United States travel policy. I was advised that there are large numbers of Americans in Lebanon at all times and that they are safe. Frequent reference was made to the recent visit of the Pope to Lebanon. Finally, I was told that the U.S. travel policy was preventing needed U.S. private investment in Lebanon and was keeping relatives apart. General Lahoud pointed out that members of the Hizballah Party, which is the primary security concern of the United States, were elected to and are participating in the Lebanese parliament and that there had not been an incident against an American in five years.

Significantly, Ambassador Jones, the Embassy staff, and the representatives of other U.S. government agencies in Beirut favored a lifting of the travel restriction.

During the course of my visit, I learned that a number of U.S. businessmen and, to a lesser extent, U.S. citizens with relatives in Lebanon travel there by obtaining a Lebanese visa which is issued on a piece of paper

separate from the visitor's U.S. passport. Unfortunately, as I understand it, that practice avoids problems when the traveler returns to the United States but they still may be violating U.S. law. I have been contacted by a number of my constituents who want to visit their relatives in Lebanon, but are unwilling to violate U.S. policy.

Prior to my departure from Washington, I was urged by a high-level U.S. official not to travel to Lebanon because I would not be safe there. Based upon my personal observations during my visit, it is clear to me that perceptions about the security situation in Lebanon are outdated. I was pleased to learn during our meeting in Sarajevo that you are sending people to Lebanon to assess the security situation there. There is no substitute for an on-the-scene assessment. I am confident that such an assessment will provide a sound basis for the revision of the current policy.

Finally, we would urge that a travel warning for Lebanon be issued in lieu of the current travel restriction. In addition to citing the threat from Hizballah terrorists, the travel warning should note that as long as foreign military forces are present in Lebanon, that the situation there is not normalized.

Sincerely,

SPENCER ABRAHAM.
CARL LEVIN.

MESSAGES FROM THE HOUSE

At 11:39 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 54. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent and referred as indicated:

H.J. Res. 54. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, pursuant to section 3(b) of Senate Resolution 400 of the 94th Congress, I request that the bill, S. 858, to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, reported by the Select Committee on Intelligence on June 9, be referred to the Committee on Armed Services for a period not to exceed 30 days.

S. 858. An original bill to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Armed Services.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2180. A communication from the General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report under the Freeedom of Information Act from March 1, 1996 to February 28, 1997; to the Committee on the Judiciary.

EC–2181. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a notice of a proposed export license; to the Committee on Foreign Relations.

EC–2182. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, certification of a proposed export license; to the Committee on Foreign Relations.

EC–2183. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a rule entitled "Revitalizing Base Closure Communities and Community Assistance—Community Redevelopment and Homeless Assistance", received on June 10, 1997; to the Committee on Armed Services.

EC–2184. A communication from the Secretary of Defense, transmitting, pursuant to law, the Cooperative Threat Reduction Multi-Year Program Plan; to the Committee on Armed Services.

EC–2185. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules entitled "Approval and Promulagtion of Implementation Plans; California State Implementation Plan Revision; San Diego County Air Pollution Control District; Yolo-Solano Air Quality Management District", received on June 12, 1997; to the Committee on Environment and Public Works.

EC–2186. A communication from the Director, Fish and Wildlife Service, U.S. Department of the Interior, transmitting, pursuant to law, a rule entitled "Endangered and Threatened Wildlife and Plants; Threatened Status for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon" (RIN1018–AE28), received on June 13, 1997; to the Committee on Environment and Public Works.

EC–2187. A communication from the Acting Director, Fish and Wildlife Service, U.S. Department of the Interior, transmitting, pursuant to law, a rule entitled "Endangered Status for Four Plants From Vernal Pools and Mesic Areas in California" (RIN1018–AC96), received on June 13, 1997; to the Committee on Environment and Public Works.

EC–2188. A communication from the Acting Director, Fish and Wildlife Service, U.S. Department of the Interior, transmitting, pursuant to law, a rule entitled "Endangered Status for the Plant Lessingia germanorum" (RIN1018–AC96), received on June 13, 1997; to the Committee on Environment and Public Works.

EC–2189. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, seven rules entitled "Approval and Promulgation of State Implementation Plan, South Carolina: Adoption of General Conformity Regulations", received on June 11, 1997; to the Committee on Environment and Public Works.

EC–2190. A communication from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, pursuant to law, a report relative to a navigation project at Cook Inlet, Alaska; to the Committee on Environment and Public Works.

EC–2191. A communication from the Comptroller of the Currency of the Administrator of National Banks, transmitting, pursuant to law, the annual report for the calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2192. A communication from the Secretary, U.S. Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the Portfolio Reengineering Demonstration Program for fiscal years 1996 and 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2193. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Federal Energy Efficiency and Water Conservation Funding Study"; to the Committee on Energy and Natural Resources.

EC–2194. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Office of the Secretary, U.S. Department of the Interior, transmitting, pursuant to law, a rule entitled "General Provisions, Definitions: Change in Organizational Title from Field Director and Field Area to Regional Director and Region" (RIN1024–AC60), received on June 11, 1997; to the Committee on Energy and Natural Resources.

EC–2195. A communication from the Chair, Federal Energy Regulatory Commission, transmitting, pursuant to law, a rule relative to the Federal Energy Regulatory Commission's program to review its filing and reporting requirements and reduce unnecessary burdens, received on June 9, 1997; to the Committee on Energy and Natural Resources.

EC–2196. A communication from the Director of Regulations Policy Management Staff, Office of Policy Food and Drug Administration, transmitting, pursuant to law, a report of rule entitled "Neurological Devices; Effective Date of Requirement for PreMarket Approval of Cranial Electrotherapy Stimulators, received on June 11, 1997; to the Committee on Labor and Human Resources.

EC–2197. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a rule relative to the Corporation's regulation on Allocation of Assets in Single-Employer Plans, received on June 10, 1997; to the Committee on Labor and Human Resources.

EC–2198. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled "Pension Security Act of 1997"; to the Committee on Labor and Human Resources.

EC–2199. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report for fiscal years 1993 through 1994; to the Committee on Labor and Human Resources.

EC–2200. A communication from the Deputy Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to

law, a report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received on June 11, 1997; to the Committee on Labor and Human Resources.

EC–2201. A communication from the Chair of the Social Security Advisory Board, transmitting, pursuant to law, the report of the Supplemental Security Income Program for 1997; to the Committee on Finance.

EC–2202. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, a rule entitled "Archaeological and Ethnological Material from Peru" (RIN1515–AC17) received on June 9, 1997; to the Committee on Finance.

EC–2203. A communication from the Chairman of the Prospective Payment Assessment Commission, transmitting, pursuant to law, the report entitled "Medicare and the American Health Care System"; to the Committee on Finance.

EC–2204. A communication from the Chair of the Physician Payment Review Commission, transmitting, pursuant to law, four reports; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–140. A resolution adopted by the Mayor and Council of the Borough of Spring Lake Heights, County of Monmouth, New Jersey relative the Mud Dump Site; to the Committee on Environment and Public Works.

POM–141. A resolution adopted by the New Jersey State Federation of Women's Clubs relative to the Violence Against Women Act; to the Committee on Finance.

POM–142. A resolution adopted by the New Jersey State Federation of Women's Clubs relative to the proposed Child Labor Deterrence Act; to the Committee on Finance.

POM–143. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Armed Services.

RESOLUTION

Whereas the nation's military strategy has shifted from its focus during the Cold War on deterrence and containment to support for the nation's new policies of global leadership in preventive diplomacy and promotion of democratic values; and

Whereas our armed forces, in the face of budget and force reductions and increasingly limited resources, are now called upon to conduct operations ranging from enforcing peace to preventing conflict and providing humanitarian assistance, while at all times remaining fully trained and prepared to accomplish their ultimate mission: to fight our nation's wars and win; and

Whereas the United States Department of Defense is now conducting its quadrennial review to evaluate the roles, missions, force structure, and base structure required to meet the challenges of the changing world situation; and

Whereas Alaska's military bases offer the armed forces an unmatched military value as a global power projection platform, as well as incomparable joint training areas that combine world class airspace and air-to-surface target ranges with state-of-the-art electronic arrays and capabilities and a wide range of terrain that is similar to the terrain of many worldwide contingency operations areas; and

Whereas the State of Alaska and its citizens have always extended a warm welcome to members of the armed forces and their families and supported them with state and local programs and educational opportunities that recognize the contributions that members of the armed forces and their families have made to our nation as well as to our local communities;

Be it resolved, That the Alaska State Legislature invites the United States Department of Defense to make use of Alaska's unique qualities and capabilities by selecting military areas of operation within the state as the site to base and train the full spectrum force our nation now requires to successfully deploy and conduct both joint and combined operations in environments around the world.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; to the Honorable Al Gore, Vice-President of the United States and President of the U.S. Senate; the Honorable William S. Cohen, Secretary of Defense; the Honorable Togo D. West, Jr., Secretary of the Army; the Honorable John H. Dalton, Secretary of the Navy; the Honorable Sheila E. Widnall, Secretary of the Air Force; the Honorable Strom Thurmond, Chairman of the Committee on Armed Services of the U.S. Senate; the Honorable Floyd D. Spence, Chairman of the National Security Committee of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM–144. A concurrent resolution adopted by the General Assembly of the State of Iowa; to the Committee on Finance.

RESOLUTION

Whereas, this nation is dependent upon the consumption of ever-diminishing domestic crude oil reserves with the United States annually importing foreign petroleum which accounts for 54 percent of the nation's petroleum consumption and contributes to the nation's serious trade deficit; and

Whereas, a significant amount of this nation's air pollution is caused by vehicles, emitting a variety of petroleum-based pollutants, including benzene and other aromatics, nitrous oxides, particulate matter in the form of smoke and soot, carbon monoxide, and carbon dioxide; and

Whereas, the state of Iowa ranks as a preeminent agricultural state, leading the nation in the production of corn; and

Whereas, the processing of corn into ethanol adds value to this nation's abundant corn crop, increasing net farm income, creating employment opportunities, increasing state and federal tax receipts, reducing this nation's dependence upon foreign nations, and reducing the federal trade deficit; and

Whereas, in 1996 ethanol production contributed $1.9 billion to Iowa's economy, affected the employment of 13,250 Iowans, and increased the value of Iowa's corn crop by $335 million; and

Whereas, ethanol provides competition in fuel markets and expands consumers' choice of motor fuels which has resulted in a 45 percent market share in the state of Iowa; and

Whereas, motor fuel that includes only a 10 percent blend of ethanol contains 3.5 percent oxygen, which enhances octane levels and provides more oxygen for fuel combustion resulting in reduced levels of hazardous emissions such as carbon monoxide and which provides Americans with healthier air to breathe; and

Whereas, the United States Congress in supporting the need to reduce this nation's dependence upon foreign petroleum, to provide additional markets for domestic corn, to protect the public health, and to preserve the nation's environment, has traditionally encouraged ethanol production and consumption; and

Whereas, long-standing bipartisan congressional support for the ethanol industry is reflected by the 5.4 cent federal tax exemption applicable to gasoline formulated using clean burning ethanol; and

Whereas, the federal tax exemption, currently scheduled to expire on December 31, 2000, is subject to attack by certain members of the current session of the 105th Congress of the United States, as manifested by H.R. 161 introduced by United States Representative Phil English and H.R. 587 introduced by United States Representative Ken Bentsen, both supported by United States Representative Bill Archer, serving as the Chairman of the House Ways and Means Committee: Now therefore

Be it resolved by the House of Representatives, the Senate concurring, That the general assembly encourage the Congress of the United States to resist all efforts to diminish its traditional support of corn growers and the ethanol industry.

Be it further resolved, That the Congress of the United States renew this nation's commitment to the ethanol industry, including by continuing its support of the federal ethanol tax exemption, increasing its commitment to this environmentally benevolent renewable fuel, and taking other actions to increase this nation's commitment to the production and use of ethanol.

Be it further resolved, That copies of this Resolution be sent by the Chief Clerk of the House of Representatives to the President of the United States.

Be it further resolved, That copies of this Resolution be sent by the Chief Clerk of the House of Representatives to the President of the Senate of the United States; the Speaker of the House of Representatives of the United States; the majority and minority leaders of the United States Senate; and the majority and minority leaders of the United States House of Representatives.

Be it further resolved, That copies of this Resolution be sent by the Chief Clerk of the House of Representatives to the chairmen and ranking members of the United States Senate Committee on Agriculture, Nutrition, and Forestry; the United States Senate Committee on Commerce, Science, and Transportation; the United States Senate Committee on Finance; the United States Senate Committee on Energy and Natural Resources; the United States House of Representatives Committee on Agriculture; the United States House of Representatives Committee on Ways and Means; the United States House of Representatives Committee on Transportation and Infrastructure; and the United States House of Representatives Committee on Resources.

Be it further resolved, That copies of this Resolution be sent by the Chief Clerk of the House of Representatives to the Iowa's congressional delegation.

POM–145. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Foreign Relations.

RESOLUTION

Whereas, The number of adoptions by American citizens of children born in other countries is increasing more rapidly than any other type of adoptions in the United

States. According to the National Council for Adoption (NCFA), in 1991 there were 9,008 foreign adoptions in the United States. More than 60%, or 5,409, of the children adopted were under one year of age; and

Whereas, In certain countries, war, political turmoil and economic circumstances contribute to a situation in which there are very few prospective individuals interested in adopting in comparison to the vast number of children in need of home. In addition, few countries have designed laws in a way which facilitate the placement of children in permanent homes. Instead, children languish in orphanages or institutions where they suffer the effects of malnutrition, overcrowding, disease, abuse and neglect; and

Whereas, Political forces in countries where international adoptions are on the rise condemn the practice of "giving their children away" to foreigners, making it more difficult for individuals from outside these countries to adopt children in need of homes. In the United States, Congress has severely limited the scope of foreign adoptions by permitting entry to adoptees that fit the narrowly defined category of "orphan;" and

Where, Many individuals, such as single men and women and couples over the age of 40, find it difficult to adopt in this country and foreign adoptions afford them the only opportunity to create a permanent family. Certain countries have developed bilateral treaties or other agreements designed to govern adoptions between countries, but most of the cooperations which exists between the United States and other countries when dealing with international adoption issues is found on the adoption agency level; and

Whereas, In order to help individuals who are interested in adopting children from other countries, unimpeded access to orphaned and abandoned children should be guaranteed. To accomplish this goal, a legal framework should be established, through treaties or other agreements, in the United States and around the world that would maximize the potential for cooperation among the countries who have children to adopt and the countries whose citizens are interested in adopting those children and remove the barriers which hinder international adoptions: Now, therefore

Be it resolved by the General Assembly by the State of New Jersey:

1. The United States Department of State is memorialized to adopt a guarantee of unimpeded access to orphaned and abandoned children by Americans as a tenet of foreign policy when negotiating treaties.

2. Duly authenticated copies of this resolution signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly shall be transmitted to the presiding officers of the United States Senate and House of Representatives, the members of the New Jersey Congressional delegation and the Governor of the State of New Jersey.

STATEMENT

This resolution memorializes the United States Department of State to adopt a guarantee of unimpeded access to orphaned and abandoned children by Americans as a tenet of foreign policy when negotiating treaties. The purpose of the resolution is to urge the federal government to help remove the legal barriers that make it so difficult for Americans to adopt children from other countries.

Memorializes the U.S. Department of State to adopt a guarantee of unimpeded access to orphaned and abandoned children by Americans as a tenet of foreign policy when negotiating treaties.

POM–146. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Veterans' Affairs.

RESOLUTION

Whereas, the citizens of the Commonwealth recognize the sacrifice and honorable service of thousands of local veterans; and

Whereas, the citizens of the Commonwealth support programs and services which provide needed and deserved assistance to those veterans, especially quality health care; and

Whereas, certain Members of the United States Congress have proposed the consolidation and closure of many veterans hospitals across the Nation, including hospitals in the Commonwealth, which would result in a devastating loss of medical services to the nations veterans: Now, therefore be it

Resolved, That the Massachusetts General Court respectfully requests that veterans hospitals across the Commonwealth and across the country be protected and preserved so that continued health care will be available to veterans seeking the unique services they provide: and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

REPORT OF COMMITTEE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of June 12, 1997, the following reports of committee as submitted on June 13, 1997.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 903. An original bill to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes (Rept. No. 105–28).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bill was introduced, read the first and second time by unanimous consent, and referred as indicated on June 12, 1997:

By Mrs. BOXER:

S. 902. A bill to require physicians to provide certain men with information concerning prostate specific antigen tests and to provide for programs of research on prostate cancer; to the Committee on Labor and Human Resources.

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated on June 13, 1997:

By Mr. HELMS:

S. 903. An original bill to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX (for himself, Mr. MACK, and Mr. KERREY):

S. 904. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with choices, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 905. A bill to establish a National Physical Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. BREAUX, Mr. HATCH, and Mr. GRAHAM):

S. 906. A bill to amend the Internal Revenue Code of 1986 to extend the economic activity credit for Puerto Rico, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. BAUCUS):

S. 907. A bill to amend the Revenue Act of 1987 to provide a permanent extension of the transition rule for certain publicly traded partnerships; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 908. A bill to authorize the Secretary of the Interior to participate in a water conservation project with the Tumalo Irrigation District, Oregon; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. KERREY, and Mr. HOLLINGS):

S. 909. A bill to encourage and facilitate the creation of secure public networks for communication, commerce, education, medicine, and government; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST:

S. 910. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TORRICELLI:

S. 911. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to individuals who are active participants in neighborhood crime watch organizations which actively involve the community in the reduction of local crime; to the Committee on Finance.

By Mr. BOND:

S. 912. A bill to provide for certain military retirees and dependents a special medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open period during which no under-writing is permitted; to the Committee on Finance.

By Mr. HATCH:

S. 913. A bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for home health services, and for other purposes; to the Committee on Finance.

S. 914. A bill to establish a prospective payment system under the medicare program for skilled nursing facility services; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself, Mr. MACK and Mr. KERREY):

S. 904. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with choices, and for other purposes; to the Committee on Finance.

THE COMPREHENSIVE MEDICARE REFORM AND IMPROVEMENT ACT OF 1997

Mr. BREAUX. Mr. President, I rise for a moment or two to speak to a bill which Senator MACK and I are introducing today on the entire question of Medicare. So many people around the country have heard Congress and elected officials for a long period of time talk about how we need to reform the Medicare Program. The Medicare Program has been a wonderful program since 1965. It has assured our senior citizens they will have adequate health care in a period in their lives when health care is vitally important.

We have all seen the studies and the reports which clearly point out that unless Congress fundamentally reforms this program, it is not going to be around for much longer. We clearly see a program that will be bankrupt, which is running out of money, and that has to be a tremendous concern not only to our Nation's seniors but also to their children and their grandchildren and to society at large. Unfortunately, every time Congress moves toward trying to reform Medicare, we do not do it. We have taken the same approach year in and year out with the thought of fixing Medicare with a Band-Aid type of approach instead of addressing the fundamental defects in the program. We have every year said we are going to fix it this year by reducing the reimbursement fees that doctors and hospitals get for treating Medicare patients.

I said the other day, and others have made this comment, that before too long doctors and hospitals will refuse to take Medicare patients because their reimbursement rate from the Government will be less than it costs them to do business, that they will simply refuse to take Medicare patients any longer.

That is already happening in my own family. My mother-in-law just a week ago informed us that after being diagnosed with an ailment of diabetes, in trying to go to a local physician in our State of Louisiana, they promptly informed her they do not take Medicare patients. I think that is something we all need to be very concerned about. We cannot continue to try to fix Medicare with a proposal that truly does not fix it.

What we introduce today is a proposal to make an option available to Medicare recipients which is patterned on the Federal Employees Health Benefit Plan that every Member of the Senate and every Member of the House and all 9 million Federal employees have.

It is a program which is fundamentally different than Medicare because, unlike Medicare, it is based on competition in the marketplace as opposed to arbitrary price fixing of Medicare services, which is the current system under Medicare based here in Washington.

There was an interesting story in the Washington Post this morning which talked about how House and Senate committees are looking at bringing about reform to Medicare and Medicaid and basing that reform on the Federal health plan available to Members of Congress and other Federal employees. Unfortunately, while the Medicare proposals which are now pending in the House and the Senate will increase the range of options available to seniors, they lack the most important feature of the Federal Employees Health Benefit Plan. That is competition. Medicare is the only program that fails to deliver health care based on competition but does it based on arbitrary price fixing, which is no longer working. The proposals currently in both the House and the Senate plan would continue to base what we pay managed care programs on what we spend on the so-called fee-for-service, currently available under Medicare. And that is the problem. There is not fundamental reform.

I think most committees are to be commended. Our Finance Committee draft does recognize that there is a problem. But in trying to reduce the costs of Medicare by $115 billion, almost all of those savings come out of reducing payments to doctors and hospitals. I have said what the problem is there. Doctors and hospitals will begin to refuse to take Medicare patients. That, certainly, is not going to help anyone.

So what we are recommending, Senator MACK and I, by our approach, is to introduce a test program over a 5-year period to try to fundamentally reform Medicare; to set up demonstration projects around the country to allow competitive bidding and negotiations to take part in the delivery of Medicare services to seniors in this country. We had an interesting report the other day in our Aging Committee that pointed out we are overpaying managed care programs under Medicare by almost $2 billion a year more than it is costing them to treat the patients. That is because it is not based on competition, but rather on an arbitrary, bureaucratic program that is run out of a department here in Washington. I don't fault the program managers and the bureaucrats. That is how Congress set it up. But while it may have been a good idea in 1965, in 1997 it is no longer working. It is totally out of step with the way health care services need to be delivered in this country.

So what the Breaux-Mack proposal says is that we are going to take a look at how the Federal employee plan works; we are going to do some demonstration projects around the country; we are going to take those results, and Congress will act on those results. We will not just let the study sit on a shelf somewhere in a library and not have anything happen with it, but rather we will have the Congress actually take those recommendations and act on those recommendations.

We are convinced that with this new approach, Medicare beneficiaries will get more services. We start off with a basic standardized plan that in addition to what is now available to Medicare patients, also includes prescription drugs, which is incredibly important. We also guarantee this basic package will be available to all of the people we are proposing. But the fundamental difference is they will have more information about the plans, so the plans will be able to be compared for people to see which plan is the best. So we will create a situation where Medicare beneficiaries will have more services offered to them, more choices of which plan they would like to consider, more benefits under those plans, and we think we can clearly do it for less money than is being spent on the program right now.

One of the features of our program is that it sets up an office of competition, much like the private plans that are available now to Federal employees. We think that an office of competition will be able to call for people to actually come in and submit proposals. Then, after they look at these proposals and make sure they meet the standardized package of benefits, they will begin to negotiate with these people who are offering these plans to our seniors in the United States.

Competition is a wonderful thing. For the right to treat 38 million Medicare recipients, people will compete. They will say, "Our plan is better than their plan. Our plan offers more than their plan. Our plan can do it at a better price." There will be a competitive world set up that is not now available to Medicare recipients.

That is the fundamental problem, I think, that the House and Senate bills, and respective Finance and Ways and Means Committee bills, do not address. It still says we are going to continue to fix prices out of Washington for Medicare recipients. I think that every think tank we have talked to—and Senator MACK and I have met with liberal think tanks and conservative think tanks, and people who have spent a lifetime studying this problem. Generally, they all have come to the same conclusion—that greater competition in the marketplace will allow health providers to offer more services to senior citizens and do it at a better price.

So we are going to introduce today legislation that does establish a Medicare reform package or proposals which we think represent fundamental reform in the system. We are not saying that all seniors have to move into this program immediately. No, we are saying

we ought to have a demonstration project in 10 cities around the country and in rural areas around America, to see how it would work, do this test marketing for about a 5-year period, until we can get a great deal of information about what is happening out there when you try to reform this system, then take that information and bring it back to the Congress and have Congress act on that recommendation. We think that is something that makes a great deal of sense.

I think it is a balanced way to proceed. We are not rushing into it. We are not telling seniors they have to do something overnight, but merely giving them the choice during this period of time. I think that is what seniors really want. They want the choice. They want more information. They want a better benefit package. And all of us want, bottom line, to see that this program is going to be around for when we move into it, when our children move into it, when the baby-boomer generation we hear so much talk about is ready to participate in the program.

We clearly cannot continue down the same path that we have continued on for so many years, since 1965. We think the Breaux-Mack proposal is a realistic alternative. It merits bipartisan support, and we hope both committees ultimately will bring to the floor a type of program based on what myself and Senator MACK will be introducing in the Congress today.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 905. A bill to establish a national physical fitness and sports foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SPORTS FOUNDATION ESTABLISHMENT ACT

Mr. MCCAIN. Mr. President, I am pleased to introduce, along with Senator HOLLINGS, the National Physical Fitness and Sports Foundation Establishment Act. This bill would create a charitable, not-for-profit foundation to raise funds from the private sector to support the activities of the President's Council on Physical Fitness.

The President's Council presently relies on Federal appropriations to support its activities. In each of the last 2 fiscal years, the President's Council has received appropriations of approximately $1 million. Future appropriations for the Mr. President's Council are at risk as we strive to balance the Federal budget.

The foundation created by this bill would raise private funds to sustain the President's Council on Physical Fitness. To facilitate fundraising, the foundation is permitted to offer the use of the seal of the President's Council for promotional purposes in exchange for sponsorship funds. The bill does not authorize the expenditure of Federal funds.

The primary goal of the President's Council is to foster programs that encourage people of all ages to participate regularly in sports and physical activities. The President's Council focuses on grassroots, community-based programs. Perhaps the Council's most well known activity is the President's Challenge Physical Fitness Awards Program which is administered by teachers and youth programs across the country.

We should act to preserve the President's Council. Its activities are particularly important because our Nation's children are becoming increasingly less physically fit even as we learn that physical fitness in one's youth is important to living a healthy life during adulthood.

By Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. BREAUX, Mr. HATCH, and Mr. GRAHAM):

S. 906. A bill to amend the Internal Revenue Code of 1986 to extend the economic activity credit for Puerto Rico, and for other purposes; to the Committee on Finance.

THE PUERTO RICO ECONOMIC ACTIVITY CREDIT IMPROVEMENT ACT OF 1997

Mr. D'AMATO. Mr. President, I rise today to join Senator CHAFEE, Senator MOYNIHAN, Senator BREAUX, Senator HATCH, and Senator Bob GRAHAM in introducing legislation that will induce investment and create employment in Puerto Rico. Puerto Ricans have been U.S. citizens since 1917. Since World War I an estimated 200,000 Puerto Ricans have served in the U.S. Armed Forces. Yet, the Puerto Rican unemployment rate is more than twice the national average, its annual per capita income is less than half the national average, and well over 50 percent of its population live below the poverty line. We as a Congress must take action to bring Puerto Rico's economy up to the levels that we expect for all Americans.

Under current law, section 30A of the Internal Revenue Code provides a targeted wage credit to companies during business in Puerto Rico based upon the compensation paid to their employees. It does not allow new business starts and the credit terminates in 2006. As a result, existing companies have little incentive to make new investments or replace depreciating plant and equipment. Job losses will occur as existing plants are shut down and these activities may be transferred to foreign locations. Net job growth can only occur if new firms start up and if expanding firms replace job losses. Manufacturing accounts for more than 40 percent of Puerto Ricos gross domestic product.

This legislation expands section 30A to provide an employer tax credit for employees located in Puerto Rico that will also cover new businesses. This credit is based upon the compensation to their employees. The credit will only remain until economic conditions improve within Puerto Rico including an unemployment rate not to exceed 150 percent of the U.S. average, per capita income is at least 66 percent of the national average, and that the poverty level does not exceed 30 percent. The economic conditions for the tax incentives to end are modest but achieve significant economic progress for the people of Puerto Rico.

This legislation serves U.S. fiscal interests. Without spurring job creation in Puerto Rico, the United States will be paying unemployment and welfare benefits to people that have a strong work ethic and impressive job skills. Puerto Rico has a labor force of 1.3 million people. Of this total approximately 190,000 are available for employment. We must do everything possible to help facilitate employment for these people.

Even though Puerto Rico is located 1,600 miles southeast of New York City, the people of New York have a direct interest in the Puerto Rican economy. Puerto Rican subsidiaries of mainland companies purchase approximately $195 million per year worth of supplies and services from New York. Corporations headquartered in New York State that have invested in Puerto Rico employ over 39,000 persons in New York. If corporations are drawn to other regions where there are tax incentives, New York State will not only lose jobs but also significant amounts of income from goods and services.

Mr. President, this legislation is a powerful economic development initative that is vital to Puerto Rico because of the many hurdles the people face in their struggle for development. The island faces much higher transportation costs than most States; an infrastructure which still needs billions in investment to bring it up to acceptable standards and it is faced with competition within the Caribbean and other locations which pay wages a fraction of Puerto Rico's.

Mr. President, I urge my colleagues on both sides of the aisle to join us in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the complete text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Puerto Rico Economic Activity Credit Improvement Act of 1997".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in

this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. MODIFICATIONS OF PUERTO RICO ECONOMIC ACTIVITY CREDIT.

(a) CORPORATIONS ELIGIBLE TO CLAIM CREDIT.—Section 30A(a)(2) (defining qualified domestic corporation) is amended to read as follows:

"(2) QUALIFIED DOMESTIC CORPORATION.—For purposes of paragraph (1)—

"(A) IN GENERAL.—A domestic corporation shall be treated as a qualified domestic corporation for a taxable year if it is actively conducting within Puerto Rico during the taxable year—

"(i) a line of business with respect to which the domestic corporation is an existing credit claimant under section 936(j)(9), or

"(ii) an eligible line of business not described in clause (i).

"(B) LIMITATION TO LINES OF BUSINESS.—A domestic corporation shall be treated as a qualified domestic corporation under subparagraph (A) only with respect to the lines of business described in subparagraph (A) which it is actively conducting in Puerto Rico during the taxable year.

"(C) EXCEPTION FOR CORPORATIONS ELECTING REDUCED CREDIT.—A domestic corporation shall not be treated as a qualified corporation if such corporation (or any predecessor) had an election in effect under section 936(a)(4)(B)(iii) for any taxable year beginning after December 31, 1996."

(b) APPLICATION ON SEPARATE LINE OF BUSINESS BASIS; ELIGIBLE LINE OF BUSINESS.—Section 30A is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) APPLICATION ON LINE OF BUSINESS BASIS; ELIGIBLE LINES OF BUSINESS.—For purposes of this section—

"(1) APPLICATION TO SEPARATE LINE OF BUSINESS.—

"(A) IN GENERAL.—In determining the amount of the credit under subsection (a), this section shall be applied separately with respect to each substantial line of business of the qualified domestic corporation.

"(B) EXCEPTIONS FOR EXISTING CREDIT CLAIMANT.—This paragraph shall not apply to a substantial line of business with respect to which the qualified domestic corporation is an existing credit claimant under section 936(j)(9).

"(C) ALLOCATION.—The Secretary shall prescribe rules necessary to carry out the purposes of this paragraph, including rules—

"(i) for the allocation of items of income, gain, deduction, and loss for purposes of determining taxable income under subsection (a), and

"(ii) for the allocation of wages, fringe benefit expenses, and depreciation allowances for purposes of applying the limitations under subsection (d).

"(2) ELIGIBLE LINE OF BUSINESS.—The term 'eligible line of business' means a substantial line of business in any of the following trades or businesses:

"(A) Manufacturing.

"(B) Agriculture.

"(C) Forestry.

"(D) Fishing.

"(3) SUBSTANTIAL LINE OF BUSINESS.—For purposes of this subsection, the determination of whether a line of business is a substantial line of business shall be determined by reference to 2-digit codes under the North American Industry Classification System (62 Fed. Reg. 17288 et seq., formerly known as 'SIC codes')."

(c) REPEAL OF BASE PERIOD CAP.—

(1) IN GENERAL.—Section 30A(a)(1) (relating to allowance of credit) is amended by striking the last sentence.

(2) CONFORMING AMENDMENT.—Section 30A(e)(1) is amended by inserting "but not including subsection (j)(3)(A)(ii) thereof" after "thereunder".

(d) APPLICATION OF CREDIT.—Section 30A(h) (relating to applicability of section), as redesignated by subsection (b), is amended to read as follows:

"(h) APPLICATION OF SECTION.—

"(1) IN GENERAL.—This section shall apply to taxable years beginning after December 31, 1995, and before the termination date.

"(2) TERMINATION DATE.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The termination date is the first day of the 4th calendar year following the close of the first period for which a certification is issued by the Secretary under subparagraph (B).

"(B) CERTIFICATION.—

"(i) IN GENERAL.—The Secretary shall issue a certification under this subparagraph for the first 3-consecutive calendar year period beginning after December 31, 1997, for which the Secretary determines that Puerto Rico has met the requirements of clause (ii) for each calendar year within the period.

"(ii) REQUIREMENTS.—The requirements of this clause are met with respect to Puerto Rico for any calendar year if—

"(I) the average monthly rate of unemployment in Puerto Rico does not exceed 150 percent of the average monthly rate of unemployment for the United States for such year,

"(II) the per capita income of Puerto Rico is at least 66 percent of the per capita income of the United States, and

"(III) the poverty level within Puerto Rico does not exceed 30 percent."

(e) CONFORMING AMENDMENTS.—

(1) Section 30A(b) is amended by striking "within a possession" each place it appears and inserting "within Puerto Rico".

(2) Section 30A(d) is amended by striking "possession" each place it appears.

(3) Section 30A(f) is amended to read as follows:

"(f) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED INCOME TAXES.—The qualified income taxes for any taxable year allocable to nonsheltered income shall be determined in the same manner as under section 936(i)(3).

"(2) QUALIFIED WAGES.—The qualified wages for any taxable year shall be determined in the same manner as under section 936(i)(1).

"(3) OTHER TERMS.—Any term used in this section which is also used in section 936 shall have the same meaning given such term by section 936."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

SEC. 3. COMPARABLE TREATMENT FOR OTHER ECONOMIC ACTIVITY CREDIT.

(a) CORPORATIONS ELIGIBLE TO CLAIM CREDIT.—Section 936(j)(2)(A) (relating to economic activity credit) is amended to read as follows:

"(A) ECONOMIC ACTIVITY CREDIT.—

"(i) IN GENERAL.—In the case of a domestic corporation which, during the taxable year, is actively conducting within a possession other than Puerto Rico—

"(I) a line of business with respect to which the domestic corporation is an existing credit claimant under paragraph (9), or

"(II) an eligible line of business not described in subclause (I),

the credit determined under subsection (a)(1)(A) shall be allowed for taxable years beginning after December 31, 1995, and before January 1, 2002.

"(ii) LIMITATION TO LINES OF BUSINESS.—Clause (i) shall only apply with respect to the lines of business described in clause (i) which the domestic corporation is actively conducting in a possession other than Puerto Rico during the taxable year.

"(iii) EXCEPTION FOR CORPORATIONS ELECTING REDUCED CREDIT.—Clause (i) shall not apply to a domestic corporation if such corporation (or any predecessor) had an election in effect under subsection (a)(4)(B)(iii) for any taxable year beginning after December 31, 1996."

(b) APPLICATION ON SEPARATE LINE OF BUSINESS BASIS; ELIGIBLE LINE OF BUSINESS.—

(1) IN GENERAL.—Section 936(j) is amended by adding at the end the following new paragraph:

"(11) APPLICATION ON LINE OF BUSINESS BASIS; ELIGIBLE LINES OF BUSINESS.—For purposes of this section—

"(A) APPLICATION TO SEPARATE LINE OF BUSINESS.—

"(i) IN GENERAL.—In determining the amount of the credit under subsection (a)(1)(A) for a corporation to which paragraph (2)(A) applies, this section shall be applied separately with respect to each substantial line of business of the corporation.

"(ii) EXCEPTIONS FOR EXISTING CREDIT CLAIMANT.—This paragraph shall not apply to a line of business with respect to which the qualified domestic corporation is an existing credit claimant under paragraph (9).

"(iii) ALLOCATION.—The Secretary shall prescribe rules necessary to carry out the purposes of this subparagraph, including rules—

"(I) for the allocation of items of income, gain, deduction, and loss for purposes of determining taxable income under subsection (a)(1)(A), and

"(II) for the allocation of wages, fringe benefit expenses, and depreciation allowances for purposes of applying the limitations under subsection (a)(4)(A).

"(B) ELIGIBLE LINE OF BUSINESS.—For purposes of this subsection, the term 'eligible line of business' means a substantial line of business in any of the following trades or businesses:

"(i) Manufacturing.

"(ii) Agriculture.

"(iii) Forestry.

"(iv) Fishing."

(2) NEW LINES OF BUSINESS.—Section 936(j)(9)(B) is amended to read as follows:

"(B) NEW LINES OF BUSINESS.—A corporation shall not be treated as an existing credit claimant with respect to any substantial new line of business which is added after October 13, 1995, unless such addition is pursuant to an acquisition described in subparagraph (A)(ii)."

(3) SEPARATE LINES OF BUSINESS.—Section 936(j), as amended by paragraph (1), is amended by adding at the end the following new paragraph:

"(12) SUBSTANTIAL LINE OF BUSINESS.—For purposes of this subsection (other than paragraph (9)(B) thereof), the determination of whether a line of business is a substantial line of business shall be determined by reference to 2-digit codes under the North American Industry Classification System (62

Fed. Reg. 17288 et seq., formerly known as 'SIC codes')."

(c) REPEAL OF BASE PERIOD CAP FOR ECONOMIC ACTIVITY CREDIT.—

(1) IN GENERAL.—Section 936(j)(3) is amended to read as follows:

"(3) ADDITIONAL RESTRICTED REDUCED CREDIT.—

"(A) IN GENERAL.—In the case of an existing credit claimant to which paragraph (2)(B) applies, the credit determined under subsection (a)(1)(A) shall be allowed for any taxable year beginning after December 31, 1997, and before January 1, 2006, except that the aggregate amount of taxable income taken into account under subsection (a)(1)(A) for such taxable year shall not exceed the adjusted base period income of such claimant.

"(B) COORDINATION WITH SUBSECTION (a)(4)(B).—The amount of income described in subsection (a)(1)(A) which is taken into account in applying subsection (a)(4)(B) shall be such income as reduced under this paragraph."

(2) CONFORMING AMENDMENT.—Section 936(j)(2)(A), as amended by subsection (a), is amended by striking "2002" and inserting "2006".

(d) APPLICATION OF CREDIT.—

(1) IN GENERAL.—Section 936(j)(2)(A), as amended by this section, is amended by striking "January 1, 2006" and inserting "the termination date".

(2) SPECIAL RULES FOR APPLICABLE POSSESSIONS.—Section 936(j)(8)(A) is amended to read as follows:

"(A) IN GENERAL.—In the case of an applicable possession—

"(i) this section (other than the preceding paragraphs of this subsection) shall not apply for taxable years beginning after December 31, 1995, and before January 1, 2006, with respect to any substantial line of business actively conducted in such possession by a domestic corporation which is an existing credit claimant with respect to such line of business, and

"(ii) this section (including this subsection) shall apply—

"(I) with respect to any substantial line of business not described in clause (i) for taxable years beginning after December 31, 1997, and before the termination date, and

"(II) with respect to any substantial line of business described in clause (i) for taxable years beginning after December 31, 2006, and before the termination date."

(3) TERMINATION DATE.—Section 936(j), as amended by subsection (b), is amended by adding at the end the following new paragraph.

"(13) TERMINATION DATE.—For purposes of this subsection—

"(A) IN GENERAL.—The termination date for any possession other than Puerto Rico is the first day of the 4th calendar year following the close of the first period for which a certification is issued by the Secretary under subparagraph (B).

"(B) CERTIFICATION.—

"(i) IN GENERAL.—The Secretary shall issue a certification for a possession under this subparagraph for the first 3-consecutive calendar year period beginning after December 31, 1997, for which the Secretary determines that the possession has met the requirements of clause (ii) for each calendar year within the period.

"(ii) REQUIREMENTS.—The requirements of this clause are met with respect to a possession for any calendar year if—

"(I) the average monthly rate of unemployment in the possession does not exceed 150 percent of the average monthly rate of unemployment for the United States for such year,

"(II) the per capita income of the possession is at least 66 percent of the per capita income of the United States, and

"(III) the poverty level within the possession does not exceed 30 percent."

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

(2) NEW LINES OF BUSINESS.—The amendment made by subsection (b)(2) shall apply to taxable years beginning after December 31, 1995.

Mr. MOYNIHAN. Mr. President, today I am joining Senator D'AMATO, along with Senators CHAFEE, BREAUX, HATCH and GRAHAM, in introducing bipartisan legislation to improve the existing tax credit for providing employment in Puerto Rico.

Economic conditions in Puerto Rico are cause for serious concern. Over half of the population lives below the poverty line. Puerto Rico's average annual per capita income of approximately $7,500 is less than one-third the national average. Its average unemployment rate is well over twice the national average of 4.8 percent for May 1997.

In recent years, Congress has twice imposed significant tax increases on companies doing business in Puerto Rico, first in 1993 and again in 1996. While it is unclear to what extent those tax changes will result in employer relocation or lost jobs, they undoubtedly have increased the vulnerability of the economy of Puerto Rico. Exacerbating this economic uncertainty, the tax changes are being phased in at the same time that Puerto Rico faces increased economic competition from low-wage Caribbean countries and from Mexico.

This legislation would respond to these serious problems by building on the temporary wage credit that is currently provided in the Internal Revenue Code. Employers generally would be eligible for a tax credit equal to 60 percent of wages and fringe benefit expenses for employees located in Puerto Rico. New as well as existing employers would be rewarded for providing local jobs. The credit would remain in effect until the attainment of specific economic goals in Puerto Rico, which would trigger an automatic phaseout of the credit.

I believe this investment in the long-term economic health and well-being of Puerto Rico is imperative. It is our obligation to the people of Puerto Rico, who are U.S. citizens but not represented in the Senate, to take note and address the very serious plight of their economy.

Mr. GRAHAM. Mr. President, I would like to join with my distinguished colleague, Senator MOYNIHAN, the ranking member of the Finance Committee, along with both Republicans and Democrats on the Finance Committee to seek a restoration of job creation and economic growth incentives for U.S. businesses in Puerto Rico.

Last year's tax legislation eliminated the longstanding incentive that applied in Puerto Rico: section 936. Efforts were made to replace section 936 with a new wage credit provision in section 30A, but even that provision is scheduled to expire. The legislation enacted did not provide for any tax benefits for new companies locating in Puerto Rico or existing companies expanding their operation on the island. The legislation we introduce today will make permanent wage credit benefits of section 30A to companies seeking to locate or expand their activities in Puerto Rico.

Puerto Rico's economy is directly related to the economies of Florida and many other States. Most of the materials and many services used by manufacturing facilities in Puerto Rico are supplied from the States. Puerto Rico is also the center of economic activity for the entire strategic Caribbean region. Any downturn in the economy of Puerto Rico would have serious negative implications for the States that do significant business with the island as well as for the Caribbean Basin as a whole.

The bill we introduce today would tie tax benefits directly to wages paid and investment made in Puerto Rico. It is targeted, efficient, and has the broad bipartisan support of the public and private sectors in Puerto Rico. It is a provision that we should act on now. We should not await a significant downturn in the Puerto Rico economy before taking action. It is clearly desirable and necessary to act this year if we are to increase economic conditions in Puerto Rico to levels consistent with those we should expect for all American citizens.

By Mr. D'AMATO (for himself and Mr. BAUCUS):

S. 907. A bill to amend the Revenue Act of 1987 to provide a permanent extension of the transition rule for certain publicly traded partnerships; to the Committee on Finance.

TAX CODE LEGISLATION

Mr. D'AMATO. Mr. President, I rise today to join Senator BAUCUS in introducing legislation that will amend the Tax Code to provide a permanent extension of a grandfather provision contained in the Omnibus Budget Reconciliation Act of 1987. This 10 year grandfather provision was provided for publicly traded partnerships [PTP's] that were in existence as of December 17, 1987. A PTP is a partnership whose interests are traded on established securities exchanges or are readily tradable in secondary markets.

Included in the Omnibus Budget Reconciliation Act of 1987 is section 7704 of the Internal Revenue Code. The section provides that PTP's will generally be taxed as corporations; income or loss does not pass through to the partners.

Section 7704 does not apply, however, to PTP's where 90 percent or more of their income is qualifying income, such as from interest, dividends, real estate, timber, oil, and gas. This exception applies regardless when the PTP was formed. Other PTP's in existence when section 7704 was enacted were grandfathered, but only for 10 years, through 1997. Our legislation would extend the grandfather provision permanently.

The purpose of section 7704 according to the committee reports was intended to stop the long term erosion of the corporate tax base. There was a concern that much of corporate America would convert to PTP's resulting in a decline of corporate tax revenues.

This purpose has been achieved because of the prospective application of that section. There were approximately 120 PTP's in existence in 1987 and because of the legislation the number of PTP's did not snowball. Permanently grandfathering PTP's would not defeat the purpose of the 1987 legislation since the grandfather applies only to those PTP's that were in existence at the time of the 1987 legislation.

Fairness to the owners of the PTP's that were grandfathered during the Omnibus Budget Reconciliation Act of 1987 is an important issue. The conversion from a corporation to a PTP was a costly and time-consuming process. The companies that converted to PTP form relied on the expectation that they would be able to operate as partnerships as long as they wanted. The conversion process involved consultation with investment bankers, appraisals, planning by corporate finance, securities and tax lawyers, multiple filings with the Securities and Exchange Commission and State securities agencies, proxy statements and shareholder votes, et cetera. This process would not have been started or completed had there been any reasonable prospect that a change in the tax law would have applied retroactively or after a limited period of time. Failure to pass this legislation will be punishing PTPs that played by the rules.

If the grandfather is not made permanent many of these same costs will be incurred once again. Grandfathered PTP's will be forced to convert to corporate form by January 1998. To do so will require lengthy planning, and the same investment banking advice, appraisals and attorney fees. The need for extensive, advance planning makes it essential that the matter be resolved this year. These PTP's relied on the law in effect before passage of the 1987 act and it is unreasonable and unfair to now force these PTP's to undergo this expensive, time consuming process to convert to corporate form. No public purpose will be served by such forced conversions.

The loss of the grandfather will hurt PTP investors and employees of the companies. The value of PTP units will decline if the grandfather is not permanently implemented. Most of these investors are average, middle-class taxpayers who have invested in PTP units oftentimes through an individual retirement account, because of the desire for a safe, liquid investment. As PTP units decline in value, a company's ability to expand will be negatively affected and the employees will suffer.

We do not achieve any tax policy goal by honoring the 10-year grandfather. That goal was fully achieved by making section 7704 apply prospectively. Instead, all we would accomplish by not making the grandfather provision permanent would be harm to these PTP's and their investors. The PTP's operate in all 50 States affecting many of our districts and include a wide variety of industries, from motels and restaurants to chemicals and financial advising. The most recent count indicates that there are well over 300,000 individual investors.

Mr. President, I urge my colleagues on both sides of the aisle to join me and Senator BAUCUS in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the complete text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION OF TRANSITION RULE FOR CERTAIN PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Paragraph (1) of section 10211(c) of the Revenue Act of 1987 (Public Law 100-203) is amended to read as follows:

"(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987, except that such amendments shall not apply to any existing partnership."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of section 10211 of the Revenue Act of 1987.

Mr. BAUCUS. Mr. President, I am pleased to join with my colleague, Senator D'AMATO, in introducing this legislation, which would permanently extend the 10-year grandfather for publicly traded partnerships [PTP's].

PTP's were first created in the early 1980's for the purpose of combining the traditional limited partnership form with the ability to have the partnership units freely traded on established securities or secondary markets. When Congress enacted the Omnibus Budget Reconciliation Act of 1987, it included a provision which reversed existing law at the time by requiring that PTP's would generally be treated as corporations for income tax purposes. The act completely exempted certain types of PTP's from the law, primarily those whose income is derived from resources such as timber, oil and gas, minerals, and real estate. PTP's which did not meet the criteria were given a 10-year transition period, after which they would no longer be exempted from the new requirements. This transition period, the grandfather, expires at the end of 1997. Our bill would extend it permanently.

Mr. President, there is no public or tax policy reason for treating the grandfathered PTP's differently than those completely exempted from the law. All of the PTP's relied upon the law that was in effect when they were created. They are all similarly structured and deserve the same right to preserve their partnership status, regardless of the line of business in which they operate. There are only 27 of them remaining, and they are involved in a wide variety of industries, from motels and restaurants to chemicals, financial advising and macadamia nuts. They went through a costly and time-consuming process in order to convert from a corporation to a PTP in the first place, and will incur many of the same costs if they are now required to convert back to corporate form when the grandfather expires in January.

More importantly, I am concerned about the effect that the loss of the grandfather will have on PTP investors. It is a virtual certainty that the value of PTP units will be adversely affected if the grandfather expires, reducing the value of the investor's holdings. Most of these investors are average, middle-class taxpayers, many of them elderly, who invested in PTP units because of their high yield. They are scattered throughout the country, and at last count numbered over 300,000. Many made this investment before the 1987 act was passed.

There is no tax policy goal that will be achieved by allowing the grandfather to expire. That goal was fully achieved by making the law apply prospectively. All we accomplish is inflicting harm on these PTP's and their investors, without their having done anything illegal or improper when they were created. With this action, all remaining PTP's would be treated uniformly under the law. If the legislation is incorporated into this year's reconciliation bill, it will be as a revenue-neutral measure.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 908. A bill to authorize the Secretary of the Interior to participate in a water conservation project with the Tumalo Irrigation District, OR; to the Committee on Energy and Natural Resources.

THE TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT AUTHORIZATION ACT

Mr. SMITH of Oregon. Mr. President, I am today introducing legislation to authorize financial assistance to the Tumalo Irrigation District for the construction of water system improvements for the purposes of efficient utilization of water and to increase water

for in-stream flows in Tumalo Creek and the Deschutes River basin.

The district will conserve approximately 40,000 acre feet of water per year upon completion of the project. This conservation will allow the diversions from the Deschutes River and Tumalo Creek to be reduced by about 32,000 acre-feet. This increased in-stream waterflow will improve water quality, fisheries, increase opportunities for recreation, and enhance fire protection with the possible installation of hydrants.

This legislation also has the added benefit of local funding with 50 percent coming from the district, State, and community. This project will be completed in phases with the recommended total appropriation at $15,000,000.

I am proud of the district's work to improve in-stream flows. This is a positive solution to the inefficient and environmentally unsound system now in place. Oregon has long demonstrated its ability to identify innovative and progressive solutions, and I believe that this legislation will allow the Tumalo Irrigation District to proudly continue that tradition.

Mr. President, I ask unanimous consent that a copy of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That this Act may be cited as the "Tumalo Irrigation District Water Conservation Project Authorization Act".

SEC. 2. At the request of the Tumalo Irrigation District, Oregon, the Secretary of the Interior may participate in the design, planning, and construction of a comprehensive water conservation project by the District. The federal share of the costs of such project may not exceed 50 percent.

SEC. 3. There are authorized to be appropriated to the Secretary of the Interior, plus or minus such amounts as may be justified by reason of ordinary fluctuations of applicable cost indexes, not to exceed $15,000,000 for the federal share of costs related to the project.

By Mr. MCCAIN (for himself, Mr. KERREY, and Mr. HOLLINGS):

S. 909. A bill to encourage and facilitate the creation of secure public networks for communication, commerce, education, medicine, and government; to the Committee on Commerce, Science, and Transportation.

SECURE PUBLIC NETWORKS ACT

Mr. KERREY. Mr. President, earlier, I sent to the desk a bill that I introduced on behalf of myself, Senator MCCAIN of Arizona, Senator JOHN KERRY of Massachusetts, and Senator FRITZ HOLLINGS of South Carolina. The bill is called the Secure Public Networks Act of 1997, and it establishes as a priority that we are going to try with our law to develop a mechanism whereby, in collaboration with the private sector, the U.S. Government can work to secure these public networks upon which our commerce depends, our Government operations depend, and increasingly our national security depends.

Secure public networks are essential to the protection of personal privacy and the promotion of commerce on the Internet and other communications networks. Without trust in the system, the Internet will never reach its full potential as a new form of communications in commerce.

I believe there is an urgent need to enact legislation this year which can promote the creation and use of new networks, provide the security American citizens require in their communications and balance America's compelling interest in commerce and public safety.

Congress has been gridlocked for more than a year in the debate about the Nation's export policy for encryption products. Our Nation's policy on encryption is only a single piece of the puzzle, however. We need to ensure that the whole system of our public communications networks provides the security required.

There are three large interests, as I see it, at stake in this entire debate. One of the reasons there is an urgency to develop new legislation and enact new legislation that the President will be able to sign this year is that unless these networks are secure, we risk all three.

The first is in the area of commerce. The increasing amount of business that is being done on the network and the failure to be able to establish security on an international basis risks the full development potential of commercial networks.

The second is in the area of Government operations itself. Not only are there concerns in the private sector but on the Government side, from the Internal Revenue Service even to the operations of schools, that we need to have a secure public network. Obviously, if we are going to develop fully the electronic filing system—and for colleagues' reference, less than 1 percent error rate occurs in electronic filing, where nearly a 25-percent filing rate occurs in paper filing, there is a potential for saving money.

In addition to that, there is an increasing amount of education that is occurring on the network, once again offering a tremendous amount of savings for individuals who look for ways to leverage intellectual property and increase the efficiency of education. You need look no further than what is going on now in the area of education on the network, but it needs to be secure.

In the area of law enforcement, again, there is an offensive and defensive capability, and I am addressing at this instance the defensive capability, our ability to be able to communicate, for national security reasons, and our ability to be able to communicate for law enforcement reasons and know those communications are secure is the first order of business of the Secure Public Networks Act of 1997.

Our commercial interests, Mr. President, lie in maintaining American companies' leading position as producers of software and in the promotion of commerce on-line on the Internet. I do not believe we can fully achieve either of these objectives if the current law remains unchanged.

Second, the American people should be able to have secure access to their Government, as I indicated before, not just with the IRS, but also a whole range of other services, including the Government job of educating our people. There is a tremendous requirement in every single operation of Government for the consumer of those services to know that their communication is secure, that there is no manipulation of the data, no transference of that data.

And as I said, again, thirdly, there is a public safety interest in meeting the needs of law enforcement and national defense. Here a secure public network can provide both defensive and offensive security.

Mr. President, the greatest threat to our citizens' privacy is very often described by some advocates of change as being the Government. They are afraid of the Government interfering with their privacy. But I urge my colleagues to consider what the marketplace sees out there, which is that increasingly it is the private-sector interests that are the greatest threat to the privacy of citizens.

For example, the FBI reported last month that a hacker collected 100,000 credit card numbers from an Internet provider and then attempted to sell these numbers for cash. This is a private-sector individual out there, obviously very skilled. These hackers and crackers are skilled way beyond my capacity to understand what they are doing, except to know that they have the ability to come in and steal information that has great value, to manipulate that data and do not just a little bit of mischief but put our commercial and our national security interests at risk.

There was a story in the New York Times last week, Mr. President, that detailed the trauma and the horror faced in 1994 by a Texas woman who received a letter full of threatening sexual comments from an inmate in a Texas prison. She asked the question, "How did this inmate get access to the information?" and was surprised to discover that her personal life had become available as a result of a private-sector company's use of Texas inmates to do input into their data bases.

There was another example in this same article about a 1993 employee at a car dealership in New Jersey using their company's access to credit information to open false accounts in their customers' names and charging up thousands of dollars of merchandise with the fraudulent cards.

Another example, in 1995, a convicted child rapist, working in a Boston hospital, used a former fellow employee's password to access information on the hospital's patients. He found the phone numbers of young patients in the area, and then made obscene phone calls to girls as young as 8 years old.

There are many other examples that one could give. The point that I am trying to make, Mr. President, is, as this debate unfolds, one of the things you will hear immediately is that this legislation is an attempt by Government to gain access over the privacy of individuals. That is simply not true. There is protection after protection after protection in this legislation guarding against that.

This is an attempt to tighten up the security so that we know that a private individual, as I indicated here earlier with three or four examples, does not have the opportunity to either come in and intercept your communication or go into your data base and retrieve information that they will use against you or manipulate a data base so as to engage in fraudulent transactions that could cost not only the companies but could cost the individual substantial amounts of money.

To provide privacy protection and help prevent abuse of public networks, the Secure Public Networks Act makes it illegal for a person to use encryption to commit a crime; to exceed lawful authority in decrypting data or communications; to break the encryption code of another for the purpose of violating privacy, security, and property rights; to steal intellectual property on a public communications network; and to misuse key recovery information.

This act fully protects and strengthens the privacy rights of the individual without damaging the interest of public safety. Law enforcement will be granted access to key recovery information only if they have authority based on existing statute, rule or law. Audits will be performed by the Department of Justice which will ensure this process is not circumvented or abused, and I would expect these audits to be available to the appropriate congressional oversight committees.

Both the Government and the private sector need to work together to create the infrastructure and technology that will give the users total confidence in the security of commercial transactions and personal communications. As the largest purchaser of computer software and hardware, the Federal Government can create important incentives to help the market fulfill this need.

The idea here, Mr. President, is to say that the Federal law can provide incentives for market-based solutions. It will be for the most part the market that solves these problems and determines what kind of technology will be used in the solution of these problems. The Secure Public Networks Act of 1997, however, provides a framework and some standardization to make certain that we expedite that happening.

This act also sets up a voluntary registration system for public key certificate authorities and key recovery agents which help build confidence in the secure public network. Since the Internet is international and online commerce will be worldwide, the United States alone cannot develop a secure public network on the scale necessary to address this technology. Our legislation therefore, Mr. President, calls on the President to continue consultations and negotiations with foreign countries to ensure secure public networks are built on a global scale.

The Secure Public Networks Act creates an advisory panel with industry representatives to assist the Government in adapting policies to meet changing technology and changing commercial situations. This panel will also advise the Secretary of Commerce on the commercial situation American companies face overseas and recommend changes in U.S. policy to assist industry.

The act also calls for additional Federal research to facilitate the creation of secure public networks and the cooperation and coordination of departments and agencies on both Federal and State levels to ensure the development of secure public networks.

Mr. President, I believe the Secure Public Networks Act of 1997 will move our Nation closer to secure computer and telecommunications networks and help resolve the debate on encryption as well. The alternative to the rule of law in this dynamic area is chaos and anarchy, a condition which will prevent Internet-type networks from reaching their full potential and which will hurt the interests of industry, the interests of the public, and the interests of law enforcement and national security. Congress' duty to make laws to strengthen these networks is clear. I suggest we set a public goal of getting a bill to the President by October 1. I believe if we set a goal of this kind and stick to it, we will enable not only the market to develop, but it will enable us to provide the security needed for us to be able to move Government operations into the new paradigm of network activity.

By Mr. FRIST:

S. 910. A bill to authorize appropriations for carrying out the Earthquake Hazard Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE 1998–99 REAUTHORIZATION OF THE EARTHQUAKE HAZARD REDUCTION ACT OF 1997

Mr. FRIST. Mr. President, I rise today to offer the 1998–99 Reauthorization of the Earthquake Hazard Reduction Act of 1977. This piece of legislation reauthorizes the agencies that are working to reduce earthquake hazards throughout the Nation. These four agencies: The Federal Emergency Management Agency [FEMA], which serves as the lead agency, the U.S. Geological Survey [USGS], National Science Foundation [NSF], and National Institute of Standards and Technology [NIST], each play a critical role in this important mission.

This bill continues the funding for agency activities including research, hazard assessment, and public education, and moves these activities forward. It also builds upon the national seismic network, improving its capability, and forming the basis for a real-time seismic hazard warning system. A real-time warning system has the potential for saving lives by alerting people outside the immediate area of an impending seismic shock. Advance warning can be critical in preventing injury in many sectors of modern life, such as high-speed trail transportation.

This reauthorization has an important provision which underscores our commitment to education. This bill would let NSF create and disseminate Earth science educational materials in a way that permits easy access by educators and the general public. Acknowledging that FEMA and NSF have both done an outstanding job in creating educational material, we are looking for continued cooperation of all the agencies, one of the hallmarks of the National Earthquake Hazard Reduction Program [NEHRP].

Mr. President, I believe that the passage of this legislation will continue of the good work that these four agencies have been undertaking—work that saves property, but most importantly, saves American lives.

I ask unanimous consent that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) in subsection (a)(7)—

(A) by striking "and" after "1995,"; and

(B) by inserting before the period at the end the following: ", $19,228,000 for the fiscal year ending September 30, 1998, and $19,804,000 for the fiscal year ending September 30, 1999";

(2) in subsection (b)—

(A) by striking "and" after "September 30, 1995;"; and

(B) by inserting before the period at the end the following: "; $51,142,000 for the fiscal year ending September 30, 1998; and $52,676,000 for the fiscal year ending September 30, 1999";

(3) in subsection (c)—

(A) by striking "and" at the end of paragraph (1); and

(B) by inserting before the period at the end the following: ", (3) $18,450,000 for engineering research and $11,920,000 for geosciences research for the fiscal year ending September 30, 1998, and (4) $19,000,000 for engineering research and $12,280,000 for geosciences research for the fiscal year ending September 30, 1999"; and

(4) in the last sentence of subsection (d)—

(A) by striking "and" after "September 30, 1995,"; and

(B) by inserting before the period at the end the following: ", $2,000,000 for the fiscal year ending September 30, 1998, and $2,060,000 for the fiscal year ending September 30, 1999".

SEC. 2. REAL-TIME SEISMIC HAZARD WARNING SYSTEM DEVELOPMENT AND PHASED DEPLOYMENT.

(a) AUTOMATIC SEISMIC WARNING SYSTEM DEVELOPMENT AND PHASED DEPLOYMENT.—

(1) DEFINITIONS.—In this section:

(A) DIRECTOR.—The term "Director" means the Director of the United States Geological Survey.

(B) HIGH-RISK ACTIVITY.—The term "high-risk activity" means an activity that may be adversely affected by a moderate to severe seismic event (as determined by the Director). The term includes high-speed rail transportation.

(C) REAL-TIME SEISMIC WARNING SYSTEM.—The term "real-time seismic warning system" means a system that issues warnings in real-time from a network of seismic sensors to a set of analysis processors, directly to receivers related to high-risk activities.

(2) IN GENERAL.—The Director shall conduct a program to develop and deploy a real-time seismic warning system. The Director may use funds made available to the Director pursuant to this section to provide for a joint program with an entity that the Director determines to be appropriate to develop and deploy a real-time seismic warning system. The Director may enter into such agreements or contracts as may be necessary to carry out the program.

(3) UPGRADE OF SEISMIC SENSORS.—In carrying out a program under paragraph (2), in order to increase the accuracy and speed of seismic event analysis to provide for timely warning signals, the Director shall provide for the upgrading of the network of seismic sensors in existence at the time of the establishment of the program to increase the capability of the sensors—

(A) to measure accurately large magnitude seismic events (as determined by the Director); and

(B) to acquire additional parametric data.

(4) DEVELOPMENT OF COMMUNICATIONS AND COMPUTATION INFRASTRUCTURE.—In carrying out a program under paragraph (2), the Director shall develop a communications and computation infrastructure that is necessary—

(A) to process the data obtained from the upgraded seismic sensor network referred to in paragraph (3); and

(B) to provide for, and carry out, such communications engineering and development as is necessary to facilitate—

(i) the timely flow of data within a real-time seismic hazard warning system; and

(ii) the issuance of warnings to receivers related to high-risk activities.

(5) PROCUREMENT OF COMPUTER HARDWARE AND COMPUTER SOFTWARE.—In carrying out a program under paragraph (2), the Director shall procure such computer hardware and computer software as may be necessary to carry out the program.

(6) REPORTS ON PROGRESS.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director shall prepare and submit to Congress a report that contains a plan for implementing a real-time seismic hazard warning system.

(B) ADDITIONAL REPORTS.—Not later than 1 year after the date on which the Director submits the report under subparagraph (A), and annually thereafter, the Director shall prepare and submit to Congress a report that summarizes the progress of the Director in implementing the plan referred to in subparagraph (A).

(7) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available to the Director under section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)), there are authorized to be appropriated to the Department of the Interior, to be used by the Director to carry out this section, $10,000,000 for each of fiscal years 1998 and 1999.

(b) EARTH SCIENCE TEACHING MATERIALS.—

(1) DEFINITIONS.—In this subsection:

(A) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given that term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(B) SCHOOL.—The term "school" means a nonprofit institutional day or residential school that provides education for any of the grades kindergarten through grade 12.

(2) TEACHING MATERIALS.—In a manner consistent with the requirement under section 5(b)(4)(B) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(4)(B)) and subject to a merit based competitive process, the Director of the National Science Foundation may use funds made available to the Director under section 12(c) of such Act (42 U.S.C. 7706(c)) to develop, and make available to schools and local educational agencies for use by schools, at a minimal cost, earth science teaching materials that are designed to meet the needs of elementary and secondary school teachers and students.

(c) IMPROVED SEISMIC HAZARD ASSESSMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Director shall conduct a project to improve the seismic hazard assessment of the seismic zone in East Tennessee that is described in paragraph (2).

(2) EAST TENNESSEE SEISMIC ZONE.—The seismic zone described in this paragraph is the seismic zone located in East Tennessee, that underlies the Oak Ridge National Laboratory in Oak Ridge, Tennessee and the Watts Bar nuclear plant that is operated by the Tennessee Valley Authority.

(3) REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually during the period of the assessment, the Director shall prepare, and submit to Congress a report on the findings of the assessment.

(B) FINAL REPORT.—Not later than 60 days after the date of termination of the assessment conducted under this subsection, the Director shall prepare and submit to Congress a report concerning the findings of the assessment.

(4) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available to the Director under section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)), there are authorized to be appropriated to the Department of the Interior, to be used by the Director to carry out this section—

(A) $700,000 for fiscal year 1998; and

(B) $1,000,000 for fiscal year 1999.

By Mr. TORRICELLI:

S. 911. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to individuals who are active participants in neighborhood crime watch organizations which actively involve the community in the reduction of local crime; to the Committee on Finance.

TAKING BACK OUR NEIGHBORHOODS CRIME FIGHTING ACT

Mr. TORRICELLI. Mr. President, I rise today to introduce the Taking Back Our Neighborhoods Crime Fighting Act. This bill has already been introduced in the House by Representative BOB FILNER, and I thank him for his efforts in crafting this innovative and exciting approach to neighborhood crime fighting.

Mr. President, this is a very simple bill. Our legislation would provide a $50 tax credit to any American who actively participates in a Neighborhood Watch or other local crime fighting program. These local, citizen-run initiatives have proven extremely effective in reducing crime and restoring confidence in the safety of our local communities.

Neighborhood Watch programs empower residents and bring neighbors together, creating a renewed sense of community, and common purpose. Working hand in hand with law enforcement, these groups are a vital part of the community policing which has been so successful in dramatically reducing crime over the last few years. It is no wonder that this tax credit proposal has received support from hundreds of public officials, including dozens of big city mayors, local sheriffs, police chiefs, and district attorneys.

Mr. President, by providing this tax credit, we focus attention on the benefits of these local programs, and we reward those who already participate with a small token of appreciation. But more importantly, we also provide one more incentive to those who may have been reluctant to join a local group, or perhaps just didn't take the time to look into it. We hope that this additional incentive will create the final push needed to encourage everyone in our communities to join in the effort to stop crime and take back our streets.

Even if people intend to go just a couple of times in order to qualify for the tax credit, I am certain that many of them will become active and lifelong participants once they are exposed to what Neighborhood Watch is all about.

Mr. President, just a few months ago I traveled to a Newark townhouse and

paid a visit to a courageous woman named Donna Cherry. Tired of the violence and the gunshots plaguing her neighborhood, Donna Cherry took matters into her own hands and formed a neighborhood watch organization to protect her community. Starting within her own townhouse complex, she and the group soon set their sights on surrounding areas. Members of the group patrol the streets, log and report suspicious activity, and plan youth conferences to educate local children about cooperation and making the right choices. By their actions—indeed simply by their visible presence on the streets of their community—these people undoubtedly deter crime.

When I visited that neighborhood in March, I assured the group that the Federal Government would always stand behind efforts within communities to cooperate in the fight against crime—valiant efforts to save communities should not fail for lack of resources. We already provide indirect Federal funding for many of these groups, but funding is useless without the people to use it efficiently. Our bill will provide one more tool for community leaders like Donna Cherry to recruit new members and clean up our communities.

Mr. President, I urge my colleagues to join me in supporting this economical and exciting bill to encourage local crime fighting. Every step we take toward encouraging citizen action is a step toward the reduction of crime in our communities. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taking Back Our Neighborhoods Crime Fighting Act".

SEC. 2. CREDIT FOR INDIVIDUALS WHO ARE ACTIVE PARTICIPANTS IN NEIGHBORHOOD CRIME WATCH ORGANIZATIONS WHICH ACTIVELY INVOLVE THE COMMUNITY IN THE REDUCTION OF LOCAL CRIME.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 23 the following new section:

"SEC. 24. ACTIVE PARTICIPANTS IN NEIGHBORHOOD CRIME WATCH ORGANIZATIONS WHICH ACTIVELY INVOLVE THE COMMUNITY IN THE REDUCTION OF LOCAL CRIME.

"(a) GENERAL RULE.—In the case of an individual who is an active participant during the taxable year in a neighborhood crime watch organization which actively involves the community in the reduction of local crime, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year the amount of $50.

"(b) ACTIVE PARTICIPANT.—For purposes of subsection (a), the term 'active participant' means any individual who attends during the taxable year at least 2 meetings of an organization referred to in subsection (a) at which instruction is given by a local law enforcement officer on how individuals may best and lawfully—

"(1) protect themselves and their community against crime, and

"(2) assist local law enforcement officials in preventing crime."

(b) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by inserting after the item relating to section 23 the following new item:

"Sec. 24 Active participants in neighborhood crime watch organizations which actively involve the community in the reduction of local crime."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. BOND:

S. 912. A bill to provide for certain military retirees and dependents a special medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open period during which no underwriting is permitted; to the Committee on Finance.

MEDICARE PART B LEGISLATION

Mr. BOND. Mr. President, I rise today to introduce a measure that would provide for certain military retirees a special Medicare part B enrollment period during which the late enrollment penalty is waived.

Major changes in the Department of Defense's [DOD] health care delivery system, including the introduction of a managed care program called TRICARE and the closing or downsizing of many military medical facilities, have hindered access to health care services for older military retirees, or those aged 65 and over. It is important to note that the TRICARE Program was designed for active duty and CHAMPUS eligible beneficiaries and the overall intent is for those aged 65 and older to receive their health care through the Medicare Program.

Many of our country's military retirees moved close to bases in order to receive care from these facilities. Due to the fact that they had medical services available on base, before the implementation of TRICARE and base closures, many of these retirees did not sign up for medicare part B. Once their access was restricted, many elected to choose part B after the enrollment period expired and were therefore slapped with a penalty for signing up late. Others chose not to sign up at all because they were unable to afford the late enrollment penalty.

Thus, waiving the part B penalty for those retirees who dedicated their lives to serving our country is a matter of justice. There was no way that military retirees could have anticipated the changes that have occurred within the DOD's health care delivery system. Further, these changes were completely out of their control.

Mr. President, the Senate must act now. This measure rectifies the unfairness inherent in the Medicare part B penalty on certain military retirees and honors our Nation's commitment to those individuals who selflessly served our country through many years of military service. I look forward to the Senate's consideration of this proposal.

ADDITIONAL COSPONSORS

S. 112

At the request of Mr. MOYNIHAN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 112, a bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor.

S. 363

At the request of Mr. HOLLINGS, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 363, a bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content.

S. 370

At the request of Mr. GRASSLEY, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 387

At the request of Mr. SARBANES, his name was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 415

At the request of Mr. BAUCUS, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 415, a bill to amend the Medicare program under title XVIII of the Social

Security Act to improve rural health services, and for other purposes.

S. 476

At the request of Mr. KERRY, his name was added as a cosponsor of S. 476, a bill to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 611

At the request of Mr. MACK, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 611, a bill to require the Board of Governors of the Federal Reserve System to focus on price stability in establishing monetary policy to ensure the stable, long-term purchasing power of the currency, to repeal the Full Employment and Balanced Growth Act of 1978, and for other purposes.

S. 646

At the request of Mr. FORD, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 646, a bill to ensure the competitiveness of the United States textile and apparel industry.

S. 649

At the request of Ms. SNOWE, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 649, a bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certian individuals under part B of the Medicare program.

S. 720

At the request of Mr. GRASSLEY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 720, a bill to amend titles XVIII and XIX of the Social Security Act to expand and make permanent the availablity of cost-effective, comprehensive acute and long-term care services to frail elderly persons through Programs of All-inclusive Care for the Elderly (PACE) under the Medicare and Medicaid programs.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997 and to make other improvements to that chapter.

S. 766

At the request of Ms. SNOWE, the names of the Senator from Virginia [Mr. ROBB] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 836

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 836, a bill to offer small businesses certain protections from litigation excesses.

S. 852

At the request of Mr. LOTT, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 862

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 862, a bill to amend title XVIII of the Social Security Act to change the payment system for health maintenance organizations and competitive medical plans.

S. 874

At the request of Mr. FAIRCLOTH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 874, a bill to amend title 31, United States Code, to provide for an exemption to the requirement that all Federal payments be made by electronic funds transfer.

SENATE JOINT RESOLUTION 31

At the request of Mr. HELMS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of Senate Joint Resolution 31, a joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China.

AMENDMENTS SUBMITTED

THE FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

INOUYE (AND OTHERS) AMENDMENT NO. 376

(Ordered to lie on the table.)

Mr. INOUYE (for himself, Mr. HATCH, Mr. HOLLINGS, and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill (S. 903) to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes; as follows:

At the end of section 1301(a) of the bill, insert the following new paragraph:

(6) "Center for Cultural and Technical Interchange between East and West", $18,000,000 for the fiscal year 1998 and $15,000,000 for the fiscal year 1999.

DURBIN AMENDMENT NO. 377

Mr. DURBIN proposed an amendment to the bill, S. 903, supra; as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly):

SEC. . SENSE OF CONGRESS REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

(a) FINDINGS.—Congress finds the following:

(1) The Government of Peru has made substantial progress in the effort to restrict the flow of illicit drugs from Peru to the United States.

(2) The Government of Peru has cooperated greatly with the United States Government to stop individuals and organizations seeking to transport illicit drugs from Peru to the United States and to jail such drug exporters.

(3) Any individual engaging in such exporting of illicit drugs and convicted in a court of law should face stiff penalties.

(4) Any such individual should also have a right to timely legal procedures.

(5) Two United States citizens, Jennifer Davis and Krista Barnes, were arrested in Peru on September 25, 1996, for attempting to transport illicit drugs from Peru to the United States.

(6) Ms. Davis and Ms. Barnes have admitted their guilt upon arrest and to an investigative judge.

(7) Ms. Davis and Ms. Barnes have volunteered to cooperate fully with Peruvian judicial authorities in naming individuals responsible for drug trafficking and several have been arrested.

(8) More than 7 months after their arrest, Ms. Davis and Ms. Barnes have not been formally charged with a crime.

(9) Peruvian domestic law mandates that formal charges be brought within 4 to 6 months after arrest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government of Peru should respect the rights of prisoners to timely legal procedures, including the rights of all United States citizens held in prisons in Peru.

DURBIN (AND GORTON) AMENDMENT NO. 378

Mr. DURBIN (for himself and Mr. GORTON) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place, insert the following:

SEC. . DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) DESIGNATION OF ADDITIONAL COUNTRIES.—Effective 180 days after the date of the enactment of this Act, Lithuania, Latvia, Estonia, and Romania are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the

House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of the NATO Participation Act of 1994.

(b) RULE OF CONSTRUCTION.—The designation of countries pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(2) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

DURBIN (AND OTHERS) AMENDMENT NO. 379

Mr. DURBIN (for himself, Mr. GORTON, and Mr. D'AMATO) proposed an amendment to the bill, S. 903, supra; as follows:

At the end of title XVI, insert the following:

SEC. . ADMISSION OF ESTONIA, LATVIA, AND LITHUANIA INTO NATO.

(a) FINDINGS.—Congress makes the following findings:

(1) The Baltic countries of Estonia, Latvia, and Lithuania are undergoing a historic process of democratic and free market transformation after emerging from decades of brutal Soviet occupation.

(2) Each of the Baltic countries has conducted peaceful transfers of political power since 1991.

(3) The governments of the Baltic countries have been exemplary in their respect for human rights and civil liberties and have made great strides toward establishing the rule of law.

(4) The governments of the Baltic countries have made consistent progress toward establishing civilian control of their military forces, and through active participation in the Partnership for Peace and the peace support operations of the North Atlantic Treaty Organization (in this resolution referred to as "NATO"), have clearly demonstrated their ability and willingness to operate with the forces of NATO nations and under NATO standards.

(5) Each of the Baltic countries has made progress toward implementing a free market system which has and will continue to foster the economic advancement of the people of the Baltic region.

(6) The Baltic region has often been a battleground for the competing territorial designs of nearby imperial powers which, along with other factors, has contributed to a history of insecurity and instability in the region.

(7) NATO has been a force for stability, freedom, and peace in Europe since 1949.

(8) NATO has indicated it will begin to invite new members in 1997.

(9) Estonia, Latvia, and Lithuania, exercising their inherent right as participating states in the Organization for Security and Cooperation in Europe, have voluntarily applied for membership in NATO.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Estonia, Latvia, and Lithuania are to be commended for their progress toward political and economic liberty and meeting the guidelines for prospective NATO members set out in chapter 5 of the September 1995 Study on NATO Enlargement;

(2) Estonia, Latvia, and Lithuania would make an outstanding contribution to NATO if they become members;

(3) eventual extension of full NATO membership to Estonia, Latvia, and Lithuania would make a singular and lasting contribution toward stability, freedom, and peace in the Baltic region;

(4) upon satisfying the criteria for NATO membership, Estonia, Latvia, and Lithuania should be invited to become full members of NATO at the earliest possible date; and

(5) Estonia, Latvia, and Lithuania should be invited to attend the NATO summit in Madrid on July 8 and 9, 1997.

SARBANES AMENDMENTS NOS. 380–381

Mr. SARBANES proposed two amendments to the bill, S. 903, supra; as follows:

AMENDMENT NO. 380

On page 96, delete lines 1 through 12.

AMENDMENT NO. 381

Add at an appropriate point in the bill a new section as follows:

SEC. . LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

SEC. 1017(E)(2) of the foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

"(2) for the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term "management official' does not include chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, or individuals described in Section 1002(12)(B), (C), and (D) who are not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.".

LUGAR AMENDMENT NO. 382

Mr. LUGAR proposed an amendment to the bill, S. 903, supra; as follows:

Beginning on page 180, line 1, strike all through page 198, line 20, and insert the following:

TITLE XXII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

SEC. 2211. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States to the United Nations and its specialized agencies as of September 30, 1997—

(1) $409,500,000 for fiscal year 1998; and

(2) $409,500,000 for fiscal year 1999.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations (excluding the budgets of the United Nations specialized agencies);

(2) to pay the United States share of United Nations peace operations; and

(3) to pay the United States share of United Nations specialized agencies.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) CONGRESSIONAL NOTIFICATION.—Before the disbursement of funds under this section, the Secretary of State shall notify the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

DEWINE (AND OTHERS) AMENDMENT NO. 383

Mr. DEWINE (for himself, Mr. GRAHAM, Mr. FAIRCLOTH, Mr. COVERDELL, and Mr. HELMS) proposed an amendment to the bill. S. 903, supra; as follows:

At the end of title XVI of division B of the bill, insert the following new section:

SEC. . EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI.

(a) FINDINGS.—Congress makes the following findings:

(1) At the time of the enactment of this Act, there have been over eighty extrajudicial and political killing cases assigned to the Haitian Special Investigative Unit (SIU) by the Government of Haiti. Furthermore, the government has requested that the SIU investigate on a "priority basis" close to two dozen cases relating to extrajudicial and political killings.

(2) President Jean-Bertrand Aristide lived in exile in the United States after he was overthrown by a military coup on September 30, 1991. During his exile, political and extrajudicial killings occurred in Haiti including Aristide financial supporter Antoine Izmery, who was killed on September 11, 1993; Guy Malary, Aristide's Minister of Justice, who was killed on October 14, 1993; and Father Jean-Marie Vincent, a supporter of Aristide, was killed on August 28, 1992.

(3) President Aristide returned to Haiti on October 15, 1994, after some 20,000 United States troops, under the code name Operation Uphold Democracy, entered Haiti as the lead force in a multi-national force with the objective of restoring democratic rule.

(4) From June 25, 1995, through October 1995, elections were held where pro-Aristide candidates won a large share of the parliamentary and local government seats.

(5) On March 28, 1995, a leading opposition leader to Aristide, Attorney Mireille Durocher Bertin, and a client, Eugene Baillergeau, were gunned down in Ms. Bertin's car.

(6) On May 22, 1995, Michel Gonzalez, Haitian businessman and Aristide's next door neighbor, was killed in a drive-by shooting after alleged attempts by Aristide to acquire his property.

(7) After Aristide regained power, three former top Army officers were assassinated: Colonel Max Mayard on March 10, 1995; Colonel Michelange Hermann on May 24, 1995; and Brigadier General Romulus Dumarsais was killed on June 27, 1995.

(8) Presidential elections were held on December 17, 1995. Rene Preval, an Aristide supporter, won, with 89 percent of the votes cast, but with a low voter turnout of only 28 percent, and with many parties allegedly boycotting the election. Preval took office on February 7, 1996.

(9) On March 6,1996, police and ministerial security guards killed at least six men during a raid in Cite Soleil, a Port-au-Prince slum.

(10) On August 20,1996, two opposition politicians, Jacques Fleurival and Baptist Pastor Antoine Leroy were gunned down outside Fleurival's home.

(11) Other alleged extrajudicial and political killings include the deaths of Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, and Jean-Hubert Feuille.

(12) Although the Haitian Government claims to have terminated from employment several suspects in the killings, some whom have received training from United States advisors, there has been no substantial progress made in the investigation that has led to the prosecution of any of the above-referenced extrajudicial and political killings.

(13) The expiration of the mandate of the United Nations Support Mission in Haiti has been extended three times, the last to July 31, 1997. The Administration has indicated that a fourth extension through November 1997, may be necessary to ensure the transition to a democratic government.

(b) GROUNDS FOR EXCLUSION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted in, the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted in, the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996; or

(4) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and were credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume.

(c) EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons, or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(d) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (b).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than three months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary shall submit a report under this subsection not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (b).

(e) DEFINITION.—In this section, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

GORTON (AND OTHERS) AMENDMENT NO. 384

Mr. GORTON (for himself, Mr. DURBIN, Mr. HELMS, Mr. BIDEN, Mr. ROTH, and Mr. D'AMATO) proposed an amendment to the bill, S. 903, supra; as follows:

At the end of title XVI, add the following:

SEC. . DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(1) DESIGNATION OF ADDITIONAL COUNTRIES.—Effective 180 days after the date of the enactment of this Act, Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of NATO Participation Act of 1994.

(2) RULE OF CONSTRUCTION.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) SENSE OF THE SENATE.—It is the sense of the Senate that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(A) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

DURBIN AMENDMENT NO. 385

Mr. HELMS (for Mr. DURBIN) proposed an amendment to the bill, S. 903, supra; as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly):

SEC. . SENSE OF SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

It is the Sense of the Senate that—

(1) as a signatory of the International Covenant on Civil and Political Rights, the Government of Peru is obligated to grant prisoners timely legal proceedings pursuant to Article 9 of the International Covenant on Civil and Political Rights which requires that "anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release;" and that "anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful;" and

(2) the Government of Peru should take all necessary steps to ensure that any U.S. citizen charged with committing a crime in that country is accorded open and fair proceedings in a civilian court.

ABRAHAM AMENDMENTS NOS. 386–391

(Ordered to lie on the table.)

Mr. ABRAHAM submitted six amendments intended to be proposed by him to the bill, S. 903, supra; as follows:

AMENDMENT NO. 386

At the end of title XVI of division B, add the following:

SEC. . SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) As the world's leading democracy, the United States cannot ignore the Government of the People's Republic of China's record on human rights and religious persecution.

(2) According to Amnesty International, "A fifth of the world's people are ruled by a government that treats fundamental human rights with contempt. Human rights violations continue on a massive scale.".

(3) According to Human Rights Watch/Asia reported that: "Unofficial Christian and Catholic communities were targeted by the government during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution, resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone.".

(4) The People's Republic of China's compulsory family planning policies include forced abortions.

(5) China's attempts to intimidate Taiwan and the activities of its military, the People's Liberation Army, both in the United States and abroad, are of major concern.

(6) The Chinese government has threatened international stability through its weapons sales to regimes, including Iran and Iraq, that sponsor terrorism and pose a direct

threat to American military personnel and interests.

(7) The efforts of two Chinese companies, the China North Industries Group (NORINCO) and the China Poly Group (POLY), deserve special rebuke for their involvement in the sale of AK–47 machine guns to California street gangs.

(8) Allegations of the Chinese government's involvement in our political system may involve both civil and criminal violations of our laws.

(9) The Senate is concerned that China may violate the 1984 Sino-British Joint Declaration transferring Hong Kong from British to Chinese rule by limiting political and economic freedom in Hong Kong.

(10) The Senate strongly believes time has come to take steps that would signal to Chinese leaders that religious persecution, human rights abuses, forced abortions, military threats and weapons proliferation, and attempts to influence American elections are unacceptable to the American people.

(11) The United States should signal its disapproval of Chinese government actions through targeted sanctions, while at the same time encouraging worthwhile economic and cultural exchanges that can lead to positive change in China.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should—

(1) limit the granting of United States visas to Chinese government offices who work in entities the implementation of China's laws and directives on religious practices and coercive family planning, and those official materially involved in the massacre of Chinese students in Tiananmen square;

(2) limit United States taxpayer subsidies for the Chinese government through multilateral development institutions such as the World Bank, Asian Development Bank, and the International Monetary Fund;

(3) reduce United States financial assistance to international bodies and organizations that provide family planning assistance to the Chinese government;

(4) publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the Chinese government who export to, or have an office in, the United States;

(5) impose targeted sanctions on NORINCO and POLY by not allowing them to export to, nor to maintain a physical presence in, the United States for a period one year; and

(6) promote democratic values in China by increasing United States Government funding of Radio Free Asia, the National Endowment for Democracy's programs in China and existing students, cultural, and legislative exchange programs between the United States and the People's Republic of China.

AMENDMENT NO. 387

On page 155, between lines 13 and 14, insert the following:

TITLE XVIII—ADVANCEMENT OF HUMAN RIGHTS IN CHINA

SEC. 1701. SHORT TITLE.

This title may be cited as the "China Sanctions and Human Rights Advancement Act".

SEC. 1702. PURPOSE.

It is the purpose of this title—

(1) to impose certain sanctions on the People's Republic of China in response to the practices of the Government of the People's Republic of China which limit the free exercise of religion and other human rights; and

(2) to require an annual report from the President on such practices.

SEC. 1703. SANCTIONS.

(a) DENIAL OF ENTRY OF CERTAIN GOVERNMENT OFFICIALS.—

(1) DENIAL OF ENTRY.—Except as provided in paragraph (2), the Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any of the following officials of the Government of the People's Republic of China:

(A) High-ranking officials of the Public Security Bureau, as determined by the Secretary.

(B) High-ranking officials of the Religious Affairs Bureau, as so determined.

(C) Other high-ranking officials determined by the Secretary to be involved in the implementation or enforcement of laws and directives of the People's Republic of China which restrict religious freedom.

(D) High-ranking officials determined by the Secretary to be involved in the implementation or enforcement of laws and directives of the People's Republic of China on family planning.

(E) Officials determined by the Secretary to have been materially involved in ordering or carrying out the massacre of students in Tiananmen Square in 1989.

(2) WAIVER.—

(A) IN GENERAL.—Subject to subparagraph (B), the President may waive the applicability of paragraph (1) with respect to any official otherwise covered by that paragraph if the President determines that the waiver with respect to the official is in the national security interests of the United States.

(B) NOTICE.—

(i) REQUIREMENT.—The President may not exercise the authority provided in subparagraph (A) with respect to an official unless the President submits to Congress a written notification of the exercise of the authority.

(ii) CONTENTS.—Each notice shall include a justification of the exercise of the authority, including—

(I) a statement why the exercise of the authority is in the national security interests of the United States; and

(II) a statement why such interests supersede the need for the United States to make the response described in section 1702(1).

(b) MULTILATERAL ASSISTANCE.—

(1) INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—

(A) OPPOSITION TO ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to vote against any loan or other utilization of the funds of the bank to or for the People's Republic of China.

(B) OPPOSITION TO MODIFICATION OF SINGLE COUNTRY LOAN LIMIT.—The Secretary shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to vote against any modification of the limitation on the share of the total funds of the Bank that may be loaned to a single country.

(C) LIMITATION ON DOMESTIC BORROWING.—

(i) LIMITATION.—The Secretary shall restrict the ability of the International Bank for Reconstruction and Development to borrow in United States capital markets in a fiscal year by an amount equal to the amount of the loans approved for the People's Republic of China in the preceding fiscal year for purposes other than to meet basic human needs.

(ii) EXCEPTION.—Clause (i) shall not apply to borrowing for purposes of meeting basic human needs.

(2) ASIAN DEVELOPMENT BANK.—

(A) OPPOSITION TO ASSISTANCE.—The Secretary shall instruct the United States Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank to or for the People's Republic of China.

(B) LIMITATION ON DOMESTIC BORROWING.—

(i) LIMITATION.—The Secretary shall restrict the ability of the Asian Development Bank to borrow in United States capital markets in a fiscal year by an amount equal to the amount of the loans approved for the People's Republic of China in the preceding fiscal year for purposes other than to meet basic human needs.

(ii) EXCEPTION.—Clause (i) shall not apply to borrowing for purposes of meeting basic human needs.

(3) INTERNATIONAL MONETARY FUND.—The Secretary shall instruct the United States Executive Director of the International Monetary Fund to vote against any loan or other utilization of the funds of the Fund to or for the People's Republic of China.

(4) REDUCTION IN CONTRIBUTIONS FOR MULTILATERAL ASSISTANCE.—The amount of the contributions of the United States to a multilateral development bank in or for a fiscal year shall be the amount otherwise available for such contributions in the fiscal year less the amount committed by the bank to lend, utilize, or otherwise make available to or for the People's Republic of China during the preceding fiscal year for purposes other than basic human needs.

(5) DEFINITIONS.—In this subsection:

(A) BASIC HUMAN NEEDS.—The term, "basic human needs" refers to human needs arising from natural disasters or famine.

(B) MULTILATERAL DEVELOPMENT BANK.—The term "multilateral development bank" means the following:

(i) The International Bank for Reconstruction and Development.

(ii) The International Development Association.

(iii) The International Finance Corporation.

(iv) The Asian Development Bank.

(c) REDUCTION IN ASSISTANCE FOR ORGANIZATIONS PROVIDING FAMILY PLANNING ASSISTANCE IN CHINA.—

(1) REDUCTION.—The amount of financial assistance provided by the United States in a fiscal year to a covered organization shall be the amount otherwise available for financial assistance to the organization in the fiscal year less the amount utilized by the organization for family planning services or assistance in or for the People's Republic of China during the preceding fiscal year.

(2) CERTIFICATION.—

(A) REQUIREMENT.—In each fiscal year in which a covered organization is provided financial assistance by the United States, the organization shall certify to the Secretary of State the amount, if any, utilized by the organization in the preceding fiscal year for family planning services or assistance in or for the People's Republic of China.

(B) DEADLINE.—A covered organization shall make the certification required for a fiscal year not later than October 31 of that fiscal year.

(3) DEFINITION.—In this subsection, the term "covered organization" means an organization that provides family planning services or assistance in or for the People's Republic of China.

(d) SANCTIONS REGARDING CHINA NORTH INDUSTRIES GROUP AND CHINA POLY GROUP.—

(1) SANCTIONS.—Except as provided in paragraph (2), the President shall—

(A) prohibit the importation into the United States of all products that are produced, grown, or manufactured by Poly or

Norinco, the parent company of Poly or Norinco, or any affiliate, subsidiary, or successor entity of Poly or Norinco;

(B) deny or impose restrictions on the entry into the United States of any foreign national serving as an officer, director, or employee of an entity described in subparagraph (A);

(C) prohibit the issuance to a person or entity described in subparagraph (A) of licenses in connection with the export of any item on the United States Munitions List;

(D) prohibit the export to a person or entity described in subparagraph (A) of any goods or technology on which export controls are in effect under section 5 or 6 of the Export Administration Act of 1979;

(E) direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit, with respect to a person or entity described in subparagraph (A);

(F) prohibit United States nationals from directly or indirectly issuing any guarantee for any loan or other investment to, issuing any extension of credit to, or making any investment in, a person or entity described in subparagraph (A); and

(G) prohibit departments and agencies of the United States and United States nationals from entering into any contract with a person or entity described in subparagraph (A) for the procurement or other provision of goods or services from such person or entity.

(2) EXCEPTIONS.—

(A) IN GENERAL.—The President shall not impose sanctions under this subsection—

(i) in the case of the procurement of defense articles or defense services—

(I) under contracts or subcontracts that are in effect on October 1, 1997 (including the exercise of options for production quantities to satisfy United States operational military requirements);

(II) if the President determines that the person or entity to whom the sanctions would otherwise be applied is a sole source supplier of essential defense articles or services and no alternative supplier can be identified; or

(III) if the President determines that such articles or services are essential to the national security; or

(ii) in the case of—

(I) products or services provided under contracts or binding agreements (as such terms are defined by the President in regulations) or joint ventures entered into before October 1, 1997;

(II) spare parts;

(III) component parts that are not finished products but are essential to United States products or production;

(IV) routine servicing and maintenance of products; or

(V) information and technology products and services.

(B) IMMIGRATION RESTRICTIONS.—The President shall not apply the restrictions described in paragraph (1)(B) to a person described in paragraph (1)(A), if the President, after consultation with the Attorney General, determines that the presence of the person in the United States is necessary for a Federal or State judicial proceeding against a person or entity described in paragraph (1)(A).

(3) DEFINITIONS.—In this subsection:

(A) AFFILIATE.—The term "affiliate" does not include any United States national engaged in a business arrangement with a person or entity described in paragraph (1)(A).

(B) COMPONENT PART.—The term "component part" means any article that is not usable for its intended function without being embedded or integrated into any other product and, if used in the production of a finished product, would be substantially transformed in that process.

(C) FINISHED PRODUCT.—The term "finished product" means any article that is usable for its intended function without being embedded in or integrated into any other product, but does not include an article produced by a person or entity other than a person or entity described in paragraph (1)(A) that contains parts or components of a person or entity described in paragraph (1)(A) if the parts or components have been substantially transformed during production of the finished product.

(D) INVESTMENT.—The term "investment" includes any contribution or commitment of funds, commodities, services, patents, processes, or techniques, in the form of—

(i) a loan or loans;

(ii) the purchase of a share of ownership;

(iii) participation in royalties, earnings, or profits; and

(iv) the furnishing of commodities or services pursuant to a lease or other contract,

but does not include routine maintenance of property.

(E) NORINCO.—The term "Norinco" refers to China North Industries Group.

(F) POLY.—The term "Poly" refers to China Poly Group, also known as Polytechnologies Incorporated or BAOLI.

(G) UNITED STATES NATIONAL.—

(i) IN GENERAL.—The term "United States national" means—

(I) any United States citizen; and

(II) any corporation, partnership, or other organization created under the laws of the United States, any State, the District of Columbia, or any territory or possession of the United States.

(ii) EXCEPTION.—The term "United States national" does not include a subsidiary or affiliate of corporation, partnership, or organization that is a United States national if the subsidiary or affiliate is located outside the United States.

(e) CONSULTATIONS WITH ALLIES.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should begin consultations with the major allies and other trading partners of the United States in order to encourage such allies and trading partners to adopt sanctions against the People's Republic of China that are similar to the sanctions imposed on the People's Republic of China by this section.

(2) REPORT.—Not later than 45 days after the completion of the first G–7 summit meeting after the date of enactment of this Act, the President shall submit to Congress a report on the results, if any, of consultations referred to in paragraph (1).

(f) DURATION OF SANCTIONS.—Except as provided in subsection (e)(2), the requirements and limitations set forth in this section shall apply during the period beginning on October 1, 1997, and ending on September 30, 1998.

SEC. 1704. ANNUAL REPORT ON HUMAN RIGHTS PRACTICES OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

Not later than 9 months after the date of enactment of this Act, and every year thereafter, the President shall submit to Congress a report on the practices of the Government of the People's Republic of China with respect to the free exercise of religion and other human rights during the one-year period preceding the submittal of the report. The report shall include a detailed statement of the improvements, if any, in such practices.

SEC. 1705. PUBLICATION OF LIST OF COMPANIES OWNED BY THE PEOPLE'S LIBERATION ARMY.

(a) PUBLICATION.—Not later than January 31 each year, the Secretary of State shall publish in the Federal Register a list of each corporation or other business entity that was owned in whole or in part by the People's Liberation Army of the People's Republic of China as of December 31 of the preceding year.

(b) PROTECTION OF SOURCES AND METHODS.—In publishing a list under subsection (a), the Secretary shall take appropriate actions to ensure the protection of sources and methods of gathering intelligence.

SEC. 1706. TRAINING FOR IMMIGRATION OFFICERS REGARDING RELIGIOUS PERSECUTION.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

"(d) TRAINING ON RELIGIOUS PERSECUTION.—The Attorney General shall establish and operate a program to provide to immigration officers performing functions under subsection (b), or section 207 or 208, training on religious persecution, including training on—

"(1) the fundamental components of the right to freedom of religion;

"(2) the variation in beliefs of religious groups; and

"(3) the governmental and nongovernmental methods used in violation of the right to freedom of religion.".

SEC. 1707. PROMOTION OF DEMOCRATIC VALUES IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) STUDENT, CULTURAL, AND LEGISLATIVE EXCHANGE PROGRAMS.—Notwithstanding any other provision of law, the aggregate amount utilized and made available by the Director of the United States Information Agency in fiscal year 1998 for programs and grants relating to student, cultural, and legislative exchange activities in or with the People's Republic of China may not be less than an amount equal to twice the aggregate amount utilized and made available for such programs and grants in fiscal year 1997.

(b) RADIO FREE ASIA.—Notwithstanding any other provision of law, the total amount of grants made to Radio Free Asia in fiscal year 1998 under section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) may not be less than an amount equal to twice the amount of grants made to Radio Free Asia in fiscal year 1997 under that section.

(c) NATIONAL ENDOWMENT FOR DEMOCRACY.—Notwithstanding any other provision of law, the amount of the grant made to the National Endowment for Democracy by the Director of the United States Information Agency in fiscal year 1998 for purposes of programs relating to the People's Republic of China may not be less than an amount equal to twice the amount of the grant made to the Endowment in fiscal year 1997 for purposes of such programs.

AMENDMENT NO. 388

On page 155, between lines 13 and 14, insert the following:

SEC. 1612. ENTRY OF CERTAIN INDIVIDUALS INTO THE UNITED STATES.

(a) DENIAL OF ENTRY OF CERTAIN GOVERNMENT OFFICIALS.—

(1) DENIAL OF ENTRY.—Except as provided in paragraph (2), the Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any of the following officials of the Government of the People's Republic of China:

(A) High-ranking officials of the Public Security Bureau, as determined by the Secretary.

(B) High-ranking officials of the Religious Affairs Bureau, as so determined.

(C) Other high-ranking officials determined by the Secretary to be involved in the implementation or enforcement of laws and directives of the People's Republic of China which restrict religious freedom.

(D) High-ranking officials determined by the Secretary to be involved in the implementation or enforcement of laws and directives of the People's Republic of China on family planning.

(E) Officials determined by the Secretary to have been materially involved in ordering or carrying out the massacre of students in Tiananmen Square in 1989.

(2) WAIVER.—

(A) IN GENERAL.—Subject to subparagraph (B), the President may waive the applicability of paragraph (1) with respect to any official otherwise covered by that paragraph if the President determines that the waiver with respect to the official is in the national security interests of the United States.

(B) NOTICE.—

(i) REQUIREMENT.—The President may not exercise the authority provided in subparagraph (A) with respect to an official unless the President submits to Congress a written notification of the exercise of the authority.

(ii) CONTENTS.—Each notice shall include a justification of the exercise of the authority, including—

(I) a statement why the exercise of the authority is in the national security interests of the United States; and

(II) a statement why such interests supersede the need for the United States to deny entry to the official concerned in response to the practices of the Government of the People's Republic of China which limit the free exercise of religion and other human rights.

(b) ANNUAL REPORT ON HUMAN RIGHTS PRACTICES OF THE PEOPLE'S REPUBLIC OF CHINA.—Not later than 9 months after the date of enactment of this Act, and every year thereafter, the President shall submit to Congress a report on the practices of the Government of the People's Republic of China with respect to the free exercise of religion and other human rights during the one-year period preceding the submittal of the report. The report shall include a detailed statement of the improvements, if any, in such practices.

(c) TRAINING FOR IMMIGRATION OFFICERS REGARDING RELIGIOUS PERSECUTION.—Section 235 of the Immigration and Nationality Act (U.S.C. 1225) is amended by adding at the end the following:

"(d) TRAINING ON RELIGIOUS PERSECUTION.—The Attorney General shall establish and operate a program to provide to immigration officers performing functions under subsection (b), or section 207 or 208, training on religious persecution, including training on—

"(1) the fundamental components of the right to freedom of religion;

"(2) the variation in beliefs of religious groups; and

"(3) the governmental and nongovernmental methods used in violation of the right to freedom of religion.".

AMENDMENT NO. 389

On page 155, between lines 13 and 14, insert the following:

SEC. 1612. SANCTIONS ON THE PEOPLE'S REPUBLIC OF CHINA.

(a) MULTILATERAL ASSISTANCE.—

(1) INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—

(A) OPPOSITION TO ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to vote against any loan or other utilization of the funds of the bank to or for the People's Republic of China in fiscal year 1998.

(B) OPPOSITION TO MODIFICATION OF SINGLE COUNTRY LOAN LIMIT.—The Secretary shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to vote against any modification of the limitation on the share of the total funds of the Bank that may be loaned to a single country in fiscal year 1998.

(C) LIMITATION ON DOMESTIC BORROWING.—

(i) LIMITATION.—The Secretary shall restrict the ability of the International Bank for Reconstruction and Development to borrow in United States capital markets in fiscal year 1998 by an amount equal to the amount of the loans approved for the People's Republic of China in fiscal year 1997 for purposes other than to meet basic human needs.

(ii) EXCEPTION.—Clause (i) shall not apply to borrowing for purposes of meeting basic human needs.

(2) ASIAN DEVELOPMENT BANK.—

(A) OPPOSITION TO ASSISTANCE.—The Secretary shall instruct the United States Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank to or for the People's Republic of China in fiscal year 1998.

(B) LIMITATION ON DOMESTIC BORROWING.—

(i) LIMITATION.—The Secretary shall restrict the ability of the Asian Development Bank to borrow in United States capital markets in fiscal year 1998 by an amount equal to the amount of the loans approved for the People's Republic of China in fiscal year 1997 for purposes other than to meet basic human needs.

(ii) EXCEPTION.—Clause (i) shall not apply to borrowing for purposes of meeting basic human needs.

(3) INTERNATIONAL MONETARY FUND.—The Secretary shall instruct the United States Executive Director of the International Monetary Fund to vote against any loan or other utilization of the funds of the Fund to or for the People's Republic of China in fiscal year 1998.

(4) REDUCTION IN CONTRIBUTIONS FOR MULTILATERAL ASSISTANCE.—The amount of the contributions of the United States to a multilateral development bank in or for fiscal year 1998 shall be the amount otherwise available for such contributions in fiscal year 1998 less the amount committed by the bank to lend, utilize, or otherwise make available to or for the People's Republic of China during fiscal year 1997 for purposes other than basic human needs.

(5) DEFINITIONS.—In this subsection:

(A) BASIC HUMAN NEEDS.—The term, "basic human needs" refers to human needs arising from natural disasters or famine.

(B) MULTILATERAL DEVELOPMENT BANK.—The term "multilateral development bank" means the following:

(i) The International Bank for Reconstruction and Development.

(ii) The International Development Association.

(iii) The International Finance Corporation.

(iv) The Asian Development Bank.

(b) REDUCTION IN ASSISTANCE FOR ORGANIZATIONS PROVIDING FAMILY PLANNING ASSISTANCE IN CHINA.—

(1) REDUCTION.—The amount of financial assistance provided by the United States in fiscal year 1998 to a covered organization shall be the amount otherwise available for financial assistance to the organization in that fiscal year less the amount utilized by the organization for family planning services or assistance in or for the People's Republic of China during fiscal year 1997.

(2) CERTIFICATION.—Not later than October 31, 1997, each covered organization to be provided financial assistance by the United States in fiscal year 1998 shall certify to the Secretary of State the amount, if any, utilized by the organization in fiscal year 1997 for family planning services or assistance in or for the People's Republic of China.

(3) DEFINITION.—In this subsection, the term "covered organization" means an organization that provides family planning services or assistance in or for the People's Republic of China.

(c) CONSULTATIONS WITH ALLIES.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should begin consultations with the major allies and other trading partners of the United States in order to encourage such allies and trading partners to adopt sanctions against the People's Republic of China that are similar to the sanctions imposed on the People's Republic of China by this section.

(2) REPORT.—Not later than 45 days after the completion of the first G–7 summit meeting after the date of enactment of this Act, the President shall submit to Congress a report on the results, if any, of consultations referred to in paragraph (1).

AMENDMENT NO. 390

On page 155, between lines 13 and 14, insert the following:

SEC. 1612. SANCTIONS REGARDING CHINA NORTH INDUSTRIES GROUP AND CHINA POLY GROUP.

(a) SANCTIONS REGARDING CHINA NORTH INDUSTRIES GROUP AND CHINA POLY GROUP.—

(1) SANCTIONS.—Except as provided in paragraph (2), the President shall, during the period beginning on October 1, 1997, and ending on September 30, 1998—

(A) prohibit the importation into the United States of all products that are produced, grown, or manufactured by Poly or Norinco, the parent company of Poly or Norinco, or any affiliate, subsidiary, or successor entity of Poly or Norinco;

(B) deny or impose restrictions on the entry into the United States of any foreign national serving as an officer, director, or employee of an entity described in subparagraph (A);

(C) prohibit the issuance to a person or entity described in subparagraph (A) of licenses in connection with the export of any item on the United States Munitions List;

(D) prohibit the export to a person or entity described in subparagraph (A) of any goods or technology on which export controls are in effect under section 5 or 6 of the Export Administration Act of 1979;

(E) direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit, with respect to a person or entity described in subparagraph (A);

(F) prohibit United States nationals from directly or indirectly issuing any guarantee for any loan or other investment to, issuing any extension of credit to, or making any investment in, a person or entity described in subparagraph (A); and

(G) prohibit departments and agencies of the United States and United States nationals from entering into any contract with a

person or entity described in subparagraph (A) for the procurement or other provision of goods or services from such person or entity.

(2) EXCEPTIONS.—

(A) IN GENERAL.—The President shall not impose sanctions under this subsection—

(i) in the case of the procurement of defense articles or defense services—

(I) under contracts or subcontracts that are in effect on October 1, 1997 (including the exercise of options for production quantities to satisfy United States operational military requirements);

(II) if the President determines that the person or entity to whom the sanctions would otherwise be applied is a sole source supplier of essential defense articles or services and no alternative supplier can be identified; or

(III) if the President determines that such articles or services are essential to the national security; or

(ii) in the case of—

(I) products or services provided under contracts or binding agreements (as such terms are defined by the President in regulations) or joint ventures entered into before October 1, 1997;

(II) spare parts;

(III) component parts that are not finished products but are essential to United States products or production;

(IV) routine servicing and maintenance of products; or

(V) information and technology products and services.

(B) IMMIGRATION RESTRICTIONS.—The President shall not apply the restrictions described in paragraph (1)(B) to a person described in paragraph (1)(A), if the President, after consultation with the Attorney General, determines that the presence of the person in the United States is necessary for a Federal or State judicial proceeding against a person or entity described in paragraph (1)(A).

(3) DEFINITIONS.—In this subsection:

(A) AFFILIATE.—The term "affiliate" does not include any United States national engaged in a business arrangement with a person or entity described in paragraph (1)(A).

(B) COMPONENT PART.—The term "component part" means any article that is not usable for its intended function without being embedded or integrated into any other product and, if used in the production of a finished product, would be substantially transformed in that process.

(C) FINISHED PRODUCT.—The term "finished product" means any article that is usable for its intended function without being embedded in or integrated into any other product, but does not include an article produced by a person or entity other than a person or entity described in paragraph (1)(A) that contains parts or components of a person or entity described in paragraph (1)(A) if the parts or components have been substantially transformed during production of the finished product.

(D) INVESTMENT.—The term "investment" includes any contribution or commitment of funds, commodities, services, patents, processes, or techniques, in the form of—

(i) a loan or loans;

(ii) the purchase of a share of ownership;

(iii) participation in royalties, earnings, or profits; and

(iv) the furnishing of commodities or services pursuant to a lease or other contract,

but does not include routine maintenance of property.

(E) NORINCO.—The term "Norinco" refers to China North Industries Group.

(F) POLY.—The term "Poly" refers to China Poly Group, also known as Polytechnologies Incorporated or BAOLI.

(G) UNITED STATES NATIONAL.—

(i) IN GENERAL.—The term "United States national" means—

(I) any United States citizen; and

(II) any corporation, partnership, or other organization created under the laws of the United States, any State, the District of Columbia, or any territory or possession of the United States.

(ii) EXCEPTION.—The term "United States national" does not include a subsidiary or affiliate of corporation, partnership, or organization that is a United States national if the subsidiary or affiliate is located outside the United States.

(b) PUBLICATION OF LIST OF COMPANIES OWNED BY THE PEOPLE'S LIBERATION ARMY.—

(1) PUBLICATION.—Not later than January 31 each year, the Secretary of State shall publish in the Federal Register a list of each corporation or other business entity that was owned in whole or in part by the People's Liberation Army of the People's Republic of China as of December 31 of the preceding year.

(2) PROTECTION OF SOURCES AND METHODS.—In publishing a list under paragraph (1), the Secretary shall take appropriate actions to ensure the protection of sources and methods of gathering intelligence.

AMENDMENT NO. 391

On page 155, between lines 13 and 14, insert the following:

SEC. 1612. PROMOTION OF DEMOCRATIC VALUES IN THE PEOPLES REPUBLIC OF CHINA.

(a) STUDENT, CULTURAL, AND LEGISLATIVE EXCHANGE PROGRAMS.—Notwithstanding any other provision of law, the aggregate amount utilized and made available by the Director of the United States Information Agency in fiscal year 1998 for programs and grants relating to student, cultural, and legislative exchange activities in or with the People's Republic of China may not be less than an amount equal to twice the aggregate amount utilized and made available for such programs and grants in fiscal year 1997.

(b) RADIO FREE ASIA.—Notwithstanding any other provision of law, the total amount of grants made to Radio Free Asia in fiscal year 1998 under section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) may not be less than an amount equal to twice the amount of grants made to Radio Free Asia in fiscal year 1997 under that section.

(c) NATIONAL ENDOWMENT FOR DEMOCRACY.—Notwithstanding any other provision of law, the amount of the grant made to the National Endowment for Democracy by the Director of the United States Information Agency in fiscal year 1998 for purposes of programs relating to the People's Republic of China may not be less than an amount equal to twice the amount of the grant made to the Endowment in fiscal year 1997 for purposes of such programs.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate that the hearing scheduled before the Subcommittee on Forests and Public Land Management will also include S. 881, a bill to provide for a land exchange involving the Warner Canyon ski area and other land in the State of Oregon.

The hearing will be held on Wednesday, June 18, 1997, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Small Business Reauthorization Act of 1997." The hearing will be held on June 24, 1997, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, June 16, 1997 at 10 a.m. to hold a hearing on: "State-Sanctioned Discrimination in America."

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. HELMS. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on June 16, 1997 at 2 p.m. for the purpose of a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TAX BENEFITS AT BROWNFIELDS

• Mr. ABRAHAM. Mr. President, this week, the Senate Finance Committee will begin consideration of the tax portion of this year's budget agreement. I strongly support the pro-family and pro-growth portions of that package and I intend to discuss these provisions at a later time. Today, I wanted to address the Senate regarding a smaller tax issue of interest to the State of Michigan and communities nationwide—targeting tax benefits at brownfields.

Mr. President, brownfields are abandoned commercial and industrial properties which are suspected of being environmentally contaminated. Earlier this year, I visited several locations in Michigan which fit this definition, and I want to relate to the Senate why this is an issue of national importance. It is an issue of community renewal, economic growth, job creation, and environmental remediation.

Heatherwood Farms in Lansing, MI is a good example of how brownfields affect all these issues. Located in a middle-class residential neighborhood with

several other commercial properties, it was the former site of an industrial warehouse for over 50 years. According to the Michigan Department of Environmental Quality, assessment work is needed to verify whether the property is contaminated with PCB's, chemical solvents, asbestos, and other contaminants.

Mr. President, who will conduct this work? The former owners are bankrupt. The State government doesn't have the resources to investigate every abandoned industrial site in Michigan. And potential purchasers are scared away by tax and environmental laws that combine few benefits with unlimited liability.

The city of Flint faces the same dilemma, where the former site of Thrall Oil Co. now sits vacant. Economic development officials believe this property should attract future manufacturing development, but, because the Michigan Department of Environmental Quality has labelled it "contaminated," developers cannot be found.

This problem is not limited to Michigan. Across the country, there are over 30,000 sites similar to Heatherwood Farms—abandoned former industrial sites which may or may not be contaminated. A survey of Toledo, OH businesses found that environmental concerns were affecting 62 percent of the area's commercial and industrial real estate transactions. The result is lost jobs and opportunities for the residents of these communities and lower economic growth in the country as a whole.

Which brings me to my tax provision. For the past two Congresses, I have advocated changing the Tax Code to permit new owners of so-called brownfields to deduct the cost of cleaning up these sites from their income. This reform is a vast improvement over the current code, which requires companies to capitalize these costs over many years. It is a small provision which I believe will have far-reaching economic effects in attracting new owners to these abandoned properties.

It will also have positive environmental effects that we can all support. First, it will accelerate the remediation of contaminated properties. As I said previously, the State, local, and Federal governments do not have the resources to identify and clean these properties. To make progress, we must enlist the assistance and resources of the private sector. This brownfields tax provision does just that.

Second, it will protect so-called greenfields from development. When developers turn away from Heatherwood Farms and other brownfields, they turn instead to properties that have no history of industrial or commercial use. That is certainly not in the interest of communities like Lansing or Flint, and it is not conducive toward maintaining our undeveloped countryside.

Mr. President, earlier this year I joined Senators LIEBERMAN, MOSELEY-BRAUN, D'AMATO, JEFFORDS, and others in introducing legislation which would target this tax incentive at distressed communities across the country. This legislation has the support of the administration and the United State Conference of Mayors. I encourage Senator ROTH to include this provision in his tax bill when he presents it to the Finance Committee this week, and I look forward to working with all Senators in promoting economic growth and job creation in our distressed communities nationwide. •

CHARMAINE CACCIOPPI

• Ms. LANDRIEU. Mr. President, I rise to make a few remarks concerning Charmaine Caccioppi who is retiring from the U.S. Senate after 20 years of service. Charmaine worked for former Senator J. Bennett Johnston during this time and has been a great asset to my office during my transition into the Senate. Her dedication and service to the citizens of Louisiana should be recognized. I wish her the best in all her future endeavors and I want her to know that she will truly be missed.•

TRIBUTE TO DONNA JEAN CRONIN AND ROBERT J. DEVANTERY FOR RECEIVING THE 1996 PRESIDENTIAL AWARDS IN MATHEMATICS AND SCIENCE TEACHING

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Donna Jean Cronin, a teacher at Exeter Area Jr. High School in Exeter NH, and Robert J. Devantery, a teacher at Winnacunnet High School in Hampton, NH, on receiving the 1996 Presidential Awards for Excellence in Mathematics and Science Teaching. Donna and Robert will spend the week of June 24–28 in Washington, DC, for a series of events to commemorate their distinguished selection.

As a former high school teacher myself, I commend their outstanding accomplishment and well-deserved honor.

The Presidential Awards for Excellence in Mathematics and Science Teaching, administered by the National Science Foundation [NSF], is designed to recognize and reward outstanding teachers who serve as models for their colleagues in the important areas of increased visibility and rewards while encouraging high quality teachers to enter and remain in the teaching field. This national award recognizes their distinguished leadership and encourages high quality teachers to enter and remain in the teaching field.

Mr. President, New Hampshire has always been fortunate to have many talented teachers, but Donna and Robert are certainly role models among the teachers of the Granite State. I am proud of their dedication to the education of New Hampshire children and congratulate them on this magnificent achievement. It is an honor to represent them in the U.S. Senate.•

RECOGNITION OF LLOYD WEAVER'S ASSISTANCE DURING THE FLOODS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Lloyd Weaver in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Lloyd Weaver lived through the 1972 flash flood that killed hundreds of people in Rapid City, SD. He knows what his North Dakota neighbors are currently experiencing. That's why Lloyd's Carpet and Cleaning Service in Rapid City chartered a plane and donated 25 large canisters of chemicals to deodorize homes in Grand Forks. Lloyd Weaver also met with relief officials and instructed them on the proper use of the chemical to help get homeowners and business people back on their feet.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters.

The selfless actions of people like Lloyd Weaver illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. Lloyd Weaver illustrates how one individual can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking him for his selfless efforts.•

RECOGNITION OF CANDYLAND DAYCARE AND PRESCHOOL'S ASSISTANCE DURING THE FLOODS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the children of Candyland Daycare and Preschool in Rapid City, SD, in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater, and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

The children of Candyland Daycare and Preschool in Rapid City have been collecting toys, books, and puzzles for North Dakota flood victims. Many families escaped rising flood waters in the dead of night, often with only the clothes on their back, and ultimately lost everything in their homes. The goods collected by these children will help families rebuild their lives. The preschoolers also sent colored cards and a note that read: "Sorry to hear about the flood. Hope you'll be able to go home soon. Your South Dakota friends."

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of the children at Candyland Daycare and Preschool illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. The children at Candyland Daycare and Preschool in Rapid City illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.•

RECOGNITION OF DR. RONALD TESCH'S ASSISTANCE DURING THE FLOODS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Dr. Ronald Tesch of Brookings, SD, in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Carl Madsen's daughter was one of many Grand Forks individuals who escaped rising flood waters in the dead of night, often with only the clothes on their back. Her son, who is 10 years old, wears eyeglasses and left them behind in their now demolished Grand Forks home. An optician, Dr. Ronald Tesch, was kind enough to give the boy an exam, new prescription, and eyeglasses all for free since Mr. Madsen's daughter had little money left.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of individuals like Dr. Ronald Tesch illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. Dr. Ronald Tesch of Brookings, SD, illustrates how the actions of an individual can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking him for his selfless efforts.•

RECOGNITION OF BRAD STIEFVATER, TODD MATTHIES, AND DOUG MOKROS' ASSISTANCE DURING THE NATURAL DISASTERS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of the McCook County ambulance crew, Brad Stiefvater, Todd Matthies, and Doug Mokros, in ongoing disaster recovery efforts in South Dakota.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely underwater when record low temperatures turned swollen streams into sheets of ice.

At the height of the snowstorms in South Dakota, the McCook County ambulance crew was called to the home of Steve and Sheila Hoiten to deliver the couple's baby. Wind gusts of 40 miles per hour dropped the temperature to nearly 70 degrees below zero and created near white-out conditions as Brad, Todd, and Doug drove the family 45

miles to Sioux Falls. The ambulance crew battled drifts 8 to 9 feet high to get the couple safely to the hospital where Morgan Ann Hoiten was born, safe and sound.

While those of us from the Midwest will never forget the destruction wrought by this year's snowstorms and floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from vicious winter weather and rising flood waters. The selfless actions of the McCook County ambulance crew illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair our impacted communities. Brad Stiefvater, Todd Matthies, and Doug Mokros of the McCook County search and rescue unit illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.•

RECOGNITION OF THE ASSISTANCE OF BOY SCOUT TROOPS 48, 112, 152, AND 159 OF SIOUX FALLS AND TROOP 582 OF BRANDON DURING THE FLOODS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Boy Scouts from Troops 48, 112, 152, 159, and 582 in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND and 10,000 residents of East Grand Forks, MN were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Heavy winter snows forced Big Stone Lake, along the South Dakota and Minnesota border, to 9 feet above flood level. The rising waters drove 40 families from their homes and caused vast amounts of damage. Volunteers from the surrounding communities quickly came to the residents' assistance, but once the flood waters began to recede, residents faced countless hours of clean up on their own. That is when the 45 young men of Troops 48, 112, 152, 159, and 582 rose to the challenge and traveled to Big Stone City to help residents clean up.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of Boy Scout Troops 48, 112, 152, 159, and 582 illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair impacted communities. The Boy Scout troops of Sioux Falls and Brandon illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.•

RECOGNITION OF SOUTH DAKOTA RURAL LETTER CARRIERS DURING THE FLOODS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of South Dakota rural letter carriers in providing mail service to rural residents despite record flooding and washed-out roads.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The average rural mail route is 95 miles long in South Dakota, compared to 35 miles in the rest of the country. This spring's flooding added to that distance as a number of Federal, State, and county roads were submerged under running water. I have received numerous reports of Postal Service employees taking extraordinary steps to provide service to their fellow South Dakotans during this disaster. Often, this service has been provided at their own expense.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first-hand and hear accounts of South Dakotans helping to restore the livelihood of their community. The selfless actions of individuals like the South Dakota rural letter carriers illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair impacted communities. The South Dakota rural letter carriers illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.•

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

• Mr. ABRAHAM. Mr. President, last week the Senate adopted the emergency supplemental bill by a vote of 78 to 21. As one of the Members who voted against it, I wanted to take this opportunity to explain my vote.

I reluctantly voted for the last disaster relief bill—even though I believed it contained too many nonemergency spending times and that it exacerbated an already inequitible transportation funding situation for Michigan. The reason I did so was the inclusion of the continuing resolution language that would have protected Americans from another Government shutdown and the loss of necessary Government services.

The legislation adopted on Thursday did not contain this protection, and so left the American taxpayer and the Congress at the mercy of a President who has consistently demanded ever-higher levels of Government spending, and who is willing to shutdown the Federal Government to get it.

Moreover, the legislation contained extraneous, nonemergency spending items as well as more money than the Congress was willing to spend just a few short weeks ago. As a final insult, this legislation fails to fully offset the additional spending it provides, and therefore will result in another increase to the deficit.

Mr. President, I sympathize with the plight of the people living in the flooded States and I fully support providing the disaster assistance they need to rebuild their communities and their

lives. However, for the Congress to adopt legislation which adds to the deficit, includes nonemergency extraneous matters, and that does not protect the taxpayers against another Government shutdown, was in my view wholly irresponsible and not deserving of my support. •

TRIBUTE TO THE TOWN OF HOOKSETT ON ITS 175TH ANNIVERSARY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Hooksett, NH on their 175th anniversary. Hooksett is celebrating their 175th birthday during the month of July, and the town's citizens will highlight these festivities with the dedication of a new safety center and numerous other activities. This New Hampshire town has a significant heritage to celebrate on their 175th anniversary.

The history of Hooksett began in the 1700's. The early settlers of this untamed country were independent and self-sufficient folk, characteristics that have endured in the people of this region. With their independent spirit and determination they built a strong and lasting community that makes their descendants proud. What is now Hooksett was once part of three other communities during the 18th century. The residents of these towns were dissatisfied with having to travel 17 miles over rugged terrain to the community of Chester to attend church or to vote.

On June 11, 1782, 40 years before the town would be incorporated, the General Court granted a petition that established a ferry at Isle of Hooksett Falls. The town would eventually take its name from this area. These strong-spirited citizens were determined to form their own community and five petitions later to the General Court, Hooksett was finally incorporated July 2, 1822. The first town meeting was at Halls Tavern on September 16, 1822, where the first town officials of Hooksett took the oath to serve the people of the community. The voters elected: the Honorable Richard H. Ayer, selectman and moderator; Samuel head, selectman; Samuel Poor, selectman and Gideon Flanders as town clerk. The residents also elected constables, surveyors of lumber, treasurer, hog reeves and a school committee.

Today, the town of Hooksett prides itself on its quality of life and community spirit, a tradition that has manifested itself throughout the town's history. This town of 9,400 residents boasts not only magnificent surroundings, but a community of friendly, caring neighbors as well.

Mr. President, I congratulate the town of Hooksett on this historic milestone and wish them a happy 175th anniversary celebration. I send them my best wishes for continued success and a prosperous year as they mark their 175th birthday. Happy birthday, Hooksett.•

TRIBUTE TO THE TRUMAN MEDICAL CENTER EAST

• Mr. BOND. Mr. President, today I pay tribute to an extremely important and successful medical facility, Truman Medical Center East—Truman East—Kansas City, MO. On Friday, June 20, 1997, a special dedication will be held in honor of the new Truman East Care Center and ambulatory/emergency services renovation/expansion project.

Truman East has been serving residents of eastern Jackson County since the mid-1800's and continues to meet the challenges of this growing area.

Truman East is primarily a teaching institution for the University of Missouri—Kansas City School of Health Sciences. It contains the department of family and community medicine along with the large family practice residency program which provides primary care. In addition, Truman East manages the Jackson County Health Department in Independence, MO. It has an extensive gerontology fellowship which provides excellent opportunities for the elderly to enhance the quality of daily life.

One of the biggest improvements to the facility is the replacement of a 212-room long term care residency with a state-of-the-art facility. The older buildings, from 1908 and 1930, have been converted into offices in order to keep the renovations cost effective. Students and health care professionals alike will benefit from these expansions and improvements of the Truman East facility.

It is a great privilege to honor this high caliber medical facility. I know that Truman East will continue to improve and grow for years to come. The State of Missouri is lucky to have such a facility and I want to express my sincere appreciation to everyone who makes Truman East excel.•

CONGRATULATING TRUMBULL HIGH SCHOOL

• Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to congratulate a class of students from Trumbull High School in Trumbull, CT, who won an award at the "We the People * * * The Citizen and the Constitution" national finals held in Washington, DC. These students, under the direction of their teacher, Rita Altieri, were recognized for their expertise on unit 6, "Role of Citizen" of the "We the People * * *" curriculum. This award is given to the school achieving the highest cumulative score during the first 2 days of the national finals in each of the six units.

I hope my colleagues will join with me in recognizing these outstanding young Americans who competed against 50 other classes from all across the Nation. They have clearly demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.•

IWO JIMA MEMORIAL WEEKLY EVENING PARADE

• Mr. SMITH. Mr. President, I rise today to bring up to the attention of my colleagues a very special event that occurred recently. On June 10, 1997, I was privileged to participate in an evening parade sponsored by the U.S. Marine Corps at the Iwo Jima Memorial.

As my colleagues know, the Marine Corps hosts these parades weekly during the summer for local residents, tourists, and supporters of the Armed Forces. However, this parade was particularly special for those of us who treasure our Nation's military history and traditions.

The parade was attended by the Secretary of the Navy, the Commandant of the Marine Corps, other distinguished leaders, and a collection of Iwo Jima survivors. Amidst great anticipation, the Secretary seized this unique forum to announce that the latest WASP Class amphibious warship, the LHD–7, would be named the "USS. IWO JIMA."

As the sponsor of previous legislation to provide this designation for the LHD–7, I was both pleased and privileged to participate in this very special event. Indeed, as the Sun slowly set over Arlington cemetery, the Iwo Jima Memorial was aglow against the backdrop of the Washington skyline. And those veterans of Iwo Jima who graced us with their presence seemed transformed once again into the same youthful heroes who fought so nobly in defense of freedom 52 years ago. It was a very, very special night.

Mr. President, for the benefit of my colleagues who were not able to attend last week's parade, I would like to take this opportunity to insert into the RECORD the statements delivered by the Secretary of the Navy and myself in commemoration of the event. While it is difficult to capture in mere words the essence of that wonderful evening, it is my hope that the American people will be able to review these remarks and, perhaps, gain a better appreciation of the U.S. Marine Corps, its history, and tradition. I know that I was enriched by the experience, and I want to personally thank Gen. Chuck Krulak and America's Corps of Marines for the honor of participating in this unforgettable event.

I ask that the speeches delivered at the Iwo Jima Memorial on June 10, 1997, by Secretary of Navy John Dalton and myself be printed in the RECORD.

The material follows:

REMARKS OF SENATOR BOB SMITH—JUNE 10, 1997

Thank you very much General Krulak. Secretary Dalton, Admiral Johnson, my host

General West, fellow veterans, particularly veterans of Iwo Jima that are with us tonight, members of the Armed Services, ladies and gentlemen.

Tonight, we gather against the backdrop of this wonderful shrine, to commemorate the long and distinguished history of our United States Marine Corps. We also celebrate the designation of the latest WASP-Class Amphibious Assault ship the "USS Iwo Jima."

It is a very special evening, and I am deeply honored to participate in these activities.

In the annals of military history, no battle conjures up more powerful or compelling images than Iwo Jima. That ferocious battle, to capture four miles of strategic island territory, is forever a part of our national character. And it will forever define our United States Marine Corps.

Between February 19th and March 26th, 1945, 19,000 Americans were wounded and 7,000 were killed in the campaign to capture Iwo Jima. This was no walk through the park. This was lengthy, brutal, hand to hand, close quarters combat.

There were no stealth fighters, satellites or precision guided munitions at Iwo Jima. No attack helicopters, infrared sensors or tomahawk cruise missiles, either. Our secret weapon was the tenacity and unbridled patriotism of 80,000 United States Marines.

There was nothing high tech about these leathernecks. They weren't pretty and they weren't glamorous. But those Marines gave everything they had. They provided exactly what technology couldn't. Guts. Courage. Valor. Discipline. Unparalleled heroism.

As Admiral Chester Nimitz concluded after the battle, and I quote, "among the Americans who served on Iwo Island, uncommon valor was a common virtue."

I am proud to stand before you tonight and say without question that the tradition, the character, the fortitude, and the dignity displayed by those Marines at Iwo Jima 52 years ago lives on today. It lives on in the 174,000 men and women who serve in the United States Marine Corps.

They hold the torch of freedom. They are the ones who sacrifice each day so that this nation may live free. They are the ones who are on station at a distant shore, 24 hours a day, 365 days a year defending our liberty and preserving our security.

As you admire the parade this evening, I urge you to look closely at these young men and women. Look at their demeanor. Look into their eyes and you will see the spirit of those 80,000 Marines who served at Iwo Jima. Look into those eyes and you will see the pride, the discipline, the commitment to God and country that distinguishes our Corps of Marines from any other fighting force on Earth.

Look into those eyes and you will see a window into the soul of this great Nation.

As parents, one of the most important values that we can transmit to our children is to remember, and to honor, those who fought, sacrificed and perished on behalf of freedom.

As a United States Senator, I take great pride in having played a role in naming the LHD–7 the "Iwo Jima. From my perspective, as long as marines are deployed in defense of liberty, there must always be an Iwo Jima in the fleet.

This ship, the finest of its kind, will carry on the legacy of those fresh faced leathernecks who turned the tide of history 52 years ago. It is an event to be commemorated. It is a ship worthy of the distinction.

Semper Fidelis.

REMARKS OF HON. JOHN H. DALTON

Thank you General Krulak, for that kind introduction. Senator Smith, Assistant Secretary Stuart (Sandra Stuart, ASD—Legislative Affairs), Rear Admiral Ryan, Major General Haynes, Veterans, especially those Veterans of the Battle of Iwo Jima (seated ahead and to your left) and serving members of our Armed Forces, ladies and gentlemen.

I am honored to be here, at this glorious moment, a bold and powerful testimony to the commitment and sacrifice of those proud Marines and Sailors who fought and died to preserve America's precious freedoms and liberties. The Iwo Jima Memorial commemorates a great moral and strategic victory in the Pacific campaign of World War II, and one of the fiercest fights in the annals of combat.

In this battle we took more casualties than the enemy, in this battle there were more medals of honor awarded than in any other battle in U.S. history. We simply had to have that island.

The outcome of that struggle was not only the preservation of the greatest Democracy and Nation in the world, but also the subsequent spread of democratic forms of government to distant and foreign shores.

In that light, Iwo Jima represents not just a single, costly battle, so long ago. It symbolizes also, the proud heritage of our Marines and Sailors who recognize a greatness beyond themselves and their service. Because of Iwo Jima and battles like it, the world can appreciate America's commitment to democracy and justice. It led nations toward a more peaceful world, a world in which we all pray there will never be another Iwo Jima.

I am constantly reminded of the Battle for Iwo Jima. In my office hangs a painting of Joe Rosenthal's famous photograph after which this memorial is sculpted. I have met Joe Rosenthal and the sculptor of this great work, Felix De-Weldon. And just 2 years ago, I was honored to stand on the top of Mount Suribachi, and participate in a Memorial Service on the 50th anniversary of the battle.

But perhaps my greatest reminder of all are daily encounters with Marines and Sailors of today's Naval Service. These encounters give me total confidence that the supreme sacrifice of those who went before is embodied in the fighting spirit of today's Marines and Sailors.

My hope is that all Americans would have the opportunity to be reminded of their servicemembers' fighting spirit and willingness to sacrifice, as I so often am as Secretary of the Navy. That is why I am proud to announce today, that the Navy and Marine Corps' newest amphibious warship, the seventh of our WASP class LHD's, will be named U.S.S. *Iwo Jima*.

LHD–7, the U.S.S. *Iwo Jima*, to be christened at the turn of the century, will embody the most powerful technology and weapons capability available to our Navy and Marine Corps Team. U.S.S. *Iwo Jima*'s ultimate strength will be the ability to deter aggression. And her lifeblood will be our Sailors and Marines who man the deckplates, they will fulfill the tradition of sacrifice so honorably held by those who fought and died at the battle of Iwo Jima.

I think it is appropriate to recall the words of Chaplain Roland Gittelsohn when he dedicated the Fifth Marine Division Cemetery on Iwo Jima fifty-two years ago. On February 19, 1995, Rabbi Gittelsohn recalled his words when he participated at a ceremony here, commemorating that battle. He said then, and repeated 2 years ago:

"Here lie officers and men of all colors, rich men and poor men together. Here are Protestants, Catholics and Jews together. Here no man prefers another because of his faith or despises him because of his color. Here there are no quotas of how many from each group are admitted or allowed. Among these men there is no discrimination. No prejudice. No hatred. Theirs is the highest and purest democracy.

Any man among us, the living, who failed to understand that, will thereby betray those who lie here . . . whoever lifts his hand in hate against a brother, or thinks himself superior to those who happen to be in a minority, makes of . . . their sacrifice an empty, hollow mockery.

Thus do we consecrate ourselves, the living, to carry on the struggle they began. Too much blood has gone into this soil for us to let it lie barren."

Those words spoken in honor of fallen Marines and Sailors hold a living truth. The truth is that we, the living, must carry on their struggle for liberty and freedom everyday, and in everything we do. I am confident that our Navy and Marine Corps Team embodies that continuing struggle. And I am proud that this great Nation will commission the U.S.S. *Iwo Jima* in the year 2000, to honor those of you who fought there, and the enduring legacy of our fallen comrades who so dedicated their lives to this great Nation. God bless this great memorial and the selfless sacrifice it represents. God bless our Navy and Marine Corps, and God bless America.●

ORDER OF BUSINESS

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent that the pending business be set aside so I may speak on a bill introduced earlier today on behalf of myself and Senator MCCAIN.

The PRESIDING OFFICER. The Senate currently is in a period for morning business. The Senator from Nebraska is recognized.

Mr. KERREY. I thank the Chair.

(The remarks of Mr. KERREY pertaining to the introduction of S. 909 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERREY. Mr. President, I see there is no one still here on the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE PAGES

Mr. HELMS. Mr. President, I do not know whether the distinguished occupant of the Chair has noticed, but we have 20 new pages as of today. Every year I say they can't get any better, but they do. They are fine young people who come here from all across the country. They work hard, as they will

discover as the days go by and the temperature gets hot in the debate, and messages will be floating back and forth like Tennyson's brook.

But I want you to know that here is one Senator who welcomes you. I am proud of you. I think you are going to enjoy your time in the Senate.

Mr. President, I hear from the pages, former pages, of years ago, with some regularity. They send me pictures of their new babies. They send me pictures of themselves and in their wedding gowns. It is interesting to track all these young people as they have moved into maturity and have become good citizens. I even know of two who are serving in State legislatures now. So, tempus fugit.

When I came on to the Senate floor from the cloakroom, I was told that the wrap-up material would be presented in about a minute. It will be here. And I am not going to suggest the absence of a quorum. So there.

These young people are lucky, I might add, because there is no school in the summertime, is there? But the rest of the year, they start school at 6:15 in the morning. Classes begin then. And unless the Senate runs past—what is it?—10 o'clock in the evening—the 6:15 a.m. time is still in effect for the pages.

So now I feel like I am back in television with producers standing in the background saying "Stretch it. Stretch it."

I guess I may as well suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 17, 1997

Mr. HELMS. Now, as I was explaining to the young people a while ago, the final act in the Senate session is what we call the wrap-up which takes care of the extraneous details.

To begin, Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 o'clock a.m. on Tuesday, June 17. And I further ask unanimous consent that on Tuesday, immediately following the Chaplain's prayer, the routine requests through the morning hour be granted and the Senate then be in a period of morning business until 10:30 a.m. with Senators permitted to speak for up to 5 minutes with the following exceptions: Senator HAGEL and Senator LEAHY who will have 30 minutes jointly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I now ask that at 10:30 a.m. the Senate immediately resume consideration of S. 903, the State Department reauthorization bill, with the time until 12 noon divided with the Senator from North Carolina in control of 30 minutes, Senator BIDEN in control of 30 minutes, and Senator LUGAR in control of 30 minutes. Originally it was to have been divided equally between Senator BIDEN and me, and I thought in fairness to Senator LUGAR it ought to be made equal between Senator LUGAR, Senator BIDEN, and me.

Further, Mr. President, at the hour of 12 noon, the Senate proceed to a vote on or in relation to the DeWine amendment No. 383, to be immediately followed by a vote on or in relation to the Lugar amendment No. 382, with 2 minutes of debate equally divided before each vote. Following those votes, the Senate will recess until the hour of 2:15 p.m. for the weekly policy luncheon meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HELMS. Mr. President, for the information of all Senators, tomorrow from 10 a.m. to 10:30 a.m. the Senate will be in a period of morning business. Following morning business, by previous consent, the Senate will resume consideration of S. 903, the State Department reauthorization bill. By previous consent there will be two stacked votes beginning at 12 noon tomorrow. The majority leader has also announced that following the policy luncheons on Tuesday, the Senate will resume the State Department authorization and hopefully complete action on the bill at a reasonable hour tomorrow. In addition, this week the Senate may begin consideration of the defense authorization bill following disposition of S. 903.

I thank all Senators, including the one in the Chair, for their attention.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. HELMS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:05 p.m., adjourned until Tuesday, June 17, 1997, at 10 a.m.

EXTENSIONS OF REMARKS

EXPRESSING CONCERN OVER RECENT EVENTS IN SIERRA LEONE IN THE WAKE OF THE RECENT MILITARY COUP

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1997

Mr. HOUGHTON. Mr. Speaker, today a bipartisan group of colleagues and I have introduced a bill condemning the recent military coup d'etat in the Republic of Sierra Leone. The coup caused a great setback for democracy in this small West African nation. Let me explain.

On February 26, 1996, Sierra Leone held their first democratic elections in nearly 30 years. There had been a military coup less than a month before the election, and a civil war was still taking place in the countryside. A runoff election to choose between the two frontrunners in the presidential race occurred on March 15, 1996.

Despite some minor inadequacies, a group of international observers deemed the elections to be free and fair. On March 29, 1996, Ahmed Tejan Kabbah of the Sierra Leone People's Party was sworn in as the President of Sierra Leone. This peaceful transition from a military regime to a freely elected civilian government was a tremendous step onto the road to democracy.

Not long after the inauguration, I came to the floor with some of my colleagues to congratulate President Kabbah and the people of Sierra Leone through House Concurrent Resolution 160. The bill passed unanimously through both the House and Senate.

Things were going well in Sierra Leone during their first year as a democracy. For example, when there were problems in neighboring Liberia, Sierra Leone allowed the United States Marines to use their airport as a base to evacuate American citizens from Monrovia.

Unfortunately, on May 25, 1997, an unruly gang of thugs staged a coup d'etat, taking many of us by surprise. Johnny Paul Koroma and his Armed Forces Ruling Council took responsibility for the coup. President Kabbah and members of the government were forced to leave the country as the United States Marines arrived to the country again—this time to evacuate our citizens and other foreign nationals from Sierra Leone. Those who had to stay behind were subject to rampant killing, looting, raping, and a disruption of critical relief supplies throughout the country.

It is because of all this that a group of our colleagues, specifically ALCEE HASTINGS, TONY HALL, Chairman ED ROYCE, Ranking Member BOB MENENDEZ, and the entire membership of the House Subcommittee on Africa, decided to introduce a concurrent resolution expressing our concern for the people of Sierra Leone. In the resolution, we call for an end to violence, restoration of the democratically elected government, the protection and safety of international aid workers who remain in the country, and what is most important, a peaceful resolution to the conflict.

So, it is my hope, Mr. Speaker, that you and all of my colleagues in the House and Senate will join us in support of democracy and order in Africa—specifically in the Republic of Sierra Leone.

UNITED STATES-CHINA RELATIONS: THE CASE FOR ENGAGEMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1997

Mr. HAMILTON. Mr. Speaker, last week the Asia Society sponsored a major conference here in Washington on the subject of "China, Japan, and Korea: Challenges for United States Business and Policy in Northeast Asia."

The Asia Society deserves commendation for organizing a conference on this important topic. The Asia Society is known throughout the country, and indeed throughout the world, for both its efforts to foster a better understanding of Asia, and its attempts to bring this understanding to a broader audience here in the United States. Last week's conference represented another attempt to fulfill this latter task.

I was privileged to address this conference on the subject of United States-China relations. The Congress later this month will engage in a very important debate on the future of China's trade status—a debate that could set the tone for United States-China relations for many years to come.

Given the importance of the coming debate, I would like to place my comments before the Asia Society in the RECORD, in the hope that my colleagues might find them of some use as they look forward to congressional consideration of China's trade status.

THE UNITED STATES AND CHINA: THE CASE FOR ENGAGEMENT—REMARKS BY LEE H. HAMILTON—ASIA SOCIETY—JUNE 11, 1997

One big question of the coming decade is: Where is China going? Will China become a rival or even a threat to the United States? Or will it choose to cooperate, to participate in global political, economic, and security regimes, and abide by international norms and rules of behavior?

This is not an academic question. How China evolves over the next decade will profoundly affect our economic, political and security interests around the world. If China becomes a threat to the United States, our defense budget will go up, tensions in Asia will rise, and Asia's remarkable prosperity will be at risk.

If China and the United States keep their relationship on track, peace and security in Asia will be strengthened, the prospects for humans rights will be enhanced, and Asia's remarkable economic growth can continue.

China is emerging as a great power. We could not halt that evolution if we wanted to. But we can and should try to shape the kind of power China will become. We can try to ensure that China is integrated into the world community, rather than isolated from it.

At the heart of this debate, indeed every foreign policy debate, is one central question; what is the U.S. national interest?

Our overriding interest is to have sound relations with China.

China is, after all, the world's most populous country—it has grown by 400 million people since Richard Nixon visited in 1972—and possesses one of the world's largest economies.

With the world's largest standing army, China's actions have a direct bearing on peace and stability throughout East and Southeast Asia.

As a permanent member of the United Nations Security Council, China is not only a key country in Asia, but has a significant impact on U.S. interests around the world.

U.S. efforts to halt the spread of weapons of mass destruction in Iran, North Korea and elsewhere can succeed only if China cooperates with us and the rest of the international community.

In the economic front, American exports and American jobs are dependent upon sound relations with China. Last year we sold nearly $12 billion of goods to China. These exports supported 170,000 high-wage American jobs.

Our two countries, despite our differences, share many interests: a stable, peaceful, and prosperous East Asia; a global economy characterized by predictability, reduced trade barriers, and widely-accepted rules; stopping the spread of weapons of mass destruction; and avoiding a regional arms race or even a new cold war.

THE MOOD TODAY: A NEW ANGER AT CHINA

This is the most difficult bilateral relationship to understand and to manage, even in the best of times—and right now we are in the midst of another China-bashing season.

Many Americans are angered by China's human rights practices; its proliferation of nuclear and chemical weapons technology and components; its sales of missiles; its bullying of Taiwan and oppression of Tibet; its trade practices, which have led to a huge bilateral trade imbalance; and reports of illegal campaign contributions to U.S. candidates.

Citing these concerns, politicians and pundits have identified China as America's next adversary. They have concluded that China will never play by the rules, and it is useless to try to integrate it into global political, security, and economic regimes.

IS CHINA A THREAT TO THE U.S.?

But is China a threat? I believe there is no basis for believing that China will pose a serious threat to the U.S. any time soon. China is simply not in our league.

In 1995, China's GDP stood at $698 billion. Ours was ten times that size. The disparity

in GDP per capita is even more striking: $620 for each Chinese, $27,000 for each American.

The military imbalance is as stark: China has fewer than a dozen intercontinental ballistic missiles; we have 755; China has roughly 300 strategic nuclear warheads; we have more than 11,000; China has no aircraft carriers; we have 12; China has approximately 50 top-of-the-line warplanes; we have more than 3,400; China lacks the ability to project military power much beyond its borders.

This overwhelming American military edge is likely to persist: present U.S. defense spending outstrips Chinese spending by a factor of 8½ to one. In short, a Chinese threat to U.S. security interests just doesn't stand up to scrutiny.

DEFINING ENGAGEMENT

Instead of viewing China as a threat, we should seek it as an opportunity. China is an emerging superpower. The correct policy approach is to engage China, not isolate it.

Engagement is not endorsement. It is not alliance. It is certainly not appeasement. It means actively engaging China to resolve our differences. It means standing up for U.S. interests when consultations and negotiations are not fruitful, even when this creates tensions in the relationship. This is what the Clinton Administration did: when it sent two aircraft carrier groups into the Taiwan Strait last year; when it threatened to impose sanctions because of Chinese violations of intellectual property rights; and when it imposed sanctions on Chinese companies of their violation of U.S. non-proliferation laws.

ENGAGEMENT SERVES U.S. INTERESTS

I support a policy of engagement, not as an end in itself, but as a tool to promote U.S. interests, including our human rights concerns. It has produced tangible benefits for the United States. Because of engagement: China has helped to reduce tensions on the Korean peninsula, perhaps the most dangerous place in the world today; China has moved in our direction on non-proliferation. It has committed itself to international non-proliferation rules by signing the Nuclear Nonproliferation Treaty, the Comprehensive Test Ban Treaty, and the Chemical Weapons Convention; China worked constructively with us in the United Nations Security Council in the Gulf War, and on many peacekeeping efforts since then; China cooperates with us on terrorism, the environment, public health, alien smuggling, and on illegal narcotics—all matters with a direct impact on our well-being.

Engagement has not solved all problems. But it offers a better prospect for achieving U.S. policy objectives than isolation or containment.

MFN AND ENGAGEMENT

Granting China normal trading status—as we have done for 17 years—is a natural consequence of our policy of engagement. It is the routine way nations conduct trade. All of our major trading partners enjoy this non-discriminatory tariff treatment.

But on Capitol Hill, opponents of engagement are gearing up for an all-out attack on the President's decision to extend normal trading status for another year.

The decision to grant normal trading status is not simply a narrow trade issue. It represents a fundamental choice—a choice between engagement and containment.

To revoke normal trade relations would be to declare economic warfare against China, and it would make a policy of engagement impossible. It would disrupt the cooperation we already enjoy and end the chances of greater cooperation.

MFN NOT A REFERENDUM ON CHINESE BEHAVIOR

The upcoming vote on China's trade status should not be a referendum on whether we approve or disapprove of Chinese behavior. No one disputes that China does things we find highly objectionable—and will surely continue to do so. Supporters and opponents of a normal trade relationship with China share the same goals. The debate is about the best method to achieve these goals.

Revoking normal trade relations is too blunt a tool for achieving our goals—indeed, it would be counterproductive. We have more effective ways to influencing China's behavior: targeted sanctions; public embarrassment; Radio Free Asia broadcasts; force deployments; and tough, effective and sometimes secret diplomacy.

Normal trade relations with China is a way of protecting U.S. interests and promoting American ideals—not a way to confer a seal of approval on China.

MFN AND HUMAN RIGHTS

Revoking normal trade relations will not achieve our human rights goals. Obviously China continues to fall short of our hopes in the area of human rights. China today is an oppressive society where political expression is severely circumscribed and the rights of the individual are subordinated to the well-being of the state—as defined by a self-selected party elite.

But a policy of engagement offers a better hope of prodding China into more acceptable behavior than a policy of isolation or containment.

The lesson of the past quarter century in China—and the lessons of South Korea, Taiwan, and other former authoritarian countries that have evolved into democracies—is that the best way to promote human rights is for the United States to stay engaged.

That is why many of those who care deeply about freedom in China—Wei Jingsheng, Martin Lee, and many of the Tiananmen Square dissidents, for instance—advocate the renewal of MFN. That is why many Christian religious leaders—in the United States as in China—support MFN. That is why Presidents of both parties, ever since President Nixon first visited China in 1972, have endorsed a policy of engagement. The overarching reality is that the human rights situation is improving because we have followed a policy of engagement, and will continue to improve if we stay engaged.

MFN REVOCATION WILL DAMAGE HUMAN RIGHTS

Those who advocate the withdrawal of normal trade relations say this action will further human rights in China. But they offer no evidence—because they have no evidence.

To the contrary, there's plenty of evidence to show that revoking normal trade relations would only make things worse. China is a great nation with an ancient culture and a proud tradition. It is, moreover, a nation immensely conscious of slights—real and imagined—suffered at the hands of the West.

I cannot imagine that China would buckle under the threat of MFN withdrawal—any more than we would back down in the face of a comparable threat.

A direct challenge by the United States is likely to make human rights conditions in China worse: Do MFN opponents really think an isolated China would be more likely to respect the rights of its people? That a return to the cold war of the 1950s and 1960s would promote human rights?

Are human rights advanced if, as a consequence of a deteriorating U.S.-China relationship, China: sells more missiles to Pakistan? steps up its nuclear cooperation with Iran? encourages North Korea to threaten the peace of the Korean peninsula? or bullies Taiwan?

The human rights situation is not good today, but China is light years ahead of where it was 25 years ago, when President Nixon first visited. While political expression remains severely circumscribed, personal freedoms for the average Chinese—choice of employment, place of residence, freedom of movement—are greater than ever before. And Chinese are now voting in village elections.

China is still evolving. In another decade, it will be vastly different, just as the China of 1997 is dramatically different from the China of 1972. But these changes have not, and will not come overnight. They will be less likely to come at all if we isolate ourselves from China.

The way to improve human rights in China is to stay engaged, encourage the trends already underway, and make certain that the Chinese understand that they will enjoy a full relationship with the United States only when they stop oppressing their people.

MFN AND THE TRADE DEFICIT

The $38 billion trade imbalance is another source of tension in U.S.-China relations. Yet revoking normal trade status will not reduce this deficit.

Terminating MFN will create considerable economic pain for American workers, manufacturers, and consumers. But it will not bring jobs and production back to the United States, because there are other countries that, like China, can produce labor-intensive goods more cheaply than we can.

Rather than revoking MFN and closing off trade, we should concentrate on opening China's market.

First, we need to continue to use our trade remedy laws—including targeted sanctions—to persuade China to lower import barriers and end unfair practices. This approach worked last year when we persuaded China to crack down on counterfeit music recordings, computer software, and videos. It worked again when we won market access provisions for our textiles. We should not hesitate to use this tool whenever it is needed.

Second, we need to bring China into the WTO on tough commercial terms.

The United States should insist that China abandon its discriminatory economic and trade policies as a condition for joining the WTO. Once China becomes a WTO member, it can be challenged in WTO dispute-settlement proceedings if it fails to live up to its commitments.

THE RISKS OF REVOKING MFN

Those who favor cutting off normal trade relations with China do not spell out the consequences. Ending normal trade relations and ending America's quarter century of engagement with China would damage U.S. interests in China, in the region, at home, and around the world.

INSIDE CHINA

Within China, abandoning engagement—as ending normal trade relations would surely mean—would undermine the stature and influence of those Chinese we most want to support—reformers, students, intellectuals, and entrepreneurs. It would strengthen the hand of reactionary elements in China: the army, the bureaucrats and government functionaries, and the hardline communists. It would slow the flow of western culture and ideas into China. It would destroy the little influence we now have on the Chinese leadership, and eliminate any incentive for them

to abide by global norms. And as we have seen, it would almost certainly make the human rights situation there worse, not better.

IN THE REGION

In the region, Hong Kong and Taiwan—who wholeheartedly support the continuation of MFN—would suffer economically because they benefit from U.S.-China trade. They might also suffer direct political or military pressure from China as well.

If America abandoned the policy of engagement, regional tensions would rise. Our allies in the region would lose confidence in our judgment and our ability to play a constructive role in East Asia. Unsure of our allies, we would have to increase our defense expenditures in the region, The region could embark upon a destabilizing arms race, and make a new cold war more likely.

AT HOME

Ending normal trade relations would also severely impact the United States. We would lose markets for $12 billion worth of U.S. exports, which support 170,000 high-paying American jobs. It would mean higher prices for Americans who shop for low-cost imports.

It would deny us access to China's huge market, not only in the present, but for the foreseeable future. And faced with the need for higher defense expenditures, our hopes for balancing the budget and dealing with our domestic problems would evaporate.

AROUND THE WORLD

Ending normal trade relations has international consequences as well. We would lose the support of one of the five permanent members of the United Nations Security Council, which would have a significant impact on U.S. interests around the world.

U.S. efforts to halt the spread of weapons of mass destruction in North Korea and elsewhere would be set back.

We would no longer count on Chinese help on regional security issues, or in addressing transnational issues such as narcotics trafficking, environmental degradation, or international crime.

IMPORTANCE OF A SMOOTH TRANSITION IN HONG KONG

The debate over China's trade status is not occurring in a vacuum, of course. The other major China-related event that will take place in the next few weeks is Hong Kong's reversion to Chinese control. I have been watching the transition process in Hong Kong with keen interest—and with a mixture of hope and concern. It is critical that the transition go smoothly.

HONG KONG TRANSITION WILL HAVE GREAT IMPACT ON U.S.-CHINA RELATIONS

The Hong Kong transition will have a great impact on how most Americans view U.S.-China relations. If the transition goes well, this will sustain political support in the Congress and throughout the country for a policy of engagement with China. But if the transition goes badly—if Americans see television pictures of people being led off in manacles, and read news reports that suggest that Hong Kong's unique way of life is being threatened—then support for engagement will falter.

The Chinese leadership understands this. But I am less confident that those who wield power in Beijing will be able to exercise the necessary discipline, restraint and flexibility if—as is possible—the July 1st transition is met with public demonstrations and protests.

I'm equally worried about the long term outlook—the potential erosion of Hong Kong's freedoms over the next few years.

CONCERNS ABOUT THE TRANSITION

But the die is not yet cast for Hong Kong. China has taken a number of encouraging steps. It has approved Hong Kong's continued participation in international organizations. It will continue to link Hong Kong's currency to the U.S. dollar, and preserve Hong Kong's substantial foreign exchange reserves. It will keep Hong Kong's respected civil servants in place.

The key question, of course, is whether China will honor its pledges to uphold the 1984 Sino-British Joint Declaration—whether it will abide by its promise to establish and maintain "one country, two systems."

WHAT THE U.S. CAN DO TO ENHANCE A SUCCESSFUL HONG KONG TRANSITION

None of us can answer that question today, just as none of us knows what Hong Kong will be like 3 or 5 or 10 years from now. The chief actors, of course, will be China and Hong Kong. But there are things the United States can do to increase the likelihood that the Hong Kong of the 21st century will retain the vitality and opportunity and freedom it enjoys today.

First, in all our dealings relating to Hong Kong, U.S. officials should underscore our deep commitment to freedom and democracy there.

Second, we should give Hong Kong's new chief executive some running room, so he is not immediately caught between those who say he must work with China and those who say working with China is impossible.

Third, we should refrain from threatening China, although we must not shrink from stating our views.

Fourth, we should firmly and repeatedly state our expectation that China abide by the Joint Declaration especially as it applies to civil liberties, rule of law, basic freedoms, and true autonomy.

Fifth, we should let the new authorities know we expect them to surpass Hong Kong's record in the rule of law, the honestly of the civil service, and the impartial administration of government.

IMPLICATIONS OF THE HONG KONG TRANSITION FOR TAIWAN

The Hong Kong transition also has implications for Taiwan. China understands that if the transition goes well, this will make the question of Taiwan's eventual reunification with China infinitely more manageable.

If for no other reason than this, Beijing has every incentive to make the Hong Kong reversion succeed. So do the other members of the Asia-Pacific community. The unsettled relations between Beijing and Taipei pose one of the most serious threats to peace and stability in East Asia. If a successful Hong Kong reversion helps to dampen tensions between China and Taiwan, then we all benefit.

CONCLUSION

Maintaining sound relations with China is essential for achieving a wide range of U.S. foreign policy objectives—including regional peace and stability, prosperity for our Asian friends and ourselves, and improved conditions inside China itself.

If we are to have sound relations with China, we must maintain normal trading relations. We must approve MFN for another year.

But that is only the beginning. U.S. policy toward China will require a steady and skillful hand over the long haul. We should not delude ourselves or engage in false expectations. We can expect rough patches along the way. Success will require a consistent policy, principled stands on key issues, and patient diplomacy aimed at finding solutions, not aggravating tensions. It will also require a China willing to abide by international rules and norms.

I want to leave you with two thoughts.

First, we cannot isolate China. We could not build a coalition to contain or isolate China if we tried.

No one would support us.

We can disengage from China. But China is too big and too important for us to isolate successfully. If we try, we will only isolate—and hurt—ourselves.

Second, if we treat China as an enemy, it will become our enemy. Our hand should remain open.

Thank you.

JUNETEENTH CELEBRATIONS HONORING FREEDOM AND AFRICAN-AMERICAN HISTORY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1997

Mr. BENTSEN. Mr. Speaker, I rise to recognize the upcoming Juneteenth celebrations honoring freedom and African-American history. Texas has honored Juneteenth as a State holiday for nearly 20 years, observing the day with joyous public celebrations. But outside of the Lone Star State, many do not understand the significance and meaning of Juneteenth in the lives of African-Americans past, present and future.

Juneteenth is a celebration of freedom for African-Americans. It honors the day that black slaves in Texas finally learned of their emancipation. Juneteenth honors a day that was far too long in coming. Though President Lincoln's Emancipation Proclamation freeing slaves was signed on January 1, 1863, the proclamation did not bring immediate freedom for slaves. Only after the Civil War ended in 1865 was the Emancipation Proclamation enforced, using Union soldiers to finally free slaves in the South. On June 19, 1865, Gen. Gordon Granger of the Union Army arrived in Galveston, TX., to ensure the freedom of the slaves. Though news of the Emancipation Proclamation had been kept quiet throughout the war, the word had spread, and when General Granger arrived in Galveston a large number of slaves turned out to greet him and his troops.

Legends abound of the origins of Juneteenth. One holds that word of emancipation spread through the Union Army via black soldiers who spread the news as the Army moved South. Another states that a messenger carrying the news was murdered on his way to Texas, while another claims that a black ex-Union soldier rode a mule from Washington, DC, with a message given to him by Abraham Lincoln. But the origins are not as important as the purpose of the celebration itself?

Today, Juneteenth is widely known as Black Independence Day, as significant to many African-Americans as July 4th. It is a chance for all Americans to celebrate freedom and learn more about African-American history. June 19, 1865 is the day when blacks in Texas began to realize their opportunities as free Americans. Though the struggle continues,

Juneteenth allows us to recognize how far our Nation has come and celebrate the history, achievements and contributions African-Americans have made to our Nation.

REGARDING REV. FRANK BEALL

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1997

Mr. SCARBOROUGH. Mr. Speaker, it is with pride that I take the floor of the House of Representatives today to pay homage to a distinguished member of my district. He is a man who has held himself to a high standard while showing unconditional love to those who fall. He is an intellectually gifted man who has retained his common touch. And he is a man who has gained the great respect and acceptance of his peers through seeking only God's acceptance. He is an author, a reverend and a friend who our community knows as Frank Beall.

Frank Beall made a difference. As a pastor of Trinity Presbyterian, he took a fledgling church and turned it into the heartbeat of northeast Pensacola. Under Frank's direction, Trinity experienced an explosive growth unrivaled in Pensacola over the past two decades. He succeeded because he dared to make a difference.

Frank Beall also succeeded because he dared to step out of the comfort zone and take positions that may not have been universally popular in our community. But he did so because he know in his heart that Christ's calling demanded that he love the unloved and give hope to the hopeless. Whether he was an early supporter of civil rights in the deep South, or was serving on the Governor's Commission on AIDS, Frank Beall has always given a cup of water to the thirsty, fed the hungry, clothed the poor, looked after the sick, and invited the stranger in.

Jesus tells us in Matthew 25 that the Son of Man will return in his glory and separate the sheep from the goats based on how they helped the helpless, gave hope to the hopeless and loved the unlovable. On all counts, Frank Beall has proven himself worthy and has run the good race for his friends, his family, his church and his God. Now his work continues, but when Frank leaves, he will leave a part of himself with all of those he touched * * * through the church, through the lessons he taught and through the lives he changed.

Yours has been a race well run, Frank. But, don't slow down yet, God has quite a few more races left for you to run. And, with the past as prologue, we know your future challenges will be races you will run with all your might. And that those you pass along the way to the finish line will be the real winners.

May God bless you, Frank.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 54, PROHIBITING THE PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. KUCINICH. Mr. Speaker, I rise in support of the constitutional amendment which would prohibit desecration of the American flag. Each day millions of Americans place their hands over their hearts and pledge allegiance to the flag of the United States of America. Think of the words in that pledge:

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, One Nation, under God, Indivisible, with Liberty and Justice for all." Think of the power of this act of affirmation of flag, God, and the Unity of our Nation and you begin to understand why so many Americans support this amendment, and why people have fought for the flag and died for the flag. We send people around the world to defend the flag. This amendment lets us defend it here at home.

The very constitutional protections which all Americans are guaranteed today exist because of the commitment which people have to the highest ideals of our nation as expressly symbolized by the flag. It is not just a piece of cloth. The flag proudly stands as the emblem of our Nation. And I am proud to stand in support of the flag.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 17, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 18

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on United States farms exports.
SR-332

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings on S. 314, to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies.
SD-342

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine emerging trade issues in China.
SR-253

Labor and Human Resources
Business meeting, to resume markup of S. 830, to improve the regulation of food, drugs, devices, and biological products.
SD-430

10:00 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to certain spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 84, establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.
SD-538

Finance
Business meeting, to continue to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 84, establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.
SH-216

Judiciary
Immigration Subcommittee
To hold hearings to examine human rights abuses in China, focusing on the need for U.S. visa policy changes and other possible responses.
SD-226

10:30 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources on S. 569 and H.R. 1082, bills to amend the Indian Child Welfare Act of 1978.
SD-106

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on NASA's international space station.
SR-253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 587, to provide for an exchange of lands located in Hinsdale County, Colorado, S. 588, to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest in Colorado, S. 589, to provide for a boundary adjustment and land conveyance involving the Raggeds

Wilderness, White River National Forest in Colorado, S. 590, to provide for a land exchange within the Routt National Forest in Colorado, S. 591, to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in Colorado, S. 541, to provide for an exchange of lands with the city of Greely, Colorado, S. 750, to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, S. 785, to convey certain land to the city of Grants Pass, Oregon, and S. 881, to provide for a land exchange involving the Warner Canyon Ski Area and other land in the State of Oregon.
SD–366

3:00 p.m.
Appropriations
Foreign Operations Subcommittee
Business meeting, to mark up proposed legislation making appropriations for fiscal year 1998 for foreign assistance programs.
SD–116

JUNE 19

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Internal Revenue Service, Department of the Treasury.
SD–124
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253
Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine issues to be discussed at the upcoming global climate change negotiations to be held in Kyoto, Japan.
SD–419

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on entrance and special use fees for units of the National Park System and the status of the Fee Demonstration Program implemented by the National Park Service in 1996.
SD–366

2:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine United States-Japan aviation relations.
SR–253

JUNE 24

9:30 a.m.
Energy and Natural Resources
To meet to further discuss proposals to advance the goals of deregulation and competition in the electric power industry.
SD–366
Small Business
To hold hearings on proposed legislation authorizing funds for the Small Business Administration.
SR–428A

10:00 a.m.
Judiciary
To hold hearings to examine the Rand report relating to punitive damages in financial injury cases.
SD–226

JUNE 25

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430
Indian Affairs
To hold oversight hearings on the Administration's proposal to restructure Indian gaming fee assessments.
SD–562

JUNE 26

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 783, to increase the accessibility of the Boundary Waters Canoe Area Wilderness.
SD–366
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold oversight hearings on recent administrative changes and judicial decisions relating to Section 404 of the Federal Water Pollution Control Act.
SD–406
Labor and Human Resources
Children and Families Subcommittee
To hold oversight hearings on the implementation of the Family and Medical Leave Act.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 308, to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges, and S. 360, to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area.
SD–366

JULY 10

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings to review the preliminary findings of the General Accounting Office concerning a study on the health, condition, and viability of the range and wildlife populations in Yellowstone National Park.
SD–366

JULY 23

9:00 a.m.
Finance
International Trade Subcommittee
To hold hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

JULY 30

9:00 a.m.
Finance
International Trade Subcommittee
To resume hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

HOUSE OF REPRESENTATIVES—*Tuesday, June 17, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. COOKSEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 17, 1997.

I hereby designate the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. DOGGETT] for 5 minutes.

THE SUNSET ACT OF 1997

Mr. DOGGETT. Mr. Speaker, watching the sun rise over this Capitol each morning is a truly beautiful sight. The white marble on this building shines radiantly in the morning, and yet I think the same is also true with the birth of many Federal programs. There is usually great joy at the sunrise of a new Federal law to meet a genuine need across the country. But sometimes an initiative fails to fulfill its promise. Sometimes a new Federal program has unintended consequences either through misinterpretation by the courts or misapplication by the bureaucracy. Somewhere between the Potomac and the Rio Grande, some Federal efforts that began as a bright shining idea get so misdirected that many Americans get only a bad sunburn.

Well, Congress we know is great at creating Federal programs because we have hundreds of them to prove it. But too often after creating a program to address some real need, Congress subsequently fails to conduct proper oversight of its handiwork. It has been said that the nearest thing to immortality in this world is a government bureau, and certainly that is true of too many of the programs that were created in the sunrise in this particular institution. We find the sun coming up on these programs, but seldom seeming to go down.

In my home State of Texas, we found a solution for too much government sun. We forced periodic review of each new governmental initiative through a systematic sunset process. This procedure is authorized by the Texas Sunset Act, which I authored as a Texas State Senator. Through that process we have completed over 200 sunset reviews, performance audits of various State agencies. We have repealed statutes, we have consolidated and abolished governmental agencies, and the Texas Treasury is about $600 million the better for it.

In Texas, we believe that a thorough bottom-to-top review of each of these new laws and programs is healthy. It is good for the programs, it is good for those that are administrating the programs, but most importantly, it is good for the people that have to foot the bill, the taxpayers.

Mr. Speaker, I have found that when it comes to solving problems here in Washington, we could do with a little more Texas thinking of this type. So today I am introducing a bill that will bring this proven Texas concept to the Halls of Congress.

In my judgment, the Congress has an affirmative duty to oversee every program that it creates to ensure accountability, to ensure that over time the program is being retained only if it is necessary and only if it is being run in an efficient way that protects the taxpayer.

The Sunset Act of 1997, which I am introducing here today, would fulfill this duty by requiring Congress to review and reauthorize most programs at least once during every decade, if not sooner. There are Federal programs that are not being reviewed today that have not been formally reauthorized for many years. This is not any way to conduct the Nation's business, for it undoubtedly results in the outright waste of resources that could be better used to reduce the deficit and address our real needs in education, the environment, and health care.

Mr. Speaker, I advanced this sunset concept, I really advanced it during the recent budget debate, in an effort to ensure that this bipartisan agreement achieves its promise and is not just more wishful thinking. Unfortunately, those who control this House rejected the idea of a sunset guarantee to assure that today's political promises actually achieve some reality.

The Sunset Act of 1997 that I am introducing today is another way of accomplishing responsible government that addresses real needs within the restraint of a budget that is balanced and stays balanced. I urge my colleagues to approve the Sunset Act of 1997 as a way to bring about needed oversight to this government and assure that unnecessary programs are terminated and that all parts of our government are operated with true accountability and efficiency.

TRIBUTE TO JONNA LYNNE "J.L." CULLEN, A REMARKABLE WOMAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan (Mr. Upton) is recognized during morning hour debates for 5 minutes.

Mr. UPTON. Mr. Speaker, it is my sad duty today to report the death of a very good friend of this House, Jonna Lynne Cullen. J.L., as we called her, was a special staff member who served this Nation for many, many years as a staff member to TRENT LOTT in the Committee on Rules; she worked this House in many different ways. I got to know her when I began to serve at the Office of Management and Budget under President Reagan, where she was the first director of the Office of Legislative Affairs, the first woman director of that office.

Several weeks ago there were a number of Members on both sides of the aisle that held a special tribute to her. They included, the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, the gentleman from California [Mr. THOMAS], the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Virginia [Mr. WOLF], the gentleman from Texas [Mr. THORNBERRY], the gentlewoman from Connecticut [Mrs. JOHNSON], and myself. A similar tribute was held on the Senate floor. Both Majority Leader LOTT, Senator COCHRAN, Senator SNOWE, and Senator DORGAN were involved, with very kind words for a woman with a very distinguished career.

I would like to announce that there will be a special tribute to her this Friday in the Russell caucus room at 11 o'clock for her friends and family. Saturday there will be a service, a memorial service, at the Presbyterian Church in Georgetown at 2 o'clock.

I just want to wish her family well. This was a tremendous loss for this country, for a woman that bridged both sides of the aisle. She was one that many Republicans and Democrats held in special love and grace for the work that she did. We wish to send condolences to her family as well.

JONNA LYNNE "J.L." CULLEN—A TRIBUTE TO A REMARKABLE WOMAN

DEAR COLLEAGUE: As many of you have heard, our dear friend Jonna Lynne "J.L." Cullen lost her long and courageous fight with cancer late last week. She served Congress as a prominent and distinguished staffer from 1967 until 1981. Her energy, expertise and acts of kindness blessed many lives, including our own.

Starting her career as a staff assistant on the House Rules Committee for the late Chairman William Colmer (D-Miss), J.L. rose through the ranks to ultimately serve as Associate Minority Counsel for the Republican minority.

In 1981 she served as the first female Director of Congressional Relations at the Office of Management and Budget. She contained to be heavily involved in the political process after leaving the administration, serving on President Reagan's Bipartisan Commission on Central America.

Beyond her many professional accomplishments, J.L. was one of those rare and wonderful individuals who relished being a mentor, role model and always a generous friend.

In her honor, we are pleased to announce two services allowing all who loved her to attend and pay their respects.

First, a special tribute will be held to celebrate J.L.'s life on Friday, June 20, 1997 at 11:00 a.m. in the Senate Caucus Room in room 325, Russell Senate Office Building. A reception with J.L.'s family will be held immediately after.

On Saturday, June 21, 1997 at 2:00 p.m., a Memorial Service will be held at the Georgetown Presbyterian Church, 3115 P Street, northwest Washington. A reception at the church will follow.

Notes of condolences can be sent to her mother, Mrs. Joel Shipp, 5480 Meadow Oaks Park Drive, Jackson, MS 39211 and her stepmother Mrs. John Cullen, 490 Stonewall, Memphis, TN 38112. In lieu of flowers, a contribution in J.L.'s memory can be made to the Hospice of Northern Virginia, 6400 Arlington Boulevard, Suite 1000, Falls Church, VA 22042 or the Cancer Research Foundation of America, 200 Dangerfield Road, Alexandria, VA 22314.

TRENT LOTT,
Senator Majority Leader.
THAD COCHRAN,
Member of the Senate.
FRED UPTON,
Member of the House.
NANCY JOHNSON,
Member of the House.

[From the Washington Post, June 19, 1997]

OBITUARIES

JOANNA LYNN 'J.L.' CULLEN—BUSINESSWOMAN

Joanna Lynn Cullen, 54, founder of a food speciality business and a former director of congressional relations for the Office of Management and Budget, died of breast cancer June 5 at her home in Alexandria.

She also worked as a congressional aide and a government affairs consultant and lobbyist whose clients included the City of Dallas and the Cunard cruise line.

Miss Cullen was a gourmet cook who frequently organized dinners for reporters and for the female members of Congress whose numbers were increasing in the 1980s. She began her firm, J.L. Gourmand, in the late 1980s, making her own flavored pestos, called Pesto Plus. She sold them on her own at the Saturday Farmer's Market in Alexandria and to stores and restaurants.

Miss Cullen was born in Memphis and later lived in Jackson, Miss. She was a graduate of the University of Mississippi.

She moved to Washington in 1967 to be an intern on Capitol Hill. She was a staff assistant on the House Rules Committee and later became associate minority counsel for the Republicans.

She joined the staff of OMB Director David Stockman in 1981 and guided efforts aimed at gaining congressional support for tax cuts and budget plans proposed by the administration of Ronald Reagan. She became an independent lobbyist and consultant in 1984.

Miss Cullen served on Reagan's Bipartisan Commission on Central America and chaired the Commission on Compensation of Career Federal Executives under President George Bush. The compensation commission reported in 1988 that the pay gap between senior federal executives and the private sector had grown to 65 percent.

Miss Cullen was a founder of Charter 100, a women's networking organization. She traveled overseas as a business adviser to female entrepreneurs. She also was a member of Les Dames d'Escoffier International and a volunteer for the American Cancer Society and Cancer Research Foundation.

She also was a watercolorist whose botanical works were exhibited and sold locally.

A tribute to Miss Cullen was held last month on the floor of the House.

Survivors include her mother and stepfather, Louise Shipp and Joel E. Shipp, both of Jackson, Miss.; her stepmother, Harriet Ann Cullen of Memphis; and three brothers.

CULLEN, JONNA LYNNE (J.L.)—On Thursday, June 5, 1997, at her residence in Alexandria, VA, daughter of Mr. and Mrs. Joel E. Shipp of Jackson, MS and Mrs. Harriet Ann Cullen and the late John N. Cullen, Jr., of Memphis, TN. Also survived three brothers, three nieces and one nephew. Memorial service at Georgetown Presbyterian Church, 3115 P St., NW, 2 P.M. Saturday, June 21. In lieu of flowers, memorial contributions may be made to Hospice of Northern Virginia, 6400 Arlington Blvd., Suite 1000, Falls Church, VA 22042, or the Cancer Research Foundation of America, 200 Dangerfield Rd., Alexandria, VA 22314.

BAN LANDMINES NOW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. MCGOVERN] is recognized during morning hour debates for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I am not the kind of person who typically monitors the activities of the British royal family, but I would like to bring to the attention of my colleagues that Princess Diana is in Washington today to speak out on behalf of a very important cause.

Last Thursday, Princess Diana joined the international call to ban the production, the export, and the use of anti-personnel landmines. Tonight she is the featured guest at a fundraising event for landmine victims hosted by the American Committee for the Red Cross.

Mr. Speaker, imagine being afraid of where you are because the very next step you take could cost you a foot, both legs, or your life. Every 22 minutes someone is killed or maimed by a landmine, more than 26,000 men, women, and children, mainly civilians, each year and every year. In at least 68 countries there are over 110 million unexploded landmines lying in fields, deserts, roads, along rivers and streams, in forests, and on footpaths.

These deadly weapons do not distinguish between the foot of a soldier and the foot of a child at play. They are designed to kill or badly maim any individual who triggers them, and they keep on killing long after hostilities have ended. The average lifespan of an antipersonnel landmine is 50 to 100 years. The first United States soldiers to die in Vietnam and the first United States soldiers to die in Bosnia were killed by landmines. In Poland, landmines laid during World War II are still killing and wounding people today.

When I traveled to El Salvador in the mid-1980's, I saw lines of teenagers missing legs or arms, victims of tens of thousands of landmines laid by the Salvadoran army and guerrilla forces during the 12 years of civil war in that country. I vowed then that I would work to end the use of these terrible weapons.

The United Nations and others are engaged in a painstakingly slow and dangerous process of removing landmines in places like Bosnia, Cambodia, and El Salvador, and while it takes as little as $3 to $15 to make a landmine, it costs as much as $300 or $1,000 to remove every landmine planted. Currently, 100,000 landmines are removed each year, and at that rate it will take us over 1,000 years to rid the world of all of the landmines that are buried in the ground right now.

That is why we must act now to stop the laying of any more landmines. That is why we must act now to stop the production, the stockpiling, the export, and the use of landmines.

Last Thursday 57 Members of the other body, Democrats and Republicans, introduced legislation that would ban future American use of antipersonnel landmines. Also, last week I was one of 164 Members of this House, Republicans and Democrats alike, who joined in sending a letter to President Clinton urging him to join the conference meeting this December in Ottawa, Canada, where over 75 nations will gather to sign an international treaty to ban landmines. Representatives from over 100 nations will begin meeting in Brussels on June 24 to review the work on a draft version of a treaty.

Mr. Speaker, I report to you and my colleagues that a powerful movement

is growing worldwide to put an end to landmines.

I am very pleased that people like Princess Diana, General Norman Schwarzkopf and Elizabeth Dole have chosen to speak out on this issue. They help to give visibility to the humble heroes and heroines of this extraordinary movement who are urging governments across the world to ban the production and use of these terrible and indiscriminate weapons.

This movement was inspired by civilian survivors of landmine explosions and the veterans of recent wars, such as the members of the Vietnam Veterans of America Foundation, one of the founders of the international campaign. The campaign is made up of doctors and nurses, human rights activists, humanitarian aid workers, and ordinary men, women, and children who heard about this issue through their churches, synagogues, mosques, labor unions, neighborhood groups, and civic organizations and who decided to take action. Over 225 organizations are part of the U.S. Campaign to Ban Landmines, and this same type of citizens' movement is duplicated in scores of countries worldwide.

In January, I nominated the International Campaign to Ban Landmines, one of the broadest grassroots movements of this century, for the Nobel Peace Prize. Because of all of the work and effort of these groups and individuals across the globe, over 75 governments are now planning to come to Ottawa in December to sign an international treaty to ban antipersonnel landmines.

Mr. Speaker, I commend Princess Diana and the millions of individuals around the world who are calling for an end to landmines. I urge the President to join the Ottawa process, and I call on our Government, the United States of America, to become a leader in the international movement to ban landmines today.

REPUBLICANS IGNORE BUDGET AGREEMENT AND FAVOR THE WEALTHY OVER LOW-INCOME SENIORS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, last week the Committee on Commerce voted on Medicare and Medicaid legislation that included the controversial medical savings accounts, or MSA's, which, according to the nonpartisan Congressional Budget Office, will cost the Medicare program over $2 billion over 5 years.

At the same time, Republicans did not include the $1.5 billion for specified low-income beneficiaries, also known as SLMB's, which basically is a fund that assists low-income Medicare beneficiaries in paying their part B premiums.

□ 1245

The Republicans have again, in my opinion, Mr. Speaker, shown their true colors by helping the wealthy at the expense of low-income seniors.

As a result of maintaining the part B premium for senior citizens at 25 percent of program costs and shifting home health to part B, Medicare premiums will rise by as much as $23 per month from 1997 to 2002 over the life of the budget agreement. The budget agreement reached by the President and Republican leaders included moneys to help low-income seniors who would likely see their monthly premiums rise from $43.80 to $66.67 per month. Unfortunately, the Republicans on the Committee on Commerce did not honor that agreement. Instead, the Republicans opted to spend an additional $2.2 million on MSA's which would benefit only wealthy and healthy seniors.

When the Democrats learned of the Republican legislation, Mr. Speaker, we offered an amendment, it was actually offered by the gentleman from California [Mr. WAXMAN] in the subcommittee, and again in the full committee, that would have eliminated the costly MSA provision and used those moneys for SLMB's. But both times, Republicans voted along party lines against low-income seniors.

It is not enough that the Republicans have broken the budget agreement with this and voted against low-income seniors, but that they would try to include the costly MSA's in Medicare reform, again.

I just wanted to point out, Mr. Speaker, why I think Medicare MSA's make no sense. They would only appeal to healthier and wealthier seniors while further eroding the financial integrity of the Medicare Program, to the detriment of older and sicker seniors. Even worse, the Republican proposal would allow senior citizens to spend Medicare dollars, that is, tax dollars intended for health care purposes, for other purposes, basically having it become income to them that they could use to buy a boat or go on a vacation instead of for health care.

Last year, as a result of the passage of the Kennedy–Kassebaum legislation, a pilot program was created to examine the effect of MSA's on the general population. We are not going to know the results of this demonstration program for another 4 years, but it seems to me it would make sense to wait for these results before experimenting with MSA's on the senior citizen population.

Many do not understand that most Medicare beneficiaries only cost the program about $1,400 per year, but that the sickest Medicare beneficiaries cost Medicare over $36,000 per year. If the healthier seniors leave the traditional Medicare program for MSA's, then the Medicare program will increasingly become a health care program for just the older and sicker seniors, which will only exacerbate its solvency problems.

Every senior will eventually get older and sicker, and they thus will have to rely on the Medicare program that will no longer be able to pull money from the healthier seniors. What I think we are going to see with the MSA's ultimately, Mr. Speaker, is a death spiral for Medicare.

In the last Congress, when the Republicans advocated inclusion of MSA's in the Medicare Program, they received strong support from insurance companies, particularly the Golden Rule Insurance Co. It is a well known fact that Golden Rule would receive a financial windfall with the expansion of MSA's into Medicare.

It is also well known that Republicans have been reaping financial benefits from Golden Rule. After all, Golden Rule has contributed as much as $1.6 million to Republicans in the 1992 and 1994 election cycles, and contributed nearly $400,000 to Republicans during 1996.

Many Republicans have been staunch advocates of MSA's and have suggested that MSA's will provide seniors with another health care option. I would argue that MSA's only create options for healthier and wealthier seniors.

Just to give an example, Mr. Speaker, in a letter to an MSA applicant dated the 29th of May this year from Golden Rule, this was the response to this individual named Alan from Virginia. It says, "Thank you for your interest in our company. We do currently market health insurance, including the Medical Savings Account, in your State. However, your medical condition of", and then you could fill in the blank, in this case they said diabetes, "would not be one that falls within our underwriting guidelines. Therefore, we would be unable to consider you for coverage."

What this means, Mr. Speaker, is that Golden Rule's rule is only interested in the bottom line, while this individual, Alan, will remain in the traditional health insurance that will see increasing health care costs because of the further division in the health care pool. MSA's are not going to provide choice, they are just going to break the insurance pool.

The average elderly woman has an income of less than $12,000 a year. MSA's will not benefit her, but part B premium increases will make it more difficult for her to balance her health care needs.

RECESS

The SPEAKER pro tempore (Mr. COOKSEY). Pursuant to clause 12 of rule

I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GIBBONS] at 2 p.m.

PRAYER

The Reverend LeeAnn Schray, Georgetown Lutheran Church, Washington, DC, offered the following prayer:

Let us pray.

Gracious God, we give You thanks for this day and for the opportunities and challenges that it holds for us. We thank You for the Members of Congress and their staff. Every one is unique with their own talents and abilities, strengths, and weaknesses, but together they make this body strong. Show each of us, O God, the way we may best serve You this day. Give us wisdom in making decisions, honesty in speech and in action, compassion for those we serve, and courage to do what is right, that we may seek the good of all people and work for justice and peace in our Nation and in our world. In Your holy name we pray. Amen.

JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1 of rule I, the Journal stands approved.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 1, rule 1, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey [Mr. PALLONE] come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISPENSING WITH CALL OF THE PRIVATE CALENDAR ON TODAY

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

WELCOME TO THE REVEREND LEEANN SCHRAY

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, we are privileged to have the Rev. LeeAnn Schray of Washington, DC as our guest chaplain today. Pastor Schray is the minister of the church my family and I attend during the weekends we are in the District of Columbia: the Georgetown Lutheran Church. This past year we have enjoyed getting to know LeeAnn and her husband, Bob Tuttle.

Pastor Schray was born in Bethlehem, PA. She received her bachelor of arts degree from St. Olaf College in Northfield, MN, and her master of divinity from the Lutheran School of Theology at Chicago. She moved to Washington, DC in 1991 to take her first call at St. Paul's Lutheran Church, where she served as the assistant pastor. For the past year, she has been serving as the pastor for Georgetown Lutheran Church, and the Lutheran campus pastor for Georgetown and American Universities.

Mr. Speaker, it is a great pleasure and privilege for me to welcome the Reverend LeeAnn Schray to the House lectern and to offer her our heartfelt thanks for serving as our guest chaplain.

GOP FAVOR WEALTHY OVER AVERAGE AMERICANS IN BUDGET AGREEMENT

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, last month I voted in favor of the balanced budget resolution, but as the details of this budget become known, I am more reluctant to support the final budget product.

The Democratic tax cut plan targets the bulk of the tax cuts to working families and to those who need assistance. The Republican plan does not. Their proposal would actually increase taxes for those with incomes below $15,900, while those making nearly $250,000 and beyond would receive over half of the tax cuts. Not only is this unfair to low-income families, but it also leaves very little tax relief for the average working family.

In addition to the skewed Republican tax scheme, Republicans have also abandoned their agreement to help low-income seniors pay for rising Medicare premiums.

Mr. Speaker, the Republicans are putting the balanced budget agreement at risk by insisting on only helping their wealthy friends.

TAX CUTS FOR WORKING AMERICANS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, what do we call a tax cut for people who do not pay taxes? I call it welfare. And once again, the Democrats want more welfare spending instead of tax cuts for working Americans.

It has been 16 years since working Americans got their taxes cut. We tried in the last Congress to pass tax cuts, but the President vetoed our efforts. This year, with the budget agreement, we seem to have paved our way to lower taxes. But now some folks want to give people who do not pay taxes a tax cut.

It is this kind of logic that drives working Americans crazy about Washington. It is like giving a car to someone who cannot drive or a drowning man a drink of water.

Mr. Speaker, let us give tax cuts to people who pay taxes. America deserves a tax cut now.

THE CASE FOR AFFIRMATIVE ACTION

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, I rise to address the issue of affirmative action. It is my understanding that a bill is being introduced today which will prevent the Federal Government from taking affirmative steps to remedy the still widespread discrimination that we have in employment, contracting, and education.

Today, discrimination is still rampant. A recent study conducted by the Fair Housing Council found that minorities are discriminated against 40 percent of the times that they seek to rent an apartment. Repealing affirmative action will, therefore, have the practical effect of resegregating America. The repeal of affirmative action programs in both Texas and California gives us a peek at what happens when we eliminate affirmative action.

So we must ask the opponents of affirmative action if they achieve their goals when minority admissions to law schools in Texas and California dropped precipitously in spite of evidence that shows that minorities, when given the opportunity, will perform as well as their majority counterparts.

So, Mr. Speaker, I ask, how far do we have to turn the clocks back to appease those that are disgruntled, because discrimination is being remedied?

IT IS HIGH TIME FOR AN INDEPENDENT COUNSEL

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, as James McDougal, former business partner of President Clinton, begins his prison sentence today, I think we should take a look back at some of the additions to the American vocabulary in just the last few years: Whitewater, Filegate, Troopergate, Travelgate, Lippogate, Pillowgate, Donorgate, Indo-gate, and who could forget Buddhist Templegate.

Goodness gracious, and Janet Reno says there is no need for an independent counsel? Yeah.

AMERICANS ARE FED UP WITH FEDERAL BUREAUCRATS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, in Boston for the last 14 days the Sweeney family has literally barricaded their property, fighting the Federal Government who they say is trying to take their home. Now, I do not know who is right or wrong in this case, but one thing is for sure. Many American people are fed up with fat cat government bureaucrats.

Open your eyes, Congress. EPA, IRS, FBI, FDIC, ATF, intimidation, liens and seizures, technicalities, regulations, on and on, and every single day more messages and signals keep coming to Washington; and no one here seems to be listening.

Mr. Speaker, it is not just Texas and Idaho, now it is Michigan, New York, and even the wealthy suburbs of Boston. I say, Mr. Speaker, what is next? Maybe another Tea Party? Do not be surprised when a nation that forgets their history is many times apt to revisit it.

TAX CUTS FOR PEOPLE WHO PAY TAXES

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, it should be a no-brainer that tax cuts should go to people who are taxpayers. Many Americans might well wonder how anyone could even think of, let alone give, a tax cut to people who do not pay taxes. But remember, this is Washington.

Words mean nothing. That is why tax cuts are still a defining difference between Republicans and Democrats. Republicans are for tax cuts.

Republicans believe that hard-working Americans deserve to keep and spend more of the money that they earn. For too long, Democrats opposed any tax cuts for working Americans as gifts from Washington to the so-called rich.

Now, some Democrats claim they support tax cuts. However, actions speak louder than words. It turns out the Democrats and the President's proposed tax credit for children would transfer more money from the pockets of taxpayers to the pockets of people who pay no taxes.

Americans are wondering, Mr. Speaker, why is the Democrats' child tax credit more like welfare spending than a tax cut?

REPUBLICAN TAX PROPOSAL IS DISAPPOINTING

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise today to express my disappointment in the Republican tax proposal. Under this plan, the majority of the tax benefits go to the wealthiest Americans, those making over $250,000 a year; almost 58 percent of their tax breaks go to people making over $250,000 a year.

I think that we ought to provide the bulk of tax relief to working, middle-class families in this country, to the families who are trying to figure out how to pay their monthly bills, put food on their table, send their kids to school, and provide for a secure retirement and be able to afford health care. These are the families who could use tax relief in this country today.

Let me just say that this is simply not a Democratic issue. One of my Republican colleagues, in a television appearance with me this morning, stated that providing big tax breaks for families who make over $250,000 a year is not the right way to go. I encourage more of my Republican colleagues, speak out about the need to provide tax relief to those families who really need it: hard-working middle-class Americans.

□ 1415

INTRODUCTION OF THE ELECTRIC UTILITY NITROGEN OXIDE LIMITATION ACT OF 1997

(Ms. CARSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, today I have introduced a bill, the Electric Utility Nitrogen Oxide Limitation Act of 1997. In the current debate concerning the new EPA rulemaking for clean air, I trust that my bill will pass and provide an alternative for Members who want to vote for clean air.

My bill will reduce by 55 percent the nitrogen oxide levels emitted by fossil fuel-burning electric utility plants by the year 2000. It sets a simple standard of 0.35 pound per million Btu to be met by the electric utility plants by the end of the year 2000.

It will also ensure that electric competition encourages, not discourages, responsible, efficient emission control. It is a bill that is proconsumer and proenvironment. It will ensure competition for utilities, but not at the expense of air quality.

This bill will do all of this without amending the Clean Air Act. While the debate rages on concerning EPA rulemaking and the States debate standards that will not be in place until 10 years from now, I encourage my colleagues to join me.

AN IMMENSE AMBITION FOR POWER

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, "Attention turns to Aristide as the Haitian Government crumbles," says the news report this weekend. "An immense ambition for power" is responsible for insecurity and disorder in the Capital, Port-au-Prince. This is how one-time confidante Paul DeJean describes former President and his former friend, Jean-Bertrand Aristide of Haiti.

In fact, this sentiment is nothing extraordinary. If we peruse the weekend press on Haiti, it appears to be a mainstream opinion as Haiti drifts deeper into misery and despair. Reports from the wire and from Michael Norton of the Washington Post describe a litany of Aristide's increasingly obvious efforts to advance his own personal ambition at the expense of economic recovery and at the expense of democratization in Haiti.

President Clinton's man in Haiti is systematically destroying democracy there. Unfortunately, this comes at the expense of the American taxpayer. Members will remember that $3 billion of democracy building we just provided? What, we have to ask, is the White House going to do about their man in Haiti? Is the Clinton White House backing democracy in Haiti, or is it backing another darling of the left strong man? Is this Papa Doc all over again? We need an answer.

THE REPUBLICANS ARE OUT OF TOUCH WITH REAL PEOPLE IN THIS COUNTRY

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, the Republicans are desperately out of touch with real people in this country. First, they try to hold up disaster relief to flood victims. Then they say that people trying to move from welfare to work are not entitled to the minimum wage or basic workplace protections.

Now the Republicans are trying to push through a tax bill that gives huge tax breaks to millionaires and provides almost no relief to the people who need it the most, middle-income and working families. The bulk of their tax cut will go to those families making over $237,000 a year. That is wrong.

What message are the Republicans sending to hardworking Americans? They want to give a $10,000 tax deduction to upper-income families who can already afford to send their kids to college. Yet they propose a $500-per-child tax credit that penalizes working mothers with children in child care.

Mr. Speaker, right now parents are forced to take two and three jobs just to feed their families. These are the people who need tax relief. Instead, the Republicans have loaded this tax bill down with gifts to their wealthy friends. It is wrong, Mr. Speaker. It is wrong, and we will not allow it.

THE CHOICE IS CLEAR: PASS TAX CUTS AS PART OF A BALANCED BUDGET

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, politics is all about choices. One of the biggest choices facing lawmakers is the direction of the U.S. economy. We can go down the path of higher taxation, more welfare benefits, and more regulation. This is known as the European path. It is also the path chosen by liberal Democrats.

The European path is a lot of fun for politicians. They can play Santa Claus, but it is not so much fun for the people. Just ask the people out of work in Germany or France, where the unemployment rate is twice the jobless rate here in the United States.

The other path is a path in just the opposite direction: lower taxes, less regulation, welfare reform. That is the direction we want for the U.S. economy. That is the direction we want for Americans looking for a job, Americans looking for a better job, Americans looking for higher-paying jobs.

This is the time to choose directions. This time the choice is clear. We must pass the tax cuts as part of a balanced budget. Choices, Mr. Speaker, that is what politics is all about.

THE DEMOCRATIC ALTERNATIVE: TARGETED TAX BREAKS TO THE MIDDLE CLASS, NOT TO THE VERY WEALTHY

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise this afternoon to call for tax fairness, a simple proposition. Democrats have supported balanced budgets and Democrats support reasonable tax cuts, but not tax breaks exclusively for the wealthy.

The American public needs to know that under the Republican approach to tax cuts, the top 35 percent, people making over $247,000 a year, will get two-thirds of the benefit. There is a Democratic alternative. We take a more Robin Hood approach to tax cuts. We suggest that two-thirds of the tax benefits ought to go to the middle class, people who make $40,000 and $50,000, people who make $20,000 and $30,000.

So the proposition is really very simple. It is not a question of whether we want tax cuts. We want tax cuts. What we want are fair tax cuts that benefit most of the Americans in this country. That is the Democratic alternative: Targeted tax breaks to the middle class, not to the very wealthy.

A HISTORIC TAX CUT FOR AMERICANS

(Mr. COOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOK. Mr. Speaker, I join the ranks of Republicans who are proud to tell our constituents that this Congress is giving them the first tax cuts they have had in over 16 years. I agree with those who call this budget historic, but it is historic for a lot more than just the $85 billion that we will be returning to the pockets of working families over the next 5 years. History is going to show that 1997 marked the year when American leaders began to redefine what is and is not income.

Through these tax cuts we have taken the first step in announcing to the American people that income is not the money they carefully saved through their lives and left for their children and their grandchildren. Income is not the assets of their family businesses they built with pride and nurtured over the years and just happened to be there when they died. Income is not the increased valuations of their homes.

I believe these tax cuts are the first step toward a simplified tax system that fairly and honestly taxes income, and a move away from a system that punishes savings and investing in our children, in our future, as our current system does.

COMMENDING THE PRESIDENT'S INITIATIVE ON RACE

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, this weekend I traveled with President Clinton to San Diego, CA. There the President announced his initiative on race: One America in the 21st century.

The President has appointed a commission of highly respected Americans to examine this issue and call for a year-long dialog to take place across our Nation. In the address, the President stated, "We must be one American community, based on respect for one another and our shared values."

Mr. Speaker, I could not agree more. There is no issue more important to the future of our country than building the bridge of trust and understanding between people of all religions, all nationalities, and all colors.

Mr. Speaker, I want to commend President Clinton for launching this bold initiative. Not since Lyndon Johnson has a President so directly and sincerely addressed the important issue of race. There are those who have criticized the President's initiative, who would use any opportunity to attack the President. I hope and pray that the President's critics will cease their attacks. This issue is too important to the future of our Nation to be exploited for political gain.

Thank you, Mr. President, for your inspiring words this weekend, and for beginning the process of healing and bringing our Nation together.

LET US PASS THE REPUBLICAN TAX CUT AS PART OF THE BALANCED BUDGET AGREEMENT

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, the more Government taxes, the more it discourages people from doing productive work. The more Government taxes, the more it discourages business from increasing output and creating jobs. The more Government taxes, the more it discourages people from saving and investing. The more Government taxes, the harder it is for families to make ends meet, the harder it is for people to get ahead, the harder it is for individuals to realize their dreams.

Mr. Speaker, these commonsense truisms apply, whether or not the Federal budget is in deficit or surplus. They apply, no matter what part of the business cycle the economy is in. They

apply to those in industries and all sectors of the economy.

Quite simply, taxes are a drag on the economy, and an obstacle to people who are pursuing their dreams. Let us make it easier for people to make ends meet, get ahead, and save for the future, create new jobs, and pursue their dreams. Let us pass the tax cut plan as part of the balanced budget agreement.

GAO CONCLUSION ON PERSIAN GULF WAR ILLNESS NEEDS REASSESSMENT

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, according to the New York Times, a GAO report to be released later this week "harshly criticized the Pentagon and a special White House panel over their investigation of the illnesses reported by veterans of the 1991 Persian Gulf war, and has found that there is substantial evidence linking nerve gas and other chemical weapons to the sorts of health problems seen among the veterans."

Frankly, as a member of the Subcommittee on Human Resources of the gentleman from Connecticut, Mr. CHRIS SHAYS, which has been studying this issue for several years, the GAO conclusion is no surprise to me. Our committee has heard time and time again from scientists and scholars who believe very strongly that a major cause of Persian Gulf war ills is the synergistic effects of chemicals that our soldiers were exposed to, as well as drugs they were given as preventative measures, such as pyridostigmine bromide.

Mr. Speaker, the Presidential Advisory Committee on Gulf War Illnesses was wrong when it concluded in December 1996 that chemical exposure was not a cause of Persian Gulf illness, and that stress was the major factor. That error has delayed and deflected necessary research and treatment for tens of thousands of veterans who are suffering today.

Mr. Speaker, I am circulating a letter that I hope my colleagues will sign, asking the Presidential Advisory Committee to reassess its findings.

DEMOCRATS WANT THE GOVERNMENT TO TAKE MORE OF TAXPAYERS' MONEY

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCARBOROUGH. Mr. Speaker, in the immortal words of Ronald Wilson Reagan, there you go again. We have been hearing claims of class warfare, of how the rich are somehow going to be soaking the poor, but the fact of the matter is that for 40 years Washington, DC has been soaking everybody, getting more and more tax revenue up to Washington, DC.

It was Democratic Senator BOB KERREY that ran an Independent Entitlements Council, and determined that in 30 years, our children, my 9-year-old boy when he is 39 years old, will be paying Washington 89 percent of every dollar that he makes in Federal taxes.

Yet, we bring tax relief to this floor, and time and time again it is the liberals, and some would say radicals, that are against it. They want Washington to have more and more and more, and what we in the Republican party are saying is government needs to have less and less and less, and let the people keep more and more of their money.

A TAX PLAN WHICH WILL ULTIMATELY BENEFIT ONLY THE RICH

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, the gift horse of the gentleman from Texas [Mr. ARCHER], his tax cut plan, looks good now, but in the long-term only the rich will benefit. Those are not my words, but the words of the Philadelphia Inquirer, which pointed out the bogus nature of the Republican tax plan. As this chart clearly points out, 57.9 percent of the benefits of the Republican plan will go to the top 5 percent, those making over $247,000 a year.

□ 1430

Average Americans would be the biggest winners, the gentleman from Texas [Mr. ARCHER] says. I do not think so. Again, sounds nice, but it is bogus.

What the Republicans unveiled this week ought to be called Tax Relief for the Monied Class Act. Its focus on people trying to make ends meet lasts only for a few years. Over the long term, most of the tax savings flow to taxpayers whose incomes are much higher than the national average. If the Republican Party wants to stand or fall on that ground, waxing eloquent about a tax code that rewards risk taking, so be it. The elections in 1998 and 2000 could be a referendum on tax efficiency and fairness.

Mr. Speaker, I urge our colleagues to look carefully at who benefits from this tax proposal. Let us have tax fairness. Support the Democratic alternative.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the provisions of clause 5 of rule I, the Chair announces he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

ANDREW JACOBS, JR. POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1057) to designate the building in Indianapolis, IN, which houses the operations of the Circle City Station Post Office as the "Andrew Jacobs, Jr. Post Office Building," as amended.

The Clerk read as follows:

H.R. 1057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The building in Indianapolis, Indiana, which houses the operations of the Indianapolis Main Post Office shall be known and designated as the "Andrew Jacobs, Jr. Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Andrew Jacobs, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MCHUGH] and the gentleman from Pennsylvania [Mr. FATTAH], each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1057 was introduced by the chairman of the full committee, the gentleman from Indiana [Mr. BURTON], and, as required by the committee policy, supported by the entire Indiana delegation.

Mr. Speaker, the original bill designated the Circle City Station Post Office as the "Andrew Jacobs, Jr. Post Office Building." However, the Committee on Government Reform and Oversight approved the amendment proposed by the Subcommittee on Postal Service designating the facility housing the operation of the Indiana Main Post Office as a more appropriate building to bear the name of "Andrew Jacobs, Jr."

Mr. Speaker, as most of our colleagues in this House know full well, Andy Jacobs is and has always been a product of Indianapolis. After finishing high school in 1949 in that city, he entered the U.S. Marine Corps and served in the Korean conflict. He returned thereafter to his home State and received his B.S. degree from Indiana University and his LL.B. from Indiana

University School of Law. He practiced law in that State and in that city, and he was elected to the Indiana State House of Representatives at age 26.

He served in the 89th Congress and was a Member from 1965 to 1973. As he was not reelected to the 93d Congress, he did return to Indianapolis once again to teach and practice law. He was elected again to the 94th Congress and served through the 104th Congress thereafter. During his tenure he chaired the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. Speaker, those of us who remember Andy remember him for his political unorthodoxy. He returned tens of thousands of dollars to the U.S. Treasury from his salary, veterans disability payments, mileage reimbursements and office allowance. In fact, an Indiana newspaper once described him as "refreshingly unpredictable."

He is reported to have said of himself, "I am not the best go along in the House. Frankly, sometimes I do not get along very well."

That may be true in that self-observation, Mr. Speaker, but I am sure all of us agree that Andy Jacobs got along very, very well. He was one of the most respected and certainly one of the most admired Members that this House has seen in many, many years. I certainly think that this naming bill is a very appropriate way in which the Members of this House and the people of this Nation can say gratefully to this gentleman, thank you for all that you have done. I strongly urge passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to support H.R. 1057. This legislation naming a postal facility in Indianapolis, IN, after our former colleague Andy Jacobs. Last year Congressman Jacobs completed a very long and distinguished career in public service. As a young marine he was wounded in combat during the Korean war. He later worked as a police officer, served in the Indiana House of Representatives and was elected to the Congress in 1964. Many of his years here were spent on the House Committee on Ways and Means and as chair of the Subcommittee on Social Security.

He will be remembered most for his efforts to balance the budget and minimize spending on his own reelection campaigns. This legislation bestows a fitting honor upon a Member who served with great distinction in this body for over three decades.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I thank the ranking member for, as always, his input and his support and his assistance on not just this but the other bills that the subcommittee has considered.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON], chairman of the full committee, chief sponsor of this bill.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me the time.

Let me just say that I have served in this body now for 15 years. I have served with no finer Congressman or Congresswoman than Andy Jacobs, Jr. Andy is a dear friend of mine. I know some of my Democrat colleagues might find that interesting, since he comes from the other party, but he is one of the finest people I know. He is a good father, a good husband. And he is a great American. He really cares about this country.

We have heard a lot of the good things about Andy today. He served in this body for 30 years. But he was such a man of integrity that I think everybody who knew him on both sides of the aisle agreed that here was a man who, if he gave you his word, you could bet the house on it because he would not break his word.

I will just say this about Andy. If I could pick one Member that I would trust with everything I own including my family, it would be Andy Jacobs, Jr. He is that kind of a person. And that is about as high a regard as I can hold anyone.

Some other things that a lot of my colleagues may not know is Andy was a marine. He did not talk about this very much. But during the Korean war, one of his buddies was killed. And it was of course the frozen fields of Korea during the war over there that Andy really showed what kind of a man he was. He carried on his back for almost 3 days his dead comrade back to our lines so that he could be properly honored and buried. That is the kind of guy Andy Jacobs is.

If we had 435 Members in this body like Andy Jacobs and 100 Members in the other body like Andy Jacobs, we could solve so many of the country's problems in a very rapid order because he was that kind of a man and is that kind of a man.

The thing I could say that means the most to me is that Andy Jacobs is my friend and I miss him.

Mr. FATTAH. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Indiana [Ms. CARSON], a brave woman who has been sent by the State of Indiana to replace Andy Jacobs here in this body serving the people of her great State.

Ms. CARSON. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. FATTAH] and the gentleman from Indiana [Mr. BURTON] for those very eloquent remarks. Imagine standing here today in support of the House bill, H.R. 1057, as an individual who succeeded Congressman Andy Jacobs out of the 10th Congressional District in the State of Indiana. There is no way that Andy Jacobs can be replaced. As Henry Fonda used to say very profoundly in an advertisement for Andy Jacobs, Andy Jacobs is a Congressman's Congressman. And although I am very proud to have been able to succeed him, as he opened up his seat for election of a new Member to Congress, I say that with a great deal of pride and certainly lament the fact that Congressman Jacobs no longer represents the 10th Congressional District of the State of Indiana.

We have heard that Andy Jacobs was in fact in combat as a marine infantryman in the Korean war and let the Treasury Department hold his disability check as he served as a Member of Congress. And we have certainly heard that Andy Jacobs also was Marion County deputy sheriff and that he graduated from law school. Congressman Jacobs was in fact a member of the Committee on the Judiciary that helped to write the historic 1965 Voting Rights act, and I know a lot of my colleagues in Congress would like to be reminded that Andy Jacobs is the one that sponsored legislation that made Father's Day a legal holiday. So, as my colleagues enjoyed their family a couple of days ago under the banner of Father's Day, please know that it was Congressman Andy Jacobs who authored that legislation.

Andy Jacobs was the only Indianapolis Congressman in the 20th century to serve on the House Committee on Ways and Means where he did chair the Subcommittee on Social Security and the Subcommittee on Health. Andy Jacobs followed in the footsteps of his father, Andy Jacobs, who was also a Member of Congress from the State of Indiana.

Andy Jacobs authored "The Powell Affair: Freedom Minus One," because he sat on the Committee on the Judiciary throughout all of those hearings and he tells the story of the ouster of the Harlem Congressman from the U.S. House of Representatives.

Congressman Jacobs retired from Congress in 1996 to spend more time with his lovely wife, Kim Hood Jacobs, and his sons, Andy, Jr., who is 6 years old, as we speak, and Steven, who is 5 years old at this time.

Mr. Speaker, I encourage my colleagues to support this very worthy and appropriate legislation as a special tribute to the honorable Andy Jacobs who served his country well.

Mr. MCHUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I am pleased to cosponsor H.R. 1057 to designate the Main Post Office in Indianapolis, Indiana in honor of Congressman Andy Jacobs. Following in his father's footsteps, Andy Jacobs, Jr. began his congressional career in 1964, after serving 5 years in the Indiana House. For 30 years Indianapolis was

well represented by a real gentleman and a formidable legislator.

As I was waiting here to make these remarks, I happened to listen to the opening segments here of 1-minutes on the House floor. I think Andy was always bothered by what I would refer to coming from his own party as rhetorical political terrorism. Those are inflammatory words that are meant to incite class warfare and paint others as uncaring or callous. That was not Andy Jacobs at all. Andy Jacobs was someone who exemplified the essence of the nobility of life; that is, someone, as a former marine and as a deputy sheriff, who was in touch with the inner sensibilities of life and those tender sensibilities.

Andy Jacobs voted his conscience. He did not go along party lines. There are some Members that will go along party lines, and then some will break from party lines for a particular political purpose. Andy was a gentleman who voted his conscience.

For example in 1989, it was Andy Jacobs that cast the deciding vote on the Committee on Ways and Means in favor of a capital gains tax cut, despite the Democrat majority at the time in opposition of cutting taxes. His tenure on the Committee on Ways and Means provided Indiana with a very powerful presence.

It was truly an honor for me to serve here for 4 years with Andy Jacobs. I wish Andy and his wife Kim and their children all the best as they move into the new phase of their lives.

I applaud the gentleman from Indiana [Mr. BURTON] for having brought this initiative to name the Main Post Office in the honor of my friend, Andy Jacobs.

□ 1445

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume to just suggest that the people of the State of Indiana and the 10th District have sent forth a Representative now, we just heard from her, to speak on their behalf on some of these very important issues of tax policies and the like, and I think that the issues of how Andy Jacobs would have voted on some of the matters that were discussed in the one-minutes are really beyond the point.

What we are here to do is to honor his 30 years of service and, through this legislation, to name a post office after him; and we seek no partisan advantage in that process.

Mr. Speaker, I yield 3 minutes to the gentleman from the State of Indiana [Mr. HAMILTON], a most distinguished Member, to comment on this legislation.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding me this time, and of course I rise in strong support not only of H.R. 1057, a bill to rename a post office in Indianapolis, IN for former Congressman Andy Jacobs, but I wish also to rise in support of the bill that follows, H.R. 1058, to rename a post office now under construction in Terre Haute, IN for former Congressman John Myers.

I, of course, have known Andy and John for many, many years. I think I served with each of them in this institution for 30 years, for a total of 60 years' association with these two gentlemen. I hold them in highest esteem and regard. They were a true credit to this institution during their many years of service. The House of Representatives misses them, the State of Indiana misses their service, and I miss them as personal friends in this institution.

It was a great personal pleasure for me to work with them over the years. Both of them are individuals of the highest integrity and dedication and professionalism. They have had a tremendous impact on our great State of Indiana and its people as well as the citizens of this country. Each of them, I believe, left a distinctive mark on the U.S. Congress, and everybody in this Chamber, and many people throughout the country, are better for it.

Andy and John are missed for their personal qualities that they brought to this floor. In national politics and in Congress, we often hear now about the decline of civility. Andy and John, in contrast, were models of civility and decency. They certainly had their views on the issues and were never afraid to voice them, but they always respected those with whom they disagreed and they worked tirelessly in this institution to build a consensus on some of the difficult challenges that we had. They understood how Congress works and they worked in a constructive and bipartisan manner to achieve their purposes. Each one of us can learn from their example.

Their work here was a mark of distinction. Andy and John have every right to look back on their service with a full measure of satisfaction. They were wonderful colleagues and they are great friends of mine. They represent the very best that our State of Indiana has to offer.

These bills are fitting tributes to two outstanding Members of Congress. I congratulate the chairman of the subcommittee and the ranking member of the subcommittee for bringing the bills forward and I thank them for it.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume to, very briefly, in closing, say that I think the words spoken here today by the gentlemen from Indiana, Chairman BURTON, Mr. HAMILTON, Mr. BUYER, and others, underscore in what great esteem Mr. Jacobs is held by Members of this House. And I am sure that equal esteem will be forthcoming for the Member who is honored through the next bill. With that, I close by urging all of the Members to support this very worthy and very meritorious piece of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I rise to pay tribute to Andy Jacobs and in strong support of H.R. 1057 to designate the new postal facility in Indianapolis, IN, in his honor.

I had the pleasure of serving with Andy since I was first elected to join the Indiana's congressional delegation in 1984 and until his retirement last year. In that time, I grew to appreciate him not only as one of the most thoughtful, honorable, and well-spoken legislators to serve in this body, but also as a good friend.

Because Andy's sons, Andy and Steve, and my boys, John and Tim, were born about the same time, we were able to share the mutual joys of fatherhood together. And whether our advice to each other on raising sons would be considered problematic or not, we always took pleasure about talking about Johnko and Bronko.

While I will certainly miss his wisdom and sense of humor in these Halls, I find comfort in the knowledge that Andy is enjoying his retirement with his wife, Kim Hood, and by watching his two boys grow up to be mature young men.

Since Andy was first elected to represent Indiana's 10th Congressional District in 1964, he made his mark as a tremendous legislator. As a new Member of Congress, he helped to write the 1965 Voting Rights Act, and led the House debate to help get the United States out of Vietnam.

A member of the Committee on Ways and Means, Andy quickly developed an expertise in Medicare and Social Security, and he worked tirelessly to help improve the lives of millions of America's senior citizens.

During his tenure in the House, he served as chairman of both the Subcommittee on Health and the Subcommittee on Social Security of the Committee on Ways and Means. In Andy's capacities he was able to strengthen and enhance the Social Security Administration and Medicare programs.

Widely recognized as one of the most fiscally conservative Members of Congress, Andy was an early proponent of a balanced budget constitutional amendment, and took the lead on other efforts to reduce Federal spending. He also was legendary among Members of the House for his own frugality, regularly returning tens of thousands of dollars to the U.S. Treasury from his personal office's funds.

Mr. Speaker, in his own unique way, Andy Jacobs came to epitomize what is good and right about serving his fellow

citizens as a Member of Congress. Indeed, with his interests ranging from poetry to Social Security, the people of Indiana and the rest of the Nation are fortunate to have had Andy Jacobs representing their interests in the United States Congress.

Passage of H.R. 1057 is only a small token of our appreciation, and I urge my colleagues to support it.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Indiana, Chairman BURTON, and I want to commend him for bringing forth the legislation.

Andy Jacobs was as well a friend of mine. There was not a Member ever to serve here with a sharper wit or a nicer attitude. He was a war hero, but one would never know it. He did as much to protect Social Security as anyone in history. One would never know it. Loved his family, Kim and the two boys, and just a super guy.

I also want to rise in support of another great legislator from Indiana, John Myers. I know John is here. I did not see Andy. John is here visiting with Jimmy Quillen from Tennessee. Two of the greatest Members. And I want to rise in support of the naming of the post office for John Myers, for Andy Jacobs, and I personally consider them great friends and I want to thank them for having helped my district and helping the people of all of America.

So I want to associate myself with the remarks of Mr. HAMILTON, Chairman BURTON, and all of those who have spoken here, but I am so very pleased that John Myers and Andy Jacobs are getting their just due here, because there is nothing more fitting than naming these two post offices for these two great Hoosiers.

Mr. Speaker, I will stop with that, because I know others will extol their virtues.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I too want to join in thanking the committee for moving this forward.

Let me just say that a number of us here owe a debt of gratitude as well as the American public to Congressman Andy Jacobs, not only for his representation over many years but also personal notes.

As a personal note, as a new Member, he took me under his wing and showed me around and made sure I did not fall too badly in my early years here. Of course, he also introduced me to the woman who was later to become my wife. And so I am very, very grateful to him for that certainly as well, and our two children also thank him greatly.

I want to just note about Andy Jacobs, he was often a study of contrasts, and he was someone we needed to have in Congress and we need to have. He was a combat veteran who understood how awful war could be and always worried about sending, in his words, kids off to fight our wars. So he examined each cause for going to war carefully.

He was someone who, while many might say he was a liberal Democrat because he believed in programs that helped people, he was probably the tightest person with the taxpayers' nickel that I have run across in a long time.

And, finally, Andy was probably someone who, of anyone, would never ask that a post office be named after them and, Mr. Speaker, those are the people that we ought to be naming post offices after and Federal buildings after so the taxpayers and those who will use that building know that they were well represented and that the spirit that they would like to see in government is still memorialized.

So we thank very much the committee for moving this forward.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER], the last and final Member with remarks on this bill from our side of the aisle, whom I served with on the House Committee on Education and the Workforce, who has been very close to Congressman Jacobs.

Mr. ROEMER. Mr. Speaker, I thank the gentleman for yielding me this time and for his hard work on this particular bill.

Mr. Speaker, I will submit for the RECORD a formal statement, but Andy Jacobs was anything but formal. Andy Jacobs was somebody that at 12 o'clock at night, when this session was in, and we were working hard doing the people's business, was the first person to say something off-the-cuff and funny to keep his colleagues' sense of humor and comedy and sense of bipartisanship alive.

Whenever we talked to Andy, if we did not get a funny quip out of him first, the first thing on his mind was always his family. His two children and his wife Kim always took priority over everything else. And the latest story about his 5- or 6-year-old was always on the tip of his tongue.

The trappings of this House of Representatives never captured Andy. Not only did he not spend money on things that would keep him in office or were part of the trappings of the facade of office, Andy hardly ever ran a campaign in the State of Indiana that would cost more than $20,000. That, by itself, is a monumental accomplishment.

Finally, when it comes to naming a post office after my good friend Andy Jacobs, I have to say that Andy was a Member of Congress that probably read each and every single one of his constituents' mailings to him, and often would reply in a sentence or two, or in three or four pages. And he had a lot to say to each one of his colleagues, sometimes very funny anecdotal stories, and sometimes things that none of his colleagues would dare write in our responses, but Andy could get away with it because he had such a great rapport with his constituency.

So my heart misses Andy but my hat is off to him and Kim, and we just wish him well in his next career in his lifetime.

Mr. Speaker, our Hoosier colleague, Andy Jacobs, served 15 terms in this House, and he is dearly missed. Andy is missed for his humor, his charm, and his grace. He is also missed for his powerful commitment to those in society who truly deserve and need help: the oldest, the youngest, and the most vulnerable.

Andrew Jacobs, Jr., served Indiana and the country well, but he rejected the trappings of office. His independent thinking and Hoosier common sense endeared him to his constituents, who returned him to office again and again without noisy or expensive campaigns. And then, without fanfare, Andy quietly decided to move on from the House of Representatives.

Mr. Speaker, Andy was a good mentor, and is a good friend. Like our colleague, John Myers, whom we also honor today, Andy put progress before partisanship, and expressed deep concerns about the lack of comity in the House. His gentility was a living rebuke to those whose rhetoric did not support civil discourse. We miss him all the more for his example.

Mr. Speaker, in naming a postal facility for Andy Jacobs, we are conducting a fitting tribute, if a modest one, for a man who served well by hard work, by integrity, and by example. I am pleased to rise in support of H.R. 1057, and to recognize my good friend Andrew Jacobs, Jr., today.

□ 1500

Mr. FATTAH. Mr. Speaker, I yield back all remaining time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the bill, H.R. 1057, as amended.

The question was taken.

Mr. MCHUGH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

JOHN T. MYERS POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1058) to designate the facility of the U.S. Postal Service under construction at 150 West Margaret Drive in Terre Haute, IN, as the "John T. Myers Post Office Building."

The Clerk read as follows:

H.R. 1058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service under construction at 150 West Margaret Drive in Terre Haute, Indiana, shall be known and designated as the "John T. Myers Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "John T. Myers Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. MCHUGH] and the gentleman from Pennsylvania [Mr. FATTAH] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as in the previous bill, H.R. 1058 was also introduced by the gentleman from Indiana, DAN BURTON, and it too is supported by the entire Indiana delegation pursuant to committee policy. As we have heard, Mr. Speaker, this legislation designates that the facility of the U.S. Postal Service under construction at 150 West Margaret Drive in Terre Haute, IN, be named as the "John T. Myers Post Office Building."

Mr. Speaker, I think it is fair to say that this afternoon is at least in part a Hoosier celebration. It is because John Myers, too, is a true son of that great State. He was born in Covington, IN, in 1927 and received his B.S. degree from Indiana State University in 1951. He joined the Army in 1945 and served in the European Theater during World War II. He remained in the Army Reserve from 1946 through 1967.

John is today a banker and, as I heard him relate personally to his friends just moments ago off the floor, the thing apparently he loves to do most, a farmer. He owns and operates a grain and livestock farm in Fountain County, IN, where he is a member of the Masons, the Elks, and Lions Club.

John Myers was first elected by the Seventh District in Indiana to serve in the 90th Congress and decided to retire after the 104th Congress. During his long congressional career, he served on the Committee on Appropriations and was chairman of the Subcommittee on Energy and Water Development for 2 years. He was ranking member of the Committee on House Ethics in the 1980's. John also served as ranking member of the Committee on Post Office and Civil Service in 1993 and 1994, which makes this designation even more fitting.

Mr. Speaker, as with our previous designee, John Myers is a man who really exemplifies what is good about public service and what is good about this House of Representatives. He is a gentleman to whom we can all look for friendship and all look for kind and guiding words when it was most needed. We, like with Andy Jacobs, miss John Myers' presence dearly.

But certainly I want to join with all of our colleagues in not just helping to bestow this honor but in wishing him the very best for a long, healthy, and productive retirement.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1058 seeks to recognize the contributions of another long-serving Member, John Myers, who retired last year after 30 years in the Congress. As a former ranking member of the old Committee on Post Office and Civil Service, this legislation naming a postal facility after him is especially fitting. I am pleased to support it and urge its favorable consideration by this House.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON], the full committee chairman and, as I said, the chief sponsor of both of these very meritorious pieces of legislation.

Mr. BURTON of Indiana. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, John Myers is here with us today, and we are very glad to see him again. John was a leader in Indiana politics for over 30 years. He was active in civic affairs as well as political affairs and contributed mightily to Indiana, as well as the entire country.

John worked very hard on the Committee on Appropriations over the years, not only on energy and water issues, but also on infrastructure issues that dealt with the entire country. People across this Nation that do not know who John Myers is owe him a debt of gratitude for the hard work he put forth on their behalf throughout this country. Colleagues on both sides of the aisle know that when they had a problem that needed to be solved dealing with the Committee on Appropriations or the Committee on Post Office and Civil Service, John was always there and willing to listen and help out.

In addition to that, he is highly regarded by his friends and neighbors, people who have known him all these years. He used to fly home in the wee hours of the morning or late at night to meet with farmers to talk to them about agricultural problems in his district, when a lot of other Congressmen would not take the time and effort to do that. So John went out of his way to do the job that he was assigned to do and he did it extremely well.

He was a fiscal conservative, a person who believed in cutting taxes instead of raising them. He is one of the guys that we really miss around here. John was one of the greats. I wish John and his wife Carol the very best. I hope you have a great retirement, John. Come back and visit us often. It is fitting and appropriate that we name a post office after him since the people in Terre Haute in years to come will know who John Myers was and what he did for his State and community.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I spent a lot of time today with people from the State of Indiana, and I have an appointment with the gentleman from Indiana [Mr. BURTON], who just preceded me, at 5 p.m. But John Myers and his service, particularly on the committee that oversaw the work of the Postal Service in our country, through his work and in the work of others, we have the best Postal Service of any nation in the world. And it is actually quite fitting that we name a postal facility after him.

Mr. Speaker, I yield 2½ minutes to the delegate from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from New York [Mr. MCHUGH], the chairman of the subcommittee, and the gentleman from Pennsylvania [Mr. FATTAH], my good friend, the ranking Democratic member, for their management of these two pieces of legislation.

Specifically, I rise to fully support the proposed bill to honor my good friend from Indiana, Congressman John Myers. Mr. Speaker, just for a moment, I do want to digress and to also honor my good friend Andy Jacobs, as has been spoken before in the previous legislation. If there is one thing I remember about Andy, I can describe this gentleman truly as the majority of one because he speaks with a conscience, he speaks against the grain about everything that is popular, he speaks his mind, he speaks his heart. That is Andy Jacobs, and I honor and respect that gentleman.

To my good friend John Myers, a real friend, always recognizes the rights of the minority. And I can always remember the National Prayer breakfast of his members. I recall a story about an island boy was invited to attend a church; and for several Sundays he was attending these church meetings. It got to the point it was so unbearable he got up and said, "Ladies and gentleman, if you shake my hand, I promise you the color is not going to rub off on you."

My good friends and colleagues, John Myers, in every instance when I meet him, he comes to me and shakes my hand and I can feel his sense of friendship in the times when this Chamber becomes so raucous, nasty, brutal, partisan. I honor Mr. John Myers for truly being a gentleman and to recognize the rights of the minority, and I thank my good friend from Pennsylvania [Mr. FATTAH] for saying this.

John, you will always be remembered by the island people.

Mr. MCHUGH. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, designating the facility of the U.S. Postal Service which is under construction in Terre Haute, IN, as the "John T. Myers Post Office Building" is a fitting tribute to a distinguished public servant, to one who has served in this body for more than 30 years.

I served together with John on our postal committee for more than 10 years. John was always looking out not only for our civil servants and our postal workers but for the Nation as a whole. He certainly served his district with a great deal of pride and with a great deal of accomplishment.

I think this is the least we can do for such an outstanding public servant to name the post office building in Terre Haute after John Myers, whose heart was in the postal service trying to find a better way to make this a better service for the entire Nation. John Myers, we salute you. I am pleased to be part of this endeavor to pay tribute to a great public servant.

Mr. FATTAH. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I would like to again thank the gentleman from New York [Mr. MCHUGH] and the gentleman from Pennsylvania [Mr. FATTAH] for their hard work on these two very important bills, the first one, as we spoke earlier, for Andy Jacobs, and this one for my friend John Myers.

I think many things come to mind when I rise to commend and give accolades to my friend from Indiana, and one of them is his bipartisanship and his comity. Whenever we would go to John and ask him for advice as a member of the Committee on Appropriations, and myself as a Democrat, I would go to him to ask for that advise or seek help on a particular project for the State of Indiana, John did not look at us as a member of a particular party in a partisan way, John looked at us as how could I best help the people of Indiana and is this project one that has merits and that would help the people of the State? John's bipartisanship, his lack of partisanship, and his comity and courage are certainly attributes that we miss and miss deeply at times here in this session of Congress.

I also want to rise in support not only of the John T. Myers Post Office, but in support of John Myers' family. These attributes I think have the name of one single individual, a former Member of Congress, but with all the sacrifices that John made in terms of time, in terms of campaigning, in terms of attentiveness to his constituents, I think this accolade is also to his wife Carol and her dedication to the Hoosiers in the great State of Indiana and to his entire family.

I just close by saying that again, John is a Member who was deeply dedicated to the rights of the minority, who served this body with great intelligence and great warmth, and we dearly miss him. John, if you are listening out there, remember that we still need your help and guidance on certain issues and enjoy your second life as you have retired from Congress.

Mr. MCHUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I thank the gentleman from New York [Mr. MCHUGH] for yielding me the time.

Mr. Speaker, I am proud again to cosponsor H.R. 1058, the bill designating John T. Myers Post Office Building in Terre Haute, IN. It is so fitting that not only the Indiana delegation, but other Members here honoring two Members from Indiana. These are two gentlemen that many have described them, whether it is from their bipartisanship, their comity, these are two gentlemen that always in the midst of a storm had their hands firmly upon the helm.

Congressman Myers dedicated 30 years of his life to serving the Seventh District in Indiana. During his 15 terms, he was respected for his mild-mannered, firm but fair attitude and consensus building attributes. He was not only a friend of the farmer but a friend of the veteran. As a World War II veteran from the European Theater, he, like others, left freedom in his footsteps and he knew the value of a strong defense.

□ 1515

He also remembers the soldier, the sailor, the airman, and the marine wherever they are away from home, wherever they are standing watch, protecting our liberties. That was John Myers. Indiana was well represented by his formidable presence on the Committee on Appropriations, later chairing the Subcommittee on Energy and Water Development. When we mentioned his bipartisanship, whenever one went to John he also had to go to Mr. Bevill, or if one went to Mr. Bevill he had to go to John. Nothing happened out of that subcommittee unless it was agreed to by both of them. They worked in such a strong bipartisan nature.

Their presence is truly missed here in the 105th Congress. Congressman Myers is retired to the Seventh District in Indiana to continue his service to the communities he represented for so many decades. I wish John and Carol and the family all the best as they move into the new phase of their lives.

The naming of the new post office under construction at 150 West Margaret Drive in Terre Haute, IN, is well deserved and an appropriate tribute to John, who served as the ranking member of the Committee on Post Office and Civil Service. I offer my strongest support of the designation of the John Myers Post Office Building in Indiana.

Mr. FATTAH. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I thank the distinguished ranking member from Pennsylvania for yielding me this time.

Mr. Speaker, I mentioned John when I talked about Andy Jacobs. I want to thank John here on the floor for so many things he did through appropriations, where he was fair. He was not about Republicans and Democrats. He was fair. When one had a problem, and went to him, he understood the nature of those problems, and he sat down and he dealt with everybody fairly. I think that is the best thing one could say about anybody. He is a beautiful man. He was fair, he worked with all of us, he did not play favorites, and I think that is a great testament.

Two great guys, Andy Jacobs and John Myers. I am just glad to rise and call them a friend and thank them for having helped my people.

Mr. MCHUGH. Mr. Speaker, I yield 2 minutes to yet another gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I too rise in favor of this bill in honor of John Myers and unfortunately could not make it to the Chamber for the previous bill and would like to voice my strong support for that one honoring Andy Jacobs. Both of them were wonderful colleagues. As I arrived here a little over 2 years ago, they took me under their wing and said, this is, David, what you need to know about Congress. That advice and friendly encouragement is something that I treasure and will always treasure.

But in particular John is somebody who represents quintessentially what it means to be a Hoosier. He practices common sense. He helped build our State universities. He helped make sure that our communities would be great places to live by making sure they received the things they needed. But he also did not feel that Hoosiers should have to pay higher taxes. And so as he liked to tell people in the last election campaign that he ran, in 30 years he had never voted for a tax increase.

He is a man who stood for those Hoosier values. His wife Carol is somebody who embodied them as well. When I was first elected, she called my wife Ruthie and told her, "Welcome to the congressional family. If you need help or advice along the way, I'll be there for you." That meant a tremendous amount to both of us.

Andy is somebody that I had the opportunity often to visit with on the flights back and forth to Indianapolis. His humor, his wit, and his friendship

are moments that I will always treasure in my public life.

Mr. Speaker, I rise in favor of both of these resolutions and thank the gentleman for bringing them to the committee and to the floor of the House.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume. As a relatively new Member of the Congress, I am pleased that I had an opportunity to serve with both of these gentlemen, if only for a brief few years. I am glad that they were not, as some now are, discussing this notion of term limits in the Congress. These two distinguished careers of over 30 years would not have been possible given the context in which the people of Indiana would not have been freely able to vote to continue to send them to the U.S. Congress so that they could represent that great State and to serve the entire country.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. VISCLOSKY] to close for our side.

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to pay tribute to John T. Myers and in strong support of H.R. 1058, designating the new postal facility in Terre Haute, IN, as the John T. Myers Post Office.

John Myers' career is one of inspiration and dedication. The third most senior Republican in the House and the Republican dean of Indiana's congressional delegation when he retired last year, John Myers served the people of Indiana's Seventh Congressional District with honor and dignity for 30 years. During the course of those years, John earned the reputation as a man of impeccable character, honesty, and integrity. A staunch fiscal conservative, John took great pride in the knowledge that he never voted for a tax increase as he worked hard to provide a better life for his children and his grandchildren as well as all the children of our Nation.

I had the honor of serving with John since I was first elected to Indiana's congressional delegation in 1984. Before that I got to know him when I worked on the staff of the late Congressman Adam Benjamin, Jr. From the moment I met Mr. Myers over two decades ago, I never once doubted that he was someone I could trust as both a generous friend and a trusted colleague.

John's leadership on the Committee on Appropriations, the committee on which I serve, was particularly distinguished. From the time he joined the committee in 1970, John compiled a remarkable legislative record, punctuated by fairness and, as many speakers have already said, a sense of bipartisanship.

Throughout his career and most recently as chairman of the Subcommittee on Energy and Water Development, he used his experience to craft needed flood control projects for his farming intensive district. However, John's work on the subcommittee always went beyond helping out his own constituents. He was a longtime advocate for high-technology research, including projects in new cancer treatments, plant biodiversity, superconductivity, and general science at Purdue, Indiana State, and other universities throughout the Nation.

It was a great honor for me to serve under his chairmanship on the Subcommittee on Energy and Water Development in the last Congress. Although I was sad to see John Myers leave the Congress last year, his presence has left behind an indelible impression on the men and women with whom he served. Passage of H.R. 1058 is a fitting tribute to a man who never really left behind his hometown roots in Indiana and yet managed to become one of this body's most honorable and capable leaders. I wish John, his wife Carol, and his family every happiness.

Mr. FATTAH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield 3 minutes to yet another gentleman from Indiana [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I find myself at the end of the line of speakers about my friend and colleague John Myers and find everything on my list save one already having been said that I was going to share. And so, Mr. Speaker, I will submit my formal remarks at a later time and just speak from the heart for a minute.

I am not only the one who comes at the end of the line in talking about John Myers but I am also the one who has lived with the tremendous honor but also the tremendous responsibility of being his successor in the Congress. I told folks back home as we campaigned through 13 counties in western Indiana that I never ran into any community where I could not find someone whose life had been touched by John Myers and the things that he had done on their behalf or on behalf of their community. And then I come to Washington thinking I finally escaped that and I run into folks here who all have John Myers' stories about ways he has helped them both personally and professionally. There are a lot of things that have been said about John and his contributions to politics, to people and to this institution. One that was not mentioned was one in which I think I take the greatest pride, and that is the fact that for a number of years, probably more years than any of us would care to serve, he was the senior Republican on the Ethics Committee and in that role was responsible for ensuring that the highest standards of conduct were maintained and that respect was brought upon this body and the people who served here. His personal life and his professional life were both examples of the highest standards that are expected of Americans and of Members of the Congress of the United States and set a very high standard that I seek to exemplify. John is one of those people who despite 30 years of Congress and the accolades that come with it is as humble a man as he was when he came here. I invited him to be with us on the floor today as he has the right to do. He declined to do that, thinking it was not appropriate. He is that kind of a person who is very much one who is aware of the folks around him more than he is of himself.

He is usually embarrassed by the fact that I tell this story, but I am going to tell it because it is indicative of the kind of person he is. I first met John Myers in 1967 when he was in his first year of service in the Congress of the United States and I came to Washington as a teenage Boy Scout and met my Congressman, the man who I was fortunate enough 30 years later to succeed in this body. The important thing about that story for me is not just the honor that it accorded to me but the fact that I did not see Congressman Myers for another 10 years after that initial meeting in 1967. When we met 10 years later, he remembered who I was and where we had met. I tell that story not just because it is unusual but because quite frankly it is fairly commonplace. Congress Myers paid attention to everyone in western Indiana. He knew them as individuals, he cared about them as people and it is absolutely appropriate that we honor him this way this day.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume. I would only say in closing that we have heard today a very extraordinary outpouring of warmth and love for two very deserving gentlemen. Perhaps it is the air, perhaps it is the water or some other factor but it is obvious that Indiana has the ability to produce some extraordinary representatives to this great body. No two finer examples in my humble opinion exist than both John Myers, the subject of this bill, and Andy Jacobs, the subject of the previous one. Like the previous bill, Mr. Speaker, I would strongly urge all of our colleagues to support this measure and give Mr. Myers a very deserved piece of recognition and tribute.

Mr. PORTER. Mr. Speaker, I rise today in support of H.R. 1058, a bill that would recognize former Congressman John T. Myers by naming a U.S. Post Office under construction in Terre Haute, IN, in his honor. John served as a Member of Congress for 15 terms and as chairman of the Appropriations Subcommittee on Energy and Water Development before retiring this past year after the 104th Congress. He and I were colleagues in the House for 17 years, during most of which we served on the Appropriations Committee together. As members of the Appropriations Committee, we maintained an excellent working relationship, from which I developed the highest respect for him.

John was a tremendous advocate for medical research and I admire his contribution to this area, particularly in breast cancer research. Though John was personally affected by this disease when his wife developed breast cancer, his commitment to the advancement of breast cancer research was equally exceptional both prior and subsequent to her illness. I was particularly pleased to be able to respond to John's high priority for breast cancer research when I was appointed chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education.

I believe that it is most appropriate that we recognize John Myers for his valuable contributions as a Member of Congress with this bill.

Mr. MCHUGH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the bill, H.R. 1058.

The question was taken.

Mr. MCHUGH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bills just considered, H.R. 1057 and H.R. 1058.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

JOHN F. KENNEDY CENTER PARKING IMPROVEMENT ACT OF 1997

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1747) to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John F. Kennedy Center Parking Improvement Act of 1997".

SEC. 2. PARKING GARAGE ADDITIONS AND SITE IMPROVEMENTS.

Section 3 of the John F. Kennedy Center Act (20 U.S.C. 76i) is amended—

(1) by striking the section heading and all that follows through "The Board" and inserting the following:

"SEC. 3. JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.

"(a) IN GENERAL.—The Board"; and

(2) by adding at the end the following:

"(b) PARKING GARAGE ADDITIONS AND SITE IMPROVEMENTS.—

"(1) IN GENERAL.—Substantially in accordance with the plan entitled 'Site Master Plan—Drawing Number 1997–2 April 29, 1997,' and map number NCR 844/82571, the Board may design and construct—

"(A) an addition to the parking garage at each of the north and south ends of the John F. Kennedy Center for the Performing Arts; and

"(B) site improvement and modifications.

"(2) AVAILABILITY.—The plan shall be on file and available for public inspection in the office of the Secretary of the Center.

"(3) LIMITATION ON USE OF APPROPRIATED FUNDS.—No appropriated funds may be used to pay the costs (including the repayment of obligations incurred to finance costs) of—

"(A) the design and construction of an addition to the parking garage authorized under paragraph (1)(A);

"(B) the design and construction of site improvements and modifications authorized under paragraph (1)(B) that the Board specifically designates will be financed using sources other than appropriated funds; or

"(C) any project to acquire large screen format equipment for an interpretive theater, or to produce an interpretive film, that the Board specifically designates will be financed using sources other than appropriated funds.".

SEC. 3. PEDESTRIAN AND VEHICULAR ACCESS.

(a) DUTIES OF THE BOARD.—Section 4(a)(1) of the John F. Kennedy Center Act (20 U.S.C. 76j(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting "; and"; and

(3) by adding at the end the following:

"(I) ensure that safe and convenient access to the site of the John F. Kennedy Center for the Performing Arts is provided for pedestrians and vehicles.".

(b) POWERS OF THE BOARD.—Section 5 of such Act (20 U.S.C. 76k) is amended by adding at the end the following:

"(g) PEDESTRIAN AND VEHICULAR ACCESS.—Subject to approval of the Secretary of the Interior under section 4(a)(2)(F), the Board shall develop plans and carry out projects to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.".

SEC. 4. DEFINITION OF BUILDING AND SITE.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76s) and section 9(3) of the Act of October 24, 1951 (40 U.S.C. 193v), are each amended by inserting after "numbered 844/82563, and dated April 20, 1994" the following: "(as amended by the map entitled "Transfer of John F. Kennedy Center for the Performing Arts', numbered 844/82563A and dated May 22, 1997)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1747, as amended, the John F. Kennedy Center Parking Improvement Act of 1997, authorizes the design and construction of additions to the parking garage, site improvements and certain improvements to the interpretive film theater at the Kennedy Center.

Mr. Speaker, this bill is unique in that the language prohibits the use of appropriated funds for the garage expansion, and for projects that involve the purchase of large-screen format equipment and the production of an interpretive film, as the Board of Trustees designates. The Subcommittee on Public Buildings amended the bill to clarify the language on the theatre project to insure that no appropriated funds would be used for this project, as designated by the Board again, and the garage expansion and this theater projects will be financed through the assurance of industrial revenue bonds. The Board expects to issue bonds in a manner of approximately $40 million for these projects. Proceeds from garage operation and the film presentation will be used to pay the bonds.

Additionally, the bill authorizes the Board to develop and execute plans to improve pedestrian and vehicle access to the Kennedy Center. In addition to improving the public access, this enhancement will improve security of the site and some other improvement. Previously appropriated funds will be used to finance these projects, by the way.

Mr. Speaker, John F. Kennedy Center for the Performing Arts is a national Presidential monument and a living memorial. It receives over 4 million visitors annually. These improvements to the Kennedy Center are needed and long overdue. They will not only enhance the appeal of the Kennedy Center, but also improve this accessibility and security for the visitors. Most importantly, the garage enlargement project will not be, will not be at the taxpayers' expense.

I support H.R. 1748 and urge my colleagues to pass the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], our ranking member and an individual who has helped the Kennedy Center as much as anybody in the history of this Congress.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding this time to me, and I want to compliment him and the gentleman from California [Mr. KIM] on moving this legislation forward expeditiously and especially the chairman of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER] for moving the bill to the floor, actually, moving it through full committee and then to the floor very expeditiously, recognizing the need

that the John F. Kennedy Center has to proceed with the improvements that will be made possible by this legislation.

The John F. Kennedy Center is America's national cultural center. It is a performing arts center, it is a world class cultural center, it is also a Presidential memorial. It stands out as America's tribute to the arts which the late President Kennedy featured so prominently in his years as President of the United States. It was during his tenure that I think the arts really got the national recognition and were paid the tribute that the arts deserve in a democratic society.

The Kennedy Center itself has achieved national and international stature and acclaim. Every year the Kennedy Center honors program is watched on television nationwide, and, with a full house, the honors program attracts the President, the Cabinet, the leadership of both the House and Senate because it pays such justly deserved tribute to those who have made their mark for all time in our society in the performing arts.

But enjoying the Kennedy Center has become more a travail than an enjoyment. The most often voiced complaint about attendance at Kennedy Center events is inability to get from parking to one's seat in time for the start of the performance. This legislation will make it possible for the Kennedy Center, without use of public funds, to undertake the renovations, add the parking, and make the traffic pattern changes necessary to move people expeditiously from parking to their seats before the performance begins. In addition, this legislation, with other funds that the Congress authorized and appropriated in the 104th Congress, will make the necessary changes to pro vide security that all realized the Cen ter needs, as expressed in the counterterrorism legislation that we enacted in the 104th Congress. Those counterterrorism funds will enable the Kennedy Center to change traffic circulation in ways that will make it possible for the Center to be more secure and to greatly minimize the possibility which exists, tragically, in our society, of a terrorist attack. That, of course, is a matter that must be high on the minds of all of the security entities in the Federal Government during the Kennedy Center honors performance when the President, the Vice President, the Speaker, the majority leader of the Senate are all present, as are numerous Members of both the House and Senate and Cabinet officers, as well as members of the Supreme Court.

So these changes will greatly improve the security of the Kennedy Center, but most important improve access to circulation around and parking for patrons of the Kennedy Center.

Again I want to emphasize that the cost of construction will be financed by industrial revenue bonds repaid by charges upon those using the Kennedy Center; the construction will not be done at public cost, but this authorization will give the Kennedy Center the means that an entity of this national and international stature requires to continue to be accessible by people of all walks of life to this national center for the performing arts.

Mr. KIM. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation, and I would like to commend the Chairman of the Board of the Kennedy Center, Jim Johnson; the President of the Kennedy Center, Larry Wilker, and I want to commend them because no taxpayer money will be used in the innovative financing scheme that will, in fact, provide for adequate parking and reasonable traffic flow that is so very much needed there, and similar to most urban entities, our National Center for the Performing Arts at Kennedy Center needs adequate parking to continue to attract and to serve the many patrons that attend to enjoy their outstanding performances.

So I think it is important to note that the cost of the construction will not be borne again, to state that, by the taxpayer, but financed through privately placed bonds.

So with that I would like to also thank Rick Barnett and Susan Britta, the staffs of both the Democrats and Republicans, for helping us with this matter, and I believe that this will be a great help to the Kennedy Center.

Mr. Speaker, having no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 1747, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1747, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EAGLES NEST WILDERNESS EXPANSION

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 985) to provide for the expansion of the Eagles Nest Wilderness within Arapaho and White River National Forests, Colorado, to include the lands known as the Slate Creek Addition upon the acquisition of the lands by the United States, as amended.

The Clerk read as follows:

H.R. 985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SLATE CREEK ADDITION TO EAGLES NEST WILDERNESS, ARAPAHO AND WHITE RIVER NATIONAL FORESTS, COLORADO.

(A) SLATE CREEK ADDITION.—If the parcel of land described in subsection (b) is conveyed to the United States on or before December 31, 2000, the parcel shall be included in, and managed as part of, the Eagles Nest Wilderness designated by Public Law 94-352 (90 Stat. 870; 16 U.S.C. 1132 note). Upon conveyance of the parcel, the boundary of the Eagles Nest Wilderness is adjusted to include the parcel.

(b) DESCRIPTION OF ADDITION.—The parcel referred to in subsection (a) is generally depicted on a map entitled "Slate Creek Addition-Eagles Nest Wilderness", dated February 1997, which shall be available for public inspection in the office of the Forest Supervisor of the White River National Forest in the State of Colorado. The parcel comprises approximately 160 acres in Summit County, Colorado, adjacent to the Eagles Nest Wilderness.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, I yield myself such time as I may consume.

H.R. 985, the bill introduced by the gentleman from Colorado [Mr. MCINNIS], provides expansion of the Eagles Nest Wilderness Area within the Arapaho and White River National Forests in Colorado to include lands known as the Slate Creek Addition upon the acquisition of the lands by the United States.

I want to thank the gentleman from Colorado [Mr. MCINNIS], as well as the gentleman from New York [Mr. HINCHEY], subcommittee ranking member, and the gentleman from American Samoa [Mr. FALEOMAVAEGA] for their cooperation with the passage of this measure.

This legislation provides for a 160-acre Slate Creek parcel in Summit County, CO to be added to the Eagles Nest Wilderness and administered as part of the wilderness area if the land is acquired by the United States within the next 4 years.

The Slate Creek parcel is proposed for acquisition by the United States in

a land exchange. However, the current owners are unwilling to convey the land unless it is added to the Eagles Nest Wilderness Area and permanently managed as wilderness. Since the Slate Creek parcel is surrounded on three sides by the Eagles Nest Wilderness area, it only makes sense that it be made part of the area if the land is acquired by the United States.

This legislation is noncontroversial, and I urge support for this measure which enjoys the support of the Summit County Board of Commissioners, the Summit County Open Space Advisory Council, the Wilderness Land Trust and a number of other interested parties.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation and certainly compliment my good friend, the gentleman from Colorado [Mr. MCINNIS], for bringing this matter to the attention of the House. I also want to commend the chairman of the subcommittee, the gentlewoman from Idaho [Mrs. CHENOWETH], for her leadership and management of this piece of legislation.

Mr. Speaker, as explained by the chairman of the subcommittee, Mr. Speaker, this bill authorizes the addition of 160 acres to the Eagle's Nest Wilderness within the Arapaho and White River National Forests in Colorado. These lands, which are known as the Slate Creek Parcel, are currently privately owned, and the owners are unwilling to convey the lands to the Forest Service unless they are permanently protected as wilderness.

Accordingly, the bill provides that when these lands are acquired by the Forest Service they will be included in the wilderness. The Forest Service agrees that these are suitable lands for wilderness and have testified in support of this legislation.

Mr. Speaker, what we have here is a situation where there are willing sellers who believe that the highest and best use of their property is for public conservation purposes. This situation is duplicated in many places across our Nation and is one of the primary reasons that Democrats on the Committee on Resources have championed expanded use of the Land and Water Conservation Fund for land acquisitions.

I want to thank the owners of the Slate Creek parcel for their conservation interests, and I compliment the gentleman from Colorado [Mr. MCINNIS] for bringing the matter to the attention of the House, and I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Speaker, this is a great bill.

I would like to thank the subcommittee chairman on forest and forest health, the gentlewoman from Idaho [Mrs. CHENOWETH], and I would also like to thank the gentleman from American Samoa for both of their assistance and rapidly bringing this legislation to the floor.

H.R. 985 has already been described, but let me tell my colleagues that it has strong support from Summit County Open Space Advisory Counsel, the Summit County Board of County Commissioners, the Wilderness Land Trust, the Sierra Club and a number of other organizations.

This bill makes a lot of sense. I do not know of any opposition that exists out there, nor do I know of any reason for any opposition to come forth, and I think the bill will pass unanimously.

This noncontroversial legislation, as I have stressed, provides that a 160-acre Slate Creek Parcel of Summit County will be added to the Eagle's Nest Wilderness and administered as a part of the wilderness area.

I urge my colleagues to support this bill. It is a good, good bill.

Mr. FORBES. Mr. Speaker, I rise today in support of the Eagles Nest Wilderness Slate Creek addition—H.R. 985—and in support of Congress' action to enlarge our wilderness areas and preserve open space. The amount of undisturbed land across the United States is quickly declining. Everywhere farmlands, woodlands, forests are being developed. Something must be done to stop the development of these areas and preserve open space.

That is why I wanted to make a statement today in support of H.R. 985. While I have never seen the Eagles Nest Wilderness Area, I am confident that it is a wonderful place enjoyed by thousands of Americans every year. Adding 160 acres to this wilderness area is a great accomplishment that should be commended. Last year, Congress passed and the President signed into law legislation that would add Shadmoor to the Amagansett Wildlife Refuge on Long Island, NY. This transfer of property is not yet complete but it, like the Slate Creek tract, is one of a handful of properties eligible for inclusion in our public land programs. We should all be working in Congress to identify tracts of land that should be preserved from development.

I commend Congressman MCINNIS' leadership in regard to saving the Slate Creek tract from development and for working to include it in the Eagles Nest Wilderness Area and urge my colleagues to vote in support of this important piece of legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I do not have any additional speakers and at this time, and I yield back the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I, too, have no requests for time, and I yield back the balance of my time

□ 1545

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 985, as amended.

The question was taken.

Mrs. CHENOWETH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 985, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

EXTENDING CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES TO HONG KONG ECONOMIC AND TRADE OFFICES

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 342) to extend certain privileges, exemptions, and immunities to Hong Kong economic and trade offices.

The Clerk read as follows:

S. 342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES TO HONG KONG ECONOMIC AND TRADE OFFICES.

(a) APPLICATION OF INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT.—The provisions of the International Organizations Immunities Act (22 U.S.C. 288 et seq.) may be extended to the Hong Kong Economic and Trade Offices in the same manner, to the same extent, and subject to the same conditions as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(b) APPLICATION OF INTERNATIONAL AGREEMENT ON CERTAIN STATE AND LOCAL TAXATION.—The President is authorized to apply the provisions of Article I of the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations, done at Washington on April 21, 1994, to the Hong Kong Economic and Trade Offices.

(c) DEFINITION.—The term "Hong Kong Economic and Trade Offices" refers to Hong Kong's official economic and trade missions in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume first to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to rise in strong support of the measure before us this afternoon, S. 342, a bill extending certain privileges, exemptions, and immunities to Hong Kong's economic and trade offices after the reversion of Hong Kong to China. These Hong Kong offices are presently part of the British Embassy and its consulates, and while Hong Kong will revert to Chinese sovereignty on June 30 of this year, United States policy is to treat it as an autonomous entity for trade and economic purposes.

The enactment of this measure will ensure that its economic and trade offices will not fall under the auspices of the Chinese Embassy and will be given the necessary privileges and status to enable them to continue functioning independently.

This bill does not provide diplomatic or consular privileges and immunities from the trade officials in these offices. Rather, it ensures that they would be eligible for the same status as that accorded other international organizations. Most importantly, it provides the core protections that the trade and economic offices need to perform their functions in the United States.

Mr. Speaker, I want to compliment the gentleman from Nebraska [Mr. BEREUTER], the distinguished chairman of the Subcommittee on Asia and the Pacific, for his leadership in bringing this measure before the House today and in ensuring that we continue to accord a high priority in our policies toward Hong Kong.

Notwithstanding my support for this resolution, let us recognize that Hong Kong lost its autonomy when Beijing declared that the elected legislature is going to be replaced by one appointed by Beijing. There will be no freedom or autonomy in Hong Kong if Beijing nullifies the ordinances protecting individual rights. Hong Kong's trade offices will just be an extension of government in Beijing unless the people of Hong Kong can elect their own representatives and if there are laws that will enshrine their rights. Accordingly, Mr. Speaker, I urge prompt adoption of this measure.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I want to commend the gentleman from Nebraska [Mr. BEREUTER], my good friend and the chairman of the Committee on International Relations Subcommittee on Asia and the Pacific, who is the chief sponsor of this legislation, and certainly the gentleman from New York [Mr. GILMAN], chairman of the full House Committee on International Relations, for their presence and their statements.

Mr. Speaker, I rise in strong support of this bill. As it is now, the bill is identical to the one section of H.R. 750 which was adopted by this body earlier this year. If this bill does not become law by July 1, Hong Kong's representation in the United States will reverse to Chinese control in 2 weeks and will have to be handled by the Chinese Embassy, and I find that a very unlikely and an untenable situation, Mr. Speaker. This is clearly contrary to the attempt of the U.S.-Hong Kong Policy Act of 1992, which stipulates that the United States should treat Hong Kong, after reversion, as an entity distinct from the People's Republic of China.

Now, it would also be contrary to the hope shared by every one of us in this body, Mr. Speaker, that Hong Kong will retain most of its separate identity and distinctiveness after June 30. The administration originally asked for this bill and now strongly supports it. I call upon my colleagues to indicate their support for this bill, and I urge the adoption.

Again, I thank the gentleman from Nebraska [Mr. BEREUTER] for bringing this matter up for consideration by the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations, and the gentleman from American Samoa [Mr. FALEOMAVAEGA] for their statements.

This bill allows the President to extend certain privileges, exemptions, and immunities to the Hong Kong economic and trade offices of the United States, and there have been three and there will continue to be three.

Specifically, the bill allows the President to extend: First authority to contract to acquire property; second, property immunity from search and confiscation; third, an exemption from Custom duties; fourth, exemptions from Federal, State and local income taxes; and, fifth, legal protection for official communications. This replicates what is in place now for Hong Kong in its current status.

The legislation, as indicated by the gentleman from American Samoa, is necessary to ensure that the Hong Kong civil servants working in the Hong Kong economic and trade offices throughout the United States continue to have the same privileges, exemptions, and immunities after Hong Kong's reversion to China on midnight on June 30, 1997.

Hong Kong's civil servants currently have these privileges, exemptions, and immunities under a United States agreement with the United Kingdom. This arrangement, of course, also expires at midnight on June 30, 1997.

The State Department has negotiated a new agreement which essentially gives Hong Kong civil servants a basket of privileges, exemptions, and immunities which are roughly equal to that accorded Taiwan civil servants working in the United States. This agreement with the Hong Kong Special Administrative Region must be authorized by Congress and S. 342 does just that.

The Senate passed this noncontroversial legislation under unanimous consent on May 20, 1997. The House previously considered this exact legislation, as the gentleman from American Samoa mentioned, as a part of a larger bill, H.R. 750, authored by this gentleman, the Hong Kong Reversion Act, on March 11, 1997. So this legislation has been acted upon by the House as a part of a larger bill. That bill at the time passed on a rollcall vote by 416 to 1 under suspension of the rules.

Mr. Speaker, in concluding, the Congressional Budget Office estimates that S. 342 would result in no significant cost to the Federal Government. CBO states that the bill contains no intergovernmental or private sector mandates and would not impose any cost on State, local or tribal governments. My colleagues have heard indicated that the administration is supportive of the legislation. Mr. Speaker, I urge my colleagues to vote in support of S. 342.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

As my good friend from Nebraska stated earlier, the administration fully supports this legislation. I would like to note that the gentleman from Indiana [Mr. HAMILTON], the senior ranking member of the House Committee on International Relations, is necessarily absent and I know he would have loved to add his commentary to the dialog this afternoon.

Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise in support of S. 342. This is an important and necessary piece of legislation introduced with bipartisan support at the behest of the administration to help preserve the special status now enjoyed by the representatives of Hong Kong in the United States after the reversion of Hong Kong to the People's Republic of China on July 1.

When the Congress passed the Hong Kong Policy Act in 1992, it was recognized that the reversion of Hong Kong to China under the concept of one country, two systems would require a special effort by the United States to assist in preserving Hong Kong's unique liberties and trading relations with the rest of the world.

Most recently, the Congress passed the Hong Kong Reversion Act—H.R. 750—at the instigation of the chairman of the Asia and Pacific Subcommittee, Mr. BEREUTER, which I cosponsored. H.R. 750 contained a provision identical to that passed by the Senate in S.R. 342.

Unfortunately, the Senate has not yet acted on the other important provisions contained in H.R. 750 which extended the Congress and the administration's responsibilities to act as a "watch dog" over Hong Kong's liberties.

There can be no doubt that this will be an increasing subject of debate after Hong Kong's reversion. I was disappointed by actions already taken by the Hong Kong provisional legislature selected by Chinese authorities to restrict basic freedoms after July 1.

The decision of the Standing Committee of the National People's Congress of the People's Republic of China to repeal sections of the Hong Kong Bill of Rights Ordinance because they allegedly are in contravention of the Basic Law was deeply disturbing. The National People's Congress not only repealed a key section of the Bill of Rights Ordinance but also critical ordinances referred to in the Consultation Document: the Public Order Ordinance and the Societies Ordinance.

Curtailing the rights of assembly, giving the police new powers to ban public demonstrations, and restricting the right of access of Hong Kong political organizations to ideas and resources from abroad places in a legal straitjacket the basic right of assembly and association which were enshrined in article 27 of the Basic Law. Actions to restrict the rights of assembly and protest are major steps toward denying Hong Kong's citizens basic human rights.

The decision to place severe restraints on these freedoms because of exaggerated incidents of public abuse and by claims that Hong Kong "is extremely vulnerable to external forces" were not justified in my opinion by any internal event or foreign threat. Giving the power to appointed officials to ban any organization "in the interest of national security" is an open invitation to capricious decisions. Moreover, any limits on jurisdiction of the Court of Final Appeals in these matters could deny Hong Kong citizens the right of judicial review.

I fear that the message being sent to the people of Hong Kong and to the international community is that the rule of law in Hong Kong will be bent and molded to suit the needs of Hong Kong's new sovereigns regardless of the international commitments to maintain human rights contained in the Sino-British Joint Declaration and the Basic Law.

What threatens Hong Kong's national security and stability are not threats from democracy and respect for individual freedom but threats from those who wish to constrain the free flow of ideas.

I encourage my colleagues to vote in favor of S. 342. This is an important first step in efforts to preserve Hong Kong's unique economic, cultural, and political status.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the Senate bill, S. 342.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CELEBRATING THE END OF SLAVERY IN THE UNITED STATES

Mr. PAPPAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 56), celebrating the end of slavery in the United States.

The Clerk read as follows:

H.J. RES. 56

Whereas news of the end of slavery came late to frontier areas of the country, especially in the American Southwest;

Whereas the African-Americans who had been slaves in the Southwest thereafter celebrated Juneteenth as the anniversary of their emancipation;

Whereas their descendants handed down that tradition from generation to generation as an inspiration and encouragement for future generations;

Whereas Juneteenth celebrations have thus been held for 130 years to honor the memory of all those who endured slavery and especially those who moved from slavery to freedom; and

Whereas their example of faith and strength of character remains a lesson for all Americans today, regardless of background or region or race: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the celebration of the end of slavery is an important and enriching part of our country's history and heritage;

(2) the celebration of the end of slavery provides an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our Nation; and

(3) a copy of this joint resolution be transmitted to the National Association of Juneteenth Lineage as an expression of appreciation for its role in promoting the observance of the end of slavery.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. PAPPAS] and the gentleman from Maryland [Mr. CUMMINGS] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, "Juneteenth" has long been recognized as the date to celebrate the end of slavery in the United States. I congratulate my friend and the distinguished gentleman from Oklahoma [Mr. WATTS], for introducing this resolution to underscore the importance of that development for our Nation.

Juneteenth is the traditional celebration of the day on which the last slaves in America were freed. Although slavery was officially abolished in 1863, it took over two years for news of freedom to spread to all slaves. On June 19, 1865, U.S. General Gordon Granger rode into Galveston, Texas and announced that the State's 200,000 slaves were free. To make the date unforgettable, the former slaves coined the nickname "Juneteenth," mixing the word "June" and "nineteenth."

This holiday originated in the Southwest, but today it is celebrated throughout the Nation. The celebration of Juneteenth provides an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to thank the gentleman from Oklahoma [Mr. WATTS] for his leadership in guiding this bill to the House floor. I also thank the gentleman from Indiana [Mr. BURTON], chairman of the Committee on Government Reform and Oversight, and the gentleman from California [Mr. WAXMAN], the ranking member, for their support of this measure.

For more than 100 years, African-Americans all over this country have been celebrating a very special day, Juneteenth. Juneteenth, on June 19, commemorates a joyous day in 1865 when many of the slaves in the State of Texas first learned that they had been freed. Juneteenth is sometimes known as the African-American 4th of July.

President Abraham Lincoln's Emancipation Proclamation went into effect on January 1, 1863. However, as most Americans know, the Emancipation Proclamation freed only those slaves in the States fighting against the Union in the Civil War. However, it was not until General Gordon Granger of the Union army arrived in Texas in 1865 that many of the slaves were informed that they had already been emancipated for over two years.

As the news spread, African-Americans celebrated. Festive foods were prepared. Music was played. People danced and sang. Mr. Speaker, most importantly, they prayed.

Then began the long journey down the road toward equality and justice, a journey we still find ourselves traveling on more than a century later. That is why African-Americans and all people of goodwill and humanity pause to celebrate this special day in history.

□ 1600

My good friend, the gentleman from Illinois, Mr. JESSE L. JACKSON, has defined these kinds of events as faith events. More than a celebration, Mr. Speaker, the commemoration of Juneteenth is a faith event. It is a time to thank our Creator for the renewal of our people's strength, their tenacity, their determination, and the amazing grace which has sustained their souls and their faith through this great hardship.

Mr. Speaker, I reserve the balance of my time.

Mr. PAPPAS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman for his kind words, and for the two gentlemen that have just articulated the thoughts on Juneteenth, I thank them both for their kind words and for their support of this legislation.

I also want to thank the chairman of the Subcommittee on Civil Service of the Committee on Government Reform and Oversight, the gentleman from Florida, Mr. JOHN MICA, whose leadership was instrumental in bringing this bill to the floor today during Juneteenth week. I sincerely appreciate his hard work in making that happen.

Mr. Speaker, as has been described here on the floor today, Juneteenth is the traditional celebration of the day on which the last slaves in America were freed. In September of 1862, in my opinion our greatest President, Abraham Lincoln, the Great Emanicipator, issued the Emancipation Proclamation which officially freed the slaves as of January 1, 1863, a full 87 years after the War of Independence began, with the support of thousands of black American patriots.

But the official act and the actual liberation were separated by months of continuing war, and long distances and news of freedom was slow to travel during those remaining years of the Civil War. It was not until June 19, 1865 that word finally reached the people in one of the farthest corners of the South, Galveston, TX, when Gen. Gordon Granger marched into the city and announced that the State's 200,000 slaves were free. That day has since been coined Juneteenth Independence Day and has been celebrated as such by tens of thousands of Americans and families for over 130 years.

Today this congressional resolution, House Joint Resolution 56, seeks to honor the memory of all those who endured slavery. It seeks to remind us of their faith, their strength of character, and their long struggle for freedom and for equal rights. It seeks to remind us that America needed a second Independence Day to complete the work that was begun by our Founding Fathers on the Fourth of July, 1776.

I hope all Americans will take a moment to recognize this Juneteenth Independence Day by remembering those who suffered, those who struggled, and those who finally triumphed over ignorance and hate to make a better world for their children and for their grandchildren. This is an opportunity to remember that we, too, are in the process every day of our lives of leaving a legacy to our own children and grandchildren.

This Juneteenth perhaps is a time to consider whether our legacy will be as noble as those before us. Three months before General Granger rode into Galveston and 1 month before he was assassinated, President Lincoln gave a second inaugural address where he challenged his countrymen to strive on to finish the work we are in, "with malice towards none, with charity for all, with firmness in the right as God gives us to see the right . . . to do all which may achieve and cherish a just and lasting peace.

A just and lasting peace. That challenge reaches out across the generations. It is the reason we remember and honor the great men and women who fought for the legacy of freedom that we honor on Juneteenth.

Mr. Speaker, again I would like to thank the gentleman from New Jersey [Mr. PAPPAS].

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Oklahoma [Mr. WATTS] for his statements. Juneteenth is a day to celebrate and pay homage to the endurance of African-American slaves and their determination to be free. It commemorates the tenacity and courage they exhibited to obtain that freedom. It is a tribute to those black Americans who fought so long and worked so hard for the dream of equality.

Although Juneteenth is founded upon a painful past, it is now a day of celebration, fellowship, unity, and new beginnings: a faith event. When African-Americans were brought from Africa to this country as slaves, it was not only their bodies that were shackled. Their potential was also imprisoned. But no amount of enslavement, torture, humiliation, or murder was able to bound the souls, ambitions, or dreams of this dynamic and resilient people.

No other class of citizens, with the exception of possibly the American Indian, has had their language, their culture, and their religion literally stripped from their identity, and still they survived. Indeed, we thrive. African-Americans are now doctors, lawyers, educators, Supreme Court justices, and 101 people once denied the right to even sit in the balconies of this Chamber have served as Members of the U.S. Congress. We have come far, Mr. Chairman, but we still have a long way to go.

Juneteenth symbolizes the formal beginning of our march toward self-determination and empowerment. At times progress along this march has been slow, almost imperceptible. Though technically free by law, there are new struggles which today seek to enslave and impede our people from fully realizing the bounty of the American dream. Crime, drug abuse, poverty, poor health, and substandard education continue to shackle the full development of African-American potential.

Mr. Speaker, I reserve the balance of my time.

Mr. PAPPAS. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Speaker, I rise today in strong support of House Joint Resolution 56, the resolution celebrating the end of slavery in the United States. In the words of Abraham Lincoln, "In giving freedom to the slave, we assure freedom to the free. Honorable alike in what we give and what we preserve, we shall nobly save or meanly lose the last best hope of earth."

With these words in December 1862, President Abraham Lincoln clearly defined his vision for a unified free America. Although it took the Civil War and three constitutional amendments to secure equal status for all U.S. citizens, Lincoln's moral leadership saved the last best hope of Earth from division and destruction.

The end of slavery is one of the most significant events in U.S. history. That is why earlier this week I cosponsored, with Mr. HALL, an apology, to ask forgiveness, because I believe before this Nation can truly be healed, forgiveness must be sought and reconciliation must occur. I applaud the authors of this amendment and ask for the passage of House Joint Resolution 56.

Mr. CUMMINGS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], a member of the Committee on the Judiciary and the Committee on Science and cosponsor of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding time to me, and I would express appreciation to the gentleman from Oklahoma [Mr. WATTS] for his leadership and his desire to bring this to the floor of the House.

Mr. Speaker, Juneteenth or June 19, 1865 is considered the date when the last slaves in America were freed. Although rumors of freedom were widespread prior to this, actual emancipation did not come until Gen. Gordon Granger rode into Galveston, TX and issued order No. 3 on June 19 which freed the estimated 200,000 slaves in the State of Texas. This is particularly special to Texans today, and this week many celebrations are going on in Texas. Texans will commemorate Juneteenth on June 19, as a State holiday created by the work of State Representative Al Edwards. Much study has been given to this historic event by Rev. C. Anderson Davis, who leads many activities regarding Juneteenth in Texas.

Many may stop and ask the question, whether the word is in fact celebration or whether it is commemoration. I believe that any day someone rises and achieves freedom is a day to celebrate. Even though General Granger's announcement came almost 2½ years after President Abraham Lincoln signed the Emancipation Proclamation.

President Lincoln issued the proclamation on September 22, 1862 as a bid to reunite this Nation, after a block of Southern States left the Union. It included a provision to free all slaves in those States if they did not return to the Union. These States did not return to the Union, however this proclamation did not apply to those slave-holding States that did not rebel against the Union. This fact left about 800,000 slaves unaffected by the provisions of the proclamation.

The Civil War and the 13th amendment to the Constitution formally outlawed slavery in the United States. When Texas heard the news, those who were slaves did dance, they did sing, and they prayed. As I said, for many years individuals thought we should not say that, we should not acknowledge that there was a celebration, but I can surely say that freedom should be praised and it should be applauded.

This day as we celebrate the bringing of this particular legislation, House Joint Resolution 56, let me applaud President Bill Clinton for his initiative, that there should be a racial healing. Let me also say that I support the legislation that will seek an apology for slavery in this country.

If we are serious, a debate should be real. If we are serious, an apology should be given and accepted. If we are serious, we should go forth, heal the racial divide and build our communities economically, socially, and with justice for all of America by presenting to those of ethnic and minority background a true opportunity, viewing them as equal citizens under the law in the United States of America. I support legislation to acknowledge the end of slavery in America.

Mr. Speaker, as a cosponsor I rise in support of House Joint Resolution 56, which is celebrating the end of slavery in the United States.

I would like to thank my colleague from the State of Oklahoma, for his leadership in bringing this legislation to the House of Representatives for consideration.

Mr. Speaker, Juneteenth or June 19, 1865, is considered the date when the last slaves in America were freed. Although rumors of freedom were widespread prior to this, actual emancipation did not come until General Gordon Granger rode into Galveston, TX and issued general order No. 3, on June 19, which freed the States estimated 200,000 slaves. General Granger's announcement came almost 2½ years after President Abraham Lincoln signed the Emancipation Proclamation.

Although President Lincoln issued the Emancipation Proclamation. on September 22, 1862, as a bid to reunite the Nation after the block of Southern States had seceded from the Union it included a provision to free all slaves in those States if they did not return to the Union. These States did not return to the Union, and this proclamation did not apply to those slave-holding States that did not rebel against the Union. These facts left about 800,000 slaves unaffected by the provisions of the proclamation.

The Civil war and the 13th amendment to the Constitution formally outlawed slavery in the United States.

When slaves in Texas heard the news, they sang, danced, and prayed. There was much rejoicing and jubilation that their life long prayers had finally been answered. Many of the slaves left their masters immediately, upon begin freed, in search of family members, economic opportunities or simply because they could. They left with nothing but the clothes on their backs and hope in their hearts.

Freedom; the right to name one's self, the right to have a marriage legally recognized, the right to assemble, the right to openly worship as one saw fit, and the right to learn how to read and write without fear.

There were still many difficult journeys for former slaves to overcome. The abject poverty and the racism that maintained it, prohibited any hope for assimilation into American society. In Texas, there were condemnations of those who would sell land to blacks. The Texas Homestead Act, passed during Reconstruction, the period following the Civil War, granted up to 160 acres of free land to white persons only. The Texas legislature in 1866 along with many legislatures across the Nation began to pass a new set of black codes which were designed to limit or reverse the gains ex-slaves had been granted.

Ex-slaves entered freedom penniless and homeless, with only the clothes on their backs. In the words of Frederick Douglas, "free without roofs to cover them, or bread to eat, or land to cultivate, and as a consequence died in such numbers as to awaken the hope of their enemies that they would soon disappear."

Sharecropping emerged from this misery in Texas and all over the Deep South which kept blacks from starving, but had little to distinguish it from the slave life of blacks. By 1877, the end of Reconstruction, the North had abandoned black America to the will of Southern whites, who through violence, racial discrimination, and Jim Crow laws succeeded in disenfranchising them, resulting in more than a 100 years of oppression until the rise of the civil rights movement.

Juneteenth during the decades following the end of slavery became for African-Americans a special day to celebrate the fruits of freedom which were and should have been fully theirs at the end of slavery.

Over the few short decades from the civil rights movement Juneteenth has grown in prominence and recognition. It is a day that all Americans can and do celebrate as a reminder of the triumph of the human spirit over the cruelty of slavery. It honors those African-Americans who survived the inhumane institution of bondage, as well as a demonstration of pride in the marvelous legacy of resistance and perseverance they left us.

Juneteenth should also serve as a day to recognize those who supported the abolitionist movement and the underground railroad which helped to pave our way to a nation not in conflict with its founding principles.

Mr. Speaker, I ask that my colleagues join in support of House Joint Resolution 56.

Mr. PAPPAS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Speaker, I am proud to join my colleagues and friends, and in particular the gentleman from Oklahoma [Mr. WATTS], in commemorating this historic event. The Juneteenth celebration symbolizes the end of a practice which divided this country for hundreds of years. To this day, that practice continues to cause fear, distress, and anger, a practice that denied an entire race of people its rights, guaranteed to all Americans by our Constitution, a practice that stripped them of opportunity and oftentimes hope.

But on this day, when we remember the close of a terrible chapter in our Nation's history, I believe we must look ahead rather than behind. We must look ahead to a Nation devoid of racial tension and then work toward that goal. Americans of all races must take it upon themselves to reach across that gulf of racial divisions to build friendships, relationships, and understanding so our children will know a world without prejudice.

In a time and a country where blacks and whites do not even eat together, pray together, or play together, the Juneteenth celebration should serve as a reminder that there is still work to be done, and should encourage us to pursue the promise of an America which is indeed free for all.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 6 years ago my colleague, the chairwoman of the Congressional Black Caucus, the gentlewoman from California, [Ms. WATERS] came to Baltimore to deliver a most dynamic commencement address at Morgan State University, which is located in my district.

During that address she said that African-Americans are the only class of citizens of this great Nation which has had to have landmark legislation and groundbreaking court decisions handed down throughout our Nation's history to force America to accept us as full citizens, with all the rights and privileges of that distinction.

Mr. Speaker, on that great day, the gentlewoman from California [Ms. WATERS] was right on point. In 1791, the fifth amendment was ratified, guaranteeing all persons due process under the law. In 1865, this country adopted the 13th amendment, officially doing away with slavery. In the course of one century the Congress of the United States has passed four civil rights acts giving all U.S. citizens the same rights enjoyed by whites, and finally, in 1974, the Congress enacted the Housing and Community Development Act.

Almost two centuries have passed since this country began to make efforts to reconcile this inhuman past with this bright and hopeful future. But Mr. Speaker, I must reiterate that a full century after the Emancipation Proclamation, three decades since the

Voting Rights Act, two generations since the landmark court decision of Brown versus the Board of Education, Americans, both black and white, still find themselves standing dumbfounded at the crossroads in race relations.

Mr. Speaker, we can and we must do better. I want to take this opportunity to commend President Clinton for his encouraging our Nation to live up to its potential as we continue taking steps in America's long journey toward racial healing.

In the President's address at the University of California, San Diego, last weekend, he had the courage to address the sensitive and critical issue of race relations. But we cannot allow a dialog on race to commence without fully addressing serious economic, social, and environmental systems that continue to fan the flames of misunderstanding.

Until we address the root causes of joblessness and unemployment, health, poverty, and hunger, affordable housing and educational disparity, a discussion of race healing is premature.

□ 1615

The President has appointed a blue ribbon panel to advise him on the issue of race. But, Mr. Speaker, I agree with retired Maryland juvenile court judge Vincent Femia, who said:

To appoint this group of people to study race is like appointing a group of people to decide if they should repaint the window frames of a house while the house is on fire. Yes, maybe the window frames do need repainting, but, if you sit around talking, pretty soon it is not going to make any difference.

If we are truly to have a dialog on race in America, it must begin with an honest, frank, and truthful discussion on how we treat and disrespect our Nation's poor and working families. If we do not do that, Mr. Speaker, any conversation we hope to have on racial healing will fall on deaf ears.

We must face and overcome these critical problems as one nation; indivisible, with an eye toward justice and liberty for all.

Mr. Speaker, I reserve the balance of my time.

Mr. PAPPAS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN], Secretary of the Republican Conference.

Ms. DUNN. Mr. Speaker, I am proud to join my colleagues, the gentleman from Oklahoma [Mr. WATTS] and the gentleman from New Jersey [Mr. PAPPAS], today to celebrate the end of slavery and its import in our country's history and in its heritage.

Although slavery was abolished officially in 1863, the last slave was not freed until 2 years later; and we know that the struggle for equity did not end even then. In fact it will not truly be over until all men and women are equal, until people truly are judged by the content of their character rather than the color of their skins and until the time that those little boxes on applications for jobs no longer exist. I am proud to say I do believe we are on our way.

I am pleased to join this celebration today to honor the memory of those who endured slavery and especially those who moved from slavery to freedom. The former slaves, just like George Washington and Abe Lincoln, Harriet Tubman or Martin Luther King, are true American heroes. I commend the gentleman from Oklahoma [Mr. WATTS] and the gentleman from New Jersey [Mr. PAPPAS] for introducing this resolution. I look forward to working very closely together with their leadership on this issue.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a spiritual I learned as a little boy called "Faith of Our Fathers." It talks about an enduring faith in the ideals and principles of our forefathers. It goes like this; it says:

Faith of our fathers, living still, in spite of dungeon, fire and sword. Oh, how our hearts beat high with joy whene'er we hear that glorious word. Faith of our fathers. Holy faith. We will be true to thee till death.

It goes on to say:

Faith of our fathers, chained in prisons dark, were still in heart and conscience free. How sweet would be their children's fate. If they, like them, could die for thee. Faith of our fathers. Holy faith. We will be true to thee till death.

Finally it says:

Faith of our fathers. We will love both friend and foe in all our strife; and preach thee, too, as love knows how, by kindly words and virtuous life. Faith of our fathers. Holy faith. We will be true to thee till death.

The solution to these problems lies in creating and maintaining a vibrant economic base that will help our cities and families.

Economic development is crucial to survival of the African-American community. One way of doing this is by mobilizing cooperative efforts between government, business and the community.

Federal empowerment zones pair the Federal Government with economically distressed areas to provide incentives for entrepreneurs, established firms, and employees that invest and work in areas that they would otherwise find unattractive.

Empowerment zones challenge communities to develop and submit strategic visions for creating jobs and opportunities.

But we have to focus inwards as well. Those of us who have been blessed must acknowledge the obligation to return to our communities and give something back. We must invest in our human capital by acting as sources of inspiration and role models for our youth. African-American youth need to be encouraged to believe in themselves and their abilities.

By exposing our youth to new options, by opening their eyes to new alternatives, by showing our youth that we have faith in them, we can begin to instill in them the sense of pride and self-confidence necessary to prevent the high school dropout rates, illiteracy, teen pregnancy, and drug use that plagues our communities.

But, Mr. Speaker, I fear that we have once again begun a sad march backwards in regard to educating the next generation already with the passage of proposition 209 in California. That great State has seen an alarming 80 percent reduction in the application of minorities to be part of the class of 2001. Will we once again slam the door in the faces of young people seeking to be the best that they can be? I certainly hope not.

Mr. Speaker, we can and we must do better. June tenth celebrates and commemorates the joy and hope that the newly freed slaves felt in Texas on that day long ago in 1865. But it is also incumbent upon us to recommit ourselves this day to the continuing struggle for economic, political, educational, and social accomplishment if we are to realize the goal of this Nation's Declaration of Independence, that all men are created equal.

Finally, Mr. Speaker, Dr. King came to Washington over 34 years ago and spoke of a dream. But also on that historic day, he spoke of a promissory note of justice, equality, and freedom which America had defaulted upon. He said, it had been returned to the American Negro marked, and I quote, "insufficient funds."

I believe that the promissory note is long overdue. America must now begin to live up to its full potential and finally offer all of her citizens the right to life, liberty, and the full pursuit of happiness.

As we pause to remember Juneteenth, Mr. Speaker, I am reminded of a song recorded by the artist Michael Bolton. It is a song that I dedicate today to our ancestors, who came before us, to all of you wherever you may be, wherever your spirits are, we say to you that we will pick up the mantle and we will run with it. The song goes like this, and it is a very simple song but a very significant one. It says:

I have often dreamed of a far off place where a heroes welcome would be waiting for me. Where the crowds will cheer when they see my face and a voice keeps saying this is where I am meant to be. I will be there someday. I can go the distance. I will find my way if I can be strong. I know every mile will be worth my while when I go the distance I will be right where I belong. I will go down the road to embrace my fate though that road may wander it will lead me to you. And a thousand years would be worth the wait it might take a lifetime but somehow I will see it through.

And I will not look back I can go the distance and I will stay on track, no I

will not accept defeat. It is an uphill slope but I won't lose hope until I go the distance and my journey ends for me.

To look beyond the glory is the hardest part, for a heroes strength is measured by his heart.

Like a shooting star, I will go the distance. I will search the world. I will face it all.

I do not care how far, I can go the distance until I find my heroes welcome waiting in your arms.

To our ancestors we say:

I will search the world. I will face its harms until I find my heroes welcome waiting in your arms.

That is what this faith event is truly all about, surviving hardships and going the distance. I urge the House to suspend the rules and pass House Joint Resolution 56.

Mr. Speaker, I yield back the balance of my time.

Mr. PAPPAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before the House today resonates with all Members and with all citizens. Its importance is not limited to the descendants of slaves. Slavery was a blight on our Nation, a betrayal of the fundamental principles on which this Nation was founded, that all men are created equal and endowed by their creator with unalienable rights.

The end of slavery was an indispensable step in implementing that principle for all citizens.

I thank the distinguished gentleman from Oklahoma for sponsoring this resolution and shepherding it through the House. His own life is an inspiration for all Americans and forceful proof of what men and women can achieve in a free society.

From humble origins he became a star quarterback at the University of Oklahoma. Now he is a distinguished Member of this House and a star among all our Members. His life and his career and the lives and achievements of countless Americans throughout this country remind us how much Juneteenth means to all Americans.

Mr. QUINN. Mr. Speaker, I rise today in recognition of the 130th year of the celebration of Juneteenth.

Juneteenth is the traditional celebration of the anniversary of emancipation. And, just as those former slaves vowed on June 19, 1865, to never forget the day slavery was officially abolished, we too must never forget slavery and the brave men and women who endured its horrible monstrosities. On June 14 and 15, 75,000 western New Yorkers upheld the vow to never forget the abolishment of slavery and those who endured it.

The celebration of Juneteenth has also developed into a forum for the proud display of African-American culture and history. This grand history lesson not only helps us look back, but it helps us all look forward. We should now be looking forward to and working towards an era of unprecedented peace and reconciliation. House Joint Resolution 56, introduced by Mr. WATTS, is an excellent opportunity for this Congress and this Nation to take a step in that direction.

Mr. Speaker, today I would like to join with the tens of thousands of western New Yorkers, and millions of Americans across the Nation in recognition of the Juneteenth and this historic celebration of the end of slavery in America.

Mr. HOYER. Mr. Speaker, I rise in support of House Joint Resolution 56, a resolution of the Congress acknowledging the celebration of Juneteenth as an important and enriching part of our Nation's heritage. Juneteenth commemorates the day, June 19, 1865, when word of the end of slavery in the United States reached the American Southwest. Although President Lincoln signed the Emancipation Proclamation on January 1, 1863, it took some 2½ years for the news to reach Texas and other southwestern slave-holding States. Former slaves in the region coined the term "Juneteenth" to recall the date they received the news of their freedom, and they celebrated the anniversary of emancipation at this time each year. As descendants of these former slaves have spread throughout the Nation, the 130-year-old celebration has spread as well. Today, Juneteenth is celebrated by many African-Americans in most of the now 50 States.

Mr. Speaker, Juneteenth marks the close of a very long and dark chapter of our Nation's history—and the beginning of America's attempt to make its promise of freedom, liberty, and equality ring true for all Americans. The succeeding 130 years have brought momentous changes in our society. Through struggle and sacrifice, in the face of violent hostility and grave indignities, African-Americans have injected substance into the mantra equal justice under law, and we are today a freer, stronger Nation for it. Juneteenth is thus a time for celebrating the freedoms now guaranteed to all Americans through the Constitution and laws of our great land, and for reflecting on the courage of those who endured slavery and who fought to make America fulfill the promise of its founding principles. It is also, Mr. Speaker, a time to renew the commitment to correct inequalities and injustices which persist. Thus, although Juneteenth finds its origins in the southwest, it is clearly a celebration which embodies lessons of immense value and significance for all Americans across this great Nation.

I commend my colleague Congressman J.C. WATTS of Oklahoma for introducing this resolution, and I urge all of my colleagues to support House Joint Resolution 56.

Mr. CUNNINGHAM. Mr. Speaker, I rise today as a cosponsor of House Joint Resolution 56, in support of this legislation granting special recognition to the date of June 19, or Juneteenth, the date that the last slaves were considered freed in the United States, in 1865. I commend my colleague, the gentleman from Oklahoma [Mr. WATTS] for writing and introducing this legislation.

Dr. Martin Luther King, in his famous "I Have a Dream" speech, said he looked forward to a day when people would be judged not by the color of their skin, but by the content of their character. We have come a long way toward this goal as a nation since the first Juneteenth almost 132 years ago. I believe we have come a long way since Dr. King gave his speech. But it would not be correct—and it would not even be American—to suggest that we do not yet have a ways to go before Dr. King's dream is fulfilled.

To succeed as a nation, we should return to basic principles. One of these is to recognize and celebrate the fact that we are all Americans. The motto of this Nation is "E Pluribus Unum"—out of many, one. Out of many nations, races, and faiths, we have all come together in this land called America. We are united by our Constitution, our laws, our flag, and our desire to achieve the American dream and a better future for our children.

The celebration of Juneteenth continues the American march of embracing, celebrating, and advancing the cause of freedom in our own land, and around the globe. Of that, we can be proud, but we can never be content.

I would like to insert into the RECORD an essay published by the National Christian Juneteenth Leadership Council, describing the history of Juneteenth.

THE BLACK CHURCH AND JUNETEENTH

JUNETEENTH: A CELEBRATION OF FREEDOM

WHAT IS JUNETEENTH?

Juneteenth or June 19, 1865, is considered the date when the last slaves in America were freed. Although the rumors of freedom were widespread prior to this, actual emancipation did not come until General Gordon Granger rode into Galveston, Texas and issued General Order No. 3, on June 19, almost two and a half years after President Abraham Lincoln signed the Emancipation Proclamation.

BUT DIDN'T THE EMANCIPATION PROCLAMATION FREE THE ENSLAVED?

President Lincoln issued the Emancipation Proclamation on September 22, 1862, notifying the states in rebellion against the Union that if they did not cease their rebellion and return to the Union by January 1, 1863, he would declare their slaves forever free. Needless to say, the proclamation was ignored by those states that seceded from the Union. Furthermore, the proclamation did not apply to those slave-holding states that did not rebel against the Union. As a result about 800,000 slaves were unaffected by the provisions of the proclamation. It would take a civil war to enforce the Emancipation Proclamation and the 13th Amendment to the U.S. Constitution to formally outlaw slavery in the United States.

WHEN IS JUNETEENTH CELEBRATED?

Annually, on June 19, in more than 200 cities in the United States. Texas (and Oklahoma) is the only state that has made Juneteenth a legal holiday. Some cities sponsor week-long celebrations, culminating on June 19, while others hold shorter celebrations.

WHY IS JUNETEENTH CELEBRATED?

It symbolizes the end of slavery. Juneteenth has come to symbolize for many African-Americans what the fourth of July symbolizes for all Americans—freedom. It serves as a historical milestone reminding Americans of the triumph of the human spirit over the cruelty of slavery. It honors those African-Americans ancestors who survived the inhumane institution of bondage, as well as demonstrating pride in the marvelous legacy of resistance and perserverance they left us.

WHY NOT JUST CELEBRATE THE FOURTH OF JULY LIKE OTHER AMERICANS?

Blacks do celebrate the Fourth of July in honor of American Independence Day, but history reminds us that blacks were still enslaved when the United States obtained its independence.

WHY WERE SLAVES IN TEXAS THE LAST TO KNOW THAT THEY WERE FREE?

During the Civil War, Texas did not experience any significant invasion by Union forces. Although the Union army made several attempts to invade Texas, they were thwarted by Confederate troops. As a result, slavery in Texas continued to thrive. In fact, because slavery in Texas experienced such a minor interruption in its operation, many slave owners from other slave-holding states brought their slaves to Texas to wait out the war. News of the emancipation was suppressed due to the overwhelming influence of the slave owners.

Mr. BISHOP. Mr. Speaker, I rise today as a cosponsor of House Joint Resolution 56 and I urge my colleagues to support it. This nonbinding resolution would celebrate the end of slavery.

The Emancipation Proclamation of 1863 is the celebrated document which symbolizes the end of slavery in the United States. However, it took over 2 years for news of freedom to reach Texas. It was not until June 19, 1865 when U.S. Gen. Gordon Granger rode into Galveston and announced that the State's 200,000 slaves were free, that slavery was truly abolished throughout all of the United States. In an attempt never to forget this truly historical day, African-Americans who were slaves and their descendants refer to this day as Juneteenth, and they have been celebrating this date annually for over 130 years.

This measure would bring public attention to this very meaningful passage in American history. An official recognition of Juneteenth provides an opportunity for all Americans to learn more about the legacy of this country. Equally important, an official recognition of Juneteenth reflects the desire of the American people to acknowledge all aspects of our past, even those painful aspects, and build a unified thus stronger bridge together into our future.

Mr. PAYNE. Mr. Speaker, I join my colleagues here today to offer my support for House Joint Resolution 56 which calls for the celebration of the end of slavery. The need to celebrate the end of this most dubious time in America's short history, pervades the thoughts of many, though more so during this month of June.

During the month of June and, specifically, June 13–19, thousands of people, especially blacks, come together to celebrate the end of slavery. The celebration, called Juneteenth, commemorates the date in 1865 when slaves in Texas discovered, a full 2½ years after the fact, that President Abraham Lincoln had signed the Emancipation Proclamation. Slaveowners in eastern Texas successfully hid the news of their emancipation for 2½ years. They were not notified of their freedom until Union army officers told them on June 19, 1865, hence the name Juneteenth.

Juneteenth has been recognized as a holiday in Texas for quite some time, but has extended beyond Texas borders in recent years. Juneteenth is celebrated throughout many communities nationwide, incorporating parades, musical performances, and other festivities.

Lincoln's Emancipation Proclamation did much to dismantle the structure of slavery, but did not dismantle the institution. The story of those eastern Texas slaves is a visceral reminder of the fact that even after the Emancipation Proclamation, many slaves were indeed, not free. Throughout the South, slaves were not notified of their freedom by landowners for years. The problem was not confined to the South.

In my home State of New Jersey, as of the same year, 1865, the Democratic controlled State legislature still refused to ratify the 13th amendment, which abolished slavery. Clearly they were not free either. In 1866, the republican State legislature ratified the 13th amendment along with the 14th amendment, which guaranteed the citizenship rights of everyone born in the United States. But this same legislature refused to grant the franchise to blacks. In 1868, the again Democrat controlled State legislature rescinded the ratification of the 14th amendment and 2 years later in 1870, refused to ratify the 15th amendment which extended the franchise to all races.

The saving grace of the New Jersey blacks was that enough States ratified the amendment to make it national law. It is evident that the plight of the slave and black families did not end with Lincoln's proclamation, nor was it confined to Southern boundaries.

Even after such amendments, it took still longer for blacks to acculture themselves to rights afforded to the free American citizen. It is the cultural metamorphosis of the African and the slave into the unique experience of the African-American that truly marks emancipation. The Juneteenth celebration is much larger than a celebration commemorating the long-overdue emancipation of the eastern Texas slaves, it is a celebration of the long overdue emancipation of all slaves. It is a celebration of the dismantling of the slavery institution; a dismantling of the bureaucratic engine that sought to halt black's freedom, long after their emancipation was declared, not unlike the Texas slave master.

Though Juneteenth celebrates the end of slavery, it is by no means just an African-American holiday. Juneteenth is a celebration which brings together everyone. It is important for everyone to remember and acknowledge this chapter in American history. We all have to take responsibility.

This past week President Clinton made a great stride in opening a national dialog on race relations. His plan to establish a Presidential advisory board to allow Americans to speak out about racial issues shows initiative and a willingness to confront the ongoing racial tensions in our multicultural society. We can only hope that President Clinton's good intentions will be buttressed by action. In closing I ask that you join me and my colleagues in supporting House Joint Resolution 56. I thank you for your time and consideration.

Mr. PAPPAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. GIBBONS]. The question is on the motion offered by the gentleman from New Jersey [Mr. PAPPAS] that the House suspend the rules and pass to the joint resolution, House Joint Resolution 56.

The question was taken.

Mr. WATTS of Oklahoma. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. PAPPAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 56.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 29 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 5 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained and then on the approval of the Journal.

Votes will be taken in the following order:

H.R. 1057 by the yeas and nays;

H.R. 1058 by the yeas and nays;

H.R. 985 by the yeas and nays;

House Joint Resolution 56 by the yeas and nays;

and approval of the Journal de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

ANDREW JACOBS, JR. POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1057, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr.

MCHUGH] that the House suspend the rules and pass the bill, H.R. 1057, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 21, as follows:

[Roll No. 204]

YEAS—413

Abercrombie	Davis (IL)	Hinojosa
Ackerman	Davis (VA)	Hobson
Aderholt	Deal	Hoekstra
Allen	DeFazio	Holden
Andrews	DeGette	Hooley
Archer	Delahunt	Horn
Armey	DeLauro	Hostettler
Bachus	Dellums	Houghton
Baesler	Dickey	Hoyer
Baker	Dicks	Hulshof
Baldacci	Dingell	Hunter
Ballenger	Dixon	Hutchinson
Barcia	Doggett	Hyde
Barr	Dooley	Inglis
Barrett (NE)	Doolittle	Istook
Barrett (WI)	Doyle	Jackson (IL)
Bartlett	Dreier	Jackson-Lee
Barton	Duncan	(TX)
Bass	Dunn	Jenkins
Bateman	Edwards	John
Becerra	Ehlers	Johnson (CT)
Bentsen	Ehrlich	Johnson (WI)
Bereuter	Emerson	Johnson, E. B.
Berman	Engel	Johnson, Sam
Berry	English	Jones
Bilbray	Eshoo	Kanjorski
Bilirakis	Etheridge	Kaptur
Bishop	Evans	Kasich
Blagojevich	Everett	Kelly
Bliley	Ewing	Kennedy (MA)
Blumenauer	Farr	Kennedy (RI)
Blunt	Fattah	Kennelly
Boehlert	Fawell	Kildee
Boehner	Fazio	Kilpatrick
Bonilla	Filner	Kim
Bonior	Flake	Kind (WI)
Bono	Foglietta	King (NY)
Borski	Foley	Kingston
Boswell	Forbes	Kleczka
Boucher	Ford	Klink
Boyd	Fowler	Klug
Brady	Fox	Knollenberg
Brown (CA)	Frank (MA)	Kolbe
Brown (FL)	Franks (NJ)	Kucinich
Bryant	Frelinghuysen	LaFalce
Bunning	Frost	LaHood
Burr	Furse	Lampson
Burton	Gallegly	Lantos
Buyer	Ganske	Largent
Calvert	Gejdenson	Latham
Camp	Gekas	LaTourette
Campbell	Gephardt	Lazio
Canady	Gibbons	Leach
Cannon	Gilchrest	Levin
Carson	Gillmor	Lewis (CA)
Castle	Gilman	Lewis (GA)
Chabot	Gonzalez	Lewis (KY)
Chambliss	Goode	Linder
Chenoweth	Goodlatte	Livingston
Christensen	Goodling	LoBiondo
Clay	Gordon	Lofgren
Clayton	Goss	Lucas
Clement	Granger	Luther
Clyburn	Green	Maloney (CT)
Coble	Greenwood	Maloney (NY)
Coburn	Gutierrez	Manton
Collins	Gutknecht	Manzullo
Combest	Hall (OH)	Markey
Condit	Hall (TX)	Martinez
Conyers	Hamilton	Mascara
Cook	Hansen	Matsui
Cooksey	Harman	McCarthy (MO)
Costello	Hastert	McCarthy (NY)
Cox	Hastings (FL)	McCollum
Coyne	Hastings (WA)	McCrery
Cramer	Hayworth	McDermott
Crane	Hefley	McGovern
Crapo	Hefner	McHale
Cubin	Herger	McHugh
Cummings	Hill	McInnis
Cunningham	Hilleary	McIntosh
Danner	Hilliard	McIntyre
Davis (FL)	Hinchey	McKeon
McKinney	Radanovich	Solomon
McNulty	Rahall	Souder
Meehan	Ramstad	Spence
Meek	Rangel	Spratt
Menendez	Redmond	Stabenow
Metcalf	Regula	Stark
Millender-McDonald	Reyes	Stearns
	Riggs	Stenholm
Miller (FL)	Riley	Stokes
Minge	Rivers	Strickland
Mink	Rodriguez	Stump
Moakley	Roemer	Stupak
Molinari	Rogan	Sununu
Mollohan	Rogers	Talent
Moran (KS)	Rohrabacher	Tanner
Morella	Rothman	Tauscher
Murtha	Roukema	Tauzin
Myrick	Roybal-Allard	Taylor (MS)
Nadler	Royce	Taylor (NC)
Neal	Rush	Thomas
Nethercutt	Ryun	Thompson
Neumann	Sabo	Thornberry
Ney	Salmon	Thune
Northup	Sanchez	Thurman
Norwood	Sanders	Tiahrt
Nussle	Sandlin	Tierney
Oberstar	Sanford	Torres
Obey	Sawyer	Traficant
Olver	Saxton	Turner
Ortiz	Scarborough	Upton
Owens	Schaefer, Dan	Velázquez
Oxley	Schaffer, Bob	Vento
Packard	Schumer	Visclosky
Pallone	Scott	Walsh
Pappas	Sensenbrenner	Wamp
Parker	Serrano	Waters
Pascrell	Sessions	Watkins
Pastor	Shadegg	Watt (NC)
Paul	Shaw	Watts (OK)
Paxon	Shays	Waxman
Payne	Sherman	Weldon (FL)
Pease	Shimkus	Weldon (PA)
Pelosi	Shuster	Weller
Peterson (MN)	Sisisky	Wexler
Peterson (PA)	Skaggs	Weygand
Petri	Skeen	White
Pickering	Skelton	Whitfield
Pickett	Slaughter	Wicker
Pitts	Smith (MI)	Wise
Pomeroy	Smith (NJ)	Wolf
Porter	Smith (OR)	Wynn
Portman	Smith (TX)	Yates
Poshard	Smith, Adam	Young (AK)
Price (NC)	Smith, Linda	Young (FL)
Pryce (OH)	Snowbarger	
Quinn	Snyder	

NOT VOTING—21

Brown (OH)	Ensign	Miller (CA)
Callahan	Graham	Moran (VA)
Capps	Jefferson	Pombo
Cardin	Lipinski	Ros-Lehtinen
DeLay	Lowey	Schiff
Deutsch	McDade	Towns
Diaz-Balart	Mica	Woolsey

□ 1722

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to designate the building in Indianapolis, Indiana, which houses the operations of the Indianapolis Main Post Office as the 'Andrew Jacobs, Jr. Post Office Building'.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MORAN of Virginia. Mr. Speaker, during rollcall vote No. 204 on H.R. 1057 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, on rollcall No. 204, on a motion to suspend the rules and pass H.R. 1057, designating the Andrew Jacobs, Jr. Post Office Building, I was unavoidably absent. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

JOHN T. MYERS POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1058.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. MCHUGH] that the House suspend the rules and pass the bill, H.R. 1058, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 205]

YEAS—416

Abercrombie	Brown (CA)	Davis (IL)
Ackerman	Brown (FL)	Davis (VA)
Aderholt	Brown (OH)	Deal
Allen	Bryant	DeFazio
Andrews	Bunning	DeGette
Archer	Burton	Delahunt
Armey	Buyer	DeLauro
Bachus	Calvert	DeLay
Baesler	Camp	Dellums
Baker	Campbell	Diaz-Balart
Baldacci	Canady	Dickey
Ballenger	Cannon	Dicks
Barcia	Capps	Dingell
Barr	Carson	Dixon
Barrett (NE)	Castle	Doggett
Barrett (WI)	Chabot	Dooley
Bartlett	Chambliss	Doolittle
Barton	Chenoweth	Doyle
Bass	Christensen	Dreier
Bateman	Clay	Duncan
Becerra	Clayton	Dunn
Bentsen	Clement	Edwards
Bereuter	Clyburn	Ehlers
Berman	Coble	Ehrlich
Berry	Coburn	Emerson
Bilbray	Collins	Engel
Bilirakis	Combest	English
Bishop	Condit	Ensign
Blagojevich	Conyers	Eshoo
Bliley	Cook	Etheridge
Blumenauer	Cooksey	Evans
Blunt	Costello	Everett
Boehlert	Cox	Ewing
Boehner	Coyne	Farr
Bonilla	Cramer	Fattah
Bonior	Crane	Fawell
Bono	Crapo	Fazio
Borski	Cubin	Filner
Boswell	Cummings	Flake
Boucher	Cunningham	Foglietta
Boyd	Danner	Foley
Brady	Davis (FL)	Forbes

Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—18

Burr
Callahan
Cardin
Deutsch
Granger
Jefferson
Lipinski
Lowey
McDade
Mica
Miller (CA)
Moran (VA)
Peterson (PA)
Pombo
Ros-Lehtinen
Schiff
Towns
Woolsey

□ 1732

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, on rollcall No. 205, on a motion to suspend the rules and pass H.R. 1058—Designating the John T. Myers Post office Building. I was unavoidably absent. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 205, I was detained in a meeting with a constituent. Had I present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MORAN of Virginia. Mr. Speaker, during rollcall vote No. 205 on H.R. 1058 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably detained today during rollcall vote No. 204 on H.R. 1057, and during rollcall vote No. 205 on H.R. 1058. Had I been present I would have voted "yea" on both votes.

EAGLES NEST WILDERNESS EXPANSION

The SPEAKER pro tempore (Mr. GIBBONS). The pending business is the question of suspending the rules and passing the bill, H.R. 985, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 985, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 4, not voting 18, as follows:

[Roll No. 206]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich

Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NAYS—4

Coble
DeLay
Paul
Stump

NOT VOTING—18

Bilbray
Callahan
Cardin
Flake
Gekas
Green
Jefferson
Lipinski
Lowey
McDade
Mica
Miller (CA)
Moran (VA)
Pombo
Ros-Lehtinen
Schiff
Towns
Woolsey

□ 1741

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MORAN of Virginia. Mr. Speaker, during rollcall vote No. 206 on H.R. 985 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, on rollcall No 206, on a motion to suspend the rules and pass H.R. 985, Eagles Nest Wilderness Slate Creek Addition, I was unavoidably absent. Had I been present, I would have voted "yea."

CELEBRATING THE END OF SLAVERY IN THE UNITED STATES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 56.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. PAPPAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 56, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 207]

YEAS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—15

Bilbray
Callahan
Cardin
Jefferson
LaHood
Lipinski
Lowey
McDade
Mica
Miller (CA)
Moran (VA)
Pombo
Ros-Lehtinen
Schiff
Towns

□ 1749

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, on rollcall No. 207, on a motion to suspend the rules and pass House Joint Resolution 56, celebrating the end of slavery in the United States, I was unavoidably absent. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MORAN of Virginia. Mr. Speaker, during rollcall vote No. 207 on House Joint Resolution 56, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I regret that due to unforeseen circumstances I was unable to vote on H.R. 1057, rollcall No. 204, H.R. 1058, rollcall No. 205, H.R. 985, rollcall No. 206, and House Joint Resolution 56, rollcall No. 207. If I had been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. LAHOOD. Mr. Speaker, on rollcall No. 207, I was unavoidably detained for the vote on final passage of House Joint Resolution 56, a resolution celebrating the end of slavery in the United States. Had I been present for this vote, I would certainly have voted in favor of this important resolution because of its historical significance to our country.

THE JOURNAL

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

FILIPINO VETERANS JUSTICE ACT

(Mr. FILNER asked and was given permission to address the House for 1 minute.)

Mr. FILNER. Mr. Speaker, I come before my colleagues in a 1-minute because at this very minute in Los Angeles, 40 Filipino Americans who are veterans of World War II are conducting a sit-in. They have chained themselves to the statue of Douglas MacArthur. Several have said they will not eat until this Congress passes the Filipino Veterans Equity Act.

This act is designed to restore justice after more than 50 years of an injustice to the Filipinos who fought so valiantly in World War II. They were promised full benefits as veterans. They were denied that by the Congress of 1946. Let us support those Filipino Americans who are chained in MacArthur Park in Los Angeles. Let this Congress vote to restore justice to those brave veterans of World War II. Let us take up and pass Filipino Veterans Equity Act of 1997.

TIME TO CUT TAXES FOR WORKING AMERICANS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SMITH of Michigan. Mr. Speaker, I would like to include a newspaper article in the extension of my remarks that is from the June 13 Wall Street Journal. It is called Raise Taxes, Wait Four Years, And Boom, by Paul Gigot.

The fist paragraph says, "When it comes to writing history, you can't beat the Democrats. Witness the smooth way they're taking credit for this year's roaring economy and even using it to rehabilitate their 1993 tax increase."

Then the rest of the article goes on to say that the problem is that tax increases depress the economy. One cannot spin it any other way.

Look, we have a strong system in this country that rewards the people that work, that try, that save, that invest; and despite that tax increase, our economy surged ahead.

Mr. Speaker, there are some things that this country needs to do if we are to be competitive in a world market, and one of those things is to cut taxes. The way we do it, if it results in more investment, more savings, more buying of the kind of machinery and tools that makes us more efficient and more competitive, the better off everybody is going to be.

So I think it is important that we move ahead with these tax cuts.

Mr. Speaker, I include for the RECORD the article to which I referred.

[From the Wall Street Journal, June 13, 1997]

RAISE TAXES WAIT FOUR YEARS, AND . . . BOOM

(By Paul A. Gigot)

When it comes to writing history, you can't beat the Democrats.

Witness the smooth way they're taking credit for this year's roaring economy and even using it to rehabilitate their 1993 tax increase.

"This is the best economy we've had in 25 years in this country, and again I think a lot of it goes back to the budget passed by all Democrats in 1993," House Democratic leader Dick Gephardt says—every chance he gets.

President Clinton, no slouch at spin, says every other day or so that "Some fine members of Congress lost their seats because they had the courage to change course and vote for the future. But just look at the results. Today our confidence has returned, and our economy leads the world." By "fine members" he doesn't mean Republicans.

This is clever, as revisionist history usually is. If only it were true. Since prosperity is today's dominant political fact, it'd be nice to draw the proper lessons. An accurate reading of recent economic history would give Mr. Clinton some credit, while handing at least as much to a Republican Federal Reserve and Congress.

Recall the logic Democrats used to justify their tax increase in 1993: It was needed to lower the budget deficit in order to lower interest rates in order to spur the economy. Treasury Secretary Bob Rubin's Bible was the bond market, which sets interest rates for everything from credit cards to mortgages.

And for a while after Mr. Clinton's 1992 election, bond yields and interest rates did fall. The 30-year Treasury bond, probably the best political barometer, fell from 7.61 percent to 5.94 percent by October 1993. Mr. Rubin crowed in vindication.

But then came the market's revenge, starting about the time the White House proposed to nationalize 14 percent of the U.S. economy: Interest rates shot back up, to a peak above 8 percent on the very day Republicans won control of Congress. Mr. Rubin wasn't crowing any more.

Guess what happened next? Interest rates began falling again after the 1994 election, to an average monthly low of 6.06 percent by the December 1995 budget standoff. They've since bounced around between 6 percent and slightly above 7 percent.

In short, interest rates fell further and faster with a Republican Congress that was trying to cut taxes than they did with a Democratic Congress that raised taxes. By Bond Market Bob Rubin's own standard, the 1993 budget deal counted for less than did GOP plans to constrain the government.

The four year history of stock prices is also revealing. When Mr. Clinton won election, the Dow Jones Industrial Average stood at 3223, an early stage in the economic recovery. The Dow rose modestly, to 3830, in the president's first two years.

But when Republicans took Congress, stocks began to take off. By February 1996 the Dow was at 5600, where it bounced around until voters affirmed divided government last November. Then it soared again, closing this week above 7500 for the first time.

Financial markets aren't the entire economy, but they often anticipate growth. And sure enough, the pace of this expansion has followed the market pattern. Growth was a mediocre 2.3 percent in 1993, dampened by the disincentives of the tax hike. The economy gained speed as the shadow of ClintonCare faded and has really taken off since the beginning of this year.

The point here isn't to deny Mr. Clinton his rightful credit. He gets full marks for leaving Republican Alan Greenspan alone to run the Fed, and for reappointing him. Just as vital, he resisted his own party's lurch toward protectionism. Even if NAFTA and GATT were started under Republicans, maybe only a Democrat could have seen them through a Democratic Congress.

But for Democrats and their acolytes to portray the last four years as a single, unbroken policy string is laughable. Free trade and the Greenspan Fed have been the only constants. The rest of Clintonomics went over the side when the Republicans took Congress.

Clinton I had tax hikes, new "stimulus" spending, Hillary's fantasia and a wave of new regulation. Clinton II features a balanced budget, tax cuts, legal reform and regulatory review, all forced on him by a GOP Congress. With typical brass, Mr. Clinton spins this political necessity into his own virtue.

In a larger sense, today's good times have roots that predate all of today's politicians. That's one point in a provocative article, "The Long Boom," in the July issue of Wired magazine. Peter Schwartz and Peter Leyden fix the start of what they call our new era of prosperity around 1980, with the coming of Margaret Thatcher and Ronald Reagan, who "begin putting together the formula that eventually leads toward the new economy." Their main hero is technology, unleashed in part by the breakup of the AT&T monopoly.

Wayne Angell, the former Fed governor now at Bear Stearns, goes even further back to Taft-Hartley, which passed over Truman's veto. That law gave the U.S. enough labor flexibility to avoid the unemployment morass now ruining Europe's welfare states.

It's not surprising Democrats would ignore all this and claim credit themselves. That's politics. They figure they might take Congress in 1998 if they can claim today's good times as their own. What's amazing is that Republicans are letting them get away with it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECOGNITION OF THE ABL AND THE WNBA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise today to speak about a bill that I will be offering later this week that honors the beginning of two new women's professional basketball leagues: the American Basketball League and the Women's National Basketball Association, also known as the ABL and the WNBA.

Historically, women's basketball has come a long way. Even though the first national women's basketball tournament took place in 1926, college educators opposed basketball for women. They believed that women were not adequately prepared for such a rough game and that the game of basketball was not an appropriate sport for women.

The stereotype of women's inability to play basketball carried into the second half of the century. By the 1970's, only 1 out of every 27 women participated in any kind of high school sports. It was not until 1972, with the passing of title IX to the Higher Education Act, when women's participation in basketball began to increase. It was this amendment that guaranteed the success of women's sports and created a fair, level playing field for sports equity.

Now in 1997, it is the 25th anniversary of title IX of the Higher Education Act. One out of every three high school girls participate in a sport. And basketball is recognized by girls as the most popular youth participant sport in the Nation. In college, participation and attendance at the women's basketball games have been at the highest ever. Since 1982, women's attendance at National Collegiate Athletic Association sports events have steadily increased from 1.1 million to 4.2 million.

Because the female student-athlete participation rate is at its highest ever, there were more women's basketball teams sponsored by NCAA institutions than men's basketball teams in the 1995–96 season. In fact, 97 percent of the NCAA active institutions sponsored a women's basketball program, making it the most sponsored NCAA sport during the 1995–96 season.

Women's basketball is also gaining ground in the media. In 1997, the Women's Division One NCAA Basketball Championship was the highest rated and most watched basketball event in cable television history.

In general, women's college athletes have improved greatly. Women's athletic programs at NCAA member schools have increased in participation, scholarship dollars, coaches' salaries, and recruiting expenditures over the past 5 years. As a result, the average number of women athletes per school in the NCAA Division One increased from 112 to 130 over the past 5 years.

Internationally, women's basketball has also become very popular. Many people may not realize it, but 80 million women play basketball worldwide. Let me repeat that; 80 million women play basketball worldwide, an amazing figure.

Last year, I saw firsthand how talented some of those women are when I attended one of the Team USA women's basketball games at the Olympics in Atlanta. It was very exciting and wonderful to see such a large crowd at this event. The USA female basketball team went on to win the gold medal. It is obvious that American women are the best players in the world.

□ 1800

The success of women's sports has proved that America is ready for women's professional basketball. We have built a generation of talented players who can compete internationally, and now it is time to showcase this talent here in our own country. These leagues will offer role models to younger women and promote greater chances for female athletes, continuing the tradition of gender equity in sports, first promoted through title IX.

This Saturday the WNBA will begin its first season, while the ABL is gearing up for a second successful season in the fall. As a Member of Congress, we should honor these professional women athletes and support them. As we congratulate the ABL and the WNBA on their inaugural season, we should also recognize the sponsors, owners, and fans of the leagues' teams for their commitment.

Mr. Speaker, it is my hope that Members of both parties will sign on as original cosponsors to my bill and pass this resolution in the near future.

GOVERNMENT SHUTDOWN PREVENTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, I rise to introduce a bill that we call the Government Shutdown Prevention Act. This should be of no surprise to the Speaker or to any of the Members. For some 10 years now I have persisted in introducing this legislation and presenting it through the Committee on Rules and the policy committees and to interest groups throughout the Nation for their support.

Everyone says it is a great idea; that we need some mechanism to prevent Government shutdown, to make sure that when the budget deadline comes and goes that that will not result in a shutdown, but rather a mechanism that will allow for a transition until a full budget can be produced by the Congress of the United States.

What is so tough about that concept, Mr. Speaker? This last exercise that we had with disaster relief, the administration and the Democrat leaders in the House continued to say that this was an extraneous measure, the shutdown prevention, added to the disaster relief bill.

Mr. Speaker, everyone knows that the disaster relief bill was made up 100 percent of money, appropriations, for the flood victims in the Midwest. This money, the billions of dollars that were appropriated, has to take a long period of time before it settles in the hands and the bank accounts of the flood victims. Suppose September 30 comes by and we have not completed the work of the budget and the next day a Government shutdown occurs? It means those people who were supposed to be recipients of disaster relief would get no further checks until we reached a budget agreement.

My bill was very germane then to the disaster relief bill. It made certain that the checks that were going to be issued to the disaster victims would continue beyond the budget deadline of September 30 in the event no full budget was agreed on by the Congress of the United States. It was highly germane and relevant, and yet we heard the rhetoric from the Democrat leadership and the White House that this was extraneous and it would draw a veto because it had nothing to do with flood relief.

It was these same individuals who said this was extraneous, who then voted for a disaster relief bill, Mr. Speaker, that contained these provisions, or this kind of provision. For instance: Marine Mammal Protection Act amendment to allow for the importation of polar bears for the purpose of trophy collection. Mr. Speaker, this was in the disaster relief bill that we just passed.

I ask, Mr. Speaker, is that extraneous to the bill or is it relevant to the bill? They can accept polar bear trophy amendments but not an amendment that would prevent a Government shutdown.

There were provisions that would allow the Small Business Competitive Demonstration Program to provide enhanced competition in the business of dredging U.S. waterways. I ask, Mr. Speaker, if that was relevant to disaster relief, why was not my Government shutdown prevention amendment relevant to disaster relief? I ask these questions but I get no answers.

Further, there was an amendment in this disaster relief that had to do with

the Susquehanna River Basin Compact, had nothing to do with disaster relief for the Middle West; to the Higher Education Act of 1965. Nothing; the Relief Food Stamp Act of 1977.

These were amendments, riders, that were in the disaster relief that the Democrat leadership supported wholeheartedly, even though they know in their heart of hearts that these were extraneous, nongermane, irrelevant to disaster relief. Yet they said, Mr. Speaker, that preventing Government shutdown is extraneous, irrelevant, nongermane; has nothing to do with disaster relief, even though it would be personally responsible for a continuation of funding beyond any budget breakdown.

What is this? I know where we stand. The President and the Democrat leadership would rather risk Government shutdown than allow a transitional budgetary period to make sure that a Government shutdown does not occur and allow the Congress and the President to negotiate a final budget. That is against their political interests. They want the risk of Government shutdown.

Well, I insist that to the last day that I serve in this Congress I will attempt to make sure that the people of the United States know that we are trying to prevent Government shutdown and all the chaos that accompanies it.

TRIBUTE TO MASON LANKFORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to pay tribute to a great American who passed away yesterday evening while involved in a State conference involving the fire service of the State of Texas.

Nine years ago, Mr. Speaker, in my first term in this Congress, in an attempt to provide representation for the 1.2 million men and women who every day of the year respond to disasters in this country, I formed what has become the largest caucus in the Congress, the congressional fire and emergency services caucus.

During that first term, I was able to convince minority leader Bob Michel to join with us and to help us kick off what would be a tremendous decade of success for the men and women who every day risk their lives. I was not, however, able to convince Speaker Wright to join.

I gave a speech out at the National Fire Academy, and one of the attendees there was a man by the name of Mason Lankford from Texas. Mason came up to me after that meeting and said, "You need the Speaker to be involved?" And I said yes, and within a week Mason had convinced his good friend, Speaker Jim Wright, to support our efforts. Jim became a very aggressive supporter of the fire service during the rest of his tenure as the Speaker of this body.

Mason Lankford, over the past 9 years, Mr. Speaker, as a representative of the Texas Fire Service, past president of their State association, past active member of the Fort Worth Fire Department, known throughout Fort Worth and the Arlington area as someone who was always willing to give of himself, was doing what he liked best yesterday, Mr. Speaker. He was addressing the members of the Texas Fire Service in Galveston.

He had been introduced by his good friend, Chief Willie Wiscow of the Galveston Fire Department, and following Mason's brief comments, unfortunately, he passed away.

Mason will be remembered, Mr. Speaker, by the 1.2 million men and women across this country who every day risk their lives, for having helped create a new awareness of fire and life safety issues in this Congress. It was Mason Lankford who over the past 9 years helped convince over 400 Members of Congress to join our efforts to provide more awareness and more support for these brave men and women.

Mason attended each of our nine dinners here in Washington, where he helped organize those events, annually raising between $400,000 and $500,000 to provide staff support for the issues important to firefighters and emergency medical personnel across the country.

Day in and day out Mason Lankford was there helping those who he knew best, those men and women who he worked with in Texas and throughout this country in both the paid and the volunteer fire and EMS services.

We are going to miss Mason, Mr. Speaker, and I rise tonight to pay tribute to him. I know all of our colleagues on both sides of the aisle wish Mason's family well through these very difficult times. And I know that all of us will join in remembering Mason for the outstanding contribution that he made to society, that he made to mankind.

The services for Mason will be Thursday at 2 p.m. At the First Methodist Church in Arlington, TX, and I ask all of my colleagues, Mr. Speaker, to join together and extend our condolences and best wishes to Mason's wife, Lynn, and his children Joe and Nancy, who are following in Mason's footsteps.

Again, Mr. Speaker, it is a tragic loss. We are all going to miss Mason, but Mason certainly has completed an outstanding effort on behalf of those firefighters in this country who are better off, who are better equipped, who are better trained and who are better served because of his efforts, not just over the past 9 years but even before that as an active member of the largest group of unsung heroes in this country, our domestic defenders, our fire and EMS personnel.

THE PRIVATE CALENDAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, I would like to take this opportunity to set forth some of the history behind, as well as describe the workings of the Private Calendar. I hope this might be of some value to the Members of this House, especially our newer colleagues.

Of the five House Calendars, the Private Calendar is the one to which all private bills are referred. Private bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills which deal with classes only.

Of the 108 laws approved by the First Congress, only 5 were private laws. But their number quickly grew as the wars of the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress, 1885 to 1887, the first Congress for which complete workload and output data is available—passed 1,031 private laws, as compared with 434 public laws. At the turn of the century the 56th Congress passed 1,498 private laws and 443 public laws—a better than 3 to 1 ratio.

Private bills were referred to the Committee on the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62d Congress changed this procedure by its rule XXIV, clause 6 which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932, and then adopted in its present form on March 22, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that act banned the introduction or the consideration of four types of private bills: first, those authorizing the payment of money for pensions; second, for personal or property damages for which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream, or fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82d Congress passed 1,023 private laws, as compared with 594 public laws. The 88th Congress passed 360 private laws compared with 666 public laws.

Under rule XXIV, clause 6, the Private Calendar is called the first and third Tuesday of each month. The consideration of the Private Calendar bills on the first Tuesday is mandatory unless dispensed with by a two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table

for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the committee reporting it. No reservation of objection is entertained. Bills unobjected to are considered in the House in the Committee of the Whole.

On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph, and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matters so stricken out shall not be again included in an omnibus bill during that session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved in their component bills, which are engrossed separately and disposed of as if passed separately.

Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follows the same procedure and go over to the next Tuesday on which that class of business is again in order. When the previous question is ordered on a Private Calendar bill, the bill comes up for disposition on the next legislative day.

Mr. Speaker, I would also like to describe to the newer Members the Official Objectors system the House has established to deal with the great volume of private bills.

The majority leader and the minority leader each appoint three Members to serve as Private Calendar Objectors during a Congress. The Objectors are on the floor ready to object to any private bill which they feel is objectionable for any reason. Seated near them to provide technical assistance are the majority and minority legislative clerks.

Should any Member have a doubt or questions about a particular private bill, he or she can get assistance from objectors, their clerks, or from the Member who introduced the bill.

The great volume of private bills and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. The rules limit consideration of bills placed on the Private Calendar only shortly before the calendar is called. This agreement adopted on June 17, 1997, the Members of the Majority Private Calendar Objectors Committee have agreed that during the 105th Congress, they will consider only those bills which have been on the Private Calendar for a period of 7 days, excluding the day the bill is reported and the day the calendar is called. Reports must be available to the Objectors for 3 calendar days.

It is agreed that the majority and minority clerks will not submit to the Objectors any bills which do not meet this requirement.

This policy will be strictly enforced except during the closing days of a session when the House rules are suspended.

This agreement was entered into by: The gentleman from Wisconsin [Mr. SENSENBRENNER], the gentleman from North Carolina [Mr. COBLE], the gentleman from Virginia [Mr. GOODLATTE], the gentleman from Virginia [Mr. BOUCHER], and the gentlelady from Connecticut [Ms. DELAURO].

I feel confident that I speak from my colleagues when I request all Members to enable us to give the necessary advance consideration to private bills by not asking that we depart from the above agreement unless absolutely necessary.

VOLUNTEER SUMMIT FOR MONTGOMERY COUNTY, PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to address the House tonight to inform my colleagues of a very exciting opportunity taking place in my district, the 13th District of Pennsylvania. We are going to be hosting the Montgomery County Promise, which is an extension of the President's summit.

As my colleagues may know, the President's summit took place in April, and here in my district we are going to be having a followup summit September 19 and 20 at the Forth Washington Expo Center at Fort Washington, PA.

This should be an exciting opportunity for all civic, governmental, educators, clergy, everyone from all walks of life to participate in by gathering the top public and private sector volunteer activists to focus our already exciting and active volunteer base in Montgomery County, to focus in on the most important issues facing us for the next decade.

I joined today in announcing this with some very important people from Montgomery County who will be at the forefront in making sure the plans for this event take place in a very professional way and, most important, involve our youth in making a lasting difference in their lives.

Dr. Norah Peters of Beaver College, of Pennsylvania, in Glenside, who is an expert in the field of voluntarism and has conducted extensive research on the subject for the past 15 years. She joins Betty Landman, the President of the university, in working with us on this important event.

We also have Louise Elkins, from the Volunteer Center from southeast Pennsylvania, and Mary Mackie, the director of community services for the United Way of southeastern Pennsylvania.

We were also joined by Clarence Rader, who has been very active as the leading light in the Business/Industry School and Partnership program, and has been very active in the business circles of Montgomery County in Pennsylvania.

Richard Byler from the Community Action Development Commission, Major Carl Carvill of the Salvation Army, Joanna Smith of the Association of Retarded Citizens of Montgomery County, Linda Millison of the Retired Senior Volunteer program, Bertha Johnson and Cathie Randall from Head Start.

All these individuals have worked together for our mission to promote improved collaboration among community-based organizations, schools, corporations, the media, communities of faith, and government to make Montgomery County a better place for our youth.

The enthusiasm we have in moving forward these goals cannot be emphasized enough. The goal is by the end of the year 2000 that thousands of more young people will have access to all five fundamental resources that will maximize their success: First, an ongoing relationship with a caring adult; safe places and structured activities; a healthy start; marketable skills; and opportunities to give back to the community.

Among the cosponsors already committed to this important function are the Montgomery County Chamber of Commerce, the Lutheran Brotherhood, the Indian Creek Foundation, the Foster Grandparent program and numerous hospitals. Those interested in serving can contact us through the Montgomery County Promise, P.O. Box 26, Norristown, PA, 19404, or contact the office at 610–275–4460.

I should point out that our major goal is not only to have more people volunteer but to have more of our youth take an active voice in congressional activities, governmental activities and community activities, and to establish permanent mentoring programs in the various professions and businesses throughout our State.

□ 1815

And also develop for the first time under one roof where all the volunteer groups, over 600 volunteer groups and 800 nonprofits, can meet for the first time in an opportunity to exchange ideas, to have forums, to have our keynote speakers, and to have demonstration programs where we will show within the community just how much spirit and enthusiasm we have to make sure our youth have the chance to become the leaders they want to be to achieve vocationally, educationally and in every way possible the kind of life where they can be all they can be.

We look forward to an exciting event, and we hope that other Members of the House will do similar in the sense that they will have their own follow-through summits based on the President's summit we had in Philadelphia.

THE REPUBLICAN TAX CUT PLAN AND THE BUDGET BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight I would like to talk about two issues which I believe are related. First is the analysis, if you will, of the Republican tax cut plan, which I believe mainly benefits the wealthy and how the Democratic alternative is much better for the average family, the average middle-income family in this country; all of this, of course, in the context of the budget bill and the efforts we are now making in committee and eventually on the floor next week to work out a budget bill and the tax cuts that are a part of that budget bill.

Second, following up on what I spoke about earlier today during morning hour, what happened with regard to Medicare in the matter of MSA's, or medical savings accounts, being incorporated in the Medicare Program as part of this budget package to the detriment I believe of the Medicare Program and, at the same time, the Republican leadership's failure to provide funding for low-income people who currently receive Medicaid funding to pay for their Medicare part B premium. All of this is in the overall context of the budget bill.

As my colleagues know, when we passed the budget resolution about a week or two ago, it was pretty much a bipartisan vote. I voted for the budget resolution because I am very concerned that we need to balance the budget, we need to be concerned about spending and we certainly, at the same time, need to provide some tax cuts or tax breaks to the average American. And so, as a whole, the budget resolution seemed to make sense.

However, what happens is that after the budget resolution passes, both the House and the Senate and eventually the President have to get together on an implementation bill, if you will, that will show where spending takes place, where tax cuts take place, what kinds of changes are going to take place with entitlement programs like Medicare and Medicaid.

And essentially what we are doing now is getting down into the details of how we are going to balance the budget and how we are going to be fair in our tax and spending policy. This is where now there are starting to be divergences, or differences I should say, between the Republicans and the Democrats on a number of these issues.

I wanted to start off if I could by talking about the Republican tax cut plan. There is a new study that was done by a nonpartisan research organization called Citizens for Tax Justice, and they basically found that the Republican tax cut plan that was unveiled by the Committee on Ways and Means last week overwhelmingly benefits the richest Americans, while giving little essentially to middle-income families and actually raises taxes paid by lower-income families.

If my colleagues look at this chart, which I know some of my Democratic colleagues have been pointing to today during the special orders, we can see basically what Citizens for Tax Justice is saying. This graph compares the Republican tax plan and the Democratic alternative. And if we look at various income brackets, and I will start on my left, we can see that for the lowest 20 percent, and that is people whose average income is $6,600 or less, the Republicans actually provide a tax hike, whereas the Democrats are providing for a 4.2-percent tax cut. Again, for the second lowest 20 percent of American families average income, $15,900 or less, again the Republicans would provide for a tax hike, Democrats would have a tax cut of 11.4 percent.

Now as you get into middle-income brackets, this gap if you will, at this level the Republicans are starting to provide a tax cut for middle-income families at 20-percent below the $26,900 average income. But again, although the Republican tax cut is 4.4 percent, the Democratic tax cut is 19.1 percent, significantly higher. Same thing for the fourth 20 percent, those making $44,500 or less, Republican tax cut 14.5 percent, Democratic tax cut 39.6 percent.

Now, as we get into the higher income categories, we see that there the Republicans are actually providing a much larger tax cut than the Democrats. At the 15 percent of the people who are below $75,500, in other words, between $44,000 and $75,500, the Republican tax cut is 24 percent, the Democratic is 14.4 percent.

Then when you get to the very top 5 percent of American families who are making $247,200 or above, there is a huge difference, with the Republicans providing a 57.9-percent tax cut and the Democrats only a 12-percent tax cut.

Now I think this pretty dramatically shows that the Democrats, in general, are trying to work out these tax cuts so that they benefit the average person, whereas the Republicans are basically weighting the tax cuts toward the higher income families in America, which is not the way this is supposed to be.

Remember, this is being done, Mr. Speaker, in the context of a balanced budget plan. We are trying to balance the budget. We are trying to provide fairness here in doing so. It certainly does not seem fair to me to make most of the tax cuts benefiting people who are of means, who are in these higher income brackets.

In fact, according to the Citizens for Tax Justice study, 41 percent of the total tax cut benefits the top 1 percent of the taxpayers. These people have incomes over $241,000 with an average of $644,000. Under the Republican tax plan, they would realize a net tax cut averaging $21,576, particularly when all the capital gains indexing provisions are fully effective.

I do not want to keep giving my colleagues all these figures, but just as an example, with the capital gains tax cut, which is, of course, the one that if you skew it a certain way has the greatest potential for helping people who are wealthy, according again to this study by Citizens for Tax Justice, the capital gains tax cut that has been proposed by the Republicans would be worth $13,976 per year to a family making over $350,000 per year but only $17 to the average family in the middle of the income distribution with an income of about $27,000.

Now some Republicans argue that an across-the-board capital gains rate cut and indexing are middle-class tax relief because about half of the tax returns reporting capital gains income are filed by people with income less than $50,000. But this is wrong because, in fact, because most liquid financial and other capital assets are held by upper income people. They realize the most capital gains, and the vast majority of American families will see very little economic benefit, either direct or indirect.

One of the things, of course, to look at in all of this is the capital gains tax cut, because, as I said again, that is where if you do not frame it specifically for middle-income families, particularly with regard to giving most of the relief for a sale of a home, they you can get into a situation where the majority of this tax cut goes to upper-income individuals.

I would like to now talk a little bit if I could about the Democratic tax alternative, which I think is a far better alternative and a lot fairer because it targets the tax cuts on those who need them. More than two-thirds of the Democratic tax cuts go to the truly struggling middle class and lower income families making less than $57,500 a year. It is basically better for working families. It is better for education. It is better for the deficit.

Just to give my colleagues an example here, which we have cited before, the typical working family in 1998, under the GOP as opposed to the Democratic proposals, this is a family who has an average income of $24,000, the family has one child age 10 and one child age 19. The 19-year-old is attending his first year of community college with an annual tuition of $1,200.

Remember, one of the major focuses of the Democratic tax cuts and the President's plan when this all started during the budget negotiations was to make sure that we were providing relief for middle-income families that have to send their kids to college, because that is where a big bulk of their

expenses go when they have kids in college.

Well, under the GOP plan, there is a HOPE scholarship that is for the first 2 years of college that basically gives the family back $600, and the child tax credit provision gives them nothing because they do not qualify due to nonrefundability and the earned income tax provisions.

On the other hand, the Democratic alternative gives them instead of $600 for the HOPE scholarship $1,100, which is phased up to $1,500 by the year 2001 toward the end of this 5-year budget cycle. And with regard to the child tax credit, again, the GOP bill gives them nothing. The Democratic alternative gives them $300, which is phased up to $500 by the year 2001, which is again toward the end of the 5-year plan.

But there are many other ways in which the relief is concentrated on families of middle income, and I would like to get into some of those perhaps later this evening. But I see my colleague, the gentlewoman from Connecticut [Ms. DELAURO], and I wanted to yield to her if I could.

Let me just say one thing with regard to homeowner tax relief. The Democratic alternative provides $5.7 billion of tax relief to homeowners. It includes the President's proposal to exclude up to $500,000 of profits, capital gains, on the sale of a home, and the exclusion would be $250,000 for single taxpayers. It also allows losses on the sale of a home up to $250,000 to be written off as a deductible loss against taxes.

Now I mention this because again I want my colleagues to understand that the Democratic alternative does provide capital gains tax relief, but it does it primarily to homeowners. And that is where the middle income, the average person is more likely to benefit from the capital gains tax cut. Because really, for most of them, the only time they are paying capital gains tax is when they sell their home.

What we are saying is that rather than the Republican plan, which basically would provide relief to all kinds of capital gains across the board, let us focus in on the homeowner because that is where most middle-income people see a capital gains tax and would most benefit from some sort of cut or relief on that particular type of tax.

Mr. Speaker, at this point I would yield to my colleague, the gentlewoman from Connecticut [Ms. DELAURO], who has been a leader essentially, really the outstanding leader in bringing home to the Members of this body why this Democratic alternative is much preferable to the Republican plan that has been put forward.

Ms. DELAURO. Mr. Speaker, I want to thank my colleague from New Jersey [Mr. PALLONE] for his leadership on this issue and am proud to join with him, and I am hopeful that we will be joined by other Members this evening.

But I think that it is important to note what my colleague was talking about and there should be a discussion about the two tax cut plans and, in fact, who benefits from each. I think it is critical to note that, while our colleagues on the other side of the aisle are going to try to make a case that Democrats are not providing tax cuts for working families, whether, in fact, the Democratic alternative is precisely focused in on working, middle-class families with education, with the child tax credit, with estate taxes and inheritance, or the death tax, as my colleagues on the other side of the aisle like to talk about it, capital gains, specifically directed to working, middle-class families, to small businesses, to small farmers, to the people in this country who have been carrying on their shoulders an enormous tax burden.

□ 1830

In addition, these are the folks who are scrambling week to week, month to month to pay their bills.

I think it is fair to say that a comprehensive tax bill truly in fact says a lot about our priorities and our values, both as a Congress and as a Nation, so that in fact the public has the opportunity to look at both tax plans and to engage in the debate and determine who is on my side. They should, as that chart makes clear here, when we have a comparison of the Republican tax plan and the Democratic alternative tax plan, of who is on the side of working middle-class families in this country.

If my colleagues might recall also, in the last session of the Congress, the Republicans talked about the crown jewel of the Contract With America and they do not these days talk either about crown jewels or contracts with America, but the cornerstone of that document was a $245 billion tax cut, essentially for the richest people in this country, and paid for primarily by a $270 billion cut in the Medicare program.

They have come up with a new proposal which once again I think when it is laid out side by side, one can take a look to see that they are continually to be on the side of the wealthiest Americans. Under the Republican bill, over half the tax benefits go to the top 5 percent of Americans, those making over $247,000 a year. An additional quarter of the tax cuts go to families making between $75,000 and $250,000. The rest of the American people, those making less than $75,000, have to share what is left over. That is right. They have to share what is left over. Under the Republican plan, the 80 percent of the Americans at the lowest end of the income scale receive less than 20 percent of the tax benefits.

I know my colleague from New Jersey concurs in this. This is simply wrong. What we need to be about is to provide tax relief to those families who could really use it, hardworking, middle-class American families. As is so often talked about in these debates, this is not my conclusion or my colleague from New Jersey's conclusion or the conclusion of the Democrats on the Committee on Ways and Means who all voted for this Democratic tax cut alternative. These are not my words. I offer as evidence, if you will, of what we are talking about in determining who is on the side of the wealthiest 5 percent of this country or who is on the side of working middle-class families the Philadelphia Inquirer dated Thursday, June 12, 1997, and the headline, "Bill Archer's gift horse: The Congressman's tax-cut plan looks good now, but in the long term, only the rich will benefit."

"Average Americans would be the biggest winners, say U.S. Rep. Bill Archer, under his new tax-cut plan. He's got a break out that shows three-quarters of the tax relief going to households that earn less than $75,000 a year.

"Sounds nice, but it's bogus. What he unveiled this week ought to be called the Tax Relief for the Monied Class Act."

This is the Philadelphia Inquirer.

June 11, 1997, The New York Times. "A Favor-the-Rich Tax Plan."

"To finance cuts in capital gains and inheritance taxes, Mr. Archer has held tax benefits for others to a minimal level. The tax-writing committee has come up with a proposal that barely eases the strain on middle-class families while showering the rich with benefits."

The Washington Post. "A Bad Tax Bill Gets Worse."

So that paper after paper after paper indicates in fact that what we have seen once again is that the focus of attention of this tax cut proposal is on the richest 5 percent of the people who live in this country, the wealthiest 5 percent, and those who are working and struggling as middle-class Americans find themselves in a situation where they are not going to get any relief. The fact of the matter is that Democrats have proposed——

Mr. ARCHER. Will the gentlewoman yield on that?

Ms. DELAURO. I will in a moment. The Democrats have proposed an alternative tax package whose benefits are targeted to middle-class families. The message from House Democrats is that in fact we are on your side, we are on the side of families struggling to try to make ends meet. We are on the side of families who worry about paying their bills each month, putting food on the table and still having enough left over to afford health care for their kids. We are on the side of families hoping to tuck away a few of their hard-earned dollars each month for their children's education or for their own retirement.

These are families who truly in fact deserve some tax relief.

This is not a partisan issue, quite frankly. This is an issue in which we have an opportunity to come together as a Congress in order to provide much needed tax relief to people in this country. I think when we have the opportunity on the floor of this House to go through post-secondary education, K through 12 education, the family credit, total relief for families in this country, the death tax and capital gains taxes, that we ought to in fact opt for Main Street instead of Wall Street.

I want to turn this back over to my colleague from New Jersey who controls the time in this special order.

Mr. PALLONE. I want to thank the gentlewoman and explain that I have to yield next to the gentleman from California [Mr. WAXMAN].

Mr. ARCHER. I was hoping, if the gentleman would just yield briefly, that we could have some degree of debate on this very important issue while the time is available. I would like to enter into that debate.

Mr. PALLONE. I yield to the gentleman.

Mr. ARCHER. The gentlewoman has commented that our tax bill would shower benefits on the rich and yet, interestingly enough, 93 percent of the tax relief in our bill goes to taxpayers who have under $100,000 in expanded income, not just AGI, but expanded income.

Where does this number come from? This number comes from the Joint Committee on Taxation, which is a nonpartisan, professional organization that advises both the Democrats and the Republicans in the Senate and in the House.

Where do the figures come from in the gentleman's chart? They come from the Treasury's analysis, which is an arm of the President. The Treasury's analysis makes you rich because it arbitrarily assigns to you the imputed value, rental value, of a house that you own, and says you get income off of it every year. Now, no American would believe that. No American who is a homeowner would say, "Gee, I'm rich because I get rental value on the house that I live in."

They also assign an arbitrary figure of "we know you haven't declared certain income, so we're going to arbitrarily increase your income by an amount that we think is appropriate." They put middle-income taxpayers into a rich category and then they say these benefits that go to middle-income taxpayers actually are going to the rich. The American people will not accept that. The reality is that the Joint Tax Committee that has distributed our tax bill, where 93 percent goes to taxpayers under $100,000 and 76 percent goes to taxpayers under $75,000 is clearly, clearly not showering benefits on the rich. It is too bad that the Treasury analyses are used rather than the commonsense, nonpartisan Joint Tax Committee.

Mr. PALLONE. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Speaker, what is interesting about the Joint Committee, and I hope the chairman will stay because the Joint Committee has refused to tell us how they reached the distribution numbers, and as the Philadelphia Inquirer and other newspapers and other documents have pointed out, the costs are hidden; because, in fact, what happens in this charade, if you will, is that the first 5 years we do have people who will be selling off assets and there will be some revenue to the Government, and the other half, the second 5 years, is when this deficit explodes off the chart.

What I would like to do is to yield to my colleague who sits on the Committee on Ways and Means who has been part of the deliberations and can address some of these issues.

Mr. PALLONE. I yield to the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, I appreciate the gentleman giving us the opportunity to discuss this tax bill. I think what the gentleman from Texas has suggested is misleading, because the Joint Tax Committee has a proposal where they show how the taxes are distributed. But they never put in the full impact of the taxes unless they are fully phased in. What is really deceptive about this tax bill and why it is really bad is that in the outyears, that means beyond the year 2007, this explodes. What they did was they made very few changes and sort of said, "But we'll phase it in 5, 6, 7, 8, 9, 10 years from now."

Most of the people who voted for this do not expect to be here when the deficit is re-created, as it was after the 1981 tax bill. The fact is that if we look at the charts that the gentleman has there, it is very clear that the bottom 40 percent gets nothing.

I offered an amendment in the committee on an issue that is a very familiar one and, that is, the marriage tax penalty. Let us say you are a couple. You make $30,000 between you. You make $15,000 apiece. If you file together, you pay 10 percent more tax. This was in the Contract With America. Two hundred some odd Members of this House signed the Contract on America and said we want to get rid of the marriage tax penalty because we want to encourage people to get married. We are very worried that all these children are being born out of wedlock. So we want people to get married.

But the Tax Code is much more advantageous to you if you do not get married. If a couple makes $20,000, now, let us say the man makes $14,000 and his wife who goes out and works, does some baby-sitting or whatever, makes $6,000, they have got $20,000 of income. They pay a penalty of 48 percent more taxes if they get married. They are much better to stay apart. I would recommend on a tax basis, if I were a tax consultant, to a young couple, "Don't get married, for heaven's sake. You're going to pay 48 percent more."

They put it in the Contract on America and said, "We're going to go out there and do what's good for families." But looking at this tax bill, 58 percent goes for people making more than $247,000. That is not the family making $20,000 trying to get by.

This tax bill is simply those figures up there, that use Treasury figures or their figures, if they gave the total figure of what the impact was, it would be clearly skewed to people at the top of the income bracket.

My view is that amendments like the marriage penalty ought to be what we give people. That would get people at the bottom end of the scale. Because people making $20,000, $30,000, are down in those groups at the bottom of the gentleman's graph.

Another one I offered in the committee, or was going to offer but nobody wanted to deal with it, is the whole FICA tax. People say, "Well, they don't pay any income tax; look, we've given them this earned income tax credit and all this so they don't pay any income tax." But everybody pays FICA. That comes out of everybody's tax. My view is that we ought to give a break to people on their FICA tax.

□ 1845

Again, that would put all the benefit down at the level of under $75,000, but this tax bill they brought to the floor, they are bringing to the floor next week, is simply neither family friendly nor small business friendly because another amendment that I offered in the committee was: "Why can't you deduct the total cost of your health care if you purchase it?"

Now a big company, if they buy insurance for you, if Boeing or General Motors, they deduct it 100 percent. But if you are a small business person out there, maybe you hire one or two people, you are running a little catering business or something, and you buy health insurance, you cannot deduct the 100 percent. Why? Because big people can and little people cannot? I guess, because they turned that amendment down on a party line vote, they said, and it was the number 1 issue of the National Federation of Independent Businesses.

The small business people said we want 100-percent tax deductibility. But it was turned down in the Committee on Ways and Means for this bill that benefits the rich, and I think that it is very important that you have these kind of discussions out in public so that the public can understand and begin to learn what is really here.

When you talk about the estate tax, the so-called death tax, everybody says, well, gee, I am going to die; I would like to pass a few things on to my kids. Well, if you have got $600,000 worth of stuff to pass on to your kids, it goes for free, simply for free. There is only 1.6 percent of the families in this country that pay the death tax, 1.6 percent.

Now you think that is the people at the bottom who are making 20 grand or 30 grand? We do not know who they are, but they are folks who have millions and millions and millions and millions of dollars, and those people are in here asking for a tax benefit at the same time that we put a marriage tax penalty on a couple making 20, 25, $30,000.

Mr. Speaker, there is something wrong with a tax structure that does that, and I think that this bill makes it infinitely worse. So I commend my colleagues for coming out here and raising these issues.

Mr. PALLONE. I appreciate the gentleman's comments, and I want to yield, but I just wanted to say I think one of the most important things that you raised tonight, and I am getting this back from my constituents, is the fact that the Republican proposal will essentially explode and cause the deficit to balloon in these outyears, because after all, the whole premise of this budget debate is to balance the budget, and when I tell my constituents, and it is not just me; the gentlewoman from Connecticut read the various editorials in major newspapers around the country; when they read that and they find out that this Republican proposal will actually 5 or 6 or 10 years from now cause an even greater deficit, they are outraged.

And I just briefly, because I am reading just from this document from the Center on Budget and Policy Priorities, and they say that, specifically they conclude that although the cost of the GOP bill is held at $250 billion in the first 10 years, the costs would explode to between $650 billion and $750 billion in the second 10 years, and basically they talk about how these provisions, these backloading provisions, if you will, have a common characteristic that they provide most of their tax cut benefits to high income individuals and that essentially they make heavy use of gimmicks delaying effective dates, slow phasing, and timing shifts and revenue collections to minimize the revenue losses these tax cuts caused during the first 5 years, but then beyond they balloon. And to me that is the most outrageous aspect about this.

Mr. MCDERMOTT. One of the things that really is distressing about that: If you think about when that is, 10 years from now will be 2007. You add another 5 years, and you are at 2012. That is when the baby boomers are going to be getting to Medicare and Medicaid, and if the deficit explodes right as they reach retirement, all these 30 and 40 and 45-year-old people right now who are saying, well, by God when I get to 2010, I will at least have Medicare and Social Security. If the tax provisions in this bill explode in our budget in 2012, or thereabouts, there is going to be another Congress in here looking to cut away on those programs at the very time when those people are depending on it.

And that is why people around here are saying, well, we are doing this for our children, we are doing this for our children. You mean we are laying a bomb for our children in the year 2012 that we are going to light in here and wait for it to explode out there in 15 years, just when our kids will be at the point of trying to educate their kids and they will be looking at us and saying what are we going to do about mom and dad?

Mr. PALLONE. And that is exactly what most people think that we are avoiding with this balanced budget bill, that we are talking austerity measures now to help the people later down the road, the kids, the grandchildren, and in fact it is just the opposite.

I yield to the gentlewoman.

Ms. DELAURO. Just a point, because my colleague from Washington talked about, we had talked about for a number of years here, trying to provide small businesses with the opportunity for 100 percent deductibility under health care costs.

In my State of Connecticut, and I am sure in Texas and in Washington State, the engine of growth has been small businesses. This was an opportunity to give relief to small businesses, which they on a party line vote, as I understand, means all the Republicans voted together against the small business deduction of 100 percent on health care costs.

In addition, because when we are talking about where their bill is focused, this is one that I have the hardest time believing. We all know that in today's economy we have men and women who are in the workplace, two parents, and not because they both want to work, they have to in order to make ends meet, and that means that they have to have their children in child care. And we talk a lot about trying to make child care affordable, sliding scales, good quality care, evaluating child care because we know today that parents have to rely on child care so that they can both work.

I think one of the most egregious things that happened in this bill that the Republicans have put out, it would just say to the bulk of our families in this country who have both mothers and fathers in the work force that what you get in terms of a dependent care credit on your child care you can claim credit on your taxes for your child care if you both have to work, that what they are going to do is they are going to cut that by 50 cents. They are going to cut it in half.

Mr. MCDERMOTT. For every dollar that they get, it will now be 50 cents?

Ms. DELAURO. That is right, for every dollar they get as a credit they are going to cut that in half. So you are trying to say to people: We want to try to provide you with some help. You are the folks who need it, you are struggling. At the same time they offered to eliminate taxes on the richest corporations in the country, to give them a zero tax obligation, and at the same time we are going to cut the per child tax credit for child care. It just gives you a sense of proportion.

Mr. MCDERMOTT. It is not very family friendly.

Ms. DELAURO. As to who is family friendly or not.

Mr. PALLONE. I thank you both, and I would like to yield at this time to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey, and I wanted to pick up where the gentlewoman from Connecticut and gentleman from Washington were so pointedly focusing on, I think, the discrepancies between the Democratic alternative and what has been represented as a tax bill that is supposed to be responsive to all Americans, and I would just like to add my opposition frankly because I think one problem is that the pace at which this particular tax bill moved was a pace that did not allow deliberations and consideration, did not allow the input of those most needing the positive impact of a tax cut, and I cannot help but agree in totality, 100 percent.

When I go home to the district, the people that I hear from are small business persons who every Chamber that you meet with says small business is the backbone of America. How many times do we have to say that? Small business is the backbone of America, whether it is two people, one person, a few people. Small businesses are the ones that come into our community and hire people to work.

In this instance we had a circumstance where the estate tax does not respond to small businesses. I just want to highlight the difference in the funds. The Republican plan offers $3.6 billion in tax cuts. We in the Democratic side representing and recognizing that we are dealing with a balanced budget and not trying to blow up—I want to use the term "blow up" the deficit in the outyears—have $2 billion.

Now let me emphasize the difference. We have a situation where you can get an immediate relief for family-owned businesses for $400,000 in extra exclusion tax for family business assets. Immediate; let me underline that: Immediate. On the $3.6 billion side, where you blow up the deficit in the year 1999,

you can get $1 million credit, but not until the year 2007.

I am speaking to small businesses today, 1997, not 2007, and then to find out that the deficit will be steadily going up, the one deficit that all of us have been talking about, the one that the Republicans have been talking about and indicated that that will go up in 1999. This estate tax on the Democrats will allow family owned businesses interest with value up to 2 million plus with no estate tax in the case of a married couple.

That responds to the major concerns that we have found when we go home and talk to constituents, every day constituents, and I would like to follow up as well on the hundred percent deductibility for health care. The gentlewoman from Connecticut, the gentleman from Washington mentioned something that you hear all the time. Most of what you hear is the employees of small businesses saying I wish we could have health care. You find the owners of small businesses saying, "You know what? I like my employees. They do a good job for me. But the overhead is such that I couldn't pay them a salary if I had to pay for their health care. But I want to give them health care."

Now what sense does it make not to support the backbone of America's job creation over the last decade, small businesses, with not giving them a hundred percent deductibility? First of all, it allows you to cut the costs of health care. It allows you further to insure that the employees, mostly employed by small businesses in contrast to major corporations, have health care coverage, and the small businesses will continue that coverage, not get it, stop it, get it, stop it because they cannot cover it because they get a hundred percent deductibility. I consider those common sense provisions offered by Democrats and yet not received by Republicans.

Let me add another point of concern that I have. I am certainly in support of the alternative that we have offered that says that it provides and allows the $500 child credit that the administration is offering, but let me say that there are other aspects of education that I think is important that the Democratic alternative offers to Americans, and that is where we most need a lift, the K through 12. You hear all the time the infrastructure, the support services for educating our children K through 12. The important issue is that we must emphasize building from the bottom-up.

Our plan, the Democratic plan, allows for education costs, free capital for K through 12 schools, tax incentives for enterprise zones like partnerships between public schools and distressed areas and the private sector.

All the time you hear chambers and community groups talking about working with our schools. Well, I think it is important that we give them the kind of incentive that will allow them and help them to work with our schools. That does not happen in the Republican bill, and I think that that chart clearly says it. That chart indicates that most of the Republican benefits go to the extremely wealthy.

I would like to put that in because I do not want the Democrats to be perceived as not encouraging the working class, the middle class, moving upward. We want that. That is what capitalism represents, and that is not fair to label us as individuals who do not want to see people get ahead.

□ 1900

But it is important to know who we want to get ahead, and to realize that this economy is a good economy. That is why the large corporations are doing so well. That is why the Dow is unimaginable. People cannot even understand what is going on with the Dow.

We are not doing poorly in this country, but we are letting the middle income, the working people, do poorer. We are taking away from the working poor the incentive to continue working by eliminating the EITC, the earned income tax credit. How foolish when it benefits our economy, because they are not only saving but they are infusing capital back into the economy as consumers.

Mr. Speaker, I would say to the gentleman from New Jersey, let me thank him first of all for bringing us together on this very important issue, and just acknowledging that all of the fine print throughout the country in terms of newsprint is emphasizing that this Republican tax plan is a tax plan for the wealthy. It is not Democrats saying it, it is individuals who have analyzed this in good faith.

Therefore let me just note that this article out of, I believe, the Wall Street Journal has indicated "The tax bill's complexities often aid the wealthy." It goes on to recount many instances of where this bill focuses on helping the wealthy.

Then, of course, the bill seems to go into areas, as I note, that do not seem to coincide, if you will, with tax relief. It seems to coincide with tax attack. It says "Not all of the boomerangs in the bill are invisible. One would require that labor unions report to their members on a special form the percentage of the members' dues that are used for political activities. The unions say this reporting would cost them more than $20 million."

This is not necessarily a tax issue, but what we find is that this bill is all over the lot. I simply say to the Republicans, let us get back to the business of drafting a bill that works for working America, middle-income America, that applauds investment in small businesses, that says good health care is good, that says that elementary school education, middle school, secondary and high school is good, leads you into college, and also says that we applaud the American men and women who have small businesses, we want to give them small business and estate tax relief, because that family has invested in America.

That is what I think we should be doing. That is the kind of tax bill that I think the Democratic alternative represents. I think that is the kind of tax bill that we here are speaking to on the floor this afternoon. I think it is very important that the American people understand that and be able to support the right kind of tax relief.

Mr. PALLONE. I want to thank the gentlewoman from Texas, and particularly emphasize again that in many ways what I think the Republican leadership is trying to do is to pull the wool over the American people. They talk about capital gains and estate tax relief. We know in certain circumstances if it is targeted, that can be very beneficial to certain middle-income people.

But the problem is that through various gimmicks essentially what they are doing is having across the board, if you will, changes in capital gains and estate tax, and then using gimmicks so the amount of money that is available, particularly after the first 10 years, grows. What that essentially does is gives most of the relief to wealthy individuals.

What we need to do, and I think that is what all of us are doing tonight, we need to point out that we are in favor of capital gains tax cuts, we are in favor of estate tax cuts, but we want them to be targeted. We want the capital gains tax cuts to be targeted to the average homeowner, as the gentlewoman pointed out. We want the estate tax relief to be targeted to family owned businesses, small businesses, farmers, those who need this kind of relief.

Mr. Speaker, I just think it is very important for us to continue this discussion and make our colleagues and the public understand, because too often people just hear tax relief, capital gains, estate tax, and they think somehow that is going to benefit them. It does not unless we do it in a way that benefits and targets so it helps the average person. That is what the Democratic alternative is really all about.

Ms. DELAURO. If the gentleman will continue to yield, Mr. Speaker, I think the gentleman made the point that it is like the debate about a balanced budget, and where we have had agreement on both parts of the Democrats on a balanced budget.

The devil is in the details. It is more than in the details, because both a budget and a tax bill reflect, as I said earlier, the values and the priorities

that we hold as a Nation and where we want to try to focus our priorities, where we want to focus limited resources.

No one is saying that we have, and we do not have, all of the money in the world to do everything that everyone wants. That is not the case at all. No one is suggesting that. Also, no one is suggesting that government has to do everything for people. But in fact, government should be charged with helping people with some tools that they need when they face difficulties in their lives.

Tax relief is a tool to help people who are struggling to make this fight. I think there are one or two pieces where we can really see the contrast in a Democratic focus and a Republican focus. That is, Mr. Speaker, today employers can offer to employees up to about $5,200 in educational assistance which is not taxed. This is a provision that needs to get extended year by year.

What the Democrats do here is they say that they will permanently extend this expired provision of the Tax Code that says it will allow employees to accept up to $5,200 in employer-provided educational assistance which is not taxed. Also what the Democratic proposal says is that this is good for graduate education as well as undergraduate education.

The Republican plan only extends the provision until the end of the year, and does not include graduate education. We are about the business of trying to provide people with the educational tools that they need so that in fact they can earn a living, make a living for their family, progress, be able to pay their taxes, and be productive and contributing members of society. That is what people want to do. In the basic issue of the education assistance provided by employers, they would exclude graduate education and they will not extend this provision on a permanent basis. This is unfair to people.

At the same time, they will allow for inflation on capital gains and what they call indexing in the second 5 years of this proposal, which in fact, as my colleagues have pointed out, gets us right back to a deficit which we have spent the last several years trying to dig out of.

Mr. Speaker, I must say one more thing about the deficit. I think one of the biggest contributions to getting the deficit down to where it is today has been the Democratic budget of 1993, where in fact it has allowed for an economy, and I might just parenthetically add that this was a piece of legislation only supported by Democrats. There was not one Republican vote for this piece of legislation.

Economists have said that this allowed for interest rates to come down, this has allowed for the opportunity for the deficit to come down, and in fact, provided the kind of an economy where we can focus our time and attention on a balanced budget agreement and where we can focus our time and attention on a tax plan which can benefit working middle-class families in this country.

Ms. JACKSON-LEE of Texas. If the gentleman will continue to yield for a moment, Mr. Speaker, to add another comment, I believe the gentlewoman has really isolated and highlighted this issue of distinction, if you will, between the approaches given by both the Republican plan and the Democratic plan. Let me add a point to expand on the capital gains.

It is noted that the Republican bill would lower the top capital gains rate, now 28 percent, to 10 percent for taxpayers with incomes below $41,200 and 20 percent for those who are better off. The main beneficiaries of the 10 percent rate, the tax experts say, this is out of the Wall Street Journal, would not be middle-income taxpayers selling a modest amount of mutual funds. Instead, it would be wealthy families who are selling stock to pay for their children's tuition.

We are not denying that there should be the opportunity for children to go to college, but what we want to distinguish is how the middle-income, the working family, does not get the same equal benefit. I think that is just key in what we are trying to do here.

There are various loopholes about how this capital gains transfer by the richer family being able to give the stocks over to the children, getting a benefit, and then the children being able to sell it and use it for college, that does not happen when hard-working middle-income families just want to sell a few mutual funds, they do not get the same benefit as the richer population.

I think that is extremely important, as well as, let me add, the fact that this is a 422-page bill. I noted that part of it has reporting requirements for unions. This is a complex set of new laws that are coming into being.

I always thought that one of the things that we in Congress wanted to do was to simplify the Tax Code, to simplify the process, and to allow those working families and small businesses to be able to pay taxes and to have taxes cut or tax relief in a simplified process. That is not the case with this new 422-page proposal offered by the Republicans.

Mr. PALLONE. Mr. Speaker, we do not have much time, but if I could just summarize, I think we pretty much pointed out first of all why the Democratic tax cut alternative is fairer, because it essentially targets tax cuts on those who need them.

As was pointed out by the gentlewoman from Connecticut [Ms. DELAURO], we are talking about scarce resources here. This is a balanced budget plan. We want to give tax cuts where they are needed. That is really essentially what the Democrats are all about: making it fair, making it primarily for those who need them. It is obviously a lot better for working families.

We talked about the per-child tax credit. We talked about how it is better for education, because it gives more money to people who have the need, whether they are in the first 2 years of college or they are in 4 years of college, whether they are in graduate education.

Lastly, and certainly no less important, is it is so much better with regard to the deficit. I think there is the really telling point, if you will, when I talk to my constituents. When they listen to what the gentleman from Washington said, if we go through this process and at the end of this process, 10 years from now, we end up with an even larger deficit than we have now, basically we are lying to the American people.

Ms. DELAURO. Shame on us.

Mr. PALLONE. That cannot be. We just have to keep pointing it out every day on the floor, as we are doing now, and hopefully ultimately our colleagues will listen and understand why the Democratic alternative is better.

Mr. Speaker, I just want to thank the two gentlewomen for participating, but we are going to have to do this a lot more.

Ms. DELAURO. I think it is worth doing, and we thank the gentleman for his leadership on this issue.

THE QUESTION OF RACE AND REMARKS BY PRESIDENT CLINTON

The SPEAKER pro tempore (Mr. HAYWORTH). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to say that there are many things that we come to the floor of the House to discuss, and many times we do have a difference of opinion, because this is the nature of the democratic process.

Allow me to speak very pointedly on an issue on which I am going to call for a bipartisan response and a joined and open-minded response that takes into consideration the intense feelings held by many in this Nation on this question. That is the question of race, and the remarks that were made by the President of the United States this past weekend.

Mr. Speaker, I do not view his remarks as being political, though I know the commentary has reached all levels of debate. I do find his words to be important and instructive, for it is noteworthy that we are only 3 years now away from the 21st century. His remarks, if summarized, asked America how they wished to be defined,

whether we wanted to go into the 21st century being defined as a divided nation, a nation that could not help heal its wounds and heal the divisiveness.

So I want to applaud the President for calling to our attention the fact that now is the time, as was asked by Dr. Martin Luther King, if not now, then when, for us to come and speak clearly, resoundingly and positively, about bringing this Nation together. I applaud that.

I imagine that over the year's debate, with the commission that he has constructed to carry this forth, that there will be many points of view being raised.

□ 1915

In fact, I believe that there will be many groups that will further articulate what that means, action items, economic development, education of our children, the elimination of drug addiction in inner cities, rebuilding of our infrastructure, creating jobs, helping small businesses get access to capital. All of that will be part of the larger solution. But no one can take away from the importance of the problem and the importance of discussing the problem.

That is why I think it so very important to acknowledge this debate and his raising of this debate and his proudness as well as courage in raising it comes the possibility of failure. Already so many have cast their lot on the failure side. I cast mine on the success side.

I would ask the Speaker and I would ask Members of this House that they rise up and support this effort in a bipartisan manner. Therefore, talk about color-blindness and eliminating affirmative action and legislation that is being announced to eliminate all Federal affirmative action should now be stopped itself; cease and desist, until a full discussion can be taken to determine whether or not now is the time to eliminate affirmative action. I would say resoundingly not. The facts are there. Eighty percent decrease in admissions in the University of California system. Not one single African-American admitted or accepted into the University of Texas School of Law. Let me say, accepted, but yet only one admitted and none attending in fall of 1997. So there is data to suggest that we do have a problem in making sure that women, African-Americans, Hispanics and Anglos, Asians, and others who come from diverse backgrounds are all in the circle.

There was an article noted in the Houston Chronicle on June 17, 1997, written by NEWT GINGRICH and Ward Connerly. They seemed to try to emphasize, in defending opposing affirmative action and as well not rising to the debate that would help bring us together, that other issues are important. Let me say that I agree that we must educate our children. Let me say that I agree that we must do other things, Mr. Speaker, to ensure that we bring us together.

But let us not forget, Mr. Speaker, that we can do it by discussion and then solving the problem and, yes, we can do it by an apology. Let us work together to solve the problems of racial divide.

JUVENILE CRIME

The SPEAKER pro tempore (Mr. HAYWORTH). Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCCOLLUM. Mr. Speaker, tonight I come to talk for a few minutes wearing my hat as chairman of the House Subcommittee on Crime. The reason that I do is because I have been engaged in discussions over the past few days and several weeks, for that matter, with respect to juvenile crime, where we are going with it, why the bill H.R. 3 was shaped the way it was to reform the juvenile justice system, and what is going to happen generally in relationship to the whole issue of crime in the United States and drugs, which are present on the minds of most Americans on a rather continual basis unfortunately.

I thought that we should start this discussion for a minute by putting things into perspective, the big picture. There have been a lot of statistics recently released by various agencies, the Department of Justice, some private institutions that would indicate that there has been a decline in the amount of crime, violent crime in the United States over the last few years. Indeed the good news is, there has been a marginal improvement in the rate of crime and in the numbers of violent crimes committed in the Nation as a whole over the last four consecutive reporting periods that the Department of Justice reports. But I do not think that this should give us any comfort or solace.

The reason why we are still seeing on television every night violent crime being committed in this country, heinous murders, rapes, assaults, is because of the fact that there is not enough improvement in those crime rates, not by any stretch of the imagination. We are in a state of this country where, if you go to the grocery store, let us say the 7–11 store, at 10 or 11 at night now, it is four times more likely that you are going to be raped or robbed or murdered when you go to that 7–11 store than it was in 1960.

To put that in real numbers, in 1960 there were 160 violent crimes for every 100,000 people in our population, and in 1995 there were 685 violent crimes for every 100,000 people. That is 160 back in 1960 versus 685 violent crimes for every 100,000 people this last reporting period we have in 1995.

That is a remarkably larger amount of violent crime than most people are really willing to accept or understand exists. Just today we had a hearing in the Subcommittee on Crime on the issue of gangs and intimidation of witnesses who are supposed to testify in gang-related violent crime. Unfortunately, the witnesses, all of them in the prosecutorial arms of our State governments, from California to Pennsylvania to Utah, expressed grave concern about the fact that we are not getting the number of convictions that we used to get with respect to violent crime in their communities because witnesses are not coming forth. The reason they are not coming forth is because they are intimidated that other witnesses are being murdered in these gang violent situations in an attempt to keep people from coming out and telling what they know about what happened in these crimes.

But along the way, in addition to discussing the intimidation factor, we got some alarming statistics given to us about the murder rate and crime rates in some of our larger cities. While it is true that in New York City, as one exception to this, and a dramatic exception where the crime rate has come down dramatically in the last year, and I commend Mayor Giuliani and his force for what they have done in that city to see that happen. Cities like Philadelphia have not had the same result. And the statistics that were given to us today from Philadelphia show that in 1965, the number of homicides in the city of Philadelphia were 205. In 1996, there were 431. The city of Philadelphia has lost population since 1965, lost population. But the number of murders are up from 205 to 431.

If that is not alarming enough, the so-called clearance rate, or the number of cases that are solved, that they get convictions on and find out who did the murder and produce some justice on them, in 1965, the clearance rate, the solving rate of these murders was 93 percent. There were only 15 unsolved homicides in the city of Philadelphia that year; but this past year in 1996, that rate had dropped from 93 percent solved, 93 percent clearance rate to 56 percent.

There were 190 unsolved murders in the city of Philadelphia this last year. A large portion of that, it has been expressed to us, is because of this witness intimidation and the gang world that Philadelphia is locked in. But that is not unique to Philadelphia. Salt Lake City, Orlando, FL, Atlanta, GA, Chicago, Los Angeles, any of our larger cities are experiencing virtually the same type of results. Similar statistics are abundant in those communities. So even though you may get a good example once in a while of some very exceptionally good news like we had out of

New York City last year where the number of murders was dramatically down, that is not true of the Nation as a whole.

Violent crime is nowhere near a level that is acceptable or tolerable. What do we do about it and why has this become such a big problem? There are a lot of reasons of course. The root cause of crime can be traced back in many cases to single-parent families with poverty, lack of role models, no mentoring, a lack of education, a lack of hope. There are plenty of reasons why the underlying societal problems exist in many of our urban areas that produce conditions that lead youngsters into a path of crime and later violent crime.

I want to discuss a couple of statistics tonight on the front end of this. That is the end we see when the police get out on the streets and our justice system has to face this situation and then come back and address the prevention side of this later on.

The criminal justice system is currently failing to hold criminals accountable for their crimes. Of the 10.3 million violent crimes committed in 1992, the last year I have the full statistics for, the 10.3 million in 1992, only 3.3 million were reported to the police. About 641,000 led to arrests, 165,000 to convictions, and only 100,000 violent criminals received a prison sentence. About 76 percent of those prisoners will be back on the streets in 4 years or less.

The only good news I can report is that, once truth in sentencing laws passed this Congress and passed now in roughly 25 of the States, at one time, before we passed them and sent incentive grant programs to build more prisons and to require prisoners who commit repeat violent felonies to serve at least 85 percent of their sentences, States could not get the money to build the prisons unless they went to that rule. We had only a half dozen States that had a rule that required any lengthy prison sentence to be served pretty much in full. But today about 25 States do and the Federal Government does. And so we are seeing now the percentage of time served by these repeat violent felons has gone up from about one-third of their sentences to about 50 percent or a little under 50 percent. I wish I could say it were higher, and I hope the other 25 States that have not yet adopted truth in sentencing have not yet gone to a rule requiring violent criminals to serve at least 85 percent of their sentences do so.

But going back to this statistic, which is still very appropriate, albeit a couple years old, the last time we have it, the 10.3 million violent crimes committed in 1992, and really only about 100,000 violent criminals received any prison sentence at all.

Now the truth of the matter is, it is really rough in this area, is that entirely too great a number of these violent crimes that we know about are being committed by juveniles, those under 18 years of age. Certainly those under 20 years of age.

No population poses a greater public safety threat than juveniles and young adult criminals. More murder and robbery are committed by 18-year-olds than any other age group and more rapes by 17-year-olds than any other age group. And more than one-third of all murders are committed by offenders under the age of 21, a really alarming statistic.

Although the juvenile population is at its lowest that it has been since 1965, the juvenile crime rate has skyrocketed. The number of juveniles arrested for weapons offenses has more than doubled in the last decade. Murder among young people has increased 165 percent and juvenile gang killings have increased 371 percent between 1980 and 1992.

What is even more alarming is a surge in the number of juveniles in the next decade who will be in the age group most likely to commit these violent crimes. The juvenile population is expected to increase by 23 percent nationwide over the next 10 years. California, for example, can expect an increase of 33 percent in the next decade.

This is really a tough message to bring home tonight to discuss, and I realize it is a lot of statistics to throw out, but the bottom line is that while we may feel good about ourselves when we see marginally declining violent crime rates around the Nation as a whole, it is simply misleading.

We have far too much violent crime, particularly among juveniles. One of the great problems we have got today with the juvenile system, which I think is thoroughly broken, is the fact that juveniles learn quickly they can beat the system. Only 10 percent of violent juvenile offenders receive any sort of institutional placement outside of the home, only 10 percent. The small percentage of juveniles who are placed in confinement for murder, rape, robbery, or assault will be back on the streets in an average of 353 days. They are youthful but dangerous.

Juveniles 15 and younger were responsible for 64 percent of violent offenses handled by juvenile courts in 1994. And between 1965 and 1992, the number of 12-year-olds arrested for violent crime rose 211 percent. The number of 13- and 14-year-olds rose 301 percent, and the number of 15-year-olds rose 297 percent.

These numbers give you an indication of why we have to do something to fight violent juvenile crime more than we have been doing.

So this Congress, this House, a few weeks ago passed H.R. 3, the Juvenile Justice Act, that is now being considered, a version of it, by the other body and will be, in fact, marked up by the Committee on the Judiciary of the other body tomorrow.

This act has been mislabeled, misinterpreted, misunderstood by a lot of folks. The only thing this bill goes to is one but one very significant portion of the puzzle of how we get at this juvenile crime problem that is facing our Nation right now.

We know that there is a drug problem out there. We know that there is an education problem. We know that there is a poverty problem. We know there are a lot of issues that we need to be addressing. What this bill gets at is just one facet of that, not to the exclusion of any of the others, but to bring balance and perspective into it.

It gets it correcting or trying to correct a broken juvenile justice system that is allowing this to happen.

□ 1930

It is allowing a message to go out there to young people that if they go out in the evening with a group, a gang, or whatever, and they decide they are going to vandalize a home or a store or run over a parking meter, spray paint graffiti on a warehouse building, the police who catch them, if they are caught, are not going to take them into the juvenile justice system at all. They will not even take them downtown to book them. Chances are, they will ignore it because the system is overworked and they do not think the juvenile courts will put them away or do anything to them or punish them in any manner.

But if they are taken in for something that is a misdemeanor crime, a juvenile delinquent act, a crime nonetheless, and a juvenile judge sees them, the chances are, in our urban areas at least, it will be 10 or 12 appearances before that judge before any punishment at all is given. And by that I mean before community service or probation even, or something of the nature of community service, is given, any punishment for these kinds of offenses.

Is it any wonder, then, the juvenile authorities tell us in the crime subcommittee, is it any wonder that later, having seen no consequences for their acts at all, that these young juveniles get a gun in their hands and pull the trigger because they do not believe there will be any consequences? They do not believe there will be any punishment. They do not believe there will be any accountability for their acts.

First of all, they do not believe they are going to be caught and, second of all, when they do get caught, they do not believe, because they see their friends not having it happen to them, they do not believe they will be taken in or taken before a court. And, last but not least, they believe if they are, they will get a slap on the wrist. Even if they are, and ultimately the judge does give some kind of punishment for something really serious, a violent

crime, and I am giving the average here, they will serve less than 350 days for murder, if they are a teenage violent criminal. I would submit that that is a huge, huge problem.

So this broken juvenile justice system we have needs some fixing. What we did in this bill, in H.R. 3, that is now being considered in the other body and we hope to get to the President later this summer, what we did was two things:

One, we proposed we correct the juvenile justice system at the Federal level and provide a model, even though there are very few juveniles that are actually brought before Federal judges in Federal courts for criminal acts, as opposed to those appearing in State courts.

And then we did what was the most significant thing. We proposed a large grant program out of existing moneys that are set aside for fighting crime at the Federal level, $500 million a year over the next 3 years, to the States in this country for the purposes of providing more probation officers, more juvenile judges, more detention facilities, any number of things I will mention in a minute, provided that the States assure the Justice Department that administers these grants that they have in place such laws and such regulations and such rules that every juvenile who commits a delinquent act, a crime, a misdemeanor crime of some sort, is punished from that very first delinquent act with some kind of sanction, be it community service or whatever. And that for every subsequent delinquent act that that youngster commits, that that juvenile receives an increasingly greater punishment on a graduated scale.

And that prosecutors in the States, for those who are 15 and older, who commit murder or rape or assault with a gun, just those three things, that prosecutors be given permission in the States to prosecute, 15 years old and older, those who commit those three kinds of violent crimes, as adults. And even then there is the check of the juvenile judge being able to look over the shoulder of the prosecutor.

And the third thing that we ask of the States to qualify for these moneys to improve their juvenile justice systems is that they keep records as adult records are kept for juveniles who commit a felony, if it is the second or greater crime they have committed.

So we could have a felony committed, we could have had a murder committed by a juvenile, if it is the only offense that juvenile has ever committed, and have no records kept. Or we could have 10 or 12 misdemeanor crimes and never have a record kept. But when we have had at least one misdemeanor crime or one felony crime and then have another one, and that is a felony, the records will have to be maintained, just as adults.

The reason we want that qualification is because today when courts, particularly those who see somebody who gets to be 18, who is then an adult for the first time, then courts may see some young hoodlum who is a real thug, who has done some horrendously criminal act, maybe it is murder or maybe it is just a very violent shooting of some sort. If the judge sees that person and the judge has no record, he may not know this person at 17 and 16 and 15 committed an armful or two armsful of violent crimes, of murders or rapes or robberies or whatever it may be.

No records in most States today are kept at all beyond the age of 17 for these kinds of offenses. So we require, as a condition to receive these moneys, that the States keep those records or that they require those records to be kept in that given condition.

Last but not least, to qualify the State has to assure the Federal Government that its juvenile judges are given the authority over parents who come before the judges with the juvenile to hold the parent, not responsible for the juvenile delinquent act, but for some charge or responsibility the judge may give to the parent to keep track of that child, to make sure that child performs the community service or the other admonition that the court may place on that juvenile. In other words, enforcing parental responsibility through the court, with court sanctions possible against the parent if they do not fulfill that commitment to the court.

Now, in return for doing all of that, for being willing to make that kind of commitment, which is not in my judgment much, the States are going to be able to build, expand or operate juvenile detention facilities, develop and administer accountability-based sanctions for juvenile offenders, hire additional juvenile judges, probation officers, court-appointed defenders, and fund pretrial services for juveniles to ensure the expeditious administration of the system.

They are going to be able to hire additional prosecutors to target violent juvenile offenders. They are going to be able to provide funding to enable prosecutors to address drug, gang and youth violence more effectively.

Some of the funding could be provided, it is all at the discretion of the States what they use this for, for funding for technology, equipment and training that will assist in the prosecution of juvenile crime. They are going to be able to provide funding, if they choose, to enable juvenile courts and probation officers to become more effective and efficient; to get training, whatever it may take.

They are going to be able to use these monies for the establishment of court-based juvenile justice programs that target young firearms offenders. They are going to be able to use the money, if they want, for the establishment of a drug court program for juvenile offenders; to establish and maintain interagency information sharing programs; to establish and maintain all kinds of accountability-based programs.

Essentially, the list goes on and on of those things which are in the area of juvenile crime fighting that a State or local community can use the funds for, if they simply take the steps of holding young people accountable for the very first juvenile delinquent acts and giving them graduated sanctions thereafter for other acts.

Now, why is this important? This is being criticized by some as an invasion of States rights. The Federal Government does not have any business in the juvenile justice system. We do not have very many juveniles in the system, why is the Federal Government getting involved? Well, I think I have already mentioned why we are getting involved. We are getting involved because there is a crisis in this Nation of very grave nature about violent juvenile crime.

The juvenile justice systems of this Nation are not working. They are broken. They are not producing. We are not keeping the violent criminals. We are not keeping the records on them when they are young people. We are not punishing them. Most of all, we are not giving them any kind of a meaningful sanction to demonstrate there are consequences when they commit lesser offenses early on. There are no resources of any consequence going from the State legislatures and the State governments into the juvenile justice system to do these things.

Yes, some States are doing and there is a movement towards doing the kind of thing that we do in part here, and that is encourage the treatment of those who commit, who are 15 and older, who commit violent crimes to be tried as adults. But the rest of this is not being done virtually at all.

I think that itself is also important, although it is not the central reason for this juvenile justice legislation. Juvenile court judges transfer just under 3 percent of violent juvenile offenders to adult criminal court, according to the General Accounting Office. That is really too low.

And according to the General Accounting Office of the Federal Government that does this survey, most juveniles prosecuted for serious offenses in adult criminal courts are convicted and incarcerated. Barely one-third of juveniles prosecuted for serious offenses in juvenile court are convicted and confined. Probation is the most common disposition by juvenile courts, and it is what should be the case for first time offenders for these lesser offenses, but not for the violent perpetrators, particularly repeat violent perpetrators of

crimes who happen to be, just happen to be 14, 15, 16 or 17 years of age.

Now, having said all of that, I do not want anybody to be mistaken. Again, this is not the entire picture. We need to revive the juvenile justice system. There is a need for national leadership. While it may be a State matter, there is a need to have incentive grants, there is a need for a carrot to encourage the States to do what has to be done and to give some resources, albeit limited for the next 3 years, to the States and local communities to revive these systems and make them work again.

If we do not do that, the increased numbers of juveniles that are coming of age in the population most likely to commit violent crimes is going to knock our socks off in terms of what happens to the violent crime rate in this Nation over the next few years. The FBI, everybody concurs in that fact.

Now, let me step back for a minute and try to put this into another perspective. I have already said prevention is important, and it is. The Federal Government today has $4 billion worth of prevention for at-risk youth. Four billion of money is spent every year. I cannot say it is all spent wisely. There are 130 different at-risk youth programs today in the Federal Government, 131 of them. There are somewhere around 13, 14 agencies of the Federal Government that are administering these programs. But there are that many. That is $4 billion worth every year.

And I support doing that. I think we should consolidate some of these programs, reexamine them, probably do something differently with them. Maybe give a lot more discretion to the States, counties and cities as to how to use it. But prevention is important, and education and mentoring and all those things are important.

Also involved is a bill that will be coming out here shortly to the floor from the Committee on Education and the Workforce, I believe they are marking it up in the House tomorrow, on the Office of Juvenile Justice and Delinquency Prevention. It is a reauthorization, and it will provide at least another quarter of a billion, $250 million or more, for prevention programs. That is a very important piece of legislation and I wholeheartedly support it.

Again, it is balance. We need balance. We need prevention but we also need to make the juvenile justice system work. We need to make the whole justice system work. We need to have swiftness and certainty of punishment, which is the truth-in-sentencing part of this, making violent criminals serve most of their sentences, sending a deterrent message out there again to the adult criminal population and to the juveniles that when they do the crime they are going to do the time. When they do a crime, even a misdemeanor crime and they are a juvenile, there will be some punishment. There will be some consequence, some sanction involved in that.

Will that solve all of the problems? No. But we will be a lot better off if we do it, because the system does not have that today. It used to have that in the system and it just simply does not.

Now, in addition to prevention, in addition to that we have a bill coming out of the Subcommittee on Crime later this summer dealing specifically with gangs, expanding the interstate efforts the Federal Government is making in helping the States and the counties and the cities fight gang problems, witness intimidation being a big part of that, problems with the wiretap laws being a part of this. There are a number of things that need to be addressed specifically because gangs are peculiar and present peculiar problems.

And then, not the least of all, this is a concern I have, and I think all of us share, over the relationship of violent youth crime to drugs and drug trafficking.

Our committee has the oversight of the FBI and the Drug Enforcement Administration, among other things, and I have been intimately involved for a number of years with the war on drugs. It disturbs me when I read about our Office of Drug Policy issuing a statement like they did last year, that the term "war on drugs" is not appropriate.

I think it is very appropriate. We need to be conducting a war on drugs. We are truthfully not doing that today. We do not have a mission, we do not have a defined plan that we can execute that says when this is accomplished, we have won the war.

We know the use rate among young people is skyrocketing today, of cocaine and marijuana, and the sale of those drugs and the street crime associated with it is staggering and it is a big part of this overall picture. We have a lot of laws on the books but we are not doing a very good job of enforcing them, and we are doing a very poor job of education and prevention.

What strikes me that is similar about this part of the picture to the juvenile crime bill that we just put through is the fact that we get into debate over these matters and it is an either/or proposition for too many people. I have a lot of folks, a lot of my colleagues say to me, "Gosh, on the juvenile justice bill we do not have a prevention component in it." That bill is not designed for the prevention side of this. That does not mean we do not want prevention assistance in legislation, but that is not what the juvenile justice bill is about. It is to repair a broken juvenile justice system.

Well, in a drug war the same can be said. I hear a lot of people say, and a RAND study recently said that it is more cost-effective to treat, to treat those who have drug habits and are addicted, than it is to incarcerate or put people in jail who use drugs. Well, we do not put people in jail because they use drugs; we put people in jail who commit drug trafficking offenses, and usually pretty darned large quantities, quantities large enough to be concerning a lot more than themselves and their own personal use.

We need to do both. We need to have a balanced approach. We need to have drug treatment, but drug treatment does not stop drugs from getting to a young person who has never used them before. We need to do that. That is the single biggest problem on the street today in America, is the fact that we have so much exposure to cheap drugs, cheaper than ever.

What we have seen on the drug scene in the United States over the last few years is that, and particularly cocaine, which is the number one drug of choice in the United States, and to some extent with heroin, the quantity is way up and the price is way down. It is cheaper than ever, and, therefore, more people are going to use it. The only way we can get our arms around this matter is to do things, several things.

□ 1945

One is we have to interdict drugs coming to this country in much larger quantities than we are. That is, we have to intercept them and capture them and stop them from getting here. That may be done in foreign countries. It may be down in Colombia or in Peru before those drugs get here, before they are made into the crack or the powder form that is used on the streets. It may be done in transit across the Gulf of Mexico or the Pacific Ocean or through Mexico, however it is coming here, by air. But we need to do a much better job of interdicting and stopping drugs from coming in here.

We need to set a policy that says how much we are interdicting. DEA, the Drug Enforcement Agency, sort of estimates that we are interdicting about a third of the drugs, maybe 30 percent, but nobody knows what we are interdicting. What we do know is that the numbers, the quantity percentage-wise at least, is way down from what it was in the late 1980's and the early 1990's that we are interdicting, and what we are seeing is that we are paying a very big price for that. Again, a low price for the drugs, a big price in terms of society.

What we have not done and we need to do and I challenge this administration to do, and that is to set a standard, a goal, or an objective for interdiction to win the war on drugs, that portion of it dealing with stopping the flow from coming in here or slowing it down, set a goal by a certain year, the year 2000, 2001, 2002, something very soon, of interdicting at least 80 percent of the drugs coming into this country.

Because they tell me if we can interdict or we can stop the flow into this country of 60 percent or better of the cocaine and heroin and that drug market that is the big bulk of it from coming here, we will affect the price, the price will go up, and thereby the amount of use will go down. Fewer kids will get onto drugs to begin with. And if we can get it up into that 75–80 percent range, we will make the job of law enforcement and education and all the other efforts we have to prevent kids from getting on drugs much more effective and much more manageable.

But we need to set the goal. We need to say there is a defined objective here. There is over 500 metric tons of cocaine I am told that reach our shores every year. That is an incredible amount. 500 metric tons. I cannot even imagine that. That is what is happening today. We need to knock off a whole lot more than we are today, 80 percent of that flowing our way, and then set that as a goal.

Then we need to provide the resources to do that, to the Coast Guard, to the Customs, to the military. The Air Force, the Army, the Navy need to be given the resources to stop this flow in the right way and the authority to do it in the right way.

Right now, for example, the Coast Guard flies drug intercept missions in the Gulf of Mexico and the Caribbean on C–130 planes. They have 10 or 12 of them. They do not fly at night when these drugs are being transported by these small vessels because they do not have any night vision. And vessels from Colombia to Puerto Rico to the Virgin Islands, wherever they come out, these smaller boats are smart. The guys running those, this is organized crime doing this. They have got it figured out.

They just run the boats really fast at night. And during the daytime with the whitecaps down there, they slow the boats down or hardly run them at all and we cannot spot them with the naked eye from an airplane. We do not have the equipment to be able to see them. These C–130 planes that the Coast Guard has do not have any forward-looking infrared, night vision, the type of thing we would expect them to have. So they cannot see at night, they are not equipped to do it, and they do not fly at night.

Now that is tying more than one arm behind the Coast Guard's back, and they have the primary interdiction responsibility at sea. That is just one example of the many things that need to be done to combat this war on drugs and to get at the major drug traffickers in the area of stopping the drugs from getting here.

Once we look at that side of the equation, which is the supply side, we also need to look at the demand side. The demand side is the side where we have the users. Education and the message on not using drugs is not being out there. The leadership of the Nation is not speaking out as effective as it should be. Some of us are working with our leadership on the Republican side, and I certainly hope that the Democrats will join us in all of this, on developing a broad plan over the next couple of years to join with the administration, I hope, in making the awareness of this whole issue much greater than it has been so we can set a defined way when we have at home won the war on drugs, not just interdicting 80 percent, which will be extremely helpful and absolutely essential, by the way, to be able to get the numbers down into some defined basis for use at home that are meaningful, but to get the use rate among young people down from the level now, which is somewhere hovering around 6 percent to somewhere in the neighborhood of 3 percent, which is back where it was 20 or 30 years ago.

While that is something I do not want to see, that pie use rate, it is at least manageable. It is like the statistic on murders and the crime rate, the violent crime in this country, much, much more acceptable rate back in the 1960's per capita of our population than it is today. We need to get the drug use rate way down, especially among young people.

One of those ways is to have a television campaign, and I do applaud the President for his support of getting some funding out of Congress to do some paid television advertising to get the message out about the badness and the thing they should not be doing when drugs are offered to young people. I think, unfortunately, as much free television as I would like to see the media offer, and I believe more of them are willing and receptive every day and we need to have more drug coalitions that my colleagues join in their communities in producing to get the media, to get the local television and radio stations in particular and newspapers involved in spreading the word about how bad drug use is to young people and to get into the schools and to get into our businesses of having drug-free workplaces more acceptably and more frequently. As much as that is important in this process, we need to stimulate this with a concerted, combined effort that gets us into the position where we can have a reduction and overall campaign that does this.

But it is not in a vacuum. We cannot put all our marbles into one basket. And, yes, treatment is important. For those who are addicted, those who are on the drugs, whether they are on the streets as relatively minor offenders or whether they are offenders at all in terms of criminal activity, treatment is important, and we should not forget them and we should put a balanced amount of resources into them.

But to anybody who says to me that there is too much money being spent on interdiction and other things, law enforcement in the drug area and not enough on treatment, I would say that is just the opposite of what the case is. Less than 10 percent of the Federal drug fighting budget of this Government, less than 10 percent is used on interdiction, on stopping drugs from getting here, on helping the Coast Guard or the Army or the Navy or the Customs or the DEA or anybody else stop the drugs from getting here in the first place, less than 10 percent.

That is not a balanced approach. We need to beef up our interdiction efforts. We need to stop as much of the 500-plus metric tons from getting here as humanly possible, set a target for doing it, like 80 percent, go after it with all the power and resources of our Government. If we need more airplanes and ships and manpower days, and I think we certainly do, we need to provide that and we need to be creative about it. And at the same time, we need to have an all-out effort and education directed at our kids at every level, from the grass roots in the community to a national television advertising campaign, some of it paid for and some of it voluntarily done, because it cannot all be one way or the other. We need to have national figures, sports figures and figures whom young people look up to, be more forceful with their support for this program. We need to have rock stars and music stars and movie stars, who kids identify with, get with the program and join us in this. And we need to have the business interests, the moguls of television and movies and music, join in this effort. They should establish drug-free workplace programs for all of the recording studios in this country and all of the movie studios in this country. They should have drug-free workplaces and drug testing for their employees and their artists, just as the businesses of this country have done in many communities today to establish drug-free workplaces. There has to be a unified balanced approach to win this war on drugs. There has to be. And, yes, drug treatment is a part of that too.

That brings me back to violent juvenile crime. So much violent juvenile crime is based on drug trafficking. There is no question about it. If we do not get at the issue of drugs, then we cannot expect to really get the numbers of violent crimes committed by young people and committed against our citizenry down to a norm that was in the range that it was back years ago on a percentage of our population.

At the same time, though, we cannot lose track of the fact that there are other missing pieces. We just do not go after drugs and just after the drug kingpins, which we all want to do, we also correct broken juvenile systems around the country, we put consequences back in it for juveniles, we go after those who have done these

crimes in the streets, particularly in the United States. There are organized criminals distributing the drugs, ordering the murders. There are gangs that need to be addressed. All of this needs to be done in a composite. There needs to be an overall view of this taken, not one peace of the puzzle to the exclusion of another.

I did this special order time tonight because I wanted to talk about crime in America and to put it in perspective. That is the primary thrust of it. I do not want to diverge very much from it, but I have a few minutes remaining and I do want to address another subject very briefly.

Before I leave crime, though, I have got to say that there are hundreds of thousands of men and women in this Nation every day working on the streets of the United States and in many foreign countries to try to protect us from these criminal elements, from these drug dealers, men and women wearing the uniforms of the police and law enforcement, men and women serving as judges and probation officers, men and women who have worked long and hard hours in many, many ministerial duties all over this country trying to protect us and giving of their lives in many cases to do so.

While we read about the problems we may have with an FBI crime lab in a famous case like the McVeigh trial, which did apparently turn out well in the end, at least most Americans I think believe justice was done, while we do have our problems, occasionally reading about a Waco or something else where a mistake is made by law enforcement, by and large, those men and women have been doing an outstanding job for our Nation; and we should be behind them, we should be supportive of our police and our law enforcement and our justice officials at all levels.

Where there are those who carry on activities we do not approve of, we have got to let the public know and we have got to bring them to account. But by and large, they are doing a magnificent job, and we need to support them, both from the standpoint of Government and the public. And where they are the silent heroes, we need to applaud them wherever we get the opportunity.

SUPPORT HELMS-BURTON OR LIBERTAD ACT

There is a criminal south of my State of Florida a few miles by the name of Fidel Castro, and I cannot let the evening go by without raising the fact that he has been in power for 38 years and he has strangled freedom in that tiny island and we have a very, very difficult situation still going on with one of the few dictatorial regimes, professed communist regimes left in the entire world just 90 miles off our coast.

The reason I raise it tonight, though, is not simply because I do think what he does rises to the level of criminality, much like those who are the drug lords and the major violent criminals perpetrating these horrendous crimes in the United States, but because in a few days the President of the United States has an opportunity again to enforce a portion of a law designed to bring down Castro's regime and his dictatorship; and I fear, based upon representations the President has made, that for the third consecutive time, he is going to pass that opportunity by. I think that the public needs to hold the President accountable and there needs to be a more thorough debate on this subject, and I am dedicated to the proposition of making that debate occur.

Just to bring everybody up to speed on what I am talking about is that Castro benefits from unjust enrichment by using property confiscated from individuals and private corporations that he confiscated and he stole when he came to power years and years ago. This property was owned by individuals and corporations of American citizens, of U.S. nationals. Many of the major companies of the United States owned businesses in Castro's Cuba before he became the one who is in charge down there in his dictatorship.

We passed a piece of legislation not too long ago in the last Congress called the Helms-Burton or the Libertad Act that codifies all existing Cuban embargo executive orders and regulations, denies admission to the United States to aliens involved in the confiscation of U.S. property in Cuba or the trafficking of confiscated U.S. property in Cuba, and allows, and this is the important one here, allows U.S. nationals to sue for money damages in U.S. Federal Court those persons that traffic in U.S. property confiscated in Cuba, which is the so-called unjust enrichment issue.

Now I am going to say to my colleagues that this is a problem because the President has been given the power in legislation if he thinks it is in the national interest of the United States and would promote democracy in Cuba to waive the enforcement of this last provision. That is to say, he is not going to let U.S. nationals, American citizens sue in United States court those companies and businesses in other countries like Canada and Germany and France, and so on, who are operating businesses in Cuba today, benefitting from those businesses that are actually owned by the American citizens.

But if the President thinks, and he says he does believe that this furthers the national interest of the United States to not allow this provision to take place, not allow these lawsuits to take place, a huge ability of the United States to both be fair to its American citizens for property being improperly taken from them is withdrawn and withheld, but also a tool to further pressure in a meaningful way Mr. Castro to get him out of office, to get him out of the power structure he has been in for years is lost.

□ 2000

It is beyond me why the President is about to do that again. He first did it last year about the middle of the year, around July 4. He waived it again in early January of this year. And I believe that he will do it again the weekend of July 4 this year, which is a kind of ironic time, our national Independence Day, to be running around waiving this provision. I urge him not to waive this. This is title III of the Helms-Burton bill, the Libertad Act. It is critical that this be enforced. Because our allies by the encouragement and the not saying anything to their businesses and companies that are operating and benefiting from U.S.-owned businesses in Cuba are encouraging the use of stolen property and they are encouraging contributions through this method to Castro's economy which otherwise would not be able to sustain this dictator in power. I think it is abysmal and abominable that the President would choose to thumb his nose at this piece of legislation and continue to not let these lawsuits go forward.

Our allies in Europe and in Canada are crying about this. We have seen a lot in the media lately over the last few months that this is terrible, that somehow we are doing something against them and their businesses and that we are interfering with trade and we are doing all kinds of things. Mr. Speaker, it is really not the case.

The case is that there is nothing unfair in my judgment, and I would not think anybody else's, to allow a business interest in the United States that is properly and legally owning, and recognized by international law as owning a business in Cuba from suing in United States court a foreign business, not the government but the business, from Canada or Europe or wherever who is doing business here in the United States as well, that is why the courts of the United States would have jurisdiction, suing them in United States Federal Court for the unjust enrichment, for the gains, the profits they are making on the American businessman or his business's property that he owns. It just makes common sense to. It is good foreign policy. It should be good economic policy. The world should adopt it as part of the international accords that exist out there. Certainly it should be our sovereign right, and what Congress is intending to do and was intending to do with the Helms-Burton Act, to let American businesses collect rightfully what is theirs in United States courts if they have the right to do so, if they have jurisdiction to do so.

I know it is a little complicated, but if a foreign business is doing business

in the United States, the law that Mr. Clinton is saying he is not going to let happen, that we passed out here, if he would let it happen, would allow American businesses that own property in Cuba, internationally recognized that they still own it, that was confiscated years ago, would allow them to sue for this extra profit, this unjust enrichment being made on their property, with contracts these businesses in the other countries have in Cuba, that they have to operate or run or manage or sell products through the businesses that are American-owned but not in American hands that are still in Cuba.

If the President does not change his ways, if he waives for the third consecutive time the title III provisions, it is my intent when this Congress reconvenes after the July 4 recess to introduce legislation that would abolish his right to make this waiver. I am all for giving the President tools to operate under, but when he abuses it as he apparently is about to do for 3 consecutive times without making a case that I think is justifiable or this Congress should think is justifiable for doing that, then it is time for this body to withdraw the power of the President to make that waiver. It is time to let the American national interest prevail over the interests of some of our allies and their rather belligerent voices that are about all we are hearing today in the media. America first in this case. There is no reason why it should not be first. There is no reason particularly when we have got a dictator like Castro ripping us off and then having our allies' businesses stick it in our faces even more and rip us off a second time to the benefit of Castro. That is absolutely the height of absurdity. I cannot see how waiving this provision and letting them continue to do this is in the national interest of the United States or in any way furthers democracy in Cuba. I just cannot see it. I would suggest tonight as we are talking about crime and drugs and heinous things that it is perfectly appropriate to talk about trying to do something to get rid of Castro, free the people of Cuba and help the American businessman and citizen recover some of his lost property that is down there right now. I am again announcing that I intend to introduce such legislation.

To bring this back full scope before I yield back my time, I want to say again that as the chairman of the Subcommittee on Crime in the House, I took out this time this evening to paint a broad big picture on the issue of crime in America today. I would repeat for my colleagues who may not have picked up all I have been saying this evening that there is a big picture out there. While the rate of violent crime has slightly declined in the United States marginally over the last 4 years, it is still way too high. We had 160 violent crimes for every 100,000 people in our population in 1960. In the last measurable year, in 1995, we had 685 violent crimes for every 100,000 people; 685 compared to 160 for the same number of people in our population. Now this reduction, this tiny fraction of that, in our country. We have an enormously large proportion of those violent crimes being committed by juveniles under the age of 18, more murders by 18-year-olds than any other age group, more rapes by 17-year-olds, a huge proportion of the violent crime in this country by juveniles, and we are about to see a big, big increase, a 23 percent increase in the number of juveniles in the age group most likely to commit these violent crimes over the next 10 years. I think that if we do not make steps that correct the problems of a broken juvenile justice system and give law enforcement more tools and get with it on the war on drugs and actually define how we win that war and provide our Coast Guard and our Customs and our law enforcement community, our military with the resources necessary to accomplish those goals and objectives to win the war on drugs, unless we do all of those things, unless we put consequences back into the juvenile justice system so that when a kid vandalizes a store or home they know they are going to get some sanction for that misdemeanor crime, as well as if they commit a violent crime of murder or rape or assault with a gun that they are going to be tried as adults more likely than not and given long sentences, unless we put consequences back into the acts of our criminal laws, both for juveniles and for adults, and mean something about swiftness and certainty of punishment and mean there is a deterrent out there, all of the other things we may do to try to control the problems of drugs and crime in our streets today will be wishful thinking. It does not mean I am against prevention, it means I am for a balanced approach; $4 billion in prevention programs, I think we should continue a lot of those, we should consolidate them, we should do them, but we should also correct and repair a broken juvenile justice system and we should do something to make certain that we have a war on drugs that is winnable, define the mission and the goal, charge the right individuals with the responsibility to carry out that war in a way that is designed to win it rather than tying their hands behind their backs, give them the resources necessary, put all of this into a comprehensive program over the next 3 or 4 years and just get the job done. It can be done.

We are drowning in a sea of violence, we are drowning in a sea of drugs. America deserves better. We can have it better. We need to pass H.R. 3 in both the House and in the Senate, but we need to do a lot more than that as well.

Mr. Speaker, I appreciate the opportunity to bring this message to my colleagues.

RACE RELATIONS

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, today there was a little bit of history that meant a great deal to me. The last bill we passed was a bill sponsored by the gentleman from Oklahoma [Mr. WATTS], called the Joint Resolution Celebrating the End of Slavery in the United States. I think it is a small gesture, maybe, but it is a very important one for me. It is an important one for a lot of Americans, both black and white, and I was pleased to see that not a single Member of the House of Representatives who was present voted against this joint resolution introduced by the gentleman from Oklahoma [Mr. WATTS].

It is a joint resolution celebrating the end of slavery in the United States. It reads:

Whereas news of the end of slavery came late to frontier areas of the country, especially in the American Southwest; and

Whereas the African-Americans who had been slaves in the Southwest thereafter celebrated Juneteenth as the anniversary of their emancipation;

Whereas their descendants handed down that tradition from generation to generation as an inspiration and encouragement for future generations;

Whereas Juneteenth celebrations have thus been held for 130 years to honor the memory of all those who endured slavery and especially those who moved from slavery to freedom; and

Whereas their example of faith and strength of character remains a lesson for all Americans today, regardless of background or region or race; Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, that, one, the celebration of the end of slavery is an important and enriching part of our country's history and heritage; two, the celebration of the end of slavery provides an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our Nation; and, three, a copy of this joint resolution be transmitted to the National Association of Juneteenth Lineage as an expression of appreciation for its role in promoting the observance of the end of slavery.

I want to congratulate the gentleman from Oklahoma [Mr. WATTS] and the cosponsors of this resolution. It does not appropriate any dollars for anybody. It does not command or mandate anybody to do anything. It just calls attention to the fact that there are a large number of people in the country who have been celebrating the end of slavery on Juneteenth, they call it. Even I as someone born and raised in the South, went to school in the South,

did not know much about Juneteenth because I was in the wrong part of the South.

It is the Southwest and farther out West that they celebrate it because they got the news last. They learned last that the Emancipation Proclamation had been issued and the people were set free. They did not learn it, they did not hear about it and celebrate it until late June in that part of the country.

I learned about it when I moved to the Northeast and there were groups that made an issue of having a ceremonial observance on Juneteenth, so I learned about it then. I think it is an interesting phenomenon to have the Congress recognize it, that this has been going on in certain parts of the country for 130 years. The Emancipation Proclamation, of course, was issued by President Abraham Lincoln, and later on the Congress of the United States passed the 13th amendment which in the Constitution ended all slavery forever in this country.

This resolution was passed as the last item of business today. As I said before, not a single House Member voted against it; everybody voted for it. I want to thank all the Members who voted for it, and I want to thank the gentleman from Oklahoma [Mr. WATTS]. It ushers in a spirit that is a good spirit and it does not cost anybody anything.

It is happening at a time when there are a couple of other developments that have caught the attention of the American people. The President has issued a statement that he is establishing a new initiative on race relations in the country. He is appointing a Commission on Race Relations, and that has caused some discussion, as he wanted it to. The primary purpose of the commission is to stimulate discussion, to promote dialogue, to have more people talk about race relations in America. I think that is commendable, a commendable act on the part of the President.

At the same time, our colleague the gentleman from Ohio [Mr. HALL] has called for a resolution which would apologize for those who suffered as slaves under the Constitution and laws of the United States until 1865. The gentleman from Ohio [Mr. HALL] is a colleague. We all know the gentleman from Ohio [Mr. HALL] as being a person of sterling integrity. The gentleman from Ohio [Mr. HALL] has never been a person who ran for any limelight and wanted to get attention. The gentleman from Ohio [Mr. HALL] has been the kind of hard worker, behind the scenes, that has dedicated himself to issues like hunger where very few people get headlines. Hunger; making efforts to feed hungry children in America, efforts to feed hungry children across the world.

The gentleman from Ohio [Mr. HALL] picked up the legacy of Mickey Leland. Mickey Leland, who had made an issue of traveling all over the world in an effort to bring relief to hungry children, was unfortunately killed in an airplane crash on the side of a mountain in Africa.

□ 2015

The gentleman from Ohio [Mr. HALL] was Mickey Leland's successor, and TONY HALL has dealt with that issue in every way you can possibly deal with it, on an international level, national level, locally here in Washington. The gentleman from Ohio [Mr. HALL] has worked to see to it that the very basic need of people for food was met. So TONY HALL, you know, is a kind of person we all admire and love and appreciate. We are grateful for the kind of work TONY HALL does.

I do not know why TONY HALL decided to sponsor this amendment to apologize for slavery. I got a copy of his "Dear Colleague" order, "Dear Colleague" invitation, to join, and I certainly would like to have my name added to his resolution. If it has not been already added by my staff, I would like to have my name added. I want to congratulate TONY. His resolution is a very simple one, but it is relevant to the President's commission and to the Juneteenth resolution of the gentleman from Oklahoma [Mr. WATTS].

The Hall resolution is a resolution apologizing for those who suffered as slaves under the Constitution and laws of the United States until 1865. It reads simply: Resolved by the House of Representatives, the Senate concurring, that the Congress apologizes to African-Americans whose ancestors suffered as slaves under the Constitution and laws of the United States until 1865.

That is the simple Hall resolution. He introduced it on July 12, and when he introduced it he sent the following letter to those Members of Congress he was asking to support it:

Dear colleague, Generations have passed since the end of slavery, and in that time Congress has done much to address the effects of that legacy. But there was never an official apology for the horrible wrong. Today we are introducing a resolution in which we, on behalf of the United States Congress, apologize to African-Americans whose ancestors suffered as slaves. Our resolution will not fix any lingering injustices resulting from slavery. The reconciliation begins with an apology. We hope this apology will be a beginning of a new healing between the races. No one alive today is responsible for slavery. However, as Americans we share a common history, which includes a long era when slavery was acceptable. Therefore it is fitting for the Congress, as a representative of the American people, to offer this apology. This apology is long overdue, but it is never too late to confess that we were wrong as a Nation and ask for forgiveness.

On the reverse side of this letter is a copy of the resolution, and he asked that anyone who wants to cosponsor it do so.

I think it is very commendable, and I thank the gentleman from Ohio [Mr. HALL]. I congratulate him on his wisdom. TONY HALL is not an African-American. TONY HALL is not a member of the Congressional Black Caucus. Over the years some of us have cosponsored or sponsored legislation asking for the appointment of commissions to study reparations, and some of us have sponsored or cosponsored bills which have called for reparations to be provided by the descendants of African slaves. Some others have called for various kinds of programs, programs to be initiated which are compensatory in nature to understand the legacy of slavery. And therefore they would, by doing certain things through public policy or through public programs, compensate for some of the evils and horrors of slavery.

Now I do not think that either one of these items, the Juneteenth resolution of the gentleman from Oklahoma [Mr. WATTS], which was passed already, or the Hall resolution which has been introduced and sponsored but has not been passed, and already some Members of Congress have indicated that they think that the Hall resolution is a bit too much. It is emotional symbolism, the Speaker said over the weekend, emotional symbolism, and therefore it is undesirable.

Well, let me agree with the Speaker. It is emotional symbolism. So is the Juneteenth resolution that we passed today.

The emotional symbolism is very important. It is very important to have emotional symbolism. Symbolism is very important. Symbolism is a beginning of a process, can be the beginning of a process, that has very concrete results.

The women of Korea who were subjected to enforced, mandated prostitution, they were forced into prostitution by the Japanese; they were called comfort girls or comfort women, and they are insisting to this day that they get an apology. You know, yes, the Japanese government agreed to pay some people, some of them could be identified, et cetera, but they still are not satisfied that they have not gotten a full-scale apology from the Japanese Government.

This whole matter of apologies has become, you know, a major issue with certain nations who feel that they were wronged by other nations. You know, perhaps more than apology will be asked for or is being requested, but the process begins with the apology.

You know, why is it painful to apologize? And of course there are people who say, well, and I got calls in my office this morning. Some people said: "I did not do anything to anybody, I have never enslaved anybody, I would not enslave anybody; so I feel insulted by this request for an apology."

Well, No. 1, I have not requested an apology from any individual, and I will

not request an apology from any individual. I think it is a little silly to request any individual to make an apology for slavery. It is an apology that is being requested on behalf of the Nation, on behalf of the Government and everything else that makes up a nation.

I am not sure what makes up a nation. I am not sure they must fully understand what makes up a nation. When we stick out our chest and say we are proud to be Americans, what are we talking about? When we say we are proud to be American, are we going to dismiss the history or we stick out our chests and say we are proud to be Americans, or are we very much concerned with history? We are proud of the Constitution. We are proud of the Bill of Rights. We are proud of the bravery and the courage shown by the men who died on the beaches of Normandy, you know, unexcelled courage and unselfishness, thousands of miles away from their own land. They did things that are unbelievable on behalf of the liberation of people they did not know.

They were Americans, you know. We are proud of that. When we say we are proud to be an American, we call ourselves Americans. We are claiming that. We are claiming the good things that Americans have done.

The Marshall plan, which was celebrated last week, and we discussed that as being unprecedented, too, in terms of unselfishness. You know, this Nation reached out to the war-torn nations of Europe. There are cynics who say, well, we only wanted markets for our products, and we are only looking for a way to relieve capitalism of its excess equipment and materials, whatever. It was an unprecedented unselfish act, and we reached out to war-torn Europe. Billions of dollars flowed from America to Europe, and we rebuilt the continent. We rebuilt Western Europe. And, yes, we stopped communism in the process. But one thing that people have not acknowledged or realized, and I did not realize it until recently, is that the Marshall Plan was laid out there for the Russians, too.

When the Marshall Plan was conceived by General Marshall under President Truman, they made it available to the Soviet Union and all the countries of Europe. The Soviet Union could have been a part of the Marshall Plan. All the war-torn countries were given the opportunity to be a part of the Marshall Plan.

You know, no other nation has behaved that way. When we say we are Americans, and we talk about America, you are claiming and bringing in all those unparalleled feats of national heroism, of national unselfishness, of national implementation of the Judeo-Christian tradition in a monumental way. So if you are taking all the good, then we cannot turn our backs on the things in the Nation's history which are also not so good. We cannot say we are Americans, but we have nothing to do with, we do not want to even hear about, the fact that the Native Americans were swept off their land in large numbers. They were not compensated justly. They were treated very badly, and the Native Americans still have not been compensated for all that happened to them. We cannot turn our backs on that, say that is not part of America.

We cannot turn our backs on slavery which lasted for 232 years on the North American Continent; 232 years it lasted. It was part of America. It was part of the process of a nation becoming what it is. Yes, slavery did contribute to the economy, it contributed to the building of a frontier America, it enriched the Nation. It did a lot of things that were good for America, but it was a heinous institution. There is nothing probably in the history of mankind which parallels 232 years of enslavement of one people by another, dragging them from their homes, sailing them across the oceans and dropping them into a new world where, in order for them to function efficiently and for them to carry out their task and be profitable, they had to be dehumanized. There had to be a policy of cutting them off from their traditions of making them not speak their language, of not allowing them to form families.

And I use the word families, you know, with emphasis. Families are very important in the history of mankind. The most important institution probably that He has ever created are families. But slaves were not allowed to maintain families. They could not be a part of any family brought over. They could not be a part of any group that came over and keep the traditions and the mores and the ceremonies of that group because part of the preparation of the slave to be an economic force that paid off was to break him loose from his past and not let him associate with the people who spoke the same language, not let him associate with the people who had the same tradition.

So right away they were set adrift with no institution, no traditions, no past, and then they were not allowed to create anything new.

Slave families were not respected. There was no such thing. In fact, the largest slave owners discouraged the forming of slave bonds.

Slaves struggled to put together their own sense of some kind of family. They had a custom for getting married, and since their marriages were not recognized and nobody would issue them a marriage license or recognize the marriage, they started a custom of jumping over the broom. To get married 2 people jumped over the broom. Well, they could jump over the broom, and maybe they would be allowed a few weeks together. Maybe they would stay in the same place for a few years. But the masters and their owners had no respect for the fact that they were man and wife in their own eyes, so they might be sold away at any time from each other.

Of course the bond between mother and child was also not respected. Very young children would be snatched from the bosoms of their mothers and sold away.

The whole purpose of slavery was to obliterate the humanity of the African, obliterate.

You know, the Nazi Holocaust, you might say, was crueler, more cruel in the sense that Hitler and the Nazis actually murdered and cremated the Jews. They destroyed them totally, and there is nothing worse than being destroyed totally when you are a human being because you are no more. You cannot have any hope. You cannot have children who might get free in the future who might have a better life. You are gone.

So to be obliterated, to be completely incinerated, destroyed, is the worst thing that could happen to human beings. But also there might be a second worst thing, and that is to have your humanity obliterated, for the masters to want to keep you alive because you are a machine or a work animal, a burden of beast. They want to keep you alive.

□ 2030

They do not want you to recognize, to have a wife or family. They do not want any bonds between two people. They do not want mothers to have recognition of their children, and bonds to exist. All that had to be destroyed.

Slavery was a heinous institution. It did not only happen in America. There was the African slave trade that also went to South America and other places, but for 232 years we had slavery in America. We cannot be Americans embracing everything that is good about America and not embrace or recognize that the other negative things are also part of America.

When the apology is made, it is not your apology. I do not know how you deal with those things. Maybe it is an apology that goes up to the ages, across eternity. Maybe it is an apology that only God can hear, but it is an apology; thank you for the apology, if we receive it. Do not be afraid to apologize. Do not be afraid of the process of reconciliation, which begins with an apology. Reconciliation, the healing process, is something that we have begun to learn more about from strange places.

The healing process through reconciliation, it is probably being exemplified and illustrated, implemented, in no better way than it is in South Africa. South Africa and Nelson Mandela

are showing us the way to deal with reconciliation. Instead of revenge, you have reconciliation.

Where you had a situation where a population of 20-some million people was oppressed by a population and a minority of between 4 million and 5 million people, the whites were about 4 to 5 million people, the African-Americans were between 24 million and 29 million people, they were the majority. They were oppressed by the minority for years. They were the original occupants of the area, the territory.

The white minority came in with superior technology, et cetera, and subdued and oppressed them. They had to fight a violent struggle. It was not a non-violent struggle like the one we had here in the United States during the sixties. The South Africans had to go to violence.

Everybody predicted that you would have fire and blood at the end of this process, that it could not end, you could not reverse the situation and have the black majority in charge and the white minority be allowed to live in peace with the black majority. But South Africa under Nelson Mandela has proved that this is not the case. South Africa is moving forward peacefully. Whites are not fleeing in large numbers because they are white and afraid, because they are in the minority and afraid. They are building.

One of the reasons they are doing this is because they set up a thing called a truth and reconciliation commission. They went so far as to say we will not even punish a murderer, if he was involved in murder during the violent episodes that took place. A murderer on either side will not be punished if they come forward and if they tell the truth. And let us get the record straight, including those people who were part of the official South African police, and they were in charge of the systematic murder of large numbers of people, they were allowed to come forward. And if you confess, automatically your confession means that you will not be punished.

A lot of people on the side of the African-Americans said this is ridiculous, this is not justice. But what they were saying is that reconciliation is more important than justice. That has a familiar ring to anybody who is a member of the Christian religion. If you are a Christian, you heard that before.

It is hard to believe that business about turning the other cheek, and if a Roman soldier asked you to carry his bag for a certain distance, then offer to carry it further. All this philosophy of reconciliation, love overcoming hate and good overcoming evil has been a hard struggle for people who say they believe in Christianity. How can it be that a Nation can operate on that principle?

Here is what is happening in South Africa. The Nation is saying it is more important that we have love and attempt to bond with you in order to overcome the past than it is to have justice, which means somebody ought to be punished. We will forego that.

So here we have all these developments taking place, and there are people in the country who are upset because we may follow the suggestion of the gentleman from Ohio, Mr. TONY HALL and his recommendation. We may end up voting an official apology for slavery.

That upsets some people. Please do not let it upset you. It is a good beginning. It is consistent with the Judeo-Christian tradition. It will not cost anybody. There will be no appropriation. Taxpayers will not have to pay anything. You individually are not placed on the spot, because you do not have to admit guilt before you apologize. It is the Nation, the Nation, whatever constitutes a Nation, the good and the bad, everything that has happened in America, that is the Nation, the Nation apologizes. This administration, this Congress, may apologize on behalf of the Nation.

Beyond that, the President's Commission is a good step. Some people have said, well, if it does not do anything except talk, if it does not do anything except set up dialogue, then what good is it? Dialogue is good. In the beginning was the word. Words are important. Discussion is important. Human beings are very much influenced by what they hear and what they say. Let us not underestimate the power of the word, the power of discussion, the power of study.

Study may produce some new facts. Even Ward Connelly may come to agree with the gentleman from New York, Mr. MAJOR OWENS, if the facts are really laid out. If he understands what the legacy of slavery has meant in terms of African-Americans and how the legacy of slavery makes affirmative action necessary, Ward Connelly might understand. Or maybe in the dialogue I will finally be convinced by Ward Connelly that he is right and that affirmative action is an evil. But let us have a dialogue. The President's Commission is a first step.

In case Members do not know, the President announced that he has appointed a 7-member advisory board, which some people are calling the commission. Hecalls it an advisory board, because commissions in the past have been notorious for being ignored by Presidents. So his advisory board is closer to him. It is kind of a personal thing.

The advisory board will provide advice and counsel to the President to improve the quality of race relations. The board will advise the President on the means to promote a national dialogue on race issues, to increase our understanding of the history and future of race relations, to identify and create plans to calm racial tension and promote increased opportunity in child abuse, housing, and health care and to address crime and the administration of justice.

President Clinton is determined "to improve the ability of all Americans to realize their full potential so we can, as one country, equal and indivisible, move forward into the 21st century."

The advisory board members will reach out as surrogates for the President to create and implement solutions to improve race relations. Among the advisory committee members are the chairman, John Hope Franklin of Durham, NC. He is a retired historian and educator, a very famous historian, the last word on the history of slavery in America. Dr. Franklin has once received the Presidential Medal of Freedom. He is kind of one of the most respected scholars of history in the country.

Along with Dr. Franklin there are six other people. William F. Winter of Jackson, Mississippi, is a former Democratic Governor of Mississippi. He was born and raised in the South, Governor of Mississippi.

Linda Chavez-Thompson of Washington, DC is executive vice president of the AFL–CIO. Robert Thomas of Corte Carza, CA currently serves as president and CEO of Nissan Motor Corp.

Angela Oh, O-H is the last name, of Sereno, California is an attorney with the Los Angeles law firm of Bente, Corson, Daley, Berera and Oh. They specialize in State and Federal criminal defense. Ms. Oh received a B.A., and she is a lawyer.

Suzan D. Johnson Cook of New York is a senior pastor of the Bronx Christian Fellowship in the Bronx. I served in the legislature with Ms. Cook's brother, and I have heard her preach on a couple of occasions. She is one dynamic minister and a very deep and profound person.

Thomas H. Kean of Madison, NJ, is a former Governor of New Jersey. The Governor is held in high esteem by both Democrats and Republicans, of course.

As a consultant to this group is Christopher Edley of Cambridge, MA, who is a well-known professor at Harvard Law School since 1981 and a co-director of the civil rights project.

Mr. Speaker, this advisory board has become the target of a lot of journalists and other people who have already talked about a do-nothing advisory board, because most commissions and advisory boards do not do anything.

I think that the President has not laid out lofty goals for it. It has a very practical agenda. It should be given a chance to do what it can do, and that is to stimulate discussion and dialog. It is an embryonic enterprise. It is an embryonic enterprise, and it does not depend on what the President does for it

to develop and grow into a full-bodied enterprise. It can be a full-bodied enterprise if all of the rest of us take a positive approach to it.

In the private sector, the legislators and various other leaders across the country all can decide on other ways to do what the President is trying to do. This is a time when we do not have demonstrations in the street.

There is no reason why the President should take on this task. He does not need it to calm down the waters, to meet a crisis. This President certainly cannot be accused of using this commission to try to change public opinion so he can get reelected. He is not running for reelection. It is a noble cause, a noble exercise.

It is not going to be easy. There are going to be obstacles. He is not going to win a popularity contest by promoting a commission or an advisory board to deal with race relations. But his sights are much higher than what the commentators and the columnists are saying. His sights go beyond a dialogue about race as it affects African-Americans. The President's sights go beyond the concerns of the gentleman from Ohio, Mr. TONY HALL and an apology for slavery.

I am all in favor of the apology for slavery. I support the gentleman from Ohio, Mr. TONY HALL. It is a positive step. I do not agree with Jesse Jackson. On Sunday he said on television, he trivialized it. It is wrong to trivialize it. It is a good step for us. Let us not make it into something that it is not, though. Nobody expects any miracles from it. But it is a good first step, the apology for slavery.

But the President is looking beyond. The President is looking at the whole diversity problem in America. At the core of the diversity problem in America may be relationships between African-Americans and other Americans, but that is only a small part of the bigger problem. The bigger problem is diversity.

We are a very diverse Nation already. We are becoming more diverse. As he said before, by the year 2050 there will be no majority in America. No one group will have a majority. There will be many components to make up the total population of America. We have to learn to live with that. We ought to be proud of that fact, as the President is. He has referred to it many times.

Even in my district, in New York, I used to say it was good to live in New York because if you wanted to see samples of all kinds of people, you could just take a trip up to the United Nations, which is located in New York, and you could go to the United Nations and you would see all kinds of people from all parts of the world.

I also said the United Nations had a school. If you want to send your child to a school and have them exposed to young people from all races, religions, nationalities, let them go to the United Nations school.

There are schools in my district which do not have all the nations of the world represented, but they have a good, good sample, I assure you. We have Cambodians, we have Pakistanis, we have Koreans, we have Laotians, we have a whole array of people from the West Indies, we have the South American countries. It is amazing to go into a school in my district, and the range of nationalities that you will find in a district just in the center of Brooklyn. It is not near the United Nations, but almost anywhere in New York City now you have a wide range of people who are from many different backgrounds, ethnic groups, countries, and religions.

America will have to run to catch up with New York City, but you can go to California and find another range of people equal in diversity maybe from different backgrounds, many coming from more Asian countries, but eventually all of America is going to look this way. We ought to be proud of that. The President said it offers opportunities of many kinds. He is proud of it. That is what he is looking at, the future. We ought to try to stay with the President's vision.

Of course, none of this is unrelated: The President's vision and his advisory board, the resolution of the gentleman from Oklahoma, Mr. J.C. WATTS, the Juneteenth resolution; the gentleman from Ohio's, Mr. TONY HALL apology for slavery, none of it is unrelated to what we are doing here in the Congress. None of it is unrelated to the basic business of this week and this month.

The taxes and the budget and the appropriations coming, all of it would be better served if we had had better dialogues in the past on the issue of race and diversity, certainly on the issue of slavery and the implications of slavery, the legacy of slavery.

□ 2045

Large numbers of people who were victimized by slavery never got off the plantations. They had to settle and become sharecroppers and live in a system which was not as bad as slavery but in many cases, in the early days after freedom, they could not afford to leave because there were armed guards that forced them to stay on the plantations. They did not know where to go.

So you had large numbers of people held in bondage in the South for a long time until World War II, when the need for large amounts of labor in the cities of the North allowed them to come in large numbers into the cities of the North.

So you have a large number of people who moved directly from the worst rural situation in the South to the crowded cities of the North. As long as the war was on and the factory needed labor and you had work for everybody, in many cases lots of overtime, they prospered and they did well. They did like other Americans. They married, had children. They moved in some cases out of the cities into the suburbs. They bought homes. All kinds of great things happened.

But then the cities economies collapsed and you have, as a result, numerous problems related to the massive unemployment that resulted, problems in terms of disintegration of society, where you do not have jobs and you do not have income. I am oversimplifying a little bit, but jobs and income are at the heart of all the problems in the African-American community.

If you had jobs and income on a regular basis, you could revitalize those communities and end all the other problems and all the other controversy, the welfare controversy, the controversy about children, girls having babies out of wedlock. There are a whole lot of things that would fall in place. The appeal of drugs as an escape mechanism, all that resulted from the collapse of the economies of the inner cities.

So what we do with respect to the tax bill and the budget and the appropriations bill does relate to the legacy of slavery; our refusal to recognize that the inner cities have a special problem, our running away, we have run away from the problem for several reasons which I will not go into.

One of them is that we have the other body that is made up of people who are elected by statewide office, and they do not have an allegiance to the people of the cities who are congregated in the big cities in large numbers. We have neglected the cities, and we still are.

I am very concerned about an economic empowerment zone for central Brooklyn. An economic empowerment zone for central Brooklyn has to be part of the legislation before the Committee on Ways and Means. It is part of the tax package. They have to create more economic empowerment zones before we can compete for one, and in that discussion it looks as if they are jettisoning any discussion of new economic empowerment zones. That is a big blow to the hope that I have raised in my community about the possibility that they will create more economic empowerment zones and we can compete with other cities in order to get an economic empowerment zone which combines government grants with private sector tax writeoffs. It was supposed to be a model that was approved and recommended by both parties. It has not so far emerged in the deliberations on the tax package.

So what is going on on the floor this week, next week, for the rest of the summer, between now and the time we

adjourn is very much related to the situation that we are discussing with respect to apologies for slavery, discussions of race relations, et cetera.

It is important that we understand that an apology can indeed be positive. It can indeed drain a great amount of emotion from the issue of slavery. For young Americans on both sides of the fence, the descendants of slaves and the nondescendants of slaves, to hear a national apology discussed may have a great effect on their attitudes, because there is a lot of tension. The younger generation does not get along better than the older generation. There is a lot of tension out there. There is a lot of bitterness among African-American youth about the fact that they are in the position they are in, and they blame slavery. They need to know more about the history of slavery. They need to know that if you really discuss slavery, you also have to discuss the heroics of white Americans in the abolitionist movement who brought an end to slavery. You have to discuss the heroics of the soldiers of the Union Army who fought to set slaves free. White soldiers, white abolitionists and white soldiers, the freedom of black Americans was in the hands of whites. Abraham Lincoln was white.

Any African-American youth that wants to hate all whites needs to know and reflect on the fact that slavery was created, yes, by the worst elements of the white society and community, but slavery also was ended by the heroic efforts of whites. The commission, if it does no more than to begin the discussion among ordinary people of these kinds of things, it would be very useful.

If I was President, I would do it another way. I would not go this way. But this is the President's idea. Since he originated this idea, I applaud him for doing it any way he deems necessary. I am convinced that he will take it and move forward with the results after the commission or the board advisory group ends in a year. So I applaud the President for this use of the bully pulpit. He could use the bully pulpit, the high visibility of the White House, he could use it for a number of purposes. He could line up a whole list of issues instead of the issue of race relations, but he has chosen this one and I applaud that.

Compared to what is needed, the President's commission is a minuscule effort, just a beginning, but little marbles make big boulders roll. They can even set landslides and earthquakes in motion. Let the chain reaction begin. Any open discussion, I think, is a step in the right direction.

The power of the White House bully pulpit is about to be displayed in dimensions that we have not seen since FDR's speeches during World War II. This highly visible process of dialogue, debate, study and reflection on race relations and diversity in America could have a monumental impact on the next few years and the opening years of the 21st century.

It was W.E.B. DuBois who warned that race and color would emerge as a major problem of the 20th century. We now know that DuBois was right. However, DuBois did not go far enough. Not race or color alone but the inability of human beings to cope with diversity, ethnic differences within races, religion, language and regional differences, diversity is the major problem now and diversity will continue as a gigantic challenge for the 21st century.

Racial diversity is the largest and most obvious challenge of the Homo sapiens species, we human beings, the deeply rooted and instinctive animal fear of outsiders, strangers, of different ones is manifested most directly and abundantly in the reaction to racial differences.

We say that children have to learn hate, but we are oversimplifying a bit. Children are subjected to this discomfort in any situation where strangers appear. So it is natural that strangeness creates discomfort among animals. They do not associate with strangers. They identify, they are familiar by smell. Among animals they do not associate with animals that do not look like them. Even among cows, tests have shown that brown cows stay with brown cows and white-faced cows stay with white-faced cows.

If you leave them alone in a normal situation, the immediate reaction is always that you are worried about what is different. So let us understand that differences are a danger. People instinctively react to differences in a negative way. All the more reason why we should make certain that those early reactions of discomfort are not translated into hate. They have to be taught to hate, yes. To translate that discomfort into hate, they have to be taught that. And we have to make a concerted effort to see that the opposite happens, that they understand that people who are different are going to rouse some feelings of discomfort and, therefore, they have to work at overcoming discomfort.

Civilization is a process of confronting these deeply rooted instincts. Civilized men and women wrestle with their primitive and base instincts every day and in many other ways. If we get hungry and we pass a place which is serving food and we do not have money to buy any food, we do not reach for the food because we are hungry. Civilization restrains us in numerous ways, our instincts, our appetites are restrained. Our instincts with respect to strangers and people who are different have to be restrained and guided. Civilized men and women wrestle with these problems and they will solve them. What the President's initiative will do is call upon us all to struggle harder to control and redirect our fear and discomfort with racial differences.

To confront racial frictions and tensions, the systematic attempt to promote greater understanding and tolerance with respect to race is merely the first step. This is an obvious first step and it may be the easiest first step. But we ought to take this first step.

I think clearly we can see all around us that some of the bloodiest conflicts since World War II have not pitted one race against another. We can understand in Korea, Cambodia, the Gulf War, Vietnam, Somalia, Haiti, Northern Ireland, the former Yugoslavia, Angola, Liberia, Rwanda, Zaire, Sierra Leone, the world has witnessed people who appear to be of the same race but they get locked into intense conflicts.

Perhaps the war between Israel and the neighboring Arab countries could be classified as a war between different races, however it is not so simple. The problems of space, land, water, history and religion far outweighed the physical differences between Israelis and Arabs. Only in South Africa can you easily identify the scene as one of clearly racial conflict.

Racial conflict is what occurred there with Caucasians against the original Africans or whites against blacks. But ethnic differences among black Africans sparked the massacres in Rwanda, ethnic differences among people who are of the same color, same race. Ethnic and religious frictions exploited the demagogues who also continue to fuel conflict in Bosnia, Croatia and Serbia.

Ethnicity and tribalism still threaten the unity in the Congo. Ethnicity and tribalism are at the heart of the Congo instability and the oppression of Nigeria. Even South Africa lingers under the deadly shadow of tribalism while it struggles for reconciliation between the two races. The problem of reconciliation between whites and blacks in South Africa is not nearly as difficult as some of the struggle between tribes that are taking place at this point.

So the President has his eye on the whole problem of diversity in the world. The President has said that America is an indispensable Nation. We have to provide leadership in many ways. He does not mean just leadership in the area of military security. He wants to provide leadership in terms of where the world should go on this whole issue of how we live together.

The problem of the 21st century will be intolerance to diversity and the President wants to provide leadership on that problem. We want to be a multi-racial, multi-ethnic, multi-religious and politically diverse America, and we want to serve as a role model. That is what this President is saying. I applaud him for his ambition. I applaud him for attempting to leave this kind of legacy.

Let me quote the President in his own speech at San Diego. A few quotes will bear out what I am saying.

Consider this: We were born with a Declaration of Independence which asserted that we were all created equal and a Constitution that enshrined slavery.

That contradiction was there.

We fought a bloody Civil War to abolish slavery and preserve the Union, but we remained a house divided and unequal by law for another century. We advanced across the continent in the name of freedom, yet in so doing we pushed Native Americans off their land, often crushing their culture and their livelihood. Our Statue of Liberty welcomes poor, tired, huddled masses of immigrants to our borders, but each new wave has felt the sting of discrimination.

In World War II, Japanese Americans fought valiantly for freedom in Europe, taking great casualties, while at home their families were herded into internment camps. The famed Tuskegee Airmen lost none of the bombers they guarded during the war, but their African American heritage cost them a lot of rights when they came back home in peace.

To be sure, continuing to quote the President's speech in San Diego, To be sure, there is old, unfinished business between black and white Americans, but the classic American dilemma has now become many dilemmas of race and ethnicity. We see it in the tension between black and Hispanic customers and their Korean or Arab grocers; in a resurgent anti-Semitism even on some college campuses; in a hostility toward new immigrants from Asia to the Middle East to the former Communist countries to Latin America and the Caribbean, even those whose hard work and strong families have brought them success in the American way.

We see these tensions continuing.

First, we must continue to expand opportunity. Full participation in our strong and growing economy is the best antidote to envy, despair and racism. We must press forward to move millions more from poverty and welfare to work; to bring the spark of enterprise to inner cities; to redouble our efforts to reach those rural communities prosperity has passed by. Most important of all, we simply must give our young people the finest education in the world.

□ 2100

The President proposes remedies and the commission, we can see, is headed in a certain direction.

On many occasions I have stood right here talking about the answer, one of the key answers to the problems of the inner city, which generates large numbers of people who are forced to go on to welfare, which generates large numbers of babies being born out-of-wedlock, which generates a large amount of unemployment. Even the jobs available, they are jobs that people cannot qualify for.

One of the answers, of course, is education, and the commission certainly is probably going to end up recommending a great deal about education. I would like to go further than the President. I think some of my colleagues in the Congressional Black Caucus would like to have this commission aiming its sights higher.

We have talked in past years about reparations, and I want to join my colleague, the gentleman from Michigan, Mr. JOHN CONYERS, who is the oldest member of the Congressional Black Caucus, join him again this year in sponsoring a bill which calls for the commission to study reparation proposals for African-Americans. He introduced this in January of this year.

This is the description of the Conyers Commission: This legislation forces the United States to acknowledge, after over 100 years of silence, the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American Colonies between the years of 1619 and 1865. The legislation requires that an official inquiry be made into the lingering negative effects of the institution of slavery on living African-Americans and on the United States larger societies.

A commission will be established to examine the institution of slavery, studying the impact of subsequent and continuing discrimination against African-Americans resulting directly and indirectly from the institution of slavery, not only during that time in which it was legal and Government-sanctioned but during the periods of reconstruction, desegregation and to the present date. The commission will make recommendations, among others, as to methods of recompense for the descendants of slaves.

This is a bill which is out there. It has been introduced. The gentleman from Michigan has introduced it every year since November 1989, and it is part of the dialog. We could go that far.

I think reparations, in terms of individuals, is out of the question. There was a time when, shortly after the Civil War, General Armstrong, a Union general, proposed that every slave family be given 40 acres and a mule, and he actually started the process and gave out a few mules and acres. Of course, the Congress, under Andrew Johnson, came behind him and said "No, you cannot do that."

So 40 acres and a mule was promised. If we were to take the promise of the 40 acres and a mule, which was to compensate people that had been slaves for 232 years, and if we take the value of 40 acres and a mule and try to translate that into what it means now, we would have some very wealthy descendants of slaves.

That is impractical. We are not looking for cash handouts, but we could have "opportunity to learn" standards in schools, so that every school had a first class school building. We would not have the problem of asbestos and lead poisoning and broken windows and roofs that are leaking and boilers that still burn coal in the inner city where descendants of slaves go to school.

We could compensate by guaranteeing a first-class education in terms of facilities, in terms of the best teachers, in terms of the right amount of equipment, in terms of the supplies that are needed. Just take the inner-city schools and make them the way the suburban schools look and act and operate. Give them the same that they have, and we would compensate for the past by guaranteeing equality of opportunity through education.

There is a great argument for affirmative action, and the President challenged everybody who does not favor affirmative action to come up with something different. Well, opportunity to learn is the answer. If we really provided everybody with an opportunity to learn, we would not need affirmative action. It would clearly not be necessary in future years.

But we will not do that. Our schools are in worse shape now in the inner-city communities than they were 10 years ago, and there is nothing on the horizon to make them any better. We just took out of the budget bill the $5 billion for construction. So this discussion is relevant when we talk about the legacy of slavery, apologizing for slavery, and we look at the inability and refusal of the Congress and the Government apparatus to come to the aid of children in the inner cities just in terms of providing them with decent schools. We can see where the two things are not unrelated. Let us understand that we have a long gap there.

If we study slavery and look at what happened in the breeding farms, what was a breeding farm all about, where young ladies were required to have babies? They did not eat if they did not have a baby. Were the breeding farms regulated by the States? Were females in breeding farms below the age or 13 protected from having to produce babies? How many months of rest were females given before they were required to get pregnant again on breeding farms? Were there any regulations?

All these kind of things, the horror of it. There were day care centers on plantations. They deposited babies in huts with the oldest slaves who could not do anything else, and they took care of babies in large numbers, the same way they did in the orphanages in Romania.

We found that the kids in the orphanages in Romania, because they had no constant contact with human beings, their brains had actually atrophied. Their brains had shrunk. They took

photographs of the brains of the Romanian children brought over here who had problems, and they found their brains had shrunk. They could not establish human contact in a certain way because of what had not happened to them in terms of human interaction.

So millions of slave babies over the years were put into hovels with a few human beings caring for them. What did that do to their brains? These are some of the things we should look at as we study slavery, as the commission looks at the past and connects the past with the present.

What about property inheritance? A slave could not inherit. Did any State allow slaves to inherit anything? When a slave died, the few belongings they had, could they pass them on to anybody? They could not even recognize their own children, so they did not know any children they had. So where did their little bits and pieces go? When a slave died, he could not pass anything on.

The primary way in which wealth is accumulated in America, or anyplace, handed down from one generation to another, no matter how small it is, a few pots and pans, a wagon, a mule, the little house, maybe an acre, maybe a big farm, things that had been handed down over the years were not there to be passed down. For 232 years nothing could be passed down.

So is it any wonder that African-Americans are the poorest people in America, even poorer than the immigrants that came over, who brought some tools with them in a bag, who brought some know-how with them, who brought contacts? They had contacts with relatives who lived here. They had more than the slaves ever had.

All of that can be put in perspective if we really begin to talk about it and look at it, and we will see there is a need, there is a need to treat African-Americans and maybe native Americans different from the way we do other people, to try to make up for what did not happen in the past and for some of the negative things that happened in the past. All of this should be put on the table and examined.

We do not want the equivalent of 40 acres and a mule. Forty acres and a mule might translate into, the mule might be, in 1997 dollar terms, that might be a jet plane by now. One might have enough money to buy a jet plane. The 40 acres might be the size of an airfield.

So we are not going to deal with those kinds of solutions, but we ought to think about our inability to formulate a policy which provides opportunities to learn for all children; our inability to get a construction program going, $5 billion is all the President asked to stimulate construction which would help inner-city communities; our inability to pass a Ways and Means bill which would provide for the establishment of a lot of empowerment zones in cities. All these are directly related to the fact that we have no sense of the past and no sense of where we can go in the future.

We are the richest Nation that ever existed on the face of the Earth. We have a lot of options and opportunities. We have a lot of wealth. We helped Europe a great deal with the Marshall plan. Billions of dollars. We should help the inner-city communities where descendants of slaves live in large numbers with the same kind of generosity.

We should put it all together. The President is on the right track, and I hope we will all step in line and be positive about race relations and what it means in the context of today's America.

NATIONAL DEBT REPAYMENT ACT OF 1997

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes.

Mr. NEUMANN. Mr. Speaker, I rise tonight to talk about a bill which will be introduced later in this week. It is called the National Debt Repayment Act of 1997. But before I begin, I want to just pause and recognize some very special people in this country.

Sunday was Father's Day, and children all across America, myself included for my own father, we paused to say "thank you" to our dads for what they have done.

Tonight, I want to pay special tribute to some other very important people in this country, and that is father-in-laws. Many times father-in-laws provide the insight and wisdom that contribute so much to the success of our families all across America.

So before I start the debate on the National Debt Repayment Act this evening, I wanted to just start by paying tribute to a very special person in my life, my father-in-law, and to others like him all across this country who have done so much to make it the great country that it is.

Having said that, I want to address the national debt, where we stand and what we can do about it, and how the National Debt Repayment Act might have something to do with it.

To begin with this evening, I want to take a look at how the debt has been growing. The debt facing this Nation from 1960 to 1980 did not grow very much. It is a pretty flat line from 1960 to 1980. But from 1980 forward it has been growing at a very, very rapid rate.

And to all my colleagues out there, I know the Democrats say, well, 1980, that is the year Ronald Reagan got elected, so let us blame him. And to all the Republicans out there, I know they say, well, in 1980, there was the Democrat-controlled Congress and they spent too much money, and so all the Republicans blame the Democrats.

Well, the bottom line on this thing, when we look at this chart, we are way up here on this debt chart right now. Here is 1999, 1998, 1997. We are way up near the top of that debt chart. It is time we stop blaming Republicans and Democrats, depending on which side of the aisle we are on, and start addressing this for the problem it really is, a problem that is facing the American people, a problem that has the potential to bring this great Nation to its knees if it is not addressed.

For the folks that have not seen how serious this debt problem really is, we currently stand about $5.3 trillion in debt. The number looks like this, and it is a pretty big number, but let me translate that number back into English. Before I came to Congress, I was a math teacher. And here is a math problem we used to do in our math classroom.

We took that total debt and divided by the number of people in the United States of America. That is to say, every person in the United States of America is responsible for $20,000 of this debt. Or put another way, the Federal Government has borrowed $20,000 on behalf of every man, woman, and child in the country.

For a family of five like mine, I have three kids at home, one is 20 now, another 18, another one 14, for a family of five like mine, they have borrowed $100,000 basically over the last 15 years. It is a staggering sum of money.

The kicker in this whole thing is really this number right down here. The average family of five in America today, or any group of five people in America today, they are paying $580 a month, every month, to do nothing but pay the interest on the Federal debt. Let me say that once more, because it is important to understand how much money is being taken out of the pockets of American citizens and sent to Washington, DC to do nothing but pay the interest on the Federal debt.

The average family of five in America today sends $580 a month to Washington to do nothing but pay the interest on the Federal debt.

I know a lot of my colleagues out there go, "Well, a lot of the families I know, they do not pay that much in taxes." But the reality is every time we walk into the store and we buy a loaf of bread, the storeowner either makes a small profit on that loaf of bread or he is going out of business. So we hope he or she is making a profit. When they make a small profit on that loaf of bread that we just bought in the local grocery store, part of that profit gets sent to Washington and it is used to pay this interest on the Federal debt.

So the reality is we are currently in a situation in this country where an

average family of five is sending almost $600 a month to Washington to do nothing but pay the interest on the Federal debt.

The American public seems to be a little cynical about what we are doing about this. And in fact they have had so many promises made to them in the past that, frankly, I understand why they are cynical.

In the 1980's, I was not in politics. In fact, I had never been to a political event at that point in time. So in the 1980's, I watched something called the Gramm-Rudman-Hollings bill, and I watched it with great interest because under the Gramm-Rudman-Hollings bill, passed in 1985, we were promised by the people out here in Washington that we would see a deficit stream that follows this blue line. In fact, it would lead to a balanced budget by the year 1991 under that original plan.

The problem is the deficit did not follow that blue path. In fact, they hit their target only once and then the deficit skyrocketed. So the people in Washington decided, well, we could not really hold the line on spending out here in Washington, there are too many new programs we want to institute from out here in the District of Columbia, so what we will do is make the American people a brand new promise. We know we cannot keep our first promise, so we will make the American people a brand new promise, and they wrote the Gramm-Rudman-Hollings fix of 1987.

Again they promised the American people a balanced budget with deficit streams following this blue line, but again deficits did not match up. They did not hit their target.

□ 2115

The reason I came to Washington, the reason I left a good business in the private sector to run for office in the first place is because I got kind of fed up with the promises that were being made out in this city that were not being kept. It seemed to me that this Government should be made up of people of integrity, that when they told the American people they were going to balance the budget they would actually do it.

I know all the pressures to do something different, and I understand the huge pressures on the people here to spend more money and to allow these deficit here to spend more money and to allow these deficit lines to go anywhere but along the path to balance the budget. But there is an interesting thing that happened. In 1995, a whole new group of people came here. They were elected in 1994. And that group of people said, we are not going to tolerate this. We are going to balance the budget. And we made a hole bunch of promises to the American people.

This fact is almost unknown. We promised the American people a balanced budget, too. This red line shows what we promised for a deficit in the fiscal year 1996. This blue line shows the actual deficit. Please note, the red is taller than the blue. What that means is we not only hit our deficit targets for 1996, but we are ahead of schedule.

So we are now in fiscal year 1997 and it is almost over. We promised the American people a deficit line along this red column again. We not only hit our projection in fiscal year 1997, but we are $100 billion ahead of schedule. So the facts are we now are in the third year of this plan to balance the budget, the promise made in 1995, and in fact in the third year of this plan, we are once again ahead of schedule. And under the budget resolution with the guidance of the gentleman from Ohio [JOHN KASICH] that was just passed out here, we will stay ahead of schedule right straight through to the year we balance the budget.

We are going to talk more about that later. Because the facts are we are so far ahead of schedule in this plan right now, we may actually balance the budget sooner, not later. Let me say this once more because it is really important. There is a huge difference between 1988 and the Gramm-Rudman-Hollings bills and today, 1995, 1996, 1997.

The promises made back there in the 1980's made the American people very cynical. When people in Washington talked about balancing the budget they said, yeah, sure we have heard that before. Folks, things have changed out here in Washington. In fact, we are not only on track to balancing the budget; here is what we promised for 1996. Here is what happened. We are ahead of schedule. Here is what we promised for 1997. Here is what happened. These are not promises anymore. These are in the bank. There are done. These years are finished. We are ahead of schedule in both of the first two years and we are now working on the plan for the third year, and we are going to stay ahead of schedule by at least $50 billion again in the third year.

How did all this happen? In 1995, we came here with a theory. The theory did not go, like 1993, how much taxes should we raise? How much more money can we take out of the pockets of the American people? We did not come here with the idea of increasing taxes to get this thing under control. We came here with this theory, and the theory went like this: If we can just control the growth of Government spending so Government spending did not keep getting bigger and bigger and bigger, if we could control the growth in Government spending, that would mean the Government would spend less, therefore, borrow less from the private sector. When the Government borrowed less out of the private sector, that meant that there was going to be more money available in the private sector.

Well, this does not take Einstein to figure it out. Where there is more money available, interest rates stay down. That is a looser money supply leading to lower interest rates. Lower interest rates meant people bought more houses and cars than anyone expected. And when they bought more houses and cars, of course that meant somebody had to go to work to build the houses and cars. And when those people went to work building the houses and cars, they left the welfare roles, thereby reducing the cost from Washington and they started paying taxes in.

So this working model of reducing Government spending, meaning less borrowing, leaving more money available in the private sector, keeping the interest rates down, so people buy more houses and cars and other things and other people go to work building those houses and cars, led to lower numbers of people on welfare, more people working, and of course that meant less cost and more revenue coming in.

And the results are very, very clear. This is no longer a theoretical model. The results are clear. Our promised deficit for 1996; our actual deficit. We are ahead of schedule. Our promised deficit for 1997; our actual deficit. We are ahead of schedule. We are now onto year three and again we are projecting at least $50 billion ahead of schedule in year three.

Folks, this is great news for the future of this country. This means a whole bunch of things. The most important, of course, is that we will get to a balanced budget. But beyond that, it means that we now have a group of people in Washington who have made promises to the American people and those promises in year one and year two, they have been kept. It is not a question of will they be kept. They have been kept. It is history now, it has been done.

So now we are into year three and we are back into the promises. We are in the third year of our plan to balance the budget. Sooner or later, though, the American people need to understand that we are into the third year, 2 years under our belt, 2 years of successes, and we need to start accepting the fact that this is actually going to happen in the not too distant future.

Again, how did this come about? Well, it did not come about by raising taxes. We did not go back to 1993 and start this discussion, how much more money can we get out of the pockets of the people and which taxes should we raise this highest. That was not the discussion. The discussion in this city in 1995 was how do we control the growth of Government spending? Can we just get this Government to a point where it is not growing bigger and having more and more influence over all the lives of the people? Can we get to a

point where the influence of the lives of the people is back in the homes where it belongs? Can we get Government spending under control? That is what it was all about.

This chart shows what happened. In the 7 years before 1995, spending was growing at an average rate of 5.2 percent, the red column here. In the first 7 years after 1995, we are in the third of those 7 now, in the first 7 years after 1995, spending only grew at 3.2 percent. That is a 40 percent reduction in the growth of spending. This theoretical model of slowing the growth of Government spending is working. And that is very, very important as we look forward to future years.

In fact, if we adjust for inflation, we would find that the rate of growth of Government spending has been reduced by two-thirds. Now, I have to pause on this chart also and I have to just mention that I have heard so much discussion out there about Government cuts and cuts in Government spending and then name your program. Well, the reality is we have not cut Government spending. Even under the Republican plans where we are controlling the growth of Government spending, it is still going up 3.2 percent a year.

There are a lot of people out here, myself included, that think we can do much better. But the fact that we have improved it by 40 percent, that is a good step in the right direction. It has been done in two short years. And I think we will do better as we go forward. But the reality is this is a huge win for the American people.

By reducing the growth in Government spending by 5.2 to 3.2 percent, or in real dollars from 1.8 to .6, at two-thirds reduction in the growth rate of this Government, that means people will maintain more control over their own money and over their own lives. And that is what this chart is all about. It means people keep control over their own money and their own lives in their own homes where it belongs. And that is what should be read into this chart, and that is the direction we are headed.

And frankly, when we look at this and we see that growth of Government spending controlled, that is how come we are ahead of schedule, that is how come when we said we were going to have deficits of one number we were ahead of schedule in both years, and that is how come it is different than back in the 1980's with the Gramm-Rudman-Hollings Act.

The reality is we are doing it and it is happening, and it is very exciting. Something else that is about to happen and this brings us to the national debt repayment act, because even after we get to a balanced budget, whenever that occurs, we still have a $5.3 trillion debt hanging over our head. And that brings us to the National Debt Repayment Act.

Now, I brought one more chart with me and there are a lot of numbers in this chart, but I am going to point out just a couple of them so we get a handle on why this National Debt Repayment Act is so important. First off, the National Debt Repayment Act, after we reached a balanced budget, caps the growth in Government spending at a rate of one per lower than the rate of revenue growth. So if revenues were to go up by 6 percent, spending growth would be capped at 5 percent, still faster than the rate of inflation but capped at one percent below the rate of revenue growth.

If we do that, the entire Federal debt, all of it, is repaid by the year 2025 and we can pass this Nation on to our children debt free, which means that our families a generation from now, instead of sending $500 a month to Washington to pay interest on the debt will be able to keep that money in their own homes.

We hear so many discussions out here about education and about things that families could do with this money like education. Would it not be great if we had a zero debt and instead of sending $500 a month to Washington to do nothing but pay the interest on the debt, you could keep that out there in your house. That is the National Debt Repayment Act. But it does something else that is very important, too.

As we are repaying the debt, we are also putting the money back into the Social Security trust fund. I see I am joined by my good friend, the gentleman from Arizona, J.D. HAYWORTH.

Mr. Speaker, I yield to my good friend.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. NEUMANN] and those who join us coast to coast in this Chamber this evening. I just wanted to say that my colleague from Wisconsin [Mr. NEUMANN] offers a very commonsense approach to the next step. And I think the gentleman from Wisconsin in his introductory remarks has pointed out and offered to us a very reasonable approach here based on what has happened before.

And certainly we understand, coming from outside the Washington merry-go-round, as so many people called it for so many years, outside the beltway, that there is a lot of cynicism out there. And I appreciate the fact that my colleagues pointed out that our budget agreement really projects very modest growth and that is why we have the realistic point of view.

But even more so, the notion that we can repay the national debt is vitally important. Because when I go across the width and breadth of the 6th District of Arizona, an area in square mileage about the size of the Commonwealth of Pennsylvania, and hold town hall meetings, people will come and, yes, they will talk about the annual deficits, but inevitably someone steps to the microphone and says, Congressman, that is fine. But how do we get a handle on this five plus trillion dollar national debt that we are leaving our children?

I just think, Mr. Speaker, that my colleague from Wisconsin [Mr. NEUMANN] offers a lot of commonsense based on his background as a math teacher, based on his business acumen as a home builder; and I just appreciate this foundation, if you will, of a practical, commonsense plan to make sure that our children have a debt-free future.

And I cannot help but remark as I heard my colleague from Wisconsin talk about his father-in-law, I think about my father-in-law down in Yuma, AZ, someone who spent his years in the Marine Corps defending this country away from home for years on end, and I think about the legacy of those who have gone before, many of the veterans I visit with in the 6th district, veterans of World War II, the Korean war, Vietnam, Desert Storm, people would have answered the call. And do I believe, as President Franklin Roosevelt said, to different generations fall different responsibilities.

And God willing, if we can avoid a major worldwide conflict, and certainly we hope and pray with a strong national defense and reasonable approaches worldwide we will be able to do so, but our challenge, our rendezvous with destiny will be a reconciliation and elimination of this national debt after we take the first step of eliminating these annual deficits.

So I just wanted to come down here and tell my colleague from Wisconsin, Mr. Speaker, and those who join us that this plan bears definite consideration and support as we ask the reasonable, logical, and practical question: Where do we go from here? For these reasons, I salute my colleague from Wisconsin.

Mr. NEUMANN. Mr. Speaker, I think we should jointly here show the American people just how positive and how close we really are to a balanced budget and how far ahead of schedule. If we look at the average Federal revenue growth, how much Government growth, revenue, money coming in, your money, the American people's money, how much money has been coming in each year, average Federal revenue growth, in the last 3 years it has been going up by 7.3 percent average. The last 5 years it has been going up by 7.3 percent average. The last 10 years, 6.2 percent average; 17 years 6.8.

I read those numbers off because I think it is significant in the budget resolution we just passed, we did not project 7 percent growth or 7.3 or 6 percent growth, we only projected 4 percent growth. So I asked the question, what would happen in fact if instead of 4 percent growth in revenue, it did

what was more historical here. I did not even put in 7 or 6.8. I only put in 6 percent. And in fact if revenues to the Federal Government do grow by 6 percent, not as much as they have been going up, but by 6 percent, we will in fact have a balanced budget by the year 2000.

This is almost inconceivable in this community. If revenues keep going up the way they have been going up and we hit our spending targets, and this is the challenge of course, but if we just hit the spending targets that are in that budget resolution and revenues grow by 6 percent, we in fact have a surplus in the year 2000. Our first year of a balanced budget is the year 2000, and we would in fact run a surplus. And that is when the National Debt Repayment Act would kick in.

The act would do two things. First it would cap growth in Government spending after that first balanced year at a rate 1 percent below the rate of revenue growth. That guarantees a surplus. Because if we are at balance and spending goes up 4 percent, revenue would have to go up 5 percent, at least a 1 percent gap. That guarantees us a surplus.

□ 2130

The first thing this bill does is it caps the growth in Government spending 1 percent below the rate of revenue growth. The second thing it does is it tells the treasurer what to do with that surplus money because my fear in this community is that they are going to want to spend that money. So what the second thing our bill does is it says that two-thirds of that surplus goes to pay down the debt, and one-third goes back to the American people. It is, after all, their money. All we are doing is letting them keep it out in their homes instead of sending it on down here to Washington, DC.

When we start paying down the debt, a very important thing happens. Social Security has been collecting more money than it has been paying out for a long time, since 1983, collects more money than it pays out to seniors in benefits. That money is supposed to be sitting here in a savings account. It is not here. All that is here is a bunch of IOU's. That is part of the debt, though. So when we start paying down the debt, we also put real money back in the Social Security trust fund so Social Security is once again solvent.

Mr. HAYWORTH. If the gentleman will yield, I do not think this point can be stressed enough. I know that I joined with the gentleman in the Social Security Preservation Act with this purpose in mind. I am glad to see this notion incorporated into the National Debt Repayment Act, so that we have real funds, tangible funds and not some sort of slips of paper that say IOU when we are dealing with something as sensitive and as important as Social Security, something else that affects my parents, affects my colleague from Wisconsin's parents and obviously affects many of our constituents. Again, I salute this very rational, reasonable framework.

Let me just depart for a second, because I think this is important, too, because, Mr. Speaker, ofttimes when we come to this floor for purposes of explanation, and certainly given my colleague's ability to explain these concepts in very simple, easy-to-understand terms, there is a temptation by those who oppose us to claim that we have simply got on our green eyeshades, to claim that we are simply sitting here with calculators. Indeed there are those critics who would claim that within our chests beat calculators instead of human hearts. Let me assure, Mr. Speaker, those who might rise in opposition to us that it is precisely because of compassion that we offer this, that it is precisely because we want a firm foundation and to fulfill promises made by this Government to our seniors but also to provide for those generations who are younger, for those generations yet unborn a reasonable framework and a reasonable, rational way that they can have a constitutional republic and enjoy the freedoms that we have had. And so that is what I think is important to stress. This is not something that needs to be necessarily caught up in decimals and in dollar signs, if you will, but with a very real, compassionate, tangible goal. That is, the preservation of this country, the preservation of this constitutional republic to silence and to diminish this very genuine, silent killer, if you will, the twin maladies of annual deficits and the national debt. That is another reason we have to look at this with great interest, because it is the ultimate act of compassion. While of course it is inevitable that we talk about numbers and explain this in a common sense term, undergirding all of this is the example and the notion of true compassion. As my colleague from Wisconsin mentioned earlier, as we cannot say too often, Mr. Speaker, the money belongs to the people that earn it. The money does not belong to this government. Our job, our mission here poised for the next century is to realize and act upon that basic truth. The money belongs to the people of the United States. They should hang on to more of it and send less of it here to Washington, DC. That is a point that I think we should reemphasize.

Mr. NEUMANN. I cannot emphasize enough how strongly I agree with the gentleman. The gentleman is right. There are a lot of numbers up here. I think we do have to have a plan in place that is going to lead to this, but it is not about these numbers. It is about the families that get to keep $500 a month more instead of sending it down here to Washington to put as interest on the Federal debt. It is about those families and what they can do with that $500 a month. Our current tax cut package, I have talked to a lot of families in our district, I really get a kick out of the people out here who say the American people do not want tax cuts. Wrong. When I talk to folks in our district, family friends from church, three kids, one headed off to college, I say, "Do you think you're going to use that $500 per child?" They have got two kids still at home so it is $1,000. The college tuition credit, of course, is another $1,500. They are looking at receiving $2,500. They are not rich people. They are middle-income folks, probably $40,000, $50,000-a-year kind of people, nice friendly Janesville kind of people from Wisconsin. When we talk to them about keeping $2,500 more a year in their pocket, they understand these tax cuts. When we start thinking about the National Debt Repayment Act, can the gentleman see this vision of America where instead of sending that $500 a month down here, and now we are not talking about a year, we are not talking about the $500 per child per year now, we are now talking about our families keeping $500 a month because that is how much this interest is, that is what these numbers really mean, they keep that money in their own homes to buy education for their kids, to buy the things that are most important to their family. The National Debt Repayment Act also means our seniors do not have to go to sleep wondering whether or not there is going to be Social Security. When we talk about this Social Security issue, one problem is that the money needs to be in that savings account so we can continue making the payments to our seniors. But the other thing is that if there is no money in the trust fund and we reach a point where we do not have enough money to pay out Social Security benefits, and that will happen sometime between now and 2012, that is a given, if we reach that point, the people in this town are only going to have two choices, get more taxes out of the working people or cut Social Security benefits. So the other very, very important thing that happens here is we restore the Social Security system to solvency, we put real dollars in the trust fund instead of the fictitious IOUs that are currently in there. As we keep going, the other thing that happens here when people fill up their cars with gasoline, every week or whenever you fill your car up with gas, you pay Federal gasoline tax. Some of that tax money has not been spent to build roads. It has been taken and spent on other programs. There is a highway trust fund, sort of like Social Security where they have collected these tax dollars when you fill your car up with gas, but instead of spending it to build roads like we would expect, it has been

spent on other programs and they put an IOU in the highway trust fund, too. As we are paying on down the national debt, part of that debt is the highway trust fund. We would restore the highway trust fund as well. The other thing is we hear so much about the environment and how important the environment is to the future of this country. The environment trust funds exist also, trust funds for like cleaning up Superfund sites. Those areas have trust funds that have not been restored either. We have collected money but the money has been spent on other Government programs and there are IOU's in those trust funds, too. As we pay down this national debt, we are looking at restoring the Social Security trust funds so our seniors are safe, we are looking at the highway trust fund being restored so we can have a safer and more efficient road system in this country, a better infrastructure, and we are also looking at the environmental groups having the money that was supposed to be put into their trust fund actually spent to improve the environment in this great Nation.

The kicker of all of this is at the same time, we get to reduce taxes even further on the American people because one-third of the surplus goes to tax cuts.

Mr. HAYWORTH. If my colleague will yield further, again that points to one of our other aims as there have been changes in this Congress as we rethink the future, and that is the notion of transferring the money, power, and influence out of the hands of Washington bureaucrats, back to people at home, beginning with the family but also including those local and State governments, those who are on the frontlines. Janesville, WI, differs greatly from Scottsdale, AZ. Indeed within Arizona in my own district which spans from Franklin to the four corners, to Flagstaff in the west, there are different circumstances and different challenges in an incredibly diverse district. So much the better, then, that we are able to establish a framework that pays off the debt that puts the trust back into these ironically named trust funds. If there is one of the oxymoronic phrases of Washington, DC, certainly as we stand here at this juncture of our history, it would be the notion of trust funds since so much of those funds have gone to other matters, pressing matters to be sure but matters for which those funds were not originally intended. We put the trust back into those trust funds but most importantly we have the money stay in the pockets to working Americans. That is vital.

Mr. NEUMANN. This whole vision that we are talking about here for the future of our great country, it is so different than the 1980's where there were promises made under Gramm-Rudman-Hollings and those promises, for whatever reasons, could not be kept or were not kept or however we want to put it; they did not meet those targets to get us to a balanced budget.

When we talk about trust, it is not only the trust accounts, it is the trust of the American people once again in their government, because after all this is their government, it is not you and me out here, it is the people's government out here.

As we are now in the 3rd year of a 7-year plan to balance the budget, we are ahead of schedule in the 1st year, we are ahead of schedule in the 2nd year, we are ahead of schedule in the 3rd year. Some of that trust needs to gradually be restored and some of that cynical attitude out there that occurred because of what happened in the 1980's where so many promises were made and so many promises were broken. Is that not a great vision? We not only get to a balanced budget so that we quit spending our children's money and our children have hope for a future in this country, but we also pay down the national debt so our children inherit a nation debt free. When we are paying down the debt we put the money back in the Social Security trust fund, and by doing these things we restore the faith in the American people back in this institution, back in their government, because it is their government. It that not a great vision for the future of this country?

Mr. HAYWORTH. As my colleague offers this scenario, I concur wholeheartedly. I also salute my colleague because, again, the temptation is when you come to this town, and obviously there are some philosophical differences, I find that many of us can oftentimes end up in partisan arguments that are almost pointless games of what if, or what happened in the past.

I think it is worthwhile and quite candidly refreshing, Mr. Speaker, that my colleague from Wisconsin comes here not to point fingers at that side of the aisle or necessarily to try and gain partisan advantage, but simply to offer a plan that people of all political labels should seriously consider as we say, OK, what is past is prolog, that has gone before, we can continue to play these games of revisionist history, or we can deal with the problems that we have encountered with the simple notion that my colleague and I learned in Scouts: Try to leave this a better place than we found it.

Really is it just as simple as that; that we can play the hand we have been dealt, that yes, we have made some changes; that yes, those changes have us on the road to a balanced budget much more quickly; that yes, last week in the House Committee on Ways and Means we were able to fashion a tax bill that does not offer as much tax relief as I would like or my colleagues from Wisconsin or indeed many folks would like, but is an important first step. Moving on that, we can build.

Mr. NEUMANN. Is it not a wonderful fight we are going to have out here over which taxes we should cut and how far we should cut them? Think back to 1993. Does the gentleman remember 1993? The question was which taxes should we raise and how far should we raise them. This body by one vote passed the largest tax increase in American history. Then it went over to the Senate and the Senate by one vote cast the largest tax increase in American history.

We are not talking about raising taxes to balance the budget. We are talking about reducing taxes and at the same time reducing the rate of growth of government spending because when the government grows less, we do not have to take as much money out of the pockets of the people. What a wonderful fight we are going to have out here as we debate which taxes should be reduced and how far we should reduce them and what a huge contrast we have between 1993 and 1997. Is it not a wonderful debate?

Mr. HAYWORTH. I absolutely agree with my colleague from Wisconsin. I am heartened by the fact that as we take a look at the tax bill that moves out of the House Committee on Ways and Means that I was pleased to vote for last week, last Friday, 93 percent of those tax cuts go to families earning under $100,000; 75 percent of those tax cuts go to families earning less than $75,000. Though there is a temptation, and I heard earlier tonight when I had the privilege of sitting in the Speaker's chair for a previous special order, though there is the temptation to try and tinker with the numbers and cast a partisan light on them, these conclusions are drawn by the bipartisan Joint Tax Committee.

So we have Republicans and Democrats taking a sober, practical view, not for political gain, simply saying that without a doubt, these tax cuts go to help working Americans more than anyone else. It is an important first step.

Mr. NEUMANN. I think it is important that all of our colleagues understand part of this tax cut debate that is about to occur. What is being asked out here in Washington, DC, is can we cut taxes for people that are not paying taxes? When is a tax cut not a tax cut?

Does the gentleman realize that we are about to enter into debate, that there are going to be people telling us that we should cut taxes for people that are paying no taxes. Let me explain how this might work. If you are on welfare today and you have got two kids in your house, you are not paying any taxes, you are already receiving a welfare check. There are some people out in this community that would like a tax cut to include those folks that are already on welfare and not paying any taxes in. To me, if you cut taxes on

people that are not paying any taxes, does that not become a welfare program as opposed to a tax cut?

□ 2145

And that is what we got to watch out for as we go forward here. These tax cuts are designed to reach the people that get up every morning, make a lunch, go off to work, work hard all day and come home. This is money that we want them to keep in their own pockets as opposed to sending out here to Washington, DC.

Tax cuts are designed for people who pay taxes.

Mr. HAYWORTH. I again just want to comment on my colleague from Wisconsin making this very practical common sense point. How do you offer a tax cut to those who pay no taxes, and, Mr. Speaker, although there are those who might misunderstand, this is not standing here pointing the finger of blame toward any one segment of the society. It is simply asking the very practical question. It would seem to me that only in this town, with some who champion the notion of government being the source of so much, that even the notion would be advanced that those who pay no taxes should somehow receive a tax cut. But again, when you leave this Beltway and the culture that has grown up around this Capital City, and travel to the Sixth District of Arizona, or travel to the great State of Wisconsin, or places in-between, and go to any town and talk to any taxpayer, they will reaffirm the absurdity of the notion of offering tax cuts to those who pay no taxes.

And again, Mr. Speaker, and this is something again not to cast a pall of partisanship, but to simply rejoice in the fact that here in this institution we can debate reasonable differences in a reasonable fashion. It astounds me, quite candidly, to look at some of the other figures that have been proffered that actually take on another absurd notion when there are those who come to this Chamber and talk about these very modest tax cuts, 93 percent of which go to families making under $100,000, that somehow anyone could characterize those as what is that tired, sad phrase we hear? Tax cuts for the wealthy? Simply is not true, but using some of those peculiar numbers people are incorporating what homeowners would earn in rental income on their own homes.

My colleague, who is a home builder, who understands the intricacies of mathematics far better than I do, can simply attest to the absurdity of that notion which is being proffered as a reason to oppose our plan and our very modest array of tax cuts.

Mr. NEUMANN. You know, all this discussion about tax cuts, we sometimes get lost in the fact that we are even having a debate about cutting taxes as opposed to raising taxes from 1993. Whenever I am out with folks back home and I have got a problem conveying to them all the technical details of the tax cuts, I challenge anyone. Just walk into your church on Sunday and find one of the families with 3 kids, and when they are walking out of church just ask them if they understand the idea that they are going to get $500 back for each one of those children. It is their money to start with. They get to keep $500 more for each one of those children, and if one of them happens to be going off to college, they are going to get up to $1500 to help pay that college tuition, which is a huge problem for many families in America today. They understand that. They absolutely understand that they get a tax , they get to reduce the taxes they are going to send to Washington by a thousand bucks for the 2 kids still at home, and they absolutely understand that they get to keep $1,500 to help pay for college tuition. They understand that.

And you can have all the jargon you want out here. They understand that they are going to get to keep more of their own money in their own pocket instead of sending it to Washington, and that is what this is all about.

Mr. HAYWORTH. And that is the basic common wisdom of those who involve themselves in the process, not to get caught up in micro or macro economics, but simply to provide for their families, to answer the call to duty, whether it is found in wearing the uniform of one of the branches of service in this country or contributing in other ways to our economy and to their communities and to their families. That is the simple elemental, yet vital, wisdom behind the plan that we are offering that essentially provides tax cuts for life, those child tax credits, those credits that help youngsters go on to college, those ways to save through those saving years that my colleague from Wisconsin and I found ourselves in as we are trying to provide for our children, also prepare for that final phase of life, those retirement years. And that is what is so appealing about this modest first step in tax reduction.

And again, as my colleague from Wisconsin points out, Mr. Speaker, here we are poised to offer the American people the first tax cuts they have really enjoyed in a decade and a half, and the thing that we should note about this, the wonderful thing, is that this will actually help our economy grow, this will actually help raise the revenue rates, as again in a bipartisan fashion, as President John F. Kennedy said in the early 1960's: "A rising tide lifts all the boats."

And so it is in that spirit that we offer this based on historical perspectives, not only the Reagan presidency, but before that with President Kennedy, so that people from both sides of the aisle understand the value of cutting taxes, allowing people to hang onto more of their own money and really conferring, as if this government had to confer, the honor and the privilege and for all practical purposes the money that belongs to the people in the first place, keeping it there in their pockets and taking less and less of it for what has grown into a Federal leviathan here on the banks of the Potomac.

Mr. NEUMANN. I think I will conclude my part of this by just reminding the folks one more time how different 1997 is versus the 1985 Gramm-Rudman-Hollings bill where they said they are going to balance the budget and they missed their targets. They never got on track. They fixed it in 1987. They hit targets once, but they never stayed with it. The deficits just ballooned.

We are now not in our first year and not in our second year; we are now in the third year of our promised plan to balance the federal budget, and we are not only on track, we are ahead of schedule. The theoretical model that we dealt with back in 1995, this idea that if we control the growth of government spending, that meant the government would spend less, which meant they had to borrow less. When they borrowed less out of the private sector, that left more money available in the private sector. More money available in the private sector meant less money supply and lower interest rates. Lower interest rates meant people bought more houses and cars, and I get excited when I talk about this part because when people buy more houses and cars, somebody has to go to work to build those houses and cars, and that is job opportunities. That meant people left the welfare rolls and went to work and started paying taxes in, and it becomes a snow ball down a hill where this thing gets easier, and easier, and easier to make it happen.

We are in the third year of a 7-year plan to balance the budget. We are not only on track, we are ahead of schedule, and this leads us to our vision for the future of this great Nation that we live in. Our vision not only includes balancing the Federal budget so we are not spending our children's money any more, it includes paying off the Federal debt because when we pay off the Federal debt, it means our children a generation from now instead of sending $500 a month to Washington to do nothing but pay interest on a Federal debt, they can keep that money in their own homes.

A generation from now, just think about this. If we just capped the growth of Federal spending 1 percent below the rate of revenue growth, just 1 percent, that means we pay off the entire debt by the year 2025, and that means a generation from now our families do not have to send a $500 check every month to Washington to do nothing but pay the interest on the Federal

debt. They keep that in their own homes to spend on their own families.

You know when we talk about a divorce rate at 68 percent today and one out of every three babies born out of wedlock, do not you think that allowing the hard-working families to keep more of their own money would relieve some of the burden, some of the pressures in this family and allow more of our American families to stay together a generation from now? I mean this becomes a very, very bright vision for the future of this country, a balanced budget so we quit spending our children's money, pay off the debt so that a generation from now our children receive this Nation debt free and they do not have to send $500 a month down to Washington. And that vision includes putting the money back into Social Security trust fund that has been taken out because then our seniors know that their money is safe and secure, and it includes additional tax reductions for the American people.

So a vision of a balanced budget, paying off the debt, our children's families keeping $500 a month more of their own money in their own pockets instead of sending it to Washington, restoring the Social Security Trust Fund so that our seniors do not have to worry about whether or not their social security checks; that is a bright vision for the future of America. That is a vision of hope, that is a vision of prosperity, that is a vision that includes an opportunity for my children to have a better life than we have had, and it has been a great country to grow up in.

And we have had a great life, but this vision puts it back at a point where our generation can look to our children and start thinking about our children having opportunities to have an even better life than we have had in this great Nation ourselves.

Mr. HAYWORTH. Again I thank my colleague from Wisconsin for taking this time, Mr. Speaker, to explain this very important, I believe, exciting and necessary concept of the National Debt Repayment Act, and again what undergirds this when you get past the math, when you get past the micro and macro economic models, is a very simple motion. People work hard for the money they earn. They ought to hang onto more of it, send less of it here to Washington D.C., and in the process as we prepare for a new century we ought to focus on the notion of transferring money, power and influence out of the hands of Washington bureaucrats and back home to the families, to the local communities, to governments on the front line who confront these several problems.

I thank my colleague from Wisconsin.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POMBO (at the request of Mr. ARMEY) for today and the balance of the week, on account of attending the Convention on the International Trade of Endangered Species.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. BROWN of Florida, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today and on June 18.

Mrs. SMITH of Washington, for 5 minutes, today and on June 18.

Mr. SENSENBRENNER, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. STOKES.
Mr. MCGOVERN.
Mr. KUCHINCH.
Mr. LAFALCE.
Ms. STABENOW.
Mr. FRANK of Massachusetts.
Mr. VISCLOSKY.
Mr. BERRY.
Mr. BARRETT of Wisconsin.
Mr. ROEMER.
Ms. NORTON.
Mr. STARK.
Mr. KILDEE.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. SCHUMER.
Ms. BROWN of Florida.
Mr. GORDON.
Mr. GEPHARDT.
Mr. TOWNS.
Mr. BERMAN.
Mr. DELLUMS.
Mr. PAYNE.
Ms. HARMAN.
Mr. SHERMAN.
Mr. SANDERS.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous matter:)

Mr. WELLER.
Mr. COX of California.
Mr. LEWIS of California.
Mr. GINGRICH.
Mr. YOUNG of Alaska.
Mr. SHAW.
Mr. CAMP.
Mr. PACKARD.

(The following Members (at the request of Mr. NEUMANN) and to include extraneous matter:)

Mr. WALSH.
Mrs. MORELLA.
Mr. SENSENBRENNER.
Mr. PARKER.
Ms. VELÁZQUEZ.
Mr. KLINK.
Mr. HORN.
Mr. TRAFICANT.
Mr. PEASE.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 210. An act to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association, and for other purposes; to the Committee on Banking and Financial Services and in addition, to the Committees on the Judiciary, International Relations, Government Reform and Oversight, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

S. 289. An act to designate the United States courthouse to be constructed at the corner of Superior Road and Huron Road in Cleveland, Ohio, as the "Carl B. Stokes, United States Courthouse"; to the Committee on Transportation and Infrastructure;

S. 347. An act to designate the Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, as the "Sam Nunn Federal Center"; to the Committee on Transportation and Infrastructure;

S. 419. An act to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Commerce;

S. 478. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the "William Augustus Bootle Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure;

S. 628. An act to designate the United States courthouse to be constructed at the corner of 7th Street and East Jackson Street in Brownsville, Texas, as the "Reynaldo G. Garza United States Courthouse"; to the Committee on Transportation and Infrastructure;

S. 681. An act to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Courthouse"; to the Committee on Transportation and Infrastructure;

S. 715. An act to redesignate the Dublin Federal Courthouse building located in Dublin, Georgia, as the J. Roy Rowland Federal Courthouse; to the Committee on Transportation and Infrastructure;

S. 819. An act to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the "Martin V. B. Bostetter, Jr. United States Courthouse"; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Mr. NEUMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, June 18, 1997, at 10 a.m.)

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized by various committees, House of Representatives, during the first quarter of 1997, pursuant to Public Law 95-384, and reports of a miscellaneous group for calendar year 1996 and second quarter 1997, House of Representatives, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Eva Clayton	1/23	1/26	Argentina		24.00		100.00				124.00
Hon. Calvin Dooley	1/23	1/26	Argentina		24.00		100.00				124.00
Hon. Thomas Ewing	1/23	1/26	Argentina		24.00		100.00				124.00
Hon. Sam Farr	1/23	1/26	Argentina		24.00		100.00				124.00
Hon. Robert F. Smith	1/23	1/26	Argentina		24.00		99.00		3,095.10		3,218.10
Hon. Charles Stenholm	1/23	1/26	Argentina		24.00		100.00				124.00
Lynn Gallagher	1/23	1/26	Argentina		24.00		100.00				124.00
Laverne Hubert	1/23	1/26	Argentina		24.00		100.00				124.00
Bryce Quick	1/23	1/26	Argentina		24.00		100.00				124.00
Paul Unger	1/23	1/26	Argentina		24.00		100.00				124.00
Committee total											4,334.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB SMITH, Chairman, June 4, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patricia Pauletta	2/13	2/17	Switzerland		1,096.00		965.95				2,061.95
Edward Hearst	2/11	2/17	Switzerland		1,644.00		2,958.95				4,602.95
Bruce Gwinn	2/13	2/16	Switzerland		822.00		906.95				1,728.95
Sue Sheridan	3/3	3/7	Germany		980.00		920.15				1,900.15
Catherine Van Way	3/2	3/8	Germany		1,470.00		1,129.95				2,599.95
Hon. Eliot Engel	1/9	1/12	China		702.00		[3]				702.00
	1/12	1/13	Thailand		217.00		[3]				217.00
	1/13	1/15	Cambodia		555.00		[3]				555.00
	1/15	1/18	Hong Kong		1,163.00		[3]				1,163.00
Hon. Thomas Sawyer	2/18	2/20	Germany		530.00		2,084.40				2,614.40
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Brussels		614.00						614.00
Hon. Bill Paxon	2/17	2/18	Italy		242.00		[3]				242.00
	2/18	2/20	Germany		546.00		[3]				546.00
Hon. Michael Crapo	3/22	3/28	Canada		1,338.05		[3]				1,338.05
Hon. Dennis Hastert	2/17	2/18	Italy		242.00		[3]				242.00
	2/18	2/20	Germany		546.00		[3]				546.00
Hon. Diana DeGette	2/21	2/23	Belgium		614.00		2,848.35				3,462.35
Committee total					13,584.05		11,814.70				25,398.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

TOM BLILEY, Chairman, Apr. 30, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Gary Ackerman	1/23	1/27	Hong Kong		1,576.00						1,576.00
	1/27	1/30	China		702.00						702.00
	1/30	2/3	Taiwan		[3] 564.00						564.00
Commercial airfare							4,232.95				4,232.95
David Adams	1/23	1/27	Hong Kong		1,576.00						1,576.00
	1/27	1/30	China		702.00						702.00
	1/30	2/3	Taiwan		1,128.00						1,128.00
Commercial airfare							4,232.95				4,232.95
	3/24	3/26	Haiti		[3] 375.00						375.00
Commercial airfare							678.95				678.95
Hon. Cass Ballenger	1/9	1/11	Nicaragua		[3] 239.00				859.00		1,098.00
	1/11	1/14	El Salvador		[3] 524.65				630.34		1,154.99
	1/14	1/16	Guatemala		[3] 232.36				874.66		1,107.02
	1/16	1/18	Mexico		[3] 41.23				257.40		298.63
Hon. Douglas Bereuter	1/11	1/15	Hong Kong		[3] 1,329.00				946.67		2,275.67
	1/15	1/17	Indonesia		494.00						494.00
	1/17	1/19	Singapore		546.00				325.91		871.91
Commercial airfare							4,390.95				4,390.95
Deborah Bodlander	1/22	1/26	Turkey		[3] 673.00						673.00
	1/26	1/30	Israel		[3] 1,185.00				1,508.00		2,693.00
	1/30	1/31	Cyprus		[3] 75.00						75.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/31	2/3	Lebanon		[3]355.00						355.00
	2/3	2/4	Greece		[3]30.00						30.00
Commercial airfare							4,214.05				4,214.05
Elana Broitman	1/11	1/13	Uganda		623.00						623.00
	1/13	1/15	Kenya		555.00						555.00
	1/15	1/18	Rwanda		738.75						738.75
Commercial airfare							504.35				504.35
	1/27	1/30	Peru		870.00						870.00
	1/30	1/31	Panama		189.00						189.00
Commercial airfare							2,392.95				2,392.95
Hon. Tom Campbell	1/11	1/13	Uganda		623.00						623.00
	1/13	1/15	Kenya		555.00						555.00
	1/15	1/18	Rwanda		738.75						738.75
Commercial airfare							504.35				504.35
Hon. Walter Capps	2/20	2/23	Belgium		614.00						614.00
Commercial airfare							4,725.35				4,725.35
Marian Chambers	2/20	2/22	Italy		562.00						562.00
Commercial airfare							2,444.25				2,444.25
Theodore Dagne	1/11	1/13	Uganda		623.00						623.00
	1/13	1/15	Kenya		555.00						555.00
	1/15	1/18	Rwanda		738.75						738.75
Commercial airfare							504.35				504.35
Michael Ennis	1/11	1/15	Hong Kong		[3]1,366.00						1,366.00
	1/15	1/17	Indonesia		494.00						494.00
	1/17	1/19	Singapore		546.00						546.00
Commercial airfare							4,390.95				4,390.95
Hon. Eni F.H. Faleomavaega	1/9	1/11	Nicaragua		312.50						312.50
	1/11	1/13	El Salvador		573.00						573.00
	1/14	1/16	Guatemala		378.00						378.00
	1/16	1/18	Mexico		187.50						187.50
Hon. Jon Fox	1/23	1/28	China		1,170.00						1,170.00
	1/28	1/29	Hong Kong		394.00						394.00
	1/29	1/31	Taiwan		564.00						564.00
Richard Garon	2/14	2/15	Ireland		[3]518.00						518.00
	2/15	2/18	England		[3]852.00						852.00
	2/18	2/20	Germany		[3]510.00						510.00
	2/20	2/21	France		263.00						263.00
Commercial airfare							1,871.95				1,871.95
Robert Hathaway	1/10	1/12	Hong Kong		623.25						623.25
	1/12	1/18	China		1,359.00						1,359.00
John Herzberg	3/24	3/28	Bosnia		1,204.00						1,204.00
	3/28	3/29	Croatia		281.00						281.00
Commercial airfair							3,627.75				3,627.75
Amos Hochstein	1/22	1/26	Turkey		[3]488.00						488.00
	1/26	1/31	Israel		[3]1,100.00						1,100.00
Commercial airfair							4,170.75				4,170.75
Hon. Amo Houghton	1/8	1/11	Canada		[3]0.00						0.00
Commercial airfair							593.00				593.00
Hon. Peter King	2/18	2/20	England		668.00						668.00
Commercial airfair							271.45				271.45
Christopher Kojm	1/26	1/29	Austria		[3]671.00						671.00
Commercial airfair							4,830.55				4,830.55
Clifford Kupchan	1/12	1/14	Ukraine		546.00						546.00
	1/14	1/19	Russia		[3]1,649.00						1,649.00
Commercial airfare							4,342.00				4,342.00
John Mackey	1/22	1/27	Argentina		1,266.00						1,266.00
	1/27	1/30	Peru		870.00						870.00
	1/30	1/31	Panama		189.00						189.00
Commercial airfare							3,457.95				3,457.95
	2/12	2/12	Northern Ireland		75.00						75.00
	2/12	2/15	Ireland		913.00						913.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/23	Northern Ireland		1,068.00						1,068.00
Commercial airfare							4,568.25				4,568.25
Donald Manzullo	2/19	2/21	France		[3]280.00						280.00
	2/21	2/23	Belgium		[3]269.00						269.00
Commercial airfare							650.00				650.00
Denis McDonough	1/9	1/11	Nicaragua		268.50						268.50
	1/11	1/14	El Salvador		[3]523.00						523.00
	1/14	1/16	Guatemala		[3]353.00						353.00
	1/16	1/18	Mexico		[3]468.00						468.00
	1/22	1/27	Argentina		992.00						992.00
Commercial airfare							3,589.95				3,589.95
	3/24	3/26	Haiti		[3]388.00						388.00
Commercial airfare							678.95				678.95
Vince Morelli	3/24	3/26	Haiti		[3]363.00						363.00
Commercial airfare							678.95				678.95
Lester Munson	1/11	1/13	Uganda		623.00						623.00
	1/13	1/15	Kenya		555.00						555.00
	1/15	1/18	Rwanda		738.75						738.75
Commercial airfare							504.35				504.35
Roger Noriega	1/9	1/11	Nicaragua		[3]243.50						243.50
	1/11	1/14	El Salvador		[3]473.00						473.00
	1/14	1/16	Guatemala		[3]353.00						353.00
	1/16	1/18	Mexico		[3]70.00						70.00
Hon. Donald Payne	1/11	1/13	Uganda		623.00						623.00
	1/13	1/15	Kenya		555.00						555.00
	1/15	1/18	Rwanda		738.75						738.75
Commercial airfare							3,168.35				3,168.35
Stephen Rademaker	1/12	1/14	Ukraine		546.00						546.00
	1/14	1/19	Russia		[3]1,710.00						1,710.00
Commercial airfare							4,342.00				4,342.00
	1/26	1/29	Austria		783.00						783.00
Commercial airfare							4,830.55				4,830.55
Frank Record	2/17	2/19	France		[3]588.00						588.00
	2/19	2/20	Austria		261.00						261.00
	2/20	2/22	Italy		[3]472.00						472.00
Commercial airfare							3,195.55				3,195.55
Walker Roberts	1/26	1/29	Austria		783.00						783.00
Commercial airfare							4,830.55				4,830.55
Martin Sletzinger	3/24	3/28	Bosnia		1,204.00						1,204.00
	3/29	3/30	Croatia		281.00						281.00
Commercial airfare							3,627.75				3,627.75
Hillel Weinberg	1/23	1/28	Belgium		[3]1,000.00				166.07		1,166.07

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/28	1/30	France		[3] 214.85						214.85
Commercial airfare							3,435.05				3,435.05
	2/19	2/21	France		[3] 425.85						425.85
	2/21	2/23	Belgium		[3] 364.00						364.00
Commercial airfare							2,333.00				2,333.00
David Weiner	1/23	1/29	Belgium		[3] 1,385.00						1,385.00
Commercial airfare							3,435.05				3,435.05
	2/17	2/19	France		648.00						648.00
	2/19	2/20	Austria		261.00						261.00
Commercial airfare							3,827.15				3,827.15
Committee total					62,236.94		104,077.25		5,568.05		171,882.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

BEN GILMAN, Chairman, June 12, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Individual expenses:											
Hon. Doug Bereuter (annual tour)	8/5	8/8			317.58		226.00				543.58
John Herzberg (annual tour)	8/1	8/8			754.12						754.12
Delegation expenses:											
Representational (meals and functions, ground transportation, and control rooms costs).									24,658.87		24,658.87
Translation/interpreting									5,728.72		5,728.72
Miscellaneous									1,774.69		1,774.69
Committee total					1,071.70		226.00		32,162.28		33,459.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUGLAS BEREUTER, June 3, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 3 AND APR. 7, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	4/3	4/7	Iceland		1,064.00						1,064.00
Hon. Gerald Solomon	4/4	4/7	Iceland		798.00						798.00
Hon. Tom Bliley	4/3	4/7	Iceland		1,064.00						1,064.00
John Herzberg	4/3	4/7	Iceland		1,064.00						1,064.00
Committee total					3,990.00						3,990.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUGLAS BEREUTER, June 10, 1997.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3800. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for the 1996–97 Crop Year for Natural (Sun-Dried) Seedless Raisins [FV97–989–1 FIR] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3801. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentages for Class 3 (Native) Spearmint Oil for the 1996–97 Marketing Year [FV96–985–3 FIR] June 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3802. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Metolachlor; Pesticide Tolerances for Emergency Exemption [OPP–300504; FRL–5722–5] (RIN: 2070–AB78) received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3803. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bromoxynil; Pesticide Tolerances [OPP–300486B; FRL–5724–9] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3804. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerances for Emergency Exemptions [OPP–300497; FRL–5718–6] (RIN: 2070–AC78) received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3805. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—Amending Regulations for Various Commodity Warehouses (RIN: 0560–AF07) received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3806. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, transmitting the Administration's final rule—Fees for Official Inspection and Official Weighing Services [Workplan Number 97–001] (RIN: 0580–AA52) received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3807. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of June 1, 1997, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105–98); to the Committee on Appropriations and ordered to be printed.

3808. A letter from the Comptroller of the Currency, transmitting the 1996 Annual Report of the Comptroller of the Currency, pursuant to 12 U.S.C. 14; to the Committee on Banking and Financial Services.

3809. A letter from the Chairman, Federal Financial Institutions Examination Council, the Appraisal Subcommittee, transmitting the 1996 Annual Report of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, pursuant to Public Law 101–73, section 1103(a)(4) (103 Stat. 512); to the Committee on Banking and Financial Services.

3810. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 1650, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

3811. A letter from the Secretary of Health and Human Services, transmitting the fifth Biennial Report of the Director of the National Institutes of Health, pursuant to 42 U.S.C. 283; to the Committee on Commerce.

3812. A letter from the Inspector General, Department of Health and Human Services, transmitting the audit report of the superfund financial activities at the Agency for Toxic Substances and Disease Registry for fiscal year 1995, pursuant to 31 U.S.C. 7501 nt.; to the Committee on Commerce.

3813. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Illinois [IL127–1a; FRL–5841–1] received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3814. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; San Diego County Air Pollution Control District; Yolo-Solano Air Quality Management District [CA105–0037a; FRL–5842–6] received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3815. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Tennessee: Approval and Revisions to the Nashville/Davidson County Portion of the Tennessee SIP Regarding New Source Review, Volatile Organic Compounds and Emergency Episodes [TN–128–6763a; TN–166–9634a; TN–180–9712a; TN–182–9713a; FRL–5841–4] received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3816. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: Oregon [OR65–7280; FRL–5823–8] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3817. A letter from the Chair, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Applications for Authorization to Construct, Operate, or Modify Facilities Used for the Export or Import of Natural Gas [Docket No. RM97–1–000; Order No. 595] received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3818. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Nutrient Content Claim for "Plus" [Docket No. 97P–0031] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3819. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Dental Devices; Endodontic Dry Heat Sterilizer; Corrections and Technical Amendment [Docket No. 95N–0033] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3820. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 92F–0279] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3821. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 1996 Annual Report of its activities, pursuant to 15 U.S.C. 78w(b); to the Committee on Commerce.

3822. A letter from the Acting Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–80, "District of Columbia Regional Airports Authority Amendment Act of 1997" received June 11, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3823. A letter from the Acting Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–94, "Revised Act 12–76, Fiscal Year Budget Request Act of 1997" received June 16, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3824. A letter from the Acting Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–79, "Public Assistance Temporary Amendment Act of 1997" received June 11, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3825. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions and Deletions to the Procurement List [I.D. 97–012] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3826. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Death Benefits [5 CFR Part 1651] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3827. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1996, through March 31, 1997, and the semiannual management report on the status of audit followup for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3828. A letter from the Chairman, National Transportation Safety Board, transmitting the FY 1996 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3829. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the FY 1996 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3830. A letter from the General Counsel, Office of National Drug Control Policy, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

3831. A letter from the Chairman, Board of Directors, Tennessee Valley Authority, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

3832. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector [Docket No. 970403076–7114–02; I.D. 061097D] received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3833. A letter from the Executive Director, National Mining Hall of Fame and Museum, transmitting the Museum's 1996 audited financial statement and a copy of Form 990 which was filed with the Internal Revenue Service, pursuant to 36 U.S.C. 4111; to the Committee on the Judiciary.

3834. A letter from the Executive Director, U.S. Olympic Committee, transmitting the annual audit and activities report for calendar year 1996, pursuant to 36 U.S.C. 382a(a); to the Committee on the Judiciary.

3835. A letter from the Clerk, United States Court of Appeals, District of Columbia Circuit, transmitting an opinion of the United States Court of Appeals for the District of Columbia Circuit (No. 96–5265—*Marlena Ramallo* v. *Janet Reno*); to the Committee on the Judiciary.

3836. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–70–AD; Amendment 39–10045; AD 97–12–03] (RIN: 2120–AA64) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3837. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Fremont, NE (Federal Aviation Administration) [Airspace Docket No. 97–ACE–2] (RIN: 2120–AA66) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3838. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E4 and E5 Airspace at Sioux City, IA (Federal Aviation Administration) [Airspace Docket No. 96–ACE–25] (RIN: 2120–AA66) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3839. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Revocation of Class E Airspace; El Rico, CA (Federal Aviation Administration) [Airspace Docket No. 97-AWP-9] (RIN: 2120-AA66) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3840. A letter from the Clerk, United States Court of Appeals, District of Columbia Circuit, transmitting an opinion of the United States Court of Appeals for the District of Columbia Circuit (No. 95-1494—*State of North Carolina* v. *Federal Energy Regulatory Commission*); to the Committee on Transportation and Infrastructure.

3841. A letter from the Chief, Regulations Branch, Customs Service, transmitting the Service's final rule—Port Passenger Acceleration Service System (PORTPASS) Program [T.D. 97-48] (RIN: 1515-AB90) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3842. A letter from the Chief, Regulations Branch, Customs Service, transmitting the Service's final rule—Archaeological and Ethnological Material from Peru [T.D. 97-50] (RIN: 1515-AC17) received June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3843. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend section 7703 of title 5, United States Code, to strengthen the ability of the Office of Personnel Management to obtain judicial review to protect the merit system; jointly to the Committees on Government Reform and Oversight and the Judiciary.

3844. A letter from the Board Members, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and the Program Fraud Civil Remedies Act to increase criminal penalties; jointly to the Committees on Transportation and Infrastructure and the Judiciary.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SPENCE: Committee on National Security. H.R. 1778. A bill to reform the Department of Defense; with an amendment; referred to the Committee on Government Reform and Oversight for a period ending not later than July 18, 1997, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X. (Rept. 105-133, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1778. Referral to the Committees on Commerce and Transportation and Infrastructure extended for a period ending not later than July 18, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LAFALCE (for himself, Mr. GONZALEZ, Mr. VENTO, Mr. SCHUMER, Mr. FRANK of Massachusetts, Ms. WATERS, Mrs. MALONEY of New York, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Mr. HINCHEY, Mr. ACKERMAN, Mr. JACKSON, Ms. KILPATRICK, Ms. CARSON, Mr. TORRES, and Mr. SANDERS):

H.R. 1900. A bill to provide for adequate consumer protection in the provision of financial services, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HYDE:

H.R. 1901. A bill to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. CONYERS, Mr. SENSENBRENNER, Mr. SCHIFF, Mr. GOODLATTE, Mr. CHABOT, Mr. SCHUMER, Mr. BERMAN, Ms. LOFGREN, and Mr. ROTHMAN):

H.R. 1902. A bill to immunize donations made in the form of charitable gift annuities and charitable remainder trusts from the antitrust laws and State laws similar to the antitrust laws; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Mr. BROWN of California, Mrs. MORELLA, Mr. GORDON, Mr. DAVIS of Virginia, Ms. STABENOW, Mr. EHLERS, Ms. JACKSON-LEE, Mr. SESSIONS, Mr. PICKERING, Mr. TRAFICANT; Mr. COOK, and Mr. CANNON):

H.R. 1903. A bill to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes; to the Committee on Science.

By Mr. MCINTYRE (for himself, Mr. SPRATT, Mr. HEFNER, Ms. KAPTUR, Mr. DELAHUNT, and Mr. KIND of Wisconsin):

H.R. 1904. A bill to amend the Harmonized Tariff Schedule of the United States to clarify that certain footwear assembled in beneficiary countries is excluded from duty-free treatment, and for other purposes; to the Committee on Ways and Means.

By Mr. MCINTYRE:

H.R. 1905. A bill to direct the Secretary of the Army to carry out an environmental restoration project at the Eastern Channel of the Lockwoods Folly River, Brunswick County, NC; to the Committee on Transportation and Infrastructure.

By Mr. DEFAZIO:

H.R. 1906. A bill to provide that pay for Members of Congress may not be increased by any adjustment scheduled to take effect in a year immediately following a fiscal year in which a deficit in the budget of the U.S. Government exists; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER:

H.R. 1907. A bill to amend the Harmonized Tariff Schedule of the United States to allow the duty-free entry of an additional quantity of green peanuts that are the product of Mexico; to the Committee on Ways and Means.

By Mr. BACHUS (for himself, Mr. LUCAS of Oklahoma, and Mr. EVERETT):

H.R. 1908. A bill to prohibit performance of military honors and burial benefits to persons convicted of capital crimes; to the Committee on National Security, and in addition to the Committees on Transportation and Infrastructure, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANADY of Florida (for himself, Mr. HYDE, Mrs. ROUKEMA, Mr. CAMPBELL, Mrs. FOWLER, Mr. COX of California, Mr. BOEHNER, Mr. PAXON, Mr. SOLOMON, Mr. GOODLATTE, Mr. HUTCHINSON, Mrs. EMERSON, Mr. WICKER, Mr. BLILEY, Mr. ROGAN, Mr. DOOLITTLE, Mr. MCINTOSH, Mr. SENSENBRENNER, Mr. BALLENGER, Mr. BARR of Georgia, Mr. ISTOOK, Mr. COBLE, Mr. GOSS, Mr. BONO, Mr. HERGER, Mr. NORWOOD, Mr. CUNNINGHAM, Mr. BUNNING of Kentucky, Mr. THUNE, Mr. KING of New York, Mr. PACKARD, Mr. CHRISTENSEN, Mr. CALLAHAN, Mr. RIGGS, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. HILLEARY, Mr. SPENCE, Mr. OXLEY, Mr. ROHRABACHER, Mr. BARRETT of Nebraska, Mr. SNOWBARGER, Mr. ADERHOLT, Mr. YOUNG of Alaska, Mr. EVERETT, Mr. RILEY, Mr. BRADY, Mrs. CUBIN, Mr. BACHUS, Mr. LEWIS of Kentucky, Mr. COLLINS, Mr. CANNON, Mr. COOK, and Mrs. LINDA SMITH of Washington):

H.R. 1909. A bill to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CARSON:

H.R. 1910. A bill to establish minimum nationwide nitrogen oxide pollution standards for fossil-fuel fired electric powerplants; to the Committee on Commerce.

By Mr. CONDIT (for himself, Mr. BILBRAY, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. FARR of California, Mr. FILNER, Mr. GOODE, Mr. JOHN, Mr. POMBO, and Mr. RADANOVICH):

H.R. 1911. A bill to amend the Clear Air Act to impose certain requirements on areas upwind of ozone nonattainment areas, and for other purposes; to the Committee on Commerce.

By Mr. DAVIS of Virginia (for himself, Mr. WYNN, Mrs. MORELLA, Mr. MORAN of Virginia, and Mr. WOLF):

H.R. 1912. A bill to prevent Government shutdowns; to the Committee on Appropriations.

By Mr. DOGGETT:

H.R. 1913. A bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every 10 years, and for other purposes; to the Committee on Rules, and in addition to the Committees on the Budget, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. RAMSTAD, Mr. CAMP, Mr. SOLOMON, Mr. WELDON of Florida, Mr. SENSENBRENNER, and Mr. BACHUS):

H.R. 1914. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 1915. A bill to amend title 10, United States Code, to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice; to the Committee on National Security.

By Mr. GEKAS:

H.R. 1916. A bill to prevent Government shutdowns; to the Committee on Appropriations.

By Mr. GIBBONS:

H.R. 1917. A bill to amend the Federal Land Policy and Management Act of 1976 to transfer to State governments the authority of the Bureau of Land Management to require bonds or other financial guarantees for the reclamation of hardrock mineral operations; to the Committee on Resources.

H.R. 1918. A bill to validate conveyances of certain lands in the State of Nevada that form part of the right-of-way granted by the United States to the Central Pacific Railway Company; to the Committee on Resources.

By Mr. HOLDEN:

H.R. 1919. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1920. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1921. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1922. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1923. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1924. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1925. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1926. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1927. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1928. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1929. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1930. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1931. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1932. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1933. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1934. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1935. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1936. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1937. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

H.R. 1938. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Ways and Means.

By Ms. MOLINARI:

H.R. 1939. A bill to modernize and improve Federal railroad infrastructure financing programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. NUSSLE:

H.R. 1940. A bill to suspend temporarily the duty on the chemical P-nitrobenzoic; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 1941. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. GILMAN, Mr. SMITH of New Jersey, Mr. GALLEGLY, and Mr. MANZULLO):

H.R. 1942. A bill to provide authority to control exports, and for other purposes; to the Committee on International Relations.

By Mr. SKEEN:

H.R. 1943. A bill to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District; to the Committee on Resources.

By Mr. SMITH of Oregon:

H.R. 1944. A bill to provide for a land exchange involving the Warner Canyon Ski Area and other land in the State of Oregon; to the Committee on Resources.

By Mr. SPENCE (for himself, Mr. SPRATT, and Mr. GRAHAM):

H.R. 1945. A bill to amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 1946. A bill to amend the Worker Adjustment and Retraining Notification Act to require an employer which is terminating its business to offer its employees an employee stock ownership plan; to the Committee on Education and the Workforce.

By Mr. WALSH:

H.R. 1947. A bill to amend the Harmonized Tariff Schedule of the United States with respect to shadow mask steel; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 1948. A bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes; to the Committee on Resources.

By Mrs. CHENOWETH:

H.J. Res. 83. Joint resolution proposing an amendment to the Constitution of the United States, relating to the legal effect of certain treaties and other international agreements; to the Committee on the Judiciary.

By Mr. SOLOMON:

H. Res. 167. Resolution providing special investigative authorities for the Committee on Government Reform and Oversight; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

132. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Resolutions memorializing the President and the Congress of the United States to negotiate an international ban on antipersonnel land mines; to the Committee on International Relations.

133. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Joint Resolution 7 urging the United States Congress and the Veterans Administration to maintain adequate health care services for New Hampshire veterans; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. YATES introduced a bill (H.R. 1949) for the relief of Nuratu Olarewaju Abeke Kadiri; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. QUINN.

H.R. 27: Mr. HILL.

H.R. 66: Mr. ROTHMAN and Mr. LUCAS of Oklahoma.

H.R. 96: Mr. QUINN and Mr. HOUGHTON.

H.R. 135: Mr. EDWARDS.

H.R. 145: Ms. MILLENDER-MCDONALD, Mr. MILLER of California, and Mr. BAESLER.

H.R. 165: Mr. MALONEY of Connecticut and Mr. RUSH.

H.R. 282: Mrs. MCCARTHY of New York, Mr. PAXON, and Mr. HOUGHTON.

H.R. 298: Mr. DELLUMS.

H.R. 305: Ms. PRYCE of Ohio.

H.R. 306: Mr. DOOLEY of California, Mr. FLAKE, and Ms. KILPATRICK.

H.R. 332: Mr. GOSS.

H.R. 335: Mr. GIBBONS.

H.R. 339: Mr. DOOLITTLE.

H.R. 367: Mr. VISCLOSKY.

H.R. 431: Ms. ROYBAL-ALLARD.

H.R. 450: Ms. SLAUGHTER and Mr. SCHIFF.

H.R. 556: Ms. MCKINNEY.

H.R. 598: Mr. GIBBONS.

H.R. 630: Mr. STARK.

H.R. 631: Mrs. MYRICK and Mr. JONES.

H.R. 676: Mr. ROTHMAN.

H.R. 681: Mr. CAMPBELL, Mr. ROYCE, Mr. HUNTER, and Mr. HERGER.

H.R. 746: Mr. DUNCAN, Mr. PETRI, Mr. BROWN of California, and Mr. TAYLOR of North Carolina.

H.R. 754: Mr. SNYDER.

H.R. 759: Mr. STUPAK.

H.R. 893: Mr. HILLIARD.

H.R. 894: Mrs. LOWEY.

H.R. 902: Mr. MILLER of Florida and Mr. COBLE.

H.R. 920: Mr. FLAKE, Mr. ALLEN, AND MR. DEUTSCH.

H.R. 953: Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Ms. KILPATRICK, and Mr. RUSH.

H.R. 992: Mr. NETHERCUTT, Mr. COMBEST, Ms. GRANGER, and Mr. SENSENBRENNER.

H.R. 1002: Mr. RUSH, Mr. BECERRA, and Mr. DEUTSCH.

H.R. 1029: Mr. ETHERIDGE, Mr. HALL of Ohio, Mr. HASTINGS of Florida, Ms. JACKSON-

LEE, Mr. HILLIARD, Mr. CLAY, Mr. SCOTT, Mr. CONDIT, Mr. DAVIS of Illinois, Mr. SERRANO, Ms. CARSON, and Mr. DELLUMS.

H.R. 1038: Ms. NORTON and Ms. SANCHEZ.

H.R. 1054: Mr. LEVIN, Mr. DELAHUNT, and Mr. SHIMKUS.

H.R. 1061: Mr. RAHALL.

H.R. 1114: Mr. PAYNE, Mr. RODRIGUEZ, Mr. HILL, Mr. WISE, Ms. STABENOW, Mrs. LOWEY, Mr. PETERSON of Minnesota, and Mr. CRAMER.

H.R. 1126: Mrs. MINK of Hawaii.

H.R. 1146: Mr. SESSIONS.

H.R. 1147: Mr. DOOLITTLE, Mr. BRYANT, Mr. HILL, and Mr. BOUCHER.

H.R. 1165: Mr. WATT of North Carolina.

H.R. 1169: Mr. MANTON, Mr. PAUL, Mr. CAMP, and Mr. SESSIONS.

H.R. 1206: Mr. SISISKY.

H.R. 1241: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CAPPS, and Mr. MCKEON.

H.R. 1260: Mr. CONYERS and Mr. RODRIGUEZ.

H.R. 1283: Mr. CUNNINGHAM, Mrs. ROUKEMA, and Mr. LINDER.

H.R. 1338: Mr. SCARBOROUGH.

H.R. 1375: Mr. CAPPS, Mr. SESSIONS, and Mr. CRAMER.

H.R. 1387: Mr. HUTCHINSON, Mr. PACKARD, Mr. COX of California, Mr. COYNE, Mr. CUMMINGS, Mr. HOYER, Mr. BERMAN, Mr. LAFALCE, Mr. GOODLING, and Ms. CARSON.

H.R. 1390: Mr. FILNER and Mrs. LOWEY.

H.R. 1425: Ms. DELAURO.

H.R. 1450: Ms. CHRISTIAN-GREEN.

H.R. 1462: Mr. SISISKY.

H.R. 1480: Mr. FALEOMAVAEGA, Mr. DAVIS of Illinois, and Ms. KILPATRICK.

H.R. 1491: Mr. MARTINEZ, Mr. RUSH, and Mr. ENGEL.

H.R. 1500: Mr. ROTHMAN.

H.R. 1519: Mr. LANTOS, Mr. HASTINGS of Florida, and Ms. LOFGREN.

H.R. 1521: Mr. CALVERT, Mr. EVANS, Mr. SHERMAN, Mr. SOLOMON, Mr. HUTCHINSON, Mr. BUNNING of Kentucky, and Mr. KIM.

H.R. 1531: Ms. LOFGREN, Mr. ABERCROMBIE, Mr. GREEN, and Mr. MALONEY of Connecticut.

H.R. 1560: Mr. HORN, Ms. MCCARTHY of Missouri, and Mr. BOB SCHAFFER.

H.R. 1571: Ms. ROYBAL-ALLARD and Mrs. MINK of Hawaii.

H.R. 1573: Mr. MILLER of California, Mr. DAVIS of Illinois, Ms. CARSON, Mr. PAYNE, and Mr. KLECZKA.

H.R. 1583: Mrs. LOWEY, Mr. DEUTSCH, Mr. DOOLEY of California, and Mr. JOHNSON of Wisconsin.

H.R. 1591: Mr. SENSENBRENNER.

H.R. 1592: Mr. ADAM SMITH of Washington.

H.R. 1596: Mr. BROWN of California and Mr. HOYER.

H.R. 1673: Mr. DEUTSCH.

H.R. 1689: Mrs. MYRICK.

H.R. 1716: Mr. DAVIS of Illinois, Ms. DELAURO, and Mr. STARK.

H.R. 1732: Mr. DEFAZIO, Mr. FALEOMAVAEGA, and Mr. VENTO.

H.R. 1788: Ms. MILLENDER-MCDONALD, Mr. PAYNE, and Ms. VELÁZQUEZ.

H.R. 1824: Mr. KLECZKA, Ms. FURSE, Mr. DAVIS of Illinois, and Ms. CHRISTIAN-GREEN.

H.J. Res. 55: Mr. SOUDER.

H. Con. Res. 37: Mr. PETERSON of Minnesota.

H. Con. Res. 55: Ms. WOOLSEY and Mr. BONO.

H. Con. Res. 65: Mr. CAPPS, Mr. MILLER of California, and Mr. LAFALCE.

H. Con. Res. 80: Mr. BOEHLERT, Mr. LATHAM, Mrs. MALONEY of New York, Mr. CLAY, Mr. HUNTER, Ms. MOLINARI, and Mr. HOLDEN.

H. Con. Res. 83: Mr. TRAFICANT, Mr. CRAMER, and Mr. PASCRELL.

H. Con. Res. 89: Mr. UNDERWOOD.

H. Con. Res. 96: Mr. LAZIO of New York, Ms. CARSON, Mr. DEFAZIO, Mr. CLAY, and Ms. JACKSON-LEE.

H. Res. 144: Mr. HORN, Ms. MCCARTHY of Missouri, and Mr. BOB SCHAFFER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1119

OFFERED BY MR. KLUG

AMENDMENT NO. 1: At the end of title III (page 109, after line 21), insert the following new section:

SEC. 379. TERMINATION OF NAVY'S EXTREMELY LOW FREQUENCY COMMUNICATIONS SYSTEM.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall terminate all operations of the communications system of the Navy known as the Extremely Low Frequency (ELF) system.

H.R. 1119

OFFERED BY MR. ROEMER

AMENDMENT NO. 2: At the end of title I (page 23, before line 7), insert the following new section:

SEC. . INCREASE IN AMOUNT FOR HIGH-MOBILITY MULTIPURPOSE WHEELED VEHICLES.

(a) INCREASE IN AMOUNT FOR HMMWV PROCUREMENT.—The amount provided in section 101(5) is hereby increased by $51,300,000, to be available for procurement of High-Mobility Multipurpose Wheeled Vehicles.

(b) OFFSET FROM AMOUNTS FOR B–2 PROGRAM.—The amount provided in section 103(1) is hereby reduced by $51,300,000, to be derived from amounts for the B–2 aircraft program.

SENATE—*Tuesday, June 17, 1997*

The Senate met at 10 a.m. and was called to order by the PRESIDENT pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we begin this day with three liberating convictions: You are on our side, You are by our side, and You are the source of strength inside. Help us to regain the confidence that comes from knowing that You are for us and not against us.

We continue to remain awed by the knowledge that You have created us to know and love You and have called us to serve You wherever You lead us. You have programmed us for greatness by Your power, so help us to place our trust in You and live fully for You.

We thank You that You are with us, seeking to help us know and do Your will. Guide us today in all that we face. We invite You to take up residence in our minds so that we may see things from Your perspective. And grant us the courage to give You our all. May Your justice, righteousness, integrity, honesty, and truth be the identifiable qualities of our character.

Lord, we commit all that we have and are to glorifying You with all that we do today. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. ENZI. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 10:30 a.m. today. Following morning business, the Senate will resume consideration of S. 903, the State Department reauthorization bill. By previous consent, there will be two stacked rollcall votes beginning at 12 noon. The first vote will be on the DeWine amendment dealing with Haiti, followed by a vote on the Lugar amendment regarding U.N. funding. Also by consent, following the stacked votes, the Senate will recess until 2:15 p.m. for the weekly policy luncheons.

When the Senate reconvenes at 2:15 p.m., the Senate will resume the State Department authorization bill and hopefully complete action on the bill at a reasonable hour this evening.

In addition, this week the Senate may begin consideration of the defense authorization bill following disposition of S. 903. I thank my colleagues for their attention.

Mr. LEAHY addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Vermont is recognized.

COMPLIMENTING THE PRESIDENT PRO TEMPORE

Mr. LEAHY. Mr. President, I might note for my colleagues, the distinguished President pro tempore, the senior Senator from South Carolina, has set a remarkable example. In my 23 years here in the Senate, I think I have seen him as President pro tempore opening the Senate more times than I have seen anybody else. I note that this happens whether we have been in session half the night and coming in early in the morning, or whenever it is. I compliment my good friend from South Carolina. I am glad, however, to see that he does not carry the baseball bat here that was presented to him by the distinguished senior Senator from Utah and myself at the Judiciary Committee meeting last week.

Mr. President, what is the parliamentary situation?

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENZI). We are under a period of morning business until the hour of 10:30 a.m. Then we will be considering S. 903.

Before the Senator begins, the time for morning business is divided and under the control of the Senator from Nebraska [Mr. HAGEL] and the Senator from Vermont [Mr. LEAHY].

The Senator from Vermont is recognized.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Lesley Carson, a fellow with the Foreign Ops Subcommittee, be given privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANNING ANTIPERSONNEL LANDMINES

Mr. LEAHY. Mr. President, I will speak very briefly because I see the distinguished Senator from Nebraska [Mr. HAGEL], on the floor. But I will reserve such time as I may need.

Mr. President, the Leahy-Hagel bill on antipersonnel landmines is the result of years of work. I commend the Senator from Nebraska for his efforts in this. We have talked about the need to have a ban on these weapons, a need that is felt throughout the world, both by countries that have used landmines, such as ours, and also by countries that have been devastated by what has become a plague of landmines. As I have said on the floor many times, this human disaster was described to me by a Cambodian I had in my office on a snowy winter afternoon at Christmastime in Vermont—one of the most beautiful times of year in our State—and it became far less beautiful as he said, "We clear our landmines in Cambodia an arm and a leg at a time."

Fifty-seven Senators—Democrats, Republicans, conservatives, men and women alike—joined together last Thursday to introduce legislation to ban new deployments of antipersonnel landmines beginning in the year 2000. Our purpose is to enable the United States to join other nations around the world that have already shown both the moral and strategic courage and leadership by saying that they will ban unilaterally ban antipersonnel landmines. Senators like BOB KERREY and JOHN MCCAIN, CHUCK ROBB, and MAX CLELAND, decorated Vietnam veterans, along with Senator HAGEL, know far better than I what landmines have inflicted on our own soldiers. Senator HAGEL has even been injured by them.

All of us know that landmines have some marginal value, but so do chemical weapons. But we banned them. The problem with landmines is that wars end, peace treaties are signed, armies march away, the guns grow silent—but the landmines stay. To the child who steps on a mine on the way to school a year after the peace agreement is signed, that peace agreement is no protection. To the farmer who cannot raise crops to feed his or her children because the fields are strewn with landmines, that peace agreement is worth nothing. To the medical personnel and humanitarian workers who cannot get polio vaccine to a village where it is needed because of the landmines, that peace agreement is useless.

What we have, Mr. President, is a weapon that has grown so grotesque, the use of which has gotten so out of balance that most responsible nations are uniting in one voice to say: Stop the horror of landmines. There are 100 million of them in the ground in some 68 countries that are waiting for a person to step on them and die, innocent civilians. There were over 64,000 American casualties from landmines in Vietnam. If that is not appalling enough,

the majority of those landmines were built here in the United States and were killing American men and women half way around the world. In Bosnia, 279 U.N. and NATO soldiers have been injured or killed by landmines. Every American casualty in Bosnia from enemy causes has been from a landmine. Then you have thousands of innocent civilians that have lost arms, legs and so on.

Sixty-eight countries have a bridge to the 21st century, Mr. President, but that bridge is strewn with landmines. The United States has the responsibility, as a moral leader, to help stop that. Great Britain, Canada, Germany, South Africa are all countries that can claim a greater need for landmines than we can because they do not have the power of the United States. They have unilaterally renounced the use of these landmines and are destroying stockpiles. But a White House official, who apparently has an extreme case of myopia—and I say that only because in polite dialog we would not say he has an extreme case of stupidity—had the audacity to say that our legislation undermines their negotiations on a global ban rather than a unilateral measure.

Frankly, I don't think that he reflects the views of the President. I have to tell you that this is the most asinine comment issued by the administration yet on this issue. Why does the White House think a treaty banning these weapons is going to be signed in Ottawa this December? Countries are coming together to sign a treaty banning antipersonnel mines in Ottawa, not because of the United States or because of this administration's negotiating strategy; to the contrary, they are signing it in spite of the United States. While the United States has sat on the sidelines and forsaken the kind of moral leadership we can bring, dozens of other countries have taken strong, unilateral action by renouncing the use of these weapons and are pledging to sign a treaty in December. We showed great moral leadership on the Chemical Weapons Convention and on the Nuclear Test Ban Treaty. But, Mr. President, far, far more civilians have died or have been injured by landmines than nuclear weapons or chemical weapons. Every Member of this Senate who is a combat veteran from Vietnam is a cosponsor of this bill.

I have more to say, but the distinguished Senator from Nebraska, my chief cosponsor, is on the floor. I yield the floor to Senator HAGEL.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. HAGEL. Thank you, Mr. President.

Mr. President, first, I want to commend my distinguished colleague from Vermont for his leadership over the years. This has been an issue that has been worked with some difficulty with a certain intenseness to develop, first of all, an awareness of the problem.

This is an issue that, like all difficult issues, should always come with a certain amount of information. And through the process over the years, Senator LEAHY; my friend and colleague from Nebraska, Senator KERREY; and others, have been remarkable in their tenacity and their effort to focus on this issue of landmines. Today, I continue with my friend from Vermont; my distinguished senior Senator, BOB KERREY; and others in our efforts to ban antipersonnel landmines. The legislation that we are introducing this morning would permanently ban new deployments of antipersonnel landmines.

Now, my colleague talked a little bit about why it is important. But I think there are a couple of primary reasons, Mr. President, that we owe this country the world leadership on this issue. First, America has always taken the moral high ground over its brief 200-year history. There is some debate and argument about the military necessity, the military use, the viability of landmines. But as we enter a new century, a bold new century full of hope and promise, in my opinion—and I have some experience in this business—I do not really believe, nor do many former commanders and present commanders believe, that to continue to use antipersonnel landmines in our arsenal is in the best interest of anyone.

So I take up this debate as a conservative Senator from Nebraska, a combat veteran. There is no U.S. Senator in this body who supports more strongly the U.S. military, what we must do to always arm our military, never taking away the capabilities of our military. So I come at this as a very strong advocate of our national defense forces and the awesome responsibility our military has to protect our people and freedom worldwide.

However, I believe the issue here regarding the banning of antipersonnel landmines is no longer the argument of whether we should or shouldn't. The issue now is when and how. I believe the time is now. The time is now for this country and for this body to provide leadership, as so many other nations around the world are providing leadership on this issue.

We can change the face of warfare. We must not make the mistake in believing that this act alone will do away with landmines. It is a beginning. We must understand and face the fact that there are over 110 million landmines in the ground today all over the world. This act today will not dig those 110 million mines up. But it is a beginning. It is a moral beginning. It is a beginning that sends a message to the world that we are a moral nation, that we will defend freedom as we always have, and that we will defend the rights of individuals, but we do not need indiscriminate killing machines like antipersonnel mines in order to defend those liberties.

Mr. President, there are colleagues other than Senator LEAHY and I on the floor, and I wish to ensure that they have time to express themselves on this issue.

With that, I will summarize by saying that those of us in Congress—especially those of us who have served in combat—have a responsibility to those Americans who now serve in our military to give our best judgment on all weapons systems, including landmines, to the future. We owe no less to the countless thousands of civilians, including many men and women who will yet suffer from the indiscriminate use of these weapons.

It is significant, as I see my friend and colleague, Senator BOB KERREY, the recipient of the Congressional Medal of Honor, walk around on the floor of the Senate, that my other five Vietnam combat veterans have joined Senator LEAHY and I in cosponsoring this important initiative. It is time for America to lead.

Mr. President, thank you. I yield my time to Senator LEAHY.

Several Senators addressed the Chair.

Mr. BENNETT. Mr. President, could I have 5 minutes from either side to both speak to this issue and raise one other related issue?

Mr. LEAHY. I am perfectly willing to, and I want to yield to the Senator from Utah for that. We were sort of flipping side to side, if that will be OK.

Mr. BENNETT. Absolutely. I appreciate the courtesy of the Senator.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Thank you, Mr. President. I thank the senior Senator from Vermont and my colleague from Nebraska, Senator HAGEL.

Mr. President, I rise today to join with my colleagues Senator LEAHY and Senator HAGEL to express my strong support for a worldwide ban on the use of land mines. Senator LEAHY's bill, of which I am an original cosponsor, is an important step in this effort in that it will restrict the use of funds for new deployments of U.S. anti-personnel land mines beginning no later than January 1, 2000.

One only has to look at the statistics to realize that these weapons carry a legacy that lasts far longer than the wars in which they were laid. More than 26,000 people will be killed in the world this year by landmines; the vast majority of these deaths will be civilians. In fact, every 22 minutes a man, woman, or child is killed or injured by a land mine. It is impossible to truly calculate the cost of 26,000 deaths due to land mines in a single year.

Mr. President, I believe that there can be no better example of the destructive nature of these weapons than

Cambodia. It is estimated that over 10 million land mines remain in that country. After years of conflict and chaos, the people of Cambodia must still fear to walk along footpaths or rice paddies; or to allow their children to play along riverbeds or around villages. Mr. President, they have reason to be afraid; current statistics show that 1 Cambodian in every 236 has lost an eye or a limb to a land mine.

Again, these are noncombatants, civilian individuals that are suffering as a consequence of the indiscriminate placing of these dangerous weapons.

My interest in this issue also extends to not only protecting civilians but protecting our own military forces.

The truth is, far too often the victims of these mines are the men and women who serve in the U.S. Armed Forces. The Department of Defense has estimated that 33 percent of United States Army casualties in Vietnam were caused by land mines. It is further estimated that 90 percent of those mines contained components made in the United States.

Today in Bosnia, the greatest threat to U.S. troops involved in the SFOR mission is not from hostile fire, but from the millions of land mines that were indiscriminately laid during the years of fighting in that country. Mr. President, not only do I believe that we can continue to protect our national security without these weapons, I believe that ridding the world of land mines would be a significant step toward our providing greater protection to our forces stationed abroad.

I want to thank Senator LEAHY for his continued leadership in this area, because I believe the bill that we have sponsored is an important first step. However, it is also important for the United States now to take the lead on a global scale. While I applaud President Clinton's support for the eventual elimination of antipersonnel land mines, I would urge him to join our closest allies around the world by supporting the so-called Ottawa process which seeks to negotiate a treaty to ban land mines to be completed no later than December 1997. I firmly believe that a treaty negotiated with U.S. leadership, and which would include many countries where land mines have been used with devastating results, would help to create the moral authority to establish a global norm that would make these weapons unacceptable forever.

Again Mr. President, I believe now is the time for the U.S. exercise its leadership role in the world to stop the use of these devastating weapons.

I thank the Senator from Vermont and the Senator from Nebraska for their leadership on this issue. I hope that the President will change and begin to see the wisdom of adopting the Ottawa process.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield to the Senator from Utah.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. BENNETT. Mr. President, I congratulate the Senator from Nebraska and the Senator from Vermont for their leadership on this issue.

I ask unanimous consent that I be added to the bill as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I thank the Chair and I thank the two Senators.

CHINESE COMPANIES EXPORTING DANGEROUS WEAPON

Mr. BENNETT. Mr. President, if I may, Mr. President, I would like to take just a few minutes on a related but different subject. We have been talking about blowing people up here this morning with landmines. I would not intrude on that debate with another issue, except that it is hot off the press this morning.

Secretary Cohen has revealed that Chinese military companies have exported a dangerous new weapon to Iran. I have discussed this weapon on the floor before. But this is a dangerous new development, and I would like to call the attention of Senators to what Secretary Cohen has revealed this morning.

We have here a drawing of the C–802 antishipping cruise missile that is designed by the Chinese on the basis of the Exocet missile. Here is a picture of the U.S.S. *Stark* that was struck by an Exocet missile 10 years ago, in which 37 American sailors were killed. The *Stark* was out of commission for a full year. Ten years later, the C–802 is considered to be a more lethal weapon than the one that struck the *Stark*.

Here is a picture of a Chinese freighter, on the fantail of which they have loaded five missile boats which are being sent to Iran, each one of them with missile launchers, and four tubes that can be used against American shipping in the gulf. I have shown this picture to the Senate before. I have also shown this next picture to the Senate, a land-based C–802 which has been exported to Iran by Chinese companies.

This morning Secretary Cohen told us that Chinese companies have added a final dimension to their export. We have a picture from the Chinese sales brochure of a helicopter equipped with the C–802, and the Chinese sales brochure says: "Air to Ship. The air-launched C–802, named C–801K, can be adapted to aircraft such as attackers and helicopters." This picture out of the sales brochure shows this missile as it has been exported to Iran.

Mr. President, there is a law against this kind of thing. It is called the Gore-McCain Act. Secretary Cohen now says that because of the actions of Chinese companies, Iranian forces can threaten American servicemen and women literally from 360 degrees—land, water, and now air.

I intend to offer an amendment to the underlying legislation that we will take up in just a few moments calling upon the administration to enforce the Gore-McCain Act against those Chinese companies that are exporting this technology to Iran in violation of American law. The Secretary of State has already invoked the other sanctions laws by bringing sanctions against Chinese companies that have exported poison gas to Iran. I want to, here, now, apply that same principle to the exportation of these missiles.

Again, Mr. President, I would not intrude on this debate on landmines with this information if it had not just come up this morning with Secretary Cohen's announcement that this export has taken place and that the dangerous new weapon is now has a dangerous new dimension in Iran.

Mr. President, I ask unanimous consent to have printed in the RECORD various press releases on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Associated Press, June 1997]

COHEN SAYS IRAN TESTING MISSILE

(By Robert Burns)

MANAMA, BAHRAIN.—Iran's air force has conducted its first test launches of a newly acquired anti-ship cruise missile, Defense Secretary William Cohen disclosed today in arguing that Iran is a threat to world commerce.

The United States is concerned about Iran's increasingly sophisticated military clout, particularly its arsenal of cruise missiles, Cohen said at a news conference. Because they fly low, cruise missiles are difficult to detect on radar.

"Iran's words and actions suggest that it wants to be able to intimidate its neighbors and to interrupt commerce in the (Persian) Gulf," Cohen said. "The United States will not allow this to happen."

The U.S. allies in the Gulf are urging a more accommodating approach to Iran, despite U.S. misgivings. At each stop on his five-nation Gulf tour, Cohen has stressed what he calls Iran's threatening behavior and today said he had found the Gulf states "solidly united" with the United States.

Iran has had shore-based cruise missiles for more than a decade and last year acquired its first ship-launched version, a Chinese-made missile called C–802. Now it has begun testing a version that is fired from aircraft, Cohen said.

A senior U.S. military officer who elaborated on Cohen's disclosure on condition of not being identified by name told reporters that Iran conducted an initial test of the air-launched version on June 3 and a second test three days later. The cruise missiles, called C–801K, were launched from F–4 fighters, the officer said. He declined to predict when they would be fully operational.

"You have a 360-degree threat," the officer said, referring to the combination of Iranian cruise missiles that could be fired from land, sea or air.

Sophisticated radar aboard U.S. ships in the Gulf are capable of detecting, identifying and tracking any cruise missiles in Iran's arsenal, the officer said.

At his news conference, Cohen said the air-launched cruise missile "complicates somewhat" the military operations of U.S. forces in the Gulf, "but not to the extent that it can't be overcome."

Bahrain and other U.S. allies in the Gulf have not made a public issue of Iran's cruise missiles, but have long been fearful of Iran's overall military strength.

Another senior American military officer, speaking Monday on condition he not be further identified, said the moderate Gulf countries are more optimistic than the Clinton administration that the election in May of a more moderate Iranian leader offers a chance to improve relations.

Cohen, on the other hand, has said the Clinton administration will not ease its stance against Iran until Iran ends its support for terrorism, gives up trying to develop nuclear weapons and stops trying to undermine the Middle East peace process. Iran denies such conduct.

After his news conference in Manama, Cohen flew today to Abu Dhabi in the United Arab Emirates to meet with government officials. He was winding up the day in Muscat, Oman, the last stop on his Gulf tour.

At a news conference Monday morning in Kuwait City, Cohen said it was too early to judge whether new Iranian President Mohammad Khatami would bring demonstrable change. The United States refuses to trade with Iran and has no diplomatic ties.

"We would look favorably, obviously, upon changes that are real, not simply paper promises," Cohen said, adding that he remains to be convinced Iran will change. "Iran continues to pose a threat to the whole region," he said.

In Manama, in an unrelenting heat that topped 110 degrees, Cohen strolled down a pier where three U.S. Navy ships and a U.S. attack submarine were tied up. He chatted with sailors and commanders and saw how a new remote-controlled surveillance craft skims around the pier, scanning the surface for potential security threats.

Aboard the USS Fitzgerald, a guided-missile destroyer home-ported at San Diego and on its first-ever deployment, Cohen heard the ship's commander explain current operations—including Iraq embargo enforcement—by the 26 U.S. ships in the area.

Cmdr. Charles Martoglio, the Fitzgerald's commanding officer, told Cohen that the aircraft carrier USS Constellation was operating in the northern Gulf near Iran's territorial waters. He said Iranian land-based cruise missiles could reach the Constellation in less than 10 minutes.

[From the United Press International U.S. & World, June 17, 1997]

IRAN TESTS AIR-LAUNCHED CRUISE MISSILE

(By Eric Nordwall)

MANAMA.—Iran has successfully tested an air-launched cruise missile, a development that officials say marks a dramatic upgrade in its threat to American warships controlling the Persian Gulf.

U.S. Defense Secretary William Cohen made today's surprise announcement at a news conference in Bahrain, where he was visiting as part of a goodwill tour of Gulf states. Later, a senior military official told reporters aboard Cohen's Air Force jet that the tests mean American warships will now have much less warning of an Iranian attack. The military official said U.S. ships now have seconds, instead of minutes, to respond to missile attacks.

The official, speaking on background, said Iran tested a dummy missile on June 3 and a live weapon on June 6. He would not detail what kind of warhead was used when an aging F–4 jet fired on a barge in the Gulf, saving only that it was "a significant missile."

He said the Chinese-made weapons have a range of greater than 20 miles, bolstering Iran's claim that it could shut down, or significantly limit, sea traffic in the strategically critical Persian Gulf.

Some 50 percent of the world's oil supply passes through Gulf waters every year.

In his toughest talk against Iran thus far on his tour of Gulf nations, Cohen told a news conference, "Iran's words and actions suggest that it wants to intimidate its neighbors and commerce in the Gulf." But he said he had been briefed by Navy officials and, "we are convinced and we have no doubt that we have the capability to defeat any weapons system that the Iranians might possess."

With the successful test of the C801K missile Iran now has the ability to fire from the land, sea and air.

[From the COMTEX Newswire, June 17, 1997]

COHEN: IRAN HAS TESTED AIR-LAUNCHED CRUISE MISSILE

MANAMA.—Iran has successfully tested an air-launched cruise missile, a development that officials say marks a dramatic upgrade in its threat to American warships controlling the Persian Gulf.

U.S. Defense Secretary William Cohen made today's surprise announcement at a news conference in Bahrain, where he was visiting as part of a goodwill tour of Gulf states. Later, a senior military official told reporters aboard Cohen's Air Force jet that the tests mean American warships will now have much less warning of an Iranian attack. The military official said U.S. ships now have seconds, instead of minutes, to respond to missile attacks.

The official, speaking on background, said Iran tested a dummy missile on June 3 and a live weapon on June 6. He would not detail what kind of warhead was used when an aging F–4 jet fired on a barge in the Gulf, saying only that it was "a significant missile."

He said the Chinese-made weapons have a range of greater than 20 miles, bolstering Iran's claim that it could shut down, or significantly limit, sea traffic in the strategically critical Persian Gulf.

Some 50% of the world's oil supply passes through Gulf waters every year.

In his toughest talk against Iran thus far on his tour of Gulf nations, Cohen told a news conference: "Iran's words and actions suggest that it wants to intimidate its neighbors and commerce in the Gulf." But he said he had been briefed by Navy officials and, "we are convinced and we have no doubt that we have the capability to defeat any weapons system that the Iranians might possess."

With the successful test of the C801K missile, Iran now has the ability to fire from the land, sea and air.

[From the Reuters World Report, June 17, 1997]

U.S. SAYS NOT HEADED TOWARDS CLASH WITH IRAN

(By Charles Aldinger)

MANAMA.—The United States is not headed towards a clash with Iran unless the Islamic republic starts it, U.S. Defence Secretary William Cohen said on Tuesday during a tour of Washington's Gulf Arab allies.

But, he again warned Tehran against any attempt to halt shipping in the oil-rich Gulf.

"The United States will not allow this to happen," he told a news conference in Bahrain, headquarters of the U.S. Fifth Fleet which keeps more than two dozen warships in the Gulf.

"The United States retains overwhelming naval strength in the Gulf and we are fully capable of protecting our ships, our interests and our allies."

Cohen, who previously visited Saudi Arabia and Kuwait, later flew to the United Arab Emirates. Later on Tuesday he was due in Oman before returning to Washington on Wednesday.

"What we have tried to do is to indicate to all of our allies that we are here to provide security against that kind of aggression that might be directed towards them," he said.

The United States accuses Iran of sponsoring state "terrorism" and has expressed mounting concern since the 1991 Gulf War about what it describes as Iran's growing military capability and its aims in the region.

Iran opposes the U.S. military presence in the Gulf and says Washington falsely accuses Tehran of threatening regional security in order to scare its Gulf Arab allies into buying more American weapons.

Cohen said Iran "continues to support terrorism in addition to developing weapons of mass destruction, improving missiles that can strike neighboring nations and boosting the facility to close the Strait of Hormuz."

He said Iran this month successfully tested a new air-launched anti-ship cruise missile obtained from China.

U.S. defence officials said afterwards that Iran's air force on June 3 and 6 successfully fired two C–801K anti-ship missiles, one with a live warhead, from an aging U.S.-built F–4 Phantom jet and both test missiles struck barge targets.

"Iran's words and actions suggest it wants to be able to intimidate its neighbours and to interrupt commerce in the Gulf," Cohen said.

But he said the U.S. military was confident that sophisticated American warships in a force of 26 vessels now in the Gulf could shoot down such missiles.

"We seek to deter any action by either Iraq and Iran. If there is going to be any clash it will have to be precipitated by actions on the part of Iranians.

"Our policy is not to clash with Iran, but rather to discourage and deter any action on their part that would seek to destabilise the region."

In earlier stops Cohen said the United States would not give up its hardline policy to isolate Iran despite the recent election of a moderate cleric as president, unless Tehran stopped supporting international "terrorism," trying to develop chemical and biological weapons, and trying to wreck the Middle East peace process.

Some Gulf Arab leaders have urged the United States to open a dialogue with Iran following Mohammad Khatami's election.

Cohen also said at the news conference that Washington believed Iraqi President Saddam Hussein continued to pose a threat to stability in the region—specifically to Kuwait, where Iraq's 1990 invasion sparked the 1991 Gulf War, and potentially to Saudi Arabia.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to retain the floor until such time as the Foreign Relations Committee Members are on the floor and prepared to go forward, again with the assurance that I will yield the floor to them later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I yield to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. REED. Thank you, Mr. President. I thank the Senator from Vermont and my friend and colleague from Nebraska for their leadership on this very important issue.

Mr. President, I am here to support, as an original cosponsor, the Leahy-Hagel landmine legislation, which would ban deployment of landmines after January 1 of the year 2000. The fact that this legislation has already acquired 56 cosponsors in the Senate is testimony to the compelling force of their logic and their argument. We should, in fact, ban landmines across the world, and we should begin with this legislation.

Antipersonnel landmines have always been one of the greatest dangers facing our troops—one of the most horrific weapons on the battlefield. Indeed, the only United States casualty we have sustained in operations in Bosnia was an individual who was killed by a landmine.

These landmines are scattered across the world. One hundred ten million active landmines are hidden in as many as 64 countries. And while 100,000 landmines a year are identified, deactivated and removed, another 2 million to 5 million are planted. These landmines claim about 2,000 victims a month. These are civilians. These are children. These are women. These are individuals who are not combatants but are simply at the wrong place at the wrong time.

In the military, there is a quite strict regime for using landmines: Mapping them out, putting them in place, having the records so that, at the conclusion of hostilities, they can be identified, deactivated, and removed. But what has happened is that these landmines are now being used by renegade bands, by militias, by paramilitary units, and they are literally being scattered about those countries indiscriminately.

I was in the former Yugoslavia and Bosnia a few months ago visiting our troops and visiting Russians who are participating with us. Literally within a few yards of the camp of these Russian soldiers is an area into which they cannot enter because it is strewn with landmines. They are unidentified, unable to be removed. This is just one example of the dangers that lurk because of the proliferation of landmines throughout this world.

I hope that we will move aggressively to pass this legislation. It will be a testament, I think, to those individuals who are sponsoring it. But also it will help highlight other initiatives that need to be on the table. For example, in October 1996, Canada announced the goal of completing a treaty totally banning the use, production, and stockpiling of landmines by the year 2000. In addition to that effort, two months later the United Nations General Assembly, at the urging of the United States, passed a resolution by a unanimous vote, to vigorously pursue a treaty banning the use, stockpiling, production and transfer of antipersonnel landmines. These treaty negotiations will receive, I think, tremendous impetus from the actions we take on this floor.

I hope this bill will be passed quickly into law. I hope we can essentially begin here today to outlaw the use of landmines for the protection, not only of our own forces, but for the hundreds of thousands of innocent civilians throughout the world who are, each day, subject to the dangers of landmines. This will make the world safer. It will not harm our military security. And it will give us, I think, a goal and the momentum to move forward toward a more comprehensive landmine ban.

Again I compliment and commend my colleagues, Senator LEAHY and Senator HAGEL, for their efforts and for their leadership on this important measure.

Mr. LEAHY. Mr. President, I will yield to the Senator from Maine.

But I do want to note, this involves not just the Congress and other governments. Diana, Princess of Wales is in Washington today to support the efforts of the American Red Cross in raising money to aid the victims of landmines. I commend Elizabeth Dole, President of the American Red Cross, and the Princess, for doing that. The Princess has done so much, since she went to Angola and saw the terrible effects of landmines there, to call attention to the plight of the victims and to speak out in support of a global ban. What we all want to do, of course, is do everything possible to make sure that someday there will be no such victims.

I yield to my good friend from Maine.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. COLLINS. Mr. President, first let me say that I applaud the leadership and the determination of Senator LEAHY and Senator HAGEL to bring this very important issue of landmine deployment before the Senate. We speak today on behalf of people around the world whose lives are imperiled by deadly explosive devices each day as they till their fields, care for their livestock, or, most tragically of all, walk to school. Antipersonnel landmines have been sown in the Earth in such numbers and spread so broadly and indiscriminately over the planet that they have become a very serious health and safety problem for civilians. According to the International Red Cross, landmines kill or maim someone, often children, every 22 minutes. There are an estimated 100 million mines scattered throughout 68 nations. These weapons of terror inflict injury to little children, to farmers, and to our own service men and women serving the cause of peace far from home. Thus far, in Bosnia, landmines have injured more than 250 soldiers under United Nations or NATO command, and they have killed 29 peacekeepers. In fact, landmines are responsible for every single death of American troops in the Balkans.

I have cosponsored the Leahy-Hagel legislation because it is the right thing to do. Passing this legislation would be an act of moral leadership for this country. Although our attention may be focused on our own American men and women put in harm's way as international peacekeepers, the extent of the global epidemic of injury inflicted by these devices is truly astounding and tragic. Each month, 800 people are killed and 1,200 others are maimed by small mines whose triggers cannot tell the difference between the foot of a child and the foot of a soldier. As a Maine newspaper, the Kennebec Journal, pointed out in an editorial this weekend, the landmine is one of the most insidious and pernicious weapons ever created by man.

Across the globe, especially in Third World countries, landmines placed during long-forgotten conflicts, some as much as a half-century ago, continue to menace civilian populations. Senator LEAHY's bill would draw the line on the deployment of these weapons. This bill will help save the lives and limbs of American peacekeepers as well as of many innocent children in countries around the world.

I yield the remainder of my time.

Mr. LEAHY. Mr. President, I yield to the distinguished senior Senator from Virginia, who also wishes to speak about the Leahy-Hagel bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBB. Mr. President, I thank the Senator from Vermont and the Senator from Nebraska for sponsoring this legislation. My own experience in combat in Vietnam, having had over 100 of my men wounded and over 20 killed, seeing directly the impact of landmines and booby traps, I know exactly the kind of devastation they can inflict. In my travels around the world where landmines are a principal impediment to farming and other civilian activities in

areas where combat had been previously conducted, I have seen its hideous effects, the maiming of many, many individuals. I am pleased to join Senator LEAHY and Senator HAGEL in this bipartisan effort to eventually eliminate antipersonnel landmines.

This legislation reflects a principled first step on our part to halt the spread of these dangerous weapons. If an international consensus is to be achieved ultimately banning their manufacture and deployment, the United States will have to lead by example and restrict its own activities in this area. During peacetime, most Americans reasonably assume that military weapons are safely stored away. That is not the case, regrettably, with landmines. Many countries, particularly developing countries, continue to actively lay mines with tragic consequences. These devices indiscriminately kill or maim an average of 70 individuals a week, or some 26,000 civilians annually. In Bosnia alone, over 250 soldiers of various countries have been injured by landmines.

Mr. President, two-thirds of the Senate is formally on record supporting a moratorium on our use of landmines. While this does not get to the heart of the issue, in my mind, beginning the process of demining an estimated 100 or more million mines scattered across the world today, and cutting off funds for new deployments, will sharpen the debate on the utility derived from placing landmines, compared to the damage they inflict.

I recognize this is a debate underway for expedited consideration of a comprehensive ban treaty this year through what is known as the Ottawa conference, or embracing the United Nations approach of negotiating a multilateral agreement over a longer period of time. This legislation steers clear of the controversy by formally endorsing neither, but noting each in hortatory language. Moreover, given the belief of some that landmines continue to function as a useful deterrent on the Korean Peninsula, the legislation creates a national security exception for that particular situation.

We have a long way to go before we rid ourselves of these insidious devices. Someday I look forward to considering a permanent and international treaty banning the production, stockpiling, sale, and use of these weapons. For now, the legislation proposed by Senator LEAHY and Senator HAGEL is a modest proposal, eliminating funding for new deployments and, in my judgment, it heads us in the right direction and it has my full support.

With that, I yield the floor. I yield any time I may have.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I yield as much time as necessary to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. DURBIN. Mr. President, at the outset, let me say this is a serious matter and one in which I heartily concur with Senators LEAHY and HAGEL over the issue before us. In the recorded history of humankind, there were many instances of conflict leading to wars of devastation and great loss. Most people believe those wars come to an end, and with the end of the war there is at least some finality and some peace. Those who have been injured, of course, carry those scars for a lifetime. Those who lost their lives are remembered. Those who served look back with sometimes horror, sometimes fondness, to the experience.

We in the United States think at the end of the great wars, and after the tickertape parades, the finality is finally evidenced by something as significant as a memorial. But what we are speaking of today is a legacy of war that does not end. After the decisions are made, the foreign policy decisions which go awry and lead to a war or a conflict, those decisions end up creating situations which live on forever. In this case, we are dealing with a specific challenge and a specific issue of landmines.

In a visit to Central America about 7 years ago, I went to Costa Rica, to a clinic which was being sustained by contributions from the United States. It was an orthopedic clinic where, primarily children, but adults as well, were brought in to be fitted for orthopedic devices. These are young men, children, young women who walked the streets and the dusty roads in Honduras, El Salvador, and Nicaragua, and innocently stepped on a landmine and lost one of their limbs.

These were not combatants or soldiers, these were ordinary people. The wars were over. Yet, for them, the war continued. Each and every day they faced hostilities, hidden hostilities in these landmines. We rallied, in the United States, as we do so often, to provide medical assistance, as we should.

The decisions of foreign policy that led to those conflicts meant nothing to these people, nothing whatsoever. The important thing is that they had been maimed and had lost a limb because of that war and because of its legacy. Many of us think of someone losing a leg or a foot and, of course, in the United States, assume they will go through rehabilitation, they will be fitted with some type of orthopedic device, and life will go on. But in a developing country, a poor country, that kind of injury can be devastating for a lifetime. People who once had great potential can find themselves at that point relegated to impoverishment, relegated to always being a "cripple." We take for granted that they will receive help, and many times they do not.

There are now 110 million landmines in 64 countries around the world. The conflicts which led to the planting of those landmines may have been long forgotten, but they still sit there, waiting for an innocent civilian or passerby to come through and become a victim. The Leahy-Hagel proposal is a good one, to put an end to this devastation and an end to this legacy of war.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period of morning business is closed.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 903. There will be a vote, under the previous order, scheduled for 12 noon. The time between now and then will be equally divided between the Senator from North Carolina, Mr. HELMS, and the Senator from Delaware, Mr. BIDEN, and the Senator from Indiana, Mr. LUGAR.

The clerk will report.

The bill clerk read as follows:

A bill (S. 903) to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for the fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes.

The Senate resumed the consideration of the bill.

Pending:

Lugar amendment No. 382, relating to the payment of United Nations arrearages without conditions.

DeWine/Graham Amendment No. 383, to deny entry to the United States to Haitians who have been credibly alleged to have ordered, carried out, or sought to conceal extrajudicial killings.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that no amendments be in order to either the pending DeWine amendment, No. 383, or the Lugar amendment, No. 382.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 382

Mr. LUGAR. Mr. President, Members who have followed this debate will recall that yesterday afternoon I offered an amendment to the division C of this

bill, that portion dealing with the United Nations. Essentially, the task before the Senate, and before our Government as a whole, is how do we relate the United Nations as an organization we have supported, and one important to our foreign policy. It is an international organization that has been under attack in this country. And, we have not paid our bills.

As I pointed out yesterday, the legislation before us attempts to remedy the situation over a 3-year period of time with 18 pages of very substantial conditions that must be met by the United Nations in order for the United States debt repayment money to flow to that body.

Mr. President, my amendment is very straightforward. It substitutes for the 18 pages of conditions in the bill my amendment which says there are no conditions for our payment and we will, in fact, make the payment of $819 million in two installments in 2-years' time. The $819 million has been a sum the administration and the Foreign Relations Committee has agreed that we owe. In addition, we would be receiving approximately $107 million back from the United Nations for peacekeeping services we have offered.

The two ideas before the Senate are important because this is a turning point of some significance in our foreign policy. In order to understand the amendment today and the bill that it amends, I think it is necessary to go back to square one and ask, why are we in such a predicament? How could the United States fail to pay the United Nations over $1 billion over the course of several years?

I think the answer, quite frankly, is that there has been a pervasive feeling in the U.S. Senate which we, as Senators, thought were reflecting the country's antipathy to the United Nations, antipathy to bureaucracies and organizational inefficiencies. Many Americans have been told, at least in our Senate debates, that the United Nations preys upon the United States and that we are not in control. But, of course, the leadership the United States has exerted to obtain control of that body is certainly suspect.

Mr. President, to set the record straight at the outset, a number of national polls have been taken that reflect a 2-to-1 majority of Americans believing the United Nations is very important and that we ought to pay our bills. The polling data goes for many years, but I found especially instructive a poll that indicated on the question: "Do you believe that U.N. member states should always pay their full dues to the U.N. on schedule, or should a state hold back its dues to pressure other members to agree to changes it believes are needed?", Americans, in a Wirthlin Group poll in 1989 conducted for the United Nations Association, 60% of Americans responded that we should always pay the United Nations, pay other countries, whoever. Only 14 percent said you ought to hold back.

In April 1996 jumping about 7 years ahead, 78 percent of Americans believe that a nation should always pay; 13 percent believe you ought to be able to hold back.

The American public understands what is fair. They understand what a contract is, what our obligations are as a nation.

Furthermore, Mr. President, they understand the work the United Nations does, and by an overwhelming majority, the public believes we should not only stay in the United Nations but, as a matter of fact, in a polling item of a Times Mirror poll, the question was, "Do you agree or disagree with the following statement: The United States should cooperate fully with the United Nations?," 65 percent of Americans agree, 29 percent disagree—well over two-thirds.

I make that point because I believe we have come to this particular pass because public servants believe somehow it is popular to withhold money from the United Nations; to, in essence, say to the United Nations, "Reform, repent or we will not pay our dues."

This is understandable, and the amount of reform needed by the United Nations is sizable. The new Secretary General Kofi Annan, who has supported the United States, who has come to visit with our own Foreign Relations Committee, has not only pledged to make reforms, he is doing that job. Our Ambassador, Mr. Richardson, will have a full-time job working with him to make certain that occurs.

There are 184 nations involved. We are one of them, ostensibly the most powerful of those nations. Essentially, we are going to have to work with that bureaucracy to pare it down, to pare the budget down. The signs of progress are promising.

Let me make a major point I hope Members will follow. Of the more than $1 billion the United States agrees that we owe, only 5 percent has anything to do with the bureaucracy, the Secretariat of the United Nations, only 5 percent, some $54 million.

Now, if Members ask, "Well, then, what is the argument about?" The argument is about $650 million or so of peacekeeping expenses that were assumed by our allies for which the United Nations is simply a passthrough for money that we, the United States of America, said we would pay and now we owe to friendly countries.

Let me cite, so it is not obscure, who we owe money to. We owe money to France, $60.1 million; we owe Great Britain $41 million; the Netherlands $21.3 million; Pakistan $20.1 million; Germany $18.3 million we owe; Belgium $17.3 million; Italy $17.2 million; India $16.1 million; Canada our near neighbor, $14.2 million. This is money we owe to them, not to Kofi Annan, the Secretary General, or the U.N. Secretariat or the organization so frequently criticized on the floor of this body. We owe more than $650 million to other countries who sent their troops out to do work that we wanted them to do. We voted for the peacekeeping resolutions. We said we would send money if they would send men and if they would take on the fighting obligations, or at least the dangers that were involved in often hazardous duty that went beyond simple peacekeeping. That is the money, Mr. President, that is at risk.

I am not certain Senators understand that we are, in essence, saying to our allies, we will not pay you unless you change the dues structure for us, for the United States. In essence, we not only have failed to pay our allies, but we have said, as a matter of fact, we are not going to pay you. This bill says we won't pay you unless you reduce our U.N. dues to only 20 percent of the budget, as opposed to 25 percent, and unless you reduce our peacekeeping dues to 25 percent as opposed to around 31 percent. Unilaterally, arbitrarily, take it or leave it. That is what is proposed in the legislation in front of us.

In addition, the legislation, Members will note if they read through the 18 pages of agate type, has at least 38 conditions and hoops other countries and the United Nations must go through in order for us to pay our debts.

Mr. President, it is strange that we came to this situation through, I think, a misperception of who ought to be paid. Most Americans who understand we owe Great Britain, France, Canada, and Italy, will say, "Why haven't we paid?" And most Americans would understand that our failure to pay will have consequences because we are dealing with these same nations in NATO reform and NATO expansion in trying to determine what the fair shares will be. We are dealing with most of these countries every day in terms of agricultural exports which are very difficult bread-and-butter issues for America. Yet, we take an arbitrary position with regard to the United Nations that we simply will not pay until they go through the hoops of implementing the reforms we insist upon in this bill.

Mr. BIDEN. Excuse me. Will the Senator yield for a question on one point on my time?

Mr. LUGAR. I will be happy to yield.

Mr. BIDEN. The Senator's amendment calls for the payment of $819 million over 2 years; is that correct?

Mr. LUGAR. That's correct.

Mr. BIDEN. How would the Senator's amendment pay our allies any more money than our mark, than this legislation does?

Mr. LUGAR. I respond to the distinguished Senator by pointing out, I have doubts under the bill we are about to

pass that very much money get through the United Nations to our allies. The money will most certainly get to our allies through my amendment. I suspect, if the other conditions that are in title XXII are imposed, the odds are slim that the money will get through.

Mr. BIDEN. If the Senator will yield, Mr. President, I am sorry, I didn't phrase the question well and clearly enough. Even if the money gets through, as the Senator is suggesting his amendment would accommodate, how would the Senator's amendment fully fund and pay the arrearages the Senator believes we owe our allies? Is there enough money in the Senator's amendment to fully pay the money the Senator believes that we owe our allies through the United Nations as it relates to the United Nations peacekeeping?

Mr. LUGAR. I will respond to the Senator by saying the money paid to our allies is our assumption of how much we owe. It is based upon the $1.021 billion that the administration and the Foreign Relations Committee has agreed is the sum we owe. Many of our allies believe we owe a lot more.

Mr. BIDEN. If the Senator will yield again, but the Senator's amendment only provides $819 million, not $1.021 billion. What I am confused about is, how does the Senator's amendment in this regard differ from the bill that the chairman and I have brought before the Senate?

We have $819 million in our bill, which you don't like, nor do I, and the fact that we make the United Nations meet benchmarks before it is released. But assuming it was released, how does the Senator's amendment provide any more money to pay the arrearages that the Senator believes that we owe?

Mr. LUGAR. My amendment would not provide more money. It simply provides certainty that payment is received at all. Let me just continue—

Mr. BIDEN. I thank the Senator.

Mr. LUGAR. The distinguished Senator from Delaware yesterday, in responding to a similar argument that I have made today, made the point that, all things considered, he agrees that we ought to pay our debts, that we ought to respond to our contractual obligations, that, in the best of all worlds, this is a principled stand, as I recall his description of it. But the Senator from Delaware said the trail that I am following leads to no payment.

Now, if I were to ask with some incredulity why a fairly straightforward amendment adopted by the Senate—obviously the House must act and the President must sign the bill—why my course will lead to zero, as the Senator from Delaware characterized it. It is because, as the Senator from Delaware pointed out, he has been negotiating with the chairman of the committee and the chairman of the committee has said, in essence, we are not going anywhere without accommodation of these conditions—at least that was the characterization. Essentially, he was saying that we have gone nowhere for several years, and that we have accumulated debts and will continue to accumulate debts.

In short, the distinguished Senator from Delaware said, and he described, very candidly, the negotiations that he came to the chairman suggesting a sum of money the administration felt we owed, and the chairman took a very adverse view to that. The Senator from Delaware has been negotiating for quite a long while in trying to get that figure up.

The Senator from Delaware finally comes to the body yesterday and says essentially, "This is the best I can do. In essence, hopefully, these conditions will be met. Countries, in fact, will meet them and the money will flow, $100 million in the first year fairly easily," as the Senator characterized, "and it gets tougher in the second and third years. But, nevertheless, somehow this is going to occur." That is the judgment Senators have to make.

I will just say very frankly, Mr. President, that we ought to face the situation in a much more straightforward way, because this debate has not occurred in private, nor have our failures to pay our debts occurred in private. It is a very public embarrassment in which the United States of America is stiff-arming our friends, quite apart from whatever damage we are doing to the United Nations. If, in fact, we want to get out of the United Nations, withdraw from it, saying essentially this is a group of people constantly preying upon us and we are tired of that, that is one basic decision Senators might want to make. I am suggesting, Mr. President, this bill veers very close to making that decision for us.

What if the rest of the world, 183 nations, decides that our arbitrary decision here in the Senate is not really where they want to go? What if the United Nations goes bankrupt? What if our allies no longer trust us with regard to peacekeeping, fearing they will not be paid any more than they have been in the past? What if, as a matter of fact, other nations begin to doubt our word and our ability to follow through on contractual obligations we undertake? There is a lot at stake, Mr. President.

It could very well be that there are some Senators who would say, "We ought to take advantage of our size and weight in the world now. There's no point in worrying about the sensitivities of other nations. We're paying 25 percent of the dues. Our share of the world's wealth right now is about 27 percent, but we don't want to pay that, we want to pay 20 percent. We're not going to take any fuss from any other nation about that."

We're going to pay 20 percent of the U.N. dues arbitrarily. Not only that, we are going to take our peacekeeping from 31 percent to 25 percent of the budget. It is too high to begin with. We are tired of paying that. We will pay that, take it or leave it. In essence there are two "take it or leave its," Mr. President, as the Senator from Delaware characterized the debate yesterday. In essence he has said to the Senate that we either take it or leave it or there will not be any payment at all. The chairman will not agree to it.

Second, after we get through this process, we say to the rest of the world, "Take it or leave it, because there won't be any payment unless you take our word for what we want to pay and under the conditions that we want to pay it."

In essence, Mr. President, this is not very good foreign policy. It is not really a very good stance for the United States at all. I will simply say, what will be the predicaments if we get our way and arbitrarily reduce our dues, and countries either get their moneys or they don't. I predict, Mr. President, the ramifications of this are likely to be very expensive for the United States.

Not only is it the right thing to do to pay our debts, it is in fact the most effective way of being persuasive at the United Nations to bring about reforms that we want there.

Mr. President, I appreciate that not all Senators have followed all of the debate as extensively as those who have been debating this yesterday and today. But let me say already there is some doubt as to precisely what this bill has to say.

For example, the Washington Post of Saturday, June 14, 1997, suggested that Ambassador Richardson and our own colleague, Senator GRAMS of Minnesota, went to the United Nations on Saturday, after our markup on Thursday, and, according to John Goshko of the Post: They denied that Congress wants to "micromanage the United Nations," and they insisted that the plan is "not a take-it-or-leave-it proposition." Instead, they said it is a set of "suggestions" aimed at helping the United Nations become, as GRAMS said, "the best United Nations it can be."* * *

The two officials' assertions that the conditions or so-called benchmarks in the plan are only suggestions ran counter, according to the article, and also according to remarks by Chairman HELMS on Thursday.

Quoting Senator HELMS:

> This bill will prohibit the payment by the American taxpayers of any so-called U.N. arrears until these congressionally mandated benchmarks have been met by the U.N.

Then another quote from Senator HELMS:

> The message to the U.N. is simple but clear: no reform, no American taxpayer money for arrears.

Now, Mr. President, in the Washington Times, Senator GRAMS is quoted as saying:

"These are broad suggestions," said Sen. Rod Grams, Minnesota Republican, architect of the reform package and U.S. delegate to the United Nations. "We're not going to micromanage the U.N. by any means."

At a press conference yesterday, both [Ambassador Richardson and Mr. Grams] took pains to soften the edges of a bill most here see as an imperious "take it or leave it" offer. Mr. Grams plans to spend time at the United Nations this summer, selling the package to foreign envoys [according to the Washington Times of June 14, 1997].

So already, Mr. President, while we are debating the bill, our Ambassador and a distinguished colleague are at the United Nations saying we are making some helpful suggestions that we do not want to micromanage. But back here at the Congress, the word is no reform, and according to the 18 pages of conditions in this legislation, no money.

Senators will have to make up their minds. The suggestion has been two "take it or leave its," in my own view. This is the reason I presented the amendment. We have obligations. In a straightforward way we ought to meet them.

As the Senator from Delaware suggested in his question this morning, the amounts of money in this bill are clearly in dispute. But I accept the fact that the U.S. Government, both in its legislative and administrative branches, estimates we owe $1.021 billion. After various deductions, $819 million is on the table to be disbursed in both the Foreign Relations Committee bill and in my amendment.

But there is a large difference in how the dispersal occurs, a very large difference in our attitude to other countries, our friends in the rest of the world, and a very large difference in our presumptions about the United Nations and its usefulness to us.

Finally, Mr. President, word came yesterday in a debate that the United States of America has loaned countries a lot of money. We have spent a lot of money helping them defend themselves. And indeed we have. Our foreign policy frequently—frequently—tries to make sure the frontiers of conflict are as far away from our country as possible. We have given a lot of military aid to others who we hoped would fight our battles as our allies or as front lines for us. And that was prudent for us to do.

But now we come to a situation, Mr. President, in which the United States said we do not want to be involved in these front line activities, or certain peacekeeping chores that were controversial, but which we think ought to be done. We voted for them. We sent others forward. We said we would pay. And now we have not paid nor will we pay unless the United Nations and the members in it reduce our dues, and unless they go through the hoops of even such suggestions that international conferences of the United Nations could be held in only four cities. We even dictate the cities in which the conference might occur.

Members will be astonished, as they read through all the conditions, what is involved. But Members should read soon because we will have a vote shortly this afternoon on this amendment. I believe it is a critical vote for American foreign policy. I hope the Senators will support my amendment.

I thank the Chair.

Mr. SARBANES. Will the Senator yield 2 minutes?

Mr. LUGAR. I am happy to yield such time as I have.

Mr. SARBANES. How much time does the Senator have?

The PRESIDING OFFICER. The Senator has 4 minutes 40 seconds left under his time.

Mr. SARBANES. If the Senator will yield me 2 minutes.

Mr. LUGAR. Yes.

Mr. SARBANES. I rise in very strong support of this amendment. The Senator from Indiana stated the arguments in a very cogent and, I think, persuasive fashion.

Mr. President, we just celebrated 50 years of the Marshall Plan. A couple of years ago we celebrated the 50th anniversary of the establishment of the United Nations. If you read that history, what is clear is the marked contrast between the United States' attitude at the end of World War II, at which time we demonstrated strong leadership, and the attitude that is reflected in this legislation.

This legislation imposes a host of arbitrary and burdensome conditions on the United Nations. If the United Nations fails to achieve them, I am sure the argument will be made, "It's too bad they didn't accede to the conditions we were imposing, and therefore it's their fault that we're not paying these arrears." Yet, I remind my colleagues, these are arrears which we clearly owe and which we have built up over the years.

This approach goes directly contrary to the one that was reflected in the exercise of American leadership in both the United Nations and the Marshall plan—an approach which I think ought to characterize our policy toward the United Nations today.

I think the able Senator from Indiana has rendered a distinct service by focusing the attention of the Senate on this issue. I very much hope my colleagues will support his amendment. It relates solely to payment of arrearages, to dues we already owe. We agreed to pay them under the Charter of the United Nations. Now we are saying, "Well, if you want us to pay our past dues, you've got to agree to reduce our future dues."

Now, I support an effort to reduce our future dues, but I do not think it ought to simply be imposed through this unilateral action on the part of the United States.

The United Nations serves important interests of ours. I think it is critical for the United States to help sustain and preserve a strong United Nations. I very much hope that the amendment of the Senator from Indiana will be adopted.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. I yield myself as much time as I am able to consume. I think I have about 20, 25 minutes left, in that range.

The PRESIDING OFFICER. Twenty-two minutes.

Mr. BIDEN. Mr. President, to state the obvious, there are no two Senators of whom I have higher regard than the two Senators who are proposing this amendment. We use those kinds of phrases around here, but I know they both know that I mean it.

Now, I have a little difficulty with their approach here, not the principle that they are proposing, because, as I said from the outset and as the chairman will tell you repeatedly, and I suspect the Senator from New Hampshire, who is on the floor, may tell you, and I know our new colleague from Nebraska will tell you, I am not one who thinks we should be attaching conditions. I am a minority in that view, along with my two colleagues, but I am not one who thinks we should be attaching conditions. So I agree with them on that.

But I do think they overplay the point a bit in making it appear as though the Senator from North Carolina has in effect co-opted the Senator from Delaware into signing on to these conditions and that this is something totally new. Let me remind people of a few historical facts about conditions.

I have here—and I will ask in a moment that I be able to submit this for the RECORD—the number of occasions on which the U.S. Congress or Republican or Democratic Presidents have withheld the payment of moneys to the United Nations that were duly owed because of policy decisions made by our Government, notwithstanding the fact that we owed it, that we would not pay our dues unless the United Nations changed their view—conditions, conditions.

I will just list them all. The PLO and Palestinian-related condition that we withheld funds of $16,556,000 because we voted on this floor—I do not know how my colleagues voted, but I bet they voted the same way—we voted on this floor to say that as long as the PLO was getting a special kind of treatment in the United Nations, which we viewed to be unfairly against the interest of our ally Israel, we were going to withhold funds. That is $16.556 million.

SWAPO. Remember old SWAPO? Well, we had that. You know, that was the debate relating to Southern Africa, Angola, South Africa, et cetera. We withheld $68 million. The Law of the Seas preconference, another policy dispute, we withheld $7.56 million. The South African-Israel conference, we withheld $200,000. The Kasten amendment, we withheld $1,300,000. The appropriations shortfall of fiscal years 1986, 1987, 1988, 1989, and 1996 accounts for $168.64 million, there was those—anyway I will go back over this. The deficit-reduction plan withheld $12,860,000. The Kassebaum-Solomon amendment withheld $42 million. And it goes on.

Guess what? We withheld, based on conditions that this body or Republican or Democratic Presidents placed on the United Nations, $164,111,000. So of the arrearages, this body was complicit in over $100 million of those arrearages. Now, all of a sudden they look at the Senator from North Carolina and me and say, "Oh, my lord, what are you doing? You're attaching conditions?" Mea culpa, mea culpa, mea maxima culpa.

I did not think we should attach conditions then or now. But this is not anything new. And so of the money that we say is owed—our administration says we owe $1.021 billion, and the United Nations says we owe $1.361 billion. Of that, $1.021 billion, $164 million of it is previously attached conditions.

Now, I would like my colleagues who think we should not attach conditions to look at this list, stand on the floor and acknowledge why we should not have done any of this, and how they voted on it. I do not know how they voted on it. I do not even know how I voted on every one.

So, I am a little bit surprised at the manner in which this argument is being presented as if oh, my lord, we are about to do this awful thing we have never done before, and the United Nations is going to crumble when we do it. That is No. 1.

No. 2, how did I arrive at $819 million, to badger my friend from North Carolina to say I would not sign on to this unless it got to $819 million? The way I arrived at that number—there is nothing original on my part—I asked the administration, what do we need to pay our friends, and what do we need to meet our obligations?

Let me tell you, and this gives my friend some "agitato" here, as they say in the Italian communities in my State, let me tell you what I understand the facts to be. Let me point out that my friend from Maryland and my friend who is the leader of this effort, Senator LUGAR from Indiana, are not providing one more penny than I am providing. So this is all about principle. You ought to come and ask for all the money because you are doing the same thing I am doing, trying to get the best deal you can—not that either one of them have suggested that what I am doing is unprincipled, I just point out that their approach is no more or less principled than what I am suggesting. We are trying to get a job done. They do not provide one more penny.

Now, how did they arrive at my $819 million? Why did they not arrive at $1.021 billion like they say we need? Because they know what I know, that $819 million will pay our allies. Now, let's go back and talk about how it is owed and what is owed. Peacekeeping arrears—that we acknowledge, the President acknowledges, and even if we paid more money, the President would not pay any more of it—peacekeeping arrears amounts to $658 million; regular budget arrears amounts to $54 million; arrearages in specialized agencies amounts to $254 million; and arrears to international organizations amount to $55 million. Let me repeat that now: Peacekeeping $658 million; regular budget, $54 million; specialized agencies, $254 million; and international organizations, $55 million.

Now, I share the same concern my friend from Indiana does. However, if we appropriate $819 million the way the Senator from North Carolina and I are proposing, there are relatively easy conditions that have to be met the first 2 years. Let me make sure everybody remembers. The first year, we get about $100 million, and the second year we are up to $475 million. The United Nations owes us $107 million, and the United Nations will pay the United States from a tax equalization fund, $27 million. Now, you got that? I do not want to turn this into a math class but I want to be simple—these numbers are real important. Mr. President, $100 million goes out the first fiscal year this takes effect; $475 million the second year; the United Nations owes us, we say, $107 million for peacekeeping; and $27 million for the tax equalization. You add up all that money and it pays virtually every single penny that we owe to all of our allies for peacekeeping and the only thing it does not do in the first 2 years is it does not pay what we are said to owe to an international organization called UNIDO, the U.N. Industrial Development Organization, from which we have formally withdrawn. The Senator from Maryland, the Senator from Indiana, the Senator from Delaware, and the Senator from New Hampshire did not say you had to withdraw from it. The President withdrew. Ambassador Richardson delivered the papers and said, "We're out." That is the only organization we do not have the money to pay but we are already out of it.

So, come on. Come on. I do not like doing it this way either, but it doesn't come out the way you all are saying it comes out. Our allies have nothing to fear. They reason they are not squawking, the reason there are not yelling out there, the reason neither the United Nations nor the Secretary General is holding a protest and jumping up and down and screaming, is because they know and we know and the administration knows that the money in year 1 and year 2 combined with the money owed us will pay the deal, will meet our obligations.

Now, the last point I will raise, and I will not use all my time because others wish to speak, the last point I will raise are these conditions. Let me just tick off what the conditions are that the chairman has graciously agreed will be the ones required in the first 2 years to allow all of the money I just mentioned to be released. I may lose his vote if I keep pointing this out, but these are the facts.

First, a very difficult condition in the first year, the United Nations has to acknowledge, we have to acknowledge, the President has to acknowledge that our sovereignty will not be diminished by membership in the United Nations. That is a very difficult condition to meet. Come on. Come on. That is the first condition for the first year. Then we have to get the United Nations to reduce—and they say they can do this—our regular budget assessment from 25 to 22 percent, 25 to 22 percent in year 2, not year 1, year 2. So, we have 2 years to get that done. I might add, it was Ambassador Richardson testifying before our committee that said it should be 20 percent, Madeleine Albright said it should be 20 percent, the President has said it should be 20 percent. We did not pick 20 percent out of the air. Granted, I would rather it not be a mandate, but this is not something we are making up out of whole cloth. This is what this administration thinks is a fair assessment. They do not want us to mandate it, but they acknowledge it is fair. Now, roughly $709 million in the first 2 years would be available.

Another condition met which we already have unilaterally done and our allies have acknowledged is that we have been assessed 30 percent for peacekeeping. We do a whole heck of a lot of peacekeeping around the world and no one else chips in on it at all. We say that is too high, it should be 25 percent. The administration says that is not a problem, we can get it down there. So that is another condition. We only pay 25 percent, not from this point on, but from 2 years out. From that point on, 25 percent for peacekeeping.

The administration says in testimony that these are easy conditions to meet. This is not something we are asking them to jump through some hoop they cannot meet. Now, when the condition of sovereignty, which is restating the obvious, when the condition of 22 percent for our annual dues, and when the condition of 25 percent for peacekeeping are met, and they

have 2 years in which to meet that, all the money needed to pay all our allies, all the money we owe them will be released.

So what is the deal here? Neither of my colleagues said this, but some have written that somehow I have made this pact with the ultimate enemy of the United Nations to undermine the United Nations and we are just going to rip its throat out and so on and so forth, and we compromised. And isn't that a horrible thing? Look, anybody who comes over here looking to be bathed in the waters of legislative purity, Senator LUGAR's amendment does not help you a bit, because he jumps right into that swamp with the rest of us. He is not asking for the $1.3 billion that the United Nations says we owe. He is not asking for $1.021 billion, the amount the administration says we owe. He is asking for the same amount of money that the chairman of the committee and I are asking for. So much for the notion of paying everything they say we owe.

Now, there is a distinction, you should be aware of when you vote. The distinction is that there are mandates in there, all of which can be met, and, in my view, reasonably can be met and should be met. I would rather not mandate them. That is the matter of principal distinction between the Senator and I. I would rather not mandate them, but they are mandated. Now, understand what the Senator from North Carolina has done here, and again I'm not being facetious when I say this, and maybe it is not helpful to point out what he has done, he has been eminently reasonable. In the first distribution scheme we had for this $819 million, in the first distribution scheme we had, the way it was laid down is there would be $100 million, there would have been $419 million, and then the remainder in the third year. I went to him and said, look, I need $475 million in that second year, and he said OK, as the final element of compromise. The reason I needed $475 million was to do just what I just laid out for you. So there is a distinction.

The Senator from Indiana says it all gets paid out of the $819 million and paid out in 2 years and he is worried about our allies. I am saying we pay out the $710 million if they meet the conditions in the first 2 years and all our ally obligations are met. This is a distinction without a gigantic difference here. There is, as they might say, much ado about something, but it ain't much.

Mr. SARBANES. Will the Senator yield?

Mr. BIDEN. I am delighted to yield.

I want to save 4 minutes for my friend from Virginia. I have how much time?

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mr. SARBANES. Where does the Senator get the $710 million?

Mr. BIDEN. In three places. I get $100 million the first year, $475 million the second year on the arrearages.

Mr. SARBANES. The Senator said we would have——

Mr. BIDEN. I am going to explain that, I will tell you where I get the rest.

I get $107 million from the money the United Nations acknowledges they owe the United States for peacekeeping, and I get $27 million for money that the United Nations owes the United States for tax equalization.

That is how I get it. It is not out of the $819.

Mr. SARBANES. Where do I find this in the bill?

Mr. BIDEN. You find it in acknowledgments. It does not have to be in the bill. They owe us $107 million for peacekeeping and $27 million for tax equalization. That is money the administration has to use to meet its obligations.

Mr. SARBANES. So these figures that are in the bill on page 180—$100 million, $475 million, and $244 million—are correct?

Mr. BIDEN. Absolutely correct, but I was making the point in response to the question will there be enough money to pay our allies in the first 2 years? And the answer is yes because of the $575 million out of this bill and roughly $134 million that is owed to us.

Mr. SARBANES. Well, how does that enable them to pay our allies?

Mr. BIDEN. It's very simple.

Mr. SARBANES. They are operating on a deficit now. So if we forgive their debt to us, how does that give them money to pay our allies?

Mr. BIDEN. The reason is because, just like when the bank owes you money, they owe you money—the question is how much we owe them. You are saying we owe them $1.370 billion. My time is running out. Maybe later the Senator from North Carolina might yield me a few minutes.

I reserve the remainder of my time for my friend from Virginia, Senator ROBB. I am out of time.

I yield the floor.

Mr. HELMS. How much time is remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. HELMS. I have three Senators on the floor wishing to speak. I ask them to stay as close as they can to 5 minutes. If they need to go a little over that, fine. First, Senator HAGEL of Nebraska, then Senator GREGG of New Hampshire, and Senator GRAMS of Minnesota, all three of whom have been so helpful in the creation and production of this bill.

I yield to Senator HAGEL and then automatically the floor is yielded to the other two.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. I will be brief, Mr. President. I know there are others who want to speak on this issue. There is an old North Carolina adage that goes like this: Don't make the perfect the enemy of the good.

The Senator has heard that, I know. I think that is what we are talking about this morning. This is rather remarkable. What has been pieced together over 5 months of very diligent effort, leadership, and hard work, making something work based on a bipartisan foreign policy effort and a commitment made by Chairman HELMS, Senator BIDEN, Secretary of State Albright, and the administration, who all have worked very hard on this. When you add to that Senator GRAMS from Minnesota, as the subcommittee chairman, who has put his imprimatur and worked hard and given his leadership to this effort, this is a remarkable effort.

Mr. President, I don't know about you or other Senators in this body, but for years and years, as a private citizen, as a taxpayer, and as a businessman, I would hear constantly, and I have heard over the last 2 years during my campaign: What about the United Nations? What are we doing? The United Nations says we owe money. Do we owe money? How much? What about the peacekeeping efforts? Are our peacekeeping dollars counted? How do we account for that? Isn't it true that we put American men and women in harm's way and we paid the bill and we are in Bosnia and all over the globe?

So what is the correct way to assess our dues, our commitment to this very important organization? The debate, ladies and gentlemen—don't be mistaken here—is not whether the United Nations is good, bad, or whether we want to be in it or not. Of course it is good. The world is better because of the United Nations. But we need to get this issue cleared up. We need to take the negotiations that have been held by the leaders in this and hold negotiations. I think it was rather evident in our committee hearings and the subsequent markup of this bill last week, when it was reported out 14 to 4. It said to me that, in fact, bipartisanship is in effect and, in fact, the commitment made by the administration and Senators BIDEN, HELMS, and others, will make this work. We need to get this behind us and we need to address this issue. I think it is a fair resolution to the issue. We can then work on the bigger issues that this country and the world must face as we move into a bold, new century.

Big issues. We have trade issues. We have treaty issues. I, for one, am not one Senator who wants to go back and replay this. I say this with the greatest respect for Senator LUGAR and others who have been involved in this. Hardly an individual in this body is as aware and provided as much leadership on foreign relations as Senator LUGAR. But I think the time is now to make

what we came up with—the good effort of bipartisan leadership—the bill that we move forward with and, therefore, allowing this body, the committee, and all those responsible for policy in this country, as we move into the next century, the freedom to focus on that. I rise today in strong support of the Helms-Biden bill. I hope my colleagues will take what I and my colleagues have said this morning into consideration as they vote today.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I join the Senator from Nebraska and the Senator from North Carolina and the Senator from Delaware and the Senator from Minnesota in endorsing this really excellent effort that has been developed through a great deal of negotiation between the Senators from North Carolina and Delaware, the Secretary of State, the Ambassador to the United Nations, the Senator from Minnesota, and the majority leader.

This effort was not easy. There were a lot of disagreements as to how we should address the U.N. arrearages issue. I am speaking from the perspective of the Appropriations Committee, where I chair the subcommittee with jurisdiction over the funding of the United Nations. From my viewpoint, I and I think many of my colleagues were not really willing to simply give carte blanche to the United Nations again.

The fact is that the United Nations has, regrettably, been fiscally mismanaged. That mismanagement has meant that American tax dollars have been wasted. That is not right. We as a Senate have an obligation to make sure that the tax dollars that are sent to us out of the hard earnings of our constituents are effectively spent. This proposal includes in it conditions that will require the United Nations to finally straighten out its fiscal house. Today, you really can't tell where a dollar goes that is sent to the United Nations. More importantly, there is a distinct sense that when a dollar goes to the United Nations today, a great deal is misspent on patronage, on promised services that are not delivered, on programs that don't work, and on agencies which have an excessive amount of personnel.

So we are requiring, under this proposal, that the United Nations put in very basic accounting procedures, that they actually be able to tell us where the dollars go, that they have a personnel policy that is accountable, a system of accounting for the programmatic activity they undertake.

More importantly, we are requiring and putting in conditions that allow us to determine that their procedures and structures work well, from a GAO auditing of their procedures.

In addition, we have seen the other conditions outlined by the Senator from Delaware and, I am sure, will be outlined by other Senators here, which will make the United Nations fee system, or payment system, or dues system more reflective of the burdens of other nations, as well as the United States. We pay a disproportionate amount of the cost for peacekeeping and for the fees at the United Nations and the dues of the United Nations. We are not talking about dramatic reduction in either our commitment to the United Nations, in peacekeeping, or in our commitment to the area of dues. But we are talking about bringing it more in line with the fact that other nations, since the initiation of the United Nations, have risen in their economic capability to bear some of this burden. That is reflective in this amendment.

So this is a good amendment. It is an amendment that brought together the various parties. And, believe me, when we started the negotiations, we were a long way apart. There wasn't much expectation that an agreement would be reached. But through the good counsel of the Senator from North Carolina, the Senator from Minnesota, the majority leader, and through the hard effort of the Secretary of State and the Ambassador to the United Nations, we have reached an accommodation and agreement. It is a positive one, one that will help the United Nations be a stronger institution that people can have confidence in, especially as to how and where it spends the dollars sent to it.

So it is a positive step forward to have these conditions in this bill. I, as an appropriator, would have a lot of problems passing any appropriation that didn't follow the outline set forth by this committee and set forth in the work of Senator HELMS and Senator BIDEN.

I yield the balance of my time.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, as the subcommittee chairman with jurisdiction over the bill before us today, I worked diligently with members on both sides of the aisle, and with the administration, to craft legislation which will strengthen America's leadership role in the international arena. This package reorganizes our foreign relations bureaucracy, establishes benchmarks for the payment of U.N. arrears, and prioritizes our international affairs expenditures. We need a more effective foreign affairs apparatus, both at home and at the United Nations, in order to confront the challenges to peace and security in the future.

This bipartisan agreement is the result of a good-faith effort to accommodate conflicting perspectives on how we, as a nation, should mobilize our resources. There were tough, lengthy negotiations on this package. We had to reconcile competing interests, and as a result, nobody is completely satisfied with the final product. I will be the first to say that this bill is not perfect. I would have preferred much more in the way of reforms and budget discipline. But this is a good agreement; and in this case, we should not let the perfect be the enemy of the good. I want to reassure my colleagues that I am open to oversight hearings that would address their concerns and closely examine the implementation of the changes we have made.

In order to effectively safeguard the national interest, we must reorganize our foreign policy apparatus. This nation is saddled with an unwieldy Cold War foreign policy bureaucracy in which many of the functions of AID, ACDA, USIA and the International Development Cooperation Agency could be better handled by the State Department. This legislation does not go as far as I would like in consolidating our foreign relations bureaucracy. But for now, this package has a major advantage over a more complete consolidation—this package is achievable. It is a solid first step. Hopefully, these reforms will lead to further streamlining in the future—the American people want our Government to not only reflect their wishes abroad, but they want it to do so coherently. We are more likely to achieve our goals if we have a single voice representing the administration's position in the conduct of foreign relations, rather than a number of competing fiefdoms which undercut the authority of the Secretary of State.

For example, under the new structure, we no longer should be stymied by a good-cop, bad-cop approach to foreign policy, whereby the entities who hand out U.S. foreign aid maintain good relations with client nations, while the Department of State essentially holds the line in protecting U.S. interests. We should not be handing out foreign aid to a country at a time when that very country is clearly acting against our interests. When we distribute foreign aid, it should be with an understanding that the United States entity asking for cooperation from a country in one arena is coordinating with the United States entity that will be delivering assistance to that country. Under this plan, the different parts of our foreign policy apparatus have a structural imperative to act in concert.

Granted, the United States is not alone in the need to downsize its bureaucracy and eliminate waste. The United Nations must do the same. My visits to the United Nations as the United States Congressional Delegate to the U.N. General Assembly served to reinforce my commitment to salvage

this organization. In this age, any organization burdened with a bloated bureaucracy and no mechanisms to control spending, will collapse under the weight of its own inefficiency. Most United Nations officials recognize the need for reform, and have started to work to achieve some of them. Indeed, in her former position as Ambassador to the United Nations, Secretary Albright was an outspoken critic of waste, fraud, and abuse and was instrumental in initiating an oversight process. However, most of her efforts were stymied by an entrenched bureaucracy. True reform will only occur when there are tangible incentives to change. I believe that the United Nations needs the discipline of actual benchmarks tied to the arrears to provide the impetus for fundamental change. We have seen how difficult it is to streamline our own bureaucracy. It is even more difficult to streamline an international organization where each member is involved in these decisions. We are not seeking to micro-manage U.N. reforms. We want to work with our fellow U.N. members to make the organization the best it can be.

This bill provides a 3-year payment of $819 million in arrears to the United Nations in conjunction with the achievement of specific benchmarks that will help us enhance the vitality of the United Nations. I joined Ambassador Richardson at the United Nations late last week to brief Secretary General Kofi Annan and the Permanent Representatives of many of our allies' delegations on the details of this package. I was repeatedly asked whether the $819 million was a firm number. I indicated that it is a carefully negotiated figure that I believe will remain firm. I would like to remind my colleagues that the House bill contains no provision at all for the payment of arrears. The U.N. officials also wanted to know whether the benchmarks were conditions or suggestions. The benchmarks are what I call, somewhat tongue-in-check, "mandatory suggestions." They are suggestions in the sense that the United Nations can choose whether or not to adopt them, and mandatory in the sense that if the U.N. wants the money it will have to implement the reforms.

If the United Nations ignores the need for reform, than the United Nations will have to forgo the $819 million.

I regret that a statement I made in New York last week was misinterpreted to suggest that somehow benchmarks were negotiable or optional.

My intent was to indicate that the details regarding the implementation of certain conditions could be worked out with our fellow U.N. members—as long as the benchmark goals are achieved.

You know, there is a difference here. Many of the benchmarks establish broad parameters on the direction we believe the United Nations should be going. The final small details and the micromanaging of how those are accomplished and reached will be the work of negotiations between member states. We are setting out a macropackage of reforms that I believe most members at the United Nations recognize need to be made. These reforms are heading the United Nations in the direction that it needs to go in order to become a very efficient organization.

There is significant interest in the Congress to withhold the payment of arrears until there is tangible evidence that reform has occurred. After all, this is not the U.S. Government's money, it is the taxpayers money. Americans should be able to ensure that their hard earned money will not be squandered.

I was greatly encouraged that the Secretary General remains committed to reforms and will work with us to achieve them.

I strongly believe that the United Nations is an important forum for debate between member states and a vehicle for joint action when warranted. It is not a world government.

However, the United Nations must endorse reforms that provide transparency and accountability so it is embraced as the former, instead of feared as the latter. I firmly believe that this package will improve the United Nations to the point where the United Nations can win back public support which has eroded over the years.

These reforms are critical to ensure the United Nations is effective and relevant.

I urge my colleagues to support the entire bipartisan package and, especially, to understand how difficult it was to arrive at an agreement on the arrears.

I commend the chairman and the ranking member of the Foreign Relations Committee for their diligence and perseverance in effecting this compromise, an effort which took many months. I am pleased that the Administration has agreed, albeit reluctantly, to this agreement.

I look forward to the implementation of the measures which will enhance America's ability to exert leadership in the international arena through the consolidation of our foreign relations apparatus.

I am hopeful that the United Nations will accept the reforms and in doing so, will increase its ability to perform its mission. This agreement is in America's best interest, and the best interest of the entire international community.

Thank you, very much. Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, just for the Record, I think I should emphasize that JUDD GREGG from whom we just heard, the chairman of the Commerce, Justice, State Subcommittee of the Senate Appropriations Committee, has worked with us every step of the way in crafting this U.N. reform provision.

Senator GRAMS, from whom we just heard, is chairman of the International Operations Subcommittee of the Foreign Relations Committee, and is our congressional delegate to the United Nations. He has been so instrumental in negotiating the provisions on U.N. reform.

I believe that Senator ROBB is prepared to speak. If he needs an extra couple of minutes, I will yield them to him.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBB. Thank you, Mr. President. I thank the distinguished Senator from North Carolina.

Mr. President, it's hard to argue with the spirit of Senator LUGAR's amendment. And indeed I don't argue with its spirit. We owe the United Nations hundreds of millions of dollars. Our deadbeat status is an embarrassment for the country and undermines our standing and the vital work of this international organization.

That said, the political reality of the situation we find ourselves in is that a majority of this body is prepared only to pay our debts conditioned on comprehensive reforms being implemented at the United Nations. And I certainly don't disagree with reforming the United Nations, and making it more efficient and effective. Still, we are holding hostage money already owed to changes being invoked that suit our unilateral demands.

But the will of the majority is clear. While I may disagree with my friend the chairman of the Foreign Relations Committee on the unilateral means which he has chosen to affect reform at the United Nations, the negotiated package providing $819 million over 3 years I believe is the best we can hope for. Half a loaf is better than no loaf at all. And that is the alternative. This is a classic example of a situation where the perfect can become the enemy of the good.

Mr. President, I would favor an approach that pays our arrearages in full, not in the 2 years proposed by the distinguished Senator from Indiana or the 3 years sought by our distinguished chairman while conditioning future payments on reform. But that strategy fails the political litmus test laid down by the majority. I understand that reality, and I want an authorization bill that can become law. Hence, the circumstances persuade me that the only approach that can accomplish that objective, even though I may substantively disagree with part of it—is

the one negotiated between and offered by Senator HELMS and Senator BIDEN.

It represents a compromise in good faith on both sides to achieve an objective that we have not achieved in this body in some period of time. And for that reason, I support the bill and I oppose with regret the amendment that is offered by my distinguished friend, the Senator from Indiana.

With that, Mr. President, I yield back any time remaining.

Again, I thank the distinguished chairman of the Senate Foreign Relations Committee for yielding me an additional minute.

Mr. HELMS. The Senator is quite welcome.

Mr. President, I am very pleased with the progress that we are making today.

Mr. President, just for the record, in 1985 a very distinguished Senator named Nancy Kassebaum, and Mr. SOLOMON on the House side, offered legislation using this very same approach. And it was in enacted into to law for the State Department Authorization Act for fiscal years 1986 and 1987. Who do you reckon was the chairman of the Senate Foreign Relations Committee at that time? It was my very good friend, Senator LUGAR of Indiana. If my memory serves me correctly, he supported Nancy Kassebaum, I, and all the rest of us who were interested in the same thing.

The Clinton administration never requested some of the larger amounts of money involved in the so-called arrearage. Through a normal process of budgeting, the Congress overlooked paying this enormous sum for peacekeeping, principally to our allies in Europe. In fact, the nonpayment of U.N. peacekeeping expenditures in Bosnia was an explicit rebuff by the Congress to a policy, and any suggestion to the contrary is simply not so. But the Clinton administration never requested most of the funds in that budget. It never received congressional approval. The Congress to the contrary explicitly opposed these peacekeeping expenditures. But through a flawed mechanism at the United Nations the Clinton administration at that time could vote for the peacekeeping mission and then after the fact demand the Congress meet the so-called United States obligation to pay.

So it is a confusing set of circumstances. But the argument that we are somehow being less than honorable in applying some demands is just not reasonable.

Let's look at another thing. Do we really want to start down the path of who has spent how much on Bosnia? This is an argument which our allies are not going to win. Less than 2 years ago two Cabinet-level officials from the Clinton administration told the Foreign Relations Committee, of which Senator LUGAR is a member, and I believe he was present at that time, that the cost incurred for the peacekeeping mission in Bosnia is "going to be in excess of $1 billion, probably $1.5 billion." Just for the record, the United States has to date spent—guess how much on Bosnia? Mr. President, $6.5 billion. Who is going to reimburse our military and our taxpayers for this expenditure? So where does anybody get off saying we are doing something dishonorable, or unwise, or unreasonable if we are protesting a lot of this stuff that is going on at the United Nations?

Over $533 million of the so-called United States arrearages for peacekeeping is specifically related to the failed U.N. mission in Bosnia. In support of the amendment, it has been said that the United States did not have troops in Bosnia and, therefore, the United States has an obligation to pay those who did. That argument is not correct either.

During the period of the U.N. effort in Bosnia, the United States maintained an aircraft carrier battle group off the coast of the former Yugoslavia, a substantial commitment of aircraft to police the no-fly zone over Bosnia, and a military hospital unit in Croatia at an estimated cost of at least $3 billion. Because the Congress prohibited President Clinton from associating our military with the U.N. disaster, the United States did not seek reimbursement for our efforts to contain hostilities in Bosnia.

If we are going to start talking about paying bills for Bosnia and things like that, we can really, really have a strong argument, and I am going to insist that our military and our taxpayers get reimbursed as well.

So, for me the alternative to the payment of these funds with the conditions in the reform package will not be the no strings attached approach advocated by the Lugar amendment. I will instead oppose any amendment for any reimbursement for the failed U.N. peacekeeping effort in Bosnia. And that is a debate, Mr. President, if we have it, that will be worth having.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask that Senators support my amendment because it is the right thing to do. It is the right thing to pay our debts and to meet our contractual obligations in support of the United Nations, a vigorous vehicle for the conduct of our foreign policy.

The dispute that we have today is over two different tacks on which the Senators differ in terms of our effectiveness. I believe that the Lugar amendment is not only the right thing to do but I believe it is the most effective way to bring about reform, and to bring about cooperation with our allies, not only at the United Nations but in a host of international trade issues, in NATO and NATO-related concerns, and all of the planning that is vital to our foreign policy.

It makes no sense, Mr. President, to deny our allies funds that we owe them and to expect that they are going to be generous or thoughtful in negotiating settlements with us in a range of agreements around the globe.

So in terms of both the principle as well as its practicality, I believe the best course is to pay our debt and to do so promptly in a straightforward way and to negotiate firmly for reform of the United Nations, as we are doing, and as we will continue to do, after recognizing that 183 other countries are involved. There must finally be agreement with them, too.

I thank the Chair.

Mr. CHAFEE. Mr. President, I commend the Senators from North Carolina and Delaware for bringing this very important piece of legislation to the Senate floor. It has been many years since Congress has passed and the President signed a State Department authorization bill. U.S. interests will be very well served if we are able to accomplish this very difficult but important task.

I would like to address a key provision within S. 903, that being the U.N. reform plan. I have long had a deep interest in the world body, and this legislation offers the Senate an opportunity to better understand the many complex issues surrounding U.S. membership in the United Nations.

There have been a number of what I consider to be unfortunate misconceptions raised about the United Nations in recent years that, in the context of this legislation, ought to be addressed in a forthright manner. American taxpayers deserve to know what benefits does the United States derives from its participation in the United Nations? A misconception one hears repeatedly is that the United States pays billions of dollars in U.N. dues, but gets little or nothing to show for it in return. I think it is important to rebut this allegation in order to more effectively make a case for full payment of our arrearages.

The United Nations advances U.S. foreign policy goals in a number of ways, including isolation of nations that support terrorism, conflict resolution through diplomacy, the provision of humanitarian aid, and the promotion of democracy and human rights. These many successful ventures are too often overlooked as the more headline-grabbing failures of the United Nations seem to receive more attention by the news media.

For example, U.N. economic sanctions serve to isolate and weaken regimes of nations such as Iraq, Libya, and others that routinely challenge United States interests abroad. Although these outlaw regimes remain in power, their ability to influence world events and undermine our interests are

greatly reduced. I note the now-lifted U.N. sanctions on Serbia, which were instrumental in bringing that nation to the negotiations that eventually resulted in the Dayton peace accords. And we should also recall that Operation Desert Storm was conducted under the authority of a U.N.-passed resolution.

The United Nations has also been instrumental in a number of peacemaking endeavors, including the brokering and implementation of peace agreements in the nearby, formerly war-ravaged nations of El Salvador and Guatemala. While I recognize and acknowledge the imperfect record of U.N. peacekeeping missions, particularly in Somalia and Bosnia, there have been successes in a number of lesser known parts of the world that are infrequently publicized. In any event, it should also be understood that the number of troops involved in U.N. peacekeeping operations has been reduced two-thirds over the past 2 years.

What's more, the United Nations has been a forum in which international norms and standards of conduct are debated and established. These standards put the weight of international unity behind efforts to encourage good conduct on the part of all member states, particularly those that seek to do otherwise. During the 51st U.N. General Assembly alone, a number of important resolutions were adopted, with U.S. support, that promoted our national security interests. These resolutions sought to combat international crime, promote respect for human rights, and deplore the conduct of the repressive Burmese Government. I also note the work of the U.N. Human Rights Commission in Geneva, an important organization which, among other things, puts needed pressure on many nations to fully respect the fundamental rights of its citizens.

Mr. President, these are just some examples of how the United Nations and its affiliated organizations serve U.S. national security interests around the world. There are many more. It's vitally important that every Member of Congress understand exactly what we are receiving in return for our substantial investment at the United Nations in order to make the best judgment about how to proceed in addressing our unpaid dues.

Another important misconception about the United Nations is the characterization of it as a bloated, uncontrolled bureaucracy that is unresponsive to calls for restraint. It is true that the United Nations and its administrative activities had seen enormous growth during its first several decades of existence. This growth and associated bureaucracy led to justified calls for reform and reduction.

We must keep in mind that the United Nations has already undergone several reforms in the past decade, often at the urging of the U.S. Congress. Well before Secretary-General Kofi Annan assumed office, the United Nations had established an inspector general, reduced the number of high level posts, and cut both its peacekeeping and general budgets. And in the relatively short time since Annan has been Secretary-General, he has announced additional far-reaching reforms. On March 17, Annan specified a series of 10 reform benchmarks involving further budget cuts and restructuring. Included among these are a transfer of resources from administration to programs, establishment of a code of conduct for U.N. staff, and streamlining of his own office. Annan has done a great deal with the authority he has, while proposing additional measures that must be negotiated with member states.

So no one should be left with the understanding that the United Nations is somehow immune from accountability and unresponsive to criticism. The world body, especially through its new Secretary-General, has heard the call for reform. Its leadership recognizes that it must be responsive to the concerns of member states, particularly its biggest donor, the United States.

This brings us to today's debate. It has been my longstanding view that the United States absolutely must remain a full and active member of the United Nations. The many constructive activities of the United Nations. I have discussed, and the many U.S. interests that are served by our participation in the world body warrant a continued and strengthened U.S. role. Indeed, the 20th century has seen the tremendous consequences that result when the United States shrinks from its inevitable leading role in world affairs. In fact, I would argue that the increasing complexity of the challenges confronting the United States today make it more important than ever that we remain engaged internationally by, among other things, fully participating in the United Nations.

And we certainly cannot adequately participate in the United Nations by continuing to carry an arrearage of around $1 billion. Because of this arrearage, our respect and credibility there has diminished, thereby limiting United States ability to influence positively the United Nations' deliberations and activities. As the sole remaining superpower in an increasingly complex world, the United States simply must play a leading and unimpeded role at the United Nations.

While I am extremely pleased about the willingness of the Senator from North Carolina to engage in negotiations to clear up our arrearage, I believe that paying our back dues in full without the onerous conditions of title 22 is the appropriate course of action. It appears unlikely that the United Nations will, in fact, agree to this package as a whole, particularly given the lukewarm initial reaction of its leadership. This reaction is certainly understandable. Could you imagine if every member state made demands such as this in return for full payment of dues?

What would best serve U.S. interests is to pay off our arrearage now and encourage our diplomats to undertake a very serious effort to negotiate further reforms with a Secretary-General who appears strongly committed to genuine change. I am greatly concerned that the substantial progress we have already made in working with Kofi Annan could be jeopardized by enactment of these mandates. It is no surprise that many member states of the U.N. have said that these conditions are a mere starting point for further negotiations. Such an interpretation, if accepted by the body as a whole, would simply put us back at square one with a $1 billion arrearage.

Rather than debating how best to pay our back dues, we should instead focus on the more fundamental question of whether or not the United States ought to be a member of the United Nations at all. If we do decide that it's in our interests to remain there, then we should simply pay our dues and move on. It is imperative that the United States remain engaged, rather than withdraw, from world affairs and institutions such as the United Nations. I urge my colleagues to support the Lugar/Sarbanes amendment.

Mr. WELLSTONE. Mr. President I rise to express my strong support for the amendment introduced by Senator LUGAR. The amendment accomplishes a number of things, including funding arrears to the United Nations within 2 years and fully funding fiscal year 1998 U.S. regular and peacekeeping dues to the United Nations. The full funding for fiscal year 1998 is important in that it will help ensure that the United States does not perpetuate U.S. arrears by not meeting current U.S. obligations to the United Nations.

But as commendable and desirable as these provisions are, what I believe is most important is Senator LUGAR's proposal to strip from S. 903 some 38 unilaterally imposed benchmarks or conditions that the United Nations would have to meet before we fully pay the debts we acknowledge we owe the organization. Included in these benchmarks are a permanent cut in our annual dues from 25 percent to 20 percent of the regular U.N. budget and from 31 percent to 25 percent of the peacekeeping budget.

When I first joined the Senate Foreign Relations Committee, I was asked by a ranking State Department official what my position was on U.S. arrears to the United Nations. I said my position could be summed up in two-words: "pay up." At the time I had no inkling that the majority of my colleagues on the Foreign Relations Committee

would agree that our decision to finally pay up should be contingent on the U.N. complying with numerous U.S. conditions. And the conditions contained in S. 903 provide for payment of arrears over a 3-year period, with new conditions imposed each of the 3 years—conditions that the United Nations will have to meet in exchange for U.S. payments. To other nations, including some of our allies, this formula is likely to be viewed as being tantamount to blackmail on the installment plan. Moreover, if implemented there is no question it would greatly weaken the United Nations and undermine our leadership role in the world body.

What would happen to the United Nations if other member States were to follow suit and impose some of the same provisions contained in this bill as conditions for paying their arrears? Thus, they might refuse to pay their back dues and assessments until the United Nations agreed to make reductions they specify in their assessed rate for the U.N. budget and share of contributions to peacekeeping operations. Or they might condition repayment to specific reductions in the U.N. staff, reduced U.N job vacancy rates, or even providing their national counterparts to our GAO with access to U.N. financial data so that they may audit the U.N. books.

Is there any doubt that we would be enraged if the national legislature of any other member state were to mandate that the United Nations jump through a series of hoops before that state pays its debts to the United Nations? And we would have a right to be enraged, not only because our own dues and assessments might consequently be increased. But also because U.N. compliance with such a unilateral diktat could well lead to the organization's collapse. No international organization can be viable if its members have the power to unilaterally determine what they owe the organization, the conditions under which repayment should be made, and what their future financial obligations should be.

As Senator LUGAR has pointed out, only 5 percent, some $54 million, of the $1.021 billion we acknowledge we owe is actually owed to the United Nations. It is important to note that the single largest portion of our arrears, almost two-thirds, is owed to countries who contributed troops to peacekeeping operations which the U.S. backed in the U.N. Security Council. In most cases these were operations in which the United States refrained from participating with our own forces. The bulk of this peacekeeping debt is owed to our NATO allies, with the United Nations merely serving as a conduit to reimburse those countries who supported peacekeeping operations with troops and equipment.

There is no doubt that international peacekeeping eases our burden because other nations share the costs and risks. In fact, the United States will gain $107 million in reimbursements for U.N. peacekeeping costs, which we will credit against our U.N. debt obligations.

In effect, by withholding our debt payments and making repayment contingent on a host of conditions, we've imposed a double whammy on some of our closest allies. We have yet to pay them what we owe for the costs of peacekeeping operations they carried out which we had deemed to be in our national interest. And by unilaterally reducing our own future obligations to the United Nations as a condition of paying our arrears, our NATO allies will wind up paying more for peacekeeping operations and the U.N. budget. To me, this seems like a sure-fire formula for undermining our relations with our NATO partners.

Mr. President, I believe it is important to stress that the Lugar amendment enjoys strong and broad support. Among the backers is the Emergency Coalition for U.S. Financial Support of the United Nations which includes all the former Secretaries of State, and over 100 business, labor, humanitarian, faith-based, and civic organizations. Moreover, the premises of the Lugar amendments are consistent with the views of the American public. For example, a nationwide poll last year found that almost two-thirds of Americans believe the United States "should always pay its full dues to the United Nations on schedule."

Americans have long believed in having "a decent respect for the opinions of mankind." I hope my colleagues will agree with me that imposing unilateral, take it-or-leave it conditions on the United Nations hardly reflects "a decent respect for the opinions of mankind." Therefore, I urge my colleagues to strongly back the Lugar amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 383, AS MODIFIED

Mr. BIDEN. Mr. President, I ask unanimous consent that it be in order for me to offer a perfecting amendment to Senator DEWINE's amendment No. 383. I offer this amendment on behalf of Senator DODD. It amends the pending amendment to add two additional categories of individuals who may be excluded under this amendment: First, members of the Haitian high command; and, second, members of the paramilitary organization known as FRAPH.

Both of these organizations were responsible for serious human rights abuses during the coup regime from 1991 to 1994.

I ask unanimous consent that the DeWine amendment be so modified to include the amendment which I send to the desk from Senator DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 383), as modified, is as follows:

At the end of title XVI of division B of the bill, insert the following new section:

SEC. . EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI.

(a) FINDINGS.—Congress makes the following findings:

(1) At the time of the enactment of this Act, there have been over eighty extrajudicial and political killing cases assigned to the Haitian Special Investigative Unit (SIU) by the Government of Haiti. Furthermore, the government has requested that the SIU investigate on a "priority basis" close to two dozen cases relating to extrajudicial and political killings.

(2) President Jean-Bertrand Aristide lived in exile in the United States after he was overthrown by a military coup on September 30, 1991. During his exile, political and extrajudicial killings occurred in Haiti including Aristide financial supporter Antoine Izmery, who was killed on September 11, 1993; Guy Malary, Aristide's Minister of Justice, who was killed on October 14, 1993; and Father Jean-Marie Vincent, a supporter of Aristide, was killed on August 28, 1992.

(3) President Aristide returned to Haiti on October 15, 1994, after some 20,000 United States troops, under the code name Operation Uphold Democracy, entered Haiti as the lead force in a multi-national force with the objective of restoring democratic rule.

(4) From June 25, 1995, through October 1995, elections were held where pro-Aristide candidates won a large share of the parliamentary and local government seats.

(5) On March 28, 1995, a leading opposition leader to Aristide, Attorney Mireille Durocher Bertin, and a client, Eugene Baillergeau, were gunned down in Ms. Bertin's car.

(6) On May 22, 1995, Michel Gonzalez, Haitian businessman and Aristide's next door neighbor, was killed in a drive-by shooting after alleged attempts by Aristide to acquire his property.

(7) After Aristide regained power, three former top Army officers were assassinated: Colonel Max Mayard on March 10, 1995; Colonel Michelange Hermann on May 24, 1995; and Brigadier General Romulus Dumarsais was killed on June 27, 1995.

(8) Presidential elections were held on December 17, 1995. Rene Preval, an Aristide supporter, won, with 89 percent of the votes cast, but with a low voter turnout of only 28 percent, and with many parties allegedly boycotting the election. Preval took office on February 7, 1996.

(9) On March 6,1996, police and ministerial security guards killed at least six men during a raid in Cite Soleil, a Port-au-Prince slum.

(10) On August 20,1996, two opposition politicians, Jacques Fleurival and Baptist Pastor Antoine Leroy were gunned down outside Fleurival's home.

(11) Other alleged extrajudicial and political killings include the deaths of Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, and Jean-Hubert Feuille.

(12) Although the Haitian Government claims to have terminated from employment several suspects in the killings, some whom have received training from United States advisors, there has been no substantial progress made in the investigation that has led to the prosecution of any of the above-referenced extrajudicial and political killings.

(13) The expiration of the mandate of the United Nations Support Mission in Haiti has been extended three times, the last to July 31, 1997. The Administration has indicated that a fourth extension through November 1997, may be necessary to ensure the transition to a democratic government.

(b) GROUNDS FOR EXCLUSION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996; or

(4) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and were credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume.

(5) Any member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in the September 1991 coup against the duly elected government of Haiti (and his family members) or the subsequent murders of as many as three thousand Haitians during that period;

(6) Any individual who has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people;

(c) EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons, or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(d) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (b).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than three months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary shall submit a report under this subsection not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (b).

(e) DEFINITION.—In this section, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

Mr. DODD. Mr. President, I hope that Senator DEWINE would accept my perfecting amendment that I offer to his amendment. I understand that the managers of the bill are prepared to accept it, if the sponsor of the underlying amendment has no problem, which I understand he does not.

I believe that those who use violence as a political tool should not be rewarded with a United States visa for those actions. While his amendment covers a number of categories of individuals who have been involved in political killings and other illegal acts, there would seem to be two categories of individuals who played a very prominent role in the reign of terror that characterized Haiti between September 1991 and October 1994 when the duly elected government was restored to office with the assistance of the international community. I am of course talking about the High Command of the Haitian Armed Forces and the paramilitary organization known as FRAPH.

Clearly members of the Haitian High Command violated every norm of accepted international law with respect to their efforts to overthrow a democratically elected government. But more importantly, their treatment of the Haitian people during the coup regime was reprehensible. Surely granting entry to the United States of such individuals would serve no useful private or public purpose.

Similarly, the paramilitary organization which came to be known as FRAPH undertook such heinous acts as kidnaping, rape and murder as a concerted effort to intimidate the Haitian people. Individuals who were members of this organization should also be excluded from entry into the United States.

Mr. President I believe that this amendment adds the necessary balance to the pending amendment and I urge its adoption.

Mr. DEWINE. Mr. President, I thank my colleague from Delaware and I thank Senator DODD for this effective amendment. It is consistent with what we are trying to do and trying to say and are saying in the DeWine amendment. That simply is that the United States should not allow people who have committed political murders in the country of Haiti into the United States and whether these are from the left or the right, whether these occurred after Aristide or before Aristide, we should be consistent.

So I support the amendment and urge its adoption.

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from North Carolina has 1 minute remaining.

AMENDMENT NO. 382

Mr. HELMS. Mr. President, Senator LUGAR has repeatedly said it is the right thing to do, to vote for his amendment. It is the right thing to do, almost implying that those of us who do not agree with him have, indeed, a character defect. Let me tell you about the Lugar amendment. The effect of the Lugar amendment would be that the United Nations would have absolutely no incentive to reform—none—no incentive to cut the burden on the American taxpayers by reducing our regular budget assessment to 20 percent; no reduction in our peacekeeping assessment; no inspector general in the big three specialized agencies to root out waste, fraud, and corruption; no U.S. seat on the U.N. budgetary committee; no budgetary reductions in the specialized agencies; no sunset provisions for obsolete programs; no GAO access to U.N. financial data; no budgetary reform, and so on and on.

It may be the right thing to do in Senator LUGAR's opinion, but I expect that it is going to be the wrong thing to do, to vote for the Lugar amendment, when the tally is made in just a few minutes.

Have the yeas and nays been ordered on the amendments? I believe we did that last night.

I yield the remainder of my time.

VOTE ON AMENDMENT NO. 383

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 383, as modified, offered by the Senator from Ohio [Mr. DEWINE].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 98, nays 0, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—98

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Hatch	Robb
Bumpers	Helms	Roberts
Burns	Hollings	Rockefeller
Byrd	Hutchinson	Roth
Campbell	Hutchison	Santorum
Chafee	Inhofe	Sarbanes
Cleland	Inouye	Sessions
Coats	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden
Faircloth	Lott	

NOT VOTING—2

Daschle	Harkin

The amendment (No. 383), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 382

The PRESIDING OFFICER. There will now be 2 minutes for debate equally divided on the Lugar amendment.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, my amendment calls for payment of our obligations to the United Nations to the extent of $819 million over 2 years without conditions; $658 million of that is owed to our friends and our allies for peacekeeping operations and expenses they undertook and for which we voted. We have a contractual obligation to pay.

Our effectiveness in bringing about reforms in dealing with NATO expansion, in dealing with a host of international trade issues depends upon our credibility with our friends. It is not an argument in favor of reform that unilaterally we decide not to pay or send our payments to other nations but insist on some with 38 conditions in 18 pages of agate type before we allocate the money. We have a straightforward vote, Mr. President. I believe it is the right thing to do. I think it is the most effective thing to do in terms of American diplomacy.

Mr. SARBANES. Will the Senator yield? I very strongly support the Senator from Indiana, and I very much hope our colleagues will vote in favor of this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, the Senator from North Carolina has been kind enough to give me the minute to respond.

The Lugar amendment does not have one single penny more in it than this bill. We do pay all of our allies the arrearages that we owe them with the bill in the way it is drawn up. The administration has supported this compromise we have come up with.

This basically is the way to get the job done. But I emphasize, there is not one additional penny in the Lugar amendment. There is no distinction in how we get paid. The principle is, should there be any conditions placed on the United Nations? This bill does place conditions they can meet. The Senator, on principle, says none should be there. If you wish to put conditions at all, you should vote with us. If you want no conditions, vote with him. But it is the same amount of money.

I urge that you vote "no" on the Lugar amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 382 offered by the Senator from Indiana [Mr. LUGAR]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 25, nays 73, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—25

Akaka	Jeffords	Lugar
Bingaman	Kennedy	Moseley-Braun
Boxer	Kerrey	Murray
Bumpers	Kerry	Reed
Chafee	Landrieu	Sarbanes
Dodd	Lautenberg	Specter
Durbin	Leahy	Wellstone
Feingold	Levin	
Glenn	Lieberman	

NAYS—73

Abraham	Cleland	Feinstein
Allard	Coats	Ford
Ashcroft	Cochran	Frist
Baucus	Collins	Gorton
Bennett	Conrad	Graham
Biden	Coverdell	Gramm
Bond	Craig	Grams
Breaux	D'Amato	Grassley
Brownback	DeWine	Gregg
Bryan	Domenici	Hagel
Burns	Dorgan	Hatch
Byrd	Enzi	Helms
Campbell	Faircloth	Hollings
Hutchinson	Mikulski	Smith (NH)
Hutchison	Moynihan	Smith (OR)
Inhofe	Murkowski	Snowe
Inouye	Nickles	Stevens
Johnson	Reid	Thomas
Kempthorne	Robb	Thompson
Kohl	Roberts	Thurmond
Kyl	Rockefeller	Torricelli
Lott	Roth	Warner
Mack	Santorum	Wyden
McCain	Sessions	
McConnell	Shelby	

NOT VOTING—2

Daschle	Harkin

The amendment (No. 382) was rejected.

LEAVE OF ABSENCE

Mr. JOHNSON. Mr. President, I ask unanimous consent, in accordance with paragraph 2 of rule VI of the Standing Rules of the Senate, that I be permitted to be absent from the work of the Senate for this afternoon and all day tomorrow to attend the funeral of Sebastian Daschle, the father of my colleague and good friend from South Dakota, Senate Minority Leader TOM DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ASHCROFT. Mr. President, I ask unanimous consent I be allowed to speak for 8 minutes.

Mr. DURBIN. Mr. President, I do not know if it is appropriate to ask that might be amended so I ask to have an opportunity to speak for 10 minutes after the Senator from Missouri.

Mr. DOMENICI. Reserving the right to object——

The PRESIDING OFFICER. Will the Senator from Missouri modify his request?

Mr. ASHCROFT. I am happy to.

Mr. DOMENICI. I object. I want to ask a question. I wonder if I might, someplace in this, without waiting to hear the eloquence of both of your remarks, if I might have 2 minutes.

Mr. ASHCROFT. I am happy to defer for 2 minutes.

The PRESIDING OFFICER. Is there objection to the request? Two minutes to the Senator from New Mexico.

Ms. MOSELEY-BRAUN. Mr. President, I look forward to sharing the 10 minutes with the Senator from Illinois, and I have no objection to the Senator from New Mexico speaking for 2 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Missouri's request is agreed to, and the Senator from New Mexico is recognized.

(The remarks of Mr. DOMENICI pertaining to the submission of Senate Resolution 100 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

TRIBUTE TO CHARLES GENTRY

Mr. DOMENICI. Mr. President, within a few short days, Charles Gentry

will be leaving his post as my administrative assistant after many years of distinguished service in the legislative and executive branches of government and 11 years in the U.S. Army.

Charles has served on my staff twice. First as my legislative director and now as my administrative assistant.

During his first tour of duty on my staff Congress enacted the partial deregulation of natural gas. It was a major undertaking. It was complicated. It was contentious. Charles masters every aspect of this complicated piece of legislation. Looking back, natural gas deregulation proved to the country that our Nation has massive quantities of natural gas and that market forces would work to everyone's advantage.

Then, as now, no matter what the task, Charles has always been a leader. He has always excelled. I could count on him. He knows his substance. He knows his politics, and he knows New Mexico.

During the last 4 years Charles helped me with the critical issues facing New Mexico.

When Kirtland Air Force base was included on the Base Closure Commission preliminary list, Charles rolled up his sleeves, and in typical Gentry analytical style found out the facts surrounding this recommendation. It didn't take him long to pinpoint the shortcomings in the Commission's evaluation of Kirtland, and to professionally get the facts to the Commission so they could correct their error. Kirtland was saved and the defense readiness of the country benefited from Charles' hard work.

The administration's grazing fee hike proposal threatened the way of life for hundreds of hard working ranchers in New Mexico. Charles worked diligently to educate members of the Senate about the folly of this proposal. I will always remember the warm welcome we received when we visited southeastern New Mexico and the entire region turned out to thank us for delaying the fees.

Charles has a keen mind for complicated issues, and in New Mexico dealing with Sandia and Los Alamos National Laboratories the issues don't get much more complicated. Charles was one of my key advisors on stockpile stewardship, inhalation toxicology, Nunn-Lugar, and Nunn-Lugar-Domenici initiatives to minimize nuclear proliferation. He worked particularly hard on the Industrial Partnership Program intended to provide economic development to Russia. More importantly, this program is designed to keep Russian nuclear experts from moving to Iraq or Lybia. This is probably one of the most important defense initiatives since the Berlin wall came down.

He worked on minority contracting issues at Los Alamos and Sandia. When Lockheed Martin took over Sandia and initiated contract reform Charles ensured that small and minority contractors were able to maintain their relations with Sandia.

Two years ago, when I rewrote the energy title of the DOD authorization bill Charles initiated the negotiations with the Armed Services Committee and facilitated the friendly rewrite of more than 60 pages of this important legislation.

Charles has a big heart. New Mexico veterans are developing a beautiful Veterans' Memorial Park. When Charles heard about the effort during a meeting with me and the sponsors of the park, Charles opened his check book and bought the first commemorative tile.

Charles helped me start the Senate oil and gas forum. He is one of the most knowledgeable oil and gas lawyers in the country.

For the past 4 years, Charles has been my administrative assistant, but our association began many, many years ago. He was raised in Roswell, NM, where he attended the New Mexico Military Institute. While at NMMI, he was an extraordinary student and athlete. Charles was captain of the football team and the New Mexico Golden Gloves heavyweight boxing champion. Before earning his B.A. in science and mathematics at NMMI, he received many academic and athletic honors. In fact, he graduated first in his class. He later received a B.S. in civil engineering from the University of Missouri and a J.D. from Texas Tech University's School of Law.

He previously served for 6 years as my legislative director, during which he became known for his special expertise in natural resources and energy issues.

In the private sector, he has practiced law in both Austin and Dallas, TX, specializing in oil and gas, public lands, natural resources, and environmental law.

No recounting of Charles Gentry's life of public service would be complete without noting nearly 11 years in the U.S. Army, where he served with valor as a pilot of fixed and rotary-winged aircraft. When Charles's helicopter was shot down in combat in South Vietnam, he was severely wounded and ultimately medically discharged with the rank of major. His combat decorations include the Bronze Star, Air Medal, Army Commendation Medal with two Oak Leak Clusters, and the Purple Heart.

Following his years of military service, Charles became a White House fellow and was assigned as a special assistant to the Attorney General of the United States, after which he became Director of the Office of Special Projects at the Environmental Protection Agency.

To summarize our work together in the years that Charles has served me, this institution, and the people of New Mexico is a tough job, especially since I know that our relationship will not end with his leaving my staff. This is not the end of a book, rather merely the close of another chapter rich with memories and packed with accomplishment. I wish him much success and happiness as he opens the door to his new chapter in his life.

My wife, Nancy, and I look forward to many more years of friendship and send our best to Charles and his wife Gerrie, his parents, the Roy Gentrys now retired in Albuquerque, his son Geoffrey and daughter Cheryl.

For his fierce intellect, his incredible capacity for hard work, his political insight and his faithful friendship for so many years, I say from the bottom of my heart, "Thank you, Charles, for a job well done."

The PRESIDING OFFICER. The Senator from Missouri is recognized for 8 minutes.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997, ASHCROFT ANTITERRORIST PROVISION

Mr. ASHCROFT. Mr. President, the African nation of Sudan is a cradle and safe haven for the world's most vicious and violent terrorists. It is a country internationally renowned as a training base for terrorist groups.

The Armed Islamic Group, Hamas, Abu Nidal, Palestinian Islamic Jihad, Hezbollah, and the Islamic Group, all practice car bombing and hostage taking on the sands of Sudan's deserts.

Sudan also harbors and protects elements of Sheik Omar Abdel Rahman's Jihad network, the terrorist organization that was involved in the bombing of the World Trade Center.

Furthermore, Sudanese diplomats at the United Nations conspired with Jihad terrorists to bomb the U.N. complex. Sudan also reportedly provided false papers and weapons for assassins who attacked Egyptian President Hosni Mubarak.

There is no doubt that Sudan is a state sponsor of terrorism, and the State Department is right to classify it as such.

Along with this classification, the State Department should also enforce strict sanctions on financial transactions with Sudan, as it does with other officially recognized state sponsors of terrorism. Unfortunately, the State Department has taken steps to relax sanctions on financial transactions with Sudan. Congress passed legislation last year, the Antiterrorism and Effective Death Penalty Act, designed to prohibit all U.S. financial transactions with governments that support international terrorism.

Unfortunately, the manner in which the State Department implemented the law exempted at least two terrorist

states, Sudan and Syria, from this ban. The State Department reads this seemingly clear legislation to prohibit only the financial transactions which might further terrorism in the United States. Transactions which furthered terrorism outside of the United States would be perfectly legal.

The bureaucrats at the State Department evidently believe that transactions which further terrorism against citizens of foreign countries or terrorism against Americans abroad—such as the Pan Am 103 flight which exploded over Scotland killing 270 people—should not be prohibited

In our debate over foreign policy and foreign affairs reform, we need to clearly define a consistent antiterrorism policy. The United States should not allow financial transactions with state sponsors of terrorism, regardless of whether those financial transactions enhance terrorism in the United States or abroad.

Congress clearly intended to outlaw all financial transactions with these rogue nations. Yet for reasons that have never been clearly explained, the administration has chosen to allow U.S. companies to continue to do business with regimes that are intent on killing Americans and terrorizing people around the globe.

For example, only mounting public concern and increasing congressional pressure prevented this administration from allowing an American petroleum company to participate in a $930 million oil deal with the Sudanese Government. This oil deal would have provided hundreds of millions of dollars to this state sponsor of terrorism, money which could easily have funded attacks on U.S. citizens.

The State Department's implementation of last year's antiterrorism law leaves a loophole large enough to drive a truck bomb through, a truck bomb similar to the one that killed 19 American military personnel and injured approximately 500 more in Saudi Arabia last year.

One would expect the State Department to use every tool available to them to curtail and smother terrorism, especially since lives are at stake. The terrorist groups that operate out of Sudan are responsible for hundreds of attacks around the world and the deaths of thousands of people, and yet our State Department refuses to use the full scope of the law to aggressively isolate this criminal regime.

Abu Nidal alone has been responsible for 90 terrorist attacks in 20 countries, killing or injuring almost 900 people. As I mentioned earlier, this terrorist organization uses Sudan as a base of operations.

I have introduced legislation, Senate bill 873, to close the administration's loophole allowing most financial transactions with terrorist states to proceed. This legislation has been included in section 1605 of the foreign affairs reform bill we are debating today and specifically prohibits all U.S. financial transactions with regimes classified as state sponsors of terrorism, regardless of whether or not the terrorist attack might occur in the United States or abroad.

There are some exceptions in the provision which allow certain financial transactions to proceed: transactions for humanitarian assistance; traveling journalists; and a national security waiver for classes of financial transactions that are vital to the security interests of the United States.

As I mentioned earlier, this is unfortunately the second time the Senate has had to consider legislation to prohibit financial transactions with state sponsors of terrorism. If the Clinton administration had chosen to implement this law correctly the first time, all transactions between U.S. citizens and state sponsors of terrorism would already be illegal.

International terrorism is going to be a topic of discussion at the upcoming G–7 summit this weekend in Denver. The financial resources available to international terrorists will be one area of discussion for G–7 leaders. President Clinton will probably speak very forcibly on this issue. I sincerely hope that he will also direct the State Department to implement the provisions in this legislation which undermine the financial resources of terrorist states. I hope the President interprets this legislation in accordance with congressional intent and limits the ability of American firms to provide financial resources to state sponsors of terrorism.

State sponsors of terrorism provide critical refuge and support to nefarious organizations committed to killing Americans and citizens of other countries. Business as usual should not proceed with such regimes, and President Clinton should not have to be coaxed into aggressively enforcing U.S. antiterrorism laws to isolate these countries. This provision will diminish the financial resources available to terrorist states for their campaign of violence and hatred, and I urge the President's firm support for this anti-terrorism weapon contained in the foreign affairs reform legislation before the Senate today.

I thank the Chair and yield the remainder of any time I might have.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Thank you, Mr. President.

CONGRATULATIONS TO THE CHICAGO BULLS

Mr. DURBIN. Mr. President, my colleague, Senator CAROL MOSELEY-BRAUN, and I would like to take the floor for 10 minutes to address an issue of great importance, one that is appropriate to consider as we debate the foreign affairs bill, because this is an issue, to us, of worldwide significance.

Is there a spot in the world so removed, so distant, so isolated that if you would go there today and say that you were from Chicago, that the people living in this far corner of the world would not immediately respond: "The home of the Chicago Bulls and Michael Jordan?" I don't think there is a spot in the world where you could find people who are not aware of what happened in the great City of Chicago—for in 5 of the last 7 years, our Chicago Bulls have won the championship of the National Basketball Association.

We believe, quite modestly, that Chicago has become the world's capital of basketball—of course, our chief of State none other than Michael Jordan. Those who watched the NBA finals, particularly that fifth game, will never forget the contribution made by this great athlete. Obviously suffering from some illness—flu or worse—he managed to muster the strength and courage to lead the Bulls to an important, absolutely critical victory. How many times we saw him running down that court, wondering if he could get from one end to the other, only to perform spectacularly when given the ball. That has been his hallmark, but not just as an athlete, but as a person. He is truly a good person. Unfortunately, in the game of sports, you can't say that about all of the champions. You can certainly say it about Michael Jordan.

Of course, the chief of intelligence in this world capital of basketball is none other than Coach Phil Jackson. Michael Jordan and Coach Jackson have a rare relationship, and Michael Jordan has made it clear that when he plays basketball, it will be with Phil Jackson. Phil Jackson, along with Jerry Reinsdorf as the owner, and others, can take pride in what the Bulls have brought to professional sports and basketball.

The Bulls' record of 171 victories and 30 losses over the last two seasons has set a new standard of excellence. Michael Jordan, in the last five full seasons, has earned five championship rings and five MVP awards in the playoffs. The numbers speak for themselves.

You could go through the list of Chicago Bulls and find the greatness and sportsmanship and the kinds of leadership we in Chicago are so proud of. I would be remiss to not mention the contributions of Scottie Pippen, Luc Longley, and so many others who are part of this great team, and Steve Kerr's clutch shot in the last game made the difference. He had had a tough time up to that moment, but when he was given the ball, he was there.

Yesterday, there was a big celebration in Chicago. The Sun came out for a few minutes. People gathered for a great rally. I thought the comment made by Michael Jordan was especially appropriate. He said yesterday:

This championship goes out to all the working people here in the City of Chicago, who go out every day and bust their butts to make a living.

Well, Michael Jordan reminded us that so many of us who take pleasure in watching professional sports can identify with all of the effort made on the court and on the field. There are no two stronger fans of the Chicago Bulls on the floor of the U.S. Senate than myself and my colleague, Senator CAROL MOSELEY-BRAUN. We want to salute the Bulls. We are proud of them. We are proud of the city of Chicago, the city that works. We are looking forward to making it a six pack next year under the leadership of Phil Jackson, Michael Jordan, and Scottie Pippen.

I yield to my colleague, Senator CAROL MOSELEY-BRAUN.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Illinois [Ms. MOSELEY-BRAUN] is recognized.

Ms. MOSELEY-BRAUN. I thank my colleague from Illinois. I just want to say that the Chicago Bulls have been such a source of joy to those of us from Illinois. But also, because of their longstanding pursuit of excellence and demonstration of excellence, they have become America's team. I don't think there is a single team in this country that can boast 5 years of National Basketball Association championships. We won in 1991 against the Lakers; in 1992, against the Trailblazers; in 1993, against the Suns; in 1996 against the Supersonics; and, of course, recently, against the Jazz.

It has been done because the players on the Chicago Bulls are—in the terms of a great football coach from our town—"Grabowski's." "Grabowski's" are people who work hard and keep focused and give it their all and their best, even under adverse circumstances. Certainly, that is what this team has proved over and over again that they can do. They can win, whether it is at the old Chicago Stadium, in L.A., in Phoenix, or in the new United Center. It doesn't matter where they play. They bring the same values, talent, and, most important, the same heart to the game. That is why they are world champions. That is why they are America's team.

Of course, in this last game Steve Kerr can distinguish himself with the 17-foot jumper, which was what some might call the "Hail Mary" play. You just held your breath while it was going on. He drew on the spirit of John Paxon and made the game-winning play toward the end of the game. But he could not do it alone; it was a team effort.

My colleague pointed to the special relationship between Michael Jordan and Scottie Pippen, two very unique, very special players. I think it can go without saying that Michael Jordan is the greatest player in the history of basketball, and we are really fortunate to have him as a leader of this team.

In terms of leadership, certainly Coach Phil Jackson gets high marks for the kind of calm, deliberative, thoughtful approach he brings to the game, which is more than just a sport. It really is an exercise and demonstration of human spirit and values that takes place out on the basketball court.

I have a special place in my heart for Jerry Reinsdorf, who recently worked out a situation in correcting an injustice. He single-handedly was able to encourage the baseball owners to award pensions to the players of the old Negro League that had been denied pensions, because when they went to the majors, there wasn't enough time to qualify for pensions. At my request, he took that issue up and took it to the owners and, after all these years, they have awarded pensions to those old baseball players. Jerry Reinsdorf, I think, demonstrates the best in sports and sports owners. Again, I know he has every reason to be as proud of this team, as we all are.

At the same time, I think it must be said that the Utah Jazz played a phenomenal game. They were a dignified team, a disciplined team. Karl Malone and John Stockton were the equivalent of Scottie Pippen and Michael Jordan, in a way, from another part of the country. They distinguished themselves in the gentlemanly way in which they handled themselves throughout the series. Utah has nothing to be ashamed of. If anything, they have everything to be proud of in the kind of game they played in the championship competition in which they engaged. They supported themselves very well. Utah and the rest of the country can be proud of them as well. Their coach, I think, has a great future. Working with that team, he has a lot of good material to work with there.

As my colleague pointed out, we are not satisfied with number 5. Grabowski's always want to do better, and we are looking for the six pack, or No. 6, next year. I want to thank the Chair for this opportunity to commend the team and all the players. It is a team sport by definition. It doesn't happen just because we have superstars. They are all stars and they are all great. We are so proud of them, and our country has every reason to be proud of America's basketball team.

Mr. DURBIN. Mr. President, in closing, there are 102 counties in Illinois, and of the 12 or 13 million people in the State, most are Bulls fans. There is one exception. Hamilton County, in southern Illinois, had a banner on its courthouse which said "go Jazz go." Why would this one county in the entire State be rooting for the Utah Jazz? Because Jerry Sloan, the coach of the Jazz, came from McLeansboro, IL. He played for the Bulls, and we think he learned a lot in that process.

I join my colleague in saluting the Jazz. What a fine team. They really put up great competition. There were those in Chicago who said, "We are going to win this easily." Many of us had second thoughts. We knew the Jazz was a talented, dedicated team, and they played very well. I salute Karl Malone and John Stockton, as well as Coach Sloan, and our colleagues, Senators HATCH and BENNETT, the best fans the Utah Jazz ever had. "Wait until next year," they will say, and that is what we say to. Wait until next year for a six pack from the Chicago Bulls.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:11 p.m., recessed until 2:15 p.m.; whereupon, the Senate, reassembled when called to order by the Presiding Officer (Mr. COATS).

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 392

(Purpose: To express the sense of the Senate on enforcement of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 cruise missiles)

Mr. BENNETT. Mr. President, I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes an amendment numbered 392.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE ON ENFORCEMENT OF THE IRAN-IRAQ ARMS NON-PROFILERATION ACT OF 1992 WITH RESPECT TO THE ACQUISITION BY IRAN OF C–802 CRUISE MISSILES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States escort vessel U.S.S. STARK was struck by a cruise missile, causing the death of 37 United States sailors.

(2) The China National Precision Machinery Import Export Corporation is marketing the C–802 model cruise missile for use against escort vessels such as the U.S.S. *Stark*.

(3) The China National Precision Machinery Import Export Corporation has delivered 60 C–802 cruise missiles to Iran for use by vessels of the Iranian Revolutionary Guard Navy.

(4) Iran is acquiring land batteries to launch C–802 cruise missiles which will provide its armed forces with a weapon of greater range, reliability, accuracy, and mobility than before.

(5) Iran has acquired air launched C–802 cruise missiles giving it a 360-degree attack capability.

(6) 5,000 members of the United States Armed Forces are stationed within range of the C–802 cruise missiles being acquired by Iran.

(7) The Department of State believes that "[t]hese cruise missiles pose new, direct threats to deployed United States forces".

(8) The delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note).

(9) The Clinton Administration "has concluded at present that the known types [of C–802 cruise missiles] are not of a destabilizing number and type".

(b) SENSE OF SENATE.—It is the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 model cruise missiles.

Mr. BENNETT. Mr. President, I spoke on this amendment this morning when the bill was under consideration. So I will not repeat most of my arguments at this point. It is stimulated by a report this morning from the Secretary of Defense, which indicates that the Chinese Precision Machinery Import-Export Corp. has exported multiple versions of the C–802 missiles to Iran. I have notified the Senate in the past that this company has exported to Iran this particular missile for use first on ships, then for land-based operations, and today with Secretary Cohen's announcement we find that the missile will be made available to the Iranians—indeed, is available to the Iranians for use from the air. It can be fired either from an attacker or a helicopter.

This is a reproduction from the Chinese promotional material that was used to sell this missile.

One of the officers quoted in the briefing that the Secretary of Defense gave this morning said, with the addition of the air capability, the 15,000 American service men and women in the gulf now face a 360-degree threat from land, from sea, and from air.

To demonstrate the power of the missile involved here, I remind the Senate that an Exocet missile 10 years ago struck the U.S.S. *Stark* and killed 37 American sailors. This missile is a more modern, more powerful, and more deadly version.

Mr. President, I have been pressing the administration on this issue since the first of this year, having asked questions of Secretary Albright and submitting letters to Secretary Albright. All I have received is a comment from the State Department that they will "monitor" the situation.

Mr. President, that is simply not good enough. There are 15,000 American service men and women within the range of these missiles in the Persian Gulf, and we need to stop this trade and stop it now. There is an ability to do this under what is called the Gore-McCain Act, which gives the President the opportunity to put sanctions on companies that violate the law and says you will not export this kind of weaponry to Iran.

My amendment urges the administration to enforce the Gore-McCain Act and is nothing more complicated than that.

With that, Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President, I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, has the Senator from Utah concluded his explanation of his amendment?

Mr. BENNETT. Mr. President, I have, but I will remain for questions, if there are any. It is my understanding that the Senator from Alabama has a request for 5 minutes of morning business, for which I yield the floor so that he can make that request. But if the Senator from Maryland wishes to ask questions about my amendment, I will be happy to remain on the floor and respond.

Mr. SARBANES. Mr. President, actually I was going to seek a unanimous-consent request in order to continue the work on the bill and offer another amendment.

Mr. BENNETT. Mr. President, I have no objection to that request. It is my understanding that the Senator from Alabama has a unanimous-consent request.

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senator from Alabama be recognized for 5 minutes to speak as if in morning business, and that when the Senator from Alabama completes his 5 minutes, I ask unanimous consent that the current amendment be set aside and that I be recognized to offer an amendment to the bill at that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama is recognized to speak as if in morning business for up to 5 minutes.

Mr. SESSIONS. Thank you, Mr. President.

I thank the Senators from Utah and Maryland for their hospitality.

S. 891 "THE FAMILY IMPACT STATEMENT ACT OF 1997"

Mr. SESSIONS. Mr. President, last Thursday, June 12, I along with Senators DEWINE, FAIRCLOTH, HUTCHINSON, COATS, COVERDELL, and ASHCROFT cosponsored S. 891, Senator SPENCER ABRAHAM's Family Impact Statement Act of 1997. I rise today in strong support of this important piece of legislation and to voice my complete disagreement with the recent antifamily action taken by President Clinton.

In 1987, President Ronald Reagan, realizing the importance of the America family and the need to be constantly aware of the negative impact that Federal laws and regulations can have on the family, signed Executive Order 12606. The purpose of this order was to ensure that the rights of the family are considered in the construction and carrying out of policies by executive departments and agencies.

Mr. President, even though we are faced with the staggering increase in out-of-wedlock births, rising rates of divorce, and increases in the number of child abuse cases, apparently President Clinton does not believe that considering the impact of Government regulations on families is good policy.

Much to my dismay, on April 21, 1997, President Clinton signed Executive Order 13045, thus stripping the American family any existing protection from harm in the formulation and application of Federal policies.

President Reagan's Executive order placed special emphasis on the relationship between the family and the Federal Government. President Reagan directed every Federal agency to assess all regulatory and statutory provisions "that may have significant potential negative impact on the family well-being." Before implementing any Federal policy, agency directors had to make certain that the programs they managed and the regulations they issued met certain family-friendly criteria. Specifically, they had to ask:

Does this action strengthen or erode the authority and rights of parents in educating, nurturing, and supervising their children ?

Does it strengthen or erode the stability of the family, particularly the marital commitment?

Does it help the family perform its function, or does it substitute Government activity for that function ?

Does it increase or decrease family earnings, and do the proposed benefits justify the impact on the family budget?

Can the activity be carried out by a lower level of government or by the family itself?

What message, intended or otherwise, does this program send concerning the status of the family?

What message does it send to young people concerning the relationship between their behavior, their personal responsibility, and the norms of our society?

The elimination of President Reagan's Executive order is just the latest

in a series of decisions that indicates the Clinton administration's very different approach to family issues. From the outset of President Clinton's first term, it became clear that his administration intended to pursue policies sharply at odds with traditional American moral principles. White House actions have ranged from the incorporation of homosexuals into the military to the protection of partial birth abortion procedures.

Mr. President, many have suggested it is community villages, in other words government, that raise children. But the real truth is, families raise children. Families are the ones who are there night and day to love, to care for, and to nurture children.

Many bureaucratic regulations produce little benefit, but can have unintended consequences. The examples are too numerous to mention. What our legislation will do is require the regulators to stop and take a moment to think through their regulations to make sure that, the most fundamental institution in civilization—the family, is not damaged by their actions. This is a reasonable and wise policy.

Mr. President, I find it very odd that of all the Executive Orders that exist, President Clinton would reach down and lift this one up for elimination. This body should speak out forcefully on this subject and I am confident we will. The families of America deserve no less.

S. 819, The Family Impact Statement Act of 1997, is a sound and reasonable piece of legislation which will restore a valuable pro-family policy that has been established for ten years.

I urge all my colleagues to stand united, Republicans and Democrats, to show that the preservation of the family is not a partisan issue. Our voices united will send a loud and clear message to the President and to this nation that we consider family protection to be one of America's most important issues and that we will not accept decisions which mark a retreat from our steadfast commitment to our Nation's families.

Mr. President, I strongly believe that American families must be considered when the Federal Government develops and implements policies and regulations that affect families. Therefore, I am honored to be an original cosponsor S. 891 the Family Impact Statement Act of 1997 which will reinstate the pro-family Executive order of President Reagan.

I would like to thank my colleagues, Senators ABRAHAM, DEWINE, FAIRCLOTH, HUTCHINSON, COATS, COVERDELL, and ASHCROFT for their dedicated work and help on this issue.

Mr. President, I yield the floor.

FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

AMENDMENT NO. 393

(Purpose: To strike section 2101(g), limiting funding for U.S. memberships in international organizations and requiring withdrawal from organizations which exceed that limitation)

Mr. SARBANES. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 393.

The amendment is as follows:

On page 160, strike line 18 and all that follows through line 7 on page 162.

Mr. SARBANES. Mr. President, this amendment, referring to pages 160 to 162 of the bill, takes out subsection (g), which is a subsection that puts forward the possibility that the United States might withdraw from the United Nations. I am very frank to tell you that I don't think the prospect of that eventuality ought to be raised in this legislation.

This legislation, in effect, says that if the amount of funds made available for U.S. membership exceed a certain figure, then withdrawal is required. Of course, we determine the amount of funds that are made available. In any event, even if the figure is exceeded, I don't think a withdrawal sanction ought to be incorporated in this legislation. If you stop and think about it, that is quite a sweeping proposition.

Let me quote from paragraph (2) of that subsection:

Notwithstanding any other provision of law, the United States shall withdraw from an international organization. . . .

It then goes on to set out the procedures for doing so, and the deadline for doing so. Let me read for a second.

Unless otherwise provided for in the instrument concerned, a withdrawal under this subsection shall be completed within one year in which the withdrawal is required.

Then it requires the President to submit a report on the withdrawal.

I hope that the managers of the bill, upon reflection, will agree with me that we ought not to be including in the legislation any provisions that carry with them the implication of withdrawal from the United Nations.

The United Nations is too important an organization, and our participation in it is too critical a matter to include in this legislation a provision of this sort. The provision on which I am focusing runs from pages 160 to 162, providing for the withdrawal of the United States from the United Nations.

My amendment is focused on a limited part of this bill. I have a lot of differences with other parts of this bill, as Members well know. I supported the effort earlier in the day to take out the conditionality of the payment of our arrearages, which did not prove successful. But I am very frank to tell you that I find it a matter of very deep concern—even of dismay—that this legislation should even include within it the possibility for the consideration of the withdrawal of the United States from the United Nations. To suggest that we are thinking of withdrawal, or that withdrawal would be required under certain circumstances, in my judgment is very detrimental to our international leadership. It affects our credibility at the United Nations, and around the world.

What is sought in this bill, to stay within certain funding limitations, is within the control of the Congress in any event. So there would be other ways for the Congress, in making its decision on resources to be provided, to adhere to that standard. But I do not think we should put it in this legislation.

If we are going to withdraw from the United Nations, we ought to have a full-scale debate about withdrawing from the United Nations. Withdrawal from the United Nations is not some minor course of action to be taken lightly, not some form of discipline to address a problem that can be addressed in other ways. It is a very serious matter. I think even raising the prospect of withdrawal from the United Nations is harmful to American interests. I very much hope the managers of the bill will find it possible to accept this amendment.

I do not understand why we are, in effect, bringing in the most extreme remedy one could imagine, the one that most sharply affects our international leadership and our position in the United Nations, namely the remedy of withdrawal. I do not think this legislation ought to have any mention of withdrawal from the United Nations and I very much hope we will be able to take this particular section out of this legislation.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask for immediate consideration of my measure.

Mr. HELMS. Is there not a pending amendment?

The PRESIDING OFFICER. Is there objection to setting aside the two pending amendments? Without objection, it is so ordered.

AMENDMENT NO. 376

(Purpose: To authorize appropriations for the Center for Cultural and Technical Interchange Between East and West)

Mr. INOUYE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for himself, Mr. HATCH, Mr. HOLLINGS, and Mr.

AKAKA, proposes an amendment numbered 376.

The amendment is as follows:

At the end of section 1301(a) of the bill, insert the following new paragraph:

(6) "Center for Cultural and Technical Interchange between East and West", $18,000,000 for the fiscal year 1998 and $15,000,000 for the fiscal year 1999.

Mr. AKAKA. Mr. President, I am pleased to join my friend, the senior Senator from Hawaii, in offering this amendment to restore funding for the East-West Center in fiscal years 1998 and 1999.

Over the past 37 years, the East-West Center has established its reputation as one of the most respected and authoritative institutions dedicated to the advancement of international cooperation throughout Asia and the Pacific. The Center has played a key role in promoting constructive American involvement in the Asia-Pacific region through its education, dialogue, research, and outreach programs. The Center addresses critical issues of importance to the Asia-Pacific region and U.S. interests in the area, including international trade, economic cooperation and politics, security, energy and natural resources, population, the environment, technology, and culture.

The achievements of the East-West Center bear repetition. Since its creation by Congress in 1960, the Center has welcomed more than 53,000 participants from over 60 nations and territories to research, education, and conference programs. Over 45,000 alumni have pursued degrees and participated in research, training, and dialogue under East-West Center grants.

Scholars, statesmen, government officials, journalists, teachers, and business executives from the United States and the nations of Asia and the Pacific have benefited from studies at the Center. These government and private sector leaders comprise an influential network of East-West Center alumni throughout the Asia-Pacific region. The EWC alumni association has 35 chapters throughout Asia. I continually encounter proud Center alumni in meetings with Asian and Pacific island government officials and business leaders.

The success of the Center as a forum for the promotion of international cooperation and the strength of the positive personal relationships developed at the Center are reflected in the prestige it enjoys in the region. Japan, Korea, Taiwan, Indonesia, Fiji, Papua New Guinea, Pakistan, and other American allies in the region—over 20 countries in all—support the Center's programs with contributions. The Center has also received endowments from benefactors in recognition of its contributions and value.

Mr. President, the countries of Asia and the Pacific are critically important to the United States and our political and economic interests into the next century. By the year 2000, the Asia-Pacific region will be the world's largest producer and consumer of goods and services. Their markets for energy resources, telecommunications, and air travel are fast becoming the world's largest.

Future economic growth and job creation in the United States is closely linked to our ability to identify and secure opportunities in the world's fastest growing economies. The East-West Center provides leadership and advice on economic issues, including APEC [Asia Pacific Economic Cooperation] and the U.S.-Pacific Island Joint Commercial Commission [JCC].

Mr. President, given the strategic and economic importance of the Asia-Pacific region to U.S. interests, and the credibility and trust enjoyed by the East-West Center in the region, I believe it is short-sighted to slash funding for the Center. While issues and developments in Asia are the focus of increased attention, and foreign affairs mandarins speak of the dawn of the Asian century, the United States has closed AID offices in the region and slashed funding for programs and organizations—like the East-West Center. These institutions are valuable to our Nation's understanding of Asia and the Pacific rim and our interaction with regional scholars, executives, and government leaders. Withdrawing our support sends signals to our friends and others in the region that our commitment and engagement are tenuous.

For over three decades we have invested in the East-West Center, creating an important resource that promotes regional understanding and cooperation, provides expertise on complex regional issues, and informs our foreign policy decisionmaking. The amendment we offer seeks to ensure the continued existence of the East-West Center and the quality of its programs. If the Congress ends funding for the Center, its viability will be threatened and its future brought into doubt. This amendment authorizes a modest, but essential, level of support for the continued operation of the East-West Center.

It communicates the importance our country places on exchange and cooperation with nations of the Asia-Pacific region and the lead role played by the East-West Center in promoting regional interaction and cooperation.

Mr. President, I want to conclude by thanking my friend and colleague from Hawaii for his leadership in this effort to preserve the mission and good work of the East-West Center. I also want to express my appreciation to our colleagues who have cosponsored this amendment and expressed support for the East-West Center.

I urge the adoption of the amendment.

Mr. INOUYE. Mr. President, I ask this matter be temporarily set aside for final disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 394

(Purpose: To limit the use of United States funds for certain activities by the United Nations and affiliated organizations)

Mr. ENZI. Mr. President, I rise to offer an amendment to the underlying legislation.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 394.

Mr. ENZI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the bill, insert the new section as follows:

SEC. . LIMITATION ON THE USE OF UNITED STATES FUNDS FOR CERTAIN UNITED NATIONS ACTIVITIES.

(a) Notwithstanding any other provision of law, no United States funds shall be used by the United Nations, or any affiliated international organization, for the purpose of promulgating rules or recommendations, or negotiating or entering into treaties, that would require or recommend that the United States Congress, or any Federal Agency which is funded by the U.S. Congress, make changes to United States environmental laws, rules, or regulations that would impose additional costs on American consumers or businesses.

(b) Any violation of subsection (a) by the United Nations or any affiliated organization shall result in an immediate fifty percent reduction of all funds paid by the United States to the United Nations for the fiscal year in which the violation occurs and for all subsequent years until the United Nations or affiliated organizations revokes or repeals such rule, regulation, or treaty described in subsection (a).

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, my amendment would ensure that American taxpayers get a fair deal when it comes to the $900 million this bill authorizes us to pay in dues to international organizations. My amendment would ensure that the United Nations does not spend U.S. taxpayer money to sponsor conventions that result in stricter—and more expensive—environmental standards for Americans than other members have to bear.

I know the chairman has worked very diligently to ensure that our money is carefully accounted for by these international organizations. He has placed some strict limitations on the use of our funds, both at the United Nations and by the various international boards in charge of spending our money, but frankly, I would like

those limitations to be a little more explicit.

My amendment would prohibit the use of U.S. funds by the United Nations or any affiliated international organization to propose or promulgate treaties that impose new environmental costs on the United States—until, all other members of the United Nations have reached our level of environmental standards and enforcement.

Many Americans, and surely my constituents in Wyoming, have a hard time understanding why we are writing a $1 billion check to international organizations and then exercising little oversight on how the money is spent. I ask you to consider for a moment, the accountability requirements we place on our own citizens when it comes to use of public property or receipt of Government payments.

Ask a farmer what paperwork he or she had to fill out for the Farm Services Agency and the Natural Resource Conservation Service in order to get that corn or wheat payment last year—or what bureaucratic tests disaster victims must endure to enlist support from the Federal Government.

Ask an independent oil or gas producer how many reports they have to file with the Minerals Management Service or with the Bureau of Land Management in order to maintain a lease on Federal land.

Or ask a small business owner what records they have to keep in order to prove to Government inspectors that they are complying with OSHA regulations and with EPA regulations—or to prove they are complying with the Family and Medical Leave Act or the Fair Labor Standards Act.

Ask them how much it costs to have their taxes done. I raise these examples to show how much we expect of our own citizens. We place enormous levels of accountability on anybody who takes initiative in this country and we weigh them down with paperwork. We even hold them accountable to tell us exactly how much we will take from them in taxes.

And then we turn around and hand out their money. We spread it around, far and wide. There are $900 million in payments to international organizations in this bill and there is almost no accountability. My constituents want fairness.

I am particularly concerned by our participation in the United Nations Framework Convention on Climate Change and my amendment is drafted to challenge that issue, among others. I am pleased that the committee wants to require the administration to tell Americans how much the treaty is going to cost. Americans should know how much it will cost and who will have to pay for it. We are using their money to negotiate this treaty. Let's be honest with them.

I think they might be surprised at what is being proposed. According to one independent estimate, complying with United Nations targets for greenhouse gas emissions could cost this country as much as $350 billion per year! That is nearly $1500 for every man, woman and child.

And while you are adding up that bill for the folks back home, don't forget to point out that we could also lose nearly 5 million jobs directly related to energy use and production. Then there will be several million more that are indirectly related.

That should make an impact on those hardworking American taxpayers in your home State. But I'll tell you what will really get them—when they find out that developing countries don't have to comply. Countries like China, India, Brazil, and Mexico will only have to report on their emissions, not do anything about them.

All of this information may seem reasonable to some, but I will tell you, they don't buy it in Wyoming. International organizations should not be using American money to impose unfair requirements on Americans.

I understand the difficulty the chairman has had with these issues and I recognize his efforts in this bill to restrict the taxation authority of the United Nations. I would like to direct a question to the chairman from North Carolina, if I may.

Mr. Chairman, is it your belief that this bill adequately safeguards American taxpayers from any unauthorized use of United States funds by the United Nations or its affiliated environmental organizations?

Mr. HELMS. Mr. President, I thank the Senator for his amendment and I, of course, share his concern with the increasing number of United Nations treaties that impose regulatory burdens and, as he puts it, infringe on the rights of the American people. In fact, the pending bill, S. 903, addresses many of his concerns. I demanded that this legislation prohibit any funding to the United Nations until the Secretary of State certifies that the sovereignty of the United States has not been violated.

A lot of people giggled about that. But as the Senator knows, it is a very real problem, potentially. As the Senator also knows, many of us have worked for months to develop this comprehensive United Nations reform package. I think the Senator will understand, and I find myself in a position where I simply must be faithful to the deal into which I have made entry and participated. Senator BIDEN has been so cooperative. He is sticking to his bargain and I shall stick to mine. This bill requires a number of key reforms at the United Nations, but it certainly does not require every reform that I wanted.

Let me say again to the Senator from Wyoming, I support his efforts but I cannot support any amendment to change this package. But I will assure him that the Foreign Relations Committee this week will have hearings to consider United Nations climate change negotiations, and will hold additional hearings on actions by the United Nations that impose international regulatory burdens on the American people.

Mr. ENZI. Mr. President, in light of the assurances I have received from the chairman of the committee, and from his staff regarding the Presidential reporting requirements contained in the bill, I will withdraw my amendment.

I look forward to debating this issue again when we receive the Presidential reporting information.

Let me say before I close that this bill is a good example of a bipartisan effort to reduce the size of the Federal Government by consolidating agencies into the State Department. Furthermore, reform of our policies with regard to the U.N. are long overdue. The chairman has shown great leadership in negotiating this important bill.

I yield the floor.

The amendment (No. 394) was withdrawn.

Mr. HELMS. I thank the Senator and I assure him we will not forget his interests.

AMENDMENT NO. 392

Mr. HELMS. Mr. President, Senator BENNETT offered an amendment which regular order would make the pending business, would it not?

The PRESIDING OFFICER. Regular order does put us back on the Bennett amendment.

Mr. HELMS. I thank the Chair. Let me make a few comments before we consider regular order.

On February 8 of last year, 1996, I sent a letter to President Clinton urging that he no longer tolerate Chinese-Iranian missile cooperation and transfers. At that time I noted that U.S. nonproliferation laws provided "a clear, legal requirement"—and I am quoting from my letter—"that sanctions be levied against China for its missile sales to Iran," and I appealed to the President at that time to act decisively. In response, the President assured me that he would, in fact, and in deed, implement the missile sanctions law, and he used the words, "faithfully and fully" when the United States had determined that sanctionable activities have occurred.

Senator BENNETT and I were speaking about that a while ago. We have been waiting for more than a year. Meanwhile, repeated media reports have confirmed beyond any peradventure whatsoever that Chinese-Iranian missile cooperation continues apace, and that the United States is well aware of these activities and that the administration has deliberately elected to ignore Sections 73 and 81 of the Arms Export Control Act, and the 1992 Iran-Iraq nonproliferation act.

In fact, an article in the Washington Times last November 21, I believe it was, purports to quote from a classified October 2, 1996 CIA report entitled, "Arms Transfers to State Sponsors of Terrorism." Among the transfers reported are missile guidance components, 400 metric tons of chemicals for Iran's chemical warfare program, and advanced cruise missiles.

There can be no doubt that China's provision of advanced missile technology and equipment to Iran directly threatens our national security interests and directly contravenes U.S. law. Over the past several years, Iran has purchased Sunburn, C–801 and C–802 antiship cruise missiles, fast attack missile boats, diesel submarines, and naval mine warfare capabilities.

In addition, Iran has reportedly been constructing tunnels along the coast of the Persian Gulf to shelter ballistic missiles. And Iran may have deployed antishipping missiles on islands at the mouth of the Persian Gulf—which, as anybody who has been there knows, is a natural choke point, useful for strangling our flow of oil through the gulf.

These new capabilities pose a serious risk to the U.S. naval presence in the region, and to Saudi Arabia, Bahrain and Qatar's oil and natural gas refineries along the coast.

The point is, the White House should be prepared to, as it promised, fully and faithfully respond with the sanctions required by law for China's proliferation activities, as the President assured me he would in a letter last year.

In closing, I welcome Senator BENNETT's remarks and his amendment.

Let me inquire of the Chair if the yeas and nays have been obtained on the amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. HELMS. I think this would be a good time to have a rollcall vote.

Mr. KERRY addressed the Chair.

Mr. HELMS. How long will the Senator need?

Mr. KERRY. Mr. President, if I can ask the Senator if Senator WELLSTONE and I can proceed as we had discussed for a few moments outside of the legislative business.

Mr. HELMS. That is what I am inquiring about.

Mr. KERRY. Somewhere, say, around 12 minutes I think we should be able to finish; 12 minutes, Mr. President, divided between the two of us.

Mr. HELMS. That is fine.

The PRESIDING OFFICER. Is there a unanimous-consent request?

Mr. KERRY. Mr. President, I ask unanimous consent that Senator WELLSTONE and I be permitted to proceed as in morning business, with the interruption not to show in the course of the legislative day on the foreign relations bill.

The PRESIDING OFFICER (Mr. BENNETT). Is there objection?

Mr. SARBANES. Reserving the right to object. Can I ask the parliamentary situation? I take it the Bennett amendment was offered and set aside, and then I offered an amendment and that was set aside. Is there another amendment pending?

The PRESIDING OFFICER. The Senator from Hawaii offered an amendment, and that has been set aside, and the regular order is the Bennett amendment.

Mr. SARBANES. I simply say to the chairman, I am quite happy to cooperate with the committee in setting aside the amendments, but I ask the chairman if I can have the courtesy of being given a little bit of notice—not much—just in order to get here when the chairman thinks he may go back to considering my amendment.

Mr. HELMS. Very well. I give that assurance to Senator SARBANES.

Mr. SARBANES. I thank the Chair. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts is recognized.

Mr. HELMS. Just one moment, Mr. President. I suggest that the Cloakrooms be notified of the proximity of the vote.

The PRESIDING OFFICER. The Senator from Massachusetts.

(The remarks of Mr. KERRY and Mr. WELLSTONE pertaining to the introduction of S. 918 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. In connection with the pending amendment to be voted on shortly by the distinguished Senator from Utah, I hope that my request will be approved that we await the arrival of Senator BIDEN, because he may want to have some comments on it, too.

So in that context, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I suggest we go to the vote.

The PRESIDING OFFICER (Mr. SANTORUM). The question is on agreeing to the amendment offered by the Senator from Utah, amendment No. 392. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho [Mr. KEMPTHORNE] is necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE], the Senator from Iowa [Mr. HARKIN], the Senator from South Dakota [Mr. JOHNSON] are necessarily absent.

I further announce that the Senator from South Dakota [Mr. JOHNSON] is absent to attend a funeral.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—96

Abraham	Faircloth	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Ford	McConnell
Baucus	Frist	Mikulski
Bennett	Glenn	Moseley-Braun
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Coats	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
D'Amato	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Enzi	Lott	Wyden

NOT VOTING—4

Daschle	Johnson
Harkin	Kempthorne

The amendment (No. 392) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. What is the pending business now?

The PRESIDING OFFICER. The Sarbanes amendment numbered 393.

Mr. HELMS. Is there any other amendment behind that one?

The PRESIDING OFFICER. The Inouye amendment No. 376.

Mr. HELMS. Just those two?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I have just proposed to the majority leader we move in cycles of three amendments, certainly for rollcall purposes, and he thinks that would be a good idea. It may be that we will be able to handle some of these on a voice vote, but I do not know.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the pending business be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 395

(Purpose: To eliminate provisions creating new Federal agency)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk on behalf of myself, the Senator from Iowa [Mr. HARKIN] and the Senator from Oregon [Mr. WYDEN] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. HARKIN, and Mr. WYDEN, proposes an amendment numbered 395.

Mr. FEINGOLD. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike sections 321 through 326 and insert the following:

"SEC. 321.—INTERNATIONAL BROADCASTING.—The Broadcasting Board of Governors and the Director of the International Broadcasting Bureau shall continue to have the responsibilities set forth in title III of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 (22 U.S.C. 6201 et seq.), except that, as further set forth in chapter 3 of this title, references in that Act to the United States Information Agency shall be deemed to refer to the Department of State, and references in that Act to the Director of the United States Information Agency shall be deemed to refer to the Under Secretary of State for Public Diplomacy."

Mr. FEINGOLD. Mr. President, I rise to offer an amendment to S. 903, the State Department authorization bill for fiscal year 1998. What my amendment would do is strike the provisions in division A of the bill concerning international broadcasting activities in the United States.

Mr. President, I find it rather extraordinary that in the very bill that seeks to reorganize and consolidate the foreign policy apparatus of the U.S. Government, we find language to create a new independent Federal agency to administer the U.S. international broadcasting program. Let me be clear on this: This bill creates a new Federal agency. It grants that agency the authorities and mandates that all Federal agencies have under title 5. It also gives the agency the authority to hire temporary workers and to grant them reimbursement for their services, and it also gives the agency the authority to receive donations. So despite the claims you will shortly hear that are to the contrary, make no mistake, Mr. President, this is a new agency.

Now, some will argue, of course, that there is no net increase in Federal agencies since at the same time that we create a new independent agency to operate the international broadcasting operations, we are also abolishing the U.S. Information Agency. So you will probably hear the argument that we are giving up one and adding a new one. I am afraid, though, Mr. President, that that argument hardly passes the laugh test. It is a new agency. You can be sure of one thing: It is going to act like an agency, too.

This language simply makes no sense in light of the hard work that the Congress invested in 1993 and 1994 in restructuring the United States' role in overseas broadcasting. We consolidated various programs and we took some very clear steps to move Radio Free Europe and Radio Liberty down the road to privatization.

In the United States International Broadcasting Act of 1994, the Foreign Relations Committee took the lead in doing something that is all too unusual. It is unusual to find a program eliminated in Washington, but we, in that committee, and on this floor, Mr. President, actually wiped out a Federal agency. At the time, that agency was called the Board for International Broadcasting or the BIB. We consolidated all of our Government's international broadcasting programs, including the Voice of America, as well as the so-called surrogate programs, such as RFE/RL. We did it within one Federal agency—the U.S. Information Agency, which is the government's public diplomacy arm.

The 1994 act imposed tight fiscal controls on the two programs that were rife with fiscal abuse and mismanagement. It mandated steps toward privatization for Radio Free Europe and Radio Liberty. Very importantly, it also ensured an active role by the inspector general. As a result, Mr. President—and this is no small matter—of this one series of actions and consolidation, we saved the Federal Government, the taxpayers of this country, on this one change alone, close to $1 billion over a 9-year period. This isn't me talking about what can be done if we do something—we did it. We started in 1993 and we saved $1 billion. That was my first bill here as a Member of the Senate. I am extremely pleased that the changes proposed in this bill cannot undo the fiscal progress that we have made in the past. I add that, at this time, when we are trying so hard to finalize our promising work on balancing the budget that this $1 billion in savings was an important step in that direction.

But there was more to the story—a story of abuse. At the time Congress took this action, the RFE/RL was spending 25 percent of their budget on administrative costs, while the Voice of America was spending less than half of that—only 12 percent. Lavish salaries. Mr. President, there were salaries of $200,000 to $300,000, paid by the American taxpayers; and perks for executives that were a deeply ingrained way of life in these programs. These excesses are what inspired me and other Members of Congress to take a long hard look at how to fix this problem. This, of course, is our role—to oversee the programs of the executive branch and protect the dollars of the people who elect us.

In this particular case, we actually did a pretty good job, after many years. Now, though, Mr. President, I am concerned about what will happen in the future. Now the Foreign Relations Committee has reported out a bill that includes language to recreate what, to me, looks virtually identical to this old BIB, the agency we finally got rid of. It creates an independent Federal agency, governed by a board of directors. Others may say that the Broadcasting Board of Governors, or the BBG, under the arrangement assumed by this bill, is very different from the old BIB. I will agree that the BBG is a stronger, more disciplined body than its predecessor; but because of its worldwide presence, international broadcasting is unfortunately an area that is almost inherently vulnerable to mismanagement and abuse. It is very hard to oversee, especially if it is constituted through an independent agency.

In the past, the BIB fell prey to these vulnerabilities and exercised virtually no control over the abuse of the radios under its jurisdiction. There were two decades worth of GAO and inspector general reports noting fiscal and other problems with the radios, but the BIB just chose to ignore them. Spending abuses were brought under control under the BBG structure because of very detailed congressional mandates contained in the 1994 legislation. That didn't happen because the board suddenly decided to clean up its act nor because of any inherent qualities of the BBG itself; it is because we here in Congress did our job and mandated that this organization clean up its act.

Mr. President, it is my view that recreating this independent structure is a roadmap for a return to where we started out 3 years ago. I find it simply incomprehensible that just as we are consolidating our foreign policy apparatus under the reorganization plan in this bill, we would create a new Federal agency that is virtually identical to the one we wiped out less than 3 years ago.

Mr. President, let me outline briefly the problems I have with this broadcasting section of the bill. First, fiscal abuse. The structure proposed by the bill, as I have indicated, has historically been a breeding ground for fiscal abuses. These weren't just uncovered 3 years ago. I have a stack of GAO reports and IG reports going back two decades documenting the fiscal abuses

that this independent structure generated. It was this independent structure, sitting out by itself, not being managed or controlled by any part of our Federal Government directly, that had these problems.

A colleague from many years ago, Senator John Pastore, in 1976, said of the problems of this organization, "The abuse has reached the point of becoming almost scandalous * * *" That is what we put an end to in 1994. We put an end, finally, to two decades of abuse.

A second problem, Mr. President, is privatization. We made a clear commitment in 1994 that Radio Free Europe and Radio Liberty would be privatized by the end of this century, only 2½ years from now. Mr. President, why would we now recreate an independent agency to administer the grants for Radio Free Europe and Radio Liberty for such a short period of time? If we create this new entity, I can assure you that somehow it will find a justification to continue. All of the hard work and all of the consensus that was developed around the basic idea that it is high time that RFE/RL be privatized will be under attack. We have a chance to finally privatize something. We are almost there. But this bill seeks to undo that.

Third, Mr. President, as I have indicated several times, and will again, this bill creates a new Federal agency. I find it hard to believe that this Congress, which has been dedicated to downsizing the Federal Government and achieving deficit reduction, would choose to create today a new Federal agency—an agency that isn't even needed. That is exactly what these provisions will do—create an unnecessary, new Federal agency, with all the overhead, all the bureaucracy, and all of the trappings of a brand new agency.

Mr. President, I also wish to respond briefly to the arguments made by the proponents of this proposal and, in particular, my good friend and leader on these issues, the Senator from Delaware, Senator BIDEN, who cares deeply about this issue.

First, Mr. President, he asserts that the fiscal controls and measures designed to curb the kinds of flagrant abuses that plagued RFE/RL in the past will be retained under the new structure, and that nothing we achieved in terms of deficit reduction will be lost as a result of the new structure he has proposed. I sure hope he is right; but I doubt it. I appreciate the intent, but I am concerned that history has shown that just the opposite is going to happen, that what we have achieved could well be undermined by recreating the kind of structure and incentives that led to these problems in the first place.

Now, what do I mean by incentives? I mean the natural propensity of any institution—especially an entirely independent institution—to protect itself, to try to expand itself, and to relentlessly try to find a way to justify its existence. That is inherent in the nature of independent agencies.

If the radios are actually going to be privatized by the end of 1999, what is this new Federal agency going to be doing in 2½ years? Are they going to be running the Voice of America? Is there a reason, all of a sudden, after all these years, to create a new agency to run the Voice of America? I don't think so. I don't think the Senator from Delaware would be proposing this structure if his concern was the independence of the Voice of America. Rather, his concern has been clearly stated in the past, and it is to house the surrogate radios, Radio Free Europe/Radio Liberty, and others that are scheduled to lose their Federal support in 1999.

Even Radio Free Asia, RFA, has a sunset date in the authorizing legislation that terminates its authority in 1998. So what is the agency going to do after all these rather up and coming dates arrive? What are they going to do, Mr. President? Are they going to lobby Members to extend these deadlines? I am concerned that they will. Is there any doubt in the minds of anyone in this room that if we create a new Federal agency, it will do all it can to find good reasons to argue that it has to continue to exist.

Secondly, the proponents of these provisions will say that we are talking about something different here because the broadcasting functions have been successfully consolidated into one agency. We mandated the consolidation intentionally, Mr. President, to save money and to eliminate duplication. Mr. President, if these provisions are adopted, the gains we made in both of these areas could be lost. Rather than using, in the name of efficiency, the accounting, personnel, and support services that already exist in the State Department—as it has with the services of USIA—this new entity will have to have its own legal office; it will have to have its own personnel department; it will have to have its own publication office, and who knows what else. That is what you get when you set up a new Federal agency. That agency needs all of those new things, instead of having the State Department handle it under its current budget.

Again, these provisions—and, Mr. President, I hope I am making the case—head in completely the opposite direction, not only of the whole spirit of the last couple of Congresses, but specifically in the opposite direction of the whole point of the bill the distinguished chairman of the Foreign Relations Committee has put forward in terms of consolidation and reorganization.

Now, some may say that Congress can protect the taxpayer by maintaining the spending caps we put into the 1994 legislation. I am certainly glad those caps are still there, and that may be true for those programs that are capped. But what is not clear is what happens with administrative costs.

Mr. President, the comptroller's office of USIA has explained to my staff that some $28 million in administrative services are currently provided to the broadcasting operations by the United States Information Agency. This represents expenditures that are over and above the annual operating budget for the broadcasting operations. Instead, these costs are borne by USIA for property and for housekeeping functions, such as payroll, the payment and vouchers, accounting, contracting, and security. On these latter items, broadcasting "borrows" partial time from USIA employees to carry out highly specialized tasks. If the broadcasting operations are to be separated out from USIA, as is contemplated by this bill now, it remains very unclear how broadcasting would get these services. Would the new public diplomacy bureau at the State Department have to provide these services and, if so, how would that be calculated? Or what would concern me the most is, will the new broadcasting entity, this new Federal agency, simply have to hire its own people, new Federal employees, new Federal positions to carry out those services?

The point, Mr. President, is that the broadcasting operations currently appear to gain significant economies of scale by using the infrastructure of the USIA. That is what we caused to happen a few years ago. After decades of abuse, we finally forced this Government to show some efficiency and consolidation, and we got some economic benefit out of it. Instead, creating a new agency may lead us to lose those savings and force this new entity to come to Congress for new funds, or it may lead to a situation in which the broadcasting activities lose out when, for every new attorney, or office, or light bulb, and all the bureaucracy that goes with it, there will be less broadcasting hours to some far-flung place in the world to which we believe it is in our national interest to communicate. I guess this doesn't make any sense to me.

Third, Mr. President—and this is really the most philosophical of the arguments—there are those who really passionately believe that an independent structure is required or is necessary in order to protect what is called the "journalistic independence" of these programs, and really this question gets to the core of what is going on.

Either you think it is our national interest to continue to pay for—not just subsidize, but pay for—independent radio programs, or you don't! I, for one, think it is essential to compare the surrogate radios to the Voice

of America. VOA was created to be, and remains, an essential tool for the U.S. government to communicate U.S. policies and prerogatives to the rest of the world. Let me quote directly from the President's budget request concerning VOA's mission: "The Voice of America was founded in 1942 to provide accurate, objective and comprehensive news and information about America and the world to listeners in other countries." VOA now broadcasts in more than 50 languages. WORLDNET television similarly supports and explains U.S. policy objectives to foreign audiences worldwide. VOA and WORLDNET employees are U.S. government employees, and no one doubts that a primary mission is to communicate the views of the U.S. government.

The surrogates—Radio Free Europe and Radio Liberty—on the other hand, concentrate their resources on reporting and analyzing domestic and regional events in the countries to which they broadcast. As someone who believes strongly in the rights of free speech and expression, I do not doubt that the development of independent media is perhaps one of the most important challenges for a newly democratizing country. And I do not question those who think that the United States should actively support or encourage such outlets. But that does not necessarily imply that we should bear the cost of running an entire service! The fact that U.S. tax payers are still subsidizing RFE/RL broadcasts to Poland astounds me. We are, in fact, subsidizing the competition in Poland and, in so doing, may even be preventing the development of other alternatives for this kind of activity in that country. But setting aside for a moment whether we should continue to pay for broadcasting in countries like Poland, let me focus upon the issue of so-called "journalistic independence."

Mr. President, let me just briefly review some of the history.

First, Radio Free Europe and Radio Liberty were established by the CIA, a fact widely known, for the purpose of undermining communist governments.

Second, they have been funded by the US taxpayers from their inception, a fact that is also widely known and not disputed.

Third, the Board of Directors for this new entity, like the current one, is appointed by the President of the United States. I would like to know how you can be independent of the U.S. government when your governing board is appointed by the President of the United States!

Let me make sure everyone understands the bizarre relationship between the BBG and RFE/RL. This is an interlocking board of directors: the members of the BBG are—by statute—identical to the members of the RFE/RL board. As bizarre as it may be to an outsider, the BBG gives a grant to RFE/RL, even through they each have the same board. And these board members are all appointed by the President of the United States!

Fourth, their budget is debated by Congress each year. Numerous Congressional committees call them up to account for how this money is being spent. We are even debating it right now.

So how can you even make any kind of claim to be independent on those facts? No one is going to buy it.

In fact, as the fifth point, let us be honest. The rest of the world views these radios as belonging to—guess who? The United States. Whatever games you want to play with their names or their governing structures, everybody knows these broadcasts represent the views of the United States. U.S. officials parade through these facilities abroad all the time.

When President Clinton was in Prague in early 1994, the President of the Czech Republic offered the United States facilities within Prague to house RFE/RL. The Czech President offered the buildings to the U.S. President, because he knew, as the whole world knows, that these radios are 100 percent owned by the US government, paid for by the US taxpayers, and subject to oversight by the US Congress.

Frankly, Mr. President, I do not see how these programs can ever really be independent as long as they are dependent upon federal funding. If they want journalistic independence, the best way is the old-fashioned way: stop taking Federal dollars.

If these programs need autonomy and independence, the best thing they can do is to privatize.

Mr. President, I know the debate over "journalistic independence" and over how the United States can best support newly emerging democracies is one that can be highly emotional for many Members of this Chamber. But whichever side my colleagues come out on, I urge you to consider what I find to be the most offensive part of this bill, and that is the provision to create a new, independent federal agency.

I do not want to be repetitive, but I just can't believe that the Senate, that this body that is working so hard to eliminate inefficiencies and duplications in the Government, would have supported provisions such as these in a bill such as this.

So Mr. President, let me point out that my amendment has been endorsed by groups who have worked hard to reduce the Federal deficit and eliminate unnecessary spending programs, including Citizens Against Government Waste and Taxpayers for Common Sense.

Mr. President, I ask unanimous consent that a letter from Taxpayers for Common Sense regarding this amendment and in support of the amendment be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, to conclude, the letter from Taxpayers for Common Sense really did a good job of reiterating that the question underlying this debate is whether the Senate is capable of following through on budget cuts. If we today recreate the same BIB structure we abolished just 3 years ago, the savings achieved in the 1994 act could be jeopardized and the effort to privatize these radios could be undermined by this new agency as it desperately struggles to justify its existence.

I hope that the Members of the Senate will reject the creation of this new Federal agency and adopt my amendment.

Mr. President, I yield the floor.

EXHIBIT 1

TAXPAYERS FOR COMMON SENSE,
Washington, DC, June 13, 1997.

Attn: Foreign Relations L.A.—floor action Monday, June 16.

TAXPAYERS ASK: WHY CAN'T SENATE CUT?

SUPPORT FEINGOLD AMENDMENT ON STATE DEPT. AUTHORIZATION

THE 1994 LAW TERMINATED THE BIB AND SAID RADIO FREE EUROPE WILL BE PRIVATIZED

WHY DOES COMMITTEE BILL CREATE NEW AGENCY FOR RFE

DEAR SENATOR: When the Senate considers the State Department Reauthorization bill, Taxpayers for Common Sense strongly urges you to support the Feingold amendment.

In 1994, Congress passed legislation terminating the Board of International Broadcasting (BIB), an independent federal agency responsible for administering Radio Free Europe and Radio Liberty [RFE/RL]. In doing so, the legislation mandated that steps be taken to privatize RFE/RL. The legislation also established a Broadcasting Board of Governors within the U.S. Information Agency in order to curb extensive internal problems that plagued the programs under the BIB structure.

Contrary to the law and to congressional intent—and contrary to the House bill—the version of the State Department Authorization Bill recently reported by the Foreign Relations Committee would actually create a new federal agency strikingly similar to the old BIB. Congress terminated the BIB just three years ago with overwhelming bipartisan support. The BIB structure fostered rampant fiscal abuses, lavish executive salaries and executive perks, despite numerous GAO and Inspector General reports noting fiscal problems over the course of two decades.

The Feingold amendment would strike the provisions that would create a new federal agency and ensure that RFE/RL is privatized by December 31, 1999, as indicated by the International Broadcasting Act of 1994. TCS supports this amendment. While the budgetary savings may be relatively small compared to the entire federal budget, the questions at stake are large: Can the Senate follow through on budget cuts? Is the Senate incapable of maintaining even this tiny budget cut? Is foreign spending exempt from the budget cuts that impact Americans at home? The Feingold amendment is a step toward restoring the confidence of American

taxpayers that U.S. international programs are wise expenditures.

Sincerely,

RALPH DEGENNARO,
Executive Director.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I admire the Senator's tenacity, and I admire his commitment to save the American taxpayers money. His tenacity on this score has exceeded his savings. Let me explain what I mean by that. He won. If this is about deficits, he won. He was right. He saved the taxpayers millions and millions of dollars. He, through his leadership, changed the way in which we used to deal with all these radios. He has won.

If I wouldn't be taken out of context—he would understand the humor in this—I wish he would take that old speech and send it home and say, "I won." I mean, take credit for what you did. You did a wonderful thing. You really did. You did a wonderful thing. But their ain't no more money to save. You saved it. This doesn't cost another penny.

That is No. 1.

This is not about deficits. It was about deficits, but you won. You did a good thing. You reorganized the radios.

It is like that famous line, I guess it was President Reagan's, "The Russians just do not know how to take yes for an answer." You won. And I am not being solicitous when I say the Nation owes you a debt of gratitude.

Now, on the second point, your tenacity: Your tenacity is well known, but I think in this case it is misplaced. This isn't about deficits anymore. Let's talk about what it really is about.

It is about whether or not Radio Free Europe and Radio Liberty are anachronisms or still have a relevance—no matter how well run they are, no matter how streamlined they are, no matter how efficient they are, no matter how cost effective they are.

That is the core of the debate between the Senator and I, although I suspect he would characterize it differently. I think they are vitally important.

It is not communism now. It is chaos now. It is not communism. It is the threat of totalitarianism. It is not communism. It is freedom, market economies, and it is about journalistic integrity and independence.

Everything the Senator said is factually correct except one thing. How do I explain it? I think the rhetorical question is: Tell me how these are independent? I will tell you: Forty years of history. All of Eastern Europe said, "When I hear VOA, I hear the State Department. When I hear Radio Liberty and Radio Free Europe, I hear an independent voice." That is literally how it worked.

I don't presume to compete with my friend from Wisconsin—and I am not being solicitous when I say this—who is a Rhodes scholar and a man of significant accomplishment, with my knowledge of history. I am not trying to play games and educate him, except I suggest to him that he ask those Eastern European freedom fighters of the past 40 years. They knew that the Federal Government paid for Radio Free Europe or Radio Liberty. Why did they listen to it and take what it said as gospel and not the Voice of America, or other pronouncements that came out? The reason was the same reason that exists today in China. We set up a thing called Radio Free Asia, the same category Radio Free Europe used to be in—still is in.

What is the difference? Our Ambassador in Beijing can say with all honesty—and the Chinese Government knows that it is true—"I can't control those guys."

What do they do? Let me give you an example of what would not happen if these radios, as we call them, were within the State Department where we moved the USIA. They would not at this moment be able to read on air the memoirs of Wei Jing Sheng, one of China's leading dissidents who is in prison. It is driving the Chinese Government crazy that the people of China can hear unobstructed his memoirs being read on air.

Do you think the Secretary of State—this one or the last one—would have the nerve in the mix of negotiations with the Chinese on everything from proliferation to trade to upset the apple cart? I can see it now. Beijing picking up the phone, and saying, "Stop, or we do the following with regard to these other negotiations." We have seen it happen a hundred times. But Beijing knows that the way we have set this up means that the President cannot control it. He can come up to us and say, "Don't fund it any longer." Or he can try to stack the board to get people on the board who will not allow journalistic independence.

But the reason why it works is that we have 40 years' experience—40 years of watching it work. The bona fides of these radios have been proven.

So the Senator is correct. Absent this history, one would say this is a veil. There are only four or five veils between the radios and independence and they are nothing but veils. History indicates that they are walls, and that they brought walls tumbling down—the Berlin wall.

I acknowledge that I probably feel more strongly about the radios and their independence than a majority of my colleagues. But I truly believe, Mr. President, if they were needed during the cold war, they are needed in this decade of chaos as much as they were then.

Look, what happens in China, in large part, is going to be a product of what the people of China know is happening.

My friend, Senator KERRY, who shares the view of my friend from Wisconsin, says, "Look, we have CNN." That is true. "Look, we have the Internet." That is true. They are all very positive and they are real and they are genuine, but I would argue they make my case. Because really what my friends are saying—I will speak for Senator KERRY—is that, although the radios are independent, we don't need this other independent voice now because we have this independent thing called CNN and we have this thing called the Worldnet. I say to you, things are better than they were because we do have CNN. I say to you things are better in the world in terms of the access to information throughout China because we have the Worldnet. But I say to you, we will be, in the ultimate sense, penny-wise and pound-foolish if we take what also is a proven, genuinely important, worldwide, respected vehicle called the radios and do them in.

And what for? What money are we going to save? What are we saving here? Let us get this straight—not that the Senator has not been straight; he has been. But, for me, because I am kind of simple-minded, let's reorganize this and lay it out. For me, it is important to understand the pieces. The first piece of this is, the Senator says that there is all this bloated bureaucracy in this board that used to run the radios. He is right. There was leadership. We changed that. We cut these bloated salaries. We cut out the fat. We made them use the same transmitters. We consolidated the ability to transmit these messages over the air. We literally moved our operation in Europe into Prague from Germany. We did a lot of things. This bill does not change one single solitary bit of the reform that has taken place.

Then my friend says we are going to spend more money. We put caps—through his leadership—on the amount of money that could be spent in these functions. We maintained these caps. If I can find my place in my notes here, I will find out exactly what the caps are. What page am I on? The caps for RFE/RL are $75 million a year; Radio Free Asia, $22 million a year. These caps are kept on this legislation.

My friend says we have created this new bureaucracy. We have created no new bureaucracy. We created this new board in 1994 through his leadership. It upsets my friend that I am not sucking that board into the State Department. There is USIA. It is sitting out here and it has, within USIA, that board. In the reorganization, led by the Senator from North Carolina, we take all the agencies that are sitting outside there and bring them into the State Department. So we take all of the USIA out except for one thing: We leave this

board sitting there. We do not recreate it. We just leave it where it was, independent. But still with all the strings attached as to how much money it can spend, all the requirements for RFE and RFL regarding privatization. They all remain, but what also remains is the journalistic integrity, the inability of the Secretary of State to say, hey, don't—don't broadcast those memoirs.

I am not suggesting this Secretary would say that. I do not know what she would say. But there is nothing she can do about that, or that a future Secretary can do about that.

The Senator suggests there is going to be a new bloated bureaucracy. We have a thing in the law that exists right now called the Economy Act, which means that any lawyers that are needed by RFE/RFL, any lawyers needed by the board that is going to conduct overseas radios, can be lawyers that can be borrowed from the existing lawyers in USIA. There is no requirement to hire anybody new. And you have caps on what we can spend on them anyway.

That is how it works right now. VOA—my friend always talks about RFE and RL, Radio Liberty. There is the Voice of America, Radio and TV Marti, and Radio Free Asia. They are sitting there. We have to privatize, under the law, RFE and RL, by the same date required in the original legislation. We kept that in. But we still have these other three major pieces out there. So the notion of the board's responsibilities rests in the management of those as well, even when privatization occurs.

The other rhetorical question I would ask my friend is, he says this undermines privatization, that this proposal to privatize the European radios, which we urged in the sense of Congress in 1994, would be undermined. This provision remains intact. Moreover, the Senator is sponsor of an amendment asking for periodic reports toward this objective, which the committee included in this bill. And, as I said, the board oversees more than the European radios, so they will have plenty to do after privatization. The others are not part of the privatization scheme.

Keep in mind the overarching rationale for privatization. It is, hey, we don't need this message going into Eastern Europe or Central Europe or the former Soviet Republics.

I want to tell you, I sure would like that message going into Byelarus. I am glad it is going in now. I sure like the idea the message is going into Bosnia. I sure like the messages going into these former Soviet states or Soviet-client states. But I acknowledge that is a debate for another day, whether or not these radios make sense anyway. I think they make a great deal of sense.

But make no mistake about it, that is the core of the distinction between what the Senator from Wisconsin and I view to be the right course of action. You notice that the Senator is always painfully honest. He points out and acknowledges he had the privatization language still in here, but he presumes it will not be privatized now that the board is sitting out here and staying out here. I would argue that the likelihood of privatization occurring is in direct proportion to how much light is shed on the process. When you have this board sitting out here by itself, justifying its existence and its actions, it is a lot more likely that we are going to pay attention to it, particularly when we have to confirm the head of the board. As a matter of fact, the whole board requires Senate confirmation.

The Senate worries about the radios not going toward privatization. How many members of the board are there, eight? He is going to have eight shots, plus Mr. Duffy, who is going to be the new Under Secretary of State for Public Diplomacy. He has plenty of chances. He has nine chances in confirmation hearings before our committee. Put the board inside and it's a different story.

The other point I would like to raise—and there is so much to say on this, but you have heard me so many times I will try not to say all there is to say. The cost will go up, is the second argument. He indicates that the cost will increase by $25 to $30 million. He said the board and the radios now receive $28 million in administrative services from the USIA, the U.S. Information Agency. All this is true, but who does he think is paying the $28 million now? The $28 million that went for them administering the agency will not go to them now. The net cost to the American taxpayer will not change. Chairman HELMS and I received a letter from David Burke, the chairman of the board. I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BROADCASTING BOARD OF GOVERNORS, UNITED STATES OF AMERICA,

Washington, DC, June 17, 1997.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate.
Hon. JOSEPH R. BIDEN, Jr.,
Committee on Foreign Relations, U.S. Senate.

DEAR CHAIRMAN HELMS AND SENATOR BIDEN: I have been advised of the provisions related to international broadcasting contained in Division B of S. 903, the Foreign Affairs Reform and Restructuring Act of 1997, as reported by the Committee on Foreign Relations.

My colleagues and I agree with Senator Biden that, under any reorganization scenario, an independent, bipartisan governing board, nominated by the President and confirmed by the Senate, is essential to ensuring the coherence, quality, and journalistic integrity which preserves the credibility, and therefore effectiveness, of the broadcasting services.

Further, with respect to concerns about additional costs expressed by Senators Feingold and Kerry during the Committee's markup last Thursday, the Board believes that a transfer of existing broadcasting support costs and personnel from USIA to the international broadcasting entity would be a "cost neutral" transaction within the foreign affairs budget function. Such a transfer would cover space costs and management support services currently provided by USIA, including security, accounting, payroll, training, and procurement. This transfer from USIA to the international broadcasting entity would coincide with the consolidation of USIA into the Department of State, and would not represent a net increase in total funds or employment.

The BBG is committed to ensuring that America's international broadcasting services remain a cost-efficient, highly effective means of promoting this nation's interests abroad.

Sincerely,

DAVID W. BURKE,
Chairman.

Mr. BIDEN. This is just one paragraph from it.

. . . the Board believes that a transfer of existing broadcasting support costs and personnel from USIA to the international broadcasting entity would be a "cost neutral" transaction within the foreign affairs budget function. Such a transfer could cover space costs and management support services currently provided by USIA, including security, accounting, payroll, training, and procurement.

This notion that salaries would explode isn't realistic. We can't even get a raise for judges here, which most of my colleagues tell me we should get. They have to come with an appropriation every year. You think these salaries are going to explode and that this is going to be a sitting duck?

My view is, if I can see it, if I can feel it, if I have to confirm it and it is not buried in an organization, I have a lot more impact on it. Look, as I said, there is a lot to say, but the former VOA directors, the Voice of America directors, they do not argue, Democrat and Republican, that we should put the radios and VOA into the State Department. They say keep it where it is.

So, I really admire the Senator. I will say again, the people of Wisconsin should be thankful and appreciative that he kept his commitment. He saved them money. Like in that movie, "Show me the money." You saved them the money. Now, move on, Senator. There ain't no more money to save unless you are eliminating all of the radios. And if you move them into the State Department, which your amendment would do, that will be the effect.

I asked my colleague, because we are good friends, I asked, how long are you going to go on this? He said, well, I am going to make my points and then go as long as required to have to respond to your responses. I said, you mean if I don't keep responding, you won't respond?

I think he implicitly said yes. So I am going to stop responding to his responses in the hope that he will stop responding and we can get on with the vote. Hopefully, the vote will be like it was in the Senate Foreign Relations Committee, overwhelmingly, a majority of Democrats and majority of Republicans staying committed to the savings he has initiated and staying committed to the radios.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am enjoying this debate and also enjoying the Senator's command of popular culture. I think this has been a very instructive thing for me over the past few years to work with him on this. I admire his passion. It is born of a lot of experience and knowledge of foreign policy over the years, to which I defer. So I do respect him on this and appreciate the kind words about the savings we have achieved. The Senator is right. And I do try to be straightforward. The Senator from Delaware would say, in fact, he is correct. We have made those savings working together, including with the chairman, whose good support also made that possible.

That is a victory that we can be happy about. But I can't just look at this bill and feel this is the end of the story. Whatever analogy you want to use, winning the inning but not winning the game, it is not terribly satisfying if you achieve something and then find out a few years later that you set up a scenario—not a fact, I again give you that, but a scenario—where you have the feeling that it might come undone, that there is a good chance it will come undone. Because we are making what appear to be the same mistakes that were made in the past, in terms of how this was set up, that led to the abuses, that led to the need for the agreement that the Senator and I put together several years ago.

It reminds me of the expression, I still can't find out who said it, I don't know if it was President Reagan or President Bush, something along the lines that "the only thing that is immortal in Washington, DC, is a Federal agency," this concern that somehow we can't ever wean ourselves from the structure of an independent agency, that once they exist they have their own constituency and they exist forever.

Mr. BIDEN. Will the Senator yield for one point on that?

Mr. FEINGOLD. I yield for a question.

Mr. BIDEN. Mr. President, again, the Senator is always straightforward. He indicates he worries that this is a scenario for reenacting a set of circumstances, putting in place a set of circumstances, that will allow the abuses that took place before to come around again. I am not being smart when I say this, but you, Senator FEINGOLD are going to be here. The likelihood of that happening with you sitting here in this Chamber and with it sitting out there by itself is zero, unless all of a sudden you go back to Wisconsin and decide that you don't like your—and I mean this positively—your crusade for fiscal responsibility anymore.

I pointed out in the beginning, one thing I have found out about you is your tenacity. I can't believe there is any reasonable prospect that the scenario you fear has any prospect of occurring while you are here. I don't think it is occurring period, but in terms of what is likely to happen, I don't want to be a board member when they come back and tell you, "By the way, we're not privatizing," and "By the way, we want more money," and "By the way, we're increasing our salaries," all of which would have to come through here.

I will argue again, if it is buried inside the State Department, you have a much better chance of it occurring there than if it is sitting out in the cold light of day, and I mean that sincerely.

Mr. FEINGOLD. Mr. President, to answer the Senator's question, I appreciate his very positive political prognosis for me, and I hope he is right. I would rather not, after all the work I have done on this and all the work he has done on this, simply leave this issue to the hope that I or others in the future will have the time, the energy and the interest to focus on this particular matter. There are so many things we need to work on to cut the fat out of the Federal Government. It is incredible.

We go home and tell people we finally passed a bipartisan balanced budget, and they look at us skeptically. The first thing I say to them is, "Don't kid yourself, there is still an awful lot of fat in Washington, an incredible amount." The energy it takes to focus on this one particular piece and clean it up is very, very taxing. I can't simply hope that my own ability to pursue this will last forever.

Let's face it, these radios have been there for 50 years. I know there are Members here who approach that kind of tenure, but for most of us, we have to try to set something up that we hope will last after we are gone.

This is relevant to an interesting point that the Senator from Delaware was making where he eloquently outlined the past, the important role that Radio Free Europe and Radio Liberty played during the cold war. But in so doing, he made an interesting comment about how things are different now. He said "We have gone from cold war to chaos." I think that was well said.

But the problem is that this new world that we are living in is much more complicated than it used to be, involving a lot of different forums for different ideologies, different constellations in power. But there are also different technologies, technologies that did not exist at the time the assumptions that the Senator from Delaware was speaking about were made. Things like the BBC, things like CNN, things like the Internet.

That is not to say that radios do not have an important role, and perhaps a unique role, as you were indicating, in a number of these situations. But, Mr. President, it is a different world than the world that required us to set up Radio Free Europe and Radio Liberty in the way that we did as a surrogate radio.

Who is to say that we cannot at this point, without using Federal dollars, have our official Government broadcasting done by the Voice of America and then have these alternatives that we have described function as they are doing and didn't in the past, such as BBC, CNN and the Internet and then, yes, perhaps, and here I actually do not disagree with the Senator from Delaware, perhaps have a fully privatized Radio Free Europe and Radio Liberty, a fully privatized Radio Free Asia, and whatever else can be established, be a part of that combined effort to make sure that people who live under any kind of authoritarian government, such as China or any other type of government like that, whether Communist or not, would have the opportunity to get the information they need?

Mr. President, what the Senator from Delaware has really pointed out by his excellent description is what I said from the beginning. This Radio Free Europe and Radio Liberty, as a Government-funded entity, not as an entity on its own, but as a Government-funded entity, based on the notion of a need for a surrogate, is a cold-war relic. The concept of the surrogate that is somehow a part of the Government but not really part of the Government is, in my view, a relic. It is a fact and important part of the history of the 20th century. It is not a guidepost for the 21st century.

But the most important point is this. The Senator cleverly tries to take the argument as to whether or not I think radios are needed for freedom. I am not necessarily disputing that at all. Let's for the sake of argument agree that some kind of radios of this kind are a part of the constellation of services and technologies that are needed for freedom. The question here today is whether we need an independent, federally funded agency to get that job done, this sort of hybrid that claims to be independent but, obviously, isn't because it is funded by the taxpayers and the President of the United States appoints the board. This isn't independence. No one thinks it is independence, although, yes, as the Senator from

Delaware points out, perhaps during the heart of the cold war, in that context at that time, there may have been this mythical distinction which I question just how many people actually believe.

So the question here isn't do we need the radios—let's concede that for the moment—the question is, do we need a new independent agency to run the radios when the Senator himself just said this whole thing is supposed to be completely privatized by 1999 anyway. How important can it be to have an independent agency to do this funded by the Federal Government when he himself just said we are going to privatize the whole thing by 1999?

What it comes down to is this. The Senator from Delaware has given a great speech, a very accurate speech, but it is most appropriately a speech given to people in this country who have a lot of money, who want to privatize and pay for a privatized Radio Free Europe and Radio Liberty. That is to whom these words should be spoken, people like Steve Forbes who would be able to put in this kind of money and is interested in it. That is who should hear the plea, not the U.S. taxpayers who have paid enough already in this area.

Let's just review the facts about independence and lack of independence.

Fact: The Board for International Broadcasting was an independent agency, and during its tenure as an independent agency, there were horrible revelations of fiscal abuse. That is the fact. The Senator from Delaware says, what would you rather have, an agency that stands out there alone or one that is in the State Department? The fact is, when the Board for International Broadcasting stood alone, that is when the huge abuses, the $200,000 and $300,000 salaries paid by the American taxpayers, occurred, when it was independent.

Fact No. 2: That there has been a time period when this board was not independent, when, under our agreement, it went under the United States Information Agency. And what happened during that tenure when it was not independent, when it was supervised, when it did have to submit its budget to the head of USIA? What happened is we achieved these things, we achieved these efficiencies. That is when it happened.

So I will go with the same test the Senator from Delaware has suggested: When it was on its own, it failed and was abusive; when it has been under the supervision of another agency that is dedicated to controlling it, it has been under control. We cannot simply create a new pleader here in the form of a new Federal agency. It will need its own staff and personnel. The Senator from Delaware says it won't be required to, but it is allowed to.

I simply cannot understand how any of us believe after the record of Radio Free Europe and Radio Liberty under the Board for International Broadcasting, that letting it be free—subject only to appointment and confirmation hearings—that somehow that will lead to a better situation. That is the history, two different scenarios: the record, when it was independent, which is one of terrible fiscal abuse, and the record since it was put under another department under the USIA, which everyone has conceded has been much better.

Mr. President, I strongly suggest we should avoid this step of creating a new Federal agency. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I always enjoy debating my friend from Wisconsin. It has been a hundred years since I have been a trial lawyer, but one of the things a fellow I used to work for, a great trial lawyer in Delaware named Sid Balick, used to say was, when you have said what you wanted to say, you made the points the best you can, it is best to sit down. I yield the floor.

Mr. MCCAIN. Mr. President, I rise today to speak in support of the public diplomacy conducted by the United States Information Agency, which, under the terms of the legislation before us, will be folded into the Department of State, USIA, as we are all aware, oversees the Voice of America and, more recently, Radio Free Europe/Radio Liberty.

It has often been pointed out that, after the guns fall silent, the United States rushes to disarm. Many in this chamber would argue that such disarmament is being undertaken once again in the wake of the demise of the Soviet Union and consequent end to the cold war. We are not here, however, to debate issues of military strategy and force structure. That discussion will take place in the near future when the defense authorization bill comes to the floor.

The issue I wish to address today, however, is closely related to the phenomenon involving large-scale reductions in the size and aggregate capability of our Armed Forces in times of peace. There is another element to what has been called the arsenal of democracy that is vital to our national defense, yet which receives little attention and operates with minimal funding. That instrument of foreign policy is public diplomacy—the conveyance of accurate, objective news to people who otherwise are not exposed to a free flow of information, who have the misfortune of living in countries ruled by dictatorial regimes.

Mr. President, there is little that an authoritarian or totalitarian government fears as much as the dissemination of truth. Whether broadcasts into German-occupied France or Radio Free Europe and Radio Liberty transmissions behind the Iron Curtain, the truth is a powerful weapon when wielded with fortitude in the struggle against tyranny. The images of individuals and families hiding in darkened basements, gathered around a radio, volume kept low so as to avoid detection, is compelling. It is an image that has captured millions over the decades. Distribution of radio sets and literature can play as important a role in the fight for freedom as the aircraft, tanks, and ships on which we expend billions of dollars.

The post-cold-war era coincides with the explosion in what has come to be known as the "Information Age." As portable and home computers become more readily available, the ability to disseminate information has reached levels previously only imagined. It is very important that the United States not ignore this potential in the continuing fight for self-determination and democratization.

I remain a strong supporter of the public diplomacy activities of the U.S. Government. It is true that the end of the cold war has diminished the need for Radio Free Europe. It has not, however, eliminated that need, as political turmoil in Albania and the ongoing problems in Bosnia-Herzegovina, as well as in Serbia itself, attest. Furthermore, while I am a strong supporter of maintaining open ties with China, including in the area of trade, the advent of Radio Free Asia is an essential element in our long-term effort at facilitating a transformation in that country toward a more liberal political system characterized by free speech.

The bill currently before us restructures our public diplomacy apparatus to both streamline the bureaucracies and ensure their continued vitality and independence. Those are worthy goals deserving of our support. While I am concerned about the effort to retain Radio Free Europe/Radio Liberty within the U.S. Government rather than privatize it as directed in the Foreign Relations Authorization Act for fiscal years 1994–1995, the attention afforded public diplomacy in the State Department authorization bill for fiscal year 1998 is highly commendable.

Public diplomacy remains an important instrument of our foreign policy. The free flow of information will never wane as an essential element of our national security apparatus. Truth remains the greatest enemy of tyranny, and until liberal democracies are firmly entrenched in every country of every region of the world, we must continue to support such activities.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I inquire of the Senator if he desires a rollcall vote on this?

Mr. FEINGOLD. Mr. President, I would like a rollcall vote.

Mr. HELMS. Very well. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I have the greatest respect for the Senator from Wisconsin. I think he knows that. I know his mother-in-law and I put in every personal reference I can, but he is simply wrong on this. He is operating in perfectly good faith, but this is wrong. This provision does not create a new Government agency. What it does is simply keep a current function of USIA and move the rest of them out. It is the only thing left.

The radios—Radio Free Europe and Radio Liberty and Radio Free Asia and Radio Free Iran, the Voice of America and the Cuban radio, Radio Marti—will be separate from the Department of State. No new missions are created, no new bureaucracies are established. We simply maintain the independence and editorial integrity of the already-existing radios.

Warnings that this bill will return us to the old age of corruption and mismanagement are simply not so. As a matter of fact, I was dealing with these radios a long time before the Senator came to the Senate. As the saying goes, I fought the Battle of Jericho many times on this and generally I won.

This bill simply extends the authority of the State Department inspector general giving the inspector general full oversight over the radios and the entire bureau of broadcasting and gives the Under Secretary of State for Public Diplomacy a permanent seat on the broadcasting Board of Governors, ensuring that their management will come under the scrutiny of the State Department. And under this legislation, the Director of broadcasting will serve not at the pleasure of the board, as he does today, but rather at the pleasure of the President with the advice and consent of the Senate.

Lastly, I have heard from the head of every one of these radio entities. And to a man, to a woman, they are opposed to the Senator's amendment.

Mr. President, I am tempted to move to table, but because of my affection for the distinguished Senator I shall not do that. I will let him have an up-or-down vote.

I thank the Chair. And we may proceed to a vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 395. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming [Mr. ENZI], the Senator from Idaho [Mr. KEMPTHONE], and the Senator from Kansas [Mr. ROBERTS] are necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from South Dakota [Mr. JOHNSON] are necessarily absent.

I further announce that the Senator from South Dakota [Mr. JOHNSON] is absent attending a funeral.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 21, nays 74, as follows:

The result was announced—yeas 21, nays 74, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—21

Baucus	Feingold	Moseley-Braun
Bingaman	Harkin	Reed
Boxer	Kennedy	Reid
Bryan	Kerrey	Rockefeller
Bumpers	Kerry	Sarbanes
Conrad	Kohl	Wellstone
Dorgan	Leahy	Wyden

NAYS—74

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Allard	Frist	McCain
Ashcroft	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moynihan
Bond	Gramm	Murkowski
Breaux	Grams	Murray
Brownback	Grassley	Nickles
Burns	Gregg	Robb
Byrd	Hagel	Roth
Campbell	Hatch	Santorum
Chafee	Helms	Sessions
Cleland	Hollings	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Inouye	Specter
Craig	Jeffords	Stevens
D'Amato	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Levin	Torricelli
Durbin	Lieberman	Warner
Faircloth	Lott	

NOT VOTING—5

Daschle	Johnson	Roberts
Enzi	Kempthorne	

The amendment (No. 395) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I want to say how much I appreciate the good work that has been done on this legislation. It is truly a bipartisan compromise. The distinguished chairman and ranking member, the Senator from Delaware, have really worked hard and have come together, I think, on a good bill. It is obvious that the bill is going to be supported by the overwhelming votes that we have seen here today.

It is important that we finish this bill tonight. There are not a lot of amendments left. I hope that the Senators who have amendments they are seriously interested in will come to the floor right away and talk to the chairman so that we can finish this up in the next hour and a half or 2 hours.

I thank the Senator from Kentucky, who is acting as leader in the absence of our good friend, Senator DASCHLE. Let's really stay behind this and see if we can't finish in the next couple of hours. I wanted to make that point.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, the regular order would bring up the Sarbanes amendment. We have worked that out. I think we have two others that we are willing to accept and are agreeable to accept. That would be Senator DAN INOUYE on the East-West Center and Senator SMITH of Oregon on China.

I ask unanimous consent that it be in order for those three to be handled in tandem.

Mr. SARBANES. Mr. President, is the Sarbanes amendment now pending?

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the Senator from North Carolina?

The Senator from North Carolina has sought consent to consider these amendments in the following order: The Senator from Maryland, Senator SARBANES; the Senator from Hawaii, Senator INOUYE; and the Senator from Oregon, Senator SMITH.

Is there objection?

There being no objection, it is so ordered.

The Senator from Maryland is recognized.

AMENDMENT NO. 393, AS MODIFIED

Mr. SARBANES. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment will be so modified.

The amendment (No. 393), as modified, is as follows:

On page 160, strike line 21 and all that follows through line 7 on page 162, and insert in lieu thereof the following: "international organizations under the heading 'Assessed Contributions to International Organizations' may not exceed $900,000,000 for each of fiscal years 1999 and 2000."

Mr. SARBANES. This modification has been worked out with the managers of the bill. I appreciate their accommodation on this.

Mr. HELMS. Mr. President, I urge approval of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 393), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

AMENDMENT NO. 376, AS MODIFIED

Mr. INOUYE. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 376), as modified, is as follows:

At the end of section 1301 of the bill, insert the following new paragraph:

(C) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—There are authorized to be appropriated no more than $10,000,000 for fiscal year 1998 and no more than $10,000,000 for fiscal year 1999.

Mr. INOUYE. Mr. President, this modification has been cleared and approved by the Senator from Minnesota [Mr. GRAMS], and the distinguished managers of the measure.

Mr. HELMS. Mr. President, I urge approval of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 376), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 396

Mr. SMITH of Oregon. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself and Mr. THOMAS, proposes an amendment numbered 396.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SEC. . SENSE OF THE SENATE ON PERSECUTION OF CHRISTIAN MINORITIES IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) The Senate finds that—

(1) Chinese law requires all religious congregations, including Christian congregations, to "register" with the Bureau of Religious Affairs, and Christian congregations, depending on denominational affiliation, to be monitored by either the "Three Self Patriotic Movement Committee of the Protestant Churches of China," the "Chinese Christian Council," the "Chinese Patriotic Catholic Association," or the "Chinese Catholic Bishops College;"

(2) the manner in which these registration requirements are implemented and enforced allows the government to exercise direct control over all congregations and their religious activities, and also discourages congregants who fear government persecution and harassment on account of their religious beliefs;

(3) in the past several years, unofficial Protestant and Catholic communities have been targeted by the Chinese government in an effort to force all churches to register with the government or face forced dissolution;

(4) this campaign has resulted in the beating and harassment of congregants by Chinese public security forces, the closure of churches, and numerous arrests, fines, and criminal and administrative sentences. For example, as reported by credible American and multinational nongovernmental organizations,

—in February 1995, 500 to 600 evangelical Christians from Jiangsu and Zhejiang Provinces met in Huaian, Jiangsu Province. Public Security Bureau personnel broke up the meeting, beat several participants, imprisoned several of the organizers, and levied severe fines on others;

—in April 1996 government authorities in Shanghai closed more than 300 home churches or meeting places;

—from January through May, 1996, security forces fanned out through northern Hebei Province, a Catholic stronghold, in order to prevent an annual attendance at a major Marian shrine by arresting clergy and lay Catholics and confining prospective attendees to their villages.

—a communist party document dated November 20, 1996 entitled "The Legal Procedures for Implementing the Eradication of the Illegal Activities of the Underground Catholic Church" details steps for eliminating the Catholic movement in Chongren, Xian, Fuzhou and Jiangxi Provinces and accuses believers of "seriously disturbing the social order and affecting [the] political stability" of the country; and

—in March 1997, public security officials raided the home of the "underground" Bishop of Shanghai, confiscating religious articles and $2,500 belonging to the church;

(b) It is, therefore, the sense of the Senate that—

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of the official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the U.N. Universal Declaration of Human Rights; and

(4) the Administration should raise the United States' concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings which may take place.

Mr. SMITH of Oregon. Mr. President, one of the threshold rights that we as Americans hold dear is the right to worship God according to the dictates of one's own conscience. It is for that reason that many Christians and people of all faiths are disturbed by news headlines about the persecution of Christians, specifically, and other religious minorities generally in the nation of the People's Republic of China.

This body is about to engage in a great debate on the issue of China and how the religious minorities of that great nation are treated by its government. Many of us are concerned about this issue and find it appalling to read accounts of the persecution of Christians in that nation. I, for one, believe that the best way to help China change its internal affairs toward religious minorities is not by escalating a trade war or military competition with them, but rather to engage them and to focus the spotlight upon this issue in every forum that we can find. I think businesses have an obligation to do that, and I believe we, as U.S. Senators, have an obligation to do that.

For that reason, today, I rise to offer this amendment, which is a sense-of-the-Senate amendment, that will focus on the issue of religious persecution in the People's Republic of China. Specifically, it says that:

It is, therefore, the sense of the Senate that:

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the United Nations Universal Declaration of Human Rights; and

(4) the Administration should raise the United States' concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings that may take place.

I believe this amendment has the approval on both sides. I thank the Chair and the managers of the bill for this time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD. Does the manager want to pass this amendment?

Mr. HELMS. Mr. President, first of all, I ask unanimous consent that I be added as a cosponsor to the Senator's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I urge adoption of the amendment.

Mr. FORD. Mr. President, we agree to the amendment.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 396) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERREY. Mr. President, I rise today to discuss my thoughts on the State Department authorization bill. I am afraid that too often we minimize the importance of legislation that deals with foreign policy because it is an issue that fails to capture the interest of our constituents. In my opinion, this lack of interest is a sign of failure on our part to explain to our constituents the importance of sound foreign policy to their lives.

At the same time, more and more people in my home State are coming to know the importance of trade in developing our economy and creating new markets for Nebraska agricultural and industrial products. Essential to a profitable trade environment is a stable diplomatic relationship. It is our State Department that takes a leading role in creating the ties that will lead to new markets and prosperous trade relations. We must do a better job of explaining the link between foreign policy and a healthy economy based on free trade.

Mr. President, it is also important that we remember that failure of foreign policy can have deadly consequences. Our investment in the State Department and international organizations such as the United Nations represents a fraction of the monetary investment required for the United States to respond militarily to a threat to our interests that may have been averted through diplomacy, not to mention the investment in human lives.

Mr. President, this bill is a significant improvement over similar legislation that has come before the Senate in that it addresses very difficult and contentious issues with fewer of the controversial policy provisions that have doomed past legislation. This is not to say that this bill is void of provisions that cause me concern, but I am hopeful that as the process moves forward these issues will be worked out.

Division A of this bill addresses the consolidation and restructuring of our foreign policy agencies. Aside from streamlining these agencies, I am hopeful this legislation will help us construct a foreign policy structure better prepared to respond to the challenges it will face in the post-cold-war world. By consolidating the Arms Control and Disarmament Agency and the U.S. Information Agency into the State Department, we are not saying that arms control and public diplomacy are less important than during the cold war. Instead, we are reaffirming their importance by placing these tasks under the direct control of the Secretary of State. On this point, I would like to praise the administration, the chairman, and ranking member of the Foreign Relations Committee for pursuing a reorganization plan that will strengthen U.S. foreign policy by strengthening the role of our Secretary of State. I do share the concerns expressed by the administration and believe that it is important for the President and the Secretary of State to have a sufficient amount of flexibility during the process of restructuring in order to ensure the greatest amount of efficiency and ability to meet the challenges of the 21st century.

Division B of this bill contains the authorizations of appropriations for the State Department and related agencies. I recognize the fiscal constraint under which we are operating, but I am very concerned by the failure of this bill to fully fund our foreign policy agencies. While the $6.08 billion authorized in the bill is close to the $6.15 billion requested by the President, funding levels fall short in several key accounts.

First, this bill authorizes $59 million less than was requested by the President for contributions to international organizations; there is also a $40 million shortfall from the amount requested for international peacekeeping. Finally, the bill reduces ACDA's authorization level from $46 million to $39 million. At a time in which we are calling for ACDA to be integrated into the State Department, it is important that we not shortchange this agency. Each of these funding shortfalls threatens the effectiveness of agencies and calls into question our commitment to maintaining a strong foreign policy.

Mr. President, the final section of the bill, division C, is of particular interest and concern to me. Once again, I am pleased that the Senate has finally chosen to address the issue of US arrears to the United Nations, but I am concerned about the approach that is taken in this bill.

Mr. President, let me first state that I fully support U.S. participation in the United Nations. In helping to create the United Nations in 1945, the United States sought to create an organization of countries that could work together to achieve common goals. Today, the United Nations remains an important forum of consultation and cooperation in which the United States can work with other nations to advance our interests. However, I fear that the ability of the United States to use its power in the United Nations will be jeopardized by our inability to pay our bills.

I do not disagree with those who push for continued reforms within the United Nations. However, I am concerned that many of the benchmarks and conditions contained in this bill play to the unfounded fears of a few in our society and go too far in dictating policy to the United Nations. Mr. President, I do not believe that the United States should put itself in the position of micromanaging the United Nations. While the United States remains the most influential country in the United Nations we must recognize the need to work with, rather than dictate to, the remaining 183 countries. We in the United States are groping with our own fiscal problems, we should not be so quick to assume we have a monopoly on reform.

It is for this reason that I supported Senator LUGAR's amendment. Aside from fully funding the $819 million in arrears payments over 2 years, Senator LUGAR's amendment would have deleted the benchmarks and conditions contained in the bill. In my opinion, we must live up to our international commitments or be prepared to face the consequences of surrendering our leadership role in the world.

Mr. President, while I have many concerns, and I believe that this bill could have been crafted in a way that would have further advanced our foreign policy goals, on balance I believe this bill represents a positive step forward and I will vote in favor of final passage. By radically reorganizing our foreign policy apparatus, we better prepare ourselves to meet the foreign policy challenges we are certain to face in the future. Finally, despite the concerns I have about our approach, I believe that this bill will move us toward paying our debts to the United Nations and reestablishing U.S. leadership.

SECTION 2108

Mr. HELMS. Mr. President, the section of the Foreign Relations Committee report on S. 903, the Foreign Affairs Reform and Restructuring Act of 1997 (Report No. 105-28), describing section 2108 on the Organization of American States was inadvertently left out of the printed report. In order to establish the legislative history of section 2108 of S. 903, I ask unanimous consent that a description be in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Section 2108—Organization of American States

Expresses the sense of Congress that the Secretary of State should make every effort to pay the United States assessed funding levels for the Organization of American States (OAS).

The Committee recognizes the unique relationship and importance of the OAS to the United States. The Committee also notes that the OAS is disproportionately reliant on the United States assessed contribution, with the United States providing 59 percent of the organization's assessed budget.

The Committee has encouraged reform of international organizations. The OAS, to its credit, has taken a number of positive steps

to reform, including establishing an independent Inspector General, mandating annual independent financial audits, establishing a Unit for the Promotion of Democracy, while holding the line on the budget and reducing personnel from 1700 to 600. Section 2108 acknowledges the progress made by the OAS in streamlining the institution and maximizing its resources.

The Committee also takes note of the work of the OAS, especially in promoting democratic processes and institutions, most recently in Nicaragua and the Dominican Republic, and in contributing to reconciliation in Central America, most notably the work of the International Support and Verification Commission (CIAV) in Nicaragua.

REAUTHORIZATION OF AU PAIR PROGRAM

Mr. KENNEDY. Mr. President, section 1314 of the State Department authorization bill reauthorizes the Au Pair Cultural Exchange Program in the United States Information Agency.

Over the years, this program has won broad support in Congress and across the country, helping working families with their child care needs while providing valuable experience of life in America for young men and women from overseas.

However, earlier this year, the people of Massachusetts were stunned by the tragic death of a child in Newton at the hands of a participant in the program. I wrote to USIA immediately, requesting an urgent review of current procedures for screening participants in the program and requesting USIA's recommendations for strengthening them.

As the Senate votes today to approve this legislation, USIA is in the process of promulgating new regulations for the au pair program which will be published in the next few days. I believe that these regulations will provide greater assurance to the thousands of American families who have come to rely on this program that the au pairs who participate are better trained and better screened. I understand that the new rules will enhance the training and experience requirements for au pairs to qualify for the program. The regulations should enhance the involvement of American families in selecting the au pairs to care for their children. In addition, new regulations will ensure that au pairs are not overworked and are able to participate in educational programs that strengthens the cultural and educational exchanges at the heart of this important program.

Finally, this program will remain under periodic review. In fact, every fifth year, a comprehensive re-examination of the program is required to determine whether the program will be continued.

These are welcome improvements in the au pair program. They will benefit American families with child care needs, and benefit the cultural exchange programs that are such an important aspect of ours with other countries. This reauthorization is a key part of this overall bill, and I urge members of the Senate to support it.

Mr. LIEBERMAN. Mr. President, I rise this afternoon to congratulate Senator HELMS, Senator BIDEN and the members of the Senate Foreign Relations Committee for the bipartisan spirit reflected in the Foreign Affairs Reform bill, and particularly for their efforts to restructure the foreign affairs agencies for the 21st century.

When a proposal to consolidate agencies came to the floor last year, I offered an amendment that would have struck provisions integrating the United States Information Agency into the Department of State. At that time, there appeared to be a serious risk that the valuable mission of USIA, public diplomacy, would be harmed in a consolidation process overly inspired by a zeal to slash budgets and bureaucracies. I will continue to watch this closely.

Those of us who shared this concern are pleased that the effort being made now will strengthen and not diminish public diplomacy by keeping the focus on the team responsible for its conduct. Despite the wonderful capabilities of technology, we cannot count on it alone to carry America's message to foreign countries. There will always be the problem that Edward R. Murrow described as taking the message "the last three feet."

What I imagine Murrow meant was that foreign publics will be open to understanding America's case only when they know us and respect us, and when we know enough about them to relate to their interests and values. This means more than shouting at them through technology's loudspeakers. It means "being there," having foreign service professionals in the field whose work it is to cultivate relationships that go beyond government-to-government communiques.

American interests and values will be served through effective use of the international media, the internet, and government broadcasting capabilities such as the Voice of America. But we must not allow these tools of mass communications to become separated from the professionals on the ground who follow the pulse of the people, whether in the market or at the University. American foreign policy needs engagement, up close and personal, now more than ever.

And so I am heartened by the efforts this legislation makes to advance public diplomacy and I encourage my colleagues here in Congress, and the Administration, to remain focused on the importance of the mission at hand rather than on the potential for modest savings later on.

In that same vein, Mr. President, I also would like to thank Senator LUGAR for introducing in this legislation a foreign affairs review process as a necessary corollary to agency reorganization. Senator LUGAR and I worked together to craft this approach because we believe it is time to examine systematically what our diplomacy must do for us in the 21st century. The review, which has been endorsed by a large, distinguished, and diverse group of foreign affairs experts and others with a great deal of public and private international experience, will look at the functions of all the federal departments and agencies with interests and assets overseas.

Some describe the way we do America's business abroad as "a 40 agency conundrum." Dozens of agencies, in addition to State, USIA, AID and the other "traditional" members of the foreign affairs community, pursue separate overseas agendas with little coordination or cooperation between them. It is an inefficient and, as the world continues to change from the stark East-West split of the Cold War, an ineffective way to advance our interests and values around the globe.

The end of the Cold War has brought new challenges and opportunities to our international relations. We have seen how these can erupt into conflicts that disrupt economic life, produce waves of desperate refugees, threaten public health and the environment, and sometimes provoke horrible violence. We cannot respond to these new circumstances by relying on old methods.

Streamlining bureaucracies is an important step in the right direction. But we need to do more. It will not serve our interests to do the wrong things more efficiently. We need to look inside the organizations themselves to see what they do and how they do it. We need to evaluate both the necessity and the manner of their work. Our representatives overseas often are locked in mind-numbing endeavors with no discernible value apart from feeding an insatiable Cold War dinosaur. Jurassic Park was a terrific movie; but it's a lousy model for foreign policy.

This legislation addresses that problem. It creates an outside commission to examine the way America conducts its international relations and it reinforces that effort with parallel study by the Secretary of State. Ultimately, the Secretary, the official with responsibility for the conduct of our foreign relations, will reconcile the reviews and make proposals to the Congress for any needed changes. Our goal here is not just to improve the way we organize foreign policy. It is to improve the way we conduct foreign policy.

Mr. President, the key to continued American leadership in the 21st century will be our ability to create more options. Not just to identify the trends and possibilities that circumstances present to us, but to create the opportunities for action that reflect our values and advance our interests. We are the world's indispensable country because we are the only nation with the resonating ideals, the geographical size

and location, the economic and military strength, and the political and social diversity to make our presence felt and to exert our influence in every corner of the globe. No other nation can provide that leadership to the world's democratic nations, the leadership to shape a world in which our people can pursue their destiny less encumbered by the unnecessary divisions among the world's people. We in Congress have the privilege and responsibility of safeguarding and enhancing America's moral and material leadership around the world. We do that, in part, by supporting and renewing the agencies and people charged with representing us overseas. We do that by focusing on their mission, and giving them the resources to carry it out.

This bill is a an important step forward. It recognizes that we need more money for aggressive, smart diplomacy—that we cannot continue to conduct it on a frayed shoestring. It recognizes that our world has changed, and is continuing to change, by directing that we begin to conduct our diplomacy more effectively and to begin to think seriously about what our foreign affairs agencies must be able to do so that the 21st century will not be, in the words of one diplomat, a repeat of the 20th century. And by resolving a serious, lingering conflict over the UN, it recognizes that we are an inseperable part of the family of nations, and that we must work to make the only global organization for this family better—not withdraw from it.

Mr. GRAMS. Mr. President, this historic, bipartisan deal was the result of arduous, delicate negotiations—nearly 5 months of painstaking talks with the chairman, the administration, Senator BIDEN, and his staff. After all that work, after all that effort, we have succeeded in hammering out a fragile bipartisan deal—a deal which saves the American taxpayers money, reforms our foreign affairs apparatus, and requires much needed reform at the United Nations. None of us got everything we wanted. All of us had to make concessions. But the result is a package that, while far from perfect, is something we should all be able to live with.

I strongly support the U.N. reform measures. These reforms will help the American taxpayer, and help the international community by creating a United Nations that works. History shows that reforms at the United Nations only happen when Congress mandates those reforms by making its U.N. payments conditional on the implementation of reforms. Consider the recent record: Congress withheld funding until the United Nations established an Independent Office of Internal Oversight—and it happened, and Congress withheld funding until the United Nations appointed an inspector general—and it happened.

Under the terms of this legislation, we reduce our regular budget assessment to 20 percent. We reduce our peacekeeping assessment to 25 percent. We reimburse the American taxpayers for U.S. assistance to U.N. peacekeeping operations. We establish an inspector general in the big three agencies to root out waste, fraud, and corruption. We ensure a U.S. seat on the budget committee. These are some of the conditions which must be accepted by the United Nations in order to receive the payment of the $819 million in arrears. They are not radical; they are not extreme; they provide a framework for change so the United Nations can become more effective. We have crafted a reform package that is necessary. This is a package that will work.

This is a historic piece of legislation. We are dismantling our cold war foreign relations bureaucracy; we are creating a more effective United Nations, and we are prioritizing our international affairs expenditures. We need a more effective foreign affairs apparatus, both at home and at the United Nations, in order to confront the challenges to peace and security in the future. This bill will help us to provide the structure that we will need for America to secure its leadership role in the international arena.

Mr. HELMS. Mr. President, we are trying to assemble a list, and there is a fair hope that we can finish in maybe an hour, hour and a half if Senators who have made indications that they have amendments will let us know if they really intend to offer the amendments.

So while that is working, I will suggest the absence of a quorum.

Mr. FORD. If the Senator will withhold that, Mr. President, I understand there are basically no amendments on this side, maybe a technical amendment or two. So we are very close to being ready to move forward with third reading and final passage. So anything we can do to encourage others to do that or anything we can do to help, please let us know.

Mr. HELMS. I thank the Senator.

I yield the floor.

Mr. SPECTER. Mr. President, I have conferred with the distinguished chairman of the committee and have his agreement that I might interrupt, since we are about to go into a quorum call anyway, to ask unanimous consent for up to 5 minutes to introduce a separate piece of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 923 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HELMS. Mr. President, we have about six or eight possible amendments remaining. Some of them were submitted by staff. We have not heard anything from any of the Senators involved.

I ask unanimous consent that by 25 minutes until 6—which is about 20 minutes from now—if we have not heard from Senators themselves that they wish to call up an amendment or an amendment on the list, we will assume they no longer are interested in such an amendment, and we will proceed to third reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I ask that the distinguished Senator from Texas be recognized to offer an amendment.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 397

(Purpose: To express the Sense of the Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process)

Mrs. HUTCHISON. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 397.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly:)

SEC. . SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) The West's victory in the Cold War dramatically changed the political and national security landscape in Europe;

(2) The unity, resolve, and strength of the North Atlantic Treaty Organization was the principal factor behind that victory;

(3) The North Atlantic Treaty was signed in April 1949 and created the most successful defense alliance in history;

(4) The President of the United States and leaders of other NATO countries have indicated their intention to enlarge alliance membership to include at least three new countries;

(5) The Senate expressed its approval of the enlargement process by voting 81–16 in favor of the NATO Enlargement Facilitation Act of 1996.

(6) The United States is bound by Article Five of the North Atlantic Treaty to respond

to an attack on any NATO member as it would to an attack on the United States itself;

(7) Although the prospect of NATO membership has provided the impetus for several countries to resolve long standing disputes, the North Atlantic Treaty does not provide for a formal dispute resolution process by which members can resolve differences among themselves without undermining Article Five obligations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process within the Alliance prior to its December 1997 ministerial meeting.

Mrs. HUTCHISON. Mr. President, this is an amendment that I believe is agreed to by both sides. I am very pleased that both sides have agreed to this because it deals with NATO expansion and is something that I think will strengthen our ability to expand NATO, will make sure that we have considered many of the potential problems that could arise, and have a dispute resolution process to deal with those so that we will not have to call on Article Five.

As everyone knows, Article Five says that any attack on any NATO country is an attack on the United States or any of the other NATO allies.

We want to make sure that, if there is a border dispute or some sort of internal dispute within a country or between two neighboring countries or between any two countries who are members of NATO, we have a dispute resolution process so that we can have a way for people to go to the bargaining table, and the process is a binding arbitration—much like binding arbitration in labor negotiations in the United States—so that rather than have a question about whether we are going to be on one side or the other in a military conflict, that we have a process that everyone who is a present member of NATO and any future members of NATO would agree to that would be perhaps—this is not in the agreement yet—perhaps where each country in the dispute would pick one other country in NATO as their representative. Those two representative countries would then pick a neutral representative to arbitrate the differences.

The important thing is there would be an agreement for binding arbitration. So, if there was a flare-up between two present members of NATO—say Greece and Turkey, or a future member of NATO, Hungary and Romania, for instance—there would be a way for us to have a process that everyone agreed to before there were new members added and that could be brought into fruition right at the time of the dispute so that there would not be a problem, so there would be no dilution of Article Five.

So, Mr. President, this amendment is a sense of Congress that NATO would consider a formal dispute resolution process and that it would do so within NATO prior to the December 1997 ministerial meeting. It is a sense of Congress that says to our NATO allies, let's sit down and think of all the ramifications of the NATO organization as it is now and any future members that would come in. Let's look at any of the ramifications that might come—a border dispute, or disputes among countries—let's have a process that does not include warfare where everyone agrees to abide by the decision as the process is set.

I am very pleased that this sense of Congress will be accepted. I think it will strengthen any future members coming into NATO. And, frankly, Mr. President, best of all, I think it will strengthen the alliance as it stands today because I think this will avoid many future conflicts. I think the more we can do today to settle questions that might arise, the stronger this alliance will be.

Mr. President, I do think NATO is the best defense alliance in the history of the world. I want to keep it strong.

So I appreciate the acceptance of this amendment.

I urge its adoption.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank the Senator from Texas for streamlining her amendment. I appreciate it very much. It is acceptable to the minority.

I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 397) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I am considering pursuing an amendment which would take a firm stand against the terrorism of the Palestinian Authority, Chairman Yasser Arafat, and I have thought through the possibility of offering an amendment on this bill. But after consulting with members of the Administration, I have decided to await a remedy of reprogramming, with my option remaining to offer this amendment on the foreign aid bill which will be marked up in the Appropriations Committee this week and offered on the floor sometime in the near future. But I do want to make a comment or two about it, as to what I think needs to be done on the modification of U.S. law as it relates to funding for the Palestinian Authority.

In existing law, under an amendment offered by the Senator from Alabama, Senator SHELBY, and myself, the $500 million in aid to the Palestinians, the Palestinian Authority is conditioned on a maximum effort by Chairman Yasser Arafat and the Palestinians to fight terrorism and also to change the PLO charter to rescind the provision calling for the destruction of Israel. Certain events have occurred in the immediate past which, in my view, raise a question as to whether there is compliance with the Specter-Shelby amendment and whether there is a need for further statutory language to act against terrorism which has been promoted by the Palestinians.

The two specific matters that I have referred to are the bombing of the Tel Aviv restaurant resulting in the murder of three Israelis and the wounding of many more on March 21, 1997, where Prime Minister Netanyahu made a statement that Chairman Arafat had given a green light for that act of terrorism. When Secretary of State, Madeleine Albright, was before the Subcommittee on Foreign Operations Appropriations a few weeks ago, I questioned her about that, and she said that there had not been a green light, but said that Arafat had not given a red light either.

I do not want to become involved in what shade of amber, what shade of red, there is in using the expression of "lights given by Chairman Arafat." But I believe it is indispensable, if the United States is to give assistance to the Palestinians and the Palestinian Authority, that there be a maximum effort made by the Palestinian Authority and by Chairman Arafat to stop terrorism. Short of that, it is my view that we ought not to be providing U.S. funds.

The amendment that I have in my hand that I have been considering offering—I have had discussions with the distinguished chairman and ranking member and members of the Administration—calls for conditioning payment to the Palestinian Authority on the determination by the State Department that Chairman Arafat did not act in a way which failed to give a red light to stop terrorism.

The second factor of concern to me is a report by Deputy Minister of Education of Israel, Moshe Peled, that Arafat had knowledge of the proposed bombing, a terrorist act against the Trade Center in 1993, which resulted in the killing of six United States citizens and the wounding of many, many more people, and that, if in fact that allegation is true, then Arafat—Mr. President, the Senate is not in order. May we have the Senate be in order please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. If it is in fact true that Chairman Arafat had knowledge of that proposed bombing before it occurred, that would make him an accessory before the fact and a co-conspirator and subject to extradition under the so-called long-arm statutes which we enacted in 1984 and again in 1986. I think that ought to be done.

Upon learning about Chairman Arafat's possible knowledge of that bombing, I wrote to the Attorney General, asking for an investigation, received back a vacuous answer from a subordinate, wrote again asking for a detailed investigation, and I am awaiting a response from the Department of Justice on that point.

The amendment which I have been considering offering on this bill and may offer on the foreign aid bill would condition payment to the Palestinian Authority on the determination by the Department of Justice that Chairman Arafat was, in fact, not involved, having prior knowledge of the Trade Center bombing. At the conclusion of my remarks, I will make part of the RECORD, the exchange of correspondence on this issue.

I then placed a telephone call to Moshe Peled, the Deputy Minister for Education of Israel, to find out more about his assertions. I found out that he spoke Hebrew and not English, and I spoke English and not Hebrew. Then I had one of my deputies, David Brog, who speaks Hebrew, talk to him. The upshot of that conversation was that Mr. Peled stood by what had been reported but referred us to Israeli authorities to find out more about it. That, obviously, is a matter for the Department of Justice, perhaps for the Department of State. It is my view that before we make these payments, there ought to be a certification that Chairman Arafat was not in fact involved as an accessory before the fact nor was he a co-conspirator having knowledge of that matter.

In conversations with the Administration, it may be that this objective can be achieved by a reprogramming of the funds which are going to the Palestinian Authority, some $10 million, and that this would, in fact, not affect some of the other funding going to the infrastructure, which is not in Chairman Arafat's control and not in the control of the PLO or the Palestinian Authority. It may be that my objective can be achieved without offering this amendment.

I am informed by the distinguished Senator from Delaware that my proposed amendment is opposed by the Administration, and the President was sending a letter over, because it would complicate the peace process. If the Administration is prepared to deal with the Palestinian Authority and Chairman Yasser Arafat in the context where there are outstanding allegations that Arafat was an accessory before the fact or a co-conspirator on the Trade Center bombing, then I think the Administration is dead wrong. If the Administration is prepared to deal with Arafat, give him U.S. money in a context where he has given a green light or has failed to put up a red light, there again, I think they are dead wrong—maybe totally wrong. Dead wrong would be a bad expression, in the light of all the people killed by PLO terrorists.

In any event, I am prepared not to resolve the issue this afternoon in light of the fact that we may be able to accomplish it by reprogramming and in light of the fact that we may be able to bring the matter to a head if it is necessary for the Senate to vote on the foreign aid bill, which will be up before the Senate in the very near future.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, we are awaiting just a few more items of information to be included. No Senator has appeared as of 5:35, so it is presumed that there will be none.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, while we are waiting for the one remaining amendment to be offered by the Senator from Alaska, let me pay my respects to the young people on the staff of the Senate Foreign Relations Committee, both Republican and Democrat. But I will speak to and about the young people on the Republican staff, headed by the one and only Admiral James Wilson Nance, moreover known as Bud Nance, who is the chief of staff of the committee, a gentleman whom I have known since we were little boys in Monroe, and who has built that staff to one of the best that has ever been in charge of the foreign affairs side of the Foreign Relations Committee down through the years.

Then there is Tom Klein, himself a remarkable young man; Chris Walker, he is delightful; Marshall Billingslea, he is my anchor when the wind begins to blow; Ellen Bork, and, yes, she is the daughter of him, and I tell him that the daughter is smarter than he is; Dan Fiske; Garrett Grigsby; Patti McNerney, who you have seen working so diligently this afternoon and on previous occasions; Dany Pletka; Marc Theissen; Beth Wilson; Michael Westphal.

While I am thanking the Republican staff, I thank JOE BIDEN for his exceptional cooperation. It has been sort of an arduous task to do all of the detail work that had to be done, but he and I and our mutual staffs, our respective staffs, really, spent many, many hours working together, and here we are almost to the point of asking for third reading.

The reason I paused, Mr. President, is that we are finishing a fairly long list of en bloc amendments, technical amendments, which is not yet ready. In the meantime, the distinguished Senator from Alaska [Mr. MURKOWSKI] is on the floor. I welcome him and yield the floor.

Mr. MURKOWSKI. I thank my friend for accommodating my schedule. I am most appreciative of him allowing a few moments so that I may offer what I assume is the concluding amendment.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 398

(Purpose: To establish within the Department of State the position of Coordinator of Taiwan Affairs for the coordination of United States Government activities relating to the American Institute on Taiwan)

Mr. MURKOWSKI. Mr. President, I rise to offer an amendment that would increase dramatically cooperation between the Congress and Department of State on issues relating to Taiwan.

There have been a lot of problems over the last few years relative to Executive Branch-Congressional dealings with regard to Taiwan. We had a situation back in 1993, I think, when President Lee of Taiwan attempted to overnight in Hawaii on a flight from Taiwan that was traversing the Pacific Ocean to a Central American destination. Unfortunately, that was not handled very well, and I think that it reflected poorly on U.S. hospitality. I recognize the sensitivity of the issue, but, nevertheless, I think most Americans agree that it was poorly handled by the State Department.

The administration, at that time, refused to work with the Congress on this issue until 1994, when an amendment which I offered went to a vote and prevailed.

More recently, some in this Chamber might remember the controversy created by the selection of the Director of the American Institute in Taiwan, Director James Wood.

It is important to note that this directorship is not a formal ambassadorial position. It is our recognition of the uniqueness, if you will, of the existence of Taiwan that the President selects a Representative to Taiwan.

Mr. James Wood resigned from his position on January 17, 1997. There were various charges and countercharges with regard to foreign contributions during the election campaign, and the legitimacy of that I will leave to the investigators. However, a February 10 Los Angeles Times story quoted a U.S. investigator as saying

the variety of allegations constituted the "most bold and blatant" example veteran State Department officials could recall of the abuse of a diplomatic post.

I am not going to argue the merits of Mr. Wood. But the Senate knows very little about Mr. Wood or any other official with direct responsibility for Taiwan affairs, because they do not come before the Senate Foreign Relations Committee for confirmation.

In the case of Mr. Wood, it is not for lack of effort on the part of the Senate. My very good friend and chairman of the Foreign Relations Committee, Senator HELMS, is very familiar with the lack of consultation between the State Department and Congress over Mr. Wood's appointment. After receiving information from outside sources regarding the qualifications of Mr. Wood for this sensitive post, both Senator HELMS and I asked the State Department to allow us to have a meeting with Mr. Wood before his appointment. For reasons that have never been made clear, the State Department did not arrange the meeting prior to the appointment. Instead, Mr. Wood's appointment was announced while, I believe, the chairman was on the floor debating the 1995 version of the very same bill we are debating today, regarding State Department Authorization.

It is important to note that our request for consultation was certainly consistent with the spirit of the Taiwan Relations Act, which is a very unusual but workable agreement. The TRA requires the Committee on Foreign Relations to oversee the implementation of the act and the operations and procedures of the American Institute in Taiwan. I repeat that. The act itself requires the Committee on Foreign Relations to oversee the implementation of the act and the operations and procedures of the American Institute in Taiwan.

Now, "procedures" certainly suggests an oversight on the Director. Furthermore, then Secretary of State Vance at that time assured the Foreign Relations Committee in a letter to then Chairman Frank Church that—and I quote—"the names of prospective trustees and officers will be forwarded to the Foreign Relations Committee. If the Committee expresses reservations about a prospective trustee, [the Department of State] will undertake to discuss the matter fully with the Committee before proceeding."

Well, that is fine. The only problem is, the State Department did not seem to be able to get around to it. So what I am proposing is that the Senate more formally assert, or reassert, I should say, itself into this process by passing my amendment, which would require—it is very important now, Mr. President, we get this—require the coordinator for Taiwan affairs, a position that now exists at the State Department, to simply be subject to Senate confirmation.

The administration would maintain the flexibility of the appointment, but we would have the opportunity for confirmation.

So let me make it clear. Although I would have liked to propose an amendment that would have made the AIT Chairman and AIT Director subject to Senate confirmation, I have been advised that because of the particular and unusual nature of the American Institute in Taiwan, it would violate the Constitution to make these officers subject to advise and consent.

Instead, therefore, I am trying to at least get more accountability from the State Department in our Taiwan policy. It has nothing to do with the sensitivity between Taiwan and PRC. This has to do about Senate perogative to have consent and accountability associated with the process. After all, Taiwan is our eighth largest trading partner. It is an important ally. I think we should have someone at the State Department who is more accountable to the Congress as we move forward on important issues like Taiwan's bid to join the World Trade Organization.

Mr. BIDEN. Will the Senator yield?

Mr. MURKOWSKI. I urge you to support my amendment.

I would be happy to respond to questions.

Mr. BIDEN. Mr. President, I really have no question, just a statement.

I thank the Senator from Alaska for the way he is handling this. I literally just got off the phone with the Secretary of State, who said, knowing you were speaking now, that when you finished, or at any time that is convenient for you, she is willing to personally assure you, and authorized me to tell you as well, that she makes a personal commitment that she will coordinate more closely with you and any Member of the Senate on Taiwan policy in a contemporaneous fashion. She is willing to assert that to you.

I know no one here doubts her word. But I realize time is close in terms of the schedule here. But she is prepared and ready and willing to take your call and anxious to personally make that commitment to you. But she authorized me to be able to say what I just said on the floor.

I thank the Senator for the way in which he has concluded to handle this matter, and I appreciate the Secretary's willingness to be available and contemporaneously discuss these issues with the Senator from Alaska, who, obviously, along with the Senator from North Carolina, I do not know of any two people that have shown a greater interest in Taiwan than those two of my colleagues.

Mr. MURKOWSKI. I wonder if my friend from Delaware can advise me since he recently just talked to the Secretary, does he interpret her intention to provide an opportunity for the Committee on Foreign Relations to review the potential director so that there would be some oversight?

Mr. BIDEN. The answer to that question is, I do not know. I did not ask her that specific question, so I do not want to give a specific answer, except to suggest to you I am confident that she would be willing to come before you in your capacity as the chairman of that subcommittee and/or you and the committee, or you personally, to indicate to you how that process of coordination would be carried out. But I do not want to put words in her mouth. I did not ask that explicit question.

Mr. MURKOWSKI. Maybe if I put the Senate in a quorum call very briefly while I talk to the Secretary and see what kind of assurance I can get.

Mr. BIDEN. I think that would be appropriate. I gave your staff her phone number. She is literally waiting by the phone.

And I might note, Mr. President, I have not found, in my 25 years here, a more accommodating Secretary of State. So she is literally waiting for your call, as they say. If there is business we can conduct in your absence—I do not know if there is any—if there is, maybe we can do that.

I ask unanimous consent to temporarily lay aside, if there is an amendment—is there an amendment at the desk?

The PRESIDING OFFICER. The amendment has not been proposed.

Mr. BIDEN. I assure the Senator that after the Senator has his conversation, we can go back to this and he can have the floor.

Mr. MURKOWSKI. Mr. President, while we are waiting, I offer the amendment for its consideration at this time.

The PRESIDING OFFICER. The clerk will report.

Mr. MURKOWSKI. And I would propose that we lay it aside after it is read.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 398.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . COORDINATOR FOR TAIWAN AFFAIRS.

(a) IN GENERAL.—Section 6 of the Taiwan Relations Act (22 U.S.C. 3305) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) There shall be in the Department of State a Coordinator for Taiwan Affairs who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Coordinator shall be responsible to the Secretary of State, under the direction of the President, for the coordination of all activities of the United States Government that relate to the American Institute on Taiwan.".

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end of the following:

"Coordinator for Taiwan Affairs.".

Mr. BIDEN. I ask unanimous consent that the Murkowski amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 399

Mr. HELMS. Mr. President, I send to the desk a series of amendments on behalf of myself and the distinguished Senator from Delaware, Mr. BIDEN, and I ask that these amendments be considered en bloc. And these en bloc amendments make technical conforming changes to the bill. I understand there is no objection to these technical changes to the bill. I now ask unanimous consent that these amendments be adopted en bloc. I know that the distinguished Senator from Delaware will be delighted to say OK.

Mr. BIDEN. I have no objection, I say to the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. BIDEN, proposes amendment numbered 399.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 108, line 8, before the word "Director", insert the words "Attorney General and the".

On page 137, line 11, after the word "the", insert "United States Head of Delegation to the".

On page 137, line 12, strike "a resolution" and insert "resolutions".

On page 137, line 13, add after "Nations" the words "and the OSCE".

On page 77, strike line 24; and

On page 78, strike lines 3–4.

On page 185, strike lines 24 and 25, and on page 186, strike lines 1–6, and redesignate sections (B) and (C) of section 2211(8), as (A) and (B), respectively.

On page 23, beginning on line 19, strike "United" and all that follows through "1997" on line 20 and insert "Foreign Affairs Agencies Consolidation Act of 1997".

On page 26, line 13, insert "and" after the semicolon.

On page 47, line 11, strike "agency" and insert "Agency".

On page 63, line 23, strike "Act" and insert "title".

On page 70, line 22, strike "Act" and insert "title".

On page 71, line 1, strike "Act" and insert "title".

On page 72, line 5, strike "Act" and insert "title".

On page 74, line 11, strike "Act" and insert "title".

On page 77, line 2, strike "Act" and insert "title".

On page 86, line 6, insert "OF" after "JUDICIAL REVIEW".

On page 100, line 5, strike "(a) GRANT AUTHORITY.—".

On page 102, line 6, insert double quotation marks immediately before "(1)".

On page 102, line 8, insert double quotation marks immediately before "(2)".

On page 102, line 10, insert double quotation marks immediately before "(A)".

On page 102, line 13, insert double quotation marks immediately before "(B)".

On page 102, line 17, insert double quotation marks immediately before "(3)".

On page 113, line 19, strike "and" and insert "or".

On page 122, line 13, strike "+".

On page 156, line 18, strike "United Nations led" and insert "United Nations-led".

On page 178, line 10, strike "peacekeeping operation" and insert "United Nations peace operation".

On page 197, line 18, strike "chapter" and insert "title".

On page 198, line 8, strike "chapter" and insert "title".

Redesignate sections 1141 through 1151 as sections 1131 through 1141, respectively.

Redesignate sections 1161 through 1166 as sections 1151 through 1156, respectively.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 399) was agreed to.

Mr. HELMS. I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, pursuant to the unanimous consent previously, the Murkowski amendment was the last that qualified under the conditions that were set forth at that time. So no further amendments will be accepted.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, while we are waiting for Senator MURKOWSKI to have his conversation, I would ask if the Chair will indulge me for just 2 minutes here.

It is remarkable, quite frankly, that we have made the progress that we have as rapidly as we have. I want to publicly thank the chairman, for we both stuck with this compromise notwithstanding there are individual amendments we would have liked to have voted for. I want the record to show that the chairman did the same thing.

But there is one issue which I realize we cannot resolve now, and that is this issue of whether or not we could work out the ability of the administration to negotiate how to handle the $107 million that is owed from the U.N. We cannot do that now, I agree.

I just want to suggest to the chairman that although I will not change anything, that between now and the dance, now and the conference, we will be working hard with the chairman and his colleagues to see if we can figure out some solution to that. But I understand there is no commitment to that at all.

As we move toward final passage, Mr. President, of this bill, I would like to acknowledge the tremendous work and help that the chairman and I have received from the staff of the Foreign Relations Committee.

On the chairman's side—he will obviously thank people; and it is usually the tradition for us to thank our own staff—but I must tell the chairman that everything he ever advertised about Admiral Nance is correct, and more. I hope he will forgive me for thanking his staff first on this, but Admiral Nance and Tom Kleine, who has been sitting with the chairman the whole time, Patty McNerney and Chris Walker of his staff have been a pleasure to work with. I guess when staffers come up to the Hill they wonder whether or not they are going to get to deal with the principals. I am probably one of the principals they hope they do not have to deal with. They have seen more of me than their families over the last 4 months, but I want to thank them for their consideration.

I would also like to thank the minority staff. Especially I want to thank my staff director, Ed Hall, who has had—and this is the way it works here. It is not sufficient here that the Members have a good relationship. It is also important that the corresponding staffs have a good relationship. I know that Ed Hall has an inordinately high regard for Admiral Nance. I know the feeling is mutual. I want to particularly thank Ed Hall, if you excuse the point of personal privilege here, for agreeing to stay on. He was the former chairman's and former ranking member's staff director. And I asked him to stay in that capacity for me, and he was incredibly useful to me, and, thankfully, he decided to stay on.

I also want to thank my minority counsel, Brian McKeon. Brian came to work with me, I might point out, Mr. President, right out of college, I guess almost 18 years ago. While he was working with me, he went to law school at night. He was a first-rate student at Georgetown, went off to the Court, clerked for the Court, was going to practice law, and I talked him into coming back here. And I just want to thank him. He handled all of the details of this bill.

I was kidding the other day, if we have an MVP on my side, it is Puneet

Talwar. Puneet was the guy who, along with Tom on your staff, Mr. Chairman, got stuck with the detailed negotiations on chemical weapons, on the U.N., on everything else. And on my team, if there is an MVP, Puneet is going to get it.

Mike Haltzel, a professor, has been invaluable to me on European matters. Frank Jannuzi, Munro Richardson, and Ed Levine of my staff, and Diana Ohlbaum, Nancy Stetson, and Janice O'Connell on my colleagues' staff—that is, DODD, KERRY and SARBANES—have been incredibly helpful to me.

I also want to thank Dawn Ratliff, Kathi Taylor, and John Lis, who is one of our fellows, and also thank Ursula McManus and Erin Logan, and our interns who have given up their valuable time.

Let me conclude—and I will do it now while we are waiting so that I do not take the time of my colleagues. For my colleagues who are listening, I am not holding up your plans. We cannot move anyway until the distinguished Senator from Alaska finishes his conversation with the Secretary of State.

But, Mr. President, the passage today—and I am hoping and expecting that we will pass the Foreign Relations authorization —represents a significant bipartisan commitment to the United States' continued engagement in the world.

First, the basic authorization legislation for the Department of State, the U.S. Information Agency, the Arms Control Disarmament Agency and the Peace Corps marks a bipartisan commitment to restore funding which will enhance our diplomatic readiness abroad.

We all know that funding for foreign policy spending is the lowest it has been in 20 years. Today's action by the Senate is a heartening expression of bipartisan support for our diplomats on the front lines of American engagement abroad.

We have restored full funding for the State Department's core missions, fully funded the education and cultural exchange programs, the National Endowment for Democracy, the Peace Corps, and international broadcasting. We have increased the funding for Radio Free Asia at a critical time in that region's history. We have done a great deal.

Second, the Senate has passed landmark legislation that provides a framework for reorganization of the foreign affairs agency that is totally consistent with the plan announced by the President of the United States on April 18. Like the President's plan, this bill provides for integration of ACDA within the State Department within 1 year, the integration of the USIA within 2 years, and the partial integration for the Agency for International Development in the State Department.

Additionally, it maintains the current structure for U.S.-sponsored international broadcasting but keeps it outside the Department of State so as to ensure its journalistic independence.

Finally, Mr. President, the Senate enacted a bipartisan comprehensive package—is about to, I hope—which provides for payment of $819 million in U.S. arrearages to the United Nations. This proposal, Mr. President, will go a long way toward restoring the fiscal health of the United Nations while spurring needed reforms for that world body.

Equally important, this agreement, a bipartisan plan supported by the administration, will allow us to get a very difficult and contentious issue behind us so we can move forward on the important issues on the foreign policy agenda. Ideally, we should not have attached the conditions, but I am a pragmatist and I recognize, as does the administration, that there will be no approval of U.N. arrearages in Congress absent some conditions, and the conditions which the chairman has asked for are reasonable.

So we had a choice. We can continue to press unconditional payment for arrearages and let this issue fester for another Congress or agree to a reasonable set of conditions that permits us to pay our debts. I believe the action the Senate is about to take will be a correct decision, one in the best interests of the United States. It has been a long time and it is time to end the long-festering feud between the United Nations and Washington and our unpaid back dues, and it is time to bring up needed reform to that world body so it can more efficiently perform its missions. It is time to move forward together to restore the bipartisan commitment to the United States which has been part of that Nation's proud heritage for 50 years.

Mr. President, the people in my State—small, I acknowledge—are used to bipartisanship. Senator ROTH and I are close political allies and friends. Our lone Congressman MIKE CASTLE, who is a Republican, our Democratic Governor, we are all used to getting things done in a bipartisan way in my State. I have always felt if that tradition could be carried back to the Senate, it would better serve our Nation.

I want to say I did not doubt it, but I am sure a number of neutral observers would have doubted it, the Secretary of State is not only a friend of the chairman, so am I. The idea that JOE BIDEN, a Democratic Senator from Delaware, and JESSE HELMS, a Republican Senator from North Carolina, could operate in this way does not surprise either of us, but I am sure it surprises the living devil out of an awful lot of other people.

I am reminded of something that was said to me once by Jim Eastland. It is a true story. I was in a difficult campaign fight in the late 1980's, and I saw Chairman Eastland. I was flunking, you might say, what I call the slope-of-the-shoulder test. When you ask a candidate how they are doing in a race and they go, "Oh, I am doing fine," you know they are not doing very well. I guess I had that look like I'm losing. The Chairman pulled me aside and said, "JOE, what could Jim Eastland do for you in Delaware?" I said, "Mr. Chairman, in some places you would help and some you would hurt." He said, "I will make a commitment. I will campaign for you or against you, whichever will help the most."

I realize my saying nice things about the chairman may not help him, but I mean it sincerely when I say that he has been an absolute gentleman. He has kept his commitment, which I never doubted he would, and this is evidence of the fact that if reasonable men are willing to sit down and talk—we had a real sit-down meeting, when I took over this committee for the Democrats, with the chairman of the full committee, and we agreed on the broad outlines of each of our agendas. The most important one was to make the committee work and make foreign policy function and be a positive force. He has kept every one of those commitments. He has won some and lost some. I have won some and lost some. But I think the Nation is better served for it.

I conclude, Mr. President, with this last comment. If Senator HELMS and I had come to the floor in January and said to this body, "By the way, by midsummer we will present to you a bipartisan plan on the floor of the five most contentious issues to face the U.S. Senate in foreign policy," I think you would have thought that it was time for both of us to leave because we might have been certifiable. We knew we could do that, and with the great help of the staff that I have mentioned, we have been able to do that, and with the cooperation and assistance of the administration.

So I want to thank the President for committing his administration to deal forthrightly and in detail with us, and I want to thank the chairman and his staff for accommodating an arrangement by which we hammered these things out. We produced a significant package here. Neither one of us are naive enough to suggest we know what will happen, if and when it passes here, with any degree of certainty, but we each kept our commitment to one another. I think the body, based on the votes we have seen today, I hope it reflects the feeling on the part of our colleagues that we have, that a bipartisan foreign policy is in the best interests of the United States.

I again thank the chairman, and I yield the floor. I will not say any more at the end of the process after Senator MURKOWSKI comes out.

Mr. HELMS. I thank the distinguished ranking member of the committee, and I look forward to working with him. He is a good guy.

AMENDMENTS NOS. 400 THROUGH 411

Mr. HELMS. Mr. President, I send to the desk a series of amendments which have been agreed to on both sides of the aisle. These include two amendments from Senator MURKOWSKI regarding United States-Japan relations, an amendment offered by Senator GRAHAM of Florida regarding international aviation safety, an amendment offered by Senator ABRAHAM regarding the U.S. policy toward China, an amendment offered by Senator FEINSTEIN regarding rule of law in China, an amendment by Senator D'AMATO regarding the Middle East, an amendment offered by Senator HOLLINGS regarding embassy construction, an amendment by Senator FEINGOLD regarding broadcasting, an amendment offered by Senator GRAMS regarding victims of torture, an amendment by Senator MCCAIN regarding Vietnamese refugees, and an amendment by Senator COVERDELL regarding narcotics.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes amendments No. 400 through No. 411, en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 400 through 411) were agreed to, en bloc, as follows:

AMENDMENT NO. 400

(Purpose: Relating to the Japan-United States Friendship Commission)

After appropriate place in the bill, insert the following:

SEC. . JAPAN-UNITED STATES FRIENDSHIP COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGE-ABILITY OF FUNDS.—

(1) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking "needed, except" and all that follows through "United States" and inserting "needed".

(2) The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: "Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.".

(b) REVISION OF NAME OF COMMISSION.—

(1) The Japan-United States Friendship Commission is hereby designated as the "United States-Japan Commission". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be deemed to be a reference to the United States-Japan Commission.

(2) The Japan-United States Friendship Act (22 U.S.C. 2901 et seq.) is amended by striking "Japan-United States Friendship Commission" each place it appears and inserting "United States-Japan Commission".

(3) The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

"UNITED STATES-JAPAN COMMISSION"

(c) REVISION OF NAME OF TRUST FUND.—

(1) The Japan-United States Friendship Trust Fund is hereby designated as the "United States-Japan Trust Fund". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be deemed to be a reference to the United States-Japan Trust Fund.

(2)(A) Subsection (a) of section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

(B) The section heading of that section is amended to read as follows:

"UNITED STATES-JAPAN TRUST FUND"

AMENDMENT NO. 401

(Purpose: To state the sense of the Senate on the use of funds in the Japan-United States Friendship Trust Fund)

On page 118, between lines 16 and 17, insert the following:

SEC. 1215. SENSE OF THE SENATE ON USE OF FUNDS IN JAPAN-UNITED STATES FRIENDSHIP TRUST FUND.

(a) FINDINGS.—The Senate makes the following findings:

(1) The funds used to create the Japan-United States Friendship Trust Fund established under section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) originated from payments by the Government of Japan to the Government of the United States.

(2) Among other things, amounts in the Fund were intended to be used for cultural and educational exchanges and scholarly research.

(3) The Japan-United States Friendship Commission was created to manage the Fund and to fulfill a mandate agreed upon by the Government of Japan and the Government of the United States.

(4) The statute establishing the Commission includes provisions which make the availability of funds in the Fund contingent upon appropriations of such funds.

(5) These provisions impair the operations of the Commission and hinder it from fulfilling its mandate in a satisfactory manner.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Japan-United States Friendship Commission shall be able to use amounts in the Japan-United States Friendship Trust Fund in pursuit of the original mandate of the Commission; and

(2) the Office of Management and Budget should—

(A) review the statute establishing the Commission; and

(B) submit to Congress a report on whether or not modifications to the statute are required in order to permit the Commission to pursue fully its original mandate and to use amounts in the Fund as contemplated at the time of the establishment of the Fund.

AMENDMENT NO. 402

(Purpose: To express the sense of Congress that aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago, Chile, in March 1998)

At the appropriate place, insert the following:

SEC. . AVIATION SAFETY.

It is the sense of Congress that the need for cooperative efforts in transportation and aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago, Chile, in March 1998. Since April 1996, when ministers and transportation officials from 23 countries in the Western Hemisphere met in Santiago, Chile, in order to develop the Hemispheric Transportation Initiative, aviation safety and transportation standardization has become an increasingly important issue. The adoption of comprehensive Hemisphere-wide measures to enhance transportation safety, including standards for equipment, infrastructure, and operations as well as harmonization of regulations relating to equipment, operations, and transportation safety are imperative. This initiative will increase the efficiency and safety of the current system and consequently facilitate trade.

AMENDMENT NO. 403

(Purpose: Expressing the sense of the Senate regarding United States policy toward the People's Republic of China, and for other purposes)

At the end of title XVI of division B, add the following:

SEC. . SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the followings findings:

(1) As the world's leading democracy, the United States cannot ignore the Government of the People's Republic of China's record on human rights and religious persecution.

(2) According to Amnesty International, "A fifth of the world's people are ruled by a government that treats fundamental human rights with contempt. Human rights violations continue on a massive scale.".

(3) According to Human Rights Watch/Asia reported that: "Unofficial Christian and Catholic communities were targeted by the government during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution, resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone.".

(4) The People's Republic of China's compulsory family planning policies include forced abortions.

(5) China's attempts to intimidate Taiwan and the activities of its military, the People's Liberation Army, both in the United States and abroad, are of major concern.

(6) The Chinese government has threatened international stability through its weapons sales to regimes, including Iran and Iraq, that sponsor terrorism and pose a direct threat to American military personnel and interests.

(7) The efforts of two Chinese companies, the China North Industries Group (NORINCO) and the China Poly Group (POLY), deserve special rebuke for their involvement in the sale of AK–47 machine guns to California street gangs.

(8) Allegations of the Chinese government's involvement in our political system may involve both civil and criminal violations of our laws.

(9) The Senate is concerned that China may violate the 1984 Sino-British Joint Declaration transferring Hong Kong from British to Chinese rule by limiting political and economic freedom in Hong Kong.

(10) The Senate strongly believes time has come to take steps that would signal to Chinese leaders that religious persecution,

human rights abuses, forced abortions, military threats and weapons proliferation, and attempts to influence American elections are unacceptable to the American people.

(11) The United States should signal its disapproval of Chinese government actions through targeted sanctions, while at the same time encouraging worthwhile economic and cultural exchanges that can lead to positive change in China.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should—

(1) limit the granting of United States visas to Chinese government offices who work in entities the implementation of China's laws and directives on religious practices and coercive family planning, and those officials materially involved in the massacre of Chinese students in Tiananmen square;

(2) limit United States taxpayer subsidies for the Chinese government through multilateral development institutions such as the World Bank, Asian Development Bank, and the International Monetary Fund;

(3) publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the Chinese government who export to, or have an office in, the United States;

(4) consider imposing targeted sanctions on NORINCO and POLY by not allowing them to export to, nor to maintain a physical presence in, the United States for a period of one year; and

(5) promote democratic values in China by increasing United States Government funding of Radio Free Asia, the National Endowment for Democracy's programs in China and existing student, cultural, and legislative exchange programs between the United States and the People's Republic of China.

Mr. ABRAHAM. Mr. President, I want to thank Senator HELMS for accepting my Sense of the Senate amendment. This amendment expresses the sense of the Senate that Congress should impose certain, targeted sanctions against officials and companies working for the Government of the People's Republic of China. The purpose is to express the indignation of our country at the abuses of human rights going on now in that country, as well as recent attempts by entities controlled in whole or in part by the Chinese Government to violate American laws and influence American policy.

Mr. President, everyone knows that the Chinese Government is violating basic human rights and international norms of behavior. The question is, what should the United States do about it? Until now the debate has focused almost exclusively on whether we should extend or revoke China's Most Favored Nation trading status [MFN]. It is time, in my view, to move the discussion out of the MFN "box" and find common means to achieve common American goals.

Revoking MFN would punish Americans with higher prices without significantly affecting the Chinese Government. And it would punish innocent Chinese citizens by withdrawing economic opportunities provided by U.S. trade and investment. Even in the short term, in my view, we should not underestimate trade and investment's positive impact. Already, writes China expert Stephen J. Yates of the Heritage Foundation, Chinese "employees at U.S. firms earn higher wages and are free to choose where to live, what to eat, and how to educate and care for their children."

Regardless of their views on MFN, Americans should be able to agree on measures pressuring the Chinese Government to stop its current policies while encouraging greater openness in that country.

The list of objectionable Chinese Government practices is long. It includes religious persecution, abuses against minorities, forced abortion, military threats and weapons proliferation, and attempts to improperly influence American elections.

Mr. President, to pressure China's Government to stop these policies without punishing average citizens, I have introduced S. 810, "The China Sanctions and Human Rights Advancement Act." This bill would implement the findings of the current Sense of the Senate Resolution. Let me discuss the provisions of this bill. Under S. 810, the United States Government would refuse visas to human rights violators, including high ranking Chinese officials implementing and enforcing directives on religious practices. The same would go for those involved in the massacre of students in Tianenman Square. To allow a proscribed individual into the United States, the President would have to send Congress written notification explaining why this would be in America's national interest and override United States concerns about China's human rights practices.

The bill also would require United States representatives to vote "no" on all loans to China at the World Bank, Asian Development Bank, and International Monetary Fund. An exception would be made for humanitarian relief in the event of natural disaster.

In addition, for every dollar a multilateral development bank or international family planning organization gives to China, S. 810 would subtract out a dollar in American taxpayer funding to those bodies. Simply put, instead of raising taxes on Americans, we should stop taxpayer subsidies to the Chinese Government. If China continues its current behavior, it can fund development programs by reducing expenditures on its military and State enterprises.

The legislation also targets Chinese companies engaged in improper conduct. The Clinton administration already has imposed sanctions on two companies found to have sold chemical weapons components to Iran. Top executives from two other Chinese companies—Polytechnologies Incorporated [POLY], and China North Industries Group [NORINCO]—have been indicted for attempting to sell automatic weapons to California street gangs. This bill would ban POLY and NORINCO from exporting to or being physically present in the United States for 1 year.

Even as we implement these tough measures, we should maintain valuable interchange with China. That is why the legislation doubles funding for United States-China exchange programs, Radio Free Asia, and programs in China operated through the National Endowment for Democracy.

Finally, the legislation requires the President to file an annual report on whether China has improved its human rights record, including its behavior during the transition to Chinese control in Hong Kong. The sanctions sunset after 1 year, allowing Congress to evaluate the situation and determine whether and in what form sanctions should continue.

Mr. President, the United States must stay engaged with China, and trade and investment provide a valuable avenue for that engagement. But signaling our disapproval and refusing to subsidize oppressive policies need not interfere with expanding basic interaction between the American and Chinese people.

America can stand with the Chinese people, and stand by the principles of political, religious, and economic liberty on which our Nation was founded. Let's not punish American and Chinese families by raising tariffs. Instead, let's punish specific abuses and encourage further development of the economic and political liberties we cherish.

AMENDMENT NO. 404

(Purpose: To express the Sense of the Senate encouraging programs by the National Endowment For Democracy regarding the rule of law in China)

At the appropriate place insert the following:

(a) FINDINGS.—

(1) The establishment of the rule of law is a necessary prerequisite for the success of democratic governance and the respect for human rights.

(2) In recent years efforts by the United States and United States-based organizations, including the National Endowment for Democracy, have been integral to legal training and the promotion of the rule of law in China drawing upon both western and Chinese experience and tradition.

(3) The National Endowment for Democracy has already begun to work on these issues, including funding a project to enable independent scholars in China to conduct research on constitutional reform issues and the Hong Kong-China Law Database Network.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate to encourage the National Endowment for Democracy to expand its activities in China and Hong Kong on projects which encourage the rule of law, including the study and dissemination of information on comparative constitutions, federalism, civil codes of law, civil and penal code reform, legal education, freedom of the press, and contracts.

AMENDMENT NO. 405

(Purpose: Concerning the Palestinian Authority)

At the appropriate place insert the following:

SEC. . CONCERNING THE PALESTINIAN AUTHORITY.

(a) Congress finds that—

(1) The Palestinian Authority Justice Minister Freih Abu Medein announced in April 1997, that anyone selling land to Jews was committing a crime punishable by death;

(2) Since this announcement, three Palestinians were allegedly murdered in the Jerusalem and Ramallah areas for, selling real estate to Jews;

(3) Israeli police managed to foil the attempted abduction of a fourth person;

(4) Israeli security services have acquired evidence indicating that the intelligence services of the Palestinian Authority were directly involved in at least two of these murders;

(5) Subsequent statements by high-ranking Palestinian Authority officials have justified these murders further encouraging this intolerable policy;

(b) It is the Sense of the Congress that—

(1) The Secretary of State should thoroughly investigate the Palestinian Authority's role in any killings connected with this policy and should immediately report its findings to the Congress;

(2) The Palestinian Authority, with Yasser Arafat as its chairman, must immediately issue a public and unequivocal statement denouncing these acts and reversing this policy;

(3) This policy is an affront to all those who place high value on peace and basic human rights; and

(4) The United States should rehear the provision of assistance to the Palestinian Authority in light of this policy.

AMENDMENT NO. 406

At the appropriate place in the bill, insert the following:

SEC. . Of the amounts authorized to be appropriated pursuant to section 1101 in this Act, up to $90,000,000 are authorized to be appropriated for the renovation, acquisition and construction of housing and secure diplomatic facilities at the United States Embassy Beijing and the United States Consulate in Shanghai, People's Republic of China.

Mr. HOLLINGS. Mr. President, I want to thank Chairman HELMS and Senator BIDEN for accepting this amendment regarding facilities to support our men and women serving in the United States' Diplomatic Service in the People's Republic of China.

Our United States diplomatic facilities in China are in poor shape. The housing is in disrepair and for our chancery we occupy a building that formerly was used as the Pakistani Embassy. We spend years training our diplomatic personnel to be China hands who speak Chinese fluently. They are the best and the brightest in our foreign service. And, then we send them and their families to live and work in substandard facilities. It sends the wrong message.

Mr. President, it hurts morale and retention. With the fall of the wall, these Americans are our front-line—our State Department economic officers, our commerce Department commercial officers, our consular officers who help Americans in distress overseas, our Customs Service employees who enforce our trade laws, and other agency personnel.

Regardless of what your position is with China, on human rights or trade, the fact remains that the United States and China have and will have one of the most important bilateral relationships in the world. The People's Republic of China is our fifth largest trading partner and the Chinese economy is growing at over 10 percent per partner and the Chinese economy is growing at over 10 percent per year. They are becoming the preeminent geo-political power in Asia.

I have raised this issue with former Secretary Christopher and Secretary of State Albright. I have discussed it with Ambassador Sasser. They all agree that something must be done to invest in our facilities to support our people who are serving in China. This amendment provides that from within the total amounts authorized in this bill, up to $90 million is provided for renovation, acquisition, and construction of housing and secure diplomatic facilities at the United States Embassy in Beijing and the consulate in Shanghai. It does so without adding additional funds. It requires the Appropriations committee, on which I serve as ranking member on the Commerce, Justice and State Subcommittee, to actually scrub the budget and find the money and address this issue.

Mr. President, this amendment is the right thing to do. It is cosponsored by Senator MURRAY from Washington who has been to Beijing recently and who has seen firsthand the need for modernization of facilities.

Again, I thank Chairman HELMS and Senator BIDEN for their support.

AMENDMENT NO. 407

(Purpose: To provide for an independent Inspector General for the Broadcasting Board of Governors)

On page 20, beginning on line 4, strike all through page 24, line 8, and insert the following:

(1) in paragraph (1), by striking "the United States Information Agency" and inserting "the Broadcasting Board of Governors"; and

(2) in paragraph (2), by striking "the United States Information Agency," and inserting "the Broadcasting Board of Governors,".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the following:

"Inspector General, United States Information Agency."; and

(2) by inserting the following:

"Inspector General, Broadcasting Board of Governors.".

(d) AMENDMENTS TO PUBLIC LAW 103-236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General of the Broadcasting Board of Governors"; and

(2) by striking "the Director of the United States Information Agency,".

(e) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), there are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

(2) TRANSFER TO INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There are transferred to the Inspector General of the Broadcasting Board of Governors the functions (including related functions) that the Office of Inspector General of the United States Information Agency exercised with respect to the International Broadcasting Bureau, Voice of America, WORLDNET TV and Film Service, the office of Cuba Broadcasting, and RFE/RL, Incorporated, before the effective date of this title.

(f) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

SEC. 315. INTERIM TRANSFER OF FUNCTIONS.

(a) INTERIM TRANSFER.—Except as otherwise provided in this division, there are transferred to the Secretary of State the following functions of the United States Information Agency exercised as of the day before the effective date of this section:

(1) The functions exercised by the Office of Public Liaison of the Agency.

(2) The functions exercised by the Office of Congressional and Intergovernmental Affairs of the Agency.

(b) EFFECTIVE DATE.—This section shall take effect on the earlier of—

(1) October 1, 1998, or

(2) the date of the proposed transfer of functions described in this section pursuant to the reorganization plan described in section 601.

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of the United States foreign policy.

SEC. 322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

"(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

"(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

"(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date shall serve the remainder of their terms of office without reappointments.

(3) ESTABLISHMENT OF INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There shall be established an Inspector General of the Broadcasting Board of Governors.

"(4) INSPECTOR GENERAL AUTHORITIES.—The Inspector General of the Broadcasting Board of Governors shall exercise the same authorities with respect to the Broadcasting Board of Governors as the Inspector General of the Department of State and the Foreign Service exercises under section 209 of the Foreign Service Act of 1980 with respect to the Department of State. The Inspector General of the Broadcasting Board of Governors, in carrying out the functions of the Inspector General, shall respect the professional independence and integrity of all the broadcasters covered by this title.".

Mr. FEINGOLD. Mr. President, this amendment would establish an independent inspector general for the new agency. Under the committee-reported legislation, the State Department's IG would assume responsibility for the new agency.

An independent IG was designated for the Board for International Broadcasting in the 1988 inspector general legislation. When we consolidated BIB into USIA in the 1994 broadcasting legislation, those functions were assumed by the USIA Inspector General. More recently, the USIA inspector general's office was merged with the State Department inspector general.

Because of the problems that had plagued the BIB and the role that the then-BIB inspector general's office had played in bringing those problems to public attention through a series of well-documented reviews, I authored provisions in the 1994 legislation that required continuous on-site monitoring by the inspector general of the activities of RFE/RL.

Frankly, Mr. President, I have been disappointed at the level of attention and quality of work that has been provided by the State Department IG since that office assumed responsibilities for the broadcasting programs. History has demonstrated, over and over, that these programs have been fertile grounds for fiscal abuses and mismanagement. Between 1988 and 1994, the independent IG assigned solely to the BIB produced detailed reports to Congress every 6 months on the problem areas, in addition to a series of special reports that helped identify the abuses in the areas of excessive salaries, deferred compensation, housing allowances, travel improprieties, and other problem areas within BIB.

If we are going down the path of recreating the BIB structure, then I think it is very important that we recreate the watchdog entity that helped bring to light what fiscal abuses were rampant in these programs under the independent agency structure.

I am very concerned that the IG's office in the State Department may have little incentive to provide the broadcasting programs the kinds of scrutiny that is warranted, given the history of abuse.

Therefore, the amendment that I am offering will reestablish the independent IG's office within the new agency in the same manner that its predecessor, BIB, had an independent IG.

I appreciate the willingness of the managers to accept this amendment.

AMENDMENT NO. 408

(Purpose: To assist victims of torture by providing funding for the United Nations Voluntary Fund for Victims of Torture)

At the end of section 2101(a) of the bill, insert the following: "Of the funds made available under this subsection $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.".

AMENDMENT NO. 409

(Purpose: To clarify that unmarried adult children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program)

At the appropriate place, insert the following new section:

SEC. . ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and

(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED.—

"(1) IN GENERAL.—An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age of older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

Mr. MCCAIN. Mr. President, this amendment is basically a technical correction to language that I had included in the Fiscal Year 1997 Omnibus Consolidated Appropriations Act. That language, and the amendment I offer today, are designed to make humanitarian exceptions for the unmarried adult children of former re-education camp detainees seeking to emigrate to the United States under the Orderly Departure Program. Despite what I considered to have been pretty unambiguous legislation in both word and intent, the Immigration and Naturalization Service and Department of State interpreted my amendment to the 1997 bill so as to exclude the very people to whom the provision was targeted.

Prior to April 1995, the adult married children of former Vietnamese re-education camp prisoners were granted derivative refugee status and were permitted to accompany their parents to the United States under a sub-program of the Orderly Departure Program [ODP].

This policy changed in April 1995. My amendment to FY1997 Foreign Operations Appropriations Bill, which comprises part of the Omnibus Appropriations Act, was intended to restore the status quo ante regarding the adult unmarried children of former prisoners. My comments in the CONGRESSIONAL RECORD from July 25, 1996 clearly spelled this out.

Unfortunately, certain categories of children who, prior to April 1995 had received derivative refugee status and whom Congress intended to be covered by last year's amendment, are now considered ineligible to benefit from that legislation.

To ask these widows to come to the United States without their children is equal to denying them entry under the program. Many of these women are elderly and in poor health, and the presence of their children is essential to providing the semblance of a family unit with the care that includes.

The second problem stemming from INS and the State Department's interpretation of the 1997 language involves the roughly 20 percent of former Vietnamese re-education camp prisoners resettled in the United States who were processed as immigrants, at the convenience of the United States Government.

Their unmarried adult children, prior to April 1995, were still given derivative refugee status, however, the position of INS and State is that these children are now ineligible because the language in the FY 1997 bill included

the phrase "processed as refugees for resettlement in the United States."

That phrase was intended to identify the children of former prisoners being brought to the United States under the subprogram of the ODP and eligible to be processed as a refugee—which all clearly were—as distinct from the children of former prisoners who were not being processed for resettlement in the United States.

The fact that a former prisoner, eligible to be processed as a refugee under the ODP subprogram, was processed as an immigrant had no effect prior to April 1995, and their children were granted refugee status. The intention of last year's legislation was to restore the status quo ante, including for the unmarried adult children of former prisoners eligible for and included in this subprogram but resettled as immigrants.

AMENDMENT NO. 410

(Purpose: To facilitate the counterdrug and anti-crime activities of the Department of State)

On page 89, between lines 9 and 10, insert the following:

SEC. 1128. COUNTERDRUG AND ANTI-CRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific, and to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy and works to achieve the objectives; and

(F) ensure that all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms to meet the objectives.

(3) REPORTS.—Not later than February 15 each year, the Secretary shall submit to Congress an update of the strategy submitted under paragraph (1). The update shall include an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2).

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury take appropriate actions to establish an information system or improve existing information system containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the actions taken under paragraph (1)

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTI-CRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every foreign mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—The chief of mission of every foreign mission shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug programs, policy, and assistance and law enforcement programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every foreign mission shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at foreign missions in order to carry out the responsibility set forth in paragraph (1).

Mr. COVERDELL. Mr. President, as the cold war fades into memory, our foreign affairs establishment must aggressively target and confront the new threats facing America. The crime and violence sown by international narcotics mafias requires a new thinking and focus. While diplomatic efforts for most of our Nation's history have focused on checking unfriendly governments, the challenge of narcotics trafficking and organized crime forces us to grapple with a more shadowy and elusive adversary. These cartels are not confined by borders and operate outside of the bright scrutiny of international affairs. They respect no nation's laws or ethics, outmaneuver government bureaucracies with a ruthless efficiency and have financial resources which dwarf many national budgets. In the face of this great menace, our State Department cannot hope to make progress without a forward looking strategy, clearly defined goals, and the ability to learn from experience and agilely adapt to match this constantly changing threat.

Far too often our diplomatic structures have not adopted to address these new, transnational problems and remained locked in a bilateral mind set. The State Department's strong efforts in an individual country can be easily foiled as these elusive mafias shift operations across borders. In order to effect a new transnational mind set and give the threats of narcotics and international crime the focus they demand, direction must come from the highest levels of the State Department. The various bureaus and country teams under the State Department must operate under coordinated plan with specific goals which they are held responsible for achieving. Like the adversaries which it must confront, our diplomatic effort must learn from its mistakes and recalibrate its strategies to adjust to new situations.

Mr. President, the Coverdell-Kerry amendment seeks to do just that. This amendment does not seek to dictate the policy of the State Department or expand its role in counterdrug matters. It merely requires that the State Department formulate its own plan of action in coordination with the dictate of the President's National Drug Control Strategy. If, as some have claimed, the State Department is already following a clear strategy, this amendment will ensure that its goals and objectives are clear to the Congress which is responsible for its oversight and funding. In any event, it is crucial that we defend America's children and our national interest in the most effective manner possible. As we work to regain ground in our international struggle against drug trafficking, it is our responsibility to ensure that our resources are focused on strategic objectives and are specifically targeted to have an impact in the war on drugs.

This amendment also calls on the State Department to work with Federal law enforcement agencies to further shield Americans from international criminals. Currently the failure of our Federal agencies to coordinate has allowed terrorists and other violent criminals to slip into our Nation. The establishment of the new information sharing system called for in this amendment will help ensure that

our State Department has the information necessary to keep violent international criminals off America's streets.

The reforms called for in the Coverdell-Kerry amendment are just first steps in what must be a thorough rethinking of how our national policies should be adapted to protect Americans from these new threats. I look forward to working with Senator KERRY and others as we approach the difficult task of preparing our Nation to meet these important challenges.

Mr. KERRY. Mr. President, I am pleased to cosponsor the amendment by the Senator from Georgia and I congratulate him for leading this effort to get the State Department to better focus its counternarcotics resources.

For too long our fight against drugs has suffered from a lack of quantifiable goals by which to measure progress. Year after year we spend hundreds of millions of dollars on our international drug control programs without a clear idea of how these programs fit into the overall counterdrug effort and with no way to determine whether these programs are having the desired effect.

This amendment will require the State Department to come up with a plan for implementing its portion of the President's national strategy and to establish specific goals that will allow us to know how well we are doing. This is a very simple concept that anyone who has been in private business understands. You devise a strategy and then you set goals and objectives that will let you know that you are on target in implementing that strategy. That is what we want the State Department to do.

I want to emphasize that the amendment requires the Secretary of State to submit to Congress a long-term strategy that is consistent with the national drug control strategy. This is not an attempt to undermine the President's Office of National Drug Control Policy [ONDCP] and its role in devising the national drug control strategy. General McCafferey has done a good job at defining the national strategy and setting broad national objectives. I know that he is working to develop a comprehensive performance measurement system that would give us a better sense of how well programs are working. This amendment supports that effort.

We want the State Department to follow the lead of the drug czar's office and to develop a long-term plan that supports the national strategy. Likewise we want to see quantifiable measures of performance that conform to whatever comprehensive measurement system that ONDCP develops.

The second part of this amendment is also straight forward. For several years the State Department has used a database to identify narcotics traffickers and deny them visas. This amendment expands that effort to include other international crime figures.

Finally, the amendment seeks to strengthen the coordination of U.S. crime fighting efforts by designating an officer in every U.S. Embassy that will be responsible for ensuring the fullest possible cooperation with the host nation on these issues. This is particularly, important in countries where we do not have a full-time law enforcement officer assigned to the embassy.

These may seem like modest steps but they are the kinds of initiatives that will greatly enhance the effectiveness of our efforts to battle the international criminal organizations. Again I thank the Senator from Georgia for his leadership and I urge my colleagues to support this amendment.

AMENDMENT NO. 411

(Purpose: To clarify section 1166)

On line 17 on page 110, delete "knowingly assists or has" and insert in lieu thereof: "is known by the Department of State to have intentionally".

On line 20 on page 110, delete "is providing or has provided" and insert in lieu thereof: "is known by the Department of State to be intentionally providing".

At the end of line 3 on page 111 insert the following: "as designated at the discretion of the Secretary of State,".

On line 7 on page 111 before the period, insert the following: ", and such person and child are permitted to return to the United States. Nothing in clauses (i) or (ii) of this section shall be deemed to apply to a government official of the United States who is acting within the scope of his or her official duties. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of any foreign government if such person has been designated by the Secretary of State at the Secretary's discretion".

Mrs. FEINSTEIN. Mr. President, I am pleased to have had the opportunity to work with my colleagues and the administration to perfect section 1166 of this bill, relating to the inadmissibility of persons supporting international child abductors.

This section of the bill, which was included at my request in the chairman's mark considered last week by the Foreign Relations Committee, was inspired by the case of Patricia Roush, a constituent of mine whose two daughters were abducted by her ex-husband and taken to his home country of Saudi Arabia 11 years ago in direct violation of the custody order of an Illinois court.

Since then, she has seen the girls only once for 2 hours. All efforts to negotiate a resolution have been rebuffed by the father.

This section attempts to address tragic situations like Ms. Roush's. Current law, section 212(a)(10)(C) of the Immigration and Nationality Act, says that any alien who holds a child overseas in violation of a custody order of a U.S. court may not receive a visa to come to the United States until the child has been returned to the parent with rightful custody.

This new section would expand the visa restriction to three categories of people: Anyone who helped carry out the abduction of the child; anyone providing material support or safe haven to the abducting parent; and immediate family members of the abducting parent.

Any of these people already in the United States would also be deportable.

This law would not apply if the child is located in a country which is a signatory to the Hague Convention, which is an international agreement designed to resolve international child abduction cases.

The goal of this legislation is to expand the circle of people affected when an American child is abducted. There can be no doubt that persons who assist in the abduction of such a child should be subject to the same restrictions as the abductor him or herself. The same goes for those who support and protect the abductor subsequent to the abduction.

The only area that has raised questions is the provision applying the restriction to immediate family members of the abductor. We decided to proceed in this fashion because of Ms. Roush's experience during the tenure of the previous United States Ambassador to Saudi Arabia, Ray Mabus.

After years without any progress toward a resolution, Ambassador Mabus implied to relatives of Ms. Roush's exhusband that he might withhold their visas to the United States unless the case was solved. He never actually threatened to withhold the visas, which he lacked the authority to do, but he hoped to at least get information about the girls' condition and the father's thinking throught this tactic.

Ambassador Mabus discovered that even the implied threat of withholding visas from family members produced a new spirit of flexibility on the part of the father. By the time he returned to the United States, they had come close to negotiating a resolution, but that fell through after Mabus left.

But this experience suggests that withholding visas from family members and other associates of the abducting parent is an effective way to put pressure on that parent to negotiate a resolution.

There is a precedent for withholding visas from family members. In the Helms-Burton law on Cuba passed in 1996—Public Law 104–114, spouses and minor children of officers of corporations doing prohibited business with Cuba were made excludable.

I thank the chairman and ranking member of the Foreign Relations Committee and the Senator from Maryland, Senator SARBANES, for their cooperation and for helping perfect this amendment.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I rise today, while we are just about to finish up on this historic State Department reorganization bill, to say a couple of things about it and the people who have been involved.

I was in the House of Representatives on the Foreign Affairs Committee where we started the attempt to reorganize the State Department. We were able to pass it through, and the bill got vetoed by the President. I think that is what is historic and taking place here.

We are now working together to do the thing we need to do, which is to make the overall operation run more efficiently, to eliminate some of the apparatus created by the cold war, and to try to create a foreign policy agency and a setup that is more forward looking, more organized, and that I think can represent our interests better in this post-cold-war atmosphere.

I think it is a real tribute to the people who have been involved in this that we have been able to get this done. Overhauling the American foreign policy bureaucracy needed to be done, and this bill will abolish agencies and bureaus born of the cold war imperatives that are no longer necessary. Achievement was hard won and something the American people can be proud of. Now we can reduce the size of the Federal Government, something I have certainly long supported. I want to thank those people involved.

There are two other things I want to quickly note that have taken place in here as well. I chair the Middle East Subcommittee. One of the things we have been focused on is how do we contain some of the radical elements of that region that seek to terrorize us around the world? One of the things that is contained in this bill is Radio Free Iran, and that will be broadcast into the Iranian airwaves to send forward clear and accurate information about what is taking place around the rest of the world.

I think this is a very important tool that we can use to be able to work with the Iranian people, who are some of the most repressed around the world. They have recently voted to elect a more moderate leader, yet most have said they will not really be able to express what they want to do because the leader they elected will not have the power or the authority to get that done.

Yet, I think we can continue to fight for the Iranian people by putting forward good information, true information, of how much we support what they are doing on the cause in the battle of freedom. I think Radio Free Iran will be a very helpful signal, something important, as we move forward in working to contain those terroristic elements in the world that seek to do us harm and seek harm in much of the rest of the world.

Also, I look forward in the future to encouraging other countries to further engage with us in initiatives to expand democracy, free markets and capitalism around the world. I look forward in the future to working with Central Asian countries to link them more with the democracies and the democracy movement and free markets that are gaining strength all around the world. Some dub this a silk road strategy, and I think it is important that we do this in moving forward a positive agenda, not just one that is always negative toward others but one that is very open and positive toward encouraging the rest of the world.

I look forward to working with other chairmen, including Chairman SMITH, also on the Foreign Relations Committee, as we seek to open up the Central Asian regions to further democracy, to free markets, to capitalism, to liberty. I think that is a good move on our part. Part of it is going to be contained in the future of the world. Radio Free Iran is in this bill and I think that is a positive move. It doesn't diminish the act of privatizing Radio Free Europe. It is important to move forward in that regard. This is a win for the American people, and a win for people around the world who seek freedom for themselves and their marketplace, their future and their families. With that, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

AMENDMENT NO. 398 WITHDRAWN

Mr. MURKOWSKI. Mr. President, I believe I have an amendment that is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Mr. President, I just had a conversation with the Secretary of State, Madeleine Albright, relative to the reasons why I have offered an amendment which would require that the Foreign Relations Committee confirm the coordinator of Taiwan affairs at the State Department.

As the Chair is aware, the Taiwan Relations Act requires the Committee on Foreign Relations to oversee the implementation of the TRA and the operations and procedures of the American Institute in Taiwan. And, furthermore, then Secretary of State Vance assured the committee in a letter to then Chairman Frank Church that "the names of prospective trustees and officers will be forwarded to the Foreign Relations Committee. If the Committee expresses reservations about a prospective trusteer, [the Department of State] will undertake to discuss the matter fully with the Committee before proceeding."

The Secretary of State assured me that she will put into a formal letter that the State Department will agree to consult with the Foreign Relations Committee prior to appointing any director or chairman of the American Institute in Taiwan. The letter will, of course, be directed to the chairman of the Foreign Relations Committee. A copy will be given to the minority, as well as to me, and Secretary of State Madeleine Albright agreed to refer, specifically, in her letter, to the assurance that Chairman Frank Church received from Secretary of State Vance regarding the intent and interpretation of the committee's role under the Taiwan Relations Act.

So as a consequence of that assurance, Mr. President, and with thanks to the chairman of the Foreign Relations Committee, I think that Secretary Albright has met my concern by assuring the chairman of the Foreign Relations Committee that, indeed, the State Department will put into writing its agreement to consult with the committee prior to appointing the director or chairman of the American Institute in Taiwan. As we all know, and the concern we have is that, previously, the appointments took place before the consultations took place. That will not be the case. I thank Senator BIDEN for his role in taking the first call from the Secretary and, again, I appreciate Senator HELMS' indulgence in providing me with the time to come to the floor, as well as to talk to the Secretary. As a consequence of that, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. Amendment No. 398 is withdrawn.

Mr. HELMS. If the Senator will yield, I think he has done a good day's work. I commend him.

Mr. President, I ask unanimous consent to discharge H.R. 1757 from the committee, and all after the enacting clause be stricken and that the language of S. 903, as amended, be inserted, and the bill be read the third time.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming [Mr. ENZI], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Kansas [Mr. ROBERTS] are necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE]

and the Senator from South Dakota [Mr. JOHNSON] are necessarily absent.

I further announce that the Senator from South Dakota [Mr. JOHNSON] is absent attending a funeral.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—90

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Breaux	Grassley	Murray
Brownback	Gregg	Nickles
Bryan	Hagel	Reed
Bumpers	Hatch	Reid
Burns	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Kennedy	Smith (OR)
Coverdell	Kerrey	Snowe
Craig	Kerry	Specter
D'Amato	Kohl	Stevens
DeWine	Kyl	Thomas
Dodd	Landrieu	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Torricelli
Durbin	Levin	Warner
Faircloth	Lieberman	Wyden

NAYS—5

Bingaman	Harkin	Wellstone
Byrd	Sarbanes	

NOT VOTING—5

Daschle	Johnson	Roberts
Enzi	Kempthorne	

So the bill (H.R. 1757), as amended, was passed as follows:

Resolved, That the bill from the House of Representatives (H.R. 1757) entitled "An Act to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Affairs Reform and Restructuring Act of 1997".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) DIVISION A.—Foreign Affairs Agencies Consolidation Act of 1997.

(2) DIVISION B.—Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

(3) DIVISION C.—United Nations Reform Act of 1997.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES
TITLE I—GENERAL PROVISIONS
Sec. 101. Short title.
Sec. 102. Purposes.
Sec. 103. Definitions.
Sec. 104. Report on budgetary cost savings resulting from reorganization.
TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
CHAPTER 1—GENERAL PROVISIONS
Sec. 201. Effective date.
CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS
Sec. 211. Abolition of United States Arms Control and Disarmament Agency.
Sec. 212. Transfer of functions to Secretary of State.
Sec. 213. Under Secretary for Arms Control and International Security.
Sec. 214. Reporting requirements.
Sec. 215. Repeal relating to Inspector General for United States Arms Control and Disarmament Agency.
CHAPTER 3—CONFORMING AMENDMENTS
Sec. 221. References.
Sec. 222. Repeal of establishment of ACDA.
Sec. 223. Repeal of positions and offices.
Sec. 224. Compensation of officers.
TITLE III—UNITED STATES INFORMATION AGENCY
CHAPTER 1—GENERAL PROVISIONS
Sec. 301. Effective date.
CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS
Sec. 311. Abolition of United States Information Agency.
Sec. 312. Transfer of functions.
Sec. 313. Under Secretary of State for Public Diplomacy.
Sec. 314. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.
Sec. 315. Interim transfer of functions.
CHAPTER 3—INTERNATIONAL BROADCASTING
Sec. 321. Congressional findings and declaration of purpose.
Sec. 322. Continued existence of Broadcasting Board of Governors.
Sec. 323. Conforming amendments to the United States International Broadcasting Act of 1994.
Sec. 324. Amendments to the Radio Broadcasting to Cuba Act.
Sec. 325. Amendments to the Television Broadcasting to Cuba Act.
Sec. 326. Savings provisions.
Sec. 327. Report on the privatization of RFE/RL, Incorporated.
CHAPTER 4—CONFORMING AMENDMENTS
Sec. 331. References.
Sec. 332. Amendments to title 5, United States Code.
Sec. 333. Ban on domestic activities.
TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
CHAPTER 1—GENERAL PROVISIONS
Sec. 401. Effective date.
CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS
Sec. 411. Abolition of United States International Development Cooperation Agency.
Sec. 412. Transfer of functions.
Sec. 413. Status of AID.
CHAPTER 3—CONFORMING AMENDMENTS
Sec. 421. References.
Sec. 422. Conforming amendments.
TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT
CHAPTER 1—GENERAL PROVISIONS
Sec. 501. Effective date.
CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS
Sec. 511. Reorganization of Agency for International Development.
CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE
Sec. 521. Definition of United States assistance.
Sec. 522. Placement of Administrator of AID under the direct authority of the Secretary of State.
Sec. 523. Assistance programs coordination, implementation, and oversight.
Sec. 524. Sense of the Senate regarding apportionment of certain funds to the Secretary of State.
TITLE VI—TRANSITION
CHAPTER 1—REORGANIZATION PLAN
Sec. 601. Reorganization plan.
CHAPTER 2—REORGANIZATION AUTHORITY
Sec. 611. Reorganization authority.
Sec. 612. Transfer and allocation of appropriations and personnel.
Sec. 613. Incidental transfers.
Sec. 614. Savings provisions.
Sec. 615. Property and facilities.
Sec. 616. Authority of Secretary of State to facilitate transition.
Sec. 617. Final report.
TITLE VII—FUNCTIONS, CONDUCT, AND STRUCTURE OF UNITED STATES FOREIGN POLICY FOR THE 21ST CENTURY.
Sec. 701. Findings.
Sec. 702. Establishment.
Sec. 703. Composition and qualifications.
Sec. 704. Duties of the Commission.
Sec. 705. Commission reports.
Sec. 706. Powers.
Sec. 707. Personnel.
Sec. 708. Payment of Commission expenses.
Sec. 709. Termination.
Sec. 710. Executive branch action.
Sec. 711. Annual foreign affairs strategy report.
Sec. 712. Definition of foreign affairs agencies.
DIVISION B—FOREIGN RELATIONS AUTHORIZATION
TITLE X—GENERAL PROVISIONS
Sec. 1001. Short title.
Sec. 1002. Definition.
TITLE XI—DEPARTMENT OF STATE AND RELATED AGENCIES
CHAPTER 1—AUTHORIZATIONS OF APPROPRIATIONS
Sec. 1101. Authorizations of appropriations for Administration of Foreign Affairs.
Sec. 1102. Migration and refugee assistance.
Sec. 1103. Asia Foundation.
CHAPTER 2—AUTHORITIES AND ACTIVITIES
Sec. 1121. Reduction in required reports.
Sec. 1122. Authority of the Foreign Claims Settlement Commission.
Sec. 1123. Procurement of services.
Sec. 1124. Fee for use of diplomatic reception rooms.
Sec. 1125. Prohibition on judicial review Department of State counterterrorism and narcotics-related rewards program.
Sec. 1126. Office of the Inspector General.
Sec. 1127. Reaffirming United States international telecommunications policy.

Sec. 1128. Counterdrug and anti-crime activities of the Department of State.
CHAPTER 3—PERSONNEL
Sec. 1131. Elimination of position of Deputy Assistant Secretary of State for Burdensharing.
Sec. 1132. Restriction on lobbying activities of former United States chiefs of mission.
Sec. 1133. Recovery of costs of health care services.
Sec. 1134. Nonovertime differential pay.
Sec. 1135. Pilot program for foreign affairs reimbursement.
Sec. 1136. Grants to overseas educational facilities.
Sec. 1137. Grants to remedy international child abductions.
Sec. 1138. Foreign Service reform.
Sec. 1139. Law enforcement availability pay.
Sec. 1140. Law enforcement authority of DS special agents overseas.
Sec. 1141. Limitations on management assignments.
CHAPTER 4—CONSULAR AND RELATED ACTIVITIES
Sec. 1151. Consular officers.
Sec. 1152. Repeal of outdated consular receipt requirements.
Sec. 1153. Elimination of duplicate Federal Register publication for travel advisories.
Sec. 1154. Inadmissibility of members of former Soviet Union intelligence services.
Sec. 1155. Denial of visas to aliens who have confiscated property claimed by nationals of the United States.
Sec. 1156. Inadmissibility of aliens supporting international child abductors.
TITLE XII—OTHER INTERNATIONAL ORGANIZATIONS AND COMMISSIONS
CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS
Sec. 1201. International conferences and contingencies.
Sec. 1202. International commissions.
CHAPTER 2—GENERAL PROVISIONS
Sec. 1211. International criminal court participation.
Sec. 1212. Withholding of assistance for parking fines owed by foreign countries.
Sec. 1213. United States membership in the Interparliamentary Union.
Sec. 1214. Reporting of foreign travel by United States officials.
Sec. 1215. Sense of the Senate on use of funds in Japan-United States Friendship Trust Fund.
TITLE XIII—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS
CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS
Sec. 1301. Authorization of appropriations.
Sec. 1302. National Endowment for Democracy.
CHAPTER 2—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES
Sec. 1311. Authorization to receive and recycle fees.
Sec. 1312. Appropriations transfer authority.
Sec. 1313. Expansion of Muskie Fellowship Program.
Sec. 1314. Au pair extension.
Sec. 1315. Radio broadcasting to Iran in the Farsi language.
Sec. 1316. Voice of America broadcasts.
Sec. 1317. Working group on government-sponsored international exchanges and training.
Sec. 1318. International information programs.
Sec. 1319. Authority to administer summer travel and work programs.
TITLE XIV—PEACE CORPS
Sec. 1401. Short title.
Sec. 1402. Authorization of appropriations.
Sec. 1403. Amendments to the Peace Corps Act.
TITLE XV—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS
Sec. 1501. Authorization of appropriations.
CHAPTER 2—AUTHORITIES
Sec. 1511. Statutory construction.
TITLE XVI—FOREIGN POLICY
Sec. 1601. Payment of Iraqi claims.
Sec. 1602. United Nations membership for Belarus.
Sec. 1603. United States policy with respect to Jerusalem as the capital of Israel.
Sec. 1604. Special envoy for Tibet.
Sec. 1605. Financial transactions with state sponsors of international terrorism.
Sec. 1606. United States policy with respect to the involuntary return of persons in danger of subjection to torture.
Sec. 1607. Reports on the situation in Haiti.
Sec. 1608. Report on an alliance against narcotics trafficking in the Western Hemisphere.
Sec. 1609. Report on greenhouse gas emissions agreement.
Sec. 1610. Reports and policy concerning diplomatic immunity.
Sec. 1611. Italian confiscation of property case.
Sec. 1612. Designation of additional countries eligible for NATO enlargement assistance.
Sec. 1613. Sense of Senate regarding United States citizens held in prisons in Peru.
Sec. 1614. Exclusion from the United States of aliens who have been involved in extrajudicial and political killings in Haiti.
Sec. 1615. Sense of the Senate on enforcement of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 cruise missiles.
Sec. 1616. Sense of the Senate on persecution of Christian minorities in the People's Republic of China.
Sec. 1617. Sense of Congress regarding the North Atlantic Treaty Organization.
Sec. 1618. Japan-United States Friendship Commission.
Sec. 1619. Aviation safety.
Sec. 1620. Sense of the Senate on United States policy toward the People's Republic of China.
Sec. 1621. Sense of the Senate encouraging programs by the National Endowment for Democracy regarding the rule of law in China.
Sec. 1622. Concerning the Palestinian authority.
Sec. 1623. Authorization of Appropriations for facilities in Beijing and Shanghai.
Sec. 1624. Eligibility for refugee status.
DIVISION C—UNITED NATIONS REFORM
TITLE XX—GENERAL PROVISIONS
Sec. 2001. Short title.
Sec. 2002. Definitions.
Sec. 2003. Nondelegation of certification requirements.
TITLE XXI—AUTHORIZATION OF APPROPRIATIONS
Sec. 2101. Assessed contributions to the United Nations and affiliated organizations.
Sec. 2102. United Nations policy on Israel and the Palestinians.
Sec. 2103. Assessed contributions for international peacekeeping activities.
Sec. 2104. Data on costs incurred in support of United Nations peace and security operations.
Sec. 2105. Reimbursement for goods and services provided by the United States to the United Nations.
Sec. 2106. Restriction on United States funding for United Nations peace operations.
Sec. 2107. United States policy regarding United Nations peacekeeping missions.
Sec. 2108. Organization of American States.
TITLE XXII—ARREARS PAYMENTS AND REFORM
CHAPTER 1—ARREARAGES TO THE UNITED NATIONS
SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS; DISBURSEMENT OF FUNDS
Sec. 2201. Authorization of appropriations.
Sec. 2202. Disbursement of funds.
SUBCHAPTER B—UNITED STATES SOVEREIGNTY
Sec. 2211. Certification requirements.
SUBCHAPTER C—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACE OPERATIONS
Sec. 2221. Certification requirements.
SUBCHAPTER D—BUDGET AND PERSONNEL REFORM
Sec. 2231. Certification requirements.
CHAPTER 2—MISCELLANEOUS PROVISIONS
Sec. 2241. Statutory construction on relation to existing laws.
Sec. 2242. Prohibition on payments relating to UNIDO and other organizations from which the United States has withdrawn or rescinded funding.

DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the "Foreign Affairs Agencies Consolidation Act of 1997".

SEC. 102. PURPOSES.

The purposes of this division are—

(1) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(2) to consolidate and reinvigorate the foreign affairs functions of the United States within the Department of State by—

(A) abolishing the United States Arms Control and Disarmament Agency, the United States Information Agency, the United States International Development Cooperation Agency, and transferring the functions of these agencies to the Department of State while preserving the quality and integrity of these functions;

(B) transferring certain functions of the Agency for International Development to the Department of State; and

(C) providing for the reorganization of the Department of State to maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of the Department of State;

(3) to ensure that programs critical to the promotion of United States national interests be maintained;

(4) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(5) to ensure that the United States maintains effective representation abroad within budgetary restraints; and

(6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government.

SEC. 103. DEFINITIONS.

The following terms have the following meanings for the purposes of this division:

(1) The term "ACDA" means the United States Arms Control and Disarmament Agency.

(2) The term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) The term "Department" means the Department of State.

(4) The term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code.

(5) The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(6) The term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(7) The term "Secretary" means the Secretary of State.

(8) The term "USIA" means the United States Information Agency.

SEC. 104. REPORT ON BUDGETARY COST SAVINGS RESULTING FROM REORGANIZATION.

Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter through the end of fiscal year 2000, the Secretary of State shall submit a report to the appropriate congressional committees describing the total anticipated and achieved cost savings in budget outlays and budget authority related to the reorganization made under this Act, including cost savings by each of the following categories:

(1) Reductions in personnel.

(2) Administrative consolidation.

(3) Program consolidation.

(4) Sales of real property.

(5) Termination of property leases.

(6) Coordinated procurement.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 201. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

Except as otherwise provided in this division, there are transferred to the Secretary of State—

(1) all functions of the Director of the United States Arms Control and Disarmament Agency, and

(2) all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law,

as of the day before the effective date of this title.

SEC. 213. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended in subsection (b)—

(1) by striking "There" and inserting the following:

"(1) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation matters. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as advisor on arms control and nonproliferation matters.".

SEC. 214. REPORTING REQUIREMENTS.

(a) VERIFICATION OF COMPLIANCE.—Section 37 of the Arms Control and Disarmament Act (22 U.S.C. 2577) is amended—

(1) in subsection (a), by striking "Director" each place it appears and inserting "Under Secretary of State for Arms Control and International Security";

(2) in subsection (d), by striking "Director" each place it appears and inserting "Under Secretary of State";

(3) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(4) by inserting after subsection (a) the following:

"(b) INCLUSION OF COMMENTS BY THE SECRETARY OF STATE.—In the preparation of each report under subsection (a), the Under Secretary of State for Arms Control and International Security shall include the comments, if any, of the Secretary of State after the Secretary has had an opportunity to review the report for a period of not to exceed 14 days.".

(b) ANNUAL REPORT.—Section 51 of that Act (22 U.S.C. 2593a) is amended—

(1) in subsection (a)—

(A) by striking "Director" and inserting "Under Secretary of State for Arms Control and International Security"; and

(B) by striking "the Secretary of State,";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

"(b) INCLUSION OF COMMENTS BY THE SECRETARY OF STATE.—In the preparation of each report under subsection (a), the Under Secretary of State for Arms Control and International Security shall include the comments, if any, of the Secretary of State after the Secretary has had an opportunity to review the report for a period of not to exceed 14 days.".

SEC. 215. REPEAL RELATING TO INSPECTOR GENERAL FOR UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

Section 50 of the Arms Control and Disarmament Act (22 U.S.C. 2593a), relating to the ACDA Inspector General, is repealed.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 221. REFERENCES.

Except as provided in section 214, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency, shall be deemed to refer to the Secretary of State; and

(2) the United States Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

SEC. 222. REPEAL OF ESTABLISHMENT OF ACDA.

Section 21 of the Arms Control and Disarmament Act (22 U.S.C. 2561; relating to the establishment of ACDA) is repealed.

SEC. 223. REPEAL OF POSITIONS AND OFFICES.

The following sections of the Arms Control and Disarmament Act are repealed:

(1) Section 22 (22 U.S.C. 2562; relating to the Director).

(2) Section 23 (22 U.S.C. 2563; relating to the Deputy Director).

(3) Section 24 (22 U.S.C. 2564; relating to Assistant Directors).

(4) Section 25 (22 U.S.C. 2565; relating to bureaus, offices, and divisions).

SEC. 224. COMPENSATION OF OFFICERS.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Arms Control and Disarmament Agency.",

(2) in section 5314, by striking "Deputy Director of the United States Arms Control and Disarmament Agency.",

(3) in section 5315—

(A) by striking "Assistant Directors, United States Arms Control and Disarmament Agency (4).", and

(B) by striking "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency", and inserting "Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State", and

(4) in section 5316, by striking "General Counsel of the United States Arms Control and Disarmament Agency.".

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. EFFECTIVE DATE.

Except as otherwise provided, this title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1999; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency (other than the Broadcasting Board of Governors) is abolished.

SEC. 312. TRANSFER OF FUNCTIONS.

There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

SEC. 313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended—

(1) by striking "There" and inserting the following:

"(1) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(2) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy who shall have responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.".

SEC. 314. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Inspector General of the United States Information Agency is abolished.

(b) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "the United States Information Agency" and inserting "the Broadcasting Board of Governors"; and

(2) in paragraph (2), by striking "the United States Information Agency," and inserting "the Broadcasting Board of Governors,".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the following:

"Inspector General, United States Information Agency."; and

(2) by inserting the following:

"Inspector General, Broadcasting Board of Governors.".

(d) AMENDMENTS TO PUBLIC LAW 103–236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General of the Broadcasting Board of Governors"; and

(2) by striking "the Director of the United States Information Agency,".

(e) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), there are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

(2) TRANSFER TO INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There are transferred to the Inspector General of the Broadcasting Board of Governors the functions (including related functions) that the Office of Inspector General of the United States Information Agency exercised with respect to the International Broadcasting Bureau, Voice of America, WORLDNET TV and Film Service, the office of Cuba Broadcasting, and RFE/RL, Incorporated, before the effective date of this title.

(f) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

SEC. 315. INTERIM TRANSFER OF FUNCTIONS.

(a) INTERIM TRANSFER.—Except as otherwise provided in this division, there are transferred to the Secretary of State the following functions of the United States Information Agency exercised as of the day before the effective date of this section:

(1) The functions exercised by the Office of Public Liaison of the Agency.

(2) The functions exercised by the Office of Congressional and Intergovernmental Affairs of the Agency.

(b) EFFECTIVE DATE.—This section shall take effect on the earlier of—

(1) October 1, 1998, or

(2) the date of the proposed transfer of functions described in this section pursuant to the reorganization plan described in section 601.

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

SEC. 322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

"(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

"(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

"(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date shall serve the remainder of their terms of office without reappointment.

"(3) ESTABLISHMENT OF INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There shall be established an Inspector General of the Broadcasting Board of Governors.

"(4) INSPECTOR GENERAL AUTHORITIES.—The Inspector General of the Broadcasting Board of Governors shall exercise the same authorities with respect to the Broadcasting Board of Governors as the Inspector General of the Department of State and the Foreign Service exercises under section 209 of the Foreign Service Act of 1980 with respect to the Department of State. The Inspector General of the Broadcasting Board of Governors, in carrying out the functions of the Inspector General, shall respect the professional independence and integrity of all the broadcasters covered by this title.".

SEC. 323. CONFORMING AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

(a) REFERENCES IN SECTION.—Whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.).

(b) SUBSTITUTION OF UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.—Sections 304(b)(1)(B), 304(b) (2) and (3), 304(c), 304(e), 305(c), and 306 (22 U.S.C. 6203(b)(1)(B), 6203(b) (2) and (3), 6203(c), 6203(e), 6204(c), and 6205) are amended by striking "Director of the United States Information Agency" each place it appears and inserting "Under Secretary of State for Public Diplomacy".

(c) SUBSTITUTION OF ACTING UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.—Section 304(c) (22 U.S.C. 6203(c)) is amended by striking "acting Director of the agency" and inserting "Acting Under Secretary of State for Public Diplomacy".

(d) STANDARDS AND PRINCIPLES OF INTERNATIONAL BROADCASTING.—Section 303 (22 U.S.C. 6202) is amended—

(1) in paragraph (3), by inserting ", including editorials, broadcast by the Voice of America, which present the views of the United States Government" after "policies";

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

(3) by inserting after paragraph (3) the following:

"(4) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;";

(e) AUTHORITIES OF THE BOARD.—Section 305(a) (22 U.S.C. 6204(a)) is amended—

(1) in paragraph (1), by striking "direct and";

(2) in paragraph (4), by inserting ", after consultation with the Secretary of State," after "annually,";

(3) in paragraph (9), by striking ", through the Director of the United States Information Agency,";

(4) in paragraph (12)—

(A) by striking "1994 and 1995" and inserting "1998 and 1999"; and

(B) by striking "to the Board for International Broadcasting for such purposes for fiscal year 1993" and inserting "to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997"; and

(5) by adding at the end the following new paragraphs:

"(15)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code.

"(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"(16) To receive donations, bequests, devises, gifts, and other forms of contributions of cash, services, and other property, from persons, corporations, foundations, and all other groups and entities both within the United States and abroad, and, pursuant to the Federal Property and Administrative Services Act of 1949, to use, sell, or otherwise dispose of such property for the carrying out of its functions. For the purposes of sections 170, 2055, and 2522 of the Internal Revenue Code of 1986 (26 U.S.C. 170, 2055, or 2522), the Board shall be deemed to be a corporation described in section 170(c)(2), 2055(a)(2), or 2522(a)(2) of the Code, as the case may be.".

(f) BROADCASTING BUDGETS.—Section 305(b)(1) (22 U.S.C. 6204(b)(1)) is amended—

(1) by striking "(1)" before "The Director"; and

(2) by striking "the Director of the United States Information Agency for the consideration of the Director as a part of the Agency's budget submission to".

(g) REPEAL.—Section 305(b)(2) (22 U.S.C. 6204(b)(2)) is repealed.

(h) IMPLEMENTATION.—Section 305(c) (22 U.S.C. 6204(c)) is amended—

(1) by striking "Director of the United States Information Agency and the"; and

(2) by striking "their" and inserting "its".

(i) FOREIGN POLICY GUIDANCE.—Section 306 (22 U.S.C. 6205) is amended by inserting before the period at the end the following: ", as the Secretary may deem appropriate".

(j) INTERNATIONAL BROADCASTING BUREAU.—Section 307 (22 U.S.C. 6206) is amended—

(1) in subsection (a), by striking "within the United States Information Agency" and inserting "under the Board";

(2) in subsection (b)(1), by striking "Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board" and inserting "President, by and with the advice and consent of the Senate"; and

(3) by redesignating subsection (b)(1) as subsection (b).

(k) REPEALS.—The following provisions of law are repealed:

(1) Subsections (k) and (l) of section 308 (22 U.S.C. 6207(k).

(2) Section 310 (22 U.S.C. 6209).

(l) ADDITIONAL REFERENCE TO DIRECTOR OF USIA.—Section 311 (22 U.S.C. 6210) is amended by striking "the Director of the United States Information Agency and".

SEC. 324. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.

The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended—

(1) by striking "United States Information Agency" each place it appears and inserting "Broadcasting Board of Governors";

(2) by striking "Agency" each place it appears and inserting "Board";

(3) by striking "the Director of the United States Information Agency" each place it appears and inserting "the Chairman of the Broadcasting Board of Governors";

(4) in section 4 (22 U.S.C. 1465b), by striking "the Director of the Voice of America" and inserting "the International Broadcasting Bureau"; and

(5) by striking any other reference to "Director" not amended by paragraph (3) each place it appears and inserting "Chairman".

SEC. 325. AMENDMENTS TO THE TELEVISION BROADCASTING TO CUBA ACT.

The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) is amended—

(1) by striking "United States Information Agency" and inserting "Broadcasting Board of Governors" each place it appears;

(2) by striking "Agency" and inserting "Board" each place it appears;

(3) by striking "Director of the United States Information Agency" each place it appears and inserting "Chairman of the Broadcasting Board of Governors";

(4) in section 244a. (22 U.S.C. 1465cc(a)), by striking "the Director of the Voice of America" and inserting "the International Broadcasting Bureau"; and

(5) by striking any other reference to "Director" not amended by paragraph (3) or (4) each place it appears and inserting "Chairman".

SEC. 326. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this chapter, and

(2) which are in effect at the time this chapter takes effect, or were final before the effective date of this chapter and are to become effective on or after the effective date of this chapter,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Broadcasting Board of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this chapter, or amendments made by this chapter, shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Broadcasting Board of Governors of the United States Information Agency at the time this chapter takes effect, with respect to functions exercised by the Board as of the effective date of this chapter but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this chapter had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this chapter had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this chapter, and amendments made by this chapter, shall not affect suits commenced before the effective date of this chapter, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this chapter had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Board, or by or against any individual in the official capacity of such individual as an officer of the Board, shall abate by reason of the enactment of this chapter.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Board relating to a function exercised by the Board before the effective date of this chapter may be continued by the Board with the same effect as if this chapter had not been enacted.

(f) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this chapter, shall be deemed to refer to the Board.

SEC. 327. REPORT ON THE PRIVATIZATION OF RFE/RL, INCORPORATED.

(a) FINDINGS.—Congress makes the following findings:

(1) The Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, set a limitation on the operating costs of RFE/RL, Incorporated, at $75,000,000 for any fiscal year after fiscal year 1995.

(2) Section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, expressed the sense of Congress that, in furtherance of the objectives of section 302 of that Act, the funding of RFE/RL, Incorporated, should be assumed by the private sector not later than December 31, 1999.

(3) The conference report on the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (House Report 103–482) noted that "The committee on the conference expects that the Broadcasting Board of Governors will do everything possible, within available resources, to support this privatization effort".

(b) DECLARATION OF POLICY.—It is the sense of Congress that RFE/RL, Incorporated, should act in accordance with subsection (a)(2), that is, that the United States Government should cease Federal support for RFE/RL, Incorporated, prior to December 31, 1999.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act and every 180 days thereafter, the President acting through the Chairman of the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the progress of the Board and of RFE/RL, Incorporated, in implementing section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. The report under this subsection shall include the following:

(1) Efforts by RFE/RL, Incorporated, to terminate individual language services.

(2) A detailed description of steps taken to comply with subsection (a)(2).

(3) An analysis of prospects for privatization over the coming year.

(d) DEFINITIONS.—In this section, the term "the Board" means the Broadcasting Board of Governors.

CHAPTER 4—CONFORMING AMENDMENTS

SEC. 331. REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State, except as otherwise provided by this division.

SEC. 332. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking "Director of the United States Information Agency.";

(2) in section 5315—

(A) by striking "Deputy Director of the United States Information Agency."; and

(B) by adding at the end the following:

"Director of the International Broadcasting Bureau."; and

(3) in section 5316, by striking "Deputy Director, Policy and Plans, United States Information Agency." and striking "Associate Director (Policy and Plans), United States Information Agency.".

SEC. 333. BAN ON DOMESTIC ACTIVITIES.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) is amended—

(1) by striking out "United States Information Agency" each of the two places it appears and inserting "Department of State"; and

(2) by inserting "in carrying out international information, educational, and cultural activities comparable to those previously administered by the United States Information Agency" before "shall be distributed".

TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—Except for the components described in subsection (b), the United States International Development Cooperation Agency (including the Institute for Scientific and Technological Cooperation) is abolished.

(b) OPIC AND AID EXEMPTED.—Subsection (a) does not apply to the Agency for International Development or the Overseas Private Investment Corporation.

SEC. 412. TRANSFER OF FUNCTIONS.

(a) TO THE SECRETARY OF STATE.—There are transferred to the Secretary of State the functions of the Director of the United States International Development Cooperation Agency and of the United States International Development Cooperation Agency, as of the day before the effective date of this title, in allocating the funds described in subsection (d).

(b) WITH RESPECT TO THE OVERSEAS PRIVATE INVESTMENT CORPORATION.—There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency as of the day before the effective date of this title with respect to the Overseas Private Investment Corporation.

(c) TO ANOTHER AGENCY OR AGENCIES.—

(1) PURSUANT TO A REORGANIZATION PLAN.—Except as provided in paragraph (2), there are transferred to such agency or agencies as may be specified in the reorganization plan transmitted under section 601 all functions not transferred under subsection (a) of the Director of the United States International Development Cooperation Agency and the United States International Development Cooperation Agency as of the day before the effective date of this title.

(2) FAILURE TO SUBMIT A REORGANIZATION PLAN.—In the event that the President fails to submit a reorganization plan under section 601, all functions not transferred under subsection (a) or (b) of the Director of the United States International Development Cooperation Agency and the United States International Development Cooperation Agency as of the day before the effective date of this title shall be transferred to the Secretary of State.

(d) ALLOCATION OF FUNDS.—Funds under the categories of assistance deemed allocated to the Director of the International Development Cooperation Agency under section 1–801 of Executive Order No. 12163 (22 U.S.C. 2381 note) as of the day before the effective date of this title shall be deemed allocated to the Secretary of State on and after that date without further action by the President.

SEC. 413. STATUS OF AID.

(a) IN GENERAL.—Unless abolished pursuant to the reorganization plan submitted under section 601, and except as provided in section 412, there is within the Executive branch of Government the United States Agency for International Development as an entity described in section 104 of title 5, United States Code.

(b) RETENTION OF OFFICERS.—Nothing in this section shall require the reappointment of any officer of the United States serving in the Agency for International Development of the United States International Development Cooperation Agency as of the day before the effective date of this title.

(c) UTILIZATION OF THE FOREIGN SERVICE PERSONNEL SYSTEM.—Section 202(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)(1)) is amended to read as follows:

"(a)(1) The Administrator of the United States Agency for International Development may utilize the Foreign Service personnel system with respect to the Agency in accordance with this Act.".

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 421. REFERENCES.

Except as otherwise provided in this title, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Director or any other officer or employee of the United States International Development Cooperation Agency (IDCA) or the Agency—

(1) insofar as such references relate to functions transferred under section 412(a), shall be deemed to refer to the Secretary of State;

(2) insofar as such references relate to functions transferred under section 412(b), shall be deemed to refer to the Administrator of the Agency for International Development; and

(3) insofar as such references relate to functions transferred under section 412(c), shall be deemed to refer to such agency or agencies as may be specified in the reorganization plan submitted under section 601.

SEC. 422. CONFORMING AMENDMENTS.

The following shall cease to be effective:

(1) Reorganization Plan Numbered 2 of 1979 (5 U.S.C. App.).

(2) Section 1–101 through 1–103, sections 1–401 through 1–403, section 1–801(a), and such other provisions that relate to the United States International Development Cooperation Agency or the Director of such Agency, of Executive Order No. 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1–6 of such Delegation of Authority.

(4) Section 3 of Executive Order No. 12884 (58 Fed. Reg. 64099; relating to the delegation of functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).

TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 501. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 601.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

SEC. 511. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—The Agency for International Development shall be reorganized in accordance with this division and the reorganization plan transmitted pursuant to section 601.

(b) FUNCTIONS TO BE TRANSFERRED.—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of the Agency:

(1) Press and public affairs.

(2) Legislative affairs.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

SEC. 521. DEFINITION OF UNITED STATES ASSISTANCE.

In this chapter, the term "United States assistance" means development and other economic assistance, including assistance made available under the following provisions of law:

(1) Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund).

(3) Chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa).

(4) Chapter 11 of part I of the Foreign Assistance Act of 1961 (relating to assistance for the independent states of the former Soviet Union).

(5) The Support for East European Democracy Act (22 U.S.C. 5401 et seq.).

(6) The FREEDOM Support Act (22 U.S.C. 5801 et seq.).

SEC. 522. PLACEMENT OF ADMINISTRATOR OF AID UNDER THE DIRECT AUTHORITY OF THE SECRETARY OF STATE.

The Administrator of the Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall serve under the direct authority of the Secretary of State.

SEC. 523. ASSISTANCE PROGRAMS COORDINATION, IMPLEMENTATION, AND OVERSIGHT.

(a) AUTHORITY OF THE SECRETARY OF STATE.—

(1) IN GENERAL.—Under the direction of the President, the Secretary of State shall coordinate all programs, projects, and activities of United States assistance in accordance with this section, except as provided in paragraphs (2) and (3).

(2) EXPORT PROMOTION ACTIVITIES.—Coordination of activities relating to promotion of exports of United States goods and services shall continue to be primarily the responsibility of the Secretary of Commerce.

(3) INTERNATIONAL ECONOMIC ACTIVITIES.—Coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury.

(4) RELATION TO EXISTING LAW.—The responsibilities of the Secretary of State under this section are in addition to responsibilities of the Secretary under section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).

(b) COORDINATION ACTIVITIES.—Coordination activities of the Secretary of State under subsection (a) shall include—

(1) designing an overall assistance and economic cooperation strategy;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in the Foreign Assistance Act of 1961, the Arms Export Control Act, and other relevant assistance Acts;

(3) pursuing coordination with other countries and international organizations;

(4) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs; and

(5) resolving policy, program, and funding disputes among United States Government agencies.

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to lessen the accountability of any Federal agency administering any program, project, or activity of United States assistance for any funds made available to the agency for that purpose.

(d) AUTHORITY TO PROVIDE PERSONNEL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Administrator of the Agency for International Development shall, upon request, detail to the Department of State on a nonreimbursable basis such personnel employed by

the Agency as the Secretary of State may require to carry out this section.

SEC. 524. SENSE OF THE SENATE REGARDING APPORTIONMENT OF CERTAIN FUNDS TO THE SECRETARY OF STATE.

It is the sense of the Senate that the Director of the Office of Management and Budget should apportion United States assistance funds appropriated to the President under major functional budget category 150 (relating to international affairs) to the Secretary of State in lieu of the apportionment of those funds to the head of any other Federal agency.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

SEC. 601. REORGANIZATION PLAN.

(a) SUBMISSION OF PLAN.—Not later than October 1, 1997, or the date that is 15 days after the date of the enactment of this Act, whichever occurs later, the President shall, in consultation with the Secretary and the heads of the agencies under subsection (b), transmit to the appropriate congressional committees a reorganization plan providing for—

(1) with respect to the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, the abolition of each agency in accordance with this division;

(2) with respect to the Agency for International Development, the consolidation and streamlining of the Agency and the transfer of certain functions of the Agency to the Department in accordance with section 511;

(3) with respect to the United States Information Agency, the transfer of certain functions of the Agency to the Department in accordance with section 313;

(4) the termination of functions of each agency that would be redundant if transferred to the Department, and the separation from service of employees of each such agency or of the Department not otherwise provided for in the plan;

(5) the transfer to the Department of the functions and personnel of each agency consistent with the provisions of this division; and

(6) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out such functions.

(b) COVERED AGENCIES.—The agencies under this subsection are the following:

(1) The United States Arms Control and Disarmament Agency.

(2) The United States Information Agency.

(3) The United States International Development Cooperation Agency.

(4) The Agency for International Development.

(c) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall—

(1) identify the functions of each agency that will be transferred to the Department under the plan;

(2) identify the number of personnel and number of positions of each agency (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with such agency, or eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the number of personnel and number of positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service with the Department, or eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(4) specify the steps to be taken by the Secretary of State to reorganize internally the functions of the Department, including the consolidation of offices and functions, that will be required under the plan in order to permit the Department to carry out the functions transferred to it under the plan;

(5) specify the funds available to each agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(6) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan;

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each such agency in connection with the transfer of the functions of the agency to the Department; and

(8) recommend legislation necessary to carry out changes made by this division relating to personnel and to incidental transfers.

(d) REORGANIZATION PLAN OF AGENCY FOR INTERNATIONAL DEVELOPMENT.—In addition to applicable provisions of subsection (c), the reorganization plan transmitted under this section for the Agency for International Development—

(1) may provide for the abolition of the Agency for International Development and the transfer of all its functions to the Department of State; or

(2) in lieu of the abolition and transfer of functions under paragraph (1)—

(A) shall provide for the transfer to and consolidation within the Department of the functions of the agency set forth in section 511; and

(B) may provide for additional consolidation, reorganization, and streamlining of the Agency, including—

(i) the termination of functions and reductions in personnel of the Agency;

(ii) the transfer of functions of the Agency, and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(e) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise the plan transmitted under subsection (a).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (e), shall become effective on the earlier of the date for the respective agency specified in paragraph (2) or the date announced by the President under paragraph (3).

(2) STATUTORY EFFECTIVE DATES.—The effective dates under this paragraph for the reorganization plan described in this section are the following:

(A) October 1, 1998, with respect to functions of the Agency for International Development described in section 511.

(B) October 1, 1998, with respect to functions of the United States Information Agency described in section 313.

(C) October 1, 1998, with respect to the abolition of the United States Arms Control and Disarmament Agency and the United States International Development Cooperation Agency.

(D) October 1, 1999, with respect to the abolition of the United States Information Agency (other than as described in subparagraph (B)).

(3) EFFECTIVE DATE BY PRESIDENTIAL DETERMINATION.—An effective date under this paragraph for a reorganization plan described in this section is such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 60 calendar days (excluding any day on which either House of Congress is not in session because of an adjournment sine die or because of an adjournment of more than 3 days to a day certain) after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balance of appropriations, or other assets of an agency on a single date.

(5) SUPERSEDES EXISTING LAW.—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 611. REORGANIZATION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized, subject to the requirements of this division, to allocate or reallocate any function transferred to the Department under any title of this division among the officers of the Department, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this division, but the authority of the Secretary under this section does not extend to—

(1) the abolition of organizational entities or officers established by this Act or any other Act; or

(2) the alteration of the delegation of functions to any specific organizational entity or officer required by this Act or any other Act.

(b) REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.—The reorganization plan under section 601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(3) authorizing an agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 612. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof transferred by any title of this division, subject to section 1531 of title 31, United States Code, shall be transferred to the Secretary for appropriate allocation.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—Unexpended and unobligated funds transferred pursuant to any title of this division shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 613. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, in consultation with the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any title of this division. The Director of the Office of Management and Budget, in consultation with the Secretary, shall provide for the termination of the affairs

of all entities terminated by this division and for such further measures and dispositions as may be necessary to effectuate the purposes of any title of this division.

SEC. 614. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any title of this division; and

(2) that are in effect at the time such title takes effect, or were final before the effective date of such title and are to become effective on or after the effective date of such title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—(1) The provisions of any title of this division shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this division before any department, agency, commission, or component thereof, functions of which are transferred by any title of this division. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this division had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) Nothing in this division shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this division had not been enacted.

(4) The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL PROCEEDINGS.—Except as provided in subsection (e)—

(1) the provisions of this division shall not affect suits commenced prior to the effective date of this Act, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this division had not been enacted.

(d) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any department or agency, functions of which are transferred by any title of this division, shall abate by reason of the enactment of this division. No cause of action by or against any department or agency, functions of which are transferred by any title of this division, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this division.

(e) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the date on which any title of this division takes effect, any department or agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this division any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this division shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this division shall apply to the exercise of such function by the Secretary.

SEC. 615. PROPERTY AND FACILITIES.

The Secretary shall review the property and facilities transferred to the Department under this division to determine whether such property and facilities are required by the Department.

SEC. 616. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Prior to, or after, any transfer of a function under any title of this division, the Secretary is authorized to utilize—

(1) the services of such officers, employees, and other personnel of an agency with respect to functions that will be or have been transferred to the Department by any title of this division; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of any title of this division.

SEC. 617. FINAL REPORT.

Not later than January 1, 2000, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this division.

TITLE VII—FUNCTIONS, CONDUCT, AND STRUCTURE OF UNITED STATES FOREIGN POLICY FOR THE 21ST CENTURY.

SEC. 701. FINDINGS.

Congress makes the following findings:

(1) The United States has prevailed after a half-century of Cold War and must now redesign diplomacy to meet the different challenges of a new and changed international context.

(2) The security of the United States requires that the United States maintain an effective, professional diplomacy, working in concert with the national intelligence and defense forces of the United States.

(3) With modern communications and accelerating technological change, the world is ever more interdependent.

(4) Because 30 percent of the United States gross domestic product is trade-related and every one billion dollars of United States exports represents 20,000 American jobs, national prosperity requires assured access to foreign markets and our diplomacy promotes and defends that access.

(5) American consumers and American industry count upon the availability of foreign goods and raw materials.

(6) The new international agenda includes the following pressing issues, which the Cold War diplomatic structure of the United States is not framed to address adequately: intellectual property rights, refugee migrations, runaway immigration, ethnic conflict, narcotics, international terrorism, epidemic disease, human rights, the advancement of democracy and of market economic systems in developing countries, and a hospitable natural environment.

(7) The United States, as the one remaining global power, must provide global leadership to address these issues that affect Americans.

(8) It is in the national interest to review the functions, conduct, and structure of United States foreign policy for the 21st century.

SEC. 702. ESTABLISHMENT.

There is established a commission to be known as the Commission on the Functions, Conduct, and Structure of United States Foreign Policy for the 21st Century (in this title referred to as the "Commission").

SEC. 703. COMPOSITION AND QUALIFICATIONS.

(a) MEMBERSHIP.—The Commission shall be composed of 9 members who shall be United States citizens who have substantial experience with and expertise in the operations of the foreign affairs agencies of the Federal Government, to be selected as follows:

(1) Five members shall be appointed by the President, at least 3 of whom shall have held senior positions in at least 1 foreign affairs agency of the Federal Government, except that not more than 3 members may be appointed from the same political party.

(2) One member shall be appointed by the Majority Leader of the Senate.

(3) One member shall be appointed by the Minority Leader of the Senate.

(4) One member shall be appointed by the Speaker of the House of Representatives.

(5) One member shall be appointed by the Minority Leader of the House of Representatives.

(b) CHAIR AND VICE CHAIR.—The President shall designate, in consultation with the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, 2 of the members of the Commission to serve as Chair and Vice Chair, respectively.

(c) PERIOD OF APPOINTMENT, VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled expeditiously in the same manner as the original appointment.

(d) DEADLINE FOR APPOINTMENTS.—The appointments required by subsection (a) shall, to the extent practicable, be made within 30 days after the date of enactment of this Act.

(e) MEETINGS.—

(1) FREQUENCY OF MEETINGS.—The Commission shall meet upon request of the Chair but not less than once every 2 months for the duration of the Commission.

(2) FIRST MEETING.—The Commission shall hold its first meeting not later than 2 months after the date of enactment of this Act.

(f) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings, take testimony, or receive evidence.

(g) SECURITY CLEARANCES.—Appropriate security clearances shall be required for members of the Commission. Such clearances shall be processed and completed on an expedited basis by appropriate elements of the executive branch of Government and shall, in any case, be completed within 60 days after the date such members are appointed.

SEC. 704. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Commission—

(1) to review the functions required of United States foreign policy to assure continued United States global leadership in the 21st century;

(2) to assess the effectiveness and adequacy of the current structures, procedures, and priorities of foreign policy decisionmaking and management, and, if necessary, to consider alternatives;

(3) to evaluate the general level and apportionment of resources necessary to promote United States interests, values, and principles abroad and to assess the contribution of diplomatic functions to the national security of the United States; and

(4) to submit reports and recommendations as described in section 705.

(b) IMPLEMENTATION.—In carrying out subsection (a), the Commission shall consult with appropriate officers of the executive branch of Government and appropriate Members of Congress and shall specifically consider the following:

(1) What should be the operating principles and functions of the foreign affairs bureaucracies of the United States?

(2) Is the apparatus for formulating and executing the foreign affairs policies of the United States organized most effectively to achieve its aims, particularly with respect to the nonmilitary aspects of the President's national security strategy?

(3) What are the implications for the functions, resources, and structures of the foreign affairs agencies of the United States of fundamental changes in the international environment, especially advances in information technology, economic interdependence, and the emergence of rival countries or interests?

(4) Is the overseas representation of the United States Government of adequate size, properly distributed, and supported with sufficient resources to advocate effectively the national interests, values, and principles of the United States?

(5) Are the foreign affairs agencies structured to best advance the national interests, values, and principles of the United States?

(6) Do the current personnel systems of the foreign affairs agencies produce individuals trained and supported in the skills necessary to project American leadership abroad in the 21st century?

(7) What level and allocation among foreign affairs agencies and functions of resources are necessary to promote effectively United States national interests, values, and principles?

(8) What is the rationale, mission, and mechanism for delivering foreign assistance? Could such resources be better managed and delivered through private entities or other organizations?

(9) How should multilateral institutions, coalition building, and unilateral actions be used to promote American national interests, values, and principles abroad? What is the most effective way to coordinate the foreign policy interests of special interest groups, including nongovernmental organizations?

(10) How should coordination be improved and resources be allocated between all the United States foreign affairs agencies?

(11) What is the appropriate mechanism for determining the appropriate level of representation overseas of each department or agency of the United States?

(12) What is the appropriate mechanism to foster cooperation and coordination between the Department of the State and all departments or agencies of the United States abroad?

(13) How can consultation and cooperation be improved between the executive and legislative branches of Government in the formulation, execution, and evaluation of American foreign policy interests so that the United States can maximize its international effectiveness and speak with a strong voice on vital American interests, values, and principles?

SEC. 705. COMMISSION REPORTS.

(a) INITIAL REPORT.—Not later than 2 months after the date of enactment of this Act, the Commission shall transmit to Congress, the President, and the Secretary of State a report describing its plan to carry out the work of the Commission.

(b) PRELIMINARY REPORT.—Before the submission of the report required by subsection (c), but not later than 6 months after the date of enactment of this Act, the Commission shall submit a report to the Secretary of State a report on its preliminary findings and recommendations.

(c) FINAL REPORT ON FINDINGS AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Commission shall submit to the President, the Secretary of State, and Congress a report describing the activities, findings, and recommendations of the Commission.

(2) LEGISLATIVE RECOMMENDATIONS.—In addition to the requirements of paragraph (1), the report shall make recommendations that may be implemented through the enactment of legislation or the issuance of an Executive order, as appropriate.

(d) INTERIM REPORTS ON IMPLEMENTATION.—The Commission shall submit to the President, the Secretary of State, and Congress such interim reports on the status of implementation of recommendations as it deems necessary and appropriate.

(e) EVALUATION OF IMPLEMENTATION.—The members of the Commission shall make themselves available to relevant committees of Congress to discuss their views of the implementation of recommendations and proposals submitted by the Secretary of State in compliance with the provisions of this title.

SEC. 706. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel of members of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel considers advisable.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this section. Upon the request of the Chair of the Commission, the head of any such department or agency shall furnish such information expeditiously to the Commission.

(c) POSTAL, PRINTING, AND BINDING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The action of each panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved as such by the Commission.

(e) AUTHORITY OF INDIVIDUALS TO ACT FOR THE COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 707. PERSONNEL.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is a private United States citizen shall be compensated at a level not greater than the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5317 of title 5, United States Code, for each full day (including travel time) during which the member is engaged in the performance of the duties of the Commission. Any member of the Commission who is already a Government employee shall continue to be paid at the same rate by the employing department or agency on a nonreimbursable basis.

(b) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 58 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chair of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, appoint a staff director, subject to the approval of the Commission, and such additional personnel as necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chair of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level III of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Chair of the Commission, the head of any Federal department or agency is authorized and encouraged to detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its functions.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of State may furnish the Commission any administrative and support services requested by the Commission consistent with this title. The Department of State shall be reimbursed for any costs for these services by other appropriate Federal departments and agencies on a basis consistent with worldwide levels of international cooperative administrative support system participation and funding.

SEC. 708. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, and per diem allowances of members and employees of the Commission, and other expenses of the Commission shall be paid out of funds appropriated by Congress.

SEC. 709. TERMINATION.

The Commission shall terminate upon submission of the final report on findings and recommendations, section 705(c), except as provided for in section 705(e).

SEC. 710. EXECUTIVE BRANCH ACTION.

(a) SECRETARY OF STATE'S REVIEW.—Promptly after the date of enactment of this Act, the Secretary of State, in consultation with the heads of all other affected Federal departments and agencies, shall initiate a review of the functions, conduct, and structure of United States foreign relations in the same manner and to the same extent as the review conducted by the Commission under section 704.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Secretary may secure directly from any Federal department or agency information necessary to carry out the responsibilities under this section. Upon the request of the Secretary, the head of any such department or agency shall furnish such information expeditiously.

(c) INITIAL REPORT.—Not later than 2 months after the date of enactment of this Act, the Secretary of State, in consultation with the heads of all other affected departments and agencies, shall transmit to Congress a report describing the plan of the Secretary of State to carry out the review.

(d) PRELIMINARY REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of State, in consultation with the heads of all other affected departments and agencies, shall submit to the Commission a report of preliminary findings and recommendations.

(e) FINAL REPORT ON FINDINGS AND PROPOSALS.—Not later than 18 months after the date of enactment of this Act, the Secretary of State, in consultation with the heads of all other affected foreign affairs agencies, shall submit to Congress a report describing the activities and findings of the Secretary's review and shall include specific proposals for recommended reforms, including those requiring legislative action or Executive order. The report shall respond to, and wherever appropriate, incorporate the findings and recommendations of the Commission as described in section 705(c).

SEC. 711. ANNUAL FOREIGN AFFAIRS STRATEGY REPORT.

Not later than 1 year after the date of enactment of this Act, and on an annual basis thereafter, the Secretary of State, consistent with section 306 of title 5, and section 1115 of title 31, United States Code, and in consultation with the heads of all other foreign affairs agencies, shall submit to Congress in both classified and unclassified versions an annual national foreign relations strategy report describing the priorities and resources required to advance successfully the national interests, values, and principles of the United States.

SEC. 712. DEFINITION OF FOREIGN AFFAIRS AGENCIES.

In this title, the term "foreign affairs agencies" includes the following:

(1) The Department of State.

(2) The United States Agency for International Development.

(3) The United States Information Agency.

(4) The United States Arms Control and Disarmament Agency.

(5) The Overseas Private Investment Corporation.

(6) Appropriate elements of the Department of the Treasury.

(7) Appropriate elements of the Department of Defense.

(8) Appropriate elements of the Department of Justice (including the Drug Enforcement Administration and the Federal Bureau of Investigation).

(9) Appropriate elements of the Department of Agriculture.

(10) Office of the United States Trade Representative.

(11) The National Security Council staff.

(12) The Trade and Development Agency.

(13) Appropriate elements of the Department of Commerce.

DIVISION B—FOREIGN RELATIONS AUTHORIZATION

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1998 and 1999".

SEC. 1002. DEFINITION.

In this division, the term "appropriate congressional committees" means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

TITLE XI—DEPARTMENT OF STATE AND RELATED AGENCIES

CHAPTER 1—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 1101. AUTHORIZATIONS OF APPROPRIATIONS FOR ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs" of the Department of State, $1,746,977,000 for the fiscal year 1998, and $1,764,447,000 for the fiscal year 1999.

(2) SALARIES AND EXPENSES.—For "Salaries and Expenses" of the Department of State, $363,513,000 for the fiscal year 1998, and $367,148,000 for the fiscal year 1999.

(3) SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.—For "Security and Maintenance of Buildings Abroad", $373,081,000 for the fiscal year 1998, and $376,811,000 for the fiscal year 1999.

(4) CAPITAL INVESTMENT FUND.—For the "Capital Investment Fund" of the Department of the State, $64,600,000 for the fiscal year 1998, and $64,600,000 for the fiscal year 1999.

(5) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,100,000 for the fiscal year 1998, and $4,100,000 for the fiscal year 1999.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $5,500,000 for the fiscal year 1998, and $5,500,000 for the fiscal year 1999.

(7) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $28,300,000 for the fiscal year 1998, and $28,300,000 for the fiscal year 1999.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $14,490,000 for the fiscal year 1998, and $14,600,000 for the fiscal year 1999.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—(A) For "Protection of Foreign Missions and Officials", $7,900,000 for the fiscal year 1998, and $8,000,000 for the fiscal year 1999.

(B) Each amount appropriated pursuant to this paragraph is authorized to remain available for two fiscal years.

(10) REPATRIATION LOANS.—For "Repatriation Loans", $1,200,000 for the fiscal year 1998, and $1,200,000 for the fiscal year 1999, for administrative expenses.

SEC. 1102. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $650,000,000 for the fiscal year 1998, and $650,000,000 for the fiscal year 1999.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) are authorized to remain available until expended.

SEC. 1103. ASIA FOUNDATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of State to make grants to "The Asia Foundation", pursuant to The Asia Foundation Act (title IV of Public Law 98–164), $8,000,000 for the fiscal year 1998, and $8,000,000 for the fiscal year 1999.

(b) CONFORMING AMENDMENT.—The first sentence of section 403(a) of The Asia Foundation Act (22 U.S.C. 4402) is amended by striking "with" and all that follows through "404".

CHAPTER 2—AUTHORITIES AND ACTIVITIES

SEC. 1121. REDUCTION IN REQUIRED REPORTS.

(a) AMENDMENT AND REPEALS.—

(1) AMENDMENT.—Section 40(g)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2712(g)(2)) is amended by striking "six months" and inserting "12 months".

(2) REPEALS.—The following provisions of law are repealed:

(A) The second sentence of section 161(c) of the Foreign Relations Authorization Act, Fiscal Year 1990 and 1991 (22 U.S.C. 4171 note).

(B) Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)).

(C) Section 705(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83).

(D) Section 123(e)(2) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93).

(E) Section 203(c) of the Special Foreign Assistance Act of 1986 (Public Law 99–529).

(F) Sections 5 and 6 of the Act entitled "An Act providing for the implementation of the International Sugar Agreement, 1977, and for other purposes" (Public Law 96–236; 7 U.S.C. 3605 and 3606).

(G) Section 514 of the Foreign Assistance and Related Programs Appropriations Act, 1982 (Public Law 97–121).

(H) Section 209 (c) and (d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204).

(I) Section 228(b) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 22 U.S.C. 2452 note).

(b) PROGRESS TOWARD REGIONAL NONPROLIFERATION.—Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c); relating to periodic reports on progress toward regional nonproliferation) is amended by striking "Not later than April 1, 1993 and every six months thereafter," and inserting "Not later than April 1 of each year,".

(c) REPORT ON OVERSEAS VOTER PARTICIPATION.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973ff(b)(6)) is amended by striking "of voter participation" and inserting "of uniformed services voter participation, a general assessment of overseas nonmilitary participation,".

SEC. 1122. AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.

Section 4(a) of the International Claims Settlement Act of 1949 (22 U.S.C. 1623) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the first sentence, by striking "(a) The" and all that follows through the period and inserting the following:

"(a)(1) The Commission shall have jurisdiction to receive, examine, adjudicate, and render final decisions with respect to claims of the Government of the United States and of nationals of the United States—

"(A) included within the terms of the Yugoslav Claims Agreement of 1948;

"(B) included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof; or

"(C) included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State."; and

(3) by redesignating the second sentence as paragraph (2).

SEC. 1123. PROCUREMENT OF SERVICES.

Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended by inserting "personal or" before "other support services".

SEC. 1124. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

"The Secretary of State is authorized to charge a fee for use of the Department of State diplomatic reception rooms to recover the costs of such use. Fees collected under the authority of this section, including reimbursements, surcharges and fees, shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended. The Secretary shall, at the time of the submission of the budget pursuant to section 1105 of title 31, United States Code, submit a report to Congress describing each such transaction.".

SEC. 1125. PROHIBITION ON JUDICIAL REVIEW OF DEPARTMENT OF STATE COUNTERTERRORISM AND NARCOTICS-RELATED REWARDS PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (a)(1), by inserting ", in the sole discretion of the Secretary," after "rewards may be paid";

(2) by redesignating subsection (i) as subsection (j); and

(3) by inserting after subsection (h) the following:

"(i) JUDICIAL REVIEW.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.".

SEC. 1126. OFFICE OF THE INSPECTOR GENERAL.

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

"(4) The Inspector General shall develop and provide to employees—

"(A) information detailing their rights to counsel; and

"(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation, other than matters exempt from disclosure under other provisions of law.".

(b) REPORT.—

(1) IN GENERAL.—Not later than April 30, 1998, the Inspector General of the Department of State shall submit a report to the appropriate congressional committees which includes the following information:

(A) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any employee or official of the Department of State, the United States Information Agency, or the United States Arms Control and Disarmament Agency.

(B) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

(2) EXCLUSION.—Disclosure of information to the public under this section does not include information shared by an employee of the Inspector General Office with Members of Congress.

SEC. 1127. REAFFIRMING UNITED STATES INTERNATIONAL TELECOMMUNICATIONS POLICY.

(a) PROCUREMENT POLICY.—It is the policy of the United States to foster and support procurement of goods and services from private, commercial companies.

(b) IMPLEMENTATION.—In order to achieve the policy set forth in subsection (a), the Diplomatic Telecommunications Service Program Office (DTS-PO) shall—

(1) utilize full and open competition in the procurement of telecommunications services, including satellite space segment, for the Department of State and each other Federal entity represented at United States diplomatic missions and consular ports overseas;

(2) make every effort to ensure and promote the participation of commercial private sector providers of satellite space segment who have no ownership or other connection with an intergovernmental satellite organization; and

(3) implement the competitive procedures required by paragraphs (1) and (2) at the prime contracting level and, to the greatest extent practicable, the subcontracting level.

SEC. 1128. COUNTERDRUG AND ANTI-CRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific, and to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy and works to achieve the objectives; and

(F) ensure that all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms to meet the objectives.

(3) REPORTS.—Not later than February 15 each year, the Secretary shall submit to Congress an update of the strategy submitted under paragraph (1). The update shall include an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2).

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTI-CRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every foreign mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—The chief of mission of every foreign mission shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug programs, policy, and assistance and law enforcement programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every foreign mission shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at foreign missions in order to carry out the responsibility set forth in paragraph (1).

CHAPTER 3—PERSONNEL

SEC. 1131. ELIMINATION OF POSITION OF DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.

Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

SEC. 1132. RESTRICTION ON LOBBYING ACTIVITIES OF FORMER UNITED STATES CHIEFS OF MISSION.

Section 207(d)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) in subparagraph (C), by inserting "or" after "title 3,"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) serves in the position of chief of mission (as defined in section 102(3) of the Foreign Service Act of 1980),".

SEC. 1133. RECOVERY OF COSTS OF HEALTH CARE SERVICES.

(a) AUTHORITIES.—Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended—

(1) in subsection (a)—

(A) by striking "and" before "members of the families of such members and employees"; and

(B) by inserting before the period ", and (for care provided abroad) such other persons as are designated by the Secretary of State, except that such persons shall be considered persons other than covered beneficiaries for purposes of subsections (g) and (h)";

(2) in subsection (d) by inserting ", subject to the provisions of subsections (g) and (h)" before the period; and

(3) by adding the following new subsections at the end:

"(g)(1) In the case of a person who is a covered beneficiary, the Secretary of State is authorized to collect from a third-party payer the reasonable costs incurred by the Department of State on behalf of such person for health care services to the same extent that the covered beneficiary would be eligible to receive reimbursement or indemnification from the third-party payer for such costs.

"(2) If the insurance policy, plan, contract or similar agreement of that third-party payer includes a requirement for a deductible or copayment by the beneficiary of the plan, then the Secretary of State may collect from the third-party payer only the reasonable cost of the care provided less the deductible or copayment amount.

"(3) A covered beneficiary shall not be required to pay any deductible or copayment for health care services under this subsection.

"(4) No provision of any insurance, medical service, or health plan contract or agreement having the effect of excluding from coverage or limiting payment of charges for care in the following circumstances shall operate to prevent collection by the Secretary of State under paragraph (1) for—

"(A) care provided directly or indirectly by a governmental entity;

"(B) care provided to an individual who has not paid a required deductible or copayment; or

"(C) care provided by a provider with which the third party payer has no participation agreement.

"(5) No law of any State, or of any political subdivision of a State, and no provision of any contract or agreement shall operate to prevent or hinder recovery or collection by the United States under this section.

"(6) As to the authority provided in paragraph (1) of this subsection:

"(A) The United States shall be subrogated to any right or claim that the covered beneficiary may have against a third-party payer.

"(B) The United States may institute and prosecute legal proceedings against a third-party payer to enforce a right of the United States under this subsection.

"(C) The Secretary may compromise, settle, or waive a claim of the United States under this subsection.

"(7) The Secretary shall prescribe regulations for the administration of this subsection and subsection (h). Such regulations shall provide for computation of the reasonable cost of health care services.

"(8) Regulations prescribed under this subsection shall provide that medical records of a covered beneficiary receiving health care under this subsection shall be made available for inspection and review by representatives of the payer from which collection by the United States is sought for the sole purposes of permitting the third party to verify—

"(A) that the care or services for which recovery or collection is sought were furnished to the covered beneficiary; and

"(B) that the provision of such care or services to the covered beneficiary meets criteria generally applicable under the health plan contract involved, except that this subsection shall be subject to the provisions of paragraphs (2) and (4).

"(9) Amounts collected under this subsection, under subsection (h), or under any authority referred to in subsection (i), from a third-party payer or from any other payer shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available until expended. Amounts deposited shall be obligated and expended only to the extent and in such amounts as are provided in advance in an appropriation Act.

"(10) In this section:

"(A) The term 'covered beneficiary' means an individual eligible to receive health care under this section whose health care costs are to be paid by a third-party payer under a contractual agreement with such payer.

"(B) The term 'services' as used in 'health care services' includes products.

"(C) The term 'third-party payer' means an entity that provides a fee-for-service insurance policy, contract or similar agreement through the Federal Employees Health Benefit program, under which the expenses of health care services for individuals are paid.

"(h) In the case of a person, other than a covered beneficiary, who receives health care services pursuant to this section, the Secretary of State is authorized to collect from such person the reasonable costs of health care services incurred by the Department of State on behalf of such person. The United States shall have the same rights against persons subject to the provisions of this subsection as against third-party payers covered by subsection (g).

"(i) Nothing in subsection (g) or (h) shall be construed as limiting any authority the Secretary otherwise has with respect to payment and obtaining reimbursement for the costs of medical treatment of an individual eligible under this section for health care.".

(b) EFFECTIVE DATE.—The authorities of this section shall be effective beginning October 1, 1998.

SEC. 1134. NONOVERTIME DIFFERENTIAL PAY.

Title 5, United States Code, is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship in lieu of Sunday as the day with respect to which additional pay is authorized by the preceding sentence."; and

(2) in section 5546(a), by adding at the end the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship in lieu of Sunday as the day with respect to which additional pay is authorized by the preceding sentence.".

SEC. 1135. PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT.

(a) FOREIGN AFFAIRS REIMBURSEMENT.—

(1) IN GENERAL.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(A) by redesignating subsection (d)(4) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

"(e)(1) The Secretary of State may, as a matter of discretion, provide appropriate training and related services through the institution to employees of United States companies that are engaged in business abroad, and to the families of such employees.

"(2) In the case of companies that are under contract to provide services to the Department of State, the Secretary of State is authorized to provide job-related training and related services to the companies' employees who are performing such services.

"(3) Training under this subsection shall be on a space-available and reimbursable or advance-of-funds basis. Such reimbursements or advances shall be credited to the currently available applicable appropriation account.

"(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

"(5) Training under this subsection is not available for foreign language services.

"(f)(1) The Secretary of State is authorized to provide on a reimbursable basis training programs to Members of Congress or the Judiciary.

"(2) Legislative Branch staff members and employees of the Judiciary may participate on a reimbursable basis in training programs offered by the institution.

"(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

"(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1997.

(3) TERMINATION OF PROGRAM.—Effective October 1, 1999, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended by redesignating subsection (g) as subsection (d)(4) and by striking subsections (e) and (f).

(b) FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.—Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669 et seq.) is amended by adding at the end the following new section:

"SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

"The Secretary is authorized to charge a fee for use of the Department of State's National Foreign Affairs Training Center Facility. Fees collected under this section, including reimbursements, surcharges and fees, shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.".

(c) REPORTING ON PILOT PROGRAM.—One year after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on the number of persons, including their business or government affiliation, who have taken advantage of the pilot program established under subsections (e) and (f) of section 701 of the Foreign Service Act of 1980 and section 53 of the State Department Basic Authorities Act of 1956, the amount of fees collected, and the impact of the program on the primary mission of the institute.

SEC. 1136. GRANTS TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: "Notwithstanding any other provision of law, where the children of United States citizen employees of an agency of the United States Government who are stationed outside the United States attend educational facilities assisted by the Department of State under this section, such

agency is authorized to make grants to, or otherwise to reimburse or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities.''.

SEC. 1137. GRANTS TO REMEDY INTERNATIONAL CHILD ABDUCTIONS.

Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100–300) is amended by adding at the end the following new subsection:

''(e) GRANT AUTHORITY.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the convention and this Act.''.

SEC. 1138. FOREIGN SERVICE REFORM.

(a) APPOINTMENTS BY THE PRESIDENT.—Section 302(b) of the Foreign Service Act of 1980 (22 U.S.C. 3942(b)) is amended in the second sentence—

(1) by striking ''may elect to'' and inserting ''shall''; and

(2) by striking ''Service,'' and all that follows and inserting ''Service.''.

(b) PERFORMANCE PAY.—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking ''Members'' and inserting ''Subject to subsection (e), members''; and

(2) by adding at the end the following new subsection:

''(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of a member of the Foreign Service described in subsection (a) (including members of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.''.

(c) EXPEDITED SEPARATION OUT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, members of the Foreign Service ranked by promotion boards in the bottom five percent of their class for any two of the five preceding years.

SEC. 1139. LAW ENFORCEMENT AVAILABILITY PAY.

(a) LAW ENFORCEMENT AVAILABILITY PAY.—Section 5545a of title 5, United States Code, is amended—

(1) in subsection (a)(2), by striking ''(other than an officer occupying a position under title II of Public Law 99–399)'' and inserting '', including any special agent of the Diplomatic Security Service,''; and

(2) by amending subsection (h) to read as follows:

''(h) Availability pay under this section shall be—

''(1) 25 percent of the rate of basic pay for the position;

''(2) treated as part of basic pay for the purposes of—

''(A) sections 5595(c), 8114(e), 8331(3), 8431, and 8704(c) of this title and section 856 of the Foreign Service Act of 1980; and

''(B) such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulations prescribe; and

''(3) treated as part of salary for purposes of sections 609(b)(1), 805, and 806 of the Foreign Service Act of 1980.''.

(b) CONFORMING AMENDMENT.—Section 5542(e) of title 5, United States Code, is amended by inserting '', or section 37(a)(3) of the State Department Basic Authorities Act of 1956,'' after ''section 3056(a) of title 18,''.

(c) IMPLEMENTATION.—Not later than the effective date of this section, each special agent of the Diplomatic Security Service under section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after the 90th day following the date of enactment of this Act.

SEC. 1140. LAW ENFORCEMENT AUTHORITY OF DS SPECIAL AGENTS OVERSEAS.

Section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) is amended—

(1) by striking ''and'' at the end of subsection (a)(4);

(2) by striking the period at the end of subsection (a)(5)(B) and inserting ''; and'';

(3) by adding at the end of subsection (a) the following:

''(6) conduct investigative leads or perform other law enforcement duties at the request of any duly authorized law enforcement agency while assigned to a United States Mission outside the United States.

Requests for investigative assistance from State and local law enforcement agencies under paragraph (6) shall be coordinated with the Federal law enforcement agency having jurisdiction over the subject matter for which assistance is requested.''; and

(4) by adding at the end the following:

''(d) AGENCIES NOT AFFECTED.—Nothing in subsection (a)(6) may be construed to limit or impair the authority or responsibility of any other Federal or State law enforcement agency with respect to its law enforcement functions.''.

SEC. 1141. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Sec. 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

''(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, or individuals described in section 1002(12) (B), (C), and (D) who are not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.''.

CHAPTER 4—CONSULAR AND RELATED ACTIVITIES

SEC. 1151. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended by adding at the end the following: ''For purposes of this paragraph, the term 'consular officer' includes any employee of the Department of State who is a United States citizen and who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.''.

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 31 of the Act of August 18, 1856 (Rev. Stat. 1689; 22 U.S.C. 4191), is amended by inserting after ''such officers'' the following: ''and to such other employees of the Department of State who are United States citizens as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe''.

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.—

(1) DEFINITION OF CONSULAR OFFICERS.—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: ''For purposes of this section and sections 3493 through 3496 of this title, the term 'consular officers' includes any officer or employee of the United States Government who is a United States citizen and who is designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221).''.

(2) DESIGNATED UNITED STATES CITIZENS PERFORMING NOTARIAL ACTS.—Section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221) is amended by inserting after the first sentence: ''At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government serving overseas including persons employed as United States Government contractors, to perform such acts.''.

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35 of the United States Code is amended by adding at the end the following: ''For purposes of this section, the term 'consular officer' includes any officer or employee of the United States Government who is a United States citizen and who is designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750; 22 U.S.C. 4221).''.

(e) NATURALIZATION FUNCTIONS.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by adding at the end the following new sentence: ''As used in title III, the term 'consular officer' includes any employee of the Department of State who is a United States citizen and who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.''.

SEC. 1152. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

The Act of August 18, 1856 (Revised Statutes 1726–28; 22 U.S.C. 4212–14), concerning accounting for consular fees, is repealed.

SEC. 1153. ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES.

(a) FOREIGN AIRPORTS.—Section 44908(a) of title 49, United States Code, is amended—

(1) by inserting ''and'' at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (46 U.S.C. App. 1804(a)) is amended by striking the second sentence, relating to Federal Register publication by the Secretary of State.

SEC. 1154. INADMISSIBILITY OF MEMBERS OF FORMER SOVIET UNION INTELLIGENCE SERVICES.

Section 212(a)(3) of the Immigration and Naturalization Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following new subparagraph:

''(F) MEMBERS OF FORMER SOVIET UNION INTELLIGENCE SERVICES.—Any alien who was employed by an intelligence service of the Soviet Union prior to the dissolution of the Soviet Union on December 31, 1991, is inadmissible, unless—

''(i) The Secretary of State, in consultation with the Attorney General and the Director of Central Intelligence, determines that it is in the national interest to admit the alien; or

''(ii) The admission of the alien is for the purpose of the alien's attendance at a scholarly conference or educational meeting in the United States.''.

SEC. 1155. DENIAL OF VISAS TO ALIENS WHO HAVE CONFISCATED PROPERTY CLAIMED BY NATIONALS OF THE UNITED STATES.

(a) DENIAL OF VISAS.—Except as otherwise provided in section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), and subject to subsection (b), the Secretary of State may deny the issuance of a visa to any alien who has confiscated or has directed or overseen the confiscation or expropriation of property the claim to which is owned by a national of the United States, or converts or has converted for personal gain confiscated or expropriated property the claim to which is owned by a national of the United States.

(b) EXCEPTION.—This section shall not apply to claims arising from any territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved.

(c) REPORTING REQUIREMENT.—

(1) LIST OF FOREIGN NATIONALS.—The Secretary of State shall direct the United States chief of mission in each country to provide the Secretary of State with a list of foreign nationals in that country who have confiscated or converted properties of nationals of the United States where the cases of confiscated or converted properties of nationals of the United States have not been fully resolved.

(2) REPORT.—Not later than 3 months after the date of enactment of this Act and not later than every 6 months thereafter, the Secretary of State shall submit to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives a report—

(A) listing foreign nationals who could have been denied a visa under subsection (a) but were given a visa to travel to the United States; and

(B) an explanation as to why the visa was given.

SEC. 1156. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS.

(a) AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii);

(2) by inserting after clause (i) the following:

"(ii) ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—Any alien who—

"(I) is known by the Department of State to have intentionally assisted an alien in the conduct described in clause (i),

"(II) is known by the Department of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

"(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), as designated at the discretion of the Secretary of State,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of the United States who is acting within the scope of his or her official duties. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of any foreign government if such person has been designated by the Secretary of State at the Secretary's discretion.";

(3) in clause (i), by striking "clause (ii)" and inserting "clause (iii)"; and

(4) in clause (iii) (as redesignated), by striking "Clause (i)" and inserting "Clauses (i) and (ii)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to aliens seeking admission to the United States on or after the date of enactment of this Act.

TITLE XII—OTHER INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 1201. INTERNATIONAL CONFERENCES AND CONTINGENCIES.

There are authorized to be appropriated for "International Conferences and Contingencies", $3,944,000 for the fiscal year 1998 and $3,500,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

SEC. 1202. INTERNATIONAL COMMISSIONS.

There are authorized to be appropriated for "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses", $18,200,000 for the fiscal year 1998, and $18,200,000 for the fiscal year 1999; and

(B) for "Construction", $6,463,000 for the fiscal year 1998, and $6,463,000 for the fiscal year 1999.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $785,000 for the fiscal year 1998, and $785,000 for the fiscal year 1999.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,225,000 for the fiscal year 1998, and $3,225,000 for the fiscal year 1999.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $14,549,000 for the fiscal year 1998, and $14,549,000 for the fiscal year 1999.

CHAPTER 2—GENERAL PROVISIONS

SEC. 1211. INTERNATIONAL CRIMINAL COURT PARTICIPATION.

The United States may not participate in an international criminal court with jurisdiction over crimes of an international character except—

(1) pursuant to a treaty made in accordance with Article II, section 2, clause 2 of the Constitution; or

(2) as specifically authorized by statute.

SEC. 1212. WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES.

(a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia, the City of New York, and jurisdictions in the States of Virginia and Maryland by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia, the City of New York, and the States of Virginia and Maryland, respectively.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

SEC. 1213. UNITED STATES MEMBERSHIP IN THE INTERPARLIAMENTARY UNION.

(a) INTERPARLIAMENTARY UNION LIMITATION.—The United States shall either—

(1) pay no more than $500,000 in annual dues for membership in the Interparliamentary Union in fiscal year 1998 and fiscal year 1999; or

(2) formally withdraw from the Organization.

(b) RETURN OF APPROPRIATED FUNDS.—

(1) PROHIBITION.—None of the funds made available under this Act to the Department of State may be used for congressional participation in the International Parliamentary Union.

(2) TRANSFER OF FUNDS.—Unobligated balances of appropriations for the International Parliamentary Union shall be transferred to, and merged with, funds available under the "Contributions for International Organizations" appropriations account of the Department of State, to be available only for payment in fiscal year 1998 of United States assessed contributions to international organizations covered by that account.

SEC. 1214. REPORTING OF FOREIGN TRAVEL BY UNITED STATES OFFICIALS.

(a) INITIAL REPORTS.—

(1) PROHIBITION.—Except as provided in paragraph (2), none of the funds made available under this Act may be used to pay—

(A) the expenses of foreign travel by any officer or employee of United States Executive agencies in attending any international conference or in engaging in any other foreign travel; or

(B) the routine services that a United States diplomatic mission or consular post provides in support of travel by such officer or employee,

unless, prior to the commencement of the travel, the individual submits a report to the Director that states the purpose, duration, and estimated cost of the travel.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) the President, the Vice President, or any person traveling on a delegation led by the President or Vice President, or any officer or employee of the Executive Office of the President;

(B) the foreign travel of officers or employees of United States Executive agencies who are carrying out intelligence or intelligence-related activities, or law enforcement activities;

(C) the deployment of members of the Armed Forces of the United States; or

(D) any United States Government official engaged in a sensitive diplomatic mission.

(b) UPDATED REPORTS.—Not later than 30 days after the conclusion of any travel for which a report is required to be submitted under subsection (a)(1), the officer or employee of the United States shall submit an updated report to the Director on the purpose, duration, or costs of the travel from those indicated in the initial report.

(c) QUARTERLY REPORTS.—The Director shall submit a quarterly report suitable for publication, containing the information required in subsection (b) to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives.

(d) EMERGENCY WAIVER.—Subsection (a)(1) shall not apply if the President determines that an emergency or other unforeseen event necessitates the travel and thus prevents the timely filing of the report required by that subsection, however nothing in this section shall be interpreted to authorize a waiver of subsection (a)(2)(b).

(e) DEFINITIONS.—For purposes of this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of International Conferences of the Department of State.

(2) EXECUTIVE AGENCIES.—The term ''Executive agencies'' means those entities, other than the General Accounting Office, defined in section 105 of title 5, United States Code.

(3) FOREIGN TRAVEL.—The term ''foreign travel'' refers to—

(A) travel between the United States and a foreign country or territory except home leave; and

(B) in the case of personnel assigned to a United States diplomatic mission or consular post in a foreign country or territory, travel outside that country or territory.

(4) UNITED STATES.—The term ''United States'' means the several States and the District of Columbia and the commonwealths, territories, and possessions of the United States.

(f) AVAILABLE FUNDS.—Funds available under section 1201 shall be available for purposes of carrying out this section.

SEC. 1215. SENSE OF THE SENATE ON USE OF FUNDS IN JAPAN-UNITED STATES FRIENDSHIP TRUST FUND.

(a) FINDINGS.—The Senate makes the following findings:

(1) The funds used to create the Japan-United States Friendship Trust Fund established under section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) originated from payments by the Government of Japan to the Government of the United States.

(2) Among other things, amounts in the Fund were intended to be used for cultural and educational exchanges and scholarly research.

(3) The Japan-United States Friendship Commission was created to manage the Fund and to fulfill a mandate agreed upon by the Government of Japan and the Government of the United States.

(4) The statute establishing the Commission includes provisions which make the availability of funds in the Fund contingent upon appropriations of such funds.

(5) These provisions impair the operations of the Commission and hinder it from fulfilling its mandate in a satisfactory manner.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Japan-United States Friendship Commission shall be able to use amounts in the Japan-United States Friendship Trust Fund in pursuit of the original mandate of the Commission; and

(2) the Office of Management and Budget should—

(A) review the statute establishing the Commission; and

(B) submit to Congress a report on whether or not modifications to the statute are required in order to permit the Commission to pursue fully its original mandate and to use amounts in the Fund as contemplated at the time of the establishment of the Fund.

TITLE XIII—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated to carry out international information activities, and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the National Endowment for Democracy Act, the United States International Broadcasting Act of 1994, and to carry out other authorities in law consistent with such purposes:

(1) ''International Information Programs'', $427,097,000 for the fiscal year 1998 and $427,097,000 for the fiscal year 1999.

(2) ''Educational and Cultural Exchange Programs'':

(A) For the ''Fulbright Academic Exchange Programs'', $99,236,000 for the fiscal year 1998 and $99,236,000 for the fiscal year 1999.

(B) For other educational and cultural exchange programs authorized by law, $100,764,000 for the fiscal year 1998 and $100,764,000 for the fiscal year 1999.

(3) ''International Broadcasting Activities'':

(A) For the activities of Radio Free Asia, $20,000,000 for the fiscal year 1998 and $20,000,000 for the fiscal year 1999.

(B) For the activities of Broadcasting to Cuba, $22,095,000 for the fiscal year 1998 and $22,095,000 for the fiscal year 1999.

(C) For the activities of Radio Free Iran, $2,000,000 for the fiscal year 1998 and $2,000,000 for the fiscal year 1999.

(D) For other ''International Broadcasting Activities'', $331,168,000 for the fiscal year 1998 and $331,168,000 for the fiscal year 1999.

(4) ''Radio Construction'', $37,710,000 for the fiscal year 1998 and $31,000,000 for the fiscal year 1999.

(5) ''Technology Fund'', $5,050,000 for the fiscal year 1998 and $5,050,000 for the fiscal year 1999.

(b) VIETNAM FULBRIGHT SCHOLARSHIPS.—Of the funds authorized to be appropriated in subsection (a)(2)(A), $5,000,000 is authorized to be appropriated for fiscal year 1998 and $5,000,000 is authorized to be appropriated for fiscal year 1999 for the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(c) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—There are authorized to be appropriated no more than $10,000,000 for fiscal year 1998 and no more than $10,000,000 for fiscal year 1999.

SEC. 1302. NATIONAL ENDOWMENT FOR DEMOCRACY.

There are authorized to be appropriated $30,000,000 for the fiscal year 1998 and $30,000,000 for the fiscal year 1999 to carry out the National Endowment for Democracy Act (title V of Public Law 98–164), of which amount for each fiscal year not more than 55 percent shall be available only for the following organizations, in equal allotments:

(1) The International Republican Institute (IRI).

(2) The National Democratic Institute (NDI).

(3) The Free Trade Union Institute (FTUI).

(4) The Center for International Private Enterprise (CIPE).

CHAPTER 2—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES

SEC. 1311. AUTHORIZATION TO RECEIVE AND RECYCLE FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is hereby amended by adding ''educational advising and counselling, Exchange Visitor Programs Services, advertising sold by the Voice of America, receipts from cooperating international organizations and from the privatization of VOA Europe'' after ''library services'' and before '', and Agency-produced publications,''.

SEC. 1312. APPROPRIATIONS TRANSFER AUTHORITY.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended—

(1) in paragraph (1), by striking '', for the second fiscal year of any 2-year authorization cycle may be appropriated for such second fiscal year'' and inserting ''for a fiscal year may be appropriated for such fiscal year''; and

(2) by striking paragraph (4).

SEC. 1313. EXPANSION OF MUSKIE FELLOWSHIP PROGRAM.

Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) by inserting in the first sentence ''journalism and communications, education administration, public policy, library and information science,'' immediately following ''business administration,''; and

(2) by inserting in the second sentence ''journalism and communications, education administration, public policy, library and information science,'' immediately following ''business administration,''.

SEC. 1314. AU PAIR EXTENSION.

Section 1(b) of Public Law 104–72 is amended by striking '', through fiscal year 1997''.

SEC. 1315. RADIO BROADCASTING TO IRAN IN THE FARSI LANGUAGE.

(a) RADIO FREE IRAN.—Not more than $2,000,000 of the funds made available under section 1301(a)(3) for each of the fiscal years 1998 and 1999 for grants to RFE/RL, Incorporated, shall be available only for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iranian people in the Farsi language, such broadcasts to be designated as ''Radio Free Iran''.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing the costs, implementation, and plans for creation of the surrogate broadcasting service to be designated as Radio Free Iran.

(c) AVAILABILITY OF FUNDS.—None of the funds made available under subsection (a) may be made available until submission of the report required under subsection (b).

SEC. 1316. VOICE OF AMERICA BROADCASTS.

(a) IN GENERAL.—The Voice of America shall devote programming time each day to broadcasting information on the individual States of the United States. The broadcasts shall include information on the products, and cultural and educational facilities of each State, potential trade with each State, and interactive discussions with State officials.

(b) REPORT.—Not later than July 1, 1998, the Broadcasting Board of Governors of the United States Information Agency shall submit a report to Congress detailing the actions that have been taken to carry out subsection (a).

SEC. 1317. WORKING GROUP ON GOVERNMENT-SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following new subsection:

''(g)(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency and effectiveness of Government-sponsored international exchanges and training, there is established within the United States Information Agency a senior-level inter-agency Working Group on Government-Sponsored International Exchanges and Training (in this section referred to as 'the Working Group').

''(2) In this subsection, the term 'Government-sponsored international exchanges and training' refers to the movement of people between countries to promote the sharing of ideas, develop skills, and foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

''(3) The Working Group shall consist of the Associate Director of the Bureau, who shall act

as Chairperson of the Working Group, and comparable senior representatives appointed by the Secretaries of State, Defense, Justice, and Education, and by the Administrator of the United States Agency for International Development. Other departments and agencies shall participate in the Working Group's meetings at the discretion of the Chairperson, and shall cooperate with the Working Group to help accomplish the purposes of the Working Group. The National Security Advisor and the Director of the Office of Management and Budget may, at their discretion, each appoint a representative to participate in the Working Group. The Working Group shall be supported by an interagency staff office established in the Bureau.

"(4) The Working Group shall have the following authority:

"(A) To collect, analyze and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

"(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse of information on international exchange and training activities in the governmental and non-governmental sectors.

"(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government-sponsored international exchange and training programs.

"(D) Not later than 1 year after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to submit a report on Government-sponsored international exchange and training programs, along with the findings of the Working Group made under subparagraph (c).

"(E) To develop strategies for expanding public and private partnerships in, and leveraging private sector support for, Government-sponsored international exchange and training activities.

"(5) All reports prepared by the Working Group shall be made to the President through the Director of the United States Information Agency.

"(6) The Working Group shall meet at least on a quarterly basis.

"(7) Four of the members of the Working Group shall constitute a quorum. All decisions of the Working Group shall be by majority vote of the members present and voting.

"(8) The members of the Working Group shall serve without additional compensation for their service on the Working Group, and any expenses incurred by a member of the Working Group in connection with such member's service on the Working Group shall be borne by the member's respective department or agency.

"(9) If any member of the Working Group disagrees regarding to any matter in a report prepared pursuant to this subsection, the member may prepare a statement setting forth the reasons for such disagreement and such statement shall be appended to, and considered a part of, the report.".

SEC. 1318. INTERNATIONAL INFORMATION PROGRAMS.

Section 704(c) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is amended—

(1) in paragraph (3), by striking "Salaries and Expenses" and inserting "the 'International Information Programs' appropriations account,"; and

(2) in paragraph (7), by striking "the 'Salaries and Expenses' account" and inserting "the 'International Information Programs' appropriations account,".

SEC. 1319. AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

TITLE XIV—PEACE CORPS

SEC. 1401. SHORT TITLE.

This title may be cited as the "Peace Corps Act Amendments of 1997".

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $234,000,000 for fiscal year 1998, which are authorized to remain available until September 30, 1999 and $234,000,000 for fiscal year 1999.".

SEC. 1403. AMENDMENTS TO THE PEACE CORPS ACT.

(a) TERMS AND CONDITIONS OF VOLUNTEER SERVICE.—Section 5 of the Peace Corps Act (22 U.S.C. 2504) is amended—

(1) in subsection (f)(1)(B), by striking "Civil Service Commission" and inserting "Office of Personnel Management";

(2) in subsection (h), by striking "the Federal Voting Assistance Act of 1955" and all that follows through the end of the subsection and inserting "sections 5584 and 5732 of title 5, United States Code (and readjustment allowances paid under this Act shall be considered as pay for purposes of such section 5732), section 1 of the Act of June 4, 1920 (22 U.S.C. 214), and section 3342 of title 31, United States Code."; and

(3) in subsection (j), by striking "section 1757 of the Revised Statutes" and all that follows through the end of the subsection and inserting "section 3331 of title 5, United States Code.".

(b) GENERAL POWERS AND AUTHORITIES.—Section 10 of such Act (22 U.S.C. 2509) is amended—

(1) in subsection (a)(4), by striking "31 U.S.C. 665(b)" and inserting "section 1342 of title 31, United States Code"; and

(2) in subsection (a)(5), by striking ": Provided, That" and all that follows through the end of the paragraph and inserting ", except that such individuals shall not be deemed employees for the purpose of any law administered by the Office of Personnel Management.".

(c) UTILIZATION OF FUNDS.—Section 15 of such Act (22 U.S.C. 2514) is amended—

(1) in the first sentence of subsection (c)—

(A) by striking "Public Law 84–918 (7 U.S.C. 1881 et seq.)" and inserting "subchapter VI of chapter 33 of title 5, United States Code (5 U.S.C. 3371 et seq.)"; and

(B) by striking "specified in that Act" and inserting "or other organizations specified in section 3372(b) of such title"; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "section 9 of Public Law 60–328 (31 U.S.C. 673)" and inserting "section 1346 of title 31, United States Code";

(B) in paragraph (6), by striking "without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)";

(C) in paragraph (11)—

(i) by striking "Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)," and inserting "Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)"; and

(ii) by striking "and" at the end;

(D) in paragraph (12), by striking the period at the end and by inserting "; and"; and

(E) by adding at the end the following:

"(13) the transportation of Peace Corps employees, Peace Corps volunteers, dependents of employees and volunteers, and accompanying baggage, by a foreign air carrier when the transportation is between 2 places outside the United States without regard to section 40118 of title 49, United States Code.".

(d) PROHIBITION ON USE OF FUNDS FOR ABORTIONS.—Section 15 of such Act (22 U.S.C. 2514) is amended, as amended by this Act, is further amended by adding at the end the following new subsection:

"(e) Funds made available for the purposes of this Act may not be used to pay for abortions.".

TITLE XV—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 1501. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act $39,000,000 for fiscal year 1998.

CHAPTER 2—AUTHORITIES

SEC. 1511. STATUTORY CONSTRUCTION.

Section 33 of the Arms Control and Disarmament Act (22 U.S.C. 2573) is amended by adding at the end the following new subsection:

"(c) STATUTORY CONSTRUCTION.—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.".

TITLE XVI—FOREIGN POLICY

SEC. 1601. PAYMENT OF IRAQI CLAIMS.

(a) VESTING OF ASSETS.—All nondiplomatic accounts of the Government of Iraq in the United States that have been blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) shall vest in the President, and the President, not later than 30 days after the date of the enactment of this Act, shall liquidate such accounts. Amounts from such liquidation shall be transferred into the Iraq Claims Fund established under subsection (b).

(b) IRAQ CLAIMS FUND.—Upon the vesting of accounts under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States a fund to be known as the Iraq Claims Fund (hereafter in this section referred to as the "Fund") for payment of private claims or United States Government claims in accordance with subsection (c).

(c) PAYMENTS.—

(1) PAYMENTS ON PRIVATE CLAIMS.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the Treasury shall make payment out of the Fund in ratable proportions on private claims certified under subsection (e) according to the proportions which the total amount of the private claims so certified bear to the total amount in the Fund that is available for distribution at the time such payments are made.

(2) PAYMENTS ON UNITED STATES GOVERNMENT CLAIMS.—After payment has been made in full out of the Fund on all private claims certified under subsection (e), any funds remaining in the Fund shall be made available to satisfy claims of the United States Government against the Government of Iraq determined under subsection (d).

(d) DETERMINATION OF VALIDITY OF UNITED STATES GOVERNMENT CLAIMS.—The President shall determine the validity and amounts of claims of the Government of the United States against the Government of Iraq which the Secretary of State has determined are outside the jurisdiction of the United Nations Commission, and, to the extent that such claims are not satisfied from funds made available by the Fund, the President is authorized and requested to enter into a settlement agreement with the Government of Iraq which would provide for the payment of such unsatisfied claims.

(e) DETERMINATION OF PRIVATE CLAIMS.—

(1) AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.—The Foreign Claims Settlement Commission of the United States is authorized to receive and determine, in accordance with substantive law, including international law, the validity and amounts of private claims. The Commission shall complete its affairs in connection with the determination of private claims under this section within such time as is necessary to allow the payment of the claims under subsection (c)(1).

(2) APPLICABILITY.—Except to the extent inconsistent with the provisions of this section, the provisions of title I of the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.) shall apply with respect to private claims under this section. Any reference in such provisions to "this title" shall be deemed to refer to those provisions and to this section.

(3) CERTIFICATION.—The Foreign Claims Settlement Commission shall certify to the Secretary of the Treasury the awards made in favor of each private claim under paragraph (1).

(f) UNSATISFIED CLAIMS.—Payment of any award made pursuant to this section shall not extinguish any unsatisfied claim, or be construed to have divested any claimant, or the United States on his or her behalf, of any rights against the Government of Iraq with respect to any unsatisfied claim.

(g) DEFINITIONS.—As used in this section—

(1) the term "Government of Iraq" includes agencies, instrumentalities, and controlled entities (including public sector enterprises) of that government;

(2) the term "private claims" mean claims of United States persons against the Government of Iraq that are determined by the Secretary of State to be outside the jurisdiction of the United Nations Commission;

(3) the term "United Nations Commission" means the United Nations Compensation Commission established pursuant to United Nations Security Council Resolution 687, adopted in 1991; and

(4) the term "United States person"—

(A) includes—

(i) any person, wherever located, who is a citizen of the United States;

(ii) any corporation, partnership, association, or other legal entity organized under the laws of the United States or of any State, the District of Columbia, or any commonwealth, territory, or possession of the United States; and

(iii) any corporation, partnership, association, or other organization, wherever organized or doing business, which is owned or controlled by persons described in clause (i) or (ii); and

(B) does not include the United States Government or any officer or employee of the United States Government acting in an official capacity.

SEC. 1602. UNITED NATIONS MEMBERSHIP FOR BELARUS.

It is the sense of Congress that, if Belarus concludes a treaty of unification with another country, the United States Permanent Representative to the United Nations and the United States Head of Delegation to the Organization for Security and Cooperation in Europe should introduce resolutions abrogating the sovereign status of Belarus within the United Nations and the OSCE.

SEC. 1603. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated by section 1101(3) for "Security and Maintenance of Buildings Abroad", $25,000,000 for the fiscal year 1998 and $75,000,000 for the fiscal year 1999 are authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen, record the place of birth as Israel.

SEC. 1604. SPECIAL ENVOY FOR TIBET.

(a) UNITED STATES SPECIAL ENVOY FOR TIBET.—The President shall appoint within the Department of State a United States Special Envoy for Tibet, who shall hold office at the pleasure of the President.

(b) RANK.—A United States Special Envoy for Tibet appointed under subsection (a) shall have the personal rank of ambassador and shall be appointed by and with the advice and consent of the Senate.

(c) SPECIAL FUNCTIONS.—The United States Special Envoy for Tibet should be authorized and encouraged—

(1) to promote substantive negotiations between the Dalai Lama or his representatives and senior members of the Government of the People's Republic of China;

(2) to promote good relations between the Dalai Lama and his representatives and the United States Government, including meeting with members or representatives of the Tibetan government-in-exile; and

(3) to travel regularly throughout Tibet and Tibetan refugee settlements.

(d) DUTIES AND RESPONSIBILITIES.—The United States Special Envoy for Tibet shall—

(1) consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people;

(2) coordinate United States Government policies, programs, and projects concerning Tibet; and

(3) report to the Secretary of State regarding the matters described in section 536(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

SEC. 1605. FINANCIAL TRANSACTIONS WITH STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) PROHIBITED TRANSACTIONS.—Section 2332d(a) of title 18, United States Code, is amended—

(1) by striking "Except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, whoever" and inserting "(1) Except as provided in paragraph (2), whoever";

(2) by inserting "of 1979" after "Export Administration Act"; and

(3) by adding at the end the following:

"(2) Paragraph (1) does not apply to any financial transaction—

"(A) engaged in by an officer or employee of the United States acting within his or her official capacity;

"(B) for the sole purpose of providing humanitarian assistance in a country designated under section 6(j) of the Export Administration Act of 1979;

"(C) involving travel or other activity by any journalist or other member of the news media in a country designated under section 6(j) of the Export Administration Act of 1979; or

"(D) within a class of financial transactions, and with a specified country, covered by a determination of the President stating that it is vital to the national security interests of the United States that financial transactions of that class and with that country be permitted.

"(3) Each determination under paragraph (2)(D) shall be published in the Federal Register at least 15 days in advance of the transaction and shall include a statement of the determination, a detailed explanation of the types of financial transactions permitted, the estimated dollar amount of the financial transactions permitted, and an explanation of the manner in which those financial transactions would further the national interests of the United States.

"(4) The President shall submit a report to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives and the Speaker of the House of Representatives containing any determination under paragraph (2)(D) at least 30 days before the determination is to take effect. Any such determination shall be effective only for a period of 12 months but may be extended for an additional period or periods of 12 months each.".

(b) DEFINITION.—Section 2332d(b) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) the term 'humanitarian assistance' includes, but is not limited to, the provision of medicines and religious materials; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to financial transactions entered into on or after the date of enactment of this Act.

SEC. 1606. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) IN GENERAL.—The United States shall not expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are reasonable grounds for believing the person would be in danger of subjection to torture.

(b) DEFINITIONS.—

(1) IN GENERAL.—Except as otherwise provided, terms used in this section have the meanings given such terms under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of advice and consent to ratification to such convention.

(2) INVOLUNTARY RETURN.—As used in this section, the term "effect the involuntary return" means to take action by which it is reasonably foreseeable that a person will be required to return to a country against the person's will, regardless of whether such return is induced by physical force and regardless of whether the person is physically present in the United States.

SEC. 1607. REPORTS ON THE SITUATION IN HAITI.

Section 3 of Public Law 103–423 is amended to read as follows:

"SEC. 3. REPORTS.

"(a) REPORTING REQUIREMENT.—Not later than January 1, 1998, and every six months thereafter, the President shall submit a report to Congress on the situation in Haiti, including—

"(1) a listing of the units of the United States Armed Forces or Coast Guard and of the police

and military units of other nations participating in operations in and around Haiti;

"(2) armed incidents or the use of force in or around Haiti involving United States Armed Forces or Coast Guard personnel during the period covered by the report;

"(3) the estimated cumulative cost, including incremental cost, of all United States activities in and around Haiti during the period covered by the report, including—

"(A) the cost of deployments of United States Armed Forces and Coast Guard personnel training, exercises, mobilization, and preparation activities, including the preparation of police and military units of other nations of any multilateral force involved in activities in and around Haiti; and

"(B) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction assistance, assistance under part I of the Foreign Assistance Act of 1961, and other financial assistance, and all other costs to the United States Government; and

"(4) a detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (3), including—

"(A) in the case of amounts expended out of funds available to the Department of Defense budget, by military service or defense agency, line item and program; and

"(B) in the case of amounts expended out of funds available to departments and agencies other than the Department of Defense, by department or agency and program.

"(b) DEFINITION.—The term 'period covered by the report' means the six-month period prior to the date the report is required to be submitted, except that, in the case of the initial report, the term means the period since the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.".

SEC. 1608. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than October 1, 1997, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1609. REPORT ON GREENHOUSE GAS EMISSIONS AGREEMENT.

(a) ASSESSMENT OF PROPOSED AGREEMENT.—

(1) ASSESSMENT.—The President shall assess the effect on the United States economy and environment of any quantified objectives, targets, policies, or measures proposed for the control, limitation, or reduction of greenhouse gas emissions of Annex I Parties.

(2) ELEMENTS.—The assessment under paragraph (1) shall include—

(A) an assessment of the costs and benefits to the United States economy and the environment of pursuing a policy of reducing greenhouse gas emissions;

(B) an assessment of the schedules for achieving reductions in greenhouse gas emissions;

(C) an assessment of the ability of Annex I Parties to meet the schedules identified under subparagraph (B);

(D) an assessment of the effect of increased greenhouse gas emissions by non-Annex I Parties and all nonparticipating nations on the overall effort to reduce greenhouse gas emissions;

(E) an assessment of the long-term impact on the global economy and the environment of increased greenhouse gas emissions by Annex I Parties; and

(F) an assessment of consequences for employment, trade, consumer activities, competitiveness, and the environment in the United States of the requirements of paragraphs 3, 4, and 5 of Article 4 of the FCCC regarding the transfer by Annex I Parties of financial resources, technology, and other resources to non-Annex I Parties.

(b) NOTIFICATION OF CONGRESS.—Not later than six months before any vote by the parties to the FCCC on the final negotiating text of a proposed agreement to reduce greenhouse gas emissions under the FCCC, the President shall submit to Congress a comprehensive analysis of the effect of the proposed agreement on the United States economy and the environment, including the assessments made under subsection (a). To the extent practicable, the analysis shall include the text and negotiating notes of the proposed agreement.

(c) DEFINITIONS.—For the purposes of this section—

(1) FCCC.—The term "FCCC" means the United Nations Framework Convention on Climate Change, with annexes, done at New York May 9, 1992.

(2) ANNEX I PARTIES.—The term "Annex I Parties" means the Developed Country Parties of the FCCC, including the United States, Canada, the Russian Federation, the European Union Countries, Australia, Japan, and countries undergoing the process of transition to a market economy, as listed in Annex I of the FCCC.

(3) NON-ANNEX I PARTIES.—The term "Non-Annex I Parties" means the developing countries (including China, India, South Korea, Malaysia, Brazil, Mexico, other trading partners of the United States, and the Small Island Countries) that are parties to the FCCC but not listed in Annex I of the FCCC.

SEC. 1610. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

(1) REPORT TO CONGRESS.—The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled "Report on Cases Involving Diplomatic Immunity".

(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(B) Each case involving an alien described in subparagraph (A) in which the appropriate authorities of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States.

(C) Each case in which the United States has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

(3) SERIOUS CRIMINAL OFFENSE DEFINED.—In this section, the term "serious criminal offense" means—

(A) any felony under Federal, State, or local law;

(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

(D) driving under the influence of alcohol or drugs or driving while intoxicated if the case involves personal injury to another individual.

(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a

serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

SEC. 1611. ITALIAN CONFISCATION OF PROPERTY CASE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and the Italian Republic signed the Treaty of Friendship, Commerce and Navigation in 1948.

(2) Article V, paragraph 2 of the Treaty states that property owned by nationals of either treaty partner shall not be taken without "due process of law and without the prompt payment of just and effective compensation.".

(3) The Italian Republic confiscated the property of an American citizen, Mr. Pier Talenti, and has failed to compensate Mr. Talenti for his property.

(4) The failure of the Italian government to compensate Mr. Talenti runs counter to its treaty obligations and accepted international standards.

(5) Mr. Talenti has exhausted all remedies available to him within the Italian judicial system.

(6) To date, Mr. Talenti has not received "just and effective compensation" from the Italian government as called for in the Treaty.

(7) In view of the inability of Mr. Talenti to obtain any recourse within the Italian judicial system, on August 5, 1996, the Department of State agreed to espouse Mr. Talenti's claim and formally urged the Italian government to reach a settlement with Mr. Talenti.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Italian Republic must honor its Treaty obligations with regard to the confiscated property of Mr. Pier Talenti by negotiating a prompt resolution of Mr. Talenti's case, and that the Department of State should continue to press the Italian government to resolve Mr. Talenti's claim.

SEC. 1612. DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) DESIGNATION OF ADDITIONAL COUNTRIES.—Effective 180 days after the date of the enactment of this Act, Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of the NATO Participation Act of 1994.

(b) RULE OF CONSTRUCTION.—The designation of countries pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(2) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(1) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(2) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(3) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

SEC. 1613. SENSE OF SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

It is the sense of the Senate that—

(1) as a signatory of the International Covenant on Civil and Political Rights, the Government of Peru is obligated to grant prisoners timely legal proceedings pursuant to Article 9 of the International Covenant on Civil and Political Rights which requires that "anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release;" and that "anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful;"; and

(2) the Government of Peru should take all necessary steps to ensure that any United States citizen charged with committing a crime in that country is accorded open and fair proceedings in a civilian court.

SEC. 1614. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE BEEN INVOLVED IN EXTRAJUDICIAL AND POLITICAL KILLINGS IN HAITI.

(a) FINDINGS.—Congress makes the following findings:

(1) At the time of the enactment of this Act, there have been over eighty extrajudicial and political killing cases assigned to the Haitian Special Investigative Unit (SIU) by the Government of Haiti. Furthermore, the government has requested that the SIU investigate on a "priority basis" close to two dozen cases relating to extrajudicial and political killings.

(2) President Jean-Bertrand Aristide lived in exile in the United States after he was overthrown by a military coup on September 30, 1991. During his exile, political and extrajudicial killings occurred in Haiti including Aristide financial supporter Antoine Izmery, who was killed on September 11, 1993; Guy Malary, Aristide's Minister of Justice, who was killed on October 14, 1993; and Father Jean-Marie Vincent, a supporter of Aristide, was killed on August 28, 1992.

(3) President Aristide returned to Haiti on October 15, 1994, after some 20,000 United States troops, under the code name Operation Uphold Democracy, entered Haiti as the lead force in a multi-national force with the objective of restoring democratic rule.

(4) From June 25, 1995, through October 1995, elections were held where pro-Aristide candidates won a large share of the parliamentary and local government seats.

(5) On March 28, 1995, a leading opposition leader to Aristide, Attorney Mireille Durocher Bertin, and a client, Eugene Baillergeau, were gunned down in Ms. Bertin's car.

(6) On May 22, 1995, Michel Gonzalez, Haitian businessman and Aristide's next door neighbor, was killed in a drive-by shooting after alleged attempts by Aristide to acquire his property.

(7) After Aristide regained power, three former top Army officers were assassinated: Colonel Max Mayard on March 10, 1995; Colonel Michelange Hermann on May 24, 1995; and Brigadier General Romulus Dumarsais was killed on June 27, 1995.

(8) Presidential elections were held on December 17, 1995. Rene Preval, an Aristide supporter, won, with 89 percent of the votes cast, but with a low voter turnout of only 28 percent, and with many parties allegedly boycotting the election. Preval took office on February 7, 1996.

(9) On March 6,1996, police and ministerial security guards killed at least six men during a raid in Cite Soleil, a Port-au-Prince slum.

(10) On August 20,1996, two opposition politicians, Jacques Fleurival and Baptist Pastor Antoine Leroy were gunned down outside Fleurival's home.

(11) Other alleged extrajudicial and political killings include the deaths of Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, and Jean-Hubert Feuille.

(12) Although the Haitian Government claims to have terminated from employment several suspects in the killings, some whom have received training from United States advisors, there has been no substantial progress made in the investigation that has led to the prosecution of any of the above-referenced extrajudicial and political killings.

(13) The expiration of the mandate of the United Nations Support Mission in Haiti has been extended three times, the last to July 31, 1997. The Administration has indicated that a fourth extension through November 1997, may be necessary to ensure the transition to a democratic government.

(b) GROUNDS FOR EXCLUSION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) has been included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was a member of the Haitian presidential security unit who has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Pastor Antoine Leroy and Jacques Fleurival, or who was suspended by President Preval for his involvement in or knowledge of the Leroy and Fleurival killings on August 20, 1996;

(4) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and were credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(5) any member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in the September 1991 coup against the duly elected government of Haiti (and his family members) or the subsequent murders of as many as three thousand Haitians during that period; or

(6) any individual who has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(c) EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons, or such person has cooperated fully with

the investigation of these political murders. If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(d) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (b).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees not later than three months after the date of enactment of this Act.

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary shall submit a report under this subsection not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (b).

(e) DEFINITION.—In this section, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 1615. SENSE OF THE SENATE ON ENFORCEMENT OF THE IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992 WITH RESPECT TO THE ACQUISITION BY IRAN OF C–802 CRUISE MISSILES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States escort vessel U.S.S. Stark was struck by a cruise missile, causing the death of 37 United States sailors.

(2) The China National Precision Machinery Import Export Corporation is marketing the C–802 model cruise missile for use against escort vessels such as the U.S.S. Stark.

(3) The China National Precision Machinery Import Export Corporation has delivered 60 C–802 cruise missiles to Iran for use by vessels of the Iranian Revolutionary Guard Navy.

(4) Iran is acquiring land batteries to launch C–802 cruise missiles which will provide its armed forces with a weapon of greater range, reliability, accuracy, and mobility than before.

(5) Iran has acquired air launched C–802K cruise missiles giving it a 360 degree attack capability.

(6) 15,000 members of the United States Armed Forces are stationed within range of the C–802 cruise missiles being acquired by Iran.

(7) The Department of State believes that "[t]hese cruise missiles pose new, direct threats to deployed United States forces".

(8) The delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note).

(9) The Clinton Administration "has concluded at present that the known types [of C–802 cruise missiles] are not of a destabilizing number and type".

(b) SENSE OF SENATE.—It is the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 model cruise missiles.

SEC. 1616. SENSE OF THE SENATE ON PERSECUTION OF CHRISTIAN MINORITIES IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) The Senate finds that—

(1) Chinese law requires all religious congregations, including Christian congregations, to "register" with the Bureau of Religious Affairs, and Christian congregations, depending on denominational affiliation, to be monitored by either the "Three Self Patriotic Movement Committee of the Protestant Churches of China", the "Chinese Christian Council", the "Chinese Patriotic Catholic Association", or the "Chinese Catholic Bishops College";

(2) the manner in which these registration requirements are implemented and enforced allows the government to exercise direct control over all congregations and their religious activities, and also discourages congregants who fear government persecution and harassment on account of their religious beliefs;

(3) in the past several years, unofficial Protestant and Catholic communities have been targeted by the Chinese government in an effort to force all churches to register with the government or face forced dissolution;

(4) this campaign has resulted in the beating and harassment of congregants by Chinese public security forces, the closure of churches, and numerous arrests, fines, and criminal and administrative sentences. For example, as reported by credible American and multinational nongovernmental organizations—

(A) in February 1995, 500 to 600 evangelical Christians from Jiangsu and Zhejiang Provinces met in Huaian, Jiangsu Province. Public Security Bureau personnel broke up the meeting, beat several participants, imprisoned several of the organizers, and levied severe fines on others;

(B) in April 1996 government authorities in Shanghai closed more than 300 home churches or meeting places;

(C) from January through May 1996, security forces fanned out through northern Hebei Province, a Catholic stronghold, in order to prevent an annual attendance at a major Marian shrine by arresting clergy and lay Catholics and confining prospective attendees to their villages;

(D) a communist party document dated November 20, 1996 entitled "The Legal Procedures for Implementing the Eradication of the Illegal Activities of the Underground Catholic Church" details steps for eliminating the Catholic movement in Chongren, Xian, Fuzhou and Jiangxi Provinces and accuses believers of "seriously disturbing the social order and affecting [the] political stability" of the country; and

(E) in March 1997, public security officials raided the home of the "underground" Bishop of Shanghai, confiscating religious articles and $2,500 belonging to the church.

(b) It is, therefore, the sense of the Senate that—

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of the official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the United Nations Universal Declaration of Human Rights; and

(4) the Administration should raise the United States concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings which may take place.

SEC. 1617. SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) The West's victory in the Cold War dramatically changed the political and national security landscape in Europe.

(2) The unity, resolve, and strength of the North Atlantic Treaty Organization was the principal factor behind that victory.

(3) The North Atlantic Treaty was signed in April 1949 and created the most successful defense alliance in history.

(4) The President of the United States and leaders of other NATO countries have indicated their intention to enlarge alliance membership to include at least three new countries.

(5) The Senate expressed its approval of the enlargement process by voting 81–16 in favor of the NATO Enlargement Facilitation Act of 1996.

(6) The United States is bound by Article Five of the North Atlantic Treaty to respond to an attack on any NATO member as it would to an attack on the United States itself.

(7) Although the prospect of NATO membership has provided the impetus for several countries to resolve long standing disputes, the North Atlantic Treaty does not provide for a formal dispute resolution process by which members can resolve differences among themselves without undermining Article Five obligations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process within the Alliance prior to its December 1997 ministerial meeting.

SEC. 1618. JAPAN-UNITED STATES FRIENDSHIP COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking "needed, except" and all that follows through "United States" and inserting "needed".

(2) The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: "Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.".

(b) REVISION OF NAME OF COMMISSION.—

(1) The Japan-United States Friendship Commission is hereby designated as the "United States-Japan Commission". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be deemed to be a reference to the United States-Japan Commission.

(2) The Japan-United States Friendship Act (22 U.S.C. 2901 et seq.) is amended by striking "Japan-United States Friendship Commission" each place it appears and inserting "United States-Japan Commission".

(3) The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

"UNITED STATES-JAPAN COMMISSION".

(c) REVISION OF NAME OF TRUST FUND.—

(1) The Japan-United States Friendship Trust Fund is hereby designated as the "United States-Japan Trust Fund". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be deemed to be a reference to the United States-Japan Trust Fund.

(2)(A) Subsection (a) of section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

(B) The section heading of that section is amended to read as follows:

"UNITED STATES-JAPAN TRUST FUND".

SEC. 1619. AVIATION SAFETY.

It is the sense of Congress that the need for cooperative efforts in transportation and aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago,

Chile, in March 1998. Since April 1996, when ministers and transportation officials from 23 countries in the Western Hemisphere met in Santiago, Chile, in order to develop the Hemispheric Transportation Initiative, aviation safety and transportation standardization has become an increasingly important issue. The adoption of comprehensive Hemisphere-wide measures to enhance transportation safety, including standards for equipment, infrastructure, and operations as well as harmonization of regulations relating to equipment, operations, and transportation safety are imperative. This initiative will increase the efficiency and safety of the current system and consequently facilitate trade.

SEC. 1620. SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the followings findings:

(1) As the world's leading democracy, the United States cannot ignore the Government of the People's Republic of China's record on human rights and religious persecution.

(2) According to Amnesty International, "A fifth of the world's people are ruled by a government that treats fundamental human rights with contempt. Human rights violations continue on a massive scale.".

(3) According to Human Rights Watch/Asia reported that: "Unofficial Christian and Catholic communities were targeted by the government during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution, resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone.".

(4) The People's Republic of China's compulsory family planning policies include forced abortions.

(5) China's attempts to intimidate Taiwan and the activities of its military, the People's Liberation Army, both in the United States and abroad, are of major concern.

(6) The Chinese government has threatened international stability through its weapons sales to regimes, including Iran and Iraq, that sponsor terrorism and pose a direct threat to American military personnel and interests.

(7) The efforts of two Chinese companies, the China North Industries Group (NORINCO) and the China Poly Group (POLY), deserve special rebuke for their involvement in the sale of AK–47 machine guns to California street gangs.

(8) Allegations of the Chinese government's involvement in our political system may involve both civil and criminal violations of our laws.

(9) The Senate is concerned that China may violate the 1984 Sino-British Joint Declaration transferring Hong Kong from British to Chinese rule by limiting political and economic freedom in Hong Kong.

(10) The Senate strongly believes time has come to take steps that would signal to Chinese leaders that religious persecution, human rights abuses, forced abortions, military threats and weapons proliferation, and attempts to influence American elections are unacceptable to the American people.

(11) The United States should signal its disapproval of Chinese government actions through targeted sanctions, while at the same time encouraging worthwhile economic and cultural exchanges that can lead to positive change in China.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should—

(1) limit the granting of United States visas to Chinese government offices who work in entities the implementation of China's laws and directives on religious practices and coercive family planning, and those officials materially involved in the massacre of Chinese students in Tiananmen square;

(2) limit United States taxpayer subsidies for the Chinese government through multilateral development institutions such as the World Bank, Asian Development Bank, and the International Monetary Fund;

(3) publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the Chinese government who export to, or have an office in, the United States;

(4) consider imposing targeted sanctions on NORINCO and POLY by not allowing them to export to, nor to maintain a physical presence in, the United States for a period of one year; and

(5) promote democratic values in China by increasing United States Government funding of Radio Free Asia, the National Endowment for Democracy's programs in China and existing student, cultural, and legislative exchange programs between the United States and the People's Republic of China.

SEC. 1621. SENSE OF THE SENATE ENCOURAGING PROGRAMS BY THE NATIONAL ENDOWMENT FOR DEMOCRACY REGARDING THE RULE OF LAW IN CHINA.

(a) FINDINGS.—

(1) The establishment of the rule of law is a necessary prerequisite for the success of democratic governance and the respect for human rights.

(2) In recent years efforts by the United States and United States-based organizations, including the National Endowment for Democracy, have been integral to legal training and the promotion of the rule of law in China drawing upon both western and Chinese experience and tradition.

(3) The National Endowment for Democracy has already begun to work on these issues, including funding a project to enable independent scholars in China to conduct research on constitutional reform issues and the Hong Kong-China Law Database Network.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate to encourage the National Endowment for Democracy to expand its activities in China and Hong Kong on projects which encourage the rule of law, including the study and dissemination of information on comparative constitutions, federalism, civil codes of law, civil and penal code reform, legal education, freedom of the press, and contracts.

SEC. 1622. CONCERNING THE PALESTINIAN AUTHORITY.

(a) Congress finds that:

(1) The Palestinian Authority Justice Minister Freih Abu Medein announced in April 1997 that anyone selling land to Jews was committing a crime punishable by death.

(2) Since this announcement, three Palestinians were allegedly murdered in the Jerusalem and Ramallah areas for selling real estate to Jews.

(3) Israeli police managed to foil the attempted abduction of a fourth person.

(4) Israeli security services have acquired evidence indicating that the intelligence services of the Palestinian Authority were directly involved in at least two of these murders.

(5) Subsequent statements by high-ranking Palestinian Authority officials have justified these murders, further encouraging this intolerable policy.

(b) It is the sense of the Congress that—

(1) the Secretary of State should thoroughly investigate the Palestinian Authority's role in any killings connected with this policy and should immediately report its findings to the Congress;

(2) the Palestinian Authority, with Yasser Arafat as its chairman, must immediately issue a public and unequivocal statement denouncing these acts and reversing this policy;

(3) this policy is an affront to all those who place high value on peace and basic human rights; and

(4) the United States should renew the provision of assistance to the Palestinian Authority in light of this policy.

SEC. 1623. AUTHORIZATION OF APPROPRIATIONS FOR FACILITIES IN BEIJING AND SHANGHAI.

Of the amounts authorized to be appropriated pursuant to section 1101 in this Act, up to $90,000,000 are authorized to be appropriated for the renovation, acquisition and construction of housing and secure diplomatic facilities at the United States Embassy in Beijing and the United States Consulate in Shanghai, People's Republic of China.

SEC. 1624. ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and

(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED.—

"(1) IN GENERAL.— An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

DIVISION C—UNITED NATIONS REFORM

TITLE XX—GENERAL PROVISIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "United Nations Reform Act of 1997".

SEC. 2002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) DESIGNATED SPECIALIZED AGENCY DEFINED.—In this section, the term "designated specialized agency" refers to the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) SECRETARY GENERAL.—The term "Secretary General" means the Secretary General of the United Nations.

(4) UNITED NATIONS MEMBER.—The term "United Nations member" means any country that is a member of the United Nations.

(5) UNITED NATIONS PEACE OPERATION.—The term "United Nations peace operation" means

any United Nations-led peace operation paid for from the assessed peacekeeping budget and authorized by the Security Council.

SEC. 2003. NONDELEGATION OF CERTIFICATION REQUIREMENTS.

The Secretary of State may not delegate the authority in this division to make any certification.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

SEC. 2101. ASSESSED CONTRIBUTIONS TO THE UNITED NATIONS AND AFFILIATED ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading "Assessed Contributions to International Organizations" $938,000,000 for the fiscal year 1998 and $900,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes. Of the funds made available under this subsection $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(b) NO GROWTH BUDGET.—Of the funds made available under subsection (a), $80,000,000 may be made available during each fiscal year only on a semi-annual basis and only after the Secretary of State certifies on a semi-annual basis that the United Nations has taken no action during the preceding six months to increase funding for any United Nations program without identifying an offsetting decrease during that six month period elsewhere in the United Nations budget of $2,533,000,000 and cause the United Nations to exceed its budget for the biennium 1998–99 adopted in December 1997.

(c) INSPECTOR GENERAL OF THE UNITED NATIONS.—

(1) WITHHOLDING OF FUNDS.—Twenty percent of the funds made available in each fiscal year under subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) CERTIFICATION.—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) ACTION BY THE UNITED NATIONS.—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note); and

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Service to report directly to the Secretary General on the adequacy of the Office's resources to enable the Office to fulfill its mandate.

(B) ACTION BY OIOS.—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified, in writing, of that authority.

(d) PROHIBITION ON CERTAIN GLOBAL CONFERENCES.—Funds made available under subsection (a) shall be withheld from disbursement until the Secretary of State certifies to Congress that the United States has not contributed any funds authorized to be appropriated in subsection (a) to pay for any expenses related to the holding of a United Nations Global Conference.

(e) REDUCTION IN NUMBER OF POSTS.—

(1) FISCAL YEAR 1998.—Of the funds appropriated for fiscal year 1998 for the United Nations pursuant to subsection (a), $50,000,000 shall be withheld from disbursement until the Secretary of State certifies to Congress that the number of posts established under the 1998–99 regular budget of the United Nations and authorized by the General Assembly has been reduced by at least 1,000 posts from those authorized by the 1996–97 biennium, as a result of a suppression of that number of posts.

(2) FISCAL YEAR 1999.—Of the funds appropriated for fiscal year 1999 for the United Nations, pursuant to subsection (a), $50,000,000 shall be withheld from disbursement until the Secretary of State certifies to Congress that the 1998–99 United Nations budget contains a vacancy rate of not less than 5 percent for professional staff and not less than 2.5 percent for general services staff.

(f) PROHIBITION ON FUNDING ORGANIZATIONS OTHER THAN UNITED NATIONS.—None of the funds made available under subsection (a) shall be available for disbursement until the Secretary of State certifies to Congress that no portion of the United States contribution will be used to fund any other organization other than the United Nations out of the United Nations regular budget, including the Framework Convention on Global Climate Change and the International Seabed Authority.

(g) LIMITATION.—

(1) IN GENERAL.—The total amount of funds made available for all United States memberships in international organizations under the heading "Assessed Contributions to International Organizations" may not exceed $900,000,000 for each of fiscal years 1999 and 2000.

(h) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(i) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall establish and implement a procedure to credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

SEC. 2102. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.

(a) CONGRESSIONAL STATEMENT.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nation's regional blocs.

(b) POLICY ON ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—It shall be the policy of the United States to seek abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

(c) CONSULTATIONS WITH CONGRESS.—Not later than 90 days after the date of the enactment of this Act and on a semi-annual basis thereafter, the Secretary of State shall consult with the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(1) actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization;

(3) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations; and

(4) steps taken by the United States to secure abolition by the United Nations of groups under subsection (b).

SEC. 2103. ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading "Assessed Contributions for International Peacekeeping Activities" $200,000,000 for the fiscal year 1998 and $205,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(b) CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS.—

(1) CODIFICATION.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(A) in subsection (a), by striking the second sentence;

(B) by striking subsection (e); and

(C) by adding after subsection (d) the following new subsections:

"(e) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

"(1) CONSULTATIONS.—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

"(2) INFORMATION TO BE PROVIDED.—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

"(A) With respect to ongoing United Nations peacekeeping operations, the following:

"(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

"(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

"(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

"(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and the estimated costs to the United States of such changes.

"(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

"(i) The anticipated duration, mandate, the command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

"(ii) An estimate of the total cost to the United Nations of the operation, an estimate of the amount of that cost that will be assessed to the United States, and a notice of intent to submit a reprogramming of funds to cover that cost.

"(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

"(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and an estimate of the cost to the United States of such assistance or support.

"(3) FORM AND TIMING OF INFORMATION.—

"(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

"(B) TIMING.—

"(i) IN GENERAL.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

"(ii) PARTICULAR INFORMATION.—The information required under paragraph (2)(B) shall be submitted in writing not less than 15 days before the anticipated date of the vote on the resolution concerned or, if a 15-day advance submission is not practicable, in as far advance of the vote as is practicable.

"(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraph (2), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

"(A) in the case of an operation in existence, where the authorized force strength is to be expanded by more than 15 percent in an operation of less than 200 military or police personnel, or 10 percent in an operation of more than 200 military or police personnel during the period covered by the Security Council resolution;

"(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

"(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or different functions.

"(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

"(A) NOTIFICATION OF CERTAIN ASSISTANCE.—

"(i) IN GENERAL.—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

"(ii) EXCEPTION.—This subparagraph does not apply to—

"(I) assistance having a value of less than $3,000,000 in the case of nonreimbursable assistance or less than $14,000,000 in the case of reimbursable assistance; or

"(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

"(B) QUARTERLY REPORTS.—

"(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

"(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

"(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

"(f) DESIGNATED CONGRESSIONAL COMMITTEES.—In this section, the term 'designated congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.".

(2) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

(c) RELATIONSHIP TO OTHER NOTICE REQUIREMENTS.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (c), is further amended by adding at the end the following:

"(g) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.".

SEC. 2104. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACE AND SECURITY OPERATIONS.

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

"SEC. 555. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACE AND SECURITY OPERATIONS.

"(a) UNITED STATES COSTS.—The United States shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States in support of all United Nations authorized operations in support of international peace and security.

"(b) UNITED NATIONS MEMBER COSTS.—The United States shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such operations.".

SEC. 2105. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the President shall seek and obtain a commitment from the United Nations to provide reimbursement to the United States from the United Nations in a timely fashion whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

(A) to the United Nations;

(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

(2) EXCEPTION.—The requirement in paragraph (1) shall not apply to—

(A) expenses incurred by the United States for the direct benefit of the United States Armed Forces;

(B) assistance having a value of less than $3,000,000 per fiscal year per operation; or

(C) assistance furnished before the date of enactment of this Act.

(3) FORM AND AMOUNT.—

(A) AMOUNT.—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

(B) FORM.—Reimbursement under this subsection may include credits against the United States assessed contributions for United States peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

(b) TREATMENT OF REIMBURSEMENTS.—

(1) CREDIT.—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

(2) AVAILABILITY.—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.

(c) COVERED ASSISTANCE.—Subsection (a) assistance provided under the following provisions of law:

(1) Sections 6 and 7 of the United Nations Participation Act of 1945.

(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.

(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

(d) WAIVER.—

(1) AUTHORITY.—

(A) IN GENERAL.—The President may authorize the furnishing assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

(B) CONGRESSIONAL NOTIFICATION.—Before exercising the authorities of subparagraph (A), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(2) CONGRESSIONAL REVIEW.—Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notice.

(3) SENATE PROCEDURES.—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(e) RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.—Nothing in this section shall preclude the President from seeking reimbursement

for assistance covered by this section that is in addition to the reimbursement sought for the assistance under in subsection (a).

(f) DEFINITION.—In this section, the term "assistance" includes personnel, services, supplies, equipment, facilities, and other assistance, provided by the United States Department of Defense or any other United States Government agency.

SEC. 2106. RESTRICTION ON UNITED STATES FUNDING FOR UNITED NATIONS PEACE OPERATIONS.

The President shall withhold from disbursement for any United Nations peace operation established after the date of enactment of this Act the United States proportionate share of any amount made available to that operation out of the regular budget of the United Nations, unless the President determines, and so notifies the appropriate congressional committees, that funding such a United Nations peace operation serves an important national security interest of the United States.

SEC. 2107. UNITED STATES POLICY REGARDING UNITED NATIONS PEACEKEEPING MISSIONS.

It shall be the policy of the United States—

(1) to ensure that major peacekeeping operations (in general, those comprised of more than 10,000 troops) authorized by the United Nations Security Council under Chapter VII of the United Nations Charter (or missions such as the United Nations Protection Force (UNPROFOR)) are undertaken by a competent regional organization such as NATO or a multinational force, and not established as a peacekeeping operation under United Nations operational control which would be paid for by assessment of United Nations members; and

(2) to consider, on a case-by-case basis, whether it is in the national interest of the United States to agree that smaller peacekeeping operations authorized by the United Nations Security Council under Chapter VII of the United Nations Charter and paid for by assessment of United Nations members (such as the United Nations Transitional Authority in Slavonia (UNTAES)) should be established as peacekeeping operations under United Nations operational control which would be paid for by assessment of United Nations members.

SEC. 2108. ORGANIZATION OF AMERICAN STATES.

Taking into consideration the long-term commitment by the United States to the affairs of this hemisphere and the need to build further upon the linkages between the United States and its neighbors, it is the sense of the Congress that the Secretary of State should make every effort to pay the United States assessed funding levels for the Organization of American States, which is uniquely dependent on United States contributions and is continuing fundamental reforms in its structure and its agenda.

TITLE XXII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

Subchapter A—Authorization of Appropriations; Disbursement of Funds

SEC. 2201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States to the United Nations and its specialized agencies as of September 30, 1997—

(1) $100,000,000 for fiscal year 1998;

(2) $475,000,000 for fiscal year 1999; and

(3) $244,000,000 for fiscal year 2000.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations (excluding the budgets of the United Nations specialized agencies);

(2) to pay the United States share of United Nations peace operations;

(3) to pay the United States share of United Nations specialized agencies; and

(4) to pay the United States share of other international organizations.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) STATUTORY CONSTRUCTION.—For purposes of payments made pursuant to subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall not apply to United Nations peace operation assessments received by the United States prior to October 1, 1995.

SEC. 2202. DISBURSEMENT OF FUNDS.

(a) IN GENERAL.—Funds made available pursuant to section 2201 may be disbursed only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) DISBURSEMENTS UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.—Funds made available pursuant to section 2201 may be disbursed only in the following allotments and upon the following certifications:

(1) Amounts authorized to be appropriated for fiscal year 1998, upon the certification described in section 2211.

(2) Amounts authorized to be appropriated for fiscal year 1999, upon the certification described in section 2221.

(3) Amounts authorized to be appropriated for fiscal year 2000, upon the certification described in section 2231.

(c) ADVANCE CONGRESSIONAL NOTIFICATION.—Funds made available pursuant to section 2201 may be disbursed only if the appropriate certification has been submitted to Congress 30 days prior to the payment of funds to the United Nations or its specialized agencies.

(d) TRANSMITTAL OF CERTIFICATIONS.—Certifications made under this chapter shall be transmitted by the Secretary of State to the appropriate congressional committees.

Subchapter B—United States Sovereignty

SEC. 2211. CERTIFICATION REQUIREMENTS.

(a) CONTENTS OF CERTIFICATION.—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) CONTESTED ARREARAGES.—The United Nations has established an account or other appropriate mechanism with respect to all United States arrearages incurred before the date of enactment of this Act with respect to which payments are not authorized by this Act, and the failure to pay amounts specified in the account do not affect the application of Article 19 of the Charter of the United Nations. The account established under this paragraph may be referred to as the "contested arrearages account".

(2) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken on or after October 1, 1996, by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(3) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(4) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens; or

(ii) the World Intellectual Property Organization.

(5) NO STANDING ARMY.—The United Nations has not budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(6) NO INTEREST FEES.—The United Nations has not levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and from the date of enactment of this Act, neither the United Nations nor its specialized agencies have amended their financial regulations or taken any other action that would permit interest penalties to be levied against or otherwise charge the United States any interest on arrearages on its annual assessment.

(7) UNITED STATES PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private property of United States citizens.

(8) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not paid its share of any interest costs made known to or identified by the United States Government for loans incurred by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) TRANSMITTAL.—The Secretary of State may transmit a certification under subsection (a) at any time during fiscal year 1998 or thereafter if the requirements of the certification are satisfied.

Subchapter C—Reform of Assessments and United Nations Peace Operations

SEC. 2221. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in section 2211 are no longer valid.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of

the United Nations, or any designated specialized agency of the United Nations, does not exceed 22 percent for any single United Nations member.

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR PEACE OPERATIONS.—The assessed share of the budget for each assessed United Nations peace operation does not exceed 25 percent for any single United Nations member.

(3) TRANSFER OF REGULAR BUDGET-FUNDED PEACE OPERATIONS.—The mandates of the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) are subject to annual review by members of the Security Council, and are subject to the notification requirements pursuant to section 2103(c).

Subchapter D—Budget and Personnel Reform

SEC. 2231. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the following conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 2211 and 2221 are no longer valid.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any specialized agency of the United Nations, does not exceed 20 percent for any single United Nations member.

(2) INSPECTORS GENERAL FOR CERTAIN ORGANIZATIONS.—

(A) ESTABLISHMENT OF OFFICES.—Each designated specialized agency has established an independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the organization.

(B) APPOINTMENT OF INSPECTORS GENERAL.—The Director General of each designated specialized agency has appointed an inspector general, with the approval of the member states, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(C) ASSIGNED FUNCTIONS.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) COMPLAINTS.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) COMPLIANCE WITH RECOMMENDATIONS.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.

(F) AVAILABILITY OF REPORTS.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification.

(3) NEW BUDGET PROCEDURES FOR THE UNITED NATIONS.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the systemwide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly and of programs of the designated specialized agencies in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, the inspector general office equivalent of each designated specialized agency has developed a standardized methodology for the evaluation of programs of designated specialized agencies, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) PROCEDURES.—The United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General and the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) UNITED STATES POLICY.—It shall be the policy of the United States to seek adoption by the United Nations of a resolution requiring that each United Nations program approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term "United Nations program approved by the General Assembly" means a program approved by the General Assembly of the United Nations that is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) IN GENERAL.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) DEFINITION.—As used in this paragraph the term "5 largest member state contributors" means the 5 United Nations member states that, during a United Nations budgetary biennium, have more total assessed contributions than any other United Nations member states to the aggregate of the United Nations regular budget and the budget (or budgets) for United Nations peace operations.

(6) NATIONAL AUDITS.—The United Nations has in effect procedures providing access by the United States General Accounting Office to United Nations financial data so that the Office may perform nationally mandated reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implementing procedures that ensure that staff employed by the United Nations is appointed on the basis of merit consistent with Article 101 of the United Nations charter; and

(ii) is enforcing those contractual obligations requiring worldwide availability of all professional staff of the United Nations to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations officials.

(C) PERSONNEL EVALUATION SYSTEM.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) PERIODIC ASSESSMENTS.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments are reported in an unabridged form to the General Assembly.

(E) REVIEW OF UNITED NATIONS ALLOWANCE SYSTEM.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a comparison to the United States civil service, and shall make recommendations to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) REDUCTION IN BUDGET AUTHORITIES AND PERSONNEL LEVELS.—The designated specialized agencies have achieved a negative growth budget in the budget for 2000–01 from the 1998–99 biennium levels of the respective agencies.

(9) NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the organization of supplemental budget requests to the Secretariat in advance of expenditures under those requests.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 2241. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e

note) and section 151 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note), and section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 2242. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING.

None of the funds authorized to be appropriated by this title shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;

(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other organization with respect to which Congress has rescinded funding.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The bill, S. 903, is still pending before the Senate.

Mr. SARBANES. Mr. President, I ask unanimous consent to proceed for 2 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN MEMORY OF BARRY SKLAR

Mr. SARBANES. Mr. President, I rise today to express my sadness at learning of the passing of Barry Sklar, a long-time staffer on the Senate Foreign Relations Committee, who died unexpectedly on Sunday. Barry was well known to a number of Members and staff who had occasion to work with him during the more than a decade he served on the professional staff of the Committee, as an able advisor on Latin American and Caribbean affairs.

In a recommendation for Barry just a few short months ago, I wrote that he "demonstrated an in-depth knowledge of the issues and great professionalism and integrity in his work." But that only describes the qualities that led to his intellectual accomplishments and career success. It does not begin to tell why Barry won the personal admiration, friendship and esteem of all who came to know him.

Barry Sklar was a warm, gentle, kind and unassuming man who was devoted to upholding moral principles in his work and his personal life. Despite his involvement in issues and policies that made frequent headlines, Barry maintained a sense of modesty and great humility. He never forgot that his family came first.

Throughout the turbulent decade of the 1980's for Latin America, Barry worked for peace and conflict resolution through international cooperation. Due to his work on human rights, as was noted at his funeral, many children today have mothers and fathers and sisters and brothers who might otherwise have been forgotten by the world when they disappeared from their villages. Barry's life reveals his commitment to keeping families safe and together, in his own case and around the world.

Mr. President, I would like to extend to Barry's wife, Judith, and his sons Joel Mark and Adam Benjamin my deepest condolences. I am sure I speak for my colleagues in expressing these sentiments. He will be greatly missed by all of us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

THANKING ART RYNEARSON

Mr. HELMS. Mr. President, before we wrap things up here today, let me express my appreciation to a very special gentleman for his tireless efforts, his hard work and cheerful disposition throughout the entire process of the drafting of the bill just approved by the Senate. Art Rynearson is legislative counsel to the Foreign Relations Committee, and we have truly overworked that gentleman during this year with the drafting sessions on the resolution of ratification for the CWC, often lasting until 2 a.m., and when we finished that we called upon Art to help the committee prepare the resolution of ratification for the CFE Flank Document. No sooner had we finished that, than we called upon him to help with the State Department legislation, and Art worked 70-hour weeks for the past 4 months. Throughout the entire process he has been cheerful and exceedingly helpful. Without him, the process would not have gone nearly so smoothly.

So, to Art Rynearson, all of us say thanks for everything.

MORNING BUSINESS

Mr. HELMS. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 16, 1997, the Federal debt stood at $5,355,412,554,888.33. (Five trillion, three hundred fifty-five billion, four hundred twelve million, five hundred fifty-four thousand, eight hundred eighty-eight dollars and thirty-three cents.)

Five years ago, June 16, 1992, the Federal debt stood at $3,945,016,000,000. (Three trillion, nine hundred forty-five billion, sixteen million.)

Ten years ago, June 16, 1987, the Federal debt stood at $2,293,493,000,000. (Two trillion, two hundred ninety-three billion, four hundred ninety-three million.)

Fifteen years ago, June 16, 1982, the Federal debt stood at $1,076,341,000,000. (One trillion, seventy-six billion, three hundred forty-one million.)

Twenty-five years ago, June 16, 1972, the Federal debt stood at $426,203,000,000 (Four hundred twenty-six billion, two hundred three million) which reflects a debt increase of nearly $5 trillion—$4,929,209,554,888.33 (Four trillion, nine hundred twenty-nine billion, two hundred nine million, five hundred fifty-four thousand, eight hundred eighty-eight dollars and thirty-three cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2205. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a draft of proposed legislation to modify Medicare payments; to the Committee on Finance.

EC–2206. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report concerning increases in inpatient hospital payment rates and recommendations for hospitals subject to the Medicare prospective payment system; to the Committee on Finance.

EC–2207. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, two rules concerning the small producers' wine tax credit (RIN1512–AB65), received on June 2, 1997; to the Committee on Finance.

EC–2208. A communication from the Chief of the Regulations Unit, Internal Revenue

Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 97–36, received on June 11, 1997; to the Committee on Finance.

EC–2209. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Veterans' Medical Care Funding Improvement Act of 1997"; to the Committee on Veterans' Affairs.

EC–2210. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on recissions and deferrals, received on June 16, 1997; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Agriculture, Nutrition, and Forestry, Armed Services, Banking, Housing and Urban Affairs, Energy and Natural Resources, Finance, Foreign Relations, Governmental Affairs, and Judiciary.

EC–2211. A communication from the Administrator, Grain Inspection, Packers and Stockyards Administration, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule entitled "Fees for Official Inspection and Official Weighing Services" (RIN0508–AA52), received on June 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2212. A communication from the Acting Chairman of the Thrift Depositor Protection Board, under the Secretary for Domestic Finance, Department of the Treasury, transmitting, a draft of proposed legislation relative to abolishing the Thrift Depositor Protection Oversight Board; to the Committee on Banking, Housing, and Urban Affairs.

EC–2213. A communication from the Acting Executive Director, Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report relative to the Resolution Funding Corporation for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2214. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to direct spending or receipts legislation; to the Committee on the Budget.

EC–2215. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule entitled "Spearmint Oil Produced in the Far West", received on June 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2216. A communication from the Administrator, Rural Development, U.S. Department of Agriculture, transmitting, pursuant to law, a rule relative to the Distance Learning and Telemedicine Grant Program (RIN0572–AB31), received on June 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 924. An original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 105–29).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 915. A bill to amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Finance.

By Mr. COCHRAN:

S. 916. A bill to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building"; to the Committee on Governmental Affairs.

By Mr. TORRICELLI (for himself, Mrs. FEINSTEIN, and Mr. BYRD):

S. 917. A bill to amend section 6105 of title 38, United States Code, to expand the range of criminal offenses resulting in forfeiture of veterans benefits; to the Committee on Veterans' Affairs.

By Mr. KERRY (for himself, Mr. WELLSTONE, Mr. GLENN, Mr. BIDEN, and Mr. LEAHY):

S. 918. A bill to reform the financing of Federal Elections; to the Committee on Rules and Administration.

By Mr. KOHL (for himself and Mr. BROWNBACK):

S. 919. A bill to establish the Independent Bipartisan Commission on Campaign Finance Reform to recommend reforms in the law relating to elections for Federal office; to the Committee on Rules and Administration.

By Mr. WYDEN:

S. 920. A bill to require the Secretary of Health and Human Services to issue an annual report card on the performance of the States in protecting children placed for adoption in foster care, or with a guardian, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COVERDELL (for himself, Mr. DODD, and Mr. DEWINE):

S. 921. A bill to immunize donations made in the form of charitable gift annuities and charitable remainder trusts from the antitrust laws and State laws similar to the antitrust laws; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 922. A bill to require the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco, and Firearms, to issue minimum safety and security standards for dealers of firearms; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 923. A bill to deny veterans benefits to persons convicted of Federal capital offenses; to the Committee on Veterans' Affairs.

By Mr. THURMOND:

S. 924. An original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. COVERDELL:

S. 925. A bill to provide authority for women' business centers to enter into contracts with Federal departments and agencies to provide specific assistance to women and other under-served small business concerns; to the Committee on Small Business.

By Mr. HARKIN (for himself and Mrs. MURRAY):

S. 926. A bill to amend the Internal Revenue Code of 1986 to expand the child and dependent care credit, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. HOLLINGS, Mr. GREGG, Mr. KERRY, Mr. BREAUX, Mr. REED, and Mr. GLENN):

S. 927. A bill to reauthorize the Sea Grant Program; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS:

S. 928. A bill to provide for a regional education and workforce training system in the metropolitan Washington area, to improve the school facilities of the District of Columbia, and to fund such activities in part by an income tax on nonresident workers in the District of Columbia, to be offset by tax credits; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. CAMPBELL, Mr. INOUYE, Mr. JOHNSON, Mr. DORGAN, and Mr. WELLSTONE):

S. Res. 100. A resolution expressing the sense of the Senate that the Federal commitment for the education of American Indians and Alaska Natives should be affirmed through legislative actions of the 105th Congress to bring the quality of Indian education and educational facilities up to parity with the rest of America; to the Committee on Indian Affairs.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 101. A resolution to authorize representation of Members, officers, and employees of the Senate in the case of Douglas R. Page v. Richard Shelby, et al, considered and agreed to.

By Mr. DODD (for himself and Mr. ABRAHAM):

S. Con. Res. 33. A concurrent resolution authorizing the use of the Capitol Grounds for the National SAFE KIDS Campaign SAFE KIDS Buckle Up Car Seat Check Up; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 915. A bill to amend the Harmonized Tariff schedule of the United States to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. THURMOND. Mr. President, I rise today to introduce, along with Senator HOLLINGS, a bill which will suspend the duties imposed on certain equipment used to manufacture earthmoving tires. Currently, these machines are not manufactured in the United States nor is a substitute readily available. Therefore, suspending the duties on these items would not adversely affect domestic industries.

Mr. President, suspending the duty on these machines will benefit the consumers of earthmoving tires. Currently, demand for these tires exceeds supply and this suspension would not harm other manufacturers. I hope the Senate will consider this measure expeditiously.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON CERTAIN MANUFACTURING EQUIPMENT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"9902.84.79	Calendaring or other rolling machines for rubber, valued at not less than $2,200,000 each, numerically controlled, or parts thereof (provided for in subheading 8420.10.90, 8420.91.90, or 8420.99.90) and material holding devices or similar attachments thereto	Free	No change	No change	On or before 12/31/2000
9902.84.81	Shearing machines used to cut metallic tissue capable of a straight cut of 5 m or more, valued at not less than $750,000 each, numerically controlled (provided for in subheading 8462.31.00)	Free	No change	No change	On or before 12/31/2000
9902.84.83	Machine tools for working wire of iron or steel for use in products provided for in subheading 4011.20.10, valued at not less than $375,000 each, numerically controlled, or parts thereof (provided for in subheading 8463.30.00)	Free	No change	No change	On or before 12/31/2000
9902.84.85	Extruders of a type used for processing rubber, valued at not less than $2,000,000 each, numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.80)	Free	No change	No change	On or before 12/31/2000
9902.84.87	Machinery for molding, retreading, or otherwise forming uncured, unvulcanized rubber for use in processing products provided for in subheading 4011.20.10, valued at not less than $800,000 each, capable of holding cylinders measuring 114 centimeters or more in diameter, numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.80)	Free	No change	No change	On or before 12/31/2000
9902.84.89	Sector mold press machines used for curing or vulcanizing rubber, valued at not less than $1,000,000 each, weighing 135,000 kg or more, numerically controlled, or parts thereof (provided for in subheading 8477.90.80)	Free	No change	No change	On or before 12/31/2000
9902.84.91	Sawing machines, valued at not less than $600,000 each, weighing 18,000 kg or more, for working cured, vulcanized rubber described in heading 4011 (provided for in subheading 8465.91.00)	Free	No change	No change	On or before 12/31/2000."

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on the date that is 15 days after the date of enactment of this Act.

(2) RETROACTIVE APPLICATION TO CERTAIN ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any goods described in subheading 9902.84.79, 9902.84.81, 9902.84.83, 9902.84.85, 9902.84.87, 9902.84.89, or 9902.84.91 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that was made—

(A) on or after May 1, 1997; and

(B) before the 15th day after the date of enactment of this Act;

shall be liquidated or reliquidated as though such entry or withdrawal occurred on the date that is 15 days after the date of enactment of this Act.

Mr. HOLLINGS. Madam President, today, I, along with Senator THURMOND, introduce duty suspension legislation designed to permit the import of certain tire manufacturing equipment into the United States duty free. U.S. companies do not manufacture the custom equipment to be imported, and therefore its importation will not displace domestic sourcing. Moreover, because the product at issue is manufacturing equipment, it will assist in the creation of additional jobs in the tire manufacturing industry.

I believe that this is the most appropriate use of duty suspension legislation. The custom imported product will not displace any product manufactured in the United States. Moreover, the imported product will assist in creating more productive capacity in the United States. This equipment will be used to manufacture a product that heretofore was not made in the United States. I am therefore hopeful that this new capacity can be used to supply both domestic and foreign needs and will increase employment in the tire manufacturing industry.

By Mr. COCHRAN:

S. 916. A bill to designate the U.S. Post Office building located at 750 Highway 28 East in Taylorsville, MS, as the "Blaine H. Eaton Post Office Building"; to the Committee on Governmental Affairs.

THE BLAINE H. EATON POST OFFICE BUILDING DESIGNATION ACT OF 1997

Mr. COCHRAN. Mr. President, I am pleased to introduce legislation designating the U.S. Post Office facility located in Taylorsville, MS, as the "Blaine H. Eaton Post Office Building."

A native of Smith County, Mississippi, Mr. Eaton attended Jones Junior College from 1932–34 and was named Alumni of the Year in 1984. He also attended the University of Mississippi and George Washington Law School.

He began his professional career as a farmer and cotton buyer for Anderson-Clayton Co. and in 1942, he became the first executive secretary to my predecessor in the Senate, U.S. Senator James O. Eastland. Blaine Eaton served our Nation in the U.S. Navy from 1944 to 1946. Upon returning home from the war, he was elected to serve in the Mississippi State House of Representatives, and he effectively served the people of Smith County for 12 years. His leadership as chairman of the Highway and Highway Finance Committee resulted in the successful passage of the Farm-to-Market legislation that is still benefiting Mississippians today as the State Aid Road Program. After leaving public office in 1958, Blaine became the manager of the Southern Pine Electric Power Association. His outstanding service and accomplishments were recognized by the National Rural Electric Cooperative Association with the Clyde T. Ellis Award for distinguished service and outstanding leadership.

Although retiring from his professional career in 1982, Blaine remained active in community service and enriched the lives of many by volunteering his time and leadership abilities to such organizations as the Lions International, the Hiram Masonic Lodge, the Southeast Mississippi Livestock Association and the Economic

Development Foundation. He was also a loyal member of the First Baptist Church of Taylorsville where he taught Sunday School classes for 25 years.

With the death of Blaine Eaton in 1995, our State lost one of its finest citizens. Designating the Taylorsville Post Office as the "Blaine H. Eaton Post Office Building" will commemorate the public service of this extraordinary Mississippian who dedicated his life to the betterment of the community and State he loved so much.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF BLAINE H. EATON POST OFFICE BUILDING.

The United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, shall be known and designated as the "Blaine H. Eaton Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Blaine H. Eaton Post Office Building".

By Mr. TORRICELLI (for himself and Mrs. FEINSTEIN):

S. 917. A bill to amend section 6105 of title 38, United States Code, to expand the range of criminal offenses resulting in forfeiture of veterans benefits; to the Committee on Veterans Affairs.

THE NATIONAL CEMETERIES SANCTITY ACT

Mr. TORRICELLI. Mr. President, I rise today, on behalf of myself and the distinguished ranking member of the Terrorism Subcommittee Senator FEINSTEIN, to introduce the Protection of the Sanctity of National Cemeteries Act.

In so doing, I urge my colleagues to join me in my effort to close a huge loophole in our laws, which will allow Timothy McVeigh a hero's burial in a national cemetery—even after the Federal Government puts him to death for his heinous act of terrorism.

Mr. President, current law lists a whole host of criminal acts by which even an honorably discharged veteran loses the right to burial in a national cemetery. These acts include espionage, treason, sedition, sabotage, rebellion and disclosure of national secrets, among other offenses.

But for some reason, the use of a weapon of mass destruction against the property or persons of the U.S. Government is not included in this list. Nor is the murder of Federal law enforcement officers or the rest of the offenses already included in the definition of a Federal crime of terrorism. Each of these offenses is as clear a threat to the National Security of the United States as the crimes already listed, and should clearly disqualify the perpetrator from an honorable burial at Government expense.

Because of this gaping loophole in the law, Timothy McVeigh—amazingly—remains entitled to burial next to true national heroes—men and women who have fought and died to defend this country and everything it stands for. He remains entitled to this hero's burial despite having committed the worst act of terrorism ever perpetrated on American soil.

This situation is unacceptable. It is an insult to the memories of the 168 victims killed in the Oklahoma City blast. It is an insult to the memories of the truly courageous men and women who have earned and maintained the right to a hero's burial by the Federal Government. And it is an insult to justice, plain and simple.

Today, I am introducing a bill to close this loophole once and for all. My bill would amend current law to include every crime listed as a Federal crime of terrorism, including McVeigh's crimes, in the list of disqualifiers for military burial. We should not provide honorable burials for persons who commit acts of terrorism against the U.S. Government. I urge my colleagues to support this bill, I ask unanimous-consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Cemeteries Sanctity Act".

SEC. 2. EXPANSION OF CRIMINAL OFFENSES RESULTING IN FORFEITURE OF VETERANS BENEFITS.

(a) IN GENERAL.—Section 6105 of title 38, United States code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting "32, 37, 81, 175," before "792,"; and

(ii) by inserting "831, 842(m), 842(n), 844(e), 844(f), 844(i), 930(c), 956, 1114, 1116, 1203, 1361, 1363, 1366, 1751, 1992, 2152, 2280, 2281, 2332, 2332a, 2332b, 2332c, 2339A, 2339B, 2340A," after "798,";

(B) in paragraph (3)—

(i) by striking out "and 226" and inserting in lieu thereof "226, and 236";

(ii) by striking out "and 2276" and inserting in lieu thereof "2276, and 2284"; and

(iii) by striking out "and" at the end;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following new paragraph (4):

"(4) sections 46502 and 60123(b) of title 49; and"; and

(2) in the second sentence of subsection (c), by striking out "or (4)" and inserting in lieu thereof "(4), or (5)".

(b) CONFORMING AMENDMENTS.—(1) The section heading for such section is amended to read as follows:

"§ 6105. Forfeiture: subversive activities; terrorist activities; other criminal activities".

(2) The table of sections at the beginning of chapter 61 of that title is amended by striking out the item relating to section 6105 and inserting in lieu thereof the following new item:

"6105. Forfeiture: subversive activities; terrorist activities; other criminal activities.".

(c) APPLICABILITY.—The amendments made to section 6105 of title 38, United States Code, by subsection (a) shall apply to any person convicted under a provision of law added to such section by such amendments after December 31, 1996.

By Mr. KERRY (for himself, Mr. WELLSTONE, Mr. GLENN, Mr. BIDEN and Mr. LEAHY):

S. 918. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

THE CLEAN MONEY CLEAN ELECTIONS ACT

Mr. KERRY. Mr. President, the Fourth of July will occur in a little over 2 weeks. That is the date by which the President challenged the Congress to act on campaign finance reform in this first session of the 105th Congress. I regret I must announce the obvious: not only has neither house of the Congress addressed this issue in serious floor debate and legislative action; there is virtually no prospect that either house will do so by the time we leave for the July 4 recess. Nor is it clear when or if the 105th Congress will address this issue.

The Fourth of July has other implications, of course, Mr. President—and some of these, too, are related to campaign finance reform. This is a peculiarly American holiday, when Americans throughout the Nation take time out to gather in parks and back yards, at barbecues and picnics and family reunions and community parades, to celebrate our democracy, our freedom.

But I think there would be widespread agreement, as we do this in 1997, that there is an unease across the Nation about the political process. The American people are concerned. Their concern is not primarily about who their elected officials are. Their frustration, cynicism, and anger run deep and broad—directed, as most of us realize, at the entire political system.

Americans believe that their Government has been hijacked by special interests, that the political system responds to the needs of wealthy special interests, not the interests of ordinary, hard-working citizens. They sense, in many ways, that the Congress is not necessarily "the people's house."

We see evidence of this in the feeling of powerlessness described by many Americans, and in the great gulf that grows wider between the American people and their elected officials. You can see it expressed frequently in town

meetings and in various polls. The people feel that Congress all too often fails to represent the real concerns of real Americans, and they sense that they are being left out.

The result is that more and more Americans are checking out of the system. If their democracy isn't going to respond to their concerns, then they ask themselves why they should respond to the request that they participate meaningfully in the political process. The reason for the disconnect is very simple, Mr. President. The amount of money in politics—money given to office seekers to campaign for office—disenfranchises the average person who knows that he or she can never hope to have the same kind of access as that money achieves for those who give it.

Special interest money is moving and dictating and governing the agenda of American politics, and most Americans understand that.

A few findings from a bipartisan poll tell the story: 49 percent of registered voters believe that lobbyists and special interests control the Federal Government; 92 percent of registered voters believe that special interest contributions affect the votes of Members of Congress; and 88 percent believe that people who make large campaign contributions get special favors from politicians.

The evidence of public discontent could hardly be more compelling, yet the Congress drifts on, with no apparent sense of urgency in trying to respond to that discontent. We all understand there are differences on each side of the aisle about the best way to address the problem, but I do not see how anyone can say in good conscience that there is a bona fide effort under way involving the leadership of both parties in the U.S. Congress to even try to work out those differences.

If we want to regain the respect and confidence of the American people and if we want to reconnect to them and reconnect them to our democracy, we have to get the special interest money out of politics. As my friend Ross Perot says, "It's just that simple."

The American people, however, are skeptical about either our willingness or ability to do that, and it doesn't help that the 105th Congress has yet to take up campaign finance reform. It doesn't help that the President and the Speaker of the House shook hands in a very public way 2 years ago and promised to do something about campaign finance, and nothing has transpired between then and now to fulfill that commitment, and from the perspective of the ordinary citizen who wants to see the special interest money removed from politics, it really looks like a conspiracy of inaction. Those who profit from the current system—special interests who know how to play the game, and politicians who know how to play the game—seem to be shutting down any prospect of real change.

Mr. President, I know why people feel that way. I have been working on campaign finance reform since I came to the Senate. I have worked for years with my colleagues JOE BIDEN and ROBERT BYRD and others, and with former Senators such as George Mitchell, David Boren, and Bill Bradley—searching for the right equation to bring about change. Although from my arrival in the Senate I have advocated sweeping overhaul of the system, in recent times I have been a strong supporter of the proposal advanced by JOHN MCCAIN and RUSS FEINGOLD, even though it is incremental in design, because they succeeded in assembling a package of reforms that bridged the party divide that so often has been permitted to poison this debate and prevent meaningful action—and because I believe so fervently that we must succeed to whatever extent it is possible in moving toward what should be our objective.

Throughout these years of activity—the 12 years of my service as a Senator—my goal has always been the same, to get special interest influence and special interest access out of politics.

Mr. President, we come to the floor this afternoon on an auspicious day—or, perhaps more accurately, an inauspicious day. In any event it is a red-letter day for America. It was the day 25 years ago that was the beginning of two very difficult years in American history. It was 25 years ago today that the famous burglary at the Watergate complex overlooking the Potomac in Washington, DC, took place, followed by coverup activities that reached into the Oval Office and resulted in the resignation in disgrace of an American President.

During the investigation of the illegal activities, there were multiple revelations of huge amounts of cash moving in brown paper bags and leather briefcases. The public revulsion triggered real reform, although that reform, sadly, was directed primarily toward only the Presidential election financing system. But even that spirit of reform, and the significant alterations of the system to which it led, has been broken by those who want to trample it with the exploitation of every loophole possible in the campaign finance system.

It is unfortunately fitting, then, Mr. President, that we return our attention on this day to that nemesis of the democratic process, the corrosive effect of money in politics.

This time, 25 years later, it is the no-holds-barred pursuit of quite stunning amounts of money by both parties in the 1996 Presidential and congressional elections that captures the attention and the condemnation of the American people—and the allegations that many of those who gave large sums to one or the other party, or one candidate or another, expected favors in return, ranging from the trivial to the significant.

The American people are not stupid. They know that there is no such thing as a free lunch. They believe—with considerable justification—that the scores of millions of dollars that flow from well-to-do individuals and special interest organizations usually are not donated out of absolute disinterested patriotism, admiration for the candidates, and support for our electoral system.

They watch repeatedly as public policy decisions made by the Congress and the Executive Branch appear to be influenced by those who have made the contributions. They conclude—again, I fear, with considerable good reason—that either those contributions directly affected the decision-making process, or, at the very least, purchased for those contributors a greater degree of access to the elected officials who make the decisions, so that the contributors can more effectively and persuasively make their case.

During this past election, 1996, not only in congressional races but also, distressingly, in the Presidential campaign—and it is especially distressing because many of us thought the Watergate reform legislation of 1974 had suitably repaired the system of presidential campaign finance—we saw a flood of special interest money the likes of which have never previously been seen here or anywhere.

Every day during the past year, it has been impossible to open a newspaper or turn on a television without being confronted by yet another new revelation about an alleged campaign finance irregularity or abuse—or a defense of the actions at which the charges are leveled.

And, I must say, the defenses are generally pretty lame. Those against whom the allegations are leveled may be able to find protection in the letter of the law, but they are unsuccessful in avoiding the opprobrium of the American people and consequent cynicism about our government system.

I am one who believes we absolutely must do something to reverse the trend if we are to save our precious democratic system. And I also have concluded that the forces arrayed against the kind of partial public financing approaches we previously have pushed are so strong that we must find a new approach behind which it will be possible to develop such strong consensus support across the nation that the Congress will be unable to resist it.

To the extent competent polling and other public opinion assessment techniques can make a reliable determination, the evidence is persuasive that, while the American people are willing to embrace radical change of campaign

financing—to take all special interest money and heave it over the side and shoulder all reasonable campaign costs—they have only passing interest and precious little enthusiasm for halfway measures. Their judgment appears to be that it would be a waste of effort and tax dollars to invest public resources in a system that retains any significant degree of special interest funding. They see such an approach as playing them for chumps—while the influence of special interests would remain as strong as it currently is.

What does seem to capture the attention and imagination—and support—of a significant majority of Americans is sweeping reform of campaign finance that removes all special interest money from the system. This is not a notion dreamed up here in Washington—either here on Capitol Hill or in an organization's office downtown. Activities to implement such an approach to campaign finance reform have been underway in a number of States, including my own State of Massachusetts. Maine voters took the boldest step, approving such a concept for State elections. Now Vermont has followed suit with a provision applying to the Governor's office, and Governor Howard Dean is poised to sign the proposal into law. Other State-level efforts are in various stages of advancement.

PAUL WELLSTONE and JOHN GLENN came early-on to the same conclusion to which I came—that we want to champion such an approach at the Federal level. And we have been joined by JOE BIDEN and PAT LEAHY, and other Senators are studying the idea carefully and we hope and trust we will be joined by some of them in the near future.

We come to the floor today to introduce the Clean Money, Clean Elections Act, a bill that, as its most important feature, takes all special interest money out of Federal elections. This initiative will offer a set amount of funding, based on a State's voting-age population, to each candidate who agrees to foreswear private contributions. It not only removes all special interest money from the system, but also removes the necessity for candidates to spend a huge amount of time fundraising and to pour massive amounts of the money they do raise into further fundraising efforts.

In addition, this legislation will shut down the so-called soft money, or unregulated money, loopholes that have permitted massive amounts of special interest money to enter the electoral process around even those restrictions that now exist.

This process takes a major step forward today with the introduction of this legislation. Comparable efforts are underway in the House of Representatives, and I understand a similar bill will be introduced there in coming weeks.

We believe the people are, once again, ahead of Washington—and, once again, ahead of the politicians. And we believe that ultimately this or a derivative approach is the only way effectively to restore people's confidence that, in America, anybody truly can run, and win—not just those who have access to wealth or who are wealthy themselves.

This is a bill to restore our own democracy and preserve what we think is the heart of our precious system. We hope and believe that—with a strong assist from their constituents—increasing numbers of our colleagues, over time, will come to recognize this and support the bill.

This will not be a rapidly completed process, Mr. President. We introduce this bill with the knowledge that it would not attract more than perhaps a quarter of the votes in the Senate today. This will be a journey, a journey of mobilizing the American people to require their elected representatives to take needed action. Our bill will be the objective, and it also will be the rallying point. And with the commitment of the organizations and individuals who advocate this approach, a movement will develop which cannot be stopped. Just as in Maine and now in Vermont, the support will grow to critical mass and these reforms will succeed.

I look forward to walking this road with all who support this approach—both my colleagues in the Senate and friends outside the Senate. We who introduce this bill are committed to fundamentally changing our electoral system, and returning control of our elected officials and their agenda to the people after wresting it back from the special interests.

I believe we will succeed, and can look back on this day—the 25th anniversary of a lamentable event in American history—as an important beginning point in that endeavor.

I want to commend those colleagues who join in introducing this legislation today—Senators WELLSTONE, GLENN, BIDEN, and LEAHY. I particularly want to compliment Senator WELLSTONE's capable staff, especially Brian Ahlberg, who have invested countless hours in the effort that is so essential but often unnoticed, of transforming complex policy objectives into legislative language, working hand-in-hand with Senate Legislative Counsel staff and representatives of organizations which have been developing this idea at the State level. My staff has greatly appreciated their contributions to this effort and enjoyed working with them, as I have enjoyed the cooperative efforts with Senator WELLSTONE and my other colleagues.

Mr. President, before I yield to Senator WELLSTONE and then, in turn, to other Senators who may wish to make remarks about this legislation, I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks, followed by a summary of the bill and a chart depicting the qualifying contribution requirement and the "Clean Money" allocation and spending limit for a general election that would apply to a candidate participating in the "Clean Money, Clean Election" system in each State.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clean Money, Clean Elections Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS

Sec. 101. Findings and declarations.
Sec. 102. Eligibility requirements and benefits of clean money financing of Senate election campaigns.
Sec. 103. Reporting requirements for expenditures of private money candidates.
Sec. 104. Transition rule for current election cycle.

TITLE II—INDEPENDENT EXPENDITURES; COORDINATED EXPENDITURES

Sec. 201. Reporting requirements for independent expenditures.
Sec. 202. Definition of independent expenditure.
Sec. 203. Limit on expenditures by political party committees.
Sec. 204. Party independent expenditures and coordinated expenditures.

TITLE III—VOTER INFORMATION

Sec. 301. Free broadcast time.
Sec. 302. Broadcast rates and preemption.
Sec. 303. Campaign advertisements; issue advertisements.
Sec. 304. Limit on congressional use of the franking privilege.

TITLE IV—SOFT MONEY OF POLITICAL PARTY COMMITTEES

Sec. 401. Soft money of political party committee.
Sec. 402. State party grassroots funds.
Sec. 403. Reporting requirements.

TITLE V—RESTRUCTURING AND STRENGTHENING OF THE FEDERAL ELECTION COMMISSION

Sec. 501. Appointment and terms of commissioners.
Sec. 502. Audits.
Sec. 503. Authority to seek injunction.
Sec. 504. Standard for investigation.
Sec. 505. Petition for certiorari.
Sec. 506. Expedited procedures.
Sec. 507. Filing of reports using computers and facsimile machines.
Sec. 508. Power to issue subpoena without signature of chairperson.
Sec. 509. Prohibition of contributions by individuals not qualified to vote.

TITLE VI—EFFECTIVE DATE

Sec. 601. Effective date.

TITLE I—CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS

SEC. 101. FINDINGS AND DECLARATIONS.

(a) UNDERMINING OF DEMOCRACY BY CAMPAIGN CONTRIBUTIONS FROM PRIVATE

SOURCES.—The Senate finds and declares that the current system of privately financed campaigns for election to the Senate undermines democracy in the United States by—

(1) violating the democratic principle of "one person, one vote" and diminishing the meaning of the right to vote by allowing monied interests to have a disproportionate and unfair influence within the political process;

(2) diminishing a Senator's accountability to constituents by compelling legislators to be accountable to the major contributors who finance their election campaigns;

(3) creating a conflict of interest, perceived and real, by encouraging Senators to take money from private interests that are directly affected by Federal legislation;

(4) imposing large, unwarranted costs on taxpayers through legislative and regulatory outcomes shaped by unequal access to lawmakers for campaign contributors;

(5) driving up the cost of election campaigns, making it difficult for qualified candidates without personal fortunes or access to campaign contributions from monied individuals and interest groups to mount competitive Senate election campaigns;

(6) disadvantaging challengers, because large campaign contributors tend to give their money to incumbent Senators, thus causing Senate elections to be less competitive; and

(7) burdening incumbents with a preoccupation with fundraising and thus decreasing the time available to carry out their public responsibilities.

(b) ENHANCEMENT OF DEMOCRACY BY PROVIDING CLEAN MONEY.—The Senate finds and declares that the replacement of private campaign contributions with clean money financing for all primary, runoff, and general elections to the Senate would enhance American democracy by—

(1) helping to eliminate access to wealth as a determinant of a citizen's influence within the political process and to restore meaning to the principle of "one person, one vote";

(2) increasing the accountability of Senators to the constituents who elect them;

(3) eliminating the inherent conflict of interest caused by the private financing of the election campaigns of public officials, thus restoring public confidence in the fairness of the electoral and legislative processes;

(4) reversing the escalating cost of elections and saving taxpayers billions of dollars that are currently misspent due to legislative and regulatory agendas skewed by the influence of contributions;

(5) creating a more level playing field for incumbents and challengers, creating genuine opportunities for all Americans to run for the Senate, and encouraging more competitive elections; and

(6) freeing Senators from the constant preoccupation with raising money, and allowing them more time to carry out their public responsibilities.

SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS.

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"TITLE V—CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS

"SEC. 501. DEFINITIONS.

"In this title:

"(1) ALLOWABLE CONTRIBUTION.—The term 'allowable contribution' means a qualifying contribution or seed money contribution.

"(2) CLEAN MONEY.—The term 'clean money' means funds that are made available by the Commission to a clean money candidate under this title.

"(3) CLEAN MONEY CANDIDATE.—The term 'clean money candidate' means a candidate for the Senate who is certified under section 505 as being eligible to receive clean money.

"(4) CLEAN MONEY QUALIFYING PERIOD.—The term 'clean money qualifying period' means the period beginning on the date that is 270 days before the date of the primary election and ending on the date that is 30 days before the date of the general election.

"(5) GENERAL ELECTION PERIOD.—The term 'general election period' means, with respect to a candidate, the period beginning on the day after the date of the primary or primary runoff election for the specific office that the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of the general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(6) GENERAL RUNOFF ELECTION PERIOD.—The term 'general runoff election period' means, with respect to a candidate, the period beginning on the day following the date of the last general election for the specific office that the candidate is seeking and ending on the date of the runoff election for that office.

"(7) IMMEDIATE FAMILY.—The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(8) MAJOR PARTY CANDIDATE.—The term 'major party candidate' means a candidate of a political party of which a candidate for Senator, for President, or for Governor in the preceding 5 years received, as a candidate of that party, 25 percent or more of the total number of popular votes received in the State by all candidates for the same office.

"(9) PERSONAL FUNDS.—The term 'personal funds' means an amount that is derived from—

"(A) the personal funds of the candidate or a member of the candidate's immediate family; and

"(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

"(10) PERSONAL USE.—

"(A) IN GENERAL.—The term 'personal use' means the use of funds to fulfill a commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office.

"(B) INCLUSIONS.—The term 'personal use' includes—

"(i) a home mortgage, rent, or utility payment;

"(ii) a clothing purchase;

"(iii) a noncampaign-related automobile expense;

"(iv) a country club membership;

"(v) a vacation or other noncampaign-related trip;

"(vi) a household food item;

"(vii) a tuition payment;

"(viii) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

"(ix) dues, fees, and other payments to a health club or recreational facility.

"(11) PRIMARY ELECTION PERIOD.—The term 'primary election period' means the period beginning on the date that is 90 days before the date of the primary election and ending on the date of the primary election.

"(12) PRIMARY RUNOFF ELECTION PERIOD.—The term 'primary runoff election period' means, with respect to a candidate, the period beginning on the day following the date of the last primary election for the specific office that the candidate is seeking and ending on the date of the runoff election for that office.

"(13) PRIVATE MONEY CANDIDATE.—The term 'private money candidate' means a candidate for the Senate other than a clean money candidate.

"(14) QUALIFYING CONTRIBUTION.—The term 'qualifying contribution' means a contribution that—

"(A) is in the amount of $5 exactly;

"(B) is made by an individual who is registered to vote in the candidate's State;

"(C) is made during the clean money qualifying period; and

"(D) meets the requirements of section 502(a)(2)(D).

"(15) SEED MONEY CONTRIBUTION.—The term 'seed money contribution' means a contribution (or contributions in the aggregate made by any 1 person) of not more than $100.

"(16) SENATE ELECTION FUND.—The term 'Senate Election Fund' means the fund established by section 507(a).

"SEC. 502. ELIGIBILITY FOR CLEAN MONEY.

"(a) PRIMARY ELECTION PERIOD AND PRIMARY RUNOFF ELECTION PERIOD.—

"(1) IN GENERAL.—A candidate qualifies as a clean money candidate during the primary election period and primary runoff election period if the candidate files with the Commission a declaration, signed by the candidate and the treasurer of the candidate's principal campaign committee, that the candidate—

"(A) has complied and will comply with all of the requirements of this title;

"(B) will not run in the general election as a private money candidate; and

"(C) meets the qualifying contribution requirement of paragraph (2).

"(2) QUALIFYING CONTRIBUTION REQUIREMENT.—

"(A) MAJOR PARTY CANDIDATES.—The requirement of this paragraph is met if, during the clean money qualifying period, a major party candidate receives the greater of—

"(i) 1,000 qualifying contributions; or

"(ii) a number of qualifying contributions equal to 0.25 percent of the voting age population of the candidate's State.

"(B) CANDIDATES THAT ARE NOT MAJOR PARTY CANDIDATES.—The requirement of this paragraph is met if, during the clean money qualifying period, a candidate that is not a major party candidate receives a number of qualifying contributions that is at least 150 percent of the number of qualifying contributions that a major party candidate in the same election is required to receive under subparagraph (A).

"(C) RECEIPT OF QUALIFYING CONTRIBUTION.—A qualifying contribution shall—

"(i) be accompanied by the contributor's name and home address;

"(ii) be accompanied by a signed statement that the contributor understands the purpose of the qualifying contribution;

"(iii) be made by a personal check or money order payable to the Senate Election Fund or by cash; and

"(iv) be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the candidate's State.

"(D) DEPOSIT OF QUALIFYING CONTRIBUTIONS IN SENATE ELECTION FUND.—

"(i) IN GENERAL.—Not later than the date that is 1 day after the date on which the candidate is certified under section 505, a candidate shall remit all qualifying contributions to the Commission for deposit in the Senate Election Fund.

"(ii) CANDIDATES THAT ARE NOT CERTIFIED.—Not later than the last day of the clean money qualifying period, a candidate who has received qualifying contributions and is not certified under section 505 shall remit all qualifying contributions to the Commission for deposit in the Senate Election Fund.

"(3) TIME TO FILE DECLARATION.—A declaration under paragraph (1) shall be filed by a candidate not later than the date that is 30 days before the date of the primary election.

"(b) GENERAL ELECTION PERIOD.—

"(1) IN GENERAL.—A candidate qualifies as a clean money candidate during the general election period if—

"(A)(i) the candidate qualified as a clean money candidate during the primary election period (and primary runoff election period, if applicable); or

"(ii) the candidate files with the Commission a declaration, signed by the candidate and the treasurer of the candidate's principal committee, that the candidate—

"(I) has complied and will comply with all the requirements of this title; and

"(II) meets the qualifying contribution requirement of subsection (a)(2);

"(B) the candidate files with the Commission a written agreement between the candidate and the candidate's political party in which the political party agrees not to make any expenditures in connection with the general election of the candidate in excess of the limit in section 315(d)(3)(C); and

"(C) the candidate's party nominated the candidate to be placed on the ballot for the general election or the candidate qualified to be placed on the ballot as an independent candidate, and the candidate is qualified under State law to be on the ballot.

"(2) TIME TO FILE DECLARATION OR STATEMENT.—A declaration or statement required to be filed under paragraph (1) shall be filed by a candidate not later than the date that is 30 days before the date of the general election.

"(c) GENERAL RUNOFF ELECTION PERIOD.—A candidate qualifies as a clean money candidate during the general runoff election period if the candidate qualified as a clean money candidate during the general election period.

"SEC. 503. REQUIREMENTS APPLICABLE TO CLEAN MONEY CANDIDATES.

"(a) OBLIGATION TO COMPLY.—A clean money candidate who accepts benefits during the primary election period shall comply with all the requirements of this Act through the primary runoff election period, the general election period, and the general runoff election period (if applicable) whether the candidate continues to accept benefits or not.

"(b) CONTRIBUTIONS AND EXPENDITURES.—

"(1) PROHIBITION OF PRIVATE CONTRIBUTIONS.—Except as otherwise provided in this title, during the election cycle of a clean money candidate, the candidate shall not accept contributions other than clean money from any source.

"(2) PROHIBITION OF EXPENDITURES FROM PRIVATE SOURCES.—Except as otherwise provided in this title, during the election cycle of a clean money candidate, the candidate shall not make expenditures from any amounts other than clean money amounts.

"(c) USE OF PERSONAL FUNDS.—

"(1) IN GENERAL.—A clean money candidate shall not use personal funds to make an expenditure except as provided in paragraph (2).

"(2) EXCEPTIONS.—A seed money contribution or qualifying contribution from the candidate or a member of the candidate's immediate family shall not be considered to be use of personal funds.

"(d) DEBATES.—

"(1) NUMBER OF DEBATES.—A clean money candidate shall participate in at least—

"(A) 1 public debate with other clean money candidates from the same party for the same office during the primary election period; and

"(B) 2 public debates with other clean money candidates for the same office during the general election period.

"(2) REGULATION.—The Commission shall promulgate a regulation as necessary to carry out paragraph (1).

"SEC. 504. SEED MONEY.

"(a) SEED MONEY LIMIT.—A clean money candidate may accept seed money contributions in an aggregate amount not exceeding—

"(1) $50,000; plus

"(2) if there is more than 1 congressional district in the candidate's State, an amount that is equal to $5,000 times the number of additional congressional districts.

"(b) CONTRIBUTION LIMIT.—Except as provided in section 502(a)(2), a clean money candidate shall not accept a contribution from any person except a seed money contribution (as defined in section 501).

"(c) RECORDS.—A clean money candidate shall maintain a record of the contributor's name, street address, and amount of the contribution.

"(d) USE OF SEED MONEY.—

"(1) IN GENERAL.—A clean money candidate may expend seed money for any election campaign-related costs, including costs to open an office, fund a grassroots campaign, or hold community meetings.

"(2) PROHIBITED USES.—A clean money candidate shall not expend seed money for—

"(A) a television or radio broadcast; or

"(B) personal use.

"(e) REPORT.—Unless a seed money contribution or expenditure made with a seed money contribution has been reported previously under section 304, a clean money candidate shall file with the Commission a report disclosing all seed money contributions and expenditures not later than 48 hours after—

"(1) the earliest date on which the Commission makes funds available to the candidate for an election period under paragraph (1) or (2) of section 506(b); or

"(2) the end of the clean money qualifying period,

whichever occurs first.

"(f) TIME TO ACCEPT AND EXPEND SEED MONEY CONTRIBUTIONS.—A clean money candidate may accept and expend seed money contributions for an election during the time period beginning on the day after the date of the previous general election for the office to which the candidate is seeking election and ending on the earliest date on which the Commission makes funds available to the candidate for an election period under paragraph (1) or (2) of section 506(b).

"(g) DEPOSIT OF UNSPENT SEED MONEY CONTRIBUTIONS.—A clean money candidate shall remit any unspent seed money to the Commission, for deposit in the Senate Election Fund, not later than the earliest date on which the Commission makes funds available to the candidate for an election period under paragraph (1) or (2) of section 506(b).

"(h) NOT CONSIDERED AN EXPENDITURE.—An expenditure made with seed money shall not be treated as an expenditure for purposes of section 506(f)(2).

"SEC. 505. CERTIFICATION BY COMMISSION.

"(a) IN GENERAL.—Not later than 5 days after a candidate files a declaration under section 502, the Commission shall—

"(1) determine whether the candidate meets the eligibility requirements of section 502; and

"(2) certify whether or not the candidate is a clean money candidate.

"(b) REVOCATION OF CERTIFICATION.—The Commission may revoke a certification under subsection (a) if a candidate fails to comply with this title.

"(c) REPAYMENT OF BENEFITS.—If certification is revoked under subsection (b), the candidate shall repay to the Senate Election Fund an amount equal to the value of benefits received under this title.

"SEC. 506. BENEFITS FOR CLEAN MONEY CANDIDATES.

"(a) IN GENERAL.—A clean money candidate shall be entitled to—

"(1) a clean money amount for each election period to make or obligate to make expenditures during the election period for which the clean money is provided, as provided in subsection (c);

"(2) media benefits under section 315 of the Communications Act of 1934 (47 U.S.C. 315); and

"(3) an aggregate amount of increase in the clean money amount in response to certain independent expenditures and expenditures of a private money candidate under subsection (d) that, in the aggregate, are in excess of 125 percent of the clean money amount of the clean money candidate.

"(b) PAYMENT OF CLEAN MONEY AMOUNT.—

"(1) PRIMARY ELECTION.—The Commission shall make funds available to a clean money candidate on the later of—

"(A) the date on which the candidate is certified as a clean money candidate under section 505; or

"(B) the date on which the primary election period begins.

"(2) GENERAL ELECTION.—The Commission shall make funds available to a clean money candidate not later than 48 hours after—

"(A) certification of the primary election or primary runoff election result; or

"(B) the date on which the candidate is certified as a clean money candidate under section 505 for the general election,

whichever occurs first.

"(3) RUNOFF ELECTION.—The Commission shall make funds available to a clean money candidate not later than 48 hours after the certification of the primary or general election result (as applicable).

"(c) CLEAN MONEY AMOUNTS.—

"(1) PRIMARY ELECTION CLEAN MONEY AMOUNT.—

"(A) MAJOR PARTY CANDIDATES.—The primary election clean money amount with respect to a clean money candidate who is a major party candidate is 67 percent of the general election clean money amount with respect to the clean money candidate.

"(B) CANDIDATES THAT ARE NOT MAJOR PARTY CANDIDATES.—The primary election clean money amount with respect to a clean money candidate who is not a major party candidate is 25 percent of the general election clean money amount with respect to the clean money candidate.

"(2) PRIMARY RUNOFF ELECTION CLEAN MONEY AMOUNT.—The primary runoff election

clean money amount with respect to a clean money candidate is 25 percent of the primary election clean money amount with respect to the clean money candidate.

"(3) GENERAL ELECTION CLEAN MONEY AMOUNT.—

"(A) IN GENERAL.—The general election clean money amount with respect to a clean money candidate is the lesser of—

"(i) $4,400,000; or

"(ii) the greater of—

"(I) $760,000; or

"(II) $320,000; plus

"(aa) 24 cents multiplied by the voting age population not in excess of 4,000,000; and

"(bb) 20 cents multiplied by the voting age population in excess of 4,000,000.

"(B) EXCEPTION.—In the case of an eligible Senate candidate in a State that has not more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, subparagraph (A)(ii)(II) shall be applied by substituting—

"(i) '64 cents' for '24 cents' in item (aa); and

"(ii) '56 cents' for '20 cents' in item (bb).

"(C) INDEXING.—The clean money amount under subparagraphs (A) and (B) shall be increased as of the beginning of each calendar year based on an increase in the price index determined under section 315(c), except that the base period shall be calendar year 1997.

"(4) GENERAL RUNOFF ELECTION CLEAN MONEY AMOUNT.—The general runoff election clean money amount with respect to a clean money candidate is 25 percent of the general election clean money amount with respect to the clean money candidate.

"(5) UNOPPOSED CANDIDATES.—Except for a candidate receiving amounts under paragraph (1)(B), a clean money candidate in a primary or general election in which there is no opposing candidate shall receive a clean money amount with respect to that election equal to 25 percent of the full clean money amount that the candidate would receive in a contested election.

"(d) MATCHING FUNDS IN RESPONSE TO INDEPENDENT EXPENDITURES AND EXPENDITURES OF PRIVATE MONEY CANDIDATES.—

"(1) IN GENERAL.—If the Commission—

"(A) receives notification under—

"(i) subparagraphs (A) or (B) of section 304(c)(2) that a person has made or obligated to make an independent expenditure in an aggregate amount of $1,000 or more in an election period or that a person has made or obligated to make an independent expenditure in an aggregate amount of $500 or more during the 20 days preceding the date of an election in support of another candidate or against a clean money candidate; or

"(ii) section 304(d)(1) that a private money candidate has made or obligated to make expenditures in an aggregate amount in excess of 100 percent of the amount of clean money provided to a clean money candidate who is an opponent of the private money candidate in the same election; and

"(B) determines that the aggregate amount of expenditures reported under subparagraph (A) in an election period is in excess of 125 percent of the amount of clean money provided to a clean money candidate who is an opponent of the private money candidate in the same election or against whom the independent expenditure is made, the Commission shall make available to the clean money candidate, not later than 24 hours after receiving a notification under subparagraph (A), an aggregate amount of increase in clean money in an amount equal to the aggregate amount of expenditures that is in excess of 125 percent of the amount of clean money provided to the clean money candidate as determined under subparagraph (B).

"(2) CLEAN MONEY CANDIDATES OPPOSED BY MORE THAN 1 PRIVATE MONEY CANDIDATE.—For purposes of paragraph (1), if a clean money candidate is opposed by more than 1 private money candidate in the same election, the Commission shall take into account only the amount of expenditures of the private money candidate that expends, in the aggregate, the greatest amount (as determined each time notification is received under section 304(d)(1)).

"(3) CLEAN MONEY CANDIDATES OPPOSED BY CLEAN MONEY CANDIDATES.—If a clean money candidate is opposed by a clean money candidate, the increase in clean money amounts under paragraph (1) shall be made available to the clean money candidate if independent expenditures are made against the clean money candidate or in behalf of the opposing clean money candidate in the same manner as the increase would be made available for a clean money candidate who is opposed by a private money candidate.

"(e) LIMITS ON MATCHING FUNDS.—The aggregate amount of clean money that a clean money candidate receives to match independent expenditures and the expenditures of private money candidates under subsection (d) shall not exceed 200 percent of the clean money amount that the clean money candidate receives under subsection (c).

"(f) EXPENDITURES MADE WITH CLEAN MONEY AMOUNTS.—

"(1) IN GENERAL.—The clean money amount received by a clean money candidate shall be used only for the purpose of making or obligating to make expenditures during the election period for which the clean money is provided.

"(2) EXPENDITURES IN EXCESS OF CLEAN MONEY AMOUNT.—A clean money candidate shall not make expenditures or incur obligations in excess of the clean money amount.

"(3) PROHIBITED USES.—The clean money amount received by a clean money candidate shall not be—

"(A) converted to a personal use; or

"(B) used in violation of law.

"(4) PETTY CASH FUND.—

"(A) IN GENERAL.—A candidate may establish a petty cash fund, to be used to pay expenses such as the costs of food, newspapers, magazines, pay telephone calls and other minor necessary expenses, that contains, on any day, not more than—

"(i) $200; plus

"(ii) if there is more than 1 congressional district in the candidate's State, an amount that is equal to $20 times the number of additional congressional districts.

"(B) RECEIPT.—An expenditure from the petty cash fund in an amount greater than $25 shall be evidenced by a receipt describing the item purchased, the purpose and cost of the item, and the name and street address of the seller.

"(5) PENALTY.—A person that uses a clean money amount in violation of this subsection shall be imprisoned not more than 5 years, fined not more than $15,000, or both.

"(g) REMITTING OF CLEAN MONEY AMOUNTS.—Not later than the date that is 14 days after the last day of the applicable election period, a clean money candidate shall remit any unspent clean money amount to the Commission for deposit in the Senate Election Fund.

"SEC. 507. ADMINISTRATION OF CLEAN MONEY.

"(a) SENATE ELECTION FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the 'Senate Election Fund'.

"(2) DEPOSITS.—The Commission shall deposit unspent seed money contributions, qualifying contributions, penalty amounts received under this title, and amounts appropriated for clean money financing in the Senate Election Fund.

"(3) FUNDS.—The Commission shall withdraw the clean money amount for a clean money candidate from the Senate Election Fund.

"(b) REGULATIONS.—The Commission shall promulgate a regulation to—

"(1) effectively and efficiently monitor and enforce the limits on use of private money by clean money candidates;

"(2) effectively and efficiently monitor use of publicly financed amounts under this title; and

"(3) enable clean money candidates to monitor expenditures and comply with the requirements of this title.

"SEC. 508. EXPENDITURES MADE FROM FUNDS OTHER THAN CLEAN MONEY.

"If a clean money candidate makes an expenditure using funds other than funds provided under this title, the Commission shall assess a civil penalty against the candidate in an amount that is not more than 10 times the amount of the expenditure.

"SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Senate Election Fund such sums as are necessary to carry out this title.".

SEC. 103. REPORTING REQUIREMENTS FOR EXPENDITURES OF PRIVATE MONEY CANDIDATES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

"(d) PRIVATE MONEY CANDIDATES.—

"(1) EXPENDITURES IN EXCESS OF CLEAN MONEY AMOUNTS.—Not later than 48 hours after making or obligating to make an expenditure, a private money candidate (as defined in section 501) that makes or obligates to make expenditures during an election period (as defined by section 501), in an aggregate amount in excess of 100 percent of the amount of clean money provided to a clean money candidate (as defined in section 501), who is an opponent of the private money candidate shall file with the Commission a report stating the amount of each expenditure (in increments of an aggregate amount of $1,000) made or obligated to be made.

"(2) PLACE OF FILING; NOTIFICATION.—

"(A) PLACE OF FILING.—A report under this subsection shall be filed with the Commission.

"(B) NOTIFICATION OF CLEAN MONEY CANDIDATES.—Not later than 24 hours after receipt of a report under this subsection, the Commission shall notify each clean money candidate seeking nomination for election to, or election to, the office in question, of the receipt of the report.

"(3) DETERMINATIONS BY THE COMMISSION.—

"(A) IN GENERAL.—The Commission may, on a request of a candidate or on its own initiative, make a determination that a private money candidate has made, or has obligated to make, expenditures in excess of the applicable amount in paragraph (1).

"(B) NOTIFICATION.—In the case of such a determination, the Commission shall notify each clean money candidate seeking nomination for election to, or election to, the office in question, of the making of the determination not later than 24 hours after making the determination.

"(C) TIME TO COMPLY WITH REQUEST FOR DETERMINATION.—A determination made at the

request of a candidate shall be made not later than 48 hours after the date of the request.".

SEC. 104. TRANSITION RULE FOR CURRENT ELECTION CYCLE.

(a) IN GENERAL.—During the election cycle in effect on the date of enactment of this Act, a candidate may be certified as a clean money candidate (as defined in section 501 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), notwithstanding the acceptance of contributions or making of expenditures from private funds before the date of enactment that would, absent this section, disqualify the candidate as a clean money candidate.

(b) PRIVATE FUNDS.—A candidate may be certified as a clean money candidate only if any private funds accepted and not expended before the date of enactment of this Act are—

(1) returned to the contributor; or

(2) submitted to the Federal Election Commission for deposit in the Senate Election Fund (as defined in section 501 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)).

TITLE II—INDEPENDENT EXPENDITURES; COORDINATED EXPENDITURES

SEC. 201. REPORTING REQUIREMENTS FOR INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURES.—Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) by striking "(c)(1) Every person" and inserting the following:

"(c) INDEPENDENT EXPENDITURES.—

"(1) IN GENERAL.—

"(A) REQUIRED FILING.—Except as provided in paragraph (2), every person";

(2) in paragraph (2), by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(3) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively, and adjusting the margins accordingly;

(4) by adding at the end the following:

"(2) SENATE ELECTIONS WITH A CLEAN MONEY CANDIDATE.—

"(A) INDEPENDENT EXPENDITURES MORE THAN 20 DAYS BEFORE AN ELECTION.—

"(i) IN GENERAL.—Not later than 48 hours after making or obligating to make an independent expenditure, more than 20 days before the date of an election, in support of an opponent of or in opposition to a clean money candidate (as defined in section 501), a person that makes independent expenditures in an aggregate amount in excess of $1,000 during an election period (as defined in section 501) shall file with the Commission a statement containing the information described in clause (ii).

"(ii) CONTENTS OF STATEMENT.—A statement under subparagraph (A) shall include a certification, under penalty of perjury, that contains the information required by subsection (b)(6)(B)(iii).

"(iii) ADDITIONAL STATEMENTS.—An additional statement shall be filed for each aggregate of independent expenditures that exceeds $1,000.

"(B) INDEPENDENT EXPENDITURES DURING THE 20 DAYS PRECEDING AN ELECTION.—Not later than 24 hours after making or obligating to make an independent expenditure in support of an opponent of or in opposition to a clean money candidate in an aggregate amount in excess of $500, during the 20 days preceding the date of an election, a person that makes or obligates to make the independent expenditure shall file with the Commission a statement stating the amount of each independent expenditure made or obligated to be made.

"(C) PLACE OF FILING; NOTIFICATION.—

"(i) PLACE OF FILING.—A report or statement under this paragraph shall be filed with the Commission.

"(ii) NOTIFICATION OF CLEAN MONEY CANDIDATES.—Not later than 24 hours after receipt of a statement under this paragraph, the Commission shall notify each clean money candidate seeking nomination for election to, or election to, the office in question of the receipt of a statement.

"(D) DETERMINATION BY THE COMMISSION.—

"(i) IN GENERAL.—The Commission may, on request of a candidate or on its own initiative, make a determination that a person has made or obligated to make independent expenditures with respect to a candidate that in the aggregate exceed the applicable amount under subparagraph (A).

"(ii) NOTIFICATION.—Not later than 24 hours after making a determination under clause (i), the Commission shall notify each clean money candidate in the election of the making of the determination.

"(iii) TIME TO COMPLY WITH REQUEST FOR DETERMINATION.—A determination made at the request of a candidate shall be made not later than 48 hours after the date of the request.".

SEC. 202. DEFINITION OF INDEPENDENT EXPENDITURE.

(a) IN GENERAL.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—

"(A) IN GENERAL.—The term 'independent expenditure' means an expenditure made by a person other than a candidate or candidate's authorized committee—

"(i) that is made for a communication that contains express advocacy; and

"(ii) is made without the participation or cooperation of and without coordination with a candidate (within the meaning of section 301(8)(A)(iii)).

"(B) EXPRESS ADVOCACY.—The term 'express advocacy' means a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising and that—

"(i) advocates the election or defeat of a clearly identified candidate, including any communication that—

"(I) contains a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', 'reject'; or

"(II) contains campaign slogans or individual words that in context can have no reasonable meaning other than to recommend the election or defeat of 1 or more clearly identified candidates; or

"(ii)(I) involves aggregate disbursements of $5,000 or more;

"(II) refers to a clearly identified candidate; and

"(III) is made not more than 60 days before the date of a general election.".

(b) DEFINITION APPLICABLE WHEN PROVISION NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date of this Act in which the definition, or any part of the definition, under section 301(17)(B) of that Act (as added by subsection (a)) is not in effect, the definition of "express advocacy" shall mean, in addition to the part of the definition that is in effect, a communication that clearly identifies a candidate and—

(1) taken as a whole and with limited reference to external events, such as proximity to an election, expresses unmistakable support for or opposition to 1 or more clearly identified candidates; or

(2) is made for the clear purpose of advocating the election or defeat of the candidate, as shown by the existence of each of the following factors:

(A) A statement or action by the person making the communication.

(B) The targeting or placement of the communication.

(C) The use by the person making the communication of polling, demographic, or other similar data relating to the candidate's campaign for election.

SEC. 203. LIMIT ON EXPENDITURES BY POLITICAL PARTY COMMITTEES.

Section 315(d)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(3)) is amended—

(1) in subparagraph (A)(ii)—

(A) by inserting "except an election in which 1 or more of the candidates is a clean money candidate (as defined in section 501)" after "Senator"; and

(B) by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) in the case of an election to the office of Senator in which 1 or more candidates is a clean money candidate (as defined in section 501), 10 percent of the amount of clean money that a clean money candidate is eligible to receive for the general election period.".

SEC. 204. PARTY INDEPENDENT EXPENDITURES AND COORDINATED EXPENDITURES.

(a) DETERMINATION TO MAKE COORDINATED EXPENDITURES.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1)—

(A) by inserting "coordinated" after "make"; and

(B) by striking "(2) and (3)" and inserting "(2), (3), and (4)"; and

(2) by adding at the end the following:

"(4)(A) Before a committee of a political party makes a coordinated expenditure in connection with a general election campaign for Federal office in excess of $5,000, the committee shall file with the Commission a certification, signed by the treasurer, that the committee has not made and will not make any independent expenditures in connection with that campaign for Federal office. A party committee that determines to make a coordinated expenditure shall not make any transfer of funds in the same election cycle to, or receive any transfer of funds in the same election cycle from, any other party committee that determines to make independent expenditures in connection with the same campaign for Federal office.

"(B) A committee of a political party shall be considered to be in coordination with a candidate of the party if the committee—

"(i) makes a payment for a communication or anything of value in coordination with the candidate, as described in section 301(8)(A)(iii);

"(ii) makes a coordinated expenditure under this subsection on behalf of the candidate;

"(iii) participates in joint fundraising with the candidate or in any way solicits or receives a contribution on behalf of the candidate;

"(iv) communicates with the candidate, or an agent of the candidate (including a pollster, media consultant, vendor, advisor, or

staff member), acting on behalf of the candidate, about advertising, message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics or strategy; or

"(v) provides in-kind services, polling data, or anything of value to the candidate.

"(C) For purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established by State political parties shall be considered to be a single political committee.

"(D) For purposes of subparagraph (A), any coordination between a committee of a political party and a candidate of the party after the candidate has filed a statement of candidacy constitutes coordination for the period beginning with the filing of the statement of candidacy and ending at the end of the election cycle.".

(b) DEFINITIONS.—

(1) AMENDMENT OF DEFINITION OF CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "or" at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) a payment made for a communication or anything of value that is for the purpose of influencing an election for Federal office and that is made in coordination with a candidate."; and

(B) by adding at the end the following:

"(C) For the purposes of subparagraph (A)(iii), the term 'payment made in coordination with a candidate' includes—

"(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

"(ii) a payment made by a person for the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

"(iii) a payment made based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with a view toward having the payment made;

"(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

"(v) a payment made by a person if the person making the payment has served in any formal policy or advisory position with the candidate's campaign or has participated in strategic or policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made; and

"(vi) a payment made by a person if the person making the payment retains the professional services of an individual or person who has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the payment is for services of which the purpose is to influence that candidate's election.

"(D) For purposes of subparagraph (C)(vi), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.".

(2) DEFINITION OF CONTRIBUTION IN SECTION 315(a)(7).—Section 315(a)(7) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)) is amended by striking paragraph (B) and inserting the following:

"(B)(i) Except as provided in clause (ii), a payment made in coordination with a candidate (as described in section 301(8)(A)(iii)) shall be considered to be a contribution to the candidate, and, for the purposes of any provision of this Act that imposes a limitation on the making of expenditures by a candidate, shall be treated as an expenditure by the candidate for purposes of this paragraph.

"(ii) In the case of a clean money candidate (as defined in section 501), a payment made in coordination with a candidate by a committee of a political party shall not be treated as a contribution to the candidate for purposes of section 503(b)(1) or an expenditure made by the candidate for purposes of section 503(b)(2).".

(c) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by striking "shall include" and inserting "includes a contribution or expenditure (as those terms are defined in section 301) and also includes".

TITLE III—VOTER INFORMATION

SEC. 301. FREE BROADCAST TIME.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (a), in the third sentence, by striking "within the meaning of this subsection" and inserting "within the meaning of this subsection or subsection (c)";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

"(c) FREE BROADCAST TIME.—

"(1) AMOUNT OF TIME.—A clean money candidate shall be entitled to receive—

"(A) 30 minutes of free broadcast time during each of the primary election period and the primary runoff election period; and

"(B) 60 minutes of free broadcast time during the general election period.

"(2) TIME DURING WHICH THE BROADCAST IS AIRED.—The broadcast time under paragraph (1) shall be—

"(A) with respect to a television broadcast, the time between 6:00 p.m. and 10:00 p.m. on any day that falls on Monday through Friday; and

"(B) with respect to a radio broadcast, the time between 7:00 a.m. and 9:30 a.m. or between 4:30 p.m. and 7:00 p.m. on any day that falls on Monday through Friday.

"(3) MAXIMUM REQUIRED OF ANY STATION.—The amount of free broadcast time that any 1 station is required to make available to any 1 clean money candidate during each of the primary election period, primary runoff election period, and general election period shall not exceed 15 minutes.

"(4) CONTENT OF BROADCAST.—A broadcast under this subsection shall be more than 30 seconds and less than 5 minutes in length."; and

(4) in subsection (d) (as redesignated by paragraph (1))—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting a semicolon, and by redesignating that paragraph as paragraph (4);

(C) by inserting after paragraph (1) the following:

"(2) the term 'clean money candidate' has the meaning given in section 501 of the Federal Election Campaign Act of 1971;

"(3) the term 'general election period' has the meaning given in section 501 of the Federal Election Campaign Act of 1971;"; and

(D) by adding at the end the following:

"(5) the term 'primary election period' has the meaning given in section 501 of the Federal Election Campaign Act of 1971;

"(6) the term 'private money candidate' has the meaning given in section 501 of the Federal Election Campaign Act of 1971; and

"(7) the term 'primary runoff election period' has the meaning given in section 501 of the Federal Election Campaign Act of 1971.".

SEC. 302. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(2) by striking "The charges" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the charges"; and

(3) by adding at the end the following:

"(2) CLEAN MONEY CANDIDATES.—In the case of a clean money candidate, the charges for the use of a television broadcasting station shall not exceed 50 percent of the lowest charge described in paragraph (1)(A) during—

"(A) the 30 days preceding the date of a primary or primary runoff election in which the candidate is opposed; and

"(B) the 60 days preceding the date of a general or special election in which the candidate is opposed.

"(3) RATE CARDS.—A licensee shall provide to a Senate candidate a rate card that discloses—

"(A) the rate charged under this subsection; and

"(B) the method that the licensee uses to determine the rate charged under this subsection.".

(b) PREEMPTION.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) (as amended by section 301) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (d) the following:

"(d) PREEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for the United States Senate who has purchased and paid for such use.

"(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

SEC. 303. CAMPAIGN ADVERTISEMENTS; ISSUE ADVERTISEMENTS.

(a) CONTENTS OF CAMPAIGN ADVERTISEMENTS.—Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(B) in paragraph (3), by inserting "and permanent street address" after "name"; and

(2) by adding at the end the following:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

"(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement: '_____ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

"(f) Any broadcast or cablecast communication described in subsection (a)(1), made by or on behalf of a private money candidate (as defined in section 501), shall include, in addition to the requirements of this subsection, in a clearly spoken manner, the following statement: 'This candidate has chosen not to participate in the Clean Money, Clean Elections Act and is receiving campaign contributions from private sources'.".

(b) REPORTING REQUIREMENTS FOR ISSUE ADVERTISEMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103) is amended by adding at the end the following:

"(e) ISSUE ADVERTISEMENTS.—

"(1) IN GENERAL.—A person that makes or obligates to make a disbursement to purchase an issue advertisement shall file a report with the Commission not later than 48 hours after making or obligating to make the disbursement, containing the following information—

"(A) the amount of the disbursement;

"(B) the information required under subsection (b)(3)(A) for each person that makes a contribution, in an aggregate amount of $5,000 or greater in a calendar year, to the person who makes the disbursement;

"(C) the name and address of the person making the disbursement; and

"(D) the purpose of the issue advertisement.

"(2) DEFINITION OF ISSUE ADVERTISEMENT.—In this subsection, the term 'issue advertisement' means a communication through a broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising—

"(A) the purchase of which is not an independent expenditure or a contribution;

"(B) that contains the name or likeness of a Senate candidate;

"(C) that is communicated during an election year; and

"(D) that recommends a position on a political issue.".

SEC. 304. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A)(i) Except as provided in clause (ii), a Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection in that year or for election to any other Federal office.

"(ii) A Member of Congress may mail a mass mailing as franked mail if—

"(I) the purpose of the mailing is to communicate information about a public meeting; and

"(II) the content of the mailed matter includes only the candidate's name, and the date, time, and place of the public meeting.".

TITLE IV—SOFT MONEY OF POLITICAL PARTY COMMITTEES

SEC. 401. SOFT MONEY OF POLITICAL PARTY COMMITTEE.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 324. SOFT MONEY OF PARTY COMMITTEES.

"(a) NATIONAL COMMITTEES.—A national committee of a political party (including a national congressional campaign committee of a political party but not including an entity regulated under subsection (b)) shall not solicit or receive any contributions, donations, or transfers of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

"(1) IN GENERAL.—A State, district, or local committee of a political party shall not expend or disburse any amount during a calendar year in which a Federal election is held for any activity that might affect the outcome of a Federal election, including any voter registration or get-out-the-vote activity, any generic campaign activity, and any communication that refers to a candidate (regardless of whether a candidate for State or local office is also mentioned or identified) unless the amount is subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) ACTIVITY EXCLUDED FROM PARAGRAPH (1).—

"(A) IN GENERAL.—Paragraph (1) shall not apply to an expenditure or disbursement made by a State, district, or local committee of a political party for—

"(i) a contribution to a candidate for State or local office if the contribution is not designated or otherwise earmarked to pay for an activity described in paragraph (1);

"(ii) the costs of a State, district, or local political convention;

"(iii) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of any individual who spends more than 20 percent of the individual's time on activities during the month that may affect the outcome of a Federal election), except that for purposes of this paragraph, the non-Federal share of a party committee's administrative and overhead expenses shall be determined by applying the ratio of the non-Federal disbursements to the total Federal expenditures and non-Federal disbursements made by the committee during the previous presidential election year to the committee's administrative and overhead expenses in the election year in question;

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs that name or depict only a candidate for State or local office; and

"(v) the cost of any campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, if the candidate activity is not an activity described in paragraph (1).

"(B) FUNDRAISING COSTS.—A national, State, district, or local committee of a political party shall not expend any amount to raise funds that are used, in whole or in part, to pay the costs of an activity described in paragraph (1) unless the amount is subject to the limitations, prohibitions, and reporting requirements of this Act.

"(c) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party) shall not solicit any funds for or make any donations to an organization that is exempt from Federal taxation under section 501(a) of the Internal Revenue Code of 1986 and that is described in section 501(c) of such Code.

"(d) CANDIDATES.—

"(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not—

"(A) solicit, receive, transfer, or spend funds in connection with an election for Federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act;

"(B) solicit, receive, or transfer funds that are to be expended in connection with any election other than a Federal election unless the funds—

"(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under section 315(a) (1) and (2); and

"(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office; or

"(C) solicit, receive, or transfer any funds on behalf of any person that are not subject to the limitations, prohibitions, and reporting requirements of this Act if the funds are for use in financing any campaign-related activity or any communication that refers to a clearly identified candidate for Federal office.

"(2) EXCEPTION.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for the individual's State or local campaign committee.

"(e) DEFINITION OF COMMITTEE.—In this section, the term 'committee of a political party' includes an entity that is directly or indirectly established, financed, maintained, or controlled by a committee or its agent, an entity acting on behalf of a committee, and an officer or agent acting on behalf of any such committee or entity.".

SEC. 402. STATE PARTY GRASSROOTS FUNDS.

(a) INDIVIDUAL CONTRIBUTIONS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B) by striking "or" at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) to—

"(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

"(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or".

(b) LIMITS.—

(1) IN GENERAL.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by striking paragraph (3) and inserting the following:

"(3) OVERALL LIMITS.—

"(A) INDIVIDUAL LIMIT.—No individual shall make contributions during any calendar year that, in the aggregate, exceed $25,000.

"(B) CALENDAR YEAR.—No individual shall make contributions during any calendar year—

"(i) to all candidates and their authorized political committees that, in the aggregate, exceed $25,000; or

"(ii) to all political committees established and maintained by State committees of a political party that, in the aggregate, exceed $20,000.

"(C) NONELECTION YEARS.—For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which the contribution is made shall be treated as being made during the calendar year in which the election is held.".

(c) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1970 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) The term 'generic campaign activity' means a campaign activity that promotes a political party and does not refer to any particular Federal or non-Federal candidate.

"(21) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 326(d).".

(d) STATE PARTY GRASSROOTS FUNDS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 401) is amended by adding at the end the following:

"SEC. 325. STATE PARTY GRASSROOTS FUNDS.

"(a) IN GENERAL.—A State committee of a political party shall only make disbursements and expenditures from the committee's State Party Grassroots Fund that are described in subsection (d).

"(b) TRANSFERS.—

"(1) IN GENERAL.—Notwithstanding section 315(a)(4), a State committee of a political party shall not transfer any funds from the committee's State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except as provided in paragraph (2).

"(2) EXCEPTION.—A committee of a political party may transfer funds from the committee's State Party Grassroots Fund to a district or local committee of the same political party in the same State if the district or local committee—

"(A) has established a separate segregated fund for the purposes described in subsection (d); and

"(B) uses the transferred funds solely for those purposes.

"(c) AMOUNTS RECEIVED BY GRASSROOTS FUNDS FROM STATE AND LOCAL CANDIDATE COMMITTEES.—

"(1) IN GENERAL.—Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (d) that are for the benefit of that candidate shall be treated as meeting the requirements of 324(b)(1) and section 304(d) if—

"(A) the amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A)(i); and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether those requirements are met; and

"(ii) certifies that the requirements were met.

"(2) DETERMINATION OF COMPLIANCE.—For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in paragraph (1)(A)—

"(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee; and

"(B) the committee must be able to demonstrate that its cash on hand contains funds meeting those requirements sufficient to cover the transferred funds.

"(3) REPORTING.—Notwithstanding paragraph (1), any State Party Grassroots Fund that receives a transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from the candidate committee.

"(d) DISBURSEMENTS AND EXPENDITURES.—A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

"(1) any generic campaign activity;

"(2) payments described in clauses (v), (ix), and (xi) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

"(3) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

"(4) voter registration; and

"(5) development and maintenance of voter files during an even-numbered calendar year.

"(e) DEFINITION.—In this section, the term 'State or local candidate committee' means a committee established, financed, maintained, or controlled by a candidate for other than Federal office.".

SEC. 403. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 303(b)) is amended by adding at the end the following:

"(f) POLITICAL COMMITTEES.—

"(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 324 APPLIES.—A political committee to which section 324(b)(1) applies shall report all receipts and disbursements made for activities described in section 324(b) (1) and (2)(A)(iii).

"(3) OTHER POLITICAL COMMITTEES.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements that are used in connection with a Federal election.

"(4) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for the person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

"(5) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods as reports are required for political committees under subsection (a).".

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

(c) REPORTS BY STATE COMMITTEES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by subsection (a)) is amended by adding at the end the following:

"(g) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines that such reports contain substantially the same information.".

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(A) by striking "and" at the end of subparagraph (H);

(B) by inserting "and" at the end of subparagraph (I); and

(C) by adding at the end the following:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) NAMES AND ADDRESSES.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by striking "operating expense" and inserting "operating expenditure, and the election to which the operating expenditure relates".

TITLE V—RESTRUCTURING AND STRENGTHENING OF THE FEDERAL ELECTION COMMISSION

SEC. 501. APPOINTMENT AND TERMS OF COMMISSIONERS.

(a) IN GENERAL.—Section 306(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) There is established" and inserting "(1)(A) There is established";

(B) by striking the second sentence and inserting the following:

"(B) COMPOSITION OF COMMISSION.—The Commission is composed of 6 members appointed by the President, by and with the advice and consent of the Senate, and 1 member appointed by the President from among persons recommended by the Commission as provided in subparagraph (D).";

(C) by striking "No more than" and inserting the following:

"(C) PARTY AFFILIATION.—Not more than"; and

(D) by adding at the end the following:

"(D) NOMINATION BY COMMISSION OF ADDITIONAL MEMBER.—

"(i) IN GENERAL.—The members of the Commission shall recommend to the President, by a vote of 4 members, 3 persons for the appointment to the Commission.

"(ii) VACANCY.—On vacancy of the position of the member appointed under this subparagraph, a member shall be appointed to fill the vacancy in the same manner as provided in clause (i).";

(2) in paragraph (2)(A) by striking "terms of 6 years" and inserting "not more than 1 term of 6 years;"; and

(3) in paragraphs (3) and (4), by striking "(other than the Secretary of the Senate and the Clerk of the House of Representatives)".

(b) TRANSITION RULE.—Not later than 90 days after the date of enactment of this Act, the Commission shall recommend persons for appointment under section 306(a)(1)(D) of the Federal Election Campaign Act of 1971, as added by section 501(a)(1)(D) of this Act.

SEC. 502. AUDITS.

(a) RANDOM AUDIT.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following:

"(2) RANDOM AUDITS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), after every primary, general, and runoff election, the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

"(B) SELECTION OF SUBJECTS.—The subjects of audits and investigations under this paragraph shall be selected on the basis of impartial criteria established by a vote of at least 4 members of the Commission.

"(C) EXCLUSION.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under chapter 95 or 96 of the Internal Revenue Code of 1986.".

SEC. 503. AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

"(13) AUTHORITY TO SEEK INJUNCTION.—

"(A) IN GENERAL.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction;

the Commission may initiate a civil action for a temporary restraining order or preliminary injunction pending the outcome of proceedings under paragraphs (1), (2), (3), and (4).

"(B) VENUE.—An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.";

(2) in paragraph (7), by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(3) in paragraph (11), by striking "(6)" and inserting "(6) or (13)".

SEC. 504. STANDARD FOR INVESTIGATION.

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437f(a)(2)) is amended by striking "reason to believe that" and inserting "reason to open an investigation on whether".

SEC. 505. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)) is amended by inserting "(including a proceeding before the Supreme Court on certiorari)" after "appeal".

SEC. 506. EXPEDITED PROCEDURES.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 503) is amended by adding at the end the following:

"(14) EXPEDITED PROCEDURE.—

"(A) 60 DAYS BEFORE A GENERAL ELECTION.—If the complaint in a proceeding was filed within 60 days before the date of a general election, the Commission may take action described in this subparagraph.

"(B) RESOLUTION BEFORE AN ELECTION.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in clauses (ii), (iii), and (iv) of paragraph (13)(A) are met, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

"(C) MERITLESS COMPLAINTS.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

SEC. 507. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended by adding at the end the following:

"(5) FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.—

"(A) COMPUTERS.—The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall issue a regulation under which a person required to file a designation, statement, or report under this Act—

"(i) is required to maintain and file the designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file the designation, statement, or report in that manner if not required to do so under a regulation under clause (i).

"(B) FACSIMILE MACHINES.—The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe a regulation that allows a person to file a designation, statement, or report required by this Act through the use of a facsimile machine.

"(C) VERIFICATION.—In a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying a designation, statement, or report. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

"(D) COMPATIBILITY OF SYSTEMS.—The Secretary of the Senate and the Clerk of the House of Representatives shall ensure that any computer or other system that the Secretary or the Clerk may develop and maintain to receive designations, statements, and reports in the forms required or permitted under this paragraph is compatible with any system that the Commission may develop and maintain.".

SEC. 508. POWER TO ISSUE SUBPOENA WITHOUT SIGNATURE OF CHAIRPERSON.

Section 307(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)(3)) is amended by striking ", signed by the chairman or the vice chairman,".

SEC. 509. PROHIBITION OF CONTRIBUTIONS BY INDIVIDUALS NOT QUALIFIED TO VOTE.

(a) PROHIBITION.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) in the heading by adding "AND INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE" at the end; and

(2) in subsection (a)—

(A) by striking "(a) It shall" and inserting the following:

"(a) PROHIBITIONS.—

"(1) FOREIGN NATIONALS.—It shall"; and

(B) by adding at the end the following:

"(2) INDIVIDUALS NOT QUALIFIED TO VOTE.—It shall be unlawful for an individual who is not qualified to register to vote in a Federal election to make a contribution, or to promise expressly or impliedly to make a contribution, in connection with a Federal election; or for any person to solicit, accept, or receive a contribution in connection with a Federal election from an individual who is not qualified to register to vote in a Federal election.".

(b) INCLUSION IN DEFINITION OF IDENTIFICATION.—Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended—

(1) in subparagraph (A)—

(A) by striking "and" the first place it appears; and

(B) by inserting ", and an affirmation that the individual is an individual who is not prohibited by section 319 from making a contribution" after "employer"; and

(2) in subparagraph (B) by inserting "and an affirmation that the person is a person that is not prohibited by section 319 from making a contribution" after "such person".

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on January 1, 1998.

THE CLEAN MONEY, CLEAN ELECTIONS ACT—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

TITLE I—CLEAN MONEY FINANCING OF SENATE ELECTION CAMPAIGNS

(pp 2–32)

Section 101. Findings and declarations.

Section 101 states the premises for the legislation.

Section 102. Eligibility requirements and benefits of "clean money" financing of Senate election campaigns.

Section 102 of the bill would create a new Title V in the 1971 Federal Election Campaign Act (2 U.S.C. 431). It defines "clean money;" establishes the requirements for a major party or other candidate to qualify to receive clean money; establishes the dates and methods for receiving clean money; places restrictions, including spending limits, on clean money candidates; establishes the amounts of clean money to be provided to candidates for primary and general elections; and allows for providing additional clean money to match expenditures by and on behalf of an opponent which exceed a trigger-amount above the voluntary spending limit adopted by the clean money candidate.

The section defines clean money as the funds provided to a qualifying clean money candidate. Clean money will be provided from a Senate Election Fund established in the Treasury and composed of unspent seed money contributions, qualifying contributions, penalties, and amounts appropriated for clean money financing of Senate election campaigns.

The clean money candidate qualifying period begins 270 days prior to the date of the primary election. To qualify for clean money financing for a primary or a general election, a candidate must be certified as qualified by 30 days prior to the date of that election. Prior to the candidate receiving clean money from the Senate Election Fund, a candidate wishing to qualify as a clean money candidate may spend only "seed money." Seed money contributions are private contributions of not more than $100 in the aggregate by a person. It is the only private money a clean money candidate may receive as a contribution, and spend. A candidate's seed money contributions are limited to a total of $50,000 plus an additional $5,000 for every congressional district in the state over one. Seed money can be spent for campaign-related costs such as to open an office, fund a grassroots campaign or hold community meetings, but cannot be spent for a television or radio broadcast or for personal use. At the time that a clean money candidate receives clean money, all unspent seed money shall be remitted to the Commission to be deposited in the Senate Election Fund

To qualify for clean money financing, a major party candidate must gather a number of qualifying contributions equal to one-quarter of 1 percent of the state's voting age population, or 1,000 qualifying contributions, whichever is greater. A qualifying contribution is $5, made by an individual registered to vote in the candidate's state, and is made during the qualifying period. Qualifying contributions are made to the Senate Election Fund by check, money order or cash. They shall be accompanied by the contributor's name and address and a signed statement that the purpose of the contribution is to allow the named candidate to qualify as a clean money candidate.

A major party candidate is the candidate of a party whose candidate for Senator, President or Governor in the preceding 5 years received, as a candidate of that party, 25 percent or more of the total popular vote in that state for all candidates for that office.

Clean money candidates qualify for clean money for both the primary and the general election. A qualifying candidate will receive clean money for the primary election upon being certified by the Commission, and once the "primary election period" has begun. A candidate will be certified within 5 days of filing for certification if the candidate has gathered the threshold number of qualifying contributions, has not spent private money other than seed money, and is eligible to be on the primary ballot. The primary election period is from 90 days prior to the primary election date until the primary election date. The qualifying period begins 180 days before the beginning of the primary election period. A candidate must be certified as a clean money candidate by 30 days prior to the primary election in order to receive clean money financing for the primary election.

A clean money candidate who wins the party primary and is eligible to be placed on the ballot for the general election will receive clean money financing for the general election. A candidate not of a major party who does not qualify as a clean money candidate in time to receive clean money financing for the primary election period may still qualify for clean money financing for the general election by gathering the threshold number of qualifying contributions by 30 days prior to the general election and qualifying to be on the ballot.

The amount of clean money a qualified candidate receives for the primary and the general election is also the spending limit for clean money candidates for each respective election. The clean money amount for the general election for a qualified clean money candidate is established according to a formula based on a state's voting age population. The formula results in clean money financing for primary and general elections for major party candidates in contested elections which equals 80 percent of the spending limits for primary and general elections established by S. 25, the McCain-Feingold bill.

The section establishes a clean money ceiling for the general election of $4.4 million, and a floor of $760,000. The clean money amount for a contested major party primary is 67 percent of the clean money amount for the general election. In the case of an uncontested primary or general election, the clean money amount is 25 percent of the amount provided in the case of a contested election.

To qualify for clean money financing, a candidate who is not a major party candidate must collect 150 percent of the number of qualifying contributions that a major party candidate in the same election is required to collect. A candidate who is not a major party candidate must otherwise qualify for clean money financing according to the same requirements, restrictions and deadlines as does a major party candidate. A candidate who is not a major party candidate who qualifies as a clean money candidate in the primary election period will receive 25 percent of the regular clean money amount for a major party candidate in the primary. A candidate who is not a major party candidate who qualifies as a clean money candidate will receive the same clean money amount in the general election as will a major party candidate.

Additional clean money financing, above the regular clean money amount, will be provided to a clean money candidate to match aggregate expenditures by a private money candidate, and independent expenditures against the clean money candidate or on behalf of an opponent of the clean money candidate, which are, separately or combined, in excess of 125 percent of the clean money spending limit. The total amount of matching clean money financing received by a candidate shall not exceed 200 percent of the regular clean money spending limit.

The section establishes penalties for misuse of clean money and for expenditure by a clean money candidate of money other than clean money.

Section 103. Reporting requirements for private money candidates.

Section 103 requires private money candidates facing clean money opponents to report within 48 hours expenditures which in aggregate exceed the amount of clean money provided to a clean money candidate. A report of additional expenditures, in aggregate increments of $1,000, will also be required.

Section 104. Transition rule for current election cycle.

Section 104 allows a candidate who received private contributions or made private expenditures prior to enactment of the Act not to be disqualified as a clean money candidate.

TITLE II—INDEPENDENT EXPENDITURES; COORDINATED EXPENDITURES.

(pp 33–47.)

Section 201. Reporting requirements for independent expenditures.

Section 201 amends Section 304 (c) of the 1971 FECA (2 U.S.C. 434 (c)) to require reporting of independent expenditures made or obligated to be made in support of an opponent of or in opposition to a clean money candidate. Prior to 20 days before the date of the election, each such independent expenditure which exceeds in aggregate $1,000 by a person shall be reported within 48 hours. After 20 days prior to the date of the election, each such independent expenditure made or obligated to be made which exceeds in aggregate $500 shall be reported within 24 hours.

Section 202. Definition of independent expenditure.

Section 202 amends section 301 of the 1971 FECA (2 U.S.C. 431) to create a new definition of independent expenditure. An independent expenditure would be an expenditure made by a person other than a candidate or candidate's authorized committee: That is made for a communication that contains express advocacy; and is made without the participation or cooperation of, and without coordination with, a candidate.

The section defines express advocacy as a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail or other general public communication or political advertising and that: Advocates the election or defeat of a clearly identified candidate, including a communication that: Contains a phrase such as "vote for", "re-elect", "support", "cast your ballot for", "(name of candidate) for Congress", "(name of candidate) in 1998", "vote against", "defeat", "reject"; or contains campaign slogans or individual words that in context can have no reasonable meaning other than to recommend the election or defeat of a clearly identified candidate; or involves aggregate disbursements of $5,000 or more; refers to a clearly identified candidate; and is made within the last 60 days before the date of a general election.

The section provides a fall back definition of express advocacy should a portion of the above definition not be in effect. The fall back definition would be in addition to any portion of the above still in effect. The fall back definition establishes that express advocacy would be a communication that clearly identifies a candidate and: Taken as a whole, with limited reference to external events, expresses unmistakable support for or opposition to the candidate; or is made for the clear purpose of advocating the election or defeat of the candidate, as shown by a statement or action by the person making the communication, the targeting or placement of the communication, and the use by the person making the communication of polling, demographic or other similar data relating to the candidate's campaign for election.

Section 203. Limit on expenditures by political party committees.

The section amends section 315(d)(3) of the 1971 FECA (2 U.S.C. 441a(d)(3)) to limit a party's coordinated expenditures in a race involving a clean money candidate. In the case of any Senate election in which 1 or more candidates is a clean money candidate, the amount that any party may spend in connection with that race or in coordination with that candidate is limited to 10 percent of the amount of clean money a clean money candidate is eligible to receive for the general election.

Section 204. Party independent expenditures and coordinated expenditures.

The section, modeled after S. 25, the McCain-Feingold bill, strictly tightens the definition of party coordination with a candidate in numerous ways. The section also requires a party which makes a coordinated expenditure in connection with a general election campaign for Federal office in excess of $5,000 to file a certification that the party will not make any independent expenditures in connection with that campaign. The section further strictly tightens the definition of coordinated expenditure by persons other than a party. And it establishes that coordinated expenditures shall be considered to be contributions made to a candidate (with an exception that allows the limited party coordinated expenditures on behalf of a clean money candidate as provided in Section 203).

TITLE III—VOTER INFORMATION.

(pp 47–57)

Section 301. Free broadcast time.

The section provides clean money candidates with 30 minutes of free broadcast time during the primary election period and 60 minutes of free broadcast time during the general election period. The broadcasts shall be between 30 seconds and 5 minutes in length, aired during prime time for television or drive time for radio. Any one station shall not be required to provide a clean money candidate with more than 15 minutes of free time during an election period.

Section 302. Broadcast rates and preemption.

A clean money candidate in a contested election shall be charged 50 percent of the lowest charge described in section 315(b) of the Communications Act of 1934 (47 U.S.C.315(b)) for purchased broadcast time during the 30 days preceding the primary and 60 days preceding the general election.

Section 303. Campaign advertising.

The section requires that campaign advertisements contain sufficient information clearly identifying the candidate on whose behalf the advertisements are placed. The information shall include an audio statement by the candidate where applicable which states that the candidate approves the communication, and a clearly identifiable photographic or similar image of the candidate where applicable. Private money candidates shall include the following statement: "This candidate has chosen not to participate in the Clean Money, Clean Elections Act and is receiving campaign contributions from private sources."

The section also establishes new reporting requirements for issue advertisements, including the amount of the disbursement for an issue advertisement, the name and address of the person making the disbursement, donors of $5,000 or more to the person during the calendar year, and the purpose of the advertisement. An issue advertisement is an advertisement which is not an independent expenditure or a contribution, that contains the name or likeness of a Senate candidate during an election year, and recommends a position on a political issue.

Section 304. Limit on Congressional use of the franking privilege.

The section prohibits franked mass mailings during an election year by a Senate candidate who holds Congressional office, except for a notice of public meeting which contains only the candidate's name, and the date, time and place of the public meeting.

TITLE IV—SOFT MONEY OF POLITICAL PARTY COMMITTEES

(pp 57–71)

This title prohibits political party soft money and is taken from S. 25, the McCain-Feingold bill.

Section 401. Soft money of political party committee.

The section prohibits national parties from soliciting or receiving contributions or spending funds not subject to the Federal Election Campaign Act. It prohibits state, district or local committees of a political party from spending money during an election year for activity that might affect the outcome of a Federal election unless the money is subject to the FECA. The section establishes certain activities excluded from the above prohibition, which are legitimate or necessary activities of the committees.

The section prohibits parties or their committees from soliciting funds for, or making any donation to, a tax-exempt organization. It also prohibits candidates and Federal officeholders from receiving or spending funds not subject to the FECA.

Section 402. State party grassroots funds.

The section allows establishment of state party grassroots funds solely for the purpose of generic campaign activity, voter registration, other activities specified in the FECA and the development and maintenance of voter files. The fund shall be separate and segregated

Section 403. Reporting requirements.

The section establishes new reporting requirements for national parties and congressional campaign committees for all receipts and disbursements.

TITLE V—RESTRUCTURING AND STRENGTHENING OF THE FEDERAL ELECTION COMMISSION

(pp 71–81)

Section 501. Appointment and terms of Commissioners.

The President shall appoint 6 members of the Commission with the advice and consent of the Senate and 1 member from among persons recommended by the Commission.

Section 502. Audits.

The section authorizes random audits and investigations by the Commission to ensure voluntary compliance with the FECA. The subjects of such audits and investigations shall be selected on the basis of impartial criteria established by a vote of at least 4 members of the Commission.

Section 503. Authority to seek injunction.

The section authorizes and sets out standards for initiation by the Commission of a civil action for a temporary restraining order or preliminary injunction.

Section 504. Standard for investigation.

The section grants the Commission greater discretion in opening an investigation.

Section 505. Petition for certiorari.

The section allows petition to the Supreme Court on certiorari.

Section 506. Expedited procedures.

The section allows the Commission to order expedited proceedings based on clear and convincing evidence that a violation of the FECA has occurred, is occurring, or is about to occur, to avoid harm or prejudice to the interests of the parties.

Section 507. Filing of reports using computers and facsimile machines.

The section instructs the Commission to require the filing of reports in electronic form in certain cases, and instructs the Commission to allow the filing of reports by facsimile machine.

Section 508. Power to issue subpoena without signature of chairperson.

The section allows the Commission to issue a subpoena without the signature of the chairperson or vice chairperson.

Section 509. Prohibition of contributions by individuals not qualified to vote.

The section prohibits contributions in connection with a Federal election by an individual who is not qualified to register to vote in a Federal election, and prohibits receiving contributions from any such individual.

TITLE VI—EFFECTIVE DATE

(p. 81)

Section 601. Effective date.

The Act would take effect on January 1, 1998.

SENATE CLEAN MONEY—CLEAN ELECTIONS BILL—KERRY, WELLSTONE, GLENN, BIDEN, LEAHY

State	Voting age population [1]	Qualifying contribution threshold [2]	General election clean money amount [3]
Alabama	3,197,000	7,993	$1,087,280
Alaska	423,000	1,058	760,000
Arizona	3,278,000	8,195	1,106,720
Arkansas	1,850,000	4,625	764,000
California	23,012,000	57,530	4,400,000
Colorado	2,825,000	7,063	998,000
Connecticut	2,476,000	6,190	914,240
Delaware	549,000	1,373	760,000
Florida	10,977,000	27,443	2,515,400
Georgia	5,401,000	13,503	1,400,200
Hawaii	877,000	2,193	760,000
Idaho	841,000	2,103	760,000
Illinois	8,691,000	21,728	2,058,200
Indiana	4,342,000	10,855	1,188,400
Iowa	2,132,000	5,330	831,680
Kansas	1,885,000	4,713	772,400
Kentucky	2,915,000	7,288	1,019,600
Louisiana	3,117,000	7,793	1,068,080
Maine	944,000	2,360	760,000
Maryland	3,785,000	9,463	1,228,400
Massachusetts	4,670,000	11,675	1,254,000
Michigan	7,057,000	17,643	1,731,400
Minnesota	3,411,000	8,528	1,138,640
Mississippi	1,960,000	4,900	790,400
Missouri	3,964,000	9,910	1,271,360
Montana	647,000	1,618	760,000
Nebraska	1,210,000	3,025	760,000
Nevada	1,186,000	2,965	760,000
New Hampshire	867,000	2,168	760,000
New Jersey	6,001,000	15,003	1,520,200
New Mexico	1,212,000	3,030	760,000
New York	13,644,000	34,110	3,048,800
North Carolina	5,489,000	13,723	1,417,800
North Dakota	475,000	1,188	760,000
Ohio	8,325,000	20,813	1,985,000
Oklahoma	2,420,000	6,050	900,800
Oregon	2,395,000	5,988	894,800
Pennsylvania	9,161,000	22,903	2,152,200
Rhode Island	755,000	1,888	760,000
South Carolina	2,761,000	6,903	982,640
South Dakota	528,000	1,320	760,000
Tennessee	3,997,000	9,993	1,279,280
Texas	13,676,000	34,190	3,055,200
Utah	1,322,000	3,305	760,000
Vermont	442,000	1,105	760,000
Virginia	5,044,000	12,610	1,328,800
Washington	4,096,000	10,240	1,139,200
West Virginia	1,404,000	3,510	760,000
Wisconsin	3,817,000	9,543	1,236,080
Wyoming	348,000	1,000	760,000

[1] Data certified by the Federal Elections Commission; current through July 1, 1996.

[2] Number of $5 qualifying contributions to Senate Election Fund in candidate's name.

[3] Clean money amount is also the spending limit for clean money candidates. Clean money amount for a contested major party primary is 67 percent of the clean money amount for the general election.

CLEAN MONEY AMOUNT (CMA) MADE EASY

FLOOR AND CEILING

The Clean Money Amount (CMA) is never greater than $4.4 million.

The CMA is never less than $760 thousand.

FORMULAS

A. If the Voting Age Population (VAP) is less than 4 million:

$320,000 + VAP (.24) = CMA

B. If the VAP is greater than 4 million:

$320,000 + VAP (.2) = CMA

SAMPLES

Minnesota	3,411,000	8,528	$1,138,640
VAP = 3,411,000			
$320,000 + 3,411,000 (.24) = $1,138,640			
Massachusetts	4,670,000	11,675	$1,254,000
VAP = 4,670,000			
$320,000 + 4,670,000 (.2) = $1,254,000			
California	23,012,000	57,530	$4,400,000
Rhode Island	755,000	1,888	$760,000

Mr. WELLSTONE. Mr. President, I join my colleague today, Senator KERRY, as well as Senators GLENN, BIDEN, and LEAHY, in introducing the Clean Money Clean Elections Act of 1997.

One of the most important ethical issues of this Congress is the way in which money has come to dominate politics. That is why we are introducing this legislation to address what has become a systemic corruption, a corruption which results from the sharp disparity of power between those who are able to mobilize and invest large amounts of campaign cash on one hand, and ordinary citizens on the other. Our proposal would provide sweeping and simple reform. It would sever the direct connection between big-money special interests and Senate candidates.

American democracy needs elections, not auctions. But our current campaign finance system locks most citizens out of participation. Most citizens don't believe they can be players when it comes to the really important policy decisions that affect their lives. They don't believe they have a real voice. They are not even sure that their vote counts for much.

At the same time, our current system makes sure that big givers and heavy hitters always have a seat at the table. That is why so many believe, with reason, that we have a pseudo-democracy, not authentic democracy. They see the subversion of democracy, the loss of the principle of one-person, one-vote. They are losing faith in the idea that Government is supposed to be on their side.

In this system, what's legal is a scandal.

To address this mix of money and politics which is corrupting our politics, my colleagues and I are proposing an approach to reform called "Clean Money, Clean Elections." I believe our proposal is ambitious and innovative. I am sure that it is needed.

Citizens around the country are turning up the heat in a push for this vision of real reform. Voters in Maine chose this approach to the finance of election campaigns. And now legislators and the Governor in Vermont have decided to pursue it. A number of States will be considering the Clean Money Clean Elections approach during the coming months. I strongly endorse these actions at the State level. And I hope that citizens around the country will continue to keep comprehensive campaign finance reform at the front of the Nation's political agenda.

This Congress needs pressure. It needs a jolt. What it needs is a counterbalancing pressure to ensure that the voices who believe in reform are heard above the voices of those who march on Washington every day—the monied interests who far too often determine what issues are on the table in American politics, and who far too often shape the outcomes within that agenda. The American people should turn up the heat. This is the only way reform will happen.

Reform can happen. When we passed lobby reform and a gift ban during the last Congress, despite great resistance, it was because Members of Congress were forced to vote, with the people of America watching. Now, we plan to take this proposal to the American people—State by State, townhall by townhall, to build the support needed to enact true reform. The people are watching. When the time comes to vote, Members of Congress will need to vote the right way.

We all know that campaigns currently cost far too much money. Our bill will set a voluntary spending limit on the campaigns of clean money candidates. The spending limit is based on a formula tied to each State's voting-age population. We have adopted the McCain-Feingold bill's formula, except that we subtract 20 percent from the upper limit. We subtract 20 percent because that is approximately the amount most candidates now spend to raise money. Under our bill they won't have to spend that time and money to raise money. In Minnesota, the clean money amount, which also is the spending limit for a clean money candidate, will be about $1.14 million for the general election. In a contested primary, the amount will be about $764,000. That adds up to a total clean money amount of $1.9 million in Minnesota for a clean money Senate candidate.

Less than $2 million is enough in Minnesota:

If we also ban soft money to the parties, which this bill does; and if we close loopholes on independent expenditures and so-called "issue" ads which are really election ads, which this bill does.

Our provisions on these items are similar to those in S. 25, the McCain-Feingold bill, a bill which I am proud to have co-authored. I continue to support that bill.

But we really need to go further. The Clean Money Clean Elections Act does so. It takes special-interest money out of campaigns. It gives the country's electoral system back to the people.

Americans know that the current campaign finance system works for the monied special interests, not for them. They're paying too much now for our elections. Too much in special favors, whether it's tax breaks for huge companies, tobacco politics that threaten the health of children, unneeded spending, and misdirected national policy. These result in the systemic corruption that is enshrined in our present system of financing campaigns. That's why we need to change it.

We need to take the special interest money out, and replace it with Clean Money Campaigns. Clean Money Campaigns would:

Level the playing field for non-incumbents, including those who are not major party candidates; allow candidates to focus on seeking office and serving the public once in office, rather than spending an inordinate amount of time raising money; and utilize free

media time to allow candidates to get their message out.

Candidates who meet our bill's rigorous standard for showing serious public support will receive full public financing in contested primary and general elections. They will receive the full amount of the spending limit for their State. In Minnesota, to qualify as a clean money candidate, a major-party candidate would have to gather about 8,500 signatures, each accompanied by a $5 check to the Senate Election Fund. That is a tough standard of seriousness, but it is realistic. A candidate who is not seeking the nomination of, or who has not received the nomination of, a major party can also receive clean money financing for his or her campaign. That candidate must gather 150 percent of the qualifying contributions that a major party candidate needs to gather in the same State. Again, it requires that a candidate demonstrate genuinely broad support, but it is an achievable threshold.

The American people can no longer afford what has been called "The Best Congress Money Can Buy." That is why we have to take special-interest money out of campaigns. The roughly $160 million of annual cost of Senate elections under our proposal can be easily offset with reductions in current corporate welfare or other unneeded expenditures.

Are Americans willing to fight for and put in the budget clean elections that really belong to them—that belong to the people? I believe they are. So do the many groups endorsing our bill: Public Campaign, Public Citizen, League of Women Voters, Citizen Action, USPIRG, National Council of Churches of Christ in the USA, United Church of Christ, Office for Church and Society. Still other organizations support our approach, even if they do not endorse specific pieces of legislation.

Mr. President, the Senate needs to consider comprehensive campaign finance reform soon—before we leave this summer. This bill shows us the direction to go. It is workable, and it is needed. I urge my colleagues who have not yet read the bill to consider cosponsoring it. I am hopeful that this bill and a similar proposal to be introduced during the coming weeks in the House of Representatives will contribute to real momentum for genuine reform during this Congress.

Mr. President, let me say that I am pleased to introduce this bill today with my colleagues, Senators KERRY, GLENN, BIDEN, and LEAHY. And I am confident there will be other Senators in the future who support this approach to reform.

There are other worthy and important efforts going on here, the McCain-Feingold bill being one of them, to try to reduce the amount of money that is flowing in and affecting the politics of our country. I personally think, and I think the majority of people in this country agree, that this is a core issue, a core problem. Many things which could happen here don't happen because they get trumped by money, big money in politics.

The ethical issue of our time is the way money has come to dominate politics. If you believe each person should count as one, and no more than one, which is the standard of representative democracy, that is a harsh verdict.

I do think we have corruption, but I don't like bashing colleagues. I am not talking about individual colleagues. The vast majority of Senators and Representatives with whom I serve—Democrats and Republicans alike—believe in public service and do their very best to serve people. Still, there is a systemic corruption. We have such a huge imbalance between those people at the top who have economic resources and access to power and the vast majority of people who just feel locked out.

Mr. President, I have a friend—Jim Hightower, who used to be Agriculture Commissioner in Texas. He has a wonderful way of putting things. Jim Hightower says you don't have to be who's who to know what's what. The what's what is that a lot of people in the country think there has been a hostile takeover of our electoral and Government processes by big money interests. Many people don't feel a part of this system any longer. When that is the case, there is not anything more important that can be done than to pass a reform bill.

The goals of the clean money/clean elections bill are simple: dramatically reduce the amount of money that is spent, get the interested dollars and private money out, have a level playing field, try to eliminate, or come as possible to eliminating special interest access, have real elections as opposed to auctions, don't have Senators spending so much of their time raising money, instead they should be trying to be good legislators. I think people want to turn this system, which they think is a rotten system, not upside down, it is upside down now, but right side up.

What our bill does, with agreed-upon spending limits, so candidates don't have to go out and raise all the private money, is we break the link between private money and our votes and work as legislators. Under our bill, the money is no longer interested money. We dramatically reduce spending by setting voluntary limits, then campaign spending by clean money candidates comes from this Senate election fund. We tighten the definition when it comes to independent expenditures. And we do the same for issue advocacy ads, some of which are barely disguised campaign ads. Our bill includes free broadcast time. If you really want to have a system where the vast majority of the people feel like they can be a part of it, we are going to have to take this journey.

Mr. President, two final points. If we can pass McCain-Feingold, that moves our country forward, that would be an important step. But this piece of legislation, which won't pass immediately, has a lot of energy behind it, too. We introduce it as part of the debate, as part of the energy behind reform. I have met with the people who were involved in the Maine effort, and they passed a clean effort option. I met with legislators and a lot of people in Vermont, and they are going to pass it. I met with people in the Midwest. There is a lot of energy in the Midwest and New England. It may be States which pass this kind of reform at first. You are going to see a lot of pressure on people here from the grassroots.

We need to have a galvanized public. We are going to have to have an external jolt to this Congress to pass a reform bill, but there is no more important thing that we can do than to pass such a reform bill. This clean money/clean elections bill would represent an enormous step forward for our country, toward real elections as opposed to auctions, toward authentic democracy as opposed to pseudo democracy, toward a Government of, by and for the people, not of, by and for those who have the wealth and economic resources.

I think people in this country yearn for a political process they can believe in. They yearn for reform, and I don't agree with one person who says, "Look, people don't seem to care that much." People care deeply, they care desperately, they care about issues that affect themselves and their families. They have hopes for themselves and their families and their communities, but right now I think most people believe that they there is not a heck of a lot they can do on the issues that are most important to them, because our political process has essentially been dominated by big money, not people's needs.

Mr. President, we have given people entirely too much justification for that point of view. We have to make some big changes. Some of us are going to be fighting hard on the floor for reform. I think there will be plenty of pressure building around the country. It will be a tough fight, but I cannot think of a more important fight as a Senator from Minnesota.

I yield the floor.

Mr. BIDEN. Mr. President, the single most significant thing we can do in Congress today is to reform the way we fund political campaigns in this country. I have been saying it for 24 years now, and while some things are better than they used to be—large amounts of cash are no longer being passed under the table in brown paper bags—many things are worse—large checks are being passed over the table, or in the

Chamber of the House of Representatives, in the clear light of day. But, regardless of what's better and what's worse, the fundamental problem, in my view, remains.

That problem will not be fixed by tinkering at the edges, or making a small reform here and a small reform there—because the fundamental problem is not a flaw in the system's construction. The fundamental problem is the system itself—a system where the amount of private money is out of control and is not susceptible to be controlled in the public interest. Until we get private money completely out of the system, we will not completely reform the system.

That is why, Mr. President, I have been pushing for public funding of congressional campaigns for my entire career, and that is why I am pleased today to join several of my colleagues in introducing the Clean Money, Clean Elections Act.

When I first came to the United States Senate, 24 years ago, in speeches on this floor and in testimony before the Rules Committee, I outlined three principles of a better system. All three are contained in this important proposal.

First and foremost, we must have a system of public funding. Let me explain why that is so crucial. When they asked Willy Sutton why he robbed banks, he said that was where the money was. Politicians do not rob banks, but they, like Willy Sutton, must go where the money is. You will not get very far in this business by asking for contributions from people who do not have money. So, inevitably, people running for office find themselves on the doorsteps of the wealthy and the special interests. Or, they are wealthy enough to fund their own campaigns.

The result is that other old saying—he who pays the piper calls the tune. Those who pay the bills ultimately, when you get right down to it, are the ones who decide who runs for office. And, they are the ones, at least in the mind of the public, to whom elected officials are beholden.

No matter what other reforms you enact, unless you get private money out of the system, that is the way it will continue. I submit that it would be better to let the American people decide—on the merits—who runs for office. And, I submit that it would be far better for America to make sure that elected officials are beholden to no one but the people who elected them.

Second, we need to level the playing field between incumbents and challengers. I have, Mr. President, been both an incumbent and a challenger. And, I can tell you that being an incumbent has its disadvantages. But, the biggest advantage of incumbency is in the money chase. It is such an advantage that if I were looking out only for my own self-interest, I would not support this proposal. I do pretty well in raising money, and the thought that my opponent would have the same amount of money as I do is not exactly an appealing notion.

But, there is something much bigger at stake here than my own electoral future. What is at stake is nothing less than a healthy, vibrant democracy. What is at stake is whether election to office will be based on the merits of the individuals, not on who is the best fundraiser.

Third, we need to limit the overall amount of money that can be spent in political campaigns. Back in 1976, all candidates for all congressional races—Senate and House—spent $99 million in the general election. In 1996, all candidates for Congress in the general election spent over $626 million—more than six times as much. In just the last 4 years, the total amount of money given to political parties has increased 73 percent—in just the last 4 years.

Unfortunately, the Supreme Court has ruled—in what is, in my view, a wrong decision, but one that we are bound by—that spending money is the same thing as speech. Thus, Congress cannot limit spending in political campaigns, unless a candidate is offered some benefit in return for voluntarily agreeing to a spending limit.

Enter the ''Clean Money, Clean Elections Act.'' This significant proposal that we are introducing today would, as I said a moment ago, meet the three principles I just outlined. It would limit spending in campaigns—in a constitutional way—by providing public funding and free media time to candidates who agreed to abide by those limits. And, it would be full public funding for both challengers and incumbents—so that private money is eliminated from the system and so that both challengers and incumbents are on the same level playing field.

I am not so naive, Mr. President, to believe this bill is going to pass today—or even without a fight. I have been down this road too many times before. Too many special interests have too many vested interests in the status quo. But, if we are to reverse the tide of cynicism and mistrust that surrounds political campaigns—and even our institutions of government—then we must change the system so that the only interests we are all concerned about are the interests of the American people.

Mr. GLENN. Mr. President, I appreciate the opportunity today to support my colleagues, Senators KERRY and WELLSTONE, in cosponsoring this much needed reform of our campaign finance system. I believe that simple principles should be applied in our democracy. We should encourage the active participation of the greatest possible number of citizens and restrain the undue influence of narrow and divisive factions and special interests.

I believe that our democracy must be built on common rather than special interests and that our elections should depend upon common sense rather than dollars and cents. Only through an open and fair election system can we guarantee that our democracy will be open and fair. Only then can the notion of consent of the governed have any true meaning.

I believe that many of the statements made here today underscore the need to reform our current system. I have been working with Senators KERRY and WELLSTONE to provide a workable alternative that will go a long way toward bringing long overdue improvements to our electoral process.

Let's face facts. Our current system of paying the bills for American elections is awash in money, largely unregulated and often unreported. The improvements made a generation ago to provide partial public financing for presidential campaigns and contribution and spending limits for all federal elections have been eroded and are now overwhelmed by Supreme Court decisions, overly partisan competition for money, increased costs of advertising and special interest contributions. Nothing undermines the legitimacy and integrity of our elections more than the belief that special interests have special privileges.

Many American voters believe that campaigns are too expensive, that special interests wield too much influence, while the average voter has too little, and that elected officials spend too much time raising money and not enough time solving the Nation's problems.

The McCain-Feingold proposal to provide voluntary campaign spending limits is supported by a number of Senators and I am pleased to be a cosponsor. However, even with the much needed improvements in that legislation, I believe that the only way to eliminate any doubt about who influences elections is to provide financing underwritten by the American people.

The Clean Money, Clean Elections Act built upon the plan proposed in Maine would limit campaign spending, prohibit special interest contributions to candidates, eliminate fund raising efforts, provide equal funding and a level playing field for all candidates, and end many of the loopholes that have wrecked our current system.

Let's end this current abuse and establish a system that leaves no doubt that only the clean money of the American people pays for American elections.

Building on that Maine ballot initiative, nearly 20 States are now reviewing how they can improve their elections. Federal legislation is needed to bring these reforms to Federal elections and we propose to bring those improvements into the congressional debate on campaign finance reform.

This proposal will provide:

The most comprehensive reform of all the proposals currently under consideration; the lowest spending limits: the most free time and discounted media; the strictest limits on special interest money and influence; the most competitive election financing; an end to the money chase and dialing for dollars.

As the Nation's attention turns to the campaign finance investigation in the Senate Governmental Affairs Committee, I want everyone to understand that highlighting these issues will be of little use if action is not taken. Certainly, the investigation should be conducted in a full and fair manner. But at the end of day, I believe that we owe it to ourselves as a people to end our current campaign finance system and bring true reform.

I am pleased to join my colleagues who are long time advocates of serious campaign finance reform and look forward to working together to enact this important legislation.

By Mr. KOHL (for himself and Mr. BROWNBACK):

S. 919. A bill to establish the Independent Bipartisan Commission on Campaign Finance Reform to recommend reforms in the law relating to elections for Federal office; to the Committee on Rules and Administration.

THE INDEPENDENT BIPARTISAN COMMISSION ON CAMPAIGN FINANCE REFORM ACT

Mr. KOHL. Mr. President, I rise today to introduce legislation to address the serious problem within our campaign finance system. I have made similar remarks earlier this year, so I will not belabor the problems again.

The American public is demanding that Congress reform our campaign finance system, and many doubt whether we are ready or even able to meet that demand. I am support S. 25, introduced by Senators MCCAIN and FEINGOLD. This bipartisan legislation is the best bill moving through the Congress to reform our campaign system. However, there are signs that Congress may not pass this legislation.

Therefore, if, and only if S. 25 is not passed, I think the 105th Congress must put in place a process for reforming the campaign finance system. The legislation I introduce today for myself and Mr. BROWNBACK of Kansas would establish an independent, bipartisan commission to reform our campaign finance laws. Earlier this year I introduced similar legislation, also as a fallback measure if S. 25 is not passed.

This measure, like the bill I introduced earlier this year, establishes a commission similar to the Base Closure and Realignment Commission. The Commission would have a limited time to make recommendations, Congress would be forced to vote up or down on their proposals, and would not have the power to amend the legislation.

Mr. President, I sincerely hope that Congress does not have to turn over this matter to an independent commission. But, if we do not pass meaningful campaign finance reform this year, I believe it is the next best alternative. And, if we do create a campaign finance reform commission, it must be a real commission, with real powers, and not another advisory committee.

Congress has created many panels in the past to make recommendations about reforming campaign finance laws. But, for reform to genuinely take place, we must empower the Commission with the ability to create a package of reforms that Congress cannot change. Like the successful Base Closure and Realignment Commission, Congress should have only the power to vote up or down on the recommendations.

Mr. President, we should not allow another Congress to come and go without passing meaningful campaign finance reform. Let this be the year that Congress responds to cry from the grassroots and restore America's faith in our election system.

Mr. BROWNBACK. Mr. President, I am proud today to be offering a bipartisan proposal for campaign finance reform with my distinguished colleague, the senior Senator from Wisconsin, HERB KOHL.

Mr. President, those of us who have spent the balance of our congressional careers working to build public trust in the political system know of the difficulties in offering constructive alternatives. Any legislation which fundamentally alters the way public officials seek election is bound to attract their attention and intense scrutiny—as it should.

Mr. President, Senator KOHL and I believe this proposal offers a hopeful avenue for progress. Recognizing that any reform effort must be bipartisan to succeed, the legislation we are offering establishes a fair and independent process to bring this issue to the floor of the Congress for consideration. Without prejudging any outcomes, this bill would help to break the logjam which threatens to prevent even meaningful consideration of alternatives for reform.

Mr. President, Senator KOHL and I do not claim to have all the answers, but we believe that through this vehicle, we can take the next step in accomplishing substantial progress on this important matter.

By Mr. WYDEN:

S. 920. A bill to require the Secretary of Health and Human Services to issue an annual report card on the performance of the States in protecting children placed for adoption in foster care, or with a guardian, and for other purposes; to the Committee on Labor and Human Resources.

THE ADOPTION REPORT CARD ACT OF 1997

Mr. WYDEN. Mr. President, I rise today to introduce the Adoption Report Card Act of 1997 to redress the poor quality of national data on adoption and foster care.

According to the American Public Welfare Association, the population of children in foster care is growing 33 times faster than the United States child population in general. During the past 10 years, more children have entered the foster care system than have exited. Every year, 15,000 children graduate from foster care by turning 18 with no permanent family. According to the American Civil Liberties Union, 40 percent of all foster children leaving the system end up on welfare.

In addition to the 50,000 children who today are legally free to be adopted, there are hundreds of thousands more who drift for days, months, or years within the state-run system—a system that too often lets down some of society's most vulnerable—our children.

I have already introduced legislation to promote kinship care as one solution to this problem. However, more still needs to be done. Part of the problem is we simply don't have any data on where children are in the system. No one knows how long our children are languishing in the foster care system, or how long it takes a State to find adoptive placements for children. Finding comprehensive data for each State is a challenge and, until recently, the Department of Health and Human Services [HHS] did not collect comprehensive national data on adoption from every State.

The legislation I offer in the Senate today will require HHS to issue an annual report card on the performance of each State in protecting children placed for adoption, in foster care or with a guardian.

My bill will require HHS to develop outcome measures, a rating system for each State and make recommendations on how States can improve their efforts to move children from foster care to loving families.

It is high time we started holding those responsible for children in foster care accountable for the treatment of these children. I believe an annual report card will give us the information we need to improve the care and quality of life for these children.

I ask unanimous consent that my statement and a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Adoption Report Card Act of 1997".

SEC. 2. ANNUAL REPORT CARD ON STATE PERFORMANCE IN PROTECTING CHILDREN.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

"SEC. 479A. ANNUAL REPORT CARD.

"(a) IN GENERAL.—The Secretary shall issue an annual report card containing ratings of the performance of each State in protecting children who are placed for adoption, in foster care, or with a guardian, in the State. The report card shall include ratings on outcome measures for categories related to the family conditions of the children.

"(b) OUTCOME MEASURES.—

"(1) IN GENERAL.—The Secretary shall develop, after consulting with child advocacy organizations, a set of outcome measures to be used in preparing the report card.

"(2) CATEGORIES.—In developing the outcome measures, the Secretary shall develop measures for categories relating to—

"(A) the number of placements for adoption, in foster care, or with a guardian;

"(B) the number of children who leave foster care at the age of majority without having been adopted or placed with a guardian;

"(C) the median and mean length of stay in foster care;

"(D) the median and mean length of time between the availability of a child for adoption and the adoption of the child;

"(E) the median and mean length of time between the beginning of foster care for a child and the finalization of a placement plan for the child by the agency involved;

"(F) the number of children in foster care, specifying, in the case of a child in foster care who is a child with special needs, each factor or condition that makes the child a child with special needs (including the age and ethnicity of the child), as determined by the State in accordance with section 473(c);

"(G) the average annual costs for a child in foster care, and costs for any alternative living arrangements for a child who would otherwise be in foster care and how there costs are allocated;

"(H) the median and average length of time required to terminate parental rights for a child after the child enters foster care;

"(I) the number of parents whose parental rights have been terminated;

"(J) the number of children that are affected due to the termination of parental rights;

"(K) the median and average length of time required to place a child for adoption once parental rights are terminated for the child;

"(L) the average number of times a child is placed in foster care before the child is permanently adopted and the number of placements the child experiences; and

"(M) the number of deaths of children in foster care, and substantiated cases of abuse or neglect among children in foster care.

"(3) MEASURES.—In developing the outcome measures, the Secretary shall use measures from the Adoption and Foster Care Analysis and Reporting System established under section 479 to the maximum extent possible.

"(c) RATING SYSTEM.—The Secretary shall develop a system (including using State census data and poverty rates) to rate the performance of each State based on the outcome measures.

"(d) INFORMATION.—In order to receive funds under this part, a State shall annually provide to the Secretary such adoption, foster care, and guardianship information as the Secretary may determine to be necessary to issue the report card for the State.

"(e) PREPARATION AND ISSUANCE.—On October 1, 1998, and annually thereafter, the Secretary shall prepare, submit to Congress, and issue to the States the report card described in subsection (a). Each report card shall rate the performance of a State on each outcome measure developed under subsection (b), include an explanation of the rating system developed under subsection (c) and the way in which scores are determined under the rating system, analyze high and low performances for the State, and make recommendations to the State for improvement.".

(b) CONFORMING AMENDMENTS.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) (as added by section 1808(a) of the Small Business Job Protection Act of 1996 (Public Law 104–188; 110 Stat. 1903)) and inserting "; and";

(3) by redesignating paragraph (18) (as added by section 505(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2278)) as paragraph (19); and

(4) by adding at the end the following:

"(20) provides that the State shall annually provide to the Secretary the information required under section 479A.".

By Mr. COVERDELL (for himself, Mr. DODD and Mr. DEWINE):

S. 921. A bill to immunize donations made in the form of charitable gift annuities and charitable remainder trusts from the anti-trust laws and State laws similar to the antitrust laws; to the Committee on Judiciary.

THE CHARITABLE DONATION ANTITRUST IMMUNITY ACT

Mr. COVERDELL. Mr. President, today I rise to introduce legislation that is critical to our Nation's charities, the Charitable Donation Antitrust Immunity Act of 1997. This legislation is designed to make minor modifications to a bill that was passed by Congress in 1995 with unprecedented bipartisan support. The House passed the bill on a rollcall vote of 427 to 0, and the Senate immediately passed the measure by unanimous consent. I am hopeful that we can move this bill as quickly.

The Charitable Gift Annuity Antitrust Relief Act of 1995 was enacted in response to a lawsuit that threatened, and still threatens, the financial well being of thousands of charities. The 1995 act exempts charities from the antitrust laws which use the same annuity rate for the purpose of issuing charitable gift annuities. For more than 100 years, the issuance of gift annuities by thousands of charities across the country has played a major role in raising billions of dollars for our nation's charities. The 1995 act ensures that the billions of dollars donated to charities is spent serving their constituencies, not on defending lawsuits.

The legislation I am introducing today amends the Charitable Gift Annuity Antitrust Relief Act of 1995 to address technical issues raised by the Fifth Circuit Court of Appeals. The court recently ruled that charities are not protected by the act if lawyers or other for-profit entities administer or assist with the charities' gift annuities. This legislation clarifies the 1995 act by replacing the current antitrust exemption for charities issuing gift annuities with antitrust immunity for charitable gift annuities. Charities have spent more than $20 million defending themselves from a single lawsuit. This clarification is critical in order to protect our Nation's charities from spending millions of dollars more on litigation instead of charitable purposes.

Mr. President, the antitrust laws are intended to protect investors, not to frustrate gifts to charities. Faced with a continuing expensive lawsuit against Americans charities, and the threat of many more lawsuits to follow, Congress must make this technical change in the 1995 law to fulfill its original intent. Without this legislation, charitable organizations will lose a much needed and useful tool for raising funds precisely at a time when we must encourage this type of gift giving.

I urge my colleagues to support this legislation.

Mr. DODD. Mr. President, I rise to join with Senator COVERDELL in introducing the Charitable Donation Antitrust Immunity Act. The bill would strengthen the Charitable Gift Annuity Antitrust Relief Act, which enjoyed broad bipartisan support when it passed the Congress in 1995.

Every day across this country, charitable organizations help build better lives for millions of Americans. They are on the front lines in the effort to provide food, clothing, shelter, medicine, and educational support to less fortunate individuals. Their efforts help prevent our social fabric from fraying.

Over the years, charities have used gift annuities as a means of making it easier for people to donate money. Generally, these transactions work as follows: a person donates money or some other asset to a charity and receives a tax deduction. The charity then invests the money and makes fixed, periodic payments to the donor. When the donor dies, the remainder of the gift goes to the charity. These arrangements help both donors and charities, and it was never the intent of Congress to unduly restrict their use.

Regrettably, the benevolent endeavors of charities have been jeopardized by a lawsuit, Ozee and Richie versus The American Council on Gift Annuities. The lawsuit alleges that the use of annuity rates published by the Council constitutes price fixing, and thus a violation of the antitrust laws. The suit also alleges violations of securities and insurance laws. The plaintiffs ask that money donated to charities through charitable gift annuities be returned, along with additional damages. I have heard from a broad spectrum of charitable organizations in Connecticut and across the country who say that this lawsuit is undermining

their ability to raise funds and continue their work.

In order to save our Nation's charities millions of dollars in legal fees, and to preserve a critically important fundraising tool for charities, I joined with Senator HUTCHISON and introduced the Charitable Gift Annuity Antitrust Relief Act of 1995. With the help of many of my colleagues in both the House and Senate, we passed that measure quickly. The intent of the legislation was to exempt the use of charitable gift annuities from antitrust laws. Regrettably, the U.S. Court of Appeals for the Fifth Circuit did not interpret the legislation in this manner and the lawsuit continues.

Consequently, we now need to make a few technical changes to clarify the intent of the law. Although these changes would put an end to the litigation and ensure that charities can continue to do their good work, they will not make it easier for charities to commit fraud. The legislation would not change the antifraud provisions in Federal securities law or affect Federal tax laws relating to fraud. People could still bring appropriate lawsuits against cheats or swindlers attempting to disguise themselves as charities, or charities acting fraudulently.

Mr. President, charitable organizations work hard every day to help fill some of the gaps in the American safety net. We must support their efforts. The Charitable Donation Antitrust Immunity Act will help. I applaud Senator COVERDELL's work on this legislation, and I urge all of my Senate colleagues to help move it forward expeditiously.

By Mr. LAUTENBERG:

S. 922. A bill to require the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco and Firearms, to issue minimum safety and security standards for dealers of firearms; to the Committee on the Judiciary.

GUN SHOP SAFETY ACT OF 1997

Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Gun Shop Safety Act of 1997, to require the Bureau of Alcohol, Tobacco and Firearms to issue minimum safety and security standards for federally licensed firearms dealers.

Mr. President, incredible as it may seem, there are no Federal minimum standards for security of premises and merchandise at gun shops. In fact, a gun dealer must meet only minimal qualifications to obtain a gun dealers' license. An applicant need only be 21 years of age, not be prohibited by law from possessing or transporting firearms, and maintain a business premises in compliance with any State law. Once a dealer gets a license, the only Federal requirements are that dealers keep accurate records of purchases and sales, and have the books available for yearly inspection by the ATF. Basically, that is it. No safety or security requirements, no safety inspections.

This is simply not good enough. Guns are being stolen from licensed gun dealers at an alarming rate. These guns pose an increasingly significant public safety problem. Clearly, by definition stolen guns are available to criminals. In fact, studies have found that between 10 and 32 percent of guns used in the commission of a crime are obtained as a direct result of theft, while an approximately equal number of guns used during a criminal act were stolen before being used in a crime.

Mr. President, stolen guns from gun shops are a significant source of guns used in violent street crimes. For example, everywhere we see the growing problem of the so-called "smash and grab" burglaries from retail gun outlets, where thieves either drive through or otherwise smash the windows of gun shops and steal large quantities of firearms in a matter of minutes.

During the 1992 Los Angeles riots, 19 gun stores were looted and robbed of about 4,000 guns. One pawnshop lost 970 guns, while another outlet was robbed of 1,150 guns. An ATF report reveals that these guns continue to be recovered on the street.

Mr. President, guns are not stolen from licensed gun dealers only during a riot. Recently, it has been reported that thieves stole 75 firearms from a store in Washington State after killing the owner, and then sold about 40 of the stolen guns on the streets of Seattle that night.

In my own State of New Jersey, we also recently witnessed a sickening murder committed with a gun stolen from a gun shop. This past April, 24-year-old Jeremy Giordano and 24-year-old Georgio Gallara of Sussex County, NJ were shot down in cold blood by two young thugs. No robbery was involved, no motive discovered, just murder for the sake of murder. And these killings were only possible because the murderers were able to steal two high-powered handguns from a local shop. They simply smashed the store's front window and smashed the locked glass display case where the guns were stored overnight. The theft was over in a few brief minutes, the criminals long gone by the time the police arrived at the gun shop.

Mr. President, there must be a better way. It is time that our laws recognize that guns are not ordinary merchandise—they are deadly weapons. It is just common sense that criminals should be denied easy access to an arsenal of weapons.

Mr. President, this country is already awash in a sea of gun violence. Every 2 minutes, someone in the United States is shot. Every 14 minutes, someone dies from a gunshot wound. In 1994 alone, over 15,000 people in our country were killed by handguns. Compare that to countries like Canada, where 90 people were killed by handguns that year, or Great Britain, which had 68 handgun fatalities.

Mr. President, the Federal Centers for Disease Control and Prevention estimate that by the year 2003, gunfire will have surpassed auto accidents as the leading cause of injury-related deaths in the United States. In fact, this is already the case in seven States.

Mr. President, given the severity of our Nation's gun violence problem, we need to find new ways to reduce the number of guns on our streets. Although we cannot totally end gun theft, there is much we can and should do. We can prevent predators from getting guns so freely and frequently through theft.

So, Mr. President, this bill will require the ATF to use its expertise to craft reasonable and needed regulations to ensure that gun shops better secure the weapons and ammunition they sell from theft.

I hope this proposal will receive strong, bipartisan support, even from those hostile to any gun-related legislation. This bill will help keep guns out of the hands of criminals. This is a goal I believe all of us share. And this legislation is the least we can do.

I hope my colleagues will support the bill, and ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gun Shop Safety Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) crimes committed with firearms threaten the peace and domestic tranquility of the United States and reduce the security and general welfare of the Nation and its people;

(2) crimes committed with firearms impose a substantial burden on interstate commerce and lead to a reduction in productivity and profitability for business around the Nation whose workers, suppliers, and customers are adversely affected by gun violence;

(3) all stolen firearms are available to criminals by definition;

(4) licensed gun dealers have reported nearly 30,000 firearms stolen from their shops since 1994, when a Federal law was enacted requiring the reporting of such thefts;

(5) between 10 and 32 percent of firearms used in the commission of a crime are obtained directly through theft, while an approximately equal number of firearms used in the commission of a crime have been stolen at some point before ultimately being used in the commission a crime; and

(6) all Americans have a right to be protected from crime and violence from stolen firearms, regardless of their State of residence.

SEC. 3. MINIMUM SAFETY AND SECURITY STANDARDS FOR GUN SHOPS.

(a) IN GENERAL.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

"(m) SAFETY AND SECURITY STANDARDS FOR GUN SHOPS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Gun Shop Safety Act of 1997, the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco, and Firearms, shall issue final regulations that establish minimum firearm safety and security standards that shall apply to dealers who are issued a license under this section.

"(2) MINIMUM STANDARDS.—The regulations issued under this subsection shall include minimum safety and security standards for—

"(A) a place of business in which a dealer covered by the regulations conducts business or stores firearms;

"(B) windows, the front door, storage rooms, containers, alarms, and other items of a place of business referred to in subparagraph (A) that the Secretary of the Treasury, acting through the Director of the Bureau of Alcohol, Tobacco and Firearms, determines to be appropriate; and

"(C) the storage and handling of the firearms contained in a place of business referred to in subparagraph (A).".

(b) INSPECTIONS.—Section 923(g)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ", and" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) with respect the place of business of a licensed dealer, the safety and security measures taken by the dealer to ensure compliance with the regulations issued under subsection (m).''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting "and the place of business of a licensed dealer" after "licensed dealer";

(B) in clause (ii), by striking "or" at the end;

(C) in clause (iii), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(iv) not more than once during any 12-month period, for ensuring compliance by a licensed dealer with the regulations issued under subsection (m).".

(c) PENALTIES.—Section 924(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) being a licensed dealer, knowingly fails to comply with any applicable regulation issued under section 923(m); and".

By Mr. SPECTER:

S. 923. A bill to deny veterans benefits to persons convicted of Federal capital offenses; to the Committee on Veterans' Affairs.

VETERANS' BENEFITS DENIAL LEGISLATION

Mr. SPECTER. Mr. President, in the Veterans' Affairs Committee, which I chair, we have been considering the situation of Mr. Timothy McVeigh, who has certain entitlements as a veteran. Curiously, the committee has concluded that a conviction for murder in the first degree does not significantly affect Mr. McVeigh's entitlements or benefits as a veteran.

Veterans who are convicted of certain criminal offenses forfeit their benefits. Those offenses, however, are limited to convictions for mutiny and aiding the enemy; spying; certain national security crimes, such as treason, sabotage, disclosing classified or defense information, interfering with the Armed Forces during a time of war, communications of classified information by a Government employee to an agent of a foreign government; and certain nuclear material crimes, such as the unauthorized possession or transfer of nuclear material or receipt and communication of restricted data.

Surprisingly, my staff on the Veterans' Affairs Committee has concluded that Mr. Timothy McVeigh would be entitled to veterans benefits, notwithstanding his conviction on 11 counts including the murder of some 168 people in the Oklahoma City bombing of the Federal building. He remains eligible for such benefits, including burial benefits, since he was not convicted of any of the crimes I just listed.

Because of that, I now introduce legislation which would deny veteran benefits to any person who is convicted of a State or Federal capital offense. The specific provision would be:

Notwithstanding any other provision of law, a person who is convicted of a Federal or State capital offense is ineligible for benefits provided to veterans of the Armed Forces of the United States pursuant to title 38, United States Code.

This bill would prevent Mr. McVeigh from having any veterans benefits in light of his conviction on 11 counts, including murder in the first degree. I send this bill to the desk and ask that it be filed with the appropriate authority.

By Mr. THURMOND:

S. 924. An original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. THURMOND. Mr. President, I am pleased to report out from the Committee on Armed Services an original bill, the national defense authorization bill for fiscal year 1998.

The members of the Committee on Armed Services have put a great deal of work into this bill, which continues the long bipartisan tradition of the Senate in dealing with the vital issues of the Nation's security.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1998".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical Demilitarization Program.
Sec. 108. Defense health programs.
Sec. 109. Defense Export Loan Guarantee Program.

Subtitle B—Army Programs

Sec. 111. Army helicopter modernization plan.
Sec. 112. Multiyear procurement authority for AH–64D Longbow Apache fire control radar.

Subtitle C—Navy Programs

Sec. 121. New attack submarine program.
Sec. 122. Nuclear aircraft carrier program.
Sec. 123. Exception to cost limitation for Seawolf submarine program.
Sec. 124. Airborne self-protection jammer program.

Subtitle D—Air Force Programs

Sec. 131. B–2 bomber aircraft program.

Subtitle E—Other Matters

Sec. 141. Prohibition on use of funds for acquisition or alteration of private drydocks.
Sec. 142. Replacement of engines on aircraft derived from Boeing 707 aircraft.
Sec. 143. Exception to requirement for a particular determination for sales of manufactured articles or services of Army industrial facilities outside the United States.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Joint Strike Fighter program.
Sec. 212. F–22 aircraft program.
Sec. 213. High Altitude Endurance Unmanned Vehicle program.

Sec. 214. Advanced Anti-Radiation Guided Missile program.
Sec. 215. Federally funded research and development centers.
Sec. 216. Goal for dual-use science and technology projects.
Sec. 217. Transfers of authorizations for counterprolifera tion support program.
Sec. 218. Kinetic Energy Tactical Anti-Satellite Technology program.
Sec. 219. Clementine 2 Micro-Satellite development program.

Subtitle C—Ballistic Missile Defense Programs

Sec. 221. National Missile Defense program.
Sec. 222. Reversal of decision to transfer procurement funds from the Ballistic Missile Defense Organization.

Subtitle D—Other Matters

Sec. 231. Manufacturing Technology program.
Sec. 232. Use of major range and test facility installations by commercial entities.
Sec. 233. Eligibility for the Defense Experimental Program to Stimulate Competitive Research.
Sec. 234. Restructuring of National Oceanographic Partnership Program organizations.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working-capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Fisher House Trust Funds.

Subtitle B—Depot-Level Activities

Sec. 311. Definition of depot-level maintenance and repair.
Sec. 312. Restrictions on contracts for performance of depot-level maintenance and repair at certain facilities.
Sec. 313. Core logistics functions of Department of Defense.
Sec. 314. Percentage limitation on performance of depot-level maintenance of materiel.
Sec. 315. Centers of Industrial and Technical Excellence.
Sec. 316. Clarification of prohibition on management of depot employees by constraints on personnel levels.
Sec. 317. Annual report on depot-level maintenance and repair.
Sec. 318. Report on allocation of core logistics activities among Department of Defense facilities and private sector facilities.
Sec. 319. Review of use of temporary duty assignments for ship repair and maintenance.
Sec. 320. Repeal of a conditional repeal of certain depot-level maintenance and repair laws and a related reporting requirement.
Sec. 321. Extension of authority for naval shipyards and aviation depots to engage in defense-related production and services.

Subtitle C—Environmental Provisions

Sec. 331. Clarification of authority relating to storage and disposal of nondefense toxic and hazardous materials on Department of Defense property.
Sec. 332. Annual report on payments and activities in response to fines and penalties assessed under environmental laws.
Sec. 333. Annual report on environmental activities of the Department of Defense overseas.
Sec. 334. Membership terms for Strategic Environmental Research and Development Program Scientific Advisory Board.
Sec. 335. Additional information on agreements for agency services in support of environmental technology certification.
Sec. 336. Risk assessments under the Defense Environmental Restoration Program.
Sec. 337. Recovery and sharing of costs of environmental restoration at Department of Defense sites.
Sec. 338. Pilot program for the sale of air pollution emission reduction incentives.
Sec. 339. Tagging system for identification of hydrocarbon fuels used by the Department of Defense.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 351. Funding sources for construction and improvement of commissary store facilities.
Sec. 352. Integration of military exchange services.

Subtitle E—Other Matters

Sec. 361. Advance billings for working-capital funds.
Sec. 362. Center for Excellence in Disaster Management and Humanitarian Assistance.
Sec. 363. Administrative actions adversely affecting military training or other readiness activities.
Sec. 364. Financial assistance to support additional duties assigned to Army National Guard.
Sec. 365. Sale of excess, obsolete, or unserviceable ammunition and ammunition components.
Sec. 366. Inventory management.
Sec. 367. Warranty claims recovery pilot program.
Sec. 368. Adjustment and diversification assistance to enhance increased performance of military family support services by private sector sources.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Permanent end strength levels to support two major regional contingencies.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Personnel Management

Sec. 501. Officers excluded from consideration by promotion board.
Sec. 502. Increase in the maximum number of officers allowed to be frocked to the grade of O–6.
Sec. 503. Availability of Navy chaplains on retired list or of retirement age to serve as Chief or Deputy Chief of Chaplains of the Navy.
Sec. 504. Period of recall service of certain retirees.

Subtitle B—Matters Relating to Reserve Components

Sec. 511. Termination of Ready Reserve Mobilization Income Insurance Program.
Sec. 512. Discharge or retirement of reserve officers in an inactive status.
Sec. 513. Retention of military technicians in grade of Brigadier General after mandatory separation date.
Sec. 514. Federal status of service by National Guard members as honor guards at funerals of veterans.

Subtitle C—Education and Training Programs

Sec. 521. Service academies foreign exchange study program.
Sec. 522. Programs of higher education of the Community College of the Air Force.
Sec. 523. Preservation of entitlement to educational assistance of members of the Selected Reserve serving on active duty in support of a contingency operation.
Sec. 524. Repeal of certain staffing and safety requirements for the Army Ranger Training Brigade.

Subtitle D—Decorations and Awards

Sec. 531. Clarification of eligibility of members of Ready Reserve for award of service Medal for Heroism.
Sec. 532. Waiver of time limitations for award of certain decorations to specified persons.
Sec. 533. One-year extension of period for receipt of recommendations for decorations and awards for certain military intelligence personnel.
Sec. 534. Eligibility of certain World War II military organizations for award of unit decorations.

Subtitle E—Military Personnel Voting Rights

Sec. 541. Short title.
Sec. 542. Guarantee of residency.
Sec. 543. State responsibility to guarantee military voting rights.

Subtitle F—Other Matters

Sec. 551. Sense of Congress regarding study of matters relating to gender equity in the Armed Forces.
Sec. 552. Commission on Gender Integration in the Military.
Sec. 553. Sexual harassment investigations and reports.
Sec. 554. Requirement for exemplary conduct by commanding officers and other authorities.
Sec. 555. Participation of Department of Defense personnel in management of non-federal entities.
Sec. 556. Technical correction to cross reference in ROPMA provision relating to position vacancy promotion.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay

Sec. 601. Military pay raise for fiscal year 1998.

Subtitle B—Subsistence, Housing, and Other Allowances

PART I—REFORM OF BASIC ALLOWANCE FOR SUBSISTENCE

Sec. 611. Revised entitlement and rates.
Sec. 612. Transitional basic allowance for subsistence.

Sec. 613. Effective date and termination of transitional authority.

PART II—REFORM OF HOUSING AND RELATED ALLOWANCES

Sec. 616. Entitlement to basic allowance for housing.
Sec. 617. Rates of basic allowance for housing.
Sec. 618. Dislocation allowance.
Sec. 619. Family separation and station allowances.
Sec. 620. Other conforming amendments.
Sec. 621. Clerical amendment.
Sec. 622. Effective date.

PART III—OTHER AMENDMENTS RELATING TO ALLOWANCES

Sec. 626. Revision of authority to adjust compensation necessitated by reform of subsistence and housing allowances.
Sec. 627. Deadline for payment of Ready Reserve muster duty allowance.

Subtitle C—Bonuses and Special and Incentive Pays

Sec. 631. One-year extension of certain bonuses and special pay authorities for reserve forces.
Sec. 632. One-year extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 633. One-year extension of authorities relating to payment of other bonuses and special pays.
Sec. 634. Increased amounts for aviation career incentive pay.
Sec. 635. Aviation continuation pay.
Sec. 636. Eligibility of dental officers for the multiyear retention bonus provided for medical officers.
Sec. 637. Increased special pay for dental officers.
Sec. 638. Modification of Selected Reserve reenlistment bonus authority.
Sec. 639. Modification of authority to pay bonuses for enlistments by prior service personnel in critical skills in the Selected Reserve.
Sec. 640. Increased special pay and bonuses for nuclear qualified officers.
Sec. 641. Authority to pay bonuses in lieu of special pay for enlisted members extending duty at designated locations overseas.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

Sec. 651. One-year opportunity to discontinue participation in Survivor Benefit Plan.
Sec. 652. Time for changing survivor benefit coverage from former spouse to spouse.
Sec. 653. Paid-up coverage under Survivor Benefit Plan.
Sec. 654. Annuities for certain military surviving spouses.

Subtitle E—Other Matters

Sec. 661. Eligibility of Reserves for benefits for illness, injury, or death incurred or aggravated in line of duty.
Sec. 662. Travel and transportation allowances for dependents before approval of a member's court-martial sentence.
Sec. 663. Eligibility of members of the uniformed services for reimbursement of adoption expenses.

TITLE VII—HEALTH CARE PROVISIONS

Sec. 701. Waiver of deductibles, copayments, and annual fees for members assigned to certain duty locations far from sources of care.
Sec. 702. Payment for emergency health care overseas for military and civilian personnel of the On-Site Inspection Agency.
Sec. 703. Disclosures of cautionary information on prescription medications.
Sec. 704. Health care services for certain Reserves who served in Southwest Asia during the Persian Gulf War.
Sec. 705. Collection of dental insurance premiums.
Sec. 706. Dental insurance plan coverage for retirees of uniformed service in the Public Health Service and NOAA.
Sec. 707. Prosthetic devices for dependents.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 801. Streamlined approval requirements for contracts under international agreements.
Sec. 802. Restriction on undefinitized contract actions.
Sec. 803. Expansion of authority to cross fiscal years to all severable service contracts not exceeding a year.
Sec. 804. Limitation on allowability of compensation for certain contractor personnel.
Sec. 805. Increased price limitation on purchases of right-hand drive vehicles.
Sec. 806. Conversion of defense capability preservation authority to Navy shipbuilding capability preservation authority.
Sec. 807. Elimination of certification requirement for grants.
Sec. 808. Repeal of limitation on adjustment of shipbuilding contracts.

Subtitle B—Contract Provisions

Sec. 811. Contractor guarantees of major systems.
Sec. 812. Vesting of title in the United States under contracts paid under progress payment arrangements or similar arrangements.

Subtitle C—Acquisition Assistance Programs

Sec. 821. Procurement technical assistance programs.
Sec. 822. One-year extension of Pilot Mentor-Protege Program.
Sec. 823. Test program for negotiation of comprehensive subcontracting plans.
Sec. 824. Price preference for small and disadvantaged businesses.

Subtitle D—Administrative Provisions

Sec. 831. Retention of expired funds during the pendency of contract litigation.
Sec. 832. Protection of certain information from disclosure.
Sec. 833. Content of limited selected acquisition reports.
Sec. 834. Unit cost reports.
Sec. 835. Central Department of Defense point of contact for contracting information.

Subtitle E—Other Matters

Sec. 841. Defense business combinations.
Sec. 842. Lease of nonexcess property of Defense Agencies.
Sec. 843. Promotion rate for officers in an Acquisition Corps.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Principal duty of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.
Sec. 902. Professional military education schools.
Sec. 903. Use of CINC Initiative Fund for force protection.
Sec. 904. Transfer of TIARA programs.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Authority for obligation of certain unauthorized fiscal year 1997 defense appropriations.
Sec. 1003. Authorization of prior emergency supplemental appropriations for fiscal year 1997.
Sec. 1004. Increased transfer authority for fiscal year 1996 authorizations.
Sec. 1005. Biennial financial management strategic plan.
Sec. 1006. Revision of authority for Fisher House Trust Funds.
Sec. 1007. Availability of certain fiscal year 1991 funds for payment of contract claim.
Sec. 1008. Estimates and requests for procurement and military construction for the reserve components.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Long-term charter of vessel for surveillance towed array sensor program.
Sec. 1012. Procedures for sale of vessels stricken from the Naval Vessel Register.
Sec. 1013. Transfers of naval vessels to certain foreign countries.

Subtitle C—Counter-Drug Activities

Sec. 1021. Authority to provide additional support for counter-drug activities of Mexico.
Sec. 1022. Authority to provide additional support for counter-drug activities of Peru and Colombia.

Subtitle D—Reports and Studies

Sec. 1031. Repeal of reporting requirements.
Sec. 1032. Common measurement of operations and personnel tempo.
Sec. 1033. Report on overseas deployment.
Sec. 1034. Report on military readiness requirements of the Armed Forces.
Sec. 1035. Assessment of cyclical readiness posture of the Armed Forces.
Sec. 1036. Overseas infrastructure requirements.
Sec. 1037. Report on aircraft inventory.
Sec. 1038. Disposal of excess materials.
Sec. 1039. Review of former spouse protections.
Sec. 1040. Completion of GAO reports for Congress.

Subtitle E—Other Matters

Sec. 1051. Psychotherapist-patient privilege in the Military Rules of Evidence.
Sec. 1052. National Guard Civilian Youth Opportunities Pilot Program.
Sec. 1053. Protection of Armed Forces personnel during peace operations.

Sec. 1054. Limitation on retirement or dismantlement of strategic nuclear delivery systems.
Sec. 1055. Acceptance and use of landing fees for use of overseas military airfields by civil aircraft.
Sec. 1056. One-year extension of international nonproliferation initiative.
Sec. 1057. Arms control implementation and assistance for facilities subject to inspection under the Chemical Weapons Convention.
Sec. 1058. Sense of Senate regarding the relationship between environmental laws and United States' obligations under the Chemical Weapons Convention.
Sec. 1059. Sense of Congress regarding funding for reserve component modernization not requested in the annual budget request.
Sec. 1060. Authority of Secretary of Defense to settle claims relating to pay, allowances, and other benefits
Sec. 1061. Coordination of access of commanders and deployed units to intelligence collected and analyzed by the intelligence community.
Sec. 1062. Protection of imagery, imagery intelligence, and geospatial information and data.
Sec. 1063. Protection of air safety information voluntarily provided by a charter air carrier.
Sec. 1064. Sustainment and operation of Global Positioning System.
Sec. 1065. Law enforcement authority for special agents of the Defense Criminal Investigative Service.
Sec. 1066. Repeal of requirement for continued operation of the Naval Academy dairy farm.
Sec. 1067. POW/MIA intelligence analysis cell.
Sec. 1068. Protection of employees from retaliation for certain disclosures of classified information.
Sec. 1069. Applicability of certain pay authorities to members of the Commission on Servicemembers and Veterans Transition Assistance.
Sec. 1070. Transfer of B-17 aircraft to museum.
Sec. 1071. Five-year extension of aviation insurance program.
Sec. 1072. Treatment of military flight operations.
Sec. 1073. Naturalization of foreign nationals who served honorably in the Armed Forces of the United States.
Sec. 1074. Designation of Bob Hope as honorary veteran.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Use of prohibited constraints to manage Department of Defense personnel.
Sec. 1102. Employment of civilian faculty at the Marine Corps University.
Sec. 1103. Extension and revision of voluntary separation incentive pay authority.
Sec. 1104. Repeal of deadline for placement consideration of involuntarily separated military reserve technicians.
Sec. 1105. Rate of pay of Department of Defense overseas teacher upon transfer to General Schedule position.
Sec. 1106. Naturalization of employees of the George C. Marshall European Center for Security Studies.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Authority to use certain prior year funds to construct a heliport at Fort Irwin, California.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Authorization of military construction project at Pascagoula Naval Station, Mississippi, for which funds have been appropriated.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Authorization of military construction project at McConnell Air Force Base, Kansas, for which funds have been appropriated.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Military housing planning and design.
Sec. 2403. Improvements to military family housing units.
Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Clarification of authority relating to fiscal year 1997 project at Naval Station, Pearl Harbor, Hawaii.
Sec. 2407. Authority to use prior year funds to carry out certain Defense Agency military construction projects.
Sec. 2408. Modification of authority to carry out fiscal year 1995 projects.
Sec. 2409. Availability of funds for fiscal year 1995 project relating to relocatable over-the-horizon radar, Naval Station Roosevelt Roads, Puerto Rico.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Authorization of Army National Guard construction project, aviation support facility, Hilo, Hawaii, for which funds have been appropriated.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1995 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1994 projects.
Sec. 2704. Extension of authorization of fiscal year 1993 project.
Sec. 2705. Extension of authorizations of certain fiscal year 1992 projects.
Sec. 2706. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Increase in ceiling for minor land acquisition projects.
Sec. 2802. Sale of utility systems of the military departments.
Sec. 2803. Administrative expenses for certain real property transactions.
Sec. 2804. Use of financial incentives for energy savings and water cost savings.

Subtitle B—Land Conveyances

Sec. 2811. Modification of authority for disposal of certain real property, Fort Belvoir, Virginia.
Sec. 2812. Correction of land conveyance authority, Army Reserve Center, Anderson, South Carolina.
Sec. 2813. Land conveyance, Hawthorne Army Ammunition Depot, Mineral County, Nevada.
Sec. 2814. Long-term lease of property, Naples, Italy.
Sec. 2815. Land conveyance, Topsham Annex, Naval Air Station, Brunswick, Maine.
Sec. 2816. Land conveyance, Naval Weapons Industrial Reserve Plant No. 464, Oyster Bay, New York.
Sec. 2817. Land conveyance, Charleston Family Housing Complex, Bangor, Maine.
Sec. 2818. Land conveyance, Ellsworth Air Force Base, South Dakota.

Subtitle C—Other Matters

Sec. 2831. Disposition of proceeds of sale of Air Force Plant No. 78, Brigham City, Utah.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. Environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense environmental management privatization.
Sec. 3105. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.

Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Defense environmental management privatization projects.
Sec. 3132. International cooperative stockpile stewardship programs.
Sec. 3133. Modernization of enduring nuclear weapons complex.
Sec. 3134. Tritium production.
Sec. 3135. Processing, treatment, and disposition of spent nuclear fuel rods and other legacy nuclear materials at the Savannah River Site.
Sec. 3136. Limitations on use of funds for laboratory directed research and development purposes.
Sec. 3137. Permanent authority for transfers of defense environmental management funds.
Sec. 3138. Prohibition on recovery of certain additional costs for environmental response actions associated with the Formerly Utilized Site Remedial Action Project program.

Subtitle D—Other Matters

Sec. 3151. Administration of certain Department of Energy activities.
Sec. 3152. Modification and extension of authority relating to appointment of certain scientific, engineering, and technical personnel.
Sec. 3153. Annual report on plan and program for stewardship, management, and certification of warheads in the nuclear weapons stockpile.
Sec. 3154. Submittal of biennial waste management reports.
Sec. 3155. Repeal of obsolete reporting requirements.
Sec. 3156. Commission on safeguarding and security of nuclear weapons and materials at Department of Energy facilities.
Sec. 3157. Modification of authority on commission on maintaining United States nuclear weapons expertise.
Sec. 3158. Land transfer, Bandelier National Monument.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Definitions.
Sec. 3302. Authorized uses of stockpile funds.
Sec. 3303. Authority to dispose of certain materials in National Defense Stockpile.
Sec. 3304. Return of surplus platinum from the Department of the Treasury.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.
Sec. 3402. Leasing of certain oil shale reserves.
Sec. 3403. Repeal of requirement to assign Navy officers to Office of Naval Petroleum and Oil Shale Reserves.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Expenditures From Revolving Fund

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Expenditures only in accordance with treaties.

Subtitle B—Facilitation of Panama Canal Transition

Sec. 3511. Short title; references.
Sec. 3512. Definitions relating to Canal transition.

PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND EMPLOYEES

Sec. 3521. Authority for the Administrator of the Commission to accept appointment as the Administrator of the Panama Canal Authority.
Sec. 3522. Post-Canal transfer personnel authorities.
Sec. 3523. Enhanced authority of Commission to establish compensation of Commission officers and employees.
Sec. 3524. Travel, transportation, and subsistence expenses for Commission personnel no longer subject to Federal Travel Regulation.
Sec. 3525. Enhanced recruitment and retention authorities.
Sec. 3526. Transition separation incentive payments.
Sec. 3527. Labor-management relations.
Sec. 3528. Availability of Panama Canal Revolving Fund for severance pay for certain employees separated by Panama Canal Authority after Canal Transfer Date.

PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL

Sec. 3541. Establishment of procurement system and board of contract appeals.
Sec. 3542. Transactions with the Panama Canal Authority.
Sec. 3543. Time limitations on filing of claims for damages.
Sec. 3544. Tolls for small vessels.
Sec. 3545. Date of actuarial evaluation of FECA liability.
Sec. 3546. Notaries public.
Sec. 3547. Commercial services.
Sec. 3548. Transfer from President to Commission of certain regulatory functions relating to employment classification appeals.
Sec. 3549. Enhanced printing authority.
Sec. 3550. Technical and conforming amendments.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Army as follows:

(1) For aircraft, $1,394,459,000.

(2) For missiles, $1,223,851,000.

(3) For weapons and tracked combat vehicles, $1,179,107,000.

(4) For ammunition, $1,043,202,000.

(5) For other procurement, $2,918,730,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Navy as follows:

(1) For aircraft, $6,482,265,000.

(2) For weapons, including missiles and torpedoes, $1,200,393,000.

(3) For shipbuilding and conversion, $8,593,358,000.

(4) For ammunition for the Navy and Marine Corps, $369,797,000.

(5) For other procurement, $3,177,700,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Marine Corps in the amount of $554,806,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Air Force as follows:

(1) For aircraft, $6,048,915,000.

(2) For missiles, $2,411,241,000.

(3) For ammunition, $420,784,000.

(4) For other procurement, $6,798,453,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1998 for Defense-wide procurement in the amount of $1,749,285,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $100,000,000.

(2) For the Air National Guard, $186,300,000.

(3) For the Army Reserve, $40,000,000.

(4) For the Naval Reserve, $40,000,000.

(5) For the Air Force Reserve, $246,700,000.

(6) For the Marine Corps Reserve, $40,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Inspector General of the Department of Defense in the amount of $1,800,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is are hereby authorized to be appropriated for fiscal year 1998 the amount of $614,700,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $274,068,000.

SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the Department of Defense for carrying out the Defense Export Loan Guarantee Program established under section 2540 of title 10, United States Code, in the total amount of $1,231,000.

Subtitle B—Army Programs

SEC. 111. ARMY HELICOPTER MODERNIZATION PLAN.

(a) LIMITATION.—Not more than 25 percent of the amounts authorized to be appropriated pursuant to section 101(1), 105(1), or 105(3) for modifications or upgrades of helicopters may be obligated before the date that is 30 days

after the Secretary of the Army submits to the congressional defense committees a comprehensive plan for the modernization of the Army's helicopter fleet.

(b) CONTENT OF PLAN.—The plan required by subsection (a) shall, at a minimum, contain the following:

(1) A detailed assessment of the Army's present and future helicopter requirements and present and future helicopter inventory, including number of aircraft, age of aircraft, availability of spare parts, flight hour costs, roles and functions assigned to the fleet as a whole and to its individual types of aircraft, and the mix of active component aircraft and reserve component aircraft in the fleet.

(2) Estimates and analysis of requirements and funding proposed for procurement of new aircraft.

(3) An analysis of the requirements for and funding proposed for extended service plans or service life extension plans for fleet aircraft.

(4) A plan for retiring aircraft no longer required or capable of performing assigned functions, including a discussion of opportunities to eliminate older aircraft models and to focus future funding on current or future generation aircraft.

(5) The implications of the plan for the defense industrial base.

(c) FUNDING IN FUTURE-YEARS DEFENSE PROGRAM.—The Secretary of the Army shall include in the plan required by subsection (a) a certification that the plan is to be funded in the future-years defense program submitted to Congress in 1998 pursuant to section 221(a) of title 10, United States Code.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR AH–64D LONGBOW APACHE FIRE CONTROL RADAR.

Beginning with the fiscal year 1998 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of the AH–64D Longbow Apache fire control radar.

Subtitle C—Navy Programs

SEC. 121. NEW ATTACK SUBMARINE PROGRAM.

(a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 1998, $2,599,800,000 is available for the New Attack Submarine Program.

(b) CONTRACT AUTHORITY.—(1) The Secretary of the Navy may enter into a contract for the procurement of four submarines under the New Attack Submarine program.

(2) Any contract entered into under paragraph (1)—

(A) shall, notwithstanding section 2304(k) of title 10, United States Code, be awarded to one of the two eligible shipbuilders as the prime contractor on the condition that the prime contractor enter into one or more subcontracts (under such prime contract) with the other of the two eligible shipbuilders as contemplated in the New Attack Submarine Team Agreement; and

(B) shall provide for—

(i) construction of the first submarine in fiscal year 1998; and

(ii) advance construction and advance procurement of materiel for the second, third, and fourth submarines in fiscal year 1998.

(3) The following shipbuilders are eligible for a contract under this subsection:

(A) The Electric Boat Corporation.

(B) The Newport News Shipbuilding and Drydock Company.

(4) In paragraph (2)(A), the term "New Attack Submarine Team Agreement" means the agreement known as the Team Agreement between Electric Boat Corporation and Newport News Shipbuilding and Drydock Company, dated February 25, 1997, that was submitted to Congress by the Secretary of the Navy on March 31, 1997.

(c) LIMITATION OF LIABILITY.—If a contract entered into under this section is terminated, the United States shall not be liable for termination costs in excess of the total amount appropriated for the New Attack Submarine program.

(d) REPEALS OF SUPERSEDED PROVISIONS OF PREVIOUS DEFENSE AUTHORIZATION LAWS.—(1) Section 131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 206) is amended—

(A) in subsection (a)(1)(B)—

(i) in clause (i), by striking out ", which shall be built by Electric Boat Division"; and

(ii) in clause (ii), by striking out ", which shall be built by Newport News Shipbuilding"; and

(B) in subsection (b), by striking out paragraph (1).

(2) Section 121 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2441) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking out "to be built by Electric Boat Division"; and

(ii) in paragraph (1)(C), by striking out "to be built by Newport News Shipbuilding";

(B) in subsection (d), by striking out paragraph (2);

(C) in subsection (e), by striking out paragraph (1); and

(D) in subsection (g), by striking out "the committees specified in subsection (e)(1)" in paragraphs (3) and(4) and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(e) INAPPLICABILITY OF SUPERSEDED ASPECTS OF ATTACK SUBMARINE DEVELOPMENT PLAN.—The Secretary of Defense and the Secretary of the Navy are not required to carry out the portions of the program plan submitted under subsection (c) of section 131 of the National Defense Authorization Act for Fiscal Year 1996 that are included in the plan pursuant to subparagraphs (A), (B), and (E) of paragraph (2) of such subsection.

SEC. 122. NUCLEAR AIRCRAFT CARRIER PROGRAM.

(a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 1998, $345,000,000 is available for the procurement and construction of nuclear and nonnuclear components for the CVN–77 nuclear aircraft carrier program. The Secretary of the Navy is authorized to enter into a contract or contracts with the shipbuilder for the procurement and construction of such components.

(b) AMOUNTS AUTHORIZED FROM RDT&E ACCOUNT.—Of the amounts authorized to be appropriated by section 201(2) for fiscal year 1998, $35,000,000 is available for research, development, test, and evaluation of technologies that have potential for use in the CVN–77 nuclear aircraft carrier program.

SEC. 123. EXCEPTION TO COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

In the application of the limitation in section 133(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211), there shall not be taken into account $745,700,000 of the amounts that were obligated or expended for procurement of Seawolf class submarines before the date of the enactment of this Act (that amount being the total of amounts of funds appropriated for fiscal years 1990, 1991, and 1992 for the procurement of Seawolf class submarines that have been obligated or expended for procurement under the SSN–23, SSN–24, and SSN–25 Seawolf class submarine programs, which have been canceled since the limitation took effect).

SEC. 124. AIRBORNE SELF-PROTECTION JAMMER PROGRAM.

(a) LIMITATION ON RESUMPTION OF SERIAL PRODUCTION.—Serial production of the airborne self-protection jammer may not be resumed until the Director of Operational Test and Evaluation of the Department of Defense has certified in writing to Congress that—

(1) the capabilities of the airborne self-protection jammer exceed the capabilities of the integrated defensive electronics countermeasure system that is under development for use in F/A–18E/F aircraft;

(2) the units of the airborne self-protection jammer to be produced are to be used in F/A–18E/F aircraft; and

(3) the deficiencies in the airborne self-protection jammer noted by the Director before the date of the enactment of this Act have been eliminated.

(b) LIMITATION ON OBLIGATION OF FUNDS.—No funds authorized to be appropriated by this or any other Act may be obligated for serial production of the airborne self-protection jammer until the Secretary of Defense has certified in writing to Congress that funding is programmed for serial production of the airborne self-protection jammer in the future-years defense program.

Subtitle D—Air Force Programs

SEC. 131. B–2 BOMBER AIRCRAFT PROGRAM.

(a) PROHIBITION.—None of the funds authorized to be appropriated in this or any other Act may be used—

(1) to procure any additional B–2 bomber aircraft; or

(2) to maintain any part of the bomber industrial base solely for the purpose of preserving the option to procure additional B–2 bomber aircraft in the future.

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to—

(1) any B–2 bomber aircraft that is covered by a contract for the production of that aircraft as of the date of the enactment of this Act; or

(2) any part of the bomber industrial base that is necessary for producing all B–2 bomber aircraft referred to in paragraph (1), but only for so long as is necessary to complete the production of such aircraft.

Subtitle E—Other Matters

SEC. 141. PROHIBITION ON USE OF FUNDS FOR ACQUISITION OR ALTERATION OF PRIVATE DRYDOCKS.

None of the funds authorized to be appropriated by this or any other Act may be used, directly or indirectly, to purchase, lease, upgrade, or modify privately-owned drydocks.

SEC. 142. REPLACEMENT OF ENGINES ON AIRCRAFT DERIVED FROM BOEING 707 AIRCRAFT.

(a) ANALYSIS REQUIRED.—The Under Secretary of Defense for Acquisition and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an analysis of the requirements of the Department of Defense for replacing engines on the aircraft of the department that are derived from the Boeing 707 aircraft and the costs of meeting the requirements.

(b) CONTENT.—The analysis shall include the following:

(1) The number of aircraft described in subsection (a) that are in the inventory of the Department of Defense and the number of such aircraft that are projected to be in the inventory of the department in 5 years, in 10 years, and in 15 years.

(2) For each type of such aircraft, the estimated cost of operating the aircraft for each fiscal year after fiscal year 1997 and before fiscal year 2015, taking into account historical patterns of usage and projected support costs.

(3) For each type of such aircraft, the estimated costs and the benefits of replacing the engines on the aircraft, analyzed on the basis of the experience under the limited program for replacing the engines on RC–135 aircraft that was undertaken during fiscal years 1995, 1996, and 1997.

(4) The estimated total cost of replacing the engines pursuant to a program that provides for replacement of the engines on all of the aircraft of one type before undertaking the replacement of the engines on the aircraft of another type, with a higher priority being given in turn to each type of aircraft in which the replacement of the engines is expected to yield the anticipated benefits of replacement faster.

(5) Various plans for replacement of engines that the Under Secretary considers best on the basis of costs and benefits.

(c) SUBMISSION DEADLINE.—The Under Secretary shall submit the report under this section not later than March 1, 1998.

SEC. 143. EXCEPTION TO REQUIREMENT FOR A PARTICULAR DETERMINATION FOR SALES OF MANUFACTURED ARTICLES OR SERVICES OF ARMY INDUSTRIAL FACILITIES OUTSIDE THE UNITED STATES.

Section 4543 of title 10, United States Code, is amended—

(1) in subsection (a)(5), by inserting ", except in the case of a sale described in subsection (b)," after "the Secretary of the Army determines";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) EXCEPTION TO REQUIREMENT FOR A PARTICULAR DETERMINATION.—A determination described in subsection (a)(5) is not necessary under the regulations in the case of—

"(1) a sale of articles to be incorporated into a weapon system being procured by the Department of Defense; or

"(2) a sale of services to be used in the manufacture of a weapon system being procured by the Department of Defense.".

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,750,462,000.

(2) For the Navy, $7,812,972,000.

(3) For the Air Force, $14,302,264,000.

(4) For Defense-wide activities, $10,072,347,000, of which—

(A) $268,183,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $31,384,000 is authorized for the Director of Operational Test and Evaluation.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. JOINT STRIKE FIGHTER PROGRAM.

(a) REPORT.—Not later than February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a report on the options for the sequence in which the variants of the joint strike fighter are to be produced and fielded.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the plan for production under the Joint Strike Fighter program that was used by the Department of Defense for developing the funding estimates for the fiscal year 1999 budget request for the Department of Defense.

(2) An estimate of the costs, and an analysis of the costs and benefits, of producing the joint strike fighter variants in a sequence that provides for fielding of the naval variant of the aircraft first.

(3) A comparison of the costs and benefits of the various options for the sequence for fielding the variants of the joint strike fighter that the Secretary of Defense considers likely to be the options from among which a sequence for fielding is selected, including a discussion of the effects that selection of each such option would have on the costs and rates of production of the units of F/A–18E/F and F–22 aircraft that are in production when the Joint Strike Fighter Program proceeds into production.

(c) LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF REPORT.—Not more than 90 percent of the total amount authorized to be appropriated under this Act for the Joint Strike Fighter Program may be obligated until the date that is 30 days after the date on which the congressional defense committees receive the report required under this section.

(d) FISCAL YEAR 1998 BUDGET DEFINED.—In this section, the term "fiscal year 1999 budget request for the Department of Defense" means the budget estimates for the Department of Defense for fiscal year 1999 that were submitted to Congress by the Secretary of Defense in connection with the submission of the budget for fiscal year 1998 to Congress under section 1105 of title 31, United States Code.

SEC. 212. F–22 AIRCRAFT PROGRAM.

(a) LIMITATION ON TOTAL COST OF ENGINEERING AND MANUFACTURING DEVELOPMENT.—The total amount obligated or expended for engineering and manufacturing development under the F–22 aircraft program may not exceed $18,688,000,000.

(b) LIMITATION ON OBLIGATION OF FUNDS.—Of the total amount authorized to be appropriated for the F–22 aircraft program for a fiscal year, not more than 90 percent of the amount may be obligated until the Comptroller General submits to Congress—

(1) the report required to be submitted in that fiscal year under subsection (c); and

(2) a certification that the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(c) ANNUAL GAO REVIEW.—(1) Not later than December 1 of each year, the Comptroller General shall review the F–22 aircraft program and submit to Congress a report on the results of the review. The Comptroller General shall also submit to Congress for each report a certification regarding whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(2) The report submitted on the program each year shall include the following:

(A) The extent to which engineering and manufacturing development under the program is meeting the goals established for engineering and manufacturing development under the program.

(B) The status of costs, testing, and modifications.

(C) The plan for engineering and manufacturing development (leading to production) under the program for the fiscal year that begins in the following year.

(D) A conclusion regarding whether the plan referred to in subparagraph (C) can be successfully carried out consistent with the limitation in subsection (a).

(E) A conclusion regarding whether engineering and manufacturing development (leading to production) under the program is likely to be completed at a total cost not in excess of the amount specified in subsection (a).

(3) The Comptroller General shall submit the first report under this subsection not later than December 1, 1997. No report is required under this subsection after engineering and manufacturing development under the program has been completed.

(d) REQUIREMENT TO SUPPORT ANNUAL GAO REVIEW.—The Secretary of the Air Force and the prime contractor under the F–22 aircraft program shall provide the Comptroller General with such information on the program as the Comptroller considers necessary to carry out the responsibilities under subsection (c).

SEC. 213. HIGH ALTITUDE ENDURANCE UNMANNED VEHICLE PROGRAM.

(a) LIMITATION ON TOTAL COST OF ADVANCED CONCEPT TECHNOLOGY DEMONSTRATION.—(1) The total amount obligated or expended for advanced concept technology demonstration under the High Altitude Endurance Unmanned Vehicle Program through fiscal year 2003 may not exceed $476,826,000.

(2) The total amount obligated or expended in fiscal year 1999, 2000, 2001, or 2002 for advanced concept technology demonstration under the High Altitude Endurance Unmanned Vehicle Program may not exceed the amount specified for that fiscal year, as follows:

(A) In fiscal year 1999, not more than $167,864,000.

(B) In fiscal year 2000, not more than $31,374,000.

(C) In fiscal year 2001, not more than $19,106,000.

(D) In fiscal year 2002, not more than $20,866,000.

(b) LIMITATION ON ACQUISITION.—No high altitude endurance unmanned vehicle may be acquired after the date of the enactment of this Act until 50 percent of the testing programmed in the test and evaluation master plan (as of such date) for the high altitude endurance unmanned vehicle has been completed.

(c) LIMITATION ON PROCEEDING.—The High Altitude Endurance Unmanned Vehicle Program may not proceed beyond advanced concept technology demonstration until the Comptroller General has certified to Congress that the high altitude endurance unmanned vehicles can be produced under the program at an average unit cost that does not exceed $10,000,000 (the so-called fly away price) in fiscal year 1994 constant dollars.

(d) GAO REVIEW.—(1) The Comptroller General shall review the High Altitude Endurance Unmanned Vehicle Program for purposes of making the certification under subsection (c).

(2) The Secretary of Defense and the prime contractors under the High Altitude Endurance Unmanned Vehicle Program shall provide the Comptroller General with such information on the program as the Comptroller considers necessary to make the determinations required for the certification under subsection (c).

SEC. 214. ADVANCED ANTI-RADIATION GUIDED MISSILE PROGRAM.

To the extent provided in appropriations Acts, the Secretary of the Navy may use not more than $25,000,000 of the amount appropriated for the Navy for fiscal year 1997 for research, development, test, evaluation for the Advanced Anti-Radiation Guided Missile Program in order to fund fiscal year 1998 research, development, test, and evaluation programs of the Navy that have a higher priority than such program.

SEC. 215. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) LIMITATION ON STAFF YEARS FUNDED.—Not more than 6,006 staff years of technical effort (staff years) may be funded for federally funded research and development centers out of the funds authorized to be appropriated for the Department of Defense for fiscal year 1998.

(b) ALLOCATIONS AMONG CENTERS.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that specifies the number of staff years of technical effort that is to be allocated (for funding as described in subsection (a)) to each defense federally funded research and development center for fiscal year 1998.

(2) After the submission of the report on allocation of staff years of technical effort under paragraph (1), the Secretary of Defense may not reallocate more than 5 percent of the staff years of technical effort allocated to a federally funded research and development center for fiscal year 1998 from that center to other federally funded research and development centers until 30 days after the date on which the Secretary has submitted a justification for the reallocation to the congressional defense committees.

(c) FISCAL YEAR 1999 ALLOCATION.—(1) The Secretary of Defense shall submit to the congressional defense committees a report that specifies the number of staff years of technical effort that is to be allocated to each federally funded research and development center for fiscal year 1999 for funding out of the funds authorized to be appropriated for the Department of Defense for that fiscal year.

(2) The report shall be submitted at the same time that the President submits the budget for fiscal year 1999 to Congress under section 1105 of title 31, United States Code.

(c) STAFF YEAR DEFINED.—In this section, the term "staff year of technical effort" means 1,810 hours of paid effort by direct and consultant labor performing professional-level technical work primarily in the fields of studies and analysis, system engineering and integration, systems planning, program and policy planning and analyses, and basic and applied research.

SEC. 216. GOAL FOR DUAL-USE SCIENCE AND TECHNOLOGY PROJECTS.

(a) GOALS.—(1) Subject to paragraph (3), it shall be the objective of the Secretary of each military department to obligate for dual-use projects in each fiscal year referred to in paragraph (2), out of the total amount authorized to be appropriated for such fiscal year for new projects initiated under the applied research programs of the military department, the percent of such amount that is specified for that fiscal year in paragraph (2).

(2) The objectives for fiscal years under paragraph (1) are as follows:

(A) For fiscal year 1998, 5 percent.

(B) For fiscal year 1999, 7 percent.

(C) For fiscal year 2000, 10 percent.

(3) The Secretary of Defense may establish for a military department for a fiscal year an objective different from the objective set forth in paragraph (2) if the Secretary—

(A) determines that compelling national security considerations require the establishment of the different objective; and

(2) notifies Congress of the determination and the reasons for the determination.

(b) DESIGNATION OF OFFICIAL FOR DUAL-USE PROGRAMS.—(1) The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense to carry out responsibilities for dual-use programs under this subsection. The designated official shall report directly to the Under Secretary of Defense for Acquisition and Technology.

(2) The primary responsibilities of the designated official shall include developing policy and overseeing the establishment of, and adherence to, procedures for ensuring that dual-use programs are initiated and administered effectively and that applicable commercial technologies are integrated into current and future military systems.

(3) In carrying out the responsibilities, the designated official shall ensure that—

(A) dual-use projects are consistent with the joint warfighting science and technology plan referred to in section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 2501 note); and

(B) the dual-use projects of the military departments and defense agencies of the Department of Defense are coordinated and avoid unnecessary duplication.

(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—The total amount of funds provided by a military department for a dual-use project entered into by the Secretary of that department shall not exceed 50 percent of the total cost of the project. The Secretary may consider in-kind contributions by non-Federal participants for dual-use projects for the purpose of calculating the share of project costs that has been or is being undertaken by such participants only to the extent provided in regulations issued pursuant to section 2511(c)(2) of title 10, United States Code.

(d) USE OF COMPETITIVE PROCEDURES.—Funds obligated for a dual-use project may be counted toward meeting an objective under subsection (a) only if the funds are obligated for a contract, grant, cooperative agreement, or other transaction that was entered into through the use of competitive procedures.

(e) REPORT.—(1) Not later than January 31 of each of 1998, 1999, and 2000, the Secretary of Defense shall submit a report to the congressional defense committees on the progress made by the Department of Defense in meeting the objectives set forth in subsection (a) during the preceding fiscal year.

(2) The report for a fiscal year shall contain, at a minimum, the following:

(A) The aggregate value of all contracts, grants, cooperative agreements, or other transactions entered into during the fiscal year for which funding is counted toward meeting an objective under this section, expressed in relationship to the total amount appropriated for the applied research programs in the Department of Defense for that fiscal year.

(B) For each military department, the value of all contracts, grants, cooperative agreements, or other transactions entered into during the fiscal year for which funding is counted toward meeting an objective under this section, expressed in relationship to the total amount appropriated for the applied research program of the military department for that fiscal year.

(C) A summary of the cost-sharing arrangements in dual-use projects that were initiated during the fiscal year and are counted toward reaching an objective under this section.

(D) A description of the regulations, directives, or other procedures that have been issued by the Secretary of Defense or the Secretary of a military department to increase the percentage of the total value of the dual-use projects undertaken to meet or exceed an objective under this section.

(E) Any recommended legislation to facilitate achievement of objectives under this section.

(f) REPEAL OF SUPERSEDED AUTHORITY.—Section 203 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2451) is repealed.

(g) DEFINITIONS.—In this section:

(1) The term "applied research program" means a program of a military department which is funded under the 6.2 Research, Development, Test and Evaluation account of that department.

(2) The term "dual-use project" means a project under a program of a military department or a defense agency under which research or development of a dual-use technology is carried out and the costs of which are shared by the Department of Defense and non-Government entities.

SEC. 217. TRANSFERS OF AUTHORIZATIONS FOR COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) IN GENERAL.—In addition to the transfer authority provided in section 1001, upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1998 to counterproliferation programs, projects, and activities identified as areas for progress by the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(b) LIMITATIONS.—(1) The total amount of authorizations transferred under the authority of this section may not exceed $50,000,000.

(2) The authority provided by this section to transfer authorizations—

(A) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(B) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT OF TRANSFERS ON ACCOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 218. KINETIC ENERGY TACTICAL ANTI-SATELLITE TECHNOLOGY PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated under section 201(4), $80,000,000 shall be available for the kinetic energy tactical anti-satellite technology program.

(b) LIMITATION.—None of the funds authorized to be appropriated to the Department of

Defense for fiscal year 1998 for program element 65104D, relating to technical studies and analyses, may be obligated or expended until the funds specified in subsection (a) have been released to the program manager of the tactical kinetic energy anti-satellite technology program for implementation of that program.

SEC. 219. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(3), $50,000,000 shall be available for the Clementine 2 micro-satellite near-earth asteroid interception mission.

(b) LIMITATION.—Of the funds authorized to be appropriated pursuant to this Act in program element 64480F for the Global Positioning System Block IIF satellite system, not more than $35,000,000 may be obligated until the Secretary of Defense certifies to Congress that the Secretary has made available for obligation the funds appropriated pursuant to subsection (a) for the purpose specified in that subsection.

Subtitle C—Ballistic Missile Defense Programs

SEC. 221. NATIONAL MISSILE DEFENSE PROGRAM.

(a) PROGRAM STRUCTURE.—To preserve the option of achieving an initial operational capability in fiscal year 2003, the Secretary of Defense shall ensure that the National Missile Defense Program is structured and programmed for funding so as to support a test, in fiscal year 1999, of an integrated national missile defense system that is representative of the national missile defense system architecture that could achieve initial operational capability in fiscal year 2003.

(b) ELEMENTS OF NMD SYSTEM.—The national missile defense system architecture specified in subsection (a) shall consist of the following elements:

(1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

(2) Ground-based radars.

(3) Space-based sensors.

(4) Battle management, command, control, and communications (BM/C3).

(c) PLAN FOR NMD SYSTEM DEVELOPMENT AND DEPLOYMENT.—Not later than February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a plan for the development and deployment of a national missile defense system that could achieve initial operational capability in fiscal year 2003. The plan shall include the following matters:

(1) A detailed description of the system architecture selected for development.

(2) A discussion of the justification for the selection of that particular architecture.

(3) The Secretary's estimate of the amounts of the appropriations that would be necessary for research, development, test, evaluation, and for procurement for each of fiscal years 1999 through 2003 in order to achieve an initial operational capability of the system architecture in fiscal year 2003.

(4) For each activity necessary for the development and deployment of the national missile defense system architecture selected by the Secretary that would at some point conflict with the terms of the ABM Treaty, if any—

(A) a description of the activity;

(B) a description of the point at which the activity would conflict with the terms of the ABM Treaty;

(C) the legal analysis justifying the Secretary's determination regarding the point at which the activity would conflict with the terms of the ABM Treaty; and

(D) an estimate of the time at which such point would be reached in order to achieve a test of an integrated missile defense system in fiscal year 1999 and initial operational capability of such a system in fiscal year 2003.

(d) FUNDING FOR FISCAL YEAR 1998.—Of the funds authorized to be appropriated under section 201(4), $978,091,000 shall be available for the national missile defense program.

(e) ABM TREATY DEFINED.—In this section, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes the Protocol to that treaty, signed at Moscow on July 3, 1974.

SEC. 222. REVERSAL OF DECISION TO TRANSFER PROCUREMENT FUNDS FROM THE BALLISTIC MISSILE DEFENSE ORGANIZATION.

(a) TRANSFERS REQUIRED.—The Secretary of Defense shall—

(1) transfer to appropriations available to the Ballistic Missile Defense Organization for procurement for fiscal year 1998 the amounts that were transferred to accounts of the Army, Navy, Air Force, and Marine Corps pursuant to Program Budget Decision 224C3, signed by the Under Secretary of Defense (Comptroller) on December 23, 1996; and

(2) ensure that, in the future-years defense program, the procurement funding covered by that program budget decision is programmed for appropriations accounts of the Ballistic Missile Defense Organization rather than appropriations accounts of the Armed Forces.

(b) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in subsection (a) is in addition to the transfer authority provided in section 1001.

Subtitle D—Other Matters

SEC. 231. MANUFACTURING TECHNOLOGY PROGRAM.

Section 2525(c)(2) of title 10, United States Code, is amended to read as follows:

"(2) In order to promote increased dissemination and use of manufacturing technology throughout the national defense technology and industrial base, the Secretary shall seek, to the maximum extent practicable, the participation of manufacturers of manufacturing equipment in the projects under the program.".

SEC. 232. USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS BY COMMERCIAL ENTITIES.

(a) EXTENSION OF AUTHORITY.—Subsection (g) of section 2681 of title 10, United States Code, is amended by striking out "1998" and inserting in lieu thereof "2001".

(b) ADDITIONAL REPORTING REQUIREMENT.—Subsection (h) of such section is amended—

(1) by striking out "REPORT.—" and inserting in lieu thereof "REPORTS.—(1)"; and

(2) by adding at the end the following:

"(2) Not later than February 15, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report identifying existing and proposed procedures to ensure that the use of Major Range and Test Facility Installations by commercial entities does not compete with private sector test and evaluation services.".

(c) REPEAL OF REPORTING REQUIREMENTS WHEN EXECUTED.—Effective on October 1, 1998, subsection (h) of such section is repealed.

SEC. 233. ELIGIBILITY FOR THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Section 257 of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by adding at the end the following:

"(f) STATE DEFINED.—In this section, the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

SEC. 234. RESTRUCTURING OF NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM ORGANIZATIONS.

(a) NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—Section 7902 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out paragraphs (11), (14), (15), (16) and (17); and

(B) by redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively;

(2) by striking out subsection (d); and

(3) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively.

(b) OCEAN RESEARCH ADVISORY PANEL.—(1) Section 7903(a) of such title is amended by striking out "government, academia, and industry" and inserting in lieu thereof "State governments, academia, and ocean industries".

(2) Section 282(c) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2473) is amended by striking out "January 1, 1997" and inserting in lieu thereof "January 1, 1998".

(c) CONFORMING AMENDMENTS.—Section 282 of the National Defense Authorization Act for Fiscal Year 1997 is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) shall be effective as of September 23, 1996, as if included in section 282 of Public Law 104-201.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $17,194,284,000.

(2) For the Navy, $21,681,330,000.

(3) For the Marine Corps, $2,379,445,000.

(4) For the Air Force, $18,861,685,000.

(5) For Defense-wide activities, $10,280,838,0000.

(6) For the Army Reserve, $1,212,891,000.

(7) For the Naval Reserve, $834,711,000.

(8) For the Marine Corps Reserve, $110,366,000.

(9) For the Air Force Reserve, $1,624,420,000.

(10) For the Army National Guard, $2,288,932,000.

(11) For the Air National Guard, $2,991,219,000.

(12) For the Defense Inspector General, $136,580,000.

(13) For the United States Court of Appeals for the Armed Forces, $6,952,000.

(14) For Environmental Restoration, Army, $350,337,000.

(15) For Environmental Restoration, Navy, $257,500,000.

(16) For Environmental Restoration, Air Force, $351,900,000.

(17) For Environmental Restoration, Defense-Wide, $25,900,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $188,300,000.

(19) For Overseas Contingency Operations, $1,467,500,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $660,882,000.

(21) For Medical Programs, Defense, $9,954,782,000.

(22) For Former Soviet Union Threat Reduction programs, $322,000,000.

(23) For Overseas Humanitarian Demining and CINC Initiative activities, $40,130,000.

(24) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $10,000,000.

SEC. 302. WORKING-CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital and revolving funds in amounts as follows:

(1) For the Defense Working-Capital Fund, $33,400,000.

(2) For the National Defense Sealift Fund, $516,126,000.

(3) For the Military Commissary Fund, $938,552,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1998 from the Armed Forces Retirement Home Trust Fund the sum of $79,977,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1998 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. FISHER HOUSE TRUST FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1998, out of funds in Fisher House Trust Funds not otherwise appropriated, for the operation and maintenance of Fisher houses described in section 2221(d) of title 10, United States Code, as follows:

(1) The Fisher House Trust Fund, Department of the Army, $150,000 for Fisher houses that are located in proximity to medical treatment facilities of the Army.

(2) The Fisher House Trust Fund, Department of the Navy, $150,000 for Fisher houses that are located in proximity to medical treatment facilities of the Navy.

Subtitle B—Depot-Level Activities

SEC. 311. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§ 2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means materiel maintenance or repair requiring the overhaul or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes all aspects of software maintenance and such portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services that are described in the preceding sentence.

"(b) EXCEPTION.—The term does not include the following:

"(1) Ship modernization activities that were not considered to be depot-level maintenance and repair activities under regulations of the Department of Defense in effect on March 30, 1997.

"(2) A procurement of a modification or upgrade of a major weapon system."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

SEC. 312. RESTRICTIONS ON CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR AT CERTAIN FACILITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair"; and

(2) by adding at the end the following new subsection:

"(d) RESTRICTION ON CONTRACTS AT CERTAIN FACILITIES.—

"(1) RESTRICTION.—The Secretary of Defense may not enter into any contract for the performance of depot-level maintenance and repair of weapon systems or other military equipment of the Department of Defense, or for the performance of management functions related to depot-level maintenance and repair of such systems or equipment, at any military installation of the Air Force where a depot-level maintenance and repair facility was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note). In the preceding sentence, the term 'military installation of the Air Force' includes a former military installation closed or realigned under the Act that was a military installation of the Air Force when it was approved for closure or realignment under the Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to an installation or former installation described in such paragraph if the Secretary of Defense certifies to Congress, not later than 45 days before entering into a contract for performance of depot-level maintenance and repair at the installation or former installation, that—

"(A) not less than 75 percent of the capacity at each of the depot-level maintenance and repair activities of the Air Force is being utilized on an ongoing basis to perform industrial operations in support of the depot-level maintenance and repair of weapon systems and other military equipment of the Department of Defense;

"(B) the Secretary has determined, on the basis of a detailed analysis (which the Secretary shall submit to Congress with the certification), that the total amount of the costs of the proposed contract to the Government, both recurring and nonrecurring and including any costs associated with planning for and executing the proposed contract, would be less than the costs that would otherwise be incurred if the depot-level maintenance and repair to be performed under the contract were performed using equipment and facilities of the Department of Defense;

"(C) all of the information upon which the Secretary determined that the total costs to the Government would be less under the contract is available for examination; and

"(D) none of the depot-level maintenance and repair to be performed under the contract was considered, before July 1, 1995, to be a core logistics capability of the Air Force pursuant to section 2464 of this title.

"(3) CAPACITY OF DEPOT-LEVEL ACTIVITIES.—For purposes of paragraph (2)(A), the capacity of depot-level maintenance and repair activities shall be considered to be the same as the maximum potential capacity identified by the Defense Base Closure and Realignment Commission for purposes of the selection in 1995 of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990, without regard to any limitation on the maximum number of Federal employees (expressed as full time equivalent employees or otherwise) in effect after 1995, Federal employment levels after 1995, or the actual availability of equipment to support depot-level maintenance and repair after 1995.

"(4) GAO REVIEW.—At the same time that the Secretary submits the certification and analysis to Congress under paragraph (2), the Secretary shall submit a copy of the certification and analysis to the Comptroller General. The Comptroller General shall review the analysis and the information referred to in subparagraph (C) of paragraph (2) and, not later than 30 days after Congress receives the certification, submit to Congress a report containing a statement regarding whether the Comptroller General concurs with the determination of the Secretary included in the certification pursuant to subparagraph (B) of that paragraph.

"(5) APPLICATION.—This subsection shall apply with respect to any contract described in paragraph (1) that is entered into, or proposed to be entered into, after January 1, 1997.".

SEC. 313. CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF DEFENSE.

Section 2464(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a logistics capability (including personnel, equipment, and facilities)" and inserting in lieu thereof "a core logistics capability that is Government-owned and Government-operated (including Federal Government personnel and Government-owned and Government-operated equipment and facilities)";

(2) in paragraph (2)—

(A) by inserting "core" before "logistics"; and

(B) by adding at the end the following: "Each year, the Secretary of Defense shall submit to Congress a report describing each logistics capability that the Secretary identifies as a core logistics capability."; and

(3) by adding at the end the following new paragraphs:

"(3) Those core logistics activities identified under paragraphs (1) and (2) shall include the capability, facilities, and equipment to maintain and repair the types of weapon systems and other military equipment (except systems and equipment under special access programs and aircraft carriers) that are identified by the Secretary, in consultation with the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the contingency plans prepared under the responsibility of the Chairman of the Joint Chiefs of Staff set forth in section 153(a)(3) of this title.

"(4) The Secretary of Defense shall require the performance of core logistics functions identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities the minimum workloads necessary to ensure cost efficiency and technical proficiency in peacetime while preserving the surge capacity and reconstitution capabilities necessary to support fully the contingency plans referred to in paragraph (3).".

SEC. 314. PERCENTAGE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

(a) PERFORMANCE IN NON-GOVERNMENT FACILITIES.—Subsection (a) of section 2466 of title 10, United States Code, is amended to read as follows:

"(a) PERCENTAGE LIMITATION.—(1) Except as provided in paragraph (2), not more than 50 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance of such workload in facilities other than Government-owned, Government-operated facilities.

"(2) In the administration of paragraph (1) for fiscal years ending before October 1, 1998, the percentage specified in that paragraph shall be deemed to be 40 percent.".

(b) TREATMENT OF PERFORMANCE BY PUBLIC-PRIVATE PARTNERSHIP.—Such section is further amended by inserting after subsection (a), as amended by subsection (a), the following:

"(b) TREATMENT OF PERFORMANCE BY PUBLIC-PRIVATE PARTNERSHIP.—For the purposes of subsection (a), any performance of a depot-level maintenance and repair workload by a public-private partnership formed under section 2474(b) of this title shall be treated as performance of the workload in a Government-owned, Government-operated facility.".

SEC. 315. CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

(a) DESIGNATION AND PURPOSE.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2474. Centers of Industrial and Technical Excellence: designation; public-private partnerships

"(a) DESIGNATION.—(1) The Secretary of Defense shall designate each depot-level activity of the military departments and the Defense Agencies (other than facilities recommended for closure or major realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)) as a Center of Industrial and Technical Excellence in the recognized core competencies of the activity.

"(2) The Secretary shall establish a policy to encourage the Secretary of each military department and the head of each Defense Agency to reengineer industrial processes and adopt best-business practices at their depot-level activities in connection with their core competency requirements, so as to serve as recognized leaders in their core competencies throughout the Department of Defense and in the national technology and industrial base (as defined in section 2491(1) of this title).

"(b) PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary of Defense shall enable Centers of Industrial and Technical Excellence to form public-private partnerships for the performance of depot-level maintenance and repair at such centers and shall encourage the use of such partnerships to maximize the utilization of the capacity at such Centers.

"(c) ADDITIONAL WORK.—The policy required under subsection (a) shall include measures to enable a private sector entity that enters into a partnership arrangement under subsection (b) or leases excess equipment and facilities at a Center of Industrial and Technical Excellence pursuant to section 2471 of this title to perform additional work at the Center, subject to the limitations outlined in subsection (b) of such section, outside of the types of work normally assigned to the Center.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2474. Centers of Industrial and Technical Excellence: designation; public-private partnerships.".

(b) REPORTING REQUIREMENT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report describing the policies established by the Secretary pursuant to section 2474 of title 10, United States Code (as added by subsection (a)), to carry out that section.

SEC. 316. CLARIFICATION OF PROHIBITION ON MANAGEMENT OF DEPOT EMPLOYEES BY CONSTRAINTS ON PERSONNEL LEVELS.

Section 2472(a) of title 10, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "The civilian employees of the Department of Defense, including the civilian employees of the military departments and the Defense Agencies, who perform, or are involved in the performance of, depot-level maintenance and repair workloads may not be managed on the basis of any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.".

SEC. 317. ANNUAL REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

"(e) REPORT.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each military department and Defense Agency—

"(A) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year for performance of depot-level maintenance and repair workloads in Government-owned, Government-operated facilities; and

"(B) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year to contract for the performance of depot-level maintenance and repair workloads in facilities that are not owned and operated by the Federal Government.

"(2) Not later than 90 days after the date on which the Secretary submits the annual report under paragraph (1), the Comptroller General shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives the Comptroller's views on whether the Department of Defense has complied with the requirements of subsection (a) for the fiscal year covered by the report.".

SEC. 318. REPORT ON ALLOCATION OF CORE LOGISTICS ACTIVITIES AMONG DEPARTMENT OF DEFENSE FACILITIES AND PRIVATE SECTOR FACILITIES.

(a) REPORT.—Not later than May 31, 1998, the Secretary of Defense shall submit to Congress a report on the allocation among facilities of the Department of Defense and facilities in the private sector of the logistics activities that are necessary to maintain and repair the weapon systems and other military equipment identified by the Secretary, in consultation with the Joint Chiefs of Staff, as being necessary to enable the Armed Forces to conduct a strategic or major theater war.

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The systems or equipment identified under subsection (a) that must be maintained and repaired in Government-owned, Government-operated facilities, using personnel and equipment of the Department, as a result of the Secretary's determination that—

(A) the work involves unique or valuable workforce skills that should be maintained in the public sector in the national interest;

(B) the base of private sector sources having the capability to perform the workloads includes industry sectors that are vulnerable to work stoppages;

(C) the private sector sources having the capability to perform the workloads have insufficient workforce levels or skills to perform the depot-level maintenance and repair workloads—

(i) in the quantity necessary, or as rapidly as the Secretary considers necessary, to enable the armed forces to fulfill the national military strategy; or

(ii) without a significant disruption or delay in the maintenance and repair of equipment;

(D) the need for performance of workloads is too infrequent, cyclical, or variable to sustain a reliable base of private sector sources having the workforce levels or skills to perform the workloads;

(E) the market conditions or workloads are insufficient to ensure that the price of private sector performance of the workloads can be controlled through competition or other means;

(F) private sector sources are not adequately responsive to the requirements of the Department for rapid, cost-effective, and flexible response to surge requirements or other contingency situations, including changes in the mix or priority of previously scheduled workloads and reassignment of employees to different workloads without the requirement for additional contractual negotiations;

(G) private sector sources are less willing to assume responsibility for performing the workload as a result of the possibility of direct military or terrorist attack; or

(H) private sector sources cannot maintain continuity of workforce expertise as a result of high rates of employee turnover.

(2) The systems or equipment identified under subsection (a) that must be maintained and repaired in Government-owned facilities, whether Government operated or

contractor-operated, as a result of the Secretary's determination that—

(A) the work involves facilities, technologies, or equipment that are unique and sufficiently valuable that the facilities, technologies, or equipment must be maintained in the public sector in the national interest;

(B) the private sector sources having the capability to perform the workloads have insufficient facilities, technology, or equipment to perform the depot-level maintenance and repair workloads—

(i) in the quantity necessary, or as rapidly as the Secretary considers necessary, to enable the armed forces to fulfill the national military strategy; or

(ii) without a significant disruption or delay in the maintenance and repair of equipment; or

(C) the need for performance of workloads is too infrequent, cyclical, or variable to sustain a reliable base of private sector sources having the facilities, technology, or equipment to perform the workloads.

(3) The systems or equipment identified under subsection (a) that may be maintained and repaired in private sector facilities.

(4) The approximate percentage of the total maintenance and repair workload of the Department of Defense necessary for the systems and equipment identified under subsection (a) that would be performed at Department of Defense facilities, and at private sector facilities, as a result of the determinations made for purposes of paragraphs (1), (2), and (3).

SEC. 319. REVIEW OF USE OF TEMPORARY DUTY ASSIGNMENTS FOR SHIP REPAIR AND MAINTENANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) In order to reduce the time that the crew of a naval vessel is away from the homeport of the vessel, the Navy seeks to perform ship repair and maintenance of the vessel at the homeport of the vessel whenever it takes six months or less to accomplish the work involved.

(2) At the same time, the Navy seeks to distribute ship repair and maintenance work among the Navy shipyards (known as to "level load") in order to more fully utilize personnel resources.

(3) During periods when a Navy shipyard is not utilized to its capacity, the Navy sometimes sends workers at the shipyard, on a temporary duty basis, to perform ship repairs and maintenance at a homeport not having a Navy shipyard.

(4) This practice is a more efficient use of civilian employees who might otherwise not be fully employed on work assigned to Navy shipyards.

(b) GAO REVIEW AND REPORT.—(1) The Comptroller General of the United States shall review the Navy's practice of using temporary duty assignments of personnel to perform ship maintenance and repair work at homeports not having Navy shipyards. The review shall include the following:

(A) An assessment of the rationale, conditions, and factors supporting the Navy's practice.

(B) A determination of whether the practice is cost-effective.

(C) The factors affecting future requirements for, and the adherence to, the practice, together with an assessment of the factors.

(2) Not later than May 1, 1998, the Comptroller General shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

SEC. 320. REPEAL OF A CONDITIONAL REPEAL OF CERTAIN DEPOT-LEVEL MAINTENANCE AND REPAIR LAWS AND A RELATED REPORTING REQUIREMENT.

Section 311 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 247; 10 U.S.C. 2464 note) is amended by striking out subsections (f) and (g).

SEC. 321. EXTENSION OF AUTHORITY FOR NAVAL SHIPYARDS AND AVIATION DEPOTS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

Subtitle C—Environmental Provisions

SEC. 331. CLARIFICATION OF AUTHORITY RELATING TO STORAGE AND DISPOSAL OF NONDEFENSE TOXIC AND HAZARDOUS MATERIALS ON DEPARTMENT OF DEFENSE PROPERTY.

(a) MATERIALS OF MEMBERS AND DEPENDENTS.—Subsection (a)(1) of section 2692 of title 10, United States Code, is amended by inserting "or by a member of the armed forces (or a dependent of a member) living on the installation" before the period at the end.

(b) STORAGE OF MATERIALS CONNECTED WITH COMPATIBLE USE.—Subsection (b)(8) of such section is amended—

(1) by striking out "by a private person";

(2) by striking out "by that private person of an industrial-type" and inserting in lieu thereof "of a"; and

(3) by striking out "; and" and inserting in lieu thereof ", including a space launch facility located on a Department of Defense installation or other land controlled by the United States and a Department of Defense facility for testing materiel or training personnel;".

(c) TREATMENT AND DISPOSAL OF MATERIALS CONNECTED WITH COMPATIBLE USE.—Subsection (b)(9) of such section is amended—

(1) by striking out "by a private person";

(2) by striking out "commercial use by that person of an industrial-type" and inserting in lieu thereof "use of a";

(3) by striking out "with that person" and inserting in lieu thereof "with the prospective user"; and

(4) in subparagraph (B), by striking out "for that person's" and inserting in lieu thereof "for the prospective user's".

(d) ADDITIONAL AUTHORITY.—Subsection (b) of such section is further amended—

(1) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(2) by adding at the end the following:

"(10) the storage of materials that will be used in connection with an activity of the Department of Defense or in connection with a service performed for the benefit of the Department of Defense or the disposal of materials that have been used in such connection.".

SEC. 332. ANNUAL REPORT ON PAYMENTS AND ACTIVITIES IN RESPONSE TO FINES AND PENALTIES ASSESSED UNDER ENVIRONMENTAL LAWS.

(a) ANNUAL REPORTS.—Section 2706(b)(2) of title 10, United States Code, is amended by adding at the end the following:

"(H) A statement of the fines and penalties imposed or assessed against the Department of Defense under Federal, State, or local environmental law during the fiscal year preceding the fiscal year in which the report is submitted, which statement sets forth—

"(i) each Federal environmental statute under which a fine or penalty was imposed or assessed during the fiscal year;

"(ii) with respect to each such statute—

"(I) the aggregate amount of fines and penalties imposed or assessed during the fiscal year;

"(II) the aggregate amount of fines and penalties paid during the fiscal year;

"(III) the total amount required to meet commitments to environmental enforcement authorities under agreements entered into by the Department of Defense during the fiscal year for supplemental environmental projects agreed to in lieu of the payment of fines or penalties; and

"(IV) the number of fines and penalties imposed or assessed during the fiscal year that were—

"(aa) $10,000 or less;

"(bb) more than $10,000, but not more than $50,000;

"(cc) more than $50,000, but not more than $100,000; and

"(dd) more than $100,000; and

"(iii) with respect to each fine or penalty set forth under clause (ii)(IV)(dd)—

"(I) the installation or facility to which the fine or penalty applies; and

"(II) the agency that imposed or assessed the fine or penalty.".

(b) REPORT IN FISCAL YEAR 1998.—The statement submitted by the Secretary of Defense under subparagraph (H) of section 2706(b)(2) of title 10, United States Code, as added by subsection (a), in 1998 shall, to the maximum extent practicable, include the information required by that subparagraph for each of fiscal years 1994 through 1997.

SEC. 333. ANNUAL REPORT ON ENVIRONMENTAL ACTIVITIES OF THE DEPARTMENT OF DEFENSE OVERSEAS.

Section 2706 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) REPORT ON ENVIRONMENTAL ACTIVITIES OVERSEAS.—(1) The Secretary of Defense shall submit to Congress each year, not later than 30 days after the date on which the President submits to Congress the budget for a fiscal year, a report on the environmental activities of the Department of Defense overseas.

"(2) Each such report shall include the following:

"(A) A statement of the funding levels and full-time personnel required for the Department of Defense to comply during such fiscal year with each requirement under a treaty, law, contract, or other agreement for environmental restoration or compliance activities.

"(B) A statement of the funds to be expended by the Department of Defense during such fiscal year in carrying out other activities relating to the environment overseas, including conferences, meetings, and studies for pilot programs and travel related to such activities.".

SEC. 334. MEMBERSHIP TERMS FOR STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM SCIENTIFIC ADVISORY BOARD.

(a) TERMS.—Section 2904(b)(4) of title 10, United States Code, is amended by striking out "three" and inserting in lieu thereof "not less than two or more than four".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to appointments to the Strategic Environmental Research and Development Program Scientific Advisory Board made before, on, or after the date of enactment of this Act.

SEC. 335. ADDITIONAL INFORMATION ON AGREEMENTS FOR AGENCY SERVICES IN SUPPORT OF ENVIRONMENTAL TECHNOLOGY CERTIFICATION.

(a) ADDITIONAL INFORMATION.—Subsection (d) of section 327 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2483; 10 U.S.C. 2702 note) is amended by adding at the end the following:

"(5) A statement of the funding that will be required to meet commitments made to State and local governments under agreements entered into during the fiscal year preceding the fiscal year in which the report is submitted.

"(6) A description of any cost-sharing arrangement under any cooperative agreement entered into under this section.".

(b) GUIDELINES FOR REIMBURSEMENT AND COST-SHARING.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the guidelines established by the Secretary for reimbursement of State and local governments, and for cost-sharing between the Department of Defense, such governments, and vendors, under agreements entered into under such section 327.

SEC. 336. RISK ASSESSMENTS UNDER THE DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.

(a) IN GENERAL.—In carrying out risk assessments as part of the evaluation of facilities of the Department of Defense for purposes of allocating funds and establishing priorities for environmental restoration projects at such facilities under the Defense Environmental Restoration Program, the Secretary of Defense shall—

(1) utilize a risk assessment method that meets the requirements in subsection (b); and

(2) ensure the uniform and consistent utilization of the risk assessment method in all evaluations of facilities under the program.

(b) RISK ASSESSMENT METHOD.—The risk assessment method utilized under subsection (a) shall—

(1) take into account as a separate factor of risk—

(A) the extent to which the contamination level of a particular contaminant exceeds the permissible contamination level for the contaminant;

(B) the existence and extent of any population (including human populations and natural populations) potentially affected by the contaminant; and

(C) the existence and nature of any mechanism that would cause the population to be affected by the contaminant; and

(2) provide appropriately for the significance of any such factor in the final determination of risk.

(c) DEFENSE ENVIRONMENTAL RESTORATION PROGRAM DEFINED.—In this section, the term "Defense Environmental Restoration Program" means the program of environmental restoration carried out under chapter 160 of title 10, United States Code.

SEC. 337. RECOVERY AND SHARING OF COSTS OF ENVIRONMENTAL RESTORATION AT DEPARTMENT OF DEFENSE SITES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe in regulations guidelines concerning the cost-recovery and cost-sharing activities of the military departments and defense agencies.

(2) COVERED MATTERS.—The guidelines prescribed under paragraph (1) shall—

(A) establish uniform requirements relating to cost-recovery and cost-sharing activities for the military departments and defense agencies;

(B) require the Secretaries of the military departments and the heads of the defense agencies to obtain all appropriate data regarding activities of contractors of the Department or other private parties responsible for environmental contamination at Department sites that is relevant for purposes of cost-recovery and cost-sharing activities;

(C) require the Secretaries of the military departments and the heads of the defense agencies to use consistent methods in estimating the costs of environmental restoration at sites under the jurisdiction of such departments and agencies for purposes of reports to Congress on such costs;

(D) require the Secretaries of the military departments to reduce the amounts requested for environmental restoration activities of such departments for a fiscal year by the amounts anticipated to be recovered in the preceding fiscal year as a result of cost-recovery and cost-sharing activities; and

(E) resolve any unresolved issues regarding the crediting of amounts recovered as a result of such activities under section 2703(d) of title 10, United States Code.

(b) IMPLEMENTATION OF GUIDELINES.—The Secretary shall take appropriate actions to ensure the implementation of the guidelines prescribed under subsection (a), including appropriate requirements to—

(1) identify contractors of the Department and other private parties responsible for environmental contamination at Department sites;

(2) review the activities of contractors of the Department and other private parties in order to identify negligence or other misconduct in such activities that would preclude Department indemnification for the costs of environmental restoration relating to such contamination or justify the recovery or sharing of costs associated with such restoration;

(3) obtain data as provided for under subsection (a)(2)(B); and

(4) pursue cost-recovery and cost-sharing activities where appropriate.

(c) DEFINITION.—In this section, the term "cost-recovery and-cost sharing activities" means activities concerning—

(1) the recovery of the costs of environmental restoration at Department sites from contractors of the Department and other private parties that contribute to environmental contamination at such sites; and

(2) the sharing of the costs of such restoration with such contractors and parties.

SEC. 338. PILOT PROGRAM FOR THE SALE OF AIR POLLUTION EMISSION REDUCTION INCENTIVES.

(a) AUTHORITY.—(1) The Secretary of Defense may, in consultation with the Administrator of General Services, carry out a pilot program to assess the feasibility and advisability of the sale of economic incentives for the reduction of emission of air pollutants attributable to a facility of a military department.

(2) The Secretary may carry out the pilot program during the period beginning on October 1, 1997, and ending on September 30, 1999.

(b) INCENTIVES AVAILABLE FOR SALE.—(1) Under the pilot program, the Secretary may sell economic incentives for the reduction of emission of air pollutants attributable to a facility of a military department only if such incentives are not otherwise required for the activities or operations of the military department.

(2) The Secretary may not, under the pilot program, sell economic incentives attributable to the closure or realignment of a military installation under a base closure law.

(3) If the Secretary determines that additional sales of economic incentives are likely to result in amounts available for allocation under subsection (c)(2) in a fiscal year in excess of the limitation set forth in subparagraph (B) of that subsection, the Secretary shall not carry out such additional sales in that fiscal year.

(c) USE OF PROCEEDS.—(1) The proceeds of sale of economic incentives attributable to a facility of a military department shall be credited to the funds available to the facility for the costs of identifying, quantifying, or valuing economic incentives for the reduction of emission of air pollutants. The amount credited shall be equal to the cost incurred in identifying, quantifying, or valuing the economic incentives sold.

(2)(A)(i) If after crediting under paragraph (1) a balance remains, the amount of such balance shall be available to the Department of Defense for allocation by the Secretary to the military departments for programs, projects, and activities necessary for compliance with Federal environmental laws, including the purchase of economic incentives for the reduction of emission of air pollutants.

(ii) To the extent practicable, amounts allocated to the military departments under this subparagraph shall be made available to the facilities that generated the economic incentives providing the basis for the amounts.

(B) The total amount allocated under this paragraph in a fiscal year from sales of economic incentives may not equal or exceed $500,000.

(3) If after crediting under paragraph (1) a balance remains in excess of an amount equal to the limitation set forth in paragraph (2)(B), the amount of the excess shall be covered over into the Treasury as miscellaneous receipts.

(4) Funds credited under paragraph (1) or allocated under paragraph (2) shall be merged with the funds to which credited or allocated, as the case may be, and shall be available for the same purposes and for the same period as the funds with which merged.

(d) DEFINITIONS.—In this section:

(1) The term "base closure law" means the following:

(A) Section 2687 of title 10, United States Code.

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(C) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "economic incentives for the reduction of emission of air pollutants" means any transferable economic incentives (including marketable permits and emission rights) necessary or appropriate to meet air quality requirements under the Clean Air Act (42 U.S.C. 7401 et seq.).

SEC. 339. TAGGING SYSTEM FOR IDENTIFICATION OF HYDROCARBON FUELS USED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program using existing technology to determine—

(1) the feasibility of tagging hydrocarbon fuels used by the Department of Defense for the purposes of analyzing and identifying such fuels;

(2) the deterrent effect of such tagging on the theft and misuse of fuels purchased by the Department; and

(3) the extent to which such tagging assists in determining the source of surface and underground pollution in locations having separate fuel storage facilities of the Department and of civilian companies.

(b) SYSTEM ELEMENTS.—The tagging system under the pilot program shall have the following characteristics:

(1) The tagging system does not harm the environment.

(2) Each chemical used in the tagging system is—

(A) approved for use under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(B) substantially similar to the fuel to which added, as determined in accordance with criteria established by the Environmental Protection Agency for the introduction of additives into hydrocarbon fuels.

(3) The tagging system permits a determination if a tag is present and a determination if the concentration of a tag has changed in order to facilitate identification of tagged fuels and detection of dilution of tagged fuels.

(4) The tagging system does not impair or degrade the suitability of tagged fuels for their intended use.

(c) REPORT.—Not later than 30 days after the completion of the pilot program, the Secretary shall submit to Congress a report setting forth the results of the pilot program and including any recommendations for legislation relating to the tagging of hydrocarbon fuels by the Department that the Secretary considers appropriate.

(d) FUNDING.—Of the amounts authorized to be appropriated under section 301(5) for operation and maintenance for defense-wide activities, not more than $5,000,000 shall be available for the pilot program.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 351. FUNDING SOURCES FOR CONSTRUCTION AND IMPROVEMENT OF COMMISSARY STORE FACILITIES.

(a) ADDITIONAL FUNDING SOURCES.—Section 2685 of title 10, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) FUNDS FOR CONSTRUCTION AND IMPROVEMENTS.—Revenues received by the Department of Defense from the following sources or activities of commissary store facilities shall be available for the purposes set forth in subsections (c), (d), and (e):

"(1) Adjustments or surcharges authorized by subsection (a).

"(2) Sale of recyclable materials.

"(3) Sale of excess property.

"(4) License fees.

"(5) Royalties.

"(6) Fees paid by sources of products in order to obtain favorable display of the products for resale, known as business related management fees.

"(7) Products offered for sale in commissaries under consignment with exchanges, as designated by the Secretary of Defense.".

SEC. 352. INTEGRATION OF MILITARY EXCHANGE SERVICES.

(a) INTEGRATION REQUIRED.—The Secretaries of the military departments shall integrate the military exchange services, including the managing organizations of the military exchange services, not later than September 30, 2000.

(b) SUBMISSION OF PLAN TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the plan for achieving the integration required by subsection (a).

Subtitle E—Other Matters

SEC. 361. ADVANCE BILLINGS FOR WORKING-CAPITAL FUNDS.

(a) RESTRICTION.—Section 2208 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

"(k)(1) An advance billing of a customer for a working-capital fund is prohibited except as provided in paragraph (2).

"(2) An advance billing of a customer for a working-capital fund is authorized if—

"(A) the Secretary of Defense has submitted to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives a notification of the advance billing; and

"(B) in the case of an advance billing in an amount that exceeds $50,000,000, thirty days have elapsed since the date of the notification.

"(3) A notification of an advance billing of a customer for a working-capital fund that is submitted under paragraph (2) shall include the following:

"(A) The reasons for the advance billing.

"(B) An analysis of the effects of the advance billing on military readiness.

"(C) An analysis of the effects of the advance billing on the customer.

"(4) The Secretary of Defense may waive the applicability of this subsection—

"(A) during a period war or national emergency; or

"(B) to the extent that the Secretary determines necessary to support a contingency operation.

"(5) The Secretary of Defense shall submit to the committees referred to in paragraph (2) a report on advance billings for all working-capital funds whenever the aggregate amount of the advance billings for all working-capital funds not covered by a notification under that paragraph or a report previously submitted under this paragraph exceeds $50,000,000. The report shall be submitted not later than 30 days after the end of the month in which the aggregate amount first reaches $50,000,000. The report shall include, for each customer covered by the report, a discussion of the matters described in paragraph (3).

"(6) In this subsection:

"(A) The term 'advance billing', with respect to a working-capital fund, means a billing of a customer by the fund, or a requirement for a customer to reimburse or otherwise credit the fund, for the cost of goods or services provided (or for other expenses incurred) on behalf of the customer that is rendered or imposed before the customer receives the goods or before the services have been performed.

"(B) The term 'customer' means a requisitioning component or agency.".

(b) REPORTS ON ADVANCE BILLINGS FOR THE DBOF.—Section 2216a(d)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking out "$100,000,000" and inserting in lieu thereof "$50,000,000"; and

(2) by adding at the end the following:

"(D) A report required under subparagraph (B)(ii) shall be submitted not later than 30 days after the end of the month in which the aggregate amount referred to in that subparagraph reaches the amount specified in that subparagraph.".

(c) FISCAL YEAR 1998 LIMITATION.—(1) The total amount of advance billings for Department of Defense working-capital funds and the Defense Business Operations Fund for fiscal year 1998 may not exceed $1,000,000,000.

(2) In paragraph (1), the term "advance billing", with respect to the working-capital funds of the Department of Defense and the Defense Business Operations Fund, has the same meaning as is provided with respect to working-capital funds in section 2208(k)(6) of title 10, United States Code (as amended by subsection (a)).

SEC. 362. CENTER FOR EXCELLENCE IN DISASTER MANAGEMENT AND HUMANITARIAN ASSISTANCE.

(a) ESTABLISHMENT.—The Secretary of Defense may operate a Center for Excellence in Disaster Management and Humanitarian Assistance at Tripler Army Medical Center, Hawaii.

(b) MISSIONS.—The Secretary of Defense shall specify the missions of the Center. The missions shall include the following:

(1) To provide and facilitate education, training, and research in civil-military operations, particularly operations that require international disaster management and humanitarian assistance and operations that require interagency coordination.

(2) To make available high-quality disaster management and humanitarian assistance in response to disasters.

(3) To provide and facilitate education, training, interagency coordination, and research on the following additional matters:

(A) Management of the consequences of nuclear, biological, and chemical events.

(B) Management of the consequences of terrorism.

(C) Appropriate roles for the reserve components in the management of such consequences and in disaster management and humanitarian assistance in response to natural disasters.

(D) Meeting requirements for information in connection with regional and global disasters, including use of advanced communications technology as a virtual library.

(E) Tropical medicine, particularly in relation to the medical readiness requirements of the Department of Defense.

(4) To develop a repository of disaster risk indicators for the Asia-Pacific region.

(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Secretary may enter into an agreement with appropriate officials of an institution of higher education to provide for joint operation of the Center. Any such agreement shall provide for the institution to furnish necessary administrative services for the Center, including administration and allocation of funds.

(d) ACCEPTANCE OF FUNDS.—(1) Except as provided in paragraph (2), the Secretary of Defense may, on behalf of the Center, accept funds for use to defray the costs of the Center or to enhance the operation of the Center from any agency of the Federal Government, any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any other private source in the United States or a foreign country.

(2)(A) The Secretary may not accept a gift or donation under paragraph (1) if the acceptance of the gift or donation, as the case may be, would compromise or appear to compromise—

(i) the ability of the Department of Defense, or any employee of the Department, to carry out any responsibility or duty of the Department in a fair and objective manner; or

(ii) the integrity of any program of the Department of Defense or of any official involved in such a program.

(B) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a foreign gift or donation would have a result described in subparagraph (A).

(3) Funds accepted by the Secretary under paragraph (1) shall be credited to appropriations available to the Department of Defense for the Center. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Center for the same purposes and the same period as the appropriations with which merged.

(e) FUNDING FOR FISCAL YEAR 1998.—Of the funds authorized to be appropriated under section 301, $5,000,000 shall be available for the Center for Excellence in Disaster Management and Humanitarian Assistance.

SEC. 363. ADMINISTRATIVE ACTIONS ADVERSELY AFFECTING MILITARY TRAINING OR OTHER READINESS ACTIVITIES.

(a) CONGRESSIONAL NOTIFICATION.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following:

"§ 2014. Administrative actions adversely affecting military training or other readiness activities

"(a) CONGRESSIONAL NOTIFICATION.—Whenever an official of an Executive agency takes or proposes to take an administrative action that, as determined by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff, affects training or any other readiness activity in a manner that has or would have a significant adverse effect on the military readiness of any of the armed forces or a critical component thereof, the Secretary shall submit a written notification of the action and each significant adverse effect to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and, at the same time, shall transmit a copy of the notification to the President and to the head of the Executive agency taking or proposing to take the administrative action.

"(b) NOTIFICATION TO BE PROMPT.—(1) Subject to paragraph (2), the Secretary shall submit a written notification of an administrative action or proposed administrative action required by subsection (a) as soon as the Secretary becomes aware of the action or proposed action.

"(2) The Secretary shall prescribe policies and procedures to ensure that the Secretary receives information on an administrative action or proposed administrative action described in subsection (a) promptly after Department of Defense personnel receive notice of such an action or proposed action.

"(c) EFFECT OF NOTIFICATION ON ADMINISTRATIVE ACTION.—Upon the submission of a notification to committees of Congress under subsection (a), the administrative action covered by the notification shall, notwithstanding any other provision of law, cease to be effective or not become effective, as the case may be, with respect to the Department of Defense until the date that is 30 days after the date of the notification, except that the President may direct that the administrative action take effect with respect to the Department of Defense earlier than that date. The President may not delegate the authority provided in the preceding sentence.

"(d) DEFINITIONS.—In this section, the term 'Executive agency' has the meaning given such term in section 105 of title 5 other than the General Accounting Office.".

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such chapter is amended by adding at the end the following:

"2014. Administrative actions adversely affecting military training or other readiness activities.".

SEC. 364. FINANCIAL ASSISTANCE TO SUPPORT ADDITIONAL DUTIES ASSIGNED TO ARMY NATIONAL GUARD.

(a) AUTHORITY.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following:

"§ 113. Federal financial assistance for support of additional duties assigned to the Army National Guard

"(a) AUTHORITY.—The Secretary of the Army may provide financial assistance to a State to support activities carried out by the Army National Guard of the State in the performance of duties that the Secretary has assigned, with the consent of the Chief of the National Guard Bureau, to the Army National Guard of the State. The Secretary shall determine the amount of the assistance that is appropriate for the purpose.

"(b) COVERED ACTIVITIES.—Activities supported under this section may include only those activities that are carried out by the Army National Guard in the performance of responsibilities of the Secretary under paragraphs (6), (10), and (11) of section 3013(b) of title 10.

"(c) DISBURSEMENT THROUGH NATIONAL GUARD BUREAU.—The Secretary shall disburse any contribution under this section through the Chief of the National Guard Bureau.

"(d) AVAILABILITY OF FUNDS.—Funds appropriated for the Army for a fiscal year are available for providing financial assistance under this section in support of activities carried out by the Army National Guard during that fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"113. Federal financial assistance for support of additional duties assigned to the Army National Guard.".

SEC. 365. SALE OF EXCESS, OBSOLETE, OR UNSERVICEABLE AMMUNITION AND AMMUNITION COMPONENTS.

(a) AUTHORITY.—Chapter 443 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition components

"(a) AUTHORITY TO SELL OUTSIDE DOD.—The Secretary of the Army may sell ammunition or ammunition components that are excess, obsolete, or unserviceable and have not been demilitarized to a person eligible under subsection (c) if—

"(1) the purchaser enters into an agreement, in advance, with the Secretary—

"(A) to demilitarize the ammunition or components; and

"(B) to reclaim, recycle, or reuse the component parts or materials; or

"(2) the Secretary, or an official of the Department of the Army designated by the Secretary, approves the use of the ammunition or components proposed by the purchaser as being consistent with the public interest.

"(b) METHOD OF SALE.—The Secretary shall use competitive procedures to sell ammunition and ammunition components under this section, except that the Secretary may negotiate a sale in any case in which the Secretary determines that there is only one potential buyer of the items being offered for sale.

"(c) ELIGIBLE PURCHASERS.—A purchaser of excess, obsolete, or unserviceable ammunition or ammunition components under this section shall be a licensed manufacturer (as defined in section 921(10) of title 18) that, as determined by the Secretary, has a capability to modify, reclaim, transport, and either store or sell the ammunition or ammunition components purchased.

"(d) HOLD HARMLESS AGREEMENT.—The Secretary shall require a purchaser of ammunition or ammunition components under this section to agree to hold harmless and indemnify the United States from any claim for damages for death, injury, or other loss resulting from a use of the ammunition or ammunition components, except in a case of willful misconduct or gross negligence of a representative of the United States.

"(e) VERIFICATION OF DEMILITARIZATION.—The Secretary shall establish procedures for ensuring that a purchaser of ammunition or ammunition components under this section demilitarizes the ammunition or ammunition components in accordance with any agreement to do so under subsection (a)(1). The procedures shall include on-site verification of demilitarization activities.

"(f) CONSIDERATION.—The Secretary may accept ammunition, ammunition components, or ammunition demilitarization services as consideration for ammunition or ammunition components sold under this section. The fair market value of any such consideration shall be equal to or exceed the fair market value or, if higher, the sale price of the ammunition or ammunition components sold.

"(g) DISPOSITION OF FUNDS.—Amounts received as proceeds of sale of ammunition or ammunition components under this section in any fiscal year shall—

"(1) be credited to an appropriation available for such fiscal year for the acquisition of ammunition or ammunition components or to an appropriation available for such fiscal year for the demilitarization of excess, obsolete, or unserviceable ammunition or ammunition components; and

"(2) shall be available for the same period and for the same purposes as the appropriation to which credited.

"(h) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the applicability of section 38 of the Arms Export Control Act (22 U.S.C. 2778) to sales of ammunition or ammunition components on the United States Munitions List.

"(i) DEFINITIONS.—In this section:

"(1) The term 'excess, obsolete, or unserviceable', with respect to ammunition or ammunition components, means that the ammunition or ammunition components are no longer necessary for war reserves or for support of training of the Army or production of ammunition or ammunition components.

"(2) The term 'demilitarize', with respect to ammunition or ammunition components—

"(A) means to destroy the military offensive or defensive advantages inherent in the ammunition or ammunition components; and

"(B) includes any mutilation, scrapping, melting, burning, or alteration that prevents the use of the ammunition or ammunition components for the military purposes for which the ammunition or ammunition components was designed or for a lethal purpose.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition components.".

SEC. 366. INVENTORY MANAGEMENT.

(a) SCHEDULE FOR IMPLEMENTATION OF BEST INVENTORY PRACTICES AT DEFENSE LOGISTICS AGENCY.—(1) The Director of the Defense Logistics Agency shall develop and submit to Congress a schedule for implementing within the agency, for the supplies and equipment described in paragraph (2), inventory practices identified by the Director as being the best commercial inventory practices for such supplies and equipment consistent with military requirements. The schedule shall provide for the implementation of such practices to be completed not later than three years after date of the enactment of this Act.

(2) The inventory practices shall apply to the acquisition and distribution of medical supplies, subsistence supplies, clothing and textiles, commercially available electronics, construction supplies, and industrial supplies.

(b) TIME FOR SUBMISSION OF SCHEDULE TO CONGRESS.—The schedule required by this section shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 367. WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense may carry out a pilot program to use commercial sources of services to improve the collection of Department of Defense claims under aircraft engine warranties.

(b) CONTRACTS.—Exercising authority provided in section 3718 of title 31, United States Code, the Secretary of Defense may enter into contracts under the pilot program to provide for the following services:

(1) Collection services.

(2) Determination of amounts owed the Department of Defense for repair of aircraft engines for conditions covered by warranties.

(3) Identification and location of the sources of information that are relevant to collection of Department of Defense claims under aircraft engine warranties, including electronic data bases and document filing systems maintained by the Department of Defense or by the manufacturers and suppliers of the aircraft engines.

(4) Services to define the elements necessary for an effective training program to enhance and improve the performance of Department of Defense personnel in collecting and organizing documents and other information that are necessary for efficient filing, processing, and collection of Department of Defense claims under aircraft engine warranties.

(c) CONTRACTOR FEE.—Under authority provided in section 3718(d) of title 31, United States Code, a contract entered into under the pilot program shall provide for the contractor to be paid, out of the amount recovered by the contractor under program, such percentages of the amount recovered as the Secretary of Defense determines appropriate.

(d) RETENTION OF RECOVERED FUNDS.—Subject to any obligation to pay a fee under subsection (c), any amount collected for the Department of Defense under the pilot program for a repair of an aircraft engine for a condition covered by a warranty shall be credited to an appropriation available for repair of aircraft engines for the fiscal year in which collected and shall be available for the same purposes and same period as the appropriation to which credited.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

(f) TERMINATION OF AUTHORITY.—The pilot program shall terminate at the end of September 30, 1999, and contracts entered into under this section shall terminate not later than that date.

(g) REPORT.—Not later than January 1, 2000, the Secretary of Defense shall submit to Congress a report on the pilot program. The report shall include the following:

(1) The number of contracts entered into under the program.

(2) The extent to which the services provided under the contracts resulted in financial benefits for the Federal Government.

(3) Any additional comments and recommendations that the Secretary considers appropriate regarding use of commercial sources of services for collection of Department of Defense claims under aircraft engine warranties.

SEC. 368. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE TO ENHANCE INCREASED PERFORMANCE OF MILITARY FAMILY SUPPORT SERVICES BY PRIVATE SECTOR SOURCES.

Section 2391(b)(5) of title 10, United States Code, is amended by adding at the end the following:

"(C) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist a State or local government to enhance that government's capabilities to support efforts of the Department of Defense to privatize, contract for, or diversify the performance of military family support services in cases in which the capability of the department to provide such services is adversely affected by an action described in paragraph (1).".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1998, as follows:

(1) The Army, 485,000, of whom not more than 80,300 shall be officers.

(2) The Navy, 390,802, of whom not more than 55,695 shall be officers.

(3) The Marine Corps, 174,000, of whom not more than 17,978 shall be officers.

(4) The Air Force, 371,577, of whom not more than 72,732 shall be officers.

SEC. 402. PERMANENT END STRENGTH LEVELS TO SUPPORT TWO MAJOR REGIONAL CONTINGENCIES.

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 691.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1998.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1998, as follows:

(1) The Army National Guard of the United States, 361,516.

(2) The Army Reserve, 208,000.

(3) The Naval Reserve, 94,294.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 107,377.

(6) The Air Force Reserve, 73,431.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component for a fiscal year shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1998, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,310.

(2) The Army Reserve, 11,500.

(3) The Naval Reserve, 16,136.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,616.

(6) The Air Force Reserve, 963.

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1998 a total of $69,264,962,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1998.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Personnel Management

SEC. 501. OFFICERS EXCLUDED FROM CONSIDERATION BY PROMOTION BOARD.

(a) ACTIVE COMPONENT OFFICERS.—Section 619(d) of title 10, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) an officer whose name is on—

"(A) a promotion list for that grade as a result of his selection for promotion to that grade by an earlier selection board convened under that section; or

"(B) a list of names of officers recommended for promotion to that grade that is set forth in a report of such a board, while the report is pending action under section 618 of this title".

(b) RESERVE COMPONENT OFFICERS.—Section 14301(c) of such title is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) an officer whose name is on—

"(A) a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title; or

"(B) a list of names of officers recommended for promotion to that grade that is set forth in a report of such a board, while the report is pending action under section 618, 14110, or 14111 of this title;".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to each selection board that is convened under section 611(a), 14101(a), or 14502 of title 10, United States Code, on or after such date.

SEC. 502. INCREASE IN THE MAXIMUM NUMBER OF OFFICERS ALLOWED TO BE FROCKED TO THE GRADE OF O–6.

Paragraph (2) of section 777(d) of title 10, United States Code, is amended to read as follows:

"(2) The number of officers of an armed force on the active-duty list who are authorized as described in subsection (a) to wear the insignia for a grade to which a limitation on total number applies under section 523(a) of this title for a fiscal year may not exceed—

"(A) in the case of the grade of major, lieutenant colonel, lieutenant commander, or commander, 1 percent of the total number provided for the officers in that grade in that armed force in the administration of the limitation under that section for that fiscal year; and

"(B) in the case of the grade of colonel or captain, 2 percent of the total number provided for the officers in that grade in that armed force in the administration of the limitation under that section for that fiscal year.".

SEC. 503. AVAILABILITY OF NAVY CHAPLAINS ON RETIRED LIST OR OF RETIREMENT AGE TO SERVE AS CHIEF OR DEPUTY CHIEF OF CHAPLAINS OF THE NAVY.

(a) ELIGIBILITY OF OFFICERS ON RETIRED LIST.—(1) Section 5142(b) of title 10, United States Code, is amended by striking out ", who are not on the retired list," in the second sentence.

(2) Section 5142a of such title is amended by striking out ", who is not on the retired list,".

(b) AUTHORITY TO DEFER RETIREMENT.—(1) Chapter 573 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 6411. Chief and Deputy Chief of Chaplains: deferment of retirement for age

"The Secretary of the Navy may defer the retirement under section 1251(a) of this title of an officer of the Chaplain Corps if during the period of the deferment the officer will be serving as the Chief of Chaplains or the Deputy Chief of Chaplains. A deferment under this subsection may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"6411. Chief and Deputy Chief of Chaplains: deferment of retirement for age.".

SEC. 504. PERIOD OF RECALL SERVICE OF CERTAIN RETIREES.

(a) INAPPLICABILITY OF LIMITATION TO CERTAIN OFFICERS.—Section 688(e) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) In the administration of paragraph (1), the following officers shall not be counted:

"(A) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

"(B) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

"(C) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 30, 1997, immediately after the amendment made by section 521(a) of Public Law 104–201 (110 Stat. 2515) takes effect.

Subtitle B—Matters Relating to Reserve Components

SEC. 511. TERMINATION OF READY RESERVE MOBILIZATION INCOME INSURANCE PROGRAM.

(a) TERMINATION.—(1) Chapter 1214 of title 10, United States Code, is amended by adding at the end the following;

"§ 12533. Termination of program authority

"(a) BENEFITS NOT TO ACCRUE.—No benefits accrue under the insurance program for active duty performed on or after the program termination date.

"(b) SERVICE NOT INSURED.—The insurance program does not apply with respect to any order of a member of the Ready Reserve into covered service that becomes effective on or after the program termination date.

"(c) CESSATION OF ACTIVITIES.—No person may be enrolled, and no premium may be collected, under the insurance program on or after the program termination date.

"(d) PROGRAM TERMINATION DATE.—For the purposes of this section, the term 'program termination date' is the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"12533. Termination of program authority.".

(b) PAYMENT OF BENEFITS.—The Secretary of Defense shall pay in full all benefits that have accrued to members of the Armed Forces under the Ready Reserve Mobilization Income Insurance Program before the date of the enactment of this Act. A refund of premiums to a beneficiary under subsection (c) may not reduce the benefits payable to the beneficiary under this subsection.

(c) REFUND OF PREMIUMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall refund premiums paid under the Ready Reserve Mobilization Income Insurance Program to the persons who paid the premiums, as follows:

(1) In the case of a person for whom no payment of benefits has accrued under the program, all premiums.

(2) In the case of a person who has accrued benefits under the program, the premiums (including any portion of a premium) that the person has paid for periods (including any portion of a period) for which no benefits accrued to the person under the program.

(d) STUDY AND REPORT.—Not later than June 1, 1998, the Secretary of Defense shall—

(1) carry out a study to determine—

(A) the reasons for the fiscal deficiencies in the Ready Reserve Mobilization Income Insurance Program that make it necessary to appropriate $72,000,000 or more to pay benefits (including benefits in arrears) and other program costs; and

(B) whether there is a need for such a program; and

(2) submit to Congress a report containing—

(A) the Secretary's determinations; and

(B) if the Secretary determines that there is a need for a Ready Reserve mobilization income insurance program, the Secretary's recommendations for improving the program under chapter 1214 of title 10, United States Code.

SEC. 512. DISCHARGE OR RETIREMENT OF RESERVE OFFICERS IN AN INACTIVE STATUS.

Section 12683(b)(1) of title 10, United States Code, is amended to read as follows:

"(1) to—

"(A) a separation under section 12684, 14901, or 14907 of this title; or

"(B) a separation of a reserve officer in an inactive status in the Standby Reserve who is not qualified for transfer to the Retired Reserve or, if qualified, does not apply for transfer to the Retired Reserve;".

SEC. 513. RETENTION OF MILITARY TECHNICIANS IN GRADE OF BRIGADIER GENERAL AFTER MANDATORY SEPARATION DATE.

(a) RETENTION TO AGE 60.—Section 14702(a) of title 10, United States Code, is amended—

(1) by striking out "section 14506 or 14507" and inserting in lie thereof "section 14506, 14507, or 14508(a)"; and

(2) by striking out "or colonel" and inserting in lieu thereof "colonel, or brigadier general".

(b) RELATIONSHIP TO OTHER RETENTION AUTHORITY.—Section 14508(c) of such title is amended by adding at the end the following: "For the purposes of the preceding sentence, a retention of a reserve officer under section 14702 of this title shall not be construed as being a retention of that officer under this subsection.".

SEC. 514. FEDERAL STATUS OF SERVICE BY NATIONAL GUARD MEMBERS AS HONOR GUARDS AT FUNERALS OF VETERANS.

(a) IN GENERAL.—(1) Chapter 1 of title 32, United States Code, as amended by section 364, is further amended by adding at the end the following new section:

"§ 114. Honor guard functions at funerals for veterans

"Subject to such restrictions as may be prescribed by the Secretary concerned, the performance of honor guard functions by members of the National Guard at funerals for veterans of the armed forces may be treated by the Secretary concerned as a Federal function for which appropriated funds may be used. Any such performance of honor guard functions at funerals may not be considered to be a period of drill or training otherwise required.".

(2) The table of sections at the beginning of such chapter, as amended by section 364, is further amended by adding at the end the following new item:

"114. Honor guard functions at funerals for veterans.".

(b) FUNDING FOR FISCAL YEAR 1997.—Section 114 of title 32, United States Code, as added by subsection (a), does not authorize additional appropriations for fiscal year 1997. Any expenses of the National Guard that are incurred by reason of such section during fiscal year 1997 may be paid from existing appropriations available for the National Guard.

Subtitle C—Education and Training Programs

SEC. 521. SERVICE ACADEMIES FOREIGN EXCHANGE STUDY PROGRAM.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, is amended by inserting after section 4344 the following new section:

"§ 4345. Exchange program with foreign military academies

"(a) AGREEMENT AUTHORIZED.—The Secretary of the Army may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

"(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

"(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Academy and the foreign government provide cadets of the Academy with instruction at military academies of the foreign government.

"(B) That the number of cadets of the Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Academy under the exchange program during an academic year be equal.

"(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

"(2) An agreement with a foreign government under this section may provide for the Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Academy to the same extent that the foreign government provides comparable support and services to cadets of the Academy during the period of the cadets' exchange study at a military academy of the foreign government.

"(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 cadets of the Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Academy at any time.

"(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a cadet appointed from the United States.

"(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military academy students receiving instruction at the Academy under the exchange program are in addition to—

"(A) the number of persons from foreign countries who are receiving instruction at the Academy under section 4344 of this title; and

"(B) the authorized strength of the cadets of the Academy under section 4342 of this title.

"(2) Subsections (c) and (d) of section 9344 of this title apply to students of military academies of foreign governments while the students are participating in the exchange program under this section.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4344 the following new item:

"4345. Exchange program with foreign military academies.".

(b) UNITED STATES NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, is amended by inserting after section 6957 the following new section:

"§ 6957a. Exchange program with foreign military academies

"(a) AGREEMENT AUTHORIZED.—The Secretary of the Navy may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

"(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

"(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Naval Academy and the foreign government provide midshipmen of the Academy with instruction at military academies of the foreign government.

"(B) That the number of midshipmen of the Naval Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Naval Academy under the exchange program during an academic year be equal.

"(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

"(2) An agreement with a foreign government under this section may provide for the Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Naval Academy to the same extent that the foreign government provides comparable support and services to midshipmen of the Naval Academy during the period of the cadets' exchange study at a military academy of the foreign government.

"(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 midshipmen of the Naval Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Naval Academy at any time.

"(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Naval Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a midshipman appointed from the United States.

"(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military academy students receiving instruction at the Naval Academy under the exchange program are in addition to—

"(A) the number of persons from foreign countries who are receiving instruction at the Naval Academy under section 6957 of this title; and

"(B) the authorized strength of the midshipmen under section 6954 of this title.

"(2) Section 6957(c) of this title applies to students of military academies of foreign governments while the students are participating in the exchange program under this section.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6957 the following new item:

"6957a. Exchange program with foreign military academies.".

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Chapter 903 of title 10, United States Code, is amended by inserting after section 9344 the following new section:

"§ 9345. Exchange program with foreign military academies

"(a) AGREEMENT AUTHORIZED.—The Secretary of the Air Force may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

"(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

"(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Air Force Academy and the foreign government provide Air Force Cadets of the Academy with instruction at military academies of the foreign government.

"(B) That the number of Air Force Cadets of the Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Academy under the exchange program during an academic year be equal.

"(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

"(2) An agreement with a foreign government under this section may provide for the Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Academy to the same extent that the foreign government provides comparable support and services to Air Force Cadets of the Academy during the period of the cadets' exchange study at a military academy of the foreign government.

"(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 Air Force Cadets of the Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Academy at any time.

"(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a cadet appointed from the United States.

"(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military

academy students receiving instruction at the Academy under the exchange program are in addition to—

"(A) the number of persons from foreign countries who are receiving instruction at the Academy under section 9344 of this title; and

"(B) the authorized strength of the Air Force Cadets of the Academy under section 9342 of this title.

"(2) Subsections (c) and (d) of section 9344 of this title apply to students of military academies of foreign governments while the students are participating in the exchange program under this section.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9344 the following new item:

"9345. Exchange program with foreign military academies.".

SEC. 522. PROGRAMS OF HIGHER EDUCATION OF THE COMMUNITY COLLEGE OF THE AIR FORCE.

(a) PROGRAMS FOR INSTRUCTORS AT AIR FORCE TRAINING SCHOOLS.—Section 9315 of title 10, United States Code, is amended—

(1) in subsection (b), by striking out "(b) Subject to subsection (c)" and inserting in lieu thereof "(b) CONFERMENT OF DEGREE.—(1) Subject to paragraph (2)";

(2) by redesignating subsection (c) as paragraph (2) and in such paragraph, as so redesignated—

(A) by striking out "(1) the" and inserting in lieu thereof "(A) the"; and

(B) by striking out "(2) the" and inserting in lieu thereof "(B) the";

(3) in subsection (a)—

(A) by inserting after "(a)" the following: "ESTABLISHMENT AND MISSION.—"; and

(B) in paragraph (1), by striking out "Air Force" and inserting in lieu thereof "armed forces described in subsection (b)"; and

(4) by inserting after subsection (a) the following new subsection (b):

"(b) MEMBERS ELIGIBLE FOR PROGRAMS.—Subject to such other eligibility requirements as the Secretary concerned may prescribe, the following members of the armed forces are eligible to participate in programs of higher education referred to in subsection (a)(1):

"(1) An enlisted member of the Army, Navy, or Air Force who is serving as an instructor at an Air Force training school.

"(2) Any other enlisted member of the Air Force.".

(b) RETROACTIVE APPLICABILITY.—Subsection (b) of section 9315 of such title, as added by subsection (a)(4), shall apply with respect to programs of higher education of the Community College of the Air Force as of March 31, 1996.

SEC. 523. PRESERVATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE OF MEMBERS OF THE SELECTED RESERVE SERVING ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) PRESERVATION OF EDUCATIONAL ASSISTANCE.—Section 16131(c)(3)(B)(i) of title 10, United States Code, is amended by striking out ", in connection with the Persian Gulf War,".

(b) EXTENSION OF 10-YEAR PERIOD OF AVAILABILITY.—Section 16133(b)(4) of such title is amended—

(1) by striking out "(A)";

(2) by striking out ", during the Persian Gulf War,";

(3) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(4) by striking out "(B) For the purposes" and all that follows through "title 38.".

SEC. 524. REPEAL OF CERTAIN STAFFING AND SAFETY REQUIREMENTS FOR THE ARMY RANGER TRAINING BRIGADE.

(a) IN GENERAL.—(1) Section 4303 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the item relating to section 4303.

(b) REPEAL OF RELATED PROVISION.—Section 562 of Public Law 104-106 (110 Stat. 323) is repealed.

Subtitle D—Decorations and Awards

SEC. 531. CLARIFICATION OF ELIGIBILITY OF MEMBERS OF READY RESERVE FOR AWARD OF SERVICE MEDAL FOR HEROISM.

(a) SOLDIER'S MEDAL.—Section 3750(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

(b) NAVY AND MARINE CORPS MEDAL.—Section 6246 of such title is amended—

(1) by designating the text of the section as subsection (a); and

(2) by adding at the end the following new subsection:

"(b) The authority in subsection (a) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

(c) AIRMAN'S MEDAL.—Section 8750(a) of such title is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

SEC. 532. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO SPECIFIED PERSONS.

(a) WAIVER OF TIME LIMITATION.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply in the case of awards of decorations described in subsections (b), (c), and (d), the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) SILVER STAR MEDAL.—Subsection (a) applies to the award of the Silver Star Medal as follows:

(1) To Joseph M. Moll, Jr. of Milford, New Jersey, for service during World War II.

(2) To Philip Yolinsky of Hollywood, Florida, for service during the Korean Conflict.

(c) NAVY AND MARINE CORPS MEDAL.—Subsection (a) applies to the award of the Navy and Marine Corps Medal to Gary A. Gruenwald of Damascus, Maryland, for service in Tunisia in October 1977.

(d) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to awards of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate, before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 533. ONE-YEAR EXTENSION OF PERIOD FOR RECEIPT OF RECOMMENDATIONS FOR DECORATIONS AND AWARDS FOR CERTAIN MILITARY INTELLIGENCE PERSONNEL.

Section 523(b)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 311; 10 U.S.C. 1130 note) is amended by striking out "during the one-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "after February 9, 1996, and before February 10, 1998".

SEC. 534. ELIGIBILITY OF CERTAIN WORLD WAR II MILITARY ORGANIZATIONS FOR AWARD OF UNIT DECORATIONS.

(a) AUTHORITY.—A unit decoration may be awarded for any unit or other organization of the Armed Forces of the United States, such as the Military Intelligence Service of the Army, that (1) supported the planning or execution of combat operations during World War II primarily through unit personnel who were attached to other units of the Armed Forces or of other allied armed forces, and (2) is not otherwise eligible for award of the decoration by reason of not usually having been deployed as a unit in support of such operations.

(b) TIME FOR SUBMISSION OF RECOMMENDATION.—Any recommendation for award of a unit decoration under subsection (a) shall be submitted to the Secretary concerned (as defined in section 101(a)(9) of title 10, United States Code), or to such other official as the Secretary concerned may designate, not later than 2 years after the date of the enactment of this Act.

Subtitle E—Military Personnel Voting Rights

SEC. 541. SHORT TITLE.

This subtitle may be cited as the "Military Voting Rights Act of 1997".

SEC. 542. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

SEC. 543. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out **"FOR FEDERAL OFFICE"**.

Subtitle F—Other Matters

SEC. 551. SENSE OF CONGRESS REGARDING STUDY OF MATTERS RELATING TO GENDER EQUITY IN THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) In the all-volunteer force, women play an integral role in the Armed Forces.

(2) With increasing numbers of women in the Armed Forces, questions arise concerning inequalities, and perceived inequalities, between the treatment of men and women in the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Comptroller General should—

(1) conduct a study on any inequality, or perception of inequality, in the treatment of men and women in the Armed Forces that arises out of the statutes and regulations governing the Armed Forces; and

(2) submit to Congress a report on the study not later than one year after the date of enactment of this Act.

SEC. 552. COMMISSION ON GENDER INTEGRATION IN THE MILITARY.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Gender Integration in the Military.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The commission shall be composed of 11 members appointed from among private citizens of the United States who have appropriate and diverse experiences, expertise, and historical perspectives on training, organizational, legal, management, military, and gender integration matters.

(2) SPECIFIC QUALIFICATIONS.—Of the 11 members, at least two shall be appointed from among persons who have superior academic credentials, at least four shall be appointed from among former members and retired members of the Armed Forces, and at least two shall be appointed from among members of the reserve components of the Armed Forces.

(c) APPOINTMENTS.—

(1) AUTHORITY.—The President pro tempore of the Senate shall appoint the members in consultation with the chairman of the Committee on Armed Services, who shall recommend six persons for appointment, and the ranking member of the Committee on Armed Services, who shall recommend five persons for appointment. The appointments shall be made not later than 45 days after the date of the enactment of this Act.

(2) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the commission.

(3) VACANCIES.—A vacancy in the membership shall not affect the commission's powers, but shall be filled in the same manner as the original appointment.

(d) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall hold its first meeting not later than 30 days after the date on which all members have been appointed.

(2) WHEN CALLED.—The Commission shall meet upon the call of the chairman.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold meetings.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a chairman and a vice chairman from among its members.

(f) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized, by the Commission, take any action which the Commission is authorized to take under this title.

(g) DUTIES.—The Commission shall—

(1) review the current practices of the Armed Forces, relevant studies, and private sector training concepts pertaining to gender-integrated training;

(2) review the laws, regulations, policies, directives, and practices that govern personal relationships between men and women in the armed forces and personal relationships between members of the armed forces and non-military personnel of the opposite sex;

(3) assess the extent to which the laws, regulations, policies, and directives have been applied consistently throughout the Armed Forces without regard to the armed force, grade, or rank of the individuals involved;

(4) provide an independent assessment of the reports of the independent panel, the Department of Defense task force, and the review of existing guidance on adultery announced by the Secretary of Defense; and

(5) examine the experiences, policies, and practices of the armed forces of other industrialized nations regarding gender-integrated training.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than April 15, 1998, the Commission shall submit to the Committee on Armed Services of the Senate an initial report setting forth the activities, findings, and recommendations of the Commission. The report shall include any recommendations for congressional action and administrative action that the Commission considers appropriate.

(2) FINAL REPORT.—Not later than September 16, 1998, the Commission shall submit to the Committee on Armed Services a final report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for congressional action and administrative action that the Commission considers appropriate.

(i) POWERS.—

(1) HEARINGS, ET CETERA.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon the request of the chairman of the Commission, the head of a department or agency shall furnish the requested information expeditiously to the Commission.

(3) POSTAL SERVICES.— The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(j) ADMINISTRATIVE SUPPORT.—The Secretary of Defense shall, upon the request of the chairman of the Commission, furnish the Commission any administrative and support services that the Commission may require.

(k) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(2) TRAVEL ON MILITARY CONVEYANCES.—Members and personnel of the Commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(3) TRAVEL EXPENSES.—The members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) STAFF.—The chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to three additional staff members as necessary to enable the Commission to perform its duties. The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the executive schedule under section 5316 of such title.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the chairman of the Commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the Commission to assist in carrying out its duties. A detail of an employee shall be without interruption or loss of civil service status or privilege.

(6) TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

(l) TERMINATION.—The Commission shall terminate 90 days after the date on which it submits the final report under subsection (h)(2).

(m) FUNDING.—

(1) FROM DEPARTMENT OF DEFENSE APPROPRIATIONS.—Upon the request of the chairman of the Commission, the Secretary of Defense shall make available to the Commission, out of funds appropriated for the Department of Defense, such amounts as the Commission may require to carry out its duties.

(2) PERIOD OF AVAILABILITY.—Funds made available to the Commission shall remain

available, without fiscal year limitation, until the date on which the Commission terminates.

SEC. 553. SEXUAL HARASSMENT INVESTIGATIONS AND REPORTS.

(a) INVESTIGATIONS.—Any commanding officer or officer in charge of a unit, vessel, facility, or area who receives from a member of the command or a civilian employee under the supervision of the officer a complaint alleging sexual harassment by a member of the Armed Forces or a civilian employee of the Department of Defense shall, to the extent practicable—

(1) within 72 hours after receipt of the complaint—

(A) forward the complaint or a detailed description of the allegation to the next superior officer in the chain of command who is authorized to convene a general court-martial;

(B) commence, or cause the commencement of, an investigation of the complaint; and

(C) advise the complainant of the commencement of the investigation;

(2) ensure that the investigation of the complaint is completed not later than 14 days after the investigation is commenced; and

(3) either—

(A) submit a final report on the results of the investigation, including any action taken as a result of the investigation, to the next superior officer referred to in paragraph (1) within 20 days after the investigation is commenced; or

(B) submit a report on the progress made in completing the investigation to the next superior officer referred to in paragraph (1) within 20 days after the investigation is commenced and every 14 days thereafter until the investigation is completed and, upon completion of the investigation, then submit a final report on the results of the investigation, including any action taken as a result of the investigation, to that next superior officer.

(b) REPORTS.—(1) Not later than January 1 of each of 1998 and 1999, each officer receiving any complaint forwarded in accordance with subsection (a) during the preceding year shall submit to the Secretary of the military department concerned a report on all such complaints and the investigations of such complaints (including the results of the investigations, in cases of investigations completed during such preceding year).

(2)(A) Not later than March 1 of each of 1998 and 1999, each Secretary receiving a report under paragraph (1) for a year shall submit to the Secretary of Defense a report on all such reports so received.

(B) Not later than the April 1 following receipt of a report for a year under subparagraph (A), the Secretary of Defense shall transmit to Congress all such reports received for the year under subparagraph (A) together with the Secretary's assessment of each such report.

(c) SEXUAL HARASSMENT DEFINED.—In this section, the term 'sexual harassment' means—

(1) a form of sex discrimination that—

(A) involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when—

(i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

(ii) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

(iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; and

(B) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive;

(2) any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces or a civilian employee of the Department of Defense; and

(3) any deliberate or repeated unwelcome verbal comment, gesture, or physical contact of a sexual nature in the workplace by any member of the Armed Forces or civilian employee of the Department of Defense.

SEC. 554. REQUIREMENT FOR EXEMPLARY CONDUCT BY COMMANDING OFFICERS AND OTHER AUTHORITIES.

(a) ARMY.—(1) Chapter 345 of title 10, United States Code, is amended by adding at the end:

"§ 3583. Requirement of exemplary conduct

"All commanding officers and others in authority in the Army are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Army, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the Army, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"3583. Requirement of exemplary conduct.".

(b) AIR FORCE.—(1) Chapter 845 of title 10, United States Code, is amended by adding at the end the following:

"§ 8583. Requirement of exemplary conduct

"All commanding officers and others in authority in the Air Force are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Air Force, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the Air Force, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"8583. Requirement of exemplary conduct.".

SEC. 555. PARTICIPATION OF DEPARTMENT OF DEFENSE PERSONNEL IN MANAGEMENT OF NON-FEDERAL ENTITIES.

(a) AUTHORITY.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1060a the following new section:

"§ 1060b. Participation in management of non-Federal entities: members of the armed forces; civilian employees

"(a) AUTHORITY TO PERMIT PARTICIPATION.—The Secretary concerned may authorize a member of the armed forces, a civilian officer or employee of the Department of Defense, or a civilian officer or civilian employee of the Coast Guard—

"(1) to serve as a director, officer, or trustee of a military welfare society or other entity described in subsection (c); or

"(2) to participate in any other capacity in the management of such a society or entity.

"(b) COMPENSATION PROHIBITED.—Compensation may not be accepted for service or participation authorized under subsection (a).

"(c) COVERED ENTITIES.—This section applies with respect to the following entities:

"(1) MILITARY WELFARE SOCIETIES.—The following military welfare societies:

"(A) The Army Emergency Relief.

"(B) The Air Force Aid Society.

"(C) The Navy-Marine Corps Relief Society.

"(D) The Coast Guard Mutual Assistance.

"(2) OTHER ENTITIES.—Each of the following additional entities that is not operated for profit:

"(A) Any athletic conference, or other entity, that regulates and supports the athletics programs of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy.

"(B) Any entity that regulates international athletic competitions.

"(C) Any regional educational accrediting agency, or other entity, that accredits the academies referred to in subparagraph (A) or accredits any other school of the armed forces.

"(D) Any health care association, professional society, or other entity that regulates and supports standards and policies applicable to the provision of health care by or for the Department of Defense.

"(d) SECRETARY OF DEFENSE AS SECRETARY CONCERNED.—In this section, the term 'Secretary concerned' includes the Secretary of Defense with respect to civilian officers and employees of the Department of Defense who are not officers or employees of a military department.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1060a the following new item:

"1060b. Participation in management of non-Federal entities: members of the armed forces; civilian employees.".

SEC. 556. TECHNICAL CORRECTION TO CROSS REFERENCE IN ROPMA PROVISION RELATING TO POSITION VACANCY PROMOTION.

Section 14317(d) of title 10, United States Code, is amended by striking out "section 14314" in the first sentence and inserting in lieu thereof "section 14315".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1998.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1998 shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 1998, the rates of basic pay of members of the uniformed services are increased by 2.8 percent.

Subtitle B—Subsistence, Housing, and Other Allowances

PART I—REFORM OF BASIC ALLOWANCE FOR SUBSISTENCE

SEC. 611. REVISED ENTITLEMENT AND RATES.

(a) UNIVERSAL ENTITLEMENT TO BAS EXCEPT DURING BASIC TRAINING.—

(1) IN GENERAL.—Section 402 of title 37, United States Code, is amended by striking out subsections (b) and (c).

(2) EXCEPTION.—Subsection (a) of such section is amended by adding at the end the following: "However, an enlisted member is not entitled to the basic allowance for subsistence during basic training.".

(b) RATES BASED ON FOOD COSTS.—Such section, as amended by subsection (a), is further amended by inserting after subsection (a) the following new subsection (b):

"(b) RATES OF BAS.—(1) The monthly rate of basic allowance for subsistence in effect for an enlisted member for a year (beginning on January 1 of the year) shall be the amount that is halfway between the following amounts that are determined by the Secretary of Agriculture as of October 1 of the preceding year:

"(A) The amount equal to the monthly cost of a moderate-cost food plan for a male in the United States who is between 20 and 50 years of age.

"(B) The amount equal to the monthly cost of a liberal food plan for a male in the United States who is between 20 and 50 years of age.

"(2) The monthly rate of basic allowance for subsistence in effect for an officer for a year (beginning on January 1 of the year) shall be the amount equal to the monthly rate of basic allowance for subsistence in effect for officers for the preceding year, increased by the same percentage by which the rate of basic allowance for subsistence for enlisted members for the preceding year is increased effective on such January 1.".

(c) CONTINUATION OF ADVANCE PAYMENT AUTHORITY.—Such section is further amended by inserting after subsection (b), as added by subsection (b) of this section, the following new subsection (c):

"(c) ADVANCE PAYMENT.—The allowance to an enlisted member may be paid in advance for a period of not more than three months.".

(d) FLEXIBILITY TO MANAGE DEMAND FOR DINING AND MESSING SERVICES.—Such section is further amended by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):

"(e) POLICIES ON USE OF DINING AND MESSING FACILITIES.—The Secretary of Defense, in consultation with the Secretaries concerned, shall prescribe policies regarding use of dining and field messing facilities of the uniformed services.".

(e) REGULATIONS.—Such section is further amended by adding after subsection (e), as added by subsection (d) of this section, the following:

"(f) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations for the administration of this section. Before prescribing the regulations, the Secretary shall consult with each Secretary concerned.

"(2) The regulations shall include the rates of basic allowance for subsistence.".

(f) STYLISTIC AND CONFORMING AMENDMENTS.—

(1) SUBSECTION HEADINGS.—Such section is amended—

(A) in subsection (a), by inserting "ENTITLEMENT.—" after "(a)"; and

(B) in subsection (d), by inserting "COAST GUARD.—" after "(d)".

(2) TRAVEL STATUS EXCEPTION TO ENTITLEMENT.—Section 404 of title 37, United States Code, is amended—

(A) by striking out subsection (g); and

(B) by redesignating subsections (h), (i), (j), and (k) as subsections (g), (h), (i), and (j), respectively.

SEC. 612. TRANSITIONAL BASIC ALLOWANCE FOR SUBSISTENCE.

(a) BAS TRANSITION PERIOD.—For the purposes of this section, the BAS transition period is the period beginning on the effective date of this part and ending on the date that this section ceases to be effective under section 613(b).

(b) TRANSITIONAL AUTHORITY.—Notwithstanding section 402 of title 37, United States Code (as amended by section 611), during the BAS transition period—

(1) the basic allowance for subsistence shall not be paid under that section for that period;

(2) a member of the uniformed services is entitled to the basic allowance for subsistence only as provided in subsection (c);

(3) an enlisted member of the uniformed services may be paid a partial basic allowance for subsistence as provided in subsection (d); and

(4) the rates of the basic allowance for subsistence are those determined under subsection (e).

(c) TRANSITIONAL ENTITLEMENT TO BAS.—

(1) ENLISTED MEMBERS.—

(A) TYPES OF ENTITLEMENT.—An enlisted member is entitled to the basic allowance for subsistence, on a daily basis, of one of the following types—

(i) when rations in kind are not available;

(ii) when permission to mess separately is granted; and

(iii) when assigned to duty under emergency conditions where no messing facilities of the United States are available.

(B) OTHER ENTITLEMENT CIRCUMSTANCES.—An enlisted member is entitled to the allowance while on an authorized leave of absence, while confined in a hospital, or while performing travel under orders away from the member's designated post of duty other than field duty or sea duty (as defined in regulations prescribed by the Secretary of Defense). For purposes of the preceding sentence, a member shall not be considered to be performing travel under orders away from his designated post of duty if such member—

(i) is an enlisted member serving his first tour of active duty;

(ii) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

(iii) is not actually traveling between stations pursuant to orders directing a change of station.

(C) ADVANCE PAYMENT.—The allowance to an enlisted member, when authorized, may be paid in advance for a period of not more than three months.

(2) OFFICERS.—An officer of a uniformed service who is entitled to basic pay is, at all times, entitled to the basic allowances for subsistence. An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for subsistence as is provided for an officer of the Navy, Air Force, Marine Corps, or Coast Guard, respectively.

(d) TRANSITIONAL AUTHORITY FOR PARTIAL BAS.—

(1) ENLISTED MEMBERS FURNISHED SUBSISTENCE IN KIND.—The Secretary of Defense may provide in regulations for an enlisted member of a uniformed service to be paid a partial basic allowance for subsistence when—

(A) rations in kind are available to the member;

(B) the member is not granted permission to mess separately; or

(C) the member is assigned to duty under emergency conditions where messing facilities of the United States are available.

(2) MONTHLY PAYMENT.—Any partial basic allowance for subsistence authorized under paragraph (1) shall be paid on a monthly basis.

(e) TRANSITIONAL RATES.—

(1) FULL BAS FOR OFFICERS.—The rate of basic allowance for subsistence that is payable to officers of the uniformed services for a year shall be the amount that is equal to 101 percent of the rate of basic allowance for subsistence that was payable to officers of the uniformed services for the preceding year.

(2) FULL BAS FOR ENLISTED MEMBERS.—The rate of basic allowance for subsistence that is payable to an enlisted member of the uniformed services for a year shall be the higher of—

(A) the amount that is equal to 101 percent of the rate of basic allowance for subsistence that was in effect for similarly situated enlisted members of the uniformed services for the preceding year; or

(B) the daily equivalent of what, except for subsection (b), would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code (as added by section 611(b)).

(3) PARTIAL BAS FOR ENLISTED MEMBERS.—The rate of any partial basic allowance for subsistence paid under subsection (d) for a member for a year shall be equal to the lower of—

(A) the amount equal to the excess, if any, of—

(i) the amount equal to the monthly equivalent of the rate of basic allowance for subsistence that was in effect for the preceding year for enlisted members of the uniformed services above grade E–1 (when permission to mess separately is granted), increased by the same percent by which the rates of basic pay for members of the uniformed services were increased for the year over those in effect for such preceding year, over

(ii) the amount equal to 101 percent of the monthly equivalent of the rate of basic allowance for subsistence that was in effect for the previous year for enlisted members of the uniformed services above grade E–1 (when permission to mess separately is granted); or

(B) the amount equal to the excess of—

(i) the amount that, except for subsection (b), would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code, over

(ii) the amount equal to the monthly equivalent of the value of a daily ration, as determined by the Under Secretary of Defense (Comptroller) as of October 1 of the preceding year.

SEC. 613. EFFECTIVE DATE AND TERMINATION OF TRANSITIONAL AUTHORITY.

(a) EFFECTIVE DATE.—This part and the amendments made by section 611 shall take effect on January 1, 1998.

(b) TERMINATION OF TRANSITIONAL PROVISIONS.—Section 612 shall cease to be effective on the first day of the month immediately following the first month for which the monthly equivalent of the rate of basic allowance for subsistence payable to enlisted members of the uniformed services (when permission to mess separately is granted), as

determined under subsection (e)(2) of such section, equals or exceeds the amount that, except for subsection (b) of such section, would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code.

PART II—REFORM OF HOUSING AND RELATED ALLOWANCES

SEC. 616. ENTITLEMENT TO BASIC ALLOWANCE FOR HOUSING.

(a) REDESIGNATION OF BAQ.—Section 403 of title 37, United States Code, is amended by striking out "basic allowance for quarters" each place it appears, except in subsections (f) and (m), and inserting in lieu thereof "basic allowance for housing".

(b) RATES.—Subsection (a) of such section is amended by striking out "section 1009" and inserting in lieu thereof "section 403a".

(c) TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS.—Subsection (f) of such section is amended to read as follows:

"(f) TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS.—A member of a uniformed service who is in pay grade above E–4 (four or more years of service) or above is entitled to a temporary housing allowance (at a rate determined under section 403a of this title) while the member is in a travel or leave status between permanent duty stations, including time granted as delay en route or proceed time, when the member is not assigned to quarters of the United States.".

(d) DETERMINATIONS NECESSARY FOR ADMINISTERING AUTHORITY FOR ALL MEMBERS.—Subsection (h) of such section is amended by striking out "enlisted" each place it appears.

(e) ENTITLEMENT OF MEMBERS NOT ENTITLED TO PAY.—Subsection (i) of such section is amended by striking out "enlisted".

(f) TEMPORARY HOUSING AND ALLOWANCE FOR SURVIVORS OF ACTIVE DUTY MEMBERS.—

(1) CONTINUATION OF OCCUPANCY.—Paragraph (1) of subsection (l) of such section is amended by striking out "in line of duty" and inserting in lieu thereof "on active duty".

(2) ALLOWANCE.—Paragraph (2) of such subsection is amended to read as follows:

"(2)(A) The Secretary concerned may pay a basic allowance for housing (at the rate determined under section 403a of this title) to the dependents of a member of the uniformed services who dies while on active duty and whose dependents—

"(i) are not occupying a housing facility under the jurisdiction of a uniformed service on the date of the member's death;

"(ii) are occupying such housing on a rental basis on such date; or

"(iii) vacate such housing sooner than 180 days after the date of the member's death.

"(B) The payment of the allowance under this subsection shall terminate 180 days after the date of the member's death.".

(g) ENTITLEMENT OF MEMBER PAYING CHILD SUPPORT.—Subsection (m) of such section is amended to read as follows:

"(m) MEMBERS PAYING CHILD SUPPORT.—(1) A member of a uniformed service with dependents may not be paid a basic allowance for housing at the with dependents rate solely by reason of the payment of child support by the member if—

"(A) the member is assigned to a housing facility under the jurisdiction of a uniformed service; or

"(B) the member is in a pay grade above E–4, is assigned to sea duty, and elects not to occupy assigned quarters for unaccompanied personnel.

"(2) A member of a uniformed service assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service who is not otherwise authorized a basic allowance for housing and who pays child support is entitled to the basic allowance for housing differential (at the rate applicable under section 403a of this title) to the members' pay grade except for months for which the amount payable for the child support is less than the rate of the differential. Payment of a basic allowance for housing differential does not affect any entitlement of the member to a partial allowance for quarters under subsection (o).".

(h) REPLACEMENT OF VHA BY BASIC ALLOWANCE FOR HOUSING.—

(1) MEMBERS NOT ACCOMPANIED BY DEPENDENTS OUTSIDE CONUS.—Such section is further amended by adding at the end the following:

"(n) MEMBERS NOT ACCOMPANIED BY DEPENDENTS OUTSIDE CONUS.—(1) A member of a uniformed service with dependents who is assigned to an unaccompanied tour of duty outside the continental United States is eligible for a basic allowance for housing as provided in paragraph (2).

"(2)(A) For any period during which the dependents of a member referred to in paragraph (1) reside in the United States where, if the member were residing with them, the member would be entitled to receive a basic allowance for housing, the member is entitled to a basic allowance for housing at the rate applicable under section 403a of this title to the member's pay grade and the location of the residence of the member's dependents.

"(B) A member referred to in paragraph (1) may be paid a basic allowance for housing at the rate applicable under section 403a of this title to the members's pay grade and location.

"(3) Payment of a basic allowance for housing to a member under paragraph (2)(B) shall be in addition to any allowance or per diem to which the member otherwise may be entitled under this title.".

(2) MEMBERS NOT ACCOMPANIED BY DEPENDENTS INSIDE CONUS.—Paragraph (2) of section 403a(a) of title 37, United States Code, is transferred to the end of section 403 of such title and, as transferred, is amended—

(A) by striking out "(2)" and inserting in lieu thereof "(o) MEMBERS NOT ACCOMPANIED BY DEPENDENTS INSIDE CONUS.—";

(B) by striking out "variable housing allowance" each place it appears and inserting in lieu thereof "basic allowance for housing";

(C) by striking out "(under regulations prescribed under subsection (e))" in the matter following subparagraph (B) and inserting in lieu thereof "(under regulations prescribed by the Secretary of Defense)"; and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(3) REPEAL OF VHA ALLOWANCE.—Section 403a of title 37, United States Code, is repealed.

(i) MEMBERS WITHOUT DEPENDENTS.—Section 403 of such title, as amended by subsection (f), is further amended by adding at the end the following:

"(p) PARTIAL ALLOWANCE FOR MEMBERS WITHOUT DEPENDENTS.—A member of a uniformed service without dependents who is not entitled to receive a basic allowance for housing under subsection (b) or (c) is entitled to a partial allowance for quarters determined under section 403a of this title.".

(j) STYLISTIC AMENDMENTS.—Section 403 of title 37, United States Code, as amended by this section, is further amended—

(1) in subsection (a), by striking out "(a)(1)" and inserting in lieu thereof "(a) GENERAL ENTITLEMENT.—(1)";

(2) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) MEMBERS ASSIGNED TO QUARTERS.—(1)";

(3) in subsection (c), by striking out "(c)(1)" and inserting in lieu thereof "(c) INELIGIBILITY DURING INITIAL FIELD DUTY OR SEA DUTY.—(1)";

(4) in subsection (d), by striking out "(d)(1)" and inserting in lieu thereof "(d) PROHIBITED GROUNDS FOR DENIAL.—(1)";

(5) in subsection (e), by inserting "RENTAL OF PUBLIC QUARTERS.—" after "(e)";

(6) in subsection (g), by inserting "AVIATION CADETS.—" after "(g)";

(7) in subsection (h), by inserting "NECESSARY DETERMINATIONS.—" after "(h)";

(8) in subsection (i), by inserting "ENTITLEMENT OF MEMBER NOT ENTITLED TO PAY.—" after "(i)";

(9) in subsection (j), by striking out "(j)(1)" and inserting in lieu thereof "(j) ADMINISTRATIVE AUTHORITY.—(1)";

(10) in subsection (k), by inserting "PARKING FACILITIES NOT CONSIDERED QUARTERS.—" after "(k)"; and

(11) in subsection (l), by striking out "(l)(1)" and inserting in lieu thereof "(l) DEPENDENTS OF MEMBERS DYING ON ACTIVE DUTY.—(1)".

(k) SECTION HEADING.—The heading of section 403 of title 37, United States Code, is amended to read as follows:

"§ 403. Basic allowance for housing: eligibility".

SEC. 617. RATES OF BASIC ALLOWANCE FOR HOUSING.

Chapter 7 of title 37, United States Code, is amended by inserting after section 403 the following new section 403a:

"§ 403a. Basic allowance for housing: rates

"(a) RATES PRESCRIBED BY SECRETARY OF DEFENSE.—The Secretary of Defense shall prescribe monthly rates of basic allowance for housing payable under section 403 of this title. The Secretary shall specify the rates, by pay grade and dependency status, for each geographic area defined in accordance with subsection (b).

"(b) GEOGRAPHIC BASIS FOR RATES.—(1) The Secretary shall define the areas within the United States and the areas outside the United States for which rates of basic allowance for housing are separately specified.

"(2) For each area within the United States that is defined under paragraph (1), the Secretary shall determine the costs of housing in that area that the Secretary considers adequate for civilians residents of that area whose relevant circumstances the Secretary considers as being comparable to those of members of the uniformed services.

"(3) For each area outside the United States defined under paragraph (1), the Secretary shall determine the costs of housing in that area that the Secretary considers adequate for members of the uniformed services.

"(c) RATES WITHIN THE UNITED STATES.—(1) Subject to paragraph (2), the monthly rate of basic allowance for housing for members of the uniformed services of a particular grade and dependency status for an area within the United States shall be the amount equal to the excess of—

"(A) the monthly cost of housing determined applicable for members of that grade and dependency status for that area under subsection (b), over

"(B) the amount equal to 15 percent of the average of the monthly costs of housing determined applicable for members of the uniformed services of that grade and dependency status for all areas of the United States under subsection (b).

"(2) The rates of basic allowance for housing determined under paragraph (1) shall be reduced as necessary to comply with subsection (g).

"(d) RATES OUTSIDE THE UNITED STATES.—The monthly rate of basic allowance for housing for members of the uniformed services of a particular grade and dependency status for an area outside the United States shall be an amount appropriate for members of the uniformed services of that grade and dependency status for that area, as determined by the Secretary on the basis of the costs of housing in that area.

"(e) ADJUSTMENTS WHEN RATES OF BASIC PAY INCREASED.—The Secretary of Defense shall periodically redetermine the housing costs for areas under subsection (b) and adjust the rates of basic allowance for housing as appropriate on the basis of the redetermination of costs. The effective date of any adjustment in rates of basic allowance for housing for an area as a result of such a redetermination shall be the same date as the effective date of the next increase in rates of basic pay for members of the uniformed services after the redetermination.

"(f) SAVINGS OF RATE.—The rate of basic allowance for housing payable to a particular member for an area within the United States may not be reduced during a continuous period of eligibility of the member to receive a basic allowance for housing for that area by reason of—

"(1) a general reduction of rates of basic allowance for housing for members of the same grade and dependency status for the area taking effect during the period; or

"(2) a promotion of the member during the period.

"(g) FISCAL YEAR LIMITATION ON TOTAL ALLOWANCES PAID FOR HOUSING INSIDE THE UNITED STATES.—(1) The total amount that may be paid for a fiscal year for the basic allowance for housing for areas within the United States authorized members of the uniformed services by section 403 of this title is the product of—

"(A) the total amount authorized to be paid for the allowance for such areas for the preceding fiscal year (as adjusted under paragraph (2)); and

"(B) the fraction—

"(i) the numerator of which is the average of the costs of housing determined by the Secretary under subsection (b)(2) for the areas of the United States for June of the preceding fiscal year; and

"(ii) the denominator of which is the average of the costs of housing determined by the Secretary under subsection (b)(2) for the areas of the United States for June of the fiscal year before the preceding fiscal year.

"(2) In making a determination under paragraph (1) for a fiscal year, the Secretary shall adjust the amount authorized to be paid for the preceding fiscal year for the basic allowance for housing to reflect changes (during the fiscal year for which the determination is made) in the number, grade distribution, and dependency status of members of the uniformed services entitled to the basic allowance for housing from the number of such members during such preceding fiscal year.

"(h) MEMBERS EN ROUTE BETWEEN PERMANENT DUTY STATIONS.—The Secretary of Defense shall prescribe in regulations the rate of the temporary housing allowance to which a member is entitled under section 403(f) of this title while the member is in a travel or leave status between permanent duty stations.

"(i) SURVIVORS OF MEMBERS DYING ON ACTIVE DUTY.— The rate of the basic allowance for housing payable to dependents of a deceased member under section 403(1)(2) of this title shall be the rate that is payable for members of the same grade and dependency status as the deceased member for the area where the dependents are residing.

"(j) MEMBERS PAYING CHILD SUPPORT.—(1) The basic allowance for housing differential to which a member is entitled under section 403(m)(2) of this title is the amount equal to the excess of—

"(A) the rate of the basic allowance for quarters (with dependents) for the member's pay grade, as such rate was in effect on December 31, 1997, under section 403 of this title (as such section was in effect on such date), over

"(B) the rate of the basic allowance for quarters (without dependents) for the member's pay grade, as such rate was in effect on December 31, 1997, under section 403 of this title (as such section was in effect on that date).

"(2) Whenever the rates of basic pay for members of the uniformed services are increased, the monthly amount of the basic allowance for housing differential shall be increased by the average percent increase in the rates of basic pay. The effective date of the increase shall be the same date as the effective date in the increase in the rates of basic pay.

"(k) PARTIAL ALLOWANCE FOR QUARTERS.—The rate of the partial allowance for quarters to which a member without dependents is entitled under section 403(p) of this title is the partial rate of basic allowance for quarters for the member's pay grade as such partial rate was in effect on December 31, 1997, under section 1009(c)(2) of this title (as such section was in effect on such date).".

SEC. 618. DISLOCATION ALLOWANCE.

(a) AMOUNT.—Section 407 of title 37, United States Code, is amended—

(1) in subsection (a), by striking out "equal to the basic allowance for quarters for two and one-half months as provided for the member's pay grade and dependency status in section 403 of this title" in the matter preceding paragraph (1) and inserting in lieu thereof "determined under subsection (g)";

(2) in subsection (b), by striking out "equal to the basic allowance for quarters for two months as provided for a member's pay grade and dependency status in section 403 of this title" and inserting in lieu thereof "determined under subsection (g)"; and

(3) by adding at the end the following:

"(g) AMOUNT.—(1) The dislocation allowance payable to a member under subsection (a) shall be the amount equal to 160 percent of the monthly national average cost of housing determined for members of the same grade and dependency status as the member.

"(2) The dislocation allowance payable to a member under subsection (b) shall be the amount equal to 130 percent of the monthly national average cost of housing determined for members of the same grade and dependency status as the member.

"(3) In this section, the term 'monthly national average cost of housing', with respect to members of a particular grade and dependency status, means the average of the monthly costs of housing that the Secretary determines adequate for members of that grade and dependency status for all areas in the United States under section 403a(b)(2) of this title.".

(b) STYLISTIC AMENDMENTS.—Such section is amended—

(1) in subsection (a), by inserting "FIRST ALLOWANCE.—" after "(a)";

(2) in subsection (b), by inserting "SECOND ALLOWANCE.—" after "(b)";

(3) in subsection (c), by inserting "ONE ALLOWANCE PER FISCAL YEAR.—" after "(c)";

(4) in subsection (d), by inserting "NO ENTITLEMENT FOR FIRST AND LAST MOVES.—" after "(d)";

(5) in subsection (e), by inserting "WHEN MEMBER WITH DEPENDENTS CONSIDERED MEMBER WITHOUT DEPENDENTS.—" after "(e)"; and

(6) in subsection (f), by inserting "PAYMENT IN ADVANCE.—" after "(f)".

SEC. 619. FAMILY SEPARATION AND STATION ALLOWANCES.

(a) FAMILY SEPARATION ALLOWANCE.—

(1) REPEAL OF AUTHORITY FOR ALLOWANCE EQUAL TO BAQ.—Section 427 of title 37, United States Code, is amended by striking out subsection (a).

(2) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(A) by striking out "(b) ADDITIONAL SEPARATION ALLOWANCE.—";

(B) by redesignating paragraphs (1), (2), (3), (4), and (5), as subsections (a), (b), (c), (d), and (e), respectively;

(C) in subsection (a), as so redesignated—

(i) by inserting "ENTITLEMENT.—" after "(a)";

(ii) by striking out ", including subsection (a),"; and

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively;

(D) in subsection (b), as redesignated by paragraph (2)—

(i) by inserting "EFFECTIVE DATE FOR SEPARATION DUE TO CRUISE OR TEMPORARY DUTY.—" after "(b)";

(ii) by striking out "subsection by virtue of duty described in subparagraph (B) or (C) of paragraph (1)" and inserting in lieu thereof "section by virtue of duty described in paragraph (2) or (3) of subsection (a)";

(iii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(iv) in paragraph (2), as so redesignated—

(I) by striking out "subsection" and inserting in lieu thereof "section"; and

(II) by striking out "subparagraphs" and inserting in lieu thereof "paragraphs";

(E) in subsection (c), as redesignated by paragraph (2)—

(i) by inserting "ENTITLEMENT WHEN NO RESIDENCE OR HOUSEHOLD MAINTAINED FOR DEPENDENTS.—" after "(c)"; and

(ii) by striking out "subsection" and inserting in lieu thereof "section";

(F) in subsection (d), as redesignated by paragraph (2)—

(i) by inserting "EFFECT OF ELECTION OF UNACCOMPANIED TOUR.—" after "(d)"; and

(ii) by striking out "paragraph (1)(A) of this subsection" and inserting in lieu thereof "subsection (a)(1)"; and

(G) in subsection (e), as redesignated by paragraph (2)—

(i) by inserting "ENTITLEMENT WHILE DEPENDENT ENTITLED TO BASIC PAY.—" after "(e)"; and

(ii) by striking out "paragraph (1)(D)" each place it appears and inserting in lieu thereof "subsection (a)(4)".

(b) STATION ALLOWANCE.—

(1) REPEAL OF AUTHORITY.—Section 405 of title 37, United States Code, is amended by striking out subsection (b).

(2) CONFORMING AMENDMENT.—Such section is further amended by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 620. OTHER CONFORMING AMENDMENTS.

(a) DEFINITION OF REGULAR MILITARY COMPENSATION.—Section 101(25) of title 37,

United States Code, is amended by striking out "basic allowance for quarters (including any variable housing allowance or station allowance)" and inserting in lieu thereof "basic allowance for housing.".

(b) ALLOWANCES WHILE PARTICIPATING IN INTERNATIONAL SPORTS.—Section 420(c) of such title is amended by striking out "quarters" and inserting in lieu thereof "housing".

(c) PAYMENTS TO MISSING PERSONS.—Section 551(3)(D) of such title is amended by striking out "quarters" and inserting in lieu thereof "housing".

(d) PAYMENT DATE.—Section 1014(a) of such title is amended by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing".

(e) OCCUPANCY OF SUBSTANDARD FAMILY HOUSING.—Section 2830(a) of title 10, United States Code, is amended by striking out "basic allowance for quarters" each place it appears and inserting in lieu thereof "basic allowance for housing".

SEC. 621. CLERICAL AMENDMENT.

The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by striking out the items relating to section 403 and 403a and inserting in lieu thereof the following:

"403. Basic allowance for housing: eligibility.
"403a. Basic allowance for housing: rates.".

SEC. 622. EFFECTIVE DATE.

This part and the amendments made by this part shall take effect on January 1, 1998.

PART III—OTHER AMENDMENTS RELATING TO ALLOWANCES

SEC. 626. REVISION OF AUTHORITY TO ADJUST COMPENSATION NECESSITATED BY REFORM OF SUBSISTENCE AND HOUSING ALLOWANCES.

(a) CONFORMING REPEAL OF AUTHORITY RELATING TO BAS AND BAQ.—

(1) IN GENERAL.—Section 1009 of title 37, United States Code, is amended to read as follows:

"§ 1009. Adjustments of monthly basic pay

"(a) ADJUSTMENT REQUIRED.—Whenever the General Schedule of compensation for Federal classified employees as contained in section 5332 of title 5 is adjusted upward, the President shall immediately make an upward adjustment in the monthly basic pay authorized members of the uniformed services by section 203(a) of this title.

"(b) EFFECTIVENESS OF ADJUSTMENT.—An adjustment under this section shall—

"(1) have the force and effect of law; and

"(2) carry the same effective date as that applying to the compensation adjustments provided General Schedule employees.

"(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—Subject to subsection (d), an adjustment under this section shall provide all eligible members with an increase in the monthly basic pay which is of the same percentage as the overall average percentage increase in the General Schedule rates of basic pay for civilian employees.

"(d) ALLOCATION OF INCREASE AMONG PAY GRADES AND YEARS-OF-SERVICE.—(1) Subject to paragraph (2), whenever the President determines such action to be in the best interest of the Government, he may allocate the overall percentage increase in the monthly basic pay under subsection (a) among such pay grade and years-of-service categories as he considers appropriate.

"(2) In making any allocation of an overall percentage increase in basic pay under paragraph (1)—

"(A) the amount of the increase in basic pay for any given pay grade and years-of-service category after any allocation made under this subsection may not be less than 75 percent of the amount of the increase in the monthly basic pay that would otherwise have been effective with respect to such pay grade and years-of-service category under subsection (c); and

"(B) the percentage increase in the monthly basic pay in the case of any member of the uniformed services with four years or less service may not exceed the overall percentage increase in the General Schedule rates of basic pay for civilian employees.

"(e) NOTICE OF ALLOCATIONS.—Whenever the President plans to exercise his authority under subsection (d) with respect to any anticipated increase in the monthly basic pay of members of the uniformed services, he shall advise Congress, at the earliest practicable time prior to the effective date of such increase, regarding the proposed allocation of such increase.

"(f) QUADRENNIAL ASSESSMENT OF ALLOCATIONS.—The allocations of increases made under this section shall be assessed in conjunction with the quadrennial review of military compensation required by section 1008(b) of this title.".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 19 of such title is amended to read as follows:

"1009. Adjustments of monthly basic pay.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1998.

SEC. 627. DEADLINE FOR PAYMENT OF READY RESERVE MUSTER DUTY ALLOWANCE.

Section 433(c) of title 37, United States Code, is amended by striking out "and shall" in the first sentence and all that follows in that sentence and inserting in lieu thereof a period and the following: "The allowance shall be paid to the member before, on, or after the date on which the muster duty is performed, but not later than 30 days after that date.".

Subtitle C—Bonuses and Special and Incentive Pays

SEC. 631. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS.—Section 302g(f) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out "October 1, 1998" and inserting in lieu thereof "October 1, 1999".

SEC. 632. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

SEC. 633. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(d) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(e) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out "October 1, 1998" and inserting in lieu thereof "October 1, 1999".

SEC. 634. INCREASED AMOUNTS FOR AVIATION CAREER INCENTIVE PAY.

(a) AMOUNTS.—The table in subsection (b)(1) of section 301a(b)(1) of title 37, United States Code, is amended—

(1) by inserting at the end of phase I of the table the following:

"Over 14 ..... 840"; and

(2) by striking out phase II of the table and inserting in lieu thereof the following:

"PHASE II

"Years of service as an officer:	"Monthly rate
"Over 22	$585
"Over 23	495
"Over 24	385
"Over 25	250".

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

SEC. 635. AVIATION CONTINUATION PAY.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 301b of title 37, United States

Code, is amended by striking out "1998" and inserting in lieu thereof "2005".

(b) BONUS AMOUNTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out "$12,000" and inserting in lieu thereof "$25,000"; and

(2) in paragraph (2), by striking out "$6,000" and inserting in lieu thereof "$12,000".

(c) DEFINITION OF AVIATION SPECIALTY.—Subsection (j)(2) of such section is amended by inserting "specific" before "community".

(d) CONTENT OF ANNUAL REPORT.—Subsection (i)(1) of such section is amended—

(1) by inserting "and" at the end of subparagraph (A);

(2) by striking out the semicolon and "and" at the end of subparagraph (B) and inserting in lieu thereof a period; and

(3) by striking out subparagraph (C).

(e) EFFECTIVE DATES AND APPLICABILITY.—(1) Except as provided in paragraphs (1) and (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall take effect on October 1, 1997, and shall apply with respect to agreements accepted under subsection (a) of section 301b of title 37, United States Code, on or after that date.

(3) The amendment made by subsection (c) shall take effect as of October 1, 1996, and shall apply with respect to agreements accepted under subsection (a) of section 301b of title 37, United States Code, on or after that date.

SEC. 636. ELIGIBILITY OF DENTAL OFFICERS FOR THE MULTIYEAR RETENTION BONUS PROVIDED FOR MEDICAL OFFICERS.

(a) ADDITION OF DENTAL OFFICERS.—Section 301d of title 37, United States Code, is amended—

(1) in subsection (a)(1), by inserting "or dental" after "medical"; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "or Dental Corps" after "Medical Corps"; and

(ii) by inserting "or dental" after "medical"; and

(B) in paragraph (3), by inserting "or dental" after "medical".

(b) CONFORMING AMENDMENT AND RELATED CLERICAL AMENDMENT.—(1) The heading of such section is amended to read as follows:

"§ 301d. Multiyear retention bonus: medical and dental officers of the armed forces".

(2) The item relating to such section in the table of sections at the beginning of chapter 5 of title 37, United States Code, is amended to read as follows:

"301d. Multiyear retention bonus: medical and dental officers of the armed forces.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to agreements accepted under section 301d of title 37, United States Code, on or after that date.

SEC. 637. INCREASED SPECIAL PAY FOR DENTAL OFFICERS.

(a) VARIABLE SPECIAL PAY FOR OFFICERS BELOW GRADE O–7.—Paragraph (2) of section 302b(a) of title 37, United States Code, is amended by striking out subparagraphs (C), (D), (E), and (F), and inserting in lieu thereof the following:

"(C) $4,000 per year, if the officer has at least six but less than 8 years of creditable service.

"(D) $12,000 per year, if the officer has at least 8 but less than 12 years of creditable service.

"(E) $10,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

"(F) $9,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

"(G) $8,000 per year, 18 or more years of creditable service.".

(b) VARIABLE SPECIAL PAY FOR OFFICERS ABOVE GRADE O–6.—Paragraph (3) of such section is amended by striking out "$1,000" and inserting in lieu thereof "$7,000".

(c) ADDITIONAL SPECIAL PAY.—Paragraph (4) of such section is amended—

(1) in subparagraph (B), by striking out "14" and inserting in lieu thereof "10"; and

(2) by striking out subparagraphs (C) and (D) and inserting in lieu thereof the following:

"(C) $15,000 per year, if the officer has 10 or more years of creditable service.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and shall apply with respect to months beginning on or after that date.

SEC. 638. MODIFICATION OF SELECTED RESERVE REENLISTMENT BONUS AUTHORITY.

(a) ELIGIBILITY OF MEMBERS WITH UP TO 14 YEARS OF TOTAL SERVICE.—Subsection (a) of section 308b of title 37, United States Code, is amended by striking out "ten years" in paragraph (1) and inserting in lieu thereof "14 years".

(b) TWO-BONUS AUTHORITY FOR CONSECUTIVE 3-YEAR ENLISTMENTS.—Such subsection is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "AUTHORITY AND ELIGIBILITY REQUIREMENTS.—(1)" after "(a)";

(3) by striking out "a bonus as provided in subsection (b)" before the period at the end and inserting in lieu thereof "a bonus or bonuses in accordance with this section"; and

(4) by adding at the end the following new paragraph (2):

"(2) If a person eligible to receive a bonus under this section by reason of an enlistment for a period of three years so elects on or before the date of the enlistment, the Secretary concerned may pay the person—

"(A) a bonus for that enlistment; and

"(B) an additional bonus for a later voluntary extension of the enlistment, or a subsequent consecutive enlistment, for a period of at least three years if—

"(i) on the date of the expiration of the enlistment for which the first bonus was paid, or the date on which, but for an extension of the enlistment, the enlistment would otherwise expire, as the case may be, the person satisfies the eligibility requirements set forth in paragraph (1) and the eligibility requirements for reenlisting or extending the enlistment; and

"(ii) the extension of the enlistment or the subsequent consecutive enlistment, as the case may be, is in a critical military skill designated for such a bonus by the Secretary concerned.".

(c) BONUS AMOUNTS.—Subsection (b) of such section is amended to read as follows:

"(b) BONUS AMOUNTS.—(1) In the case of a member who enlists for a period of six years, the bonus to be paid under subsection (a) shall be a total amount not to exceed $5,000.

"(2) In the case of a member who enlists for a period of three years, the bonus to be paid under subsection (a) shall be as follows:

"(A) If the member does not make an election authorized under subsection (a)(2), the total amount of the bonus shall be an amount not to exceed $2,500.

"(B) If the member makes an election under subsection (a)(2) to be paid a bonus for the enlistment and an additional bonus for a later extension of the enlistment or for a subsequent consecutive enlistment—

"(i) the total amount of the first bonus shall be an amount not to exceed $2,000; and

"(ii) the total amount of the additional bonus shall be an amount not to exceed $2,500.".

(d) DISBURSEMENT OF BONUS.—Subsection (c) of such section is amended to read as follows:

"(c) DISBURSEMENT OF BONUS.—(1) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

"(2) Payment of any additional bonus under subsection (a)(2)(B) for an extension of an enlistment or a subsequent consecutive enlistment shall begin on or after the date referred to in clause (i) of that subsection.".

(e) SUBSECTION HEADINGS.—Such section is further amended—

(1) in subsection (d), by inserting "REFUND FOR UNSATISFACTORY SERVICE.—" after "(d)";

(2) in subsection (e), by inserting "REGULATIONS.—" after "(e)"; and

(3) in subsection (f), by inserting "TERMINATION OF AUTHORITY.—" after "(f)".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to enlistments in the Armed Forces on or after that date.

SEC. 639. MODIFICATION OF AUTHORITY TO PAY BONUSES FOR ENLISTMENTS BY PRIOR SERVICE PERSONNEL IN CRITICAL SKILLS IN THE SELECTED RESERVE.

(a) REORGANIZATION OF SECTION.—Section 308i of title 37, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as paragraphs (2), (3), and (4), respectively, of subsection (d);

(2) by redesignating subsections (b), (c), (d), (h), and (i) as subsections (c), (e), (f), (g), and (h), respectively; and

(3) by redesignating paragraph (2) of subsection (a) as subsection (b) and in subsection (b), as so redesignated, by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively.

(b) TWO-BONUS AUTHORITY FOR CONSECUTIVE 3-YEAR ENLISTMENTS.—Subsection (a) of such section is amended by inserting after paragraph (1) the following new paragraph (2):

"(2) If a person eligible to receive a bonus under this section by reason of an enlistment for a period of three years so elects on or before the date of the enlistment, the Secretary concerned may pay the person—

"(A) a bonus for that enlistment; and

"(B) an additional bonus for a later extension of the enlistment, or a subsequent consecutive enlistment, for a period of at least three years if—

"(i) on the date of the expiration of the enlistment for which the first bonus was paid, or the date on which, but for an extension of the enlistment, the enlistment would otherwise expire, the person satisfies the eligibility requirements set forth in subsection (b) and the eligibility requirements for reenlisting or extending the enlistment, as the case may be; and

"(ii) the extension of the enlistment or the subsequent consecutive enlistment, as the case may be, is in a critical military skill designated for such a bonus by the Secretary concerned.".

(c) ELIGIBILITY OF FORMER MEMBERS WITH UP TO 14 YEARS OF PRIOR SERVICE.—Subsection (b) of such section, as redesignated by subsection (a)(3), is amended by striking out "10 years" and inserting in lieu thereof "14 years".

(d) BONUS AMOUNTS.—Subsection (c) of such section, as redesignated by subsection (a)(2), is amended to read as follows:

"(c) BONUS AMOUNTS.—(1) In the case of a member who enlists for a period of six years, the bonus to be paid under subsection (a) shall be a total amount not to exceed $5,000.

"(2) In the case of a member who enlists for a period of three years, the bonus to be paid under subsection (a) shall be as follows:

"(A) If the member does not make an election authorized under subsection (a)(2), the total amount of the bonus shall be an amount not to exceed $2,500.

"(B) If the member makes an election under subsection (a)(2) to be paid a bonus for the enlistment and an additional bonus for a later extension of the enlistment or for a subsequent consecutive enlistment—

"(i) the total amount of the first bonus shall be an amount not to exceed $2,000; and

"(ii) the total amount of the additional bonus shall be an amount not to exceed $2,500.".

(e) DISBURSEMENT OF BONUS.—Such section is amended by inserting after subsection (c), as redesignated by subsection (a)(2) and amended by subsection (d), the following new subsection (d):

"(d) DISBURSEMENT OF BONUS.—(1) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

"(2) Payment of any additional bonus under subsection (a)(2)(B) for an extension of an enlistment or a subsequent consecutive enlistment shall begin on or after the date referred to in clause (i) of that subsection.".

(f) CONFORMING AMENDMENTS.—(1) Subsection (a)(1) of such section is amended by striking out "paragraph (2) may be paid a bonus as prescribed in subsection (b)" and inserting in lieu thereof "subsection (b) may be paid a bonus or bonuses in accordance with this section".

(2) Subsection (e) of such section, as redesignated by subsection (a)(2), is amended by striking out "may not be paid more than one bonus under this section and".

(3) Subsection (f) of such section, as redesignated by subsection (a)(2), is amended—

(A) by inserting "REFUND FOR UNSATISFACTORY SERVICE.—(1)" after "(f)";

(B) in paragraphs (2) and (4), as redesignated by subsection (a)(1), by striking out "subsection (d)" and inserting in lieu thereof "paragraph (1)"; and

(C) in paragraph (3), as redesignated by subsection (a)(1)—

(i) by striking out "subsection (h)" and inserting in lieu thereof "subsection (g)"; and

(ii) by striking out "subsection (d)" and inserting in lieu thereof "paragraph (1)".

(g) SUBSECTION HEADINGS.—Such section, as amended by subsections (a) through (f), is further amended—

(1) in subsection (a), by inserting "AUTHORITY.—" after "(a)";

(2) in subsection (b), by inserting "ELIGIBILITY.—" after "(b)";

(3) in subsection (e), by inserting "LIMITATION.—" after "(e)";

(4) in subsection (g), by inserting "REGULATIONS.—" after "(g)"; and

(5) in subsection (h), by inserting "TERMINATION OF AUTHORITY.—" after "(h)".

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to enlistments in the Armed Forces on or after that date.

SEC. 640. INCREASED SPECIAL PAY AND BONUSES FOR NUCLEAR QUALIFIED OFFICERS.

(a) SPECIAL PAY FOR OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Subsection (a) of section 312 of title 37, United States Code, is amended by striking out "$12,000" and inserting in lieu thereof "$15,000".

(b) NUCLEAR CAREER ACCESSION BONUS.—Subsection (a)(1) of section 312b of title 37, United States Code, is amended by striking out "$8,000" and inserting in lieu thereof "$10,000".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking out "$10,000" and inserting in lieu thereof "$12,000"; and

(2) in subsection (b)(1), by striking out "$4,500" and inserting in lieu thereof "$5,500".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 1997.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under sections 312(a) and 312b(a), respectively, of title 37, United States Code, on or after the effective date of the amendments.

SEC. 641. AUTHORITY TO PAY BONUSES IN LIEU OF SPECIAL PAY FOR ENLISTED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS.

(a) PAYMENT FLEXIBILITY.—Section 314 of title 37, United States Code, is amended—

(1) in subsection (a), by striking out "at a rate" and all that follows through "Secretary concerned";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) PAYMENT SCHEDULE AND RATES.—At the election of the Secretary concerned, the Secretary may pay the special pay to which a member is entitled under subsection (a)—

"(1) in monthly installments in an amount prescribed by the Secretary, but not to exceed $80 each; or

"(2) as an annual bonus in an amount prescribed by the Secretary, but not to exceed $2,000 per year.".

(b) PROHIBITION OF CONCURRENT RECEIPT WITH REST AND RECUPERATIVE ABSENCE OR TRANSPORTATION.—Subsection (c) of such section, as redesignated by subsection (a)(2), is amended—

(1) by inserting "CONCURRENT RECEIPT OF BENEFITS PROHIBITED.—(1)" after "(c)"; and

(2) by adding at the end the following:

"(2)(A) In the case of a member entitled to an annual bonus for a 12-month period under subsection (b)(2), the amount of the annual bonus shall be reduced by the percent determined by dividing 12 into the number of months in the period that the member is authorized rest and recuperative absence or transportation. For the purposes of the preceding sentence, a member shall be treated as having been authorized rest and recuperative absence or transportation for a full month if rest and recuperative absence or transportation is authorized for the member for any part of the month.

"(B) The Secretary concerned shall recoup by collection from a member any amount of an annual bonus paid under subsection (b)(2) to the member for a 12-month period that exceeds the amount of the bonus to which the member is entitled for the period by reason of an authorization of rest and recuperative absence or transportation for the member during that period that was not taken into account in computing the amount of the entitlement.".

(c) REPAYMENT.—Such section is further amended by adding at the end the following:

"(d) REFUND FOR FAILURE TO COMPLETE TOUR OF DUTY.—(1) A member who, having entered into a written agreement to extend a tour of duty for a period under subsection (a), receives a bonus payment under subsection (b)(2) for a 12-month period covered by the agreement and ceases during that 12-month period to perform the agreed tour of duty shall refund to the United States the unearned portion of the bonus. The unearned portion of the bonus is the amount by which the amount of the bonus paid to the member exceeds the amount determined by multiplying the amount of the bonus paid by the percent determined by dividing 12 into the number of full months during which the member performed the duty in the 12-month period.

"(2) The Secretary concerned may waive the obligation of a member to reimburse the United States under paragraph (1) if the Secretary determines that conditions and circumstances warrant the waiver.

"(e) TREATMENT OF REIMBURSEMENT OBLIGATIONS.—(1) An obligation to reimburse the United States imposed under subsection (c)(2)(B) or (d) is for all purposes a debt owed to the United States.

"(2) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the member signing the agreement from a debt referred to in paragraph (1). This paragraph applies to any case commenced under title 11 on or after October 1, 1997.".

(d) STYLISTIC AMENDMENT.—Subsection (a) of such section is amended by inserting "AUTHORITY.—" after "(a)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to agreements accepted under section 314 of title 37, United States Code, on or after that date.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 651. ONE-YEAR OPPORTUNITY TO DISCONTINUE PARTICIPATION IN SURVIVOR BENEFIT PLAN.

(a) ELECTION TO DISCONTINUE WITHIN ONE YEAR AFTER SECOND ANNIVERSARY OF COMMENCEMENT OF PAYMENT OF RETIRED PAY.—(1) Subchapter II of chapter 73 of title 10, United States Code, is amended by inserting after section 1448 the following:

"§ 1448a. Election to discontinue participation: one-year opportunity after second anniversary of commencement of payment of retired pay

"(a) AUTHORITY.—A participant in the Plan may, subject to the provisions of this section, elect to discontinue participation in the Plan at any time during the 1-year period beginning on the second anniversary of the date on which payment of retired pay to the participant commences.

"(b) CONCURRENCE OF SPOUSE.—(1) A married participant may not make an election under subsection (a) without the concurrence of the participant's spouse, except that the participant may make such an election without the concurrence of the person's spouse if the person establishes to the satisfaction of the Secretary concerned that one of the conditions described in section 1448(a)(3)(C) of this title exists.

"(2) The concurrence of a spouse under paragraph (1) shall be made in such written form and shall contain such information as may be required under regulations prescribed by the Secretary of Defense.

"(c) LIMITATION ON ELECTION WHEN FORMER SPOUSE COVERAGE IN EFFECT.—The limitation set forth in section 1450(f)(2) of this title shall apply to an election to discontinue participation in the Plan under subsection (a).

"(d) WITHDRAWAL OF ELECTION TO DISCONTINUE.—Section 1448(b)(1)(D) of this title shall apply to an election under subsection (a).

"(e) CONSEQUENCES OF DISCONTINUATION.—Section 1448(b)(1)(E) of this title shall apply to an election under subsection (a).

"(f) NOTICE TO EFFECTED BENEFICIARIES.—The Secretary concerned shall notify any former spouse or other natural person previously designated under section 1448(b) of this title of any election to discontinue participation under subsection (a).

"(g) EFFECTIVE DATE OF ELECTION.—An election authorized under this section is effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

"(h) INAPPLICABILITY OF IRREVOCABILITY PROVISIONS.—Paragraphs (4)(B) and (5)(C) of section 1448(a) of this title do not apply to prevent an election under subsection (a).".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1448 the following:

"1448a. Election to discontinue participation: one-year opportunity after second anniversary of commencement of payment of retired pay.".

(b) TRANSITION PROVISION.—Notwithstanding the limitation on the time for making an election under section 1448a of title 10, United States Code (as added by subsection (a)), that is specified in subsection (a) of such section, a participant in the Survivor Benefit Plan under subchapter II of chapter 73 of such title may make an election in accordance with that section within one year after the effective date of the section if the second anniversary of the commencement of payment of retired pay to the participant precedes that effective date.

(c) EFFECTIVE DATE.—Section 1448a of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act.

SEC. 652. TIME FOR CHANGING SURVIVOR BENEFIT COVERAGE FROM FORMER SPOUSE TO SPOUSE.

Section 1450(f)(1)(C) of title 10, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a change of election under this subsection to provide an annuity to a spouse instead of a former spouse may (subject to paragraph (2)) be made at any time without regard to the time limitation in section 1448(a)(5)(B) of this title.".

SEC. 653. PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j) COVERAGE PAID UP AT 30 YEARS OR AGE 70.—(1) Coverage of a survivor of a member under the Plan shall be considered paid up as of the end of the earlier of—

"(A) the 360th month in which the member's retired pay has been reduced under this section; or

"(B) the month in which the member attains 70 years of age.

"(2) The retired pay of a member shall not be reduced under this section to provide coverage of a survivor under the Plan after the month when the coverage is considered paid up under paragraph (1).".

SEC. 654. ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) SURVIVOR ANNUITY.—(1) The Secretary concerned shall pay an annuity to the qualified surviving spouse of each member of the uniformed services who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of this section is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92-425 (10 U.S.C. 1448 note).

(b) AMOUNT OF ANNUITY.—(1) An annuity under this section shall be paid at the rate of $165 per month, as adjusted from time to time under paragraph (3).

(2) An annuity paid to a surviving spouse under this section shall be reduced by the amount of any dependency and indemnity compensation (DIC) to which the surviving spouse is entitled under section 1311(a) of title 38, United States Code.

(3) Whenever after the date of the enactment of this Act retired or retainer pay is increased under section 1401a(b)(2) of title 10, United States Code, each annuity that is payable under this section shall be increased at the same time and by the same total percent. The amount of the increase shall be based on the amount of the monthly annuity payable before any reduction under this section.

(c) APPLICATION REQUIRED.—No benefit shall be paid to any person under this section unless an application for such benefit is filed with the Secretary concerned by or on behalf of such person.

(d) DEFINITIONS.—For purposes of this section:

(1) The terms "uniformed services" and "Secretary concerned" have the meanings given such terms in section 101 of title 37, United States Code.

(2) The term "surviving spouse" has the meaning given the terms "widow" and "widower" in paragraphs (3) and (4) of section 1447 of title 10, United States Code.

(e) PROSPECTIVE APPLICABILITY.—(1) Annuities under this section shall be paid for months beginning after the month in which this Act is enacted.

(2) No benefit shall accrue to any person by reason of the enactment of this section for any period before the first month that begins after the month in which this Act is enacted.

(f) EXPIRATION OF AUTHORITY.—The authority to pay annuities under this section shall expire on September 30, 2001.

Subtitle E—Other Matters

SEC. 661. ELIGIBILITY OF RESERVES FOR BENEFITS FOR ILLNESS, INJURY, OR DEATH INCURRED OR AGGRAVATED IN LINE OF DUTY.

(a) PAY AND ALLOWANCES.—(1) Section 204 of title 37, United States Code, is amended—

(A) in subsection (g)(1)(D), by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or"; and

(B) in subsection (h)(1)(D), by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(2) Section 206(a)(3)(C) of such title is amended by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(b) MEDICAL AND DENTAL CARE.—(1) Section 1074a(a)(3) of title 10, United States Code, is amended by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(2) Section 1076(a)(2) of title 10, United States Code, is amended—

(A) by striking out "or" at the end of subparagraph (A);

(B) by striking out the period at the end of subparagraph (B)(ii) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(C) who incurs or aggravates an injury, illness, or disease in the line of duty while serving on active duty under a call or order to active duty for a period of 30 days or less, if the call or order is modified to extend the period of active duty of the member to be more than 30 days.".

(c) ELIGIBILITY FOR DISABILITY RETIREMENT OR SEPARATION.—(1) Section 1204(2) of title 10, United States Code, is amended to read as follows:

"(2) the disability is a result of an injury, illness, or disease incurred or aggravated—

"(A) in line of duty while performing active duty or inactive-duty training;

"(B) while traveling directly to or from the place at which such duty is performed; or

"(C) while remaining overnight, immediately before the commencement of inactive-duty training or between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence;".

(2) Section 1206 of title 10, United States Code, is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) the disability is a result of an injury, illness, or disease incurred or aggravated—

"(A) in line of duty while performing active duty or inactive-duty training;

"(B) while traveling directly to or from the place at which such duty is performed; or

"(C) while remaining overnight, immediately before the commencement of inactive-duty training or between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence;".

(d) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2)(D) of title 10, United States Code, is amended by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(e) CONFORMING AMENDMENTS AND RELATED CLERICAL AMENDMENTS.—(1) The heading of section 1204 of title 10, United States Code, is amended to read as follows:

"§1204. Members on active duty for 30 days or less or on inactive-duty training: retirement".

(2) The heading of section 1206 of such title is amended to read as follows:

"§ 1206. Members on active duty for 30 days or less or on inactive-duty training: separation".

(3) The table of sections at the beginning of chapter 61 of such title is amended—

(A) by striking out the item relating to section 1204 and inserting in lieu thereof the following:

"1204. Members on active duty for 30 days or less or on inactive-duty training: retirement.";

and

(B) by striking out the item relating to section 1206 and inserting in lieu thereof the following:

"1206. Members on active duty for 30 days or less or on inactive-duty training: separation.".

(f) PROSPECTIVE APPLICABILITY.—No benefit shall accrue under an amendment made by this section for any period before the date of the enactment of this Act.

SEC. 662. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS BEFORE APPROVAL OF A MEMBER'S COURT-MARTIAL SENTENCE.

Section 406(h)(2)(C) of title 37, United States Code, is amended by inserting before the period at the end of the matter following clause (iii) the following: "or action on the sentence is pending under that section".

SEC. 663. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR REIMBURSEMENT OF ADOPTION EXPENSES.

(a) PUBLIC HEALTH SERVICE.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following:

"(16) Section 1052, Reimbursement for adoption expenses.".

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3(a) of the Act entitled "An Act to revise, codify, and enact into law, title 10 of the United States Code, entitled 'Armed Forces', and title 32 of the United States Code, entitled 'National Guard'", approved August 10, 1956 (33 U.S.C. 857a(a)), is amended by adding at the end the following:

"(16) Section 1052, Reimbursement for adoption expenses.".

(c) PROSPECTIVE APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply to adoptions completed on or after such date.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. WAIVER OF DEDUCTIBLES, COPAYMENTS, AND ANNUAL FEES FOR MEMBERS ASSIGNED TO CERTAIN DUTY LOCATIONS FAR FROM SOURCES OF CARE.

(a) AUTHORITY.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following:

"§ 1107. Waiver of deductibles, copayments, and annual fees for members assigned to certain duty locations far from sources of care

"(a) AUTHORITY.—The administering Secretaries shall prescribe in regulations—

"(1) authority for members of the armed forces referred to in subsection (b) to receive care under the Civilian Health and Medical Program of the Uniformed Services; and

"(2) policies and procedures for waiving an obligation for such members to pay a deductible, copayment, or annual fee that would otherwise be applicable under that program for care provided to the members under the program.

"(b) ELIGIBILITY.—The regulations may be applied to a member of the uniformed services on active duty who—

"(1) is assigned to—

"(A) permanent duty as a recruiter;

"(B) permanent duty at an educational institution to instruct, administer a program of instruction, or provide administrative services in support of a program of instruction for the Reserve Officers' Training Corps;

"(C) permanent duty as a full-time adviser to a unit of a reserve component of the armed forces; or

"(D) any other permanent duty designated by the administering Secretary concerned for purposes of the regulations; and

"(2) pursuant to such assignment, resides at a location that is more than 50 miles, or one hour of driving time, from—

"(A) the nearest health care facility of the uniformed services adequate to provide the needed care under this chapter; and

"(B) the nearest source of the needed care that is available to the member under the TRICARE Prime plan.

"(c) PAYMENT OF COSTS.—Deductibles, copayments, and annual fees not payable by a member by reason of a waiver granted under the regulations shall be paid out of funds available to the Department of Defense for the defense health program.

"(d) DEFINITIONS.—In this section:

"(1) The term 'TRICARE Prime plan' means a plan under the TRICARE program that provides for voluntary enrollment for health care to be furnished in a manner similar to the manner in which health care is furnished by health maintenance organizations.

"(2) The term 'TRICARE program' means the managed health care program that is established by the Secretary of Defense under the authority of this chapter, principally section 1097 of this title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"1107. Waiver of deductibles, copayments, and annual fees for members assigned to certain duty locations far from sources of care.".

SEC. 702. PAYMENT FOR EMERGENCY HEALTH CARE OVERSEAS FOR MILITARY AND CIVILIAN PERSONNEL OF THE ON-SITE INSPECTION AGENCY.

(a) PAYMENT OF COSTS.—The Secretary of Defense may pay the costs of any emergency health care that—

(1) is needed by a member of the Armed Forces, civilian employee of the Department of Defense, or civilian employee of a contractor while the person is performing temporary or permanent duty with the On-Site Inspection Agency outside the United States; and

(2) is furnished to such person during fiscal year 1998 by a source outside the United States.

(b) FUNDING.—Funds authorized to be appropriated for the expenses of the On-Site Inspection Agency for fiscal year 1998 by this Act shall be available to cover payments for emergency health care under subsection (a).

SEC. 703. DISCLOSURES OF CAUTIONARY INFORMATION ON PRESCRIPTION MEDICATIONS.

(a) REQUIREMENT FOR REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the administering Secretaries referred to in section 1073(3) of title 10, United States Code, shall prescribe regulations that require each source dispensing a prescription medication to a person under chapter 55 of such title to furnish to that person, with the medication, written cautionary information on the medication.

(b) INFORMATION TO BE DISCLOSED.—Information required to be disclosed about a medication under the regulations shall include appropriate cautions about usage of the medication, including possible side effects and potentially hazardous interactions with foods.

(c) FORM OF INFORMATION.—The regulations shall require that information be furnished in a form that, to the maximum extent practicable, is easily read and understood.

(d) COVERED SOURCES.—The regulations shall apply to the following:

(1) Pharmacies and any other dispensers of prescription medications in medical facilities of the uniformed services.

(2) Sources of prescription medications under any mail order pharmaceuticals program provided by any of the administering Secretaries under chapter 55 of title 10, United States Code.

(3) Pharmacies paid under the Civilian Health and Medical Program of the Uniformed Services (including the TRICARE program).

(4) Pharmacies, and any other pharmaceutical dispensers, of designated providers referred to in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2593; 10 U.S.C. 1073 note).

SEC. 704. HEALTH CARE SERVICES FOR CERTAIN RESERVES WHO SERVED IN SOUTHWEST ASIA DURING THE PERSIAN GULF WAR.

(a) REQUIREMENT.—A member of the Armed Forces described in subsection (b) shall be entitled to medical and dental care under chapter 55 of title 10, United States Code, for a symptom or illness described in subsection (b)(2) to the same extent and under the same conditions (other than the requirement to be on active duty) as is a member of a uniformed service who is entitled under section 1074(a) of such title to medical and dental care under such chapter. The Secretary shall provide such care free of charge to the member.

(b) COVERED MEMBERS.—Subsection (a) applies to any member of a reserve component of the Armed Forces who—

(1) is a Persian Gulf veteran;

(2) registers a symptom or illness in the Persian Gulf War Veterans Health Surveillance System of the Department of Defense that is presumed under section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2805; 10 U.S.C. 1074 note) to be a result of such service; and

(3) is not otherwise entitled to medical and dental care under section 1074(a) of title 10, United States Code.

(c) DEFINITION.—In this section, the term "Persian Gulf veteran" has the same meaning as in section 721(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2807; 10 U.S.C. 1074 note).

SEC. 705. COLLECTION OF DENTAL INSURANCE PREMIUMS.

(a) SELECTED RESERVE DENTAL INSURANCE.—Paragraph (3) of section 1076b(b) of title 10, United States Code, is amended to read as follows:

"(3) The Secretary of Defense shall establish procedures for the collection of the member's share of the premium for coverage by the dental insurance plan. To the extent that the Secretary determines practicable, a

member's share may be deducted and withheld from the basic pay payable to the member for inactive duty training and from the basic pay payable to the member for active duty.".

(b) RETIREE DENTAL INSURANCE.—Paragraph (2) of section 1076c(c) of title 10, United States Code, is amended by striking out "(2) The amount of the premiums" and inserting in lieu thereof "(2) The Secretary of Defense shall establish procedures for the collection of the premiums charged for coverage by the dental insurance plan. To the extent that the Secretary determines practicable, the premiums".

SEC. 706. DENTAL INSURANCE PLAN COVERAGE FOR RETIREES OF UNIFORMED SERVICE IN THE PUBLIC HEALTH SERVICE AND NOAA.

(a) OFFICIALS RESPONSIBLE.—Subsection (a) of section 1076c of title 10, United States Code, is amended by striking out "Secretary of Defense" and inserting in lieu thereof "administering Secretaries".

(b) ELIGIBILITY.—Subsection (b)(1) of such section is amended by striking out "Armed Forces" and inserting in lieu thereof "uniformed services".

SEC. 707. PROSTHETIC DEVICES FOR DEPENDENTS.

(a) EXPANDED AUTHORITY.—Section 1077(a) of title 10, United States Code, is amended by adding at the end the following:

"(15) Artificial limbs, voice prostheses, and artificial eyes.

"(16) Any prosthetic device not named in paragraph (15) that is determined under regulations prescribed by the Secretary of Defense to be necessary because of one or more significant impairments resulting from trauma, congenital anomaly, or disease.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (b) of such section is amended to read as follows:

"(2) Hearing aids, orthopedic footwear, and spectacles, except that such items may be sold, at the cost to the United States, to dependents outside the United States and at stations inside the United States where adequate civilian facilities are unavailable.".

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 801. STREAMLINED APPROVAL REQUIREMENTS FOR CONTRACTS UNDER INTERNATIONAL AGREEMENTS.

Section 2304(f)(2)(E) of title 10, United States Code, is amended by striking out "and such document is approved by the competition advocate for the procuring activity".

SEC. 802. RESTRICTION ON UNDEFINITIZED CONTRACT ACTIONS.

(a) APPLICABILITY OF WAIVER AUTHORITY TO HUMANITARIAN OR PEACEKEEPING OPERATIONS.—Section 2326(b)(4) of title 10, United States Code, is amended to read as follows:

"(4) The head of an agency may waive the provisions of this subsection with respect to a contract of that agency if that head of an agency determines that the waiver is necessary in order to support any of the following operations:

"(A) A contingency operation.

"(B) A humanitarian or peacekeeping operation.".

(b) HUMANITARIAN OR PEACEKEEPING OPERATION DEFINED.—Section 2302(7) of such title is amended—

(1) by striking out "(7)(A)" and inserting in lieu thereof "(7)"; and

(2) by striking out "(B) In subparagraph (A), the" and inserting in lieu thereof "(8) The".

SEC. 803. EXPANSION OF AUTHORITY TO CROSS FISCAL YEARS TO ALL SEVERABLE SERVICE CONTRACTS NOT EXCEEDING A YEAR.

(a) EXPANDED AUTHORITY.—Section 2410a of title 10, United States Code, is amended to read as follows:

"§ 2410a. Severable service contracts for periods crossing fiscal years

"(a) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

"(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2410a. Severable service contracts for periods crossing fiscal years.".

SEC. 804. LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL.

(a) CERTAIN COMPENSATION NOT ALLOWABLE AS COSTS UNDER DEFENSE CONTRACTS.—(1) Subsection (e)(1) of section 2324 of title 10, United States Code, is amended by adding at the end the following:

"(P) Costs of compensation of senior executives of contractors for a fiscal year, to the extent that such compensation exceeds the benchmark compensation amount determined applicable for the fiscal year by the Administrator for Federal Procurement Policy under section 39 of the Office of Federal Procurement Policy Act (41 U.S.C. 435).".

(2) Subsection (l) of such section is amended by adding at the end the following:

"(4) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

"(5) The term 'senior executive', with respect to a contractor, means—

"(A) the chief executive officer of the contractor or any individual acting in a similar capacity for the contractor;

"(B) the five most highly compensated employees in management positions of the contractor other than the chief executive officer; and

"(C) in the case of a contractor that has components managed by personnel who report on the operations of the components directly to officers of the contractor, the five most highly compensated individuals in management positions at each such component.".

(b) CERTAIN COMPENSATION NOT ALLOWABLE AS COSTS UNDER NON-DEFENSE CONTRACTS.—(1) Subsection (e)(1) of section 306 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256) is amended by adding at the end the following:

"(P) Costs of compensation of senior executives of contractors for a fiscal year, to the extent that such compensation exceeds the benchmark compensation amount determined applicable for the fiscal year by the Administrator for Federal Procurement Policy under section 39 of the Office of Federal Procurement Policy Act (41 U.S.C. 435).".

(2) Such section is further amended by adding at the end the following:

"(m) OTHER DEFINITIONS.—In this section:

"(1) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

"(2) The term 'senior executive', with respect to a contractor, means—

"(A) the chief executive officer of the contractor or any individual acting in a similar capacity for the contractor;

"(B) the five most highly compensated employees in management positions of the contractor other than the chief executive officer; and

"(C) in the case of a contractor that has components managed by personnel who report on the operations of the components directly to officers of the contractor, the five most highly compensated individuals in management positions at each such component.".

(c) LEVELS OF COMPENSATION NOT ALLOWABLE.—(1) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following:

"SEC. 39. LEVELS OF COMPENSATION OF CERTAIN CONTRACTOR PERSONNEL NOT ALLOWABLE AS COSTS UNDER CERTAIN CONTRACTS.

"(a) DETERMINATION REQUIRED.—For purposes of section 2324(e)(1)(P) of title 10, United States Code, and section 306(e)(1)(P) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(e)(1)(P)), the Administrator shall review commercially available surveys of executive compensation and, on the basis of the results of the review, determine a benchmark compensation amount to apply for each fiscal year. In making determinations under this subsection the Administrator shall consult with the Director of the Defense Contract Audit Agency and such other officials of executive agencies as the Administrator considers appropriate.

"(b) BENCHMARK COMPENSATION AMOUNT.—The benchmark compensation amount applicable for a fiscal year is the median amount of the compensation provided for all senior executives of all benchmark corporations for the most recent year for which data is available at the time the determination under subsection (a) is made.

"(c) DEFINITIONS.—In this section:

"(1) The term 'compensation', for a year, means the total amount of wages, salary, bonuses and deferred compensation for the year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the year.

"(2) The term 'senior executive', with respect to a corporation, means—

"(A) the chief executive officer of the corporation or any individual acting in a similar capacity for the corporation;

"(B) the five most highly compensated employees in management positions of the corporation other than the chief executive officer; and

"(C) in the case of a corporation that has components managed by personnel who report on the operations of the components directly to officers of the corporation, the five most highly compensated individuals in management positions at each such component.

"(3) The term 'benchmark corporation', with respect to a year, means a publicly-owned United States corporation that has annual sales in excess of $50,000,000 for the year.

"(4) The term 'publicly-owned United States corporation' means a corporation organized under the laws of a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States the voting stock of which is publicly traded.".

(2) The table of sections in section 1(b) of such Act is amended by adding at the end the following:

"Sec. 39. Levels of compensation of certain contractor personnel not allowable as costs under certain contracts.".

(d) REGULATIONS.—Regulations implementing the amendments made by this section shall be published in the Federal Register not later than the effective date of the amendments under subsection (e).

(e) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply with respect to payments that become due from the United States after that date under covered contracts entered into before, on, or after that date.

(2) In paragraph (1), the term "covered contract" has the meaning given such term in section 2324(l) of title 10, United States Code, and section 306(l) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(l)).

SEC. 805. INCREASED PRICE LIMITATION ON PURCHASES OF RIGHT-HAND DRIVE VEHICLES.

Section 2253(a)(2) of title 10, United States Code, is amended by striking out "$12,000" and inserting in lieu thereof "$30,000".

SEC. 806. CONVERSION OF DEFENSE CAPABILITY PRESERVATION AUTHORITY TO NAVY SHIPBUILDING CAPABILITY PRESERVATION AUTHORITY.

(a) AUTHORITY OF SECRETARY OF THE NAVY.—Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 393; 10 U.S.C. 2501) is amended—

(1) in subsection (a), by striking out "Secretary of Defense" and inserting in lieu thereof "Secretary of the Navy"; and

(2) in subsection (b)(2), by striking out "Secretary of Defense if the Secretary of Defense" and inserting in lieu thereof "Secretary of the Navy if the Secretary".

(b) NAME OF AGREEMENTS.—Subsection (a) of such section is amended—

(1) by striking out "DEFENSE CAPABILITY PRESERVATION AGREEMENT.—" and inserting in lieu thereof "SHIPBUILDING CAPABILITY PRESERVATION AGREEMENT.—"; and

(2) by striking out "'defense capability preservation agreement'" and inserting in lieu thereof "'shipbuilding capability preservation agreement'".

(c) SCOPE OF AUTHORITY.—(1) The first sentence of subsection (a) of such section is amended—

(A) by striking out "defense contractor" and inserting in lieu thereof "shipbuilder"; and

(B) by adding at the end the following "to the shipbuilder under a Navy contract for the construction of a ship".

(2) Subsection (b)(1)(A) of such section is amended by striking out "defense contract" and inserting in lieu thereof "contract for the construction of a ship for the Navy".

(d) MAXIMUM AMOUNT OF ALLOCABLE INDIRECT COSTS.—Subsection (b)(1)(C) of such section is amended—

(1) by striking out "in any year of" and inserting in lieu thereof "covered by"; and

(2) by striking out "that year" and inserting in lieu thereof "the period covered by the agreement".

(e) APPLICABILITY.—Such section is further amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following:

"(c) APPLICABILITY.—(1) An agreement entered into with a shipbuilder under subsection (a) shall apply to each of the following Navy contracts with the shipbuilder:

"(A) A contract that is in effect on the date on which the agreement is entered into.

"(B) A contract that is awarded during the term of the agreement.

"(2) In a shipbuilding capability preservation agreement applicable to a shipbuilder, the Secretary may agree to apply the cost reimbursement rules set forth in subsection (b) to allocations of indirect costs to private sector work performed by the shipbuilder only with respect to costs that the shipbuilder incurred on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 under a contract between the shipbuilder and a private sector customer of the shipbuilder that became effective on or after January 26, 1996.".

(f) IMPLEMENTATION AND REPORT.—Such section is further amended adding at the end the following:

"(d) IMPLEMENTATION.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of the Navy shall establish application procedures and procedures for expeditious consideration of shipbuilding capability preservation agreements as authorized by this section.

"(e) REPORT.—Not later than February 15, 1998, the Secretary of the Navy shall submit to the congressional defense committees a report on applications for shipbuilding capability preservation agreements. The report shall contain the number of the applications received, the number of the applications approved, and a discussion of the reasons for disapproval of any applications disapproved.".

(g) SECTION HEADING.—The heading for such section is amended by striking out "defense" and inserting in lieu thereof "certain".

SEC. 807. ELIMINATION OF CERTIFICATION REQUIREMENT FOR GRANTS.

Section 5153 of the Drug-Free Workplace Act of 1988 (Public Law 100–690; 102 Stat. 4306; 41 U.S.C. 702) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking out "has certified to the granting agency that it will" and inserting in lieu thereof "agrees to"; and

(B) in paragraph (2), by striking out "certifies to the agency" and inserting in lieu thereof "agrees"; and

(2) in subsection (b)(1)—

(A) by striking out subparagraph (A);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as so redesignated, by striking out "such certification by failing to carry out".

SEC. 808. REPEAL OF LIMITATION ON ADJUSTMENT OF SHIPBUILDING CONTRACTS.

(a) REPEAL.—(1) Section 2405 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2405.

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall apply to claims, requests for equitable adjustment, and demands for payment under shipbuilding contracts that have been or are submitted before, on, or after the date of the enactment of this Act.

(2) Section 2405 of title 10, United States Code, as in effect immediately before the date of the enactment of this Act, shall continue to apply to a contractor's claim, request for equitable adjustment, or demand for payment under a shipbuilding contract that was submitted before such date if—

(A) a contracting officer denied the claim, request, or demand, and the period for appealing the decision to a court or board under the Contract Disputes Act of 1978 expired before such date;

(B) a court or board of contract appeals considering the claim, request, or demand (including any appeal of a decision of a contracting officer to deny or dismiss the claim, request, or demand) denied the claim, request, or demand (or the appeal), and the action of the court or board became final and unappealable before such date; or

(C) the contractor released or releases the claim, request, or demand.

Subtitle B—Contract Provisions

SEC. 811. CONTRACTOR GUARANTEES OF MAJOR SYSTEMS.

(a) REVISION OF REQUIREMENT.—Section 2403 of title 10, United States Code, is amended to read as follows:

"§ 2403. Major systems: contractor guarantees

"(a) GUARANTEE REQUIRED.—In any case in which the head of an agency determines that it is appropriate and cost effective to do so in entering into a contract for the production of a major system, the head of an agency shall, except as provided in subsection (b), require the prime contractor to provide the United States with a written guarantee that—

"(1) the item provided under the contract will conform to the design and manufacturing requirements specifically delineated in the production contract (or in any amendment to that contract);

"(2) the item provided under the contract will be free from all defects in materials and workmanship at the time it is delivered to the United States;

"(3) the item provided under the contract will conform to the essential performance requirements of the item as specifically delineated in the production contract (or in any amendment to that contract); and

"(4) if the item provided under the contract fails to meet a guarantee required under paragraph (1), (2), or (3), the contractor will, at the election of the Secretary of Defense or as otherwise provided in the contract—

"(A) promptly take such corrective action as may be necessary to correct the failure at no additional cost to the United States; or

"(B) pay costs reasonably incurred by the United States in taking such corrective action.

"(b) EXCEPTION.—The head of an agency may not require a prime contractor under subsection (a) to provide a guarantee for a major system, or for a component of a major system, that is furnished by the United States.

"(c) DEFINITIONS.—In this section:

"(1) The term 'prime contractor' means a party that enters into an agreement directly with the United States to furnish part or all of a major system.

"(2) The term 'design and manufacturing requirements' means structural and engineering plans and manufacturing particulars, including precise measurements, tolerances, materials, and finished product tests for the major system being produced.

"(3) The term 'essential performance requirements', with respect to a major system,

means the operating capabilities or maintenance and reliability characteristics of the system that are determined by the Secretary of Defense to be necessary for the system to fulfill the military requirement for which the system is designed.

"(4) The term 'component' means any constituent element of a major system.

"(5) The term 'head of an agency' has the meaning given that term in section 2302 of this title.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2403. Major systems: contractor guarantees.".

SEC. 812. VESTING OF TITLE IN THE UNITED STATES UNDER CONTRACTS PAID UNDER PROGRESS PAYMENT ARRANGEMENTS OR SIMILAR ARRANGEMENTS.

Section 2307 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) VESTING OF TITLE IN THE UNITED STATES.—If a contract paid by a method authorized under subsection (a)(1) provides for title to property to vest in the United States, the title to the property shall vest in accordance with the terms of the contract, regardless of any security interest in the property that is asserted before or after the contract is entered into.".

Subtitle C—Acquisition Assistance Programs

SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts made available pursuant to subsection (a), $600,000 shall be available for fiscal year 1998 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 822. ONE-YEAR EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking out "1998" and inserting in lieu thereof "1999";

(2) in paragraph (2), by striking out "1999" and inserting in lieu thereof "2000"; and

(3) in paragraph (3), by striking out "1999" and inserting in lieu thereof "2000".

SEC. 823. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SUBCONTRACTING PLANS.

(a) CONTENT OF SUBCONTRACTING PLANS.—Subsection (b)(2) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 15 U.S.C. 637 note) is amended—

(1) by striking out "plan—" and inserting in lieu thereof "plan of a contractor—";

(2) by striking out subparagraph (A);

(3) by redesignating subparagraph (B) as subparagraph (A) and by striking out the period at the end of such subparagraph and inserting in lieu thereof "; and"; and

(4) by adding at the end the following:

"(B) shall cover each Department of Defense contract that is entered into by the contractor and each subcontract that is entered into by the contractor as the subcontractor under a Department of Defense contract.".

(b) EXTENSION OF PROGRAM.—Subsection (e) of such section is amended by striking out "September 30, 1998" in the second sentence and inserting in lieu thereof "September 30, 2000.".

SEC. 824. PRICE PREFERENCE FOR SMALL AND DISADVANTAGED BUSINESSES.

Section 2323(e)(3) of title 10, United States Code, is amended by—

(1) inserting "(A)" after "(3)";

(2) inserting ", except as provided in (B)," after "the head of an agency may" in the first sentence; and

(3) adding at the end the following:

"(B) The Secretary of Defense may not exercise the authority under subparagraph (A) to enter into a contract for a price exceeding fair market cost in any fiscal year following a fiscal year in which the Department of Defense attained the 5 percent goal required by subsection (a).".

Subtitle D—Administrative Provisions

SEC. 831. RETENTION OF EXPIRED FUNDS DURING THE PENDENCY OF CONTRACT LITIGATION.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410m. Retention of amounts collected from contractor during the pendency of contract dispute

"(a) RETENTION OF FUNDS.—Notwithstanding sections 1552(a) and 3302(b) of title 31, any amount, including interest, collected from a contractor as a result of a claim made by an executive agency under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), shall remain available in accordance with this section to pay—

"(1) any settlement of the claim by the parties;

"(2) any judgment rendered in the contractor's favor on an appeal of the decision on that claim to the Armed Services Board of Contract Appeals under section 7 of such Act (41 U.S.C. 606); or

"(3) any judgment rendered in the contractor's favor in an action on that claim in a court of the United States.

"(b) PERIOD OF AVAILABILITY.—(1) The period of availability of an amount under subsection (a), in connection with a claim—

"(A) expires 180 days after the expiration of the period for bringing an action on that claim in the United States Court of Federal Claims under section 10(a) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)) if, within that 180-day period—

"(i) no appeal on the claim in commenced at the Armed Services Board of Contract Appeals under section 7 of the Contract Disputes Act of 1978; and

"(ii) no action on the claim is commenced in a court of the United States; or

"(B) if not expiring under subparagraph (A), expires—

"(i) in the case of a settlement of the claim, 180 days after the date of the settlement; or

"(ii) in the case of a judgment rendered on the claim in an appeal to the Armed Services Board of Contract Appeals under section 7 of the Contract Disputes Act of 1978 or an action in a court of the United States, 180 days after the date on which the judgment becomes final and not appealable.

"(2) While available under this section, an amount may be obligated or expended only for the purpose described in subsection (a).

"(3) Upon the expiration of the period of availability of an amount under paragraph (1), the amount shall be deposited in the Treasury as miscellaneous receipts.

"(c) REPORTING REQUIREMENT.—Each year, the Under Secretary of Defense (Comptroller) shall submit to Congress a report on the amounts, if any, that are available for obligation pursuant to this section. The report shall include, at a minimum, the following:

"(1) The total amount available for obligation.

"(2) The total amount collected from contractors during the year preceding the year in which the report is submitted.

"(3) The total amount disbursed in such preceding year and a description of the purpose for each disbursement.

"(4) The total amount returned to the Treasury in such preceding year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by adding at the end the following new item:

"2410m. Retention of amounts collected from contractor during the pendency of contract dispute.".

SEC. 832. PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.

Section 2371 of title 10, United States Code, is amended by inserting after subsection (h) the following:

"(i) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—(1) Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for five years after the date on which the information is received by the Department of Defense.

"(2)(A) Paragraph (1) applies to information described in subparagraph (B) that is in the records of the Department of Defense if the information was submitted to the department in a competitive or noncompetitive process having the potential for resulting in an award, to the party submitting the information, of a cooperative agreement that includes a clause described in subsection (d) or another transaction authorized under subsection (a).

"(B) The information referred to in subparagraph (A) is the following:

"(i) A proposal, proposal abstract, and supporting documents.

"(ii) A business plan submitted on a confidential basis.

"(iii) Technical information submitted on a confidential basis.".

SEC. 833. CONTENT OF LIMITED SELECTED ACQUISITION REPORTS.

Section 2432(h)(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (D); and

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

SEC. 834. UNIT COST REPORTS.

(a) IMMEDIATE REPORT REQUIRED ONLY FOR PREVIOUSLY UNREPORTED INCREASED COSTS.—Subsection (c) of section 2433 of title 10, United States Code, is amended by striking out "during the current fiscal year (other than the last quarterly unit cost report under subsection (b) for the preceding fiscal year)" in the matter following paragraph (3).

(b) IMMEDIATE REPORT NOT REQUIRED FOR COST VARIANCES OR SCHEDULE VARIANCES OF MAJOR CONTRACTS.—Subsection (c) of such section is further amended—

(1) by inserting "or" at the end of paragraph (1);

(2) by striking out "or" at the end of paragraph (2); and

(3) by striking out paragraph (3).

(c) CONGRESSIONAL NOTIFICATION OF INCREASED COST NOT CONDITIONED ON DISCOVERY SINCE BEGINNING OF FISCAL YEAR.—Subsection (d)(3) of such section is amended by striking out "(for the first time since the beginning of the current fiscal year)" in the first sentence.

SEC. 835. CENTRAL DEPARTMENT OF DEFENSE POINT OF CONTACT FOR CONTRACTING INFORMATION.

(a) DESIGNATION OF OFFICIAL.—The Under Secretary of Defense for Acquisition and Technology shall designate an official within the Office of the Under Secretary of Defense for Acquisition and Technology to serve as a central point of contact for persons seeking information described in subsection (b).

(b) AVAILABLE INFORMATION.—Upon request, the official designated under subsection (a) shall provide information on the following:

(1) How and where to submit unsolicited proposals for research, development, test, and evaluation or for furnishing property or services to the Department of Defense.

(2) Department of Defense solicitations for offers that are open for response and the procedures for responding to the solicitations.

(3) Procedures for being included on any list of approved suppliers used by the Department of Defense.

(c) AVAILABILITY OF INFORMATION.—The official designated under subsection (a) shall use a variety of means for making the information described in subsection (b) readily available to potential contractors for the Department of Defense. The means shall include the establishment of one or more toll-free automated telephone lines, posting of information about the services of the official on generally accessible computer communications networks, and advertising.

Subtitle E—Other Matters

SEC. 841. DEFENSE BUSINESS COMBINATIONS.

(a) EXTENSION OF REQUIREMENT FOR REPORTS ON PAYMENT OF RESTRUCTURING COSTS.—Section 818(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 1821; 10 U.S.C. 2324 note) is amended by striking out "1995, 1996, and 1997" and inserting in lieu thereof "1997, 1998, and 1999".

(b) SECRETARY OF DEFENSE REPORTS.—Not later than March 1 in each of the years 1998, 1999, and 2000, the Secretary of Defense shall submit to the congressional defense committees a report on effects on competition resulting from any business combinations of major defense contractors that took place during the year preceding the year of the report. The report shall include, for each business combination reviewed by the Department pursuant to Department of Defense Directive 5000.62, the following:

(1) An assessment of any potentially adverse effects that the business combination could have on competition for Department of Defense contracts (including potential horizontal effects, vertical effects, and organizational conflicts of interest), the national technology and industrial base, or innovation in the defense industry.

(2) The actions taken to mitigate the potentially adverse effects.

(c) GAO REPORTS.—(1) Not later than December 1, 1997, the Comptroller General shall—

(A) in consultation with appropriate officials in the Department of Defense—

(i) identify major market areas adversely affected by business combinations of defense contractors since January 1, 1990; and

(ii) develop a methodology for determining the beneficial impact of business combinations of defense contractors on the prices paid on particular defense contracts; and

(B) submit to the congressional defense committees a report describing, for each major market area identified pursuant to subparagraph (A)(i), the changes in numbers of businesses competing for major defense contracts since January 1, 1990.

(2) Not later than December 1, 1998, the Comptroller General shall submit to the congressional defense committees a report containing the following:

(A) Updated information on—

(i) restructuring costs of business combinations paid by the Department of Defense pursuant to certifications under section 818 of the National Defense Authorization Act for Fiscal Year 1995, and

(ii) savings realized by the Department of Defense as a result of the business combinations for which the payment of restructuring costs was so certified.

(B) An assessment of the beneficial impact of business combinations of defense contractors on the prices paid on a meaningful sample of defense contracts, determined in accordance with the methodology developed pursuant to paragraph (1)(A)(ii).

(C) Any recommendations that the Comptroller General considers appropriate.

(d) BUSINESS COMBINATION DEFINED.—In this section, the term "business combination" has the meaning given that term in section 818(f) of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2822; 10 U.S.C. 2324 note).

SEC. 842. LEASE OF NONEXCESS PROPERTY OF DEFENSE AGENCIES.

(a) AUTHORITY.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2667 the following:

"§ 2667a. Leases: non-excess property of Defense Agencies

"(a) AUTHORITY.—Whenever the Director of a Defense Agency considers it advantageous to the United States, he may lease to such lessee and upon such terms as he considers will promote the national defense or to be in the public interest, personal property that is—

"(1) under the control of the Defense Agency;

"(2) not for the time needed for public use; and

"(3) not excess property, as defined by section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

"(b) LIMITATION, TERMS, AND CONDITIONS.—A lease under subsection (a)—

"(1) may not be for more than five years unless the Director of the Defense Agency concerned determines that a lease for a longer period will promote the national defense or be in the public interest;

"(2) may give the lessee the first right to buy the property if the lease is revoked to allow the United States to sell the property under any other provision of law;

"(3) shall permit the Director to revoke the lease at any time, unless he determines that the omission of such a provision will promote the national defense or be in the public interest; and

"(4) may provide, notwithstanding any other provision of law, for the improvement, maintenance, protection, repair, restoration, or replacement by the lessee, of the property leased as the payment of part or all of the consideration for the lease.

"(c) DISPOSITION OF MONEY RENT.—Money rentals received pursuant to leases entered into by the Director of a Defense Agency under subsection (a) shall be deposited in a special account in the Treasury established for such Defense Agency. Amounts in a Defense Agency's special account shall be available, to the extent provided in appropriations Acts, solely for the maintenance, repair, restoration, or replacement of the leased property.".

(b) CONFORMING AMENDMENT.—The heading of section 2667 of such title is amended to read as follows:

"§ 2667. Leases: non-excess property of military departments".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking out the item relating to section 2667 and inserting in lieu thereof the following:

"2667. Leases: non-excess property of military departments.

"2667a. Leases: non-excess property of Defense Agencies.".

SEC. 843. PROMOTION RATE FOR OFFICERS IN AN ACQUISITION CORPS.

(a) REVIEW OF ACQUISITION CORPS PROMOTION SELECTIONS.—Upon the approval of the President or his designee of the report of a selection board convened under section 611(a) of title 10, United States Code, which considered members of an Acquisition Corps of a military department for promotion to a grade above O-4, the Secretary of the military department shall submit a copy of the report to the Under Secretary of Defense for Acquisition and Technology for review.

(b) REPORTING REQUIREMENT.—Not later than January 31 of each year, the Under Secretary of Defense for Acquisition and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing the Under Secretary's assessment of the extent to which each military department is complying with the requirement set forth in section 1731(b) of title 10, United States Code.

(c) TERMINATION OF REQUIREMENTS.—This section shall cease to be effective on October 1, 2000.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. PRINCIPAL DUTY OF ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.

Section 138(b)(4) of title 10, United States Code, is amended by striking out "of special operations activities (as defined in section 167(j) of this title) and" and inserting in lieu thereof "of the performance of the responsibilities of the commander of the special operations command under subsections (e)(4) and (f) of section 167 of this title and of".

SEC. 902. PROFESSIONAL MILITARY EDUCATION SCHOOLS.

(a) COMPONENT INSTITUTIONS OF THE NATIONAL DEFENSE UNIVERSITY.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following:

"§ 2165. National Defense University

"(a) IN GENERAL.—There is a National Defense University in the Department of Defense.

"(b) COMPONENT INSTITUTIONS.—The university includes the following institutions:

"(1) The National War College.

"(2) The Industrial College of the Armed Forces.

"(3) The Armed Forces Staff College.

"(4) The Institute for National Strategic Studies.

"(5) The Information Resources Management College.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2165. National Defense University.".

(b) MARINE CORPS UNIVERSITY AS PROFESSIONAL MILITARY EDUCATION SCHOOL.—Subsection (d) of section 2162 of such title is amended to read as follows:

"(d) PROFESSIONAL MILITARY EDUCATION SCHOOLS.—This section applies to the following professional military education schools:

"(1) The National Defense University.

"(2) The Army War College.

"(3) The College of Naval Warfare.

"(4) The Air War College.

"(5) The United States Army Command and General Staff College.

"(6) The College of Naval Command and Staff.

"(7) The Air Command and Staff College.

"(8) The Marine Corps University.".

(c) REPEAL OF DUPLICATIVE DEFINITION.—Section 1595(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "(1)"; and

(2) by striking out paragraph (2).

SEC. 903. USE OF CINC INITIATIVE FUND FOR FORCE PROTECTION.

Section 166a(b) of title 10, United States Code, is amended by adding at the end the following:

"(9) Force protection.".

SEC. 904. TRANSFER OF TIARA PROGRAMS.

(a) TRANSFER OF FUNCTIONS.—The Secretary of Defense shall transfer—

(1) the responsibilities of the Tactical Intelligence and Related Activities (TIARA) aggregation for the conduct of programs referred to in subsection (b) to officials of elements of the military departments not in the intelligence community; and

(2) the funds available within the Tactical Intelligence and Related Activities aggregation for such programs to accounts of the military departments that are available for non-intelligence programs of the military departments.

(b) COVERED PROGRAMS.—Subsection (a) applies to the following programs:

(1) Targeting or target acquisition programs, including the Joint Surveillance and Target Attack Radar System, and the Advanced Deployable System.

(2) Tactical Warning and Attack Assessment programs, including the Defense Support Program, the Space-Based Infrared Program, and early warning radars.

(3) Tactical communications systems, including the Joint Tactical Terminal.

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "intelligence community" has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1998 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1997 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b) may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1997 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1997 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1997 defense authorizations.

(c) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1997 DEFENSE APPROPRIATIONS.—The term "fiscal year 1997 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1997 in the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208).

(2) FISCAL YEAR 1997 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1997 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1997 in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201).

SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1997.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1997 in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18).

SEC. 1004. INCREASED TRANSFER AUTHORITY FOR FISCAL YEAR 1996 AUTHORIZATIONS.

Section 1001(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 414) is amended by striking out "$2,000,000,000" and inserting in lieu thereof "$3,100,000,000".

SEC. 1005. BIENNIAL FINANCIAL MANAGEMENT STRATEGIC PLAN.

(a) BIENNIAL PLAN.—(1) Chapter 23 of title 10, United States Code, is amended by adding at the end the following:

"§ 483. Biennial financial management strategic plan

"(a) PLAN REQUIRED.—Not later than September 30 of each even-numbered year, the Secretary of Defense shall submit to Congress a strategic plan to improve the financial management within the Department of Defense. The strategic plan shall address all aspects of financial management within the Department of Defense, including the finance systems, accounting systems, and feeder systems that support financial functions.

"(b) DEFINITIONS.—In this section, the term 'feeder system' means an automated or manual system that provides input to a financial management or accounting system.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"483. Biennial financial management strategic plan.".

(b) FIRST SUBMISSION.—The Secretary of Defense shall submit the first financial management strategic plan under section 483 of title 10, United States Code (as added by subsection (a)), not later than September 30, 1998.

(c) CONTENT OF FIRST PLAN.—(1) At a minimum, the first financial management strategic plan shall include the following:

(A) The costs and benefits of integrating the finance and accounting systems of the Department of Defense, and the feasibility of doing so.

(B) Problems with the accuracy of data included in the finance systems, accounting systems, or feeder systems that support financial functions of the Department of Defense and the actions that can be taken to address the problems.

(C) Weaknesses in the internal controls of the systems and the actions that can be taken to address the weaknesses.

(D) Actions that can be taken to eliminate negative unliquidated obligations, unmatched disbursements, and in-transit disbursements, and to avoid such disbursements in the future.

(E) The status of the efforts being undertaken in the department to consolidate and eliminate—

(i) redundant or unneeded finance systems; and

(ii) redundant or unneeded accounting systems.

(F) The consolidation or elimination of redundant personnel systems, acquisition systems, asset accounting systems, time and attendance systems, and other feeder systems of the department.

(G) The integration of the feeder systems of the department with the finance and accounting systems of the department.

(H) Problems with the organization or performance of the Operating Locations and Service Centers of the Defense Finance and Accounting Service, and the actions that can be taken to address those problems.

(I) The costs and benefits of reorganizing the Operating Locations and Service Centers of the Defense Finance and Accounting Service according to function, and the feasibility of doing so.

(J) The costs and benefits of contracting for private sector performance of specific

functions performed by the Defense Finance and Accounting Service, and the feasibility of doing so.

(K) The costs and benefits of increasing the use of electronic fund transfer as a method of payment, and the feasibility of doing so.

(L) Any other changes in the financial management structure of the department or revisions of the department's financial processes and business practices that the Secretary of Defense considers necessary to improve financial management in the department.

(2) For the problems and actions identified in the plan, the Secretary shall include in the plan statements of objectives, performance measures, and schedules, and shall specify the individual and organizational responsibilities.

(3) In this subsection, the term "feeder system" has the meaning given the term in section 483(b) of title 10, United States Code, as added by subsection (a).

SEC. 1006. REVISION OF AUTHORITY FOR FISHER HOUSE TRUST FUNDS.

(a) CORRECTION TO ELIMINATE USE OF TERM ASSOCIATED WITH FUNDING AUTHORITIES.—Section 2221(c) of title 10, United States Code, is amended by striking out "or maintenance" each place it appears.

(b) CORPUS OF AIR FORCE TRUST FUND.—Section 914(b) of Public Law 104–106 (110 Stat. 412) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The Secretary of the Air Force shall deposit in the Fisher House Trust Fund, Department of the Air Force, an amount that the Secretary determines appropriate to establish the corpus of the fund.".

SEC. 1007. AVAILABILITY OF CERTAIN FISCAL YEAR 1991 FUNDS FOR PAYMENT OF CONTRACT CLAIM.

(a) AUTHORITY.—The Secretary of the Army may reimburse the fund provided by section 1304 of title 31, United States Code, out of funds appropriated for the Army for fiscal year 1991 for other procurement (BLIN 105125 (Special Programs)), for any judgment against the United States that is rendered in the case *Appeal of McDonnell Douglas Company*, Armed Services Board of Contract Appeals Number 48029.

(b) CONDITIONS FOR PAYMENT.—(1) Subject to paragraph (2), any reimbursement out of funds referred to in subsection (a) shall be made before October 1, 1998.

(2) No reimbursement out of funds referred to in subsection (a) may be made before the date that is 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a notification of the intent to make the reimbursement.

SEC. 1008. ESTIMATES AND REQUESTS FOR PROCUREMENT AND MILITARY CONSTRUCTION FOR THE RESERVE COMPONENTS.

(a) DETAILED PRESENTATION IN FUTURE-YEARS DEFENSE PROGRAM.—Section 10543 of title 10, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary of Defense"; and

(2) by adding at the end the following:

"(b) ASSOCIATED ANNEXES.—The associated annexes of the future-years defense program shall specify, at the same level of detail as is set forth in the annexes for the active components, the amount requested for—

"(1) procurement of each item of equipment to be procured for each reserve component; and

"(2) each military construction project to be carried out for each reserve component, together with the location of the project.

"(c) REPORT.—(1) If the aggregate of the amounts specified in paragraphs (1) and (2) of subsection (b) for a fiscal year is less than the amount equal to 90 percent of the average authorized amount applicable for that fiscal year under paragraph (2), the Secretary of Defense shall submit to Congress a report specifying for each reserve component the additional items of equipment that would be procured, and the additional military construction projects that would be carried out, if that aggregate amount were an amount equal to such average authorized amount. The report shall be at the same level of detail as is required by subsection (b).

"(2) In this subsection, the term 'average authorized amount', with respect to a fiscal year, means the average of—

"(A) the aggregate of the amounts authorized to be appropriated for the preceding fiscal year for the procurement of items of equipment, and for military construction, for the reserve components; and

"(B) the aggregate of the amounts authorized to be appropriated for the fiscal year preceding the fiscal year referred to in subparagraph (A) for the procurement of items of equipment, and for military construction, for the reserve components.".

(b) PROHIBITION.—The level of detail provided for procurement and military construction in the future-years defense programs for fiscal years after fiscal year 1998 may not be less than the level of detail provided for procurement and military construction in the future-years defense program for fiscal year 1998.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. LONG-TERM CHARTER OF VESSEL FOR SURVEILLANCE TOWED ARRAY SENSOR PROGRAM.

The Secretary of the Navy is authorized to enter into a long-term charter, in accordance with section 2401 of title 10, United States Code, for a vessel to support the Surveillance Towed Array Sensor (SURTASS) Program through fiscal year 2004.

SEC. 1012. PROCEDURES FOR SALE OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER.

Section 7305(c) of title 10, United States Code, is amended to read as follows:

"(c) PROCEDURES FOR SALE.—(1) A vessel stricken from the Naval Vessel Register and not subject to disposal under any other law may be sold under this section.

"(2) In such a case, the Secretary may—

"(A) sell the vessel to the highest acceptable bidder, regardless of the appraised value of the vessel, after publicly advertising the sale of the vessel for a period of not less than 30 days; or

"(B) subject to paragraph (3), sell the vessel by competitive negotiation to the acceptable offeror who submits the offer that is most advantageous to the United States (taking into account price and such other factors as the Secretary determines appropriate).

"(3) Before entering into negotiations to sell a vessel under paragraph (2)(B), the Secretary shall publish notice of the intention to do so in the Commerce Business Daily sufficiently in advance of initiating the negotiations that all interested parties are given a reasonable opportunity to prepare and submit proposals. The Secretary shall afford an opportunity to participate in the negotiations to all acceptable offerors submitting proposals that the Secretary considers as having the potential to be the most advantageous to the United States (taking into account price and such other factors as the Secretary determines appropriate).".

SEC. 1013. TRANSFERS OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY SALE.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) To the Government of Brazil, the submarine tender Holland (AS 32) of the Hunley class.

(2) To the Government of Chile, the oiler Isherwood (T–AO 191) of the Kaiser class.

(3) To the Government of Egypt:

(A) The following frigates of the Knox class:

(i) The Paul (FF 1080).

(ii) The Miller (FF 1091).

(iii) The Jesse L. Brown (FFT 1089).

(iv) The Moinester (FFT 1097).

(B) The following frigates of the Oliver Hazard Perry class:

(i) The Fahrion (FFG 22).

(ii) The Lewis B. Puller (FFG 23).

(4) To the Government of Israel, the tank landing ship Peoria (LST 1183) of the Newport class.

(5) To the Government of Malaysia, the tank landing ship Barbour County (LST 1195) of the Newport class.

(6) To the Government of Mexico, the frigate Roark (FF 1053) of the Knox class.

(7) To the Taipei Economic and Cultural Representative Office in the United States (the Taiwan instrumentality that is designated pursuant to section 10(a) of the Taiwan Relations Act), the following frigates of the Knox class:

(A) The Whipple (FF 1062).

(B) The Downes (FF 1070).

(8) To the Government of Thailand, the tank landing ship Schenectady (LST 1185) of the Newport class.

(b) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by subsection (a) shall be charged to the recipient.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

Subtitle C—Counter-Drug Activities

SEC. 1021. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF MEXICO.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1031 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2637), is amended by striking out "fiscal year 1997" and inserting in lieu thereof "fiscal years 1997 and 1998".

(b) EXTENSION OF FUNDING AUTHORIZATION.—Subsection (d) of such section is amended by inserting "for fiscal years 1997 and 1998" after "shall be available".

SEC. 1022. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF PERU AND COLOMBIA.

(a) AUTHORITY TO PROVIDE ADDITIONAL SUPPORT.—Subject to subsection (f), during fiscal years 1998 through 2002, the Secretary of Defense may provide either or both of the

governments named in subsection (b) with the support described in subsection (c) for the counter-drug activities of that government. The support provided to a government under the authority of this subsection shall be in addition to support provided to that government under any other provision of law.

(b) GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—The governments referred to in subsection (a) are as follows:

(1) The Government of Peru.

(2) The Government of Colombia.

(c) TYPES OF SUPPORT.—The authority under subsection (a) is limited to the provision of the following types of support:

(1) The transfer of nonlethal protective and utility personnel equipment.

(2) The transfer of the following nonlethal specialized equipment:

(A) Navigation equipment.

(B) Secure and nonsecure communications equipment.

(C) Photo equipment.

(D) Radar equipment.

(E) Night vision systems.

(F) Repair equipment and parts for equipment referred to in subparagraphs (A), (B), (C), (D), and (E).

(3) The transfer of nonlethal components, accessories, attachments, parts (including ground support equipment), firmware, and software for aircraft or patrol boats, and related repair equipment.

(4) The transfer of riverine patrol boats.

(5) The maintenance and repair of equipment of a government named in subsection (b) that is used for counter-narcotics activities.

(d) APPLICABILITY OF OTHER SUPPORT AUTHORITIES.—Except as otherwise provided in this section, the provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) shall apply to the provision of support to a government under this section.

(e) FUNDING.—Of the amounts authorized to be appropriated under section 301(20) for fiscal year 1998 for drug interdiction and counter-drug activities, not more than $30,000,000 shall be available in that fiscal year for the provision of support under this section.

(f) LIMITATIONS.—(1) The Secretary may not obligate or expend funds to provide a government with support under this section until 15 days after the date on which the Secretary submits to the committees referred to in paragraph (2) a written certification of the following:

(A) That the provision of support to that government under this section will not adversely affect the military preparedness of the United States Armed Forces.

(B) That the equipment and materiel provided as support will be used only by officials and employees of that government who have undergone background investigations by that government and have been approved by that government to perform counter-drug activities on the basis of the background investigations.

(C) That such government has certified to the Secretary that—

(i) the equipment and material provided as support will be used only by the officials and employees referred to in subparagraph (B);

(ii) none of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or materiel; and

(iii) the equipment and materiel will be used only for the purposes intended by the United States Government.

(D) That the government to receive the support has implemented, to the satisfaction of the Secretary, a system that will provide an accounting and inventory of the equipment and materiel provided as support.

(E) That the departments, agencies, and instrumentalities of that government will grant United States Government personnel access to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel, under terms and conditions similar to the terms and conditions imposed with respect to such access under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(F) That the government to receive the support will provide security with respect to the equipment and materiel provided as support that is substantially the same degree of security that the United States Government would provide with respect to such equipment and materiel.

(G) That the government to receive the support will permit continuous observation and review by United States Government personnel of the use of the equipment and materiel provided as support under terms and conditions similar to the terms and conditions imposed with respect to such observation and review under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(2) The committees referred to in this paragraph are the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on National Security and the Committee on International Relations of the House of Representatives.

Subtitle D—Reports and Studies

SEC. 1031. REPEAL OF REPORTING REQUIREMENTS.

(a) REPORTS REQUIRED BY TITLE 10.—

(1) ACHIEVEMENT OF COST, PERFORMANCE, AND SCHEDULE GOALS FOR NONMAJOR ACQUISITION PROGRAMS.—Section 2220(b) of title 10, United States Code, is amended by striking out "and nonmajor" in the first sentence.

(2) CONVERSION OF CERTAIN HEATING SYSTEMS.—Section 2690(b) of title 10, United States Code, is amended by striking out "unless the Secretary—" and all that follows and inserting in lieu thereof the following: "unless the Secretary determines that the conversion (1) is required by the government of the country in which the facility is located, or (2) is cost effective over the life cycle of the facility.".

(3) AVAILABILITY OF SUITABLE ALTERNATIVE HOUSING.—Section 2823 of title 10, United States Code, is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) REPORTS REQUIRED BY DEFENSE AUTHORIZATION AND APPROPRIATIONS ACTS.—

(1) OVERSEAS BASING COSTS.—Section 8125 of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 102 Stat. 2270–41; 10 U.S.C. 113 note) is amended—

(A) by striking out subsection (g); and

(B) in subsection (h), by striking out "subsections (f) and (g)" and inserting in lieu thereof "subsection (f)".

(2) STRETCHOUT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 117 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1933; 10 U.S.C. 2431 note) is repealed.

(c) REPORTS REQUIRED BY OTHER LAW.—Section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) is amended by striking out subsection (g), relating to the annual report on development of procurement regulations.

SEC. 1032. COMMON MEASUREMENT OF OPERATIONS TEMPOS AND PERSONNEL TEMPOS.

(a) MEANS FOR MEASUREMENT.—The Chairman of the Joint Chiefs of Staff shall, in consultation with the other members of the Joint Chiefs of Staff and to the maximum extent practicable, develop a common means of measuring the operations tempo (OPTEMPO) and the personnel tempo (PERSTEMPO) of each of the Armed Forces.

(b) PERSTEMPO MEASUREMENT.—The measurement of personnel tempo shall include a means of identifying the rate of deployment for individuals in addition to the rate of deployment for units.

SEC. 1033. REPORT ON OVERSEAS DEPLOYMENT.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the deployment overseas of personnel of the Armed Forces. The report shall describe the deployment as of June 30, 1996, and June 30, 1997.

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The number of personnel who were deployed overseas pursuant to a permanent duty assignment on each date specified in that subsection in aggregate and by country or ocean to which deployed.

(2) The number of personnel who were deployed overseas pursuant to a temporary duty assignment on each date, including—

(A) the number engaged in training with units of a single military department;

(B) the number engaged in United States military joint exercises; and

(C) the number engaged in training with allied units.

(3) The number of personnel deployed overseas on each date who were engaged in contingency operations (including peacekeeping or humanitarian assistance missions) or other activities.

SEC. 1034. REPORT ON MILITARY READINESS REQUIREMENTS OF THE ARMED FORCES.

(a) REQUIREMENT FOR REPORT.—Not later than January 31, 1998, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the military readiness requirements of the active and reserve components of the Armed Forces (including combat units, combat support units, and combat service support units) prepared by the officers referred to in subsection (b). The report shall assess such requirements under a tiered readiness and response system that categorizes a given unit according to the likelihood that it will be required to respond to a military conflict and the time in which it will be required to respond.

(b) PREPARATION BY JCS AND COMMANDERS OF UNIFIED COMMANDS.—The report required by subsection (a) shall be prepared jointly by the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, the commander of the Special Operations Command, and the commanders of the other unified commands.

(c) ASSESSMENT SCENARIO.—The report shall assess readiness requirements in a scenario that is based on the following assumptions:

(1) That the Armed Forces of the United States must, be capable of—

(A) fighting and winning, in concert with allies, two major theater wars nearly simultaneously; and

(B) deterring or defeating a strategic attack on the United States.

(2) That the forces available for deployment are the forces included in the force structure recommended in the Quadrennial Defense Review, including all other planned force enhancements.

(d) ASSESSMENT ELEMENTS.—(1) The report shall identify, by unit type, all major units of the active and reserve components of the Armed Forces and assess the readiness requirements of the units. Each identified unit shall be categorized within one of the following classifications:

(A) Forward-deployed and crisis response forces, or "Tier I" forces, that possess limited internal sustainment capability and do not require immediate access to regional air bases or ports or overflight rights, including the following:

(i) Force units that are deployed in rotation at sea or on land outside the United States.

(ii) Combat-ready crises response forces that are capable of mobilizing and deploying within 10 days after receipt of orders.

(iii) Forces that are supported by prepositioning equipment afloat or are capable of being inserted into a theater upon the capture of a port or airfield by forcible entry forces.

(B) Combat-ready follow-on forces, or "Tier II" forces, that can be mobilized and deployed to a theater within approximately 60 days after receipt of orders.

(C) Combat-ready conflict resolution forces, or "Tier III" forces, that can be mobilized and deployed to a theater within approximately 180 days after receipt of orders.

(D) All other active and reserve component force units which are not categorized within a classification described in subparagraph (A), (B), or (C).

(2) For the purposes of paragraph (1), the following units are major units:

(A) In the case of the Army or Marine Corps, a brigade and a battalion.

(B) In the case of the Navy, a squadron of aircraft, a ship, and a squadron of ships.

(C) In the case of the Air Force, a squadron of aircraft.

(e) PROJECTION OF SAVINGS FOR USE FOR MODERNIZATION.—The report shall include a projection for fiscal years 1998 through 2003 of the amounts of the savings in operation and maintenance funding that—

(1) could be derived by each of the Armed Forces by placing as many units as is practicable into the lower readiness categories among the tiers; and

(2) could be made available for force modernization.

(f) FORM OF REPORT.—The report under this section shall be submitted in unclassified form but may contain a classified annex.

(g) PLANNED FORCE ENHANCEMENT DEFINED.—In this section, the term "planned force enhancement", with respect to the force structure recommended in the Quadrennial Defense Review, means any future improvement in the capability of the force (including current strategic and future improvement in strategic lift capability) that is assumed in the development of the recommendation for the force structure set forth in the Quadrennial Defense Review.

SEC. 1035. ASSESSMENT OF CYCLICAL READINESS POSTURE OF THE ARMED FORCES.

(a) REQUIREMENT.—(1) Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the readiness posture of the Armed Forces described in subsection (b).

(2) The Secretary shall prepare the report required under paragraph (1) with the assistance of the Joint Chiefs of Staff. In providing such assistance, the Chairman of the Joint Chiefs of Staff shall consult with the Chief of the National Guard Bureau.

(b) READINESS POSTURE.—(1) The readiness posture to be covered by the report under subsection (a) is a readiness posture for units of the Armed Forces, or for designated units of the Armed Forces, that provides for a rotation of such units between a state of high readiness and a state of low readiness.

(2) As part of the evaluation of the readiness posture described in paragraph (1), the report shall address in particular a readiness posture that—

(A) establishes within the Armed Forces two equivalent forces each structured so as to be capable of fighting and winning a major theater war; and

(B) provides for an alternating rotation of such forces between a state of high readiness and a state of low readiness.

(3) The evaluation of the readiness posture described in paragraph (2) shall be based upon assumptions permitting comparison with the existing force structure as follows:

(A) That there are assembled from among the units of the Armed Forces two equivalent forces each structured so as to be capable of fighting and winning a major theater war.

(B) That each force referred to in subparagraph (A) includes—

(i) four active Army divisions, including one mechanized division, one armored division, one light infantry division, and one division combining airborne units and air assault units, and appropriate support and service support units for such divisions;

(ii) six divisions (or division equivalents) of the Army National Guard or the Army Reserve that are essentially equivalent in structure, and appropriate support and service support units for such divisions;

(iii) six aircraft carrier battle groups;

(iv) six active Air Force fighter wings (or fighter wing equivalents);

(v) four Air Force reserve fighter wings (or fighter wing equivalents); and

(vi) one active Marine Corps expeditionary force.

(C) That each force may be supplemented by critical units or units in short supply, including heavy bomber units, strategic lift units, and aerial reconnaissance units, that are not subject to the readiness rotation otherwise assumed for purposes of the evaluation or are subject to the rotation on a modified basis.

(D) That units of the Armed Forces not assigned to a force are available for operations other than those essential to fight and win a major theater war, including peace operations.

(E) That the state of readiness of each force alternates between a state of high readiness and a state of low readiness on a frequency determined by the Secretary (but not more often than once every 6 months) and with only one force at a given state of readiness at any one time.

(F) That, during the period of state of high readiness of a force, any operations or activities (including leave and education and training of personnel) that detract from the near-term wartime readiness of the force are temporary and their effects on such state of readiness minimized.

(G) That units are assigned overseas during the period of state of high readiness of the force to which the units are assigned primarily on a temporary duty basis.

(H) That, during the period of high readiness of a force, the operational war plans for the force incorporate the divisions (or division equivalents) of the Army Reserve or Army National Guard assigned to the force in a manner such that one such division (or division equivalent) is, on a rotating basis for such divisions (or division equivalents) during the period, maintained in a high state of readiness and dedicated as the first reserve combat division to be transferred overseas in the event of a major theater war.

(c) REPORT ELEMENTS.—The report under this section shall include the following elements for the readiness posture described in subsection (b)(2):

(1) An estimate of the range of cost savings achievable over the long term as a result of implementing the readiness posture, including—

(A) the savings achievable from reduced training levels and readiness levels during periods in which a force referred to in subsection (b)(3)(A) is in a state of low readiness; and

(B) the savings achievable from reductions in costs of infrastructure overseas as a result of reduced permanent change of station rotations.

(2) An assessment of the potential risks associated with a lower readiness status for units assigned to a force in a state of low readiness under the readiness posture, including the risks associated with the delayed availability of such units overseas in the event of two nearly simultaneous major theater wars.

(3) An assessment of the potential risks associated with requiring the forces under the readiness posture to fight a major war in any theater worldwide.

(4) An assessment of the modifications of the current force structure of the Armed Forces that are necessary to achieve the range of cost savings estimated under paragraph (1), including the extent of the diminishment, if any, of the military capabilities of the Armed Forces as a result of the modifications.

(5) An assessment whether or not the risks of diminished military capability associated with implementation of the readiness posture exceed the risks of diminished military capability associated with the modifications of the current force structure necessary to achieve cost savings equivalent to the best case for cost savings resulting from the implementation of the readiness posture.

(d) FORM OF REPORT.—The report under this section shall be submitted in unclassified form, but may contain a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term "state of high readiness", in the case of a military force, means the capability to mobilize first-to-arrive units of the force within 18 hours and last-to-arrive units within 120 days of a particular event.

(2) The term "state of low readiness", in the case of a military force, means the capability to mobilize first-to-arrive units within 90 days and last-to-arrive units within 180 days of a particular event.

SEC. 1036. OVERSEAS INFRASTRUCTURE REQUIREMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States military forces have been withdrawn from the Philippines.

(2) United States military forces are to be withdrawn from Panama by 2000.

(3) There continues to be local opposition to the continued presence of United States military forces in Okinawa.

(4) The Quadrennial Defense Review lists "the loss of U.S. access to critical facilities and lines of communication in key regions" as one of the so-called "wild card" scenarios covered in the review.

(5) The National Defense Panel states that "U.S. forces' long-term access to forward bases, to include air bases, ports, and logistics facilities, cannot be assumed".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should develop alternatives to the current arrangement for forward basing of the Armed Forces outside the United States, including alternatives to the existing infrastructure for forward basing of forces and alternatives to the existing international agreements that provide for basing of United States forces in foreign countries; and

(2) because the Pacific Rim continues to emerge as a region of significant economic and military importance to the United States, a continued presence of the Armed Forces in that region is vital to the capability of the United States to timely protect its interests in the region.

(c) REPORT REQUIRED.—Not later than March 31, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the overseas infrastructure requirements of the Armed Forces.

(d) CONTENT.—The report shall contain the following:

(1) The quantity and types of forces that the United States must station in each region of the world in order to support the current national military strategy of the United States.

(2) The quantity and types of forces that the United States will need to station in each region of the world in order to meet the expected or potential future threats to the national security interests of the United States.

(3) The requirements for access to, and use of, air space and ground maneuver areas in each such region for training for the quantity and types of forces identified for the region pursuant to paragraphs (1) and (2).

(4) A list of the international agreements, currently in force, that the United States has entered into with foreign countries regarding the basing of United States forces in those countries and the dates on which the agreements expire.

(5) A discussion of any anticipated political opposition or other opposition to the renewal of any of those international agreements.

(6) A discussion of future overseas basing requirements for United States forces, taking into account expected changes in national security strategy, national security environment, and weapons systems.

(7) The expected costs of maintaining the overseas infrastructure for foreign based forces of the United States, including the costs of constructing any new facilities that will be necessary overseas to meet emerging requirements relating to the national security interests of the United States.

(e) FORM OF REPORT.—The report may be submitted in a classified or unclassified form.

SEC. 1037. REPORT ON AIRCRAFT INVENTORY.

(a) REPORT.—Not later than January 30, 1998, the Under Secretary of Defense (Comptroller) shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the aircraft in the inventory of the Department of Defense.

(b) CONTENT.—The report shall set forth, for each type of aircraft provided for in the future-years defense program submitted to Congress in 1998, the following information:

(1) The total number of aircraft in the inventory.

(2) The total number of the aircraft in the inventory that are active, stated in the following categories:

(A) Primary aircraft (with a subcategory for mission aircraft, a subcategory for training aircraft, a subcategory for dedicated test aircraft, and other appropriate subcategories).

(B) Backup aircraft.

(C) Attrition and reconstitution reserve aircraft.

(3) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

(A) Bailment aircraft.

(B) Drone aircraft.

(C) Aircraft for sale or other transfer to foreign governments.

(D) Leased or loaned aircraft.

(E) Aircraft for maintenance training.

(F) Aircraft for reclamation.

(G) Aircraft in storage.

(4) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

SEC. 1038. DISPOSAL OF EXCESS MATERIALS.

(a) REPORT.—Not later than January 31, 1998, the Secretary shall submit to Congress a report on the actions that have been taken or are planned to be taken within the Department of Defense to address problems with the sale or other disposal of excess materials.

(b) REQUIRED CONTENT.— At a minimum, the report shall address the following issues:

(1) Whether any change is needed in the process of coding military equipment for demilitarization during the acquisition process.

(2) Whether any change is needed to improve methods used for the demilitarization of specific types of military equipment.

(3) Whether any change is needed in the penalties that are applicable to Federal Government employees or contractor employees who fail to comply with rules or procedures applicable to the demilitarization of excess materials.

(4) Whether provision has been made for sufficient supervision and oversight of the demilitarization of excess materials by purchasers of the materials.

(5) Whether any additional controls are needed to prevent the inappropriate transfer of excess materials overseas.

(6) Whether the Department should—

(A) identify categories of materials that are particularly vulnerable to improper use; and

(B) provide for enhanced review of the sale or other disposal of such materials.

(7) Whether legislation is necessary to establish appropriate mechanisms, including repurchase, for the recovery of equipment that is sold or otherwise disposed of without appropriate action having been taken to demilitarize the equipment or to provide for demilitarization of the equipment.

SEC. 1039. REVIEW OF FORMER SPOUSE PROTECTIONS.

(a) REQUIREMENT.—The Secretary of Defense shall carry out a comprehensive review and comparison of—

(1) the protections and benefits afforded under Federal law to former spouses of members and former members of the uniformed services by reason of their status as former spouses of such personnel; and

(2) the protections and benefits afforded under Federal law to former spouses of employees and former employees of the Federal Government by reason of their status as former spouses of such personnel.

(b) MATTERS TO BE REVIEWED.—The review under subsection (a) shall include the following:

(1) In the case of former spouses of members and former members of the uniformed services, the following:

(A) All provisions of law (principally those originally enacted in the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252)) that—

(i) establish, provide for the enforcement of, or otherwise protect interests of former spouses of members and former members of the uniformed services in retired or retainer pay of members and former members; and

(ii) provide other benefits for former spouses of members and former members.

(B) The experience of the uniformed services in administering such provisions of law.

(C) The experience of former spouses and members and former members of the uniformed services in the administration of such provisions of law.

(2) In the case of former spouses of employees and former employees of the Federal Government, the following:

(A) All provisions of law that—

(i) establish, provide for the enforcement of, or otherwise protect interests of former spouses of employees and former employees of the Federal Government in annuities of employees and former employees under Federal employees' retirement systems; and

(ii) provide other benefits for former spouses of employees and former employees.

(B) The experience of the Office of Personnel Management and other agencies of the Federal Government in administering such provisions of law.

(C) The experience of former spouses and employees and former employees of the Federal Government in the administration of such provisions of law.

(c) SAMPLING AUTHORIZED.—The Secretary may use sampling in carrying out the review under this section.

(d) REPORT.—Not later than September 30, 1999, the Secretary shall submit a report on the results of the review and comparison to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall include any recommendation for legislation that the Secretary considers appropriate.

SEC. 1040. COMPLETION OF GAO REPORTS FOR CONGRESS.

(a) PRIORITY.—(1) Subchapter II of chapter 7 of title 31, United States Code, is amended by adding at the end the following:

"§ 721. Priority for completion of certain audits, evaluations, other reviews, and reports

"(a) PRIORITY.—The Comptroller General may commence an audit, evaluation, other review, or report in a fiscal year only after the Comptroller General certifies in writing to Congress during such fiscal year that the General Accounting Office has completed all audits, evaluations, other reviews, and reports that were requested of that office by Congress before the date of the certification.

"(b) EXCEPTIONS.—The restriction in subsection (a) does not apply to the commencement of an audit, evaluation, other review,

or report that is required by law or requested by Congress.

"(c) SOURCE, FORM, AND DATE OF CONGRESSIONAL REQUESTS.—For the purposes of this section—

"(1) an audit, evaluation, other review, or report is requested by Congress if the request for the audit, evaluation, other review, or report is made in writing by the Chairman of a committee of Congress, the Chairman of a subcommittee of such a committee, or any other member of Congress; and

"(2) the date on which the General Accounting Office receives such a request shall be considered the date of the request.".

(2) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 720 the following:

"721. Priority for completion of certain audits, evaluations, other reviews, and reports.".

(b) ANNUAL REPORT ON CONGRESSIONAL AND NONCONGRESSIONAL ACTIVITIES.—(1) Section 719(b) of title 31, United States Code, is amended by adding at the end the following:

"(3)(A) The report under subsection (a) shall include, for the latest fiscal year ending before the date of the report, the amount and cost of the work that the General Accounting Office performed during the fiscal year for the following:

"(i) Audits, evaluations, other reviews, and reports requested by the Chairman of a committee of Congress, the Chairman of a subcommittee of such a committee, or any other member of Congress.

"(ii) Audits, evaluations, other reviews, and reports not described in clause (i) and not required by law to be performed by the General Accounting Office.

"(B) In the report, amounts of work referred to in subparagraph (A) shall be expressed as hours of labor.".

(2) Paragraph (1) of such section is amended—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following:

"(D) the matters required by paragraph (3).".

(c) APPLICABILITY.—(1) Section 721 of title 31, United States Code (as added by subsection (a)), shall apply to the commencement of audits, evaluations, other reviews, and reports by the General Accounting Office after the later of—

(A) September 30, 1997; or

(B) the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall apply with respect to reports submitted under section 719(a) of title 31, United States Code, after December 31, 1997.

Subtitle E—Other Matters

SEC. 1051. PSYCHOTHERAPIST-PATIENT PRIVILEGE IN THE MILITARY RULES OF EVIDENCE.

(a) REQUIREMENT FOR PROPOSED RULE.—The Secretary of Defense shall submit to the President, for consideration for promulgation under article 36 of the Uniform Code of Military Justice (10 U.S.C. 836), a recommended amendment to the Military Rules of Evidence that recognizes an evidentiary privilege regarding disclosure by a psychotherapist of confidential communications between a patient and the psychotherapist.

(b) APPLICABILITY OF PRIVILEGE.—The recommended amendment shall include a provision that applies the privilege to—

(1) patients who are not subject to the Uniform Code of Military Justice; and

(2) any patients subject to the Uniform Code of Military Justice that the Secretary determines it appropriate for the privilege to cover.

(c) SCOPE OF PRIVILEGE.—The evidentiary privilege recommended pursuant to subsection (a) shall be similar in scope to the psychotherapist-patient privilege recognized under Rule 501 of the Federal Rules of Evidence, subject to such exceptions and limitations as the Secretary determines appropriate on the bases of law, public policy, and military necessity.

(d) DEADLINE FOR RECOMMENDATION.—The Secretary shall submit the recommendation under subsection (a) on or before the later of the following dates:

(1) The date that is 90 days after the date of the enactment of this Act.

(2) January 1, 1998.

SEC. 1052. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

(a) EXTENSION OF PILOT PROGRAM AUTHORITY FOR CURRENT NUMBER OF PROGRAMS.—Subsection (a) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 32 U.S.C. 501 note) is amended—

(1) by striking out "During fiscal years 1993 through 1995" and inserting in lieu thereof "(1) During fiscal years 1993 through 1998"; and

(2) by adding at the end the following new paragraph:

"(2) In fiscal years after fiscal year 1995, the number of programs carried out under subsection (d) as part of the pilot program may not exceed the number of such programs as of September 30, 1995.".

(b) FISCAL RESTRICTIONS.—(1) Section 1091 of such Act is amended by striking out subsection (k) and inserting in lieu thereof the following:

"(k) FISCAL RESTRICTIONS.—(1) The Federal Government's share of the total cost of carrying out a program in a State as part of the pilot program in any fiscal year after fiscal year 1997 may not exceed 50 percent of that total cost.

"(2) The total amount expended for carrying out the program during a fiscal year may not exceed $20,000,000.".

(2) Subsection (d)(3) of such section is amended by inserting ", subject to subsection (k)(1)," after "provide funds".

(c) CONFORMING REPEAL.—Section 573 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 355; 32 U.S.C. 501 note) is repealed.

SEC. 1053. PROTECTION OF ARMED FORCES PERSONNEL DURING PEACE OPERATIONS.

(a) PROTECTION OF PERSONNEL.—

(1) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that units of the Armed Forces (including Army units, Marine Corps units, Air Force units, and support units for such units) engaged in peace operations have adequate troop protection equipment for such operations.

(2) SPECIFIC ACTIONS.—In taking such actions, the Secretary shall—

(A) identify the additional troop protection equipment, if any, required to equip a division equivalent with adequate troop protection equipment for peace operations;

(B) establish procedures to facilitate the exchange of troop protection equipment among the units of the Armed Forces; and

(C) designate within the Department of Defense an individual responsible for—

(i) ensuring the proper allocation of troop protection equipment among the units of the Armed Forces engaged in peace operations; and

(ii) monitoring the availability, status or condition, and location of such equipment.

(b) REPORT.—Not later than March 1, 1998, the Secretary shall submit to Congress a report on the actions taken by the Secretary under subsection (a).

(c) TROOP PROTECTION EQUIPMENT DEFINED.—In this section, the term "troop protection equipment" means the equipment required by units of the Armed Forces to defend against any hostile threat that is likely during a peace operation, including an attack by a hostile crowd, small arms fire, mines, and a terrorist bombing attack.

SEC. 1054. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) FUNDING LIMITATION.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1998 for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems below the specified levels:

(1) 71 B-52H bomber aircraft.

(2) 18 Trident ballistic missile submarines.

(3) 500 Minuteman III intercontinental ballistic missiles.

(4) 50 Peacekeeper intercontinental ballistic missiles.

(b) WAIVER AUTHORITY.—If the START II Treaty enters into force during fiscal year 1997 or fiscal year 1998, the Secretary of Defense may waive the application of the limitation under subsection (a) to the extent that the Secretary determines necessary in order to implement the treaty.

(c) FUNDING LIMITATION ON EARLY DEACTIVATION.—(1) If the limitation under subsection (a) ceases to apply by reason of a waiver under subsection (b), funds available to the Department of Defense may nevertheless not be obligated or expended during fiscal year 1998 to implement any agreement or understanding to undertake substantial early deactivation of a strategic nuclear delivery system specified in subsection (a) until 30 days after the date on which the President submits to Congress a report concerning such actions.

(2) For purposes of this subsection, a substantial early deactivation is an action during fiscal year 1998 to deactivate a substantial number of strategic nuclear delivery systems specified in subsection (a) by—

(A) removing nuclear warheads from those systems; or

(B) taking other steps to remove those systems from combat status.

(3) A report under this subsection shall include the following:

(A) The text of any understanding or agreement between the United States and the Russian Federation concerning substantial early deactivation of strategic nuclear delivery systems under the START II Treaty.

(B) The plan of the Department of Defense for implementing the agreement.

(C) An assessment of the Secretary of Defense of the adequacy of the provisions contained in the agreement for monitoring and verifying compliance of Russia with the terms of the agreement.

(D) A determination by the President as to whether the deactivations to occur under the agreement will be carried out in a symmetrical, reciprocal, or equivalent manner.

(E) An assessment by the President of the effect of the proposed early deactivation on the stability of the strategic balance and relative strategic nuclear capabilities of the

United States and the Russian Federation at various stages during deactivation and upon completion.

(d) CONTINGENCY PLAN FOR SUSTAINMENT OF SYSTEMS.—(1) Not later then February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a plan for the sustainment beyond October 1, 1999, of United States strategic nuclear delivery systems and alternative Strategic Arms Reduction Treaty force structures in the event that a strategic arms reduction agreement subsequent to the Strategic Arms Reduction Treaty does not enter into force before 2004.

(2) The plan shall include a discussion of the following matters:

(A) The actions that are necessary to sustain the United States strategic nuclear delivery systems, distinguishing between the actions that are planned for and funded in the future-years defense program and the actions that are not planned for and funded in the future-years defense program.

(B) The funding necessary to implement the plan, indicating the extent to which the necessary funding is provided for in the future-years defense program and the extent to which the necessary funding is not provided for in the future-years defense program.

(e) START TREATIES DEFINED.—In this section:

(1) The term "Strategic Arms Reduction Treaty" means the Treaty Between the United States of America and the United Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (START), signed at Moscow on July 31, 1991, including related annexes on agreed statements and definitions, protocols, and memorandum of understanding.

(2) The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the "START II Treaty" (contained in Treaty Document 103–1):

(A) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Elimination and Conversion Protocol").

(B) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Exhibitions and Inspections Protocol").

(C) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Memorandum on Attribution").

SEC. 1055. ACCEPTANCE AND USE OF LANDING FEES FOR USE OF OVERSEAS MILITARY AIRFIELDS BY CIVIL AIRCRAFT.

(a) AUTHORITY.—Section 2350j of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) PAYMENTS FOR CIVIL USE OF MILITARY AIRFIELDS.—The authority under subsection (a) includes authority for the Secretary of a military department to accept payments of landing fees for use of a military airfield by civil aircraft that are prescribed pursuant to an agreement that is entered into with the government of the country in which the airfield is located. Payments received under this subsection in a fiscal year shall be credited to the appropriation that is available for the fiscal year for the operation and maintenance of the military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for the same period and purposes as the appropriation is available.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section is amended by striking out "Any" at the beginning of the second sentence and inserting in lieu thereof "Except as provided in subsection (f), any".

(2) Subsection (c) of such section is amended by striking out "Contributions" in the matter preceding paragraph (1), and inserting in lieu thereof "Except as provided in subsection (f), contributions".

SEC. 1056. ONE-YEAR EXTENSION OF INTERNATIONAL NONPROLIFERATION INITIATIVE.

(a) ONE-YEAR EXTENSION.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of the National Defense Authorization Act for Fiscal Year 1993; 22 U.S.C. 5859a) is amended by striking out "1997" and inserting in lieu thereof "1998".

(b) LIMITATIONS ON AMOUNT OF ASSISTANCE FOR ADDITIONAL FISCAL YEARS.—Subsection (d)(3) of such section is amended by striking out "or $15,000,000 for fiscal year 1997" and inserting in lieu thereof "$15,000,000 for fiscal year 1997, or $15,000,000 for fiscal year 1998".

SEC. 1057. ARMS CONTROL IMPLEMENTATION AND ASSISTANCE FOR FACILITIES SUBJECT TO INSPECTION UNDER THE CHEMICAL WEAPONS CONVENTION.

(a) ASSISTANCE AUTHORIZED.—The On-Site Inspection Agency of the Department of Defense may provide technical assistance, on a reimbursable basis (in accordance with subsection (b)), to a facility that is subject to a routine or challenge inspection under the Chemical Weapons Convention upon the request of the owner or operator of the facility.

(b) REIMBURSEMENT REQUIREMENT.—The United States National Authority shall reimburse the On-Site Inspection Agency for costs incurred by the agency in providing assistance under subsection (a).

(c) DEFINITIONS.—In this section:

(1) The terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(2) The term "facility that is subject to a routine inspection" means a declared facility, as defined in paragraph 15 of part X of the Annex on Implementation and Verification of the Convention.

(3) The term "challenge inspection" means an inspection conducted under Article IX of the Convention.

(4) The term "United States National Authority" means the United States National Authority established or designated pursuant to Article VII, paragraph 4, of the Chemical Weapons Convention.

SEC. 1058. SENSE OF SENATE REGARDING THE RELATIONSHIP BETWEEN ENVIRONMENTAL LAWS AND UNITED STATES' OBLIGATIONS UNDER THE CHEMICAL WEAPONS CONVENTION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Chemical Weapons Convention requires the destruction of the United States' stockpile of lethal chemical agents and munitions within 10 years after the Convention's entry into force (or 2007).

(2) The President possesses substantial powers under existing law to ensure that the technologies necessary to destroy the stockpile are developed, that the facilities necessary to destroy the stockpile are constructed, and that Federal, State, and local environmental laws and regulations do not impair the ability of the United States to comply with its obligations under the Convention.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President—

(1) should use the authority granted the President under existing law to ensure that the United States is able to construct and operate the facilities necessary to destroy the United States' stockpile of lethal chemical agents and munitions within the time allowed by the Chemical Weapons Convention; and

(2) while carrying out the United States' obligations under the Convention, should encourage negotiations between appropriate Federal Government officials and officials of the State and local governments concerned to attempt to meet their concerns about the actions being taken to carry out those obligations.

(c) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

SEC. 1059. SENSE OF CONGRESS REGARDING FUNDING FOR RESERVE COMPONENT MODERNIZATION NOT REQUESTED IN THE ANNUAL BUDGET REQUEST.

(a) LIMITATION.—It is the sense of Congress that, to the maximum extent practicable, Congress should consider authorizing appropriations for reserve component modernization activities not included in the budget request of the Department of Defense for a fiscal year only if—

(1) there is a Joint Requirements Oversight Council validated requirement for the equipment;

(2) the equipment is included for reserve component modernization in the modernization plan of the military department concerned and is incorporated into the future-years defense program;

(3) the equipment is consistent with the use of reserve component forces;

(4) the equipment is necessary in the national security interests of the United States; and

(5) the funds can be obligated in the fiscal year.

(b) VIEWS OF THE CHAIRMAN, JOINT CHIEFS OF STAFF.—It is further the sense of Congress that, in applying the criteria set forth in subsection (a), Congress should obtain the views of the Chairman of the Joint Chiefs of Staff, including views on whether funds for equipment not included in the budget request are appropriate for the employment of reserve component forces in Department of Defense warfighting plans.

SEC. 1060. AUTHORITY OF SECRETARY OF DEFENSE TO SETTLE CLAIMS RELATING TO PAY, ALLOWANCES, AND OTHER BENEFITS.

(a) AUTHORITY TO WAIVE TIME LIMITATIONS.—Paragraph (1) of section 3702(e) of title 31, United States Code, is amended by striking out "Comptroller General" and inserting in lieu thereof "Secretary of Defense".

(b) APPROPRIATION TO BE CHARGED.—Paragraph (2) of such section is amended by striking out "shall be subject to the availability of appropriations for payment of that particular claim" and inserting in lieu thereof "shall be made from an appropriation that is available, for the fiscal year in which the payment is made, for the same purpose as the appropriation to which the obligation claimed would have been charged if the obligation had been timely paid".

SEC. 1061. COORDINATION OF ACCESS OF COMMANDERS AND DEPLOYED UNITS TO INTELLIGENCE COLLECTED AND ANALYZED BY THE INTELLIGENCE COMMUNITY.

(a) FINDINGS.—Congress makes the following findings:

(1) Coordination of operational intelligence support for the commanders of the combatant commands and deployed units of the Armed Forces has proven to be inadequate.

(2) Procedures used to reconcile information among various intelligence community and Department of Defense data bases proved to be inadequate and, being inadequate, diminished the usefulness of that information and preclude commanders and planners within the Armed Forces from fully benefiting from key information that should have been available to them.

(3) Excessive compartmentalization of responsibilities and information within the Department of Defense and the other elements of the intelligence community resulted in inaccurate analysis of important intelligence material.

(4) Excessive restrictions on the distribution of information within the executive branch disadvantaged units of the Armed Forces that would have benefited most from the information.

(5) Procedures used in the Department of Defense to ensure that critical intelligence information is provided to the right combat units in a timely manner failed during the Persian Gulf War and, as a result, information about potential chemical weapons storage locations did not reach the units that eventually destroyed those storage areas.

(6) A recent, detailed review of the events leading to and following the destruction of chemical weapons by members of the Armed Forces at Khamisiyah, Iraq, during the Persian Gulf War has revealed a number of inadequacies in the way the Department of Defense and the other elements of the intelligence community handled, distributed, recorded, and stored intelligence information about the threat of exposure of United States forces to chemical weapons and the toxic agents in those weapons.

(7) The inadequacy of procedures for recording the receipt of, and reaction to, intelligence reports provided by the intelligence community to combat units of the Armed Forces during the Persian Gulf War has caused it to be impossible to analyze the failures in transmission of intelligence-related information on the location of chemical weapons at Khamisiyah, Iraq, that resulted in the demolition of chemical weapons by members of the Armed Forces unaware of the hazards to which they were exposed.

(b) REPORTING REQUIREMENT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report that identifies the specific actions that have been taken or are being taken to ensure that there is adequate coordination of operational intelligence support for the commanders of the combatant commands and deployed units of the Armed Forces.

(c) DEFINITION OF INTELLIGENCE COMMUNITY.—In this section, the term "intelligence community" has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 1062. PROTECTION OF IMAGERY, IMAGERY INTELLIGENCE, AND GEOSPATIAL INFORMATION AND DATA.

(a) PROTECTION OF INFORMATION ON CAPABILITIES.—Paragraph (1)(B) of section 455(b) of title 10, United States Code, is amended by inserting ", or capabilities," after "methods".

(b) PRODUCTS PROTECTED.—(1) Paragraph (2) of such section is amended to read as follows:

"(2) In this subsection, the term 'geodetic product' means imagery, imagery intelligence, or geospatial information, as those terms are defined in section 467 of this title.".

(2) Section 467(4)(C) of title 10, United States Code, is amended to read as follows:

"(C) maps, charts, geodetic data, and related products.".

SEC. 1063. PROTECTION OF AIR SAFETY INFORMATION VOLUNTARILY PROVIDED BY A CHARTER AIR CARRIER.

Section 2640 of title 10, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) PROTECTION OF VOLUNTARILY SUBMITTED AIR SAFETY INFORMATION.—(1) Subject to paragraph (2), the appropriate official may deny a request made under any other provision of law for public disclosure of safety-related information that has been provided voluntarily by an air carrier to the Secretary of Defense for the purposes of this section, notwithstanding the provision of law under which the request is made.

"(2) The appropriate official may exercise authority to deny a request for disclosure of information under paragraph (1) if the official first determines that—

"(A) the disclosure of the information as requested would inhibit an air carrier from voluntarily disclosing, in the future, safety-related information for the purposes of this section or for other air safety purposes involving the Department of Defense or another Federal agency; and

"(B) the receipt of such information generally enhances the fulfillment of responsibilities under this section or other air safety responsibilities involving the Department of Defense or another Federal agency.

"(3) For the purposes of this section, the appropriate official for exercising authority under paragraph (1) is—

"(A) the Secretary of Defense, in the case of a request for disclosure of information that is directed to the Department of Defense; or

"(B) the head of another Federal agency, in the case of a request that is directed to that Federal agency regarding information described in paragraph (1) that the Federal agency has received from the Department of Defense.".

SEC. 1064. SUSTAINMENT AND OPERATION OF GLOBAL POSITIONING SYSTEM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Global Positioning System, with its multiple uses, makes significant contributions to the attainment of the national security and foreign policy goals of the United States, the safety and efficiency of international transportation, and the economic growth, trade, and productivity of the United States.

(2) The infrastructure for the Global Positioning System, including both space and ground segments of the infrastructure, is vital to the effectiveness of United States and allied military forces and to the protection of the national security interests of the United States.

(3) In addition to having military uses, the Global Positioning System has essential civil, commercial, and scientific uses.

(4) Driven by the increasing demand of civil, commercial, and scientific users of the Global Positioning System—

(A) there has emerged in the United States a new commercial industry to provide Global Positioning System equipment and related services to the many and varied users of the system; and

(B) there have been rapid technical advancements in Global Positioning System equipment and services that have contributed significantly to reductions in the cost of the Global Positioning System and increases in the technical capabilities and availability of the system for military uses.

(5) It is in the national interest of the United States for the United States—

(A) to support continuation of the multiple-use character of the Global Positioning System;

(B) to promote broader acceptance and use of the Global Positioning System and the technological standards that facilitate expanded use of the system for civil purposes;

(C) to coordinate with other countries to ensure—

(i) efficient management of the electromagnetic spectrum utilized for the Global Positioning System; and

(i) protection of that spectrum in order to prevent disruption of, and interference with, signals from the system; and

(D) to encourage open access in all international markets to the Global Positioning System and supporting equipment, services, and techniques.

(b) SUSTAINMENT AND OPERATION FOR MILITARY PURPOSES.—The Secretary of Defense shall—

(1) provide for the sustainment of the Global Positioning System capabilities, and the operation of basic Global Positioning System services, that are beneficial for the national security interests of United States;

(2) develop appropriate measures for preventing hostile use of the Global Positioning System that make it unnecessary to use the selective availability feature of the system continuously and do not hinder the use of the Global Positioning System by the United States and its allies for military purposes; and

(3) ensure that United States military forces have the capability to use the Global Positioning System effectively despite hostile attempts to prevent the use of the system by such forces.

(c) SUSTAINMENT AND OPERATION FOR CIVILIAN PURPOSES.—The Secretary of Defense shall—

(1) provide for the sustainment and operation of basic Global Positioning System services for peaceful civil, commercial, and scientific uses on a continuous worldwide basis free of direct user fees;

(2) provide for the sustainment and operation of basic Global Positioning System

services in order to meet the performance requirements of the Federal Radionavigation Plan jointly issued by the Secretary of Defense and the Secretary of Transportation;

(3) coordinate with the Secretary of Transportation regarding the development and implementation by the Federal Government of augmentations to the basic Global Positioning System that achieve or enhance uses of the system in support of transportation;

(4) coordinate with the Secretary of Commerce, the United States Trade Representative, and other appropriate officials to facilitate the development of new and expanded civil uses for the Global Positioning System; and

(5) develop measures for preventing hostile use of the Global Positioning System in a particular area without hindering peaceful civil use of the system elsewhere.

(d) FEDERAL RADIONAVIGATION PLAN.—The Secretary of Defense and the Secretary of Transportation shall continue to prepare the Federal Radionavigation Plan every two years as originally provided for in the International Maritime Satellite Telecommunications Act (title V of the Communications Satellite Act of 1962; 47 U.S.C. 751 et seq.).

(e) INTERNATIONAL COOPERATION.—Congress urges the President to promote the security of the United States and its allies, the public safety, and commercial interests by—

(1) undertaking a coordinated effort within the executive branch to seek to establish the Global Positioning System, and augmentations to the system, as a worldwide resource;

(2) seeking to enter into international agreements to establish signal and service standards that protect the Global Positioning System from disruption and interference; and

(3) undertaking efforts to eliminate any barriers to, and other restrictions of foreign governments on, peaceful uses of the Global Positioning System.

(f) PROHIBITION OF SUPPORT OF FOREIGN SYSTEM.—None of the funds authorized to be appropriated under this Act may be used to support the operation and maintenance or enhancement of any satellite navigation system operated by a foreign country.

(g) REPORT.—(1) Not later than 30 days after the end of each even numbered fiscal year (beginning with fiscal year 1998), the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations on the Senate and the Committees on National Security and on Appropriations of the House of Representatives a report on the Global Positioning System. The report shall include a discussion of the following matters:

(A) The operational status of the Global Positioning System.

(B) The capability of the system to satisfy effectively—

(i) the military requirements for the system that are current as of the date of the report; and

(ii) the performance requirements of the Federal Radionavigation Plan.

(C) The most recent determination by the President regarding continued use of the selective availability feature of the Global Positioning System and the expected date of any change or elimination of use of that feature.

(D) The status of cooperative activities undertaken by the United States with the governments of other countries concerning the capability of the Global Positioning System or any augmentation of the system to satisfy civil, commercial, scientific, and military requirements, including a discussion of the status and results of activities undertaken under any regional international agreement.

(E) Any progress made toward establishing the Global Positioning System as an international standard for consistency of navigational service.

(F) Any progress made toward protecting the Global Positioning System from disruption and interference.

(G) The effects of use of the Global Positioning System on national security, regional security, and the economic competitiveness of United States industry, including the Global Positioning System equipment and service industry and user industries.

(2) In preparing the parts of the report required under subparagraphs (D), (E), (F), and (G) of paragraph (1), the Secretary of Defense shall consult with the Secretary of Commerce, Secretary of Transportation, and Secretary of Labor.

(h) BASIC GLOBAL POSITIONING SYSTEM SERVICES DEFINED.—In this section, the term "basic global positioning system services" means the following components of the Global Positioning System that are operated and maintained by the Department of Defense:

(1) The constellation of satellites.

(2) The navigation payloads that produce the Global Positioning System signals.

(3) The ground stations, data links, and associated command and control facilities.

SEC. 1065. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE DEFENSE CRIMINAL INVESTIGATIVE SERVICE.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1585 the following new section:

"§ 1585a. Special agents of the Defense Criminal Investigative Service: law enforcement authority

"(a) AUTHORITY.—A special agent of the Defense Criminal Investigative Service designated under subsection (b) has the following authority:

"(1) To carry firearms.

"(2) To execute and serve any warrant or other process issued under the authority of the United States.

"(3) To make arrests without warrant for—

"(A) any offense against the United States committed in the agent's presence; or

"(B) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

"(b) DESIGNATION OF AGENTS TO HAVE AUTHORITY.—The Secretary of Defense may designate to have the authority provided under subsection (a) any special agent of the Defense Criminal Investigative Service whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of Defense.

"(c) GUIDELINES ON EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Inspector General of the Department of Defense and approved by the Attorney General, and any other applicable guidelines prescribed by the Secretary of Defense or the Attorney General.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1585 the following:

"1585a. Special agents of the Defense Criminal Investigative Service: law enforcement authority.".

SEC. 1066. REPEAL OF REQUIREMENT FOR CONTINUED OPERATION OF THE NAVAL ACADEMY DAIRY FARM.

(a) REPEAL.—Section 810 of the Military Construction Authorization Act, 1968 (Public Law 90–110; 81 Stat. 309) is amended—

(1) by striking out subsection (a); and

(2) in subsection (b), by striking out "nor shall" and all that follows through "Act of Congress".

(b) CONFORMING AMENDMENTS.—(1) Section 6971(b)(5) of title 10, United States Code, is amended by inserting "(if any)" before the period at the end.

(2) Section 2105(b) of title 5, United States Code, is amended by inserting "(if any)" after "Academy dairy".

SEC. 1067. POW/MIA INTELLIGENCE ANALYSIS CELL.

(a) ESTABLISHMENT OF INTELLIGENCE CELL.—The Director of Central Intelligence, in consultation with the Secretary of Defense, shall establish a POW/MIA Intelligence Analysis Cell to provide analytical support on POW/MIA matters to all departments and agencies of the Federal Government involved with such matters. The Director of Central Intelligence shall oversee the functions of the POW/MIA Intelligence Analysis Cell and determine its structure and location.

(b) PREPARATION OF NATIONAL INTELLIGENCE ESTIMATE.—The POW/MIA Intelligence Analysis Cell shall be the primary source of support for the Director in the preparation of the Special National Intelligence Estimate on POW/MIA matters that was directed by the Assistant to the President for National Security Affairs in accordance with the letter on that subject that the Assistant to the President transmitted to the Majority Leader of the Senate on April 10, 1997.

(c) CONSOLIDATION OF INTELLIGENCE COLLECTION REQUIREMENTS.—All intelligence collection requirements for the intelligence community regarding POW/MIA matters shall be consolidated within the POW/MIA Intelligence Analysis Cell.

(d) DEFINITIONS.—In this section:

(1) The term "POW/MIA matters" means matters concerning prisoners of war and members of the Armed Forces who are missing in action.

(2) The term "intelligence community" has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 1068. PROTECTION OF EMPLOYEES FROM RETALIATION FOR CERTAIN DISCLOSURES OF CLASSIFIED INFORMATION.

(a) DISCLOSURES TO OFFICIALS CLEARED FOR ACCESS.—Section 2302(b) of title 5, United States Code, is amended—

(1) in paragraph (8)—

(A) by striking out "or" at the end of subparagraph (A);

(B) by inserting "or" at the end of subparagraph (B)(ii); and

(C) by adding at the end the following:

"(C) a disclosure by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs which the employee or applicant reasonably believes to provide direct and specific evidence of—

"(i) a violation of any law, rule, or regulation,

"(ii) gross mismanagement, a gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety, or

"(iii) a false statement to Congress on an issue of material fact,

if the disclosure is made to a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates, to any other Member of Congress who is authorized to receive information of the type disclosed, or to an employee of the executive branch or Congress who has the appropriate security clearance for access to the information disclosed;''; and

(2) by striking out the matter following paragraph (11).

(b) DISSEMINATION OF INFORMATION ON NEW PROTECTION.—Not later than 30 days after the date of the enactment of this Act, the President shall—

(1) take such action as is necessary to ensure that employees of the executive branch having access to classified information receive notice that the disclosure of such information to Congress is not prohibited by law, executive order, or regulation, and is not otherwise contrary to public policy when the information is disclosed under the circumstances described in subparagraph (C) of section 2302(b)(8) of title 5, United States Code (as added by subsection (a)); and

(2) submit to Congress a report on the actions taken to carry out paragraph (1).

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply to a taking, failing to take, or threat to take or fail to take a personnel action on or after such date because of a disclosure described in subparagraph (C) of section 2302(b)(8) of title 5, United States Code (as added by subsection (a)), that is made before, on, or after such date.

SEC. 1069. APPLICABILITY OF CERTAIN PAY AUTHORITIES TO MEMBERS OF THE COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE.

(a) APPLICABILITY.—Section 705(a) of the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 110 Stat. 3349; 38 U.S.C. 545 note) is amended—

(1) by inserting ''(1)'' before ''Each member''; and

(2) by adding at the end the following:

''(2)(A) A member of the Commission who is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the Commission shall not be subject to the provisions of such section with respect to such membership.

''(B) A member of the Commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the Commission.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the provisions of section 705(a) of the Veterans' Benefits Improvements Act of 1996 to which such amendments relate.

SEC. 1070. TRANSFER OF B–17 AIRCRAFT TO MUSEUM.

(a) AUTHORITY.—The Secretary of the Air Force may convey, without consideration, to the Planes of Fame Museum, Chino, California (hereafter in this section referred to as the ''museum''), all right, title, and interest of the United States in and to the B–17 aircraft known as the ''Picadilly Lilly'', an aircraft that has been in the possession of the museum since 1959.

(b) CONDITION OF AIRCRAFT.—Before conveying ownership of the aircraft, the Secretary shall alter the aircraft as necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The Secretary is not required to repair or alter the condition of the aircraft in any other way before conveying the ownership.

(c) CONDITION FOR CONVEYANCE.—A conveyance of ownership of the aircraft under this section shall be subject to the condition that the museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the advance approval of the Secretary of the Air Force.

(d) REVERSION.—If the Secretary of the Air Force determines at any time that the museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the advance approval of the Secretary, all right, title, and interest in and to the aircraft, including any repairs or alterations of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(f) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, the United States shall not be liable for any death, injury, loss, or damages that result from any use of the aircraft conveyed under this section by any person other than the United States after the conveyance is complete.

SEC. 1071. FIVE-YEAR EXTENSION OF AVIATION INSURANCE PROGRAM.

(a) EXTENSION.—Section 44310 of title 49, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 2002''.

(b) EFFECTIVE DATE.—This section shall take effect as of September 30, 1997.

SEC. 1072. TREATMENT OF MILITARY FLIGHT OPERATIONS.

No military flight operation (including a military training flight), or designation of airspace for such an operation, may be treated as a transportation program or project for purposes of section 303(c) of title 49, United States Code.

SEC. 1073. NATURALIZATION OF FOREIGN NATIONALS WHO SERVED HONORABLY IN THE ARMED FORCES OF THE UNITED STATES.

(a) IN GENERAL.—Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) in subsection (a)(1)—

(A) by inserting '', reenlistment, extension of enlistment,'' after ''at the time of enlistment''; and

(B) by inserting ''or on board a public vessel owned or operated by the United States for noncommercial service,'' after ''United States, the Canal Zone, American Samoa, or Swains Island,''; and

(2) by adding at the end the following new subsection:

''(d) WAIVER.—(1) For purposes of the naturalization of natives of the Philippines under section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note), notwithstanding any other provision of law—

''(A) the processing of applications for naturalization, filed in accordance with the provisions of Section 405 of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 5039), including necessary interviews, may be conducted in the Philippines by employees of the Service designated pursuant to section 335(b) of this Act; and

''(B) oaths of allegiance for applications under this subsection may be administered in the Philippines by employees of the Service designated pursuant to section 335(b) of this Act.

''(2) Paragraph (1) shall be effective only during the period beginning February 3, 1996, and ending at the end of February 2, 2006.''.

(b) EFFECTIVE DATES.—The amendments made by subsection (a)(1) shall be effective for all enlistments, reenlistments, extensions of enlistment, or inductions of persons occurring on or after January 1, 1990.

SEC. 1074. DESIGNATION OF BOB HOPE AS HONORARY VETERAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has never in its more than 200 years of existence conferred honorary veteran status on any person.

(2) Honorary veteran status is and should remain an extraordinary honor not lightly conferred nor frequently granted.

(3) It is fitting and proper to confer that status on Bob Hope.

(4) Bob Hope attempted to enlist in the Armed Forces to serve his country during World War II but was informed that the greatest service he could provide his country was as a civilian entertainer for the troops.

(5) Since then, Bob Hope has travelled to visit and entertain millions of members of the Armed Forces of the United States throughout World War II, the Korean Conflict, the Vietnam War, the Persian Gulf War, and the Cold War, in Europe, Africa, England, Wales, Ireland, Scotland, Sicily, the Aleutian Islands, Pearl Harbor, Kwajalein Island, Guam, Japan, Korea, Vietnam, Saudi Arabia, and many other locations.

(6) Bob Hope frequently elected to stage his shows in forward combat areas.

(7) Bob Hope richly deserves the more than 100 awards and citations that he has received from government, military, and civic groups.

(8) Those awards include the American Congressional Gold Medal, the Medal of Freedom, the People to People Award, the Peabody Award, the Jean Hersholdt Humanitarian Award, the Al Jolson Award of the Veterans of Foreign Wars, the Medal of Liberty, and the Distinguished Service Medals of each of the Armed Forces.

(9) Bob Hope has given unselfishly of himself for over half a century to be with American service members on foreign shores, has worked tirelessly to bring a spirit of humor and cheer to millions of military members during their loneliest moments, and has, thereby, extended to them for the American people a touch of home away from home.

(b) HONORARY DESIGNATION.—The elected representatives of the American people, expressing the gratitude of the American people to Bob Hope for his years of unselfish service to the members of the Armed Forces of the United States, designate Bob Hope as an honorary veteran of the Armed Forces of the United States.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. USE OF PROHIBITED CONSTRAINTS TO MANAGE DEPARTMENT OF DEFENSE PERSONNEL.

Section 129 of title 10, United States Code, is amended by adding at the end the following:

''(f)(1) Not later than February 1 and August 1 of each year, the Secretary of each military department and the head of each Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representative a report on the

management of the civilian workforce under the jurisdiction of that official.

"(2) Each report of an official under paragraph (1) shall contain the following:

"(A) The official's certification that the civilian workforce under the jurisdiction of the official is not subject to any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees, and that, during the six months preceding the date on which the report is due, such workforce has not been subject to any such constraint or limitation.

"(B) A description of how the civilian workforce is managed.

"(C) A detailed description of the analytical tools used to determine civilian workforce requirements during the six-month period referred to in subparagraph (A).".

SEC. 1102. EMPLOYMENT OF CIVILIAN FACULTY AT THE MARINE CORPS UNIVERSITY.

(a) EXPANDED AUTHORITY.—Subsections (a) and (c) of section 7478 of title 10, United States Code, are amended by striking out "the Marine Corps Command and Staff College" and inserting in lieu thereof "a school of the Marine Corps University".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 7478. Naval War College and Marine Corps University: civilian faculty members".

(2) The table of sections at the beginning of chapter 643 of such title is amended by striking out the item relating to section 7478 and inserting in lieu thereof the following new item:

"7478. Naval War College and Marine Corps University:. civilian faculty members.".

SEC. 1103. EXTENSION AND REVISION OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY.

(a) REMITTANCE TO CSRS FUND.—Section 5597 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) In addition to any other payment that it is required to make under subchapter III of chapter 83 or chapter 84 of this title, the Department of Defense shall remit to the Office of Personnel Management an amount equal to 15 percent of the final basic pay of each covered employee. The remittance shall be in place of any remittance with respect to the employee that is otherwise required under section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).

"(2) Amounts remitted under paragraph (1) shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

"(3) For the purposes of this subsection—

"(A) the term 'covered employee' means an employee who is subject to subchapter III of chapter 83 or chapter 84 of this title and to whom a voluntary separation incentive has been paid under this section on the basis of a separation on or after October 1, 1997; and

"(B) the term 'final basic pay' has the meaning given such term in section 4(a)(2) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).".

(b) EXTENSION OF AUTHORITY.—(1) Subsection (e) of such section is amended by striking out "September 30, 1999" and inserting in lieu thereof "September 30, 2001".

(2) Section 4436(d)(2) of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (5 U.S.C. 8348 note) is amended by striking "January 1, 2000" and inserting in lieu thereof "January 1, 2002".

SEC. 1104. REPEAL OF DEADLINE FOR PLACEMENT CONSIDERATION OF INVOLUNTARILY SEPARATED MILITARY RESERVE TECHNICIANS.

Section 3329(b) of title 5, United States Code, is amended by striking out "a position described in subsection (c) not later than 6 months after the date of the application".

SEC. 1105. RATE OF PAY OF DEPARTMENT OF DEFENSE OVERSEAS TEACHER UPON TRANSFER TO GENERAL SCHEDULE POSITION.

(a) PREVENTION OF EXCESSIVE INCREASES.—Section 5334(d) of title 5, United States Code, is amended by striking out "20 percent" and all that follows and inserting in lieu thereof "an amount determined under regulations which the Secretary of Defense shall prescribe for the determination of the yearly rate of pay of the position. The amount by which a rate of pay is increased under the regulations may not exceed the amount equal to 20 percent of that rate of pay.".

(b) EFFECTIVE DATE AND SAVINGS PROVISION.—(1) The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

(2) In the case of a person who is employed in a teaching position referred to in section 5334(d) of title 5, United States Code, on the day before the effective date determined under paragraph (1), the rate of pay determined under such section (as in effect on that day) shall not be reduced by reason of the amendment made by subsection (a) for so long as the person continues to serve in that position or another such position without a break in service on or after that day.

SEC. 1106. NATURALIZATION OF EMPLOYEES OF THE GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) ELIGIBILITY WITHOUT PERMANENT RESIDENCE.—Subsection (a) of section 506 of the Intelligence Authorization Act, Fiscal Year 1990 (Public Law 101-193; 103 Stat. 1709; 8 U.S.C. 1430 note) is amended to read as follows:

"(a) For purposes of subsection (c) of section 319 of the Immigration and Nationality Act (8 U.S.C. 1430), the George C. Marshall European Center for Security Studies, located in Garmisch, Federal Republic of Germany, shall be considered to be an organization described in clause (1) of such subsection. Notwithstanding clauses (2) and (4) of such subsection and any other provision of title III of the Immigration and Nationality Act, neither prior admission to the United States for permanent residence nor presence in the United States at the time of naturalization is required as a condition for the naturalization (under the authority of such subsection) of a person employed by the Center.".

(b) REFERENCE CORRECTION.—The section heading of such section is amended to read as follows:

"REQUIREMENTS FOR CITIZENSHIP FOR STAFF OF GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES".

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1998".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama ..	Redstone Arsenal	$27,000,000
Arizona	Fort Huachuca	$20,000,000
California	Naval Weapons Station, Concord.	$23,000,000
Colorado ..	Fort Carson	$7,300,000
Georgia	Fort Gordon	$22,000,000
Hawaii	Schofield Barracks	$44,000,000
Indiana	Crane Army Ammunition Activity.	$7,700,000
Kansas	Fort Leavenworth	$63,000,000
	Fort Riley	$25,800,000
Kentucky	Fort Campbell	$53,600,000
	Fort Knox	$7,200,000
North Carolina.	Fort Bragg	$6,500,000
South Carolina.	Naval Weapons Station, Charleston.	$7,700,000
Texas	Fort Sam Houston	$16,000,000
Virginia ...	Charlottesville	$3,100,000
	Fort A.P. Hill	$5,400,000
	Fort Myer	$8,200,000
Washington.	Fort Lewis	$33,000,000
CONUS Classified.	Classified Location	$6,500,000
	Total:	$387,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany ..	Katterbach Kaserne, Ansbach.	$22,000,000
	Kitzingen	$4,365,000
	Tompkins Barracks, Heidelberg.	$8,800,000
	Rhine Ordnance Barracks, Military Support Group, Kaiserslautern.	$6,000,000
Korea	Camp Casey	$5,100,000
	Camp Castle	$8,400,000
	Camp Humphreys	$32,000,000
	Camp Red Cloud	$23,600,000
	Camp Stanley	$7,000,000
Various Overseas.	Various Locations	$37,000,000
Worldwide	Host Nation Support ...	$20,000,000
	Total:	$174,265,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Alaska	Fort Richardson	52 Units	$9,600,000
	Fort Wainwright	32 Units	$8,300,000
Florida	Miami	8 Units	$2,300,000
Hawaii	Schofield Barracks	132 Units	$26,600,000
Kentucky	Fort Campbell	Family housing improvements.	$8,500,000
Maryland	Fort Meade	56 Units	$7,900,000
New York	United States Military Academy, West Point	Whole neighborhood revitalization.	$5,400,000
North Carolina	Fort Bragg	174 Units	$20,150,000
Texas	Fort Bliss	91 Units	$12,900,000
	Fort Hood	130 Units	$18,800,000
		Total:	$120,450,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,665,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $44,800,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,957,129,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $360,500,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $174,265,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $6,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,512,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $176,915,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,148,937,000.

(6) For the construction of the National Range Control Center, White Sands Missile Range, New Mexico, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2763), $18,000,000.

(7) For the construction of the whole barracks complex renewal, Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2763), $22,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $26,500,000 (the balance of the amount authorized under section 2101(a) for the construction of the United States Disciplinary Barracks, Fort Leavenworth, Kansas).

SEC. 2105. AUTHORITY TO USE CERTAIN PRIOR YEAR FUNDS TO CONSTRUCT A HELIPORT AT FORT IRWIN, CALIFORNIA.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of the Army may carry out a project to construct a heliport at Fort Irwin, California, using the following amounts:

(1) Amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3029) for the military construction project at Fort Irwin authorized by section 2101(a) of that Act (108 Stat. 3027).

(2) Amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 524) for the military construction project at Fort Irwin authorized by section 2101(a) of that Act (110 Stat. 523).

(b) LIMITATION ON AVAILABILITY.—Unless funds available under subsection (a) are obligated for the project covered by that subsection by the later of the dates set forth in section 2701(a) of this Act, the authority in that subsection to use funds for the project shall expire on the later of such dates.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Navy Detachment, Camp Navajo.	$11,426,000
California	Marine Corps Air Station, Yuma.	$14,700,000
	Marine Corps Air Station, Camp Pendleton.	$14,020,000
	Marine Corps Air Station, Miramar.	$8,700,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms.	$3,810,000
	Marine Corps Base, Camp Pendleton.	$39,469,000
	Naval Air Facility, El Centro.	$11,000,000
	Naval Air Station, North Island.	$19,600,000
Connecticut.	Naval Submarine Base, New London.	$23,560,000
Florida	Naval Air Station, Jacksonville.	$3,480,000
Hawaii	Honolulu (Fort DeRussy).	$9,500,000
	Marine Corps Air Station, Kaneohe Bay.	$19,000,000
	Naval Computer and Telecommunications Area, Master Station, Eastern Pacific, Honolulu.	$3,900,000
	Naval Station, Pearl Harbor.	$25,000,000
Illinois	Naval Training Center, Great Lakes.	$41,220,000
Mississippi	Navy Combat Battalion Construction Base, Gulfport.	$22,440,000
North Carolina.	Marine Corps Air Station, Cherry Point.	$8,800,000
	Marine Corps Air Station, New River.	$19,900,000
Rhode Island.	Naval Undersea Warfare Center Division, Newport.	$8,900,000
South Carolina.	Marine Corps Recruit Depot, Parris Island.	$3,200,000
Virginia	Fleet Combat Training Center, Dam Neck.	$7,000,000
	Naval Air Station, Norfolk.	$14,240,000
	Naval Air Station, Oceana.	$28,000,000
	Naval Amphibious Base, Little Creek.	$8,685,000
	Naval Station, Norfolk	$64,970,000
	Naval Surface Warfare Center, Dahlgren.	$20,480,000
	Naval Weapons Station, Yorktown.	$11,257,000
	Norfolk Naval Shipyard, Portsmouth.	$9,500,000
Washington.	Naval Air Station, Whidbey Island.	$1,100,000
	Puget Sound Naval Shipyard, Bremerton.	$4,400,000
	Total:	$481,257,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and

in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain ...	Administrative Support Unit, Bahrain.	$30,100,000
Guam	Naval Computer and Telecommunications Area, Master Station, Western Pacific.	$4,050,000
Italy	Naval Air Station, Sigonella.	$21,440,000
	Naval Support Activity, Naples.	$8,200,000
Puerto Rico.	Naval Station, Roosevelt Roads.	$9,500,000
United Kingdom.	Joint Maritime Communications Center, Saint Mawgan.	$2,330,000
	Total:	$75,620,000

Navy: Outside the United States—Continued

Navy: Family Housing

State	Installation	Purpose	Amount
California	Marine Corps Air Station, Miramar	166 Units	$28,881,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	132 Units	$23,891,000
	Marine Corps Base, Camp Pendleton	171 Units	$22,518,000
	Naval Air Station, Lemoore	128 Units	$23,226,000
North Carolina	Marine Corps Base, Camp Lejeune	37 Units	$2,863,000
Texas	Naval Air Station, Corpus Christi	57 Units	$6,470,000
Washington	Naval Air Station, Whidbey Island	198 Units	$32,290,000
		Total:	$140,139,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $15,850,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $173,780,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,916,887,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $448,637,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $75,620,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,960,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $47,597,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $329,769,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $976,504,000.

(6) For construction of a large anachoic chamber facility at Patuxent River Naval Warfare Center, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2590), $9,000,000.

(7) For construction of a bachelor enlisted quarters at Naval Hospital, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2766), $5,200,000.

(8) For construction of a bachelor enlisted quarters at Naval Station, Roosevelt Roads, Puerto Rico, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2767), $14,600,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $32,620,000 (the balance of the amount authorized under section 2101(a) for the replacement of the Berthing Pier at Naval Station, Norfolk, Virginia.

(c) ADJUSTMENT.—The total amount authorized to be appropriated under paragraph (5) of subsection (a) is the sum of the amounts authorized to be appropriated under such paragraph, reduced by $8,463,000 (the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes).

SEC. 2205. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT PASCAGOULA NAVAL STATION, MISSISSIPPI, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2766) is amended by striking out the item relating to Navy Project, Stennis Space Center, Mississippi, and inserting in lieu thereof the following:

Mississippi.	Naval Station Pascagoula	$4,990,000
	Navy Project, Stennis Space Center.	$7,960,000

(b) CONFORMING AMENDMENTS.—Section 2204(a) of such Act (110 Stat. 2769) is amended—

(1) in the matter preceding paragraph (1), by striking out "$2,213,731,000" and inserting in lieu thereof "$2,218,721,000"; and

(2) in paragraph (1), by striking out "$579,312,000" and inserting in lieu thereof "$584,302,000".

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama ..	Maxwell Air Force Base	$5,574,000
Alaska	Clear Air Force Station	$67,069,000
	Elmendorf Air Force Base.	$6,100,000
	Eielson Air Force Base	$13,764,000
	Indian Mountain Long Range Radar Site.	$1,991,000
California	Edwards Air Force Base	$2,887,000
	Vandenberg Air Force Base.	$26,876,000
Colorado ..	Buckley Air National Guard Base.	$6,718,000
	Falcon Air Force Station.	$10,551,000
	Peterson Air Force Base.	$4,081,000
	United States Air Force Academy.	$15,229,000
Florida	Eglin Auxiliary Field 9	$6,470,000
	MacDill Air Force Base	$1,543,000
Georgia	Moody Air Force Base	$15,900,000
	Robins Air Force Base	$18,663,000
Idaho	Mountain Home Air Force Base.	$30,669,000
Kansas	McConnell Air Force Base.	$19,219,000
Louisiana	Barksdale Air Force Base.	$19,410,000
Mississippi	Keesler Air Force Base	$30,855,000
Missouri ..	Whiteman Air Force Base.	$17,419,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Montana ..	Malmstrom Air Force Base.	$4,500,000
Nebraska	Offutt Air Force Base ..	$6,900,000
Nevada	Nellis Air Force Base ...	$5,900,000
New Jersey.	McGuire Air Force Base.	$9,954,000
New Mexico.	Cannon Air Force Base	$2,900,000
	Kirtland Air Force Base.	$20,300,000
North Carolina.	Pope Air Force Base	$8,356,000
North Dakota.	Grand Forks Air Force Base.	$8,560,000
	Minot Air Force Base ..	$5,200,000
Ohio	Wright-Patterson Air Force Base.	$32,750,000
Oklahoma	Altus Air Force Base ...	$11,000,000
	Tinker Air Force Base	$9,655,000
	Vance Air Force Base ..	$7,700,000
South Carolina.	Shaw Air Force Base ...	$6,072,000
South Dakota.	Ellsworth Air Force Base.	$6,600,000
Tennessee	Arnold Air Force Base	$10,750,000
Texas	Dyess Air Force Base ...	$10,000,000
	Randolph Air Force Base.	$2,488,000
Utah	Hill Air Force Base	$6,470,000
Virginia ...	Langley Air Force Base	$4,031,000
Washington.	Fairchild Air Force Base.	$24,016,000
	McChord Air Force Base.	$9,655,000
CONUS Classified.	Classified Location	$6,175,000
	Total:	$540,920,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany ..	Spangdahlem Air Base	$18,500,000
Italy	Aviano Air Base	$15,220,000
Korea	Kunsan Air Base	$10,325,000
Portugal ...	Lajes Field, Azores	$4,800,000
United Kingdom.	Royal Air Force, Lakenheath.	$11,400,000
Overseas Classified.	Classified Location	$29,100,000
	Total:	$89,345,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
California	Edwards Air Force Base	51 units	$8,500,000
	Travis Air Force Base	70 units	$9,714,000
	Vandenberg Air Force Base	108 units	$17,100,000
Delaware	Dover Air Force Base	Ancillary Facility	$831,000
District of Columbia	Bolling Air Force Base	46 units	$5,100,000
Florida	MacDill Air Force Base	58 units	$10,000,000
	Tyndall Air Force Base	32 units	$4,200,000
Georgia	Robins Air Force Base	106 units	$12,000,000
Idaho	Mountain Home Air Force Base	60 units	$11,032,000
Kansas	McConnell Air Force Base	19 units	$2,951,000
Mississippi	Columbus Air Force Base	50 units	$6,200,000
	Keesler Air Force Base	40 units	$5,000,000
Montana	Malmstrom Air Force Base	956 units	$21,447,000
New Mexico	Kirtland Air Force Base	180 units	$20,900,000
North Dakota	Grand Forks Air Force Base	42 units	$7,936,000
South Carolina	Charleston Air Force Base	Improve family housing area.	$14,300,000
Texas	Dyess Air Force Base	70 units	$10,503,000
	Goodfellow Air Force Base	3 units	$500,000
	Lackland Air Force Base	50 units	$7,400,000
Wyoming	F.E. Warren Air Force Base	52 units	$6,853,000
		Total:	$182,467,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $13,021,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $102,195,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,793,949,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $540,920,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $89,345,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,545,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $51,080,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, planning improvement of military family housing and facilities, $297,683,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $830,234,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $23,858,000 (the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes).

SEC. 2305. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT MCCONNELL AIR FORCE BASE, KANSAS, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2771) is amended in the item relating to McConnell Air Force Base, Kansas, by striking out "$19,130,000" in the amount column and inserting in lieu thereof "$25,830,000".

(b) CONFORMING AMENDMENT.—Section 2304 of such Act (110 Stat. 2774) is amended—

(1) in the matter preceding paragraph (1), by striking out "$1,894,594,000" and inserting in lieu thereof "$1,901,294,000"; and

(2) in paragraph (1), by striking out "$603,834,000" and inserting in lieu thereof "$610,534,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Commissary Agency.	Fort Lee, Virginia	$9,300,000
Defense Finance & Accounting Service.	Naval Station, Pearl Harbor, Hawaii	$10,000,000
	Columbus Center, Ohio	$9,722,000
	Naval Air Station, Millington, Tennessee	$6,906,000
	Naval Station, Norfolk, Virginia	$12,800,000
Defense Intelligence Agency.	Redstone Arsenal, Alabama	$32,700,000
	Bolling Air Force Base, District of Columbia	$7,000,000
Defense Logistics Agency.	Elmendorf Air Force Base, Alaska	$21,700,000
	Naval Air Station, Jacksonville, Florida	$9,800,000
	Westover Air Reserve Base, Massachusetts	$4,700,000
	Defense Distribution New Cumberland—DDSP, Pennsylvania	$15,500,000
	Defense Distribution Depot—DDNV, Virginia	$16,656,000
	Defense Fuel Support Point, Craney Island, Virginia	$22,100,000
	Defense General Supply Center, Richmond, Virginia	$5,200,000
	Defense Fuel Support Center, Truax Field, Wisconsin	$4,500,000
	CONUS Various, CONUS Various	$11,275,000
Defense Medical Facility Office.	Naval Station, San Diego, California	$2,100,000
	Naval Submarine Base, New London, Connecticut	$2,300,000
	Naval Air Station, Pensacola, Florida	$2,750,000
	Robins Air Force Base, Georgia	$19,000,000
	Fort Campbell, Kentucky	$13,600,000
	Fort Detrick, Maryland	$4,650,000
	McGuire Air Force Base, New Jersey	$35,217,000
	Holloman Air Force Base, New Mexico	$3,000,000
	Wright-Patterson Air Force Base, Ohio	$2,750,000
	Lackland Air Force Base, Texas	$3,000,000
	Hill Air Force Base, Utah	$3,100,000
	Marine Corps Combat Development Command, Quantico, Virginia	$19,000,000
	Naval Station, Everett, Washington	$7,500,000
National Security Agency.	Fort Meade, Maryland	$29,800,000
Special Operations Command.	Naval Amphibious Base, North Island, California	$7,400,000
	Eglin Auxiliary Field 3, Florida	$11,200,000
	Hurlburt Field, Florida	$2,450,000
	Fort Benning, Georgia	$9,814,000
	Hunter Army Air Field, Fort Stewart, Georgia	$2,500,000
	Naval Station, Pearl Harbor, Hawaii	$7,400,000
	Mississippi Army Ammunition Plant, Mississippi	$9,900,000
	Fort Bragg, North Carolina	$9,800,000
	Total:	$408,090,000

Defense Agencies: Inside the United States—Continued

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Ballistic Missile Defense Organization.	Kwajalein Atoll	$4,565,000
Defense Logistics Agency.	Defense Fuel Support Point, Anderson Air Force Base, Guam	$16,000,000
	Defense Fuel Supply Center, Moron Air Base, Spain	$14,400,000
	Total:	$34,965,000

SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(13)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $50,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(13)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $4,950,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,778,531,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $408,090,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $34,965,000.

(3) For military construction projects at Anniston Army Depot, Alabama, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2587), $9,900,000.

(4) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (106 Stat. 2599), $20,000,000.

(5) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539) and section 2408(2) of this Act, $57,427,000.

(6) For military construction projects at the Defense Finance and Accounting Service, Columbus, Ohio, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 1996 (110 Stat. 535), $14,200,000.

(7) For military construction projects at Portsmouth Naval Hospital, Virginia authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $34,600,000.

(8) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $9,844,000.

(9) For unspecified minor construction projects under section 2805 of title 10, United States Code, $34,457,000.

(10) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $31,520,000.

(11) For energy conservation projects authorized by section 2404 of this Act, $25,000,000.

(12) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $2,060,854,000.

(13) For military family housing functions:

(A) For improvement and planning of military family housing and facilities, $4,950,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $32,724,000, of which not more than $27,673,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2406. CLARIFICATION OF AUTHORITY RELATING TO FISCAL YEAR 1997 PROJECT AT NAVAL STATION, PEARL HARBOR, HAWAII.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775) is amended in the item relating to Special Operations Command, Naval Station, Ford Island, Pearl Harbor, Hawaii, in the installation or location column by striking out "Naval Station, Ford Island, Pearl Harbor, Hawaii" and inserting in lieu thereof "Naval Station, Pearl City Peninsula, Pearl Harbor, Hawaii".

SEC. 2407. AUTHORITY TO USE PRIOR YEAR FUNDS TO CARRY OUT CERTAIN DEFENSE AGENCY MILITARY CONSTRUCTION PROJECTS.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), the Secretary of Defense may carry out the military construction projects referred to in subsection (b), in the amounts specified in that subsection, using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3042) for the military construction project authorized at McClellan Air Force Base, California, by section 2401 of that Act (108 Stat. 3041).

(b) COVERED PROJECTS.—Funds available under subsection (a) may be used for military construction projects as follows:

(1) Construction of an addition to the Aeromedical Clinic at Anderson Air Base, Guam, $3,700,000.

(2) Construction of an occupational health clinic facility at Tinker Air Force Base, Oklahoma, $6,500,000.

(c) LIMITATION ON AVAILABILITY.—Unless funds available under subsection (a) are obligated for a project referred to in subsection (b) by the later of the dates set forth in section 2701(a), the authority in subsection (a) to use such funds for the project shall expire on the later of such dates.

SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out "$115,000,000" in the amount column and inserting in lieu thereof "$134,000,000"; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out "$186,000,000" in the amount column and inserting in lieu thereof "$187,000,000".

SEC. 2409. AVAILABILITY OF FUNDS FOR FISCAL YEAR 1995 PROJECT RELATING TO RELOCATABLE OVER-THE-HORIZON RADAR, NAVAL STATION ROOSEVELT ROADS, PUERTO RICO.

(a) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law and except as provided in subsection (b), funds appropriated under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE" in title VI of the Department of Defense Appropriations Act, 1995 (Public Law 103–335; 108 Stat. 2615) for the construction of a relocatable over-the-horizon radar at Naval Station Roosevelt Roads, Puerto Rico, shall be available for that purpose until the later of—

(1) October 1, 1998; or

(2) the date of enactment of an Act authorizing funds for military construction for fiscal year 1999.

(b) EXCEPTION.—Subsection (a) shall not apply to the use of funds covered by that subsection for the purpose specified in that subsection if such funds are obligated before the later of the dates specified in that subsection.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $152,600,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1997, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $155,416,000; and

(B) for the Army Reserve, $87,640,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $21,213,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $193,269,000; and

(B) for the Air Force Reserve, $34,580,000.

SEC. 2602. AUTHORIZATION OF ARMY NATIONAL GUARD CONSTRUCTION PROJECT, AVIATION SUPPORT FACILITY, HILO, HAWAII, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2780) is amended by striking out "$59,194,000" and inserting in lieu thereof "$65,094,000".

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2000; or

(2) the date for the enactment of an Act authorizing funds for military construction for fiscal year 2001.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2000; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2001 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1995 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3046), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, 2301, 2302, 2401, or 2601 of that Act, shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
California	Fort Irwin	National Training Center Airfield Phase I.	$10,000,000

Navy: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Indian Head Naval Surface Warfare Center	Upgrade Power Plant.	$4,000,000

Navy: Extension of 1995 Project Authorizations—Continued

State	Installation or location	Project	Amount
	Indian Head Naval Surface Warfare Center	Denitrification/ Acid Mixing Facility.	$6,400,000
Virginia	Norfolk Marine Corps Security Force Battalion Atlantic	Bachelor Enlisted Quarters.	$6,480,000
Washington	Naval Station, Everett	Housing Office	$780,000
CONUS Classified	Classified Location	Aircraft Fire and Rescue and Vehicle Maintenance Facilities.	$2,200,000

Air Force: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
California	Beale Air Force Base	Consolidated Support Center.	$10,400,000
	Los Angeles Air Force Station	Family Housing (50 units).	$8,962,000
North Carolina	Pope Air Force Base	Combat Control Team Facility.	$2,450,000
	Pope Air Force Base	Fire Training Facility.	$1,100,000

Defense Agencies: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
Alabama	Anniston Army Depot	Carbon Filtration System.	$5,000,000
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Facility.	$115,000,000
California	Defense Contract Management Area Office, El Segundo	Administrative Building.	$5,100,000
Oregon	Umatilla Army Depot	Ammunition Demilitarization Facility.	$186,000,000

Army National Guard: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
California	Camp Roberts	Modify Record Fire/Maintenance Shop.	$3,910,000
	Camp Roberts	Combat Pistol Range.	$952,000
Pennsylvania	Fort Indiantown Gap	Barracks	$6,200,000

Naval Reserve: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
Georgia	Naval Air Station Marietta	Training Center	$2,650,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1994 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1880), authorizations for the projects set forth in the table in subsection (b), as provided in section 2201 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2783), shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 1994 Project Authorizations

State	Installation or location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Facility	$7,930,000
Connecticut	New London Naval Submarine Base	Hazardous Waste Transfer Facility.	$1,450,000

SEC. 2704. EXTENSION OF AUTHORIZATION OF FISCAL YEAR 1993 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), the authorization for the project set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541) and section 2703 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2784), shall remain in effect until October 1, 1998, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1993 Project Authorization

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility.	$15,000,000

SEC. 2705. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047), section 2703 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 543), and section 2704 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2785), shall remain in effect until October 1, 1998, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Support Facility.	$3,600,000
	Umatilla Army Depot	Ammunition Demilitarization Utilities.	$7,500,000

SEC. 2706. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1997; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN CEILING FOR MINOR LAND ACQUISITION PROJECTS.

(a) INCREASE.—Section 2672 of title 10, United States Code, is amended by striking out "$200,000" each place it appears in subsection (a) and inserting in lieu thereof "$500,000".

(b) CONFORMING AMENDMENTS.—(1) The section heading for such section is amended by striking out "**$200,000**" and inserting in lieu thereof "**$500,000**".

(2) The table of sections at the beginning of chapter 159 of such title is amended in the item relating to section 2672 by striking out "$200,000" and inserting in lieu thereof "$500,000".

SEC. 2802. SALE OF UTILITY SYSTEMS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following:

"§ 2695. Sale of utility systems

"(a) AUTHORITY.—The Secretary of the military department concerned may convey all right, title, and interest of the United States, or any lesser estate thereof, in and to all or part of a utility system located on or adjacent to a military installation under the jurisdiction of the Secretary to a municipal utility, private utility, regional or district utility, or cooperative utility or other appropriate entity.

"(b) SELECTION OF PURCHASER.—If more than one utility or entity referred to in subsection (a) notifies the Secretary concerned of an interest in a conveyance under that subsection, the Secretary shall carry out the conveyance through the use of competitive procedures.

"(c) CONSIDERATION.—

"(1) IN GENERAL.—The Secretary concerned shall accept as consideration for a conveyance under subsection (a) an amount equal to the fair market value (as determined by the Secretary) of the right, title, or interest conveyed.

"(2) FORM OF CONSIDERATION.—Consideration under this subsection may take the form of—

"(A) a lump sum payment; or

"(B) a reduction in charges for utility services provided the military installation concerned by the utility or entity concerned.

"(3) TREATMENT OF PAYMENTS.—

"(A) CREDITING.—A lump sum payment received under paragraph (2)(A) shall be credited, at the election of the Secretary—

"(i) to an appropriation of the military department concerned available for the procurement of the same utility services as are provided by the utility system conveyed under this section;

"(ii) to an appropriation of the military department available for carrying out energy savings projects or water conservation projects; or

"(iii) to an appropriation of the military department available for improvements to other utility systems on the installation concerned.

"(B) AVAILABILITY.—Amounts so credited shall be merged with funds in the appropriation to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriation with which merged.

"(d) INAPPLICABILITY OF CERTAIN CONTRACTING REQUIREMENTS.—Sections 2461, 2467, and 2468 of this title shall not apply to the conveyance of a utility system under subsection (a).

"(e) NOTICE AND WAIT REQUIREMENT.—The Secretary concerned may not make a conveyance under subsection (a) until—

"(1) the Secretary submits to the Committees on Armed Services and Appropriations of the Senate and the Committees on National Security and Appropriations of the House of Representatives an economic analysis (based upon accepted life-cycle costing procedures) demonstrating that—

"(A) the long-term economic benefit of the conveyance to the United States exceeds the long-term economic cost of the conveyance to the United States; and

"(B) the conveyance will reduce the long-term costs of the United States for utility services provided by the utility system concerned; and

"(2) a period of 21 days has elapsed after the date on which the economic analysis is received by the committees.

"(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary concerned may require such additional terms and conditions in connection with a conveyance under subsection (a) as such Secretary considers appropriate to protect the interests of the United States.

"(g) UTILITY SYSTEM DEFINED.—For purposes of this section:

"(1) IN GENERAL.—The term 'utility system' means the following:

"(A) A system for the generation and supply of electric power.

"(B) A system for the treatment or supply of water.

"(C) A system for the collection or treatment of wastewater.

"(D) A system for the generation and supply of steam, hot water, and chilled water.

"(E) A system for the supply of natural gas.

"(2) INCLUSIONS.—The term 'utility system' includes the following:

"(A) Equipment, fixtures, structures, and other improvements utilized in connection with a system referred to in paragraph (1).

"(B) Easements and rights-of-ways associated with a system referred to in that paragraph.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2695. Sale of utility systems.".

SEC. 2803. ADMINISTRATIVE EXPENSES FOR CERTAIN REAL PROPERTY TRANSACTIONS.

(a) IN GENERAL.—(1) Chapter 159 of title 10, United States Code, as amended by section 2802 of this Act, is further amended by adding at the end the following:

"§ 2696. Administrative expenses relating to certain real property transactions

"(a) AUTHORITY TO COLLECT.—Upon entering into a transaction referred to in subsection (b) with a non-Federal person or entity, the Secretary of a military department may collect from the person or entity an amount equal to the administrative expenses incurred by the Secretary in entering into the transaction.

"(b) COVERED TRANSACTIONS.—Subsection (a) applies to the following transactions:

"(1) The exchange of real property.

"(2) The grant of an easement over, in, or upon real property of the United States.

"(3) The lease or license of real property of the United States.

"(c) USE OF AMOUNTS COLLECTED.—Amounts collected under subsection (a) for administrative expenses shall be credited to the appropriation, fund, or account from which such expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.".

(2) The table of sections at the beginning of chapter 159 of such title, as so amended, is further amended by adding at the end the following:

"2696. Administrative expenses relating to certain real property transactions.".

(b) CONFORMING AMENDMENT.—Section 2667(d)(4) of such title is amended by striking out "to cover the administrative expenses of leasing for such purposes and".

SEC. 2804. USE OF FINANCIAL INCENTIVES FOR ENERGY SAVINGS AND WATER COST SAVINGS.

(a) IN GENERAL.—Section 2865(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "and financial incentives described in subsection (d)(2)";

(2) in paragraph (2)—

(A) by striking out "section 2866(b)" in the matter preceding subparagraph (A) and inserting in lieu thereof "section 2866(b)(2)"; and

(B) by striking out "section 2866(b)" in subparagraph (A) and inserting in lieu thereof "section 2866(b)(2)"; and

(3) by adding at the end the following:

"(3)(A) Financial incentives received from gas or electric utilities under subsection (d)(2), and from utilities for water demand or conservation under section 2866(b)(1) of this title, shall be credited to an appropriation designated by the Secretary of Defense. Amounts so credited shall be merged with the appropriation to which credited and shall be available for the same purposes and the same period as the appropriation with which merged.

"(B) The Secretary shall include in the annual report under subsection (f) the amounts of financial incentives credited under this paragraph during the year of the report and the purposes for which such amounts were utilized in that year.".

(b) CONFORMING AMENDMENT.—Section 2866(b) of such title is amended to read as follows:

"(b) USE OF FINANCIAL INCENTIVES AND WATER COST SAVINGS.—(1) Financial incentives received under subsection (a)(2) shall be used as provided in paragraph (3) of section 2865(b) of this title.

"(2) Water cost savings realized under subsection (a)(3) shall be used as provided in paragraph (2) of that section.".

Subtitle B—Land Conveyances

SEC. 2811. MODIFICATION OF AUTHORITY FOR DISPOSAL OF CERTAIN REAL PROPERTY, FORT BELVOIR, VIRGINIA.

(a) REPEAL OF AUTHORITY TO CONVEY.—Section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658), as amended by section 2854 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 568), is repealed.

(b) TREATMENT AS SURPLUS PROPERTY.—(1) Notwithstanding any other provision of law, the real property described in paragraph (2) shall be deemed to be surplus property for purposes of section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484).

(2) Paragraph (1) applies to a parcel of real property, including improvements thereon, at Fort Belvoir, Virginia, consisting of approximately 820 acres and known as the Engineer Proving Ground.

SEC. 2812. CORRECTION OF LAND CONVEYANCE AUTHORITY, ARMY RESERVE CENTER, ANDERSON, SOUTH CAROLINA.

(a) CORRECTION OF CONVEYEE.—Subsection (a) of section 2824 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2793) is amended by striking out "County of Anderson, South Carolina (in this section referred to as the 'County')" and inserting in lieu thereof "Board of Education, Anderson County, South Carolina (in this section referred to as the 'Board')".

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c) of such section are each amended by striking out "County" and inserting in lieu thereof "Board".

SEC. 2813. LAND CONVEYANCE, HAWTHORNE ARMY AMMUNITION DEPOT, MINERAL COUNTY, NEVADA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Mineral County, Nevada (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, consisting of approximately 33.1 acres located at Hawthorne Army Ammunition Depot, Mineral County, Nevada, and commonly referred to as the Schweer Drive Housing Area.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the County accept the conveyed property subject to such easements and rights of way in favor of the United States as the Secretary considers appropriate.

(2) That the County, if the County sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(A) the amount of sale of the property sold; or

(B) the fair market value of the property sold as determined without taking into account any improvements to such property by the County.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easement or right of way granted under subsection (b)(1), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and any easement or right of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2814. LONG-TERM LEASE OF PROPERTY, NAPLES, ITALY.

(a) AUTHORITY.—The Secretary of the Navy may acquire by long-term lease structures and real property relating to a regional hospital complex in Naples, Italy, that the Secretary determines to be necessary for purposes of the Naples Improvement Initiative.

(b) LEASE TERM.—Notwithstanding section 2675 of title 10, United States Code, the lease authorized by subsection (a) shall be for a term of not more than 20 years.

(c) EXPIRATION OF AUTHORITY.—The authority of the Secretary to enter into a lease under subsection (a) shall expire on September 30, 2002.

SEC. 2815. LAND CONVEYANCE, TOPSHAM ANNEX, NAVAL AIR STATION, BRUNSWICK, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the Maine School Administrative District No. 75, Topsham, Maine (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres located at the Topsham Annex, Naval Air Station, Brunswick, Maine.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the District use the property conveyed for educational purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed pursuant to this section is not being used for the purpose specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, together with the improvements thereon, to the District.

(2) As consideration for the lease under this subsection, the District shall provide such security services for the property covered by the lease, and carry out such maintenance work with respect to the property, as the Secretary shall specify in the lease.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The District shall bear the cost of the survey.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and the lease, if any, under subsection (d), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2816. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 464, OYSTER BAY, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the County of Nassau, New York (in this section referred to as the "County"), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 110 acres and comprising the Naval Weapons Industrial Reserve Plant No. 464, Oyster Bay, New York.

(2)(A) As part of the conveyance authorized in paragraph (1), the Secretary may convey to the County such improvements, equipment, fixtures, and other personal property (including special tooling equipment and special test equipment) located on the parcels as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the County to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels for purposes of the conveyance authorized by this paragraph.

(b) CONDITION OF CONVEYANCE.—The conveyance of the parcels authorized in subsection (a) shall be subject to the condition that the County—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic redevelopment purposes or such other public purposes as the County determines appropriate; or

(2) convey the parcels to an appropriate public or private entity for use for such purposes.

(c) REVERSIONARY INTEREST.—If during the 5-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a) the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, together with improvements thereon, to the County.

(2) As consideration for the lease under this subsection, the County shall provide such security services and fire protection services for the property covered by the lease, and carry out such maintenance work with respect to the property, as the Secretary shall specify in the lease.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and the lease, if any, under subsection (d), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2817. LAND CONVEYANCE, CHARLESTON FAMILY HOUSING COMPLEX, BANGOR, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Bangor, Maine (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 19.8 acres, including improvements thereon, located in Bangor, Maine, and known as the Charleston Family Housing Complex.

(b) PURPOSE OF CONVEYANCE.—The purpose of the conveyance under subsection (a) is to facilitate the reuse of the real property, currently unoccupied, which the City proposes to use to provide housing opportunities for first-time home buyers.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City, if the City sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(1) the amount of sale of the property sold; or

(2) the fair market value of the property sold as determined without taking into account any improvements to such property by the City.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2818. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in subsection (b).

(b) COVERED PROPERTY.—(1) Subject to paragraph (2), the real property referred to in subsection (a) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 53.32 acres and comprising the Skyway Military Family Housing Area.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 137.56 acres and comprising the Renal Heights Military Family Housing Area.

(C) A parcel of real property, together with any improvements thereon, consisting of approximately 14.92 acres and comprising the East Nike Military Family Housing Area.

(D) A parcel of real property, together with any improvements thereon, consisting of approximately 14.69 acres and comprising the South Nike Military Family Housing Area.

(E) A parcel of real property, together with any improvements thereon, consisting of approximately 14.85 acres and comprising the West Nike Military Family Housing Area.

(2) The real property referred to in subsection (a) does not include the portion of the real property referred to in paragraph (1)(B) that the Secretary determines to be required for the construction of an access road between the main gate of Ellsworth Air Force Base and an interchange on Interstate Route 90 located in the vicinity of mile marker 67 in South Dakota.

(c) CONDITIONS OF CONVEYANCE.—The conveyance of the real property referred to in subsection (b) shall be subject to the following conditions:

(1) That the Corporation, and any person or entity to which the Corporation transfers the property, comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(2) That the Corporation convey a portion of the real property referred to in paragraph (1)(A) of that subsection, together with any improvements thereon, consisting of approximately 20 acres to the Douglas School District, South Dakota, for use for education purposes.

(d) REVERSIONARY INTEREST.—If the Secretary determines that any portion of the real property conveyed under subsection (a) is not being utilized in accordance with the applicable provision of subsection (c), all right, title, and interest in and to that portion of the real property shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) LEGAL DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle C—Other Matters

SEC. 2831. DISPOSITION OF PROCEEDS OF SALE OF AIR FORCE PLANT NO. 78, BRIGHAM CITY, UTAH.

Notwithstanding the provisions of section 204(h)(2)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)(A)), the entire amount deposited by the Administrator of General Services in the account in the Treasury under section 204 of that Act as a result of the sale of Air Force Plant No. 78, Brigham City, Utah, shall be available to the Secretary of the Air Force for maintenance and repair of facilities, or environmental restoration, at other industrial plants of the Air Force.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $1,726,900,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,243,100,000, to be allocated as follows:

(A) For operation and maintenance, $1,144,290,000.

(B) For the accelerated strategic computing initiative, $190,800,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $98,810,000, to be allocated as follows:

Project 97-D-102, Dual-Axis Radiographic Hydrodynamic facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $46,300,000.

Project 96-D-102, stockpile stewardship facilities revitalization, Phase VI, various locations, $19,810,000.

Project 96-D-103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $13,400,000.

Project 96-D-105, Contained Firing Facility addition, Lawrence Livermore National Laboratory, Livermore, California, $19,300,000.

(2) For inertial confinement fusion, $414,800,000, to be allocated as follows:

(A) For operation and maintenance, $217,000,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto):

Project 96-D-111, National Ignition Facility, Lawrence Livermore National Laboratory, Livermore, California, $197,800,000.

(3) For technology transfer and education, $69,000,000..

(b) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the

Department of Energy for fiscal year 1998 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,033,050,000, to be allocated as follows:

(1) For operation and maintenance, $1,861,465,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $171,585,000, to be allocated as follows:

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Site, Aiken, South Carolina, $11,000,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 consolidation, Oak Ridge, Tennessee, $6,450,000.

Project 98–D–125, Tritium Extraction Facility, Savannah River Site, Aiken, South Carolina, $9,650,000.

Project 98–D–126, accelerator production of tritium, various locations, $67,865,000.

Project 97–D–122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,200,000.

Project 97–D–124, steam plant wastewater treatment facility upgrade, Y–12 Plant, Oak Ridge, Tennessee, $1,900,000.

Project 96–D–122, sewage treatment quality upgrade, Pantex Plant, Amarillo, Texas, $6,900,000.

Project 96–D–123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y–12 Plant, Oak Ridge, Tennessee, $2,700,000.

Project 95–D–102, Chemical and Metallurgy Research Building upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,700,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 Plant, Oak Ridge, Tennessee, $12,600,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 Plant, Oak Ridge, Tennessee, $1,400,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $2,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $2,100,000.

Project 92–D–126, replace emergency notification systems, various locations, $3,200,000.

Project 88–D–122, facilities capability assurance program, various locations, $18,920,000.

(c) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out weapons activities necessary for national security programs in the amount of $268,500,000.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,748,073,000.

(b) WASTE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,559,644,000, to be allocated as follows:

(1) For operation and maintenance, $1,478,876,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $80,768,000, to be allocated as follows:

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $1,000,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $13,961,000.

Project 96–D–408, waste management upgrades, various locations, $8,200,000.

Project 95–D–402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $176,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Y–12 Plant, Oak Ridge, Tennessee, $3,800,000.

Project 95–D–407, 219–S secondary containment upgrade, Richland, Washington, $2,500,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $1,219,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $15,100,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $17,520,000.

Project 92–D–172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $5,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $1,042,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $11,250,000.

(c) TECHNOLOGY DEVELOPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $252,881,000.

(d) NUCLEAR MATERIAL AND FACILITY STABILIZATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for nuclear material and facility stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,265,481,000, to be allocated as follows:

(1) For operation and maintenance, $1,181,114,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $84,367,000, to be allocated as follows:

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $8,136,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho, $500,000.

Project 97–D–450, actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $18,000,000.

Project 97–D–451, B-Plant safety class ventilation upgrades, Richland, Washington, $2,000,000.

Project 97–D–470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, $5,600,000.

Project 97–D–473, health physics site support facility, Savannah River Site, Aiken, South Carolina, $4,200,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $16,744,000.

Project 96–D–461, electrical distribution upgrade, Idaho National Engineering and Environmental Laboratory, Idaho, $2,927,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho, $14,985,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,500,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River Site, Aiken, South Carolina, $2,173,000.

Project 95–D–456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho, $602,000.

(e) POLICY AND MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for policy and management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $18,104,000.

(f) ENVIRONMENTAL MANAGEMENT SCIENCE PROGRAM.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental science and risk policy in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $40,000,000.

(g) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $373,251,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for other defense activities in carrying out programs necessary for national security in the amount of $1,582,981,000, to be allocated as follows:

(1) For verification and control technology, $458,200,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $210,000,000.

(B) For arms control, $214,600,000.

(C) For intelligence, $33,600,000.

(2) For nuclear safeguards and security, $47,200,000.

(3) For security investigations, $20,000,000.

(4) For emergency management, $27,700,000.

(5) For program direction, nonproliferation, and national security, $84,900,000.

(6) For environment, safety and health, defense, $54,000,000.

(7) For worker and community transition assistance:

(A) For assistance, $65,800,000.

(B) For program direction, $4,700,000.

(8) For fissile materials disposition:

(A) For operation and maintenance, $99,451,000.

(B) For program direction, $4,345,000.

(9) For naval reactors development, $683,000,000, to be allocated as follows:

(A) For program direction, $20,080,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $14,000,000, to be allocated as follows:

Project 98–D–200, site laboratory/facility upgrade, various locations, $5,700,000.

Project 97–D–201, advanced test reactor secondary coolant system refurbishment, Idaho National Engineering and Environmental Laboratory, Idaho, $4,100,000.

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $1,100,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,100,000.

(10) For the Chernobyl shutdown initiative, $2,000,000.

(11) For nuclear technology research and development, $25,000,000.

(12) For nuclear security, $4,000,000.

(13) For the Office of Hearings and Appeals, $2,685,000.

SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 to carry out environmental management privatization projects in connection with national security programs in the amount of $215,000,000, to be allocated as follows:

Project 98–PVT–1, contact handled transuranic waste transportation, Carlsbad, New Mexico, $29,000,000.

Project 98–PVT–4, spent nuclear fuel dry storage, Idaho Falls, Idaho, $27,000,000.

Project 98–PVT–7, waste pits remedial action, Fernald, Ohio, $25,000,000.

Project 98–PVT–11, spent nuclear fuel transfer and storage, Savannah River, South Carolina, $25,000,000.

Project 97–PVT–1, tank waste remediation system phase 1, Hanford, Washington, $109,000,000.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $190,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same time period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(3) The authority provided by this subsection to transfer authorizations may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design report for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $2,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by the title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, or 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated

pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION PROJECTS.

(a) LIMITATION ON CONTRACTS.—Funds authorized to be appropriated by section 3104 for a project referred to in that section are available for a contract under the project only if the contract—

(1) is awarded on a competitive basis;

(2) requires the contractor to construct or acquire any equipment or facilities required to carry out the contract before the commencement of the provision of goods or services under the contract;

(3) requires the contractor to bear any of the costs of the design, construction, acquisition, and operation of such equipment or facilities that arise before the commencement of the provision of goods or services under the contract; and

(4) provides for payment to the contractor under the contract only upon the meeting of performance objectives specified in the contract.

(b) NOTICE AND WAIT.—The Secretary of Energy may not enter into a contract or option to enter into a contract, or otherwise incur any contractual obligation, under a project authorized by section 3104 until 30 days after the date which the Secretary submits to the congressional defense committees a report with respect to the contract. The report shall set forth—

(1) the anticipated costs and fees of the Department under the contract, including the anticipated maximum amount of such costs and fees;

(2) any performance objectives specified in the contract;

(3) the anticipated dates of commencement and completion of the provision of goods or services under the contract;

(4) the allocation between the Department and the contractor of any financial, regulatory, or environmental obligations under the contract;

(5) any activities planned or anticipated to be required with respect to the project after completion of the contract;

(6) the site services or other support to be provided the contractor by the Department under the contract;

(7) the goods or services to be provided by the Department or contractor under the contract, including any additional obligations to be borne by the Department or contractor with respect to such goods or services;

(8) the schedule for the contract;

(9) the costs the Department would otherwise have incurred in obtaining the goods or services covered by the contract if the Department had not proposed to obtain the goods or services under this section;

(10) an estimate and justification of the cost savings, if any, to be realized through the contract, including the assumptions underlying the estimate;

(11) the effect of the contract on any ancillary schedules applicable to the facility concerned, including milestones in site compliance agreements; and

(12) the plans for maintaining financial and programmatic accountability for activities under the contract.

(c) COST VARIATIONS.—(1) The Secretary may not enter into a contract under a project referred to in paragraph (2), or incur additional obligations attributable to the capital portion of the cost of such a contract, whenever the current estimated cost of the project exceeds the amount of the estimated cost of the project as shown in the most recent budget justification data submitted to Congress.

(2) Paragraph (1) applies to an environmental management privatization project that is—

(A) authorized by section 3104; or

(B) carried out under section 3103 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2824).

(d) USE OF FUNDS FOR TERMINATION OF CONTRACT.—Not less than 15 days before the Secretary obligates funds available for a project authorized by section 3104 to terminate the contract or contracts under the project, the Secretary shall notify the congressional defense committees of the Secretary's intent to obligate the funds for that purpose.

(e) ANNUAL REPORT ON CONTRACTS.—Not later than February 28 of each year, the Secretary shall submit to the congressional defense committees a report on the activities, if any, carried out under each contract under a project authorized by section 3104 during the preceding year. The report shall include an update with respect to each such contract of the matters specified under subsection (b)(1) as of the date of the report.

(f) REPORT ON CONTRACTING WITHOUT SUFFICIENT APPROPRIATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report assessing whether, and under what circumstances, the Secretary could enter into contracts under defense environmental management privatization projects in the absence of sufficient appropriations to meet obligations under such contracts without thereby violating the provisions of section 1341 of title 31, United States Code.

SEC. 3132. INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP PROGRAMS.

(a) FUNDING PROHIBITION.—No funds authorized to be appropriated or otherwise available to the Department of Energy for fiscal year 1998 may be obligated or expended to conduct any activities associated with international cooperative stockpile stewardship.

(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

(1) Activities conducted between the United States and the United Kingdom.

(2) Activities conducted between the United States and France.

(3) Activities carried out under title III of this Act relating to cooperative threat reduction with states of the former Soviet Union.

SEC. 3133. MODERNIZATION OF ENDURING NUCLEAR WEAPONS COMPLEX.

(a) FUNDING.—Subject to subsection (b), of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $15,000,000 shall be available for carrying out the program described in section 3137(a) of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note).

(b) LIMITATION ON AVAILABILITY.—None of the funds available under subsection (a) for carrying out the program referred to in that subsection may be obligated or expended until 30 days after the date of the receipt by Congress of the report required under subsection (c).

(c) REPORT ON ALLOCATION OF FUNDS.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the proposed allocation among specific Department of Energy sites of the funds available under subsection (a).

SEC. 3134. TRITIUM PRODUCTION.

(a) FUNDING.—Subject to subsection (c), of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $262,000,000 shall be available for activities related to tritium production.

(b) ACCELERATION OF TRITIUM PRODUCTION.—(1) Not later than June 30, 1998, the Secretary of Energy shall make a final decision on the technologies to be utilized, and the accelerated schedule to be adopted, for tritium production in order to meet the requirements in the Nuclear Weapons Stockpile Memorandum relating to tritium production, including the tritium production date of 2005 specified in the Nuclear Weapons Stockpile Memorandum.

(2) In making the final decision, the Secretary shall take into account the following:

(A) The requirements for tritium production specified in the Nuclear Weapons Stockpile Memorandum, including, in particular, the requirements for the so-called "upload hedge" component of the nuclear weapons stockpile.

(B) The ongoing activities of the Department of Energy relating to the evaluation and demonstration of technologies under the accelerator program and the commercial light water reactor program.

(C) The potential liabilities and benefits of each potential technology for tritium production, including—

(i) regulatory and other barriers that might prevent the production of tritium using the technology by the production date referred to in subsection (a);

(ii) potential difficulties, if any, in licensing the technology;

(iii) the variability, if any, in tritium production rates using the technology; and

(iv) any other benefits (including scientific or research benefits or the generation of revenue) associated with the technology.

(c) REPORT.—If the Secretary determines that it is not possible to make the final decision by the date specified in subsection (b), the Secretary shall submit to the congressional defense committees on that date a report that explains in detail why the final decision cannot be made by that date.

(d) LIMITATION ON AVAILABILITY OF FUNDS.—The Secretary may not obligate or expend any funds authorized to be appropriated or otherwise made available for the Department of Energy by this Act for the purpose of evaluating or utilizing any technology for the production of tritium other than a commercial light water reactor or an accelerator until the later of—

(1) July 30, 1998; or

(2) the date that is 30 days after the date on which the Secretary makes a final decision under subsection (b).

SEC. 3135. PROCESSING, TREATMENT, AND DISPOSITION OF SPENT NUCLEAR FUEL RODS AND OTHER LEGACY NUCLEAR MATERIALS AT THE SAVANNAH RIVER SITE.

(a) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3102(d), not more than $47,000,000 shall be available for the implementation of a program to accelerate the receipt, processing (including the

H-canyon restart operations), reprocessing, separation, reduction, deactivation, stabilization, isolation, and interim storage of high level nuclear waste associated with Department of Energy spent fuel rods, foreign spent fuel rods, and other nuclear materials that are located at the Savannah River Site.

(b) REQUIREMENT FOR CONTINUING OPERATIONS AT SAVANNAH RIVER SITE.—The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site and shall provide technical staff necessary to operate and maintain such facilities at that state of readiness.

SEC. 3136. LIMITATIONS ON USE OF FUNDS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PURPOSES.

(a) GENERAL LIMITATIONS.—(1) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for weapons activities may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities under such program or agreement support the national security mission of the Department of Energy.

(2) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for environmental restoration, waste management, or nuclear materials and facilities stabilization may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the environmental restoration mission, waste management mission, or materials stabilization mission, as the case may be, of the Department of Energy.

(b) LIMITATION IN FISCAL YEAR 1998 PENDING SUBMITTAL OF ANNUAL REPORT.—Not more than 30 percent of the funds authorized to be appropriated or otherwise made available to the Department of Energy in fiscal year 1998 for laboratory directed research and development may be obligated or expended for such research and development until the Secretary of Energy submits to the congressional defense committees the report required by section 3136(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2831; 42 U.S.C. 7257b) in 1998.

(c) SUBMITTAL DATE FOR ANNUAL REPORT ON LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.—Section 3136(b)(1) of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7257b(1)) is amended by striking out "The Secretary of Energy shall annually submit" and inserting in lieu thereof "Not later than February 1 each year, the Secretary of Energy shall submit".

(d) ASSESSMENT OF FUNDING LEVEL FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—The Secretary shall include in the report submitted under such section 3136(b)(1) in 1998 an assessment of the funding required to carry out laboratory directed research and development, including a recommendation for the percentage of the funds provided to Government-owned, contractor-operated laboratories for national security activities that should be made available for such research and development under section 3132(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1832; 42 U.S.C. 7257a(c)).

(e) DEFINITION.—In this section, the term "laboratory directed research and development" has the meaning given that term in section 3132(d) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(d)).

SEC. 3137. PERMANENT AUTHORITY FOR TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) PERMANENT AUTHORITY.—Section 3139 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2832) is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—Subsection (c) of that section is amended by striking out "The requirements of section 3121" and inserting in lieu thereof "No recurring limitation on reprogramming of Department of Energy funds contained in an annual authorization Act for national defense".

(c) DEFINITIONS.—Subsection (f)(1) of that section is amended by striking out "any of the following:" and all that follows and inserting in lieu thereof "any program or project of the Department of Energy relating to environmental restoration and waste management activities necessary for national security programs of the Department.".

(d) REPORT.—Subsection (g) of that section, as redesignated by subsection (a)(2), is amended—

(1) by striking out "September 1, 1997," and inserting in lieu thereof "November 1 each year";

(2) by inserting "during the preceding fiscal year" after "in subsection (b)"; and

(3) by striking out the second sentence.

(e) CONFORMING AMENDMENT.—The section heading of that section is amended by striking out "**TEMPORARY AUTHORITY RELATING TO**" and inserting in lieu thereof "**AUTHORITY FOR**".

SEC. 3138. PROHIBITION ON RECOVERY OF CERTAIN ADDITIONAL COSTS FOR ENVIRONMENTAL RESPONSE ACTIONS ASSOCIATED WITH THE FORMERLY UTILIZED SITE REMEDIAL ACTION PROJECT PROGRAM.

(a) PROHIBITION.—The Department of Energy may not recover from a party described in subsection (b) any costs of response actions, for an actual or threatened release of hazardous substances that occurred before the date of enactment of this Act, at a site included in the Formerly Utilized Site Remedial Action Project program other than the costs stipulated in a written, legally binding agreement with the party with respect to the site as referred to in that subsection.

(b) COVERED PARTIES.—A party referred to in subsection (a) is any party that has entered into a written, legally binding agreement with the Department before August 28, 1996, which agreement stipulates a formula for the sharing by the party and the Department of the costs of response actions at a site referred to in that subsection.

Subtitle D—Other Matters

SEC. 3151. ADMINISTRATION OF CERTAIN DEPARTMENT OF ENERGY ACTIVITIES.

(a) PROCEDURES FOR PRESCRIBING REGULATIONS.—Section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) is amended—

(1) by striking out subsections (b) and (d);

(2) by redesignating subsections (c), (e), (f), and (g) as subsections (b), (c), (d), and (e), respectively; and

(3) in subsection (c), as so redesignated, by striking out "subsections (b), (c), and (d)" and inserting in lieu thereof "subsection (b)".

(b) ADVISORY COMMITTEES.—(1) Section 624 of the Department of Energy Organization Act (42 U.S.C. 7234) is amended—

(A) by striking out "(a)"; and

(B) by striking out subsection (b).

(2) Section 17 of the Federal Energy Administration Act of 1974 (15 U.S.C. 776) is repealed.

SEC. 3152. MODIFICATION AND EXTENSION OF AUTHORITY RELATING TO APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

(a) REPEAL OF REQUIREMENT FOR EPA STUDY.—Section 3161 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3095; 42 U.S.C. 7231 note) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) EXTENSION OF AUTHORITY.—Paragraph (1) of subsection (c) of such section, as so redesignated, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1999".

SEC. 3153. ANNUAL REPORT ON PLAN AND PROGRAM FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.

(a) IN GENERAL.—(1) Not later than March 15, 1998, the Secretary of Energy shall submit to the congressional defense committees a plan and program for maintaining the warheads in the nuclear weapons stockpile (including stockpile stewardship, stockpile management, and program direction).

(2) Not later than March 15 of each year after 1998, the Secretary shall submit to the congressional defense committees an update of the plan and program submitted under paragraph (1) current as of the date of submittal of the updated plan and program.

(3) The plan and program, and each update of the plan and program, shall be consistent with the programmatic and technical requirements of the Nuclear Weapons Stockpile Memorandum current as of the date of submittal of the plan and program or update.

(b) ELEMENTS.—The plan and program, and each update of the plan and program, shall set forth the following:

(1) The numbers of warheads (including active and inactive warheads) for each type of warhead in the nuclear stockpile.

(2) The current age of each warhead type and any plans for stockpile life extensions and modifications or replacement of each warhead type.

(3) The process by which the Secretary is assessing the lifetime and requirements for life extension or replacement of the nuclear and non-nuclear components of the warheads (including active and inactive warheads) in the nuclear stockpile.

(4) The process used in recertifying the safety, reliability, and performance of each warhead type (including active and inactive warheads) in the nuclear weapons stockpile.

(5) Any concerns which would affect the recertification of the safety, security, or reliability of warheads (including active and inactive warheads) in the nuclear stockpile.

(c) FORM.—The Secretary shall submit the plan and program, and each update of the plan and program, in unclassified form, but may include a classified annex.

SEC. 3154. SUBMITTAL OF BIENNIAL WASTE MANAGEMENT REPORTS.

Section 3153(b)(2)(B) of the National Defense Authorization Act for Fiscal Year 1994

(42 U.S.C. 7274k(b)(2)(B)) is amended by striking out "odd-numbered year after 1995" and inserting in lieu thereof "odd-numbered year after 1997".

SEC. 3155. REPEAL OF OBSOLETE REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON ACTIVITIES OF THE ATOMIC ENERGY COMMISSION.—(1) Section 251 of the Atomic Energy Act of 1954 (42 U.S.C. 2016) is repealed.

(2) The table of sections at the beginning of that Act is amended by striking out the item relating to section 251.

(b) ANNUAL REPORT ON WEAPONS ACTIVITIES BUDGETS.—Section 3156 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2841; 42 U.S.C. 7271c) is repealed.

(c) ANNUAL UPDATE OF MASTER PLAN FOR NUCLEAR WEAPONS STOCKPILE.—Section 3153 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 624; 42 U.S.C. 2121 note) is repealed.

(d) ANNUAL REPORT ON WEAPONS ACTIVITIES BUDGETS.—Section 3159 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 626; 42 U.S.C. 7271b note) is repealed.

(e) ANNUAL REPORT ON STOCKPILE STEWARDSHIP PROGRAM.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946; 42 U.S.C. 2121 note) is amended—

(1) by striking out subsections (d) and (e);

(2) by redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f), respectively; and

(3) in subsection (e), as so redesignated, by striking out "and the 60-day period referred to in subsection (e)(2)(A)(ii)".

(f) ANNUAL REPORT ON DEVELOPMENT OF TRITIUM PRODUCTION CAPACITY.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2639) is repealed.

(g) ANNUAL REPORT ON RESEARCH RELATING TO DEFENSE WASTE CLEANUP TECHNOLOGY PROGRAM.—Section 3141 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1679; 42 U.S.C. 7274a) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(h) QUARTERLY REPORT ON MAJOR DOE NATIONAL SECURITY PROGRAMS.—Section 3143 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1681; 42 U.S.C. 7271a) is repealed.

(i) ANNUAL REPORT ON NUCLEAR TEST BAN READINESS PROGRAM.—Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2075; 42 U.S.C. 2121 note) is amended by striking out subsection (e).

SEC. 3156. COMMISSION ON SAFEGUARDING AND SECURITY OF NUCLEAR WEAPONS AND MATERIALS AT DEPARTMENT OF ENERGY FACILITIES.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the Commission on Safeguards and Security at Department of Energy Facilities (in this section referred to as the "Commission").

(b) ORGANIZATIONAL MATTERS.—(1)(A) The Commission shall be composed of eight members appointed from among individuals in the public and private sectors who have significant experience in matters relating to the safeguarding and security of nuclear weapons and materials, as follows:

(i) Two shall be appointed by the chairman of the Committee on Armed Services of the Senate, in consultation with the ranking member of the committee.

(ii) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate, in consultation with the chairman of the committee.

(iii) Two shall be appointed by the chairman of the Committee on National Security of the House of Representatives, in consultation with the ranking member of the committee.

(iv) One shall be appointed by the ranking member of the Committee on National Security of the House of Representatives, in consultation with the chairman of the committee.

(v) Two shall be appointed by the Secretary of Energy.

(B) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(C) The chairman of the Commission shall be designated from among the members of the Commission by the chairman of the Committee on Armed Services of the Senate, in consultation with the chairman of the Committee on National Security of the House of Representatives, the ranking member of the committee on Armed Services of the Senate, and the ranking member of the Committee on National Security of the House of Representatives.

(D) Members shall be appointed not later than 60 days after the date of enactment of this Act.

(2) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(c) DUTIES.—(1) The Commission shall—

(A) visit various Department facilities, including the Rocky Flats Plant, Colorado, Los Alamos National Laboratory, New Mexico, the Savannah River Site, South Carolina, the Pantex Plant, Texas, Oak Ridge National Laboratory, Tennessee, and the Hanford Reservation, Washington, in order to assess the adequacy of safeguards and security with respect to nuclear weapons and materials at such facilities;

(B) evaluate the specific concerns with respect to the safeguarding and security of nuclear weapons and materials raised in the report of the Office of Safeguards and Security of the Department of Energy entitled "Status of Safeguards and Security for 1996"; and

(C) review applicable orders and other requirements governing the safeguarding and security of nuclear weapons and materials at Department facilities.

(d) REPORT.—(1) Not later than February 15, 1998, the Commission shall submit to the Secretary and to the congressional defense committees a report on the review conducted under subsection (c).

(2) The report may include—

(A) recommendations regarding any modifications of policy or procedures applicable to Department facilities that the Commission considers appropriate to provide adequate safeguards and security for nuclear weapons and materials at such facilities without impairing the mission of such facilities;

(B) recommendations for modifications in funding priorities necessary to ensure basic funding for the safeguarding and security of such weapons and materials at such facilities; and

(C) such other recommendations for additional legislation or administrative action as the Commission considers appropriate.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Level IV of the Executive Schedule under section 53115 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Commission may, without regard to the civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Commission may fix the compensation of the personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil status or privilege.

(f) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) TERMINATION.—The Commission shall terminate 30 days after the date on which the Commission submits its report under subsection (d).

(h) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 3101, not more that $500,000 shall be available for the activities of the Commission under this section. Funds made available to the Commission under this section shall remain available until expended.

SEC. 3157. MODIFICATION OF AUTHORITY ON COMMISSION ON MAINTAINING UNITED STATES NUCLEAR WEAPONS EXPERTISE.

(a) COMMENCEMENT OF ACTIVITIES.—Subsection (b)(1) of section 3162 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2844; 42 U.S.C. 2121 note) is amended—

(1) in subparagraph (C), by adding at the end the following new sentence: "The chairman may be designated once five members of the Commission have been appointed under subparagraph (A)."; and

(2) by adding at the end the following:

"(E) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under subparagraph (C).".

(b) DEADLINE FOR REPORT.—Subsection (d) of that section is amended by striking out "March 15, 1998," and inserting in lieu thereof "March 15, 1999,".

SEC. 3158. LAND TRANSFER, BANDELIER NATIONAL MONUMENT.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of real

property consisting of approximately 4.47 acres as depicted on the map entitled "Boundary Map, Bandelier National Monument", No. 315/80,051, dated March 1995.

(b) BOUNDARY MODIFICATION.—The boundary of the Bandelier National Monument established by Proclamation No. 1322 (16 U.S.C. 431 note) is modified to include the real property transferred under subsection (a).

(c) PUBLIC AVAILABILITY OF MAP.—The map described in subsection (a) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the office of the Superintendent of Bandelier National Monument.

(d) ADMINISTRATION.—The real property and interests in real property transferred under subsection (a) shall be—

(1) administered as part of Bandelier National Monument; and

(2) subject to all laws applicable to the Bandelier National Monument and all laws generally applicable to units of the National Park System.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1998, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATIONS AUTHORIZED.—During fiscal year 1998, the National Defense Stockpile Manager may obligate up to $60,000,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

(1) $9,222,000 by the end of fiscal year 1998;

(2) $134,840,000 by the end of fiscal year 2002; and

(3) $295,886,000 by the end of fiscal year 2007.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Beryllium Copper Master Alloy.	7,387 short tons
Chromium Metal	8,511 short tons
Cobalt	14,058,014 pounds
Columbium Carbide	21,372 pounds
Columbium Ferro	249,395 pounds
Diamond, Bort	61,543 carats
Diamond, Dies	25,473 pieces
Diamond, Stone	3,047,900 carats
Germanium	28,200 kilograms
Indium	14,248 troy ounces
Palladium	1,249,485 troy ounces
Platinum	442,641 troy ounces
Tantalum, Carbide Powder.	22,688 pounds contained
Tantalum, Minerals	1,751,364 pounds contained
Tantalum, Oxide	123,691 pounds contained
Titanium Sponge	34,831 short tons
Tungsten, Ores & Concentrate.	76,358,235 pounds
Tungsten, Carbide	2,032,954 pounds
Tungsten, Metal Powder	1,899,283 pounds
Tungsten, Ferro	2,024,143 pounds

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

SEC. 3304. RETURN OF SURPLUS PLATINUM FROM THE DEPARTMENT OF THE TREASURY.

(a) RETURN OF PLATINUM TO STOCKPILE.—Subject to subsection (b), the Secretary of the Treasury, upon the request of the Secretary of Defense, shall return to the Secretary of Defense for sale or other disposition platinum of the National Defense Stockpile that has been loaned to the Department of the Treasury by the Secretary of Defense, acting as the stockpile manager. The quantity requested and transferred shall be any quantity that the Secretary of Defense determines appropriate for sale or other disposition.

(b) ALTERNATIVE TRANSFER OF FUNDS.—The Secretary of the Treasury, with the concurrence of the Secretary of Defense, may transfer to the Secretary of Defense funds in a total amount that is equal to the fair market value of any platinum requested under subsection (a) and not returned. A transfer of funds under this subsection shall be a substitute for a return of platinum under subsection (a). Upon a transfer of funds as a substitute for a return of platinum, the platinum shall cease to be part of the National Defense Stockpile. A transfer of funds under this subsection shall be charged to any appropriation for the Department of the Treasury and shall be credited to the National Defense Stockpile Transaction Fund.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $117,000,000 for fiscal year 1998 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3402. LEASING OF CERTAIN OIL SHALE RESERVES.

(a) REQUIREMENT TO LEASE.—The Secretary of Energy may lease, subject to valid existing rights, the United States interest in Oil Shale Reserves Numbered 1, 2, and 3 to one or more private entities for the purpose of providing for the exploration of such reserves for, and the development and production of, petroleum.

(b) MAXIMIZATION OF FINANCIAL RETURN TO THE UNITED STATES.—A lease under this section shall be made under terms that result in the maximum practicable financial return to the United States, without regard to production limitations provided under chapter 641 of title 10, United States Code.

(c) DISPOSITION OF WELLS, GATHERING LINES, AND EQUIPMENT.—A lease of a reserve under subsection (a) may include the sale or other disposition, at fair market value, of any well, gathering line, or related equipment owned by the United States that is located at the reserve and is suitable for use in the exploration, development, or production of petroleum on the reserve.

(d) DISPOSITION OF ROYALTIES AND OTHER PROCEEDS.—All royalties and other proceeds accruing to the United States from a lease under this section shall be disposed of in accordance with section 7433 of title 10, United States Code.

(e) INAPPLICABILITY OF CERTAIN SECTIONS OF TITLE 10, UNITED STATES CODE.—The following provisions of chapter 641 of title 10, United States Code, do not apply to the leasing of a reserve under this section nor to a reserve while under a lease entered into under this section: section 7422(b), subsections (d), (e), (g), and (k) of section 7430, section 7431, and section 7438(c)(1).

(f) DEFINITIONS.—In this section:

(1) The term "Oil Shale Reserves Numbered 1, 2, and 3" means the oil shale reserves identified in section 7420(2) of title 10, United States Code, as Oil Shale Reserve Numbered 1, Oil Shale Reserve Numbered 2, and Oil Shale Reserve Numbered 3.

(2) The term "petroleum" has the meaning given such term in section 7420(3) of such title.

SEC. 3403. REPEAL OF REQUIREMENT TO ASSIGN NAVY OFFICERS TO OFFICE OF NAVAL PETROLEUM AND OIL SHALE RESERVES.

Section 2 of Public Law 96-137 (42 U.S.C. 7156a) is repealed.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Expenditures From Revolving Fund

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1998".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority

available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1998.

(b) LIMITATIONS.—For fiscal year 1998, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $85,000 for official reception and representation expenses, of which—

(1) not more than $23,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $12,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $50,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles, the purchase price of which shall not exceed $22,000 per vehicle.

SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Subtitle B—Facilitation of Panama Canal Transition

SEC. 3511. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the "Panama Canal Transition Facilitation Act of 1997".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.).

SEC. 3512. DEFINITIONS RELATING TO CANAL TRANSITION.

Section 3 (22 U.S.C. 3602) is amended by adding at the end the following new subsection:

"(d) For purposes of this Act:

"(1) The term 'Canal Transfer Date' means December 31, 1999, such date being the date specified in the Panama Canal Treaty of 1977 for the transfer of the Panama Canal from the United States of America to the Republic of Panama.

"(2) The term 'Panama Canal Authority' means the entity created by the Republic of Panama to succeed the Panama Canal Commission as of the Canal Transfer Date.".

PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND EMPLOYEES

SEC. 3521. AUTHORITY FOR THE ADMINISTRATOR OF THE COMMISSION TO ACCEPT APPOINTMENT AS THE ADMINISTRATOR OF THE PANAMA CANAL AUTHORITY.

(a) AUTHORITY FOR DUAL ROLE.—Section 1103 (22 U.S.C. 3613) is amended by adding at the end the following new subsection:

"(c) The Congress consents, for purposes of the 8th clause of article I, section 9 of the Constitution of the United States, to the acceptance by the individual serving as Administrator of the Commission of appointment by the Republic of Panama to the position of Administrator of the Panama Canal Authority. Such consent is effective only if that individual, while serving in both such positions, serves as Administrator of the Panama Canal Authority without compensation, except for payments by the Republic of Panama of travel and entertainment expenses, including per diem payments.".

(b) WAIVER OF CERTAIN CONFLICT-OF-INTEREST STATUTES.—Such section is further amended by adding at the end the following new subsections:

"(d) The Administrator, with respect to participation in any matter as Administrator of the Panama Canal Commission (whether such participation is before, on, or after the date of the enactment of the Panama Canal Transition Facilitation Act of 1997), shall not be subject to section 208 of title 18, United States Code, insofar as the matter relates to prospective employment as Administrator of the Panama Canal Authority.

"(e) If the Republic of Panama appoints as the Administrator of the Panama Canal Authority the individual serving as the Administrator of the Commission and if that individual accepts the appointment—

"(1) the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), shall not apply to that individual with respect to service as the Administrator of the Panama Canal Authority;

"(2) that individual, with respect to participation in any matter as the Administrator of the Panama Canal Commission, is not subject to section 208 of title 18, United States Code, insofar as the matter relates to service as, or performance of the duties of, the Administrator of the Panama Canal Authority; and

"(3) that individual, with respect to official acts performed as the Administrator of the Panama Canal Authority, is not subject to the following:

"(A) Sections 203 and 205 of title 18, United States Code.

"(B) Effective upon termination of the individual's appointment as Administrator of the Panama Canal Commission at noon on the Canal Transfer Date, section 207 of title 18, United States Code.

"(C) Sections 501(a) and 502(a)(4) of the Ethics in Government Act of 1978 (5 U.S.C. App.), with respect to compensation received for, and service in, the position of Administrator of the Panama Canal Authority.".

SEC. 3522. POST-CANAL TRANSFER PERSONNEL AUTHORITIES.

(a) WAIVER OF CERTAIN POST-EMPLOYMENT RESTRICTIONS FOR COMMISSION PERSONNEL BECOMING EMPLOYEES OF THE PANAMA CANAL AUTHORITY.—Section 1112 (22 U.S.C. 3622) is amended by adding at the end the following new subsection:

"(e) Effective as of the Canal Transfer Date, section 207 of title 18, United States Code, shall not apply to an individual who is an officer or employee of the Panama Canal Authority, but only with respect to official acts of that individual as an officer or employee of the Authority and only in the case of an individual who was an officer or employee of the Commission and whose employment with the Commission was terminated at noon on the Canal Transfer Date.".

(b) CONSENT OF CONGRESS FOR ACCEPTANCE BY RESERVE AND RETIRED MEMBERS OF THE ARMED FORCES OF EMPLOYMENT BY PANAMA CANAL AUTHORITY.—Such section is further amended by adding after subsection (e), as added by subsection (a), the following new subsection:

"(f)(1) The Congress consents to the following persons accepting civil employment (and compensation for that employment) with the Panama Canal Authority for which the consent of the Congress is required by the last paragraph of section 9 of article I of the Constitution of the United States, relating to acceptance of emoluments, offices, or titles from a foreign government:

"(A) Retired members of the uniformed services.

"(B) Members of a reserve component of the armed forces.

"(C) Members of the Commissioned Reserve Corps of the Public Health Service.

"(2) The consent of the Congress under paragraph (1) is effective without regard to subsection (b) of section 908 of title 37, United States Code (relating to approval required for employment of Reserve and retired members by foreign governments).".

SEC. 3523. ENHANCED AUTHORITY OF COMMISSION TO ESTABLISH COMPENSATION OF COMMISSION OFFICERS AND EMPLOYEES.

(a) REPEAL OF LIMITATIONS ON COMMISSION AUTHORITY.—The following provisions are repealed:

(1) Section 1215 (22 U.S.C. 3655), relating to basic pay.

(2) Section 1219 (22 U.S.C. 3659), relating to salary protection upon conversion of pay rate.

(3) Section 1225 (22 U.S.C. 3665), relating to minimum level of pay and minimum annual increases.

(b) SAVINGS PROVISION.—Section 1202 (22 U.S.C. 3642) is amended by adding at the end the following new subsection:

"(c) In the case of an individual who is an officer or employee of the Commission on the day before the date of the enactment of the Panama Canal Transition Facilitation Act of 1997 and who has not had a break in service with the Commission since that date, the rate of basic pay for that officer or employee on or after that date may not be less than the rate in effect for that officer or employee on the day before that date of enactment except—

"(1) as provided in a collective bargaining agreement;

"(2) as a result of an adverse action against the officer or employee; or

"(3) pursuant to a voluntary demotion.".

(c) CROSS-REFERENCE AMENDMENTS.—(1) Section 1216 (22 U.S.C. 3656) is amended by striking out "1215" and inserting in lieu thereof "1202".

(2) Section 1218 (22 U.S.C. 3658) is amended by striking out "1215" and "1217" and inserting in lieu thereof "1202" and "1217(a)", respectively.

SEC. 3524. TRAVEL, TRANSPORTATION, AND SUBSISTENCE EXPENSES FOR COMMISSION PERSONNEL NO LONGER SUBJECT TO FEDERAL TRAVEL REGULATION.

(a) REPEAL OF APPLICABILITY OF TITLE 5 PROVISIONS.—(1) Section 1210 (22 U.S.C. 3650) is amended by striking out subsections (a), (b), and (c).

(2) Section 1224 (22 U.S.C. 3664) is amended—

(A) by striking out paragraph (10); and

(B) by redesignating paragraphs (11) through (20) as paragraphs (10) through (19), respectively.

(b) CONFORMING AMENDMENTS.—(1) Section 1210 is further amended—

(A) by redesignating subsection (d)(1) as subsection (a) and in that subsection striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)"; and

(B) by redesignating subsection (d)(2) as subsection (b) and in that subsection—

(i) striking out "Notwithstanding paragraph (1), an" and inserting in lieu thereof "An"; and

(ii) striking out "referred to in paragraph (1)" and inserting in lieu thereof "who is a citizen of the Republic of Panama".

(2) The heading of such section is amended to read as follows:

"AIR TRANSPORTATION".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1999.

SEC. 3525. ENHANCED RECRUITMENT AND RETENTION AUTHORITIES.

(a) RECRUITMENT, RELOCATION, AND RETENTION BONUSES.—Section 1217 (22 U.S.C. 3657) is amended—

(1) by redesignating subsection (c) as subsection (e);

(2) in subsection (e) (as so redesignated), by striking out "for the same or similar work performed in the United States by individuals employed by the Government of the United States" and inserting in lieu thereof "of the individual to whom the compensation is paid"; and

(3) by inserting after subsection (b) the following new subsections:

"(c)(1) The Commission may pay a recruitment bonus to an individual who is newly appointed to a position with the Commission, or a relocation bonus to an employee of the Commission who must relocate to accept a position, if the Commission determines that the Commission would be likely, in the absence of such a bonus, to have difficulty in filling the position.

"(2) A recruitment or relocation bonus may be paid to an employee under this subsection only if the employee enters into an agreement with the Commission to complete a period of employment with the Commission established by the Commission. If the employee voluntarily fails to complete such period of employment or is separated from service in such employment as a result of an adverse action before the completion of such period, the employee shall repay the entire amount of the bonus received by the employee.

"(3) A relocation bonus under this subsection may be paid as a lump sum. A recruitment bonus under this subsection shall be paid on a pro rata basis over the period of employment covered by the agreement under paragraph (2). A bonus under this subsection may not be considered to be part of the basic pay of an employee.

"(d)(1) The Commission may pay a retention bonus to an employee of the Commission if the Commission determines that—

"(A) the employee has unusually high or unique qualifications and those qualifications make it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date, or the Commission otherwise has a special need for the services of the employee making it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date; and

"(B) the employee would be likely to leave employment with the Commission before the end of that period if the retention bonus is not paid.

"(2) A retention bonus under this subsection—

"(A) shall be in a fixed amount;

"(B) shall be paid on a pro rata basis (over the period specified by the Commission as essential for the retention of the employee), with such payments to be made at the same time and in the same manner as basic pay; and

"(C) may not be considered to be part of the basic pay of an employee.

"(3) A decision by the Commission to exercise or to not exercise the authority to pay a bonus under this subsection shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.".

(b) EDUCATIONAL SERVICES.—Section 1321(e)(2) (22 U.S.C. 3731(e)(2)) is amended by striking out "and persons" and inserting in lieu thereof ", to other Commission employees when determined by the Commission to be necessary for their recruitment or retention, and to other persons".

SEC. 3526. TRANSITION SEPARATION INCENTIVE PAYMENTS.

Chapter 2 of title I (22 U.S.C. 3641 et seq.) is amended by adding at the end of subchapter III the following new section:

"TRANSITION SEPARATION INCENTIVE PAYMENTS

"SEC. 1233. (a) In applying to the Commission and employees of the Commission the provisions of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104–208; 110 Stat. 3009–383), relating to voluntary separation incentives for employees of certain Federal agencies (in this section referred to as 'section 663')—

"(1) the term 'employee' shall mean an employee of the Commission who has served in the Republic of Panama in a position with the Commission for a continuous period of at least three years immediately before the employee's separation under an appointment without time limitation and who is covered under the Civil Service Retirement System or the Federal Employees' Retirement System under subchapter III of chapter 83 or chapter 84, respectively, of title 5, United States Code, other than—

"(A) an employee described in any of subparagraphs (A) through (F) of subsection (a)(2) of section 663; or

"(B) an employee of the Commission who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 1217(c) of this Act or who, within the 12-month period preceding the date of separation, received a retention bonus under section 1217(d) of this Act;

"(2) the strategic plan under subsection (b) of section 663 shall include (in lieu of the matter specified in subsection (b)(2) of that section)—

"(A) the positions to be affected, identified by occupational category and grade level;

"(B) the number and amounts of separation incentive payments to be offered; and

"(C) a description of how such incentive payments will facilitate the successful transfer of the Panama Canal to the Republic of Panama;

"(3) a separation incentive payment under section 663 may be paid to a Commission employee only to the extent necessary to facilitate the successful transfer of the Panama Canal by the United States of America to the Republic of Panama as required by the Panama Canal Treaty of 1977;

"(4) such a payment—

"(A) may be in an amount determined by the Commission not to exceed $25,000; and

"(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of an eligible employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section or during the period beginning on October 1, 1998, and ending on December 31, 1998;

"(5) in the case of not more than 15 employees who (as determined by the Commission) are unwilling to work for the Panama Canal Authority after the Canal Transfer Date and who occupy critical positions for which (as determined by the Commission) at least two years of experience is necessary to ensure that seasoned managers are in place on and after the Canal Transfer Date, such a payment (notwithstanding paragraph (4))—

"(A) may be in an amount determined by the Commission not to exceed 50 percent of the basic pay of the employee; and

"(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of such an employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section; and

"(6) the provisions of subsection (f) of section 663 shall not apply.

"(b) A decision by the Commission to exercise or to not exercise the authority to pay a transition separation incentive under this section shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.".

SEC. 3527. LABOR-MANAGEMENT RELATIONS.

Section 1271 (22 U.S.C. 3701) is amended by adding at the end the following new subsection:

"(c)(1) This subsection applies to any matter that becomes the subject of collective bargaining between the Commission and the exclusive representative for any bargaining unit of employees of the Commission during the period beginning on the date of the enactment of this subsection and ending on the Canal Transfer Date.

"(2)(A) The resolution of impasses resulting from collective bargaining between the Commission and any such exclusive representative during that period shall be conducted in accordance with such procedures as may be mutually agreed upon between the Commission and the exclusive representative (without regard to any otherwise applicable provisions of chapter 71 of title 5, United States Code). Such mutually agreed upon procedures shall become effective upon transmittal by the Chairman of the Commission to the Congress of notice of the agreement to use those procedures and a description of those procedures.

"(B) The Federal Services Impasses Panel shall not have jurisdiction to resolve any impasse between the Commission and any such exclusive representative in negotiations over a procedure for resolving impasses.

"(3) If the Commission and such an exclusive representative do not reach an agreement concerning a procedure for resolving impasses with respect to a bargaining unit and transmit notice of the agreement under paragraph (2) on or before July 1, 1998, the following shall be the procedure by which collective bargaining impasses between the Commission and the exclusive representative for that bargaining unit shall be resolved:

"(A) If bargaining efforts do not result in an agreement, the parties shall request the Federal Mediation and Conciliation Service to assist in achieving an agreement.

"(B) If an agreement is not reached within 45 days after the date on which either party requests the assistance of the Federal Mediation and Conciliation Service in writing (or

within such shorter period as may be mutually agreed upon by the parties), the parties shall be considered to be at an impasse and shall request the Federal Services Impasses Panel of the Federal Labor Relations Authority to decide the impasse.

"(C) If the Federal Services Impasses Panel fails to issue a decision within 90 days after the date on which its services are requested (or within such shorter period as may be mutually agreed upon by the parties), the efforts of the Panel shall be terminated.

"(D) In such a case, the Chairman of the Panel (or another member in the absence of the Chairman) shall immediately determine the matter by a drawing (conducted in such manner as the Chairman (or, in the absence of the Chairman, such other member) determines appropriate) between the last offer of the Commission and the last offer of the exclusive representative, with the offer chosen through such drawing becoming the binding resolution of the matter.

"(4) In the case of a notice of agreement described in paragraph (2)(A) that is transmitted to the Congress as described in the second sentence of that paragraph after July 1, 1998, the impasse resolution procedures covered by that notice shall apply to any impasse between the Commission and the other party to the agreement that is unresolved on the date on which that notice is transmitted to the Congress.".

SEC. 3528. AVAILABILITY OF PANAMA CANAL REVOLVING FUND FOR SEVERANCE PAY FOR CERTAIN EMPLOYEES SEPARATED BY PANAMA CANAL AUTHORITY AFTER CANAL TRANSFER DATE.

(a) AVAILABILITY OF REVOLVING FUND.—Section 1302(a) (22 U.S.C. 3712(a)) is amended by adding at the end the following new paragraph:

"(10) Payment to the Panama Canal Authority, not later than the Canal Transfer Date, of such amount as is computed by the Commission to be the future amount of severance pay to be paid by the Panama Canal Authority to employees whose employment with the Authority is terminated, to the extent that such severance pay is attributable to periods of service performed with the Commission before the Canal Transfer Date (and assuming for purposes of such computation that the Panama Canal Authority, in paying severance pay to terminated employees, will provide for crediting of periods of service with the Commission).".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking out "for—" in the matter preceding paragraph (1) and inserting in lieu thereof "for the following purposes:";

(2) by capitalizing the initial letter of the first word in each of paragraphs (1) through (9);

(3) by striking out the semicolon at the end of each of paragraphs (1) through (7) and inserting in lieu thereof a period; and

(4) by striking out "; and" at the end of paragraph (8) and inserting in lieu thereof a period.

PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL

SEC. 3541. ESTABLISHMENT OF PROCUREMENT SYSTEM AND BOARD OF CONTRACT APPEALS.

Title III of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after the title heading the following new chapter:

"CHAPTER 1—PROCUREMENT

"PROCUREMENT SYSTEM

"SEC. 3101. (a) PANAMA CANAL ACQUISITION REGULATION.—(1) The Commission shall establish by regulation a comprehensive procurement system. The regulation shall be known as the 'Panama Canal Acquisition Regulation' (in this section referred to as the 'Regulation') and shall provide for the procurement of goods and services by the Commission in a manner that—

"(A) applies the fundamental operating principles and procedures in the Federal Acquisition Regulation;

"(B) uses efficient commercial standards of practice; and

"(C) is suitable for adoption and uninterrupted use by the Republic of Panama after the Canal Transfer Date.

"(2) The Regulation shall contain provisions regarding the establishment of the Panama Canal Board of Contract Appeals described in section 3102.

"(b) SUPPLEMENT TO REGULATION.—The Commission shall develop a Supplement to the Regulation (in this section referred to as the 'Supplement') that identifies both the provisions of Federal law applicable to procurement of goods and services by the Commission and the provisions of Federal law waived by the Commission under subsection (c).

"(c) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the Commission shall determine which provisions of Federal law should not apply to procurement by the Commission and may waive those laws for purposes of the Regulation and Supplement.

"(2) For purposes of paragraph (1), the Commission may not waive—

"(A) section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423);

"(B) the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), other than section 10(a) of such Act (41 U.S.C 609(a)); or

"(C) civil rights, environmental, or labor laws.

"(d) CONSULTATION WITH ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.—In establishing the Regulation and developing the Supplement, the Commission shall consult with the Administrator for Federal Procurement Policy.

"(e) EFFECTIVE DATE.—The Regulation and the Supplement shall take effect on the date of publication in the Federal Register, or January 1, 1999, whichever is earlier.

"PANAMA CANAL BOARD OF CONTRACT APPEALS

"SEC. 3102. (a) ESTABLISHMENT.—(1) The Secretary of Defense, in consultation with the Commission, shall establish a board of contract appeals, to be known as the Panama Canal Board of Contract Appeals, in accordance with section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607). Except as otherwise provided by this section, the Panama Canal Board of Contract Appeals (in this section referred to as the 'Board') shall be subject to the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) in the same manner as any other agency board of contract appeals established under that Act.

"(2) The Board shall consist of three members. At least one member of the Board shall be licensed to practice law in the Republic of Panama. Individuals appointed to the Board shall take an oath of office, the form of which shall be prescribed by the Secretary of Defense.

"(b) EXCLUSIVE JURISDICTION TO DECIDE APPEALS.—Notwithstanding section 10(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)(1)) or any other provision of law, the Board shall have exclusive jurisdiction to decide an appeal from a decision of a contracting officer under section 8(d) of such Act (41 U.S.C. 607(d)).

"(c) EXCLUSIVE JURISDICTION TO DECIDE PROTESTS.—The Board shall decide protests submitted to it under this subsection by interested parties in accordance with subchapter V of title 31, United States Code. Notwithstanding section 3556 of that title, section 1491(b) of title 28, United States Code, and any other provision of law, the Board shall have exclusive jurisdiction to decide such protests. For purposes of this subsection—

"(1) except as provided in paragraph (2), each reference to the Comptroller General in sections 3551 through 3555 of title 31, United States Code, is deemed to be a reference to the Board;

"(2) the reference to the Comptroller General in section 3553(d)(3)(C)(ii) of such title is deemed to be a reference to both the Board and the Comptroller General;

"(3) the report required by paragraph (1) of section 3554(e) of such title shall be submitted to the Comptroller General as well as the committees listed in such paragraph;

"(4) the report required by paragraph (2) of such section shall be submitted to the Comptroller General as well as Congress; and

"(5) section 3556 of such title shall not apply to the Board, but nothing in this subsection shall affect the right of an interested party to file a protest with the appropriate contracting officer.

"(d) PROCEDURES.—The Board shall prescribe such procedures as may be necessary for the expeditious decision of appeals and protests under subsections (b) and (c).

"(e) COMMENCEMENT.—The Board shall begin to function as soon as it has been established and has prescribed procedures under subsection (d), but not later than January 1, 1999.

"(f) TRANSITION.—The Board shall have jurisdiction under subsection (b) and (c) over any appeals and protests filed on or after the date on which the Board begins to function. Any appeals and protests filed before such date shall remain before the forum in which they were filed.

"(g) OTHER FUNCTIONS.—The Board may perform functions similar to those described in this section for such other matters or activities of the Commission as the Commission may determine and in accordance with regulations prescribed by the Commission.".

SEC. 3542. TRANSACTIONS WITH THE PANAMA CANAL AUTHORITY.

Section 1342 (22 U.S.C. 3752) is amended—

(1) by designating the text of the section as subsection (a); and

(2) by adding at the end the following new subsections:

"(b) The Commission may provide office space, equipment, supplies, personnel, and other in-kind services to the Panama Canal Authority on a nonreimbursable basis.

"(c) Any executive department or agency of the United States may, on a reimbursable basis, provide to the Panama Canal Authority materials, supplies, equipment, work, or services requested by the Panama Canal Authority, at such rates as may be agreed upon by that department or agency and the Panama Canal Authority.".

SEC. 3543. TIME LIMITATIONS ON FILING OF CLAIMS FOR DAMAGES.

(a) FILING OF ADMINISTRATIVE CLAIMS WITH COMMISSION.—Sections 1411(a) (22 U.S.C. 3771(a)) and 1412 (22 U.S.C. 3772) are each amended in the last sentence by striking out "within 2 years after" and all that follows

through "of 1985," and inserting in lieu thereof "within one year after the date of the injury or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997,".

(b) FILING OF JUDICIAL ACTIONS.—The penultimate sentence of section 1416 (22 U.S.C. 3776) is amended—

(1) by striking out "one year" the first place it appears and inserting in lieu thereof "180 days"; and

(2) by striking out "claim, or" and all that follows through "of 1985," and inserting in lieu thereof "claim or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997,".

SEC. 3544. TOLLS FOR SMALL VESSELS.

Section 1602(a) (22 U.S.C. 3792(a)) is amended—

(1) in the first sentence, by striking out "supply ships, and yachts" and inserting in lieu thereof "and supply ships"; and

(2) by adding at the end the following new sentence: "Tolls for small vessels (including yachts), as defined by the Commission, may be set at rates determined by the Commission without regard to the preceding provisions of this subsection.".

SEC. 3545. DATE OF ACTUARIAL EVALUATION OF FECA LIABILITY.

Section 5(a) of the Panama Canal Commission Compensation Fund Act of 1988 (22 U.S.C. 3715c(a)) is amended by striking out "Upon the termination of the Panama Canal Commission" and inserting in lieu thereof "By March 31, 1998".

SEC. 3546. APPOINTMENT OF NOTARIES PUBLIC.

Section 1102a (22 U.S.C. 3612a) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) The Commission may appoint any United States citizen to have the general powers of a notary public to perform, on behalf of Commission employees and their dependents outside the United States, any notarial act that a notary public is required or authorized to perform within the United States. Unless an earlier expiration is provided by the terms of the appointment, any such appointment shall expire three months after the Canal Transfer Date.

"(2) Every notarial act performed by a person acting as a notary under paragraph (1) shall be as valid, and of like force and effect within the United States, as if executed by or before a duly authorized and competent notary public in the United States.

"(3) The signature of any person acting as a notary under paragraph (1), when it appears with the title of that person's office, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act.".

SEC. 3547. COMMERCIAL SERVICES.

Section 1102b (22 U.S.C. 3612b) is amended by adding at the end the following new subsection:

"(e) The Commission may conduct and promote commercial activities related to the management, operation, or maintenance of the Panama Canal. Any such commercial activity shall be carried out consistent with the Panama Canal Treaty of 1977 and related agreements.".

SEC. 3548. TRANSFER FROM PRESIDENT TO COMMISSION OF CERTAIN REGULATORY FUNCTIONS RELATING TO EMPLOYMENT CLASSIFICATION APPEALS.

Sections 1221(a) and 1222(a) (22 U.S.C. 3661(a), 3662(a)) are amended by striking out "President" and inserting in lieu thereof "Commission".

SEC. 3549. ENHANCED PRINTING AUTHORITY.

Section 1306 (22 U.S.C. 3714b) is amended by striking out "Section 501" and inserting in lieu thereof "Sections 501 through 517 and 1101 through 1123".

SEC. 3550. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CLERICAL AMENDMENTS.—The table of contents in section 1 is amended—

(1) by striking out the item relating to section 1210 and inserting in lieu thereof the following:

"Sec. 1210. Air transportation.";

(2) by striking out the items relating to sections 1215, 1219, and 1225;

(3) by inserting after the item relating to section 1232 the following new item:

"Sec. 1233. Transition separation incentive payments.";

and

(4) by inserting after the item relating to the heading of title III the following:

"CHAPTER 1—PROCUREMENT

"Sec. 3101. Procurement system.

"Sec. 3102. Panama Canal Board of Contract Appeals.".

(b) AMENDMENT TO REFLECT PRIOR CHANGE IN COMPENSATION OF ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by striking out the following:

"Administrator of the Panama Canal Commission.".

(c) AMENDMENTS TO REFLECT CHANGE IN TRAVEL AND TRANSPORTATION EXPENSES AUTHORITY.—(1) Section 5724(a)(3) of title 5, United States Code, is amended by striking out ", the Commonwealth of Puerto Rico," and all that follows through "Panama Canal Act of 1979" and inserting in lieu thereof "or the Commonwealth of Puerto Rico".

(2) Section 5724a(j) of such title is amended—

(A) by inserting "and" after "Northern Mariana Islands,"; and

(B) by striking out "United States, and" and all that follows through the period at the end and inserting in lieu thereof "United States.".

(3) The amendments made by this subsection shall take effect on January 1, 1999.

(d) MISCELLANEOUS TECHNICAL AMENDMENTS.—

(1) Section 3(b) (22 U.S.C. 3602(b)) is amended by striking out "the Canal Zone Code" and all that follows through "other laws" and inserting in lieu thereof "laws of the United States and regulations issued pursuant to such laws".

(2)(A) The following provisions are each amended by striking out "the effective date of this Act" and inserting in lieu thereof "October 1, 1979": sections 3(b), 3(c), 1112(b), and 1321(c)(1).

(B) Section 1321(c)(2) is amended by striking out "such effective date" and inserting in lieu thereof "October 1, 1979".

(C) Section 1231(c)(3)(A) (22 U.S.C. 3671(c)(3)(A)) is amended by striking out "the day before the effective date of this Act" and inserting in lieu thereof "September 30, 1979".

(3) Section 1102a(h), as redesignated by section 3546(a)(1), is amended by striking out "section 1102B" and inserting in lieu thereof "section 1102b".

(4) Section 1110(b)(2) (22 U.S.C. 3620(b)(2)) is amended by striking out "section 16 of the Act of August 1, 1956 (22 U.S.C. 2680a)," and inserting in lieu thereof "section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)".

(5) Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking out "as last in effect before the effective date of section 3530 of the Panama Canal Act Amendments of 1996" and inserting in lieu thereof "as in effect on September 22, 1996".

(6) Section 1243(c)(2) (22 U.S.C. 3681(c)(2)) is amended by striking out "retroactivity" and inserting in lieu thereof "retroactively".

(7) Section 1341(f) (22 U.S.C. 3751(f)) is amended by striking out "sections 1302(c)" and inserting in lieu thereof "sections 1302(b)".

By Mr. COVERDELL:

S. 925. A bill to provide authority for women' business centers to enter into contracts with Federal departments and agencies to provide specific assistance to women and other underserved small business concerns; to the Committee on Small Business.

THE WOMEN'S SMALL BUSINESS PROGRAMS ACT OF 1997

Mr. COVERDELL. Mr. President, I rise today to introduce the Support for Women's Small Business Programs Act of 1997. As a member of the Senate's Small Business Committee, I have focused on helping small businesses succeed in an increasingly competitive environment. Women-owned small businesses have made impressive strides in recent years. To me, this is no surprise.

Women-owned businesses are an increasingly important part of our Nation's economy. In 1996, they accounted for an estimated $2.3 trillion in sales and employed one out of every four workers totaling 18.5 million employees. According to the National Foundation of Women Business Owners, the growth of women-owned business continues to outpace overall business growth nearly 2 to 1. In my home State of Georgia, there are 143,045 women-owned businesses both full time and part time.

I believe it is important the Federal Government continue to support the development of these small businesses and assist them in overcoming the unique challenges facing them. Currently, the Office of Women Business Ownership administers women's demonstration sites where women-owned small businesses can find critical support. These demonstration women business development centers at these sites are required to be completely self-sufficient a short period of time. I hope we succeed in the coming Small Business Administration reauthorization legislation to make these centers permanent.

My legislation is simple. It allows these women business development centers to enter into contracts with other Federal departments and agencies to provide specific assistance to small business concerns. It expands their pool of available resources they can use to nurture women-owned small business.

I have been working with the Senate Small Business Committee on this matter, and it is my understanding

this proposal will become part of this year s SBA Reauthorization bill. I look forward to working with the committee to ensure the Federal Government provides women's business centers this critical support.

By Mr. HARKIN (for himself and Mrs. MURRAY):

S. 926. A bill to amend the Internal Revenue Code of 1986 to expand the child and dependent care credit, and for other purposes; to the Committee on Finance.

THE WORKING FAMILY CHILD CARE TAX RELIEF ACT OF 1997

Mr. HARKIN. Mr. President, today, I rise to introduce the Working Family Child Care Tax Relief Act of 1977. This legislation is targeted to those families most in need of a tax break—working families with child or dependent adult care expenses. The need for child care continues to grow, 60 percent of women in the workforce have children under 6 years of age. Moreover, hard working families throughout Iowa and across America are struggling to meet the escalating costs of child care. A family with a preschool-age child spent an average of $15 more per week on child care in 1993 than in 1986. Currently, average child care costs for a working family in Iowa run about $3,000 to $6,000 per year.

Today, there is a child care tax credit available for many working families—but that credit hasn't been increased since 1982—and it wasn't even adequate then. Inflation has reduced the value of the credit by about 60 percent since it was last adjusted in 1982. Under current law, families with $10,000 in adjusted gross income are eligible for a 30-percent credit on the first $2,400 in child care expenses for one child or $4,800 for two children. The credit phases down to 20 percent at $28,000 and all incomes above that level. Because the child care tax credit is not refundable, few families actually qualify for the full 30 percent credit under current law. Families with an income of less than $10,000 do not have a tax liability against which they can apply the credit.

This legislation would expand the child care tax credit and make it available for more working families. The amount of child care expenses eligible for the credit would be increased to $4,000 for one child or other dependent and $8,000 for two or more dependents. For example, my proposal would provide a 30-percent refundable credit for working couples with an adjusted gross income of up to $50,000 on the first $8,000 in child care expenses for two or more children or other dependents. For families earning between $50,000 and $80,000, the credit gradually phases down to current level. Families earning more than $80,000 would be eligible for the same level of benefits they receive under current law.

Although we must continue our efforts to reach a balanced budget, we must also realize that American families with child or dependent care expenses deserve a tax break. But I am not talking about doling out huge new tax breaks for those on top who don't need it. This legislation is targeted directly to families in the middle—they are not on welfare and they are not rich. They work hard, they care about their families and their jobs, and they deserve a break.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Working Family Child Care Tax Relief Act of 1997".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. EXPANSION OF CHILD AND DEPENDENT CARE CREDIT.

(a) INCRESE IN CREDIT.—Paragraph (2) of section 21(a) (relating to credit for expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below 20 percent) by 1 percentage point for each $3,000 (or fraction thereof) by which the taxpayer's adjusted gross income exceeds $50,000."

(b) INCREASE IN MAXIMUM AMOUNT CREDITABLE.—

(1) IN GENERAL.—Section 21(c) (relating to dollar limit on amount creditable) is amended—

(A) by striking "$2,400" in paragraph (1) and inserting "$4,000", and

(B) by striking "$4,800" in paragraph (2) and inserting "$8,000".

(2) PHASEOUT FOR TAXPAYERS WITH ADJUSTED GROSS INCOME IN EXCESS OF $50,000.—

(A) IN GENERAL.—Section 21(c) is amended by adding at the end the following new paragraph:

"(2) LIMITATION BASED ON ADJUSTED GROSS INCOME.—If the taxpayer's adjusted gross income for the taxable year exceeds $50,000, the applicable dollar amount under paragraph (1) shall be reduced as follows:

"(A) the $4,000 amount under paragraph (1)(A) shall be reduced (but not below $2,400) by $53.33 for each $1,000 (or fraction thereof) of such excess.

"(B) the $8,000 amount under paragraph (1)(B) shall be reduced (but not below $4,800) by $106.66 for each $1,000 (or fraction thereof) of such excess."

(2) CONFORMING AMENDMENTS.—Section 21(c), as amended by subsection 9(b), is amended—

(A) by striking "The amount" and inserting:

"(1) IN GENERAL.—The amount",

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and

(C) by striking "paragraph (1) or (2)" and inserting "subparagraph (A) or (B)".

(c) CREDIT MADE REFUNDABLE.—

(1) IN GENERAL.—Section 21 (relating to credit for expenses for household and dependent care services), as amended by this section, is transferred to subpart C of part IV of subchapter A of chapter 1, inserted after section 35, and redesignated as section 36.

(2) CONFORMING AMENDMENTS.—

(A) Section 129 is amended—

(i) by striking "21(e)" in subsection (a)(2)(C) and inserting "36(e)",

(ii) by striking "21(d)(2)" in subsection (b)(2) and inserting "36(d)(2)", and

(iii) by striking "21(b)(2)" in subsection (e)(1) and inserting "36(b)(2)".

(B) Section 213(e) is amended by striking "section 21" and inserting "section 36".

(3) CLERICAL AMENDMENTS.—

(A) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 21.

(B) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 36. Expenses for household and dependent care services necessary for gainful employment."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

By Ms. SNOWE (for herself, Mr. HOLLINGS, Mr. GREGG, Mr. KERRY, Mr. BREAUX, Mr. REED, and Mr. GLENN):

S. 927. A bill to reauthorize the Sea Grant Program.

THE OCEAN AND COASTAL RESEARCH REVITALIZATION ACT OF 1997

Ms. SNOWE. Mr. President, today I am introducing legislation to reauthorize the National Sea Grant College Program. I am pleased to be joined in this effort by Senator HOLLINGS, the ranking member on the Committee on Commerce, Science, and Transportation, and by Senators GREGG, KERRY, REED, GLENN, and BREAUX.

Since its establishment in 1966, the National Sea Grant College Program has provided an invaluable service to the citizens of our Nation, and particularly to those who depend on our Nation's coastal and marine resources. Sea Grant operates programs in concert with 29 academic institutions covering the entire marine coastline of the United States, the Great Lakes region, and Puerto Rico. It serves as a kind of cooperative research and extension program for States and localities with a direct interest in ocean, coastal, and Great Lakes resources. Sea Grant is unique in the breadth of its programs, bringing together the natural and social sciences as well as educational institutions, the private sector, and State and local governments. By facilitating these interactions across institutional boundaries, Sea Grant makes important contributions to the development of management programs that effectively address both resource conservation and the needs of communities who use these resources.

In my home State of Maine, the decline in groundfish populations has had a devastating impact on the fishing community. The joint Maine/New Hampshire Sea Grant Program has supported research looking at the economic and social impacts of this decline, as well as biological investigations into the ecology of the fisheries. With the results of these studies, Maine has been able to mitigate some of the losses these citizens have suffered. Management programs have been adapted to better account for the needs of local residents and the vagaries of an ever-changing ocean. In all of their programs, Maine Sea Grant has consistently reinvested in local communities, providing knowledge and tools for working with the sea.

I know from my colleagues that the work I have witnessed in Maine is representative of the quality work Sea Grant programs are doing across the country. The wealth of benefits Sea Grant provides comes from a small Federal investment. By requiring matching grants, State Sea Grant Programs use their partnerships with industry and academia to generate a high return on every Federal dollar expended. This investment, in turn, helps to stimulate industry productivity and increase the efficiency of coastal management programs. In these cost-conscious times, Sea Grant is a model of being able to do more with less.

This legislation will allow Sea Grant to continue its work by reauthorizing the program for 3 years. It caps the national administrative costs of the program at 5 percent of the total budget, and it repeals an international program and a postdoctoral fellowship program which have never been funded. The bill also responds to a National Research Council Report by clarifying the responsibilities of the Sea Grant director and streamlining the process for reviewing State program proposals.

This bill is supported by the Sea Grant Association, whose membership includes many of the land grant universities and other institutions with an interest in the program, and it was drafted in close consultation with the Clinton administration. The legislation is deserving of broad bipartisan support in the Senate, and I look forward to working with my colleagues for its quick passage. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Ocean and Coastal Research Revitalization Act of 1997".

SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. FINDINGS.

(a) Section 202(a)(1) (33 U.S.C. 1121(a)(1)) is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following:

"(D) encourage the development of forecast and analysis systems for coastal hazards;".

(b) Section 202(a)(6) (33 U.S.C. 1121(a)(6)) is amended by striking the second sentence and inserting the following: "The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions.".

SEC. 4. DEFINITIONS.

(a) Section 203 (33 U.S.C. 1122) is amended—

(1) in paragraph (3)—

(A) by striking "their university or" and inserting "his or her"; and

(B) by striking "college, programs, or regional consortium" and inserting "college or sea grant institute";

(2) by striking paragraph (4) and inserting the following:

"(4) The term 'field related to ocean, coastal, and Great Lakes resources' means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, or Great Lakes resources.";

(3) by redesignating paragraphs (6) through (15) as paragraphs (7) through (16), respectively, and inserting after paragraph (5) the following:

"(6) The term 'institution' means any public or private institution of higher education, institute, laboratory, or State or local agency.";

(4) by striking "regional consortium, institution of higher education, institute, or laboratory" in paragraph (10) (as redesignated) and inserting "institute or other institution";

(5) by striking paragraphs (11) through (16) (as redesignated) and inserting after paragraph (10) the following:

"(11) The term 'project' means any individually described activity in a field related to ocean, coastal, and Great Lakes resources involving research, education, training, or advisory services administered by a person with expertise in such a field.

"(12) The term 'sea grant college' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

"(13) The term 'sea grant institute' means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 (33 U.S.C. 1126) of this Act.

"(14) The term 'sea grant program' means a program of research and outreach which is administered by one or more sea grant colleges or sea grant institutes.

"(15) The term 'Secretary' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

"(16) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States.".

(b) The Act is amended—

(1) in section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, by striking ", the Under Secretary,"; and

(2) by striking "Under Secretary" every other place it appears and inserting "Secretary".

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM.

Section 204 (33 U.S.C. 1123) is amended to read as follows:

"SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

"(a) PROGRAM MAINTENANCE.—The Secretary shall maintain within the Administration, a program to be known as the national sea grant college program. The national sea grant college program shall be administered by a national sea grant office within the Administration.

"(b) PROGRAM ELEMENTS.—The national sea grant college program shall consist of the financial assistance and other activities authorized in this subchapter, and shall provide support for the following elements—

"(1) sea grant programs which comprise a national sea grant college program network, including international projects conducted within such programs;

"(2) administration of the national sea grant college program and this Act by the national sea grant office, the Administration, and the panel;

"(3) the fellowship program under section 208; and

"(4) any national strategic investments developed with the approval of the panel, the sea grant colleges, and the sea grant institutes.

"(c) RESPONSIBILITIES OF THE SECRETARY.—

"(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop a long-range strategic plan which establishes priorities for the national sea grant college program and which provides an appropriately balanced response to local, regional, and national needs.

"(2) Within 6 months of the date of enactment of the Ocean and Coastal Research Revitalization Act of 1997, the Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes of proposals for grants and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

"(3) The Secretary shall by regulation prescribe the qualifications required for designation of sea grant colleges and sea grant institutes under section 207.

"(4) To carry out the provisions of this subchapter, the Secretary may—

"(A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws; except that one position in addition to the Director may be established without regard to the provisions of Title 5 governing appointments to the competitive service, at a rate payable under section 5376 of title 5, United States Code;

"(B) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

"(C) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other offices and programs in the Administration and without regard to section 501 of title 44, any information of research, educational, training or other value in fields related to ocean, coastal, or Great Lakes resources;

"(D) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41, United States Code;

"(E) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;

"(F) accept funds from other Federal departments and agencies, including agencies within the Administration, to pay for and add to grants made and contracts entered into by the Secretary;

"(G) promulgate such rules and regulations as may be necessary and appropriate.

"(d) DIRECTOR OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.—

"(1) The Secretary shall appoint, as the Director of the National Sea Grant College Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources. The Director shall be appointed and compensated, without regard to the provisions of title 5 governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

"(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee the operation of the national sea grant office. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

"(A) facilitate and coordinate the development of a long-range strategic plan under subsection (c)(1);

"(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage the use of such expertise and capabilities, on a cooperative or other basis, by other offices and activities within the Administration, and other Federal departments and agencies;

"(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

"(D) encourage the establishment and growth of sea grant programs, and cooperation and coordination with other Federal activities in fields related to ocean, coastal, and Great Lakes resources.

"(3) With respect to sea grant colleges and sea grant institutes, the Director shall—

"(A) evaluate the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary;

"(B) subject to the availability of appropriations, allocate funding among sea grant colleges and sea grant institutes so as to—

"(i) promote healthy competition among sea grant colleges and institutes;

"(ii) encourage successful implementation of sea grant programs; and

"(iii) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes; and

"(C) ensure compliance with the guidelines for merit review under subsection (c)(2).".

SEC. 6. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

SEC. 7. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 (33 U.S.C. 1126) is amended to read as follows:

"SEC. 207. SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

"(a) DESIGNATION.—

"(1) A sea grant college or sea grant institute shall meet the following qualifications:

"(A) have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;

"(B) make a long-term commitment to the objective in section 202(b), as determined by the Secretary;

"(C) cooperate with other sea grant colleges and institutes and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

"(D) have received financial assistance under section 205 of this title (33 U.S.C. 1124); and

"(E) meet such other qualifications as the Secretary, in consultation with the panel, considers necessary or appropriate.

"(2) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant college if the institution, association, or alliance —

"(A) meets the qualifications in paragraph (1); and

"(B) maintains a program of research, advisory services, training, and education in fields related to ocean, coastal, and Great Lakes resources.

'(3) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant institute if the institution, association, or alliance—

"(A) meets the qualifications in paragraph (1); and "(B) maintains a program which includes, at a minimum, research and advisory services.

"(b) EXISTING DESIGNEES.—Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of this Act, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of this act, if the Director determines that the institution, or assocation or alliance of institutions, meets the qualifications in subsection (a).

"(c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).

"(d) DUTIES.—Subject to any regulations prescribed or guidelines established by the Secretary, it shall be the responsibility of each sea grant college and sea grant institute—

"(1) to develop and implement, in consultation with the Secretary and the panel, a program that is consistent with the guidelines and priorities established under section 204(c); and

"(2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205.".

SEC. 8. REPEAL OF POSTDOCTORAL FELLOWSHIP PROGRAM.

Section 208(c) (33 U.S.C. 208(c)) is repealed.

SEC. 9. SEA GRANT REVIEW PANEL.

(a) Section 209(a)(33 U.S.C. 1128(a)) is amended—

(1) by striking "; commencement date"; and

(2) by striking the second sentence.

(b) Section 209(b)(33 U.S.C. 1128(b)) is amended—

(1) by striking "The Panel" and inserting "The panel";

(2) by striking "and section 3 of the Sea Grant College Program Improvement Act of 1976" in paragraph (1); and

(3) by striking "regional consortia" in paragraph (3) and inserting "institutes".

(c) Section 209(c)(33 U.S.C. 1128(c)) is amended—

(1) in paragraph (1) by striking "college, sea grant regional consortium, or sea grant program" and inserting "college or sea grant institute";

(2) by striking paragraph (5)(A) and inserting the following:

"(A) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such panel; and".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

"(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this Act—

(1) $55,400,000 for fiscal year 1998;

"(2) $56,500,000 for fiscal year 1999;

"(3) $57,600,000 for fiscal year 2000;

"(4) $58,800,000 for fiscal year 2001; and

"(5) $59,900,000 for fiscal year 2002.".

(b) LIMITATION ON CERTAIN FUNDING.—Section 212(b)(1)(33 U.S.C. 1131(b)(1)) is amended to read as follows:

"(b) PROGRAM ELEMENTS.—

"(1) LIMITATION.—Of the amount appropriated for each fiscal year under subsection (a), no more than 6 percent may be used to fund both the program element contained in section 204(b)(2) and any small business innovation research.".

Mr. HOLLINGS. Mr. President, I am pleased to join my colleagues in introducing this important bill to reauthorize the National Sea Grant College Program. Last year marked the 30th anniversary of the Sea Grant Program, so it is especially fitting that we propose legislation today that will revitalize the program and continue its effective operation into the next century.

At its core, Sea Grant is a program that brings competitive, high-quality science to bear on problems affecting our Nation's oceans and coasts. Sea Grant's top priority is creating new economic opportunities by forging alliances among academia, government, and industry to transfer information and technology into the hands of people who can truly use it. For example, Sea Grant led the development of hybrid striped bass aquaculture, which has grown from a university demonstration project to a $6 million fish farming industry in just 6 years. In addition, Sea Grant has an extraordinary record of success in balancing development with sound marine conservation, working with citizen-volunteers to

clean beaches and monitor environmental quality, and promoting the effective management of fisheries and other marine resources for the benefit of future generations.

Sea Grant is a national leader in the field of marine biotechnology, which has shown enormous promise in truly revolutionizing our use of marine resources. Marine biotechnology research funded by Sea Grant has already succeeded in discovering new pharmaceuticals from the sea, developing new, environmentally-friendly products with a wide range of applications, improving fisheries management and stock assessments through advances at the molecular level, and enhancing environmental remediation through the development of compounds that combat oil spills and other toxic substances in the marine environment. In South Carolina, a study on how the Eastern oyster builds its shell laid the groundwork for the development of alternatives to non-biodegradable water treatment compounds and detergent additives. Based on this research, the Donlor Corporation was formed to synthesize and market these new materials. The company's 50,000 square foot plant will soon begin operations.

A results-oriented point of exchange, Sea Grant brings Federal and State managers together providing an opportunity for local and regional needs to receive national attention. Conversely, national initiatives are placed on local and regional agendas. This legislation will bolster such exchanges by giving members of the Sea Grant network throughout the country a larger voice in planning national initiatives.

Moreover, Sea Grant is training the next century's leaders in marine policy. Sea Grant graduate student fellowships give marine policy training to tomorrow's scientists and managers. Efforts like South Carolina's Sea Partners, a joint program sponsored by the South Carolina Sea Grant Consortium and the U.S. Coast Guard, reach out to kindergarten through high school students regarding the problem of marine pollution. Through such programs, young people become interested in ocean and coastal issues and develop life-long respect for conserving the marine environment.

Mr. President, more than a quarter-century ago, the Stratton Commission outlined a seminal vision for the benefits this Nation could derive from the oceans and coasts. The Sea Grant Program has played a vital part in realizing this vision through the application of sound scientific research to problems affecting our publicly-owned marine resources. The legislation we are introducing today will strengthen the Sea Grant Program, improve the procedures by which it operates, clarify the respective roles of the Federal Government and the universities that participate in the program, and reduce administrative costs. I urge all of my colleagues to join me in supporting this important program and this excellent bill.

By Mr. JEFFORDS:

S. 928. A bill to provide for a regional education and workforce training system in the metropolitan Washington area, to improve the school facilities of the District of Columbia, and to fund such activities in part by an income tax on nonresident workers in the District of Columbia, to be offset by tax credits; to the Committee on Finance.

THE METROPOLITAN WASHINGTON EDUCATION AND WORKFORCE TRAINING ACT OF 1997

Mr. JEFFORDS. Mr. President, I am introducing legislation today to address a problem that has enormous significance for the future of this Nation and the prosperity of our citizens. This legislation will create a regional Education and Workforce Training Partnership for the Washington Metropolitan Area. The partnership created in the Washington Metropolitan region would serve as a national model and would address the infrastructure crisis that exists in the District of Columbia Public Schools. Let me take a moment to explain the importance of this legislation as a national model.

We face a national economic crisis if we fail to prepare our workforce for the high-paying technology jobs of the future. As a nation, we are currently enjoying an extended period of economic strength, and that is terrific. But we mustn't be lulled into a false sense of complacency. We have all read and digested the theory of how the foundation of our economy is shifting from a manufacturing base to what is now called the global knowledge economy. In the global knowledge economy, the ability to use critical thinking skills with advanced technology and information will be at a premium. Technology proficiency will be required to get and keep a good job. Now, I ask you, are we really prepared as a nation to be a leader in the global knowledge economy? Will our workers be surpassed by the workforces of our competitors overseas?

At present there are 190,000 unfilled high-skilled information technology jobs at large and mid-sized U.S. companies. These vacancies are almost equally divided between information technology (IT) and non-IT companies that rely heavily on advanced technology skills to get the job done. This shows us, that as we approach the 21st century technology skills are a must.

In the Washington Metropolitan Area alone there are at least 50,000 jobs—with an average annual salary of $40,000—that cannot be filled by the local labor market. Local area students are not being prepared to fill these jobs. Companies have complained to me in meeting after meeting that they are forced to recruit from other States or from other countries to try and find people for these positions—and that tactic is entirely too cost-prohibitive.

The Metropolitan Washington Education and Workforce Training Improvement Act of 1997 authorizes the establishment of a regional education and work force training partnership. This partnership is to be composed of 13 members representing business and education, together with a government official from the District of Columbia, Maryland, and Virginia. The partnership will chart a course for reforms and investments in education and work force training for the D.C. metropolitan area, making recommendations to the Secretaries of Education and Labor for grants to fund specific activities so that the skills of the regional work force will meet the needs of the regions employers.

By filling the 50,000 IT jobs in the Washington metropolitan area an additional $3.5 billion annually would be injected into the region's economy. And, the partnership created by this legislation with its unique focus on business-education collaboration, would serve as a model for other regions in the Nation that are facing the same pending crisis in labor market shortage and economic development.

In addition, this legislation will fulfill another long awaited promise that we as national leaders living and working in Washington must see through. I believe we have an obligation to make the Nation's Capital a model of what education must be as we enter the next century. The D.C. schools have made administrative progress recently, but the infrastructure problems are still appalling—requiring, according to a 1996 GSA report, an additional $2 billion for reconstruction and repair of dilapidated buildings. We must not let the students of the District of Columbia be sentenced to learning in buildings that would be found in a war zone. We owe more to the students of our Nation's Capital.

I want to be clear that this legislation would provide initial Federal funding to help finance the bonding required to reconstruct the D.C. school infrastructure. No funds would be used towards the present school administration as they have adequate receipts. The legislation would also provide funding for the D.C. school reform legislation passed by the Congress last session.

I want to see this Metropolitan Washington Education and Workforce Training Act enacted to help correct our regional labor market shortage and to serve as a model for the Nation. Through this legislation we can help fill the high-paying jobs we have available in this region, known as the Golden Crescent of Maryland, Virginia, and the District, and in so doing we will make our capital's education system one that is effective and one we can be

proud of. I urge my colleagues to join me in this important effort.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. DASCHLE, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 15, a bill to control youth violence, crime, and drug abuse, and for other purposes.

S. 28

At the request of Mr. THURMOND, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 70

At the request of Mrs. BOXER, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 70, a bill to apply the same quality and safety standards to domestically manufactured handguns that are currently applied to imported handguns.

S. 146

At the request of Mr. ROCKEFELLER, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 146, a bill to permit medicare beneficiaries to enroll with qualified provider-sponsored organizations under title XVIII of the Social Security Act, and for other purposes.

S. 224

At the request of Mr. WARNER, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to medicare to enroll in the Federal Employees Health Benefits program, and for other purposes.

S. 230

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act], and for other purposes.

S. 231

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 231, a bill to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

S. 387

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 389

At the request of Mr. ABRAHAM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 460

At the request of Mr. BOND, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 524

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 524, a bill to amend title XVIII of the Social Security Act to remove the requirement of an X-ray as a condition of coverage of chiropractic services under the medicare program.

S. 535

At the request of Mr. MCCAIN, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 578

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 578, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 674

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 674, a bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs.

S. 727

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine [Ms. SNOWE] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 727, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography.

S. 843

At the request of Mr. HATCH, the names of the Senator from Washington [Mr. GORTON] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 843, a bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes.

S. 859

At the request of Mr. KYL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 859, a bill to repeal the increase in tax on social security benefits.

S. 872

At the request of Mr. ROBERTS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 872, a bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain for sale of stock to certain farmers' cooperatives, and for other purposes.

S. 891

At the request of Mr. ABRAHAM, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 891, a bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes.

S. 896

At the request of Mr. BENNETT, his name was added as a cosponsor of S. 896, a bill to restrict the use of funds for new deployments of anti-personnel landmines, and for other purposes.

S. 904

At the request of Mr. BREAUX, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 904, a bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with choices, and for other purposes.

AMENDMENT NO. 382

At the request of Mr. SARBANES his name was added as a cosponsor of Amendment No. 382 proposed to S. 903, an original bill to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes.

AMENDMENT NO. 384

At the request of Mr. HELMS the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of Amendment No. 384 proposed to S. 903, an original bill to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for

reform of the United Nations, and for other purposes.

SENATE CONCURRENT RESOLUTION 33—RELATING THE USE OF THE CAPITOL GROUNDS FOR THE NATIONAL SAFE KIDS CAMPAIGN

Mr. DODD (for himself and Mr. ABRAHAM) submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL SAFE KIDS CAMPAIGN SAFE KIDS BUCKLE UP SAFETY CHECK.

The National SAFE KIDS Campaign and its auxiliary may sponsor a public event on the Capitol Grounds on August 27 and August 28, 1997, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police.

(b) EXPENSES AND LIABILITIES.—The National SAFE KIDS Campaign and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the National SAFE KIDS Campaign and its agents are authorized to erect upon the Capitol Grounds any stage, sound amplification devices, and other related structures and equipment required for the event authorized under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any other reasonable arrangements as may be required to plan for or administer the event.

Mr. DODD. Mr. President, I rise today along with Senator ABRAHAM to introduce a resolution that will allow the National Safe Kids Campaign to use a small portion of the Capitol Hill grounds to provide a very important community service, a Car Seat Check-Up event. This initiative, called Safe Kids Buckle-Up, is a joint project of the National Safe Kids Campaign and the General Motors Corporation. Its purpose is to educate families about the importance of buckling up on every ride. Child passenger safety has received significant attention in the past year, and this program will provide parents and care givers with the essential information they need to ensure that their children are safely restrained in an automobile.

Motor vehicle crashes are the leading cause of unintentional injury-related death to children ages 14 and under, yet 40 percent of kids are still riding unrestrained! More disturbing is the fact that, of the children who are buckled up, eight out of ten are restrained incorrectly. Each year more than 1400 children die in automobile accidents, and an additional 280,000 are injured. Tragically, most of these injuries could have been prevented. Child safety seats are proven life savers, reducing the risk of death by 69 percent for infants and 47 percent for toddlers.

It will take a nationwide effort to combat this problem. Safe Kids Buckle-Up will be part of such effort. It is a national grassroots effort that will disseminate key safety messages through the more than 200 Safe Kids Coalitions, health and education outlets—such as hospitals and community health centers—and GM dealerships in all 50 states. Additionally, educational workshops and Car Seat Check Up events will be available at participating GM dealerships.

On August 28, 1997, this program will be launched here at the Capitol, highlighted by a Car Seat Check Up for Federal employees, Congressional members and staff, and others from the metropolitan area. This event will kick off Labor Day weekend—one of the biggest travel weekends of the year. I am honored to be supporting this event and the overall program with my friend and colleague Senator ABRAHAM. We urge our colleagues to support this Congressional Resolution allowing this event to take place. Protecting our children is a critical national priority that deserves national attention.

SENATE RESOLUTION 100—RELATIVE TO THE EDUCATION OF AMERICAN INDIANS AND ALASKA NATIVES

Mr. DOMENICI (for himself, Mr. CAMPBELL, Mr. INOUYE, Mr. JOHNSON, Mr. DORGAN, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 100

Whereas, there exists a unique legal and political relationship between the United States and tribal governments and a unique Federal responsibility to American Indians and Alaska Natives; and

Whereas, under law and practice, the United States has undertaken a trust responsibility to protect and preserve Indian tribes, Indians, and tribal assets and resources; and

Whereas, the federal government's commitment to Indian education has been recognized, reinforced and carried out through most treaties with Indian tribes, Congressional legislation, numerous court decisions and presidential executive orders; and

Whereas, this Federal responsibility includes working with tribal governments and their members to improve the education of tribal members; and

Whereas, the 1990 Census shows the poverty rate for American Indians and Alaska Natives was nearly twice the national average—31 percent of Indians live below the poverty level, compared to 13 percent of the total population. Nearly 38 percent of Indian children above the age of 5 were living below the poverty level in 1990, compared with 11 percent of non-minority children; and

Whereas, the development of tribal economies is dependent on physical infrastructure, capital investment, and highly developed human capital and an educated labor force; and

Whereas, excellence in educational facilities and services is a key to building the skills necessary for Indian people to develop vibrant tribal economies; and

Whereas, ever-increasing regional, national, and international economic competition demands that Indians have every competitive advantage accruing from achieving excellence in education; and

Whereas, there are approximately 600,000 American Indian and Alaska Native children attending schools in this country. An estimated 87% of these children attend public schools located on or near reservations and in urban areas; another 10% attend schools funded by the Bureau of Indian Affairs (BIA) and an estimated 3 percent attend private schools; and

Whereas, these schools have experienced an increase in student population of 3-4 percent in the past five years, however, annual funding for the education of Indian children has not increased proportionately; and

Whereas, U.S. Census data shows that the Indian and Alaska Native population has increased significantly in the past three decades. Primary growth concentrations are at ages 5 through 19; and

Whereas, the 1994 National Assessment of Education Progress (NAEP) showed over 50 per cent of American Indian fourth graders scored below the basic level in reading proficiency, compared with 42 percent of all students; and

Whereas, American Indian students have the highest dropout rate of any racial ethnic group (36 percent) and the lowest high school completion and college attendance rates of any minority group. As of 1990, only 66 percent of American Indians aged 25 years or older were high school graduates, compared to 78 percent of the general population; and

Whereas, the demonstrated need for improvements to Indian schools and colleges is acute as reflected in the great disparity between average annual college funding per student of $2,900 for Indian students, and $6,200 for non-Indians in America, and the Federal Government should assist in bringing the Indian schools and colleges up to parity with the rest of America; and

Whereas, tribal scholarship programs nationally are only able to serve an estimated 40 percent of the eligible college student population and funding for graduate scholarships has been cut in half in the past two years; and

Whereas, there is a major backlog of $680 million in funding need for facilities construction, maintenance and repair for the 185 BIA-funded schools as well as for public schools located on and near Indian reservations; and

Whereas, there exists an alarming decline in the use of Native languages indigenous to the United States. A 1969 Senate Committee report stated that in 1969 there were 300 separate languages still being spoken. In 1996, the number had dropped to 206 still being spoken. These languages are spoken nowhere else in the world; and

Whereas, despite these alarming statistics, funding for the education of Indian and Alaska Native students has been reduced substantially in the past three years. The U.S. Congress in FY 1996 eliminated discretionary education programs in the Office of Indian

Education budget which had funded adult education, research and demonstration programs, the Indian Fellowship Program and teacher training and professional development projects. At the same time, funding for reservation-based education programs in the BIA budget was reduced by more than $100 million in the FY 1996 budget. Now, therefore, be it

Resolved, That it is the sense of the United States Senate:

(1) that the Senate recognizes and supports the federal government's legal and moral commitment to the education of American Indian and Alaska Native children, which is a part of treaties, Executive Orders, court decisions and public laws which have been enacted by the House and Senate of the United States government.

(2) that funding for all bills, including reauthorizing legislation in the 105th Congress with specific programs for American Indians and Alaska Natives be funded at levels sufficient to meet the ever-increasing educational and economic demands facing Indian people on reservations, urban communities and Alaska Native villages.

(3) that the Senate recognizes the adult literacy needs of American Indians and Alaska Natives through the inclusion of tribal provisions in the Administration's proposal to reauthorize the Adult Education Act.

(4) that the Administration's bill for reauthorization of the Higher Education Act of 1965, P.L. 102-325, preserve the original purpose and intent of the Tribally-Controlled Community Colleges Act and promote access to higher education opportunities for American Indians and Alaska Natives.

(5) that during the 105th Congress' reauthorization of agricultural research programs, the needs of Tribal Colleges as designated land-grant institutions must be given close attention, through amendments to the Educational Equity in Land-grant Status Act of 1994.

(6) that early childhood programs such as Head Start (P.L. 103-252) and Healthy Start contain resources needed to meet a growing number of American Indian and Alaska Native children whose rate of growth exceeds the national average.

(7) that the Senate recognizes the need for development and implementation of a government-wide policy on Indian education which addresses the needs of American Indian and Alaska Native people.

Mr. DOMENICI. Mr. President, today I am submitting a resolution that recognizes the large disparity between funding for Indian tribal colleges and mainstream colleges. Unfortunately, tribal colleges and technical vocational schools are barely able to keep up with growing enrollments. While many Indian colleges, like Crownpoint Institute of Technology, perform valiantly and have solid records of job placement, they are struggling to educate Indian students with roughly half the resources available to other colleges around the country. Indian colleges receive on average of $2,972 per year per pupil, compared with $6,200 per year for mainstream community colleges.

My statement analyzes this situation further and concludes that the 105th Congress should pay more attention to Indian education as we reauthorize important education legislation like the Carl D. Perkins Vocational Education and Applied Technology Act, the Higher Education Act, and the Tribally-Controlled Community Colleges Act. Hopefully, Senators will review this resolution and come to the conclusion that we are not doing right by Indian colleges and Indian junior colleges, and we could do a much a better job of educating Indians in America.

Mr. President, Indian education remains far behind standard education in America. There are many reasons for this sad state of affairs. The problem is particularly acute among Indian colleges, where the average annual expenditure per student is $2,972 per year compared to $6,200 per year for mainstream community colleges.

It may surprise my colleagues, who may assume that the Bureau of Indian Affairs is primarily in charge of Indian education. The fact is that 87 percent of Indian students in America in grades K–12, are in public schools. Only 10 percent of all school age American Indians are in schools funded by the U.S. Department of the Interior's Bureau of Indian Affairs.

While younger Indians are among America's fastest growing population, funding for their schooling gets further behind every year. While most elementary school Indian students are clearly in public schools, their educational attainments remain far behind most non-Indian students. In the federally funded Indian colleges we are seeing much larger student bodies; they are fed by both the public and Federal school systems.

Federal funding for Indian schools simply has not kept pace with the population growth among Indians, and we are seeing this problem is particularly acute among Indian tribal colleges.

I thank my colleagues, Senator INOUYE, vice chairman of the Senate Committee on Indian Affairs and Senator CAMPBELL, the committee's chairman, for joining me today to alert the Senate to this large disparity in education for American Indians.

Most Americans and many of my Senate colleagues know, that, despite recent income and job increases due to Indian gaming activities, American Indians remain at the bottom by most measures of social and economic well-being. Thirty-one percent live below the poverty line; almost four times as many Indian children over the age of 5 live in poverty compared to non-minority children; life expectancy is the lowest among all ethnic groups; and housing conditions remain substandard for the most part.

In terms of educational attainment, half of all American Indians in the fourth grade—in both BIA and public schools—read below the expected proficiency level, compared to 42 percent of all students who are below this level. American Indian students have the highest dropout level of any racial ethnic group at 36 percent. They also have the lowest high school completion rate and the lowest rate of college attendance. Only 66 percent of all American Indians are high school graduates compared to 78 percent in the general population.

Mr. President, our resolution is really quite simple. We are asking the U.S. Senate to take note of this large disparity in educating American Indians. We ask that the Senate reaffirm the Federal Government responsibility for the education of American Indian and Alaska Native children. This obligation is spelled out in treaties, court decisions, Presidential Executive orders, and public laws. Our resolution delineates several key pieces of legislation that will be pending before the Senate in this Congress. Included in this list are the Higher Education Act of 1965, the Tribally-Controlled Community Colleges Act, the Educational Equity in Land-grant Status Act of 1994, and Head Start and Healthy Start.

In addition, when the Senate considers reauthorization of such national education acts as the Adult Education Act, the Carl D. Perkins Vocational Education and Applied Technology Act, and the Individuals With Disabilities Act, we simply ask that special attention be paid to the great needs of American Indian students.

We also need to consider the establishment of a governmentwide policy on Indian education that will better coordinate and address their educational needs, so that more of our citizens will be better prepared for life in the 21st century. It is our intention to work closely with the appropriate Senate committees to raise the level of educational attainment of American Indians for greater participation in our expanding economy. We hope to bring the funding disparity to a close within a few years. We can hardly expect Indian children to be well educated on less than half the resources we spend on the average American student.

I urge my colleagues to join in this effort to become aware of the educational needs of American Indians and to help us find ways to close the gap.

Mr. JOHNSON. Mr. President, I want to express my strong support for the Sense of the Senate Resolution on Indian Education submitted by Senator DOMENICI today. I am an original cosponsor of this resolution because of my strong commitment to prioritizing education for every American, and to bring attention to the ongoing inadequacies of education facilities and consistently feeble investment in student potential throughout Indian country.

I have witnessed first-hand the devastating effects of poverty and unemployment that too often result from stunted academic growth. There are nine federally recognized tribes in South Dakota, whose members collectively make up one of the largest Native American populations in any

state. At the same time, South Dakota has three of the ten poorest counties in the nation, all of which are within reservation boundaries. Unemployment on these extremely rural reservations averages above 50%. Yet economic depression on rural Indian reservations is not unique to my state.

I encourage my colleagues to join me in supporting this Resolution because Native Americans across the nation have been, and continue to be, disproportionately affected by both poverty and low educational achievement. In 1990, over 36% of Indian children ages 5–17 were living below the poverty level. The high school completion rate for Native Americans aged 20 to 24 was 12.5% below the national average. Indian students, on average, have scored far lower on the National Assessment for Education Progress indicators than all other students. In 1994, the combined average score for Indian students on the Scholastic Achievement Test was 65 points lower than the average for all students. These problems are compounded by the grave school facilities and construction backlog facing Indian Country. Currently, $680 million is needed for facilities construction, maintenance, and repair for the 185 BIA-funded schools and for public schools located on and near Indian reservations. These statistics reflect the continued neglect of America's underserved Indian population and are unacceptable.

Congress must continue to promote the self-determination and self-sufficiency of Indian communities, in keeping with our special trust responsibility to sovereign Indian nations. Education at every level is absolutely vital to this effort. Education is the cornerstone of the success of great nations and is a basic right of all persons. At a time when education is at the top of the agenda both at the White House and in Congress, we must work together to focus national attention on education, on and off reservations. Our goal must be the creation of academic environments where every student will have the opportunity to reach their full potential and acquire the knowledge and skills necessary to create better opportunities for themselves and their children.

With this Resolution, Senator DOMENICI is calling on the Congress to bring equity to education for all students of every age nationwide. Mr. President, I am extremely pleased that my colleague has recognized the national need to improve education in Indian Country. Senator DOMENICI has developed this legislation in close consultation with Indian leaders, and I urge my colleagues to join in supporting this resolution.

SENATE RESOLUTION 101—AUTHORIZING THE SENATE LEGAL COUNSEL TO REPRESENT THE MEMBERS, OFFICERS, AND EMPLOYEES OF THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 101

Whereas, in the case of *Douglas R. Page* v. *Richard Shelby, et al.*, C.A. No. 97-0068, pending in the United States District Court for the District of Columbia, the plaintiff has named all Members of the Senate, and the Secretary, the Sergeant at Arms, and the Parliamentarian, of the Senate, as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Members, officers, and employee of the Senate who are defendants in the case of *Douglas R. Page* v. *Richard Shelby, et al.*

AMENDMENTS SUBMITTED

THE FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1997

BENNETT AMENDMENT NO. 392

Mr. BENNETT proposed an amendment to the bill (S. 903) to consolidate the foreign affairs agencies of the United States, to authorize appropriations for the Department of State for fiscal years 1998 and 1999, and to provide for reform of the United Nations, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE ON ENFORCEMENT OF THE IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992 WITH RESPECT TO THE ACQUISITION BY IRAN OF C–802 CRUISE MISSILES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States escort vessel U.S.S. Stark was struck by a cruise missile, causing the death of 37 United States sailors.

(2) The China National Precision Machinery Import Export Corporation is marketing the C–802 model cruise missile for use against escort vessels such as the U.S.S. Stark.

(3) The China National Precision Machinery Import Export Corporation has delivered 60 C–802 cruise missiles to Iran for use by vessels of the Iranian Revolutionary Guard Navy.

(4) Iran is acquiring land batteries to launch C–802 cruise missiles which will provide its armed forces with a weapon of greater range, reliability, accuracy, and mobility than before.

(5) Iran has acquired air launched C–802IC cruise missiles giving it a 360 degree attack capability.

(6) 15,000 members of the United States Armed Forces are stationed within range of the C–802 cruise missiles being acquired by Iran.

(7) The Department of State believes that "[t]hese cruise missiles pose new, direct threats to deployed United States forces".

(8) The delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note).

(9) The Clinton Administration "has concluded at present that the known types [of C–802 cruise missiles] are not of a destabilizing number and type".

(b) SENSE OF SENATE.—It is the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 model cruise missiles.

SARBANES AMENDMENT NO. 393

Mr. SARBANES proposed an amendment to the bill, S. 903, supra; as follows:

On page 160, strike line 18 and all that follows through line 7 on page 162.

ENZI AMENDMENT NO. 394

Mr. ENZI proposed an amendment to the bill, S. 903, supra; as follows:

At an appropriate place in the bill, insert the new section as follows:

SEC. . LIMITATION ON THE USE OF UNITED STATES FUNDS FOR CERTAIN UNITED NATIONS ACTIVITIES.

(a) Notwithstanding any other provision of law, no United States funds shall be used by the United Nations, or any affiliated international organization, for the purpose of promulgating rules or recommendations, or negotiating or entering into treaties, that would require or recommend that the United States Congress, or any Federal Agency which is funded by the U.S. Congress, make changes to United States environmental laws, rules, or regulations that would impose additional costs on American consumers or businesses.

(b) Any violation of subsection (a) by the United Nations or any affiliated organization shall result in an immediate fifty percent reduction of all funds paid by the United States to the United Nations for the fiscal year in which the violation occurs and for all subsequent years until the United Nations or affiliated organizations revokes or repeals such rule, regulation, or treaty described in subsection (a).

FEINGOLD (AND OTHERS) AMENDMENT NO. 395

Mr. FEINGOLD (for himself, Mr. HARKIN, and Mr. WYDEN) proposed an amendment to the bill, S. 903, supra; as follows:

Strike sections 321 through 326 and insert the following:

"SEC. 321.—INTERNATIONAL BROADCASTING.—The Broadcasting Board of Governors and the Director of the International Broadcasting Bureau shall continue to have the responsibilities set forth in title III of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 (22 U.S.C. 6201 et seq.), except that, as further set forth in chapter 3 of this title, references in that Act to the United States Information Agency shall be deemed to refer to the Department of State, and references in that Act to the Director of the United States Information Agency shall be deemed to refer to the Under Secretary of the State for Public Diplomacy."

SMITH OF OREGON (AND OTHERS) AMENDMENT NO. 396

Mr. SMITH of Oregon (for himself, Mr. THOMAS, and Mr. HELMS) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SEC. . SENSE OF THE SENATE ON PERSECUTION OF CHRISTIAN MINORITIES IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) The Senate finds that—

(1) Chinese law requires all religious congregations, including Christian congregations, to "register" with the Bureau of Religious Affairs, and Christian congregations, depending on denominational affiliation, to be monitored by either the "Three Self Patriotic Movement Committee of the Protestant Churches of China," the "Chinese Christian Council," the "Chinese Patriotic Catholic Association," or the "Chinese Catholic Bishops College;"

(2) the manner in which these registration requirements are implemented and enforced allows the government to exercise direct control over all congregations and their religious activities, and also discourages congregants who fear government persecution and harassment on account of their religious beliefs;

(3) in the past several years, unofficial Protestant and Catholic communities have been targeted by the Chinese government in an effort to force all churches to register with the government or face forced dissolution;

(4) this campaign has resulted in the beating and harassment of congregants by Chinese public security forces, the closure of churches, and numerous arrests, fines, and criminal and administrative sentences. For example, as reported by credible American and multinational nongovernmental organizations,

—in February 1995, 500 to 600 evangelical Christians from Jiangsu and Zhejiang Provinces met in Huaian, Jiangsu Province. Public Security Bureau personnel broke up the meeting, beat several participants, imprisoned several of the organizers, and levied severe fines on others;

—in April 1996 government authorities in Shanghai closed more than 300 home churches or meeting places;

—from January through May, 1996, security forces fanned out through northern Hebei Province, a Catholic stronghold, in order to prevent an annual attendance at a major Marian shrine by arresting clergy and lay Catholics and confining prospective attendees to their villages.

—a communist party document dated November 20, 1996 entitled "The Legal Procedures for Implementing the Eradication of the Illegal Activities of the Underground Catholic Church" details steps for eliminating the Catholic movement in Chongren, Xian, Fuzhou and Jiangxi Provinces and accuses believers of "seriously disturbing the social order and affecting [the] political stability" of the country; and

—in March 1997, public security officials raided the home of the "underground" Bishop of Shanghai, confiscating religious articles and $2,500 belonging to the church;

(b) It is, therefore, the sense of the Senate that—

(1) the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of the official churches, and cease prosecuting or detaining those who participate in such religious activities;

(2) the government of the People's Republic of China be urged to abolish its present church registration process;

(3) the government of the People's Republic of China fully adhere to the religious principles protected by the U.N. Universal Declaration of Human Rights; and

(4) the Administration should raise the United States' concerns over the persecution of Protestant and Catholic believers with the government of the People's Republic of China, including at the proposed state visit by President Jiang Zemin to the United States, and at other high-level meetings which may take place.

HUTCHISON AMENDMENT NO. 397

Mrs. HUTCHISON proposed an amendment to the bill, S. 903, supra; as follows:

At the end of title XVI, add the following (and conform the table of contents accordingly:)

SEC. . SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) The West's victory in the Cold War dramatically changed the political and national security landscape in Europe;

(2) The unity, resolve, and strength of the North Atlantic Treaty Organization was the principal factor behind that victory;

(3) The North Atlantic Treaty was signed in April 1949 and created the most successful defense alliance in history;

(4) The President of the United States and leaders of other NATO countries have indicated their intention to enlarge alliance membership to include at least three new countries;

(5) The Senate expressed its approval of the enlargement process by voting 81–16 in favor of the NATO Enlargement Facilitation Act of 1996.

(6) The United States is bound by Article Five of the North Atlantic Treaty to respond to an attack on any NATO member as it would to an attack on the United States itself;

(7) Although the prospect of NATO membership has provided the impetus for several countries to resolve long standing disputes, the North Atlantic Treaty does not provide for a formal dispute resolution process by which members can resolve differences among themselves without undermining Article Five obligations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the North Atlantic Treaty Organization should consider a formal dispute resolution process within the Alliance prior to its December 1997 ministerial meeting.

MURKOWSKI AMENDMENT NO. 398

Mr. MURKOWSKI proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . COORDINATOR FOR TAIWAN AFFAIRS.

(a) IN GENERAL.—Section 6 of the Taiwan Relations Act (22 U.S.C. 3305) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) There shall be in the Department of State a Coordinator for Taiwan Affairs who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Coordinator shall be responsible to the Secretary of State, under the direction of the President, for the coordination of all activities of the United States Government that relate to the American Institute on Taiwan.".

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Coordinator for Taiwan Affairs.".

HELMS (AND BIDEN) AMENDMENT NO. 399

Mr. HELMS (for himself and Mr. BIDEN) proposed an amendment to the bill, S. 903, supra; as follows:

On page 108, line 8, before the word "Director", insert the words "Attorney General and the".

On page 137, line 11, after the word "the", insert "United States Head of Delegation to the".

On page 137, line 12, strike "a resolution" and insert "resolutions".

On page 137, line 13, add after "Nations" the words "and the OSCE".

On page 77, strike line 24; and

On page 78, strike lines 3–4.

On page 185, strike lines 24 and 25, and on page 186, strike lines 1–6, and redsignate sections (B) and (C) of section 2211(8), as (A) and (B), respectively.

On page 23, beginning on line 19, strike "United" and all that follows through "1997" on line 20 and insert "Foreign Affairs Agencies Consolidation Act of 1997".

On page 26, line 13, insert "and" after the semicolon.

On page 47, line 11, strike "agency" and insert "Agency".

On page 63, line 23, strike "Act" and insert "title".

On page 70, line 22, strike "Act" and insert "title".

On page 71, line 1, strike "Act" and insert "title".

On page 72, line 5, strike "Act" and insert "title".

On page 74, line 11, strike "Act" and insert "title".

On page 77, line 2, strike "Act" and insert "title".

On page 86, line 6, insert "OF" after "JUDICIAL REVIEW".

On page 100, line 5, strike "(a) GRANT AUTHORITY.—".

On page 102, line 6, insert double quotation marks immediately before "(1)".

On page 102, line 8, insert double quotation marks immediately before "(2)".

On page 102, line 10, insert double quotation marks immediately before "(A)".

On page 102, line 13, insert double quotation marks immediately before "(B)".

On page 102, line 17, insert double quotation marks immediately before "(3)".

On page 113, line 19, strike "and" and insert "or".

On page 122, line 13, strike "+".

On page 156, line 18, strike "United Nations led" and insert "United Nations-led".

On page 178, line 10, strike "peacekeeping operation" and insert "United Nations peace operation".

On page 197, line 18, strike "chapter" and insert "title".

On page 198, line 8, strike "chapter" and insert "title".

Redesignate sections 1141 through 1151 as sections 1131 through 1141, respectively.

Redesignate sections 1161 through 1166 as sections 1151 through 1156, respectively

MURKOWSKI (AND ROCKEFELLER) AMENDMENT NO. 400–401

Mr. HELMS (for Mr. MURKOWSKI, for himself and Mr. ROCKEFELLER) proposed an amendment to the bill, S. 903, supra; as follows:

After appropriate place in the bill, insert the following:

AMENDMENT NO. 400

SEC. . JAPAN-UNITED STATES FRIENDSHIP COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4) is amended by striking "needed, except" and all that follows through "United States" and inserting "needed".

(2) The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: "Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.".

(b) REVISION OF NAME OF COMMISSION.—

(1) The Japan-United States Friendship Commission is hereby designated as the "United States-Japan Commission". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be deemed to be a reference to the United States-Japan Commission.

(2) The Japan-United States Friendship Act (22 U.S.C. 2901 et seq.) is amended by striking "Japan-United States Friendship Commission" each place it appears and inserting "United States-Japan Commission".

(3) The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

"UNITED STATES-JAPAN COMMISSION".

(c) REVISION OF NAME OF TRUST FUND.—

(1) The Japan-United States Friendship Trust Fund is hereby designated as the "United States-Japan Trust Fund". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be deemed to be a reference to the United States-Japan Trust Fund.

(2)(A) Subsection (a) of section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

(B) The section heading of that section is amended to read as follows:

"UNITED STATES-JAPAN TRUST FUND".

AMENDMENT NO. 401

On page 118, between line 16 and 17, insert the following:

SEC. 1215. SENSE OF THE SENATE ON USE OF FUNDS IN JAPAN-UNITED STATES FRIENDSHIP TRUST FUND.

(a) FINDINGS.—The Senate makes the following findings:

(1) The funds used to create the Japan-United States Friendship Trust Fund established under section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) originated from payments by the Government of Japan to the Government of the United States.

(2) Among other things, amounts in the Fund were intended to be used for cultural and educational exchanges and scholarly research.

(3) The Japan-United States Friendship Commission was created to manage the Fund and to fulfill a mandate agreed upon by the Government of Japan and the Government of the United States.

(4) The statute establishing the Commission includes provisions which make the availability of funds in the Fund contingent upon appropriations of such funds.

(5) These provisions impair the operations of the Commission and hinder it from fulfilling its mandate in a satisfactory manner.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Japan-United States Friendship Commission shall be able to use amounts in the Japan-United States Friendship Trust Fund in pursuit of the original mandate of the Commission; and

(2) the Office of Management and Budget should—

(A) review the statute establishing the Commission; and

(B) submit to Congress a report on whether or not modifications to the statute are required in order to permit the Commission to pursue fully its original mandate and to use amounts in the Fund as contemplated at the time of the establishment of the Fund.

GRAHAM (AND MCCAIN) AMENDMENT NO. 402

Mr. HELMS (for Mr. GRAHAM for himself and Mr. MCCAIN) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place, insert the following:

SEC. . AVIATION SAFETY.

It is the sense of Congress that the need for cooperative efforts in transportation and aviation safety be placed on the agenda for the Summit of the Americas to be held in Santiago, Chile, in March 1998. Since April 1996, when ministers and transportation officials from 23 countries in the Western Hemisphere met in Santiago, Chile, in order to develop the Hemispheric Transportation Initiative, aviation safety and transportation standardization has become an increasingly important issue. The adoption of comprehensive Hemisphere-wide measures to enhance transportation safety, including standards for equipment, infrastructure, and operations as well as harmonization of regulations relating to equipment, operations, and transportation safety are imperative. This initiative will increase the efficiency and safety of the current system and consequently facilitate trade.

ABRAHAM AMENDMENT NO. 403

Mr. HELMS (for Mr. ABRAHAM) proposed an amendment to the bill, S. 903, supra; as follows:

At the end of title XVI of division B, add the following:

SEC. . SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) As the world's leading democracy, the United States cannot ignore the Government of the People's Republic of China's record on human rights and religious persecution.

(2) According to Amnesty International, "A fifth of the world's people are ruled by a government that treats fundamental human rights with contempt. Human rights violations continue on a massive scale.".

(3) According to Human Rights Watch/Asia reported that: "Unofficial Christian and Catholic communities were targeted by the government during 1996. A renewed campaign aimed at forcing all churches to register or face dissolution, resulted in beating and harassment of congregants, closure of churches, and numerous arrests, fines, and sentences. In Shanghai, for example, more than 300 house churches or meeting points were closed down by the security authorities in April alone.".

(4) The People's Republic of China's compulsory family planning policies include forced abortions.

(5) China's attempts to intimidate Taiwan and the activities of its military, the People's Liberation Army, both in the United States and abroad, are of major concern.

(6) The Chinese government has threatened international stability through its weapons sales to regimes, including Iran and Iraq, that sponsor terrorism and pose a direct threat to American military personnel and interests.

(7) The efforts of two Chinese companies, the China North Industries Group (NORINCO) and the China Poly Group (POLY), deserve special rebuke for their involvement in the sale of AK–47 machine guns to California street gangs.

(8) Allegations of the Chinese government's involvement in our political system may involve both civil and criminal violations of our laws.

(9) The Senate is concerned that China may violate the 1984 Sino-British Joint Declaration transferring Hong Kong from British to Chinese rule by limiting political and economic freedom in Hong Kong.

(10) The Senate strongly believes time has come to take steps that would signal to Chinese leaders that religious persecution, human rights abuses, forced abortions, military threats and weapons proliferation, and attempts to influence American elections are unacceptable to the American people.

(11) The United States should signal its disapproval of Chinese government actions through targeted sanctions, while at the same time encouraging worthwhile economic and cultural exchanges that can lead to positive change in China.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should—

(1) limit the granting of United States visas to Chinese government offices who work in entities the implementation of China's laws and directives on religious practices and coercive family planning, and those officials materially involved in the massacre of Chinese students in Tiananmen square;

(2) limit United States taxpayer subsidies for the Chinese government through multilateral development institutions such as the World Bank, Asian Development Bank, and the International Monetary Fund;

(3) publish a list of all companies owned in part or wholly by the People's Liberation Army (PLA) of the Chinese government who export to, or have an office in, the United States;

(4) consider imposing targeted sanctions on NORINCO and POLY by not allowing them

to export to, nor to maintain a physical presence in, the United States for a period of one year; and

(5) promote democratic values in China by increasing United States Government funding of Radio Free Asia, the National Endowment for Democracy's programs in China and existing student, cultural, and legislative exchange programs between the United States and the People's Republic of China.

FEINSTEIN AMENDMENT NO. 404

Mr. HELMS (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place insert the following:

(a) FINDINGS.—

(1) The establishment of the rule of law is a necessary prerequisite for the success of democratic governance and the respect for human rights.

(2) In recent years efforts by the United States and U.S.-based organizations, including the National Endowment for Democracy, have been integral to legal training and the promotion of the rule of law in China drawing upon both western and Chinese experience and tradition.

(3) The National Endowment for Democracy has already begun to work on these issues, including funding a project to enable independent scholars in China to conduct research on constitutional reform issues and the Hong Kong-China Law Database Network.

(b) SENSE OF THE SENATE.—In is the Sense of the Senate to encourage the National Endowment for Democracy to expand its activities in China and Hong Kong, on projects which encourage the rule of law, including the study and dissemination of information on comparative constitutions, federalism, civil codes of law, civil and penal code reform, legal education, freedom of the press, and contracts.

D'AMATO AMENDMENT NO. 405

Mr. HELMS (for Mr. D'AMATO) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place insert the following:

SEC. . CONCERNING THE PALESTINIAN AUTHORITY.

(a) Congress finds that—

(1) The Palestinian Authority Justice Minister Freih Abo Medein announced in April 1997 that anyone selling land to Jews was committing a crime punishable by death;

(2) Since this announcement, three Palestinians were allegedly murdered in the Jerusalem and Ramallah areas for, selling real estate to Jews;

(3) Israeli police managed to foil the attempted abduction of a fourth person;

(4) Israeli security services have acquired evidence indicating that the intelligence services of the Palestinian Authority were directly involved in at least two of these murders;

(5) Subsequent statements by high-ranking Palestinian Authority officials have justified * * * murders, further encouraging this intolerable policy;

(b) It is the Sense of the Congress that—

(1) The Secretary of State should thoroughly investigate the Palestinian Authority's role in any killings connected with this policy and should immediately report its findings to the Congress;

(2) The Palestinian Authority, with Yasser Arafat as its chairman, must immediately issue a public and unequivocal statement denouncing these acts and reversing this policy.

(3) This policy is an affront to all those who place high value on peace and basic human rights; and

(4) The United States should review the provision of assistance to the Palestinian Authority in light of this policy.

HOLLINGS (AND MURRAY) AMENDMENT NO. 406

Mr. HELMS (for Mr. HOLLINGS, for himself and Mrs. MURRAY) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the amounts authorized to be appropriated pursuant to section 1101 in this Act, up to $90,000,000 are authorized to be appropriated for the renovation, acquisition and construction of housing and secure diplomatic facilities at the United States Embassy Beijing and the United States Consulate in Shanghai, People's Republic of China.

FEINGOLD AMENDMENT NO. 407

Mr. HELMS (for Mr. FEINGOLD) proposed an amendment to the bill, S. 903, surpra; as follows:

On page 20, beginning on line 4, strike all through page 24, line 8, and insert the following:

(1) in paragraph (1), by striking "the United States Information Agency" and inserting "the Broadcasting Board of Governors"; and

(2) in paragraph (2), by striking "the United States Information Agency," and inserting "the Broadcasting Board of Governors,".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States code, is amended—

(1) by striking the following:

"Inspector General, United States Information Agency."; and

(2) by inserting the following:

"Inspector General, Broadcasting Board of Governors.".

(d) AMENDMENTS TO PUBLIC LAW 103-236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking "Inspector General of the United States Information Agency" each place it appears and inserting "Inspector General of the Broadcasting Board of Governors"; and

(2) by striking "the Director of the United States Information Agency,".

(e) TRANSFER OF FUNCTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), there are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

(2) TRANSFER TO INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There are transferred to the Inspector General of the Broadcasting Board of Governors the functions (including related functions) that the Office of Inspector General of the United States Information Agency exercised with respect to the International Broadcasting Bureau, Voice of America, WORLDNET TV and Film Service, the office of Cuba Broadcasting, and RFE/RL, Incorporated, before the effective date of this title.

(f) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The Director of the Office of Management and Budget, in consultation with the Secretary of State, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section.

SEC. 315. INTERIM TRANSFER OF FUNCTIONS.

(a) INTERIM TRANSFER.—Except as otherwise provided in this division, there are transferred to the Secretary of State the following functions of the United States Information Agency exercised as of the day before the effective date of this section:

(1) The functions exercised by the Office of Public Liaison of the Agency.

(2) The functions exercised by the Office of Congressional and Intergovernmental Affairs of the Agency.

(b) EFFECTIVE DATE.—This section shall take effect on the earlier of—

(1) October 1, 1998, or

(2) the date of the proposed transfer of functions described in this section pursuant to the reorganization plan described in section 601.

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

SEC. 322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

"(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

"(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

"(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of the Foreign Affairs Agencies Consolidation Act of 1997 and holding office as of that date shall serve the remainder of their terms of office without reappointment.

"(3) ESTABLISHMENT OF INSPECTOR GENERAL OF BROADCASTING BOARD OF GOVERNORS.—There shall be established an Inspector General of the Broadcasting Board of Governors.

"(4) INSPECTOR GENERAL AUTHORITIES.—The Inspector General of the Broadcasting Board of Governors shall exercise the same authorities with respect to the Broadcasting Board of Governors as the Inspector General of the Department of State and the Foreign Service exercises under section 209 of the Foreign Service Act of 1980 with respect to the Department of State. The Inspector General of the Broadcasting Board of Governors, in carrying out the functions of the Inspector General, shall respect the professional independence and integrity of all the broadcasters covered by this title.".

GRAMS (AND WELLSTONE) AMENDMENT NO. 408

Mr. HELMS (for Mr. GRAMS, for himself and Mr. WELLSTONE) proposed an amendment to the bill, S. 903, supra; as follows:

At the end of section 2101(a) of the bill, insert the following: "Of the funds made available under this subsection $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.".

MCCAIN AMENDMENT NO. 409

Mr. HELMS (for Mr. MCCAIN) proposed an amendment to the bill, S. 903, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and

(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED.—

"(1) IN GENERAL.—An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

COVERDELL (AND KERRY) AMENDMENT NO. 410

Mr. HELMS (for Mr. COVERDELL, for himself and Mr. KERRY) proposed an amendment to the bill, S. 903, supra; as follows:

On page 89, between lines 9 and 10, insert the following:

SEC. 1128. COUNTERDRUG AND ANTI-CRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy, the development of clear, specific, and measurable counterdrug objectives of the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific, and to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy and works to achieve the objectives; and

(F) ensure that all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conform to meet the objectives.

(3) REPORTS.—Not later than February 15 each year, the Secretary shall submit to Congress an update of the strategy submitted under paragraph (1). The update shall include an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2).

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTI-CRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every foreign mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—The chief of mission of every foreign mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug programs, policy, and assistance and law enforcement programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every foreign mission shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at foreign missions in order to carry out the responsibility set forth in paragraph (1).

FEINSTEIN (AND SARBANES) AMENDMENT NO. 411

Mr. HELMS (for Mrs. FEINSTEIN, for herself and Mr. SARBANES) proposed an amendment to the bill, S. 903, supra; as follows:

On line 17 on page 110, delete "knowingly assists or has" and insert in lieu thereof: "is known by the Department of State to have intentionally".

On line 20 on page 110, delete "is providing or has provided" and insert in lieu thereof: "is known by the Department of State to have intentionally providing".

At the end of line 3 on page 111 insert the following: "as designated at the discretion of the Secretary of State,".

On line 7 on page 111 before the period, insert the following: ", and such person and child are permitted to return to the United States. Nothing in clauses (i) or (ii) of this section shall be deemed to apply to a government official of the United States who is acting within the scope of his or her official duties. Nothing in clause (i) or (ii) of this section shall be deemed to apply to a government official of any foreign government if such person has been designated by the Secretary of State at the Secretary's discretion".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs and the House Committee on Resources will

meet on Wednesday, June 18, 1997, at 10:30 a.m. to conduct a joint hearing on S. 569/H.R. 1082, to amend the Indian Child Welfare Act of 1978. The joint hearing will be held in room 106 of the Dirksen Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The hearing will take place Thursday, July 3, 1997 at 9:30 a.m. in the Ceremonial Courtroom #1 of the Federal Courthouse, 200 NW 4th Street, Oklahoma City, OK 73102. The purpose of this hearing is to receive testimony on S. 871, a bill to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.

The Subcommittee will invite witnesses representing a cross-section of views and organizations to testify at the hearing. Every attempt will be made to accommodate as many witnesses as possible, while ensuring that all views are represented.

Witnesses invited to testify are requested to bring 10 copies of their testimony with them to the hearing, it is not necessary to submit any testimony in advance. Statements may also be submitted for inclusion in the hearing record. Those wishing to submit written testimony should send two copies of their testimony to the attention of Jim O'Toole, Subcommittee on National Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, United States Senate, 354 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 17, 1997, at 9:30 a.m. on the Committee Budget Reconciliation Instructions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, June 17, 1997 beginning at 10:00 a.m. in room SH–216, to conduct a markup on budget reconciliation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HELMS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, June 17, at 10 a.m. for a markup on the following agenda items:

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, June 17, 1997 at 10:00 a.m. to hold a hearing on: "Baseball Antitrust Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Public Health and Safety be authorized to meet for a Hearing on "Ethics and Theology: A Continuation of the National Discussion on Human Cloning" during the session of the Senate on Tuesday, June 17, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS/FOREIGN COMMERCE AND TOURISM

Mr. HELMS. Mr. President, I ask unanimous consent that the Consumer Affairs/Foreign Commerce and Tourism Subcommittee of the Committee on Commerce, Science and Transportation be authorized to meet on Tuesday, June 17, 1997, at 2:30 p.m. on Liability Reform for Charitable Organizations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING OPPORTUNITY AND COMMUNITY DEVELOPMENT

Mr. HELMS. Mr. President, I ask unanimous consent that the Subcommittee on Housing Opportunities and Community Development, of the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, June 17, 1997, to conduct a hearing on S. 513, the Multifamily Assisted Housing Reform and Affordability Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DECLARATION BY THE TRUST FOR THE FUTURE OF THE U.S. SENATE

• Mr. THOMPSON. Mr. President, it gives me great pleasure to submit this declaration by the Trust for the Future to the U.S. Senate to honor the work of the trust and its founder and president, Charles A. Howell III:

Be it known by all present, that, from this day forward, the last Sunday of June is to be known as Descendants Day. Henceforth, this shall be the day in each year when all the world's citizens assess the impact of their activities during the preceding year on their neighbors and their descendants across time.

Be it further proclaimed, that the ultimate goal of this endeavor is to reach the day when we can celebrate a year in which the consequences of our activities had no measurable negative impact on our neighbors or our descendants and instead see clearly that the impact of our actions on posterity is decidedly beneficial and sustainable.

Each generation of Americans has an unspoken bond and commitment with the previous and next generations to leave the world better than we found it. In many ways, today we are not keeping that commitment. We aspire to encourage others around the world to join in this yearly celebration of courageous accountability in the sure knowledge that we will be followed by billions of persons who will either condemn us or praise us for efforts we may or may not expend on their behalf.

On this the Seventeenth Day of the Sixth Month in the Year of our Lord One Thousand Nine Hundred and Ninety-Seven, we affirm our desire to pursue this course with all diligence.•

RETIREMENT TRIBUTE TO JIMMIE RUTH JOHNSON

• Mr. KOHL. Mr. President, I rise today to commemorate the retirement of Mrs. Jimmie Johnson. Mrs. Johnson retires after 36 years of dedicated service to Milwaukee Public Schools. I want to take this opportunity to acknowledge her hard work and commitment to the students of Milwaukee.

Throughout her 36 years as an education professional, she has earned the respect and admiration of her students and colleagues by upholding educational standards, while maintaining a loving and caring relationship with all who encountered her. She is known to her coworkers and students as a counselor, a problem solver, and consummate friend.

As socioeconomic and family issues changed over the years for the students within the school system, she maintained the same love for making a difference. Her dedication shines through in her desire to feed, clothe, and counsel her students.

Her commitment to education transcended the school system, as she taught Sunday school faithfully for more than 25 years. She also taught vacation Bible school out of her home to the children in her neighborhood. This same commitment is also exemplified by her ability to obtain a masters degree in education, while working fulltime and raising a family.

A success not only in the classroom, but in her personal life as well—Mrs. Johnson is a devout Christian who lends her time to the development of

other Christians. She is also the faithful wife to Oscar Sr., a world class mother to Oscar Jr. and Derrick, and a loving grandmother to Janae and Dilona. Throughout the process of fulfilling these responsibilities, she has managed to balance her professional career with her family life. Her kind spirit has made her the unofficial adopted mother of countless peers, acquaintances and extended family members.

Mrs. Jimmie Ruth Johnson has left a mark on the countless students that she has taught and deserves this recognition. She has played an integral part of the development of excellence through educating the city of Milwaukee's youth with optimism, patience and love.●

CONGRATULATING THE STUDENTS OF GORHAM HIGH SCHOOL

● Mr. GREGG. Mr. President, I would like to congratulate the students of Gorham High School of Gorham, NH, who participated in the "We the People . . . The Citizen and the Constitution" national finals. I commend these exceptional young people in their impressive performance against 50 other classes from around the Nation. These students demonstrated great knowledge of the principles of American constitutional development.

The distinguished members of the team representing New Hampshire are: David Arsenault, Jan Bindas-Tenney, Melissa Borowski, Alyssa Breton, Mike Burrill, Kevin Carpenter, Todd Davis, Rebecca Evans, Brad Fillion, Cyndy Gibson, Patrick Gilligan, Sean Griffith, Reid Hartman, Sarah King, Michelle Leveille, Monica McKenzie, Ashley Thompson, Michael Toth, Julie Washburn, Tuuli Winter, and Melanie Wolf. I also would like to recognize their teacher Mike Brosnan, their district coordinator Ray Kneeland, and their State coordinator Holly Belson. These three people dedicated much time and effort to help the team make it to the national finals.

This competition, which is organized by the Center for Civic Education, attracts over 1,200 students and tests their comprehension of the Constitution and Bill of Rights. Also, the students must be able to relate these ideals to contemporary issues before simulated congressional committees composed of constitutional lawyers, journalists, and scholars. The students of Gorham did an exceptional job demonstrating all of these important skills. Their dedication to our Nation's founding ideals is impressive and should serve as an example to any young person who is interested in the U.S. Government and its laws.

The "We the People . . . The Citizen and the Constitution" Program provides an excellent educational experience for students. These young people gain extensive knowledge of the Constitution and the active role it plays in all of our lives. I wish the best of luck to the students of Gorham High School in their future endeavors.●

STEVEN J. SHIMBERG'S DEPARTURE

● Mr. MOYNIHAN. Mr. President, this Friday, June 20, marks the last day Steven J. Shimberg will work here in the Senate as staff director and chief counsel of the Committee on Environment and Public Works. Next month, he will begin a new career with the National Wildlife Federation.

Steve Shimberg is a New York native and a magna cum laude graduate of the State University of New York at Buffalo. Upon graduating from Duke University School of Law, Steve spent 3 years as a trial attorney with the U.S. Department of Justice's Land and Natural Resources Division before joining the staff of the Committee on Environment and Public Works in 1981.

I have been a member of the Committee since I entered the Senate in 1977. I served as the chairman or ranking minority member of the Water Resources Subcommittee from the 96th Congress through the 103d Congress, and I served as full committee chairman from September 1992 through January 1993. So, over the years, I have seen Steve shepherd through the committee enormously complicated and thoroughly bipartisan legislation to protect our natural resources. I can attest to Steve's personableness, his sense of humor and good cheer, his comity, and his utter competence. Consummately professional, always courteous, and always calm.

Environmental policy, to be supportable, must be based on sound science. And so I have argued that the committee needs more scientists and fewer lawyers on the staff. Steve certainly is an exception; he has been indispensable. While I applaud Federation officials for their astuteness in hiring Steve, I lament the loss his departure means to the committee, and to the Senate. We will miss him.

Sir Christopher Wren's tombstone reads, "Lector, si monumentum requiris circumspice." With regard to Steve's work over the past 17 years on the committee, the products are around us all: cleaner air, cleaner water, a greatly redeemed physical and human environment.●

EXPLANATION OF VOTES ON THE NUCLEAR WASTE POLICY ACT

● Mr. ABRAHAM. Mr. President, on Wednesday, April 10, the Senate once again turned to consideration of the Nuclear Waste Policy Act. This legislation, Senate bill 104, is the latest attempt to force action on the long overdue construction of a Federal, spent nuclear waste depository. A centralized waste storage facility must be located soon if the Department of Energy [DOE] is to have any hope of fulfilling its contractual obligation to collect the spent fuel stored at over 100 facilities around the country in the next decade.

Michigan needs the DOE to fulfill this obligation. My State has four nuclear plants: Big Rock in Charlevoix, Fermi in Monroe, Palisades in Southhaven, with 2 reactors, and DC Cook in Southhaven. All four of these plants were designed with some small storage capacity, but a couple of years ago, Palisades ran out of spent fuel pool storage space. The Nuclear Waste Policy Act will mandate the removal and storage of this spent fuel at a safe, central facility.

The first amendment to S. 104 was a Reid amendment stipulating that no waste may be transported through a State without the prior written consent of that State's Governor. In effect, this amendment would have permitted any Governor to block the implementation of the Nuclear Waste Policy Act and impede the safe storage of nuclear waste. I supported, therefore, the tabling motion which passed by a 72 to 24 margin.

The Thompson amendment which was considered next sought to exempt Oak Ridge, TN, from being considered as an interim waste site should the President search for a location other than Yucca Mountain. In general, I do not like the idea of deleting from consideration particular sites without a debate on the matter. This site, however, lies in a geological zone comprised primarily of limestone bedrock that is frequently riven by shallow underground rivers. As such, the risk of contaminated waste leaking into the area's water table is too great for this site to be a reasonable replacement for the Yucca Mountain site. For that reason, I supported the Thompson amendment and it passed on a 60 to 33 vote.

The Bumpers amendment that followed was a sense of the Senate resolution stating that the Department of Energy had an unavoidable delay in its contractual obligations to begin taking possession of spent fuel in 1998. If passed, this resolution could have undermined the current lawsuit which has been filed by Michigan and 34 other States against the DOE for not taking this waste in the agreed to time. For that reason, I opposed this resolution. The great majority of my colleagues agreed with me, and the resolution failed on a 24 to 69 vote.

The next amendment, a Bingaman effort to eliminate the language to exempt Oak Ridge, TN, from consideration as an interim site, failed by a 36 to 56 margin. As I have noted, this site is not a suitable interim storage site, and I voted against the Bingaman measure.

The second Bingaman amendment which was considered sought to eliminate the default provision for designating an interim storage site. The legislation as passed gives the President the authority to declare whether Yucca Mountain is a suitable interim storage site. If the President says it is not, he has 18 months to identify a new interim site. If, however, the President does not designate another facility within that time, then Yucca Mountain becomes the interim site by default. The Bingaman amendment would have changed this. Had it passed, the President could have rejected Yucca Mountain and then simply refused to identify another interim site. The end result would be years of lost time, millions of wasted taxpayer dollars, and a return to the present, untenable situation. I opposed the Bingaman amendment for this reason and supported the motion to table which passed 59 to 39.

The final amendments to be considered were a Domenici amendment and a Murkowski second degree amendment. The bill as written could have been considered to allow a waiver on a budget point of order. The Domenici amendment clarified and reinstated existing law, which does not permit waiving a point of order prospectively.

The Murkowski second degree to the Domenici amendment was a technical fix that capped the annual fee for each civilian nuclear powerplant at 1.0 mill per kilowatt-hour. The original provisions limiting user fees to 1.0 mill per kilowatt-hour were poorly worded. With the budgetary fix provided by the Domenici amendment, this provision was restored.

I supported the Murkowski amendment and it was adopted by a 66 to 32 vote. Shortly after, the Senate passed the Domenici amendment as modified by a voice vote.

Upon the disposition of these amendments, the Senate turned to final passage of the Nuclear Waste Policy Act. Once again, I voted in favor of this important act and was pleased to see it pass by a 65 to 34 margin.•

RACE FOR THE CURE

• Mr. DODD. Mr. President, I rise today to express my admiration for the thousands of Americans who spent last Saturday morning running to help bring attention to breast cancer and to raise money to aid in finding a cure for this terrible disease—the leading cause of death among women ages 35 to 54. In Washington alone, more than 35,000 runners and walkers, including several members of my own staff, joined the Vice President and his wife to raise more than $1 million for breast cancer research in the Race for the Cure. This effort is even more impressive when you consider that this race took place in 77 cities across the country. Since its inception in 1982, the Race for the Cure has raised $45 million and funded 230 grants in basic science and clinical research, as well as education and screening projects. The incredible turnout for this event displays the widespread concern over the devastation of breast cancer.

Every 3 minutes another woman is diagnosed with breast cancer. This year alone, more than 180,000 women will struggle with this disease, and more than 44,000 women will die as a result of it. One in eight women will develop breast cancer within their lifetime, making it likely that every American will be touched in some way by this disease.

Until we find a cure for this disease, it is crucial that we educate women about the importance of early detection. If the cancer can be confined to the breast, the survival rate is 93 percent. Women need to understand the importance of mammograms, monthly breast self-examinations, regular exercise and a low-fat, high fiber diet.

Mammography screening exams are the best early detection system available, and I am pleased to be an original cosponsor of the reauthorization of the Mammography Quality Standards Act. Since it was originally passed in the 102d Congress, this legislation has provided women with safe and reliable mammography services. Through this reauthorization, mammography service providers will be required to retain women's mammography records so that an accurate medical history is maintained. In addition, it will ensure that patients are notified about substandard mammography facilities. It is crucial that we address this need, as early detection is often the key to effective treatment and recovery.

Women who undergo treatment for breast cancer deserve the best and most appropriate care. The Women's Health and Cancer Rights Act of 1997, another bill that I have cosponsored, guarantees that health care providers cover inpatient care for mastectomies, lumpectomies, and lymph node dissection. These procedures can be both physically and psychologically traumatizing, and we must provide these women with the option to have an overnight stay in the hospital after surgery.

This bill would also require HMO's to provide coverage for reconstructive surgery that is necessitated by breast cancer. Currently, this reconstructive surgery may be considered cosmetic, but this categorization is illogical as it ignores the trauma that results from a full mastectomy and other breast cancer related procedures. Last, this bill will guarantee that HMO's cover secondary consultations when any form of cancer has been diagnosed.

I know that my colleagues share my concern with the problem of breast cancer, and I hope that they will support these legislative efforts to help women prevail over this disease.

Again, I wish to commend all those who participated in the Race for the Cure, and I only hope that their efforts move us closer to the Race's noble goal: a true cure for this debilitating illness.•

TRIBUTE TO JOHN J. DEPIERRO

• Mr. D'AMATO. Mr. President, this year John J. DePierro, president and chief executive officer of the Sisters of Charity Health Care System, celebrates a milestone in his career. For 25 years he has served the Sisters of Charity health care efforts on Staten Island in New York City. In so doing, he has given vision to the health care mission of the sisters and has been a pivotal force in insuring the success of the many institutions of human service that comprise the Sisters of Charity Health Care System.

Through St. Vincent's Medical Center of Richmond, a broad array of acute care services are made available to the community including maternal and child care programs, centers of excellence in cardiology and oncology, a broad array of psychiatric and addiction services and an active emergency medicine program.

Through Bayley Seton Hospital which was the former Public Health Service Hospital which Mr. DePierro played a key role in providing for its transition to community service working closely with me, a strong range of outpatient services together with inpatient programs with specific emphasis on the centers of excellence of dermatology and ophthalmology are available to the community. As with St. Vincent's, there is an effective emergency medicine program to meet the needs of the surrounding community.

Bayley Seton has also, working closely with me, forged a productive relationship with the Department of Defense to provide military health care as a uniformed services treatment facility.

In 1994, St. Elizabeth Ann's Health Care and Rehabilitation Center became a reality and through it a range of chronic, subacute and rehabilitative services were provided for the community of Staten Island. Special populations that are served include persons with AIDS as well as ventilator-dependent patients.

The system also has concerned itself with insuring a continuum of community-based services. Pax Christi Hospice, a home-based hospice program, has served the needs of Staten Islanders since 1988 and the Sisters of Charity Home Health Care Program meets their posthospital needs.

To Mr. DePierro's abiding credit, he has also concerned himself with other human needs of the community of Staten Island. Through his commitment, three senior housing programs have been developed to provide over 225

residential units of housing for seniors. He is also seeing to the needs of the employees of the system with the development of the Sister Elizabeth Boyle Child Learning Center which provides day care services for both the staff of the corporations of the system, let alone the community.

It is rare in the context of health care today to see an individual have such long and illustrious tenure in an institution. This is made all the more unique by the strength that has been created in the vertically integrated health care delivery system that is the Sisters of Charity.

Mr. DePierro's background speaks to his capacity as a hospital administrator and health care leader. A graduate of St. Peter's College with a master's in business administration majoring in hospital administration from George Washington University, he completed a residency in hospital administration at Bellevue Hospital Center. He is a fellow of the American College of Health Care Executives, a member of the American Hospital Association, the American Public Health Association and the Public Health Association of New York City.

He has served as a regent for New York State for the American College of Health Care Executives. He has lent his significant leadership to the professional associations of the industry including serving as a member of the board of governors of the Greater New York Hospital Association of which he is also past chairman as well as a member of the board of the Healthcare Association of New York State of which he is also a past chairman. He has been a delegate to the regional advisory board II of the American Hospital Association and currently serves as chairperson of the hospital advisory council of the Catholic Health Care Network of the Archdiocese of New York.

Mr. DePierro, despite the heavy demands on his professional responsibilities, makes time to serve on the board of the Seton Foundation for Learning which provides educational programs in the Catholic tradition for special children. He is also a past president of the foundation.

A man committed to his family, he and his wife, Jeanne, are the proud parents of four children and delight in their six grandchildren—soon to be seven.

All of this, Mr. President, gives testimony to the capacity of a single individual motivated and concerned about the needs of others to work effectively over the course of time to insure that those needs are provided for effectively and good works are accomplished by harnessing the involvement of others and by personal example.

I am proud of the strong relationship that I have enjoyed with the Sisters of Charity Health Care System over the years and the opportunities that I have had to work with Mr. DePierro in the transition of Bayley Seton Hospital, the provision of military health care and the development of housing programs.

I know of his forthright commitment and his unquestioned integrity in his dealings will all. These traits are exemplary of the pattern of care of the Sisters of Charity on Staten Island.

I join with Mr. DePierro's countless friends and associates in wishing him professional and personal success in the years ahead. I trust too Mr. President that knowing of John's fondness for golf, that his handicap will be reduced in inverse ratio to his years of service with the Sisters of Charity and his hole-in-one shot in Aruba was only the first of many.

I share the prayer of those who are honoring John at a celebration on Staten Island on Tuesday, July 1, that he shall continue to be blessed with good health and a steadfast concern for others.•

HONORING THE DETROIT RED WINGS

• Mr. LEVIN. Mr. President, I rise today to ask my colleagues to join me in saluting the 1997 Stanley Cup Champion Detroit Red Wings. After 42 years of frustration and near misses, on Saturday night a week ago the Red Wings completed a 4–0 sweep of the powerful Philadelphia Flyers and brought the most coveted trophy in professional sports back to the city known by hockey fans across North America as ''Hockeytown.''

My wife, Barbara, and I had one of the most thrilling experiences of our lives when we were able to attend the game. Our daughter, Erica, came within a whisker of coming to Detroit from New York but ended up glued to her TV instead, with our daughter, Laura, 800 miles away. With our daughter, Kate, watching in Ann Arbor, the family was together, electronically watching history in the making. The outpouring of positive emotion after the game was almost as memorable as the game itself! The long drought was finally over and Detroit's fans poured forth into the streets all across Michigan to whoop it up.

The Detroit Red Wings are one of the most successful teams in hockey history. An ''Original Six'' franchise, today's team is rooted in the tradition of hockey legends like Sid Abel, Ted Lindsay, Terry Sawchuck, and the greatest player ever to lace up skates, Gordie Howe. Their numbers have been retired and hang on banners from the rafters of Joe Louis Arena, reminding today's players and fans of glory years past.

The 1996–97 Red Wings won the Stanley Cup because of an organizationwide commitment to excellence. That commitment begins at the top with team owners Mike and Marian Ilitch, and is matched only by their dedication to the city of Detroit. When Mike and Marian purchased the team 15 years ago, the Wings regularly missed the playoffs and gave away a car at each home game to put fans in the seats. Their perseverance, dedication to winning and commitment to the city of Detroit have paid off with their Stanley Cup triumph.

The Red Wings' tremendous victory was truly a team effort, but a few individuals deserve a special mention. Coach Scotty Bowman won his seventh Stanley Cup, and became the first coach in NHL history to win the cup with three teams. Mike Vernon, the Red Wings' veteran goalie, earned the Conn Smythe trophy as the most valuable player in the playoffs with his stellar netminding. But this victory may mean the most to Red Wings Captain Steve Yzerman, one of the classiest professional athletes one could ever meet. Steve was drafted 14 years ago and was named team captain 11 years ago, making him the longest serving captain with the same team in the NHL. He has carried his team, and the often weighty hopes of Red Wings fans, on his shoulders with dignity and grace. My congratulations go to Mike and Marian Ilitch, Scotty Bowman, Mike Vernon, Steve Yzerman, Jimmy Devellano; and players Doug Brown, Mathieu Dandenault, Kris Draper, Sergei Fedorov, Viacheslav Fetisov, Kevin Hodson, Tomas Holmstrom, Mike Knuble, Joey Kocur, Vladimir Konstantinov, Vyacheslav Kozlov, Martin LaPointe, Igor Larionov, Nicklas Lidstrom, Kirk Maltby, Darren McCarty, Larry Murphy, Chris Osgood, Jamie Pushor, Bob Rouse, Tomas Sandstrom, Brendan Shanahan, Tim Taylor and Aaron Ward.

I would like to extend my congratulations as well to the Philadelphia Flyers for a well-played series. Their strength and power gave the Red Wings a tough battle.

Last Friday, after a week of celebration which saw 1 million people fill Hart Plaza and Woodward Avenue for the Red Wings' victory parade, Hockeytown met with tragedy as three members of the team were involved in a limousine accident. Two of the Wings' famous ''Russian Five,'' Vladimir Konstantinov and Slava Fetisov, as well as the team's masseur, Sergei Mnatsakanov, were seriously injured. Today, Vladimir and Sergei are each in a coma with critical head injuries. Slava, thankfully, is listed in good condition with chest injuries. Vladimir, a finalist for the Norris Trophy as the National Hockey League's top defenseman, and Slava, a 39-year-old known to his teammates as ''Papa Bear,'' are fan favorites around the league. Hockey fans in the Detroit area and across North America are praying for the full recovery of all three men.

Mr. President, the Detroit Red Wings showed people around the world what it takes to be a champion. I know my colleagues will join me in extending the congratulations of the entire U.S. Senate to the 1997 Stanley Cup Champion Detroit Red Wings and also send our hopes and prayers for the full recovery of all those injured last Friday night.●

CORRECTIONS TO STATEMENT OF MANAGERS ACCOMPANYING CONFERENCE REPORT ON FISCAL YEAR 1998 BUDGET RESOLUTION

● Mr. DOMENICI. Mr. President, I ask that the following errata sheet correcting minor errors that occurred in the printing of the Joint Explanatory Statement of the Committee of Conference printed in the CONGRESSIONAL RECORD at this point. Further, I would like to draw the attention of my colleagues to the printing error in the table which shows the section 302 allocation (5-year total) for the Committee on Governmental Affairs on page 148. In order to avoid the costs of a Star Print, the correct number is included on the errata sheet and that is the level which will be used for the purpose of determining Budget Act violations.

The material follows:

CORRECTIONS

In the report:

On page 57, for the 1998 Budget Resolution Conference Agreement Function Totals, the off-budget budget authority for Undistributed Offsetting Receipts for the year 2000 should read "−9.1".

On page 58, for the 1998 Budget Resolution Conference Agreement Function Totals, the off-budget outlays for Undistributed Offsetting Receipts for the year 2000 should read "−9.1".

On page 58, for the 1998 Budget Resolution Conference Agreement Function Totals, total budget authority for Undistributed Offsetting Receipts for the year 2001 should read "−50.1".

On page 58, for the 1998 Budget Resolution Conference Agreement Function Totals, total outlays for Undistributed Offsetting Receipts for the year 2001 should read "−50.1".

On page 107, under section 203 of the Senate amendment, the following text: "The agreement creates an allowance of $9.2 billion in budget authority with an associated, but unspecified, amount of outlays to be released by the Budget committees when the Appropriations committees report bills that provide for renewal of Section 8 housing assistance contracts that expire in 1998. The conference agreement assumes that the amount of the allowance to be released (estimated to be $3.436 billion for outlays) will not be reduced to the extent that the appropriations and authorizing committees produce Section 8 savings that were proposed in the President's 1998 budget." should be placed on page 108 under section 203 of the Conference agreement.

On page 148, for the Senate Committee Budget Authority and Outlay Allocations Pursuant to Section 302 of the Congressional Budget Act 5-Year Total: 1998–2002, entitlements funded in annual appropriations, the outlays for Governmental Affairs should read "33".●

VICTIMS' RIGHTS CLARIFICATION ACT OF 1997

Mr. ABRAHAM. Mr. President, I want to thank my colleague Senator NICKLES for introducing the Victims' Rights Clarification Act of 1997. I believe this important legislation will help victims of crime exercise their deserved rights.

The 104th Congress did much to ensure that victims are no longer casualties of a skewed justice system where their voices are often ignored. This year, we are picking up where we left off in standing up for the innocent. I am proud to join several of my colleagues in cosponsoring this legislation.

The purpose of the Victims' Rights Clarification Act of 1997 is really quite simple. This act will guarantee that victims of crime may be present at public court proceedings, barring their presence will not be a detriment to his or her testimony. Frankly, I am disheartened it takes an act of Congress to reaffirm this right. But, I am pleased we are making progress in correcting these deficiencies in America's legal system.

The devastation of lives in the Oklahoma City bombing and the senseless acts of violence occurring in our neighborhoods every day gives this Chamber cause to enact policies empowering victims. In my estimation, the accused should see their victim's face in a court of law and know they scarred a life forever. I believe this legislation drafted on a bipartisan basis will entitle victims of crime their overdue rights and merits widespread support.

GLOBAL CLIMATE CHANGE

● Mr. HOLLINGS. Mr. President, I rise today as a supporter and cosponsor of Senator BYRD's sense-of-the-Senate resolution, Senate Resolution 98, regarding ratification of any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change. Back in 1992, the United States and the rest of the world agreed to work, on a voluntary basis, to reduce greenhouse gas emissions which scientists believed could affect climate and sea levels over the next century. Unfortunately, this agreement, aimed at returning greenhouse gas emissions to 1990 levels, has failed.

Now, the administration is negotiating an agreement aimed at meeting this 1990 level. Instead of requiring countries, all countries—developed, developing, and underdeveloped—to agree on voluntary efforts, these negotiations are focused on making the 1990 level mandatory for only developed countries. In short, it will increase the burden of compliance on the United States and other developed countries, while doing nothing to ensure that developing countries meet these targets.

Yes, the United States and other developed countries are responsible for the bulk of these emissions but that will not always be the case. Many developing countries, such as China, Mexico, India, and Brazil, are on course to surpass United States emissions. It makes no sense to give these countries a pass. I am not saying the United States should not do its fair share, we should. My concern is that the agreement is shortsighted. Failing to include these developing countries does nothing to head off the emission problems which they will soon face.

In addition, I have a long record of defending the American worker and American industry from unfair business and trade practices overseas—many of which occur in these developing countries. My fear is that failing to include developing nations in this agreement will undermine America's ability to compete internationally and will only work to force American industry overseas to these developing areas. America has the strongest economy in the world. I want to ensure it remains that way. Placing the burden of reducing greenhouse gas emissions only on developed countries and ignoring developing countries will do nothing to secure economic stability.

In short, this resolution calls for the United States to refuse to sign any agreement unless the developing countries are included in a legally binding regime of emission control measures. It is an effort to ensure that all countries are placed on a level playing field.

With regard to my record on environmental issues, there have been some who have asked if my support of Senate Resolution 98 undermines my long record of supporting efforts to clean and protect our environment. Let me say now, it does not. In my opinion, this resolution will strengthen efforts to reduce worldwide greenhouse gas emissions by ensuring that all countries meet the same standards.

In closing, I submit for the RECORD the authoritative and expert opinion of Dr. James B. Edwards, the former Secretary of Energy, and encourage my colleagues to read his opinions on this matter.

The material follows:

POURING GAS REDUCTIONS DOWN DRAIN

If a new climate treaty to include binding restrictions on the emission of greenhouse gases is a bad idea—and it is—then the immediate consequence of such a move is even worse: that a tax is imposed on U.S. industries that burn oil, gas and coal. The cost would ultimately fall on American consumers—without necessarily providing benefits to anyone if other countries continue to pollute.

The logical conclusion should be: Don't make the first blunder so you are not forced into making the even worse second blunder.

But in just seven months an agreement on a new climate treaty could be a done deal. If government commitments made at the latest round of negotiations in Europe are any indication, there could be a treaty in place by December. There is just one problem: U.S. ratification is going to take a two-thirds vote of the Senate eventually.

In the view of climatologists as esteemed as Patrick Michaels of the University of Virginia, an expert on computer simulations of the climate, and the University of Alabama's John Christy, it will take decades before scientists gain a comprehensive understanding of how greenhouse gas emissions affect the earth's climate. One thing scientists do know is that the concentration of greenhouse gases is building up slowly—less than 0.5 percent annually for carbon dioxide—and that gives us time to implement effective mitigation measures.

Unfortunately, the proposed treaty places binding commitments on industrial nations but none on developing countries. Even such economic powerhouses as China, Korea, and Indonesia would be let off the hook, while the United States would be required to cut greenhouse-gas emissions 15 to 20 percent by 2010 or soon thereafter. Such self-imposed restrictions could backfire.

Simply put, the danger is that developing countries will have no incentive to reduce emissions. Their output would overwhelm reductions made by industrial nations—just the opposite of what a new treaty is supposed to achieve. In fact, developing countries, as a group, are expected to produce the majority of greenhouse emissions in future years.

According to a report by the U.S. Department of Energy, efforts to restrict fossil fuel emissions with a carbon tax would do serious damage to our economy. The hardest hit would be energy-intensive industries, especially petroleum refining, chemicals, automobile manufacturing, paper products, iron and steel, aluminum and cement. These large industries would be at a disadvantage in the world marketplace, and the cost in dollars, as well as in lost jobs, would be staggering.

The most responsible economic estimates of the cost to cap carbon dioxide emissions at 1990 levels by the year 2010 or soon thereafter range from $250 billion to $300 billion per year—an amount that would reduce the U.S. gross domestic product by about 4 percent. For comparison, that's nearly equal to what was spent last year on Social Security.

This is not to suggest that the United States should do nothing about reducing greenhouse-gas emissions. When major industrialized countries meet in Denver in late June at the "Group of Seven" economic summit, climate change will be on the agenda. Efforts should be directed toward establishing a flexible route that could achieve the same long-term benefits but at far lower cost. For example, spreading the responsibility globally, possibly through an emissions trading system involving developing countries, would lower the cost substantially.

Under an emissions trading system, any country exceeding its allotment of greenhouse emissions, pays a regulatory fine. The significant differences between this plan and a carbon tax are that technological innovation, market mechanisms and total global emissions are the defining characteristics of this alternative approach to reducing greenhouse emissions.

Major efforts should be directed at exporting advanced power systems to developing countries such as China and India so that they can begin to stabilize their emissions, without depriving them of an opportunity for economic growth. After all, as its share of industrial output rises, China is expected to become the world's largest source of carbon dioxide, emitting nearly double the amount the United States emits and more than triple what Western Europe produces.

It's very simple: Before we hobble our economy and our society with costly new regulations and taxes we should ask ourselves whether the hoped-for benefits justify the cost to our economy and whether there is a better alternative. And environmentalists ought to keep another perspective mind: For any global emissions reduction program to succeed, all nations must participate.●

HANS A. BETHE

● Mr. MOYNIHAN. Mr. President, the great Nobel physicist, Hans A. Bethe, is the subject of the lead article in the "Science Times" section of the New York Times. One cannot help but marvel at the life Dr. Bethe, a national treasure, has led. In 1935, he fled Nazi Germany, settling at Cornell University in Ithaca, New York. Within three years, he developed an equation to explain solar fusion which won him a Nobel prize in 1967.

Hans Bethe led the Theoretical Division at Los Alamos; he was, one could say, present at the creation. He stood next to J. Robert Oppenheimer on July 16, 1945 in the New Mexico desert, a witness to the testing of the first atomic bomb. The scientists at the site knew that if the test worked it would end World War II, as it did within a month, and forever change the nature of warfare.

At the moment of that explosion, a new era began. It changed us. Changed the world, and changed all those present. Maurice M. Shapiro, now chief scientist emeritus of the Laboratory for Cosmic Physics at the Naval Research Station, in Washington, recalled the scene in the New Mexico desert in an interview two years ago:

At precisely 5:30 there was a blinding flash—brighter than many suns—and then a flaming fireball. Within seconds a churning multicolored column of gas and dust was rising. Then, within it, a narrower column of debris swirled upward, spreading out into an awesome mushroom-shaped apparition high in the atmosphere—Maurice M. Shapiro, "Echoes of the Big Bang," *New York Times*, July 15, 1995.

Next came "an oppressive sense of foreboding."

Oppenheimer described the event as follows:

We waited until the blast had passed, walked out of the shelter and then it was extremely solemn. We knew the world would not be the same. A few people laughed, a few people cried. Most people were silent. I remembered the line from the Hindu scripture, the Bhagavad-Gita: Vishnu is trying to persuade the Prince that he should do his duty and to impress him he takes on his multiarmed form and says, "Now I am become Death, the destroyer of worlds," I suppose we all thought that, one way or another.

Hans Bethe's role in shaping United States nuclear policy had only just begun. For the past fifty years, he has involved himself in thoughtful and constructive efforts to develop responsible policies to deal with this technology he played such a crucial role in creating. The article in today's New York Times, for instance, characterizes him as a "prime mover behind the first East-West arms accord, the 1963 Limited Test Ban Treaty, which ended nuclear explosions in the atmosphere." And just a few months ago—on April 25—he wrote the President an historic letter which states:

It seems that the time has come for our Nation to declare that it is not working, in any way, to develop further weapons of mass destruction of any kind.

Mr. President, Dr. Bethe is one of our living treasures. It is entirely fitting that his many contributions to society are publicized and studied, and that his policy pronouncements are accorded the attention they so deserve, for as the author of the Times article, William J. Broad, states, Bethe's voice may be gentle, but his words are sharp. I hope that Dr. Bethe will soon complete work on his autobiography and share with us the breadth of his life experiences.

I ask that the article in the New York Times, the letter from Dr. Bethe to the President, and the President's response be printed in the RECORD.

The material follows:

[From the New York Times]

HE LIT NUCLEAR FIRE; NOW HE WOULD DOUSE IT

(By William J. Broad)

"For the things I do, it's accurate enough," Dr. Hans A. Bethe said as he rummaged through his briefcase and pulled out a slide rule, a relic from the days before computers took over tedious number-crunching for most scientists. It's battered case told of considerable use.

What Dr. Bethe does at the age of 90, and has done for more than seven decades, is ponder such riddles of nature as how stars live and die. It is his passion. Once it won him a Nobel Prize in Physics and now it keeps him excited and in his office at Cornell University, where he arrived more than 60 years ago after fleeing Nazi Germany.

A combination lock on a metal cabinet hints at what else he does, his sideline, as he puts it, an avocation of more than a half century that helped change history. The atomic bomb.

Dr. Bethe knows how it lives—having overseen its birth during the World War II, having felt its blistering heat across miles of desert sand, having watched its progeny fill superpower arsenals—and now he is working hard to make it die.

In April, he wrote a letter to President Clinton that some advocates of arms control regard as historic. As the most senior of the living scientists who begat the atomic age, Dr. Bethe called on the United States to declare that it would forgo all work to devise new kinds of weapons of mass destruction.

But his dream, it turns out, is larger than that, much larger. In an interview last week, Dr. Bethe said that a concerted push by the world's nations and people might yet cut nuclear arsenals down from their current levels of thousands of arms to perhaps 100 in the East, 100 in the West and few in between.

"Then," added this survivor of Hitler and Mussolini, his voice gentle but words sharp, "even if statesmen go crazy again, as they used to be, the use of these weapons will not destroy civilization."

Eventually, perhaps late next century, Dr. Bethe said, the right social conditions may finally arise so that the bomb is no more, so that no nation on earth will want to wield the threat of nuclear annihilation. The nightmare will be over.

He paused.

"That is my hope," he said. "My fear is that we stay where we are," with each side keeping thousands of nuclear arms poised to fly at a moment's notice. "And if we stay where we are, then additional countries will get nuclear weapons" and the earth may yet blaze with thermonuclear fire, the kind that powers stars and destroys most everything in its path.

Hans Albrecht Bethe (pronounced BAY-ta) was born on July 2, 1906, in Strasbourg, Alsace-Lorraine. His father, a physiologist at the university there, was Protestant and his mother Jewish. Hans was their only child.

Displaying an early genius for mathematics, he excelled in school and received a Ph.D. in physics in 1928 at the University of Munich, graduating summa cum laude. He fled Germany after Hitler came to power, going first to England and then to America, arriving at Cornell in 1935.

While helping to found the field of atomic physics, he became fascinated by nature's extremes. In 1938 he penned the equations that explain how the Sun shines and how stars in the prime of life feed their nuclear fires. In 1967 he won a Nobel Prize for the discovery.

From 1943 to 1945 he headed the theoretical division of Los Alamos, the top-secret laboratory in New Mexico where thousands of scientists and technicians, fearful that Hitler might do it first, labored day and night to unlock the atom's power.

Dr. Bethe coaxed some of world's brightest and most idiosyncratic experts to success as they toiled behind rows of barbed wire. Their atomic bomb shook the New Mexican desert on July 16, 1945. The next month the American military dropped similar ones on the Japanese cities of Hiroshima and Nagasaki.

After the war, Dr. Bethe devoted himself not only to nuclear science but to the social dangers posed by that knowledge, in particular to keeping the bomb from ever killing people again.

He advised the Federal Government on matters of weapons and arms limitation, becoming a prime mover behind the first East-West arms accord, the 1963 Limited Test Ban Treaty, which ended nuclear explosions in the atmosphere and permitted them only beneath the earth.

That stopped the rain of radioactive fallout that had raised the risk of cancer and birth defects among many people. But Dr. Bethe wanted more. He campaigned for a complete cessation to all testing, contrary to Pentagon planners and politicians intent on redoubling the size of the nation's nuclear arsenal.

The development of new types of nuclear arms requires numerous test firings and, as flaws inevitably come to light, design improvements. The absence of explosive testing sharply increases the odds of failure and virtually rules out the possibility of perfecting new designs.

In the 1980's, Dr. Bethe was on the losing side of the political war over nuclear-arms development as the Reagan Administration pressed ahead with dozens of underground explosions. One series aimed at perfecting a new generation of bombs that fired deadly beams.

In the 1990's, he was on the winning side as President Clinton signed, and the United Nations endorsed, the Comprehensive Test Ban Treaty. Its goal is to halt the development of new weapons of mass destruction by imposing a global ban on nuclear detonations.

A remaining trouble, as Dr. Bethe sees it, is that the United States over the decades has become so good at designing nuclear arms that it still might make progress despite the ban. Indeed, the Clinton Administration recently began a $4-billion-a-year program of bomb maintenance that is endowing the weapons laboratories with all kinds of new tools and test equipment, including a $2.2 billion laser the size of the Rose Bowl that is to ignite tiny thermonuclear explosions.

Critics fear the custodians might get carried away, begetting new designs and perhaps even new classes of nuclear arms.

So it was that Dr. Bethe wrote President Clinton in April, asking for a pledge of no new weapons.

"The time has come for our nation to declare that it is not working, in any way, to develop further weapons of mass destruction," he wrote.

The United States "needs no more," Dr. Bethe stressed. "Further, it is our own splendid weapons laboratories that are, by far and without question, the most likely to succeed in such nuclear inventions. Since any new types of weapons would, in time, spread to others and present a threat to us, it is logical for us not to pioneer further in this field."

In the interview, Dr. Bethe waxed philosophic about the odds that his personal appeal might engender new Federal policy. "It's a big step for the President to say so, but it's a small step for me," he mused. "Maybe the laboratories will feel that my letter was useful and maybe they'll even follow my advice. I think that's all one can expect."

The issue is important, he added. If the community of nations comes to view the United States as a nuclear hypocrite, whether true or not, that perception could threaten to undermine the new treaty and its ratification around the world. Instead, Dr. Bethe said, the United States must be seen as striving to obey the letter of the law.

Dr. Bethe's face comes alive as the topic turns to his current scientific research: how a single aging star can suddenly explode with the power and brilliance of an entire galaxy of 100 billion stars.

It seems like pure poetry given the light he himself is now shedding in his final years.

"I want to understand just how the mechanism works," Dr. Bethe said, "how you get a shock wave that propels most of the star outward, propels it at very high speed."

Most days, he said, he spends about four hours studying the nature of the exploding stars, which are known as supernovas. Occasionally, he works up to six hours.

Theoretic physics is a quintessential young man's field, where geniuses often peak at the age of 30, like athletes. Very few make significant contributions at 50. But at 90, Dr. Bethe, a living legend among his peers, is still going strong. "Here's my latest paper," he said with a grin, displaying it proudly on his cluttered desk. "It has been accepted by The Astrophysical Journal." The main point, he said, "is that it's easy to get the supernova to expel the outside material," eliminating the problems theorists once encountered.

Dr. Bethe is not interrupting his research to write memoirs. Instead, a biographer is at work. "It's much easier to have a biographer," he remarked, "and he writes much better than I do."

The back of his office door, in an easy-to-view position, held a poster of the Matterhorn. For nearly a half century, a small town at the foot of the great Swiss mountain has been a vacation spot for Dr. Bethe and his wife, Rose Ewald, whom he met in Germany and married in 1939 while the two were newcomers to the United States.

"I couldn't live without her," he said.

His hair askew, his eyes agleam, Dr. Bethe looked a bit like an aged wizard on the verge of disappearing in a puff of smoke. He seemed at ease with his many lives over many decades and appeared to have reconciled his early work on the bomb with his current push to eliminate it. For him, doing the right thing in different periods of history seemed to call for different kinds of actions.

"I am a very happy person," he said with a relaxed smile. "I wouldn't want to change what I did during my life."

FEDERATION OF AMERICAN SCIENTISTS,
Washington, DC, April 25, 1997.

President WILLIAM J. CLINTON,
The White House, Washington, DC.

MY DEAR MR. PRESIDENT: As the Director of the Theoretical Division at Los Alamos, I participated at the most senior level in the World War II Manhattan Project that produced the first atomic weapons. Now, at age 90, I am one of the few remaining senior project participants. And I have followed closely, and participated in, the major issues of the nuclear arms race and disarmament during the last half century. I ask to be permitted to express a related opinion.

It seems that the time has come for our Nation to declare that it is not working, in any way, to develop further weapons of mass destruction of any kind. In particular, this means not financing work looking toward the possibility of new designs for nuclear weapons. And it certainly means not working on new types of nuclear weapons, such as pure-fusion weapons.

The United States already possesses a very wide range of different designs of nuclear weapons and needs no more. Further, it is our own splendid weapons laboratories that are, by far and without any question, the most likely to succeed in such nuclear inventions. Since any new types of weapons would, in time, spread to others and present a threat to us, it is logical for us not to pioneer further in this field.

In some cases, such as pure-fusion weapons, success is unlikely. But even reports of our seeking to invent them could be, from a political point of view, very damaging to our national image and to our effort to maintain a world-wide campaign for nuclear disarmament. Do you, for example, want scientists in laboratories under your Administration trying to invent nuclear weapons so efficient, compared to conventional weapons, that someday, if an unlikely success *were* achieved, they would be a new option for terrorists?

This matter is sure to be raised in conjunction with the Senate's review of the Comprehensive Test Ban Treaty, because that Treaty raises the question of what experiments are, and what experiments are not, permitted. In my judgment, the time has come to cease all physical experiments, no matter how small their yield, whose primary purpose is to design new types of nuclear weapons, as opposed to developing peaceful

uses of nuclear energy. Indeed, if I were President, I would not fund computational experiments, or even creative thought designed to produce new categories of nuclear weapons. After all, the big secret about the atomic bomb was that it *could* be done. Why should taxpayers pay to learn new such secrets—secrets that will eventually leak—even and especially if we do not plan, ourselves, to implement the secrets?

In effect, the President of the United States, the laboratory directors, and the atomic scientists in the laboratories should all adopt the stance of the "Atomic Scientists' Appeal to Colleagues," which was promulgated two years ago, to "cease and desist from work creating, developing, improving and manufacturing further nuclear weapons—and, for that matter, other weapons of potential mass destruction such as chemical and biological weapons."

I fully support the Science-based Stockpile Stewardship program, which ensures that the existing nuclear weapons remain fully operative. This is a challenging program to fulfill in the absence of nuclear tests. But neither it nor any of the other Comprehensive Test Ban Treaty Safeguards require the laboratories to engage in creative work or physical or computational experiments on the design of new types of nuclear weapons, and they should not do so.

In particular, the basic capability to resume nuclear test activities can and will be maintained, under the Stockpile Stewardship program, without attempting to design new types of nuclear weapons. And even if the Department of Energy is charged to "maintain capability to design, fabricate and certify new warheads"—which I do not believe is necessary—this also would not require or justify research into new types of nuclear weapons.

The underlying purpose of a complete cessation of nuclear testing mandated by the Comprehensive Test Ban Treaty is to prevent new nuclear weapons from emerging and this certainly suggests doing everything we can to prevent new categories of nuclear weapons from being discovered. It is in our national and global interest to stand true to this underlying purpose.

Accordingly, I hope you will review this matter personally to satisfy yourself that no nuclear weapons design work is being done, under the cover of your Safeguards or other policies, that you would not certify as absolutely required. Perhaps, in conjunction with the Comprehensive Nuclear Test Ban Treaty hearings in the Senate, you might consider making a suitable pronouncement along these lines, to discipline the bureaucracy, and to reassure the world that America is vigilant in its desire to ensure that new kinds of nuclear weapons are not created.

Sincerely,

HANS A. BETHE.

THE WHITE HOUSE,
Washington, DC, June 2, 1997.

Prof. HANS BETHE,
Federation of American Scientists, Washington, DC.

DEAR PROFESSOR BETHE: Thank you for sharing your thoughts on nuclear weapons with me, and for the tremendous service you have rendered this nation and the world for well over half a century. Your efforts to develop the atomic bomb during a grave period of national emergency, and your subsequent courageous and principled efforts in support of international agreements to control the awesome destructive power of these weapons, have made our country more secure and the entire world a safer place.

I am fully committed to securing the ratification, entry into force and effective implementation of the Comprehensive Test Ban Treaty (CTBT). By banning all nuclear explosions, the CTBT will constrain the development and qualitative improvement of nuclear weapons and end the development of advanced new types of nuclear weapons. In this way, the Treaty will contribute to the process of nuclear disarmament and the prevention of nuclear proliferation, and it will strengthen international peace and security.

I appreciate your support for the Science-Based Stockpile Stewardship Program. The objective of this program is to ensure that our existing nuclear weapons remain safe and reliable in the absence of nuclear testing. As you are aware, my support for the CTBT is conditioned upon such a program, including the conduct of a broad range of effective and continuing experimental programs. I have also directed that the United States maintain the basic capability to resume nuclear test activities prohibited by the CTBT in the unlikely event that the United States should need to withdraw from this treaty. These precautions notwithstanding, I remain confident that the CTBT points us toward a new century in which the roles and risks of nuclear weapons can be further reduced, and ultimately eliminated.

Thank you again for sharing your views with me as we work to lift the nuclear backdrop that has darkened the world's stage for far too long.

Sincerely,

BILL CLINTON.●

MEASURE RETURNED TO THE CALENDAR—S. 903

Mr. HELMS. Mr. President, I ask unanimous consent that S. 903 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 101, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 101) to authorize representation of Members, officers, and an employee of the Senate in the case of Douglas R. Page v. Richard Shelby, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, a resident of California has, for the second time in the past several years, filed a lawsuit in the United States District Court for the District of Columbia challenging the constitutionality of rule XXII of the Standing Rules of the Senate. Under rule XXII, debate on a pending matter may be limited by a vote of three-fifths of the Senators duly chosen and sworn or, in the case of an amendment to a Senate rule, a vote of two-thirds of the Senators voting, a quorum being present.

The plaintiffs has named as defendants in this action all Members of the Senate, together with the Secretary of the Senate, the Sergeant at Arms, the Parliamentarian, and two executive branch officials. He seeks a declaration that rule XXII is unconstitutional and a court order rewriting rule XXII to permit a simple majority of a quorum to limit debate in the Senate.

With respect to a prior action filed by the same plaintiff also challenging rule XXII, Senate Resolution 150 of the 103d Congress authorized the Senate Legal Counsel to defend Senators named as defendants in that action. With respect to the plaintiff's prior challenge, the district court dismissed the suit for lack of standing. On appeal to the D.C. Circuit Court of Appeals, the appellate court vacated the district court's decision and ordered the plaintiff's complaint dismissed as moot. In his complaint, the plaintiff had sought to present his alleged injury as frustration of the majority party's legislative program by the minority. The appellate court noted that the intervening change in the control of the Senate after the 1994 election had mooted his allegations of injury.

The plaintiff's new action alleges an injury independent of party control, as well as adding non-Member defendants. The new action is subject to the same grounds for dismissal as was the previous action.

Over the years, the Senate has vigorously debated the merits of rule XXII. That debate has included the question that the plaintiff seeks to present to the court in the instant action of whether a majority of the Senate should be permitted to end debate. The resolution of this issue under our constitutional system, Mr. President, is best decided in the Senate and not in the courts.

The resolution at the desk would authorize the Senate Legal Counsel to represent the Members, officers, and an employee of the Senate who have been named as defendants in this case and to move to dismiss the complaint.

Mr. HELMS. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution appear at this point in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

The resolution (S. Res. 101) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 101

Whereas, in the case of *Douglas R. Page* v. *Richard Shelby, et al.*, C.A. No. 97-0068, pending in the United States District Court for

the District of Columbia, the plaintiff has named all Members of the Senate, and the Secretary, the Sergeant at Arms, and the Parliamentarian, of the Senate, as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Members, officers, and employee of the Senate who are defendants in the case of *Douglas R. Page* v. *Richard Shelby, et al.*

COMMENDING THE STATE OF COLORADO FOR ITS EFFORTS REGARDING THE DENVER SUMMIT OF EIGHT

Mr. HELMS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 81, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 81) expressing the sense of the Senate regarding the political and economic importance of the Denver Summit of Eight and commending the State of Colorado for its outstanding efforts in ensuring success of this historic event.

The Senate proceeded to consider the resolution.

Mr. HELMS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

The resolution (S. Res. 81) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 81

Whereas this is the first Economic Summit to be held in the United States since the 1990 Economic Summit was held in Houston, Texas;

Whereas on May 29, 1996, the State of Colorado was announced as the host of the Group of Seven Economic Summit, to be held on June 20 through 22, 1997;

Whereas the Economic Summit is an annual meeting that brings together the leaders of the world's 7 most economically successful democracies: Canada, France, Germany, Great Britain, Italy, Japan, and the United States;

Whereas this is the first Economic Summit to include the transitioning economy of Russia, which has resulted in a new reference to the Economic Summit as the Denver Summit of Eight;

Whereas the central location of Denver among the summit members, with Europe to the east, Japan to the west, and central Canada to the north, enables the residents of Colorado to serve as a central pillar supporting the international bridge of friendship and prosperity;

Whereas the selection of the State of Colorado and the Denver metropolitan region as the host of the Summit of Eight reflects the region's growing economic importance in the international community;

Whereas Colorado has distinguished itself as an ideal site for the Summit of Eight because of its leading industries of telecommunications, aerospace, biotechnology, high technology, health care, education, agriculture, recreation, and tourism;

Whereas Colorado's dedicated law enforcement officers, firefighters, emergency medical technicians, and other public servants are able and committed to provide vital support to the Summit of Eight; and

Whereas the Summit of Eight promises to be 1 of the more significant summits of recent years, with results that will benefit the larger world community, including progress toward relieving international debt, supporting the economic development of Russia and the Ukraine, paving the way to increased efficiencies in international commercial transactions by reducing the regulatory barriers to electronic banking, and minimizing destabilizing factors in the world's financial markets: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its appreciation to the citizens of Colorado and the Denver metropolitan region for hosting the Summit of Eight; and

(2) accords recognition of the hospitality to be provided by the people of Colorado and the Denver metropolitan region.

ORDERS FOR WEDNESDAY, JUNE 18, 1997

Mr. HELMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m., Wednesday, June 18. I further ask unanimous consent that on Wednesday, immediately following the Chaplain's prayer, the routine requests through the morning hour be granted, and that the Senate then be in a period of morning business until 12 noon, with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senator SESSIONS, 60 minutes; Senator DORGAN, 10 minutes; Senator KERRY of Massachusetts, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HELMS. Mr. President, for the information of all Senators, the Armed Services Committee has filed the DOD authorization bill. It is the leader's intention to ask consent to turn to that bill at 12 noon on Wednesday. It is the leader's hope that Senators will grant the consent so the Senate can begin debate on this very important piece of legislation. Also, the Senate may be asked to consider the intelligence authorization bill. Therefore, votes can be expected to occur throughout the session of the Senate on Wednesday.

The leader would remind Senators that we have a lot of work to do between now and the Fourth of July recess. Therefore, all Senators' cooperation is essential in order to complete our business in a responsible fashion.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, the only point I would like to make is that under the situation as it now stands as it relates to the DOD bill, there is at least one conflict. Unless it is worked out overnight, or by noon tomorrow, it would be very difficult to move to that piece of legislation. I think everything is all right as it relates to going to the intelligence bill. I think everybody understands it. But for the RECORD, we would be hard pressed, or I would be hard pressed not to recognize Senators on my side and your side.

Mr. HELMS. I thank the Senator.

RECESS UNTIL 10 A.M. TOMORROW

Mr. HELMS. Mr. President, if there be no further business to come before the Senate, I now ask the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:06 p.m., recessed until Wednesday, June 18, 1997 at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 17, 1997:

DEPARTMENT OF AGRICULTURE

SHIRLEY ROBINSON WATKINS, OF ARKANSAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES, VICE ELLEN WEINBERBER HAAS, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. EDWIN J. ARNOLD, JR., [x...]
COL. JOHN R. BATISTE, [x...]
COL. BUFORD C. BLOUNT III, [x...]
COL. STEVEN W. BOUTELLE, [x...]
COL. JOHN S. BROWN, [x...]
COL. EDWARD T. BUCKLEY, JR., [x...]
COL. EDDIE CAIN, [x...]
COL. KEVIN T. CAMPBELL, [x...]
COL. JONATHAN H. COFER, [x...]
COL. BANTZ J. CRADDOCK, [x...]
COL. KEITH W. DAYTON, [x...]
COL. BARBARA DOORNINK, [x...]
COL. PAUL D. EATON, [x...]
COL. JEANETTE K. EDMUNDS, [x...]
COL. KARL W. WIKENBERRY, [x...]
COL. DEAN R. ERTWINE, [x...]
COL. STEVEN W. FLOHR, [x...]
COL. NICHOLAS P. GRANT, [x...]
COL. STANLEY E. GREEN, [x...]
COL. CRAIG D. HACKETT, [x...]
COL. FRANKLIN L. HAGENBECK, [x...]
COL. HUBERT L. HARTSELL, [x...]
COL. GEORGE A. HIGGINS, [x...]
COL. JAMES C. HYLTON, [x...]
COL. GENE M. LACOSTE, [x...]
COL. MICHAEL D. MAPLES, [x...]
COL. PHILIP M. MATTOX, [x...]
COL. DEE A. MCWILLIAMS, [x...]
COL. THOMAS F. METZ, [x...]
COL. DANIEL G. MONGEON, [x...]
COL. WILLIAM E. MORTENSEN, [x...]
COL. RAYMOND T. ODIERNO, [x...]
COL. ERIC T. OLSON, [x...]
COL. JAMES W. PARKER, [x...]
COL. RICARDO S. SANCHEZ, [x...]
COL. JOHN R. SCHMADER, [x...]
COL. GARY D. SPEER, [x...]
COL. MITCHELL H. STEVENSON, [x...]

COL. CARL A. STROCK, x...
COL. CHARLES H. SWANNACK, JR., x...
COL. ANTONIO M. TAGUBA, x...
COL. HUGH B. TANT III, x...
COL. TERRY L. TUCKER, x...
COL. WILLIAM G. WEBSTER, JR., x...
COL. JOHN R. WOOD, x...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL* AND THE ASSISTANT JUDGE ADVOCATE GENERAL**, U.S. ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 3037:

To be major general

*BRIG. GEN. WALTER B. HUFFMAN, x...
**BRIG. GEN. JOHN D. ALTENBURG, JR., x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MONTGOMERY C. MEIGS, x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOHN N. ABRAMS, x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTION 624 AND 628:

To be lieutenant colonel

JULIET T. TANADA, x...

IN THE AIR FORCE

THE FOLLOWING-NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, UNITED STATES COMMISSION, SECTIONS 12203 AND 12212:

To be colonel

JAMES W. ADAMS, x...
LYLE M. ANDVIK, x...
EUGENE D. ASHLEY, x...
GEOFFREY S. AVERY, x...
PAUL D. BOESHART, x...
LARRY G. BROOKS, x...
GARY R. CAZIER, x...
STANLEY W. CHAPMAN, x...
WILLIAM E. CHMELIR, x...
EUGENE R. CHOJNACKI, x...
FORREST C. CLARK, x...
JOHN W. CLARK, x...
HARVEY S. CLEMENT, x...
BLAINE COFFEY, x...
TIMOTHY J. COSSALTER, x...
JOHN R. CROFT, x...
HENRY J. DAHLQUIST, x...
DANA B. DEMAND, x...
RALPH L. DEWSNUP, x...
JAMES E. GREEN, x...
WAYNE A. GREEN, x...
SCOTT A. HAMMOND, x...
VAUGHON C. HANCHETT, x...
JOHN J. HARTNETT, x...
MICHAEL E. HAYEK, x...
TERRY P. HEGGEMEIER, x...
DAVID N. HIPP, x...
CHARLES R. HOBBS, x...
MARK R. JOHNSON, x...
JESSE D. KINGHORN, JR., x...
DAVID F. KIRST, x...
PHILIP C. KOCH, x...
CARL R. KOSTIVAL, x...
JAMES W. KWIATKOWSKI, x...
BARBARA A. LOGAN, x...
JUDD K. LUNN, x...
TIMOTHY B. MALAN, x...
DARRYL L. MARSHALL, x...
JERRY M. MATSUDA, x...
STEPHEN L. MELTSNER, x...
DONALD C. MOZLEY, x...
RICHARD D. NEWBOLD, x...
MAUREEN E. NEWMAN, x...
THOMAS W. PAPE, x...
MARK W. PARKER, x...
GEORGE B. PATRICK III, x...
FRANK PONTELANDOLFO, JR., x...
RICHARD D. RADTKE, x...
ROBERT L. RAVENCAMP, x...
MICHAEL R. REED, x...
STEPHEN D. RICHARDS, x...
RAMSEY B. SALEM, x...
STEVEN H. SAYLOR, x...
THOMAS E. SCHART, x...
TERRY L. SCHERLING, x...
WILLIAM J. SCHWARTZ, JR., x...
RODGER F. SEIDEL, x...
RICHARD A. SHAW, JR., x...
MAYNARD R. SHEPHERD, x...
SAMUEL M. SHIVER, x...
CHARLES E. SMITH, x...
FREDERICK H. SMITH, x...
ANNETTE L. SOBEL, x...
WILLIAM S. TEER, x...
JESSE A. THOMAS, x...
RANDALL A. VEENSTRA, x...
DONALD F. WAID, x...
JOHN R. WALTERS, x...
PHILIP H. WARREN, x...
HAROLD E. WHALEY, x...
GARY H. WILFONG, x...
MICHAEL B. WOOD, x...

EXTENSIONS OF REMARKS

D.C. FLAT FEDERAL TAX

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. GINGRICH. Mr. Speaker, I wish to recommend the following editorial to my colleagues, entitled "Fixing a Flat," which appeared in the May 19, 1997, Wall Street Journal. I commend the Congresswoman for fighting against the District of Columbia's destructively high tax policies and for a pro-growth, pro-investment flat tax:

FIXING A FLAT

Summer's almost here, which means soon tourists will be pouring into Washington, D.C., to see the sights in their beloved capital city, a municipality so broke, so inept, so seemingly beyond hope that the financial control board that oversees its affairs is weighing a plan to appoint a city manager and largely supplant Mayor Marion Barry. There has to be a better way to save the capital, and believe it or not, some of the attending politicians may have hit on an answer: a flat 15% federal income tax and elimination of all capital gains taxes in the District of Columbia.

It's closer to reality than you might imagine. Last week, Senate Majority Leader Trent Lott won rousing cheers from a crowd of D.C. residents when he and four other Senators embraced a flat tax sponsored by Eleanor Holmes Norton, the District's Democratic Delegate.

The Norton plan would levy a flat 15% federal tax on all bona fide District residents. The first $25,000 of income would be exempt for single filers and the first $30,000 for married couples. Her plan would zero out capital gains taxes on investments in the District made by residents. Senator Lott would go further: no residency requirement for investors and he'd add a $5,000 tax credit for first-time home buyers to encourage a return of the middle-class. Since 1950, the District's population has plummeted to less than 520,000 from 800,000.

Ms. Norton says that the combined support of Senator Lott and Speaker Newt Gingrich has convinced her that "there is going to be some configuration of tax cuts for District residents" this year. She has other powerful allies, including Democratic Senator Joe Lieberman and GOP Senators Connie Mack and Sam Brownback.

No one pretends that a new tax regime will solve all the District's problems, but Delegate Norton says a dramatic confidence-building measure is needed to stop the exodus. She says her tax plan has "united black, whites and Hispanics" and in every part of the city "the enthusiasm and the chorus is the same: Do it and we'll stay."

The opposition to a flat tax for D.C. comes in two forms. Some claim it wouldn't spur economic growth and that rising property values will create a zero-sum housing crisis. "There are not enough homes for the poor now," says liberal activist Mark Thompson. "Where are they going to live when all these people start coming back in the city?" As far as we can see, every city with the exception of rent-controlled New York City manages to build housing for a variety of incomes. A tax-liberated D.C. would likely see an explosive growth in construction.

Others object that a D.C. flat tax is unfair to nearby suburbs and other states; D.C. residents get a tax break while other Americans endure combined marginal tax rates of more than 40%. A fair point, we suppose, but hardly cause to condemn the District to economic and social collapse. And if it succeeded, the idea would spread rapidly elsewhere.

That, of course, is precisely why it's believed President Clinton will persist in his opposition to Delegate Norton's flat tax. The opposition of old-line Democratic constituency groups to any idea they didn't dream up 25 years ago is utterly pro-forma by now. Delegate Norton thinks the first step is to get her bill onto the President's desk. Senator Lott seems to agree. Keep pushing.

A TRIBUTE TO RISA MUNITZ-GRUBERGER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor Risa Munitz-Gruberger for her dedication to teaching Judaism throughout the Conejo Valley community. I recognize Risa on behalf of the Chabad of the Conejo as the recipient of the Lifetime Achievement Award.

This award is given to thank Risa for imparting her educational training on the Jewish Community. Risa has had great success achieving her goals—spreading a sense of values, morals, and ethics throughout our community and assisting the needy when they are troubled physically or spiritually. It is for this success that we are honoring her today.

Risa's contributions to Judaic education include countless hours of volunteering and lecturing, but most importantly, the design and distribution of her own innovative educational materials. These materials encourage young and old to embrace their Jewish identity.

Risa's recognition here today is long overdue. Shortly after moving to the area, Risa read about Chabad and knew she wanted to become a part of it. She immediately began planning a communitywide parent education series in conjunction with the Jewish Community Center and the Conejo Jewish Academy which explored Jewish ideas and theology. Risa has since sponsored several other programs and continues to support Judaism in our community.

In the spirit of building the bridge—a bridge to the past, future, and all people, I join our community in honoring Risa Munitz-Gruberger for her hard work and recognition of the Lifetime Achievement Award.

HONORING THE 10TH ANNIVERSARY OF THE GREATER LANSING BUSINESS MONTHLY

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. STABENOW. Mr. Speaker, 10 years ago J. Christopher Holman founded the Greater Lansing Business Monthly in hopes of publicizing and promoting local business within the community of Lansing. This week the Greater Lansing Business Monthly will celebrate its 10th anniversary.

I wish to acknowledge the efforts of Chris Holman and his staff to promote the strengths of the Lansing business community. With readership of over 30,000, the Greater Lansing Business Monthly is distributed to all nonresident addresses in Lansing, Mason, Holt, Grand Ledge, East Lansing, Haslett, and Okemos. The monthly features local stocks, profiles products made in the Lansing area, and provides updates on the overall Michigan economy.

The Greater Lansing Business Monthly serves as a base of local economic information to the community and its commitment to local small businesses is unmatched. It is much more than a periodical trumpeting Greater Lansing as a marvelous place to do business. It is also an integral part of the business community with the formation of CEO networks, directors luncheons, and the entrepreneurial awards.

On behalf of all the citizens of Michigan's eighth district, I extend congratulations and best wishes to Chris Holman and his staff.

THE FAILURE OF RACIAL PREFERENCES

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. COX of California. Mr. Speaker, this past weekend, President Clinton delivered a speech in San Diego criticizing the people of California for enacting the California Civil Rights Initiative [CCRI]. The wisdom of CCRI in outlawing special preferences based solely on race, said Mr. Clinton, should be suppressed in favor of continued race-based classifications by our Government. The following essay, published in the New York Times the same weekend, describes why Californians—and Americans—are indeed wise to abhor Government-mandated racial preferences.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

[From the New York Times, June 15, 1997]

FACE THE FAILURE OF RACIAL PREFERENCES

(By Newt Gingrich and Ward Connerly; Newt Gingrich is Speaker of the House of Representatives. Ward Connerly is chairman of the American Civil Rights Institute and a University of California regent)

In August 1963, the Rev. Dr. Martin Luther King Jr. gave heartfelt voice to his dream of a world where children are judged by the content of their character rather than the color of their skin. A few months later, in May 1964, President Lyndon Johnson told the graduating class of the University of Michigan, "The Great Society is a place where every child can find knowledge to enrich his mind and to enlarge his talents."

Unfortunately, three decades and $5.4 trillion of Federal Government spending later, Dr. King's dream still remains unfulfilled and nearly all of America knows that the Great Society has become an expensive failed tribute to the collective liberal imagination. Over the years, Federal welfare programs for the poor were enacted that created and sustained an illusion of activity but that, in reality, did more harm than good.

Even worse, a complicated set of Government rules and regulations were developed in almost every area of life, the intent of which was to eliminate discrimination. Yet the cruel fact has been that Government has brought about nearly as much discrimination as it has eliminated—just in a different form—and has masked the very real problems that still exist.

President Clinton's speech on race yesterday in San Diego was actually a missed opportunity to address these issues; there was little indication that his advisory board on race includes anyone who will critically examine the impact of racial preferences on society. But more important, we wish he could have laid out a plan for real education reform that would produce genuine equality of opportunity for all.

Let us take a look at the record. Welfare spending is more than eight times what it was in 1965, adjusted for inflation, and it's time to ask, What do our children have to show for it? Well, for starters, over four million more of them are now living in poverty—43 percent of all black children and 41 percent of all Hispanic children. Violent crime has skyrocketed, especially in the inner cities.

But for evidence of the Great Society's greatest failure, look no further than the current state of public education and President Clinton's politically expedient but totally indefensible support for racially based "Band-Aid" measures. Rather than face up to the catastrophic failure of inner-city educational systems and deal honestly with their essential problems, the President, like others holding on to this failed system, refuses to reform a system that fails morally as well as practically.

Like so many whose political fortunes depend on unions and bureaucracy, Mr. Clinton, sadly, refuses to acknowledge that the ill-conceived education policies of the 1960's deserted the children who needed help the most.

The education bureaucracy won't concede that, despite spending trillions of dollars on education over the past 30 years, American children are further behind today. It doesn't want to admit that the S.A.T. scores of African-American children, which average 100 points less than the scores of white children, are the direct result of the current policies. The National Education Association doesn't want to bear the blame for the fact that 40 percent of all 9-year-olds can't meet basic literacy standards or that 66 percent of African-American fourth graders fail national geography standards. These are not racial inadequacies, they are education inadequacies.

Nor will the education bureaucracy admit that low-income high school students are giving up on school in ever increasing numbers. The fact is that disadvantaged children are not receiving the "knowledge to enrich their minds and to enlarge their talents," as President Johnson promised. Instead, many education and minority leaders cling to a system of racial preferences using the diplomas of an arbitrary few to paper over what has become a national human catastrophe. For the sake of all our children, these people must face the cold, hard truth: Every time we use racial preference to effect change, it is proof that we have failed a child somewhere.

President Clinton refuses to face the core of the problem: Money without reform will not educate our children. Look at the spending in inner-city schools today. The District of Columbia spends more money to educate its children than any state in the country—more than $9,000 per student per year—and yet its children rank at or near the bottom of national test scores. Something is very wrong with the schools of our nation's capital; both the teachers and their students are being shortchanged by a stagnant, uncaring educational bureaucracy.

Government-imposed quotas are no substitute for education reform. Racial preferences may offer an illusory way out for a few students, but sadly, the vast majority of children in the inner cities are being deprived by their schools of the opportunity to go to college. We've all seen recently the dramatic drop in minority admissions to the University of California at Berkeley and the University of Texas School of Law, institutions that did away with race-based preferences. This shamefully underscores how much race and race alone has been used instead of merit in our halls of higher education.

Supporters of preferences see those numbers as vindication for their claims of racism in America; they are simply wrong. The real villain in this 30-year morality play isn't bigotry or the University of California Board of Regents or the United States Court of Appeals for the Ninth Circuit. The original affirmative action policies were indeed well-intentioned efforts to redress centuries of racial discrimination. Yet they have been perverted over the years. The racial preferences used in their name have been used as masks to avoid real reform. They have become an excuse to perpetuate an inner-city system to cheat those children most in need out of a real future.

Failing to save these children should cause shame to all Americans. No one has chosen to help our underprivileged develop their talents. No one has insisted they have schools in which they can succeed. As a country, we all share that shame, but the creation of a small minority professional class through racial preferences to ease elitist guilt is an unacceptable and unconscionable alternative. And applying racial preferences to business practices is no better.

Yet the education bureaucracy warns that "radical" reform could harm children. It is difficult to imagine that any of the education proposals being offered today could do any more damage than the failed policies of the last 30 years.

There are promising solutions: In the 104th Congress, for the first time ever, a legitimate school voucher initiative for the children of the District of Columbia was passed in the House; there were enough votes to pass it in the Senate.

Unfortunately, unions, resistant to change, prevented it from coming to a vote. Representative Dick Armey of Texas, the majority leader, has introduced a similar measure this year. Is giving poor parents the same opportunity as wealthy ones to send their children to the school of their choice a risky venture?

Is giving poor parents the opportunity to send their children to a safe school truly dangerous or just threatening to those dependent on the status quo? Is it harmful to the future of our children to demand that they be able to read before they are passed on, or do real standards bring too many of the failures of the current bureaucratic system to light? Does lowering the standards of graduate school admissions for certain individuals really address inequality of opportunity or simply give one group a place at the table while trampling on the basic rights of another? Do we bring the people of this country closer together when we reject one of America's most basic principles—the notion that people should be judged individually on merit, not collectively by the color of their skin—or do we breed new resentment and doubt?

Education is the key to a productive, healthy citizenship. But our system of racial preferences is the wrong door. The failed Great Society policies have devastated and divided two generations. We have seen how Government-imposed racial preferences actually stand in the way of true educational reform. The President must abandon the misguided belief that our society should ever use discrimination to end discrimination.

TRIBUTE TO JOHN TALLMAN

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of John Tallman who is retiring from the Bourbonnais Fire Protection District board of trustees after 48 years of service. Mr. Tallman has been Bourbonnais' Fire Protection District's only president since 1948 until his official retirement on September 19, 1997.

John Tallman has been instrumental in helping the fire district to grow and modernize. In 1948, a four-wheeled cart containing an ax and a hose was pulled by car to the fire scene. The first fire engine arrived in 1950. Today, The Bourbonnais Fire Protection District consists of three pumpers, two tankers, two ambulances, one grass fire truck, one rescue truck, one disaster trailer, one boat, two automobiles, extrication equipment, high angle rescue equipment, and gumby suits, all housed in a new fire station.

In addition to his work with the fire protection district, John Tallman farmed over 500 acres of land. He and his wife, Eileen, have raised four children on their farm. John has also served as a school board chairman and has served on the county board.

John Tallman's commitment and impact on his community is not only deserving of congressional recognition, but should serve as a model for others to follow.

At a time when our Nation's leaders are asking the people of this country to make serving their community a core value of citizenship, honoring John Tallman is both timely and appropriate.

I urge this body to identify and recognize others in their communities whose actions have so greatly benefited and enlightened America's communities.

NATIONAL HISTORY DAY

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. KLINK. Mr. Speaker, I rise today to congratulate several constituents from my district for their participation in National History Day.

National History Day inspires students to learn and think critically about people, places and events that have shaped history. Every year National History Day selects a theme. For the 1996–97 school year their theme was "Triumph & Tragedy in History."

Those who participated in this contest competed against fellow students at the district, State and national levels, presenting what they learned with creative and original performances, media presentations, papers, or three-dimensional projects. Encouraged to understand and comprehend the full historical importance of their topics, students then asked insightful questions about when and why the event they had researched occurred, what it's subsequent historical significance.

In a day and age when far too many of our Nation's youth seem to be ignorant of our rich heritage, it is encouraging to see how the students involved in the National History Day contest took an active interest in remembering the events of the past.

I would especially like to congratulate my constituents, Dean Walker, Dana Frishkorn, Jonathan Patrick, Jonathan Wise, Alexis Bohan, and their teachers, Dale Wagner, and Diane McAfee, for their outstanding achievements in this year's National History Day competition.

They are a credit to education in Pennsylvania and an inspiration to all of the students in the Fourth Congressional of Pennsylvania. I hope my colleagues will join me in recognizing their exceptional work.

THE CIVIL RIGHTS ACT OF 1997

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. GEPHARDT. Mr. Speaker, just this past weekend the President gave a commencement address in San Diego, CA, in which he announced the beginning of his race initiative that over the next year will seek to engage the American people in an honest and open dialog on race relations. Through this initiative, the President has set a goal of focusing national attention on lessening the barriers that divide our nation along racial lines and developing concrete policy solutions that will unite us as one America. I commend the President and his advisory panel, chaired by the distinguished scholar Dr. John Hope Franklin, as they begin a journey, that if successful, will bring us closer to realizing our fullest potential as a nation. It is a journey on which I hope they will be joined by all of the American people.

But unlike the President who has chosen to lead us down a path toward racial reconciliation, today, once again Republicans in Congress have chosen to take the hackneyed and politically expedient path of exploiting racial division by reintroducing legislation that seeks to erase the gains that many women and minorities have made toward achieving equal opportunity. Today, Representative CANADY and Senator MCCONNELL introduce what they call the "Civil Rights Act of 1997," a bill that would abolish affirmative action in Federal Government employment and contracting.

Those who support the Canady-McConnell bill claim that affirmative action is unfair because it uses "quotas" and gives "preferences" to undeserving and unqualified women and minorities. But they could not be further from the truth. The majority of American people support affirmative action because they know that it is a moderate and effective remedy for providing equal opportunity to those who have historically been treated unfairly. Affirmative action, like other Federal civil rights laws, is a bipartisan solution that has enjoyed the support of Democratic and Republican Presidents, Democratic and Republican Members of Congress, and continues to have the support of Republican Governors like Christine Todd Whitman of New Jersey, Jim Edgar of Illinois, Bill Weld of Massachusetts, Tom Ridge of Pennsylvania, and others including Retired Gen. Colin Powell.

We as a Congress must reject the path of racial divisiveness represented by the Canady-McConnell bill and chart our own path that will complement the efforts of the President's race initiative. As we begin the appropriations process, let us provide the funding necessary to the agencies of the Federal Government that enforce our antidiscrimination laws. This is an action that we must take to demonstrate our continued commitment to the full enforcement of these laws.

If we are to realize the potential of our democracy, then the choice is clear. We must continue to open the doors of opportunity in the classroom and the workplace to all our citizens and come to fully appreciate that the growing diversity of our great Nation is truly our greatest resource. Let us heal the wounds of race, not reopen them. Let us not abandon affirmative action.

IN HONOR OF WESTERN QUEENS GAZETTE 15TH ANNIVERSARY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to acknowledge publicly the outstanding pillars of our communities.

I rise today to pay tribute to the Western Queens Gazette on the occasion of its 15th anniversary by placing their name in the CONGRESSIONAL RECORD.

The Western Queens Gazette has served as a vehicle to inform and educate the residents of the Queens community for 15 years. I would like to take this opportunity to commend its publisher and founder, Mr. Tony Barsamian, for his initiative and insight in starting and maintaining this paper for so many years. During these times when news seems more focus on highlighting the negative events taking place in our society, it is good to know that individuals, like Mr. Barsamian, still believe there is something useful to delivering good news and relevant information to his friends and neighbors.

The healthy sense of community that exist in that neighborhood today, I believe, can easily be attributed to the Western Queens Gazette. Mr. Barsamian has done a tremendous job at delivering the good news to Queens. Highlighting the good works of the Queens community is good business and the best type of service to provide.

Thank you Western Queens Gazette and Mr. Barsamian for your years of dedicated service to improving public opinion. I ask my colleagues today to join me in saluting this fine citizen and the institution he has built.

TRIBUTE TO RUTH BLOCK

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Ruth Block, an exemplary individual who has selflessly devoted herself to the community and tirelessly sought to foster an ecumenical climate of understanding. Ruth in being honored by the American Jewish Committee with its 1997 Community Service Award and I would like to add my accolades for this outstanding citizen.

The Talmud states that "Charity knows neither race nor creed," and Ruth's devotion to working on behalf of the entire community illustrates that service to others also recognizes no such boundaries. Ruth Block's accomplishments are truly remarkable and these brief remarks can hardly hope to fully acknowledge all that she has done for the community.

Ruth Block has selflessly devoted her time and energy to numerous causes, including the Rockefeller Foundation, the League of Women Voters and has been an active leader of the American Jewish Committee. Additionally, Ruth's diligent work to foster understanding extends to the international sphere as well. She was awarded the Gold Medal of Honor by the Austrian Government and has also been presented with the Officer's Cross of the Order of Merit by the German Government for her efforts to build bridges of understanding between the German and Jewish people.

What makes Ruth truly amazing is that despite her countless hours of community service, she has also found the time to raise a

family and spend time with her grandchild. I am proud to pay tribute to such an outstanding citizen as Ruth Block.

RECOGNITION OF MICHIGAN WOMEN'S HISTORICAL CENTER ON ITS 10TH ANNIVERSARY

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. STABENOW. Mr. Speaker, 10 years ago the Michigan Women's Studies Association opened the Michigan Women's Historical Center and Hall of Fame.

During this landmark year, I commend the Michigan Women's Studies Association for their outstanding efforts.

Through the years, the Michigan Women's Historical Center and Hall of Fame's publications, programs, and traveling exhibits, have enabled the people of Michigan to learn more about outstanding women leaders in our State. These leaders have made an enduring contribution to our State and our society. Without the MWSA, their work might not ever have been acknowledged.

The Michigan Women's Studies Association and the Historical Center and Hall of Fame have been a catalyst in bringing the diverse roles of women to the forefront in Michigan. Through their work, the accomplishments of hundreds of women have now become an important part of the social fabric and collective memory of the State.

Michigan's history is rich in the achievements and contributions of our State's women. I am proud that we have a way of honoring the women who have been shining examples to us all.

ON THE NEED FOR IRS OVERSIGHT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. COX of California. Mr. Speaker, the Internal Revenue Service has too much power in Americans' lives. This recent example, from the Associated Press, shows why greater congressional oversight of IRS mismanagement and taxpayer abuse is so vitally necessary.

IRS IS FOUND TO HAVE RETALIATED OVER AN INSULT

(By Margaret Katz)

DENVER (AP).—In hindsight, insulting the IRS agent during an audit was probably not a good idea.

But Carole Ward, who this week moved to Albuquerque from Colorado Springs, let fly with this gem: "Honey, from what I can see of your accounting skills, the country would be better served if you were dishing up chicken-fried steak on some interstate in west Texas, with all the clunky jewelry and big hair."

A short time later, federal agents raided Ward's business and then released confidential information about her taxes to the media in what Ward called "character assassination."

This week, a federal judge reprimanded the IRS for its actions and awarded the woman about $325,000 in damages and attorney's fees.

"By this award, this court gives notice to the IRS that reprehensible abuse of authority by one of its employees cannot and will not be tolerated," U.S. District Judge William Downes said after the non-jury trial. "Part of that responsibility requires that you accept criticism, however inaccurate and/or unjustified, in silence."

Ward, 49, said she is not proud of what she said to auditor Paula Dzierzanowski during the 1993 audit. The meeting was one of several regarding income taxes owed by the children's clothing stores owned by her son, Tristan, then 20.

Two weeks later, IRS agents seized and padlocked the stores with a so-called jeopardy assessment demanding $325,000 in back taxes from Ward. Such an order is considered extreme and is normally used when the IRS fears it is in danger of never collecting the taxes, said Ward's attorney, William C. Waller.

Ward's family depended on the stores as their sole source of income, and the seizure put them in desperate straits. She said her family even lost their electricity because they were unable to pay bills.

Why the IRS targeted Ward rather than her son is unclear, said Dennis Mark, another of Ward's attorneys.

"They took the position that Carole Ward owned the stores," Mark said.

By July, Ward had hired a tax attorney and the parties had agreed that the actual amount owed by Ward was about $3,500.

"It was over and done," Waller said. But then the IRS went public with information about Ward that was the crux of her lawsuit.

IRS District Director Gerald Swanson and his assistant Patricia Callahan appeared on a Colorado Springs talk show and disclosed tax return information. They also discussed the original $325,000 dispute and allegations against Ward even though the case had been settled, Waller said.

The IRS also disclosed information to TV's "Inside Edition" in the form of a fact sheet about the dispute.

The IRS agents said that since Ward had already gone public with information about the dispute, they were within their rights. However, the judge found their behavior negligent.

Another IRS agent, James Scholan, further disclosed information about the dispute in a letter published in a local newspaper. Scholan said he had obtained that information from newspaper accounts, but the judge ruled that he had obtained it as an IRS employee, committing a "blatant violation."

Ward was also upset about notices posted in the windows of the stores during the seizure that she said implied she was a drug smuggler.

The judge found that the IRS had caused mental distress, emotional damage and humiliation to Ward.

"Public servants cannot be arbitrarily selective in their treatment of citizens, dispensing equity to those who please them and withholding it from those who do not," the judge said.

The IRS had no comment on the case. Nor did the Justice Department's tax division.

Ward said she is glad to be vindicated. But her son's stores are still struggling, she said, and the fight took a huge toll on her personally.

"When you take on these people . . . it would be wonderful if I felt like dancing on graves, but by the time you get the victory, it doesn't feel like a victory," Ward said. "They take out the joy."

LITTLE WONDERS OF THE WORLD: WINNERS OF THE ART OF CO-OPERATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. TOWNS. Mr. Speaker, I am pleased to highlight the great achievement of Ms. Shadia Borum, president and CEO of the Little Wonders of the World, Inc., and the 10 young talented wonders of Public School 137, located at 121 Saratoga Avenue in Brooklyn. On May 30, 1997, each of these children received $1,000 in U.S. savings bonds held in trust until their 18th birthday or entrance into college.

Little Wonders of the World, Inc., is the only organization of it's kind; a Brooklyn based, not for profit 501(c)(3) education management company. The purpose of this organization is to raise children's educational standards and to uplift their self-esteem by increasing their opportunities for intellectual growth. This organization's dedication to children is exemplified by its development of educational programs, the organization of special events and creation of motivational contests for inner-city school children between the ages of 4–12 years of age in grades K–6.

Little Wonders of the World, Inc., created "The Art of Cooperation Contest." This contest is a motivation contest, open to children in third, forth, and fifth grades, that promotes cooperative behavior between the children, teachers, and family. The goal of this contest is to have all the participants develop their own successful method of cooperation through poetry, art of essay. This year's winners are: Chinae Albritton, Wesley Bankes, Christin Barratt, Crystal Brown, Crystal Foster, Crystal Hawley, Kenneth Jenkins, Chanelle Lugo, Luis Ortiz, and Roberto Ortiz.

I am delighted that the Little Wonders of the World, Inc., is available to the young children of Brooklyn. I commend Ms. Shadia Borum and Little Wonders of the World, Inc., for its vision and execution in developing this outstanding service center.

INTRODUCTION OF LEGISLATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. YOUNG of Alaska. Mr. Speaker, today, I am introducing legislation to authorize and direct a land exchange which will greatly benefit the town of Sitka, AK. This bill has several components to the exchange. First, it will ensure that an important water system now currently under an easement will be conveyed to the city of Sitka in order to provide its residents with an assured water supply into the future.

This exchange will also provide for a spectacular inholding on Admiralty Island National

Monument to be added to the monument. Admiralty Island is considered to be an area holding outstanding conservation values within the American conservation system. The land exchange authorized in the bill I am sponsoring will ensure that this private inholding is included in the monument and in the wilderness.

The final component of the exchange will be the extinguishment of a reversionary interest on land owned at Sitka by the Alaska Pulp Corp. The corporation also owns the valuable inholding at Admiralty Island and the lands which the city of Sitka wishes to have conveyed to it. In return for the extinguishment of the reversionary interest, the corporation will convey the inholding to the monument and the water system lands to the city.

This exchange is supported by the city and borough of Sitka, and the city administrator has requested me to sponsor this legislation and expedite the exchange.

This exchange is truly in the best interests of all involved. The U.S. Government even comes out ahead on value. Recent appraisals for the various lands and interests exchanged show that the Admiralty Island land is valued at more than the reversionary interest which will be exchanged. As a condition of my legislation, the corporation is required to waive its right to any compensation for this difference in value.

In summary, as a result of this exchange the Admiralty Island Monument land ownership pattern will be consolidated, the city of Sitka will receive valuable lands in fee ownership on which parts of its water system are located, and the corporation will be free of a problematic reversionary interest in its property. As a bonus, the Federal Government realizes a net benefit in the value of the exchange. This is a sound deal in the best interests of all parties.

It is my hope that this legislation can pass this body and the Congress in the near future.

HONORING THE DETROIT RED WINGS STANLEY CUP VICTORY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. CAMP. Mr. Speaker, the Detroit Red Wings were rewarded for their excellence last Saturday night by sweeping the Philadelphia Flyers and bringing home the Stanley Cup for the first time in 42 years. Several images from the Red Wings triumphant run for the Cup will forever be imbedded in the hearts and memories of Wings fans everywhere. The steel-jawed determination of head coach Scotty Bowman, who became the first coach to win the Stanley Cup with three different teams; the spectacular performance of playoff-MVP goaltender Mike Vernon, who turned away shot after opposing shot; or the gritty play of Brendan Shanahan, Darren MacCarty, the "Grind Line"; and of course the international flair of the team, led by the likes of Sergei Fedorov and Igor Larionov.

However no player demonstrated the unwavering intensity and unselfishness of the team more than the captain Steve Yzerman. After years of personal triumphs, Yzerman's leadership finally brought home the Stanley Cup to the great State of Michigan. His perseverance and unwavering dedication gave one of the classiest players in pro sports the recognition he has so long deserved.

The Red Wings are an example of a team working together in the pursuit of excellence. Their play and accomplishments should be applauded, along with the integrity and commitment to overcome the many obstacles that stood before them. The State of Michigan is proud to salute the 1997 Stanley Cup Champions, the Detroit Red Wings.

HONORING AARON EDD JACKSON HENRY, "DOC"

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. PARKER. Mr. Speaker, I rise today to honor a very special man and a great American who has recently passed away. Aaron Edd Jackson Henry, better known to friends and family as "Doc," was born July 2, 1922, and died May 19, 1997.

During his life, Doc Henry served as 1 of the 200 U.S. soldiers during World War II to live in a multiracial experiment leading to the 1945 congressional bill outlawing segregated military housing, he organized the Coahoma County Branch of the NAACP in 1953, he was president emeritus of the Mississippi State Conference NAACP, and he owned and operated the Fourth Street Drug Store which is famous locally for being a center of civil rights activity.

Doc Henry also served on numerous other boards and organizations, such as the National Caucus and Center for Black Aged, the Federal Council on Aging, the Southern Christian Leadership Conference, the Southern Regional Council, the Mississippi Council on Human Relations, Mississippi Action for Progress, Inc., and the Civic Communications Corp. He was involved in such civic organizations as the American Legion, the Elks, the Masonic Order, the Veterans of Foreign Wars, and Omega Psi Phi Fraternity. Yet through all of this community involvement, he still made personal time for his wife, Noelle Celestine Henry, and his daughter, Rebecca Elizabeth Henry.

Doc Henry's quest for equality took him across the Nation and around the world. He was instrumental in enacting laws that impacted the core of human rights in our Nation. For these accomplishments, he has been recognized with honorary doctorates from Mississippi Baptist Seminary, Tougaloo College, Rust College, Mary Homes College, Prentiss Institute, Queens College, and Boston University. He also received accolades such as the Distinguished Mississippians Award, the Clarksdale Hall of Fame Award, the NAACP's Living Legacy Award, the Jammie Whitten Award, and the prestigious Hubert H. Humphrey Award.

Though the voice of a great humanitarian has ceased to resound to believers of civil rights everywhere, Doc Henry will live forever in our hearts and memories.

TRIBUTE TO ST. JOHN THE BAPTIST CATHOLIC CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my privilege to congratulate St. John the Baptist Catholic Church in Hammond, IN, on the joyous occasion of its centennial celebration this Sunday, June 22, 1997. The day's festivities will begin with a Mass of Thanksgiving at 3:00 p.m., officiated by the Most Reverend Dale J. Melczek. Following the mass, a gala reception will begin at 4:30 p.m. in the parish's Panel Room Banquet Hall. The reception will include dinner, several guest speakers, and live performances by the Lubo Pala Slovak Folk Band, the Vychodna Slovak Folk Dance Ensemble, soprano, Dorothy Hoover, the St. John adult choir, and the Stanley Paul Orchestra.

The founding of St. John the Baptist Church is one of struggle and triumph. In the spring of 1897, after successfully petitioning Bishop Joseph Radermacher for a Czechoslovakian priest to serve those in the community of Slovak heritage, a welcoming committee met Father Benedict Rajcany in Hammond on April 17, Holy Saturday. His first mass was offered on Easter Sunday 1897 at Sacred Heart Church in Whiting, IN, since no Slovak church existed at the time. Soon after, the Slovak Catholic Union Branch 130 transformed its meeting hall into a church, which was dedicated on July 4, 1897. The church was dedicated to St. John the Baptist because the new pastor stated he felt like "one crying in the wilderness" in his new assignment in the United States.

By the time World War I began in 1914, the church had been enlarged to accommodate 650 parishioners. By 1921, the first regular assistant, Father Michael Kosko, was appointed to the church. During his ministry, Father Rajcany continued to place emphasis on the English language and on the Americanization of his parishioners. Some objected, but their reluctance was soon overcome. At approximately the same time, priests from St. Joseph College in Rensselaer, IN, journeyed to assist the parish on weekends.

By 1925, it became apparent that a new and larger church would be needed. That same year, the future pastor of St. John, Reverend John Kostik, C.P.P.S., arrived as a permanent assistant. Later, at the suggestion of Father Rajcany, Father Kostik was appointed pastor of St. John by Bishop John F. Noll. Also during that year, the parish was placed under the supervision of the Society of the Precious Blood, and it continues to be served by priests of the society to this day.

Groundwork for the new church, the work of Chicago architect Herman Gaul, began in May, 1930. Knowing the economic seriousness of the times and the dangers of bankruptcy, Father Kostik placed the success of the $300,000 venture in the hands of St. Therese, the Little Flower of Jesus. Amazingly,

during this period of financial disaster, the parish lost only $340, and the entire debt was retired by 1942. The new Romanesque style church, with its 190-foot steeple, stands as a tribute to God from those founders of Slovak heritage.

In the late 1940's, much-needed additions to the parish were begun. Plans conceived by then-pastor Father John F. Lafko, C.P.P.S., were carried out by his successor, Father Gabriel Brenkus, C.P.P.S. In 1948, construction on the first phase of the new school, consisting of classrooms, a convent, and the Panel Room Banquet Hall, began. After its completion in 1951, the second phase of construction, consisting of an auditorium, gymnasium, and additional classrooms, began in 1955. The final addition to the St. John the Baptist complex was a new rectory, which was completed in 1967.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the parish family of St. John the Baptist, under the guidance of Father John Kalicky, C.P.P.S., and former pastor-in-residence Father Edward Homco, C.P.P.S., as they prepare to celebrate their centennial in 1997. Their slogan, "We Remember, We Celebrate, We Believe," reverberates throughout the community in a celebration of faith—faith in God, faith in country, and faith in people. In this spirit, St. John has enhanced the quality of life within the Hammond community through its religious, educational, and cultural contributions for the past 100 years.

THE PASSING OF JAY B. WHITE, "AMERICA'S FINEST LAWYER"

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. STOKES. Mr. Speaker, it is with great sadness that I announce the passing of Attorney Jay B. White. Jay was a lifelong friend and a giant in the legal profession. Cleveland, OH, mourns the loss of one of her most distinguished sons, and a man who was one of the Nation's finest criminal defense lawyers. My wife, Jay, joins me in expressing our deepest sympathy to Jay's loving wife, Addye, and members of his family.

A few days ago, on June 13, 1997, the Cleveland Bar Association honored Jay for 50 years as a practicing lawyer, an honor representing a very special milestone in his legal career. Jay and I were boyhood friends and I always knew that he would achieve great things. As a young man, he knew the value of perseverance and hard work.

Jay was born in Cleveland and graduated from West Virginia State College. He earned his law degree from Western Reserve University Law School in 1946. After graduating, Jay began his law practice in Cleveland. At a time when law firms were not opening their doors to hire black lawyers, Jay was more determined than ever to succeed. He concentrated on representing persons charged with crimes and became an outstanding trial lawyer. It was in this capacity that he became one of the founders of the National Association of Defense Lawyers in Criminal Cases, which was founded in 1958 at Northwestern University Law School. He also served on its board for many years. Jay was a past president of the John Harlan Law Club and a member of Alpha Phi Alpha fraternity.

Mr. Speaker, saying goodbye to those whom we hold dear is difficult. In the days ahead, I will miss my good friend, Jay White. Not only did we share a special friendship, but we also enjoyed a special bond through our marriages. It was Jay White who introduced me to my wife, Jay. In turn, she introduced Jay to Addye, his devoted wife of 33 years. Jay's love of people garnered a host of friends and admirers all over the Nation who loved him and mourn the lost of their friend.

I am proud to have been a lifelong friend of Attorney Jay B. White. Our thoughts and prayers are with Addye, their son, Jay B., daughter, Joy, Jay's brother, Reggie, and members of the White family during this difficult period. Jay was a very special individual who, with his unique personality, carved out his own niche in this community. He was unlike anyone else I have ever known. Jay will always be remembered in his own famous words, as "America's finest lawyer."

CLINTON MEMORIAL AME ZION CHURCH ROOF DEDICATION CEREMONY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. PAYNE. Mr. Speaker, this past Sunday witnessed the dedication of a new roof for the Clinton Memorial AME Zion Church at 151 Broadway in Newark, NJ. This accomplishment is truly significant to this particular house of worship. For many years the Clinton Memorial AME Zion Church had no stable church home. The early history of the church was marked by ups and downs and much movement from one location to another. The church was founded in 1822, the same year that free Black men went to Liberia to found Monrovia. This is just one example of the type of vision and moral and social commitment that has permeated the leadership and membership of this church throughout its existence.

While the church was founded in 1822 it did not find its present home until 1930 when Rev. J.M. Hoggard was pastor. Reverend Hoggard was a resident of my childhood neighborhood. He had a great impact on our community and many of its people.

I was fortunate to be affiliated with this church when I was a young man. It was one of the most progressive institutions around. It had the foresight to provide the youth with activities such as socials and sports in a setting that was moralistically sound. While the youngsters were being kept occupied and happy they learned the importance of morals, faith and religion. I think my participation in these programs helped shape my concepts of the youth programs I would run for the YMCA when I became an adult.

Mr. Speaker, I am sure my colleagues would have wanted to join me as I extended my congratulations and best wishes to the congregants of the Clinton Memorial AME Zion Church of Newark, NJ.

TRIBUTE TO IRA KLEIN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize Ira Klein, a young man who has demonstrated outstanding scholastic achievement. Ira is in Washington representing the State of California in the National History Day competition and I would like to congratulate this remarkable eighth-grader on his award-winning report.

The theme of this year's National History Day competition was "Triumph and Tragedy in History" and Ira's exemplary paper focused on the impact of the polio epidemic in America. What makes his report, entitled "Polio: Triumph and Tragedy," truly exceptional is that it focused on the individual victims of this dreaded disease, giving a voice to those countless persons who were afflicted by polio. Furthermore, Ira also brought to light the effect of Post-Polio Syndrome which continues to affect the victims of this diseases even 40 years after its initial onset. The interest in this subject was inspired by Ira's unlce's own battle with polio and Ira transformed this personal connection with the ravages of polio into a truly insightful piece of history.

In successfully completing such an ambitious project, Ira demonstrated a level of academic achievement that far exceeds his age. I would like to commend Ira Klein for his exceptional academic accomplishment.

BROOKLYN ELEMENTARY STUDENTS: THE CREATIVE THINKERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. TOWNS. Mr. Speaker, I am pleased to have given special recognition and honor to the children of class 4–304 of New York City Public School 208 at 4801 Avenue D in Brooklyn on May 30, 1997.

I am delighted to have presented to the children of class 4–304 official Congressional Triumph Certificates for their magnificent drawings, poems and short stories on immigration. The following children interviewed their parents and represented their cultures through their art; bringing to life the special aspects of their homes:

Efuru Ballantyne; Richina Bicette; Laurae Caruth; Trevor Cayenne; Daniella Marie Clarke; Harrah Creary; Crystal Crossman; Valerie Delice; Kentasha Dickson; Dana Doyley; Ajani Edwards; Adonna Ferrell; Shariel Goldson; Zanita Green; Martin Gustave; Brandon Haynes; Colleen Hinkson; Shawn Hobbs; Alex James; Jodel Jeremie; Lauren Jones; Casey Gabriella Jones; Virginia Lowe; Makeda

Marshall; Terrill Ocona; Torin Perez; Ricardo Suares; and Samantha Ward.

These students' creative expressions detailed how immigration laws affect their families, specifically because they come from all parts of the world: Haiti, Africa, Japan, Puerto Rico, Dominican Republic, Barbados, Trinidad and Tobago, Jamaica, St. Lucia, Grendada, St. Vincent, and Guyana. The teacher of this brilliant class is Ms. Sandra Cinkay. I commend Ms. Cinkay for her tutorage.

TRIBUTE TO RABBI MORTON HOFFMAN

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. STABENOW. Mr. Speaker, I wish to pay tribute to Rabbi Morton Hoffman upon his retirement from Temple Shaaraey Zedek. Rabbi Hoffman has served the people of East Lansing and the congregation of Temple Shaaraey Zedek since 1983. As a rabbi, he has served God and the families of East Lansing through his leadership in his temple, his knowledge of religion and history, and his commitment to his community and family.

Along with his duties as rabbi, Rabbi Hoffman has served as education director for Temple Shaaraey Zedek's religious schools, and has served on the Governor's Committee for the Establishment of the Annual Martin Luther King Day of Observance and the Governor's Committee for the Annual State Observance of the Holocaust Memorial Day. He is a member of the East Lansing Clergy Coalition and, in May 1990, earned the doctor of Hebrew letter degree from the Hebrew Union College-Jewish Institute of Religion.

Rabbi Morton Hoffman's commitment to his community is unparalleled and his leadership will be missed.

I speak for all the people of the eighth district in thanking him for his service. I wish Rabbi Hoffman mazel tov in the future.

TRIBUTE TO SPECIAL GRADUATE OF NEW YORK'S 12TH CONGRESSIONAL DISTRICT WITH PERFECT ATTENDANCE

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. VELÁZQUEZ. Mr. Speaker, it is a pleasure to acknowledge the achievement of a very special graduate of the 12th Congressional District who has had perfect attendance for 6 years; since enrolling in kindergarten at Edward Bush Public School 18 in Brooklyn, NY. This graduate has been undaunted by obstacles and has demonstrated a true commitment to her educational goals.

She has learned that education is priceless and that she will be provided with the tools and opportunities to be successful in any endeavor she pursues by dedicating herself to her studies. Her success is a tribute not only to her strength and discipline but also to the supportive parents and teachers who have encouraged her. I am confident that the combination of these forces will lead her to many more achievements.

Mr. Speaker, as congressional Representatives we often discuss solutions to the plight of our Nation's educational system. We diligently strive to encourage educational excellence and dedication to higher learning. This student's unique achievement can serve as an example to others and I ask my colleagues in the U.S. House Representatives to join me in congratulating her. May her future be filed with many more successes. Congratulations to Kimberly Rodriguez.

A TRIBUTE TO JAMES D. ERICSON

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, I pay tribute today to one of Milwaukee's truly outstanding citizens, Mr. James D. Ericson. As the Wisconsin Chapter of the State of Israel Bonds gathers this evening to present Mr. Ericson with its 1997 LaSociete Award, I would like to take a moment to reflect on his remarkable contributions to the State of Israel Bonds, the city of Milwaukee, and the State of Wisconsin.

As the president and CEO of Northwestern Mutual Life since 1990, Jim Ericson has skillfully led one of the Nation's largest and most respected insurance companies to unprecedented levels of success. Named the "Most Admired Company" among insurance executives in a recent Fortune magazine survey, Northwestern Mutual has been a responsible and innovative corporate citizen, thanks in no small part to Jim Ericson's hands-on leadership and management capabilities. During the past 5 years, Northwestern Mutual has contributed more than $20 million to an array of educational, health, community, and civic endeavors. And as the president of Northwestern Mutual, Jim Ericson has always encouraged the company's 3,500 employees to volunteer their time and energy to make a real difference in our community. To honor the efforts of his employees, Jim Ericson established the Agent Community Service awards to recognize specific agents for volunteer commitment to their local communities.

Jim Ericson is know throughout Milwaukee and all of Wisconsin for his impressive civic accomplishments. From his initial organization of the Milwaukee Redevelopment Commission, to his successful work to bring professional baseball back to Milwaukee, Jim Ericson has always been at the forefront of all matters important to the economic progress of our city. In addition to his undeniable commitment to the State of Israel Bonds, Jim Ericson has served on more than a dozen boards and advisory panels. Most notably, he is a director of the Metropolitan Milwaukee Association of Commerce, and serves on the boards of the United Way of Milwaukee, Wisconsin Literacy Services, and the Blood Center of Milwaukee, just to name a few. In 1996, Jim Ericson received the prestigious St. Francis Children's Center Community Service Award for his leadership and personal commitment to our community.

The State of Israel Bonds plays a vital role in Wisconsin by creating a public awareness about the importance of maintaining a strong state of Israel. The organization also raises critical capital through Israel bonds which will ensure the long-term economic security and viability of the country. Jim Ericson has always recognized the importance of Israel bonds, and is well deserving of the organization's appreciation.

I would like to congratulate Jim Ericson's wife Patricia, their four children, and four grandchildren on this most special occasion. Thank you Jim Ericson, for all of your hard work and dedication. Your selfless efforts and persistence epitomizes Milwaukee's spirit of giving and sense of community.

REV. DR. EDWARD D. SMART, JR.—A MAN OF PRINCIPLE AND COURAGE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. PAYNE. Mr. Speaker, I would like to bring to the attention of my colleagues an event that was held this past Saturday. It was a reception held for Rev. Dr. Edward D. Smart, Jr. Rev. Dr. Smart is the shepherd of the Israel Memorial AME Church in Newark, NJ.

Rev. Dr. Smart is the epitome of leadership. He is courageous and committed to serving the members of our community, especially our young people. Serving by example is his method. He attended Fisk University where he was a Fisk Jubilee singer. He is a graduate of Penn State University with a degree in political science. He did graduate work at Shippenburg University and received his ministerial preparation at Gettysburg Theological Seminary. He holds a doctorate from the University of California. He is a member of the Essex County Welfare to Workfare Task Force. He is the cochairperson of the Newark Fighting Back Partnership, a program to reduce the demand for illicit drugs and alcohol. He has been involved since its inception. He has been integrally involved with the development of the Interfaith Clergy Community Alliance which is an effort to increase the aftercare for people in recovery by the faith community.

Israel Memorial AME Church has continued to grow under the stewardship of Reverend Smart. It has grown both financially and spiritually since his arrival in May 1991. He has faithfully worked to carry out its mission, "Israel Memorial AME Church strives to maintain a standard of Christian living within the metropolitan Newark area through evangelism, proclamation of the Word, stewardship, worship, bible study, and prayer meeting." He has been innovative in his approach to making life better for everyone he serves, which is the entire community. He is not one to take the safe way out always. He is a thoughtful risktaker when he feels he is justified in his position on

certain issues. Because of this, he has garnered the respect and support of many.

Mr. Speaker, I am sure my colleagues would have joined me as I congratulated Reverend Smart on his dedication to his faith, our community, and our young people.

BLUE RIBBON SCHOOLS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. PACKARD. Mr. Speaker, I want to commend three schools in my California district which the Department of Education recognized as Blue Ribbon schools. All three schools share as their mission an integrated approach to working with the community and with parents to educate and assist children in realizing their full potential as responsible, productive, contributing members of society.

The Philip J. Reilly School in Mission Viejo stands as an example of excellence in the community. The school provides a consolidated facility allowing disabled and nondisabled students to learn side by side and from each other. Architects received awards for designing the school to be entirely physically accessible to all students.

School success rests squarely on both the efforts of teachers and parents. At Barcelona Hills Elementary School, volunteers contributed over 10,000 hours of service just last year alone. Community efforts allowed the school to upgrade and integrate technology into every area of the curriculum. In addition to building students' academic prowess, teachers place emphasis on promoting integrity, responsibility, good citizenship, and perseverance.

Similarly, Laguna Niguel's George L. White Elementary School sets high academic and behavioral standards. White Elementary earned three commendations during its first program quality review. Further, the schoolteacher teaches children to give back to the community, sponsoring the kids in community service program. Projects include beach cleanups, corresponding with nursing home residents, and collecting food for the less fortunate.

As a former school board member, I am keenly aware of the challenges our schools face today. All of us in Congress agree that educating our youth should be one of this Nation's top priorities. A good solid education is the best tool to achieve success and ensure progress. With so many opportunities now available to our young women and men today, it would be a shame if they were not prepared and ready to take advantage of them. We must make sure that our education system is the absolute best it can be, providing students with the basic skills and academics to succeed in college and in the global marketplace.

IN HONOR OF THE GRAND OPENING OF PICKERING PLACE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. STARK. Mr. Speaker, on June 18, 1997, the city of Fremont and the Mid-Peninsula Housing Coalition will celebrate the grand opening of Pickering Place, a 43 unit affordable housing development, in the city of Fremont in California's 13th Congressional District. I commend both the Mid-Peninsula Housing Coalition and the city of Fremont for coming together to complete this project.

Affordable housing is an urgent need in California and the Mid-Peninsula Housing Coalition has been a leader in the development of affordable housing. They have developed over 3,300 units in the Greater Bay Area and are currently working on eight more projects. This new project, Pickering Place, will provide 43 affordable townhouse apartments for low-income families in our community.

I would also like to take this opportunity to congratulate the Fremont City Council and the city of Fremont staff who worked together with the Mid-Peninsula Housing Coalition to develop the vision and the plan for Pickering Place. This development would not have been possible without the funding and support from a variety of sources in the community, including a loan from the Fremont Redevelopment Agency.

Mr. Speaker, Pickering Place is an example of an extraordinary partnership. I applaud all of those who were involved in bringing this project to our community.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 54, PROHIBITING THE PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 1997

Mr. SNOWBARGER. Mr. Speaker, today the House is debating an amendment to the Constitution which will give the people's elected Representatives the authority to protect our Nation's most important and enduring symbol. This emblem is a powerful distillation of our commitment to individual freedom and constitutional democracy. The fact this image is sewn onto the shirt sleeves of Boy Scouts and emblazoned on the heat resistant tiles that protect our Nation's space shuttle fleet, is further testimony to this symbol's relationship to the American character.

This American flag is more than a banner to lead armies. It is the rallying point for our national conversation about freedom. Many have died defending this Nation, not because some great royal family or despot commanded it, but so that each American would continue to enjoy the blessings of liberty. There is a reason why veterans' organizations like the American Legion support this measure. These men and women know, perhaps more than others, what it means to defend America. Their sacrifice is memorialized in the flag itself. The red stripes, which are so recognizable, are representative of the blood spilled by America's sons to defend our treasured liberty. These Kansans of the American Legion want us to stop hoodlums and thugs from desecrating the flag to attack their legacy.

This flag represents America's historic and principled past and these struggles to extend freedom to all Americans. However, it is more than just a symbol of past triumphs. This flag is important to all freedom loving people around the world who long to construct for themselves a similar constitutional order. When Chinese dissidents wanted to communicate the desire for American-style liberty, they chose our flag to convey that message. They didn't want to be Americans; they wanted the freedom that our flag represents.

It is curious to me, Mr. Speaker, that opposition to flag protection persists. Our country has long recognized the icons and trademarks of American business through the patent and copyrighted acts. These corporate symbols are a valuable form of property that companies spend millions of dollars each year to augment and enhance. We have given America's business community the right to protect and defend their own emblems. Why should the most sacred and important symbol of America be treated differently?

At the very least, we should be allowed to criminalize violent destruction of our flag. This act approximates a personal attack on veterans and patriotic Americans. Remember, as other members—like the distinguished chairman of the Judiciary Committee—have pointed out, we have carved out this type of narrow restriction on expression before. Consider our hate crime laws that prohibit individuals from engaging in certain types of abhorrent speech to which constitutional protection does not apply. Clearly, Mr. Speaker, acts of contempt like burning a cross or displaying racial epithets do not amount to "speech," in the common meaning of the word. To the contrary, these activities fall into a class of behavior meant only to frighten, intimidate, and discourage the very political discourse contemplated by the Framers of the Constitution.

To put all of these issues together, Mr. Speaker, when individuals see an American flag passing in a Labor Day parade or in the fist of an enthusiastic child cheering a returning hero, they feel proud. When Americans see or hear about the desecration of their flag, they feel a tremendous pain. This is not a question about free speech or the right of dissent. Burning a flag is not speech. Nor is it dissent. Dissent is saying how you disagree. It implies a dialog.

This amendment is about preventing an attack on American citizens, collectively and individually. That is why our Kansas Legislature, and the legislatures of 40 other States, have petitioned this Congress to act. We owe it to these Americans, and Americans yet to be born, to extend protection to this transcendent national symbol.

TRIBUTE TO CHICAGO

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. BROWN of Florida. Mr. Speaker, on Wednesday, June 18, 1997, the Congressional Black Caucus [CBC] will gather in the Rayburn House Office Building to celebrate the unprecedented success of the smash hit premiere national touring musical "Chicago" in our Nation's Capital. The CBC will honor "Chicago"'s brilliantly innovative and charismatic cast, and will pay special tribute to the stars: Jasmine Guy, Obba Babatunde, and Carol Woods.

A congressional reception was held April 8, 1997, hosted by the Illinois delegation and featuring the "Singing Senators," Senators TRENT LOTT, JOHN ASHCROFT, LARRY CRAIG, and JIM JEFFORDS to welcome the cast to Washington, DC. Also in attendance were the Honorables BILL BARRETT, HOWARD COBLE, JOHN CONYERS, ASA HUTCHINSON, HENRY HYDE, WILLIAM JENKINS, DENNIS KUCINICH, NITA LOWEY, MICHAEL MCNULTY, CONSTANCE MORELLA, SILVESTRE REYES, TIM ROEMER, CARLOS ROMERO-BARCELÓ, JOHN SHIMKUS, LOUISE SLAUGHTER, and Secretary William Daley. "Chicago" cast members, Obba Babatunde and "The Girls," performed for the distinguished audience.

"Chicago" has broken box office records at the National Theatre and in New York City with its Broadway cast. "Chicago" is also the season's biggest musical hit.

The Broadway cast received six Tony Awards including Best Musical Revival, Best Director—Walter Bobbie, Best Choreography—Ann Reinking, and Best Lighting Design—Ken Billington. This wave of recognition continues with nominations from the prestigious New York Drama Desk for Outstanding Musical Revival, Outstanding Direction, Outstanding Choreography, Outstanding Actress in a Musical, Outstanding Actor in a Musical, Outstanding Supporting Actor in a Musical, Outstanding Supporting Actress in a Musical, and Outstanding Lighting Design. The New York Drama Critics Circle, the Nation's second oldest theatre award, after the Pulitzer Prize, voted a special award to the cast and creative team of "Chicago" for outstanding contribution to Broadway. "Chicago" continues to win raves and awards with five Outer Critics Circle Awards, including Best Musical Revival, Best Director, and Best Choreography.

The Musical is based on the 1926 play of the same name by Maurine Dallas Watkins. The play inspired the 1942 movie, "Roxie Hart," starring Ginger Rogers. The John Kander-Fred Ebb-Bob Fosse musical premiered in 1975 and the new revival, under the direction of Walter Bobbie and choreography—in the style of Bob Fosse—by Ann Reinking, opened on Broadway on November 14, 1996. "Chicago" has been hailed as "A triumph" by Time magazine. The New York Times raves "Chicago" is a musical for the ages with the sexiest, most sophisticated dancing seen on Broadway for years. It flies us right into musical heaven.

The Congressional Black Caucus will honor these talented and ambitious African-Americans for their inspiring success as artists and human beings. For it is individuals such as these who raise our aspirations, motivate our youth, and provide us with powerful national role models of integrity and spirit. We thank you for your commitment and honor your achievements.

IN RECOGNITION OF THE SHEPARD ACCELERATED SCHOOL

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. GEPHARDT. Mr. Speaker, I rise today to salute Shepard Accelerated School in my district for being named a national Blue Ribbon School recipient.

The Blue Ribbon Schools Program identifies and gives national recognition to a diverse group of public and private schools that are unusually effective in meeting local, State, and national goals and in educating all of their students. The program seeks to promote school improvement nationwide through the collaborative self-evaluation required of local school communities that participate. In addition, recognized schools serve as models for other schools and communities seeking to provide high quality education for all their students.

Shepard Accelerated School was one of only 264 schools across the United States recognized as a Blue Ribbon School. Now, you might think that sounds like a lot of schools. But think about this—there are about 76,000 public and private elementary and middle schools in America. That means that one out of every 288 elementary and middle schools in the entire United States has been named a Blue Ribbon School for 1997. And I'm pleased that Shepard Accelerated School right here in St. Louis, MO, is one of those schools.

To qualify for this award, I know Shepard went through rigorous reviews by some of the Nation's leading educators. The school impressed everybody and they deserve the highest praise for that. The innovative programs and supportive community Shepard has established truly demonstrate the importance of a positive learning environment.

Shepard Accelerated School has a shared purpose among faculty, students, and parents to improve the education of the 600 children who attend. I am proud of Shepard for being named a national Blue Ribbon School recipient. Ms. Savannah Young, all the teachers, and especially the students should be saluted for their dedication to high standards and excellence in teaching and learning.

Congratulations Shepard Accelerated School.

TRIBUTE TO MARGARET S. BENEDIKT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SHAW. Mr. Speaker, I rise today to convey the sad message of the death of a great American, Margaret S. Benedikt.

Widowed in the 1950's with a dependent child, Peggy Benedikt submersed herself learning all there was to investment and construction. Her daughter remembers awaking late at night to find her mother reading and was amazed at her mother's extraordinary ability to retain what she read. Peggy moved to south Florida in the 1960's and established what would become a very successful construction and development company. Knowledgeable in all areas of the construction business, she felt equally at home donning a hard hat on the building site or dressed for presentations in the sales office.

As her successes grew, Peggy Benedikt was generous with both her time and her money in supporting a wide variety of organizations in her adopted hometown, Fort Lauderdale, FL. She touched many in the community through her efforts with such diverse groups as Kids in Distress, the Opera Guild, the Humane Society, the American Cancer Association, and the Freedoms Foundation.

Margaret S. Benedikt loved Republican politics but she stands as a symbol for Democrats and Republicans alike. Through her actions, she taught all of us that we should stand tight for what we believe in. If there are politics in heaven, Peggy is already in the thick of it.

Margaret S. Benedikt was a great lady and a good friend. Peggy, we love you. We'll miss you.

TRIBUTE TO SPECIAL GRADUATES OF NEW YORK'S 12TH CONGRESSIONAL DISTRICT

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. VELÁZQUEZ. Mr. Speaker, with great pride I would like to congratulate some special graduates of the 12th Congressional District of New York. I am certain that this day marks the culmination of much hard work and many valiant efforts for these students; work and effort which have led and will lead them to continued success. They have overcome the obstacles of overcrowded and dilapidated classrooms, antiquated and insufficient instructional materials, the all too frequent distractions of random violence and pervasive drug activity, and, for some, having to adapt to a new language and new customs. But these students have persevered despite the odds. Their success is a tribute not only to their own strength, but also to the supportive parents and teachers who have encouraged them to achieve.

These students have learned that education is priceless. They know that education will provide them with the tools and opportunities to be successful in any endeavor they pursue. In many respects, this is the most important lesson they will carry with them for the rest of their lives.

In closing, I would like to say that youth in America must be encouraged to stay on course and complete their educations so they can pave the way for a better future. Let us not forget that their future is the future of this Nation. These successful graduates of the 12th Congressional District take the charge to

lead our Nation very seriously as their commitment to their education has demonstrated. Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in congratulating the following graduates who have triumphed despite adversity and who have achieved outstanding academic standing.

Congratulations to the 1997 graduates of the 12th Congressional District:

Sherlley Medina, John Denton and Geimy Colon—El Puente Academy for Peace and Justice High School.

Evelyn Reynoso and Carlos Segura—Eastern District High School.

Naisha Arthur and Ragon Atkhas—Bushwick High School.

Dawn Stokes and Alberto Sanchez—East New York High School.

Jetaime Toliver and Shykia Bell—Maxwell High School.

Dory Garcia and Kaleena Torres—Intermediate School 291.

Christina Rodriguez and Bartosz Bernatowicz—Charles O. Dewey Middle School.

Nina Soto—Middle School 88.

Delaila Catalino and Edwin Carrion—Public School 86.

LAVAR FOSTER AND SHALIEK RIVERA: COMMUNITY HEROES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. TOWNS. Mr. Speaker, I rise today to commend two incredibly brave youth, Lavar Foster and Shaliek Rivera, for their heroic efforts.

On May 5, 1997, these P.S. 346 sixth graders rescued a senior citizen from an attacker. Not only did they save her life, but their detailed descriptions ultimately led to the criminal's capture. What makes their accomplishments so remarkable is that they did not let their young age or small size prevent them from extending a helping hand to a fellow citizen. For their fearless efforts, they were also named "New Yorkers of the Week" by New York 1 News.

Lavar and Shaliek are shining beacons of hope for the future of our community. Citizens such as these are few and far between. They are truly role models for Brooklyn and the entire Nation.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in saluting Lavar Foster and Shaliek Rivera for their outstanding contributions to the Brooklyn community.

TRIBUTE TO STEPHEN AND IRIS GAINES

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor Stephen and Iris Gaines for their contributions to the Chabad of the Conejo Adult Education Program. In the spirit of Jewish unity, the Chabad of the Conejo recognizes the Gaines family for their time and dedication.

Stephen and Irish were inspired by their children to not only join an adult education program but promote adult education throughout our community. After sending Brandon and Ryan to Chabad, the Gaines' realized that Chabad would also be useful in their own lives.

The Gaines were so inspired by their own personal growth, and desired to contribute more to Chabad, they helped to establish the Gaines Family Adult Educational Institute. This institute in conjunction with Chabad's goals truly builds bridges toward Jewish unity. The institute has served thousands of people providing quality Jewish education, particularly helping those in spiritual need. Without the Gaines' help many members of our community would go unfulfilled.

The Gaines extraordinary vision for the future has made them a grand success in their philanthropic world. They leave a legacy for their children and other members of our community to follow.

It is an honor to join the family and friends of Stephen and Iris in recognizing them for their great work in our community.

WESTHILL GIRLS SOCCER TEAM WINS NYS CLASS B CHAMPIONSHIP

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. WALSH. Mr. Speaker, I ask today that my colleagues join me in recognizing the 1996–97 New York State Lady's Varsity Class B Soccer Champions from Westhill High School in Syracuse, NY.

This is the same team, though some new players have come on board, for whom I asked recognition last year when they won the New York State Class C Championship.

At a school where both academics and athletics are points of intense pride, the girls soccer program at Westhill has been particularly exceptional. This year, goalie Wallis Patulski saved 147 goals while Courtney Spencer, Megan Rogers, and Alissa Hoover scored 32, 30 and 24 goals respectively in a 24–0–1 overall season record on the way to the class B State championship title. Coach Ann Riva's assistant this year was Amy Ehlinger.

Coach Riva has tasted victory before. Under her, the last 2 years' teams have won the class C State championship title.

In addition to those named above, team members include: Jessica Adydan, Gabby Gaspe, Julie Guinn, Lindsay Lazarski, Karen Guinn, Sharon Gates, Jess Vosseteig, Sara Murphy, Jen Conway, Julie Carpenter, Michelle Mahaney, Sheida Tabaie, Shannan Card, and Jen Kirsch. Kirsi Donovan was brought up from JV's for the sectionals and the state championship tournament.

As a parent of Westhill student athletes, I know most of the students who play a sport at Westhill. They have demonstrated not only individual skills and team cohesiveness—but also a collective strength which draws from the entire Westhill community: parents, faculty, staff.

From all of us, congratulations to the team for an impressive accomplishment.

HONORING DANISE CANTLON OF ELLIOT ELEMENTARY SCHOOL

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. STABENOW Mr. Speaker, on behalf of the citizens of Michigan's Eighth Congressional District, I am pleased to honor Danise Joan Cantlon, a math teacher from Elliott Elementary School in Holt, MI, on the occasion of her receipt of the 1996 Presidential Award in Mathematics and Science Training.

The Presidential Awards for Excellence in Mathematics and Science Training are designed to recognize and reward outstanding teachers in the area of science and math. In addition to the national recognition, Danise will receive a National Science Federation grant of $7,500 to be used under her direction.

Teachers such as Ms. Cantlon are role models to our students. Through the receipt of this prestigious award, I hope the students of Elliot Elementary will be even more encouraged and stimulated to excel in math and science. Most importantly, this award should be an inspiration to many young girls in mid-Michigan. Research conducted by the American Association of University Women recently concluded that, in many of our schools, there remains a gender gap in science course enrollment, advanced math courses, and scientific and technological careers. By recognizing successful women in the field of math and science, we also inspire and encourage girls to pursue interests and careers in these areas.

I applaud the work Danise Cantlon has done at Elliot Elementary School. We are very lucky to have her teaching our children.

TRIBUTE TO SANDRA EPPS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to an outstanding educator and a dear friend, Sandra Epps. Mrs. Epps will be honored by her peers at her retirement dinner on Friday, June 20, in Flint, MI.

Sandra Epps is retiring after 33 years of service to the children of Flint. She has worked tirelessly as an educator in the Flint Community Schools during this time. A graduate of the Flint school system, Sandra returned to her community after completing her studies at Eastern Michigan University.

Specializing in elementary education, Sandra started teaching in 1964. Sandra's exemplary teaching style quickly earned accolades from her supervisors. In 1973 she was promoted to the position of assistant principal at

Pierson Community School. She served in this capacity during the 1973–74 school year. During the 1974–75 school year she held the same post at Merrill Community School. In 1975 Sandra was elevated to the position of principal at Dewey Community School. In addition to serving as principal of Dewey, Sandra also spent several years as principal of Martin Luther King Community School and Potter Multicultural Global School. Sandra's commitment to her students reached far beyond the administrator's chair. She understood that problems in the classroom were often closely linked to problems outside the classroom. She took the time over the years to listen to and help her students. Over and over again her students returned the favor. She is an unsung hero in the field of education.

Despite the pressures of raising a family, Sandra has devoted a large part of her life to many community organizations. She is the president of the Flint Human Relations Commission, the coordinator of the Victorious Christian Women Inc., and the vice president of the Flint Neighborhood Improvement and Preservation project. These are just a few of the community activities Sandra is dedicated too. The complete list is extensive.

Sandra Epps is an oustanding educator and an outstanding person. I have known Sandra for many, many, years. Along with her husband John, her children Mark, Randy, and Trayce, Sandra has encouraged and supported me over the years. I very much treasure our friendship. I ask the House of Representatives to rise with me today to honor a truly great educator, Sandra Epps.

IN HONOR OF MARY STRASSMEYER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Mary Strassmeyer as she retires from journalism after 39 years of reporting on the social scene in Cleveland, OH.

After studying history and English at Notre Dame College Mary went on to do graduate work in history at the University of Toledo. In 1983, she graduated from Cleveland Marshall College of Law and passed the bar the same year. Mary held a variety of jobs after graduation, but began her career in journalism in earnest when she quit a Federal job, took a pay cut and joined the editorial staff at the Cleveland News where she stayed for 4 years covering women's news, education and the PTA.

She was hired by the Plain Dealer in 1960 to serve as women's features writer and later became beauty editor and assistant travel editor. In 1965, Mary was named society editor, where she really started to shake things up. She could make or break an event, or even someone's career, simply by what she wrote in her column. She has covered everything from fashion and food to movies and, even though she will not divulge them, knows all the secrets behind the secrets on the business and social scene in Cleveland.

After 4 years as society editor, Mary organized a group of reporters called the Society of American Social Scribes [SASS]. The group's members later elected her president. In the same year, she was listed in Status Magazine as one of the best big-city society editors in the Nation.

In her retirement, Mary plans to devote more time to putting her law degree to use, working at Gerry's International Travel Agency, in which she is a shareholder, and of course, more writing. Mr. Speaker, let us recognize the achievements of Mary Strassmeyer, just as her colleagues and friends will on June 23, 1997. Her weekly witty writings will be missed at the Plain Dealer.

HONORING BISHOP J. NEAUL HAYNES FOR HIS 20 YEARS OF DISTINGUISHED SERVICE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate and recognize 20 years of dedicated service of a dear friend and the jurisdictional prelate of the Texas Northeast Churches of God in Christ, my friend Bishop James Neaul Haynes. His distinguished service in our religious community will be recognized on Thursday, June 26, 1997, in the sanctuary of Saintsville Sanctuary Church of God in Christ in Dallas at 2200 South Marsalis Avenue.

Bishop James Neaul Hayes was born in Denton, TX, and graduated with honors from Fred Moore High School. He received his bachelor's degree, and went on to study at the University of Denver in Colorado, then at the Dallas Theological Seminary.

He began his service in April 1949, and was licensed as a minister and ordained as elder in the Church of God in Christ in 1950. His first ministerial job was at the Church of God in Christ in Pampa, TX, in 1952. During the early years of his distinguished career he served as pastor of Saint Emanuel Church of God in Christ in Denison, TX, from 1960 to 1969. From 1969 to 1979, he relocated to Wheatley Church of God in Christ in Dallas—the city which he now calls home. He stayed in Dallas and served in many of the great churches of our city: Haynes Chapel Church of God in Christ from 1977 to 1979, and in 1979, he became pastor of the Saintsville Sanctuary Church of God in Christ where he currently serves today.

During his distinguished career, he served the Texas Northeast Jurisdiction of the Church of God in Christ, in many capacities. In 1964, he served on the Texas Jurisdiction Trustee Board, and as district superintendent of the West District of the Texas Northeast Jurisdiction in 1967. In 1969, he served as assistant State secretary of the organization. He was appointed as administrative assistant to the State Bishop in 1973 and in 1978, took the position of presiding prelate of Texas Northeast Jurisdiction. Also during this time, Bishop Haynes served The Church of God in Christ, Inc., which has a membership of 8.5 million.

In 1972, he served as a member of the trustee board of the Church of God in Christ, and assistant secretary of registration from 1972 to 1984. In 1984, he was elected to serve as member of the General Board of Bishops, Presidium, of The Church of God in Christ, Inc., and then was appointed second assistant presiding Bishop of the same organization.

His distinguished service in our community is illustrated by the amount of time he has devoted to Dallas' religious community. His leadership is exemplified by Bishop Haynes' vision and compassion which are sought and respected throughout our Nation. Because of his commitment to the service of mankind, Bishop Haynes has received a number of citations, awards, and plaques. Among these are: 1977 Minister of the Year Award, from the Interdenominational Ministerial Alliance, and the Community Appreciation Award, from the Governor of Texas in 1978.

No matter what board, organization, or committee, Bishop Haynes has served, he has always worked to help people in Dallas by making sure he spent his time helping others and giving back to his community which has given so much to him.

Mr. Speaker, I ask my colleagues assembled here today to join me in recognizing my good friend and the fine Bishop from Saintsville Sanctuary Church of God in Christ for his 20 years of dedicated service to the city of Dallas. All of Dallas and the State of Texas are extremely lucky to have such a great pastor, and I am certain his work for the next 20 years will continue to be full of meaningful accomplishments.

TRIBUTE TO MARCIA BURNAM

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize Marcia Burnam, whose outstanding commitment to helping others is being recognized by the American Jewish Committee with its 1997 Community Service Award. I would like to add my praise for this remarkable woman.

Marcia Burnam truly embodies the spirit of service to others. A wise man once said that "The best charity is good will" and Marcia has certainly demonstrated her good will. She has spent countless hours working for various organizations, such as the Wilstein Institute of Jewish Policy Studies, the Leo Baeck Temple and has also been an active alumnus of Vassar College. Additionally, Marcia was chair of the Portraits of American Women and the Jewish Federation's Volunteer Bureau.

Since 1950's American Jewish Committee President Irving Engel first introduced her to the AJC, Marcia has devoted long hours to this organization in numerous capacities, including working for the Jewish Family Center, directing the committee's fight for civil rights and acting as a national vice president for the organization.

Despite these innumerable hours devoted to others, Marcia was still able to raise a family and now spends time with her four grandchildren. It is a great honor to pay tribute to

Marcia Burnam for receiving this award and I would like to add my praise for her hard work and dedication to our community.

THE COMPUTER SECURITY ENHANCEMENT ACT OF 1997

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SENSENBRENNER. Mr. Speaker, I rise today to introduce H.R. 1903, the Computer Security Enhancement Act of 1997. I would like to thank Technology Subcommittee Chairwoman CONSTANCE MORELLA, and the full committee and subcommittee ranking minority members, Congressmen GEORGE BROWN and BART GORDON, for their efforts in crafting a bipartisan bill which should help strengthen computer security throughout the Federal Government.

The lack of adequate security for Federal civilian computer systems is a significant problem. Since June 1993, the General Accounting Office [GAO] has issued over 30 reports detailing serious information security weaknesses at Federal agencies. This year, GAO highlighted computer security as a governmentwide, high-risk issue in its high risk series.

H.R. 1903 is intended to address this problem by strengthening the National Institute of Standards and Technology's [NIST] historic role in computer security. The bill updates the Computer Security Act of 1987 (P.L. 100–235) to give NIST the tools it needs to ensure that appropriate attention and effort is concentrated on securing our Federal information technology infrastructure.

The Computer Security Act gives NIST the lead responsibility for computer security for Federal civilian agencies. The act requires NIST to develop the standards and guidelines needed to ensure cost-effective security and privacy of sensitive information in Federal computer systems.

H.R. 1903 updates the act to take into account the evolution of computer networks and their use by both the Federal Government and the private sector. Further, the bill's authorizations are consistent with authorizations that have already passed the House as part of H.R. 1274, the NIST Authorization Act of 1997.

Specifically, the bill:

Reduces the cost and improves the availability of computer security technologies for Federal agencies by requiring NIST to promote the Federal use of off-the-shelf products for meeting civilian agency computer security needs.

Enhances the role of the independent Computer System Security and Privacy Advisory Board in NIST's decisionmaking process. The board, which is made up of representatives from industry, Federal agencies and other outside experts, should assist NIST in its development of standards and guidelines for Federal systems.

Requires NIST to develop standardized tests and procedures to evaluate the strength of foreign encryption products. Through such tests and procedures, NIST, with assistance from the private sector, will be able to judge the relative strength of foreign encryption, thereby defusing some of the concerns associated with the export of domestic encryption products.

Limits NIST's involvement to the development of standards and guidelines for Federal civilian systems. The bill clarifies that NIST standards and guidelines are to be used for the acquisition of security technologies for the Federal Government and are not intended as restrictions on the production or use of encryption by the private sector.

Updates the Computer Security Act to address changes in technology over the last decade. Significant changes in the manner in which information technology is used by the Federal Government has occurred since the enactment of the Computer Security Act. The bill updates the act, taking these changes into account.

Establishes a new computer science fellowship program for graduate and undergraduate students studying computer security. The bill sets aside $250,000 a year, for each of the next two fiscal years, to enable NIST to finance computer security fellowships under an existing NIST grant program.

Requires the National Research Council to conduct a study to assess the desirability of, and the technology required to, support public key infrastructures.

It has been 10 years since Congress passed the Computer Security Act. Over that time, computer technology has changed at a breathtaking rate. The Computer Security Enhancement Act of 1997 will help NIST and the rest of our Federal civilian agencies adapt to those changes.

Mr. Speaker, ensuring that our agencies' computer systems as secure is a priority. H.R. 1903 is an important step toward this goal, and I urge all my colleagues to cosponsor this bipartisan bill.

THE COMPUTER SECURITY ENHANCEMENT ACT OF 1997

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mrs. MORELLA. Mr. Speaker, I rise today to join Science Committee Chairman SENSENBRENNER and ranking committee and subcommittee members BROWN and GORDON in introducing H.R. 1903, The Computer Security Enhancement Act of 1997. H.R. 1903 is designed to improve the security of computer systems throughout the Government.

In 1987, Congress passed the Computer Security Act which gave the National Institute of Standards and Technology [NIST] the lead responsibility for developing security standards and technical guidelines for civilian government agency computer systems. H.R. 1903 updates this 10-year-old statute.

The networking revolution of the last decade has improved the ability of Federal agencies to process and transfer data. It has also made that same data more vulnerable to corruption and theft.

In February, the General Accounting Office [GAO] highlighted computer security as a government-wide, high-risk issue in its high risk series. Concurrent with the release of GAO's high risk report, I held the second in a series of briefing on computer security. During the briefing, members of the Science Committee heard from some of the most respected experts in the field of electronic information security. They all agreed that the Federal Government must do more to secure sensitive electronic data.

The Federal Government is not alone in its need to secure electronic information. The corruption of electronic data threatens every sector of our economy. The market for high-quality computer security products is enormous, and the U.S. software and hardware industries are responding. The Federal Government, through NIST, can harness these market forces to improve computer security within Federal agencies at a fraction of the cost of developing its own hardware and software.

The Computer Security Enhancement Act of 1997 will assist in this process. The bill reduces the cost and improves the availability of computer security technologies for Federal agencies by requiring NIST to promote the use of off-the-shelf products for meeting civilian agency computer security needs.

The bill also enhances the role of the independent Computer System Security and Privacy Advisory Board in NIST's decisionmaking process. The board, which is made up of representatives from industry, federal agencies as well as other outside experts, should assist NIST in its development of standards and guidelines for Federal systems which are compatible with existing private sector technologies.

Further, the bill requires NIST to develop standardized tests and procedures to evaluate the strength of foreign encryption products. Through such tests and procedures, NIST, with assistance from the private sector, will be able to judge the relative strength of foreign encryption, thereby defusing some of the concerns associated with the export of domestic encryption products.

The bill also clarifies that NIST standards and guidelines are to be used for the acquisition of security technologies for the Federal Government and are not intended as restrictions on the production or use of encryption by the private sector.

Additionally, H.R. 1903 addresses the shortage of university students studying computer security. Of the 5500 Ph.D's in computer science awarded over the last 5 years in Canada and the United States, only 16 were in fields related to computer security. To help address such shortfalls, the bill establishes a new computer science fellowship program for graduate and undergraduate students studying computer security. The bill sets aside $250,000 a year, for each of the next two fiscal years, to enable NIST to finance computer security fellowships under an existing NIST grant program.

The provisions of the Computer Security Enhancement Act should help maintain a strong domestic computer security industry. A strong industry will not only help our economy but also significantly improve the security of Federal computer systems.

Mr. Speaker, H.R. 1903 alone will not solve the Federal Government's computer security problems. It is, however, an important step in the right direction. I commend Chairman SENSENBRENNER for crafting a bipartisan bill that should substantially improve computer security for the Federal Government, and I encourage all of my colleagues to join in cosponsoring the Computer Security Enhancement Act of 1997.

INTRODUCTION OF THE COMPUTER SECURITY ENHANCEMENT ACT OF 1997, H.R. 1903

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. GORDON. Mr. Speaker, I am pleased to join Chairman SENSENBRENNER, Ranking Member BROWN, Chairwoman MORELLA and other members of the Committee on Science in introducing the Computer Security Act of 1997.

Not a day that goes by that we don't see some reference to the Internet and the explosive growth of electronic commerce. What was originally envisioned as a network for defense communications and university researchers is now an international communications network of which we are just beginning to realize its potential.

Both Office of Technology Assessment and National Research Council reports have identified a major obstacle to the growth of electronic commerce—the lack of the widespread use of encryption products. The bill we are introducing today is the first step to encourage the use of encryption products, both by Federal agencies and the private sector. This in turn will support the growth of electronic commerce.

The Computer Security Enhancement Act of 1997, which amends the Computer Security Act of 1987 (P.L. 100–235) builds on the close collaboration and cooperation between the National Institute of Standards and Technology [NIST] and industry to develop standard reference materials and the standards that are key to the seamless commerce we take for granted today. This legislation highlights the need for NIST to expand its activities in the area of electronic commerce.

Our legislation also strengthens the NIST's role in coordinating Federal agencies' effort to utilize encryption and digital identification products. It encourages Federal agencies to adopt and use commercially available encryption technologies whenever possible. This legislation allows NIST to evaluate the technical merit of industry claims of the strength of generally available foreign encryption products. Hopefully, this will defuse some of the tension surrounding the issue of export of domestic encryption products.

Not only is this legislation consistent with the recommendations of the Office of Technology Assessment and the National Research Council, it is also in-line with a set of resolutions adopted by NIST's Computer System Security and Privacy Advisory Board on June 6, 1997. Finally, I believe this bill is consistent with the goals President's Clinton's upcoming policy announcement on electronic commerce.

It has been a pleasure working with Chairwoman MORELLA on crafting this piece of legislation and I look forward to continuing to work with her to move this bill through the legislative process.

HONORING ARABELLA MARTINEZ

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. DELLUMS. Mr. Speaker, Arabella Martinez has been a leader in motivating, organizing, and improving the Fruitvale community. A graduate of the University of California, Berkeley, with a masters in social work, Arabella has been a strong clear voice articulating the dimensions of what must be done, and pulling together participation from both the private and public sectors.

As CEO of the Spanish Speaking Unity Council from 1969 to 1974, she immersed herself in the development of programs to build responsibility and economic preparedness in the Latino community. She built the organization into a strong economic development and community organization with considerable assets.

Her abilities and dynamism gained the attention of former President Jimmy Carter, who appointed her Assistant Secretary, Office of Human Development Services, U.S. Department of Health, Education and Welfare, in 1977. In 1980, she returned to Oakland as president of the Center for Policy Development.

Five years ago, when the Unity Council was on the verge of bankruptcy, Arabella was persuaded to come back. She immediately developed a plan to address the organization's complex financial problems. Through her enormous skills, hard work, and dedication, not only has the organization survived the crisis, but it is thriving once again.

The Spanish Speaking Unity Council's assets, including the Community Resource Center, the Education Para Adelantar Building, the Esperanza Center, the Infant Care Center, the De Colores Pre-School, were all saved.

Under Arabella's leadership, all eyes are now on the Unity Council because of its Fruitvale BART project and its sponsorship of the Fruitvale Community Collaborative, formed to bring together residents, community groups, churches, schools, merchants, and agencies to improve the quality of life for children and families who live in the area. Residents are learning organization skills, they're learning how to access services, how to plan a project, and much more. Their philosophy is, "Working together as neighbors and friends, we can make our neighborhood a healthy place to live and keep it that way."

Another effort now underway, spearheaded by Arabella Martinez and the Spanish Speaking Unity Council, is a transit village with a mix of new residential, retail open space and a regional cultural center—within the confines and adjacent to the Fruitvale BART station. A new residential base would help support these shops as would the foot traffic from BART. While the proposed transit village is far from being accomplished, we have confidence that Arabella's drive, determination, negotiation skills, and ability to make things happen, will cause the transit village to happen. It's only a matter of time.

In addition to her service to the Fruitvale area, Arabella has lent her talents to numerous community board and commissions, including: The Women's Initiative for Self-Employment, the Oakland Business Development Corporation, the Bank of America's Police Advisory Committee, the New Oakland Committee, the Oakland Housing Authority, the Oakland Parks and Recreation Commission, and the University/Oakland Metropolitan Forum.

In the civic and community realms, her sagacious leadership, foresight, and compassion have clearly earned her the Oakland Citizen of the Year Award for lifetime achievement.

IN MEMORY OF HARRY (BUDDY) W. CORMIER, JR.

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. BERRY. Mr. Speaker, I rise today with a heavy heart to honor the memory of Buddy Cormier, who passed away last night after a long fight with cancer.

Buddy Cormier was a lifelong resident of DeWitt, AR, a little town not far from my home in Gillett. Buddy ran a small rice mill that his father had founded many years ago and he epitomized the small businessman and community activist that has characterized so many small towns in Arkansas.

When I ran my farming operation, there was no one that was more of a joy to do business with than Buddy Cormier. He was always fair in his dealings and was as concerned about my bottom line as he was about his own—a rare characteristic in today's business world. He was a leader in the rice industry in Arkansas and in the country because he cared about preserving our heritage.

Buddy Cormier was a big man in every sense of the word. He had a limitless appetite for life and for the well-being of those around him. When we did business together, I often found myself with him a little longer than would be normal, simply because he so lifted my spirits. He had boundless energy and a good humor that was simply infectious.

This is the way that I will remember my friend: As a man who embraced the world; who cared deeply about those around him; who worked to make his corner of the world a better place. His body may have succumbed to illness, but his spirit will always live on. Rest in peace my friend, we'll miss you.

A TRIBUTE TO ROBERT C. JASNA

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, I pay tribute today to one of Milwaukee's truly outstanding citizens, and one of America's top educators. As the Milwaukee Public Schools joins with friends throughout Wisconsin to honor superintendent of schools Robert C. Jasna on the occasion of his retirement, I would like to take a moment to reflect on Bob's remarkable career and his many contributions to public education in Milwaukee and our community as a whole.

A native of Milwaukee, Bob Jasna earned his degree from the University of Wisconsin-Milwaukee, and soon began his teaching career at Lincoln Elementary School in Appleton, WI. Bob then served his Nation as a platoon leader in the Army. Following his military service, Bob returned to Milwaukee and the classroom as a teacher at Juneau Junior/Senior High School, and quickly began to rise through the ranks of the Milwaukee Public Schools System. From 1973 to 1987, Bob served as principal at West Division, North Division, James Madison, and Riverside University High Schools, where the impact of his unique and innovative methods of teaching and leadership are still clear today.

In July 1989, Bob became associate superintendent of the Milwaukee Public Schools, and by 1991 he had become deputy superintendent. Since 1995, Bob has served as superintendent of the Milwaukee Public Schools, supervising all activities of the school system, and providing leadership and management expertise at every level of the system.

Let me be clear about the undeniable role Bob Jasna has played in the improvement of public education in Milwaukee's public schools. Under his steady hand, the Milwaukee Public School District has embraced a series of highly acclaimed reforms which have already made a difference in the quality of education in our schools. Through the implementation of rigorous standards, students are now challenged to pass a series of proficiency examinations, and graduation requirements have been strengthened. Our students have met these challenges, and continue to achieve progress.

Anyone who has had the pleasure of working with Bob Jasna is immediately struck by his passion for education, and by his belief that all children should be able to receive a top notch education, regardless of their economic standing. Bob's hands-on approach to his job as the leader of the Milwaukee Public Schools has made a real difference in the lives of our teachers, and more importantly, our students. In an era of declining resources, aging school infrastructure, and student violence, Bob Jasna has been a beacon of leadership and hope for our schools.

I want to extend my good wishes to Bob's wife Judith, and his two children. Bob will be missed by our schools, but I have no doubt that Bob will enjoy his retirement and will continue to maintain an active presence in our community. Congratulations, Bob Jasna, on this most special occasion.

STATEMENT BY SARAH WACHTEL REGARDING ILLITERACY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by a high school student from Vermont, who was speaking at my recent town meeting on issues facing young people.

Ms. WACHTEL. Two years ago an elderly New York City woman almost died. Why? She ingested too much medication because she could not read the prescription label on the bottle. This woman is not in the minority. One-quarter of the world's population, 905 million people, cannot read. One in five American adults is functionally illiterate and 44 percent of American adults do not read even one book in the course of a year.

Statistics clearly show that illiteracy is on the increase and that fewer than ten percent of those in need are being reached. in 1985 Proctor and Gamble spent more on advertising than the U.S. Government spent on adult basic education.

The truth is by cutting funding for literacy programs we are threatening the future of our nation. The cost of illiteracy to business and the taxpayer is estimated at 20 billion dollars per year.

President Clinton has made literacy a priority with his America Reads initiative. He says such efforts will help us to reach a critical goal, that every American child will be able to read on his or her own by the third grade, but there are large numbers of people who cannot even read to their own children.

Public awareness is key. Parents must realize the importance of education and of literacy. They must know they are their child's first teacher. Illiteracy is a very quite problem which needs attention.

Illiteracy plagues rural areas, not only urban ones. Literacy programs are needed not just in cities but all across the country. Programs for employees can be installed at large corporations. The library system must be supported. It encourages and provides great opportunities for education.

As President Clinton said, literacy is more than reading. It is about opportunity and giving people the tools they need to make the most of their potential. Literacy is one things that can never be taken away. It determines the future of us, our nation, our world.

This is necessary not only because it's literacy but because we need literacy to understand all the problems that we face today, and without an understanding, we have no way of solving them.

RECOGNITION OF COL. RICHARD E. MATLAK

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. McGOVERN. Mr. Speaker, I would like to recognize Col. Richard E. Matlak for his 28 years of honorable and outstanding service to the U.S. Army and to the Nation. On Friday, June 13, 1997, Col. Richard E. Matlak was honored at the Algonquin Club in Boston, MA. I recognize him here in honor of this event.

Colonel Matlak has a long tradition of service and has received numerous decorations. He has received the Legion of Merit, Bronze Star Medal, Meritorious Service Medal with three Oak Leaf Clusters, Army Commendation Medal with an Oak Leaf Cluster, Army Achievement Medal, Army Reserve Components Achievement Medal with four Oak Leaf Clusters, National Defense Service Medal, Vietnam Service Medal with two Overseas Service Bars, Armed Forces Reserve Medal with Time Device, Army Service Ribbon, and the Republic of Vietnam Campaign Medal with 60 Device. The personal extolments of his superiors, subordinates, evaluators, and peers, however most colorfully decorate the colonel as a great soldier and military leader.

Not only has Colonel Matlak shown exemplary character in his over 27 years of commissioned service, but he also dedicated his life to the field of education. The list of awards the colonel received through his work as an educator is equally prestigious. In addition to his numerous academic recognitions, the colonel has authored dozens of books, articles, reviews and conference papers on the subjects of Literature and Poetry.

Col. Richard E. Matlak is a dedicated leader, an accomplished academic, a learned professor, a superior mentor, and an honorable citizen of our Nation. I am proud to commend him for his admirable years of service to his community, to our institutions of learning, and to the United States of America.

DEPOSITORY INSTITUTION CONSUMER PROTECTION ACT OF 1997

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. LAFALCE. Mr. Speaker, today a number of my Democratic colleagues are joining with me to introduce comprehensive consumer protection legislation. It is our hope that key elements of this legislation can become part of the financial modernization legislation we will begin marking up in the Banking Committee later today.

I support financial modernization legislation because I believe It potentially holds out many benefits for consumers and taxpayers. Product diversification and broader competition should increase the safety and soundness of our financial system, improve efficiency and make available more services at lower cost to consumers.

But the continual modernization of financial services holds risks as well as benefits. In limited contexts, banks already participate in the insurance and securities businesses. The result of the pending legislation would be that banks will be entering fully into these businesses, and other financial firms will be able to enter into the banking business.

As consumers deal increasingly with banks that may be part of large-scale diversified financial institutions, they potentially become more vulnerable. Congress must ensure their interests are protected.

Consumers are already experiencing some serious difficulties. There are all too many examples of situations in which consumers have been coerced, misled or confused, and have suffered and endured financial losses as a result.

Banks remain a unique part of our financial services system. They are insured depository institutions, backed by the Federal Government through the Federal Deposit Insurance Corporation. They therefore offer consumers a level of protection—and intuitively instill a sense of confidence—that is not so automatically characteristic of other financial services providers. As a result, they must bear unique responsibilities.

Consumers will no longer simply be using banks to make deposits or purchase a limited array of investments products. They may also be using their bank to pursue a broad range of investment opportunities or purchase a full array of insurance products.

The potential for one-stop shopping and consumer savings is real and substantial. But so is the potential for confusion. It will be increasingly important that consumers fully understand the exact nature of, and risk associated with, the product they are purchasing. And it will be equally important that they understand their rights. Consumers must be assured that applications for extensions of credit will be judged only on their merits.

Some of the key elements in the legislation I am introducing today are:

Clear disclosure requirements which would ensure that consumers know precisely whether a product is or is not an insured product, and what risk is associated with it;

A strong prohibition against misrepresentation about the insured status of, or risk associated with, any product;

Anticoercion requirements that prohibit extensions of credit from being made conditional upon the purchase of another nondeposit product;

A suitability standard to ensure that the nondeposit product is suitable and appropriate based on the financial information disclosed by the consumer;

Provisions requiring reasonable physical segregation of the conduct of banking and nonbanking activities;

A provision requiring the development of a consumer dispute resolution mechanism so that consumers can readily have their concerns heard and any violations of the consumer protection requirements can be redressed; and

Procedures which would allow consumers to exercise more control over the sharing of information related to their financial transactions.

As changes occur in the marketplace in reaction to any modernization legislation we pass, it will be important that we monitor the situation closely to see how well consumers are being served. But this legislation should help ensure they receive the benefits financial modernization has to offer, and are protected from the risks.

THE LOS ANGELES COUNTY 4–H AFTER SCHOOL ACTIVITY PROGRAM WINS SECRETARY OF AGRICULTURE'S HONOR AWARD

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. HORN. Mr. Speaker, today I congratulate the Los Angeles County 4–H After School Activity Program for exemplary work in helping at-risk youth overcome many barriers and realize their dreams. Agriculture Secretary Dan Glickman presented the program with one of the 1997 Department of Agriculture Secretary's Honor Awards.

Some of the best legislation the House has passed so far in this term is designed to improve opportunities for America's at-risk youth. The historic juvenile justice reform bill we approved last month will help deter children from going down the path of crime. By removing work disincentives and fostering a more diverse mix of families in public housing, the landmark public housing bill the House also passed last month will give children who live in public housing more adult role models who work.

The Los Angeles County 4–H After School Activity Program is a step ahead of the federal government in improving the lives of underprivileged children in the nation's second-largest metropolitan area. Administered by the University of California, the program provides a positive, nurturing environment for children ages 7 to 13 who live in public housing. These children are young enough for positive adult role models to have an impact on their lives. But without this program, they could well fall victim to the pressure to join a gang, drop out of school when they get older, or get caught in the terrible trap of drug addiction.

The program was organized in the wake of the 1992 riots. It was so successful that it quickly grew to serve more than 1,500 children in Los Angeles County. Children attend the program 2 to 5 days a week from 2 p.m. to 6 p.m., and they participate in homework assistance and tutoring sessions, learn-by-doing projects, physical recreation, and community service projects. The children's projects focus on subjects ranging from gardening and plant science to computers, from photography and video to leadership development. The 4–H program also expects older children to participate as peer role models who can assist with special projects.

In a refreshing example of a wide range of organizations working together to improve their community, the program is run as a collaborative effort involving educational, governmental, business, and other organizations. The University of California Cooperative Extension provides overall administrative support and staff, with other support coming from the Unocal Corp., the Los Angeles Unified School District, the City of Los Angeles Housing Authority, the Corporation for National Service, the National 4–H Council, and the California 4–H Foundation.

The After School Activity Program has had a major impact on the lives of the participating children. Seventy percent of participants' teachers noted some or much improvement in the children's interest in schoolwork and their ability to solve problems. More than 60 percent of the teachers also reported some or much improvement in participants' ability to adapt to new situations and in their cooperation levels with peers. The children participating have seen a positive impact on their lives: 96 percent say they feel safe at 4–H, and 85 percent say 4–H helps them stay out of gangs.

Too many urban children have no positive role models, so they turn to gangs for acceptance. Too many children in our cities have underdeveloped academic skills, so they face an even steeper hill to climb when they grow up and have to find a job. Too many inner-city children see little hope in their lives, so they seek false solace in drugs and alcohol. The Los Angeles County 4–H After School Activity Program is saving L.A. children from lives of despair. This innovative program is a collaborative effort that is making a real difference in children's lives. My congratulations and deepest appreciation go to George Rendell, who is the director of the University of California's Los Angeles County Cooperative Extension, Resource Development Coordinator Ray Grabinski, and all the dedicated staff members, volunteers and other community-minded individuals who have made this program an outstanding success.

LEE VICTORY, A CAREER OF SERVICE TO SMYRNA AND RUTHERFORD COUNTY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. GORDON. Mr. Speaker, I rise today to pay tribute to an outstanding individual from the Sixth District of Tennessee who is being honored upon his retirement, Mr. Lee Victory.

Mr. Victory has spent his life improving the quality of life for those of the town of Smyrna, TN. For the last several years, he has been the moving force in recreation in Smyrna.

His energy and vision have been the key to providing Smyrna with recreation facilities no other city its size possesses.

He and Mr. W.E. Carter built Smyrna's first Little League baseball fields which were located behind the old Meadowlawn Homes. He personally wired the lights and ran the plumbing to these ballfields.

There is truly no way to tell how many children have been kept out of trouble through his efforts, not only by providing them with recreational opportunities, but by providing a place to stay for many youngsters who needed help as well. He and his late wife, Ruie, opened their home and their hearts to countless youngsters.

As for the future, Mr. Victory plans to spend more time working on his antique clocks, watching his grandchildren play baseball and visiting his many friends. However, for a man with such community spirit, for a man who knows that one person can still make a difference, old habits do not die easily. Fortunately, I am sure he will continue to provide

Smyrna and Rutherford County with his tremendous vision and commitment by serving on the Middle Tennessee Electric Board and the Board of the Rutherford County Highway Department.

Lee Victory's record of achievement explains why those in Smyrna and Tennesseans all across the State are honoring him on Friday, June 20, 1997. I join with them to thank Lee Victory for his tireless dedication and innumerable contributions. We wish for him a happy and fulfilling retirement.

HONORING BENTELER OF GOSHEN, INDIANA

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. ROEMER. Mr. Speaker, it is with great pleasure that I share with our colleagues today a milestone reached by an important business in the Third District of Indiana. Today, Benteler Automotive Corp. of Goshen, IN will receive an outstanding quality award from Honda of America Manufacturing. Benteler will receive this recognition for exceeding Honda's quality targets by greater than 50 percent in 1996.

Mr. Speaker, only 16 of Honda's 380 suppliers are receiving this award. This deserving accolade is in recognition of Benteler's performance in its impact management systems product line, namely steel doorbeams which are placed in front and rear doors to prevent passengers from injury in side-impact collisions. The ceremony took place this morning at the Benteler Plant in Goshen, and Honda presented the award to Benteler employees who were joined by community officials in celebration.

Benteler started out small, incorporating with just a few people in 1980 but growing to some 1,800 employees today. Benteler uses state-of-the-art technologies in manufacturing chassis systems, front exhaust systems and impact management systems for worldwide distribution. The award today is ongoing evidence that they are leaders in these fields. They have related facilities in Goshen and in Grand Rapids and Kalamazoo, MI, and another in Fort Wayne, IN. Annual U.S. sales exceed $300 million in the United States, and reach about $2.5 billion worldwide. Benteler's market niches include passenger safety, fuel economy, and environmental protection through emissions control. The process of creating quality products in a successful business that improve quality of life is not to be found everyday, and we can learn from the successful efforts of Benteler and its employees.

Mr. Speaker, Benteler's proud heritage extends around the world, from Indiana and Michigan, to Europe, to Mexico and through Asia. The original company was founded by visionary Carl Benteler in 1876, and today is one of the largest steel producers and automotive suppliers in Europe. The Benteler worldwide network of companies encompasses 27 worldwide plants and agencies, and employs over 11,000.

Mr. Speaker, I am pleased to acknowledge the accomplishments of the Benteler facility in Goshen, IN. I am honored to help recognize the accomplishments of the Benteler employees on this significant occasion in being recognized for excellence in manufacturing. They are a shining example of Hoosier dedication to hard work and quality. I know they are proud of this accomplishment, and I am pleased to add to the praise they receive from family, friends, and community.

RAND STUDY QUESTIONS CURRENT DRUG SENTENCING POLICY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, I have believed for some time that our policy for mandatory minimum sentences for nonviolent drug offenses at the Federal level represents a poor policy choice, given the resources available to us. A uniform mandatory minimum policy results in unfair sentences to some and an unwise expenditure of funds in many other cases, if our goal is in fact to reduce drug use and drug-related crime.

I was therefore interested to read of the recent study by researchers at the RAND Drug Policy Research Center. Jonathan Caulkins, C. Peter Rydell, William Schwabe, and James Chiesa report that, "mandatory minimums produce the smallest bang for the buck by far", compared to conventional enforcement and treatment of heavy drug users. Indeed, their conclusion is that, "treatment of heavy drug users produces the biggest bang of all."

Because of the importance of this as a public policy question, and because I believe that this RAND research report confirms that we are making a serious error in our current allocation of resources in drug policy, I ask that the RAND Drug Policy Research Center brief on mandatory minimum drug sentences' cost effective be printed here.

WASHINGTON, DC MAY 12.—If cutting drug consumption and drug-related crime are the nation's prime drug control objectives, then the mandatory minimum drug sentencing laws in force at the federal level and in most states are not the way to get there.

This is the key finding of Mandatory Minimum Drug Sentences: Throwing Away the Key or the Taxpayer's Money?, a new RAND study that provides the first quantitative analysis of how successful these measures are in achieving what Director Barry McCaffrey of the Office of National Drug Control Policy has called "our central purpose and mission—reducing illicit drug use and its consequences."

Researchers Jonathan P. Caulkins, C. Peter Rydell, William Schwebe and James Chiesa estimate the cost-effectiveness of extended sentences in reducing cocaine consumption and crime, compare the results to those for two other drug control strategies, and show that mandatory minimums produce the smallest bang for the buck by far. Conventional enforcement (meaning more drug dealer arrests, confiscations, prosecutions and standard-length incarcerations) is a substantially better investment. Treatment of heavy drug users producers the biggest bang of all.

Mandatory minimum drug sentencing laws, dating largely to the 1980s, have been among the most popular crime-fighting measures of recent years. Details vary with the jurisdiction, but all of these statutes stipulate a sentence of specified length given certain triggering criteria, notably the quantity of an illicit drug possessed at time of arrest. For example, federal law requires judges to impose a sentence of at least five years for anyone convicted of possessing half a kilogram of cocaine powder or five grams of crack cocaine.

Caulkins and his colleagues begin their analysis by estimating the effects of spending an additional $1 million on each of several alternative strategies over a 15-year period. The results:

Spending the money on mandatory minimum-length sentences for a representative national sample of drug dealers can reduce total national cocaine consumption by 13 kilograms. Spending it on conventional enforcement against such dealers cuts use by 27 kilograms. Spending it to treat heavy users reduces consumption by over 100 kilograms. A principal reason that long sentences are not more cost-effective is the high cost of incarceration.

If the analysis is restricted to drug dealers at a somewhat higher level—those prosecuted by the federal government and in possession of enough drugs to trigger a federal mandatory-minimum sentence—the numbers change but the rankings remain the same. In fact, mandatory minimums are the least cost-effective way to reduce consumption under any set of conditions save one: They could be efficient if judges were given leeway to apply them only to certain very high-level dealers. Unfortunately, these laws are not selective and do not allow judges to use discretion.

Dollar for dollar, conventional enforcement efforts reduce 70 percent more crimes against persons than longer sentences. Treatment reduces about 10 times more serious crime than conventional enforcement and 15 times more than mandatory minimums. Explanation: Most drug-related crime is economically motivated and associated with the amount of money flowing through the cocaine market. Incarceration has little effect on this flow because it suppresses drug use by driving up drug prices. In contrast, treatment removes some users from the market altogether (both those who are in treatment and the minority who do not relapse afterwards).

To their proponents, the certainty and severity of mandatory minimums ensure that drug criminals will be punished, be kept off the streets for extended periods, and be examples that deter others. Critics protest that the laws foreclose discretionary judgment where it is most needed and often result in unjust punishment or even racial bias. In mid-April, the Supreme Court refused to hear a claim that the distinction between cocaine powder and crack amounts is discriminatory because crack arrestees are predominantly african-american. Two weeks ago, the U.S. sentencing commission recommended reducing the disparities between sentences for possession of crack and powder cocaine.

The RAND study focuses on what is arguably the most problematic substance—cocaine—and provides quantitative answers to a different but fundamental question: How effective are mandatory minimums relative to other means of achieving the nation's drug control goals?

"Our results indicate that we would make greater drug control progress by sentencing more dealers to standard prison terms than

by sentencing fewer dealers to longer, mandatory terms," summarizes study leader Caulkins. "They also suggest that treatment should receive higher priority than it does today. But the shift toward treatment should not be pushed too far. After all, it often takes enforcement to provide willing clients for treatment."

This research was supported by a gift from Florida businessman Richard B. Wolf and by funding from The Ford Foundation and was carried out by RAND's Drug Policy Research Center. RAND is a private, not-for-profit organization that helps improve public policy through research and analysis.

Mandatory minimum sentencing laws have been among the more popular crime-fighting measures of recent years. Such laws require that a judge impose a sentence of at least a specified length if certain criteria are met. For example, a person convicted by a federal court of possessing half a kilogram or more of cocaine powder must be sentenced to at least five years in prison.

Mandatory minimums have enjoyed strong bipartisan support. To proponents, their certainty and severity help ensure that incarceration's goals will be achieved. Those goals include punishing the convicted and keeping them from committing more crimes for a period of time, as well as deterring others not in prison from committing similar crimes. Critics, however, believe that mandatory minimums foreclose discretionary judgment where it may most be needed, and they fear these laws result in instances of unjust punishment.

These are all important considerations, but mandatory minimums associated with drug crimes may also be viewed as a means of achieving the nation's drug control objectives. As such, who do they compare with other means? Do they contribute to the central objective—decreasing the nation's drug consumption and related consequences—at a cost that compares favorably with other approaches? Jonathan P. Caulkins, C. Peter Rydell, William L. Schwabe, and James Chiesa have estimated how successful mandatory minimum sentences are, relative to other control strategies, at reducing drug consumption and drug-related crime.

The DPRC researchers focused on cocaine, which many view as the most problematic drug in America today. They took two approaches to mathematically model the market for cocaine and arrived at the same basic conclusion: Mandatory minimum sentences are not justifiable on the basis of cost-effectiveness at reducing cocaine consumption or drug-related crime. Mandatory minimums reduce cocaine consumption less per million taxpayer dollars spent than spending the same amount on enforcement under the previous sentencing regime. And either enforcement approach reduces drug consumption less, per million dollars spent, than putting heavy users through treatment programs. Mandatory minimums are also less cost-effective than either alternative at reducing cocaine-related crime. A principal reason for these findings is the high cost of incarceration.

REDUCING CONSUMPTION: MORE ENFORCEMENT AGAINST TYPICAL DEALERS

Caulkins, Rydell, and their colleagues first estimated the cost-effectiveness of additional expenditures on enforcement against the average drug dealer apprehended in the United States (whether that apprehension is by federal, state, or local authorities). Increased enforcement places additional costs on dealers, which they pass along to cocaine consumers in the form of higher prices. Studies have shown that higher cocaine prices discourage consumption. By mathematically modeling how cocaine market demand and supply respond to price, the researchers were able to estimate the changes in total cocaine consumption over 15 years for an additional million dollars invested in different cocaine control strategies. These consumption changes, discounted to present value, are shown by the first two bars in Figure 1.

Those bars show the results of spending a million dollars[1] on additional enforcement against a representative sample of drug dealers. As shown by the first bar, if that money were used to extend to federal mandatory minimum lengths the sentences of dealers who would have been arrested anyway, U.S. cocaine consumption would be reduced by almost 13 kilograms.[2] If, however, the money were used to arrest, confiscate the assets of, prosecute, and incarcerate more dealers (for prison terms of conventional length), cocaine consumption would be reduced by over 27 kilograms. As a point of comparison, spending the million dollars to treat heavy users would reduce cocaine consumption by a little over 100 kilograms (rightmost bar).

The results from spending an additional million dollars can be extrapolated to multiples thereof. A case can thus be made for shifting resources from longer sentences to a broader mix of enforcement measures. A case might also be made for shifting resources to treatment, although legislators might find such a shift less palatable. In any event, extrapolation is valid only up to a point. These results certainly do not support shifting all drug control resources from one approach to another, e.g., from enforcement to treatment. Very large changes in enforcement levels or in the number of persons treated would change cocaine supply and demand relations in ways that are not predictable with much confidence.

REDUCING CONSUMPTION: MORE ENFORCEMENT AGAINST HIGHER-LEVEL DEALERS

The first two bars in Figure 1 represent enforcement approaches applied to a representative sample of drug dealers. Perhaps mandatory minimum sentences would be more cost-effective if they were applied only to higher-level dealers, who make more money and thus have more to lose from intensive enforcement. To approximate such a restriction, Caulkins and his colleagues limited the set of dealers analyzed to those prosecuted at the federal level who possess enough drugs to trigger a federal mandatory minimum sentence. Again, they analyzed how costs imposed on dealers influence cocaine market demand and supply. The results are shown in the dark bars in Figure 1.

Spending a million dollars on mandatory minimum sentences for higher-level dealers does indeed have a bigger effect on cocaine consumption than spending the same amount on either enforcement approach against typical dealers. Nonetheless, against any given type of dealer (or at any given level of government), mandatory minimums are less cost-effective than conventional enforcement. Moreover, although federal mandatory minimums do better relative to treating heavy users than do longer sentences for all dealers, treatment is still more cost-effective.

Why is conventional enforcement more cost-effective than mandatory minimums? Drug enforcement imposes costs on dealers through arrest and conviction, which includes seizure of drugs and other assets, and through incarceration, which involves loss of income. It turns out that, per dollar spent, the cost burden from seizures is greater. A million dollars spent extending sentences thus imposes less cost on dealers—less than a million dollars spent on conventional enforcement, which includes asset seizures.[3]

REDUCING COCAINE-RELATED CRIME

Many Americans are worried about the crime associated with cocaine production, distribution, and use. Working with data on the causes of drug-related crime, Caulkins and his colleagues estimated the crime reduction benefits of the various alternatives. They found no difference between conventional enforcement and mandatory minimums in relation to property crime. Conventional enforcement, however, should reduce crimes against persons by about 70 percent more than mandatory minimums. But treatment should reduce serious crimes (against both property and persons) the most per million dollars spent—on the order of fifteen times as much as would the incarceration alternatives.

Why is treatment so much better? Most drug-related crime is economically motivated—undertaken, for example, to procure money to support a habit or to settle scores between rival dealers. The level of economically motivated crime is related to the amount of money flowing through the cocaine market. When a treated dealer stays off drugs, that means less money flowing into the market—therefore, less crime. When a dealer facing greater enforcement pressure raises his price to compensate for the increased risk, buyers will reduce the amount of cocaine they purchase. Money flow equals price times quantity bought. Which effect predominates—the rise in price or the drop in consumption? The best evidence suggests that they cancel each other out, so the total revenue flowing through the cocaine market stays about the same. The effect of the enforcement alternatives is therefore limited almost entirely to the relatively small number of crimes that are the direct result of drug consumption—crimes "under the influence."

SENSITIVITY OF THE RESULTS TO CHANGES IN ASSUMPTIONS

The values shown in Figure 1 are dependent, of course, on various assumptions the researchers made. If the assumptions are changed, the values change. As an example, the results are dependent on the time horizon of interest to those making decisions about cocaine control strategy. Figure 1, for example, ignores any benefits and costs accruing more than 15 years beyond program initiation. A 15-year horizon is a typical one for analyzing public-policy effects. But what if that horizon were closer?

Figure 2 shows the relative cost-effectiveness of treatment and the enforcement alternatives against typical dealers, analyzed when time horizons are set at various points from 1 to 15 years. At 15 years, the lines match the heights of the two short bars and the tallest bar in Figure 1. As the horizon is shortened, treatment looks worse, because treatment's costs, which accrue immediately, remain, while the benefits, which accrue as long as treated individuals reduce their consumption, are cut back. If the horizon is made short enough, long sentences look better, because the costs of additional years of imprisonment are ignored, while the benefits remain. Those benefits, again, are the cocaine price increase and consumption decrease that occur as soon as the imprisonment risk increases. The time horizon must be shortened to three years before long sentences look preferable to additional conventional enforcement, and to little more than

two years before they look preferable to treatment. Hence, longer sentences for typical drug dealers appear cost-effective only to the highly myopic.

More generally, large departures from the assumptions underlying the analysis are required for mandatory minimums to be the most cost-effective approach. Figure 3, for example, displays departures from two key assumptions underlying the results in Figure 1: that it costs the federal government $20,000 to arrest a dealer and that a dealer wants additional drug sales income amounting to $85,000 for risking an additional year of imprisonment. These two assumed values are depicted by the star in Figure 3. The bounded areas and labels indicate which program is the most cost-effective for any combination of substitutes for those two numbers. As the figure shows, mandatory minimums would be the most cost-effective alternative only if arrest cost were to exceed $30,000 and a dealer were to value his time at over $250,000 per year. Such figures would typify only those dealers who are both unusually difficult to arrest and at a fairly high level in the cocaine trade. For dealers costing less than $30,000 to arrest, cocaine control dollars would be better spent on further conventional enforcement. For dealers demanding less than $250,000 compensation for imprisonment risk, the money would be better spent treating heavy users.

Long sentences could thus be a smart strategy if selectively applied. Unfortunately, because mandatory minimum sentences are triggered by quantity of drug possessed, they are not selectively applied to the highest-level dealers. Such dealers often do not physically possess the drugs they own and control; they hire others to carry the drugs and incur the associated risk.

CONCLUSION

Long sentences for serious crimes have intuitive appeal. They respond to deeply held beliefs about punishment for evil actions, and in many cases they ensure that, by removing a criminal from the streets, further crimes that would have been committed will not be. But in the case of black-market crimes like drug dealing, a jailed supplier is often replaced by another supplier. Limited cocaine control resources can, however, be profitably directed toward other important objectives—reducing cocaine *consumption* and the violence and theft that accompany the cocaine market. If those are the goals, more can be achieved by spending additional money arresting, prosecuting, and sentencing dealers to standard prison terms than by spending it sentencing fewer dealers to longer, mandatory terms. The DPRC researchers found an exception in the case of the highest-level dealers, where sentences of mandatory minimum length appear to be the most cost-effective approach. However, it is difficult to identify those dealers solely by quantity of drug possessed. It might be easier to identify them if, in passing sentence, the criminal justice system could consider additional factors, e.g., evidence regarding a dealer's position in the distribution hierarchy. Such factors, ignored by mandatory minimums, can be taken into account by judges working under discretionary sentencing.

FOOTNOTES

[1] All cost calculations in this brief are in 1992 dollars. To convert costs in 1992 dollars to 1996 dollars (the latest year for which inflation data are available), multiply by 1.119. To convert kilograms of cocaine consumption reduced per million 1992 dollars spent to kilograms reduced per million 1996 dollars, divide by 1.119.

[2] Data on quantities possessed by convicted dealers are not readily available below the federal level, so for typical dealers, the researchers assessed, in lieu of the true mandatory minimums, a program applying longer sentences to *all* who were convicted.

[3] As shown in earlier RAND research, treatment is more cost-effective than enforcement, even though the great majority of users revert to their cocaine habit following treatment. Treatment is so much cheaper than enforcement that many more users can be targeted for the same amount of money—so many more that the sum of the small individual effects expected are larger than the effects expected from enforcement.

STATEMENTS BY KRISTEN GARNER, SHYLA BLAIR, AND SHELLY OUELLETTE, REGARDING SAME SEX MARRIAGE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Proctor, VT, who were speaking at my recent town meeting on issues facing young people.

Ms. BLAIR. Recently in December Hawaii ruled that the state must recognize single-sex marriages. Judge Kevin Chang based his ruling on the fact that there's no legal reason against it. He also ruled on the theory that sexual orientation is fixed at birth and denying them the right to marry is sexual discrimination. Because of this ruling about 20 states have passed laws restricting homosexual marriages. We intend to prove that there is no legal argument against it and that there are only moral arguments based on prejudice.

Ms. GARNER. Some people think of homosexuals as promiscuous or abnormally sexually active, but that has nothing to do with sexual preference. Homosexuals are very committed to their partners. A 1992 study showed that 55.5 percent of all gay men and 71.2 percent of lesbians are in a steady relationship. There are between 1 million and 5 million lesbian mothers and between 1 million and 3 million gay fathers in the United States today. Although the majority of children come from previous homosexual marriages, homosexuals are still acting as active parents. Homosexuals who have not been in a heterosexual relationship in which to have children have many options. Adoption, foster parenting or artificial insemination are also ways of becoming parents.

Some people think that homosexuals will influence their children to become homosexuals, but 35 different studies have showed that the children of gay and lesbians are no more likely to be homosexual than the children of homosexual parents.

Ms. OUELLETTE. Homosexuals have good reasons for wanting to marry. They don't want to marry just to make people mad or start an argument. Homosexuals want to marry for the same reasons heterosexuals want to marry: Love, companionship, shared interests, common goals, emotional and financial security and to raise a family. If we deny homosexuals the right to marry, they will not have the automatic right to medical, legal or financial decisions on behalf of their partner. They can be denied access to visit their partner in the intensive care unit or other hospital departments.

Homosexuals want to feel emotionally and financially safe just like heterosexuals. Homosexuals can attain some benefits of legal marriage when many homosexuals do not have the time or money it takes to get legal aid. Until the United States allows same sex couples to marry, homosexuals will not have rights and benefits that heterosexuals have. By not letting homosexuals marry, we are denying them rights every person should have

Ms. GARNER. Prejudice is a common threat that people of minorities and different opinions face every day. Homosexuals are a large target. The way they live is constantly opposed by people from every direction. The battle homosexuals fight today for the right to marry is not unlike the battle fought nearly 40 years ago also for the right to marry. This was the case of Loving versus Virginia, a black woman, Diana Jetter, and a white man, Harvey Loving, because interracial marriage was banned in the state of Virginia. They went to Washington, D.C. and got married. Because of the law, when they returned to the state they were arrested and sentenced to one year in prison. This sentence was only suspended because they promised not to return to the state for 25 years. In today's society, most people would think this unheard of, two consenting adults unable to marry because of a petty difference? Maybe 40 years from now people will look back at the prejudice we are bestowing on homosexuals and ask how could we?

It's not fair to sterotype that heterosexuals are immoral because of their sexual preference, that they should be denied access to plans or things that heterosexuals get just because of their sexual preference.

TRIBUTE TO DR. RALPH CUTLER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding medical service of Dr. Ralph Cutler of the Loma Linda University Medical Center and the Jerry L. Pettis Memorial Veterans Hospital in Loma Linda, California. Dr. Cutler is retiring on July 14 after a highly distinguished medical career and will be recognized for his 40 years of service to others at an event in his honor on June 26.

Ralph Cutler graduated with honors from UCLA in 1952. After completing his medical degree in 1956, Dr. Cutler began his postgraduate training as an intern and medical resident at the Los Angeles County General Hospital. He served in the U.S. Navy Medical Corps from 1961–63 and worked as the department head of the Metabolic and Arthritis section at the U.S. Naval Hospital in Oakland.

Dr. Cutler has also had a most remarkable academic career at both the University of Washington School of Medicine and the University of Loma Linda School of Medicine. He joined the University of Washington faculty in 1963 and served for 18 years as the chief of nephrology at Harborview Medical Center. In 1981, Dr. Cutler joined the faculty of the University of Loma Linda School of Medicine as a professor of medicine and pharmacology and the chief of pharmacology. He has also

spent much of his time working at the Jerry L. Pettis Memorial Veterans Medical Center as the chief of nephrology.

Over the years, Dr. Cutler has been a mentor, teacher, friend, and inspiration to numerous men and women pursuing their dream of practicing medicine. He has also been a leader through his involvement in numerous professional medical organizations. His research and extensive writings have reshaped the body of medical knowledge in a number of areas. To say the least, Dr. Cutler has made and continues to make a difference in the lives of those people he touches.

Mr. Speaker, Dr. Cutler provides an example of leadership that is deeply respected and admired by his professional colleagues and the community at large. I ask that you join me, our colleagues, and Dr. Cutler's many admirers in thanking him for his remarkable medical service over the years and wishing he and Carol the very best in the years ahead.

STAND DOWN '97

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. HORN. Mr. Speaker, I rise today to pay tribute to an outstanding program and the outstanding group of individuals who run it each year in Long Beach, CA. Stand Down '97, a comprehensive program designed to help homeless veterans reenter mainstream society, will be held in Long Beach on June 20–22.

The seventh annual Stand Down will add to the 3,500 homeless veterans who already have been served in previous years by the tireless work of hundreds of volunteers and a dedicated core group of committee chairs. Stand Down provides a wide range of services to homeless veterans, including medical and legal assistance, employment counseling, mental health services, financial counseling, showers, haircuts, and counseling for substance abuse, AIDS, stress, and exposure to agent orange. The veterans also receive donated shoes and clothing, shelter, and all the food they can eat, in addition to being treated to two variety shows.

These committee chairs do not seek recognition for their contributions, but I would like to take the opportunity to applaud their work. They are: Gus Hein, Gary Quiggle, Randy Scottini, Sergeant Dave Anderson, Pam Welty, Kenny Elmore, William Frink, Dr. Becky Gill, Tom Crochet, Earl and Volney Dunavan, Dr. Bob Delzell, Frank McGrath, Ted Mandl, Paul Ashby, Lori Debose, Don Richardson, Dr. Cal Farmer, John Ek, Mary Lou Hein, Mike Campbell, David L. C. David, Dave Holden, Howard Hargrove, Craig Mandeville, and Al Hamilton.

The ultimate thanks to each of these individuals comes from the smiles on the faces of the homeless veterans at the end of this outstanding 3-day event.

I extend my heartfelt thanks and congratulations to each of the committee chairs and other volunteers. Each has made invaluable contributions to the veteran population and the community at large. Homeless veterans not only need our help, they deserve it. Veterans have a hallowed place in American society for the sacrifices they made, and we owe them all the help we can give. Stand Down '97 will give a needed and well-deserved hand-up to homeless veterans in our area.

STATEMENT BY KATE HAYES REGARDING NATIONAL ENDOWMENT FOR THE ARTS FUNDING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by a high school student from Vermont, who was speaking at my recent town meeting on issues facing young people.

Ms. HAYES. Writer Justice Conrad said the artist appeals to that part of our being which is not dependent on wisdom, to that in us which is a gift and not an acquisition and, therefore, more permanently enduring. He speaks to our capacity to delight, for delight and wonder, to the sense of mystery surrounding our lives, to our sense of pity, beauty and pain.

The arts cross geographical, ethnic and socioeconomic barriers to enter into the lives of both children and adults. The arts are the heritage we leave to our children and a vital arts environment helps the economic development of this country. You may not know it, but attendance there shows that throughout the United States more people attend art galleries, museums, ballet, theater, opera and symphony concerts in a year than go to all the major professional sports combined. That's good box office, it's good business and it's good for the country.

In particular, I know how important funding is to the arts and the joy and happiness that exposure to arts brings to our residents. For the past six years I have performed in a traveling youth circus that has brought the thrill and antics of the big top to communities throughout New England. Our performances cross all age barriers. The child, the teenager and adults alike all share in the excitement of seeing live performances. If funding disappears, how will we provide that experience of such entertainment to the thousands of Vermonters who cannot travel to the big top in New York?

I've heard people suggest that the Government has no role in supporting the arts and humanities yet in Europe, governments recognize that arts are part of the economy and add essential vitality to modern life. Most European countries support their museums, orchestras, dancers, poets and visual artists to a far greater degree than the U.S. Government has ever done. With the creation of the National Endowment for the Arts in the 1960s, we took a step forward in providing a rich cultural advantage to all citizens. Now in the 1990s we are faced with the attacks by foes who are picking insignificant battles and efforts to undermine the support of the arts.

With cuts up to 40 percent survival is paramount. The focus on funding public arts programs will be on the projects of very wide public appeal and accessibility. Gone will be the funding for public programs of great scholarly significance but smaller audience draw. The proposals to shrink government by severely reducing or eliminating funds for the National Endowment for the Arts is also a move of far-reaching effects on the strength of all art programs.

There are creative ways to fund the arts. In my research I've discovered many new and innovative ways already successful on the state level. In particular, I believe we need to take a look at endowment funds, income tax check-offs and lotteries. Together with local initiatives, we can guarantee support for the arts. Just look at what some state initiatives are, license plate programs, corporate filing fees, special tax districts, local option taxes earmarked for the arts and bond issues.

Endowment funds offer long-term investment opportunities for the arts by using interest only to fund current affairs. Should we offer our wealthy citizens a tax haven through contributions to the arts endowment, we will build up a significant amount to fund the arts well into the next century. Just like the presidential campaign check-offs, let's allow our citizenry to express their support for the arts through a voluntary contribution of their tax refund to such a worthwhile cause.

I propose to further these ideas through a regional petition drive urging Congress to support funding for the National Endowment for the Arts.

I believe I recognize the problems that are going on within the United States, but I also believe that the arts provide a fundamental part of life. You can't really experience life without experiencing the arts because they really show the true human emotion and no human can live without emotion. I believe we can fund it through a number of the things that I listed which were the endowment funds and such, and I believe that if we really try, we can find funding for it if we realize that it is such an important part of our life.

At Burr & Burton we've been provided a lot of educational things that have helped us out. We've had some dancers that have come, some drummers. We've also had plays that have been put on here in the Smith Center for us and I believe that it's been an important part of our school life. It helps us to just know that there's more out there than what we see every day.

I believe that art is subjective and if the person that didn't like it should also recognize that now he knows what he doesn't like and he knows that—what true art is now. He knows what he likes to look for and he also knows what he will never see again, so it is also enriching his life.

I believe that everyone should have the right to go see it if they want to. If they're not funded, then they may not be wide for public appeal and you may not even if you wanted to have the chance to go see it. You have the choice not to go see it and that's your choice, but by federal funding, it allows the people who may not be able to go see it. Like some people can't get up to New York to see the plays and everything and this brings it home to Vermont so everyone is allowed the equal opportunity to see these things.

THE CRIME STOPPERS CLUB OF D.C.

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. NORTON. Mr. Speaker, I rise to commend the Crime Stoppers Club of D.C., a wonderful 30-year old organization in the District that teaches youth in D.C. to "Stop crime by not committing crime." Since it began this valuable work, almost 25,000 boys and girls have become members and taken the Crime Stoppers pledge: "We, the Crime Stoppers of D.C., pledge to obey all laws, respect police officers and all other citizens."

Recently this club celebrated its 30-year history at a special proclamation ceremony at Eastern High School in D.C. where they delivered speeches and celebrated living their lives crime-free. These youth have every reason to celebrate and to be honored by the community. They are contributing to the significant reduction we are seeing in crime in the District. Most important, the commitment of these youth to grow into adulthood without the burden and stigma of a police record shows how bright and successful their futures can be.

Crime and its results have destroyed the lives of many children in many communities. How fortunate District residents are that this grassroots club of great effectiveness continues its work and that it is successful in encouraging children to stop crime and to become tomorrow's law-abiding citizens.

The founder of this club, Margie Wilbur, is the driving force behind this thriving club whose spirit and commitment has made it so effective in reaching youth in D.C. A retired Federal employee, Ms. Wilbur deserves much praise for actively nurturing this club and keeping it alive throughout the years, sometimes with her own funds.

It is my particular pleasure and honor to congratulate and salute the present members of the Crime Stopper's Club and the 25,000 boys and girls whose lives have been changed by its 30-year presence in Washington DC. You look forward to a future full of achievement and opportunity.

TRIBUTE TO MILDRED HELMS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me in honoring a very special person who has made an enormous contribution through 40 years of dedicated service to our community, Mrs. Mildred Helms. On June 20, there will be a ceremony in Newark, NJ to pay tribute to Mrs. Helms, who serves as president of Clinton Hill Area Redevelopment Corporation, for her lifetime of service providing housing for residents of Newark and recreational activities for children.

Mrs. Helms is the founder of two housing corporations which provide affordable home ownership to local residents. It was in 1963 that she first approached the Newark Housing Authority Urban Renewal office with a plan to develop new housing for the city. She has shown a great deal of determination, pushing forward for over 15 years until her group, the Clinton Hill Area Redevelopment Corporation, was finally able to see their first project become a reality. When I served as a councilman, I had the pleasure of working with Mrs. Helms to expand housing opportunities. In fact, I first became involved with Mrs. Helms in 1958 at a community meeting at Southside High School where I once taught and which is now called Malcolm X Shabazz High School. Other housing activists at that time included Stanley Winters and Rev. Kim Jefferson.

In addition to her work on housing opportunities, Mrs. Helms gave her time and talents to many volunteer efforts, especially with children and young people. I was pleased to become involved with a youth group she organized which became known as the Clintonians. She organized a group which became active in the Newark YMWCA. She also organized a Summer Fun Day Camp sponsored by her church and a Jewish synagogue. She also planned an annual Halloween Party and parade, involving local merchants who served as sponsors. Among the many awards and accolades Mrs. Helms has received are the 1986 Human Rights Award from the New Jersey Institute of Technology, the Private Sector Initiative Award from President Ronald Reagan, the 1983 Woman of the Year Award from the Sharpe James Civic Association. The Mildred Helms Park is named in her honor. Mr. Speaker, I am very proud of this extraordinary woman who has done so much for our community. I know my colleagues join me in sending congratulations and very best wishes for many more productive and fulfilling years.

CONGRATULATIONS TO DAVID HERBST

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Ms. HARMAN. Mr. Speaker, I rise today to congratulate a community leader and my friend, David Herbst, on his completion of a successful year as the president of the Westchester/LAX Chamber of Commerce.

It has been my pleasure to participate with David in a number of important events, beginning with his magnificent installation ceremony on the campus of his alma mater, Loyola Marymount University.

Under David's tenure, the Westchester/LAX chamber has also played host to important dignitaries, many of whom I cohosted, among them Mickey Kantor, then Secretary of Commerce, and Secretary of Defense William Cohen, who spoke to a breakfast of 400 business leaders just last month.

David deserves a great deal of credit for superb leadership, yielding successful growth in the chamber's financial performance, community support, and interaction with governmental bodies.

I salute David for being one of those rare people who is not only successful in the business world, but dedicated to our community. Westchester is a better place because of his work.

THE OLIVER PROJECT

HON. EDWARD A. PEASE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. PEASE. Mr. Speaker, I rise today to call attention to a very unique teen leadership program being held here in Washington, DC., this week; the Orphan Foundation of America's 1997 Oliver Project. The Oliver Project was established to highlight the hope and potential of America's foster youth by focussing a positive spotlight on their abilities and accomplishments.

The 12 youths participating in the 1997 Oliver Project are bright and shining examples of what's right in America. Despite having young lives that were filled with loss, disappointment, and chaos, these young men and women have shown us that the American spirit is still alive and strong. Instead of feeling sorry for themselves each of these students made a decision to fight for themselves, and what was important to them. Each knew instinctively that education was the key. Even though their turbulent lives sometimes made staying focussed difficult, they each persevered.

All 12 have also expressed a sincere desire to give back to their communities, and indeed they have already begun to do so by being active in everything from church youth groups and choirs, to community clean-up projects, to feeding the homeless and homebound AIDS patients, to working with physically and mentally challenged youngsters. They have played sports, joined teams, held down jobs, and been recognized and honored—both locally and nationally—for their scholastic abilities. In short, these six young women and six young men have shown us that, if given a chance, every child has the ability to succeed.

And so, Mr. Speaker, I would like to personally commend each of the 12 students participating in the 1997 Oliver Project, as well as the Orphan Foundation of America for giving these young Americans a chance to be tomorrow's leaders.

EMPLOYEE OWNERSHIP ENHANCEMENT ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. TRAFICANT. Mr. Speaker, if our economy is so great, than why are American workers losing their jobs? If our economy is so great, than why are American workers going bankrupt in record numbers? If our economy is so great, why do many families need three jobs just to pay their bills? And Mr. Speaker, if our economy is so great, why are so many manufacturing plants going out of business?

On May 31, 1997, something happened in my congressional district that deeply affected

70 of my constituents and their families. The Camcar Textron Brainard Rivet plant in Girard, OH closed its doors and told its workers to go home. The workers at this plant, scared for their futures and the futures of their families, wanted to work with the parent company of Camcar, Textron to negotiate an employee buyout through an Employee Stock Ownership Plan [ESOP]. Unfortunately, Textron did not feel that selling the plant to the employeees through an ESOP would be in the best interests of the company. I was particularly concerned over the fact that Textron has referred 50 former Brainard Rivet customers to another non-Textron company. These customers could have been the base for an employee-owned company.

Mr. Speaker, Congress needs to do all it to encourage ESOP's. That is why today I am introducing legislation, the Employee Ownership Enhancement Act, to require that an employer closing a manufacturing plant to offer the employees an opportunity to purchase the business through an ESOP. This legislation would exempt companies that are planning to continue using the assets and/or capital from a closed plant at another location or the companies that close a plant but still are manufacturing the same product at another plant.

The current economy presents many challenges for both workers and employers. Congress needs to put in place reasonable laws to enable hard working Americans a chance to own and operate manufacturing plants if the owners don't want to anymore. My bill would apply to only a handful of plant closing a year, but would provide hope and opportunity to thousands of workers and their families. It is that simple.

I urge all my colleagues to support this very important piece of legislation.

STATEMENTS BY TISON CAMPBELL AND JONATHAN LAFARGE REGARDING THE U.S. IN THE 21ST CENTURY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD these statements by high school students from Vermont, who were speaking at my recent town meeting on issues facing young people.

Mr. CAMPBELL. In the next three years the United States will enter the 21st Century. We will fined ourselves faced with many challenges that will be difficult but not impossible to overcome. These challenges are overcoming the national debt, dealing with fossil fuel shortages, threats to national security and the future of the global community.

As we near the beginning of the next century, we face a growing national debt. This debt is consuming more and more government money. We must act before this debt gets so large that it causes the downfall of our economy.

In order to solve this problem, the government must raise more money. The most practical way to do this is to raise taxes or to implement a national sales tax. The added income from the tax increase or sales tax would greatly aid in the eradication of this debt.

We will also face the problem of fossil fuel shortages. As we consume more and more of these non renewable resources, we will find it necessary to convert to alternate energy sources. We can utilize the energy from the sun to generate electricity. The most efficient way to accomplish this is to place satellites fitted with solar panels in orbit and then to have the energy beamed back to collecting stations on the earth. This would give us an unlimited supply of cheap electricity thus allowing us to gradually phase out fossil fuels.

There will be many threats to national security in the next century. These threats will be both physical and mental, domestic and international. The mental threat to our society is the public distrust of the government. The members of our government must act to change this image so that people will once again realize that the government is there to make their lives better, not to destroy them. This could be accomplished through a series of speeches or an advertising campaign in which the representatives for a certain district or a state would answer questions from the people about the state of a government.

Another threat to our society is that of terrorism. As the countries of the world grow more peaceful, violent people will have to shift to terrorism in order to get their goals accomplished. In order to combat this threat, we must devise better security measures to scan people entering the country. We can also work with the nations of the world to track down terrorist organizations before they can cause any real damage.

To combat terrorism originating in our country, we must pass strong anti-terrorist laws that call for strict punishment of terrorists. By taking a strong stand on this issue, we can convince potential terrorists that if they want to reform the system, it needs to be done from within with the consent of the majority of the people.

With the invention of the airplane, it became possible to travel long distances in short periods of time. This brought the world together and caused the formation of the global community. As this community expands, alliances will be formed. We are already seeing examples of this with the formation of the European Union and the United Nations. As the world continues to evolve, the people will eventually realize that it will be beneficial to form a world government. This government would be an expansion of the United Nations that would operate under a constitution based on that of the United States. This constitution would guarantee that all people will have the right to life, liberty and the pursuit of happiness.

The creation of this government would all but abolish war. The armies of the world would be combined to form a large world army with each country keeping a smaller force to act as our National Guard does today. This would ensure that the rights of each independent country would not be abused and that, if necessary, the country would be able to defend itself.

The world government would also eliminate the need for atomic weapons. This would allow us to destroy the weapons and to shift our scientific resources to things more beneficial than the creation of weapons.

The world government would allow us to achieve peace on earth and it would ensure the rights of every man, woman and child on the planet.

Mr. LAFARGE. This government would be formed by an expansion of the power of the United Nations. It would be the job of this government to carry out the solutions to the problems listed above.

First, all countries would need to form into a council modeled after the United States Senate with each country having two members. This council would need to choose a chief executive. The Executive Branch would be headed by the chief executive with a cabinet of seven officials. The seven departments would be Justice, Defense, Treasury, Space Exploration, Interior, World Health and International Transportation. The Judicial branch would be headed by an international Supreme Court. There would be a branch of the international court in every country. Then, once established, the government would gradually need to form a world currency. This would ease transaction and aid in the forming of a world stock market. This would also allow businesses around the world to merge and further unify the world.

With the constant advances in technology, this government would need to play an active role in the development of these technologies. Space exploration and medicine are the most prominent areas of study. There could be whole space stations dedicated to one field or disease. Dangerous biohazards could be contained and controlled. The unique properties of a low G environment would enable us to do things that we cannot do on earth. Scientists could create more resilient strains of plants and then clone these to solve world food problems. Scientists could use accelerated cellular reproduction to grow food faster and allow for faster distribution.

Through the implementation of these programs, we can bring humanity into a golden age where all men live under a fair, just government based upon principles in the Constitution of the United States.

Mr. CAMPBELL. I haven't seen much progress with just what I've witnessed from Congress. There have been attempts to balance the budget, and that's a good start; but even with a balanced budget, we won't generate enough capital to quickly pay off this debt before it can really start to affect our economy. I believe that eventually we're going to be forced to increase taxes in order to pay for this.

There was the suggestion of cutting different programs, but the way that I see it is that we're already cutting so many programs as it is that if we end up cutting more programs, some of them are going to eventually have to be dropped and it may be unfortunate, but I believe that if we drop any programs, it will end up being stuff like education or entitlement programs and that would greatly harm a lot of people. We could cut back on defense a bit. I think we're spending a little too much on that. Other than that, I don't really see any that we can really make huge cuts in.

A lot of people might fear that with the formation of a world government we could end up having a dictatorship or an oligarchy where only a few people would really have power. We would have to ensure that this would not happen through different actions before it was even implemented. The people of the world would have to evolve to such a point where they can actually deal with this and where we would be prepared to set this government up without having these dangers. We have to combat that now. If we can get people to trust the government of the United States if we decide to form a world

government, we could encourage that—we could show people that the government would be there to benefit them and to help them, not to take over just for the sake of power.

Mr. LAFARGE. People might fear about the formation of a world government is the loss of culture and the individualism of everyone and that people like Africans maybe might start to lose their history or people just might feel that by moving in this step that they will become kind of like everybody else, and that's sort of a fear.

SENATE—*Wednesday, June 18, 1997*

(Legislative day of Tuesday, June 17, 1997)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The Lord bless you and keep you; the Lord make His face to shine upon you, and be gracious to you; the Lord lift up His countenance upon you, and give you peace.—Numbers 6:24–26.

Father, we begin this day by claiming this magnificent fivefold assurance. We ask You to make this a delightful day filled with Your blessings. May we live today with the esteem of knowing You have chosen us and called us to receive Your love and to serve You. Give us the helmet of salvation to protect our thinking from any intrusion of temptation to pride, resistance to Your guidance, or negative attitudes. Smile on us as Your face, Your presence, lifts us from fear or frustration.

Thank You for Your grace to overcome the grimness that sometimes pervades our countenances. Instead, we want to reflect Your countenance of joy. May Your peace flow into us, calming our spirits, conditioning our dispositions, and controlling all that we say and do.

Help us to experience the peace of a forgiven, forgiving heart, the peace of a heart completely open to You, and the peace of a pure heart filled with Your spirit. You are the sole source of perfect peace. So help us to say to others, "Have a blessed day," and to expect nothing less for ourselves. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator SESSIONS of Alabama, is recognized.

Mr. SESSIONS. Thank you, Mr. President.

SCHEDULE

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I announce that the Senate will be in a period of morning business today until the hour of 12 noon. Following morning business, it is the majority leader's intention to begin consideration of the Department of Defense authorization bill. If an agreement cannot be reached to proceed to the DOD authorization bill, the Senate will, hopefully, begin consideration of the intelligence authorization bill. Therefore, Senators can expect rollcall votes throughout today's session on these matters. As always, Senators will be notified accordingly when any rollcall votes are scheduled. I thank my colleagues for their attention.

Mr. FORD addressed the Chair.

RECOGNITION OF THE ACTING DEMOCRATIC LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The assistant Democratic leader is recognized.

DOING THE BEST WE CAN WITH GOD'S GUIDANCE

Mr. FORD. Mr. President, I want to take just one moment, if I may. Yesterday, the Chaplain very eloquently asked for God's blessing on our Democratic leader in the loss of his father. It indicates that all of us are human, and we are here just attempting to do the best we can with God's guidance.

Today, the Democratic leader's father will be laid to rest in his home of South Dakota. I hope that all of us will give some thought to the leader and his family as they gather to mourn the loss of his father.

I do thank the Chair for allowing me to express my concern for our leader, and I know all of us feel basically the same way. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for up to 5 minutes each. The Senator from Alabama is recognized to speak for up to 60 minutes.

Mr. SESSIONS. Thank you, Mr. President.

WE SHARE IN THE PAIN

Mr. SESSIONS. Mr. President, I appreciate the remarks of the Senator from Kentucky about the death of the minority leader's father. We all share in that pain. There is a sense of sadness in this body, and as we contemplate that, maybe it helps us all reflect on the fact that we are all human beings who share the same goals for the betterment of this country. I think that is a good thing for us to contemplate.

JUVENILE CRIMINAL JUSTICE

Mr. SESSIONS. Mr. President, S. 10, the juvenile justice bill that will shortly be before this Senate, is one of the best pieces of legislation for law enforcement that I have seen in a number of years. I am absolutely convinced that it is the finest reform of criminal justice in at least 20 years.

This bill was crafted last term by Senator HATCH, who is a prime sponsor of it and who is chairman of the Judiciary Committee. I have had the dual honors of serving as the chairman of the Juvenile Violence Subcommittee of the Judiciary Committee and also of working with him on this legislation. We are very proud of the bill that has been produced. We think it will do tremendous things for law enforcement. It is the kind of bill that does what it ought to do. It is not designed to get headlines; it is designed to improve the system of criminal justice in America.

Mr. President, I served for 17 years, the better part of my professional career, as a prosecutor. It has been a particular honor for me to be able to have the opportunity to participate in reforming juvenile justice in America, because I know from my firsthand personal experience, gained as a U.S. attorney and as attorney general of Alabama, that this system is not working well.

I am pleased at this time to be able to recognize Senator JOHN ASHCROFT of Missouri to speak on this issue. He is a former attorney general of Missouri, and spent two terms, 8 years, as Governor of that great State. He is a student of juvenile crime and the crime issue in general. He has spoken eloquently on it in our committee. He will be having hearings later this week in Missouri on this issue, and I will be pleased to join with him at that time.

He has some remarks that he would like to share about this bill. At this time, I am honored to recognize the Senator from Missouri, Mr. JOHN ASHCROFT.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you, Mr. President, and I thank the Senator from Alabama.

I, too, am eager to express my appreciation for the reminder and the sobering thoughts expressed by the Senator from Kentucky. Each of us has a sense of loss whenever any of us suffers in our families the kind of challenge that comes when a father is deceased.

I remember very well my father coming to this Chamber to witness my swearing in as a Senator some 2½ years ago. My father was on his "last legs," and he died before he made it home. But he had the sense of knowing that I had come here to do and to support things in which both he and I believed. I think that meant a lot to my father.

I know that at this time, the minority leader, Senator DASCHLE, is very proud of his father and grateful for his father. I think he can have some sense of assurance that his father was grateful for him and appreciated a son who would devote himself in the national interest to doing what was, in his judgment, best for his country.

It is in that sense that each of us has the profound privilege of shaping public policy. Perhaps that is as great a privilege as any of us enjoys from the Creator, that He allows us literally to participate in creating the world in which we will live. We are all destined to live in some tomorrows, and our children are destined to live in some tomorrows, and we have a chance to shape those tomorrows. I believe that is what the process of developing plans involves; it is the process of developing legislation to try to build a framework in which our community respects the ability of individuals to reach the potential that God has placed within each of us.

So it is with that in mind that I think we are compelled to address a significant problem, which is a challenge to America and a threat to our future: The growing problem of violent juvenile crime.

It is not that we say that although there is a problem, there is nothing we can do about it. We believe that we can remediate this situation. We believe that we can address this challenge, and we believe that we can be successful. We believe, however, that to do so we are going to have to change some things, because the things that we have been doing in the past were designed to address a different category of circumstances, a different character of culture. What we have done in the past is not working today.

As a matter of fact, what we do will be instructive to the next generation. The way in which we view violent juvenile crime signals to the next generation how we respect life, what we intend in terms of order and responsibility. If we take crime lightly, they will take order lightly, because an infraction of order by way of criminal activity is something we don't care much about. If we take crime seriously and we impose serious consequences and we demand responsibility, the next generation will say order is something to be valued, because when it is interrupted, that order is restored as a matter of serious concern.

The truth of the matter is, perhaps more important than anything we do in any singular sense is the way in which we transmit values from one generation to the next. More important than any other responsibility of a culture is the transmission of values from one generation to the next. I think that as we have assembled our policy relating to juvenile crime, we have been transmitting the wrong values, we have been saying the wrong things, we have been doing the wrong things, unfortunately, because we tended to say juvenile crime is the equivalent of acts of mischief, that it is to be disregarded like shooting paper wads or spitballs in the hall.

You remember the Charlie Brown rock-and-roll song of the fifties, always doing those kinds of mischief things. We are not talking about mischief in juvenile crime; we are talking about assault and murder, armed robbery and rape. These are the parts of the criminal composite that are escalating; they are not declining.

At the same time that we have been effective in helping to curb a growth rate in violent adult crime, we are equally alarmed by the evidence that we are not succeeding in reducing juvenile crime. One of the reasons is that our approach to juveniles hasn't been an approach to them as criminals. It has been an approach based on some less-than-accurate understanding of what has really happened. We have thought of it as delinquency; we have thought of it as something less than crime.

If your wife is raped or if you are assaulted or if your child is murdered, you get a sense that this is not delinquency, it is not mischief. It is crime. I think as we try to send the right signal, as we try to make a commitment for the right kind of posture for our culture in the next generation, we need to say that violent crime committed by juveniles will be taken seriously.

That is one of the very important things that Senator SESSIONS has been able to make sure persists as a unifying thread of character through this S. 10 legislation—that violent crime is serious crime and it is not to be taken lightly because someone is less than 16 or less than 17 or less than 18 years of age. A murder is a murder. It involves a death. It involves a tragedy. A rape is the same. And this thread of seriousness is important.

So when we learn that violent crime arrests among juveniles in 1995 were 12 percent higher than they were in 1991, we know that we have not won the battle. And when we learn that they were 67 percent higher than they were in 1986, we know that the challenge remains for us to do something.

When you see the raw data, when you see the statistics and the carnage that happens to real families stacking up, you know that you cannot sit idly by. Although the most recent data may reflect some improvement, the problem is really destined only to get worse given the demographics. Those who tell us about the future say, given that the children who were born during the baby boom of the eighties will start to reach the potential ages for the commission of crimes, that we are in for real problems if we don't adjust the way we approach this problem.

One of the areas that I think needs our attention most radically is the area of juvenile crime records. Because we have thought of juvenile criminal activity as being mischief or inconsequential, we have decided to keep any records of juvenile activities very, very closely guarded. And we have an anomalous situation where we have juveniles who are not treated as criminals even though they have committed crimes like murder, rape, armed robbery, armed assault.

They are sent into our classrooms, and yet the teacher in the classroom has no capacity of knowing what the student has done. As a matter of fact, frequently, with the mobility that exists in the American culture now, people move from one State to another and they take their children with them, or the children move from one State to another, and their record exists only in one State.

They go into a school room, they go into a community, and the law enforcement community does not know about the heritage of criminal activity, the history of the individual, the threatening nature, the violent proclivities of an individual. They do not have such information because the juvenile records have not been available. Juvenile records have been sealed, and law enforcement officials and school officials simply have not had access.

In the few States where they have had some access, that access is limited to students who committed the criminal activity within the State. We all know about the interstate mobility of people in our culture. As a matter of fact, those individuals who get in trouble frequently are the same individuals who are most active in crossing State lines. Our law enforcement officials need better access to juvenile records.

Our school officials need access. I talked to a teacher who said that individuals were assigned to her classroom who were wearing electronic shackles. You know, that is the new technology where you put a bracelet around someone's foot. It is very durable plastic and cannot be cut off easily. It has a transmitter so law enforcement officials can know the whereabouts of the person wearing the electronic shackle.

The teacher says that the students are capable of coming into the room

and the teacher cannot know what they have done. I would be very, very reluctant as a teacher to see a student with an electronic shackle on his or her ankle reflecting the likelihood that some kind of very serious offense had taken place and still not have any ability to know what that student had done.

The student comes from another State and has been assigned to a juvenile facility in your State but the record is sealed. You are supposed to turn your back on such a student and write on the board, not knowing whether the student is a rapist or a murderer. I find that to be a very serious challenge to the kind of atmosphere we need in the classrooms. At least I think school officials have a special need.

I talked to a judge one time who was sentencing an individual for a very, very serious crime and did not have access to the records of this individual, who had lived in another State previous to the crime, and later learned that the individual had been involved in previous homicides.

I think judges, when they are issuing penalties, need to know what the history of an individual is, what kind of criminal activity has filled the past of that individual—not just the things that have happened since the person turned 18—because some of these individuals, given the violent criminal nature that pervades some components of the juvenile community, have a rap sheet that would extend from here to Cincinnati in terms of detailing violent activity that ought to be before the sentencing authority.

Juvenile records simply do not survive the juvenile's 18th birthday, and in many situations people start out with a clean slate. I think it is great to allow people to start over again in life. I think that is the marvelous part of what America has meant through the years. We let people get new starts in this country. But I think we have to protect ourselves. We should not say to anybody, "You can do anything you want up to the time you are 18, and then you get to wipe it all clean and you'll be considered to be an Eagle Scout until your first offense, and then, even then, the judge won't be able to find what's happened to you."

I really believe that inadequate records hamper law enforcement authorities. According to Police Chief David G. Walchak, who is the immediate past president of the International Association of Chiefs of Police, law enforcement is in desperate need of access to juvenile criminal records. The police chief said:

> Current juvenile records (both arrest and adjudication) are inconsistent across [State lines], and are usually unavailable to the various programs' staff who work with youthful offenders.

It seems to me that if we are going to try to work with young people to have them change what they have done, allowing the juvenile justice system to hide what they have done is not really a way for us to confront the past and to change it. We cannot be clouding it and concealing it if we want to change it. I think to make real change you have to confront what has happened and move forward.

Chief Walchak also notes:

> If we in [law enforcement] don't know who the youthful offenders are, we can't appropriately intervene.

Part of our ability to prevent criminal behavior by the individuals is to have the ability to identify people who have had problems in the past. He has put it very clearly. Here is a police chief who wants to do what is right. That is not just to punish crime, but to prevent it, to try to intervene to make sure we do not have these challenges over and over again. We have his hands tied because we have an outdated approach to juvenile records.

Well, Senate bill 10, which the Senator from Alabama has so appropriately noticed as a bill of monumental change and reconstruction in terms of our capacity to address these challenges, makes some serious reforms that will help us solve these problems.

The bill would provide incentive grants for States to fingerprint and photograph juveniles who are arrested for or charged with violent crimes and to send those fingerprints and photographs to the FBI and to create and maintain records of juvenile convictions and to share those with criminal courts, law enforcement agencies, and school officials.

If we really want our schools to do well, we cannot have them operating in the dark as to who is populating the classroom.

For States to qualify for these funds, States would have to maintain juvenile records that are equivalent to adult records and to make those records available to the FBI, to law enforcement officers of any jurisdiction, to school officials, and to courts for use in sentencing.

It is the kind of thing that I suppose the average American says, "That's common sense. I wonder why we haven't been doing that." We ought to do it for people who are committing acts which are felonious in nature and which, if committed by an adult, would result in long-term incarceration. At a minimum, we ought to allow schoolteachers to know if individuals in their classrooms have been involved in that kind of activity.

The bill will also make records available across State lines. Given the mobility of the American population, it does not make sense to think we can compartmentalize our approach to individuals who are not going to be compartmentalized and should not be.

Senate bill 10 mandates that States send records to the FBI. It will enable State and Federal authorities to make assessments based on the juvenile's entire record. That is not only in the best interest of the culture and the best interest of the society, but, frankly, it is in the best interest of an accused juvenile. It does not serve anyone's interest to have a judgment rendered on the basis of inadequate data.

We do not make good decisions when we do not have the facts. And courts cannot make good decisions when they do not have the facts. And schools cannot make good decisions when they do not have the facts. The truth is, all we are asking is that the records be made available to individuals so that they make better decisions, and we can do a better job of curtailing a problem that threatens us sorely. This bill would help get that done.

A Federal solution is critical. Only if all States participate can we ensure that critical law enforcement and judicial decisions are based on the entire record. This is a concept which has been agreed to for centuries in America. In law enforcement, crime records have been shared because of the responsibility for public safety. They are clearly matters that are of interest to every State, and they are indeed matters which have long and traditionally been understood as matters in which the States need to cooperate and coordinate.

The bill ensures that juvenile records do not disappear when juveniles turn 18. The truth of the matter is, law enforcement and other officials need to make sure that that information is still available. The bill ensures that juvenile records are made available to those who need them. Courts will be able to sentence criminals based on their entire record, not just what has happened since their 18th birthday.

Law enforcement officials will be able to monitor the behavior of individuals in their community who are known to be violent and to have criminal predilections. Teachers and other school officials will know who they have in their classrooms.

To think that we have to do that to address this problem is a little bit of a shock to me. I would be much more at ease to say to schoolteachers, "We're going to let you find out and know about the individuals that populate your classrooms." I cannot imagine that they would not want that.

Records sharing. This whole concept of helping us have an orderly culture where we send a clear message about the nature of criminal activity and the fact that it is unacceptable and we will not tolerate it. It is not something that is a partisan issue. This is something that compels all of us to unite, to send the right message to the young people of America that we take crime seriously because we view their personal integrity and safety as a serious matter and that we will not treat them

lightly if they are involved in rape, murder, armed robbery, armed assault, major drug trafficking, or other felonious activity, because we care about their future and care about the future of the country in which they live.

I look forward to the debate on this measure, to continuing with this measure in committee to make sure that we shape the bill properly as it comes to the floor of the U.S. Senate. I look forward to a time when the President of the United States will sign into law this kind of bill, which would help us send a message about the kind of tomorrow that we have the privilege and prerogative of shaping by developing public policy that respects not only the future of juveniles but also the present of individuals who have been victimized as a result of juvenile crime and violence, which is far too prevalent in our society.

I commend the Senator from Alabama for his excellent work in this respect. I look forward to working with him and welcoming him to the State of Missouri this weekend where we will be conducting hearings regarding the serious challenges with youth violence which we all face.

Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I want to express my appreciation for the exceptional remarks made by the Senator from Missouri, Senator ASHCROFT. He has talked to us as one who has authority. He has spoken from his heart. He has spoken the truth. He has identified a problem in criminal justice, and he is absolutely correct. If you had 5,000 law enforcement officers and prosecutors in here and they were listening to that, they would say, "Yes, that is correct. He is telling the truth."

We do not do a favor to young offenders or to the justice system or to judges or to probation officers or to mothers and fathers, if we do not allow the full truth of people's criminal backgrounds to be known. All over America, police officers—many may not know this—are denied the right to maintain fingerprints and photographs of young offenders. This information cannot be held anywhere outside of the juvenile court because of the secrecy laws.

This bill does not mandate the elimination of secrecy laws. This bill does not eliminate that great tradition that we adhere to of trying to give young offenders a chance to get their lives back in order and to live life without a criminal record held over their heads. But it does say that records ought to be made available to the criminal justice system. When a young offender at age 17 commits armed robbery, and is later arrested in another State at age 19, that police chief, that prosecutor, or the judge who sentences him for his acts in the second State, needs to know what kind of prior criminal history he has.

The National Crime Information Center houses confidential criminal records solely for law enforcement purposes. I think it is a needed tool and a tremendous step forward.

The Director of the FBI appeared before the Judiciary Committee just 2 weeks ago. I asked him this very question. He said: "Yes, law enforcement needs that information. Yes, the FBI will receive it if it's sent to us from the States. We need it, and we do not need any additional money to process it."

Now, some have said it will cost huge sums of money for the States to implement this. That is, in my opinion, clearly incorrect. We have had this claim studied by a professional group. Their results show that $50 million is more than enough to handle implementation, and this bill has $50 million in it for this purpose.

I doubt it will cost that much. In many areas of our Nation, it costs very little for a local juvenile court to simply report an arrest or conviction and send it off to the FBI. There is almost no cost whatsoever. Some of the cities may want to have computer terminals and dedicated personnel. The money this bill provides will be more than adequate.

Previous funding for juvenile justice in America was $170 million. Under this bill, it would go to $700 million, a more than threefold increase in expenditures because we want to do something about the crime problem.

Adult crime has been dropping for the last half-dozen years. We have made some real progress in that regard. One of the main reasons for that decrease is that we have doubled and tripled prison space for repeat adult offenders. Prison does work to reduce crime, but we have not done anything in the realm of juvenile crime to compensate for the dramatic increases that are occurring.

According to the Department of Justice's own study, juvenile crime will double by the year 2010. We need to begin to deal with that. It has already doubled in the last 10 years. Juveniles are committing serious crimes, as the Senator from Missouri said, including robbery, murders, rapes. Those are the kind of crimes we must crack down on.

One thing that is important for us, as U.S. Senators to understand, is that juvenile justice has historically been and will remain a province of the States. Mr. President, 99.99 percent of juvenile crime cases are tried in State courts. We need to improve the ability of Federal courts to prosecute certain selected juvenile crime cases. This bill will do that. Still, juvenile crime cases will remain the province of the States. So if we want to improve juvenile justice, Mr. President, we need to help these States improve their system. That is what this bill does.

Now, what is the problem with the Federal system? As a U.S. attorney for 12 years, I know the problem. If you wanted to prosecute a young offender in Federal court, an offender who appropriately should be prosecuted in Federal court, a number of things have to occur for this to happen. First, you have to get approval from the U.S. Department of Justice. Second, you have to seek certification of that young offender as an adult to be tried in the Federal system. Before you can do that, the offender has the right to appeal. Often when that appeal takes place it goes to the circuit courts of the United States and a year or more may go by before the case ever comes up for trial. As a practical matter, it is virtually impossible to effectively prosecute routine or even significant juvenile cases in Federal court. We have shut the door to Federal court.

I do not believe that the Federal courts should take over juvenile prosecutions throughout America, but they ought to be able to prosecute certain cases that are appropriate to be prosecuted in Federal court. We need to reform that system. This bill does it. It removes the appeal process. It would allow a U.S. attorney, in many circumstances, to make the decision on his own as to whether or not to prosecute and bring that case to trial, just like any other criminal case. So we are going to have some very good improvements in that regard in the Federal system.

In addition, Senator HATCH and Senator FEINSTEIN have worked hard on a proposal to crack down on the violent gang activity that is disturbing so many areas of this country. In fact, gang activity occurs in every State in America. This bill includes very good, very tough, Federal antigang legislation that will help us break up these organized activities and will help us put an end to that kind of dangerous gang activity. We are pleased this bill will do that.

The Senator from Missouri mentioned a very important thing and that is the question of intervention. Professionals in counseling talk about it frequently. By intervention they mean that a person who is on a bad road, who is heading down the road to destruction, who is making serious mistakes either in term of drugs, alcohol, or criminality, needs something to happen to intervene in that process or that person will end up being destroyed by that problem.

That is what this bill attempts to do, both by recordkeeping, so we can identify whether or not this is a repeat offender so that the judge and the prosecutor will know that when they deal with sentencing, and also through drug testing. We know that in the District of Columbia, where drug testing of every arrestee is done today, 66 percent of the persons tested test positive for

some sort of drug in their system. That is a significant statistic. Do not think, Mr. President, that this is only true of Washington. There are cities all over America that have been involved in testing programs like this, typically to determine the connection between drugs and crime, and their results consistently show that from 60 percent to 70 percent of their arrestees for criminal activity test positive for drugs in their system.

When a young offender appears before a juvenile judge, that judge needs to know, if he wants to help that child—by crafting a penalty or a sanction that will help change his lifestyle—whether or not that person is drug free or whether he is using drugs.

This bill will mandate that the States test every offender upon arrest, and it provides more than enough money to pay for that mandate. We are not doing an unfunded mandate. The bill provides more than enough money to pay for that provision. To me, drug testing is an essential aspect of any criminal justice system. When a young person is arrested, the judge needs to know, his probation officer needs to know, his parents need to know, whether or not drugs are a contributing factor to that young person's criminal activity.

Eric Holder, who just appeared before the Judiciary Committee as the nominee for Deputy Attorney General of the United States, a position which is second in command at the U.S. Department of Justice, was a former Federal judge in the District of Columbia and is the current U.S. Attorney for the District of Columbia. I asked him about drug testing, specifically whether he thought it was a good idea. He said, "Absolutely. We did it regularly in Washington, DC. As a judge, that is the kind of information I had to have to make the right kind of decisions about whether offenders should be released, how they should be treated, and what kind of punishment they should have."

Mr. President, drug testing is not designed to set up a situation where juvenile offenders would be prosecuted again for another crime. That is not the purpose. It does not sustain a prosecution for a crime. But what it does do is provide the judge, the probation officer, the prosecutor, and the family, with the knowledge that the young person has a problem with drugs. To me, any effective juvenile justice system that does not have regular drug testing as a part of it is an ineffective system. It fails to meet the basic requirements of what a legitimate criminal justice system is. We are trying to reach out all over America by supplying funds to help the States and the localities have the kind of resources they need to do drug testing and improve the current system.

Some have raised the question that this is a violation of civil rights; that you cannot make an arrestee be tested. Well, they are being tested all over America already upon arrest. They have been tested in the District of Columbia every day for over 20 years. Jay Carver, who just resigned from that program, had led it for 20 years. He knows how that program works and he supports it. It is not a civil rights violation. When a person is arrested for a crime, a judge has the discretion to determine whether or not to release that individual from custody. If the judge has the power to keep a person's very liberty, to deny him his right to walk out of court and be a free person, he certainly has the right to say you can be released from custody on probation or on bail but you have to maintain certain curfew hours and you have to submit to drug testing. That is a far less intrusive intervention in that person's life. Also, we find the cost of those tests are $5 to $6 for initial drug screening. We believe that is a very inexpensive way to deal with this.

Again, as I view the drug testing program, it is a diagnostic tool. It is a tool to help identify the real problem that a child might be facing and to help the justice system and the parents develop a strategy to deal with that.

There are a number of other parts of this bill that we think are extremely important and will help to actually reduce juvenile crime in America. Those things include removing unnecessary and burdensome mandates that law enforcement tells me cause young offenders to be released routinely for offenses they should never be released for. They tell me over and over that the young offenders are laughing at them because of their inability to carry out sanctions.

Mr. President, I am delighted to take this opportunity to recognize the distinguished Senator from New Mexico, Senator DOMENICI. He has had a very strong interest in juvenile justice. He has submitted legislation on that that has been made a part of this legislation. I am delighted he is here.

I am prepared to yield any time he desires to share his thoughts on this important subject.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Senator, how much time do you have?

Mr. SESSIONS. We have until the end of the hour.

The PRESIDING OFFICER. The Chair observes that the Senator has 23 minutes and 30 seconds remaining.

Mr. DOMENICI. Mr. President, I will try to use less than 10 minutes.

First of all, Mr. President, let me commend the Judiciary Committee, and in particular, the subcommittee chaired by the distinguished Senator from Alabama, Senator SESSIONS.

Frankly, I am of the opinion that it takes us too long to address issues that are obviously important to the American people. That is why I urge we not let this year pass without passing a major Federal reform of our Nation's juvenile justice system.

The Federal juvenile justice system is a very small part of the overall justice system, but it does have a very big impact on how things are going out in the States, and in many instances needs reform so it does not stand in the way of the difficult job that our cities and States have in this new evolving era of juvenile crime. I am sure some of the talks on the floor of the Senate today have indicated some of the areas we must reform. I will leave that to those who are on the committee. Those are patent. They are clear. But they will be highly controversial.

Nonetheless, we should do something to make sure that our laws are not in the way of cities, counties, and States—reasonable, rational efforts to control this major, major criminal epidemic.

Having said that, I believe we also ought to take a lead role in suggesting to our States that if they want some Federal help, then they must modernize their juvenile justice systems.

It is very strange in America, that we have had for many, many years an adult system of justice, a penal system, probation, and the like. What is new to America is that more and more of the crime is being committed by young people from 13 to 18 years of age. The proportions are exponential in terms of growth of juvenile crime of a serious nature.

I am not talking about when we were growing up, maybe shoplifting or truancy, which is probably 90 percent of what the police were concerned about with kids. Now it is murder, it is gangs, it is thievery, it is drive-by shootings, it is all kinds of violent criminal acts that are scaring the adult population for two reasons. They are fearful for their own lives, and they also wonder what will happen to this generation of teenagers if that group committing these crimes grows and grows. Where will we end up incarcerating them?

Mr. President and fellow Senators, there is no question the system is not working. Go to your States and ask how many times must a teenager commit a serious, serious crime before they are taken from society and put into some kind of penal system to try to keep them from committing more crimes and try to help them. It is startling. In many jurisdictions they commit as many as 10 to 15 serious crimes before anything is done to them. It is amazing how ancient, archaic, and broken down the juvenile justice system is. It didn't come into being and take a long, long time to perfect itself. It was put together in little pieces and patchwork, where it actually, in many instances, just doesn't work.

Now, what we have tried to do—Senator JOHN ASHCROFT and I have introduced a bill that does a lot of things.

But after participating in a series of hearings in New Mexico and talking to victims, it was absolutely something that, as long as you are a Senator, you won't hear anything worse than hearing from the victim of teenage violence. I heard from a beautiful young girl who is a dancer, who for no reason was just stabbed in the throat. She was doing nothing, not causing any commotion at all. We heard about the trauma that beset that young woman and her family and the way the juvenile justice system treated her and the family. It is as if the only thing that counted was the accommodation of the criminal, not the victim.

But what we would like to do is to set up a $500 million program that is essentially an incentive grant program. Part of it will go to the States just to help them with juvenile justice, and the other part will go to States who choose certain options to modernize their system and make it work better. What we heard over and over again is that we wait too long before we do anything to correct the situation among teenagers.

Now, anybody that has been a parent—and I have, and I note the occupant of the chair has, my dear friend, because I hear about them often. If you let them get away with little things and more little things and more little things, and you do nothing, when they do something a little worse, it is too late. If you wait long enough, without some corrective measures, you will find yourself engulfed in serious misbehavior. Kids learn by receiving some kind of punishment for every misdeed and wrong act they do. Even if it is a tiny punishment, to know that they are not getting away with it and they must shape up is obvious to everyone who has raised children. The justice system must do that also. No misdeed must go unattended, regardless of how small, even though the punishment would be small. We call this graduated sanctions, and it is an important part of our bill.

We have set out in our bill, which we hope will be incorporated, a number of things like that. And many, many other important reforms that we found out there in our hearings would have to be adopted by our States if they desire to receive additional money to help them in this, what must be a war on teenage crime.

If we wait too much longer, we are going to, once again, be a joke as the Federal Government. We are going to come along and society is hit with this pending disaster. They are will wonder where the Federal Government was. Some Senators are going to come to the floor—I hope not many—and say it is none of our business. The States ought to take care of crime.

I will tell you, I have learned that there is no easy way to draw a line about what is our business as a Nation and what is a State's business as a State. But we can all say that the one thing that is not getting any better in America is juvenile crime. It is getting worse. As statistics show, some of the adult crimes are coming down a bit. The Senator has been part of these hearings. But, juvenile crime continues to go up and up.

So I am very hopeful, and I challenge our leadership—I already know what our distinguished leader TRENT LOTT thinks about this. But I think at the first opportunity we have we ought to get this bill reported out and get it to the floor. The public would be very excited about a debate on this issue. We debate many things they aren't interested in. But they would be interested in this and in the philosophy, and perhaps the difference in philosophy between the two parties on this, too.

I thank the Senator for yielding time and for arranging this morning's discussion on this very, very important issue.

I yield the floor.

Mr. SESSIONS. Mr. President, I appreciate very much the comments of the Senator from New Mexico. People are angry. We need to do better. There was a case in Alabama 2 years ago where three juveniles murdered a man. Those 3 offenders had 7, 8 and 15 prior arrests each and yet they were out on the streets murdering somebody. He is exactly correct. We need a system of increased sanctions, and this bill calls for graduated sanctions. That means increasing the punishment for each offense to send a message that juvenile offenders are not going to walk free.

Mr. President, I am delighted to have Senator DEWINE from Ohio here. He is a former prosecutor, former Lieutenant Governor of the State of Ohio, who has great knowledge in these law enforcement matters. He is a leader on the Judiciary Committee, a leader on our committee to reform juvenile justice. I am pleased to yield to him at this time.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I thank my colleague from Alabama for the great work he has done as the subcommittee chairman. Let me also compliment my colleague from New Mexico, as well as my colleague from Missouri, for the great work that they have done to call the attention of the Senate to an issue that is certainly on the minds of the American people, and that is the issue of juvenile crime.

We always have the question, as my colleague from New Mexico has pointed out, of what is the proper role of the Federal Government in what has historically been a matter that has been dealt with by the States. I think there is a role. I think what is important, as we look at Senate bill 10, which is currently in the Judiciary Committee, awaiting markup—as we look at that draft, it's important for us, with the finite amount of money that we do have to spend, that we spend that money wisely, and that we spend it with an understanding that the criminal justice system, particularly the juvenile justice system, is inherently a local system. So what we need to do in Congress is to do those things that matter, to do those things that maybe only the Federal Government can do to try to give assistance to the local communities. So we need to sit back, I think, and think about what that is, what can be our unique contribution.

I want to talk this morning about one particular area that we have been able to get in the draft of the bill, which the chairman of the subcommittee, Senator SESSIONS, has been very much supportive of. It is an area that I have worked on for a number of years, going back to the time when I was a county prosecutor, and that is the sorry state—if I can use that term—of our criminal records system in this country. I have worked long and hard to try to improve that system. It is an area where the Federal Government can be of assistance because the reality is that what happens in Ohio affects what happens in New Mexico and what happens in Alabama, as far as the keeping of criminal records. If Ohio doesn't put our records in the system and someone from Ohio goes to New Mexico and commits a crime, then New Mexico is the loser because the local law enforcement does not have that information. So this is an area where we have a national system, administered by the FBI—a criminal records system for adults, administered by the FBI. But if we don't get the local input and information, then it doesn't do any good.

That same principle applies to juveniles. The only difference is, historically, we have not shared records of juvenile offenders. We have proceeded under the assumption that a person who commits a crime in Ohio before the age of 18 is a juvenile. Their records are sealed. They are not available to anyone. In fact, they may not even be available outside the county in which the individual committed the crime, or with the individual in Ohio, where that person resides. That is where the records are kept.

I think we now understand that, with violent crime increasing among 15-year-olds, 16-year-olds, 17-year-olds, even 13- and 14-year-olds, it makes absolutely no sense and is very counterproductive and dangerous for us to continue that old mindset that says we are going to protect the record of this juvenile, even if this juvenile has committed murder, even if this juvenile has committed rape, or a whole series of what would be felonies if committed by an adult.

What this bill does is it says enough is enough. We have to change the policy in this country that says we protect these records, and we have to make these records available to law enforcement for legitimate law enforcement purposes—which means prosecutors, police, sheriff departments—so that when a 16-year-old commits a crime in Greene County, OH, and they show up a year later in New Mexico and commit another crime, there is a national database, and that there has been information put in that database so the officials in New Mexico know that this is not a first-time offender, that this person has a bad track record, and they have committed whatever they have committed in the State of Ohio.

We live in a very mobile society. We live in a society where families are broken down, which means, tragically, young children move from community to community. For our own self-protection, it is vitally important that this information follow that individual. This is what this bill addresses. We will have the opportunity on the floor later to talk in much greater detail about what this does.

I want to use a real life example, if I could, which I think illustrates the need for this type of tracking and for the money that this bill provides for the local communities to have this kind of tracking.

Let me tell the story about "Jack." That is not his real name. What he did was very, very real. When Jack was 12 years old, he was arrested for vandalizing a neighbor's house, wrecking the furniture and drowning the neighbor's pet bird in the bathtub. When Jack was 14, he was burglarizing another apartment. The elderly man who owned the apartment came home and found Jack there and confronted him. Jack and the elderly man struggled, as a result of which the elderly man broke his hip, and, tragically, this man then died a few days later of pneumonia. Jack was convicted of involuntary manslaughter.

Let's go forward, Mr. President, 5 more years. Jack is now 19. He breaks into a house and severely beats a 45-year-old woman who lives there. Jack is arrested for this. It is his first adult crime because now he is 19. A Cleveland judge has to sentence Jack, and because all his juvenile offenses aren't available to the court, the judge is dealing with a person who he thinks is a first-time offender. Jack got probation. This is a true story. Two months later, he burglarized another home and killed the 81-year-old man who lived there. The judge had to make a crucial decision in this particular case where we are talking about Jack, a decision vitally affecting the public safety of the judge's community. But he had to make that decision, which turned out to be a decision which cost someone their life; he had to make it in a state of legally enforced mandatory ignorance. It wasn't the judge's fault, it was the system's fault.

What we intend to do by this legislation is to help change that culture, change that system, so that a judge who is faced with making a life-or-death decision will know whether or not this person is a first offender or whether, as in the case of Jack, he had a long record of not just scrapes with the law but a long record of violence. If a judge knew that, the judge's decision would be very different than if he did not know that fact.

I see that my time is about up. Again, I thank the Chair. I thank my colleague from Alabama for the great work he has done on this piece of legislation. I have taken a few minutes to talk about just one of the aspects of the legislation. There are many other parts that have been discussed. I look forward to working with him and the other Members of the Senate as we bring this bill to the floor this year, as we pass it, as we send it on to the President.

Mr. SESSIONS. If the Senator will yield a moment, I think it would be instructive if he would share, from his personal experience as Lieutenant Governor and working in this area, the importance of records. He, more than any Member of this body, has firsthand experience in that area.

Mr. DEWINE. I will do this very briefly in the time we have. When I was Lieutenant Governor of Ohio, I was in charge of the seven different agencies in our administration that had anything to do with law enforcement. One of the things that we tried to do is to improve our criminal records. This was, as I said, a longstanding interest of mine that went back to the time when I was a county prosecutor. When I first started looking at this as Lieutenant Governor, I was shocked by what I found. What I found is that the accuracy of the adult criminal records system in Ohio left a lot to be desired, and that is a nice way of saying it.

I was even further shocked when I found that Ohio was pretty typical. It is pretty much the same as we find in most other States.

When I first started looking at it, I asked the question to our State employees: How accurate are criminal records? I got something back like, "Well, we think they are about 40 percent accurate." Six months later, after they really look into this, they found they were about 12 percent totally accurate.

What happens is, as people are arrested it goes into the system but you don't get the final disposition going in. You don't get the information, if the person is convicted, or, in some cases, if the person is acquitted. So you try to determine how totally accurate the records are.

What we find in most States is that clearly less than 50 percent of the criminal records are accurate. That is the adult system. But what we are dealing with here is the juvenile system. And in most States we are just barely beginning to establish the juvenile recordkeeping system.

The money in this bill will help the States establish that system, help put it online, and help make it accurate.

Mr. SESSIONS. I thank the Senator from Ohio very much.

Mr. President, I believe our time has about expired. I ask unanimous consent for 2 minutes to wrap up.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Chair observes that the Senator from Alabama still has approximately 4 minutes remaining.

Mr. SESSIONS. Very good.

Mr. President, first I would again like to thank the Senator from Ohio for his support and for his insight, certainly shared by the Director of the FBI, on the importance of having a national crime information center for the criminal history of violent young offenders.

Mr. President, Senator HATCH, the chairman of the Judiciary Committee, is today in the Finance Committee markup—a very, very important meeting. He could not be with us. But we are both proud of this bill. The Hatch-Sessions bill has the potential to really reduce crime.

One of the things that has been talked about and that we have heard a lot about is prevention money. I will assert with absolute confidence that the certainty of swift punishment is a necessary tool in the prevention of crime.

As other Senators have said, our juvenile justice system in this Nation is broken. Ask your local police officer anywhere in this Nation, and they will tell you that it is not working effectively. We cannot allow that to continue.

This legislation will mandate certain reforms. It will help fund other reforms. And it will do one thing that we have to do, and that is to increase bed space and detention space for violent juvenile offenders. We have not spent that kind of money in the past. We have increased adult detention space three and fourfold, but we have not acted accordingly for young offenders.

This bill will provide matching money, which acts as the biggest source of our money in this bill. And we will have a lot of money in the bill that will help go towards prevention in a lot of different ways.

But I want to make this point for all of America to understand. Clearly this Congress and this Nation is involved already in prevention. This bill is designed to fix a broken juvenile justice system. We have to do that. And we cannot allow people to have 7, 8, 15 different arrests and not be held accountable for that.

Let me show you this chart. The title of it is across the top: "Federal Programs for At-Risk or Delinquent Youth."

These are juvenile prevention programs. There are 131 of these programs that have been funded by this Government. We spend $170 million on juvenile crime. We already spend $4 billion on prevention programs through virtually every agency and department of Government.

Look at these things. The Department of Interior: Indian child welfare groups; Department of Housing and Urban Development: The 4–H groups, youth apprenticeships, youth sports programs: Department of Labor: Job training for homeless demonstration projects, summer youth employment training, school to work opportunities, Youth Fair Chance; Department of Transportation: Youth-impaired driving techniques projects; gang resistant education and training in the Department of the Treasury.

So it is just on and on. One of the things Senator THOMPSON talks about a lot is his belief that we have no idea about what works in terms of prevention. He is very frustrated by all of these programs with no real belief in whether or not we know that they work.

So, in consultation with him—and Senator HATCH has agreed—we have added to this bill a substantial sum of money for research to analyze these programs to see which ones work.

We want to prevent crime, and we care about young offenders. But the most crucial thing we are facing today is a situation like that of the young lady who Senator DOMENICI mentioned who was stabbed in the throat by a young violent offender, in which the juvenile justice system did not work. Those offenders are not being properly processed, and when apprehended are not properly punished.

This bill will mandate a series of graduated sanctions. We want to make sure that the first brush of a young offender with the law is his last. I believe we can do that. This bill is a major step forward in that regard.

I appreciate the opportunity, Mr. President, to share these thoughts and ideas with my colleagues.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the regular order?

The PRESIDING OFFICER. The Senator from Massachusetts has an order to speak for up to 15 minutes.

Mr. KERRY. Mr. President, I thank the Chair.

Mr. President, I will not use that full amount of time because other colleagues are waiting.

(The remarks of Mr. KERRY pertaining to the introduction of S. 929 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERRY. Mr. President, I yield whatever time remains, and I thank my colleague.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I ask unanimous consent to address the Senate for 7 minutes under morning business, and following that, extend 10 minutes to my colleague from Arizona, Senator KYL, under morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTATE TAX REFORM

Mr. ALLARD. Mr. President, I rise to make a few comments concerning estate tax reform.

There are a number of things I support in the House tax bill. I am pleased to see cuts in the capital gains tax, and I am pleased to see tax relief for families with children. However, I am very concerned with the proposed adjustment of the estate tax. The estate tax has seen a significant change since 1981, and the current $600,000 exemption has never been adjusted for inflation. If it had been adjusted, it would be worth $840,000 today. The recommended adjustment in the House bill would not even keep pace with inflation and would not ease the substantial economic burden placed on family businesses and farms.

The proposed Senate version is better but still needs improvement. It raises the exemption to $1 million to all estates by 2008 and would exempt an additional $1 million on family farm and business assets.

At the time of a person's death, their farm or business has already been subjected to Federal, State, and local tax. The estate tax is a double tax. The estate tax not only places a burden on assets that have already been taxed but it does not discriminate between cash funds and the nonliquid assets and property that make daily activities possible for a family business or farm. These asset-rich, cash-poor businesses can have their livelihood eliminated in order to pay a tax of up to 55 percent—up to 55 percent—of market value of the property left to them. Ironically, the estate tax raises only 1 percent of the Federal Government's revenue but helps to prevent up to 75 percent of family businesses from being passed to a second generation. This practice threatens the stability of our families and communities while inhibiting growth and economic development.

I strongly support estate tax relief. The current estate and gift tax system poses a great threat to family-owned businesses and farms. I am a cosponsor of legislation to increase unified credit and to index it for inflation. I am also a cosponsor of legislation to eliminate the estate tax entirely.

Repeal of the estate tax would benefit the economy. George Mason University Professor Richard Wagner has stated that the elimination of the estate tax would enhance the output of the country by $79.2 billion—I repeat, by $79.2 billion—and would create up to 228,000 jobs. Unfortunately, under the current system, the energy that could go into greater productivity is expended by selling off businesses, dividing resources and preparing for the absorption of an estate by the Government.

The current system leads to the views of an Arizona citrus farmer who said of his family business, "Instead of an inheritance, it's an albatross."

We must insist that no more American families lose their businesses because of the estate tax. We must assure that when a family is coping with all the inevitable transition costs of passing a business from one generation to the next, the Federal Government is not there as an added burden. The working people of the United States deserve better.

Until we accomplish total repeal, I will be working to reduce the burden of this tax. I believe the exemption should be dramatically increased and that the current 17 rates should be reduced to one low, flat rate. The estate tax should then be effectively abolished for family businesses and farms for as long as the assets remain in the family. No family business or farm should ever have to be liquidated just to pay the estate tax.

I look forward to working with the Senate Finance Committee to reform this outdated and punitive tax system.

Mr. President, I yield back the remainder of my time.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank the Chair.

INTELLIGENCE AUTHORIZATION

Mr. KYL. Mr. President, I wish to follow up on some comments that my colleague from Colorado made. First, however, I should like to address a subject briefly which has relevance to one of the bills we will be taking up, if not today, then later this week, and that is the intelligence authorization bill.

This is a bill which should not have a great deal of controversy surrounding it. It provides for the funding of the intelligence agencies of the United States and the substantive policy that governs our intelligence activities, but it is especially relevant and propitious, I think, that we take up that bill this week following the news accounts of the arrest and incarceration of a man whose name is Kanzi, ostensibly from Pakistan, who is the alleged perpetrator of a violent crime against employees of the CIA a few years ago here in the Washington, DC, area.

The reason I bring this up now is to make two points. One, we frequently hear the stories when things go wrong in law enforcement and in particular in operations involving our intelligence agencies. We try to learn from those lessons, but there have been bitter experiences with which we have had to deal. What we do not hear so much about are the many, many successes that go unreported, frequently because they involve law enforcement or intelligence activities that simply cannot be disclosed publicly. They involve classified material, sources, and methods of collection of information which we simply cannot discuss or we would be compromising those sources and methods.

So these stories are not told, and it is too bad because I think the American people, in order to support our law enforcement and intelligence agencies, need to appreciate the work that they do and the danger that they frequently face and the many times in which by their actions American lives are saved and yet we do not even know about it.

In this case, the details will have to come out later. We have been briefed, and certainly there is a very fine story to be told here. But the details will have to come out later. What we can say at this point is that this will be found to be yet another example of where American law enforcement officials played a key role in bringing to justice a terrorist, a person who at least allegedly has committed a heinous crime and hopefully, as a result of that information coming out, we will be supportive of agencies such as the FBI, such as the CIA, the DIA, and the other agencies, some of which we will be discussing in the intelligence authorization bill a little bit later.

The second point is that we will find, track down, take into our jurisdiction, and prosecute terrorists. They can run, but they cannot hide. And they should note that we do not rest until we bring these people to justice. If you look at the number of terrorist incidents over the last several years, in many, many cases we have found and we have gained jurisdiction over and in some cases already prosecuted the people who have perpetrated heinous crimes against society in general and frequently against Americans. We will continue to be successful in doing that and in protecting American people if we are able to adequately fund and provide proper policies to guide our law enforcement agencies.

So when we take that bill up later, I hope that my colleagues will be supportive and the American people will appreciate the continued necessity of providing that kind of support. In the end it is what will preserve our democracy as well as peace around the world.

TAX RELIEF FOR AMERICAN WORKING FAMILIES

Mr. KYL. Mr. President, I wish to briefly address the same subject my colleague from Colorado addressed, and that is the proposition that Americans are finally going to get some tax relief. The biggest tax relief, as a matter of fact, in 16 years is about to be brought to the Senate floor for debate. It is uncertain yet precisely what some of the details are, but the Ways and Means Committee of the House of Representatives has put a plan on the table, the Finance Committee in the Senate has put a plan on the table, and the members of that committee are working through the details of that bill.

We do know the general outline so far, and I think we can talk about that and begin to lay the groundwork for debate in this Chamber on that historic tax cut for American working families. I think that is the first lesson to be learned here. I really deeply regret that some people at the White House are already beginning to take political pot shots at this very worthwhile, bipartisan tax relief to be provided to American families. It is the same old political rhetoric that it is a tax cut for the rich. That just does not fit this proposed tax cut. Most of the tax cuts are for average working families, and all of the tax cuts are good for the economy of this country. As a matter of fact, under the proposal that the Senate Finance Committee began considering yesterday, three-fourths of all of the tax relief goes to families making less than $75,000 a year and that is not an atypical, two-parent working family in America today. So with three-fourths of the benefits going to that income level, it is hardly to be characterized as a tax cut for the rich.

As a matter of fact, 83 percent of this proposed tax relief is in the form of relief to families with children, the $500 per child tax credit and the educational tax credit and other relief for families struggling to send their kids to school; 83 percent of the relief is of those two components.

So let us not begin this important debate with some political demagoguery about tax cuts for the rich, especially, Mr. President, since the relief here, though historic, is quite modest in total amount—less than 1 percent of the budget—because the negotiators, under pressure from the White House to keep the tax cut small, agreed to a net of only $85 billion in tax cuts over a 5-year period.

Now, the Republican plan that was introduced at the beginning of this year provided for $188 billion in relief and, frankly, that was not enough for many of us who felt it should have gone further, but at least it was enough to provide meaningful relief in terms of the $500 per child tax credit, meaningful IRA relief, some capital gains relief, estate tax relief, and education relief. These are critical to the American economy and to American families.

The $85 billion that is available to accommodate these five areas is not going to provide adequate relief in any of them but at least it will provide a start. I am a little disappointed in those who are already attacking it as if it is too much for us to afford. It was negotiated and agreed to by the White House. Therefore, I hope that we will get some support because here in this body there is already bipartisan support for it. It involves, as I said, a phased-in $500-per-child tax credit for families with kids. It involves two different kinds of IRA tax relief. There is the $2,000 homemaker IRA relief for families which do not have a pension for the homemaker. My wife always wondered why she could not fund an IRA the same way that I could fund an IRA. She worked just as hard as I did, even though she did not have a wage-paying job. And we also have a backloaded IRA relief provided in this package, so even in families where there is a pension, that doesn't preclude them from the spouse having an IRA and being able to save for future years.

We also provide capital gains tax relief, not as much as we would like, but it ought to be enough to at least stimulate key parts of our economy so we can continue to grow and provide jobs for all Americans families. And, as I mentioned before, the educational component of this as well rounds out the relief.

The one area where we did not get very much relief is in the death tax that my colleague from Colorado talked about. I think the answer there is simply this is not enough. Phasing in an exemption up to $1 million over an 11-year period is totally inadequate. But I think what this will do is simply sharpen our interest in continuing to engage in that debate and ensure that there will be greater relief from the death tax in future years. Obviously, it simply cannot all be accommodated within the $85 billion that was agreed to.

So I think as we begin this debate we should do so on a positive note, on a constructive note, determining how we can work together to provide meaningful tax relief to American families. If we do that, we will succeed in helping the very people who need help in our society by ensuring continued economic growth and by making good on our promise to the American people for historic tax relief, the first in 16 years.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

SENATOR ROCKEFELLER'S BIRTHDAY

Mr. BYRD. Mr. President, in 1964, a tall, bright-eyed, 27-year-old Harvard

graduate arrived in West Virginia as a VISTA volunteer, eager to take on the ills of poverty, eager to change the world, starting with the small, rural town of Emmons, WV.

But things did not quite turn out for the young man exactly the way that he expected them to. As JOHN D. "JAY" ROCKEFELLER, IV, quickly discovered, just as untold others have, there is something about West Virginia that gets into the blood and stirs the utmost depths of the soul. One West Virginia newspaper in February of last year quoted him speaking about those early days in Emmons. In that speech JAY ROCKEFELLER reflected "In the end, I was the one who was transformed by the experience—completely transformed." Subsequently, ROCKEFELLER decided to move to West Virginia to live, rear a family, and build an impressive career of public service that continues to benefit West Virginians today.

Mr. President, today marks the 60th birthday of my colleague, Senator JAY ROCKEFELLER, and I take this opportunity to recognize this milestone for my friend and ally, an outstanding Senator, and a distinguished West Virginian.

You can, perhaps, imagine the eyebrows that were raised initially by West Virginians, or some of them, when the young, energetic, wealthy ROCKEFELLER moved from New York to the foothills of their State.

He took a lot of ribbing early on—and I can tell you that it was not all good natured. Many did not see the match as one of perfect bliss. At best it might have been described as the near equivalent of a James Carville-Mary Matalin union. But JAY ROCKEFELLER endured with determination.

After serving a 2-year term in the West Virginia House of Delegates, ROCKEFELLER served 4 years as Secretary of State. Then, after a 3-year sabbatical from politics during which he served as the President of West Virginia Wesleyan College in Buckhannon, he ran for and won the West Virginia Governor's seat—not the kind of comfortable, overstuffed chair one might expect a Rockefeller to occupy in West Virginia.

Some in West Virginia have said that the sure way to end a political career in our State is to become Governor. I have referred to it, from time to time, as a good jumping off place—not a place from which I would particularly like to jump. It may well be our State's most unforgiving job. But JAY ROCKEFELLER weathered the rough shoals of gubernatorial service in West Virginia and, in 1984, went on to win a U.S. Senate seat. That says a lot about his resolve, his vision and his determination.

Since his arrival in the Senate, I have watched JAY emerge as a strong leader focusing on the needs and concerns that affect West Virginia and the Nation. He looks beyond the borders of West Virginia. Through his work to improve the quality of life in West Virginia, JAY has also won over many of those who were at first skeptical at the idea of a Rockefeller moving into mountaineer country.

JAY won his people over with hard work. He has focused his efforts on aiding veterans and championed health care issues. Like so many others who throughout the years have been cured by the healing waters of West Virginia's mountain springs, JAY ROCKEFELLER has become an enthusiastic salesman for West Virginia, boasting of its admirable, unequaled attributes to any potential convert and even drawing them in from far-flung locations around the globe. The long arms of JAY ROCKEFELLER have reached even across the Pacific to Japan to help draw business interests to the mountains and valleys of Appalachia. He can speak Japanese. He can write Japanese. He has studied the Japanese language.

I am glad that JAY made that life-changing decision to go to Emmons three decades ago. Since that time he has made great strides toward improving the quality of life for my people in my State, which he has proudly made his adopted home, as I have adopted West Virginia, my home, having been born in North Carolina almost 80 years ago. Today, on his 60th birthday, Senator ROCKEFELLER's efforts to encourage development and prosperity all across West Virginia are well known. I salute his efforts. And Erma and I wish JAY and his wife, Sharon, continued success and happiness for many years to come.

A poet whose name I do not recall said it perhaps best, and I shall use the lines of that poet in saying happy birthday to JAY ROCKEFELLER:

Count your garden by the flowers,
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all.
Count your nights by stars, not shadows,
Count your life by smiles, not tears;
And on this beautiful June morning, Jay,
Count your age by friends, not years.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 17, 1997, the Federal debt stood at $5,329,352,124,923.40. (Five trillion, three hundred twenty-nine billion, three hundred fifty-two million, one hundred twenty-four thousand, nine hundred twenty-three dollars and forty cents).

One year ago, June 17, 1996, the Federal debt stood at $5,137,826,000,000. (Five trillion, one hundred thirty-seven billion, eight hundred twenty-six million).

Five years ago, June 17, 1992, the Federal debt stood at $3,946,500,000,000. (Three trillion, nine hundred forty-six billion, five hundred million).

Ten years ago, June 17, 1987, the Federal debt stood at $2,293,495,000,000. (Two trillion, two hundred ninety-three billion, four hundred ninety-five million).

Fifteen years ago, June 17, 1982, the Federal debt stood at $1,069,969,000,000 (One trillion, sixty-nine billion, nine hundred sixty-nine million) which reflects a debt increase of more than $4 trillion—$4,259,383,124,923.40 (Four trillion, two hundred fifty-nine billion, three hundred eighty-three million, one hundred twenty-four thousand, nine hundred twenty-three dollars and forty cents) during the past 15 years.

TRIBUTE TO SENATOR DALE BUMPERS OF ARKANSAS

Ms. MIKULSKI. Mr. President, with sadness, I rise today to pay tribute to a remarkable member of the U.S. Senate, the senior Senator from Arkansas, DALE BUMPERS. Senator BUMPERS has announced his retirement after more than 25 years in public service, including the last 22 years in the U.S. Senate. When DALE BUMPERS leaves the Senate at the end of next year to return to his family and his beloved Arkansas, I will miss his leadership and his friendship tremendously.

There has rarely been a Senator in this body with the courage of his convictions like DALE BUMPERS. During his time here, he has stood up valiantly for the causes he believes in. He has been an advocate for his home State and has fought against a number of Government projects that he felt were wasteful or inefficient. His object has always been to protect the people of Arkansas and the American taxpayer. We have not always agreed with each other on the merits of every project. But I have always been able to count on Senator BUMPERS' integrity, his honesty, and his good humor.

When Senator BUMPERS retires, I think my colleagues will agree that the back of the Senate Chamber will never be the same. In an institution known for its orators, Senator BUMPERS is among the most accomplished of them. His passion for public debate, and his commitment to justice have been obvious to all Senators when DALE BUMPERS takes the floor of the Senate. He speaks with eloquence and with feeling, whether the issue is protecting our environment or cutting corporate welfare.

Throughout his career in public service, Senator BUMPERS has remained true to his constituents by being a strong advocate for his home State of Arkansas. He knows that a Senator's ultimate responsibility is to the people of his State. As a result of his advocacy and his honesty, Arkansas voters have returned him to Washington three times with landslide re-election victories. I have no doubt that the voters of Arkansas would have made it a fourth re-election landslide if he wished.

Senator BUMPERS' insights into the issues and problems we address in the Senate, and in his Environment and Public Works Committee have made him a valuable and trusted Member of this body. Our leadership, the Senate, and most of all the State of Arkansas have greatly benefited from his service.

I believe that I speak for all of my colleagues when I say that the departure of Senator BUMPERS will leave a void in this institution. As he approaches retirement, I want to thank DALE BUMPERS for his service to his country and congratulate him for his extraordinary career. I wish him excellent health and happiness in retirement, and I will truly miss him.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING JUNE 13

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending June 13, the U.S. imported 9,391,000 barrels of oil each day, 989,000 barrels more than the 8,402,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 59.6 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil by U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 9,391,000 barrels a day.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I will have a unanimous-consent request momentarily with regard to calling up Calendar No. 84, S. 924, the Department of Defense authorization bill. We have been in communication with the Democratic leadership and Senators on both sides about our desire to call up this legislation. We do have some concerns on both sides about some provisions that are in or not in it. But I want to withhold on making that request just for one moment.

I had, also, as a second consideration, hoped that we could get up the intelligence authorization bill this afternoon. We are asking the Armed Services Committee to continue to work on that and consider that as something we would like to try to do this week if at all possible. But we are still working to get that cleared.

We will ask consent later on this afternoon to go to S. 923, which would deny veterans benefits to persons convicted of Federal capital offenses. I believe we can get that done this afternoon. Senator SPECTER has been working on that. I understand there are Senators on the other side of the aisle having some input. I believe we can get something worked out on that this afternoon. It is something certainly we should do.

UNANIMOUS-CONSENT REQUEST—S. 924

Mr. LOTT. With that, Mr. President, I do ask unanimous consent that the Senate now turn to the consideration of Calendar No. 84, S. 924, the DOD authorization bill.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I regret we have had this objection to proceeding on this very important legislation, the Defense authorization bill.

The Armed Services Committee in the Senate has worked very hard on this legislation. It is urgently needed to this extent: Until we can get the authorization bill through the complete process, it makes it difficult for the defense appropriations subcommittee to do its work. So timing is important.

We would like to get this authorization bill done at the earliest possible opportunity so it can get on into conference and so that the defense appropriators will know what the authorization numbers are. It is important for our country.

It is my understanding that a major issue of contention is still being discussed with respect to the depots and bases that could be affected by it or will be affected by it in Texas, in Oklahoma, in California, in Utah, and Georgia. There are a lot of Senators on both sides of the aisle and on both sides of this issue that are very concerned about how it was handled in the committee.

So I have urged those on both sides of the aisle to work together and see if we cannot come up with something that is acceptable to both sides. It will not be easy. This is not a new issue. We went through this in a way in the base closure rounds.

We had debate and amendments on it last year. So everybody knows the arguments on both sides. I still believe that there is a way that we can come to some compromise language that would allow us to go forward.

The Senators are exercising their right to object to waiving the 2-day rule or calling up the bill to go straight to debate and amendments. But I hope that they will not do this for very long, because we have our work to do.

So I understand there is a meeting that will meet again, perhaps today, this afternoon at 5:30, on this issue. We had a preliminary meeting on it in my office yesterday. I will be glad to work with both sides. I want a resolution to be found. But I am not inclined, as I discussed with the distinguished Senator from Kentucky, the acting minority leader, here—I want Senators to be able to exercise their rights, and I want to be helpful with that, but I also think at some point, if you cannot work out something, if you do not work out something, then we will have to use the rules of the Senate to move this very important legislation forward. But I would like everybody to get an opportunity first to work together, and you know we are losing some time here. Every day that goes by that we do not take it up, it means that it already looks like it could be the week of July 7, 8, before we could actually get this legislation completed. I just wanted to make those points.

I understand Senators on the floor now would like to be heard on this issue. I would like to yield the floor so that they could make their statements.

I yield the floor.

Mr. FORD. Mr. President, will the majority leader yield just for a question?

The PRESIDING OFFICER. The acting minority leader.

Mr. FORD. Once the statements are made by those who have objected to bringing up the Department of Defense authorization bill, how long will they go, and what kind of schedule would we have? How soon will we get to the so-called veterans bill?

Mr. LOTT. As soon as we can get the agreement worked out. I believe they are working on it right now. We hope by the middle of the afternoon we will have something ready to go on that.

Mr. FORD. Put us in morning business?

Mr. LOTT. We will probably have morning business, but I do know also there are Senators, a number of Senators, who probably want to speak on this issue at hand. Maybe we will let them talk a little bit and they will feel better and we will find a way to move this bill forward.

Mr. FORD. The leader knows and we all know at some point it will.

Mr. LOTT. Right.

Mr. FORD. It is the will that will move it.

Mr. LOTT. Yes.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, my colleague from Connecticut asked if he could take 3 minutes. I am happy to give him 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I particularly thank my friend and colleague from Texas for her graciousness, and her graciousness will allow this Senator to find his way to his daughter's school to watch the moving-up ceremony. I appreciate my good friend, the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am very pleased to hear that the daughter of the Senator from Connecticut is having her moving-up ceremony, because she is a special friend of mine and I think she is a potential future Senator from Connecticut. So I am glad that he is going to be able to make that important ceremony. He will give her my regards, I hope.

THE CITY OF JERUSALEM

Mr. LIEBERMAN. Mr. President, yesterday we passed the State Department Authorization Act by a vote of 90 to 5. Today there is comment on the bill that we passed yesterday in the Washington Post regarding particularly the sections of that legislation that deal with the city of Jerusalem and the recognition of Jerusalem as the undivided capital of Israel.

In this article, the State Department spokesman Nicholas Burns is quoted as saying:

> Our view is that Jerusalem is the most emotional and complex issue that Israel and the Palestinians will have to deal with in the permanent status negotiations. We do not believe it is wise for the United States or any other outside country to make an initiative on Jerusalem that in effect prejudges that issue.

Then later on in the article, the writer of the article says:

> The State Department regards Jerusalem as "disputed territory" with its permanent status to be settled in negotiations and has kept the U.S. embassy in Tel Aviv.

Mr. President, I want to respond very briefly to that and say that the suggestions made by the State Department spokesman in my opinion are wrong. The commentary by the reporter does not recognize the fact that in the Jerusalem Embassy Act of 1995—both Houses of Congress passed and it became law—is a provision that not only directed that our Embassy be placed in Jerusalem instead of Tel Aviv thereby doing what we have done in every other country but one in the world, which is to have our Embassy in the city in which the host country had designated as its capital. But, Mr. President, in that bill—that bill now law—this Congress made very clear its intention that it is American policy to recognize Jerusalem as the undivided capital of Israel. We, in fact by strong bipartisan majority, adopted a resolution a short time ago on the 30th anniversary of the reunification of Jerusalem restating that position.

So, Mr. President, this may be controversial. But trust is built up among parties, including those who are involved in the Middle East process, including Israel, the Palestinians, and other countries. Trust is built on honesty. And honest reflection of not just American policy but American law as adopted by this Congress in 1995 is that Jerusalem is the undivided capital of Israel.

It is time, therefore I would say, to bring our policies in line with our law; that time for the statements such as those made by the State Department spokesman in my opinion respectfully has passed.

I appreciate very much again the graciousness of my friend from Texas for allowing me to say this.

I thank the Chair.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998—PUBLIC-PRIVATE COMPETITION OF DEPOT MAINTENANCE

Mrs. HUTCHISON. Mr. President, I thank the majority leader for stating his concerns here. I notice the distinguished committee chairman is also here.

I think it is very important that the rights of Members be upheld here because there is a significant issue that is very important to the Department of Defense for the readiness of this country that is at issue in this bill. Heretofore, our side has not really had any ability to have an accommodation or to make sure that what the Department of Defense wants to do, what BRAC allowed them to do, in fact they will be able to do. Because in the bill that would be brought before us, it vitiates any public-private competition for depot maintenance work by the Air Force. That is the effect of this bill.

To think that someone, for parochial interests, would put language in a bill that would do away with what BRAC said to the Department of Defense was their option, which is to go out and spread the workload to other depots from the bases that are closed, or privatize in place, the Department of Defense should be able to make the decision based on the efficiency of taxpayer dollars and where we need the defense dollars to go. The Department of Defense should be able to make that decision. That is what BRAC said.

The Department of Defense made the decision. They said it would be more efficient and save more money to privatize in place. They are doing public-private competition to make sure that the price is better. Yet the bill that would come before us says they cannot do any of that work, privatize in place, until the depots get the work and are up to 75 percent of their capacity. Well, that is impossible, because some of those depots may not ever get to 75 percent capacity, nor does that have anything to do with efficiency.

So, Mr. President, yes, we are standing on principle. We are standing on the principle that the Department of Defense should be able to have a public-private competition, to save taxpayer dollars and to put those defense dollars into readiness. We can save millions of dollars for the taxpayers and for the Department of Defense. And those millions of dollars, rather than being wasted, can be put into equipment that will keep our troops safe and secure.

We are standing for the integrity of the BRAC process. We are standing for the integrity of the Department of Defense and for their ability to make their decisions without congressional mandates that cause the waste of millions of dollars for the taxpayers and for the young men and women who are putting their lives on the line to protect our freedom. That is what this issue is.

So, yes, Mr. President, we are objecting. We hope to find an accommodation. I will say that the distinguished chairman of the committee wants to find an accommodation that will give the Department of Defense the flexibility they need, that will do right by the taxpayers of this country, that will do right by the people who are in our Armed Services, and that will do right by the depots that are still left in Oklahoma, Utah, and Georgia.

We want something that will be fair to everyone. And when we come to that fair conclusion, then we will be happy to debate this bill and hopefully authorize a good defense bill. But, Mr. President, make no mistake, if there is not a defense authorization bill that can be worked out that can be fair, I hope that we will not go forward putting shackles on the Department of Defense and wasting taxpayer dollars.

I hope we will have the strength to resist that.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to associate myself with the remarks of my colleague from Texas, Senator HUTCHISON, who I thought really homed in on why this issue is so important. I am very pleased the distinguished chairman of the committee is here because it gives us an opportunity to

speak with him about why we are so frustrated about this bill as it now stands.

Mr. President, it would be a historic moment if this bill were to pass because it would, for the first time ever, overturn a BRAC decision. Now, we all know that when the four base closure rounds went through Washington, DC, many of us were not happy with the process. Many of us felt the savings were overstated. Many of us felt this was not the right way to go. But not one of us, until today, moved to undermine a BRAC decision.

By objecting to this bill, we are taking a stand, it seems to me, for the integrity of the process. After all, this is the law of the land. This is just the kind of unraveling we do not want to see happen, because if this effort succeeds to overturn BRAC, to stifle competition between the private sector and the public sector with respect to depot maintenance, where will it end? Tomorrow, someone else will try another unraveling, and the day after, someone else will, and we will have chaos.

I want to say, Mr. President, there are two other reasons why this bill as drafted is so harmful. Not only does it unravel the Base Closure Commission's decisions of the past but it undermines a promise made to the people in the Sacramento area and the people in Texas who will be so adversely affected. There was an explicit promise by the President of the United States that privatization in place could take place at McClellan Air Force Base. There was also a promise made by Congress that such privatization in place could move forward at McClellan. After all, Congress passed the BRAC, so, therefore, we would be breaking a deal, a sacred deal, really, made with these people who were told that privatization in place could, in fact, occur.

Lastly, Mr. President, I thought we were all really concerned here about taxpayer dollars. We are doing everything we can to bring down this deficit. I am so proud to be a part of the team that brought down the deficit from $290 billion in 1993 to less than $70 billion now. We have agreed on a balanced budget deal to finish the job. This is great for taxpayers. This is good for our country. It is good for our economy. So why would we now reverse course and to say that the private sector's ability to compete with the public sector will be cut short?

It will be a bad deal for the taxpayers if we do not reach some kind of agreement here. I hope we do because if the bill as drafted becomes the law of the land, it will force the Pentagon to waste money. This bill will essentially direct the Pentagon to waste money by preventing the fair and open competition that is underway to win contracts for depot maintenance work at Kelly and McClellan Air Force Bases.

So every way you look at it—from standing behind the law of the land, the BRAC process, to keeping our word to workers who trusted us when we said privatization in place can take place, to taxpayers who know that it makes no sense to eliminate competition—if you look at all of these factors, Mr. President, I think what the Senators from Texas and the Senators from California are doing here is in the best interests of the U.S. Senate, of the U.S. Congress, and, frankly, in the best interests of the United States of America.

I am working with the senior Senator from California, Senator FEINSTEIN, who you will hear from shortly, my colleagues from Texas, and hopefully all others who want to see this bill move forward. We have no interest in preventing this bill from moving forward. We want to reach an accommodation here. I think there are ways we can do it.

We are so sure that competition is a good thing, we are so positive that privatization in place will reap rewards for taxpayers, that we are willing—we are very willing—to agree to language that would ensure that this could only occur if the taxpayers save money.

I am very hopeful that we can reach an agreement. Until then, we will fight for our rights as Senators to protect a promise made to the people of our communities and a promise made to the taxpayers.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from California.

Mrs. FEINSTEIN. I thank the Chair. Mr. President, I thank the Senator from California and the two Senators from Texas for joining me in this coalition.

I certainly do object to the motion to proceed to the bill. I want to explain why in some detail. These provisions that the Depot Caucus put in not only halts the public-private competitions for depot workload currently underway at both McClellan and Kelly Air Force Bases, but it essentially undermines any effort to do this work in the private sector in a more cost-effective way.

The option to privatize certain depot workloads was explicitly made available by the BRAC Commission and was a part of the base closure decision. Yes, let their be no doubt, these bases will be closed. We know that. But an effort was guaranteed to be put underway to see if an amount of this workload could, in fact, be privatized. In its report to the President, the BRAC 95 Commission specifically recommended that the department "consolidate the remaining workloads to other DOD depots or to private-sector commercial activities as determined by the Defense Depot Maintenance Council."

The President strongly supported the Commission's decision, specifically reinforcing the option of privatization. In his letter to the chairman of the BRAC 95 Commission, the President stated, "I was pleased to learn that * * * you confirmed that the Commission's recommendations permit the Department of Defense to privatize the work loads of the McClellan and Kelly facilities in place or elsewhere in their respective communities. * * * In my communication with Congress, I have made clear that the Commission's agreement that the Secretary enjoys full authority and discretion to transfer workload from these two installations to the private sector, in place, locally or otherwise, is an integral part of the overall BRAC 95 package it will be considering." The President goes on to say, without ambiguity, "Moreover, should the Congress approve this package but then subsequently take action in other legislation to restrict privatization options at McClellan or Kelly, I will regard this as a breach of Public Law 101–510 (the base closure law) in the same manner as if the Congress were to attempt to reverse by legislation any other material direction of this or any other BRAC."

I think that's pretty clear.

Let me say that I firmly believe if this bill goes forward with the depot language in it, the President of the United States should veto the bill. Not to veto the bill is to say that the BRAC decisions and the decisions made surrounding the 1995 base closure decision are no longer valid. Their integrity is clearly punctuated by this kind of special interest drive.

Let me go on to say that some have alleged that this privatization process is an attempt to keep McClellan and Kelly open. Let me disabuse my colleagues of that. I want to be very clear. McClellan and Kelly will both be closed in the year 2001. That decision has been made. The property and buildings at McClellan will be transferred by the Air Force to recipients in the local community according to the base reuse plan.

Two private companies, Boeing and a group led by AAI Corp. and one Air Force depot, Hill Air Force Depot in Utah, have each been awarded $750,000 in Air Force contracts to formulate their bids for the workload package at McClellan. Final bids from these competitors for this workload are due in September of this year. The contract is scheduled to be awarded in January 1998. This aspect of privatization is now underway, Mr. President, and essentially what we have in this bill is a special provision which would halt the contracts currently proceeding. It is to this that we strongly object.

The workload package, currently under development by the Air Force, will be worth approximately $220 million and will affect only 2,300 McClellan Air Force Base employees. McClellan ALC, Air Logistics Center, employed over 8,000 people before the BRAC 1995 round, and currently employs less than 7,800 people. So you can

see the workload package we are talking about affects about one-third of the employees that used to work at McClellan Air Logistics Center.

The Air Force's planned workload package at McClellan will include maintenance and repair of the KC–135 refueler aircraft and A–10 close-air support aircraft. It will also include repair work and maintenance on hydraulics systems, instruments and electronic components and electronic accessories for numerous aircraft systems. Finally, the workload package will include software support activities, parts repair and assembly for the KC–135 and A–10, and the packaging and movement of parts to military customers.

The public/private competition for this work can save taxpayer dollars. If the competition for this work is won by the private sector, hundreds of millions of dollars in savings could be realized by avoiding the costs of new military construction, movement of the workload, and retraining workers at Hill Air Force Base. Additional savings can come from taking advantage of any potential efficiencies in private industry.

Let me make another point. Past Federal investments at McClellan should not be ignored. Since 1987, the Department has spent $150 million on military construction projects at McClellan. Outright closure of these facilities before the year 2001 means the U.S. taxpayer not only forfeits this expenditure but also must pay for new military construction at another Air Force base so this workload can be moved. The Defense Department will have to spend hundreds of millions of dollars to duplicate the facilities now in operation at McClellan.

As the Defense Department phases out its operations at McClellan and Kelly Air Force Bases, privatization provides a means to reduce overhead costs by bringing defense and commercial work together. If private industry wins the competition for this workload package, they will be able to add commercial products along with their Defense Department workload. This innovative approach will expand employment opportunities at these closing facilities and increase savings to the Department through decreased overhead costs and enhanced efficiency.

The Depot Caucus' language takes none of these potential savings into account and violates every proven principle that competition reduces costs. The Depot Caucus provision would sole-source billions of dollars of depot maintenance work to government facilities regardless of the cost or the impact this noncompetitive practice would have on DOD's management plans and strategies. In addition, the Depot Caucus' unqualified opposition to privatization goes against a clear national trend. The language ignores not only the lessons learned by industry, but also the guidance of DOD's most respected advisory reports.

This spring's Quadrennial Defense Review stated that DOD should, "Conduct public-private competitions for depot maintenance work that does not contribute to core capability when other appropriate outsourcing criteria are met. In addition, [DOD] will partner in-house facilities with industry to preserve depot-level skills and utilize excess capacity. Savings will be achieved as a result of these competitions and the reductions in excess capacity."

The May 1995 Commission on Roles and Missions [CORM] of the Armed Forces strongly urged increasing privatization. CORM recommended "that the Department make the transition to a depot maintenance system relying mostly on the private sector."

In fact, the 1995 Base Realignment and Closure [BRAC] Commission Report strongly supported depot privatization, writing, "The Commission believes reducing infrastructure by expanding privatization to * * * DOD industrial and commercial activities will reduce the cost of maintaining and operating a ready military force."

The vast majority of private firms are also moving toward increased reliance on outsourcing to become more efficient and remain competitive. The DOD can learn and benefit from the private sector's experience.

We have an opportunity to save money by allowing the competitions for workload at McClellan AFB to go forward. If the bids made by private industry are not financially feasible, then the contract will be awarded to the public bidder, Hill AFB. But, if a private bidder does win, then we will have our first opportunity to reduce the cost of depot maintenance activities through careful use of private enterprise.

The General Accounting Office's study of depot workload privatization never considered the question of how much could be saved if this workload was privatized. It only considered the costs of maintaining that workload at Kelly and McClellan as compared to consolidating it into the remaining air logistics centers. The privatization of this workload will not be business as usual.

Finally, many of my colleagues are concerned that readiness will suffer at the hands of greater outsourcing and privatization. DOD, however, has entrusted our military's readiness to private contractors for years. Currently, several weapons systems, including the KC–10 refueling aircraft, the F–117 stealth fighter, the B–1B bomber, and the software maintenance for the B–2 bomber are completed by private contractors.

I believe that the leadership of our armed services will continue to ensure that any DOD depot maintenance workload that is outsourced will be maintained appropriately, to DOD's own high standard. Allowing noncore depot workload to privatize simply permits DOD to award work to the most qualified, most reliable contractor, whether that contractor is a public facility or a private company.

In supporting the defense industrial base, DOD's policy calls for greater reliance on the private sector for appropriate depot maintenance workload. Outsourcing helps preserve private sector capabilities and enhances DOD's ability to capture new technologies that are constantly being developed in the private sector. By introducing greater competition into the mix, outsourcing lowers the cost of depot-level maintenance activities.

I firmly believe that the Nation will always require a public sector depot capability for certain mission-essential workloads and skills. Unfortunately, the depot language included in the DOD authorization bill will squander essential readiness and modernization funds. The Defense Department has defined public depot maintenance policy for the 21st century. It is time that we move beyond the arbitrary laws defining the policy of the past, and allow public/private competition to move us forward.

These are the points that I wanted to make today. But, let me emphasize, the Depot Caucus' amendment will eventually cost the taxpayers much more money by duplicating existing facilities. In addition, the contractual process, including the request for proposals has already begun and, at McClellan, two companies—Boeing, AAI Corp., and one Air Force depot, Hill Air Force Depot—have already been awarded $750,000 in Air Force contracts to formulate their bids for this workload. Now the Congress is trying to step in and say, "We are going to stop these competitions midstream." I think that makes no sense for the taxpayers and it makes no sense for the credibility of the BRAC process.

I, for one, am delighted to join with my colleagues both in my own State and in Texas to work to see if we cannot come up with some compromise. Absent that compromise, I firmly believe the President should veto this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, it is indeed unfortunate that such a critical piece of legislation for the authorization of the Department of Defense has been encumbered by a disagreement over the last Base Closure Commission findings.

If I might, Mr. President, give a broad overview as one of the Senators who was deeply involved in the last round of the BRAC, Base Realignment and Closure Commission. BRAC was designed because it is so terribly difficult

for the issues of base closures and shutdowns to be handled in this political environment. So a highly disciplined system was envisioned—a commission that would independently review these core and critical issues and would come back to the legislature, and the legislature would have to vote it up or down. No amendments could be made.

In other words, the traditional legislative actions and prerogatives were removed. You could only be for it or against it. In this particular case, the Air Force had five bases throughout the country, and many experts thought there were too many and some had to be closed. Originally, the Air Force wanted to keep all five of them open as the process began. But BRAC did not agree with them. BRAC thought that would make five Air Force bases inefficient and, therefore, some had to be closed and the work moved to the remaining Air Force bases to produce an efficiency ratio.

After extensive discussions by BRAC and their commission, they came to the legislature and recommended the closure of Kelly Air Force Base in Texas, which is tough. If you ever lived in a community where one of those closures occurred, it is tough. I understand and empathize with the Senators from California and Texas. That is tough medicine. But they called for the closure of Kelly in Texas and McClellan in California, leaving three Air Force logistics centers open—one in Georgia, one in Oklahoma, one in Utah. The work would be moved to the remaining three, making those three efficient operations.

Mr. President, the administration and the President sullied BRAC, because they overrode the commission. In other words, the people had to live by it, Congress had to live by it, but the administration didn't. We were in an election year. Texas and California are very big and very important. So they instituted this concept of privatization. They theoretically closed Kelly and McClellan, as has been alluded to by the Senator, but they left everything else there under the guise of privatization. For example, the total number of employees at Kelly and McClellan before the Base Closure Commission called for their closing was 33,000 people. Today, the number of employees at these two installations is 31,000 employees. That is according to the General Accounting Office. The General Accounting Office has told us that this override has resulted in the failure to save $400 million to $600 million.

The point that I want to make is that when the administration decided to intervene in the findings of the Base Realignment and Closure Commission, they reintroduced the very activity that we are engaged in on the Senate floor today. They put it back into the political process. I can say this, Mr. President. There will never be another BRAC, as we knew it, because you can't have a discipline where the people had to stand up and fight for their installations, the people that work there. The Congress had none of its authority. All of its prerogatives were removed except to vote for or against it, and then the administration may unilaterally alter it. That voids the discipline. So that process will never occur again. It can't. If you are going to have something that highly disciplined, it has to apply to the people of our country, the citizens that are affected, to the members of the legislative body, and to the President of the United States. It can't just apply to two parts of the puzzle. With this exercise, you track it directly to the White House. When they decided to take the Base Realignment and Closure Commission and politicize it, that, if effect, eliminated BRAC as a discipline or policy that can ever be used by this Government again to deal with these contentious questions. If it ever comes again, it will have to be completely redone and redesigned so that it applies to the President and the administration as well as to the people in the Congress.

I understand the Senator from Texas. Once that policy was breached, she has no choice but to defend the people of Texas and the workers in Texas. It is the same with the Senators from California. This was what BRAC was to have avoided—and it did, for all practical purposes, until the last round.

Mr. President, it is unfortunate. It means that that system will never be used again, from my point of view, until the administration and Department of Defense can certify that the recommendations of the last round of BRAC have been carried out, that the three remaining logistic bases have been shifted to work that was purported to go there to make them efficient. There is just not going to be another Base Closure Commission. The Department of Defense is going to have to demonstrate that they got the job done from the last ones before they come back and ask for new ones, and the Department of Defense and the administration are going to have to rewrite the rules so that it applies to them as well as to the people in Congress.

I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I think we all know certain things are true and incontrovertible. One is that a base closing is a very difficult thing to do politically and a very difficult thing to endure as a Member of the U.S. Senate or a Member of the other body, because people look to us and they look to us and say, "You are responsible for saving what we have here."

I am not eloquent enough to describe the anguish that people go through, that cities go through, that counties and the States go through during a BRAC process. They go out and they hire consultant after consultant and they spend hundreds of thousands of dollars. They go through all of this and, finally, the recommendations come down. We have gone through that in 1991, 1993 and 1995, and it was necessary. It was, I guess, the Army that came up with the initial idea that we try to eliminate excess capacity and infrastructure. But we haven't been able to do it because politically it can't be done. There is no better evidence of that than what is happening today.

They established a process that was to be totally free from political interference. Seemingly, it worked for a while. I don't have the exact number of installations that have been closed down, but we all understand that we are going through a difficult time with our defense. We all understand that we have a President of the United States who is not strong on defense. He would like to have us think there is no threat out there, that the cold war is over, so we can start reducing down to the point where we cannot begin to defend America on two regional fronts. We all know that is true today.

The bottom line is that we had too much infrastructure. It was up here. So we brought it down, in 1991, 1993 and 1995, to a level that is down now and still a little bit above our force strength. As far as future BRACs are concerned, I contend that I don't want to get this infrastructure down so artificially low so that when we rebuild, we will not have the infrastructure to accommodate that. I agree with the Senator from Georgia, who says that we have to position ourselves so that we know if we go through all of this anguish again, we will not have political interference.

Anyway, I am going to tell you a story, Mr. President, and you may not believe me. I think you know me well enough to know that I do tell the truth. I was in a very tough election when I was in the other body, and I ran for the Senate in 1994. I ran against a guy who is young, articulate, and a very smart young man. He was a Member of the House of Representatives, a member of the other party. He was on the House defense committee at that time, which was called the House Armed Services Committee, now called the House National Security Committee. He said, "Elect me and I will use political influence to make sure that none of the bases are damaged in the BRAC processes." We have five installations in the State of Oklahoma.

I made a public statement in the newspaper. I said, "I will not use political influence because I know we have to do something about this infrastructure. What I will do is I will stay out of

it until the recommendations are made, and when they are made, I will walk through fire to defend the recommendations of the BRAC committee, because the system has to work. We can't allow this to become a politicized system."

So we did that pretty well. I have a list here of various States and Senators that cooperated when they came through in 1991, 1993, and 1995 and said they wanted to close certain bases. They said, well, it is going to hurt at home, hurt me politically, but we are going to have to do it. They bit the bullet.

Now we are asked to make two exceptions. I agree with the Senator from Georgia when, certainly, the Senator from Texas is put in a very awkward situation by our President because, in August of 1996, right before the election, when President Clinton was campaigning out in California with a huge number of electoral votes, he said this to them and made a commitment that "I will see to it that no jobs are lost in California and no jobs are lost in Texas, and we will privatize." He grabbed that out of the air. So that commitment had to be—I don't think there is anybody in America today that doesn't know that that was a highly politically charged commitment and statement he made. He made that statement. Then that puts everybody in the position that, wait a minute, if you have the President agreeing that we are not going to close those installations, McClellan and Kelly, in California and Texas, what about you Senators, aren't you going to stand behind the President? You have that leverage.

That is where we are today. So we went through this process. I find myself in the situation now that the recommendations have been made that we are going to have to stand behind the recommendations.

I want to suggest to you, Mr. President, we have made some compromises. Senator MCCAIN from Arizona had some objections and concerns in our committee. I am chairman of the Readiness Subcommittee of the Senate Armed Services Committee. We went through this and debated these issues for hours and hours on how to protect the integrity of the BRAC system because it became a dollar decision. We were going through the marking up of an authorization bill where we are trying to rebuild our defenses and sustain a level that will adequately protect America. We have considerations on modernization programs that cost money. We have barracks out there needing replacement. There are quality-of-life issues and modernization issues. These things are maybe $100,000 or maybe $1 million a lick. We have had to turn them down.

Now we have an opportunity to follow the recommendations of the BRAC committee and save the defense system approximately $468 million a year. Now, if you carry that out to 5 years, you are talking about $2.34 billion. If you don't do that, where is the money going to come from? If they are successfully able to compete and end up with the jobs in Texas or California, or privatize in place, it is the same thing. We don't want to confuse people. Those people advocating competition realize that they want competition because they want to protect the jobs there. I understand this. Just because it is dealing in semantics, privatization in place, or competition, where they will be able to leave the jobs there, it doesn't make a difference. The bottom line, as the Senator from Georgia said, is that we will still have five air logistic centers. So it came out with the recommendations. GAO said that if we don't do it, it is going to cost $2.34 billion over a 5-year period. That is money that has to, realistically, come out of the defense system. I don't know where it is going to come from.

Mr. President, we had several hearings where we had the chiefs of services. So I asked each of the four chiefs of services, "Where are you going to come up with this money?" If we end up having to violate the BRAC and it ends up costing us $2 billion, where are you going to come up with the money? It can only come from four areas: Modernization, quality of life, force strength, and readiness. So I asked each one. They said, "We can't take it out of any of those because we are underfunded if all four areas." They said at one time that it was going to cost another $2 billion in 1 year to bring us up to meeting the minimum of the expectations of the American people to protect America on two regional fronts.

So we have the recommendations. They said, "All right. If you have five ALC's located in Georgia, Oklahoma, Utah, Texas, and California, we will select two of those to close." And they used the criteria to operate more efficiently. And we could get into 2 or 3 hours of discussion on how this process works, and how they used the criteria in evaluating the effectiveness of various installations. They came up with the conclusion that we are going to have to close two, and those two should be McClellan and Kelly in California and in Texas.

When you do that, you redistribute that so that workload goes on to the remaining ALC's. Of course, that will increase the number of jobs in other States. I understand that. But, if you do not do that, you will still be operating five ALC's at 50 percent capacity. The only difference is they will be owned—two of them—by the private sector. You still have the same problem that existed.

So, if you look at what the alternatives are and look at what we have gone through in the committee process, you will see that we have really given in a lot. I suggested to the Senator from Texas that it was the QDR—Quadrennial Review Defense—review that we went through, and the Secretary of Defense came in, and said, "We think that we should change 60–40 to 50–50." He made some other recommendations. He said, "We also need to have two more BRAC." It so happens that the Senator from Arizona, Senator MCCAIN, said, "I think we ought to change it to 50–50."

So we sat down, and worked it out. And we agreed to do that. So there have been compromises during this process. We debated this. We went through the whole committee system. We came out, and finally said that even though as individuals it is going to be politically very difficult as it is, and every time you shut down a military installation—we have done over 100 of them so far—it is always difficult to do. It is difficult for the local House and Senate Members. But it has to be done. So the committee voted unanimously to do that.

Some people have suggested that the GAO report is not accurate. We actually had the committee meeting where we had the GAO people there.

We said, "We want you to be sure that we understand you correctly. You are saying this is going to cost $468 million. Do you still stand by that today?"

They said, "The data, as near as we can determine, indicates that that is what the cost will be."

I said, "Have you considered everything; privatization in place?"

They said, "Yes, we have considered that. That is part of the report."

So we have an extensive report right here by the GAO that comes up with these conclusions. Some people have suggested that perhaps it was not a part of that report. I will quote something from the report. According to GAO, "The cost to operate the other depots at 50-percent capacity will far exceed any projected savings through public-private competition, $468 million. This fact begs the question: What is the real objective of public-private competition? The only feasible answer is to save jobs, and Texas and California are to appease the private sector appetite for new business. Neither is an acceptable answer."

So we did this. We went through this thing. We looked at what the GAO was recommending, and decided that we were going to have to do that.

This hearing that we had lasted about 3 hours. They said there is no question about the fact that we are going to have to do something to build the others up to a reasonable respectable capacity.

So that gets into the next issue. "What is the respectable capacity of the remaining ALC's in order to have this logistics system function in a prudent manner in the United States?"

GAO said somewhere between 75 and 85 percent.

You might ask. Why not get them up to 95 or 100 percent? The reason is very clear. If something should happen that we should have to go to war, we are going to have to have that excess capacity to take care of the needs to meet the new threat that is out there.

That sounds very reasonable. So we have left it there. It is not exactly the same in the House bill as the Senate bill. In the House bill it was 80 percent, and in the Senate bill it was 75 percent—75 percent because Senator MCCAIN thought that 75 percent would be a better number.

So again, we caved in a little bit on that. So we are now talking about what to do with this and whether or not we should allow this process to be violated for the first time.

I would just suggest to you that almost every State has had to undergo the closure of some type of installation. It would be very difficult.

I saw Senator SESSIONS walking through here just a minute ago. For him to go back to the State of Alabama and say that we now are going to go ahead and make an exception, and they would say, "Wait a minute. Why wasn't the exception made in Alabama, in fact, where we really wanted to keep our bases open?"

So it is difficult when you lose jobs. We have had to bite the bullet and go through this. A majority of the Members of this U.S. Senate have had to go through with that.

Mr. President, there has also been some discussion that perhaps they left an option open. I know several people who for political reasons would like to believe that there is another option that is out there, and they clearly said they had been closed out.

Let me read a couple of the things that I think are necessary for us to understand. If it had been the intent of the BRAC Commission to leave an option to privatize in place, they would have said there is an option to privatize in place. In the case of 1993 BRAC round in Newark, the Newark Air Force Base, they said, "The workload can either be contracted out to one or more of several existing manufacturers, or privatize in place."

They said in the 1995 Naval Service Warfare Center in Louisville, "Transfer workload equipment and facilities to the private sector for local jurisdiction, as appropriate, if the private sector can accommodate the workload onsite." That is privatization in place onsite. But what they clearly intended in this case was not to have privatization in place—not to leave the jobs on site because they want to consolidate them.

Last, I want to mention that this should not be a jobs issue. This is a national security issue. The whole reason, Mr. President, that we came up initially on this 60–40, which was a ratio—it was arbitrary, and I am the first one to say that it is arbitrary and needs to be changed at a date when we can correct the national security ramifications of this issue. But until then we are trying to keep some type of a ratio in place that would allow the public sector to be able to know that in case of war we are not going to be held hostage by one supplier.

That is the big issue. Should that be 60 percent? I was willing to go 50 percent. But I think a better solution is to do what we did in this bill. We have a good bill. In this bill for the first time we have defined what core is. Core is for those functions that are performed that are necessary for us to defend America. That is a fairly simple definition. But that is it.

So, if we define core, then we say that we are going to have to do the core work on site. That would solve the problem. We wouldn't be talking about 60–40 or 50–50.

So I made a commitment to Senator MCCAIN that, if we can go ahead and drop the 50–50, let's give it a couple of years. Let's allow them to see how this works with our new definition of core, and see if we can't solve it that way and get away from this somewhat arbitrary type of a formula.

So the real issue here is twofold, I would say. One is we have involved a lot of money, and, if we do not do this, we are going to have to come up with it somewhere. It is going to be a very costly process if we agree that we are going to violate the intent and the letter of the BRAC.

No. 2, this is even more important than just the money; that is, we are talking about defending America. We are talking about having a capability in the public sector to be able to have air logistics centers. That will keep our airplanes in the air, and will keep our soldiers fighting in the event that war comes up.

People would like to say there is not that threat out there. I am not going to go into my normal speech that I make when we talk about this. I have to tell you. I look wistfully back to the days of the cold war when we had one other superpower, and our intelligence knew pretty well where they were. We knew what threat was out there, and we defined that threat. We could predict how the Soviets were going to act. That is not true anymore. We have some 25 nations that have weapons of mass destruction. We have a country that was just written about in yesterday's newspaper in the Washington Times that the Chinese now are selling more and more technology in systems to deliver those weapons of mass destruction to countries like Iran.

So we are faced not with just one single predictable superpower who poses a threat to us but also to many, many powers out there.

So as a member of the Armed Services Committee, as chairman of the Readiness Committee, I can say that the big issue here is we have a country to defend and as difficult as the process is, as difficult as it is to go through, as upset as I am with the President for politicizing this in August 1996, nonetheless, we are going to have to try to stay as close to the recommendations as possible. Because, if we violate it just one time, I can tell you right now it is not only going to be the Senator from Georgia who said, "If we do not go ahead and carry out the recommendations of the 1995 round, I am going to oppose any future BRAC recommendations." I can assure you that I will do the same thing. I imagine the majority of the Members of this Senate are going to come up with the position that if we do not carry out the recommendations that were clearly identified in the 1995 round that we are not going to have any more base closure rounds.

So for the time being, I yield the floor, and will stay engaged here.

Mrs. HUTCHISON. Mr. President, I want to talk about some of the issues that have been raised by my colleagues, because it seems that there are some very important issues that need to be clarified. A lot has been said about the integrity of the Base Closure Commission process. In fact, it is so important that everyone understand we are protecting the integrity of the base closing process.

I want to read the language that comes straight out of the commission recommendation:

> The Commission finds the Secretary of Defense deviated substantially from the force-structure plan and final criteria 1, 4, and 5. Therefore, the Commission recommends the following: realign Kelly Air Force Base including the Air Logistics Center. Disestablish the Defense Distribution Depot, San Antonio.

This is the important language:

> Consolidate the workloads to other DoD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council.

Mr. INHOFE. Will the Senator yield on that point.

Mrs. HUTCHISON. That is the BRAC recommendation.

Mr. INHOFE. Will the Senator yield on that point.

Mrs. HUTCHISON. I would be happy to yield.

Mr. INHOFE. I would ask the Senator from Texas to read the next sentence in that report. If she does not have it, I have it. If she does, I would appreciate it.

Mrs. HUTCHISON. Mr. President, I think it is important we look at this language. I have it right here:

> Consolidate the workloads to other DoD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council.

The rest of it:

> Move the required equipment and any required personnel to the receiving locations.

The airfield and all associated support activities and facilities will be attached to Lackland Air Force Base.

Mr. INHOFE. I thank the Senator.

Mrs. HUTCHISON. It is right there. The important part of this recommendation from the BRAC Commission report is that the option is given to the Department of Defense through the Defense Depot Maintenace Council to move the workload to other depots, yes, or to privatize. The option is given because the Base Closure Commission understood that it was important for the Defense Department to have the flexibility.

In fact, to augment that argument, I want to read a letter from the Chairman of the Base Closure Commission. The letter says:

The Commission believes reducing infrastructure by expanding privatization to other DoD industrial and commercial activities will reduce the cost of maintaining and operating a ready military force. Privatization of these functions would reduce operating costs, eliminate excess infrastructure and allow uniformed personnel to focus on skills and activities directly related to their military missions.

He goes on further to say:

It is my view and the view of the Commission's general counsel that the commission's recommendation in the case of both McClellan Air Force Base and Kelly Air Force Base authorizes the transfer of any workload other than the common use ground communication electronic workload to any other DOD depot or to any private sector commercial activity, local or otherwise, including privatization in place.

Signed Alan Dixon, Chairman, Base Closure Commission.

A letter signed by four other members of the Base Closure Commission, which would make a majority with the Chairman:

It was our clear intention to provide the Department of Defense with sufficient flexibility to maintain readiness, make optimum use of scarce resources and to exploit the strength of the United States commercial sector where possible, where doing so would provide the best economic value to the Government. The department has access to all of the relevant information and is in the best position to decide which option best fits its needs.

They are saying clearly they do not expect the U.S. Congress to make that decision. They think the Department of Defense is in the best position to decide which option fits best. They go on to say:

The Commission felt that privatization was a key tool the Department of Defense could employ to achieve significant savings. As members of the 1995 Base Realignment and Closure Commission, we support the department's efforts to remove legislative restrictions which are arbitrary and undermine effective depot maintenance management.

Signed Rebecca Cox, Benjamin Montoya, J.B. Davis, and Josue Robles. That is in addition to the Chairman, Alan Dixon. It is very clear the intent of the Base Closure Commission, along with the actual wording, that privatization must be an option for the Department of Defense to be able to use the precious defense dollars for readiness of our country rather than wasting taxpayer dollars by artificially having mandates that 60 percent of all maintenance must be done in a public depot. That is what we are arguing about today.

Now, the Senators have said that we have gone down to 50 percent from 60 percent, and they say that is an accommodation. At 50 percent, you are still mandating that there not be competition, that the Department of Defense not have the flexibility to do the job it needs to do in the most efficient and best way, and to save those defense dollars for readiness.

In fact, I will quote to you from the people who are responsible for our readiness and their view of this issue. Admiral William S. Owens, the Vice Chairman of the Joint Chiefs of Staff, retired, is talking about the importance of the fixed-costs versus the variable costs:

The world's largest business—

The defense business, the Defense Department—

is 65 percent fixed costs and 35 percent variable costs.

The variable costs, the 35 percent, translate to the war-fighting capability, but the money is in fixed costs.

So what they are trying to do, according to Admiral Owens, is reduce those fixed costs.

So he says, in order to reduce fixed costs, he believes they must have privatization. He says he would eliminate a particular percentage split and let the core work be decided by the services according to their needs.

Dr. John White, Deputy Secretary of Defense:

Privatization provides substantial savings. As we go forward, we have a situation where we have to emphasize modernization.

Dr. White is saying we need flexibility to run this Department so that we can fight wars, and we need to save it where we can, and privatization provides savings.

General Shalikashvili, our sitting Chief of the Joint Chiefs:

I believe we must get on with privatization outsourcing.

This is from March 6, 1996, testimony to the Defense Appropriations Committee:

We need your support to make the hard choices and the changes to make these initiatives work. I particularly ask for your support where changes in law are required.

The changes in law he is asking for is to do away with 60–40 or 50–50 so that they can have the full ability to decide what is core workload, what can be done in the private sector and how they can save money so that our money will go to, be able to go into the equipment that protects those young men and women who are out in the field who have given their lives to protect our freedom.

In response to a question, General Fogleman, on March 14, 1996, said in answer to the question, how can the services close the $20 billion procurement gap that they face in trying to cut costs, one word: "Privatization."

General Viccellio, who was in charge of the depots, testified May 7, 1997, he needs the flexibility to privatize. DOD, he says, doesn't want to privatize everything, but they want the flexibility where they know they can do better.

So, Mr. President, not only are we keeping the integrity of BRAC, which states in their recommendations they are leaving the option to the Department of Defense to move the workload to depots or to privatize, not only is it in the writing of BRAC, but it is augmented by letters signed by a majority of the members of the Base Closure Commission, who very specifically say to restrict privatization options would be wrong.

That is further augmented by the Vice Chief of the Joint Chiefs, by the Chairman of the Joint Chiefs, and by the Deputy Secretary of Defense. I did not read to you the testimony from the Secretary of Defense, both William Perry and Bill Cohen. They all say if we are going to do the job you are giving us to do, which is cut costs yet remain ready and do the best for our troops, we need the flexibility to privatize. And yet the authorization bill that is tried to be brought up, which we are objecting to being brought up, continues to keep Kelly and McClellan from being able to bid in a public-private competition, to have the most efficient use of taxpayer dollars. They would prevent the ability to have the competition, and instead say it does not matter if we waste taxpayer dollars; it does not matter if the Department of Defense has testified they do not want to do it; we are going to force them to do this work in one of the depots.

Mr. President, it does not make sense. It does not make common sense. It does not make money sense. And we are going to try to come to an accommodation so that the depots feel that they will not be threatened. I do not want them to be threatened. But I do want what is best for the taxpayers. I do want the Department of Defense to make this decision based on the facts and based on what is best for the Department of Defense, and I think they are in the best position to make this decision. And that is what I am fighting for today.

It has been stated that the GAO report says you cannot have savings by doing the privatization in place, and I think it is most important that we say for the record that the GAO has never taken into account bids in competition. They have told me that, and we

must have the ability for the Department of Defense to take the bids so that we will know if we are going to be able to have the savings.

So, Mr. President, I am trying to stand today for the integrity of the BRAC process. BRAC recommended privatization as an option. That has been thoroughly augmented by the majority of the members of the BRAC in letters since the closing of the BRAC. It has been augmented by every important military leader who has testified before the Armed Services Committee or the Defense Appropriations Committee. There is unanimity in the Department of Defense that they need this flexibility in order to use the millions of dollars that they can save by doing this work privately and put it in the readiness area.

I have to say I am somewhat amused to hear privatization used as if this is un-American. Who makes the aircraft? Who makes the engines? I believe private companies make those. Why would we be against the same private companies that manufacture the engines, that manufacture the aircraft, repairing them? I really do not understand that argument very well.

I think the Department of Defense is in the best position to know if they are, in fact, the best people to repair the engines that they built or repair the aircraft that they built, and I think we should let the experts make that decision. That is what we are fighting for today. We are fighting for public-private competition, we are fighting for integrity of the BRAC process. We are fighting for the experts to be able to make the decision of where those precious defense dollars would go.

We are on the side of the right, and I hope we can work with those who are trying to protect three depots—which I want to be protected as well. But they don't have to be protected against competition. They don't have to be protected in the name of artificial constraints on the Department of Defense to be able to make decisions. They should be protected because the Department of Defense wants them to be there. I am ready to pass a law saying protect them. But I am not willing to pass a law saying you cannot have public-private competition by the Department of Defense even if that is the decision that the Department of Defense makes, because they know best, they are the experts that we have trusted to make these decisions, and we are trying to uphold the integrity of that process.

Mr. INHOFE addressed the chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have some comments to make in response to the very eloquent comments of the Senator from Texas, but first I ask if she would answer one question that I have. I think it is probably the most important question that could be asked, in these terms. We all understand. Although the Senator is not on the Armed Services Committee now as she was last year, she knows the significance of an authorization bill. I think we all agree that this, the defense authorization bill, which the Senator presiding right now was a very important part of, is a very significant bill.

While she gives a compelling case—and I know it comes from the heart—on privatization, on changing what our interpretation of what the BRAC recommendations are, would she be willing, in order to protect the authorization bill, to go ahead, let's take the bill up in the form that it is and offer an amendment to strike that provision that she finds objectionable so we can then isolate that one problem and still have an authorization bill, not hold the entire authorization bill hostage, which I am sure she would agree would not be in the best interests of the country? Would the Senator be willing to do that?

Mrs. HUTCHISON. Mr. President, let me say this is the first time in this entire process that anyone has tried to get a fair solution to this issue. We were not able to do that last year in the armed services authorization bill, and we certainly do not have a bill that would allow for good public policy before us today. It is not as if the Department of Defense would go without appropriation if there was not an authorization bill because, in fact, many departments of Government go forward if there is no authorization as long as there is an appropriation. So there is no ongoing issue of the Department of Defense not having the ability to do its job and the money being there for them to do it.

We are talking about a budget that starts on October 1 of this year, so we have time, and I think we need to take the time. I think we need to solve this problem in the best interests of the people of America, our armed services, our Department of Defense and all of the depots that we would like to protect. I think we have time to do that and do it right. I do not think it is in the best interests of our country to go forward with a bill that has such a flawed policy that will have such far-reaching implications and one in which I am not sure, because of parochial interests, we will be able to amend unless we are able to make an agreement before we take the bill up for consideration.

What I am hoping is that before October 1 of this year, the members of the depot caucus will work with us in sincerity for something that they think is fair, that we think is fair, that is fair to the taxpayers, that is fair to the Department of Defense, and that we can go and negotiate and stand for together. Because, if we can stand together on something that is right, we will win and it will be better for America.

So, we have time. Let's do it right. I thank the Senator for the question.

Mr. INHOFE. I thank the Senator from Texas for that answer, but it is really a shorter answer I was looking for. That is, would the Senator be willing to take up her issue, that which she finds objectionable about the defense authorization bill, and debate that thoroughly on the floor—and if she is more persuasive or has a better case, then, of course, she would prevail on that—instead of blocking the entire authorization bill? This is my concern. The Senate is different than the other body that I served in for 8 years. Over there, you cannot do that. But in the Senate I guess one person can just block a bill from being passed. I hope the Senator from Texas would consider offering her position as an amendment to strike the language that was put in by the committee.

I will not ask for a response now, but I hope she would consider doing that.

Mrs. HUTCHISON. Mr. President, I would like to respond, if the Senator from Oklahoma would allow me to?

Mr. INHOFE. Of course.

Mrs. HUTCHISON. This bill goes into effect on October 1, 1997. I would like to see sincerity on the part of the Senator from Oklahoma to work on this. Let's get a fair agreement so all of us can be together on this floor fighting for what is right for America, what is right for the Department of Defense, what is right for our young men and women who are defending this country. We have time to do it right. Let us do it right. Because he is correct, in the Senate we do not treat people the way they treat people in the House sometimes. In the House, they run over people. Normally, we have not done that in the Senate. That is why the rights of the minority in the Senate are protected.

I think it is very important that we work together on this issue. I think we have an incentive to do it. We have plenty of time, and when we can come to a fair accommodation, I hope we can all work together on a bill that is good policy for America and allows us to use the precious defense dollars that we have for the readiness of our country and for the quality of life for our troops.

Mr. INHOFE. I thank the Senator from Texas. She brings up a very good point, and that is we are in the middle of a process now that is very complicated. First of all, we have our defense authorization bill. It is very, very significant that we get this passed because we have pay raises for those people who are serving right now in Bosnia and other places. We have military construction projects that, if we do not pass this authorization bill, can be in

jeopardy. This goes far beyond depot maintenance. I just hope, instead of holding up the entire authorization bill, that we could address this in a way where an amendment could be crafted by the Senator from Texas that would take out the offensive language and then debate it openly, for hours and hours. Because these are critical decisions.

I have to respond to a few things that were said. First of all, the idea of privatization in place—no one is going to exceed my efforts for the past 30 years for privatization in place. I can remember when I was mayor of the city of Tulsa, I was privatizing everything that would not move. I remember our trash system—we privatized it in place. Of course, people do not like change. I can remember they ended up dumping in my front yard. However, now it is the greatest system we could have had—privatization in place.

There is a big difference between privatizing a trash system and privatizing a core responsibility of the military. So here we are trying to defend America and putting ourselves in a posture where, if we follow all the way through with the privatization argument and privatize everything in the military, then we would not have a core capability within the public sector to defend America. That is clearly what this issue is all about.

I would also like to talk a little bit about the committee process that we have gone through. The Senator from Texas talks about the committee perhaps not coming out with the right conclusions. We have been going through this every year. Certainly I, when I was in the other body, sat through this process. Am I happy with it? No. I would like to have a better process. The committee process is a very difficult one and it is one of compromise. We have compromised.

In this process our committee—first of all, in the Subcommittee on Readiness we discussed this issue, we aired it. It was not partisan. It was not Republicans versus Democrats. It was how can we address the issue of having enough of the critical workload, core workload in the public sector so we know if a war comes up we will not be in a hostage situation by one supplier or one contractor who might be in a position to undercut the public sector a little bit at the present time. That is really what it is about.

So we discussed this and we aired this in committee. I see now that Senator THURMOND, the chairman of the committee, is here in the Chamber. I am just reminded that, back when it was very difficult for the Senator from South Carolina to comply with it, they came along and closed, in the 1993 BRAC round, the Charleston naval shipyard. He does not have to answer this question, but I can tell you right now he was not very happy about that. But he bit the bullet and said we have to eliminate excess capacity.

I can say the Senator who is presiding right now, Senator COATS—Mr. President, you can remember when you had to close Fort Benjamin Harrison in Indiana. Was that fun? No, it was not fun. But you were very strong at that point and said we have to protect the integrity of this nonpoliticized process and close excess capacity. There is hardly a Senator in here who did not have to bite the bullet. All of a sudden, we are saying the system is not good and we are going to have to ignore the BRAC process for facilities in two States. There are 50 States. There are still 50 States. This is just two States we are talking about. So we went from the subcommittee into the committee, and Senator THURMOND will remember that we debated this hour after hour. We had amendments that were offered that would strike the language that we put in, saying in order to protect the integrity of the BRAC system, we have to close two of the ALC's and move that workload so others are going to have at least 75 percent capacity. The House said 80 percent, the Senate said 75 percent, and we debated that. We had some votes that were really close votes.

If you remember, Mr. President, we debated these and had the votes, and then there were amendments that were offered, and in the final analysis, we came out and said this bill is a good bill. This bill does things we have been trying to do for a long time. We have been trying to define what is core. Always before we have had a very loose definition that the DOD has used, and that has been acceptable, and we took their definition and put it into this bill so we will have a definition of what is core, what is necessary to be performed by the public sector in order to protect us in times of war so we do not become dependent upon some outside contractor.

So we have that definition in there. We also have another compromise that I made, and that is, one of the reasons—in a minute I am going to talk about the bidding process—we can't have any kind of bidding on this thing that is fair to the public sector is because they cannot do the same things the private sector can do. So we put in a teaming provision. That is to say that the public sector can do what the private sector can do. Let's take Tinker Air Force base in Oklahoma City. If Tinker Air Force base wants to compete for some of the workload that private contractors in Texas are currently trying to hold, they cannot subcontract out or have teaming arrangements with other subcontractors on work that they would like. In this bill, when we pass this authorization bill, we put a provision in here that says, yes, they can go ahead and contract out. So, if they find the private sector can do one particular function or one product more efficiently than the public sector can, then they can go ahead and do that and that work will be counted as public work in any formula.

That is a great concession, and it is one I don't mind making, because in that situation, the private sector could do the work, but we could not be held hostage because the public sector would control the contracting out of that work. They want to do it. There is not an ALC in America that doesn't want to have the capability of contracting out small parcels that might be better done while they can still protect the core condition or concern that is there.

We have things such as bundling in a package. I can tell you right now that if they continue the way they are doing it right now in trying to induce competition for these core responsibilities, that they are going to win. You cannot compete when you are operating on a playing field that isn't level.

Right now they can bundle it, and they have bundled these projects, for example, in Texas, so that only those in Texas could come out realistically and win this thing.

In our statutes, we have depreciation schedules, where the private sector can use a different schedule than the public sector. We have another provision, which I don't disapprove of, which is one that I, as mayor of Tulsa, actually had the opportunity at one time to participate in, and that is when they decided that Air Force Plant No. 3 in Tulsa, OK, was no longer inventory that the Air Force wanted and wanted to have to keep up, we went through this process, the process of divesting ourselves of inventory we do not want: First, we let the Federal agencies look at it to see if they want it. If they want it, it is taken up there. If not, it goes to the State, and if not there, it goes to the local communities and counties.

In the case of Air Force Plant No. 3, the city of Tulsa ended up with it. What can we do now? We can take that and, at no cost, offer it to a contractor to go out there and compete. This is, I suggest, exactly what can happen and will happen if they are successful in what they call competition down at Kelly for some of the ALC work. They would be able to pick up that base that is closed, that resource worth many, many, many millions of dollars, give it, for all practical purposes, to a contractor. That contractor can submit a bid and bid against any of the remaining ALCs at no cost for overhead.

So here we are in Utah or Georgia or in Oklahoma saying we are going to have to pay for all of this overhead in our bid, we have to account for that some way, and they get something free. No, we can't bid. I don't care if we gave them a 20-percent advantage, there is no way we could do that, and we shouldn't be talking about that anyway because the issue here is national

defense. Are we going to be capable, Mr. President, of defending America, of handling those core issues and concerns within the public sector?

I have to share something, because the very eloquent Senator from Texas quoted a number of people, and I would like to suggest to you, Mr. President, that of the eight members of the BRAC committee, only one who came out for privatization in place as something that is reasonable. I would like to read to you what some of the other Commissioners said. This comes from Commissioner Steele. She said:

The Commission was, in general, supportive of privatization of DOD industrial activities where appropriate. However, privatization as a concept and forced privatization in place of what is clearly excess depot capacity are two very different issues.

In the specific case of Sacramento and San Antonio ALCs, the Commission was very aware that we were recommending the closure of two very large industrial activities. The Commission's recommendation to consolidate these workloads, other than common-use ground-communication and electronics work, "to other DOD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council. Move the required equipment * * * to the receiving locations"—

"To the receiving locations," that means a location other than Kelly Air Force Base and other than McClellan out in California, because you still don't resolve the problem, if you merely privatize in place and end up with five, so to say, ALCs all operating at 50-percent capacity.

Forced privatization in place of all of the workload is contrary to the intent of Report language.

She says, further reading toward the end of the letter:

The Commission clearly did not intend to privatize in place all of the workload from the 2 ALCs we voted to close, as noted in our Findings, "closure * * * permits significantly improved utilization of the remaining depots and reduces DOD operating costs." Where the Commission encourages privatization in place, our Report addresses it directly * * *

And she cites the page numbers.

Such was not the case with the ALCs.

Finally:

If any Commissioner had offered a motion—

Listen, Mr. President—

If any Commissioner had offered a motion to privatize in place, as the President proposes, I am 100-percent certain that such a motion would have been defeated handily.

This is Wendi Steele, a Commissioner who went through all the processes. I won't go through the whole letter from Commissioner Lee Kling, but I will read the last paragraph of his letter. Now keep in mind, these are two of the eight Commissioners. We have letters from all but former Senator Dixon.

He says:

The Commission's review clearly documented significant excess capacity in the five Air Force Air Logistic Centers. Privatization in place of all of the workload of Sacramento and San Antonio Air Logistic Centers could result in little or no savings to the Air Force by the closures. Further, it might result in privatizing excess capacity rather than eliminating it and could also miss the opportunity to improve the efficiency of other DOD depots by increasing their utilization.

Mr. President, I ask unanimous consent to have these letters from Commissioner Wendi Steele and Commissioner Kling printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION,
Arlington, VA, September 21, 1995.

Hon. J.C. WATTS, Jr.
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WATTS: Thank you for your letter of September 15 and questions regarding the issue of privatization in place for the workload of the Sacramento and San Antonio Air Logistics Centers.

The Commission was, in general, supportive of privatization of DoD industrial activities where appropriate. However, privatization as a concept and forced privatization in place of what is clearly excess depot capacity are two very different issues.

In the specific cases of the Sacramento and San Antonio ALCs, the Commission was very aware that we were recommending the closure of two very large industrial activities. The Commission's recommendation to consolidate these workloads, other than common-use ground-communication and electronics work, "to other DoD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council. Move the required equipment . . . to the receiving locations" was intended to move that workload to the most cost-effective and operationally sound location after closure of the ALCs and elimination of that capacity.

We felt that the Depot Maintenance Council, rather than the Air Force. Would be in the best position to proceed in good faith to maximize efficiencies by determining what portions of that workload should be interserviced, moved to another ALC or transferred to the private sector (not necessarily "in place"). Forced privatization in place of all of the workload is contrary to the intent of our Report language.

The only instance I am aware of the Commission specifically discussing the possibility of significant ALC privatization in place, or a government owned/contractor operated facility (GO/CO), was the C–5 work at Kellly (excluding engines). That would assume it could be accomplished by a private contractor at that location for less than the savings and efficiencies which would be realized by moving it. By all of our measures, it appeared that the long-term savings to DoD would be substantial by moving that workload to another ALC, but we did not want to pre-determine the outcome of a complete and fair analysis by the Depot Maintenance Council, which the President's proposal disallows.

Though the Commission did not direct the engine work to move to another ALC, our Findings state, "The Commission urges the Air Force to consolidate engine maintenance activity at Tinker to reduce excess capacity. The Commission firmly believes that consolidation of engine activities will result in lower costs and increased efficiencies."

Privatization in place of all the workload of the 2 closing ALCs would enhance our national security posture only when: Moving the work to another DoD depot or to a private activity would have unmanageable operational/readiness risk; the costs to move the work would outweigh the long-term efficiencies and savings which would be realized (capacity utilization, reduction in overhead, etc.); or a truly unique capability or strategically important redundancy would be lost or unable to be cost-effectively replicated elsewhere in the public or private sector.

It's important to remember that both DoD and the Commission's review clearly documented significant excess capacity in the 5 ALCs. Privatization in place of all of the workload of Sacramento and San Antonio would result in shifting excess capacity to what appears would be a competitively protected segment of the private sector rather than eliminating it, and further, would miss the opportunity to improve the efficiency of the other DoD depots.

The Commission clearly did not intend to privatize in place all of the workload from the 2 ALCs we voted to close, as noted in our Findings, "closure * * * permits significantly improved utilization of the remaining depots and reduces DoD operating costs." Where the Commission encouraged privatization in place, our Report addresses it directly (see pgs. 1–58 to 1–61). Such was not the case with the ALCs.

Moreover, not allowing the remaining ALCs—all of which ranked higher in military value—to compete for the additional workload, will cause them to become increasingly less cost-competitive in the future. Even beyond common sense issues of most effectively utilizing our limited defense resources, I am at a loss to understand why it would be in the Air Force's best interest to protect its lowest ranking depots at the expense of its 3 superior installations.

As difficult as it was to vote for the closure of 2 facilities of this size and quality, the Commission voted 6–2 to do so because we felt that it was in the best interest of the Air Force, DoD, and the American taxpayers. If any Commissioner had offered a motion to privatize in place, as the President proposes, I am 100% certain that such a motion would have been defeated handily.

Representative Watts, I hope I have answered your questions. Please feel free to contact me if I might be of further service on this or any other matter.

Highest regards,

WENDI L. STEELE,
Commissioner.

S. LEE KLING,
St. Louis, MO, September 29, 1995.

Hon. J.C. WATTS, Jr.
Congress of the United States, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WATTS: Thank you for your recent letter concerning the issue of privatization in place for the workload of the Sacramento and San Antonio Air Logistics Centers. I certainly understand your interest in this question.

As Chairman Dixon noted in his July 8 letter to Deputy Secretary of Defense John White, the Commission was generally very supportive of the concept of privatization of DoD industrial and commercial activities. This is consistent with the May, 1995 Report of the Commission on Roles and Missions of the Armed Forces, which concluded that "with proper oversight, private contractors could provide essentially all of the depot-level maintenance services now conducted in government facilities within the United States." Privatization is very beneficial in certain situations but not all.

In specific cases of Sacramento and San Antonio Air Logistics Centers, the Commission was very aware that we were recommending the closure of two very large industrial activities. The Commission's recommendation to consolidate the workloads of these two Air Logistics Centers "to other DoD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council" was intended to give the Air Force and the Secretary of Defense the maximum flexibility to implement the closure of these two Air Logistics Centers in a way that would eliminate excess capacity without harming ongoing Air Force operations and provide the greatest savings. With the exception of the direction to move the common-use ground-communication electronics workload currently performed at Sacramento Air Logistics Center to Tobyhanna Army Depot, the Commission did not direct any of the workload of McClellan or San Antonio Air Force Bases to any specific DoD depot or to the private sector. We felt that the Defense Department was in the best position to make these judgments.

The Commission's review clearly documented significant excess capacity in the five Air Force Air Logistics Centers. Privatization in place of all of the workload of Sacramento and San Antonio Logistics Centers could result in little or no savings to the Air Force by the closures. Further, it might result in privatizing excess capacity rather than eliminating it and could also miss the opportunity to improve the efficiency of other DoD depots by increasing their utilization.

Thank you for your continuing interest in the base closure process.

Kindest regards,

S. LEE KLING.

Mr. INHOFE. Mr. President, this is taken directly out of the BRAC language. It is critical that we find ourselves in a situation where we are going to be able to actively interpret the intent of the BRAC Commissioners. Eight Commissioners, and they used the same criteria everywhere they went. They visited all the installations. They were in Oklahoma. It was very tense. We have five installations in Oklahoma. They went to all of them. These people worked for years to try to come up with conclusions, so I am going to read some of the conclusions they have, and then I would like to yield to the Senator from Georgia, if it is his desire to be heard on this subject.

Mrs. HUTCHISON. Mr. President, will the Senator yield for one question?

Mr. INHOFE. Yes, I will yield for a question, and then I do want to hold the floor so I can conclude my remarks.

Mrs. HUTCHISON. Yes, I understand, and since I was willing to answer any questions you had, I think that is fair.

Mr. President, I understand that the Senator has read a letter from one of the Base Closing Commissioners, Wendi Steele. And I just ask if the Senator from Oklahoma will tell us where Wendi Steele worked just before she went on the Base Closing Commission?

Mr. INHOFE. Where did she work?

Mrs. HUTCHISON. Yes.

Mr. INHOFE. Maybe you can tell me. I know she lived in Texas.

Mrs. HUTCHISON. Yes, Wendi Steele was actually the defense legislative assistant for DON NICKLES. She is from Oklahoma. I don't know if she lived in Oklahoma.

Mr. INHOFE. I think she is from Houston.

Mrs. HUTCHISON. But she worked for DON NICKLES before becoming a member of the Base Closing Commission.

Mr. INHOFE. Can I ask a question of the Senator from Texas? During the time that we approved the appointments by the President of the eight Commissioners, we went through long hearings. You, at the time, were a member of the Senate Armed Services Committee, I believe, and I was there, too. I ask, did you have any objection to the appointment of Wendi Steele as one of the Commissioners during those hearings?

Mrs. HUTCHISON. As a matter of fact, I was very concerned about the appointment of a former staff member of a Senator from a State that was going to be in competition with our State on several bases. I was concerned about it. I asked Ms. Steele at the time if she would be willing to recuse herself, since she was on Senator NICKLES' staff, from any of the decisions that would bear on a base that was in competition with Oklahoma, and she said no. I thought of objecting to her at the time. I decided that I would not object because I hoped that she would be fair and open and honest.

I was concerned when, as a member of the Commission, she was doing the routine tour that Commissioners do of Kelly Air Force Base and she, at the time, said to the commander of the base, "This is a really nice facility. I wonder what we will be able to do here when all of this is moved to Tinker?"

Now, this was when she was just in the research phase taking the routine trips that everyone takes, and she had made up her mind that this was going to be moved to Tinker.

So I just think when I read the letters from the five members of the Base Closing Commission that stated clearly that privatization is an option that they meant to leave open in these base decisions, I just wanted the Senator to know what the background was on the letter from Wendi Steele.

Mr. INHOFE. Let me reclaim my time. Thank you very much, I say to Senator HUTCHISON.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. INHOFE. I appreciate you calling that to our attention. I also, Mr. President, call to your attention the Commissioner in question is a resident—was a resident, I assume is still a resident—of Houston, TX, and she had not been on the staff of Senator NICKLES for some time.

I think when we went through this process of determining whether or not anyone was prejudiced on that Commission, I asked every Commissioner questions. I asked them: "Are you going to use the criteria in an unprejudiced manner?" And they all responded yes. There is not one person who objected to Wendi Steele.

I will also say, I also quoted extensively Lee Kling. I don't believe Lee Kling was ever on Senator NICKLES' staff.

I want to yield to the Senator from Georgia, but since it is so critical we know what the intent was, not just by reading the reports from the Commissioners, let me just go ahead and read a few things that actually came from the BRAC commission report. These are quotes, Mr. President, if you will bear with me for just a moment.

. . . significant excess capacity and infrastructure in the Air Force depot system requires closure of the San Antonio ALC.

They addressed separately the question in California. But the point here is, I keep hearing, don't worry about it, they are already closed. No one is going to be naive enough to say by closing it, they didn't fully intend to stop the excess capacity from taking place in Texas and in California. It was assumed that that would take place.

Second:

. . . closure of the San Antonio ALC and related activities in Kelly AFB, including the defense distribution depot and information processing megacenter, permits significantly improved utilization of the remaining depots and reduces DOD operating costs.

Third, another direct quote from the BRAC committee:

The Commission found the cost to realign Kelly AFB to be less than that estimated by the DOD and the annual savings to be significantly greater than DOD's estimate.

I heard someone, I believe it was the Senator from California, just a short while ago make a statement—maybe I am not attributing that to the right person—saying that the GAO study did not take into consideration relocation. The GAO study clearly did take into consideration relocation.

Quoting further:

The Commission assumed that a depot closure and consolidation of work would permit a personnel reduction—

Listen, Mr. President—

of 15 percent of selected ALC personnel and a 50 percent reduction in management overhead personnel.

Further quoting:

The decision to close the San Antonio ALC is a difficult one, but given the significant amount of excess depot capacity and limited defense resources, closure is a necessity . . . The San Antonio ALC closure will permit improved utilization of the remaining ALCs and substantially reduce DOD operating costs.

I could go on all day with these things. There is a lot of redundancy here. But it clearly expresses to us what their decision was and what they meant.

The Commission staff presented data indicating large annual savings could be realized by consolidating engine maintenance activities at Tinker Air Force Base, Oklahoma. Both Kelly and Tinker are operating at less than 50% of their engine maintenance capacity. . . . The Commission urges the Air Force to consolidate engine maintenance activity at Tinker to reduce excess capacity. The Commission firmly believes that consolidation of engine activities will result in lower costs and increased efficiencies.

Again, Mr. President, there can be no doubt that even if you tried to isolate certain things that were said or maybe a rumor that was heard down in Kelly Air Force Base, I do not think we should be talking about statements that cannot be documented and rumors that someone said this or someone said something else.

If you just stop and realize, if you have five ALC's operating at 50-percent capacity, and you close two, and, as the bill calls for, you do not privatize anything in place there until the remaining, more efficient—according to the BRAC process—certification of ALC's located in Oklahoma and Utah and in Georgia are operating at a minimum of 75-percent capacity, I do not care if it is 65 percent, but the bottom line is anyone who has any business background knows that you cannot operate at 50-percent capacity and do so efficiently.

I do not think we need to attack the integrity of the independent commissioners. I feel that people like Wendie Steele and Lee Kling and the rest of them have spent time, their valuable time—sure there is compensation, but there are very few people who would be willing to take 2 years out of their lives to do nothing but evaluate the operation of literally hundreds of military installations.

Now, I have a lot more things to talk about. I would like to yield to the Senator from Georgia. You know, I commented several times, as he sat in there with us in the Senate Armed Services Committee, that this not a partisan thing. This is about defending America.

So I yield the floor.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Will the Senator from Oklahoma yield?

The PRESIDING OFFICER. The Senator from Oklahoma yielded the floor.

Mr. CLELAND. Mr. President, I missed some of the discussion of the Senator from Oklahoma. I would like to just highlight some points that I will mention about this discussion.

I say to the Senator, I am a newcomer to this basic issue here, but you have been involved from the beginning of the BRAC process, all the way through.

Was it your understanding when this process was set up to close bases, that that was exactly the intent of the entire process, to indeed close bases, and that this issue of privatization in place came along some time afterward as possibly something that was new to the process and has actually thrown that process off track? Is that your understanding?

Mr. INHOFE. That is my understanding.

Before the Senator from Georgia got in here, I commented on several of the States. For example, Indiana, where the presiding office is from, he lost, and did so with grace, as much grace as he could, a major installation in Indiana.

Our own chairman, Senator THURMOND, I mean, no one, no one can have more political influence to stop the closing of a base in his home State than the chairman of the Armed Services Committee. And Senator THURMOND was willing to say, all right we have to bite the bullet.

The big issue here is, we need to use the money that is used on excess capacity to be spent on such things as modernization, quality of life, on readiness, on force strength. These are the things that we need to be talking about.

So, yes, the whole thing on privatization in place, it was anticipated someone might bring it up. So the GAO in their report, when they came to the conclusion that if you privatize that excess capacity in place in Sacramento and in San Antonio, it is going to cost the taxpayers, and I say cost the defense system, because that is what it is going to come out of—$468 million a year. Over the 5 years, they said that is $2.34 billion.

In further responding to the Senator's question, I would say, you sat there in those committee meetings when we had the service chiefs in there and said, "Where are we going to come up with the money if we don't carry out the recommendations of the BRAC system?" We have to come up with several hundred million dollars. Is it going to kill the force stream and quality of life and come out of modernization. "Where is it going to come from?" What did they say? They said, "We don't have anything for it to come out of."

Mr. CLELAND. I ask the Senator, is it your understanding, if this privatization in place policy stands—of course, the bill reported out of the Senate Armed Services Committee does not prohibit privatization. It just prohibits this policy which has thrown the BRAC process off track in terms of their logistics centers.

Mr. INHOFE. That is a very good point.

In fact, several people, who would like to have us believe that—referring to the privatization in place—very conveniently leave out one sentence when they talk about realigning Kelly Air Force Base, including the air logistics center. The last sentence says, "Move the required equipment * * * [and any required personnel] to the receiving locations * * *."

That means not there. Do not privatize excess capacity where you maintain the problem of having five locations, each operating at 50-percent capacity. It is very, very clear.

Mr. CLELAND. I ask the Senator, isn't it true that if the action follows, that is, the privatization-in-place policy, that we have heard testimony—you and I were in the subcommittee listening to the testimony from the Air Force—that if you followed the privatization-in-place policy, rather than just sheer privatization, it begins to thwart not only the BRAC decision, but it begins to obscure the whole concept of privatizing to begin with, and that when the Air Force talks about competition, say, competing for the C–5–A workload, they put qualifications on it in order to adjust to the privatization-in-place requirement and require that work to be done for the C–5–A workload at Kelly, and that absolutely compromises, I think, the whole sense of competition between an air base, say, like in Warner Robins—it is going after that workload—and a private contractor?

Isn't it your opinion that if we do not get rid of this privatization-in-place policy, we will end up with five air logistics centers, which is not the desire of the BRAC Commission, but three will be publicly run by the Air Force and two will be private, costing the taxpayers hundreds of millions of dollars? Is that not right?

Mr. INHOFE. You know, that is one of the three bottom lines here. It is just so logical that if you have five operating at 50-percent capacity—as they said in this overdraft quoted out of their report; they said it over and over again—you have to close two and transfer the workload.

Now, the whole idea of privatization came up—and I hate to say it, but it was highly political. We all get political right before an election. This is what happened right before the election. And it happened out in California. There are a lot of electoral votes in California. The administration said: "We want to privatize in place."

But clearly you are right. The Senator from Georgia is exactly right. That does not resolve the problems.

A minute ago I said there are three bottom lines. That is one bottom line. Another bottom line is the fact that this is a national defense issue. How can we be sure that if there is a war, if Iran decides they are going to use some of that technology and the systems they are getting out of China or Russia and go to war with us, that we are going to be in a position to fight that war? It is a national security issue so that if we do get in a war, we will not become dependent, for those core activities, on a private contractor.

You know, I am all for privatization in place. But that is the other issue.

The third, of course, is cost. Those who say that GAO did not consider privatization in place, they did. The GAO was before our committee. You were there with me. We sat there for several hours. We cross-examined this gentleman. He said, and repeated over and over again, "Yes, the costs. It is going to be to the taxpayers or to the defense system. We proximate $468 million a year." Then I said, "Is that old information? Is that new?" "No; we brought it up to date."

So that is their current position. That is their past position. The GAO was set up to be an independent agency to evaluate these things free of political interference. They came out with this, that third-cost thing. The Senator from Georgia knows the problems that we are suffering from right now in our defense system. He knows that we cannot come up with $2 or $3 billion and take it out of something that is existing. So the Senator from Georgia is exactly right.

Mr. CLELAND. I say to the Senator, you and I both sit on the subcommittee. That point is well-taken, that regardless of some of the aspects of this issue, which can be kind of arcane, when you start talking about air logistics centers, the bottom line is, are we going to fulfill the goal of the BRAC Commission, and that is have three air logistics centers, lean and mean and working at full capacity and ready to go in terms of the readiness of our forces? That is the bottom line. If we compromise the BRAC decision, then we will not have three air logistics centers lean and mean operating at full capacity really ready to do their job in a time of conflict and combat. That is one of the things that really concerns me about this whole issue.

Mr. INHOFE. I respond to the suggestion of the Senator from Georgia that in capacity, there is potentially enough capacity so there will be a public depot in the event of war and have some capacity to grow into it. That is the reason that, again, it is somewhat arbitrary as to whether it is 75, 80, or 85 percent. The GAO again said that you should operate the three remaining air logistics centers somewhere between 75 and 85 percent capacity to leave enough capacity so that, as the Senator suggests, in time of war we would have that capacity and then we would be at full capacity. Clearly this is a national defense issue.

Mr. CLELAND. I appreciate the Senator from Oklahoma and his leadership on this point and his concern for readiness of our forces, readiness of our air logistics centers to do the job, the ability of those centers to do the job economically and effectively, which in my reading of the BRAC process was part of the reason for the process even occurring, and that he marshaled great facts and arguments for the committee bill here, which I support, which does not eliminate privatization, it just eliminates an absurd policy that is costing the taxpayers of this country hundreds of millions of dollars and is inefficient, ineffective, and ultimately weighs down and compromises three outstanding air logistics centers.

I just want to thank the Senator for his leadership and his scholarship on this issue. I will be supporting him on a vote.

Thank you, Mr. President.

Mr. INHOFE. Before the Senator yields the floor, I would like to respond, in a way. We are talking about this as being a major national defense issue. That is what it is really all about.

I am deeply concerned because I understand, certainly not as well as some of the others around here, that the Senate rules do provide that any one Senator can stop the train, can stop and can kill a bill.

I see Senator THURMOND down there, the chairman of our committee, the hours that we put into this thing. I just hope that those who disagree with one small part—this is a tiny part of this bill. We have pay raises for our guys in Bosnia. We have modernization programs in there. We have barracks that are starting construction right now that we have to continue. We have literally hundreds of things that are totally out of this realm, not associated with the depot maintenance, that are in this bill.

So I just hope that those who are opposed to this part or any part of the bill would not use the Senate prerogative that each Senator has to stop the bill altogether so that we will not have the defense authorization bill, but merely offer amendments to take out those parts that they find offensive. I am prepared to debate against such amendments that might cause this to come out.

So, I just respond by saying, I hope that you share my concern that we do not want to hold up the defense authorization bill. Let us go ahead, as Senator THURMOND had suggested in a meeting yesterday and said we have a good bill here. A lot of good things are in it. If somebody does not like some provision, they have every right to stand here on the floor and argue that case and be as persuasive as they can to take that out. I think that is the process, for the sake of America's defense, that should be used.

I assume the Senator from Georgia would agree with that.

Mr. CLELAND. The Senator from Oklahoma is absolutely correct. I support him 100 percent on that point. And the great chairman of our committee is absolutely correct; if there is anyone who disagrees with portions of this authorization bill, offer an amendment to delete it. But to hold up the whole bill is wrong.

Second, I am the ranking Democrat on the committee that deals with personnel in the military, particularly with quality-of-life issues. There are many things in this piece of legislation that we are about to discuss, like the 2.8 percent pay rate increase in barracks housing and housing for families on many bases and an increase in aviator pay, to recruit and retain the best pilots and service men and women.

There are many things in this bill that our soldiers and sailors, airmen, marines, coastguardsmen out there really need. I hate to see this bill run aground on this particular point that we have been debating.

So the Senator is absolutely correct. I support him 100 percent on that point.

Mr. INHOFE. Of course, the Senator from Georgia being the ranking member of the Personnel Subcommittee, and Senator KEMPTHORNE, being the chairman, as I go around and make the base visits, it is very distressing. You mentioned flight pay.

We are losing our quality pilots to the private sector because there is a great demand out there. How can we compete, when these guys are willing to do it? They want to fly the F–16's, the F–14's and the F–18's, and the equipment we have, the heavy equipment, the B–1's and B–2's, and so forth, but they also have families and they have children and we have to provide them with the pay that is somewhat competitive. We are way below that. However, you are able to get in some provisions that will, I think, retain some of these pilots.

Right now we are in the middle of an incredible housing shortage and we have troops on food stamps, we have housing that they would not let prisoners live in.

We have a lot of improvements here due to your hard work and that of Senator KEMPTHORNE. To jeopardize all of that work just because of one small provision—I suggest there are some things I do not like in this bill. If I do not like them I will offer an amendment to take it out. That is the process. I just hope we can follow that process.

Mr. BENNETT. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. BENNETT. I will not prolong this particular debate about depots, but I was passing through and heard it going on and could not resist the opportunity to make some comments about it. The issue clearly will be debated at greater length and I will have more statistics and information at that time.

The point I want to make in this context has to do with the issues raised by the Senator from Georgia and the Senator from Oklahoma regarding readiness and capability in the depots. It is the corrosive effect of a depot operating at less than full capacity or even approaching full capacity.

If I may, I will share with the Senate my experience at Hill Air Force Base where we have the air logistics depot that was rated No. 1 during the last BRAC process. Let it be understood there were five depots that BRAC looked at, and according to the ratings that were given these depots, Hill Air Force Base was rated No. 1, McClellan Air Force Base which BRAC said should be closed was rated No. 5, and Kelly Air Force Base, which BRAC said should be closed was rated No. 4.

However, the expected shift of workload from Kelly and McClellan to the surviving three has not taken place. At the Hill Air Force Base they are now down to about 52 percent of capacity. There has been a lot of conversation here about how inefficient and expensive that is. I agree with all that conversation. It is ineffecient and expensive. But it is more corrosive than that in terms of what it is doing to the personnel on whom we will depend at some point for support if there is a war.

The work force at Hill is aging. As people leave, they are not replaced. Why should they be—the capacity of the base is not being used, so as attrition comes along and people leave, they are not replaced. The people who are looking toward retirement in the next 5 to 10 years recognize they will not be replaced if this capacity problem is not solved. Their morale is down. When they speak to the people in the surrounding community who might want to apply for jobs, be trained and acquire the expertise that we will need, the present folk tell them, quite understandably and logically, "Don't bother. Don't come to work here. The Air Force has no loyalty to its personnel. The Air Force has no loyalty to this depot. They have done everything they can to close the depot by keeping work spread out at other depots around the country."

The time will come, and it will come relatively soon in terms of international defense issues, that is, within the next 5 to 10 years, when we will not have a work force at all. These people will have retired, they will have left, no one will have come in to be trained, and the Air Force will suddenly sit there and say, who can we get to do this work at virtually any price, at any place? Depots do not manage themselves. It takes people. Problems do not get solved by facilities, it takes people.

The process the Air Force is following in this privatization in place procedure is corrosive and destructive of not only the morale but the skills of the people at each one of these depots. We would not have this problem at Hill Air Force Base if Hill Air Force Base were operating at 75, 80 or 85 percent of capacity. People would be busy doing productive, worthwhile things.

Now they are painting rocks—not literally, but figuratively. I have been in the Army. I know what happens when the drill sergeant has you for the afternoon and has nothing for you to do. He requires that you go out in front of the barracks and pick up all the rocks and paint them and then put them back. That is not a really good morale experience to go through. I have gone through that. I think just about anybody who has gone through training in the American military has had that kind of experience from time to time. You want to spend your time in worthwhile activities, in real training, but they have you for the afternoon, they do not have anything for you to do, and military life being what it is, they will not let you go, so the top sergeant has you out there painting rocks. Well, figuratively, many of the people at Hill Air Force Base are drawing their full salary, charging the taxpayer the full cost, but they are painting rocks. Why? Because the work they should be doing is still being done on the bases that the BRAC ordered to be closed.

We can talk about the price, we can talk about the money that is being wasted, we can talk about the inefficiency, but we should not lose sight of the corrosive impact on the morale, the expertise and the ultimate future of the work force that will be necessary to keep this country alive and strong in the defense in the future.

I hope the members of the Armed Services Committee who address this issue keep this in mind, along with all of the other issues. We are arguing about jobs and where they will be. We are arguing about dollars and where they will be spent. However, we are in an exercise created by the Air Force's refusal to abide by the requirements of BRAC, that is terribly corrosive of the work force, and ultimately the readiness capacity of this Nation.

It is very difficult to measure but that does not mean it is not real. It is very difficult to pin down in specifics, but that does not mean it is not serious. It is real. It is serious. It is going on, and the BRAC process must be implemented as quickly as possible in order to stop it.

Mr. THURMOND. Mr. President, the Senate has a very able majority leader. It is his business to take matters up after the committees have acted and to get action one way or the other. The Senate Armed Services Committee has brought forth a bill here. It is ready to be acted on. Why is this delayed? Some Senators are not pleased with what it contains.

Now, any Senator who is not pleased with any portion of this bill and wishes to amend it or repeal it has an opportunity to offer an amendment to do that. But to say to the Senate, we are going to object to even taking up the bill, even considering the bill, and holding up the work of the Senate—isn't it reasonable to go forward with this bill, let amendments be offered, let them be acted on? That is the democratic way.

Now, the Senate Armed Services Committee passed this bill out unanimously. Every member of the Senate Armed Services Committee voted for it. Every Republican and every Democrat voted for it. It cannot be too bad a bill in view of the unanimous support it has received.

Again, I repeat, any Member who is dissatisfied with any portion of this bill has an opportunity to offer an amendment to the bill to their liking. I hope the objections to going forward with the bill and considering it will be discontinued and we can proceed with the welfare of the Senate which is to take up this bill and act on it.

I yield the floor.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I came down at noon with my colleague from Texas, Senator HUTCHISON, and objected to bringing the Defense authorization bill to the floor of the Senate under unanimous consent. I then rushed back to the Finance Committee where we were finishing our markup on Medicare, Medicaid, and welfare reform. I did not have an opportunity when I raised the objection to explain exactly what all of this is about. I wanted to come over very briefly and do that now.

Let me say I once had the great privilege of serving on the Armed Services Committee. I have always been a strong supporter of national defense. My dad was a career soldier, a sergeant in the Army. I was born at Fort Benning and I have always had a special place in my heart for people who wear the uniform of the country. So it produces no great happiness in my heart being in a position of holding up this bill.

Let me also say that I never like to do anything that brings distress to the chairman of this committee, Strom THURMOND, who is the greatest man that I have ever served with in public life.

However, let me explain to my colleagues why this issue is so important, although I do not want to get into a debate today about the issue. I am hoping we can work something out. I am hoping that reason and fairness will prevail, and like everything else in life, if you look at something from a different perspective, you see it differently. I do not have any doubt that our dear colleague from Oklahoma in his heart sees this thing differently than I do. I think one of the things that has helped me in public life is what an old Virginian,

Thomas Jefferson, once said, "Good men with the same facts are going to often disagree." So I never try to get personalities involved with issues.

This is about what we want to achieve, in some cases for our States, in some cases for the country. Let me tell you how I see the issue. This is an old issue, in the sense that it has been building for several years. It started in the House with a group called the Depot Caucus. This is a group of Members of Congress who have depots in their district. For those who know more about trains than they do about military maintenance, a depot is a Government-owned facility where Government employees do work for the Defense Department—primarily work in maintaining defense systems.

Now, we have had a longstanding debate about whether maintenance work ought to be done in depots, or whether it should be done by the private sector. You will hear people argue on both sides of the issue. Some people will say only these depots can be relied upon to maintain weapons systems that were built by the private sector, not the private sector. We have gone through three base closings, and we have now closed five bases in Texas.

I was an original cosponsor of the base closing commission. I voted for the commission reports that closed all of those bases. I hated it. It seemed to me that we were penalizing the very people who won the cold war, but I understood it had to be done. Let me say to my colleagues that I am for another round of base closings. We have cut defense by a third; we have reduced the number of military bases by 18 percent. We have more Army nurses in Europe than we have combat infantry officers in Europe. Tell me that makes sense. We have a huge bureaucracy that was built in another era, for another time, for another conflict. And we all love parts of that bureaucracy. Part of it is in our State. But it is profoundly wrong for the country, and we have to have a bureaucracy that fits the military we have now.

So I am not here trying to defend a base in Texas, Kelly Air Force Base. That is closed. It is closed. The case is over. I voted to set up the commission that closed it and voted for the report that closed it, even though I wish we had closed a base in someone's State who doesn't support defense as much as I do. So the issue we are debating here is not trying to keep a base open. It is going to be closed. I don't want to reverse the decision. It is done. I wish it had been decided differently, but it wasn't.

Now, the issue before us is a very simple issue. The Defense Department, the Secretary of Defense, the Secretary of the Air Force, and those involved in procurement believe that we can save tremendous amounts of money through price competition. Surely, in America, that is not a revolutionary concept. What the Defense Department wants to do is to have competitive bidding between the three depots in the Air Force that are doing maintenance work and private contractors. I should also point out to my colleagues that my State, when Kelly is closed, will lose a minimum of 7,000 jobs that will go to the other three depots—7,000 jobs.

Now, what Senator HUTCHISON and I want is simply to allow private contractors in our State or anywhere else to have the right to compete for this work and, if they can do it better, if they can do it cheaper, they would have an opportunity to do it. Quite frankly, the Air Force believes that we could have savings in the range of 20 to 25 to 30 percent by having price competition and by choosing the depots through Government employees to do the work when they are cheaper and choosing private companies to do the work when they are cheaper.

I remind my colleagues, given that defense has been cut by a third since 1985, it ought to be welcome news that we can save that kind of money. We currently have a proposal out to privatize the maintenance of the C–5, the great big transport plane that is operated by the Air Force. We have all seen it or seen pictures of it; it is big. Now, that was a function at Kelly. So what the Air Force wants to do is to put it out for bids, and if one of the depots can do it cheaper, to move it there, or if a private contractor can do it cheaper, take the facility that has been turned over to the City of San Antonio and lease it to a private contractor, or even let a private contractor in any other city in the country do it, if they can do it cheaper.

Now, the bill before us says that that contract would have to be stopped, that you could not have competitive bidding until the depots were operating at 75 percent of capacity, which would be most of all the work that exists in the Air Force today, so in effect there would never be another competitive bid. And it says, even if you had a competitive bid, nobody using facilities that used to be Kelly Air Force Base, or used to be McClellan Air Force base in California, could compete.

Now, I understand give and take. I understand compromise. But I don't understand knocking people down and stepping in their faces. That is basically what we are talking about here. Now, if we were simply talking about Texas' interest, I am for Texas' interest. I get paid to represent it, and I try to do a good job at it. But the reason that I am adamant about this subject is this is not just Texas, this is America. Why should we not have price competition?

I would like to remind my colleagues, when I was on the Senate Armed Services Committee—and two of my colleagues here sat with me every day I was on that committee—I always supported competition, I always supported privatization, and I always supported it, even though my State might have benefited if we had stopped competition, because it is something I believe in. It is fundamentally important to America. I know we have people who stand up and say, well, we can't contract out maintenance for the F-16. You could not trust somebody who didn't work for the Federal Government to maintain the F-16. Our freedom depends on it. Well, who built the F-16? Private contractors. The plain truth is, if Government defense without the involvement of the private sector really worked, we would have lost the cold war.

My point is this: We ought to have it as a matter of policy, and since I am standing on our side of the aisle, let me speak as a Republican. If Republicans believe in anything, it is competition. If Republicans stand for anything, it is that when we are spending the taxpayers' money, we ought to do it as efficiently as possible. We ought not to be concerned about where somebody lives that can do the work cheaper. We ought not to be concerned about what their gender is or their ethnicity. We ought to be concerned about the work they can do, the quality they can provide, and what they are willing to charge.

I have tried to break this impasse. Let me explain what I have proposed and why I think it is more than reasonable, bending over backward, and then I will yield the floor. Obviously, if you wanted to be reasonable on this issue, you would simply say to the Defense Department, look, here are a set of criteria for looking at a fair competition with a level playing surface. Let me say, with all due respect, to the depot caucus in the House, the only fair competition to them is no competition. The last thing on Earth they want is competition. But we could set out simple criteria for a level playing surface to have competition between the public sector and the private sector to do this work. What we ought to do is to do that scrupulously and choose the low bidder for the highest quality and get the most defense we can for the money we have. That is logic.

To try to break this impasse, I have made the following proposal. Have competitive bidding after you first set out the criteria for competitive bidding. If you want to look at the cost of the facilities they are using, to make adjustments for it, then look at everything—look at retirement costs, look at every single cost, come up with a way of measuring it, and have a competition. And then, even if the depots lose the competition by less than 10 percent, give it to them anyway. In other words, let's say that we can maintain the C–5 through a Government depot for $109 million, and let's

say that a private contractor can do it for $100 million. What I have said is, to try to break this impasse, cheat the taxpayer out of $9 million. Give it to the depot. But if the private sector can do it for more than 10 percent less, give it to them.

Now, what that is saying is that the depots will win any close competition. If they are no more than 9.99 percent higher, they win. But if the private sector can do it for 10 percent or more less, can it be prudent public policy, can it make any sense to deny them the right to do that work? I think the answer is no. That has been a proposal that I have made.

Some people have answered, well, you won't have a fair competition. The Air Force will cheat us. I am willing to try to set out criteria. I personally don't believe any of us are so important that the Air Force is out to cheat us. I have never believed in conspiracies. But the point is, all I am trying to do here is not keep a Texas base open. It is going to be closed. But what I want the workers there to have a chance to do is to go to work for private companies that might have a chance to compete for work. So I am not asking for anybody to give anything to San Antonio, TX. But I am demanding that we have an opportunity to compete. A problem we have here is we have a bill that bans that competition. And then we are going to conference with the House, which basically has the approach that whatever money there is belongs to us and we are not worried about how efficiently it is spent, and this is really defense welfare anyway.

So what I am trying to do, and what I would very much like to do to move ahead, is to try to work out an agreement on the principle of competition, something we believe in, something that clearly works, and I am willing to give an edge to the Government. But I think a 10-percent edge is more than generous. I don't think most Americans would agree with that, especially when many of the people competing are small, independent businesses. But, again, I mention this not because I think it is what we ought to do, but what I am willing to do to try to break this logjam. So I thought it was important, having run over here from the Finance Committee and objected and then run back without having a chance to say anything, to get an opportunity to explain why this is important.

This is a critically important issue. I feel like Senator HUTCHISON and I have not been treated fairly on this issue. I believe there is a fundamental national objective here, and I see it as the competition between special interests and the public interest and, in this case, the public interest is also the Texas interest. When you combine the two, I am getting paid twice to do the same work. So I want to be sure that I do it well. That is what this whole thing is about.

Again, I want to apologize to my colleagues for inconveniencing the process. I know they want to move ahead with their bill. But I know that each of them, from time to time, have found themselves in a similar position.

Thank God the Founding Fathers set up the Senate where one Member does have power; where one person can stand in the face of large numbers of others and say, "no." Ultimately, they can be run over, but they can't be run over for a long time. I think we all benefit from that.

So I am simply taking advantage of the rights I have as an individual Member, as any Member here would, I believe, under the circumstances.

I thank my colleagues for listening. I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, are we at the moment in morning business?

The PRESIDING OFFICER. We are on S. 4.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that S. 4 be set aside and that I be permitted to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WAYNE, NJ INTERIM STORAGE SITE

Mr. LAUTENBERG. Mr. President, I rise to express my objection to a provision in the defense authorization bill that is expected to shortly come before the full Senate.

The reason that I take this time now to bring this to the Senate is that it is a matter of great urgency. This is the kind of thing that I think citizens throughout the country will automatically rebel against. This is kind of a shock treatment that every now and then happens here that ought to come to the attention of the American public because it is such a flagrant example of the abuse of power, and the power belonging to a corporation with a good friend inside this body.

The provision I am objecting to is one of the most flagrant examples of special interest corporate subsidy that I have ever witnessed in my roughly 15 years in the U.S. Senate. This provision is section 3138 of the defense bill, will have the effect of exempting a company called W.R. Grace—a company that has contributed to a hazardous wastesite in my State of New Jersey—from any further liability at this site.

Mr. President, this provision was written to get W.R. Grace off the hook—out of any responsibility for pollution that they created, out of the obligation to pay for it, thus passing the buck to the American public. This company contributed to this hazardous wastesite in the State of New Jersey, and now the bill includes this reference that excuses them from any further liability for pollution that they created at this site.

The provision effectively grants a special exemption for this company from a law known as the Superfund law, the law which embodies the concepts that the polluter should pay for the pollution and contamination that they created. It is fundamental. The Superfund law, which I am proud to have helped write, provides the Government with the tools to go after the polluters who are found to be responsible for the waste.

Mr. President, this provision was inserted in the dark of night without any consultation with this Senator who has worked for so many years to get this site cleaned up; and who has been chairman of the subcommittee on Superfund in the Environment and Public Works Committee and is now the ranking member. Though I am not involved directly with the Armed Services Committee, the fact of the matter is that everyone who is here knows that I have been very much involved in helping to create the Superfund law and making sure that we clean up contamination in our country. But here, even the professional staff, the Democratic staff of the committee, was unaware of this section's insertion and were not given any opportunity to review the provision.

This provision is a sneak attack on the environment, on the taxpayers, and on the legal process. This provision says to the taxpayer, "Too bad for you, taxpayer. We will let a corporate polluter off the hook because this polluter has some special friends in the U.S. Senate. Oh, and by the way, taxpayer, this dump has to be cleaned up. Somebody has to pay for it. So I guess it is going to be you. The most it can cost you, taxpayers, is $120 million. But it saves Grace that money.

So that should make us all feel good, I guess.

I want to explain a little bit about the Wayne Superfund site.

From 1948 to 1971, thorium, a highly radioactive material, and other materials, were extracted at the site that was later owned by W.R. Grace & Co. in Wayne, NJ. The process of mining thorium resulted in contamination with radioactivity of numerous buildings. When the contamination was discovered these buildings were torn down. The resulting waste material was placed in an enormous dump site in Wayne Township, NJ. The Environmental Protection Agency placed this dump site on the Superfund National Priority List in 1984. They said it was one of the worst contaminated sites in the country because this site would potentially threaten the drinking water

supply for 51,000 New Jersey residents. The Department of Energy, which oversees the cleanup of this fund under a program that they call FUSRAP, the Formerly Utilized Sites Remedial Action Program, has spent over $50 million so far cleaning up this site. The Department of Energy says that the ultimate cleanup may cost as much as $120 million.

In 1984, W.R. Grace turned over the property and $800,000 to the Federal Government. That year, W.R. Grace signed a legally binding agreement with the Federal Government which provided explicit assurances that the Government could still pursue the company under any law, including the Superfund law. So when the Federal Government put down the $800,000 deposit, that didn't permit them to escape any further liability. W.R. Grace signed the agreement to confirm that.

As the Department of Energy began to clean up the site and to further study the extent of contamination, it soon realized that the cleanup costs were far beyond what they originally believed. In 1996, the Justice Department, acting on behalf of the Department of Energy, began serious discussions with W.R. Grace to determine the extent to which the company might be willing to contribute additional costs to pay for this massive cleanup.

I was assured that these discussions were proceeding in good faith and that progress was being made. But then I found out about this outrageous breach of the legal process to which I believe the company would be seriously committed either by negotiations or tested in the courts of our country.

Mr. President, the residents of Wayne Township are outraged. They feel betrayed by the democratic process, and I share their outrage and disappointment. I am going to be introducing an amendment to remove this provision from the bill and to defend the concept embodied in our law that says that you create the mess, you clean it up; you can't walk away, or, in this case, sneak away from your responsibilities.

Mr. President, I ask unanimous consent to have printed in the RECORD copies of letters from the Department of Energy written in 1995 which show DOE's efforts to get W.R. Grace to come to the table.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, DC, November 20, 1995.

Mr. JEFFREY M. POSNER
Corporate Risk Management Department, W.R. Grace and Company, Boca Raton, Florida.

DEAR MR. POSNER: I am writing to determine the willingness of W.R. Grace and Company to contribute to the continued cleanup of the former Grace property located at 858 Black Oak Ridge Road, in Wayne, New Jersey. From 1957 to 1971, the facility was operated by the Davison Chemical Division of W.R. Grace. Grace continued to own the site until September 1984, when the U.S. Department of Energy acquired the property to facilitate a decontamination research and development project. Congress directed the Department's involvement in this project through the Conference Report accompanying the Energy and Water Development Appropriation Act for Fiscal Year 1984.

The Office of Environmental Management of the U.S. Department of Energy is currently conducting the cleanup of the site, also known as the Wayne Interim Storage Site, under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The total cost of the cleanup may exceed $100 million, depending on the final remedy ultimately approved by the Environmental Protection Agency

As you know, the owner of a site at the time of disposal of hazardous substances at the site is responsible under CERCLA for remedial action costs. Thus, Grace, a former owner of the Wayne property, has a legal duty to pay for the site's cleanup. In addition, there has been continuing congressional and local interest in pursuing CERCLA cost-recovery actions against potentially responsible parties. Recently, the Department has received specific requests from elected officials, including Senator Lautenberg, Congressman Martini, and Wayne Township's Mayor Waks, that the Department review possible legal actions seeking appropriate cost recovery. We expect congressional and public interest in this issue to continue.

We believe that it is in the best interest of the local stakeholders and American taxpayers to discuss with your company appropriate ways to avoid litigation and ensure that resources are applied directly to the prompt cleanup of the site rather than to courtroom activities.

I will be calling you in the near future to discuss this matter further. If you have any questions, feel free to contact me at 202-586-6331 or have a member of your staff contact Mr. Steven Miller, of the Department's Office of General Counsel, at 202-586-6947.

Sincerely,

James M. Owendoff,
Deputy Assistant Secretary for Environmental Restoration.

DEPARTMENT OF ENERGY,
Washington, DC, November 24, 1995.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: In my September 29, 1995, letter, I advised you that the Department of Energy would look into the matter of seeking cost recovery against potentially responsible parties for cleanup of the Wayne, New Jersey, site.

After consulting with the Office of the General Counsel, my office has initiated discussion with W.R. Grace and Company to assess their willingness to contribute to the cleanup of the Wayne site. If these discussions are successful, W.R. Grace's cooperation could enable the Department to expedite the overall cleanup schedule for the site.

If possible, we would prefer to avoid time-consuming and costly litigation so that available resources are focused on cleaning up the site. If discussions with W.R. Grace are unsuccessful, we will consider other options including requesting the Department of Justice to initiate formal cost-recovery actions.

We share your goal of pursuing opportunities to expedite the cleanup activities at Wayne. As one example, the Department began removal of the contaminated material in the Wayne pile through an innovative total service contract with Envirocare of Utah. We want to thank you for the enormous support that you have provided over the years to bring this project to fruition.

If you have further questions, please contact me, or have a member of your staff contact Anita Gonzales, Office of Congressional and Intergovernmental Affairs, at (202) 586-7946.

Sincerely,

THOMAS P. GRUMBLY,
Assistant Secretary for Environmental Management.

Mr. LAUTENBERG. Mr. President, it is a strange anomaly that the name of this company, W.R. Grace, is the name of—I am not sure whether it was the founder—but the name of someone who helped build this big company. It is also the name of someone who wrote a report that was officially called "The Report of the Grace Commission" in which they talked about how you reduce Government inefficiency, reduce costs, and cut down the size of Government and get those bureaucrats off our backs—all of those words. But now this company said there is one way to resolve problems, and that is to hide behind a good friend's efforts, whoever that friend may be, and get it off the hook for possibly—$120 million.

We can't find enough money around here at times to take care of essential programs. We are cutting back Government as much as we can. We are trying to arrive at a balanced budget in the year 2002. And we struggled here not too long ago to try to get disaster relief money into the hands of people whose homes were torn apart, whose families' histories wiped out, with many left penniless and nowhere to turn. We had a heck of a time getting those funds to those people.

Here we have $120 million that this Government is liable to have to spend to clean up this site. And what do we do? We let the company duck its responsibilities.

Well, Mr. President, I don't intend to threaten at all. But I will say this: If this section stays in the bill and lets W.R. Grace off the hook, and maybe some other companies, we will have to study it a little more thoroughly. I will stand here, and I will talk. I will read, I will lecture, and I will do anything I can to keep this from becoming law because it is an outright misuse of taxpayers' funds. I am not going to let that happen, Mr. President—not this Senator. And I am sure other Senators will agree with me.

With that, I yield the floor. I thank you. I note the absence of a quorum.

The PRESIDING OFFICER (Mr. INHOFE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I also ask unanimous consent that I be shown as an original cosponsor of S. 923.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPOT MAINTENANCE

Mr. INHOFE. Mr. President, I would like to just take a couple of minutes to respond to the best of my memory to some of the things that were stated by the senior Senator from Texas [Mr. GRAMM].

First of all, he mentioned that personality should not enter into this. I certainly hope that will be the case. Unfortunately, Mr. President, all too often in both bodies if we get wrapped up in things we honestly believe in, it becomes personal. I do not think this will be the case, certainly in the case of Senator GRAMM. He is a man I have respected for many, many years even before I served in the other body or this body. In fact, I was one of the individuals who strongly supported him in his bid for President of the United States because I thought he was the best choice. And it was not an easy thing for me to do because, unfortunately, our majority leader in the Senate was running.

However, I think some things need to be brought out and some things I have access to because of the fact that I serve on the Senate Armed Services Committee and chair the readiness subcommittee of the Senate Armed Services Committee.

First of all, on this issue of the depot caucus we hear so much about in the other body, I hear some statements attributed to them that sound a little bit extreme from time to time, but I have to say also that that is a group of people with a genuine concern over how depot business should be handled.

All too often we start thinking of parochial concerns, about what is the effect of a certain action going to be on the population of my State, and forget about the fact that there is a reason for a depot and there is a reason for core functions to be performed in a depot. All too long we have gone without a definition of core, and core, Mr. President, as you well know, is those functions that have to be performed to enable us to defend the lives of Americans.

That is what it is all about. When you talk about the depot caucus over on the other side, I did some things in this bill, and, of course, the Chair is fully aware of it because he was there at the time, made some compromises that the so-called depot caucus found very offensive. I agreed to change the 60–40 formula to 50–50. Also, I did something else that not many people really are aware of because it gets a little bit technical but provided for allowing teaming to be done by a public depot. This is extremely significant and it shows that I of all people am not against private sector competition.

The Senator from Texas [Mr GRAMM] talked about this as one of the backbones of the philosophy of the Republican Party and the conservative movement. Certainly no one can do more than I have done in the effort for privatization. The difference that has to be distinguished in this case is you can't privatize business, you can't privatize functions that are necessary for the survival of this country.

Let us just say, for example, that in the F–100 engines which are used in some of our combat machines that are necessary to defend America and we saw performing so well in the Persian Gulf war, that has to be done, we have decided, as a policy for America in public depots. And the reason is even if it costs more money—I do not think it does. I think I can come up with an argument that will say that we can do things more efficiently in some of those functions in the public depots; we are set up to do that. But even if we were not able to do that, there is another reason why they have to be done in the public sector, and that is the strategic interests of the United States, the defense issues.

We have all agreed as the policy of this country that core activities, core functions, must be done by the public sector. And so we established this somewhat arbitrary, which it is arbitrary, 60–40, and I was willing to accommodate one of the very prominent Senators from Arizona on the committee, Senator MCCAIN, and Senator MCCAIN did appreciate that very much. So we changed that, and not only are we going to give the ability to the public depots to team, and that is to go outside and subcontract some work, I am willing to count that in any formula as public sector work, even though it is done by the private sector.

Now, that is a great, I think, compromise that we made in order to accommodate some of the Senators who had concerns, and consequently that Senator is in support of the language that is found in this bill.

So I think that if we could present the argument, there is no way you could give even a 20-percent advantage to the public sector in depot maintenance and still have a level playing field. We are fully aware of the process that is written into our system that allows the disposition of Federal properties to be first offered to the Federal Government, then the State government, then ultimately to local subdivisions such as Tulsa, OK, or San Antonio, TX. And so in the event they at no cost in the case of a San Antonio, TX, are able to acquire Kelly Air Force Base and have that multi, multimillion-dollar facility at no cost, they in turn then can give that to a contractor who will bid with no overhead whatsoever.

Now, that is something with which we cannot compete in Tinker Air Force Base or they could not compete with in any other military installation. And there are many other—I have already talked about this and talked about those things that are in the bidding process which make it so that we cannot do it.

I was a little bit surprised when the junior Senator from Texas was talking about John White. During the committee meetings that we had, John White was not able to answer questions about how to level the playing field and provide for real competition if it is desirable.

Keep in mind, Mr. President, it is not desirable because we have established as a policy that those core functions that are necessary to protect the lives of Americans should be done in public depots. If you do not do that, you are going to have a situation where we can be held hostage in times of war, and we know what that could mean for us.

Given the manner in which competition is structured, everyone already knows that private sector bids will come in well below depots, and there are two reasons why. The private bidders can use marginal pricing. We know what marginal pricing is in Government work. Private bidders, unlike the public sector, are allowed to use marginal pricing to underprice something to get their foot in the door, and once the foot is in the door we become reliant upon them and then they run off. I am not saying the people who are the private sector are unscrupulous or in any way demeaning what they do. They are out in the competitive world, and they are willing to use their assets to bid below cost just to get in there so that the public sector would no longer have the ability to provide that work. I think the Senator from Utah made a very good point. We are losing that ability today. As the skilled workers, whether they are located in Oklahoma or Utah or Georgia, are leaving, getting into other professions, so we would have—every week that goes by we would have a more difficult time in having this as public sector work that would defend America.

So I conclude, Mr. President—and I do not want to be redundant—by saying that another bottom line is right here. This is a GAO report. The GAO report agrees with what the Air Force initially said on how much money would be saved by closing the two bases and transfer that workload to other ALC's. Then they later on, when this administration took a position against it right before the election, they rescinded that report, but the GAO, which is independent of that political influence, came out and said very clearly if you do it, it is going to cost the defense system an additional $468 million a year. And certainly the man who is presiding right now, the honorable Senator from Virginia, who is one of the highest ranking members

of the Senate Armed Services Committee, is fully aware that if we have to somehow come up with $2 billion over a 5-year period to take out of the defense budget in order to accommodate an exception to the BRAC recommendations, where is it going to come from? He will remember very well we had the chiefs of the services there, and we gave them the alternatives. It has to come from quality of life, modernization, force strength or readiness. There are only four places it can come from. We cannot predict the contingencies this administration will get us into that are very expensive. We can predict these, and there is no place we can come up with this money. So this is an extremely important fiscal issue, and I wanted to have the opportunity to respond to the senior Senator from Texas.

Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. INHOFE assumed the chair.)

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

ELIMINATION OF VETERAN BENEFITS FOR CAPITAL OFFENSE CONVICTION

Mr. SPECTER. Madam President, it is my hope that yet this afternoon we will be able to take action on legislation cosponsored by Senator TORRICELLI, Senator NICKLES, and Senator INHOFE which would deal with the issue of eliminating veterans benefits for anyone who has been convicted of a capital offense. This legislation was introduced yesterday and is designed to deal with the situation of Mr. Timothy McVeigh, who last week was convicted of murder in the first degree on 168 murders arising out of the destruction of the Murrah Federal Building in Oklahoma City back on April 19, 1995.

I was surprised to learn from my staff on the Veterans Affairs Committee that someone in Mr. McVeigh's situation would be able to receive veterans benefits. There are a wide variety of possible benefits. Exactly which ones apply to Mr. McVeigh would have to be determined, but they are benefits which would include employment training—obviously he cannot do that at the present time—education, other compensation, burial benefits. There was a gap in the law where someone who has been convicted of a number of crimes cannot receive veterans benefits—crimes like treason, sabotage, or espionage—but oddly enough, curiously enough, a conviction for murder in the first degree is not covered.

Senator TORRICELLI had introduced legislation yesterday and so had I. I did not know this when I introduced my legislation and spoke briefly on the Senate floor yesterday afternoon about Senator TORRICELLI's legislation, but I found out about it later in the day and talked to him this morning, and we are coordinating our efforts to produce a joint bill.

I discussed the matter yesterday with the majority leader, Senator LOTT, who said he would work with us to have a prompt determination for the Senate, and we have put it on the hotline, and we are almost complete, with one Senator yet to respond, and there has been a checking now with the administration, with the White House, with the Executive Office of the President, and also with the Veterans' Administration to see if there is any objection. I do not believe that there will be any.

It is my hope we would be able to take action fairly soon this afternoon, or, if we cannot, we may have to put it over until tomorrow. There has been considerable public interest and people expressing surprise that someone in Timothy McVeigh's situation could have veterans benefits and could, illustratively, be buried with heroes from the veterans wars of World War II, Vietnam, Korea, or the gulf war.

So we are proceeding at this time. I wanted to alert my colleagues we are hopeful that bill will come up this afternoon and try to expedite the advice from both the White House and the Veterans' Administration as to their positions. It is my firm expectation that they will not have an objection but would rather welcome this legislation, but I wanted to inform my colleagues of the status at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATIONS TO CIA AND FBI

Mr. FAIRCLOTH. Madam President, I take the floor today to congratulate the Central Intelligence Agency and the FBI for their efforts in capturing the terrorist who killed two CIA officers in 1993.

Many thought when Aimal Kansi disappeared into Pakistan in 1993 that he would never be caught. I believe that our men and women who played a role in his capture deserve our thanks for the brave effort they went through to catch him.

Another critical question that I do not think has been answered is why was Mr. Kansi ever allowed in this country in the first place? Why was he here to begin with? He came here in 1991, apparently well educated, as a Pakistani immigrant. He came here on a business visa. Supposedly, he came here for 1 month. He used false names and passports, and then the INS gave him a 1-year work visa. Of course, the plan was that he wanted to stay here forever. There was never any doubt about what he wanted. He wanted to be here permanently. A year later, he applied for political asylum. The political asylum issue has been abused to a greater degree than anything I can think of. The Clinton administration has made an absolute mockery of the words "political asylum." There are almost 100,000 applications for political asylum each year.

Now, here is the scandal. When someone has applied for political asylum, they cannot be deported. When you apply for political asylum, you cannot be deported. This application is a complete ruse for people to stay in this country illegally. These people can stay here for years. Now, one of the reasons this man sought asylum—if you can get this—and talk about stupidity on the part of this country—is that he is part of a militant group in Pakistan that opposes United States policies. That is the reason he needed asylum, so he could stay in this country.

Mr. Kansi apparently moved about frequently. He worked at gas stations and as a courier in Virginia. Madam President, why do we need people coming into this country to work at a gasoline station and as a courier? Is this something we really need to grant a work visa for?

Our immigration policies are simply out of control. We have hit a record number of immigrants coming into the country. In fact, so many are coming in that people with criminal records are getting by like they were moving through a sieve. We are filling the country with anybody with any excuse or reason who wants to come. People like Mr. Kansi are getting in by lying, false records, or whatever they want to present. They wind up here one way or another and we simply refuse to send them out.

Our immigration policies are out of control and people are coming without being examined, without being checked. They are here. The World Trade Center bombing is an example. The shooting at the Empire State Building is another. The CIA killing in 1993 is another. All of these acts were committed by people that were willingly let into this country. How many instances does it take like this before we have the common sense to change the immigration laws that we are letting wreck this country?

I think we need to take a hard look at the laws and determine if we are letting people into this country that are

prone to commit terrorist acts against the Nation once they get here.

One of the basic problems, of course, with immigration is that we have a more-than-generous welfare system—more than generous. People are coming into this country not to work, but to sit down. They are coming here to become part of our welfare system, not to become part of our work force. When we attempted to change our welfare laws and cut off cash assistance to noncitizens, the Congress got frightened, and we decided it was being too harsh not to give cash money to noncitizens. How cruel could we be not to hand out cash to an illegal noncitizen? We have perpetrated an immigration system that is out of control.

Madam President, we know that there are many people who want to be Americans. Many people want to come here and make a contribution to the United States. We have a long history of immigration. We are all descendents of immigrants from somewhere at one time, except Native Americans. But somewhere we have gone wrong. At one point, people came to this country to work and to labor and be a part of it. But now they come to be a part of charity. I think we began to go wrong when we lost common sense in our immigration policies.

Madam President, I think the problem began when we lost common sense altogether in the Government, and particularly with the welfare programs supporting the things that these people were coming for. Why should we give noncitizens welfare? Why should the Federal Government punish a county or town if they don't print documents in languages other than English? Madam President, we do that.

Why do we have pages and pages of legislative language just to define the word "work." I think anybody that has done a day's work would not need 14 pages of legalese language to describe it. Madam President, again, I want to thank the agents with the CIA and the FBI that played a role in bringing this man back to the United States. They represent what is best about the country. But the immigration laws that allowed Mr. Kansi to get into this country and to stay here represent the worst.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. FAIRCLOTH]. Without objection, it is so ordered.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 934 and S. 935 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I thank the Chair. I yield the floor.

In the absence of any other Senator present, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

DENYING VETERANS BENEFITS IN CAPITAL CASES

Mr. SPECTER. First, Mr. President, I would like to update my colleagues on our efforts to have an amendment on veterans benefits occasioned by the conviction of Timothy McVeigh who does have veterans benefits. We have been working to put the legislation in final form, and I think we are now very close to it. If we can accomplish that, we still have time today to introduce the bill and, I think, to get a rollcall vote on it. That will be the final call, obviously, of our majority leader, Senator LOTT, but I do think we have a chance to do that.

(The remarks of Mr. SPECTER pertaining to the submission of Senate Resolution 102 are located in today's RECORD under "Submissions of Concurrent and Senate Resolutions.")

Mr. SPECTER. Mr. President, I yield the floor in the absence of any other Senator seeking recognition and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DENYING VETERANS BENEFITS IN FEDERAL CAPITAL OFFENSES

Mr. SPECTER. Mr. President, on behalf of our distinguished majority leader, Senator LOTT, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. 923, and I ask unanimous consent that the Senate proceed to the immediate consideration of S. 923.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (S. 923) to deny veterans benefits to persons convicted of Federal capital offenses.

The Senate proceeded to consider the bill.

AMENDMENT NO. 414

Mr. SPECTER. Mr. President, there is an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 414.

Mr. SPECTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, lines 4 and 5, strike "or star".

Mr. SPECTER. During the pendency of this bill, Mr. President, I ask unanimous consent that 5 minutes be allotted to Senator NICKLES for debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, at this time I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays are ordered on final passage of the bill.

Mr. SPECTER. Mr. President, this bill would amend existing law to deny benefits to veterans who have been convicted of a Federal capital offense. Current law denies such benefits to veterans convicted of Federal crimes, such as sabotage, treason, and sedition, but not murder.

I offer this bill on behalf of myself and my distinguished colleague from New Jersey, Senator TORRICELLI, and also Senator BYRD, Senator NICKLES, Senator INHOFE, Senator FEINSTEIN, Senator CAMPBELL, and the distinguished Presiding Officer, Senator SANTORUM.

Mr. President, yesterday I was informed by staff in the Veterans' Affairs Committee, which I chair, that there is a gap in the law which allows Mr. Timothy McVeigh to be entitled to veterans benefits notwithstanding his murder of 168 persons, and his conviction for murder in the first degree in connection with his terrorist attack on the Murrah Building in Oklahoma City on April 19, 1995.

Frankly, I was surprised to learn of the current gap in the law which would allow him to claim veterans benefits. Those guilty of offenses such as sedition, treason, and espionage forfeit veterans benefits, but those who are guilty of murder in the first degree do not.

The terrorist attack in Oklahoma City was the most heinous criminal act in the history of the United States of America, to my knowledge. It resulted in the murder of 168 persons, including many children. It also resulted in the wounding and maiming of hundreds of others who were in that building.

Yesterday, Senator TORRICELLI introduced legislation similar to mine. We talked this morning, and we decided to join our efforts. Senator LOTT consented to have the matter placed on

the calendar for quick action. And we have had it now cleared by all Senators.

I think this is a piece of legislation which ought to be adopted promptly. It would set a mark, saying that capital murderers, like those who commit espionage and similar offenses, forfeit a variety of veterans benefits. I cannot say exactly what benefits Mr. McVeigh might be eligible for—there could be a variety of possibilities, including education, employment or housing benefits. Certainly he would be entitled to burial benefits, under current law. It surely would be unseemly to have Timothy McVeigh buried in a veterans cemetery with heroes who served the United States of America.

So I believe this is a fair piece of legislation. We ought to act on it promptly.

I am pleased now to yield to my distinguished cosponsor, the Senator from New Jersey.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I am very pleased today to join my colleague from Pennsylvania, Senator SPECTER, in offering this legislation, and very proud, as a Member of this institution, that Senator SPECTER has taken the leadership in correcting what would clearly be an inexplicable action upon the execution of Timothy McVeigh.

Mr. President, in the United States today there are 114 national cemeteries. They contain the bodies of 2.5 million brave Americans who have fought for over 200 years to protect this country, its people, and its ideals. Fifty-seven of those cemeteries remain open. And many Americans living in the last years of their lives who fought bravely for this country intend one day to be interred into that soil.

I do not know how the Members of this Senate, how this Government could ever explain to those brave souls or their families who will visit those national cemeteries through the years, generation after succeeding generation, if by chance some of that soil, one of those graves, next to someone they love and they admire and respect, were to contain the body in a Federal grave of someone who committed a capital offense against the U.S. Government.

Timothy McVeigh is responsible for the greatest loss of life in a terrorist act of anyone in the long and proud history of these United States. When he committed that act and took the lives of these brave Americans, including officers and employees of the U.S. Government, he forfeited, according to a jury of his peers, his life.

Today, by the actions of the U.S. Senate, he can also have forfeited his right to be buried and have the honor of being in the sacred ground of a national cemetery of the United States.

Mr. President, a person cannot both commit a capital offense and then receive the high honor of the U.S. Government for having served this country. They are in conflict. They cannot both occur.

I am very proud today once again to be joining with Senator SPECTER in offering this legislation. I am very pleased to have received the support of Senator ROCKEFELLER and so many of our colleagues. I am very proud today to be offering this legislation.

By our action today, we let every family of every brave American who remains at rest in these national cemeteries to know these soils will remain sacred, these cemeteries will remain only the home for the brave. That is the exclusion we vote upon today.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. We are awaiting Senator NICKLES.

We invite other Senators to make a statement, but in the interim I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, first, I wish to thank Senator SPECTER, Senator TORRICELLI, and Senator INHOFE for bringing this bill to the floor, and also Senator LOTT for bringing it to the floor this quickly.

I think it is somewhat of a tragedy. I read in today's paper that an official of the Department of Veterans Affairs said that Tim McVeigh would be eligible to be buried in a national cemetery. I think that would be a desecration of our national cemeteries. I think it would be an affront to all the veterans who are buried in a national cemetery and to their families. And so I want to compliment my colleagues for bringing this to the floor so quickly.

In looking at the statutes, there is a forfeiture of veterans benefits for a lot of crimes: mutiny, sedition, harboring and concealing persons who have committed espionage crimes, gathering classified information for a foreign government, treason, rebellion, insurrection, and advocating the overthrow of the Government. But there is not for a Federal capital offense.

Mr. McVeigh was found guilty by a jury, with a unanimous verdict of murdering—actually, I think the verdict was murdering eight Federal agents, Federal officers. He is responsible for the murdering or the deaths of 168 individuals, including 19 children. He planned this terrorist attack. It was not done at the spur of the moment. He planned it for months, maybe for years. He was found guilty. The jury has made, in my opinion, the appropriate sentence, a sentence that is appropriate for a crime of this magnitude—the death sentence.

Certainly it would be a dishonor to our national cemeteries and the veterans if he was accorded veterans benefits, both financial benefits as well as burial rights in our national cemetery. I think it would desecrate the cemetery. I think that is certainly sacred ground, hallowed ground, honoring our national veterans, individuals that gave their lives in service to their country, individuals who served our country and were willing to give their lives.

To have Mr. McVeigh buried alongside our national heroes I think would be a serious, serious mistake and a real denigration to our national heroes.

So, Mr. President, I am happy to cosponsor this legislation. I am happy with the leadership of the Senate and the leadership of the Veterans' Affairs Committee, Senator SPECTER, and Mr. TORRICELLI, for bringing this to the floor of the Senate. And I am hopeful that it will receive a unanimous vote in this Senate and also be adopted by our colleagues in the House.

I yield the floor.

Mr. CAMPBELL. Mr. President, today I support a bill to correct a serious problem made apparent by the recent conviction of Timothy McVeigh for his cowardly act of terrorism. I was in the process of drafting a bill on this issue, but in light of the scope of the bill proposed by the Veteran's Committee chairman, I am pleased to join as a cosponsor of this legislation to accomplish my goals.

Our Nation remains outraged at that terrorist act and the individual who was convicted of committing it. We now are further outraged at the thought of that person being eligible for burial in a military cemetery beside our fallen brothers and sisters.

As you well know, Mr. President, these military burials function to honor the brave men and women who have placed themselves in harm's way in order to defend our freedom and the system of government that has protected us for more than 200 years. As a Korean war veteran and a member of the Veterans' Affairs Committee, I am personally aware of the sacrifices made by our men and women in uniform to serve and protect these freedoms.

When anyone seeks to destroy our system of government by acts of terrorism, it is certainly a slap in the face to those who have served to protect freedom. Allowing that individual to be buried alongside truly honorable veterans is not only an injustice, it is disrespectful of the memory of those buried in our military cemeteries and to their families who sacrificed as well.

This bill, introduced by Senator SPECTER, expands the criteria by which

a veteran should be denied benefits and although I had planned to introduce such a bill, I am pleased to cosponsor S. 923 to be absolutely certain that any individual convicted of a crime as heinous as the Oklahoma City bombing will never be buried among our Nation's heroes.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 414) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I believe we are already for a vote on this bill.

The PRESIDING OFFICER. Is there further debate on the measure? If not, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from South Dakota [Mr. JOHNSON] are necessarily absent.

I further announce that the Senator from South Dakota [Mr. JOHNSON] is absent attending a funeral.

I further announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—98

Abraham	Cleland	Frist
Akaka	Coats	Glenn
Allard	Cochran	Gorton
Ashcroft	Collins	Graham
Baucus	Conrad	Gramm
Bennett	Coverdell	Grams
Biden	Craig	Grassley
Bingaman	D'Amato	Gregg
Bond	DeWine	Hagel
Boxer	Dodd	Harkin
Breaux	Domenici	Hatch
Brownback	Dorgan	Helms
Bryan	Durbin	Hollings
Bumpers	Enzi	Hutchinson
Burns	Faircloth	Hutchison
Byrd	Feingold	Inhofe
Campbell	Feinstein	Inouye
Chafee	Ford	Jeffords
Kempthorne	McConnell	Sessions
Kennedy	Mikulski	Shelby
Kerrey	Moseley-Braun	Smith (NH)
Kerry	Moynihan	Smith (OR)
Kohl	Murkowski	Snowe
Kyl	Murray	Specter
Landrieu	Nickles	Stevens
Lautenberg	Reed	Thomas
Leahy	Reid	Thompson
Levin	Robb	Thurmond
Lieberman	Roberts	Torricelli
Lott	Rockefeller	Warner
Lugar	Roth	Wellstone
Mack	Santorum	Wyden
McCain	Sarbanes	

NOT VOTING—2

Daschle Johnson

The bill (S. 923), as amended, was passed, as follows:

S. 923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF VETERANS BENEFITS.

Notwithstanding any other provision of law, a person who is convicted of a Federal capital offense is ineligible for benefits provided to veterans of the Armed Forces of the United States pursuant to title 38, United States Code.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JUDGE RICHARD MATSCH

Mr. CAMPBELL. Mr. President, as my colleagues know, the Oklahoma City bombing trial of Timothy McVeigh has concluded in Denver. The jury found McVeigh guilty on all 11 counts against him, and he has been sentenced to death.

Now that these proceedings are over, I take this opportunity to call to the attention of my colleagues the outstanding service of Chief Judge Richard Matsch who presided over the Oklahoma City bombing trial at a time when many of us here in this body are considering the appointment process for Federal judges. His leadership has provided many Americans a renewed faith in the judicial process. His example of fair, firm leadership is an outstanding model we should consider for future Federal judicial appointments.

Many members of the legal profession and the media predicted that the Oklahoma City bombing trial would last 4 months. Under Judge Matsch's calm, competent direction, the trial concluded in only 2 months.

Judge Matsch has an impressive legal career. He was associate editor of the law review at the University of Michigan School of Law. After law school, he joined the U.S. Army and became an intelligence officer. When he left the Army, he moved to Denver where he was in private practice. Judge Matsch went on to become a city attorney, a Federal prosecutor, and a bankruptcy judge before President Nixon nominated him to the Federal bench in 1974. In 1994 he was elevated to chief judge.

Judge Richard Matsch has earned the admiration of his colleagues and lawyers who have appeared before him. Lawyers and colleagues from the bench praised the choice of Matsch to preside over the trial noting that he has the appropriate judicial temperament. One attorney who has argued before him said poetically, Judge Matsch "is better than indoor plumbing."

In light of the skillful and professional way Judge Matsch handled the proceedings of the McVeigh trial, I urge my colleagues to join me in recognizing the contributions of Judge Matsch to our justice system and commending him for his firm, swift justice in such a tragic case. He has touched the lives of many Americans with his outstanding service, and has renewed the faith in all of us that justice can be served.

I thank the Chair, and I yield the floor.

AUTHORIZATION FOR EAST-WEST CENTER

Mr. GRAMS. Mr. President, during the negotiations to achieve passage of the Foreign Affairs Reform and Restructuring Act of 1997, a number of concessions had to be made to accommodate competing interests. One such example was the continuation of the authorization for the East-West Center at the current level of $10 million for both fiscal years 1998 and 1999.

According to its budget justification, the East-West Center seeks to improve understanding and relations between Asia, the Pacific islands, and America. While this may be a worthwhile endeavor, we must question whether it merits a direct subsidy when the center seems to duplicate State Department activities and other private business, academic, cultural exchange, and tourism programs.

The East-West Center already receives a high proportion of its funding from private sources and project specific Federal grants. It seems that it could continue its core functions without the American taxpayer footing the bill. Even the Clinton administration has recognized the need to terminate Federal funding for this center. The administration's budget summary noted

that the effort to phase out governmental funding for the East-West Center will continue with its request of $7 million. Yesterday we took a step backwards from achieving that goal. It is my sincere hope that the appropriators will reduce funding from the current level.

I started my fight to eliminate Federal funding for the East-West Center nearly 2 years ago, and I plan to continue my efforts. Many of my colleagues think that $10 million isn't a lot of money considering that we have a $1.6 trillion budget. I believe every expenditure should be reviewed regularly. At a time when Congress, at the request of the taxpayers, is working to finally balance the budget, this kind of sole-source, noncompetitive project can no longer be justified.

U.N. VOLUNTARY FUND FOR VICTIMS OF TORTURE

Mr. GRAMS. Mr. President, during the debate on reforming the United Nations to make it a more effective organization, there was little discussion about the important work that the United Nations carries out. One good example which directly relates to my State is, the U.N.'s leading role in promoting and providing financial assistance to treatment centers for victims of torture around the world. The passage of my amendment to the Foreign Affairs Reform and Restructuring Act of 1997, which authorizes the United States to contribute $3 million in fiscal year 1998 and $3 million in fiscal year 1999 to the U.N. Voluntary Fund for Victims of Torture, ensures that treatment centers in more than 50 countries will continue to receive support. I would like to thank the junior Senator from Minnesota for cosponsoring my amendment, and joining me in being an advocate for helping victims of torture.

My home State of Minnesota is fortunate to have the first and only comprehensive treatment center in the United States for victims of torture. The Center for Victims of Torture has treated over 500 patients since it was established in 1985, and has enabled them to become productive members of our communities by overcoming the atrocities suffered in their countries of origin. I have learned a great deal from visiting the Center and meeting its clients and staff. In addition to providing treatment to persons who have been tortured by foreign governments, the Center has been active in providing training and support for treatment centers abroad.

The United States should take a leading role in encouraging the establishment of additional treatment programs both at home and abroad. We are making progress in this direction. The United States is now the largest contributor to the U.N. Voluntary Fund for Victims of Torture. We must continue to support treatment centers, like the one in Minnesota, which helps those who cannot help themselves—victims of torture. Dedicating more of our U.N. voluntary funds for this purpose will help provide this important service to more needy victims.

REPORTING OF S. 858, THE INTELLIGENCE AUTHORIZATION BILL FOR FISCAL YEAR 1998 FROM THE ARMED SERVICES COMMITTEE

Mr. THURMOND. Mr. President, I am pleased to favorably report out from the Committee on Armed Services, S. 858, the intelligence authorization bill for fiscal year 1998, without amendment or written report.

STATE DEPARTMENT AUTHORIZATION BILL

Mr. BINGAMAN. Mr. President, I rise to express my concern about the passage of S. 903, the Foreign Affairs Reform and Restructuring Act of 1997. Some of my distinguished colleagues have cited this legislation as historic in scope and worthy of support because of the consolidation of the U.S. Information Agency, the Arms Control and Disarmament Agency, and parts of the Agency for International Development into the Department of State. I do not object to this consolidation, but I am concerned that the Senate is yet again infringing too much on the Presidential prerogative to be the primary architect of U.S. foreign policy. This bill gives microlevel direction on how consolidation should occur, and I feel that this is not appropriate for the Senate to be trying to micromanage the performance of our State Department agencies, offices, and employees.

Mr. President, I have other concerns as well with S. 903. As Senators LUGAR and SARBANES have articulated, I feel that we have established inappropriate benchmarks for the United Nations in this legislation so that moneys obligated by the United States to the United Nations can be released. I feel that it is important for the United States to communicate its concerns to the United Nations about its management problems. But I also feel it is important for the United States to honor its already incurred obligations and pay our debts. Furthermore, some of the tests that we impose on the United Nations are very inappropriate. For instance, during the first year, only $100 million of the $819 million in arrears payments after a sovereignty test, which states that efforts must be taken to ensure that no U.S. law be over-ridden or changed by any action of the United Nations. I don't believe that there are many legislators in this Congress who believe for a moment that any U.N. law would purport to have such authority, nor would the United States allow such authority to be vested in the United Nations. However, the inclusion of this in S. 903 sends a signal to our constituents that this is a serious problem. I was sent to the Senate to try and address real problems, not to stir up fake ones.

On another front, it seems to me strange that we would be abolishing two agencies and preparing for the absorption of a third into the Department of State and at the same time creating a brand-new stand-alone agency to oversee the broadcasting functions that were traditionally part of the U.S. Information Agency and under the auspices of the Board for International Broadcasting, which was abolished by the International Broadcasting Act of 1994. We should be basing our current institutional consolidations on the basis that the cold war has ended and that we need to reorganize to meet the challenges of a new and different international system. This legislation however, which sets up a structure virtually identical to the Board for International Broadcasting will cover, among other activities, our broadcasting to Cuba activities. I think that it is not wise to build new institutions, which this bill does, which will keep our Nation mired in a cold war mode.

For these and other reasons, Mr. President, I am registering my objection to this State Department authorization bill, S. 903. I realize that this bill will pass with overwhelming support from this Chamber, but I believe that sometimes we can give away too much on the commonsense front to strike a deal.

MESSAGES FROM THE PRESIDENT

Messages, from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:42 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 985. An act to provide for the expansion of the Eagles Nest Wilderness within Arapaho and White River National Forests, Colorado, to include the lands known as the Slate Creek Addition upon the acquisition of the lands by the United States.

H.R. 1057. An act to designate the building in Indianapolis, Indiana, which houses the operations of the Circle City Station Post Office as the "Andrew Jacobs, Jr. Post Office Building."

H.R. 1058. An act to designate the facility of the United States Postal Service under construction at 150 West Margaret Drive in Terra Haute, Indiana, as the "John T. Myers Post Office Building."

H.R. 1747. An act to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes.

H.J. Res. 56. Joint resolution celebrating the end of slavery in the United States.

The message also announced that the House has passed the following bill, without amendment:

S. 342. An act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 32. Joint resolution to consent certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Commission Act, 1920.

The enrolled joint resolution was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 985. An act to provide for the expansion of the Eagles Nest Wilderness within Arapaho and White River National Forests, Colorado, to include the lands known as the Slate Creek Addition upon the acquisition of the lands by the United States; to the Committee on Energy and Natural Resources.

H.R. 1057. An act to designate the building in Indianapolis, Indiana, which houses the operations of the Circle City Station Post Office as the "Andrew Jacobs, Jr. Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1058. An act to designate the facility of the United States Postal Service under construction at 150 West Margaret Drive in Terra Haute, Indiana, as the "John T. Myers Post Office Building"; to the Committee on Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following measures were read the first and second times by unanimous consent and placed on the calendar:

H.J. Res. 56, Joint resolution celebrating the end of slavery in the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2217. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Uniformed Services University of Health Sciences; to the Committee on Armed Services.

EC–2218. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Specialized Treatment Services; to the Committee on Armed Services.

EC–2219. A communication from the General Counsel of the Department of Defense, transmitting, drafts of eight legislative proposals; to the Committee on Armed Services.

EC–2220. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to Gulf War veterans; to the Committee on Armed Services.

EC–2221. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Food Labeling" received on June 16, 1997; to the Committee on Labor and Human Resources.

EC–2222. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, two rules including a rule entitled "Indirect Food Additives" received on June 16, 1997; to the Committee on Labor and Human Resources.

EC–2223. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, four rules received on June 17, 1997; to the Committee on Environment and Public Works.

EC–2224. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report of a rule, received on June 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2225. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report of a rule, received on May 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2226. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report of a rule, received on June 5, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2227. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, seven rules received on May 22, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2228. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, five rules received on May 22, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2229. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, four rules received on June 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2230. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, ten rules received on June 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2231. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, a report of thirty-six rules, received on June 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2232. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, a report of three rules, received on June 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2233. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, a draft of proposed legislation to amend the National Flood Insurance Act of 1968 to extend the Act, authorize appropriations, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

EC–2234. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, a report of four rules, received on June 9, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2235. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, a report of four rules, received on June 12, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2236. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, a report of three rules, received on June 12, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2237. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, a report of forty-two rules, received on June 9, 1997; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 797. A bill to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes (Rept. No. 105–30).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 858. An original bill to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 936. An original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance:

Kevin L. Thurm, of New York, to be Deputy Secretary of Health and Human Services.

Richard J. Tarplin, of New York, to be an Assistant Secretary of Health and Human Services.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Mr. CLELAND, Mr. WELLSTONE, Mr. ROBB, Ms. LANDRIEU, Mr. HARKIN, Mr. BUMPERS, and Ms. MIKULSKI):

S. 929. A bill to amend the Small Business Act to promote the partnership of small businesses and federally sponsored research entities to develop commercial applications for research projects, and for other purposes; to the Committee on Small Business.

By Ms. COLLINS:

S. 930. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for education, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 931. A bill to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center; to the Committee on Energy and Natural Resources.

By Mr. GRAMM (for himself, Mr. BUMPERS, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. SESSIONS, Mr. THURMOND, Mr. SHELBY, and Mr. CLELAND):

S. 932. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to require the Secretary of Agriculture to establish a National Advisory and Implementation Board on Imported Fire Ant Control, Management, and Eradication and, in conjunction with the Board, to provide grants for research or demonstration projects related to the control, management, and possible eradication of imported fire ants, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MOSELEY-BRAUN (for herself, Ms. SNOWE, Mr. KENNEDY, and Ms. MIKULSKI):

S. 933. A bill to amend section 485(g) of the Higher Education Act of 1965 to make information regarding men's and women's athletic programs at institutions of higher education easily available to prospective students and prospective student athletes; to the Committee on Labor and Human Resources.

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. BOND, Mr. INOUYE, Mr. LUGAR, Mr. WARNER, Mr. BIDEN, and Mr. DEWINE):

S. 934. A bill to amend the Public Health Service Act to reauthorize the adolescent family life program, provide for abstinence education, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. BOND, Mr. INOUYE, Mr. COCHRAN, and Mr. HARKIN):

S. 935. A bill to amend the Internal Revenue Code of 1986 to increase the limit on the credit for adoption expenses and the exclusion for employer-provided adoption assistance for the adoption of special needs children, and to allow penalty-free IRA withdrawals for adoption expenses; to the Committee on Finance.

By Mr. THURMOND:

S. 936. An original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel stengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 102. A resolution designating August 15, 1997, as "Indian Independence Day: A National Day of Celebration of Indian and American Democracy."; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. CLELAND, Mr. WELLSTONE, Mr. ROBB, Ms. LANDRIEU, Mr. HARKIN, Mr. BUMPERS, and Ms. MIKULSKI):

S. 929. A bill to amend the Small Business Act to promote the partnership of small businesses and federally sponsored research entities to develop commercial applications for research projects, and for other purposes; to the Committee on Small Business.

THE SMALL BUSINESS TECHNOLOGY TRANSFER ACT OF 1997

Mr. KERRY. Mr. President, today I am introducing along with Senators CLELAND, WELLSTONE, ROBB, LANDRIEU, and HARKIN, the Small Business Technology Transfer Act of 1997. I ask unanimous consent that those senators listed in my statement be named original co-sponsors. This legislation would reauthorize the Small Business Administration's Small Business Technology Transfer Pilot Program through fiscal year 2003. The STTR program was originally authorized five years ago to combine the technological innovation of America's universities and research institutions with the business know-how and entrepreneurial spirit of our country's small businesses.

The fact is that other countries are significantly more aggressive in many ways about their joint ventures or partnerships between government and business in order to try to steal market share or create market where there may not even be one. Recently we learned that even as the United States was cutting back on basic research in our budget, Japan had committed a 50-percent increase to its budget because they understand that basic research is the foundation for the future products of the world, and those countries that are able to capitalize on this research are in a much better position to expand their job base.

Millions of dollars each year go to federally sponsored research projects at America's universities, non-profit research centers and federal research laboratories. The innovations that are developed are amazing but the people who conduct the research are not always the best ones to market the product and develop it for commercial use.

We have seen case after case where somebody at a university or at a federally sponsored research facility is sitting on top of a gold mine of information and technology, or even a specific product, but they do not know how to identify the proper target market, gain access to capital, or do the other things necessary to move that product from the laboratory to the marketplace. The STTR program was developed by those of us who feel very strongly that we need to help bridge that gap; that it is an important function in this modern marketplace for us to leverage the ability of those small entrepreneurs by partnering them with the researchers to take the technology out into the marketplace. Because the core competency of research institutions lies in research and not business, fewer practical applications for federally sponsored research were developed than was originally desired. It was Congress' intention to reconcile this problem by coupling non-profit research institutions with small businesses in order to promote the transfer of valuable technology into the commercial sector. This not only benefits the economy, but it ensures that the sponsoring Federal agencies get far more results for the dollars that we invest in research. I know taxpayers are much happier when we do that.

Small business is a more effective mechanism for transferring technology from research institutions to industry where the technology can be used to improve the economy. This is important because even though our research institutions lead the world in science and engineering research, we have had difficulty successfully developing them into commercial applications. Transferring technology from research forums to the commercial marketplace not only benefits the American economy, but also further serves the needs of the sponsoring federal agency by providing better products as a result of the collaboration between the non-profit and for-profit sectors.

Research for federal agencies is conducted in very diverse areas. Because the STTR program is limited to federal agencies with at least one billion dollars designated for outside research, currently five federal agencies participate in the STTR program. Through a

series of three phases, research in areas of defense, health and transportation is transformed by small businesses into products and innovations that can be applied in the commercial marketplace. In the first three years of the STTR program, over $115 million have been awarded by the five participating federal agencies. In fiscal year 1996 alone, over $60 million in awards were made to over 320 projects. My home state of Massachusetts had 50 projects receive awards in fiscal year 1996 for a total of over $8.7 million. Among the recipients of these awards were Harvard Medical School, Worcester Polytech and Boston University.

The STTR program helps American businesses compete in the highly competitive marketplace of science and technology. Most of the small businesses participating in this program do not have their own research departments and could not afford to conduct the research needed to produce these products. But by collaborating with the various research institutions, these small businesses gain the access to technology and advanced research they need to bring quality products to the private sector.

I want to tell you about one company whose experience with the STTR program exemplifies how the small business/research institution partnership has succeeded in bringing ideas to market. Metal Matrix Cast Composites is a small business located in Waltham, Massachusetts. MMCC is working with the Massachusetts Institute of Technology to develop and test aluminum alloys reinforced with ceramic particulates. Besides having potential military applications, these new materials have many commercial applications including brake systems for cars and landing gears for airplanes. Under a previous STTR contract, MMCC developed a product along with Northeastern University in Boston, that allowed them to provide advanced composite parts to its customers. Under that contract, MMCC has already sold these parts to aerospace, electrical, computer and medical instrument suppliers.

The lesson of Metal Matrix Cast Composites is clear. When given the opportunity to collaborate with each other, small businesses and research institutions can produce quality products with real commercial applications that otherwise may not have reached the marketplace.

We are not talking about substituting for what the sector does already. We are not talking about taking the place of something that the private sector figured out it could do better by itself or wanted to do. We are talking about providing something where it did not exist, where it will not exist, where in most instances it cannot without the proper kind of leverage and the proper kind of coordination. As much as all of us would like to feel that Adam Smith's rules are the ones that ought to prevail in the marketplace, the fact is that every other one of our industrial competitors is playing today by a different set of rules, by a set of, in many cases, unfair trade practices where they are willing to dump, willing to joint venture, willing to subsidize, willing to engage in a host of practices that undermine our capacity to move to those markets.

By reauthorizing the STTR program, we will be giving more small businesses the opportunity to gain access to technology and then to succeed in the marketplace. I urge my colleagues to support this worthy program.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD, and I also ask unanimous consent that the bill be available for other sponsors who wish to cosponsor it through the course of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Technology Transfer Act of 1977".

SEC. 2. FINDINGS.

Congress finds that—

(1) federally sponsored research at nonprofit institutions has not been adequately applied to commercial purposes in the past;

(2) small businesses have the entrepreneurial spirit and business experience to apply research for commercial uses;

(3) the partnership between small businesses and research institutions will create more commercial uses for innovative ideas that will spur the economy; and

(4) although to date the Small Business Technology Transfer program has produced quality research proposals, an additional evaluation period is warranted before the program is expanded or made permanent.

SEC. 3. PURPOSES.

The purpose of this act is to reauthorize the Small Business Technology Transfer program for fiscal years 1998 through 2003 to allow for a more complete assessment of the impact and effectiveness of the program.

SEC. 4. SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

(a) IN GENERAL.—Section 9(n) of the Small Business Act (15 U.S.C. 638(n) is amended by striking paragraph (1) and inserting the following:

"(1) REQUIRED EXPENDITURE AMOUNTS.—With respect to fiscal years 1998, 1999, 2000, 2001, 2002, or 2003, each Federal agency that has an extramural budget for research, or research and development, in excess of $1,000,000,000 for that fiscal year, may expend with small business concerns not less than 0.15 percent of that extramural budget specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1997.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 931. A bill to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center, to the Committee on Energy and Natural Resources.

MARJORY STONEMAN DOUGLAS WILDERNESS AND ERNEST F. COE VISITOR CENTER DESIGNATION ACT

Mr. GRAHAM. Mr. President, I'm happy to have this opportunity today to introduce legislation to amend the National Parks and Recreation Act of 1978 to designate the Marjory Stoneman Douglas Wilderness and to amend the Everglades National Park Protection and Expansion Act of 1989 to designate the Ernest F. Coe Visitor Center.

Ms. Douglas and Mr. Coe led the charge to establish Everglades National Park and raise public awareness to restore its vitality.

I think most Americans know that Everglades National Park preserves the subtropical region at the southern tip of Florida. But what most people don't realize is that the park has been nominated by the United States and accepted by the world community as a world heritage site, a wetland of international significance, and a biosphere reserve in recognition of its international significance. It is the only site in the Nation that has received all three designations, which serves to underscore the superlative qualities of the park on a global scale.

Everglades National Park is well known for its diverse and unique wildlife, including alligators and crocodiles, eagles, manatees, and various fish species. The park has 13 species of endangered birds. It has open prairies and extensive saltwater areas with sawgrass marshes, mangroves, and shallow bays. Its 1.3 million acres of wilderness make it the largest subtropical wilderness in the continental United States.

In 1926 and again in 1928, Senator Park Trammel of Florida introduced legislation calling for an examination of the Everglades to determine if a portion could qualify as a national park. The National Park Service had made some preliminary inquiries into the matter when Ernest Francis Coe came forward to champion the idea of creating a national park in southern Florida. Coe came to Coconut Grove from New England in 1925 and was overwhelmed with the natural beauty and wildlife of the Cape Sable and Ten Thousand Islands area. He wanted to find some way to protect the bird rookeries and hammocks, and the establishment of a national park seemed like an ideal solution.

Mr. Coe became the central leader in the campaign to create Everglades National Park. In 1928, he organized the Tropic Everglades National Park Association and is widely regarded as the

Father of Everglades National Park. As a landscape architect, Mr. Coe's vision for the park recognized the need to protect south Florida's diverse wildlife and their habitats for future generations. His leadership, selfless devotion, and commitment to achieving this vision culminated in the authorization of the park by Congress in 1934 and its subsequent dedication by President Truman in 1947.

While it is not required by law that Congress name park visitor centers, this legislation will demonstrate Congress' support for honoring Mr. Coe's legacy. Because of his central role in the establishment of Everglades National Park, it is also a fitting tribute that park visitors be greeted by the congressionally designated Coe Center.

In 1947, Marjory Stoneman Douglas published her landmark book, "The Everglades: River of Grass," which greatly increased interest in and concern for the Everglades. Ms. Douglas, who celebrated her 107th birthday on April 6, symbolizes the struggle to save the Everglades. Her pioneering work was the first to highlight the plight of the Everglades and ultimately served to awaken public interest in restoring its health. Ms. Douglas has dedicated her life to the defense of the Everglades through her extraordinary personal effort and by inspiring countless others to take action. Recognizing these accomplishments, in 1992 President Clinton awarded her to the Medal of Freedom, the Nation's highest civilian award.

Ms. Douglas has consistently stated her wish to have Ernest Coe's efforts suitably commemorated at the park. She has expressed through her associates Dr. Sharon T. Richardson her delight with the idea of designating the Marjory Stoneman Douglas Wilderness area. Dr. Richardson has added her opinion that, "Nothing could mark her life more suitably than to give her name to this resplendent wilderness."

I can only echo that sentiment and add that nothing could be more appropriate during this 50th anniversary year of Everglades National Park, than the commemoration of these two legends as proposed in this bill.

To quote from Marjory Stoneman Douglas' book "River of Grass:"

There are no other Everglades in the World.

They are, they have always been, one of the unique regions of the earth, remote, never wholly known. Nothing anywhere else is like them: their vast glittering openness, wider than the enormous visible round of the horizon, the racing free saltness and sweetness of their massive winds, under the dazzling blue heights of space. They are unique also in the simplicity, the diversity, the related harmony of the forms of life they enclose. The miracle of the light pours over the green and brown expanse of saw grass and of water, shining and slow-moving below, the grass and water that is the meaning and the central fact of the Everglades of Florida. It is a river of grass.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marjory Stoneman Douglas Wilderness and Ernest F. Coe Visitor Center Designation Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1)(A) Marjory Stoneman Douglas, through her book, "The Everglades: River of Grass" (published in 1947), defined the Everglades for the people of the United States and the world;

(B) Mrs. Douglas' book was the first to stimulate widespread understanding of the Everglades ecosystem and ultimately served to awaken the desire of the people of the United States to restore the ecosystem's health;

(C) in her 107th year, Mrs. Douglas is the sole surviving member of the original group of people who devoted decades of selfless effort to establish the Everglades National Park;

(D) when the water supply and ecology of the Everglades, both within and outside the park, became threatened by drainage and development, Mrs. Douglas dedicated the balance of her life to the defense of the Everglades through extraordinary personal effort and by inspiring countless other people to take action;

(E) for these and many other accomplishments, the President awarded Mrs. Douglas the Medal of Freedom on Earth Day, 1994; and

(2)(A) Ernest F. Coe (1886–1951) was a leader in the creation of Everglades National Park;

(B) Mr. Coe organized the Tropic Everglades National Park Association in 1928 and was widely regarded as the father of Everglades National Park;

(C) as a landscape architect, Mr. Coe's vision for the park recognized the need to protect south Florida's diverse wildlife and habitats for future generations;

(D) Mr. Coe's original park proposal included lands and waters subsequently protected within the Everglades National Park, the Big Cypress National Preserve, and the Florida Keys National Marine Sanctuary; and

(E)(i) Mr. Coe's leadership, selfless devotion, and commitment to achieving his vision culminated in the authorization of the Everglades National Park by Congress in 1934;

(ii) after authorization of the park, Mr. Coe fought tirelessly and lobbied strenuously for establishment of the park, finally realizing his dream in 1947; and

(iii) Mr. Coe accomplished much of the work described in this paragraph at his own expense, which dramatically demonstrated his commitment to establishment of Everglades National Park.

(b) PURPOSE.—It is the purpose of this Act to commemorate the vision, leadership, and enduring contributions of Marjory Stoneman Douglas and Ernest F. Coe to the protection of the Everglades and the establishment of Everglades National Park.

SEC. 3. MARJORY STONEMAN DOUGLAS WILDERNESS.

(a) REDESIGNATION.—Section 401(3) of the National Parks and Recreation Act of 1978 (Public Law 95-625; 92 Stat. 3490; 16 U.S.C. 1132 note) is amended by striking "to be known as the Everglades Wilderness" and inserting "to be known as the Marjory Stoneman Douglas Wilderness to commemorate the vision and leadership shown by Mrs. Douglas in the protection of the Everglades and the establishment of the Everglades National Park".

(b) NOTICE OF REDESIGNATION.—The Secretary of the Interior shall provide such notification of the redesignation made by the amendment made by subsection (a) by signs, materials, maps, markers, interpretive programs, and other means (including changes in signs, materials, maps, and markers in existence before the date of enactment of this Act) as will adequately inform the public of the redesignation of the wilderness area and the reasons for the redesignation.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the "Everglades Wilderness" shall be deemed to be a reference to the "Marjory Stoneman Douglas Wilderness".

SEC. 4. ERNEST F. COE VISITOR CENTER.

(a) DESIGNATION.—Section 103 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-7) is amended by adding at the end the following new subsection:

"(f) ERNEST F. COE VISITOR CENTER.—On completion of construction of the main visitor center facility at the headquarters of Everglades National Park, the Secretary shall designate the visitor center facility as the 'Ernest F. Coe Visitor Center', to commemorate the vision and leadership shown by Mr. Coe in the establishment and protection of Everglades National Park.".

SEC. 5. CONFORMING AND TECHNICAL AMENDMENTS.

Section 103 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-7) is amended—

(1) in subsection (c)(2), by striking "personally-owned" and inserting "personally-owned"; and

(2) in subsection (e), by striking "VISITOR CENTER" and inserting "MARJORY STONEMAN DOUGLAS VISITOR CENTER".

By Mr. GRAMM (for himself, Mr. BUMPERS, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. SESSIONS, Mr. THURMOND, Mr. SHELBY, and Mr. CLELAND):

S. 932. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to require the Secretary of Agriculture to establish a national advisory and implementation board on imported fire ant control, management, and eradication and, in conjunction with the board, to provide grants for research or demonstration projects related to the control, management, and possible eradication of imported fire ants, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FIRE ANT CONTROL, MANAGEMENT, AND ERADICATION ACT OF 1997

Mr. GRAMM, Mr. President, today, I am joined by Senators BUMPERS, HUTCHISON, HUTCHINSON, THURMOND, SHELBY, SESSIONS, and CLELAND in introducing the Fire Ant Control, Management, and Eradication Act of 1997. Over the last 76 years, imported fire

ants have infested over 275 million acres in 13 Southern States. The fire ant affects both urban and rural areas with damage estimates in the billions of dollars annually. In Texas, fire ant damage is estimated at $300 million annually, and the cattle industry alone suffers annual losses of $67 million. Further, it is estimated that the State of Georgia loses $46 million annually, with Louisiana and Alabama incurring annual damages of $23.8 and $16 million respectively. Mississippi has estimated losses of $12.3 million. Homeowners in the State of Arkansas spend approximately $106 million each year to combat fire ant infestation.

Research on the fire ants began in 1950 when they were first recognized as pests. However, from 1950 to mid-1980, most of the research was directed toward short-term solutions.

Researchers generally concede that acceptable approaches to managing fire ants will include pesticide use coupled with biological control agents. Since the late 1970's more data on the general biology of fire ants have been established, but vast information gaps still remain.

The legislation that I am introducing along with my colleagues will provide a scientific guide to controlling, managing, and possibly eradicating fire ants.

The legislation is modeled after the successful screwworm and boll weevil eradication programs, and is supported by the American Farm Bureau, National Cattlemen's Association, and the National Association of State Departments of Agriculture.

The bill establishes a national advisory and implementation board on fire ant control, management, and eradication. The board will consist of 12 members who are appointed by the Secretary of Agriculture and who are experts in entomology and ant ecology, wildlife biology, electrical engineering, economics, and agribusiness. An annual total of $6 million will be awarded to at least 4 but not more than 13 research projects per year for up to 5 years. After this period, the board will select two of the previously funded projects to receive an additional 2-year grant not to exceed $4 million each. In preparation for the final plan to control, manage, and if possible eradicate fire ants, the board shall select one of the two previously funded projects or a combination of both as the basis for the national plan. A final 1-year grant of not more than $5 million will be used to develop a national plan to control the imported fire ant.

Mr. President, fire ants inflict hundreds of millions of dollars in damage each year to homeowners, small businesses, and farmers, with no end in sight. Now is the time to begin using our resources to offer some relief.

By Ms. MOSELEY-BRAUN (for herself, Ms. SNOWE, Mr. KENNEDY and Ms. MIKULSKI):

S. 933. A bill to amend section 485(g) of the Higher Education Act of 1965 to make information regarding men's and women's athletic programs at institutions of higher education easily available to prospective students and prospective student athletes; to the Committee on Labor and Human Resources.

THE FAIR PLAY ACT

Ms. MOSELEY-BRAUN. Mr. President, I rise today to introduce the Fair Play Act, legislation that builds upon the extraordinary success of title IX of the Education Amendments of 1972 and promotes the continued expansion of athletic opportunities available to women at institutions of higher education. I want to thank my colleague from Maine, Senator SNOWE, my colleague from Massachusetts, Senator KENNEDY, and my colleague from Maryland, Senator MIKULSKI, for their help in writing this bill.

Twenty-five years ago, President Nixon signed title IX into law and ushered in a new era of opportunity for American women and girls. Prior to the enactment of title IX, fewer than 32,000 women competed in intercollegiate athletics, women received only 2 percent of schools' athletic budgets, and athletic scholarships for women were practically nonexistent.

Today, because of title IX, more than 110,000 women compete in intercollegiate athletics and women account for 37 percent of college varsity athletes. Last year at the 1996 Olympic games, American women won gold medals in basketball, soccer, softball, swimming, track and field, gymnastics, and other sports. This Saturday, the first season of the WNBA will debut on network television, and it is my understanding that advertisers have already filled every minute of commercial time for the entire WNBA season. Without title IX, none of this would have been possible. From the professional level to intercollegiate competition to local high school soccer fields, women's athletics have captured the hearts and attention of millions of Americans.

But the athletic opportunities created by title IX have contributed more than just winning teams and great female athletes. We all know that sports promotes better physical health. Science has shown us, however, that female athletes also have better mental health, emotional health, self-confidence, discipline, and higher academic achievement. Female athletes are more likely to go to and stay in college than their nonathletic peers. Female athletes are less likely to drop out of school, and are more likely to achieve higher marks in their academic classes. Athletics are an integral part of education and health, for men as well as for women.

In addition, the addition of women's varsity sports at colleges and universities has led to the creation of women's athletic scholarships. These scholarships translate directly into opportunities to go to college. Indeed, in this era when the cost of college is rising three times as fast as household income, athletic scholarships can literally mean the difference between going to college and not going to college. Title IX has brought these opportunities within reach of millions of American girls and women.

Despite the extraordinary success of title IX, however, there remains a significant gap between the athletic opportunities available to college-age women and men. While women represent 53 percent of students, they make up only 37 percent of student athletes. According to a recent NCAA study, female college athletes receive only 23 percent of athletic operating budgets, 38 percent of athletic scholarship dollars, and 27 percent of the money spent to recruit new athletes. The President's Council on Physical Fitness recently noted, "The face of sex discrimination in athletics has changed. It [is] often no longer the purposeful exclusion of the past, but a collection of more subtle inequities that could be explained away by a lack of resources."

The fact is, most colleges and universities do not provide their female students with athletic opportunities comparable to those they offer to their male students. According to a recent USA Today survey of NCAA division I-A schools, only 9 percent of the 303 schools surveyed have roughly proportionate numbers of female and male athletes.

Title IX does not, in fact, as some people believe, require schools to devote half their athletic resources to women, or equalize the number of male and female athletes. Title IX does require, however, that colleges at least make a continued effort to expand their athletics programs to fully accommodate the interests of both sexes. In order to monitor this progress and title IX compliance, colleges and universities are required to collect information about their men's and women's athletic programs, including participation rates, operating and recruitment budgets, the availability of scholarships, revenues generated from athletic programs, and coaches' salaries, and are required to make this information available upon request. There is not, however, any mechanism for the collection and distribution of this important information, and the Department of Education does not have ready access to all of this information to assist in its enforcement of title IX.

The Fair Play Act directs colleges and universities to send this information, which they already compile annually, to the Department of Education. The bill therefore imposes no additional burden on colleges and universities. The bill directs the Department

to issue an annual report and make the information available through a variety of mechanisms, including the Department's World Wide Web site and a toll-free number people to provide easy access to the information reported by schools, as well as information about title IX.

The Fair Play Act will provide prospective students and prospective student athletes with the kind of information they need to make informed decisions about where to go to school. It will give the Department of Education valuable information it needs to aid its enforcement of title IX in the area of athletics, and it will encourage schools to continue to expand the athletic programs to meet the interests of women nationwide. This legislation is the logical next step in the continuing effort to expand athletic opportunities available to women.

Over its 25 year history, title IX has been directly responsible for expanding the athletic opportunities available to millions of women and girls. The Fair Play Act will build on this legacy of success, and provide the information needed to ensure that the expansion of athletic opportunities available to women continues into the 21st century.

I urge all of my colleagues to join us today sponsoring this legislation and ask unanimous consent that a summary and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Play Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) June 23, 1997, marks the 25th anniversary of the signing of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) into law, and on that day communities across the United States will honor the tremendous difference such title IX has made to women and girls in our Nation.

(2) Since enactment in 1972, such title IX has played a vital role in expanding the athletic opportunities available to American girls and women.

(3) Prior to the enactment of such title IX, fewer than 32,000 women competed in intercollegiate athletics, women received only 2 percent of schools' athletic budgets, and athletic scholarships for women were practically nonexistent.

(4) In 1997, more than 110,000 women competed in intercollegiate sports, and women account for 37 percent of college varsity athletes.

(5) While such title IX has been very successful, a significant gap remains between the athletic opportunities available to men and the athletic opportunities available to women.

(6) According to a 1997 study by the National Collegiate Athletic Association, female college athletes receive only 23 percent of athletic operating budgets, 38 percent of athletic scholarship dollars, and 27 percent of the money spent to recruit new athletes.

(7) While women represent 53 percent of the students attending institutions of higher education, women comprise only 37 percent of the athletes attending institutions of higher education.

(8) There is substantial evidence that women and girls who participate in athletics have better physical and emotional health than women and girls who do not participate, and that participation in athletics can improve academic achievement.

(9) Easily accessible information regarding the expenditures of institutions of higher education for women's and men's athletic programs will help prospective students and prospective student athletes make informed judgments about the commitment of a given institution of higher education to providing athletic opportunities to male and female students attending the institution.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to make information regarding men's and women's athletic programs at institutions of higher education easily available to prospective students and prospective student athletes; and

(2) to increase the athletic opportunities available to women at institutions of higher education.

SEC. 4. INFORMATION AVAILABILITY.

Section 485(g) of the Higher Education Act of 1965 (20 U.S.C. 1092(g)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) SUBMISSION; REPORT; INFORMATION AVAILABILITY.—(A) Each institution of higher education described in paragraph (1) shall provide to the Secretary, within 15 days of the date that the institution makes available the report under paragraph (1), the information contained in the report.

"(B) The Secretary shall prepare a report regarding the information received under subparagraph (A) for each year by April 1 of the year. The report shall—

"(i) summarize the information and identify trends in the information;

"(ii) aggregate the information by divisions of the National Collegiate Athletic Association; and

"(iii) contain information on each individual institution of higher education.

"(C) The Secretary shall ensure that the report described in subparagraph (B) is made available on the Internet within a reasonable period of time.

"(D) The Secretary shall establish, within a reasonable period of time, a toll-free telephone service—

"(i) to provide the public with information regarding reports described in subparagraph (B);

"(ii) to provide the public with information regarding the information received under subparagraph (A); and

"(iii) to respond to inquiries from the public regarding the provisions of title IX of the Education Amendments of 1972.

"(E) The Secretary shall use the information provided by institutions of higher education under paragraph (1) to ensure compliance with title IX of the Education Amendments of 1972.

"(F) The Secretary shall notify, not later than 180 days after the date of enactment of this paragraph, all secondary schools in all States regarding the availability of the information reported under subparagraph (B) and the information made available under paragraph (1), and how such information may be accessed.

SUMMARY OF THE FAIR PLAY ACT

PURPOSE

The Fair Play Act will provide students with valuable information about men's and women's athletics programs at institutions of higher education, help the Department of Education enforce title IX in the area of athletics, and encourage schools to continue the expansion of athletic opportunities available to women.

BACKGROUND

While title IX of the Education Amendments of 1972 has succeeded in greatly expanding the athletic opportunities available to women, there remains a significant gap between the athletic opportunities available to men and women. Women represent 53 percent of students, yet they make up only 37 percent of college varsity athletes and receive only 23 percent of athletic operating budgets.

Under section 485(g) of the Higher Education Act of 1965, colleges and universities are required to compile information about their men's and women's athletic programs, including participation rates, operating and recruitment budgets, the availability of scholarships, revenues generated from athletic programs, and coaches' salaries. They are required to update this information annually and make it available upon request. Because there is no repository for this information, however, it is difficult to obtain and evaluate or put into context.

FAIR PLAY ACT

The Fair Play Act directs colleges and universities to send this information to the Department of Education, and directs the Department to disseminate the information through a variety of mechanisms.

(1) Annual Report—The bill directs the Department to issue an annual report containing the information reported by colleges and universities, including aggregate data, trends, information arranged by athletic conference, and information on individual schools.

(2) World Wide Web—The bill directs the Department to make this report available on its World Wide Web site, increasing its accessibility and saving publication costs.

(3) Toll-Free Number—The bill directs the Department to establish a toll-free number through which people could request the information reported by schools, the annual report, or other information about title IX of the Education Amendments of 1972.

(4) Notification of High Schools—The bill directs the Department to notify high schools of the availability of this information.

Mr. KENNEDY. Mr. President, I am honored to join Senator MOSELEY-BRAUN and Senator SNOWE as an original cosponsor of the Fair Play Act of 1997. Our goal is to ensure that women applying to college have the information they need to make decisions about sports opportunities at their colleges. This information will also enable the Department of Education to do a better job of enforcing title IX of the Education Amendments of 1972, which prohibits discrimination in college sports programs.

We've made progress in the quarter century since title IX became law. But we can do better.

Nancy Hogshead is an outstanding example of what we can accomplish. After suffering a great tragedy, she used sports to heal her body and spirit. That determination led to several Olympic medals, and Nancy gives title IX the credit for her success.

Many other women have excelled because title IX opened the door to opportunity. Who can forget the final home run that clinched the gold medal for the women's softball team? Or the medal-winning efforts of the women's soccer team—so many stars of that team were college athletes. And, each of us watched in awe as Kerry Strug landed her vault on one foot to secure a gold medal for the women's gymnastics team.

And we will do even better in the years ahead by ensuring that more young women in colleges in communities through across the country will have the opportunity they deserve to participate in sports.

Title IX is an essential part of our civil rights laws. But, it is often undermined by those who still believe that women and girls should be spectators in the grandstand, not participants on the playing field. From the school gym to the Olympic stadium, if genuinely equal opportunities are available, women will take advantage of them and excel. And wherever they go from college, whatever their career, the lessons they learn in sports will serve them all their lives.

That is why this legislation is so important. The Fair Play Act of 1997 provides students interested in sports with the information they need about the colleges and universities they will attend. As a result, more and more schools will take greater steps more rapidly to provide equal opportunities. And the Department of Education will have greater ability to assure full compliance with the law.

The Department of Education relies on many factors to determine whether colleges and universities are meeting the standards. But additional information will help to identify problems sooner and lead to their earlier resolution.

I look forward to working closely my colleagues in the Senate and the House to see that this legislation becomes law. Equal opportunity women in sports is an achievable goal. We know we can do a better job on this important issue, and now is the time to start doing it.

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. BOND, Mr. INOUYE, Mr. LUGAR, Mr. WARNER, Mr. BIDEN, and Mr. DEWINE):

S. 934. A bill to amend the Public Health Service Act to reauthorize the adolescent family life program, provide for abstinence education, and for other purposes; to the Committee on Labor and Human Resources.

ADOLESCENT FAMILY LIFE AND ABSTINENCE EDUCATION ACT

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. BOND, Mr. INOUYE, Mr. COCHRAN, and Mr. HARKIN):

S. 935. A bill to amend the Internal Revenue Code of 1986 to increase the limit on the credit for adoption expenses and the exclusion for employer-provided adoption assistance for the adoption of special needs children, and to allow penalty-free IRA withdrawals for adoption expenses; to the Committee on Finance.

ADOPTION PROMOTION ACT

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Adolescent Family Life and Abstinence Education Act of 1997, and the Adoption Promotion Act of 1997. This legislation updates similar legislation which I introduced in the 104th Congress. The abstinence legislation is cosponsored by Senators SANTORUM, BOND, INOUYE, LUGAR, WARNER, BIDEN, and DEWINE, and the adoption legislation is cosponsored by Senators SANTORUM, BOND, INOUYE, COCHRAN, and HARKIN.

This legislation, Mr. President, is directed at one of the most controversial and divisive issues confronting America today, and that is the issue of abortion. In my judgment, this is the most divisive issue confronting the United States since slavery. While I am personally very much opposed to abortion, I do not believe that it can be controlled by the Government. I think it is a matter for families, for women, for rabbis, ministers and priests, and it is essentially a moral issue.

But I believe there is a consensus and general agreement on working toward the elimination of abortion which most Americans would find agreeable from all perspectives. I think that America is not pro-abortion, but there is a disagreement as to whether the choice of women can be controlled by the Federal Government. One area of agreement is that we ought to do everything we can to discourage premarital sex among teenagers, unintended pregnancies, and the abortions which follow.

Senator Jeremiah Denton was a leading sponsor of abstinence education when he served in the Senate, and in 1987, more than a decade ago, I took up Senator Denton's cause in maintaining funding for abstinence education in the Appropriations Subcommittee on Labor, Health and Human Services, and Education. Last year, as chairman of that subcommittee, we increased the funding for abstinence education very substantially, but there has not been an authorization bill for some time. This legislation would call for an authorization up to some $75 million a year. I think we are not going to be able to get there in the immediate future, but I think that is a target where we ought to have authorization to give the Appropriations Committee ample room to work.

I have visited schools around the country. I have found it very much to the point to talk in very direct and candid terms to teenagers in schools about the problems of drugs and about the importance of abstinence, and there is an interest I think among teenagers in wishing to discuss it in an open and frank way. What young women need is to have counter peer pressure which would move toward abstinence. On Friday, March 15, 1996, I had the opportunity to kick off the Commonwealth of Pennsylvania's Teen Pregnancy Prevention Week at Central High School in Philadelphia. During that week, communities throughout Pennsylvania conducted special activities to promote pre-marital abstinence as the healthiest way to prevent teen pregnancy and the many other physical and emotional consequences of early sexual activity.

Last April, I visited Carrick High School in Pittsburgh, where I met with students who are involved in an abstinence program. I also visited the Susquehanna Valley Pregnancy Service in Lancaster, which works with young people who have taken pledges of abstinence and counsels them on overcoming peer pressure with counter peer pressure. I met and discussed abstinence and other issues with students at Susquehanna Township High School in Harrisburg, Manheim Township High School in Lancaster, Cedar Cliff High School in New Cumberland, Central York High School in York, and Liberty High School in Bethlehem.

Throughout the 104th Congress, I conducted hearings on the issues of teen pregnancy, abstinence education, and adoption in my capacity as chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education. Numerous witnesses shared their expertise and experiences. I ask unanimous consent a complete list of these witnesses be printed in the RECORD as exhibit 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. The legislation I am introducing today builds on the significant progress made in the 104th Congress, where we enacted tax credits for adoption and authorized, through the welfare bill, an additional $50 million for fiscal years 1998 to 2002 to provide abstinence education. As my colleagues may recall, I introduced similar legislation in the 104th Congress on April 29, 1996.

At the outset, let me provide my colleagues with a brief summary of the legislation. My first proposal would reauthorize and expand the Adolescent Family Life Program, providing $75

million annually to promote abstinence education for teens. My second proposal would increase the tax credit for adopting special-needs children to $7,500 and would permit penalty-free withdrawals from individual retirement accounts for adoption expenses. These two bills complement my efforts to advocate adequate prenatal care, especially for teens, through the Healthy Start Program. We know that in most instances, prenatal care is effective in preventing premature births. I saw my first 1-pound baby more than a decade ago. It is really a startling sight, a child no bigger than my hand, carrying scars for a lifetime and costing as much as $400,000 in medical care per child over a lifetime, according to the most recent data from the National Commission to Prevent Infant Mortality.

Mr. President, nearly 200 years ago, the French writer Alexis de Tocqueville is said to have observed that "America is great because she is good, and if America ever ceases to be good, America will cease to be great." His analysis is timeless.

It is impossible to be a public official today, to travel throughout States such as Pennsylvania and elsewhere in the United States, without recognizing that America's problems are more moral than material. As we have tried to steer toward a growing economy and a balanced budget, we have seen a growing consensus that all our goals must rest on a restored ethic of personal responsibility. A crisis of values, in fact, underlies many of the public policy problems the Senate addresses on a daily basis. This has impressed upon me the need for people of strong moral commitments to enter public service and public debate, so that we may confront the underlying problems together and move our Nation forward.

While the news media offer us a monthly snapshot of leading economic indicators, it may be that our leading moral indicators are more telling, such as the staggering number of teenage pregnancies and the rapid rise in juvenile crime, which suggest that the erosion of the American family continues unabated. Further, today more than 50 percent of American marriages end in divorce, meaning that millions of children face at least some instability in their home environment. Marriage is obviously important in that a strong family structure, based on a commitment of mutual support and respect, is vital for children. On the subject of family values, I speak with considerable pride about the manner in which my parents and my siblings have respected the institution of marriage. In addition to my own marriage of 44 years and my parents' marriage of 45 years, my brother, Morton, and his wife, Joyce, were married for 51 years until his death in 1993. My sister, Hilda, and her husband, Arthur Morgenstern, celebrated their 54th wedding anniversary in April 1997. My sister, Shirley, was married to Edward Kety for 46 years until his death in 1995. My son, Shanin, and his wife, Tracey, celebrated their 10th wedding anniversary on June 29, 1996. So our family totals 250 years of marriage, and counting.

On this critical question of the health of America's families, the grim statistics are worth airing. The number of teenage pregnancies in the United States continues to reach alarming levels. According to data compiled by the Alan Guttmacher Institute, in 1992, the most recent year for which statistics are available, approximately 931,000 women aged 15 to 19 became pregnant. Further, the National Center for Health Statistics reports that there were 500,744 births to women aged 15 to 19 in 1995, and an additional 12,318 births to women under 15 years of age. By comparison, the United Nations Population Division reports that the United States teenage birth rate, 64 births per 1,000 females aged 15 to 19 for the period 1990–95, is the highest in the industrialized world. France and Japan report some of the lowest teenage birth rates, at 9 and 4 births per 1,000 females, respectively. Another leading moral indicator is the rapid increase in the number of unwed teenage mothers. According to Child Trends, Inc., the percentage of births to mothers under age 20 that occurred outside of marriage rose from 48 percent in 1980 to 76 percent in 1994.

Teenage mothers face more complications in childbirth, and their children are 50 percent more likely to be born premature. These children also have a greater risk of dying in the first year of life, suffering developmental problems, and becoming teen parents themselves. Further, the Office of Population Affairs of the U.S. Department of Health and Human Services reports that 80 percent of children born to unwed teenage mothers who have not completed high school live in poverty. By contrast, of those children born to 20-year-old married parents who are high school graduates, only 8 percent live in poverty. In addition, more than three-fourths of unmarried teen mothers began receiving Aid to Families with Dependent Children [AFDC] within 5 years after the birth of their first child. A report released in 1996 by the Robin Hood Foundation estimated that adolescent childbearing costs the taxpayers $6.9 billion each year in welfare and food stamp benefits, medical care expenses, lost tax revenue, incarceration expenses, and foster care. To me, this necessitates a strong response from concerned citizens, the clergy, and public officials.

We can, and we must, confront our leading moral indicators head-on. We must press harder in the fight to reduce the alarming number of teenage pregnancies in the United States. And, when a child comes into the world as the result of an unintended pregnancy, we must do all that we can to ensure that it is raised in a loving, stable family environment. It is the American family, of course, that chiefly bears these responsibilities. Nonetheless, I believe that the government can play a role and that we in the Congress must pursue legislative avenues to strengthen the social fabric and family stability of our Nation.

My first legislative proposal, the Adolescent Family Life and Abstinence Education Act of 1997, would reauthorize the existing Adolescent Family Life Program, known as title XX, a valuable program which focuses directly on the issues of abstinence, adolescent sexuality, adoption alternatives, pregnancy, and parenting. If you want to reduce the number of abortions performed in the United States, teaching children to resist negative peer pressure is a starting place.

In 1981, Congress, with bipartisan support, established the Adolescent Family Life Program as the only Federal program of its kind. The program was reauthorized in 1984, and its authority expired in 1985. Since then, the program has been funded through annual appropriations bills. As chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I pressed to appropriate $14.2 million for the Adolescent Family Life program in fiscal year 1997, an increase of $6.5 million over fiscal year 1996. Within that amount, $10.8 million is provided for abstinence demonstration programs.

A major focus of the Adolescent Family Life prevention projects is delaying the onset of sexual activity, thereby reducing the incidence of adolescent pregnancy as well as the transmission of sexually transmitted diseases. Investing in programs that prevent unintended teenage births to unwed mothers is also vital in this time of budgetary constraints. Addressing the problem of teenage pregnancy, which alone costs the government about $6.9 billion each year, will save millions of dollars in welfare costs.

Since its inception, the Adolescent Family Life Program has supported approximately 196 care and prevention demonstration projects and 63 research projects. On April 10, 1996, I met with officials at Mercy Hospital in Pittsburgh, which has received a 2-year, $1 million grant to create a care network to meet the physical, emotional, psychological, and educational needs of pregnant and parenting adolescents, and to expand upon school-based education programs. The results there have been significant.

Now, more than 10 years after the authority for this valuable program expired, it is vital that Congress reauthorize the Adolescent Family Life

Program to stem the staggering emotional and financial cost of teenage pregnancy. My legislation, the Adolescent Family Life and Abstinence Education Act of 1997, would authorize $75 million in Federal spending annually between now and fiscal year 2001 for the Adolescent Family Life Program, substantially higher than the $30 million authorized in 1985. My legislation would also amend title XX of the Public Health Service Act to state expressly that the education services provided by the recipients of Federal funds should include information about abstinence.

Updating Federal law to expressly advocate abstinence education provides necessary guidance to the Department of Health and Human Services. I have also proposed amending the law to require the Secretary of Health and Human Services to ensure, to the maximum extent practicable, that approved grants reflect a geographic diversity with adequate representation of both urban and rural areas. Further, to address concerns raised by Pennsylvania constituents, my legislation would establish a simplified, expedited application process for groups seeking title XX demonstration project funding of less than $15,000. I urge my colleagues and others to join me in the effort to reduce teenage pregnancies and make America a good society by supporting this legislation.

The legislation on adoption, Mr. President, builds upon legislation I introduced last year with my distinguished colleague from Pennsylvania, Senator SANTORUM, who is the principal cosponsor on both of these bills. Our legislation, and there are many others in the field, provided for a $5,000 tax credit for adoption. There are many children in America who need homes, and many people in America who would like to adopt, but it is a very, very expensive proposition. I was pleased that Congress adopted legislation last year providing a $5,000 tax credit for adoption, $6,000 in the case of a special needs child, and this legislation would build on that to provide for an additional $1,500 for special needs children, for a total of $7,500. Another provision in this bill would allow for a $2,000 withdrawal tax free from individual retirement accounts.

Far too many children are left to grow up in foster care without ever experiencing the rewards of being a permanent family member. When couples find that they are not able to conceive their own children or that it is not medically advisable, many consider adoption. Many other couples blessed with their own children consider adopting another child out of a sense of love and community, particularly where a child has been in foster care.

Recognizing that the costs associated with adoption can be prohibitive, Congress passed the Small Business Job Protection Act of 1996 last August, which provided a nonrefundable tax credit for qualified adoption expenses, such as reasonable and necessary adoption fees, court costs, attorney fees, and other expenses related to a legal adoption. The act also contained a tax exclusion for benefits received under employer-sponsored adoption assistance programs. Both the tax credit and the exclusion of benefits are capped at $5,000 per child, or $6,000 per child in the case of a special needs adoption, and are fully phased out for adjusted gross incomes above $115,000. During Senate consideration of this legislation, I wrote to Majority Leader Dole and Finance Chairman ROTH urging the inclusion of a $7,500 tax credit for special needs adoptions, rather than $5,000 as contained in the House-passed bill. I was pleased that the final bill included a higher level of $6,000 for special needs adoptions, but this is just not enough.

We should be doing more to encourage, in particular, the adoption of children with special needs. Under current law, a child with a special need is one who has a mental, physical or emotional handicap, or who falls into a specific age, gender or minority group, which requires assistance to place that child with adoptive parents. This clinical explanation belies the frustrating condition of these children. A New York Times op-ed column by David S. Liederman, Executive Director of the Child Welfare League of America, published on May 9, 1996, stated that there are some 21,000 children with special needs waiting to be adopted, and another 65,000 in the care of welfare agencies, awaiting legal clearance to be made available. Many of these children have been placed in foster care because of parental neglect and abuse, exposure to drugs or HIV infection, serious emotional and physical disabilities, and other problems. These children, especially those with physical disabilities, are often very expensive to raise, which further compounds the difficulty of placing them in adoptive families.

The legislation I am introducing today, the Adoption Promotion Act of 1997, would increase the tax credit and the exclusion of benefits received under employer-provided adoption assistance for special needs adoptions from $6,000 to $7,500. While it is often much less expensive to adopt a special-needs child than a typical infant, related costs may arise, such as the remodeling of a house to accommodate a physically handicapped child. Increasing the tax credit and exclusion to $7,500 will help to defray such additional expenses.

Finally, I have included a provision in my legislation to allow the penalty-free withdrawal of up to $2,000 from an Individual Retirement Account [IRA] to help cover the costs of adoptions. I understand that a tax credit is simply inadequate to cover all the expenses associated with adoption, and I believe the Federal Tax Code should encourage savings and reward taxpayers, rather than penalizing them for the wise use of their hard-earned money. I have supported other efforts in the past that would allow the use of IRA funds for personal capital expenses such as the purchase of a family home, investment in college education, or payment of medical expenses. In my judgment, using IRA funds for adoption expenses is equally meritorious.

Given the substantial prior support in both the Senate and House for tax incentives to promote adoption, I am hopeful that my colleagues will favorably consider the mix of incentives contained in the Adoption Promotion Act of 1997 and enact this legislation in the near future. By reducing the financial hurdles to adoption, I hope we will be able to give new hope to the thousands of children who live in foster care awaiting the chance to be brought into a loving family environment on a permanent basis.

In conclusion, Mr. President, I urge my colleagues to join me in restoring the health of America's families by supporting the Adolescent Family Life and Abstinence Education Act of 1997 and the Adoption Promotion Act of 1997. I ask unanimous consent that the full text of these bills be printed in the CONGRESSIONAL RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Adolescent Family Life and Abstinence Education Act of 1997".

SECTION 2. DEFINITIONS.

Section 2002(a) of the Public Health Service Act (42 U.S.C. 300z–1) is amended in subparagraph (4)(G) by inserting "and abstinence" after "adoption".

SECTION 3. GEOGRAPHIC DIVERSITY.

(a) Section 2005 of the Public Health Service Act (42 U.S.C. 300z–4) is amended by adding after subsection (a) the following:

"(b) In approving applications for grants for demonstration projects for services under this title, the Secretary shall, to the maximum extent practicable, ensure adequate representation of both urban and rural areas.".

(b) Section 2005 is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively.

SECTION 4. SIMPLIFIED APPLICATION PROCESS.

Section 2006 of the Public Health Service Act (42 U.S.C. 300z–5) is amended by adding the following:

"(g) The Secretary shall develop and implement a simplified and expedited application process for applicants seeking less than $15,000 of funds available under this Act for a demonstration project."

SECTION 5. AUTHORIZATION OF APPROPRIATIONS.

Section 2010(a) of the Public Health Service Act is amended to read as follows—"(a) For the purpose of carrying out this title [42

U.S.C. 300z et seq.], there are authorized to be appropriated $75,000,000 for each of the fiscal years 1997 through 2001.".

S. 935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Adoption Promotion Act of 1997".

SEC. 2. INCREASE IN LIMIT ON CREDIT FOR ADOPTION EXPENSES AND EXCLUSION FOR EMPLOYER-PROVIDED ADOPTION ASSISTANCE FOR ADOPTION OF SPECIAL NEEDS CHILDREN.

(a) CREDIT.— Section 23(b)(1) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended by striking "$6,000" and inserting "$7,500".

(b) EXCLUSION.—Section 137(b)(1) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended by striking "$6,000" and inserting "$7,500".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 3. DISTRIBUTIONS FROM CERTAIN PLANS MAY BE USED WITHOUT PENALTY TO PAY ADOPTION EXPENSES.

(a) IN GENERAL.—Section 72(t)(2) of the Internal Revenue Code of 1986 (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following:

"(E) DISTRIBUTIONS FROM CERTAIN PLANS FOR ADOPTION EXPENSES.—Distributions to an individual from an individual retirement plan of so much of the qualified adoption expenses (as defined in section 23(d)(1)) of the individual as does not exceed $2,000.".

(b) CONFORMING AMENDMENT.—Section 72(t)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "or (D)" and insert ", (D) or (E)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after December 31, 1996.

EXHIBIT 1

WITNESSES TESTIFYING BEFORE THE APPROPRIATIONS SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, ON ABSTINENCE EDUCATION

JULY 11, 1996, WASHINGTON, DC, 9:30 AM

Allan Carlson, Ph.D. President, Rockford Institute; Gracie Hsu, Policy Analyst, Family Research Council; Dr. David Hager, Member of the Physician Resource Council for Focus on the Family, Advisory Board Member for the Medical Institute for Sexual Health; Kathleen Sullivan, Director, Project Reality; and William Devlin, Director, Philadelphia Family Policy Council.

JULY 22, 1996, PITTSBURGH, PA, 9:15 AM

Father Kris Stubna, Secretary for Education, Diocese of Pittsburgh; Cathy Hickling, Editor, Expression Newspaper, Pittsburgh, PA; Amy Scheuring, Director of the Human Sexuality Alliance, Gibsonia, PA; Jacquetta Henderson, Abstinence Educator, Braddock Hills, PA; and Dr. Bradley J. Bradford, Chairman, Department of Pediatrics, Mercy Hospital of Pittsburgh, Pittsburgh, PA.

JULY 29, 1996, LANDISVILLE, PA, 10:30 AM

Rebecca Lovett, Director, Teen/Parent Program, School District of Lancaster, PA; Reverend Roland K. Smith, Youth President of Pennsylvania, United Pentecostal Church International; Father David Sicoli, St. Anthony's Catholic Church, Founder of the C.O.U.R.T. abstinence program; Robert Turner, Director of Student, Discipleship, and Family Ministries, Baptist Convention of Pennsylvania and South Jersey; Emily Chase, Director of Educational Services, Capital Area Pregnancy Center; and Ann Marie Kalloz, Sexuality Education Coordinator, St. Francis Xavier Church, Gettysburg, PA.

JULY 29, 1996, SCRANTON, PA, 2:00 PM

Molly Kelly, Director, Philadelphia Abstention Program; Dr. David Madeira, Better Health Center, Shavertown, PA; John Plucenik, Director, ARC Learning Center, Kingston, PA; Kathy Yaklic, Director of Youth and Young Adult Ministries, Diocese of Scranton; Mary Louise Schaeffer, Executive Director, Maternal and Family Health Services of Wilkes-Barre; Henry Hewitt, Principal, Scranton Preparatory High School; and Reverend Frank Bissol, Elkdale Baptist Church, West Clifford, PA.

By Mr. THURMOND:

S. 936. An original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. THURMOND. Mr. President, I am pleased to favorably report out from the Committee on Armed Services an original bill, without a written report, which is a second version of the national defense authorization bill for fiscal year 1998.

This bill is identical to S. 924, the national defense authorization bill for fiscal year 1998, ordered reported by the Committee on Armed Services on June 12, 1997, except that it does not contain sections 311, 312, and 313, pertaining to depot-level activities of the Department of Defense, which were contained in subtitle B of title III of that bill.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. HATCH, the name of the Senator from Colorado [Mr. ALLARD] was withdrawn as a cosponsor of S. 3, a bill to provide for fair and accurate criminal trials, reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, reduce the fiscal burden imposed by criminal alien prisoners, promote safe citizen self-defense, combat the importation, production, sale, and use of illegal drugs, and for other purposes.

S. 10

At the request of Mr. HATCH, the name of the Senator from Colorado [Mr. ALLARD] was withdrawn as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 121

At the request of Mr. MOYNIHAN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 121, a bill to amend the Internal Revenue Code of 1986 to provide for 501(c)(3) bonds a tax treatment similar to governmental bonds, and for other purposes.

S. 127

At the request of Mr. MOYNIHAN, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 127, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 224

At the request of Mr. WARNER, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits program, and for other purposes.

S. 364

At the request of Mr. LIEBERMAN, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 394

At the request of Mr. HATCH, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Ohio [Mr. DEWINE], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 513

At the request of Mr. MACK, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of S. 513, a bill to reform the multifamily

rental assisted housing programs of the Federal Government, maintain the affordability and availability of low-income housing, and for other purposes.

S. 536

At the request of Mr. GRASSLEY, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 536, a bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

S. 570

At the request of Mr. NICKLES, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 570, a bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the mandatory electronic fund transfer system.

S. 625

At the request of Mr. MCCONNELL, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 625, a bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

S. 770

At the request of Mr. NICKLES, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 770, a bill to encourage production of oil and gas within the United States by providing tax incentives, and for other purposes.

S. 923

At the request of Mr. SPECTER, the names of the Senator from New Jersey [Mr. TORRICELLI], the Senator from Oklahoma [Mr. NICKLES], the Senator from Oklahoma [Mr. INHOFE], the Senator from West Virginia [Mr. BYRD], the Senator from California [Mrs. FEINSTEIN], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 923, a bill to deny veterans benefits to persons convicted of Federal capital offenses.

SENATE RESOLUTION 71

At the request of Mr. WYDEN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Resolution 71, A resolution to ensure that the Senate is in compliance with the Congressional Accountability Act with respect to permitting a disabled individual access to the Senate floor when that access is required to allow the disabled individual to discharge his or her official duties.

SENATE RESOLUTION 98

At the request of Mr. BYRD, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Texas [Mr. GRAMM], the Senator from Minnesota [Mr. GRAMS], the Senator from Mississippi [Mr. LOTT], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Virginia [Mr. ROBB], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Alabama [Mr. SESSIONS], the Senator from New Hampshire [Mr. SMITH], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Resolution 98, A resolution expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change.

SENATE RESOLUTION 102—RELATIVE TO INDIAN INDEPENDENCE DAY

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 102

Whereas India is the world's largest democracy and shares with the United States the system in which the supreme power to govern is invested in the people;

Whereas the people of India drew upon the values of the rule of law in creating a representative democracy;

Whereas India and the United States share a common bond of being former British colonies;

Whereas India's independence was achieved pledged to the principles of fairness, dignity, peace and democracy;

Whereas these and other ideals have forged a close bond between our two nations and their peoples;

Whereas August 15, 1997 marks the 50th anniversary of the end of the struggle which freed the Indian people from British colonial rule; and

Whereas it is proper and desirable to celebrate with the Indian people, and to reaffirm the democratic principles on which our two great nations were born: Now therefore be it

Resolved, That August 15, 1997 is designated as Indian Independence Day: A National Day of Celebration of Indian and American Democracy. The President is requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. SPECTER. Mr. President, I am submitting this resolution commemorating the 50th anniversary of India's independence. This resolution will designate August 15, 1997, as "Independence Day for the Nation of India," a day of celebration of Indian and American democracy.

On August 15, 1947, India came into existence and has been dedicated to democracy and the rule of law for the past 50 years. It is a multiethnic country of 950 million people, who speak more than 18 major languages and hundreds of dialects.

I have had the pleasure to visit India on a number of occasions, most recently with the distinguished Senator from Colorado, Senator BROWN, in August 1995, when we met with Prime Minister Rao. That was a fascinating meeting when the Prime Minister immediately undertook a discussion of the necessity to have the subcontinent nuclear free. Regrettably, there has been much controversy, much tension between Pakistan and India. On that occasion, Prime Minister Rao emphasized his desire to see the subcontinent nuclear free.

The next day, Senator BROWN and I had occasion to visit with Prime Minister Benazir Bhutto in Islamabad and talk to her about establishing a nuclear free subcontinent.

Later, Senator BROWN and I wrote jointly to President Clinton urging that the President invite the Prime Ministers of India and Pakistan to the White House to see if a nuclear free subcontinent might be accomplished with the assistance of the good offices of the United States.

I am delighted to see my distinguished colleague from Pennsylvania, Senator SANTORUM, assuming the Chair, the lofty position of presiding over the U.S. Senate. I am glad to see my colleague here.

Back to my resolution. India's democracy has thrived over the past 50 years, testimony to the fact that principles of freedom are not limited to the most prosperous countries of the West, but a country which has become independent and democratic, notwithstanding its problems with its economy.

There are strong links between the two nations, India and the United States. We are both former British colonies and, in our own civil rights struggles of the last generation, great Americans, such as Dr. Martin Luther King, borrowed the concepts of peaceful dissent from India from the teaching of India's independence leader, Mahatma Gandhi.

The number of Indian-Americans living in the United States continues to increase steadily. The rich cultural heritage and traditions of the Indian people contribute to the great diversity of the United States of America.

Relations between our countries have seen some difficulties, and there are still areas for improvement, but our mutual values of democracy and the rule of law bridge these differences.

I submit this resolution because it is proper and desirable to celebrate with the Indian people and to reaffirm the democratic principles which our two great nations cherish. I ask the American people to join with me in celebrating 50 years of India's independence.

AMENDMENTS SUBMITTED

THE JOHN F. KENNEDY CENTER PARKING IMPROVEMENT ACT OF 1997

CHAFEE AMENDMENT NO. 412

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill (S. 797) to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes; as follows:

Page 3, line 7, strike "or".

Page 3, line 12, strike the first period and all that follows and insert "; or".

Page 3, after line 12, insert the following:

"(C) any project to acquire large screen format equipment for an interpretive theater or to produce an interpretive film that the Board specifically designates will be financed using sources other than appropriated funds.".

Page 4, strike lines 9 through 14.

Page 4, line 15, strike "5" and insert "4".

Mr. CHAFEE. Mr. President, today the Committee on Environment and Public Works is reporting a bill, S. 797, the John F. Kennedy Center Parking Lot Improvement Act, as ordered reported on June 5, 1997. I am also filing a technical amendment to the bill which corrects a potential problem with respect to the funding of any large screen format equipment for an interpretive theater for the Kennedy Center. The purpose of the amendment is to ensure that the Board of Trustees of the Kennedy Center are prohibited from using appropriated funds for acquisition of such equipment.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

LAUTENBERG AMENDMENT NO. 413

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill (S. 924) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike out section 3138.

THE VETERANS BENEFITS DENIAL ACT OF 1997

SPECTER (AND OTHERS) AMENDMENT NO. 414

Mr. SPECTER (for himself, Mr. TORRICELLI, Mr. NICKLES, and Mr. INHOFE) proposed an amendment to the bill (S. 923) to deny veterans benefits to persons convicted of Federal capital offenses; as follows:

On page 1 lines 4 and 5, strike "or state".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, June 18, 1997, at 9 a.m. in SR–328A to receive testimony regarding U.S. agricultural exports.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 18, 1997, to conduct a markup of the committee's legislative submission for the budget reconciliation package.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, June 18, 1997, at 10 a.m. on Asia trade II.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 18, for purposes of conducting a Subcommittee on Forests and Public Land Management hearing which is scheduled to begin at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, June 18, 1997, beginning at 10 a.m. in room SH–216, to conduct a markup on budget reconciliation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, June 18, 1997, at 9 a.m. for a hearing on S. 314, the Freedom From Government Competition Act, and opportunities for competitive contracting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 18, 1997 at 10:30 a.m. in room 106 of the Dirksen Senate Building to conduct a joint hearing with the House Committee on Resources on S. 569/H.R. 1082, to amend the Indian Child Welfare Act of 1978.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, June 18, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 18, 1997, at 10 a.m. to hold a hearing on human rights abuses in China: U.S. visa policy changes and other possible responses.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. LOTT. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, June 18, 1997, at 2 p.m. on NASA International Space Station.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 18, 1997, in order to report out S. 858, the intelligence authorization bill, and other matters at 4:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

STATE DEPARTMENT AUTHORIZATION BILL

• Mrs. FEINSTEIN. Mr. President, I am pleased to have lent my support to H.R. 1757, the 1998–99 State Department authorization bill, which passed last night. There is much that I support in this bill, and I wanted to take a few minutes today to discuss this bill and my vote.

With its provisions to reorganize America's foreign policy institutions and to press for reform at the United Nations I think it is fair to say that this bill is one of the most far-reaching and important bills that we will consider this Congress.

For well over a decade the United States has been steadily reducing the amount of money it devotes to international affairs agencies and programs. When current figures are adjusted for inflation, the cuts in recent years have been significant—50 percent since 1984.

I was pleased when the administration requested a much-needed increase in funds for international affairs in the 1998 budget request. And I am pleased that this bill has, on the whole, preserved those funds.

The international affairs budget authorized in this bill will go a long way toward righting the inequities of American international affairs spending of the past decade, and toward creating an efficient framework to support America's global leadership in the millennium to come.

Just as important as authorizing funds for the conduct of American foreign policy, this bill also takes an historic step in working with President Clinton and Secretary Albright to create a new foreign affairs structure for the 21st century.

Many of our current foreign policy institutions were created during the cold war, with specific missions and goals in mind.

The reorganization plan put forward by the administration and supported by this bill reflects the need to preserve the unique skills and capabilities of each of the current agencies with the requirement that our institutional arrangements reflect the new demands guiding the conduct of U.S. foreign policy.

By the end of 1999 the result of this bill will be a new streamlined foreign policy structure, drawing on the best people and practices of the old agencies, and fully capable of meeting the new challenges of the 21st century.

Most importantly, from my perspective, this bill preserves some flexibility for the administration in its implementation of the President's plan.

I opposed the reorganization plan we considered in the last Congress, because it denied the President the flexibility he needs to carry out our foreign affairs. This reorganization plan suffers from no such flaw.

I would also like to take a little time to express my support for the plan to repay the United Nations the arrears our Nation owes it and for reform of the United Nations that is contained in the bill before us, S. 903.

I support this package of repayment of arrears and reform benchmarks for one simple reason: because I believe a strong and effective United Nations is fundamentally important to the national interest of the United States.

I am an unabashed supporter of the United Nations. Now that our colleague, Senator Claiborne Pell, has retired, I believe I am the only Member of this body to be in attendance at the founding of the United Nations in my hometown of San Francisco 52 years ago. I was not a delegate, as was Senator Pell—I was a bit younger then—but I am proud that I was able to help the host city celebrate that important occasion.

As mayor of San Francisco, I had the honor and privilege of presiding over the 40th anniversary celebrations in 1985, and 2 years ago, I traveled with many of my colleagues to San Francisco for the 50th anniversary celebrations.

These milestones mean a great deal to me, not because of their historical interest so much as because of their significance in the life of the United States. My own belief is that if the United Nations did not exist, we would have to invent it.

I am not among the United Nations' major detractors. I do not believe for 1 minute that the United Nations is somehow out to impose its will on the United States, or to intrude on our sovereignty. I reject outright the paranoid fantasies of those who warn of the specter of U.N. taxation or a U.N. army, or the U.N. leading inexorably toward world government.

The United Nations serves American interests each and every day. Through the U.N. High Commission for Refugees, it feeds and clothes homeless refugees in time of war. Through U.N. development programs, it helps the poorer nations of the world develop their infrastructures. It provides a forum for negotiating multilateral agreements on arms control, protecting the environment, and other matters that affect all nations.

The U.N. specialized agencies also address problems that know no political borders. The World Health Organization fights diseases like AIDS that destroy the lives of those they afflict, and, if left unchecked, threaten countless others. The International Labor Organization helps keep track of forced labor and child labor, leading to multilateral efforts to improve working conditions around the world.

Perhaps most importantly, the United Nations helps promote peace and security in trouble spots around the world. The United Nations is probably best known for peacekeeping. While Americans often remember the debacles of Bosnia and Somalia, few realize that U.N. peacekeepers are helping maintain peaceful borders and facilitate peaceful transitions in such places as the Golan Heights, Macedonia, Angola, and Kuwait.

The United Nations also enables the United States to cooperate with our allies to carry out missions that are important to U.S. and international security. With U.N. approval, the United States led the nations of the world to expel Saddam from Iraq in Operation Desert Storm. The United Nations continues to enforce sanctions on Iraq and monitor Iraqi weapons programs.

Because all of these operations require the approval of the U.N. Security Council, the United States, which has a veto on that Council, must approve them. These operations are never forced down our throats. To the contrary, our leadership role and our veto allow us to leverage the United Nations to conduct operations that are in our interests, but with the burden shared among our allies.

For all of these reasons, I value the United Nations and believe it is imperative that we help it regain a sound financial footing. The United Nations' current financial difficulties are threatening to render it unable to implement many of its most important programs. And the biggest portion of the United Nations' shortfall is directly attributable to the United States' failure to pay its arrears.

So the payment of these arrears is no trivial matter. It is the best—perhaps the only—way to ensure the United Nations' survival as a force for international peace and security in the post-cold-war era.

Now, I share the view of the Senator from Indiana, who rightly pointed out that our payment of these arrears is not voluntary. It is an obligation under treaty commitments, signed and ratified according to our Constitution.

But I also recognize something else. The political reality dictates that if we are to pay any arrears to the United Nations, they must be accompanied by a package of reform benchmarks.

Over 4 months ago, the majority leader convened a working group of House and Senate authorizers and appropriators, Republicans and Democrats, to work with the administration on resolving the arrears question.

As the ranking member of the International Operations Subcommittee, I was involved in this task force from the beginning, and my staff attended virtually all of the subsequent meetings, until Senator HELMS and Senator BIDEN began the detailed endgame negotiations.

In the very first meeting of this task force, Secretary of State Albright came to discuss the administration's proposal, which was essentially for Congress to appropriate all of the arrears—$1.021 billion—up front, and to attach no conditions to their payment.

In the room were a number of leading Republican authorizers and appropriators, as well as the majority leader. As I recall, the only Democrats in the room for much of the meeting were the distinguished ranking member of the House International Relations Committee, LEE HAMILTON of Indiana, and myself.

Even then, Mr. HAMILTON and I—two strong supporters of the U.S. role in the United Nations—told the Secretary of State that, as sympathetic as we were to the need to pay these arrears, the administration's proposal did not stand a chance. We said it then, and I say it here today: The votes are not there for repaying our arrears without reform benchmarks.

So the negotiations commenced, and they continued through literally hundreds of hours. Both sides have made significant concessions. The administration, which wanted to pay all the arrears up front, certainly has. Anyone who saw the early Republican proposals, which called for payment of only a portion of the arrears, over 5 years, and with many more, potentially unachievable benchmarks, knows that the distinguished Senator from North Carolina has given a lot.

But the final result of these talks is a package that calls for a tough, but achievable, series of reforms to be implemented by the United Nations over the next 3 years, while the United States pays off $819 million in U.N. arrears, a figure that is the Administration's bottom line. These reforms include greater oversight of budgets and personnel, phasing out obsolete programs, and, perhaps most importantly, a reduction in the U.S. share of the assessed budget from 25 to 20 percent.

From the beginning, I felt that 3 years was about the right length of time for this package, and I argued that in the task force. It is long enough to give us some leverage to ensure the reforms are enacted, but not so long that the other member States do not believe it is credible that we will pay our debts.

Make no mistake, achieving these reforms will take a great deal of work. Some of them, such as the reduction of the U.S. share of the budget, which the other member States must agree to, will require our U.N. Ambassador to employ all of his negotiating skills. Others will require the committed effort of the Secretary General, Kofi Annan—a man I believe is genuine in his desire for real reform.

I acknowledge that this process is not perfect, and that there will be resentment among other nations who feel that Congress is unilaterally dictating what should be multilateral decisions. I understand that.

But these arrears must be paid. And the political reality is that our choice is either to pay these bills in this fashion, over 3 years, while working with the United Nations for reforms, or not to pay them at all. That, to me, is an easy choice. I want to pay our arrears and strengthen the United Nations.

In addition to the two major achievements of U.N. reform and State Department reorganization, this bill also contributes to furthering American interests in the world in a myriad of smaller, though not less significant, ways. Let me provide three such examples.

This bill authorizes funds which will go to the International War Crimes Tribunal, and which will help assure that those who committed genocide and rape in Rwanda and Bosnia are brought to justice.

It lends our support to the work of the Asia Foundation, which, through innovative public-private partnerships is able to leverage Federal resources to effectively promote U.S. political, economic, cultural, and security interests throughout the Pacific rim.

And this bill authorizes funds which will go to support vitally needed infrastructure and new information technology at our embassies and missions.

I have been to many of the crumbling and inadequate State Department facilities throughout the world, and can attest from first-hand experience the importance of these efforts.

As I stated earlier, it is my belief that this bill, with its United Nations and reorganization provisions, takes a significant step in the right direction on several critical issues which Congress has been wrestling with for the past several years. Moreover, the cooperation and hard work of the distinguished chairman and ranking member of the Foreign Relations Committee on this bill, also marks, I believe, a return to a spirit of bipartisan cooperation on foreign policy. I am proud to have been able to cast my vote in support of this bill.•

SALVE REGINA UNIVERSITY'S 50TH ANNIVERSARY

• Mr. CHAFEE. Mr. President, I am pleased to announce the 50th anniversary of Salve Regina University, in Newport, RI. Salve Regina University is a private coeducational university of the arts and sciences, administered by the Sisters of Mercy. In commemoration of this milestone, the U.S. flag will be flown over the Capitol Building on September 2, 1997.

As part of its 50th anniversary celebration, Salve Regina will host yearlong activities, open to all, centered around the theme "The Enduring Power of Vision: Tradition, Achievement, Challenge." These activities, including a conference on cultural and historical preservation, will take place on the university's 60-acre campus, bordering on the famed Cliff Walk in Newport.

Mr. President, you may be interested to know that since the enrollment of its first class on September 24, 1947, the university has expanded to offer 29 undergraduate majors in the arts and sciences and 16 graduate programs, including a Ph.D. in Humanities.

I am particularly pleased that the continued success and achievement of Salve Regina will be celebrated this year. And I am very proud to congratulate Salve Regina University for its 50 years of dedication and excellence in education.•

ANNOUNCEMENT OF POSITION ON VOTE—AMENDMENT NO. 382

• Mr. HARKIN. Mr. President, on Tuesday, June 17, I was unable to vote. I would have voted "yes" on the Lugar amendment No. 382 to S. 903, the Foreign Affairs Reform and Restructuring Act of 1997.

I believe that the United States should pay our debt to the United Nations. However, I also believe that change and reform in the United Nations are essential if the United Nations is to be revitalized. The U.S. dues for the regular U.N. budget and for international peacekeeping should be reduced. These cost-saving goals can be achieved but we will have to convince our allies and friends, who will have to bear a larger portion of the costs as our contributions decline, that we are serious about our leadership and our compliance with our obligations. That is why I believe that Senator LUGAR offered a reasonable solution to wipe the slate clean of our arrears and clear the way to pursue the U.N. reforms that will make it a more viable institution.

I am hopeful that when this bill emerges from the conference committee the 38 benchmarks mandated in title XXII of the bill as pre-conditions for our payment will be addressed and corrected.•

FAIRNESS IN AMERICA'S DAIRY INDUSTRY

• Mr. ABRAHAM. Mr. President, I rise today to speak once again of one of the greatest impediments to a free market system for U.S. dairy: the Northeast Interstate Dairy Compact.

The compact as approved by Secretary Glickman permits six States in the New England area to set the minimum price paid to dairy producers above the minimum price guaranteed by the federal milk marketing order system. I believe this type of artificial price increase will inevitably lead to an overproduction of milk in the New England area. Unfortunately, this may serve to further reduce milk prices paid to dairy farmers in Michigan and in other regions of the country. Subsidizing an already subsidized industry is totally unnecessary and, in my opinion, creates a dangerous precedent in allowing regions or States to set up artificial trade barriers. This seems to contradict the intention of last year's freedom to farm bill: removing price controls and taking Government out of farming.

I supported the freedom to farm bill because it eliminates agriculture subsidies and gives American farmers the ability to choose which crops to grow. This bill was of paramount importance

to the promotion of free markets in the global economy for this Nation's agriculture producers. I was disheartened when the Northeast interstate dairy compact slipped into the farm bill conference report at the last moment. It is my hope that Congress will correct this flaw and move U.S. agriculture one step closer to establishing a true market economy.●

THE 70TH WEDDING ANNIVERSARY OF THE DAVISES

● Ms. LANDRIEU. Mr. President, I rise today to recognize the 70th wedding anniversary of Gerald and Billie Davis Jones of West Monroe, LA. They celebrate their anniversary today with a large gathering of family and friends. The Joneses have been model citizens and contributed to their church and community in both large and small ways. We salute them for their impressive stability and wish them continued happiness together.●

BISMARCK RECEIVES ALL-AMERICAN CITY AWARD

● Mr. DORGAN. Mr. President, I rise today to congratulate the city of Bismarck, ND, for recently being named an "All-America City."

This honor comes as no surprise to those of us who have been proud to call Bismarck home. But for many years, weather reports of blowing snow and subzero temperatures enabled us to keep what we call the good life in Bismarck a well-guarded secret. With this award and new national prominence, residents of Bismarck, ND, can no longer be modest.

Bismarck is a place where the quality of life is good, the economy is growing, and the threat of crime is practically nonexistent. Our kids can go to good schools without worrying about carrying knives or guns and they can play outside on their streets after dark. It is a place where people still get to know their neighbors and where hard-working people can make a decent wage. Unemployment for the city is a mere 2.7 percent, well below the national average of 4.8 percent.

But now our secret's out—and I'm pleased it has been done with such honor. Only 10 cities receive the All America City designation each year from the National Civic League. This year, 120 cities applied and only 30 were chosen as finalists. By surpassing the 20 other cities nationwide to win the award, Bismarck gained a title and prominence that will surely attract new businesses, increase population, and provide new opportunities for growth in our State.

Bismarck currently has a population of close to 50,000 residents—most of whom are very hard-working, civic minded people who get involved in the decisions that affect their community—which is one of the main reasons the city was chosen for this award. While Bismarck received recognition from the judges for three of its projects, the city was singled out for its unique city sales tax allocation. In Bismarck, citizens have a share in the decision of where their city sales tax is spent. The judges applauded this unique approach to local government that gives taxpayers input for city projects. What a remarkable idea.

Bismarck was also recognized for its Suicide Prevention Task Force and some local programs produced at the Anne Frank exhibit, including a 10-minute script that pokes fun of images that some people have of Bismarck and North Dakota.

Again, I want to congratulate the city of Bismarck for receiving this prestigious All-America City Award. It is exemplary of the good people and good quality of life that we've always enjoyed in our State.●

MR. PATRICK BISTRIAN, JR.

● Mr. MOYNIHAN. Mr. President, I rise to pay tribute to Mr. Patrick Bistrian, Jr., of Amagansett, NY, on the occasion of his retirement from the board of education of the Amagansett Union Free School District after 30 years of service.

As a student, Pat Bistrian earned recognition in both academic and athletic pursuits. He held almost all the high school track and field records. Local legend has it that some of them still stand today. His leadership in school evolved into a devotion to community service.

Throughout his 30 years on the board, he never wavered in his commitment to the children of the Amagansett School District. Guided by common sense and an admirable dose of doggedness, his can do attitude was always applied for the good of the children. After a fire destroyed the school gymnasium in 1975, Patrick Bistrian fastidiously saw to every detail regarding the replacement of the building. To his credit, the facility exceeded even the grandest expectations and came in under budget.

While voluntarism has now become fashionable throughout the land, the concept is not new to Patrick Bistrian; for him, it is a way of life. I am certain the Members of the Senate join me in saluting Patrick Bistrian for his 30 years of selfless commitment to the Amagansett community. Much like his athletic accomplishments in track and field, he has left behind a legacy that will surely go unrivaled for some time to come.●

"ILLUSORY GAME OF ARMS CONTROL"

● Mr. KYL. Mr. President, during the recent Senate debate over the Chemical Weapons Convention, a great deal of discussion centered on the proper role of arms control agreements. I recommend the Washington Times op-ed by Sven Kraemer, who served as Director of Arms Control at the National Security Council during the Reagan administration to anyone interested in the subject. I ask that it be printed in the RECORD.

The op-ed follows:

[From the Washington Times, May 11, 1997]

ILLUSORY GAME OF ARMS CONTROL

(By Sven Kraemer)

"They cry 'peace,' but there is no peace." Jeremiah's lament about the false prophets of peace applies tragically to the false prophets of arms control who won Senate ratification of the proposed Chemical Weapons Convention (CWC) recently. They cry "arms control," but there is no arms control.

CWC supporters saw the CWC as an "arms control" talisman to ward off evil powers and "to ban forever the scourge of chemical weapons from the face of the globe." They proclaimed it a global ban although the CWC is far from global in its list of banned chemical precursors and in the number of states likely to sign or to ratify it. They proclaimed it as "arms control" while admitting it cannot be effectively verified or enforced and it cannot stop, and even risks abetting, proliferation.

Such false prophets and fatal flaws are tragically common to other "arms control" items on President Clinton's radical agenda headed for Senate review. These include proposed "bans" on nuclear testing, biological weapons, fissile materials and land mines, a START III "framework" that vitiates START II, and a Helsinki summit agreement setting new limits on missile defenses. They don't build foundations or bridges for arms control in the 21st century, but are more like bungee jumps. Counting on miracles, spectacle and concessions rather than effective measures to control and protect against arms, they miss both the opportunities and the obligations of serious arms control and responsible leadership.

CWC supporters claimed years of political legitimacy for the CWC and declared that a "no" vote would destroy U.S. leadership, wrecking a long effort to establish high international arms control norms and placing the United States on the side of pariah states. But it is a "yes" vote that puts the United States on the side of pariahs. A "no" vote would have embarrassed a few officials, but would have marked a principled U.S. stand, supported by American public opinion, against a fatally flawed arms control approach that rewards pariahs and rogues, lowers already low arms control standards and seriously endangers our own security.

NEXT STEPS

The required leadership won't come from the White House and its misguided Senate supporters. The task of critique, reinvention and leadership will come from the unprecedented coalition of courageous senators, former Cabinet-level officials, key businessmen, and leaders of some 40 citizens groups who joined in opposition to the CWC and who want serious arms control, serious defense, and serious protection of our citizens' rights. CWC funding and implementation legislation provide early opportunities for such leadership in correcting the treaty's fatal flaws. The extraordinary Kyl-Lott-Helms, et al. "Chemical and Biological Weapons Threat Reduction Act" passed by the Senate the week before the CWC vote, will be an excellent foundation for that effort.

For the future, CWC opponents will be more dubious than ever about the administration's blizzards of misinformation and the next items on Mr. Clinton's radical agenda. Their concerns are backed by Luntz polls that show the American people to be overwhelmingly opposed to treaties like the CWC which cannot be effectively verified or enforced, which create costly and intrusive new U.N.-style international bureaucracies, and which endanger U.S. rights and weaken U.S. security. The administration and its Senate supporters have been put on notice.

To silence such critics and undermine potential long-term opposition, Clinton CWC supporters have sought political cover by invoking George Bush and even Ronald Reagan for their efforts. A George Bush signature was presented as necessarily guaranteeing effective "arms control," and the CWC was even declared a "Reagan treaty." In the wake of the Senate vote, such claims require new review and rebuttal.

The Bush signature guarantees nothing. Grave flaws were evident in the CWC when it was rushed to signature in the closing days of the Bush presidency in January 1993. In the four years since then, changed global conditions have turned these flaws into deadly gambles. Left standing, the CWC flaws, high-risk Clinton arms control and defense policies, and dangerous international developments (notably including severe proliferation problems fostered by Russian and Chinese violations which the Clinton administration rewards instead of engages) will be heading the United States into the bull's eye of disaster.

THREE REAGAN LESSONS AND LEGACIES FOR THE FUTURE

The invocation of Ronald Reagan on behalf of the CWC and similar spurious arms control efforts is particularly ironic. Mr. Reagan's understanding of history and his approach to arms control are repudiated by the CWC's underlying assumptions, provisions and impact. Mr. Reagan often spoke of the historic reality that arms control agreements were routinely violated by dictators and rogues unfettered by the democratic hopes, principles and processes of the American people and their allies. He often spoke of the high cost paid in lives and treasure for trust in such agreements, including those from the 1970's, which were being systematically violated by the Soviet Union. His strategy of "peace through strength" won the Cold War in part because he redefined arms control in terms of its contribution to America's security, not as a matter of trust in a "process" or as an end in itself.

DEALING WITH DICTATORS AND ROGUES

Enforcing compliance, ending proliferation: From the beginning of his presidency, Ronald Reagan's arms control approach rejected the prevalent lowest common denominator approach of his predecessors in negotiations with dictators and rogues, and focused instead on mastering the task of working with democratic allies effectively to constrain, deter and defend against such evil powers. This task is more important than ever in today's world as Iraq, Iran, North Korea, Libya, Syria and their chief suppliers in Moscow and Beijing routinely violate a wide range of anti-proliferation and other arms control agreements and as the Clinton administration fails to enforce these treaties or even to implement U.S. laws providing sanctions for such behavior.

To start with, Mr. Reagan insisted that violations of existing treaties had to be exposed and corrected before new ones could be signed. And for chemical, biological and toxin weapons, the first two years of the Reagan presidency focused on assessing and reporting such violations and seeking correction, especially concerning Soviet Production and use. The Reagan compliance reports were unprecedented in accurately presenting the threat and in pressing the case for establishing higher norms for international arms control compliance. Thus, when he had Vice President George Bush table a preliminary draft CW Convention in April 1984, half of the press and diplomatic kit made available by the White House and the vice president provided detailed information on troublesome Soviet activities that had to be corrected before CW arms control could begin to be taken seriously.

Mr. Reagan's CWC draft did not contain the "poisons for peace" language of the current CWC's Article XI which requires "the fullest possible exchange of chemicals, equipment and information" and which forbids "the maintenance of restrictions." Nor did his CWC draft contain the other pro-proliferation clause, Article X, which declares that "nothing in this Convention shall be interpreted as impeding the rights of States Parties to request and provide assistance bilaterally."

EFFECTIVE VERIFICATION, ENFORCEMENT AND INSURANCE CAPABILITIES

Mr. Reagan insisted that serious arms control treaties had to impose real, verifiable and enforceable restrictions, not the "nuclear freeze"-type illusions demanded by the Soviet Union and favored by the self-styled U.S. "arms control" lobby. Thus, he proposed the "zero option" for Intermediate-Nuclear Forces in 1981 and a "deep cuts" Strategic Arms Reduction Treaty in 1982. And when a draft CW Convention was tabled in Geneva in 1984, Mr. Reagan insisted on an interagency and international work program focused on a long-term effort to try to develop such effective restrictions in the future. Reflecting this Reagan imperative, George Bush told the Geneva press: "Let's try to use this as a beginning, a place to get a start on the negotiations."

Mr. Reagan insisted that effective arms control required U.S. security capabilities in place to provide the insurance of high-confidence U.S. verification, enforcement and defense, and he required that such capabilities be certified for each arms control proposal by the U.S. intelligence community and the Joint Chiefs of Staff. For chemical weapons, he required enhanced intelligence, robust anti-chemical defenses, and a small residual stock of modern chemical weapons to provide enforcement and negotiation leverage until a period near the end of the final weapons destruction date.

In addition to such U.S. insurance capabilities for specific arms control treaties, Mr. Reagan's Strategic Defense Initiative, introduced in March 1983 (a year before the draft CWC was tabled), provided for deterrence and defense based on protection rather than on his predecessors' dubious Cold War policy of Mutual Assured Destruction (MAD). The American people, and people around the world, were to share the benefits of the accelerated development and deployment of advanced U.S. theater and strategic defenses to be available against missiles—the delivery system of choice most threatening in the use of chemicals, toxins and other weapons of mass destruction. As late as 1992, George Bush and Boris Yeltsin agreed that at least a limited global anti-missile defense system (GPALS) would be important to security and stability.

In contrast to the Reagan defense insurance policies, the United States is not only unilaterally eliminating its chemical stockpiles, a move other nations are not following, but the Clinton administration is cutting back several hundred million dollars in U.S. chemical defense investment, reducing its intelligence, dumbing down theater missile defenses, and further postponing the national missile defense deployments required to protect the American people against growing threats from rogues and from accidental launches.

PROTECTING U.S. CONSTITUTIONAL RIGHTS AND U.S. SOVEREIGNTY

Mr. Reagan's arms control policies insisted on assuring U.S. constitutional rights and protecting U.S. sovereignty. His CWC interagency work program reflected the requirement to study and to try to resolve the serious Fourth and Fifth Amendment dilemmas raised by extensive CWC reporting, regulatory and inspection requirements, which in the current CWC potentially affect the rights and budgetary and proprietary interests of up to 8,000 U.S. companies. Unlike the current CWC, Mr. Reagan's draft CWC of 1984 had the United States and other permanent members of the U.N. Security Council as five guaranteed members of the CWC Executive Council, and required a Preparatory Conference and other forums to operate by consensus, providing a U.S. voice and veto when CWC provisions and processes required amendment.

As the Senate now reviews CW implementing legislation, funding requirements and other elements of the radical Clinton agenda, it should send its own veto on behalf of U.S. security and serious arms control. In the face of the globe's gathering storms, it is not too late "to provide for the common defense" and to prevent the historic tragedy now unfolding because of U.S. reliance on "arms control" illusions.●

HALTING NEW DEPLOYMENTS OF LANDMINES

Mr. DODD. Mr. President, I rise today in support of the bill to halt the unmitigated spread of landmines sponsored by Senator LEAHY and Senator HAGEL. In particular, I laud Senator LEAHY's tireless efforts in lining up over half the Members of the Senate behind this important legislation. Also, Senator HAGEL's experience as an Army sergeant in Vietnam and his unrelenting support for veterans and the military make his leadership role on this bill quite appropriate.

This bill would halt new deployments of U.S. antipersonnel mines starting on January 1, 2000. What better way to open the new millennium than to clamp down on these hidden, unmanageable devices that kill or injure someone somewhere every 22 minutes.

Let's not lose sight of the fact that landmines kill and maim without impunity—men, women, and children alike will continue to lose their lives or limbs as long as landmines remain buried around the globe. That attribute, the completely random killing, sets these devices apart from all other

weapons of war, with the possible exception of weapons of mass destruction. Yet, even a hydrogen bomb cannot kill a child playing in a pasture a decade after the bomb was dropped.

Today there are 100 million land mines in 68 countries that wait potently to explode, be it tomorrow, years from now, or decades hence. More soldiers, U.N. peacekeepers, and children will surely lose their lives before the world acts to stem the tide of these horrible weapons. The question is: How many hundreds more must die needlessly before we pursue vigorously a treaty banning antipersonnel landmines?

Late last year, the U.N. General Assembly resolved, without a single dissenting vote, to do just that. Having introduced that resolution in our customary role as world leader, we must now take action.●

WENDY GRAMM'S GRADUATION SPEECH GIVEN AT TRI STATE COLLEGE

● Mr. DOMENICI. Mr. President, I ask to have printed in the RECORD a graduation speech given by Wendy Gramm at Tri-State College. I think it is an inspirational message to young people. Wendy, while very accomplished in her own right, is also the wife of Senator PHIL GRAMM. While this speech is about a significant man in her life, she recalled stories about her father, not her husband.

The central message of the speech is drawn from the personal experiences of three generations of Wendy Gramm's family. Mrs. Gramms' father graduated from this institution of higher learning with a degree in engineering.

During this commencement, Wendy was awarded an honorary doctorate degree from her father's alma mater. In her speech, Wendy talked about the traits that made her father successful. Mrs. Gramm's point is that these same traits can make the graduating class a success. These traits include: define goals, work hard, show leadership, practice the highest standard of ethics.

Wendy Gramm gave the students her definition of what makes a leader: "Leaders lead by example, and must show honesty and fairness always."

The text of the speech follows:

Congratulations to graduates, parents, teachers, relatives and friends. You've done it and you deserve congratulations.

All too often we work so hard, focused on where we are going, and fail to stop and enjoy what we've accomplished. You've heard it before—and it's true—life is not a destination, but a trainride, so enjoy the ride. Enjoy your accomplishments today. Pat yourself on the back. And take time to thank those who helped you.

This is a special day for you—and for me, too. I will celebrate receiving this honorary degree—and will make everyone call me doctor-doctor for today. Today is also special because my father graduated from TriState, 61 years ago. My mom is here, as well as much of my family—my husband, one son (the other is studying for exams), and two sisters and a brother-in-law.

Let me tell you his story, because I believe his story has lessons for all of us today. The stories also illustrate what I believe are essential qualities of leadership and rules for a full, happy, and successful life.

My grandparents came from Korea at the beginning of the century to work in the sugar cane fields of Hawaii. They came as contract laborers, meaning they paid for their way over by agreeing to work in the sugar cane fields for a number of years—new indentured laborers. They came with nothing, not even knowing the language. They came looking for freedom and opportunity.

My father, Joshua, was the second in a family of 12 children.

The first story is about having dreams and goals in life. When my father was in high school, there was an essay contest—students were asked to write an essay about what they could do to make this a better country. Dad thought and thought, as the minutes ticked by and the blank page stared up at him (you know the feeling). He wondered, what could a beach bum like Joe Lee do that would affect a whole country? The answer came to him in the middle of that contest—he could do the most for his country if he made something of himself.

He won the contest and $25, a small fortune in the early 1930s.

The essay contest helped define his goals in life, and he decided to pursue his dream—of becoming an engineer and making something of himself. He started college at the University of Hawaii, but ran out of money. So he worked in a laundry.

The next summer a classmate of his told him he was going to Tri-State College to study engineering. My grandmother told my father—I'll give you money for transportation to Indiana—the rest is up to you.

Dad set a goal, and worked hard—to find a way to reach the goal. A second important quality for success is commitment to a goal. And dad was committed. Upon arriving in Angola, he lived first few days on day old bread and pork and beans—still loved p&b.

He found room and board in the home of the postmistress in town, and helped in the yard and tended the furnace. She was a kind a gracious lady, and dad couldn't believe it when he visited her 25 years later in 1950. She looked exactly the same!

The first job he applied for was at a restaurant. The restaurant owner told dad that he was thinking of getting a dishwashing machine. My dad said he could wash dishes faster and better than the new dishwashing machine—he would race the machine for the job. My father won the race and the job.

He worked his way through Tri-State, generally holding three jobs at the same time, working in two restaurants, as a tree surgeon and painting trim on houses, along with his furnace tending and yard work.

The third important quality for leadership and success is my favorite story about Tri-State. Dad had gone to class where they went over a test they had taken. During the class, Dad realized that the professor had made a mistake and had given him a higher grade than he deserved. So we went up to the professor after class and told him of the error. The professor then said that he had deliberately made mistakes on all the students' tests, and Dad was the only student who came up to him and admitted it. I don't remember the punch line—I believe the professor gave Dad an A for the test—but the punch line isn't important. What is important is that Dad had the highest standards of ethics.

Perhaps the most important quality of a leader is the highest level of integrity—leaders lead by example, and so must show honesty and fairness always.

Regrets? Not having gone to a big 10 football game. Remember what I said earlier about enjoying your day, and the train ride.

Dad lived his life like the engineer he was—organized, efficient, prepared, never procrastinating, and finishing each job on time or before.

He moved back to Hawaii after graduating in 1936, and met Angeline Lee (Lee is a common name in Hawaii). He arranged a date—and, like the engineer he was, showed up for the date one week early. But mom liked him anyway, and they got married, had four children, and Dad died shortly after his 50th wedding anniversary.

The principles he lived by—don't brag, just do a good job, and rewards will come; be prepared and organized and just go ahead and do the job; be fair and honest. These principles and the leadership qualities he exhibited—vision, commitment and integrity—worked well for him—he became the first Asian American ever to be an officer of a sugar company in the history of Hawaii.

Recap: My grandfathers cut sugar cane by hand, my father became VP of the same sugar company, and when I chaired the Commodity Futures Trading Commission Presidents Reagan and Bush liked to point out that I oversaw the futures trading of all American commodities, including cane sugar.

This is the American Dream.

The story I have told you is not just the story of my family, Tri-State University, or leadership. It is not the story of an extraordinary family, but the story of an ordinary family in an extraordinary country.

It is the story of America, where ordinary people can and do accomplish extraordinary things.

So congratulations once again. I wish you good luck and every success.

As you go out into the world, remember this day. Remember your accomplishment. I also hope you will remember my family, the American Dream, and Tri-State's role is making that American Dream for our family and for me.

I also hope that you will come to appreciate that great American Dream Machine—freedom and free enterprise—and that you will work to preserve and protect it so that the Joshua Lees of tomorrow can have a dream, maybe come to Tri-State, and go on to be a success, a leader, and make better lives for themselves, their families, their communities, and their country.

And may you do the same and have great success and happiness.●

DISASTER SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT

● Mr. DORGAN. Mr. President, I am pleased that I can finally tell the people of North Dakota that a disaster relief package has finally been passed by Congress and signed by the President. I am pleased that I can finally tell tens of thousands of individuals and business owners, who were devastated by the worst winter on record in North Dakota followed by a millennial flood, that help is on the way.

Everyone who has watched the news over the past 2 months has been moved by both the devastation and the determination of the citizens of North Dakota. You watched our people working side by side, day and night to sandbag their homes, their schools, and their businesses. The dramatic photos on every TV station are a living legacy of what community is all about. It was neighbor helping neighbor. In the end, Mother Nature won the battle, but we fought the good fight and we did it together.

Despite 9 blizzards which dropped more snow in North Dakota than in any other year on record; despite storms which killed more than 125,000 head of livestock and knocked out hundred of miles of power lines; despite a millennial flood which forced the evacuation of 50,000 people from Grand Forks; despite the fact that many North Dakotans have lost their homes and all their worldly possessions, we North Dakotans will continue to work together to rebuild our cities, our businesses, and our communities in order to preserve a way of life which we all cherish.

We are a strong, proud, and resolute people. We will face the challenges ahead with courage and commitment. But with damages expected to be in the billions, we could not proceed without the Federal support provided in the disaster relief bill.

With this bill and the assistance that flows with it, the disaster victims in North Dakota and the other flood ravaged States can begin the long and painful process of recovery. The money provided in the relief bill will allow them to make informed decisions about their lives, their homes, and their businesses. They have waited too long for this help. But the wait is over. Help is on the way, and rebuilding and healing can begin.

I would like to thank all the Members of the Senate and House Appropriations Committees for their help in working with me to ensure that sufficient assistance to address the incredible needs of North Dakota, South Dakota, and Minnesota was ultimately included in the disaster relief bill. Individually and collectively, we have suffered a disaster of catastrophic proportions which has required an exceptional response, and that is what the disaster relief bill provides.

There are many people to thank as for their help on the disaster appropriations bill. At the top of the list are Senators STEVENS and BYRD who were extremely helpful and supportive throughout every step of the process. Without their personal intervention and continuous support, many items and millions of dollars would not have been included in the final package. On behalf of all the people of North Dakota, I want to thank them for their generous assistance.

Let me just list a few of the items in the disaster bill which will have a direct bearing on our ability to rebuild:

$3.4 billion for FEMA, a significant portion of which will go to the Upper Midwest region.

$500 million in community development block grants. This is the most flexible form of disaster assistance and the most crucial component to allow for buyouts. While all disaster States are eligible for this assistance, we anticipate that the majority will go to the Dakotas and Minnesota.

$134 million in emergency agricultural assistance for the Upper Midwest, including

$50 million for a new livestock indemnity program which will help North Dakota farmers and ranchers who have lost close to 125,000 head of livestock;

$15 million in Department of Agriculture funds to purchase floodplain easements to reduce hazards to life and property due to the floods; and

$5 million for the interest assistance program to provide additional funding for guaranteed, low-interest loans to farmers.

$20 million to reimburse school districts who have had to educate additional children who were dislocated by the floods.

$15 million for all preconstruction and design work for an outlet from Devils Lake to the Sheyenne River.

$27.9 million in Corps of Engineers funding for North Dakota from the flood Control and Coastal Emergencies program.

$600,000 for Ramsey County to mitigate damages to the sewer system from flooding, if necessary.

About $20 million for the Corps of Engineers to raise the levees at Devils Lake.

$210,000 for North Dakota's national parks.

$3.9 million for the BIA in North Dakota.

$265,000 for the Indian Health Service in North Dakota.

$6.1 million for North Dakota to repair damaged freight rail lines.

$9.3 million to the Fish and Wildlife Service in North Dakota.

$840,000 for the U.S. Geological Service in North Dakota.

Department of Education waiver authority language which will permit the Department to help students having difficulty meeting application and other statutory deadlines regarding Federal education funds.

Language which allows States greater flexibility in using its child care and development block grant funds to help families in nonemployment related activities relating to the cleanup and recovery.

A provision which directs the Office of Management and Budget to work with universities damaged by the floods in revising and extending their Federal grants, contracts, and cooperative agreement.

In order to provide my colleagues with more detailed information on plans for enhanced diking at Devils Lake, ND, I ask to have printed in the RECORD a letter from the St. Paul District of the Corps of Engineers dated May 19, 1997.

There are many people beyond the Congress to thank for their support in the wake of a series of historic and devastating disasters in North Dakota. Above all, I want to thank the people of North Dakota who, despite their losses, have refused to be overcome. They have displayed a remarkable sense of courage, caring and conviction throughout the ordeal. Never have I been more proud to represent the State of North Dakota than I am now. They are the best citizens in the country. They know the meaning of neighbor. Whenever and wherever they were able, they extended a hand to those less fortunate.

The great spirit of our people is embodied in the mayor of Grand Forks, Pat Owens. While small in stature, she has the heart of a giant. She gave us the courage not to lose courage. Her indomitable spirit held the citizens of Grand Forks together during the worst days of the tragedy, and now is guiding us patiently and compassionately through the recovery.

I also want to thank all the Federal agencies for their long hours and hard work in bringing emergency assistance to relieve the immediate suffering of our citizens. They have done a magnificent job under extremely trying circumstances, and we are grateful for their superhuman efforts. James Lee Witt, the Director of FEMA, has been the guiding light in this endeavor. He came to North Dakota and personally witnessed the devastation, and then rushed personnel and resources into the State to assess damages and provide emergency assistance. He has also coordinated the activities of other Federal agencies in trying to get assistance to those in need as quickly as possible. That process is ongoing, and James Lee remains the stalwart in that endeavor. We thank him for all he has done and continues to do.

In conclusion, let me thank my colleagues once again for their help in passing an historic disaster relief bill. North Dakotans are grateful for the helping hand the disaster relief bill provides. Recovery will be a long and painful process, but we will face the challenges ahead with courage and commitment. With our prairie faith to guide us, we will rebuild, we will recover, and we will be a stronger community.

The letter follows:

DEPARTMENT OF THE ARMY, ST. PAUL DISTRICT, CORPS OF ENGINEERS,

St. Paul, MN, May 19, 1997.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: Thank you for your recent inquiry on the requirements to modify the levee work underway at the City of Devils Lake, North Dakota to provide protection from a lake level at elevation 1450. This letter will describe the work required to provide this additional protection.

The levee project at the City of Devils Lake that is currently under construction is a raise of the Federal levee project built by the Corps of Engineers in the 1980s under the Continuing Authorities program. The ongoing construction is raising and extending the existing levee system to provide an increased level of protection from the lake. The original levee was design to protect against a lake level of elevation 1440. The ongoing construction will protect against a lake level five feet higher, to an elevation 1445. The top of levee is being constructed five feet higher than the design lake level to provide the necessary freeboard to handle wind, waves & ice action.

The current work was started in 1996 when the lake was at elevation 1437, approaching the protection level of the original levee, 1440. The early National Weather Service forecast for the lake level this summer was elevation 1440.5, well within the level of protection being provided by the current work. However, in mid-April this year, the National Weather Service increased the forecast lake level by three plus feet to elevation 1443.5 to 1444, projecting this level to be reached in July 1997. Based on this revised forecast lake level, it is necessary to consider additional protection by raising the levee system even higher than currently being constructed.

An additional levee raise to provide protection against a lake level of 1450 is highly desirable and can be constructed cost effectively. The additional work required to provide this higher level of levee protection, with appropriate freeboard, would consist of the following features:

Increase the height and base width of the existing earthen levee sections.

Extend and modify the levee alignment to tie into high ground at the new top of levee elevation. This could include the extension of the line of protection to areas which were not previously considered practical to protect, but which due to the higher level of protection may now be necessary and effective;

Increase the extent and thickness of the riprap on the lakeward side of the levee to assure adequate erosion protection;

Modification of the pumping stations and/or installation of another pumping station, and modification of interior drainage facilities to accommodate increases in the drainage area behind the levee protected and increased pumping head;

Additional road relocation work and closures at levee crossing; and,

Additional utility relocation work.

If you have any questions regarding the above information, or wish to discuss this matter further, please contact me.

Sincerely,

J.M. WONSIK,
Colonel, Corps of Engineers District Engineer.●

SOLVING CITIZEN BAND RADIO INTERFERENCE PROBLEMS

● Mr. ABRAHAM. Mr. President, I rise today in support of S. 608, a bill offering potential relief to neighborhood residents victimized by the illegal use of a citizen band [CB] radio. In Grand Rapids, MI, and in other towns in Michigan and across the country, CB operators have boosted the power of their signal using equipment prohibited under FCC regulations. As a result, nearby residents have been unable to watch television, listen to their radios, or have a telephone conversation without experiencing interference from a neighbor's illegal use of a CB radio.

Currently, there exists a series of rules governing the appropriate use of CB radio, including restrictions on equipment and frequencies, duration of broadcast, and appropriate content. Due to a change in priority, the FCC no longer investigates related interference complaints. The Commission merely sends individuals a packet of information outlining steps which can be taken to reduce the interference. Unfortunately, these solutions have been met with only limited success. In many cases, after having exhausted all available options, residents are left with no legal recourse. In addition, when residents turn to local authorities, they are denied assistance. Because of the Communications Act of 1934, the Federal Government has exclusive authority to regulate radio frequency usage and to enforce related rules. Therefore, State and local authorities are prevented from enforcing FCC rules already in existence.

This is where S. 608 would provide a remedy. This bill, which I have cosponsored, would give limited authority to State and local governments to enforce FCC rules governing CB radio equipment. I would like to emphasize this legislation will not jeopardize the exclusive regulatory jurisdiction of the FCC, neither will it impose added requirements on State and local governments. This bill merely allows localities to enforce rules already in effect, thereby giving citizens a legal recourse in solving radio interference disputes.

Mr. President, I view this legislation as a small, yet simple approach to solving CB radio interference problems. I urge my colleagues to support this bill, and I look forward to working with Senator FEINGOLD to secure its passage.

I ask that the text of a Grand Rapids City Commission resolution in support of S. 608 be printed in the RECORD.

The material follows:

GRAND RAPIDS, MI, *May 7, 1997.*

Senator SPENCER ABRAHAM,
Southfield, MI.

DEAR SENATOR ABRAHAM: Enclosed is a certified copy of Resolution 63295 approved by the Grand Rapids City Commission on April 29, 1997, which encourages you and all the members of the Michigan Congressional Delegation to support Senate Bill S. 608 which changes Federal Communications Commission rules to allow states and local units of government to enforce certain regulations regarding the operation of citizen band radio equipment.

Sincerely,

MARY THERESE HEGARTY,
City Clerk.

Enclosure.

Your committee of the whole recommends adoption of the following resolution encouraging Senator Abraham and the Michigan Congressional Delegation to support Senate Bill S. 608 which would amend the Federal Communications Act of 1934 to allow state and local governments to prohibit citizens band radio equipment and operations which are not authorized by the Federal Communications Commission and to enforce those regulations.

J. H. LOGIE, JAMES C. KOZAK, ERIN J. WILLIAMS, SHARON WEST, LINDA SAMUELSON, ROY L. SCHMIDT.
Committee of the Whole.

Com. Kozak, supported by Com. Schmidt, moved adoption of the following resolution:

Resolved, that the City Commission encourages Senator Spencer Abraham and all the members of the Michigan Congressional Delegation to support Senate Bill S. 608 which changes Federal Communications Commission rules to allow states and local units of government to enforce certain regulations regarding the operation of citizen band radio equipment.●

INDIAN EDUCATION

● Mr. CAMPBELL. Mr. President, today, I lend my support of the resolution my colleague Senator DOMENICI has introduced to bring the quality of Indian education on par with the rest of America. Increasing the quality of education available to our Native American youth will go far in solving many of the problems facing tribal governments and Indian people.

This resolution acknowledges that the facts are discouraging. Indian youth lead all ethnic and racial groups in drop-out and poverty rates. Their juvenile delinquency rate continues to grow faster than the rest of young people in America. Both Indian reservation and Bureau of Indian Affairs schools are severely underfunded from a programmatic standpoint. These schools attempt to provide services to their children in spite of substandard facilities—facilities that no parent should have to send their child to and that no teacher should have to work in. These schools are understaffed and Indian educators are sorely underpaid.

As this resolution makes clear, the United States has a moral and legal obligation to provide or aid tribal governments in providing quality education to American Indian and Alaskan Native youth. This responsibility is recognized in treaties, Executive orders, court decisions, and statutes. Yet, the disturbing facts that I have just mentioned make it clear that this obligation is not being met. It is my hope

that this resolution will be the first step in building awareness of the current state of Indian education that will allow us to focus on a pragmatic solution.

The importance of Indian education cannot be overstated. It holds the key to solving the most prevalent and devastating problems in Indian country: grinding poverty and the absence of opportunity for Indian youth.

I am drafting legislation to address the unemployment problem on reservations by helping tribes create jobs and attract businesses. But in addition to a lack of capital and an abundance of regulatory obstacles, tribes face the challenge of filling jobs with trained people. Education and job creation must go hand-in-hand if tribes are to improve the standard of living for their members. Only through education will Indian tribes be able to solve problems such as unemployment, economic development, and achieving higher standards of living.

At a recent Indian Affairs Committee hearing, a member of the Office of Juvenile Justice stated in his testimony that "while violent crime is falling in American cities, it is rising on American Indian reservations." Additionally, a report released by the Federal Law Enforcement Training Center reveals that over the past 5 years gang related crimes, in the form of drive-by-shootings and homicides, have increased by more than 500 percent in some Indian communities. Mr. President, it must be understood that many of the problems facing Indian youth today center on the erosion of their culture. Too often, Indian children lack pride in who they are, where they live, and where they come from. This lack of self-esteem has caused consequences that ripple through the lives of Indian youth such as high drop-out rates and a growing juvenile delinquency and gang problem. As we resolve to better the quality of education for Indian children, we must strive to do so while acknowledging the importance of promoting Indian culture.

Mr. President, as the 105th Congress proceeds, I urge my colleagues to join in supporting this resolution.●

BENNETT AMENDMENT TO STATE DEPARTMENT AUTHORIZATION BILL

● Mr. KYL. Mr. President, I rise in support of the amendment offered by Senator BENNETT, which urges the administration to enforce the Gore-McCain Iran-Iraq Nonproliferation Act of 1992.

There is wide agreement among leaders in the Congress and the administration that the proliferation of weapons of mass destruction [WMD] and advanced conventional weapons is one of the key national security threats facing the United States today. In fact, in 1994, President Clinton issued Executive Order 12938 declaring that the proliferation of weapons of mass destruction and the means of delivering them constitutes "an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States," and that he had therefore decided to "declare a national emergency to deal with that threat." The President reaffirmed this Executive order in 1995 and 1996.

But despite declaring a national emergency, the administration has been unwilling to take actions which would reduce the threat we face, such as enforcement of the nonproliferation laws passed by the Congress and signed by the President. For example, the administration has refused to invoke sanctions on China for the transfer of advanced C–802 antiship cruise missiles to Iran as required by the Gore-McCain Nonproliferation Act of 1992. This act requires the United States to impose sanctions on any entity that transfers "goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire chemical, biological or nuclear weapons or to acquire destabilizing numbers and types of advanced conventional weapons."

The administration's failure to invoke sanctions as required by law is particularly disappointing in light of the statement then-Senator AL GORE made on the Senate floor on October 17, 1991, about the need for strong actions to combat proliferation. Mr. GORE urged governments around the world to make sales of sensitive technologies "high crimes under each country's legal system; to devote the resources necessary to find those who have violated those laws or who are conspiring to violate them, and to punish the violators so heavily as to guarantee the personal ruin of those who are responsible, and to easily threaten the destruction of any enterprise so engaged."

In 1996, China sold C–802 antiship cruise missiles and fast-attack patrol boats to Tehran. The C–802 has a range of 120 km with a 165 kg warhead and is especially lethal due to its "over-the-horizon" capability. In an interview last year, Vice Adm. Scott Redd, commander of the U.S. Fifth Fleet expressed concern that the C–802 gave the Iranian military increased firepower and represented a new dimension to the threat faced by the U.S. Navy in the Persian Gulf.

On April 10, 1997, former U.S. Ambassador to China, James Lilley, testified to the Senate that Iran planned to increase the survivability and mobility of its force of C–802's, by mounting some of the missiles on trucks, which could use numerous caves along the gulf coast for concealment. And just this morning, Secretary of Defense Cohen announced that Iran had successfully tested an air-launched version of the missile earlier this month.

Yet despite these facts, the administration has narrowly interpreted its legal obligations and has not invoked sanctions on China for the sale of these missiles to Iran. The administration concedes that the missiles are advanced, but claims the sale was not destabilizing, thereby dodging the requirement to impose sanctions.

As we saw in 1987, when 37 sailors died from the impact of one missile on the U.S.S. *Stark*, cruise missiles like the C–802 pose a dangerous threat to U.S. forces and our allies in the gulf. The presence of the U.S. Navy in and around the Persian Gulf is critical to the fragile equilibrium of that region. Iran's possession of C–802 cruise missiles threatens this equilibrium and is clearly destabilizing. As Secretary Cohen said this morning, "Iran's word and action suggests that it wants to be able to intimidate neighbors and interrupt commerce in the Gulf."

Mr. President, the time has come for us to back up our words about the terrible threat we face from weapons of mass destruction and advanced conventional arms with actions. Actions that will reduce the threat we face by punishing those countries that supply these dangerous weapons to irresponsible regimes like the one in Iran. We should begin by enforcing the nonproliferation laws currently in place. The amendment sponsored by Senator BENNETT is a meaningful step in the right direction. I urge my colleagues to support its passage.●

ORDERS FOR JUNE 19, 1997

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Thursday, June 19. I further ask consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then be in a period of morning business until 1 p.m., with Senators permitted to speak therein for up to 5 minutes, with the following exceptions: Senator KENNEDY for 15 minutes, Senator TORRICELLI for 20 minutes, Senator COLLINS for 10 minutes.

Mr. BYRD. Reserving the right to object, would the Senator allow me a couple of minutes so that I can check with another Senator? I may want to make a unanimous-consent request on another matter.

Mr. GRASSLEY. Mr. President, I will yield for the purpose of the Senator from West Virginia to propound a unanimous-consent request, and then I will resume following that.

STAR PRINT—S. RES. 98

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, on June 12, Senator HAGEL and I and other Senators introduced Senate Resolution 98, expressing the sense of the Senate regarding the conditions of the United States becoming a signatory to any international agreement on greenhouse gas emissions under the U.N. convention. On that same day, in addition to Senator HAGEL and myself, 44 Senators cosponsored that resolution, making the total 46.

Since that time, 14 additional Senators have indicated an interest in being cosponsors. So I will read their names shortly. But in addition to requesting a star print of Senate Resolution 98, I indicate for the RECORD a substantive change in the resolution. It is required that there be a substantive change in order for there to be a star print. I want a star print to show the additional 14 Senators' names. The additional names are: Senator AKAKA, Senator COATS, Senator COCHRAN, Senator DOMENICI, Senator GRAMM, Senator GRAMS, Senator LOTT, Senator MOSELEY-BRAUN, Senator ROBB, Senator ROCKEFELLER, Senator SESSIONS, Senator SMITH of New Hampshire, Senator SPECTER, and Senator STEVENS.

Now, Mr. President, the substantive change would be in the form of an additional "whereas" clause. I will read it:

Whereas, it is desirable that a bipartisan group of Senators be appointed by the majority and minority leaders of the Senate for the purpose of monitoring the status of negotiations on global climate change and reporting periodically to the Senate on those negotiations: Now, therefore, be it".

That is the new "whereas" clause, and those are the words that would constitute the substantive change.

Therefore, I will ask unanimous consent that there be a star print of Senate Resolution 98 which will indicate the additional 14 Senators' names and the additional whereas clause.

May I say, parenthetically, that I think it would be good for the administration to know that there is an independent group of Senators who have status, who have been authorized by the U.S. Senate to monitor the developments and negotiations on global climate change, and who will be authorized to report periodically back to the Senate concerning those developments. That is the purpose of the additional clause, and I, therefore, make that request.

Mr. CRAIG. Mr. President, reserving the right to object—and I will not object—let me again thank the Senator from West Virginia for his leadership in this area and the refinement of this Senate resolution, what he is doing. What now 61 Senators are saying is that this is a very, very important issue for this country, and to the world. And the Senate wants to be active players and observers in the development of this potential treaty because ultimately it gets here to the floor of the United States Senate for us to make that decision.

Senator BYRD has offered us tremendous leadership in this area. I thank him. Mr. President, I, too, know that you have become our leader on this issue, and I appreciate that. Thank you.

Mr. BYRD. Mr. President, if the Chair will momentarily indulge me, may I say that the Presiding Officer of the Senate, Mr. HAGEL, will be conducting the hearings on tomorrow by this subcommittee which he chairs, the subcommittee of the Foreign Relations Committee on this very subject.

I urge Senators to follow the conduct of these hearings. It is my understanding, in talking with Senator HAGEL that there will be subsequent hearings tomorrow. These will be important hearings, and there will be witnesses appearing who will have testimony that I think will be worthwhile to the Senate as it proceeds on the course of following the negotiations, having a voice in them, and, as it were, leaning over the shoulders of the administration as the negotiations take place.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I thank the distinguished Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am a cosponsor of the resolution that the distinguished Senator from West Virginia just spoke of. I applaud him. I associate myself with the kind remarks that the Senator from Idaho made because it is a very forceful tool, and is a very badly needed tool to make sure that our Constitution and our economy is protected.

Mr. FORD. Mr. President, if the Senator from Iowa will yield without losing the right to the floor, let me also join him and the Senator from Idaho, and compliment the distinguished Chair, and my friend from West Virginia, on what is attempted here.

I just watched the statement today that, if this Tokyo plan goes through, all of our energy generating facilities just go right across the border to Mexico. They are excluded. So all our jobs will go down there. All our electricity will come from there because they are excluded and to the detriment of our people.

So I couldn't compliment the Senator from West Virginia more. He has been diligent in this, and I compliment him. And I just hope I can follow his lead. So whatever he needs from me, let me know.

I yield the floor.

Mr. BYRD. Mr. President, I thank both Senators.

The PRESIDING OFFICER. If there is no objection, the previous unanimous-consent request is agreed to.

DRUG FREE COMMUNITIES ACT OF 1997

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 65, H.R. 956.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 956) to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

• Mr. DASCHLE. Mr. President, today the Senate is giving final approval to the Drug-Free Communities Act of 1997. This bill will help protect our children from the deadly danger of drugs. By approving this bill, we are putting more resources in the hands of those who are making a difference in the fight against drugs: parents, teachers, coaches, and civic and religious leaders.

At the same time, though, the bill is fiscally responsible. In this time of tight fiscal constraints, we have created a bill that does not increase the Federal deficit by a single penny. The legislation simply redirects existing Federal funds from less productive areas of the drug control budget to community-based anti-drug coalitions with proven track records in the fight against drugs. What's more, the bill requires a financial commitment from communities that seek funds. The requirement of matching grants will force the communities to demonstrate an even greater commitment to fighting drug abuse before receiving Federal funds.

The Drug-Free Communities Act has attracted the support of more than 150 State and local law enforcement groups, churches, and other organizations. On the national level, it has been endorsed by groups as diverse as Mothers Against Drunk Drivers and William Bennett's Empower America. In my own State, the South Dakota Department of Human Services and Siouxland Cares have also committed their support. As these endorsements suggest, this bill represents a wonderful opportunity to provide meaningful help to community anti-drug coalitions in South Dakota and throughout the country.

I am extremely pleased that my colleagues are supporting this legislation to keep our children away from drugs, and drugs away from our children.•

Mr. DEWINE. Mr. President, I thank the Senator for bringing the Drug Free Communities Act to the floor today. I

am proud to be an original cosponsor of this legislation—and I urge all my colleagues to support it today.

We face an epidemic of drug abuse in this country—particularly among children. Substance abuse by young people has more than doubled during the past 5 years, and children are beginning to use drugs at younger ages. This trend has major implications for public health, which include the dangers of long-term addiction and disease. There also are costs to society as a whole in the form of poorer educational achievement, lost productivity, increased health care costs, and higher levels of crime. The most important cost, however, is the tragic loss of the potential and aspirations of many of our young people.

During America's long fight against substance abuse, community-based coalitions have offered a way to turn this situation around. These coalitions have consistently shown that grassroots efforts to educate young people about the dangers of drug abuse do work. It is clear that a Federal drug abuse strategy must complement and enhance community actions wherever possible.

Recognizing the success of community-based programs, the Drug Free Communities Act will enhance programs that work by providing matching grants to community coalitions with proven track records. This is a sensible approach, because it builds on the hard-won, practical experience of people who have been in the forefront of the fight against substance abuse.

America's children are our most important resource, and substance abuse places them at great risk. The Drug Free Communities Act will enhance the ability of communities across the country to protect the health of their young people. This proposal has great potential for success and deserves our wholehearted support.

Mr. SHELBY. Mr. President, I rise today to express support for the Drug-Free Communities Act and I would like to commend its sponsors, Senators GRASSLEY, DASCHLE, DEWINE, and D'AMATO for their efforts in developing this important legislation.

Unfortunately, a recent poll conducted by the Partnership for a Drug-Free America indicated that younger and younger children are using drugs. This poll is only the latest evidence of a very disturbing trend of increasing drug use by young people. It is important that we act to stop drug use and to prevent the devastation that drug use will have on America's young people.

The Drug-Free Communities Act is an important step in this effort. This legislation provides local community groups, who have proven track records addressing teen drug use, with the funding they need to really combat drug usage. The Drug-Usage Communities Act creates an advisory commission, consisting of local community leaders, who will oversee the program and make sure that funds are directed to those groups that are successful in fighting drug use by America's children. The act provides funding only to those groups that can match the Federal dollars with non-Federal funds, ensuring that viable community groups will participate in the program and sustain anti-drug efforts as the fight continues. Lastly, the Drug-Free Communities Act requires no new funding. Funds will come from the $16 billion Federal drug control budget.

This legislation is extremely important to the war on drugs. With the latest news that our efforts are flagging, that children are giving in to the temptation of drugs, we must fight back. The drug dealers are not waiting to approach our children, they never hesitate to make a sale. We cannot delay in fighting for them. We must reinvigorate the effort to protect our children. We must pass the Drug-Free Communities Act.

Mr. FEINGOLD. Mr. President, I'm pleased that the Senate is turning its attention today to the Drug Free Communities Act. As a cosponsor of this legislation, I want to thank Senator GRASSLEY for his leadership in developing the bill and the chairman for agreeing to move it through the committee expeditiously. This is an important bill for children and communities, and it deserves to be passed quickly and signed into law.

The Drug Free Communities Act will provide needed support to local partnerships, which play an important role in helping children and teens to resist drugs. My State of Wisconsin currently has 132 such community-based partnerships—groups of parents, teachers, community and religious leaders, youth advocates, and others who come together to teach leadership skills and provide kids with alternative activities and opportunities.

In Marshfield, WI, for instance, the Wood County Partnership Council has focused on activities to reduce drunk driving by teens. Programs sponsored by the council have included regional teen institutes, parent to parent workshops, and general prevention training of community members.

In Milwaukee, Neighborhood Partners has developed grassroots neighborhood organizations which focus on preventing substance abuse and drug-related crime. These organizations have helped to establish neighborhood watch programs, after school tutorial programs, and block patrols. Two years after founding this partnership, the personal property crime rate in the targeted area fell by 16 percent, as compared with a Milwaukee-wide decrease of 12 percent.

These are the sorts of programs that might apply for funding under the Drug Free Communities Act, in order to help support parents and other community volunteers reach more youths with their important messages.

No new funds will be appropriated under H.R. 956. Instead, funding for qualifying local partnerships will be diverted from the existing $16 billion drug control budget. In order to ensure that the coalitions receiving these Federal dollars are sustainable, grants will be made available only to broad-based, local partnerships that have been active for at least 6 months, and are able to match their Federal awards dollar for dollar, with either cash or in-kind contributions.

Supporting locally-based prevention initiatives is a critical piece of a comprehensive drug control strategy. The Judiciary Committee, on which I sit, spends a good deal of time addressing issues of crime that stem from youth and adult drug use. I'm pleased that today the Senate is focusing, in a bipartisan way, on preventing the root cause of so much crime, by supporting parents and localities in their efforts to prevent youth drug use.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

Mr. FORD. Mr. President, reserving the right to object—and I will not object—there is no objection on this side. I would like to note that the distinguished Democratic leader, Senator DASCHLE, who is unable to be here this evening, is a cosponsor of this legislation and endorses it highly.

I have no objection.

Mr. GRASSLEY. Mr. President, I might go beyond that and say this has very, very broad bipartisan support.

The PRESIDING OFFICER. Without objection, so ordered.

The bill (H.R. 956) was passed.

Mr. GRASSLEY. Mr. President, I am pleased that the Senate has passed H.R. 956, the Drug Free Communities Act of 1997, today. Earlier this month, this same bill was approved by a vote of 420 to 1 in the other body. As you know, I, along with 18 of my colleagues, introduced a companion version of this legislation in the Senate earlier this year. By the close of business today, this legislation has garnered a total of 29 cosponsors.

Mr. President, this is an outstanding show of support for this important piece of legislation. When each of us return home over recess, we meet with the people that we represent. We listen to their problems, and we listen to their solutions. And when we talk about drugs, and talk about what can be done to keep our kids from using drugs, it always comes back to the community. What matters most is what parents, schools, churches, law

enforcement, community groups, and businesses do, working together, to keep our kids drug free.

This legislation will support these efforts. It will allow communities with established coalitions, coalitions that have a proven track record, to receive matching funds to support their efforts. It will provide additional resources in the hands of those who make a difference; people that our children respect and listen to: parents. Placing resources at the community level allows parents, teachers, community, and religious leaders to use these funds to make a difference in the lives of our children, our future.

I want to thank my colleagues and co-sponsors on both sides of the aisle. I particularly want to thank Senator DASCHLE, Senator DEWINE, Senator BIDEN, and Senator HATCH and many others for their support and efforts in moving this legislation.

PROGRAM

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, for the information of all Senators, for tomorrow's business it is the leader's hope that the Senate will be able to begin consideration of the very important Department of Defense authorization bill. Also, the leader is hopeful that the Senate will be able to consider the intelligence authorization bill. Therefore, votes can be expected to occur during the session of the Senate on Thursday.

I would remind all Members that there is a lot of work to be done before the Senate adjourns for the July 4th recess. Therefore, the leader would appreciate all Senators' cooperation in order to complete the business of the Senate in a responsible fashion.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. On behalf of the leader, I ask unanimous consent, if there is no further business to come before the Senate, that the Senate stand in adjournment under the previous order, following the remarks of the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOD's PROBLEM DISBURSEMENTS

Mr. GRASSLEY. Mr. President, I would like to talk about the Department of Defense's [DOD] problem disbursements.

I have spoken on the subject many times in the past.

I would like to speak on it again today because the Pentagon's Chief Financial Officer, or CFO, Mr. John Hamre, claims he's whipping the problem.

His claims do not seem to stand up to scrutiny.

The GAO has issued a new report on DOD's problem disbursements. It is entitled "Improved Reporting Needed For DOD Problem Disbursements."

This report rips Mr. Hamre's claims to shreds.

In May 1996, Mr. Hamre claimed he had an $18 billion problem. Now, it's $8 billion and falling.

The GAO says Mr. Hamre is understating the problem by at least $25 billion.

Mr. Hamre is blowing smoke to hide the problem.

He is falling back on the oldest trick in the bureaucrat's book: Redefine the problem to make it appear smaller.

He did it by administrative decree in December 1996.

His decree arbitrarily excludes huge chunks of problem disbursements from official reports to Congress.

He just waved his magic wand and shrunk the universe.

It is not smaller because he cleaned up the books or reconciled delinquent accounts.

He did not do any oldtime bookkeeping to get the job done.

In fact, he did not get the job done. He just wants us to think the did.

Mr. President, to understand what Mr. Hamre is up to, we need to understand problem disbursements. What are they, and why are they a problem?

The GAO says there are three types of problem disbursements: in-transit disbursements, unmatched disbursement, negative unliquidated obligations or NULO's.

An in-transit disbursement is one that is floating in limbo.

The check was written and the bill was paid. But the payment has not been posted to an account.

If Mr. Hamre were on the ball, there would be no in-transits. Transactions should be recorded as they occur. That's basic accounting 101 stuff.

That's how businesses operate.

The Pentagon's accounting guru—Mr. Keevey—says that's the right way to do it. I quote Mr. Keevey:

> Under a good finance and accounting network, you would never make a payment until you check it against the underlying obligation and the underlying records.

If DOD practiced what Mr. Keevey preaches, there would be no problem disbursements. Period.

Congress has been telling DOD to do exactly the same thing every year for the last 3 years.

Section 8106 of last year's appropriations bill says:

> Match disbursements with obligations before making payments.

But the bureaucrats complain: "No can do. It's just too hard."

They think it's normal for disbursements to float in limbo for up to 120 days or even longer. For them, a disbursement floating in outer space for 4 months is OK.

It's not a problem disbursement under Mr. Hamre's exclusion policy.

Here's a prime example of how well Mr. Hamre's policy works.

The GAO discovered, for example, that DOD excludes certain "recurring and routine" transactions.

Mr. President, you should see what the GAO found in the Pentagon's "recurring and routine" basket?

The GAO discovered $4.5 billion of payroll disbursements from automated teller machines or ATM's that were once located on Navy ships.

They just weren't very fresh.

They were so old that their points of origin had disappeared off the face of the Earth. The ships that carried the ATM's have been decommissioned.

Time passed them by.

Most of these ATM transactions were at least 2 years old but some dated back to January 1988, or 9 years ago.

To the average citizen, a check that is not recorded in a checkbook register for 9 years just might be a problem.

But not to Mr. Hamre.

He says it's "normal and routine" for a disbursement to float around in outer space for 9 years. "It's OK. It doesn't count. Not to worry."

Unmatched disbursements are more troublesome than in-transits.

When in-transits finally reach the accountant's desk, the accountant tries to match the disbursement with its corresponding obligation.

An obligation is like a contractual commitment of money.

When a corresponding obligation cannot be identified, you have a problem—an unmatched disbursement.

In some cases, the hookup is made. Sometimes it takes months or even years. And sometimes, the match is never made.

That's an unmatchable disbursement.

That happens when supporting documentation has disappeared.

When you have a check and no supporting documentation, you have a hot potato.

That's a problem, Mr. President. It's a big problem for anyone responsible for controlling public money.

CFO Hamre found a quick and easy cure for this ugly wart. He just lopped it off.

In 1995, he literally wrote off billions of dollars in unmatchable disbursements.

He just wiped them clean off the books. Problem solved.

When Mr. Hamre did this, I came to the floor and criticized him for doing it. I thought it set a terrible precedent.

Maybe Mr. Hamre had no choice, but when you write off billions of dollars of disbursements, some heads should roll. And it should never happen again.

Sadly, no one was held accountable.

The third category of problem disbursements are NULO's.

With a NULO, you get a quick match, but there is not enough money in the account to cover the check. It is overdrawn.

That could be a violation of the Anti-Deficiency Act, and that's a felony.

There is a fourth category of problem disburements that DOD doesn't report. I did not mention it up front because it is not official. It was invented by the Senator from Iowa.

I call it mismatched disbursements.

I have spoken about Mr. Hamre's illegal progress payment policy several times this year.

Under the Hamre policy, checks are deliberately charged to the wrong accounts. That creates a mismatch.

It is a mismatched disbursement.

A mismatched disbursement is the flip side of an unmatched disbursement. It is a problem disbursement, for sure.

Mr. Hamre's progress payment scheme is producing a whole new category of problem disbursements.

And he doesn't even know it.

DOD makes over $20 billion a year in progress payments.

If most are mismatched—as I suspect—then DOD's problem disbursements exceed the $45 billion figure cited by the GAO.

If this were a $1 million problem, I might not worry so much.

Unfortunately, billions of dollars of public money could be at risk. We just don't know—until DOD gets a good match.

When you have billions of dollars in checks with no documentation and you're writing them off right and left, your accounts are vulerable to theft.

As CFO, Mr. Hamre is accountable for this mess.

Mr. President, Mr. Hamre has been selected by Secretary Cohen to fill the No. 2 spot at the Pentagon.

He would become the Deputy Secretary of Defense. That's a big job.

I am opposed to this nomination.

I will have much more to say about Mr. Hamre in the weeks ahead.

Mr. President, I want to be sure my colleagues understand where I am coming from.

CHIEF JUDGE KAZEN, U.S. DISTRICT COURT

Mr. GRASSLEY. Mr. President, I would like to briefly address an issue I talked about already on June 5. I want to clarify the record regarding an inaccurate Washington Post front-page story on Chief U.S. District Judge George P. Kazen of the southern district of Texas.

To refresh your memory, the Post reported on May 15 of this year that Judge Kazen had stated he was overworked, couldn't manage his caseload and needed more judges. The article then more than implied there was a backlog in his district and there was a crisis across the Nation which was created by the Judiciary Committee playing politics at the cost of justice.

I had hoped we were done talking about that example of inaccurate and misleading reporting, but judging by a remark made Monday here on the floor, I must reiterate what I already said on June 5: there is no backlog in the southern district of Texas, the article III judges of that district, and of most districts of the country, for that matter, assure me that they can handle their caseloads just fine.

I noticed my colleague Senator LEAHY used this article Monday to once again complain about the pace of confirmations. Unfortunately, he has also become a victim of that misguided article.

As chairman of the Judiciary Subcommittee on Administrative Oversight and the Courts, I felt compelled to come before my colleagues and set the record straight on the southern district of Texas. Therefore, on June 5, I gave you the applicable statistics for the district and I gave you the responses my 1996 survey produced for that district. As you might recall, in an effort to keep the lines of communication open between this Congress and the judicial branch, I sent a comprehensive survey to all article III judges last year. Some of the questions in the survey addressed precisely this issue of a backlog. I said on June 5 and I'll repeat it today, both my survey and my communications with our Federal judges clearly show that there is no backlog and that a vast majority of the judges in the southern district of Texas, one of the largest and busiest in the Nation, can more than aptly manage their caseload. By the way, the same holds true for the Nation in general.

When I spoke to you on June 5, I wondered how come Judge Kazen would turn to the Washington Post and create such a different impression from what my research, my figures, and, most importantly, my communications with our Federal judges indicated. Well, it turns out that Judge Kazen was as surprised by the article as I was. You see, I just received a letter from Judge Kazen on June 6 and it has now become clear that Judge Kazen is as much a victim of inaccurate reporting as everyone who ended up reading that article is. According to Judge Kazen, he only talked to the reporter regarding his district's contemplation to move the home seat of a judicial vacancy from Houston to either Laredo or McAllen.

Incidently, the vacancy Judge Kazen was talking about has been around since 1990. It therefore appears that my Democratic colleagues, who are so quick to cry "politics" when the Judiciary Committee dares to scrutinize a Clinton nominee, had ample opportunity to fill that seat and for one reason or another they chose not to do so.

Judge Kazen insists in his letter that while the article ultimately quoted him as speaking about judicial vacancies, the conversation he had with the reporter was solely on the proposed move of the future judge's home seat. Judge Kazen further states that the article's focus on filling vacancies was never the focus of his conversation with the Post reporter. If mentioned at all, it was nothing more than a passing reference. Judge Kazen, in his letter to me, is adamant that he never described "any caseload as being unmanageable."

Therefore, not Judge Kazen, but the Washington Post used this one example to complain of backlog and unmanageable caseloads. Mr. President, the vast majority of the judges who have responded to my survey, who have written me letters, who have called my offices, or who have come before the Judiciary Committee or my subcommittee are not backlogged and are quite able to manage their caseloads. Judge Kazen's letter to me underscores that fact, and I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF TEXAS,
June 6, 1997.

HON. CHARLES E. GRASSLEY,
Chairman, Subcommittee on Administrative Oversight and the Courts,
Senate Hart Building, Washington, DC.

DEAR SENATOR GRASSLEY: Your letter of May 30, 1997, prompts me to seek clarification of what issues you believe that I raised in the Washington Post article of May 15. That article was the result of a telephone call in April from a Texas reporter working for the Post. She inquired about a letter I had written in February to the Democratic members of Congress from southern Texas. The letter had apparently been released to the media by one or more of the recipients, as it had already been the subject of press reports in Texas.

The purpose of my letter was to advise the Representatives that our Court was contemplating a request to the Judicial Council of the Fifth Circuit that the home seat of the judge who would eventually succeed former Chief Judge Norman Black be moved from Houston to either Laredo or McAllen. The possibility of such a move had been discussed off and on during 1996, but no action had been taken. We knew that this position would not be filled immediately, and we could have deferred action until later. However, we learned in February that the Representatives were meeting soon to recommend a nominee to the White House. They were doing so under the natural assumption that the person would sit in Houston. We decided that basic fairness required us to at least alert the Representatives to our plan.

The letter advised that the Court would "probably" request the move and that our final decision would be made at a meeting of the full Court in May. The letter stated in general terms why we were taking this step. This included the fact that the four "border" divisions of our Court have long borne the burden of one of the heaviest criminal dockets in this country. We advised that scores of new Border Patrol agents are scheduled for assignment to Laredo and the Rio Grande Valley this year, along with projected increases of other law enforcement agents. We

concluded that many more agents inevitably will lead to more arrests and more prosecutions in our southern divisions. At least, this should be the result if the agents do what they are hired to do.

The letter also advised that, for the first time in over twenty years, the chief judgeship of the Court had moved outside Houston. Under our seniority system, it will remain outside Houston for at least the next twenty years. The chief judge has typically been required to take a reduced docket to attend to the administration of this vast district, which consists of seven divisions spread over some 44,000 square miles.

The *Post* reporter had called to ask about the status of this matter. I told her that our plan was still on course. I never described any caseload as being "unmanageable." In response to her questions about the reason for our decision, however, I did try to explain the special pressures caused by an unrelenting criminal docket and why our judges felt the move was appropriate.

I realize that the *Post* article ultimately focused on filling vacancies, but that was not the focus of our conversation. If that topic was mentioned at all, which I cannot recall, it would have been a passing reference to the fact that we have a very old vacancy which we hope can be filled this year. The portions of the article actually quoting me are addressed to the issue of why our Court is seeking to move a judgeship away from Houston. It is our belief that this move is an internal judicial issue, governed by 28 U.S.C. §134(c). If I am mistaken in this regard, or if your subcommittee has concerns about it, I will try to assemble whatever data might be relevant, although this proposal is based to some extent on our best estimate as to the situation as we expect it to be whenever that new judge would be confirmed.

It does not surprise me that some of my colleagues reported to you that their dockets were manageable. It is precisely for this reason that the Houston judges have supported me in the effort described above. Their support is based on certain assumptions. First, we are assuming that Senior Judge Norman Black will be able and willing to carry at least a fifty percent caseload in Houston for the next several years. From June 1992 until December 1996, we had only one senior judge. That was Judge Hugh Gibson, who was helping with Judge Sam Kent's unusually large civil docket in Galveston. Judge Gibson became seriously ill last year and is only now beginning to attempt a comeback. Second, Judge John Rainey has currently been working in three divisions—Houston, Laredo and Victoria. Whenever the new judge arrives, Judge Rainey would drop Laredo and take a larger portion of the Houston docket. We think this is a positive step. Travelling between two divisions is not efficient; travelling among three divisions is grossly inefficient, especially when those three divisions stretch over 300 miles. Third, we are hoping that the Houston filings will not drastically increase during the next several years. If any of these assumptions prove untrue, we may well have to go back to the proverbial drawing board.

I am attaching a newspaper report that a "record-setting number of U.S. Border Patrol recruits" are currently undergoing basic training, to be assigned along the Mexican border. Forty-two of these persons are scheduled for the Laredo Sector and 133 for the McAllen Sector. We understand that increases in other law enforcement agencies, together with United States Attorneys, are also planned.

In 1996, the criminal filings in the four "border" divisions (Laredo, McAllen, Brownsville, Corpus Christi) were 1239, compared with 1069 in 1995, a 16% increase. As of May 31, the 1997 criminal filings in these divisions are 206 in Brownsville, 130 in Corpus Christi, 175 in Laredo, and 158 in McAllen. These are the results of five months of grand jury work. Projecting those figures over 12 months would yield filings of 494, 312, 420 and 379 respectively. This would make a total of 1605, a 29% increase over 1996. These projections do not consider that, as far as I know, few if any of the new law enforcement agents are actually in place yet. Also, these statistics refer to cases, not defendants. Many of these criminal cases, especially narcotics cases, involve multiple defendants. For example, the 1239 cases filed in the four divisions in 1996 involved 1884 defendants. I am currently processing a single case with 22 defendants. These projections also do not consider any civil filings.

The step our court is proposing is, in my opinion, sound management and would increase organizational efficiency. I would hope that you would applaud our effort to place our resources where the demand is, since I believe that you have previously encouraged the Judiciary to consider precisely this type of move.

Despite the fact that I was not discussing the issue of vacancies with the Post reporter, I do not wish to imply that I am disinterested in that issue. Chief Justice Rehnquist and many others more eloquent and prominent than I have spoken often on the subject. In addition to the new vacancy created by Judge Black, we have a vacancy that has existed since 1990. The nominee currently before the Senate is the third person either nominated or recommended for this position, going back to President Bush. The current candidate was first nominated in late 1995, if I am not mistaken. She was renominated earlier this year. This person is scheduled to sit in Brownsville. As you can see, we are conservatively projecting almost 500 criminal filings in that division this year, apart from any civil filings. The new judge and the incumbent, Filemon Vela, were also due to help Judge Ricardo Hinojosa, who sits alone in McAllen. As far as I know, no one has ever advised our Court that there was any doubt about the need for this position. In fact, based on our statistics, the Judicial Conference of the United States recently recommended that still another judge be added to our Court. The 1996 Biennial Judgeship Survey supporting this request is attached. I am also attaching our latest Magistrate Judge Survey, dated December 1994, prepared by the Administrative Office of the United States Courts, and the 1996 statistics showing the significant amount of work done by our magistrate judges.

Ours is a hard-working, very productive Court, which closed almost 13,000 cases last year, in addition to almost 4500 petty criminal cases closed by our magistrate judges. We realize that we will not get Judge Black's successor, much less a new position, anytime soon. However, we believe it is critical that at least our 1990 vacancy be filled in the reasonably near future. Judge Vela will be taking senior status within three years, and we must have a judge with some judicial experience in Brownsville before the vacancy cycle begins anew.

I hope this letter is helpful. I would be happy to discuss this situation with you at your convenience.

Sincerely yours,

GEORGE P. KAZEN.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the Senate stands adjourned until 10 a.m., Thursday, June 19, 1997.

Thereupon, the Senate, at 6:24 p.m., adjourned until Thursday, June 19, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 18, 1997:

THE JUDICIARY

FRANK M. HULL, OF GEORGIA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE PHYLLIS A. KRAVITCH, RESIGNED.

HOUSE OF REPRESENTATIVES—*Wednesday, June 18, 1997*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We recognize, O gracious God, that the burden of responsibility to support and defend the good traditions of this land is the concern of every person. Help us, in our assignments, to focus on what unites us, enable us to see more clearly those concerns that we share, may we be more articulate about those gifts of freedom and liberty for which we are custodians, and give us the vision to remember to be good stewards of the heritage that we have together. May we never settle for the good when we can do better, or give in to winning arguments instead of promoting justice and mercy. Lift our sights, O God, to see what truly makes us human so that we will be the people You would have us be and do those good things that honor You and serve this Nation with dignity and grace. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TIAHRT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TIAHRT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado [Mr. HEFLEY] come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

AMERICA DESERVES A RAISE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, "America deserves a raise." That is a slogan I quite agree with. I have a proposal that will give millions of taxpayers exactly that. It is called tax cuts. This is a method that probably has never occurred to those who coined the slogan, "America deserves a raise," but tax cuts are the best way to give taxpayers a raise.

Now, of course, the politicians really would not be giving anybody anything. The money people earn is already theirs to begin with. Government would only be letting them keep more of what they work so very hard to get.

Mr. Speaker, taxpayers do deserve a break. They should be able to keep more of their own money. They would then have the power to live their lives as they see fit, more freedom to realize their dreams, to build for the future and to provide for themselves and their families.

Yes, Mr. Speaker, America deserves a raise.

ARROGANT POLITICAL ACTS RESULT IN STAGNATION AND NONACTION

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, for the last 4 months a bipartisan task force on ethics reform has been meeting. Yesterday the 12 Members of that task force voted out its final recommendations with only one dissent, the gentleman from California [Mr. THOMAS]. All the Democrats voted for it and all but Mr. THOMAS on the Republican side. We set a public hearing for Friday and we were directing to have the matter voted on on the floor next week, perhaps as early as Tuesday.

Late last night we were informed that the Republican leadership of the House of Representatives had fired the task force, canceled the public hearing, and would not have the bipartisan work of the task force considered on the floor next week. This is the most arrogant political act since the Saturday Night Massacre, when Richard Nixon fired Archibald Cox 24 years ago.

We, as a bipartisan group, had agreed upon ways to reform the ethics task force with all the Republicans except one supporting that, and then we were fired by the Republican leadership last night and told we may not proceed to amend the ethics procedures of this House. This is unacceptable.

TAX REDUCTIONS SOON A REALITY FOR AMERICANS

(Mr. NEUMANN asked and was given permission to address the House for 1 minute.)

Mr. NEUMANN. Mr. Speaker, in the great State of Wisconsin, Governor Tommy Thompson has provided the people of Wisconsin with tax reductions and maintained a balanced budget, and that is what we are about to do out here in Washington, DC.

We are on the verge of finishing our commitment to the American people. We are already in the third year of our plan to balance the budget, the third year of a 7-year plan to balance the budget; we are way ahead of schedule, and we are now about to provide the American people with tax reductions.

What does that mean to a family in Janesville, WI? They have three kids, one headed off to college, and they are going to get help paying the college tuition to the tune of $1,500. For the other kids that are still home in that family, they are going to get another $1,000 on top of that.

The tax cuts are being provided at the same time we fulfill our commitment to the American people to balance the Federal budget so that our children in this great country can look forward to a sound financial future and opportunities to live the American dream that we have had.

BALANCE THE BUDGET WITH DISCIPLINE

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, the tax bill crafted by the gentleman from Texas [Mr. ARCHER] has some good items in it. Every American would like to have a tax cut, whether it be an income or estate or a capital gains tax. But I am beginning to fear that we are losing sight of the ball, that we originally came here in the early 1990's to balance the budget.

When President Clinton was elected in 1992 we had a deficit of $290 billion. This year that deficit is expected to be $57 billion. What are we seeing now? We are seeing an unfair tax bill that may

be passed by this House that will make the tax cuts so large that we will not have that balanced budget, maybe not even by 2002.

Let us pass a reasonable tax cut that treats parents and college students fairly, working parents fairly, and even investors. But let us not lose sight of the ball to balance that budget as soon as we can.

DEMOCRATS' CURIOUS DEFINITION OF INCOME

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, here is a riddle that is very confusing to Americans: How does your $35,000 income turn into an income of $75,600? Answer: When liberal Democrats are doing the counting.

According to the Census Bureau, 71 percent of the tax cuts from the Republican tax bill will go to people who earn between $20,000 and $75,000 a year. However, the administration says that over 77 percent of the tax cuts will go to people earning more than $75,000 a year.

Who is right? Well, one has to understand that the administration figures what one earns does not count; what the administration counts is one's family economic income.

Note: Say your family's income is $35,000. To that one will have to add, according to the administration, $18,000 for the rent one could get if one did not live in his house; $5,500 for the family health insurance his employer provides; $3,000 for the buildup in his pension; $2,000 a year for one's IRA contribution; $1,500 for the buildup of one's life insurance policy; $600 for one's parking space at work, and it goes on and on until your income is $75,600. The administration's tax books are cooked.

COMMON SENSE FOR CONGRESS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the White House says that the Republicans help the rich and hurt the poor. From taxes to disaster aid, let there be no mistake: The White House is winning.

But I ask at what expense? Rich versus poor, black versus white, man versus woman, old versus young. Politics of class, politics of race, the politics of fear, the politics of division. Yes, the White House is winning. The White House is winning the political spin battle, but I say to the Congress, unless both parties start to use some common sense and stop cannibalizing one another, the American people will lose this war. All of them. Any party that is that bad would never get elected.

TAX RELIEF FOR THE MIDDLE CLASS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, has anyone noticed that any tax cut proposal made by Republicans is reflexively labeled tax cuts for the wealthy by the liberal Democrats. Given that the tax cuts in the balanced budget amendment are targeted at middle class taxpayers, I interpret this strange reaction in one of two ways: It means that either they think middle class taxpayers are rich, which must be news to a lot of middle class people who live very modestly, or it means that they really do not like the idea of tax cuts at all, because it means that big government programs cannot expand as fast as they want.

Of course, there could be other interpretations. It could simply reflect the confusion so common among liberal Democrats about whether tax money already belongs to the taxpayers who earned it, or whether the tax money actually belongs to the politicians who then spend it in Washington in ways designated to get themselves reelected. It could also be plain old fashioned envy, a favorite tool of liberals. Whatever it is, such nonsense should be ignored and the middle class should get tax relief.

EQUITABLE TAX RELIEF FOR AMERICANS

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK. Mr. Speaker, I first want to offer and ask the Nation to pray for Dr. Betty Shabazz who continues to be blessed and sick in a New York hospital.

I also want to talk about the tax cuts that are before this House of Representatives and this Congress. We all want a tax cut. Democrats want a tax cut. We want the tax cuts to go to the people who most need it, those middle income people who work every day, who take care of their families, who want to send their children to school, and who make under $40,000 a year.

We want a tax cut. We want it equitable. We want our children to be able to grow and to learn.

So as this House addresses the tax situation and the cut that will be had by Americans around this country, let us not forget the families, the children, the people who work every day to take care of their children. Let them have the tax cut, those that make $40,000 and less.

CONFUSION ABOUT GIVING AND TAKING

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, there seems to be a lot of confusion on the other side of the aisle about who is giving and who is taking. I am talking, of course, about those of my colleagues who believe this liberal baloney about giving, giving the people that which already belongs to them.

Not a day passes in Washington without the left wing of Congress mindlessly repeating something that I hold to be blatantly false, that the politicians are giving anybody a tax break. Only in Washington do people define taking a little less to somehow be giving.

Now, the wealthy, who give the most, sometimes hundreds of times more than anybody else, are not taking from anyone. Yes, Mr. Speaker, that is the key to the liberals' failure to understand this issue. Every time Tiger Woods wins another tournament or Bill Gates brings about another software innovation to the marketplace, or a farmer in Colorado buys another section, no one is worse off by their achievements.

Government takes from them, not the other way around. The term "tax cuts for the rich" is just another liberal euphemism for their genuine belief that the fruits of their labor does not really belong to them, and that these politicians in Washington should have greater claim to it than they do.

ETHICS REFORM TASK FORCE DISSOLVED

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I was shocked to learn that Speaker GINGRICH had suddenly dissolved the ethics task force, and this Tuesday night massacre I hope does not effectively end bipartisan ethics reform.

After 4 months of work, a bipartisan task force voted 11 to 1 in support of an ethics reform package, but none of us will ever see the fruits of their labor, just hours before it issued its report. While the task force reviewed the rules and made its recommendations, both Democrats and Republicans agreed to a 6-month moratorium on all ethics complaints.

□ 1015

Now it appears that the entire process was merely a political device to shield Members from ethics complaints and to delay investigations. Speaker GINGRICH is the last person who should be thwarting ethics reform. He should not have the final word on this. He should allow the task force to issue its report, and allow the House to vote on this bipartisan reform proposal.

AMERICANS DESERVE A TAX BREAK TODAY

(Mr. TIAHRT asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

MR. TIAHRT. Mr. Speaker, we are all familiar with the advertising phrase "You deserve a break today." Americans deserve a tax break today. It has been 16 years since Americans have had any tax relief. In fact, we have suffered through the two largest tax increases in history in just the last half decade. Working families deserve a tax break, $500 per child tax relief, reduction in capital gains, reduction in death taxes, credits for investing in college. It all boils down to more freedom. It includes more control of your money, and it means stoking our economy, making more money available for investments. That means more jobs.

Yes, Mr. Speaker, America does deserve a tax break today.

THE REPUBLICAN COMPANY STORE

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, in the last Congress we had a debate about minimum wage. There were many people in the Republican leadership that got up and took the well and said that they were opposed to increasing the minimum wage. It caused me at that point to muse that somewhere between Abraham Lincoln and NEWT GINGRICH the Republican Party had changed its opinion of slavery.

Eventually we decided in a bipartisan fashion to give America's lowest paid workers a raise. We increased the minimum wage. Now as we are in the process of getting some 1 million people from welfare into workfare by a time certain, the Republicans have changed their mind again. They have decided that slave labor guaranteed by the Federal Government is all right, that those people that we are moving from welfare to workfare should not be paid a minimum wage.

We are time-limiting their welfare benefits, forcing them into the work force but not guaranteeing them a minimum wage. Thus we are trapping those same people economically. This really is a Republican version of the old company store, when at the end of the year the workers owed the company store more than they had paid; so what we are telling these people is: At the end of the year, you will owe us for the benefit we gave you of being able to work.

To the Republicans I say, "Get real."

URGING MEMBERS NOT TO WASTE THEIR VOTE ON H.R. 1270

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I have been in this well many times to discuss the facts surrounding the nuclear waste debate. I have largely concentrated on the issues of transporting nuclear waste across this Nation's highways and rail system. Over and over I have stressed that there are very real safety issues that must be addressed and resolved before we as legislators mandate a life-threatening policy on the American people who live in our districts.

To further illustrate my point, Mr. Speaker, I would like to share a recent mishap. On May 22 of this year an unexpected pressure buildup forced the top off a large metal shipping container at the U.S. DOE's Fernauld site near Cincinnati, OH. The container held five 55-gallon drums of radioactive waste. This happened to a container that was a stationary container, not in the transport arena. If these caps are this unsafe, how can we pass a bill that would endanger the lives of every citizen in this country? I urge Members not to waste their vote on H.R. 1270.

NO JUSTICE OR FAIRNESS IN THE REPUBLICAN TAX BILL

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, the Scripture tells us or asks us, "What then is required of us but to do justice, to love mercy, and to walk humbly with our God?"

Mr. Speaker, there is very little justice in the Republican tax plan that is going to be presented to this House. According to the Treasury Department, the vast majority of the tax cuts in the Republican bill would go to the wealthiest of Americans. Specifically, the Treasury Department information tells us that two-thirds of the Republican tax cuts would benefit families with incomes of over $100,000 per year. The richest 1 percent would receive an average tax break of over $12,000. Not many of my constituents earn $100,000 a year. There is no justice, no fairness, in the Republican tax bill. We need tax relief for America's working families.

SUPPORT INCREASED FUNDING FOR FEDERAL TRIO PROGRAMS

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, I extend my prayers to Dr. Shabazz in her recovery in New York.

Mr. Speaker, this morning I rise because yesterday the Subcommittee on Postsecondary Education, Training, and Life-long Learning of the Committee on Education and the Workforce held a hearing on the reauthorization of the Higher Education Act.

For over 30 years this act has provided postsecondary education opportunities for millions of Americans. This is a shining example of providing national leadership and resources to help educate all Americans. In the hearing yesterday they reviewed Federal TRIO programs. TRIO provides academic counseling and outreach to students from families who earn less than $25,000 a year. It helps students who would not otherwise receive postsecondary education by giving them a chance and giving them an opportunity.

TRIO, Mr. Speaker, is making a difference. A 1993 study by the Department of Education found that TRIO is extremely effective at counseling young people in their elementary and secondary school years, for it is based on the Jeffersonian principle that education should be provided to those who have an ability to learn and not just an ability to pay.

Recently released results of the Third International Math and Science Study found that American third and fourth graders, Mr. Speaker, rank highest in math and science worldwide. Let us give TRIO a chance. Refund it, and allow us the opportunity to train those eighth-graders when their scores dropped.

A WARNING TO AMERICANS: THE PRESIDENT HAS BROKEN HIS WORD

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to warn the working men and women of this country that the President has broken his word. He says he is going to veto a tax bill that contains exactly what he agreed to, badly needed tax relief for families and children.

Through his spokesman, the President says he will not sign a tax bill that contains a $500-per-child tax credit, estate tax relief, and a capital gains reduction. I am outraged, first, that he would once again break his word, and second, that no one is holding him accountable. Every American who is faced with high taxes deserves an explanation. It is time for the President to quit playing games.

Mr. President, honor your commitment. America needs tax relief now.

INTRODUCING LEGISLATION TO GUARANTEE TAX FAIRNESS

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, the hallmark of any tax system has to be fairness and justice. No system of taxation, particularly in a republic like

ours, can be supported if it is not fair and just. What the majority here in this House is trying to do is to perpetrate on the people of this country a system of taxation which is neither fair nor just.

The best example of that in the recent bill that they have proposed is a proposal to eliminate the alternative minimum tax. The alternative minimum tax was established back in 1986, when it was discovered that major American corporations with huge profits were paying absolutely no taxes to the Federal Government.

On one occasion, for example, a major American corporation, in spite of the fact that it had $5.5 billion in profits, paid no taxes to the Federal Government whatsoever, while the average taxpayer in my State, for example, was paying $34,000 of their hard-earned money in taxes that year. Obviously if we reduce the taxes for major corporations, others are going to have to make up the difference. That difference will have to be made up by the American working people.

I am going to introduce a resolution supporting the alternative minimum tax and an amendment to the bill when it comes on this floor to make sure that profitable corporations pay their share of taxes.

INTRODUCTION OF H.R. 1813, PERSONAL INFORMATION PRIVACY ACT

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, I rise today to point out how our children's privacy is being violated. Last week the Wall Street Journal told how a jelly bean manufacturer uses its Web site to pump kids for personal information.

Lured by a free sample of jelly beans, children are asked to give this company their name, address, gender, age, and where they shop. The fine print disclaimer states that any information disclosed is the property of the candy maker to use any way it wants.

Jelly bean makers are not the only ones taking advantage of our children on the Net. Other on-line sites frequently require children to fill out questionnaires about themselves, their friends, and their family. This practice of prodding children for information on the Web is not only unethical, it is also dangerous. Not only can marketers use this information to further prey on our children, but it also leaves children vulnerable to wrongdoers who can victimize them.

The gentleman from New Jersey, Mr. BOB FRANKS, and I have introduced H.R. 1813, the Personal Information Privacy Act, that would keep critical information about children and their families from becoming fodder for marketers and potential wrongdoers. I urge my colleagues to become a sponsor of H.R. 1813.

PROBLEMS WITH THE CHILD CREDIT

(Mrs. KENNELLY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY of Connecticut. Mr. Speaker, this summer during the Presidential election, everyone, Republicans, Democrats, promised the American people a child credit. We certainly should keep that promise. However, when we look at the bill that has passed out of the Committee on Ways and Means, the promise is not kept for many people. Working families can lose a child credit if they have day care expenses. What a message to send out to the 70 percent of working parents, two-parent families, with young children.

Average families can lose both the child credit and the educational credit because they are thrown into the alternate minimum tax, a great complication in the tax system, but one that was put in there to make sure very well-off families did not zero out, certainly not to get a complicated tax form for people with children.

Here we look at the bill. Poor families cannot get the child credit because they do not earn enough money. Hard-working families with children will see their credit disappear before their eyes because they are using the education credit or the child credit. Then we look at wealthy families, and they do not get it because they earn too much money. We agreed on a child credit. We should go back and do it right. Americans need that $500. Americans need that tax credit.

MIDDLE-CLASS AMERICANS ARE ASKING: WHO IS ON MY SIDE?

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, as this body begins to implement the balanced budget agreement, working middle-class Americans are asking themselves one simple question: Who is on my side?

The Republicans' tax proposal makes clear who their party is looking out for: big business and the wealthy; for under the Republican bill over half the tax benefits go to the top 5 percent of Americans, those making over $250,000 a year.

In addition, they are giving $22 million in new tax breaks to big business by phasing out the alternative minimum tax, which was supposed to ensure that even big corporations pay some taxes every year, the way hard-working middle Americans pay their taxes every year. But Mr. Speaker, this is wrong for these corporations to be able to limit their tax obligation. We need to provide tax relief to those families who really can use it, hard-working middle-class American families.

The Democrats have proposed a tax cut package whose benefits are targeted to these families, families struggling to make ends meet, to put food on the table, with enough left over to pay for health care for their kids. We are on your side.

CHINA'S SALE OF MISSILES TO IRAN

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, as we prepare for the debate and the vote on most-favored-nation status for China, I wish to call to the attention of my colleagues a statement made by Secretary William Cohen yesterday in which he said that Iran this month successfully tested a new air-launched antiship cruise missile obtained from China.

□ 1030

A Member should have serious concerns about China's proliferation behavior to Iran. We spend a great deal of time, money, and effort to promote the Middle East peace, and Iran is a menace to that peace.

I would like to also call to the attention of my colleagues the statement by the Office of Naval Intelligence: Discoveries after the Gulf war clearly indicate that Iraq maintained an aggressive weapons of mass destruction procurement program. A similar situation exists today in Iran with a steady flow of materials and technologies from China to Iran.

This exchange is one of the most active weapons of mass destruction programs in the Third World and is taking place in a region of great strategic interest to the United States.

Mr. Speaker, this is also a place where our young people are in harm's way in the Persian Gulf. I urge my colleagues to seriously attend to the issue of proliferation as they decide on their vote and vote no on most-favored-nation status to China.

AVAILABILITY OF CLASSIFIED ANNEX AND SCHEDULE OF AUTHORIZATIONS FOR REVIEW BY MEMBERS

(Mr. GOSS asked and was given permission to address the House for 1 minute.)

Mr. GOSS. Mr. Speaker, I wish to announce to all Members of the House that the permanent select committee

has ordered H.R. 1775, the Intelligence Authorization Act for fiscal year 1998, reported to the House. That report was filed this morning.

I would also like to announce that the classified annex and the classified schedule of authorizations accompanying H.R. 1775 are available for review by Members at the offices of the Permanent Select Committee on Intelligence in room H–405 of the Capitol. The committee office will be open during regular business hours for the convenience of any Member who wishes to review this material prior to its consideration by the House. It is my understanding that H.R. 1775 will be considered on the floor the week we return from the Independence Day recess.

I would recommend that Members wishing to review the classified annex contact the committee's director of security to arrange a time and date for that viewing. This will assure the availability of committee staff to assist Members who desire that assistance during the review of the classified materials. I urge Members to take some time to review these classified documents before the bill is brought to the floor in order to better understand the recommendations of the committee.

The classified annex to the committee's report contains the intelligence committee's recommendations to the intelligence budget for fiscal year 1998 and related classified information that may not be disclosed publicly but which Members are entitled to.

It is important that Members keep in mind the requirements of clause 13 of rule XLIII of the House adopted at the beginning of the 104th Congress. That rule only permits access to classified information by those Members of the House who have signed the oath set out in rule XLIII.

For Members who wish further instruction on rule XLIII and the oath, they can also call the intelligence office.

NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1997

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 164 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 164

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 437) to reauthorize the National Sea Grant College Program Act, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour, with forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Science now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII. Each section of that amendment shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. ROGAN). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], my friend, ranking member, former distinguished chairman of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule is straightforward, fair, was reported without dissent by the Committee on Rules. Under House Resolution 164, any Member seeking to improve the bill by offering a germane amendment may do so. The rule provides for 1 hour of general debate, 40 minutes equally divided between the chairman and ranking member of the Committee on Resources and 20 minutes afforded to their counterparts from the Committee on Science, as we heard from the reading from the Clerk.

The rule also reconciles a slight difference between those committees by considering an amendment in the nature of a substitute as the base text for consideration. It is a sensible process that allows us to consider the bill in a timely fashion without restricting the rights of the minority or individual Members, the deliberative process at work in the people's House.

H.R. 437 reauthorizes the National Sea Grant College Program. This program leverages a small Federal investment of approximately 50 million a year which is matched by nonfederal funds to over 300 sea grant institutions and affiliated schools throughout our Nation. Located at the Nation's premier research universities, sea grant focuses the skills of hundreds of researchers on issues affecting the development and use of our marine and coastal resources. It is a program that is working.

I am proud to be a cosponsor of H.R. 437, especially as a Representative from the great State of Florida and its wonderful coastline and beaches. I am particularly pleased that my home State of Florida is a leading participant in the program. All nine of our State universities are involved in sea grant activities, along with several private universities and marine research laboratories. Sea grant provides a good example of the national benefits that can come with local investment. I urge my colleagues to join me in supporting this wide-open fair rule that makes this important bill in order.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague and dear friend, the gentleman from Florida [Mr. GOSS], for yielding me the customary half hour.

Mr. Speaker, I rise in support of this open rule. It is a very, very good program. The National Sea Grants College Act was created 30 years ago to improve the marine resource conservation management and use. Since that time, Mr. Speaker, the U.S. sea grants have provided our country with priceless information about our marine resources, how best to conserve them, how best to use them.

This marine science is not only limited to ocean life, Mr. Speaker. It includes our coastal and Great Lakes areas as well.

Today there are over 300 sea grant institutions, two of which are in my home State of Massachusetts: the Massachusetts Institute of Technology and Woods Hole. Woods Hole has been a national leader in marine biotechnology research for many years. And Massachusetts Institute of Technology has been a leading participant in sea grant programs since 1969.

Today they are researching the northern right whale. This is an endangered species whose last natural habitat is in the Stellwagon Bank. Unfortunately, something in the environment is changing the whale's breeding patterns and causing great concern not only to the whales but to humans as well.

Massachusetts Institute of Technology is currently trying to find out what is happening in the whales' environment and how we can fix it. Their research really comes none too soon until there are only about 250 right whales living today. Massachusetts Institute of Technology is also working with Massachusetts Water Resource Authority to study the contaminants in Boston Harbor and what effect they have on shellfish and other marine life indigenous to our area.

So I urge my colleagues to support this bill. It provides for continued success in a great program which helps us protect and better understand our marine resources.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I am delighted that we both share, the distinguished gentleman from Massachusetts and myself, appreciation for this program. I have been to Woods Hole many times and applaud what a marvelous facility it is, and I invite the gentleman to come to Florida to some of our facilities. I know that he will have equal respect for them.

Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me the time.

I have also been to Woods Hole, and I also invite this group to the Chesapeake Bay to see how the sea grant program operates.

First of all, Mr. Speaker, I support the open rule guiding the consideration of the reauthorization of the National Sea Grant college program, and I support the bill H.R. 437. I want to commend my colleagues on the Committee on Science and the Committee on Resources for working out a compromise version of H.R. 437 that deserves the support of the entire House of representatives.

Sea grant is a program that enables us to understand how our complex coastal and marine environments function, to develop novel ways to benefit from our marine resources without overexploiting them and to extend and communicate the benefits of scientific ocean research to our Nation's citizens.

In my own State of Maryland, sea grant efforts have played an important role in understanding, protecting and restoring the Chesapeake Bay. I will give one example. Sea grant researchers in Maryland, Virginia, Delaware and North Carolina have detailed over the last decade through competitively funded research the life cycle of the blue crab. Their findings about the blue crab are already proving helpful in understanding threats to the last great Chesapeake Bay fishery, and they will enable us to develop sound strategies to protect this renowned resource.

In addition, sea grant leads the Nation in its support for peer reviewed fundamental discovery in marine biotechnology in our Nation's research institutions. Marine biotechnology research shows great promise to help this Nation develop new industries of enormous economic potential.

Sea grant also extends the results of that research to users through sea grant's educational and outreach efforts. For example, the Maryland sea grant extension program is administered by and works closely with the Cooperative Extension Service to advance aquaculture, improve environmental decisionmaking and provide citizens with information needed for nonregulatory protection of our natural resources.

Maryland sea grant educational activities provide research experiences for undergraduates, help instruct K through 12 students in environmental science and biotechnology, and translate complex scientific information into terms useful for the average citizen.

As a member of the Committee on Science and a cosponsor of this excellent bill, I am in full support of this reauthorization, which balances fiscal responsibility with the protection of important programs that work for the good of our Nation.

I commend the author of this bill, the gentleman from New Jersey [Mr. SAXTON], the chairs of my Committee on Science, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the chair of the Committee on Resources, the gentleman from Alaska [Mr. YOUNG], along with the staffs of both committees for their efforts to preserve and improve this valuable program.

I urge my colleagues to join me in supporting the rule and H.R. 437, a bill that is good for the environment, good for education and supportive of sound scientific solutions for the preservation of our Nation's marine resources.

Mr. MOAKLEY. Mr. Speaker, I did visit the State of the gentleman from Florida [Mr. GOSS], and I had great delight in seeing Shamu down there.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I appreciate the communication from the distinguished gentleman from Massachusetts. I want to explain to him that he has experienced just the beginning. There is so much more than Shamu, but that is a good start.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1045

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to House Resolution 164 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 437.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 437) to reauthorize the National Sea Grant College Program Act, and for other purposes, with Mr. ROGAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes; and the gentleman from Wisconsin, [Mr. SENSENBRENNER] and the gentleman from Indiana [Mr. ROEMER] each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 437, a bill to reauthorize the Sea Grant College Program. I introduced H.R. 437 on January 9 of this year. The bill was referred to the Committee on Resources and then to the Subcommittees on Fisheries Conservation, Wildlife and Oceans, which I chair.

I am pleased that the bill has the bipartisan support of 107 cosponsors, including the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources; the gentleman from California, Mr. GEORGE MILLER, the ranking Democrat; and the ranking Democrat on the Subcommittee on Fisheries Conservation, Wildlife and Oceans, my good friend, the gentleman from Hawaii, Mr. NEIL ABERCROMBIE.

I would also like to thank at this point the members of the Committee on Science, particularly the chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER] who, incidentally, celebrated his 29th birthday just 4 days ago, and we wish him every happiness in his 30th year on this planet.

The gentleman from California [Mr. CALVERT] was also very helpful.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman's calculator is a little bit off, but we will excuse him for that.

Mr. SAXTON. Well, Mr. Chairman, we wish the gentleman a happy, happy birthday, anyway.

I would also like to thank the gentleman from California [Mr. CALVERT] for his able assistance as a member of the Committee on Science during this process.

H.R. 437 was reported to the Committee on Resources on March 12 and an amended version of the bill was reported by the Committee on Science, which I just mentioned, on April 22. The committees have subsequently reached agreement on a compromise text, which is the vehicle before the House today.

The National Sea Grant College Program was established by Congress in

1966 to improve our Nation's marine resource conservation efforts, to better manage those resources, and to enhance their proper utilization.

H.R. 437, the National Sea Grant College Program Reauthorization Act of 1997, authorizes funding for Sea Grant through fiscal year 2000; simplifies the definition of issues under Sea Grant's authority; clarifies the responsibilities of State and national programs; consolidates and clarifies the requirements for the designation of Sea Grant colleges and regional groups; repeals an international program that has never been funded; prohibits lobbying with Federal funds, and assures that Sea Grant research will be adequately peer reviewed.

By enacting this legislation we will be sending a clear message supporting the conservation and research-based management of our marine and coastal resources. I urge all Members to support the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Chairman, I yield myself such time as I may consume and I rise in strong support of the bill.

However, I would like to add that, hopefully, the funding for Sea Grant, the funding numbers for the Sea Grant proposal here, are more accurate than those recently assigned to the gentleman from Wisconsin [Mr. SENSENBRENNER]. This represents a compromise, Mr. Chairman. Perhaps those numbers the gentleman from Wisconsin had assigned to him by the gentleman from New Jersey [Mr. SAXTON] also represent a compromise.

But this represents a compromise, Mr. Chairman, between the Committee on Resources and the Committee on Science, which shares jurisdiction with the Committee on Resources over the research component of Sea Grant.

The bill reauthorizes the National Sea Grant College Program, which for over 30 years has addressed important local, regional, and national marine resource management problems through education, research, and public outreach.

The compromise text, Mr. Chairman, reauthorizes Sea Grant for 3 years. It clarifies the roles of the national office and the Sea Grant colleges. It strengthens competitive peer review, as the gentleman from New Jersey mentioned, particularly for grants and contracts for research, education and outreach, and generally brings Sea Grant up to date as a modern education and research program.

The authorization levels in the bill will force some belt-tightening at the national Sea Grant office but will provide for modest growth in funding for programs and projects carried out by the Sea Grant colleges themselves. These activities are the heart and soul of the Sea Grant Program and are parts of the program that must be preserved, especially in difficult budget times.

Since 1968, speaking from personal experience, Mr. Chairman, the University of Hawaii's Sea Grant College Program has been a useful resource in the areas of aquaculture, marine biotechnology, coastal processes, coastal pollution and reef ecology. In the State of Hawaii marine resources are vital. Hawaii's coastal resources, which are world-renowned tourist attractions, generate nearly 40 percent of our gross State product. The value of our coastal resources is dependent on their health and beauty.

I want to express my appreciation for the cooperation the minority has received from the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Alaska [Mr. YOUNG] and their staffs. H.R. 437 is not really a bipartisan bill, Mr. Chairman, it is a nonpartisan bill. I think all of us who represent coastal areas have long appreciated the benefits of this practical, noncontroversial program.

We would have been on the floor nearly 2 years ago reauthorizing this popular and pragmatic program if ideology had not interfered. On that note, I appreciate the cooperation extended by the leadership of the Committee on Science in the person of the gentleman from Wisconsin [Mr. SENSENBRENNER] and his staff in working out this compromise. Mr. Chairman, I certainly appreciate the work, in addition, of my good friend, whom I had the pleasure of working with in a previous committee, the Minerals Subcommittee, the gentleman from California [Mr. CALVERT].

I hope this new spirit of cooperation leads to more timely authorization of marine research and oceanography programs, which are so vital not only to this Nation but to the planet, Mr. Chairman, over which the two committees share jurisdiction. This is a good start on a very good bill reauthorizing a popular program. I urge the House and all of our colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 437, the National Sea Grant College Reauthorization Act of 1997. This legislation reflects a cooperative effort between the Committee on Science and the Committee on Resources to craft a Sea Grant reauthorization bill that is in the best interest of the program and of the taxpayers. I believe that the product of that effort, the amendment in the nature of a substitute to H.R. 437 brought by the gentleman from New Jersey, achieves these goals, and I urge bipartisan support.

This amendment is a 3-year reauthorization that adds or modifies various definitions, clarifies the duties of the program director, sets forth the duties of the Sea Grant institutions and certain types of entities conducting Sea Grant programs. The amendment includes merit reviews of grant and contract applications, repeals the Sea Grant International Program, which has never been funded, and reauthorizes the Sea Grant program at $54.3 million for fiscal year 1998, $55.4 million for fiscal year 1999, and $56.5 million for fiscal year 2000. It also authorizes, within these amounts for each fiscal year, up to $2.8 million for competitive grants for university research on the zebra mussel and up to $2.0 million for oyster disease research.

The amendment also promotes efficiency and to ensure that the taxpayers' money is spent on research and not on bureaucracy. It limits administrative spending to no more than 5 percent of the lesser of the amount authorized or appropriated each fiscal year, and clarifies that the maximum pay for voting members of the Sea Grant Board is determined by the Secretary of Commerce.

Finally, the amendment prohibits the use of Sea Grant funds for lobbying, and requires the Secretary of Commerce notice the Committees on Science and Resources of any reprogramming of Sea Grant funds or reorganization of any Sea Grant program, project or activity.

I believe the Committees on Science and Resources have crafted a noncontroversial bill that is good for the Sea Grant Program and good for the taxpayers, and urge my colleagues to support it.

In closing, I wish to thank the gentleman from California [Mr. CALVERT], the chairman of the Committee on Science's Subcommittee on Energy and Environment, and the gentleman from Indiana [Mr. ROEMER], the subcommittee's ranking member, for their hard work on this legislation.

I would also like to thank the Committee on Science's ranking member, the gentleman from California [Mr. BROWN] for his bipartisan support.

I also want to commend the efforts of the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources; the gentleman from California [Mr. MILLER], ranking member of the Committee on Resources; my friend, the gentleman from New Jersey [Mr. SAXTON], chairman of the Resources Subcommittee on Fisheries Conservation, Wildlife and Oceans; and the gentleman from Hawaii [Mr. ABERCROMBIE], the subcommittee's ranking member, even though the calculator in the Committee on Resources on my age is way off, and I excuse them for that.

Mr. Chairman, I reserve the balance of my time.

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased that the House has a chance today to pass H.R. 437, to reauthorize the National Sea Grant College Program. The Sea Grant program was established by Congress in 1966 and has contributed much to the marine sciences over the past 30 years.

The nationwide Sea Grant network is composed of 26 Sea Grant colleges which act as centers for the participation of over 300 universities from both coastal and inland States. The Sea Grant focus on research, education, technology transfer and public service makes this a unique program with a long record of accomplishment.

In 1994, the National Academy of Sciences conducted an indepth review of the Sea Grant program and said, and I quote, "Sea Grant has been virtually the only source of funding in the United States for activities in marine policy and has been a major contributor for the fields of marine aquaculture, coastal and estuarine research, marine fisheries management, seafood safety, marine biotechnology, marine engineering, and marine technology development."

Mr. Chairman, I would like to commend the leadership of both the Committee on Science and the Committee on Resources for working out an agreement on Sea Grant reauthorization. It is clear that the Sea Grant Program has always enjoyed strong congressional support from both sides of the aisle and from all of the committees that have jurisdiction.

The administration has requested funding for the basic Sea Grant Program but has continued to propose the termination of one project of great importance to many Members of Congress who live in the Great Lakes region. I refer to the zebra mussel research program that has been carried out by some of the Sea Grant colleges.

The zebra mussel was first sighted in 1988 and has rapidly spread throughout all of the Great Lakes, the Hudson River, the Saint Lawrence River, and much of the Mississippi Basin. The zebra mussel infestation has assumed nightmarish proportions and has affected electric power generation, industrial water intake facilities, fishing, recreational uses of waterways and beaches, and, Mr. Chairman, agriculture.

A female zebra mussel can lay up to 1 million eggs per year, of which more than 5 percent will survive.

□ 1100

They live up to 5 years and can colonize in a density of 10,000 mussels per square yard. There are no known predators, and we lack any real understanding of what control strategies have any chance of success.

Mr. Chairman, when the committee held hearings on the Sea Grant Program, we discussed at length the shortsighted decision of the administration to propose no funding for zebra mussel and other invasive species research. Indeed, James Baker, the Administrator of NOAA, agreed with us that this is a serious problem in need of Federal attention.

A number of members of the committee, some of whom will speak today, wrote a letter to the administration emphasizing our desire to see this research funded. Mr. Chairman, I include for the RECORD that letter.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE, RAYBURN
HOUSE OFFICE BUILDING,
Washington, DC, March 19, 1997.

Hon. D. JAMES BAKER,
Under Secretary for Oceans and Atmosphere, National Oceanic and Atmospheric Administration, Washington, DC.

DEAR DR. BAKER: We would like to express our strong support for continued funding for Zebra Mussel research that has been included in H.R. 475, the Marine Research Revitalization Act of 1987. The impact of Zebra Mussel infestation has spread far beyond the Great Lakes and now stands to threaten waterways nationwide.

Your testimony before the Subcommittee affirmed the vital importance of this problem. It is critical that control strategies and eradication methods be fully explored on an expeditious basis.

It is our intent to support funding for this program and we look forward to working with you in ensuring that this research is vigorously pursued over the next several years.

Sincerely,

KEN CALVERT,
Chairman, Subcommittee on Energy and Environment.
VERN EHLERS,
Vice Chairman, Committee on Science.
TIM ROEMER,
Ranking Democrat, Subcommittee on Energy and Environment.
LYNN RIVERS,
Member of Congress.

Mr. Chairman, I am gratified that the funding we identified for zebra mussel research has been retained in this bill that we have before us today. This problem is not trivial and it is not parochial. It will soon affect all coastal areas from the Atlantic to the Pacific to the gulf coast. We desperately need to make progress in understanding more about invasive species and how to control them.

The Sea Grant Program has performed a critical role in addressing this problem. I would like to further thank the gentleman from California [Mr. CALVERT], who I have worked with very closely on this bill in a very, very bipartisan way and particularly on this zebra mussel problem. I would like to thank the gentleman from Michigan [Mr. EHLERS] and the gentlewoman from Michigan [Ms. RIVERS] and also our distinguished chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER] who has also been very supportive and very knowledgeable on this zebra mussel problem.

Mr. Chairman, I again want to thank the leadership of the two committees in bringing this bill to the floor. I urge all of my colleagues to support it.

Mr. Chairman, I am pleased that the House has a chance today to pass H.R. 437 to reauthorize the National Sea Grant College Program. The Sea Grant Program was established by Congress in 1966 and has contributed much to the marine sciences over the past 30 years.

The nationwide Sea Grant network is composed of 26 Sea Grant colleges which act as centers for the participation of over 300 universities from both coastal and inland States. The Sea Grant focus on research, education, technology transfer, and public service makes this a unique program with a long record of accomplishment. In 1994, the National Academy of Sciences conducted an in depth review of the Sea Grant Program and said "Sea Grant has been virtually the only source of funding in the United States for activities in marine policy, and has been a major contributor for the fields of marine aquaculture, coastal and estuarine research, marine fisheries management, seafood safety, marine biotechnology, marine engineering, and marine technology development."

Mr. Chairman, I would like to commend the leadership of both the Committee on Science and the Committee on Resources for working out an agreement on Sea Grant reauthorization. it is clear that the Sea Grant Program has always enjoyed strong congressional support from both sides of the aisle and from all of the committees of jurisdiction. Unfortunately, it has not always enjoyed strong support from the administration. From 1984 through 1990, no funding was requested by the administration, yet the Congress continued to provide the needed resources.

More recently, the administration has requested funding for the basic Sea Grant Program but has continued to propose the termination of one project of great importance to many Members of Congress who live in the Great Lakes States. I refer to the zebra mussel research program that has been carried out by the Sea Grant colleges.

The zebra mussel were first sited in 1988 and have rapidly spread throughout all of the Great Lakes, the Hudson River, the St. Lawrence River, and much of the Mississippi Basin. The zebra mussel infestation has assumed nightmarish proportions and has affected electric power generation, industrial water intake facilities, fishing, recreational uses of waterways and beaches, and agriculture.

A female zebra mussel can lay up to 1 million eggs per year of which more than 5 percent will survive. They live up to 5 years and can colonize at a density of 10,000 mussels per square yard. There are no known predators and we lack any real understanding of what control strategies have any chance of success.

Mr. Chairman, when the committee held hearings on the Sea Grant Program, we were unable to determine to our satisfaction why funding for zebra mussel research and other invasive species was not requested. Indeed, Dr. James Baker, Administrator of the National Oceanic and Atmospheric Administration readily agreed with us that this is a serious problem in need of Federal attention. I and other interested members of the committee, some of whom will speak today, wrote a letter emphasizing our desire to see this research funded.

I am gratified that the funding we identified for zebra mussel research has been retained in the bill we have before us today. This problem is not trivial and it is not parochial. It will soon affect all coastal areas from the Atlantic to the Pacific to the gulf coast. We desperately need to make progress in understanding more about invasive species and how to control them. The Sea Grant Program has performed a critical role in addressing this problem. I'd like to think Mr. EHLERS, Ms. RIVERS, Mr. CALVERT, and others for their help on this.

Mr. Chairman, I again want to thank the leadership of the two committees in bringing this bill to the floor. I urge all of my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. SAXTON. Mr. Chairman, I yield 3 minutes to the gentleman from Mobile, AL [Mr. CALLAHAN], who also serves as the chairman of the powerful Subcommittee on Foreign Operations, Export Financing and Related Programs and does such a wonderful job for us.

Mr. CALLAHAN. Mr. Chairman, I thank my colleague from New Jersey, Mr. SAXTON, for yielding me the time, and I rise in support of H.R. 437, the National Sea Grant College Program Reauthorization Act.

Mr. Chairman, this program is extremely important to all coastal States, not just the State of Alabama. The National Sea Grant College Program is a Federal-State partnership which works to support 29 sea grant programs in coastal and Great Lakes States and Puerto Rico. It is probusiness, proenvironment, and proeducation.

It is a relatively small program which supports fundamental marine research, education, and outreach activities. It assists Federal, State, and local coastal decisionmakers to make informed decisions on issues which affect marine ecosystems, human health, and coastal economies which depend on a healthy and viable research.

In the State of Alabama, Mr. Chairman, the National Sea Grant College Program supports the continuing efforts of the Mississippi-Alabama Sea Grant Consortium, which brings together people from different occupations and scientific disciplines to address common problems and opportunities that affect the coastal regions of the northern Gulf of Mexico and the Nation and the world.

It promotes research on the endangered sea turtle recovery, blue crabs, and oyster disease pathology. It conducts outreach and educational efforts in coordination with Alabama's Dauphin Island Sea Lab so that teachers and the public at large have access to the latest scientific information.

Mr. Chairman, I urge my colleagues to support H.R. 437 so that the National Sea Grant College Program can continue to promote marine research excellence, environmental conservation, and educational outreach.

Mr. ABERCROMBIE. Mr. Chairman, I yield such time as he might consume to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I thank my colleague from Hawaii [Mr. ABERCROMBIE] for allowing me the time to speak today in support of H.R. 437, the National Sea Grant College Program Reauthorization Act.

The Sea Grant College Program, established in 1966, provides wise stewardship over our marine and coastal resources. It is a partnership between our universities and the National Oceanic and Atmospheric Administration. The mission of the Sea Grant Program is to promote and sponsor research, education, and outreach aimed at the wise utilization and conservation of our Nation's coastal and marine resources in order to develop and maintain a sustainable economy and a healthy environment.

I represent a district in Houston, TX. It is the Port of Houston; and our Sea Grant College is Texas A&M at Galveston, with programs spread all along the gulf coast of Texas and where a person can learn about both the ocean and coast and environment and innovative marine technologies.

The 29th District, like I said, is in the Port of Houston, about 50 miles away from the Texas A&M campus, but it is vital to all the ports along the Texas coast and also to our Nation. Texas A&M Sea Grant College provides business owners, fishermen, and community groups information about how to achieve the most economically while responsibly conserving the marine environment.

Without the Sea Grant Program, the citizens of Texas and our Nation cannot stay current and competitive with the rest of the world. By reauthorizing the Sea Grant Colleges through the year 2000, we have ensured that we will help train future citizens who will not only look to protect our oceans and coastal areas, but they also will be trained to properly use our marine resources.

I urge my colleagues to support H.R. 437. This bill makes significant improvements in the Sea Grant Program by streamlining the review process, reducing administrative costs, and clarifying the Federal and university roles in the program. This program is a 30-year success story. It has proven its value and worth to our country. Again, I rise in support of the bill and again thank my colleagues on both sides of the aisle for putting together this effort.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Chairman, I also want to wish a happy birthday to the gentleman from Wisconsin [Mr. SENSENBRENNER]. I found it interesting that I am somewhat older than the chairman, until one of my colleagues pointed out that, once you become chairman, you become 20 years younger, which explains why we have such longevity around this place.

First, Mr. Chairman, I want to thank the gentleman from Alaska [Mr. YOUNG] and the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Wisconsin [Mr. SENSENBRENNER] for working together to iron out their differences on this Sea Grant Program so we can move forward on this bill.

In particular, the gentleman from New Jersey [Mr. SAXTON] is to be commended for working diligently through two Congresses to authorize this program. If our brethren in the other body will cooperate, we will succeed this year.

The National Sea Grant Program has been an integral part of our Nation's efforts to better conserve and manage our publicly owned coastal marine resources, which are essential to our continued economic growth.

In 1994, the Ocean Studies Board of the National Research Council reviewed the Sea Grant Program and found that it has over the years played a significant role in U.S. marine science, education, and outreach. In California, the University of California operates the largest of 29 Sea Grant Colleges. In fiscal year 1996, the California program supported 36 research projects at 12 universities in all parts of the State.

These projects have proved to be important for our coastal areas. For example, UCLA's Sea Grant scientists are developing a revolutionary technique that will allow us to determine the different types and origins of bacteria in our coastal waters. Other projects funded by Sea Grant have provided information on the probable movement of oilspills under hundreds of different sea conditions.

Mr. Chairman, the Sea Grant Program is marked by high quality peer-reviewed scientific research. The committee substitute, as agreed to by both the Committee on Science and the Committee on Resources, is fiscally responsible and limits bureaucratic overhead to 5 percent of the program's funding.

I want to thank the gentleman from Indiana [Mr. ROEMER], who has been very helpful in working with us in a bipartisan way to complete this bill. I would urge my colleagues to support this bill and move it on.

Mr. ROEMER. Mr. Chairman, I yield the balance of my time to the distinguished gentlewoman from the State of Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I am pleased to stand in support for funding for the Sea Grant proposal, as well as funding in

the area of invasive species. For those of my colleagues who are not familiar with the Great Lakes, and, amazingly, a significant number of people are not, there is a song that refers to the Great Lakes as the inland seas. And for my colleagues who have not actually viewed the Great Lakes, they are very awesome. These are not small bodies of water.

In fact, 20 percent of the world's fresh water exists in the Great Lakes basin. They contain 95 percent of the fresh water surface in the United States. So when the Great Lakes are threatened, to a larger extent our Nation is threatened. We rely on the Great Lakes for water, for fish, and for other kinds of foods.

Right now, the Great Lakes are suffering a plague, a plague of incredible magnitude, in that zebra mussels, an invasive species who originated in the Caspian Sea, have become predominant across the Great Lakes basin.

Damage attributable to zebra mussels during the 1990's is estimated to be as high as $5 billion. That is billion with a "b." They are causing extreme difficulty in every manner possible for municipalities who are trying to maintain their water systems, for individuals who may own property on the shore, for sport fishermen and any other number of individuals who take advantage of the Great Lakes.

It is imperative that we maintain funding for zebra mussel research. It is imperative that we recognize the intensity of this problem and the enormity of the effects of this problem. Zebra mussels, as has been said earlier, reproduce prodigiously and their colonies can cover nearly any solid surface in a very short period of time. Inlets become clogged. Docked boats become fouled. And most aquatic habitats have been covered by dense masses of mussels.

The Great Lakes Sea Grant network has frequently taken the lead in addressing the zebra mussel problem through their research, education, and outreach activities. Within a month of the first confirmed sighting in Lake Erie, Sea Grant scientists were researching ways to control them.

It is imperative that we maintain these research programs, that we make this a top priority in Sea Grant research. For those reasons, I support continuing funding of Sea Grant and continuing funding for zebra mussel research.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. QUINN], who is also the chairman of the Subcommittee on Benefits.

Mr. QUINN. Mr. Chairman, I appreciate the gentleman from New Jersey [Mr. SAXTON] yielding me the time.

Mr. Chairman, I rise today to join others and associate myself with the remarks of the previous speakers in favor of H.R. 437, a bill reported by the Committee on Resources that would reauthorize the National Sea Grant College Program.

Mr. Chairman, it is interesting that we have heard from speakers this morning from Texas and Alabama and Indiana and California and Michigan; now I rise from New York to talk about this program. Sea Grant is an outstanding research and public outreach program that seeks useful answers to many of the nagging problems that affect the Nation's oceanic and Great Lakes coastline.

The program is a model for what all Federal research and outreach programs should be. This one, of course, is characterized by peer-reviewed competitive awarding of research grants, strong focus on research that will solve the real coastal problems that people are dealing with, a strong commitment to translating and extending the results of research to potential users, a shared funding with State, local, and private resources, and finally an emphasis on results that will benefit the lives of our citizens, communities, and businesses.

Along the Great Lakes shores, as my colleague just pointed out, the New York Sea Grant is playing a key role in helping individuals, water and power authorities, Government agencies, and marine business cope with the spread of zebra mussels and other exotics that impact the Lakes' shoreline and ecosystem.

Sea Grant specialists in nearby Brockport, New York, the district of the gentleman from New York [Mr. LAFALCE] operate NOAA's Zebra Mussel Information Clearinghouse, which has helped thousands across the State, Nation and the globe to address virtually every aspect of this exotic pest.

Sea Grant specialists continue to assist the watersheds through their public education programs. And lastly, Sea Grant has been an accessible and an impartial source of policy and engineering information on the issue of Great Lakes water levels as well as erosion.

I am also proud to say that the Sea Grant field office, located at the State University of New York at Buffalo, has played a key role in the University's faculty and administration to develop an excellent Great Lakes program that focuses faculty attention and resources on pressing Great Lakes issues and reaches out educationally to all audiences in the greater Buffalo area on the same issues.

H.R. 437 will allow Sea Grant to continue its excellent efforts, and it also takes steps to improve the program. The Committee on Resources has appropriately succeeded in streamlining aspects of the program and has removed previously authorized aspects of the same program that were not warranted to be continued.

I ask all our Members, not only from this area, to make sure that they understand the program is a good program. It enjoys bipartisan support from all sections of the country. All Federal programs, I believe, should reflect the track record of success, low cost, and effectiveness that this program, the Sea Grant program, has exemplified.

I ask all my Great Lakes colleagues, as well as Members of the House, to support H.R. 437 as reported by the Committee on Resources, and I commend the committee members on both sides for the great work that they have done.

□ 1115

Ms. RIVERS. Mr. Chairman, I yield the remainder of my time to the gentleman from Hawaii [Mr. ABERCROMBIE] and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey [Mr. SAXTON] and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ABERCROMBIE. Could the chairman kindly tell me how much allotted time remains both with the Science Committee and with my committee?

The CHAIRMAN. The gentleman from Hawaii has 17 minutes remaining and the gentleman from New Jersey has 12½ minutes remaining.

Mr. ABERCROMBIE. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, we all know how valuable the National Sea Grant College Program is and we know how important it is as a catalyst for scientific research, but I want to say a word about how the program helps young people learn through outreach and education.

The Michigan Sea Grant Extension offers shipboard education for K through 12 students through their Great Lakes Education Program. Sea Grant's K through 12 program stresses hands-on exploration of our environment to stimulate interest at an early age in scientific studies. The program based in Mount Clemens, MI, targets fourth graders and is offered to all grade school students throughout the country.

I had the good fortune recently to join 40 fourth graders from Saint Joan of Arc Elementary School in Saint Clair Shores on a trip down the Clinton River and into Lake Saint Clair. This is a program that operates throughout

the spring and the early months in the fall. It takes fourth graders and it teaches them about the whole process of the lake. The Great Lakes, especially Lake Saint Clair and the connecting waters in my district, are going through a huge change in the eutrophication process that has resulted because of the zebra mussels cleansing the water and letting the sunlight come in, letting the weeds grow and then trapping some of the fecal matter that have created really a disastrous situation in our Great Lakes.

This program educates our young people on how that happens and how to avoid it from happening. The young people on this vessel move from one point on the vessel to another point, and they do experiments for about 2 hours. It is a wonderful program. It educates them about the environment, it teaches them about their lake and how important it is to not only their environment but to the economy of the area. It is something that Sea Grant has done and done very well. I just want to commend all the folks who worked on this program.

On the day of our trip, the Sea Grant Extension celebrated the participation of its 10,000th student. That is 10,000 students who now know more about the ecology of our lake and about how to use our water resources wisely.

Mr. SAXTON. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Chairman, as an original cosponsor of H.R. 437, I rise in strong support of this excellent reauthorization bill for the National Sea Grant College Program. I want to commend the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources, for introducing this bill to reauthorize a valuable program.

The Sea Grant Program was designed to identify marine resource issues at the grassroots level and bring the scientific expertise of university researchers to bear in addressing them. Sea Grant has a broad network of over 300 colleges, universities, and research institutions which conduct competitive, peer-reviewed scientific research on problems affecting coastal areas.

The sound scientific research that Sea Grant provides is critically important in helping many coastal communities like those I represent in Washington State to improve their economies and our competitiveness in world markets. As former chairman of the Washington State Senate's Environment and Natural Resources Committee and as a member of Washington Sea Grant's Ocean Resources Assessment Advisory Committee, I have had the opportunity over the years to observe Sea Grant's effectiveness. For example, Washington's Sea Grant Program has achieved broad ranging successes, from human lives saved as a direct result of Sea Grant fishing vessel safety training, to reduced bycatch and waste at sea through the development of new fishing techniques. Sea Grant represents an effective partnership between the Federal Government and the States, in which each Federal dollar must be matched at least 50 percent by funds from the States, the private sector or other non-Federal sources.

H.R. 437 is consistent with and authorizes appropriations at exactly the same level as the fiscal year 1997 House-passed Commerce appropriations bill. It also makes significant improvements in the Sea Grant Program by streamlining the proposal review process, reducing administrative costs and capping total program costs below the service level. The National Sea Grant College Program plays a vitally important role in maintaining the health and usefulness of our coastal and marine resources.

Mr. Chairman, I urge my colleagues to vote with me in support of this important bill.

Mr. ABERCROMBIE. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Chairman, I thank the gentleman from Hawaii [Mr. ABERCROMBIE] for yielding me this time. I appreciate the opportunity to be here to voice my strong support for H.R. 437.

Mr. Chairman, Rhode Island, my State, is known as the Ocean State. It has a long and valiant history and a reliance upon Narragansett Bay and the Atlantic Ocean for its economic well-being. The bay creates jobs, it attracts tourists and supplies the foundation of commercial and recreational fishing that is a real mainstay in our economy, not only for Rhode Island but for New England. Narragansett Bay generates an immediate economic impact of over $2 billion for my small State just on fisheries and things immediately associated with the bay and well over $10 billion when we think about all the tourism and other aspects that it provides.

The Rhode Island Sea Grant Program and the University of Rhode Island, one of the most distinguished oceanographic institutions in the country, are indispensable contributors to the knowledge base that enables us to be good stewards of our valuable resources. The Rhode Island Sea Grant Program is also, though, more than just that. It is a collaboration of many agencies, like the university, our Rhode Island Department of Environmental Management, the Rhode Island Coastal Resources Management Center, the Environmental Protection Agency and a host of environmental and community groups like Save the Bay, one of the largest environmental groups in the country. At the university, much of our money that comes in for marine research is from Sea Grant.

Currently, the Sea Grant Program is involved in improving long-term forecasting of changes in fishing stocks, allowing us not only to develop long-term sustainability of fisheries in Rhode Island and New England but throughout the world; conducting biotechnical research that may result in potential sources of anticancer compounds, certainly one that has great impact not only to the country but to the world. Also, the Sea Grant Program offers advisory services on harbor management, seafood quality and safety, safety at sea, and educational and career activities for our youngsters as well as our college students.

One of the great new areas of Sea Grant is the area of aquaculture, an area that in Rhode Island and New England's economy which has been very stagnant, is very important, because it will provide new sources of revenue through sea farming and the aquaculture community. We think this is extremely important.

Therefore, Mr. Chairman, I ask all of my colleagues to strongly support this bill. I think that the Sea Grant Program not only is helpful to the Ocean State, Rhode Island, but to the Great Lakes, to all parts of our country, our economy, our tourism but, most important, the resources of our great country.

Mr. SAXTON. Mr. Chairman, I yield 3 minutes to the gentleman from Kennedyville on Maryland's beautiful Eastern Shore [Mr. GILCHREST].

Mr. GILCHREST. I thank the gentleman from the Garden State for yielding me this time.

Mr. Chairman, I want to compliment the gentleman from New Jersey [Mr. SAXTON], the gentleman from Hawaii [Mr. ABERCROMBIE], and the gentleman from Wisconsin [Mr. SENSENBRENNER] for this compromise bill that goes a long way into understanding the nature and the usefulness and the resourcefulness of the Sea Grant Program.

Mr. Chairman, this program, Sea Grant, takes young idealists and inculcates into them knowledge, experience to become pragmatic, idealistic scientists, to become a piece of the infinite puzzle to understand the mechanics of creation.

What are the problems in the Great Lakes with zebra mussels and how do we solve that? What is the problem in the Chesapeake Bay with MSX and dermo? Where did it come from and why is it so tenacious? What is the problem of fishkills in North Carolina? Millions of fish have died in the estuaries of North Carolina. The tragedy of the commons in the Gulf of Mexico; the coastal fisheries of the United States, where there are more people, better technology, catching fewer fish. How do we solve this?

To understand the complexities of the power and the weaknesses, the endurance and the sensitive limitations of the Earth's natural processes, we

need educated, knowledgeable, dedicated young people to begin a lifetime of service to this environmental end.

Mr. Chairman, our resources on planet Earth are limited. There are no more new frontiers on the other side of the horizon on the ground. Our horizons physically are limited and to a certain extent they have come to an end. What is our next frontier? Our next frontier is an intellectual frontier. If we use up our resources in the manner in which we are using them now, especially the resources from the marine ecosystem, we cannot go anywhere in this infinite, hostile environment we call the universe. We are here.

Mr. Chairman, we need science, we need knowledge, and we need the technique to implement that science and that knowledge to preserve the natural processes, which is to preserve the natural resources on this planet.

One of the solutions to this puzzle, Mr. Chairman, is the Sea Grant Program. I encourage my colleagues to vote for this legislation.

Mr. ABERCROMBIE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. I want to thank the gentleman from Hawaii for yielding me this time.

Mr. Chairman, I will not use the entire 3 minutes, but I did want to say in my prior life, before I was in Congress and before I was a politician really, I was a Sea Grant coastal law specialist. I mention that, because I learned a lot about the Sea Grant Program and particularly how it benefits the average person. Sea Grant really is a very valuable program because it reaches out to help so many people in very positive ways. I think that many Members of Congress and certainly the public at large are not aware of how far-reaching its positive efforts are. When I was a coastal law specialist, basically I worked with various user groups, if you will, whether it was marina owners or commercial or recreational fishermen or longshoremen, anyone really who was involved in the coastal environment took advantage of what we called the New Jersey Marine Advisory Service, which was basically an outreach program financed through Sea Grant to help those people, working people mostly, who made their living from the sea or from the coastal area.

□ 1130

It was a very unique program in a way because it is one of the few times, I think, when people who are in the Federal employ actually are in the working area, if my colleagues will, and actually helping people on a daily basis with their problems. I thought that it was tremendously valuable, and of course I have also had contact with the Sea Grant program because here in Congress and Federal agencies we have Sea Grant fellows, and I know that this reauthorization legislation specifically provides for the continuation of the Sea Grant fellowship program, again another way to get young people involved, to help interaction here in Washington, as well as with the Federal agencies, to learn more about how we at the Federal Government can be a positive force in the field, so to speak.

In my own State of New Jersey the Sea Grant program is managed by the New Jersey Marine Science Consortium which is an alliance of about 30 colleges, universities, private organizations and individuals interested in marine affairs, and New Jersey Sea Grant is very cost effective. I have to stress that; very cost effective in that all resources are shared by the institutions that participate in the Sea Grant program, thereby avoiding duplicative purchases statewide, and collective State and Federal funds are used for administration of a summer marine science program for college students as well as operation and maintenance of a small research fleet and state-of-the art sampling equipment.

Mr. Chairman, I do not want to take much more time, but I wanted to, say, just give some recent examples of Sea Grant-supported research and outreach activities in New Jersey that have positively impacted the lives of the residents of my State.

Right now Sea Grant is funding two biotechnology research projects that help develop products with practical uses in the pharmaceutical and pulp industries. It is sponsoring a commercial fisherman's safety training program. It is supporting a red tide research effort, and the list goes on.

Sea Grant is a valuable program, and we should support this legislation.

Mr. SAXTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from the State of Washington [Mrs. LINDA SMITH].

Mrs. LINDA SMITH of Washington. Mr. Chairman, as a member of the Committee on Resources from the beautiful State of Washington, I rise in strong support of this bill. The National Sea Grant College Program is very important to the Pacific Coast, but especially to my district. I want to commend the gentleman from Alaska [Mr. YOUNG] of the Committee on Resources and especially the gentleman from New Jersey [Mr. SAXTON] who is also the bill's sponsor. But never to forget the subcommittee staff because they actually do so much of the work in making sure that the bill works right.

The National Sea Grant program is a network of over 300 colleges, universities and research institutions throughout the country focused on the wise use of marine resources. Literally thousands of coastal communities and small coastal businesses depend on Sea Grant for a wide range of services and for critical, impartial, scientific advice and help. Over half of our Nation's population resides in coastal districts and Sea Grant plays a significant role in improving the lives of our constituents through high-quality competitive research, education and community outreach.

For example, in my home State of Washington, Sea Grant has helped save our State's shellfish industry which is dominated by small family-owned operations. They have done this through the development of a high-quality, year-round triploid oyster. Sea Grant's information on strategic planning and financial management of public ports has been unmatched, in our area at least, and the program's effort in small coastal communities in our area are demonstrating economic and social benefits of waterfront revitalization.

H.R. 437, as reported by the Committee on Resources, makes significant improvements in the program by streamlining the proposed review processes and reducing administration. Now this is capping the overall program costs while still serving the communities, and this is what this Congress is all about, doing it better, balancing the budget and still serving.

I urge all of my colleagues to support this bill, and I again want to thank the chairman for introducing it and for its sponsor.

Mr. ABERCROMBIE. Mr. Chairman I yield such time as he may consume to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I rise in strong support of H.R. 437.

I thank the gentleman from Hawaii for yielding, and would like to congratulate Mr. SAXTON and Mr. AMBERCROMBIE for their leadership on this important issue.

Mr. Chairman, the National Sea Grant College Program plays a vital role in protecting the fragile ecosystem of the Great Lakes. When the National Sea Grant College Program was originally authorized, it directed that funds be used to research aquatic nuisance species in the Great Lakes region. Typically, most of this money has gone toward zebra mussel research and has been successful in stemming the flow of zebra mussel infestation.

As many of you know, the zebra mussel is a nonindigenous species that infiltrated the Great Lakes in the 1980's when it was dispensed with bilge water from a Black Sea cargo ship. Since then, zebra mussels and other aquatic nuisance species have caused substantial damage to water infrastructure systems. A recent Sea Grant survey of Great Lake facilities using surface water showed the cost of battling zebra mussels from 1989–94 was over $120 million, in recent years it is up to $30 million per year.

In addition, a recent study by the Office of Technology Assessment estimates that the power industry alone may spend more than $3 billion over the next 10 years just to control zebra mussel infestation in water intake systems.

Apart from these economic costs, there is evidence that the zebra mussel may disrupt

the lower food chain and deplete valuable Great Lake fish stocks. This could severely impact a $4 billion sport and food fishery in the Great Lakes region.

Zebra mussel infestation is not a problem that is only limited to the Great Lakes. The zebra mussel is spreading rapidly across the United States, having been found throughout the Mississippi Valley, the Gulf Coast, the Chesapeake Bay, and in locations as far away as California. In fact, the zebra mussel has now spread to 20 States and continues to spread. To give you an idea how fast zebra mussels multiply, it is possible that one zebra mussel could produce as many as 1 million eggs.

The National Sea Grant College Program's research into aquatic nuisance species is crucial and must be maintained and even enhanced if the spread of these species is to be prevented and controlled. The zebra mussel research is especially important, as lessons learned from this research can be applied to the prevention and control of other aquatic nuisance species.

H.R. 437 continues the Federal Government's commitment to zebra mussel research and to fighting the spread of this aquatic nuisance species, which is more than just a nuisance.

In addition Mr. Chairman, Michigan Sea Grant plays a pivotal role in my district in addressing a wide range of issues that are vital to the Great Lakes. For example, Sea Grant is a leader in developing new approaches for the responsible management of Great Lakes fisheries, working with over 600 seafood processors and fishermen to improve seafood safety, coordinating citizen volunteers in my district to monitor Great Lakes water quality, and helping State and local governments create new economic opportunities in coastal recreation and tourism, while managing development wisely in an industry whose economic impact on my State now rivals that of automobile production.

My Chairman, I strongly urges the passage of this bill.

Mr. ABERCROMBIE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I want to wish the Chair of the Committee on Science, the gentleman from Wisconsin [Mr. SENSENBRENNER], a happy birthday, and I also want to thank the Chair of the Subcommittee on Fisheries, Conservation, Wildlife and Oceans for his very kind comments on the passing of my father.

Mr. Chairman, we see that there is strong bipartisan support for this effort, and I want to tell Members why. I think that America believes and understands that it may be the land masses of the world that separate the peoples, but it is the oceans that bring us together.

I co-authored the reauthorization of the Sea Grant program basically because I believe it is a great program, one that enables important efforts in marine resource conservation to be properly managed. When we think about our oceans and our coasts and the Great Lakes, they are tremendous resources and of great importance not only to our economy but also to our social and to our cultural vitality. But our population, over half of which lives on 10 percent of the land defined as coastal, puts incredible pressures on these environments. We harvest the fish and other living organisms. We alter the physical environment. We fill in wetlands. We dredge our harbors. We bulkheaded our shorelines. We pollute. We introduce alien species into our ecosystems. We are adding substances to the atmosphere that increases the ultraviolet radiation and alter the globe's climate.

We should see it as a priority to have high-quality, competitive, peer-reviewed science to better understand these dynamic resources, our effects on them, and to propose ways to minimize negative impacts while enhancing economic benefits. Hand in hand with this must come programs to get this information out to the public and user groups with the goal of wise, sustainable use.

For nearly 30 years this is exactly what the Sea Grant program has been doing, and it is doing it in a fiscally responsible way. Federal funding for Sea Grant must be matched by non-Federal contributions. Over half of the funding of Sea Grant programs come from non-Federal sources. Funded at about $50 million annually, we need to support its reauthorization.

Mr. SAXTON. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Chairman, I join the gentleman from Maryland [Mr. GILCHREST] in commending and complimenting the chairman and ranking members of these two committees for an excellent bill, and I rise to speak in favor of this bill and encourage my colleagues to support it and vote for it.

Over a hundred years ago this Nation established land grant universities which have served this Nation well. One of their primary purposes was to conduct research in the uses of our land, particularly for agriculture, and today we still have a network of agricultural research which is second to none in the world and which has been of great benefit to the farmers and the citizens of this country.

More than half, in fact considerably more than half, of our planet's surface is occupied by oceans and large lakes, and yet we have devoted far less of our resources to research upon the water ways of this planet than we have to the land of our Nation. The good feature of this bill is that it begins and continues the process of research that we have instituted for the oceans and the Great Lakes. The Great Lakes of this Nation are a valuable resource. They hold more than 90 percent of the fresh water in this Nation and are the primary source of fresh water throughout the world.

Michigan alone has greater shoreline than any other State of the Union other than Alaska. We have over 3,000 miles of shoreline which indicates the importance of aquaculture, fisheries, and things of this sort to the State of Michigan. But research and the science necessary to really maintain the fisheries of this planet and the resources of the Great Lakes has been lacking.

This bill will help continue the research we have begun in places such as Ann Arbor and other resource facilities in the Great Lakes area, but throughout this Nation this bill will provide the funding that is needed to do the research necessary to continue to ensure that our fisheries are adequate to supply the needs of our Nation and of other nations.

A new problem has arisen in the recent past and is also addressed in this bill, and that is the problem of invasive nonindigenous species. A major problem at the moment, of course, is the zebra mussel which is creating havoc in the Great Lakes and is rapidly spreading across this Nation. It is plugging water supply lines to power plants, municipalities, creating problems for boaters, ship owners, and we need a great deal more research in understanding the zebra mussel and other invasive species.

I am very pleased that this bill specifically addresses the zebra mussel problem, and I hope in the future we will be able to increase the funding for the study of invasive species so that we can in fact tackle the problem, reduce the difficulty of dealing with these species in the Great Lakes and in other bodies of water in and upon the shores of this Nation.

It is a good bill, and I urge the support of my colleagues. Vote for it.

Mr. ABERCROMBIE. Mr. Chairman, I believe that the gentleman from New Jersey [Mr. SAXTON] has the duty to close the debate. I have four more speakers. I am not sure whether he has more speakers and how much time is left for him, and I wonder if I might impose upon him to allow our speakers to catch up so that we can conclude properly.

Mr. SAXTON. I have no objection to that, Mr. Chairman.

The CHAIRMAN. The gentleman from Hawaii has 7 minutes remaining.

Mr. ABERCROMBIE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT]. Other speakers have had more time but, as we know, the gentleman from Ohio [Mr. TRAFICANT] will be able to conclude his remarks within 1 minute.

Mr. TRAFICANT. Mr. Chairman, I want to commend the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from New Jersey [Mr. SAXTON] for this job, and the gentleman from Hawaii [Mr. ABERCROMBIE] and the gentleman from Indiana [Mr. ROEMER].

Now no parts of the Great Lakes touches my district, and I have no ocean frontage, but I am working on that, and the Congress should know that, and I support this bill, but I will be offering an amendment, and that amendment is very simple and straightforward. If we buy American-made products and an American company continues to have business, an American worker gets a paycheck. From that paycheck we get some taxes, and from those taxes we can provide these grants, and it works for all of us.

So we are going to reach out and touch somebody like the phone service, and I will be offering that amendment, and I would appreciate my colleagues' support. But again I would like to commend both of the committees for the compromises and the efforts they made to bring a good bill that will be helpful to science and research in America.

Mr. ABERCROMBIE. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. JOHNSON].

Mr. JOHNSON of Wisconsin. Mr. Chairman, I join with my other colleagues, especially as a representative of Wisconsin, wishing a happy birthday to my colleague, the gentleman from Wisconsin [Mr. SENSENBRENNER].

I rise in strong support today of the National Sea Grants College Program Reauthorization Act as another representative of a Great Lakes district with a wide array of boating and marine interests. I know well the importance of this bill before us. In this bill we are investing, I think, up to $2.8 million next year to research the control of the zebra mussels in the Great Lakes. For those colleagues who are not familiar, and I am sure many of them are with this devastating problem of nonindigenous species, I can tell them the invasion of zebra mussels has caused a great burden to the Great Lake States in the past decade. The zebra mussel: A mollusk that was carried to the Great Lakes in the late 1980's traveling in the ballast water of European freighters. Here in an environment without a natural predator the mussels spread widely, quickly attaching themselves to any hard surface in sight. They have clogged water intakes of sewer systems, utilities and factories, filling boat holes, covering beaches with their sharp shells. They cause great economic and ecological hardship to our region; I used to live on the Great Lakes and know about them.

Currently there is no answer for this disease. If my colleagues can imagine, every female mussel can produce 30 to 40,000 offspring several times a year, every mussel lives up to 8 years. I know it sounds like a bad horror movie, but the problem is real, and unless we contain the research on this species and how to control it, we expect the zebra mussels to continue to spread to other waters and bring their destruction to other regions.

In this bill we will spend up to $2.8 million to continue the research on the zebra mussel, exploring methods of control, examining how to prevent invasions in the future. If my colleagues think this is a large investment, I ask them to think of businesses all over the Great Lakes which are forced to spend hundreds of thousands of dollars every year to filter and scrape out zebra mussels from their pipes and intake systems.

□ 1145

I hope we will continue our strong support for this vital research.

Part of the reason we have learned much about the zebra mussel is due to this bill and the great Sea Grant College Program. I urge my colleagues to support H.R. 437.

Mr. SAXTON. Mr. Chairman, I have some additional time which I am not going to use; and with the permission of the Chair, I yield 4 minutes of my time to the gentleman from Hawaii [Mr. ABERCROMBIE] for the purposes of control, so that he can dispense it to Members on the other side.

The CHAIRMAN. For the information of the majority, the gentleman from New Jersey has 7½ minutes remaining, and 4 of those minutes, without objection, are yielded to the gentleman from Hawaii [Mr. ABERCROMBIE].

There was no objection.

Mr. ABERCROMBIE. Mr. Chairman, as always, I am very grateful to the gentleman from New Jersey [Mr. SAXTON]. This is in the spirit within which this bill was concluded, and I very much appreciate it.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Mrs. TAUSCHER].

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise to discuss a nonnative aquatic weed which is taking over our Nation's waterways and is rapidly becoming a national problem. While I recognize the extreme threat that other nonnative aquatic species can cause, and the zebra mussel infestation of our Great Lakes and rivers throughout the Midwest is a prime example, I believe we need to begin to focus national attention on directing research funds on controlling and eliminating other nonindigenous aquatic species.

In my State of California we have more nonindigenous species destroying our natural environment than any other State. One of the worst offenders in the San Francisco Bay Delta includes Egeria Densa, a water weed that originates in Brazil and has taken over not only our local waterways but the canals, rivers, lakes, and bays around the country, including the Mississippi River, the Florida Everglades, and the Chesapeake Bay. This weed impacts water quality in the bay by displacing native vegetation and choking the waterways, causing severe damage to boats, loss of recreational area, and a dramatic reduction of the property values along the deltas in my district.

Rooted in the bottom of the delta, this nonnative weed reproduces when fragments of the plant break off and travel with boats or tidal flow to be deposited and then grow in another area. The plant picks up nutrients in the delta and, with the help of the Sun, spreads like wildfire throughout the delta sloughs. In the past several years, this spread has accelerated to the point that I fear any solution may soon be too little too late.

Already there are areas that only a couple of years ago were open for boaters, yet are now completely inundated by this weed. In fact, many areas of the delta are now so full of Egeria Densa that it has turned canals into clogged beds of weeds in which nothing else can compete.

I support this bill because it provides money for research into aquatic nuisance species like Egeria Densa.

Mr. Chairman, I look forward to working with the chairman and ranking members of the Committee on Science and the Committee on Resources on this very important issue in the future. Research is needed to develop an effective and environmentally benign method to eradicate Egeria Densa before it becomes a major epidemic in my delta and around the Nation.

Mr. ABERCROMBIE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan [Ms. STABENOW] to conclude and close out our side of the debate.

Ms. STABENOW. Mr. Chairman, to leaders who have worked so hard on this issue, congratulations to both sides and I appreciate the cooperation of the majority in yielding time for us today.

This is such an important bill to the great State of Michigan, as has already been indicated by my colleague from Grand Rapids, MI, we have more Great Lakes, more wonderful waterways than any other State in the Union. It is incredibly important that the sea grant research project be continued and be strengthened in order to monitor the Great Lakes.

The sea grant has contributed substantially to improving the use of Great Lakes resources and understanding them. For instance, in our State, there has been a great focus, as has been talked about already, on the issue of zebra mussels. There is a very important program that is called the inland lake monitoring program that has helped constituents in my district. We have monitored over 100 lakes and found 45 lakes in which there have been zebra mussels identified.

The inland lakes program that is operated through this grant research

project allows citizens to learn important information about how to prevent the spread of zebra mussels, how to identify zebra mussels early in their life. It greatly relates to the ability to swim, to boat, to enjoy the wonderful lakes that we have in Michigan as well as around the country, and it is important that we continue our research so that we can prevent zebra mussels in the long run.

I want to share one other important success story about the Michigan Sea Grant Program that I have not heard discussed today, and that is the development of revival techniques for victims of cold water immersion, which is also a success story of the sea grant research project. With the help of the sea grant research project, people who have been underwater for periods of up to one-half hour are now being successfully revived whereas in the past these people had been given up as a drowning death. With the support of a successful sea grant research project and outreach program, the entire approach to cold water immersion has changed.

We know that there is success story after success story in this research program. It is important for our quality of life; it is important for our ecosystem; it is important for the country that we maintain a vigilant research and outreach project through the national sea grant program. I am very pleased to rise with my colleagues in support of H.R. 437 and urge a strong bipartisan vote today.

Mr. ABERCROMBIE. Mr. Chairman, I have no further speakers, and I yield back the balance of my time.

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

I would just like to take a couple of minutes to close the general debate by saying that this is obviously a program that is very important all across the country. Nowhere is it more important than my home State of New Jersey, where a full 10 percent of all of the marine science consortium members are from New Jersey, headed up, of course, by the sea grant university, Rutgers University. Through these 31 members of the New Jersey marine science consortium, a number of very worthwhile projects have been carried out.

One of the projects is really a project which is at the forefront of development of technology in marine research. That program is known as the LEO 15 project. LEO is an acronym which stands for Long-term Ecosystem Observatory, which is literally an observatory which is stationed several miles off the New Jersey coast in the Atlantic Ocean. And through fiberoptic connection to shore and satellite technology, the data in a real-time situation is collected and transported via fiberoptic and satellite technology to Rutgers University and directly there into schoolrooms and university rooms all across the country. So that on a real-time basis, people can have knowledge of, study, and make use of the data that is collected from the LEO observatory. It is a very worthwhile tool in helping us to understand on an ongoing basis what is happening in the ocean, on the ocean floor, relative to a variety of scientific issues that are important.

In addition to that, we in New Jersey are studying fish recruitment in estuaries, which means essentially how do we enhance fisheries in the breeding grounds and the spawning grounds in our estuaries. We have a variety of projects with regard to water quality and the impacts of sediments in some of our estuarine areas such as Barnegat Bay. We are using a $600,000 sea grant each year to study and try and find the answers to oyster diseases and research in that area. We have a workshop ongoing with regard to environmental sustainability of the marine industry, the marina industry, which essentially is a program to enhance the understanding of environmental issues as they are affected by boaters in marinas and those issues.

We also have an ongoing program in New Jersey on the industrial use of marina biotechnology products. In other words, how can we develop and use products which are friendly to the environment. So these programs which are of vital importance to the future use of the marine estuarine environment are of vital importance, and in each case they are carried out because the sea grant program provides the resources to do so.

So I would like to ask that my colleagues on both sides of the aisle, it would be nice to get a unanimous vote on this. I have heard no objections.

In closing, Mr. Chairman, let me say that this is another example of a Committee on Resources bill emanating from the Subcommittee on Fisheries Conservation, Wildlife and Oceans, which enjoys the bipartisan nature of our good relationships with each other between Republicans and Democrats and Members of the House.

So I ask for everyone to support this very, very worthwhile bill.

Mr. YOUNG of Alaska. Mr. Chairman, H.R. 437 reauthorizes and amends the National Sea Grant College Program Act of 1966. This bill was introduced by JIM SAXTON, and a number of Members, like me, who believe that this has been an effective Federal program.

Sea Grant was established in 1966 in order to improve our Nation's marine resource conservation efforts, to manage those resources more effectively, and to enhance their proper use. The program is patterned after the highly successful Land Grant College Program, which is familiar to many of our noncoastal Members.

For over 30 years, Sea Grant has successfully achieved its goals through a unique combination of research grants, marine advisory services, and education. Alaska's Sea Grant Program has improved our understanding of commercial fish stocks, the factors affecting the size and health of those stock, and the best economic uses for fishery resources. Using this information, we have developed effective management regimes, and we continue to create more jobs with fewer long-term impacts to our fisheries.

Alaska Sea Grant also supports a comprehensive Marine Advisory Service, which has provided industry training programs on topics ranging from marine safety and seafood technology, to business management for fishermen and shoreside support facilities. Through proper training, we ensure that our industries, businesses, and individuals who depend on productive fisheries can continue to do their jobs effectively. Ron Dearborn, who does an excellent job as Director of the Alaska Sea Grant College Program, is serving as president of the Sea Grant Association this year.

Sea Grant is a perfect example of the type of program that we should support. The program produces tangible results and, most importantly, it maximizes immediate and long-range returns by matching Federal investments with State and private funds.

Unfortunately, during the last Congress, the Resources and Science Committees were unable to reach an agreement on reauthorization legislation. I am pleased that this year those disagreements have been resolved, and we are able to bring this compromise text to the floor. This bill is the product of 3 years of hard work and dedication.

Mr. Chairman, it is important that we reauthorize Sea Grant this year, and I compliment Mr. SAXTON for his efforts. This program is important to the State of Alaska, our coastal communities, and every American. Therefore, I strongly urge an "aye" vote on H.R. 437.

Mr. CASTLE. Mr. Chairman, I rise in strong support of H.R. 437.

In 1966, Congress established the National Sea Grant College Program in order to encourage the wise stewardship of our marine resources through research, education, outreach, and technology transfer.

Today, there are 29 sea grant programs, one in every coastal State and in Puerto Rico, working in partnership with the National Oceanic and Atmospheric Administration.

Each program has a common goal: To foster the wise use, conservation, and management of marine and coastal resources through practical research, graduate student education, and public service.

The University of Delaware, designated the Nation's ninth sea grant college in 1976, conducts research in marine biotechnology, coastal engineering, environmental studies, fisheries, marine policy, and seafood science—all vitally important to promoting coastal economic growth and improving the quality of coastal environments.

It plays a key role in training graduate students in marine studies and its outreach staff provides a variety of groups, from business owners to school teachers, with a wealth of timely, objective information and assistance in addressing coastal problems and opportunities.

Delaware's Sea Grant Program and others like it across the country are focused on making the United States the world leader in marine research and the sustainable development of marine resources.

I strongly urge my colleagues to support the National Sea Grant College reauthorization and help make that goal a reality.

Mr. LAZIO of New York. Mr. Chairman, I rise to speak in strong support of the National Sea Grant College Program and H.R. 437.

The National Sea Grant College Program is an integrated program of research, education, and extension activities which has consistently proven its value to the taxpayer throughout its nearly 30-year history.

Sea Grant works at the precommercial stage, with a focus on small, family owned businesses, to improve the responsible use and development of our Nation's coastal, marine, and Great Lakes resources.

Sea Grant is unique among university-based programs in that it develops useful information through research geared toward improving economic opportunities and conserving natural resources for future generations.

Federal funding for Sea Grant is highly leveraged by contributions from outside the Federal Government. Almost half the funding for Sea Grant comes from non-Federal sources; investments made by Sea Grant are heavily matched by each of the participating States, as well as by universities and the private sector.

Sea Grant supports high-quality, competitive, peer-reviewed scientific research to address critical marine resource issues and opportunities and, importantly, to deliver the results of that research to constituents through Sea Grant marine extension and education programs.

In my home State of New York, Sea Grant has assisted agencies, municipalities and constituents in understanding both the technical and policy implications of prospective erosion control measures for our coastal communities. On Fire Island in my district, and the Fire Island National Seashore, this research has saved taxpayers needless expenditures on approaches that would not work. Sea Grant has also helped charter fishing operators understand the fishery resources they depend on, and has assisted seafood retailers in maintaining the quality and safety of products they sell to consumers.

I would like to commend my colleagues on the Resources and Science Committees for bringing H.R. 437 to the floor today. This bill makes significant improvements in the Sea Grant Program by streamlining the proposal review process, reducing administrative costs, and clarifying the Federal and university roles in the program. I urge my colleagues to join me in voting for H.R. 437 to make Sea Grant an even better program than the fine one it is today.

Mr. SPENCE. Mr. Chairman, I rise in strong support of H.R. 437, and I want to commend my colleague, Chairman DON YOUNG of the Resources Committee, for his initiative in bringing this important piece of legislation to the floor.

The National Sea Grant College Program is a network of over 300 colleges, universities, technical schools, and research institutions located throughout the country which provide economic opportunities and address real problems associated with our abundant coastal and marine resources. Sea Grant represents a strong university-business-Government partnership that responds to local, regional, and national needs.

Federal funding for the Sea Grant Program is highly leveraged by contributions from outside the Federal Government. Almost half of the funding for Sea Grant comes from matching grants funds from research institutions. In South Carolina, Sea Grant funds are often used as seed money to leverage funding from other Federal, State, local, and private sources.

For example, the Sea Grant Program in South Carolina is part of a nationwide network of university campuses and marine laboratories involved with Operation Pathfinder, an educational initiative involving the National Oceanic and Atmospheric Administration, the U.S. Navy, and the U.S. Department of the Interior to train elementary and middle-school teachers in multidisciplinary skills in oceanography and coastal processes.

Of grave importance, Mr. Chairman, is the fact that South Carolina and other Southeastern and Gulf States are subject to a number of hurricanes and coastal storms annually. Risks to life and property associated with these coastal natural hazards will increase with the anticipated growth of coastal populations in this region over the next several decades, from 36 million people currently to over 73 million by the year 2010. According to the Insurance Institute for Property Loss Reduction, these storms cost an estimated $58 billion in insured losses attributable to wind alone, with total insured losses produced by Hurricane Hugo, Andrew, Iniki, and the winter storms of 1993 and 1994 of $42.7 billion. The Sea Grant Program in South Carolina has initiated a coordinated research and extension program on coastal natural hazards which seeks to mitigate and reduce the amount of damage and subsequent monetary loss to property owners and the insurance industry. Examples of such efforts include research and development of low-cost, structural retrofit strategies for homeowners, development of a vulnerability mode for use by emergency management personnel to predict storm damage and cleanup needs, the formation of a South Carolina Association for Hazard Mitigation, and the development of a Community Sustainability Center as an educational and training facility for schools, planning and building code officials, and hazards engineers.

H.R. 437 makes significant improvements in the Sea Grant Program. It streamlines the proposal review process, reduces administrative costs, caps the total program costs below the current services level, and clarifies Federal and academic roles in the program.

I would urge my colleagues to recognize and acknowledge the many contributions to the Nation's economic development and resource management made by the National Sea Grant College Program over the last 30 years by voting in support of this important bill.

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of the National Sea Grant College Program Reauthorization Act of 1997, H.R. 437.

My home State of California is home to the largest Sea Grant Program in the Nation. The California Sea Grant College system is a statewide, multiuniversity program of marine research, extension services, and education. Through the research it sponsors, California Sea Grant contributes to the growing body of knowledge about our coastal and ocean resources and helps solve contemporary problems in marine ecosystems. Its extension services transfer this knowledge to a wide community of users in California, the Pacific region, and the Nation.

Since the beginning of the Sea Grant Program in 1968, California has become a leader in Marine Biology and the development of new products in the areas of marine pharmacology, aquaculture, fisheries, water quality, coastal habitat, and ocean engineering. The universities participating in this program are known for their leadership and accomplishments in the study of our oceans. We in San Diego are particularly proud of the work done at Scripps Institute of Oceanography, a part of the University of California at San Diego. Scripps has achieved global recognition for its pioneering work in oceanography, due in no small part to the Sea Grant Program.

Almost everyone living in southern California is affected by the management of our oceans for jobs, recreation, goods and services. The top seven ocean related industries in California generated nearly $20 billion in direct and indirect economic activity, supporting nearly 500,000 jobs. However, the preservation and study of our oceans is important not only to those who live in California or along the coasts but to the Nation as a whole.

I encourage all of my colleagues to join me in supporting this program by voting for H.R. 437.

Mr. HOYER. Mr. Chairman, I rise today in support of H.R. 437, the Marine Resources Revitalization Act of 1997 and I want to commend both the Resources and Science Committees for reaching a compromise on this very important bill. We have needed to reauthorize the National Sea Grant Program since October 1995 and I applaud Representatives SAXTON, YOUNG, ABERCROMBIE, and FARR on their leadership.

As a member from a coastal district, I am acutely aware of the problems of the coastal marine environment, and of the excellent work of the Sea Grant Program to address these problems. I remain a supporter of Sea Grant's peer-reviewed research, education, and outreach programs that deal with problems in Maryland such as oyster disease and chemical contaminants in coastal waters.

Established in 1966 to improve the conservation, management, and utilization of ocean and coastal resources, the Sea Grant College Program has been a national leader in conducting scientifically based marine research and distributing the results to hundreds of universities throughout the country. The University of Maryland, located in my district in College Park, is 1 of 26 designated Sea Grant Colleges and is a national leader on living marine and estuarine resources research.

Mr. Chairman, the Chesapeake Bay is arguably the world's greatest estuary and offers the scientific community one of the most abundant and important places to conduct research. Over the past several years, the oyster population has become increasingly threatened by diseases such as MSX and Dermo, and Sea Grant has been leading the way on the Oyster Disease Research Program which

is providing a better understanding of shellfish disease.

Today, Sea Grant continues to provide scientific data and analysis which are used in efforts to prevent oyster parasites from developing. I will support H.R. 437, which will authorize the program through fiscal year 2000, and continue to support appropriations for Sea Grant. The Chesapeake Bay is one of Maryland's greatest natural assets, and in my continued efforts to protect, preserve, and promote this magnificent resource, I will remain a strong supporter of the University of Maryland's work with the National Sea Grant Program.

Mr. Chairman, I encourage my colleagues to support this legislation to reauthorize this very important environmental program.

Ms. HOOLEY of Oregon. Mr. Chairman, I rise today in support of this bill, which would fully reauthorize a program that has been vital to our Nation's oceanic industries.

The Sea Grant Program was established in 1966 to improve our Nation's marine resource conservation and management efforts, and is modeled after the very successful Land Grant College Program.

The fishing industry in the Pacific Northwest produces about 55 percent of the Nation's seafood, and is a critical component of many coastal economies in my State. The Oregon Sea Grant Program has been highly successful in its research and marine extension programs, which are oriented toward this industry.

One example of its research activities involves the utilization of seafood wastes. Few people realize that between 30 and 40 percent of the seafood raw material is actually used in food products, while most of the remaining material typically goes to waste. The Oregon Sea Grant Program helps fund research which examines the potential for using some of this waste material in products such as fishmeal and bioactive products including enzymes. These efforts have spawned new, multimillion dollar industries in the Pacific Northwest. Researchers are also studying ways to remove bioactive components of seafood waste water to save money for both processors, municipalities, and customers.

The Oregon program has also been very successful in assisting fishing dependent families adapt to the changing industry conditions, and has been a major force in the development of the Pacific Whiting Industry in Oregon. In addition, the Sea Grant Program is also involved in State and local efforts to restore severely degraded salmon and watershed habitats.

Other programs around the Nation, working closely with industries, have developed new aquaculture techniques, designed improved coastal planning schemes, created new methods of saving cold-water drowning victims, and created a comprehensive data base on toxic contaminants in an aquatic system. And again, I want to stress that the benefits of Sea Grant extend beyond the applied commercial and environmental effects. This university program has been instrumental in educating future generations of researchers in the techniques and nuances of marine science.

These successes clearly warrant support for fully funding the program at levels consistent with those in recent years, as this bill authorizes.

I am convinced that these and many other basic research programs are wise investments in the Nation's economic future. We now have more than anecdotal evidence that research pays off handsomely for our economy over time, but it also pays off by significantly improving our quality of life. Scientists have been doing more with less in recent years. These advancements of efficiency should be commended and continued. However, we must continue to acknowledge the invaluable responsibilities shouldered by our research communities, especially on university campuses. We must maintain strong support for important scientific investigations and for the education of students across the science, math and engineering disciplines.

I urge my colleagues to join me in support of this legislation.

Mr. FORBES. Mr. Chairman, I rise today in strong support of H.R. 437, a bill to reauthorize the National Sea Grant College Program within the National Oceanic and Atmospheric Administration [NOAA].

In New York, the Sea Grant Program, based at the University of Stony Brook on Long Island, has been a vital force in finding answers to critical coastal issues that affect New York's fishing and tourism industries. Stony Brook's Sea Grant supports more than 20 scientific research projects annually and has provided more than $25.3 million in support of research, education, and outreach projects since its formation more than 25 years ago.

Over the past 4 years, Stony Brook's Sea Grant Program has focused a great deal on the causes of periodic outbreaks of brown tide algae in Long Island's coastal waters, particularly on the East End and in the Great South and Moriches Bays. In fact, the Federal Coastal Ocean Program [COP], under NOAA, has awarded $1.5 million in grants to researchers studying the brown tide algae blooms that have plagued the waters of Long Island's East End and South Shore. Administering the Sea Grant Program at Stony Brook, the 3-year Brown Tide Research Initiative [BTRI] is a coordinated effort by nationally recognized experts at eight universities and research institutions, including the University at Stony Brook.

The National Sea Grant Program is a network of 29 university-based programs located in States with coastlines on either oceans or the Great Lakes. In New York, the Sea Grant Program is a joint operation between the State University of New York at Stony Brook and Cornell University. New York Sea Grant conducts important research into the forces of coastal erosion, providing invaluable insight for beach protection programs.

The national investment in the Sea Grant Program is a tremendously wise one, and not solely from an ecological standpoint. Financially, the program works. Every Federal dollar is matched by $2 in State, local, and university resources. Though outmatched by other sources, it is the Federal investment that acts as the program's catalyst, attracting much-needed support from other, diverse sources.

The Brown Tide Research Program undertaken at Stony Brook, is just one example of how the National Sea Grant College Program works, but it is indicative of the collaborative effort and broad commitment that is the program's hallmark. It is the model for public, private, and university partnerships that pool resources, facilities, and brain power to tackle a serious problem that no single entity is capable of addressing.

In the long run, an alliance like the New York Sea Grant Program at Stony Brook will save Long Island taxpayers' money, while conducting important scientific research that ultimately solves the problems that afflict our most important industries: fishing and tourism.

Therefore, I urge my colleagues to vote in support of H.R. 437 and in support of the Sea Grant Program that serves as a model for all public programs because of its ability to work smarter and more efficiently for its customers, the American people.

The CHAIRMAN. All time for general debate has expired.

The amendment in the nature of a substitute printed in the designated place in the CONGRESSIONAL RECORD and numbered 1 shall be considered by section as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Sea Grant College Program Reauthorization Act of 1997".

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the remainder of the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the remainder of the amendment in the nature of a substitute is as follows:

SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. AMENDMENTS TO DEFINITIONS.

(a) SEA GRANT INSTITUTION.—Section 203 (33 U.S.C. 1122) is amended by adding at the end the following new paragraph:

"(16) The term 'sea grant institution' means—

"(A) any sea grant college or sea grant regional consortium, and

"(B) any institution of higher education, institute, laboratory, or State or local agency conducting a sea grant program with amounts provided under this Act.".

(b) FIELD RELATED TO OCEAN, COASTAL, AND GREAT LAKES RESOURCES.—Section 203(4) (33 U.S.C. 1122(4)) is amended to read as follows:

"(4) The term 'field related to ocean, coastal, and Great Lakes resources' means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, and Great Lakes resources.".

(c) SECRETARY.—

(1) IN GENERAL.—Section 203(13) (33 U.S.C. 1122(13)) is amended to read as follows:

"(13) The term 'Secretary' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.".

(2) CONFORMING AMENDMENTS.—The Act is amended—

(A) by striking section 203(15) (33 U.S.C. 1122(15));

(B) in section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, by striking ", the Under Secretary,"; and

(C) by striking "Under Secretary" every other place it appears and inserting "Secretary".

SEC. 4. CONSULTATIONS REGARDING LONG-RANGE PLANNING GUIDELINES AND PRIORITIES AND EVALUATION.

Section 204(a) (33 U.S.C. 1123(a)) is amended in the last sentence by inserting after "The Secretary" the following: ", in consultation with the sea grant institutions and the panel established under section 209,".

SEC. 5. DUTIES OF DIRECTOR.

Section 204(c) (33 U.S.C. 1123(c)) is amended to read as follows:

"(c) DUTIES OF DIRECTOR.—

"(1) IN GENERAL.—The Director shall administer the National Sea Grant College Program subject to the supervision of the Secretary. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

"(A) advise the Secretary with respect to the expertise and capabilities which are available within or through the National Sea Grant College Program, and provide (as directed by the Secretary) those which are or could be of use to other offices and activities within the Administration;

"(B) encourage other Federal departments, agencies, and instrumentalities to use and take advantage of the expertise and capabilities which are available through the National Sea Grant College Program, on a cooperative or other basis;

"(C) encourage cooperation and coordination with other Federal programs concerned with ocean, coastal, and Great Lakes resources conservation and usage;

"(D) advise the Secretary on the designation of sea grant institutions and, in appropriate cases, if any, on the termination or suspension of any such designation;

"(E) encourage the formation and growth of sea grant programs; and

"(F) oversee the operation of the National Sea Grant Office established under subsection (a).

"(2) DUTIES WITH RESPECT TO SEA GRANT INSTITUTIONS.—With respect to the sea grant institutions, the Director shall—

"(A) evaluate the programs of the institutions, using the guidelines and priorities established by the Secretary under subsection (a), to ensure that the objective set forth in section 202(b) is achieved;

"(B) subject to the availability of appropriations, allocate funding among the sea grant institutions so as to—

"(i) promote healthy competition among those institutions,

"(ii) promote successful implementation of the programs developed by the institutions under subsection (e), and

"(iii) to the maximum extent consistent with the other provisions of this subparagraph, provide a stable base of funding for the institutions; and

"(C) ensure compliance by the institutions with the guidelines for merit review published pursuant to section 207(b)(2).".

SEC. 6. DUTIES OF SEA GRANT INSTITUTIONS.

Section 204 (33 U.S.C. 1123) is amended by adding at the end the following new subsection:

"(e) DUTIES OF THE SEA GRANT INSTITUTIONS.—Subject to any regulations or guidelines promulgated by the Secretary, it shall be the responsibility of each sea grant institution to—

"(1) develop and implement, in consultation with the Secretary and the panel established under section 209, a program that is consistent with the guidelines and priorities developed under section 204(a); and

"(2) conduct merit review of all applications for project grants or contracts to be awarded under section 205.".

SEC. 7. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

(a) REPEAL.—Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

(b) CONFORMING AMENDMENT.—Section 209(b)(1) (33 U.S.C. 1128(b)(1)) is amended by striking "and section 3 of the Sea Grant Program Improvement Act of 1976".

SEC. 8. DESIGNATION OF SEA GRANT INSTITUTIONS.

Section 207 (33 U.S.C. 1126) is amended to read as follows:

"SEC. 207. SEA GRANT COLLEGES AND SEA GRANT REGIONAL CONSORTIA.

"(a) DESIGNATION.—The Secretary may designate an institution of higher learning as a sea grant college, and an association or alliance of two or more persons as a sea grant regional consortium, if the institution, association, or alliance—

"(1) is maintaining a balanced program of research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources;

"(2) will cooperate with other sea grant institutions and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

"(3) will act in accordance with such guidelines as are prescribed under subsection (b)(2);

"(4) meets such other qualifications as the Secretary, in consultation with the sea grant review panel established under section 209, considers necessary or appropriate; and

"(5) is recognized for excellence in marine resources development and science.

"(b) REGULATIONS AND GUIDELINES.—

"(1) IN GENERAL.—The Secretary shall by regulation prescribe the qualifications required to be met under subsection (a)(4).

"(2) MERIT REVIEW.—Within 6 months after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1997, the Secretary, after consultation with the sea grant institutions, shall establish guidelines for the conduct of merit review by the sea grant institutions of project proposals for grants and contracts to be awarded under section 205. The guidelines shall, at a minimum, provide for peer review of all research projects and require standardized documentation of all peer review.

"(c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).".

SEC. 9. AUTHORIZATIONS OF APPROPRIATIONS.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act—

"(A) $54,300,000 for fiscal year 1998;

"(B) $55,400,000 for fiscal year 1999; and

"(C) $56,500,000 for fiscal year 2000.

"(2) ZEBRA MUSSEL AND OYSTER DISEASE RESEARCH.—Of the amount authorized for a fiscal year under paragraph (1)—

"(A) up to $2,800,000 of the amount may be made available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel; and

"(B) up to $2,000,000 of the amount may be made available for competitive grants for university research on oyster disease.".

(b) ADMINISTRATION.—Section 212(b) (33 U.S.C. 1131(b)) is amended—

(1) by striking so much as precedes paragraph (2) and inserting the following:

"(b) ADMINISTRATION.—

"(1) LIMITATION.—Of the amount appropriated for each fiscal year under subsection (a), an amount, not exceeding 5 percent of the lesser of the amount authorized under subsection (a) for the fiscal year or the amount appropriated under subsection (a) for the fiscal year, may be used for the administration of this Act, including section 209, by the National Sea Grant Office and the Administration.";

(2) in paragraph (2)—

(A) by striking "subsections (a) and (c)" and inserting "subsection (a)"; and

(B) by striking "(2)" and inserting "(2) LIMITATION ON USE OF OTHER AMOUNTS.—"; and

(3) by moving paragraph (2) 2 ems to the right, so that the left margin of paragraph (2) is aligned with the left margin of paragraph (1), as amended by paragraph (1) of this subsection.

(c) REPEAL.—Section 212 (33 U.S.C. 1131) is amended by repealing subsection (c) and redesignating subsections (d) and (e) in order as subsections (c) and (d).

(d) PROHIBITION ON LOBBYING; NOTICE OF REPROGRAMMING OR REORGANIZATION.—Section 212 (33 U.S.C. 1131), as amended by subsection (c) of this section, is further amended by adding at the end the following:

"(e) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this section shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

"(f) NOTICE OF REPROGRAMMING.—If any funds authorized by this section are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(g) NOTICE OF REORGANIZATION.—The Secretary shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.".

SEC. 10. CLERICAL, CONFORMING, AND TECHNICAL AMENDMENTS.

(a) CLERICAL AMENDMENTS.—

(1) Section 203(3) (33 U.S.C. 1122(3)) is amended by striking "the term" and inserting "The term".

(2) Section 203(6) (33 U.S.C. 1122(6)) is amended by moving subparagraph (F) 2 ems to the right, so that the left margin of subparagraph (F) is aligned with the left margin of subparagraph (E).

(3) The heading for section 204 (33 U.S.C. 1124) is amended to read as follows:

"SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.".

(4) Section 209 (33 U.S.C. 1128) is amended by striking all of the matter that follows the first full sentence through "shall advise", and inserting "(b) DUTIES.—The panel shall advise".

(5) Section 205(b)(3) (33 U.S.C. 1124(b)(3)) is amended by striking "or section 206".

(6) Section 204(d)(1) (33 U.S.C. 1123(d)(1)) is amended—

(A) by striking "five positions" and inserting "one position"; and

(B) by striking "the maximum rate for GS–18 of the General Schedule under section 5332" and inserting "a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376".

(b) CONFORMING AMENDMENTS.—

(1) Section 204(b)(2) (33 U.S.C. 1123(b)(2)) is amended by striking "maximum rate for GS–18" and all that follows through the end of the sentence and inserting "maximum rate payable under section 5376 of title 5, United States Code.".

(2) Section 209 (33 U.S.C. 1128) is amended—

(A) in subsection (b)(3) by striking "colleges and sea grant regional consortia" and inserting "institutions"; and

(B) in subsection (c)(1) in the last sentence in clause (A) by striking "college, sea grant regional consortium," and inserting "institution".

(c) TECHNICAL AMENDMENT.—Section 209(c)(5)(A) (33 U.S.C. 1128(c)(5)(A)) is amended by striking "the daily rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code" and inserting "a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code".

AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FARR of California:

Page 6, beginning at line 16, amend section 7 to read as follows:

SEC. 7. SEA GRANT INTERNATIONAL PROGRAM.

(a) AMENDMENT.—Section 3(a) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(a)) is amended in paragraph (6), by striking "living marine resources" and all that follows through the end of the paragraph and inserting "living marine resources.".

(b) PROGRAM SUNSET.—

(1) REPEAL.—Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

(2) CONFORMING AMENDMENT.—Section 209(b)(1) (33 U.S.C. 1128(b)(1)) is amended by striking "and section 3 of the Sea Grant Program Improvement Act of 1976".

(3) EFFECTIVE DATE.—This subsection shall take effect October 1, 2000.

Mr. FARR of California. Mr. Chairman, I offer this amendment which essentially maintains the Sea Grant International Program authorization without limitation on the countries with which we can collaborate through the year 2000.

We are now becoming more and more aware of how our oceans and Great Lakes are truly international. We just heard of the issue of the zebra mussels which obviously is not just a United States issue, it is a Canadian issue. The very nature of the marine environment dictates that ocean resources are seldom, if ever, conveniently contained within one nation's boundaries.

On May 19 and 20 of this year, the gentleman from Pennsylvania [Mr. WELDON] hosted an advisory committee on the protection of the seas here in this Capitol. I attended that with Vice President AL GORE, with the Speaker of the House, the gentleman from Georgia [Mr. GINGRICH]; Secretary of Defense, William Cohen; Secretary of the Navy, John Dalton; and fellow Representatives including the gentleman from Maryland [Mr. GILCHREST], the gentleman from Rhode Island [Mr. KENNEDY], the gentleman from California [Mr. BROWN], the gentleman from California [Mr. ROHRABACHER]; the gentleman from New Jersey [Mr. SAXTON], and others, as well as representatives from agencies and countries from around the world. We were all here to discuss the importance of oceans in the world's security.

□ 1200

We must recognize that the need for international collaboration and conservation is indeed international, and our goal is of sustainable efforts. My amendment would extend the authorization through the year 2000, with the hope that in the intervening years we will dedicate money to this program and revisit it in the 3 years to judge whether it has merit.

It also opens up the program to be used to collaborate with any country which we believe would be advantageous to us to work with for marine resources issues. I want to make it clear that this program provides for international collaboration on research, education, and conservation, and that funding is only allowed to go to institutions of higher education, laboratories, and institutes in the United States and U.S. territories.

I will be glad to answer any questions on my amendment. I know of no opposition, and I would ask for an "aye" vote.

Mr. Chairman, I include for the RECORD the following document:

ANNEX IV

POTOMAC DECLARATION: TOWARD ENHANCED OCEAN SECURITY INTO THE THIRD MILLENIUM

The Vice-President of the United States of America, Hon. Al Gore; Speaker of the House of Representatives, Newt Gingrich; Deputy Prime Minister and Minister of National Defence of Portugal, Senhor Antonio Vitorino; Executive Director of the United Nations Environment Programme (UNEP), Ms. Elizabeth Dowdeswell; Assistant Secretary General of the United Nations, Dr. Nay Htun; 215 governmental and other participants from Australia, Belgium, Brazil, Cambodia, Canada, China, Colombia, Costa Rica, Croatia, Denmark, India, Japan, Korea, Mexico, Mozambique, Netherlands, New Zealand, Norway, Philippines, Portugal, Russian Federation, the Seychelles, South Africa, Sweden, Thailand, Ukraine, United Kingdom and the United States of America, including 18 ministers and deputy ministers; representatives of the following intergovernmental organisations: United Nations; UNEP; United Nations Development Programme (UNDP); the World Bank; the International Oceanographic Commission (IOC) of UNESCO; the Organisation of American States (OAS); and the Commission of the European Union; as well as members of the European Parliament and legislatures from Brazil, Philippines, and the United States; representatives of ACOPS and other non-governmental organisations (NGOs); and representatives of the scientific community and private sector adopted the following Declaration:

THE CONFERENCE

Recognising that:

Continuing intensification of human activity in coastal and marine areas will adversely affect marine and coastal ecosystems world-wide and threatens the well-being of the human population. The natural resource base of world fisheries is threatened by over exploitation, habitat degradation, introduction of alien species and loss of biological diversity. Human security is threatened by unsustainable food production, increased public health hazards and unemployment, which may contribute to escalating human conflicts. Humans themselves have entered into conflict with the very environment which supports them. It is vital to take immediate action to strengthen environmental security if global human security is to be sustained;

Climate change threatens to affect ocean levels and temperature, the land and peoples living in low elevation coastal regions, and species dependent on oceans and land touched by oceans. The oceans play an essential role in the planet's climate, though the mechanisms are poorly understood; and

Sustainable development, including conservation of the marine environment, can actually increase environmental, food and economic security and therefore provide a foundation for political security.

Recommended that:

1. Policies and action by all economic and social sectors adversely affecting the marine environment and resources should be made compatible with sustainable development in order to promote environmental, food and economic security, and to prevent conflicts over natural resources between and within states. Consciousness of the fact that poverty is a root cause of environmental problems must guide policy making. Wasteful consumption patterns must also be addressed.

2. Management of marine and coastal ecosystems, carried out within the framework of integrated coastal and watershed areas management and responsible fisheries, should be based on the full application of the precautionary principle and ecosystem approach, thus achieving the conservation and sustainable use of biological diversity and its components in marine and coastal ecosystems.

3. Scientific research should be increasingly directed towards the understanding of the marine and coastal ecosystems thus providing a basis for policies and action for their conservation and sustainable use. Such research would profit from greater and improved access to data which has been declassified or derived from national security systems, and should include use of innovative techniques for measurement of basic parameters. The possibilities of satellite monitoring of the marine environment should be exploited to the full.

4. International cooperation for the protection of the marine environment and the sustainable use of marine resources must be expanded following the framework of active implementation of the United Nations Law of the Sea Convention, and other relevant conventions and agreements in the fields of environment, fisheries and marine transport, among others. All governments that have not done so, should ratify UNCLOS, as amended in 1994, given that it is an historical international agreement which establishes global maritime boundaries and provides a framework for balancing governance of marine resources, conservation, and traditional freedoms of navigation for trade and naval movements. Binding agreements such as the Convention on Biological Diversity and the Framework Convention on Climate Change should also be ratified by all governments as soon as possible. Moreover, initiatives such as the Global Plan of Action for the Protection of the Marine Environment from Land-based Sources and the International Coral Reef Initiative, should also be actively supported. Degradation of the marine environment, not yet covered by international agreements, such as the problems posed by hazardous organic substances, should be addressed as soon as possible in an integrated manner. Regional cooperation for the protection of the marine environment and sustainable fisheries should be strengthened and coordinated.

5. It is of paramount importance to deepen our current understanding of the root causes of the environmental issues in terms of market failures, inadequacies in policy and governance, and deficiencies in information. A profound interdisciplinary study, bridging social and physical sciences and integrating seas and associated land catchment areas, is required at a national, regional and global level. This should lead to practical measures to address the root causes of the problems themselves. Initiatives such as the recently proposed GEF Global International Water Assessment (GIWA) should be supported.

6. In order to preserve the availability and health of the world's fisheries, effective conservation measures based on the FAO Code of Conduct of Responsible Fishing and the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish, should be put into place. Harvesting capacities should be controlled, management institutions established, fish habitat protected and the necessary scientific knowledge and data pursued. Major efforts should be made to strengthen decision making in regional fisheries organizations or arrangements.

7. Data gathering systems should be put in to place so that the information and knowledge is available for wise decision-making, especially in the coastal zones. These observation systems should be used to ensure continuous benefit. Governments should actively support global oceanic observation systems at a national, regional and global level. Scientific research and information should be directed towards wise decision-making in marine and coastal areas.

8. The end of the cold war and diminution of the risk of global conflict has opened up new possibilities for utilizing national security systems formerly devoted to military activities for peaceful purposes and, in particular, for enhancing the capacity for environmental protection and for sustainable development. The military establishment should share with other societal sectors its enormous scientific and technological capabilities in order to improve our understanding of the functioning of the coastal and marine ecosystems, a condition to enhance environmental security of marine and coastal areas. Each nation should initiate a review of their sensitive data and information, as pioneered by Russia and the US, for declassification and use in diagnosing environmental problems and expanding our knowledge base.

9. Environmental considerations should be incorporated into all sectors of government, while empowering environmental ministries to actively promote this development. Civil society should also be empowered through greater access to environmental information and more active participation in decision-making. This is of particular relevance for local communities which have traditionally inhabited coastal zones and made use of marine resources.

10. Concerted national and international efforts should be undertaken to introduce environmental studies into all levels of formal school curricula at a global level, in order to eliminate environmental illiteracy, increase environmental awareness, and promote deeper environmental ethics. Up-to-date scientific knowledge about the oceans should be popularised and disseminated to the public both through formal education and creative communication channels such as arts, music, and multi-media. In support of this effort, the year 2000 should be declared as the "Year of Environmental Awareness" by the UN General Assembly at its forthcoming Special Session.

11. Efforts should be directed at national, regional, and global levels for mitigation and adaptation to global climate change, as it is likely to threaten the lives and livelihood of millions of people via sea-level rise, changes in ocean salinity, temperature, and production of fisheries and other aquatic life. Climate change affects the economic, environmental and food security of nations. Therefore multilateral and bilateral cooperation should be enhanced to reduce the negative effects of climate change.

12. Given the urgent and imperative need to fully implement the above recommendations, a concrete action plan should be developed to elaborate problems and root causes, and to propose specific actions by ACOPS, and to recommend appropriate organisations and parties to bear responsibility for the implementation of the measures. Such an action plan could be presented to the ACOPS/GLOBE Conference (Stockholm, January 1998) and could be adopted at its ministerial segment. The Conference will inaugurate the 1998 International Year of the Oceans.

13. The Potomac Declaration should be submitted, through the host country, to: the Special Session of the General Assembly of the United Nations, to be held in June 1997; to appropriate United Nations Agencies and regional organisations, including regional economic integration communities; appropriate government agencies; legislative bodies, including GLOBE, Asia Pacific Parliamentarians for Environment and Development, and the International Parliamentary Union; appropriate representatives of the private sector; and local authorities and non-governmental organisations.

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Farr amendment will maintain authorization of the Sea Grant International Program which promotes shared marine activities in nations which have mutual interest with the United States.

As we all know, the world is 70 percent covered with water, and the oceans and their resources recognize no political boundaries. It is helpful to our national interests to have a mechanism through which we can collaborate with other coastal nations on research that will ultimately affect all of us, so I believe the Farr amendment is well-intended, well-written, and I rise in support, and ask others on this side of the aisle to support his amendment as well.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in support of the Farr amendment.

The CHAIRMAN. Is there further debate on the amendment?

If not, the question is on the amendment offered by the gentleman from California [Mr. FARR].

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments?

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUZIN:

Page 8, strike line 24 and all that follows through page 9, line 3, and insert the following:

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act—

"(A) $55,300,000 for fiscal year 1998;

"(B) $56,400,000 for fiscal year 1999; and

"(C) $57,500,000 for fiscal year 2000.

Page 9, line 4, strike "DISEASE".

Page 9, strike lines 14 though 16 and insert the following:

"(B) up to $3,000,000 of the amount may be made available for competitive grants for university research on oyster diseases and oyster-related human health risks.".

Mr. TAUZIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Chairman, the amendment I offer today is an amendment to provide authority for up to $3 million of the amount that may be available for competitive grants for university research on oyster diseases and oyster-related human health risks.

Oysters are an important national resource in America. They are a safe and nutritional meat protein that provides many benefits to those who enjoy eating them. Of course, millions are consumed each year. But research into

health-related aspects of oyster growing and harvesting and sales and consumption in America is very important.

Earlier this year the President called for the national food safety initiative. The proposal we make today is consistent with the President's approach of developing positive and practical solutions to improve food safety. The program brings the Sea Grant scientists and the oyster industry together to find solutions to concerns related to oysters' health and particularly to diseases that might be related to humans, who enjoy eating oysters in America.

This amendment provides for an increased authorization of $1 million in each of the fiscal years 1998, 1999, and the year 2000, and the authority to make available those moneys for competitive grants at Sea Grant universities around the country.

Sea Grant universities are currently in fact doing a great deal of work in this area. This amendment is meant to make sure that not only the oyster diseases are studied but oyster-related health concerns to humans who enjoy oyster products in America are also studied and, indeed, identified, and taken care of in this country.

I urge the committee to adopt this amendment. It is very much in line with the excellent work the Sea Grant College Program authorization has already accomplished in many areas, and will compliment the work already being done by many Sea Grant universities in this country in this important health and food safety area.

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

I rise to compliment the gentleman from Louisiana for a very well thought out amendment, Mr. Chairman. Obviously New Jersey's Sea Grant Program involves some research relative to oysters. This is a side of the aisle, different but equally important angle. I offer my strong support and ask others to do the same.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have no opposition to the amendment offered by the gentleman from Louisiana [Mr. TAUZIN]. We are all oyster lovers.

The CHAIRMAN. Is there any further debate on the amendment?

The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, insert the following new section:

SEC. 11. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to section 212(a), as amended by this Act, may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under section 212(a), as amended by this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under section 212(a), as amended by this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I too am concerned about zebra mussels and oyster diseases. I certainly wish and hope that I never get any of them.

My amendment is a little bit different. It deals with a buy-American provision. Just briefly, 90 percent of American workers, according to an analysis performed by the Philadelphia Inquirer, 90 percent, by major print media, it says that 90 percent of American workers are worried about losing their jobs, their homes, and maybe their pensions. They have never seen so much fear in the workplace.

They also said for every $1 of income there is $2 of debt for American workers. Individual bankruptcies hit an all-time record, an all-time record level. Credit card debt is at an all-time level, manufacturing jobs continue to leave, and the trade deficit with Japan and China is so much we cannot count it.

So my amendment basically says when expending the dollars under this Sea Grant Program, they shall comply with the buy-American laws and do everything possible competitively to buy American-made goods and products, and there shall be a notice made to recipients of assistance of the concerns of Congress, and their encouragement of them to buy American.

Mr. Chairman, I ask for an "aye" vote on the amendment.

The CHAIRMAN. Is there any further debate on the amendment?

If not, the question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments?

AMENDMENT OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHADEGG:

At the end of the amendment, add the following new tile:

TITLE II—GOVERNMENT SHUTDOWN PREVENTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Government Shutdown Prevention Act".

SEC. 202. CONTINUING FUNDING.

(a) IN GENERAL.—If any regular appropriation bill for fiscal year 1998 does not become law prior to the beginning of fiscal year 1998 or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any program, project, or activity for which funds were provided in fiscal year 1997.

(b) LEVEL OF FUNDING.—Appropriations and funds made available, and authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be at 100 percent of the rate of operations that was provided for the program, project, or activity in fiscal year 1997 in the corresponding regular appropriation Act for fiscal year 1997.

(c) PERIOD OF AVAILABILITY.—Appropriations and funds made available, and authority granted, for fiscal year 1998 pursuant to this title for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

(1) the date on which the applicable regular appropriation bill for fiscal year 1998 becomes law (whether or not that law provides for that program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

(2) the last day of fiscal year 1998.

SEC. 203. TERMS AND CONDITIONS.

(a) IN GENERAL—An appropriation of funds made available, or authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be made available to the extent and in the manner which would be provided by the pertinent appropriations Act for fiscal year 1997, including all of the terms and conditions and the apportionment schedule imposed with respect to the appropriation made or funds made available for fiscal year 1997 or authority granted for the program, project, or activity under current law.

(b) EXTENT AND MANNER.—Appropriations made by this title shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 204. COVERAGE.

Appropriations and funds made available, and authority granted, for any program, project, or activity for fiscal year 1998 pursuant to this title shall cover all obligations or expenditures incurred for that program, project, or activity during the portion of fiscal year 1998 for which this title applies to that program, project, or activity.

SEC. 205. EXPENDITURES.

Expenditures made for a program, project, or activity for fiscal year 1998 pursuant to this title shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of fiscal year 1998 providing for that program, project, or activity for that period becomes law.

SEC. 206. INITIATING OR RESUMING A PROGRAM, PROJECT, OR ACTIVITY.

No appropriation or funds made available or authority granted pursuant to this title

shall be used to initiate or resume any program, project, or activity for which appropriations, funds, or other authority were not available during fiscal year 1997.

SEC. 207. PROTECTION OF OTHER OBLIGATIONS.

Nothing in this title shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, Medicaid, and veterans benefits.

SEC. 208. DEFINITION.

In this title, the term "regular appropriation bill" means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of programs, projects, and activities:

(1) Agriculture, rural development, and related agencies programs.

(2) The Departments of Commerce, Justice, and State, the Judiciary, and related agencies.

(3) The Department of Defense.

(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

(6) The Departments of Veterans Affairs, Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

(7) Energy and water development.

(8) Foreign assistance and related programs.

(9) The Department of the Interior and related agencies.

(10) Military construction.

(11) The Department of Transportation and related agencies.

(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

(13) The Legislative Branch.

Before section 1, insert the following:

TITLE I—NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION

Mr. SHADEGG (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

POINT OF ORDER

Mr. FARR of California. Mr. Chairman, I object that this amendment is not germane to the bill.

The CHAIRMAN. Does the gentleman from California [Mr. FARR] reserve his point of order, or is the gentleman from California making his point of order at this time?

Mr. FARR of California. Mr. Chairman, I raise a point of order on the amendment.

The CHAIRMAN. The gentleman makes a point of order that the amendment is not germane.

Does the gentleman from Arizona [Mr. SHADEGG] wish to be heard on the point of order?

Mr. SHADEGG. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Arizona [Mr. SHADEGG] is recognized on the point of order.

Mr. SHADEGG. Mr. Chairman, it seems to me this is in fact very germane. It has to do with the operations of the Federal Government. It is clear to me we do not need to see another Federal Government shutdown. It is important that we take steps now to ensure that Federal employees not lose their jobs, and that we not go through that scenario again.

This is a proposal to assure the American people that we do not once again face the prospect of shutting down the Government, and to assure that neither side blackmails the other to ensure or to force increased spending. It seems to me that is germane to this measure. It seems to me it will place this Congress and the U.S. Government in the position that we all agree it should be in.

The President has said that we should never again shut down the Government. He made that statement both in January, twice in January, and once again in March of this year. This measure, I believe, is germane in that it assures that Federal employees, veterans, Social Security recipients, all of those who depend upon the services of the Federal Government, would not lose their jobs.

In addition, Mr. Chairman, it assures that we will not face a situation where one side can blackmail the other side into increasing more spending. It is identical to the provision which was offered by the gentleman from Pennsylvania [Mr. GEKAS] last week, and it takes important steps that this Government needs to take to assure that operations continue when we reach the end of the fiscal year.

It seems to me that if that is not germane to this legislation and the operations of this Government, then it ought to be germane and it ought to be allowed to have a vote at this particular time. I would urge that it is germane, I would urge that it is important that we make it clear to the people of America that we will not ever again shut down the Government, nor will we allow one side to threaten the other side in a blackmail.

It is quite evident that the President wants to use the threat of a shutdown in this Congress in order to force increased spending. I think that is inappropriate. This is a proposal offered by the gentleman from Pennsylvania [Mr. GEKAS] to accomplish a very important task for this Nation. It seems to me essential that we act upon it and that we act upon it now.

Whether we send it to the President as a freestanding bill or we send it to the President attached to this measure, it is important that we assure all of those who rely upon Government services that spending will continue, that certain minimal services will be preserved.

It is also important for those who pay the tax bill that we not allow spending to get out of hand, and that we not allow one side to blackmail the other into spending more money with the threat of a Government shutdown hanging over our heads. It seems to me clearly germane to this issue and very important that we act on this, and that we act on it now. What we were seeking to do last year was serious.

Mr. FARR of California. Mr. Chairman, I call for regular order and a point of order. This is an authorization bill, not an appropriations bill.

Mr. GEKAS. Point of order, Mr. Chairman.

Mr. FARR of California. It has to do with sea grants.

The CHAIRMAN. The Members will suspend.

The gentleman from Arizona [Mr. SHADEGG] should confine his remarks simply to the question of the point of order. With that admonition, the gentleman may proceed.

Mr. GEKAS. Point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. GEKAS] wish to be heard on the germaneness point of order?

Mr. GEKAS. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, we have had a recurring battle over the years as to whether or not this type of amendment would be germane to a subject like the one that is presently on the floor. We are trying to convince the Parliamentarian and the Speaker's office that when we talk about a matter that has to do with a continuation of Government, to prevent shutdown of Government by a transition type of mechanism that we are constantly proposing, that we are, in effect, allowing this measure today to actually go into effect, because if we do have to shut down Government, then this measure and all its sister measures will be of no avail. They will be of no force, because during the shutdown of Government they will go out of existence.

That is why we say that a motion, an amendment that would continue Government, prevent Government shutdown, facilitates this legislation, the subject matter that is on the floor here. Although it has to do with perhaps a budget concept, the very existence of the agency that would be promulgating and continuing the work of the subject matter of this would be in jeopardy if the Government shuts down. That is why we feel this is germane.

The CHAIRMAN. If no other Member desires to argue on the point of order, the Chair is prepared to rule.

Does the gentleman from California [Mr. FARR] simply wish to submit the issue to the Chair with respect to germaneness?

Mr. FARR of California. I do, Mr. Chairman.

The CHAIRMAN. The amendment involves legislative jurisdictions and subject matters, to wit, appropriations,

beyond those in the pending bill, and pursues purposes different from those pursued in the bill. The amendment is not germane. The point of order is sustained.

□ 1215

Are there further amendments to the bill?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PEASE) having resumed the chair, Mr. ROGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 437) to reauthorize the National Sea Grant College Program Act, and for other purposes, pursuant to House Resolution 164, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SAXTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 422, nays 3, not voting 9, as follows:

[Roll No. 208]

YEAS—422

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—3

Hefley
Paul
Taylor (MS)

NOT VOTING—9

Andrews
Barton
Largent
Lipinski
Miller (CA)
Pombo
Schiff
Smith (MI)
Smith (NJ)

□ 1236

Mr. BERMAN changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 437, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Speaker, on rollcall No. 208, I was unavoidably detained. Had I been present, I would have voted "yes."

THE JOURNAL

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GUTKNECHT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 366, noes 50, not voting 18, as follows:

[Roll No. 209]

AYES—366

Ackerman	Dreier	Kolbe
Aderholt	Duncan	LaFalce
Allen	Dunn	LaHood
Archer	Edwards	Lampson
Bachus	Ehlers	Lantos
Baesler	Ehrlich	Latham
Baker	Emerson	LaTourette
Baldacci	Engel	Lazio
Ballenger	Eshoo	Leach
Barcia	Evans	Levin
Barr	Everett	Lewis (KY)
Barrett (NE)	Ewing	Linder
Barrett (WI)	Farr	Livingston
Bartlett	Fattah	Lofgren
Bass	Flake	Lowey
Bateman	Foglietta	Luther
Becerra	Foley	Maloney (CT)
Bentsen	Forbes	Manton
Bereuter	Ford	Manzullo
Berman	Fowler	Markey
Berry	Frank (MA)	Martinez
Bilbray	Franks (NJ)	Mascara
Bilirakis	Frelinghuysen	Matsui
Bishop	Furse	McCarthy (MO)
Blagojevich	Gallegly	McCarthy (NY)
Bliley	Ganske	McCollum
Blumenauer	Gejdenson	McCrery
Blunt	Gilchrest	McDade
Boehlert	Gillmor	McGovern
Boehner	Gilman	McHale
Bonilla	Gonzalez	McHugh
Bonior	Goode	McInnis
Bono	Goodlatte	McIntosh
Boswell	Goodling	McIntyre
Boucher	Goss	McKeon
Boyd	Graham	McKinney
Brady	Granger	Meehan
Brown (FL)	Green	Meek
Bryant	Greenwood	Menendez
Bunning	Gutierrez	Mica
Burton	Gutknecht	Millender-McDonald
Buyer	Hall (OH)	
Callahan	Hall (TX)	Miller (FL)
Calvert	Hamilton	Minge
Camp	Hansen	Mink
Campbell	Harman	Moakley
Canady	Hastert	Molinari
Cannon	Hastings (WA)	Mollohan
Capps	Hayworth	Moran (KS)
Cardin	Hefner	Moran (VA)
Carson	Herger	Morella
Castle	Hinchey	Myrick
Chabot	Hinojosa	Nadler
Chambliss	Hobson	Neal
Christensen	Hoekstra	Nethercutt
Clayton	Holden	Neumann
Clement	Hooley	Northup
Clyburn	Horn	Norwood
Coble	Hostettler	Nussle
Collins	Houghton	Obey
Combest	Hoyer	Olver
Condit	Hunter	Ortiz
Conyers	Hutchinson	Owens
Cook	Hyde	Oxley
Cooksey	Inglis	Packard
Costello	Istook	Pallone
Cox	Jackson (IL)	Pappas
Coyne	Jackson-Lee (TX)	Parker
Cramer		Pastor
Crane	Jefferson	Paul
Crapo	Jenkins	Paxon
Cubin	John	Payne
Cummings	Johnson (CT)	Pease
Cunningham	Johnson (WI)	Pelosi
Danner	Johnson, E. B.	Peterson (MN)
Davis (FL)	Johnson, Sam	Peterson (PA)
Davis (VA)	Jones	Petri
Deal	Kanjorski	Pickering
DeGette	Kaptur	Pitts
Delahunt	Kasich	Pomeroy
DeLauro	Kennedy (MA)	Porter
DeLay	Kennedy (RI)	Portman
Dellums	Kennelly	Price (NC)
Deutsch	Kildee	Pryce (OH)
Diaz-Balart	Kilpatrick	Quinn
Dickey	Kim	Radanovich
Dicks	Kind (WI)	Rahall
Dingell	King (NY)	Rangel
Dixon	Kingston	Redmond
Doggett	Kleczka	Regula
Dooley	Klink	Reyes
Doolittle	Klug	Riggs
Doyle	Knollenberg	Riley
Rivers	Sherman	Thune
Rodriguez	Shimkus	Thurman
Roemer	Shuster	Tierney
Rogan	Sisisky	Torres
Rogers	Skaggs	Towns
Rohrabacher	Skeen	Traficant
Ros-Lehtinen	Skelton	Turner
Rothman	Slaughter	Upton
Roukema	Smith (MI)	Velázquez
Roybal-Allard	Smith (OR)	Vento
Royce	Smith (TX)	Visclosky
Rush	Smith, Adam	Watkins
Ryun	Snowbarger	Watt (NC)
Salmon	Snyder	Watts (OK)
Sanchez	Souder	Waxman
Sanders	Spence	Weldon (FL)
Sandlin	Spratt	Weldon (PA)
Sanford	Stabenow	Wexler
Sawyer	Stark	Weygand
Saxton	Stenholm	White
Scarborough	Stokes	Whitfield
Schaefer, Dan	Strickland	Wicker
Schumer	Stump	Wise
Scott	Talent	Wolf
Sensenbrenner	Tanner	Woolsey
Serrano	Tauscher	Wynn
Sessions	Tauzin	Yates
Shadegg	Taylor (NC)	Young (AK)
Shaw	Thomas	Young (FL)
Shays	Thornberry	

NOES—50

Abercrombie	Gibbons	Pickett
Borski	Hastings (FL)	Poshard
Brown (CA)	Hefley	Ramstad
Brown (OH)	Hilleary	Sabo
Chenoweth	Hilliard	Schaffer, Bob
Clay	Hulshof	Smith, Linda
Coburn	Kelly	Solomon
Davis (IL)	Kucinich	Stearns
DeFazio	Lewis (GA)	Stupak
English	LoBiondo	Sununu
Ensign	Maloney (NY)	Taylor (MS)
Etheridge	McDermott	Thompson
Fazio	McNulty	Tiahrt
Filner	Metcalf	Wamp
Fox	Ney	Waters
Frost	Oberstar	Weller
Gephardt	Pascrell	

NOT VOTING—18

Andrews	Gordon	Miller (CA)
Armey	Hill	Murtha
Barton	Largent	Pombo
Burr	Lewis (CA)	Schiff
Fawell	Lipinski	Smith (NJ)
Gekas	Lucas	Walsh

□ 1254

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, on rollcall votes No. 204, 205, and 206 I was unavoidably detained. Had I been present, I would have voted "yes" on rollcall No. 204, "yes" on rollcall No. 205, and "yes" on rollcall No. 206.

GOP TAX RELIEF PLAN PUTS MIDDLE-INCOME FAMILIES FIRST

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KINGSTON. Mr. Speaker, the Democrats today seem to be characteristically void of facts and rich in rhetoric in their deliveries of one-minutes.

Under the Republican tax bill, the income level of $75,000 per household or less than $75,0000 is going to get 76 percent of the tax relief. Families with incomes over $200,000 get 1.2 percent. I do not understand how they can say that is giving more taxes to the wealthy.

Mr. Speaker, in 1992 the President ran on the platform of middle-class tax cuts but instead, as President, in 1993 passed the largest tax increase in history, including the largest-ever increase in welfare. But after a lot of debate, welfare was reformed. Today the number of dependents, people who are dependent on government, has decreased by 15 percent. Yet, the President wants to expand welfare and not give middle-class tax relief.

What I am saying is he wants to give a $500-per-child tax credit to people who are on welfare and not give it to 11 million middle-class children who need the money very, very desperately for school and education and shelter.

Mr. Speaker, I include for the RECORD this information from the Committee on Ways and Means:

The following table shows the amount of tax relief received by people of various income categories over a 5-year period, according to data provided by the Joint Committee on Taxation.

Income level	Tax relief	Percent of tax relief
Under $75,000	−$89.0 billion	76.4
$75,000 to $100,000	−19.3 billion	16.6
$100,000 to $200,000	−6.7 billion	5.8
$200,000+	1.4 billion	1.2

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members are recognized for 5 minutes each:

THE DETROIT NEWSPAPER STRIKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, from grocery stores in Kansas City to casinos in Las Vegas, from the strawberry fields in California to the K-Mart stores in North Carolina, to the poultry workers who are working across the South, working people across this country are speaking out for justice, and unions are their voices.

There is something special that is happening in the country that a lot of the media is missing. Working people's wages and benefits have been eroding now since 1979. Eighty percent of the American people have only gotten 2 percent of the income increases since 1979, and they are finding out that what made the middle class and what made people strong in this country during the 1940's and the 1950's was joining together and banding together so they could get a decent reward and wage for their work.

This weekend, we will again hear those strong voices loud and clear from Detroit. At least 50,000 workers, their families, and supporters are expected to participate in Action Motown '97, which is a mobilization solidarity for the Detroit community, locked out newspaper workers, and union members.

I am going to be there, and we will be speaking out to workers, to the labor movement in our community and against the management of the Detroit News and Free Press. The News and Free Press have locked out nearly 2,000 hard-working men and women since February of this year, and these workers sought to resolve a 2-year labor dispute by unconditionally offering to return to work.

How were they treated when they tried to jump-start contract talks and tried to return to work? They were locked out, replaced and told to go home.

□ 1300

It is clear to me that the News and the Free Press are willing to lose millions of dollars in an attempt to break the unions. How clear is it? Their combined circulation is down 286,000 readers. Despite huge ad rate discounts, 1,500 advertisers have stayed away from the papers, causing a 24-percent dip in advertising revenue.

Yet the most startling fact is not statistics but a quote made 1 month after the newspaper workers took a stand for justice by Detroit News editor and publisher Robert Giles. He said, "We're going to hire a whole new work force and go on without unions, or they can surrender unconditionally and salvage what they can."

Does that sound like someone who is willing to bargain in good faith? Despite a 1994 Free Press editorial, which stated, "The U.S. Senate should approve a bill that would prohibit companies from hiring permanent replacements for striking workers. The right to strike is essential if workers are to gain and preserve wages."

That was the Free Press in 1994. It seems clear that the hiring of permanent nonunion replacement workers has been a newspaper goal all along, because the Free Press does not practice what it preaches. The Free Press and its editor Joe Stroud reneged on their editorial and took a gutless way out, turning their backs on these workers. This is what they said in an editorial that was written in an about-face in 1995, and I quote. They said, "We intend to exercise our legal right to hire replacement workers."

I think Cardinal Adam J. Maida of Detroit best put it when he said, "The hiring of permanent replacement workers is not an acceptable solution. If striking workers are threatened with being permanently replaced, this practice seems to undermine the legitimate purpose of the union and to destroy the possibility of collective bargaining."

The News and the Free Press are owned by two of the biggest conglomerates in the world, Gannett and Knight-Ridder, who have deep pockets and are willing to lose millions of dollars to set an example in Detroit. They are trying to break the backs of unions and deprive 2,000 workers of their jobs and their families of sustenance. Their actions are unfair, they are unjust, they are illegal, and we will be marching as we marched in Decatur for workers in that city, as we marched for strawberry workers in California. We will be in Detroit because many of our parents and grandparents fought too hard and too long for the gains that unions have made, for the 40-hour workweek, for pensions, for health care benefits, you name it.

I could go on for 10 minutes here with all the things that unions have brought America, not just people who belong to unions. Those benefits benefited everybody in our society. Now they are being taken away one by one, piece by piece by conglomerates and multinationals like Knight-Ridder and Gannett. We are going to be there, I encourage everyone to be there, I encourage everyone to join Action! Motown '97 this weekend.

RESOLUTION APOLOGIZING FOR SLAVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HALL] is recognized for 5 minutes.

Mr. HALL of Ohio. Mr. Speaker, last week, I introduced House Concurrent Resolution 96. This is a resolution that apologizes for slavery in the United States. It is rather simple. It is only one sentence long. Let me read it:

Resolved by the House of Representatives that the Congress apologizes to African-Americans whose ancestors suffered as slaves under the Constitution and the laws of the United States until 1865.

That is simply what it says. It is a very simple idea. The Congress apologizes. It is a powerful message.

When a brother wrongs a brother, he apologizes. That is the foundation for beginning again. That is the price for restoring lost trust. This is the only way to start over. It is a simple gesture. It carries deep meaning. And it is the right thing to do.

When an institution wrongs a people, so it is again the right thing to do. In the name of all Catholics, Pope John Paul II apologized for violence during the 16th century Counter-Reformation and he asked for forgiveness.

Forty years after the Holocaust, the legislature of East Germany apologized for the atrocities committed against the Jews.

Just last month, British Prime Minister Tony Blair apologized for the failure of his country to fully respond to the thousands of deaths during the Irish potato famine of the mid-19th century.

It has been 134 years since slavery ended. Since that time, Congress has taken proud strides forward, done some wonderful things, including civil rights laws. But it is not enough.

Look around. The effects still linger today. Through my work as chairman of the former House Select Committee on Hunger and through my efforts to improve the lives of America's poor, I have seen the effects firsthand. We as a nation must do more. This is not a political gesture, it is not a partisan gesture, it is a very simple gesture and it certainly is the right thing.

The slaves and slave holders are long gone. No one alive today is responsible for slavery. No one alive today was shackled by the chains of slavery in America. Indeed, most Americans are the descendants of people who came to the United States after slavery ended.

All of us today, white and black, live in the shadow of our past. African-Americans today still suffer from the lingering effects. We all pay the price of slavery.

The hatred and racial divisions springing from slavery are very much alive. Let us take this step to bury that hatred with the bones of the slaves and the slave holders.

No Member of Congress today voted on measures to perpetuate slavery. But the Congress as an institution does bear responsibility. The laws we passed ignored, even encouraged slavery. Our Constitution, the foundation for the Congress, and our Government even declared at one time that a black man was only three-fifths of a person.

Congress is a great institution. It is the most respected deliberative body in the world. At least three times in recent years, Congress formally apologized.

In 1988, it apologized to the Japanese-Americans who were interned in the United States during World War II.

In 1993, Congress offered a formal apology to native Hawaiians for the role the United States and U.S. citizens played in the overthrow of the government of the Kingdom of Hawaii 100 years earlier.

In 1990, Congress apologized to uranium miners, people affected by nuclear tests in Nevada, and their families.

An apology by Congress is rare, it is special, but it is not without precedence. Apologizing is symbolic, but it has a great meaning for those who are apologizing and it has power for those who are wronged.

Why apologize to just African-Americans for slavery? What about all the other people who have been wronged by laws passed by the Congress? The wrongs against African-Americans are clear to everyone. The consequences

are severe. Maybe we have wronged others. Maybe an apology to them is due. I do not know. That is another issue. I do know that we need to apologize to African-Americans.

Many people have told me that apologizing is an empty, meaningless gesture. If it was so meaningless, why has the resolution erupted a fire storm of controversy throughout this Nation? If apologizing were so easy, then why is this resolution so difficult?

No, it is not easy to apologize. It is the right thing to do. Today 134 years later, it is not too late, but let us wait no longer. We are a nation of immigrants. Those who came as free men went in one direction. Those who came from slave ships, another. If we are to travel towards a common future, we owe it to our children to clearly mark that the early fork in the road was the wrong way.

This is a simple resolution. It simply reads:

Resolved by the House of Representatives that the Congress apologizes to African-Americans whose ancestors suffered as slaves under the Constitution and laws of the United States until 1865.

Mr. CLAY. Mr. Speaker, there is only one thing worse than committing an injustice. There is perhaps only one thing that makes a mistake last forever, and that Mr. Speaker is the failure to offer an apology and to ask for forgiveness. We cannot make amends to our ancestors who were slaves. We cannot right all the wrongs of the past which have contributed to racism and economic injustice. But, we can say that this Nation is very sorry for the saddest chapter in its history.

One of the most profound changes in the history of this society occurred more than 100 years ago. The Civil War rocked the roots of this Nation. The war tested the resolve of the American people to form a more perfect union. It brought an end to slavery—the curse that robbed thousands of Americans of their basic human rights and sabotaged the fundamental premise of equality to which every person is entitled.

The end of slavery in the 19th century and the establishment of the Civil Rights Act in the 20th century were turning points in the history of this Nation. Now, as we approach the 21st century it is time to move further ahead in our quest for a truly democratic society.

On Saturday, President Clinton gave a major address on the race problem that plagues our Nation. In this spirit we embrace the Resolution to Apologize for Slavery. May we begin now to chart the next course toward the achievement of a truly equal, truly color-blind society.

Mr. Speaker, I join other colleagues in cosponsoring the House concurrent resolution to apologize to all African-Americans whose ancestors suffered as slaves. This apology is long overdue, but it is never too late to do what is right.

TRIBUTE TO GEORGE "MARV" TEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado, Mr. BOB SCHAFFER, is recognized for 5 minutes.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise to recognize the life and work of Mr. George "Marv" Teal. Marv was born July 4, 1943, to Genevieve O'Brien Teal, while his father, George Vincent Teal, served in the Philippines during World War II. As a boy he thought it was wonderful that the city threw him a big birthday party each year with a parade and fireworks. George was tagged with the nickname "Marv" in high school and it stuck with him throughout his life.

Marv died May 21, 1997 in Greeley, CO, where he and his family settled 15 years ago. He was laid to rest at Fort Logan National Cemetery in Denver on May 27, 1997. He was married to Kathy for 29 years. Together they raised three children: A son, George Patrick Teal who is a first lieutenant in the U.S. Army serving as a special projects officer. He has two daughters, Suellen and Kathleen, who are both computer technologists. He also has a granddaughter Laurel, who will be 2 in August. Marv and Kathy raised a lovely family and supported many community activities.

A staunch Republican, he spent many years in leadership roles as precinct chairman, district captain, Weld County vice chairman, county and State assembly delegate, and of course as delegate to the Colorado Fourth Congressional District. He also served as election judge and canvass board member. He contributed his efforts to individual campaigns over the years and was an effective strategist helpful in planning the time lines necessary for the success of those campaigns. George was always to be seen at late night committee meetings, at county and State assemblies and at busy intersections waving campaign signs. There was never a time when a call for help went unheeded. There was also never a time when he expected to be recognized for his efforts. Marv did what he did out of principle. Many people have been influenced by this wise, experienced man. He knew the secret of multiplying his influence by encouraging others of like mind to take leadership in the public realm.

Marv was a quiet man, respectful of others, slow to anger and quick to forgive. He loved reading, flying, computer programming, and bicycling. His proudest accomplishments were of course his children. His son George followed through on the love of country Marv tried to instill by serving in the military and his daughters both followed his love of computers.

That was in fact Marv's first love. After graduating from St. Francis High School in Wheaton, IL, in 1961, he attended a technical school specializing in computer programming. Having his daughters become adept computer specialists was a definite source of fatherly pride. Marv came back to the computer field toward the end of his working career after spending many years in sales.

As a young man Marv was drafted into the Army in 1965 during the first big draft of the Vietnam war. He felt privileged to serve his country as his father and his grandfather had done before him, and he thought it was his patriotic duty. He excelled in turbine generator school at Fort Belvoir, VA, graduating first in his class. He never got to use his mechanics training, though, because he was never sent to Vietnam. Instead he served out the rest of his time in Fort Campbell, KY as a company clerk, supply officer, and finished his last 9 months of service in his favorite duty, as a military policeman.

Marv spent the rest of his life focused on his wife, children, and community. For 10 years he and Kathy were team leaders for World Wide Marriage Encounter weekends for the Catholic church. They were privileged to coordinate more than 60 weekends to help couples make their good marriages into great committed relationships. Marv and Kathy facilitated marriage preparation classes for their church. Marv was also instrumental in forming the Rite of Christian Initiative for Adults at St. Mary's Parish in Greeley. He demonstrated his love of teaching and for young people as a confirmation teacher for 9 years. He was also a board member of Habitat for Humanity and Citizens for Responsible Government.

Marv understood the meaning of the grassroots political process and exemplified it daily. It is people like Marv who contribute to the greatness of America, the behind-the-scenes hard work essential to our communities and the makeup of the character of this great Nation. I am privileged to have known him and experience the results of his efforts. They will not go unappreciated. His memory and the influence he had on us and our Nation will far outlive his life. Each time we celebrate our independence and the freedoms we too often take for granted, we need to remember the contributions of people like Marv.

Mr. Speaker, I would like to submit for the RECORD a short poem that Marv considered his statement of his life's philosophy and indeed it was the best description of his life as a devoted father, a husband, and American.

DESIDERATA

(By Max Ehrmann)

Go placidly amid the noise and haste, and remember what peace there may be in silence. As far as possible without surrender be on good terms with all persons. Speak your truth quietly and clearly; and listen to others, even the dull and ignorant; they too have their story. Avoid loud and aggressive persons, they are vexations of the spirit.

If you compare yourself with others, you may become vain and bitter; for there will always be greater and lesser persons than yourself.

Enjoy your achievements as well as your plans. Keep interested in your own career, however humble; it is a real possession in the changing fortunes of time.

Exercise caution in your business affairs; for the world is full of trickery. But let this not blind you to what virtue there is; many persons strive for high ideals; and everywhere life is full of heroism.

Be yourself. Especially do not feign affection. Neither be cynical about love; for in the face of all aridity and disenchantment it is as perennial as the grass.

Take kindly the counsel of the years, gracefully surrending the things of youth.

Nurture strength of spirit to shield you in sudden misfortune. But do not distress yourself with dark imaginings. Many fears are born of fatigue and loneliness.

Beyond a wholesome discipline, be gentle with yourself. You are a child of the universe, no less than the trees and the stars; you have a right to be here. And whether or not it is clear to you, no doubt the universe is unfolding as it should.

Therefore be at peace with God, whatever you conceive Him to be, and whatever your labors and aspirations, in the noisy confusion of life keep peace with your soul.

With all its sham, drudgery, and broken dreams, it is still a beautiful world. Be cheerful. Strive to be happy.

ONGOING TOBACCO INDUSTRY NEGOTIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. WAXMAN] is recognized for 5 minutes.

Mr. WAXMAN. Mr. Speaker, the negotiations that are going on at the present time with the tobacco industry, they are requesting that they be excused from punitive damages.

I want to point out to my colleagues that the tobacco industry for 4 decades has misled and deceived the American people about their product. They have lied to the Congress, and they have kept documents secret. Last week we revealed documents that had not been public before from the Liggett Tobacco Co. where they had an attorney-client privilege to try to keep these documents from the public where they knew about a safer cigarette but did not want to make a safer cigarette because their lawyers said that would mean that the cigarette they were already making was unsafe and they would be presumably admitting that.

□ 1315

They refused to turn over to medical people information about the harm from cigarettes because they were fearful of the liability that might attach to them.

Now those documents are simply the tip of the iceberg. There are over 150,000 documents that have claimed to be attorney client privilege. The attorney client privilege will not shield documents if there is fraud or criminal conduct involved, and I believe that if these documents become public, they may well lead to criminal charges being brought.

One of the reasons the tobacco industry is so anxious for a settlement is that one of the terms of their settlement is that these documents would be kept secret forever.

Now if these documents became public, we would know whether there ought to be punitive damages in some of these lawsuits. How can we agree in any negotiation to excuse the tobacco industry from punitive damages without knowing all the facts?

So I would hope that those people that are sitting down and discussing what might be a recommendation to the Congress for settlement of a lot of these issues regarding tobacco will not recommend to us to excuse and forgive the tobacco companies for any actions they may have undertaken that would amount to punitive damages before we know fully what actions they have been engaged in. What we do know is that for four decades they have acted in a way that we would never accept from any other business or corporation in this country. They have manufactured a product and sold it knowing it is harmful and claiming the contrary to be true. They have sold a product that is addictive, and they knew that to be the case, and they denied it. They were targeting our kids, and then they denied it. What are punitive damages all about except to punish people who have acted wrongly? And if the tobacco industry has not acted wrongly in these last four decades, what industry could possibly be accused of acting more wrongly?

I hope they do not come back and recommend to us that we forgive the tobacco industry for their wrongdoing and not hold them accountable if in fact punitive damages are warranted.

GIVE TAX RELIEF TO THE PEOPLE PAYING THE TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, we have legislation coming before this body that would give tax relief back to the American people.

My father took home 85 percent of his paycheck. My daughters are scheduled to take home 10 percent of their paycheck at the current spending and the current tax rate on the American people. My brother takes home today only about 45 percent of his paycheck. This is not a legacy that we want to leave to our children. In the tax relief balanced budget plan that is coming before this body this body gives back 97 percent of tax relief to those earning less than $100,000.

Mr. Speaker, $100,000 is a lot of money for a lot of people, but it also gives 72 percent of the tax relief for families earning between $20,000 and $75,000. Our colleagues on the other side, there are those that voted against a balanced budget, those who voted against welfare reform. What we call the liberal faction and leadership of the Democrat Party would say that we are giving only a tax break for the rich. If you take a look at Karl Marx's Communist manifesto, the class warfare, the ideals of union from control of private property right on down the line is class warfare and controlling the American people. What we are trying to do is give tax relief to the American people that are paying taxes.

We went through a pretty violent debate in this body on welfare reform, but yet my colleagues on the other side that support a socialist model for this country would have us believe that people that do not pay any taxes should get back tax relief. Well, we had a welfare reform package. What this package does is the hard-working people that are projected to only get 10 percent of their dollars in their paycheck have some tax relief, and that is is what is focused.

If we take a look at Japan, 1 in 11 workers works for the government; in France, 1 in 4. Now you see what kind of government that was elected in France over these last few weeks. France is controlled now by the socialists and the Communists that support big government and control of private property and on down the line. When they talk about Mr. Sweeney and the AFL–CIO, who do they represent? They represent government workers, and I would tell Mr. Sweeney that if he would support the Government officials and government workers necessary to do the legitimate works of the Constitution and this country, he would find a lot of Republican support. But to go out and fight for additional power for bigger government, for higher taxes, he is going to meet resistance.

And my colleagues on the other side just do not get the message that we want lower taxes on the American people to stimulate growth, to put dollars in their pocket, not the Federal Government. If we take a look at the legitimate functions of this country, then we supply the workers to do that, then I think we can come up with tax relief for all. Ninety-seven percent, 97 percent of the tax relief, goes to families earning less than $100,000; 72 percent less than $75,000, down to $20,000, and those that do not get or pay taxes do not get tax relief. That is a form of welfare. They get all of the other benefits from the Federal Government, but yet the burden of those people trying to send their children to school, trying to put food on the table, trying to do the things that you and I and every other American wants to do is being

stymied by an oversized government, by overtaxes and regulation.

That is what this bill does, Mr. Speaker. It gives tax relief back to the American people that are paying the taxes, not nonpaying tax.

TAX RELIEF FOR THOSE WHO NEED IT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, a comprehensive tax bill says a lot about what the priorities of our Nation are, what the values of our Nation are, in the same way that achieving a balanced budget agreement talks about who we are. The devil, if you will, is in the details, in that one has to take a look at how these concepts translate into actuality, and they determine in large measure of what our priorities and what our values are. They do not exist just by themselves.

When you look into it, whether it is a balanced budget agreement or when you look into the tax cut package, you get a sense of what the priorities and values of this country are, and we have to be clear about what those values are as a Congress and as a nation.

American middle-class families, people who are working hard, playing by the rules, are looking at the various tax proposals that are on the table at the moment and they are in fact wondering "Who is on my side?"

The tax proposal that has been made by the Republican majority says to the American public that they are on the side of the wealthiest Americans. Under the Republican bill, over half of the tax benefits go to 5 percent of Americans, those who are making over $247,000 a year. An additional quarter of the tax cuts go to families making between $75,000 and $250,000 a year. That means that the rest of the American people have to share what is left over. Under the Republican plan, the 80 percent of Americans at the lowest end of the income scale receive less than 20 percent of the tax benefits. This is simply wrong.

Democrats have proposed an alternative tax package whose benefits are targeted directly to working middle-class families. The message from the Democratic side of the aisle is that we are on their side, the message to working families today. These are just not my words. I might add that there have been a number of newspaper accounts in the last several days that comment on the Republican tax proposal.

The Philadelphia Inquirer says, and this is Thursday, June 12: "Bill Archer's Gift Horse: The Congressman's tax cut plan looks good now, but in the long term only the rich will benefit. Average Americans would be the biggest winners, says U.S. Representative BILL ARCHER. Under his new tax cut plan, he has got a tax breakout there that shows three-quarters of tax relief going to households that earn less than $75,000 a year. Quote, sounds nice, but it is bogus. What he unveiled this week ought to be called the Tax Relief of the Money Class Act," end quote.

The New York Times, June 11, 1997, describes the tax cut plan proposed by the Republican majority as a favor-the-rich tax plan. It says that the tax writing committee has come up with a proposal that barely eases the strain on middle-class families while showering the rich with benefits. To finance cuts in capital gains and inheritance taxes, Mr. ARCHER has held tax benefits for others at a minimum level.

The Washington Post, June 11: "A bad tax bill gets worse," with the same kind of commentary.

The point is that we do have an opportunity with wanting to provide tax relief for working middle-class families today, and it would appear that the tax cut proposal by the Republican majority is not one that in fact meets the needs of working middle-class families, and in fact that the Democratic alternative looks at education tax cuts, looks at child care tax cuts, looks at a child care dependent tax credit that helps working families today, that focuses a capital gains tax cuts at small businesses, small farmers as well as the estate tax or inheritance tax, or, as my colleagues want to say, the death tax, which provides specifically targeted tax cuts at small farmers, small businesses, and provides the opportunity for those, in fact, who are working and, as I said, playing by the rules, to have the opportunity to get some tax relief.

It would be wonderful if we could provide everyone with tax relief. The 5 percent of the wealthiest Americans in this country at this time do not need to have the opportunity for that relief in the same way that working families do today.

ELIMINATING BURIAL RIGHTS FOR DEATH PENALTY CONVICTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. KNOLLENBERG] is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce legislation that strikes at the very heart of our Nation. It saddens me to rise and offer this today, but it is the right thing to do for the veterans of our country who have given too much for us.

The most heinous domestic terrorist act ever committed ripped apart the insides of our Nation. I am referring to the Oklahoma City bombing, which will always be ingrained in our hearts, our minds, and our souls. Yet, after speaking with veterans and military leaders, we have found out that the criminal who committed this dastardly act which killed 168 people, many of whom were innocent children, can receive, I repeat can receive, the military honor of burial, the military honor of burial in a veterans' cemetery after he receives the death penalty sentence.

Mr. Speaker, I and several of my colleagues have introduced legislation to make sure McVeigh, and other death penalty convicts like him, cannot receive the honors that our fallen heroes have deserved and have been granted. Our Nation's veterans cemeteries are a sacred ground. They are a solemn and sad reminder of the price our Nation has had to pay for the freedom that we enjoy every day. While veterans who commit certain criminal offenses forfeit their benefits, McVeigh could have still received them and received burial at Arlington National Cemetery.

Mr. Speaker, we could not allow that to happen. Too many people whose lives were taken in the name of freedom made the ultimate sacrifice for us. They are placed in that sacred ground. It is not fitting to allow the likes of Timothy McVeigh in their company.

I ask my colleagues to join my effort and cosponsor my bill, and all Members on both sides of the aisle, to eliminate these burial rights for death penalty convicts.

H.R. 100, THE GUAM COMMONWEALTH ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, today is June 19, 1997 here in the U.S. mainland, but on Guam it is June 20. June 20 is the 99th anniversary of the arrival of the first Americans on Guam in the capacity of bringing U.S. Government to the Island of Guam. On June 20, 1898, Captain Glass led three ships into Apra Harbor in Guam and he proceeded to fire some shots, as part of the Spanish-American War. He fired some shots at an abandoned fort. He did not know that the fort had long since been abandoned.

The Spanish authorities, not really even knowing that there was a Spanish-American War, sent out a small delegation of boats to ironically apologize for not being able to return what they assumed was a naval salute, announcing the arrival of the American ships.

Now, since the arrival of Captain Glass and subsequently, the next day on June 21, 1898, the party landed actually on Guam, raised the American standard and secured a surrender from Captain Marina and the Spanish troops and some Chamorros, native Chamorros who were also part of a Spanish militia, the militia was disbanded and Captain Glass sailed away with the understanding that Guam was

now part of the emerging American empire. This became formally a part of the instrument of the Treaty of Paris, which ended the Spanish-American War.

In the intervening 99 years, the political status of Guam remains a matter of some interest here in Washington DC, but of vital concern to the people I represent. These 99 years has been a time period where we have endured a Japanese occupation during World War II, where we endured a government by naval officials and under the Department of the Navy; we also endured civilian governors that were selected by the President and only as late as 1970 were the people of Guam granted the authority to elect their own governor.

But in this intervening 99 years we have not had a process to resolve our political status. We have had 99 years with no process for the final act of self-determination for the people of Guam, and we have had 99 years of a lack of resolution about what Guam's future is within the context of the American family, or perhaps even beyond the American family.

It is for this reason that I have introduced H.R. 100 in this Congress, and of course H.R. 100 is numbered in honor of the 100th anniversary of the taking of Guam by U.S. authorities, which will be commemorated and celebrated next year in 1998.

My bill, my commonwealth bill, represents the thinking of the people of Guam about not only the new level of political autonomy they wish to reach within the American family, but also a process, outlines a clear and defined process for how Guam's final political self-determination would be carried out and would be finally consummated.

Guam deserves this, not only because they have been loyal U.S. citizens, but because it is in the American national interests to do so. Guam not only continues to remain a vital strategic part of America's forward presence in Asia, Guam also, the challenges that are presented by territories to the American family is to perfect American democracy in those areas that are not really represented by the Stars and Stripes.

So I ask all of my colleagues and Members of this body to cosponsor H.R. 100. We have the promise of a hearing on this measure by the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources, and that hearing will hopefully occur sometime next month.

So I ask my colleagues to consider cosponsoring H.R. 100, the Guam Commonwealth Act.

MIDDLE-CLASS TAX RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, we are in a very important debate right now over taxes. The Republican Party is working for middle-class tax relief, and the liberal Members of the Democrat Party and the President are working against middle-class tax relief. I think it is ironic that a President who ran in 1992 on a platform of supporting middle-class tax relief is now fighting middle-class tax relief.

As my colleagues know, once the President was elected, his first act in 1993 was to pass the largest tax increase in the history of this country. Now, we are at another debate. For the first time in 16 years, because of a Republican majority in the House and Senate, we have an opportunity to give significant tax relief, and yet we are being accused of all kinds of things and we are having to fight for this.

It is interesting, because 76 percent of the people who will benefit from the tax relief have a household income of $75,000 or less. Only 1 percent of those who are going to have a tax benefit have a household income of over $200,000, yet we are being accused of giving a tax break for the wealthy.

Mr. Speaker, I do not know what it is with the liberal psyche that being wealthy is synonymous with being evil. It is interesting, because entrepreneurs and people who tend to be wealthy create jobs in this country, and yet liberals seem to hate the job-creator.

I strongly believe that we need tax relief for the middle-class, and will the entrepreneurs also benefit from it? Yes, they will. Is it bad? Well, I always take the case of Ted Turner. I am from Georgia. Ted Turner has brought CNN to Atlanta. He has created hundreds and hundreds of jobs. Is it bad? No; it is not. Will Ted Turner get some tax relief? Yes; he will. Is that horrible? What is so bad about that, I ask my liberal colleagues? Yet, we do not hear from them about that. All we hear is well, we just do not want the rich to get tax breaks. As I said, Mr. Speaker, 76 percent of the tax relief goes to families with a household income of under $75,000.

Now, what is it that the liberals and the President are backing away from? We seem to be in a gridlock right now on the $500-per-child tax credit, and the way the Republican bill is, is that middle-class families with children under 17 years of age and with household incomes of under $110,000 will get a $500-per-child tax credit. Now, what does the President want to do? Well, he wants to use that tax credit to give another welfare benefit to people who are not paying taxes. So what has happened with a President who has promised middle-class tax relief, and also, incidentally, promised welfare reform, and only reluctantly passed welfare reform last year, now is trying to go back on that?

Welfare enrollment has decreased 15 percent. There are less people dependent on the U.S. Government now than there were 1 year ago, and yet the President wants to fly in the face of all of that, break the spirit of that bipartisan legislation, if you will, by giving people who are not working a $500-per-child tax credit on top of something that we are already doing called the earned income tax credit, which is a benefit from going from welfare to work, and it is something that has had bipartisan support, and yet the President wants to say, no, that is not good enough, we are going to give you one more giveaway program. We are going to give you $500-per-child for every child you have while you are not paying taxes.

Common sense would tell us, Mr. Speaker, that is a ridiculous thing to do, particularly when we have at stake 11 million middle-class children whose parents desperately need tax relief for education needs, for medical needs, for shelter, for food, and so forth like that.

I am a father of four small children. Most of my friends, Mr. Speaker, are in the sandwich generation, if you will. That is, their parents are dependent on them or close to being dependent on them, and their children are dependent on them. I can say as I line up in the carpool line and as I go out to the Tee-ball field and I go out to the soccer field, and my wife is a proud soccer mom, I will say that the parents out there desperately need tax relief.

Now, they are not coming out here in Washington and protesting, they are not writing letters, they are not sending us faxes every minute, and the reason why, Mr. Speaker, is because they are out working. These are folks who work 8, 9, 10 hours a day, 5 days a week. They want tax relief, but they do not have paid professional lobbyists who can go out and campaign for it. We just have to do it on our own and we have to do the right thing.

This is the good old American middle-class who is getting squeezed year after year, they need tax relief, they do not need the President expanding welfare, they do not need the fun and games of politics, they do not need more big liberal programs. They need tax relief, and I urge my colleagues to support in a bipartisan fashion the Republican tax bill passed by the Committee on Ways and Means.

NO FUNDING FOR B–2 BOMBER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I would like to address myself to a serious issue that is coming before the Congress tomorrow, and that is our defense appropriation budget. There is an item in there that I will seek to eliminate by virtue of an amendment by the gentleman from California [Mr. DELLUMS] and the gentleman from Ohio [Mr.

KASICH] and myself, which would be to strike the funding for the B–2 bomber.

In this time of budgetary constraints, Congress must learn to prioritize our defense dollars. As such, Congress should not authorize the additional procurement of aircraft we do not need and the Pentagon clearly has stated they do not want.

In testimony before the House Appropriations Subcommittee on National Security on June 11, 1997, Pentagon comptroller, John Hamre, testified that while the B–2 is an exceptional aircraft, there is no more money for it. The massive deep attack weapons mix study conducted by the Pentagon concluded that it would not be cost-effective to buy more B–2 bombers. According to the Pentagon, the current fleet of 21 B–2 bombers is sufficient to meet the two-war scenarios. No money is programmed in any budget plan to pay for the outyear costs that will be forced by this decision. Other programs given higher priority by the military may have to be cut back.

Finally, the Congressional Budget Office projects that to build and operate nine additional B–2 bombers over the next 20 years could cost over $27 billion.

□ 1345

Let me read a variety of editorials that have appeared in the papers around America.

Stuart News, Port St. Lucie, FL, "U.S. Must Get Maximum Bang for Military Bucks."

The cost of these programs is staggering, especially considering the strategic fact that the threats that they are designed to counter do not now exist or, like the B–2 bomber, are designed to attack countries that no longer exist.

They are urging we look at first providing for military pay, for military housing, for the readiness of troops, rather than expensive technological equipment that the Air Force and the Pentagon themselves do not support.

The Atlanta Constitution: "Pentagon is Not a Welfare Agency."

There is, however, one notable exception to that trend. Last week, the House Appropriations Committee approved a defense budget for 1997 of $245.8 billion, $11 billion more than the Pentagon says it needs, and the Pentagon is not known for underestimating its needs.

Unfortunately, each additional dollar that we spend on defense is a dollar not available for schools,

for infrastructure, or for deficit reduction.

While other nations invest their wealth in those areas, we build B–2 bombers.

"Don't Sacrifice Military Readiness," by the St. Louis Post-Dispatch.

Another case is the $2.2 billion for each B–2 bomber, which, again, the Pentagon doesn't want, but which Members of Congress do, to keep weapons contractors and jobs alive in their district. President Clinton himself insists on yet another *Seawolf* submarine to keep the production lines open to build other submarines in the future. Meanwhile, maintenance on helicopters, tanks, trucks, and warships is being deferred. Military pay raises are paltry, and the quality of housing for men and women in uniform isn't as good as it should be.

No; because we are spending billions on a B–2 bomber that the Pentagon does not want.

Milwaukee Journal Sentinel: "Bring Military Budgets Back to Earth."

In fact, Congress in recent years has actually padded the military budget

for projects like the B–2 bomber,

that are relics from the cold war and pork-barrel goodies for hometown military contractors.

The evidence against the B–2 is overwhelming. The debate really needs to be about helping people in uniform have decent pay so they are not on food stamps, living in decent housing, like most Americans would like them to live in.

So we have a choice this week, to support the continued expenditure of massive dollars to weapons systems that we no longer need, or we can clearly change direction and focus on priorities that would make this Nation militarily sound and safe.

I urge my colleagues tomorrow to support the amendment offered by the gentleman from California [Mr. DELLUMS], the gentleman from Ohio [Mr. KASICH], and the gentleman from Florida [Mr. FOLEY] to strike the B–2 bomber from funding, to close the production line, to allow the military to continue to have its 20-some B–2 bombers, but clearly understand since the end of communism and Soviet dominance in the cold war, the need for the B–2 bomber has been significantly reduced. Significantly reduced.

Let us look forward to helping make the military strong by supporting their good intentions, and not give them things they have chosen not to ask for.

THE DEMOCRATIC TAX CUT PROPOSAL RESTORES FAIRNESS TO THE AMERICAN TAXPAYER

The SPEAKER pro tempore (Mr. CHAMBLISS). Under a previous order of the House, the gentlewoman from Indiana [Ms. CARSON] is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, I rise today to speak about justice and fairness. When we were children our parents instilled in us a sense of fairness. We were taught to be equitable and impartial and truthful when dealing with others. We were taught to aid those in need. Obviously, all of us in this body took that to heart, and that is why we are here as we pursue public service on behalf of the public.

Let us consider the budget amendment in general, however. Rather than stay within the parameters of the balanced budget agreement which passed the House overwhelmingly, the Republican framers of the tax cut have decided not to play fair, and to abandon the agreement. The original agreement contained a provision to provide at least $35 billion in tax credits for college education. Yet, the Republicans have offered us only $22 billion in education tax credits, in direct violation of the budget agreement.

It seems as though this sense of fairness has been lost on those framing the tax cuts, because they are attempting to undercut the agreement that was made with the President, and will deny American taxpayers $13 billion in tax relief. We should at least play fair and restore this provision of the tax cut.

According to the Department of the Treasury, two-thirds of the Republican tax cuts go to families making beyond $100,000 a year. The majority of constituents in my district, Indianapolis, IN, of which nearly 50 percent make less than $25,000 a year, they certainly will be not happy, they will be unhappy to learn the fact that the Republican tax cut will go to families making over $100,000 a year, for the most part.

I rise to support the Democratic alternative to the Republican tax cut package. Unlike the Republican proposal, the Democratic proposal restores some fairness to the American taxpayer and stays within the parameters of the budget agreement.

In general, the Democratic tax proposal will target its cuts to those making less than $100,000 a year, not the other way around. Seventy-one percent of the Democratic tax cuts will go to nearly 91 million families across the United States that make under $100,000 a year. Twenty-three percent of the Democratic tax cuts will target the most vulnerable of our society, those making under $21,000 a year.

The Democratic alternative will truly allow families to stretch their budget further and provide true tax relief, rather than just smoke and mirrors. I am particularly pleased with the education tax cut initiatives in the Democratic proposal. If we are going to truly effect positive change in our society, provide our young people the chance to improve our Nation's future, we must provide them with the opportunity to access the best education possible.

The Democratic alternative provides more money for the HOPE scholarship, provides incentives for employer-provided educational assistance, and provides a source of cost-free capital for desperately needed school construction; at least $37 billion worth of tax cuts for education. It provides $15 billion more education initiative than the Republican plan does.

Under the Democratic proposal, HOPE scholarship tax credits are provided at a rate of 1,100 for 1997 through 1999, increasing to $1,500 per student after the year 2000.

At Indiana University at Indianapolis, tuition costs $2,400 a year. At Ivy Tech State College, it runs $1,500 a year. The Democratic HOPE tax credit will provide for nearly 50 percent of the tuition at those two referenced universities.

I would encourage, Mr. Speaker, this august body to consider what is fair and adopt the Democratic alternative, so we will truly be providing both HOPE and fairness for our constituents.

Mr. Speaker, I rise today to speak about fairness. When we were children, our parents instilled in us a sense of fairness. We were taught to be equitable, impartial, and truthful when dealing with others. We were taught to aid those in need. Obviously, all of us in this body took this message to heart. Otherwise, we would not have chosen a life of public service. Yet I am sad to say that in examining the recent Republican tax cut initiative, some of my colleagues have abandoned these principles.

First, consider the budget agreement in general. Rather than stay within the parameters of the balanced budget agreement which passed in the House overwhelmingly, the framers of the Republican tax cut have decided not to play fair and to abandon the agreement. The original agreement contained a provision to provide at least $35 billion in tax credits for college education. Yet the Republicans have offered us only $22 billion in education tax credits, in direct violation of the Budget Agreement. It seems as though this sense of fairness has been lost on those framing the tax cuts, because they are attempting to undercut the agreement struck with the President, and deny American taxpayers $13 billion in tax relief. We should at least play fair and restore this provision into the tax cut package.

Yet the skewed sense of fairness on the Republican side does not end there. The tax cut package as a whole will benefit a small percentage of middle class Americans. Let's go to the numbers. According to the Department of Treasury, two-thirds of the Republican tax cuts will go to families making over $100,000 a year. The majority of constituents in my district in Indianapolis, of which nearly 50 percent make less than $25,000 a year, will not be happy to learn this fact. The Republicans have promised in this Congress and the last that middle-class tax relief was their top priority, to allow those who work hard to take home more of their pay. Instead, middle-class taxpayers get the same old tried and true Republican tax cuts that benefit the wealthy, a Robin Hood in reverse for the majority of Americans.

Mr. Speaker, I rise today to support the Democratic alternative to the Republican tax cut package. Unlike the Republican proposal, the Democratic proposal restores fairness to the American taxpayer and stays within the parameters of the budget agreement. In general, the Democratic tax proposal will target its cuts to those making less than $100,000 a year, and not the other way around Seventy-one percent of the Democratic tax cuts will go the nearly 91 million families across the U.S. that make under $100,000 a year. Twenty-three percent of the Democrat tax cuts will target the most vulnerable of or society, those making under $21,000 a year. The Democratic alternative will truly allow families to stretch their budget further and provide true tax relief, rather than smoke and mirrors.

I am particularly pleased with the education tax cut initiatives in the Democratic proposal. If we are truly going to effect positive change in our society and provide our young people the chance to improve our Nation's future, we must provide them with the opportunity to access the best education possible. The Democratic alternative provides more money for the HOPE scholarship, provides incentives for employer-provided education assistance, and provides a source of cost-free capital for desperately needed school construction. At $37 billion worth of tax cuts for education, it provides $15 billion more education initiatives than the Republican plan does.

Under the Democratic proposal, HOPE scholarship tax credits are provided at a rate of $1,100 for 1997–99, increasing to $1,500 per student after 2001. The Republican is half this amount at $600 per student. In addition, families could receive the credit for 4 years of postsecondary education, rather than only 2 years as provided in the Republican proposal. In my State of Indiana, $600 does not seem like much in accessing postsecondary education. But if we provide double that amount, it will go a long way in reducing the average cost of education in my district in Indianapolis. At Indiana University-Purdue University of Indianapolis, tuition costs $2,400 a year; at Ivy Tech State College, tuition runs at $1,500 a year. The Democratic HOPE tax credit would provide for nearly 50 percent of the tuition at IUPUI, and nearly all of the cost at Ivy Tech. These are the two largest colleges in my district, with over 23,000 students attending the two institutions. By providing the HOPE scholarship at the levels provided for in the Democratic alternative, we will truly be providing HOPE for many of my constituents.

Yet another education related initiative in the Democratic proposal that I applaud is the school construction assistance provision. Schools in my district are dilapidated and crumbling. Indianapolis Public Schools recently approved drastic cuts in programs to rein in spending in their budget. With the Democratic proposal, schools in either empowerment zones or enterprise communities could enter into a partnership with private businesses that would make contributions to school improvements and would issue special bonds to finance school improvements. This would go a long way in communities such as Indianapolis to ensure that our children are not learning in deathtraps, and that we could bring our schools into the 21st century in terms of facilities by the next millennium.

Mr. Speaker, President Clinton addressed this body 4 months ago in his State of the Union address. In it, he laid out an ambitious agenda for education which I, along with the majority of Americans, applauded. The President's vision for our young people and ensuring they receive the best education in the world should not be lost in the budget wrangling that occurs in this House. I urge my colleagues to adopt the Democratic alternative to the tax bill and give our working families, especially our children, the break they deserve.

THE EDUCATION AT A CROSSROADS PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kentucky [Mrs. NORTHUP] is recognized for 5 minutes.

Mrs. NORTHUP. Mr. Speaker, I wish to bring to the House's attention the visit last month of the Education at a Crossroads Project. I have had, as the mother of six children, a great interest in education and in the education of each of my children. For that reason, in the 9 years that I was in the Kentucky General Assembly I was very involved in the education program, in working to implement the new Education Reform Act that was implemented by Kentucky in 1990. That act is often pointed to by departments of education around the country as an example of education and education progress.

The implementation of that bill has been very challenging in our State. It is not universally acclaimed and it has not had universal success, but it has made a dramatic difference in the education opportunities for many children. I would like to talk today about some of the basis of that program that I think is accepted and is believed has made the most difference.

The program is based on the fact that each child, each community, each faculty in a school face unique challenges to succeed and have unique talents to address those challenges. It was not believed that at the State level, and certainly, Mr. Speaker, not at the Federal level could we fashion an educational system that would meet all the differing needs of each neighborhood, each community across our State.

So we put in place a program where each State, based on the parental involvement, the teacher involvement, have site-based decisionmaking. They have the ultimate responsibility for each child achieving at a higher level. Yes, we expect each child can learn at a higher level, can achieve high academic success if our expectations are high.

In each of our schools, Mr. Speaker, we have site-based decisionmaking that assesses what the challenges are: what are the programs that are needed, what are the extended day programs, what are the after-school programs, the Saturday learning opportunities, the year-round schools; the challenges that are most needed so each child has the best opportunities for success?

Each school is given the resources so they can determine themselves how to use those resources to meet those needs. As the Federal Government ponders how we make an impact in school, I think looking at Kentucky, as this administration so often does, is a good point of reference.

Rather than fashioning programs that are going to be the same across the country, we need to designate our

schools as the front line of education opportunity and make sure that they are not bound by more regulations, by more constraining programs, by programs that tie their hands, tie the teachers' hands, and tie their abilities to uniquely address the challenges that exist in that school.

I have been proud to work with education in Kentucky, and I was thrilled that the Education at a Crossroads came to Kentucky, because it gave them an opportunity to see the Cane Run Elementary School that is in one of the most high-risk neighborhoods of Jefferson County, and the success they have achieved; the children whose grades and their achievement scores have gone up so dramatically, the parents who come to school every morning to that school so they, too, can get their GED and go on to better welfare-to-work opportunities.

The Cane Run Elementary School has dramatically changed the opportunities not only of children who are in that school, but also of the mothers and fathers who are in that district, so their opportunities are better and improved too. There is such a sense of accomplishment, such a sense of achievement, such a sense of joy in that school for the achievement that has been realized.

I think it points to the example of where, on the front lines, the school that is empowered to make the decision to use the money in block grant form to address its needs, the success it can achieve.

They also visited Southern High School, that has a model program, school-to-work. It is helped by the private sector. They have invested a million dollars of equipment and energy to make sure that those students have the high-tech opportunities to learn, so they can move into the work force in high-paying jobs.

Every student in that senior high whose goal it was to have a good job came out well-trained with more job opportunities than there were students to fill that. These are not kids that are starting at minimum wage, but far above that. Their opportunities and their benefits are proof of the success that program has.

I appreciate, Mr. Speaker, the opportunity to talk to the House today about what works and what does not.

□ 1400

NATIONAL SECURITY

The SPEAKER pro tempore (Mr. CHAMBLISS). Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. HUNTER] is recognized for 60 minutes as the designee of the majority leader.

Mr. HUNTER. Mr. Speaker, I thought I would start out my discussion today, I want to talk a little bit about national security, but I thought I would start out the discussion today, since MFN, that is most-favored-nation treatment for China, trade treatment for China, is at issue and we will be discussing and debating this issue on the House floor, there is a lot of commentary on it right now, I thought I would start out today with a statement that was made, apparently by the NFIB or one of our other good groups that wants to continue this trade relationship with China, and presumably this $40 billion annual trade deficit that we suffer at the hands of China, one of their statements was, gee, if we cut off China, we are not going to get any Tickle Me Elmos because apparently Tickle Me Elmo is made in, of course, Red China. It is made in China and presumably some of the slave labor that makes some of the textiles in China also makes Tickle Me Elmos.

I thought that in light of what the Chinese are doing with the $40 billion trade surplus that they enjoy over the United States, that means they get $40 billion in hard American dollars for things they sell us in excess of what we sell them, when we do all of our trading at the end of the year, they have got 40 extra billion dollars in their bank accounts that we do not have in our bank account because they enjoy a trade surplus over us. That is largely because the Chinese have a massive tariff for almost every American item.

Of course, they enjoy virtually free access to the American market. But they make Tickle Me Elmo. It is made in China. One of our good trade groups said, gee, we will not have any more Tickle Me Elmos and should we not be upset about that because we want our children to have a nice life and having a Tickle Me Elmo presumably is a real illustration of quality of life now.

But here is the reason why we should not care whether or not we get a lot of Tickle Me Elmos or other toys from Communist China. They are taking that $40 billion and they are going to their friends, the Soviet Union, former Soviet Union, now the main player is Russia, and they are buying military hardware. They are buying a lot of this hardware and aiming it at guess who, the people that provided the dollars in the first place, the good old Americans. They are using this 40 billion extra dollars a year to arm.

That means they are not only building these, this is a missile destroyer that they just purchased from Russia, it has one purpose and that is to kill American carriers. That means killing the 5,000 uniformed sailors who are on board an American carrier as well as the attending ships in the battle fleet formation. This was designed by the Russians with their surface-to-surface missiles, their N–22, their SSM, their 44 SAN–17's and their SAM's and their four point defense systems and their 130 millimeter guns and their helicopter. That has one job in mind and one purpose, and that is to destroy American surface ships.

The Chinese are able to buy these now from the Russians with hard dollars. They did not used to pay hard dollars. They would give IOUs and they did not get very much of that, because they were a dollar short. They were cash strapped. We have now given them all kinds of money from these doggone Tickle Me Elmo sales and dozens of other commodities that we now purchase from them. And they are buying weapons and they are aiming them, their nuclear weapons, nuclear missiles are aimed at the guys, the American people who gave them the money in the first place. They are aimed at American cities.

So as we enter into this debate over whether or not we should continue to have these Tickle Me Elmo transfers with China, I would suggest that they are in reality a Torture Me Elmo transaction, because in the end the same young Americans, the people that we are trying to give a good lifestyle to now, our children, may face American technology. And in the least they are going to face military technology that was purchased with American dollars from their own parents on the battlefield, coming back our way, the bullets will be coming back at us. So when we put together this China policy, I think we have to look at a couple of things.

One thing is, by maintaining this beneficial trade relationship with China, when I say that I mean beneficial especially for China, we are making China economically strong. China is becoming very economically powerful. As they become economically powerful, it is our hope, of course, that they will have a benign leadership, a leadership which appreciates human rights, appreciates the rights of other nations on the earth to exist and will not have, not focus in the future on military exploitation and on an aggressive national security stance. We hope that but we do not know.

So the point is, we are making China strong economically and militarily with our dollars and we do not know where China is going. Incidentally, that carries me to a second subpoint.

We passed an amendment in the Committee on National Security. I wish the gentleman from Mississippi [Mr. TAYLOR] was here from Mississippi who was very instrumental in that debate, along with the gentleman from California [Mr. BONO] and a number of other members of the Committee on National Security and the gentleman from Hawaii [Mr. ABERCROMBIE], and we passed an amendment that prevents an arm of the Chinese Government, it is called COSCO, COSCO is not where you go to buy your lawn chairs, COSCO is the Chinese Ocean Shipping Corporation. And they have done a pretty smart thing. They have corporatized

different arms of their government on the basis that good old Americans, Republicans and Democrats, are a little bit wary of the Communist army and other agencies that are centralized agencies in part of the Beijing Government, but if you call something a corporation, that makes us feel very comfortable because we are a bunch of capitalists and we like corporations.

So they have corporatized a maritime arm of their government. And that maritime arm is buying the U.S. Naval Base at Long Beach or leasing the U.S. Naval Base at Long Beach. Of course, the port reuse facility or entity, that is the Reuse Commission at Long Beach, when the Long Beach Naval Station got closed, were looking around for a beneficial use. When we put that law into place that allowed for some closing of military bases, we envisioned that there would be industrial parks and other types of development that would take the place of military activities on these bases. We never envisioned in our wildest dreams that a foreign nation, especially one that has nuclear weapons aimed at our cities, would want to lease one of our U.S. naval bases. But that is what they are doing with the 135 acre terminal at Long Beach. I think that is bad for a number of reasons.

I am glad to see my friend, the gentleman from Pennsylvania [Mr. WELDON], the chairman of the Subcommittee on Military Research and Development of the Committee on National Security, joining me.

There are a number of problems with allowing a foreign government to have such a large facility at a fairly strategic location like that. First, you can do a lot more with a 135-acre facility in terms of intelligence gathering than you can if you are just trying to intercept signals coming off a ship with your own ship. You have a permanent location. You are able to have bigger physical facilities to intercept intelligence.

Also presumably you have a pretty large staff of people. We know as a matter of record that the Chinese Government attends its industrial facilities around the world with intelligence agents. So unless they change course and do something that they have not done before, they will have intelligence agents at this base at Long Beach, and presumably they are going to use them to gather intelligence on U.S. military activity and presumably also on the high tech industry in California.

Anyway, it is clear that China is on the rise, on the ascension in terms of its military buildup, its military apparatus, and it would be very wise for us, I think, to do two things. First, to be very wary about funding the buildup. Why pay for their arms buildup by buying a bunch of doggone Tickle Me Elmos and other things that we purchase from them? And second, let us make sure that our own national security is not on the descent. I want to tell you where we are at with respect to our security because most Americans do not know this.

When we won Desert Storm, here is what we had. We had 18 Army divisions. We had 24 active fighter airwings, that was our air power. We had 546 Navy ships. Since Desert Storm, since we saw those great pictures on television of us taking care of Saddam Hussein in short order, we have gone to this buildup or this force structure because we have actually built down. We have gone from 18 Army divisions in 1991 to 10. We have cut the Army almost in half. We have gone from 24 fighter airwings to 13. So we have cut our air power almost in half. And we have gone from 546 Navy ships to 346 so we have cut the Navy by about 40 percent in terms of structure.

Interestingly, we are down to the level that is just about where we were when on June 25, 1950, the North Koreans invaded South Korea. We had 10 Army divisions in those days. Within 3 days, the North Koreans had taken all of Seoul; that was the capital of South Korea. They were driving southward on the Korean peninsula. The peninsula looks a little bit like Florida. They almost pushed the Americans entirely off the peninsula. Pusan is a little port at the southern tip of South Korea. We were right at the southern tip there. And we formed the perimeter. We flew part of the 25th Infantry Division from Tokyo to try to stop them. They got torn to pieces. We flew in the rest of the division. The division commander got captured. We lost 50,000 people killed in Korea. That is just about as many as the Vietnam War. But we did that because we drew down our military strength so sharply after World War II that we were so weak that a third rate military power pushed us down in the Korean peninsula just a few years later.

So we need to rebuild national security. And we are going to be having the defense bill on the floor here in just a matter of hours. I think tomorrow it will be coming up on the floor. And I want to yield to the gentleman from Pennsylvania [Mr. WELDON] who has done a tremendous job heading the Subcommittee on Military Research and Development.

Let me say, before yielding to him, that our chairman, the gentleman from South Carolina [Mr. SPENCE] has done a great job of taking a few scarce extra dollars that the Republican side of the aisle has put into the budget for defense, not enough of an increase in force structure to what I think it should be, but they have given a few extra dollars. The gentleman from South Carolina [Mr. SPENCE] has allocated that money with only one direction to us. Try to make our national security apparatus stronger, try to get the equipment that the men and women in uniform need and try to see to it that we have the best in terms of quality of life for those men and women.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding to me.

I cannot stay with him for the entire hour, but I appreciate his leadership, not just for this special order but for the leadership he provides on the committee and as chairman of our acquisition and procurement operations. He has done a fantastic job. I appreciate that. I know that the country does as well.

I want to follow up on his point about the perception of the American people that somehow we have dramatically increased defense spending over the past several years. Unfortunately, I think part of that perception has been created by the White House itself.

Let us go back. The gentleman talked about some of the things that have taken place in terms of cutbacks. Let me highlight a few other facts that our colleagues need to keep in mind tomorrow as we begin the defense bill.

During John Kennedy's era, that was at a time of relative peace, it was after Korea and before Vietnam, we were spending 9 percent of our gross national product as a Nation on the military. We were spending over 50 cents of every Federal tax dollar coming into Washington on the military, nine percent of our GNP over 50 cents of every tax dollar.

In this year's budget, we are spending less than 3 percent of our GNP on defense; 16 cents out of the Federal tax dollar will go toward the military in this next fiscal year, 16 cents and dropping. That does not take into consideration the fact that when John Kennedy was President, we drafted young kids out of high school. They were paid less than the minimum wage. They served the country for peanuts. They were not married. They did not have families.

Today we have an all-volunteer force. Our kids are better educated. Many of them are married. They have spouses. We have housing costs, health care costs, education costs. We pay them a decent wage. So out of that 16 cents that we are spending, a much higher percentage of that goes for quality of life. It does not go for exotic weapons systems. It goes to protect the morale and the well-being of the members of the military and their families and loved ones.

We take those factors and then add in that we have had an administration over the past 5 years who has increased the level of deploying our troops to the highest level in the last 50 years. This President has committed our troops to more locations and more operations than any President since World War II.

So we have increased costs with deployments that we did not budget for.

In fact, as the administration has put our troops in Haiti, which was hotly debated in this Congress, the problem is not just the increased costs that we have to pay for our troops to be there, but as the gentleman full well knows, we are also paying for the cost for the housing and the food of the other countries.

The President talked about how he has a multinational effort. What he does not tell the American people is the reason why Bangladesh sent 1000 troops is we are paying their housing and food costs. It is a great deal for them.

What the President did not tell the American people in the Balkans, when he committed us to get involved in the Balkans over in Bosnia, and I would say that the majority of the Members of this body did not disagree with our being a part of the multinational force, our problem was, why were we committing 36,000 troops to that theater on the ground and in the area when Germany, right next door, was only putting 4000 troops in and when the Japanese were not paying their fair share?

□ 1415

So the point is, as the defense dollar has gone down, as quality of life costs have gone up, we have seen a President who has overseen these cuts increase dramatically where we send these kids around the world, and also increase dramatically the amount of DOD money going for environmental cleanup. So the largest pot of money being used to clean up environmental sites in America is not the energy bill, it is not the commerce bill, it is not the bill to reauthorize EPA, it is the Department of Defense bill. And, as the gentleman full well knows, we are spending hundreds of millions and billions of dollars out of DOD's budget to clean up sites and to pay lawyers, which is the bulk of what we do.

The Commandant of the Marine Corps, General Krulak, told me 1 month ago he was required in this fiscal year to request one-half of the amount of money he is spending on his total buying for all the Marine Corps on environmental costs. So he is spending one-half of his total buy just on environmental costs.

Mr. HUNTER. If the gentleman will allow me to reclaim for a second, that means when our Marines get back from places like Bosnia, places like Somalia, they have very little money to refurbish their equipment and get ready for the war.

Mr. WELDON of Pennsylvania. Exactly.

Mr. HUNTER. Because if they do not do the environmental cleanups on places like Camp Pendleton, the commander goes to jail if he does not comply.

Mr. WELDON of Pennsylvania. Right. So all of these factors have caused us to be put into an environment where we cannot meet the needs of our military. That has resulted in a decline of morale. That has resulted in problems in terms of funding.

I have been with base commanders who have not paid their electric bill for 8 months because they have had to shift money over to help the administration pay for deployments that they never budgeted for. All of this we have to deal with.

Now, for the past 2 years, the Republicans, supported by a significant number of Democrats who are our friends, this is a bipartisan debate in the Congress, the battle here is not Republicans versus Democrats. The battle here is this Congress versus a White House that is totally insensitive, in my opinion, to the military needs. We increased funding for defense for the past 2 years.

What did the administration do? They soundly and roundly criticized us. They said this money was going for what they called pork barrel programs, even though 98 percent of what we funded were requests by the services.

But what really offended me was former Secretary Perry coming in before our committee and testifying that they had stopped the cuts in the acquisition accounts. In effect, what he was doing was taking credit for the plus-ups that they had criticized us for putting in the year before.

Even more outrageous, and the gentleman knows full well this issue because he and I cochaired this hearing, we told the administration that in each of the past 3 years they were grossly underfunding our requests for national missile defense. We put extra money in and we were criticized.

What did the administration do the beginning of this year? Secretary Cohen, being an honest broker, came before the Congress and said, "Well, ladies and gentlemen, we made a mistake. We have underfunded national missile defense by $2.3 billion."

So after the President submitted his budget, we were then given the task to go out and find the money that the President did not ask for, that we told him about for the past 3 years, to fund missile defense. So out of my subcommittee I had to eat a $474 million plus-up just for national missile defense, to fund the shortcomings and the mismanagement of this administration.

On top of that, because they underfunded the intelligence budget, they asked me to also put up $207 million of additional funding to fund the shortfall in intelligence.

On top of that, even though the President pounded his fist on the table and said to the AIPAC members across the country that he was for the Nautilus program, and that he would fight to protect the Israeli people, he never requested funding for that very program. And as the gentleman full well knows, we had to go and find out ourselves by plussing up our own estimate of what the money would be needed to give the Department of Defense enough money next year to actually implement the cooperative program with Israel called tactical high energy laser. Once again, the administration committed to it but never asked for the funding to make it happen. All of these things we have attempted to deal with in this bill.

I say to my friends and my colleagues who will listen to the debate tomorrow that they should be very careful because we are in a very difficult time. We are having to make decisions in an environment where the administration is not giving us the leadership. They are causing us to spend more money than we have, they are causing us to stretch programs out, driving up the costs of those programs, and they are not working with us in a way they should be working with us for the betterment of our people and for our troops.

I would add one more point. The administration talks a good game about jobs and so do the Members on the other side. I heard some of my colleagues down here wailing about the loss of jobs in this country. And as my good friend knows, we do not fund defense because it provides jobs, we fund defense because we want to support our troops and because there has never been a country that has been attacked because it was too strong. We never want to lose that edge.

But over the past 5 years, under this President, something we have never heard the other side talk about when they have railed about NAFTA, when they have railed about this side of the aisle, is the 1 million men and women who belong to unions who have lost their jobs because of this President's cuts in defense spending. He has decimated defense in aerospace.

So the gentleman has had a million workers who belong to the UAW, the IAN, the building trades, all the major metal trades, and all of them have felt the impact of the downsizing. Most of those people are out looking for positions paying not even one-half of what they were making when they worked in the defense industry. Another important point about the impact of the defense downsizing and the impact on our industrial base that has occurred over the past 5 years.

Mr. HUNTER. Mr. Speaker, I thank the gentleman, and I thank him for the dialogue that he has commenced with a lot of working people in this country to let them know how important defense is from an industrial base perspective.

I might mention that about 250,000 of those aerospace workers who lost their jobs, it is real, because 250,000 of them

lost their jobs in California as a result of the downsizing.

But I want to take the gentleman back, because first he has been our leader in missile defense, and his subcommittee, the Subcommittee on Military Research and Development, is the place where we put our plans together for missile defense to defend this country and to defend our troops in theater, and we move out with those plans and try to build those systems over the years.

I want to start the gentleman at about 1986 or 1987, when the gentleman and myself put together a letter that we sent to the defense secretary or defense minister of Israel, and we told him that at some point in the near future Israel would be attacked with ballistic missiles, made in Russia, coming from a neighboring nation. In that case I think we suggested in our letter that that might be Syria. Turned out it was another nation, it was Iraq, but in fact that happened.

We urged Israel to commence a program, not of building fighter planes, because everybody builds fighter planes, to drop that Lavi fighter, but to make the centerpiece of the American-Israeli production agreement and cooperation to make that missile defense. Because nobody in the free world made missile defense, and at that time we did not do it.

Partly as a result of what we did, and I think also as a result of what our Secretary of Defense did at that time, and I think some good thinking on the part of Israel's leaders, they embarked on the ARROW program, which is one of their missile defense programs, and they have a certain sense of urgency, because they know life is real, missile attacks happen. They have moved out with some urgency and are having a pretty good program with ARROW.

I would like the gentleman, because he is the expert on missile defense, to walk us through our programs, our Navy programs and our Army programs, and let our folks know, the Members of Congress and the American people, where we stand on those programs. What is happening? And I yield to him.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman and appreciate his lead on missile defense initiatives.

This Congress, again in a bipartisan manner, Democrats and Republicans, have come together for the past 3 years, and the single biggest difference between our position on security and the President's is we have said we have to move aggressively in protecting our troops, our allies and our citizens. Two years ago we plussed up by a billion dollars in this area, last year by a billion. This year our bill calls for about $800 million of additional spending.

Now, why do we do that? My friend and colleague knows the largest loss of life from a single incident that we have had, at least in the last 5 years, actually a little bit longer than 5 years, was when we lost those troops that were killed by that incoming Scud missile in Saudi Arabia. It was horrible. These young kids never had a chance. What hit them? A low-class, very rudely constructed missile that Iraq fired into that barracks.

Mr. HUNTER. It was basically the Model T of missiles.

Mr. WELDON of Pennsylvania. That is right, the Model T.

We said as a Nation, never again will this happen to our troops. That is why the Congress gave the administration carte blanche. We said we would give them the money they needed, we would give them the resources, but they needed to give us a system that is highly effective, that will protect our kids wherever they are in the world.

What has been the administration's response? They now are projecting that they want to wait until 15 years after those kids were killed to deploy the first battery of that highly effective system that is now called THAAD, theater high altitude area defense system. We say that is unacceptable.

We provide the full funding for THAAD, but we go beyond that. We fund the Navy's lower tier program, because we believe, as the scientists have told us, that the best way to protect our troops and our allies and our people from the threat of missile proliferation, that the best way to do it is to have a layered approach.

The first layer is Navy lower tier, which provides protection against cruise missiles. Cruise missiles are now being built by over 20 nations. Over 75 nations in the world now have cruise missiles. Pakistan, India, Iraq, Iran, every country we can think of has cruise missiles that they can fire.

We are putting the funding in well above what the President asked for, but what the Navy requested to implement Navy lower tier as soon as possible. We have a promising capability, as my colleague and friends know, in Navy upper tier to give us a capability using the Aegis systems to allow us to protect our ships wherever they are and to provide a wider range of coverage against faster, hotter missiles.

We have funded that system to a higher level, again in line with what the Navy says they need to move aggressively, to see whether or not Navy upper tier offers us potential well beyond just protecting a fleet of ships, perhaps even becoming eventually a national missile defense system.

Now, while we have been doing that, funding Navy upper tier, Navy lower tier, THAAD, cruise missile defense, we have also funded a space-based sensing capability so that we can detect the moment that a rocket is launched so that we can activate a response.

Now, some on the liberal side would say we should not do that, that is destabilizing. The Russians have had the world's only operational ABM system in place since the ABM Treaty was signed back in 1972. It protects 80 percent of the Russian people around Moscow and they have modified it three times.

The Russians, as my colleague and friends knows, have some of the most sophisticated missile defense systems they are now selling on the marketplace. In fact, the gentleman and I have had conversations that perhaps we ought to buy that system, because under this President we are never going to be able to deploy a decent, effective system.

General Lyles is on the record, and Under Secretary Kaminski, in charge of technology for DOD, said that we will not have a highly effective system under their plan to protect our troops until 2006.

Now, why is that such a priority for us? As my colleague and friend knows, we were told by the intelligence community that we would not have to worry about a threat to our troops or our homeland. They said we would see evidence of an aggressive testing program by an adversary like North Korea. We were told the No Dong missile of North Korea, with a range of 1,300 kilometers, would never threaten our troops because we would see it developing, so we could take our time.

Up until 1 month ago, when the world community saw North Korea deploy the No Dong missile system now. So that today, June 16, we have all of our troops in Japan, South Korea, and Okinawa at risk from the threat of a No Dong missile being fired at them, for which we have no defensive system that can shoot that missile down.

That is outrageous, and that is what this whole debate is about, giving us a capability that we know is there. It is kind of ironic that the administration now comes back this year and says to the Congress, "Well, we criticized you soundly last year and the year before on missile defense, but we guess you were right. We did underfund national missile defense by $2.3 billion, and would you please help us find that money?"

But it really irritates me that it has taken us 3 years to convince the administration that they had in fact not had the facts on their side. Only because of the efforts of a bipartisan group in this Congress with the leadership of my good friend and colleague, joined by Members of the other side, have we been able to keep these missile systems in place to protect us.

While we have done that, as the gentleman knows, we are increasing funding above the administration to protect us against the chemical or biological attack. That is the Congress taking the lead, not the White House.

□ 1430

Three years ago we started funding money for chem-bio technology, for

training our first responders. The administration followed us. We were the ones in the Congress that funded extra money for technology relative to information warfare above what the White House requested.

This Congress has been the guardian of the defense of this country for the past 6 years under this administration. Once again, we hope that our colleagues tomorrow will begin to understand why this has been so important and why we ask for them to join with us in a strong bipartisan vote.

Mr. HUNTER. Mr. Speaker, I want to thank my friend, the gentleman from Pennsylvania [Mr. WELDON]. He has made an excellent statement. He gives us great leadership on the committee, and I look forward to seeing him tomorrow and seeing a lot of other folks who presumably will give us a lot of support also. I thank the gentleman for his leadership on national defense.

One thing that the gentleman said, I think, should be very well taken by the people who have put together national security, and that is that we should have the Boy Scout motto, "Be Prepared." Because we have a number of nations in the world that have nuclear systems right now and have missiles, and right now they may not have the political intent to do us harm, but political intent can change overnight. Political intent can change with one election, one coup, one dramatic change of direction by any of a number of countries, and we will then, right then, have to be prepared to defend ourselves.

The idea that this administration says that is not so, we do not have to start preparing until it is clear that somebody intends to do us harm, is an illustration of the fact that the folks in the administration have not read history books.

We were not prepared for Pearl Harbor. I asked a number of our intelligence agents, intelligence leaders to tell me the other day how many of them predicted the Falklands War between Britain and Argentina. None of them predicted that. Well, I went to something a little easier: How about the fall of the Russian empire, how many of them predicted that? None of them predicted the fall of the Russian empire. Lastly, I said, how many of them predicted the invasion of Kuwait? One said, before or after the tanks started rolling? I said, no, it has got to be after the tanks had started rolling. None of them predicted the invasion of Kuwait.

So we know this: We have had a lot of wars in this century; we lost a lot of Americans killed in action; we are going to have more wars. That is human nature. That is the nature of nations. It is the nature of some of the aggressors around the world that we will have wars.

The only question will be, will we be so prepared and so strong that other countries do not mess with us? We are not that strong at this point, and we need to turn it around.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Speaker, on the way out, the gentleman from California [Mr. HUNTER] struck a note that I had to come back and respond, because he is raising very valid points here. When he talks about intelligence and how we decide how much money to spend on defense, it is supposed to be driven by the threat that we see emerging around the world.

Unfortunately, in many cases it has not been done in that manner. In fact, it has been basically a budget number given to us. But hopefully tomorrow, to my good friend and colleague, the Committee on Rules will allow me to offer one, and I have actually asked two amendments to be put in order, and the gentleman will know the importance of each of these amendments.

The reason why we have such a tough time convincing the American people on the issue, or the American people have been lulled into a sense of complacency, is that we have heard nothing from the bully pulpit except do not worry, everything is OK.

As my good friend, the gentleman from California [Mr. HUNTER] knows, this President on 135 occasions has made a speech that has the same phrase in it. He has done it 3 times at the podium in this room. He has done it on college campuses. He has done it before women's groups and national associations where he has looked this group squarely in the eye, squarely in the TV camera, and he said, "You can sleep well tonight because, for the first time in 50 years, there are no long-range missiles with nuclear weapons pointed at America's children."

Now, he has made that statement 135-some-times, and most of our constituents, since the President is the Commander in Chief, think that he probably knows what he is talking about. My amendment says one very simple thing: Mr. President, certify to the Congress the facts that bear out your statement. Certify to us that you can document that there are no long-range ICBM's pointed at our children. Certify to us how long it takes to re-target those missiles, which we have been told in hearings takes about 30 seconds, some have said 10 seconds. And certify to us that if a missile is taken off of targeting, that when that missile is activated it reverts back to the original targeting pinpoint, which would mean it would be aimed at an American city.

The President, as my good friend knows, cannot certify that. Because we have heard testimony over and over again that we do not know whether or not Russia has taken its missiles off of activation in terms of targeting our cities. We cannot verify that. But the point is that when the President says that over and over again, that drives the mood in this country that there is no longer a threat.

The second issue is one that is becoming increasingly important. As my good friend, the gentleman from California [Mr. HUNTER], knows, I work Russian issues aggressively and advocate engaging the Russians. But there has been a project in the Ural Mountains that Russia has been working on for 18 years. They built a city of 65,000 people right next to it. The site is called Beloretsk 15 and 16. And this site, we just do not know what it is for. They actually have mined out over 18 years a monstrous underground complex.

Mr. HUNTER. Mr. Speaker, if the gentleman would hold for a second, that complex is bigger, as I understand it, than the District of Columbia.

Mr. WELDON. That is right, it is exactly bigger.

Mr. HUNTER. All underground.

Mr. WELDON of Pennsylvania. All underground. There have been articles in the London Times and the New York Times and there have been over 30 articles in the Russian media about this project.

When I was in Russia, my 10th visit to that country, 3 weeks ago, I met with Minister of Atomic Energy Mikhaylov, I met with Minister of Natural Resources Orlov, I met with Boris Yeltsin's top assistant, Boris Nemtsov, I met with the Deputy Defense Minister Mikoshin and I met with the No. 2 guy in the general staff, General Manlov, and I asked each of them about this project and I said, we need to have some transparency.

The response was, each of them knew about the project but none of them would claim that it was their project. In fact, Mr. Mikoshin said to me in front of five Members of Congress, "Mr. Chairman, Mr. Congressman, I know of that project, and I do not like that project. But to get further information, you have to go directly to Boris Yeltsin."

Now I could tell my friend and colleague, I have had all the briefings that we can get as Members, classified at the highest levels. We do not understand what is going on there. If you read the Russian media, in 1991, General Zyuganov, who was in charge of this project, said that it was an ore mining project. In 1992, General Zyuganov said that it was a facility to store food and clothing. Since that point in time, the Russian security apparatus has identified this project as one that is of strategic importance, that is one of the highest security that exists in Russia today.

My point is, at the same time that we have a President and an administration trying to create a feeling that there is no longer a concern, we ignore the fact that there are things going on in the world, not just in Russia, the

transfer of technology from China, the M–11 missiles, the ring magnets, the chemical-biological technology, the Iraqis taking accelerometers and gyroscopes from Russia for long-range missiles. All of these things are happening, and not in a vacuum, and yet we have a President that is telling the American people, do not worry, there is nothing to be concerned about.

In fact, he is even going so far as to basically ignore the enforcement of the arms control agreements that he maintains should be the cornerstone of our relationship. He has waived the sanctions under the MTCR with China. He has waived the sanctions under the MTCR with Russia time and again. So even though the administration claims arms control agreements are the critical component of our bilateral relationships, there is a pattern here of consistently waiving sanctions that should be imposed under them.

The reason why I mention all these things is because the administration is driving a feeling in this country that creates a false sense of security. As my friend knows, we are not advocating that we resort to the cold war again. In fact, we are doing more with Russia than any Congress has done in the last 50 years proactively. But we want an administration to work with us, to be candid, to be honest and forthright.

We get none of those things in this administration. In fact, we have gotten little or no cooperation on strategic programs that we feel are important, that our Joint Chiefs feel are important to our long-term security.

I thank my colleague, the gentleman from California [Mr. HUNTER] for yielding on those couple of points I wanted to also add.

Mr. HUNTER. I thank my friend, the gentleman from Pennsylvania [Mr. WELDON], so much for his words. I hope they will be well taken on the floor tomorrow.

Let me go back to what we actually have in terms of a defense apparatus that he spoke so eloquently about. As I have said, we have gone from 18 to 10 Army divisions, 24 to 13 fighter air wings, 546 Navy ships to 346, all since Desert Storm.

Now what does Congress and what does the President owe to the American people in terms of national security? According to the Constitution, the President is the Commander in Chief. The Congress is charged with raising the navies and the armies necessary to defend America. Well, what is that?

Well, over the years, we have come to the conclusion that we have to be prepared to fight two wars almost at the same time. The reason we have to be prepared for that is because if we get in a conflict in Korea or in the Middle East and we get our military tied down in that area, there is a chance that somebody else on the other side of the globe is going to look at that as an opportunity to do something, like invade South Korea, for example, or do something else along that line. So we have to be prepared to fight two wars at about the same time.

Now, we have folks in the Pentagon, great folks, great minds, civilian and military, doing war games all the time and trying to figure out what it is going to take, how many people do we need, Army, Navy, Marine Corps, Air Force, how many planes, tanks, ships do we need, what type, how much ammo do we need to fight that two-war scenario. They are supposed to put that all together and come up to us with a bill for it and say, here is what it is going to cost, Mr. Congressman, Mr. Representative, Mr. Senator, Mr. President. Here is what it is going to cost to defend the American people, our number one obligation.

So we have said, well, it has got to be a two-war requirement. We have to have the ability to fight those two fights at the same time. Well, what are those two fights? It is interesting because two of the wars that we think are the most possible, the most probable, are wars we have already fought. We fought on the Korean peninsula starting June 25, 1950. We fought Desert Storm on the sands of Iraq after Saddam Hussein invaded Kuwait. We fought that war.

I want to tell my colleagues what it took to fight both those wars. First, in Korea we used seven Army divisions. That is seven. In Desert Storm, we used eight Army divisions. That is eight. Eight and seven is 15. The Clinton administration has cut our Army divisions from 18 to 10. So we have the prospect of fighting two wars that used a combined 15 Army divisions, and we only have two-thirds of that strength. We can go right down the list with respect to air power and with respect to U.S. Navy requirements and we are short. We are short of fighting the two-war scenario.

I looked at Louis Johnson's testimony. He was then the Secretary of Defense in 1950, just a couple months before North Korea invaded the South. And I see a lot of the same words that we see coming from this President's administration back then. Louis Johnson did not seen very alarmed. He had no idea that a bloody war would start in about 4 months. He said things like, "We are turning fat into muscle. We are getting a lot of people from behind their desks and putting then in the field. We are creative. We are innovative." He had a very pleasant and, I think, a very optimistic view that he presented to the U.S. Congress.

We asked Omar Bradley, then General of the Army, five-star General Omar Bradley, to comment on the state of the defense budget. One thing Bradley was known for, even though he went along with what his President requested, he did give us one warning that we did not heed. He said, "We cannot win a major war with the size of the military we have now." He said that he did go along with the budget because it provided a core around which we could build in times of an emergency, But Omar Bradley knew that we could not fight a major war. And, unfortunately, within a few months we were in a major war.

Now, a lot of folks back then had the same idea that the Clinton administration has today. They said, you know, we are never going to have to fight the Chinese or the Koreans or anybody else because we have, guess what, the atom bomb, and nobody wants to mess with a country that has the atom bomb.

But nonetheless, after the North Koreans pushed us down the peninsula, we finally got a foothold in the Pusan perimeter, we pushed them back up, we started to win. The Chinese sent in hundreds of thousands of troops, surprising us by getting involved in this war we never thought they would get involved in.

□ 1445

The Secretary of Defense who is a fine gentleman, Secretary Cohen, a man I really like and respect, had somewhat of the same description about Desert Storm. I pointed out that we did not have as many Army divisions as we had then and we used up almost all of them, 8 of them, in Desert Storm. We only have 10 today. And he talked about Saddam Hussein being weaker now than he was in the old days. But remember, we were worried that other nations in that area would come to Saddam Hussein's assistance, would help him, and he was out shopping around trying to get his neighbors to support him against the United States. But every time he got to one of those countries, George Bush had been there in front of him and had lined that country up solidly on our side, countries like Egypt, that Saddam Hussein thought he might be able to bring over. So Saddam Hussein had to fight Desert Storm alone. That might not happen in the future. We cannot make all of our war plans based on Saddam Hussein acting alone the next time. We have to be prepared for him to act with some allies.

Similarly when the Chinese had no problem with getting involved in Korea when we had nuclear weapons and they did not, today they have nuclear weapons aimed at American cities, and they have that leverage and we have nuclear weapons also. They are much stronger in a relative sense than they were in 1950. They had no problem with sending their hordes of people south to kill Americans on the Korean Peninsula in 1951. They will not have any qualms about doing that today. So we are weak.

We have undertaken this drawdown that is a historic cycle in America.

After we got involved in World War I, we lost a lot of people, our people came home and wanted to do other things, Americans had no taste for a large defense budget, we cut our budget dramatically. The justification for cutting it was we said, "We have already fought the war to end all wars." For folks that are studying history, that was a well-known phrase in the 1920's because World War I was so bloody and so tough and so rugged on people that we did not contemplate there would ever be another war. Well, a war to end all wars was followed by what, another war to end all wars. That was World War II which once again caught us without the industrial base that we needed and without the defense forces that we needed to deter Japan, that means keep Japan from attacking the United States. So we had a bloody war. We lost a ton of good Americans. Once again we came home after the war, we had about 9 million people under arms in 1945, we came home after the war, we threw away our weapons, General Marshall was asked how is the demobilization going, he said, "It's not a demobilization." He said, "This is a rout. People are just throwing their weapons away." We need to stay strong but we did not stay strong and we only had 10 Army divisions when Korea started. That is the number of Army divisions we have today. We kidded ourselves about not having to have those people. In fact, in that year in 1950 just before Korea was invaded, the other body, the Senate, tried to pull the defense numbers down by $100 million. The House of Representatives stood up to them and would not let them make that reduction. We have now won the cold war. But the ambitions of Russia can be reconstituted just as fast as they were dissipated. Russia has turned and within just a few months' time actually changed their intentions with respect to the United States from being an extremely aggressive nation, an extremely ambitious nation that was working hard in Africa, they were working hard in our own hemisphere in running supplies into Central American nations, they had met us on battlefields around the world where they met us with Russian-made equipment in Vietnam, in Korea, and in Afghanistan we met them with American help for the Afghan freedom fighters. We had fought in proxy wars around the world during this cold war. Their intent toward the United States changed so quickly that none of our intelligence people, at least the ones I talked to, the presumably really smart ones, none of them predicted the falling of the Berlin Wall. People laughed at the idea that President Ronald Reagan went to the Berlin Wall and said, "Mr. Gorbachev, bring this wall down," and yet within a few months it happened. Their intent can go from a benign intent toward the United States to an aggressive intent toward the United States just as quickly. They have the apparatus, they have the nuclear weapons still. As the gentleman from Pennsylvania [Mr. WELDON] said so eloquently, if they are not aimed at the United States it takes 30 seconds to retarget them. That means that a Soviet missile specialist sitting in a silo can reaim those nuclear weapons at cities in the United States as quickly as the average rifle shot at the Olympic rifle marksmanship trials can lift his rifle up and aim it at a bull's-eye. That is how fast the Russians can retarget. We have China trying to step into the superpower shoes that were left by the Soviet Union and their military is on the ascendancy. They are adding things like this missile destroyer. This missile destroyer has only one enemy in the entire world. It is designed specifically to destroy American ships and kill American sailors. They are doing that incidentally with the toy money and the other money that we send to the tune of $40 billion a year in surplus to Communist China.

Mr. Speaker, we live in a very dangerous world. The last thing that I think it is important for my colleagues to know is that while we are short on Marines, we are short on Army, we are short on Air Force, we are short on Navy in terms of force structure, we are also short on ammunition. The Army has certified to myself and to the gentleman from Missouri [Mr. SKELTON], who is the minority ranking member on the Subcommittee on Procurement, that they are $1.6 billion short of what it takes in ammo to fight those two wars that we talked about. The Marine Corps has said in their letter that they are $300 million short in ammo. They are 93 million M–16 bullets short of what it takes to fight those two wars we talked about. The point is we have entered a trough, a time of weakness, it is a historic cycle, a cycle down in this case for America in terms of defense spending. We need to boost it back up. I guess what I would ask all of my colleagues is to stick with us, stick with the few extra dollars that we put into this defense budget to give some modicum of support to the men and women who serve in our Armed Forces.

Mr. Speaker, I think it is clear that our motto with respect to national security should be, "Be prepared." We are not prepared now if the intent of other nations around the world changes dramatically and suddenly. We owe it to the American people not to be ready to build a strong defense but to be ready with a strong defense already built in case we should have a war.

THE REPUBLICAN TAX CUT PLAN AND THE BUDGET BILL

The SPEAKER pro tempore (Mr. COBLE]. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I wanted to spend some time today, and know I have some of my colleagues, including the gentlewoman from Connecticut [Ms. DELAURO], who has been really outspoken on this issue of why the Republican tax cuts which are part of the balanced budget package really are not fair to working families in this country. Of course the Democrats have come up with an alternative primarily targeting the tax cuts to working families. Really for those of us who voted for the balanced budget resolution and who have supported that plan over the last couple of weeks, it has been very disappointing to see the Republican leadership, particularly on the Committee on Ways and Means, come up with a tax bill that essentially does not do the right thing for America's working families. Because we believe, those of us who supported the balanced budget resolution, that in achieving a balanced budget, we have to do what is fair. We have to make sure that whatever tax cuts are implemented, primarily are targeted to help America's working families.

I am really concerned that the Republican leadership is doing just the opposite. Their tax bill would essentially phase out the alternative minimum tax for corporations which will cost taxpayers $22 billion over the next 10 years. This is a tax on corporations that was passed in 1986 to stop many large, wealthy corporations from getting away with paying no taxes at all which is what we are going to go back to if the Republican leadership plan, their tax cut plan, goes through.

□ 1500

And while doling out this corporate welfare essentially, the Republican leadership has also decided to deny tax breaks for working families and also deny, and I want to stress deny, the minimum wage and basic worker protections for men and women they said had to get off welfare and go to work.

I do not know how this got into the bill, but in addition to the problems with the Republican tax cuts not helping working families, they have also put a provision in the reconciliation bill as part of their budget plan that would say that for those who are on workfare, those coming off of welfare as a result of the welfare reform, that they do not get minimum wage, and I think that is totally wrong. The whole idea of the welfare reform was to encourage people to work, to bring these people who are on welfare up to the standards, if you will, of the rest of the working population, and if you simply deny them minimum wage in the context of this overall plan, I think what you are doing is basically saying they are second-class citizens, and making

them create competition between those who are already working, who are getting the minimum wage, to essentially bring down their wages as well.

So, Mr. Speaker, the Republican priorities I think are clear, and they are actually very bad for working people because the tax cuts are not for working people; the minimum wage, the lack of a minimum wage for people coming off welfare, does not encourage them to work, and the tax breaks again go for the wealthiest and most powerful corporations and individuals rather than for the working families of America.

We are going to be talking a lot more about this, but at this point, if she likes, I would yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I thank my colleague from New Jersey, and am glad to join with him this afternoon just to say that I look forward to all the opportunities that we have in the next several weeks to talk about the tax cut plan, because I think you stated it absolutely correctly.

There are two tax cut plans. The Republican majority has a tax cut plan, and the Democrats have a tax cut plan. This is not a question of one or the other parties having a plan; we both concur like we did on a balanced budget agreement that in fact we ought to be able to provide tax relief, and the tax cut plan is a good opportunity for the public to take a look at who is on their side and who is on the side of working middle-class families in this country.

That is what the discussion is about because, again, there are two tax cut proposals that are on the table.

Just a footnote to what you were saying about the minimum wage, which is really quite extraordinary in that we pride ourselves in this country on rewarding people to work. We also passed a welfare reform bill in order to get people from welfare to work. That was the purpose of the legislation, and I think everyone concurs with that.

Now to say that if you are going to work, you cannot earn the minimum wage; that is astounding and outrageous, quite frankly, when you think about trying to reward people not for something they are not doing, which was the cry in the welfare situation and why we reformed welfare, but to get people from welfare to work, let us pay people the minimum wage, an honest day's pay for an honest day's work. I mean that is what we are all about in this country.

Let me go back to the tax proposal because, as my colleague from New Jersey has pointed out, the Republican tax proposal flat out, plain and simple hurts middle-class families. My colleagues from the other side of the aisle, they are going to stand in the well of this House, and they are going to talk otherwise. Let me just give you two or three facts about the Republican proposal and then two or three facts about the Democratic proposal.

One, the Republican bill hurts working women by slashing the child tax credit for 6 million families. The Republican bill hurts seniors by providing only $600 million for low-income seniors to pay for rising Medicare premiums. What is necessary, and these are low-income seniors who are assisted with paying their Medicare premiums, what is required in the bipartisan balanced budget agreement. Now understand, people must understand that in a bipartisan way we said we were going to have a balanced budget agreement, and we agreed in that bill, with lots of weeks of turmoil and tribulation and going back and forth, to come to a balanced budget agreement. Within there it is said that we need $1.5 billion in order to help seniors, low-income seniors.

This is nothing new. This was agreed to. The Republican majority has reneged on that agreement with regard to seniors.

The Republican bill hurts working families by denying the minimum wage to those struggling to make the transition from welfare to work.

The Republican bill hurts students. It provides, their bill provides, $15 billion; I repeat, $15 billion less for the education initiatives that were once again agreed to in a bipartisan way by the President and by the House and the Senate. This was agreed to. Students are hurt by providing $15 billion less in financial assistance to assist working families in getting their kids to school.

Take a look at their proposal, and you take a look at who is being helped by the congressional majority's proposal: big business and the wealthy. There are two or three examples, and my colleague from New Jersey already mentioned one of them. The bill helps big business, the biggest, largest, most prosperous corporations in the country. By scaling back something called the alternative minimum tax, it scales back their tax obligation by $22 million. This tax was supposed to ensure that large corporations pay at least some income tax, but now the Republicans want to scale it back, and then they want to phase it out completely for some businesses.

I might add here that this was tried in the last session of the Congress as a part of the Contract With America, the repeal of the alternative minimum tax, causing such an outcry in the country that they shelved it for a while. They now brought it back. Again a week ago there was an outcry, but what they did was they called for the repeal. There were people who said this is outrageous. Even some of the members of the Republican conference said that it was outrageous. How can we go to the floor of the House, one Member said, and defend the largest corporations in the country not paying a single dime in taxes when working families are paying taxes?

So what they did was that they retreated somewhat from that, so what they are doing is they are giving them a gift, but they just scaled back somewhat on the gift that they are giving them. This is really outrageous. These are the most prosperous corporations in the country. In 1986 we said let us just put in a floor so that you will be paying taxes like everyone else, and now they want to begin to phase it out. At the same time they are telling parents, men and women who are in the workplace, that they are going to cut in half their opportunity to take a dependent child care tax credit. They are going to cut that back in half for working families today and provide the biggest corporations in this country with a windfall profit.

The Republican bill helps the rich by providing tax breaks for the wealthiest of Americans. Over half of the tax benefits from this bill go to the top 5 percent of Americans, those making more than $250,000 a year.

These are simply the facts. These can be looked at, and people do not have to take my word or your word or anyone else's word. They can take the documents, they can look at the commentary on the documents, and they will find that these are the simple facts about the Republican tax proposal.

Let me make an additional comment in response to my colleague on the other side of the aisle [Mr. KINGSTON]. This morning he referred to the families who receive the earned income tax credit as being, quote, on welfare, and I have a high regard for my colleague from Georgia [Mr. KINGSTON]. I just want to remind him that earned income tax credit means that people are earning an income before they are allowed any kind of tax credit. Earned income; this is a tax credit for working people.

My colleague from Texas [Mr. ARCHER] also said the other day that millions of working families call the earned income tax credit the EITC welfare program. The earned income tax credit is not welfare. It is a tax break for low-income families who work. Once again, it is a tax break for low-income families who are working. These folks are working hard, they are playing by the rules, only to be criticized as receiving welfare simply because they do not happen to make a lot of money; they are not the richest corporations in this country.

My colleagues' comments speak volumes about whose side they are on in this budget debate. The Republicans are not on the side of average Americans if they consider tax relief for working families' welfare. This is clear by their willingness to give huge tax breaks to the wealthy and to big business at the expense of average working families.

I just want to make one other point, and I will yield back to my colleague, because I said that there is a Democratic tax cut proposal that is on the table. It has been designed very, very carefully in order to provide working middle-class families with tax cuts and tax breaks. The Democratic tax bill provides the majority of its tax benefits to families making less than $100,000 a year. The tax bill, the tax cut package, includes $37 billion for tax credits to help students to pay for college, truly making it a reality in this country that we will have not just 12 years of universal education, but 14 years of universal education, and this is through a HOPE scholarship program.

The Democratic tax bill provides relief to small businesses through capital gains that is targeted specifically to small businesses, to family-owned businesses, homeowners, to farmers, in the form of targeted capital gains and estate tax cuts. The homeowners' capital gains tax cut is in the Democratic alternative.

Finally, what the Democratic bill does not do, it does not balloon the deficit in the later years. So after the first 5 years you will not see the deficit, which we have worked so hard to decrease, balloon out of sight once again, thereby defeating everything that we did since the 1993 budget that only Democrats supported in this body, which allowed for interest rates to come down and provided us with the opportunity today in order to have a balanced budget agreement and to be able to have a tax cut program.

The Democratic bill does not balloon the deficit. In fact, the Democratic bill is the only proposal on the table that in fact is a balanced budget which phases balance into the next century.

In this budget debate it is clear that what we have got to determine and the public has got to determine is who is on whose side. Republicans are on the side of big business and the wealthy, and it is the Democrats that can say to the average working middle-class American family that we are on your side. And quite honestly, that is where we ought to be. We ought to be with people who are trying desperately to pay their bills, scrambling every week to get those bills paid, to get their kids to school. They are worried about the cost of health care, and they are worried about their pension and their retirement security.

That is where our obligation is, and I am proud to say that that is, in fact, where the Democratic tax cut proposal is.

I thank my colleague for calling this special order today, and I am happy to participate with him.

Mr. PALLONE. I just want to thank the gentlewoman from Connecticut.

Again what the gentlewoman is saying and what all the Democrats are saying here is that in the context of this balanced budget resolution what we want to do is augment the middle class. The middle class, the working class, is really what defines America. It is why this country is so much greater and has been so much more successful than other countries, because we have this huge middle class. And so what we are saying is that with the limited resources that we have available pursuant to this balanced budget resolution we want to make sure that those tax cuts go to increase the middle class and to make the middle class and the working class a larger and larger group.

Now I think that the gentlewoman in particular by focusing on the struggling working people, you know those who are at the lower end we are trying to get off welfare, those are the ones in particular that we have to try to help. You know, that is the whole idea of the welfare reform, to get people off welfare. But they are only going to get off welfare and have an incentive to get off welfare if on the one hand they are paid a decent wage. I would maintain that a minimum wage is not even a decent wage, but at least it is a beginning, and that they have a place where they can provide child care for their kids while they work, and everything that is being done by the Republicans that addresses these struggling working-class people is essentially to their detriment. We have this earned income tax credit which has been a major incentive to get people off welfare and stay off welfare.

□ 1515

To the extent that people are penalized because they are getting that, it is detrimental to the goal of getting more people into the middle class. To the extent that they are penalized because they are poor and they are trying to take advantage of a child tax credit and they cannot juxtapose that with the earned income tax credit, again, it is a disincentive for them to work and for them to get off welfare.

So I think that the gentlewoman is right on board there when she is talking about these things. Of course the biggest aspect is the minimum wage. If one says that people who are getting off welfare are not going to get the minimum wage, if we take that away, and we take away the advantages of a child tax credit and create disincentives for the earned income tax credit, we are basically making it more difficult for those struggling working class people, the very opposite of what we should be trying to do with this legislation.

At this point I would like to yield to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I thank my colleague from New Jersey for this special order to talk about the tax cut bill. My colleague, the gentleman from New Jersey [Mr. PALLONE] and I serve on the Committee on Commerce, and last week we spent many hours in markup and voting on the Medicare portion and Medicaid and children's health care portion of the budget agreement.

My concern today is the medical savings account and the cost that it will have. A little brief history maybe. Last year under the Kassebaum-Kennedy bill, where we had portability and dealt with MSA, as a pilot program for medical savings accounts, MSA's were allowed for half a million people. MSA's, medical savings accounts, are allowed today even without that. If I wanted to go out right now and set up a high deductible health care plan, I could go buy it.

What the bill last year did is say OK, we are going to take 500,000 people and we are going to give them a tax deductibility, like an IRA, for their medical savings account. Now, the majority Republicans in the House want to do this for Medicare. But again, let me go back and do some comparisons between medical savings accounts and standard insurance.

Medical savings accounts, again, one could do it without any authorization from Congress, but the tax deductibility is the thing that makes it attractive, whereas last year the average wage-earner in our districts across the country that may pay $200 or $300 a month for their insurance, for their children's insurance, for example, they do not receive any deductibility for that. So if one has $5,000 to put away, we are giving a deduction. But if one has to pay for one's insurance, $200 or $300 or $400 at a time, one does not get that deduction. So all I think we ought to have is fairness.

It was wrong last year, but it is even more wrong with Medicare, because under Medicare it is actually costing us $2 billion of tax money to do a pilot program for half a million senior citizens who are on Medicare. Again, it is not like those seniors have $5,000 put away. It is the Government that is going to give them their money for their medical savings accounts, so that is why it is going to cost us for a pilot program $2 billion.

It is not those seniors' money, it is everybody's money to do it. Medical savings accounts were sold to us as a way that we could control our own health care. And maybe it works, but the only reason it will work is that, if we give a tax deductibility for people who are non-Medicare, and on Medicare, we are actually paying them to do that.

The way it works, the 500,000 pilot program under MSA's for Medicare is that Federal tax dollars will pay for $5,000, and they will buy that down, for whatever they do to go to the doctor. What they have left in a certain year, then they get to take that. There is

very little control, as we heard in committee last week, that if I was 66 years old and wanted to do a medical savings account, I would apply and be accepted into the pilot program, I guess. And if I only used $1,000, then I could apply for the remainder of that. If I wanted to buy a boat with it, if I wanted to do whatever I wanted to with it, there are no restrictions in this bill.

The problem most of us have is that the average Medicare recipient today costs, on the average, both the people who need a lot of help from Medicare and the people who are healthy Medicare recipients, is about $1,600. So it is a bad deal for the taxpayers to pay $5,000 to somebody who may only be on the average using $1,600 during the year. That $2 billion is part of this balanced budget agreement, that is what bothers me.

Now, there are lots of things I may disagree with, and some of them I may support in the proposal we are going to consider. But the MSA's is a tax cost, and it is tax dollars that are being used to experiment that we can experiment and do options for a lot cheaper than $2 billion. We ran with amendments in committee, and I think my colleague and I both voted for a smaller pilot program, one that costs a lot less. We lost on basically a party line vote. That is the frustration.

Mr. Speaker, we all want choice in our health care, whether one is a Medicare recipient or whether one is just someone else out here buying on the open market for health care. We want choice. But the choice should be our choice, but the choice also should be our assets or our costs that one is dealing with.

Now, if we want to give a tax deductibility for people on health care, then I hope to, and maybe that ought to be one of the tax reform measures. Let us give a tax cut to people who are having to buy insurance. The gentleman and I know that there are great examples of employers all over the country because of the cost of health care for their employers, maybe at one time they gave both dependent care and their employees; but because of the high cost of insurance, they have cut back and they say well, we will pay for their employee's coverage, but their employee has to pay for this dependent care.

Why do we not give a tax deduction in this bill for that dependent care? We would see more children insured, more dependents insured, spouses who are at home who may not be eligible for health care through an employer; but that is not considered. We are going to spend $2 billion of tax dollars for an experiment on Medicare on MSA's, medical savings accounts, and it just does not make budget sense.

That is the frustration. It is not GENE GREEN or Democrats in Congress saying that it is costing $2 billion. The Congressional Budget Office estimates that these medical savings accounts would cost $2 billion over the 5-year budget period.

Only in Washington, and we heard this last week in our committee, only in Washington could a $2 billion cost say that is cost containment. To me, we ought to be able to save money on that and not spend $2 billion.

MSA's, or medical savings accounts, in a sense are a voucher for seniors' health care, and it is more expensive for the Government because not every senior uses that $5,000. Again, my seniors in Houston, just like my colleague's in New Jersey, are smart enough to know to say: Well, wait a minute, I am healthy, I do not need to go to the doctor every day or every month, I will apply to that, and if I do not use that $5,000, that is money in my pocket. So that is tax money, though. I want them to have the money in their pocket but not when we are having to take away from other programs to have to do it.

A good example of taking away: One part of the budget agreement that I thought was good that we again failed on in the committee process was to have a program on the Medigap, or the supplemental insurance for senior citizens. So often, Medicare costs them $43, $45 a month, Medicare part B. That will go up under the program, although it will go up a small amount every year. The high cost to seniors today, though, is what their supplemental insurance is costing them. So there are a lot of seniors who are poor seniors who do not have the money to pay $200 a month for their supplemental policy.

That is the problem in part of the budget agreement, was to save those seniors who are poor that would be paid their supplemental insurance, would be paid through Medicaid. But we lost again on that amendment last week that would say well, wait a minute. The budget agreement said that these costs are going to go up.

Let us take care of poor seniors who cannot afford the supplemental plan. What do we have? We lost on that. So we have a lot of seniors who are going to, may see a substantial increase in their costs and cannot afford it. That is why a lot of us on both sides of the aisle, I know I do as a Democrat, want to see a balanced budget. But what is coming out of our committees, whether it be our Committee on Commerce, whether it be out of the Committee on Ways and Means, the Committee on Agriculture or Committee on Education and the Workforce, is something that I cannot support because the devil is in the details.

We support a balanced budget. But when we see the details that are coming out of some of our committees, that is when we are going to say wait a minute, that is not the agreement that was made 3 weeks ago or a month ago, that is not the criteria, that is not the framework that we talked about. When we are not taking care of seniors, who cannot afford the supplements, when we are experimenting with $2 billion of tax dollars for medical savings accounts, that is $2 billion.

I hear all the time from our conservative talk show folks that say, it is not your money to spend. This $2 billion is not my money, it is not our money, it is tax dollars that we should not be experimenting with, tax dollars for medical savings accounts. It is not a good program. And I would hope that, although we will not have a vote on the floor on that amendment, I would hope the conference committee and the Senate would look at this and say that $2 billion can be used for other purposes, or maybe send it back to the folks for more tax reduction, or maybe help balance the budget sooner than 2002, which also brings up a concern.

I worry about the tax agreement or the budget agreement, $85 billion in tax cuts that we have. We have lost our goal, to balance the budget. And I worry that we are going down that same road that happened in the early 1980's where the last major tax cut was 1981, and yet we saw the budget deficit balloon during the 1980's because of a lack of budget discipline. I hope that we are not making that mistake here in this Congress.

So I want to thank my colleague from New Jersey for having this special order but also for allowing me to participate in it today.

Mr. PALLONE. Mr. Speaker, I appreciate the statements that the gentleman from Texas made, and if I could just elaborate on these MSA's and what is happening with Medicare with the MSA's. I find it incredible.

The gentleman, of course, listened to the earlier debate that we had where we were discussing the fact that as part of that balanced budget resolution, we wanted to make sure that scarce resources, in this case the tax cuts, went to working class people, working families in this country, and not to corporations or the wealthy.

Well, here again, we are seeing the same thing on the other side. That was the tax cut side. This is of course the entitlement or the spending side, if you will, to some extent, and here we are seeing the same thing happen again. MSA's, medical savings accounts, were not part of the balanced budget resolution.

The idea was that we were going to have to cut back on the amount of money we spent on Medicare and Medicaid, because we knew that entitlements were ballooning and that, if we did not make some cuts in those entitlements, that the programs would not be there in the future, because we do not want Medicare and Medicaid to become insolvent. We want them to be there for future generations.

So we all reluctantly, I know the gentleman and I reluctantly agreed to

some of these cuts in Medicare and Medicaid. But in the context of that, to come along with a totally new program now, medical savings accounts, which really do absolutely nothing but take more money away from Medicare, I think, is unconscionable. I really do, because what we are basically saying is that we are going to cut, if you will, another $2 billion that is going to be possibly taken out of the Medicare Program, when we already know that it is a problem taking some of the cuts that it is taking under this budget resolution; and we are going to give that money, in my opinion, primarily to wealthy people.

I say that because, as the gentleman said, who is going to take advantage of this program? Basically what we are telling this individual is this: If you take the money that it costs on an annual basis for Medicare, for the average person, and we give you that money and you go out and buy a catastrophic health care policy just to cover you in case you have a catastrophic illness, then you keep that other money, what is left, in the bank. Say it cost $1,500 for the catastrophic policy and you have another $2,500 to play with, you keep that in your bank; and as you get sick, you pay for that in cash, essentially.

□ 1530

The average senior citizen, the average person over 65 who is going to be worried about how they are going to pay for their health care if they get sick is not going to take that risk.

The only person who will take that risk is, first of all, someone who is very healthy, and not too many over 65 are very healthy, and they have to have enough extra money, they have to have a lot of other money and be wealthy to know if they have to pay into it, if they have to go over that 25, that the money is available. So the only people who are going to take advantage of this are healthy and wealthy people. The other thing is if they do get sick, then a year later they can go back into the traditional Medicare.

What are we doing? Once again we are creating a huge hole in Medicare to give money back essentially to pretty much wealthy people, and then at the same time, the Republicans have refused to pay for the premiums for the very poor people, we call them SLMBY's, who they promised in the budget agreement they were going to pay for.

So under this Republican proposal that came out of the Committee on Commerce, if I am somebody at the lower end, relatively poor, right now my Medicare Part B, my doctor bills, if you want, my doctors insurance, is paid for by Medicaid, OK? But the Republicans are saying, we are not going to do that because that is going to cost us $1.5 billion, so you are on your own.

So what happens is the poor person cannot get the money to cover the Medicare Part B; the wealthy, healthy person now gets money back that they basically get as income to themselves from the taxpayer. I hate to say it because I do not like to talk in these terms, but basically what the Republican leadership has done is to say that we are going to help the wealthy, and we are not going to help the relatively poor struggling working people; again, the same thing that is happening with the tax cuts.

I just find it incredible that they are proposing this with a straight face. This was not part of the budget agreement. This does not do anything to help Medicare. It does not do anything, and if anything, it aggravates the potential problem in terms of insolvency for Medicare.

Mr. GREEN. If the gentleman will continue to yield, Mr. Speaker, I guess my concern is we are losing the budget agreement in the effort with the details. Again, there are a lot of healthy senior citizens, and again, they are smart enough to know that they will not go get those tests if they feel good, if they know they can keep that money themselves.

But again, the average cost for a Medicare recipient in our country today, the average cost of everyone, is $1,600 a year. If you give the healthiest an opportunity to have a medical savings account that is paid for by the Government, paid for by the Government, that is deductible in their premium, then they are going to take it.

My concern is over a period of years, we heard last year the denials that Medicare would wither on the vine. This may be, now it may be baby steps to get Medicare to wither on the vine, because let us take money out of Medicare and put it in an experimental program for $2 billion. Next year it might be something else they want to do, or something else. So they are taking money out.

Again, we know Medicare has to be reformed. We know we want the trust fund, I want the trust fund to be solvent after 2010, because frankly, I am going to be 65 sometime after that time. I want Medicare to be there not only for my dad, but for me and also for my children.

But we do not do it by taking money out of the system and experimenting with it, and maybe calling into question the whole senior citizen health care program that has been with us since 1965 and has been one of the greatest things our Government has ever done for seniors. It shows, because that is also the ever-increasing population. People are living longer, and it is also because both they are healthier and also they have Medicare to take care of people.

I want to thank the gentleman for taking his time for this special order, not just on the medical savings account, but also on the whole tax bill, because there are things in there that I would like to vote for, but things like MSA's make it to the point where I just cannot vote for it. If they are in there, with the lack of the SLMBY help for the senior citizens, then I would hope the President would also make that determination and veto it if it actually gets to his desk with those in there.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments. I just want to talk a little bit more about the MSA's, because I think the gentleman made a very good point about how the MSA's actually, in the long run, may hurt or even kill the Medicare Program. Many of our Republican colleagues, including the Speaker, who made the comment about how Medicare should wither on the vine, essentially have been indicating over the years their lack of support for the Medicare Program.

I think in many ways what is happening here with the MSA's, with the medical savings accounts, is an effort to try to ultimately destroy the Medicare Program. I am not going to say it is always intentional on the part of my colleagues on the other side of the aisle, but the effect is the same.

Let me just give a little bit of information in that regard. First of all, the whole idea of an insurance pool, and the whole idea of Medicare, because it essentially is an insurance pool, is that you have both healthy people as well as sick people, and everyone in the middle. In other words, you finance the system, if you will, by having as many people as possible who are healthy as well as sick, because the idea is that having a lot of healthy people in the overall insurance pool provides money that can be paid out to those who get sick.

If you break that system, if you separate the healthy from the sick and essentially put the healthy into medical savings accounts so Medicare, now the traditional Medicare, only has sick people, you are essentially breaking the insurance pool, and you are driving up the costs of the Medicare Program for those who are left in it, the people who are essentially sick.

What essentially MSA's do is the antithesis of what health insurance is meant to be, financial protection for the sick. You break the insurance pool and you make it much more difficult for Medicare to exist as a viable program.

Just to consider an example of how the MSA's would drain Medicare, 10 percent of the sickest costs Medicare, per beneficiary, $37,000. Ninety percent of the healthiest costs Medicare, per beneficiary, $1,400; and the cost of the average Medicare enrollee is $5,000.

So if 90 percent of the healthiest seniors, whose actual health care costs are

far lower than the average cost Medicare pays per beneficiary enrolled in MSA's, then ultimately what would happen is the increased cost to Medicare for the coverage for the healthy beneficiary would be $3,600, more than double the present costs. Medicare MSA's would drain the funds meant to pay for the sick and would provide a windfall, essentially, to the healthy.

What we are going to see in the long run with MSA's is essentially what I call a death spiral for the Medicare Program. Payments to SMA enrollees will divert funds from traditional Medicare, leave behind higher costs for Medicare enrollees. To meet budget targets, this will lead to cuts in provider payments and possible benefit cuts. The next year the cycle will continue, and eventually the cycle will continue to drive relatively healthy seniors into MSA's, drive up traditional Medicare costs, cut provider payments in traditional Medicare, and drive doctors away from serving patients enrolled in traditional Medicare. This could ultimately lead to the demise of the Medicare Program. I am afraid that that is what we are going to see with the MSA's.

Mr. Speaker, I would like to go back, if I could, for a few minutes to the tax cut plan, and why the Democratic alternative is so much better than what the Republicans have put forward.

If I could just talk about two aspects of this, one is what the Republicans have done in their tax cut plan to essentially attack the struggling working families, people who are just getting out of welfare, that are trying to work. The second thing I would like to talk about is how the two plans, the Democrat versus the Republican plans, differ on capital gains and estate taxes, because I think that is where we see the difference in terms of Democrats trying to help working families and Republicans primarily trying to help the very, very wealthy.

As far as this Republican attack on struggling working families, again, going back to the earned income tax credit, to the minimum wage aspect, and to the children in day care, in a letter to President Clinton, the Committee on Ways and Means chairman said that he would not give his $500 child tax credit to millions of working families because they "already receive Tax Code benefits through the earned income tax credit welfare program," referring to the earned income tax credit as a welfare program.

Again, I think that is totally inaccurate, because the earned income tax credit is for struggling working parents. People would be shocked to hear themselves described as on welfare when they are paying taxes. Essentially I think this is the Republican strategy. In order to give as many tax breaks as possible to the wealthy, they have to keep putting down low- and middle-income families, and they make them seem undeserving of tax credits.

The other thing is that the GOP bill punishes working parents for placing children in day care. We talked about this a little bit. Families eligible for this same earned income tax credit are not the only ones that the Republican tax bill shortchanges. The House Republicans refuse to give their child tax credit to parents who deduct child care expenses from their taxes, effectively punishing working moms and dads for putting their kids in day care.

Then, of course, the last piece of this is the effort, this sneak attack, if you would, on the minimum wage is saying people who are in workfare, who are coming off welfare, would not be paid a minimum wage.

What I am saying, again, is if we look at the Republican plan it does the opposite of what is necessary to get people off welfare and to help the struggling working class people at the lower end of the spectrum, but who are still working, because it makes it more difficult, more difficult for them to get day care, more difficult to keep money they would get through the earned income tax credit, and more difficult for them to earn a decent wage because they are no longer necessarily going to be paid the minimum wage.

I just wanted to talk a little bit, though, also about the two tax cuts that I think in many ways are at the heart of this Republican effort to try to benefit the wealthy at the expense of the middle class. That is the capital gains tax cut and the estate tax.

In the Senate Finance Committee plan put forward by Senator ROTH with regard to capital gains, the top rate on capital gains from the sale of stocks, bonds, or other assets would drop to 20 percent from 28 percent, so again, the Republicans are looking at capital gains cuts across-the-board, stocks, bonds, or whatever assets, and they are dropping the rate from 28 percent to 20 percent.

Up to $500,000 of the gains from the sale of a home would be exempt for married couples. Currently the tax can be deferred if the gain is rolled over into purchasing of another home. What the Democrats, or I should say the President's response is, President Clinton's response to the Senate Republican plan, was to basically say that capital gains breaks should be narrowly targeted to homeowners and middle-income families.

That is not to say that we would not like to give a tax break to people who have large portfolios of stocks and bonds, but we have a very limited amount of resources here. If we are going to have tax cuts that are going to help working families, they should be narrowly targeted to homeowners. That is essentially what the President has been saying and what the Democrats have been saying.

What the Democrats have proposed in their alternative with regard to capital gains for homeowners is it permits homeowners to sell their homes at a loss, and to deduct those losses, up to $250,000, from their taxes. The Democratic tax alternative permits homeowners to not be taxed on the first $500,000 of gain from the sale of a House, again, as in the President's budget.

With regard to small businesses and farms, the Democrats provide a targeted tax cut for capital gains income. The Democratic alternative cuts the rate from 28 percent to 18 percent for certain capital gains income, and it is targeted only to those who sell real estate, farms, and small businesses after 3 years.

Let us go to the estate tax, because again this is where we see the big discrepancy between the Republicans and the Democrats. On the estate tax, the Roth plan, the Republican plan, says the amount an estate can pass on without paying tax would gradually be increased up to $1 million of small business, and family farms would be exempt from estate tax.

What the President says in response to that is that estate tax relief should be offered only to small businesses and family farms, not to the well-to-do.

What does the Democratic alternative propose? It is narrowly targeted, focusing on family-opened businesses that make our country thrive. For a couple, the Democratic bill increases the amount that a family can pass down at death from $1.2 to $2.0 million, and targets it only on family-owned businesses.

So again, the question here again is where are we going to give the tax relief? Where are we going to make the changes and provide tax relief? The answer, the Democrats say for working families, not for the wealthy. Please, let us not again phase out the alternative minimum tax for corporations, because again, the Republicans there once again show that they prefer large corporations and the wealthy for their tax cuts.

Mr. Speaker, I yield to the gentlewoman from North Carolina [Mrs. CLAYTON].

ACTIVITIES SURROUNDING DISCRIMINATION AGAINST MINORITY FARMERS WITHIN THE DEPARTMENT OF AGRICULTURE

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I want to bring to my colleagues' attention a high priority matter for rural and minority communities, the recent important activities surrounding the longstanding problem of discrimination against minority farmers within the U.S. Department of Agriculture. Indeed, widespread unfair, unequal treatment of socially disadvantaged and minority farmers have been well documented for more than three decades.

□ 1545

A GAO report, an inspector general's report, and an exhaustive Civil Rights Action Team report called CRAT are just the latest in a series of government initiatives examining this problem. This issue was first raised in 1965 when the U.S. Commission on Civil Rights established that the USDA discriminated both in internal employee actions and external program delivery activities.

An ensuing USDA employee focus group in 1970 reported that USDA was callous in their institutional attitude and demeanor regarding civil rights and equal opportunity.

In 1982, the U.S. Commission on Civil Rights examined this issue a second time and published a report entitled "The Decline of Black Farming in America." The commission concluded that there was widespread prejudicial practices in loan approvals, loan servicing and farm management assistance as administered by the Farmers Home Administration.

However, as no improvement was forthcoming, this matter was investigated again in 1990, by the House Governmental Operations Committee, chaired by our colleague, the gentleman from Michigan [Mr. CONYERS]. Ironically, the same conclusion was reached in 1990 as had been reached in 1982, that the Farmers Home Administration had been a catalyst in the decline of minority farming. That conclusion is found in the Conyers report entitled The "Minority Farmer, A Disappearing Resource; Has The Farmers Home Administration Been The Primary Catalyst?"

Then in January 1997, the General Accounting Office published a report entitled "Farm Programs: Efforts to Achieve Equitable Treatment of Minority Farmers." While much of the report was inconclusive due to its limited scope, GAO did find instances of discrimination. GAO also found that the disapproval rate for loans was 6 percent higher, 6 percent higher for minority farmers than the rate for nonminority farmers.

The very next month, two related reports were released. The Office of Inspector General Evaluation Report for the Secretary on Civil Rights Issues and the Civil Rights Action Team Report. The authors of these hard-hitting reports came to the identical conclusion as those that had looked at this issue some 32 years previously. There are significant problems with discrimination within the Department of Agriculture.

The CRAT report by the USDA identified discrimination among various minorities, including women farmers, Hispanics, Asian and American Indian farmers.

In addition, in November of last year, FSA Administrator Grant Buntrock stated in a public speech: "We recognize there has been instances of discrimination in responding to requests for our services in the past, and we deplore it."

Throughout his tenure, Secretary Glickman has continued to display a firm intent to promote changes at the USDA. However, change, the kind of change which is needed in this situation, is very difficult and very demanding. It is my hope and it is the hope of many of my colleagues in Congress, as well as the hope of minorities across the United States, that Congress will provide Secretary Glickman with the kind of support he will need if indeed true change within the USDA is realized.

To this end, we must enact legislation making some public commitment about this matter, particularly as we are in discussion about race and better race relations.

In that way we will demonstrate that rooting out discrimination at USDA is a national priority, not just words to be in a report. And we will give the current effort the kind of boost that is required to begin to bring closure to a chapter in our national history that should have been closed long ago.

Mr. Speaker, I hope we will correct this discrimination pattern that has gone on far too long and make sure all Americans, all farmers, regardless of their gender, regardless of their race, regardless of locality, will have equal access both to the grant resources as well as the program resources.

THE DEATH TAX

The SPEAKER pro tempore (Mr. COBLE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Mississippi [Mr. PARKER] is recognized for 60 minutes.

Mr. PARKER. Mr. Speaker, I have listened with interest to all of the different speakers today in the special orders. Many of them have been talking about the different tax breaks and tax cuts that we are discussing now. I find it very encouraging that after a long period of time we are finally getting around to talking about giving a break to the American people, something that they have needed for a long time.

Every once in a while there comes a point when an issue comes to the fore and its time has truly come. I think that issue for many Americans is going to center around what I consider the death tax. Some people call it inheritance tax. Some people call it an estate tax. But it is truly in every sense of the word a death tax.

At a point in a person's life when they do not need another emotional blow or financial blow, they have been touched by a circumstance where someone dies. All of a sudden the Government comes in and says, by the way, we are going to add to your misery. What we want to do is disrupt your entire life, and that is especially true for hard-working men and women all over this country.

Mr. Speaker, I want to read a little story. It is about a lady, Idaho rancher named Lee Ann Ferris, who experienced the most devastating event in her life after her father's death, which was terrible, in 1993. But it was followed by this. Her accountant told her that there would be no way to keep the ranch when her mother passed away. She was quoted as saying, I was like a dazed deer looking in the headlights. How could this be? We owned this land. We paid this land off.

Ferris related her story in testimony before the other body, and she was testifying on the death taxes. Proponents of tax reform say that it is needed to help family farms and businesses survive and promote traditional values. Ferris told the other body's committee that the accountant explained to her that, upon her mother's death, the heirs would be liable for $3.3 million in taxes on an operation that was only taking in $350,000 a year.

She then talked about costly estate planning, part of which involved buying a life insurance policy for her elderly mother solely for the purpose of paying off a third of the estate tax. That would still leave the family with a $2 million-plus tax bill. Millions of Americans, farmers, ranchers, small business people, private property owners face a similar grim situation. If the estate assets are worth more than $600,000, the Federal Government, in classic ambulance chaser style, will come calling for what it claims is its share as soon as the funeral is over.

Farmers and ranchers work long, hard hours over a lifetime to build their businesses, says Charles Kruse, a member of the American Farm Bureau Federation board of directors and president of the Missouri Farm Bureau Federation. Quote, often farm heirs must sell business assets to pay estate taxes. When taxes drain capital from a farm business, the profit-making ability of the farm is destroyed and the farm business dies. Farmers and ranchers should be able to save for the future without having to worry about sharing the outcome of their efforts with the Federal Government, especially after already paying a lifetime of income taxes. Along the way they paid income taxes on their earnings. It is wrong to tax those earnings again at death.

Mr. Speaker, I must tell my colleagues, as I look at this death tax and what we do as a Federal Government to the American people, it is truly what I consider immoral. How did we get to this point? I think that it has been a gradual process through the years. Historically, prior to 1916, we would have inheritance taxes from time to time. They normally occurred at times of war when our export market was basically hurt and we were not getting the

revenue that we needed. So from a national security standpoint, we would enact as a Congress an inheritance tax to bring in more money to the Federal Treasury in order to maintain our national security. That made a tremendous amount of sense.

That occurred over 100 years, our first 100 years as a nation. But in 1916, we put into place a death tax that has pretty much remained constant throughout the years. The death tax was established in 1916 basically to redistribute wealth to prevent certain families from amassing the majority of the Nation's riches. However, as is the case in most tax schemes aimed at the rich, the extremely wealthy find a way to stay extremely wealthy in spite of the tax. And the middle class, the small business entrepreneurs, are the ones who struggle. They are the ones that are hurt. They are the ones that have to bear the brunt of this tax policy.

If we look at the death tax, as far as what it does to the Federal budget, roughly, we take in about 1 percent of our total revenue, our total annual revenue that comes in from estate taxes. My personal view is that the death tax is not worth the devastation it causes to family farms and family businesses and to the entrepreneurship that is at the very heart of our Nation.

Furthermore, less than one-seventh of 1 percent of total revenue comes from death taxes on closely held businesses and farms. Farmers expect that repealing death taxes would induce them to invest in their businesses in ways that would enable revenue to grow 5 percent faster.

We see the results of the death tax being a burden on the growth in business. More money is spent within our national economy to prevent family businesses from being destroyed by death tax obligations than is being collected by the Federal Government in the form of tax revenues.

We hear that over and over again. There are individuals in this country, lawyers and accountants, who make their living trying to figure out ways in order to save family farms and family businesses. It is heard over and over again. These individuals make a very good living at their profession. They spend all of their time trying their best to create an environment so this business can just be maintained.

A 1996 study by the Heritage Foundation found that repealing death and gift taxes would produce dramatically positive effects in the American economy over the next 9 years. The Nation's economy would average as much as $11 billion per year in additional output and an average of 145,000 additional jobs would be created. Personal income would rise by an average of $8 billion per year above current projections. And finally, the deficit would actually decline due to the growth generated by the abolishment of the death tax.

This tax, and there are individuals, by the way, in our society who do not realize, some of them own businesses, some of them are starting businesses, they do not realize what is going to happen to them when they die, what is going to happen to this business that they have sweated for and hurt for and they have sacrificed their families for.

□ 1600

They are doing this for their families and for their future.

This tax, and we have to understand how much it is, is 37 to 55 percent of the present value of the business. It makes the death of the owner and the death of the small business one and the same. Nearly 80 percent of failed family businesses that enter bankruptcy go bankrupt after the unexpected death of the founder. And high death tax rates force some heirs to sell businesses, break up that business or liquidate most of their assets or all of their assets.

Any of these options is devastating to a community. It is devastating to the employees of that business and to their surviving owners. And let me point out one thing. When we talk about being devastated, we are talking about, for example, a family farm, where an individual buys land, he has a cost basis in that land, and the land has been in the family for 40 years. He has a cost basis in that land of a small amount. Let us say it is $100 an acre. But because of inflation and different factors, that land has increased in value.

Now, understand that owner did not make it increase in value from the standpoint of inflation. We, as a government, created certain monetary policies, we did certain things that made the value of that land increase. So all of a sudden that land that began 40 years ago, that cost $100, all of a sudden is now worth $1,500 or $2,000.

When that individual dies, we are talking about the Government coming in and saying, we created a problem by having inflation, and we increased the cost of this asset that is held by this individual. Now we are going to put this individual in a situation where they are going to have to pay us for the problem that we created. That is not fair.

Now, I have heard people today talk about they do not like the Republican tax bill. They have talked about the estate taxes, and people from the other side of the aisle have been complaining about the estate taxes. I have news for my colleagues. I do not like the Republican plan either, and the reason I do not like the Republican estate tax plan is because it still leaves it in the law. It decreases the amount, but it is still law that we have a death tax.

Mr. Speaker, I want to finish this one statement and then I am going to yield to the gentleman from Georgia [Mr. KINGSTON].

What I want is the total elimination of the death tax. It has no business in our Tax Code. I believe it is un-American. I believe it is the most cruel tax that has ever been put on the American people.

And with that, I will yield to the gentleman.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman, and knowing the interest of the gentleman from Mississippi in this death tax and the repeal of it, and I certainly appreciate his leadership, as do most taxpaying Americans, I wanted to bring an article sent to me by Dr. Bert Loftman of Atlanta, that was in the Human Events magazine on April 18 of this year, written by Terence Jeffrey, and in that he goes into the history of the death tax.

The article points out that Lincoln imposed an emergency inheritance tax during the Civil War but that it was repealed in 1870, and the reason he did it was because of the national emergency of the Civil War. Also this article points out that in 1894 we had a temporary income tax, as well, but that was also repealed.

I guess the crowning blow that made this permanent was under President Wilson in 1913 when he ratified the 16th amendment that, of course, started the income tax law, but it also gave Congress the power to lay and collect taxes on income. Wilson followed that by cutting U.S. tariffs in half; to pay for or offset the revenue lost by imposing progressive taxes on the incomes of rich Americans.

So here we have historically how this tax came about, to give foreign traders a tax break, and how we increased the taxes on Americans.

What I hear over and over again, and I do not get calls from, say, the Rockefellers and the Morgans or the Ted Turners and the Bill Gates, I do not get those calls, but I do get calls from people who do not have big corporations and big titles. They say they have worked their rear end off for the last 50, 60, 70 years, and they have built up this family farm that has 1,800 acres right now. It has a house on it, and it is now worth $1.5 million.

Now, these people paid for that farm through sweat equity and they paid taxes every single year this farm has been in existence, and now their son or daughter wants to start out being a family farmer but they cannot pass it on to them. So they have to go out and get a fancy lawyer or an accountant or an estate planner to come up with some way around the tax law so that they can pass what is already theirs, what they have already paid taxes on, to their own children so that they can be independent and continue being taxpayers themselves.

This is the fundamental American dream. For liberal colleagues of ours to

sit over here with the President of the United States and say no to middle class America, to say "We want your taxes when you are born, when you are living, when you are working and when you are dying," that is ridiculous. The middle class in America deserve better.

While we are all mourning at the funeral, Uncle Sam is there counting his pennies. It is absolutely ridiculous. Let people die with dignity. Let them die knowing that their life and their labors have not been in vain but that they can pass it on to the next generation.

Mr. PARKER. Mr. Speaker, reclaiming my time, I want to tell the gentleman a story. I do not want to mention any names because I do not want to hurt anybody's feelings. On the other side of the aisle everybody always stands up and says, hey, this is for the wealthy, this is not for middle class America.

I want to tell my colleague what the wealthy do. The wealthy will take care of themselves, they always have and they always will. They hire high-priced lawyers and high-priced accountants and they get by and get around anything that Congress puts out.

Mr. KINGSTON. Let us point out, too, there are more millionaires in the Clinton cabinet than there were in other cabinets. If we want to talk rich and we want to talk class warfare, let us start with the Clinton cabinet.

Mr. PARKER. Well, I want the gentleman to understand that I do not have anything against people being rich. I do not mind it at all.

Let me tell the gentleman one of the problems we have. I will tell my colleague this story about a family. There is a family in this country, one of the wealthiest families we have. Everybody knows their name. They own some land, and they bought it dirt cheap.

Now, I had a farmer tell me one time, "There are a lot of things in the world that are dirt cheap, dirt ain't one of them," but I have news for my colleague: This particular family bought some land and they bought it cheap.

Now, on this land they put some hotels. Now, they did not pay much for this land, but what they did, they kept it through the years and they had these hotels on this land, and this was a pristine area. What they decided they would do is, they would turn around and they would give away the part that was not making money.

And they did, they gave literally thousands of acres to the Federal Government. Their lawyers and their accountants out of New York sat down and, smart people, they sat down and they devised this system where they were going to give the Government this land at that day's value but they were going to keep the moneymaking part. They were going to keep the hotels. They did.

Now, in this agreement they said, now, we are going to give the Government this land, and it is a national park now, but they said, we will give the Government this land, but they are going to maintain the roads to our hotels, they are also going to maintain the water, they are also going to maintain the sewer. They are going to take care of everything that costs us money, and they are going to maintain all the land around. All the land we give the Government, they are going to maintain it. It is a gift, but that is part of this transaction.

This family keeps all this lands, all these hotels, and they make a lot of money. A few years ago they decided they had depreciated all they could, made all they wanted to out of it, and they sold it to a big national corporation who now owns it.

Now, the point I am making is this: We cannot imagine the amount of taxes this very wealthy family did not pay because of the way they handled this. They did not have to give this away to children or grandchildren. What they did is, they gave it to the Federal Government and they got a tremendous tax incentive by giving it away. Now, if they had given this same land to their children, they would have been penalized.

The point is that the wealthy in this country can get around the issue. They always have. The problem is the middle-class people who, all of a sudden, they do not know what they are worth. They may think their farm, because they are only making $40,000 or $30,000 a year off this farm, they think, well, this farm is not worth that much.

But whenever the IRS comes in, and they appraise that land and they appraise that equipment and they appraise that farm at a value which is at current standards, all of a sudden they realize they do not have enough money to pay this off. They are going to wind up selling this farm and being put out of business, not being able to continue, and their family devastated.

If their child wants to be a farmer, I am sorry, they have to start over again. The Federal Government is going to confiscate what they have spent their life working for. Now, that is unfair.

Mr. KINGSTON. Essentially, Abraham Lincoln made this statement, "that God must have loved the common man because he made so many of them." Unfortunately, Uncle Sam loves the common man, too, because that is who pays the taxes. It is not the poor, it is not the super rich. They get around it through foundations, through tax shelters, through whatever their lawyers and accountants can scheme up, but over and over again the common man pays the taxes and carries the whole load here.

I hear the same thing the gentleman hears. An individual's mama and daddy died, left an estate over $600,000, and Uncle Sam came to the funeral first and got his share. Big dog sat down and he ate, and after he ate, what was left, these folks had to sell off whatever it was their parents had worked all their life for. Then they cannot operate that farm or family business any more because they had to sell a portion of it to pay the taxes.

So Uncle Sam, in his greed, cuts out a revenue generating enterprise. Just one more example of short-term greed and, I think, a horrible punitive tax policy.

We were all raised hearing that we should learn our lessons in school; go to school every day, do what is right and work, get that job, show up on time and do what our employer tell us to do, and one day we will be lucky enough to own something, own a house, own a farm, maybe own our own business. But now, because we do that, we get an organized group of say 150 liberals with the President of the United States saying that is bad, that is evil, these people are rich.

Well, we know these people are not Rockefeller rich, but they still have enough money that they are not dependent on the Government. Therefore, they are going to be punished when they are living and when they are dying. I think people in America have had enough.

Mr. PARKER. You know, this is what I find fascinating. If people sit and do absolutely nothing, refuse to move and are as lazy as they can be, the government will do anything they can to help them. The fascinating thing is that that individual who turns around and they work, as the President says, they play by the rules, they save, they reinvest, they do everything they can to be good taxpaying citizens, at the end of their time, when they have done all of this work and accumulated something, and let me just say they did not just accumulate it because it fell out of the trees, they accumulated it because they had a plan and they worked that plan and they applied themselves to save, and after they do this, the Federal Government says they have done a great job, and what the Government is going to do is they are going to now penalize them.

Now, personally, I think that is unfair. It is unfair to them, it is unfair to their children, and I think it sends the wrong message to the young people of this country who do not even realize what they are coming up against now. A lot of them, only 58 percent of the owners of small businesses even realize what their tax liability is going to be. Many of them do not.

One of the reasons is not because they do not want to know, but that they are busy running their businesses and building their businesses. They do not have enough money to turn around and pay accountants and pay lawyers to come in and give them an expensive way in order to get around the taxes

that they are going to be faced with. They have no idea of what is coming.

Mr. KINGSTON. They do not.

Mr. PARKER. Mr. Speaker, I yield to my friend, the gentleman from Kansas, [Mr. TIAHRT].

□ 1615

Mr. TIAHRT. I think my colleagues are carrying on a very interesting debate, and I would like to add a little bit of a personal story that came out of my life that adds to why I think we ought to change our tax structure here in America. I know we are talking about death taxes. But you know, we are taxed on the very first cup of coffee we drink in the morning. We are taxed on every gallon of gas we use to drive to work. We are taxed on the telephone when we use it to earn some money. We are taxed on the income we earn. We pay sales tax on the way home if we stop to buy something, pay property tax on our home. And then when we die, we have to pay death taxes. And I think it is wrong, and it is wrong for a couple reasons.

My colleagues talked earlier about the redistribution of wealth. I think we ought to reward success in America. We want more success, and more success means that we will have people that will have money available that will invest and create more jobs. And this is a good thing. We want more jobs and more opportunity. But also, death taxes prevent parents from passing on their success to the next generation.

My grandpa was John W. Steele. He was born on a farm, and he spent his whole life on a farm. He had some good times and some bad times. In the 1920's they were very successful, and in the 1930's they lost it all, and in the 1940's they were struggling. And my grandpa, at the age of 67, I believe, borrowed enough money to buy the farm I grew up on, and he paid it off before he died in 1979 at the age of 94.

At the time when he died, land prices were a little bit elevated. And when the tax men looked at the property, they found 40 acres, a small plot that was near my home, and it had sold for about $1,500 per acre. And so, they assessed $1,500 per acre for this 1,200 acre farm, or two-section farm.

What happened is that my parents, Wilbur and Marcine Tiahrt, and my aunt and uncle, John and Mary Ruth Armstrong, had to borrow the equivalent of about $750 per acre to pay off the death taxes so that they could have the enjoyment of the success that my grandfather and his brother had in their farm.

Well, today that land is worth somewhere between $900 and $1,000 per acre. So not only did my grandfather and his brother borrow money and pay for this farm once, but my parents and my aunt and uncle have had to borrow and pay for that farm twice at an inflated value just to maintain the success that our forefathers enjoyed.

I can understand that we have to generate revenue for this Government. There are many wonderful things that we do in this Government. But we should not penalize success. We ought to encourage success. This is one way that people pass from one generation to the next the fruit of their labor.

So I would join with the gentleman and say that we ought to eliminate death tax in America.

Mr. PARKER. If the gentleman would yield, he brings up a great point. Let me just say something to that.

My land back home at my house, I have got 125 acres. Now, land is what it is worth on the market, it is worth what somebody is willing to pay for it. I have got a neighbor who bought some land close to me, and the point I am making is how these values are established. Now this guy has been successful. And I think the world of him. He is a good man. He established a Fortune 500 company. He has done well. But he has got enough money to burn, you know, to cremate a dead mule with hundred dollar bills. This guy has got a lot of money.

When he bought this land, he paid $3,000 an acre for it, which is fine because he had the money to do it. The problem is that if I had dropped dead right after this sale, the IRS would have come in and looked at the sale that occurred down the road and said, by the way, Parker, they would have told my wife, this 125 acres is worth $3,000.

Now, I got news for my colleagues. Somebody who wants to pay $3,000 for that land, they can have it. I will be more than happy to sell it. That is not the point. It is not worth that on the market. But the IRS would have looked at that, made a determination that was the value, and that is what my wife would have had to evaluate that land for. Now, that is wrong.

And let me point out, it is not only the Government that creates inflated prices. There are times when market forces create inflated prices. There is no reason for anybody to be caught in that situation. It can destroy you. I appreciate the comments of the gentleman.

I yield to the gentleman from New York [Mr. PAXON].

Mr. PAXON. I appreciate the gentleman from Mississippi [Mr. PARKER] having me here today to join with him and the gentleman from Georgia [Mr. KINGSTON] and the gentleman from Kansas [Mr. TIAHRT] in talking about what I believe was referred to as the death tax, is the death on jobs and opportunity tax.

Where I come from in western New York, the Buffalo and Rochester, NY, areas, our economy is built on small business and on family business. I come from a little village, Akron, NY, where the major employers in our community were all multigenerational family businesses that had been there since the turn of the century and before. And time and again, my little home town of Akron, NY, and Erie County and western New York, people tell me again and again that the biggest burden they face is trying to figure out a way to keep that business together so that the next generation can have an opportunity and the community can have an opportunity.

I flew back from Buffalo down here a while ago with a business person from Buffalo who was selling, in the process of disposing of a multigeneration family business that been in the family for I think five generations, and unfortunately, because of death taxes, found it necessary to do that, to dispose of the business, selling it to a company from outside of our country.

Eventually, I know what is going to happen, those jobs are going to move to another State, we are going to lose jobs in our community; and that is going to be terrible hardship to families. So all this effort, all this cost is going for what purpose? The death to jobs, opportunities for families. It just seems to me unconscionable.

I know, whether it is in Georgia or Mississippi or in New York State, the statistics are shocking. Seventy percent of family businesses do not survive through the second generation, and 87 percent do not make it to the third generation. And again and again, I know my colleagues hear the same thing when they both go home, most of our Members do, the key reason for that is the burdens of death taxes and of trying to figure out a way to keep those businesses together; and it is much easier to dispose of them, to bring about the loss of jobs and opportunity in the community, than it is to try to get that down to the next generation.

We should be celebrating. I am the father of a little 1-year-old. And I think to myself, nobody in this country would take a 1-year-old child, walk him out to the corner of the street, and say, "Go find your way down to Aunt Mary's house," and walk back in the house and leave that child out there.

But that is what we do to that small business. We say to that small business, we really celebrate you, we love you; but find your way down the street. And in the meanwhile, the Government puts up every barrier to the growth of that small business, just as we would do to that child. We should celebrate those little kids and celebrate business starts. We should not penalize them from the day they start by saying, we are going to tax you to death; and when you die, we are going to take it back from you. It is just wrong.

Mr. KINGSTON. If the gentleman would yield, this is a very old story but it is a very good story, I guess that is why it has lasted so long, about the guy who is driving down the road and

sees a farmer who has a pig. The pig has two wooden legs where the ham should be and he stops and says to the farmer, "I have got to ask you about that pig. I have never seen a pig with two wooden legs. What is going on here?"

He said, "Oh, let me tell you about that pig. That is a very special pig. About 2 years ago, my little boy was out on the pond when it was frozen and the ice cracked and he fell in and that pig dived right in and grabbed the boy by the collar, pulled him out and saved his life." And the man said, "That is impressive." And the farmer said, "Well, that is not all. A couple years ago, a guy was breaking into our house at night. We were sleeping. The guy had a gun in his hand. The pig leaped on him and knocked him over. And the guy ran out the door and ran and the police caught him. That is a special pig."

Then he said, "Well, why does he have two wooden legs?" And the farmer said, "I am not quite through. I have got to tell you another story. Then our house caught on fire about 6 months ago. The pig ran in, pulled us out of bed, woke us up and saved the entire family. That is one special pig."

And the guy says to the farmer, "Well, I still do not understand. Why does it have two wooden legs?" And the farmer said, "Well, it is very simple. You don't slaughter a pig like that all at once. That is a special pig."

And that is what is happening to the middle class, day in day out. We pay for Bosnia. I said, "we." I am middle class. Middle class pays for Bosnia. Middle class pays for Desert Storm. Middle class pays for Medicare. Middle class pays for the Park Service. Middle class pays for Medicaid. I am saying good programs here, but it is paid for on the backs of the middle class. And yet year after year, the taxes are just creeping up and up and up.

Today, a two-income family with a household income of $55,000 is paying $22,000 in taxes on an average. Which means, the second income, that spouse is working strictly for the Government. They may be working for a dry cleaners, may be working for an insurance company or bank, but the reality is when you are paying $22,000 in taxes on a $55,000 income, the second income goes straight to Uncle Sam, you are working for the Government.

Mr. PARKER. If the gentleman would yield, let us go beyond that. Because we talk about family farms. We talk about businesses. But from a national perspective, let us look on this thing from the standpoint of just exactly how does it affect a lot of people.

A lot of people do not realize the difficulty they are going to have. There are different values in this country for a lot of different things. It is regional in nature for many things. We can take a house in Mississippi that we pay $100,000 for and it would be a nice home. If we put it in New York, we put it in Washington, DC, that house is going to be half a million dollars.

Now people back home in Mississippi cannot fathom that. Conversely, people from Washington, DC, and New York that come down to Mississippi and see a house, they cannot fathom that it is only $100,000. The point is this: Down in Mississippi, people may have a little land with that house. But in New York or in Washington, DC, or San Francisco or Chicago, they may not have that land. But that house is valued so greatly that what happens is that person who owns a home who may have paid $40,000 for it 35, 40, 45 years ago, when they come to their time of death and their spouse is left with the bill on this thing, all of a sudden they find out, I did not know that I was going to have this terrible bill. I had no idea. What am I going to do? You are going to take the money that I was going to live the remainder of my life on. What am I going to do?

The IRS says, do not worry, we will take care of you. We are going to let you have a payment plan over the next 10 years, and you are going to pay the IRS every month. IRS are kind people. They are sweet as they can be. But what they will do is keep food out of your mouth, make you sell that house, move you someplace where you do not want to move, change your plans where are you going to spend the last years of your life in a place you do not want to be, simply because you did not know that the increase of cost on your home would put you in that situation.

Mr. PAXON. That is what I think the gentleman from Georgia [Mr. KINGSTON] and the gentleman from Mississippi [Mr. PARKER] just highlighted. It is absolutely fundamental to what we are trying to do in the Congress.

Our goal is to balance our Nation's budget. Like every family back at home has to do, like every small business has to do, this Government should do it. But we are going beyond that. We are finding other ways to save money so we can allow families back at home to keep more of theirs.

As the gentleman from Georgia [Mr. KINGSTON] points out, that dollars go to the government because of taxes. Study after study has indicated that about 50 percent of household income in this country ends up in the pocket of the government at some level, about 38 percent in Federal and State local taxes.

I come from New York where that number is even higher. And then you add in the indirect cost of everybody and the goods and services we buy. That means, as the gentleman points out, one income earner in every family has got to be working to provide the government with the dollars. That is just fundamentally wrong. It removes the choice from the families, maybe parents stay home with the child or the vacation they want to take or something else they want to do to enhance the quality of life with their children.

No. 2, we just keep putting these burdens on and putting them on without any rational reason because of the money we are wasting here in Washington. We undermine the people's faith in government. I think it is time, whether it is in the form of that $500-per-child tax credit, whether it is rolling back the tax on investment and saving, some people call it capital gains. That is a tax on investment and savings, and also the death taxes.

Mr. PARKER. If the gentleman would yield, this is an interesting thing, because I always hear the liberals talk about the capital gains as being a tax break for the wealthy, and I have always been fascinated by that.

I turn around and look at somebody and they have worked hard all their life, they consider themselves middle class, and they bought a house in the 1950's and they are coming up close to retirement and they bought a house for $25,000, and they turn around and that house has increased in value over the last 40 years a considerable amount. And let us say that house is now $100,000, they have an increase of $75,000.

The question is this: When you get that check for $100,000, which that took care of the $25,000 original investment and the $75,000 increase, do you think the Federal Government is owed basically one-third of that amount? Do they need to get a check for between $20,000 and $25,000? Do they deserve that? Is it their money?

My position is, it is not the Federal Government's money; it never was their money; it should not be their money; and this tax should be changed. Whether it is on capital gains or estate tax, it is all the same principle. We are talking about private property rights here.

Mr. KINGSTON. If both the gentlemen would yield, let me just ask both of my colleagues, quiz time: What do these countries have in common? Australia, Canada, Egypt, Ghana, India, Indonesia, Israel, Kuwait, New Zealand, Switzerland, Uruguay? What do they have in common?

Mr. PARKER. I would hope they have no capital gains.

Mr. KINGSTON. No death taxes.

Mr. PAXON. Well, they are way ahead of us.

Mr. KINGSTON. The gentleman from Erie County [Mr. PAXON], where my dad is from, knows well that there are a whole lot of his friends who are probably now working and living in Canada, a lot of people he went to high school with.

□ 1630

I went to school at Michigan State. A whole bunch of folks, brothers ended up

over there for other reasons. But the reality is for people to move from border States in America to avoid taxes is a great one.

Mr. PAXON. Let me just say to the gentleman, I live in a community that has been devastated economically over the years by the flight of jobs outside the country, moving outside of New York State and one reason, we for 20 years in New York until Governor Pataki came along had a policy in New York, tax everything the highest in the country. In addition to the Federal death taxes, the State death taxes are such that today when you pass away in New York State, you can almost be assured of the fact that your business is going to be dissipated. What that has meant is those jobs are gone. We go right back to what we started with. Families are harmed. It is the family that ends up getting hurt. I am tired of the politicians in Washington talking about class warfare, helping the rich, hurting the poor and all this about the rich. Who ends up getting hurt the most? It ends up being Joe and Mary 6-Pack out on Main Street trying to earn a living, working in a small business and when that business is dissipated, their jobs are gone. When they try to sell their house and the Government takes their money, that means their kids may not have an education or they may not be able to retire someday, or some politicians in Washington say, "We don't want to give them that $500 per child tax credit because it doesn't mean anything," they forget that to Joe and Mary back home it may mean the difference in that kid getting a better education or putting food on the table.

It is time we remember it is our constituents' money, it is not ours, it is not the IRS's or the Government's.

Mr. PARKER. Let me point out something. We are talking about a private property issue. Private property rights is I think the cornerstone of our Nation. It is fundamental.

I like liberals. I always have. I think liberals are very important, because they have done some important things for our Nation. They have brought to light certain things that we needed brought to light. But a lot of times their solutions, I do not care for. I think that liberals have a right to believe the way they want to believe. This is America. But one problem that I have, and we disagree strongly with this, there are a lot of liberals in this country who believe that all property belongs to the people collectively. There is no such thing as private property rights. When we look at things like capital gains but more importantly when we look at things like death taxes, it really brings it to the fore. People have to understand that the Federal Government does not own this property. They act as though they do. We as individual citizens have paid for this property. We have paid for this business out of the blood and sweat of our own bodies. The Government has done nothing except try to inhibit us. Because of that, the Government has no right to come in and say, "We want part of that." I believe there should be absolutely no death tax. One of the purposes of this special order today, and there are going to be many more of these, is because this point is coming home to people finally. People are finally understanding that we must be in a position where we change the direction of this country. We do that by changing the fundamental tax structure. We are going to be talking about different items concerning the death tax and how it affects people and the changes that need to occur so that the American people will understand exactly what is going to happen to them. Many of them are not aware.

Mr. KINGSTON. If the gentleman will yield, I want to make a point. I am sorry the gentleman from New York [Mr. PAXON] left because he has this 1-year-old baby. I am sure that he and the gentlewoman from New York [Ms. MOLINARI] will be fortunate enough to have other children and before they know it, they are going to be doing what we do in the Kingston household nearly every weekend, and, that is, we go down to the sports complex and watch one of our four children playing baseball, tee ball, or soccer. My wife Libby is the soccer mom. That is what we do. We drive station wagons, we have got two girls and two boys, and they are playing sports. Out there on the soccer field are tons and tons of other soccer moms. These are people who work real hard and they kind of cram all their recreation into a 48-hour period called the weekend. But during the week they are working hard, paying taxes, trying to raise their children right, working two jobs, doing homework, doing laundry, organizing school, PTA-type activities, volunteering at the hospital or the United Way and so forth. These are the people that this tax system is kicking in the face.

Money Magazine this month has a great article on the profile of the millionaire. It says, if you think millionaires are the people who are living in these huge houses with brand new cars and beach or mountain houses or whatever, you are wrong. Most of those folks are simply in debt and in debt in a very, very big way. The typical millionaire, according to the Money Magazine survey, and it was a national survey, are the people who have worked in the same job 20 to 30 years, many school teachers, for example, they are people who own their own business, but not big, expensive businesses, dry cleaners, scrap metal, whatever, just what you would assume is maybe a modest business, if you will. They are folks who live under their means. They do not buy the house that they can afford, according to their real estate agent, they buy the house they feel comfortable with so they can pay it off. They work 60 hours a week, they work 50 hours a week, they save 15 percent of their income, they tend to stay married, they tend to not go on fancy vacations. They really have what we would call in psychology a dull, normal lifestyle. They are just regular folks. Yet those are the people who are paying for the whole $4.5 trillion budget that we have in Washington.

Mr. PARKER. We have got a lot of people around this country when I am talking to them about death taxes, they sit back and go, "That doesn't affect me." But whenever I start asking them, I say, "Didn't you inherit a little bit of land from your daddy and mama?"

"Well, yeah, I've got 150 acres."

"Do you know what the current value is?"

They think in terms of what the value was when they inherited it. But inflation has changed that over a period of time. It shocks a lot of people out there to realize that the IRS comes in and values their property much more than they think their property is worth. They are looking at it from a realistic standpoint. The IRS looks at it from a fair market value and what other property has sold in the region. They have all these criteria.

What happens is all of a sudden these people who turn around and say, "Hey, I'm not rich, I don't have that much," they find out whenever the time comes that they had more than they thought. All of a sudden the Federal Government is going to come in and say, "By the way, we're going to take part of that." That is when it hits home. That is when all of a sudden people are in a situation that they say, "Hey, I had no idea that I was going to be affected."

Let me point out, we spend in this body all kind of time talking about investment and savings. We need more investment and savings. I must tell the gentleman, if we reward investment and savings, we are going to get more of it. If we penalize it, we are going to get less of it.

It is no wonder that we have a lot of people in this country who do not worry about investment and savings because some of them realize that whenever their time comes, after they have spent a lifetime working, that the Federal Government is going to come in and confiscate it. If that occurs, all of a sudden all they have worked for all of these years is null and void.

We as a Nation have got to change that. We as a Congress have got to realize that the people in this country are pretty much fed up, they are sick and tired of being sick and tired and they are ready to make some changes.

Mr. KINGSTON. Going back again to the middle class soccer moms and dads, one of the taxes that we Republicans

are pushing is a $500 per child tax credit. In sophisticated boardrooms, folks do not want that. That is the least popular. However, that is the one that is going to benefit the most people. I support it for that reason.

Number two, because it is the biggest cut in the size of the Federal Government. The less money middle class folks send to Washington, the less influence Uncle Sam is going to have on their lives and the less the bureaucracy in Washington is going to be able to grow.

What is ironic is that the President of the United States now, instead of giving a $500 per child tax credit to working, let me repeat that, working middle-class taxpayers, he wants to make it a welfare payment to people who are not working enough to pay taxes. In other words, we have got the Jones family over here who is busting their tails working 50 or 60 hours a week, mom, 50, 60 hours a week, dad, and they are in line for a $500 per child tax credit, and we have got some other folks who are working through public assistance type programs but they are not paying taxes. The President wants to give them both a $500 per child tax credit, but the difference is this group right here, they are paying taxes, and the other group is not paying taxes, so it is just a gift to them. It is an expansion of welfare even though the welfare rolls are decreasing.

I know we are talking death taxes, but again it goes back to the overtaxation of working, middle-class Americans. The harder you have to work, the less time you have at home. The less time you have at home, the less time you have to impart information and values to your children.

One thing I have learned about children, I guess two things. Number one, it is the hardest thing in the world to try to get them on the right path. I do not know what I am doing wrong. If anybody has suggestions, let me know. I try my best. Anybody who has been a parent knows the feeling.

Number two, you have got to spend lots of time with kids trying to teach them right from wrong, trying to teach them the work ethic. It is not any fun doing homework, it is not any fun memorizing multiplication tables, it is not any fun waking up 7 days a week and making your bed and picking up laundry, but I know this, that it is all tied into the big picture. As a father and Libby as their mother, if we do our part, then they will grow up one day to be independent, independent of government programs and government dependency. They will be taxpayers.

Mr. PARKER. That independence that the gentleman is talking about basically is getting the government out of somebody's pocketbook and out of their lives.

I must tell the gentleman, some of this stuff is pretty simple to me. One of the reasons I support the death penalty is because I know for a fact that whenever that murderer is put to death, he will commit no more crimes. No more crimes will be committed by that individual. I support that.

I also support certain things that other people look at a little odd, I think. I listened around here to Democrats, and Republicans, talk about shutting down the Federal Government. Democrats were tickled to death that the Republicans were blamed with the shutdown. The Republicans were all worried that they were getting blamed with the shutdown. My personal view is a little bit differently. I do not think the American people were that upset with the government shutting down. I think they were more upset that we opened it back up.

My personal view is they would have liked to have seen the government shut down, and I wanted to see it shut down for longer than it was, simply because the American people after a few months would realize they do not need a lot of the things that the Federal Government says that we have to have in order to survive.

I think that makes a tremendous amount of sense. Why do we have all these programs? Why do we have programs that are not working? Why do we add new programs without getting rid of the old programs? Why do we have over 700 programs in the Department of Education? When the President says that a lot of those programs are not working, instead of getting rid of a lot of the programs that are there, he just adds more on to it.

I think it is fascinating, and the American people are getting fed up with this. They are finally seeing that things need to be changed. One thing I like about the family tax credit is it gets the government, maybe just $500-per-child, but it gets that $500 away from the government and gives it back to the family.

Mr. KINGSTON. Per family, that is not going to make or break you necessarily. You are going to be able to buy some more stuff with it and it is going to be good, but it is going to help 11 million kids.

Let me give the gentleman some fun facts on taxes. The Tax Code itself is 5.6 million words. It is 7 times longer than the Bible, according to the Heritage Foundation. Americans spent last year about $225 billion to comply with the Tax Code, and they devoted 5.4 billion hours to comply with it.

□ 1645

And the Tax Foundation estimates that the median two-earner family paid 39.4 percent of its income in taxes last year, which had increased from 38.1 percent in 1995. And in 1955 the median two-income family just paid 27. 7 percent of income taxes. That is 10.7 percent less than what that same family paid in 1996.

Those are real numbers, and I will be happy to share those with anybody who wants.

Mr. PARKER. I thank the gentleman. I yield now to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Well, I like to thank my colleague for yielding and certainly want to congratulate the gentleman from Mississippi [Mr. PARKER] and the gentleman from Georgia [Mr. KINGSTON] and others who have been to the floor this afternoon talking about the issue of taxes.

As the gentleman from Georgia just pointed out, the American people are paying more in taxes to all levels of government than at any time in the history of our country, and when we look at the middle class and the fact that wages are not growing as fast as we like, all we have to do is to begin to look at why this crunch is occurring to American families, and it is as a result of taxes, higher taxes at the Federal level, State level, local level that are continuing to take more of their hard earned paychecks.

I am proud of the fact that for the first time in 16 years this Congress is going to pass a plan that will cut taxes for middle-income Americans.

We are hearing an awful lot of demagoguery and noise coming from the White House and others that this plan only helps the rich, and it is just not true. Ninety-three percent of the taxes that will be reduced in this plan are for people who make under $100,000 a year. Ninety-three percent of the tax package goes to those people. As a matter of fact, 72 percent of the tax package goes to families that make between $20,000 a year and $70,000 a year.

So if you look at this package in terms of the focus and where the savings are going, they are going to American families who pay the bulk of our taxes.

Yes, the wealthy pay their share of taxes in America. But when you look at the numbers of people in America, most people find themselves in the middle class, and they are the ones that pay the big bulk of the taxes to this Government.

And I just want to come down to say I congratulate Mr. PARKER and Mr. KINGSTON and those that have been here before for standing here on the floor today and outlining to the American people just how important this tax package is.

Mr. PARKER. I thank the gentleman from Ohio [Mr. BOEHNER]. We do not have but just a few minutes left, and I want to personally thank everyone that has been involved in the special order.

We are going to have special orders on this issue over the next few months, weeks and months, to familiarize the people of this country with what is going on. Now I realize that it is very true that you can save a lot of money

to pay the taxes, or you can have insurance, or you can do different types of financial planning. But I want people to consider this one thing:

When you are preparing for death taxes, the average family business or farm spends nearly $20,000 in legal fees, $11,900 for accounting fees and $11,200 for other advisers. The typical small business owner normally makes around $40,000 a year.

Now I have got one question. Who among us who makes $40,000 a year can afford to meet the staggering burden of a death tax?

Now to me the clear solution is this: We should eliminate the death tax. It is an unfair tax. It is a tax that puts burdens on people when they do not need any more burden. It also creates an environment where people no longer want to save, they no longer want to work, there is no reason for them to, and we are not giving them an incentive. And we create an environment that hurts our economy, and hurts our small businesses and small farms all around this Nation.

People need to realize the effect it is going to have, and I am looking forward to the liberals in this body coming to the floor, justifying the death tax. I want to see them stand and tell the American people and our colleagues why we should confiscate property, why we should confiscate money from individuals when they die, and spread it around and hurt people for doing what we ask people to do every day, and that is to work hard, to save, to take care of their families, to create jobs, to build their business, to make life better for their fellow man and their community. I want to see people come and defend that, the whole idea of death taxes.

Mr. Speaker, I think when that occurs, we will see the American people understand what position and what side they should be on, and I am looking forward to this debate over and over again until we get total repeal of the death tax.

THE CLEAN AIR ACT AND THE CLEAN AIR ACT AMENDMENTS HAVE BEEN A GREAT SUCCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania [Mr. KLINK] is recognized for 60 minutes.

Mr. KLINK. Mr. Speaker, as with the previous gentleman speaking, when the Government takes action or the Government takes inaction, it has an impact on all of our lives. Sometimes that impact that the Government has on our lives can be positive, and other times it can be negative.

I would agree with many Republicans and Democrats, with many liberals and conservatives, with many in industry and in labor and in the environmental movement that one of the positive things that the government has done is to provide us with clean air. The Clean Air Act and Clean Air Act amendments have been a great success.

Coming from my region of western Pennsylvania where we had unbelievably dirty air because of the heavy industry and the steel mills, and you go back 30, 40, 50 years ago, our region was once described as hell with the lid off. In midday the sun would be blackened out by the soot that would be coming out of smokestacks that would not allow the sunshine to get down to the people on the earth, and people had tremendous problems breathing. In Donora, PA, people were actually dropping dead in the street many decades ago as they were the victims of a temperature inversion and all of the poisons that were spewed into the air.

We have gotten beyond that, and in fact, I would invite, Mr. Speaker, you or any of my colleagues to come to Pittsburgh, PA, today. It is a beautiful city, it is a clean city. The air is clean, the water is clean, and in all of our three rivers, which we are so famous for, you can now catch fish. But where there were once mill sites there is now level land. Where there were once tens of thousands of manufacturing jobs, there is now in many instances desperation and poverty. We are coming back in many areas; many areas, we are still going down.

That is why I am here today, because I fear that my Federal Government, that Federal Government that I am a part of as an elected Representative of Congress, is about to make a very severe error. I am afraid that we are about to reverse what has been a steady increase toward cleaner air, and in what is a veiled attempt, I think, to try to tighten clean air regulations, my fear is that the EPA and anyone else who goes along with them will, in fact, allow the air to remain dirty longer.

You see, we have definitive dates in place now whereby that soot; it is called particulate matter in scientific language, but all of that smoke stack soot that is going through the air, we are supposed to be reaching certain goals, and have that air cleaned, and we have been doing that. And that ozone, which is technical talk for smog, we have areas including here in Washington, DC, and Baltimore, specific periods in time at which we are to reach the goals and specific goals have been set.

Well, here comes a lawsuit by the American Lung Association, and they are rightfully, I think, pointed out to the EPA that since we last took a look at particulate matter or smog back in 1987, many more than 5 years has passed, and according to the statute every 5 years the EPA is supposed to take a look at these issues.

And so it was that they went to court and they said to EPA you have to go back and you have to reexamine what you are doing with particulate matter. It does not mean they have to tighten the standards, it does not mean that they have to change the standards. It simply means they have to go back and review those standards.

And so, Mr. Speaker, they have, and they formed a scientific advisory group that has made some recommendations, and we, in the Committee on Commerce, two of our subcommittees, the oversight and investigation subcommittee of which I am the ranking Democrat and the health and environment subcommittee, held a series of hearings, and we heard from some of the scientists, and we heard from other interested people, and we heard from Carol Browner, the administrator of EPA. Over an 8-hour hearing we heard from Miss Browner. My concern is that it appears EPA is moving forward not to just review particulate matter, as they have been told to do, but they have also coupled this with changing the ozone standards. They were not supposed to do that. They were not told to do that. So when dealing with soot, with that particulate matter that we ingest into our lungs which could cause physical problems, that is complex enough. Why are we deciding to tackle two very difficult issues at the same time?

Well, I would say, Mr. Speaker, that after all of the hearings that we have had and after all of the questions that have been asked we still do not know. We have never gotten a straight answer. My fear is it is because that EPA understands that while there may be a stronger case for dealing with that soot that is in the air, there is a much weaker case for dealing with ozone. So they couple the two. They can head in the direction that they feel we need to head.

But what would be the ramifications of that? You might say, well, if we tighten the standards, we are all going to breathe healthier air. But the fact of the matter is that simply is not true, and that is why I have taken to the floor today. That is why many of my colleagues on both the Republican side and the Democratic side have been talking about this issue. That is why mayors and Governors and State legislators and local government officials and labor unions have begun to talk about this, because we fear that by changing the finish line in the middle of the race the race will never be finished. No matter what happens, and Carol Browner, the Administrator of the EPA, told us in the hearings, she has told others, environmentalists agree, I agree, my Republican colleagues agree that if we do nothing, we are still going to continue to clean the air. The air will get cleaner. We all want cleaner air.

But when we tighten those standards, the States that have not implemented

their air cleaning plans are going to stop and say wait a minute, you cannot give us a different target. That target that we were working toward right now has been moved.

And so now Federal Government, we have to go back to our industries. We in the States who must reach attainment for our air quality have to go back to our industries, we have to go back to our local government leaders, and we have to figure out how do we get back into attainment for a new standard while we were just beginning to clean the air and make it healthier for children, for elderly, for all of our citizens.

This will cause confusion among industries, industries that have spent tens upon tens of millions of dollars to install scrubbers to install the latest technology so that they have cleaned that air in Pittsburgh, and in Detroit, and in Cleveland, OH, and in New York City, and in Philadelphia, PA, and in my area in Beaver County, and Westmoreland County, in Lawrence County, PA. They have spent all of that money to clean the air, we have seen the dramatic results, and now the EPA is about ready to say, no; we had you driving toward the wrong standard. It is time that we tighten that standard.

Well, needless to say many of these industries are going to certainly say we are finished investing. Until we know what the rules of the game are, until the Federal Government can ensure us that we are working toward something that we know is going to be good science, that we know is going to be a final destination where we will, in fact, have agreement, we are not going to do anything. And I have had industries that have told me they are not going to expand any more. I have had other industries that said we are not going to move into western Pennsylvania because we are afraid to make that investment.

Mr. Speaker, why in the world are we going to spend tens of millions of dollars or hundreds of millions of dollars building a manufacturing facility and then have the Federal Government say the rules have changed? With NAFTA we can now build that facility in Mexico, and we can ship all those products right into the United States, have access to the market with no tariffs, or we can build that facility in Canada, and we do not have to deal with a Jekyll and Hyde EPA that changes their mind as to what the specific rules of the game are going to be.

□ 1700

This is important to me, because as we cleaned the air during the 1960's and 1970's and 1980's, and I admit, we needed to clean the air, people were dying. We had people with severe respiratory problems. But as we cleaned the air there was a price to pay, not only for installing the scrubbers in the smokestacks, there was a price to pay for jobs.

Take a look at the employment in areas like southwestern Pennsylvania prior to the Clean Air Act. Take a look at how many steel mills were operating, and as we spent money to clean up the air, that was money that we did not spend on capital improvements in those manufacturing facilities.

Now, there are many people on the other side of this argument who will argue to me, oh, the EPA has done studies, and their studies have shown that in fact not a single job was lost due to clean air. Well, that is like me asking the fox if the rooster and the hen both died of natural causes. The fox is going to say, oh, yes, they both had heart attacks, and I ate them because, well, they just happened to be dead.

We cannot trust the EPA in this matter. They have a bad credibility problem when it comes to southwestern Pennsylvania. Because you see, they leaned on the State of Pennsylvania just a few years ago to tell us that what we really needed to do to meet our clean air standards, and that is not the new standards that we feel they are going to propose, this is the old standards, the ones that we are moving toward, and they told us that in order to hit that, we had to have a centralized emissions testing program for our automobiles and our trucks.

Well, the State of Pennsylvania, under Governor Casey, decided at that time to go out and sign a contract with a company from Arizona called EnviroTest. So we built 86, they were called E test systems where people in many counties across Pennsylvania, we have 67 counties, and many of our counties were going to have to go to the centralized testing facility. There were only a handful of them in each county, maybe one or two or at most four in each county, so it was going to create a problem. They could no longer go to their neighborhood mechanic who could buy a piece of equipment to test the automobiles; they had to go to a specialized central test.

Now, if there was a line, people may have to sit in that line for hours. That means lost work, lost time, and obviously the people of Pennsylvania were not real thrilled about this. So we went to war with the EPA and they said, you really do not have to do this. The problem was, by the time they give us this "whoops, you really do not have to do what the Federal Government was forcing you to do," we already had a contract signed with EnviroTest. We had built 86 E test systems.

EnviroTest was planning on making as much as $100 million a year in profits out of Pennsylvania. So obviously, they were not going to take this lying down; they were going to file a suit against the State of Pennsylvania because Pennsylvania had done what they felt EPA was forcing them to do.

In the meantime, we got a new governor, Tom Ridge, who was our colleague here in the House. Governor Ridge saw this as a real problem, and so he sat down with EnviroTest and said, we will reach an out-of-court settlement with you. That out-of-court settlement was $145 million because EPA gave us that big "whoops."

Now, that is $145 million, Mr. Speaker, that we are not spending in Pennsylvania to build new highways. It is $145 million that we are not spending for Medicaid, or to educate our children, or for any of the many other things that the taxpayers that I represent in Pennsylvania would like us to spend that money for. It went to pay off an agreement that we had with an out-of-State firm to do centralized testing because we thought the Environmental Protection Agency was forcing us into that position.

Not one penny of that $145 million, Mr. Speaker, cleaned up the air. The air did not get any cleaner at all. In fact, I would think the air got dirtier because all of the hot air that we heard from the Federal Government demanding that the State of Pennsylvania do this. Other States have been in a similar position.

The question is, why in the world would we now, while we are cleaning the air, change the target? Why would we force industry that has made investments in cleaning the air, that is moving toward providing more employment, all of a sudden force them to step back and say, I am not sure I want to make an investment in an area like southwestern Pennsylvania.

Mr. Speaker, in our region while we were cleaning up the air we lost 155,000 manufacturing jobs. That is just one section of the State of Pennsylvania. Those are not my numbers, Mr. Speaker. Those numbers come from a white paper done by Carnegie-Mellon University who years later went back and took a look at the impact of the industrial downsizing in the Pittsburgh region.

So when we had a chance several months ago to have a new automobile plant move into western Pennsylvania, we were excited. It was a 1,000-acre site, 2,500 jobs, very good-paying jobs in auto manufacturing, but when the company took a look at the fact that Pennsylvania is located in something called the Northeast Ozone Transport Region, meaning that all of the smog from the West moves toward Pennsylvania and the States from Maine down through Pennsylvania to Northern Virginia are in this ozone transport region, and the rules are different for us because we are in that region, they said, well, we are not going to deal there.

We are not going to build a facility there, because first of all, it would cost us a minimum of $3 million to buy pollution credits. So, Mr. Speaker, it is

not just the fact that one cannot pollute, it is the fact that if one is wealthy enough and if one is prone to want to invest, one can actually buy pollution credits. So one can still pollute if one wants to, if one can find those credits.

Now, here is what happens with the pollution credits. Generally a larger firm would have the money to purchase those credits from a smaller firm. The smaller firm then would go out and find some greenfield site located somewhere else, they would build their facility and they would begin polluting there. So we do need to take a look at what kind of particulate matter, what kind of soot, is causing adverse health affects. We have done many studies on smog, so I think that the science on smog is in.

The problem with what they are doing on smog or ozone is that they want to go from .12 parts per million studied over a 1-hour period to .08 parts per million over an 8-hour period. Now, this group of scientists that was studying this, I do not want to get too complex, but I want to explain to people that this group of scientists said, look, you can do anything from .508 to .08 to .09. They chose the number in the middle. Here is the important point about that.

Had they chosen the higher range the scientists recommended, 400 additional counties across this Nation would not be in noncompliance.

Now, what does that mean, 400 counties in noncompliance? That means if you are located in those counties, immediately when EPA files these new standards, you have to buy the most sophisticated technology for anything that you do. It means that your building permit process becomes much stricter and much tougher, and quite frankly, in those counties you are probably not going to see much industrial expansion and you are going to see almost no new construction, because why would an industry want to move into a county that is already in noncompliance? So there is a stigma that occurs with noncompliance.

Now, in a rush to get Members on both sides of the aisle to not believe that this was the case, EPA Administrator Browner, we believe, has been making some assurances to Members of Congress and to officials at the State, county and local level, that they are really going to kind of look the other way as far as enforcement goes.

Now, the fact of the matter is, whether they look the other way or not, the day those regulations are in the books, things change, because as Ms. Browner testified before our committee, it is up to the States and the local government to come into compliance with the standards set by the Federal Government. If they do not do it, then the Federal Government comes in and can then insist that they do it one way or another. If they have been out of compliance, they have not taken steps, the Federal Government would at that point step in.

We understand one Member of Congress from northeastern Ohio was assured that an automobile manufacturing plant and an automobile casting plant in his district would not have to put on additional controls, even if those plants were located in counties that were found to be in noncompliance based on the new standards.

My question to EPA is how do you do that? How do you say, these are the regulations, but a wink and a nod, you do not have to listen to them? And if that is the case, well, Ms. Browner is the administrator, what happens if she is no longer the administrator? Does EPA do something different? Is this an assurance only for this Member of Congress that is receiving that assurance?

So the gentleman from Michigan [Mr. DINGELL] and myself have written to Administrator Browner, and we have asked how they can make these assurances. We also would applaud what appears to be recognition by EPA that there are problems these proposals will create for industry and for local governments, and for State governments. So we also would like them to talk to us about how those problems are going to be dealt with.

The assertions that the administrator seems to be making to these Members of Congress and to other elected officials have raised really three fundamental questions. Number one, who is receiving these assurances? Are only certain Members of Congress being told that their industries will get a bye on this, or will all of our districts get a bye on obeying these new regulations? And what were those assurances? Exactly, specifically, what are you assuring us that EPA will do or will not do?

Number three, how much value would those assurances have, given the fact in the face of contradictory statutory provisions and the expansion of citizens' rights found in the Clean Air Act? Because any citizen has the ability, under the Clean Air Act, to bring a suit and say, you are not adhering to this act. So once the EPA said, forget about these standards that were working, forget about these standards that we were reaching, that the States were developing State implementation plans to achieve that were causing the air to get cleaner, forget about those, we now have new standards.

The citizen says, wait a second, you are not doing what you should be doing in these areas. That citizen can bring a suit, and we need to know what impact a possible citizen suit would have. I do not think that the assurances that the administrator is giving is worth the breath with which they are uttered, and if they are written on paper, I would like to see the paper, and I do not think that they are worth the paper that they are being written on.

I think, Mr. Speaker, you are aware and most of my colleagues are aware that title I of the Clean Air Act amendments sets out the steps that the EPA and the States have to take once we have a new ambient air quality standard that is established pursuant to section 107. The EPA is then to promulgate area designations based on the new standards, and they are supposed to do it directly from the act. The quote is, "as expeditiously as practicable, but in no case later than two years from the date of promulgation of the new or revised national ambient air quality standards."

So how can they say to my friend from Ohio, or any other Member of Congress or to anyone else, do not worry about the new standards, you are all right, trust us. We are the Federal Government. We are here to help you.

I also have questions. Within three years after the promulgation of the national air ambient standards, the States have to submit an implementation plan which has to include numerous planning and control requirements, as well as an enforceable schedule, the timetable that the sources within that region that is out of compliance that is going to comply, and we want to know, given all of this, how can we give assurances to anyone that these timetables will not be adhered to?

Now, let me go from the general discussion for a moment just to talk about smog, or ozone, as it is known. Here in the Washington, D.C. area, and in Baltimore, I mentioned a little bit earlier that by 1999, I think it is, they have to reach their standards. Here is where this actually ends up, I believe, making the air dirtier longer. As soon as we have new standards going from the .12 for 1 hour to .08 for 8 hours, these regions can say, wait a minute, time out.

□ 1715

You have just changed the end zone. As a result of that, here is what I am going to do. I need my 10 or 12 years additional time to meet the new timetables. So they can stop all the things they are doing to implement clean air standards.

If you have a child who is 8 or 9 years old who has asthma and you are concerned, and you say, boy, this is a good thing, we are only 2 years, this is 1997, in 2 years in the Washington, D.C.-Baltimore area they are going to take action. They are going to have the air cleaned as regards to smog to this standard.

All of a sudden, EPA comes in, changes the standard, and the local people and the State people and the District people say, wait a second, we want our 10 or 12 years. So now that child will be 20 years old, will in fact be in college and perhaps move out of the

area or be employed before the new standard has to be reached. So you are not protecting that child, who is now 8 or 9 or 10 years old. We are putting it off for another decade or more.

I do not believe we should be doing that. We have worked so hard to clean up the air. We have given up so much for the sake of clean air. To now change the final stopping place in the middle of the race, as we are so close to reaching those standards, does not make any sense.

The other problem with this is that there is a problem with transport. We have this in Pennsylvania. Our friends to the west of us, States like Ohio and Michigan and Indiana and Illinois and Minnesota and on and on, send us their dirty air. We in turn send our dirty air to Delaware and New York and New Jersey. It is called transport. It is a problem we all have.

There is a group now that is called OTAG, a group which is a task force that is supposed to study this problem of transport of smog, how do we deal with it. They are, as we are speaking now, supposed to file their final report.

These new regulations do not make it—there are no new tools to deal with the problem of the air that is transported into our regions. Yet, it is going to stop this OTAG process, their ability to issue final recommendations, which in fact could cause the air to get cleaner because we would deal with the transport of pollution from one State to another.

There is a reluctance of States to take action against each other. As I mentioned, my State of Pennsylvania would be reluctant to seek action against States to our west because we do not want the States to our east to come after us, so there is kind of a Mexican standoff that is taking place. We are all looking forward to the day when we can sit down through this OTAG report and say, this is how we are going to deal with the transport problem.

I am particularly interested because my district happens to be right on the border with West Virginia and Ohio. So a business could locate in those States and not have the same stringent ozone requirements they would have in my district, because we are in that area designated the northeast ozone regional transport region. So we are getting that dirty air in from our west, we have the Allegheny mountains that act as a backstop, and we are done.

In fact, if we were to evacuate southwestern Pennsylvania, take out all of the industry, take all of the people out of their homes, take all of the vehicles out of southwestern Pennsylvania, shut it down, give it back to the birds and the wildlife, under the new proposed standards there would be several days a year that we would still be in excess of the standard allowed for smog.

We cannot meet the new standard. It is impossible until we deal with the transport issue of that dirty air that our friends and neighbors to the west are sending us. I think that Pennsylvania is not the only region that is having this problem. There are many other areas across the country that are having a problem with transport.

Let me just mention that I am not asking Members to believe me just because I happen to be a Member of Congress, or because I happen to sit in on some of these hearings. I think that the scientists and the scientific evidence would point out that what I am saying is correct.

The CASAC group that gave the recommendations to EPA is chaired currently by Dr. Joe Mauderly. He has been the Chair this year and on into the future, we hope. When talking about the issue of the ozone or smog, he said: "While I support the proposed change as logical from a scientific viewpoint, I would point out that it should also be considered that an equal or greater overall health benefit might be derived by using the Nation's resources to achieve compliance with the present standard in presently non-compliant regions, than by enforcing nationwide compliance with a more restrictive standard."

What is he saying? The same thing I have been saying for the last half an hour. That is, we are better to try to meet the current standard, a standard that is allowing us to clean up the air, a standard that local government has been working toward, State government has been working toward, industry has been investing money to work toward, rather than changing the target. If we use our resources in that manner, to bring the areas that are still out of compliance into compliance, we will have more healthier kids, we will have a healthier industry.

He also says, and my friends out in the west, Mr. Speaker, I would hope would listen to this, this is Joe Mauderly, this is not the gentleman from Pennsylvania [Mr. RON KLINK], this is someone who has knowledge of these matters because he has studied it and looked at it, and he is designated as the chairman of this group that is supposed to be advising EPA.

He says: "I am concerned that New Mexico and other arid regions with alkaline soils, the substantial portion of soil-derived PM that can exist as PM2.5," and we call it soot but it also could be agricultural dust, so you understand, if you have alkaline type soils, that that loose soil blowing in the wind from agricultural activities could cause the new PM2.5, 2.5 microns, to be out there in the air.

Now we have a problem. What is this? What we are talking about with particulate matter, or as I said, it is that soot, we refer to it in the northeast as coming out of an industrial site, but obviously it can come out of an airplane exhaust, it can come out of a power plant smoke stack. Particulate matters are the dusts and soils that are blowing in the air, so it can come from different things. What they are talking about doing is going from PM10, 10 microns, to PM2.5. It is smaller. They are saying it is smaller, so when it is ingested into the lungs it is more dangerous, harder to get out.

The question is, is all 2.5 microns the same? Meaning if it is of a certain size, is there not a different toxicity to it? Are some things not more toxic than others? Are they more dense than others? How about when you use different kinds of particulate matter in conjunction with each other? We do not know all the answers to this, because in this whole Nation there are only 50 monitors that measure particulate matter in the 2.5 micron range. We do not have the data. We do not know.

How long will it take to get the data? Mr. Speaker, it is going to take at least 2 years to manufacture and deploy enough particulate matter sensors so we can get that information. Then, according to the law, and we are here about the law, you have to monitor that data for at least 3 years. That is 2 years to manufacture and get them deployed, 3 years to study, on a minimum.

At the end of that, that is 5 years, it is time for the EPA to reanalyze particulate matter. So why are we going to spend billions of dollars going to a new, more stringent standard that industry will not be able to comply with, that State and local facilities and governments will not be able to comply with, only to know that by the time we actually have that data 5 years down the road there will be another lawsuit forcing EPA to look at it again?

It does not make any sense, Mr. Speaker. It absolutely does not make any sense. We need to do the studies first. On this issue, Democrats and Republicans alike agree. We are willing in this House to fund the studies. It is better for us to spend tens of millions of dollars making sure that we are headed toward good science and a good health impact for our citizens, rather than spending billions of dollars, only to find out that again, EPA has gone "whoops," 5 years from now, and told us that back in 1997 we made a bad decision.

Remember, they did that in Pennsylvania with centralized emissions testing. Do not make the same mistake in all 50 States, shutting down industries, stopping industrial growth, cutting down on the number of jobs, meaning the number of people who have paychecks and the number of people who have medical benefits at their jobs. There is an adverse health effect to not moving forward and having industry grow in this country.

Why am I here on the floor today? It is because when we had the loss of 155,000 manufacturing jobs, and I was

at that time a journalist who was documenting it, I am not willing to stand here in the halls of Congress and watch the Federal Government make the same mistake that will cost people their jobs, cost them the quality of their lives, and then have the EPA and someone else years from now say, whoops, it was a mistake.

Show me that it is good science. Justify to me and the rest of this Congress that this is a good decision. Make sure that we are headed in the right direction, and you cannot do it with only 50 monitors in this country. You cannot force every industry to go to a new standard when they are already cleaning up the air, when State implementation plans are still being implemented, and you are putting the air quality of this country at risk.

About 40-some Members of Congress from our side of the aisle have tried for many weeks, Mr. Speaker, and I think many of our colleagues on the Republican side know this, we have tried to sit down with the President. We want to talk to the administration about this before his EPA administrator makes what we think is going to be, we think she is going to do it, a bad decision to change the finish line in the middle of this race.

We have sent a letter. We have not even received back a note that said, we got your mail, we are thinking about it. That is bothersome. I want the President to sit down with us. Let us try to figure out how we can resolve this. Let us figure out how we, and those of us in Congress on both sides of the aisle, we want clean air. We want it to be a good decision. We want it to be a decision that is based on science that we are all comfortable with.

With the Clean Air Act, the Clean Air Act amendments, every major step that we have made toward cleaning up the environment, we have done it with a broad, bipartisan consensus. There is no broad, bipartisan consensus for implementing these new standards.

There is no reason why the EPA is doing smog at the same time they are doing soot, or particulate matter and ozone, if you want to be scientific. There is no reason they are doing both of those things together. I would hope, Mr. Speaker, that other Members who may be watching me talk back in their offices would step forward and would help us to get the attention of the administration, to try to stop what I think really would be bad policy, bad policy for this country.

Just in case the administration does not heed us, just in case we are too late, tomorrow, I would hope, we are prepared to introduce a piece of legislation, myself, the gentleman from Virginia [Mr. BOUCHER], the gentleman from Michigan [Mr. UPTON], so it is a bipartisan bill. We hope many of our colleagues will join us.

The purpose of this bill is not to open the Clean Air Act. I want to make that straight to my friends. We think that is a Pandora's box. The Clean Air Act is working. We are happy with the progress we have made. That is why we are here. We like the progress. We like the progress we are still going to make.

We agree with Carol Browning, no matter what happens, the air is going to get cleaner. We do not want to stop that. But we do want to put a 5-year moratorium on the establishment of these new standards. Let us continue with industry, with the labor unions, with the support of local government and State governments, to move toward bringing those areas that are still out of compliance into compliance. Let us deal with the issue of transport, of pollution across State lines.

So we are going to ask for a 5-year moratorium on the establishment of new ozone and fine particulate matter standards under the Clean Air Act. We really think that this is the direction that we want to go. We believe that most of the programs under the Clean Air Act and the amendments of 1990 are continuing or have yet to be implemented. We want to see them implemented. We want to see the results.

We believe that this country has made tremendous progress on reducing atmospheric levels of ozone and particulate matter since the passage of the amendments back in 1990. We think that that progress is going to continue.

□ 1730

And by changing the current national ambient air quality standards for ozone, which we just do not think makes a great deal of sense, we also think that really both the Environmental Protection Agency and this CASAC group, the scientists that I talked about, it stands for Clean Air Scientific Advisory Committee, both of them have recommended that additional research should be conducted to determine the additional health effects of these finer particles and that this should include taking a look at biological mechanisms, how bad and to what extent combining different kinds of particles has an adverse health effect.

Here is the EPA and here are these scientists, this Clean Air Scientific Advisory Committee, all saying we need further research but we think we are going to go to the new standards anyway. It does not make any sense.

So given that fact and the fact that there really is a lack of atmospheric data because we only have about 50 of these 2.5 monitors in this country, it makes sense to do the studies first. It makes sense to go out and measure across this Nation what kind of 2.5 particles do we have, at what level, at what density, what are the health impacts, and are we sure that if we clean them up to this level that there is going to be a health benefit from that.

You say, why would you say that? Would there not be a health benefit? We do not know.

Let me tell my colleagues what happened in London, England back in the 1950s, and it is happening in southwestern Pennsylvania and it is happening across this country now. In London back in 1950s, they had all this black soot in the air. They had problems with respiratory illnesses, bronchial infections. They cleaned the air up. The incidences of asthma increased. Why? They do not know. They still do not know.

That has happened in southwestern Pennsylvania and it is happening across this country. There are all kind of ideas, but the whole point is, why, when we clean up the air, is asthma increasing, not only in the number of cases, the percentage of people that are getting it, but also the violent aspect of it is also getting worse. What is going on here?

There are different ideas. We need time to find out what are the answers to those questions. Setting the new standard right now does not change anything except it stops the progress that we have been making. It stops the benefits that we have been seeing for quite some time.

We have watched the air slowly, slowly getting better, getting more clean. I can remember, and I will make an admission, Mr. Speaker, back in my early days in the television business, I was a television weather forecaster and in the Pittsburgh region, as a matter of fact. And we had to, back in the 1970s, every day, along with the temperature and the barometric pressure, the direction the winds were going, tell the people what days they could go outside and exercise and when they could not and when you kept your children in and when you keep the elderly people in. And we had to tell them what aspect of the air was bad, if it was particulate matter, if it was ozone, if it was whatever.

Still, when I get home, I watch my friends who are still doing the weather forecasting. They do not do that anymore. The air has gotten that much cleaner. But the other aspect of that is the air has gotten cleaner. As I drive into Pittsburgh on the parkway east, where once there was a giant steel mill, there is now a high tech center. We are happy to have those jobs, but the steel industry is not there anymore. When you go to the town of Aliquippa, where once there was a 7-mile-long steel mill, there is now a big flat spot along the Ohio River. So we have paid not only with our tax dollars, we have paid with corporate investments. We have paid with jobs.

Do not make us pay for something that we are unsure of what the benefit will be. Do not make us pay for something that may in fact be more detrimental to our health and at the same time cause this Nation's wealth to go into a downward spiral where companies will not be investing in these regions, where jobs will not be created in

these regions. That is what I fear is going to happen.

We have heard from governors across this Nation who are in favor of the wait and see position that I have espoused here today. We have heard from many State legislatures, both houses of representatives of the States and the senates. We have heard from local governments. I have a list here of many pages, I will not read through them, Mr. Speaker, but we have heard from industry. We have heard from labor unions that are in favor.

I would say to my friends who work with the labor unions, the IBEW opposes these standards. The IUOE opposes these standards. The boilermakers union opposes these standards. The bakery, tobacco and confectionery union opposes these standards. The labor unions oppose these standards. United Mine Workers union opposes these standards. All of those have sent letters to the White House or to the EPA.

Other internationals who oppose but have not yet written letters, we hope that they will, include the Teamsters, the Oil, Chemical and Atomic Energy Organization, carpenters, pipe fitters, we understand many other labor unions are getting on board.

The only labor union that we know that is in favor of these standards, and I cannot figure out for the life of me, the steel workers. I met with the steel workers this week in an effort to try to understand this, because my local steel workers back in Pittsburgh are not for this. The regional directors, who have watched the steel industry move offshore, are not for this.

The Washington lobbyists for the steel workers are for this. I do not know if someday they want to be Secretary of Labor under somebody's administration. I do not know that. It is only conjecture by a cynical television reporter who now is standing here in Congress. I do not know what the reason is.

But the point of it is this, I have been almost all of my adult life a union member, still carry my AFL–CIO card. In acting on behalf of the working people of my region, which is what I was sent here to do, I cannot go along with these proposed new standards. They make no sense. It is bad news environmentally. It is bad news from a health perspective. It is bad news certainly from a wealth perspective from the continuing prosperity of this country moving forward.

We have loved it during the past 5 years as we have watched the stock market go up and industrial investments going up. It is coming into our area; we are starting to see growth and development. I am afraid that the brakes are going to go on.

Mr. Speaker, I ask my friends in this Congress, I would ask that we have as many Members as can sign onto the bill that the gentleman from Virginia [Mr. BOUCHER], the gentleman from Michigan [Mr. UPTON] and I will be dropping tomorrow, because we think there should be a 5-year moratorium on any action by the EPA.

We think there should be a moratorium until these monitors can be put in place, the study can be done, the material from that study can be fully analyzed and that we will know 5 years from now what we are doing. What is the cost of doing that? We are going to have to fund each year the study. We are going to have to fund the building of those monitors. That will cost far less than what it will cost if the EPA implements these new standards and they are wrong.

We are willing in a bipartisan fashion to fund that study. We have talked about it. We think it is the right thing to do. I would urge my friends to join me.

THE VA'S BEST KEPT SECRET: VETERAN'S ON-THE-JOB TRAINING

The SPEAKER pro tempore [Mr. CHRISTENSEN]. Under a previous order of the House, the gentleman from New York [Mr. QUINN] is recognized for 5 minutes.

Mr. QUINN. Mr. Speaker, I rise today for a short period of time here, 4 or 5 minutes, to inform my colleagues in the House about a veterans' congressional jobs program that has come to my attention and we have initiated in my district office.

This is information for our colleagues here in Congress and for their staff members, and the chairman of the Subcommittee on Benefits of the Committee on Veterans' Affairs here in the House.

Back in January and February, Mr. Speaker, I had an opportunity to meet with staff over at the VA and talk about the existing programs. We talked about financing and the budget that is coming up. I also know that most of us as Federal Representatives here in the Congress are committed to improving veterans' employment opportunities, and I think that the Members here will be very interested that the VA is offering a jobs program for service-connected disabled veterans.

This is an existing program that I believe is a win-win-win situation, Mr. Speaker. I think it is one of the VA's best kept secrets, not purposefully; but I think that, if Members know about it and if they are informed about it, they are going to be very excited about it for the district offices and serving our constituents and helping the employment picture for veterans back home in their districts.

That is why it was important for me to come to the floor today and to speak to our colleagues and our Members. This program is referred to as the Chapter 31 Program. The purpose of the VA's vocational rehabilitation program is to assist service-disabled veterans find and maintain suitable employment. The trainee receives a stipend from the VA. In other words, there is no additional cost to us in our district offices.

I mentioned before that I think it is a win-win-win situation because it has helped the effectiveness of my office. It has helped us with our constituent service. It is also a win then for the individual veteran who has an opportunity to experience this on-the-job training, and I believe it is a win for the community at large.

The VA has done an excellent job in finding a candidate to work in my congressional office back in our district. We selected a trainee, Mr. Mark Dunford, who has a bachelor's degree in history, and he is completing his prelaw work at Canisius College in Buffalo. He has agreed to take on all our constituent work relating to veterans.

When we have constituents call our offices that want some help with either hospital veterans benefits or problems with some benefits they are receiving for a previously expired husband or wife, this is the kind of individual that will take that constituent work and get it done.

He is doing an outstanding job, Mr. Dunford is. His experience and skills acquired in the military are an asset to our office. But when he is assisting in constituent work, when he is monitoring the needs that people in my district and all of our districts have with regard to veterans affairs, he is one of those take-charge people who gets it done.

This on-the-job training program is an excellent way for disabled veterans to gain the work experience that they need.

I think, finally, that it is an opportunity for those of us who are Members of Congress here to lead by example. It is an opportunity to take this congressional job training experience another step and allow our veterans to have that experience so they can get meaningful employment either in our offices or in other places around the community.

In a time of limited resources, Mr. Speaker, it is also an opportunity for us to provide this job at no additional costs to our congressional payrolls. I think it is a win-win-win situation, as I said, for everybody involved.

I came to the floor today to make our Members aware of this program. As I mentioned, it is called the Chapter 31 Program. Later this week I will be sending a dear colleague letter to all of our Members here in the House suggesting that they look into the program. They can very easily give my staff a call in my office so we can put them in touch with the right people in the VA who, to tell you the truth, handle everything for us.

It is a great program. It is one that our constituents should know about. It is one that will help us run our offices more effectively and more efficiently. Finally, it is the right thing to do for some veterans back in our districts.

I would suggest that with the dear colleague letter that goes out from our office later this week, if anybody needs any attention from us or any help, we stand ready to do that, as does the VA.

Mr. Speaker, I appreciate the time this afternoon to make my office available.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 43 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0045

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 12 o'clock and 45 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–137) on the resolution (H. Res. 169) providing for consideration of the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HALL of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. HALL of Ohio, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Mr. LEVIN, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. ROTHMAN, for 5 minutes, today.

Ms. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. CANADY of Florida) to revise and extend their remarks and include extraneous material:)

Mr. QUINN, for 5 minutes, today.

Mr. NEUMANN, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. KNOLLENBERG, for 5 minutes, today.

Mr. ENSIGN, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Member (at his own request) to revise and extend their remarks and include extraneous material:)

Mr. WAXMAN, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. NORTHUP, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CANADY of Florida) and to include extraneous matter:)

Mr. GINGRICH.

Mr. HOBSON.

Mr. QUINN.

Mr. CAMPBELL.

Mr. GILMAN.

Mr. MORAN of Kansas.

Mr. PACKARD.

(The following Members (at the request of Mr. HALL of Ohio) and to include extraneous matter:)

Mr. HAMILTON.

Mr. FRANK of Massachusetts.

Mr. SANDERS.

Mrs. MALONEY of New York.

Mr. UNDERWOOD.

(The following Members (at the request of Mr. QUINN) and to include extraneous matter:)

Mr. VENTO.

Mr. GILMAN.

Mr. MCCARTHY of Missouri.

Mr. MORAN of Virginia.

Mr. CLAY.

Mr. STOKES.

Mr. STUPAK.

Mr. WELLER.

Mr. LEWIS of California.

Mr. HALL of Ohio.

Mr. FORBES.

Mr. FRANKS of New Jersey.

Mr. KUCINICH.

Mr. POSHARD.

Mr. SOLOMON.

Mr. THOMPSON.

Mr. OLVER.

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. EWING.

Mr. VELÁZQUEZ.

Mr. BROWN of California.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 32. Joint resolution to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 342. An act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 32. Joint resolution to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 47 minutes a.m.), the House adjourned until today, Thursday, June 19, 1997, at 10 a.m.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3845. A letter from the Director, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Revitalizing Base Closure Communities and Community Assistance—Community Redevelopment and Homeless Assistance (RIN: 0790–AG18) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

3846. A letter from the Director, Defense Procurement, Office of the Under Secretary of Defense, transmitting the Office's final rule—Defense Federal Acquisition Regulation Supplement; Miscellaneous Amendments [Defense Acquisition Circular 91–12] received June 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

3847. A letter from the Acting Executive Director, Thrift Depositor Protection Oversight Board, transmitting the annual report

of the Thrift Depositor Protection Oversight Board on the Resolution Funding Corporation for the calendar year 1996, pursuant to Public Law 101—73, section 511(a) (103 Stat. 404); to the Committee on Banking and Financial Services.

3848. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Controls and Displays (National Highway Traffic Safety Administration) [Docket No. 96–52; Notice 2] (RIN: 2127–AF86) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3849. A letter from the Chair, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Nuclear Plant Decommissioning Trust Fund Guidelines [Docket No. RM94–14–001; Order No. 580–A] received June 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3850. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Chile (Transmittal No. 19–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3851. A letter from the Chairman, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the Authority's report entitled "District of Columbia Financial Plan and Budget, Fiscal Years 1998 and 1999–2001," pursuant to Public Law 104–8, section 202(c)(6) (109 Stat. 113); to the Committee on Government Reform and Oversight.

3852. A letter from the CFO and Plan Administrator, PCA Retirement Committee, First South Production Credit Association, transmitting the fiscal year 1996 annual pension plan report of the First South Production Credit Association, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

3853. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the study report on the El Camino Real de Tierra Adentro to determine if it is feasible and desireable to designate it as a component of the National Trails System, pursuant to 16 U.S.C. 1244(b); to the Committee on Resources.

3854. A letter from the Secretary of the Interior, transmitting the annual report entitled "Outer Continental Shelf Lease Sales: Evaluation of Bidding Results and Competition" for fiscal year 1996, pursuant to 43 U.S.C. 1337(a)(9); to the Committee on Resources.

3855. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Low-Stress Hazardous Liquid Pipelines Serving Plants and Terminals (Research and Special Programs Administration) [Docket No. PS–117; Amdt. 195–57] (RIN: 2137–AC87) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3856. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Motor Carrier Routing Regulations; Disposition of Loss and Damage Claims and Processing Salvage; Preservation of RECORDS (Federal Highway Administration) (RIN: 2125–AE12) received June 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3857. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Government Securities: Call for Large Position Reports [17 CFR Part 420] received June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3858. A letter from the United States Trade Representative, transmitting a draft of proposed legislation to amend the Trade Act of 1974 to extend the Generalized System of Preferences; to the Committee on Ways and Means.

3859. A letter from the Secretary of Defense, transmitting the Department's report on the utilization of Uniformed Services University of Health Sciences (USUHS) graduates, pursuant to Public Law 104–201 section 741(e) (110 Stat. 2600); jointly to the Committees on National Security and Commerce.

3860. A letter from the Secretary of Housing and Urban Development, transmitting the Department's report on the Portfolio Reengineering Demonstration Program for Fiscal Years 1996 and 1997, pursuant to Public Law 104–134, section 210(g) (110 Stat. 1321–287); jointly to the Committees on Banking and Financial Services and Appropriations.

3861. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on deliveries under Section 540 of P.L. 104–107 to the Government of Bosnia-Herzegovina, pursuant to Public Law 104–107, section 540(c) (110 Stat. 736); jointly to the Committees on International Relations and Appropriations.

3862. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to improve pension and benefit security, to provide equitable railroad retirement benefits; jointly to the Committees on Education and the Workforce, Ways and Means, Government Reform and Oversight, and Transportation and Infrastructure.

3863. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency of Federal statistical programs and the quality of federal statistics by permitting limited sharing of records for statistical purposes under strong safeguards; jointly to the Committees on Government Reform and Oversight, Commerce, the Judiciary, Science, and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 1316. A bill to amend chapter 87 of title 5, United States Code, with respect to the order of precedence to be applied in the payment of life insurance benefits; with an amendment (Rept. 105–134). Referred to the Committee of the Whole Hose on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 858. A bill to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities; with an amendment (Rept. 105–136, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 19 (Legislative day of June 18), 1997]

Mr. SOLOMON: Committee on Rules. House Resolution 169. Resolution providing for consideration of the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes (Rept. 105–137), Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Agriculture discharged from further consideration. H.R. 858 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. GOSS: Permanent Select Committee on Intelligence. H.R. 1775. A bill to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency retirement and disability system, and for other purposes; with an amendment; referred to the Committee on National Security for a period ending not later than July 1, 1997, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X. (Rept. 105–135, Pt. 1).

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 1316. A bill to amend chapter 87 of title 5, United States Code, with respect to the order of precedence to be applied in the payment of life insurance benefits.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 858. Referral to the Committee on Agriculture extended for a period ending not later than June 18, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ROYBAL-ALLARD (for herself and Mrs. MYRICK):

H.R. 1950. A bill to clarify the family violence option under the temporary assistance to needy families program; to the Committee on Ways and Means.

By Mr. TORRES (for himself, Mr. RANGEL, Mr. CAMPBELL, Mr. LEACH,

Mr. PAUL, Mrs. MORELLA, Mr. SERRANO, Mr. MCDERMOTT, Ms. VALÁZQUEZ, Mr. MOAKLEY, Mr. NADLER, Mr. MCGOVERN, Mr. SHAYS, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. BOUCHER, Ms. WOOLSEY, Mr. FAZIO of California, Mr. HALL of Ohio, and Ms. LOFGREN):

H.R. 1951. A bill to make an exception to the United States embargo on trade with Cuba for the export of food, medicines, medical supplies, medical instruments, or medical equipment, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions of fall within the jurisdiction of the committee concerned.

By Mr. CANNON:

H.R. 1952. A bill to designate certain Bureau of Land Management lands in the State of Utah as wilderness, and for other purposes; to the Committee on Resources.

By Mr. GEKAS:

H.R. 1953. A bill to clarify State authority to tax compensation paid to certain employees; to the Committee on the Judiciary.

By Mr. JENKINS:

H.R. 1954. A bill to suspend temporarily the duty on certain high tenacity single yarn of viscose rayon; to the Committee on Ways and Means.

By Mr. KNOLLENBERG (for himself, Mr. BATEMAN, Mr. GIBBONS, Mr. HAYWORTH, and Mr. UPTON):

H.R. 1955. A bill to amend title 38, United States Code, to provide that a person who is sentenced to life in prison or death pursuant to Federal law forfeits all veterans' gratuitous benefits; to the Committee on Veterans' Affairs.

By Mr. SABO:

H.R. 1956. A bill to amend sections 226 and 226A of the Social Security Act to provide for entitlement to Medicare benefits of any divorced individual who otherwise would be so entitled on the basis of the entitlement to wife's, husband's, widow's, or widower's insurance benefits but for the failure to meet the 10-year marriage requirement, if such individual has been married to any 2 fully insured individuals for a total period of 10 years; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself and Ms. PRYCE of Ohio):

H.R. 1957. A bill to amend the Indian Child Welfare Act of 1978 to exempt voluntary child custody proceedings from coverage under that act, and for other purposes; to the Committee on Resources.

By Mr. WHITFIELD:

H.R. 1958. A bill to amend the Federal Food, Drug, and Cosmetic Act, the act of March 16, 1950, and the Federal Trade Commission Act to end the regulation of margarine; to the Committee on Commerce.

By Mr. DEUTSCH (for himself and Mr. CHABOT):

H. Con. Res. 100. Concurrent resolution relating to the future status of Taiwan after Hong Kong's transfer to the People's Republic of China on July 1, 1997; to the Committee on International Relations.

By Mr. LIVINGSTON (for himself and Mr. CARDIN):

H. Res. 168. Resolution to implement the recommendations of the bipartisan House Ethics Reform Task Force; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

134. The SPEAKER presented a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 11 urging Congress to protect the rights of users of roads over public lands; to the Committee on Resources.

135. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 53 memorializing the U.S. Congress to appropriate funds for the replacement of the Chickamauga Lock; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WHITFIELD introduced a bill (H.R. 1959) for the relief of Dr. David Robert Zetter, Dr. Sabina Emily Seitz, and Daniel Robert Zetter; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Mr. HAYWORTH.

H.R. 58: Mr. BURTON of Indiana, Mr. COOKSEY, and Mr. WELLER.

H.R. 123: Mr. WICKER and Mr. ROGERS.

H.R. 165: Mr. KILDEE and Mr. HAYWORTH.

H.R. 195: Mr. CLYBURN.

H.R. 218: Mr. TAYLOR of North Carolina, Mr. LEWIS of California, and Mr. DAN SCHAEFER of Colorado.

H.R. 234: Mr. BORSKI, Mr. UNDERWOOD, Mr. FROST, and Mr. YATES.

H.R. 235: Mr. WEXLER.

H.R. 336: Mr. MCKEON.

H.R. 339: Mr. CRAMER and Mr. CANADY of Florida.

H.R. 418: Mr. ALLEN and Mr. JACKSON.

H.R. 457: Mr. CAPPS.

H.R. 475: Mr. MURTHA, Mr. SESSIONS, and Mr. FRANKS of New Jersey.

H.R. 519: Mr. BARCIA of Michigan.

H.R. 586: Mr. SESSIONS.

H.R. 617: Mr. ANDREWS, Mr. ALLEN, Mr. JACKSON, and Mrs. MALONEY of New York.

H.R. 705: Mr. CANADY of Florida.

H.R. 712: Mr. PAYNE.

H.R. 754: Mr. MCINTYRE and Mr. CLYBURN.

H.R. 793: Mr. MCGOVERN and Mr. MARTINEZ.

H.R. 872: Mr. BALLENGER and Mr. COBLE.

H.R. 955: Mr. GOODLING, Mr. SOUDER, and Mrs. NORTHUP.

H.R. 978: Mr. LATOURETTE.

H.R. 1013: Mr. BAKER, Mrs. LOWEY, Mr. NORWOOD, Mr. GOODE, Mr. PICKETT, Mr. CRAPO, Mr. KLECZKA, Mr. EDWARDS, Mr. TAYLOR of North Carolina, Mr. PALLONE, and Mr. MCINNIS.

H.R. 1068: Mr. CANNON and Mr. SMITH of Michigan.

H.R. 1072: Mr. OLVER, Mr. WAXMAN, and Mrs. TAUSCHER.

H.R. 1077: Mr. SERRANO and Mr. GOODLING.

H.R. 1108: Mr. GOODE.

H.R. 1114: Mr. SANDERS.

H.R. 1120: Mr. HINCHEY, Mrs. MEEK of Florida, Mr. MILLER of California, and Mr. SERRANO.

H.R. 1126: Mr. DOOLITTLE, Ms. CARSON, Mr. BARRETT of Nebraska, and Mr. RODRIGUEZ.

H.R. 1127: Mr. DUNCAN, Mr. BOB SCHAFFER, Mrs. EMERSON, and Mr. SMITH of Oregon.

H.R. 1134: Mr. BARTLETT of Maryland, Ms. DELAURO, Mr. SMITH of Michigan, Ms. MOLINARI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WELDON of Pennsylvania, and Mrs. CLAYTON.

H.R. 1142: Mr. STUPAK, Ms. JACKSON-LEE, and Mr. ACKERMAN.

H.R. 1147: Mr. COOKSEY.

H.R. 1153: Mr. GOODLING and Ms. GRANGER.

H.R. 1159: Mr. VENTO and Mr. PRICE of North Carolina.

H.R. 1165: Mr. HILLIARD.

H.R. 1186: Mr. ABERCROMBIE.

H.R. 1202: Mr. FAWELL, Mr. WEXLER, and Mr. ROTHMAN.

H.R. 1232: Mr. FAZIO of California, Mr. DELLUMS, Mr. KILDEE, and Ms. BROWN of Florida.

H.R. 1263: Mr. LANTOS.

H.R. 1270: Mr. EHRLICH, Mr. THOMPSON, Mr. PARKER, Mr. MCCRERY, Mr. GOODE, Mrs. MEEK of Florida, and Mr. DOOLITTLE.

H.R. 1279: Mr. SHAW.

H.R. 1311: Mr. DELLUMS and Mr. BROWN of California.

H.R. 1329: Mr. HALL of Ohio.

H.R. 1335: Mr. BACHUS and Mr. BENTSEN.

H.R. 1346: Mr. DELLUMS and Mr. BARRETT of Wisconsin.

H.R. 1350: Mr. ENGEL, Mr. BUNNING of Kentucky, Mr. PORTER, Mr. STUMP, Mr. KIM, and Mr. CHABOT.

H.R. 1369: Mr. WELDON of Pennsylvania.

H.R. 1391: Mr. FOLEY, Mr. BLUNT, Ms. DANNER, Mr. MCCOLLUM, Mr. WEXLER, Mr. WELLER, Mr. BARCIA of Michigan, Mr. BURTON of Indiana, Mr. SHERMAN, Mr. PORTER, Mr. POMBO, Mrs. THURMAN, Mr. GREENWOOD, Mrs. LOWEY, Mr. CAPPS, and Mr. CALVERT.

H.R. 1398: Mr. HYDE and Mr. SALMON.

H.R. 1438: Mr. BLAGOJEVICH, Mrs. LOWEY, Mr. EVANS, Mr. MCGOVERN, and Mr. FRELINGHUYSEN.

H.R. 1440: Mrs. THURMAN and Mr. FALEOMAVAEGA.

H.R. 1458: Mr. NORWOOD.

H.R. 1478: Mr. ENGEL, Mr. KILDEE, Mr. PETERSON of Pennsylvania, Mr. EVANS, Mr. JOHNSON of Wisconsin, and Mr. MCINTYRE.

H.R. 1505: Ms. NORTON.

H.R. 1542: Mr. RIGGS.

H.R. 1567: Mr. PACKARD, Mr. RADANOVICH, Mr. STUMP, Mr. SHADEGG, Mr. BOB SCHAFFER, Mr. GIBBONS, and Mr. DAN SCHAEFER of Colorado.

H.R. 1627: Mrs. MORELLA.

H.R. 1660: Mr. SMITH of Michigan.

H.R. 1679: Mr. CALLAHAN.

H.R. 1702: Mr. NETHERCUTT, Mr. EHLERS, Mr. WELDON of Florida, Mr. CANNON, Mr. SESSIONS, Mr. SALMON, Mr. HALL of Texas, and Mr. FOLEY.

H.R. 1727: Mr. PAYNE, Ms. MOLINARI, and Mr. BALDACCI.

H.R. 1754: Ms. RIVERS and Mr. NETHERCUTT.

H.R. 1763: Mr. NEY.

H.R. 1765: Mr. SANDERS.

H.R. 1810: Mrs. NORTHUP, Ms. JACKSON-LEE, Mr. NETHERCUTT, Mr. GIBBONS, Mr. EHRLICH, and Mr. HAYWORTH.

H.R. 1816: Mr. MCINTOSH.

H.R. 1818: Mr. BONIOR.

H.R. 1839: Mr. SHAYS.

H.R. 1842: Mr. GUTKNECHT.

H.R. 1877: Mr. HAYWORTH.

H.R. 1883: Mrs. MEEK of Florida, Mr. HALL of Ohio, and Mr. SCHUMER.

H.R. 1908: Mr. CALLAHAN.

H.J. Res. 76: Mr. NEY.

H.J. Res. 79: Mr. DEFAZIO.

H. Con. Res. 10: Mr. MCGOVERN and Ms. KILPATRICK.

H. Con. Res. 52: Mr. MOLLOHAN, Ms. DEGETTE, Mr. MCINTYRE, and Mr. PASCRELL.

H. Con. Res. 75: Mr. COLLINS.

H. Con. Res. 80: Mr. DEFAZIO and Mr. SCHUMER.

H. Con. Res. 81: Mr. FORBES, Mr. SOLOMON, Mrs. KELLY, Mr. PAYNE, Mr. KLINK, Mr. MENENDEZ, Mr. CAPPS, Mr. ANDREWS, Mr. FRELINGHUYSEN, Mr. VISCLOSKY, Mr. CRANE, Mr. COYNE, Mr. MANTON, Ms. HARMAN, Mr. FROST, Mr. OLVER, and Ms. PRYCE of Ohio.

H. Res. 26: Mr. YATES, Mrs. MALONEY of New York, Ms. KAPTUR, Mr. BLAGOJEVICH, Mr. UNDERWOOD, Mr. BLUMENAUER, Mr. STARK, and Mr. DEUTSCH.

H. Res. 103: Mr. BATEMAN and Mr. CALVERT.

H. Res. 135: Mr. HASTINGS of Florida, Mr. ACKERMAN, Ms. LOFGREN, Mr. FROST, Ms. WOOLSEY, Mr. BARRETT of Wisconsin, Mr. EVANS, Mr. SNYDER, Mr. SKAGGS, Mr. WISE, and Mr. DOYLE.

H. Res. 138: Mr. ETHERIDGE.

H. Res. 151: Mr. POMEROY and Mr. DEFAZIO.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

18. The SPEAKER presented a petition of the Council of the County of Hawaii, Hilo, Hawaii, relative to Resolution No. 79–97 urging strong support for the passage of H.R. 627 and S. 290, establishing a three-year visa waiver pilot program for Korean nationals visiting the United States in tour groups; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

TRIBUTE TO THE HONORABLE CLARENCE J. BROWN IN CELEBRATION OF HIS 70TH BIRTHDAY

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. HOBSON. Mr. Speaker, I rise today to honor Clarence J. Brown on the celebration of his 70th birthday. Bud Brown proudly served as a member of this body from the Seventh District of Ohio from 1965 to 1983. He was preceded by his father, Clarence J. Brown, Sr., who served for 27 years.

During his tenure in the U.S. House of Representatives, Bud Brown served as the ranking Republican member of the Energy and Commerce Committee and the Joint Economic Committee. He also served on the Government Affairs Committee and was the ranking member of three major subcommittees.

Following his departure from Congress, Bud Brown served in the Reagan administration as Deputy Secretary and as Acting Secretary of the Department of Commerce after the death of Malcolm Baldridge. In 1992, he was named president and chief executive officer of the U.S. Capitol Historical Society where he works to fulfill the Society's mission to preserve and share the Capitol's historical importance.

As a Member of Congress, Bud Brown followed his father's footsteps with a strong focus on constituent service, a focus which served as an example for those members who followed. As he stated in his final newsletter to his constituents, his greatest reward from service came not from recognition for his legislative efforts, but in the satisfaction of helping individuals solve problems. Bud Brown summarized this when he said: "There is clearly a role for Government, but it is to serve, assist and protect—not to coerce, dominate, or abuse."

Today, as we honor Bud Brown on his birthday, I am pleased to join with his friends and colleagues, his wife, Joyce Eldridge Brown, his children, Clancy, Cate, and Roy, and his granddaughter, Rose Beth, in wishing him all the best in the years to come and to thank him for his years of service to the Seventh District of Ohio, the Buckeye State, and to our Nation.

In honor of that service, we are planting a Buckeye tree on the grounds of the U.S. Capitol that Bud so dearly loves and has dedicated so much energy to preserving. It is a fitting tribute to a man whose life and work have been spent advancing the ideals embodied in the great monument to democracy and freedom which is our Capitol.

A TRIBUTE TO DR. HAROLD BORING

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of my dear friend, Dr. Harold Boring, the assistant superintendent of the San Bernardino City Unified School District. Hal is retiring after a highly distinguished career and will be recognized for his many years of service to education and our community at an event in his honor later this month.

Hal Boring began his career with the San Bernardino City Unified School District in 1963 as an elementary school principal in Highland at Cypress Elementary School. In 1966, he became the instructional materials consultant and in 1971 Hal was promoted to serve as the district wide director for instrumental materials. Two years later, he became the director of instructional and business resources and served in that capacity until 1977 when he became the assistant superintendent for administrative services.

Over the years, Hal has been active in a number of educational, civic, and political activities benefiting a great many people in our community. He has served as a member of the San Bernardino County Republican Central Committee, the State Republican Central Committee, the International Council for Friendship and Goodwill, and as a member of the Board of Directors of the Highland Chamber of Commerce.

In addition, he has developed meaningful and productive relationships that have led to legislation resulting in many positive changes to our educational system. He is particularly well known throughout California for his knowledge of legislation and the legislative process. His work with the Association of California School Administrators [ACSA] for over 20 years has helped make ACSA a vital voice in the educational process across the State.

Hal and I first became friends while attending San Bernardino High School several years ago. Since that time, our friendship has continued to grow and I have been privileged to work with Hal on many occasions. To say the least, Hal's interest in and commitment to education and public affairs has made a tremendous difference to the many lives he has touched. He has always had a special gift for assisting others and a willingness to listen and lend a hand whenever possible.

Mr. Speaker, Hal Boring provides an example of leadership that is deeply respected and admired by his professional colleagues and our community at large. I ask that you join me, our colleagues, and Dr. Boring's many admirers in thanking him for his remarkable public service over the years and wishing he and Gloria the very best in the years ahead.

STATEMENTS BY JESSA BLACK, CURTIS WHITE, AND EVAN PAPPAS REGARDING FEDERAL AID TO HIGHER EDUCATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD these statements by high school students from Vermont, who were speaking at my recent town meeting on issues facing young people.

Mr. WHITE. The state government is not providing sufficient funding for higher education and the federal government is not providing the incentive for states to increase that funding; especially in Vermont, the state with the lowest provision for funding of higher education this has a profoundly negative impact. The students from Vermont leave the state as the out-of-state tuition at many other state universities is less expensive than the in-state tuition of that of the University of Vermont which is $7200 a year. The tuition at SUNY Stonybrook, U.C. Berkeley, North Adams State, U. Mass. at Amherst and almost all midwestern universities is lower for an-out-of-state student than that of UVM. This causes a drain of the best of the best students in Vermont essentially.

With the best students leaving the state, industry does not want to come with so few educated workers for hire. With no industry there is no incentive for people to move to the state who would then bring in revenue. With less revenue the state has less money to pay for higher education, and it is quite frankly a vicious cycle that needs to be broken.

Mr. PAPPAS. The federal proposals to offer help in paying for higher education do not remedy this problem. The 105th Congress law, HR 318 provides for federal income tax credit for tuition. There's a proposal of a $10,000 Hope scholarship tax deduction and one that would bring Pell Grant increases. Bill HR 2050 from the 104th Congress would restore the deduction for interest on higher education loans and permit penalty-free deductions from retirement plans. All of these proposals would bring relief if families are already saving or if they qualify for the grants that would help. However, all these bring individual relief only. They do not bring any state initiative to fund higher education.

Ms. BLACK. We propose that when states fund higher education above a certain minimum percentage, the federal government will provide matching funds. These funds can be drawn from the federal income tax. This small, relatively small drain would have numerous benefits. This will allow for lower

tuition costs making higher education available to more people in the State of Vermont as well as the rest of the nation. When you create a more educated work force, you bring in more industry, increase the economy and raise property values and with more funding of education, the more participation there is in the democratic process, and this would help.

Mr. WHITE. A loss of industry or a lack of industry rather because who wants to come and set up business in a place with no educated work force. It's not good for industry, it's not good for business and it's not good for the economy of Vermont.

Ms. BLACK. There there's the cycle that if industry doesn't come because there's not an educated work force, we don't have any incentive for out-of-state families to move in because they realize there's not a future for their children here and then there are even less people in which case there is less of a tax base to help pay for the higher education and less people that will stay.

Mr. WHITE. The University of Vermont, for example, even for an in-state student, as we said, charges more than SUNY at Stonybrook or any of the—U.C. Berkeley. It's very expensive for a Vermont student if they want to stay in state or go to UVM or Castleton or any of the number of state schools. It's just far too expensive, $7200 in tuition.

Ms. BLACK. In state and for students in the southern area of Vermont, North Adams State is almost closer than the University of Vermont and it's almost $2,000 less expensive for an out-of-stater from Vermont than in state in—in Vermont, so why would they stay?

Mr. WHITE. We're exporting basically our best and brightest out of state. In Europe, at least in Germany, they have a system where you can go for free but the only—the only—the drawback to that is you have to be in the top of the top of the top. Not everybody gets an opportunity to go on to university in some European countries.

Ms. BLACK. In the midwestern states there's both state and federal funding. Well, in every state there's both state and federal funding to public higher education, but in Vermont it's a lot lower. And if we had the process where the federal government would match state funds, it would give smaller states like Vermont more of an initiative to fund the higher education.

Anybody who has the ability should be able to go to their state university. I mean, not everybody could get into the top schools, but everybody should have the chance to go to a school for higher education because it's getting harder and harder to get a decent job where you can make any sort of a living without a college education.

Mr. LAFARGE. More and more people are going to college every year, but even people that get say a four-year degree aren't even going to make as high a wage as would be expected, so people who just go to high school are going to be left behind and may be stuck to factory jobs or, you know, just——

Mr. WHITE. The numbers, in fact, show the disparity between even a master's degree—a person with a master's and a person with a four-year degree and a person with a high school degree. It shows the disparity, the numbers which I don't have obviously, but there's a great disparity between the amount of money that each of those people would make.

Twenty percent of our budget is spent on defense. Well, it seems to me that since there are no real wars going on, and not to parrot what everyone else has said, but it seems as though really defense should—should and could be cut.

Ms. BLACK. I think that even if it would mean raising income taxes and I know people are complaining that taxes are too high and that education is too expensive, but you've got to—you know, the public needs to understand the long-range effect of having education accessible because if they were willing to put up with a small increase in the income tax or the taxes that this money could be drawn from, then if people could go to college, they would—they could make more money and the economy would be increased as a whole and the property values would go up as a whole and in the long term that small increase would not seem as large.

Mr. WHITE. Plus it's cheaper to educate people and to have them get jobs than to support them on welfare or to support them in other ways when they can't find jobs down the line. It's a lot cheaper, it's a better investment.

Ms. BLACK. I think in fact that—I think taxes are high for everybody now and I think hopefully what this raising the taxes would do would be to give aid to the people who couldn't normally attend college and you'd—although I know people who don't have as high incomes don't feel like they want to be paying taxes, it seems as if it would benefit them the most if they could help—if everybody had their taxes raised a small amount, it would benefit them as well.

HONORING THE NORTH CENTRAL REGION, UNITED PARCEL SERVICE

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of the North Central Region of United Parcel Service in appreciation for their efforts to assist people in moving off of welfare and into positive work experiences.

United Parcel Service has demonstrated outstanding leadership as a private employer who seeks to employ and train individuals who need critical job skills to compete in today's job market.

United Parcel Service is one of the largest users of the Federal Work Opportunity Tax Credit program [WOTC]. The WOTC encourages private companies to seek and train individuals who are making the transition from welfare to work. In fact, for the 1997 year, UPS is on target to hire 861 employees in Illinois who qualify for the Federal program.

United Parcel Service's commitment and impact on the community is not only deserving of congressional recognition, but should serve as a model for others to follow.

At a time when our Nation's leaders are asking the people of this country to make serving their community a core value of citizenship, honoring United Parcel Service is both timely and appropriate.

I urge this body to identify and recognize other private employers in their communities who could also participate in the Work Opportunity Tax Credit Program as United Parcel Service has.

ELIMINATING THE NATIONAL ENDOWMENT FOR THE ARTS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. PACKARD. Mr. Speaker, for years certain National Endowment for the Arts [NEA] projects have attracted a great deal of controversy. Americans have been inundated with reports of grotesque live performances, blasphemous art exhibits, and obscene publications—all supported by taxpayer money. Regardless of the reforms Congress has tried to impose on the NEA, taxpayer money continues to filter down and fund controversial art. Now more than ever, we need to put an end to this inefficient cycle by admitting that the Federal Government has no business funding the arts and eliminate the NEA.

I support the arts and recognize their importance to our society. However, I believe it is our responsibility as citizens to keep it thriving on the local level. Yesterday, the House Interior Appropriations Subcommittee voted to terminate the NEA. I believe that it is time to place a priority on balancing the budget and relieve the American family's crushing tax burden by eliminating the NEA and other inefficient Federal Programs.

Mr. Speaker, I have no doubt that the arts will continue to thrive without the existence of the NEA. Last year, more than $9 billion was spent on the arts in America by the private sector. The fiscal year 1997 NEA budget of $99.5 million represents only 1 percent of these private sector contributions.

interestingly enough, despite a 40-percent cut in Federal funds over the last 2 years, the arts industry is booming—attendance rates are up, employment in the arts is up, total receipts from performing arts is up. Yet American families, already overtaxed and threatened by looming Federal debt, were forced to pony up $99 million last year for the NEA.

Mr. Speaker, during its time of tight budgetary constraints, I encourage all of my colleagues to make a serious attempt to distinguish between essential and nonessential Government programs. The Federal Government should not be in the business of supporting the arts. The time to eliminate the NEA is now.

REPUBLICAN CHICKEN LITTLES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, people talk frequently in this House about the need for accountability, but it is too often a case of Members here demanding that others be held accountable. A little self-accountability would go a very long way in this institution, and the recent article by Mark Shields on the minimum wage in the Saturday, June 14 issue of the Washington Post does a good deal to hold Members of Congress accountable for things they have said.

As Mr. Shields points out, when we debated the minimum wage in the previous Congress, many Republican Members predicted that an increase in the minimum wage would be an economic and social disaster. They could hardly have been more wrong. As Mr. Shields shows, while most Republicans opposed the increase in minimum wage and many of the Republican leaders predicted that increasing it would be disastrous, Republicans were wrong.

As Mr. Shields notes, directly contrary to the Republican predictions, which apparently grew organically out of their view of economic reality, today, with the increased minimum wage in effect for 8½ months, we see "no adverse effect on the employment of young workers * * * bigger paychecks and * * * a healthier national economy * * *." Of course the minimum wage did not cause all of this to happen, although it has played a significant role in the bigger paycheck part of this for people at the low end of the wage scale. But the fact that we are enjoying this continued economic boom, with increased employment at the lowest end of the wage scale, directly contradicts what the Republican Party made its official doctrine during the debate on the minimum wage, and Mr. Shields is right to document the glaring disparity between what they said and reality.

THE GOP'S CHICKEN LITTLES
(By Mark Shields)

When it comes to economic forecasting, conservative Republicans on Capitol Hill give a new respectability to astrology.

Consider the matter of the federal minimum wage. Last summer Congress voted to increase the minimum wage, effective last Oct. 1, from $4.25 an hour to $4.75 (it will rise again next Sept. 1 to $5.15 an hour). Democrats almost unanimously favored the increase, and Republicans almost unanimously opposed it.

But many Republicans did more than merely oppose the hike, they were prophets of doom and gloom: Chicken Little and Gloomy Gus rolled up into a single morose caucus.

House Republican Whip Tom DeLay (R-Tex.) was his usual direct self in panning the increase: "The Democrat party is to job creation what Dr. Kevorkian is to health care; a job-killer cloaked in kindness." A little less restrained was Rep. Jack Kingston (R-Ga.), who accused House Democrats, whom he referred to in floor debate as the "comrades on the other side," of failing to understand that a minimum-wage increase would destroy jobs, adding, "The folks over there are simply economically ignorant."

But the Cassandra award belongs to Rep. John Shadegg (R-Ariz.), who declared: "Raising the minimum wage will put one out of every four minority workers between the ages of 17 and 24 who are out of school and working out of work."

What was being voted on then was a modest proposal that simply would guarantee that a worker in America who labors 40 hours a week, 52 weeks a year, would earn about what a member of Congress is paid every three weeks.

Republicans were wrong. The economy, almost eight months after the minimum-wage increase became law, is much better, not worse. The nation's unemployment is at its lowest point in 24 years. The proportion of the population with jobs is the highest in American history. The stock market continues to set new altitude records.

But what about the dire GOP predictions concerning lost jobs? Minimum-wage opponents emphasized that job losses would be heavy in the eating and drinking industry, where nearly one out of three private-sector minimum-wage earners is employed. In the first four months after the minimum wage was raised, employment in eating and drinking businesses grew at a rate four times faster than it had in the year before the increase.

And wait, there is still more good news for the workers this hike was intended to help. Teenage unemployment is measurably lower than where it stood just last September, before the wage increase. In a soon-to-be-released study, the Economic Policy Institute finds that not only has unemployment for teenagers and young adults not been adversely affected in the first eight months following the wage increase but that the benefits have primarily gone to low-income working families.

Minimum-wage workers, contradicting the myths spun by foes of the federal wage law, are not typically the spoiled stepson of the investment banker just picking up gas money for his BMW convertible. Instead, 35 percent of the workers who benefited from the increase are the sole breadwiners in their families. Three out of five of them are women. Seven out of 10 are 20 or older.

That's why it's encouraging to learn that the increase has had its biggest impact upon the earnings of black and Hispanic teens. The benefits of the wage increase have gone overwhelmingly to low-income working families. Nearly 56 percent of the families that have benefited from the wage increase are in the bottom 40 percent of American income.

With no adverse effect on the employment of young workers, with bigger paychecks and with a healthier national economy, about all that's left to say to those pessimistic, it's-five-minutes-to-midnight conservatives is, "Cheer up, fellas, eventually things will get worse."

GEORGE PATRICK MACRIS—GUAM'S SMALL BUSINESS PERSON OF THE YEAR

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. UNDERWOOD. Mr. Speaker, I would like to take this opportunity to recognize the accomplishments of Dr. George Patrick Macris, recipient of the State Small Business Person of the Year Award. he was recently honored for his work as president of the Harmon Doctor's Clinic at a luncheon hosted by the U.S. Small Business Administration on June 3, 1997.

Dr. Macris holds a degree in zoology from Rutgers University and a medical degree from Rutgers University Medical School and New Jersey Medical School. He also served as a medical officer in the U.S. Naval Reserve for several years before settling down to private practice in Anchorage, AK.

Since 1991, Mr. Macris has been practicing in Harmon, Guam, where he operates the Harmon Doctor's Clinic, serves as commander in the Naval Reserve, and sits in numerous hospital committees. Moreover, he has been an advocate of health care reform and is currently the Governor appointed and elected chairman of the Guam Health Coordinating Council and a staff member at Guam Memorial Hospital and the U.S. Naval Hospital, Guam.

The Harmon Doctors' Clinic, for which Dr. Macris received his award, is a unique health care facility which provides comprehensive services to both health care professionals and patients. In 1996, it became a designated Immigration and Naturalization Service [INS] Civil Surgeon Center and received Communicable Disease Control [CDC] vaccine approval—travel clinic. Currently, the clinic offers medical/health care services in general/internal medicine, diving/hyberbaric medicine, school physical, vaccination and travel clinic, cardiopulmonary diseases, urgent care, x-ray, OSHA/preventative medicine physical and laboratory. Moreover, Dr. Macris intends to expand services to include the only privately owned and operated decompression chamber and cancer treatment center. He has already received positive responses from the American Cancer Institute in establishing a cancer treatment center on Guam.

The clinic has also been successful administratively. It generated revenues in excess of $900,000 and anticipates a 12-percent growth in 1997. The patient base has also grown from 30 to over 11,000 member patients. The clinic employs 17 persons under the direction of Dr. Macris.

Again, I congratulate Dr. Macris for his outstanding leadership in the medical field. His exemplary service and innovative thinking are certainly assets to Guam. Not only have they garnered him recognition from the Small Business Administration, they have also won him Guam's respect and admiration.

FORMER MEMBERS OF CONGRESS TO CHINA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. HAMILTON. Mr. Speaker, a few days from now, Members will be asked to vote on one of the toughest issues they will face this year—whether to renew China's most-favored-nation trade status.

I recently had sent to me a copy of a report of a study tour to China by a delegation of former Members of Congress.

I am taking the liberty of reprinting the summary section of this report in the RECORD, in the hope that it may be of some use to Members as they consider the issues involved in the MFN debate in the days ahead.

REPORT OF STUDY TOUR TO CHINA

A delegation of members of the U.S. Association of Former Members of Congress traveled to China during the period September 1–10, 1996 at the invitation of the Foreign Affairs Committee of the National People's Congress. The trip included meetings in Beijing, Xian, Shanghai and Guilin. The delegation was led by the President of the Association, former Representative Louis Frey, Jr. (R–FL) and included: former Senator Daniel B. Brewster (D–MD); former Representatives John N. Erlenborn (R–IL), who is Treasurer of the Association; Beverly B. Byron (D–MD);

Lawrence J. Hogan (R–MD); Elizabeth Holtzman (D–NY); John W. Jenrette, Jr. (D–SC); Philip E. Ruppe (R–MI); Richard T. Schulze (R–PA); Carlton R. Sickles (D–MD); and the Executive Director of the Association, Linda A. Reed. Also on the trip were: Marcia Frey; Judy Brewster; Kirk Walsh, husband of Beverly B. Bryon; Mary and Elizabeth Ruppe, daughters of Philip E. Ruppe; Nancy Schulze; and H. Thomas Collins, husband of Linda A. Reed. The members of the delegation paid their own international transportation costs; all expenses in China were covered by the Foreign Affairs Committee.

Prior to the trip, members of the delegation received briefings from personnel in the Office of Chinese and Mongolian Affairs at the Department of State and staff of the House International Relations Committee, and had the opportunity to review hundreds of pages of background material on China prepared by the State Department, the Congressional Research Service and the National Committee on U.S.-China Relations.

In Beijing, the delegation was given a welcoming banquet by the Foreign Affairs Committee of the National People's Congress, hosted by the Chairman, Mr. Zhu Liang. Meetings were held with Mr. Qiao Shi, Chairman of the Standing Committee of the National People's Congress, in the Great Hall of the People, and with Mr. Qian Qichen, Vice Premier and Minister of Foreign Affairs, at the Diaoyutai State Guesthouse. Others with whom discussions were held in Beijing included: Mr. Yang Zhenya, Member of the Standing Committee and Vice Chairman of the Foreign Affairs Committee; Mr. Jiang Shunxue, Member of the Standing Committee and Member of the Foreign Affairs Committee; Ms. Zhao Jie, Deputy Office Director of the Foreign Affairs Committee; Mr. Lin Hu, Deputy to the National People's Congress and Member of the Foreign Affairs Committee; Professor Wang Fosong, Member of the Standing Committee and Vice Chairman of the Chemistry Division of the Chinese Academy of Sciences; Mr. Wang Fe Song, Mr. Zhang Ting, Mr. Lin Shangyuang and Mr. Lin Hu, Members of the Foreign Affairs Committee; Mr. Li Zhong Ying, Advisor to the Foreign Affairs Committee; Mr. Shi Zong Ben, Advisor to the Foreign Affairs Committee who also traveled with the delegation throughout China; Ms. an Xiaoru, Division Chief of the Foreign Affairs Committee; Hon. James R. Sasser, U.S. Ambassador to China; Mr. William C. McCahill, Jr., Deputy Chief of Mission, U.S. Embassy; Mr. William Stanton, Political Counselor, U.S. Embassy; Mr. Robert Goldberg, First Secretary (Economics), U.S. Embassy; and Ms. Sylvia Reed Curran, Second Secretary (Political), U.S. Embassy.

In each of the provincal capitals visited, the delegation had a welcoming banquet and other meetings. In Xian, Mr. Zhang Boxing, Member of the Central Committee of the CPC, Deputy to the National People's Congress and Chairman of the Standing Committee of the Shaanxi Provincial People's Congress, was host to the delegation along with Mr. Chen Fushen, Secretary-General of the Standing Committee of the Shaanxi Provincial People's Congress. In Shanghai, Mr. Sha Lin, Vice Chairman of the Standing Committee of the Shanghai Municipal People's Congress, was host to the delegation along with Dr. Wang Dao Min, Member of the Standing Committee of the Shanghai Municipal People's Congress and Deputy Director of the Education, Science, Culture and Public Health Committee. In addition, the delegation toured the Jinqiao Export Processing Zone and visited the offices of Rosemount Shanghai Co., Ltd. In Guilin, Mr. Hong Puzhou, Chairman of the Standing Committee of the Guilin Municipal People's Congress, hosted the delegation along with Mr. Zheo Ke, Director of the Foreign Affairs Office of the Guilin Municipal People's Congress.

It was obvious from the beginning that the Chinese had rolled out the red carpet for the delegation. There was very little sightseeing, with the emphasis being on talks with Chinese officials. There were no ground rules regarding the talks, and issues discussed included such varied topics as human rights, Taiwan, the problems with Pakistan, trade, Hong Kong and how to run a free enterprise system under a communist government.

Many of the members of the delegation had visited China before and one, Congressman Carlton Sickles, had been stationed there during World War II. All the delegation members were impressed with the enormity of the dramatic changes taking place. The task of increasing the standard of living of a population of over 1.2 billion people is such a large proposition that one would tend to think it impossible to achieve. However, the sights and sounds of a dynamic China, especially in the large cities and along the eastern coast, are convincing proof that this task is being successfully fulfilled in part of the country and that the growth potential for the remaining areas is of staggering proportions. Unfortunately, the positive changes in the cities and coastal areas are in sharp contrast to the rural areas, which are lagging far behind.

This report includes overall general comments, followed by a more detailed description of the major meetings that took place. The following comments are not in any particular order.

1. The economy of China is still largely government controlled, although it is moving toward a free-enterprise system. One major problem is that over half of the government-owned industries are losing money. This problem is compounded further by the fact that these industries have borrowed substantial sums from Chinese banks, which adds to the negative effect on China's economy.

2. The Chinese people are clearly industrious and capable of assimilating knowledge in the new information age. People in the large cities are animated, well-dressed, cheerful, consumer-oriented and constantly in motion. Whether the middle class is 100 million or 300 million, it still represents an enormous and growing market.

3. The current Chinese leadership appears to have a near fixation about Taiwan and Hong Kong. They consider these territories to be integral parts of China; what happens to them is an internal Chinese matter. The Chinese government was embarrassed by the United States granting a visa to the President of Taiwan to return for his Dartmouth College reunion. The fixation on the return of Hong Kong is exemplified by a large clock in Tiananmen Square, which counts down the days, hours, minutes and seconds until Hong Kong is returned to China.

4. The Chinese do not understand how the American political system functions. They fail to understand the concept of a loyal opposition in a democratic system and are perplexed over statements issued by Members of Congress which seem counter to the position of the U.S. President and their understanding of U.S. foreign policy. The concept of checks and balances and a separate and independent legislative branch is something they neither understand (nor want to understand) nor probably are capable of comprehending in the immediate future.

5. The Chinese have been out-lobbied by some other nations. Apparently, they believe they do not need to have paid lobbyists in Washington to represent their views. When asked about setting up an active exchange program between Members of the U.S. Congress and the National People's Congress of China, interest was evident, as long as they are not solely responsible for the finances of the exchange.

6. The Chinese wish to be recognized as one of the world's great nations. However, at present, they do not feel compelled to play by the same rules. Everything something was mentioned about any subject that was controversial, be it human rights, Taiwan, Hong Kong or Tiananmen Square, their answer was that these are internal matters that are the sole province of the Chinese government. Unfortunately, as a country with a population of over 1.2 billion people, China is going to be scrutinized by other nations and are the world press and can't hide behind the rubric of calling these internal problems. The Chinese either choose not to or fail to recognize this reality.

7. There is some recent evidence of anti-American feeling exemplified by a book written by a young Chinese whose thesis is that the United States is trying to apply to China the policy that is similar to that which was applied to Russia during the Cold War, i.e., containment. The thinking of some Chinese is that some nations would like to see the present People's Republic of China split into various subdivisions, thus reducing its national power.

8. China still lacks a free press as Americans know it. The government is able to focus attention in areas that it feels are important and to present a one-sided view of issues. Just after the delegation left China, the government unveiled a major public ethics campaign that seeks to impose sterner controls over the media and culture. The Central Committee issued a statement that said, "Some government departments and leaders had neglected ethics and ideology while being quite strong in promoting material progress." This emphasizes the dilemma of attempting to maintain an authoritarian government while simultaneously developing a free market economy and a more open political system.

9. Despite recent militant statements by the Chinese government regarding Taiwan, it appears that, in the long run, increasing economic cooperation between the two will ease the problem. The Chinese indicated that they were opening new air and maritime routes and postal service and are encouraging investment and commerce with Taiwan. At present, Taiwanese investments in China exceed those of any other nation. As commerce increases, followed by travel, tensions probably will be reduced.

10. The Chinese recognize that the world will be watching the transfer of power in Hong Kong. Most people in China and Hong Kong seem to believe that, during the first three or four years, the Chinese will allow "two systems of government within one country." Hong Kong, apparently, will be given more freedom and leeway than exists now on the mainland. It remains a question as to how much freedom will be allowed and how long it will last. If China continues to develop an expanding free-enterprise system, with the inevitable erosion of the central governmental controls, Hong Kong may be able to avoid total control from Beijing.

11. Great progress has been made in some areas of the infrastructure. For instance, some commercial aircraft are modern, mostly U.S., and many airports have been updated in the major cities. Highways in and around the major cities also have been improved greatly. There are major environmental and power problems, however. Infrastructure in rural areas needs to be improved greatly or rebuilt completely.

12. It appears, at least on the surface, that the question of succession has been amicably settled. The age and physical condition of Deng are such that, as a practical matter, he rules in spirit only. The public statement of the Chinese leaders is that the succession has taken place and that the policies, especially economic policies, will not change significantly. While it is recognized that China can do a 180 degree turn on a moment's notice, e.g., the Cultural Revolution, the development of a free-enterprise system and relative economic prosperity among many Chinese have made such an impact that it would be extremely difficult. It would necessitate the use of military force to return China, i.e., to turn back the clock, to a communist economy.

13. The Chinese still are a long way from a rule of law and also have major human rights problems. In this regard, they are not unlike many other nations in the world. The United States must decide whether it would be more effective to use the carrot or the stick in its approach to China. It appears obvious that the better the economy, the more foreign investment and trade, the further the free-enterprise system develops, the better the chances are for a rule of law and improvements in human rights. There probably is a middle ground where the United States can point out firmly, strongly and, hopefully, politely that problems exist without diluting those principles that underlie our democratic tradition while working with China in a positive manner to bring about economic progress.

14. The Chinese must understand that when the United States acts, it is acting in its own self-interest, but it is in the United States' best interest to work cooperatively with an economically strong and politically sound China. It would appear that a strong China can bring stability to Asia, help the world with problem nations, e.g., North Korea, contribute to the solution of world ecological problems and present American businesses with new opportunities.

15. It is the delegation's opinion that there should be increased bilateral meetings and governmental exchange programs. A lack of understanding regarding key issues now exists on both the part of the Chinese and the Americans. The United States has a great opportunity in China. There is no deep feeling of hostility. The Chinese seek respect as a major player in world affairs. They are moving, albeit slowly, in the right direction. It is in our interest to help them continue this forward trend.

16. It would appear that the Chinese are looking for a statement from the United States as to where the relationship is going. In the past few years, both nations have reacted and, in some cases, over-reacted to problems such as Taiwan, Pakistan and trade issues, including transshipping and violations of copyright laws. Tension between the United States and China has been increased by the debate over the most favored nation status. Statements from various Members of Congress, many of which are aimed more at appeasing their own political constituents rather than for foreign consumption, are upsetting to the Chinese. After the U.S. Presidential election, more U.S. attention should be directed to China, working perhaps toward a summit sometime in late 1997 or early 1998.

A TRIBUTE TO JIM CONNELLY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of my dear friend, Jim Connelly. Jim is retiring after a highly distinguished public relations career and will be recognized for his many years of service an event in his honor on June 27.

Jim was born in Youngstown, OH on April 2, 1922 as the fourth child of Cora and Martin Connelly. He served in the U.S. Army from 1942 to 1945 with the Military Railway Service and the Armed Forces Radio Service in China, Burma, and India. Upon leaving the service in 1945, he served as public relations director for Edward J. DeBartolo, the shopping center king. He later served as public relations director for the Kenley Theater Summer Stock Co. where he was charged with securing publicity for celebrities including Mickey Rooney, Alan Jones, Burt Wheeler, and others.

Jim moved to California in 1959 and embarked upon a newspaper career. He worked for a number of area papers including the Rialto Record, Bloomington News, and the San Bernardino Independent Press. At this time, he also handled public relations for Bob Hope including many of the Bob Hope Desert Classic Golf Tournaments and the many USO shows overseas conducted to entertain our American troops. In a recent note, Bob Hope said he was unable to attend Jim's retirement party because he was running in a 100-mile marathon.

To say the least, Jim has had a most remarkable life and career. He worked on behalf of the Presidential campaigns of both John F. Kennedy and Robert Kennedy. He served as the director of public relations for the State of California Veterans of Foreign Wars. He also directed public relations for the grand opening of the Jerry L. Pettis Memorial Veterans Hospital in Loma Linda. Over the years, he has served many, many worthy organizations with his time, energy, and talent.

Mr. Speaker, Jim Connelly provides an example of community outreach and leadership that is deeply respected and admired by his professional colleagues and our community at large. I ask that you join me, our colleagues, and Jim's many admirers in thanking him for his remarkable public service over the years and in wishing him and Rose the very best in the years ahead.

STATEMENT BY MARYANN SCHRUPP REGARDING CHILD LABOR

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my collegues I would like to have printed in the RECORD this statement by a high school student from Vermont, who was speaking at my recent town meeting on issues facing young people.

MS. SCHRUPP. It is estimated that between 100 million and 200 million children of the world under the age of 15 work. The concern is for children exposed to hazardous working conditions, for those who are exploited and endangered mentally and physically. These children make barely or under subsistence level wages and work without any proper benefits or hope of receiving an education. This education can lift them out of their present state of living and this is the education that is not available to them.

This is not a new phenomena, one that has recently become a priority for global consideration and global course of action. Unicef's 1997 report on the state of the world's children has focused specifically on the problem of hazardous child labor. Western media has started informing Americans of the conditions of soccer ball workers, soccer ball assemblers in Asia, rug makers in Pakistan, glass makers in India and textile workers in Asia and Central America. These workers are children hired for their low cost and expendable nature, their small fingers, and their inability to organize or question.

The fact that some of these children are working for American-based transnational companies has put the pressure on these companies to discontinue condoning the practice of child labor. According to the U.S. Department of Labor's report on the apparel industry and codes of conduct, corporate codes of conduct under business guidelines prohibiting the use of child labor are becoming more common as consumers as well as religious, labor and human rights groups are increasingly calling upon companies to take responsibility for the conditions under which the goods they sell are being manufactured.

Codes of conduct for American industries such as sports equipment and textile manufacturers are essential to stopping the importation of goods made by child labor either correctly or indirectly. Huge and popular names like Disney, Gap, Nike, Getz, Arizona, Eddie Bauer, and Gitano have been directly linked to overseas and in some cases national sweatshops where they can take advantage of the cheap and hard working supplies of local labor.

The most obvious examples of overseas sweatshops owned by American-based companies are the Maquiladoras of Central America where textiles are manufactured. 15-year-old girls who work in the Maquilas of Honduras tell how they're forced to take birth control bills on a daily basis and are required to pay for an expensive abortion injection if they do become pregnant. These girls are not allowed to leave each day until they fill a production quota. If a rush order for clothes came in, observers would note these girls entering the Maquilas at 7:00 a.m. and not returning until sometimes as many as 23 hours later. That's a 23-hour workday.

In China, Indonesia, and Pakistan, sporting equipment used in the United States is

manufactured by child laborers. Jonathan Silvers wrote the following report in the Atlantic Monthly on soccer ball factories in Pakistan. No amount of preparation could have lessened the shock and revulsion I felt on entering the sporting goods factory in the town of Sialkot where scores of children, most of them aged five to ten, produce soccer balls by hand for about a dollar and 20 cents a day. The children work 80 hours a week in near total darkness and total silence. A partial list of infractions for which they may be punished is tacked to a wall near the entrance. It's a document of dubious utility. The children are illiterate. Punishments are doled out in a storage closet at the rear of the factory. There children are hung upside down by their knees, starved, caned or lashed. The punishment room is a standard feature of a Pakistani factory, as common as a lunchroom at a Detroit assembly plant.

Eighty percent of the soccer balls sold in the United States are imported from Pakistan. These are the same soccer balls that were used in the 1996 summer Olympic games and all professional sporting events. The Fowl Ball Campaign, a campaign launched by a coalition of non-governmental organizations, cannot prove that any soccer balls manufactured in Pakistan are not made by children.

Still, these reports show only a fraction of the picture. Most cases of child labor do not involve western companies but occur in domestic households unseen and unregulated. The more sinister forms of child labor such as child prostitution and the virtual slavery of bonded labor are often far removed from western markets and influence. They remain a national issue for these developing companies, many of which protest sovereign rights to run their nation's factories as they see fit. Most of the time, however, the children are employed at ages ruled illegal even by their country's governments.

For this reason, the United States needs to take responsibility for more than direct involvement with child labor. Countries, companies, and non-governmental organizations around the world are working together to not only eliminate child labor but to create conditions in developing countries which will prevent the exploitation of children.

The Convention on the Rights of a Child was signed into international law by the United Nations in 1990. It is the most widely ratified treaty in history signed by all but six members of the United Nations General Assembly. The Convention expresses the conviction that children have rights, the same full spectrum of rights as adults, civil and political, social, cultural and economic. The United States is one of the six countries that has not yet signed this Convention.

American taxpayers' dollars are used to fund free trade zones which contribute to an environment of poverty for the people of developing countries. It is this kind of environment that supports the exploitation of children by national, international companies. Often a free trade zone means no corporate taxes, no income taxes, no regulations and no unions. GAT and the World Trade Organization are influenced heavily by the U.S. and it is here that the United States must take some responsibility for the fact that they support organizations which do not recognize child labor as a relevant issue.

Other organizations which receive support from the United States are the World Bank and the International Monetary Fund. These organizations are responsible for massive government adjustment into developing countries. The structural adjustment programs primarily consist of spending cuts that hurt social and educational programs. These cuts hurt the lower classes of the country and make the cycle of child labor all the more difficult to break. It is a cycle, one perpetuated by poverty and employees willing to exploit the poor and the helpless.

The greatest setback for these children is their lack of education. Everyone agrees that the key to ending child labor is in mandatory education legislation. This is important because while many people express the need for economic sanctions and boycotts, large-scale sanctions cannot be imposed on developing countries until safe and productive alternatives are developed for the children who would lose their jobs.

What then is the solution to this problem? What can we do to ensure that children are not exploited throughout the world? There are many factors of influential power in the United States. The most important one is the power of the individual. The incredible accomplishments of NGOs, that's non-governmental organizations, across the world were all put into action by individuals who wanted to make a difference. The death of child activist Icbow McSee sparked the birth of Free the Children, an organization dedicated to children's rights.

Free the Children is run by students ages 8 through 18. The group of school children in Quincy, Massachusetts who raised $144,000 to build schools and educational programs in Pakistan in order to help fulfill Icbow McSee's uncompleted dream is another example of this incredible power.

Even in the simple choices of the consumer, the individual can make a statement about what methods of production they will and will not support. Educating others about the situation is also an individual source of power. The media is a valuable tool in expressing individual opinion. Disney and Gap in particular received enough negative publicity to publicly embarrass the companies into amending their production methods.

Bob Herbert wrote recently in the New York Times that Nike is important because it epitomizes the triumph of monetary values over all others and the corresponding devaluation into peculiar interests and values we once thought of as human. Corporations do not like to create this kind of name for themselves.

Secondly, the pound of influence of the private sector should not be underestimated. Transnational companies like Rebok and Levi Strauss have been positive forces in using safe and non-exploitive methods of production. All corporations should adopt such codes of conduct as an essential step towards eliminating child labor.

The government of the United States has the potential to be a powerful force in the fight against child labor yet presently the government does not seem to be taking the appropriate actions necessary. If corporations can be called on to adopt codes of conduct, the more (unclear) the government of our country. The United States must sign a convention on the rights of a child. The government must work to regulate our nation's companies to ensure that child abuse is not a human resource in our nation as well. The government must include the basic rights of children as part of their agenda when forming free trade zones and when interacting with organizations such as the World Bank.

I call on the U.S. Government to take a stance, to show us that hazardous child labor cannot be acceptable in any form for any reason. The exploitation of the world's children is an international crisis for democracy and justice and we need to do our part.

Companies will go to the third-world countries where they can hire and they want to hire children because they can work faster and their hand-eye coordination is actually better when they're, you know, aged between 12 and 15 and they don't have to pay them anything. These people are being paid piece wages about 12 cents a garment. If it's a choice between paying someone 12 cents to make a garment in a place where there are no environmental conditions, no social regulations, nothing like that outside of the United States regular like restrictions on companies, they don't need to follow any of these rules.

Bonded laborers—Icbow McSee is actually an example of one of these. Most of them are in Asia and China, Indonesia and Pakistan. If a parent needs to pay off debts, what they'll often do is they will sell their children to manufacturers who will collect these children around the ages of sometimes as young as four or five where they can never make any wages because they spend their entire lives paying off the debt of their parents, and often these children are made, forced to stay in their factories by being chained to looms, especially in the oriental rug market.

IN HONOR OF THE WESTERN QUEENS GAZETTE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to bring to the attention of my colleagues the valuable contributions the Western Queens Gazette has made to the city of New York. Today, the Gazette celebrates its 15th anniversary of serving as an essential voice for the community.

The Gazette was inaugurated in 1982 by a group of enthusiastic community activists, few of whom had any previous journalism experience. This group, which included the paper's original publishers—George Stamatiades, Roger LaGhezza, and Judy Jackson—developed the first newspaper in a makeshift office erected in one of their basements. Just 19 days after they had the initial idea to publish a newspaper in the Queens community, the first issue of the paper went to press. Since that time, the Gazette has been published regularly. At a time when the print media has been consolidating, the Western Queens Gazette has found a home in a community that is hungry for news.

In 1983, John Toscano and Buster Celestino purchased the paper; they continued to publish it until 1990 when Tony Barsamian, the Gazette's current publisher, took over. Under Mr. Barsamian's leadership, the Gazette has increasingly become the leading source of local news and information for the community.

For 15 years, the Western Queens Gazette has served as an outstanding journalistic vehicle through which the Queens community can express itself. Mr. Speaker, I ask that my colleagues join me in paying tribute to the Western Queens Gazette on the occasion of its 15th anniversary.

CONGRESSMAN TOM CAMPBELL'S RELATIONSHIP WITH THE UNIVERSITY OF CALIFORNIA AT BERKELEY

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. CAMPBELL. Mr. Speaker, 2 years ago, the Haas School of Business at the University of California at Berkeley received a grant from the U.S. Information Agency [USIA] for work connected with the Haas School's efforts to open a business school in St. Petersburg, Russia. My wife, Susanne Campbell, is the Executive Director of that program. She has reapplied to the USIA for this same grant this year.

In December 1995, I won election to Congress. I am currently a member of the International Relations Committee. This committee has jurisdiction authorizing moneys for the USIA. I have informed the Committee on the Standards of Official Conduct of my wife's involvement with UC-Berkeley and the USIA, and sought counsel as to what conduct would be appropriate.

I have been advised by the committee that under clause 3 of the House Rule 43 of the Code of Official Conduct, a Member "shall receive no compensation * * * to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress." In addition, clause 5 of the Code of Ethics for Government Service reiterates clause 3 of House Rule 43, by providing that a Federal official should "never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties." Additionally, Federal officials should "[n]ever discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not."

The committee informs me that, under these rules, there is no question that my wife may seek USIA funding for her program while I am a Member of Congress. Since the USIA grant does not include her salary, the committee has advised that no legal threshold is reached that would require a further ethics discussion.

As to my official conduct, House Rule 8 of the Code of Official Conduct states that, "[e]very Member * * * shall vote on each question put, unless he has a direct personnel or pecuinary interest in the event of such question." The Ethics Manual cites numerous House precedents which tend to encourage voting, and provides hypotheticals for guidance. In my particular situation, the committee recommends that I recuse myself from debating, commenting upon and voting on USIA funding for my wife's specific program. I will follow this advice, and additionally refrain from communicating with any agency or person on matters related to this USIA Program. A vote on her program by itself is, of course, extremely unlikely.

I have prepared this statement to make public, and also to deliver to any agency or person when appropriate in connection with my work as a Member of Congress so that, should a matter of my congressional business involve USIA funding or the University of California at Berkeley, the recipient can weigh my advice or opinion knowing of the interest that I may have. However, I do assure any such recipient, and my constituents, that I have never, and will never, decide a matter of public policy differently because of my wife's relationship with the University of California at Berkeley.

A BILL DESIGNED TO HELP

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. QUINN. Mr. Speaker, today, I am introducing H.R. 1877, a bill to improve the opportunities for veterans to obtain part-time employment while using their VA education benefits.

The cost of a college education continues to grow faster than the general rate of inflation. This means that in times of tight Federal budgets, it is difficult for us to provide the increases necessary for VA education benefits to keep pace with inflation. Clearly, a veteran, especially a married veteran, cannot go to school without an additional source of income. For most, that means a part-time job. But, for many veteran students, part-time jobs are difficult to find or do not fit well with class schedules. For example, veterans attending school at a large university located in small towns find part-time jobs nonexistent.

Under current law, work study positions are limited to colleges, the Department of Veterans Affairs, the Department of Labor, and the Department of Defense. These positions involve veteran-related work and are compensated at the minimum wage level.

H.R. 1877 will expand the types of organizations which may apply for approval of work study positions. Federal agencies, schools, and community service organizations will be able to avail themselves of a dedicated, drug-free and proven work force at no cost through this bill. For example, a community-based nonprofit whose mission is to provide services to homeless veterans would be eligible to apply for positions to be filled by work study participants. As a result, veteran students will find it easier to get part-time jobs and homeless veterans will see an improvement in the quality of their lives.

Mr. Speaker, this bill provides opportunities for people who want to work and improves services to veterans at almost no additional cost to the Government. This is the type of program that rewards energetic young veterans who need assistance in finishing their education and is good for America. I urge all my colleagues to support H.R. 1877.

HONORING BRIG. GEN. JAMES DOWNS LATHAM

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Ms. MCCARTHY of Missouri. Mr. Speaker, my colleague, Mr. SNOWBARGER, and I, rise today to pay tribute to the life of a man who has given much to his country. Brig. Gen. James Downs Latham is being honored Friday, June 20 for his retirement from the Air Force after a distinguished career of service.

A native of the Kansas city area, General Latham started his Air Force career in pilot training at Vance Air Force Base in Oklahoma after receiving a B.S. degree in psychology from Kansas State University in 1969. An accomplished swimmer, he attended the university on a swimming scholarship where he was a member of Sigma Phi Epsilon fraternity. He served as president of the Intrafraternity Council at KSU. He went on to become a command pilot with more than 5,000 hours, including 383 combat missions in Southeast and Southwest Asia. His commands have included a tactical fighter squadron, two fighter wings, a composite wing, Squadron Officer School, and the Air Force Reserve Officer Training Corps.

General Latham's courage and bravery were exemplified by his voluntary assignment as a high speed forward Air Controller—(Wolf Fac.) during the Vietnam conflict. It was on such a mission that his F4 phantom jet fighter was shot down over North Vietnam in October, 1972. He was immediately captured and detained in the southern panhandle of North Vietnam. In what has become known as a daring and legendary escape, he evaded his captors through the jungle and out into the South China Sea only to be recaptured and imprisoned in Hanoi until his release in the Spring of 1973.

Known throughout the entire Air Force as the best of the best aviators, he was selected as commander/leader of the Thunderbirds, the Air Force's elite demonstration team. He was the first major to lead this prestigious group of aviators.

He has received numerous awards and decorations. His decorations include the Silver Star with oak leaf cluster and the Purple Heart with oak leaf cluster. General Latham was awarded the Silver Star for gallantry and devotion to duty while flying against opposing armed forces in Southeast Asia and facing certain torture and probable death while a prisoner of war. His Purple Heart was awarded for the wounds incurred as a direct result of the Vietnam conflict.

General Latham's many awards are a testimony to his qualities as a leader and to his abilities as a team builder in the finest tradition of the Air Force. Whether flying fighter aircraft, commanding fellow servicemen, or working in the Pentagon, General Jim Latham has shown courage throughout his career. Our Nation can be proud of this fine citizen whose dedication to his country make him truly a great American.

Mr. Speaker, please join us in extending congratulations to General Latham and his wife, Sue, his daughters, Minde, Kendra, and

Brecke and his parents, Dr. and Mrs. Raymond Latham.

STATEMENT BY DANIEL LUZOR REGARDING GUN CONTROL

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by a high school student from Vermont, who was speaking at my recent town meeting on issues facing young people.

A well-regulated militia, being necessary to the security of a free state. The right of the people to keep and bear arms shall not be infringed. That is the Second Amendment in its entirety.

The Second Amendment was one of the first amendments to be ratified being part of the Bill of Rights and is also the shortest and arguably the vaguest of all amendments in the constitution. Despite all of the discussions surrounding the issue, it is still not clear precisely what the amendment means.

The Second Amendment grew out of a law passed by British Parliament during the latter period of the Colonial era. The law effectively prohibited any colonist from possessing a firearm of any kind so as to prevent any possibility of rebellion. Eventually, of course, the colonists disregarded that law, overthrew the British and set up their own nation. Later once the Revolutionary War had been won and the United States was relatively secure in its status as an independent country, the founding fathers decided that it was necessary to formally allow the people a means of defense against the government.

One of the founding principles of the Revolution had been that the people had the right to overthrow the government if they believed it to be unworthy. One of the most effective means to overthrow the government was, of course, with firearms and so the Second Amendment was born.

Since the Second Amendment mentions the militia specifically, one would assume that the right to keep and bear arms relates specifically to the militia and that the intended meaning of the Second Amendment was that the people have the right to use arms as members of the militia in order to protect themselves from tyrannical governments.

On the other hand, if one considers the state of the world in 1791 when the Second Amendment was ratified, the notion of the founding fathers allowing exclusively members of state militias to bear arms seemed ridiculous. Most people in the 18th Century needed firearms in order to survive because most food needed to be hunted. Personal firearms were a necessity for survival and yet in today's society with cheap hamburger in every supermarket and good steak in every expensive restaurant, firearms are no longer necessary for survival. Therefore, one of the original reasons for the Second Amendment has perhaps been outlived.

What then is the use of the Second Amendment? I believe that the Second Amendment's relevance in today's world pertains to the militia. It is essential for the survival of American ideals that Americans have the right to overthrow corrupt government. That was one of the main principles behind the Second Amendment, that Americans should be allowed to possess firearms in order to defend themselves as members of state militias.

Regardless of the intentions of the Second Amendment, the wording itself is rather vague. It does not specifically state in the Bill of Rights the extent to which firearms should be allowed. Therefore, it seems that simply from reading the Bill of Rights and without accounting for other factors, the possession of firearms can be limited although not prohibited altogether.

It is also important to remember that the Constitution was written with the awareness that it would be changed, that as the world progressed, new issues would become important and old issues would become less important.

We have repealed an amendment before and while I do not necessarily advocate repealing the Second Amendment, the amendments to the Constitution are not set in stone and if times change, the Constitution ought to change with it. Perhaps it is time to rethink the issue of gun freedom. Is the possession of a firearm a general necessity? Is the private possession of a handgun ever necessary? And, most importantly, do the risks of gun freedom outweigh the benefits?

IN CELEBRATION OF LAWRENCE MEINWALD'S 83D BIRTHDAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. GILMAN. Mr. Speaker, I rise today in order to call to the attention of our colleagues the birthday of an outstanding American and a resident of the town of Goshen in Orange County, NY, Mr. Lawrence Meinwald. On June 18, 1997, Mr. Meinwald will be celebrating his 83d birthday.

Mr. Meinwald was an immigrant from Warsaw, Poland, who came to the United States in 1920, when he was just a young boy. Mr. Meinwald spent 10 days on Ellis Island, being forced to remain there until our Government decided if the young immigrant should be permitted to stay. Luckily for him and for us, they allowed Mr. Meinwald permanent entry into the United States, where he has remained ever since.

Fourteen years ago, Mr. Meinwald and his wife, Carolyn, took a trip to Goshen, NY, looking for a haven from the hectic atmosphere of city life. They fell in love with the quaintness and historic character of the Goshen area and decided to make this country retreat their new home.

Shortly thereafter, Mr. Meinwald and his wife set out to restore and revitalize their new community. The couple chose selected buildings in the village of Goshen which, although long neglected, had much promise for enhancement due to their architectural excellence and historic beauty.

Eight commercial buildings have been completely restored since Mr. Meinwald's arrival in 1983. Mr. Meinwald has installed elevators in all eight of the buildings, as well as creating other structural mechanisms designed to preserve the historical nature of the area. The most recent is an office building at 1 Railroad Avenue, so called due to its close proximity to the old Erie Railroad train station.

In celebrating Mr. Meinwald's 83d birthday, it is important to note that he has been a tremendous asset to the Goshen community and to our entire region. In his restoration of the eight historic buildings in the village, he has provided both a great service to his community or his home and at the same time has found the small-town atmosphere that he was looking for.

Mr. Speaker, I invite our colleagues to join with me in extending birthday greetings to an outstanding citizen of our community, Lawrence Meinwald of Goshen, NY.

TRIBUTE TO THE GIRL SCOUTS OF AMERICA

MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Girl Scouts of America on the occasion of their 85 years of service to our Nation's girls and young ladies.

Girl Scouts of the United States of America was founded in 1912 by Ms. Juliette Gordon Low, with 18 girls in Savannah, GA. Three years later the first group was established in Suffolk County, LI. In 1930, a noted environmentalist from Bellport, LI, Birdsall Otis Edney, became the first, and remains the only, Long Islander to be president of the Girl Scouts USA.

The mission of the Girl Scouts is to help all girls reach their full potential. To that end they teach girls to set and reach goals, improve their decisionmaking skills, appreciate the diversity of others, and to become leaders. Under the able leadership of its executive director, Marilyn Proios, and 8,360 adult volunteers, the Suffolk County Council provides this benefit to one of every four girls in Suffolk County, LI.

Next January, the Suffolk County Girl Scout Council will celebrate the 30th anniversary of its founding in Smithtown, LI. Since 1968, the Suffolk County Council has grown into the largest Girl Scout Council in New York State; serving 31,000 girls in Suffolk County. The Suffolk County Girl Scout Council is the largest youth-serving agency in all of Suffolk County.

Mr. Speaker, I ask my colleagues to join me in congratulating the Girl Scouts of America for 85 years of outstanding service to the young women of the United States of America.

THANK YOU, FATHER DONALD LOUIS SHIRODA

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. STUPAK. Mr. Speaker, it is an honor for me to bring to the attention of the House of Representatives and the American public the retirement of a man who many residents of

Michigan's Upper Peninsula think of as one of God's greatest blessings. Father Donald Louis Shiroda will retire from the priesthood at the end of this month after 37 years of dedicated service to the people and the communities of the Upper Peninsula.

After high school, Father Shiroda served his country in the U.S. Marine Corps, where he made the decision to become a Catholic priest. In 1950, he began seminary in Kitchner, Ontario at St. Jerome's, moving to Milwaukee's St. Francis Seminary 2 years later to study philosophy and finishing his theological training at St. John's in Plymouth in 1959. Father Shiroda then began his career as a priest serving as assistant pastor for St. Gregory Church in Newberry, MI.

Father Don has served numerous parishes and communities throughout the Upper Peninsula, subsequently administering to St. Thomas in Escanaba, St. Agnes in Iron River, St. Albert the Great in Houghton, Marquette's St. Christopher, Calumet's St. Paul the Apostle, Immaculate Conception in Iron Mountain, and the Sacred Heart Parish in L'Anse. In 1986, Father Shiroda was appointed pastor of St. Joseph Church in Sault Ste. Marie. He has been an example and leader of faith, human kindness, and the active living of God's love in the Sault area for the last 11 years. The people of the Sault have had the opportunity to know Father Shiroda's talents in many settings. Along with his service as Dean of the Sault Ste. Marie Deanery and Episcopal Vicar of the Eastern Region, he has also held terms as Sacramental Minister to Catholic Campus Ministry at Lake Superior State University and regularly performs mass at the Hiawatha Correctional Facility.

As Father Don recently stated about his community, "I love the people of the Sault, not only the Catholics, but everyone. I have just as many non-Catholic friends as I do Catholic. I'm a people person. I also greatly enjoy my work with children and working up in long-term care. I really enjoy those people. I wasn't any place longer than 5 years until I came here." The people of the Sault, and all across the Upper Peninsula love and enjoy Father Shiroda and it will be with a heavy heart that they witness the end of his distinguished pastoral career.

Father Don's last Sunday Mass will be said June 29, 1997, 37 years and 3 weeks after his first Mass was held in Newberry. Fortunately, he will not be saying goodbye to the area, but plans on continuing his ministry. "I'm going to reside in the Sault and help where help is needed," he has said. "People of the Sault are all people of God regardless of their denomination."

Mr. Speaker, Father Don Shiroda truly has been a blessing for the people of the Upper Peninsula and the Sault Ste. Marie area. As a practicing Catholic, I know the importance and value of priestly leadership and direction. Father Don is an example to all of us, Catholic and non-Catholic, because of his compassion and concern for the community and the people who surround him. Not only is he a spiritual model, but also a model American citizen and for this he deserves our recognition and praise.

Mr. Speaker, on behalf of all the residents of Michigan's First Congressional District, I would like to extend my heartfelt congratulations to Father Donald Louis Shiroda on his retirement, thank him for his dedicated service, and wish him well in his endeavors yet to come.

TRIBUTE TO ROBERTS, IL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. POSHARD. Mr. Speaker, I offer the following Resolution for printing in the RECORD:

A RESOLUTION RECOGNIZING AND CONGRATULATING THE VILLAGE OF ROBERTS, ILLINOIS, ON THE 125TH ANNIVERSARY OF ITS FOUNDING

Whereas 125 years ago, in 1872, a small village was established in central Illinois by Francis Alonzo Roberts, along the lines of the Illinois Central Railroad; and

Whereas this village, known as Roberts, has maintained a tight yet diverse community throughout its 125-year history, including a variety of religious denominations and ethnic backgrounds; and

Whereas the residents of this agricultural community have displayed great service not only to their village, but also to one another, first when they rebuilt their village after a fire in 1873, and recently, when the citizens renovated their school gymnasium to serve as a public activity center; and

Whereas this treasured example of small-town America has maintained over the past 125 years the values and ethics that the village founders cherished, caring for each other and building a sense of community that stands as a model for others to emulate:

Now, Therefore, Be It Resolved That, the House of Representatives congratulates the Village of Roberts, Illinois, on the 125th anniversary of its birth, and on its growth into a village that has been, in the words of its citizens, "a good place to live," and will continue to be so in the future. Our country stands in grateful recognition of the contribution the residents of Roberts have made to the improvement of our great nation.

GOP WELFARE PLAN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. CLAY. Mr. Speaker, I would like to bring to your attention an important editorial that appeared in the St. Louis Post-Dispatch, Monday, June 16, 1997. It brings to light the harsh reality of a GOP plan that deprives welfare participants of minimum wage.

[From the St. Louis Post-Dispatch, June 16, 1997]

GOP WELFARE PLAN INSULTS THE POOR

Just when GOP leaders were promising to put a compassionate face on their social-reform initiatives, they show us their ugly side. Witness the party's unconscionable opposition to paying the minimum wage to some welfare recipients. The GOP's anti-family plan is an insult to human decency and fair-labor laws. This idea is the party's response to President Bill Clinton's recent order that the minimum wage apply to workfare participants employed by public agencies and nonprofit groups, just as it would apply to private-sector jobs.

Rep. William L. Clay of St. Louis says the GOP's proposal "reminds me of slavery's cruel exploitation of human labor." GOP Rep. James Talent of St. Louis County responds that job earnings of welfare participants would be boosted beyond the minimum wage through other benefits—Medicaid, child care, housing subsidies and food stamps.

That's like saying middle-income workers don't deserve pay raises because their incomes are indirectly inflated by subsidized health insurance, subsidized housing in the form of mortgage deductions and other benefits. Perhaps GOP leaders should go further and recommend pay cuts for federal lawmakers because of the innumerable subsidies—we call them perks—that come with their jobs.

Maybe Republicans don't realize that workfare participants need the income. A single mother on welfare with two children must earn at least $12,590 just to stay above the poverty line. If she earned $19,370, she would be earning just 55 percent of the U.S. median income for a three-person family.

It's misleading for Mr. Talent and others to suggest that subsidies, such as those for child care, compensate for a lower-than-minimum wage. In all likelihood, these working mothers will have to pay part of the cost of their child care. Also, there's no guarantee the mothers will continue qualifying for Medicaid once they take jobs. And let's not forget such incidentals as work-related transportation costs.

If the GOP is serious about workfare being a declaration of independence for poor women, then the party must make the work financially viable. Stigmatizing welfare mothers by paying them sub-minimum wages is hardly an incentive for them to take jobs.

TRIBUTE TO ROBERT "BUD" SPILLANE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. MORAN of Virginia. Mr. Speaker, I rise today with Representatives TOM DAVIS and FRANK WOLF to pay tribute to Dr. Robert "Bud" Spillane, a distinguished educator and retiring superintendent of Fairfax County public schools. Dr. Spillane has managed, with great proficiency, the Nation's 12th largest school system, which encompasses 150,000 students, 25,000 employees, 225 facilities, and a $41.2 million budget.

During his 12 years with Fairfax County, Dr. Spillane has fostered and improved the school system's national reputation for excellence while the county has experienced growing student diversity. Ninety percent of all seniors take college entrance exams. Scores are well above national averages and dropout rates are low. Dr. Spillane has instituted rigorous academic standards and established high expectations for all students, lengthened the school day for secondary students, and focused on improving programs for early primary children.

Dr. Spillane developed a teacher performance evaluation system, encouraged

sitebased management initiatives and greater accountability measures. He cultivated strong support for education in the business community, which has led to expanded school partnerships. He launched an internationally recognized high school for science and technology.

During a period of budgetary austerity in 1991, Dr. Spillane substantially reduced the number of central office personnel while improving organizational efficiency. More recently, he increased public school choice by fostering increased focus on magnet schools at the elementary level and other special programs in secondary schools.

Dr. Spillane is the author of many papers and professional articles and a frequent speaker on educational issues. He has won many prestigious awards, including the 1995 Virginia Superintendent of the Year Award and the 1995 National Superintendent of the Year Award. He is currently in the process of writing a book tentatively titled, "The School Superintendent of the Future," for Aspen Publishers.

Mr. Speaker, parents, teachers, and former students wish Dr. Spillane the very best in all his future endeavors and share my appreciation for his dedication and service to the people of Fairfax County.

A CONCURRENT RESOLUTION EXPRESSING CONCERN OVER RECENT EVENTS IN SIERRA LEONE IN THE WAKE OF THE RECENT MILITARY COUP D'ETAT OUSTING THAT COUNTRY'S FIRST DEMOCRATICALLY ELECTED PRESIDENT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. HALL of Ohio. Mr. Speaker, I am pleased to join my Africa subcommittee colleagues in introducing this resolution, expressing the United States concern for the plight of Sierra Leone's people in the face of the May 25, 1997, coup that ousted the country's democratically elected government. A year ago, I stood with my good friend Congressman HOUGHTON to congratulate the people of Sierra Leone on holding elections that we all prayed would consolidate the peace and usher in a new era of stability, economic progress, and human and social development for the war torn country.

Sadly, we now come together to deplore the coup of May 25, 1997 and express the United States' contempt for the actions of those who would subvert Sierra Leone's fragile recovery from years of bloody civil conflict, and plunge the country back into chaos, suffering, and ruin. In introducing this resolution, we add our voices to those of the Organization of African Unity, the United Nations Security Council, and the European Union in strongly urging Major Johnny Paul Koroma and his supporters to step down and peacefully restore power to the democratically elected government of President Kabbah.

The ties between Sierra Leone and Ohio's third district go way back. Nearly 100 years ago, Daytonians were among the first missionaries to Sierra Leone, and today our district is enriched by a small but vibrant community of Sierra Leonean immigrants. A Dayton company, Nord Resources, has long operated the Sierra Rutile mine, which is the nation's largest private employer, taxpayer, and foreign exchange earner. Prior to the coup, the company was in the final stages of re-opening the mine site, with the assistance of a laboriously negotiated loan package. The coup effectively suspended the Sierra Rutile project, jeopardizing 2,000 badly needed jobs for Sierra Leoneans, along with the prospects for the country's overall economic recovery.

For the sake of Sierra Leone's people and the country's future, it is my fervent hope that the political crisis will be swiftly and peacefully resolved, the popularly elected government reinstated, and humanitarian needs of vulnerable groups met. Sierra Leone's people have suffered immeasurable through years of civil strife, and the United States also has moral obligation to help prevent an escalation of the current situation into a humanitarian crisis of even graver proportions. To this end, it is essential that the United States remain engaged in Sierra Leone, and continue to bring a full range of diplomatic resources to bear on a peaceful resolution of the current crisis, in coordination with the OAU and the international community as a whole. The future stability of the sub-region as a whole is at stake, since political and humanitarian problems in Sierra Leone spill over into Liberia and other neighboring countries.

Finally, our special recognition and gratitude should go to the many brave Americans and Sierra Leoneons whose heroic efforts made possible the safe evacuation of 2,509 people, 500 of the Americans, who were caught in the crossfire in the harrowing days following the May 25 coup. Their courageousness and exemplary performance in preparing and executing the dramatic rescue operation was nothing short of miraculous. Special mention should go to Ms. Ann Wright, the Charge D'Affairs at the U.S. Embassy in Freetown at the time of the coup. At serious risk to her own life, Ms. Wright helped negotiate a ceasefire between rebel forces and Nigerian ECOMOG troops, and secure assurances that civilians would not be fired upon during the evacuation. She worked with the U.S. Marines landing team to organize the safe and orderly transfer of civilians from Freetown to the U.S. carrier *Kearsarge* stationed 12 miles off the coast. Many others deserve credit, but special thanks goes to *Kearsarge* officers Captain Ertel and Captain Wittkamp, and the 22 U.S. Marines led by Lt. Col. Sam Helland for their exemplary courage, efficiency, and professionalism in carrying out the evacuation.

CONGRATULATIONS TO THE ILLINOIS WESLEYAN UNIVERSITY MEN'S BASKETBALL TEAM

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. EWING. Mr. Speaker, on behalf of the people of the 15th Congressional District of Illinois, I would like to extend my congratulations to Coach Dennis Bridges and Illinois Wesleyan University men's basketball team for advancing to the Final Four and winning their first ever NCAA Division III national title.

After 110 years in intercollegiate athletic competition, Illinois Wesleyan University has finally won a national title when it defeated Nebraska Wesleyan University 89 to 86. I recognize and congratulate Coach Dennis Bridges, the winningest active Division III coach, for being named "Division III Coach of the Year" and Bryan Crabtree, for being named Final Four MVP and "Division III Player of the Year."

During their historic season, Wesleyan amassed a school record of 29 wins and only 2 losses, a CCIW championship, and now an unprecedented national title. The accomplishments of this team are truly remarkable in that Illinois Wesleyan University was picked to finish third in the CCIW conference in the coaches' preseason poll. Apparently, the coaches underestimated the emerging Wesleyan dynasty which had the year prior finished third in the Nation.

In recognition of their historic season, I will now list the names of the coaches and players for the 1997 Division III men's basketball national champions: Head coach Dennis Bridges; assistant coaches: Dennis Martel and David Steinbrueck; players: Tony Pacetti, Seth Zeller, Korey Coon, Jason Osborn, Nathan Hubbard, Brent Neibrugge, Kyle Tudeen, Mike Pope, Buck Condill, Bryan Crabtree, Jerry Happ, Andrew Boyden, Matt Hoder, Matt Mann, and John Baines.

In addition to Illinois Wesleyan University's athletic achievements, I would be remiss if I did not point out that Illinois Wesleyan University is fast becoming one of the Nation's most prestigious and selective liberal arts schools. Illinois Wesleyan University is an outstanding example of how higher education can successfully blend a quality academic program with a top-notch athletic program. This point is driven home by the fact that Illinois Wesleyan University ranks third nationally with 82 student-athletes being named to the GTE Academic All-American Team since the program first began in 1970.

Once again, I salute and congratulate Coach Dennis Bridges and the Illinois Wesleyan University men's basketball team, as well as the administration and faculty of this fine institution.

A TRIBUTE TO CHIEF BEN SURPRISE

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. OLVER. Mr. Speaker, I rise today to honor Ben Surprise, a man who has faithfully and dutifully served his fellow citizens of Westfield, MA for the past 37 years as a member of the Police Department.

Beginning as a reserve officer in October, 1960, Ben officially retired as chief on May 31, 1997. During that period he moved from reserve officer, to patrolman, sergeant, lieutenant, and captain. His record is unblemished.

But Ben's service to others was not limited to the range of his cruiser. In 1950 he became a member of the U.S. Air Force and in 1957 joined the Air National Guard being stationed in France during the Berlin crisis. In 1983 he was named NCO of the year, and in 1989 he retired after 39 years.

Among his many citations as a police officer he includes a certificate of appreciation from the Drug Enforcement Administration.

Chief Surprise has been married for 37 years and is the proud father of six children, and grandfather of three.

I am happy today to bring to my colleagues and the Nation recognition of Chief Surprise's life-long service to his community and his country.

He has earned an honorable and long retirement.

TRIBUTE TO SEBRINA PALMER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. THOMPSON. Mr. Speaker, I rise today to recognize Ms. Sebrina Rene Palmer. Ms. Palmer is the recently crowned Miss Alcorn State University for the 1997–98 school year. She is a junior elementary education major from my hometown of Bolton, MS.

Sebrina is actively involved in her community. She is a member of the National Association for the Advancement for Colored People, Alpha Kappa Mu Honor Society, Alcorn State University Ambassadors, a student recruitment organization, and the Student National Educators Association. She has championed the St. Jude Annual Walkathon and Bike-A-Thon as well as the community clean up project and a homeless prevention project.

Sebrina's platform for Miss Alcorn State University was AIDS awareness. She campaigned on the necessity among young people to not forget this devastating and fatal disease. Her goal is to become an elementary school teacher because she believes in giving back to her community.

Sebrina is also a member of the County Line Baptist Church in Pocohontas, MS. She serves as the Sunday school pianist, member of the choir, the usher board, and the Home Mission Institute. She is the daughter of Mr. and Mrs. Walter L. Palmer also of Bolton.

Mr. Speaker, I ask you to join me in honoring Ms. Sebrina Rene Palmer, Miss Alcorn State University, 1997–98 school year.

ON THE 25TH ANNIVERSARY OF THE BROOKLYN HEIGHTS VILLAGE SENIORS CLUB

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the dedication and achievement of the many diligent workers of the Brooklyn Heights Village Seniors Club in Brooklyn, OH, on their 25th anniversary.

More than 60 members have assisted the community with a multitude of volunteer work including visiting the sick at hospitals and organizing and running the annual Red Cross blood bank for the village of Brooklyn. In addition to these projects, they have contributed a portion of their earnings to children in little league sports.

The Brooklyn Heights Village Seniors Club volunteers give themselves, and in doing that, they make the Cleveland area a better place. I would like to congratulate this club on 25 years of hard work.

CELEBRATING THE END OF SLAVERY IN THE UNITED STATES

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 1997

Mr. STOKES. Mr. Speaker, I rise today in strong support of House Joint Resolution 56, which celebrates the end of slavery in the United States. I want to thank Congressmen ELIJAH CUMMINGS and J.C. WATTS for bringing this resolution to the House floor today.

As we begin a national dialog on race, I think it is appropriate that we begin with the recognition of the end of slavery. Every year for more than 130 years, African-Americans have celebrated the end of slavery in a day of freedom known as Juneteenth.

Two years after President Abraham Lincoln signed the Emancipation Proclamation, many of the 200,000 slaves who were in Texas when the Civil War began were still among the plantations and farms along the coastal plain, many of them around Galveston. Word of the Proclamation and Robert E. Lee's surrender were slow in arriving in the Western States, so it was not known for some time that the slaves were actually free.

Maj. Gen. Gordon Granger of the Union Army landed at the port of Galveston with 1,800 soldiers to take command of the military district of Texas. His first action after landing, on June 19, 1865, was to go from his headquarters into the street and read general order No. 3, which stated:

> The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of personal rights and rights of property between former masters and slaves. * * *

In many States, former slaves made up a significant portion of the population. Naturally, the end of slavery was cause for celebration, so beginning in 1866, every June 19th became known as Juneteenth. This tradition has remained strong into the 20th century, and I am proud to recognize it in the House of Representatives today.

Mr. Speaker, Juneteenth is a fitting celebration for the memory of the countless men and women who were forcibly brought to this country and forced to suffer the hardship and cruelty of enslavement. But Juneteenth is also a celebration of optimism for the future of an American society that recognizes the worth and value of all citizens and seeks social, economic, and political equality. I thank my colleagues for bringing House Joint Resolution 56 to the House floor today, and I strongly urge its passage.

TRIBUTE TO THE MEN OF THE U.S.S. *LIBERTY*

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to pay tribute to the 34 men who gave their lives in the defense of the U.S.S. *Liberty* 30 years ago.

On June 8, 1967, the American intelligence ship U.S.S. *Liberty* was attacked during a grueling 75 minute strike in the Mediterranean Sea. The unarmed ship was defended with great honor and valor during the onslaught. The entire crew battled to keep the ship afloat after rocket attacks and a torpedo hit. Despite these debilitating attacks, the crew managed to save the ship and guide her safely to port. However, 34 American men lost their lives due to enemy fire and in attempts to save the ship.

Mr. Speaker, I would like to take this moment to pay tribute to the men who gave their lives in defense of the U.S.S. *Liberty*. This selfless act reminds us of the commitment that our servicemen and women demonstrate every day and the extreme dangers inherent in the defense of the U.S. Congress and the citizens of our country should be mindful of their sacrifice and valor.

This memorial shall serve as a tribute to the men of the U.S.S. *Liberty* who served their country so faithfully. I urge my colleagues to join me and applaud the actions of these men and their families and friends who keep their memory alive.

THE PEOPLE'S REPUBLIC OF CHINA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. SOLOMON. Mr. Speaker, there were two excellent articles in two separate newspapers this morning. There is a common thread between them, and that is the People's Republic of China.

A Bill Gertz article in the Washington *Times* describes the extent to which China is upgrading the capacity of Iran to sink American ships and kill American sailors. Gertz said the disclosures of Iran-China missile cooperation raises new questions about Clinton administration claims that China has been heeding United States warnings about curbing trade with Iran and other rogue nations on missile and weapons technology.

But that's not all China has been doing, Mr. Speaker. They have been trying to influence American elections, and in this endeavor they seem to have gotten the cooperation of individuals serving in the Clinton administration. Which brings us to the second article, that of

James Risen and Alan A. Miller in the Los Angeles *Times* about the security clearances of John Huang, who became a high Commerce Department official and campaign fundraiser, apparently while retaining his loyalty to the Lippo Group of Indonesia.

I would urge all Members to read and reread both articles, and I place them both in today's RECORD.

CHINA JOINS FORCES WITH IRAN ON SHORT-RANGE MISSILE

(By Bill Gertz)

Iran is developing a new short-range ballistic missile as part of a joint program with China involving rocket motors and test equipment, The Washington Times has learned.

Iranian missile technicians traveled to China early last month to watch a ground test of a 450mm-diameter rocket motor to be used in the NP–110 solid-fuel missile, according to a Pentagon intelligence report labeled "top secret."

The missile, which would have a range of 105 miles, would be capable of hitting targets as far away as Baghdad and the United Arab Emirates, while keeping the missile launchers away from coasts, where they are vulnerable to counterattack, said Kenneth Timmerman, director of the Middle East Data Project, which tracks weapons programs in Iran.

The joint missile program also involves Iran's use or acquisition of Chinese X-ray equipment, which is used for studying missile casings and for checking whether solid fuel is in proper condition.

Disclosure of the Iran-China missile cooperation raises new questions about Clinton administration claims that China has been heeding U.S. warnings about curbing trade with Iran and other rogue states on missile and weapons technology.

John Holum, director of the U.S. Arms Control and Disarmament Agency, told reporters in November, after a visit to China, that U.S.-China collaboration on arms control and proliferation issues was "very constructive," and said Chinese progress on restricting destabilizing arms sales was "dramatic."

A classified CIA report in October said China had provided Iran with missile guidance components and technology.

"This is a new [category] of missiles," Mr. Timmerman said of the NP–110. "It shows the Iranians have a very advanced and multifaceted capability to produce solid-fuel propellants."

In written statements to Congress made public last week, Secretary of State Madeleine Albright said, "Iran's ballistic program poses a serious threat to American servicemen and women."

"Iran's ballistic missile program also poses a threat to America's friends and allies in the region," she said in response to questions by Rep. Gerald B.H. Solomon, New York Republican.

The administration has been "reviewing carefully" reports of missile- and weapons-technology transfers from China to Iran but has not decided whether the sales meet legal thresholds for triggering sanctions, she said.

Iran is known to have two types of Soviet-designed Scud missiles, including systems acquired from North Korea or developed in Iran.

Less is known about its shorter-range missile programs, including systems identified variously by military experts as the Iran–130, the Mushak 120 and the Nazeat.

According to Mrs. Albright, the Iranians are "assembling" Scud–B missiles with a range of 186 miles that carry payloads of up to 2,200 pounds.

"Iran is working to produce Scud–C missiles with a range of 500 kilometers [310 miles] and a smaller payload than the Scud–B," she told Mr. Solomon. "We also believe Iran is interested in developing even longer-range missiles."

The secretary said that "given Iran's persistent efforts to develop a nuclear, chemical and biological capability, we are concerned that Iran may use this capability to develop weapons-of-mass-destruction warheads."

The China Precision Engineering Institute New Technology Corp. reached agreement with an arm of Iran's Defense Industries Organization to sell gyroscopes, accelerometers and test equipment—all elements used to build and test missile-guidance systems, the CIA report said.

Other military equipment was delivered in July 1996 as part of a program to modify Iran's Chinese-made HY–2 anti-ship missiles.

Iran currently has about 200 Scud–B and Scud–C mobile missiles. The Scud–B has a range of about 186 miles and the Scud–C can hit targets about 310 miles away.

Iran also is believed by U.S. intelligence officials to be interested in buying 620-mile-range No Dong missiles from North Korea. The No Dong is said to be close to deployment.

A U.S. intelligence report last month also revealed that three Russian entities have signed contracts with Iran to help produce liquid-fueled ballistic missiles. The Russian contracts include projects for wind tunnels used in missile design, model missile manufacture and development of computer software.

[From the Los Angeles Times, June 17, 1997]

HUANG'S SECURITY STATUS RAISES NEW QUESTIONS

(By James Risen and Alan C. Miller)

WASHINGTON.—In John Huang's strange odyssey into the heart of the Clinton administration and the Democratic Party, few things remain so shrouded in intrigue as the handling of his coveted security clearances and his access to U.S. government secrets.

The former Commerce Department official and Democratic fundraiser has played a leading role in the campaign finance controversy since it erupted last fall. But now federal investigators are looking into more serious questions about whether Huang also, as a House committee chairman has charged, "committed economic espionage."

If Huang was supplying sensitive U.S. government information to his Indonesia-based former employers or, more troubling, the Chinese government, then the Commerce Department may have been the perfect place for him to get it—because of the casual manner in which the department handled his access to top-secret materials and classified CIA briefings, according to Commerce Department records and extensive interviews.

Commerce Department officials have described Huang as a midlevel functionary cut off from policy action on Asia. But they are unable to explain why he had almost weekly one-on-one briefings from a CIA officer on the latest intelligence concerning China, Taiwan and Vietnam.

What's more, a series of stunning security breaches at the Commerce Department allowed Huang to get and maintain a top-secret clearance for 18 months, both before and after he became a government employee—a period longer than the time he actually served.

Huang's security status was of keen interest to at least one high-level Commerce Department official. Huang's boss tried to ensure that Huang maintained his top-secret clearance even after he left the department for the Democratic National Committee.

But when Huang—in a marked departure from previous department practice—turned down an offer from his boss to be upgraded to the government's highest security clearance, Commerce Department officials showed strangely little curiosity. An upgrade from "top secret" to "sensitive compartmented information," or "codeword" clearance, which his two immediate predecessors had, would have required Huang to undergo a much more detailed investigation of his ties to foreign nationals, including his former employer, the Jakarta-based Lippo Group.

Former department officials and others now agree that Huang's apparent reluctance to subject himself to the intense scrutiny required for code-word clearance should have raised questions.

"The ability to have access to information is the dividing line between being an insider and outsider, the dividing line between having informed judgment and not," said a former senior Commerce Department officials. "So for somebody to decline it would have been a red flag."

Huang, who was let go by the Democratic National Committee late last year after allegations surfaced about his involvement in the campaign finance controversy, was unavailable for comment. The Glendale resident's Washington attorneys have said they "have no doubt that he comported himself honestly at the Commerce Department."

One of the lawyers, Ty Cobb, declined to comment on most questions concerning Huang's security clearances and the classified information he received at the Commerce Department. Regarding the top-secret briefs, Cobb said: "We look forward, when circumstances permit, to clearing up the confusion created on this issue by earlier press reports but we aren't in a position to discuss it at this time."

NO CRIMINAL CHARGES FILED

Huang, a naturalized U.S. citizen, has not been charged with any crime. And the Justice Department task force investigating the campaign finance controversy and the alleged covert scheme by the Chinese government to buy political influence in the United States has not publicly discussed its investigation of Huang.

But the congressional committees investigating fund-raising abuses are looking into how the Commerce Department handled Huang's security clearances and his access to intelligence—and whether Huang exploited vulnerabilities in the government's security-clearance procedures.

The content of the intelligence briefings Huang received on Taiwan, China and Vietnam could not be learned. But, in general, he was in a position to glean internal government information about U.S. trade practices, the business practices of foreign competitors, links between foreign governments and the private sector and corrupt business practices in those countries. Such information could have been of value to companies and individuals doing business in or wanting to invest in the region, including Lippo, Huang's previous employer.

From the beginning, Commerce Department officials considered Huang a "White House hire" steered to the department because of his political connections. His former

bosses at Lippo—founder Mochtar Riady and his son, James—told acquaintances that they placed Huang at the department. The Riadys, once part-owners of a bank in Little Rock, Ark., had developed close ties to President Clinton when he was governor of Arkansas.

In January 1994, Huang was approved for the job of principal deputy assistant secretary of commerce in the international economic policy office.

Although Huang did not plan to start until that July, the department awarded him an "interim top-secret" security clearance on Jan. 31, after a cursory one-day background check by the Office of Personnel Management. Security checks for permanent "top-secret" clearances normally take a month or more.

Commerce Department officials have defended Huang's interim clearance, saying that he was expected to start his new job quickly. But Huang's Feb. 28 personnel form indicated that his start date was set for July 18, 1994.

Officials stress that there is no evidence Huang attempted to use his security clearance while he was still working for Lippo in Los Angeles. They contend that his clearance remained inactive until he arrived at the Commerce Department.

But several former senior department officials said they found this troubling.

"That sort of stuns me," one said. "At a minimum, it sounds to me that [this is] a flaw in the process."

After Huang started work, the Commerce Department asked the Office of Personnel Management to conduct a full-field investigation of his background for a permanent top-secret clearance.

Personnel management officials said that they began the background check in August 1994, looking at 10 years of Huang's educational, professional and military records and interviewing neighbors in cities where he had lived during the previous five years. Finding no problems, final approval was granted in October.

But personnel management officials conceded that they did not conduct an overseas investigation of Huang—even though he had served in the Taiwan air force and spent much of his career working for overseas-based employers. The regulations did not require it, officials emphasized.

After Huang began work at Commerce, his boss—Charles Meissner, assistant secretary for international economic policy—sought to have him upgraded to code-word clearance. This would have given Huang access to the most sensitive materials the U.S. government has on matters such as trade negotiations with China, Taiwan and the rest of Asia.

Meissner told John Dickerson, an intelligence liaison officer at Commerce, that Huang needed the security upgrade to do his job properly. Dickerson then told Huang he would have to meet with the department's Office of Security, fill out new paperwork and undergo additional scrutiny.

Dickerson said through a Commerce Department spokeswoman that he never heard from Huang again on the matter.

Later, Meissner approached Robert Gallagher, Dickerson's boss, and asked about the status of Huang's application for code-word clearance. Gallagher said through the spokeswoman. Gallagher said through the spokeswoman. Gallagher in turn asked Huang if he had applied.

Huang said he had not and again asked Gallagher what was involved. When Gallagher told him it was more extensive process than had been required for top-secret approval, Huang declined to apply, Gallagher said.

INTERVIEWS WITH FOREIGNERS REQUIRED

Significantly, if Huang had applied, personnel management officials would have interviewed foreign nationals with whom he had been in business. Moreover, the entire background investigation would have been sent to the CIA's Office of Security, which could have demanded a more detailed background check, agency officials said.

"The code-word application would have triggered a higher level of scrutiny of any of his connections overseas, including business ties with foreign nationals," said a personnel management official.

The security issues become starker given that Huang, who had hoped to help shape the administration's international economic policy, found himself largely cut out of the action on Asia almost as soon as he arrived at the department.

Part of the problem was that, before either Huang or his boss arrived, Jeffrey E. Garten, chief of the International Trade Administration, already had assigned others to handle China and other large emerging markets. Garten also quickly determined that Huang was not up to speed for such work.

"Garten had an A Team, and Huang wasn't even on the B Team." said a Commerce Department official.

As a result, Taiwan was the only Asian country Huang had in his portfolio, and he accompanied Meissner there twice.

Nevertheless, he became an active consumer of U.S. intelligence on Asia. He received from a CIA officer 37 one-on-one, top-secret, Asia-related briefings—most concerning Taiwan or the People's Republic of China—and he attended 109 meetings at which classified intelligence information may have been discussed, the Commerce Department acknowledges.

Huang also received at least one previously undisclosed CIA briefing on Vietnam that a senior Commerce official said he could not explain because Huang "had no policy role on Vienam at all." Huang did not have to inform anyone about the intelligence he got from the CIA, officials added.

But Huang also had other access to classified materials. In 1994 and 1995, he attended 109 meetings at which classified information may have been discussed. He also may have received classified intelligence information at interagency meetings at the White House, Commerce Department officials said.

Huang visited the White House 93 times during Clinton's first term, Secret Service records show, seeing the president 15 times.

Meanwhile, Huang maintained contact with his former employer. According to his phone logs, he called Lippo Bank in Los Angeles 70 times during his 17 months at Commerce. He also placed 49 calls to C. Joseph Giroir, a Little Rock attorney who works closely with the Riady family, records show.

On at least one occasion. Huang called Lippo the day he received classified documents. The Lippo Group has extensive financial interests in China and minor holdings in Taiwan, and it has sought business opportunities in Vietnam.

By mid-1995, a frustrated Huang wanted to leave the Commerce Department. That Sept. 13, accompanied by James Riady and Giroir, Huang told Clinton during an Oval Office visit that he wanted to move to the Democratic National Committee to raise money for the president's reelection effort.

Also present was senior White House advisor Bruce R. Lindsay, who subsequently met with Huang before sending him to Harold M. Ickes, the top White House aide overseeing the campaign. Ickes notes show that they discussed whether the administration might "retain [Huang] as an unpaid consultant" when he moved to the national committee.

Knowledgeable sources said that Huang requested the consultant post but did not mention his desire to retain a security clearance. Lanny J. Davis, a White House special counsel, said that, 'as far as Bruce Lindsay recalls, the issue of Huang's consulting status or security clearance did not come up in the White House and was not discussed between him and anybody else at Commerce."

Nonetheless, by December 1995, as Huang was about to move to his party job, Meissner tried to help him obtain a consultant position. But Tim Hauser, a deputy undersecretary for administration, rejected the request because he thought it improper for a Democratic Party fund-raiser to be Commerce consultant, department officials said.

Meissner persisted, sources said, and tried to make an "end run" by raising the issue with William Ginsberg, chief of staff for then-Commerce Secretary Ronald H. Brown. Ginsberg agreed with Hauser that the idea was "politically insensitive" and asked Meissner why Huang wanted to remain a Commerce consultant while working for the party, sources familiar with the conversation said. One reason, Meissner said, was so Huang could retain his security clearance.

HUANG KEPT HIS SECURITY CLEARANCE

Meissner failed to get Huang a consulting contract. But, in one of the saga's most curious chapters, Huang did get the same top-secret security clearance given to the department's contractors after Meissner had his secretary file the paperwork.

Without running a background check on Huang or confirming that he had a consulting contract, the Pentagon's Defense Industrial Security Clearance Office granted Huang a "consultant top-secret" clearance on Dec. 12, 1995, a spokeswoman for the office said. That was nine days after Huang left the Commerce Department and a week after he started at the national committee.

The clearance remained in effect for a year—while Huang raised millions of dollars for the Democratic Party—until Dec. 9, 1996, when embarrassed Commerce officials discovered it amid the fallout from the fund-raising controversy.

Commerce officials described the episode as a bureaucratic snafu and said they found no indications that Huang used his clearance after he left the department—or that he knew he had it.

But Meissner's interest in helping Huang obtain a contractor's security clearance remains a mystery. He died along with Brown and 32 others in a plane crash in Croatia in April 1996.

"Unfortunately, the people who were most involved in this are not here now," observed Commerce Department Press Secretary Maria Cardona.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose

of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Sunday, June 1, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 24

9:30 a.m.
Energy and Natural Resources
To meet to further discuss proposals to advance the goals of deregulation and competition in the electric power industry.
SD–366

Small Business
To hold hearings on proposed legislation authorizing funds for the Small Business Administration.
SR–428A

10:00 a.m.
Appropriations
To hold hearings with the Committee on Governmental Affairs on the implementation of the Government Performance and Results Act.
SD–192

Governmental Affairs
To hold hearings with the Committee on Appropriations on the implementation of the Government Performance and Results Act.
SD–192

Judiciary
To hold hearings to examine the Rand report relating to punitive damages in financial injury cases.
SD–226

JUNE 25

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

Rules and Administration
To hold hearings to examine campaign financing, focusing on whether political contributions are voluntary.
SR–301

Indian Affairs
To hold oversight hearings on the Administration's proposal to restructure Indian gaming fee assessments.
SD–562

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the District of Columbia.
SD–192

Judiciary
To hold hearings to examine encryption, key recovery, and privacy protection in the information age.
SD–226

JUNE 26

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 783, to increase the accessibility of the Boundary Waters Canoe Area Wilderness.
SD–366

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold oversight hearings on recent administrative changes and judicial decisions relating to Section 404 of the Federal Water Pollution Control Act.
SD–406

Labor and Human Resources
Children and Families Subcommittee
To hold oversight hearings on the implementation of the Family and Medical Leave Act.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 308, to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges, and S. 360, to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area.
SD–366

Judiciary
Immigration Subcommittee
To hold hearings on proposals to extend the Visa Waiver Pilot Program, including S. 290, to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States.
SD–226

JULY 10

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings to review the preliminary findings of the General Accounting Office concerning a study on the health, condition, and viability of the range and wildlife populations in Yellowstone National Park.
SD–366

JULY 23

9:00 a.m.
Finance
International Trade Subcommittee
To hold hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

JULY 30

9:00 a.m.
Finance
International Trade Subcommittee
To resume hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

CANCELLATIONS

JUNE 5

10:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on NASA's international space station program.
SR–253

Judiciary
Business meeting, to consider pending calendar business.
SD–226

POSTPONEMENTS

JUNE 10

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

2:00 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine instances of gambling over the Internet.
SD–226

JUNE 12

9:30 a.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on recent administrative and judicial changes to Section 404 of the Federal Water Pollution Control Act.
SD–406

SENATE—*Thursday, June 19, 1997*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we turn to You in the midst of the sickness and suffering of human life. You are the source of the healing power of life and have entrusted to us the awesome challenge of working in partnership with You in discovering the cures of diseases. With Your divine inspiration and guidance, we have fought and won in the battle against so many crippling illnesses. But Father, we need Your continued help in our relentless search for a cure for cancer. Thank You for the progress You have enabled. Bless the scientists, surgeons, and physicians who are on the front line of this conquest. All of us have one or more of three things in common: We have suffered from cancer ourselves, have a loved one or friend who has or is struggling to survive this disease, or have lost someone because of one of the many types of cancer.

Today we feel profound empathy for Senator TOM HARKIN, as he endures the grief of the death of his brother Chuck. Thank You for the gallant battle Chuck fought, for his faith in You, and for the assurance of Your strength and courage he exemplified. Be with his wife, Senator HARKIN, and his family in this time of need. Through our Lord and Saviour who gives us the assurance of eternal life and the determination to press on in the quest for the cure of cancer. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Maine, is recognized.

SCHEDULE

Ms. COLLINS. Mr. President, on behalf of the majority leader, today the Senate will be in a period of morning business until the hour of 1 p.m. Following morning business, if consent is reached, the Senate will begin consideration of the intelligence authorization bill. It is hoped that the Senate will be able to complete action on the intelligence bill in a reasonable time period and, therefore, Senators can anticipate rollcall votes throughout the day. The majority leader has also indicated that it is his hope that the Senate will be able to proceed to the Department of Defense authorization bill following disposition of the intelligence authorization bill.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senate will be in a period of morning business until the hour of 1 p.m.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be recognized for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COLLEGE AFFORDABILITY AND ACCESS ACT OF 1997

Ms. COLLINS. Mr. President, I am pleased to speak about S. 930, the College Affordability and Access Act of 1997, which I introduced yesterday.

More than 30 years ago, Congress took the historic step of authorizing Federal student aid programs for the purpose of "making available the benefits of postsecondary education to eligible students." Since that time, millions of young Americans have been afforded an opportunity often denied their parents—a college education.

During the three decades since the passage of the Higher Education Act of 1965, both the cost and the importance of postsecondary education have grown dramatically. And, unfortunately, many once again find themselves without the financial resources needed to unlock the door to a better future.

There was a time in Maine when a person armed with a high school diploma and a willingness to work hard could expect to get a job in a paper mill and be assured of a very good wage for life. Today, however, the situation is very different. The manager of one mill told me that it has been 10 years since they hired a high school graduate. Similarly, if you visit the recently built recycling mill in East Millinocket, ME, you are likely to see a handful of computer operators using specialized training to run highly technical equipment.

At a time when 85 percent of the new jobs require some postsecondary schooling, the challenge for the children of less affluent families is to obtain higher education, and the challenge for us is to make that a possibility.

We cannot and should not guarantee our young people success, but we can and should strive to guarantee them opportunity. We have a good record on which to build, as the student aid programs of the Higher Education Act have assisted countless young Americans. Those programs do not, however, do enough to assist middle-class families in coping with the ever-escalating cost of higher education. And they certainly do not do enough to help those for whom the cost of college is a crushing debt load.

Mr. President, much of the impetus for this bill comes from my experience working at Husson College, a small college in Bangor, ME, as well as from the education hearings that Senator JEFFORDS and I held in that city. Husson's students primarily come from lower- and middle-income families; in most cases, they are the first members of their family to attend college. That makes Husson the perfect laboratory from which to assess the strengths and weaknesses of our current student aid programs.

From my Husson experience, I came to appreciate the critical role of Pell Grants and student loan programs in opening the doors to college for many students. But I also learned that our current programs do far too little for the many middle-class families who must largely bear the financial burden of opening those doors for their children. We also do not do enough for those for whom the road to college ends not with a pot of gold but with a pile of debt. Indeed, even at a school with moderate tuition, like Husson, a student participating in the Pell Grant and Federal Work Study Programs can expect to graduate not only with a degree but also with a debt of more than $15,000. And if this student goes on to graduate or professional school, the indebtedness could easily exceed $100,000.

Missy Chasse, a student who worked for me at Husson, typifies this problem. After graduating with an $18,000 debt, she decided to return to her home town of Ashland in rural Maine where the prospect of a job paying more than $20,000 is remote. Missy is now faced with a daunting debt that will strain her finances for years to come. Many people, confronted with this prospect, simply drop out of college or decide not to go at all.

The dilemma facing middle-class American families who have to rely on borrowing to educate their children was captured in a letter I recently received from Maine parents. They wrote:

We both work and are caught in the middle—too much income for aid and not enough to support college tuition. Our daughter has almost completed her second year of college with two more to go. She has loans, we have loans, and it is becoming increasingly harder

to keep our heads above water. We have another daughter entering college in three years and we wonder how we will be able to swing it.

That the experience of this family is widespread is borne out by the statistics. According to the Finance Authority of Maine, the average size of the education loans it guarantees has more than quadrupled during the past 10 years. The prospect of being saddled with a terrifying debt explains why many Maine families decide that the cost of college is simply too great for them. Indeed, Maine ranks a dismal 49th out of the 50 States in the percentage of our young people who decide to go on to higher education.

Mr. President, this is the season when Members of this body hit the commencement trail, summoning up their most stirring rhetoric to inspire college graduates to dedicate themselves to serving others. The irony is that the audience is far more likely to see its future not as one of serving its neighbors, but rather as one of servicing its debt.

My bill recognizes that we have a solid foundation of financial assistance programs. It seeks to build on that foundation by making needed changes that will provide some measure of debt relief, promote private savings, and encourage employer sponsorship of education.

Specifically, the College Affordability and Access Act of 1997 has three components. The first will make the interest on student loans tax deductible. The second will authorize the establishment of tax-exempt education savings accounts. And the third will make permanent the tax exemption for employer-paid tuition for undergraduate programs and extend it to graduate and professional programs.

The first component, a small step for Government that will be a big help to students, allows a tax deduction of up to $2,750 in interest that individuals pay on their student loans. It will alleviate some of the financial pain experienced by the recent graduate with the $18,000 debt and the $20,000 salary. While the deduction will be phased out as the graduate's income increases, the vast majority of those with student loans will qualify for all or part of the benefit. Through this change, we will be recognizing that a loan to go to college is not the same as a loan to buy a stereo, but rather an investment in human capital that will pay dividends not only to the borrower but also to our Nation.

The second component will allow parents to place $1,000 per year into a tax-exempt savings account for the education of a child. Money withdrawn from the account to pay qualified education expenses will not be taxed. Assuming the family puts $1,000 into the account every year for 18 years and the account earns a modest rate of return, the family can expect to accumulate about $35,000, which will put a big dent in their education expenses.

Our education policies must stop penalizing savings. Under current law, families which make financial sacrifices to save for their children's education may face the paradoxical result that they do not qualify for aid programs available to their less prudent neighbors. While this bill will not eliminate that possibility, it will send the clear message that our Government is prepared to encourage and reward those who save for college.

The third component seeks to make greater use of the willingness of businesses to further the education of their employees. It will accomplish that in two ways. First, it will make permanent the current tax exemption for employer-paid tuition for undergraduate studies. Second, it will extend this exemption to those attending graduate and professional programs.

Mr. President, this bill will benefit families facing the challenge of paying for college; it will benefit students currently pursuing their education; and it will benefit graduates struggling to pay their debts. But the benefits will be far more widespread and significant. In its own small way, the College Affordability and Access Act will give us a better educated population, a more competitive economy, and a society in which the rewards are more equally shared. Most important, it will reaffirm our commitment to the principle that success in America should be there for all who are willing to work for it.

Mr. President, I am pleased to tell you this bill has attracted widespread support. I ask unanimous consent that the text of a letter I received from the American Council on Education endorsing S. 930 on its own behalf and on behalf of 12 other educational organizations be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL ON EDUCATION,
OFFICE OF THE PRESIDENT,
Washington, DC, June 18, 1997.

Hon. SUSAN COLLINS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: I write on behalf of the higher education associations listed below to commend you for introducing "The College Access and Affordability Act."

Your bill will help millions of families save money for college, encourage working adults to take advantage of employer-provided educational assistance to upgrade their skills, and help recent college graduates repay student loans. These provisions will be of enormous assistance to middle income families.

Your proposal to restore the federal income tax exemption for interest payments on student loans is especially welcome. In the last decade, a growing number of students have begun to rely on federal loans to finance their education. While the terms of federal student loans are generous compared to other loans, many borrowers find that the repayment of these debts restricts their personal and professional opportunities after graduation. By restoring the income tax deduction for student loan interest, your bill will help moderate the impact of loan repayments and provide enormous assistance to student borrowers. Moreover, by establishing a 2,750 annual limit on the amount of interest that may be deducted, your proposal will be especially helpful to graduate and professional students—a category of borrowers who generally incur much higher debts while in school.

As you know, there is widespread bipartisan interest in using the tax code to help families meet college costs and we are deeply grateful for your leadership in this area. My colleagues and I look forward to working with you and other members of the Senate as you consider this vitally important legislation in the months ahead.

Sincerely,

STANLEY O. IKENBERRY,
President.

On behalf of the following:
American Council on Education.
American Association of Community Colleges.
American Association of State Colleges and Universities.
American Psychological Association.
Association of American Universities.
Association of Catholic Colleges and Universities.
Association of Governing Boards of Universities and Colleges.
Association of Jesuit Colleges and Universities.
Coalition of Higher Education Assistance Organizations.
Council of Graduate Schools.
Council of Independent Colleges.
National Association of Student Financial Aid Administrators.
National Association of State Universities and Land-Grant Colleges.

Ms. COLLINS. Thank you very much, Mr. President. I yield back the remainder of my time.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

HANFORD REACH OF THE COLUMBIA RIVER

Mrs. MURRAY. Mr. President, this weekend the Senate Energy and Natural Resources Committee is going to hold a field hearing in Mattawa, WA. We will discuss S. 200, my legislation to designate the Hanford Reach of the Columbia River as a wild and scenic river.

The Hanford Reach is the last free-flowing stretch of this mighty river. Protecting it for future generations is a top priority for me.

In 1995, I convened a group of local citizens, and I asked them to help me find the best way to protect this portion of the Columbia River. They unanimously concluded an act of Congress designating the reach as a wild and scenic river, with a recreational classification, would be the best way to preserve this valuable resource.

In fact, a poll of registered voters in central Washington done last year indicated that 76 percent favored designation of the Hanford Reach as a wild and

scenic river, while only 11 percent opposed it. So the will of the region is clear: The reach needs the best protection we can give it to make sure it remains accessible to everyone.

Protecting the Hanford Reach is not about local versus Federal control. It is about giving a natural treasure the best possible protection that we can. And it is also about promoting jobs in the long term and protecting our heritage.

What does the designation do? First, it puts central Washington on the map as a home to a resource found nowhere else on Earth—a river unique and important enough to become part of the U.S. national wild and scenic river system. Second, it protects the river in its current condition. It allows all of the existing uses to continue, but ensures the river stays forever the way we see it today. In fact, my bill specifically grandfathers in current uses protecting existing economic interests and enhancing the river's future economic value to our region.

There is much more at stake here than who manages the river. This issue is much bigger than that. We all know what problem we have with protecting salmon. ESA listings have been made for the Snake River and are being considered for the Columbia. If we ever want to get ahead of the salmon problem, we have to start by protecting the reach. My bill gives us a cheap and easy way to do just that. It simply transfers Federal property from one agency to another; no private lands need to be acquired or jeopardized.

Let me reiterate, we simply can't afford to take chances with the one part of the river that works well—and inexpensively—for fish. Compared to drawdowns, dam removal and other suggestions that we have heard for saving salmon, permanent protection of the reach gives ratepayers, river users and irrigators a virtually cost-free way of accomplishing what could be a very expensive recovery effort.

We have done a lot of talking about the reach, and I am convinced that we are getting closer. It seems to me when you have a resource that is this important to the State, reasonable people ought to be able to find a way to agree on the best way to protect it. I am committed to bringing people together around that goal and keeping them together until we finish the job.

Mr. President, I look forward to hearing the testimony this weekend, and I thank my senior colleague, Senator GORTON, for helping me put this hearing together.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that we are in the morning business hour.

The PRESIDING OFFICER. That is correct.

TREND TOWARD RACIAL, ETHNIC, AND RELIGIOUS INTOLERANCE

Mr. REID. Mr. President, I rise today to talk about a disturbing trend in this country, a trend that to me was highlighted by a recent incident in South Carolina.

This incident took place several weeks ago. I was aware of it at the time it occurred. It has been something that has been troubling to me since then, and I felt it was appropriate and important that we spread on the RECORD of this Senate this particular incident, which occurred while the State Board of Education of the State of South Carolina was discussing whether it could display the Ten Commandments on the walls of public schools.

During this discussion, a member of this board provided a suggestion for groups which might oppose the placing of the Ten Commandments upon school walls. A direct quote: "Screw the Buddhists and kill the Muslims."

Mr. President, I find it contemptible that such an arcane, bigoted statement would come from someone who is tasked with the responsibility of educating our children, a member of the board of education.

I find it even more shocking that not only would someone think this, but that they would go so far as to articulate it at a meeting of a board of education. Can we imagine what would have been the reaction to such a comment had it been directed toward Christians or Jews, Mexican-Americans, African-Americans? I find this individual's behavior reprehensible, and while I find his behavior reprehensible, the larger issue is an increasing trend in this country toward racial, religious, and ethnic intolerance.

The Founders of this country fled persecution and intolerance in Europe and came to this country to be free from persecution, mostly religious persecution. Our country was founded on the principle of equality, and our Constitution, Mr. President—this document—which consists of just a few pages ensures freedom of religion and freedom from persecution.

In this country, we are very fortunate to have the freedoms that we have guaranteed by our Constitution. These freedoms make us the envy of the world and are the strength of our Nation.

I, however, think that, even though we have many protected rights in our Constitution, we have to speak out against individuals and especially people who are on a board of education who say, "Screw the Buddhists and kill the Muslims."

Because of the liberties we have in our country, this great country of the United States of America, immigrants from all over the world desire to come here and start a new life, just as our ancestors did. As a result, we are becoming a much more diverse Nation, increasingly diverse. The diversity within our Nation requires greater tolerance, patience, and a deeper level of understanding.

Mr. President, I am a member of a religion where, in the last century, significant persecution took place. People were killed as a result of their belief in the religion that I now profess. I feel that we all must speak out against religious intolerance. People who speak out about screwing the Buddhists and killing the Muslims—you know, Mr. President, in our country, sad as it might be, there are people who would follow the leadership of a person like this and proceed to do just that.

The remarks made by this school board member reflect a deep-seated racial and religious intolerance and ignorance that we should not allow to go unnoticed. This racial ignorance and lack of understanding are catalysts to intense racial intolerance.

I am concerned about the steady erosion of racial and religious tolerance in our society, and intolerance. Intolerance is often the basis for much of the crime committed in America, and it is the very essence of hate crimes. Hate crimes are those crimes committed against an individual or a group because of their convictions or their ethnicity.

In 1995, the last records we have, the Justice Department cataloged nearly 8,000 hate crimes. Those are the only ones reported; many were unreported. This number is growing at an alarming rate. Hate crime is an affront to our basic commitment to religious liberty and racial tolerance, and it poses a challenge to our entire Nation and our future as a common community.

The remarks made by this school board member are disturbing. They are indicative of an increasing racial and religious intolerance and serve only to incite maliciousness against Muslims, Buddhists, and non-Christians in general. This school board member's comments are illustrative of the need in this country for increased understanding and patience. It is also, Mr. President, I believe, a call for us to speak out against this intolerance. It is this understanding and patience that we need to have which provides the foundation for a more tolerant America. Tolerance and understanding are crucial for us to continue fostering quality, dignity, and peace within America.

Mr. President, I suggest the absence of a quorum. I withhold for my friend from Wyoming.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOST-FAVORED-NATION STATUS FOR CHINA

Mr. THOMAS. Mr. President, I come to the floor today as chairman of the Senate Subcommittee on East Asia and Pacific Affairs to discuss and formally state my support for the extension this year of most-favored-nation status to the People's Republic of China. I want to stress at the beginning that supporting China MFN is not an issue of approving or disapproving China's behavior. Rather, it is an issue of how we best work to influence that behavior in the future. For several reasons, I do not believe that withholding MFN is an effective tool in doing that.

First, I firmly believe that invoking most-favored-nation status would hurt the United States more than the Chinese. It would be the economic equivalent of saying, "Lift up a rock and drop it on your own foot."

Simply put, we are talking about American jobs. It is estimated that United States exports to China support around 200,000 American jobs; the Chinese purchases now account for 42 percent of our fertilizer exports and over 10 percent of our grain exports as well.

Last year, China bought over $1 billion worth of civilian aircraft, $700 million in telecommunications equipment, $340 million in specialized machinery, and $270 million of heating and cooling equipment.

As China's economy continues its dynamic growth, the potential market for increased sales, of course, will grow as well. Our withdrawal of MFN would certainly be met with in-kind retaliation by the Chinese, who are fully capable of shopping elsewhere for their imports, as we have seen with Boeing and Airbus, with resulting harm to America's economy.

Second, revoking MFN would have a damaging effect on the economies of our close allies and trading partners Hong Kong and Taiwan. The vast majority of Chinese trade passes through Hong Kong. Putting the brakes on that trade would result in a 32 to 45 percent reduction—around $12 billion worth—of Hong Kong's reexports from the PRC to the United States.

In addition, it is estimated that there would be about a $4.4 billion drop in income to Hong Kong, a loss of 86,000 jobs, and a 2.8 reduction in GDP.

Moreover, revoking MFN would have the greatest negative impact on the southern China provinces where Hong Kong and Taiwanese businesses have made substantial investments, as well as the United States. But I want to stress this point. It is in these provinces that the political and social changes for the better are occurring.

Mr. President, on my last trip to China—my only trip to China—I traveled from Beijing in the north through Shanghai and on to Guangzhou in the south. In Beijing, talks with the Chinese centered solely on politics, Taiwan particularly. The vast majority of the population still ride bicycles. The availability of western goods, while increasing, is limited. The role of the party in the people's daily lives is still significant.

But as we traveled further south, I was struck by the change in attitudes and interests. People were much less concerned about politics and ideology and much more concerned about continuing trade, their standard of living, as well as budding democratic freedoms. Western consumer goods are widely available, the minority of people ride bikes, and most instead drive cars and motorcycles. The party apparatus is much less ideologically communistic and more bureaucratic.

In my view, there is one cause for these changes, changes in the everyday lives of the average Chinese citizens—commercial contacts with the West, especially the United States.

Mr. President, by opening up their economy to market reforms and economic contacts with the rest of the world, the Chinese authorities have let the genie out of the bottle. If we revoke MFN, in effect cutting off trade with China, we only serve to retard this opening-up process, a process that we should be doing in every way to advance and encourage the advancement there.

Third, revoking China's MFN status would place it among a small handful of countries to which we do not extend this normal trading status. Most favored nation is a bit of a misnomer. It is actually normal relations. But we exclude that normal relationship with Cuba, Laos, North Korea, Serbia, and Afghanistan. We would be relegating China to this grouping, and I believe it would do irreparable harm to our bilateral relationship and to the security and stability of East Asia as a whole.

China is very attuned to the concept of face. Placing it on the same level as the world's most outcast nations, while perhaps not undeserving in some fields, would needlessly provoke a backlash from the Chinese which would frost over whatever strides we have made in the past.

Now, I want to make it clear that I in no way condone the policies of the Chinese nor the actions. I am by no means an apologist for the PRC nor a proponent of foreign policy solely for the sake of business interests. No one can argue that China's actions in many fields do not deserve some serious response from us. The PRC has, at best, a sad, sad human rights record. It imprisons prodemocracy dissidents. It has done so in such numbers since the Tiananmen Square incident that there are no active dissidents. It prosecutes religious minorities, including Christians, focusing most harshly on the Buddhists in Tibet where it has closed monasteries and jailed monks and nuns. And it persecutes ethnic minorities, concentrating their attention recently on the Tibetans.

The PRC consistently fails to live up to the terms of its trade agreements with us, especially in the areas of trade barriers and intellectual property rights. It has taken two separate agreements and several years to get intellectual property rights moving in the proper direction, but they are still not doing what they are supposed to do.

It has made several decisions which call into question its commitments to preserving democracy in Hong Kong, including the most recent round involving the so-called Provisional Legislature. It ignores its commitments to some international agreements.

So all in all, it is not a good situation. The question of course is, how do we best deal with that?

Mr. President, I am the first to insist that we need to address these serious issues, but it is clear that our current China policy, which the administration characterizes as constructive engagement but has recently retooled as multifaceted is not up to the task. The Chinese will continue to walk over us as long as their actions meet with little or no credible repercussions.

But while we need to make some response, it is equally clear to me that most favored nation is not going to solve any of these problems. As I have mentioned, its revocation would only cause more problems than it solves. Moreover, threatening MFN withdrawal has come to be hollow and meaningless. We know it and the Chinese know it.

It is like watching a movie you have seen several times before; you know the plot, you know the actors, you know their roles and the dialogue, and indeed you know the outcome all before the movie even starts. With each cry of wolf we make by threatening to withdraw most-favored-nation status and then do not, the credibility of an already tenuous threat declines.

Yet, without a responsible alternative, Members of Congress are forced to face the Hobson's choice between voting to revoke MFN or doing nothing. Many, with no constructive way to vent their policy frustrations, choose revocation.

I am convinced it is time to rethink the United States-China policy and come up with a workable way to get China to act as a responsible member of the international community and to live up both to the letter and the spirit of the agreements they have reached

with us. In addition, I believe the United States has to be more prepared to say what it means and mean what it says.

On March 22, in my subcommittee, we held a hearing on exactly this topic. It was the opinion of every panelist, save one, that we need a workable alternative to most-favored-nation as a tool of American foreign policy. I hope that in the next year policymakers, both in the Government and outside it, can recognize that the old policy has failed and move on to try and formulate a new one. It will not be a quick or simple process, but the sooner it begins the better off we will be and the better for the health of our bilateral relationship.

In closing, Mr. President, let me reiterate that I strongly support most-favored-nation renewal. But at the same time, I equally strongly urge this administration to pursue a clear, more consistent and effective foreign policy towards China. Frankly, the latter will do more toward setting our countries down the path of a strong relationship.

I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to proceed for 10 minutes in the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPPOSITION TO MOST-FAVORED-NATION STATUS FOR CHINA

Mr. HUTCHINSON. I rise in opposition to extending most-favored-nation status to China. I was deeply, deeply dismayed at the recent revelation that a State Department report on religious persecution in China and human rights conditions in China, originally scheduled for release back in January, was postponed, originally until June, and then it was announced that it would again be delayed and postponed until after the vote on most-favored-nation status, that vote that would take place now in the House next week.

I think it is unconscionable, when we consider the seriousness and the import of this vote, for a report from the State Department that has relevant and pertinent information regarding what is going on in China today in regard to human rights and in regard to religious persecution, that that report should not be made available to the American public and to Members of the House of Representatives and to the U.S. Senate prior to our vote on MFN.

Yesterday, I wrote the President and Secretary of State Albright, asking them for an immediate release of that State Department report so that Members of the House who are yet undecided on how they are going to vote on MFN will have that very important report at their disposal.

Mr. President, I ask unanimous consent that that letter to the President printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 18, 1997.

HON. WILLIAM JEFFERSON CLINTON,
The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our grave concern regarding the recent reports that suggest the U.S. Department of State is deliberately delaying the release of its findings on religious persecution throughout the world. This report places specific focus on the persecution of Christians and other religious minorities around the world, and singles out china for especially tough criticism.

As the Congress begins to debate whether to renew Most Favored Nation (MFN) trade status for China, it is vital that all information critical to the debate be in the public domain. It is our understanding that the report was to be released January 15, 1997. However, it has been brought to our attention that it will not be released until after the Congress votes on MFN. Furthermore, State Department officials have said that the report is being held up to broaden its findings.

The oppression and persecution of religious minorities around the world, specifically in China, have emerged as one of the most compelling human rights issues of the day. In particular, the world-wide persecution of Christians persists at alarming levels. This is an affront to the morality of the international community and to all people of conscience.

The 1996 Department of State's Human Rights report on China revealed that the Chinese authorities had effectively stepped up efforts to suppress expressions of criticism and protest. The report also states that all public dissent was effectively silenced by exile, imposition of prison terms, and intimidation.

As the original co-sponsors of the resolution of disapproval on MFN for China, it is our view, and that of many others, that serious human rights abuses persist in all areas of china and that the delay of this year's report on religious persecution demonstrates the Administration's unwillingness to engage in an open discussion of the effect of U.S. policy on human rights in China. We strongly urge that the State Department report be delivered in a timely manner to ensure its full disclosure and debate prior to a vote on the extension of MFN to China.

Sincerely,

TIM HUTCHINSON,
U.S. Senator.
RUSSELL FEINGOLD,
U.S. Senator.

Mr. HUTCHINSON. I think to postpone the release of that report indicates that the likelihood that conditions in China have improved over the course of the last year are remote.

The last State Department report, the China country report issued in 1996, was a blistering condemnation of the Chinese Government's repression of their own people and the new wave of the religious persecution that has spread across the country inflicted by this current regime:

The administration continues to coddle China despite its continuing crackdown on democratic reform, its brutal subjugation of Tibet, its irresponsibility in nuclear missile technology.

Mr. President, those are not my words. Those were the words of then Candidate Bill Clinton in a speech to Georgetown University in December 1991. Then Candidate Clinton was exactly right, and those very words are equally applicable to the policy of appeasement that has been promoted by the Clinton administration.

President Clinton, then Candidate Clinton, went on a few months later in March 1992 and said:

I don't believe we should extend most favored nation status to China unless they make significant progress in human rights, arms proliferation and fair trade.

He was right then. He is wrong now. They have not made significant progress in any of those categories, human rights, arms proliferation or fair trade.

And then in August 1992, then Candidate Clinton said:

We will link China's trading privileges to its human rights records and its conduct of trade weapon sales.

Of course, we all know that that strong position taken as a candidate was repudiated after he was elected President. What a difference an election makes.

So today, Mr. President, I called for the immediate release of this State Department report so that an intelligent and informed decision can be made by this Congress when they vote in the House and, hopefully, when a vote yet in the future, in the coming weeks, in the Senate takes place.

I believe that the change that occurred by this administration was ill-advised and has led to both a failed and flawed policy toward China.

Not long ago, in the last hour, I had a conversation with former Secretary of State Eagleburger, who is an advocate of most-favored-nation status, favors extending that trading status to China once again. I said, "Things are worse in China since we adopted this constructive engagement policy." He said, "In what regards?" And I said, "In every regard." Whether it is human rights, whether it is religious persecution, whether it is military expansionism or the export of weapons of mass destruction, you name the measure, you name the standard, and conditions and situations in China are worse today than they were when we adopted this policy of so-called constructive engagement.

One might argue that denial of most-favored-nation status is a blunt instrument and is not the best way to achieve our goals, as Senator THOMAS argued a few moments ago. One might argue that. One might argue that we should look at other options, that we should seek other tools, other instruments to convey this message to the Chinese Government. But few, I believe, can stand and say that the current policy of this administration has

been anything other than an abject failure.

Some will say that it will be worse if we deny MFN. A person can argue that, but you cannot prove that. What can be demonstrated in all these now many years of MFN is that, rather than responding by expanding trade opportunities and trade relationships with the United States, rather than responding by improving the conditions of the Chinese people, they have responded by a new wave, an unprecedented wave, of repression upon those who would dare to express their own political opinion or their own religious faith. The logic behind the administration's policy of engagement is, No. 1, that it will improve conditions in China. It clearly has not. According to the State Department report, this administration's own report, it has not improved conditions. They have become more deplorable.

Then the administration argues that if we link human rights conditions in China with trade, the result will be that China will be isolated and the United States companies will lose markets and trade opportunities. I think that is interesting. In fact, Bill Clinton, in November 1993, said, "Well, I think, first of all, I think anybody should be reluctant to isolate a country as big as China with the potential China has for good, not only for the 1.2 billion people of China who are enjoying unprecedented and economic growth, but good in the region and good throughout the world. So our reluctance to isolate them is the right reluctance."

So this administration argues that if we link what is going on within China to our trade opportunities with this Nation, this vast nation, that we will isolate them, and that American companies will lose this opportunity for this huge bargain.

Now, how do they argue that? They say that other countries, European countries, for instance, will rush in and fill the vacuum that is left when we pull out. They are probably right. But there is a non sequitur, there is a self-contradiction, in the argument of the administration that we somehow will isolate China and at the same time the other nations will come in and take the trade opportunities that otherwise would be afforded to our companies.

The fact is, and everyone knows it, that less than 2 percent of our world trade goes to China. Being removed from China will in no way isolate this great vast nation. In fact, it is impossible for us, today, to isolate China. There will be other nations who go in, just as we will find other markets for our products.

But what is just as certain is that denying the privilege of MFN to this Nation, which is so repressive toward its own people and so expansionist in their military policy, by denying MFN, we can send a powerful and meaningful message to the tyrants in Beijing. I know of no other way that we can send that powerful message, and those who favor the extension of MFN, to me, have not yet offered a significant and meaningful alternative.

Now, let me just return to my call for the administration to release this report. I think it is absolutely critical that the House of Representatives have before them that report before they are asked to cast this very important vote next week. The coming MFN vote is not just a vote on trade, Mr. President. It is not just a vote on what we stand for as a nation, though it is very much that kind of a vote. Are we going to stand for anything? Are we still going to represent the last best hope for freedom-loving people in this world, or are we not?

But it is not just a vote on that. It is not just a vote on Chinese military expansionism, though if we have a great national security threat in the decades to come, it will be from China, and it is a vote as to our concern about that expansionism. It is not just a vote on religious persecution in China, though that ought to concern every freedom-loving American. But, Mr. President, it is also a vote on this administration's China policy, a policy that is, I believe, by every measure, flawed and failed.

Mr. President, I believe this administration deserves a vote of no confidence on their China policy. That can best be given by a no vote on extending MFN to China.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. INHOFE. Mr. President, we are going to be taking up hopefully today our DOD authorization bill, I believe at 1 o'clock. Sometimes it is important to look beyond the bill itself.

There are several provisions of this bill that were very critical which were taken out, and one of them was taken out because I think it is certain that the President would have vetoed it, and it has to do with Bosnia and with our withdrawal from Bosnia. I think it is important that we talk about that a little bit because, while we are taking up our Department of Defense reauthorization bill, I can tell you right now it is not adequate. It is the very best that we could come up with, with the resources we had to work with, but as chairman of the Readiness Subcommittee of the Senate Armed Services Committee, I can assure you that it is not adequate. We are really at a critical time right now, and, quite frankly, I hang this one on the administration. This has been a very nonmilitary, nondefense administration. We have had a difficult time getting any attention to our military, for the duties that they are trained to perform.

I would like just for a moment to cover a couple of things and how this is going to affect our DOD authorization bill for this year and probably next year, too.

As chairman of the Subcommittee on Readiness, we have jurisdiction over training, over military construction, over all readiness issues including the BRAC process. As I have traveled around to various installations, I have found that we are really in serious trouble. I have never been so proud of our troops for doing what they are doing under adverse conditions.

I was a product of the draft many years ago. I came here believing in compulsory service, and I still think it is a good idea for our Nation. However, I am so impressed with the quality of troops we have in this all-voluntary military. However, I wonder how long they can hold on the way they are going right now with this "Optempo" rate. "Optempo" is a term that is used in the military that refers to the number of deployment days, the number of days that these troops are away from their wives, husbands, and families, and it has gone up now in some areas double the amount that is considered to be the optimum. For example, we normally talk about approximately 115 days a year, and it is up now to well over 200 in many areas. While seemingly they are holding on, they are dedicated, you cannot expect it to continue indefinitely because our divorce rate is starting to go up right now and our retention rate is starting to drop right now.

The quality-of-life issues are really a very serious problem. I think both the chairman and the ranking member of the Subcommittee on Personnel—Senator DIRK KEMPTHORNE and Senator MAX CLELAND—are doing a great job, but I assure you when you are talking about readiness, the personnel issues and the quality-of-life issues are very, very significant.

Going back in time just a little bit, I can remember being here on the Senate floor back in November 1995 when we found out that the President of our country, Bill Clinton, was proposing to send troops over to Bosnia. I got to thinking at that time, are we going to go through this same exercise again? Right now, we have more troops deployed in more parts of the world than we have had at any time since World War II, and yet they are not over there

for any purposes that relate to our Nation's security. Our strategic security interests are not being served. They call them peacekeeping missions. They call them peacemaking missions. They call them humanitarian missions.

Mr. President, with the scarce resources that we have right now—and, of course, you know because you serve on the Senate Armed Services Committee—we cannot continue to do this.

I can remember the debate that took place on this floor in November 1995 when the President was suggesting that we send troops over to the northeastern sector of Bosnia, and I remember going over there and seeing what it was like and seeing what our mission would be like, and supposedly we were going to go over there to make peace, to draw the lines out so that we would have these lines of demarcation where the Serbs had to be over here and the Croats had to be here and the Muslims had to be here, forgetting all about the fact that there are many other factions there. I do not think it is even a remote possibility we could the stop the Serbs, Croats, and Muslims from fighting with each other. They have been doing it for 500 years.

Let us assume we could. If we could, we still have the Mujaheddin, Arkan Tigers, Black Swans—we have all these rogue elements, and the only thing they have in common is they hate us. Here we are sending troops, proposing at that time in 1995 to send troops over when we have been sending them other places.

I remember—and I am not hanging this one on President Clinton because it was President Bush who initially sent troops into Somalia, and he sent them over in September, before he was defeated and before the new Clinton administration took over. They originally were sent over for 45 days. Each month—and you and I were both serving in the other body at that time. We passed a resolution calling for the withdrawal of our troops from Somalia because they were spending our precious defense dollars and they were endangering their lives. And month after month after month President Clinton said, we are going to leave them over there indefinitely. And it wasn't until 18 of our Rangers were brutally murdered and their nude corpses dragged through the streets of Mogadishu that finally the American people woke up and applied enough pressure, and we were able to bring back our troops. I do not want that to happen in the streets of Sarajevo. I do not want that to happen in Bosnia.

But if you will remember, Mr. President, it was in November when they were trying to sell the idea of having the support of Congress to send our troops over there, we had a resolution of disapproval saying we can't afford to do it. We were not without compassion. We were not unconcerned about the plight of those poor people over there. But that has been going on for many, many years. The problem was we just could not afford another mission like that, and so we had a resolution of disapproval. And the President and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili, said that they would be over there for only 12 months. They go over in December, come back in December of the following year.

That was 1996. Well, anyway, this was not just approximately 12 months. This was not simply a suggestion that maybe we can get our mission, whatever our mission was—I still don't know what our mission was over here—maybe we can get that mission accomplished in 12 months. It was an absolute promise by this administration, and I have it down in the words of Secretary of Defense Bill Perry that they said this is an absolute, there are no conditions under which our troops will be there beyond 12 months. I knew it wasn't true. They lied to the American people.

We missed passing a resolution of disapproval, Mr. President, by four votes—four votes. I can remember several, at least four people standing on the floor of the Senate saying, well, it is only for 12 months, because that was an absolute at that time. We said it was not going to be 12 months.

I went to Bosnia. Nobody had been over there at that time. Sure, they were firing guns and all of that, and I wanted to go up to the northeast sector because the northeast sector of Bosnia is where we were going to send our troops, we were proposing to do it at that time. That's where Tuzla is, Brcko, up in that northeastern sector. I went up there. In fact, I wasn't able to get up there any other way, so I borrowed a British helicopter and went up to the Tuzla area and landed up there only to find that there were some troops up there that were U.N. troops, not American troops, and the commanding general of the northeast sector was a guy named Haukland from Norway, a great guy.

So I went in there. I said, "I hear gunfire out there." "Yeah, it's been going on for a long time. It's still going on." I said, "Well, you know, we are proposing to send troops over here and have this joint effort to cause the divisions to stop the fighting up here." I said, "Of course, it is only going to be 12 months." And he started laughing. He said, "Twelve months. You mean 12 years." He said, "It is different here than it is most other places."

This is the analogy that he drew. I have mentioned it in this Chamber before, but it is so accurate today to remember. We knew this in November 1995. He said, "It's like putting your hand in water and leaving it for there 12 months. Then you take it out and nothing has changed. It is the same."

I would suggest to you, Mr. President, that when we pull out ultimately—and I hope we can do it safely, I hope that we can have a minimum of terrorist activity at that time, but we know that they are just in a period of rest right now and they will go right back. This is the dilemma we find ourselves in. The President promised we would be out in 12 months. He broke his promise, and we were not out. Then he said we are not going to stay 18 months beyond the 12 months, so June 30, 1998, would be the withdrawal date.

I have to say that the President has us, those of us who are conservatives, those of us who are for a strong national defense—and I have to say in a not too charitable way that we have a lot of Members of this body that sincerely in their hearts are not all that concerned about our Nation's defense because they don't think there is a significant threat out there. How many times have you heard from this administration that the cold war is over and so there is no longer a threat. And I said before, I look back wistfully at the days of the cold war when we had one opposition, we had two superpowers, and the other one was the U.S.S.R. and intelligence knew pretty much what they had, what kind of resources they had; they were predictable in what they were doing. They were people you could predict. Now, we are faced with a world environment where we have, admittedly, and it is not even classified, over 25 nations that currently, today, have weapons of mass destruction, either biological, chemical or nuclear. And they are working on the means to deliver them.

Just in yesterday's Washington Times there was an article about how now China is working on a joint project on a missile with Iran. Is Iran a friend? No. All these people talking about how friendly China is, yet we know that both China and Russia have a missile that would deliver a weapon of mass destruction from any place in the world to the continental United States. That is there today. We know that. It is logical, if we also know—again, it is not even classified—that both Russia and China are selling and have sold both systems and technology to countries like Iran and other countries, then why would they stop at this fine line, this bright line, you might say, and say they are not going to sell them a missile that would reach the continental United States? That does not do anything for my comfort level. Nonetheless, we are involved in a situation in Bosnia right now where the President has said we are going to extend it to June of 1999.

Then I keep hearing whispers from these people who do not see any threat out there, "That's all right, when that time comes, when June gets here, we are going to go ahead and extend it for another 6 months, and another 6

months." I can tell you right now, Mr. President, there are people in this Chamber and people in the White House who have no intentions of any kind of withdrawal from Bosnia. So I serve notice, as I have many times and as have other Members, when that date gets here you better be ready because we are going to be pulling out.

I think it is going to be necessary to be talking about this between now and through the entire next year, so they can be prepared. We do have NATO allies. We do not want to be insensitive to the fact that a lot of our NATO allies have strategic interests in keeping troops in Bosnia. Those people in the Balkans, those in the eastern part of Europe that are our allies in NATO, they certainly have reason to want to have peace in Bosnia because it serves their strategic interests. We are across an ocean. It does not serve ours. While we would like to have the luxury, we are faced with a depleted, almost a decimated, military in this country. We are in a position where we cannot meet the minimum expectations of the American people, which is to be able to defend America on two regional fronts. We know we cannot do that. Let's not kid anybody, we know we could not fight the Persian Gulf war again, even if we wanted to today. We do not have the resources to do that.

It is not just that we do not have a national missile defense system, it is conventional forces, too. We have approximately one half the force strength that we had in 1991. I am talking about one half the Army divisions, one half the Air Force wings, one half the boats that are floating around out there. Yet people think we are in a position to adequately defend ourselves.

So, I think we need to think of this problem that we have around the world and specifically in Bosnia in terms of, No. 1, what it is doing to our overall defense system in terms of money and personnel. If we should have to call our troops in for something in North Korea and simultaneously for something perhaps in Iran or the Middle East, we would be in a position of having to retrain these troops that have been sent to Somalia or Haiti or Bosnia or one of the other places, all these missions we are sending them on, because the rules of combat are different. There is not a general out there who would not tell you we would have to retrain our troops. That would take time, that would cost money, and that directly affects our state of readiness.

But what else? There was another promise that was made back in November 1995, and that is we would send our troops over there and this whole mission, this 12-month mission, would cost between $1.5 and $2 billion. It is all in the RECORD. That is what they said. It was repeated here on the Senate floor. "It is not going to be that expensive. It's going to be between $1.5 and $2 billion." At that time, on the Senate floor —and it is in the RECORD—I said it is going to end up costing $8 billion before it is over. And guess what, we are now going through $6.5 billion.

There are four elements of a defense system that we can control. We cannot control these missions because the White House has control over these missions. But what we can control are readiness, troop force strength, quality of life, and modernization. Those are the four elements that we can control. When we now are down to the point where we have an optempo of almost double what is considered to be the acceptable level and we have the troops that are deployed in all these places where there are no strategic interests at risk, we are spending that money over there for these missions that has to come out of the defense budget.

The other day we had a committee meeting. We had all four chiefs of the services. I asked each one of them, one at a time, I said, "We are going to come in for an emergency supplemental. We are going to have to nickel and dime this thing and pay for all this fun we are having over in these areas and all this good we are supposedly doing. It is going to have to come out of defense somewhere. You have four choices: readiness, troop strength, modernization, or quality of life. Where is it going to come from?" Not one—finally the Marine general said, "I'd say quality of life, because we are tough." So maybe that was the only answer that we got.

But there is no way we can take it out of quality of life and still retain people. Right now in this authorization bill, by the way, we have money that is in there for flight hours, which is very critical because we are losing our trained pilots. It costs $87,000 just to go through primary training for one of these pilots. What we are doing is training them for the airlines, because we are losing them. We cannot compete. We don't have to be able to pay the same money the airlines pay, but we have to be able at least to have a respectable level of optempo and be competitive, so we do have some money for flight hours in this authorization bill. Again, to do that we have to take it from someplace else. I, as chairman of the readiness subcommittee, can tell you I am not at all comfortable with our state of readiness as it is right now.

I believe we should have in the authorization bill—and I had an amendment ready but decided, since it would be certain it would draw a veto, that we would handle this as a separate issue—but we need actually to have a resolution of withdrawal, giving our commitment to make sure our NATO allies know and can prepare today for our withdrawal on June 30, 1998.

I went to Brussels where they had the last NATO meeting and made a speech there making it abundantly clear. I found at the same time I made a statement which I feel I can make on behalf of the U.S. Senate, there were other people who were walking around whispering, saying, "Don't worry, we will not leave you high and dry."

I am very much concerned. Normally we do not address these things until it gets hysterical around here. But rather than to wait to that point, I am going to say right now, a year ahead of time, that we have enough people in this body and the body down the hall who are going to stop the effort to extend beyond the June 30 deadline for our troops remaining in the former Yugoslavia. As I say, there are two reasons for it. One is our state of readiness that is suffering as a result of it. And the second thing is the risk of the people and the cost of that risk. That cost, that $6.5 to $8 billion it is going to cost us, is going to have to come out of somewhere, out of our defense budget.

The last thing I would say that is impaired by this, this issue we have talked about many times, is the fact we need to finish our national missile defense system that we started in 1983. In 1983—of course, that was the Reagan administration. There were a lot of people at that time who were very, very—they were very concerned over what was going to happen. They had the foresight to say we are going to have to have a system to defend America against a missile that would come in, an ICBM, by the year 2000. So we set up a system whereby we would have something deployable by 1999.

Up until 1992, when the Clinton administration went in, we were right on schedule. We had an investment. We have a $50 billion investment in the Aegis fleet of 22 ships right now that have rocket-launching capabilities. You can stand on the floor and talk about the four different types of potential systems that we now have an investment in that would offer us a defense against a missile attack from overseas, but perhaps the Aegis system is the best one because it is a matter of protecting an investment, a $50 billion investment. It would only cost $5 billion more to be able to take the launching capability and go out of the atmosphere.

Why is that important? Because if a missile is launched from China or from North Korea or from Russia—and certainly don't assume something couldn't come from Russia. It could be an accidental launch. We know that. We went through that. When we had the hearings not too long ago, we talked about how long it took to retarget over there and what the risk was of an accidental launch or an unintentional launch from Russia. But if that happened, if we have this system in place where we can go up beyond the atmosphere, we would have about 30 minutes to shoot down a missile that is

coming in our direction. We know it works. There is not anyone in America who did not watch on CNN what was going on in the Persian Gulf war. We know that rockets can knock down missiles. So it is a matter of getting it out of the atmosphere.

If you wait until it comes into the atmosphere, you have about 2 minutes. So the choice there is 30 minutes or 2 minutes. When you have a system that is 90 percent paid for and it takes about $5 billion more and we are spending $6 or $8 billion over in Bosnia, we have to get our priorities straight. Unfortunately, we have a very biased media in this country that does not allow a lot of this stuff to get out.

We can say it on the floor of the U.S. Senate and we know that we have the facts. But by the time it gets reported, it shifts through the beltway media and people do not realize that risk is out there.

So I will just say, Mr. President, since we are dealing with the DOD authorization bill today, I would like to serve warning we are going to have a resolution, well in advance, so our allies will know that when June 30, 1998, comes, we are going to be out of Bosnia. I think it is better to go ahead and serve notice early rather than to wait to the last minute.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 938 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who seeks recognition?

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

EDUCATION TAX CREDIT

Mr. FAIRCLOTH. Mr. President, I rise to speak on education, particularly vocational education.

This past January, I introduced, with Senator CRAIG, S. 50, which provides a $1,500 tax credit for students at vocational and technical schools and community colleges. S. 50, today, has the support of 11 other Members, including the majority leader.

Recently, the tax credit for vocational training found a place in Senator ROTH's budget reconciliation package.

The provision provides a 75-percent tax credit for up to $2,000 in expenses at a community college. Now, for the average student spending around $1,500 in annual tuition and books, that amounts to a $1,125 tax credit. I would like to thank Senator ROTH for his support of vocational training in the budget package.

Under the House budget package, a student would only receive a 50-percent credit for up to $3,000. That amounts to $1,500 for a 4-year student. But for community college students, who are generally of a lower income and are holding jobs while they are in school, it would only amount to $750 or less. I think it is fortunate that the Senate recognizes this and is going to allow a 75-percent tax credit for up to $2,000.

I believe that we should give every adult American the opportunity to obtain the training needed to find employment. In fact, we are demanding that they work, so it is incumbent upon us to give them the opportunity to be trained to work. Most any job that a person would look at today requires some training, and the community college is the place to do it. This tax credit will enable the students to go.

A tax credit for community college students will encourage workers in all age brackets to pursue an education beyond high school without incurring the expensive cost of attending a 4-year college. By improving the training and skills of our workers, we will create a better job climate and a better manufacturing and technological society.

As State commerce secretary for North Carolina, I was able to bring more than 500,000 jobs into the State, and practically all of them required additional training or retraining. By strengthening the community college system and offering custom training for workers in a specific skill for the last 8 years, North Carolina has been among the top three States in new plant locations. We have been able to develop a film industry that brings $2.5 billion a year to my State. The answer to economic growth is to be able to train people, and the community college system is the only entity I have ever seen that could really train them and put them on the job.

As we begin to see the impact of the changes made to welfare in the last Congress, more and more people are going to be taken off welfare and they must work, and we must train them if they are going to work.

Many people who go to the community colleges are going back for retraining. They are not studying to get an entirely new degree. People are expected to keep up with new technology, and industry is demanding that they do. The tax credit will allow these individuals to receive training so they can quickly return to the work force.

Again, I want to thank Senator ROTH for his support, as well as the 11 Senators that have helped me to bring this bill to this point. I certainly hope we will retain the 75-percent credit as the package moves through the process and through the conference.

I thank the Chair.

LEADERSHIP TRAINING INSTITUTE FOR YOUTH

Mr. ASHCROFT. Mr. President, I would like to point out a remarkable program that exists in America today—a program that infuses our young people with a sense of purpose, values, principles, and the capacity to get things done.

This program, called the Leadership Training Institute for Youth, is doing its good work at Southwest Baptist University in Bolivar, MO, this week.

Mr. President, I rise today to pay tribute to this organization and its dedicated staffers and participants. It is Missouri's distinct honor to host such an excellent opportunity for our young people.

The Leadership Training Institute for Youth is a model initiative that, with the help of Scripture and sound guidance, teaches young people the tenets of good leadership and good citizenship.

Of course, the core training for tomorrow's leaders begins at home, and this organization and its committed staffers build on the lessons that parents teach.

The Leadership Training Institute for Youth provides young people across the country with opportunity, inspiration, and advantage in our culture. It calls future leaders to their highest and best in the name of a higher power. It offers direction in what is too often a rudderless world.

The institute demonstrates through lessons and example the value of priorities such as love for God, family, and country. It motivates youth to esteem virtues of honor, morality, compassion, faithfulness, integrity, discipline, and respect for the sanctity of life.

Therefore, I rise today to express my sincere appreciation to the Leadership Training Institute for Youth. Without such entities, our children might be left to the mercies of today's malls, movies, and televisions.

Our national heritage and our country's future are too important to be left to today's suspect environments that typically attract our young people.

The Leadership Training Institute for Youth is a commitment to our young people—a commitment to the future leaders of this great Nation. We need more programs like it.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 18, 1997, the Federal debt

stood at $5,332,271,639,188.30. (Five trillion, three hundred thirty-two billion, two hundred seventy-one million, six hundred thirty-nine thousand, one hundred eighty-eight dollars and thirty cents)

One year ago, June 18, 1996, the Federal debt stood at $5,118,201,000,000. (Five trillion, one hundred eighteen billion, two hundred one million)

Five years ago, June 18, 1992, the Federal debt stood at $3,932,881,000,000. (Three trillion, nine hundred thirty-two billion, eight hundred eighty-one million)

Ten years ago, June 18, 1987, the Federal debt stood at $2,293,249,000,000. (Two trillion, two hundred ninety-three billion, four hundred forty-nine million)

Fifteen years ago, June 18, 1982, the Federal debt stood at $1,069,337,000,000 (One trillion, sixty-nine billion, three hundred thirty-seven million) which reflects a debt increase of more than $4 trillion—$4,262,934,639,188.30 (Four trillion, two hundred sixty-two billion, nine hundred thirty-four million, six hundred thirty-nine thousand, one hundred eighty-eight dollars and thirty cents) during the past 15 years.

DRUG FREE COMMUNITIES ACT OF 1997

Mr. LEAHY. Mr. President, I am pleased that the Senate yesterday passed H.R. 956, the Drug Free Communities Act of 1997. I have long been a supporter of substance abuse prevention programs, particularly for our youth, and was a cosponsor of the Senate's companion bill, S. 536.

I am glad to see that my Republican colleagues have taken a second look at these types of prevention programs since the debate over the 1994 crime law. It clearly was time to stop debating the usefulness of prevention programs and instead make sure we authorized and funded such programs as the Drug Free Communities Act.

Community-based prevention programs have proven to be an effective way to combat the problem of youth drug abuse. Throughout the country there are groups, large and small, public and private, whose mission is to reduce drug use among our young people. Many of these groups form coalitions, pool their resources, and work together to reach that goal. Groups such as D.A.R.E., MADD, the Partnership for a Drug-Free America, and Vermont's unique Kids N' Kops Program, serve communities every day with programs that involve entire communities and educate our youth in innovative ways so that they are secure in their decision not to use drugs. Those groups need to be supported and that is the purpose of H.R. 956.

Many Americans are concerned about the problem of juvenile crime and delinquency, and drug abuse is a contributing factor. According to a recent report from the Justice Department's Office of Juvenile Justice and Delinquency Prevention, the number of juvenile delinquency cases for drug offenses has increased significantly. In 1994, 61 percent of all delinquency cases were for drug offenses compared to 43 percent in 1985. Unfortunately, the proportion of drug offenses is higher in Vermont than the national average. Similarly disturbing are trends in the overall juvenile crime rate. While the juvenile violent crime rate dipped nationally in 1995, it rose in Vermont that same year. In addition, the number of juvenile violent crime arrests is 67 percent higher than in 1986.

That is why at the beginning of this year, I along with a number of my Democratic colleagues, introduced S. 15, the Youth Violence, Crime and Drug Abuse Control Act of 1997. This bill includes a number of initiatives to prevent juvenile crime and drug abuse, including providing funding for comprehensive drug education and prevention for all elementary and high school students, creating safe havens where children are protected from drugs, gangs, and crime. We must ensure that prevention programs and funding are included in S. 10, the Republican juvenile crime bill currently being considered in the Senate Committee on the Judiciary.

The Drug Free Communities Act of 1997 creates a 5-year, $143.5 million grant program to be run by Gen. Barry McCaffrey and the Office of National Drug Control Policy [ONCDP]. The purpose of the grant program is simple: to provide matching grants to community coalitions, particularly those dedicated to reducing drug abuse by young people. Established partnerships in local communities with positive track records can apply for grants of up to $100,000 per community. No new funding is required; it will come from redirecting money already in the $16 billion Federal antidrug budget.

In Vermont, these resources will be put to good use. With the movement of gangs into Vermont and the rise in youth drug use, more resources are needed to serve our children. I am proud of the work that many of community groups are doing in Vermont. The Orleans County Prevention Partnership [OCCP] in Newport, VT, has spent the last 6 years fighting youth crime and drug use. OCCP was formed based on the premise that communities already possess a wealth of knowledge and talent to deal with these problems, but need resources to coordinate and harness community talents to the fullest. Over the years, this partnership has grown from the original 17 members to the current 117 members, including all segments of Orleans County from church groups to law enforcement to schools. This commitment has led to great results: The OCCP reports that, in Orleans County, liquor consumption among middle schoolers is down 15 percent, as are DWI arrests of teens and arrests for drug crimes in all age groups. The Prevention Coalition based in Brattleboro is also doing terrific work in drug prevention efforts in the southern part of the State. These coalitions know as well as anyone about the benefits of targeted prevention programs and that community partnerships are an effective way to approach this problem. The passage of H.R. 956 will provide them another tool in this battle.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I would like to be able to proceed for the time that was allotted to me, 15 minutes.

Therefore, I ask unanimous consent that morning business be extended for that period of time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair observes that morning business was to end at 1 o'clock. The Senator from Massachusetts has asked unanimous consent to extend that time.

Without objection, it is so ordered.

OUR GOAL IS TO SAVE MEDICARE, NOT DESTROY IT

Mr. KENNEDY. Mr. President, the Finance Committee yesterday reported a bill that will tragically undermine Medicare as we know it. I'm sure that some will tell the American people that these changes are needed to preserve Medicare for future generations. I say, hogwash. The assault on Medicare that began in the last Congress is continuing with full force, and Congress should reject it this year, just as we rejected it last year.

There is no justification—none whatever—for Congress to rush forward with ill-considered changes in Medicare under the thinly veiled pretext of balancing the Federal budget. None of these basic changes in Medicare were part of the budget agreement. It is the height of hypocrisy for these who voted against including the Hatch-Kennedy children's health plan in the agreement last month to make this assault on Medicare part of the agreement this month.

In the last Congress, the assault on Medicare came in two steps. The first step was to make deep cuts in Medicare—$270 billion over 7 years, three times the amount necessary to restore the solvency of Medicare. The second step was to inflict enough damage to Medicare that it would wither away over time.

This year, the amount of cuts in Medicare is lower—$115 billion over 5 years—and was locked-in by the budget

agreement. But the budget agreement was not strong enough to prevent the second part of the anti-Medicare strategy.

Medicare is still one of the most successful social programs ever enacted. It has brought health care and health security to tens of millions of senior citizens. We can deal with the financial problems of Medicare, but we must do it the right way, not the wrong way. Our goal is to save Medicare, not destroy it.

The proposal coming to the floor next week will raise the age of eligibility for Medicare from 65 to 67. If this increase passes, we will be breaking a compact made with millions of working Americans. Despite what supporters of this proposal claim, Medicare is not the same as Social Security on the age of eligibility.

A delay in eligibility for Social Security may result in delayed benefits or lower benefits, but people can still retire when they choose. By contrast, a delay in eligibility for Medicare will throw millions of seniors into the ranks of the uninsured. Unless we are willing to enact simultaneous insurance reforms to guarantee access to affordable and comprehensive coverage for this group, these senior citizens will be forced to go without the health security promised to them for the past 32 years.

The age of eligibility is precisely the type of issue that ought to be considered by the National Bipartisan Commission on the Future of Medicare. To change the age of eligibility suddenly, on the spur of the moment, in this reconciliation bill, is an unnecessary slap in the face of future beneficiaries. This shift should also concern big business, since the serious problems created by this dangerous policy will undoubtedly rest in part on its shoulders.

We must not undermine the foundation and structure of Medicare. Yet this bill would turn Medicare over to private sector insurers and managed care companies, pushing millions of elderly Americans into giving up their own doctors and joining private insurance plans.

If just half of all seniors leave Medicare and join private plans, insurance company premium revenues will increase by over $625 billion in 7 years. The increased profits for insurance companies will amount to almost $20 billion. The motive for the craven change is clear—to pad the profits of private insurance companies at the expense of the health security of millions of elderly Americans.

The claim is made that the plan offers seniors more choice. But the plan tips the scales heavily in favor of private insurers. It reduces payments to doctors under traditional Medicare, inducing them to either limit the number of Medicare patients they treat or leave the program. At the same time, it allows doctors in some private plans to charge fees far above what current law allows.

During the budget negotiations, Republicans and Democrats jointly agreed to set aside $1.5 billion to provide premium assistance for senior citizens with annual incomes between $9,500 and $11,800. Yet—despite this clear commitment—this needed assistance is not included in the Senate bill, and the House bill provides only one-third of the money under a proposal that is likely to be ineffective. More than 3 million beneficiaries fall into this category, most of whom are older women who live alone.

Where did this money go? At least a portion went to pay for an unnecessary test of medical savings accounts. Proponents claim that these high-deductible private plans will help Medicare by encouraging seniors to take responsibility for their own health care. But we know that MSA's are just another gift for the wealthy and the healthy. They will encourage the wealthiest beneficiaries to opt-out of Medicare and take their premiums with them, leaving the Government with the sickest patients and fewer dollars to pay for their care. Again, the real reason for this change is MSA's cost the taxpayers money while benefiting private insurers. The private insurance industry has been itching for 30 years to get its hands on Medicare, but that is no reason for this Congress to scratch that itch.

We are already spending approximately $1.5 billion between 1997–2002 to review the effect of MSA's in the private insurance market under last year's Kassebaum-Kennedy health insurance reform law. There is no need to gamble with scarce Medicare funds before an adequate evaluation of the current test is obtained. This additional demonstration program serves only to put another foot in the door in the misguided effort to turn Medicare into a private insurance plan.

Unfortunately, it is the low and moderate-income elderly who will suffer most from these proposals. Senior citizens already spend, on average, more than 20 percent of their income on health expenses. Ignoring this fact, the committee proposal also includes a new $5 per visit copayment for home health services under Medicare. This copayment alone will raise nearly $5 billion. It is a tax on the very senior citizens who are sick, and can least afford to pay it. It will fall disproportionately on the very old, the very ill and those with modest income.

Another extremely serious change for beneficiaries is the proposal to means-test the Medicare deductible. Unlike proposals to means-test the premium, which would apply to all beneficiaries, means-testing the deductible affects only those who actually use health services. It therefore imposes a sickness tax that undermines Medicare's fundamental policy of spreading risks and costs across all beneficiaries.

Supporters justify this step by claiming that most beneficiaries have supplemental insurance policies—called Medigap—which will cover the increase. But insurance companies do not set their rates based on income. So the additional costs will be reflected in higher Medigap premiums paid by all—unconscionably forcing lower income beneficiaries to subsidize the higher deductibles of the wealthier beneficiaries.

No one should be under any illusions about the impact of these provisions on Medicare. The issue is clear. On the question of whether senior citizens deserve decent health care in their retirement years, the answer of this bill is a resounding "no."

Taken together, the proposals in this plan give upper income beneficiaries no need to stay in Medicare—and every incentive to leave. This plan will destroy the successful social compact that if rich and poor alike contribute to the program, rich and poor alike will receive the same benefits.

Our priority should be to keep the promise of medical and financial security for senior citizens that Medicare provides. We are the guardians of that promise and we should oppose any schemes that violate it.

There is no question that Medicare will face serious challenges in the next century as a result of the retirement of the baby-boom generation. Today, there are nearly four adults of working age for every senior citizen. By the year 2030, that ratio will be only two workers for every senior citizen. But there is a right way and a wrong way to respond to that challenge. The wrong way is to destroy the program under the guise of saving it.

One right way that Congress should carefully explore has been suggested by a recent study at Duke University. It shows that the most important factor driving Medicare costs is not how many seniors are in the program, but how sick they are. The chronically ill, those who are disabled, account for the overwhelming majority of Medicare costs. In 1995, the average disabled senior citizen cost the program seven times as much as a nondisabled beneficiary. Saving just one senior citizen from disability saves Medicare an incredible $18,000 a year in costs on the average.

Over the last 12 years, the rate of disability dropped by an average of 1.3 percent per year. Maintaining and slightly raising that rate of decline to 1.5 percent a year could make the Medicare Program solvent far into the 21st century—without destructive benefit cuts or major tax increases. This is a far better way to save Medicare for the long haul. It will put Medicare's fiscal house in order, and enable all

Americans to live longer and healthier lives. It is unacceptable for Congress to make deep and excessive cuts in Medicare without exploring this alternative.

In fact, we need to do more, not less, to provide good health care to senior citizens. We need to double our investment in biomedical research over the next 5 years.

It has been a bipartisan effort. Senator MACK has been a leader. Senator SPECTER, Senator HARKIN, and many others on both sides of the aisle have provided leadership in this area. We need to make sure that every senior citizen receives the best and most up to date medical care. We need to encourage every American—and especially senior citizens—to follow healthier lifestyles and receive good preventive medicine. I am pleased that one of the positive parts of this reconciliation bill is its expansion of preventive benefits for Medicare beneficiaries, including annual mammograms, colorectal cancer screening, and diabetes self-management. But this is one of the few bright spots in an otherwise destructive approach to the long-term health of Medicare and its beneficiaries.

Today the Finance Committee will also mark-up its tax proposal. There is little reason to expect that the result will be any fairer than the assault on Medicare. Our goal next week is clear.

Next week also as an amendment to the reconciliation bill Senator HATCH and I intend to offer our proposal for children's health insurance, paid for by an increase in the tobacco tax. Clearly the provisions in the Finance Committee plan, which will cover fewer than one out of three of America's uninsured children, fall far short of any responsible initiative to deal with the urgent health needs of our children. We were encouraged that a strong bipartisan majority of the Finance Committee voted to include our legislation in their bill. Now we have a realistic opportunity on the floor to guarantee every American child a healthy start in life. I urge the Senate to support it.

Congress can balance the budget with fairer Medicare changes to protect senior citizens, expanded health care for children fully paid for by an increased tobacco tax, and we can still balance the budget with fairer tax cuts to help working families. As those major battles reach the Senate floor, we will have a chance to correct the many serious injustices in the current proposals, and I look forward to working with my colleagues to do so.

Mr. President, I have a chart about the average Medicare outlays per beneficiary. If you take the healthiest 90 percent of Medicare beneficiaries, we only spend $1,444; the sickest, 10 percent; on which we spend $36,960 a year. If we are able to reduce the sickest and those that have chronic disabilities, we can have a dramatic impact on the financial stability of our Medicare system. And we certainly ought to take a hard look at that before we start cutting the benefits, and raising copays and deductibles for those on Medicare in the way that the Finance Committee has done so in the last few days.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from North Dakota.

EXTENSION OF MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that morning business be extended for 15 minutes, and that Senator DURBIN from Illinois and I be recognized in the 15-minute period.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TAX BILL

Mr. DORGAN. Mr. President, Senator DURBIN and I want to visit a bit with our colleagues about the tax bill that is now being written in the Senate Finance Committee, and the tax cut bill that was written by the House Ways and Means Committee—to talk about who will receive the benefits of this legislation.

I served for 10 years on the House Ways and Means Committee, and was involved in the writing of tax legislation. And I understand that, generally speaking, when tax legislation is written you have a lot of very important interests who come to the table and want to have access to some of the benefits of the tax cuts. My concern is that when Congress decides to provide tax cuts that it provide tax cuts especially to working families in this country who have seen an increase in their payroll taxes.

One of the circumstances that exists now in this country is that nearly two-thirds of the American people pay higher payroll taxes than they pay in income taxes. Yet, every time we talk about tax cuts around here we have folks who talk about the tax cuts that will generally say if you invest you are going to be exempt but if you work you are going to be taxed. In other words, they go right back to the old approach: Let's tax work and exempt investment. I happen to think investment is a worthy thing. We ought to encourage more of it in this country for those who work. Why can't we construct a tax bill that will value work as much as we value investment?

It is interesting to me that the bill that was constructed by the House of Representatives is a proposed tax cut bill which says here is the way we are going to deal out our tax cuts. We are going to provide for the bottom 60 percent of the people in this country that—if you have a table and the American people are sitting around that table—the bottom 60 percent of income earners are going to get 12 percent of the tax cuts. Then we say for the top 10 percent of the income earners around this table that you are going to get 43 percent of the tax cut.

Let me put it a different way. It says for the bottom 20 percent of the working population in this country you are going to get one-half of 1 percent of the total tax cut given by Congress. The bottom 20 percent gets one-half of 1 percent, and the top 1 percent gets nearly 20 percent of the benefit of the tax cut.

You can construct a tax cut that is much more fair than that.

The tax increases that people have experienced in this country in recent years has been the payroll tax. The folks who go to work—especially at the lower wages and then find their wages are largely frozen. It is hard to get out of those brackets. But the one thing that isn't frozen is the payroll tax, and they have to pay higher and higher payroll taxes.

What happens to them is—despite the fact they have not had increases in income but they have had increases in payroll taxes—when it comes time to figure out how Congress is going to give back some taxes and provide tax relief, they discover that the tax relief isn't really available to them. It is going to be available to the folks at the top. Those are the folks that have had the biggest income increase—the highest increase in income—in recent years. Frankly, they do not pay anywhere near the kind of payroll taxes because their payroll taxes end at a certain level. The folks at the bottom pay a payroll tax on every dollar of income. Those are the taxes that increase.

But here are some of the concerns that we have about the tax bill. Senator DURBIN and I hope that when the legislation is finished by the Senate Finance Committee that it will come to the floor with a distribution table that is fair for the middle- and lower-income working families so they can get some real tax relief.

But the child tax credit, which I think makes some sense, is not refundable. Therefore, the folks who do not make enough money but are still working and paying payroll taxes—incidentally paying higher payroll taxes—are not going to get the full benefit of the child tax credit.

This chart shows that the child tax credit is not going to be available to 40 percent of American children. There was an adjustment in the last day that will decrease that to about 30 percent. That does not make any sense.

Make that available so that the working people can get a child tax credit. Make that available to them, and that can be helpful to them with real tax relief.

This is the distribution of the House tax bill proposal. It is the same old

thing. There is no secret here. If you are fortunate enough to be in the top 1 percent of the income earners, you are going to get a whopping $12,000 tax cut. And if you are down at the bottom 15 percent, or so, of the income earners, you are going to get a $14 tax cut.

It is the old cake and crumbs theory. If you are somewhere up near the top, you get the cake. If you are earning somewhere down near the bottom, you get the crumbs.

Yet those who face higher taxes in this country are the ones who are paying the payroll taxes. That especially hurts those at the bottom of the income level.

We hope that when the Congress, and the Senate Finance Committee in this case, brings a bill to the floor of the Senate that we will see a distribution table that allows us to say everybody in this country benefits from a tax cut.

There is kind of a different theory in this country. Some feel this economy works because you pour something in the top and it trickles down to everybody at the bottom. Others of us think that it works because you have a lot of working families, and, if you give them something to work with, it percolates up, and that represents the economic strength and economic engine of this country.

But when we give tax cuts as a Congress, let us do it fairly. Let us make sure that moderate-income and low-income families out there in the middle of the pack also get a reasonable tax cut, and not just the folks way at the upper end who get exemptions for their investments, but the rest of the folks as well. If we get to that point, I think the American people will say a job well done.

Mr. DURBIN. Mr. President, will the Senator yield?

Mr. DORGAN. Yes.

Mr. DURBIN. Mr. President, I am pleased to join Senator DORGAN on this issue. There is not a more important topic on Capitol Hill. During the last several weeks we were embarrassed by a debate on the disaster bill. I am afraid that we are going to be embarrassed again by a tax bill that will be disastrous to working families. Senator DORGAN pointed it out.

Why in the world would we be giving tax cuts to the wealthiest Americans, and ignoring folks struggling to get by every day; trying to pay the bills, trying to pay for their day care costs, trying to save a little money for their children, trying to make sure they make the mortgage payment and maybe have enough left over for the utility bills? Why isn't this tax bill helping these families?

Folks making $100,000, $200,000, or $300,000 are the winners in this tax bill. But the folks struggling to get by? The husband and wife both working two jobs are the ones who don't get a break. Why are we doing this? Because there is a clear difference in values between the people who are arguing this bill.

For goodness sakes. I believe, as Senator DORGAN has said, that we should be helping working families at this point in our history. Give those folks a break, and make sure that the families which are being nailed with payroll taxes get a chance to make a living and realize the American dream. And give their kids a chance. But to say that we are going to focus the help in this bill on those who are struggling—get this now, struggling— with the concept of, "How will I pay my capital gains on the stock that has appreciated so dramatically?" Are those the folks that you would loose sleep at night over and the ones that we should have some sort of tinge of sadness in our heart for? I don't see it.

When I think of this tax bill I think of working families trying to hang on to a job, and struggling to get by.

Take a look at what this does. This really tells the story, unfortunately, about what this is all about. Think about this. The lower 60 percent of wage earners in America—the lower 60 percent—under the bill being proposed by the Senate Republicans get 12 percent of the tax cuts; 12 percent. More than 87 percent goes to those in the upper-income categories.

The amount of money involved in this is dramatic. If you make over $400,000 a year, we are going to give you a $7,000 tax cut. We want to take care of you. We are afraid you are struggling at $400,000 a year. But if you happen to be making $50,000 a year, I am afraid to tell you that the benefit is going to be about 52 bucks; a buck a week.

What a heart this Senate has for working families.

Let's hope that the people who are writing this bill wake up to the reality that we have to do more than just meet the target of cutting $130 million when it comes to tax cuts. We have to be cutting it in the right way so that working families have a fighting chance.

Let's make sure that when this debate is over that we don't have another disaster bill—a bill disastrous for working families.

The final point I want to make on this is when you take a look at these tax cuts, don't measure them against just this year, or next year, or even 5 years, but against what they will do down the line.

The people bringing this bill are very crafty. They start the tax cuts now. They don't look like much. And, all of a sudden, they start mushrooming—it may be a poison mushroom—when you look at the outyears. We have a dramatically costly bill associated with these tax cuts.

So in the future Members of Congress—the House and the Senate—are going to struggle to balance the budget because of bad decisions and bad policy today. That makes no sense.

I urge my colleagues on the Senate Finance Committee and all of my colleagues in the Senate to think about the working families in this country for a change. For goodness sakes, let's have a tax cut bill that is designed to help them. These are families who, with a tax cut, will turn around and make purchases—who will purchase a new washer and dryer, who will purchase a new home, who will purchase a new car—creating jobs and creating opportunities.

That is what this is all about.

I thank my colleague, Senator DORGAN, for requesting the floor at this propitious moment in the debate on this bill. I hope that our message will be delivered through the people of this country, and to all of our colleagues.

Mr. DORGAN. Mr. President, I yield back the remainder of our time and make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 87, S. 858, the intelligence authorization bill.

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SHELBY. Mr. President, I ask unanimous consent that the privileges of the floor be granted to the following members of our staff. We have a list of them: Alfred Cumming, Melvin Dubee, Peter Flory, Lorenzo Goco, Joan Grimson, Andy Johnson, Taylor Lawrence, Ken Myers, Suzanne Spaulding, Christopher Straub, Christopher Williams, Peter Dorn, Bill Duhnke, Emil Francona, Art Grant, Patricia Hanback, Ken Johnson, Don Mitchell, Randy Schieber, Don Stone, Linda Taylor, and James Wolfe.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, the intelligence authorization bill is before the Senate at this time.

This bill was unanimously voted out of the Intelligence Committee on June 4. It was then referred to the Senate Armed Services Committee and was favorably reported without amendment yesterday.

This bill will authorize appropriations for intelligence and intelligence-related activities of the U.S. Government. I am pleased to report to the Senate today that I have worked very closely with Senator KERREY, the vice chairman of the committee, in drafting this bill. We have crafted, Mr. President, what we believe is a bipartisan bill that received the full support of all Republican and all Democratic members of the Intelligence Committee.

I am proud that the actions we have taken with this legislation are comprehensive and that we have taken some bold steps to implement four priorities to posture the intelligence community for the future.

Mr. President, it is extremely fortuitous that we are bringing the intelligence authorization bill to the floor this week when we have seen a great intelligence success recently. It is not often that the dedicated men and women of our intelligence agencies enjoy public recognition for their work. They understand that. But yesterday, all Americans were gratified to learn of the successful apprehension of Mir Aimal Kansi and his transport to the United States to stand trial for the brutal murder of two CIA employees and the wounding of three others outside the CIA headquarters several years back.

I am extremely proud of our intelligence community in their work here. The Kansi arrest was the result of over 4 years—4 years—of painstaking and dedicated investigative and intelligence work by the CIA, the FBI, and others.

Together with my colleagues on the Intelligence Committee, I was briefed on the details of this successful mission yesterday. While I cannot comment on the operation itself, I can share with my colleagues, as Senator KERREY would, and the American people, that it was conducted with great professionalism and personal courage.

The success of this operation should serve as a warning to others, those who in the past have attacked Americans and those who might be contemplating such actions, that America will take action to bring the alleged perpetrators to justice wherever they are and whatever the cost.

To the families of those who died and to those who were wounded, we know that this arrest cannot return your loved ones or heal your wounds. We hope, however, that you derive consolation from seeing the accused killer brought to this country for trial.

The legislation before us today is made up of words and numbers on paper. As yesterday's events remind us, the work of our intelligence and law enforcement professionals takes place in the real world, in flesh and blood.

While the cold war is, indeed, over, there are still many forces in the world today that threaten our national security and our citizens and require the constant vigilance of our intelligence community. That is why we have authorized a significant level of funding for the continued operation of the intelligence community's activities.

I believe it would be inappropriate, Mr. President, to reveal this exact level of funding, not because we do not want the American people to know how much is invested in intelligence activities for their protection, but, rather, we want to protect the level of our investments from foreign intelligence services and leaders of rogue states who would analyze trends in these investments to help guide their decisions about when to strike with terrorism or aggression against their neighbors, perhaps our own citizens.

I now would like to take a few minutes to summarize the major priorities and the actions we have taken with this legislation.

We have had to face some tough choices, as all of us have in the Senate, in the allocation of resources to meet the critical priorities that have been set for the intelligence community.

In setting the authorization level for intelligence, we have looked across the combined request for intelligence that is broken up into three major categories, and they are the National Foreign Intelligence Program of the Director of Central Intelligence, the Joint Military Intelligence Program of the Secretary of Defense, and the Tactical Intelligence and Related Activities Program of the military services.

The Intelligence Authorization Act includes authorization for each of these categories. With this legislation, Mr. President, we continue to lay the groundwork for the intelligence community of the 21st century, one that is retooled and I believe that is right-sized.

In putting together this authorization, the committee identified nine key areas that will contribute to this effort. We drafted an authorization bill that will better focus, we believe, the intelligence community's resources on these areas. I call the first five areas the five C's: counterterrorism, counterproliferation, counternarcotics, counterintelligence, and covert action. In each of these areas our bill includes additional resources to aggressively tackle these difficult missions in the world.

We also examined four other areas with a view toward long-term investments that would place our intelligence agencies on a stronger footing as we enter the 21st century. These included: A stronger commitment to advanced research and development to maintain our technological edge; improvement in the tools and skills of our clandestine service personnel; new approaches to infiltrating and assessing hard-target countries; and enhancements to our analytical and information warfare capabilities.

We have put forward a balanced recommendation for the authorization of a Joint Military Intelligence Program that, among other things, includes sensor and engine upgrades for our airborne intelligence fleet of RC–135's; it continues the modernization of our manned reconnaissance capabilities; and pushes forward with the new technology of unmanned aerial vehicles.

We have also taken some bold legislative initiatives in this bill. One area on which the Intelligence Committee focused was the need to ensure that classification of information is used effectively to protect sensitive sources and methods or other vital national security interests but does not prevent the flow of information to Congress or, where appropriate, to the American people.

The committee has concluded that a higher priority is needed for the review and for the declassification of intelligence so that families concerned about the murder of a loved one overseas receive vital information consistent with national security concerns. The Committee on Intelligence recently heard from the families of several marines who were murdered in a terrorist attack in Zona Rosa, El Salvador, in 1985. A common refrain in their testimony before the committee was concern about how little information they received from their Government regarding the attack and its perpetrators.

It was from network television, for example, that at least one family first learned of the attack and death of their brother or son. It was also from television broadcasts that several families learned years later that the likely mastermind of the attack had been brought into this country through the U.S. official channels. The committee has pressed the executive branch to provide these families with as much information as possible, but 12 years is a long time to wait.

The committee believes, however, that it is the national interests of the United States to provide information regarding the murder or kidnapping of Americans abroad to their families consistent with intelligence operations.

Moreover, given the difficulty inherent in identifying all relevant information that might be held by different elements of the Government and the likely resistance to providing information that is currently classified, the

committee believes this important responsibility must ultimately be vested in a Cabinet-level official.

Therefore, the committee has adopted a provision in this bill requiring the Secretary of State to ensure that all appropriate actions are taken within the Government to promptly identify relevant information pertaining to incidents of violence against Americans overseas.

Mr. President, the Secretary is then required to make the information available to families to the maximum extent possible without seriously jeopardizing sensitive intelligence sources and methods or other national security interests.

This provision, along with others contained in this bill, will enhance the intelligence community's working relationship with the American public that it serves.

I strongly urge my colleagues to vote in favor of the Intelligence Authorization Act for fiscal year 1998.

Mr. President, I also want to remind my colleagues that a lot, if not most, of this bill is classified. But we have some security officers from the Intelligence Committee that are available here today, off the floor, to go into any aspect of the legislation that they think is pertinent.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. KERREY. Mr. President, I rise to join my chairman, the distinguished Senator from Alabama, in offering this year's intelligence authorization bill. It is designed to focus the national intelligence agencies of the United States on today's and tomorrow's threats. The bill is the product of the open, bipartisan process that has long been the hallmark of the Select Committee on Intelligence. It was voted unanimously out of the committee and in accordance with Senate Resolution 400, the founding document of the Intelligence Committee, the bill was reviewed by the Committee on Armed Services.

Before I discuss the bill, I want to say a word about the bipartisan process which created this legislation under Chairman SHELBY's leadership. Unlike many other topics which we consider here each day, there is no Republican agenda or Democratic agenda with regard to intelligence, or at least none apparent to me.

Intelligence is simply the best informed estimate of the truth about something. It knows no party. Every member of our committee seeks the most effective and most efficient methods for the collection, processing, analysis, production, and dissemination of intelligence. Every member of our committee seeks intelligence collection and operations to be conducted in accordance with American law and American values. We certainly often disagree on which approach to take in a particular situation, but our disagreements are not based on party agendas. We are simply seeking the best performance for the intelligence community and the best outcome for our country. So the chairman and I were united in purpose as we approached this legislation, we came to closure on our disagreements, and we are united in recommending it to the full Senate.

Most of the intelligence authorization is contained in a classified annex which we cannot discuss in open session but which is available to Members in S–407. The schedule of authorizations in that annex comprise the National Foreign Intelligence Program of the United States, together with the Intelligence Committee's markup of the Joint Military Intelligence Program and recommendations to the Armed Services Committee on Tactical Intelligence and Related Activities. The total amount allocated for these programs is not something I can report in open session, and I understand that fact will be the subject of an amendment. But I can say while it is a good value, it is a substantial amount of money.

Before we discuss any amendment which may be introduced in that regard, I want to respond to the concerns of Members who may doubt the need for significant investment in intelligence at this stage of our history.

The best intelligence is simply a necessity for the protection of our people and for the leadership of a nation with America's power and America's responsibilities. Intelligence illuminates policy. Much is made of the strategic crossroads the Nation finds itself at, the need to develop fresh strategies for the new century. You can't make good strategy without good intelligence. Intelligence is also the essential American advantage in war. Victory in battle comes, and will come in the future, from the convergence of three things we saw in the gulf war: American courage and precise American weapons linked to precise American intelligence. The ability to avoid conflict, to gain victory or attain our objectives without risking American lives, is also founded on the inside knowledge gained from intelligence. I can assure my colleagues: intelligence gives America a huge advantage in policymaking, in defense, and in the international aspects of law enforcement.

This year's authorization bill addresses today's and tomorrow's threats. We have focused on international terrorism, the proliferation of weapons of mass destruction, and on narcotics trafficking from foreign countries. We have also stressed counterintelligence and the need for more advanced research and development. Good science is essential to keeping and extending our edge in intelligence, and we do not recommend standing pat in this key area. Our bill also reflects our understanding that despite the good relations we now enjoy with Russia, our intelligence agencies need to continue to pay attention to Russian nuclear warheads which still pose the greatest threat, just in terms of capability, to our national life and the lives of our citizens.

The bill also has some important legislative provisions, which are unclassified. The most important, in my view, is the requirement for the executive branch to make crystal clear to every employee of the national intelligence community that he or she has the right to disclose classified information to the appropriate congressional oversight committee, if the employee believes the information provided gives evidence of wrongdoing. This provision, like the rest of this bill, does not have a partisan basis. We simply intend it to preserve the ability of Congress to perform oversight, which cannot be done without information. In most circumstances, I hope an employee who felt the obligation to report something classified to Congress would first approach his superiors and get their views on how the information should be presented. But in some circumstances, such as when the employee suspects his superiors of complicity in the alleged wrongdoing, the employee should not fear to communicate with the appropriate committee member or cleared staff. The administration does not agree, and believes they have greater authority, by virtue of Executive Order 12356, to control the release of executive branch classified information to Congress. But, given the guarantees in the bill for responsible handling of the received classified information by Congress, I would hope every Member of the Senate would support Congress' right to be informed.

This legislation also provides subpoena powers for the CIA inspector general to obtain documentary evidence in support of investigations. The CIA IG is the only inspector general in any of the major national security agencies who lacks this power, and its absence has adversely affected investigations. We have made clear in the bill that subpoena power will remain strictly in the service of the IG for investigative purposes, and will not be used by or in behalf of any other element of the CIA.

The Intelligence Committee in 1989 originated the legislation creating the CIA inspector general, and in the past year the Audit Team of the Select Committee on Intelligence conducted a review of the performance of the IG and his office. The confidence of the oversight committees and ultimately the public is essential if the IG is to do his job properly. If I may quote from the report accompanying the bill, "the [IG] office has increased the level of

trust and respect from within the Agency, the Oversight Committees, and the Intelligence Community.''

Mr. President, the distinguished chairman has described other highlights of the bill, one of which we learned from the Khamisiya nerve gas experience and is intended to ensure intelligence better supports our deployed forces, and another which enables Americans whose family members are victims of murder or kidnapping overseas to be kept better informed by their Government. These provisions, like others I have already described, are the result of investigations or hearings by the committee and represent, as does the entire bill, the committee's reasoned view of what is necessary to keep the Nation safe and informed in today's world.

Finally, I would like to call the Senate's attention to the arrest and return to the United States, this past Tuesday, of Mir Aimal Kansi for the murder of two CIA employees and wounding of three others at the gate to CIA headquarters several years ago. The CIA and FBI pursued this man to the ends of the Earth, just as former Director James Woolsey promised at the time of the crime. Mr. President, this is a great triumph for U.S. intelligence and law enforcement, working in a harmony which could not have been imagined just a few years ago. All involved in this mission have my deepest respect and congratulations.

The Kansi case underlines the quality and dedication of the remarkable people who work for the American people in our intelligence organizations. They are selfless and patriotic, many of them risk their safety for the sake of our country, and many more are denied the gratification of the ego that comes from being able to talk freely about their professional accomplishments. A lot of our talk here is meaningless without the commitment of people like these to actually do something or learn something for America's benefit. The annual authorization bill debate is a chance to thank them, and I do.

Mr. President, I look forward to the Senate's deliberations on this bill and I yield the floor.

Mr. LEVIN. Mr. President, I rise to support S. 858, the fiscal year 1998 intelligence authorization bill. The legislation comes to the floor having been reported out of the Select Committee on Intelligence earlier this month and approved, on referral, by the Armed Services Committee. As a member of both committees, I believe S. 858 is a responsible, bipartisan bill which reflects our mutual oversight concerns and policy priorities. While there may be some areas in which the two committees disagree, I want to praise Intelligence Committee Chairman RICHARD SHELBY and Vice Chairman BOB KERREY for their efforts in seeking a consensus with the Armed Services Committee on the funding and legislative provisions contained in the bill.

Most notably, S. 858 reflects our shared concern that intelligence community activities must reflect the new, post-cold-war era threats and challenges to U.S. security. Additionally, there is strong agreement between the two committees and the administration that continued emphasis must be given to improving the collection and distribution of timely intelligence to the warfighter in the cockpit, in the tank, aboard ship, and in the command post. One of the overriding lessons learned from the Persian Gulf war was that high quality tactical intelligence, if provided to the warfighter in a prompt fashion can save American lives and carry the day on the field of battle. Improving this qualitative advantage enjoyed by our Armed Forces must remain a top priority in my view and I am pleased to see it reflected in S. 858.

Also included in the intelligence authorization bill is a provision I sponsored asking that the Director of Central Intelligence examine the full range of threats to the United States from weapons of mass destruction, not just the threat from ballistic and cruise missile weapons, which formed the basis of the last intelligence estimate of this kind in 1995. The intelligence threat assessment required by S. 858 will be submitted to Congress annually beginning February 15 of next year and provide us with our first comprehensive understanding of the emerging ''nontraditional'' threat facing our Nation, including the ability of terrorist groups and hostile governments to produce and deliver nuclear, chemical, and biological weapons into the United States, the probability that such an attack would come from ballistic missile, cruise missile, or any other means of delivery, and the vulnerability of the United States to such an attack. One month after the completion of the intelligence community's threat estimate, the President is required to submit a report to Congress identifying how Federal funds are dedicated to defending against this full range of threats. Linking the probability of a certain type of attack using a weapon of mass destruction, such as a terrorist chemical attack versus a Russian ballistic missile attack, with the level of funds being spent to defend against such a threat will be extremely helpful, in my view, as the Senate debates national defense spending priorities in the upcoming years.

In closing, I again want to commend the leadership of the Senate Intelligence Committee for its willingness to work with the Armed Services Committee on the numerous issues of mutual concern, and I look forward to continued cooperation between the two committees as we move into conference with the House of Representatives on our respective bills.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

AMENDMENT NO. 415

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 415.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following: ''It is the sense of the Senate that any tax legislation enacted by the Congress this year should meet a standard of fairness in its distributional impact on upper, middle and lower income taxpayers, and that any such legislation should not disproportionately benefit the highest income taxpayers.''

Mr. WELLSTONE. Mr. President, I say to my colleagues, we did not formally agree to a time agreement. I know that the policy committees are meeting. I think I will take 20 minutes rather than 15, because I do not think we will have a vote before 2 o'clock, in any case.

Mr. FORD. Mr. President, there will be other amendments, at least one other amendment, before final passage. So that will take us well beyond that. If the Senator would not object, we would probably like to stack his vote, if that would be agreeable?

Mr. WELLSTONE. I say to the Chair, 15 minutes is what we had talked about. I would be pleased to do that. I just remind my colleague, I do not think there will be any votes until 2, in any case.

Mr. KERREY. We will need a consent agreement to set time for the votes.

Mr. FORD. Mr. President, I ask unanimous consent the distinguished Senator from Minnesota have from now until 2 o'clock on his amendment; at the end of that time, no vote will occur until we have an opportunity to work out maybe back-to-back votes. The other one amendment I think we can work a time agreement on.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me just read this amendment because I want colleagues to know exactly what it says. I want them to know what they are voting on, because if there is going to be strong support for this amendment, that's fine. It is a sense-of-the-Senate amendment, but people are on record. This will be a test that I want

to use, as a Senator, to look at what we are doing vis-a-vis tax policy. This amendment says:

It is the sense of the Senate that any tax legislation enacted by the Congress this year should meet a standard of fairness in its distributional impact on upper—

Mr. KERREY. I wonder if the Senator will yield for a unanimous consent to set the other vote? Mr. President, I ask unanimous consent that the only amendments in order to S. 858 be an amendment offered by Senator TORRICELLI regarding funding, an amendment by Senator WELLSTONE regarding tax fairness, and, further, no other amendments be in order, that the amendment offered by Senator TORRICELLI have 40 minutes equally divided, and that the vote on these two amendments be stacked and begin at 2:45.

Mr. WELLSTONE. Mr. President, reserving the right to object, might I inquire if it would be part of this agreement to have no second-degree amendments? Is that correct?

Mr. KERREY. No second-degree amendments on either amendment.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I shall go on reading, then, this amendment, that whatever we do by way of this tax legislation "should meet a standard of fairness in its distributional impact on upper, middle and lower income taxpayers, and that any such legislation should not disproportionately benefit the highest income taxpayers."

Mr. President, I want colleagues to listen to this because it is my sense that there is going to be strong support for this. I will do everything I can as a Senator to hold my colleagues accountable for their support.

Understand, I say to Democrats and Republicans alike, that if you vote for this, then what we need to do is look at what we are now discussing in the Finance Committee and what came out of the Ways and Means Committee. Look at the Finance Committee tax bill—it is quite unbelievable—if you are at the top 1 percent of the population, making over $400,000 a year, you are going to get a break of a little bit over $7,000 a year. If you are in the top 20 percent of the population, and have an income of $200,000 a year and over, you will get a break of about $3,706. $200,000 and over, you get $3,706; $100,000 to $200,000 —we are not middle class yet, I remind my colleagues—you get $1,440; $75,000 to $100,000, you get $804.

Now look what happens when we get to incomes of $75,000 and below, and more so when we get into the $40,000 to $50,000, $30,000 to $40,000, and $15,000 to $30,000 range. For these hard-pressed people—what do you get? A pittance. Low income families get a dollar a week, if that.

Mr. President, we are talking about a tax bill that provides benefits to people in inverse relationship to need. The less you need, the more you get; the more you need, the more hard pressed you are, the more you are trying to provide for your family, trying to make a decent living and raise your children successfully, the less you get. This is a Robin-Hood-in-reverse policy.

If I could turn to the next chart: here we see that the House bill is even worse, really, skewed in the favor of higher income Americans. The top 1 percent get $10,000; and then you get down to $40,000 to $50,000, $30,000 to 40,000—they get $167, or $300, or some similar tiny amount.

So, Mr. President, we are giving $10,000 and $12,000 per year tax breaks to upper-income and wealthy people, and then hard-pressed people in the States of Wyoming or Minnesota are getting practically nothing.

I say to my colleagues, this is a sense-of-the-Senate amendment, and maybe people don't want to debate it and maybe people don't want to vote against it. But if you vote for it and then you go and vote for this tax bill, you are going to have to come out with some other data that shows that this tax bill, in fact, is based on some standard of fairness. I haven't seen one shred of evidence to that effect.

The next chart, Mr. President, reflects on the issue of deficit reduction. The chart is from the Joint Tax Committee and the Center on Budget and Policy Priorities—the first two charts were from the Department of the Treasury—and shows how the tax cuts are backloaded. Look at this. We are talking about an erosion of revenue between 2000 and 2017, to the tune of $950 billion.

Mr. President, I have said it before on the floor of the Senate, there is an old Yiddish proverb: you can't dance at two weddings at the same time. You can't be talking about deficit reduction and say you want to invest in education and opportunities for all our citizens and you are for the children and at the same time vote for tax cuts that are going to explode the deficit, and the worst thing of all is provide the lion's share of the benefits to those people who are the wealthiest citizens. Maybe this is the difference between the Democrats and the Republicans. If so, I am pleased to have that division reflected in this vote on this sense-of-the-Senate amendment.

There has been a lot of discussion about higher education. This is near and dear to my heart, because I really do believe that what we do here today has so much to do with whether or not our children or our grandchildren will do well in life and have access to a higher education. Again, coming over from the House Ways and Means Committee, Chairman ARCHER's higher education tax cuts are unbelievable. If you are in the top 1 percent of income earners—just take a look—you are getting up to $600 by way of a break. If you earn around $59,000, you are getting about $100. If you earn around $36,000, you may get $50, and below that, below $30,000 a year, you don't get anything at all.

What kind of tax breaks are we talking about? I am telling you something, this tax bill makes the best argument for campaign finance reform I have ever seen since I have been here in the Senate. If you are a heavy hitter and you are well heeled and you are a player and you are over there in that tax committee room and you are lobbying every day, you are sure going to get your piece. But I have news for you working Americans. I am bringing this amendment to the floor today because it is a wake-up call. You are getting the short end of the stick.

We have been talking about affordable higher education. I must say, even the President's proposal is far better than what we are looking at right now.

I was speaking at Inver Hills Community College last Friday at graduation and talking to the president. It is wonderful. I love going to those graduations, because when you go to the community college graduations, always, at least one time, someone will yell out, "Way to go, grandma." These are different students. They are not 19 years old. Many are older, many are hard pressed, many come from families with incomes under $30,000.

If the tax credit isn't refundable, they are not going to get anything. So let's stop making claims that just do not hold up, and let's not brag about a tax bill that provides a huge amount of assistance to those people least in need. When it comes to those at the very top, this bill provides great breaks. When it comes to middle income, this bill gives a little bit, and when it comes to working families, low- and moderate-income families, this bill gives nothing. And this is called fairness?

So, I say to my colleagues, if you vote for this amendment, then I certainly hope that you will not then separate your votes on the reconciliation bill next week from the words to which you have ascribed today. Some people sort of just pooh-pooh sense-of-the-Senate amendments, and they say it is just a wish list, it doesn't mean anything. I say you are on record.

We have an important piece of legislation out here. I made this a sense-of-the-Senate. I am not talking all afternoon on this, but, by golly, we are focused on tax policy, and we are seeing a bill moving through these committees which is absolutely outrageous. It is no wonder that people in cafes in Minnesota and around the country think there has been a hostile takeover of the Government process. When they find out what this bill does and who

benefits and who doesn't, they are going to be furious, and they are going to say the same thing they are saying already, which is, "Boy, I tell you something, we're locked out. Those folks in the Congress, they do a heck of a good job of responding to the well heeled, but they sure don't do a very good job of responding to our families."

According to the Treasury Department, on June 17, just look at where we are heading right over here in the Senate Finance Committee. Sixty-five-point-five percent of the benefits of these tax proposals go to earners in the top 20 percent; 10 percent goes to those making $50,000 or under; 5 percent goes to families making between $40,000 and $50,000; 3 percent goes to those making between $30,000 and $40,000; and 1.8 percent goes to families between $15,000 and $30,000 a year. I am actually surprised that they even got 1.8 percent. And the bottom of wage-earners? Nothing. If you earn below $15,000 a year, you get nothing.

Mr. President, again I say to my colleagues, if you vote for this sense-of-the-Senate amendment, that is great, but I don't think you are going to then be able to vote for what is coming out of the Finance Committee or what is coming out of the Ways and Means Committee, unless you come out here with other data, unless you come out here with another analysis as to what the distributional effects are.

If this sense-of-the-Senate is adopted—and I think it will be, or I hope it will be—then I will come out with a tougher amendment on the Department of Defense bill. We are going to have some discussion today on the floor of the Senate about tax policy. I cannot believe the silence on the floor of the Senate. We are going to have a debate about this. This isn't just going to move through next week quickly and silently, as we do with reconciliation bills. People in the country have a right to know how this is going to affect them, who exactly is making the decisions, who exactly is going to benefit, and who exactly gets the short end of the stick. Working families, you get the short end of the stick. Don't you for a moment let anybody tell you that you and your children are getting a heck of a lot of assistance. You are not. But, by golly, if you are wealthy and at the very top, you are going to get a lot by way of assistance.

Mr. President, I ask unanimous consent that a very fine piece by Robert Kuttner in the Washington Post today be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 19, 1997]

CONTENDING OVER CAPITAL GAINS CUTS

(By Robert Kuttner)

For two decades, cutting the capital gains tax has been an object of almost religious fervor for the Republican right. Now the grail seems at last within reach. Only, with the stock market setting new records, the timing is a bit off.

The Republican plan would cut the top tax rate on capital gains from 28 percent to 18 percent and phase in indexing of gains for inflation. These and other tax changes would reduce government's revenue by hundreds of billions of dollars over 10 years. Given bipartisan obsession with budget balance, the revenue cuts would translate directly into cuts in public outlay—in medical care and countless other public programs.

Supposedly, capital gains cuts will help the economy grow. With investment offering greater after-tax rewards, people will save more, invest more and be freer to shift assets to more efficient investments. All of this in turn will make the economy more productive.

But here the timing doesn't compute. The stock market, of course, is setting records. It's hard to argue with a straight face that the prospect of paying capital gains tax is deterring much productive investment.

Venture capital markets are booming, and new issues are having little difficulty fetching buyers. The overall strength of the American economy and the healthy dollar make U.S. capital markets a magnet for the entire world.

Another old chestnut is that inflation overstates the real capital gain. True, but in a low-inflation environment, the effect of inflation on capital gains is not significant. Stock values have doubled in two years, while inflation has gone up less than 6 percent. Taxpayers with serious money in the market are crying all the way to the bank.

Moreover, if there is a real problem with U.S. capital markets, it is too much trading and not enough patient investment for the long term. Capital gains cuts would make the stock market even more of a traders' market. Indeed, the present capital gains tax is one of the few forces keeping the stock market from becoming a pure casino.

Also, nearly half of the holdings in financial markets are tax-exempt. This includes life insurance portfolios, pension funds, IRAs and Keoughs. Capital gains cuts do nothing to influence these institutional Investors, because they can already trade stocks to their hearts' content and pay no capital gains tax.

One other factor makes this a dubious crusade—the Federal Reserve Board. If the capital-gains cutters have a near-messianic zeal, the Fed has an equally religious conviction that the economy can only grow so fast.

The economy's supposed speed limit is about 2.5 percent per year. Whenever the growth rate exceeds that pace, the Fed scents inflation and raises interest rates. So even if capital gains cuts did allow more investment and higher potential growth, you could count on the Fed to nip it in the bud.

The real issue here is not growth but political power—who gets what from government policy. The Republican majority in Congress wants to reward its well-heeled friends.

Despite misleading claims of "people's capitalism," ownership of financial wealth remains astonishingly concentrated. Roughly 40 percent of stocks and bonds are held by the richest one percent of Americans. The next 5 percent own most of the rest. These are the people benefiting from the present uneven boom, and these people will profit from capital gains cuts.

The stocks and bonds held on behalf of non-wealthy Americans—mostly in pension plans, annuities and life insurance savings—are already tax-exempt. So a capital gains cut will do nothing for them, unless you think it will boost the value of stocks generally. But a lot of smart people think the market is already dangerously overvalued.

The Democrats, rather belatedly, are weighing in with an alternative tax plan. It will cost roughly the same $85 billion in net tax cuts over the next five years (and much less in the long run), but it will allocate the cuts quite differently.

The Democrats' plan offers only modest capital gains cuts and spends more on tax relief for families with incomes below $75,000 through a child-tax credit and tax breaks for tuition. It we are to cut taxes at all, given the quest for budget balance, these priorites make much more sense.

In today's economy, stockholders are doing just fine, thank you. It's other Americans who are struggling. The case that capital gains relief would trickle down and broaden prosperity just hasn't been made.

Mr. WELLSTONE. I thank the Chair. Mr. President, I will read a brief relevant section:

The Republican plan would cut the top tax rate on capital gains from 28 percent to 18 percent and phase in indexing of gains for inflation.

I believe that is not going to be done on the Senate side, and that is an improvement.

These and other tax changes would reduce Government's revenue by hundreds of billions of dollars over 10 years. Given bipartisan obsession with budget balance, the revenue cuts would translate directly into cuts in public outlay.

That is another way we can do it with the erosion of revenue, either the deficit explodes or we make further cuts in health care and education.

Supposedly, capital gains cuts will help the economy grow. With investment offering greater after-tax rewards, people will save more, invest more and be freer to shift assets to more efficient investments. All this in turn will make the economy more productive.

But, Mr. President, it is not like people's stockholdings are not doing well.

Stock values have doubled in two years, while inflation has gone up less than 6 percent. Taxpayers with serious money in the market are crying all the way to the bank.

Who are we trying to help here? Wall Street investors and bondholders are doing just great. They are doing fine. I think the real issue is political power. The real issue is political power. Who has the say? Who are the well-heeled? Who are the folks who are well represented? But working families and their children get the short end of the stick.

Mr. President, I have a June 16 piece in the New York Times by David Rosenbaum. I ask unanimous consent that this be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 16, 1997]

TAX BILL'S COMPLEXITIES OFTEN AID WEALTHY

(By David E. Rosenbaum)

WASHINGTON—"Beset with invisible boomerangs."

That's the way Justice Robert Jackson of the Supreme Court described the hidden dangers of tax laws in a 1952 opinion.

The bill the House Ways and Means Committee approved last week is a good illustration of what Jackson was talking about.

Take, for example, a provision in the bill that would exempt from capital-gains taxation up to $500,000 of the profits a couple made from the sale of their home but would set the exemption for a single person at $250,000.

That caused great mirth among several of the lawyers, lobbyists and accountants who spent breaks in the committee's sessions last week trying to puzzle out unintended consequences in the bill the way other people might work on crosswords.

An accountant said he had an elderly client outside Philadelphia who had a house worth more than $1 million and who he knew would look for a marriage of convenience if the $500,000 exemption became law.

"I can just see this guy finding himself an old lady somewhere and getting married and selling his house and then dumping her like a sack of potatoes," the accountant said.

A lawyer thought of a corollary: "Say your husband's on his death bed and you've got this house with a big capital gain. You'd better sell it quick before he dies."

These people were mostly joking. But they also saw a more serious consequence that was being overlooked in the section of the bill dealing with capital gains, which are profits from the sale of investments.

The bill would lower the top capital-gains tax rate, now 28 percent, to 10 percent for taxpayers with incomes below $41,200 and to 20 percent for those who were better off.

The main beneficiaries of the 10 percent rate, the tax experts said, would not be middle-income taxpayers selling a modest amount of mutual funds. Instead, it would be wealthy families who were selling stock to pay for their children's tuition. They could cut the taxes in half by giving their appreciated stock to their children and having the children sell it, rather than selling it themselves and paying the higher tax because of their higher income.

That is not the only instance in which the bill would give a better tax break to affluent people sending their children to college than it would give to taxpayers who were less well off.

The bill would allow parents to put money into an educational investment account, similar to an individual retirement account, in which interest and dividends would accumulate tax-free. The money could then be withdrawn to pay college expenses.

The Democratic staff of the Ways and Means Committee calculated that a family that could afford to invest $50,000 in such an account when a child was 8 years old would save almost $4,000 a year in taxes on a $22,500 annual tuition bill when the child reached college age.

Under the bill, a family that could not afford to put aside so much money in advance and had to meet the college costs from income and student loans would get a tax break of only $1,500 a year, and that would be available only for the first two years of college.

If all this sounds complicated, it is. That is somewhat embarrassing to the principal author of the bill, Rep. Bill Archer, R–Texas, who is chairman of the Ways and Means Committee and who has made a career of complaining about how complicated the income-tax system is.

Archer commented on the paradox in his opening statement to the committee on Thursday evening. Holding up the 422-page bill, he said, "When you look at a tax bill that's this thick, you know it's not going to simplify things for the taxpayer."

Then to make sure no one thought he had changed his stripes, he quickly added, "This in no way hinders my ultimate goal of abolishing the income-tax system."

The most "fabulously complicated" part of the legislation, said Jeffery Yablon, a prominent tax lawyer in Washington, is the provision that would allow investors to adjust the value of their capital gains to take account of inflation, a process known in tax lingo as indexation.

Here is how it would work. Say an investor bought stock for $100, held it for three years and then sold it for $110, and assume the inflation in overall prices in the economy was a total of 9 percent for the three years.

Under the current law the investor would report a capital gain of $10. But if the law allowed indexation, the taxable gain would be only $1.

Sounds simple enough. But here is the problem. Many people buy stock with borrowed money and take a deduction for the interest they pay on their loan. So if the investor borrowed the money at an interest rate of 4 percent, his tax statement would show a loss of $3 ($1 profit minus $4 deduction), although he had actually made a profit on his investment even after adjusting for inflation.

Mr. WELLSTONE. I quote:

The bill would lower the top capital-gains tax rate, now 28 percent, to 10 percent for taxpayers with incomes below $41,200 and to 20 percent for those who were better off.

The main beneficiaries of the 10 percent rate, the tax experts said, would not be middle-income taxpayers selling a modest amount of mutual funds. Instead, it would be wealthy families who were selling stock to pay for their children's tuition. They could cut the taxes in half by giving their appreciated stock to their children and having the children sell it, rather than selling it themselves and paying the higher tax because of their higher income.

That is not the only instance in which the bill would give a better tax break to affluent people sending their children to college than it would give to taxpayers who were less well off.

Well, Mr. President, this happens every way you look at it.

The Center on Budget and Policy Priorities talks about the children's tax credit. I don't know what is going to happen. I understand Chairman ARCHER and the Republicans are changing their minds. Good. The more we speak out, the better chance we have of other people changing their minds. That is why I am on the floor today.

The Senate did an analysis based on data from the Congressional Budget Office that show that the child credit, given where it was heading, where EITC is essentially used to offset it, that there are 28 million children, 2 of every 5, who will receive no child tax credit because their incomes would not be high enough to qualify. Because their incomes won't be high enough to qualify? Unbelievable.

You have a tax bill that is going to give a child tax credit, all in the name of helping families, but not if you are in the bottom 40 percent of the population. Unbelievable. Absolutely unbelievable.

Let me just simply go back to this amendment, because I have been here now long enough to realize what I think is happening, and I just want to be very honest with my colleagues, all of whom I appreciate whether or not we agree or disagree on other things. I bring this amendment to the floor to essentially sound the alarm, because we have tax bills that are absolutely unbelievable. There is no standard of fairness.

Ninety-nine percent of the people in any cafe in any of our States would say, "What? No, can't be; it can't be. We were thinking about tax cuts that would provide us with some relief. You mean, this is going to people with incomes over $400,000 a year and over $200,000 a year, and they get the lion's share of the benefits and hardly anything comes to us, those of us where both are working and we are making $35,000 a year? Say what? No, can't be, Senator WELLSTONE."

Well, it is.

Or families are going to be saying in Minnesota, "Wait a minute, I heard higher education was going to be more affordable. Wait a minute, you are saying to me now basically folks with IRA's are going to get the breaks and the breaks will mainly go to high-income people? And, by the way, the tax credits aren't going to be refundable, so if we are making $28,000 a year we'll be cut out?" I meet these students all the time at community colleges. You have a woman or a man, she is 40, he is 45, they are going back to school, but their income is $28,000. They are not going to get a thing, hardly a thing. People are going to say, "What? That's not what we understood was going to be the case."

So, I ask my colleagues to bring out other data, other charts—I would be delighted for them to do so. I have about 2 minutes remaining. Let me read this again—

It is the sense of the Senate that any tax legislation enacted—

Just for staff who are listening or colleagues listening—

by the Congress this year should meet a standard of fairness in its distributional impact on upper, middle and lower income taxpayers * * *

By the way, I don't think anybody in the Congress will say middle-income taxpayers are $250,000 a year. We all know what we are talking about here:

and that any such legislation should not disproportionately benefit the highest income taxpayers.

If my colleagues vote for this sense-of-the-Senate amendment, I will be delighted. Then I will come back with a slightly tougher one on the next bill, and if I get a strong vote for that, I will be delighted as well. But I want to tell you something, sense of the Senate

or not, you are on record. You are on record and people in the country are going to be taking a close look at what we are about, and they are going to ask the question whether this tax relief is going to us or is it basically going to the same folks that all too often are the ones who always get the lion's share of the benefits.

This is all about political power, who decides, who benefits and who sacrifices. The folks who are benefiting are at the very top of the economic ladder, and the folks who are really paying the price are the people most in need of the assistance.

So, we will have this vote later on. Maybe people may vote against it, in which case you don't agree with this proposition. If you vote for it, don't think that your vote is just symbolic. I will have a tougher amendment on the next bill and all next week, any way I can, I will be talking about what you are on record for and how that is opposed to what is coming out of these tax committees.

Mr. President, I assume Democrats are going to have an alternative, in which case it will be good, because then people will say there are differences between the parties and those differences matter.

Mr. President, I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I think that this debate is healthy for the body politic. People don't want to see us bitterly angry, but they do want to see us genuinely debate issues that directly affect them and their children and their families. I am telling you something, this amendment, that is what this amendment is all about. These tax bills, that is what they should be about.

I thank my colleagues for their courtesy.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that immediately following the disposition of the two amendments that we have been talking about, that the bill be read a third time, and the Senate proceed to a vote on passage of S. 858, as amended, if amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Also, for the information of all Senators, this now means that all Members can expect up to three consecutive rollcall votes beginning around 2:45 this afternoon.

Mr. President, the committee has received the Congressional Budget Office cost estimate for S. 858. CBO found that the public bill would not affect direct spending or receipts in 1998; thus, pay-as-you-go procedures would not apply to it. In addition, the Unfunded Mandates Reform act [UMRA] excludes from application of the act legislative provisions that are necessary for the national security. CBO determined that all of the provisions of this bill either fit within that exclusion or do not contain intergovernmental mandates as defined by UMRA.

Mr. President, I ask unanimous consent that the Congressional Budget Office cost estimate for Senate bill 858, the intelligence authorization bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 16, 1997.

Hon. RICHARD C. SHELBY,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 858, the Intelligence Authorization Act for Fiscal Year 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dawn Sauter.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 858—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Summary: S. 858 would authorize appropriations for fiscal year 1998 for intelligence activities of the United States government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (CIARDS).

This estimate addresses only the unclassified portion of the bill. On that limited basis, CBO estimates that enacting S. 858 would result in additional spending of $91 million over the 1998–2002 period, assuming appropriation of the authorized amounts. The unclassified portion of the bill would not affect direct spending or receipts in 1998; thus pay-as-you-go procedures would not apply to it. The Unfunded Mandates Reform Act (UMRA) excludes from application of the act legislative provisions that are necessary for the national security. CBO has determined that all of the provisions of this bill either fit within that exclusion or do not contain intergovernmental mandates as defined by UMRA.

Estimated cost to the Federal Government: The estimated budgetary effect of S. 858 is shown in the following table. CBO was unable to obtain the necessary information to estimate the costs for the entire bill because parts are classified at a level above clearances held by CBO employees. The estimated costs, therefore, reflect only the costs of the unclassified portion of the bill.

The bill would authorize appropriations of $91 million for the Community Management Account and $197 million for CIARDS. The funding for CIARDS would cover retirement costs attributable to military service and various unfunded liabilities. The payment to CIARDS is considered mandatory, and the authorization under this bill would be the same as assumed in the CBO baseline.

For purposes of this estimate, CBO assumed that S. 858 will be enacted by October 1, 1997, and that the full amounts authorized will be appropriated for fiscal year 1998. Outlays are estimated according to historical spending patterns for intelligence programs.

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Estimated authorization level[1]	102	0	0	0	0	0
Estimated outlays	95	46	22	5	0	0
Proposed changes:						
Estimated authorization level	0	91	0	0	0	0
Estimated outlays	0	50	23	14	5	0
Spending under S. 858:						
Estimated authorization level[1]	102	91	0	0	0	0
Estimated outlays	95	96	45	19	5	0

[1] The 1997 level is the amount appropriated for that year.

Note: The costs of this legislation would fall within budget function 050 (national defense).

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: The Unfunded Mandates Reform Act (UMRA) excludes from application of the act legislative provisions that are necessary for the national security. CBO has determined that all of the provisions of this bill either fit within that exclusion or do not contain intergovernmental mandates as defined by UMRA.

Estimate prepared by: Federal Cost: Dawn Sauter; Impact on State, Local, and Tribal Governments: Pepper Santalucia; Impact on the Private Sector: Eric Labs.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

Mr. SHELBY. Mr. President, I will be brief on the Wellstone amendment.

I think just about everybody in the Senate would agree that whatever tax bill we enact this year should meet a standard of fairness in the distributional impact on all Americans, on upper, middle and lower taxpayers, as he is talking about. I have no quarrel with the amendment, the Wellstone amendment. I do not believe it belongs on the Senate authorization bill dealing with intelligence activities, but I have no opposition to the content of it or the substance of it.

Mr. WELLSTONE. Mr. President, I thank the Senator for his courtesy and inform him I appreciate him. And after the vote, I think I will ask unanimous consent that the Finance Committee be immediately notified of the result of our vote in the Senate.

Mr. SHELBY. They will be notified.

Mr. WELLSTONE. I thank the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey is recognized.

AMENDMENT NO. 416

(Purpose: To require an unclassified statement of the aggregate amount of appropriations for intelligence activities)

Mr. TORRICELLI. Mr. President, I have an amendment filed at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. TORRICELLI], for himself, Mr. SPECTER, Mr. KERREY, and Mr. BUMPERS, proposes an amendment numbered 416.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that further

reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, between lines 19 and 20, insert the following:

SEC. 309. REQUIREMENTS FOR SUBMITTAL OF BUDGET INFORMATION ON INTELLIGENCE ACTIVITIES.

(a) SUBMITTAL WITH ANNUAL BUDGET.—Notwithstanding any other provision of law, the President shall include in each budget for a fiscal year submittal under section 1105 of title 31, United States Code, the following information:

(1) The aggregate amount appropriated during the current fiscal year on all intelligence and intelligence-related activities of the United States Government.

(2) The aggregate amount requested in such budget for the fiscal year covered by the budget for all intelligence and intelligence-related activities of the United States Government.

(b) FORM OF SUBMITTAL.—The President shall submit the information required under subsection (a) in unclassified form.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, the Senate is faced with an issue as old as the Republic itself. It is the continuing debate between the public's right to know and the Government's need to retain information only unto itself. It is an old argument, but it is one that has largely been settled through time.

We have decided as a country that the best source of good judgment in this Nation remains with the people and that they should be trusted with the public welfare in having a maximum exposure to the facts and judgments that govern our society.

Indeed, it was that wisdom which led to the first amendment to the Constitution itself, and equally significantly as it led to article I, section 9, clause 7 of the Constitution, which reads:

* * * a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

For a long time, Mr. President, despite these national ambitions, this consistency with our greatest national principles, we as a Congress determined this was not possible because of the dangers of world war and the continuing struggle in the cold war.

It was the judgment of this Congress that even the total aggregate amount of expenditures for our intelligence agencies, including the Central Intelligence Agency, would remain private and not be published and shared with the people.

The end of the cold war has raised this question anew. Not only for the intelligence community, but indeed for all of the U.S. Government. And most of this Government has responded appropriately.

The Defense Department began to share information about programs it was developing, technologies that it possessed. Weapons hitherto unknown were shared with the press and the public. And perhaps predictably that is why since 1980, according to the bipartisan Brown Commission, defense expenditures of the United States in real terms have declined by 4 percent.

Accountability by the people themselves led this Congress to adjust our national priorities to deal with the new emerging security situation internationally. No doubt, an equal reflection of the fact the intelligence community retained privacy of its budget is that the bipartisan Brown Commission found that since 1980 the intelligence community's budget, in adjusted terms, increased by 80 percent.

Mr. President, what we are facing today in honest debate can no longer be concluded to be whether or not adversaries of the United States will gain information about our intentions and abilities of our intelligence community, because our adversaries have neither the means to respond nor probably the ability in all cases to understand the operations of our intelligence community. The only people being shielded from this information are not adversaries, but the taxpayers of the United States.

Indeed, general accountings, in estimates, of American intelligence expenditures appear in all of our major newspapers. Only the exact aggregate numbers are denied, and not denied to adversaries; they are denied to the people of this country who need to make informed judgments as voters, as taxpayers about our national priorities.

So I rise today with an amendment that this Senate has considered before. It is simply this: To publish, not the details of the CIA expenditures, not to reveal their programs, to share no numbers and no estimates on any technology, any element of spending of the intelligence community but one, the total aggregate amount of money spent in the U.S. Government for the Central Intelligence Agency.

This one number would allow the American people, as an informed electorate, to make their judgments on a comparative basis about whether or not, as compared to defense, social programs, foreign assistance, and the intelligence community, this Congress is making the right judgments.

And yet, it will be argued that our adversaries would have this information and use it for their own purposes. I understood that argument when we were concerned that the Russians, the Soviet Union with all of its capabilities, as our principal adversary would have this information and could adjust their own intelligence programs to respond.

There is no Soviet Union; and the cold war has ended. The decline and change of our national defense expenditures give the best testament to the fact that this Senate has accepted that fact.

Now we face new adversaries, terrorist organizations, a list of pariah states from North Korea to Libya, to Iraq and Iran. And so the question begs itself, what if these nations possessed this one aggregate number, of what value would it be to them? By most press estimates, total expenditures of the Central Intelligence Agency are not only more than the intelligence expenditures of each of those countries, it is more than all those countries combined.

Indeed, the United States, by most published estimates, spends more on its intelligence community than the gross national product of every one of these potential adversaries of the United States. And so for those who will argue that we cannot share this information with the American people, I ask, what is it North Korea would do with this information or Libya or Iran? What possible change would they have in their own programs or their own expenditures? They have not the means to respond or to change.

I repeat in my argument, Mr. President, as I began. There is only one people on this Earth that need this information to make important judgments about their future who are being shielded from it, and it is the people of the United States.

Mr. President, if this argument seems familiar to Members of the Senate, it is because it is not new. This Senate voted on this question in 1991, a sense-of-the-Senate resolution in 1992, and again in 1993.

Indeed, most Members of the Senate who in a matter of moments will vote on this question have already voted in previous years to share this information with the American people.

Eighty members of the House of Representatives have cosponsored legislation to do so.

The Federation of American Scientists have gone to Federal court to compel its release on constitutional principles.

But perhaps most significantly, the President of the United States himself, our Commander in Chief, who has the ultimate authority for the security of the United States, suggested if the Congress would concur, he would release this information.

This Senate on previous occasions has confirmed for the directorship for the Central Intelligence Agency Admiral Turner, Mr. Gates, Mr. Deutch. Each of those CIA Directors themselves have argued that concealing this information serves no purpose and it should be shared with the people.

This Congress has disagreed on this issue before. And so a bipartisan commission, chaired by former Secretary of Defense Brown, and by our former Senate colleague, Senator Rudman, addressed this question in their own report. And they urged the public release of this information.

To my colleagues, when you have voted on this question previously, when Directors of the Central Intelligence Agency, the President of the United States, and a commission charged for this very purpose argues that this single individual aggregate amount of spending should be released, by what possible logic do we continue to shield the American people from these facts?

But if, Mr. President, in their individual judgment my colleagues are still convinced that because of the danger of these new pariah states and the rise of international terrorism, this expenditure must be concealed from our people, I urge them to consider the fact that we are also not the first of the allied nations to face this judgment.

The British Parliament has had this debate. And Britain decided its people should share with this information. The Canadian Parliament, the Australian Parliament, and perhaps most significant, the Israeli Knesset—no nation on Earth is faced with the threat of terrorism more than Israel—but they have decided, in spite of the fact that their program cannot conceivably have our capabilities nor the relative advantage versus their adversaries as we face as opposed to our own, they share this information with the people of Israel.

We remain the exception.

Fifty years since the Second World War when a judgment was made that for national security, a judgment appropriately made for national security, that this information was best concealed, we retain this last relic of the cold war.

Mr. President, this is a national policy to conceal the gross expenditures of the Central Intelligence Agency that has lost its rationale. It is time for this Senate once again, as it has on three previous occasions, to vote to allow the sharing of this information with the American people. But we do so not because we believe it is a compromise with national security that has become necessary, but because indeed many of us believe it would enhance our national security.

Perhaps most significantly in the Brown report was a conclusion that, in the commission's words, "Most intelligence agencies seem to lack a resource strategy apart from what is reflected in the President's 6-year budget projection. Indeed, until the intelligence community reforms its budget process, it is poorly positioned to implement strategies."

Efficiency, accountability, proper judgments for national security, like all other aspects of the governance of the United States, are best made under the careful scrutiny of the people themselves. National security is not only the exception, it may be the best rule. It is the lives of the people of this country themselves—from terrorism and from a new group of potential adversaries—that we are charged with protecting. Allow the people of the United States to participate in this judgment.

I urge my colleagues, once again, as you have done on several previous occasions, to join with the previous leadership of the Central Intelligence Agency in concurrence with the commission report that you commissioned to be done, and allow this single number, this one gross expenditure of the Central Intelligence Agency's budget, to be released to the American people.

I yield the floor.

Mr. SHELBY. Mr. President, I rise to oppose the Torricelli amendment. I oppose the public disclosure of the overall level of intelligence funding as proposed by the amendment offered by the Senator from New Jersey.

Mr. President, it does not, I repeat, it does not take an act of Congress to declassify the top line of the intelligence budget as this amendment would do if adopted. The President of the United States has always had and has today the authority to disclose this figure and has always chosen to keep it classified.

Determining classification is the responsibility and is the duty of the Chief Executive of the United States, the President, who is also, as we know, the Commander in Chief. Presidents Truman through Clinton have determined this figure is to remain classified, and I believe we should not overrule that judgment.

The purpose of maintaining a premier intelligence capability is to save lives and to prevent and, if we get in them, win wars. The foundation of an effective intelligence capability, as we all know, is secrecy. Secrecy protects not only the information that we collect, but also the brave people that put themselves at risk to do the collection of it. We are an open and a free society that generally abhors secret dealings by our Government. But in the case of intelligence collection and analysis, secrecy, I believe, is absolutely necessary.

Some of my colleagues argue that the American people have a right to know how much of their money is being spent to defend their Nation's security through intelligence-gathering operations. I assert today that, through its elected officials, the public interests are being effectively served. As U.S. Senators, all of us we have been elected to represent the interests of our constituents and to act on their behalf. Therefore, the American people do know, in a sense, how much we spend on national security because their elected representatives know. As on many other issues, Mr. President, our constituents have a voice, and it speaks through the Senators and Representatives and the President of the United States.

Some of my colleagues will argue that disclosing the total budget amount will instill public confidence and enable the American people to know what portion of the Federal budget is dedicated to intelligence activities. It appears there is general agreement that the details of the intelligence budget should remain classified, however. I believe that the total budget figure is of no use to anyone but to those who wish to do us harm.

For example, what do the numbers tell our adversaries or potential adversaries in the world? In any given year, perhaps, not a great deal. But while watching the changes in the budget over time, and using information gathered by their own intelligence activities, sophisticated analysts can indeed learn a great deal.

Trend analysis, Mr. President, you are familiar with, is a technique that our own analysts use to make predictions and to reach conclusions. There are hostile foreign intelligence agencies all over the world that are focused solely on gathering every bit of information that they can about our own intelligence-gathering operations and our capabilities. Their ultimate goal is to exploit weaknesses and to deny access and to deceive our own intelligence collectors. Denial and deception is already a serious concern for the intelligence community, and providing our enemies or potential enemies with any insight as to what we spend on intelligence will only make it worse, not better.

Others will argue that the total budget figure is already in the public domain, and we should just acknowledge it. Mr. President, we never, never confirm or deny classified information that may have been published somewhere or spoken by someone. Classified information, as you well know, remains classified even if it wrongly makes it into the public domain.

We will also, Mr. President, hear from those who say disclosure is required by the statement and account clause of the Constitution, article 1, section 9, clause 7. Mr. President, I assert today that the current practice is fully consistent with the Constitution, and it carries forward a tradition of secret expenditures dating back more than 200 years. As a matter of fact, the Supreme Court of the United States observed in the U.S. versus Richardson case, "Historical analysis of clause 7 suggests that it was intended to permit secrecy in operations."

Further, Mr. President, the figure is available to all Members of Congress, the U.S. Senate and, the U.S. House to review.

As I reviewed the debate on this topic, I found a statement by my colleague from Rhode Island, Senator CHAFEE, in 1993, with which I totally agree, and which is appropriate today. Senator CHAFEE, the distinguished Senator from Rhode Island, said, disclosing

the top line budget figure would only "frustrate a curious public and politicize the intelligence budget."

He pointed out further, "What many proponents of disclosure want to do is to put a bull's-eye on the intelligence budget and hold it up as a target for public ridicule, recognizing full well that we cannot engage in a meaningful public debate regarding intelligence programs."

I assure you, Mr. President, once the overall number has been released, there would be efforts to amend the overall funding for intelligence in open session. I do not believe it would be good for the Senate, the House, or the American people. Otherwise, I believe President Clinton and Presidents before him would have already declassified the number which they have the right to do.

I yield the floor.

Mr. TORRICELLI. Mr. President, I first thank my colleagues who have joined me in this effort today, most significantly, Senator SPECTER of Pennsylvania, who has led this effort previously and makes this a genuinely bipartisan effort to share this information with the American people, Senator BUMPERS of Arkansas, who has argued so passionately on this cause previously, and, of course, the ranking member of the intelligence committee, Senator KERREY of Nebraska.

Mr. President, I know that many Government agencies would have liked the right to keep the information of their expenditures on a proprietary basis. This logic must have occurred to the Defense Department. Indeed, it was difficult for the Defense Department, at the end of the cold war, to begin to share some of the programs, exhibit some of the technology and the assets it possessed that previously had remained secret.

This Congress and the leadership of this Government made a judgment that the people could not make the proper decisions about their elected representatives and we could not make the proper judgments for them without complete access to information. I want to remind my colleagues, we have faced this issue previously in 3 different years since the end of the cold war, and on each of those occasions this Senate has voted, even if contained in other legislation, either by law or by a sense of the Senate, to permit the publishing of this one single number. If we fail to do so today, it will be a change in the position of this Senate. It will be an inconsistency by a majority of Senators who served in this institution in those previous years.

By what logic would we now change our minds? Because it will endanger an employee of the Central Intelligence Agency? On what basis and by what theory would anyone be endangered because they knew a total amount of money spent by the intelligence community? Because an adversary will change their plans, initiate a new program, compete with the intelligence community of the United States—when I have demonstrated that every and each potential adversary of the United States has a gross national product that is, according to published reports, smaller than the gross expenditures of the American intelligence communities?

Mr. President, I conclude as I began: There is only one group of people who have real need of this information upon which to make decisions, and it is the taxpayers of the United States. This is the last cloud of secrecy necessitated by war, cold war and struggle, that should be removed by this Government. My colleagues have decided to do so before, but we have been frustrated in conference, and our will has not been done. It can be done now.

I urge an affirmative vote to allow the public release of the aggregate expenditures of the United States intelligence community, a single number, published each year. The people of our country can make a good and accurate judgment.

I want to thank again Senator SPECTER, Senator BUMPERS, and Senator KERREY for joining me in this and each of my colleagues who have voted previously on a majority basis to allow its release.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. KYL. Mr. President, I rise in the strongest possible opposition to the Torricelli amendment. My grandmother used to say there are some things that are better not to know, and that is the case with certain highly classified information that is important to the national security of American citizens. One of those things is how much money is spent on our intelligence activities, information which is very useful to our opponents, and not particularly useful to the average American taxpayer.

The public's right to know, as has been pointed out by the distinguished chairman of the Intelligence Committee, is adequately protected by our elected representatives. That is why we have special provisions of law, Mr. President, that call for certain Members of Congress only—not every Member of Congress, but only certain Members of Congress—to be apprised of certain operations and certain details of our intelligence operations.

For example, in an operation such as that which nabbed the terrorist Mir Aimal Kansi just last Saturday, it was known to only a handful of our elected representatives because that is what the law provides. The American people did not need to know that, and, indeed, it would have jeopardized American lives, the people who were involved in this operation, had there been more widespread knowledge. There is a reason why this information is not public.

The irony is, Mr. President, that revealing the top-line number, the aggregate amount we spend on intelligence, would be of very little use to the average American debating whether or not it is the proper number, but it means a great deal to clever potential adversaries who do trend analysis and extrapolation from year to year to see whether or not there are changes and who try to determine whether or not we have, therefore, made certain commitments to our intelligence that would be of interest to. So on the one hand it doesn't help the average American much. On the other hand, it could easily help opponents a great deal. Unfortunately, there is no way for us to defend that budget. If the top line is $10 billion, or $100 billion, or $50 billion, just hypothetically, whatever number, somebody might say, "I don't think that is a good number." How do you defend that number without getting into all of the sensitive, classified information that comprises the budget? So it is not a good idea.

No other friend or ally of the United States reveals the amount that it spends on intelligence. It would set a terrible, terrible precedent, Mr. President, because right after the aggregate budget was revealed, everybody would realize that, to the average American, that doesn't say much and so the calls would be very quick for more information. "You gave us the top line; how about the categories on which it is spent?"

This is a slippery slope, Mr. President. Reveal the first number and it will be just a matter of minutes before there will be a call to reveal more information. As a matter of fact, our colleague from New Jersey, in effect, just did that by saying that "in the area of defense spending we have determined that we need complete access to information," to use his quotation. And the defense budget is known. Yes, the defense budget is known, but there is still much about defense that is highly classified. That is the way it needs to be.

Another argument of our friend from New Jersey is that there have been leaks and there is no reason to continue to withhold the information. Of course, the proper policy when there are leaks is to find them. They can be very damaging to our national security. The answer is not to, therefore, let all the information out. The object is to try to prevent those leaks from causing more harm.

In conclusion, Mr. President, if this is such a good idea, one wonders why previous Presidents haven't done it. They have the authority and power to do it, and they have not done it because they know full well that it is not the right thing to do. I just suggest

that it would be highly, highly dangerous to the national security interests of the United States, to the lives of Americans who literally put their lives on the line to work operations that are very dangerous that the public never hears about, because, obviously, they can't, or it would compromise the sources and methods by which we obtain information. It would be very dangerous to these people if our potential adversaries could soon begin to pick apart the budget and learn what kind of capabilities we have to use against them.

I urge, in the strongest possible terms, that we vote against the Torricelli amendment and urge my colleagues, when we have that vote, to do so.

Mr. SHELBY. Mr. President, I yield to my friend from Ohio as much time as he might need.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I rise today in strong opposition to the amendment proposed by my colleague and friend from New Jersey. It is an amendment that would disclose the total intelligence budget.

Mr. President, intelligence budgets and programs are kept secret for a good reason: to keep our enemies—and, yes, we still do have enemies—from knowing how much we are spending on intelligence and, of course, on what programs. Mr. President, disclosure of the total budget might well be the first step leading to a demand to disclose individual agency budgets, as my colleague from Arizona has just stated, and inevitably to disclose specific programs.

Mr. President, the reality is that a single budget figure with no additional detail or disclosure of capabilities does not, in my view, provide a sufficient basis for a meaningful public debate. Therefore, I think there would be pressure to disclose more. But such a disclosure would only help our enemies. It would provide them with vital information on our Nation's resource allocations. It would undermine our commitment to early warning for our policymakers, as well as our ability to provide our military the intelligence information that is essential to making them the best in the world.

President Clinton—as the chairman of the committee has already pointed out—has the authority to disclose the total budget on his own. However, he has not done so. President Clinton joins every President since Harry Truman in making that same policy decision—that it is not in the best interest of this country to disclose this dollar figure.

Mr. President, the practice of keeping the budget secret is fully consistent with the Constitution, and it carries forward a tradition of secret expenditures dating back more than 200 years. The Supreme Court observed in U.S. versus Richardson that "historical analysis of clause 7 suggests that it was intended to permit secrecy in operations." It is clear, Mr. President, the Constitution provides for this secrecy.

This intelligence figure is available to all Senators, as is the entire classified schedule of authorizations and classified annex to the Intelligence Authorization Act. Members of the Intelligence Committee, members of the Armed Services Committee, members of the Appropriations Committees in both the House and the Senate do provide vigorous oversight of the intelligence community and of its budget. There is full scrutiny through the people's elected representatives, while at the same time providing protection for intelligence operations.

Mr. President, to disclose the budget would break with tradition. I believe it would help our enemies and it would not provide the public with any meaningful information. For these reasons, Mr. President, I urge my colleagues to vote "no" on this amendment.

I believe that little can be gained, but much can be lost over time by this type of disclosure.

I thank the Chair and my colleague from Alabama.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. TORRICELLI. I yield the remainder of our time to Senator SPECTER of Pennsylvania, and I thank him for his leadership.

Mr. SPECTER. Mr. President, I support public disclosure of the overall funding law and would start with the language of the Constitution, which I believe supports that disclosure:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

On the base, that calls for public disclosure. I know some courts have limited that interpretation to what Congress says. But I believe, as a constitutional matter, disclosure ought to be made. And beyond that, as a public policy matter for the Congress, disclosure ought to be made.

In the 8 years I served on the Senate Intelligence Committee—2 years as chairman—it seemed to me that much too much is kept secret, and disclosing the overall amount is not to disclose the programs. We have seen terrorism as the instrumentally for political purposes, replacing war. Intelligence is very important to fight terrorism, and I believe if the American people knew how much money was being spent on intelligence gathering, the people would want more spent and not less.

Just yesterday, the chairman of the House Intelligence Committee took issue with the way the Central Intelligence Agency is being run, saying it is not being run effectively. Much too much is being kept secret, Mr. President. We can protect important sources and methods and means from being disclosed, but still have a great deal more candor for the American people about what is going on in intelligence. When we look at the budget of the CIA or the FBI for domestic intelligence, those are items which ought to be subject to public debate. The public ought to be demanding more. The public ought to be receiving more. As a very basic first step, it is my sense—having some familiarity with the Intelligence Committee operations and overall budget—that the funding level ought to be disclosed.

I thank the Chair and inquire how much of the 2½ minutes is left.

The PRESIDING OFFICER. There are 19 seconds remaining.

Mr. SPECTER. I leave that to the sponsor of the bill.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. I believe I have consumed all of my time.

The PRESIDING OFFICER. The Senator has 10 seconds.

Mr. TORRICELLI. The 10 seconds I have remaining I yield to the Senator from Nebraska.

Mr. KERREY. Mr. President, I support the amendment offered by Senator TORRICELLI to declassify the aggregate intelligence budget. This body has been on record a number of times over the years as supporting disclosure of the intelligence budget total. Last year the Intelligence Authorization Act as reported by the SSCI and adopted by the Senate required the President to disclose in his annual budget submission to Congress each year the total amount appropriated for all intelligence and intelligence-related activities, that is, the total of NFIP, JMIP, and TIARA, in the current fiscal year and the total amount requested for the next fiscal year. As has happened on each previous occasion that the Senate has voted in favor of disclosure, the provision in last year's bill ultimately was dropped in conference with the House.

The Senate's support for this position dates back at least to the Church committee, in 1976. The following year the Select Committee on Intelligence was established and the members of that committee voted in 1977 for public disclosure of the aggregate intelligence budget. In the years since, the Senate has regularly voted to disclose the aggregate amount of intelligence spending.

Senators will recall that in 1994 we chartered a commission to conduct a comprehensive review of American intelligence. Part of the statutory mandate of this commission was to study the issue of budget disclosure and resolve it once and for all. The Aspin-Brown Commission unanimously recommended that the total amounts appropriated and requested be disclosed.

Senators WARNER and Rudman and other traditional opponents agreed. In fact, Senator Rudman and former Defense Secretary Brown would declassify the CIA budget as well in order to show it is only a fraction of the overall budget.

Public disclosure of total budget amount for intelligence is symbolically important: it sends a message that intelligence is a legitimate and open governmental function. It helps to instill public confidence and enables the American people to know what proportion of the entire Federal budget is spent on intelligence, as compared with other functions. Moreover, there is an argument that disclosure is constitutionally required by the statement and account clause of the Constitution (Art. I, Sec. 9, clause 7), which provides that "A regular Statement and Account of the Receipts and Expenditures of all public money shall be published from time to time."

Disclosure of the aggregate budget amount will not harm our national security. Disclosure of the top-line number is not sufficient to alert adversaries to deployment of new systems; spending on new systems doesn't occur in 1 year, it's stretched out over a number of years. There has been no history of conspicuous spikes in intelligence spending. It is interesting to note that our major allies disclose their intelligence budgets. The United Kingdom recently decided to disclose the total budgets for MI–5 and MI–6.

The reality is that this number is already in the public domain in approximate terms. The intelligence budget is already widely reported in the press. A congressional committee released the actual numbers for all agencies a couple of years ago by mistake. Even efforts to talk around the budget numbers, by using percentages, for example, instead of actual numbers, have given industrious reporters and analysts sufficient information to extrapolate the dollar figures. Knowledge of the top-line does not give an adversary useful information about intelligence targets, sources, or methods.

Nor has the de facto disclosure of the budget total taken us down the so-called slippery slope of more detailed disclosures. In fact, I believe this disclosure will actually strengthen our ability to protect vital national secrets by bolstering the credibility of our classification decisions—officially revealing the budget total tells the American public that we are using classification to protect vital national secrets, not to conceal information that might be inconvenient to defend. And I think it would not be difficult to defend the size of the intelligence budget, given the complex world we live in today.

For these reasons, Mr. President, I support this amendment and urge my colleagues to do the same.

Mr. SHELBY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4½ minutes remaining.

Mr. SHELBY. I will try to be brief.

Mr. President, as former Director Woolsey of the CIA once said, "It is impossible to conduct a meaningful debate on the effects of such amendments without explaining the component parts of the intelligence budget."

Think about that a minute. How much is spent for the CIA? How much is spent for signals intelligence? How much are we spending on satellites, and so on?

It is that discussion which creates the likelihood of disclosure of sensitive intelligence information that would be of benefit to our adversaries.

Mr. President, there are many opportunities to debate and discuss the details of the intelligence budget among the Intelligence, Armed Services, and Appropriations Committees. We all do this. This is not a topic that goes unexamined by the people's representatives in the Senate or the House.

Mr. President, the Senate Intelligence Committee was established to ensure vigorous oversight of our intelligence activities. I believe myself that the committee faithfully represents the American people. Our goal is to maintain a robust intelligence capability while ensuring that our intelligence activities are conducted in accordance with American values and constitutional principles.

The members of the committee take their responsibilities very seriously, and I pledge to the American people that we will continue to represent the best interests of this Nation.

Mr. President, our intelligence capabilities are a critical national asset and, as chairman of the committee, I will not support an effort to disclose classified information when there is no compelling argument to do so. Therefore, I strongly urge my colleagues to oppose the Torricelli amendment.

I yield the remainder of my time.

Mr. KERREY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 415

The PRESIDING OFFICER. The question is on agreeing to the Wellstone amendment to S. 858.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] is necessarily absent.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Burns	Helms	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Roth
Chafee	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Enzi	Levin	Wellstone
Faircloth	Lieberman	Wyden

NOT VOTING—1

Daschle

The amendment (No. 415) was agreed to.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that the next two votes be reduced to 10 minutes time limit.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, also, I would like to include in that consent that there be 2 minutes of debate before each vote, equally divided, so an explanation can be given of those.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that members of the Finance Committee be immediately informed of the result of this vote.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

AMENDMENT NO. 416

The PRESIDING OFFICER. The question now occurs on amendment No. 416, offered by the Senator from New Jersey. We have 2 minutes for debate. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I thank Senator SPECTER and Senator KERREY for joining me in this effort. We asked the Senate to do that which you have done three times before, that which three previous Directors of the Central Intelligence Agency have endorsed, that which the Brown Commission, in a bipartisan review of this issue, has endorsed—that is to share with the American people and the Members of this Congress the total aggregate amount spent on intelligence activities by the U.S. Government. No details, no programs, no internal facts—one aggregate number, so the people can make their own judgments whether the direction and the amount of intelligence spending is appropriate and proper for the U.S. Government. I urge an affirmative vote.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I oppose the public disclosure of the overall level of intelligence funding as proposed by the Torricelli amendment. It does not take an act of Congress to declassify the top line of intelligence spending. The President of the United States has always had the authority to disclose this figure, and has always chosen to keep it classified. Determining the classification is the responsibility and, I believe, the duty of the Chief Executive and Commander in Chief. Presidents Truman through Clinton have determined that this figure is to remain classified and we should not overrule that judgment.

I yield the remainder of my time. I ask my colleagues to vote no on the Torricelli amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] is necessarily absent.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—43

Akaka	Dodd	Kennedy
Baucus	Dorgan	Kerrey
Biden	Durbin	Kerry
Bingaman	Feingold	Kohl
Boxer	Feinstein	Landrieu
Breaux	Glenn	Lautenberg
Bryan	Graham	Leahy
Bumpers	Harkin	Levin
Byrd	Hollings	Mikulski
Cleland	Inouye	Moseley-Braun
Conrad	Johnson	Moynihan
Murray	Rockefeller	Wellstone
Reed	Sarbanes	Wyden
Reid	Specter	
Robb	Torricelli	

NAYS—56

Abraham	Ford	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brownback	Grassley	Roberts
Burns	Gregg	Roth
Campbell	Hagel	Santorum
Chafee	Hatch	Sessions
Coats	Helms	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Inhofe	Snowe
Craig	Jeffords	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lieberman	Thurmond
Enzi	Lott	Warner
Faircloth	Lugar	

NOT VOTING—1

Daschle

The amendment (No. 416) was rejected.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THOMAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third and was read the third time.

Mr. SHELBY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the agreement, there will now be 2 minutes for debate equally divided.

Mr. SHELBY. Mr. President, I yield back the minute that was allotted to us.

The PRESIDING OFFICER. The Senator from Alabama has yielded back his time.

Mr. FORD. Mr. President, I yield back whatever time is on this side.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] is necessarily absent.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—98

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Hatch	Robb
Bumpers	Helms	Roberts
Burns	Hollings	Rockefeller
Byrd	Hutchinson	Roth
Campbell	Hutchison	Santorum
Chafee	Inhofe	Sarbanes
Cleland	Inouye	Sessions
Coats	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden
Faircloth	Lott	

NAYS—1

Harkin

NOT VOTING—1

Daschle

The bill (S. 858), as amended, was passed, as follows:

S. 858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Detail of intelligence community personnel.
Sec. 304. Extension of application of sanctions laws to intelligence activities.
Sec. 305. Administrative location of the Office of the Director of Central Intelligence.
Sec. 306. Encouragement of disclosure of certain information to Congress.
Sec. 307. Provision of information on violent crimes against United States citizens abroad to victims and victims' families.

Sec. 308. Standards for spelling of foreign names and places and for use of geographic coordinates.
Sec. 309. Sense of the Senate.
TITLE IV—CENTRAL INTELLIGENCE AGENCY
Sec. 401. Multiyear leasing authority.
Sec. 402. Subpoena authority for the Inspector General of the Central Intelligence Agency.
TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES
Sec. 501. Academic degrees in intelligence.
Sec. 502. Funding for infrastructure and quality of life improvements at Menwith Hill and Bad Aibling stations.
Sec. 503. Misuse of National Reconnaissance Office name, initials, or seal.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.
(11) The National Reconnaissance Office.
(12) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1998, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill ___ of the One Hundred Fifth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1998 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1998 the sum of $90,580,000.

(2) AVAILABILITY OF CERTAIN FUNDS.—Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 278 full-time personnel as of September 30, 1998. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 1998 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 1998, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(3) CONSTRUCTION.—Authorizations in the classified Schedule of Authorizations may not be construed to increase authorizations of appropriations or personnel for the Community Management Account except to the extent specified in the applicable paragraph of this subsection.

(d) REIMBURSEMENT.—During fiscal year 1998, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1998 the sum of $196,900,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL.

(a) DETAIL.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the head of a department or agency having jurisdiction over an element in the intelligence community or the head of an element of the intelligence community may detail any employee of the department, agency, or element to serve in any position in the Intelligence Community Assignment Program.

(2) BASIS OF DETAIL.—

(A) IN GENERAL.—Personnel may be detailed under paragraph (1) on a reimbursable or nonreimbursable basis.

(B) PERIOD OF NONREIMBURSABLE DETAIL.—Personnel detailed on a nonreimbursable basis shall be detailed for such periods not to exceed three years as are agreed upon between the heads of the departments or agencies concerned. However, the heads of the departments or agencies may provide for the extension of a detail for not to exceed one year if the extension is in the public interest.

(b) BENEFITS, ALLOWANCES, AND INCENTIVES.—The department, agency, or element detailing personnel to the Intelligence Community Assignment Program under subsection (a) on a non-reimbursable basis may provide such personnel any salary, pay, retirement, or other benefits, allowances (including travel allowances), or incentives as are provided to other personnel of the department, agency, or element.

(c) EFFECTIVE DATE.—This section shall take effect on June 1, 1997.

SEC. 304. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking out "January 6, 1998" and inserting in lieu thereof "January 6, 2001".

SEC. 305. ADMINISTRATIVE LOCATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Section 102(e) of the National Security Act of 1947 (50 U.S.C. 403(e)) is amended by adding at the end the following:

"(4) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.".

SEC. 306. ENCOURAGEMENT OF DISCLOSURE OF CERTAIN INFORMATION TO CONGRESS.

(a) ENCOURAGEMENT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the President shall take appropriate actions to inform the employees of the executive branch, and employees of contractors carrying out activities under classified contracts, that the disclosure of information described in paragraph (2) to the committee of Congress having oversight responsibility for the department, agency, or element to which such information relates, or to the Members of Congress who represent such employees, is not prohibited by law, executive order, or

regulation or otherwise contrary to public policy.

(2) COVERED INFORMATION.—Paragraph (1) applies to information, including classified information, that an employee reasonably believes to evidence—

(A) a violation of any law, rule, or regulation;

(B) a false statement to Congress on an issue of material fact; or

(C) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(b) REPORT.—On the date that is 30 days after the date of enactment of this Act, the President shall submit to Congress a report on the actions taken under subsection (a).

SEC. 307. PROVISION OF INFORMATION ON VIOLENT CRIMES AGAINST UNITED STATES CITIZENS ABROAD TO VICTIMS AND VICTIMS' FAMILIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national interests of the United States to provide information regarding the murder or kidnapping of United States citizens abroad to the victims, or the families of victims, of such crimes; and

(2) the provision of such information is sufficiently important that the discharge of the responsibility for identifying and disseminating such information should be vested in a cabinet-level officer of the United States Government.

(b) RESPONSIBILITY.—The Secretary of State shall take appropriate actions to ensure that the United States Government takes all appropriate actions to—

(1) identify promptly information (including classified information) in the possession of the departments and agencies of the United States Government regarding the murder or kidnapping of United States citizens abroad; and

(2) subject to subsection (c), make such information available to the victims or, where appropriate, the families of victims of such crimes.

(c) CLASSIFIED INFORMATION.—The Secretary shall work with the Director of Central Intelligence to ensure that classified information relevant to a crime covered by subsection (b) is promptly reviewed and, to the maximum extent practicable without jeopardizing sensitive sources and methods or other vital national security interests, made available under that subsection.

SEC. 308. STANDARDS FOR SPELLING OF FOREIGN NAMES AND PLACES AND FOR USE OF GEOGRAPHIC COORDINATES.

(a) SURVEY OF CURRENT STANDARDS.—

(1) SURVEY.—The Director of Central Intelligence shall carry out a survey of current standards for the spelling of foreign names and places, and the use of geographic coordinates for such places, among the elements of the intelligence community.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act the Director shall submit to the congressional intelligence committees a report on the survey carried out under paragraph (1).

(b) GUIDELINES.—

(1) ISSUANCE.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidelines to ensure the use of uniform spelling of foreign names and places and the uniform use of geographic coordinates for such places. The guidelines shall apply to all intelligence reports, intelligence products, and intelligence databases prepared and utilized by the elements of the intelligence community.

(2) BASIS.—The guidelines under paragraph (1) shall, to the maximum extent practicable, be based on current United States Government standards for the transliteration of foreign names, standards for foreign place names developed by the Board on Geographic Names, and a standard set of geographic coordinates.

(3) SUBMITTAL TO CONGRESS.—The Director shall submit a copy of the guidelines to the congressional intelligence committees.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 309. SENSE OF THE SENATE.

It is the sense of the Senate that any tax legislation enacted by the Congress this year should meet a standard of fairness in its distributional impact on upper, middle and lower income taxpayers, and that any such legislation should not disproportionately benefit the highest income taxpayers.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MULTIYEAR LEASING AUTHORITY.

Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended—

(1) in paragraph (e), by striking out "without regard" and all that follows through the end and inserting in lieu thereof a semicolon;

(2) by redesignating paragraph (f) as paragraph (g); and

(3) by inserting after paragraph (e) the following new paragraph (f):

"(f) Notwithstanding section 1341(a)(1) of title 31, United States Code, enter into multiyear leases for lease terms of not to exceed 15 years, except that—

"(1) any such lease shall be subject to the availability of appropriations in an amount necessary to cover—

"(A) rental payments over the entire term of the lease; or

"(B) rental payments over the first 12 months of the term of the lease and the penalty, if any, payable in the event of the termination of the lease at the end of the first 12 months of the term; and

"(2) if the Agency enters into a lease using the authority in subparagraph (1)(B)—

"(A) the lease shall include a clause that provides that the lease shall be terminated if specific appropriations available for the rental payments are not provided in advance of the obligation to make the rental payments;

"(B) notwithstanding section 1552 of title 31, United States Code, amounts obligated for paying costs associated with terminating the lease shall remain available until such costs are paid;

"(C) amounts obligated for payment of costs associated with terminating the lease may be used instead to make rental payments under the lease, but only to the extent that such amounts are not required to pay such costs; and

"(D) amounts available in a fiscal year to make rental payments under the lease shall be available for that purpose for not more than 12 months commencing at any time during the fiscal year; and".

SEC. 402. SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) AUTHORITY.—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

"(B) In the case of Government agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than subpoenas.

"(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Agency.

"(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

"(E) Not later than January 31 and July 31 of each year, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report of the Inspector General's exercise of authority under this paragraph during the preceding six months.".

(b) LIMITATION ON AUTHORITY FOR PROTECTION OF NATIONAL SECURITY.—Subsection (b)(3) of that section is amended by inserting ", or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit, inspection, or investigation or to issue such subpoena," after "or investigation".

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. ACADEMIC DEGREES IN INTELLIGENCE.

(a) IN GENERAL.—Section 2161 of title 10, United States Code, is amended to read as follows:

"§ 2161. Joint Military Intelligence College: master of science in strategic intelligence; bachelor of science in intelligence

"Under regulations prescribed by the Secretary of Defense, the President of the Joint Military Intelligence College may, upon recommendation by the faculty of the college, confer the degree of master of science in strategic intelligence and the degree of bachelor of science in intelligence upon the graduates of the college who have fulfilled the requirements for such degree.".

(b) CONFORMING AMENDMENT.—The item relating to section 2161 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

"2161. Joint Military Intelligence College: master of science in strategic intelligence; bachelor of science in intelligence.".

SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS.

Section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974) is amended by striking out "for fiscal years 1996 and 1997" and inserting in lieu thereof "for fiscal years 1998 and 1999".

SEC. 503. MISUSE OF NATIONAL RECONNAISSANCE OFFICE NAME, INITIALS, OR SEAL.

(a) IN GENERAL.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following:

"§ 426. Unauthorized use of National Reconnaissance Office name, initials, or seal

"(a) PROHIBITED ACTS.—Except with the joint written permission of the Secretary of Defense and the Director of Central Intelligence, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity, in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary or the Director, any of the following:

"(1) The words 'National Reconnaissance Office' or the initials 'NRO'.

"(2) The seal of the National Reconnaissance Office.

"(3) Any colorable imitation of such words, initials, or seal.

"(b) INJUNCTION.—(1) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

"(2) Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that subchapter is amended by adding at the end the following:

"426. Unauthorized use of National Reconnaissance Office name, initials, or seal.".

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

(The remarks of Mr. COCHRAN pertaining to the introduction of S. 939 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. LOTT. Mr. President, I am very pleased to be able to ask unanimous consent that the Senate now turn to the consideration of Calendar No. 88, S. 936, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 936) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, for the information of all Senators, then, the Senate is now considering the defense authorization bill. Several amendments are expected to be offered to the bill; therefore, votes can be expected throughout the remainder of the afternoon and into the night. We will have to get started and see what amendments are available, and then we will expect some votes, but we would like to get as much work done today as we can. And that could take us into the night.

Also, I want to make clear that we do intend for the Senate to resume consideration of the bill on Friday. I do expect rollcall votes on amendments relative to the DOD bill, at least until the noon hour on Friday. But, again, that will depend on exactly what amendments are pending. We recognize Senators do have commitments to go back to their States tomorrow afternoon, and we will try to accommodate that.

But I do think we need to get some work done on this important legislation. A lot of effort has gone into working out a way to be able to bring the DOD authorization bill to the floor. I think we can make some progress, and I encouraged the ranking member and the chairman to see right away if they could get some finite list of amendments that might want to be offered and be considered. Maybe we can get some understanding of when we could get a final vote on this legislation when we come back after the recess.

Next week, we again do intend to bring up the reconciliation spending bill on Monday, as I discussed with the acting minority leader, and we hope to run off time on that bill on Monday. We will talk further about exactly what will happen on Monday. We will do that tomorrow probably just as we wrap up consideration of this bill, complete the spending reconciliation bill Tuesday afternoon or Wednesday, and then go to the tax bill on Thursday, and stay until we finish the tax cut bill.

I do not know exactly how long that will take. We have a very bipartisan effort underway in the Finance Committee. The vote on the spending bill was 20 to 0, and we are working together right now on the tax cut provisions also. I expect it will be a bipartisan process and a bipartisan bill. It is possible it may not take that long, but it is very important legislation and we need to get it done, completed next week—both of those bills.

Assuming we cannot complete the DOD authorization bill tomorrow because of some concerns, and at least one issue that may come up, I know the Democratic leader would want to be here for that, so we may not be able to take that up until after we come back from the recess.

I want to thank the Members for their cooperation in getting this legislation before the Senate now. And I do want to announce that we will expect to complete action on it the week that we come back. Hopefully, it will not take all week, because we have a lot of other bills now that are ready for consideration. It will be the pending business when we come back—if we do not complete it tomorrow—when we come back from the recess.

I hope Senators will come to the floor now and offer their amendments. Some Senators were inquiring, "Why do we need to vote during the middle of the afternoon on Thursday?" I would like to suggest we have votes the rest of the day into tonight, on Friday, and we be prepared next week to work long hours, Monday, Tuesday, Wednesday, Thursday, and Friday, to get our work done. Then we can go to the recess period and feel good about our production.

Would the Senator from Kentucky have any comments?

Mr. FORD. No comments, Mr. President. I appreciate the courtesy that the majority leader has shown me in the absence of the Democratic leader. I am trying to fill in as best I can, and hopefully we can be accommodating. And I am sure the majority leader will be accommodating to us. We both have to work together. I think Monday we can work out something that would be amenable to both sides. Hopefully, tomorrow we might look at the DOD authorization bill with amazement.

Mr. LOTT. Yes.

Mr. FORD. We hope we can do that, I am sure. But there is one amendment that we will have to wait until into July, so we are not going to finish. We could be very close. I hope we could find out how many amendments are out there and maybe get some kind of resolution to how many we might have.

I will be glad to help the majority leader with that.

Mr. LOTT. That would be very helpful, Mr. President.

I thank Senator FORD.

It is a pleasure for me to yield the floor to the chairman of the committee so we can begin the debate.

Mr. THURMOND. Thank you very much.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to take a few minutes before the Senate begins consideration of the fiscal year 1998 Defense authorization bill to explain why the Armed Services Committee filed two separate Defense authorization bills.

Yesterday, as most of you observed, there was objection to a consent request to take up S. 924, the bill the committee reported to the floor for consideration. This objection was based

on a number of provisions involving public depots—specifically—Air Force Logistics Centers. Senator INHOFE, the chairman of the Readiness Subcommittee included these provisions in his subcommittee markup. They were approved by the subcommittee and the full committee in the markup and therefore were included in the bill which the committee voted unanimously to report to the floor.

Senators from other States who did not agree to these provisions would not consent to S. 924 being considered by the Senate. I believe all Senators acted in the interests of their states and their perception of what was in the best interests of the Government. This issue affects a great many jobs in all of these States and is an important economic issue within each State.

I want to commend Senator INHOFE for stepping forward and offering to strip these provisions out of the bill. The committee met yesterday and, at his request, reported out a bill that does not include the provisions that provided the basis for objection. Therefore, the Senate can proceed to consideration of the Defense authorization bill, now S. 936. The committee did not publish a report to accompany S. 936 and deems Senate Report 105–29, minus sections 311, 312, and 313, as the report to accompany S. 936.

I understand the importance of this issue to each of you. I want to especially thank and commend Senator INHOFE for his courageous and unselfish act in moving to remove the basis for objection so that this bill, which is so critical to our Armed Forces and our national security, can be considered by the Senate.

I want to emphasize that all Senators reserve their rights to offer amendments on this issue on the floor while the bill is being considered. I understand that while the bill is on the floor, Senators and staff will continue to search for a solution to this very difficult issue.

I want to thank all Senators for their consideration. We hear a lot of talk on this floor about the loss of comity in the Senate. I believe this is an indication of how Senators can act cooperatively on difficult issues. In this case, it took a courageous Senator, Senator INHOFE, to make the difference and I thank him again on behalf of the committee.

Mr. INHOFE. Mr. President, first of all, let me thank the very distinguished chairman of our committee, Senator THURMOND, for the hours and hours that he put in and the way he ran the meetings. He was very fair and open. I appreciate personally very much his remarks that he just made. Thank you, Senator THURMOND.

As chairman of the readiness subcommittee I want to thank Senator ROBB who is the ranking minority member. We took care of a lot of the problems out there. I must say, Mr. President, that I think that our readiness is desperately underfunded. We did the very best we could in this bill with the resources we had but we are not going to be able to continue on the course we are on right now. We have problems.

As I go around the Nation, and around the world, actually, and visit bases, I have been in bases in the State of Alabama, and throughout the Nation, as well as some of the foreign bases, and I can tell you we are in an OPTEMPO rate which is unacceptable. Our divorce rates are going up, our retention rates are going down, and we need to do a better job of funding not just readiness but modernization and quality of life. I am very concerned about quality of life. As I go around I find that some of these kids are working about double the normal tempo that we have found to be acceptable. While they can sustain it for a while, and while the troops can sustain it, the spouses cannot. There will come a point in time where they will have to have more time with their families and have a more civil type of existence. We cannot do that with the way this administration has not allocated the proper amount of money to keep our system going to meet the minimum expectations of the American people. That is, to be able to defend America on two regional fronts.

Having said that, I say again that we did the very best that can be done, and in our readiness subcommittee we were able to reinstate money for flying hours. We are losing pilots on a daily basis to the airlines. So we will have to do a lot more than we have done, but we have done the very best that we can.

Let me make one comment about the depot issue. I know it is a difficult issue. A few years ago when one of the House Members, Congressman ARMEY, I believe, originally came up with the whole idea of the Base Realignment and Closing Commission concept, which means we know we cannot reduce excess infrastructure by doing it through the normal political process because everybody is concerned about jobs in their States. So they appointed an independent commission to be totally free from political influence to make recommendations and they went through, with round one in 1991, in 1993 another round, in 1995 a third round, and in doing this there is hardly a Senator in this Chamber that did not have major installations that have closed in their States. Certainly the State of Alabama lost a major one, and there were two major installations in the very State from which our chairman comes from, South Carolina, and virtually all the other States. So, we all bit the bullet.

However, it appears there is an effort now to disregard that and leave air logistic centers in California as well as in Texas open. While it is a difficult thing to go through we have to accept the fact, sooner or later, that you cannot have in the case of any specialty area, and specifically in this case, air logistic centers where you have five operating at 50 percent capacity. You cannot continue to do that. So they recommended closing two of them that they determined to be the least efficient of the five and transferring that workload to the remainder which would be around 75 to 80 percent capacity.

That makes a lot of sense. According to the GAO, that would save $468 million a year, and over 5 years, Mr. President, that is $2.34 billion. When I think about that and think about where those dollars are desperately needed in quality of life, in readiness, in force strength, in modernization, it breaks my heart to think we are maybe willing to just throw it away.

So I did make the gesture that the chairman referred to and no one asked me to do it. I felt it was the right thing to do because we have to have an authorization bill. Under the rules of the Senate, it is very possible for one Senator to keep a bill from coming up. I did not want that to happen to Senator THURMOND's bill. I did not want that to happen to our defense establishment. So I pulled the objectionable portions of how we treat depot maintenance out of the bill, but at the same time I announced I have every intention of reestablishing language that will accomplish what we want to get accomplished, and that is to be able to save that money that the GAO states is at risk.

So I do not know whether it will be an amendment on the floor by which I will try to do this or in conference but I think everyone understands clearly there will be an effort to reinstate language that we have had to take out.

With that, I will say this is a good bill and I want to move forward with it. I want to get a chance to really consider these amendments, and I know there will be a lot of amendments.

As the new chairman of the Readiness Subcommittee of the Armed Services Committee, I have a devoted a significant amount of time during the past few months traveling to military bases to discuss issues that impact the readiness of the Armed Forces and their ability to carry out assigned missions: European theater, including installations in England, Italy, Bosnia, Hungary; Camp Lejuene, NC; Fort Hood, TX; Corpus Christi Naval Base, TX; Dyess Air Force Base; and Fort Drum.

We have also received testimony from the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the service chiefs, the unified commander-in-chief, and several other high ranking military and civilian officials from the Department of Defense.

While the administration claims to have provided strong support for training, maintenance, supplies and other essentials needed to keep U.S. Forces ready to fight and win decisively, its budget request reduced real funding for these areas by $1.4 billion.

Nothing I've heard during my base visits has made me feel like we are as ready as the administration asserts.

At each unit, maintenance personnel have resorted to cannibalizing good equipment to keep other equipment operating. These additional maintenance actions result in 12-hour average work days for our young troops—only because of a lack of good spares.

If readiness truly remains the administration's highest priority, then I have to wonder about the shape of the other accounts—modernization, quality of life, research and development—are they even more seriously underfunded?

Military units and the personnel within them, are being overused and underfunded to the point that I am afraid we are returning to the days of the hollow force. And the military personnel with whom I've spoken agree.

It is also apparent to me that our Forces are being stretched to the limit to support humanitarian and contingency operations such as the deployment of IFOR/SFOR in Bosnia.

Our high OPTEMPO is particularly troubling, since it results in more than just time away from home for the troops—it results in more equipment wear and tear; higher than planned consumption of spares; and canceled training.

At every base visited, I heard concerns about the quality of equipment.

Our lack of spares has caused us to cannibalize perfectly good engines to keep others operating, requiring my maintenance troops to work even more hours to keep our planes flying. Our normal work week is now 50—56 hours/week.—Lakenheath, AF Maintenance Officer.

Letter to Senator THURMOND from a non-commissioned officer:

We have old, worn out equipment that is difficult to maintain because we cannot always get the parts needed to repair them. It is the same way wherever we go; outdated, broken equipment, a lack of spare parts, overworked and underpaid GIs, resulting in an inability to perform our mission.

I do not question the fact that our military forces are the finest in the world. They are clearly performing their assigned missions superbly and they are capable of defeating any potential enemy of today.

But what about tomorrow? If this trend continues, I am concerned about how long we can maintain the present pace of operations. I am not alone in my concerns—they were echoed by many of the military personnel I had the pleasure of meeting. One officer summed it up nicely when he said "the storm clouds are on the horizon."

The Pentagon continues to omit these concerns from official reports we receive from the Committee—to the contrary, their reports reports indicate readiness levels are at an all time high. I find the remarkable discrepancy between what I see in the field and the official statements coming from the administration and the Pentagon very troubling. And I am concerned that unless we take the necessary steps to correct these problems now, our military capability will erode as we enter the 21st century.

The most troubling challenge is the need for additional modernization funding, for lack of new procurement has dramatic affects across all the other accounts: As our military equipment ages, it requires increased maintenance and thus more operations and maintenance [O&M] funding; since additional funding is not available to increase the O&M accounts, dollars are often robbed from training accounts; unfortunately, as the equipment ages, the problem will only get worse, and we will find ourselves in a death spiral.

The funding crisis is further aggravated by the continual deployment of forces to contingency operations such as Southern Watch and Provide Comfort. I have spoken many times, about the huge cost of these operations—between $6.5 and $8 billion for Bosnia alone—and the fact these expenditures will come at the expense of our defense budget.

While dollars are the most obvious issue in defense, I suggest that what we often overlook is the huge burden we are placing on our people and our equipment. We are wearing out our equipment and pushing our people so hard they no longer have time to train.

I heard comment after comment during my visits:

The high OPTEMPO at which our personnel are operating is definitely causing a strain on our people's families. Ultimately, this strain also affects my pilots' job performance.—Marine F—18 Squadron Commander.

"The number of days we fly to support Bosnia doesn't leave us with enough time to train. The only areas where we get training from our Bosnia missions is in reconnaissance and close air support. The rest of our training areas are suffering."—Air Force F-16 Squadron Commander.

"Our average crew goes TDY 150—160 days per year—the Air Force goal is 120 days. These excessive taskings are straining my peoples' families as well as impacting the ability of my crews to receive adequate training."—Air Force C—130 Squadron Commander.

Clearly, there are situations when the deployment of the U.S. military is necessary to protect America's vital interests. Unfortunately, it appears the Clinton administration will continue to keep a very low threshold for determining the need to commit our forces.

My friends, the United States cannot force its military to expend more resources than we are willing to provide and still expect it to remain a viable force for the future when it may be called upon to defend American interests. I am concerned, the committee is concerned, our military personnel are concerned, and the American people should be concerned. If we are to avoid losing our military edge, we must act decisively and begin providing the resources necessary to support the missions we continue to ask of our Armed Forces.

Mr. COVERDELL. Will the Senator yield?

Mr. INHOFE. I am happy to yield to the Senator.

Mr. COVERDELL. Senator, as I understand, you have been trying to facilitate this very important piece of legislation in conjunction with the distinguished chairman from South Carolina. I have been a vigorous supporter of your efforts to fulfill the BRAC recommendations to the Congress, the President, and the Nation, which called for there to be three logistic Air Force bases. Your efforts are to fulfill that recommendation, to make that aspect of the Base Realignment and Closure Commission fulfilled. It has been abrogated by the administration.

Mr. INHOFE. That is correct.

Mr. COVERDELL. And it is your intention, as I understand our conversations, to continue to pursue an appropriate conclusion to this avoidance of BRAC by the administration during the deliberations, the ongoing deliberations of the debate on the Department of Defense authorization?

Mr. INHOFE. That is my intent.

Mr. COVERDELL. The Senator from Oklahoma can be assured that he will have my undevoted attention to accomplishing this because not only have we lost half a billion dollars because the Base Realignment and Closure Commission was voided by the administration, we have lost the integrity of the discipline itself. It should never occur again in that form.

I suspect there will be a debate on that on this bill. The Base Realignment and Closure Commission has been sullied because it was a strict discipline that the people, the citizens of the country had to live by, the Congress had to live by, could not amend, gave up its prerogatives to amend, could only vote up or down, and then we found the administration could void it for whatever reason. That means that system no longer is of sound integrity, so if it is ever visited again it will have to be in a form that includes the President—not just the people and the Congress.

I assume the Senator from Oklahoma will agree with that.

Mr. INHOFE. I do agree with that. I want to give my assurance to the Senator from Georgia I have been living with this problem for a long period of time. We need an ultimate solution. In the interim, we need to make sure the recommendations of the BRAC Commission—that we protect the integrity

of that system and they be acted upon—that we go ahead and fulfill the expectations. Again, it is not just the money involved here.

I think about all of the Senators who had closures, and if we start making exceptions now I think it is very unfair to every Member of this Senate body who has had a closure to now say for political reasons we can take exceptions.

I know it is controversial when you say this, but if you just read the statements that the President made in August of 1996 right before the election, saying we will make sure those jobs do not leave, so what does that mean? It means regardless of what they do, whether it is competition or anything else, if the jobs stay in those areas we will still have five air logistic centers, so you have the same problem operating at 50 percent capacity.

Mr. COVERDELL. One last comment. It is my understanding that the total number of jobs in the two bases that BRAC asked be closed were 33,000 at the time of the recommendation and today, almost 2 years later, it is 31,000.

Mr. INHOFE. That is correct. In responding to the Senator from Georgia, we had a committee meeting on this with the GAO and we looked at how much that has cost so far. That has been 2 years ago. And still, almost the same number are there.

Now, there are other problems that come in, as the junior Senator from Utah brought up yesterday, that we are having a flight of expertise out of these areas, getting into other occupations, and if we do not do something quickly we are not going to be able to ever solve this problem.

I think for that reason we need to address this, address it in this bill. But again, to protect the bill so that we would have an authorization bill, I, personally, was willing, as you were willing, to take that out so we could come to the floor and take it up and work in a different work form—it may be the same form or a different form—but take it up as a floor amendment or in conference.

Mr. COVERDELL. I thank the Senator from Oklahoma, and I yield the floor.

Mr. THURMOND. Mr. President, national security remains the federal government's most important obligation to its citizens. The Committee on Armed Services recognizes its critical role within the Senate in carrying out the powers relating to national security which are granted to Congress in the Constitution. These include the power to: declare war; raise and support Armies; provide and maintain a Navy; make rules for the government and regulation of the Land and Naval Forces; provide for organizing, arming and disciplining the militia; give its advice and consent to treaties and to the nominations of officers of the United States.

The members of the committee further understand the importance of the committee's jurisdiction within the Senate over matters relating to the common defense, the Department of Defense, the Military Departments, and the national security programs of the Department of Energy.

The Armed Services Committee completed its markup last Thursday afternoon after 4 days of careful deliberation, voting unanimously to approve of the fiscal year 1998 defense authorization bill. I believe we have a good bill with a better balance between personnel quality of life programs, readiness, and modernization.

The budget agreement reached this year represents a historic endeavor by the Congress and the President to reach a balanced budget by fiscal year 2002. While the budget agreement protects our military forces from unrealistic and unwise cuts, the committee remains concerned that the funding levels for defense may not provide sufficient funds to adequately sustain over time the personnel, quality of life, readiness, and modernization programs critical to our military services. The committee intends that the achievement of a balanced budget will not adversely affect the readiness and capabilities of our military forces and will endeavor, within the funds agreed upon for defense in the budget agreement, to ensure their essential readiness and capabilities. Changes in the world situation or threat, and adverse impacts from funding shortfalls on general readiness or on vital operational capabilities, are among the trends that might indicate a requirement for additional funds for defense. In such cases, the committee believes that national security requirements must take precedence over lesser priorities within the budget.

In this bill, the committee worked to achieve a more appropriate balance between near-term and long-term readiness through investments in modernization, infrastructure, and research; maintenance of sufficient endstrengths at all grade levels and policies supporting the recruitment and retention of high quality personnel; fielding of the types and quantities of weapons systems and equipment needed to fight and win decisively with minimal risk to our troops; and ensuring an adequate, safe and reliable nuclear weapons capability.

The committee worked to protect the quality of life of our military personnel and their families. Quality of life initiatives include provisions designed to provide equitable pay and benefits to military personnel, including a 2.8 percent pay raise to protect against inflation, and the restoration of appropriate levels of funding for the construction and maintenance of troop billets and military family housing.

The committee remains concerned about military readiness. To ensure that U.S. Armed Forces remain the preeminent military power in the world, readiness requirements must be adequately funded.

The committee is also concerned about the continuing migration of modernization funds to operations and maintenance accounts. We have consistently recommended a more robust, progressive modernization effort which will not only provide capabilities requisite for future military operations, but will lower future operational and maintenance costs as well.

The committee has increased investment in the broad spectrum of research and development activities to ensure that U.S. military forces remain superior in technology to any potential adversary. We believe that effective development of advanced technologies will be a key factor in determining the victors on future battlefields. A program of stable, long-term investment in science and technology will remain vital to United States dominance of combat on land, at sea, in the air, and in space.

The committee also directed a more detailed programming and budgeting process for the reserve components. The utilization and effectiveness of reserve component forces are dependent on proper funding to enhance their readiness and capabilities.

Finally, the committee sought to accelerate the development and deployment of theater missile defense systems and to provide adequate funding for a national missile defense system to preserve the option to deploy such a system in fiscal year 2003. This bill also supports expeditious deployment of land and sea-based theater missile defense systems to protect United States and allied forces against the growing threat of cruise and ballistic missiles.

The committee intends that, within the balanced budget agreement, we will provide adequately for our men and women in uniform to defend our Nation. The committee will continue to examine the adequacy of the funds we allocate to our national security. At the same time, we must search for ways to improve the efficiency and effectiveness of our defense establishment—especially in the support structure—so that we can achieve savings to devote to the cutting edge of our military combat forces.

The national defense authorization bill for fiscal year 1998 reflects a bipartisan approach to our national security interests, and provides a clear basis and direction for U.S. national security policies and programs into the 21st century.

Let me make it clear to my colleagues—we do not have much time to complete action on this bill. If you have amendments, please come to the floor and introduce your amendment now. Remember that if you are adding

anything to this bill that requires additional funding, you must provide a legitimate offset.

Mr. President, I want to close by thanking all the Senators on the committee and commend them for their hard work on this bill. All 18 Senators on the committee voted for the bill.

I also want to thank the staff on both sides and commend them for their hard work on the bill. I also ask unanimous consent that a list of members of the Armed Services Committee staff be included at this point in the RECORD in recognition of their dedication and hard work.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SENATE ARMED SERVICES COMMITTEE STAFF

Les Brownlee, David S. Lyles, Charlie Abell, Tricia L. Banks, John R. Barnes, June Borawski, Lucia Monica Chavez, Christine Kelley Cimko, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn R. Creedon, Richard D. DeBobes, Marie Fabrizio Dickinson, Shawn H. Edwards, Jonathan L. Etherton, Pamela L. Farrell, Richard W. Fieldhouse, Cristina W. Fiori, Jan Gordon, Creighton Greene, Patrick "PT" Henry, Larry J. Hoag, Andrew W. Johnson, Melinda M. Koutsoumpas, Lawrence J. Lanzillotta, George W. Lauffer, Peter K. Levine, Paul M. Longsworth, Stephen L. Madey, Jr., Michael J. McCord, J. Reaves McLeod, John H. Miller, Ann M. Mittermeyer, Bert K. Mizusawa, Jennifer L. O'Keefe, Cindy Pearson, Sharen E. Reaves, Sarah J. Ritch, Moultrie D. Roberts, Steven C. Saulnier, Cord A. Sterling, Scott W. Stucky, Eric H. Thoemmes, Roslyne D. Turner, Amy M. Vanderwerff and Jennifer L. Wallace.

Mr. THURMOND. Mr. President, I believe we have a good bill and I urge all my colleagues to support it.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that the privileges of the floor be granted to the following members of the Armed Services Committee staff during the pendency of S. 924, the national defense authorization bill for fiscal year 1998, for today, each day the measure is pending and for rollcall votes thereon:

Les Brownlee, Charlie Abell, Tricia L. Banks, John R. Barnes, Lucia Monica Chavez, Christine Kelley Cimko, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn R. Creedon, Richard D. DeBobes, Marie F. Dickinson, Shawn H. Edwards, Jonathan L. Etherton, Pamela L. Farrell, and Richard W. Fieldhouse.

Cristina W. Fiori, Jan Gordon, Creighton Greene, Gary M. Hall, Patrick "PT" Henry, Larry J. Hoag, Andrew W. Johnson, Melinda M. Koutsoumpas, Lawrence J. Lanzillotta, George W. Lauffer, Peter K. Levine, Paul M. Longsworth, David L. Lyles, Stephen L. Madey, Jr., and Michael J. McCord.

J. Reaves McLeod, John H. Miller, Ann M. Mittermeyer, Bert K. Mizusawa, Jennifer L. O'Keefe, Cindy Pearson, Sharen E. Reaves, Sarah J. Ritch, Moultrie D. Roberts, Steven C. Saulnier, Cord A. Sterling, Scott W. Stucky, Eric H. Thoemmes, Roslyne D. Turner, Amy M. Vanderwerff, and Jennifer L. Wallace.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I join the chairman of the Armed Services Committee in bringing S. 936, the national defense authorization bill, to the floor, and I want to congratulate the Senator from South Carolina for the extraordinary effort he has put in on this bill. He has really guided this bill through thick and thin, so that we are in a position where we can bring this bill to the floor. It is his commitment and his energy that he devotes to national defense that has made this possible. I congratulate him on that.

I want to reiterate the comments of the chairman of the committee that we are here debating S. 936, which is the bill that was reported yesterday. Now, this bill is almost identical to S. 924, which was the version of the defense authorization bill that was reported earlier this week. The exception is that the bill before us does not contain certain provisions relative to depot maintenance that were in the earlier bill. That has been the subject of a number of colloquies here this afternoon.

This bill meets the guidelines of the budget agreement and the fiscal year 1998 budget resolution. The members of the committee didn't agree on every provision; we never do, of course. There are several critical areas where I believe this bill needs to be improved. I will be working to make these improvements during the debate and during the conference. But despite the few disagreements that existed, there was—again, as this committee traditionally does—a very strong sense of bipartisanship and a spirit of cooperation that permeated the discussions and the markups. I want to join my friend, the chairman of the committee, in thanking all of the members of the committee and the staff for the hard work put up to get this bill to this point.

The chairman has summarized major provisions of the bill, and I want to take a few moments to give my perspective on some of the key provisions.

First, relative to the implementation of the quadrennial defense review recommendations, for the most part, this bill is consistent with the administration's defense policies and programs. The budget agreement this year demonstrated that there is a growing consensus between the President and the Congress over the level of defense spending for the next 5 years. It is not going to be possible, at these funding levels, to maintain today's force levels at their current readiness posture, provide the pay and the quality of life for our military members and their families that they deserve and that we are obligated to provide, and still to modernize our forces to meet possible future threats. We are not going to be able to do all that at the agreed-upon funding levels.

In my view, our forces must continue to have the technological edge over any potential adversary. In order to modernize our forces, we are going to have to accept, in my judgment, a somewhat smaller force in the future. But there are encouraging indications that technology is going to allow a smaller force to have the same or even greater lethality and combat effectiveness as our forces have today.

The recently completed quadrennial defense review begins to make some of the tradeoffs that we are going to need to make to be able to modernize our forces. In several important respects, this bill begins to implement the requested recommendations. For example, the bill reduces active duty personnel strength for the military services by 36,000 below the current levels and reduces Reserve component strength 16,000 below current levels.

The bill supports a major Army initiative, which was recommended at the quadrennial defense review, by increasing funding by approximately $150 million for the Army's Force 21 initiative. Last April, I visited the Army's advanced war-fighting experiment at the National Training Center. I saw, firsthand, the tremendous potential of the advanced situational technologies the Army is developing in their Force 21 initiative. The QDR recommended speeding up the fielding of these technologies, and the committee bill supports this important effort.

I may say that a number of our colleagues visited the center as well. I know the Senator from Indiana, for instance, also visited the National Training Center, and he is the chairman of our subcommittee. He was also very deeply impressed by the potential of these technologies, and he is primarily instrumental, I would say, for the increased resources that we are devoting to this initiative. I have been happy to support that effort. I believe very strongly in them. But I want to give credit to Senator COATS for the energies he has shown in this regard.

In order to be able to afford the modernization program for the military services outlined in the quadrennial defense review, it is important that the Congress and the Defense Department carefully limit weapons acquisition programs to only the levels necessary to meet the future requirements of the military services. In this regard, I am pleased that our committee included a

provision prohibiting future production of B–2 bombers beyond the 21 currently planned for the Air Force. We don't need and we can't afford more B–2's.

Finally, Mr. President, in this area, we have heard from a number of Senators this year expressing concern over the levels of procurement funding for the National Guard and Reserve components.

The committee bill authorizes a total of $653 million above the budget request to buy equipment for National Guard and Reserve units. But now I want to turn to several areas of concern that I have with this bill.

First, on base closures: I am disappointed that the committee could not agree on a process for future base closures in the Department of Defense. Although there was strong support in the committee for more base closures, the amendment to authorize two additional base closure rounds—one in 1999 and one in 2001—failed on a 9 to 9 tie vote. I believe that the case for closing more military bases is clear and compelling.

From 1989 to 1997 the Department of Defense reduced total active duty military end strength by 32 percent. That figure is going to grow to 36 percent by the year 2003, as a result of the quadrennial defense review. So we have cut the size of our forces by 36 percent as of the year 2003, and already by 32 percent.

But even after the four base closure rounds, the domestic military base structure in the United States has been reduced by only 21 percent. And therein lies the problem. We have more structure than we need in our bases. So both the QDR, quadrennial defense review of the Department of Defense, and the national defense panel of outside citizens that we have selected to review the QDR division—both the QDR and that outside defense panel—have concluded that further reductions in the DOD base structure are essential to free up money that we need to modernize our forces.

Because we have to make some very difficult choices here, one of the critical choices is whether or not we are going to continue to keep excess structure when we are shorting modernization funding. And on June 5 the Armed Services Committee received a letter signed by all six members of the Joint Chiefs of Staff. The chairman, the vice chairman, the four service chiefs all signed one letter. It is rather unusual. But they did it in this case because of the strength of their views. And they urged us in this letter to "strongly support further reductions in base structure proposed by the Secretary of Defense."

Mr. President, every dollar that we spend to keep open bases that we don't need is $1 that we can't spend on modernization programs that our military forces do need. And I know that closing bases is a painful process. I have been through it. We lost all three of our Strategic Air Command bases in Michigan. One of them that was closed recently was in the upper peninsula of Michigan which was the largest single employer in the upper peninsula in a rural area, and it was closed. We argued against it. We lost. So the largest employer in the upper peninsula of Michigan shut down. We are surviving. A lot of good people are putting their shoulder to the wheel and we are going to be able to pull through. Is there some short-term pain and stress? You bet. Is it essential that we go through this process to reduce excess structure? It is.

Are there additional facilities in Michigan that might be addressed in future rounds of base closings? There are. And that has to make all of us worry. But we have really no choice. If we are serious about modernizing, about the need to modernize and to keep ahead of any potential adversary, and to make sure that our forces in the future have the best equipment that can possibly be developed and manufactured, we have to do what the Joint Chiefs have urged us to do in this 24-star letter; and that is to support further reductions in base closures which has closings which have been recommended by the Secretary of Defense. I don't see any other choice. The easy way is to not do it. But it is not the right thing to do, if we are going to maintain our qualitative technological edge. We just simply must continue to find a way to reduce our infrastructure costs. And, if that means that the next round of base closing we have to adjust it so that we don't run into the kind of argument that we have run into in the past round of base closings, if we have to put in the next round of base closing a provision that you can't privatize in place, for instance, without a specific recommendation to do that by BRAC, if that is what it is going to take, then so be it. But we have to continue down this road, if we are going to be true to the needs of our military.

Secretary Cohen pointed out in his testimony on the quadrennial defense review that the choice is clear. We can maintain the current base structure and fail to meet our modernization goals, or we can reduce our base structure and achieve the savings that we need to pay for the modernization that we all agree is necessary.

On the Air Force depot issue, there is no more contentious issue than this one. And I commend the Senators who permitted this process of bringing this bill to the floor to continue by removing the contentious provisions at this time. I commend them for it. In my view, the only way to resolve this issue is to have a fair competition, and determine the most cost-effective solution to redistribute the workload of these two depots, regardless of whether the result is privatization in place, privatization in some other location, or transfer to another Government depot.

There are many that believe and I know that the White House politicized this one aspect of the base closure process when the DOD privatized in place the work of the two closing Air Force depots. But I think it would be just as bad for Congress to politicize the base closure process by attempting to legislate a particular outcome. I don't think we can legislate a particular outcome.

I don't think we should. I think we should legislate a process which will guarantee that there be a full and fair competition. I tried that approach in committee. I didn't quite make it. But I think that is the best way to proceed.

We have base-decision amendments on this bill, and, even if we do not, we are going to face this issue in conference because the House bill contains provisions that do address the issue. Ultimately we will have to reach a compromise I believe that is fair and equitable to all.

On another subject, cooperative threat reduction programs: One of the most cost-effective and successful defense programs to reduce threats to our country and to enhance our national security is the cooperative threat reduction program that was started in 1991 by Senators Nunn and LUGAR. The cooperative threat reduction program at the Department of Defense and its companion program at the Department of Energy have produced important results in reducing the threat of proliferation of weapons of mass destruction, including nuclear, chemical, and biological weapons and their materials.

In my view, the committee decision to reduce the budget request for these programs by $135 million was shortsighted. I would have preferred to see an increase in funding for these programs because they are a very cost-effective approach to the most serious national security threat that we face today. That is the threat from the proliferation of weapons of mass destruction. Of all the security threats that we face, that is probably the most serious one—weapons of mass destruction in the hands of terrorists, or terrorist states.

This is a very modest investment in terms of defense budget, and it can significantly reduce the threat of proliferation by securing materials wherever they are—in this case Russia and some of the other former Soviet Union states. That is a real investment in our own security with a huge payoff.

It doesn't take much of this plutonium or enriched uranium to leak—to be transferred across the borders of these states to threaten us with massive destruction. About a hockey puck of plutonium can take care of one of our cities. That can be carried in one's pocket. That material literally can be

carried in a pocket across a border. We need to secure that material; whatever it takes to secure it within reason.

These are reasonable amounts of money. We are talking about a major investment in American security.

So I think the decision to reduce the budget request for these programs, including security of nuclear material, was a mistake. And I know there is going to be a bipartisan effort to restore these funds for this important program. I hope that we will do so here on the floor.

Mr. President, on another part of the bill, the committee authorized $345 million to begin incremental funding of the construction of the next *Nimitz* class nuclear aircraft carrier called CVN–77. It did so based on claims of cost savings by the shipbuilder. Those claims, it seems to me, can be made reasonably. Those are claims that have some foundation.

Indeed, there was a report that we received. The Rand Corp. folks did a study on this issue that said that the savings which were advertised here claimed by the shipbuilder can be achieved. It is possible. But what we failed to do in committee is to assure that the advertised and claimed savings would be achieved. We didn't adopt the safeguards to ensure that the taxpayers actually received the savings advertised by the shipbuilder on which this very unusual action is based.

We do not incrementally fund aircraft carriers. We do not say, "OK, we will put a couple hundred million dollars in this year, and a couple hundred million dollars in next year", and so forth, because it makes it very difficult for us when it comes to negotiating the contract to purchase the aircraft carrier to have any bargaining leverage. We have already incrementally funded, bought pieces of it, obligated funds for it, and we have lost our bargaining leverage when it comes to the price. So what we have done traditionally is authorized the whole thing at once in order to make sure that we get the best deal when it comes time to negotiate the price.

The Defense Department's current future years' defense program includes a total of $5.2 billion for the construction of the next aircraft carrier with what is called "advanced procurement" in the year 2000, and the balance of $4.5 billion in the year 2002. But earlier this year the shipbuilder came forward with a proposal, as I said, to incrementally fund this carrier beginning in this year's budget—the one that is in front of us—and continuing each year through 2002. According to the shipbuilder, this alternative funding proposal would save us $600 million in the cost of building the CVN–77. And this claim has been repeated many times in the last 2 months in some very highly visible advertising in the media.

As I said, the normal method of funding major defense procurement funding programs is to provide full funding in one lump sum in the year in which the program is started.

There have been certain exceptions and limited long-lead items which are funded through advanced procurement. And the reason for it is the one that I have given, which has to do with avoiding buy-ins—the situation in which it becomes more difficult to control total program costs in future and future cost growth.

But the Rand Corp. did that study I referred to, and it substantiated that savings were really possible here if we incrementally fund it as proposed by the shipbuilders, and the Navy's own analysis subsequently confirmed that this savings could be achieved.

So I am willing to support incremental funding as one Senator, but I am willing to do it only if this incremental funding approach assures us that the Government is going to receive the savings from this approach that had been promised by the contractor. And it is doable. We can do this. And I will be offering an amendment—and I hope there will be bipartisan support for this amendment—that will attempt to assure that this $600 million in advertised savings is, in fact, achieved in the purchase of this aircraft carrier. And we began, I think, to do this in a way which allows us to get the savings but also to assure the savings.

Mr. President, just one or two other items. Section 1039 of this bill prohibits the General Accounting Office from undertaking any self-initiated audits unless it can certify that it has completed all congressional requests. Since the General Accounting Office has hundreds of pending requests at any given time, this provision in effect is a total prohibition on any self-initiated work by the GAO.

I hope that this provision will be deleted or modified because it could hamstring the GAO in its very important efforts to identify waste, fraud and abuse in Government programs. Already 80 percent of the GAO work is in response to the requests of committees and Members of the Congress. But some of the work that they do fulfills work that has been carried out by them in the waste, fraud and abuse area which they have self-initiated and which has been very, very important to the Congress in identifying waste, fraud and abuse—not just in the defense area, in any area. And this provision applies not just to defense. The provision in this defense bill applies Governmentwide.

That is why the chairman of the Governmental Affairs Committee, Senator THOMPSON, and the ranking member of the Governmental Affairs Committee, Senator GLENN, both wrote a letter requesting sequential referral of this bill to Governmental Affairs so that they could have a look at this provision which is Governmentwide and would restrict the GAO. Sequential referral was not approved because, under the rules, the parliamentary rules, apparently in order for there to be sequential referral, a bill must have many more provisions in it relating to that second committee than this one provision. It has to predominantly belong within the jurisdiction of a second committee, and this bill obviously does not. This is one of a few provisions which touches the Governmental Affairs jurisdiction. But I do hope that we will be able to find a way to either delete or to modify this provision as it will hamstring the efforts of the GAO in doing some very important work.

Finally, Mr. President, section 363 of this bill gives the Secretary of Defense the unprecedented authority unilaterally to stop for 30 days certain administrative actions of other Federal agencies. The Secretary would have this authority without regard to the valid health or safety concerns that may have motivated other agencies in taking their action. This automatic stay could cover rules and orders intended to protect the environment and safeguard work safety or preserve private property and many other conceivable administrative actions and orders. This action exceeds the jurisdiction of the Armed Services Committee. It creates the appearance of placing the Department of Defense above the law. For these reasons, I do not believe that it should have been included in the bill, and I hope we can find a way to correct it.

Mr. President, I know there will be some vigorous debate on this bill, and I hope Senators will come to the floor and offer their amendments so that we can complete Senate action on the bill in a timely manner and in a fashion that the majority leader has announced, and then go to conference with the House.

And, again, I want to commend my friend from South Carolina for his leadership on the committee and in making it possible for this bill to come to the floor. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to take this opportunity to commend Senator LEVIN, the ranking member of this committee, for his fine cooperation, advice and assistance during the preparation of this bill. This cooperation on his part greatly enhanced the successful completion of the 1998 defense authorization legislation. We worked in a bipartisan manner for the benefit of our great Nation, and by doing this I think we have brought to the floor an excellent bill on behalf of our Nation.

Mr. MCCAIN. Mr. President, as we begin consideration of the Senate's version of the National Defense Authorization Act for Fiscal Year 1998, I

cannot help reflecting on the increasingly illogical nature of the process through which we have arrived at this point. By that I refer to the task of marking up yet another defense bill while budgets continue to decline in real terms, force structure continues to contract, and operational requirements continue to climb, while Members of Congress continue to waste considerable sums on projects of questionable merit.

Let me say first that there is much in this bill that warrants our support, including an active duty pay raise, improvements in the way housing allowances for military personnel are calculated and applied, funding for tactical aviation modernization and missile defense programs, increased emphasis on defense against chemical and biological weapons, and much more.

The bill includes, for example, a provision authorizing the Department of Defense to waive CHAMPUS deductibles and annual fees for service members and their families who are stationed in remote duty locations within the continental United States. These families, most of whom are junior enlisted personnel, are geographically separated from military treatment facilities and TRICARE Prime sites and now rely to a great degree on standard CHAMPUS for health care services. The legislation also approves several survivor benefit plans that will alleviate much of the emotional anguish experienced by surviving spouses of military retirees.

The committee also adopted an amendment that enhances aviation special pays. Compelling testimony from the service chiefs of the Navy, Air Force, and Marine Corps revealed that our Armed Forces are facing critical shortages of skilled aviators. It is clear that this provision will be crucial in retaining sufficient aviators to operate today's technically advanced aircraft. Any failure to address this issue would certainly have an enormous impact on future readiness.

I was particularly pleased that the Armed Services Committee continued to focus on improving the system by which the services determine unit readiness levels. The Department of Defense is directed to continue its study of the merits of maintaining units at differing levels of readiness, depending upon actual deployability and the likelihood of each unit actually responding to a crisis. With budgets being as tight as they are while fiscally daunting modernization decisions are fast approaching, it is worth examining whether savings in the operations and maintenance accounts—the largest portion of the defense budget and the most difficult to track—can be identified and reallocated to high priority research and development and procurement programs.

I recognize that there is already a considerable amount of tiering that occurs in the Navy simply by virtue of the deployment, training, and maintenance schedules it must follow in order to meet requirements. The Army and Air Force, however, may be a source of some savings if units whose deployability is highly contingent on air and sealift capabilities are permitted to relax their readiness levels to some degree. In fact, many Army personnel have expressed the sentiment that they would fare better if forced to perform fewer training exercises, which place a strain on people and equipment.

I am not arguing that units should be permitted to atrophy; on the contrary, I would like to think that none of us would acquiesce in the implementation of policies that would place U.S. interests and military personnel at risk. It is a legitimate question, though, whether certain units must be retained at the highest readiness levels despite the improbability of deployment, given operational plans, and the time it would take for such units to deploy given available lift assets.

One of the more significant actions taken by the committee involved termination of funding for the B–2 bomber, including of funds required to preserve that aircraft's industrial base. Opponents of the amendment to end the program once and for all argued that we need to maintain the ability to build more of these extremely technically complex aircraft in the event future contingencies require more stealth bombers. We already have enough strategic bombers in the inventory, however, and the Air Force has repeatedly testified that it does not want and cannot afford any more. Most important, the time it takes to build even one B–2 precludes our being able to surge produce them in the event of a major deterioration in the international environment. Should a major regional contingency arise, it will be fought with the bombers on-hand—not ones more than a year from being operational.

Unfortunately, for all that is good in this bill, there is much that is wasteful. The manner in which shipbuilding and conversion dollars are allocated no longer bears any resemblance to actual military requirements and available resources, nor does it correspond to essential industrial base preservation concerns. Rational discourse on whether to incrementally fund a $5 billion aircraft carrier cannot occur without other shipbuilding interests demanding something for themselves. After all, what's another destroyer above and beyond the number requested and budgeted for? What's another LPD-class ship, or an AOE fast support ship, or another submarine? For the last several years, we have seen a dangerous trend whereby decisions on shipbuilding matters, more than any other—save for the depot issue—are predicated solely on parochial considerations. This situation has to stop.

One of the more disappointing results of the Armed Services Committee's mark-up of this bill was the rejection of an amendment sponsored by Senators ROBB, LEVIN, COATS, and myself that would have statutorily mandated the two base closure rounds called for in the Quadrennial Defense Review. There is a broad consensus that the Defense Department, even after the previous four rounds of such closings, continues to maintain considerably more infrastructure than it needs. The expenditures associated with maintaining these installations and facilities constitute a major drain on declining resources allocated for national defense. Rejection of the amendment represented a serious setback in the efforts of some of us at instilling greater discipline into the budgetary process.

Mr. President, you can support the Reserve component of our total force without acquiescing in the thorough hemorrhaging of scarce military construction dollars for National Guard projects. The total military construction budget request for projects located inside the United States was $2 billion, not including another $2 billion for base closure activities. The request for National Guard and Reserve construction projects was $172 million. Of the 87 military construction projects added to the administration's request, 46—more than half—are for the National Guard and Reserve. The Senate bill includes over $900 million in National Guard and Reserve procurement items, the House version $700 million.

As I have already noted, the bill includes an ample supply of pork-barrel projects, including continued funding of High Frequency Active Auroral Research Program, or HAARP. This project, while certainly interesting from a purely theoretical perspective, is thoroughly lacking in merit and does not belong in a defense spending bill. Nor do additional dollars for the National Oceanographic Partnership Program. The Navy, out of whose budget this project is funded, derives no tangible return on its investment. This nondefense program may deserve to be funded in another area of the Federal budget, but it does not belong in this bill. Individually, projects like these are a serious waste of taxpayer dollars. Collectively, they constitute a serious drain on the resources needed to ensure future military readiness.

In short, Mr. President, it is regrettable that the propensity of Members to continue to add pork as though it were still the early 1980's remains as strong as ever.

AMENDMENT NO. 417

(Purpose: To strike section 3138, relating to a prohibition on recovery of certain additional costs for environmental response actions associated with the Formerly Utilized Site Remedial Action Project program, and to require a report on the remediation activities of the Department of Energy)

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I have an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. TORRICELLI, proposes an amendment numbered 417.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out section 3138 and insert in lieu thereof the following:

SEC. 3138. REPORT ON REMEDIATION ACTIVITIES OF THE DEPARTMENT OF ENERGY.

The Secretary of Energy shall submit to Congress a report on the remediation activities of the Department of Energy.

Mr. LAUTENBERG. Mr. President, first let me say to the distinguished chairman of the Armed Services Committee and the ranking member that I commend them for a job well done. I am very much aware of the complications that one has in the defense authorization bill. It is a large sum of money, a very complicated piece of legislation. It has research funds and it has operational money. It is quite a job, and I commend the both of them for moving this rapidly and getting this bill to the floor.

Mr. President, I have an amendment that would strike a section, section 3138 of this bill because this section prevents the Department of Energy from recovering any cleanup costs at sites under DOE's Formerly Utilized Site Remedial Action Project program other than the costs already covered in a written, legally binding agreement with the party involved in the site.

To put it more simply, this section would strike the Department of Energy's ability to recover costs already covered in a previous agreement with a party involved in the site.

As a practical matter, Mr. President, it would absolve W.R. Grace Company of millions of dollars of responsibility for toxic pollution costs by their actions. The effect of this provision from the analysis that we have conducted so far is to grant a special exemption from Superfund law to one company. The Superfund law, a law which I am proud to have helped author, embodies the principle that polluters should pay for the damage they do, and in this case W.R. Grace should pay for the cleanup of the mess that it created.

The deal was an unacceptable slap in the face to American taxpayers and the residents of Wayne, NJ, my home State. As a matter of fact, I lived in this community for some time. The residents of Wayne Township have been living with this problem for such a long period of time, and why this amendment is so outrageous is something that I want to explain.

A pile of approximately 15,000 cubic yards of potentially radioactive material has already been removed by the Department of Energy, and the Department of Energy says that there are still about 70,000 cubic yards more still buried at the Wayne site, and it is still deciding how to clean up the part that is on the surface and below. The Department of Energy estimates the entire cleanup may cost $120 million. The major contaminant in this soil is a contaminant called thorium, highly radioactive material. It is known to cause cancer and has a half life, Mr. President, that is far longer than perhaps this Earth can endure. It is 14 billion years. In other words, this stuff stays hot for that long a period of time.

This deadly waste was the result of industrial activity going on since 1948, almost 50 years ago. The contamination may affect the drinking water of 51,000 New Jersey residents resulting in untold harmful health consequences. The W.R. Grace company owned the property and contributed to this huge pile of waste. The Grace company signed an agreement with the Federal Government in which it promised to contribute to the cleanup, and then they went on to pay a tiny fraction of the ultimate cleanup cost for this site when they deeded over the property to the Government. They paid $800,000 as a down payment on $120 million. That does not sound like a very serious downpayment to me. But the agreement also said that the Federal Government maintained the right to come after W.R. Grace under other laws to remedy the threats caused by their pollution despite again the agreement they had signed. But nothing happened for many years.

In 1995, I urged in a letter to the Department of Energy to expedite the cleanup by negotiating with W.R. Grace, the responsible party, the polluter, to pay its share. Those negotiations began shortly thereafter. Over the last year, I have been assured a number of times by the Energy and Justice Departments that progress was being made. And for over 1 year now W.R. Grace has been engaged in a discussion with the Department of Justice, which I believe was in good faith, to determine what share Grace would pay for contributing so much to this mess.

Now I read the language in this bill and find that it effectively wipes out all of the progress that has been made, wipes out all of the obligation that W.R. Grace would have. This language takes away the Department of Energy's legal rights under the Superfund polluter pays liability system. It abrogates a legal commitment signed by Grace.

Mr. President, this puts the burden squarely on the American taxpayer instead of the polluters. Further, it will delay the cleanup and could poison the drinking water of the people of Wayne and the State of New Jersey. The Department of Energy, Mr. President, has limited cleanup dollars and numerous sites across the country under a program that is called FUSRAP, the Formerly Utilized Sites Remedial Action Program. These are the sites of industrial activity that may have contributed at one point to our Nation's defense. That does not mean they have a license to pollute thereafter. They have a responsibility.

Without an infusion of cleanup funds from the parties responsible for the mess in Wayne, there will be years of delay in this cleanup, years when the radioactive waste will continue to blight a community, years for that plume to migrate, to reach the drinking water source for that town.

Mr. President, the Senator from New Hampshire, Mr. SMITH, and I worked together on the Senate Environment and Public Works Committee and together we are trying to rewrite the Superfund law which is soon to expire. We worked together in good faith, and I believe we have narrowed the differences on many issues affecting Superfund. I hope that we are going to be able to produce a bill later this year with both our names as cosponsors of that legislation.

However, as far as the provision in this bill that deals with the Department of Energy cleanup at the site in Wayne, I oppose it strenuously. As the Senator from New Hampshire expressed to me, he had no scheme in mind to mitigate the obligation that W.R. Grace has to do the cleanup. That was an effect apparently unintended by the Senator from New Hampshire, but we have to deal in reality not the intent. W.R. Grace must stand up to their obligation. The reality is that the provision in this bill would not only slow down the Wayne cleanup program, but it would also transfer its costs from the responsible party to the taxpayer. We are not going to stand for that, Mr. President.

So I urge the adoption of my amendment and urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, the amendment of the Senator from New Jersey addresses a provision, section 3138, in the defense bill which relates to something called Formerly Utilized Sites Remedial Action Program [FUSRAP]. I just want to give a little background as to how and why the language the Senator is concerned about appeared in the legislation and also to indicate what its intent was and to discuss specifically his amendment.

Earlier this year it came to the attention of the Armed Services Committee this program, the so-called FUSRAP program, was not getting the sites cleaned up as quickly or as efficiently as it could. Of course, as all of us know who work on the Superfund issue, that is true of many, many Superfund sites around the country as well as these particular FUSRAP sites. So the committee felt we wanted to do something to expedite the cleanups, to get it done quicker, to respond to the concerns raised by Members who were not on our committee—that is the Armed Services Committee—and in some cases were not even on the Environment and Public Works Committee. In order to try to respond to those concerns, the Armed Services Committee unanimously adopted this language. It was hoped it would speed up the cleanup of these sites and provide an incentive for parties that were responsible for the contamination of these sites to come to the table, negotiate their liability allocations with DOE, and to contribute an appropriate amount to the cleanup costs—not to give anybody a sweetheart deal, not to remove people from the hook, so to speak, but rather to bring people to the table to pay their appropriate share of the cleanup costs. That was the goal and the objective of the language.

I might say, unfortunately, sometimes these disputes manage to make their way to the floor because they are not resolved before we get here. Had this Senator had some knowledge of concerns raised by members of the committee or other Members of the Senate prior to this time, we might have been able to address those concerns. But as I indicated earlier, it passed unanimously in the Armed Services Committee. There was absolutely no discussion of it in the committee. So it is unfortunate that we have to deal with it here, but, be that as it may, that is what we will do.

The language included in the section would have limited DOE's ability to seek cost recoveries against some private parties. That is true. That is what Senator LAUTENBERG just said. But in no way would it have limited the similar powers, the collateral powers that the EPA and the Department of Justice has to obtain these recoveries, get these dollars recovered. So, given the fact that DOE may have some level of responsibility for liability at these sites, we on the committee believed it was an inappropriate conflict of interest for them to have control for recovering costs against private parties. So, by leveling the playing field, we believed it would be more likely that private parties would settle their liability at the site, and, given the fact that EPA and DOJ would still have enforcement authority, we knew no party would be let off the hook. That was the intention.

I believe in my own heart, as I read the language, that the language supports that intention. But I can understand there may be differences of opinion in terms of how you interpret it. There have been some concerns raised that we tried to address a single-party site here, to give somebody specific relief. That could not be further from the truth. I think the facts speak for themselves. This was a generic amendment. I might say the topic at hand here is the so-called FUSRAP sites, that is the Formerly Utilized Sites Remedial Action Project.

In a DOE Office of Environmental Restoration pamphlet that is dated April 1995, there are 46 FUSRAP sites, of varying degrees. I think it may be the case that the site in New Jersey could be singled out here as possibly being helped in one way or another by his provision. However, there are 46 sites, so I think the committee is on record here, being very clear that the intention here was to deal with 46 FUSRAP sites to try to expedite the cleanup. They are in States all across the United States.

Mr. President, I ask unanimous consent that a section of this pamphlet listing those 46 FUSRAP sites be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SITE NAME AND LOCATION

MISSOURI

Latty Avenue Properties—Hazelwood
St. Louis Airport Site (SLAPS)—St. Louis
SLAPS (Vicinity Properties)—Hazelwood and Berkeley
St. Louis Downtown Site (SLDS)—St. Louis

NEW JERSEY

DuPont & Company—Deepwater
Maywood—Maywood/Rochelle Park
Middlesex Sampling Plant—Middlesex
New Brunswick Laboratory—New Brunswick
Wayne Interim Storage Site—Wayne

NEW YORK

Ashland 1—Tonawanda
Ashland 2—Tonawanda
Linde Air Products—Tonawanda
Seaway Industrial Park—Tonawanda
Bliss & Laughlin Steel—Buffalo
Colonie—Colonie
Niagara Falls Storage Site—Lewiston/Youngstown/Niagara Falls

OHIO

Associate Aircraft—Fairfield
B&T Metals—Columbus
Baker Brothers—Toledo
Luckey—Luckey
Painesville—Painesville

OTHER SITES

Madison—Madison, IL
W.R. Grace & Company—Curtis Bay, MD
Chapman Valve—Indian Orchard, MA
Shpack Landfill—Norton/Attleboro, MA
Ventron—Beverly, MA
General Motors—Adrian, MI
CE Site—Windsor, CT

CLEANUP COMPLETED

Acid/Pueblo Canyons—Los Alamos, NM
Alba Craft—Oxford, OH
Albany Research Center—Albany, OR
Aliquippa Forge—Aliquippa, PA
Baker & Williams Warehouses—New York, NY
Bayo Canyon—Los Alamos, NM
Chupadera Mesa—White Sands Missile Range, NM
Elza Gate—Oak Ridge, TN
Granite City Steel—Granite City, IL
HHM Safe Co.—Hamilton, OH
National Guard Armory—Chicago, IL
Kellex/Pierpont—Jersey City, NJ
Middlesex Municipal Landfill—Middlesex/Piscataway, NJ
Niagara Falls Storage Site Vicinity Properties—Lewiston, NY
Seymour Specialty Wire—Seymour, CT
C.H. Schnoor—Springdale, PA
University of California—Berkeley, CA
University of Chicago—Chicago, IL

Mr. SMITH of New Hampshire. So that was the intention here and the point I wanted to make regarding these sites.

Let me also say, because this is kind of a technical term—the so-called FUSRAP sites is a little hard to understand. We have a lot of acronyms here. I know it is difficult for people to comprehend some of these, but this program was initiated in 1974 by the Atomic Energy Commission under the Atomic Energy Act of 1954. They have 7 or 8 major objectives. I will just briefly highlight those.

One is to find and evaluate sites that supported the Manhattan Engineer District/Atomic Energy Commission's early atomic energy program and to determine whether these sites needed cleanup or control.

Second, to clean up or control these sites so that they meet current DOE guidelines.

Third, to dispose of or stabilize waste in an environmentally acceptable way.

Fourth, to complete all work so the DOE complies with the appropriate Federal laws and regulations and State and local environmental and land use requirements.

Fifth, to certify the sites for appropriate future use.

These sites are owned by either the Department of Energy, local governments, private corporations or private citizens or a combination thereof.

Again, the goal here was to try to craft something that would expedite these 46 FUSRAP sites, some with problems more serious in nature than others. Obviously the site the Senator from New Jersey is talking about is much more serious than some of the others. But the idea was to bring these parties to the table in a fair and equitable way, being certain that those

PRPs that had put money on the table, had offered money on the table, would be encouraged to provide not only that money but more. That way, we could get a fair settlement so the taxpayers would be saved dollars and at the same time we would accomplish the goal of cleaning up these sites.

In a moment I am going to offer a second-degree perfecting amendment to the amendment of the Senator from New Jersey. Before I do that, I just want to say that I understand the concerns of the Senator. He has been very cooperative. We have talked about this at great length in the past few days to try to come to an understanding of what my intent was and what he believes the result to be. We may not be 100 percent in agreement here, but I think we can resolve this with this second-degree amendment which I believe addresses the concerns of the Senator and at the same time will lead us to accomplishing the cleanup goal that we want to achieve.

I do not want to preclude the Senator's debate. I would be happy to withhold offering the second-degree if the Senator wants to speak on this amendment? I will withhold that amendment and I will yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I just want to respond to my colleague. I do not object to the Senator's second degree amendment. If it is passed into law, DOE is going to have to report to Congress next year on the number of sites of this category, the FUSRAP program, on the cost of cleanup, the numbers of sites where private parties are involved, and on the progress DOE has made in pursuing them for a cleanup costs.

We want to do these sort of things. This reporting requirement is certainly a step in the right direction. DOE at last will be required to step up its efforts to make the private sector pay for the pollution it caused. It's only fair. The private sector profited enormously from participating in DOE's efforts to build the Nation's nuclear arsenal. The company, however, should not escape liability for the mess they created as they did that.

These former DOE sites, Department of Energy sites, contain some of the Nation's most dangerous and pernicious pollution problems. Their radioactive legacy—it is incredible—will endure for thousands if not millions of years. This stuff, unfortunately, creates the energy supply as well as the hazard for this period of time. DOE has been shamefully slow and their reluctance to bring W.R. Grace into the cleanup efforts is inexplicable. In fact, DOE did not begin to go after Grace as a responsible party until I started urging them to do so, now over 2 years ago.

Sadly enough, Wayne is not the only New Jersey site being managed by the Department of Energy under the FUSRAP program. New Jersey has five of these sites, including another thorium site which threatens residents of Maywood, Rochelle Park, and Lodi. Like the Wayne citizens, these residents, too, have been waiting patiently for lots of years to see that their particular site is cleaned up.

This report should prove helpful in encouraging faster cleanup at these sites. I support the amendment and I note the presence of my colleague from New Jersey on the floor, who has worked closely with me on matters affecting the communities, these communities that have these radioactive sites.

I am pleased to see him and to note that we worked together on these things. I assume the Senator from New Jersey wants to make some comments. I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I want to identify myself with the remarks of my colleague, Senator LAUTENBERG, and I join with him in offering this amendment today. What we have before us is a classic case of adding insult to injury. The people of various communities in New Jersey have lived for 40 and 50 years with the problem of thorium. The stories are long and often involved, but the thorium is clearly dangerous in the case of Maywood and the thorium in Wayne. They are all the result of wartime production, the production of lanterns and bomb sights and other war material that required a low level of radiation.

In an extraordinary story of success of the U.S. Government, in the case of Maywood all the thorium involving residential communities has now been removed. Now we are beginning to do the same in the community of Wayne. But it is not enough that the people of Wayne have the thorium removed. The question remains who will pay the bill? This was not an operation of the U.S. Government. This was not a question where the Government was operating the facility and it was left for the residents. This is a profitmaking corporation that had public and private contracts, earned money on the site, left it polluted, and the taxpayers are now left with the bill.

To date, $50 million has been spent. It is estimated the final cost could be as high as $120 million to remove 100,000 cubic yards of waste material.

Mr. President, only several months ago, I, as Senator LAUTENBERG, in concern that as we began to make progress in the removal of this thorium, wanted to know the progress and who was going to pay the bill. We pressed the Department of Energy to seek legal recourse in recovering costs and assuring future contributions.

I, too, met with the W.R. Grace Corp., and I was very pleased after those meetings to receive this letter, as Congressman PASCRELL, who represents this district, received this correspondence and claimed "we are entered into good faith negotiations with the Department of Energy in an effort to fairly resolve this matter."

The letter from the Grace Corp. concluded:

> Grace has acted in good faith and desires to achieve an amicable resolution to this problem.

Only to discover in this legislation a prohibition in section (a) and (b):

> The Department of Energy may not recover from a party described in subsection (b) any costs of response actions for actual or threatened release of hazardous substances that occurred before reenactment of the act.

The net result would be that all of our efforts to ensure the Department of Energy uses all legal recourse and continues in good-faith negotiations, that the private parties that profited by these operations also bear the cost of removal of the thorium contamination, would have been lost and the taxpayers would be left with the entire cost, $120 million.

Mr. President, I am very pleased Senator LAUTENBERG and I have the chance today to strike this provision, and I am very pleased that Senator SMITH, in his secondary amendment, will simply seek good-faith efforts in negotiations to resolve this matter. But let the record be clear to the Department of Energy, a good-faith resolution is nothing less than the Federal policy of polluter pays prevails.

We fully expect the Department of Energy to seek those parties who profited and that they pay. We cannot allow an enormous environmental potential success to be transferred and transformed into a failure. As the communities of Maywood have seen much of the thorium now leave, Wayne is witnessing the first departure of that same thorium. We intend to see it not only removed, but the taxpayers not be left with a legacy of debt.

I am very pleased we have a chance to offer this amendment today, and I am glad Senator SMITH is now joining us in having good-faith negotiations proceed. I urge my colleagues to support both efforts.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 418 TO AMENDMENT NO. 417

(Purpose: To create a report for Congress regarding the Formerly Utilized Sites Remedial Action program)

Mr. SMITH of New Hampshire. Mr. President, I think it would be appropriate at this time for me to offer the second-degree amendment, and then I believe we can get this matter resolved and go on to the next amendment.

So I offer a second-degree amendment to Senator LAUTENBERG's amendment to strike section 3138 from the

national defense authorization bill for fiscal year 1998. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself and Mr. LAUTENBERG, proposes an amendment numbered 418 to amendment No. 417.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. . REPORT ON REMEDIATION UNDER THE FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.

Not later than March 1, 1998, the Secretary of Energy shall submit to Congress a report containing the following information regarding the Formerly Utilized Sites Remedial Action Program:

(1) How many Formerly Utilized Sites remain to be remediated, what portions of these remaining sites have completed remediation (including any offsite contamination), what portions of the sites remain to be remediated (including any offsite contamination), what types of contaminants are present at each site, and what are the projected timeframes for completing remediation at each site.

(2) What is the cost of the remaining response actions necessary to address actual or threatened releases of hazardous substances at each Formerly Utilized Site, including any contamination that is present beyond the perimeter of the facilities.

(3) For each site, how much it will cost to remediate the radioactive contamination, and how much will it cost to remediate the non-radioactive contamination.

(4) How many sites potentially involve private parties that could be held responsible for remediation costs, including remediation costs related to offsite contamination.

(5) What type of agreements under the Formerly Utilized Sites Remedial Action Program have been entered into with private parties to resolve the level of liability for remediation costs at these facilities, and to what extent have these agreements been tied to a distinction between radioactive and non-radioactive contamination present at these sites.

(6) What efforts have been undertaken by the Department to ensure that the settlement agreements entered into with private parties to resolve liability for remediation costs at these facilities have been consistent on a program wide basis.

Mr. SMITH of New Hampshire. Mr. President, I am going to take a couple of minutes, and then we will move on.

This second-degree amendment would substitute a reporting requirement for the original section of section 3138 directed regarding cost recovery agreements at cleanup sites managed by DOE within the so-called FUSRAP program.

As you know, and as we indicated earlier, there had been some interest requested that limitations be placed on this Federal agency cost recovery from potential responsible third parties. We were able to deal with those, and the Armed Services Committee does not have jurisdiction over these issues, but does have jurisdiction over defense-related cleanups of DOE sites. Section 3138 was intended to narrowly focus on concerns that were related to cost recovery of FUSRAP.

Mr. President, basically, there are six provisions that are part of that report language. They are self-explanatory. This is an attempt to try to get a reasonable compromise to see to it that we save taxpayers dollars, at the same time to be fair and to get both parties to the table as quickly as possible.

I yield the floor, Mr. President.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me commend the Senators from New Jersey for this amendment and commend the Senator from New Hampshire for his support of it with a second-degree amendment.

It is a good amendment. We support it.

I ask unanimous consent that a letter from the Department of Energy, addressed to our chairman, dated June 19, strongly supporting, in effect, the amendment by stating their opposition to the provision, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, DC, June 19, 1997.

Hon. Chairman STROM THURMOND,
Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN THURMOND: I am writing to express strong opposition to a provision, section 3138, in S. 936, National Defense Authorization Act for Fiscal Year 1998, that would prohibit the Department of Energy from recovering all legally available response costs for certain actual or threatened releases of hazardous substances at sites included in the Formerly Utilized Sites Remedial Action Program (FUSRAP). At some FUSRAP sites, the application of this provision would be inconsistent with the policy that the polluter should pay the cost of addressing the pollution created.

We strongly support removing this language and would be pleased to report to the Congress on our current efforts under the FUSRAP program.

Sincerely,

ALVIN L. ALM,
Assistant Secretary for Environmental Management.

Mr. LEVIN. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we support the amendment. I suggest a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the second-degree amendment No. 418.

The amendment (No. 418) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 417, as amended.

The amendment (No. 417), as amended, was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 419

(Purpose: To prohibit the distribution of certain information relating to explosives, destructive devices, and weapons of mass destruction)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. BIDEN, proposes an amendment numbered 419.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle E of title X, add the following:

SEC. 1074. CRIMINAL PROHIBITION ON THE DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(*l*) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'destructive device' has the same meaning as in section 921(a)(4);

"(B) the term 'explosive' has the same meaning as in section 844(j); and

"(C) the term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

"(2) PROHIBITION.—It shall be unlawful for any person—

"(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining

to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intention that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce; or

"(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce.".

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "person who violates subsections" and inserting the following: "person who—

"(1) violations subsections";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(2) violates subsection (*l*)(2) of section 842 of this chapter, shall be fined under this title, imprisoned not more than 20 years, or both."; and

(2) in subsection (j), by striking "and (l)" and inserting "(i), and (*l*)".

Mrs. FEINSTEIN. Mr. President, I send this amendment to the desk on behalf of Senator BIDEN and myself.

For 3 years, Senator BIDEN and I have sent an amendment to the desk which would prohibit the teaching of bomb making. Twice it passed this body by unanimous consent, and twice in conference the amendment was taken out.

Last year, when we made this amendment and this body graciously and, I believe, wisely accepted it, it was replaced in conference with the proviso that the Department of Justice would do a report to see whether this amendment was well advised and would stand a constitutional test.

On April 29 of this year, the Department of Justice published a report, and that report was entitled, "Report on the Availability of Bomb Making Information, The Extent to Which Its Dissemination is Controlled by Federal Law, and the Extent to Which Such Dissemination May be Subject to Regulation Consistent with the First Amendment to the United States Constitution."

The bottom line of the report is that the Department of Justice agrees that it would be appropriate and beneficial to adopt further legislation to address the problem of teaching bomb making directly, if that can be accomplished in a manner that does not impermissibly restrict the wholly legitimate publication and teaching of such information or otherwise violate the first amendment.

In other words, the question presented by this is, when does the first amendment end and when does conspiracy to commit a felony begin?

So the language in the amendment that we submit to this body today has been reworked, strengthened and approved by the Department of Justice. I would like to briefly read it. The language is as follows:

It shall be unlawful for any person—

(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intention that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce . . .

Then there is an alternative:

or (b) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction . . . knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce.

The penalty for violating this law would be a fine of $250,000 or a maximum of 20 years in prison, or both.

Mr. President, according to terrorism expert, Neil Livingston, there are more than 1,600 so-called mayhem-manuals in circulation. I outlined some examples of what I am talking about.

I will never forget, Mr. President, and you are a member of the Judiciary Committee—I don't believe you were on the committee at the time—but when a document entitled "The Terrorist's Handbook" was circulated, I believe at that time Senator KENNEDY and I couldn't believe it. So I went back to my office and asked my staff to download what is called "The Terrorist's Handbook." The cover of "The Terrorist's Handbook" reads something like this:

Stuff you are not supposed to know about.

Whether you are planning to blow up the World Trade Center, or merely explode a few small devices on the White House lawn, the Terrorist's Handbook is an invaluable guide to having a good time. Where else can you get such wonderful ideas about how to use up all that extra ammonium triiodide left over from last year's revolution?

And then this handbook, which I have in my hand, goes on to tell people how to break into a building, how to pick a lock, how to break into a chem lab in a college, how to look like a student. It produces techniques for picking locks. It goes on and tells you what useful household chemicals you should use. And then it goes on to explain, with specificity, how to make a lightbulb bomb, a book bomb, a phone bomb, and it goes on and on and on.

Mr. President, there is no legal, legitimate use for a phone bomb, for a book bomb, for a baby-food bomb, all of which are described in this handbook. When it is put in this context, the context of criminality, it is my belief that the person who puts this up on the Internet becomes a conspirator in the ability to commit a major crime in the United States.

An interesting thing that we have found is that individuals who have committed these crimes have actually had at least some of these publications in their home when they were arrested.

According to the Executive Office for U.S. Attorneys, the following publications were found among Timothy McVeigh's possessions: "Homemade C–4, A Recipe for Survival." My staff just went over to the Library of Congress and tried to take out a copy of this. Incidentally, it is missing from the library.

"Ragnar's Big Book of Homemade Weapons and Improvised Explosives."

So we know that materials on the Internet are used by terrorists to commit terrorist acts. We also know that the number of explosive devices now being found are increasing. Authorities have stated that the rise is attributable to a rise in Internet use. This is certainly true in Los Angeles County. During the first half of 1996, these numbers of explosive devices have increased dramatically; 178 were found compared to 86 total in 1995.

Responses by the Los Angeles Police Department to reports of suspected bombs have shot up more than 35 percent from 1994 to 1995. The LAPD found 41 explosives in 1995, more than double the number 3 years ago. And it goes on and on and on.

One thing is also very interesting. Not only are terrorists using this, but children are using this.

Not too long ago there was a cartoon in a newspaper. It really describes what is happening. A mother is on the telephone saying to a friend, "* * * history, astronomy, science, Bobby is learning so much on the Internet * * *" And there is Bobby sitting by his computer, and what Bobby is doing here is putting a timer on six sticks of dynamite looking at the Internet and following the recipe. Of course what that leads to is something like this:

Three Boys used Internet to Plot School Bombing, Police Say.

That is the New York Times.

Something like this:

Internet Cited for Surge in Bomb Reports.

Police and sheriffs officials say Web sites provide youngsters with information on making explosives.

Yesterday, June 18, the Fort Lauderdale Sun-Sentinel reported on the pending trial of 15-year-olds Burke DeCesare and Adam Walker, who were charged with planting a bomb in their Catholic school. They are eighth graders. They live in the Bayview neighborhood. They broke into Saint Coleman Catholic School in Pompano Beach around 2 a.m. on February 24, 1996. They planted a gasoline bomb in the ceiling of classroom 116.

Bomb experts from the Broward Sheriff's Office said the device, made with gasoline, was wired to explode at the flick of a light switch. This is taught—the recipe for this is in one of these manuals. The boys told police they got the instructions to build the bomb from the Internet.

Nine days ago, on June 10, 1997, the Cleveland Dispatch reported the arrest of a North Side 15-year-old who built a homemade bomb with information he gathered from the Internet. The Columbus Fire Division bomb squad was required to remove devices from the kitchen and the basement of the parents' homes. Neighbors, who lived within 500 feet of the home, were evacuated for 2 hours.

Columbus police reported that one device consisted of a quart Mason jar containing lighter fluid and Styrofoam, with an M–90 inserted into the Mason jar cap which served as an igniter. This young man told his parents he learned to make the bomb on the Internet.

Last month, the Los Angeles Times reported that two 14-year-old boys were arrested in Yorba Linda, CA, after crafting eight pipe bombs and detonating one of them. The bomb caused a fire, charring 400 feet of land behind a home on Grandview Avenue. After admitting they sparked the fire with the bomb, the boys told investigators they had seven more bombs inside the house. The bombs were fashioned with information from the Internet.

In May of this year, the Baltimore Sun reported that two teenagers in Finland face charges over an explosion from Finland's second "Internet bomb" in a week. Sixty people were evacuated. And it goes on and on and on.

In Orange County, police say teenagers may have used the Internet to help construct acid-filled bottle bombs in Mission Viejo and Huntington Beach, one of which burned a 5-year-old boy when he found it on a school playground.

According to the Bureau of Alcohol, Tobacco and Firearms, between 1992 and 1995, 15 juveniles were killed and 366 injured in the United States while making explosive devices. Most of this comes right off of the Internet.

The Justice Department, on a single Web site, obtained the titles to over 110 different bombmaking texts.

The point here is that this material is now so easy to get. When it is put in something like a terrorist handbook and you are told what to use, how to steal it, how to dress like a college student, how to break into a chem lab, how to use cardboard to stuff in the lock so you can come back at night, how to go home and how to go into your kitchen and make one of these bombs, and then how to go out and explode it wherever you want—there is no legitimate legal use for this information.

There is only a criminal purpose for this information. There is no legal use for a baby food bomb, for a phone bomb, for a book bomb. You do not blow up a tree stump if you are a farmer in the field with one of these. There is no legal use. So I am hopeful—I know that we are into the third year of this amendment—that it will in fact survive a conference committee. I understand that both sides are willing to accept the amendment.

Mr. President, I ask unanimous consent that a summary of the Department of Justice report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE REPORT ON THE AVAILABILITY OF BOMBMAKING INFORMATION, THE EXTENT TO WHICH ITS DISSEMINATION IS CONTROLLED BY FEDERAL LAW, AND THE EXTENT TO WHICH SUCH DISSEMINATION MAY BE SUBJECT TO REGULATION CONSISTENT WITH THE FIRST AMENDMENT TO THE U.S. CONSTITUTION

(Prepared by the U.S. Department of Justice)

INTRODUCTION AND SUMMARY

In section 709(a) of the Antiterrorism and Effective Death Penalty Act of 1996 ["the AEDPA"], Pub. L. No. 104–132, 110 Stat. 1214, 1297 (1996), Congress provided that, in consultation with such other officials and individuals as she considers appropriate, the Attorney General shall conduct a study concerning—

(1) the extent to which there is available to the public material in any medium (including print, electronic, or film) that provides instruction on how to make bombs, destructive devices, or weapons of mass destruction;

(2) the extent to which information gained from such material has been used in incidents of domestic or international terrorism;

(3) the likelihood that such information may be used in future incidents of terrorism;

(4) the application of Federal laws in effect on the date of enactment of this Act to such material;

(5) the need and utility, if any, for additional laws relating to such material; and

(6) an assessment of the extent to which the first amendment protects such material and its private and commercial distribution. Section 709(b) of the AEDPA, in turn, requires the Attorney General to submit to the Congress a report containing the results of the study, and to make that report available to the public.

Following enactment of the AEDPA, a committee was established within the Department of Justice ["the DOJ Committee"], comprised of departmental attorneys as well as law enforcement officials of the Federal Bureau of Investigation and the Treasury Department's Bureau of Alcohol, Tobacco and Firearms. The committee members divided responsibility for undertaking the tasks mandated by section 709. Some members canvassed reference sources, including the Internet, to determine the facility with which information relating to the manufacture of bombs, destructive devices and other weapons of mass destruction could be obtained. Criminal investigators reviewed their files to determine the extent to which such published information was likely to have been used by persons known to have manufactured bombs and destructive devices for criminal purposes. And legal experts within the Department of Justice reviewed extant federal criminal law and judicial precedent to assess the extent to which the dissemination of bombmaking information is now restricted by federal law, and the extent to which it may be restricted, consistent with constitutional principles. This Report summarizes the results of these efforts.

As explained in this Report, the DOJ committee has determined that anyone interested in manufacturing a bomb, dangerous weapon, or a weapon of mass destruction can easily obtain detailed instructions from readily accessible sources, such as legitimate reference books, the so-called underground press, and the Internet. Circumstantial evidence suggests that, in a number of crimes involving the employment of such weapons and devices, defendants have relied upon such material in manufacturing and using such items. Law enforcement agencies believe that, because the availability of bombmaking information is becoming increasingly widespread (over the Internet and from other sources), such published instructions will continue to play a significant role in aiding those intent upon committing future acts of terrorism and violence.

While current federal laws—such as those prohibiting conspiracy, solicitation, aiding and abetting, providing material support for terrorist activities, and unlawfully furthering civil disorders—may, in some instances, proscribe the dissemination of bombmaking information, no extant federal statute provides a satisfactory basis for prosecution in certain classes of cases that Senators Feinstein and Biden have identified as particularly troublesome. Senator Feinstein introduced legislation during the last Congress in an attempt to fill this gap. The Department of Justice agrees that it would be appropriate and beneficial to adopt further legislation to address this problem directly, if that can be accomplished in a manner that does not impermissibly restrict the wholly legitimate publication and teaching of such information, or otherwise violate the First Amendment.

The First Amendment would impose substantial constraints on any attempt to proscribe indiscriminately the dissemination of bombmaking information. The government generally may not, except in rare circumstances, punish persons either for advocating lawless action or for disseminating truthful information—including information that would be dangerous if used—that such persons have obtained lawfully. However, the constitutional analysis is quite different where the government punishes speech that is an integral part of a transaction involving conduct the government otherwise is empowered to prohibit; such "speech acts"—for instance, many cases of inchoate crimes such as aiding and abetting and conspiracy—may be proscribed without much, if any, concern about the First Amendment, since it is merely incidental that such "conduct" takes the form of speech.

Accordingly, we have concluded that Senator Feinstein's proposal can withstand constitutional muster in most, if not all, of its possible applications, if such legislation is slightly modified in several respects that we propose at the conclusion of this Report. As modified, the proposed legislation would be likely to maximize the ability of the Federal Government—consistent with free speech protections—to reach cases where an individual disseminates information on how to manufacture or use explosives or weapons of mass destruction either (i) with the intent that the information be used to facilitate criminal conduct, or (ii) with the knowledge that a particular recipient of the information intends to use it in furtherance of criminal activity.

Mrs. FEINSTEIN. Mr. President, I conclude my statement simply with this. This amendment has been put into this bill once before. It has been put into the terrorism bill once. It has been passed by this body twice. It has been reworked to withstand a first amendment challenge. I am hopeful, with the history of what is happening in this country, that Americans all across this land will say there is no first amendment right to be a conspirator and teach someone how to make a bomb to blow someone else up. So I am hopeful that this year it might survive a conference.

I thank the Chair and yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. We are checking with one Senator who we understand may wish to be heard on this amendment. I just want to notify the Senate of that. I see, though, the chairman is on his feet, so I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we have no objection to the amendment.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 420

(Purpose: To require a license to export computers with composite theoretical performance equal to or greater than 2,000 million theoretical operations per second)

Mr. COCHRAN. Mr. President, I send an amendment to the desk for myself and Mr. DURBIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. DURBIN, proposes an amendment numbered 420.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle E of title X, add the following:

SEC. . SUPERCOMPUTER EXPORT CONTROL.

(a) EXPORT LICENSING WITHOUT REGARD TO END-USE AND END-USER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, effective upon the date of enactment of this Act, computers described in paragraph (2) shall only be exported to a Computer Tier 3 country pursuant to an export license issued by the Secretary of Commerce.

(2) COMPUTERS DESCRIBED.—A computer described in this paragraph is a computer with a composite theoretical performance equal to or greater than 2,000 million theoretical operations per second.

(b) LIMITATION ON REEXPORT.—It is the sense of the Senate that Congress should enact legislation to require that any computer described in subsection (a)(2) that is exported to a Computer Tier 1 or Computer Tier 2 country shall only be reexported to a Computer Tier 3 country (or, in the case of a computer exported to a Computer Tier 3 country pursuant to subsection (a), reexported to another Computer Tier 3 country) pursuant to an export license approved by the Secretary of Commerce and that the preceding requirement be included as a provision in the contract of sale of any such computer to a Computer Tier 1, Computer Tier 2, or Computer Tier 3 country.

(3) COMPUTER TIERS DEFINED.—In this section, the terms "Computer Tier 1", "Computer Tier 2", and "Computer Tier 3" have the meanings given such terms in section 740.7 of title 15, Code of Federal Regulations.

Mr. COCHRAN. Mr. President, on the 11th of June, my Subcommittee on International Security, Proliferation, and Federal Services of the Committee on Governmental Affairs held a hearing on the subject of proliferation and U.S. dual-use export controls. The hearing focused almost entirely on the subject of U.S. exports of high-performance computers, also known as supercomputers.

In preparing for and conducting this hearing, we learned that the administration's policy on supercomputers, which are an integral component for developing, producing and maintaining nuclear weapons, ballistic missiles, and practically all advanced weapon systems, could put American lives and interests at risk.

I am offering this amendment as a necessary first step to staunch the flow of American-made supercomputers to countries and places they should not be going.

On October 6, 1995, President Clinton announced a new export control policy for supercomputers which decontrolled supercomputer exports to a great extent. He said that he had "decided to eliminate controls on the exports of all computers to countries in North America, most of Europe, and parts of Asia." Continuing further, "For the former Soviet Union, China, and a number of other countries, we will focus our controls on computers intended for military end uses or users, while easing them on the export of computers to civilian customers."

There is, of course, a delicate balance that must be struck between presenting U.S. national security by controlling dual-use exports and promoting exports. We must be careful not to place American manufacturers in a position where they cannot export goods that other countries are exporting, though, of course, our national security interests dictate that some goods cannot be sold to some countries no matter how irresponsibly other countries behave. For example, the willingness of some Western European countries to work with Libya to construct a chemical weapons complex does not justify the involvement of United States companies in similar ventures.

President Clinton's October 6, 1995, announcement liberalizing U.S. export controls on supercomputers established four country tiers to guide American exporters, at the same time eliminating restrictions on the export of computers capable of less than 2,000 million theoretical operations per second— this is referred to as an MTOPS— for all except tier 4 countries, it is unrestricted if the computers are capable of less than 2,000 MTOPS. Whether it makes sense to decontrol computers capable of up to that level is one of the issues which should be studied more extensively. I will ask the General Accounting Office to do so.

Country tier 1, consisting primarily of NATO allies, effectively establishes a license-free zone for U.S. high-performance computer exports. Computers of unlimited capacity under this policy can be exported to any tier 1 country without regard to the identity of the end user or the intended end use.

The policy for country tier 2, which includes countries such as South Korea, Hungary, Poland, and the Czech Republic, allows unlicensed exports to any country within this tier of computers capable up to 10,000 million theoretical operations per second. And the policy continues the virtual embargo against those nations—the terrorist nations such as Iran, Iraq, Syria, and North Korea—that comprise country tier 4. There are many deficiencies in this new policy, Mr. President.

Our amendment addresses what we consider to be the most significant deficiency in need of immediate attention. It is a problem specific to the part of the policy pertaining to country tier 3 which I want to describe now. The policy announced by President Clinton for tier 3 countries, which include Russia, China, and some others, is based entirely upon the questions of who the end user will be and for what end use the supercomputer is intended. End use and end user are the critical factors for tier 3 exports.

The tier 3 policy requires an export license to be granted by the Department of Commerce under only two circumstances: First, if the computer to be exported is capable of 2,000 MTOPS and is going to a military end use or end user; and second, if the computer to be exported is capable of 7,000 MTOPS and is going to a civilian end use and end user. This policy requires no export license for manufacturers who want to sell supercomputers capable between 2,000 and 7,000 MTOPS to

buyers in tier 3 countries when there is to be a civilian end use and end user. It is the exporter—not the Department of Commerce, not the U.S. Government—who is given the latitude under the policy for determining whether the purchaser's representations are accurate, that it is not a military end user and will not use the supercomputer for a military purpose.

The Clinton administration policy further requires American exporters to act on the honor system, policing themselves and deciding themselves whether or not the end user is going to be a military entity or will be putting the supercomputer to a military use.

Unfortunately, some companies have already been tempted to take a chance. Maybe they were not sure; maybe they were tempted by the profits of the transaction. Whatever the motivations and the understandings or lack of information, or for whatever the reason, we have known that some transactions have involved the sale of supercomputers, without objection from our Department of Commerce or our Federal Government to those who may be putting computers to a military use, or maybe military entities themselves.

We know now, for example, based on statements from the Russian Minister of Atomic Energy and from United States Government officials, that there are at least five American supercomputers in two of Russia's nuclear weapons labs: Chelyabinsk-70 and Arzamas-16. Minister Mikhailov of the Russian Ministry of Atomic Energy has not been reluctant to proclaim what these high-performance computers will be used for, and he said in a speech in January they will be used to simulate nuclear explosions, and that the computers are, in his words, "10 times faster than any previously available in Russia."

Four of the five supercomputers we are aware of publicly in Russia's nuclear weapons labs came from Silicon Graphics, a company in California, I think. According to the CEO, Edward McCracken, it was his company's understanding that the computers were for environmental and ecological purposes. It may be that Silicon Graphics was unable to determine whether a Russian nuclear weapons lab was going to be the military end user or if its supercomputers would be put to a military end use. But it seems from the statements made by the Atomic Energy Minister in Russia that they certainly are available to them for those purposes.

We also know at least 47 high-performance computers have been exported without licenses to the People's Republic of China. One of the computers sold also by Silicon Graphics is now operating in the Chinese Academy of Sciences. The Chinese Academy of Sciences is a key participant in military research and development, and works on everything from the DF-5 ICBM—which, incidentally, is capable of reaching the United States—to uranium enrichment for nuclear weapons. There can be no question about the Chinese Academy of Science's status as a military end- user.

According to the Department, its new Silicon Graphic Power Challenge XL supercomputer provides it with computational power previously unknown, which is available to all the major scientific and technological institutes across China. We can only hope that some of these institutes in China are using the supercomputer's technology for peaceful purposes, but we cannot help but suspect that some may be a part of the weapons development program in China, which is on a fast track to modernize their nuclear weapons system and capabilities and their missile technologies and all the rest.

At our recent hearing, we had the benefit of testimony from the Under Secretary of Commerce for Export Administration, William Reinsch, who said that the Clinton administration doesn't know if any of the supercomputers in China or Russia are being used for weapons-related activities, but the Commerce Department is in a difficult position. You have to appreciate how difficult it must be to have the responsibility for both promoting exports and controlling exports, and that is the dilemma that this Department is in. But we have to realize that nuclear weapons labs are potential end users and have been shown already by the evidence before our committee that they have obtained American supercomputers and they may be put to a military end use.

In 1986, the Department of Energy published an unclassified report entitled, "The Need for Supercomputers in Nuclear Weapons Design." The report's conclusion included this statement: "The use of high-speed computers and mathematical models to simulate complex physical processes has been and continues to be the cornerstone of the nuclear weapons design program." These computers continue to be important to the design and production of nuclear weapons and other types of weapons of mass destruction and delivery systems.

I do not see how we can tolerate the continuation of a policy that makes it easier for Russia and China to modernize their nuclear weapons and delivery systems. We ought not to be in the business of helping them to improve the quality of our weapons, their technology, their delivery systems, particularly when there is evidence of proliferation from those countries to other countries.

This amendment, I want to point out, does not include a comprehensive revision of our export control policy. It is targeted to one specific part of the policy. We hope that with the findings that are obtained from the General Accounting Office study and our further studies in our subcommittee, which is reviewing this entire issue and proliferation problems generally, that we will be able to come up with and work with the administration and hopefully develop a consensus agreement on a modification of our export policy.

We think the time is here, it is now, when we need to stop the unrestricted flow of these supercomputers to potential users all around the world that can threaten our Nation's security and put at risk American citizens. It is not like some other country has these systems available for sale on the market. They do not. We are the state-of-the-art producer of the supercomputers. Japan has the capacity to produce supercomputers as well, but their export policy is more restrictive now than ours is. So we are the culprit, if we are putting in the hand of military end users and military weapon system producers in other countries technologies that are superior to what they have now and that can be used to make more lethal their nuclear weapons and their missile systems. We are putting in jeopardy the lives of our own citizens.

I am hopeful that this amendment, in concert with other efforts that we are making, will help improve our capacity to monitor these exports and require license in those situations where we think this export might present a proliferation problem, because we know from previous experience in Russia and China, as well, private companies have demonstrated that they do not have the adequate restraints to make determinations about where and how their exports are distributed into other country's hands. We know that transshipments are occurring. We also know that it is difficult to verify in a country like China what the private company that may be the purchaser of a supercomputer really intends to do with it once they have it. It is difficult to get access, to get information, and so a private company has a very difficult time developing an information base on which it can really make a conclusion about the end use or the end user. That is another reason to change this policy. The Commerce Department is going to have to do a better job of compiling information about those who are in the market worldwide for these supercomputers and making this information available to our exporters and the companies that have these supercomputers for sale.

Mr. President, I encourage the Senate to look very carefully at this proposal. I hope that the amendment will be agreed to. Senator DURBIN and I were involved in questioning witnesses before our subcommittee just recently on this subject, and we are convinced that this is a policy that has to be changed, and the time to change it is right now.

Our amendment does not in any way change the policy President Clinton announced in October 1995, though it is my judgment that the entire policy is in need of serious evaluation and revision, and I will also be asking the General Accounting Office to assist me in this evaluation. Our amendment requires the Department of Commerce, in concert with other parts of the executive branch, to determine whether an entity in a tier 3 country is a military or civilian end-user, and whether the end-use will be for a military or civilian purpose. By their exports to Russian and Chinese nuclear weapons labs, private companies have demonstrated that they do not do an adequate job of making this determination. Government has the resources and information available to make the best determination possible, and should step in to ensure that America's national security is not being compromised for sake of a more profitable quarter.

In a country like the People's Republic of China, how can any private company have the resources to determine whether an end-user is military or civilian?

Some suggest that the process can be left unchanged, but that the Commerce Department can do a better job of helping industry make the proper end-use and end-user determination by publishing a list of end-users to which high performance computer exports are prohibited. I disagree with this suggestion. Any published list would necessarily be incomplete, for a complete list would compromise U.S. intelligence sources and methods. Any published list would also serve as a marketing tool for the world's proliferators, making their job of finding specific clients easier. And, any published list would be only too easy to manipulate by both the purchaser and the exporter who may not be willing to operate under the honor system. If, for example, Chelyabinsk-70 is on the list of prohibited locations, does that mean that a Chelyabinsk-71, not on the list, can receive U.S. exports of high performance computers? What's to stop an exporter like Silicon Graphics from accepting the convenient suggestion that, "yes, Chelyabinsk-70 does nuclear weapons work, but at Chelyabinsk-71 we conduct only environmental research."

Publishing a list could reduce, but not eliminate, the problem we face, though in so doing other serious problems would be created. Congress needs to change the current process so the Government—with the most access to information with which to make the most informed determination of military end-use and end-user—makes the decision on whether to ship these computers to countries who are modernizing their weapons and delivery systems and engaged in proliferation of these technologies. America should not be participating in the qualitative upgrade of Russian and Chinese proliferant activities.

The Commerce Department maintains that President Clinton's supercomputer export control policy is working. Commerce continues to make this claim despite the fact that the administration's policy has allowed American supercomputers to be shipped to Russia's and China's nuclear weapons complexes, and who knows where else. If this policy is working, what would a policy that wasn't working look like? Would there be more supercomputers in Russia and China, or would we know absolutely that our supercomputers were in Iran, North Korea, or other terrorist states?

The cold war's end does not decrease the need for the continued safeguarding of sensitive American dual-use technology. While there may no longer be a single, overarching enemy of the United States, there is little doubt that many rogue states, and perhaps others, have interests clearly contrary to those of the United States. Helping these nations—or helping other nations to help these nations—to acquire sensitive dual-use technology capable of threatening American lives and interests makes no sense.

I thank Senator DURBIN for his work with me on this issue, and look forward to continuing to work with him to get to the bottom of this problem. I encourage all of my colleagues to support this amendment.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Illinois is recognized.

PRIVILEGE OF THE FLOOR

Mr. DURBIN. Mr. President, first, I ask unanimous consent that the privilege of the floor be granted to Lamelle Rawlins during the pendency of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I am pleased to join my colleague from Mississippi, Senator COCHRAN, as a cosponsor of this important amendment. I think anyone who had attended our hearing within the last 2 weeks on this issue would have been shocked at what they learned. We have expanded opportunities for the purchase of some of the most valuable technology in the world. It is technology developed in the United States, which has no parallel anywhere else in the world, and we are selling it. The fact that we are selling it is nothing new. The United States has done that for years. But this technology is so important and sensitive that the people who buy it automatically acquire a capacity, a capability that they have never had in their history. In other words, our expertise, our knowledge, our technological skill is being sold.

What makes this particularly important is that this very technology has the capacity to give to the purchasing country the skills and abilities that they have never had before to develop things that are very positive, on one hand, but also potentially very negative. I was reminded of a quotation that is attributed to Mr. Lenin in the early days of his establishment of the Soviet republics. He said that it was his belief that "a capitalist would sell you the rope that you would use to hang him." I thought about that over and over, as we discussed this question of selling these computers to countries like China and Russia, which have the capacity to allow them to develop extraordinary military capability.

Recent news accounts about sales of supercomputers to Russian nuclear weapons labs and the Chinese Academy of Sciences—in apparent circumvention of United States export control regulations—have raised troubling questions about the control that the United States exercises over supercomputer exports.

China has purchased at least 46 United States supercomputers. Of these, 32 are one particular model that is faster than two-thirds of the classified computer systems available to our own Department of Defense, including the United States Naval Underwater Weapons Center, United States Army TACOM, and United States Air Force/National Test Facility.

The Commerce Department and the Justice Department are investigating the unlicensed sale—unlicensed sale—of four over-2000 MTOPS computers to the Russian nuclear weapons facility Chelyabinsk-70.

The computers recently sold are 10 times more powerful than anything Russia ever had before, and we sold it to them.

There is ample room for mistakes and confusion in the current dual-use export control system for supercomputers.

According to a New York Times article on February 25 of this year, in an effort to circumvent United States export controls, Russia's nuclear weapons establishment obtained a powerful IBM supercomputer through a European middleman and said they planned to use it to simulate nuclear tests.

I was on this floor 2 weeks ago giving a speech about a test ban, recalling the speech given by President Kennedy before American University in 1963. I came to the floor with Senator HARKIN and said it is time for us to have a comprehensive nuclear test ban, moving toward the day when there are no nuclear weapons threatening this world. In the world we live in today, you don't need to detonate a nuclear weapon. If you have a supercomputer, which can simulate that detonation, you can derive the same information—or a lot of it—through this model and through this technology. These are the very same computers and capabilities that we are selling.

The Nation's export controls for supercomputers "amount to a kind of honor system," according to one U.S. official quoted in the Wall Street Journal. Companies that have doubt about a customer's activities are expected to call the U.S. Government for advice.

Think about that. You have a computer company and you have a sale worth millions of dollars and you don't know whether it is going to be used for a peaceful purpose or a military purpose. Well, the honor system says it is time to call the Department of Commerce and check it out and see if they have any records or classified information. They may not share the information with you, but they may tell you there is some concern. But it is an honor system. There is nothing built into the law to guarantee this kind of surveillance, this kind of supervision.

Companies may fail to obtain licenses to sell supercomputers ordered for civilian purposes, such as weather forecasting or air pollution studies or natural resources prospecting and development, but these computers end up in places which do design work for nuclear weapons programs—not a civilian use. Companies may knowingly ignore licensing requirements or, alternatively, companies may unwittingly fail to recognize a suspect end-user.

The first step toward better export controls is better communication. Increased accountability and interaction between industry and the Federal Government called for by this amendment will help facilitate that interchange.

Even William Reinsch, the Undersecretary for Export Administration for the Commerce Department, quoted by Senator COCHRAN with whom I share the sponsorship of this amendment, testified at the Governmental Affairs subcommittee hearing last week, agreed that better communication is essential. He invited and encouraged companies to consult with the Commerce Department when faced with challenging sales decisions.

The current system for supercomputer exports involves controls on high-power computer exports set forth in Federal regulations that divide the countries of the world into various categories, or tiers.

The licensing policies vary depending on which category the country falls into. There are countries for which no export license is required—tier 1—some countries for which licenses are required for extraordinarily high performance machines—tier 2—some for which licenses are required, depending on whether the end-use is military rather than civilian—tier 3—and countries for which sales are totally banned—tier 4.

The tier 3 countries include India, Pakistan, all of the Middle East/Maghreb, the former Soviet Union, China, Vietnam, and the rest of Eastern Europe.

Under current rules, export licenses are required to export or re-export computers with a composite theoretical performance, known as CTP, greater than 2000 MTOPS to military end-users and end-uses and to nuclear, chemical, biological, or missile end-users and end-uses in tier 3 countries.

However, for civilian end-users or end-uses that don't fall into a military or proliferation category, licenses are not required for export or re-export of computers under 7000 MTOPS to these countries.

What this means is that for many sales, no Government oversight or decisionmaking takes place at the front end if the exporter determines that he is selling to a company that portrays itself as a civilian user because no license is required.

Because of the differences in the licensing rules that apply to exports for military and proliferation uses than those governing sales for civilian use, the U.S. Government plays no upfront role in determining whether the end-use of a supercomputer under 7000 MTOPS sold to a buyer in a tier 3 country is indeed to be used for a civilian purpose.

I know this is involved, I know that it is complicated. Let me try to cut to the bottom line. If a company in the United States seeks to sell a supercomputer, one of great capacity, and the end-user, the company that is buying in another country, says this is strictly for a civilian purpose, it is not going to be used for anything of a military capacity, there are virtually no controls on that sale; nor is there much of anything done to track that sale, once it is made, as to where that computer actually ends up.

The responsibility is all on the shoulders of the manufacturer or exporter to make the determination on whether or not a license is needed, whether or not the computer might be used for military purposes. Exporters run the risk of relying on assurances of the purchasers or their own intelligence information about end-use, rather than the resources of the Government. Either intentionally or inadvertently, exporters have made sales to destinations for which a license should have been obtained, because of end-use, but was not.

The Cochran-Durbin amendment would require that all U.S. exports of supercomputers above 2,000 million theoretical operations per second—a measure of the computer's speed—to a tier 3 country be licensed by the Commerce Department.

The presently more lenient requirements for civilian end-use sales in this category would be made identical to stricter ones applicable to sales for military proliferation purposes.

The amendment would shift responsibility from industry to the Government for deciding the propriety and conditions of the sales.

By subjecting all such sales above 2,000 MTOPS to licensing requirements, the United States may be able to prevent the uncontrolled flow of technology for unauthorized use or diversion to purchasers in countries who may have vastly different interests than those of the United States.

Civilian sales of supercomputers above 2,000 MTOPS to purchasers in tier 3 countries would be reviewed and approved by the Commerce Department, using the same standards used in licensing military and proliferation sales to these countries.

In addition, the amendment expresses the sense of the Senate that Congress should enact legislation requiring that any computer exceeding 2,000 MTOPS exported to a tier 1 or tier 2 country shall only be reexported to a tier 3 country, or reexported by a tier 3 country to another tier 3 country, pursuant to an export license approved by the Secretary of Commerce.

We are trying to track these computers, once sold, and determine where they are going to end up. We are saying to those countries, whom we consider to be our allies and friends, that we are going to ask you to bear responsibility for the end-use of the computer. We don't want you to be a conduit for the sale of a computer to a country where the United States suspects it may be used for military purposes.

The sense of the Senate would call for legislation that would require any reexport to a tier 3 country would have to be done under U.S. export license. This amendment is clearly necessary. I urge my colleagues to join Senator COCHRAN and myself. If you had listened to the testimony, as we did, you would have discovered, as I did, that there has been a dramatic increase in technology and expertise in this field. It is estimated that every 9 months to a year most of the computers that we are talking about become obsolete and move on to higher standards.

The United States is where these computers are made and the country from which they are sold. As we are concerned about the proliferation of those items that can be used for the construction of nuclear, biological, and chemical weapons, we should also be concerned about the potential that we are selling technology that can also be used for proliferation of military weaponry. If we are truly seeking a peaceful world—and we are—the United States should take care not to sell that technology which allows another country to develop weapons of destruction.

I think the Cochran-Durbin amendment strikes an appropriate balance. It brings our Government into the decision process. It protects those exporters in the United States who truly are trying to do the right thing and sell for civilian use. But it gives them a backup, and it leaves some assurance

that will be another party investigating when it comes to sales of a suspect nature.

This amendment is an important step toward addressing some of the growing concerns about U.S. export control policies governing sales of dual-use technology and whether those policies may be permitting access to sophisticated American technology to aid in the buildup of nuclear weapons capability of other countries.

Recall the words of Mr. Lenin: "A capitalist will sell you the rope that you will use to hang him."

Let's not have that occur. Not in the name of free trade and good commerce should we forget our responsibility to national and world security. I believe the Cochran-Durbin amendment is a sensible and responsible way to bring some order to what is becoming a very chaotic situation.

I urge my colleagues to join Senator COCHRAN and me in support of this amendment.

I yield the remainder of my time.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I commend the distinguished Senator from Illinois for the great force of his argument and for the clarity of his statement in support of this proposal.

I ask unanimous consent that the Senator from Michigan [Mr. ABRAHAM] be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. WARNER. Mr. President, on behalf of the chairman and distinguished ranking member present here, I wish to inform Senators that there will be a vote at 7:15 tonight on the amendment by the senior Senator from California [Mrs. FEINSTEIN]. Essentially, this vote is a legislative measure to criminalize, under Federal laws, the willful disclosure of technology and other information that would enable an individual or individuals to make—manufacture a bomb.

The time between now and 7:15 will be equally divided between myself and the distinguished ranking member. Hopefully, within that time we can accommodate the distinguished colleague from Virginia, also. But, just a few words about the amendment to advise Senators with regard to the subject of the vote.

It is entitled, "Distribution of Information Relating to Explosives, Destructive Devices, and Weapons of Mass Destruction."

DEFINITIONS.—In this subsection—

(A) the term "destructive device" has the same meaning as [another section of the code];

(B) the term "explosive" [same meaning].

These terms are defined within the code, the existing code.

(C) the term "weapon of mass destruction" has the same meaning as in [another part of the code].

PROHIBITION.—It shall be unlawful for any person—

(A) to teach or demonstrate the making of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intention that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce; or

(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce.

And the penalties are then recited.

Mr President, I yield to my distinguished colleague.

The PRESIDING OFFICER. The Senator form Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that of the time remaining between now and 7:15, that 5 minutes be allocated to Senator ROBB and that——

Mr. WARNER. To be charged equally, Mr. President, to both sides.

Mr. LEVIN. That would be great, and 3 minutes be allocated to Senator FEINSTEIN.

The PRESIDING OFFICER. Is the Senator also asking we return to the Feinstein amendment?

Mr. LEVIN. I ask unanimous consent that we return to the Feinstein amendment immediately after the Senator from Virginia has completed his 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

The defense authorization bill before us today does a pretty responsible job of providing adequate funding for personnel readiness, quality of life and modernization.

It also makes a concerted effort to accommodate many of the recommendations of the Quadrennial Defense Review. I remain concerned, however, as do many colleagues on the Armed Services Committee, that we will face a serious funding shortfall in just a very few years as we try to replace and modernize aging vehicles, ships, and aircraft that will be exiting the inventory in droves just after the turn of the century.

By accelerating some of the funding for major procurement items in this authorization, we help head off this funding crisis at least to a small degree.

As a ranking member of the Readiness Subcommittee, I compliment the chairman, Senator INHOFE, for his diligence in supporting U.S. military readiness.

I am pleased the bill funds many of the high-priority readiness increases requested by the service chiefs in the operations and maintenance accounts, as well as the ammunition accounts. Military construction is well funded, but all adds were subjected to the strict criteria established in the Senate years ago to ensure we only fund projects truly needed by the military.

The bill does not go far enough, however, in my judgment, in taking on the issue of excess infrastructure. One of the best ways we can pay for future modernization is through reducing the Department of Defense's large "tail" of infrastructure and support, which is taking away critical funding for the "teeth"—our warfighting troops and equipment that will fight the next war.

The best place to reduce tail is to cut more bases. An effort to authorize a new base closure round failed in a tie vote in committee, but in spite of its political unpopularity, I hope the full Senate will, for the good of the Nation's defense, support a new BRAC round.

We have reduced force structure by over 30 percent since 1989, but four rounds of base closures have yielded an infrastructure reduction of only 21 percent. Reductions enacted so far will yield, in the long term, over $5 billion a year.

To gain additional, badly needed savings, the only responsible course of action, in my judgment, is to begin reducing additional excess right away. Although I certainly understand the reservations of those Members who are concerned about the integrity of the BRAC process, in light of the attempts to privatize in place the work at Kelly and McClellan Air Force depots, I hope once those issues are resolved, those Members will support a new BRAC round as well.

The depot issue remains a difficult one, to say the least. My view is that we must significantly reduce the excess capacity at the air logistic centers, that the spirit of the BRAC was to reduce roughly two ALC's worth of capacity, and that the BRAC did allow for some level of privatization of work at Kelly and McClellan.

But in no way did the BRAC intend to privatize in place excess capacity. Preserving that excess capacity will cost hundreds of millions of dollars, and we simply cannot afford this kind of waste anymore.

I applaud my counterpart on the Readiness Subcommittee, Senator INHOFE, for his willingness to strike the controversial depot maintenance sections of the original bill that threatened to prevent us from proceeding to consider this bill.

Mr. President, there are other ways to save money so that we can properly fund modernization.

One is to invest in new technologies that promise to deliver more lethality for less cost.

This bill aggressively funds the Army's efforts to ensure battlefield dominance through better intelligence, communications and smart weapons. It adds significant funds for the Navy's impressive information Technology 21 initiative, which will enable the warfighter to exchange all types of information on a single desktop computer, shorten decision time lines and better utilize information for combat.

I will be addressing another technology, smart card technology, that promises to save millions in an amendment later on in our consideration of this bill.

The bill also sensibly allows a new approach for funding the next carrier, the CVN–77.

By letting the contractor maintain a steady supplier and workforce base through early funding in fiscal year 1998 for construction in 2002, the taxpayers stand to save over $600 million on this program alone. By authorizing an innovative teaming arrangement for the new attack submarine, we achieve additional savings over a noncompeted, sole-source procurement while preserving two nuclear-capable shipyards.

Let me offer one other area the bill addresses that could lead to billions in savings without undue risks to military capability. We generally assume that any money for force modernization must come from force structure cuts, end-strength cuts or infrastructure cuts.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBB. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Mr. President, we generally assume that there are no prospects for savings in readiness. The reality is that we maintain most of our active force units at very high levels of readiness at considerable expense, when, in fact, we could relax readiness levels for certain units, especially those not slated to go into combat early. Senator MCCAIN included language in this and last year's bill requiring an evaluation of a concept he refers to as "tiered readiness" where four tiers of readiness are established for our units based on their likely time of deployment to battle.

I have included language in this bill asking for an estimate of savings from a related concept I refer to as "cyclical readiness." It would involve alternating a high state of readiness between units, where the units at the high state of readiness would be slated for a first major theater war, and the other lower readiness units would be available for a second theater.

The services tell us that their operational and personnel tempos are too high to relax the readiness of any units. I have come to the conclusion that much of that problem is self-inflicted through excessive training and contingency requirements.

I have included another provision in this bill that requires a look at how much of the demands on our troops are, in fact, self-inflicted.

The reality is that come October, our largest overseas contingency commitment will be about a third of an Army division in Bosnia.

In my judgment, we don't need to maintain all 10 active Army divisions at a high state of readiness, and I believe we need to take a hard look at this matter.

With that, Mr. President, I look forward to our continued consideration of this bill and yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask for 1 minute charged to the time of the chairman.

I just wish to say what a valuable contribution to the work of the Armed Services Committee from my distinguished colleague from Virginia. We work together as a team on behalf of our Nation but, obviously, caring for the specific needs of our State which are directly related to national security.

We are fortunate in Virginia to have a very significant concentration of activities relating to national security, and I know of no one better qualified than my distinguished colleague to work together as a partner in fulfilling our obligations to country and State.

Mr. ROBB. Mr. President, I thank my senior colleague.

AMENDMENT NO. 419

Mr. BIDEN. Mr. President, I rise in support of the Feinstein-Biden anti-bomb-making amendment. The bill would make it a Federal crime to teach someone how to use or make a bomb if you know or intend that it will be used to commit a crime.

As my colleagues know, I fought to pass nearly identical legislation last year. Senator FEINSTEIN and I tried several times to have it enacted as part of my anti-terrorism initiatives. The bill passed the Senate on two occasions, but unfortunately, it was rejected by the House both times.

Critics of the bill claimed that it was unnecessary, unconstitutional, and would outlaw legitimate business uses of explosives.

To respond to these claims, we asked the Justice Department to examine each of these questions. The report supports Senator FEINSTEIN and my position on each and every criticism.

So now that we have cleared away the basis for some of the opposition, I hope we can quickly enact this important legislation. And let me tell you why.

I think most Americans would be absolutely shocked if they knew what kind of criminal information is making its way over the Internet. This information is easily accessible. It's proliferating by leaps and bounds.

Let me give just one example. A guy named "War-Master" sent this message out over the Internet about how to build a baby food bomb. Here is how his message goes:

> These simple, powerful bombs are not very well known even though all the material can be easily obtained by anyone (including minors). These things are so [expletive deleted] powerful that they can destroy a car. The explosion can actually twist and mangle the frame. They are extremely deadly and can very easily kill you and blow the side of the house out if you mess up while building it. Here's how they work.

And then the message goes into explicit detail about how to fill a baby food jar with gunpowder and how to detonate it. The message observes that the explosion shatters the glass jar, sending pieces of razor sharp glass in all directions. The message continues with even more deadly advice:

> Tape nails to the side of the thing. Sharpened jacks (those little things with all the pointy sides) also work well.

As a result, the message concludes:

> If the explosion doesn't get 'em then the glass will. If the glass don't get 'em then the nails will.

I am not making this up. And this is only one small example.

Mr. President, we hear about this happening time and time again: A bomb goes off. People are killed. A criminal is apprehended. And we learn that the criminal followed—to the letter—someone else's instructions on how to make a bomb and how to make it kill people.

Indeed, the Justice Department report indicates that numerous notorious terrorists—including the World Trade Center bombers and the murderers of a Federal judge—have been found in possession of bomb-making manuals and internet bomb-making information.

And there is another situation that we are hearing about more and more frequently. We read about it in our local papers across the country. These bomb-making instructions are having an ever increasing impact on children.

In Austin, TX, a boy lost most of one hand and part of the other after following bomb-making instructions he found on the internet. This boy once had plans to serve in the Marines. But that dream is now gone.

And in Massachusetts, several boys—in separate incidents throughout the State—were maimed when they tried to mix batches of napalm on their kitchen stoves. These experiments were direct results of kids finding a bomb-making recipe on the internet.

And what is even worse is that some of these instructions are geared toward kids. They tell kids that all the ingredients they need are right in their parents' kitchen or laundry cabinets.

These stories illustrate what can happen when the literally millions of kids today sit in front of their computer and type "explosive" on their keyboard. In minutes, they can have instructions for making all sorts of explosive devices they never knew even existed.

I know that some say that going after people who only help other people make bombs is not the way to go. They say that bomb-making instructions are protected by the first amendment. And I agree—to a point.

I take a backseat to no one when it comes to the first amendment. I have always argued that we must take great care when we legislate about any constitutional right—paticularly our most cherished right of free speech.

But let's not forget the obvious. It is illegal to make a bomb. And there is no right under the first amendment to help someone commit an illegal act.

Our bill says you have no right to provide a bomb-making recipe to someone if you know that person has plans to destroy property or innocent lives. You have no right to help someone blow up a building.

The Justice Department has concluded that our legislation—with some minor modifications which we have incorporated into this bill—is entirely consistent with the first amendment.

I am glad that the Senate voted last year to join Senator FEINSTEIN and me in making this type of behavior a crime. I hope this time around, we can pass this legislation through the full Congress and send it on to the President so he can sign it into law.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side. I commend my good friend from California for her amendment. It is carefully worded. It has been cleared on this side, and I believe that there are 2 minutes allocated to the Senator from California under the unanimous-consent agreement and that the remainder of the time is to be divided as indicated.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Dr. Kim Hamlett, who works on the Veterans' Affairs staff, be allowed the privilege of the floor during the time of consideration of the Defense Authorization Act and the conference report thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, the Feinstein amendment is primarily a judicial amendment, but it is a very worthy amendment, and I intend to support it.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I thank the chairman and the ranking member for their comments, and I thank all the Members for their support of this amendment.

Essentially, this is the third year that I have submitted this amendment. It has been put on the terrorism bill and on this bill in prior times. It was removed in conference. Part of the terrorism bill asks the Department of Justice to take a look at the situation that exists out there with respect to the teaching of bombmaking and the knowledge and intent that such teaching will be used for a criminal purpose. In fact, the Department of Justice has submitted a report indicating that they believe that the amendment is necessary and will stand a constitutional test, and they have, in fact, approved the drafting of this amendment. I believe it is important and timely. I believe it will stand a constitutional test. I am just delighted that it has been cleared on both sides. I thank the Chair, and I yield the floor.

Mr. BENNETT. Will the Senator yield for a question?

Mrs. FEINSTEIN. I will be most happy to yield to the distinguished Senator.

Mr. BENNETT. Mr. President, I was present at a hearing on the issue of terrorism and raised the question of domestic terrorism, specifically in terms of information that is put on the Internet by groups that are opposed to fur farming; that is, opposed to the raising of animals for their fur. On the Internet, these groups describe how to build a bomb for the purpose of destroying a fur farm.

The PRESIDING OFFICER. The remaining time is under the control of the Senator from Michigan.

Mr. BENNETT. It was my understanding the Senator from Michigan yielded to the Senator from California.

The PRESIDING OFFICER. The Senator from California had 2 minutes.

Mr. LEVIN. Mr. President, I yield the remainder of my time to the Senator from California. She can yield to the Senator.

Mr. BENNETT. I will finish my question. This group opposed to fur farming put on the Internet a description of how to build a bomb to blow up, say, a mink farm. They did say in their Internet thing, make sure no animal, including a human, is present in the building when you blow it up.

I ask the Senator from California if, in her opinion, her amendment would make that kind of information on the Internet subject to Federal prosecution?

Mrs. FEINSTEIN. I thank the distinguished Senator. My answer is I believe it would if the individual had the knowledge that any attempt would be used for criminal purpose, which this would be. The answer to the question is yes.

Mr. BENNETT. I thank the Senator.

Mrs. FEINSTEIN. I thank the Senator from Utah very much.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 419. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Iowa [Mr. HARKIN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

I also announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Iowa [Mr. HARKIN] would vote "aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—94

Abraham	Chafee	Feingold
Akaka	Cleland	Feinstein
Allard	Coats	Ford
Ashcroft	Cochran	Frist
Baucus	Collins	Glenn
Bennett	Conrad	Gorton
Biden	Coverdell	Graham
Bond	Craig	Gramm
Boxer	D'Amato	Grams
Breaux	DeWine	Grassley
Brownback	Dodd	Gregg
Bryan	Domenici	Hagel
Bumpers	Dorgan	Hatch
Burns	Durbin	Hollings
Byrd	Enzi	Hutchinson
Campbell	Faircloth	Hutchison

Inhofe	Mack	Sessions
Jeffords	McCain	Shelby
Johnson	McConnell	Smith (NH)
Kempthorne	Moseley-Braun	Smith (OR)
Kennedy	Moynihan	Snowe
Kerrey	Murkowski	Specter
Kerry	Murray	Stevens
Kohl	Nickles	Thomas
Kyl	Reed	Thompson
Landrieu	Reid	Thurmond
Lautenberg	Robb	Torricelli
Leahy	Roberts	Warner
Levin	Rockefeller	Wellstone
Lieberman	Roth	Wyden
Lott	Santorum	
Lugar	Sarbanes	

NOT VOTING—6

Bingaman	Harkin	Inouye
Daschle	Helms	Mikulski

The amendment (No. 419) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, first of all, I would like to announce there will be no further rollcall votes tonight. We have been working to make sure that the Members that we need to have here tomorrow, if necessary, on the Finance Committee and also the Budget Committee members are here so we can complete our work on the tax cut provision of reconciliation, so that the Budget Committee can meet tomorrow morning to package both the reconciliation spending provision and the tax cut bill. We are now satisfied we will be able to have Members here for that, even though we do not have recorded votes scheduled.

For the information of all Senators, the Senate will resume consideration of the DOD authorization bill. However, I have been assured that amendments will be offered. Therefore, votes will not occur during Friday's session.

The point I am making here is that we will be in session. We will continue to work on the DOD bill. We will have amendments that will be offered, but because of the request of a number of Senators, and the agreement we have been able to work out, we will not have to have votes during Friday's session.

As all Members know, the Senate will begin reconciliation on Monday. It is my understanding that Members will offer amendments to the reconciliation bill. Again, with a lot of requests from the Members and with the assurance and the cooperation in a number of ways, which I will not enumerate now, the votes that are required as a result of amendments being offered Monday will be stacked to occur on Tuesday, at 9:30 a.m. Therefore, no votes will occur on Monday.

Committees are expected to act in the morning on the tax reconciliation package. We will be in session tomorrow with some morning business time that we will have identified later, and the Department of Defense authorization bill will continue to be considered. We will be in session on Monday on the reconciliation bill, with amendments to be offered. But the next recorded votes will occur and be stacked—more than one, hopefully, and at least a couple, but maybe even more—to occur at 9:30 on Tuesday.

Mr. President, does the Senator from Kentucky wish to add anything?

Mr. FORD. Mr. President, we have been working back and forth all day. I think the water is calm. So, on Monday, we will debate reconciliation. There will be amendments offered. Votes will be stacked until 9:30 on Tuesday, and there will be votes—a minimum of four, probably, back to back.

Mr. LOTT. I appreciate that. That was an important component of us getting this agreement, to guarantee that we are, in fact, getting work done and making progress on the reconciliation bill.

Mr. FORD. I can guarantee the majority leader this. If we are here and alive, you will have at least two amendments from our side that we will vote on on Tuesday morning.

Mr. LOTT. We will have two from our side.

I yield the floor.

The PRESIDING OFFICER. The pending question is the Cochran amendment No. 420.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that the following three members of the Senator KYL's staff be granted floor privileges during the consideration of the national Defense authorization bill: Paul Iarrobino, John Rood, and David Stephens.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. THURMOND. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it request the concurrence of the Senate:

H.R. 437. An act to reauthorize the National Sea Grant College Program Act, and for other purposes.

ENROLLED BILL SIGNED

The message also announced the Speaker has signed the following enrolled bill:

S. 342. An act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 437. An act to reauthorize the National Sea Grant College Program Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following measure, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and placed on the calendar:

H.R. 1747. An act to amend the John F. Kennedy Center Act to authorize the design

and construction of additions to the parking garage and certain site improvements, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2238. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a draft of proposed legislation to facilitate the administration and enforcement of voluntary inspection and grading programs, the tobacco inspection program, marketing orders and agreements, and the commodity research and promotion programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2239. A communication from the Acting Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, a rule relative to amending regulations for various commodity warehouses, received on June 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2240. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a report of a rule entitled "Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for the 1996–97 Crop Year for Natural Seedless Raisins", received on June 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2241. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Streamlining the Rural Utilities Service Water and Waste Program Regulations", received on June 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2242. A communication from the Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, three rules including a rule entitled "Fisheries Off West Coast States"; to the Committee on Commerce, Science, and Transportation.

EC–2243. A communication from the Assistant Administrator for Fisheries, Department of Commerce, transmitting, pursuant to law, three rules including a rule entitled "Fisheries Off West Coast States"; to the Committee on Commerce, Science, and Transportation.

EC–2244. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, four rules including a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska"; to the Committee on Commerce, Science, and Transportation.

EC–2245. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, two rules including a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska" received on June 3, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2246. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of three rules including a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska"; to the Committee on Commerce, Science, and Transportation.

EC–2247. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a certification regarding the incidental capture of sea turtles; to the Committee on Commerce, Science, and Transportation.

EC–2248. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report concerning a rule entitled "Railroad Consolidation Procedures" received on June 18, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2249. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, three reports relative to Superfund Annual Reports for fiscal years 1992–1994; to the Committee on Environment and Public Works.

EC–2250. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to Revenue Procedure 97–31, received on June 18, 1997; to the Committee on Finance.

EC–2251. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report of a Presidential Determination relative to the Trade Act of 1974; to the Committee on Finance.

EC–2252. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report of a Presidential Determination relative to Albania; to the Committee on Finance.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998" (Rept. No. 105–31).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 648. A bill to establish legal standards and procedures for product liability litigation, and for other purposes (Rept. No. 105–32).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation:

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably two nominations lists in the Coast Guard, which were printed in full in the RECORD on February 27, and May 15, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of February 27 and May 15, 1997, at the end of the Senate proceedings.)

In the Coast Guard, nominations beginning Catherine M. Kelly and ending Ronald W. Reush, whose nominations were received by the Senate and appearing in the RECORD of February 27, 1997.

In the Coast Guard, Richard W. Sanders, said nomination received by the Senate and appearing in the RECORD of May 15, 1997.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MACK (for himself and Mr. GRAHAM):

S. 937. A bill to amend the Outer Continental Shelf Lands Act to provide for the cancellation of 6 existing leases and to ban all new leasing activities in the area off the coast of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself and Mr. BUMPERS):

S. 938. A bill to amend the Public Health Service Act to provide surveillance, research, and services aimed at the prevention and cessation of prenatal and postnatal smoking, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COCHRAN:

S. 939. A bill to establish a National Panel on Early Reading Research and Effective Reading Instruction; to the Committee on Labor and Human Resources.

By Mr. HELMS (for himself, Mr. AKAKA, Mr. LOTT, Mr. MCCAIN, and Mr. MURKOWSKI):

S. 940. A bill to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself, Mr. GORTON, Mr. KERRY, Mrs. MURRAY, and Mr. BREAUX):

S. 941. A bill to promote the utilization of marine ferry and high-speed marine ferry services; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself and Mr. GRAHAM):

S. 937. A bill to amend the Outer Continental Shelf Lands Act to provide for the cancellation of 6 existing leases and to ban all new leasing activities in the area off the coast of Florida, and for other purposes; to the Committee on Energy and Natural Resources.

FLORIDA COAST PROTECTION ACT

Mr. MACK. Mr. President, I rise today with my colleague, Senator GRAHAM, to introduce the Florida Coast Protection Act. This legislation will cancel the six oil and gas leases on the Outer Continental Shelf closest to

Florida's coast. Representative SCARBOROUGH is leading a similar effort in the House of Representatives.

Mr. President, Floridians have always been justifiably concerned about the prospect of oil and gas exploration in the waters off our State. We are well aware of the risk this activity poses to our environment and our economy.

Throughout my tenure in the Senate I have opposed exploration and drilling off Florida's coasts. My goal—and the goal the entire Florida congressional delegation—is to permanently remove this threat from our coastlines. In recent years, we have stood together in opposition to drilling and have successfully extended the annual moratorium on all new leasing activities on Florida's continental shelf.

The reason for our concern is simple, Mr. President. In Florida, a healthy environment means a healthy economy. Millions of people come to our State each year to enjoy the climate, the coastlines, and our fine quality of life. It would only take one disaster to end Florida's good standing as America's vacationland and we cannot afford to let that happen.

Mr. President, if the current exploration plan runs its course, there is the potential for the operation of up to 400 drill rigs off Florida's panhandle. A recent permit report from the Environmental Protection Agency states that a typical rig can be expected to discharge between 6,500 and 13,000 barrels of waste. This presents a huge potential for damage to our near-shore coastal waters and beaches. The report warns of further harmful impact on marine mammal populations, fish populations, and air quality. We cannot afford these risks in Florida and we do not want these risks in Florida.

But while the opposition of Floridians to oil drilling is well documented, the reality remains that leases have been let, potential drilling sites have been explored and it is likely that actual extraction of resources will take place 17 miles off the coast of Florida. Mr. President, if this is allowed to happen, the drill rigs will be within the line of sight from vacationers in Pensacola. This Congress must not allow that to happen.

The legislation we are introducing today is very simple. It provides for cancellation of the lease tract 17 miles off Pensacola. Under the OCS Lands Act, Mr. President, the current holders of these leases would be entitled to fair compensation for their investment. This is only fair. The bill also makes permanent the moratorium on any new leasing activity in order to ensure the past mistake of leasing in the OCS off Florida is not repeated.

If the threat of oil and gas exploration is to be permanently removed from our shores, it will require responsible leadership from the Congress. This legislation, in my view, is absolutely necessary to protect our state's economic and environmental well-being.

I urge my colleagues to support this worthwhile effort.

Mr. GRAHAM. Mr. President, I am very pleased to join my colleague Senator MACK in introducing the Florida Coast Protection Act today. It represents the next step in the State of Florida's long battle to preserve our beautiful coastal and marine ecosystem.

Floridians oppose offshore oil drilling because of the threat it presents to the State's greatest natural and economic resource: our coastal environment. Florida's beaches, fisheries, and wildlife draw millions of tourists each year from around the globe, supporting our State's largest industry. Tourism supports, directly or indirectly, millions of jobs all across Florida, and the industry generates billions of dollars every year.

The Florida coastline boasts some of the richest estuarine areas in the world. These brackish waters, with their mangrove forests and seagrass beds, provide an irreplaceable link in the life cycle of many species, both marine and terrestrial. Florida's commercial fishing industry relies on these estuaries because they support the nurseries for the most commercially harvested fish. Perhaps the most environmentally delicate regions in the gulf, estuaries could be damaged beyond repair by a relatively small oil spill.

Over the years, we have met with some success in our effort to protect Florida's OCS. In 1995, the lawsuit surrounding the cancellation of the leases around the Florida Keys was settled, removing the immediate threat of oil and gas drilling from what is an extremely sensitive area. While I believe strongly that a long-term strategy is needed for the entire Florida coastline, the legislation we are introducing today focuses on a more near-term goal: to cancel six leases in an area 17 miles off the coast from Pensacola. The bill provides a mechanism for leaseholders to seek compensation under section 5 of the OCS Lands Act. Both Senator MACK and I believe the leaseholders have the absolute right to just compensation from the Federal Government in order to recover their investment.

As the member of the Florida delegation who serves on the Energy and Natural Resources Committee—the committee with jurisdiction over this issue—I anticipate a difficult and precarious road to enactment. But the Florida delegation as a whole has no other choice than to pursue with all our combined abilities the goal we envision: to take another major step toward ensuring the wellbeing of the Outer Continental Shelf offshore the State of Florida.

In addition to introducing this legislation today, Senator MACK and I intend to write to Chairman FRANK MURKOWSKI of the Energy and Natural Resources Committee to request a hearing on this bill as soon as possible. Floridians will have our very best effort to make the Florida Coast Protection Act Federal law.

By Mr. BOND (for himself and Mr. BUMPERS):

S. 938. A bill to amend the Public Health Service Act to provide surveillance, research, and services aimed at the prevention and cessation of prenatal and postnatal smoking, and for other purposes; to the Committee on Labor and Human Resources.

THE MOTHERS AND INFANTS HEALTH PROTECTION ACT

Mr. BOND. Mr. President, I rise today to introduce the Mothers and Infants Health Protection Act on behalf of myself and Senator BUMPERS. First, I express my sincere thanks to my colleagues in the Senate last week for having passed the Birth Defects Prevention Act. That act was a tremendous step forward in protecting the health of our Nation's most vulnerable population and in saving families from the economic and emotional hardships associated with birth defects.

However, we must keep moving forward. After having had numerous discussions with the Centers for Disease Control and child advocacy organizations about the adverse birth outcomes and infant health problems connected with smoking during and after pregnancy, I decided we would introduce this legislation here today to carry the next step in our battle against birth defects.

The main purpose of the measure introduced today is to provide surveillance, research, and services aimed at the prevention and cessation of smoking, both during and after pregnancy. The CDC, along with the Association of Maternal and Child Health Programs, is meeting today here in Washington to highlight that although the overall smoking rate for pregnant women is slowly declining, the smoking rate for pregnant teens is increasing. That is bad news. For black teenagers specifically, the rate rose 6 percent, the first increase since this information first became available in 1989. And even with this increase, smoking rates for white teenagers are still four to five times the rate for black teenagers. Furthermore, the smoking rate for those between the ages of 15 and 24 is 23 percent higher than the smoking rate among all pregnant women.

In my home State of Missouri, this public health program is even more dramatic: 20 percent of all pregnant women in Missouri admit to smoking. This is 44 percent higher than the national average. This, unfortunately, may be connected to the fact that our incidence of birth defects and infant mortality is 50 percent higher than the national average.

The consequences of smoking during and after pregnancy are downright horrifying. Recent studies show that this activity is a problem. Increases in maternal and fetal risk causes 20 to 30 percent of low birth rates and 10 percent of fetal and infant deaths in the United States.

Smoking triples the risk of sudden infant death syndrome. Smoking elevates the risk of a child being born with a birth defect. Smoking increases the risk of spontaneous abortion, premature rupture of membranes, and the delivery of a stillborn infant. Smoking may impede the growth of a fetus and increase the likelihood of mental retardation by 50 percent, and smoking increases the risk of respiratory illness in infants and children.

Adding to this devastating problem, the proportion of women who quit smoking during pregnancy but then relapse at 6 months postpartum is nearly 63 percent, thereby exposing their infants to passive smoke and increasing their risk for SIDS and other health-related problems.

These are just a few of the problems related to smoking during and after pregnancy. But in addition to the risks for the fetus and infant, smoking is associated with a wide variety of hazards for pregnant women, such as infertility and ectopic pregnancy.

There is no question that smoking during and after pregnancy is a compelling public health problem. These facts clearly underscore the necessity for smoking prevention and cessation programs aimed specifically for pregnant women. This legislation aims to reverse these devastating outcomes on several fronts.

First, the CDC is directed to foster coordination between all governmental levels, other public entities, and private voluntary organizations that conduct or support prenatal and postnatal smoking research, prevention, and surveillance.

Second, the bill provides grants to state and local health departments, community health centers, other public entities, and non-profit organizations for the development of community-based public awareness campaigns aimed at the prevention and cessation of smoking during and after pregnancy.

Third, monies would be made available to the groups just mentioned for the purpose of coordinating and conducting basic and applied research concerning prenatal and postnatal smoking and its effects on fetuses and newborns.

Fourth, the bill calls for a procedure for the dissemination of effective prevention and cessation strategies and the diagnostic criteria for infants suffering the effects of exposure to intrauterine and passive tobacco smoke to health care professionals.

Finally, this measure authorizes a modest appropriation of $10 million to achieve these goals.

Similar to the Birth Defects Prevention Act, this is another stride in improving the health of our children and in reducing infant mortality and morbidity.

Fetuses, newborns, and children are too vulnerable and cannot protect themselves. We must therefore have a coordinated effort among government, nonprofit groups and local communities to get the message out on the devastating outcomes associated with pre and post natal smoking as well as information on effective prevention and cessation opportunities.

Again, it is important to note that overall, fewer pregnant women are smoking now that they know the health risks for themselves and for their babies. The bad news is that not everyone has gotten the message—in particular those between the ages of 15 and 24. They are moving directly against the trend.

This is the generation coming up; and these women are likely to go on having more children. If they are smoking more, that does not bode well for their future health, or for that of their children.

Many people still do not understand that there is a link between adverse birth outcomes and prenatal and postnatal smoking. Part of the reason is that not all women have adequate access to prenatal care.

Thus, it is my firm belief that this legislation will ensure that all mothers will receive information on the potential tragedies of smoking during and after pregnancy and the much needed assistance in quitting their habit.

Mr. BUMPERS. Mr. President, let me first extend my sincere and profound gratitude to Senator BOND for creating and being the originator of this legislation. I am honored he has asked me to be his chief cosponsor.

I just want to say for the RECORD and for those who may be watching, I remember when I was Governor of my State and my wife, Betty, was first lady. She had spent 2 years laying the groundwork for a statewide immunization program. It was a howling success. We immunized 300,000 children one Saturday without a single reaction. That evening I said, "Betty, you ought to take great pride in what you just accomplished today." She said, "I do. Of course, this is good for your political career and it is good for the babies who were immunized today, but it is certainly no final solution because we will lapse right back into the lethargy we have experienced and watched for years with low immunization rates among children who are yet to be born." She said until we institutionalize a program that can track each child's immunizations from birth through early childhood we will not have succeeded. Thanks to her efforts and many others, including Rosalynn Carter, and the program Every Child By Two, immunization levels in this country are now at an all-time high.

The same principle applies in this case. Once we get this bill passed, and we will get it passed, it is imperative that we follow it up year after year after year so we do not lapse into the condition we are in right now where the rate of smoking among teenage women, pregnant teenage women, is going up. We got it down to 14 percent and now it is back up to 17 percent.

If you ask that same teenage mother, what and whom do you love most, she loves mostly that fetus that lies inside her womb, and when that baby is born, she loves that baby above everything under the shining sun—above all else.

So ask yourself, why would a woman, or why would parents smoke during pregnancy, and why would parents smoke after the baby is born? Every pediatrician in the country will tell you horror stories about sending children home after asthma attacks, only to see them come back with another asthma attack because people are smoking in the household.

Senator BOND and I are asking for $10 million for this new initiative, an infinitesimal sum when compared to the savings it will produce. Hubert Humphrey stood at that desk right there. I never will forget the speech he made. "We don't have national health insurance. What we have is national sick insurance. It isn't worth anything until you get sick." He told me about preventive programs that Ford Motor Company had instituted among all their employees and how much they were saving on health care costs through preventive medicine.

Here we are now with a chance to save 10 to 100 times more than the paltry $10 million we will spend educating pregnant women in this country and telling them the consequences of asthma and low-birthweight babies. After the baby is born, one of the biggest single problems is sudden infant death syndrome. One of its causes is smoking around newborn babies.

Mr. President, I am honored to join my distinguished colleague, Senator BOND, in pushing this. I hope we will be able to get hearings on this very shortly. Incidentally, I hope that the Centers for Disease Control will not just conduct outreach and education among pregnant women. I hope they will also work to educate the College of Obstetricians and Gynecologists and the American Academy of Pediatrics. Sometimes the very best professionals neglect and forget to tell pregnant women how to conduct themselves during pregnancy. I do not think that is a big problem, but I do think providers must be made acutely aware that they have this grave responsibility to at least tell pregnant women what they are up against and tell women what they must do when they go home from the hospital with a newborn.

I yield the floor.

By Mr. COCHRAN:

S. 939. A bill to establish a National Panel on Early Reading Research and Effective Reading Instruction; to the Committee on Labor and Human Resources.

THE SUCCESSFUL READING RESEARCH AND INSTRUCTION ACT

Mr. COCHRAN. Mr. President, today, I am introducing the Successful Reading Research and Instruction Act. It establishes a panel that will include parents, scientists, and educators to conduct a study of the research relevant to reading development and advise the Congress of its recommendations for disseminating its findings and instruction suggestions to those who would like to have them.

Reading is the skill students must master to meet life challenges in a confident and successful manner. For a child, breaking the code of written language not only opens academic opportunities; it is a cornerstone to building high self esteem. Both reading and self esteem affect the knowledge and experiences that form a child's character and future.

Teaching children to read is the highest priority in education today. Many teachers and parents I've talked with are frustrated and confused about what method of reading instruction is best. Every American should be concerned that 40 to 60 percent of elementary school children are not reading proficiently. Even more disturbing is research that shows fewer than one child in eight who is failing to read by the end of first grade ever catches up to grade level.

Success in reading is essential if one is to progress socially and economically. In fact, most of the federally funded literacy programs are targeted to helping adults learn to read because the education system failed them, and more than likely, failed them at an early age.

This indicates that we need to start solving the problem of poor readers at the beginning, instead of working backward. It seems to me that the first step to finding a solution is to seriously analyze sound, rigorous research on the subject.

Mr. President, at a hearing on April 16, of the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education, I brought to the attention of the Secretary of Education, Richard Riley, research by the National Institute of Child Health and Human Development mandated by the Health Research Extension Act of 1985, and asked that he use such research in the development of federally supported reading programs. This research is ongoing, in a collaborative network with multidisciplinary research programs to study genetics, brain pathology, developmental process and phonetic acquisition. NICHD has spent over $100 million over the past 15 years, and has studied approximately ten thousand children.

On June 11 of this year, when officials from the National Institutes of Health came before the same appropriations subcommittee, I asked Dr. Duane Alexander, the Director of NICHD, about this study. Dr. Alexander's testimony about the research confirmed what I suspect most teachers already know—at least 20 percent of children have difficulty learning to read. But the research also suggests that 90 to 95 percent of these can be brought up to average reading level.

As a result of this research, techniques for early identification of those with reading problems and intervention strategies are now known. But administrators, teachers, tutors and parents are not aware of the key principles of effective reading instruction. The NICHD findings underscore the need to do a better job of teacher training, as researchers found fewer than 10 percent of teachers actually know how to teach reading to children who don't learn reading automatically.

I am surprised that the Department of Education hasn't looked to this study and found a way to effectively get the information to teachers, schools, parents, and most importantly, teacher colleges.

What scientists have learned from their studies of reading hasn't been passed on to the teachers who are teaching, so parents are telling us their kids aren't reading. It is time we put all this experience together; come up with suggestions for dealing with the problems and, if schools, teachers, parents or higher education institutions want the information, let's make it available.

This is a proposal to develop answers that are based on scientific, model based research. I think it can be a helpful beginning for successful reading instruction.

I ask unanimous consent that a copy of Dr. Duane Alexander's testimony and a copy of my bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Successful Reading Research and Instruction Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) At least 20 percent, and in some States 50 to 60 percent, of children in elementary school cannot read at basic levels. The children cannot read fluently and do not understand what they read.

(2) Research suggests that the majority of the children, at least 90 to 95 percent, can be brought up to average reading skills if—

(A) children at risk for reading failure are identified during the kindergarten and first grade years; and

(B) early intervention programs that combine instruction in phonological awareness, phonics, and reading comprehension are provided by well-trained teachers.

(3) If the early intervention programs described in paragraph (2)(B) are delayed until the children reach 9 years of age (the time that most children are identified), approximately 75 percent of the children will continue to have reading difficulties through high school.

(4) While older children and adults can be taught to read, the time and expense of doing so is enormous.

(b) PURPOSE.—The purposes of this Act are—

(1) to conduct an assessment of research and knowledge relevant to early reading development, and instruction in early reading, to determine the readiness of the research and knowledge for application in the Nation's classrooms; and

(2) if appropriate, to develop a national strategy for the rapid dissemination of the research and knowledge to teachers and schools throughout the United States as a means of facilitating effective early reading instruction; and

(3) to develop a plan for additional research regarding early reading development, and instruction in early reading, if the additional research is warranted.

SEC. 3. NATIONAL PANEL.

(a) IN GENERAL.—The Secretary of Education, or the Secretary's designee, and the Director of the National Institute of Child Health and Human Development, or the Director's designee, jointly shall—

(1) establish a National Panel on Early Reading Research and Effective Reading Instruction;

(2) establish the membership of the panel in accordance with subsection (b);

(3) select a chairperson of the panel;

(4) provide the staff and support necessary for the panel to carry out the panel's duties; and

(5) prepare and submit to Congress a report regarding the findings and recommendations of the panel.

(b) MEMBERSHIP.—The panel shall be composed of 15 individuals, who are not officers or employees of the Federal Government. The panel shall include leading scientists in reading research, representatives of colleges of education, reading teachers, educational administrators, and parents.

(c) DUTIES.—The panel shall—

(1) conduct a thorough study of the research and knowledge relevant to early reading development, and instruction in early reading, including research described in section 9 of the Health Research Extension Act of 1985 (42 U.S.C. 281 note);

(2) determine which research findings and what knowledge are available for application in the Nation's classrooms; and

(3) determine how to disseminate the research findings and knowledge to the Nation's schools and classrooms.

(d) TERMINATION.—The panel shall terminate 9 months after the date of enactment of this Act.

TESTIMONY OF DR. DUANE ALEXANDER

Thank you Senator Cochran:

I think that it is important to point out that our intensive research efforts in reading development and disorders is motivated to a great extent by our seeing difficulties learning to read as not only an educational problem, but also a major public health issue.

Simply put, if a youngster does not learn to read, he or she will simply not likely to make it in life. Our longitudinal studies that study children from age five through their high school years have shown us how tender these kids are with respect to their own response to reading failure. By the end of the first grade, we begin to notice substantial decreases in the children's self-esteem, self-concept, and motivation to learn to read if they have not been able to master reading skills and keep up with their age-mates. As we follow them through elementary and middle school these problems compound, and in many cases very bright youngsters are deprived of the wonders of literature, history, science, and mathematics because they can not read the grade-level textbooks. By high school, these children's potential for entering college has decreased to almost nil, with few choices available to them with respect to occupational and vocational opportunities.

In studying approximately 10 thousand children over the past 15 years, we have learned the following:

(1) At least 20%, and in some states 50 to 60%, of children in the elementary grades can not read at basic levels. They can not read fluently and they do not understand what they read.

(2) However, the majority of these children—at least 90 to 95%—can be brought up to average reading skills IF:

(A) children at-risk for reading failure are identified during the kindergarten and first grade years and,

(B) early intervention programs that combine instruction in phonological awareness, phonics, and reading comprehension are provided by well trained teachers. If we delay intervention until nine-years-of-age (the time that most children are currently identified), approximately 75% of the children will continue to have reading difficulties through high school. While older children and adults CAN be taught to read, the time and expense of doing so is enormous.

(3) We have learned that phonological awareness—the understanding that words are made up of sound segments called phonemes—plans a casual role in reading acquisition, and that it is a good predictor because it is a foundational ability underlying basic reading skills.

(4) We have learned how to measure phonological skills as early as the beginning of kindergarten with tasks that take only 15 minutes to administer—and over the past decade we have refined these tasks so that we can predict with 92% accuracy who will have difficulties learning to read.

(5) The average cost of assessing each child during kindergarten or first grade with the predictive measures is between $15 to $20 depending upon the skill level of the person conducting the assessment. This includes the costs of the assessment materials. If applied on a larger scale, these costs may be further decreased.

(6) We have learned that just as many girls as boys have difficulties learning to read. The conventional wisdom has been that many more boys than girls have such difficulties. Now females should have equal access to screening and intervention programs.

(7) We have begun to understand how genetics are involved in learning to read, and this knowledge may ultimately contribute to our prevention efforts through assessment of family reading histories.

(8) We are entering very exciting frontiers in understanding how early brain development can provide us a window on how reading develops. Likewise, we are conducting studies to help us understand how specific teaching methods change reading behavior and how the brain changes as reading develops.

(9) Very importantly, we continue to find that teaching approaches that specifically target the development of a combination of phonological skills, phonics skills, and reading comprehension skills in an integrated format are the most effective ways to improve reading abilities.

At the present time, we have held several meetings with officials from the USDOE and have discussed how these findings can be used across the two agencies. As an example of this collaboration, NICHD and USDOE have been developing a preliminary plan to determine which scientific findings are ready for immediate application in the classroom and how to best disseminate that information to the Nation's schools and teachers.

By Mr. HELMS (for himself, Mr. AKAKA, Mr. LOTT, Mr. MCCAIN and Mr. MURKOWSKI):

S. 940. A bill to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes; to the Committee on Energy and Natural Resources.

THE BATTLE OF MIDWAY NATIONAL MEMORIAL ACT

Mr. HELMS. Mr. President, on July 31, 1995, Senator Dole and I introduced S. 1098, the Battle of Midway Memorial Act. Today I am proud to offer an updated version of S. 1098 on behalf of the majority leader, Mr. LOTT, the Senator from Hawaii, Mr. AKAKA, the Senator from Arizona, Mr. MCCAIN, and the Senator from Alaska, Mr. MURKOWSKI.

This bill directs the Secretary of the Interior to study the feasibility and advisability of establishing Midway Atoll as a national memorial to the Battle of Midway. It goes without saying that the sponsors of this bill strongly believe that this should be done without delay. I am confident that the Interior Secretary will agree.

Mr. President, it was on June 4, 1942, that courageous American sailors, soldiers, and airmen stationed on Midway Atoll, and aboard 29 warships, clashed with 350 warships of the Imperial Japanese Navy in what became known as the Battle of Midway. When the smoke cleared, the small American force, under the overall command of Admiral Nimitz, had soundly defeated the Imperial Japanese Navy in one of the most spectacular and historically significant naval battles of all time, and a turning point in the Pacific theater in World War II.

There is no reason to delay further the establishment of Midway Atoll as a national memorial to honor the American heros who fought and died there in defense of our liberties. Approval of this bill will be the first step in recognizing what those gallant Americans did in 1942—and that recognition is in fact long overdue.

Mr. President, on April 25, 1996, the Energy Committee's Subcommittee on Parks, Historic Preservation, and Recreation held an extensive hearing on S. 1098, the predecessor to the bill we introduce today. Chairman NIGHTHORSE CAMPBELL received testimony from my treasured friend, Adm. Tom Moorer, who in my judgment, was the greatest Chairman of the Joint Chiefs of Staff ever to serve in that post—and a veteran of the Pacific theater of World War II, and Dr. James D'Angelo, president of the International Midway Memorial Foundation.

If the committee chooses to have another hearing on this issue, I hope Chairman MURKOWSKI and Chairman NIGHTHORSE CAMPBELL will ask whether any historic structures on Midway Atoll have been destroyed, and if so, why. If this has occurred, I will support modifying the bill to prohibit explicitly any further destruction of any historic structure on Midway Atoll.

Mr. President, Adm. James W. (Bud) Nance, chief of staff of the Foreign Relations Committee, Esther Kia'aina of Sen. AKAKA's staff, and Jim O'Toole with the Energy and Natural Resources Committee deserve special thanks. When Midway Atoll becomes a national memorial, it will in large part be due to their tireless efforts.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited the "Battle of Midway National Memorial Act".

SEC. 2. FINDINGS.

The Senate makes the following findings:

(1) September 2, 1997, marks the 52th anniversary of the United States victory over Japan in World War II.

(2) The Battle of Midway proved to be the turning point in the war in the Pacific, as United States Navy forces inflicted such severe losses on the Imperial Japanese Navy during the battle that the Imperial Japanese Navy never again took the offensive against United States or allied forces.

(3) During the Battle of Midway on June 4, 1942, an outnumbered force of the United States Navy, consisting of 29 ships and other units of the Armed Forces under the command of Admiral Nimitz and Admiral Spruance, out-maneuvered and out-fought 350 ships of the Imperial Japanese Navy.

(4) It is in the public interest to establish Midway Atoll as a national memorial to the Battle of Midway to express the enduring gratitude of the American people for victory in the battle and to inspire future generations of Americans with the heroism and sacrifice of the members of the Armed Forces who achieved that victory.

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) Midway Atoll and the surrounding seas deserve to be a national memorial;

(2) the historical significance of the Battle of Midway deserves more recognition;

(3) the historic structures on Midway Atoll deserve to be protected and maintained;

SEC. 4. STUDY OF THE ESTABLISHMENT OF MIDWAY ATOLL AS A NATIONAL MEMORIAL TO THE BATTLE OF MIDWAY.

(a) IN GENERAL.—Not later than six months after the date of enactment of this Act, the Secretary of the Interior shall, acting through the Director of the National Park Service and in consultation with the Director of the United States Fish and Wildlife Service, the International Midway Memorial Foundation, Inc. (hereafter referred to as the 'Foundation'), and Midway Phoenix Corporation, carry out a study of the feasibility and advisability of establishing Midway Atoll as a national memorial to the Battle of Midway.

(b) CONSIDERATIONS.—In studying the establishment of Midway Atoll as a national memorial to the Battle of Midway under subsection (a), the Secretary shall consider the following:

(1) Whether, and under what conditions, to lease or otherwise allow the Foundation or another appropriate organization to administer, maintain, and utilize fully for use as a national memorial to the Battle of Midway the lands (including any equipment, facilities, infrastructure, and other improvements) and waters of Midway Atoll.

(2) Whether, and under what circumstances the needs and requirements of the wildlife refuge should take precedence over the needs and requirements of a national memorial on Midway Atoll.

(3) Whether, and under what conditions, to permit the use of the facilities on Sand Island for purposes other than a wildlife refuge or a national memorial.

(4) Whether to impose conditions on public access to Midway Atoll as a national memorial.

(c) REPORT.—Upon completion of the study required under subsection (a), the Secretary shall submit to Congress a report on the study, including any recommendations for further legislative action. The report shall also include an inventory of all past and present structures of historic significance on Midway Atoll.

SEC. 5. RULE OF STATUTORY CONSTRUCTION.

Nothing under this Act should be construed to delay or inhibit discussions between the Foundation and the United States Fish and Wildlife Service or any other government entity regarding the future role of the Foundation on Midway Atoll.

By Mr. INOUYE (for himself, Mr. GORTON, Mr. KERRY, Mrs. MURRAY, and Mr. BREAUX):

S. 941. A bill to promote the utilization of marine ferry and high-speed marine ferry services; to the Committee on Commerce, Science, and Transportation.

HIGH-SPEED MARINE FERRY ACT

Mr. INOUYE. Mr. President, I rise today to introduce legislation, cosponsored by Senators GORTON, KERRY, MURRAY, and BREAUX to promote the use of marine ferry and high-speed marine ferry services.

The marine ferry system of the United States provides an invaluable component to the transportation requirements of our Nation. As a Senator from an island State, I appreciate the need for passenger/vehicle ferry services. In general, marine ferries require minimal costs as compared to the costs of new infrastructure such as highways, bridges, and tunnels. In addition, marine ferries are one of the most environmentally friendly modes of transportation.

In coastal urban centers, marine ferry service can provide low-cost, environmentally friendly transportation to areas suffering from congestion. In rural coastal areas, such as barrier islands, marine ferries have been utilized as the sole source of transportation to connect coastal communities to the mainland. While States with marine barriers such as rivers or lakes have utilized marine ferries as low-cost alternatives to highway bridges or additional roadways. Marine ferries have also been used to provide transportation in areas devastated by natural disasters and floods. Ferries were used in the aftermath of the earthquakes in northern California to provide transportation across San Francisco Bay.

States such as Washington, Alaska, North Carolina, and Delaware have invested, with great success, in State-run marine ferry services. While other States such as New York, New Jersey, and my own State of Hawaii, are exploring incentives to induce private ferry operations in order to fulfill certain transportation objectives. Private ferry operations and high-speed marine passenger vessels used for dinner cruises and tour excursions, have contributed to the tourism potential of certain areas as well.

I am particularly hopeful that the Marine Ferry and High-Speed Marine Ferry Act will help us to fulfill our Nation's potential for high-speed marine technology. In the early 1970's, Boeing Marine pioneered the development and construction of commercial passenger hydrofoils capable of operating at 45 knots. Boeing built 25 hydrofoils for high-speed use on the Hong Kong-Macau route before licensing production to Kawasaki Heavy Industries of Japan in the early 1980's, and by 1989, only one high-speed marine passenger/vehicle ferry of significant size was in operation.

The international and domestic high-speed marine passenger vessel market has recently seen a dramatic expansion, and currently over 60 high-speed marine passenger/vehicle ferries are in service or under construction. Fast ferries, until recently, have been primarily used in short sea services on protected routes, but recent advances in design and materials have allowed for the construction of larger vessels capable of being operated on longer open sea routes. New technologies have also opened possibilities for high-speed cargo-carrying operations.

The United States has benefited from a number of recent high-speed projects, and from the establishment of a shipyard specifically designed for high-speed marine passenger vessel construction. The Maritime Administration's "1996 Outlook for the U.S. Shipbuilding and Repair Industry" indicates:

New orders for ferries should also continue to provide work for the second-tier shipyards. The enactment of ISTEA continues to provide a significant boost to new ferry projects. In addition, MARAD has a Title XI application pending for the construction of two passenger/vehicle ferries for a foreign owner, valued at more than $171 million. Demand will come from continued promotion of states of ferries for use in their tourist industries, as well as in transportation/commuting, as an alternative to building infrastructure projects such as highways and bridges. The recent award of a $181 million contract to Todd Seattle for three 2,500-passenger ferries and the solicitation for proposals for two additional 350-passenger ferries by the State of Washington, is an added sign that the ferry industry is strong. On the private sector side, there is a demand for the deployment of high-speed, high-tech ferries in the passenger excursion industry.

The Marine Ferry and High-Speed Marine Ferry Act will build on previous enactments aimed at promoting marine ferry operations. The bill would reauthorize section 1064 of ISTEA, at levels consistent with past years, to allow State-run ferry programs to apply for Federal grants for the construction of ferries, and/or related ferry infrastructure. The bill would also initiate a new program to help provide loan guarantees for private marine ferry operators. A number of States have decided not to operate their own ferry vessels, but instead, have encouraged the private sector to establish marine ferry operations. The provision of loan guarantees to qualified applicants will allow private sector operators to contribute to legitimate public sector transportation needs by providing favorable financing through federally guaranteed loans.

The bill would also require DOT to report on existing marine ferry operations and to make recommendations on areas that could benefit from future marine ferry operations, and directs DOT to meet with relevant State and local municipal planning agencies to discuss the marine ferry program. The bill also directs the Marine Board to study high-speed marine technologies, and potential utilization of such technology.

I hope my colleagues can join in to continue our support of marine ferry operations. For a relatively small investment, we can leverage State and private operations to address our pressing infrastructure demands.

ADDITIONAL COSPONSORS

S. 293

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 317

At the request of Mr. CRAIG, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 317, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 364

At the request of Mr. LIEBERMAN, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 412

At the request of Mr. LAUTENBERG, the names of the Senator from Ohio [Mr. GLENN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mrs. BOXER], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 472

At the request of Mr. GRAHAM, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 472, a bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes.

S. 513

At the request of Mr. D'AMATO, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 513, a bill to reform the multifamily rental assisted housing programs of the Federal Government, maintain the affordability and availability of low-income housing, and for other purposes.

S. 570

At the request of Mr. NICKLES, the names of the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 570, a bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the mandatory electronic fund transfer system.

S. 608

At the request of Mr. FEINGOLD, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 608, a bill to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

S. 711

At the request of Mr. BREAUX, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 711, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 747

At the request of Mr. CHAFEE, the names of the Senator from Kansas [Mr. ROBERTS] and the Senator from Colorado [Mr. ALLARD] were added as cosponsors of S. 747, a bill to amend trade laws and related provisions to clarify the designation of normal trade relations.

S. 836

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 836, a bill to offer small businesses certain protections from litigation excesses.

S. 852

At the request of Mr. LOTT, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 885

At the request of Mr. D'AMATO, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 885, a bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes.

S. 927

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 927, a bill to reauthorize the Sea Grant Program.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

SENATE RESOLUTION 93

At the request of Mr. GRASSLEY, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Montana [Mr. BURNS], the Senator from Georgia [Mr. COVERDELL], the Senator from New York [Mr. D'AMATO], the Senator from Ohio [Mr. DEWINE], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Tennessee [Mr. FRIST], the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Indiana [Mr. LUGAR], the Senator from Oklahoma [Mr. NICKLES], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Hawaii [Mr. AKAKA], the Senator from Illinois [Mr. DURBIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Washington [Mrs. MURRAY], the Senator from Virginia [Mr. ROBB], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Resolution 93, a resolution designating the week beginning November 23, 1997, and the week beginning on November 22, 1998, as "National Family Week," and for other purposes.

AMENDMENTS SUBMITTED

THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

WELLSTONE AMENDMENT NO. 415

Mr. WELLSTONE proposed an amendment to the bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

At the appropriate place, insert the following: "It is the sense of the Senate that any tax legislation enacted by the Congress this year should meet a standard of fairness in its distributional impact on upper, middle and lower income taxpayers, and that any such legislation should not disproportionately benefit the highest income taxpayers."

TORRICELLI (AND OTHERS) AMENDMENT NO. 416

Mr. TORRICELLI (for himself, Mr. SPECTER, Mr. KERREY, and Mr. BUMPERS) proposed an amendment to the bill, S. 858, supra; as follows:

On page 14, between lines 19 and 20, insert the following:

SEC. 309. REQUIREMENTS FOR SUBMITTAL OF BUDGET INFORMATION ON INTELLIGENCE ACTIVITIES.

(a) SUBMITTAL WITH ANNUAL BUDGET.—Notwithstanding any other provision of law, the President shall include in each budget for a fiscal year submitted under section 1105 of title 31, United States Code, the following information:

(1) The aggregate amount appropriated during the current fiscal year on all intelligence and intelligence-related activities of the United States Government.

(2) The aggregate amount requested in such budget for the fiscal year covered by the budget for all intelligence and intelligence-related activities of the United States Government.

(b) FORM OF SUBMITTAL.—The President shall submit the information required under subsection (a) in unclassified form.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

LAUTENBERG (AND OTHERS) AMENDMENT NO. 417

Mr. LAUTENBERG (for himself, Mr. TORRICELLI, and Mr. BAUCUS) proposed an amendment to the bill (S. 936) to authorize appropriations for fiscal year

1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike out section 3188 and insert in lieu thereof the following:

SEC. 3138. REPORT ON REMEDIATION ACTIVITIES OF THE DEPARTMENT OF ENERGY.

The Secretary of Energy shall submit to Congress a report on the remediation activities of the Department of Energy.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 418

Mr. SMITH of New Hampshire proposed an amendment to amendment No. 417 proposed by Mr. LAUTENBERG to the bill, S. 936, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. . REPORT ON REMEDIATION UNDER THE FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

Not later than March 1, 1998, the Secretary of Energy shall submit to Congress a report containing the following information regarding the Formerly Utilized Sites Remedial Action Program:

(1) How many Formerly Utilized Sites remain to be remediated, what portions of these remaining sites have completed remediation (including any offsite contamination), what portions of the sites remain to be remediated (including any offsite contamination), what types of contaminants are present at each site, and what are the projected timeframes for completing remediation at each site.

(2) What is the cost of the remaining response actions necessary to address actual or threatened releases of hazardous substances at each Formerly Utilized Site, including any contamination that is present beyond the perimeter of the facilities.

(3) For each site, how much it will cost to remediate the radioactive contamination, and how much will it cost to remediate the non-radioactive contamination.

(5) What type of agreements under the Formerly Utilized Sites Remedial Action Program have been entered into with private parties to resolved the level of liability for remediation costs at these facilities, and to what extent have these agreements been tied to a distinction between radioactive and non-radioactive contamination present at these sites.

(6) What efforts have been undertaken by the Department to ensure that the settlement agreements entered into with private parties to resolve liability for remediation costs at these facilities have been consistent on a program wide basis.

FEINSTEIN (AND BIDEN) AMENDMENT NO. 419

Mrs. FEINSTEIN (for herself and Mr. BIDEN) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1074. CRIMINAL PROHIBITION ON THE DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(*l*) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'destructive device' has the same meaning as in section 921(a)(4);

"(B) the term 'explosive' has the same meaning as in section 844(j); and

"(C) the term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

"(2) PROHIBITION.—It shall be unlawful for any person—

"(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intention that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce; or

"(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce.".

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "person who violates subsections" and inserting the following: "person who—

"(1) violations subsections";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following;

"(20 violates subsection (*l*)(2) of section 842 of this chapter, shall be fined under this title, imprisoned not more than 20 years, or both."; and

(2) in subsection (j), by striking "and (i)" and inserting "(i), and (*l*)".

COCHRAN (AND OTHERS) AMENDMENT NO. 420

Mr. COCHRAN (for himself, Mr. DURBIN, Mr. ABRAHAM, and Mr. HUTCHINSON) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. . SUPERCOMPUTER EXPORT CONTROL.

(a) EXPORT LICENSING WITHOUT REGARD TO END-USE AND END-USER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, effective upon the date of enactment of this Act, computers described in paragraph (2) shall only be exported to a Computer Tier 3 country pursuant to an export license issued by the Secretary of Commerce.

(2) COMPUTERS DESCRIBED.—A computer described in this paragraph is a computer with a composite theoretical performance equal to or greater than 2,000 million theoretical operations per second.

(b) LIMITATION ON REEXPORT.—It is the sense of the Senate that Congress should enact legislation to require that any computer described in subsection (a)(2) that is exported to a Computer Tier 1 or Computer Tier 2 country shall only be reexported to a Computer Tier 3 country (or, in the case of a computer exported to a Computer Tier 3 country pursuant to subsection (a), reexported to another Computer Tier 3 country) pursuant to an export license approved by the Secretary of Commerce and that the preceding requirement be included as a provision in the contract of sale of any such computer to a Computer Tier 1, Computer Tier 2, or Computer Tier 3 country.

(c) COMPUTER TIERS DEFINED.—In this section, the terms "Computer Tier 1", "Computer Tier 2", and "Computer Tier 3" have the meanings given such terms in section 740.7 of title 15, Code of Federal Regulations.

INOUYE AMENDMENT NO. 421

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the appropriate place, insert:

"SEC. . DEFENSE ENVIRONMENTAL RESTORATION OF INDIAN LANDS PROGRAM.

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish an Environmental Restoration Program, within the Office of Deputy Under Secretary of Defense (Environmental Security), to remediate or otherwise mitigate environmental impacts on Indian lands attributable to Department of Defense activities. This program shall be separate from, but operate in conjunction with, the program for environmental restoration established pursuant to section 2701, title 10, United States Code.

"(b) PROGRAM CRITERIA.—The Secretary shall establish a program to—

"(1) identify and investigate environmental impacts on Indian lands known or suspected to be caused by Department of Defense activities, including but not limited to, releases and threatened releases of hazardous substances, pollutants, contaminants, hazardous waste, solid waste, petroleum, unexplored ordnance and associated debris on, or migrating on, Indian lands;

"(2) develop and maintain a comprehensive inventory list of the environmental impacts identified pursuant to the authority provided in subsection (1) of this section;

"(3) conduct preliminary assessments of each site identified pursuant to the authority provided in subsection (1) of this section to validate and document the potential risk to human health and the environment, or natural, religious or cultural resources, or other impediments to the use of such Indian lands, as reported by the Indian tribes, the Military Departments, and other sources;

"(4) apply the Department of Defense Relative Risk Site Evaluation System to determine priorities for addressing impact on Indian lands by taking into account considerations important to Indian tribes, including but not limited to damages or other impacts to human health and safety, cultural and religious values, subsistence activities, natural ecosystems, and natural resources of commercial value;

"(5) implement appropriate remediation or other form of mitigation of environmental impacts on Indian lands resulting from Department of Defense activities; and

"(6) provide training, either directly or through contract, to enable Indian tribes to administer cooperative agreements and contracts provided for in this section.

"(c) CONSULTATION WITH INDIAN TRIBES.—The Secretary shall consult with each affected Indian tribe during any activities undertaken pursuant to this section, and shall

not select appropriate response actions without consulting the affected Indian tribe.

"(d) COOPERATIVE AGREEMENTS.—(1) The Secretary is authorized to enter into cooperative agreements with Indian tribes or consortia of Indian tribes, when mutually agreed by the Secretary and the Indian tribe involved, to administer some or all portions of the restoration program and to perform such services applicable under this section. The cooperative agreement may cover one or more sites identified and assessed for remediation or other response action. The Secretary shall make a determination regarding such application within 90 days after receiving the application.

"(f) CONTRACTING PROVISIONS.—"In implementing the provisions of any cooperative agreement or the award of any contract pursuant to this section, the Secretary shall—

"(1) apply the provisions of—

"(A) 25 U.S.C. §450(e)(b);

"(B) 48 C.F.R. §26.1.; and

"(C) 48 C.F.R. §226.1; and

"(2) enter into contracts or cooperative agreements with tribal community colleges and tribal vocational educational institutions to provide training to Indian tribes as required under this section.

"(e) DEFINITION.—For the purposes of this section, the term—

"(1) "Indian" means "Indian" as defined in 25 U.S.C. §450(b), the Indian Self-Determination and Educational Assistance Act.

"(2) "Indian tribe" means "Indian tribe" as defined in 25 U.S.C. §450(b)(d), the Indian Self-Determination and Educational Assistance Act.

"(3) "Indian organization" means an "organization" as defined in 25 U.S.C. 1452(f), the Indian Financing Act.

"(4) "Indian-owned economic enterprise" means an "economic enterprise" as defined in 25 U.S.C. 1452(e), the Indian Financing Act.

"(5) "Indian lands" means "Indian lands" as defined in 25 U.S.C. §3902(3) and (4), the Indian Lands Open Dumps Clean-Up Act.

"(f) AUTHORIZATION.—There is hereby authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 1998 and 1999, to remain available until expended. For each of fiscal years 2000 through 2006, there is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section."

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business has cancelled the June 24, 1997, hearing entitled "Small Business Reauthorization Act of 1997."

For further information, please contact Paul Cooksey at 224–5175.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Wednesday, June 25, 1997, at 9:30 a.m. to receive testimony on "Campaign Finance—Are Political Contributions Voluntary: Union Dues and Corporate Activity."

For further information concerning this hearing, please contact Stewart Verdery of the Rules Committee staff at 224–2204.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on "Medicare At Risk: Emerging Fraud in Medicare Programs."

This hearing will take place on Wednesday, June 25, 1997, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy Shea of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 19, 1997, at 9:30 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, June 19 for purposes of conducting a Subcommittee on National Parks, Historic Preservation, and Recreation hearing which is scheduled to begin at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, June 19, 1997, beginning at 10 a.m. in room SH–216, to conduct a markup on budget reconciliation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. SHELBY. Mr. President, I ask unanimous consent that the Aviation Subcommittee on the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 19, 1997, at 2:30 p.m. on United States/Japan aviation relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. SHELBY. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 19, at 9:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FRIVOLOUS LAWSUIT PREVENTION ACT

• Mr. ABRAHAM. Mr. President, I am pleased to speak about an issue I feel strongly about and have consistently supported during my tenure in the U.S. Senate. Today I rise in defense of Senate bill 400, the Frivolous Lawsuit Prevention Act, of which I am a cosponsor.

The Senate has debated tort reform legislation in the past and this year several bills have been introduced that attempt to remediate our legal system. S. 400 takes a narrow approach and focuses on the particular problem of persons who deliberately abuse America's courts.

I appreciate the efforts of Senator GRASSLEY in introducing this important bill, which is a vital component of legal reform. It aims to rescue our courts from engaging in suits that more resemble talk show fodder than legitimate claims of wrongdoing. Specifically, the bill amends rule 11 of the Federal rules of civil procedure by making sanctions mandatory rather than discretionary whenever Federal courts find a violation of that rule has occurred and an attorney has engaged in frivolous conduct.

For example, if a party files a lawsuit purely to badger another party, and the judge finds this to be true, the court can impose a punishment commensurate with the degree of the violation. Prior to 1993, this type of sanctioning had been standard procedure. Unfortunately, however, this rule was severely modified 4 years ago. Congress must now enact S. 400 to once again protect the courts from frivolous lawsuits that clog this Nation's legal system and impede the ability of legitimate claims to be heard.

Our courts must never become playgrounds for egregious claims and wild accusations that seek only to harass an individual. Those who engage in such conduct must face sanctions for their action. In my view, this bill will relieve our courts and restore the dignity and integrity that America's system of justice demands.•

RECOGNITION OF THE RECIPIENTS OF THE GIRL SCOUT GOLD AWARD, DUPAGE COUNTY GIRL SCOUTS

Ms. MOSELEY-BRAUN. Mr. President, I would like to salute six outstanding young women who were honored on May 12, 1997, with the Girl Scout Gold Award by the Dupage County Girl Scout Council of Naperville, IL. The Girl Scout Award symbolizes outstanding accomplishments in the area of leadership, community service, career planning, and personal planning. I commend these young women for their dedication to our community.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Awards to senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches. The Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge. The Scout must also design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the senior Girl Scout and is carried out through close cooperation between the girl and an adult volunteer. These objectives are met only through hard work and discipline, as displayed by the six young women honored on May 12.

A member of Girl Scout Troop 936, Jennifer Gary began working toward the Girl Scout Gold Award in 1994. Her project, focused on providing a Costa Rican culture experience for people in her community and raised community awareness about the importance of rain forests to our global environment.

The environment was also the focus of Carla Dingler's project. Carla, a member of Girl Scout Troop 167, coordinated six different environmental cleanups in her community.

Cyndie Bagarie, an individual Girl Member, completed an innovative project she began working on in 1995. Cyndie created a raffle-like event, whereby members of the community were given the opportunity to win free swim lessons from Cyndie by donating food to a local food pantry.

Girl Scout Troop 42 member Susan Mickelson created and distributed a wallet-size index of public phone numbers for teens. This arduous project began in 1993.

Another member of Troop 42, Erin Kraatz, knitted teddy bears for the children residing at a local women's shelter. This ongoing project started in 1993.

Jennifer Buhrow, an individual girl member, began working toward the Girl Scout Award in 1995. Her project consisted of collecting books, toys, games, and school supplies for the children at a local women's shelter.

At a time when our Nation's youth face so many obstacles, it is encouraging to see six young women devoted to fostering an understanding between cultures and people, and taking steps to bring issues of importance to the attention of others. I extend my heartfelt congratulations to Jennifer Gary, Carla Dingler, Cyndie Bagarie, Susan Mickelson, Erin Kraatz, and Jennifer Buhrow as they are recognized for their hard work and service to the community. We can all take pride in the fact that these six young women have made vital contributions to the State of Illinois. The people of Illinois are grateful for their contributions as public servants.

RECOGNITION OF THE 34TH ANNUAL SMALL BUSINESS WEEK

• Mr. FRIST. Mr. President, I rise today in support of America's small businesses and in recognition of the 34th annual Small Business Week. As a member of the Small Business Committee, I understand that small business is truly the engine of economic growth in America. Ninety percent of all U.S. businesses have less than 20 employees and 99 percent have fewer than 500 employees. These small businesses employ more than half of our Nation's workforce and create a large majority of our new jobs. In fact, 40 percent of our Nation's goods and services are produced by small businesses—making America's entrepreneurs the world's third greatest economic power, trailing only the production of the entire United States economy and Japan.

We celebrate Small Business Week every year to recognize those people on the front lines of our economy. I would like to take a moment to specifically recognize Tennessee's 1997 Small Business Person of the Year—Bob Pap—the president of the Accurate Automation Corp. in Chattanooga. Accurate Automation is an aerospace/computer systems company doing research and development in hypersonic aircraft design and the emerging technology of neural networks. Accurate Automation began in 1988 as a two-person company located in a 450-square-foot office. Today, it has 33 employees, 5 consultants, and a 13,000-square-foot office facility. Bob Pap's corporation is a great example of how hard work and ingenuity can lead to small business success.

The work of a small business owner never ends. Therefore, Congress should not stop working for small business after Small Business Week. We must reduce or eliminate the restrictive taxes, unfunded mandates, and burdensome regulations plaguing small businesses. Many Federal bureaucrats and lawmakers do not understand that small businesses do not have the money and personnel to cope with regulatory paperwork. They do not understand that small firms lack a corporate legal department to guide them through a maze of regulatory compliance. And, most importantly, they do not understand that each new tax, mandate, and regulation stifles business expansion, job creation, and economic growth.

Fortunately, Congress is taking action to foster a healthier environment for entrepreneurs. Reducing the capital gains tax rate is vital to creating jobs and expanding economic growth. Through high capital gains rates the Federal Government penalizes people who take risks and invest their hard-earned income in homes, savings accounts, mutual funds, small and large businesses, or family farms. In addition, this high tax rate threatens American leadership in the global marketplace. The United States has the highest capital gains rate of any major industrialized nation in the world. We cannot expect to remain competitive if we are not on a level playing field with other countries. Lowering the capital gains rate is essential to maintaining a strong economy and supporting the cause of America's small business men and women.

The bipartisan balanced budget agreement cuts the capital gains tax rate for individuals in the 15-percent tax bracket to 10 percent and for individuals in the 28-percent bracket to 20 percent. It also provides for the exclusion of gain on the sale of a home and indexing for inflation.

Estate tax reform is also a high priority. Confiscatory estate tax rates are extremely detrimental to small businesses. They depress national savings, discourage entrepreneurial risk, and limit economic growth. Too often, family farms and small businesses are forced out of business after the death of a key family member because the family cannot afford to pay the estate tax. We need to make sure that there is an incentive for entrepreneurs to start small businesses and that there is a way for these small businesses to flourish after an important family member dies. The bipartisan balanced budget agreement also includes a phased-in increase in the unified estate tax credit equivalent to $1 million and inflation indexing.

While capital gains and estate tax relief have been a major focus of our tax agenda, there are other important small business issues that deserve attention. One of those issues is electronic tax filing. Under a 1993 law, small businesses were required to submit their Federal tax payments electronically beginning this July. However, due to inadequate education and implementation by the Internal Revenue Service (IRS), more than 1 million small businesses were very confused about how to transition to the new system, concerned about the possibility of fines and penalties, and frustrated overall with the mandatory nature of this new requirement. Fortunately, relief is on the way. I voted for the supplemental appropriations bill that included an extension of the electronic tax filing deadline from July 1, 1997 to the end of this tax year, December 31, 1997. And the President has already signed this provision into law.

On another tax issue, I have cosponsored S. 460, the Home-Based Business Fairness Act of 1997. Home-based businesses are one of the fastest growing sectors of the economy. There are currently more than 14 million individuals earning income from out of their own homes. As owners of a majority of home-based businesses, women, in particular, have enjoyed astonishing success in this area. There are currently

eight million women-owned U.S. businesses which produce $2.3 trillion in sales. Women-owned businesses employ one quarter of all U.S. workers. In light of these trends, we need to open more opportunities for home-based and other entrepreneurial ventures to start, grow, and create jobs.

The Home-Based Business Fairness Act targets three particular areas. First, it provides 100 percent deductibility for self-employed health insurance costs. Large corporations are currently allowed to deduct the health insurance costs of all of their employees. This bill will allow the self-employed to take advantage of full deductibility as well. A fair and competitive business environment is impossible as long as large corporations have this unfair advantage.

Second, the Home-Based Business Fairness Act will restore the home-office deduction and make it available to all business owners who perform their essential administrative and management functions only in their homes. This portion of the bill will clarify the ambiguities resulting from the 1993 Supreme Court decision, *Commissioner* v. *Soliman*. This decision required the customers of a home business to physically visit the home office and the business owners income to be generated within the home office itself in order to qualify for a deduction. This bill would expand and clarify the home-office deduction by allowing those who perform their services outside the home to benefit from the deduction as long as they use their home for all billing and recordkeeping activities.

Third, S. 460 clarifies the independent contractor definition. Under current law, small businesses and the self-employed must rely on a complicated and ambiguous 20 point test of IRS guidelines to determine how to classify their workers and what taxes must be paid. The IRS can penalize firms who use self-employed contractors and force them to pay retroactive taxes and fines if they disagree with the worker's classification as an independent contractor. The Home-Based Business Fairness Act will establish a general safe harbor to provide more certainty in determining the independent contractor status and protect against retroactive reclassifications, fines, and penalties.

On the regulatory front, I have cosponsored the Mandates Information Act of 1997 to help reduce the burden on America's economy of Congressional mandates. In the past, Congress has often acted without adequate information concerning the costs of private sector mandates. These costs are borne by consumers in the form of higher prices and reduced availability of goods; workers, in the form of lower wages, reduced benefits, and fewer job opportunities; and small businesses, in the form of hiring disincentives and stunted growth.

The Mandates Information Act contains two key provisions to prevent imposition of new mandates on the private sector. First, it establishes an additional procedural hurdle, or shame vote, against any bill containing private sector mandates exceeding $100 million a year. Second, it directs the Congressional Budget Office (CBO) to prepare a small business impact statement to inform Members of Congress about a bill's effects on consumer costs, worker wages, and the availability of goods and services. I believe this initiative will help stop the spread of mandates at their source—allowing small businesses to take risks and create new jobs without the added pressure of unfunded Washington requirements.

Mr. President, during Small Business Week and every week, Congress needs to listen to the men and women who are running Main Street businesses. Today, I speak for only a few minutes to honor the small business owners and employees who spend hours every day trying to fulfill their American dreams. I want to let them know that their elected officials are making some progress on their agenda, but we still have a long way to go. I urge my colleagues not to rest in our efforts to support American free enterprise.•

RISING COSTS OF A COLLEGE EDUCATION

• Mr. CLELAND. Mr. President, I rise today to share with you and all of our colleagues a disturbing report released Tuesday. According to this report, produced by a panel of public and private university officials and corporate executives, the cost of a college education is rising dramatically. This figure must be contained or an increasing number of low-income students will be shut out from the opportunity to earn a degree.

According to this report, tuition is expected to double by 2015, effectively shutting off higher education to half of those who would want to pursue it. We cannot allow this door to close on these low-income students. We should be opening these doors for our young people, not closing them.

These rising tuition costs must be addressed. An investment in education is an investment in the future of this country. Adequate governmental support for higher education is essential in order to arm our children with the proper resources so that they are able to live and compete in a global market. I firmly believe in providing all feasible financial support for students receiving a higher education. That's why I am a cosponsor of S. 12, the Education for the 21st Century Act, which would help to increase the educational opportunities for America's youth.

Mr. President, I ask that the text of the article detailing these report findings, which appeared in the New York Times, June 18, 1997, be printed in the RECORD.

The article follows:

[From the New York Times, June 18, 1997]

RISING COST OF COLLEGE IMPERILS NATION, REPORT SAYS

(By Peter Applebome)

The nation's colleges an universities need to cut costs dramatically or face a shortfall of funds that will increasingly shut out the poor from higher education and from economic opportunity as well, according to a blunt and far-ranging assessment of American higher education that was made public on Tuesday.

The report, by a panel of public and private university officials and corporate executives, says that rising costs, falling public spending and a coming surge in demand are making the economics of American higher education increasingly unsupportable.

If current enrollment, spending and financing trends continue, the report said, higher education will fall $38 billion short of what it needs to serve the expected student population in 2015. To sustain current spending, it said, tuition would have to double by 2015, effectively shutting off higher education to half of those who would want to pursue it.

The report focuses on one of the great unspoken dilemmas in President Clinton's push to make a college diploma as common as a high school one: higher education is expensive, students pay only a small share of their costs and, while bringing increasing numbers of low-income students into higher education will have long-term economic benefits, it will also have enormous short-term economic costs.

On the other hand, the report said, with education increasingly crucial to economic advancement, cutting off access to education—particularly to the poor and to immigrant groups who increasingly dominate the student population of states like California, Florida, New York and Texas—would have enormous consequences for the nation's social fabric.

The report, "Breaking the Social Contract: The Fiscal Crisis in Higher Education," calls for a radical restructuring of universities, including an effort to overhaul university governance to limit the power of individual departments, redefining and often reducing the ambitions of different institutions and a sharing of resources between institutions.

The report also calls for more public financing, but it stresses that changes in the system should be prerequisites to any increases.

"The facts are irrefutable," said Thomas Kean, the former New Jersey governor who is now president of Drew University and is a co-chairman of the panel that wrote the report. "We are heading for a crisis at the very time we can least afford one."

The panel, the Commission on National Investment in Higher Education, is made up of academic and business leaders convened by the Council for Aid to Education, an independent subsidiary of the Rand Corp.

Experts say that higher education is already being reshaped by such forces as technology or competition from for-profit institutions, so that a straight-line extrapolation from current economic figures is difficult. And higher education is such a varied enterprise in the United States that a crisis for a public college in California does not necessarily mean a crisis for Harvard or Princeton.

Still, Roger Benjamin, president of the Council for Aid to Education, notes that even rich universities like Yale and Stanford have faced deficits and retrenchment in recent years.

And officials in state systems, which educate the majority of Americans, say the gap between resources and costs in higher education is becoming ever more daunting.

Charles Reed, chancellor of the State University System of Florida, said that over the next 10 years Florida will face a 50 percent increase in students at its public four-year institutions, from 210,000 to 300,000.

Barry Munitz, chancellor of the California State University System, said California was midway through a half-century of population growth and demographic change that would see the number of schoolchildren in kindergarten through the 12th grade almost double, to about eight million, and go from about 75 percent white in 1970 to about 75 percent minority in 2020.

Population growth will only accelerate the financial problems facing higher education, the report said. It noted that the index measuring the increases in the price paid by colleges and universities for goods and services, like faculty salaries, rose more than sixfold from 1961 to 1995. The annual rate of growth in the cost of providing higher education exceeded the Consumer Price Index by more than a percentage point from 1980 to 1995, the report said.

And, while costs have gone up, public support has not. Since 1976, public support per student has just kept up with inflation, while real costs per student have grown by about 40 percent, the report said.

To make up the difference, tuition has risen dramatically, with tuition and fees doubling from 1976 to 1994. But the report said that a similar doubling between now and 2015 would have a catastrophic effect on access, pricing as many as 6.7 million students out of higher education.

"If you were to announce that, given fiscal pressures, the door to social mobility that was good enough for the old generation is really no longer needed by the new one, you might as well stick a ticking bomb inside the social fabric of this country," Munitz said.

While calling for more public support, the report says that a solution to the fiscal imbalance has to start with colleges and universities themselves.

"Given the magnitude of the deficit facing American colleges and universities, it is surprising that these institutions have not taken more serious steps to increase productivity without sacrificing quality," the report said.

The report's recommendations for restructuring—from sharing a library with other institutions to eliminating weak programs—are not new, but there are enormous political and institutional barriers in the way of a major economic overhaul of higher education. Still, some experts say institutions have no option but to find ways to operate more efficiently.

"The ability to maximize revenue, given the competitive pressures for state dollars on the one hand and the resistance to future increases in tuition on the other, has about run its course," said Stanley Ikenberry, president of the American Council on Education, a leading advocacy group that was not involved in the report. "All of that's putting more and more pressure on the operating side of the budget."•

TRIBUTE TO THE TOWNS OF NASHUA, PORTSMOUTH, AND MANCHESTER ON BEING NAMED TO MONEY MAGAZINE'S BEST PLACES TO LIVE IN AMERICA

• Mr. SMITH of New Hampshire. Mr. President, I rise today to recognize the great citizens of Nashua, NH, Portsmouth, NH, and Manchester, NH, on being named to Money Magazine's best places to live in America. Nashua, NH came in at No. 1, with Portsmouth and Manchester finishing fifth and sixth respectively, based on Money magazine's rankings.

The national investment magazine released their list of America's top 10 communities based on business climate, economic well-being, quality of life, and other factors that comprise a positive environment in which to work and raise a family. New Hampshire's tourism industry, scenic beauty, lack of sales or income tax, low crime rate, quality education and family and community spirit make the State attractive for families and businesses to locate here. The people of these communities, and of the entire State, have good reason to be extra proud.

Nashua, the Gate City of the Granite State, named No. 1 by Money magazine, is the only State to receive this honor twice, of which I and the citizens are very proud. The former mill town, which borders the Commonwealth of Massachusetts, has a booming economy with manufacturing facilities, hi-tech firms and defense contractors. Nashua is also close to many cultural arts venues and major medical facilities of neighboring communities, which make it No. 1 as touted by Money magazine.

Portsmouth, New Hampshire's port city, placed sixth as the most desirable place in the country. The Portsmouth community relies on many major technology and communications firms to help thrust to the forefront of the Nation. The Portsmouth community is a great place to raise a family with its many fine schools and major colleges nearby, including the University of New Hampshire in nearby Durham. The Port City is also the home of one of our Nation's finest military institutions, the Portsmouth Naval Shipyard.

Manchester, the Queen City, picked up the sixth place honors in the Nation. The Queen City has many high-tech firms and major telecommunications businesses which help add to the economic power of the city. Manchester sits on the banks of the Merrimack River, the home to many of the historic manufacturing plants of the late 1800's and early 1900's. Situated in the Merrimack Valley of New Hampshire, Manchester is also home to a booming cultural arts center which is the pride of northern New England.

Mr. President, it is no surprise that New Hampshire is the only State with 3 towns in the top 10. I can think of no cities in America more deserving of these top honors than Nashua, Portsmouth, and Manchester. I applaud the local officials, enterprising businessmen and women and the committed citizens of these great cities. They helped bring about an economic revival that has propelled New Hampshire into national recognition once again. I am proud to represent them all in the U.S. Senate.•

BOB OLIVER, WASHINGTON STATE D.A.R.E. OFFICER OF THE YEAR

• Mrs. MURRAY. Mr. President, it is my great pleasure to recognize Bellevue Police Department Officer Bob Oliver for his selection as Washington State D.A.R.E. Officer of the Year.

Our children are our greatest resource and our future prosperity depends on them becoming contributing members of the community. Giving them the skills to success is no easy task, yet it is our responsibility as adults to ensure that our children have the best chance possible to succeed. The D.A.R.E. Program gives them that chance. D.A.R.E. equips each participant with the skills to just say no to peer pressure when confronted with the temptation to use drugs. It reinforces the importance of self-esteem and the consequences of one's actions, lessons which will help the children confront problems of any sort their entire lives.

Through his active participation in the D.A.R.E. Program, Officer Oliver has demonstrated his special commitment to these children. As a police officer, Officer Oliver has dedicated his career to making his community a safer place to live. Through his participation in the D.A.R.E. Program and with his focus on prevention, his work not only makes a difference today, but will have a lasting impact.

Some take measure of a good police officer by the numbers of arrests made or traffic violations ticketed. Officer Oliver can measure his success by the many children whose lives he has touched and positively influenced through the D.A.R.E. Program and the high esteem in which he is held in the community.

As his family and colleagues gather to recognize him for this achievement, I want to wish him continued success. Officer Bob Oliver is truly an asset to our community, and we all congratulate him on a job well done.•

COMMENDING ALL THOSE ASSISTING THE SENATE BANKING COMMITTEE INQUIRY INTO HOLOCAUST ASSETS

• Mr. D'AMATO. Mr. President, I rise today to commend all those assisting in the ongoing Senate Banking Committee Inquiry into Holocaust Assets.

I must start with the leading role of the World Jewish Congress, particularly Edgar Bronfman who along with

WJC Secretary General Israel Singer brought this issue to me on December 7, 1995. Their work, along with that of Elan Steinberg has been a true force to reckon with for the Swiss banks.

I cannot forget the absolutely invaluable help of Ambassador Stuart Eizenstat and his very able staff in finding and preparing the administration's exhaustive report on the subject. Of particular help has been the work of Judy Barnett. She has fought the tough interagency battles to establish the truth. State Department Historian Bill Slany did an incredible job in assembling the report.

I want to also thank the following members of the various departments of the U.S. Government: Francine Barber, Abby Gilbert, David Joy, Felix Hernandez, Judy Liberson, Bill McFadden, Eli Rosenbaum, Ruth Van Heuven, and Barry White.

I hope that I have not left out anyone.

The National Archives at College Park has been nothing less then amazing. The staff has gone out of their way to provide our researchers with help, including declassification, record and document locations, use of their facilities, overall access to the building and records, and the wisdom, and advice of the gifted archivists. Put all together, their help was indispensable in establishing, continuing and expanding the research of the Committee.

Of particular help to our staff and researchers has been that of Greg Bradshear who compiled the finding aid for the various record groups of documents, Calvin Jefferson who has provided us with every appropriate extension of help with regard to use of the Textual Reference Room, Clarence Lyons for his help in the overall effort, Cary Conn for his help in declassifying hundreds of boxes of documents, and John Taylor for his wisdom and guidance. In addition to these fine and dedicated people, I would like to thank the following for their help in our effort: Rich Boylan, Rebecca Collier, David Giordano, Milt Gustafson, Ken Heger, Marty McGann, Wil Mahoney, William Deutscher, Robert Coren, Tim Nenninger, David Pfieiffer, Fred Ramanski, Ken Schlessinger, Amy Schmidt, Donald Singer, Marilyn Stachelczyk, Carolyn Powell, Dr. Michael Kurz, R. Michael McReynolds, Peter Jefferies, and Lee Rose.

Again, I hope that I have not left out anyone. I am truly grateful for their help to my staff and the researchers.

In regard to the researchers, I would like to extend my sincere thanks to the U.S. Holocaust Memorial Museum for their unwavering support to the committee by their provision of interns to us for the research. Of particular help and support, and for which this part of the project could not have gotten off the ground, I have to thank Walter Reich and Stan Turesky. Specifically without Stan, we could not have done the research among many other aspect of this inquiry.

The museum provided the committee with top rate college students to conduct the research. I would like to thank the following researchers for their dedicated work: Charles Borden, Rick Crowley, Polly Crozier, Joshua Cypress, Mary Helen Dupree, Ben Fallon, Aaron Field, David Ganz, Avi Glazer, Jessica Hammer, Anantha Hans, Miriam Haus, Olivia Joly, Kelsey Libner, Mary McCleery, Daniel Renna, Adam Sonfield, Hannah Trooboff, Kevin Vinger, and Brian Wahl.

Hannah Trooboff did excellent work with her research at the various research archives in and around New York City. She did this research while attending Columbia University.

Additionally, I would like to thank those who were either volunteers, interns, or Legislative Fellows in my office who participated in the research. Marc Isser, now a member of my staff was an early member of the research team and the third person out at the archives to dig through the records. Marc Mazurovsky was extremely helpful in aiding our effort by pointing us in the right direction and helping us with the record groups. Sid Zabludoff provided help with particular record group sources as well.

Moreover, I want to extend particular thanks to the dogged research of a Legislative Fellow in my office, B.J. Moravek, who was the man who interviewed and tracked down dozens of survivors, found information that no one else could have found, and was as dedicated as anyone could possibly be to obtain the truth about the misdeeds of the Swiss bankers.

I also want to thank another Legislative Fellow in my office, Brian Hufker. Brian has been indispensable in translating documents from the German and French languages and researching for the complicated and vast amount of detail involved in this inquiry. I am proud to have him as a member of my staff.

I also have to thank Miriam Kleiman who was literally the first person in the archives for us researching this subject. She has been diligent, dedicated, and totally committed to achieving justice for the victims of the Holocaust, survivors, and heirs who have assets in Swiss banks. While the term indispensable might be overused, she truly has been She found the first "five-star" documents, and she continues finding them today as she continues her fine work for this worthy topic.

In addition, I want to thank Willi Korte, who along with Miriam was there from the beginning and continues to this day to help in the cause. Willi has selflessly dedicated his time, efforts, vast knowledge on the subject, and even his own resources to get to the truth.

My greatest debt of gratitude goes to my legislative director, Gregg Rickman. Gregg was with me from the very beginning of this inquiry. He spent countless hours toiling through thousands of pages of documentation from so many sources. He also worked behind the scenes to organize four Senate Banking Committee hearings and numerous meetings with many of the principals involved. There was no institutional knowledge on this subject when we started. The inquiry evolved through a painstaking learning process derived from listening to the tragic recollections of Holocaust victims and their descendants, and conducting persistent detective work. In the latter Gregg has no equal. Gregg, I thank you and your wife, Sonia, who made personal sacrifices to see that some measure of justice is achieved.

Mr. President, I wanted to take this opportunity to thank all of these fine people who made the revelations and discoveries of the past year and more possible. I mean this when I say that they have all made history. They have contributed to correcting a great injustice and have tried with all of their might to set history straight. They should be proud of their work and I know that the claimants and survivors would agree. For my part, I am immensely proud of their effort and I heartily congratulate them for their fine work. While there is still a great amount of work to be done, we could not have gotten even this far without all of these fine people.•

COMMEMORATING JUNETEENTH INDEPENDENCE DAY

• Ms. MOSELEY-BRAUN. Mr. President, I rise today in support of a resolution to commemorate "Juneteenth Independence Day," June 19, 1865, the true independence day of African-Americans. Juneteenth is one of the oldest black celebrations in America. It celebrates the day on which the last known slaves in America finally were freed.

Although slavery was abolished throughout the United States with President Lincoln's Emancipation Proclamation and the passage of the 13th amendment in 1863, the proclamation was only enforced in Confederate States under the control of the Union Army. Enforcement began nationwide when Gen. Robert E. Lee surrendered on behalf of the Confederate States at Appomattox to end the Civil War on April 9, 1865.

At the end of the war, 2½ years after Lincoln's proclamation, the message of emancipation was spread throughout the South and Southwest by Union soldiers who were sent to enforce the freeing of the slaves.

The last slaves were freed on June 19, 1865, 65 days after Lincoln had been assassinated, when Gen. Gordon Granger

rode into Galveston, TX with a regiment of Union soldiers, declaring that Texas' 250,000 slaves were freed. To commemorate that day, the former slaves dubbed that June 19th day "Juneteenth."

African-Americans who had been slaves celebrated that day as the anniversary of their emancipation. For more than 130 years this tradition has been passed on generation to generation as a day to honor the memory of those who endured slavery and those who moved from slavery to freedom.

While the significance of this day originated in the Southwest, this celebration soon spread to other States. There are now Juneteenth celebrations across the country. In fact, the Bloomington/Normal Black History Project and Cultural Consortium in Bloomington/Normal, IL will celebrate Juneteenth this week.

Juneteenth celebrations commemorate the faith and strength of the many generations of African-Americans who suffered and endured the chattels of slavery. The annual observance of Juneteenth Independence Day will provide an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our Nation.

I urge all Americans to celebrate Juneteenth and to reflect upon not only the end of a painful chapter in American history, but also the triumph of unity and freedom in America.•

TRIBUTE TO THE TOWN OF GREENVILLE ON ITS 125TH ANNIVERSARY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Greenville, NH on their 125th anniversary. Greenville is celebrating their 125th birthday June 27–29, and the town's citizens will highlight these festivities with an anniversary parade and numerous other activities. This New Hampshire town has a significant heritage to celebrate on their 125th anniversary.

The history of Greenville began in the mid-1760's with the building of a saw and grist mill by Thomas Barrett and his brother, Charles Barrett. From that time forward the mills have been the dominant feature of the town on the banks of the Souhegan River from the Upper Falls to the High Falls. The first mills were a grist or saw mill, however the adventurous pioneers discovered hydroelectricity which would help run woolen mills, the cotton mills, furniture mill, another saw mill and the generation of hydroelectricity which continues today.

The early settlers of this untamed country were independent and self-sufficient folk, characteristics that have endured in the people of this region. With their independent spirit and determination they built a strong and lasting community that makes their descendants proud. By the early 19th century a unique village had grown around the mills along the flowing banks of the Souhegan. The village had its own meeting house, school, post office, inn, and several stores. As the mills thrived, the town around it blossomed into the town of today.

The town of Greenville had been known by many names prior to 1872. The village along the river was first called Barrett's Mills, then Dakin's Mills, Mason Harbor, Souhegan Village, Mason Village, and finally Greenville in 1872.

Today, the town of Greenville prides itself on its quality of life and community spirit, a tradition that has manifested itself throughout the town's history. Greenville is one of New Hampshire's smallest towns and boasts not only magnificent surroundings, but a community of friendly, caring neighbors as well.

I congratulate the town of Greenville on this historic milestone and wish them a happy 125th anniversary celebration. I send them my best wishes for continued success and a prosperous year as they mark this historic occasion. Happy birthday, Greenville.•

WEST VIRGINIA DAY

• Mr. ROCKEFELLER. Mr. President, tomorrow is a special day for me, as well as my fellow West Virginians. On June 20, 134 years ago, the citizens of West Virginia separated from Virginia and formed the 35th State to join the Union.

They had a saying back then, and it was so popular they made it the state motto. Our motto is "Mountaineers Are Always Free." In fact, freedom is what West Virginia is all about, but attaining freedom is often a challenge. I would like to take a moment to recognize our Mountaineer forefathers for their courage in leaving the Old Dominion State and taking up the struggle for the freedom of all Americans. I commend these people as well as all West Virginians who have fought for freedom and liberty by serving our country. I mention this because it is in this spirt that our great State was born and still lives. It is this unbridled love of freedom that is alive in all our people as well as our beautiful environment. One can observe it in the ravishing yet perilous gushing rapids of the New and Gauley Rivers, as well as the snow-covered Appalachian Mountains, which test the resolve of thousands of visitors each year. If one were to have the chance encounter with the majestic black bear or cast a fishing line into one of our crystal clear lakes, they would quickly come to an appreciation of the freedom we West Virginians hold dear.

Times also have changed. While the once-rudimentary log cabin has been replaced by the modern home, full of televisions, microwaves, and computers, the values of West Virginians have remained much the same. There is a dedication that can be seen in the work of our miners, who produce an inexpensive energy source that drives not only the economy of West Virginia but the steel mills of Pittsburgh as well as powerplants all across America. Whether it is the extra assistance of a park ranger, or the friendly smile of a checkout clerk, there is no doubt that there exists a pride and dedication in West Virginians second to none.

It is for these reasons as well as many more that I'm proud to be a West Virginian. So it is with great honor that I ask my colleagues to join me in celebrating this 134th West Virginia Day.•

INDIAN EDUCATION

• Mr. INOUYE. Mr. President, I rise in support of a most important and timely of resolutions proposed by my distinguished colleague, Senator PETE DOMENICI. Senate Joint Resolution 100, which was introduced on June 17, 1996, goes to the very heart of a matter of utmost concern—the education of American Indian and Alaska Native children and youth.

In exchange for millions of acres of the vast landscape which ultimately formed the very foundation of our Nation, the United States undertook certain responsibilities to those who were here before us. We entered into over 800 treaties with Indian tribes, many of which contained provisions for the education of Indian children. But as we know, this history is a less than honorable one—not only did we violate provisions in almost every single treaty—but we entered into a dark chapter where education meant the forced removal of Indian children from their families and communities.

This nearly century-long Federal policy began in 1819 when the Congress enacted a law establishing a civilization fund for the education of Indians. This fund was turned over to religious groups that established mission schools for the education of Indian children. In the late 1840's, the Federal Government and private mission groups combined efforts to launch the first Indian boarding school system, and in 1860, the first nonmission Federal boarding school was established. Richard Henry Pratt, the founder of the Carlisle Indian School and considered to be the father of Indian education, believed that in order to transform a people, you must start with their children. This attitude was also expressed by the Federal Superintendent of Indian Schools in 1885 when describing his duty to transform Indian children into members of a new social order.

By the end of the 19th century, this pattern of forcibly removing Indian

children from their homes and families and sending them to faraway boarding schools had become so pervasive that the Congress enacted legislation in 1895 which made it a crime to induce Indian parents by compulsory means to consent to their children's removal from their environment.

And so, for nearly a century, under the guise of education, the Federal Government sought to cleanse Indian children of their Indianness by separating them from their families and communities for many years, by forbidding them to speak their native language and practice their cultural traditions. The ramifications of such policies are still being felt today, and are still remembered in the minds of once-young children, now in their eighties and nineties.

While this dark chapter has long since been brought to a close and we have distanced ourselves from such practices, in some respects, I believe we have not come far enough. Indian students today have the highest dropout rates, the lowest high school completion rate, and the lowest college attendance rates of any minority group. Nearly 38 percent of Indian children above the age of five live in poverty.

Such statistics are unacceptable. We simply have not done enough, and we, as a collective body, must agree that more should be done and that we must act accordingly. Mr. President, that is precisely what this measure before us does—it declares the sense of the Senate that the Federal commitment for the education of American Indians and Alaska Natives be affirmed through legislative actions of this Congress to bring the quality of Indian education up to parity with the rest of America.

Mr. President, this is about capacity building, about school repairs so that Indian children can learn in safe environments, and about sufficient funding for the operation of 184 Bureau of Indian Affairs schools. It is about addressing Indian adult literacy needs and special education, disability and vocational education needs. It is about using that same educational system which once sought to strip native people of their Indianness, and using it instead to strengthen Indian people and their communities.

Mr. President, I am proud to join my esteemed colleague, Senator DOMENICI, as a cosponsor of this resolution, and I urge each and every Member of this Chamber to do the same.•

THE MEMORY OF JUNETEENTH INDEPENDENCE DAY

• Mrs. HUTCHISON. Mr. President, today in my State and around the country we recognize the traditional anniversary of emancipation for millions of African-Americans. On this date, June 19, in 1865, slaves in the American frontier, especially in the Southwest, finally received the word that President Lincoln's great cause of freedom had finally been won. Since that date, throughout the American Southwest African-Americans have informally celebrated Juneteenth Independence Day.

As with so many important cultural traditions in America, the meaning of Juneteenth was handed down from parent to child as an inspiration and encouragement for future generations. Earlier this year, the U.S. Congress recognized that tradition when it unanimously passed a resolution honoring the faith and strength of character of those in each generation who kept the tradition alive—a lesson for all Americans today, regardless of background, region, or race.

Mr. President, Juneteenth Independence Day is an important and enriching part of our country's history and heritage. The history it represents provides an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our Nation.

I join my colleagues in both Houses of Congress in honoring those Americans past and present to whom it has meant so much.•

TRIBUTE TO HOVIE LISTER

Mr. CLELAND. Mr. President, I rise today to recognize a man whose name has become synonymous with gospel music, Mr. Hovie Lister. On July 19, 1997, a group of Georgians will recognize his contributions to the music field at the Civic Center in Atlanta.

Hovie was born into music. At the age of 6, he began studying the piano and later attended the Stamps Baxter School of Music. He often accompanied his family group, the Lister Brothers Quartet, around the piano.

His professional career began when he joined the famous Rangers Quartet and later the popular LeFevre Trio. In 1945, he came to Georgia and was the pianist for the Homeland Harmony Quartet heard over WAGA and WGST Radio in Atlanta.

In 1948, he organized the world famous Statesmen Quartet. The Statesmen steadily rose in popularity and became the premier gospel group in the nation. Hovie, as the group's manager and pianist, soon emerged as the chief spokesman and head of the rapidly growing gospel music industry.

Hovie was also an accomplished director and producer of radio and television shows. He became the first gospel artist to sign a national television contract and successfully directed and produced syndicated television shows for Nabisco, as well as scripted and starred in the company's commercials.

In the early 1980's, Hovie brought together five performers who came from the top four groups in gospel music to form the Masters V. In 1982, this group won the prestigious Grammy Award and in 1986, Hovie was inducted into the Georgia Music Hall of Fame.

Mr. President, I ask that you and all our colleagues recognize Hovie Lister, not just for the contributions he has made to the music industry and my own State of Georgia, but for bringing gospel music to the attention of all Americans.

RETIREMENT OF LT. COL. JAMES A. LAFLEUR, COMMANDER OF FORT RITCHIE

• Mr. SARBANES. Mr. President, it is my distinct pleasure today to recognize the Commander of Ft. Ritchie, Lt. Col. James A. LaFleur, who will retire on Tuesday, June 24th, after 20 years of distinguished service for his country.

A highly decorated soldier and respected leader, Lt. Col. LaFleur also has set standards in an area in which the Army does not give any awards, the Base Realignment and Closure process. With great diplomacy, sensitivity and vision, Lt. Col. LaFleur has presided over this very painful process at Ft. Ritchie, a place rich in history that has proved instrumental in the defense of the United States. Like my colleagues from Maryland and nearby Pennsylvania, I was very surprised and disappointed by the inclusion of Ft. Ritchie in the 1995 round of BRAC closings. The base has provided many good jobs for our constituents and we are all saddened by the Army's departure.

Under Lt. Col. LaFleur's leadership, however, the BRAC process at Ft. Ritchie has progressed as smoothly as possible. His understanding of the connection between the base and the civilian community led him to work with Washington County, the surrounding areas, and the Local Redevelopment Authority to establish a partnership that has facilitated the transition for Ft. Ritchie's employees. He has reduced the closure time by 50 percent, at the same time that his obvious concern for the base's employees has boosted morale. Lt. Col. LaFleur's efforts in this regard have been recognized by BRAC-affected communities across the nation, as well as by the Army and the Department of Defense.

The successful redevelopment process has culminated in the decision by the PenMar Development Corporation to turn Ft. Ritchie into a high-tech conference and training facility, where organizations like the International Masonry Institute will use Ft. Ritchie as an international training center, bringing at least 200 good jobs to Washington County. I.M.I. is even considering building a conference center at this bucolic mountain lake park.

It is quite fitting that the man whose stewardship made much of this possible is the same man who will take the site into the 21st century. I was gratified to learn that, rather than leaving Ft.

Ritchie, Lt. Col. LaFleur will dedicate himself to the success of the new PenMar Tech Park, serving as its deputy director. Thus, while the Army is losing an effective administrator and a courageous soldier, Washington County is retaining a respected friend committed to the welfare and economic success of the area.

Lt. Col. James LaFleur began his military service in 1977 with the 4th Infantry Division at Ft. Carson, Colorado, where he was a platoon leader and battalion officer. Since then, he has served in countries across the globe, including both Iraq and Kuwait, during the Gulf War. For his distinguished service, he earned the Bronze Star Medal, Meritorious Service Medal with second oak leaf cluster, Joint Service Commendation Medal, Army Commendation Medal with fourth oak leaf cluster, Joint Meritorious Unit Award, National Defense Service Medal, Southwest Asia Service Medal, and Humanitarian Service Medal.

Mr. President, Lt. Col. LaFleur's service in the field is matched only by his service to Washington County. His determination and spirit has turned a painful base-closing into an opportunity for economic development, all the while engendering a lasting friendship between Ft. Ritchie and the civilians who live and work in its shadow. "Patriotism," said Adlai Stevenson, "is not the short and frenzied outburst of emotion, but the tranquil and steady dedication of a lifetime." Mr. President, Lt. Col. James A. LaFleur is a true patriot. I congratulate him on his distinguished military career, and look forward to his continued success as a leader in Washington County, Maryland.●

RECOGNITION OF REV. JOSEPH P. MCLAUGHLIN

● Mr. BIDEN. Mr. President, this Sunday, numerous students, parents, and alumni of my Alma Mater, Archmere Academy in Claymont, DE, will be gathering to honor the Rev. Joseph P. McLaughlin, O. Praem. who, during his 26 years as a teacher and headmaster at Archmere, has been more than a pillar of the academy. He has been a vital part of Archmere's spirit, and a tremendous influence In the lives of thousands of young women and men.

One of the cliches that teenagers hear again and again is how their teen years are "the best years of your lives". Well, with all due respect, for most kids, it is not that simple. Too many adults have forgotten how those years are often filled with uncertainty and discomfort, as teenagers undergo tremendous physical and emotional changes, have their values frequently called into question and their judgement tested beyond their experience, and must make major decisions which will impact the course of their entire lives and careers. At no other time in their lives are they forced to make so many major choices with so little experience and information upon which to base those choices. It is a time when guidance, understanding, and friendship are critical.

For more than a quarter-century, young men and women of Archmere Academy, have counted upon Father McLaughlin for that guidance, understanding, and friendship. And he has always been there for them, guided by his own deep faith, sincerity, and lifelong experience in dealing with young people. Of course, we will never know many of the specific instances of Father McLaughlin's intervention, because he is the soul of discretion and modesty, but there are countless Archmereans who will tell you that when they needed an advisor, a mentor, a friend, Father McLaughlin was there for them.

I graduated from Archmere before Father McLaughlin arrived, but my two sons attended the school during his tenure, and my daughter is currently an Archmere student. Each has had the utmost respect for his commitment, his wisdom, and his generosity of spirit, and all have benefitted from his years of dedicated service.

Having been involved with the school as an alumnus and as a parent, I have seen firsthand Father McLaughlin's tireless efforts result in Archmere's becoming one of the premier high schools—not only in Delaware and the surrounding region, but nationally. It is obvious that he has succeeded splendidly. The school is truly the academic beacon on the hill envisioned by the school's founders, the Norbertines. Archmere historically has attracted students of all backgrounds, and turned out promising young scholars, and, most importantly, fine young men and women with solidly-rooted values and well-placed priorities.

In the longstanding tradition of the late Father Justin E. Diny, Headmaster Emeritus, Father McLaughlin has long recognized that a school's success can not be measured solely by the test scores of its students, or by the number of graduates moving on to prestigious universities—though by either of those standards Archmere is unquestionably an unqualified success—but also by the character of the young men and women who pass through its gates. With his keen sensitivity for the Academy's rich history and tradition—"The Archmere Way", as it is known on campus and throughout the community—Father McLaughlin saw to it that Archmere graduates were solid, civic-minded citizens with commitment and compassion as well as being outstanding scholars.

As headmaster, Father McLaughlin has been admired for his personal decency, his quiet and gentlemanly way, his ability to listen to all sides before coming to a decision, and his vision for Archmere's mission and its future. He has long recognized that Archmere's future lies in its past, in terms of both history and tradition. In his belief that Archmere alumni—those who have had such a tradition imbued in their characters—should play a vital role in sustaining and nurturing the Academy's atmosphere, Father McLaughlin has uniquely enriched the lives of all those students who attended Archmere during his tenure. As a result of Father McLaughlin's genuine commitment to maintaining the unbroken chain—from Archmereans to Archers to Auks—past and present Archmere alumni continue contributing to the school community long after their campus years are over. It is my fervent hope that this tradition—the one for which Father McLaughlin worked so hard to perpetuate—the idea that an Archmere education is but the first step in a lifetime of involvement, will be a cornerstone of the Academy for all succeeding generations of Archmere students.

Father McLaughlin will now redirect his tireless energies and many talents to his new position as novice master and formation director for the Daylesford Abbey, where he will continue in his familiar role as mentor and counselor, as he matures new members of his order, thus ensuring that his enthusiasm, dedication, and legacy of service to the community will be instilled in yet future generations of teachers, students, and community-minded men and women of faith. As he embarks upon that challenge, all of us who love Archmere and the traditions our alma mater stands for, wish our friend Father McLaughlin him well, for his service should be held up as an example and an inspiration for all who accept the challenge to teach America's youth.●

TRIBUTE TO RON D. ALIANO

● Mr. DODD. Mr. President, I rise today to pay tribute to one of the more colorful characters in my home State, Ron D. Aliano, who on June 24, 1997, will celebrate the 25th anniversary of the creation of his first business in Norwich, CT.

Ron is renowned throughout my State for his positive attitude and his determination to tap the potential that he saw in the town of Norwich. He challenged Norwich residents to commit themselves to the revitalization of their hometown, and he is one of the leaders of this community's urban renewal.

Ron Aliano is a man who believes that you can achieve any goal through commitment and hard work. He is also an ardent believer in the theory that, "if you're going to do something, you do it right." The best illustration of Ron's commitment to doing a task first rate would be the Marina at American Wharf.

For years, people talked about developing the Norwich waterfront, but these plans never amounted to anything more than talk. But Ron Aliano was the man who had the determination to make this project come to fruition. Before construction began on the Marina at American Wharf, Ron visited 86 successful marinas around the country to see what worked, and he tried to incorporate the best elements of each into his project. Today, boaters from Vermont, Massachusetts, New York, Rhode Island, and all over Connecticut have rented slips in Norwich. Many people would argue that American Wharf is the nicest marina in New England, and it is the central spoke in Norwich's revitalization efforts.

Another, more unique illustration of Ron's commitment to doing things first rate would be the miniature golf course that Ron constructed in downtown Norwich. Instead of windmills and plastic dinosaurs, this course is lined with waterfalls and finely manicured gardens. It even has a volcano, a claim that very few miniature golf courses can make. This course has attracted people to the downtown area, stimulating the Norwich economy.

While Ron has worked diligently to develop Norwich, he also recognizes the fact that Norwich's strength lies in its history and tradition. As a result, he is deeply committed to preserving the town's rich heritage. In a misguided effort, certain developers uprooted cobblestone streets and destroyed several 19th century homes in Norwich, replacing them with a parking garage. In addition, many other deteriorating old buildings were in danger of being demolished. Fortunately, Ron Aliano and other members of the private sector invested substantial resources to purchase and renovate these old buildings, and Norwich is currently home to more significant historic buildings than any other city in Connecticut.

Although Ron has been associated with a number of high profile projects in Norwich, his first business priority has always been his ambulance service, which will be 25 years old next Tuesday. Ron's ambulance service has enjoyed a dramatic evolution since its birth. Ron founded the company with a business partner, but, in 1981, he became the sole owner of the company and changed its name to American Ambulance Service. While the company started with only two used ambulances, Ron now operates a fleet of 21 ambulances, nine invalid coaches, two paramedic response vehicles, one watercraft ambulance, as well as numerous administrative and support vehicles. American Ambulance has provided ambulance coverage to U.S. Presidents, and this business continues to offer the highest quality care to Connecticut citizens.

What makes Ron Aliano's passion for Norwich so unusual is that he is not a native son. Ron is actually from Bristol, Connecticut, and he didn't move to Norwich until he started American Ambulance Service in 1972. Therefore, as Ron Aliano celebrates the 25th anniversary of his oldest business, I think it is only appropriate that the town of Norwich, which once named Ron Aliano as their "Citizen of the Year," should celebrate the day when Ron became one of its own.●

ANNOUNCEMENT OF POSITION ON VOTES

● Mr. JOHNSON. Mr. President, in accordance with my request to be absent from the Senate during the afternoon of June 17 and June 18, pursuant to paragraph 2 of Rule VI of the Standing Rules of the Senate, to attend the funeral of Sebastian Daschle, the father of my colleague and good friend from South Dakota, Senate Minority Leader TOM DASCHLE, I missed four different votes. The first three votes were related to S. 903, the Foreign Affairs Reform and Restructuring Act of 1997. I would like to state for the RECORD how I would have voted in each of those instances.

I would have voted "yes" on Senator BENNETT's amendment No. 392 to S. 903, to express the sense of the Senate on enforcement of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C–802 cruise missiles.

I would have voted "yes" on Senator FEINGOLD's amendment No. 395 to S. 903, to eliminate provisions creating a new Federal agency, the Broadcasting Board of Governors.

I would have voted "yes" on final passage of S. 903.

I would have voted "yes" on S. 923, legislation to deny veteran's benefits to persons convicted of Federal capital offenses.●

ORDERS FOR FRIDAY, JUNE 20, 1997

Mr. THURMOND. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Friday, June 20. I further ask consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume the DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. THURMOND. Mr. President, for the information of all Senators, tomorrow it is the hope of the majority leader that the Senate will be able to consider amendments to the DOD authorization bill. Following the DOD bill, the Senate will conduct a period for routine morning business. Votes will not occur on Friday of this week. On Monday, the Senate will begin the reconciliation bill. However, all votes with respect to that bill on Monday will be stacked to occur on Tuesday, June 24, at 9:30 a.m. Therefore, rollcall votes will occur beginning at 9:30 a.m. on Tuesday. I remind all Members that there is a lot of work to be done before the Senate adjourns for the July 4 recess. Therefore, I would appreciate all Senators' cooperation in order to complete our business in a responsible fashion.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. THURMOND. Mr. President, if there be no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8 p.m., adjourned until Friday, June 20, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 19, 1997:

DEPARTMENT OF STATE

STEPHEN R. SESTANOVICH, OF THE DISTRICT OF COLUMBIA, AS AMBASSADOR AT LARGE AND SPECIAL ADVISER TO THE SECRETARY OF STATE FOR THE NEW INDEPENDENT STATES.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

LOUIS CALDERA, OF CALIFORNIA, TO BE A MANAGING DIRECTOR OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE SHIRLEY SACHI SAGAWA.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM H. CAMPBELL, x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. WILLIAM W. CROUCH, x...

HOUSE OF REPRESENTATIVES—*Thursday, June 19, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. CALVERT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 19, 1997.

I hereby designate the Honorable KEN CALVERT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David FORD, D.D., offered the following prayer:

We pray, gracious God, that You would give to us and all people the amazing grace that makes us whole and makes us free. You have created us and blessed us with all those gifts that give purpose and value and You have marked us with your image. We know too that if we live in Your spirit and abide in Your presence, we will receive that peace that the world cannot give and obtain that resolve that allows us to be Your people and do the works of justice. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FORBES. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FORBES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

MOTION TO ADJOURN

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 123, nays 282, not voting 29, as follows:

[Roll No. 210]

YEAS—123

Ackerman	Hansen	Pallone
Andrews	Hastings (FL)	Pastor
Barcia	Hefner	Payne
Barrett (WI)	Hinchey	Pelosi
Becerra	Hinojosa	Pickett
Bentsen	Hoyer	Rangel
Berman	Jefferson	Reyes
Berry	John	Rodriguez
Bishop	Johnson (WI)	Roybal-Allard
Blumenauer	Johnson, E. B.	Rush
Bonior	Kaptur	Sanchez
Boucher	Kennedy (MA)	Sanders
Brown (FL)	Kennedy (RI)	Sandlin
Brown (OH)	Kennelly	Schumer
Capps	Kilpatrick	Serrano
Carson	Klink	Sisisky
Clay	LaFalce	Skaggs
Clayton	Lampson	Slaughter
Condit	Lantos	Smith, Adam
Conyers	Levin	Snyder
Coyne	Lewis (GA)	Stabenow
Davis (IL)	Maloney (CT)	Stark
DeFazio	Maloney (NY)	Strickland
Delahunt	Markey	Stupak
DeLauro	Martinez	Tauscher
Dellums	Matsui	Thompson
Dingell	McCarthy (MO)	Tierney
Doggett	McDermott	Torres
Eshoo	McGovern	Towns
Etheridge	McIntyre	Turner
Evans	McNulty	Velázquez
Farr	Meek	Vento
Fazio	Millender-McDonald	Waters
Filner	Mink	Watt (NC)
Forbes	Moakley	Waxman
Ford	Moran (VA)	Wexler
Frank (MA)	Nadler	Weygand
Frost	Neal	Wise
Furse	Obey	Woolsey
Gejdenson	Olver	Wynn
Gephardt	Owens	
Hall (OH)		

NAYS—282

Abercrombie	Baker	Bass
Aderholt	Baldacci	Bateman
Allen	Ballenger	Bereuter
Archer	Barr	Bilbray
Armey	Barrett (NE)	Bilirakis
Bachus	Bartlett	Blagojevich
Baesler	Barton	Bliley
Blunt	Gutierrez	Nussle
Boehlert	Gutknecht	Ortiz
Boehner	Hall (TX)	Oxley
Bonilla	Hamilton	Packard
Borski	Harman	Pappas
Boswell	Hastert	Parker
Boyd	Hastings (WA)	Pascrell
Brady	Hayworth	Paul
Bryant	Hefley	Paxon
Bunning	Herger	Pease
Burr	Hill	Peterson (MN)
Burton	Hilleary	Peterson (PA)
Buyer	Hilliard	Petri
Callahan	Hobson	Pickering
Calvert	Hoekstra	Pitts
Campbell	Hooley	Porter
Canady	Horn	Portman
Cannon	Hostettler	Poshard
Cardin	Houghton	Price (NC)
Castle	Hulshof	Pryce (OH)
Chabot	Hunter	Quinn
Chambliss	Hutchinson	Radanovich
Chenoweth	Hyde	Rahall
Christensen	Inglis	Ramstad
Clement	Jackson (IL)	Redmond
Coble	Jackson-Lee (TX)	Regula
Coburn	Jenkins	Riggs
Collins	Johnson (CT)	Riley
Combest	Johnson, Sam	Rivers
Cook	Jones	Roemer
Cooksey	Kanjorski	Rogan
Costello	Kasich	Rogers
Cox	Kelly	Rohrabacher
Cramer	Kildee	Ros-Lehtinen
Crapo	Kim	Rothman
Cubin	Kind (WI)	Roukema
Cummings	King (NY)	Ryun
Cunningham	Kingston	Sabo
Danner	Klug	Sanford
Davis (FL)	Knollenberg	Sawyer
Davis (VA)	Kolbe	Saxton
Deal	Kucinich	Scarborough
DeLay	LaHood	Schaefer, Dan
Deutsch	Largent	Schaffer, Bob
Dickey	Latham	Scott
Dicks	Lazio	Sensenbrenner
Dooley	Leach	Sessions
Doolittle	Lewis (CA)	Shadegg
Doyle	Lewis (KY)	Shaw
Dreier	Linder	Shays
Duncan	Livingston	Sherman
Dunn	LoBiondo	Shimkus
Edwards	Lofgren	Shuster
Ehlers	Lowey	Skeen
Ehrlich	Lucas	Skelton
Emerson	Luther	Smith (MI)
English	Manzullo	Smith (NJ)
Ensign	Mascara	Smith (OR)
Everett	McCarthy (NY)	Smith (TX)
Ewing	McCollum	Smith, Linda
Fawell	McCrery	Snowbarger
Foglietta	McDade	Solomon
Foley	McHale	Souder
Fowler	McHugh	Spence
Fox	McInnis	Spratt
Franks (NJ)	McIntosh	Stearns
Frelinghuysen	McKeon	Stenholm
Gallegly	McKinney	Stump
Ganske	Menendez	Sununu
Gekas	Metcalf	Talent
Gibbons	Mica	Tanner
Gilchrest	Miller (FL)	Tauzin
Gillmor	Minge	Taylor (MS)
Gilman	Mollohan	Taylor (NC)
Gonzalez	Moran (KS)	Thomas
Goode	Morella	Thornberry
Goodlatte	Murtha	Thune
Goodling	Myrick	Thurman
Gordon	Nethercutt	Tiahrt
Goss	Neumann	Traficant
Graham	Ney	Upton
Granger	Northup	Visclosky
Green	Norwood	Walsh
Greenwood		Wamp

Watkins	White	Yates
Watts (OK)	Whitfield	Young (FL)
Weldon (FL)	Wicker	
Weller	Wolf	

NOT VOTING—29

Bono	Flake	Oberstar
Brown (CA)	Holden	Pombo
Camp	Istook	Pomeroy
Clyburn	Kleczka	Royce
Crane	LaTourette	Salmon
DeGette	Lipinski	Schiff
Diaz-Balart	Manton	Stokes
Dixon	Meehan	Weldon (PA)
Engel	Miller (CA)	Young (AK)
Fattah	Molinari	

□ 1042

Mr. EHLERS, Mr. ROEMER, Ms. JACKSON-LEE of Texas, and Messrs. CUMMINGS, COOK, LAHOOD, BARR of Georgia, EWING, DUNCAN, DREIER, KINGSTON, BOYD, EHRLICH, SAM JOHNSON of Texas, SOLOMON, SANFORD, and PORTMAN changed their vote from "yea" to "nay."

Mr. KLINK, Mr. KENNEDY of Massachusetts, Ms. CARSON, Mr. RANGEL, Mrs. CLAYTON, and Messrs. COYNE, CONDIT, and DINGELL, Ms. KILPATRICK and Ms. ROYBAL-ALLARD changed their vote from "nay" to "yea."

So the motion was not agreed to.

The result of the vote was announced as above recorded.

□ 1045

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. CALVERT). Will the gentleman from Ohio [Mr. HALL] come forward and lead the House in the Pledge of Allegiance.

Mr. HALL of Ohio led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 956. An act to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1757. An act to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 923. An act to deny veterans benefits to persons convicted of Federal capital offenses.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 20 1-minutes on each side.

TRIBUTE TO THE LATE BILL EMERSON

(Mrs. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. EMERSON. Mr. Speaker, I rise today to pay special tribute to my late husband, Bill Emerson, who spent 16 wonderful years as a Member of this Chamber, 2 years as a page, and who died a year ago this Sunday, June 22.

I remember so well when Bill was first elected in 1980 and the excitement and joy that we felt after his election. And I can picture vividly so many memories: that first dinner in Statuary Hall, which was given by Bob Michel, who was then the Republican leader of the House; the many trips he, Mickey Leland, and TONY HALL made to Ethiopia, Somalia, the Sudan and other parts of Africa; fighting for flood relief throughout our district, standing up for the folks he represented; and the most recent memories of the days he sat in the Speaker's chair and oversaw the business of our House.

He was so proud of the fact that he was the only Republican in the 104th Congress who had actually been here during the last Republican Congress in 1953 and 1954 when he served as a page with our colleague, the gentleman from Pennsylvania, PAUL KANJORSKI, and he was real excited on the first day of the 104th Congress, too, when he was asked to preside over the House.

It was Bill who taught me all about putting people before politics and ideas before ideology. He was my best friend and mentor, and gave me the tools that I needed to run for this seat in Congress and to try to be a productive Member of this legislative body.

It was he who taught me the importance of friendship in a place that can be very lonely, and the importance of seeking out relationships and friendships with our colleagues across the aisle, which is why I have chosen to speak this morning from this side of the aisle.

Bill, I know you are in a much better place now, though your friends and colleagues and I miss you very much, but we are all better off for knowing you. And when I look at the person sitting in the Speaker's chair every day, I see your smiling face and hear your deep and resonant voice and know that you are looking down on all of us, encouraging us to do the right thing as we fight for the very folks who sent us here to represent them. Thank you so very much for giving me and your friends here today the benefit of knowing you.

TRIBUTE TO THE LATE BILL EMERSON

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, it is 1 year ago that we lost our friend, our colleague, my fellow Missourian, Bill Emerson. In his stead and in his shoes today is that charming and wonderful gentlewoman from Missouri, Mrs. JO ANN EMERSON, who represents the Eighth District of the State of Missouri.

The grief has passed, the loss of pain has passed, and I still find myself, Mr. Speaker, because I rode with him so very often to and from this work, at the end of the day standing toward the back looking around for my friend Bill to hitch a ride out to McLean. But we still have a lot of wonderful memories. His memories live on.

He was truly an outstanding legislator. He understood bipartisanship. He understood what it was to represent wonderful people back home. He understood the legislative process. But most of all I found him, as so many, many did, as a friend, a true friend.

What he leaves today is more for those who follow us in this Chamber and who lead and will lead America in the days and years ahead; to the pages, which he once was, to the young people who he spent so much time with in his office and back home in the Eighth District of Missouri, for he was truly a role model.

I hope and pray that his memory will live in those young folks who will stand in his shoes, in our shoes in the years ahead. We miss him, but we revere his memory. We always shall.

TRIBUTE TO THE LATE BILL EMERSON

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I rise today to honor our former colleague, the gentleman from Missouri, Bill Emerson, who passed away a year ago after a long and valiant battle.

Bill was known for his bipartisanship, his ability to bring people together to work on hunger. Bill and I and the gentleman from Ohio, TONY HALL, and a few others were in a small

covenant group that met every Tuesday in the Capitol chapel to talk with each other, to pray with each other, and to support each other.

I was privileged to know Bill. He was a person of character, a person of courage, a person of integrity. Bill loved history more than anyone else that I knew, and Bill loved to talk about Lincoln; Bill loved to talk about Winston Churchill.

I can see where Bill is; in heaven where Lincoln and Churchill and Bill are talking together, and Lincoln is talking about how it was in the 1850's and 1860's, Churchill is talking about how it was in World War I and World War II, and Bill Emerson is talking about how it really was in the 1970's the 1980's and the 1990's.

Bill made every effort to live by the principles of Jesus, and he set an example for this entire Congress to live by. Every time I see the gentlewoman from Missouri, Mrs. JO ANN EMERSON, and the gentleman from Pennsylvania, Mr. KANJORSKI, and the gentleman from Missouri, Mr. SKELTON, who he rode with, and many others, I think of Bill.

TRIBUTE TO THE LATE BILL EMERSON

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I am very honored to join with the gentlewoman from Missouri, Mrs. JO ANN EMERSON, and other distinguished Members to pay tribute to Bill Emerson.

So many of us like to say that this is my best friend, the great gentleman from Missouri, et cetera, et cetera, but I can tell my colleagues that Bill Emerson was a good friend.

Like the gentleman from Virginia, FRANK WOLF, said, Bill and I traveled together. We ate dinner together often. We, the gentleman from Virginia and I, met every Tuesday at 4 o'clock in the chapel and prayed together. We talked about our families. Our wives knew each other. Our children knew one another.

Bill was a great man. He taught us a lot about what it was like to be a humanitarian. He taught me a lot about agriculture and about being a great example.

My son and he had a special thing, too, because they both had cancer at the same time and they died within a month of each other. Bill would always send my son cheesecake every week from this famous place in his hometown of Girardeau, I believe, and my son always looked forward to it.

So I loved this guy and I really miss him. He was a great man, and the gentlewoman from Missouri, Mrs. JO ANN EMERSON, is carrying on in the great footsteps of her husband.

Mr. Speaker, I am honored to join with JO ANN EMERSON and other distinguished Members to remember and pay tribute to Bill Emerson.

Occasionally, during the course of our work here in Congress, the word, "friends," is used lightly. But, I can say that Bill Emerson was truly my good friend. Bill and I knew each other for many years. We worked together, traveled together, and spend time together outside of work as well. Our families knew each other and became close.

I know that Bill was also a friend to many other Members of this body. He cultivated relationships with both Republicans and Democrats, judging his colleagues not by their party affiliation, but rather by their integrity, dedication, and willingness to serve. His own integrity and dedication were unmatched. Even after he was diagnosed with cancer, he continued to work and serve—not to score points or garner sympathy but because that was simply the kind of man he was.

Bill was also a true friend to the needy. He worked endlessly to ease the pain of families and children suffering from poverty. I was honored to serve with him as cochairs of the Congressional Hunger Center and work with him to educate the Congress and the Nation about hunger.

Bill was a good man with a truly humanitarian heart. He taught me a lot about serving others, about being a good legislator, and about the true meaning of friendship. I miss him.

TRIBUTE TO THE LATE BILL EMERSON

(Mr. KANJORKSI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, Bill Emerson was a colleague to all the Members that are here on the floor. To me, he was my oldest and dearest personal friend.

As all my colleagues have learned, as we go through life, particularly in politics, friends and associates come and go, but our real friends are from our childhood. Bill and I were fortunate enough to meet at the tender age of 15, and I do not think there was ever a year that went by in our lives that we did not have an opportunity to get together, visit with each other or talk with each other. I went through many of his trying times and many of his joys in his lifetime.

Bill Emerson represented something that I want to speak to, because I think it is germane. Maybe we should think about forming the Emerson Society. Because Bill, whenever I look in the back of the Chamber, I see a little smoke and I know that you are still standing at the rail.

He was the type of guy, although he was a Republican and I a Democrat, with whom I could argue and disagree on philosophy and on ideology. But on humanity we agreed.

He was a man that understood the traditions of this great body and of opportunity. He and I served here as young pages and then came back to this great House as Members.

He suffered great pain as he saw the stress of conflict that grew in the 1980's in this House. And toward the end of his life, I think that was the most disappointing part that Bill experienced—that Members could lose civility, comity, and respect for each other above and beyond the disagreement that they had; that it had started to go to personalities.

If Bill were here today, he would say, wait a minute, life is very short; we are here in a very honored and sacred House that has great traditions. From a small Nation in its formation in 1789 until 1995, we have become the model, the ideal of the world, and the hope for humanity. He would ask why can we not walk across the aisle and get to know each other as human beings, identify what we have in common, and find that we have much more in common than we have in disagreement. He would also say that when we disagree, they should be honorable disagreements. Because Bill reflected that most of all, as the gentlewoman from Missouri, Mrs. JO ANN EMERSON, has said.

I remember Bill talking about his most honored day when he thought about leaving the House, because he thought the Republican Party would be the perpetual minority. And I am probably a little bit to blame, because I said it was my prediction that his opportunity in the Sun was just around the corner. And he stayed that extra term or two and finally made it.

The most important moment of Bill's life, I think, was on the first day of the 104th Congress, where after 14 years of having been in the House of Representatives and 43 years since the last Republican majority, he had the opportunity to assume the gavel and the Acting speakership of the House.

Those Members that were here during Bill's term know that when he exercised that gavel, he was truly a Speaker pro tempore for the whole House. He was not just a Republican.

□ 1100

I hope that my friends on both sides of the aisle—and I have been on both sides of the aisle in my life—take a moment to reflect that, when we lose our bearing, when we let anger rule over our reason, that there were people like Bill Emerson that understood what this institution is all about. That is, we should go to the basic core of humanity, reach across the aisle, take the opportunity to walk and sit with our adversary, find out what we can agree upon, and work toward it together, as opposed to conflict, arrogance, and just meanness.

Bill would be disappointed today if he saw the continued decline in of the demeanor of the House. I would hope that

maybe we can think about putting together the Emerson Society and say this is the bottom and let us get together. It is very close. We have a lot of work to do. Let us try to do it in the tradition and in the spirit of my friend, Bill Emerson.

TRIBUTE TO BILL EMERSON

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, I have many fond memories of my close personal friend and colleague, Bill Emerson. Probably one of my fondest memories is of the very first day that I was sworn in as a Member of Congress in 1995. My wife and I attended the Speaker's prayer service that morning, and Bill stood up and he said something that I will never forget. He introduced us freshman Members to the prayer breakfast that is held by Members of the House every Thursday morning and he said, "If you attend that prayer breakfast and you pray with your colleagues on both sides of the aisle, when you disagree with those colleagues on the floor of the House, you will do it in a much more civil manner."

Bill Emerson was right. As we are starting off here today, it looks like it is one of those days that, if Bill were here, he would remind us of that. Bill represented in this body everything there is about honesty, decency, and integrity. There are only two things that Bill loved better than this House, and that was his God and his family. I thank God that Bill Emerson served in this body, and I thank JO ANN and the girls for sharing Bill with us. This great country that we live in is a much better country because Bill Emerson served with us.

TAX CUTS

(Ms. STABENOW asked and was given permission to address the House for 1 minute.)

Ms. STABENOW. Mr. Speaker, I first would indicate that I did not serve with Congressman Emerson. I have served with the gentlewoman from Missouri [Mrs. EMERSON]. And if he is half as good as she, I missed serving with a wonderful man and appreciate the comments today.

Mr. Speaker, I am rising to speak to the issue of tax cuts today. We have a bill in front of us that came from the Committee on Ways and Means that, unfortunately, does not do what constituents in my district in Michigan need to have done.

When I supported the balanced budget agreement, I did so assuming we would take those precious tax cut dollars and focus them on the hard-working, middle-class families in my district and around the country. And instead, what we have is 80 percent of those tax cuts, when fully implemented, going to the top 5 percent of the public, once again, with the philosophy that somehow if the rich get richer, it will trickle down to each of us.

The folks in my district, who work hard every day, want to be able to have help to send their children to college, work hard, be able to sell their homes. I would like very much to see that tax relief bill go to hard-working families.

TAX RELIEF

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, any excuse is a good excuse if you do not want to do something. There are some here in Congress that would use any excuse to vote against tax relief for working Americans. Let us look at the capital gains tax relief. One popular excuse is it is only for the rich. Yet the IRS tells us that nearly three out of four that will benefit from this make less than $75,000 a year.

Economists tell us that it will not cost anything, it will not reduce the Federal revenue; in fact, it will increase the Federal revenue. And let us look at the $500 per child tax relief. Some will say you do not deserve it if you make more than $40,000 per year. I guess if you make more than $40,000, they think you are rich and you should not control more of your own money, so they would vote against any tax relief.

There are those that think working Americans do not deserve tax relief today. But remember, any excuse is a good excuse if you do not want to do something.

NO TO MEGAN'S KILLER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, Jesse Timmendequas, the convicted killer of 7-year-old Megan, is now pleading for his life. Megan's killer told the jury, "I am sorry and I pray for Megan every day. And I ask you to let me live." Unbelievable.

Did this bum ever consider the screams and pleadings of little Megan? Think about it. Megan's killer now wants a roof over his head, three square meals, air-conditioning, a law library, cable television.

Beam me up, Mr. Speaker. Enough is enough. Megan's killer should be put to death. I say good night, sweet prince. Go and plead your case with the demon himself.

I yield back the balance of any more of these types of crimes.

PRESIDENT'S FORUM ON LAKE TAHOE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, recently the White House announced the dates for the President's Forum on Lake Tahoe. At this conference, both the economic and environmental challenges that face the Lake Tahoe Basin and its surrounding communities will hopefully be addressed.

Among these concerns are the need for alternative forms of transportation and to address the fading clarity of the water, which is decreasing at an alarming rate of over 1 foot per year. This forum represents an important first step in the fight to preserve the Lake Tahoe Basin.

Equally as important, this forum represents the ability and the willingness of environmental and private property interests to work together toward a common goal. Through the two community forums and three workshops prior to the event, people from all levels of government as well as local residents will have a voice in this forum. Because of this cooperation, both private property owners and Government representatives will have constructive input.

The Lake Tahoe Basin has become a place for everyone to enjoy and share. From the idea that all people should share this beautiful work of nature has come the realization that we are all responsible for its well-being.

Mr. Speaker, Lake Tahoe is a national treasure that must be preserved, and this forum will help us reach this goal.

DAY-CARE CREDIT

(Mrs. KENNELLY of Connecticut asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY of Connecticut. Mr. Speaker, yesterday I stood here talking about the millions of families that were going to lose part of their child credit if, in fact, they took their day-care credit, millions of families.

Yesterday the gentleman from Texas [Mr. ARCHER] sent a letter to the President offering to modify the Committee on Ways and Means package, drop the provision of taking away 50 percent of the child-care credit.

The gentleman from Texas, Chairman ARCHER, has gone halfway; he can do better. Now any family who earns over $50,000, $50,000, one, will lose their credit. That might sound like a lot of money to somebody. But to a policeman and a teacher working, paying their FICA tax, trying to save money to educate their children, that day-care credit is important.

Today, I say the headline is 2 million families are better off. The gentleman

from Texas [Mr. ARCHER] can make additional families better off tomorrow. We have not gone to the Committee on Rules. He is on the right track. Let us get rid of that interaction between the day-care credit and the child care credit, it will be a better bill.

TAX RELIEF

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, where are the old Democrats, like President John Kennedy, who favored tax cuts? The truth is that the 1960's changed the Democratic Party maybe forever. And now liberal Democrats and tax cuts go together like Dennis Rodman and the National Basketball Association Commissioner David Stern.

So we have to rely on Republicans if average people are to have hope of a tax cut. The liberals were, meanwhile, busy building a great society on the backs of working people. President Reagan gave working people a break in the 1980's and passed tax cuts for everyone who brought home a paycheck.

Well, now we have got a President in office that, as a candidate, ran on the idea of tax cuts for the middle class but soon changed his mind after getting elected. This is something that the new Democrats seem to have a habit of doing. So now it is up to the Republican Congress to try to get the same President to get a little tax relief to average American families.

TAX BREAKS FOR THE MIDDLE CLASS

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise today to talk about tax cuts, Democratic tax cuts. The issue today before America is not whether we should have tax cuts. The issue is who should benefit. The Republicans have an elitist view of tax cuts. That is to say, the rich would benefit. Two-thirds of their tax cuts go to the wealthiest 5 percent of Americans, Americans who make an average of $250,000 a year.

On the other hand, the Democrats want tax cuts for the middle class and for the working class, those people making under $58,000 a year. In fact, three-fourths of the tax breaks in the Democratic tax package go to working Americans making under $58,000 a year.

The Republicans talk about capital gains, but they give the capital gains tax breaks to the very wealthy. The Democrats, on the other hand, target capital gains tax breaks to working families, families who sell their homes, small businesses. The Democrats want tax breaks for the middle class. The Democrats want tax breaks. They want fair tax breaks.

TAX CUTS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my colleague, the gentleman from Maryland [Mr. WYNN], and I really appreciate the lecture on tax cuts from our friend on the left. It is akin to letting Dr. Kevorkian come in and design a Medicare plan for us.

The problem is this: The numbers that are being used by my friends on the left have been cooked well beyond well done. Let us tell the truth to the American people, Mr. Speaker. The fact is this: Tax cuts proposed by our majority, over 70 percent go to families earning between $20,000 and $75,000 a year.

Mr. Speaker, I do not believe most working Americans consider themselves rich. In fact, Mr. Speaker, I do not believe most working Americans pay rent to themselves for the houses they own. Yet the numbers offered by the highly partisan Treasury Department are the numbers upon which our friends on the left base their baseless canards. The fact is we provide tax relief to working families. That is the difference.

AMERICAN LEGION SUPPORTS ETHERIDGE RESOLUTION

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, to my friends on my left, I have introduced a death or inheritance tax bill. I would be happy to have my colleagues join me, because there are Democrats that do strongly support tax relief for people who work.

Mr. Speaker, on Memorial Day, I was proud to honor John T. Bone, a hero of World War II, at the American Legion in Elm City, NC, and present to him the medals that he had waited half a century to accept.

Last week I was proud to join this House in casting my vote to ban the desecration of the American flag. And today I am proud to announce to this House that the American Legion has joined me in support of my resolution for educational standards of excellence for America's schools.

Mr. Speaker, I share with my colleagues the words of the American Legion when they say: "The American Legion applauds your initiative to introduce challenging academic standards into our Nation's educational system. The American Legion has been a long-time supporter of a quality education for each child. The adoption of challenging academic standards by each State would go a long way in helping this Nation reach educational excellence for our children."

I urge my colleagues to join me in this resolution.

TRIBUTE TO BRIAN MATTHEW EICHENBRENNER

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, Brian Matthew Eichenbrenner of Charlotte, NC, died in the early hours of Saturday morning, June 7, 1997, just 4 days before his 18th birthday.

He was valedictorian of Providence Day School, and he also received the Headmaster's Award. He was the founder and president of the Society for the Political Advancement of Mankind, an Eagle Scout in Troop 133, and a faithful member of Sardis Presbyterian Church, president of SADD, member of the Cum Laude Society, Outdoors Club; the list goes on.

Brian had every right to be openly proud of all of his achievements, but he shunned the praise these distinctions gave him. His life goal was to help others help themselves. One would always see Brian cheering on a fellow swimmer or tutoring a peer or performing a simple act of friendship or love that he freely gave to the world.

His family, community, and all who knew Brian Eichenbrenner feel the void of his death and appreciate the gifts and values he instilled in their lives. In lieu of achieving his earthly goals, he will be with the Lord, watching over the people he so dearly loved.

Brian Matthew Eichenbrenner of Charlotte, NC, died in the early hours of Saturday, June 7, 1997—4 days before his 18th birthday.

He was valedictorian of Providence Day School and he also received the Headmaster's Award. Brian was the founder and president of the Society for the Political Advancement of Mankind, an Eagle Scout in Troop 133, and a faithful member of Sardis Presbyterian Church, president of SADD, member of the Cum Laude Society, Outdoors Club—the list goes on.

Brian had every right to be openly proud of his achievements. However, he shunned the praise these distinctions gave him.

His life goal was to help others help themselves. One would always see Brian cheering along a fellow swimmer, tutoring a peer, or performing a simple act of friendship and love that he freely gave the world.

Brian Eichenbrenner chose politics as his method to aid his fellow man. One of his dreams was to have led a filibuster in the U.S. Senate. In 2032, Mr. Eichenbrenner was planning to run, and win, the Presidential election.

Brian lived his life to the fullest. He spent his life donating his time and efforts toward his peers. He desired their success as much as, or even more, than he desired his own.

His family, community, and all who knew Brian Eichenbrenner feel the void of his death and appreciate the gifts and values he instilled in their lives.

In lieu of achieving his earthly goals, he will be with the Lord, watching over the people he so dearly loved—those he called his friends.

□ 1115

IN SUPPORT OF TAX FAIRNESS

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, there is an old saying that says "Lead, follow or get out of the way." This would have been good advice for the Republicans when Democrats tried to provide disaster assistance to the Midwest. This would have been good advice for the Republicans when they tried to kill the Democrats' $500 child tax credit to working mothers who need child care in order to work.

The Republicans will do well to heed this advice once more as Democrats fight to provide tax fairness to working Americans. The Republicans claim that low-income people do not pay taxes. That is nonsense. The poor pay their fair share of taxes and the Republicans know it.

The Republicans are out of touch with working families in this country. Their idea of tax fairness is to give tax breaks to millionaires and to allow big corporations to pay no taxes at all. I ask Members, how many Americans think this is fair?

Lead, follow, or get out of the way.

THE REPUBLICAN TAX BILL

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I guess it is not surprising to hear so many Democrat voices voice opposition to tax relief. The same liberal Democrats who claim to care so much about children have a strange way of showing it.

According to the House Committee on Ways and Means, 657,000 children in the State of Connecticut would be eligible for the tax credit if the Republican tax bill were to become law. That is $1.1 billion for Connecticut children, Mr. Speaker.

In the State of New York, 3.1 million kids; that is 3.1 million kids, Mr. Speaker, stand to benefit from the Republican tax relief package. That translates into $5.3 billion for New York children.

Do these liberals really want to deny that help to their State's children? Perhaps this is how the liberals now define compassion, take money away from the parents, set up some huge Government program and hire bureaucrats to replace parents.

REPUBLICAN TAX PLAN

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, let me talk about facts, not labels. The gentleman from Arizona, a colleague on the committee, has cited the canard of the Republicans: Fully 71 percent of the tax relief provided will be for people making between $20,000 and $75,000 a year. Let me tell my colleagues why that is simply inaccurate.

First of all, that stops at the 5th year. It does not take into account years 6 through 10 of the budget agreement that relates to 10 years. So the impact of the capital gains and the IRA's are not taken into account.

Second, that miscalculation does not include the impact of the corporate tax or the estate tax.

Third, it counts as taxes paid, amounts paid by taxpayers to take advantage of the IRA provisions and the capital gains provisions that are going to save them taxes in the long run. It is a phony figure. The Treasury Department has it right.

WHEN IN DOUBT, TELL THE TRUTH

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I rise today to recognize a high school senior in my district in Minnesota for simply telling the truth, even when it hurt.

Recently the Elgin-Millville Watchmen provided the Dover-Eyota Eagles in a sectional tournament baseball game. In the fifth inning, Watchmen left fielder Jason Livingston missed a fly ball and saw it barely clear the fence for a home run. The umpire, however, ruled the hit a ground-rule double, thinking it had bounced over the fence.

Jason was the only one in position to know exactly what had happened. Without hesitating, he indicated to the umpire that the ball had cleared the fence for a home run. The umpire reversed his call, the Watchmen ended up losing the game, and Jason's baseball career ended that afternoon.

Mark Twain once said, "When in doubt, tell the truth." Well, Jason Livingston never had a doubt. He said it was no big deal, he just did what was right. A week after the game, Jason graduated from high school without a baseball trophy. But some things are just more important.

THE REPUBLICAN TAX PROPOSAL

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, Democrats want tax cuts, but the Republican tax proposal is the tax policy equivalent of Peter Pan's never-never land. It is an expression of the desire to never grow old and never die. Why are there billions of tax cuts going to the dead and the immortal? Republican estate tax proposals would have the J.P. Morgan estate paying no taxes if he were able to take advantage of it. And just like Peter Pan, corporations live forever and many would pay no taxes, and many corporations would make shamefully little contributions to the Nation that is the source of their vast wealth.

What does the average worker have in common with the wealthy dead and the eternal life of corporations? Nothing, except that they would be paying more taxes. We want to vote for tax cuts for the living. The Democratic substitute provides tax cuts for real live people, for education, for reducing taxes, on buying and selling your home or transferring a small business to family members, and for working families. That is tax cuts that we can support.

CAPITAL GAINS TAX CUTS HELP ALL AMERICANS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, Americans are confused by a lot of misinformation about capital gains tax cuts. For instance, liberal Democrats whine that the capital gains tax cuts are gifts from the Federal Government to the rich, and the liberal media use their megaphones to repeat these claims as if they were the truth.

Let us remember that capital is just another word for the money that is the source and the lifeblood of every job and every business that ever has been or ever will be created. Forty percent of all the stock in America is owned by families making less than $75,000 per year.

The capital gains tax cut will help millions of middle class Americans: Every American who has invested in a mutual fund, every American who saves for a home, every American who invests for their retirement or have pensions, every American who saves for their children's education.

The liberals are wrong. A capital gains tax reduction is not a tax break for the wealthy.

STAND WITH WORKING AMERICANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is a wakeup call for working America and a wakeup call for middle-income Americans. Many of us as Democrats have had a prior life, and many times as local officials we voted all the time to cut taxes and stand with working Americans.

I do not know what the Republicans are talking about, but when you take 6

million families and you deny them a child tax credit when they have expenses of child care, that is not standing with working Americans. When you hurt women workers by making them independent contractors so they cannot get health coverage or pension benefits, that is not standing with working Americans.

And then small businesses. When they are denied the right to take 100 percent deductibility for the health coverage that they provide their workers but yet the big guys can take 100 percent deductions, the corporations can do it, then my Republican colleagues are not listening.

You do not know that the Democrats are standing with working Americans. We want a tax cut, but we want it for the bunch of Americans who work every day. Middle-income Americans who are trying to support their children know the facts. Stand with the Democrats who have a bill that you can support that has a real tax plan.

TAX RELIEF

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. I was going to talk about another issue, but I'll save that for another day. It seems important that we point out, Mr. Speaker, that over the last 40 years of Democrat control of this House, taxes increased much faster than inflation. My first year in Congress, 1993, the Democrat leadership without a single Republican vote decided that the best way to go was to increase taxes $250 billion over that 5-year period. Now, what we are talking about is giving only a small part of that 1993 tax increase back to the American people. We are only giving $85 billion back of that $250 billion tax increase. What we have got to do is figure out the kind of tax changes that are going to increase job opportunity, increase paychecks and give more freedom and opportunity and responsibility to individuals.

THE REPUBLICAN TAX BILL: BENEFITS FOR WALL STREET, NOT MAIN STREET

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the American people want tax relief. They want lower taxes. But, Mr. Speaker, the American people want a tax cut that goes to the people who need it the most, America's working families.

The Republican tax bill is a boom for Wall Street, but a bust for Main Street. The Republican tax bill gives little relief to working people, people struggling to pay their mortgage, pay their car loan, pay their credit card bill and send their kids to college. The Republicans give most of their tax breaks to the wealthiest people in America. Almost 60 percent of the Republican tax breaks go to people earning $250,000 a year or more. That is not right, it is not fair, and it is not just. It is not what the American people want.

The Democrats want and the American people want a tax cut that goes to the middle class, to the hard-working families that need it the most. These are the people who deserve tax relief. Let us not give it away to the yacht owners, the junk bond traders and Rolls Royce drivers. Let us say no to the Republican tax bill.

SUPPORT H.R. 1955 TO DENY MILITARY HONOR BURIALS TO DEATH PENALTY CONVICTS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, yesterday I introduced H.R. 1955 with the support of many of my colleagues in order to prevent death penalty convicts from receiving military burial honors in our Nation's 114 veterans' cemeteries.

Today, the gentleman from Missouri [Mr. SKELTON] is offering an amendment to the defense authorization act prohibiting the same sorts of burial honors. I am a cosponsor on that amendment. It saddens me personally to offer this legislation, but it is the right thing to do for the veterans of our country who have given so much for us.

The most heinous domestic violence act ever committed ripped apart the insides of our Nation. I am talking about the Oklahoma City bombing which will always remain, I believe, ingrained in our hearts, our minds and our souls.

And yet the perpetrator of this dastardly act which killed 168 people, many of whom were children, can receive a military honor burial in a veterans' cemetery after he receives his death penalty sentence.

Our Nation's veterans' cemeteries are sacred ground. They are a solemn and sad reminder of the price our Nation has paid for the freedom we enjoy every day. It is not fitting to allow Timothy McVeigh in the company of our fallen heroes.

A DIFFERENCE OF OPINION ON TAX BILL

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, it must be confusing to people who may have been watching and listening to these statements over the course of the last several minutes. There are obviously two differences of opinion here.

Let us look at the analysis from an objective, nonpartisan group. The Citizens for Tax Justice, who are exactly that, have told us that the Republican tax cut benefits overwhelmingly the richest people in the country. Sixty percent of their tax cut goes to 40 percent of the American people. That blatantly is unfair. On top of that, they are attempting to repeal the alternative minimum tax. The alternative minimum tax was put into place to make sure that the most profitable American corporations pay at least something in taxes every year to the Federal Government. If they are not paying their taxes, then American families have to make up that difference. That is what they are trying to do, to pass the obligation to pay for what the country needs from the richest people to the average working people. We are opposed to that and we are determined to stop it.

TAX RELIEF NOW

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, the average worker is working longer and harder to achieve the American dream, in part because it has been 16 years since this Congress has passed any significant tax relief.

This is about to change. The House and Senate have drafted bills which would provide five important areas of relief for our workers, our families and our children. They include a $500 per child tax credit, death tax relief, capital gains reduction, expanded IRAs and education initiatives to help children afford college. These were agreed to by the President and the Congress and this Congress has held up its end of the bargain, but the President is backtracking.

Tell me, is the President for tax relief or not? It is time for the President to quit waffling. Americans want, need and deserve tax relief now.

□ 1130

DEMOCRATS WANT A TAX CUT FOR AMERICA'S FAMILIES WHO MOST NEED IT

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK. Mr. Speaker, we want a tax cut. The Congress has voted for 85 billion dollars' worth of tax cuts over the next few years. What Democrats say is we want that tax cut for America's families who most need it. We believe that those middle-income

families who work hard to raise their children, who want them to go to college, need that assistance. We want the bulk of Americans to have the benefit of this Tax Code. The Democratic plan gives us that advantage.

Mr. Speaker, the Republican plan speaks to the wealthiest 5 percent of American citizens who have benefited from America's greatness. The Democratic plan provides for children in America to receive that higher education for families in America who work every day to receive the support that they need.

Support the Democratic tax plan. Let us work with our colleagues to make sure that our plan reaches those Americans who need it most.

JUST LOOK AT THE NUMBERS

(Mr. ENSIGN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENSIGN. Mr. Speaker, we have heard a lot of talk about the numbers of the tax bill and for the rich, for the poor. Let us just look at a few of those numbers right now.

The $500-per-child tax credit over the 10 years takes up $150 billion of the $250 billion in tax cuts. The education tax credits take up $50 billion of that 250 billion. Add those together, that is 200 billion of the $250 billion, roughly 80 percent just in those two tax cuts.

Mr. Speaker, if we look at the bills, and I do not say to the American people to trust any politician up here, look at the bill, pull it up on the Internet, and people will see that no one can receive 80 percent of the tax cuts that makes over $125,000 a year as a family, $75,000 a year as an individual.

Mr. Speaker, 75 percent of this tax cut goes to people making less than $75,000 a year. Do not take my word for it. My colleagues should look it up for themselves.

GOP PLAN REWARDS THE RICH WHILE DEMOCRAT ALTERNATIVE HELPS WORKING FAMILIES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I follow up on my colleague from the other side of the aisle and say do, in fact, look at the details and my colleagues will find that the GOP tax plan rewards the rich and the Democratic alternative helps working families.

Let us look at the capital gains tax. Basically the GOP plan would essentially cut the capital gains tax across the board. It would say that for the sale of stocks, bonds or other assets the rate would drop to 20 percent, where it is now at 28 percent. What the Democrats are saying is why benefit Wall Street? Why benefit wealthy people who have these large portfolios of bonds and stocks? Let us help the homeowner.

The capital gains tax cut is a good idea, but it should be targeted for homeowners because that is where most middle-class working people have to pay a capital gains tax cut. Reduce it for the person selling the home, not the person with the large stock portfolio.

And the same with the estate tax break. Right now only 1.5 percent of families currently pay any estate tax, but the Republicans are saying that they want to increase the amount up to a million dollars. That is for the rich, not for the working person.

WHY REPUBLICANS SUPPORT A $500-PER-CHILD TAX CREDIT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, more confusion on the Democrat side of the aisle; it is no wonder that their President is reaching over to Republicans to try to work on a responsible tax bill.

As my colleagues know, the interesting thing is in this tax debate we need to talk about tax responsibility and social responsibility. We need in America a tax system that is fair and honest, a Tax Code that is clear, one that encourages and rewards work ethics. And that is why Republicans are supporting a $500-per-child tax credit for middle-class working families.

My wife called me yesterday about this gentleman in our district who is on welfare. He is 30 years old, and he has 16 kids at 30, and his quote was: The Lord said be fruitful and multiply.

Now I am a father of four. I think the Lord speaks a little bit more broadly than that, such as "You need to be paying for your kids." But under the Democrat proposal, if one does not pay taxes, they will still be able to get the $500-per-child tax credit that middle-class working families who pay taxes are eligible to get. Huge difference.

HOW REPUBLICANS MISS THE MARK OF BEING FAIR TO ALL AMERICANS

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Mr. Speaker, I first want to acknowledge that those of us who knew Bill Emerson also knew how to debate passionately for our views on both sides and at least held to our views. I differ from Bill Emerson, and I also respect him. I hope we can do the same thing as we talk about this tax bill.

The chairman's mark fails to do just what the last speaker said it does do: Be fair. It is not fair. It fails to do that. The Democratic plan certainly is a better alternative in being fair to all Americans.

Take two examples. My colleagues mentioned the $500 deduction that both the gentleman from Texas [Mr. ARCHER] has as well as the Democrats have. The difference is they would deny that opportunity for struggling working people, but they would not even include the earned income tax credit in terms of the calculation. That is one example.

The other example is that under the Archer mark there is 600 dollars' worth of relief that would be given, where the Democrat would give $1,100.

These are just a few examples how they miss the mark of being fair to all Americans. Let us debate this issue, but let us debate it objectively.

RESTRICT TAX CUTS TO PEOPLE WHO ARE ACTUALLY PAYING TAXES

(Mr. NEUMANN asked and was given permission to address the House for 1 minute.)

Mr. NEUMANN. Mr. Speaker, as this debate on reducing taxes on working families in America unfolds, I find it somewhat amazing what is going on up there. One of the goofiest criticisms that I have heard is that people that are paying no taxes in this country do not get a tax cut. Well, out where I come from, people are having a hard time understanding how they can cut taxes if they are not paying any taxes in the first place.

Mr. Speaker, some may be feeling a bit confused about this statement, and I got to confess I was confused when I first heard it. Now presumably the liberal Democrats who have been voicing this criticism have been saying this with a straight face. But it is hard to know when one is only reading such ridiculous accounts in the newspapers, but apparently it is true. There are actually some liberal Democrats who are outraged that they will not be getting a tax cut, even though they are not paying any taxes in the first place.

I have to tell my colleagues, back in my district, back in Wisconsin, a lot of folks are asking, "How could you possibly cut taxes if you're not paying any taxes to start with? Doesn't that turn the tax cut into a social welfare program?" I have to say that I think it is very important that we do restrict the tax cuts to people who are actually paying taxes.

CONGRESS IS NOT DOING ITS JOB

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, I would like to just have a slight correction to my colleague in that these people do pay taxes, and they pay a lot of

taxes because they are at the bottom and their FICA taxes eat up a big portion of their earnings. The basic question is, what is the job of Congress?

Under the Republican proposal, a family that makes $17,000 a year will lose a thousand dollars, and a billionaire corporation will pay lower taxes. It seems to me there can be arguments for lowering everybody's taxes, but a Congress that in the same product takes away a thousand dollars from a struggling family trying to eke out a living on less money than most people in this room spend on their vacations a year is a Congress that is not doing its job.

The choices for people are clear, that at the bottom of the economic ladder in this country people still have to make a decision about clothing, feeding and providing health care for their children. We are debating whether we are going to provide health care to half the children out there without health care or none of them. We need to take care of those responsibilities first.

WHO IS ON MY SIDE?

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the gentleman who spoke about providing tax relief to people who do not pay taxes is absolutely off the mark. The fact of the matter is that people are paying payroll taxes and the child credit applies to those FICA or payroll taxes.

Let us get the story straight.

Republicans have proposed a tax cut proposal; Democrats have proposed a tax cut proposal. We are for tax cuts. The issue is who benefits from the Democratic program or the Republican program? I submit to my colleagues that the Republican bill is nothing more than a windfall for the wealthiest Americans, and a Democratic alternative offers real tax relief to middle-class families. The Democratic tax package puts money straight into the pockets of average working middle-class families. The majority of the benefits from the Democratic bill go to families making less than $100,000 a year in this country. The Republicans want to provide the richest corporations in this Nation and in the world with a reduction in their tax obligation and at the same time deny to working families the opportunity to get a child care tax credit because both men and women are in the workplace.

Understand the debate and the argument. It is an important one.

THE BUDGET AGREEMENT IS A GOOD START

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, when I ask people back home, far away from the political battles of Washington, what our budget priorities should be, I often get responses like this: Well, I hear Medicare is going broke, so I guess we should do something to save it, and I think the Government should let me keep more of my money, so I definitely think that average folks like me should get a tax cut.

Mr. Speaker, I am happy to report that the budget agreement will be good news to people back home, people like that. This budget agreement takes an important step towards saving Medicare, and it contains permanent tax relief for average people. Congress is finally acting and can act in a bipartisan way to enact necessary Medicare reforms so that seniors are protected and Medicare is saved, and Congress is also acting in a bipartisan way to let American families keep more of their own money, not our money.

This budget agreement reflects the priorities of average Americans who want to retire with health care security and want to have a little more freedom to enjoy the fruits of their labor. I am going to vote for it. I think it is a good start.

JUNETEENTH INDEPENDENCE DAY

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, today in the Ninth Congressional District in my State of Texas, we celebrate Juneteenth Independence Day.

President Abraham Lincoln signed the Emancipation Proclamation in 1863 to abolish slavery, but it was not until June 19, 1865, 132 years ago today, that U.S. Gen. Gordon Granger rode into Galveston, TX in my district to announce that the State's 200,000 slaves were free.

Although this holiday originated in Texas, it is being celebrated throughout our Nation today. I encourage all Americans to join with me and with the citizens of Texas, not only in celebration, but to take a moment to reflect on the meaning of Juneteenth and remember those African-Americans who have been slaves and who suffered and struggled to move from slavery to freedom.

And finally, Mr. Speaker, quoting Dr. Martin Luther King, Jr.: "We must use time creatively in the knowledge that the time is always ripe to do right."

SUPPORT THE B–2

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. Mr. Speaker, today we are going to have a vote on the B–2 amendment. That is a question of whether or not we are going to have this tremendous aircraft in our inventory in numbers in excess of 20.

As my colleagues know, during Vietnam we lost about 2,300 fixed-wing aircraft to SAM missiles. Those were the surface-to-air missiles that the Russians were proliferating to their friends around the world and are still proliferating to their friends. A SAM missile took down Scot O'Grady a few months ago in Bosnia when he was flying his high-performance F–16 aircraft.

If we turn down the B–2 today, it is going to be the first time the American people have decided to send their young pilots out in aircraft that are not the very, very best that this Nation can provide. Support the B–2. Our troops need it.

MOTION TO ADJOURN

Mr. FORBES. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion to adjourn offered by the gentleman from New York [Mr. FORBES].

The question was taken.

Mr. FORBES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 27, nays 389, not voting 18, as follows:

[Roll No. 211]

YEAS—27

Ackerman	Hastings (FL)	Moran (VA)
Brown (CA)	Hinchey	Oberstar
Condit	John	Obey
Conyers	King (NY)	Pastor
Dingell	LaFalce	Riley
Engel	McCarthy (NY)	Stark
Farr	McNulty	Towns
Filner	Millender-McDonald	Waxman
Forbes	Mink	
Fowler		

NAYS—389

Abercrombie	Bishop	Canady
Aderholt	Blagojevich	Cannon
Allen	Bliley	Capps
Andrews	Blumenauer	Cardin
Archer	Blunt	Carson
Armey	Boehlert	Castle
Bachus	Boehner	Chabot
Baesler	Bonilla	Chambliss
Baker	Bonior	Chenoweth
Baldacci	Bono	Christensen
Ballenger	Borski	Clay
Barcia	Boswell	Clayton
Barr	Boucher	Clement
Barrett (NE)	Boyd	Clyburn
Barrett (WI)	Brady	Coble
Bartlett	Brown (FL)	Coburn
Barton	Brown (OH)	Collins
Bass	Bryant	Combest
Bateman	Bunning	Cook
Becerra	Burr	Cooksey
Bentsen	Burton	Costello
Bereuter	Buyer	Cox
Berman	Callahan	Coyne
Berry	Calvert	Cramer
Bilbray	Camp	Crane
Bilirakis	Campbell	Crapo

Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Fazio
Foglietta
Foley
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—18

DeGette
Fattah
Flake
Gephardt
Goodling
Istook
Klink
Klug
Lipinski
Manton
Markey
Miller (CA)
Pombo
Pomeroy
Schiff
Smith, Adam
Stokes
Wise

□ 1223

Messrs. BOB SCHAFFER of Colorado, WYNN, and WELDON of Florida, Ms. DANNER, Mr. NEAL of Massachusetts, Mr. JEFFERSON, Ms. KAPTUR, and Messrs. LARGENT, LEVIN, and THOMAS, and Ms. SANCHEZ, Mr. MCDERMOTT, and Mr. OWENS changed their vote from "yea" to "nay."

So the motion was not agreed to.

The result of the vote was announced as above recorded.

PROPOSED CHANGES TO RULE ON DEFENSE AUTHORIZATION

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I wish to inquire of the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], what proposed changes he may have to offer with respect to the rule.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would say to the minority whip that out of consideration for the ranking member of the Committee on National Security, the gentleman from California [Mr. DELLUMS], who we have the greatest respect for, I have said that many times and will say it over and over again. He and I come from different philosophical persuasions, but he is one of the true gentlemen and sincere Members of this body.

Because of that, we are going to change this rule and we are going to remove an amendment that would be a striking amendment on the B–2 bomber, remove that from the rule, having made it in order. And we will make in order the original Dellums amendment No. 104, which is a striking amendment and the transfer of those funds. That will be one change in the rule that I will propose in a few minutes.

Second, we will make in order an Everett amendment No. 77 dealing with the depots around this country with a 1-hour debate.

We will substitute a Frank amendment; we will make in order a Frank amendment No. 85 instead of the Frank amendment No. 83. In addition to that, we will make a Traficant amendment No. 3 authorizing the use of the defense personnel to assist border patrols to stop illegal immigration coming into this country. And we will make in order a Weldon amendment No. 110 which is a sense of Congress on the need for Russian transparency on the Yamantau Mountain project. That is somewhat classified information, but most of the Members understand what that is all about.

Mr. BONIOR. Mr. Speaker, is the gentleman anticipating any additional time on any of these amendments?

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, we will include on the B–2 issue, we will extend that to 1½ hours by agreement. And, of course, the Everett amendment has an hour of debate based on the agreement we just discussed.

Mr. BONIOR. Mr. Speaker, I thank the gentleman. I thank him and the gentleman from Texas [Mr. ARMEY] and others for signing off on this agreement.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, I will call up the rule in just a moment. I will make this unanimous-consent request. If it is objected to, I will wait until the end of the rule and then make the unanimous-consent request again. If it is objected to, I will move that unanimous-consent request before the vote on the rule.

Mr. BONIOR. Mr. Speaker, I thank the gentleman.

PROVIDING FOR CONSIDERATION OF H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 169 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 169

Resolved, That at any time after the adoption of this resolution, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on National Security. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on National Security now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) No amendment to the committee amendment in the nature of a substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Except as specified in section 5 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report, each amendment printed in the report shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on National Security each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(d) All points of order against amendments printed in the report of the Committee on Rules and amendments en bloc described in section 3 of this resolution are waived.

(e) Consideration of the first two amendments in part 1 of the report of the Committee on Rules shall begin with an additional period of general debate, which shall be confined to the subject of United States forces in Bosnia and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on National Security.

SEC. 3. It shall be in order at any time for the chairman of the Committee on National Security or his designee to offer amendments en bloc consisting of amendments printed in part 2 of the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on National Security or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional record immediately before the disposition of the amendment en bloc.

SEC. 4. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes.

SEC. 5. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on National Security or a designee announces from the floor a request to that effect.

SEC. 6. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 7. House Resolutions 161, 162, and 165 are laid on the table.

□ 1230

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

REQUEST FOR MODIFICATION TO HOUSE RESOLUTION 169

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 1119, pursuant to House Resolution 169, it may be in order:

To offer the amendment numbered 7 in part 1 of House Report 105–137 in the modified form that I have placed at the desk, to debate it for 90 minutes equally divided and controlled by the gentleman from California [Mr. DELLUMS] or his designee and an opponent, and otherwise to consider it as though printed in House Report 105–137;

To offer the amendment numbered 15 in part 2 of House Report 105–137 in the modified form that I have placed at the desk, and to debate it for 20 minutes equally divided and controlled by the gentleman from Massachusetts [Mr. FRANK] or his designee and an opponent, and otherwise to consider it as though printed in House Report 105–137;

To offer an amendment by the gentleman from Alabama [Mr. EVERETT] or his designee in the form that I have placed at the desk, and to debate it for 1 hour equally divided and controlled by the gentleman from Alabama [Mr. EVERETT] or his designee and an opponent, and otherwise to consider it as though printed in House Report 105–137;

To offer an amendment offered by the gentleman from Pennsylvania [Mr. WELDON] or his designee in the form that I have placed at the desk, which shall be in order as though printed as amendment numbered 42 in part 2 of House Report 105–137;

And to offer an amendment by the gentleman from Ohio [Mr. TRAFICANT] or his designee in the form that I have placed at the desk, which shall be in order as though printed as amendment numbered 43 in part 2 of House Report 105–137;

And, finally, the additional period of general debate on the subject of United States forces in Bosnia, described in section 2(e) of House Resolution 169, shall precede the offering of amendments numbered 8 and 9 in part 1 of the report of the Committee on Rules rather than the amendments numbered 1 and 2 in that part.

And, Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. RILEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, let me explain again what will happen here. The unanimous-consent request making these changes to the rule has been objected to, so at the end of this debate I would propound the unanimous-consent request again. If that is objected to, I would then move it and there would be a recorded vote taken at that time.

Having said that, Mr. Speaker, this is the traditional structured rule that the Committee on Rules has provided in past years for defense authorization bills.

First, this rule provides 2 hours of general debate. The committee amendment in the nature of a substitute is made in order as the original text.

Next, the rule provides that no amendment will be in order except those in the report accompanying this rule. Each amendment will be debatable for the amount of time provided in the Committee on Rules report.

The amendment will not be subject to amendment except as specified in the Committee on Rules report. However, the chairman and ranking minority member of the Committee on National Security may each offer one pro forma amendment for the purpose of further debate on any pending amendment.

The rule provides that before the House considers the two amendments dealing with the subject of United States forces in Bosnia, there will be an extra hour and a half of general debate, if the unanimous-consent request goes through, controlled by the chairman and ranking minority member of the Committee on National Security.

Next, the rule provides at any time the chairman of the Committee on National Security or his designee may offer en bloc amendments consisting of amendments printed in part 2 of the Committee on Rules report or germane modifications of those amendments.

These en bloc packages of amendments will be debatable for 20 minutes and will not be subject to amendment.

This rule provides authority for the chairman of the Committee of the Whole to roll votes in order to make more efficient use of Members' time. That means we can cluster votes to try to save the Members' time running back and forth.

Amendments may be considered in an order different from that in the Committee on Rules report if the chairman of the Committee on National Security or his designee gives at least 1 hour's notice on the floor of the House.

The rule also provides for a motion to recommit with or without instructions.

The very last section of this rule, Mr. Speaker, provides for laying on the table three rules which were originally reported in order to provide for the consideration of supplemental appropriation bills. Then the rules became unnecessary when the supplemental appropriation bill was taken up by unanimous consent.

Mr. Speaker, of the approximately 130-odd amendments submitted to the Committee on Rules, there have been 56 made in order by the rule. Nineteen of these, and now 20, are offered by Democrats and 29 are offered by Republicans and 5 have bipartisan sponsorship. This means that 40 percent of the amendments submitted to the Committee on Rules are made in order by this rule. Given the time constraints for consideration of this bill on the floor, this rule represents a very fair balance between the majority and the minority.

Mr. Speaker, on the bill itself, let me just again congratulate the gentleman from South Carolina [Mr. SPENCE], chairman of the Committee on National Security, for once again putting together an excellent piece of legislation under very difficult circumstances. And again let me commend the ranking minority member, the gentleman from California [Mr. DELLUMS], for his outstanding work. Again, this is a very controversial issue. We all come from different philosophical persuasions, but the gentleman from California has certainly done all he could do to cooperate in this matter.

Mr. Speaker, it is absolutely imperative this bill contain adequate funding for our military personnel who are right now out in the field standing vigilant on behalf of all Americans, particularly in a place called Bosnia right now, and up in the border between North and South Korea.

It is imperative that this bill contain enough quality of life incentives to retain and recruit the best people we can from all walks of life across this country.

It is imperative that this bill contain enough funding for operations and maintenance so that our troops can be as highly trained as possible in case they are called into battle.

It is imperative that this bill contain adequate funding for weapons procurement and research and development so that our troops can fight and defend themselves with only the very best equipment and technology available.

Mr. Speaker, it is imperative that this bill set out policies which are consistent with and seek to maintain the unique warrior culture of the military, for without that, we cannot win wars, and that is what our military is there for, God forbid they ever be needed.

Mr. Speaker, to the best extent possible, this bill, I think, does all of that. At $268 billion, the bill adds nearly $3 billion to President Clinton's wholly inadequate request. The bill adds $3.7 billion to the President's request for procurement and $1.5 billion for research and development over and above the original request.

These accounts contain adequate funding for the weapon systems of tomorrow, such as the F–22 stealth fighter, the B–2 bomber, the Marine Corps V–22 troop carrier, and the next generation of aircraft carriers and submarines which are so vital to the strategic interests of our country around the world.

These accounts also contain funding to bring us one step closer to developing and deploying defenses against ballistic missiles, something for which, and I can guarantee my colleagues, we will all be grateful for some day.

H.R. 1119 contains, Mr. Speaker, a 2.8-percent pay raise for every soldier and sailor and marine and air force man serving in our military today, and adds significant funding increases for barracks, family housing, and child care centers.

I say to my colleagues, if Members have not visited these military installations around our own country and overseas, they really should do it, because much of the housing, both in America and overseas, is inadequate. It is an embarrassment to put our families of military personnel today in them.

When I served in the Marine Corps, more than 45 years ago, 90 percent of us were single. We did not have to worry so much about housing. Today, 70 percent of our military people are married, both men and women that serve in our military, and they deserve decent quarters to live in.

The bill also sets up a commission to resolve the complex and very troubling problems of gender integrated training, while requiring psychological screening for all drill instructors.

This bill does not have, Mr. Speaker, a provision which would separate the basic training of men and women in our military, and I worry about that. In the Marine Corps, we do not do that. We separate them, and we do not have some of these problems that have cropped up. I really do hope we will study this issue and try to resolve it. We want to be as fair as we can to everyone, but we want to try and solve the problems that have cropped up in recent months and years.

Despite all these excellent provisions in this bill, Mr. Speaker, let me go on the record right here and now. We continue to provide inadequate, yes, inadequate funds for this Nation's defenses. This bill will represent the 13th straight year of inflation-adjusted cuts to this budget. No other account in the Federal budget has been cut so much.

Weapons procurements, which have been cut by nearly 70 percent since 1985, remain at least $14 billion below what the Joint Chiefs of Staff say we need to be in order to retain our technological advantage over potential adversaries.

Let us turn that around and compare it to the People's Republic of Communist China, where in the last 4 years their budget has almost doubled. In the 1990's alone they have increased more than 50 percent, and in the last year alone 15 percent. We have to think about that.

Our military is vastly smaller and older than just 6 years ago during Desert Storm. Most experts agree that such a mission would simply be impossible today. One great example of that are the bombers that we fly today. Some of them, many of them, are more than 40 years old, even much older than the pilots flying them.

In 1991 we had 18 army divisions and used 7 of them in Desert Storm. Today we have only 10 divisions, not 18, and are heading toward 9. What are we going to do if we have to put another seven divisions back in a place called Desert Storm or in the gulf, when China is selling and giving Iran missiles that are going to create an incident over there that is sure as heck going to draw us back into it? Where will we get those seven divisions if we only have nine altogether? That means we will have to pull troops from all over the world, put them in one place, and then what would we do if there was an outbreak in North Korea? We would be in serious trouble.

Mr. Speaker, as former Secretary of Defense William Perry said, a Clinton appointee, we are already at the minimum force structure level we need in order to retain our role as a global power. We should think about that. Of course, this is not the fault of the Committee on National Security, as I said before. They have operated under very severe constraints, and those constraints are the repeated unwillingness of our President to pay adequate attention to this Nation's defense.

□ 1245

Despite his State of the Union pledge years ago, President Clinton continues to cut national defense funding in his budget he presents to this body and has fought our defense levels tooth and nail.

Mr. Speaker, that to me is a scandal, but it is one we can overcome by voting for this rule and voting for this bill today and then working together to find additional moneys for the No. 1 constitutional duty of this House. We, as representatives of our people, are primarily here to provide for national defense for all Americans adequate to protect our strategic interest in and around the globe and, in doing so, give our young men and women in uniform the best state-of-the-art equipment that we can give them to carry out their mission should, God forbid, they ever be called into harm's way.

So I would ask my colleagues at the appropriate time to come over here and vote for this rule and then let us debate the bill and let us pass it.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I have an opening statement. However, at this time, prior to my opening statement, I yield 3 minutes to the gentleman from California [Mr. FAZIO] because of a scheduling conflict; and then, with the concurrence of the majority, I would like to proceed to my opening statement as soon as the gentleman from California [Mr. FAZIO] is through.

Mr. FAZIO of California. Mr. Speaker, I would like to thank my colleague, the gentleman from Texas [Mr. FROST] for yielding me this time at this point and for many other courtesies that he has rendered, particularly in reference to this particular piece of legislation.

I rise in opposition to this restrictive rule as it currently stands. This is a rule, as reported last night, that is outrageous, restrictive, undemocratic, and unprincipled. And if it cannot be repaired before we vote on it, and I certainly hope it will be, it ought to be defeated.

Regrettably, the Everett-Sabo-Klug-Fazio amendment was not made in order last night despite overwhelming evidence that Members of this House wanted an opportunity to voice their position on the issue of using competition as a means to make DOD dollars more efficient and save hundreds of millions of dollars for the taxpayer. It is incredible that the Speaker would not let the House vote on this highly important public policy, one that could lead, I might add, directly to a veto of this entire defense authorization bill.

In my view, lately we have had all too many votes here on the floor to support restrictive and undemocratic rules that muscle Members of this House. Without our amendment, this bill undermines the military's effort to modernize and prepare for the 21st century by effectively eliminating competition for depot maintenance workload. And without competition, we lose crucial cost savings and value for the American taxpayer.

This, I might add, was a bipartisan amendment. It crossed the political spectrum in this House. And still, the Speaker, as of last night, has intervened to make sure that it would not go forward. For a while, it looked as though the parochial interests of a few had won out on this amendment. But now the unanimous-consent request, if agreed to, would restore this and other important amendments.

If that were to succeed, I would support the rule and hope others would, as well. Because then we would have ample time and a breadth of issues that we could consider, in the full belief that we have given the defense authorization bill due consideration.

I have always supported defense bills on this floor. However, I cannot, in good conscience, support this rule if the request of the gentleman from New York [Mr. SOLOMON], his unanimous-consent request, is not agreed to, either through lack of objection or, more likely, as a result of a vote that he will ask for.

For those who have not quite figured it out yet, we are in serious jeopardy of not having a defense bill this year. The President will veto this bill in its current form. I oppose this bill in its current form, and I urge the House to defeat this undemocratic and unprincipled rule unless we first vote to amend by supporting the motion of the gentleman from New York [Mr. SOLOMON].

It needs to be repaired or it needs to be defeated. And there is far more on the table here than the simple parochial issues that some think we are fighting about. This is about preservation of the American defense industrial base. I hope Members will support the motion to be made and then the rule and, more importantly, listen carefully to the Everett-Sabo amendment when it is offered later to strike language in this bill which never was heard in the full committee, but which does terrible detriment to our defense establishment.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Let me at the outset kind of review where we are. I think it is very important. This may be a little confusing for Members. It may be a little confusing for the public watching this proceeding.

The gentleman from New York [Mr. SOLOMON] is going to renew his unanimous-consent request at the end of this hour. If there is objection, then he will move this matter, move to amend the rule. And, of course, the components that will be in both his unanimous-consent request and his motion are the Dellums-Kasich-Foley amendment, the Everett amendment, the Frank Amendment No. 85, Traficant No. 3, and Weldon No. 110.

I will support the effort of the gentleman from New York to amend this rule. And assuming that is successful, I will support the rule. And I think I speak for a number of Members on my side of the aisle. If his effort is not successful to amend this rule, there are a very large number of Members on this side of the aisle who will vote against the rule.

Let me be clear. Some of my colleagues, on the merits, when we get to it will not support the Dellums amendment when it is offered tomorrow or tonight, but we support right of the gentleman from California [Mr. DELLUMS] to offer his amendment, and that is a very, very important distinction and a very, very important point.

So I would urge this House, on both sides of the aisle, to support the amendment of the gentleman from New York [Mr. SOLOMON] so that we will then be able to pass this rule. Should the amendment not pass, there is a real chance this rule will not pass and we will not be able to proceed to the consideration of this bill today and the remainder of this week.

Mr. Speaker, I yield to the gentleman from California [Mr. DELLUMS], and then I want to continue my statement.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman from Texas for yielding.

Mr. Speaker, I just want to say that I appreciate the fact that we have resolved what clearly was about to be a major injustice, and I am appreciative that I have been given the opportunity to offer the amendment on the B–2 that I drafted. There have been other concessions that the gentleman from New York [Mr. SOLOMON] has offered as an amendment to the rule.

I simply rise to say, first of all, I am appreciative of the fact that we have sat down to negotiate these matters out in good faith. They have been negotiated to this gentleman's satisfaction. I thank my colleague for his kind and generous remarks.

I would simply underscore for emphasis the remarks of my distinguished colleague from Texas, Mr. FROST, that those who stood in the well of this House, in this Chamber this morning who were supportive of my right to see to it that the process had integrity and had dignity, that they would support this amendment.

I know that there are other controversies here because other matters were brought into it. I would simply say that at the end of the day, we all ought to be about transparency and accountability and, in the marketplace of ideas, let us have a free and open debate.

I have never been a person that said that I had to guarantee that I win. I probably lost since 1971 more times than any one Member in this Chamber, and I try to learn how to lose with pride and dignity. But what I always demand is the right to have a free and honest debate in the marketplace, and let us have an honest and open exchange.

The amendment of the gentleman from New York provides us with this

opportunity, and I appreciate that. I urge my colleagues who are supportive of those principles to support that amendment and let us move on.

Mr. FROST. Mr. Speaker, if I may continue my remarks at this point, it is my intention to support H.R. 1119, the Department of Defense authorization bill for fiscal year 1998.

This legislation is one of the most important bills this House will consider this year. It authorizes a total of $268 billion in spending for our national defense, an amount which will ensure the military superiority of the United States in the next year and in the years to come.

This funding level will ensure that production of important weapon systems continues, will ensure that the Congress' efforts to improve quality of life for our men and women in uniform and their families continues, and will ensure that our commitments around the world are met.

H.R. 1119, the National Security Committee has provided $2.1 billion for research and development for the F–22, the next-generation air superiority fighter which is designed to replace the F–16. The Committee has also provided for a total of $1.3 billion for production and continued research and development for the V–22 Osprey. The addition of this aircraft to the Marine Corps and Special Forces arsenal will ensure that our soldiers and marines can be quickly and safely delivered into combat.

The Committee has provided funding to restart those parts of the B–2 Stealth production line which have been shut down. The B–2 is a vital component in our national security system and will continue to serve the Air Force well into the next century. H.R. 1119 not only restarts production lines, it provides adequate funding for advance procurement to ensure that production of this effective weapons system continues in future years.

Mr. Speaker, the Committee on National Security has provided the President's request for a 2.8-percent pay increase for military personnel, has provided a new special duty pay for service at hardship posts, and has increased the family separation allowance. The men and women who make up our armed forces today are being asked to make enormous sacrifices while increasing their workload because of increased operations worldwide and personnel drawdown.

I think the Committee has rightly focused much of its attention on quality-of-life issues for our soldiers, sailors, airmen, and marines and their families, for they are the foundation that ensures that our national security is indeed secure.

Mr. Speaker, I would ask if I may direct one question to the gentleman from New York [Mr. SOLOMON]. It was not clear to me during his explanation, on the question of the Everett amendment, as to where that would appear, assuming his amendment is adopted and the Everett amendment is made in order.

I would ask the gentleman from New York, do I understand that would appear in part A of the attachment to the rule? And if so, where in part A will it appear? Would it be at the end of part A?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I will say to the gentleman, it would appear at the end of part A, which means it could be brought up at any time. As my colleague knows, that is flexible.

Mr. FROST. I just want to be clear that it was in part A and not part B.

Mr. SOLOMON. At the end of part A.

Mr. FROST. That is my assumption. I appreciate the gentleman for clarifying that.

I just want to repeat before I yield time to other speakers what I said at the outset. The adoption of the Solomon amendment to the rule later in this hour is critical. I intend to support that. If the Solomon amendment fails, this rule is in jeopardy and the rule may not pass. So I will support the Solomon amendment and, assuming the Solomon amendment is in order, I will support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS], chairman of the Permanent Select Committee on Intelligence and a member of the Committee on Rules as well.

Mr. GOSS. Mr. Speaker, I thank my friend, the gentleman from Glen Falls, NY [Mr. SOLOMON], the chairman of the Committee on Rules, for yielding the time, and I rise in support of this fair structured rule as outlined by the chairman. I think that the gentleman from Texas [Mr. FROST] and the gentleman from New York [Mr. SOLOMON] have clearly laid out what is before us in terms of how this is going to unfold.

While we could not possibly make each of the 120, actually I think it was more than 130-plus, amendments in order, I believe that this rule allows for debate on amendments in all of the major policy areas. Providing for the national defense is arguably one of the only 100-percent legitimate, constitutionally mandated functions of the Federal Government. And that is the business today.

Unlike some of my colleagues and some of the folks in the administration, I have never been able to share the unrelenting optimism of those who greeted the end of the cold war as the time to set aside all of our national defense systems.

□ 1300

I happen to believe that the world is still a very dangerous place.

What this means is that we must place a premium on good intelligence and highly trained and responsive armed services. While we have been very successful at cutting spending in some areas since the 1980's, I cannot support further massive defense cuts, cuts which would undermine our long-term security for the sake of some short-term gain.

H.R. 1119 ups the funding in key readiness accounts and halts reductions in active duty military personnel. It gives our soldiers and their families long overdue assistance and improved quality of life by closing pay gaps, improving military housing and bolstering the defense health care system, all matters that we have heard spoken to so far today.

H.R. 1119 will also put modernization programs back on track by giving priority to unfunded requirements, encouraging technological innovation, and there are many that are very promising, and ensuring that the Reserve Forces that are more and more often being called to duty have the training and the equipment they need when they are in harm's way.

This is all designed to ensure one thing, that we are up to the national security challenge, whatever that challenge is, when it comes: The next Pearl Harbor, the next Desert Storm, whatever the form, wherever the place, whenever the time.

Of course, in today's budgetary climate we also recognize that no department can or should escape scrutiny or reform. This legislation does include measures to downsize unnecessary and low priority bureaucracies in the Defense Department and to improve business practices in the Defense Department.

And the rule before us makes a bipartisan manager's amendment in order that is going to take further strides in this area. Those who serve their country deserve our honor and respect. The best way to serve them is to maintain our strong commitment to them and to their families and to ensure that they have the resources and the training they need when they move on to the battlefield. This legislation gets us on the right path. I support it. I urge my colleagues to do the same.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Speaker, I oppose this rule, because the Committee on Rules had an opportunity to rectify an injustice. By choosing not to rectify it, it perpetuated it.

The gentleman who just spoke said that those who defend our country are entitled to the respect that they deserve. But what about after they have served our country? Mr. Speaker, the Pentagon, the Department of Defense is the only large organization in America that once its employees reach the

age of 65, they become ineligible for that employer's health care. They become ineligible for CHAMPUS, they become ineligible for TRICARE, and they are told that the only thing they can do is go to a military treatment facility and wait at the end of the line until everyone else has been served, and only if there is no one else waiting for health care can they then be served. It is wrong. It is unfair. We have a solution to it.

The chairman of the Committee on Rules is a sponsor of my legislation that allows Medicare military retirees to join the FEHBP. I thought he understood the situation. Apparently he does not understand the situation because if he did, he would want to rectify it, I am sure. But the Committee on Rules, in reporting out this rule, chose not to address it in the way that makes the most sense, which is to make military retirees eligible for the Federal Employees Health Benefits Plan. There is no other way that military retirees can get decent, affordable, accessible health care. All we wanted to do was to demonstrate how it can be done in the most efficient manner. It would not have cost any money. It was the right thing to do. It should have been done. I urge a vote against the rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, we have one Border Patrol agent for every 2.5 miles of border as I speak. In the last 6 weeks Border Patrol agents have been shot, one almost killed. Eighty percent of certain narcotics are coming across the border. Illegal immigration is running rampant and the American people have been asking, look, if Congress has declared war on illegal immigration, if Congress has declared war on drugs, then when is Congress going to engage in the battle? When is Congress going to fight?

I want to thank the gentleman from New York [Mr. SOLOMON], the chairman; the gentleman from Florida [Mr. GOSS], the gentleman from Massachusetts [Mr. MOAKLEY] and everyone who has helped to make my amendment in order.

The Traficant amendment says that our military, that right now many of them are falling out of chairs without arm rests overseas, can be transferred to our border in the Southwest, not to make arrests but to detain and hold illegal immigrants and people running across the border with backpacks full of narcotics and cocaine for the Border Patrol.

Mr. Speaker, let me say this. The taxpayers of this country are financing chaos literally on our border. It is time to fight. Our troops are cashing their checks overseas, going to the theater in Rome, for dinner in Frankfurt, and we have narcotics corrupting our cities, our government, and destroying the lives of our children. I say it is time, Congress, to wage war.

I want to thank those who are trying and attempting to make this amendment in order. I will debate this amendment when it comes. The debate on this amendment is necessary. That is where the debate should take place, not on the streets but in the halls of Congress.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY], one of the most respected Members of this body.

Mr. HEFLEY. Mr. Speaker, I support this rule. No, it does not have everything in it that I would like. I think the gentleman from Virginia mentioned an area that we all ought to be concerned about when we talk about military retirees, but I think basically it is a good rule. But there is one item that I wish we had made in order that I had requested, and that is we are required in the area of defense to do more with less now. And so we want every single dollar to be spent in the most effective way possible. I wish the gentleman had made my Davis-Bacon amendment in order so that we could discuss the amount of savings that could come if we exempted from the Davis-Bacon Act military construction.

We are over 70 years behind in our infrastructure capitalization in our armed services. In housing alone, depending on the service, we are 10 to 40 years behind. There simply is not enough money in MILCON to get from here to there under the present circumstances.

And so we went to Secretary Perry and sat down with him when he was Secretary of Defense and we said, how can we do better? One of the things we did was to set up some privatization of housing on military bases. I think that helped some. But we also said, what are the impediments to getting the most bang for the buck? And they gave us a list of those impediments and we have been trying to deal with those. But one of them was the Davis-Bacon Act that is costing enormous sums more than we ought to be paying. In fact, the estimates are in the billions of dollars of savings if we could simply remove the Davis-Bacon, the Depression era Davis-Bacon, archaic law from the books where military construction is concerned.

If we want the most for the money, Mr. Speaker, this is something that needs to be done and we need to consider it in the future even though it is not considered in this particular bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman for yielding me this time. I am going to oppose this rule for a number of reasons. But first and foremost, this is supposed to be a democracy. This is supposed to be the place where the Members who were sent here by about 550,000 people, citizens of this country, have the opportunity to make things better. Unfortunately the Committee on Rules in many instances decided that those people do not count, that we cannot make things better, that we do not even have the chance to make things better.

One of the things that I would have very much liked to addressed and asked the Committee on Rules yesterday to address involves the war on drugs. Our Nation spends about $12 billion on the war on drugs. As I speak we have AWAC's flying over Central and South America. We have what is called E–3's and P–3's flying over Central and South America. We have troops on the ground in Colombia in at least 3 different locations. At one of those locations about 80 miles away, the Colombia guerrillas overran a Colombian army base and either killed or captured everyone there in the month of February. It is a real war, with real deaths. Just a few years ago in Peru, one of our C–130's on a reconnaissance patrol was shot up by Peruvian aircraft. We do not know whether he did it by mistake or on purpose. We do know that an American airman fell 11,000 feet to his death. It is a real war, with real money, and real American lives being lost.

One amendment that I wanted to offer that the Committee on Rules cowardly did not even vote on would have said we need to test those civilians who work for the Department of Defense to see whether or not they are on drugs, particularly those involved in the counternarcotics effort. What good does it do to spend all of this money and put people's lives on the line if the people who are manning the aircraft, who are making them work, people who know where the missions are going to go, are on drugs? What if they are in cahoots with the drug dealers?

The gentleman from New York [Mr. SOLOMON] did not even think it was worth voting on. The gentleman from California [Mr. DREIER] did not think it was worth voting on. The gentleman from Florida [Mr. GOSS] did not think it was worth voting on. The gentleman from Georgia [Mr. LINDER], the gentlewoman from Ohio [Ms. PRYCE], the gentleman from Florida [Mr. DIAZ-BALART], the gentleman from Colorado [Mr. MCINNIS], the gentleman from Washington [Mr. HASTINGS] and the gentlewoman from North Carolina [Mrs. MYRICK] did not even think it was worth voting on. Are they going to tell me in those States there is not a drug problem, that we do not need to know whether or not the guys who are supposed to be on our side being paid by our country are on drugs?

Ronald Reagan back in 1986 when he was the President of the United States called for a drug testing policy, but it

was not mandatory. I think we need to know if the people who work for you and me are on drugs. It is a shame that the Committee on Rules does not feel the same way. I urge my colleagues to vote against this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. I thank the gentleman for yielding me this time.

Mr. Speaker, while the recent changes in the rule announced by the gentleman from New York [Mr. SOLOMON] certainly improve the bill, and I will strongly be supporting the Dellums amendment, among others, it is my view that when we are dealing with a $268 billion authorization, an authorization which ultimately determines the priorities of this country, that every Member of this body who has thought about this issue has a right to have their amendment offered on the floor of the House and debated on the floor of the House.

In a fundamental way, today we are discussing the priorities of this Nation. We are talking about spending tens and tens of billions of dollars on weapons systems that many experts think we do not need while at the same time Members of Congress want to cut back on Medicare, want to cut back on Medicaid, while we continue to have the highest rate of childhood poverty in the industrialized world, while people are sleeping on the street, while millions of families cannot afford to send their kids to college.

Mr. Speaker, what we are talking about today are national priorities. Do we put more money into B–2 bombers and less money into health care for our senior citizens? More money into submarines and not adequately fund education or health care for the people? Those are issues of enormous consequence. Every Member of this body should have a right to participate in that debate.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. I thank the gentleman for yielding me this time.

Mr. Speaker, this Congress is looking at the biggest peacetime military scandal in recent history. Too often women enter the military to serve their country, yet end up having to defend themselves. We have seen cases of rape, sexual assault and harassment at every level. Military standards of courage, honor, and valor have given way to sexism, favoritism and power.

□ 1315

And this Congress is willing to only make minimal efforts toward reform.

More than 2 months ago, I introduced a bill asking for a commission to review the entire military justice system. My efforts toward adding the commission to the DOD bill were rejected. I congratulate the Committee on National Security for at least including part of my proposal in their bill, but it falls far too short of what is needed.

We have seen enough scandals, the military does not need another soap opera, and crisis management is not going to solve the problem. I urge a no vote on the rule.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. HILLEARY].

Mr. HILLEARY. Mr. Speaker, would the chairman of the Committee on Rules enter into a colloquy with me for a couple of minutes?

Mr. SOLOMON. I would be glad to enter into a colloquy with the gentleman, Mr. Speaker.

Mr. HILLEARY. Mr. Speaker, I want to thank the gentleman for making the amendment regarding pulling troops out of Bosnia in order. As my colleague knows, it calls for bringing our troops home from Bosnia at the end of this year. It also allows the President to make a written request to extend that date for 6 months. We want to show our colleagues that the President will, in fact, get that vote should he request in written form to extend for 6 months the time for pulling them out. We provided in the amendment for the Senate expediated procedures that guaranteed such a vote, and the House, taking the gentleman's advice, we did not provide that, but I know that in consultation with the gentleman he wants to assure our colleagues that they would get that vote.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. HILLEARY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I most certainly do, and I want to, above all else I want to bring those troops home. Those troops never should have been there in the first place.

As my colleagues know, American foreign policy has always been under both Democrat and Republican leaderships up until this President has been to help to defend our treaty allies against outside military aggression. There is no outside military aggression in this place called Bosnia, the troops never should have been there, and we need to get them home as soon as we can. Not only is it a terrible expense to have them there, but it is draining the rest of our military budget as far as operation and maintenance is concerned.

So I commend the gentleman, and we will do everything we can to make sure there is going to be a vote.

This cuts off the troops as of December 31. If the President wants to ask for another 6 months, then we need to debate it on this floor. It is a good amendment, and I support the gentleman.

Mr. HILLEARY. Mr. Speaker, I appreciate it, and I think it is a good rule, and I strongly urge my colleagues to support it.

Mr. FROST. Mr. Speaker, I would inquire how much time is remaining on each side.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Texas [Mr. FROST] has 9 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 12 minutes.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I also rise in opposition to the rule.

I had an amendment, as I know many others did, which was germane and, I think, important which was denied by the committee for consideration, and I do believe very strongly that there should have been more amendments allowed including the one that I proposed.

My amendment would strike section 1021 of the bill. That section exempts the Navy and MARAD from the provisions of section 6 of the Toxic Substances Control Act which governed disposal of PCB's and other hazardous materials on vessels which are being exported for scrap or sunk in ocean waters during tests of operational readiness. This section also exempts the Navy and MARAD from related provisions in the Resource Recovery and Conservation Act and the Marine Protection Research and Sanctuaries Act.

Under these regulations export of PCB's for disposal is banned. While the Navy and MARAD may wish to export ships for scrap, they have been barred from doing so because the vessels contain PCB's which are highly toxic, persistant and mobile, and I think that is a pretty good reason to put the brakes on these sales, at least in the short run.

Overseas scrapping of PCB containing vessels poses real threat to foreign workers in the environment. Section 1021 allows the Navy and MARAD to be treated in a more privileged manner than private ship owners, and let me add there is no national security reason to treat them differently.

Section 1021 is opposed by the EPA for these reasons, it is opposed by the administration, and finally I do not think this Congress wants to go on the record in support of allowing ocean dumping of toxic materials. Yet that is just what section 1021 would allow. By exempting the Navy and MARAD from the Marine Protection Act, which by the way is also under the jurisdiction of other committees, it would allow them to sink ships laden with PCB's and other toxins in our oceans.

What we are doing here is reopening the ocean dumping ban, and that is something which I know that I cannot stomach, and I really think that the majority of my colleagues on both sides of the aisle share my view.

For these reasons, Mr. Speaker, and many others that I have not stated I

would urge my colleagues to vote against this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to this rule.

Unfortunately the chairman of the Committee on Rules was not present when I testified before the Committee on Rules, but immediately preceding me was a gentleman from Alabama talking about the McVeigh trial and that 168 Americans, innocent children, women, Government workers, law enforcement officials, people seeking services were murdered by a violent criminal heinous act. All of us believe that justice is being done in that case.

Mr. Speaker, 1,000 times that number, yes, 10,000 times that number, have been murdered, raped, driven from their homes, subjected to genocide.

There is no one on this floor for genocide. Everyone on this floor would say that in a civil world international genocide, as we said in Nuremberg, needs to be acted against collectively by the international community and hold accountable international criminals.

I sought to offer an amendment to carry forward the Dayton Peace accords which said that all of the signatories to that accord and all the nations of the United Nations would hold accountable the criminals in Bosnia.

Now I understand that there are debates about what does that expose us to, how far should we go with our troops? I understand those are legitimate questions. What I do not understand, Mr. Speaker, is why we could not debate that on the floor of this, the people's House.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. FORBES], a very distinguished member of the New York delegation.

Mr. FORBES. Mr. Speaker, I thank the gentleman for yielding me the time, and I appreciate the opportunity.

I am extremely concerned because small businesses across this country will be ill-served because we have been denied the opportunity to extend the very important program that this Congress enacted back in 1994 to help all those small businesses who during the cold war kept their lines open, purchased their specialized equipment to provide for the national security and the defense of this Nation.

Back in 1994 this program allowed businesses that were suffering because of the 13 years, as the good chairman mentioned, 13 years of downsizing of defense; these small businesses have suffered, and to allow them to convert from defense businesses to commercial applications, this delta program is critical and something very unique in Washington.

Mr. Speaker, we were not asking for any more money. The money is already there. All we were asking was for the simple opportunity to extend a program that helps small businesses in defense-dependent areas like New York and California and Massachusetts and many of the States across the country.

This program is expiring, and I am deeply disappointed that the Committee on Rules denied America's small businesses the opportunity to continue to partake in this program as we leave the cold war and look for new opportunities to help this Nation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas very much for yielding.

The men and women of the military are some of our most precious resources. Each and every day when they volunteer for us, they protect this flag and the United States of America. How unfortunate, however, that the Committee on Rules decided that a commission to study military justice was not appropriate. Not since 1983 have we decided to review the idea of how military justice is rendered. I think it was very important.

The amendment offered by my colleague, the gentlewoman from New York [Mrs. MALONEY], along with myself was to establish a Commission on Military Justice so that we could understand in this climate of sexual harassment and misconduct accusations against the men and women in the service, for once and for all we could understand what the processes are, what the court martialing process is, whether or not we have an antiquated system that does not respond to the good of the military system that we need to have.

I am very disappointed that we did not understand that there is an inequity in treatment between men and women in the military. There is a question about past adulterous acts as they may relate to one's promotion. There is a question about one particular ethnic or racial group is targeted over another. We do not need to speculate. We do not need to make accusations. We needed a commission in order to understand, and the American people could understand, where almost 70 percent of them said they thought it was an unequal justice system between enlisted men and women and those who are officers.

We should not deny the rights of those who have given or offered their life in the U.S. military. Let us have a fair system to review this military code of justice so that we can treat men and women in the military fairly and we can promote the men and women who deserve to be promoted, and that they do not need to be denied those opportunities because of infractions that neither one of us would consider detrimental.

It is important to have had that commission. I am sorry that we would not have to debate it today. Vote "no" on this rule.

Mr. Speaker, I rise in vehement opposition to this rule for H.R. 1119, the National Defense Authorization. The rule is far too restrictive.

Yesterday, Representative CAROLYN MALONEY and I came before the Rules Committee to offer an amendment that would have created a bipartisan independent Commission to examine systemic problems in the military justice system. The Commission would be required to submit their recommendations regarding any changes the Commission finds necessary in the judicial, law enforcement, punishment, and data collection areas, to the President and to the Congress.

Not since 1983, in the Military Justice Act Advisory Commission Report, has a comprehensive review of the military justice system been undertaken. A new review of the now antiquated military justice system is critical in light of recent media reports of sexual misconduct in the military and scandals such as those at Aberdeen and the cases of Sergeant Major McKinney, Lieutenant Flinn, and General Ralston. These cases highlight the fact that there is a clear lack of uniformity in sentencing in the military, particularly when it comes to sexual misconduct and assault crimes.

This Commission is also necessary to address the disparity between the treatment of men and women in the military, as well as the targeting of African-Americans and minorities in the military justice system.

This rule is outrageously restrictive, Mr. Speaker. I urge my colleagues to vote against the rule and in so doing signal their support of a Commission to assist us in creating a just and equitable military justice system.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Indiana [Mr. BUYER], subcommittee chairman of the Committee on National Security.

Mr. BUYER. Mr. Speaker, I would first like to begin by responding to my good friend, the gentlewoman from Texas [Ms. JACKSON-LEE]. As certainly chairman having direct oversight of the military judicial system, the subcommittee is moving systematically and methodically in its reviews of many of the issues regarding sexual misconduct, fraternization, and sexual harassment, and I believe that she is jumping to incredible conclusions by saying inequities with regard to race or gender which called a racial target group, group targets. We are moving methodically. This commission was not at all timely. We have some reviews already as an amendment in the bill itself, and I commend the chairman for not including this commission.

On the issue with regard to Bosnia, I want to commend the chairman for permitting my base amendment with

regard to Bosnia. As I understand, that in the rule we have my colleague has permitted a perfecting amendment to my base bill. My base amendment is that I want the President's date of June 30, 1998 to be the cut-off date, no more funding for the troops, we bring the troops back, we have a reporting mechanism. We want the President to report to the Congress his plans for withdrawal, and we also want him to report to us on his plans post-June 30 date on how we cooperate with our allies because we also, as Republicans, and every Member of this House wants to insure that it is, in fact, a durable peace in the Balkans.

By the Committee on Rules having permitted a perfecting amendment, does that mean that the Republican leadership supports the Van Hilleary position over my position?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, the answer is no. There is no Republican leadership position on this issue. The gentleman's amendment was made in order first as base text for the amendment because of his seniority and his chairmanship of the subcommittee. The gentleman has a excellent amendment. We both and, I think, the sponsors of the other amendment as well, want those troops out of there.

□ 1330

We want to do it in the most expeditious way that we can.

The gentleman's approach is good in that it agrees with the President, and yet 6 months before that cutoff date of June 30, the gentleman requires the President to give us a policy of how we will get out of there, so that our allies in Europe, because it is a European problem, it is a regional problem in that part of the world, can plan on America's intent.

So the gentleman's amendment is excellent. To tell the gentleman the truth, I do not know how I am going to vote, because both gentlemen have good amendments.

Mr. BUYER. Mr. Speaker, reclaiming my time, I want to thank the gentleman for allowing so many different opinions to shine on the issue in Bosnia. This is very important to our Nation and that of our allies.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise to oppose this restrictive rule. The bill authorizes $3.7 billion more on procurement alone than the administration requests. We should not spend billions of dollars that the American people do not have to buy weapons we do not have to fight enemies that do not exist.

Mr. Speaker, I offered an amendment that would have reduced the spending for the F–22 fighter plane to the level approved by the Senate Committee on Armed Services. We should not be funding the development of three competing fighter planes for the same mission, but the rule does not permit my amendment even to be discussed on the floor of the House. Is it perhaps because the contractor, the prime contractor is based in Marietta, GA?

It is a disservice to the American people that this amendment and scores of others that would have allowed for the discussion of the size and scope of this budget, were barred from the floor of the House. If we had a proper rule, we could discuss cost overruns, its program delays, its fuel leaks, its prototypes that crash and burn, brought to you by the hard-earned dollars of the American taxpayer, and we could vote on that funding.

But the rule will not permit that. A rule that prevents such debate and prevents the House from voting on whether to waste billions of dollars on three separate duplicative programs should not be approved. I urge my colleagues to defeat it.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER], another very outstanding Member of this body from Florida and a member of the committee.

Mrs. FOWLER. Mr. Speaker, I thank the Chairman and I appreciate all of his support. However, I do have to stand and oppose this rule if the amendment to the rule is adopted.

The House committee on National Security carefully crafted the language in this bill in order to overturn an effort by this President to politicize the BRAC process. The Everett amendment, which is an attempt to amend the rule with the Everett amendment, would overturn the carefully crafted language in the House committee bill and put privatization in place back in the bill. Now they call it public-private competition, but make no mistake about it. The way they have structured this public-private competition, it is privatization in place.

The BRAC process will remain politicized if the Everett amendment is passed today. It should not be a part of this rule. We need to ensure that the integrity of the BRAC process is maintained. Many of us, I have a business in my district that is being closed, 8,000 jobs lost. But we did not go and say let us politicize the process, let us keep it open. The BRAC process was set up to keep politics out of it. Defeat the Everett amendment, and if it is in the rule, defeat the rule.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Speaker, I stand today to oppose the rule. I have a great deal of respect for the chairman of the Committee on Rules, but I want those of my colleagues who can hear me, who can hear the sound of my voice to listen to the amendment that was turned down by the Committee on Rules yesterday. Here we are talking about the military, we are talking about equipment, we are talking about facilities.

I had an amendment that said we have to honor, we have to honor our commitment to the men and women who serve in the military. If we tell them we are going to provide certain benefits to them when they retire, they are entitled to them and we ought to keep the promise. That is the simple amendment.

I tell my colleagues, it does not make any difference how many pieces of equipment we build, what kind of facilities we build. If we do not have good men and women serving in the military, it makes no difference. All I was asking is that we honor our commitment.

The U.S. military, when it makes a commitment to a young person who comes in and signs up and says they are going to get health benefits, they are going to get certain benefits when they retire, all of us know, we have casework. We know. they have a problem getting those benefits.

Mr. Speaker, we are asking the United States to honor their commitment, to honor it.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I stated at the outset, it is my intention to support the amendment about to be offered by the gentleman from New York [Mr. SOLOMON] to the rule. It is a balanced amendment which provides balance to this rule. I hope it is successful. If it is successful, I will support the rule. If it is not successful, a number of Members on my side of the aisle will vote no on the rule. I urge adoption of the Solomon amendment, and if the Solomon amendment is adopted, I urge adoption of the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is necessary to apologize to Members when we have a bill like this that deals with $260 billion, $270 billion of the Federal budget. I would like to bring this bill on the floor as an open rule and let all 435 Members work their will, but, Mr. Speaker, we just cannot do that. We have never done it, even when the Democrats had control of the House.

We have to have a structured rule in order to finish this bill in 4 or 5 or 6 days. We struggled with all of these amendments. We tried to be fair. We tried to give those amendments that are agreed to by both sides, to put them on the floor for reasonable debate, but it just is not possible to do that.

Mr. Speaker, what we do have is a fair rule that has certainly taken into

consideration as many Democrat Members as we could, as many Republican Members as we could. It is a fair balance, which I think the manager of the bill on that side of the aisle has spoken to.

But I think the important thing is that, Mr. Speaker, we do not ever want to look at the defense authorization as a jobs program. But I am going to tell my colleagues something, it is one of the best jobs programs we have in America. Because when you look at the young men and women that are serving in our military today, we can be so proud of those people. They come from all walks of life, they are a real cross-section of this country. Whether they serve 20 years in the military or just 4 years like I think the acting speaker did, or 2 years, they learn something as citizens. They may have come out of an inner city perhaps, and maybe they did not have a father.

Mr. Speaker, when I grew up, my dad walked out on me and my mom at the very height of the Depression. We never saw him again. We had tough times. But, Mr. Speaker, these young men growing up, when they go in the military, they learn words like pride and patriotism and voluntarism. They learn what good citizenship is. When they get out, whether it is 20 years later or 2 years later, they go back to where they came from and they become good, upstanding citizens in that community.

That is why this bill is so important; that is why this level of funding is so important.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I would like to associate myself with the gentleman's recent remarks about the young men and women in uniform. I am convinced, after being on the committee on which I serve, formerly known as the Armed Services Committee and now the Committee on National Security, and meeting with them in all parts of this country and other countries where they are literally on the edge in representing the American interests, that they are the finest military we have ever had. They are truly a national treasure, and it is up to us in this Congress under the Constitution to take care of them, to make sure that we have them properly equipped, properly trained, and that we keep the good people in, encourage them so that the days and years ahead, when those troubles come, and sure as the Lord made little green apples, those troubles will come, whether they can either deter or stop aggression.

I appreciate the gentleman's kind remarks about the people in the military, and that is why I think this bill is worthwhile.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, the gentleman has some good amendments made in order and I will be supporting every one of them.

Mr. Speaker, in closing, let me say that not only do they learn these words and actions of good citizenship, they even get a little religion. They learn how not to use drugs. When they go back into their communities, they become forces in that community, and that is why we absolutely must give them the best that money can buy as far as state of the art technology for weapons, if, God forbid, they ever should be called into harm's way.

That is why I would now, Mr. Speaker, offer an amendment to the rule, which is at the desk.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON:

Strike section 7 and insert in lieu thereof the following:

SEC. 7. House Resolutions 161, 162, and 165 are laid on the table.

SEC. 8. (a) Notwithstanding any other provision of this resolution, the amendment numbered 7 in part 1 of House Report 105–137 may be offered in the following modified form, shall be debatable for 90 minutes equally divided and controlled by Representative DELLUMS of California or his designee and an opponent, and shall otherwise be considered as though printed in House Report 105–137:

At the end of title I (page 23, before line 7), insert the following new sections:

SEC. 123. B–2 AIRCRAFT PROGRAM.

(a) PROHIBITION OF ADDITIONAL AIRCRAFT.—None of the amount appropriated pursuant to the authorization of appropriations in section 103(1) may be obligated for advanced procurement of B–2 aircraft beyond the 21 deployable aircraft authorized by law before the date of the enactment of this Act.

(b) PRODUCTION LINE CURTAILMENT.—None of the amount appropriated pursuant to the authorization of appropriations in section 103(1) may be obligated for reestablishment of the production line for B–2 aircraft. The Secretary of the Air Force may use up to $21,800,000 of funds available for the B–2 aircraft program for curtailment of the B–2 production line.

(c) FUNDING REDUCTION.—The amount provided in section 103(1) for procurement of aircraft for the Air Force is hereby reduced by $331,200,000.

SEC. 124. INCREASE IN AMOUNT FOR GUARD AND RESERVE EQUIPMENT.

The amount provided in section 105 for procurement of equipment for the reserve components is hereby increased by $331,200,000.

(b) Notwithstanding any other provision of this resolution, the amendment numbered 15 in part 2 of House Report 105–137 may be offered in the following modified form, shall be debatable for 20 minutes equally divided and controlled by Representative FRANK of Massachusetts or his designee and an opponent, and shall otherwise be considered as though printed in House Report 105–137:

At the end of title XII (page 379, after line 19), insert the following new section:

SEC.1205. LIMITATION ON PAYMENTS FOR COST OF NATO EXPANSION.

(a) The amount spent by the United States as its share of the total cost to North Atlantic Treaty Organization member nations of the admission of new member nations to the North American Treaty Organization may not exceed 10 percent of the cost of expansion or a total of $2,000,000,000, whichever is less, for fiscal years 1998 through 2010.

(b) If at any time during the period specified in subsection (a), the United States' share of the total cost of expanding the North Atlantic Treaty Organization exceeds 10 percent, no further United States funds may be expended for the cost of such expansion until that percentage is reduced to below 10 percent.

(c) The following amendment may be offered by Representative EVERETT of Alabama or his designee, shall be debatable for one hour equally divided and controlled by Representative EVERETT or his designee and an opponent, and shall be in order as though printed as the last amendment in part 1 of House Report 105–137:

Strike out sections 332 through 335 (page 68, line 10 through page 77, line 21).

(d) The following amendment may be offered by Representative WELDON of Pennsylvania or his designee and shall be in order as though printed as the penultimate amendment in part 2 of House Report 105–137:

At the end of title XII (page 379, after line 19), insert the following new section:

SEC. . SENSE OF CONGRESS ON NEED FOR RUSSIAN OPENNESS ON THE YAMANTAU MOUNTAIN PROJECT.

(a) FINDINGS.—Congress finds as follows:

(1) The United States and Russia have been working in the post-Cold War era to establish a new strategic relationship based on cooperation and openness between the two nations.

(2) This effort to establish a new strategic relationship has resulted in the conclusion or agreement in principle on a number of far-reaching agreements, including START I, II, and III, a revision in the Conventional Forces in Europe Treaty, and a series of other agreements (such as the Comprehensive Test Ban Treaty and the Chemical Weapons Convention), designed to further reduce bilateral threats and limit the proliferation of weapons of mass destruction.

(3) These far-reaching agreement were based on the understanding between the United States and Russia that there would be a good faith effort on both sides to comply with the letter and spirit of the agreements, that both sides would end their Cold War competition, and that neither side would seek to gain unilateral strategic advantage over the other.

(4) Reports indicate that Russia has been pursuing construction of a massive underground facility of unknown purpose at Yamantau Mountain and the city of Mezhgorye (formerly the settlements of Beloretsk–15 and Beloretsk–16) that is designed to survive a nuclear war and appears to exceed reasonable defense requirements.

(5) The Yamantau Mountain project does not appear to be consistent with the lowering of strategic threats, openness, and cooperation that is the basis of the post-Cold War strategic partnership between the United States and Russia.

(6) Russia appears to have engaged in a campaign to deliberately conceal and mislead the United States about the purpose of the Yamantau Mountain project, as shown by the following:

(A) General and Bashkortostan, People's Deputy Leonid Akimovich Tsirkunov, commandant of Beloretsk–15 and Beloretsk–16, stated in 1991 and 1992 that the purpose of the construction there was to build a mining and ore-processing complex, but later

claimed that it was an underground warehouse for food and clothing.

(B) M.Z. Shakiorov, a former communist official in the region, alleged in 1992 that the Yamantau Mountain facility was to become a shelter for the Russian national leadership in case of nulcear war.

(C) Sources of the Segodnya newspaper in 1996 claimed that the Yamantau Mountain project was associated with the so-called "Dead Hand" nuclear retaliatory command and control system for strategic missiles.

(D) Then Commander-in-Chief of the Strategic Rocket Forces General Igor Sergeyev denied that the facility was associated with nuclear forces.

(E) R. Zhukov, a Deputy in the State Assembly, in 1996 claimed that the Yamantau Mountain facility belonged to "atomic scientists" and posed a serious environmental hazard.

(F) Russia's 1997 federal budget lists the project as a closed territory containing installations of the Ministry of Defense, while First Deputy Defense Minister Audrey Kokoshin recently stated that the Ministry of Defense has nothing to do with the project.

(7) Continued cooperation and progress on forging a new strategic relationship between the United States and Russia requires that both nations make transparent to one another major projects underway or plans under consideration that could alter the strategic balance sought in arms control agreements or otherwise be construed by the other side as an important new potential threat.

(8) The United States has allowed senior Russian military and government officials to have access to key strategic facilities of the United States by providing tours of the North American Air Defense (NORAD) command at Cheyenne Mountain and the United States Strategic Command (STRACOM) headquarters in Omaha, Nebraska, among other sites, and by providing extensive briefings on the operations of those facilities.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that—

(1) the Russian government should provide to the United States a written explanation on the principal and secondary purposes of the Yamantau Mountain project, specifically identifying the intended end user and explaining the heavy investment in that project;

(2) the Russian government should allow a United States delegation, including officials of the executive branch, Members of Congress, and United States experts on underground facilities, to have full access to the Yamantau Mountain project to inspect the facility and all rail-served buildings in the southern and northern settlements located near Yamantau; and

(3) the Russian government should direct senior officials responsible for the Yamantau Mountain project to explain to such a United States delegation the purpose and operational concept of all completed and planned underground facilities at Yamantau Mountain in sufficient detail (including through the use of drawings and diagrams) to support a high-confidence judgment by the United States delegation that the design is consistent with the official explanations.

(e) The following amendment may be offered by Representative TRAFICANT of Ohio or his designee and shall be in order as though printed as the last amendment in part 2 of House Report 105–137:

At the end of subtitle C of title X (page 326, after line 6), insert the following new section:

SEC. 1032. ASSIGNMENT OF DEPARTMENT OF DEFENSE PERSONNEL TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of personnel to assist border patrol and control

"(a) ASSIGNMENT AUTHORIZED.—The Secretary of Defense may assign up to 10,000 Department of Defense personnel at any one time to assist—

"(1) the Immigration and Naturalization Service is preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

"(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States.

"(b) REQUEST FOR ASSIGNMENT.—The assignment of Department of Defense personnel under subsection (a) may only occur—

"(1) at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service; and

"(2) at the request of the Secretary of the Treasury, in the case of an assignment to the United States Customs Service.".

"(c) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of Department of Defense personnel assigned under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

"374a. Assignment of personnel to assist border patrol and control".

SEC. 9. Notwithstanding section 2(e) of this resolution, the additional period of general debate on the subject of United States forces in Bosnia shall precede the offering of amendments numbered 8 and 9 in part 1 of the report of the Committee on Rules rather than the amendments numbered 1 and 2 in part 1 of the report.

Mr. SOLOMON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Speaker, this amendment is the exact unanimous consent request that I propounded early on in the beginning of this debate. This amendment, which has been approved by the other side of the aisle, I would say to the gentleman from Texas [Mr. FROST], is acceptable to both sides.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in opposition to the rule. I offered an amendment to the Rules Committee yesterday and like many of my colleagues did not have my amendment made in order. The chairman of the committee was present when I testified and said that he both read and understood the nature of my amendment. If he understood the nature of my amendment then it only stands to reason that it would have been made in order.

My amendment was simple. It would have simply clarified the vague and blanket terms currently found in section 6822 of the existing bill. It would have stricken the term "prohibited state-owned shipping companies and inserted "prohibited state-owned companies." The amendment further defined and clarified the term "prohibited state-owned companies" as a corporation, partnership, or other entity that is owned or controlled by a foreign government or foreign state as defined in section 1603 of title 28, United States Code—The Foreign Sovereign Immunities Act.

The amendment would have further removed the blanket prohibition against conveyance of Department of Defense owned properties to all foreign or state owned companies by requiring the President to certify that the prohibited foreign or state-owned company or its government is a threat to the national security of the United States.

The amendment maintained the integrity of the base realignment and closure process by allowing the decisions for reuse to remain in the control of the local government. It was not made in order and I urge my colleagues to oppose the rule—and I yield back the balance of my time.

Mr. MATSUI. Mr. Speaker, I rise in support of the Solomon amendment to this rule, House Resolution 169.

I am outraged and astonished that the rule passed by the committee would deny the House an opportunity to speak about the critical issue of depot maintenance and repair.

In its current form, H.R. 1119 contains provisions that would severely impact the ability of the Department of Defense to conduct competitions for its depot maintenance and repair work. The Air Force has designed a model competitive process for repair and maintenance activities now performed at McClellan and Kelly Air Force bases. Through these competitions, the Air Force will be able to accurately determine whether public depots or private contractors can provide the best value to the taxpayer in the performance of this work.

Yet a component of this bill would prevent these competitions from moving forward. That proposal has implications far beyond the issue of whether Air Force maintenance work is performed in Sacramento, Texas, Utah, or elsewhere in the Nation.

Through these anticompetition provisions, this bill would insert the Congress for the first time into the Pentagon's implementation of a base realignment and closure commission decision. Further, it would put the Congress in the position of dictating to the Pentagon how to manage its maintenance and repair activities, regardless of what is sound security or fiscal policy.

That is why my colleagues, Representatives EVERETT, SABO, KLUG and FAZIO have sought an amendment to strike the anticompetition provisions from the bill. Yet House Resolution 169 would not allow the House to consider that important amendment.

The depot maintenance and repair proposal in this bill represents a significant, and absolutely unwise, new direction in defense policy. The House ought to have an opportunity to debate this matter. We must ensure that the Solomon amendment to the rule is approved so that this important debate can occur. I urge my colleagues to support the Solomon amendment and to oppose the rule if the amendment does not pass.

Mr. SOLOMON. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RILEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 329, nays 94, not voting 11, as follows:

[Roll No. 212]

YEAS—329

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Capps
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Combest
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cummings
Davis (IL)
Davis (VA)
DeFazio
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Ensign
Eshoo
Etheridge
Everett
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McInnis
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Minge
Mink
Moakley
Molinari
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Riggs
Rivers
Rodriguez
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Sessions
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Tanner
Tauscher
Taylor (NC)
Thompson
Thornberry
Thune
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—94

Aderholt
Bachus
Bartlett
Bilbray
Bilirakis
Bishop
Blunt
Brown (FL)
Bunning
Burr
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coburn
Collins
Condit
Cook
Cox
Cubin
Cunningham
Danner
Davis (FL)
Deal
Deutsch
Evans
Ewing
Filner
Forbes
Fowler
Gekas
Gibbons
Goodling
Green
Gutknecht
Hansen
Hastings (FL)
Hefley
Hostettler
Hunter
Jefferson
Johnson (CT)
Jones
King (NY)
Kingston
Klink
Largent
Lewis (CA)
Lucas
McCarthy (NY)
McHugh
McIntyre
McKeon
Miller (FL)
Moran (KS)
Myrick
Ney
Norwood
Pappas
Pease
Pickering
Redmond
Regula
Riley
Roemer
Rogers
Royce
Ryun
Salmon
Scarborough
Schaffer, Bob
Sensenbrenner
Shadegg
Shaw
Shimkus
Smith (MI)
Smith (NJ)
Snowbarger
Souder
Stearns
Sununu
Talent
Tauzin
Taylor (MS)
Thomas
Thurman
Tiahrt
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weller
Young (AK)

NOT VOTING—11

DeGette
English
Istook
Lipinski
Miller (CA)
Pombo
Pomeroy
Reyes
Schiff
Stokes
Whitfield

□ 1402

Mr. GREEN, Mr. LARGENT, Mrs. CHENOWETH, Mr. WELDON of Florida, and Mr. SHADEGG changed their vote from "yea" to "nay."

Mr. LINDER, Mrs. CLAYTON, Mrs. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. KOLBE, FOLEY, THOMPSON, and BAESLER changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GILCHREST). The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. FOWLER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 322, noes 101, not voting 11, as follows:

[Roll No. 213]

AYES—322

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Carson
Castle
Chabot
Clement
Coble
Combest
Costello
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Ensign
Eshoo
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foley
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lowey
Luther
Maloney (CT)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McGovern
McHale

	Porter	Smith (NJ)
McHugh	Portman	Smith (OR)
McInnis	Poshard	Smith (TX)
McIntosh	Price (NC)	Smith, Adam
McKinney	Pryce (OH)	Smith, Linda
McNulty	Quinn	Snyder
Meehan	Radanovich	Solomon
Meek	Rahall	Souder
Menendez	Ramstad	Spence
Metcalf	Redmond	Spratt
Mica	Regula	Stabenow
Miller (FL)	Reyes	Stark
Minge	Riggs	Stenholm
Mink	Rivers	Strickland
Moakley	Rodriguez	Stump
Molinari	Rogan	Stupak
Mollohan	Rogers	Tanner
Morella	Ros-Lehtinen	Tauscher
Murtha	Rothman	Tauzin
Neal	Roukema	Taylor (NC)
Nethercutt	Roybal-Allard	Thomas
Neumann	Royce	Thornberry
Ney	Ryun	Thune
Northup	Sabo	Tierney
Nussle	Sanchez	Torres
Oberstar	Sanford	Traficant
Obey	Sawyer	Turner
Olver	Saxton	Upton
Owens	Scarborough	Velázquez
Oxley	Schaefer, Dan	Visclosky
Packard	Schaffer, Bob	Walsh
Pappas	Schumer	Wamp
Parker	Scott	Watt (NC)
Pascrell	Serrano	Waxman
Pastor	Sessions	Weldon (FL)
Paul	Shadegg	Weldon (PA)
Paxon	Shays	Wexler
Pease	Sherman	Weygand
Pelosi	Shuster	Wicker
Peterson (MN)	Skaggs	Wise
Peterson (PA)	Skeen	Wolf
Petri	Skelton	Woolsey
Pickering	Slaughter	Young (FL)
Pitts	Smith (MI)	

NOES—101

Aderholt	Fowler	Pallone
Bachus	Furse	Payne
Baesler	Gibbons	Pickett
Barrett (WI)	Goodling	Rangel
Bartlett	Green	Riley
Bishop	Hall (TX)	Roemer
Blumenauer	Hansen	Rohrabacher
Blunt	Hastings (FL)	Rush
Brown (FL)	Hefner	Salmon
Cannon	Hilliard	Sanders
Cardin	Hostettler	Sandlin
Chambliss	Hoyer	Sensenbrenner
Chenoweth	Jackson-Lee (TX)	Shaw
Christensen	Johnson (CT)	Shimkus
Clay	Jones	Sisisky
Clayton	Klug	Snowbarger
Clyburn	Largent	Stearns
Coburn	Lewis (GA)	Sununu
Collins	Lofgren	Talent
Condit	Lucas	Taylor (MS)
Conyers	Maloney (NY)	Thompson
Cook	Markey	Thurman
Cooksey	McCarthy (NY)	Tiahrt
Cox	McDermott	Towns
Crapo	McIntyre	Vento
Davis (FL)	McKeon	Waters
Davis (IL)	Millender-McDonald	Watkins
Deal	Moran (KS)	Watts (OK)
DeFazio	Moran (VA)	Weller
Deutsch	Myrick	White
Dingell	Nadler	Wynn
Etheridge	Norwood	Yates
Evans	Ortiz	Young (AK)
Filner		
Forbes		

NOT VOTING—11

DeGette	Lipinski	Schiff
English	Miller (CA)	Stokes
Foglietta	Pombo	Whitfield
Istook	Pomeroy	

□ 1421

Ms. MILLENDER-McDONALD, Mr. HALL of Texas and Mr. SISISKY changed their vote from "aye" to "no."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GILCHREST). Pursuant to House Resolution 169, House Resolutions 161, 162 and 165 are laid on the table.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 169, the resolution just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The SPEAKER pro tempore. Pursuant to House Resolution 169 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1119.

□ 1424

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes, with Mr. YOUNG of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] each will control 1 hour.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, once again the Committee on National Security has reported a bipartisan bill that attempts to address many of the problems facing our Nation's military. H.R. 1119 also reflects the committee's deep concern over the difficulty in managing the risks posed by continued forced downsizing and budget reductions.

The fundamental dilemma facing the Department of Defense remains the same: how to maintain a viable all-volunteer force in an environment where the number, scope, and duration of military missions, especially peacekeeping and humanitarian missions, continue to grow while military forces and defense budgets continue to decline. A long-standing gap between the U.S. military strategy and resources persists. In fact, it is widening.

In looking at the challenges to our national security interests over the past year, the committee has continued to focus on China, an emerging power, and Russia, a once and perhaps future power. While neither nation is currently an enemy of the United States, they do represent the nations most likely and able to amass military power sufficient to challenge our vital interests.

I support efforts to bolster the democratic process in Russia. However, Russia's future will be shaped less by our policy than by its own internal decisionmaking over whether to remain independent and driven by its own history and character or to form working partnerships with the United States and the West.

But history has demonstrated that the transition to democracy is often tumultuous and violent. Russia is a vast yet collapsed empire, governed by a weak central authority, and armed with an arsenal of nuclear weaponry. It provides cause for both concern and caution.

China is an emerging power and poses a different problem. I agree with the Department of Defense's recent report concluding that China's goal is to become one of the world's great powers. Whether or not an emerging China becomes an enemy of our country remains to be seen, but China's strategic goals would appear to be at odds with our Nation's role and influence in East Asia.

Yet, I believe that the surest way to optimize the chances of an American strategic partnership with either Russia or China is for us to continue to be the world's most powerful force for peace and stability in the world. It would be dangerous and shortsighted to base the United States' security strategy on the assumption that either Russia or China will acquiesce to American global leadership indefinitely.

In the post-cold-war environment of shrinking military forces and constrained defense budgets, the imperative to maintain strategic priorities grows while the margin for error gets smaller. The Committee on National Security's efforts to begin revitalizing our military forces will take longer and will involve acceptance of higher risk in light of constrained resources.

But in truth, the making of strategy has always been a process of managing risk. The projected real decline in future defense budgets, assumed by the Quadrennial Defense Review and ratified in the defense budget agreement, adds to this risk. The QDR has not eased my skepticism regarding the administration's commitment to a defense program that properly prioritizes and balances the critical elements of

readiness, quality of life, and modernization.

Secretary Cohen has admitted that the defense posture outlined in the QDR will allow United States' forces to execute the national military strategy, but at increased risk. And I pause for emphasis. But at increased risk. The Secretary also quantified the budgetary risk, the amount of defense spending required to close the strategy-resources gap, at approximately $15 billion per year.

While I believe that the annual shortfall is greater than $15 billion a year, what is most striking to me is the relatively small size of the shortfall in comparison to the tremendous strategic risk associated with a failure to address it; $15 billion represents one-tenth of 1 percent of the Federal budget, yet the military's strategic and political risk of not addressing it are monumental. The risk of inaction or failure far outweigh the cost of addressing such budgetary shortfalls.

The Nation's military strategy demands that we maintain forces sufficient to fight and win two major regional conflicts nearly simultaneously, for instance, a Persian Gulf-like conflict and a conflict on the Korean peninsula.

□ 1430

Yet while the Nation maintains an expansive military strategy, we continue to cut back on our force structure and reduce our defense budgets to the point where I personally doubt that we could today execute another operation like Desert Storm as quickly, effectively, or with the relatively small loss of life as we did just 6 short years ago.

We have cut from an 18–Army division since then down to 10, from 57 reserve component brigades down to 42, from 546 naval battle force ships down to 346, from 16 aircraft carriers down to 12, and from 36 Air Force fighter wings down to 20.

In 1990, the Nation built 20 more ships, while this year we will build only 4. In 1990 we bought 511 tactical aircraft, but we will buy only 53 this year. And 7 years ago we approved construction of 448 tanks, while today we are authorizing zero, none.

We will not always be able to count on the backing of allied coalitions as we did in the gulf when it comes to protecting our vital national interests, nor should we assume that our next adversary will allow us time to build up our forces in a benign environment for 6 months before the outbreak of hostilities.

As our forces and resources decline, the Nation's risk still grows. We would all prefer to be raising and maintaining military forces capable of an unquestioned response to challenges anywhere in the world, rather than struggling to manage budgetary, military, and strategic risk with no margin for error. In this context, H.R. 1119 reflects the attempt of the Committee on National Security to address serious shortfalls in the effort to mitigate risk in a resource-constrained environment.

Mr. Chairman, H.R. 1119 provides $268.2 billion in budget authority for Department of Defense and Energy programs for fiscal year 1998. This figure is consistent with the fiscal year 1998 budget resolution and represents an increase of $2.6 billion over the President's request. The bill provides $3.3 billion more than the current fiscal year 1997 spending which, when adjusted for inflation, represents a real decline of 1.3 percent. This is not an increase in spending.

I will leave discussion of the many important initiatives in the bill to my colleagues on the Committee on National Security, who have worked hard since February to get us to this point in the process.

In particular, I would like to recognize the hard work of the subcommittee and panel chairmen and ranking members. Putting this bill together requires a lot of coordination and teamwork, which I have consistently been able to rely on.

I would like to also personally thank the gentleman from California [Mr. DELLUMS], the committee's ranking Democrat, for his contributions. He is a strong advocate not only for his personal position, but for the role of the minority in a process that continues to produce a bipartisan bill.

Mr. Chairman, this bill, I might add, was reported out of the committee by a bipartisan vote, 51 to 3.

Finally, Mr. Chairman, I would like to thank the staff. We have a small staff relative to the size of the committee and the magnitude of our oversight responsibilities. The work gets done only through great expertise, dedication, and effort.

Mr. Chairman, I urge strong bipartisan support for this bipartisan bill.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, as the ranking Democrat of the House Committee on National Security, I rise to offer the following observations on the bill, H.R. 1119, and the process that brought this bill to the floor for consideration today.

First, Mr. Chairman, let me congratulate the distinguished gentleman from South Carolina [Mr. SPENCE], the chairman, who returned the committee to its bipartisan moorings. Not only did he and I work cooperatively on a number of issues within the committee, but the staff that serves the minority party were included in much more deliberative deliberations that led to the crafting of the committee consideration and recommendation and the report.

I have appreciated the gentleman's openness to my discussions, both substantive and procedural, Mr. Chairman, as well as the receptivity of the majority staff to inputs that our side made on important issues contained in this bill and in this report.

Despite, Mr. Chairman, the successful resolution this morning on the question of the rule, and for that I would like to thank the gentleman from New York [Mr. SOLOMON] and the leadership for working with this gentleman and this side of the aisle, I remain concerned that we are moving forward much too rapidly on the consideration of the bill, H.R. 1119.

There are numerous issues, Mr. Chairman, in this bill, ones deserving much more study before we proceed to consideration, and ones deserving of more time for debate than the rule has provided. Given the time, this gentleman will work as diligently as possible to ensure that as much explanation and illumination of these issues as is possible will indeed occur.

On procedure, Mr. Chairman, let me also note for the RECORD, and it is not unusual, that I did not and cannot support the committee report. As the gentleman from South Carolina [Mr. SPENCE] noted, a broad bipartisan vote reports this bill from the Committee on National Security. Therefore, I do not claim at this moment to speak for all the Members on our side of the aisle regarding their support of this bill.

Despite this caveat, we will have the opportunity to hear from my colleagues on this side of the aisle, the ranking members of the subcommittees, on their views as to what transpired within their subcommittee jurisdiction that led to the bill being reported from the full committee.

Mr. Chairman, some Members may have read my dissenting views in the committee report. For those who have not, let me offer my thoughts in an effort to frame the debate from the perspective of those who think we have failed, Mr. Chairman, to completely align our military structure and its operations with the new requirements and opportunities that are emerging into the next century.

I have said on more than one occasion, Mr. Chairman, that we are now in a new era, an era so special that we have no real name for it. We call it the post-cold war era, an era fraught with the need for changes and transition and uncertainty, fraught with great challenges but yet with great opportunities.

One of my frustrations with the rule was its failure to include my amendment proposing that the Congress express its sense that the national security strategy of the United States contains elements far beyond and equally

important to the funding of the departments charged with executing the military portion of this strategy.

Mr. Chairman, I believe that this post-cold-war era has ushered in an opportunity for us to redefine a new national security agenda. Let me propose the following question: If we took whatever resources necessary to develop the most powerful military force that the human mind could conceive, and our society simultaneously was deteriorating culturally, socially, politically and economically, question: What are we defending?

Therefore, Mr. Chairman, one of the extraordinarily vital national security interests must be a healthy, vibrant economy and a well-educated, well-informed, well-trained citizenry capable of engaging the economic and social institutions of our society. That has implications for what we spend to educate our children, retrain our dislocated people, house our people, protect and preserve the environment, provide for health care.

If our Nation is not a vital national security interest, what are we out there building this extraordinary military apparatus for? This is a moment in the context of change and challenge that we can redefine. That is one element.

A second element, Mr. Chairman, is an engaged foreign policy. Martin Luther King probably said it best when he said that peace is more than simply the absence of war; it is the absence of conditions that create war, that give rise to war.

And what gives rise to war? It is hunger, malnutrition, violation of human rights, denial of democratic principles, lack of sustainable economics, regional instability, brought on by man's inhumanity to man.

So, our foreign policy must engage the world. We are a major superpower. We are the last superpower standing, and our foreign policy should engage the world, commit it to democratic principles, human rights, economic development, stability in regions around the world. We should stand for something. And our foreign policy and our foreign assistance act should engage, and that account should be adequately funded.

Third, we should have a properly sized, properly trained, properly equipped military to meet the realities of a changing world as we move into the next millennium. All I have argued for is that there be balance in these accounts. Let the debate go forward. What should be the investment in our society as a vital national security interest? What goes into creating a healthy, well-educated, well-trained citizenry? What goes into creating a vibrant economy? How much money should we invest and engage in foreign policy that ends up precluding war, which at the end of the day, Mr. Chairman, is much more cost-effective in terms of human life and economic resources than waging war. Preventing war.

And fourth, we ought to have an honest debate over what is a properly sized, properly trained, properly equipped military. I did not come here to guarantee that my point of view should necessarily prevail, but this is the people's house. This is a place where we should debate and deliberate openly, so we should have a discussion over these matters. These are significant issues here.

The American people are saying the world has changed. They know viscerally that the cold war is over. They know instinctively that there is no more Soviet Union and Warsaw Pact. They know intuitively that in this changing world we do not need to spend as much money on our military. But we need to be honest and open with them, not engage in 30-second scare tactics, but use the brilliance and the genius of our minds to talk about these issues substantively.

I do not have to win, but let us just make it all fair. But rushing this bill to the floor that spends $260-plus billion, that is an incredible amount of money at an extraordinary time when we can say to our children and our children's children that there is need to go in a different direction.

Some may agree or disagree with me, but I think we stand on the threshold much less of waging major war in the world than we are of engaging in peacekeeping, peacemaking, peace enforcement, humanitarian assistance, low-intensity conflicts.

But I have no locks on truth. Other people may have different points of view, but let us engage each other in a debate that is dignified and respectful and thoughtful. But we rush to judgment.

□ 1445

"Let me buy your weapons system. You buy mine."

Billions of dollars buying yesterday's technology, mortgaging into the future. We had a great discussion about mortgaging the children's future.

We will have an opportunity in the course of this debate, for example, to look at the B–2 bomber, a program that was not contemplated in this 5-year budget agreement that we marched to the microphones and told America we balanced the budget. In the 5-year budget agreement, we established the parameters of the budget for 5 years. Now people want to walk into that budget what the Congressional Budget Office has defined as a $27 billion program, of which nearly $14 billion will be spent in the 5 years.

One does not have to be a Ph.D. in economics to understand that if we signed onto a 5-year budget deal that did not contemplate a $27 billion weapons system and we are going to put that $27 billion dollar weapons system within the context of that 5-year budget agreement, something has got to go out. One does not have to be brilliant, no great genius. One can be a fool or a knave and come to that determination. We need to grapple over what is proper and what is appropriate.

I have been here now in my 27th year. It is fascinating, Mr. Chairman. This is the first time that my colleagues are going to be forced to have to choose which weapons system, which direction, what policy shall guide us at this moment. But in the past, you scratch my back, I scratch yours, I buy your plane, you buy my ship, you buy my this, you buy my that. Now the world is different, Mr. Chairman. I have been waiting almost 27 years for this moment to come when everybody has got to get honest, everybody has got to walk up to the table, and we have got to start looking at each other eyeball to eyeball to talk about where we are going. I am saying this is an opportunity for a new national security agenda and that ought to frame the nature of this debate. The only thing that is framing the debate now is the 5-year budget agreement. But we are charged with the opportunity of developing a new national security agenda.

Mr. Chairman, I applaud the committee in its retreat from an ABM Treaty busting approach to missile defenses. The last several years many of our colleagues were hell-bent to develop a national missile defense system that challenged the ABM system, the ABM Treaty. I have always argued that any time one moved to abrogate a treaty, when we are holding the public trust, when we have fiduciary responsibility for our children and our children's children, we ought to walk in a very fragile manner when we start to talk about moving beyond treaties. In this bill, I am pleased that we have sort of retreated from that.

I believe that it is implicit embraced, this bill, of the administration's beefed up 3-plus-3 missile program, seeks to accelerate a program for which the requirements, and, Mr. Chairman, as my colleagues well knows, and its capabilities have yet to be demonstrated. We have spent billions. Requirements have not been demonstrated. Capabilities have not been demonstrated. We stand on the verge of spending too much too fast in a quest for defenses against threats that remain remote and manageable by other strategies in the near future. If that is true, slow down the train and let us start to talk about these matters before we spend so much money.

How often do we go home in our town meetings and talk about wasting money, moving too fast, not throwing money after a problem? This bill is a classic example of this. We need to stop and America needs to pause from whatever it is doing and look at this and see

what it is we are doing and become informed and engaged in a discussion that affects their lives and the lives of their children and their children's children. This is not just this gentleman. It is far beyond that.

Mr. Chairman, the committee report also raids environmental cleanup accounts in the Department of Energy designed for use to clean up the most critically contaminated sites in the United States. Do my colleagues know why? To finance the acquisition of this additional hardware. What a shortsighted approach. There is broad alarm at what this portends, as the additional views of the gentleman from South Carolina [Mr. SPRATT] illuminate eloquently in the committee report.

We cut $2.6 billion from the Department of Energy request, a big chunk of that the environmental cleanup. For what reason? To buy more hardware, to buy more planes, to have more money for more modernization, rather than grappling with what are the realities. Do my colleagues think the American people do not want these sites cleaned up that were contaminated with goodness knows what? But we took money from there. "Well, that's enough. We're going to build more weapons systems."

America needs to know that. We need to discuss this out in the open. And if the people want that, this is democracy, I stand with democracy, but at least let us have an open discussion on it. The reductions in the cooperative threat reduction funding, the whole pot of which is now threatened by the Solomon amendment made in order by the rule, pursue a strategy of being penny wise and pound foolish.

Mr. Chairman, as my colleagues know, the cooperative threat reduction funding program, euphemistically known as Nunn-Lugar funds, to date what has transpired as a result of spending these few dollars on cooperative threat reduction? The safe removal to secure facilities of more than 3,300 strategic nuclear warheads from missiles. Three thousand three hundred nuclear warheads in the context of the former Soviet Union have now been moved to safe facilities. We were spending $300 billion per year prepared to wage war with the Soviet Union. Yet for a handful of dollars with the Nunn-Lugar program we have removed 3,300 nuclear warheads.

I daresay most of our children do not know this. Many of the American people do not know this. In darkness and in areas where there is lack of knowledge, then we can do these things, we can make reductions, because people do not know. But maybe if they knew, they would say, "Wait a minute. If there is one program you ought to fund fully, it is this program." If it is that cheap to remove nuclear weapons that threaten the lives of our children, then why would we want to cut that? For what reason? Build some more weapons.

Mr. Chairman, finally, I want to urge all of my freshman colleagues and my sophomore colleagues who make up a huge percentage of this institution, a big number, the freshman and sophomore Members, come, pay attention to this debate, engage. Because they are the future, the new Members of Congress here. Many of us old heads, Mr. Chairman, we have been knocking heads with each other for over a quarter of a century. Many of us know these issues backwards and forwards. We can say ditto to your last year's speech and vice versa. But the new Members must engage this process so that there is some healthy new energy into this debate.

I am prepared to be a man of change. The cold war is over. Let us move on and get ourselves out of the narrow confines of ideology and viewing the world through the narrow prism of ideology. Take off old paradigms, think fresh, think anew, think real, think young, think change. New people, engage. You have not had the repeated opportunities enjoyed by many of us to discuss and debate these issues.

These should be viewed as challenging matters because we are getting ready to commit half of the discretionary resources of the U.S. Government to programs that will be stabilizing or destabilizing, wasteful or required, redundant or critical. These are the decisions we have to make. Engage this process. Knowing the issues and voting in the best interests of all of the elements of our national security strategy will hopefully be the hallmark of the debate and votes yet to come.

A final comment. Out of all of these things I have said, Mr. Chairman, first I appreciate the work of my distinguished colleague, the gentleman from South Carolina [Mr. SPENCE]. We have now returned to a sense of bipartisanship. We sort of lost our way there for a while. I appreciate that. We have worked together. There are politics that divide us, but as long as there is an atmosphere that our national security agenda ought to be bipartisan, let us fight out the issues.

The second point that I simply make is that I think there is a rush to judgment to bring this bill to the floor to the tune of $260 some odd billion. If we cannot slow down when we are getting ready to spend $263 billion, what will make us slow down? $270 billion? $300 billion? $1.5 trillion? What makes you stop and think? We have had more debate on bills that contain a microscopic amount of money, but the issue was so controversial we talked for days. But when it comes to an issue that has such dramatic and profound impact, we move with great alacrity and great speed. Why? Because the faster we run it through, the less it gets looked at. And the less it gets looked at, the easier it can get worked on.

I get paid to be right here. I have been frustrated all year, Mr. Chairman. This is my one time when we can stop. I will take my vitamins and drink my tea and we can have at it and stay here for several days and debate this matter. Hopefully, the American people will turn off the drama programs, what have you, and the talk shows and focus in on the real talk show, the real drama, the real educational channel, the real place where we make life-and-death decisions, right here. Sometimes it is even the comedy station because we can get funny around here, too.

But this is a serious set of issues. Maybe if we took enough time and the American people started to focus, we could do it in such a manner that we could be educative.

Mr. Chairman, with those remarks, it is my hope that we can open this discussion with vitality and energy.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HUNTER], chairman of the Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman from South Carolina [Mr. SPENCE], the great chairman of our full committee, for his wonderful leadership. I want to compliment the gentleman from California [Mr. DELLUMS], the ranking member, for his tireless energy on the other side and his great attendance at our marathon hearings that went in some cases into 7, 8 o'clock at night. He had good endurance. And to my great friend the gentleman from Missouri from [Mr. SKELTON], I thank the gentleman for working as a partner on this very important committee and to all of my colleagues who are a part of this committee, I think it is the most bipartisan committee in the House, and I think we did good work.

Mr. Chairman, I want to engage with some of the propositions that the previous speaker put out. Let us review the bidding. Where are we on the big scale? This century we have undertaken a series of cycles that America, this great democracy, tends to go through.

After World War I, we referred to that war as the war to end all wars. We hear that phrase recurring now after the cold war is over. We call it the post cold war period. The implication is there is not going to be any more wars. But my colleague, the gentleman from California [Mr. DELLUMS], mentioned something that I think hits the heart of the matter. He said, "These are uncertain times." If we follow history, we should meet uncertain times with preparedness.

It has been mentioned that every capital ship that was used in World War II had the keel laid before World War II, before the attack on Pearl Harbor. That means that we have to be

prepared for war, and the best way to deter war is to be prepared for it, and the best way to win one when we have it is to be prepared for it. I do not think we are any smarter today in terms of intelligence than we were in the 1920's when we did not see World War II coming, than we were right after World War II, we had an army of 9.8 million people, and a few years later on the Korean peninsula we were pushed down the peninsula by a third-rate military. That is because we did not know what was going to happen.

I have reviewed the words of Louis Johnson, then Secretary of Defense, and they sound a lot like President Clinton's leadership in the military now. They talked about a small core, changing fat into muscle, getting people out of their desk jobs and into the field. Only Omar Bradley really told it like it was in 1950, 4 months before the Korean war started when he said that we could not win a major war with what we have right now.

Here is what we have done, Mr. Chairman. We have cut the Army since Desert Storm from 18 Army divisions to 10. We have cut our Air Force from 24 fighter air wings to 13. We have cut our air power almost in half. And we have cut the Navy from 546 Navy ships to 346 ships.

Even President Clinton says we have to modernize and increase the modernization budget to $60 billion. That is not the gentleman from South Carolina [Mr. SPENCE], the chairman, that is not me, that is not other members of the committee. That is the President of the United States.

□ 1500

And he had that on his blueprint; this year we were going to spend $60 billion giving good equipment to our troops. But we did not go into it.

As we walked down and got closer to and closer this fiscal year we went from $60 billion to about $55 billion. Then it was $48 billion, then $46, and when the rubber meets the road it is $42 billion, meaning that our men and women in the military do not have the right equipment, they do not have the best equipment they could possibly have because we have short changed them.

And, Mr. Chairman, let me tell my colleagues in 1985 we spent $404 billion in today's dollars, in 1997 dollars, on defense. Today we are spending about $258 billion. That means we have cut on an annual basis $140 billion out of the defense budget. That is where most of the cuts have come for the Clinton administration.

But we did the best we could do with very little resources to try to bolster the military. We asked military leaders, we asked President Clinton's leaders to come in and tell us what their unfunded priorities were. They used to tell us that in private sessions in back rooms, but our great chairman, our great chairman, said we are not going to do that any more, we are not going to let editors call this pork and say it is stuff that the military did not want because it is not on the record. So he made them go on the record. He said "You come tell us what you need in written form that's not funded," and they did that to the tune, this year, in excess of $10 billion that the President did not put in the budget for them and that the budget deal did not include.

So in fixed wing aircraft and helicopters and track vehicles and ammunition, in small arms, we have tried to provide more, about $2.9 billion more in the procurement budget, $3.9 billion more in the procurement budget than the President had. I think we did a pretty good job with limited resources, and our motto should be, be strong, be prepared, these are uncertain times.

This is a good bill, and I hope everybody will support it.

Mr. DELLUMS. Mr. Chairman, I yield 6 minutes to the distinguish gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. I thank my friend and colleague from California for yielding me this time. First let me compliment him on two fronts. The first is the framing of the debate so well regarding the three aspects of national security: domestic, foreign policy and the properly sized military, and, second, I would be remiss if I did not complement the gentleman on his eloquence because this Chamber through the years has seldom heard such persuasive and eloquent words as we hear from our friend from California, and I salute him for that.

Let us look at these elements very briefly in the time that we have. I think it is absolutely right; what are we defending?

Then, on the domestic front, we have the grandest civilization ever known in the history of mankind. That is what we are defending, and we have interests all over this world, whether they be moral interests, or whether they be trade interests or other economic interests. So we must maintain a strong domestic pattern in our life.

Second, the foreign policy. As my friend from California says, we must be engaging in the world, and we engaging in the world. I think we are doing a fair job of that, whether it be by diplomacy, or whether it be by military, whether it be by economics, whether it be by trade. We are the sole surviving superpower, and our foreign policy has brought us to that point.

I might say that regarding diplomacy the need for the third element is very apparent. To back up diplomacy from time to time it is necessary to have an adequate and strong military. Otherwise the words spoken are empty.

Third, and this is the primary reason we are here today, on having a proper sized military. Now of course everyone looks at it, I suppose, through our own individual eyes and through the eyes of the people we represent. Maybe the installations are the factories that we have in our own part of the country. But it is a broader issue than that. We must have a properly sized military that is capable of protecting this country and capable of protecting our interests throughout the world.

Our interests throughout the world, of course, include precluding war, keeping the peace, because we know so full and well that small conflicts develop into major conflicts. I think the QDR, the quadrennial defense review, has the strategy right, and it looks at shaping and responding and preparing. Actually it is a broader strategy than that put forth by our late friend, Les Aspin, which was limited to two major regional contingencies. This one, I think, is more on balance.

So I suggest in using the words of my California colleague, let the debate go forward.

Had this debate taken place in this Chamber, had this debate taken place in the French Parliament, had this debate taken place in the Parliament of the United Kingdom in the 1920's, the second world war might well have been averted because we know from history that all three of those countries, particularly the United Kingdom and France, allowed their military to slip drastically. It was the late George C. Marshal as a major in the Army, gave a speech here in Washington to a small education group one day, 1923 when he decried the doing and undoing of those things for national defense, and he put the finger right on the Congress of the United States. And, my colleagues, under the constitution the buck stops with us in Harry Truman's words. We under article I section 8 are charged with raising and maintaining the military and charged with establishing the rules by which they shall live. That is our job.

So I welcome this debate, and I compliment my friend for engaging in it. Looking into the future is like a kaleidoscope, we do not know what the next pattern is going to be, but we know the pieces of which it is made. I think our major challenge in the military is keeping good people. We have operational tempo that is high on keeping families happy and keeping a stability. A stability means a stable budget. We are blessed with the weapons systems that others do not have when they be satellite GPS's, global positioning systems, smart weapons or stealth technology which is so very important as reflected by the B–2 bomber and by the F–117 which did so well in the gulf war.

We must look to the future in the light of what our friend has said, to protect the grandest civilization we have, to develop and keep that engaging foreign policy that is successful and to have a properly sized military

that George Marshal did not have, that France did not have, that Great Britain did not have. So in the days ahead we will have a more peaceful and a better opportunity for those young people who grow and follow in our footsteps.

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I thank the chairman of the Committee on National Security for yielding this time to me and appreciate the tremendous job that he has been doing.

I rise today in strong support of H.R. 1119, the National Defense Authorization Act for fiscal year 1998. After an extensive series of hearings here in Washington and in field, the Committee on National Security has reached the conclusion that positive action must be taken to arrest what we believe to be a decline in the readiness of our military forces. These concerns were also highlighted in a readiness report issued by Chairman SPENCE a few weeks ago, and then in the interests of time I will not go into specific details of the many readiness issues that we have brought to light by the committee's investigation and the chairman's report, but I would urge everyone to pay close attention to these concerns.

H.R. 1119 begins the process by which we address these readiness problems. To address many of the issues that I believe have a direct impact on readiness, H.R. 1119 includes several provisions that get to the heart of the problem which is how our military leaders report on readiness conditions of our forces and how our military leaders spend the funds Congress provides for readiness. To get at the problem of reporting on the readiness condition of the forces there is a provision that will expand the number of readiness indicators that must be reported on to give us a more accurate readiness picture.

To address our current concerns on how readiness funds are used there is a provision that will require the Department of Defense to report to Congress before large amounts of money is moved from critical readiness accounts to other accounts. I believe these and other provisions found in H.R. 1119 will provide the necessary information so that the situation continues to decline, we should be in a position to take action before the system breaks down.

Over the past 2 years this committee identified several areas for priority attention and provided additional funding. These areas included real property maintenance, maintenance, depot maintenance, base operation support and reserve readiness. For the second year in a row the President's fiscal year 1998 budget request cuts funding in all these areas to a level below what was provided last year. H.R. 1119 provides additional resources in these and other areas where the Department of Defense has failed to provide sufficient adequate funding.

Unlike the previous 2 years, the committee has not received any additional funding. Therefore to accomplish increases in the traditional readiness sensitive areas we will have to make some reductions in the budget request, particularly the accounts that reflect program growth in excess administrative support. I am convinced these reductions will not directly affect the readiness capabilities of our combat forces but will directly affect and improve the day to day readiness and quality of life for our service men and women.

I would like to thank the ranking member of the Subcommittee on Military Readiness, my colleague the gentleman from Virginia [Mr. SISISKY], for his outstanding cooperation, his knowledge, ability, and leadership through the years. The Subcommittee on Military Readiness has had to deal with several difficult issues that have transcended political lines which would have been more difficult if it were not for his expertise and assistance.

Mr. Chairman, H.R. 1119 is a responsible, meaningful bill that appropriately allocates limited resources for the continued readiness of our military forces. I urge my colleagues to vote "yes" on the bill.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to my distinguished colleague the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I thank my ranking member, and adviser and other things. Although we do not agree all the time, I do agree with his opinions; at least not agree with them, but I do respect all of his opinions, and I want to thank the chairman of the committee for the many courtesies that he has shown me and other Members of the minority. Of course, the chairman of the subcommittee, not many people realize it, but the gentleman from Virginia [Mr. BATEMAN] has control over some $90 billion. That is a lot of money for a subcommittee, and I do respect what he is do doing.

The ranking member, Mr. DELLUMS, talked about the new national security agenda, and it just dawned on me, and right after him the gentleman from California talked about preparedness and talked about Secretary Lewis Johnson living in the Korean thing. Let me tell my colleagues an interesting story about myself:

I joined the Navy when I was 17, 1 day before I was 18, and I had lived through the depression, had not traveled very much, and I wanted to see the world, and that is why I joined the Navy. I went to a separation center in Bainbridge, MD. This was in the summer of 1946, and getting ready to get out of boot camp and scheduled to go on a destroyer escort someplace in California and very excited. Guess what?

The war ended. V–J Day happened. I did not see the world. They put me back in the separation center at Bainbridge, discharged members who had come back from the Pacific, 4 and 5 years in the Pacific.

And what was my job and another group of us? Our job was to sign up these people for the inactive naval reserve, and we, as my colleagues know, I was a young guy. They just fed me information.

I said, "We've fought the war to end all wars." We were the only one at that time with the atom bomb, we had almost 10 million people in uniform, all the equipment, the world is a disaster, do not worry about it, never be called up, inactive naval reserve.

□ 1515

I did not sign up, I did not sell myself. But I can assure my colleagues, in 4½ years, a lot of people that I signed up went back to a country that I did not even know existed, to be very honest, and that was Korea; and for a while we really got beat there.

The point I am making is, even though the agenda, and the gentleman is absolutely right, the agenda may be different, the agenda is still the same in the world, and that is be prepared and have insurance.

Now, having said that, in light of the many challenges facing this Congress, it really is exciting for those of us who have been focusing on military readiness and quality of life concerns, we had the opportunity to hear firsthand the views of the personnel who will be carrying out our military strategy. We received input from general flag officers, enlisted personnel and in some cases, from family members. Their responses were as diverse as the population they represented.

I have no doubt that they all had sincere interest in readiness and quality of life matters and expressed what they thought would be in the best interests of this Nation and the forces. The Congress and those military personnel and family members who shared their concerns with us can be assured that H.R. 1119 reflects their input to the degree that we could afford.

There is no doubt that our military forces are ready today to face the challenges that may confront them in the many parts of the world where the U.S. national interests might be threatened. But I remain concerned about tomorrow. What will they look like in 18 months or 2 years?

I also remained concerned about the readiness, believe it or not, of our civilian workers, those dedicated employees who have superbly served this Nation during times of crisis over the years while enduring personnel drawdowns and, even worse, continuous rumors about reductions. Simply stated, the department and we here in Congress have not given them the attention they deserve.

Notwithstanding their dedication, I am uncertain at this time about our

ability to mobilize a crisis based on how we are managing them today. My feedback indicates that our civilian employees frequently feel abandoned because of the absence of security and, yes, predictability in their status.

Mr. Chairman, we all recognize the difficulty in addressing the readiness and associate quality of life issues and making tough choices in this severely budget-constrained environment. And we will talk about the other parts of the budget constraint with the other amendments, but we address a number of difficult issues; but in our subcommittee we could not solve them all. I wish we could have done more.

What we did, Mr. Chairman, was to begin to lay the foundation to sustain the military readiness we all agree is necessary for today and tomorrow.

I again express my support for H.R. 1119 and urge my colleagues to do the same.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. WELDON], the chairman of our Subcommittee on Military Research and Development.

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in strong support of the legislation and applaud both the Chairman and the ranking member for their leadership and the cooperation of our subcommittee chairs and the ranking members.

There are those in this country who think that we have mistakenly increased defense spending dramatically. The facts are, if we compare to what we are spending today to John Kennedy's tenure, and I raise that point in time because we had relative peace, it was after Korea and before Vietnam; we were spending 9 percent of our country's gross national product in the military. We were spending 52 cents of every Federal tax dollar on defense.

In this year's budget, we are spending less than 3 percent of the GNP on the military. We are spending 16 cents of the Federal taxpayer dollar on the military.

Now, in spite of that dramatic decrease, we have to consider the fact that in John Kennedy's era we had a draft. All of our young people were drafted out of high school, they were paid less than the minimum wage, they served for 2 years, they were not married, they did not have higher education; and therefore, we did not have the quality of life costs that we have today.

Our troops today are all volunteer. They get better pay. Many of them are married. They have advanced degrees, they have children, we have housing, education, quality of life costs that we never had before. So in spite of reducing defense spending to this lower level, a much larger percentage of this smaller amount of money is going for quality of life issues. It is not going for sophisticated systems. And in fact, I have publicly said that we should cancel some major weapons systems. But the facts are that the bulk of our money is going to pay for the troops to take care of the family members who serve this country.

We are hurting right now, because on top of the increased quality of life costs, the fastest growing portion of our defense budget is in, guess what? Environmental mitigation. Almost $12 billion this year to clean up the environment. And on top of that, we have an OPTEMPO deployment rate that we have not seen for the last 50 years.

We have an internationalist foreign policy with an isolationist defense budget. We are committing our troops to more locations at higher costs and not planning for those expenditures, so are taking the money to pay for those operations out of the accounts to modernize our forces and to take care of our quality of life issues. And in fact, to add insult on top of injury, we are even paying the cost of our allies who come into these operations.

Mr. Chairman, we had a very difficult process. In my subcommittee we focused on three major 21st century threats that we see emerging, and we plussed up funding in each area above what the administration requested. First of all, dealing with weapons of mass destruction, missile proliferation is our No. 1 concern. In a bipartisan vote, we plussed it up significantly. We never wanted to see an incident occur like we saw over in Saudi Arabia where in 1991 we lost a number of our young kids to a low-class Scud missile.

Second, we increased significantly funds for anti-terrorism. So yes, we can locate those attempts to bring in weapons, not necessarily from missiles, but sneaking them through our ports. Our committee increased funding for the third consecutive year in antiterrorism, both in technology and, more importantly this year, in training first responders all across the Nation.

Third, we put a new focus on information warfare. When a foreign adversary can electronically transfer illegally $100 million from one of our banks, when they can potentially shut down the information systems of this Nation, we as a Committee on National Security are coming to the forefront and saying yes, we want our military prepared for that eventuality as well.

We put $90 million of additional funding in this year's bill over what the President asked for so that we can help address the issues of encryption and protection of information systems that could bring down the economy of our country.

Mr. Chairman, we have done it all. We have done the best that we could with an impossible budget number. Unfortunately, it is not enough. I would have liked to have seen us had more money to meet these threats in a more robust manner. We talk about the cost-effectiveness of acquisition reform; and while the administration talks about that, we drive up the costs of our program dramatically. But I ask our colleagues to vote in the affirmative on this very important bill.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to my distinguished colleague from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding me this time, and to my colleague from South Carolina and my good friend, the gentleman from California [Mr. DELLUMS], I commend the gentleman on the work product he brought to the floor.

I want to address in the time allotted to me a common misperception now out in the public and a misstatement that is likely to be made a number of times before this debate is over, and that is that the reason this budget is stretched so tight that it is so difficult to come up with extra funds to do things we would like to do is that the Clinton administration has not asked for more money for national defense. In fact, the facts tell a different story.

Last year's budget resolution in the last Congress was the last blueprint we received from the Republicans on what they would spend on national defense. That resolution spelled out, budget function by budget function, what every different function would be funded at. And for the function we call 050, which is national defense comprehensively, the Pentagon and the Department of Energy both, the requests over 5 years, the amount of money allotted to national defense over 5 years in that budget resolution was $1 trillion 371 billion. That was the Republican budget resolution which passed the House last year, 1 trillion 371 billion for the period 1998 through 2002.

When the President sent his budget up this year for that same period of time, 1998 through 2002, the President requested and proposed spending $1 trillion 383 billion on national defense comprehensively over that same 5-year period of time. This is $12 billion more than the amount of money that was provided in the last budget resolution passed by the House, which was a Republican-sponsored plan.

This year, this was $12 billion ahead of where we left off. We then entered into negotiations which the administration fully supported, and as a result of those budget negotiations, we added $4.4 billion to function 050, national defense comprehensively.

So through this bipartisan budget resolution, which the Democrats and Republicans both have supported and the President has blessed and supported himself, we have added $17 billion more to defense spending than the Republican budget provided when we adjourned in the last Congress. That is a significant increment in spending.

The committee, and this is a matter of concern to me also, the committee

has gone beyond that budget agreement and has taken $2.6 billion which were specifically provided for function 053, the Department of Energy, specifically earmarked to certain programs there that are necessary for cleaning up the environmental mess that was left over from 40 to 50 years of building nuclear weapons, taken that $2.6 billion and put it in the Department of Defense instead of the Department of Energy.

Now, I would be one of the last to say that the money is misspent. It is being spent on some good programs, on O&M, operations and maintenance, and on procuring some things that I think add to our national defense. But in fact, the requirement for these funds, this $2.6 billion in DOE, will not go away simply because we do not fund it this year. It is still there. It will come back next year. We have simply pushed it into the future.

In the meantime, by adding $2.6 billion to the procurement budget and to an R&D budget, we have started up programs which will not be fully completed and will not be fully sustained by that $2.6 billion. So we have generated more demands for funds to complete what we started this year in the outyears, and that is going to create fiscal problems in the outyears, as $2.6 billion that we moved out of DOE into DOD.

Frank Raines, the very distinguished and able Director of the Office of Management and Budget, warned the House in a letter on June 5 that this funding, taken from DOE and shifted to DOD, violates the bipartisan budget agreement. And it is bound to come up again in the conference that we will go to when this bill comes to the floor and in reconciliation, because we have not settled the problem of what to do in the future for the problems that are not addressed with this $2.6 billion.

So I say to my colleagues who have participated in bringing this to the floor, I think on the whole it is a job well done. I commend the Chairman and I commend the ranking member for working together, but not every problem has been resolved and some of the rabbits we have pulled out of the hat to satisfy all of our demands this year will not be there next year when we try to do the same thing.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. HEFLEY], the chairman of our Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Chairman, I rise in strong support of this legislation, the National Defense Authorization Act. In the brief time that I have available, I want to discuss the key parts of this bill as they relate to the military construction and military family housing programs of the Department of Defense.

The Subcommittee on Military Installations and Facilities, which I have the honor of chairing, continues to be concerned about the serious shortfalls in basic infrastructure, military housing, and other facilities that affect the readiness of the armed forces and the quality of life of military personnel and their families.

□ 1530

The budget requested by the administration for fiscal year 1998 continued a pattern of significant deterioration in the funding program by the Department of Defense for military construction, in spite of the very clear and obvious shortfalls. The budget request submitted in February was 16 percent below current spending levels and, in constant dollars, the administration requested 25 percent less in funding for military construction for the coming fiscal year than it sought just 2 years ago.

More significant, despite all of the rhetoric we hear from the administration about the importance of improving the quality of life for military personnel and military families, the budget request again this year cut construction funding that directly affects the living conditions of the very soldiers, sailors, airmen, and marines that the President professes to support.

Military family housing construction, for example, would have been cut by one-third, $326 million, from current levels in spite of the fact that 64 percent of the housing is classified as unsuitable. Barracks construction would have been cut by over $130 million, or 17 percent.

We owe the young Americans and the young families who volunteer to serve the Nation and defend our freedoms more than that. Just a few months ago the Chairman of the Joint Chiefs testified before the Committee on National Security that with regard to housing for the troops and military families, no one can be satisfied with where we are today, no one, he said. He asked us to keep the pressure on, and in this legislation that is exactly what we are trying to do.

This bill puts an additional $750 million toward military construction. That amount would restore less than half of the administration's cut to the MILCON top line, but with those funds we have brought back nearly all of the President's cuts to quality of life construction.

This bill would authorize funding for 50 new barracks and dormitories, the construction or improvement of 8,400 family housing units, six new child development centers, and other quality of life improvements. It improves public safety and working conditions. This bill also provides additional funding for important operational readiness and training facilities for the active and the reserve components.

The House has always responded to the clear and compelling need of the military services. This bill reflects a bipartisan consensus on military construction. I urge the House to keep the faith with the men and women in uniform, and continue our efforts to improve their living and working conditions. I ask for the Members' support of this bill.

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I want to thank the gentleman from Missouri for yielding me this time.

Mr. Chairman, I want to encourage my fellow Members to support this measure. As many other people have pointed out, it does not do everything that we would like to do. But in a budget environment where, unfortunately, the only committee in Congress that has had its budget reduced in real dollars is the Department of Defense, I do believe that we have done as much good as we could with what we have.

There are certain disappointments that I would like to articulate, things that I hope that we can address during this session. I will start by talking about health care for military retirees. Since most of those people have spent at least 20 years serving their country in the military, I think they, better than most, understand the chain of command, who is responsible for what.

Unfortunately, this was not a decision that could be made alone by the Committee on Armed Services. Unfortunately, the funding for the program that they have told me they had the most interest in, which is Medicare subvention, flows through the Committee on Ways and Means, because the funding for that will have to come out of the Medicare budget. I am sorry that as of today that committee has chosen not to act upon this. What I mean by "acting upon this" is to create a program that would allow military retirees over 65 years of age to continue going to the base hospitals, and then have the base hospital bill Medicare for that service.

We will get a chance this year. I want to assure the retirees that when the Medicare portion of reconciliation reaches the House floor, this will be an effort that I will be a part of to see to it that Medicare subvention becomes the law of the land. I would hope the leadership would allow a straight up-or-down vote on this, it is that important. Because quite honestly, they were the only people in America who were promised health care, and they are the only people in America in that age group who are not getting it. That is simply not fair.

One of the other disappointments of this session, but something I hope we can address in future years, is the inequity of the way pay raises are granted. For about the past 25 years pay raises have been granted on a percentage basis, which, if you are a general or

a colonel or an admiral is not so bad, because after all, 2.8 percent of a general or an admiral or colonel's pay is pretty good pay. If you happen to be an E–1, an E–2, an E–3, an E–4, and in particular one with a family, then 2.8 percent of your pay, even as a raise, amounts to only about $20 or $30 a month. That is not much money, and as a matter of fact, it would barely buy one box of Pampers for one of your children each month.

Mr. Chairman, I would hope in the future that we will, as a committee, seriously study an alternative to give those people at the lower ranks who occupy better than one-half of the U.S. Marine Corps a flat rate on the lower scale, to allow them to make a little bit more money and make a life in the military, a career in the military, a more attractive option.

Something I am very proud of, we were able to balance the budget this year in the Subcommittee on Military Personnel, and it was a bipartisan effort and could not even have been done without the help of many of my Republican colleagues, was the passage and retention of a very good program, in fact, the opportunity to expand a program, called Youth Challenge.

It is a program where at-risk youth, high school dropouts, people between the ages of 16 and 18 who have dropped out of school, and in many if not most instances have gotten into some trouble with the law, but have not yet been convicted of anything, where they are given the opportunity to get drug-free. They go through a boot camp type environment for 22 weeks. It is run, I believe, in 15 States, and it has a 96-percent success ratio.

That means that 96 percent of the over 8,000 young people who participated in this program have gotten their GED and have gone on to go to work, further their education, or have joined the military. Some of them are doing all three by joining the National Guard, continuing their education, and getting a part-time job to help with their expenses.

Mr. Chairman, I cannot think of another program in the United States of America that has a 96-percent success ratio. We have funded this program at $50 million this year. We have called for an increased participation on the part of the States, with the understanding that this allows the Federal dollars to go further, and it is my hope that every single State in the Union will participate in this great program.

I want to compliment our subcommittee chairman, the gentleman from Indiana [Mr. BUYER], for taking some steps to lessen the financial blow to people who are on active duty who are sent away from their families for training. There have been a number of measures included in this bill that will lessen the financial blow that they have when they are separated from their families, because the last thing we want people to do is actually lose money while they are away from their families.

Mr. Chairman, I would close by saying I would encourage every Member to support this bill. I think it is the best we can do with the resources available.

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Utah [Mr. HANSEN], a very valuable member of our committee who would probably be a subcommittee chairman, were he not chairman of the Committee on Standards of Official Conduct.

Mr. HANSEN. Mr. Chairman, I thank the gentleman from South Carolina for his courtesy in yielding time to me.

Mr. Chairman, years ago I walked into this place, and every 2 years I put my arm in the air and I take an oath to obey the law of the land. I did that as a city councilman, I did that as a State legislator, and I notice even the President of the United States has to do that.

In the 1980's we passed a particular law and we called it the base closing law. In that particular law we said there would be certain rounds, and how that works is first the people in uniform say what they need to defend this Nation. Then they turn it over to the Secretary. He can add or take away. Then he turns that over to a base closing commission. They have from March to July to look at it. Then they turn their work over to the President of the United States. The President of the United States has 15 days.

What does the law say the President of the United States can do? He can say yes, I accept, or no, I do not accept. If he does not accept, it goes back to the BRAC Commission.

In this particular instance, in the last round of base closings in 1995, our President, it does not matter if it was Republican or Democrat, our President elected to add something that is not in the law. He added a provision that said, however, in two very popular States with a lot of votes, I will privatize in place. That is not in the law. In 45 days Congress then has the same right as the President, accept or reject. I am talking about what happened in the last go-around.

I have asked for a legal opinion from the Pentagon, tell us if the President can do that. The chairman signed a letter with me. So far, Secretary Perry neglected to do that. Secretary Cohen has neglected to do that. It is amazing, though, that last year Secretary Cohen talked in great, dramatic terms about how important it was that they do it right and they follow the law. Now he is in the funny building across the river, and we will hope that he will obey the law.

What do we have in the chairman's markup this time? We have provisions and language that will make the President of the United States obey the law. What is so wrong with obeying the law? I think we all have to do it.

That language, let me tell the Members briefly what that does. The language, contrary to what has been floating around this floor and in these halls of Congress, does not affect any current private contracts. It does not require work to be moved into the public sector. The language does not require any service to increase the percentage of depot workload. The language does not define which weapon systems and equipment are core. The language does not preclude further downsizing.

What does it ask them to do? It asks that they bring the bases that are now operating at this low capacity, that are costing these big dollars up to the percent and capacity they should have. We asked the GAO, we said, let us know what this is costing the American taxpayers, all you folks in America, by this disobeying of the law.

The GAO came back with a figure of $468 million. Then we went to the Air Force and asked, what does it cost because a certain group of folks are disobeying the law? They came up with a figure of $689 million because they are not following the law.

Do we have to downsize? You bet we do, but when we close bases and we cannot because of political expediency, let us keep this one in California open, let us keep this one in Texas open, we have to come down and say, look, everybody has to square their shoulders and do this right.

The Navy had six depots, they closed three, and they lived with it. The Air Force should do the same thing, and so should the Army. But for political reasons, I think it is abhorrent to the American people that we do this.

Let me say, the people who will be arguing for a certain amendment around here are in effect saying, it is okay to obey the law if the benefits inure to me, but if they do not inure to me, you cannot. I think it is just a wee bit on the greedy side and extremely parochial when we all say we obey the law.

Let me say it one time, in the base that I represent, and incidentally I had four and three are closed now, but the last one, I stood in front of our committee and said, if we come out very last on the COBRA formula, I will stand up and say, close that base. I mean that from the bottom of my heart. Yet, when they came out number one, how come the people who are last now will not say the same thing? That really bothers me.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I note that the gentleman from California [Mr. DELLUMS] is temporarily off the floor, but would like to take a second to commend his

opening remarks and him. He always shows incredible professionalism, passion, and poetry which I believe are unmatched in this body.

Mr. Chairman, I rise in support of H.R. 1119, the National Defense Authorization Act of 1997. I support better defense forces prepared to fight the next war, not the last one. Unlike some colleagues, I think we can provide that for less money. We can do this if we make tough choices to fund weapons that make sense, and to cut weapons, forces, and infrastructure that do not make sense.

I am proud to have been part of the bipartisan effort to draft this bill, and want to publicly commend the leadership of the gentleman from California [Mr. DELLUMS] and the gentleman from South Carolina [Mr. SPENCE], the staff, and my committee colleagues.

Mr. Chairman, this bill does much to restore the balance between the readiness of America's forces, the quality of life of America's service men and women, and the need to modernize America's forces to deal with future threats. It supports our commitments to our allies, especially through joint programs such as the tactical high energy laser program they have with Israel, programs which are mutually beneficial, reduce the time required to develop systems, and conserve resources.

It encourages innovative approaches in R&D by rewarding partnerships between military and commercial enterprises which leverage cutting edge technologies and save scarce dollars.

□ 1545

Such cost-sharing partnerships are now routine in the private sector but the Pentagon, used to the cold war way of doing business, has been slow to utilize them.

As a member of the task force investigating sexual misconduct, I am pleased to note that the bill mandates serious study of improvements in the selection, training and on-the job assessment of all drill sergeants.

True, the bill does not go far enough in some areas such as instituting best business practices throughout the department to reduce infrastructure, ensuring the rights of service women to equal health care overseas or providing long lead funding for nine more B–2s.

If we are to have a revolution in military affairs that brings to the Pentagon the best technology, we must first have a revolution in business affairs to reduce the bloated overhead and help pay for recapitalization.

We owe it to our service women and the women who are dependents of service members to ensure that they have access to the same health care services that are available to CONUS civilian and military counterparts.

And, Mr. Chairman, we cannot achieve the objectives of the QDR to shape, respond and prepare without three wings or 30 B–2s, the only system that can fly great distances, penetrate hostile air space and deliver massive amounts of munitions on key targets with acceptable, even minimal risk. Amendments are going to be offered to correct these deficiencies. I will be offering one and will be supporting the others.

Mr. Chairman, this bill is the bridge between cold war military forces, cold war ways of doing business and the military of the future. This bill helps build a military that is less expensive, more effective and ready for the next war. I urge its support.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BUYER], the chairman of the Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, let me congratulate the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] again for their fine work on this bill.

I rise in strong support of H.R. 1119, the National Defense Authorization Act for fiscal year 1998. My support stems in no small part to the fact that the bill addresses major personnel issues like manpower, pay, compensation, and health care that confront the military today.

Moreover, H.R. 1119's military personnel titles represent a bipartisan consensus and commitment to ensuring that the needs of the military members are addressed directly and effectively.

As the committee began looking at the needs of the people and quality of life in the fiscal year 1998 defense bill, several major challenges dominated our focus. Among those challenges were, insufficient military manpower for the required range of missions and a Quadrennial Defense Review that prescribed a cut of another 155,000 uniformed personnel; an enduring picture of distressing financial need being experienced by military men and women; also increasing difficulties by DOD in recruiting sufficient manpower of the requisite quality; the termination of military leave for more than 120,000 Federal employees who also have volunteered to serve as members of the Reserve components; and, for a second year in a row, a budget request that significantly underfunded defense health care programs.

To address these and other issues in this bill, we are working on the growing gap between military and civilian pay by mandating that military pay raises be based on a full employment cost index [ECI], and not the ECI minus a half percent.

We also are requiring the Secretary of Defense to implement a system of pay and allowance that would prevent the loss of income for military personnel when they are deployed and authorize $50 million to facilitate the initiative.

We also are increasing the housing allowance in high cost areas to ensure that military personnel experience the same amount of out-of-pocket costs regardless of location.

We also want to continue reducing the out-of-pocket housing costs toward the goal of having military personnel absorb no more than 15 percent of the cost of adequate housing.

We are retaining the statutory floors on end strength for each of the services and are also temporarily taking away the 15-year retirement for one year. We are increasing the funding for military recruiting and direct a series of reforms to improve recruiter performance and reduce recruit attrition.

We retain military leave for Federal civilians in the Selected Reserve and restore the $85 million cut by the President's budget from the Reserve component budgets. We restore $274 million to the Defense Health Program, and I appreciate the cooperation of the Comptroller of Defense on that issue.

We also direct the Secretary of Defense to report to Congress on the feasibility of extending a mail-order pharmacy program to all Medicare eligible beneficiaries who do not live near a military medical treatment facility.

In addition, we restore the POW–MIA provisions to the Missing Persons Act. We also address a range of issues that have emerged during the subcommittee's and full committee's examination of sexual misconduct in the military by providing a review of the ability of the military criminal investigative services to investigate crimes of sexual misconduct and mandate a series of reforms to drill sergeant selection and training.

H.R. 1119 would also require an independent panel to assess reforms to military basic training, including a determination of the merits of gender-integrated or gender-segregated basic training as a method to attain the training objectives established by each service.

Mr. Chairman, H.R. 1119 does many good things for the people who serve our Nation in uniform. For that reason, I urge my colleagues to support its adoption.

Mr. DELLUMS. Mr. Chairman, I yield 2½ minutes to my distinguished colleague, the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Chairman, as the ranking member of the Subcommittee on Military Construction, I rise in support of the military construction provision in the national defense authorization bill, and I would like to express thanks for the leadership of the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] that they have provided throughout the course of these hearings that we have held.

The bill has $267 million more for military family housing, a significant increase for the quality of life issues. Despite the fact that the military has

seen significant downsizing, we are still very concerned about the men and women who serve us in the armed services. It also contains $117 million more for barracks and dormitories to house the men and women who protect our Nation including those stationed overseas.

We all take seriously the obligation to address the quality of life concerns of our military personnel. How and where they live has a direct effect on their lives and missions. In fact, of the $750 million that we added to the administration's numbers, 63 percent is to be spent on quality of life facilities.

Further funding of $88 million will be spent on facilities like child development centers, fitness centers and items of that nature.

I want to thank the gentleman from Colorado [Mr. HEFLEY], chairman of the subcommittee, who is one of the finest men in this Congress, and again the gentleman from South Carolina [Mr. SPENCE], and the gentleman from California [Mr. DELLUMS], thank them for their support. I urge support of the military construction authorization.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. MCHUGH], the chairman of our Special Oversight Panel on Morale, Welfare and Recreation.

Mr. MCHUGH. Mr. Chairman, let me begin my adding my words of deep appreciation both to the gentleman from South Carolina [Mr. SPENCE], the chairman of the full committee, and the gentleman from California [Mr. DELLUMS], the ranking member, for their very diligent work on this particular piece of legislation.

As we have heard already, a matter as complex as this brings about some disagreement. I think it is a tribute to these two gentlemen particularly but also the entire committee that we have been able to craft such, I think, a fair and balanced piece of legislation in this particular bill.

I would like to spend my time, Mr. Chairman, on a portion of the bill on which I think and I hope we can all agree. That is the provision relating to morale, welfare, and recreation activities of the Department of Defense. Let me also add my words of appreciation to all of the members of the MWR panel, Democrat and Republican alike, particularly to the gentleman from Massachusetts [Mr. MEEHAN], the ranking member, for their constructive and always, always bipartisan participation in the panel's work on H.R. 1119.

The Special Oversight Panel on Morale, Welfare, and Recreation of the Committee on National Security considered several issues that year that have significant implications for the military resale system, for service MWR activities, and, most importantly, for service members and their families. The panel's goal this year, as it has been in the past, has been to ensure the health of the military resale system, the commissaries and exchanges, in such a way that we preserve the benefit and quality of life for our service men and women who make such great sacrifices in order to serve us and to serve our country.

Perhaps just as important at a time when we are, as we all know, under increased pressure to do more with less, the panel has tried to make the MWR system more efficient and at the same time more cost-effective. I believe the provisions in this particular bill represent a significant step in achieving these objectives. I certainly urge my colleagues on both sides of the aisle to support this bill for that reason.

Let me highlight, Mr. Chairman, very briefly some of the more significant MWR provisions in the bill. First, in partial response to some of the actions of the department over the last year, we have included a provision that would tighten up existing merchandise and pricing requirements at commissaries. Other provisions in the bill make more rigorous the requirements for brand-name commercial items sold at commissaries to be acquired noncompetitively and transfer administrative responsibility for MWR programs to the office of the Comptroller of the Department of Defense.

We have also increased the financial management flexibility of the Defense Commissary Agency by expanding the categories of revenues that may be deposited in that organization's operational account. Finally, Mr. Chairman, we have included provision giving the department the authority to go forward with public-private ventures as long as those activities will benefit MWR activities and its patrons.

By supporting this initiative, Mr. Chairman, all Members of this House can clearly demonstrate our commitment to the men and women in uniform. It is a good bill, good provisions. I strongly urge its acceptance.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I want to commend the committee for producing what is an excellent bipartisan effort.

I share the committee's concern regarding the state of Nation's military infrastructure. The Committee's report on the fiscal year 1998 Defense Authorization bill, expressed concern that military construction projects at bases across the Nation have been underfunded.

Indeed, the committee was right to add an additional $750 million on top of the administration's request for military construction.

The committee has done an excellent job in making do with the limited resources. At Fort Monmouth in Monmouth County, NJ, for instance, the committee recognized the serious need to rebuild the fort's firehouse. The existing firehouse, Mr. Chairman, was severely damaged by fire in 1994. Currently, the firefighters who protect the fort's childcare center, family housing, and high-technology research centers. Live in and operate out of a housetrailer that does not provide minimum essential operational and living requirements.

The committee also recognized the need to upgrade some housing facilities at Fort Monmouth that had not, other than roof and window replacements, had any major modernizations in 50 years. The importance of such improvements really cannot be underestimated. Modernizing and preserving infrastructure must be done not only to ensure our military personnel live in safe environments, but to ensure they receive, in exchange for their service, the finest possible quality of life benefits—and along those lines I am pleased to see the committee included a 2.8-percent pay raise for military personnel.

Mr. Chairman, like the military construction and personnel sections, the other parts of the bill were well thought out and developed. Funding for the operations and maintenance section is at an appropriate level—a fact I know to be of importance to Fort Monmouth, where CECOM—the Communications and Electronics Command—the Army's leader in communications and electronics research, continues to do cutting edge work.

Mr. Chairman, I intend to vote for this bill and urge my colleagues to do the same.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MCKEON], a very valuable member of our committee.

Mr. MCKEON. Mr. Chairman, I rise in strong support of H.R. 1119, the National Defense Authorization Act. I thank the gentleman from South Carolina [Mr. SPENCE], the chairman, and the gentleman from California [Mr. DELLUMS], the ranking member, for their work in bringing this product to the floor.

I would like to use my time to discuss an issue of vital importance that we will be considering as part of this bill. This issue involves future production of the B–2 Stealth bomber. A lot of people think I am supportive of the B–2 because it is built in my district and simply is my responsibility to provide jobs for my constituents. While we all know that jobs are important, this is not my motivation. At one time it was, but the more I have learned about the B–2 and its importance to our defense, the more supportive I have become of this plane.

I think we need to look beyond the short term, beyond the issue of jobs in our districts, beyond the next election. We need to look down the road 30 or 40 years from now. What kind of world will our children and our grandchildren live in during the year 2020 or 2030? Who will our adversaries be? We can speculate on the answer to these questions, but we must also be prepared to defend our national security against whatever happens in the future.

The B–2 bomber is cutting-edge technology that is one of the cornerstones of our future national defense strategy.

Could our future leaders depend on 70- or 80-year-old B–52's to defend our interests 30 years from now? I do not think so. Since World War I, every time we cut the defense budget, every time we cut back, we have had to rebuild again at a cost both financial and at great loss of human life. While the B–2 was conceived during the cold war, it is not a cold war weapon. Instead, it is a deterrent. And it is deterrence that helped us win the cold war and guard our Nation from the threat of outside aggression.

We will have ample opportunity to debate the B–2 as this bill is considered. We must remember, however, that we have already cut 18 Army divisions down to 10 and 24 fighter wings down to 13 since Desert Storm, and we are reducing the presence of U.S. forces overseas. Authorizing the production of additional B–2's will allow the United States to compensate for these and other reductions and deter future aggression.

I respectfully urge defeat of the Dellums amendment and passage of this Defense Authorization Act.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. RYUN], world record holder in the mile event.

(Mr. RYUN asked and was given permission to revise and extend his remarks.)

Mr. RYUN. Mr. Chairman, as a freshman member of the Committee on National Security, I rise in strong support of H.R. 1119, the fiscal year 1998 National Defense Authorization Act. Although hampered by a limited budget, this bill funds quality of life initiatives, modernization efforts and reforms to increase efficiency, and cut waste in the Defense Department.

Unfortunately, the President's request for military construction, which includes family housing, was 16 percent below current spending levels. This bill, however, adds $750 million to his request. Fort Riley and Fort Leavenworth, which are in the Second District of Kansas, are historic posts that were built over 100 years ago to help open and expand the American frontier.

□ 1600

Unfortunately, many of the buildings at the post date from the era when General Custer left Fort Riley to ride off to the Little Big Horn battle. Corroding pipes, lead paint, aging plumbing and electrical systems are some of the problems plaguing these structures. It is simply not right to require our service men and women to live and work in these conditions. The Committee on National Security recognizes this situation and has made military construction a priority in the bill before us today.

Finally, the committee addressed an issue that I believe in, a very important one, and that is the issue of active duty end strength. It maintains our current force levels, and I believe these levels are necessary to carry out our national security requirements and to be able to fight two nearly simultaneous major theater wars.

I am strongly opposed to further cuts in the military personnel. Why am I so concerned about the number of soldiers in today's Army? Well, I hope these facts will have the impact on my colleagues that they have had on me.

Today's Army is the smallest active force since 1939. It is at the highest operations tempo since the Vietnam war. From 1950 through 1989 the United States has engaged in 10 deployments. Since 1990 we have deployed 27 times just in the Army.

We have asked the Army to do more with less over these past 7 years and their performance has been exceptional, but as deployments continue to go up and the size and funding continues to go down, I am concerned that we will reach a breaking point and that our readiness and retention will suffer.

I urge support. I believe this is a great measure for the country and I hope all my colleagues will vote for it.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas, [Ms. GRANGER], a new Member of this body, the former mayor of Fort Worth, who is doing a great job.

Ms. GRANGER. Mr. Chairman, I rise today in strong support of H.R. 1119, the defense authorization bill. My support comes primarily because H.R. 1119 reverses the dangerous decline in defense spending that past Congresses have imposed on America's soldiers, sailors, airmen, and marines in recent years.

The United States still boasts the finest Armed Forces in the world, but in recent years we have made our military the bill payer for every other function of government. Over the past decade, domestic discretionary spending and entitlement spending have increased over 20 percent in today's dollars. Our Army, Navy, Air Force, and Marines have paid the price for this expansion.

As measured in 1998 dollars, defense spending has declined every year since 1985, so that we are spending 37 percent less on defense than we did that year. As measured as a percentage of gross domestic product, defense spending has fallen to its lowest level since Pearl Harbor.

This decrease in defense spending has also endangered vital procurement needs. We, as a nation, are spending only one third the amount on procurement as we did a decade ago. As our military has had to endure this forced procurement holiday, much-needed modernization has been constantly delayed.

The Air Force, for example, has been forced to rely on an air superiority fighter, the F–15, which features technology developed in the 1960's and 1970's. The rest of the world has been able to catch up with American air superiority, and the price which will ultimately be paid if we do not recapture our overwhelming edge, is the lives of our men and women in uniform, lives which will be spared if we in Congress make the courageous decision to invest in state-of-the-art technology.

I am a strong supporter of H.R. 1119 because it does begin to reverse the dangerous decline in military spending. H.R. 1119 recognizes that we need to continue to invest in state-of-the-art technology which will keep our superiority on the battlefield alive, state-of-the-art technology like the F–22 Raptor. Slated to replace the aging F–15, this fighter combines stealth, supercruise and advanced avionics into its design and will help preserve our overwhelming edge in the skies, an edge that has prevented the death by enemy aircraft of our ground troops.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, I would also like to thank the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] for their leadership on H.R. 1119.

Mr. Chairman, I have the privilege of representing four military bases in eastern North Carolina. As a member of the Committee on National Security, I feel doubly responsible to make sure that our service men and women are well equipped and trained to fight the right fight.

But, Mr. Chairman, I have to question if after 3 years of United States troop involvement in Bosnia, if it is not time to bring our troops home. I do not believe that the fall of the Berlin Wall meant that the United States had to become the world's police force.

We have spent, Mr. Chairman, $7.5 billion to put out the fires of Bosnia. Our job is done, yet each time an exit strategy is planned, someone in the administration cries foul.

Mr. Chairman, enough is enough. The Constitution states that Congress alone shall raise and maintain the Nation's Armed Forces. Later today we will be debating the Hilleary amendment. By supporting the Hilleary amendment, Congress can finally take action to assure the safe and orderly withdrawal of United States troops from Bosnia.

America has met its commitment to Bosnia. It is time to bring our troops home.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California, [Mr. CUNNINGHAM], our Top Gun fighter pilot.

Mr. CUNNINGHAM. Mr. Chairman, it was very difficult to leave the Committee on National Security to go on the Committee on Appropriations. While I served there, even though we

differed in great amounts, I think there was only one time we came to clash, when I thought I was being dealt with unfairly, but we have since resolved that with my friend, the gentleman from California [Mr. DELLUMS], and the gentleman from South Carolina [Mr. SPENCE], a great chairman, and I think they have done just about everything they can do with a budget in a bipartisan way.

But I would say, Mr. Chairman, this budget today, we are going to get American men and women killed. Men and women are going to die on the battlefield. They will not be trained and they are not equipped properly because of this budget.

I am going to support this budget because I feel they have done everything they can with every ounce and every dollar that they can. Are they well equipped? No. Let me give my colleagues some examples.

Before we trained to go to Vietnam and Desert Storm we had F–16's to train us against Mig 29's, Mig 31's, SU–27's, SU–35's. We do not have those anymore. We do not have the dollars to invest in our adversary programs. They are gone.

We have post Vietnam A–4's and F–5's to compete with.

Captain O'Grady, when we talk about training, Captain O'Grady that was shot down in Bosnia, Mr. Chairman, he was not even trained in ACM, that is air combat maneuvering, because the money was not available to do that. That is a crime. We send our men and women to war and we do not even have the dollars to qualify them and train them.

When we say the cold war is over, look what the threat is. The SU–27 is far superior to our F–14's and F–15's. True. We do not have parity. Our last airplanes we bought, the F–14 and 15, are 25 years old. The AA–12 missile that the SU–27 carries is far superior to our AMRAAM. That puts our kids behind the power curve and is going to mean their death. The F–22, which is stealthy, the F–18, and, yes, the B–2 which is stealthy, will keep our men and women alive, but yet there are amendments to cut that.

We need to do more, Mr. Chairman.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. PICKETT], my distinguished colleague.

Mr. PICKETT. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the bill.

The bill that is reported by the Committee on National Security is one that does a good job in balancing recognized necessary modernization, end strength and quality of life issues for our people.

As a member of the Subcommittee on Military Research and Development, I was very concerned about the technological effort that we are making to make sure that our forces have a technological edge in any battle that they might be called into. I think I can reassure everyone here that the investment accounts that we maintain to ensure those basic research and development activities have been fully funded.

We must remember that in this budget we are not providing money for any contingencies. So if our forces are called to go and carry out any activities outside of their normal training routine, then this has to come out of their training funds, and an unlevel funding stream is one of the things that is very disruptive for our military. I hope we can avoid this in the future, because we find that our military is taking money out of the maintenance and training accounts to do contingency operations, and they are not getting these monies reimbursed in time to keep a level stream of funding for their regular activities.

In the research and development area, Mr. Chairman, I believe that a great deal has been done in the missile defense program, particularly with the theater missile defense and also in bringing on line the required funding for our national missile defense.

Recapitalizing our forces is an absolute necessity. We have to modernize our weapon systems and make sure that we are prepared for the events of the future. Capital items like ships and submarines are expensive, but they are long-lead items. It takes a long time to get them repaired, built, and operational. We have to make certain that these are available and that we have the very latest models so that our forces can be successful on the field of battle in the future.

The tactical Air Force program is one that I believe we have done a great deal to straighten out in this bill, and I think that it will ensure air performance and air superiority for our forces.

Mr. Chairman, the most important thing that we have to think about are our people, and the people are the key to a successful military. There has been an undue amount of turbulence among our people in the military. They are concerned about health care, they are concerned about housing, they are concerned about other benefits like the military resale system. And with the increasing operations tempo and personnel tempo, we know that they are being called upon to do more and more with less and less.

So I think of all the things that we do here today, trying to make certain that we have adequate provision to make sure that our military people and their families are taken care of is one of the most important things that we will be doing.

I believe that the health care issue is one that we have to make certain that we fulfill our commitments on. The housing issue for our families is one that we may need to ensure that they have housing that is adequate and decent in the communities where they are required to live. And we should maintain all the other programs that are set up to supplement the income of our military members and to make their lives as nearly normal as can be with those of our other government employees.

Mr. Chairman, this bill is one that I think we can all live with in the future, one that will be a step in the right direction in providing a balanced program for our military, and I look forward to the other Members of our body here supporting this very reasonable bill that I think does a good job for our military people.

Mr. SPENCE. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, it is difficult in times of peace, or what people perceive as a time of peace, to prepare for war. During the cold war and other times it was not difficult to point out to our people the perils we faced in a very hostile world, and so, therefore, it was not difficult to sustain a robust defense budget.

In times of peace, people naturally ask, What is the threat? Why do we need a robust? We need it because, as someone said a long time ago, if we fail to prepare, we prepare to fail. I think it was Benjamin Franklin.

History has shown that we continue to commit the same sins. After every war we always say, this is the end of conflict. The gentleman from Virginia [Mr. SISISKY] referred to it in his remarks earlier today. Around the end of World War II, we disbanded in a headlong way the greatest military that the world has ever known. We came back home, and tried to get on with our Nation's business.

But we cannot control conflict. Who would have predicted Korea at the end of World War II? We were caught unprepared for Korea. We were, as the gentleman from California [Mr. HUNTER] said, pushed all over the Korean peninsula.

And, incidentally, we did not win in Korea. We had an armistice. We drew a line and tried to recoup and let it go at that.

□ 1615

Then the same thing again, in Vietnam. It is not a matter of if we will have another war, it is just when it is going to be and where it is going to be. And our peril and the peril of all our citizens is great.

I might say that I believe the primary duty of any central Federal Government is to do those things for people they cannot do for themselves or that local government cannot do. And national defense is the Federal Government's primary responsibility. If we are not strong and do not have a defense that can protect our freedoms they can be plundered away.

I am reminded of the gospel according to Mark, when Jesus admonished the crowd, that "no one can enter a strong man's house and plunder his property without first tying up the strong man that indeed the house can be plundered."

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague from Florida, [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, I thank the gentleman from California [Mr. DELLUMS] for yielding me the time.

I really stand here today because, Mr. Chairman, I really want to highlight and commend the gentleman from California [Mr. DELLUMS] and the gentleman from South Carolina [Mr. SPENCE] for including in this committee bill a study of a proposal that I introduced to expand the national mail-order pharmacy program to all Medicare-eligible military retirees. This mail-order program would ensure the availability of an eligible pharmacy benefit for all eligible beneficiaries regardless of their geographic location.

Unfortunately, the program today does not include the vast majority of our Nation's Medicare-eligible military retirees. That is why on June 3, I introduced legislation H.R. 1773 to expand the mail-order program to all our Nation's Medicare-eligible military retirees. This measure is supported by both the Air Force Sergeants Association and the Army Retirement Council.

Mr. Chairman, one of the greatest hardships Medicare-eligible military retirees face is the inability to obtain prescription drugs at reasonable prices. While Congress has authorized a mail-order pharmacy program and allowed retirees near designated base closure areas to participate, hundreds of thousands of other brave retired servicemen and women will be locked out unless action is taken.

In 1993, Congress unanimously affirmed in the National Defense Authorization Act that members and former members of the uniformed services should have access under the health care delivery system of the uniformed services regardless of age. I could not agree more. The DOD has an implied moral commitment to provide this care to all military beneficiaries.

Mr. Chairman, let us not just make this a study; let us make it a reality. By supporting the expansion of the mail-order program, we can send a clear message that the passage of time does not erase either the service that our military retirees gave nor our Government's obligation to their well-being.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, just to continue to emphasize what I spoke to earlier, and that is that we have got young Americans in over 40 countries of the world housed, in many occasions, in quarters that are Third World conditions or in some cases worse than Third World conditions.

Now, we can say that we understand that when we deploy people in 40 nations of the world, when they are employed, it may not be the best living conditions. But when we have them in the United States, it is shameful, shameful for us not to provide decent living conditions for our young men and women in the services.

My colleague, the gentleman from California [Mr. DELLUMS] was a marine. The Marine Corps is 40 years behind in modernizing their living facilities, their dormitories, their barracks, and their family housing. Forty years. They are the worst of any of the services.

In fact, I had lunch the other day with the Commandant of the Marines; and I said, "What is the matter with you guys? Don't you care about that aspect of this?" And he said, "Of course we do. But they struggle to get through the process over in the Pentagon."

What we try to do in this bill is take care of this shame. What we try to do in this bill is to provide, and about 60 percent of all the money that we are putting into the adds that we are putting into this bill in military construction go to take care of the shamefulness of the way we are making some of these people live. We cannot get there from here just with MILCON dollars. We use maintenance dollars. We use initiative force, privatization, and all kinds of things. But if we do not have the MILCON dollars too, we never get there from here.

Mr. Chairman, the ranking member and the chairman have been awfully good to help us toward this goal because I think they see this as an important goal, too. But let us not forget this when we are dealing with this bill.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman form Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me the time.

I have been listening to this debate for about 1 hour and 45 minutes here on the floor, and I have some specifics that I can reference and I will revise and extend and include those.

But I rise, Mr. Chairman, because we talk about specific items. I want to follow up on the comments of the gentleman from South Carolina [Mr. SPENCE].

I am one of those who believes that both sides of the aisle are putting at risk defense. One side of the aisle argues that we need tax cuts. I would like to have tax cuts. The other side, my side, argues that we must pay attention to domestic priorities. My view is that our Nation will not be strong no matter how much defense we have if we do not pay attention to domestic priorities.

This Nation is the wealthiest nation on the face of the Earth. Yet, I tell my friends on both sides of the aisle that we are reducing the portion of our GDP that we spend on both defense and domestic priorities since the 1950's. I say to my friends that they ought to listen to the gentleman from South Carolina [Mr. SPRATT]. It is not the Democrats who are trying to undermine defense and, in my opinion, not the Republicans. But other priorities are driving us to not pay attention to one of the primary responsibilities the Nation has, and that is ensuring the defense of its people.

All of us know that the United States is unique in the world in that the rest of the world looks to us to maintain international security. Is that fair? Perhaps not. Is it reality? Quite obviously.

We will have some debates on withdrawing from Bosnia. I was one of those, as so many of my colleagues know, for deploying troops to Bosnia. Why? Because genocide was occurring in Bosnia. And we stood silent in the 1930's and we did not in the 1980's and the 1990's, and for that America is a better place and there is more security in the world.

I say to the chairman and I say to the ranking member that their priorities are right for America, both domestic and defense, we need to pursue those and stand up for those.

I rise in support of this bill to authorize $268 billion for critical defense needs in fiscal 1998.

The spending level in this bill mirrors the budget resolution. As a co-chair of the National Security Caucus, I believe this represents the minimum we should spend on our national defense.

I believe Chairman SPENCE was correct in his statement to the press that "This bill maintains the committee's long-standing sense of urgency over restoring a proper balance among readiness, quality of life, modernization, innovation, and reform."

I will speak later in opposition to the additional reform package that the committee leadership hopes to add that contains a misguided 40-percent cut in our acquisition work force.

But, at this time, I want to commend them for what is in the bill before us:

A 2.8-percent military pay raise.

The $1.3 billion for procurement of 12 FA–18 E/F's and $425 million for continued R and D—however, I regret that the President's request for $2.1 billion for 20 planes was not fully funded.

The $2.6 billion for the first of four new attack submarines and $154 million to complete the third *Seawolf* submarine.

The $661 million for procurement of seven V–22 Ospreys.

Advance procurement funds for LPD–18, the second in this new class of amphibious ships.

As a member of the Military Construction Appropriations Subcommittee, I also want to

commend Chairman HEFLEY for his work on authorizing $9.1 billion for military construction.

I commend the committee for funding these DOD and Navy priorities and for addressing important Maryland needs.

I hope that we will pass the bill without unwise amendments like the acquisition work force cut.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise again to pay tribute to both the chairman and the ranking member and the appropriate subcommittee leaders and also to follow up on the comments of my good friend, the gentleman from Maryland [Mr. HOYER].

My colleague makes a good statement that defense has always been a bipartisan issue in this city, and it still is today. We have all acknowledged that the success of enduring what has been a very difficult pattern of cuts over the past 5 years has basically been provided by both Democrats and Republicans. It is not something that we on the Republican side take credit for. In fact, I think many of our disagreements are more between this institution and the White House than it is between Republicans and Democrats in this body.

Now we are criticized the last several years for our add-ons. We are told that we were putting money that was not needed by the troops, by the chiefs. What we heard this year, Mr. Chairman, were requests by the chiefs for $20 billion of additional program needs that were not requested by the administration.

Every one of us who serves as a chairman of a subcommittee or ranking member was visited by all the services saying these are absolute priorities. But Mr. Chairman, it was not limited to the service chiefs. We had the administration come back to us, the President, after criticizing us for increasing funding for national missile defense for 3 straight years, and say to us this year, we made a mistake, we want you to provide $2.3 billion of additional money for national missile defense.

We had to find $474 million this year above what the President asked for because the President said we need more money for missile defense. The President said we had needed to fund a high energy laser program for Israel's protection called THEL. Yet the President never gave us a dollar amount.

We had to beg the Army on the day of the markup to give us a figure. We are finally able to arrive at a $38 million figure even though the administration had told us last year it was their No. 1 priority when, in fact, the facts did not bear out the rhetoric.

Mr. Chairman, our bill is based on the threat. We are not saying we want to recreate the cold war, but we know what is happening in Russia. We see the demise of the conventional forces in Russia; and with that demise, we see a heightened reliance on strategic offensive weapons.

Just a year ago, in January, the Russian long-range ICBM's were out on full alert. Boris Yeltsin himself announced publicly that he had activated the black box because of a Norwegian rocket launch to detect weather conditions.

Now, Mr. Chairman, that is reality. There have been numerous records of threats from Russia of missile material. We have the evidence of accelerometers and gyroscopes going from Russia to Iraq which were used for long-range ICBM's. We were told by the intelligence community that no one would deploy a system that would threaten our troops because we would see it tested first.

Yet just 1 month ago, as reported in every major international media, North Korea fully deployed the No Dong missile system after one test. That No Dong missile system, with the range of 1,300 kilometers, now poses a real risk that we cannot defend against to every one of our troops in Japan, South Korea, and Okinawa. That is what this bill is about.

Mr. DELLUMS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from California is recognized for 5½ minutes.

Mr. DELLUMS. Mr. Chairman, we come to the end of general debate on a very important and substantive matter, the defense authorization for fiscal year 1998. I listened carefully during the general debate, and I would like to make a couple of comments, first to my distinguished colleague from South Carolina, [Mr. SPENCE]. I listened very carefully to his most recent remarks.

I would suggest that, Mr. Chairman, when one argues that our national defense is the most important or the only responsibility of the Federal Government, I would challenge that assertion. My reading of the Preamble to the Constitution is as follows:

> We, the people of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

□ 1600

My read of that is that the founding persons of this country establishing this Constitution did not say national defense was the No. 1 or most important. It gave equal weight to all of these functions, which is precisely why I argue that in the context of this post cold war environment, we must now begin to shape the parameters of the debate to move us to a new national security agenda that brings equal weight to what the founding persons envisioned and established in the Constitution.

That is why a vibrant and healthy economy is important. We do not fight battles simply with military capability. We fight battles also with our economy. The extent to which it is healthy and vibrant is an integral part of our national security strategy.

An enlightened and informed, well-trained, well-educated citizenry capable of engaging the economic and civic institutions of our Nation is what makes us different, is what makes us a democracy. Informed and enlightened citizens who can engage makes this country a democracy. It is not just about national defense as part of the national security strategy. The people and the children and the children's children are an integral part of that.

Mr. Chairman, when I talked about an engaged foreign policy, an enlightened society should be attempting to prevent war. Only a fool wants to march off to war if it is not necessary. The way we prevent war is to address the issues that create war. People become violent and angry when we violate their personhood, when we violate their capacity to function, impact their Government, when they are victims of human rights violations, when they are hungry and malnourished, when there is no economic development. That is what generates wars.

So our foreign policy is also a part of our national security strategy.

A number of times I heard the quote, "If you don't understand the past, you're doomed to repeat the failures of the past."

Mr. Chairman, as we downsize this budget in the context of the post cold war, I would assert that we have learned from the past. Our military fighters who come before the committee are not asserting that we have a hollow force. We learned from the past. We are now gradually downsizing. None of the CINCs who came before us, none of the Joint Chiefs of Staff, none of the Secretaries of Defense have suggested that we have a hollow force. I would suggest that no person credibly can assert that at this moment.

Every one of our military people have come before us and said we have the greatest fighting force in history on the Planet Earth. When this country went to war in the context of the Persian Gulf, what did the President of the United States then say? We were going to fight the fourth largest army on the face of the Earth, and within hours we annihilated them with our incredible military and technological superiority and capability. The American people watched us wage war on CNN with smart missiles and smart bombs that went down Broadway, turned left and dropped into 1052. People may not know it, but we have even greater technology at this moment than we had when we fought in the Persian Gulf.

When we talk about history, that sounds good as a 30-second soundbite, but the reality is we are not in a hollow force, we are not repeating the past. Remembering the past in World War I, World War II, we failed in the League of Nations, we failed in the international arena, but at this point, the last times we have gone to war, how did we go to war? We went to war with coalitions, we went to war with alliances. We have learned from the past. It is counterintuitive to everything we know that we will go it alone in the world. The world has changed, Mr. Chairman, and that is the reality.

I just wanted to assert that, to put it in the RECORD. Maybe over the next 4 days we can elaborate. I look forward to a vigorous and intelligent and informed debate.

Mr. SPENCE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from South Carolina is recognized for 5 minutes.

Mr. SPENCE. Mr. Chairman, it never ceases to amaze me that our Maker endowed us as human beings with minds that can look at the same set of facts or view history and arrive at conclusions 180 degrees apart from one another. As a fact of life, I guess people have been debating since the very beginning of time. This is one of the most amazing things that we deal with, here, and it makes our interchanges back and forth here all the more interesting every day.

I happen to be a person with a more conservative viewpoint on life. Those of more liberal mind come to much different conclusions on many issues than this gentleman. The fact is that this country of ours has provided our people with more of the material things in life and other freedoms in life, too, than any nation in the history of mankind. People in other parts of the world cannot believe what we have. That is why we see other people around the world now shedding their shackles and trying to adopt our way of life.

As I travel around the world and meet other people in other places, they are always asking me, how we can do these things for our people? They are amazed at what we do. Our domestic spending has increased while the defense budget has been steadily going down, to its lowest levels since the Korean war.

I repeat that I am not saying that we should increase defense at the expense of providing our people with other things. Those things are important. In fact, that is why I want to defend this country. What good is it to have our freedoms we if we are not free or alive to enjoy them? That is the only point I am making.

As Jesus referred to in the parable I mentioned earlier, your House gets plundered when you tie up a strong man. I do not want to tie up this strong man.

Mr. GEPHARDT. Mr. Chairman, I rise today to urge my colleagues to support this burdensharing amendment, which I am proud to have co-authored. This amendment seeks to continue the progress we made last year in embarking on a comprehensive approach to achieving more participation by our allies in our common defense. A virtually identical amendment was adopted by the House last year by a vote of 353 to 62; I hope that we can again demonstrate our resolve this year in obtaining greater burdensharing by our allies.

Since the beginning of the cold war, the United States has contributed trillions of dollars to the defense of the West. As we all know, the people of the United States accepted this burden willingly, because we understood after two world wars that the defense of Europe was essential to the stability of the West and the security of America.

Since the end of the cold war, many of us have called on our allies to accept a greater share of the burden toward our mutual defense. With the demise of the Soviet Union, we knew that our military infrastructure in Europe could be reduced and our allies could be expected to perform more significant roles in their own—and our common—defense.

Beginning in 1992, I joined others in Congress in offering the first burdensharing amendments of the post-cold war period. We called for a reduction in the number of U.S. troops stationed overseas, and urged the administration to seek greater financial contributions from our allies to support the U.S. presence. And we achieved some success, particularly with our Asian allies.

But burdensharing by our allies should not simply consist of digging deeper into their treasuries to pay for a U.S. troop presence, for American soldiers are not mercenaries. Instead, we must demand that our allies bear more of the roles, risks and responsibilities of full partners in regional security, whether it be in Europe, Asia or elsewhere. With the likelihood of global nuclear confrontation declining and the risks to the United States itself reduced, Americans should no longer be expected to bear an inordinate share of the defense burden.

To achieve this goal, last year my colleagues and I altered our strategy to achieve increased allied burdensharing. For the first time, we sought a comprehensive, long-range approach with the view that other nations should take more concrete actions, and that the administration can work harder to achieve our objectives.

First, our legislation called on the President to seek increases in allied burdensharing in four areas: additional host nation financial support, increased defense expenditures to support the common defense, greater participation in multinational military operations like United Nations peacekeeping or the NATO Bosnia operation, and a larger share of foreign assistance worldwide. It also provided the President with certain authorities to use as leverage in seeking these increases.

Second, it broadened U.S. burdensharing efforts by seeking allied actions beyond simply providing contributions to the payment of costs incurred by the U.S. Government for stationing personnel overseas. This will contribute substantially to a more far-reaching, long-term goal of promoting responsibility-sharing rather than just cash payments, by our allies.

Third, it avoided the limited approach of previous legislation which required reductions in U.S. forces stationed overseas if our allies failed to increase their burdensharing contributions. Instead, it provided proper incentives to achieve greater burdensharing by our allies, and it initiated the necessary and substantive analysis that will enable Congress to take unilateral action—if necessary—in the future.

In promoting greater burdensharing, this amendment also sought to save taxpayer dollars. That's why several citizens groups, including Citizens Against Government Waste, Taxpayers for Common Sense, and The Concord Coalition, heartily endorsed our initiative.

With agreement by the Senate and enactment by the President, our burdensharing provision became law last September and we received the Defense Department's first burdensharing report required by the legislation in March of this year. The report notes that our allies are performing well in one of the areas of the areas of concern specified in the measure—increased foreign assistance spending—but notes that serious deficiencies remain in others. For example, the report states that:

We are concerned about current and prospective levels of defense spending in Europe, and continue to urge our allies to maintain defense budgets at appropriate levels and reverse negative trends in spending.

As the Defense Department has acknowledged, our comprehensive burdensharing agenda is making progress in achieving greater efforts by our allies. But we must do more. That's why I believe we must renew our comprehensive approach again this year—and demonstrate to both our allies and the administration that we are serious about getting other nations to contribute their fair share to our common defense. Vote for this important amendment.

Mr. VENTO. Mr. Chairman, I rise today in opposition to the defense authorization bill and the rule under which it is being considered. There was a time when this Chambers' walls rang with debate on the important issues facing our great Nation. Not long ago, the defense authorization bill, the source of nearly half of all the discretionary spending in the Federal budget, was considered under an open rule. The present rule fails to offer much of any opportunity for Members of Congress outside of the National Security Committee and the defense appropriators to influence and impact the defense authorization process. The committee has asked for $2.6 billion beyond the President's request for a total defense authorization of $268.2 billion. Yet, discourse today has disappointedly been reduced to essentially a rubber stamp. Curtailing debate to preapproved topics guarantees that the pressing issues before us are not discussed, much less resolved. We are squandering the opportunity to restructure our military during a period in which the United States faces no credible threat or military equal. We should be engaging in the comprehensive discussion of defense strategy and force structure necessary to prepare us for the uncertain challenges of tomorrow.

Change seems to be the buzzword of the upcoming century. Wherever one turns,

change is emphasized. Unfortunately, the bill offered by the House National Security Committee neither reflects nor embraces change. This bill focuses on keeping what existed rather than addressing in a serious manner, how U.S. military policy should move forward. The committee simply decided to retain as much of the cold war assumptions within the context of the authorization measure, as much at least as this military budget will allow. For example, H.R. 1119 continues funding for major weapons programs that were specifically designed for use against a military configuration and challenge that collapsed with the dissolution of the Soviet Union. Yet, it keeps us in the race to design and fund weapons systems, which responds to a measuring stick which continues to be whether or not our weapons can outperform their Russian counterparts. No one, including Pentagon officials, holds privileged insight into the security and political landscape of tomorrow, but I would advance that the world will not require the identical military capabilities that characterized cold war strategies. H.R. 1119 dangerously and wastefully assumes that our long term future will resemble our recent past.

H.R. 1119 includes an additional $331 million for advance procurement of the B–2 stealth bomber beyond the 21 aircraft previously authorized. Yet, the Department of Defense's [DOD] 1995 heavy bomber force study concluded that a fleet of only 20 B–2 stealth bombers would be adequate to meet any current or future threats against the United States. And both the Secretary of Defense and the Chairman of the Joint Chiefs of Staff support this conclusion, adding that the high cost of additional B–2 bombers will require the retirement of forces with greater overall capability and the misuse of funds to achieve this purpose. Secretary Cohen stated that "the disadvantages far outweigh the advantages of additional B–2s." Arguments in favor of additional B–2 bombers stress that there will be no substitute for long-range air power in the security environment of tomorrow. I wholeheartedly disagree, and would submit that we are entering an era in which the value of an education and the investment in people has assumed as much or more importance than a weapon. What would make the American people feel safer? Knowing that their government is building additional B–2 bombers and constructing a national defense missile system to thwart an unlikely attack, or knowing that their children will be able to attend college and that their parents will receive the Social Security and Medicare benefits they tirelessly worked for over the years? This bill may increase the likelihood of victory on the battlefields of the 21st century, but is it worth handicapping our chances for success in the classroom? H.R. 1119 simply does not defend our genuine vital interests.

The winners in this bill are clearly the weapons manufacturers, whose programs the Pentagon will continue to be forced fed. Weapons manufacturers furthermore will continue to benefit from and receive taxpayer financed subsidies for merger-related costs which results in laid off workers and shut down plants. Although, the DOD itself has admitted that it can not directly attribute any savings to military related industries restructuring, the Rules Committee rejected an amendment I supported that would have ensured that taxpayers realize actual cost savings in the form of reduced contract prices before defense contractors are awarded subsidies. Apparently, accountability and smart investment of taxpayer dollars are not viewed as a required policy path to the Rules Committee, which denied the House the opportunity to discuss this questionable program and practice of misusing taxpayer dollars.

By realizing that our national defense requires investment in people and not only the weapons they operate, I am encouraged by some provisions included in H.R. 1119. Capable weapons do not guarantee victory in and of themselves; investment in personnel and maintenance is equally important. Since 1989, we have appropriately downsized the uniformed services by 25 percent while stepping up the pace of operations abroad. The net result, familiar to so many Federal employees these days, is that service members are asked to do much more with less. By addressing shortfalls in compensation, housing, and health care, H.R. 1119 takes giant steps toward improving the quality of life for U.S. service members. Furthermore, these provisions will also improve our ability to recruit high quality personnel and enhance retention levels. All new initiatives are intimately linked to readiness and therefore bolster the safety of our Nation.

National security in the next century will not be confined to the national security establishment per se. Accordingly, we must incorporate other elements, such as diplomacy, sound trade policies, and foreign assistance programs in any national security strategy. By pursuing other policies outside the traditional realm of military programs, we can proactively shape our international environment to protect our vital interests. More resources should be diverted to minimizing the risks of the uncertain security environment of the future. Yet, despite the remarkable achievements of the Nunn-Lugar program that has greatly accelerated the safe dismantling, destruction, and storage of thousands of nuclear warheads once pointed at the United States, H.R. 1119 shamefully decreases program funding by $97.5 million.

We must also make a concerted effort to call on others around the globe that benefit from our military's presence to take on greater responsibility in matters of their own national defense. American citizens are eager to reap the rewards of the peace dividend they were promised after the end of the cold war. With so many domestic programs—quality housing, affordable education, environmental protection, and job training—suffering from inadequate funding, it is necessary that we hold the defense budget to the same level of scrutiny, accountability, and constraint that govern the appropriations of other Federal programs. Our Federal budget must adequately reflect the integral components of a national security strategy—namely economic, educational, and environmental security. I intend to vote no if this measure H.R. 1119 is not substantially modified—it isn't just the dollar figure but the programs and policy path it commits us to—this policy persists within the time warp of the cold war when we need a military and defense policy for the 21st century.

Mr. LAZIO of New York. Mr. Chairman, today, as part of the Defense Authorization Act, we are honoring those Americans who served during the cold war.

With the collapse of the Soviet Union in 1991, a 46-year conflict between the Free World and Soviet totalitarianism ended. Yet little was said to acknowledge the close of this momentous struggle. Perhaps because the cold war was like no other conflict in our Nation's history, we have seemed slow to recognize our debt to those who made victory possible.

We have passed a supreme test of our national character. This 46-year-long struggle placed unprecedented burdens on our Nation. We lived with the threat of a nuclear war that could shatter the Earth's environment and destroy civilization. We shouldered the awesome responsibilities of standard-bearer for the Free World. We sent our military personnel to the far corners of the globe.

During the cold war, dedicated Americans, in and out of uniform, rose to the long-term challenge of protecting their democratic institutions and the future of the Free World. Some 24 million soldiers, sailors, airmen, and marines served around the world. More than 100,000 lost their lives fighting communism in Korea, Vietnam, and other foreign battlegrounds.

Our intelligence personnel vigilantly monitored our adversaries. Our diplomats held alliances together, defused crises, and negotiated treaties to limit the risk of nuclear war. Our scientists, engineers, and technicians brought America's overwhelming technological capabilities to our defense. And Americans of all walks of life accepted the responsibilities of world leadership and the risks of nuclear war—and kept our economy growing and our democratic institutions strong.

It is now time to recognize all Americans who served during the long, demanding years of the cold war. Because of them, our country and the world can look ahead to a brighter future, unclouded by fears of a nuclear holocaust or the triumph of totalitarianism.

Mr. UNDERWOOD. Mr. Chairman, I rise today in support of H.R. 1119. This is an important measure that makes positive steps toward balancing budgetary constraints with defense needs. I would like to thank Chairman SPENCE and Congressman DELLUMS for their assistance in dealing with issues of concern to me and the people of Guam. I would also like to thank Chairmen HEFLEY, BUYER, and BATEMAN for their leadership in the subcommittees as we dealt with issues surrounding the bill. Though I have some minor reservations regarding certain provisions of the authorization, I am encouraged by the balance struck financially and within Defense Department priorities.

As members of the House National Security Committee, we and other Members of Congress have realized, the quality of life for our service men and women must be protected. I am encouraged by measures in this bill that serve to improve the quality of life for our Armed Forces. First, a 2.8-percent pay raise shows our commitment to the men and women in uniform. The pay raise is badly needed and will help to alleviate the disparity between military and private sector pay. Second, this measure recommends the use of a

portion of funding allocated for family housing improvements by the Air Force to be used at Andersen AFB, Guam. As is the case with other bases across the country and overseas, family housing at Andersen is below standards. This important quality of life issue for families stationed at Andersen can now be addressed.

I am grateful for the assistance of members of the committee and their staff in including two other important provisions. I have long been concerned that my district, and other U.S. territories, have not been given serious consideration during Theater Missile Defense planning and ultimately, National Missile Defense planning. I am encouraged by the cooperation I received from Chairman WELDON to ensure that this does not continue. While Guam may be an unlikely target for any nation that developed the capabilities and possessed the will, the time to ensure proper protection for the territories is now, during the development phase, not when the United States is deploying a system.

I also thank the members of the committee for accepting my amendment concerning the use of foreign workers for A–76 base operating contracting. This measure will help ensure that American citizens are not displaced by foreign workers in the execution of this competitive contracting assessment.

Mr. Chairman, I do have to express some concern regarding a few items within the authorization. First, I am sure I am not alone in expressing disappointment that the bill does not authorize funding for the construction of a National Guard Readiness Center. This is of grave concern to me. The Guam Army National Guard is the only guard unit that does not have an armory. The Guam Guard uses formerly abandoned construction company barracks. The National Guard borrows space from the Navy. The Navy Armory is over 10 miles from the guard training site. This causes continually training delays and problems. Unfortunately, this type of situation does not seem to be of concern to the National Guard Bureau. I find it shocking that we broaden our dependence on the guard yet cannot properly equip them for training. Second, I am concerned about misguided, jingoistic measures which prohibit property from being conveyed to a State-owned shipping company. This has broad implications beyond the narrow concerns of competitiveness between ports. In my district, the local community has worked hard to recover from the impacts of BRAC and this action would be a further impediment to the right of local determination of reuse plans best for the community and their progress toward full economic recovery.

Mr. Chairman, though there may be individual concerns for each Member of this House, I urge my colleagues to support this measure and vote for H.R. 1119.

Mr. SPENCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to House Resolution 169, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1998".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical Demilitarization Program.
Sec. 108. Defense health programs.
Sec. 109. Defense Export Loan Guarantee Program.

Subtitle B—Other Matters

Sec. 121. Limitation on obligation of funds for the Seawolf Submarine program.
Sec. 122. Report on annual budget submission regarding the reserve components.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.
Sec. 203. Dual-use technology program.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Manufacturing technology program.
Sec. 212. Report on Strategic Environmental Research and Development Program.
Sec. 213. Tactical unmanned aerial vehicles.
Sec. 214. Revisions to membership of and appointment authority for National Ocean Research Leadership Council.
Sec. 215. Maintenance and repair of real property at Air Force installations.
Sec. 216. Expansion of eligibility for Defense Experimental Program to Stimulate Competitive Research.
Sec. 217. Limitation on use of funds for adaption of Integrated Defensive Electronic Countermeasures (IDECM) program to F/A–18E/F aircraft and A/V–8B aircraft.
Sec. 218. Bioassay testing of veterans exposed to ionizing radiation during military service.

Subtitle C—Ballistic Missile Defense Programs

Sec. 231. Budgetary treatment of amounts requested for procurement for Ballistic Missile Defense programs.
Sec. 232. Cooperative ballistic missile defense program.
Sec. 233. Deployment dates for core theater missile defense programs
Sec. 234. Annual report on threat posed to the United States by weapons of mass destruction, ballistic missiles, and cruise missiles.
Sec. 235. Director of Ballistic Missile Defense Organization.
Sec. 236. Tactical high energy laser program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Refurbishment and installation of air search radar.
Sec. 306. Refurbishment of M1–A1 tanks.
Sec. 307. Procurement and electronic commerce technical assistance program.
Sec. 308. Availability of funds for separation pay for defense acquisition personnel.

Subtitle B—Military Readiness Issues

Sec. 311. Expansion of scope of quarterly readiness reports.
Sec. 312. Limitation on reallocation of funds within operation and maintenance appropriations.
Sec. 313. Operation of prepositioned fleet, National Training Center, Fort Irwin, California.
Sec. 314. Prohibition of implementation of tiered readiness system.
Sec. 315. Reports on transfers from high-priority readiness appropriations.
Sec. 316. Report on Chairman, Joint Chiefs of Staff Exercise Program and Partnership for Peace program.
Sec. 317. Quarterly reports on execution of operation and maintenance appropriations.

Subtitle C—Civilian Personnel

Sec. 321. Pay practices when overseas teachers transfer to general schedule positions.
Sec. 322. Use of approved fire-safe accommodations by Government employees on official business.

Subtitle D—Depot-Level Activities

Sec. 331. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.
Sec. 332. Exclusion of certain large maintenance and repair projects from percentage limitation on contracting for depot-level maintenance.
Sec. 333. Restrictions on contracts for performance of depot-level maintenance and repair at certain facilities.
Sec. 334. Core logistics functions of Department of Defense.
Sec. 335. Centers of Industrial and Technical Excellence.
Sec. 336. Personnel reductions, Army depots participating in Army Workload and Performance System.

Subtitle E—Environmental Provisions

Sec. 341. Revision of membership terms for Strategic Environmental Research and Development Program scientific advisory board.
Sec. 342. Amendments to authority to enter into agreements with other agencies in support of environmental technology certification.

Sec. 343. Authorization to pay negotiated settlement for environmental cleanup at former Department of Defense sites in Canada.
Sec. 344. Modifications of authority to store and dispose of nondefense toxic and hazardous materials.
Sec. 345. Revision of report requirement for Navy program to monitor ecological effects of organotin.
Sec. 346. Partnerships for investment in innovative environmental technologies.
Sec. 347. Pilot program to test an alternative technology for eliminating solid and liquid waste emissions during ship operations.

Subtitle F—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 361. Reorganization of laws regarding commissaries and exchanges and other morale, welfare, and recreation activities.
Sec. 362. Merchandise and pricing requirements for commissary stores.
Sec. 363. Limitation on noncompetitive procurement of brand-name commercial items for resale in commissary stores.
Sec. 364. Transfer of jurisdiction over exchange, commissary, and morale, welfare, and recreation activities to Under Secretary of Defense (Comptroller).
Sec. 365. Public and private partnerships to benefit morale, welfare, and recreation activities.
Sec. 366. Treatment of certain amounts received by Defense Commissary Agency.
Sec. 367. Authorized use of appropriated funds for relocation of Navy Exchange Service Command.

Subtitle G—Other Matters

Sec. 371. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 372. Continuation of Operation Mongoose.
Sec. 373. Inclusion of Air Force depot maintenance as operation and maintenance budget activity group.
Sec. 374. Programs to commemorate 50th anniversary of Marshall Plan and Korean conflict.
Sec. 375. Prohibition on use of Special Operations Command budget for base operation support.
Sec. 376. Continuation and expansion of demonstration program to identify overpayments made to vendors.
Sec. 377. Applicability of Federal printing requirements to Defense Automated Printing Service.
Sec. 378. Base operations support for military installations on Guam.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Increase in number of members in certain grades authorized to serve on active duty in support of the reserves.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Limitation on number of general and flag officers who may serve in positions outside their own service.
Sec. 502. Exclusion of certain retired officers from limitation on period of recall to active duty.
Sec. 503. Clarification of officers eligible for consideration by selection boards.
Sec. 504. Authority to defer mandatory retirement for age of officers serving as chaplains.

Subtitle B—Reserve Component Matters

Sec. 511. Individual Ready Reserve activation authority.
Sec. 512. Termination of Mobilization Income Insurance Program.
Sec. 513. Correction of inequities in medical and dental care and death and disability benefits for reserve members who incur or aggravate an illness in the line of duty.
Sec. 514. Time-in-grade requirements for reserve commissioned officers retired during force drawdown period.
Sec. 515. Authority to permit non-unit assigned officers to be considered by vacancy promotion board to general officer grades.
Sec. 516. Grade requirement for officers eligible to serve on involuntary separation boards.
Sec. 517. Limitation on use of Air Force Reserve AGR personnel for Air Force base security functions.

Subtitle C—Military Technicians

Sec. 521. Authority to retain on the reserve active-status list until age 60 military technicians in the grade of brigadier general.
Sec. 522. Military technicians (dual status).
Sec. 523. Non-dual status military technicians.

Subtitle D—Measures To Improve Recruit Quality and Reduce Recruit Attrition

Sec. 531. Reform of military recruiting systems.
Sec. 532. Improvements in medical prescreening of applicants for military service.
Sec. 533. Improvements in physical fitness of recruits.

Subtitle E—Military Education and Training

Sec. 541. Independent panel to review military basic training.
Sec. 542. Reform of Army drill sergeant selection and training process.
Sec. 543. Requirement for candidates for admission to United States Naval Academy to take oath of allegiance.
Sec. 544. Reimbursement of expenses incurred for instruction at service academies of persons from foreign countries.
Sec. 545. United States Naval Postgraduate School.
Sec. 546. Air Force Academy cadet foreign exchange program.
Sec. 547. Training in human relations matters for Army drill sergeant trainees.
Sec. 548. Study of feasibility of gender-segregated basic training.

Subtitle F—Military Decorations and Awards

Sec. 551. Study of new decorations for injury or death in line of duty.
Sec. 552. Purple heart to be awarded only to members of the armed forces.
Sec. 553. Eligibility for Armed Forces Expeditionary Medal for participation in Operation Joint Endeavor or Operation Joint Guard.
Sec. 554. Waiver of time limitations for award of certain decorations to specified persons.

Subtitle G—Other Matters

Sec. 561. Suspension of temporary early retirement authority.
Sec. 562. Treatment of educational accomplishments of National Guard Challenge Program participants.
Sec. 563. Authority for personnel to participate in management of certain non-Federal entities.
Sec. 564. Crew requirements of WC–130J aircraft.
Sec. 565. Comptroller General study of Department of Defense civil military programs.
Sec. 566. Treatment of participation of members in Department of Defense civil military programs.
Sec. 567. Continuation of support to senior military colleges.
Sec. 568. Restoration of missing persons authorities applicable to Department of Defense as in effect before enactment of National Defense Authorization Act for Fiscal Year 1997.
Sec. 569. Establishment of sentence of confinement for life without eligibility for parole.
Sec. 570. Limitation on appeal of denial of parole for offenders serving life sentence.
Sec. 571. Establishment of Public Affairs Branch in the Army.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 1998.
Sec. 602. Annual adjustment of basic pay and protection of member's total compensation while performing certain duty.
Sec. 603. Use of food cost information to determine basic allowance for subsistence.
Sec. 604. Consolidation of basic allowance for quarters, variable housing allowance, and overseas housing allowances.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonuses and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. One-year extension of authorities relating to payment of other bonuses and special pays.
Sec. 614. Increase in minimum monthly rate of hazardous duty incentive pay for certain members.
Sec. 615. Availability of multiyear retention bonus for dental officers.
Sec. 616. Increase in variable and additional special pays for certain dental officers.
Sec. 617. Special pay for duty at designated hardship duty locations.
Sec. 618. Selected Reserve reenlistment bonus.
Sec. 619. Selected Reserve enlistment bonus for former enlisted members.
Sec. 620. Special pay or bonuses for enlisted members extending tours of duty overseas.
Sec. 621. Increase in amount of family separation allowance.
Sec. 622. Change in requirements for Ready Reserve muster duty allowance.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Travel and transportation allowances for dependents of member sentenced by court-martial.
Sec. 632. Dislocation allowance.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

Sec. 641. Time in which certain changes in beneficiary under survivor benefit plan may be made.

Subtitle E—Other Matters

Sec. 651. Definition of sea duty for purposes of career sea pay.
Sec. 652. Loan repayment program for commissioned officers in certain health professions.
Sec. 653. Conformance of NOAA commissioned officers separation pay to separation pay for members of other uniformed services.
Sec. 654. Reimbursement of Public Health Service officers for adoption expenses.
Sec. 655. Payment of back quarters and subsistence allowances to World War II veterans who served as guerrilla fighters in the Philippines.
Sec. 656. Space available travel for members of selected reserve.
Sec. 657. Study on military personnel at, near, or below the poverty line.
Sec. 658. Implementation of Department of Defense supplemental food program for military personnel outside the United States.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

Sec. 701. Expansion of retiree dental insurance plan to include surviving spouse and child dependents of certain deceased members.
Sec. 702. Provision of prosthetic devices to covered beneficiaries.

Subtitle B—TRICARE Program

Sec. 711. Addition of definition of TRICARE program to title 10.
Sec. 712. Plan for expansion of managed care option of TRICARE program.

Subtitle C—Uniformed Services Treatment Facilities

Sec. 721. Implementation of designated provider agreements for Uniformed Services Treatment Facilities.
Sec. 722. Limitation on total payments.
Sec. 723. Continued acquisition of reduced-cost drugs.

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

Sec. 731. Waiver or reduction of copayments under overseas dental program.
Sec. 732. Premium collection requirements for medical and dental insurance programs.
Sec. 733. Consistency between CHAMPUS and medicare in payment rates for services.
Sec. 734. Use of personal services contracts for provision of health care services and legal protection for providers.
Sec. 735. Portability of State licenses for Department of Defense health care professionals.
Sec. 736. Standard form and requirements regarding claims for payment for services.
Sec. 737. Medical personnel conscience clause.

Subtitle E—Other Matters

Sec. 741. Continued admission of civilians as students in physician assistant training program of Army Medical Department.
Sec. 742. Emergency health care in connection with overseas activities of On-Site Inspection Agency of Department of Defense.
Sec. 743. Comptroller General study of adequacy and effect of maximum allowable charges for physicians under CHAMPUS.
Sec. 744. Comptroller General study of Department of Defense pharmacy programs.
Sec. 745. Comptroller General study of Navy graduate medical education program.
Sec. 746. Study of expansion of pharmaceuticals by mail program to include additional medicare-eligible covered beneficiaries.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy

Sec. 801. Case-by-case waivers of domestic source limitations.
Sec. 802. Expansion of authority to enter into contracts crossing fiscal years to all severable services contracts not exceeding a year.
Sec. 803. Clarification of vesting of title under contracts.
Sec. 804. Exclusion of disaster relief, humanitarian, and peacekeeping operations from restrictions on use of undefinitized contract actions.
Sec. 805. Limitation and report on payment of restructuring costs under defense contracts.
Sec. 806. Authority relating to purchase of certain vehicles.
Sec. 807. Multiyear procurement contracts.
Sec. 808. Domestic source limitation amendments.
Sec. 809. Repeal of expiration of domestic source limitation for certain naval vessel propellers.

Subtitle B—Other Matters

Sec. 821. Repeal of certain acquisition reports and requirements.
Sec. 822. Extension of authority for use of test and evaluation installations by commercial entities.
Sec. 823. Requirement to develop and maintain list of firms not eligible for defense contracts.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Limitation on operation and support funds for the Office of the Secretary of Defense.
Sec. 902. Components of National Defense University.
Sec. 903. Authorization for the Marine Corps University to employ civilian professors.
Sec. 904. Center for the Study of Chinese Military Affairs.
Sec. 905. White House Communications Agency.
Sec. 906. Revision to required frequency for provision of policy guidance for contingency plans.
Sec. 907. Termination of the Defense Airborne Reconnaissance Office.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Authority for obligation of unauthorized fiscal year 1997 defense appropriations.
Sec. 1004. Authorization of supplemental appropriations for fiscal year 1997.
Sec. 1005. Increase in fiscal year 1996 transfer authority.
Sec. 1006. Fisher House trust funds.
Sec. 1007. Flexibility in financing closure of certain outstanding contracts for which a small final payment is due.

Subtitle B—Naval Vessels and Shipyards

Sec. 1021. Relationship of certain laws to disposal of vessels for export from the Naval Vessel Register and the National Defense Reserve Fleet.
Sec. 1022. Authority to enter into a long-term charter for a vessel in support of the Surveillance Towed-Array Sensor (SURTASS) program.
Sec. 1023. Transfer of two specified obsolete tugboats of the Army.
Sec. 1024. Naming of a DDG–51 class destroyer the U.S.S. Thomas F. Connolly.
Sec. 1025. Congressional review period with respect to transfer of the ex-U.S.S. Midway (CV–41).

Subtitle C—Counter-Drug Activities

Sec. 1031. Prohibition on use of National Guard for civil-military activities under State drug interdiction and counter-drug activities plan.

Subtitle D—Miscellaneous Report Requirements and Repeals

Sec. 1041. Repeal of miscellaneous obsolete reports required by prior defense authorization Acts.
Sec. 1042. Repeal of annual report requirement relating to training of special operations forces with friendly foreign forces.

Subtitle E—Other Matters

Sec. 1051. Authority for special agents of the Defense Criminal Investigative Service to execute warrants and make arrests.
Sec. 1052. Study of investigative practices of military criminal investigative organizations relating to sex crimes.
Sec. 1053. Technical and clerical amendments.
Sec. 1054. Display of POW/MIA flag.
Sec. 1055. Certification required before observance of moratorium on use by Armed Forces of antipersonnel landmines.
Sec. 1056. Protection of safety-related information voluntarily provided by air carriers.
Sec. 1057. National Guard Challenge Program to create opportunities for civilian youth.
Sec. 1058. Lease of non-excess personal property of the military departments.
Sec. 1059. Commendation of members of the Armed Forces and Government civilian personnel who served during the Cold War.

TITLE XI—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

Sec. 1101. Specification of Cooperative Threat Reduction programs.
Sec. 1102. Fiscal year 1998 funding allocations.
Sec. 1103. Prohibition on use of funds for specified purposes.
Sec. 1104. Limitation on use of funds until specified reports are submitted.
Sec. 1105. Limitation on use of funds until submission of certification.
Sec. 1106. Use of funds for chemical weapons destruction facility.
Sec. 1107. Limitation on use of funds for storage facility for Russian fissile material.
Sec. 1108. Limitation on use of funds for weapons storage security.

Sec. 1109. Report to Congress on issues regarding payment of taxes or duties on assistance provided to Russia under Cooperative Threat Reduction programs.
Sec. 1110. Limitation on obligation of funds for a specified period.
Sec. 1111. Availability of funds.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Reports to Congress relating to United States forces in Bosnia.
Sec. 1202. One-year extension of counterproliferation authorities.
Sec. 1203. Report on future military capabilities and strategy of the People's Republic of China.
Sec. 1204. Temporary use of general purpose vehicles and nonlethal military equipment under acquisition and cross servicing agreements.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Correction in authorized uses of funds, Fort Irwin, California.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Authorization of military construction project at Naval Air Station, Pascagoula, Mississippi, for which funds have been appropriated.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Authorization of military construction project at McConnell Air Force Base, Kansas, for which funds have been appropriated.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Military housing planning and design.
Sec. 2403. Improvements to military family housing units.
Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Correction in authorized uses of funds, McClellan Air Force Base, California.
Sec. 2407. Modification of authority to carry out fiscal year 1995 projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Authorization of military construction projects for which funds have been appropriated.
Sec. 2603. Army Reserve construction project, Salt Lake City, Utah.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1995 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1994 projects.
Sec. 2704. Extension of authorizations of certain fiscal year 1993 projects.
Sec. 2705. Extension of authorizations of certain fiscal year 1992 projects.
Sec. 2706. Extension of availability of funds for construction of Over-the-Horizon Radar in Puerto Rico.
Sec. 2707. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Use of mobility enhancement funds for unspecified minor construction.
Sec. 2802. Limitation on use of operation and maintenance funds for facility repair projects.
Sec. 2803. Leasing of military family housing, United States Southern Command, Miami, Florida.
Sec. 2804. Use of financial incentives provided as part of energy savings and water conservation activities.
Sec. 2805. Congressional notification requirements regarding use of Department of Defense housing funds for investments in nongovernmental entities.

Subtitle B—Real Property And Facilities Administration

Sec. 2811. Increase in ceiling for minor land acquisition projects.
Sec. 2812. Administrative expenses for certain real property transactions.
Sec. 2813. Disposition of proceeds from sale of Air Force Plant 78, Brigham City, Utah.

Subtitle C—Defense Base Closure and Realignment

Sec. 2821. Consideration of military installations as sites for new Federal facilities.
Sec. 2822. Prohibition against conveyance of property at military installations to State-owned shipping companies.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2831. Land conveyance, James T. Coker Army Reserve Center, Durant, Oklahoma.
Sec. 2832. Land conveyance, Fort A. P. Hill, Virginia.
Sec. 2833. Expansion of land conveyance, Indiana Army Ammunition Plant, Charlestown, Indiana.
Sec. 2834. Modification of land conveyance, Lompoc, California.
Sec. 2835. Modification of land conveyance, Rocky Mountain Arsenal, Colorado.
Sec. 2836. Correction of land conveyance authority, Army Reserve Center, Anderson, South Carolina.
Sec. 2837. Land conveyance, Fort Bragg, North Carolina.
Sec. 2838. Land conveyance, Gibson Army Reserve Center, Chicago, Illinois.
Sec. 2839. Land conveyance, Fort Dix, New Jersey.

PART II—NAVY CONVEYANCES

Sec. 2851. Correction of lease authority, Naval Air Station, Meridian, Mississippi.

PART III—AIR FORCE CONVEYANCES

Sec. 2861. Land transfer, Eglin Air Force Base, Florida.
Sec. 2862. Study of land exchange options, Shaw Air Force Base, South Carolina.
Sec. 2863. Land conveyance, March Air Force Base, California.

Subtitle E—Other Matters

Sec. 2881. Repeal of requirement to operate Naval Academy dairy farm.
Sec. 2882. Long-term lease of property, Naples Italy.
Sec. 2883. Designation of military family housing at Lackland Air Force Base, Texas, in honor of Frank Tejeda, a former Member of the House of Representatives.

TITLE XXIX—SIKES ACT IMPROVEMENT

Sec. 2901. Short title.
Sec. 2902. Definition of Sikes Act for purposes of amendments.
Sec. 2903. Codification of short title of Act.
Sec. 2904. Integrated natural resource management plans.
Sec. 2905. Review for preparation of integrated natural resource management plans.
Sec. 2906. Annual reviews and reports.
Sec. 2907. Transfer of wildlife conservation fees from closed military installations.
Sec. 2908. Federal enforcement of integrated natural resource management plans and enforcement of other laws.
Sec. 2909. Natural resource management services.
Sec. 2910. Definitions.
Sec. 2911. Cooperative agreements.
Sec. 2912. Repeal of superseded provision.
Sec. 2913. Clerical amendments.
Sec. 2914. Authorizations of appropriations.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. Environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Authority relating to transfers of defense environmental management funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Ballistic Missile Defense National Laboratory Program.

Subtitle D—Other Matters

Sec. 3141. Plan for stewardship, management, and certification of warheads in the nuclear weapons stockpile.
Sec. 3142. Repeal of obsolete reporting requirements.
Sec. 3143. Revisions to defense nuclear facilities workforce restructuring plan requirements.
Sec. 3144. Extension of authority for appointment of certain scientific, engineering, and technical personnel.
Sec. 3145. Report on proposed contract for Hanford Tank Waste Vitrification project.
Sec. 3146. Limitation on conduct of subcritical nuclear weapons tests.
Sec. 3147. Limitation on use of certain funds until future use plans are submitted.
Sec. 3148. Plan for external oversight of national laboratories.
Sec. 3149. University-based research center.
Sec. 3150. Stockpile stewardship program.
Sec. 3151. Reports on advanced supercomputer sales to certain foreign nations.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.
Sec. 3202. Plan for transfer of facilities from jurisdiction of Defense Nuclear Facilities Safety Board to jurisdiction of Nuclear Regulatory Commission.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of stockpile funds.
Sec. 3302. Disposal of beryllium copper master alloy in National Defense Stockpile.
Sec. 3303. Disposal of titanium sponge in National Defense Stockpile.
Sec. 3304. Conditions on transfer of stockpiled platinum reserves for Treasury use.
Sec. 3305. Restrictions on disposal of certain manganese ferro.
Sec. 3306. Required procedures for disposal of strategic and critical materials.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.
Sec. 3402. Price requirement on sale of certain petroleum during fiscal year 1998.
Sec. 3403. Termination of assignment of Navy officers to Office of Naval Petroleum and Oil Shale Reserves.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Expenditures From Revolving Fund

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Expenditures only in accordance with treaties.

Subtitle B—Facilitation of Panama Canal Transition

Sec. 3511. Short title; references.
Sec. 3512. Definitions relating to Canal transition.

PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND EMPLOYEES

Sec. 3521. Authority for the Administrator of the Commission to accept appointment as the Administrator of the Panama Canal Authority.
Sec. 3522. Post-Canal Transfer Personnel Authorities.
Sec. 3523. Enhanced authority of Commission to establish compensation of Commission officers and employees.
Sec. 3524. Travel, transportation, and subsistence expenses for Commission personnel no longer subject to Federal Travel Regulation.
Sec. 3525. Enhanced recruitment and retention authorities.
Sec. 3526. Transition separation incentive payments.
Sec. 3527. Labor-management relations.
Sec. 3528. Availability of Panama Canal Revolving Fund for severance pay for certain employees separated by Panama Canal Authority after Canal Transfer Date.

PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL

Sec. 3541. Establishment of procurement system and board of contract appeals.
Sec. 3542. Transactions with the Panama Canal Authority.
Sec. 3543. Time limitations on filing of claims for damages.
Sec. 3544. Tolls for small vessels.
Sec. 3545. Date of actuarial evaluation of FECA liability.
Sec. 3546. Notaries public.
Sec. 3547. Commercial services.
Sec. 3548. Transfer from President to Commission of certain regulatory functions relating to employment classification appeals.
Sec. 3549. Enhanced printing authority.
Sec. 3550. Technical and conforming amendments.

TITLE XXXVI—MARITIME ADMINISTRATION

Sec. 3601. Authorization of appropriations for fiscal year 1998.
Sec. 3602. Repeal of obsolete annual report requirement concerning relative cost of shipbuilding in the various coastal districts of the United States.
Sec. 3603. Provisions relating to maritime security fleet program.
Sec. 3604. Authority to utilize replacement vessels and capacity.
Sec. 3605. Authority to convey national defense reserve fleet vessel.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term ''congressional defense committees'' means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Army as follows:

(1) For aircraft, $1,535,264,000.
(2) For missiles, $1,176,516,000.
(3) For weapons and tracked combat vehicles, $1,519,527,000.
(4) For ammunition, $1,093,802,000.
(5) For other procurement, $2,640,277,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Navy as follows:

(1) For aircraft, $6,172,950,000.
(2) For weapons, including missiles and torpedoes, $1,214,687,000.
(3) For shipbuilding and conversion, $7,654,977,000.
(4) For other procurement, $3,073,432,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Marine Corps in the amount of $442,807,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of $470,355,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Air Force as follows:

(1) For aircraft, $6,770,900,000.
(2) For missiles, $2,389,183,000.
(3) For ammunition, $436,984,000.
(4) For other procurement, $6,574,096,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1998 for Defense-wide procurement in the amount of $1,836,989,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $102,700,000.
(2) For the Air National Guard, $117,775,000.
(3) For the Army Reserve, $90,400,000.
(4) For the Naval Reserve, $118,000,000.
(5) For the Air Force Reserve, $167,630,000.
(6) For the Marine Corps Reserve, $98,600,000.
(7) For the Coast Guard Reserve, $5,250,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Inspector General of the Department of Defense in the amount of $1,800,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1998 the amount of $610,700,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $279,068,000.

SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the Department of Defense for carrying out the Defense Export Loan Guarantee Program in the total amount of $1,231,000.

Subtitle B—Other Matters

SEC. 121. LIMITATION ON OBLIGATION OF FUNDS FOR THE SEAWOLF SUBMARINE PROGRAM.

(a) LIMITATION.—The Secretary of the Navy may not obligate more than 50 percent of the funds appropriated for fiscal year 1998 for Shipbuilding and Conversion for the Navy that are specified as being available for the Seawolf submarine program until the Secretary certifies to the congressional defense committees that the Secretary will include in the future-years defense program accompanying the fiscal year 1999 budget for the Department of Defense not less than 50 percent of the amount necessary to fully fund incorporation into each of the first four vessels in the New Attack Submarine program the technology insertion opportunities specified in subsection (b).

(b) TECHNOLOGY INSERTION OPPORTUNITIES.—The technology insertion opportunities referred to in subsection (a) are those technology insertion opportunities available for the first four vessels in the New Attack Submarine program that were presented by the Assistant Secretary of the Navy (Research, Development, and Acquisition) in testimony before the Procurement Subcommittee of the Committee on National Security of the House of Representatives on March 18, 1997.

SEC. 122. REPORT ON ANNUAL BUDGET SUBMISSION REGARDING THE RESERVE COMPONENTS.

(a) IN GENERAL.—Chapter 1013 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 10544. Budget information

"(a) REPORT.—The Secretary of Defense shall submit to the congressional committees specified in subsection (d), at the same time that the President submits the budget for a fiscal year under section 1105(a) of title 31, United States Code, a report on amounts requested in that budget for the reserve components.

"(b) CONTENT.—The report shall include the following:

"(1) A description of the anticipated effect that the amounts requested (if approved by Congress) will have to enhance the capabilities of each of the reserve components.

"(2) A listing, with respect to each such component, of each of the following:

"(A) The amount requested for each major weapon system for which funds are requested in the budget for that component.

"(B) The amount requested for each item of equipment (other than a major weapon system) for which funds are requested in the budget for that component.

"(c) INCLUSION OF INFORMATION IN NEXT FYDP.—The Secretary of Defense shall specifically display in the each future-years defense program (or program revision) submitted to Congress under section 221 of this title the amounts programmed for procurement of equipment for each of the reserve components.

"(d) CONGRESSIONAL COMMITTEES SPECIFIED.—The congressional committees referred to in subsection (a) are the following:

"(1) The Committee on Armed Services and the Committee on Appropriations of the Senate.

"(2) The Committee on National Security and the Committee on Appropriations of the House of Representatives.

"(e) EXCLUSION OF COAST GUARD RESERVE.—In this section, the term 'reserve components' does not include the Coast Guard Reserve.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"10544. Budget information.".

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,752,913,000.

(2) For the Navy, $7,946,996,000.

(3) For the Air Force, $14,659,736,000.

(4) For Defense-wide activities, $9,914,080,000, of which—

(A) $279,683,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $23,384,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 1998.—Of the amounts authorized to be appropriated by section 201, $4,131,871,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term "basic research and applied research" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. DUAL-USE TECHNOLOGY PROGRAM.

(a) FUNDING REQUIREMENT.—Of the amounts appropriated pursuant to the authorizations in section 201 for the Department of Defense for science and technology programs for each of fiscal years 1998 through 2001, at least the following percentages of such amounts shall be available in the applicable fiscal year only for dual-use projects of the Department of Defense:

(1) For fiscal year 1998, 5 percent.

(2) For fiscal year 1999, 7 percent.

(3) For fiscal year 2000, 10 percent.

(4) For fiscal year 2001, 15 percent.

(b) SENIOR OFFICIAL FOR DUAL-USE PROGRAM.—The person responsible for developing policy relating to, and ensuring effective implementation of, the dual-use technology program of the Department of Defense is the senior official designated by the Secretary of Defense under section 203(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2451).

(c) LIMITATION ON OBLIGATIONS.—(1) Except as provided in paragraph (2), funds made available pursuant to subsection (a) may not be obligated until the senior official referred to in subsection (b) approves the obligation.

(2) Paragraph (1) does not apply with respect to funds made available pursuant to subsection (a) to the Defense Advanced Research Projects Agency.

(3) Funds made available pursuant to subsection (a) may be used for a dual-use project only if the contract, cooperative agreement, or other transaction by which the project is carried out is entered into through the use of competitive procedures.

(d) TRANSFER AUTHORITY.—In addition to the transfer authority provided in section 1001, the Secretary of Defense may transfer funds made available pursuant to subsection (a) for a dual-use project from a military department or defense agency to another military department or defense agency to ensure efficient implementation of the dual-use technology program. The Secretary may delegate the authority provided in the preceding sentence to the senior official referred to in subsection (b).

(e) FEDERAL COST SHARE.—(1) The share contributed by the Secretary of a military department or the head of a defense agency for the cost of a dual-use project during fiscal years 1998, 1999, 2000, and 2001 may not be greater than 50 percent of the cost of the project for that fiscal year.

(2) In calculating the share of the costs of a dual-use program contributed by a military department or a non-Government entity, the Secretaries of the military departments may not consider in-kind contributions.

(f) DEFINITIONS.—In this section, the terms "dual-use technology program", "dual-use project", and "science and technology program" have the meanings provided by section 203(h) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2452).

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. MANUFACTURING TECHNOLOGY PROGRAM.

Section 2525 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) FUNDING REQUIREMENT.—(1) Subject to paragraph (2), the Secretary of Defense shall make available each fiscal year for the Manufacturing Technology Program the greater of the following amounts:

"(A) 0.25 percent of the amount available for the fiscal year concerned for the demonstration and validation, engineering and manufacturing development, operational systems development, and procurement programs of the military departments and Defense Agencies.

"(B) The amount authorized to be appropriated by law for the fiscal year concerned for projects of the military departments and Defense Agencies under the Manufacturing Technology Program.

"(2) Paragraph (1) applies to fiscal years 1998, 1999, and 2000.

"(f) TRANSFER AUTHORITY.—The Secretary of Defense may transfer funds made available pursuant to subsection (e) from a military department or Defense Agency to another military department or Defense Agency to ensure efficient implementation of the Manufacturing Technology Program. The Secretary may delegate the authority provided in the preceding sentence to the Under Secretary of Defense for Acquisition and Technology. Authority to transfer funds under this subsection is in addition to any other authority provided by law to transfer funds (whether enacted before, on, or after the date of the enactment of this section) and is not subject to any dollar limitation or notification requirement contained in any other such authority to transfer funds.

"(g) REPORT.—(1) At the same time the President submits to Congress the budget for fiscal year 1999 pursuant to section 1105(a) of title 31, the Secretary of Defense shall submit to Congress a report that—

"(A) specifies the plans of the Secretary for expenditures under the program during fiscal years 1998, 1999, and 2000; and

"(B) assesses the effectiveness of the program.

"(2) The Secretary shall submit an updated version of such report at the same time the President submits the budget for each fiscal year after fiscal year 1999 during which the program is in effect shall include—

"(A) an assessment of whether the funding of the program, as provided pursuant to the funding requirement of subsection (e), is sufficient; and

"(B) any recommendations considered appropriate by the Secretary for changes in, or an extension of, the funding requirement of subsection (e).".

SEC. 212. REPORT ON STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) REPORT.—Not later than February 28, 1998, the Secretary of Defense shall submit to Congress a report containing, for each project or activity of the Strategic Environmental Research and Development Program—

(1) an explanation of why the project or activity is not duplicative of environmentally related research, development, and demonstration activities of other departments and agencies of the Federal Government, of State and local governments, or of other organizations engaged in such activities; and

(2) an explanation of why the project or activity is uniquely related to and necessary for the mission of the Department of Defense.

(b) LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF REPORT.—Not more than 50 percent of the funds appropriated for the Strategic Environmental Research and Development Program pursuant to the authorization of appropriations in section 201(4) may be expended until the Secretary of Defense submits the report required under this section.

SEC. 213. TACTICAL UNMANNED AERIAL VEHICLES.

(a) PROHIBITION ON FUNDING FOR OUTRIDER ACTD PROGRAM.—No funds authorized to be

appropriated under section 201 may be obligated for the Outrider Advanced Concept Technology Demonstration (ACTD) program.

(b) FUNDING REQUIREMENTS.—Of the funds authorized to be appropriated for tactical unmanned aerial vehicles (TUAV) under section 201—

(1) $10,000,000 shall be available to carry out a competition for an unmanned aerial vehicle capable of vertical takeoff and landing; and

(2) $11,500,000 shall be available to provide a Predator Unmanned Aerial Vehicle system equipped with synthetic aperture radar and associated equipment to facilitate the development of a common Tactical Control System for unmanned aerial vehicles.

SEC. 214. REVISIONS TO MEMBERSHIP OF AND APPOINTMENT AUTHORITY FOR NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.

(a) MEMBERSHIP REVISIONS.—Section 7902(b) of title 10, United States Code, is amended—

(1) by striking out paragraph (11); and

(2) in paragraph (17), by striking out "One member" and inserting in lieu thereof "Not more than four members".

(b) APPOINTMENT AUTHORITY REVISIONS.—Section 7902 of such title is amended—

(1) in paragraphs (14), (15), (16), and (17) of subsection (b), by striking out "chairman" each place it appears and inserting in lieu thereof "President"; and

(2) by adding at the end the following new subsection:

"(j) DELEGATION OF APPOINTMENT AUTHORITY.—The President may delegate the authority to make appointments under subsection (b) to the head of a department, without authority to redelegate.".

(c) CONFORMING AMENDMENTS.—(1) Section 7902 of such title is further amended—

(A) in subsection (b), by redesignating paragraphs (12), (13), (14), (15), (16), and (17) as paragraphs (11), (12), (13), (14), (15), and (16), respectively; and

(B) in subsection (d), by striking out "(14), (15), (16), or (17)" and inserting in lieu thereof "(13), (14), (15), or (16)".

(2) Section 282 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2473) is amended by striking out subsection (c).

SEC. 215. MAINTENANCE AND REPAIR OF REAL PROPERTY AT AIR FORCE INSTALLATIONS.

(a) IN GENERAL.—Chapter 949 of title 10, United States Code, is amended by adding at the end the following new section:

"§9782. Maintenance and repair of real property

"(a) ALLOCATION OF FUNDS.—The Secretary of the Air Force shall allocate funds authorized to be appropriated by a provision described in subsection (c) and a provision described in subsection (d) for maintenance and repair of real property at military installations of the Department of the Air Force without regard to whether the installation is supported with funds authorized by a provision described in subsection (c) or (d).

"(b) MIXING OF FUNDS PROHIBITED ON INDIVIDUAL PROJECTS.—The Secretary of the Air Force may not combine funds authorized to be appropriated by a provision described in subsection (c) and funds authorized to be appropriated by a provision described in subsection (d) for an individual project for maintenance and repair of real property at a military installation of the Department of the Air Force.

"(c) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.—The provision described in this subsection is a provision of a national defense authorization Act that authorizes funds to be appropriated for a fiscal year to the Air Force for research, development, test, and evaluation.

"(d) OPERATION AND MAINTENANCE FUNDS.—The provision described in this subsection is a provision of a national defense authorization Act that authorizes funds to be appropriated for a fiscal year to the Air Force for operation and maintenance.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"9782. Maintenance and repair of real property.".

SEC. 216. EXPANSION OF ELIGIBILITY FOR DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Section 257 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; U.S.C. 2358 note) is amended by adding at the end of subsection (d) the following new paragraph:

"(3) In this section, the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

SEC. 217. LIMITATION ON USE OF FUNDS FOR ADAPTION OF INTEGRATED DEFENSIVE ELECTRONIC COUNTERMEASURES (IDECM) PROGRAM TO F/A–18E/F AIRCRAFT AND A/V–8B AIRCRAFT.

Not more than 50 percent of the amount authorized to be appropriated in section 201(2) for development of the Integrated Defensive Electronic Countermeasures (IDECM) program for adaption to the F/A–18E/F aircraft and the AV–8B aircraft may be obligated until the amount authorized in section 201(2) for development of the IDECM program for adaption to the F/A–18C/D aircraft is obligated.

SEC. 218. BIOASSAY TESTING OF VETERANS EXPOSED TO IONIZING RADIATION DURING MILITARY SERVICE.

Of the amount provided in section 201(4), $300,000 shall be available for the Nuclear Test Personnel Review Program conducted by the Defense Special Weapons Agency.

Subtitle C—Ballistic Missile Defense Programs

SEC. 231. BUDGETARY TREATMENT OF AMOUNTS REQUESTED FOR PROCUREMENT FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) REQUIREMENT FOR INCLUSION IN BUDGET OF BMDO.—(1) Chapter 9 of title 10, United States Code, is amended by inserting after section 222 the following new section:

"§224. Ballistic missile defense programs: amounts for procurement

"(a) REQUIREMENT.—Any amount in the budget submitted to Congress under section 1105 of title 31 for any fiscal year for procurement for the National Missile Defense program or for any system that is part of the core theater missile defense program shall be set forth under the account of the Department of Defense for Defense-wide procurement and, within that account, under the subaccount (or other budget activity level) for the Ballistic Missile Defense Organization.

"(b) CORE THEATER BALLISTIC MISSILE DEFENSE PROGRAM.—For purposes of this section, the core theater missile defense program consists of the systems specified in section 234 of the Ballistic Missile Defense Act of 1995 (10 U.S.C. 2431 note).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 222 the following new item:

"224. Ballistic missile defense programs: amounts for procurement.".

SEC. 232. COOPERATIVE BALLISTIC MISSILE DEFENSE PROGRAM.

(a) REQUIREMENT FOR NEW PROGRAM ELEMENT.—The Secretary of Defense shall establish a program element for the Ballistic Missile Defense Organization, to be referred to as the "Cooperative Ballistic Missile Defense Program", to support technical and analytical cooperative efforts between the United States and other nations that contribute to United States ballistic missile defense capabilities. All international cooperative ballistic missile defense programs of the Department of Defense shall be budgeted and administered through that program element.

(b) RELATIONSHIP TO OTHER PROGRAM ELEMENTS.—The program element established pursuant to subsection (a) is in addition to the program elements for activities of the Ballistic Missile Defense Organization required under section 251 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 233; 10 U.S.C. 221 note).

SEC. 233. DEPLOYMENT DATES FOR CORE THEATER MISSILE DEFENSE PROGRAMS.

(a) CHANGE IN DEPLOYMENT DATES.—Section 234(a) of the Ballistic Missile Defense Act of 1995 (subtitle C of title II of Public Law 104–106; 110 Stat. 229; 10 U.S.C. 2431 note) is amended—

(1) in the matter preceding paragraph (1), by striking out ", to be carried out so as to achieve the specified capabilities";

(2) in paragraph (1), by striking out ", with a first unit equipped (FUE) during fiscal year 1998";

(3) in paragraph (2), by striking out "Navy Lower Tier (Area) system" and all that follows through "fiscal year 1999" and inserting in lieu thereof "Navy Area Defense system";

(4) in paragraph (3)—

(A) by striking out "with a" and inserting in lieu thereof "to be carried out so as to achieve a"; and

(B) by striking out "fiscal year 1998" and "fiscal year 2000" and inserting in lieu thereof "fiscal year 2000" and "fiscal year 2004", respectively; and

(5) in paragraph (4), by striking out "Navy Upper Tier (Theater Wide) system, with" and inserting in lieu thereof "Navy Theater Wide system, to be carried out so as to achieve".

(b) CONFORMING AMENDMENTS FOR PROGRAM ELEMENT NAME CHANGES.—Section 251(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 233; 10 U.S.C. 221 note) is amended—

(1) in paragraph (2), by striking out "Navy Lower Tier (Area) system" and inserting in lieu thereof "Navy Area Defense system"; and

(2) in paragraph (4), by striking out "Navy Upper Tier (Theater Wide) system" and inserting in lieu thereof "Navy Theater Wide system".

SEC. 234. ANNUAL REPORT ON THREAT POSED TO THE UNITED STATES BY WEAPONS OF MASS DESTRUCTION, BALLISTIC MISSILES, AND CRUISE MISSILES.

(a) ANNUAL REPORT.—The Secretary of Defense shall submit to Congress by January 30 of each year a report on the threats posed to the United States and allies of the United States—

(1) by weapons of mass destruction, ballistic missiles, and cruise missiles; and

(2) by the proliferation of weapons of mass destruction, ballistic missiles, and cruise missiles.

(b) CONSULTATION.—Each report submitted under subsection (a) shall be prepared in consultation with the Director of Central Intelligence.

(c) MATTERS TO BE INCLUDED.—Each report submitted under subsection (a) shall include the following:

(1) Identification of each foreign country and non-State organization that possesses weapons of mass destruction, ballistic missiles, or cruise missiles, and a description of such weapons and

missiles with respect to each such foreign country and non-State organization.

(2) A description of the means by which any foreign country and non-State organization that has achieved capability with respect to weapons of mass destruction, ballistic missiles, or cruise missiles has achieved that capability, including a description of the international network of foreign countries and private entities that provide assistance to foreign countries and non-State organizations in achieving that capability.

(3) An examination of the doctrines that guide the use of weapons of mass destruction in each foreign country that possesses such weapons.

(4) An examination of the existence and implementation of the control mechanisms that exist with respect to nuclear weapons in each foreign country that possesses such weapons.

(5) Identification of each foreign country and non-State organization that seeks to acquire or develop (indigenously or with foreign assistance) weapons of mass destruction, ballistic missiles, or cruise missiles, and a description of such weapons and missiles with respect to each such foreign country and non-State organization.

(6) An assessment of various possible timelines for the achievement by foreign countries and non-State organizations of capability with respect to weapons of mass destruction, ballistic missiles, and cruise missiles, taking into account the probability of whether the Russian Federation and the People's Republic of China will comply with the Missile Technology Control Regime, the potential availability of assistance from foreign technical specialists, and the potential for independent sales by foreign private entities without authorization from their national Governments.

(7) For each foreign country or non-State organization that has not achieved the capability to target the United States or its territories with weapons of mass destruction, ballistic missiles, or cruise missiles as of the date of the enactment of this Act, an estimate of how far in advance the United States is likely to be warned before such foreign country or non-State organization achieves that capability.

(8) For each foreign country or non-State organization that has not achieved the capability to target members of the United States Armed Forces deployed abroad with weapons of mass destruction, ballistic missiles, or cruise missiles as of the date of the enactment of this Act, an estimate of how far in advance the United States is likely to be warned before such foreign country or non-State organization achieves that capability.

(d) CLASSIFICATION.—Each report under subsection (a) shall be submitted in classified and unclassified form.

SEC. 235. DIRECTOR OF BALLISTIC MISSILE DEFENSE ORGANIZATION.

(a) IN GENERAL.—Subchapter II of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

"§203. Director of Ballistic Missile Defense Organization

"(a) GRADE.—The position of Director of the Ballistic Missile Defense Organization—

"(1) may only be held by an officer of the armed forces on the active-duty list; and

"(2) shall be designated under section 601 of this title as a position of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral.

"(b) LINE OF AUTHORITY TO SECRETARY OF DEFENSE.—The Director of the Ballistic Missile Defense Organization reports directly to the Secretary of Defense and (if so directed by the Secretary) the Deputy Secretary of Defense, without intervening review or approval by any other officer of the Department of Defense, with respect to all matters pertaining to the management of ballistic missile defense programs for which the Director has responsibility (including matters pertaining to the status of those programs and the budgets for those programs).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"203. Director of Ballistic Missile Defense Organization.".

SEC. 236. TACTICAL HIGH ENERGY LASER PROGRAM.

(a) TRANSFER OF PROGRAM.—The Secretary of Defense shall transfer the Tactical High Energy Laser program from the Secretary of the Army to the Director of the Ballistic Missile Defense Organization, to be carried out under the Cooperative Ballistic Missile Defense Program established pursuant to section 232(a).

(b) AUTHORIZATION.—Of the amount authorized to be appropriated in section 201, $38,200,000 is authorized for the Tactical High Energy Laser program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $17,185,034,000.
(2) For the Navy, $21,372,699,000.
(3) For the Marine Corps, $2,381,245,000.
(4) For the Air Force, $18,745,985,000.
(5) For Defense-wide activities, $10,030,057,000.
(6) For the Army Reserve, $1,202,891,000.
(7) For the Naval Reserve, $849,711,000.
(8) For the Marine Corps Reserve, $110,366,000.
(9) For the Air Force Reserve, $1,629,120,000.
(10) For the Army National Guard, $2,266,432,000.
(11) For the Air National Guard, $2,985,969,000.
(12) For the Defense Inspector General, $136,580,000.
(13) For the United States Court of Appeals for the Armed Forces, $6,952,000.
(14) For Environmental Restoration, Army, $377,337,000.
(15) For Environmental Restoration, Navy, $277,500,000.
(16) For Environmental Restoration, Air Force, $378,900,000.
(17) For Environmental Restoration, Defense-wide, $27,900,000.
(18) For Environmental Restoration, Formerly Used Defense Sites, $202,300,000.
(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $50,000,000.
(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $661,671,000.
(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $10,000,000.
(22) For Medical Programs, Defense, $9,975,382,000.
(23) For Cooperative Threat Reduction programs, $284,700,000.
(24) For Overseas Contingency Operations Transfer Fund, $1,467,500,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $971,952,000.
(2) For the National Defense Sealift Fund, $1,181,626,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1998 from the Armed Forces Retirement Home Trust Fund the sum of $79,977,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1998 in amounts as follows:

(1) For the Army, $50,000,000.
(2) For the Navy, $50,000,000.
(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. REFURBISHMENT AND INSTALLATION OF AIR SEARCH RADAR.

Of the amount authorized to be appropriated pursuant to section 301(2) for operation and maintenance for the Navy, $6,000,000 shall be available only for the refurbishment and installation of the AN/SPS-48E air search radar for the Ship Self Defense System at the Integrated Ship Defense Systems Engineering Center, Naval Surface Warfare Center, Wallops Islands, Virginia.

SEC. 306. REFURBISHMENT OF M1–A1 TANKS.

Of the amount authorized to be appropriated pursuant to section 301(1) for operation and maintenance for the Army, $35,000,000 shall be available only for refurbishment of M1–A1 tanks at the Anniston Army Depot under the AIM-XXI program if the Secretary of Defense determines that the cost effectiveness of the pilot AIM-XXI program is validated through user trials conducted at the National Training Center, Fort Irwin, California.

SEC. 307. PROCUREMENT AND ELECTRONIC COMMERCE TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORIZATION.—Subject to subsection (c), of the amount authorized to be appropriated under section 301(5), $15,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) PROHIBITION.—Subject to subsection (c), the Secretary of Defense may not obligate or expend any funds available for research, development, test, and evaluation to establish or operate a resource center or program to provide technical assistance relating to electronic commerce.

(c) LIMITATION.—Subsections (a) and (b) apply only in the event of the consolidation of the procurement technical assistance program and the electronic commerce resource program as a single technical assistance program funded with amounts available for operation and maintenance.

SEC. 308. AVAILABILITY OF FUNDS FOR SEPARATION PAY FOR DEFENSE ACQUISITION PERSONNEL.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and

maintenance for Defense-wide activities, $100,000,000 shall be available only for the payment of separation pay for defense acquisition personnel (other than pursuant to section 5597 of title 5, United States Code).

Subtitle B—Military Readiness Issues

SEC. 311. EXPANSION OF SCOPE OF QUARTERLY READINESS REPORTS.

(a) EXPANDED REPORTS REQUIRED.—Section 482 of title 10, United States Code, is amended to read as follows:

"§482. Quarterly readiness reports

"(a) QUARTERLY REPORTS REQUIRED.—Not later than 30 days after the end of each calendar-year quarter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on military readiness. The report for a quarter shall contain the information required by subsections (b) (d), and (e).

"(b) READINESS PROBLEMS AND REMEDIAL ACTIONS.—Each report shall specifically describe—

"(1) readiness problems or deficiencies identified using the assessments considered under subsection (c);

"(2) planned remedial actions; and

"(3) the key indicators and other relevant information related to the identified problem or deficiency.

"(c) CONSIDERATION OF READINESS ASSESSMENTS.—The information required under subsection (b) to be included in the report for a quarter shall be based on readiness assessments that are provided during that quarter—

"(1) to any council, committee, or other body of the Department of Defense—

"(A) that has responsibility for readiness oversight; and

"(B) whose membership includes at least one civilian officer in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or higher;

"(2) by senior civilian and military officers of the military departments and the commanders of the unified and specified commands; and

"(3) as part of any regularly established process of periodic readiness reviews for the Department of Defense as a whole.

"(d) COMPREHENSIVE READINESS INDICATORS.—Each report shall also include information regarding each military department (and an evaluation of such information) with respect to each of the following readiness indicators:

"(1) PERSONNEL STRENGTH.—

"(A) Individual personnel status.

"(B) Historical and projected personnel trends.

"(2) PERSONNEL TURBULENCE.—

"(A) Recruit quality.

"(B) Borrowed manpower.

"(C) Personnel stability.

"(3) OTHER PERSONNEL MATTERS.—

"(A) Personnel morale.

"(B) Medical and dental readiness.

"(C) Recruit shortfalls.

"(4) TRAINING.—

"(A) Training unit readiness and proficiency.

"(B) Operations tempo.

"(C) Training funding.

"(D) Training commitments and deployments.

"(5) LOGISTICS—EQUIPMENT FILL.—

"(A) Deployed equipment.

"(B) Equipment availability.

"(C) Equipment that is not mission capable.

"(D) Age of equipment.

"(E) Condition of nonpacing items.

"(6) LOGISTICS—EQUIPMENT MAINTENANCE.—

"(A) Maintenance backlog.

"(7) LOGISTICS—SUPPLY.—

"(A) Availability of ordnance and spares.

"(e) UNIT READINESS INDICATORS.—Each report shall also include information regarding the readiness of each unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level) that received a readiness rating of C–3 (or below) for any month of the calendar-year quarter covered by the report. With respect to each such unit, the report shall separately provide the following information:

"(1) The unit designation and level of organization.

"(2) The overall readiness rating for the unit for the quarter and each month of the quarter.

"(3) The resource area or areas (personnel, equipment and supplies on hand, equipment condition, or training) that adversely affected the unit's readiness rating for the quarter.

"(4) If the unit received a readiness rating below C–1 in personnel for the quarter, the primary reason for the lower rating, by reason code and definition.

"(5) If the unit received a readiness rating below C–1 in equipment and supplies on hand for the quarter, the primary reason for the lower rating, by reason code and definition.

"(6) If the unit received a readiness rating below C–1 in equipment condition for the quarter, the primary reason for the lower rating, by reason code and definition.

"(7) If the unit received a readiness rating below C–1 in training for the quarter, the primary reason for the lower rating, by reason code and definition.

"(f) CLASSIFICATION OF REPORTS.—A report under this section shall be submitted in unclassified form. To the extent the Secretary of Defense determines necessary, the report may also be submitted in classified form.".

(b) IMPLEMENTATION PLAN TO EXAMINE READINESS INDICATORS.—Not later than January 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a plan—

(1) specifying the manner in which the Secretary will implement the additional reporting requirement of subsection (d) of section 482 of title 10, United States Code, as added by this section; and

(2) specifying the criteria proposed to be used to evaluate the readiness indicators identified in such subsection (d).

(c) LIMITATION PENDING RECEIPT OF IMPLEMENTATION PLAN.—Of the amount available for fiscal year 1998 for operation and support activities of the Office of the Secretary of Defense, 10 percent may not be obligated until after the date on which the implementation plan required by subsection (b) is submitted.

(d) FIRST REPORT; TRANSITION.—The first report required under section 482 of title 10, United States Code, as amended by subsection (a), shall be submitted not later than October 31, 1997. Until the report required for the third quarter of 1998 is submitted, the Secretary of Defense may omit the information required by subsection (d) of such section if the Secretary determines that it is impracticable to comply with such subsection with regard to the preceding reports.

SEC. 312. LIMITATION ON REALLOCATION OF FUNDS WITHIN OPERATION AND MAINTENANCE APPROPRIATIONS.

(a) LIMITATION.—Whenever the Secretary of Defense proposes to reallocate funds within an O&M budget activity in a manner described in subsection (b), the reallocation may be made only—

(1) after the Secretary submits to the congressional defense committees notice of the proposed reallocation; and

(2) if the procedures generally applicable to transfers of funds between appropriations of the Department of Defense have been followed with respect to such reallocation.

(b) COVERED REALLOCATIONS.—Subsection (a) applies in the case of any reallocation of funds from a subactivity of an O&M budget activity to another subactivity within the same O&M budget activity or to another O&M budget activity within the same operation and maintenance appropriation if the amount to be reallocated, when added to any previous amounts reallocated from that subactivity for that fiscal year, is in excess of $10,000,000.

(c) O&M BUDGET ACTIVITY DEFINED.—For purposes of this section, the term "O&M budget activity" means a budget activity within an operation and maintenance appropriation of the Department of Defense for a fiscal year.

(d) COVERED FISCAL YEARS.—This section applies with respect to funds appropriated for fiscal years 1998, 1999, and 2000.

SEC. 313. OPERATION OF PREPOSITIONED FLEET, NATIONAL TRAINING CENTER, FORT IRWIN, CALIFORNIA.

Of the amount authorized to be appropriated pursuant to section 301(1) for operation and maintenance for the Army, $60,200,000 shall be available only to pay costs associated with the operation of the prepositioned fleet of equipment during training rotations at the National Training Center, Fort Irwin, California.

SEC. 314. PROHIBITION OF IMPLEMENTATION OF TIERED READINESS SYSTEM.

(a) PROHIBITION.—The Secretary of a military department may not implement, or be required to implement, a readiness system for units of the Armed Forces under the jurisdiction of that Secretary under which a military unit would be categorized into one of several categories (or "tiers") according to the likelihood that the unit will be required to respond to a military conflict and the time in which the unit will be required to respond, if that system would have the effect of changing the methods used as of October 1, 1996, by the Armed Forces under the jurisdiction of that Secretary for determining the priorities for allocating to such military units funding, personnel, equipment, equipment maintenance, and training resources, and the associated levels of readiness of those units that result from those priorities.

(b) REPORT TO CONGRESS REQUESTING WAIVER.—If the Secretary of Defense determines that implementation, for one or more of the Armed Forces, of a tiered readiness system that is otherwise prohibited by subsection (a) would be in the national security interests of the United States, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth that determination of the Secretary, together with the rationale for that determination, and a request for the enactment of legislation to allow implementation of such a system.

SEC. 315. REPORTS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

(a) ANNUAL AND QUARTERLY REPORTS REQUIRED.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

"§483. Reports on transfers from high-priority readiness appropriations

"(a) ANNUAL REPORTS.—Not later than the date on which the President submits the budget for a fiscal year to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives a report on transfers during the preceding fiscal year from funds available for each covered budget activity.

"(b) QUARTERLY REPORTS.—Not later than 30 days after the end of each quarter of a fiscal year, the Secretary of Defense shall submit to

the congressional committees specified in subsection (a) a report on transfers, during that fiscal year quarter, from funds available for each covered budget activity.

"(c) MATTERS TO BE INCLUDED.—In each report under subsection (a) or (b), the Secretary of Defense shall include for each covered budget activity the following:

"(1) A statement, for the period covered by the report, of—

"(A) the total amount of transfers into funds available for that activity;

"(B) the total amount of transfers from funds available for that activity; and

"(C) the net amount of transfers into, or out of, funds available for that activity.

"(2) A detailed explanation of the transfers into, and out of, funds available for that activity during the period covered by the report.

"(d) COVERED BUDGET ACTIVITY DEFINED.—In this section, the term 'covered budget activity' means each of the following:

"(1) The budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Army, appropriation that are designated as follows:

"(A) All subactivities under the category of Land Forces.

"(B) Land Forces Depot Maintenance.

"(C) Base Support.

"(D) Maintenance of Real Property.

"(2) The Air Operations budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Navy, appropriation that are designated as follows:

"(A) Mission and Other Flight Operations.

"(B) Fleet Air Training.

"(C) Aircraft Depot Maintenance.

"(D) Base Support.

"(E) Maintenance of Real Property.

"(3) The Ship Operations budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Navy, appropriation that are designated as follows:

"(A) Mission and Other Ship Operations.

"(B) Ship Operational Support and Training.

"(C) Ship Depot Maintenance.

"(D) Base Support.

"(E) Maintenance of Real Property.

"(4) The Expeditionary Forces budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Marine Corps, appropriation that are designated as follows:

"(A) Operational Forces.

"(B) Depot Maintenance.

"(C) Base Support.

"(D) Maintenance of Real Property.

"(5) The Air Operations and Combat Related Operations budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Air Force, appropriation that are designated as follows:

"(A) Primary Combat Forces.

"(B) Primary Combat Weapons.

"(C) Air Operations Training.

"(D) Depot Maintenance.

"(E) Base Support.

"(F) Maintenance of Real Property.

"(6) The Mobility Operations budget activity group (known as a 'subactivity') within the Mobilization budget activity of the annual Operation and Maintenance, Air Force, appropriation that is designated as Airlift Operations.

"(e) TERMINATION.—The requirements specified in subsections (a) and (b) shall terminate upon the submission of the annual report under subsection (a) covering fiscal year 2000.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"483. Reports on transfers from high-priority readiness appropriations.".

SEC. 316. REPORT ON CHAIRMAN, JOINT CHIEFS OF STAFF EXERCISE PROGRAM AND PARTNERSHIP FOR PEACE PROGRAM.

(a) REPORT.—Not later than February 16, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the military exercises conducted by the Department of Defense during fiscal years 1995, 1996, and 1997 and the military exercises planned to be conducted during fiscal years 1998, 1999, and 2000, under the training exercises program known as the "CJCS Exercise Program" and under the training exercises program known as the Partnership for Peace program.

(b) INFORMATION ON EXERCISES CONDUCTED OR TO BE CONDUCTED.—The report under subsection (a) shall include the following information for each such exercise, which shall be set forth by fiscal year and shown within fiscal year by the sponsoring command:

(1) Name of the exercise.

(2) Type, description, duration, and objectives of the exercise

(3) Command sponsoring the exercise.

(4) Participating units, including the number of personnel participating in each unit.

(5) For each participating unit, the percentage of the tasks on that unit's specification of tasks knows as a Mission Essential Task List (or comparable specification, in the case of any of the Armed Forces that do not maintain a Mission Essential Task List designation) scheduled to be performed as part of the exercise.

(6) The cost of the exercise to the Chairman of the Joint Chiefs of Staff and the cost to each of the Armed Forces participating in the exercise, with a description of the categories of activities for which those costs are incurred in each such case.

(7) The priority of the exercise in relation to all other exercises planned by the sponsoring command to be conducted during that fiscal year.

(8) In the case of an exercise conducted under the Partnership for Peace program, the country with which each the exercise was conducted.

(c) ASSESSMENT.—The report shall include—

(1) an assessment of the ability of each of the Armed Forces to meet requirements of the CJCS Exercise Program and the Partnership for Peace program with available assets;

(2) an assessment of the training value of each exercise covered in the report to each unit participating in the exercise, including for each such unit an assessment of the value of the percentage under subsection (b)(5) as an indicator of the training value of the exercise for that unit; and

(3) options to minimize the negative effects on operational and personnel tempo resulting from the CJCS Exercise Program and the Partnership for Peace program.

(d) FUNDING LIMITATION PENDING RECEIPT OF REPORT.—Of the funds available for fiscal year 1998 for the conduct of the CJSC Exercise Program, not more than 50 percent may be expended before the report under subsection (a) is submitted.

SEC. 317. QUARTERLY REPORTS ON EXECUTION OF OPERATION AND MAINTENANCE APPROPRIATIONS.

(a) REPORT REQUIRED.—Chapter 23 of title 10, United States Code, is amended by inserting after section 483, as added by section 315, the following new section:

"§484. Quarterly reports on execution of operation and maintenance appropriations

"(a) REPORT REQUIRED.—Not later than 60 days after the end of each quarter of a fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives a report containing budget execution data for each budget activity group (known as a 'subactivity') within the annual operation and maintenance appropriations for the period covered by the report. A report shall cover all preceding quarters of the fiscal year involved.

"(b) MANNER OF PRESENTING DATA.—The budget execution data required under subsection (a) shall be displayed for the fiscal year involved in the same manner used in the operation and maintenance tables contained in the budget justification document entitled 'O–1 Exhibit' submitted to Congress in support of the budget of the Department of Defense, as included in the budget of the President submitted under section 1105 of title 31.

"(c) REQUIRED INFORMATION.—The following information shall be provided for each budget activity group:

"(1) Amounts authorized to be appropriated.

"(2) Amounts appropriated.

"(3) Direct obligations.

"(4) Total obligational authority.

"(5) Amounts related to unbudgeted contingency operations.

"(6) Direct obligations related to unbudgeted contingency operations.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 483, as added by section 315, the following new item:

"484. Quarterly reports on execution of operation and maintenance appropriations.".

Subtitle C—Civilian Personnel

SEC. 321. PAY PRACTICES WHEN OVERSEAS TEACHERS TRANSFER TO GENERAL SCHEDULE POSITIONS.

Section 5334(d) of title 5, United States Code, is amended by striking out "is deemed increased by 20 percent" and inserting in lieu thereof "shall be increased by such amount as may be authorized, if any, under regulations issued by the Secretary of Defense, but not to exceed 20 percent,".

SEC. 322. USE OF APPROVED FIRE-SAFE ACCOMMODATIONS BY GOVERNMENT EMPLOYEES ON OFFICIAL BUSINESS.

(a) PERCENTAGE USE REQUIREMENT.—Section 5707a of title 5, United States Code, is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively; and

(2) by inserting after the section heading the following new subsection:

"(a)(1) For the purpose of making payments under this chapter for lodging expenses incurred in a State, each agency shall ensure that not less than 90 percent of the commercial-lodging room nights for employees of that agency for a fiscal year are booked in approved places of public accommodation.

"(2) Each agency shall establish explicit procedures to satisfy the percentage requirement of paragraph (1).".

(b) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

"(f) For purposes of this section:

"(1) The term 'agency' does not include the government of the District of Columbia.

"(2) The term 'approved places of public accommodation' means hotels, motels, and other places of public accommodation that are listed by the Federal Emergency Management Agency as meeting the requirements of the fire prevention and control guidelines described in section

29 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225).

"(3) The term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), as redesignated by subsection (a)(1)—

(A) by striking out "places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974" and inserting in lieu thereof "approved places of public accommodation"; and

(B) by striking out "as defined in section 4 of the Federal Fire Prevention and Control Act of 1974";

(2) in subsection (c), as redesignated by subsection (a)(1), by striking out "does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974" and inserting in lieu thereof "is not an approved place of public accommodation"; and

(3) in subsection (e), as redesignated by subsection (a)(1)—

(A) by striking out "encourage" and inserting in lieu thereof "facilitate the ability of"; and

(B) by striking out "places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974" and inserting in lieu thereof "approved places of public accommodation".

(d) REPORT ON IMPLEMENTATION.—Not later than March 31, 1998, the Administrator of General Services, after consultation with the agencies covered by section 5707a of title 5, United States Code, shall submit to Congress a report describing the procedures established by each agency to satisfy the percentage requirement imposed by subsection (a) of such section, as amended by this section.

Subtitle D—Depot-Level Activities

SEC. 331. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1999".

SEC. 332. EXCLUSION OF CERTAIN LARGE MAINTENANCE AND REPAIR PROJECTS FROM PERCENTAGE LIMITATION ON CONTRACTING FOR DEPOT-LEVEL MAINTENANCE.

Section 2466 of title 10, United States Code, is amended by inserting after subsection (a) the following new subsection:

"(b) TREATMENT OF CERTAIN LARGE PROJECTS.—If a maintenance or repair project concerning an aircraft carrier or submarine that is contracted for performance by non-Federal Government personnel and that accounts for five percent or more of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload, the project and the funds necessary for the project shall not be considered when applying the percentage limitation specified in subsection (a) to that military department or Defense Agency.".

SEC. 333. RESTRICTIONS ON CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR AT CERTAIN FACILITIES.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—(1) Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means material maintenance or repair requiring the overhaul, upgrading, or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes all aspects of software maintenance and such portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services that are described in the preceding sentence.

"(b) EXCEPTION.—The term does not include the procurement of a major weapon system modification or upgrade, except where the changes to the system are primarily for safety reasons, to correct a deficiency, or to improve program performance.".

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

(b) RESTRICTION ON CERTAIN CONTRACTS.—Section 2469 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair"; and

(2) by adding at the end the following new subsection:

"(d) RESTRICTION ON CONTRACTS AT CERTAIN FACILITIES.—

"(1) RESTRICTION.—The Secretary of Defense may not enter into any contract for the performance of depot-level maintenance and repair of weapon systems or other military equipment of the Department of Defense, or for the performance of management functions related to depot-level maintenance and repair of such systems or equipment, at any military installation where a depot-level maintenance and repair facility was approved in 1995 for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note). In the preceding sentence, the term 'military installation' includes a former military installation closed under the Act that was a military installation when it was approved for closure under the Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to an installation or former installation described in such paragraph if the Secretary of Defense certifies to Congress, not later than 45 days before entering into a contract for depot-level maintenance and repair at the installation or former installation, that—

"(A) not less than 80 percent of the capacity at each of the depot-level maintenance and repair activities of the military department concerned is being utilized on an ongoing basis to perform industrial operations in support of the depot-level maintenance and repair of weapon systems and other military equipment of the Department of Defense;

"(B) the Secretary has determined, on the basis of a detailed analysis (which the Secretary shall submit to Congress with the certification), that the total amount of the costs of the proposed contract to the Government, both recurring and nonrecurring and including any costs associated with planning for and executing the proposed contract, would be less than the costs that would otherwise be incurred if the depot-level maintenance and repair to be performed under the contract were performed using equipment and facilities of the Department of Defense;

"(C) all of the information upon which the Secretary determined that the total costs to the Government would be less under the contract is available for examination; and

"(D) none of the depot-level maintenance and repair to be performed under the contract was considered, before July 1, 1995, to be a core logistics capability of the military department concerned pursuant to section 2464 of this title.

"(3) CAPACITY OF DEPOT-LEVEL ACTIVITIES.—For purposes of paragraph (2)(A), the capacity of depot-level maintenance and repair activities shall be considered to be the same as the maximum potential capacity identified by the Defense Base Closure and Realignment Commission for purposes of the selection in 1995 of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990, without regard, after 1995, to any limitation on the maximum number of Federal employees (expressed as full time equivalent employees or otherwise), Federal employment levels, or the actual availability of equipment to support depot-level maintenance and repair.

"(4) GAO REVIEW.—At the same time that the Secretary submits the certification and analysis to Congress under paragraph (2), the Secretary shall submit a copy of the certification and analysis to the Comptroller General. The Comptroller General shall review the analysis and the information referred to in subparagraph (C) of paragraph (2) and, not later than 30 days after Congress receives the certification, submit to Congress a report containing a statement regarding whether the Comptroller General concurs with the determination of the Secretary included in the certification pursuant to subparagraph (B) of that paragraph.

"(5) APPLICATION.—This subsection shall apply with respect to any contract described in paragraph (1) that is entered into, or proposed to be entered into, after January 1, 1997.".

SEC. 334. CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF DEFENSE.

Section 2464(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a logistics capability (including personnel, equipment, and facilities)" and inserting in lieu thereof "a core logistics capability that is Government-owned and Government-operated (including Government personnel and Government-owned and Government-operated equipment and facilities)";

(2) in paragraph (2), by striking out "the logistics" and inserting in lieu thereof "the core logistics"; and

(3) by adding at the end the following new paragraphs:

"(3) Those core logistics activities identified under paragraphs (1) and (2) shall include the capability, facilities, and equipment to maintain and repair all types of weapon systems and other military equipment that are identified by the Secretary, in consultation with the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the national military strategy, including the capability and capacity to maintain and repair any new mission-essential weapon system or materiel within four years after the system or materiel achieves initial operational capability.

"(4) The Secretary of Defense shall require the performance of core logistics activities identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities sufficient workload to ensure cost efficiency and technical proficiency in peacetime while preserving the surge capacity and reconstitution capabilities necessary to meet the military contingencies provided for in the national military strategy.".

SEC. 335. CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

(a) DESIGNATION AND PURPOSE.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2474. Centers of Industrial and Technical Excellence: designation; public-private partnerships

"(a) DESIGNATION.—(1) The Secretary of Defense shall designate each depot-level activity of the military departments and the Defense Agencies (other than facilities approved for closure or major realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)) as a Center of Industrial and Technical Excellence in the recognized core competencies of the activity.

"(2) The Secretary shall establish a policy to encourage the Secretary of each military department and the head of each Defense Agency to reengineer industrial processes and adopt best-business practices at their depot-level activities in connection with their core competency requirements, so as to serve as recognized leaders in their core competencies throughout the Department of Defense and in the national technology and industrial base (as defined in section 2500(1) of this title).

"(b) PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary of Defense shall enable Centers of Industrial and Technical Excellence to form public-private partnerships for the performance of depot-level maintenance and repair and shall encourage the use of such partnerships to maximize the utilization of the capacity at such Centers.

"(c) ADDITIONAL WORK.—The policy required under subsection (a) shall include measures to enable a private sector entity that enters into a partnership arrangement under subsection (b) or leases excess equipment and facilities at a Center of Industrial and Technical Excellence pursuant to section 2471 of this title to perform additional work at the Center, subject to the limitations outlined in subsection (b) of such section, outside of the types of work normally assigned to the Center.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2474. Centers of Industrial and Technical Excellence: designation; public-private partnerships.".

(b) REPORTING REQUIREMENT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report on the policies established by the Secretary pursuant to section 2474 of title 10, United States Code, to implement the requirements of such section. The report shall include—

(1) the details of any public-private partnerships entered into as of that date under subsection (b) of such section;

(2) the details of any leases entered into as of that date under section 2471 of such title with authorized entities for dual-use (military and nonmilitary) purposes; and

(3) the effect that the partnerships and leases had on capacity utilization, depot rate structures, and readiness.

SEC. 336. PERSONNEL REDUCTIONS, ARMY DEPOTS PARTICIPATING IN ARMY WORKLOAD AND PERFORMANCE SYSTEM.

The Secretary of the Army may not carry out a reduction in force of civilian employees at the five Army depots participating in the demonstration and testing of the Army Workload and Performance System until after the date on which the Secretary submits to Congress a report certifying that—

(1) the Army Workload and Performance System is fully operational; and

(2) the manpower audits being performed by the Comptroller General, the Army Audit Agency, and the Inspector General of the Army as of the date of the enactment of this Act have been completed.

Subtitle E—Environmental Provisions

SEC. 341. REVISION OF MEMBERSHIP TERMS FOR STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM SCIENTIFIC ADVISORY BOARD.

Section 2904(b) of title 10, United States Code, is amended in paragraph (4) by striking out "three" and inserting in lieu thereof "not less than two and not more than four".

SEC. 342. AMENDMENTS TO AUTHORITY TO ENTER INTO AGREEMENTS WITH OTHER AGENCIES IN SUPPORT OF ENVIRONMENTAL TECHNOLOGY CERTIFICATION.

(a) AUTHORITY TO ENTER INTO AGREEMENTS WITH INDIAN TRIBES.—Section 327 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2483) is amended—

(1) in subsection (a), by inserting ", or with an Indian tribe," after "with an agency of a State or local government";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

"(e) DEFINITION.—In this section, the term 'Indian tribe' has the meaning given that term by section 101(36) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36)).".

(b) ELIMINATION OF CERTAIN LIMITATION ON AUTHORITY.—Subsection (b)(1) of such section is amended by striking out "in carrying out its environmental restoration activities".

SEC. 343. AUTHORIZATION TO PAY NEGOTIATED SETTLEMENT FOR ENVIRONMENTAL CLEANUP AT FORMER DEPARTMENT OF DEFENSE SITES IN CANADA.

(a) AUTHORIZATION.—To the extent provided in appropriations Acts, the Secretary of Defense may pay an amount to the Government of Canada of not more than $100,000,000 (in fiscal year 1996 constant dollars), for purposes of implementing the October 1996 negotiated settlement between the United States and Canada relating to environmental cleanup at various sites in Canada that were formerly used by the Department of Defense.

(b) METHOD OF PAYMENT.—The amount authorized by subsection (a) shall be paid in 10 annual payments, with the first payment made in fiscal year 1998.

(c) FISCAL YEAR 1998 PAYMENT.—The payment under this section for fiscal year 1998 shall be made from amounts appropriated pursuant to section 301(5).

SEC. 344. MODIFICATIONS OF AUTHORITY TO STORE AND DISPOSE OF NONDEFENSE TOXIC AND HAZARDOUS MATERIALS.

(a) AUTHORITY TO STORE MATERIALS OWNED BY MEMBERS OF THE ARMED FORCES.—Section 2692(a) of title 10, United States Code, is amended—

(1) by inserting "either" before "by the Department"; and

(2) by inserting before the period at the end the following: "or by a member of the armed forces (or a dependent of the member) assigned to or provided military housing on the installation".

(b) ADDITIONAL EXCEPTION TO LIMITATION ON STORAGE AND DISPOSAL.—Section 2692(b) of such title is amended—

(1) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph (1):

"(1) the storage, treatment, or disposal of materials that will be or have been used in connection with an activity of the Department of Defense or in connection with a service to be performed on an installation of the Department for the benefit of the Department;".

(c) MODIFICATION TO EXCEPTION RELATING TO STORAGE OR DISPOSAL OF EXPLOSIVES TO ASSIST LAW ENFORCEMENT AGENCIES.—Section 2692(b) of such title is amended in paragraph (3) (as redesignated by subsection (b))—

(1) by striking out "Federal law enforcement" and inserting in lieu thereof "Federal, State, or local law enforcement"; and

(2) by striking out "Federal agency" and inserting in lieu thereof "Federal, State, or local agency".

(d) MODIFICATION TO EXCEPTION RELATING TO STORAGE OF MATERIAL IN CONNECTION WITH USE OF A DEFENSE FACILITY.—Section 2692(b) of such title is amended in paragraph (9) (as redesignated by subsection (b))—

(1) by striking out "by a private person in connection with the authorized and compatible use by that person of an industrial-type" and inserting in lieu thereof "in connection with the authorized use of a"; and

(2) by striking out "; and" at the end and inserting in lieu thereof the following: "including the use of such a facility for testing materiel and training personnel;".

(e) MODIFICATION TO EXCEPTION RELATING TO TREATMENT AND DISPOSAL OF MATERIAL IN CONNECTION WITH USE OF A DEFENSE FACILITY.—Section 2692(b) of such title is amended in paragraph (10) (as redesignated by subsection (b))—

(1) by striking out "by a private person in connection with the authorized and compatible commercial use by that person of an industrial-type" and inserting in lieu thereof "in connection with the authorized use of a";

(2) by striking out "with that person" and inserting in lieu thereof "or agreement with the prospective user";

(3) by striking out "for that person's" in subparagraph (B) and inserting in lieu thereof "for the prospective user's"; and

(4) by striking out the period at the end and inserting in lieu thereof "; and".

(f) ADDITIONAL EXCEPTION RELATING TO SPACE LAUNCH FACILITIES.—Section 2692(b) of such title is further amended by adding at the end the following new paragraph:

"(11) the storage of any material that is not owned by the Department of Defense if the Secretary of the military department concerned determines that the material is required or generated in connection with the use of a space launch facility located on an installation of the Department of Defense or on other land controlled by the United States.".

(g) TECHNICAL AMENDMENTS.—(1) Section 2692(a)(1) of such title is amended by striking out "storage" and inserting in lieu thereof "storage, treatment,".

(2) The heading for section 2692 of such title is amended to read as follows:

"§2692. Storage, treatment, and disposal of nondefense toxic and hazardous materials".

(3) The item relating to section 2692 in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2692. Storage, treatment, and disposal of nondefense toxic and hazardous materials.".

SEC. 345. REVISION OF REPORT REQUIREMENT FOR NAVY PROGRAM TO MONITOR ECOLOGICAL EFFECTS OF ORGANOTIN.

Section 333(e) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2486) is amended—

(1) by striking out "June 1" and inserting in lieu thereof "October 30";

(2) by striking out paragraphs (1) and (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively; and

(3) by adding at the end the following new paragraph:

"(3) A description of the present and future use, if any, of antifouling paints containing organotin on naval vessels.".

SEC. 346. PARTNERSHIPS FOR INVESTMENT IN INNOVATIVE ENVIRONMENTAL TECHNOLOGIES.

(a) AUTHORITY.—Subject to subsection (b), the Secretary of Defense may enter into a partnership with one or more private sector entities to demonstrate and validate innovative environmental technologies.

(b) LIMITATIONS.—The Secretary of Defense may enter into a partnership with respect to an environmental technology under subsection (a)—

(1) subject to such terms and conditions as the Secretary considers appropriate and in the national interest; and

(2) only if the Secretary determines that the technology has clear potential to be of significant value to the Department of Defense in carrying out its environmental activities.

(c) FUNDING.—Under a partnership entered into under subsection (a), the Secretary may provide funds to the partner or partners from appropriations available to the Department of Defense for environmental activities, for a period of up to five years.

(d) REPORT.—In the annual report required under section 2706(a) of title 10, United States Code, the Secretary of Defense shall include the following information with respect to partnerships entered into under this section:

(1) The number of such partnerships.

(2) A description of the nature of the technology involved in each such partnership.

(3) A list of all partners in such partnerships.

(e) COORDINATION.—The Secretary of Defense shall ensure that the Department of Defense coordinates with the Administrator of the Environmental Protection Agency in any verification sponsored by the Department of technologies demonstrated and validated by a partnership entered into under this section.

(f) TERMINATION OF AUTHORITY.—The authority to enter into agreements under subsection (a) shall terminate three years after the date of the enactment of this Act.

SEC. 347. PILOT PROGRAM TO TEST AN ALTERNATIVE TECHNOLOGY FOR ELIMINATING SOLID AND LIQUID WASTE EMISSIONS DURING SHIP OPERATIONS.

(a) DETERMINATION BY SECRETARY OF THE NAVY.—(1) The Secretary of the Navy shall make a determination whether the alternative technology described in paragraph (2) has the clear potential for significant benefit to the Navy.

(2) The technology referred to in paragraph (1) is an alternative technology designed to thermally treat on shipboard all kinds of liquid and solid wastes generated on an operating ship by means of a plasma arc melter system that is compact, stationary, and uses a high alumina refractory hearth.

(b) PILOT PROGRAM.—If the determination made under subsection (a)(1) is in the affirmative, the Secretary shall establish a pilot program to test the alternative technology. In conducting the test, the Secretary shall seek to demonstrate whether the technology is valid, cost-effective, and in compliance with environmental laws and regulations.

(c) FUNDING.—From funds appropriated pursuant to the authorization in section 301(2), the Secretary of the Navy may use not more than $4,000,000 to carry out the pilot program.

(d) REPORT.—(1) If the determination made under subsection (a)(1) is in the affirmative, upon completion of the test conducted under the pilot program the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth in detail the results of the test. The report shall include recommendations on whether the alternative technology merits implementation on naval vessels and such other recommendations as the Secretary considers appropriate.

(2) If the determination made under subsection (a)(1) is in the negative, the Secretary shall submit to the committees referred to in paragraph (1) a report containing the analysis and data used by the Secretary in making the determination and such other recommendations as the Secretary considers appropriate.

Subtitle F—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 361. REORGANIZATION OF LAWS REGARDING COMMISSARIES AND EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES.

(a) DESCRIPTION OF CHAPTER.—(1) The heading of chapter 147 of title 10, United States Code, is amended to read as follows:

"CHAPTER 147—COMMISSARIES AND EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are amended by striking out the item relating to chapter 147 and inserting in lieu thereof the following new item:

"147. Commissaries and Exchanges and Other Morale, Welfare, and Recreation Activities ..... 2481".

(b) TRANSFER AND REDESIGNATION OF UNRELATED PROVISIONS.—(1) Section 2481 of title 10, United States Code, is transferred to chapter 159 of such title, inserted after section 2685, and redesignated as section 2686.

(2) Sections 2483 and 2490 of such title are transferred to the end of subchapter III of chapter 169 of such title and redesignated as sections 2867 and 2868, respectively.

(3) Section 2491 of such title is redesignated as section 2500.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 147 of title 10, United States Code, is amended by striking out the items relating to sections 2481, 2483, and 2490.

(2) The table of sections at the beginning of chapter 159 of such title is amended by inserting after the item relating to section 2685 the following new item:

"2686. Utilities and services: sale; expansion and extension of systems and facilities.".

(3) The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by adding at the end the following new items:

"2867. Sale of electricity from alternate energy and cogeneration production facilities.

"2868. Utility services: furnishing for certain buildings.".

(4) The table of sections at the beginning of subchapter I of chapter 148 of such title is amended by striking out the item relating to section 2491 and inserting in lieu thereof the following new item:

"2500. Definitions.".

(d) CONFORMING AMENDMENTS.—(1) Section 2534(d) of title 10, United States Code, is amended by striking out "section 2491(1)" both places it appears and inserting in lieu thereof "section 2500(1)".

(2) Section 2865(b)(2) of such title is amended by striking out "section 2483(b)(2)" and inserting in lieu thereof "section 2867(b)(2)".

SEC. 362. MERCHANDISE AND PRICING REQUIREMENTS FOR COMMISSARY STORES.

(a) AUTHORIZED COMMISSARY MERCHANDISE CATEGORIES.—Subsection (b) of section 2486 of title 10, United States Code, is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following: "(b) AUTHORIZED COMMISSARY MERCHANDISE CATEGORIES.—Merchandise sold in, at, or by commissary stores may include items only in the following categories:"; and

(2) by striking out paragraph (11) and inserting in lieu thereof the following new paragraph:

"(11) Subject to the congressional notification requirements of subsection (f), such other merchandise categories as the Secretary of Defense may prescribe.".

(b) ALTERATION OF UNIFORM SALES PRICE SURCHARGE OR ADJUSTMENT.—Subsection (c) of such section is amended—

(1) by inserting "UNIFORM SALES PRICE SURCHARGE OR ADJUSTMENT.—" after "(c)";

(2) by striking out "in commissary stores." and inserting in lieu thereof "in, at, or by commissary stores."; and

(3) by adding at the end the following new sentence: "The uniform percentage in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 may not be changed except by a law enacted after such date.".

(c) ESTABLISHMENT OF SALES PRICE.—Subsection (d) of such section is amended to read as follows:

"(d) SALES PRICE ESTABLISHMENT.—The Secretary of Defense shall establish the sales price of each item of merchandise sold in, at, or by commissary stores at the level that will recoup the actual product cost of the item (consistent with this section and sections 2484 and 2685 of this title).".

(d) CONGRESSIONAL NOTIFICATION; SPECIAL RULES.—Such section is further amended by adding at the end the following new subsections:

"(f) CONGRESSIONAL NOTIFICATION.—(1) Any change in the pricing policies for merchandise sold in, at, or by commissary stores, and any addition of a merchandise category under subsection (a)(11), shall not take effect until the Secretary of Defense submits written notice of the proposed change or addition to Congress and a period of 90 days of continuous session of Congress expires following the date on which notice was received.

"(2) For purposes of this subsection, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment or recess of more than three days to a day certain are excluded in a computation of such 90-day period.

"(g) SPECIAL RULE FOR CERTAIN MERCHANDISE.—(1) Notwithstanding the general requirement that merchandise sold in, at, or by commissary stores be commissary store inventory, the Secretary of Defense may authorize the sale of items in the merchandise categories specified in paragraph (2) as noncommissary store inventory. Subsections (c) and (d) shall not apply to the pricing of such items of merchandise.

"(2) The merchandise categories referred to in paragraph (1) are as follows:

"(A) Magazines and other periodicals.

"(B) Tobacco products.".

(e) CLERICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "IN GENERAL.—" after "(a)"; and

(2) in subsection (e)—

(A) by inserting "SPECIAL RULE FOR BRAND-NAME COMMERCIAL ITEMS.—" after "(e)"; and

(B) by striking out "in commissary stores" both places it appears and inserting in lieu thereof "in, at, or by commissary stores".

(f) EFFECT OF AMENDMENT.—(1) In the case of merchandise categories authorized, before the date of the enactment of this Act, for sale in, at, or by commissary stores pursuant to regulations prescribed under subsection (b)(11) of section 2486 of title 10, United States Code, as in effect before such date, the Secretary of Defense may continue to authorize the sale of such merchandise categories in, at, or by commissary stores after such date notwithstanding the amendment made by subsection (a)(2). However, the sale in commissary store of such merchandise categories shall be subject to the other requirements of such section 2486.

(2) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report specifying the commissary merchandise categories covered by paragraph (1).

SEC. 363. LIMITATION ON NONCOMPETITIVE PROCUREMENT OF BRAND-NAME COMMERCIAL ITEMS FOR RESALE IN COMMISSARY STORES.

Section 2486(e) of title 10, United States Code, as amended by section 362(e)(2), is further amended by adding at the end the following new sentence: "In determining whether a brand name commercial item is regularly sold outside of commissary stores, the Secretary shall consider only sales of the item on a regional or national basis by commercial grocery or other retail operations consisting of multiple stores.".

SEC. 364. TRANSFER OF JURISDICTION OVER EXCHANGE, COMMISSARY, AND MORALE, WELFARE, AND RECREATION ACTIVITIES TO UNDER SECRETARY OF DEFENSE (COMPTROLLER).

(a) COMPTROLLER JURISDICTION.—Section 135(c) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(6) in the areas of exchange, commissary, and nonappropriated fund instrumentalities regarding morale, welfare, and recreation activities.".

(b) CONFORMING AMENDMENT.—Section 136(b) of title 10, United States Code, is amended by striking out "exchange, commissary, and nonappropriated fund activities,".

SEC. 365. PUBLIC AND PRIVATE PARTNERSHIPS TO BENEFIT MORALE, WELFARE, AND RECREATION ACTIVITIES.

(a) PARTNERSHIPS AUTHORIZED.—Chapter 147 of title 10, United States Code, as amended by section 361, is further amended by inserting before section 2482 the following new section:

"§2481. Morale, welfare, and recreation activities: leases and other contracts to benefit

"(a) LEASES AND OTHER CONTRACTS AUTHORIZED.—The Secretary of Defense may authorize a nonappropriated fund instrumentality to enter into leases, licensing agreements, concession agreements, and other contracts with private persons and State or local governments involving real property (and related personal property) under the control of the nonappropriated fund instrumentality in order to facilitate the provision of facilities, goods, or services to authorized patrons of the nonappropriated fund instrumentality.

"(b) CONDITIONS.—A nonappropriated fund instrumentality may enter into an authorized lease or other contract under subsection (a) only if the nonappropriated fund instrumentality determines, in consultation with the Secretary of Defense, that—

"(1) the use of the property subject to the lease or contract will provide appropriate space, or contribute to the provision of goods and services, for a morale, welfare, or recreation activity of the nonappropriated fund instrumentality;

"(2) the lease or contract will not be inconsistent with and will not adversely affect the mission of the Department or the nonappropriated fund instrumentality; and

"(3) the lease or contract will enhance the use of the property subject to the lease or contract.

"(c) ACCESS TO RESULTING FACILITIES, GOODS, OR SERVICES.—The use of a lease or contract under subsection (a) to provide facilities, goods, or services shall not be construed to permit the use of the resulting facilities, goods, or services by persons who are not authorized patrons of the nonappropriated fund instrumentality that is a party to the lease or contract.

"(d) LEASE AND CONTRACT TERMS.—Subsection (b) of section 2667 of this title shall apply to a lease or contract under subsection (a), except that references to the Secretary concerned shall be deemed to mean the nonappropriated fund instrumentality that is a party to the lease or contract.

"(e) MONEY RENTALS.—Money rentals received pursuant to a lease or contract under subsection (a) shall be treated in the same manner as other receipts of the nonappropriated fund instrumentality that is a party to the lease or contract, except that use of the rentals shall be restricted to the installation at which the property covered by the lease or contract is located.

"(f) DEFINITION.—In this section, the term 'nonappropriated fund instrumentality' means the Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the armed forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces.".

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 147 of such title, as amended by section 361, is further amended by inserting before the item relating to section 2482 the following new item:

"2481. Morale, welfare, and recreation activities: leases and other contracts to benefit.".

SEC. 366. TREATMENT OF CERTAIN AMOUNTS RECEIVED BY DEFENSE COMMISSARY AGENCY.

Section 2482 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) TREATMENT OF CERTAIN RECEIPTS.—(1) The Defense Commissary Agency shall deposit amounts received from the sources specified in paragraph (2) into the same account in which the proceeds from the adjustment of, or surcharge on, commissary store prices authorized by subsection (a) of section 2685 of this title are deposited. In such amounts as provided in appropriations Acts, the amounts deposited under this paragraph shall be available for the purposes described in subsection (b) of such section.

"(2) Paragraph (1) shall apply with respect to amounts received by the Defense Commissary Agency from—

"(A) the sale of items for recycling;

"(B) the disposal of excess property;

"(C) license fees, royalties, incentive allowances, and management and other fees; and

"(D) a nonappropriated fund instrumentality of the United States.".

SEC. 367. AUTHORIZED USE OF APPROPRIATED FUNDS FOR RELOCATION OF NAVY EXCHANGE SERVICE COMMAND.

The Navy Exchange Service Command is not required to reimburse the United States for appropriated funds allotted to the Navy Exchange Service Command during fiscal years 1994, 1995, and 1996 to cover costs incurred by the Navy Exchange Service Command to relocate to Virginia Beach, Virginia, and to lease headquarters space in Virginia Beach.

Subtitle G—Other Matters

SEC. 371. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 1998.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) $30,000,000 shall be available for providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies; and

(2) $5,000,000 shall be available for making educational agencies payments (as defined in subsection (d)(2)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 1998, the Secretary of Defense shall—

(1) notify each local educational agency that is eligible for educational agencies assistance for fiscal year 1998 of that agency's eligibility for such assistance and the amount of such assistance for which that agency is eligible; and

(2) notify each local educational agency that is eligible for an educational agencies payment for fiscal year 1998 of that agency's eligibility for such payment and the amount of the payment for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under paragraphs (1) and (2) of subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term "educational agencies assistance" means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term "educational agencies payments" means payments authorized under section 386(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(3) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(e) TECHNICAL CORRECTION RELATING TO ORIGINAL ASSISTANCE AUTHORITY.—Section 386(c)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note) is amended—

(1) by striking out "section 8003(a)" and inserting in lieu thereof "section 8003(a)(1)"; and

(2) by striking out "(20 U.S.C. 7703(a))" and inserting in lieu thereof "(20 U.S.C. 7703(a)(1))".

SEC. 372. CONTINUATION OF OPERATION MONGOOSE.

Section 135 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) The Under Secretary of Defense (Comptroller) shall be responsible for investigating evidence of fraud, waste, and abuse uncovered as a result of the Department of Defense program (known as Operation Mongoose) established to identify and prevent fraud, waste, and abuse within the Department of Defense, particularly fraud, waste, and abuse regarding finance and accounting matters. The program shall continue through fiscal year 2003.".

SEC. 373. INCLUSION OF AIR FORCE DEPOT MAINTENANCE AS OPERATION AND MAINTENANCE BUDGET ACTIVITY GROUP.

For fiscal year 1999 and each fiscal year thereafter, Air Force depot-level maintenance of materiel shall be displayed as one or more budget activity groups (known as "subactivities")

within the authorization request for Operation and Maintenance, Air Force, in the proposed budget for that fiscal year submitted to Congress pursuant to section 1105 of title 31, United States Code.

SEC. 374. PROGRAMS TO COMMEMORATE 50TH ANNIVERSARY OF MARSHALL PLAN AND KOREAN CONFLICT.

(a) COMMEMORATIVE PROGRAMS.—(1) The Secretary of Defense may conduct a program to commemorate the 50th anniversary of the Marshall Plan that provided for the reconstruction of the economies of Western Europe following World War II.

(2) The Secretary may conduct a program to commemorate the 50th anniversary of the Korean conflict.

(3) In conducting such commemorative programs, the Secretary may coordinate, support, and facilitate other programs and activities of the Federal Government, State and local governments, and other persons in commemoration of the Marshall Plan or the Korean conflict.

(b) MARSHALL PLAN COMMEMORATIVE ACTIVITIES.—The commemorative programs authorized by subsection (a)(1) may include activities and ceremonies—

(1) to honor George C. Marshall, who developed the Marshall Plan, for a lifetime of service to the United States as a commissioned officer of the Army (including service during World War II as Chief of Staff of the Army with the rank of General of the Army) and as Secretary of Defense and Secretary of State at the beginning of the Cold War; and

(2) to provide the people of the United States with a clear understanding and appreciation of the significance of Marshall Plan.

(c) KOREAN CONFLICT COMMEMORATIVE ACTIVITIES.—The commemorative programs authorized by subsection (a)(2) may include activities and ceremonies—

(1) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of the Korean conflict;

(2) to thank and honor veterans of the Korean conflict and their families;

(3) to pay tribute to the sacrifices and contributions made on the home front by the people of the United States during the Korean conflict;

(3) to highlight advances in technology, science, and medicine related to military research conducted during the Korean conflict;

(4) to recognize the contributions and sacrifices made by the allies of the United States in the Korean conflict; and

(5) to highlight the role of the Armed Forces of the United States, then and now, in maintaining world peace through strength.

(d) NAMES AND SYMBOLS.—The Secretary of Defense shall have the sole and exclusive right to use the names "The Department of Defense 50th Anniversary of the Marshall Plan", "50th Anniversary of the Marshall Plan", and "The Korean Conflict Commemoration", and such seal, emblems, and badges incorporating such names as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(e) COMMEMORATIVE ACCOUNT.—(1) There is established in the Treasury an account to be known as the "Department of Defense 50th Anniversary of the Marshall Plan and Korean Conflict Commemoration Account", which shall be administered by the Secretary of Defense as a single account. There shall be deposited into the account all proceeds derived from the Secretary's use of the exclusive rights described in subsection (d). The Secretary may use funds in the account only for the purpose of conducting the commemorative programs authorized by subsection (a).

(2) Not later than 60 days after completion of all activities and ceremonies conducted as part of the commemorative programs, the Secretary shall submit to Congress a report containing an accounting of all the funds deposited into and expended from the account or otherwise expended under this section, and of any funds remaining in the account. Unobligated funds remaining in the account on that date shall be held in the account until transferred by law.

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative programs authorized by subsection (a).

(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. The person shall also be considered a special governmental employee for purposes of standards of conduct and sections 202, 203, 205, 207, 208, and 209 of title 18, United states Code. A person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of voluntary services under this subsection.

(3) The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

SEC. 375. PROHIBITION ON USE OF SPECIAL OPERATIONS COMMAND BUDGET FOR BASE OPERATION SUPPORT.

Section 167(f) of title 10, United States Code, is amended

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" before "In addition"; and

(3) by adding at the end the following new paragraph:

"(2) Funds provided for the special operations command as part of the budget for the special operations command under paragraph (1) may not be used to cover base operation support expenses incurred at a military installation.".

SEC. 376. CONTINUATION AND EXPANSION OF DEMONSTRATION PROGRAM TO IDENTIFY OVERPAYMENTS MADE TO VENDORS.

(a) SCOPE OF PROGRAM.—Section 354 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 268; 10 U.S.C. 2461 note) is amended—

(1) in subsection (a), by striking out the second sentence; and

(2) in subsection (b)(1), by striking out "of the Defense Logistics Agency that relate to (at least) fiscal years 1993, 1994, and 1995" and inserting in lieu thereof "relating to fiscal years after fiscal year 1993 of the working-capital funds and industrial, commercial, and support type activities managed through the Defense Business Operations Fund, except the Defense Logistics Agency to the extent such records have already been audited".

(b) COLLECTION METHOD; CONTRACTOR PAYMENTS.—Such section is further amended by striking out subsections (d) and (e) and inserting in lieu thereof the following new subsections:

"(d) COLLECTION METHOD.—In the case of an overpayment to a vendor identified under the demonstration program, the Secretary shall require the use of the procedures specified in section 32.611 of the Federal Acquisition Regulation, regarding a setoff against existing invoices for payment to the vendor, as the first method by which the Department shall seek to recover the amount of the overpayment (and any applicable interest and penalties) from the vendor.

"(e) FEES FOR CONTRACTOR.—The Secretary shall pay to the contractor under the contract entered into under the demonstration program an amount not to exceed 25 percent of the total amount recovered by the Department (through the collection of overpayments and the use of setoffs) solely on the basis of information obtained as a result of the audits performed by the contractor under the program. When an overpayment is recovered through the use of a setoff, amounts for the required payment to the contractor shall be derived from funds available to the working-capital fund or industrial, commercial, or support type activity for which the overpayment is recovered.".

SEC. 377. APPLICABILITY OF FEDERAL PRINTING REQUIREMENTS TO DEFENSE AUTOMATED PRINTING SERVICE.

(a) Subchapter I of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

"§195. Defense Automated Printing Service: applicability of Federal printing requirements

"The Defense Automated Printing Service shall comply fully with the requirements of chapter 5 of title 44 relating to the production and procurement of printing, binding, and blank-book work.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"195. Defense Automated Printing Service: applicability of Federal printing requirements.".

SEC. 378. BASE OPERATIONS SUPPORT FOR MILITARY INSTALLATIONS ON GUAM.

(a) CONTRACTOR USE OF NONIMMIGRANT ALIENS.—Each contract for base operations support to be performed on Guam shall contain a condition that work under the contract may not be performed by any alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)).

(b) APPLICATION OF SECTION.—This section shall apply to contracts entered into, amended, or otherwise modified on or after the date of the enactment of this Act.

TITLE IV—PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1998, as follows:

(1) The Army, 495,000.

(2) The Navy, 395,000.

(3) The Marine Corps, 174,000.

(4) The Air Force, 381,000.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1998, as follows:

(1) The Army National Guard of the United States, 366,516.

(2) The Army Reserve, 208,000.

(3) The Naval Reserve, 94,294.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 107,377.

(6) The Air Force Reserve, 73,431.

(7) The Coast Guard Reserve, 8,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1998, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,310.

(2) The Army Reserve, 11,500.

(3) The Naval Reserve, 16,136.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,616.

(6) The Air Force Reserve, 748.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) AUTHORIZATION FOR FISCAL YEAR 1998.—The minimum number of military technicians (dual status) as of the last day of fiscal year 1998 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 5,503.

(2) For the Army National Guard of the United States, 23,125.

(3) For the Air Force Reserve, 9,802.

(4) For the Air National Guard of the United States, 22,853.

(b) REQUESTS FOR FUTURE FISCAL YEARS.—Section 115(g) of title 10, United States Code, is amended by adding at the end the following new sentence: "In each budget submitted by the President to Congress under section 1105 of title 31, the end strength requested for military technicians (dual status) for each reserve component of the Army and Air Force shall be specifically set forth.".

SEC. 414. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO SERVE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	673	140
Lieutenant Colonel or Commander	1,524	520	672	90
Colonel or Navy Captain	437	188	274	30".

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	627	202	371	20
E–8	2,585	429	900	94".

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1998 a total of $69,539,862,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1998.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE IN POSITIONS OUTSIDE THEIR OWN SERVICE.

(a) IN GENERAL.—Chapter 41 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 721. General and flag officers: limitation on appointments, assignments, details, and duties outside an officer's own service

"(a) LIMITATION.—An officer described in subsection (b) may not be appointed, assigned, or detailed for a period in excess of 90 days to a position external to that officer's armed force if, immediately following such appointment, assignment, or detail, the number of officers described in subsection (b) serving in positions external to such officers' armed force for a period in excess of 90 days would be in excess of 24.5 percent of the total number of such officers.

"(b) COVERED OFFICERS.—The officers covered by subsection (a), and to be counted for the purposes of the limitation in that subsection, are the following:

"(1) Any general or flag officer counted for purposes of section 526(a) of this title.

"(2) Any general or flag officer serving in a joint duty assignment position designated by the Chairman of the Joint Chiefs of Staff under section 526(b) of this title.

"(3) Any colonel or Navy captain counted for purposes of section 777(d)(1) of this title.

"(c) EXTERNAL POSITIONS.—For purposes of this section, the following positions shall be considered to be external to an officer's armed force:

"(1) Any position (including a position in joint education) that is a joint duty assignment for purposes of chapter 38 of this title.

"(2) Any position in the Office of the Secretary of Defense, a Defense Agency, or a Department of Defense Field Activity.

"(3) Any position in the Joint Chiefs of Staff, the Joint Staff, or the headquarters of a combatant command (as defined in chapter 6 of this title).

"(4) Any position in the National Guard Bureau.

"(5) Any position outside the Department of Defense, including any position in the headquarters of the North Atlantic Treaty Organization or any other international military command, any combined or multinational command, or military mission.

"(d) ASSIGNMENTS, ETC. FOR PERIODS IN EXCESS OF 90 DAYS.—For purposes of this section, the appointment, assignment, or detail of an officer to a position shall be considered to be for a period in excess of 90 days unless the appointment, assignment, or detail specifies that it is made a period of 90 days or less.

"(e) WAIVER DURING PERIOD OF WAR OR NATIONAL EMERGENCY.—The President may suspend the operation of this section during any period of war or of national emergency declared by Congress or the President.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"721. General and flag officers: limitation on appointments, assignments, details, and duties outside an officer's own service.".

SEC. 502. EXCLUSION OF CERTAIN RETIRED OFFICERS FROM LIMITATION ON PERIOD OF RECALL TO ACTIVE DUTY.

Effective October 1, 1997, section 688(e) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "A member"; and

(2) adding at the end the following new paragraph:

"(2) Paragraph (1) shall not apply to the following officers:

"(A) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

"(B) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of active duty to which ordered.

"(C) An officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.".

SEC. 503. CLARIFICATION OF OFFICERS ELIGIBLE FOR CONSIDERATION BY SELECTION BOARDS.

(a) OFFICERS ON THE ACTIVE-DUTY LIST.—Section 619(d) of title 10, United States Code, is amended—

(1) by striking out "grade—" in the matter preceding paragraph (1) and inserting in lieu thereof "grade any of the following officers:";

(2) in paragraph (1)—

(A) by striking out "an officer" and inserting in lieu thereof "An officer"; and

(B) by striking out "; or" at the end and inserting in lieu thereof a period; and

(3) by redesignating paragraph (2) as paragraph (3) and in that paragraph striking out "an officer" and inserting in lieu thereof "An officer"; and

(4) by inserting after paragraph (1) the following new paragraph (2):

"(2) An officer who is recommended for promotion to that grade in the report of an earlier selection board convened under that section, in the case of such a report that has not yet been approved by the President.".

(b) OFFICERS ON THE RESERVE ACTIVE-STATUS LIST.—Section 14301(c) of such title is amended—

(1) by striking out "grade—" in the matter preceding paragraph (1) and inserting in lieu thereof "grade any of the following officers:";

(2) by striking out "an officer" in each of paragraphs (1), (2), and (3) and inserting in lieu thereof "An officer";

(3) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period;

(4) by striking out "; or" at the end of paragraph (2) and inserting in lieu thereof a period;

(5) by redesignating paragraphs (2) and (3), as so amended, as paragraphs (3) and (4), respectively, and in each such paragraph striking out "the next higher grade" and inserting in lieu thereof "that grade"; and

(6) by inserting after paragraph (1) the following new paragraph (2):

"(2) An officer who is recommended for promotion to that grade in the report of an earlier selection board convened under a provision referred to in paragraph (1), in the case of such a report that has not yet been approved by the President.".

(c) CLARIFYING AMENDMENTS.—Paragraphs (3) and (4) of section 14301(c) of such title, as redesignated and amended by subsection (b), are each amended by inserting before the period at the end the following: ", if that nomination is pending before the Senate".

SEC. 504. AUTHORITY TO DEFER MANDATORY RETIREMENT FOR AGE OF OFFICERS SERVING AS CHAPLAINS.

(a) AUTHORITY FOR DEFERRAL OF RETIREMENT FOR CHAPLAINS PROVIDING DIRECT SUPPORT TO UNITS OR INSTALLATIONS.—Subsection (c) of section 1251 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Secretary concerned may defer the retirement under subsection (a) of an officer who is appointed or designated as a chaplain if during the period of the deferment the officer will be performing duties consisting primarily of providing direct support as a chaplain to units or installations.".

(b) AUTHORITY FOR DEFERRAL OF RETIREMENT FOR CHIEF AND DEPUTY CHIEF OF CHAPLAINS.—Such section is further amended by adding at the end the following new subsection:

"(d) The Secretary concerned may defer the retirement under subsection (a) of an officer who is the Chief of Chaplains or Deputy Chief of Chaplains of that officer's armed force. Such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.".

(c) QUALIFICATION FOR SERVICE AS NAVY CHIEF OF CHAPLAINS OR DEPUTY CHIEF OF CHAPLAINS.—(1) Section 5142(b) of such title is amended by striking out ", who are not on the retired list,".

(2) Section 5142a of such title is amended by striking out ", who is not on the retired list,".

Subtitle B—Reserve Component Matters

SEC. 511. INDIVIDUAL READY RESERVE ACTIVATION AUTHORITY.

(a) IRR MEMBERS SUBJECT TO ORDER TO ACTIVE DUTY OTHER THAN DURING WAR OR NATIONAL EMERGENCY.—Section 10144 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Within the Ready Reserve"; and

(2) by adding at the end the following new subsection:

"(b)(1) Within the Individual Ready Reserve of each reserve component there is a category of members, as designated by the Secretary concerned, who are subject to being ordered to active duty involuntarily in accordance with section 12304 of this title. A member may not be placed in that mobilization category unless—

"(A) the member volunteers for that category; and

"(B) the member is selected for that category by the Secretary concerned, based upon the needs of the service and the grade and military skills of that member.

"(2) A member of the Individual Ready Reserve may not be carried in such mobilization category of members after the end of the 24-month period beginning on the date of the separation of the member from active service.

"(3) The Secretary shall designate the grades and military skills or specialities of members to be eligible for placement in such mobilization category.

"(4) A member in such mobilization category shall be eligible for benefits (other than pay and training) as are normally available to members of the Selected Reserve, as determined by the Secretary of Defense.".

(b) CRITERIA FOR ORDERING TO ACTIVE DUTY.—Subsection (a) of section 12304 of title 10, United States Code, is amended by inserting after "of this title)," the following: "or any member in the Individual Ready Reserve mobilization category and designated as essential under regulations prescribed by the Secretary concerned,".

(c) MAXIMUM NUMBER.—Subsection (c) of such section is amended—

(1) by inserting "and the Individual Ready Reserve" after "Selected Reserve"; and

(2) by inserting ", of whom not more than 30,000 may be members of the Individual Ready Reserve" before the period at the end.

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (f), by inserting "or Individual Ready Reserve" after "Selected Reserve";

(2) in subsection (g), by inserting ", or member of the Individual Ready Reserve," after "to serve as a unit"; and

(3) by adding at the end the following new subsection:

"(i) For purposes of this section, the term 'Individual Ready Reserve mobilization category' means, in the case of any reserve component, the category of the Individual Ready Reserve described in section 10144(b) of this title.".

(e) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 12304. Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency".

(2) The item relating to section 12304 in the table of sections at the beginning of chapter 1209 of such title is amended to read as follows:

"12304. Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency".

SEC. 512. TERMINATION OF MOBILIZATION INCOME INSURANCE PROGRAM.

(a) IN GENERAL.—Chapter 1214 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12533. Termination of program

"(a) IN GENERAL.—The Secretary shall terminate the insurance program in accordance with this section.

"(b) TERMINATION OF NEW ENROLLMENTS.—The Secretary may not enroll a member of the Ready Reserve for coverage under the insurance program after the date of the enactment of this section.

"(c) TERMINATION OF COVERAGE.—(1) The enrollment under the insurance program of insured members other than insured members described in paragraph (2) is terminated as of the date of the enactment of this section. The enrollment of an insured member described in paragraph (2) is terminated as of the date of the termination of the period of covered service of that member described in that paragraph.

"(2) An insured member described in this paragraph is an insured member who on the date of the enactment of this section is serving on covered service for a period of service, or has been issued an order directing the performance of covered service, that satisfies or would satisfy the entitlement-to-benefits provisions of this chapter.

"(d) TERMINATION OF PAYMENT OF BENEFITS.—The Secretary may not make any benefit payment under the insurance program after the date of the enactment of this section other than to an insured member who on that date (1) is serving on an order to covered service, (2) has been issued an order directing performance of covered service, or (3) has served on covered service before that date for which benefits under the program have not been paid to the member.

"(e) TERMINATION OF INSURANCE FUND.—The Secretary shall close the Fund not later than 60 days after the date on which the last benefit payment from the Fund is made. Any amount remaining in the Fund when closed shall be covered into the Treasury as miscellaneous receipts.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12533. Termination of program.".

SEC. 513. CORRECTION OF INEQUITIES IN MEDICAL AND DENTAL CARE AND DEATH AND DISABILITY BENEFITS FOR RESERVE MEMBERS WHO INCUR OR AGGRAVATE AN ILLNESS IN THE LINE OF DUTY.

(a) MEDICAL AND DENTAL CARE FOR DEPENDENTS.—Section 1076(a)(2) of title 10, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(C) who incurs or aggravates an injury or illness in the line of duty while serving on active duty for a period of 30 days or less and whose orders are subsequently modified to extend the period of active duty to a period of more than 30 days.".

(b) MEDICAL AND DENTAL CARE.—Section 1074a(a)(3) of such title is amended by inserting "while remaining overnight immediately before the commencement of inactive-duty training, or" after "in the line of duty".

(c) ELIGIBILITY FOR DISABILITY RETIREMENT.—Section 1204(2)(C) of such title is amended by inserting "while remaining overnight immediately before the commencement of inactive-duty training, or" after "aggravated".

(d) ELIGIBILITY FOR DISABILITY SEPARATION.—Section 1206 of such title is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5) respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) the disability was incurred in the line of duty as a result of—

"(A) performing active duty or inactive-duty training;

"(B) traveling directly to or from the place at which such duty is performed; or

"(C) an injury, illness, or disease incurred or aggravated while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance of the member's residence;".

(e) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2)(D) of such title is amended by inserting "remaining overnight immediately before the commencement of inactive-duty training, or" after "(D)".

(f) ENTITLEMENT TO BASIC PAY.—Section 204 of title 37, United States Code, is amended by inserting "while remaining overnight immediately before the commencement of inactive-duty training, or" in subsections (g)(1)(D) and (h)(1)(D) after "in line of duty".

(g) COMPENSATION FOR INACTIVE-DUTY TRAINING.—Section 206(a)(3)(C) of such title is amended by inserting "while remaining overnight immediately before the commencement of inactive-duty training, or" after "in line of duty".

SEC. 514. TIME-IN-GRADE REQUIREMENTS FOR RESERVE COMMISSIONED OFFICERS RETIRED DURING FORCE DRAWDOWN PERIOD.

(a) AUTHORITY COMPARABLE TO ACTIVE-DUTY LIST OFFICERS.—Subsection (d)(3) of section 1370 of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(F) The Secretary of Defense may authorize the Secretary of a military department to reduce the three-year period specified in subparagraph (A) to a period of not less than two years in the case of retirements effective during the period

beginning on the date of the enactment of this subparagraph and ending on September 30, 1999. The number of officers in an armed force in a grade for whom a reduction is made during any fiscal year in the period of service-in-grade otherwise required under this paragraph may not exceed the number equal to two percent of the authorized reserve active status strength for that fiscal year for officers of that armed force in that grade.''.

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a)(2)(A), by inserting ''of'' after ''reduce such period to a period''; and

(2) in subsection (d)(1), by striking out ''chapter 1225'' and inserting in lieu thereof ''chapter 1223''.

SEC. 515. AUTHORITY TO PERMIT NON-UNIT ASSIGNED OFFICERS TO BE CONSIDERED BY VACANCY PROMOTION BOARD TO GENERAL OFFICER GRADES.

(a) CONVENING OF SELECTION BOARDS.—Section 14101(a)(2) of title 10, United States Code, is amended by striking out ''(except in the case of a board convened to consider officers as provided in section 14301(e) of this title).''.

(b) ELIGIBILITY FOR CONSIDERATION OF CERTAIN ARMY OFFICERS.—Section 14301 of such title is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) GENERAL OFFICER PROMOTIONS.—Section 14308 of such title is amended—

(1) in subsection (e)(2), by inserting ''a grade below colonel in'' after ''(2) an officer in''; and

(2) in subsection (g)—

(A) by inserting ''or the Air Force'' in the first sentence after ''of the Army'' the first place it appears;

(B) by striking out ''in that grade'' in the first sentence and all that follows through ''Secretary of the Army'' and inserting in lieu thereof ''in the Army Reserve or the Air Force Reserve, as the case may be, in that grade''; and

(C) by striking out the second sentence.

(d) VACANCY PROMOTIONS.—Section 14315(b)(1) of such title is amended by striking out ''the duties'' in clause (A) and all that follows through ''as a unit,'' and inserting in lieu thereof ''duties of a general officer of the next higher reserve grade in the Army Reserve,''.

SEC. 516. GRADE REQUIREMENT FOR OFFICERS ELIGIBLE TO SERVE ON INVOLUNTARY SEPARATION BOARDS.

Section 14906(a)(2) of title 10, United States Code, is amended by striking out ''a grade above lieutenant colonel or commander'' and inserting in lieu thereof ''the grade of lieutenant colonel or commander or a higher grade''.

SEC. 517. LIMITATION ON USE OF AIR FORCE RESERVE AGR PERSONNEL FOR AIR FORCE BASE SECURITY FUNCTIONS.

(a) LIMITATION.—The Secretary of the Air Force may not use members of the Air Force Reserve who are AGR personnel for the performance of force protection, base security, or security police functions at an Air Force facility in the United States until six months after the date on which the Secretary submits to Congress a report on such use of AGR personnel.

(b) MATTERS TO BE INCLUDED IN REPORT.—The report under subsection (a) shall include the following:

(1) A statement of the planned scope, including each planned location, of such use of AGR personnel during the year in which the report is submitted and each of the five subsequent years.

(2) A detailed rationale for, and evaluation of, the cost effectiveness of the use of AGR personnel to perform such functions at Air Force facilities in the United States compared to the use of Department of Defense civilian personnel or contractor personnel for the performance of these functions at those facilities.

(3) A plan, including a cost estimate, for the reemployment, conversion to AGR status, or retirement of civilian employees and military technicians who are displaced by the use of Air Force Reserve AGR personnel to perform those functions.

(c) AGR PERSONNEL DEFINED.—For the purposes of this section, the term ''AGR personnel'' means members of the Air Force Reserve who are on active duty (other than for training) in connection with organizing, administering, recruiting, instructing, or training the Air Force Reserve.

Subtitle C—Military Technicians

SEC. 521. AUTHORITY TO RETAIN ON THE RESERVE ACTIVE-STATUS LIST UNTIL AGE 60 MILITARY TECHNICIANS IN THE GRADE OF BRIGADIER GENERAL.

(a) RETENTION.—Section 14702(a) of title 10, United States Code, is amended—

(1) by striking out ''section 14506 or 14507'' and inserting in lieu thereof ''section 14506, 14507, or 14508''; and

(2) by striking out ''or colonel'' and inserting in lieu thereof ''colonel, or brigadier general''.

(b) TECHNICAL AMENDMENT.—Section 14508(c) of such title is amended by striking out ''not later than the date on which the officer becomes 60 years of age'' and inserting in lieu thereof ''not later than the last day of the month in which the officer becomes 60 years of age''.

SEC. 522. MILITARY TECHNICIANS (DUAL STATUS).

(a) DEFINITION.—Subsection (a) of section 10216 of title 10, United States Code, is amended to read as follows:

''(a) IN GENERAL.—(1) For purposes of this section and any other provision of law, a military technician (dual status) is a Federal civilian employee who—

''(A) is employed under section 3101 of title 5 or section 709 of title 32;

''(B) is required as a condition of that employment to maintain membership in the Selected Reserve; and

''(C) is assigned to a position as a technician in the administration and training of the Selected Reserve or in the maintenance and repair of supplies or equipment issued to the Selected Reserve or the armed forces.

''(2) Military technicians (dual status) shall be authorized and accounted for as a separate category of civilian employees.''.

(b) UNIT MEMBERSHIP AND DUAL-STATUS REQUIREMENT.—Subsection (d) of such section is amended to read as follows:

''(d) UNIT MEMBERSHIP REQUIREMENT.—(1) Unless specifically exempted by law, each individual who is hired as a military technician (dual status) after December 1, 1995, shall be required as a condition of that employment to maintain membership in—

''(A) the unit of the Selected Reserve by which the individual is employed as a military technician; or

''(B) a unit of the Selected Reserve that the individual is employed as a military technician to support.

''(2) Paragraph (1) does not apply to a military technician (dual status) who is employed by the Army Reserve in an area other than Army Reserve troop program units.

''(e) DUAL-STATUS REQUIREMENT.—(1) Funds appropriated for the Department of Defense may not (except as provided in paragraph (2)) be used for compensation as a military technician of any individual hired as a military technician after February 10, 1996, who is no longer a member of the Selected Reserve.

''(2) The Secretary concerned may pay compensation described in paragraph (1) to an individual described in that paragraph who is no longer a member of the Selected Reserve for a period not to exceed six months following the individual's loss of membership in the Selected Reserve if the Secretary determines such loss of membership was not due to the failure of that individual to meet military standards.''.

(c) NATIONAL GUARD DUAL-STATUS REQUIREMENT.—Section 709(b) of title 32, United States Code, is amended by striking out ''Except as prescribed by the Secretary concerned, a technician'' and inserting in lieu thereof ''A technician''.

(d) PLAN FOR CLARIFICATION OF STATUTORY AUTHORITY OF MILITARY TECHNICIANS.—(1) The Secretary of Defense shall submit to Congress, as part of the budget justification materials submitted in support of the budget for the Department of Defense for fiscal year 1999, a legislative proposal to provide statutory authority and clarification under title 5, United States Code—

(A) for the hiring, management, promotion, separation, and retirement of military technicians who are employed in support of units of the Army Reserve or Air Force Reserve; and

(B) for the transition to the competitive service of an individual who is hired as military technician in support of a unit of the Army Reserve or Air Force Reserve and who (as determined by the Secretary concerned) fails to maintain membership in the Selected Reserve through no fault of the individual.

(2) The legislative proposal under paragraph (1) shall be developed in consultation with the Director of the Office of Personnel Management.

(e) CONFORMING REPEAL.—Section 8106 of Public Law 104–61 (109 Stat. 654; 10 U.S.C. 10101 note) is repealed.

(f) CROSS-REFERENCE CORRECTIONS.—Section 10216(c)(1) of title 10, United States Code, is amended by striking out ''subsection (a)(1)'' in subparagraphs (A), (B), (C), and (D) and inserting in lieu thereof ''subsection (b)(1)''.

(g) CONFORMING AMENDMENTS TO SECTION 10216.—Section 10216 of title 10, United States Code, is further amended as follows:

(1) The heading of subsection (b) is amended by inserting ''(DUAL STATUS)'' after ''MILITARY TECHNICIANS''.

(2) Subsection (b)(1) is amended—

(A) by inserting ''(dual status)'' after ''for military technicians'';

(B) by striking out ''dual status military technicians'' and inserting in lieu thereof ''military technicians (dual status)'';

(C) by inserting ''(dual status)'' after ''military technicians'' in subparagraph (C).

(3) Subsection (b)(2) is amended by inserting ''(dual status)'' after ''military technicians'' both places it appears.

(4) Subsection (b)(3) is amended by inserting ''(dual status)'' after ''Military technician''.

(5) Subsection (c) is amended—

(A) in the matter preceding paragraph (1)(A), by inserting ''(dual status)'' after ''military technicians'';

(B) in paragraph (1), by striking out ''dual status technicians'' in subparagraphs (A), (B), (C), and (D) and inserting in lieu thereof ''military technicians (dual status)'';

(C) in paragraph (2)(A), by inserting ''(dual status)'' after ''military technician''; and

(D) in paragraph (2)(B), by striking out ''delineate—'' and all that follows through ''or other reasons'' in clause (ii) and inserting in lieu thereof ''delineate the specific force structure reductions''.

(h) CLERICAL AMENDMENTS.—(1) The heading of section 10216 of such title is amended to read as follows:

''§ 10216. Military technicians (dual status)''.

(2) The item relating to such section in the table of sections at the beginning of chapter 1007 of such title is amended to read as follows:

''10216. Military technicians (dual status).''.

(i) OTHER CONFORMING AMENDMENTS.—(1) Section 115(g) of such title is amended by inserting ''(dual status)'' in the first sentence after

"military technicians" and in the second sentence after "military technician".

(2) Section 115a(h) of such title is amended—

(A) by inserting "(displayed in the aggregate and separately for military technicians (dual status) and non-dual status military technicians)" in the matter preceding paragraph (1) after "of the following"; and

(B) by striking out paragraph (3).

SEC. 523. NON-DUAL STATUS MILITARY TECHNICIANS.

(a) IN GENERAL.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 10217. Non-dual status military technicians

"(a) DEFINITION.—For the purposes of this section and any other provision of law, a non-dual status military technician is a civilian employee of the Department of Defense who—

"(1) was hired as a military technician before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 under any of the authorities specified in subsection (d); and

"(2) as of the date of the enactment of that Act is not a member of the Selected Reserve or after such date ceases to be a member of the Selected Reserve.

"(b) FISCAL YEAR 1998 LIMITATION.—As of September 30 1998, the number of civilian employees of a military department who are non-dual status military technicians may not exceed the following:

"(1) For the Army Reserve, 1,200.

"(2) For the Army National Guard of the United States, 2,260.

"(3) For the Air Force Reserve, 0.

"(4) For the Air National Guard of the United States, 395.

"(c) REDUCTIONS FOR FUTURE YEARS.—For each of the 10 fiscal years beginning with fiscal year 1999, the Secretary of the military department concerned shall reduce the number of non-dual status military technicians under the jurisdiction of that Secretary, as of the end of that fiscal year, from the authorized number for the preceding fiscal year by not less—

"(1) 120, for the Army Reserve;

"(2) 226, for the Army National Guard of the United States; and

"(3) 39, for the Air National Guard of the United States.

"(d) EMPLOYMENT AUTHORITIES.—The authorities referred to in subsection (a) are the following:

"(1) Section 10216 of this title.

"(2) Section 709 of title 32.

"(3) The requirements referred to in section 8401 of title 5.

"(4) Section 8016 of the Department of Defense Appropriations Act, 1996 (Public Law 104–61; 109 Stat. 654), and any comparable provision provided on an annual basis in the Department of Defense Appropriations Acts for fiscal years 1984 through 1995.

"(5) Any memorandum of agreement between the Department of Defense and the Office of Personnel Management providing for the hiring of military technicians.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"10217. Non-dual status military technicians.".

(b) PLAN FOR NON-DUAL STATUS TECHNICIANS.—Not later than March 31, 1998, the Secretary of Defense shall submit to Congress a report setting forth recommendations of the Secretary (including proposals for such legislative changes as may be necessary to implement the recommendations of the Secretary) for eliminating non-dual status military technician positions. In developing the plan, the Secretary shall consider (among other alternatives) the feasibility and cost of each of the following:

(1) Elimination or consolidation of functions and positions.

(2) Contracting for performance by contractor personnel of functions currently performed by personnel in those positions.

(3) Conversion of those technicians and positions, in the case of technicians of the Army National Guard of the United States or the Air National Guard of the United States, to State employment and positions or competitive service employment positions under title 5, United States Code.

(4) Conversion of those technicians or positions to employment and positions in the competitive service under title 5, United States Code, in the case of technicians of the Army Reserve.

(5) Use of incentives to facilitate the reductions required under subsection (c) of section 10217 of title 10, United States Code, as added by subsection (a).

Subtitle D—Measures To Improve Recruit Quality and Reduce Recruit Attrition

SEC. 531. REFORM OF MILITARY RECRUITING SYSTEMS.

(a) IN GENERAL.—The Secretary of Defense shall carry out reforms in the recruiting systems of the Army, Navy, Air Force, and Marine Corps in order to improve the quality of new recruits and to reduce attrition among recruits.

(b) SPECIFIC REFORMS.—As part of the reforms in military recruiting systems to be undertaken under subsection (a), the Secretary shall take the following steps:

(1) Improve the system of separation codes used for recruits who are separated during recruit training by (A) revising and updating those codes to allow more accurate and useful data collection about those separations, and (B) prescribing regulations to ensure that those codes are interpreted in a uniform manner by the military services.

(2) Develop a reliable database for (A) analyzing service-wide data on reasons for attrition of new recruits, and (B) undertaking service-wide measures to control and manage such attrition.

(3) Require that the Secretary of each military department (A) adopt or strengthen incentives for recruiters to thoroughly prescreen potential candidates for recruitment, and (B) link incentives for recruiters, in part, to the ability of a recruiter to screen out unqualified candidates before enlistment.

(4) Require that the Secretary of each military department include as a measurement of recruiter performance the percentage of persons enlisted by a recruiter who complete initial combat training or basic training.

(5) Assess trends in the number and use of waivers over the 1991–1997 period that were issued to permit applicants to enlist with medical or other conditions that would otherwise be disqualifying.

(6) Require the Secretary of each military department to implement policies and procedures (A) to ensure the prompt separation of recruits who are unable to successfully complete basic training, and (B) to remove those recruits from the training environment while separation proceedings are pending.

(c) REPORT.—The Secretary shall submit to Congress a report of the trends assessed under subsection (b)(5). The information on those trends provided in the report shall be shown by armed force and by category of waiver. The report shall include recommendations of the Secretary for changing, revising, or limiting the use of waivers referred to in that subsection and shall be submitted not later than March 31, 1998.

SEC. 532. IMPROVEMENTS IN MEDICAL PRESCREENING OF APPLICANTS FOR MILITARY SERVICE.

(a) IN GENERAL.—The Secretary of Defense shall improve the medical prescreening of applicants for entrance into the Army, Navy, Air Force, or Marine Corps.

(b) SPECIFIC STEPS.—As part of those improvements, the Secretary shall take the following steps:

(1) Require that each applicant for service in the Army, Navy, Air Force, or Marine Corps (A) provide to the Secretary the name of the applicant's medical insurer and the names of past medical providers, and (B) sign a release allowing the Secretary to request and obtain medical records of the applicant.

(2) Require that the forms and procedures for medical prescreening of applicants that are used by recruiters and by Military Entrance Processing Commands be revised so as to ensure that medical questions are specific, unambiguous, and tied directly to the types of medical separations most common for recruits during basic training and follow-on training.

(3) Add medical screening tests to the examinations of recruits carried out by Military Entrance Processing Station, provide more thorough medical examinations to selected groups of applicants, or both, to the extent that the Secretary determines that to do so could be cost effective in reducing attrition at basic training.

(4) Assign the responsibility for evaluating medical conditions of a recruit that are missed during accession processing to an agency or contractor other than the Military Entrance Processing Command which carried out the accession processing of that recruit (such command being the organization responsible for accession medical exams).

(5) Require that the Secretary of each military department test an applicant for entrance into the Armed Forces for use of illegal drugs at the Military Entrance Processing Station which carries out the accession processing of that recruit (in addition to any subsequent drug testing that may be required).

SEC. 533. IMPROVEMENTS IN PHYSICAL FITNESS OF RECRUITS.

(a) IN GENERAL.—The Secretary of Defense shall take steps to improve the physical fitness of recruits before they enter basic training.

(b) SPECIFIC STEPS.—As part of those improvements, the Secretary shall take the following steps:

(1) Direct the Secretary of each military department to implement programs under which new recruits who are in the Delayed Entry Program are encouraged to participate in physical fitness activities before reporting to basic training.

(2) Develop a range of incentives for new recruits to participate in physical fitness programs, as well as for those recruits who improve their level of fitness while in the Delayed Entry Program, which may include the use of monetary or other incentives, access to Department of Defense military fitness facilities, and access to military medical facilities in the case of a recruit who is injured while participating in physical activities with recruiters or other military personnel.

(3) Evaluate whether partnerships between recruiters and reserve components, or other innovative arrangements, could provide a pool of qualified personnel to assist in the conduct of physical training programs for new recruits in the Delayed Entry Program.

Subtitle E—Military Education and Training

SEC. 541. INDEPENDENT PANEL TO REVIEW MILITARY BASIC TRAINING.

(a) ESTABLISHMENT.—There is hereby established a panel to review the basic training programs of the Army, Navy, Air Force, and Marine Corps and to make recommendations on improvements to those programs.

(b) COMPOSITION.—(1) The panel shall be composed of seven members, appointed as follows:

(A) Three members shall be appointed jointly by the chairman and ranking minority party

member of the Committee on National Security of the House of Representatives.

(B) Three members shall be appointed jointly by the chairman and ranking minority party member of the Committee on Armed Services of the Senate.

(C) One member shall be appointed by the Secretary of Defense.

(2) The members of the panel shall choose one of the members to chair the panel.

(c) QUALIFICATIONS.—Members of the panel shall be appointed from among private United States citizens with knowledge and expertise in one or more of the following:

(1) Training of military personnel.

(2) Social and cultural matters affecting entrance into the Armed Forces and affecting military service, military training, and military readiness, such knowledge and expertise to have been gained through recognized research, policy making and practical experience, as demonstrated by retired military personnel, representatives from educational organizations, and leaders from civilian industry and other Government agencies.

(3) Factors that define appropriate military job qualifications, including physical, mental, and educational factors.

(4) Combat or other theater of war operations.

(d) PANEL FUNCTIONS RELATING TO BASIC TRAINING PROGRAMS GENERALLY.—The panel shall review the course objectives, structure, and length of the basic training programs of the Army, Navy, Air Force, and Marine Corps. As part of that review, the panel shall (with respect to each of those services) take the following measures:

(1) Determine the current end-state objectives established for graduates of basic training, particularly in regard to—

(A) physical conditioning;

(B) technical and physical skills proficiency;

(C) knowledge;

(D) military socialization, including the inculcation of service values and attitudes; and

(E) basic combat operational requirements.

(2) Assess whether those current end-state objectives, and basic training itself, should be modified (in structure, length, focus, program of instruction, training methods or otherwise) based, in part, on the following:

(A) An assessment of the perspectives of operational units on the quality and qualifications of the initial entry training graduates being assigned to those units, considering in particular whether the basic training system produces graduates who arrive in operational units with an appropriate level of skills, physical conditioning, and degree of military socialization to meet unit requirements and needs.

(B) An assessment of the demographics, backgrounds, attitudes, experience, and physical fitness of new recruits entering basic training, considering in particular the question of whether, given the entry level demographics, education, and background of new recruits, the basic training systems and objectives are most efficiently and effectively structured and conducted to produce graduates who meet service needs.

(C) An assessment of the perspectives of personnel who conduct basic training with regard to measures required to improve basic training.

(e) PANEL FUNCTIONS RELATING TO GENDER-INTEGRATED AND GENDER-SEGREGATED BASIC TRAINING.—The panel shall review the basic training policies of each of the Army, Navy, Air Force, and Marine Corps with regard to gender-integrated and gender-segregated basic training. As part of that review, the panel shall (with respect to each of those services) take the following measures:

(1) Determine the historical rationales for the establishment and disestablishment of gender-integrated or gender-segregated basic training.

(2) Examine the current rationales for the use of gender-integrated or gender-segregated basic training and, as part of such examination, evaluate whether at the time any of the services made a decision to integrate, or to segregate, basic training by gender, the Secretary of the military department concerned had substantive reason to believe, or has since developed data to support, any of the following:

(A) That gender-integrated basic training, or gender-segregated basic training, improves the readiness or performance of operational units

(B) That the entry level of new recruits with regard to physical condition, attitudes, and values is so different from that required and expected in the military services in general, and in operational units in particular, that an intense period of focused training is required, free from the additional challenges of training males and females together.

(C) That a significant percentage of women entering basic training experienced sexual abuse or assault before entering military service and that gender-segregated basic training (with same-sex drill instructors) provides the best opportunity for such women to have positive military female role models as mentors and to enter gender-integrated operational forces from a position of confidence, strength, and knowledge.

(3) Assess whether the concept of "training as you will fight" is a valid rationale for gender-integrated basic training or whether the training requirements and objectives for basic training are sufficiently different from those of operational unit so that such concept, when balanced against other factors relating to basic training, might not be a sufficient rationale for gender-integrated basic training.

(4) Assess the degree to which different standards have been established, or if not established are in fact being implemented, for males and females in basic training for matters such as physical fitness, physical performance (such as confidence and obstacle courses), military skills (such as marksmanship and hand-grenade qualifications), and nonphysical tasks required of individuals and, to the degree that differing standards exist or are in fact being implemented, assess the effect of the use of those differing standards.

(5) Assess the degree to which performance standards in basic training are based on military readiness.

(6) Review Department of Defense and military department efforts to objectively measure or evaluate the effectiveness of gender-integrated basic training, as compared to gender-segregated basic training, particularly with regard to the adequacy and scope of the efforts and with regard to the relevancy of findings to operational unit requirements.

(7) Compare the pattern of attrition in gender-integrated basic training units with the pattern of attrition in gender-segregated basic training units and assess the relevancy of the findings of such comparison.

(8) Compare the level of readiness and morale of gender-integrated basic training units with the level of readiness and morale of gender-segregated units and assess the relevancy of the findings of such comparison.

(f) RECOMMENDATIONS.—The panel shall prepare—

(1) an evaluation of gender-integrated and gender-segregated basic training programs, based upon the review under subsection (e); and

(2) recommendations for such changes to the current system of basic training as the panel considers warranted.

(g) REPORTS.—(1) Not later than six months after the members of the panel are appointed, the panel shall submit an interim report on its findings and conclusions to the Secretary of Defense.

(2) Not later than one year after establishment of the panel, the panel shall submit a final report to the Secretary of Defense. The final report shall include recommendations for legislative and administrative changes to basic training programs to improve the readiness and performance of initial entry training graduates and to reduce attrition, both during training and in the first term of enlistment.

(h) SUBMISSION OF REPORTS TO CONGRESS.—Not later than one month after receipt of the panel's interim report and one month after receipt of the panel's final report, the Secretary of Defense shall submit the report to Congress together with the views of the Secretary regarding the report and the matter covered in the report.

(i) PAY AND EXPENSES OF MEMBERS.—(1) Each member of the panel who is not an employee of the Government shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the panel.

(2) The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

(j) ADMINISTRATIVE SUPPORT.—(1) Upon the request of the chairman of the panel, the Secretary of Defense may detail to the panel, on a nonreimbursable basis, personnel of the Department of Defense to assist the panel in carrying out its duties.

(2) The Secretary of Defense shall furnish to the panel such administrative and support services as may be requested by the chairman of the panel.

(k) FUNDING.—The Secretary of Defense shall, upon the request of the panel, make available to the panel such amounts as the panel may require to carry out its duties under this title.

(l) TERMINATION OF THE PANEL.—The panel shall terminate 60 days after the date on which it submits its final report under subsection (g).

(m) SUBSEQUENT CONSIDERATION BY CONGRESS.—After submission of the final report of the panel to Congress, the Congress shall, based upon the results of the study (and such other matters as Congress considers appropriate), consider whether to require by law that the Secretaries of the military departments conduct basic training on a gender-segregated basis.

SEC. 542. REFORM OF ARMY DRILL SERGEANT SELECTION AND TRAINING PROCESS.

(a) IN GENERAL.—The Secretary of the Army shall reform the process for selection and training of drill sergeants for the Army.

(b) MEASURES TO BE TAKEN.—As part of such reform, the Secretary shall undertake the following measures (unless, in the case of any such measure, the Secretary determines that that measure would not result in improved effectiveness and efficiency in the drill sergeant selection and training process):

(1) Review the overall process used by the Department of the Army for selection of drill sergeants to determine—

(A) if that process is providing drill sergeant candidates in sufficient quantity and quality to meet the needs of the training system; and

(B) whether duty as a drill sergeant is a career-enhancing assignment (or is seen by potential drill sergeant candidates as a career-enhancing assignment) and what steps could be taken to ensure that such duty is in fact a career-enhancing assignment.

(2) Incorporate into the selection process for all drill sergeants the views and recommendations of the officers and senior noncommissioned

officers in the chain of command of each candidate for selection (particularly those of senior noncommissioned officers) regarding the candidate's suitability and qualifications to be a drill sergeant.

(3) Establish a requirement for psychological screening for each drill sergeant candidate.

(4) Reform the psychological screening process for drill sergeant candidates to improve the quality, depth, and rigor of that screening process.

(5) Revise the evaluation system for drill sergeants in training to provide for a so-called "whole person" assessment that gives insight into the qualifications and suitability of a drill sergeant candidate beyond the candidate's ability to accomplish required performance tasks.

(6) Revise the Army military personnel records system so that, under specified conditions and circumstances, a drill sergeant trainee who fails to complete the training to be a drill sergeant and is denied graduation will not have the fact of that failure recorded in those records. The conditions and circumstances under which the authority provided in the preceding sentence may be shall be prescribed by the Secretary in regulations.

(7) Provide each drill sergeant in training with the opportunity, before or during that training, to work with new recruits in initial entry training and to be evaluated on that opportunity.

(c) REPORT.—Not later than March 31, 1998, the Secretary shall submit to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate a report of the reforms adopted pursuant to this section or, in the case of any measure specified in any of paragraphs (1) through (7) of subsection (b) that was not adopted, the rationale why that measure was not adopted.

SEC. 543. REQUIREMENT FOR CANDIDATES FOR ADMISSION TO UNITED STATES NAVAL ACADEMY TO TAKE OATH OF ALLEGIANCE.

(a) REQUIREMENT.—Section 6958 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) To be admitted to the Naval Academy, an appointee must take and subscribe to an oath prescribed by the Secretary of the Navy. If a candidate for admission refuses to take and subscribe to the prescribed oath, the candidate's appointment is terminated.".

(b) EXCEPTION FOR MIDSHIPMEN FROM FOREIGN COUNTRIES.—Section 6957 of such title is amended by adding at the end the following new subsection:

"(d) A person receiving instruction under this section is not subject to section 6958(d) of this title.".

SEC. 544. REIMBURSEMENT OF EXPENSES INCURRED FOR INSTRUCTION AT SERVICE ACADEMIES OF PERSONS FROM FOREIGN COUNTRIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4344(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out the period at the end and inserting in lieu thereof the following: ", except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States."; and

(2) by adding at the end the following new paragraph:

"(3) The amount of reimbursement waived under paragraph (2) may not exceed 25 percent of the per-person reimbursement amount otherwise required to be paid by a foreign country under such paragraph, except in the case of not more than five persons receiving instruction at the Academy under this section at any one time.".

(b) NAVAL ACADEMY.—Section 6957(b) of such title is amended—

(1) in paragraph (2), by striking out the period at the end and inserting in lieu thereof the following: ", except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a midshipman appointed from the United States."; and

(2) by adding at the end the following new paragraph:

"(3) The amount of reimbursement waived under paragraph (2) may not exceed 25 percent of the per-person reimbursement amount otherwise required to be paid by a foreign country under such paragraph, except in the case of not more than five persons receiving instruction at the Naval Academy under this section at any one time.".

(c) AIR FORCE ACADEMY.—Section 9344(b) of such title is amended—

(1) in paragraph (2), by striking out the period at the end and inserting in lieu thereof the following: ", except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States."; and

(2) by adding at the end the following new paragraph:

"(3) The amount of reimbursement waived under paragraph (2) may not exceed 25 percent of the per-person reimbursement amount otherwise required to be paid by a foreign country under such paragraph, except in the case of not more than five persons receiving instruction at the Academy under this section at any one time.".

SEC. 545. UNITED STATES NAVAL POSTGRADUATE SCHOOL.

(a) AUTHORITY TO ADMIT ENLISTED MEMBERS AS STUDENTS.—Section 7045 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2) The Secretary may permit an enlisted member of the armed forces who is assigned to the Naval Postgraduate School or to a nearby command to receive instruction at the Naval Postgraduate School. Admission of enlisted members for instruction under this paragraph shall be on a space-available basis.";

(2) in subsection (b)—

(A) by striking out "the students" and inserting in lieu thereof "officers"; and

(B) by adding at the end the following new sentence: "In the case of an enlisted member permitted to receive instruction at the Postgraduate School, the Secretary of the Navy shall charge that member only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space-available basis)."; and

(3) in subsection (c)—

(A) by striking out "officers" both places it appears and inserting in lieu thereof "members"; and

(B) by striking out "the same regulations" and inserting in lieu thereof "regulations, as determined appropriate by the Secretary of the Navy,".

(b) EXPANSION OF AUTHORITY TO ADMIT CIVILIANS AS STUDENTS.—Section 7047 of such title is amended to read as follows:

"§ 7047. Civilian students at institutions of higher education: admission

"(a) ADMISSION ON TUITION-FREE, EXCHANGE BASIS.—(1) The Secretary of the Navy may enter into an agreement with an accredited institution of higher education (or a consortium of such institutions) under which students described in subsection (c) who are enrolled at that institution (or an institution in such consortium) are permitted to receive instruction at the Naval Postgraduate School on a space-available, tuition-free basis in exchange for which the institution of higher education (or each institution in the consortium) agrees to enroll, on a tuition-free basis, officers of the armed forces or other persons properly admitted for instruction at the Naval Postgraduate School.

"(2) Exchange of students under paragraph (1) need not be on a one-for-one basis.

"(3) An exchange under such an agreement shall be on the basis of in-kind reimbursement, with the total value of the instruction provided during a year by the Naval Postgraduate School to civilian students from the institutions that are parties to the agreement being at least as great as the value of instruction provided by those institutions to students from the Naval Postgraduate School.

"(4) In determining the value of the in-kind reimbursement for the instruction provided by the Naval Postgraduate School, the Secretary shall use the same amount charged by the Secretary for the provision of the same instruction to a Federal employee who is not a Department of Defense employee.

"(5) The authority of the Secretary to accept an offer of in-kind reimbursement under this subsection may not be delegated below the level of Assistant Secretary of the Navy.

"(b) ADMISSION ON COST-REIMBURSABLE BASIS.—(1) The Secretary of the Navy may permit a student described in subsection (c) who is enrolled at an accredited institution of higher education that is a party to an agreement under subsection (a) to receive instruction at the Naval Postgraduate School on a cost-reimbursable, space-available basis.

"(2) The Secretary shall ensure that the value of any reimbursement received under this subsection in the case of any such student is not less than the amount charged by the Secretary for the provision of the same instruction to a Federal employee who is not a Department of Defense employee.

"(c) ELIGIBLE STUDENTS.—A student enrolled at an accredited institution of higher education that is party to an agreement under subsection (a) may be admitted to the Naval Postgraduate School under subsection (a) or (b) if the student—

"(1) is a citizen of the United States or is lawfully admitted for permanent residence in the United States;

"(2) has a demonstrated ability, as determined by the Secretary of the Navy, in a field of study designated by the Secretary as related to naval warfare, armed conflict, or national security; and

"(3) meets the academic requirements for the course or courses for which the student seeks admission to the Naval Postgraduate School.

"(d) STANDARDS OF CONDUCT.—Except as the Secretary of the Navy otherwise determines necessary, a person receiving instruction under this section is subject to the same regulations governing attendance, discipline, dismissal, and standards of study as apply to students who are officers of the naval service.

"(e) RETENTION OF FUNDS RECEIVED.—Amounts received under subsection (b) to reimburse the Naval Postgraduate School for the costs of providing instruction to students permitted to attend the Naval Postgraduate School under this section shall be credited to the current appropriation supporting the operation and maintenance of the Naval Postgraduate School.".

(c) CLERICAL AMENDMENTS.—(1) The heading of section 7045 of such title is amended to read as follows:

"§7045. Officers of the other armed forces; enlisted members: admission".

(2) The table of sections at the beginning of chapter 605 of such title is amended—

(A) by striking out the item relating to section 7045 and inserting in lieu thereof the following:

"7045. Officers of the other armed forces; enlisted members: admission.";

and

(B) by striking out the item relating to section 7047 and inserting in lieu thereof the following:

"7047. Civilian students at institutions of higher education: admission.".

(d) AMENDMENT TO REFLECT REVISED CIVIL SERVICE GRADE STRUCTURE.—Section 7043(b) of such title is amended by striking out "grade GS–18 of the General Schedule under section 5332 of title 5" and inserting in lieu thereof "level IV of the Executive Schedule".

SEC. 546. AIR FORCE ACADEMY CADET FOREIGN EXCHANGE PROGRAM.

(a) EXCHANGE PROGRAM AUTHORIZED.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9344 the following new section:

"§9345. Exchange program with foreign military academies

"(a) EXCHANGE PROGRAM AUTHORIZED.—The Secretary of the Air Force may permit a student enrolled at a military academy of a foreign country to receive instruction at the Air Force Academy in exchange for an Air Force cadet receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. Students receiving instruction at the Academy under the exchange program shall be in addition to persons receiving instruction at the Academy under section 9344 of this title.

"(b) LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.—An exchange agreement under this section between the Secretary and a foreign country shall provide for the exchange of students on a one-for-one basis each fiscal year. Not more than 10 Air Force cadets and a comparable number of students from all foreign military academies participating in the exchange program may be exchanged during any fiscal year. The duration of an exchange may not exceed the equivalent of one academic semester at the Air Force Academy.

"(c) COSTS AND EXPENSES.—(1) A student from a military academy of a foreign country is not entitled to the pay, allowances, and emoluments of an Air Force cadet by reason of attendance at the Air Force Academy under the exchange program, and the Department of Defense may not incur any cost of international travel required for transportation of such a student to and from the sponsoring foreign country.

"(2) The Secretary may provide a student from a foreign country under the exchange program, during the period of the exchange, with subsistence, transportation within the continental United States, clothing, health care, and other services to the same extent that the foreign country provides comparable support and services to the exchanged Air Force cadet in that foreign country.

"(3) The Air Force Academy shall bear all costs of the exchange program from funds appropriated for the Academy. Expenditures in support of the exchange program may not exceed $50,000 during any fiscal year.

"(d) APPLICATION OF OTHER LAWS.—Subsections (c) and (d) of section 9344 of this title shall apply with respect to a student enrolled at a military academy of a foreign country while attending the Air Force Academy under the exchange program.

"(e) REGULATIONS.—The Secretary shall prescribe regulations to implement this section. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9344 the following new item:

"9345. Exchange program with foreign military academies.".

(c) REPEAL OF OBSOLETE LIMITATION.—Section 9353(a) of such title is amended by striking out "After the date of the accrediting of the Academy, the" and inserting in lieu thereof "The".

SEC. 547. TRAINING IN HUMAN RELATIONS MATTERS FOR ARMY DRILL SERGEANT TRAINEES.

(a) HUMAN RELATIONS TRAINING REQUIRED.—The Secretary of the Army shall include as part of the training program for drill sergeants a course in human relations. The course shall be a minimum of two days in duration.

(b) RESOURCES.—In developing a human relations course under this section, the Secretary shall use the capabilities and expertise of the Defense Equal Opportunity Management Institute (DEOMI).

(c) EFFECTIVE DATE.—This section shall apply with respect drill sergeant trainee classes that begin after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 548. STUDY OF FEASIBILITY OF GENDER-SEGREGATED BASIC TRAINING.

Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall submit to Congress a report on gender-segregated basic training. Each report shall give the views of the Secretary—

(1) on the feasibility and implications of conducting basic training (or equivalent training) at the company level and below through separate units for male and female recruits, including the costs and other resource commitments required to implement and conduct basic training in such a manner and the implications for readiness and unit cohesion; and

(2) assuming that basic training were to be conducted as described in paragraph (1), on the feasibility and implications of requiring drill instructors for basic training units to be of the same sex as the recruits in those units.

Subtitle F—Military Decorations and Awards

SEC. 551. STUDY OF NEW DECORATIONS FOR INJURY OR DEATH IN LINE OF DUTY.

(a) DETERMINATION OF CRITERIA FOR NEW DECORATION.—(1) The Secretary of Defense shall determine the appropriate name, policy, award criteria, and design for two possible new decorations.

(2) The first such decoration would, if implemented, be awarded to members of the Armed Forces who, while serving under competent authority in any capacity with the Armed Forces, are killed or injured in the line of duty as a result of noncombat circumstances occurring—

(A) as a result of an international terrorist attack against the United States or a foreign nation friendly to the United States;

(B) while engaged in, training for, or traveling to or from a peacetime or contingency operation; or

(C) while engaged in, training for, or traveling to or from service outside the territory of the United States as part of a peacekeeping force.

(3) The second such decoration would, if implemented, be awarded to civilian nationals of the United States who, while serving under competent authority in any capacity with the Armed Forces, are killed or injured in the line of duty under circumstances which, if they were members of the Armed Forces, would qualify them for award of the Purple Heart or the medal described in paragraph (2).

(b) LIMITATION ON IMPLEMENTATION.—Any such decoration may only be implemented as provided by a law enacted after the date of the enactment of this Act.

(c) RECOMMENDATION TO CONGRESS.—Not later than July 31, 1998, the Secretary shall submit to Congress a legislative proposal that would, if enacted, establish the new decorations developed pursuant to subsection (a). The Secretary shall include with that proposal the Secretary's recommendation concerning the need for, and propriety of, each of the decorations.

(d) COORDINATION.—The Secretary shall carry out this section in coordination with the Secretaries of the military departments and the Secretary of Transportation with regard to the Coast Guard.

SEC. 552. PURPLE HEART TO BE AWARDED ONLY TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§1131. Purple Heart: limitation to members of the armed forces

"The decoration known as the Purple Heart (authorized to be awarded pursuant to Executive Order 11016) may only be awarded to a person who is a member of the armed forces at the time the person is killed or wounded under circumstances otherwise qualifying that person for award of the Purple Heart.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1131. Purple Heart: limitation to members of the armed forces.".

(b) EFFECTIVE DATE.—Section 1131 of title 10, United States Code, as added by subsection (a), shall apply with respect to persons who are killed or wounded after the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 553. ELIGIBILITY FOR ARMED FORCES EXPEDITIONARY MEDAL FOR PARTICIPATION IN OPERATION JOINT ENDEAVOR OR OPERATION JOINT GUARD.

(a) INCLUSION OF OPERATIONS.—For the purpose of determining the eligibility of members and former members of the Armed Forces for the Armed Forces Expeditionary Medal, the Secretary of Defense shall designate participation in Operation Joint Endeavor or Operation Joint Guard in the Republic of Bosnia and Herzegovina, and in such other areas in the region as the Secretary considers appropriate, as service in an area that meets the general requirements for the award of that medal.

(b) INDIVIDUAL DETERMINATION.—The Secretary of the military department concerned shall determine whether individual members or former members of the Armed Forces who participated in Operation Joint Endeavor or Operation Joint Guard meet the individual service requirements for award of the Armed Forces Expeditionary Medal as established in applicable regulations. A member or former member shall be considered to have participated in Operation Joint Endeavor or Operation Joint Guard if the member—

(1) was deployed in the Republic of Bosnia and Herzegovina, or in such other area in the region as the Secretary of Defense considers appropriate, in direct support of one or both of the operations;

(2) served on board a United States naval vessel operating in the Adriatic Sea in direct support of one or both of the operations; or

(3) operated in airspace above the Republic of Bosnia and Herzegovina, or in such other area in the region as the Secretary of Defense considers appropriate, while the operations were in effect.

(c) OPERATIONS DEFINED.—For purposes of this section:

(1) The term "Operation Joint Endeavor" means operations of the United States Armed Forces conducted in the Republic of Bosnia and Herzegovina during the period beginning on November 20, 1995, and ending on December 20, 1996, to assist in implementing the General Framework Agreement and Associated Annexes, initialed on November 21, 1995, in Dayton, Ohio.

(2) The term "Operation Joint Guard" means operations of the United States Armed Forces conducted in the Republic of Bosnia and Herzegovina as a successor to Operation Joint Endeavor during the period beginning on December 20, 1996, and ending on such date as the Secretary of Defense may designate.

SEC. 554. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO SPECIFIED PERSONS.

(a) WAIVER OF TIME LIMITATION.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply in the case of awards of decorations described in subsections (b), (c), and (d), the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) SILVER STAR MEDAL.—Subsection (a) applies to the award of the Silver Star Medal as follows:

(1) To Joseph M. Moll, Jr. of Milford, New Jersey, for service during World War II.

(2) To Philip Yolinsky of Hollywood, Florida, for service during the Korean Conflict.

(c) NAVY AND MARINE CORPS MEDAL.—Subsection (a) applies to the award of the Navy and Marine Corps Medal to Gary A. Gruenwald of Damascus, Maryland, for service in Tunisia in October 1977.

(d) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to awards of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate, before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

Subtitle G—Other Matters

SEC. 561. SUSPENSION OF TEMPORARY EARLY RETIREMENT AUTHORITY.

Notwithstanding subsection (i) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1293 note), the Secretary of a military department may not use the authority provided under such section to retire a member of the Armed Forces during fiscal year 1998.

SEC. 562. TREATMENT OF EDUCATIONAL ACCOMPLISHMENTS OF NATIONAL GUARD CHALLENGE PROGRAM PARTICIPANTS.

Section 509 of title 32, United States Code, as added by section 1057, is amended by adding at the end of subsection (f) the following new paragraph:

"(3) In the case of a person who is selected for training in a State program conducted under the National Guard Challenge Program and who obtains a general education diploma in connection with such training, the general education diploma shall be treated as equivalent to a high school diploma for purposes of determining the eligibility of the person for enlistment in the armed forces.".

SEC. 563. AUTHORITY FOR PERSONNEL TO PARTICIPATE IN MANAGEMENT OF CERTAIN NON-FEDERAL ENTITIES.

(a) MILITARY PERSONNEL.—(1) Chapter 53 of title 10, United States Code, is amended by inserting after section 1032 the following new section:

"§ 1033. Participation in management of specified non-Federal entities: authorized activities

"(a) AUTHORIZATION.—The Secretary concerned may authorize a member of the armed forces under the Secretary's jurisdiction, as part of that member's official duties, to serve without compensation as a director, officer, or trustee, or to otherwise participate, in the management of an entity designated under subsection (b). Any such authorization shall be made on a case-by-case basis, for a particular member to participate in a specific capacity with a specific designated entity. Such authorization may be made only for the purpose of providing oversight and advice to, and coordination with, the designated entity, and participation of the member in the activities of the designated entity may not extend to participation in the day-to-day operations of the entity.

"(b) DESIGNATED ENTITIES.—(1) The Secretary of Defense, and the Secretary of Transportation in the case of the Coast Guard when it is not operating as a service in the Navy, shall designate those entities for which authorization under subsection (a) may be provided. The list of entities so designated may not be revised more frequently than semiannually. In making such designations, the Secretary shall designate each military welfare society and may designate any other entity described in paragraph (3). No other entities may be designated.

"(2) In this section, the term 'military welfare society' means the following:

"(A) Army Emergency Relief.

"(B) Air Force Aid Society, Inc.

"(C) Navy-Marine Corps Relief Society.

"(D) Coast Guard Mutual Assistance.

"(3) An entity described in this paragraph is an entity that—

"(A) regulates and supports the athletic programs of the service academies (including athletic conferences);

"(B) regulates international athletic competitions;

"(C) accredits service academies and other schools of the armed forces (including regional accrediting agencies); or

"(D)(i) regulates the performance, standards, and policies of military health care (including health care associations and professional societies), and (ii) has designated the position or capacity in that entity in which a member of the armed forces may serve if authorized under subsection (a).

"(c) PUBLICATION OF DESIGNATED ENTITIES AND OF AUTHORIZED PERSONS.—A designation of an entity under subsection (b), and an authorization under subsection (a) of a member of the armed forces to participate in the management of such an entity, shall be published in the Federal Register.

"(d) REGULATIONS.—The Secretary of Defense, and the Secretary of Transportation in the case of the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1032 the following new item:

"1033. Participation in management of specified non-Federal entities: authorized activities.".

(b) CIVILIAN PERSONNEL.—(1) Chapter 81 of such title is amended by inserting after section 1588 the following new section:

"§ 1589. Participation in management of specified non-Federal entities: authorized activities

"(a) AUTHORIZATION.—(1) The Secretary concerned may authorize an employee described in paragraph (2), as part of that employee's official duties, to serve without compensation as a director, officer, or trustee, or to otherwise participate, in the management of an entity designated under subsection (b). Any such authorization shall be made on a case-by-case basis, for a particular employee to participate in a specific capacity with a specific designated entity. Such authorization may be made only for the purpose of providing oversight and advice to, and coordination with, the designated entity, and participation of the employee in the activities of the designated entity may not extend to participation in the day-to-day operations of the entity.

"(2) Paragraph (1) applies to any employee of the Department of Defense or, in the case of the Coast Guard when not operating as a service in the Navy, of the Department of Transportation. For purposes of this section, the term 'employee' includes a civilian officer.

"(b) DESIGNATED ENTITIES.—(1) The Secretary of Defense, and the Secretary of Transportation in the case of the Coast Guard when it is not operating as a service in the Navy, shall designate those entities for which authorization under subsection (a) may be provided. The list of entities so designated may not be revised more frequently than semiannually. In making such designations, the Secretary shall designate each military welfare society and may designate any other entity described in paragraph (3). No other entities may be designated.

"(2) In this section, the term 'military welfare society' means the following:

"(A) Army Emergency Relief.

"(B) Air Force Aid Society, Inc.

"(C) Navy-Marine Corps Relief Society.

"(D) Coast Guard Mutual Assistance.

"(3) An entity described in this paragraph is an entity that—

"(A) regulates and supports the athletic programs of the service academies (including athletic conferences);

"(B) regulates international athletic competitions;

"(C) accredits service academies and other schools of the armed forces (including regional accrediting agencies); or

"(D)(i) regulates the performance, standards, and policies of military health care (including health care associations and professional societies), and (ii) has designated the position or capacity in that entity in which a Federal employee described in subsection (a)(2) may serve if authorized under subsection (a).

"(c) PUBLICATION OF DESIGNATED ENTITIES AND OF AUTHORIZED PERSONS.—A designation of an entity under subsection (b), and an authorization under subsection (a) of an employee to participate in the management of such an entity, shall be published in the Federal Register.

"(d) CIVILIANS OUTSIDE THE MILITARY DEPARTMENTS.—In this section, the term 'Secretary concerned' includes the Secretary of Defense with respect to employees of the Department of Defense who are not employees of a military department.

"(e) REGULATIONS.—The Secretary of Defense, and the Secretary of Transportation in the case of the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1588 the following new item:

"1589. Participation in management of specified non-Federal entities: authorized activities.".

SEC. 564. CREW REQUIREMENTS OF WC–130J AIRCRAFT.

(a) STUDY.—The Secretary of the Air Force shall conduct a study of the crew requirements for WC–130J aircraft engaged in the aerial weather reconnaissance mission involving the eyewall penetration of tropical cyclones. The study shall involve the operation of WC–130J aircraft in weather reconnaissance missions configured to carry five crewmembers, including a navigator. The study shall include the participation of members of the Armed Forces assigned to units currently engaged in weather reconnaissance operations.

(b) REPORT.—The Secretary shall submit to Congress a report on the results of the study. The report shall include the views of members of the Armed Forces assigned to units currently engaged in weather reconnaissance operations who participated in the study.

(c) LIMITATION ON REVISION TO PERSONNEL REQUIREMENTS.—The Secretary of the Air Force may not reduce the personnel requirement levels of units that, as of the date of the enactment of this Act, are engaged in weather reconnaissance operations involving the eyewall penetration of tropical cyclones, including requirements for navigators, below the requirements established for those units as of October 1, 1997, until the end of the six-month period beginning on the date on which the report required under subsection (b) is submitted to Congress.

SEC. 565. COMPTROLLER GENERAL STUDY OF DEPARTMENT OF DEFENSE CIVIL MILITARY PROGRAMS.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to evaluate the following:

(1) The nature, extent, and cost to the Department of Defense of the support and services being provided by units and members of the Armed Forces to non-Department of Defense organizations and activities under the authority of section 2012 of title 10, United States Code.

(2) The degree to which the Armed Forces are in compliance with the requirements of such section in the provision of such support and services, especially the requirements that the assistance meet specific requirements relative to military training and that the assistance provided be incidental to military training.

(3) The degree to which the regulations and procedures for implementing such section, as required by subsection (f) of such section, are consistent with the requirements of such section.

(4) The effectiveness of the Secretary of Defense and the Secretaries of the military departments in conducting oversight of the implementation of such section, and the provision of such support and services under such section, to ensure compliance with the requirements of such section.

(b) SUBMISSION OF REPORT.—Not later than March 31, 1998, the Comptroller General shall submit to Congress a report containing the results of the study required by subsection (a).

SEC. 566. TREATMENT OF PARTICIPATION OF MEMBERS IN DEPARTMENT OF DEFENSE CIVIL MILITARY PROGRAMS.

Section 2012 of title 10, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g) TREATMENT OF MEMBER'S PARTICIPATION IN PROVISION OF SUPPORT OR SERVICES.—(1) The Secretary of a military department may not require or request a member of the armed forces to submit for consideration by a selection board (including a promotion board, command selection board, or any other kind of selection board) evidence of the member's participation in the provision of support and services to non-Department of Defense organizations and activities under this section or the member's involvement in, or support of, other community relations and public affairs activities of the armed forces. A selection board may not evaluate a member on the basis of the member's participation or involvement in, or support of, such support, services, or activities.

"(2) Paragraph (1) shall not apply with respect to the following members:

"(A) A member who is in a public affairs career field.

"(B) A member who is not in a public affairs career field, but who is serving, at the time the member is considered by a selection board, in a public affairs position specified in service authorization documents or who served in such a position within three years before being considered by a selection board.".

SEC. 567. CONTINUATION OF SUPPORT TO SENIOR MILITARY COLLEGES.

(a) DEFINITION OF SENIOR MILITARY COLLEGES.—For purposes of this section, the term "senior military colleges" means the following:

(1) Texas A&M University.

(2) Norwich University.

(3) The Virginia Military Institute.

(4) The Citadel.

(5) Virginia Polytechnic Institute and State University.

(6) North Georgia College and State University.

(b) FINDINGS.—Congress finds the following:

(1) The senior military colleges consistently have provided substantial numbers of highly qualified, long-serving leaders to the Armed Forces.

(2) The quality of the military leaders produced by the senior military colleges is, in part, the result of the rigorous military environment imposed on students attending the senior military colleges by the colleges, as well as the result of the long-standing close support relationship between the Corps of Cadets at each college and the Reserve Officer Training Corps personnel at the colleges who serve as effective leadership role models and mentors.

(3) In recognition of the quality of the young leaders produced by the senior military colleges, the Department of Defense and the military services have traditionally maintained special relationships with the colleges, including the policy to grant active duty service in the Army to graduates of the colleges who desire such service and who are recommended for such service by their ROTC professors of military science.

(4) Each of the senior military colleges has demonstrated an ability to adapt its systems and operations to changing conditions in, and requirements of, the Armed Forces without compromising the quality of leaders produced and without interruption of the close relationship between the colleges and the Department of Defense.

(c) SENSE OF CONGRESS.—In light of the findings in subsection (b), it is the sense of Congress that—

(1) the proposed initiative of the Secretary of the Army to end the commitment to active duty service for all graduates of senior military colleges who desire such service and who are recommended for such service by their ROTC professors of military science is short-sighted and contrary to the long-term interests of the Army;

(2) as they have in the past, the senior military colleges can and will continue to accommodate to changing military requirements to ensure that future graduates entering military service continue to be officers of superb quality who are quickly assimilated by the Armed Forces and fully prepared to make significant contributions to the Armed Forces through extended military careers; and

(3) decisions of the Secretary of Defense or the Secretary of a military department that fundamentally and unilaterally change the long-standing relationship of the Armed Forces with the senior military colleges are not in the best interests of the Department of Defense or the Armed Forces and are patently unfair to students who made decisions to enroll in the senior military colleges on the basis of existing Department and Armed Forces policy.

(d) CONTINUATION OF SUPPORT FOR SENIOR MILITARY COLLEGES.—Section 2111a of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (g); and

(2) by inserting after subsection (c) the following new subsections:

"(d) ADDITIONAL SUPPORT.—(1) The Secretaries of the military departments shall ensure that each unit of the Senior Reserve Officers' Training Corps at a senior military college provides support to the Corps of Cadets at the college over and above the level of support associated with the conduct of the formal Senior Reserve Officers' Training Corps course of instruction.

"(2) This additional support shall include the following:

"(A) Mentoring, teaching, coaching, counseling and advising cadets and cadet leaders in the areas of leadership, military, and academic performance.

"(B) Involvement in cadet leadership training, development, and evaluation, as well as drill, ceremonies, parades, and inspections.

"(3) This additional support may include the following:

"(A) Advising cadet teams, clubs, and organizations.

"(B) Involvement in matters of discipline and administration of the Corps of Cadets so long as such involvement does not interfere with the conduct of the formal Senior Reserve Officers' Training Corps course of instruction or the support required by paragraph (2).

"(e) TERMINATION OR REDUCTION OF PROGRAM PROHIBITED.—The Secretary of Defense and the Secretaries of the military departments may not take or authorize any action to terminate or reduce a unit of the Senior Reserve Officers' Training Corps at a senior military college unless the termination or reduction is specifically requested by the college.

"(f) ASSIGNMENT TO ACTIVE DUTY.—(1) The Secretary of the Army shall ensure that a graduate of a senior military college who desires to serve as a commissioned officer on active duty upon graduation from the college, who is medically and physically qualified for active duty, and who is recommended for such duty by the professor of military science at the college, shall be assigned to active duty. This paragraph shall apply to a member of the program at a senior military college who graduates from the college after March 31, 1997.

"(2) Nothing in this section shall be construed to prohibit the Secretary of the Army from requiring a member of the program who graduates from a senior military college to serve on active duty.".

(e) TECHNICAL CORRECTIONS.—Subsection (g) of such section, as redesignated by subsection (d)(1), is amended—

(1) in paragraph (2), by striking out "College" and inserting in lieu thereof "University"; and

(2) in paragraph (6), by inserting before the period the following: "and State University".

(f) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2111a. Support for senior military colleges".

(2) The item relating to such section in the table of sections at the beginning of chapter 103 of title 10, United States Code, is amended to read as follows:

"2111a. Support for senior military colleges.".

SEC. 568. RESTORATION OF MISSING PERSONS AUTHORITIES APPLICABLE TO DEPARTMENT OF DEFENSE AS IN EFFECT BEFORE ENACTMENT OF NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997.

(a) APPLICABILITY TO DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES.—(1) Section 1501 of title 10, United States Code, is amended—

(A) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

"(1) Any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(2) Any civilian employee of the Department of Defense, and any employee of a contractor of the Department of Defense, who serves with or accompanies the armed forces in the field under orders who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.", and

(B) by adding at the end the following new subsection:

"(f) SECRETARY CONCERNED.—In this chapter, the term 'Secretary concerned' includes, in the case of a civilian employee of the Department of Defense or contractor of the Department of Defense, the Secretary of the military department or head of the element of the Department of Defense employing the employee or contracting with the contractor, as the case may be.".

(2) Section 1503(c) of such title is amended—

(A) in paragraph (1), by striking out "one military officer" and inserting in lieu thereof "one individual described in paragraph (2)";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) An individual referred to in paragraph (1) is the following:

"(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

"(B) A civilian, in the case of an inquiry with respect to a civilian employee of the Department of Defense or of a contractor of the Department of Defense.".

(3) Section 1504(d) of such title is amended—

(A) in paragraph (1), by striking out "who are and all the follows in that paragraph and inserting in lieu thereof "as follows:

"(A) In the case of a board that will inquire into the whereabouts and status of one or more members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.

"(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

"(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS–13 of the General Schedule under section 5332 of title 5; and

"(ii) such members of the armed forces as the Secretary considers advisable.

"(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

"(i) the board shall include at least one officer described in subparagraph (A) and at least one employee of the Department of Defense described in subparagraph (B)(i); and

"(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board's inquiry to the number of civilians who are subjects of the board's inquiry."; and

(B) in paragraph (4), by striking out "section 1503(c)(3)" and inserting in lieu thereof "section 1503(c)(4)".

(4) Paragraph (1) of section 1513 of such title is amended to read as follows:

"(1) The term 'missing person' means—

"(A) a member of the armed forces on active duty who is in a missing status; or

"(B) a civilian employee of the Department of Defense or an employee of a contractor of the Department of Defense who serves with or accompanies the armed forces in the field under orders and who is in a missing status.".

(b) REPORT ON PRELIMINARY ASSESSMENT OF STATUS.—(1) Section 1502 of such title is amended—

(A) in subsection (a)(2)—

(i) by striking out "10 days" and inserting in lieu thereof "48 hours"; and

(ii) by striking out "Secretary concerned" and inserting in lieu thereof "theater component commander with jurisdiction over the missing person";

(B) by redesignating subsection (b) as subsection (c);

(C) by inserting after subsection (a) the following new subsection (b):

"(b) TRANSMISSION THROUGH THEATER COMPONENT COMMANDER.—Upon reviewing a report under subsection (a) recommending that a person by placed in a missing status, the theater component commander shall ensure that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person. Not later than 14 days after receiving the report, the theater component commander shall forward the report to the Secretary of Defense or the Secretary concerned in accordance with procedures prescribed under section 1501(b) of this title. The theater component commander shall include with such report a certification that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person."; and

(D) in subsection (c), as redesignated by subparagraph (B), by adding at the end the following new sentence: "The theater component commander through whom the report with respect to the missing person is transmitted under subsection (b) shall ensure that all pertinent information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person is properly safeguarded to avoid loss, damage, or modification.".

(2) Section 1503(a) of such title is amended by striking out "section 1502(a)", and inserting in lieu thereof "section 1502(b)".

(3) Section 1513 of such title is amended by adding at the end the following new paragraph:

"(8) The term 'theater component commander' means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command.".

(c) FREQUENCY OF SUBSEQUENT REVIEWS.—Subsection (b) of section 1505 of such title is amended to read as follows:

"(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

"(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

"(B) not later than every three years thereafter.

"(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

"(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

"(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502 of this title; or

"(B) if, before the end of such 30-year period, the missing person is accounted for.".

(d) PENALTIES FOR WRONGFUL WITHHOLDING OF INFORMATION.—Section 1506 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) WRONGFUL WITHHOLDING.—Except as provided in subsections (a) through (d), any person who knowingly and willfully withholds from the personnel file of a missing person any information relating to the disappearance or whereabouts and status of a missing person shall be fined as provided in title 18 or imprisoned not more than one year, or both.".

(e) INFORMATION TO ACCOMPANY RECOMMENDATION OF STATUS OF DEATH.—Section 1507(b) of such title is amended adding at the end the following new paragraphs:

"(3) A description of the location of the body, if recovered.

"(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.".

(f) SCOPE OF PREENACTMENT REVIEW.—(1) Section 1509 of such title is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

"(c) SPECIAL RULE FOR PERSONS CLASSIFIED AS 'KLA/BNR'.—In the case of a person described in subsection (b) who was classified as 'killed in action/body not recovered', the case of that person may be reviewed under this section only if the new information referred to in subsection (a) is compelling.".

(2)(A) The heading of such section is amended by inserting ", **special interest**" after "**Preenactment**".

(B) The item relating to such section in the table of sections at the beginning of chapter 76 of such title is amended by inserting ", special interest" after "Preenactment".

SEC. 569. ESTABLISHMENT OF SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.

(a) ESTABLISHMENT OF SENTENCE.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 856 (article 56) the following new section (article):

"§856a. Art. 56a. Sentence of confinement for life without eligibility for parole

"(a) For any offense for which a sentence of confinement for life may be adjudged, a court-martial may adjudge a sentence of confinement for life without eligibility for parole.

"(b) An accused who is sentenced to confinement for life without eligibility for parole shall be confined for the remainder of the accused's life unless—

"(1) the sentence is set aside or otherwise modified as a result of—

"(A) action taken by the convening authority, the Secretary concerned, or another person authorized to act under section 860 of this title (article 60); or

"(B) any other action taken during post-trial procedure and review under any other provision of subchapter IX;

"(2) the sentence is set aside or otherwise modified as a result of action taken by a Court of Criminal Appeals, the Court of Appeals for the Armed Forces, or the Supreme Court; or

"(3) the accused is pardoned.".

(2) The table of sections at the beginning of subchapter VIII of such chapter is amended by inserting after the item relating to section 856 (article 56) the following new item:

"856a. 56a. Sentence of confinement for life without eligibility for parole.".

(b) EFFECTIVE DATE.—Section 856a of title 10, United States Code (article 56a of the Uniform Code of Military Justice), as added by subsection (a), shall be applicable only with respect to an offense committed after the date of the enactment of this Act.

SEC. 570. LIMITATION ON APPEAL OF DENIAL OF PAROLE FOR OFFENDERS SERVING LIFE SENTENCE.

(a) EXCLUSIVE AUTHORITY TO GRANT PAROLE ON APPEAL OF DENIAL.—Section 952 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) In a case in which parole for an offender serving a sentence of confinement for life is denied, only the President or the Secretary concerned may grant the offender parole on appeal of that denial. The authority to grant parole on appeal in such a case may not be delegated.".

(b) EFFECTIVE DATE.—This section shall apply only with respect to any decision to deny parole made after the date of the enactment of this Act.

SEC. 571. ESTABLISHMENT OF PUBLIC AFFAIRS BRANCH IN THE ARMY.

(a) NEW SPECIAL BRANCH.—Section 3064(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) the Public Affairs Corps;".

(b) PUBLIC AFFAIRS CORPS.—(1) Chapter 307 of title 10, United States Code, is amended by adding at the end the following new section:

"§3083. Public Affairs Corps

"There is a Public Affairs Corps in the Army. The Public Affairs Corps consists of—

"(1) the Chief of the Public Affairs Corps;

"(2) commissioned officers of the Regular Army appointed therein; and

"(3) other members of the Army assigned thereto by the Secretary of the Army.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3083. Public Affairs Corps.".

(c) TRANSITION.—The Secretary of the Army shall implement the amendments made by this section not later than October 1, 1998.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 1998.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment, to become effective during fiscal year 1998, required by section 1009(b) of title 37, United States Code (as amended by section 602), in the rate of monthly basic pay authorized members of the uniformed services by section 203(a) of such title shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 1998, the rates of basic pay of members of the uniformed services are increased by 2.8 percent.

SEC. 602. ANNUAL ADJUSTMENT OF BASIC PAY AND PROTECTION OF MEMBER'S TOTAL COMPENSATION WHILE PERFORMING CERTAIN DUTY.

(a) IN GENERAL.—Section 1009 of title 37, United States Code, is amended to read as follows:

"§1009. Certain elements of compensation: adjustment; protection against change

"(a) ELEMENTS OF COMPENSATION.—In this section, the term 'elements of compensation' means—

"(1) the monthly basic pay authorized members of the uniformed services by section 203(a) of this title;

"(2) the basic allowance for subsistence authorized members of the uniformed services by section 402 of this title; and

"(3) the basic allowance for housing authorized members of the uniformed services by section 403 of this title.

"(b) ANNUAL ADJUSTMENT OF BASIC PAY.—Effective as of the first day of the first applicable pay period beginning on or after January 1 of each calendar year, the rates of basic pay of members of the uniformed services shall be increased by the percentage (rounded to the nearest one-tenth of one percent) equal to the percentage by which the Employment Cost Index for the base quarter of the year before the preceding calendar year exceeds the Employment Cost Index for the base quarter of the second year before the preceding calendar year (if at all).

"(c) ALLOCATION OF ADJUSTMENT.—(1) Subject to paragraph (2), whenever the President determines such action to be in the best interest of the Government, the President may allocate the percentage increase in basic pay among such pay grade and years-of-service categories as the President considers appropriate.

"(2) In making any allocation under paragraph (1), the amount of the increase in basic pay for any given pay grade and years-of-service category after the allocation under paragraph (1) may not be less than 75 percent of the amount of the increase that otherwise would have been effective with respect to such pay grade and years-of-service category under subsection (b).

"(3) Whenever the President plans to use the authority provided under paragraph (1) with respect to any anticipated increase in the compensation of members of the uniformed services, the President shall advise the Congress, at the earliest practicable time before the effective date of the increase, regarding the proposed allocation of the increase among pay grade and years-of-service categories.

"(d) PROTECTION OF MEMBER'S TOTAL COMPENSATION WHILE PERFORMING CERTAIN DUTY.—(1) The total daily amount of the elements of compensation, described in subsection (a), together with other pay and allowances under this title, to be paid to a member of the uniformed services who is temporarily assigned to duty away from the member's permanent duty station or to duty under field conditions at the member's permanent duty station shall not be less, for any day during the assignment period, than the total amount, for the day immediately preceding the date of the assignment, of the elements of compensation and other pay and allowances of the member.

"(2) Paragraph (1) shall not apply with respect to an element of compensation or other pay or allowance of a member during an assignment described in such paragraph to the extent that the element of compensation or other pay or allowance is reduced or terminated due to circumstances unrelated to the assignment.

"(e) OTHER DEFINITIONS.—In this section:

"(1) The term 'Employment Cost Index' means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics.

"(2) The term 'base quarter', for each year, means the three-month period ending on September 30 of such year.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 19 of such title is amended to read as follows:

"1009. Certain elements of compensation: adjustment; protection against change.".

SEC. 603. USE OF FOOD COST INFORMATION TO DETERMINE BASIC ALLOWANCE FOR SUBSISTENCE.

(a) FOOD-COST BASED ALLOWANCE.—Section 402 of title 37, United States Code, is amended to read as follows:

"§402. Basic allowance for subsistence

"(a) ENTITLEMENT; RATE; ADJUSTMENT.—(1) Except as otherwise provided by law, each member of a uniformed service described in subsection (b) or (c) is entitled to a basic allowance for subsistence. The rate for the allowance shall be prescribed in regulations by the Secretary of Defense after consultation with the Secretaries concerned specified in subparagraphs (D), (E), and (F) of section 101(5) of this title. The allowance may be paid in advance for a period of not more than three months.

"(2) Whenever basic pay is increased pursuant to section 1009 of this title or another law, the Secretary of Defense shall adjust the basic allowance for subsistence at the same rate as the most recent adjustment made to the cost of the moderate food plan of the Department of Agriculture (one of the four official food plans used by the Department of Agriculture under the Food Stamp Act of 1977) to reflect changes in the cost of the diet described by the moderate food plan.

"(b) ENLISTED MEMBERS.—An enlisted member is entitled to the basic allowance for subsistence on a daily basis if the member is entitled to basic pay and one or more of the following applies with respect to the member:

"(1) Rations in kind are not available.

"(2) Rations in kind are available, but the Secretary of Defense authorizes the payment of the basic allowance for subsistence.

"(3) Permission to mess separately is granted.

"(4) The member is assigned to duty under emergency conditions where no messing facilities of the United States are available.

"(5) The member is on an authorized leave of absence, is confined in a hospital, or is performing travel under orders away from the member's designated post of duty (except when rations in kind are available and the Secretary of Defense does not authorize the payment of the basic allowance for subsistence.).

"(c) OFFICERS.—An officer of a uniformed service who is entitled to basic pay is entitled, at all times, to the basic allowances for subsistence. An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for subsistence as is provided for an officer of the Navy, Air Force, Marine Corps, or Coast Guard, respectively.

"(d) SPECIAL RULE FOR CERTAIN MEMBERS AUTHORIZED TO MESS SEPARATELY.—Under regulations and in areas prescribed by the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, an enlisted member who is granted permission to

mess separately, and whose duties require the member to buy at least one meal from other than a messing facility of the United States, is entitled to not more than the pro rata allowance authorized for each such meal for an enlisted member when rations in kind are not available.

"(e) PAYMENT FOR RATIONS IN KIND ACTUALLY RECEIVED.—The Secretary of Defense may require a member of the uniformed services to pay for rations in kind actually received by the member while entitled to a basic allowance for subsistence.

"(f) ADMINISTRATION.—(1) The Secretary of Defense may prescribe regulations for the administration of this section.

"(2) For purposes of subsection (b)(5), a member shall not be considered to be performing travel under orders away from his designated post of duty if the member—

"(A) is an enlisted member serving the member's first tour of active duty;

"(B) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

"(C) is not actually traveling between stations pursuant to orders directing a change of station.

"(g) PERCENTAGE LIMITATION ON ENLISTED MEMBERS RECEIVING ALLOWANCE.—(1) This subsection apples with respect to enlisted members of the Army, Navy, Air Force, and Marine Corps who, when present at their permanent duty station and at which adequate messing facilities of the United States are available, reside without dependents in Government quarters. The Secretary concerned may not provide a basic allowance for subsistence to more than 12 percent of such members under the jurisdiction of the Secretary concerned.

"(2) The Secretary concerned may exceed the percentage limitation specified in paragraph (1) if the Secretary determines that compliance would increase costs to the Government, would impose financial hardships on members otherwise entitled to a basic allowance for subsistence, or would reduce the quality of life for such members.

"(3) This subsection shall not apply to a member described in paragraph (1) when the member is not residing at the member's permanent duty station.

"(h) RATIONS IN KIND FOR CERTAIN RESERVES.—(1) The Secretary concerned may provide rations in kind, or a part thereof, to an enlisted member of a reserve component or of the National Guard when the member's instruction or duty periods, described in section 206(a) of this title, total at least eight hours in a calendar day. The Secretary concerned may provide the member with a commutation when rations in kind are not available.

"(2) This subsection shall not apply with respect to an enlisted member of a reserve component or of the National Guard who is entitled to basic pay.

"(i) USE OF MESSING FACILITIES.—The Secretary of Defense, in consultation with the Secretaries concerned, shall establish policies regarding the use of messing facilities of the United States, including field messing facilities.".

(b) CONFORMING AMENDMENTS.—(1) Section 404(b)(2) of title 37, United States Code, is amended by striking out "under section 402(e) of this title" and inserting in lieu thereof "by the Secretary of Defense".

(2) Section 1012 of title 37, United States Code, is amended by striking out "section 402(b)(3)" and inserting in lieu thereof "section 402(h)".

(3) Section 6912 of title 10, United States Code, is amended by striking out "section 402(a) and (b)" and inserting in lieu thereof "section 402(c)".

SEC. 604. CONSOLIDATION OF BASIC ALLOWANCE FOR QUARTERS, VARIABLE HOUSING ALLOWANCE, AND OVERSEAS HOUSING ALLOWANCES.

(a) CONSOLIDATION OF ALLOWANCES.—Section 403 of title 37, United States Code, is amended to read as follows:

"§403. Basic allowance for housing

"(a) COMPONENTS OF BASIC ALLOWANCE FOR HOUSING.—The basic allowance for housing consists of the following components:

"(1) A basic allowance for quarters for members of the uniformed services stationed in the United States and, under certain circumstances, members on duty outside of the United States whose dependents continue to reside in the United States.

"(2) A overseas station housing allowance for members on duty outside of the United States to reflect housing costs incurred by the members.

"(3) A family separation housing allowance for members with dependents when the movement of the dependents to the members' permanent station is not authorized at the expense of the United States.

"(b) ELIGIBILITY FOR ALLOWANCE.—(1) Except as otherwise provided by law, a member of a uniformed service who is entitled to basic pay shall receive the component or components of the basic allowance for housing to which the member is entitled under this section at the monthly rates prescribed in connection with the component under this section or other provision of law. The amount of the allowance for a member will vary according to the pay grade in which the member is assigned or distributed for basic pay purposes and the member's dependency status.

"(2) The basic allowance for housing may be paid in advance.

"(c) EFFECT OF ASSIGNMENT TO GOVERNMENT QUARTERS.—(1) Except as otherwise provided by law, a member of a uniformed service who is assigned to quarters of the United States appropriate to the grade, rank, or rating of the member and adequate for the member and dependents, if with dependents, is not entitled to a basic allowance for housing. In this section, the term 'quarters of the United States' includes a housing facility under the jurisdiction of a uniformed service.

"(2) A member without dependents who is in a pay grade above pay grade E–6 and is assigned to quarters of the United States may elect not to occupy those quarters and instead receive the basic allowance for housing to which the member is otherwise entitled.

"(3) A member without dependents who is in pay grade E–6 and is assigned to quarters of the United States that do not meet the minimum adequacy standards established by the Secretary of Defense for members in such pay grade may elect not to occupy those quarters and instead to receive the basic allowance for housing to which the member is otherwise entitled. The Secretary concerned may deny the right to make an election under this paragraph if the Secretary determines that the exercise of such an election would adversely affect a training mission, military discipline, or military readiness.

"(4) In the case of a member with dependents who is assigned to quarters of the United States at a location or under circumstances that, as determined by the Secretary concerned, require the member's dependents to reside at different location, the member shall receive a basic allowance for housing as if the member were assigned to duty in the area in which the dependents reside and did not reside in quarters of the United States.

"(d) EFFECT OF FIELD DUTY AND SEA DUTY.—(1) The Secretary concerned may deny the basic allowance for housing to a member of a uniformed service without dependents when the member is assigned to field duty with a unit conducting field operations.

"(2) A member of a uniformed service without dependents who is in a pay grade below pay grade E–6 is not entitled to a basic allowance for housing while on sea duty. After taking into consideration the availability of quarters for members serving in pay grade E–5, the Secretary concerned may authorize the payment of a basic allowance for housing to a member without dependents who is serving in such pay grade and is assigned to sea duty.

"(3) Notwithstanding section 421 of this title, two members of the uniformed services in a pay grade below pay grade E–6 who are married to each other, have no other dependents, and are simultaneously assigned to sea duty are jointly entitled to one basic allowance for housing during the period of such simultaneous sea duty. The amount of the allowance shall be based on the without dependents rate for the pay grade of the senior member of the couple. However, this paragraph shall not apply to a couple if one or both of the members are entitled to a basic allowance for housing under paragraph (2).

"(4) For purposes of this subsection, the Secretary of Defense shall prescribe, by regulation, definitions of the terms 'field duty' and 'sea duty'.

"(e) BASIC ALLOWANCE FOR QUARTERS.—(1) The Secretary of Defense shall determine the costs of adequate housing in a military housing area for all members of the uniformed services entitled to a basic allowance for quarters in that area. The Secretary shall base the determination upon the costs of adequate housing for civilians with comparable income levels in the same area.

"(2) The monthly amount of a basic allowance for quarters for an area of the United States for a member of a uniformed service is equal to difference between—

"(A) the monthly cost of housing in that area, as determined by the Secretary of Defense, for members of the uniformed services serving in the same pay grade and with the same dependency status as the member; and

"(B) 15 percent of the national average monthly cost of housing in the United States, as determined by the Secretary, for members of the uniformed services serving in the same pay grade and with the same dependency status as the member.

"(3) The rates of basic allowance for quarters shall be reduced as necessary to comply with this paragraph. The total amount that may be paid for a fiscal year for the basic allowance for quarters is the product of—

"(A) the total amount authorized to be paid for such allowance for the preceding fiscal year (as adjusted under paragraph (5)); and

"(B) a fraction—

"(i) the numerator of which is the index of the national average monthly cost of housing for June of the preceding fiscal year; and

"(ii) the denominator of which is the index of the national average monthly cost of housing for June of the fiscal year before the preceding fiscal year.

"(4) An adjustment in the rates of basic allowance for quarters as a result of the Secretary's redetermination of housing costs in an area shall take effect on the same date as the effective date of the next increase in basic pay under section 1009 of this title or other provision of law.

"(5) In making a determination under paragraph (3) for a fiscal year, the amount authorized to be paid for the preceding fiscal year for the basic allowance for quarters shall be adjusted to reflect changes during the year for which the determination is made in the number, grade distribution, geographic distribution, and dependency status of members of the uniformed

services entitled to the allowance from the number of such members during the preceding fiscal year.

"(6) So long as a member of a uniformed service retains uninterrupted eligibility to receive a basic allowance for quarters within an area of the United States, the monthly amount of the allowance for the member may not be reduced as a result of changes in housing costs in the area, changes in the national average monthly cost of housing, or the promotion of the member.

"(f) OVERSEAS STATION HOUSING ALLOWANCE.—(1) The Secretary of Defense may prescribe an overseas station housing allowance for a member of a uniformed service who is on duty outside of the United States. The Secretary shall base the station housing allowance on housing costs in the overseas area in which the member is assigned.

"(2) So long as a member of a uniformed service retains uninterrupted eligibility to receive an overseas station housing allowance in an overseas area and the actual monthly cost of housing for the member is not reduced, the monthly amount of the overseas station housing allowance may not be reduced as a result of changes in housing costs in the area or the promotion of the member. The monthly amount of the allowance may be adjusted to reflect changes in currency rates.

"(g) FAMILY SEPARATION HOUSING ALLOWANCE.—(1) A member of a uniformed service with dependents who is on permanent duty at a location described in paragraph (2) is entitled to a family separation housing allowance under this subsection at a monthly rate equal to the rate of basic allowance for quarters or overseas station housing allowance established for that location for members without dependents in the same grade.

"(2) A permanent duty location referred to in paragraph (1) is a location—

"(A) to which the movement of the member's dependents is not authorized at the expense of the United States under section 406 of this title, and the member's dependents do not reside at or near the location; and

"(B) at which quarters of the United States are not available for assignment to the member.

"(3) The allowance provided under this subsection is in addition to any other allowance or per diem that the member is otherwise entitled to under this title.

"(h) PARTIAL ALLOWANCE.—(1) The Secretary of Defense may prescribe a partial basic allowance for housing for a member of a uniformed service without dependents who is not entitled to the allowance pursuant to subsection (c) or (d).

"(2) In the case of a member of a uniformed service who is assigned to quarters of the United States and pays child support, the Secretary of Defense may authorize the payment of a partial basic allowance for housing, at a rate prescribed by the Secretary, on account of the member's payment of the child support. The allowance shall be at a reduced rate to reflect the member's assignment to quarters of the United States. The amount of the partial allowance shall not exceed the monthly rate of the member's child support. The payment of a partial allowance under this paragraph to a member may be in addition to any allowance paid to the member under paragraph (1).

"(i) SPECIAL RULES FOR CERTAIN MEMBERS.—(1)(A) In the case of a member of a reserve component of a uniformed service without dependents who is called or ordered to active duty (other than for training) or a retired member without dependents ordered to active duty under section 688(a) of title 10, the member shall be considered to be assigned to duty at the location of the primary residence of the member at the time of the call or order for purposes of determining the amount of the member's basic allowance for housing.

"(B) If a member described in subparagraph (A) is called or ordered to active duty for less than 30 days, the Secretary of Defense shall prescribe the amount of the basic allowance for housing to be paid to the member.

"(C) This paragraph shall not apply to a member described in subparagraph (A) if the member is authorized transportation of household goods under section 406 of this title as part of the call or order to active duty or if the primary residence of the member is not owned by the member or the member is not responsible for rental payments.

"(2) A member of a uniformed service without dependents who is in pay grade E–4 (four or more years' service), or above, is entitled to a basic allowance for housing while the member is in a travel or leave status between permanent duty stations, including time granted as delay en route or proceed time, when the member is not assigned to quarters of the United States. Notwithstanding subsection (e)(2), the rate of basic allowance for quarters for such a member shall be equal to the national average monthly cost of housing in the United States, as determined by the Secretary, for members of the uniformed services serving in the same pay grade and with the same dependency status as the member.

"(3) The eligibility of an aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard for a basic allowance for housing shall be determined as if the aviation cadet were a member of the uniformed services in pay grade E–4.

"(4) In the case of a member without dependents who is assigned to duty inside the United States, the location or the circumstances of which make it necessary that the member be reassigned under the conditions of low cost or no cost permanent change of station or permanent change of assignment, the member may be treated as if the member were not reassigned if the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the area to which the member is reassigned.

"(j) ADMINISTRATION.—(1) The Secretary concerned may make such determinations as may be necessary to administer this section, including determinations of dependency and relationship. When warranted by the circumstances, the Secretary concerned may reconsider and change or modify any such determination. This authority may be delegated by the Secretary concerned. Any determination made under this section with regard to a member of the uniformed services is final and is not subject to review by any accounting officer of the United States or a court, unless there is fraud or gross negligence.

"(2) Parking facilities (including utility connections) provided members of the uniformed services for house trailers and mobile homes not owned by the Government shall not be considered to be quarters for the purposes of this section or any other provision of law. Any fees established by the Government for the use of such a facility shall be established in an amount sufficient to cover the cost of maintenance, services, and utilities and to amortize the cost of construction of the facility over the 25-year period beginning with the completion of such construction.

"(k) TEMPORARY CONTINUATION OF ALLOWANCE.—(1) The Secretary of Defense, or the Secretary of Transportation in the case of the Coast Guard when not operating as a service in the Navy, may allow the dependents of a member of the armed forces who dies while on active duty and whose dependents are occupying family housing provided by the Department of Defense, or by the Department of Transportation in the case of the Coast Guard, other than on a rental basis on the date of the member's death to continue to occupy such housing without charge for a period of 180 days.

"(2) The Secretary concerned may pay an allowance for housing to the dependents of a member of the uniformed services who dies while on active duty and whose dependents are not occupying a housing facility under the jurisdiction of a uniformed service on the date of the member's death or are occupying such housing on a rental basis on such date, or whose dependents vacate such housing sooner than 180 days after the date of the member's death. The amount of the allowance shall be the same amount that would otherwise be payable to the deceased member under this section if the member had not died. The payment of an allowance under this paragraph shall terminate 180 days after the date of the member's death.".

(b) REPEAL OF SUPERSEDED AUTHORITIES.—(1) Section 403a of title 37, United States Code, is repealed.

(2) Section 405 of such title is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(3) Section 427 of such title is amended—

(A) by striking out subsection (a); and

(B) in subsection (b)—

(i) by striking out "(b) ADDITIONAL SEPARATION ALLOWANCE.—" and inserting in lieu thereof "(a) AVAILABILITY OF SEPARATION ALLOWANCE.—";

(ii) in paragraph (1), by striking out "including subsection (a)" and inserting in lieu thereof "including section 403(g) of this title";

(iii) in paragraph (4)—

(I) by striking out "(4) A member" and inserting in lieu thereof "(b) EFFECT OF ELECTION TO SERVE UNACCOMPANIED TOUR OF DUTY.—A member";

(II) by striking out "paragraph (1)(A) of this subsection" and inserting in lieu thereof "subsection (a)(1)(A)"; and

(iv) in paragraph (5)—

(I) by striking out "(5) Section 421" and inserting in lieu thereof "(c) EFFECT OF DEPENDENT ENTITLED TO BASIC PAY.—Section 421"; and

(II) by striking out "paragraph (1)(D)" both places it appears and inserting in lieu thereof "subsection (a)(1)(D)".

(4) The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by striking out the items relating to sections 403 and 403a and inserting in lieu thereof the following new item:

"403. Basic allowance for housing.".

(c) CONFORMING AMENDMENTS.—(1) Title 37, United States Code, is amended—

(A) in section 101(25), by striking out "basic allowance for quarters (including any variable housing allowance or station housing allowance)" and inserting in lieu thereof "basic allowance for housing";

(B) in section 406(c), by striking out "sections 404 and 405" and inserting in lieu thereof "sections 403(f), 404, and 405";

(C) in section 420(c), by striking out "quarters" and inserting in lieu thereof "housing";

(D) in section 551(3)(D), by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing"; and

(E) in section 1014(a), by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing".

(2) Title 10, United States Code, is amended—

(A) in section 708(c)(1), by striking out "basic allowance for quarters or basic allowance for subsistence" and inserting in lieu thereof "basic allowance for housing under section 403 of title 37, basic allowance for subsistence under section 402 of such title,";

(B) in section 2830(a)—

(i) in paragraph (1), by striking out "basic allowance for quarters" and inserting in lieu

thereof "basic allowance for housing under section 403 of title 37"; and

(ii) in paragraph (2), by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing";

(C) in section 2882(b)—

(i) in paragraph (1), by striking out "section 403(b)" and inserting in lieu thereof "section 403"; and

(ii) in paragraph (2), by striking out "basic allowance for quarters" and all that follows through the end of the paragraph and inserting in lieu thereof "basic allowance for housing under section 403 of title 37.";

(D) in section 7572(b)—

(i) in paragraph (1), by striking out "the total of—" and all that follows through the end of the paragraph and inserting in lieu thereof "the basic allowance for housing payable under section 403 of title 37 to a member of the same pay grade without dependents for the period during which the member is deprived of quarters on board ship."; and

(ii) in paragraph (2), by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing"; and

(E) in section 7573, by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing under section 403 of title 37".

(3) Section 5561(6)(D) of title 5, United States Code, is amended by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing".

(4) Section 107(b) of title 32, United States Code, is amended by striking out "and quarters" and inserting in lieu thereof "and housing".

(5) Section 4(k)(10) of the Military Selective Service Act (50 U.S.C. App. 454(k)(10)) is amended by striking out "as such terms" and all that follows through "extended or amended" and inserting in lieu thereof "shall be entitled to receive a dependency allowance equal to the basic allowance for quarters provided for persons in pay grade E–1 under section 403 of title 37, United States Code,".

(d) TRANSITION TO BASIC ALLOWANCE FOR HOUSING.—The Secretary of Defense shall develop and implement a plan to incrementally manage the rate of growth of the various components of the basic allowance for housing authorized by section 403 of title 37, United States Code (as amended by subsection (a)), during a transition period of not more than six years. During the transition period, the Secretary may continue to use the authorities provided under sections 403, 403a, 405(b), and 427(a) of title 37, United States Code (as in effect on the day before the date of the enactment of this Act), but subject to such modifications as the Secretary considers necessary, to provide allowances for members of the uniformed services.

(e) AVAILABILITY OF FUNDS TO REDUCE OUT-OF-POCKET HOUSING COSTS.—Of the amount authorized to be appropriated pursuant to section 421 for military personnel, $35,000,000 shall be available to the Secretary of Defense to increase the rates of basic allowance for quarters authorized members of the Armed Forces by section 403 of title 37, United States Code (as amended by subsection (a)), so as to further reduce out-of-pocket housing costs incurred by members of the Armed Forces.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

SEC. 613. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1998," and inserting in lieu thereof "September 30, 1999,".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) ENLISTMENT BONUSES FOR MEMBERS WITH CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(d) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(f) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out "October 1, 1998" and inserting in lieu thereof "October 1, 1999".

(g) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out "October 1, 1998" and inserting in lieu thereof "October 1, 1999".

SEC. 614. INCREASE IN MINIMUM MONTHLY RATE OF HAZARDOUS DUTY INCENTIVE PAY FOR CERTAIN MEMBERS.

(a) AERIAL FLIGHT CREWMEMBERS.—The table in subsection (b) of section 301 of title 37, United States Code, is amended—

(1) by striking out "110" each place it appears and inserting in lieu thereof "150"; and

(2) by striking out "125" each place it appears and inserting in lieu thereof "150".

(b) AIR WEAPONS CONTROLLER AIRCREW.—The table in subsection (c)(2)(A) of such section is amended—

(1) by striking out "100" in the first column of amounts and inserting in lieu thereof "150";

(2) by striking out "110" in the last column of amounts and inserting in lieu thereof "150"; and

(3) by striking out "125" each place it appears and inserting in lieu thereof "150".

(c) OTHER MEMBERS.—Subsection (c)(1) of such section is amended—

(1) by striking out "$110" and inserting in lieu thereof "$150"; and

(2) by striking out "$165" and inserting in lieu thereof "$225".

SEC. 615. AVAILABILITY OF MULTIYEAR RETENTION BONUS FOR DENTAL OFFICERS.

(a) AVAILABILITY OF RETENTION BONUS.—Chapter 5 of title 37, United States Code, is amended by inserting after section 301d the following new section:

"§ 301e. Multiyear retention bonus: dental officers of the armed forces

"(a) BONUS AUTHORIZED.—(1) A dental officer described in subsection (b) who executes a written agreement to remain on active duty for two, three, or four years after completion of any other active-duty service commitment may, upon acceptance of the written agreement by the Secretary of the military department concerned, be paid a retention bonus as provided in this section.

"(2) The amount of a retention bonus under paragraph (1) may not exceed $14,000 for each year covered by a four-year agreement. The maximum yearly retention bonus for two-year and three-year agreements shall be reduced to reflect the shorter service commitment.

"(b) OFFICERS AUTOMATICALLY ELIGIBLE.—Subsection (a) applies to an officer of the armed forces who—

"(1) is an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer;

"(2) has a dental specialty in oral and maxillofacial surgery;

"(3) is in a pay grade below pay grade 0–7;

"(4) has at least eight years of creditable service (computed as described in section 302b(g) of this title) or has completed any active-duty service commitment incurred for dental education and training; and

"(5) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into an agreement under subsection (a)).

"(c) EXTENSION OF BONUS TO OTHER DENTAL OFFICERS.—At the discretion of the Secretary of the military department concerned, the Secretary may enter into a written agreement described in subsection (a)(1) with a dental officer who does not have the dental specialty specified in subsection (b)(2), and pay a retention bonus to such an officer as provided in this section, if the officer otherwise satisfies the eligibility requirements specified in subsection (b). The Secretaries shall exercise the authority provided in

this section in a manner consistent with regulations prescribed by the Secretary of Defense.

"(d) REFUNDS.—(1) Refunds shall be required, on a pro rata basis, of sums paid under this section if the officer who has received the payment fails to complete the total period of active duty specified in the agreement, as conditions and circumstances warrant.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 301d the following new item:

"301e. Multiyear retention bonus: dental officers of the armed forces.".

SEC. 616. INCREASE IN VARIABLE AND ADDITIONAL SPECIAL PAYS FOR CERTAIN DENTAL OFFICERS.

(a) VARIABLE SPECIAL PAY FOR JUNIOR OFFICERS.—Paragraph (2) of section 302b(a) of title 37, United States Code, is amended by striking out subparagraphs (C) through (F) and inserting in lieu thereof the following new subparagraphs:

"(C) $7,000 per year, if the officer has at least six but less than eight years of creditable service.

"(D) $12,000 per year, if the officer has at least eight but less than 12 years of creditable service.

"(E) $10,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

"(F) $9,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

"(G) $8,000 per year, if the officer has 18 or more years of creditable service.".

(b) VARIABLE SPECIAL PAY FOR SENIOR OFFICERS.—Paragraph (3) of such section is amended by striking out "$1,000" and inserting in lieu thereof "$7,000".

(c) ADDITIONAL SPECIAL PAY.—Paragraph (4) of such section is amended by striking out subparagraphs (B) through (D) and inserting in lieu thereof the following new subparagraphs:

"(B) $6,000 per year, if the officer has at least three but less than 10 years of creditable service.

"(C) $15,000 per year, if the officer has 10 or more years of creditable service.".

SEC. 617. SPECIAL PAY FOR DUTY AT DESIGNATED HARDSHIP DUTY LOCATIONS.

(a) SPECIAL PAY AUTHORIZED.—Section 305 of title 37, United States Code, is amended by striking out subsection (a) and inserting in lieu thereof the following new subsection:

"(a) SPECIAL PAY AUTHORIZED.—A member of a uniformed service who is entitled to basic pay may be paidpecial pay under this section at a monthly rate not to exceed $300 while the member is on duty at a location in the United States or outside the United States designated by the Secretary of Defense as a hardship duty location.".

(b) CROSS REFERENCES AND REGULATIONS.—Such section is further amended—

(1) in subsection (b)—

(A) by inserting "EXCEPTION FOR CERTAIN MEMBERS SERVING IN CERTAIN LOCATIONS.—" after "(b)"; and

(B) by striking out "as foreign duty pay" and inserting in lieu thereof "as hardship duty location pay";

(2) in subsection (c)—

(A) by inserting "EXCEPTION FOR MEMBERS RECEIVING CAREER SEA PAY.—" after "(c)"; and

(B) by striking out "special pay under this section" and inserting in lieu thereof "hardship duty location pay under subsection (a)"; and

(3) by adding at the end the following new subsection:

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the provision of hardship duty location pay under subsection (a), including the actual monthly rates at which the special pay will be available.".

(c) CLERICAL AMENDMENTS.—(1) the heading of such section is amended to read as follows:

"§305. Special pay: hardship duty location pay".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by striking out the item relating to section 305 and inserting in lieu thereof the following new item:

"305. Special pay: hardship duty location pay.".

(d) CONFORMING AMENDMENT.—Section 907(d) of such title is amended by striking out "duty at certain places" and inserting in lieu thereof "duty at a hardship duty location".

(e) TRANSITION.—Until such time as the Secretary of Defense prescribes regulations regarding the provision of hardship duty location pay under section 305 of title 37, United States Code, as amended by this section, the Secretary may continue to use the authority provided by such section 305, as in effect on the day before the date of the enactment of this Act, to provide special pay to enlisted members of the uniformed services on duty at certain places.

SEC. 618. SELECTED RESERVE REENLISTMENT BONUS.

(a) ELIGIBLE MEMBERS.—Subsection (a)(1) of section 308b of title 37, United States Code, is amended by striking out "ten years" and inserting in lieu thereof "14 years".

(b) BONUS AMOUNTS; PAYMENT.—Subsection (b) of such section is amended to read as follows:

"(b)(1) The amount of a bonus under this section may not exceed—

"(A) $2,500, in the case of a member who reenlists or extends an enlistment for a period of three years; and

"(B) $5,000, in the case of a member who reenlists or extends an enlistment for a period of six years.

"(2) The bonus shall be paid according to a payment schedule determined by the Secretary concerned, except that the initial payment to a member may not exceed one-half the total bonus amount for the member.".

(c) NUMBER OF INDIVIDUAL BONUSES.—Subsection (c) of such section is amended to read as follows:

"(c) A member may not be paid more than one six-year bonus or two three-year bonuses under this section.".

(d) EFFECT OF FAILURE TO SERVE SATISFACTORILY.—Subsection (d) of such section is amended to read as follows:

"(d) A member who receives a bonus under this section and who fails, during the period for which the bonus was paid, to serve satisfactorily in the element of the Selected Reserve of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount that bears the same relation to the amount of the bonus paid to the member as the period that the member failed to serve satisfactorily bears to the total period for which the bonus was paid.".

SEC. 619. SELECTED RESERVE ENLISTMENT BONUS FOR FORMER ENLISTED MEMBERS.

(a) ELIGIBLE PERSONS.—Subsection (a)(2) of section 308i of title 37, United States Code, is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) has completed a military obligation but has less than 14 years of total military service;";

(b) BONUS AMOUNTS; PAYMENT.—Subsection (b) of such section is amended to read as follows:

"(b)(1) The amount of a bonus under this section may not exceed—

"(A) $2,500, in the case of a person who enlists for a period of three years; and

"(B) $5,000, in the case of a person who enlists for a period of six years.

"(2) The bonus shall be paid according to a payment schedule determined by the Secretary concerned, except that the initial payment to a person may not exceed one-half the total bonus amount for the person.".

(c) LIMITATIONS.—Subsection (c) of such section is amended to read as follows:

"(c)(1) A person may not be paid more than one six-year bonus or two three-year bonuses under this section.

"(2) A person may not be paid a bonus under this section unless the specialty associated with the position the person is projected to occupy as a member of the Selected Reserve is a specialty in which—

"(A) the person successfully served while a member on active duty; and

"(B) the person attained a level of qualification while a member commensurate with the grade and years of service of the member.".

SEC. 620. SPECIAL PAY OR BONUSES FOR ENLISTED MEMBERS EXTENDING TOURS OF DUTY OVERSEAS.

(a) INCLUSION OF BONUS INCENTIVE.—(1) Section 314 of title 37, United States Code, is amended to read as follows:

"§314. Special pay or bonus: qualified enlisted members extending duty at designated locations overseas

"(a) COVERED MEMBERS.—This section applies with respect to an enlisted member of an armed force who—

"(1) is entitled to basic pay;

"(2) has a specialty that is designated by the Secretary concerned for the purposes of this section;

"(3) has completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the 48 contiguous States and the District of Columbia that is designated by the Secretary concerned for the purposes of this section; and

"(4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year.

"(b) SPECIAL PAY OR BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, an enlisted member described in subsection (a) is entitled, upon acceptance by the Secretary concerned of the agreement providing for extension of the member's tour of duty, to either—

"(1) special pay for duty performed during the period of the extension at a rate of not more than $80 per month, as prescribed by the Secretary concerned; or

"(2) a bonus of up to $2,000 per year, as prescribed by the Secretary concerned, for specialty requirements at designated locations.

"(c) SELECTION AND PAYMENT OF SPECIAL PAY OR BONUS.—Not later than the date on which the Secretary concerned accepts an agreement described in subsection (a)(4) providing for the extension of a member's tour of duty, the Secretary concerned shall notify the member regarding whether the member will receive special pay or a bonus under this section. The payment rate for the special pay or bonus shall be fixed at the time of the agreement and may not be

changed during the period of the extended tour of duty. The Secretary concerned may pay a bonus under this section either in a lump sum or installments.

"(d) REPAYMENT OF BONUS.—(1) If a member who receives all or part of a bonus under this section fails to complete the total period of extension specified in the agreement described in subsection (a)(4), the Secretary concerned may require the member to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, amounts paid to the member under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of the agreement does not discharge the member signing the agreement from a debt arising under the agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 on or after October 1, 1997.

"(e) EFFECT OF REST AND RECUPERATIVE ABSENCE.—A member who elects to receive one of the benefits specified in section 705(b) of title 10 as part of the extension of a tour of duty is not entitled to the special pay or bonus authorized by this section for the period of the extension of duty for which the benefit under such section is provided.".

(2) The item relating to section 314 in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

"314. Special pay or bonus: qualified enlisted members extending duty at designated locations overseas.".

(b) APPLICATION OF AMENDMENT.—Section 314 of title 37, United States Code, as amended by subsection (a), shall apply with respect to an agreement to extend a tour of duty as provided in such section executed on or after October 1, 1997.

SEC. 621. INCREASE IN AMOUNT OF FAMILY SEPARATION ALLOWANCE.

Section 427 of title 37, United States Code (as amended by section 604(b)(3)), is further amended in subsection (a)(1) by striking out "$75" and inserting in lieu thereof "$100".

SEC. 622. CHANGE IN REQUIREMENTS FOR READY RESERVE MUSTER DUTY ALLOWANCE.

Section 433(c) of title 37, United States Code, is amended—

(1) in the first sentence, by striking out "and shall be" and all that follows through "is performed"; and

(2) by inserting after the first sentence the following new sentence: "The allowance may be paid to the member on or before the date on which the muster duty is performed, but shall be paid not later than 30 days after the date on which the muster duty is performed.".

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS OF MEMBER SENTENCED BY COURT-MARTIAL.

Section 406(h)(2)(C) of title 37, United States Code, is amended by striking out the comma at the end of clause (iii) and all that follows through "title 10." and inserting in lieu thereof a period.

SEC. 632. DISLOCATION ALLOWANCE.

Section 407 of title 37, United States Code, is amended to read as follows:

"§ 407. Travel and transportation allowances: dislocation allowance

"(a) BASIC ELIGIBILITY.—(1) Under regulations prescribed by the Secretary concerned, a member of a uniformed service described in paragraph (2) is entitled to a dislocation allowance at the rate set forth in the tables in subsection (c) for the member's pay grade and dependency status.

"(2) A member of the uniformed services referred to in paragraph (1) is any of the following:

"(A) A member who makes a change of permanent station and the member's dependents actually make an authorized move in connection with the change, including a move by the dependents—

"(i) to join the member at the member's duty station after an unaccompanied tour of duty when the member's next tour of duty is an accompanied tour at the same station; and

"(ii) to a location designated by the member after an accompanied tour of duty when the member's next tour of duty is an unaccompanied tour at the same duty station.

"(B) A member whose dependents actually move pursuant to section 405a(a), 406(e), 406(h), or 554 of this title.

"(C) A member whose dependents actually move from their place of residence under circumstances described in section 406a of this title.

"(D) A member who is without dependents and—

"(i) actually moves to a new permanent station where the member is not assigned to quarters of the United States; or

"(ii) actually moves from a place of residence under circumstances described in section 406a of this title.

"(E) A member who is ordered to move in connection with the closure or realignment of a military installation and, as a result, the member's dependents actually move or, in the case of a member without dependents, the member actually moves.

"(3) If a dislocation allowance is paid under this subsection to a member described in subparagraph (C) or (D)(ii), the member is not entitled to another dislocation allowance as a member described in subparagraph (A) or (E) in connection with the same move.

"(b) SECOND ALLOWANCE AUTHORIZED UNDER CERTAIN CIRCUMSTANCES.—(1) Under regulations prescribed by the Secretary concerned, whenever a member is entitled to a dislocation allowance as a member described in subparagraph (C) or (D)(ii) of subsection (a)(2), the member is also entitled to a second dislocation allowance at the rate set forth in the tables in subsection (c) for the member's pay grade and dependency status if, subsequent to the member or the member's dependents actually moving from their place of residence under circumstances described in section 406a of this title, the member or member's dependents complete that move to a new location and then actually move from that new location to another location also under circumstances described in section 406a of this title.

"(2) If a second dislocation allowance is paid under this subsection, the member is not entitled to a dislocation allowance as a member described in subparagraph (A) or (E) of subsection (a)(2) in connection with those moves.

"(c) DISLOCATION ALLOWANCE RATES.—(1) A dislocation allowance under this section shall be paid at the following monthly rates, based on a member's pay grade and dependency status:

Paygrade	Without dependents	With dependents
O–10	$2,061.75	$2,538.00
O–9	2,061.75	2,538.00
O–8	2,061.75	2,538.00
O–7	2,061.75	2,538.00
O–6	1,891.50	2,285.25
O–5	1,821.75	2,202.75
O–4	1,688.25	1,941.75
O–3	1,353.00	1,606.50
O–2	1,073.25	1,371.75
O–1	903.75	1,226.25

Paygrade	Without dependents	With dependents
O–3E	$1,461.00	$1,726.50
O–2E	1,242.00	1,557.75
O–1E	1,068.00	1,439.25

Paygrade	Without dependents	With dependents
W–5	$1,715.25	$1,874.25
W–4	1,523.25	1,718.25
W–3	1,280.00	1,574.25
W–2	1,137.00	1,448.25
W–1	951.75	1,252.50

Paygrade	Without dependents	With dependents
E–9	$1,251.00	$1,649.25
E–8	1,148.25	1,520.25
E–7	981.00	1,411.50
E–6	888.00	1,304.25
E–5	819.00	1,173.00
E–4	712.50	1,020.00
E–3	699.00	949.50
E–2	567.75	903.75
E–1	506.25	903.75

"(2) For each calendar year after 1997, the Secretary of Defense shall adjust the rates in the tables in paragraph (1) by the percentage equal to the rate of change of the national average monthly cost of housing, as determined by the Secretary under section 403 of this title for that calendar year.

"(d) FISCAL YEAR LIMITATION; EXCEPTIONS.—(1) A member is not entitled to more than one dislocation allowance during a fiscal year unless—

"(A) the Secretary concerned finds that the exigencies of the service require the member to make more than one change of permanent station during the fiscal year;

"(B) the member is ordered to a service school as a change of permanent station;

"(C) the member's dependents are covered by section 405a(a), 406(e), 406(h), or 554 of this title; or

"(D) subparagraph (C) or (D)(ii) of subsection (a)(2) or subsection (b) apply with respect to the member or the member's dependents.

"(2) This subsection does not apply in time of national emergency or in time of war.

"(e) FIRST OR LAST DUTY.—A member is not entitled to payment of a dislocation allowance when ordered from the member's home to the member's first duty station or from the member's last duty station to the member's home.

"(f) RULE OF CONSTRUCTION.—For purposes of this section, a member whose dependents may not make an authorized move in connection with a change of permanent station is considered a member without dependents.

"(g) ADVANCE PAYMENT.—A dislocation allowance payable under this section may be paid in advance.".

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 641. TIME IN WHICH CERTAIN CHANGES IN BENEFICIARY UNDER SURVIVOR BENEFIT PLAN MAY BE MADE.

(a) EXTENSION OF TIME FOR CHANGE.—Section 1450(f)(1)(C) of title 10, United States Code, is amended by inserting before the period at the end the following: ", except that such a change of election to change a beneficiary under the Plan from a former spouse to a spouse may be made at any time after the person providing the annuity remarries (rather than only within one

year after the date on which that person marries)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to marriages occurring before, on, or after the date of the enactment of this Act.

Subtitle E—Other Matters

SEC. 651. DEFINITION OF SEA DUTY FOR PURPOSES OF CAREER SEA PAY.

Section 305a(d) of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking out ", ship-based staff, or ship-based aviation unit";

(2) in paragraph (1)(B), by striking out "or ship-based staff";

(3) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) the following new paragraph:

"(2) The Secretary concerned may designate duty performed by a member while serving on a ship the primary mission of which is accomplished either while under way or in port as 'sea duty' for purposes of this section, even though the duty is performed while the member is permanently or temporarily assigned to a ship-based staff or other unit not covered by paragraph (1).".

SEC. 652. LOAN REPAYMENT PROGRAM FOR COMMISSIONED OFFICERS IN CERTAIN HEALTH PROFESSIONS.

(a) Chapter 109 of title 10, United States Code, is amended by adding at the end the following new section:

"§2173. Education loan repayment program: commissioned officers in specified health professions

"(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of commissioned officers of the armed forces on active duty who are qualified in the various health professions, the Secretary of a military department may repay, in the case of a person described in subsection (b), a loan that was used by the person to finance education regarding a health profession and was obtained from a governmental entity, private financial institution, school, or other authorized entity.

"(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

"(1) satisfy one of the academic requirements specified in subsection (c);

"(2) be fully qualified for, or hold, an appointment as a commissioned officer in one of the health professions; and

"(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

"(c) ACADEMIC REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of a person for a loan repayment under this section:

"(1) The person must be fully qualified in a health profession that the Secretary of the military department concerned has determined to be necessary to meet identified skill shortages.

"(2) The person must be enrolled as a full-time student in the final year of a course of study at an accredited educational institution leading to a degreen a health profession other than medicine or osteopathic medicine.

"(3) The person must be enrolled in the final year of an approved graduate program leading to specialty qualification in medicine, dentistry, osteopathic medicine, or other health profession.

"(d) CERTAIN PERSON INELIGIBLE.—Participants of the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title and students of the Uniformed Services University of the Health Sciences established under section 2112 of this title are not eligible for the repayment of an education loan under this section.

"(e) LOAN REPAYMENTS.—(1) Subject to the limits established by paragraph (2), a loan repayment under this section may consist of payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b) for—

"(A) all educational expenses, comparable to all educational expenses recognized under section 2127(a) of this title for participants in the Armed Forces Health Professions Scholarship and Financial Assistance program; and

"(B) reasonable living expenses, not to exceed expenses comparable to the stipend paid under section 2121(d) of this title for participants in the Armed Forces Health Professions Scholarship and Financial Assistance program.

"(2) For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary of the military department concerned may pay not more than $22,000 on behalf of the person. This maximum amount shall be increased annually by the Secretary of Defense effective October 1 of each year by a percentage equal to the percent increase in the average annual cost of educational expenses and stipend costs of a single scholarship under the Armed Forces Health Professions Scholarship and Financial Assistance program. The total amount that may be repaid on behalf of any person may not exceed an amount determined on the basis of a four-year active duty service obligation.

"(f) ACTIVE DUTY SERVICE OBLIGATION.—(1) A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation. The length of this obligation shall be determined under regulations prescribed by the Secretary of Defense, but those regulations may not provide for a period of obligation of less than one year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

"(2) For persons on active duty before entering into the agreement, the active duty service obligation shall be served consecutively to any other incurred obligation.

"(g) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—A commissioned officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given, with or without the consent of the officer, any alternative obligation comparable to any of the alternative obligations authorized by section 2123(e) of this title for participants in the Armed Forces Health Professions Scholarship and Financial Assistance program.

"(h) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section, including standards for qualified loans and authorized payees and other terms and conditions for the making of loan repayments.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2173. Education loan repayment program: commissioned officers in specified health professions.".

SEC. 653. CONFORMANCE OF NOAA COMMISSIONED OFFICERS SEPARATION PAY TO SEPARATION PAY FOR MEMBERS OF OTHER UNIFORMED SERVICES.

(a) ELIMINATION OF LIMITATIONS ON AMOUNT OF SEPARATION PAY.—Section 9 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853h) is amended—

(1) in subsection (b)(1), by striking ", or $30,000, whichever is less";

(2) in subsection (b)(2), by striking ", but in no event more than $15,000"; and

(3) in subsection (d), by striking "(1)", and by striking paragraph (2).

(b) WAIVER OF RECOUPMENT OF AMOUNTS WITHHELD FOR TAX PURPOSES FROM CERTAIN SEPARATION PAY.—Section 9(e)(2) of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853h) is amended in the first sentence by inserting before the period at the end the following: ", less the amount of Federal income tax withheld from such pay (such withholding being at the flat withholding rate for Federal income tax withholding, as in effect pursuant to regulations prescribed under chapter 24 of the Internal Revenue Code of 1986)".

(c) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on October 1,996, and shall apply to payments of separation pay that are made after September 30, 1997.

SEC. 654. REIMBURSEMENT OF PUBLIC HEALTH SERVICE OFFICERS FOR ADOPTION EXPENSES.

Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following new paragraph:

"(16) Section 1052, Reimbursement for adoption expenses.".

SEC. 655. PAYMENT OF BACK QUARTERS AND SUBSISTENCE ALLOWANCES TO WORLD WAR II VETERANS WHO SERVED AS GUERRILLA FIGHTERS IN THE PHILIPPINES.

(a) IN GENERAL.—The Secretary of the military department concerned shall pay, upon request, to an individual described in subsection (b) the amount determined with respect to that individual under subsection (c).

(b) COVERED INDIVIDUALS.—A payment under subsection (a) shall be made to any individual who as a member of the Armed Forces during World War II—

(1) was captured within the territory of the Philippines by Japanese forces;

(2) escaped from captivity; and

(3) served as a guerrilla fighter in the Philippines during the period from January 1942 through February 1945.

(c) AMOUNT TO BE PAID.—The amount of a payment under subsection (a) shall be the amount of quarters and subsistence allowance which accrued to an individual described in subsection (b) during the period specified in paragraph (3) of subsection (b) and which was not paid to that individual. For the purposes of this subsection, the Secretary of War shall be deemed to have determined that conditions in the Philippines during the specified period justified payment under applicable regulations of quarters and subsistence allowances at the maximum special rate for duty where emergency conditions existed. The Secretary shall apply interest compounded at the three-month Treasury bill rate.

(d) PAYMENT TO SURVIVORS.—In the case of any individual described in subsection (b) who is deceased, payment under this section with respect to that individual shall be made to that individual's nearest surviving relative, as determined by the Secretary concerned.

SEC. 656. SPACE AVAILABLE TRAVEL FOR MEMBERS OF SELECTED RESERVE.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§2646. Space available travel: members of Selected Reserve

"(a) AVAILABILITY.—The Secretary of Defense shall prescribe regulations to allow members of the Selected Reserve in good standing (as determined by the Secretary concerned), and dependents of such members, to receive transportation on aircraft of the Department of Defense on a space available basis under the same terms and

conditions as apply to members of the armed forces on active duty and dependents of such members.

"(b) CONDITION ON DEPENDENT TRANSPORTATION.—A dependent of a member of the Selected Reserve may be provided transportation under this section only when the dependent is actually accompanying the member on the travel.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2646. Space available travel: members of Selected Reserve.".

SEC. 657. STUDY ON MILITARY PERSONNEL AT, NEAR, OR BELOW THE POVERTY LINE.

(a) REQUIREMENT.—The Secretary of Defense shall conduct a study of members of the Armed Forces and their dependents who subsist at, near, or below the poverty line.

(b) MATTERS TO BE INCLUDED.—The study shall include the following:

(1) An analysis of potential solutions for mitigating or eliminating income levels for members of the Armed Forces that result in certain members and their dependents subsisting at, near, or below the poverty line, including potential solutions involving changes in the systems and rates of—

(A) basic allowance for subsistence for members of the Armed Forces under section 402 of title 37, United States Code;

(B) basic allowance for quarters for members of the Armed Forces under section 403 of such title; and

(C) variable housing allowance for members of the Armed Forces under section 403a of such title.

(2) An analysis of the effect of the amendments made by sections 603 and 604 of this Act regarding the calculation of the basic allowance for subsistence and the consolidation of the basic allowance for quarters and variable housing allowance on mitigating or eliminating income levels for members of the Armed Forces that result in certain members and their dependents subsisting at, near, or below the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by that section).

(3) Identification of the populations of members of the Armed Forces and their dependents most likely to need income support under Federal programs (and the number of individuals in each population), including—

(A) the populations living in areas of the United States where housing costs are notably high; and

(B) the populations living outside the United States.

(4) The desirability of increasing rates of basic pay during a defined number of years by varying percentages depending on pay grade, so as to provide for greater increases for members in lower pay grades than for higher pay grades.

(c) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress the findings of the study conducted under subsection (a).

SEC. 658. IMPLEMENTATION OF DEPARTMENT OF DEFENSE SUPPLEMENTAL FOOD PROGRAM FOR MILITARY PERSONNEL OUTSIDE THE UNITED STATES.

(a) FUNDING.—Section 1060a(b) of title 10, United States Code, is amended by adding at the end the following new sentence: "Pending receipt of such funds from the Secretary of Agriculture for any fiscal year, the Secretary of Defense may use funds appropriated to the Department of Defense for that fiscal year for operations and maintenance to carry out, and to avoid delay in implementation of, the program referred to in subsection (a) during any fiscal year.".

(b) SUBMISSION OF PLAN TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for implementing the special supplemental food program under section 1060a of title 10, United States Code, as amended by subsection (a).

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. EXPANSION OF RETIREE DENTAL INSURANCE PLAN TO INCLUDE SURVIVING SPOUSE AND CHILD DEPENDENTS OF CERTAIN DECEASED MEMBERS.

Section 1076c(b)(4) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "dies" and inserting in lieu thereof "died"; and

(B) by striking out "or" at the end of the subparagraph;

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(C) who died while on active duty for a period of more than 30 days and whose eligible dependents are not eligible, or no longer eligible, for dental benefits under section 1076a of this title pursuant to subsection (i)(2) of such section.".

SEC. 702. PROVISION OF PROSTHETIC DEVICES TO COVERED BENEFICIARIES.

(a) INCLUSION AMONG AUTHORIZED CARE.—Subsection (a) of section 1077 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(15) Prosthetic devices, as determined by the Secretary of Defense to be necessary because of significant conditions resulting from trauma, congenital anomalies, or disease.".

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) Hearing aids, orthopedic footwear, and spectacles, except that, outside of the United States and at stations inside the United States where adequate civilian facilities are unavailable, such items may be sold to dependents at cost to the United States.".

Subtitle B—TRICARE Program

SEC. 711. ADDITION OF DEFINITION OF TRICARE PROGRAM TO TITLE 10.

Section 1072 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) The term 'TRICARE program' means the managed health care program that is established by the Department of Defense under the authority of this chapter, principally section 1097 of this title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.".

SEC. 712. PLAN FOR EXPANSION OF MANAGED CARE OPTION OF TRICARE PROGRAM.

(a) EXPANSION PLAN REQUIRED.—The Secretary of Defense shall prepare a plan for the expansion of the managed care option of the TRICARE program, known as TRICARE Prime, into areas of the United States located outside of the catchment areas of medical treatment facilities of the uniformed services, but in which the managed care option is a cost-effective alternative because of—

(1) the significant number of covered beneficiaries under chapter 55 of title 10, United States Code, including retired members of the Armed Forces and their dependents, who reside in the areas; and

(2) the presence in the areas of sufficient nonmilitary health care provider networks.

(b) ALTERNATIVES.—As an alternative to expansion of the managed care option of the TRICARE program to areas of the United States in which there is few or no nonmilitary health care provider networks, the Secretary shall include in the plan required under subsection (a) an evaluation of the feasibility and cost-effectiveness of providing a member of the Armed Forces on active duty who is stationed in such an area, or whose dependents reside in such an area, with one or both of the following:

(1) A monetary stipend to assist the member in obtaining health care services for the member or the member's dependents.

(2) A reduction in the cost-sharing requirements applicable to the TRICARE program options otherwise available to the member to match the reduced cost-sharing responsibilities of the managed care option of the TRICARE program.

(c) SUBMISSION OF PLAN.—Not later than March 1, 1998, the Secretary shall submit to Congress the plan required under subsection (a).

Subtitle C—Uniformed Services Treatment Facilities

SEC. 721. IMPLEMENTATION OF DESIGNATED PROVIDER AGREEMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) COMMENCEMENT OF HEALTH CARE SERVICES UNDER AGREEMENT.—Subsection (c) of section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201, 10 U.S.C. 1073 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "(1)" before "Unless"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary may modify the effective date established under paragraph (1) for an agreement to permit a transition period of not more than six months between the date on which the agreement is executed by the parties and the date on which the designated provider commences the delivery of health care services under the agreement.".

(b) TEMPORARY CONTINUATION OF EXISTING PARTICIPATION AGREEMENTS.—Subsection (d) of such section is amended by inserting before the period at the end the following: ", including any transitional period provided by the Secretary under paragraph (2) of such subsection".

SEC. 722. LIMITATION ON TOTAL PAYMENTS.

Section 726(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201, 10 U.S.C. 1073 note) is amended by adding at the end the following new sentence: "In establishing the ceiling rate for enrollees with the designated providers who are also eligible for the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense shall take into account the health status of the enrollees.".

SEC. 723. CONTINUED ACQUISITION OF REDUCED-COST DRUGS.

Section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following new subsection:

"(g) CONTINUED ACQUISITION OF REDUCED-COST DRUGS.—A designated provider shall be treated as part of the Department of Defense for purposes of section 8126 of title 38, United States Code, in connection with the provision by the designated provider of health care services to

covered beneficiaries pursuant to the participation agreement of the designated provider under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 42 U.S.C. 248c note) or pursuant to the agreement entered into under subsection (b).''.

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

SEC. 731. WAIVER OR REDUCTION OF COPAYMENTS UNDER OVERSEAS DENTAL PROGRAM.

Section 1076a(h) of title 10, United States Code, is amended—

(1) in the first sentence, by striking out ''Secretary'' and inserting in lieu thereof ''Secretary of Defense''; and

(2) by adding at the end the following new sentence: ''In the case of such an overseas dental plan, the Secretary may waive or reduce the copayments otherwise required by subsection (e) to the extent the Secretary determines appropriate for the effective and efficient operation of the plan.''.

SEC. 732. PREMIUM COLLECTION REQUIREMENTS FOR MEDICAL AND DENTAL INSURANCE PROGRAMS.

(a) SELECTED RESERVE DENTAL INSURANCE.—Paragraph (3) of section 1076b(b) of title 10, United States Code, is amended to read as follows:

''(3) The Secretary of Defense shall establish procedures for the collection of the member's share of the premium for coverage by the dental insurance plan. Not later than October 1, 1998, the Secretary shall permit a member to pay the member's share of the premium through a deduction and withholding from basic pay payable to the member for inactive duty training or basic pay payable to the member for active duty.''.

(b) RETIREE DENTAL INSURANCE PLAN.—Paragraph (2) of section 1076c(c) of such title is amended to read as follows:

''(2) In the regulations prescribed under subsection (h), the Secretary of Defense shall establish procedures for the payment by enrolled members and by other enrolled covered beneficiaries of premiums charged for coverage by the dental insurance plan. Not later than October 1, 1998, the Secretary shall permit a member enrolled in the plan and entitled to retired pay to pay the member's share of the premium through a deduction and withholding from the retired pay of the member.''.

(c) IMPLEMENTATION PLAN.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a plan to permit, not later than October 1, 1998—

(1) an enrollee in the Selected Reserve dental insurance plan authorized under section 1076b of title 10, United States Code, to pay the enrollee's share of the premium for such insurance through a deduction and withholding from basic pay payable to the enrollee;

(2) a retired member of the uniformed services enrolled in the dental insurance plan authorized under section 1076c of such title to pay the enrollee's share of the premium for such insurance through a deduction and withholding from retired pay payable to the enrollee; and

(3) a retired member of the uniformed services enrolled in the managed care option of the TRICAREogram known as TRICARE Prime to pay the enrollee's share of the premium for such option through a deduction and withholding from retired pay payable to the enrollee.

SEC. 733. CONSISTENCY BETWEEN CHAMPUS AND MEDICARE IN PAYMENT RATES FOR SERVICES.

(a) CONFORMITY BETWEEN RATES.—Section 1079(h) of title 10, United States Code, is amended by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof the following new paragraph:

''(1) Except as provided in paragraphs (2) and (3), payment for a charge for services by an individual health care professional (or other noninstitutional health care provider) for which a claim is submitted under a plan contracted for under subsection (a) shall be equal to an amount determined to be appropriate, to the extent practicable, in accordance with the same reimbursement rules as apply to payments for similar services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). The Secretary of Defense shall determine the appropriate payment amount under this paragraph in consultation with the other administering Secretaries.''.

(b) REDUCED RATES AUTHORIZED.—Paragraph (5) of such section is amended by adding at the end the following new sentence: ''With the consent of the health care provider, the Secretary is also authorized to reduce the authorized payment for certain health care services below the amount otherwise required by the payment limitations under paragraph (1).''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (5), by striking out ''paragraph (4), the Secretary'' and inserting in lieu thereof ''paragraph (2), the Secretary of Defense''; and

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively.

SEC. 734. USE OF PERSONAL SERVICES CONTRACTS FOR PROVISION OF HEALTH CARE SERVICES AND LEGAL PROTECTION FOR PROVIDERS.

(a) USE OF CONTRACTS OUTSIDE MEDICAL TREATMENT FACILITIES.—Section 1091(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new paragraph:

''(2) The Secretary of Defense may also enter into personal services contracts to carry out other health care responsibilities of the Secretary, such as the provision of medical screening examinations at Military Entrance Processing Stations, at locations outside medical treatment facilities, as determined necessary pursuant to regulations issued by the Secretary.''.

(b) DEFENSE OF SUITS.—Section 1089 of such title is amended—

(1) in subsection (a), by adding at the end the following new sentence: ''This subsection shall also apply if the physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or the estate of such person) involved is serving under a personal services contract entered into by the Secretary of Defense under section 1091 of this title.''; and

(2) in subsection (f)—

(A) by inserting ''(1)'' after ''(f)''; and

(B) by adding at the end the following new paragraph:

''(2) With respect to the Secretary of Defense and the Armed Forces Retirement Home Board, the authority provided by paragraph (1) also includes the authority to provide for reasonable attorney's fees for persons described in subsection (a), as determined necessary pursuant to regulations issued by the head of the agency concerned.''.

SEC. 735. PORTABILITY OF STATE LICENSES FOR DEPARTMENT OF DEFENSE HEALTH CARE PROFESSIONALS.

Section 1094 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d)(1) Notwithstanding any law regarding the licensure of health care providers, a health-care professional described in paragraph (2) may practice the health profession or professions of the health-care professional in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, regardless of whether the practice occurs in a health care facility of the Department of Defense, a civilian facility affiliated with the Department of Defense, or any other location authorized by the Secretary of Defense .

''(2) A health-care professional referred to in paragraph (1) is a member of the armed forces who—

''(A) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

''(B) is performing authorized duties for the Department of Defense.''.

SEC. 736. STANDARD FORM AND REQUIREMENTS REGARDING CLAIMS FOR PAYMENT FOR SERVICES.

(a) CLARIFICATION OF EXISTING REQUIREMENTS.—Section 1106 of title 10, United States Code, is amended to read as follows:

''§1106. Submittal of claims: standard form; time limits

''(a) STANDARD FORM.—The Secretary of Defense, after consultation with the other administering Secretaries, shall prescribe by regulation a standard form for the submission of claims for the payment of health care services provided under this chapter.

''(b) TIME FOR SUBMISSION.—A claim for payment for services shall be submitted as provided in such regulations not later than one year after the services are provided.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by striking out the item relating to section 1106 and inserting in lieu thereof the following new item:

''1106. Submittal of claims: standard form; time limits.''.

SEC. 737. MEDICAL PERSONNEL CONSCIENCE CLAUSE.

(a) SECRETARY OF DEFENSE POLICY.—The Secretary of Defense shall establish a uniform policy for the Army, Navy, and Air Force establishing the circumstances under which covered members (as defined in subsection (d)) of the Army, Navy, and Air Force may refuse, based on conscience, to perform an abortion (or participate in the performance of an abortion) or provide a covered family planning service (or participate in the provision of such a service).

(b) CONSCIENCE CLAUSE.—(1) The policy established under subsection (a) shall provide that a member of the Army, Navy, or Air Force who is a covered member may not be required to perform an abortion (or participate in the performance of an abortion), or to provide a covered family planning service (or participate in the provision of such a service), if the member believes that to do so would be wrong on moral, ethical or religious grounds.

(2) Paragraph (1) does not apply in a case in which refusal to perform an abortion (or participate in the performance of an abortion) or provide a covered family planning service would pose a life-threatening risk to the patient.

(c) COVERED FAMILY PLANNING SERVICES.—For the purposes of this section, a covered family planning service is any of the following:

(1) Contraceptive services, not limited to the prescription or provision of a pharmaceutical preparation, device, or chemical method.

(2) Surgical sterilization.

(d) COVERED MEMBER.—In this section, the term ''covered member'' means a member of the Army, Navy, or Air Force who—

(1) in the case of the Army, is a member of the Medical Corps, Dental Corps, Nurse Corps, Medical Service Corps, Veterinary Corps, or Army

Medical Specialist Corps or is an enlisted member directly engaged in or directly supporting medically related activities;

(2) in the case of the Navy, is a member of the Medical Corps, Dental Corps, Nurse Corps, or Medical Service Corps or is an enlisted member directly engaged in or directly supporting medically related activities; and

(3) in the case of the Air Force, is designated as a medical officer, dental officer, Air Force nurse, medical service officer, or biomedical science officer or is an enlisted member directly engaged in or directly supporting medically related activities.

(e) EFFECTIVE DATE.—The policy established pursuant to subsection (a) shall apply with respect to any refusal on or after the date of the enactment of this Act to perform an abortion (or participate in the performance of an abortion) or to provide a covered family planning service.

Subtitle E—Other Matters

SEC. 741. CONTINUED ADMISSION OF CIVILIANS AS STUDENTS IN PHYSICIAN ASSISTANT TRAINING PROGRAM OF ARMY MEDICAL DEPARTMENT.

(a) CIVILIAN ATTENDANCE.—(1) Chapter 407 of title 10, United States Code, is amended by adding at the end the following new section:

"§4416. Academy of Health Sciences: admission of civilians in physician assistant training program

"(a) RECIPROCAL AGREEMENTS WITH COLLEGES.—The Secretary of the Army may enter into an agreement with an accredited institution of higher education under which students of the institution may attend the physician assistant training program conducted by the Army Medical Department at the Academy of Health Sciences at Fort Sam Houston, Texas, during the didactic portion of the program. In exchange for the admission of such students, the institution of higher education shall agree to provide such academic services as the Secretary and the institution consider to be appropriate to support the physician assistant training program at the Academy. The Secretary shall ensure that the Army Medical Department does not incur any additional costs as a result of the agreement than theepartment would incur to obtain such academic services in the absence of the agreement.

"(b) SELECTION OF STUDENTS.—The attendance of civilian students at the Academy pursuant to an agreement under subsection (a) may not result in a decrease in the number of members of the armed forces enrolled in the physician assistant training program. In consultation with the institution of higher education that is a party to the agreement, the Secretary shall establish qualifications and methods of selection for students to receive instruction at the Academy. The qualifications established shall be comparable to those generally required for admission to the physician assistant training program at the Academy.

"(c) RULES OF ATTENDANCE.—Except as the Secretary determines necessary, a civilian student who receives instruction at the Academy pursuant to an agreement entered into under subsection (a) shall be subject to the same regulations governing attendance, discipline, discharge, and dismissal as apply to other persons attending the Academy.

"(d) REPORT.—For each year in which an agreement under subsection (a) is in effect, the Secretary shall submit to Congress a report specifying the number of civilian students who received instruction at the Academy under the agreement during the period covered by the report and accessing the benefits to the United States of the agreement.

"(e) ACADEMY DEFINED.—In this section, the term 'Academy' means the Academy of Health Sciences of the Army Medical Department at Fort Sam Houston, Texas.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4416. Academy of Health Sciences: admission of civilians in physician assistant training program.".

(b) EFFECT ON EXISTING DEMONSTRATION PROGRAM.—An agreement entered into under the demonstration program for the admission of civilians as physician assistant students at the Academy of Health Sciences, Fort Sam Houston, Texas, established pursuant to section 732 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2810) shall be treated as an agreement entered into under section 4416 of title 10, United States Code (as added by subsection (a)). The agreement may be extended in such manner and for such period as the parties to the agreement consider appropriate consistent with such section 4416.

SEC. 742. EMERGENCY HEALTH CARE IN CONNECTION WITH OVERSEAS ACTIVITIES OF ON-SITE INSPECTION AGENCY OF DEPARTMENT OF DEFENSE.

(a) PAYMENT OF EXPENSES FOR EMERGENCY HEALTH CARE.—Chapter 152 of title 10, United States Code, is amended by inserting after section 2549 the following new section:

"§2549a. Emergency health care: overseas activities of On-Site Inspection Agency

"(a) AUTHORITY TO PAY EXPENSES.—From funds appropriated for the necessary expenses of the On-Site Inspection Agency of the Department of Defense, the Secretary of Defense may pay or reimburse an employee of the Agency, a member of the uniformed services or a civilian employee assigned or detailed to the Agency, or an employee of a contractor operating under a contract with the Agency, for emergency health care services obtained by the employee, member, or contractor employee while permanently or temporarily on duty in a state of the former Soviet Union or the former Warsaw Pact.

"(b) INITIAL DEPOSITS.—The expenses for emergency health care that may be paid or reimbursed under subsection (a) include initial deposits for emergency care and inpatient care.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2549 the following new item:

"2549a. Emergency health care: overseas activities of On-Site Inspection Agency.".

SEC. 743. COMPTROLLER GENERAL STUDY OF ADEQUACY AND EFFECT OF MAXIMUM ALLOWABLE CHARGES FOR PHYSICIANS UNDER CHAMPUS.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study regarding the adequacy of the maximum allowable charges for physicians established under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) and the effect of such charges on the participation of physicians in CHAMPUS. The study shall include an evaluation of the following:

(1) The methodology used by the Secretary of Defense to establish maximum allowable charges for physicians under CHAMPUS, and whether such methodology conforms to the requirements of section 1079(h) of title 10, United States Code.

(2) The differences between the established charges under CHAMPUS and reimbursement rates for similar services under title XVIII of the Social Security Act and other health care programs.

(3) The basis for physician complaints that the CHAMPUS established charges are too low.

(4) The difficultly of CHAMPUS in ensuring physician compliance with the CHAMPUS established charges in the absence of legal mechanisms to enforce compliance, and the effect of noncompliance on patient out-of-pocket expenses.

(5) The effect of the established charges under CHAMPUS on the participation of physicians in CHAMPUS, and the extent and success of Department of Defense efforts to increase physician participation in areas with low participation rates.

(b) SUBMISSION OF REPORT.—Not later than March 1, 1998, the Comptroller General shall submit to Congress a report containing the results of the study required by subsection (a).

SEC. 744. COMPTROLLER GENERAL STUDY OF DEPARTMENT OF DEFENSE PHARMACY PROGRAMS.

Not later than March 31, 1998, the Comptroller General shall submit to Congress a study evaluating the pharmacy programs of the Department of Defense. The study shall include an examination of the following:

(1) The merits and feasibility of establishing a uniform formulary for military treatment facility pharmacies and civilian contractor pharmacy benefit administrators.

(2) The extent of, and cost impacts from, military treatment facility pharmacies denying covered beneficiaries under chapter 55 of title 10, United States Code, pharmacy care access and shifting such beneficiaries to other sources of pharmacy care.

(3) The merits and feasibility of implementing other pharmacy benefit management best practices at military treatment facility and civilian contractor pharmacies.

(4) The cost impacts of TRICARE program contractors being unable to procure pharmaceuticals at discounted prices pursuant to section 8126 of title 38, United States Code, and potential ways to increase the discounts available to TRICARE program contractors, with appropriate controls.

SEC. 745. COMPTROLLER GENERAL STUDY OF NAVY GRADUATE MEDICAL EDUCATION PROGRAM.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to evaluate the validity of the recommendations made by the Medical Education Policy Council of the Bureau of Medicine and Surgery of the Navy regarding restructuring the graduate medical education program of the Department of the Navy. The study shall specifically address the Council's recommendations relating to residency training conducted at Naval Medical Center, Portsmouth, Virginia, and National Naval Medical Center, Bethesda, Maryland.

(b) SUBMISSION OF REPORT.—Not later than March 1, 1998, the Comptroller General shall submit to Congress and the Secretary of the Navy a report containing the results of the study required by subsection (a).

(c) MORATORIUM ON RESTRUCTURING.—Until the report required by subsection (b) is submitted to Congress, the Secretary of the Navy may not make any change in the types of residency programs conducted under the Navy graduate medical education program or the locations at which such residency programs are conducted or otherwise restructure the Navy graduate medical education program.

SEC. 746. STUDY OF EXPANSION OF PHARMACEUTICALS BY MAIL PROGRAM TO INCLUDE ADDITIONAL MEDICARE-ELIGIBLE COVERED BENEFICIARIES.

Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the feasibility and advisability of expanding the category of persons eligible to participate in the demonstration project for the purchase of prescription pharmaceuticals by mail, as required by section 702(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law

102–484; 10 U.S.C. 1079 note), to include persons referred to in section 1086(c) of title 10, United States Code, who are covered by subsection (d)(1) of such section and reside in the United States outside of the catchment area of a medical treatment facility of the uniformed services.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy

SEC. 801. CASE-BY-CASE WAIVERS OF DOMESTIC SOURCE LIMITATIONS.

(a) REQUIREMENT FOR CASE-BY-CASE WAIVERS.—Section 2534(d) of title 10, United States Code, is amended in the matter appearing before paragraph (1) by striking out "waive the limitation in subsection (a) with respect to the procurement of an item listed in that subsection if the Secretary determines" and inserting in lieu thereof the following: "waive, on a case-by-case basis, the limitation in subsection (a) in the case of a specific procurement of an item listed in that subsection if the Secretary determines, for that specific procurement,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into after the expiration of the 30-day period beginning on the date of the enactment of this Act.

SEC. 802. EXPANSION OF AUTHORITY TO ENTER INTO CONTRACTS CROSSING FISCAL YEARS TO ALL SEVERABLE SERVICES CONTRACTS NOT EXCEEDING A YEAR.

(a) EXPANDED AUTHORITY.—Section 2410a of title 10, United States Code, is amended to read as follows:

"§2410a. Severable services contracts for periods crossing fiscal years

"(a) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

"(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).".

(b) CLERICAL AMENDMENT.—The item relating to that section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2410a. Severable services contracts for periods crossing fiscal years.".

SEC. 803. CLARIFICATION OF VESTING OF TITLE UNDER CONTRACTS.

Section 2307 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(i) VESTING OF TITLE.—If a contract made by the head of an agency provides for title to property to vest in the United States, such title shall vest in accordance with the terms of the contract, regardless of any security interest in the property asserted by the contractor.".

SEC. 804. EXCLUSION OF DISASTER RELIEF, HUMANITARIAN, AND PEACEKEEPING OPERATIONS FROM RESTRICTIONS ON USE OF UNDEFINITIZED CONTRACT ACTIONS.

Section 2326 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4); and

(2) in subsection (g)(1), by adding at the end the following new subparagraphs:

"(E) Purchases in support of contingency operations.

"(F) Purchases in support of humanitarian or peacekeeping operations, as defined in 2302(7)(B) of this title.

"(G) Purchases in support of emergency work and other disaster relief operations performed pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).".

SEC. 805. LIMITATION AND REPORT ON PAYMENT OF RESTRUCTURING COSTS UNDER DEFENSE CONTRACTS.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2324 the following new section:

"§2325. Restructuring costs

"(a) LIMITATION ON PAYMENT OF RESTRUCTURING COSTS.—(1) The Secretary of Defense may not pay, under section 2324 of this title, a defense contractor for restructuring costs associated with a business combination of the contractor unless the Secretary determines in writing either—

"(A) that the amount of savings for the Department of Defense associated with the restructuring, based on audited cost data, will be at least twice the amount of the costs allowed; or

"(B) that the amount of savings for the Department of Defense associated with the restructuring, based on audited cost data, will exceed the amount of the costs allowed and that the business combination will result in the preservation of a critical capability that otherwise might be lost to the Department.

"(2) The Secretary may not delegate the authority to make a determination under paragraph (1) to an official of the Department of Defense below the level of an Assistant Secretary of Defense.

"(b) REPORT.—Not later than March 1 in each of 1998, 1999, 2000, 2001, and 2002, the Secretary of Defense shall submit to Congress a report containing the following:

"(1) For each defense contractor to which the Secretary has paid, under section 2324 of this title, restructuring costs associated with a business combination, a summary of the following:

"(A) The amount of savings for the Department of Defense associated with such business combination that has been realized as of the date of the report, based on audited cost data.

"(B) An estimate, as of the date of the report, of the amount of savings for the Department of Defense associated with such business combination that is expected to be achieved in the future.

"(2) An identification of any business combination for which the Secretary has paid restructuring costs under section 2324 of this title during the preceding calendar year and, for each such business combination—

"(A) the supporting rationale for allowing such costs;

"(B) factual information associated with the determination made under subsection (a) with respect to such costs; and

"(C) a discussion of whether the business combination would have proceeded without the payment of restructuring costs by the Secretary.

"(3) An assessment of the degree of vertical integration resulting from business combinations of defense contractors and a discussion of the measures taken by the Secretary of Defense to increase the ability of the Department of Defense to monitor vertical integration trends and address any resulting negative consequences.

"(c) DEFINITION.—In this section, the term 'business combination' includes a merger or acquisition.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2324 the following new item:

"2325. Restructuring costs.".

(b) EFFECTIVE DATE.—Section 2325 of title 10, United States Code, as added by subsection (a), shall apply with respect to business combinations that occur after the date of the enactment of this Act.

(c) REPEAL OF SUPERSEDED PROVISION.—Subsection (a) of section 818 of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2324 note) is repealed.

SEC. 806. AUTHORITY RELATING TO PURCHASE OF CERTAIN VEHICLES.

Section 2253(a)(2) of title 10, United States Code, is amended by striking out "$12,000" and inserting in lieu thereof "$30,000".

SEC. 807. MULTIYEAR PROCUREMENT CONTRACTS.

(a) REQUIREMENT FOR AUTHORIZATION BY LAW IN ACTS OTHER THAN APPROPRIATIONS ACTS.—(1) Subsection (i) of section 2306b of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) In the case of the Department of Defense, a multiyear contract may not be entered into for any fiscal year under this section unless the contract is specifically authorized by law in an Act other than an appropriations Act.".

(2) Paragraph (3) of section 2306b(i) of title 10, United States Code, as added by paragraph (1), shall not apply with respect to a contract authorized by law before the date of the enactment of this Act.

(b) CODIFICATION OF ANNUAL RECURRING MULTIYEAR PROCUREMENT REQUIREMENTS.—(1) Such section is further amended by adding at the end the following new subsection:

"(l) VARIOUS ADDITIONAL REQUIREMENTS WITH RESPECT TO MULTIYEAR DEFENSE CONTRACTS.—(1)(A) The head of an agency may not initiate a contract described in subparagraph (B) unless the congressional defense committees are notified of the proposed contract at least 30 days in advance of the award of the proposed contract.

"(B) Subparagraph (A) applies to the following contracts:

"(i) A multiyear contract—

"(I) that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract; or

"(II) that includes an unfunded contingent liability in excess of $20,000,000.

"(ii) Any contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year.

"(2) The head of an agency may not initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability.

"(3) The head of an agency may not initiate a multiyear procurement contract for any system (or component thereof) if the value of the multiyear contract would exceed $500,000,000 unless authority for the contract is specifically provided in an appropriations Act.

"(4) The head of an agency may not terminate a multiyear procurement contract until 10 days after the date on which notice of the proposed termination is provided to the congressional defense committees.

"(5) The execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

"(6) This subsection does not apply to the National Aeronautics and Space Administration or to the Coast Guard.

"(7) In this subsection, the term 'congressional defense committees' means the following:

"(A) The Committee on Armed Services of the Senate and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

"(B) The Committee on National Security of the House of Representatives and the Subcommittee on National Security of the Committee on Appropriations of the House of Representatives.".

(2) The amendment made by paragraph (1) shall take effect on October 1, 1998.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended as follows:

(1) Subsection (a) is amended—

(A) by striking out "finds—" in the matter preceding paragraph (1) and inserting in lieu thereof "finds each of the following:";

(B) by capitalizing the initial letter of the first word in each of paragraphs (1) through (6);

(C) by striking out the semicolon at the end of paragraphs (1) through (4) and inserting in lieu thereof a period; and

(D) by striking out "; and" at the end of paragraph (5) and inserting in lieu thereof a period.

(2) Subsection (d)(1) is amended by striking out "paragraph (1)" and inserting in lieu thereof "subsection (a)".

(3) Subsection (i)(1) is amended by striking "five-year" and inserting in lieu thereof "future-years".

(4) Subsection (k) is amended by striking out "subsection" and inserting in lieu thereof "section".

SEC. 808. DOMESTIC SOURCE LIMITATION AMENDMENTS.

(a) ADDITION OF SHIPBOARD WORK STATIONS.—Section 2534(a)(3)(B) of title 10, United States Code, is amended—

(1) by striking out "and" before "totally"; and

(2) by inserting before the period at the end the following: ", and shipboard work stations".

(b) EXTENSION OF DOMESTIC SOURCE LIMITATION FOR VALVES AND MACHINE TOOLS.—Section 2534(c)(2)(C) of such title is amended by striking out "October 1, 1996" and inserting in lieu thereof "October 1, 2001".

SEC. 809. REPEAL OF EXPIRATION OF DOMESTIC SOURCE LIMITATION FOR CERTAIN NAVAL VESSEL PROPELLERS.

Section 2534(c) of title 10, United States Code, is amended by striking out paragraph (4).

Subtitle B—Other Matters

SEC. 821. REPEAL OF CERTAIN ACQUISITION REQUIREMENTS AND REPORTS

(a) REPEAL OF REPORTING REQUIREMENT FOR NONMAJOR ACQUISITION PROGRAMS.—Section 2220(b) of title 10, United States Code, is amended by striking out "and nonmajor".

(b) REPEAL OF ADDITIONAL DOCUMENTATION REQUIREMENT FOR COMPETITION EXCEPTION FOR INTERNATIONAL AGREEMENTS.—Section 2304(f) of title 10, United States Code, is amended in paragraph (2)(E) by striking out "procedures and such document is approved by the competition advocate for the procuring activity." and inserting in lieu thereof "procedures.".

(c) ELIMINATION OF COMPLETION STATUS REQUIREMENT IN CERTAIN SELECTED ACQUISITION REPORTS.—Section 2432(h)(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (D); and

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

(d) REPEAL OF REQUIREMENT TO ESTABLISH PROCUREMENT COMPETITION GOALS.—Section 913 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 687; 10 U.S.C. 2302 note), is repealed.

(e) REPEAL OF ANNUAL REPORT BY ADVOCATES FOR COMPETITION.—Section 20(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 418(b)) is amended—

(1) by striking out "and" at the end of paragraph (3)(B);

(2) by striking out paragraph (4); and

(3) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(f) REPEAL OF REVIEW AND REPORT RELATING TO PROCUREMENT REGULATIONS.—Section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) is amended—

(1) by striking out paragraphs (4), (5), and (6) of subsection (c); and

(2) by striking out subsection (g).

SEC. 822. EXTENSION OF AUTHORITY FOR USE OF TEST AND EVALUATION INSTALLATIONS BY COMMERCIAL ENTITIES.

Section 2681(g) of title 10, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 2000".

SEC. 823. REQUIREMENT TO DEVELOP AND MAINTAIN LIST OF FIRMS NOT ELIGIBLE FOR DEFENSE CONTRACTS.

(a) DEVELOPMENT AND MAINTENANCE OF LIST.—Section 2327 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) LIST OF FIRMS SUBJECT TO SUBSECTION (b).—(1) The Secretary of Defense shall develop and maintain a list of all firms and subsidiaries of firms that have been subject to the prohibition in subsection (b) since the date occurring five years before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998. The Secretary shall make the list available to the public.

"(2) A firm or subsidiary included on the list maintained under paragraph (1) may request the Secretary of Defense to remove such firm or subsidiary from the list if its foreign ownership circumstances have significantly changed. Upon receipt of such request, the Secretary shall determine if paragraphs (1) and (2) of subsection (b) still apply to the firm or subsidiary. If the Secretary determines such paragraphs no longer apply, the Secretary shall remove the firm or subsidiary from the list.

"(3) The head of an agency shall provide a copy of the list maintained under paragraph (1) to each firm or subsidiary of a firm that submits a bid or proposal in response to a solicitation issued by the Department of Defense.

"(4) The head of an agency shall prohibit each firm or subsidiary of a firm awarded a contract by the agency from using in the performance of the contract any equipment, parts, or services that are provided by a firm or subsidiary included on the list maintained under paragraph (1).".

(b) REMOVAL FROM LIST.—Section 2327(c)(1)(A) of such title is amended by inserting after "United States," the following: "the Secretary shall remove the firm or subsidiary from the list maintained under subsection (d)(1) and".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. LIMITATION ON OPERATION AND SUPPORT FUNDS FOR THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) REDUCTION IN FUNDS.—The amount of funds appropriated pursuant to section 301 that are available for operation and support activities of the Office of the Secretary of Defense may not exceed the amount equal to 80 percent of the amount of funds requested for such purpose in the budget submitted by the President to Congress under section 1105 of title 31, United States Code, for fiscal year 1998.

(b) LIMITATION PENDING RECEIPT OF PREVIOUSLY REQUIRED REPORTS.—Of the amount available for fiscal year 1998 for operation and support activities of the Office of the Secretary of Defense (as limited pursuant to subsection (a)), not more than 90 percent may be obligated until each of the following reports has been submitted to the congressional defense committees:

(1) The report required by section 901(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 401).

(2) The report required by section 904(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2619).

SEC. 902. COMPONENTS OF NATIONAL DEFENSE UNIVERSITY.

(a) EMPLOYMENT AND COMPENSATION OF CIVILIAN FACULTY.—Section 1595(d)(2) of title 10, United States Code, is amended by striking out "Institute for National Strategic Study," and inserting in lieu thereof "Institute for National Strategic Studies, the Information Resources Management College,".

(b) PREPARATION OF BUDGET REQUESTS.—Section 2162(d)(2) of such title is amended by inserting after "the Armed Forces Staff College," the following: "the Institute for National Strategic Studies, the Information Resources Management College,".

SEC. 903. AUTHORIZATION FOR THE MARINE CORPS UNIVERSITY TO EMPLOY CIVILIAN PROFESSORS.

(a) IN GENERAL.—Subsections (a) and (c) of 7478 of title 10, United States Code, are amended by striking "or at the Marine Corps Command and Staff College" and inserting in lieu thereof "or at a school of the Marine Corps University".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 7478. Naval War College and Marine Corps University: civilian faculty members".

(2) The item relating to such section in the table of sections at the beginning of chapter 643 of such title is amended to read as follows:

"7478. Naval War College and Marine Corps University: civilian faculty members.".

SEC. 904. CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS.

(a) FINDINGS.—The Congress finds the following:

(1) The strategic relationship between the United States and the People's Republic of China will be very important for future peace and security, not only in the Asia-Pacific region but around the world.

(2) The United States does not view China as an enemy, nor consider that the coming century necessarily will see a new great power competition between the two nations.

(3) The end of the Cold War has eliminated what had been the one fundamental common strategic interest of the United States and China, that of containing the Soviet Union.

(4) The rapid economic rise and stated geopolitical ambitions of China will pose challenges that will require careful management in order to preserve peace and protect the national security interests of the United States.

(5) The ability of the Department of Defense, and the United States Government more generally, to develop sound security and military strategies is hampered by a limited understanding of Chinese strategic goals and military capabilities. The low priority accorded the study of Chinese strategic and military affairs within the Government and within the academic community has contributed to this limited understanding.

(6) There is a need for a United States national institute for research and assessment of political, strategic, and military affairs in the People's Republic of China. Such an institute should be capable of providing analysis for the purpose of shaping United States military strategy and policy with regard to China and should be readily accessible to senior leaders within the Department of Defense, but should maintain

academic and intellectual independence so that that analysis is not first shaped by policy.

(b) ESTABLISHMENT OF CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§2165. National Defense University: Center for the Study of Chinese Military Affairs

"(a) ESTABLISHMENT.—(1) The Secretary of Defense shall establish a Center for the Study of Chinese Military Affairs (hereinafter in this section referred to as the 'Center') as part of the National Defense University. The Center shall be organized as an independent institute under the University.

"(2) The Director of the Center shall be a distinguished scholar of proven academic, management, and leadership credentials with a superior record of achievement and publication regarding Chinese political, strategic, and military affairs. The Director shall be appointed by the Secretary of Defense in consultation with the chairman and ranking minority party member of the Committee on National Security of the House of Representatives and the chairman and ranking minority party member of the Committee on Armed Services of the Senate.

"(b) MISSION.—The mission of the Center is to study the national goals and strategic posture of the People's Republic of China and the ability of that nation to develop, field, and deploy an effective military instrument in support of its national strategic objectives.

"(c) AREAS OF STUDY.—The Center shall conduct research relating to the People's Republic of China as follows:

"(1) To assess the potential of that nation to act as a global great power, the Center shall conduct research that considers the policies and capabilities of that nation in a regional and world-wide context, including Central Asia, Southwest Asia, Europe, and Latin America, as well as the Asia-Pacific region.

"(2) To provide a fuller assessment of the areas of study referred to in paragraph (1), the Center shall conduct research on—

"(A) economic trends relative to strategic goals and military capabilities;

"(B) strengths and weaknesses in the scientific and technological sector; and

"(C) relevant demographic and human resource factors on progress in the military sphere.

"(3) The Center shall conduct research on the armed forces of the People's Republic of China, taking into account the character of those armed forces and their role in Chinese society and economy, the degree of their technological sophistication, and their organizational and doctrinal concepts. That research shall include inquiry into the following matters:

"(A) Concepts concerning national interests, objectives, and strategic culture.

"(B) Grand strategy, military strategy, military operations, and tactics.

"(C) Doctrinal concepts at each of the four levels specified in subparagraph (B).

"(D) The impact of doctrine on China's force structure choices.

"(E) The interaction of doctrine and force structure at each level to create an integrated system of military capabilities through procurement, officer education, training, and practice and other similar factors.

"(d) FACULTY OF THE CENTER.—(1) The core faculty of the Center should comprise mature scholars capable of providing diverse perspectives on Chinese political, strategic, and military thought. Center scholars shall demonstrate the following competencies and capabilities:

"(A) Analysis of national strategy, military strategy, and doctrine.

"(B) Analysis of force structure and military capabilities.

"(C) Analysis of—

"(i) issues relating to weapons of mass destruction, military intelligence, defense economics, trade, and international economics; and

"(ii) the relationship between those issues and grand strategy, science and technology, the sociology of human resources and demography, and political science.

"(2) A substantial number of Center scholars shall be competent in the Chinese language. The Center shall include a core of junior scholars capable of providing linguistics and translation support to the Center.

"(e) ACTIVITIES OF THE CENTER.—The activities of the Center shall include other elements appropriate to its mission, including the following:

"(1) The Center should include an active conference program with an international reach.

"(2) The Center should conduct an international competition for a Visiting Fellowship in Chinese Military Affairs and Chinese Security Issues. The term of the fellowship should be for one year, renewable for a second. The visitor should contract to produce a major publication in the visitor's area of expertise.

"(3) The Center shall provide funds to support at least one trip per analyst per year to China and the region and to support visits of Chinese military leaders to the Center.

"(4) The Center shall support well defined, distinguished, signature publications.

"(5) Center scholars shall have appropriate access to intelligence community assessments of Chinese military affairs.

"(f) STUDIES AND REPORTS.—The Director may contract for studies and reports from the private sector to supplement the work of the Center.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2165. National Defense University: Center for the Study of Chinese Military Affairs.".

(c) IMPLEMENTATION REPORT.—Not later than January 1, 1998, the Secretary of Defense shall submit to Congress a report stating the timetable and organizational plan for establishing the Center for the Study of Chinese Military Affairs under section 2165 of title 10, United States Code, as added by subsection (b).

(d) STARTUP OF CENTER.—The Secretary shall establish the Center for the Study of Chinese Military Affairs under section 2165 of title 10, United States Code, as added by subsection (b), not later than March 1, 1998, and shall appoint the first Director of the Center not later than June 1, 1998.

(e) FIRST YEAR FUNDING.—Of the amount available to the Secretary of Defense for fiscal year 1998 for Defense-wide operation and maintenance (other than funds otherwise available for the activities of the National Defense University), the Secretary shall make $5,000,000 available for the Center for the Study of Chinese Military Affairs established under section 2165 of title 10, United States Code, as added by subsection (b).

SEC. 905. WHITE HOUSE COMMUNICATIONS AGENCY.

Of the amount appropriated pursuant to section 301 for operation and maintenance for fiscal year 1998, not more than $55,000,000 may be made available for the White House Communications Agency.

SEC. 906. REVISION TO REQUIRED FREQUENCY FOR PROVISION OF POLICY GUIDANCE FOR CONTINGENCY PLANS.

Section 113(g)(2) of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "annually"; and

(2) in the second sentence, by inserting "be provided every two years or more frequently as needed and shall" after "Such guidance shall".

SEC. 907. TERMINATION OF THE DEFENSE AIRBORNE RECONNAISSANCE OFFICE.

(a) TERMINATION OF OFFICE.—The organization within the Department of Defense known as the Defense Airborne Reconnaissance Office is terminated. No funds available for the Department of Defense may be used for the operation of that Office after the date specified in subsection (d).

(b) TRANSFER OF FUNCTIONS.—(1) Subject to paragraphs (2) and (3), the Secretary of Defense shall transfer to the Defense Intelligence Agency the functions that were performed on the day before the date of the enactment this Act by the Defense Airborne Reconnaissance Office relating to its responsibilities for management oversight and coordination of defense airborne reconnaissance capabilities.

(2) The Secretary shall determine which functions are appropriate for transfer under paragraph (1). In making such determination, the Secretary shall ensure that program management, development and acquisition, operations, and related responsibilities for individual programs within the Defense Airborne Reconnaissance program remain within the military departments.

(3) Any functions transferred under this subsection shall be subject to the authority, direction, and control of the Secretary.

(c) REPORT.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the committees named in paragraph (2) a report containing the Secretary's plan for terminating and transferring the functions of the Defense Airborne Reconnaissance Office.

(2) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on National Security of the House of Representatives.

(d) EFFECTIVE DATE.—Subsection (a) shall take effect at the end of the 120-day period beginning on the date of the enactment of this Act.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1998 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on National Security of the House of Representatives to accompany the bill H.R. 1119 of the One Hundred Fifth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. AUTHORITY FOR OBLIGATION OF UNAUTHORIZED FISCAL YEAR 1997 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b) may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1997 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1997 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1997 defense authorizations.

(c) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1997 DEFENSE APPROPRIATIONS.—The term "fiscal year 1997 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1997 in the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208).

(2) FISCAL YEAR 1997 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1997 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1997 in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201).

SEC. 1004. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1997.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1997 in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia.

SEC. 1005. INCREASE IN FISCAL YEAR 1996 TRANSFER AUTHORITY.

Section 1001(a)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 100 Stat. 2630) is amended by striking out "$2,000,000,000" and inserting in lieu thereof "$3,100,000,000".

SEC. 1006. FISHER HOUSE TRUST FUNDS.

Section 2221(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) There is hereby authorized to be appropriated for any fiscal year from a trust fund specified in subsection (a) any amount referred to in paragraph (1), (2), or (3) (as applicable to that trust fund), such amount to be available only for the purposes stated in that paragraph. With respect to any such amount, the preceding sentence is the specific authorization by law required by section 1321(b)(2) of title 31.".

SEC. 1007. FLEXIBILITY IN FINANCING CLOSURE OF CERTAIN OUTSTANDING CONTRACTS FOR WHICH A SMALL FINAL PAYMENT IS DUE.

(a) CLOSURE OF OUTSTANDING CONTRACTS.—The Secretary of Defense may make the final payment on a contract to which this section applies from the account established pursuant to subsection (d).

(b) COVERED CONTRACTS.—This section applies to any contract of the Department of Defense—

(1) that was entered into before December 5, 1990; and

(2) for which an unobligated balance of an appropriation that had been initially applied to the contract was canceled before December 5, 1990, pursuant to section 1552 of title 31, United States Code, as in effect before that date.

(c) AUTHORITY LIMITED TO SMALL FINAL PAYMENTS.—The Secretary may use the authority provided by this section only for a contract for which the amount of the final payment due is not greater than the micro-purchase threshold (as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428)).

(d) ACCOUNT.—The Secretary may establish an account for the purposes of this section. The Secretary may from time to time transfer into the account, from funds available to the Department of Defense for procurement or for research, development, test, and evaluation, such amounts as the Secretary determines to be needed for the purposes of the account, except that no such transfer may be made that would result in the balance of the account exceeding $1,000,000. Amounts in the account may be used only for the purposes of this section.

(e) CLOSURE OF ACCOUNT.—When the Secretary determines that all contracts to which this section applies have been closed and there is no further need for the account established under subsection (d), the Secretary shall close the account. Any amounts remaining in the account shall be covered into the Treasury as miscellaneous receipts.

Subtitle B—Naval Vessels and Shipyards

SEC. 1021. RELATIONSHIP OF CERTAIN LAWS TO DISPOSAL OF VESSELS FOR EXPORT FROM THE NAVAL VESSEL REGISTER AND THE NATIONAL DEFENSE RESERVE FLEET.

(a) NAVAL VESSEL REGISTER.—(1) Section 7305 of title 10, United States Code, is amended by adding at the end the following:

"(e) RELATIONSHIP TO TOXIC SUBSTANCES CONTROL ACT.—(1) Subject to paragraph (2), the sale of a vessel under this section for export, or any subsequent resale of a vessel sold under this section for export—

"(A) is not a disposal or a distribution in commerce under section 6 or 12(a) of the Toxic Substances Control Act (15 U.S.C. 2605 and 2611(a)) or an export of hazardous waste under section 3017 of the Solid Waste Disposal Act (42 U.S.C. 6938); and

"(B) is not subject to section 12(b) of the Toxic Substances Control Act (15 U.S.C. 2611(b)).

"(2)(A) Paragraph (1) applies to a vessel being sold for export only if, before the sale of such vessel, any item listed in subparagraph (B) containing polychlorinated biphenyls is removed from the vessel.

"(B) Subparagraph (A) covers any transformer, large high or low voltage capacitor, or hydraulic or heat transfer fluid.".

(2) Section 7306a of such title is amended—

(A) in the heading, by adding at the end the following: "**or operational training**";

(B) in subsection (a), by inserting "or operational training" after "purposes"; and

(C) by adding at the end the following:

"(c) RELATIONSHIP TO OTHER LAWS.—The sinking of a vessel for an experimental purpose or for operational training pursuant to subsection (a) is not—

"(1) a disposal or a distribution in commerce under section 6 or 12(a) of the Toxic Substances Control Act (15 U.S.C. 2605 and 2611(a)); or

"(2) the transport of material for the purpose of dumping it into ocean waters, or the dumping of material transported from a location outside the United States, under section 101 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1411).".

(b) NATIONAL DEFENSE RESERVE FLEET.—(1) Section 510(i) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1160(i)) is amended—

(A) by inserting "(1)" after "(i)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) Subject to subparagraph (B), the sale under this subsection of a vessel from the National Defense Reserve Fleet for export, or any subsequent resale of a vessel sold from the Fleet for export—

"(i) is not a disposal or a distribution in commerce under section 6 or 12(a) of the Toxic Substances Control Act (15 U.S.C. 2605 and 2611(a)) or an export of hazardous waste under section 3017 of the Solid Waste Disposal Act (42 U.S.C. 6938); and

"(ii) is not subject to subsection (b) of section 12 of the Toxic Substances Control Act (15 U.S.C. 2611).

"(B)(i) Subparagraph (A) applies to a vessel being sold for export only if, before the sale of such vessel, any item listed in clause (ii) containing polychlorinated biphenyls is removed from the vessel.

"(ii) Clause (i) covers any transformer, large high or low voltage capacitor, or hydraulic or heat transfer fluid.".

(2) Section 6 of the National Maritime Heritage Act of 1994 (Public Law 103–451; 108 Stat. 4776; 16 U.S.C. 5405) is amended—

(A) in subsections (a)(1) and (b)(2)—

(i) by inserting "or 510(i)" after "508"; and

(ii) by inserting "or 1160(i)" after "1158"; and

(B) in subsection (c)(1)(A), by striking out "1999" and inserting in lieu thereof "2001".

SEC. 1022. AUTHORITY TO ENTER INTO A LONG-TERM CHARTER FOR A VESSEL IN SUPPORT OF THE SURVEILLANCE TOWED-ARRAY SENSOR (SURTASS) PROGRAM.

The Secretary of the Navy is authorized to enter into a contract in accordance with section 2401 of title 10, United States Code, for the charter, for a period through fiscal year 2003, of the vessel RV CORY CHOUEST (United States official number 933435) in support of the Surveillance Towed-Array Sensor (SURTASS) program.

SEC. 1023. TRANSFER OF TWO SPECIFIED OBSOLETE TUGBOATS OF THE ARMY.

(a) AUTHORITY TO TRANSFER VESSELS.—The Secretary of the Army may transfer the two obsolete tugboats of the Army described in subsection (b) to the Brownsville Navigation District, Brownsville, Texas.

(b) VESSELS COVERED.—Subsection (a) applies to the following two decommissioned tugboats of the Army, each of which is listed as of the date of the enactment of this Act as being surplus to the needs of the Army: the Normandy (LT–1971) and the Salerno (LT–1953).

(c) TRANSFERS TO BE AT NO COST TO UNITED STATES.—A transfer authorized by this section shall be made at no cost to the United States.

(d) TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the transfers authorized by this section as the Secretary considers appropriate.

SEC. 1024. NAMING OF A DDG–51 CLASS DESTROYER THE U.S.S. THOMAS F. CONNOLLY.

It is the sense of Congress that the Secretary of the Navy should name a guided missile destroyer of the DDG–51 class the U.S.S. Thomas F. Connolly, in honor of Vice Admiral Thomas F. Connolly (1909–1996), of the State of Minnesota, who during an active-duty naval career extending from 1933 to 1971 became a leading architect of the modern United States Navy .

SEC. 1025. CONGRESSIONAL REVIEW PERIOD WITH RESPECT TO TRANSFER OF THE EX-U.S.S. MIDWAY (CV–41).

In applying section 7306 of title 10, United States Code, with respect to the transfer of the decommissioned aircraft carrier ex-U.S.S. MIDWAY (CV–41), subsection (d)(1)(B) of that section shall be applied by substituting "30 calendar days" for "60 days of continuous session of Congress".

Subtitle C—Counter-Drug Activities

SEC. 1031. PROHIBITION ON USE OF NATIONAL GUARD FOR CIVIL-MILITARY ACTIVITIES UNDER STATE DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES PLAN.

Section 112 of title 32, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g) PROHIBITION ON CERTAIN CIVIL-MILITARY ACTIVITIES.—Funds provided under this section may not be used to conduct activities, including community-outreach programs, designed to reduce the demand for illegal drugs among persons who are not members of the National Guard or their dependents.".

Subtitle D—Miscellaneous Report Requirements and Repeals

SEC. 1041. REPEAL OF MISCELLANEOUS OBSOLETE REPORTS REQUIRED BY PRIOR DEFENSE AUTHORIZATION ACTS.

(a) REPORT ON REMOVAL OF BASIC POINT DEFENSE MISSILE SYSTEM FROM NAVAL AMPHIBIOUS VESSELS.—Section 1437 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 757), is repealed.

(b) REPORT CONCERNING THE STRETCHOUT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 117 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1933), is repealed.

(c) REPORT CONCERNING THE B–2 AIRCRAFT PROGRAM.—Section 115 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1373) is repealed.

SEC. 1042. REPEAL OF ANNUAL REPORT REQUIREMENT RELATING TO TRAINING OF SPECIAL OPERATIONS FORCES WITH FRIENDLY FOREIGN FORCES.

Section 2011 of title 10, United States Code, is amended by striking out subsection (e).

Subtitle E—Other Matters

SEC. 1051. AUTHORITY FOR SPECIAL AGENTS OF THE DEFENSE CRIMINAL INVESTIGATIVE SERVICE TO EXECUTE WARRANTS AND MAKE ARRESTS.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1585 the following new section:

"§1585a. Special agents of the Defense Criminal Investigative Service: authority to execute warrants and make arrests

"(a) AUTHORITY.—The Secretary of Defense may authorize any DCIS special agent—

"(1) to execute and serve any warrant or other process issued under the authority of the United States; and

"(2) to make arrests without a warrant—

"(A) for any offense against the United States committed in the presence of that agent; and

"(B) for any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

"(b) ATTORNEY GENERAL GUIDELINES.—Authority of a DCIS special agent under subsection (a) may be exercised only in accordance with guidelines approved by the Attorney General.

"(c) DCIS SPECIAL AGENT DEFINED.—In this section, the term 'DCIS special agent' means an employee of the Department of Defense who is a special agent of the Defense Criminal Investigative Service (or any successor to that service).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1585 the following new item:

"1585a. Special agents of the Defense Criminal Investigative Service: authority to execute warrants and make arrests.".

SEC. 1052. STUDY OF INVESTIGATIVE PRACTICES OF MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS RELATING TO SEX CRIMES.

(a) INDEPENDENT STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study of the policies, procedures, and practices of the military criminal investigative organizations for the conduct of investigations of complaints of sex crimes and other criminal sexual misconduct arising in the Armed Forces.

(2) The Secretary shall provide for the study to be conducted by the National Academy of Public Administration. The amount of a contract for the study may not exceed $2,000,000.

(3) The Secretary shall require that all components of the Department of Defense cooperate fully with the organization carrying out the study.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall require that the organization conducting the study under this section specifically consider each of the following matters:

(1) The need (if any) for greater organizational independence and autonomy for the military criminal investigative organizations than exists under current chain-of-command structures within the military departments.

(2) The authority of each of the military criminal investigative organizations to investigate allegations of sex crimes and other criminal sexual misconduct and the policies of those organizations for carrying out such investigations.

(3) The training (including training in skills and techniques related to the conduct of interviews) provided by each of those organizations to agents or prospective agents responsible for conducting or providing support to investigations of alleged sex crimes and other criminal sexual misconduct, including—

(A) the extent to which that training is comparable to the training provided by the Federal Bureau of Investigation and other civilian law enforcement agencies; and

(B) the coordination of training and investigative policies related to alleged sex crimes and other criminal sexual misconduct of each of those organizations with the Federal Bureau of Investigation and other civilian Federal law enforcement agencies.

(4) The procedures and relevant professional standards of each military criminal investigative organization with regard to recruitment and hiring of agents, including an evaluation of the extent to which those procedures and standards provide for—

(A) sufficient screening of prospective agents based on background investigations; and

(B) obtaining sufficient information about the qualifications and relevant experience of prospective agents.

(5) The advantages and disadvantages of establishing, within each of the military criminal investigative organizations or within the Defense Criminal Investigative Service only, of a special unit for the investigation of alleged sex crimes and other criminal sexual misconduct.

(6) The clarity of guidance for, and consistency of investigative tactics used by, each of the military criminal investigative organizations for the investigation of alleged sex crimes and other criminal sexual misconduct, together with a comparison with the guidance and tactics used by the Federal Bureau of Investigation and other civilian law enforcement agencies for such investigations.

(7) The number of allegations of agent misconduct in the investigation of sex crimes and other criminal sexual misconduct for each of those organizations, together with a comparison with the number of such allegations concerning agents of the Federal Bureau of Investigation and other civilian law enforcement agencies for such investigations.

(8) The procedures of each of the military criminal investigative organizations for administrative identification (known as "titling") of persons suspected of committing sex crimes or other criminal sexual misconduct, together with a comparison with the comparable procedures of the Federal Bureau of Investigation and other civilian Federal law enforcement agencies for such investigations.

(9) The accuracy, timeliness, and completeness of reporting of sex crimes and other criminal sexual misconduct by each of the military criminal investigative organizations to the National Crime Information Center maintained by the Department of Justice.

(10) Any recommendation for legislation or administrative action to revise the organizational or operational arrangements of the military criminal investigative organizations or to alter recruitment, training, or operational procedures, as they pertain to the investigation of sex crimes and other criminal sexual misconduct.

(c) REPORT.—(1) The Secretary of Defense shall require the organization conducting the study under this section to submit to the Secretary a report on the study not later than one year after the date of the enactment of this Act. The organization shall include in the report its findings and conclusions concerning each of the matters specified in subsection (b).

(2) The Secretary shall submit the report under paragraph (1), together with the Secretary's comments on the report, to Congress not later than 30 days after the date on which the report is submitted to the Secretary under paragraph (1).

(d) MILITARY CRIMINAL INVESTIGATIVE ORGANIZATION DEFINED.—For the purposes of this section, the term "military criminal investigative organization" means any of the following:

(1) The Army Criminal Investigation Command.

(2) The Naval Criminal Investigative Service.

(3) The Air Force Office of Special Investigations.

(4) The Defense Criminal Investigative Service.

(e) CRIMINAL SEXUAL MISCONDUCT DEFINED.—For the purposes of this section, the term "criminal sexual misconduct" means conduct by a member of the Armed Forces involving sexual abuse, sexual harassment, or other sexual misconduct that constitutes an offense under the Uniform Code of Military Justice.

SEC. 1053. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, are each amended by striking out "471" in the item relating to chapter 23 and inserting in lieu thereof "481".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, are each amended by striking out "2540" in the item relating to chapter 152 and inserting in lieu thereof "2541".

(3) Section 116(b)(2) is amended by striking out "such subsection" and inserting in lieu thereof "subsection (a)".

(4) Section 129c(e) is amended by striking out "section 115a(g)(2)" and inserting in lieu thereof "section 115a(e)(2)".

(5) Section 382(g) is amended by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997" and inserting in lieu thereof "September 23, 1996".

(6) The table of sections at the beginning of subchapter I of chapter 21 is amended by striking out the items relating to sections 424 and 425 and inserting in lieu thereof the following:

"424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency, National Reconnaissance Office, and National Imagery and Mapping Agency.".

(7) Section 445 is amended—

(A) by striking out "(1)" before "Except with";

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively;

(C) by striking out "(2)" before "Whenever it appears" and inserting in lieu thereof "(b) INJUNCTIVE RELIEF.—"; and

(D) by striking out "paragraph (1)" and inserting in lieu thereof "subsection (a)".

(8) Section 858b is amended in the first sentence by striking out "forfeiture" and all that follows through "due that member" and inserting in lieu thereof "forfeiture of pay, or of pay and allowances, due that member".

(9) Section 943(c) is amended—

(A) in the third sentence, by striking out "such positions" and inserting in lieu thereof "positions referred to in the preceding sentences"; and

(B) by capitalizing the initial letter of the third word of the subsection heading.

(10) Section 954 is amended by striking out "this" and inserting in lieu thereof "his".

(11) Section 972(b) is amended by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996" in the matter preceding paragraph (1) and inserting in lieu thereof "February 10, 1996".

(12) Section 976(f) is amended by striking out "shall," and all that follows and inserting in lieu thereof "shall be fined under title 18 or imprisoned not more than 5 years, or both, except that, in the case of an organization (as defined in section 18 of such title), the fine shall not be less than $25,000.".

(13) Section 977 is amended—

(A) in subsection (c), by striking out "Beginning on October 1, 1996, not more than" and inserting in lieu thereof "Not more than"; and

(B) in subsection (d)(2), by striking out "before October 1, 1996," and all that follows through "so assigned" the second place it appears.

(14) Section 1129(c) is amended—

(A) by striking out "the date of the enactment of this section," and inserting in lieu thereof "November 30, 1993,"; and

(B) by striking out "before the date of the enactment of this section or" and inserting in lieu thereof "before such date or".

(15) Section 1151(b) is amended by striking out "WITH" in the subsection heading and inserting in lieu thereof "WITH".

(16) Section 1152(g) is amended by inserting "(1)" before "The Secretary may".

(17) Section 1408(d) is amended—

(A) by striking out "TO" in the subsection heading and inserting in lieu thereof "TO"; and

(B) by redesignating the second paragraph (6) as paragraph (7).

(18) Section 1599c(c)(1)(F) is amended by striking out "Sections 106(f)" and inserting in lieu thereof "Sections 106(e)".

(19) Section 1763 is amended—

(A) by striking out "On and after October 1, 1993, the Secretary of Defense" and inserting in lieu thereof "The Secretary of Defense"; and

(B) by striking out "secretaries" and inserting in lieu thereof "Secretaries".

(20) Section 2010(e) is repealed.

(21) Section 2208(k) is repealed.

(22)(A) Section 2306(h) is amended by inserting "for the purchase of property" after "Multiyear contracting authority".

(B)(i) The heading of section 2306b is amended to read as follows:

"§2306b. Multiyear contracts: acquisition of property".

(ii) The item relating to such section in the table of sections at the beginning of chapter 137 of such title is amended to read as follows:

"2306b. Multiyear contracts: acquisition of property.".

(23) Section 2306b(k) is amended by striking out "this subsection" in the first sentence and inserting in lieu thereof "this section".

(24) Section 2315(a) is amended by striking out "the Information Technology Management Reform Act of 1996" and inserting in lieu thereof "division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)".

(25) Section 2371a is amended by inserting "Defense" before "Advanced Research Projects Agency".

(26) Section 2401a(a) is amended by striking out "leasing of such vehicles" and inserting in lieu thereof "such leasing".

(27) Section 2466(e) is repealed.

(28) Section 2684(b) is amended by striking out ", United States Code,".

(29) Section 2885 is amended by striking out "five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996" and inserting in lieu thereof "on February 10, 2001".

(30) Section 12733(3) is amended—

(A) by inserting a comma after "(B)"; and

(B) by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997" and inserting in lieu thereof "September 23, 1996,".

(b) TITLE 37, UNITED STATES CODE.—Section 205(d) of title 37, United States Code, is amended by striking out the period after "August 1, 1979" and inserting in lieu thereof a comma.

(c) PUBLIC LAW 104–201.—Effective as of September 23, 1996, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) is amended as follows:

(1) Section 367 (110 Stat. 2496) is amended—

(A) in subsection (a), by striking out "Subchapter II of chapter" and inserting in lieu thereof "Chapter"; and

(B) in subsection (b), by striking out "subchapter" and inserting in lieu thereof "chapter".

(2) Section 614(b)(2)(B) (110 Stat. 2544) is amended by striking out "the period" and inserting in lieu thereof "the semicolon".

(3) Section 802(1) (110 Stat. 2604) is amended by striking out "1995" in the first quoted matter therein and inserting in lieu thereof "1996".

(4) Section 829(c) (110 Stat. 2612) is amended—

(A) in paragraph (2), by striking out "Section 2502(b)" and inserting in lieu thereof "Section 2502(c)"; and

(B) by redesignating paragraph (3) as subparagraph (C) of paragraph (2).

(d) OTHER ANNUAL DEFENSE AUTHORIZATION ACTS.—

(1) of The National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) is amended as follows:

(A) Section 533(b) (110 Stat. 315) is amended by inserting before the period at the end the following: "and the amendments made by subsection (b), effective as of October 5, 1994".

(B) Section 1501(d)(1) (110 Stat. 500) is amended by striking out "337(b)" and "2717" and inserting in lieu thereof "377(b)" and "2737", respectively.

(2) Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is amended—

(A) in subsection (a), by inserting "Defense" before "Advanced"; and

(B) in the section heading, by inserting "defense" after the third word.

(3) The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended as follows:

(A) Section 812(c) (10 U.S.C. 1723 note) is amended by inserting "and Technology" after "for Acquisition".

(B) Subsection (e) of section 4471 (10 U.S.C. 2501 note) is amended—

(i) by realigning that subsection so as to be flush to the margin; and

(ii) by capitalizing the initial letter of the third word of the subsection heading.

(4) Section 807(b)(2)(A) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2320 note) is amended by inserting before the period the following: "and Technology".

(5) The National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) is amended as follows:

(A) Section 1205 (10 U.S.C. 1746 note) is amended by striking out "Under Secretary of Defense for Acquisition" each place it appears and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(B) Section 2921 (10 U.S.C. 2687 note) is amended—

(i) in subsection (e)(3)(B), by striking out "Subcommittees" and inserting in lieu thereof "Subcommittee"; and

(ii) in subsection (f)(2), by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(6) Section 1121(c) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 10 U.S.C. 113 note) is amended by striking out "under this section—" and all that follow through "fiscal year 1990" and inserting in lieu thereof "under this section may not exceed 5,000 during any fiscal year".

(d) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) Section 3329(b) is amended by striking out "a position described in subsection (c)" the second place it appears.

(2) Section 5315 is amended—

(A) in the item relating to the Chief Information Officer of the Department of the Interior, by inserting "the" before "Interior"; and

(B) in the item relating to the Chief Information Officer of the Department of the Treasury, by inserting "the" before "Treasury".

(3) Section 5316 is amended by striking out "Atomic Energy" after "Assistant to the Secretary of Defense for" and inserting in lieu thereof "Nuclear and Chemical and Biological Defense Programs".

(e) ACQUISITION POLICY STATUTES.—

(1) Section 309 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C.

259) is amended by striking out "and" at the end of subsection (b)(2).

(2) The Office of Federal Procurement Policy Act is amended as follows:

(A) The item relating to section 27 in the table of contents in section 1 is amended to read as follows:

"Sec. 27. Restrictions on disclosing and obtaining contractor bid or proposal information or source selection information.".

(B) Section 6(d) (41 U.S.C. 405(d)) is amended—

(i) by striking out the period at the end of paragraph (5)(J) and inserting in lieu thereof a semicolon;

(ii) by moving paragraph (6) two ems to the left; and

(iii) in paragraph (12), by striking out "small business" and inserting in lieu thereof "small businesses".

(C) Section 35(b)(2) (41 U.S.C. 431(b)(2)) is amended by striking out "commercial" and inserting in lieu thereof "commercially available".

(3) Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended in subsections (d) and (e) by striking out "(as in effect on September 30, 1995)" each place it appears.

(4) Subsections (d)(1) and (e) of section 16 of the Small Business Act (15 U.S.C. 645) are each amended by striking out "concerns" and inserting in lieu thereof "concern".

(f) COORDINATION WITH OTHER AMENDMENTS.—For purposes of applying amendments made by provisions of this Act other than provisions of this section, this section shall be treated as having been enacted immediately before the other provisions of this Act.

SEC. 1054. DISPLAY OF POW/MIA FLAG.

(a) REQUIRED DISPLAY.—The POW/MIA flag shall be displayed at the locations specified in subsection (c) each year on POW/MIA flag display days. Such display shall serve (1) as the symbol of the Nation's concern and commitment to achieving the fullest possible accounting of Americans who, having been prisoners of war or missing in action, still remain unaccounted for, and (2) as the symbol of the Nation's commitment to achieving the fullest possible accounting for Americans who in the future may become prisoners of war, missing in action, or otherwise unaccounted for as a result of hostile action.

(b) DAYS FOR FLAG DISPLAY.—(1) For purposes of this section, POW/MIA flag display days are the following:

(A) Armed Forces Day, the third Saturday in May.

(B) Memorial Day, the last Monday in May.

(C) Flag Day, June 14.

(D) Independence Day, July 4.

(E) National POW/MIA Recognition Day.

(F) Veterans Day, November 11.

(2) In the case of display at United States Postal Service post offices (required by subsection (c)(8)), POW/MIA flag display days in any year include, in addition to the days specified in paragraph (1), the last business day before each such day that itself is not a business day.

(c) LOCATIONS FOR FLAG DISPLAY.—The locations for the display of the POW/MIA flag under this section are the following:

(1) The Capitol.

(2) The White House.

(3) The Korean War Veterans Memorial and the Vietnam Veterans Memorial.

(4) Each national cemetery.

(5) The buildings containing the primary offices of—

(A) the Secretary of State;

(B) the Secretary of Defense;

(C) the Secretary of Veterans Affairs; and

(D) the Director of the Selective Service System.

(6) Each major military installation, as designated by the Secretary of Defense.

(7) Each Department of Veterans Affairs medical center.

(8) Each United States Postal Service post office.

(d) COORDINATION WITH OTHER DISPLAY REQUIREMENT.—Display of the POW/MIA flag at the Capitol pursuant to paragraph (1) of subsection (c) is in addition to the display of that flag in the Rotunda of the Capitol required by Senate Concurrent Resolution 5 of the 101st Congress, agreed to on February 22, 1989 (103 Stat. 2533).

(e) REQUIREMENTS CONCERNING DISPLAY AT SPECIFIED LOCATIONS.—(1) Display of the POW/MIA flag at the buildings specified in paragraphs (1), (2), (5), and (7) of subsection (c) shall be on, or on the grounds of, each such building.

(2) Display of that flag pursuant to paragraph (5) of subsection (c) at the buildings containing the primary offices of the officials specified in that paragraph shall be in an area visible to the public.

(3) Display of that flag at United States Postal Service post offices pursuant to paragraph (8) of subsection (c) shall be on the grounds or in the public lobby of each such post office.

(f) POW/MIA FLAG DEFINED.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101–355 (36 U.S.C. 189).

(g) REGULATIONS FOR IMPLEMENTATION.—Within 180 days after the date of the enactment of this Act, the head of each department, agency, or other establishment responsible for a location specified in subsection (c) (other than the Capitol) shall prescribe such regulations as necessary to carry out this section.

(h) PROCUREMENT AND DISTRIBUTION OF FLAGS.—Within 30 days after the date of the enactment of this Act, the Administrator of General Services shall procure POW/MIA flags and distribute them as necessary to carry out this section.

(i) REPEAL OF PRIOR LAW.—Section 1084 of Public Law 102–190 (36 U.S.C. 189 note) is repealed.

SEC. 1055. CERTIFICATION REQUIRED BEFORE OBSERVANCE OF MORATORIUM ON USE BY ARMED FORCES OF ANTIPERSONNEL LANDMINES.

Any moratorium imposed by law (whether enacted before, on, or after the date of the enactment of this Act) on the use of antipersonnel landmines by the Armed Forces may be implemented only if (and after) the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that—

(1) the moratorium will not adversely affect the ability of United States forces to defend against attack on land by hostile forces; and

(2) the Armed Forces have systems that are effective substitutes for antipersonnel landmines.

SEC. 1056. PROTECTION OF SAFETY-RELATED INFORMATION VOLUNTARILY PROVIDED BY AIR CARRIERS.

(a) AUTHORITY TO PROTECT INFORMATION.—Section 2640 of title 10, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection:

"(h) AUTHORITY TO PROTECT SAFETY-RELATED INFORMATION VOLUNTARILY PROVIDED BY AN AIR CARRIER.—(1) In any case in which an air carrier voluntarily provides safety-related information to the Secretary for purposes of this section, the Secretary may (notwithstanding any other provision of law) withhold the information from public disclosure if the Secretary determines that—

"(A) disclosure of the information would inhibit the air carrier from voluntarily providing safety-related information to the Secretary; and

"(B) the information would aid—

"(i) the Secretary in carrying out his responsibilities under this section; or

"(ii) the head of another agency in carrying out the safety responsibilities of the agency.

"(2) If the Secretary provides to the head of another agency safety-related information described in paragraph (1) with respect to which the Secretary has made a determination described in that paragraph, the head of that agency shall (notwithstanding any other provision of law) withhold the information from public disclosure.".

(b) APPLICABILITY.—Subsection (h) of section 2640 of title 10, United States Code, as added by subsection (a), shall apply with respect to requests for information made on or after the date of the enactment of this Act.

SEC. 1057. NATIONAL GUARD CHALLENGE PROGRAM TO CREATE OPPORTUNITIES FOR CIVILIAN YOUTH.

(a) PROGRAM AUTHORITY.—Chapter 5 of title 32, United States Code, is amended by adding at the end the following new section:

"§ 509. National Guard Challenge Program of opportunities for civilian youth

"(a) PROGRAM AUTHORITY AND PURPOSE.—The Secretary of Defense, acting through the Chief of the National Guard Bureau, may conduct a National Guard civilian youth opportunities program (to be known as the 'National Guard Challenge Program') to use the National Guard to provide military-based training, including supervised work experience in community service and conservation projects, to civilian youth who cease to attend secondary school before graduating so as to improve the life skills and employment potential of such youth.

"(b) CONDUCT OF THE PROGRAM.—The Secretary of Defense shall provide for the conduct of the National Guard Challenge Program in such States as the Secretary considers to be appropriate, except that Federal expenditures under the program may not exceed $50,000,000 for any fiscal year.

"(c) PROGRAM AGREEMENTS.—(1) To carry out the National Guard Challenge Program in a State, the Secretary of Defense shall enter into an agreement with the Governor of the State or, in the case of the District of Columbia, with the commanding general of the District of Columbia National Guard, under which the Governor or the commanding general will establish, organize, and administer the National Guard Challenge Program in the State.

"(2) The agreement may provide for the Secretary to provide funds to the State for civilian personnel costs attributable to the use of civilian employees of the National Guard in the conduct of the National Guard Challenge Program.

"(d) MATCHING FUNDS REQUIRED.—The amount of assistance provided under this section to a State program of the National Guard Challenge Program may not exceed—

"(1) for fiscal year 1998, 75 percent of the costs of operating the State program during that year;

"(2) for fiscal year 1999, 70 percent of the costs of operating the State program during that year;

"(3) for fiscal year 2000, 65 percent of the costs of operating the State program during that year; and

"(4) for fiscal year 2001 and each subsequent fiscal year, 60 percent of the costs of operating the State program during that year.

"(e) PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.—A school dropout from secondary school shall be eligible to participate in the National Guard Challenge Program. The Secretary of Defense shall prescribe the standards and procedures for selecting participants from among school dropouts.

"(f) AUTHORIZED BENEFITS FOR PARTICIPANTS.—(1) To the extent provided in an agreement entered into in accordance with subsection (c) and subject to the approval of the Secretary of Defense, a person selected for training in the National Guard Challenge Program may receive the following benefits in connection with that training:

"(A) Allowances for travel expenses, personal expenses, and other expenses.

"(B) Quarters.

"(C) Subsistence.

"(D) Transportation.

"(E) Equipment.

"(F) Clothing.

"(G) Recreational services and supplies.

"(H) Other services.

"(I) Subject to paragraph (2), a temporary stipend upon the successful completion of the training, as characterized in accordance with procedures provided in the agreement.

"(2) In the case of a person selected for training in the National Guard Challenge Program who afterwards becomes a member of the Civilian Community Corps under subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12611 et seq.), the person may not receive a temporary stipend under paragraph (1)(I) while the person is a member of that Corps. The person may receive the temporary stipend after completing service in the Corps unless the person elects to receive benefits provided under subsection (f) or (g) of section 158 of such Act (42 U.S.C. 12618).

"(g) PROGRAM PERSONNEL.—(1) Personnel of the National Guard of a State in which the National Guard Challenge Program is conducted may serve on full-time National Guard duty for the purpose of providing command, administrative, training, or supporting services for the program. For the performance of those services, any such personnel may be ordered to duty under section 502(f) of this title for not longer than the period of the program.

"(2) A Governor participating in the National Guard Challenge Program and the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the program) may procure by contract the temporary full time services of such civilian personnel as may be necessary to augment National Guard personnel in carrying out the National Guard Challenge Program in that State.

"(3) Civilian employees of the National Guard performing services for the National Guard Challenge Program and contractor personnel performing such services may be required, when appropriate to achieve the purposes of the program, to be members of the National Guard and to wear the military uniform.

"(h) EQUIPMENT AND FACILITIES.—(1) Equipment and facilities of the National Guard, including military property of the United States issued to the National Guard, may be used in carrying out the National Guard Challenge Program.

"(2) Activities under the National Guard Challenge Program shall be considered noncombat activities of the National Guard for purposes of section 710 of this title.

"(i) STATUS OF PARTICIPANTS.—(1) A person receiving training under the National Guard Challenge Program shall be considered an employee of the United States for the purposes of the following provisions of law:

"(A) Subchapter I of chapter 81 of title 5 (relating to compensation of Federal employees for work injuries).

"(B) Section 1346(b) and chapter 171 of title 28 and any other provision of law relating to the liability of the United States for tortious conduct of employees of the United States.

"(2) In the application of the provisions of law referred to in paragraph (1)(A) to a person referred to in paragraph (1)—

"(A) the person shall not be considered to be in the performance of duty while the person is not at the assigned location of training or other activity or duty authorized in accordance with a program agreement referred to in subsection (c), except when the person is traveling to or from that location or is on pass from that training or other activity or duty;

"(B) the person's monthly rate of pay shall be deemed to be the minimum rate of pay provided for grade GS–2 of the General Schedule under section 5332 of title 5; and

"(C) the entitlement of a person to receive compensation for a disability shall begin on the day following the date on which the person's participation in the National Guard Challenge Program is terminated.

"(3) A person referred to in paragraph (1) may not be considered an employee of the United States for any purpose other than a purpose set forth in that paragraph.

"(j) SUPPLEMENTAL RESOURCES.—(1) To carry out the National Guard Challenge Program in a State, the Governor of the State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard may supplement funds made available under the program out of other resources (including gifts) available to the Governor or the commanding general. The Governor or the commanding general may accept, use, and dispose of gifts or donations of money, other property, or services for the National Guard Challenge Program.

"(k) REPORT.—Within 90 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress a report on the design, conduct, and effectiveness of the National Guard Challenge Program during the preceding fiscal year. In preparing the report, the Secretary shall coordinate with the Governor of each State in which the National Guard Challenge Program is carried out and, if the program is carried out in the District of Columbia, with the commanding general of the District of Columbia National Guard.

"(l) DEFINITIONS.—In this section:

"(1) The term 'State' includes the Commonwealth of Puerto Rico, the territories, and the District of Columbia.

"(2) The term 'school dropout' means an individual who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"509. National Guard Challenge Program of opportunities for civilian youth.".

SEC. 1058. LEASE OF NON-EXCESS PERSONAL PROPERTY OF THE MILITARY DEPARTMENTS.

(a) RECEIPT OF FAIR MARKET VALUE.—Subsection (b)(4) of section 2667 of title 10, United States Code, is amended by striking out ", in the case of the lease of real property,".

(b) COMPETITIVE SELECTION.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) If a proposed lease under subsection (a) involves only personal property, the lease term exceeds one year, and the fair market value of the lease interest exceeds $100,000, as determined by the Secretary concerned, the Secretary shall use competitive procedures to select the lessee.

"(2) Not later than 45 days before entering into a lease referred to in paragraph (1), the Secretary concerned shall submit to Congress written notice describing the terms of the proposed lease and the competitive procedures used to select the lessee.".

SEC. 1059. COMMENDATION OF MEMBERS OF THE ARMED FORCES AND GOVERNMENT CIVILIAN PERSONNEL WHO SERVED DURING THE COLD WAR.

(a) FINDINGS.—The Congress finds the following:

(1) During the period of the Cold War, from the end of World War II until the collapse of the Soviet Union in 1991, the United States and the Soviet Union engaged in a global military rivalry.

(2) This rivalry, potentially the most dangerous military confrontation in the history of mankind, has come to a close without a direct superpower military conflict.

(3) Military and civilian personnel of the Department of Defense, personnel in the intelligence community, members of the foreign service, and other officers and employees of the United States faithfully performed their duties during the Cold War.

(4) Many such personnel performed their duties while isolated from family and friends and served overseas under frequently arduous conditions in order to protect the United States and achieve a lasting peace.

(5) The discipline and dedication of those personnel were fundamental to the prevention of a superpower military conflict.

(b) CONGRESSIONAL COMMENDATION.—The Congress hereby commends, and expresses its gratitude and appreciation for, the service and sacrifices of the members of the Armed Forces and civilian personnel of the Government who contributed to the historic victory in the Cold War.

TITLE XI—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1101. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) IN GENERAL.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in subsection (b) of section 406 of title 10, United States Code, as added by section 1110.

(b) FISCAL YEAR 1998 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 1998 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

SEC. 1102. FISCAL YEAR 1998 FUNDING ALLOCATIONS.

(a) IN GENERAL.—Of the fiscal year 1998 Cooperative Threat Reduction funds, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $77,900,000.

(2) For strategic nuclear arms elimination in Ukraine, $76,700,000.

(3) For fissile material containers in Russia, $7,000,000.

(4) For planning and design of a chemical weapons destruction facility in Russia, $14,400,000.

(5) For planning, design, and construction of a storage facility for Russian fissile material, $57,700,000.

(6) For weapons storage security in Russia, $23,500,000.

(7) For activities designated as Defense and Military-to-Military Contacts in Russia, Ukraine, and Kazakhstan, $7,000,000.

(8) For military-to-military programs of the United States that focus on countering the threat of proliferation of weapons of mass destruction and that include the security forces of the independent states of the former Soviet Union other than Russia, Ukraine, Belarus, and Kazakstan, $2,000,000.

(9) For activities designated as Other Assessments/Administrative Support $18,500,000.

(b) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) If the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may, subject to paragraph (2), obligate amounts for the purposes stated in any of the paragraphs of subsection (a) in excess of the amount specified for those purposes in that paragraph, but not in excess of 115 percent of that amount. However, the total amount obligated for the purposes stated in the paragraphs in subsection (a) may not by reason of the use of the authority provided in the preceding sentence exceed the sum of the amounts specified in those paragraphs.

(2) An obligation for the purposes stated in any of the paragraphs in subsection (a) in excess of the amount specified in that paragraph may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1103. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES.

(a) IN GENERAL.—No fiscal year 1998 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any prior fiscal year and remaining available for obligation, may be obligated or expended for any of the following purposes:

(1) Conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

(2) Provision of housing.

(3) Provision of assistance to promote environmental restoration.

(4) Provision of assistance to promote job retraining.

(b) LIMITATION WITH RESPECT TO DEFENSE CONVERSION ASSISTANCE.—None of the funds appropriated pursuant to this Act or any other Act may be obligated or expended for the provision of assistance to Russia or any other state of the former Soviet Union to promote defense conversion.

SEC. 1104. PROHIBITION ON USE OF FUNDS UNTIL SPECIFIED REPORTS ARE SUBMITTED.

No fiscal year 1998 Cooperative Threat Reduction funds may be obligated or expended until 15 days after the date that is the latest of the following:

(1) The date on which the President submits to Congress the determinations required under subsection (c) of section 211 of Public Law 102–228 (22 U.S.C. 2551 note) with respect to any certification transmitted to Congress under subsection (b) of that section during the period beginning on September 23, 1996, and ending on the date of the enactment of this Act.

(2) The date on which the Secretary of Defense submits to Congress the annual report required to be submitted not later than January 31, 1998, under section 1206(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 471; 22 U.S.C. 5955 note).

(3) The date on which the Secretary of Defense submits to Congress the report for fiscal year 1997 required under section 1205(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2883; 22 U.S.C. 5952 note).

SEC. 1105. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF CERTIFICATION.

(a) LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF CERTIFICATION.—No fiscal year 1998 Cooperative Threat Reduction funds may be obligated or expended for strategic offensive arms elimination projects in Russia related to the START II Treaty (as defined in section 1302(d) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2701)) until 30 days after the date on which the President submits to Congress a certification in writing that—

(1) implementation of the projects would benefit the national security interest of the United States; and

(2) Russia has agreed to share the cost for the projects.

(b) REPORT.—Not later than 15 days after the date that the President submits to Congress the certification under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report describing the arrangement between the United States and Russia with respect to the sharing of costs for strategic offensive arms elimination projects in Russia related to the START II Treaty.

SEC. 1106. USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION FACILITY.

(a) LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF NOTIFICATIONS TO CONGRESS.—No fiscal year 1998 Cooperative Threat Reduction funds may be obligated or expended for planning and design of a chemical weapons destruction facility until 15 days after the date that is the later of the following:

(1) The date on which the Secretary of Defense submits to Congress notification of an agreement between the United States and Russia with respect to such chemical weapons destruction facility that includes—

(A) an agreement providing for a limitation on the financial contribution by the United States for the facility;

(B) an agreement that the United States will not pay the costs for infrastructure determined by Russia to be necessary to support the facility; and

(C) an agreement on the site of the facility.

(2) The date on which the Secretary of Defense submits to Congress notification that the Government of Russia has formally approved a plan—

(A) that allows for the destruction of chemical weapons in Russia; and

(B) that commits Russia to pay a portion of the cost for the facility.

(b) PROHIBITION ON USE OF FUNDS FOR FACILITY CONSTRUCTION.—No fiscal year 1998 Cooperative Threat Reduction funds authorized to be obligated in section 1102(a)(4) for planning and design of a chemical weapons destruction facility in Russia may be used for construction of such facility.

SEC. 1107. LIMITATION ON USE OF FUNDS FOR STORAGE FACILITY FOR RUSSIAN FISSILE MATERIAL.

(a) LIMITATION ON USE OF FISCAL YEAR 1998 FUNDS.—No fiscal year 1998 Cooperative Threat Reduction funds may be obligated or expended for planning, design, or construction of a storage facility for Russian fissile material until 15 days after the date that is the later of the following:

(1) The date on which the Secretary of Defense submits to Congress notification of an agreement between the United States and Russia that the total share of the cost to the United States for such facility will not exceed $275,000,000.

(2) The date on which the Secretary submits to Congress notification of an agreement between the United States and Russia incorporating the principle of transparency with respect to the use of the facility.

(b) LIMITATION ON USE OF FUNDS FOR FISCAL YEARS BEFORE FISCAL YEAR 1998.—None of the funds appropriated for Cooperative Threat Reduction programs for a fiscal year before fiscal year 1998 and remaining available for obligation on the date of the enactment of this Act may be obligated or expended for planning, design, or construction of a storage facility for Russian fissile material until—

(1) the Secretary of Defense submits to the congressional defense committees a report on the costs and schedule for the planning, design, and construction of the facility and transparency issues relating to the facility; and

(2) 15 days have elapsed following the date of the notification.

SEC. 1108. LIMITATION ON USE OF FUNDS FOR WEAPONS STORAGE SECURITY.

No fiscal year 1998 Cooperative Threat Reduction funds may be obligated or expended for weapons storage security in Russia until—

(1) the Secretary of Defense submits to the congressional defense committees notification of an agreement between the United States and Russia on audits and examinations with respect to weapons storage security; and

(2) 15 days have elapsed following the date of the notification.

SEC. 1109. REPORT TO CONGRESS ON ISSUES REGARDING PAYMENT OF TAXES OR DUTIES ON ASSISTANCE PROVIDED TO RUSSIA UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Not later than September 30, 1997, the Secretary of Defense shall submit to Congress a report on—

(1) any disputes between the United States and Russia with respect to payment by the United States of taxes or duties on assistance provided to Russia under a Cooperative Threat Reduction program, including a description of the nature of each dispute, the amount of payment disputed, whether the dispute was resolved, and if the dispute was resolved, the means by which the dispute was resolved;

(2) the actions taken by the Secretary to prevent disputes between the United States and Russia with respect to payment by the United States of taxes or duties on assistance provided to Russia under a Cooperative Threat Reduction program;

(3) any agreements between the United States and Russia with respect to payment by the United States of taxes or duties on assistance provided to Russia under a Cooperative Threat Reduction program; and

(4) any proposals of the Secretary on actions that should be taken to prevent disputes between the United States and Russia with respect to payment by the United States of taxes or duties on assistance provided to Russia under a Cooperative Threat Reduction program.

SEC. 1110. LIMITATION ON OBLIGATION OF FUNDS FOR A SPECIFIED PERIOD.

(a) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

"§406. Use of Cooperative Threat Reduction program funds: limitation

"(a) IN GENERAL.—In carrying out Cooperative Threat Reduction programs during any fiscal year, the Secretary of Defense may use funds appropriated for those programs only to the extent that those funds were appropriated for that fiscal year or for either of the two preceding fiscal years.

"(b) DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—In this section, the term 'Cooperative Threat Reduction programs' means the following programs with respect to states of the former Soviet Union:

"(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

"(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

"(3) Programs to prevent the proliferation of weapons, components, and weapons-related technology and expertise.

"(4) Programs to expand military-to-military and defense contacts.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"406. Use of Cooperative Threat Reduction program funds: limitation.".

(b) EFFECTIVE DATE.—Section 406 of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal years beginning with fiscal year 1998.

SEC. 1111. AVAILABILITY OF FUNDS.

Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. REPORTS TO CONGRESS RELATING TO UNITED STATES FORCES IN BOSNIA.

(a) SECRETARY OF DEFENSE REPORTS ON NONMILITARY TASKS CARRIED OUT BY UNITED STATES FORCES.—(1) The Secretary of Defense shall submit to the congressional defense committees two reports identifying each activity being carried out, as of the date of the report, by covered United States forces in Bosnia that is an activity that (as determined by the Secretary) is expected to be performed by an international or local civilian organization once the multinational peacekeeping mission in Bosnia is concluded.

(2) For purposes of this paragraph, covered United States forces in Bosnia are United States ground forces in the Republic of Bosnia and Herzegovina that are assigned to the multinational peacekeeping force known as the Stabilization Force (SFOR) or to any other multinational peacekeeping force that is a successor to the Stabilization Force.

(3) The Secretary shall include in each report under paragraph (1), for each activity identified in that paragraph, the following:

(A) The number of United States military personnel involved.

(B) Whether forces assigned to the SFOR (or successor multinational force) from other nations also participated in that activity.

(C) The justification for using military forces rather than civilian organizations to perform that activity.

(4) The first report under paragraph (1) shall be submitted not later than December 1, 1997. The second such report shall be submitted not later than March 31, 1998.

(b) PRESIDENTIAL REPORT ON POLITICAL AND MILITARY CONDITIONS IN BOSNIA.—(1) Not later than December 15, 1997, the President shall submit to Congress a report on the political and military conditions in the Republic of Bosnia and Herzegovina (hereafter in this section referred to as Bosnia-Herzegovina). Of the funds available to the Secretary of Defense for fiscal year 1998 for the operation of United States ground forces in Bosnia-Herzegovina during that fiscal year, no more than 60 percent may be expended before the report is submitted.

(2) The report under paragraph (1) shall include a discussion of the following:

(A) The date on which the transition from the multinational force known as the Stabilization Force to the planned multinational successor force to be known as the Deterrence Force will occur and how the decision as to that date will impact the estimates of costs associated with the operation of United States ground forces in Bosnia-Herzegovina during fiscal year 1998 as contained in the President's budget for fiscal year 1998.

(B) The military and political considerations that will affect the decision to carry out such a transition.

(C) The incremental, per-month cost increases the Department of Defense resulting from a decision to delay the transition from the Stabilization Force to the Deterrence Force.

(D) The unresolved political, economic, and military issues within Bosnia-Herzegovina that may affect the estimate of the Secretary of the costs of complete withdrawal of United States forces from Bosnia-Herzegovina, the timeframe for force reductions for such withdrawal, and the timing of complete withdrawal of United States forces from Bosnia-Herzegovina.

(E) A detailed explanation and timetable for carrying out the President's commitment to withdraw all United States ground forces from Bosnia-Herzegovina by the end of June 1998, including the planned date of commencement and completion of the withdrawal.

(F) Any plan to maintain or expand other Bosnia-related operations (such as the operation designated as Operation Deliberate Guard) if tensions in Bosnia-Herzegovina remain sufficient to delay the transition from the Stabilization Force to the Deterrence Force and the estimated cost associated with each such operation.

(G) Whether allied nations participating in the Bosnia mission have similar plans to increase and maintain troop strength or maintain ground forces in Bosnia-Herzegovina and, if so, the identity of each such country and a description of that country's plans.

(3) As used in this subsection, the term "Stabilization Force" (referred to as "SFOR") means the follow-on force to the Implementation Force (known as "IFOR") in the Republic of Bosnia and Herzegovina and other countries in the region, authorized under United Nations Security Council Resolution 1008 (December 12, 1996).

SEC. 1202. ONE-YEAR EXTENSION OF COUNTERPROLIFERATION AUTHORITIES.

Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 102–484; 22 U.S.C. 5859a) is amended—

(1) in subsection (d)(3), by striking out "or" after "fiscal year 1996," and by inserting ", or $15,000,000 for fiscal year 1998" before the period at the end; and

(2) in subsection (f), by striking out "1997" and inserting in lieu thereof "1998".

SEC. 1203. REPORT ON FUTURE MILITARY CAPABILITIES AND STRATEGY OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—The Secretary of Defense shall prepare a report, in both classified and unclassified form, on the future pattern of military modernization of the People's Republic of China. The report shall address the probable course of military-technological development in the People's Liberation Army and the development of Chinese grand strategy, security strategy, and military strategy, and of military organizations and operational concepts, through 2015.

(b) MATTERS TO BE INCLUDED.—The report shall include analyses and forecasts of the following:

(1) The goals of Chinese grand strategy, security strategy, and military strategy.

(2) Trends in Chinese political grand strategy meant to establish the People's Republic of China as the leading political power in the Asia-Pacific region and as a political and military presence in other regions of the world, including Central Asia, Southwest Asia, Europe, and Latin America.

(3) Developments in Chinese military doctrine, focusing on (but not limited to) efforts to exploit the emerging Revolution in Military Affairs or to conduct preemptive strikes.

(4) Efforts by the People's Republic of China to develop long-range air-to-air or air defense missiles designed to target special support aircraft such as Airborne Warning and Control System (AWACS) aircraft, Joint Surveillance and Target Attack Radar System (JSTARS) aircraft, or other command and control, intelligence, airborne early warning, or electronic warfare aircraft.

(5) Efforts by the People's Republic of China to develop a capability to conduct "information warfare" at the strategic, operational, and tactical levels of war.

(6) Efforts by the People's Republic of China to develop a capability to establish control of space or to deny access and use of military and commercial space systems in times of crisis or war, including programs to place weapons in space or to develop earth-based weapons capable of attacking space-based systems.

(7) Trends that would lead the People's Republic of China toward the development of advanced intelligence, surveillance, and reconnaissance capabilities, including gaining access to commercial or third-party systems with military significance.

(8) Efforts by the People's Republic of China to develop highly accurate and stealthy ballistic and cruise missiles, including sea-launched cruise missiles, particularly in numbers sufficient to conduct attacks capable of overwhelming projected defense capabilities in the Asia-Pacific region.

(9) Development by the People's Republic of China of command and control networks, particularly those capable of battle management of long-range precision strikes.

(10) Programs of the People's Republic of China involving unmanned aerial vehicles, particularly those with extended ranges or loitering times or potential strike capabilities.

(11) Exploitation by the People's Republic of China for military purposes of the Global Positioning System or other similar systems (including commercial land surveillance satellites), with such analysis and forecasts focusing particularly on those signs indicative of an attempt to increase accuracy of weapons or situational awareness of operating forces.

(12) Development by the People's Republic of China of capabilities for denial of sea control, including such systems as advanced sea mines, improved submarine capabilities, or land-based sea-denial systems.

(13) Continued development by the People's Republic of China of follow-on forces, particularly forces capable of rapid air or amphibious assault.

(c) SUBMISSION OF REPORT.—The report shall be submitted to Congress not later than March 15, 1998.

SEC. 1204. TEMPORARY USE OF GENERAL PURPOSE VEHICLES AND NONLETHAL MILITARY EQUIPMENT UNDER ACQUISITION AND CROSS SERVICING AGREEMENTS.

Section 2350(1) of title 10, United States Code, is amended by striking out "other items" in the second sentence and all that follows through "United States Munitions List" and inserting in lieu thereof "other nonlethal items of military equipment which are not designated as significant military equipment on the United States Munitions List promulgated".

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1998".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Arizona	Fort Huachuca	$20,000,000
California	Fort Irwin	$11,150,000
	Naval Weapons Station, Concord	$23,000,000
Colorado	Fort Carson	$47,300,000
Georgia	Fort Gordon	$22,000,000
	Hunter Army Air Field, Fort Stewart	$54,000,000
Hawaii	Schofield Barracks	$44,000,000
Indiana	Crane Army Ammunition Activity	$7,700,000
Kansas	Fort Leavenworth	$63,000,000
	Fort Riley	$25,800,000
Kentucky	Fort Campbell	$43,700,000
	Fort Knox	$7,200,000
Missouri	Fort Leonard Wood	$3,200,000
New Jersey	Fort Monmouth	$2,050,000
New Mexico	White Sands Missile Range	$6,900,000
New York	Fort Drum	$24,400,000
North Carolina	Fort Bragg	$61,900,000
Oklahoma	Fort Sill	$25,000,000
South Carolina	Fort Jackson	$5,400,000
	Naval Weapons Station, Charleston	$7,700,000
Texas	Fort Bliss	$7,700,000
	Fort Hood	$27,200,000
	Fort Sam Houston	$16,000,000
Virginia	Fort A.P. Hill	$5,400,000
	Fort Myer	$8,200,000
	Fort Story	$2,050,000
Washington	Fort Lewis	$33,000,000
CONUS Classified	Classified Location	$6,500,000
	Total	$614,900,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Ansbach	$22,000,000
	Heidelberg	$8,800,000
	Mannheim	$6,200,000
	Military Support Group, Kaiserslautern	$6,000,000
Korea	Camp Casey	$5,100,000
	Camp Castle	$8,400,000
	Camp Humphreys	$32,000,000
	Camp Red Cloud	$23,600,000
	Camp Stanley	$7,000,000
Overseas Classified	Overseas Classified	$37,000,000
	Total	$156,100,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Purpose	Amount
Arizona	Fort Huachuca	55 Units	$8,000,000
Hawaii	Schofield Barracks	132 Units	$26,600,000
Maryland	Fort George Meade	56 Units	$7,900,000
New Jersey	Picatinny Arsenal	35 Units	$7,300,000

Army: Family Housing—Continued

State	Installation or Location	Purpose	Amount
North Carolina	Fort Bragg	174 Units	$20,150,000
Texas	Fort Bliss	91 Units	$12,900,000
	Fort Hood	130 Units	$18,800,000
		Total	$103,950,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $9,550,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in sections 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $89,200,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,055,364,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $425,850,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $162,600,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $6,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $71,577,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $200,400,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,148,937,000.

(6) For the construction of the National Range Control Center, White Sands Missile Range, New Mexico, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2763), $18,000,000.

(7) For the construction of the whole barracks complex renewal, Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2763), $22,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $14,400,000 (the balance of the amount authorized under section 2101(a) for the construction of the Force XXI Soldier Development School at Fort Hood, Texas);

(3) $24,000,000 (the balance of the amount authorized under section 2101(a) for rail yard expansion at Fort Carson, Colorado);

(4) $43,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a disciplinary barracks at Fort Leavenworth, Kansas);

(5) $36,500,000 (the balance of the amount authorized under section 2101(a) for the construction of a barracks at Hunter Army Airfield, Fort Stewart, Georgia);

(6) $44,200,000 (the balance of the amount authorized under section 2101(a) for the construction of a barracks at Fort Bragg, North Carolina); and

(7) $17,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a barracks at Fort Sill, Oklahoma).

SEC. 2105. CORRECTION IN AUTHORIZED USES OF FUNDS, FORT IRWIN, CALIFORNIA.

In the case of amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3029) and section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 524) for a military construction project for Fort Irwin, California, involving the construction of an air field for the National Training Center at Barstow-Daggett, California, the Secretary of the Army may use such amounts for the construction of a heliport at the same location.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$12,250,000
	Navy Detachment, Camp Navajo	$11,426,000
California	Marine Corps Air Station, Camp Pendleton	$24,150,000
	Marine Corps Air Station, Miramar	$8,700,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	$3,810,000
	Marine Corps Base, Camp Pendleton	$60,069,000
	Naval Air Facility, El Centro	$11,000,000
	Naval Air Station, North Island	$19,600,000
	Naval Amphibious Base, Coronado	$10,100,000
	Naval Construction Battalion Center, Port Hueneme	$3,200,000
Connecticut	Naval Submarine Base, New London	$18,300,000
Florida	Naval Air Station, Jacksonville	$3,480,000
	Naval Air Station, Whiting Field	$1,300,000
	Naval Station, Mayport	$17,940,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	$19,000,000
	Naval Communications and Telecommunications Area Master Station Eastern Pacific, Honolulu	$3,900,000
	Naval Station, Pearl Harbor	$25,000,000
Illinois	Naval Training Center, Great Lakes	$41,220,000
Indiana	Naval Surface Warfare Center, Crane	$4,120,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
Maryland	Naval Electronics System Command, St. Ingoes	$2,610,000
Mississippi	Naval Air Station, Meridian	$7,050,000
North Carolina	Marine Corps Air Station, Cherry Point	$8,800,000
	Marine Corps Air Station, New River	$19,900,000
Rhode Island	Naval Undersea Warfare Center Division, Newport	$8,900,000
South Carolina	Marine Corps Air Station, Beaufort	$17,730,000
	Marine Corps Reserve Detachment Parris Island	$3,200,000
Texas	Naval Air Station, Corpus Christi	$800,000
Virginia	AEGIS Training Center, Dahlgren	$6,600,000
	Fleet Combat Training Center, Dam Neck	$7,000,000
	Naval Air Station, Norfolk	$18,240,000
	Naval Air Station, Oceana	$34,000,000
	Naval Amphibious Base, Little Creek	$8,685,000
	Naval Shipyard, Norfolk, Portsmouth	$29,410,000
	Naval Station, Norfolk	$18,850,000
	Naval Surface Warfare Center, Dahlgren	$13,880,000
	Naval Weapons Station, Yorktown	$14,547,000
Washington	Naval Air Station, Whidbey Island	$1,100,000
	Puget Sound Naval Shipyard, Bremerton	$4,400,000
	Total	$524,267,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Administrative Support Unit, Bahrain	$30,100,000
Guam	Naval Communications and Telecommunications Area Master Station Western Pacific, Guam	$4,050,000
Italy	Naval Air Station, Sigonella	$21,440,000
	Naval Support Activity, Naples	$8,200,000
Puerto Rico	Naval Station, Roosevelt Roads	$500,000
United Kingdom	Joint Maritime Communications Center, St. Mawgan	$2,330,000
	Total	$66,620,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or Location	Purpose	Amount
California	Marine Corps Air Station, Miramar	166 Units	$28,881,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	132 Units	$23,891,000
	Marine Corps Base, Camp Pendleton	171 Units	$22,518,000
	Naval Air Station, Lemoore	128 Units	$23,226,000
	Naval Complex, San Diego	94 Units	$13,500,000
Hawaii	Naval Complex, Pearl Harbor	84 Units	$17,900,000
Louisiana	Naval Complex, New Orleans	100 Units	$11,930,000
Texas	Naval Complex, Kingsville and Corpus Christi	212 Units	$22,250,000
Washington	Naval Complex, Bangor	118 Units	$15,700,000
		Total	$179,796,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction

or improvement of military family housing units in an amount not to exceed $15,100,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $214,282,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,053,025,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $524,267,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $66,120,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,960,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $46,659,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $409,178,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $976,504,000.

(6) For construction of bachelor enlisted quarters at Naval Hospital, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2766), $5,200,000.

(7) For construction of bachelor enlisted quarters at Naval Station, Roosevelt Roads, Puerto Rico, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2767), $14,600,000.

(8) For construction of a large anecohic chamber facility at Patuxent River Naval Air Warfare Center, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2590), $9,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (8) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $8,463,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2205. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT NAVAL AIR STATION, PASCAGOULA, MISSISSIPPI, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2766) is amended—

(1) by striking out the amount identified as the total and inserting in lieu thereof "$594,982,000"; and

(2) by inserting after the item relating to Stennis Space Center, Mississippi, the following new item:

	Naval Air Station, Pascagoula	$4,990,000

(b) CONFORMING AMENDMENTS.—Section 2204(a) of such Act (110 Stat. 2769) is amended—

(1) in the matter preceding the paragraphs, by striking out "$2,213,731,000" and inserting in lieu thereof "$2,218,721,000"; and

(2) in paragraph (1), by striking out "$579,312,000" and inserting in lieu thereof "$584,302,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$14,874,000
Alaska	Clear Air Station	$67,069,000
	Eielson Air Force Base	$7,764,000
	Indian Mountain	$1,991,000
Arizona	Luke Air Force Base	$10,000,000
Arkansas	Little Rock Air Force Base	$3,400,000
California	Edwards Air Force Base	$2,887,000
	Vandenberg Air Force Base	$26,876,000
Colorado	Buckley Air National Guard Base	$6,718,000
	Falcon Air Force Station	$10,551,000
	Peterson Air Force Base	$4,081,000
	United States Air Force Academy	$15,229,000
Florida	Eglin Auxiliary Field 9	$6,470,000
	MacDill Air Force Base	$1,543,000
Georgia	Moody Air Force Base	$9,100,000
	Robins Air Force Base	$27,763,000
Idaho	Mountain Home Air Force Base	$17,719,000
Kansas	McConnell Air Force Base	$11,669,000
Louisiana	Barksdale Air Force Base	$19,410,000
Mississippi	Keesler Air Force Base	$30,855,000
Missouri	Whiteman Air Force Base	$40,419,000
Nevada	Nellis Air Force Base	$1,950,000
New Jersey	McGuire Air Force Base	$18,754,000
North Carolina	Pope Air Force Base	$20,656,000
North Dakota	Grand Forks Air Force Base	$8,560,000
	Minot Air Force Base	$5,200,000
Ohio	Wright-Patterson Air Force Base	$19,350,000
Oklahoma	Tinker Air Force Base	$9,655,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
	Vance Air Force Base	$6,700,000
South Carolina	Shaw Air Force Base	$6,072,000
South Dakota	Ellsworth Air Force Base	$6,600,000
Tennessee	Arnold Air Force Base	$20,650,000
Texas	Dyess Air Force Base	$10,000,000
	Laughlin Air Force Base	4,800,000
	Randolph Air Force Base	$2,488,000
Utah	Hill Air Force Base	$6,470,000
Virginia	Langley Air Force Base	$4,031,000
Washington	Fairchild Air Force Base	$7,366,000
	McChord Air Force Base	$9,655,000
CONUS Classified	Classified Location	$6,175,000
	Total	$511,520,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Spangdahlem Air Base	$18,500,000
Italy	Aviano Air Base	$15,220,000
Korea	Kunsan Air Base	$10,325,000
	Osan Air Base	$11,100,000
Portugal	Lajes Field, Azores	$4,800,000
United Kingdom	Royal Air Force, Lakenheath	$11,400,000
Overseas Classified	Classified Location	$31,100,000
	Total	$102,445,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or Location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	70 Units	$9,800,000
California	Edwards Air Force Base	95 Units	$16,800,000
	Travis Air Force Base	70 Units	$9,714,000
	Vandenberg Air Force Base	108 Units	$17,100,000
Delaware	Dover Air Force Base	Ancillary Facility	$831,000
District of Columbia	Bolling Air Force Base	46 Units	$5,100,000
Florida	MacDill Air Force Base	58 Units	$10,000,000
	Tyndall Air Force Base	32 Units	$4,200,000
Georgia	Robins Air Force Base	60 Units	$6,800,000
Idaho	Mountain Home Air Force Base	60 Units	$11,032,000
Kansas	McConnell Air Force Base	19 Units	$2,951,000
	McConnell Air Force Base	Ancillary Facility	$581,000
Mississippi	Columbus Air Force Base	50 Units	$6,200,000
	Keesler Air Force Base	40 Units	$5,000,000
Montana	Malmstrom Air Force Base	28 Units	$4,842,000
New Mexico	Kirtland Air Force Base	180 Units	$20,900,000
North Dakota	Grand Forks Air Force Base	42 Units	$7,936,000
Texas	Dyess Air Force Base	70 Units	$10,503,000

Air Force: Family Housing—Continued

State	Installation or Location	Purpose	Amount
Wyoming	Goodfellow Air Force Base	3 Units	$500,000
	Lackland Air Force Base	50 Units	$7,400,000
	Sheppard Air Force Base	40 Units	$7,400,000
	F. E. Warren Air Force Base	52 Units	$6,853,000
		Total	$172,443,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $11,971,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2835 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $156,995,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,810,090,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $505,435,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $102,445,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,545,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $45,880,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $341,409,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $830,234,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $11,000,000 (the balance of the amount authorized under section 2301(a) for the construction of a B–2 low observability restoration facility at Whiteman Air Force Base, Missouri).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $23,858,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2305. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT MCCONNELL AIR FORCE BASE, KANSAS, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2771) is amended in the item relating to McConnell Air Force Base, Kansas, by striking out "$19,130,000" in the amount column and inserting in lieu thereof "$25,830,000".

(b) CONFORMING AMENDMENTS.—Section 2304 of such Act (110 Stat. 2774) is amended—

(1) in the matter preceding the paragraph, by striking out "$1,894,594,000" and inserting in lieu thereof "$1,901,294,000" and

(2) in paragraph (1), by striking out "$603,834,000" and inserting in lieu thereof "$610,534,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States.

Agency	Installation or Location	Amount
Defense Commissary Agency	Fort Lee, Virginia	$9,300,000
Defense Finance and Accounting Service	Columbus Center, Ohio	$9,722,000
	Naval Air Station, Millington, Tennessee	$6,906,000
	Naval Station, Norfolk, Virginia	$12,800,000
	Naval Station, Pearl Harbor, Hawaii	$10,000,000
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia	$7,000,000
	Redstone Arsenal, Alabama	$32,700,000
Defense Logistics Agency	Defense Distribution Depot—DDNV, Virginia	$16,656,000
	Defense Distribution New Cumberland—DDSP, Pennsylvania	$15,500,000
	Defense Fuel Support Point, Craney Island, Virginia	$22,100,000
	Defense General Supply Center, Richmond (DLA), Virginia	$5,200,000
	Elmendorf Air Force Base, Alaska	$21,700,000
	Naval Air Station, Jacksonville, Florida	$9,800,000
	Truax Field, Wisconsin	$4,500,000
	Westover Air Reserve Base, Massachusetts	$4,700,000
	CONUS Various, CONUS Various	$11,275,000
Defense Medical Facilities Office	Fort Campbell, Kentucky	$13,600,000

Defense Agencies: Inside the United States.—Continued

Agency	Installation or Location	Amount
	Fort Detrick, Maryland	$5,300,000
	Fort Lewis, Washington	$5,000,000
	Hill Air Force Base, Utah	$3,100,000
	Holloman Air Force Base, New Mexico	$3,000,000
	Lackland Air Force Base, Texas	$3,000,000
	Marine Corps Combat Dev Com, Quantico, Virginia	$19,000,000
	McGuire Air Force Base, New Jersey	$35,217,000
	Naval Air Station, Pensacola, Florida	$2,750,000
	Naval Station, Everett, Washington	$7,500,000
	Naval Station, San Diego, California	$2,100,000
	Naval Submarine Base, New London, Connecticut	$2,300,000
	Robins Air Force Base, Georgia	$19,000,000
	Tinker Air Force Base, Oklahoma	$6,500,000
	Wright-Patterson Air Force Base, Ohio	$2,750,000
National Security Agency	Fort Meade, Maryland	$29,800,000
Special Operations Command	Eglin Auxiliary Field 3, Florida	$6,100,000
	Fort Benning, Georgia	$12,314,000
	Fort Bragg, North Carolina	$1,500,000
	Hurlburt Field, Florida	$2,450,000
	Naval Amphibious Base, Coronado, California	$7,400,000
	Total	$389,440,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States.

Agency	Installation or Location	Amount
Ballistic Missile Defense Organization	Pacific Missile Range, Kwajalein Atoll	$4,565,000
Defense Logistics Agency	Defense Fuel Support Point, Guam	$16,000,000
	Moron Air Base, Spain	$14,400,000
Defense Medical Facilities Office	Andersen Air Force Base, Guam	$3,700,000
	Total	$38,665,000

SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(13)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $50,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(12)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $4,900,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(10), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,711,761,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $382,390,000

(2) For military construction projects outside the United States authorized by section 2401(a), $34,965,000.

(3) For military construction projects at Anniston Army Depot, Alabama, ammunition demilitarization facility, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of the Public Law 102–484; 106 Stat. 2587), which was originally authorized as an Army construction project, but which became a Defense Agencies construction project by reason of the amendments made by section 142 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2689), $9,900,000.

(4) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $20,000,000.

(5) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of the Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (110 Stat. 539) and section 2407(2) of this Act, $57,427,000.

(6) For military construction projects at Defense Finance and Accounting Service, Columbus, Ohio, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 535), $14,200,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $9,844,000.

(8) For unspecified minor construction projects under section 2805 of title 10, United States Code, $25,257,000.

(9) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $34,350,000.

(10) For Energy Conservation projects authorized by section 2403, $25,000,000.

(11) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $2,060,854,000.

(12) For military family housing functions:

(A) For improvement and planning of military family housing and facilities, $4,950,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $32,724,000 of which not

more than $27,673,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2406. CORRECTION IN AUTHORIZED USES OF FUNDS, MCCLELLAN AIR FORCE BASE, CALIFORNIA.

In the case of amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3041) for a military construction project involving the upgrade of the hospital facility at McClellan Air Force Base, California, the Secretary of Defense may use such amounts for the following medical construction projects authorized by section 2401 of this Act:

(1) The Aeromedical Clinic Addition at Andersen Air Base, Guam, in the amount of $3,700,000.

(2) The Occupational Health Clinic Facility at Tinker Air Force Base, Oklahoma, in the amount of $6,500,000.

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), under the agency heading relating to Chemical Weapons and Munitions Destruction, is further amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out "$115,000,000" in the amount column and inserting in lieu thereof "$134,000,000"; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out "$186,000,000" in the amount column and inserting in lieu thereof "$187,000,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $166,300,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal years beginning after September 30, 1997, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $45,098,000; and

(B) for the Army Reserve, $69,831,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $40,561,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $137,275,000; and

(B) for the Air Force Reserve, $34,443,000.

(b) ADJUSTMENT.—The amount authorized to be appropriated pursuant to subsection (a)(1)(B) is reduced by $7,900,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2602. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) ARMY NATIONAL GUARD, HILO, HAWAII.—Paragraph (1)(A) of section 2601 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2780) is amended by striking out "$59,194,000" and inserting in lieu thereof "$65,094,000" to account for a project involving additions and alterations to an Army aviation support facility in Hilo, Hawaii.

(b) NAVAL AND MARINE CORPS RESERVE, NEW ORLEANS.—Paragraph (2) of such section is amended by striking out "$32,779,000" and inserting in lieu thereof "$37,579,000" to account for a project for the construction of bachelor enlisted quarters at Naval Air Station, New Orleans, Louisiana.

SEC. 2603. ARMY RESERVE CONSTRUCTION PROJECT, SALT LAKE CITY, UTAH.

With regard to the military construction project for the Army Reserve concerning construction of a reserve center and organizational maintenance shop in Salt Lake City, Utah, to be carried out using funds appropriated pursuant to the authorization of appropriations in section 2601(1)(B), the Secretary of the Army may enter into an agreement with the State of Utah under which the State agrees to provide financial or in-kind contributions toward land acquisition, site preparation, environmental assessment and remediation, relocation, and other costs in connection with the project.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2000; or

(2) the date for the enactment of an Act authorizing funds for military construction for fiscal year 2001.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2000; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2001 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1995 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337, 108 Stat. 3046), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, 2301, 2302, 2401, or 2601 of that Act, shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1995 Project Authorization

State	Installation or Location	Project	Amount
California	Fort Irwin	National Training Center Airfield Phase I	$10,000,000

Navy: Extension of 1995 Project Authorizations

State	Installation or Location	Project	Amount
Maryland	Indian Head Naval Surface Warfare Center	Upgrade Power Plant	$4,000,000
	Indian Head Naval Surface Warfare Center	Denitrification/Acid Mixing Facility	$6,400,000
Virginia	Norfolk Marine Corps Security Force Battalion Atlantic	Bachelor Enlisted Quarters	$6,480,000
Washington	Naval Station Puget Sound, Everett	New Construction (Housing Office)	$780,000
Conus Classified	Classified Location	Aircraft Fire/Rescue & Vehicle Maintenance Facility	$2,200,000

Air Force: Extension of 1995 Project Authorizations

State	Installation or Location	Project	Amount
California	Beale Air Force Base	Consolidated Support Center	$10,400,000
	Los Angeles Air Force Station	Family Housing (50 Units)	$8,962,000
North Carolina	Pope Air Force Base	Combat Control Team Facility	$2,400,000
	Pope Air Force Base	Fire Training Center	$1,100,000

Defense Agencies: Extension of 1995 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Anniston Army Depot	Carbon Filtration System	$5,000,000
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Facility	$115,000,000
California	Defense Contract Management Office, El Segundo	Administrative Facility	$5,100,000
Oregon	Umatilla Army Depot	Ammunition Demilitarization Facility	$186,000,000

Army National Guard: Extension of 1995 Project Authorization

State	Installation or Location	Project	Amount
California	Camp Roberts	Combat Pistol Range	$952,000

Naval Reserve: Extension of 1995 Project Authorization

State	Installation or Location	Project	Amount
Georgia	Naval Air Station Marietta	Training Center.	$2,650,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1994 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160, 107 Stat. 1880), authorizations for the projects set forth in the table in subsection (b), as provided in section 2201 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2783), shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 1994 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Facility	$7,930,000
Connecticut	New London Naval Submarine Base	Hazardous Waste Facility	$1,450,000

SEC. 2704. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1993 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), the authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101 or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541) and section 2703 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2784), shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1993 Project Authorization

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility	$15,000,000

Army National Guard: Extension of 1993 Project Authorization

State	Installation or Location	Project	Amount
Alabama	Union Springs	Armory	$813,000

SEC. 2705. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047), section 2703 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 543), and section 2704 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2784), shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Support Facility	$3,600,000
	Umatilla Army Depot	Ammunition Demilitarization Utilities	$7,500,000

SEC. 2706. EXTENSION OF AVAILABILITY OF FUNDS FOR CONSTRUCTION OF OVER-THE-HORIZON RADAR IN PUERTO RICO.

Amounts appropriated under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE'' in the Department of Defense Appropriations Act, 1995 (Public Law 103–335; 108 Stat. 2615), and transferred to the ''Military Construction, Navy'' appropriation for construction of a Relocatable Over-the-Horizon Radar at Naval Station Roosevelt Roads, Puerto Rico, shall remain available for obligation until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

SEC. 2707. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1997; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. USE OF MOBILITY ENHANCEMENT FUNDS FOR UNSPECIFIED MINOR CONSTRUCTION.

(a) CONGRESSIONAL NOTIFICATION.—Subsection (b)(2) of section 2805 of title 10, United States Code, is amended by adding at the end the following new sentence: ''This paragraph shall apply even though the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.''.

(b) RESTRICTION ON USE OF OPERATION AND MAINTENANCE FUNDS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out ''paragraph (2)'' and inserting in lieu thereof ''paragraphs (2) and (3)''; and

(2) by adding at the end the following new paragraph:

''(3) The limitations specified in paragraph (1) shall not apply if the unspecified minor military construction project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.''.

(c) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a)(1)—

(A) by striking out ''minor military construction projects'' in the first sentence and inserting in lieu thereof ''unspecified minor military construction projects'';

(B) by striking out ''A minor'' in the second sentence and inserting in lieu thereof ''An unspecified minor''; and

(C) by striking out ''a minor'' in the last sentence and inserting in lieu thereof ''an unspecified minor'';

(2) in subsection (b)(1), by striking out ''A minor'' and inserting in lieu thereof ''An unspecified minor'';

(3) in subsection (b)(2), by striking out ''a minor'' and inserting in lieu thereof ''an unspecified minor''; and

(4) in subsection (c), by striking out ''unspecified military'' each place it appears and inserting in lieu thereof ''unspecified minor military''.

SEC. 2802. LIMITATION ON USE OF OPERATION AND MAINTENANCE FUNDS FOR FACILITY REPAIR PROJECTS.

Section 2811 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(d) CONGRESSIONAL NOTIFICATION.—When a decision is made to carry out a repair project under this section with an estimated cost in excess of $10,000,000, the Secretary concerned shall submit to the appropriate committees of Congress a report containing—

''(1) the justification for the repair project and the current estimate of the cost of the project; and

''(2) the justification for carrying out the project under this section.

''(e) REPAIR PROJECT DEFINED.—In this section, the term 'repair project' means a project to restore a real property facility, system, or component to such a condition that it may effectively be used for its designated functional purpose.''.

SEC. 2803. LEASING OF MILITARY FAMILY HOUSING, UNITED STATES SOUTHERN COMMAND, MIAMI, FLORIDA.

(a) LEASES TO EXCEED MAXIMUM RENTAL.—Section 2828(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out ''paragraph (3)'' and inserting in lieu thereof ''paragraphs (3) and (4)'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) The Secretary of the Army may lease not more than eight housing units in the vicinity of Miami, Florida, for key and essential personnel, as designated by the Secretary, for the United States Southern Command for which the expenditure for the rental of such units (including the cost of utilities, maintenance, and operation, including security enhancements) exceeds the expenditure limitations in paragraphs (2) and (3). The total amount for all leases under this paragraph may not exceed $280,000 per year, and no lease on any individual housing unit may exceed $60,000 per year.''.

(b) CONFORMING AMENDMENT.—Paragraph (5) of such section, as redesignated by subsection (a)(2), is amended by striking out ''paragraphs (2) and (3)'' and inserting in lieu thereof ''paragraphs (2), (3), and (4)''.

SEC. 2804. USE OF FINANCIAL INCENTIVES PROVIDED AS PART OF ENERGY SAVINGS AND WATER CONSERVATION ACTIVITIES.

(a) ENERGY SAVINGS.—Section 2865 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by striking out ''and financial incentives described in subsection (d)(2)'';

(2) in subsection (d)(2), by adding at the end the following new sentence: ''Financial incentives received under this paragraph or section 2866(a)(2) of this title shall be credited to an appropriation account designated by the Secretary of Defense.''; and

(3) in subsection (f), by adding at the end the following new sentence: ''Each report shall also describe the types and amount of financial incentives received under subsection (d)(2) and section 2866(a)(2) of this title during the period covered by the report and the appropriation account or accounts to which the incentives were credited.''.

(b) WATER CONSERVATION.—Section 2866(b) of such title is amended—

(1) by striking out ''SAVINGS.—'' in the subsection heading and inserting in lieu thereof ''SAVINGS AND FINANCIAL INCENTIVES.—(1)''; and

(2) by adding at the end the following new paragraph:

''(2) Financial incentives received under this section shall be used as provided in section 2865(d)(2) of this title.''.

SEC. 2805. CONGRESSIONAL NOTIFICATION REQUIREMENTS REGARDING USE OF DEPARTMENT OF DEFENSE HOUSING FUNDS FOR INVESTMENTS IN NONGOVERNMENTAL ENTITIES.

Section 2875 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) CONGRESSIONAL NOTIFICATION REQUIRED.—Amounts in the Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund may be used to make a cash investment under this section in a nongovernmental entity only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of, and justification for, the investment to the appropriate committees of Congress.''.

Subtitle B—Real Property And Facilities Administration

SEC. 2811. INCREASE IN CEILING FOR MINOR LAND ACQUISITION PROJECTS.

(a) INCREASE.—Section 2672 of title 10, United States Code, is amended by striking out ''$200,000'' both places it appears in subsection (a) and inserting in lieu thereof ''$500,000''.

(b) CLERICAL AMENDMENTS.—(1) The section heading for such section is amended to read as follows:

''§2672. Acquisition: interests in land when cost is not more than $500,000''.

(2) The table of sections at the beginning of chapter 159 of such title is amended by striking out the item relating to section 2672 and inserting in lieu thereof the following new item:

''2672. Acquisition: interests in land when cost is not more than $500,000.''.

SEC. 2812. ADMINISTRATIVE EXPENSES FOR CERTAIN REAL PROPERTY TRANSACTIONS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

''§2695. Acceptance of funds to cover administrative expenses relating to certain real property transactions

''(a) AUTHORITY TO ACCEPT.—In connection with a real property transaction described in subsection (b) with a non-Federal person or entity, the Secretary of a military department may accept amounts provided by the person or entity to cover administrative expenses incurred by the Secretary in entering into the transaction.

''(b) COVERED TRANSACTIONS.—Subsection (a) applies to the following transactions:

''(1) The conveyance or exchange of real property.

''(2) The grant of an easement over, in, or upon real property of the United States.

''(3) The lease or license of real property of the United States.

''(c) USE OF AMOUNTS COLLECTED.—Amounts collected under subsection (a) for administrative expenses shall be credited to the appropriation, fund, or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by adding at the end the following:

''2695. Acceptance of funds to cover administrative expenses relating to certain real property transactions.''.

SEC. 2813. DISPOSITION OF PROCEEDS FROM SALE OF AIR FORCE PLANT 78, BRIGHAM CITY, UTAH.

Notwithstanding subparagraph (A) of section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)), the entire amount derived from the sale of Air Force Plant 78 in Brigham City, Utah, and deposited in the special account in the Treasury established pursuant to such section shall, to the extent provided in appropriations Acts, be available to the Secretary of the Air Force for facility maintenance, repair, or environmental restoration at other industrial plants of the Department of the Air Force.

Subtitle C—Defense Base Closure and Realignment

SEC. 2821. CONSIDERATION OF MILITARY INSTALLATIONS AS SITES FOR NEW FEDERAL FACILITIES.

(a) 1988 LAW.—Section 204(b)(5) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)"; and

(2) by adding at the end the following new subparagraph:

"(C)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation to be closed or realigned under this title as the location for the new or replacement facility. In considering the availability and suitability of a specific military installation, the Secretary and the head of the Federal agency involved shall consult with the redevelopment authority with respect to the installation and comply with the redevelopment plan for the installation.

"(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations referred to in such clause that are located within the area to be served by the new or replacement Federal facility or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.".

(b) 1990 LAW.—Section 2905(b)(5) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)"; and

(2) by adding at the end the following new subparagraph:

"(C)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation to be closed or realigned under this part as the location for the new or replacement facility. In considering the availability and suitability of a specific military installation, the Secretary and the head of the Federal agency involved shall consult with the redevelopment authority with respect to the installation and comply with the redevelopment plan for the installation.

"(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations referred to in such clause that are located within the area to be served by the new or replacement Federal facility or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.".

SEC. 2822. PROHIBITION AGAINST CONVEYANCE OF PROPERTY AT MILITARY INSTALLATIONS TO STATE-OWNED SHIPPING COMPANIES.

(a) PROHIBITION AGAINST DIRECT CONVEYANCE.—In disposing of real property in connection with the closure of a military installation under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of Defense may not convey any portion of the property (by sale, lease, or other method) to a State-owned shipping company.

(b) PROHIBITION AGAINST INDIRECT CONVEYANCE.—The Secretary of Defense shall impose as a condition on each conveyance of real property located at such an installation the requirement that the property may not be subsequently conveyed (by sale, lease, or other method) to a State-owned shipping company.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that real property located at such an installation and conveyed under the Defense Base Closure and Realignment Act of 1990 has been conveyed to a State-owned shipping company in violation of subsection (b) or is otherwise being used by a State-owned shipping company in violation of such subsection, all right, title, and interest in and to the property shall revert to the United States, and the United States shall have immediate right of entry thereon.

(d) DEFINITION.—In this section, the term "State-owned shipping company" means a commercial shipping company owned or controlled by a foreign country.

Subtitle D—Land Conveyances

Part I—Army Conveyances

SEC. 2831. LAND CONVEYANCE, JAMES T. COKER ARMY RESERVE CENTER, DURANT, OKLAHOMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Big Five Community Services, Incorporated, a nonprofit organization operating in Durant, Oklahoma, all right, title, and interest of the United States in and to a parcel of real property located at 1500 North First Street in Durant, Oklahoma, and containing the James T. Coker Army Reserve Center, if the Secretary determines that the Reserve Center is excess to the needs of the Armed Forces.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by Big Five Community Services, Incorporated.

(c) CONDITION ON CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that Big Five Community Services, Incorporated, retain the conveyed property for educational purposes.

(d) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for the purpose specified in subsection (c), all right, title, and interest in and to such real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, FORT A. P. HILL, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Caroline County, Virginia (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 10 acres located at Fort A. P. Hill, Virginia. The purpose of the conveyance is to permit the County to establish a solid waste transfer and recycling facility on the property.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the County shall permit the Army, at no cost, to dispose of not less than 1,800 tons of solid waste annually at the facility established on the conveyed property. The obligation of the County to accept solid waste under this subsection shall not commence until after the solid waste transfer and recycling facility on the conveyed property becomes operational, and the establishment of a solid waste collection and transfer site on the .36-acre parcel described in subsection (d)(2) shall not be construed to impose the obligation.

(c) DISCLAIMER.—The United States shall not be responsible for the provision or cost of utilities or any other improvements necessary to carry out the conveyance under subsection (a) or to establish or operate the solid waste transfer and recycling facility intended for the property.

(d) REVERSION.—(1) Except as provided in paragraph (2), if the Secretary determines that a solid waste transfer and recycling facility is not operational, before December 31, 1999, on the real property conveyed under subsection (a), all right, title, and interest in and to such real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Paragraph (1) shall not apply with respect to a parcel of approximately .36 acres of the approximately 10-acre parcel to be conveyed under subsection (a), which is included in the larger conveyance to permit the County to establish a solid waste collection and transfer site for residential waste.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. EXPANSION OF LAND CONVEYANCE, INDIANA ARMY AMMUNITION PLANT, CHARLESTOWN, INDIANA.

(a) ADDITIONAL CONVEYANCE.—Subsection (a) of section 2858 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 571) is amended—

(1) by inserting "(1)" before "The Secretary of the Army"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary may also convey to the State, without consideration, an additional parcel of real property at the Indiana Army Ammunition Plant consisting of approximately 500 acres located along the Ohio River.".

(b) CONFORMING AMENDMENTS.—Such section is further amended by striking out "conveyance" both places it appears in subsections (b) and (d) and inserting in lieu thereof "conveyances".

SEC. 2834. MODIFICATION OF LAND CONVEYANCE, LOMPOC, CALIFORNIA.

(a) CHANGE IN AUTHORIZED USES OF LAND.—Section 834(b)(1) of the Military Construction Authorization Act, 1985 (Public Law 98–407; 98 Stat. 1526), is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following new subparagraphs:

"(A) for educational and recreational purposes;

"(B) for open space; or".

(b) CONFORMING DEED CHANGES.—With respect to the land conveyance made pursuant to section 834 of the Military Construction Authorization Act, 1985, the Secretary of the Army

shall execute and file in the appropriate office or offices an amended deed or other appropriate instrument effectuating the changes to the authorized uses of the conveyed property resulting from the amendment made by subsection (a).

SEC. 2835. MODIFICATION OF LAND CONVEYANCE, ROCKY MOUNTAIN ARSENAL, COLORADO.

Section 5(c) of Public Law 102–402 (106 Stat. 1966) is amended by striking out "The transferred property shall be sold in advertised sales" and inserting in lieu thereof "The Administrator shall convey the transferred property to Commerce City, Colorado, in a negotiated sale,".

SEC. 2836. CORRECTION OF LAND CONVEYANCE AUTHORITY, ARMY RESERVE CENTER, ANDERSON, SOUTH CAROLINA.

(a) IDENTIFICATION OF RECIPIENT.—Subsection (a) of section 2824 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2793) is amended by striking out "County of Anderson, South Carolina (in this section referred to as the 'County')" and inserting in lieu thereof "Board of Education, Anderson County, South Carolina (in this section referred to as the 'Board')".

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c) of such section are amended by striking out "County" each place it appears and inserting in lieu thereof "Board".

SEC. 2837. LAND CONVEYANCE, FORT BRAGG, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Town of Spring Lake, North Carolina (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 50 acres located at Fort Bragg, North Carolina. The purpose of the conveyance is to improve access by the Town to a waste treatment facility and to permit economic development.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2838. LAND CONVEYANCE, GIBSON ARMY RESERVE CENTER, CHICAGO, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Lawndale Business and Local Development Corporation (in this section referred to as the "Corporation"), a nonprofit organization organized in the State of Illinois, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 4454 West Cermak Road in Chicago, Illinois, and contains the Gibson Army Reserve Center.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2839. LAND CONVEYANCE, FORT DIX, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Borough of Wrightstown, New Jersey (in this section referred to as the "Borough"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 44.69 acres located at Fort Dix, New Jersey, for the purpose of permitting the Borough to develop the parcel for educational and economic purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Borough.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Part II—Navy Conveyances

SEC. 2851. CORRECTION OF LEASE AUTHORITY, NAVAL AIR STATION, MERIDIAN, MISSISSIPPI.

(a) CORRECTION OF LESSEE.—Subsection (a) of section 2837 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2798) is amended—

(1) by striking out "State of Mississippi (in this section referred to as the 'State')" and inserting in lieu thereof "County of Lauderdale, Mississippi (in this section referred to as the 'County')"; and

(2) by striking out "The State" and inserting in lieu thereof "The County".

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c) of such section are amended by striking out "State" each place it appears and inserting in lieu thereof "County".

Part III—Air Force Conveyances

SEC. 2861. LAND TRANSFER, EGLIN AIR FORCE BASE, FLORIDA.

(a) TRANSFER.—Jurisdiction over the real property withdrawn by Executive Order 4525, dated October 1, 1826, which consists of approximately 440 acres of land at Cape San Blas, Gulf County, Florida, and any improvements thereon, is transferred from the administrative jurisdiction of the Secretary of Transportation to the administrative jurisdiction of the Secretary of the Air Force, without reimbursement. Executive Order 4525 is revoked, and the transferred real property shall be administered by the Secretary of the Air Force pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and such other laws as may be applicable to Federal real property.

(b) USE OF PROPERTY.—The real property transferred under subsection (a) may be used in conjunction with operations at Eglin Air Force Base, Florida.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Air Force. The cost of the survey shall be borne by the Secretary of the Air Force.

SEC. 2862. STUDY OF LAND EXCHANGE OPTIONS, SHAW AIR FORCE BASE, SOUTH CAROLINA.

Section 2874 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 583) is amended by adding at the end the following new subsection:

"(g) STUDY OF EXCHANGE OPTIONS.—To facilitate the use of a land exchange to acquire the real property described in subsection (a), the Secretary of the Air Force shall conduct a study to identify real property in the possession of the Air Force (located in the State of South Carolina or elsewhere) that satisfies the requirements of subsection (b)(2), is acceptable to the party holding the property to be acquired, and is otherwise suitable for exchange under this section. Not later than three months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, the Secretary shall submit to Congress a report containing the results of the study.".

SEC. 2863. LAND CONVEYANCE, MARCH AIR FORCE BASE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to Air Force Village West, Incorporated (in this section referred to as the "Corporation"), of Riverside, California, all right, title, and interest of the United States in and to a parcel of real property located at March Air Force Base, California, and consisting of approximately 75 acres, as more fully described in subsection (c).

(2) If the Secretary does not make the conveyance authorized by paragraph (1) to the Corporation on or before January 1, 2006, the Secretary shall convey the real property instead to the March Joint Powers Authority, the redevelopment authority established for March Air Force Base.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Corporation shall pay to the United States an amount equal to the fair market value of the real property, as determined by the Secretary.

(c) LAND DESCRIPTION.—The real property to be conveyed under this section is contiguous to land conveyed to the Corporation pursuant to section 835 of the Military Construction Authorization Act, 1985 (Public Law 98–407; 98 Stat. 1527), and lies within sections 27, 28, 33, and 34 of Township 3 South, Range 4 West, San Bernardino Base and Meridian, County of Riverside, California. The exact acreage and legal description of the real property shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the party receiving the property.

(d) TECHNICAL CORRECTIONS REGARDING PREVIOUS CONVEYANCE.—Section 835 of the Military Construction Authorization Act, 1985 (Public Law 98–407; 98 Stat. 1527), is amended—

(1) in subsection (b), by striking out "subsection (b)" and inserting in lieu thereof "subsection (a)"; and

(2) in subsection (c), by striking out "Clark Street," and all that follows through the period and inserting in lieu thereof "Village West Drive, on the west by Allen Avenue, on the south by 8th Street, and the north is an extension of 11th Street between Allen Avenue and Clark Street.".

Subtitle E—Other Matters

SEC. 2881. REPEAL OF REQUIREMENT TO OPERATE NAVAL ACADEMY DAIRY FARM.

(a) OPERATION.—(1) Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 6976. Operation of Naval Academy dairy farm

"(a) DISCRETION REGARDING CONTINUED OPERATION.—(1) Subject to paragraph (2), the Secretary of the Navy may terminate or reduce the dairy or other operations conducted at the Naval Academy dairy farm located in Gambrills, Maryland.

"(2) Notwithstanding the termination or reduction of operations at the Naval Academy dairy farm under paragraph (1), the real property containing the dairy farm (consisting of approximately 875 acres)—

"(A) may not be declared to be excess real property to the needs of the Navy or transferred or otherwise disposed of by the Navy or any Federal agency; and

"(B) shall be maintained in its rural and agricultural nature.

"(b) LEASE AUTHORITY.—(1) Subject to paragraph (2), to the extent that the termination or

reduction of operations at the Naval Academy dairy farm permit, the Secretary of the Navy may lease the real property containing the dairy farm, and any improvements and personal property thereon, to such persons and under such terms as the Secretary considers appropriate. In leasing any of the property, the Secretary may give a preference to persons who will continue dairy operations on the property.

''(2) Any lease of property at the Naval Academy dairy farm shall be subject to a condition that the lessee maintain the rural and agricultural nature of the leased property.

''(c) EFFECT OF OTHER LAWS.—Nothing in section 6971 of this title shall be construed to require the Secretary of the Navy or the Superintendent of the Naval Academy to operate a dairy farm for the Naval Academy in Gambrills, Maryland, or any other location.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''6976. Operation of Naval Academy dairy farm.''.

(b) CONFORMING REPEAL OF EXISTING REQUIREMENTS.—Section 810 of the Military Construction Authorization Act, 1968 (Public Law 90–110; 81 Stat. 309), is repealed.

SEC. 2882. LONG-TERM LEASE OF PROPERTY, NAPLES ITALY.

(a) AUTHORITY.—Subject to subsection (d), the Secretary of the Navy may acquire by long-term lease structures and real property relating to a regional hospital complex in Naples, Italy, that the Secretary determines to be necessary for purposes of the Naples Improvement Initiative.

(b) LEASE TERM.—Notwithstanding section 2675 of title 10, United States Code, the lease authorized by subsection (a) shall be for a term of not more than 20 years.

(c) EXPIRATION OF AUTHORITY.—The authority of the Secretary to enter into a lease under subsection (a) shall expire on September 30, 2002.

(d) AUTHORITY CONTINGENT ON APPROPRIATIONS ACTS.—The authority of the Secretary to enter into a lease under subsection (a) is available only to the extent or in the amount provided in advance in appropriations Acts.

SEC. 2883. DESIGNATION OF MILITARY FAMILY HOUSING AT LACKLAND AIR FORCE BASE, TEXAS, IN HONOR OF FRANK TEJEDA, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

The military family housing developments to be constructed at two locations on Government property at Lackland Air Force Base, Texas, under the authority of subchapter IV of chapter 169 of title 10, United States Code, shall be designated by the Secretary of the Air Force, at an appropriate time, as follows:

(1) The northern development shall be designated as ''Frank Tejeda Estates North''.

(2) The southern development shall be designated as ''Frank Tejeda Estates South''.

TITLE XXIX—SIKES ACT IMPROVEMENT

SEC. 2901. SHORT TITLE.

This title may be cited as the ''Sikes Act Improvement Amendments of 1997''.

SEC. 2902. DEFINITION OF SIKES ACT FOR PURPOSES OF AMENDMENTS.

In this title, the term ''Sikes Act'' means the Act entitled ''An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations'', approved September 15, 1960 (16 U.S.C. 670a et seq.), commonly referred to as the ''Sikes Act''.

SEC. 2903. CODIFICATION OF SHORT TITLE OF ACT.

The Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before title I the following new section:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Sikes Act'.''.

SEC. 2904. INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.

(a) PLANS REQUIRED.—Section 101(a) of the Sikes Act (16 U.S.C. 670a(a)) is amended—

(1) by striking out ''is authorized to'' and inserting in lieu thereof ''shall'';

(2) by striking out ''in each military reservation in accordance with a cooperative plan'' and inserting in lieu thereof the following: ''on military installations. Under the program, the Secretary shall prepare and implement for each military installation in the United States an integrated natural resource management plan'';

(3) by inserting after ''reservation is located'' the following: '', except that the Secretary is not required to prepare such a plan for a military installation if the Secretary determines that preparation of such a plan for the installation is not appropriate''; and

(4) by inserting ''(1)'' after ''(a)'' and adding at the end the following new paragraph:

''(2) Consistent with essential military requirements to enhance the national security of the United States, the Secretary of Defense shall manage each military installation to provide—

''(A) for the conservation of fish and wildlife on the military installation and sustained multipurpose uses of those resources, including hunting, fishing, and trapping; and

''(B) public access that is necessary or appropriate for those uses.''.

(b) CONFORMING AMENDMENTS.—Title I of the Sikes Act is amended—

(1) in section 101(b) (16 U.S.C. 670a(b)), in the matter preceding paragraph (1), by striking out ''cooperative plan'' and inserting in lieu thereof ''integrated natural resource management plan'';

(2) in section 101(b)(4) (16 U.S.C. 670a(b)(4)), by striking out ''cooperative plan'' each place it appears and inserting in lieu thereof ''integrated natural resource management plan'';

(3) in section 101(c) (16 U.S.C. 670a(c)), in the matter preceding paragraph (1) by striking out ''a cooperative plan'' and inserting in lieu thereof ''an integrated natural resource management plan'';

(4) in section 101(d) (16 U.S.C. 670a(d)), in the matter preceding paragraph (1) by striking out ''cooperative plans'' and inserting in lieu thereof ''integrated natural resource management plans'';

(5) in section 101(e) (16 U.S.C. 670a(e)), by striking out ''Cooperative plans'' and inserting in lieu thereof ''Integrated natural resource management plans'';

(6) in section 102 (16 U.S.C. 670b), by striking out ''a cooperative plan'' and inserting in lieu thereof ''an integrated natural resource management plan'';

(7) in section 103 (16 U.S.C. 670c), by striking out ''a cooperative plan'' and inserting in lieu thereof ''an integrated natural resource management plan'';

(8) in section 106(a) (16 U.S.C. 670f(a)), by striking out ''cooperative plans'' and inserting in lieu thereof ''integrated natural resource management plans''; and

(9) in section 106(c) (16 U.S.C. 670f(c)), by striking out ''cooperative plans'' and inserting in lieu thereof ''integrated natural resource management plans''.

(c) CONTENTS OF PLANS.—Section 101(b) of the Sikes Act (16 U.S.C. 670a(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking out ''and'' after the semicolon;

(B) in subparagraph (D), by striking out the semicolon at the end and inserting in lieu thereof a comma; and

(C) by adding at the end the following new subparagraphs:

''(E) wetland protection and restoration, and wetland creation where necessary, for support of fish or wildlife,

''(F) consideration of conservation needs for all biological communities, and

''(G) the establishment of specific natural resource management goals, objectives, and timeframes for proposed actions;'';

(2) by striking out paragraph (3);

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following new paragraph:

''(2) shall for the military installation for which it is prepared—

''(A) address the needs for fish and wildlife management, land management, forest management, and wildlife-oriented recreation,

''(B) ensure the integration of, and consistency among, the various activities conducted under the plan,

''(C) ensure that there is no net loss in the capability of installation lands to support the military mission of the installation,

''(D) provide for sustained use by the public of natural resources, to the extent that such use is not inconsistent with the military mission of the installation or the needs of fish and wildlife management,

''(E) provide the public access to the installation that is necessary or appropriate for that use, to the extent that access is not inconsistent with the military mission of the installation, and

''(F) provide for professional enforcement of natural resource laws and regulations;''; and

(5) in paragraph (4)(A), by striking out ''collect the fees therefor,'' and inserting in lieu thereof ''collect, spend, administer, and account for fees therefor,''.

(d) PUBLIC COMMENT.—Section 101 of the Sikes Act (16 U.S.C. 670a) is amended by adding at the end the following new subsection:

''(f) PUBLIC COMMENT.—The Secretary of Defense shall provide an opportunity for public comment on each integrated natural resource management plan prepared under subsection (a).''.

SEC. 2905. REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.

(a) REVIEW OF MILITARY INSTALLATIONS.—

(1) REVIEW.—The Secretary of each military department shall, by not later than nine months after the date of the enactment of this Act—

(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military installations for which the preparation of an integrated natural resource management plan under section 101 of the Sikes Act, as amended by this title, is appropriate; and

(B) submit to the Secretary of Defense a report on those determinations.

(2) REPORT TO CONGRESS.—The Secretary of Defense shall, by not later than 12 months after the date of the enactment of this Act, submit to the Congress a report on the reviews conducted under paragraph (1). The report shall include—

(A) a list of those military installations reviewed under paragraph (1) for which the Secretary of Defense determines the preparation of an integrated natural resource management plan is not appropriate; and

(B) for each of the military installations listed under subparagraph (A), an explanation of the reasons such a plan is not appropriate.

(b) DEADLINE FOR INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.—Not later than two years after the date of the submission of the report required under subsection (a)(2), the Secretary of Defense shall, for each military installation for which the Secretary has not determined under subsection (a)(2)(A) that preparation of an integrated natural resource management plan is not appropriate—

(1) prepare and begin implementing such a plan mutually agreed to by the Secretary of the

Interior and the head of the appropriate State agencies under section 101(a) of the Sikes Act, as amended by this title; or

(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of the enactment of this Act, complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to that plan that are necessary for the plan to constitute an integrated natural resource plan that complies with that section, as amended by this title.

(c) PUBLIC COMMENT.—The Secretary of Defense shall provide an opportunity for the submission of public comments on—

(1) integrated natural resource management plans proposed pursuant to subsection (b)(1); and

(2) changes to cooperative plans proposed pursuant to subsection (b)(2).

SEC. 2906. ANNUAL REVIEWS AND REPORTS.

Section 101 of the Sikes Act (16 U.S.C. 670a) is amended by adding after subsection (f) (as added by section 2904(d)) the following new subsection:

"(g) REVIEWS AND REPORTS.—

"(1) SECRETARY OF DEFENSE.—The Secretary of Defense shall, by not later than March 1 of each year, review the extent to which integrated natural resource management plans were prepared or in effect and implemented in accordance with this Act in the preceding year, and submit a report on the findings of that review to the committees. Each report shall include—

"(A) the number of integrated natural resource management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;

"(B) the amount of moneys expended on conservation activities conducted pursuant to those plans in the year covered by the report, including amounts expended under the Legacy Resource Management Program established under section 8120 of the Act of November 5, 1990 (Public Law 101–511; 104 Stat. 1905); and

"(C) an assessment of the extent to which the plans comply with the requirements of subsection (b)(1) and (2), including specifically the extent to which the plans ensure in accordance with subsection (b)(2)(C) that there is no net loss of lands to support the military missions of military installations.

"(2) SECRETARY OF THE INTERIOR.—The Secretary of the Interior, by not later than March 1 of each year and in consultation with State agencies responsible for conservation or management of fish or wildlife, shall submit a report to the committees on the amount of moneys expended by the Department of the Interior and those State agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resource management plans.

"(3) COMMITTEES DEFINED.—For purposes of this subsection, the term 'committees' means the Committee on Resources and the Committee on National Security of the House of Representatives and the Committee on Armed Services and the Committee on Environment and Public Works of the Senate.".

SEC. 2907. TRANSFER OF WILDLIFE CONSERVATION FEES FROM CLOSED MILITARY INSTALLATIONS.

Section 101(b)(4)(B) of the Sikes Act (16 U.S.C. 670a(b)(4)(B)) is amended by inserting before the period at the end the following: ", unless that military installation is subsequently closed, in which case the fees may be transferred to another military installation to be used for the same purposes".

SEC. 2908. FEDERAL ENFORCEMENT OF INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS AND ENFORCEMENT OF OTHER LAWS.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended—

(1) by redesignating section 106, as amended by section 2904(b), as section 109; and

(2) by inserting after section 105 the following new section:

"SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.

"All Federal laws relating to the conservation of natural resources on Federal lands may be enforced by the Secretary of Defense with respect to violations of those laws which occur on military installations within the United States.".

SEC. 2909. NATURAL RESOURCE MANAGEMENT SERVICES.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting after section 106 (as added by section 2908) the following new section:

"SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.

"The Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resource management personnel and natural resource law enforcement personnel are available and assigned responsibility to perform tasks necessary to comply with this Act, including the preparation and implementation of integrated natural resource management plans.".

SEC. 2910. DEFINITIONS.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting after section 107 (as added by section 2909) the following new section:

"SEC. 108. DEFINITIONS.

"In this title:

"(1) MILITARY INSTALLATION.—The term 'military installation'—

"(A) means any land or interest in land owned by the United States and administered by the Secretary of Defense or the Secretary of a military department; and

"(B) includes all public lands withdrawn from all forms of appropriation under public land laws and reserved for use by the Secretary of Defense or the Secretary of a military department.

"(2) STATE FISH AND WILDLIFE AGENCY.—The term 'State fish and wildlife agency' means an agency of State government that is responsible under State law for managing fish or wildlife resources.

"(3) UNITED STATES.—The term 'United States' means the States, the District of Columbia, and the territories and possessions of the United States.".

SEC. 2911. COOPERATIVE AGREEMENTS.

(a) COST SHARING.—Section 103a(b) of the Sikes Act (16 U.S.C. 670c–1(b)) is amended by striking out "matching basis" each place it appears and inserting in lieu thereof "cost-sharing basis".

(b) ACCOUNTING.—Section 103a(c) of the Sikes Act (16 U.S.C. 670c–1(c)) is amended by inserting before the period at the end the following: ", and shall not be subject to section 1535 of that title".

SEC. 2912. REPEAL OF SUPERSEDED PROVISION.

Section 2 of the Act of October 27, 1986 (Public Law 99–561; 16 U.S.C. 670a–1), is repealed.

SEC. 2913. CLERICAL AMENDMENTS.

Title I of the Sikes Act, as amended by this title, is amended—

(1) in the heading for the title by striking out "MILITARY RESERVATIONS" and inserting in lieu thereof "MILITARY INSTALLATIONS";

(2) in section 101(a) (16 U.S.C. 670a(a)), by striking out "the reservation" and inserting in lieu thereof "the installation";

(3) in section 101(b)(4) (16 U.S.C. 670a(b)(4))—

(A) in subparagraph (A), by striking out "the reservation" and inserting in lieu thereof "the installation"; and

(B) in subparagraph (B), by striking out "the military reservation" and inserting in lieu thereof "the military installation";

(4) in section 101(c) (16 U.S.C. 670a(c))—

(A) in paragraph (1), by striking out "a military reservation" and inserting in lieu thereof "a military installation"; and

(B) in paragraph (2), by striking out "the reservation" and inserting in lieu thereof "the installation";

(5) in section 102 (16 U.S.C. 670b), by striking out "military reservations" and inserting in lieu thereof "military installations"; and

(6) in section 103 (16 U.S.C. 670c)—

(A) by striking out "military reservations" and inserting in lieu thereof "military installations"; and

(B) by striking out "such reservations" and inserting in lieu thereof "such installations".

SEC. 2914. AUTHORIZATIONS OF APPROPRIATIONS.

(a) PROGRAMS ON MILITARY INSTALLATIONS.—Subsections (b) and (c) of section 109 of the Sikes Act (as redesignated by section 1408) are each amended by striking out "1983" and all that follows through "1993," and inserting in lieu thereof "1983 through 2000,".

(b) PROGRAMS ON PUBLIC LANDS.—Section 209 of the Sikes Act (16 U.S.C. 670o) is amended—

(1) in subsection (a), by striking out "the sum of $10,000,000" and all that follows through "to enable the Secretary of the Interior" and inserting in lieu thereof "$4,000,000 for each of fiscal years 1998 through 2000, to enable the Secretary of the Interior"; and

(2) in subsection (b), by striking out "the sum of $12,000,000" and all that follows through "to enable the Secretary of Agriculture" and inserting in lieu thereof "$5,000,000 for each of fiscal years 1998 through 2000, to enable the Secretary of Agriculture".

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $1,733,400,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,257,100,000, to be allocated as follows:

(A) For operation and maintenance, $1,158,290,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $98,810,000, to be allocated as follows:

Project 97–D–102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $46,300,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $19,810,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $13,400,000.

Project 96–D–105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, $19,300,000.

(2) For inertial fusion, $414,800,000, to be allocated as follows:

(A) For operation and maintenance, $217,000,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $197,800,000, to be allocated as follows:

Project 96–D–111, national ignition facility, location to be determined, $197,800,000.

(3) For technology transfer and education, $61,500,000, to be allocated as follows:

(A) For technology transfer, $52,500,000.

(B) For education, $9,000,000.

(b) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,024,150,000, to be allocated as follows:

(1) For operation and maintenance, $1,868,265,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $155,885,000, to be allocated as follows:

Project 98–D–123, stockpile management restructuring initiative, tritium factory modernization and consolidation, Savannah River Site, Aiken, South Carolina, $11,000,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $6,450,000.

Project 98–D–125, tritium extraction facility, Savannah River Site, Aiken, South Carolina, $9,650,000.

Project 98–D–126, accelerator production of tritium, various locations, $67,865,000.

Project 97–D–122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,200,000.

Project 97–D–124, steam plant wastewater treatment facility upgrade, Y–12 Plant, Oak Ridge, Tennessee, $1,900,000.

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $6,900,000.

Project 96–D–123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y–12 Plant, Oak Ridge, Tennessee, $2,700,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 Plant, Oak Ridge, Tennessee, $12,600,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 Plant, Oak Ridge, Tennessee, $1,400,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $2,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $2,100,000.

Project 92–D–126, replace emergency notification system, various locations, $3,200,000.

Project 88–D–122, facilities capability assurance program, various locations, $18,920,000.

(c) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out weapons activities necessary for national security programs in the amount of $208,500,000.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,000,973,000, of which $388,000,000 shall be allocated to the uranium enrichment decontamination and decommissioning fund.

(b) CLOSURE PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $905,800,000.

(c) WASTE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,536,344,000, to be allocated as follows:

(1) For operation and maintenance, $1,455,576,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $80,768,000, to be allocated as follows:

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $1,000,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $13,961,000.

Project 96–D–408, waste management upgrades, various locations, $8,200,000.

Project 95–D–402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $176,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Y–12 Plant, Oak Ridge, Tennessee, $3,800,000.

Project 95–D–407, 219–S secondary containment upgrade, Richland, Washington, $2,500,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $1,219,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $15,100,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $17,520,000.

Project 92–D–172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $5,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $1,042,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $11,250,000.

(d) TECHNOLOGY DEVELOPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $182,881,000.

(e) NUCLEAR MATERIALS AND FACILITIES STABILIZATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,244,021,000, to be allocated as follows:

(1) For operation and maintenance, $1,159,114,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $84,907,000, to be allocated as follows:

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $8,136,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering Laboratory, Idaho, $500,000.

Project 97–D–450, Actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $18,000,000.

Project 97–D–451, B-Plant safety class ventilation upgrades, Richland, Washington, $2,000,000.

Project 97–D–470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, $5,600,000.

Project 97–D–473, health physics site support facility, Savannah River Site, Aiken, South Carolina, $4,200,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $16,744,000.

Project 96–D–461, electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, $2,927,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $14,985,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,500,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River Site, South Carolina, $2,713,000.

Project 95–D–456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $602,000.

(f) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $288,251,000.

(g) POLICY AND MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for policy and management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $20,000,000.

(h) ENVIRONMENTAL SCIENCE PROGRAM.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for the environmental science program in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $55,000,000.

(i) HANFORD TANK WASTE VITRIFICATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for the Hanford Tank Waste Vitrification project, subject to the provisions of section 3145, in the amount of $70,000,000.

(j) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (h) reduced by the sum of $20,000,000, to be derived from non-safety-related contractor training expenses.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for other defense activities in carrying out programs necessary for national security in the amount of $1,512,551,000, to be allocated as follows:

(1) For verification and control technology, $428,600,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $190,000,000.

(B) For arms control, $205,000,000.

(C) For intelligence, $33,600,000.

(2) For nuclear safeguards and security, $47,200,000.

(3) For security investigations, $25,000,000.
(4) For emergency management, $17,000,000.
(5) For program direction, $68,900,000.
(6) For worker and community transition assistance, $22,000,000, to be allocated as follows:
(A) For worker and community transition, $20,000,000.
(B) For program direction, $2,000,000.
(7) For fissile materials control and disposition, $103,451,000, to be allocated as follows:
(A) For operation and maintenance, $99,451,000.
(B) For program direction, $4,000,000.
(8) For environment, safety, and health, defense, $73,000,000, to be allocated as follows:
(A) For the Office of Environment, Safety, and Health (Defense), $63,000,000.
(B) For program direction, $10,000,000.
(9) For the Office of Hearings and Appeals, $1,900,000.
(10) For nuclear energy, $47,000,000, to be allocated as follows:
(A) For nuclear technology research and development (electrometallurgical), $12,000,000.
(B) For international nuclear safety (Soviet-designed reactors), $25,000,000.
(C) For Russian plutonium reactor core conversion, $10,000,000.
(11) For naval reactors development, $678,500,000, to be allocated as follows:
(A) For operation and maintenance, $648,920,000.
(B) For program direction, $20,080,000.
(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $9,500,000, to be allocated as follows:
Project 98–D–200, site laboratory/facility upgrade, various locations, $1,200,000.
Project 97–D–201, advanced test reactor secondary coolant refurbishment, Idaho National Engineering Laboratory, Idaho, $4,100,000.
Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $1,100,000.
Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,100,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $190,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—
(1) in amounts that exceed, in a fiscal year—
(A) 110 percent of the amount authorized for that program by this title; or
(B) $1,000,000 more than the amount authorized for that program by this title; or
(2) which has not been presented to, or requested of, Congress.
(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.
(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.
(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.
(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.
(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—
(A) the amount authorized for the project; or
(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.
(2) An action described in paragraph (1) may be taken if—
(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and
(B) a period of 30 days has elapsed after the date on which the report is received by the committees.
(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.
(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.
(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.
(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.
(3) The authority provided by this section to transfer authorizations—
(A) may only be used to provide funds for items relating to weapons activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and
(B) may not be used to provide authority for an item that has been denied funds by Congress.
(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project. The Secretary shall submit to Congress a report on each conceptual design completed under this paragraph.
(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.
(3) The requirement in paragraph (1) does not apply to a request for funds—
(A) for a construction project the total estimated cost of which is less than $2,000,000; or
(B) for emergency planning, design, and construction activities under section 3126.
(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.
(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.
(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.
(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection

with all national security programs of the Department of Energy.

SEC. 3128. AUTHORITY RELATING TO TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project. Any such transfer may be made only once in a fiscal year to or from a program or project, and the amount transferred to or from a program or project may not exceed $5,000,000 in a fiscal year.

(b) DETERMINATION.—A transfer may not be carried out by a manager of a field office pursuant to the authority provided under subsection (a) unless the manager determines that such transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at that field office.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary of Energy, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such a transfer occurs.

(e) LIMITATION.—Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(f) DEFINITIONS.—In this section:

(1) The term "program or project" means, with respect to a field office of the Department of Energy, any of the following:

(A) A project listed in subsection (b) or (e) of section 3102 being carried out by the office.

(B) A program referred to in subsection (a), (b), (c), (e), or (g) of section 3102 being carried out by the office.

(C) A project or program not described in subparagraph (A) or (B) that is for environmental restoration or waste management activities necessary for national security programs of the Department of Energy, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term "defense environmental management funds" means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(g) DURATION OF AUTHORITY.—The authority provided under subsection (a) to a manager of a field office shall be in effect for the period beginning on October 1, 1997, and ending on September 30, 1998.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. BALLISTIC MISSILE DEFENSE NATIONAL LABORATORY PROGRAM.

(a) PROGRAM.—The Secretary of Energy shall establish a program for purposes of making available to the Secretary of Defense the expertise of the national laboratories for the ballistic missile defense programs of the Department of Defense.

(b) TASK FORCE.—The Secretary of Energy shall conduct the program through a task force consisting of the directors of the Los Alamos National Laboratory, the Sandia National Laboratories, and the Lawrence Livermore National Laboratory. The chairmanship of the task force shall rotate each year among the directors of the laboratories. The director of the Lawrence Livermore National Laboratory shall serve as the first chairman.

(c) ACTIVITIES.—Under the program, the national laboratories shall carry out those activities necessary to respond to requests for assistance from the Secretary of Defense with respect to the ballistic missile defense programs of the Department of Defense. Such activities may include the identification of technical modifications and test techniques, the analysis of physics problems, the consolidation of range and test activities, and the analysis and simulation of theater missile defense deployment problems.

(d) FUNDING.—Of the amounts authorized to be appropriated by section 3101(a)(1), $50,000,000 shall be available only for the program authorized by this section.

Subtitle D—Other Matters

SEC. 3141. PLAN FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.

(a) PLAN REQUIREMENT.—The Secretary of Energy shall develop and annually update a plan for maintaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, and program direction and shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum.

(b) PLAN ELEMENTS.—The plan and each update of the plan shall set forth the following:

(1) The number of warheads (including active and inactive warheads) for each type of warhead in the nuclear weapons stockpile.

(2) The current age of each warhead type, and any plans for stockpile lifetime extensions and modifications or replacement of each warhead type.

(3) The process by which the Secretary of Energy is assessing the lifetime, and requirements for lifetime extension or replacement, of the nuclear and nonnuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile.

(4) The process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile.

(5) Any concerns which would affect the ability of the Secretary of Energy to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads).

(c) ANNUAL SUBMISSION OF PLAN TO CONGRESS.—The Secretary of Energy shall submit to Congress the plan developed under subsection (a) not later than March 15, 1998, and shall submit an updated version of the plan not later than March 15 of each year thereafter. The plan shall be submitted in both classified and unclassified form.

(d) REPEAL OF SUPERSEDED REQUIREMENTS.—The following provisions of law are repealed:

(1) Subsection (d) of section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1947; 42 U.S.C. 2121 note).

(2) Section 3153 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 624; 42 U.S.C. 2121 note).

(3) Section 3159 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 626; 42 U.S.C. 7271b note).

(4) Section 3156 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2841; 42 U.S.C. 7271c).

SEC. 3142. REPEAL OF OBSOLETE REPORTING REQUIREMENTS.

The following provisions of law are repealed:

(1) Subsection (e) of section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2075; 42 U.S.C. 2121 note).

(2) Section 3143 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1681; 42 U.S.C. 7271a).

(3) Section 3134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2639).

SEC. 3143. REVISIONS TO DEFENSE NUCLEAR FACILITIES WORKFORCE RESTRUCTURING PLAN REQUIREMENTS.

(a) REPEAL OF PERIOD FOR NOTIFICATION OF CHANGES IN WORKFORCE.—Section 3161(c)(1) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h(c)(1)) is amended—

(1) by inserting "and" at the end of subparagraph (A); and

(2) by striking out subparagraph (B).

(b) REPEAL OF REQUIREMENTS FOR PLAN UPDATES AND SUBMISSION TO CONGRESS.—Subsections (e) and (f) of section 3161 of such Act are repealed.

(c) PROHIBITION ON USE OF FUNDS FOR LOCAL IMPACT ASSISTANCE.—None of the funds authorized to be appropriated to the Department of Energy pursuant to section 3103(6) may be used for local impact assistance from the Department of Energy under section 3161(c)(6) of such Act (42 U.S.C. 7274h(c)(6)).

(d) TREATMENT OF FEDERAL EMPLOYEES.—Section 3161 of such Act, as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(e) TREATMENT OF FEDERAL EMPLOYEES.—This section does not apply to employees of the Department of Energy.".

(e) EFFECT ON USEC PRIVATIZATION ACT.—Nothing in this section shall be construed as diminishing the obligations of the Secretary of Energy under section 3110(a)(5) of the USEC Privatization Act (Public Law 104–134; 110 Stat. 1321–341; 42 U.S.C. 2297h–8(a)(5)).

(f) TERMINATION.—Section 3161 of such Act (42 U.S.C. 7274h) is repealed, effective on September 30, 1999.

SEC. 3144. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 3161 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3095; 42 U.S.C. 7231 note) is amended—

(1) by striking out subsection (c); and

(2) in subsection (d)(1), by striking out "1997" and inserting in lieu thereof "1999".

SEC. 3145. REPORT ON PROPOSED CONTRACT FOR HANFORD TANK WASTE VITRIFICATION PROJECT.

(a) PRIOR NOTICE TO CONGRESSIONAL DEFENSE COMMITTEES BEFORE ENTERING INTO CONTRACT.—(1) The Secretary of Energy may not enter into a contract for the Hanford Tank Waste Vitrification project until—

(A) the Secretary submits a report on the proposed contract to the congressional defense committees; and

(B) a period of 30 days of continuous session of Congress has expired following the date on which the report is submitted.

(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 30-day period.

(b) REPORT.—A report under subsection (a)(1) shall include the following:

(A) A description of the activities to be carried out under the contract.

(B) A description of the funds expended, and the funds obligated but not expended, as of the

date of the report on remediation of Hanford tank waste since 1989.

(C) A description of the contractual and financial aspects of the contract, including any provisions relating to the risk of nonperformance and risk assumption by the United States and the contractor or contractors.

(D) An analysis of the cost to the United States of the proposed contract, including a detailed analysis of the annual budget authority and outlay requirements for the life of the project.

(E) If the proposed contract contemplates construction of two projects, an analysis of the basis for the selection of the two projects, and a detailed analysis of the costs to the United States of two projects compared to the costs to the United States of one project.

(F) If the proposed contract provides for financing of the project (or projects) by an entity or entities other than the United States, a detailed analysis of the costs of such financing compared to the costs of financing the project (or projects) by the United States.

SEC. 3146. LIMITATION ON CONDUCT OF SUBCRITICAL NUCLEAR WEAPONS TESTS.

The Secretary of Energy may not conduct any subcritical nuclear weapons tests using funds available to the Secretary for fiscal year 1998 until 30 days after the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a detailed report on the manner in which funds available to the Secretary for fiscal years 1996 and 1997 to conduct such tests were used.

SEC. 3147. LIMITATION ON USE OF CERTAIN FUNDS UNTIL FUTURE USE PLANS ARE SUBMITTED.

(a) LIMITATION.—The Secretary of Energy may not use more than 80 percent of the funds available to the Secretary pursuant to the authorization of appropriations in section 3102(f) (relating to policy and management) until the Secretary submits the plans described in subsection (b).

(b) PLANS.—The plans referred to in subsection (a) are the draft future use plan and the final future use plan required under section 3153(f) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2840; 42 U.S.C. 7274k).

SEC. 3148. PLAN FOR EXTERNAL OVERSIGHT OF NATIONAL LABORATORIES.

(a) PLAN REQUIREMENT.—The Secretary of Energy, acting through the Assistant Secretary for Defense Programs, shall develop a plan for the external oversight of the national laboratories.

(b) PLAN ELEMENTS.—The plan shall—

(1) provide for the establishment of an external oversight committee comprised of representatives of industry and academia for the purpose of making recommendations to the Secretary of Energy and the congressional defense committees on the productivity of the laboratories and on the excellence, relevance, and appropriateness of the research conducted by the laboratories; and

(2) provide for the establishment of a competitive peer review process for funding basic research at the laboratories.

(c) SUBMISSION TO CONGRESS.—The Secretary of Energy shall submit the plan to the congressional defense committees not later than 120 days after the date of the enactment of this Act.

(d) NATIONAL LABORATORIES COVERED.—For purposes of this section, the national laboratories are—

(1) the Lawrence Livermore National Laboratory, Livermore, California;

(2) the Los Alamos National Laboratory, Los Alamos, New Mexico;

(3) the Sandia National Laboratories, Albuquerque, New Mexico; and

(4) the Nevada Test Site.

SEC. 3149. UNIVERSITY-BASED RESEARCH CENTER.

(a) FINDINGS.—The Congress finds the following:

(1) The maintenance of scientific and engineering competence in the United States is vital to long-term national security and the defense and national security missions of the Department of Energy.

(2) Engaging the universities and colleges of the Nation in research on long-range problems of vital national security interest will be critical to solving the technology challenges faced within the defense and national programs of the Department of Energy in the next century.

(3) Enhancing collaboration among the national laboratories, universities and colleges, and industry will contribute significantly to the performance of these Department of Energy missions.

(b) CENTER.—The Secretary of Energy shall establish a university-based research center at a location that can develop the most effective collaboration among national laboratories, universities and colleges, and industry in support of scientific and engineering advancement in key Department of Energy defense program areas.

(c) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy in fiscal year 1998, the Secretary shall make $5,000,000 available for the establishment and operation of the Center.

SEC. 3150. STOCKPILE STEWARDSHIP PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Eliminating the threat posed by nuclear weapons to the United States is an important national security goal.

(2) As long as nuclear threats remain, the nuclear deterrent of the United States must be effective and reliable.

(3) A safe, secure, effective, and reliable United States nuclear stockpile is central to the current nuclear deterrence strategy of the United States.

(4) The Secretary of Energy has undertaken a stockpile stewardship and management program to ensure the safety, security, effectiveness, and reliability of the nuclear weapons stockpile of the United States, consistent with all United States treaty requirements and the requirements of the nuclear deterrence strategy of the United States.

(5) It is the policy of the current administration that new nuclear weapon designs are not required to effectively implement the nuclear deterrence strategy of the United States.

(b) POLICY.—It is the policy of the United States that—

(1) activities of the stockpile stewardship program shall be directed toward ensuring that the United States possesses a safe, secure, effective, and reliable nuclear stockpile, consistent with the national security requirements of the United States; and

(2) stockpile stewardship activities of the United States shall be conducted in conformity with the terms of the Treaty on the Non-Proliferation of Nuclear Weapons (TIAS 6839) and the Comprehensive Test Ban Treaty signed by the President on September 24, 1996, when and if that treaty enters into force.

SEC. 3151. REPORTS ON ADVANCED SUPERCOMPUTER SALES TO CERTAIN FOREIGN NATIONS.

(a) REPORTS.—The Secretary of Energy shall require that any company that is a participant in the Accelerated Strategic Computing Initiative (ASCI) program of the Department of Energy report to the Secretary and to the Secretary of Defense each sale by that company to a country designated as a Tier III country of a computer capable of operating at a speed in excess of 2,000,000 theoretical operations per second (MTOPS). The report shall include a description of the following with respect to each such sale:

(1) The anticipated end-use of the computer sold.

(2) The software included with the computer.

(3) Any arrangement under the terms of the sale regarding—

(A) upgrading the computer;

(B) servicing of the computer; or

(C) the furnishing of spare parts for the computer.

(b) COVERED COUNTRIES.—For purposes of this section, the countries designated as Tier III countries are the countries listed as "computer tier 3" eligible countries in part 740.7 of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997 (or any successor list).

(c) QUARTERLY SUBMISSION OF REPORTS.—The Secretary of Energy shall require that reports under subsection (a) be submitted quarterly.

(d) ANNUAL REPORT.—The Secretary of Energy shall submit to Congress an annual report containing all information received under subsection (a) during the preceding year. The first annual report shall be submitted not later than July 1, 1998.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1998, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. PLAN FOR TRANSFER OF FACILITIES FROM JURISDICTION OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD TO JURISDICTION OF NUCLEAR REGULATORY COMMISSION.

(a) PLAN REQUIREMENT.—(1) The Defense Nuclear Facilities Safety Board (in this section referred to as the "Board") shall develop, in consultation with the Secretary of Energy and the Nuclear Regulatory Commission, a plan for—

(A) increasing the authority of the Nuclear Regulatory Commission to include the regulation of Department of Energy defense nuclear facilities; and

(B) decreasing or eliminating the functions of the Board with respect to such facilities under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

(2) The plan shall be submitted to Congress not later than six months after the date of the enactment of this Act.

(b) PLAN ELEMENTS.—The plan shall include the following:

(1) A list of facilities as described in subsection (c).

(2) A schedule for the orderly transfer of such facilities from the jurisdiction of the Board to the jurisdiction of the Nuclear Regulatory Commission.

(3) Recommendations on the order in which the facilities should be transferred, including such recommendations as the Board considers appropriate with respect to the suitability of the various facilities for transfer and the appropriateness for the various facilities of the schedule for conducting the transfer.

(4) Such other provisions as the Board considers necessary to carry out an orderly transfer under paragraph (2).

(c) LIST OF FACILITIES.—The plan shall contain a list of all Department of Energy defense nuclear facilities, grouped according to the following criteria:

(1) Facilities that are similar to facilities regulated by the Nuclear Regulatory Commission on the date of the enactment of this Act.

(2) Facilities that are in compliance with Department of Energy nuclear safety requirements

and Board recommendations in existence on the date of the enactment of this Act.

(3) Facilities the regulation of which would involve the Nuclear Regulatory Commission in unique national security interests, including the classified design and configuration of a nuclear weapon or explosive device.

(d) FACILITY DEFINED.—In this section, the term "Department of Energy defense nuclear facility" has the meaning provided by section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g), except that the term includes such a facility that is under construction or is planned by the Secretary of Energy to be constructed.

(e) REPEAL OF PROHIBITION ON USE OF FUNDS.—Section 210 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (42 U.S.C. 7272) is repealed.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 1998, the National Defense Stockpile Manager may obligate up to $73,000,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. DISPOSAL OF BERYLLIUM COPPER MASTER ALLOY IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZATION.—Pursuant to section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), the National Defense Stockpile Manager may dispose of all beryllium copper master alloy from the National Defense Stockpile provided for in section 4 of such Act (50 U.S.C. 98c) as part of continued efforts to modernize the Stockpile.

(b) PRECONDITION FOR DISPOSAL.—Before beginning the disposal of beryllium copper master alloy under subsection (a), the National Defense Stockpile Manager shall certify to Congress that the disposal of beryllium copper master alloy will not adversely affect the capability of the National Defense Stockpile to supply the strategic and critical material needs of the United States.

(c) CONSULTATION WITH MARKET IMPACT COMMITTEE.—In disposing of beryllium copper master alloy under subsection (a), the National Defense Stockpile Manager shall consult with the Market Impact Committee established under section 10(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1(c)) to ensure that the disposal of beryllium copper master alloy does not disrupt the domestic beryllium industry.

(d) EXTENDED SALES CONTRACTS.—The National Defense Stockpile Manager shall provide for the use of long-term sales contracts for the disposal of beryllium copper master alloy under subsection (a) so that the domestic beryllium industry can re-absorb this material into the market in a gradual and nondisruptive manner. However, no such contract shall provide for the disposal of beryllium copper master alloy over a period longer than eight years, beginning on the date of the commencement of the first contract under this section.

(e) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding beryllium copper master alloy.

(f) BERYLLIUM COPPER MASTER ALLOY DEFINED.—For purposes of this section, the term "beryllium copper master alloy" means an alloy of nominally four percent beryllium in copper.

SEC. 3303. DISPOSAL OF TITANIUM SPONGE IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (b), the National Defense Stockpile Manager shall dispose of 34,800 short tons of titanium sponge contained in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) and excess to stockpile requirements.

(b) CONSULTATION WITH MARKET IMPACT COMMITTEE.—In disposing of titanium sponge under subsection (a), the National Defense Stockpile Manager shall consult with the Market Impact Committee established under section 10(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1(c)) to ensure that the disposal of titanium sponge does not disrupt the domestic titanium industry.

(c) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding titanium sponge.

SEC. 3304. CONDITIONS ON TRANSFER OF STOCKPILED PLATINUM RESERVES FOR TREASURY USE.

(a) IMPOSITION OF CONDITIONS.—Any transfer of platinum contained in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) to the Secretary of the Treasury for use to mint and issue bullion and proof platinum coins or for any other purpose shall be subject to the conditions contained in this section.

(b) YEARLY LIMITATION.—The quantity of platinum transferred from the stockpile to the Secretary of the Treasury may not exceed 200,000 troy ounces during any fiscal year, of which not more than 81,600 troy ounces per year may be platinum of the highest quality specification.

(c) REPLACEMENT UPON NOTICE.—The Secretary of the Treasury shall replace platinum received from the stockpile within one year after receiving notice from the Secretary of Defense specifying the quantity and quality of transferred platinum to be replaced and the need for replacement.

(d) COSTS.—Any transfer of platinum from the stockpile to the Secretary of the Treasury shall be made without the expenditure of any funds available to the Department of Defense. The Secretary of the Treasury shall be responsible for all costs incurred in connection with the transfer, subsequent to the transfer, or in connection with the replacement of the transferred platinum, such as transportation, storage, testing, refining, or casting costs.

SEC. 3305. RESTRICTIONS ON DISPOSAL OF CERTAIN MANGANESE FERRO.

(a) REQUIREMENT FOR REMELTING BY DOMESTIC FERROALLOY PRODUCERS.—High carbon manganese ferro in the National Defense Stockpile that does not meet the National Defense Stockpile classification of Grade One, Specification 30(a), as revised May 22, 1992, may be sold only for remelting by a domestic ferroalloy producer unless the President determines that a domestic ferroalloy producer is not available to acquire the material. After the date of the enactment of this Act, the President may not reclassify high carbon manganese ferro stored in the National Defense Stockpile as of that date.

(b) DOMESTIC FERROALLOY PRODUCER DEFINED.—For purposes of this section, the term "domestic ferroalloy producer" means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade manganese ores of metallurgical grade or manganese ferro; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

(c) CONSULTATION WITH MARKET IMPACT COMMITTEE.—In disposing of high carbon manganese ferro in the National Defense Stockpile, the National Defense Stockpile Manager shall consult with the Market Impact Committee established under section 10(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1(c)) to ensure that the disposal of high carbon manganese ferro does not disrupt the domestic manganese ferro industry.

(d) CONFORMING REPEAL.—Section 3304 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 629) is repealed.

SEC. 3306. REQUIRED PROCEDURES FOR DISPOSAL OF STRATEGIC AND CRITICAL MATERIALS.

Section 6(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(b)) is amended in the first sentence by striking out "materials from the stockpile shall be made by formal advertising or competitive negotiation procedures." and inserting in lieu thereof "strategic and critical materials from the stockpile shall be made in accordance with the next sentence.".

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $117,000,000 for fiscal year 1998 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3402. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1998.

Notwithstanding section 7430(b)(2) of title 10, United States Code, during fiscal year 1998, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at a price not less than 90 percent of the current sales price, as estimated by the Secretary of Energy, of comparable petroleum in the same area.

SEC. 3403. TERMINATION OF ASSIGNMENT OF NAVY OFFICERS TO OFFICE OF NAVAL PETROLEUM AND OIL SHALE RESERVES.

(a) TERMINATION OF ASSIGNMENT REQUIREMENT.—Section 2 of Public Law 96–137 (42 U.S.C. 7156a) is repealed.

(b) EFFECT ON EXISTING ASSIGNMENTS.—In the case of an officer of the Navy assigned, as of the date of the enactment of this Act, to a management position within the Office of Naval Petroleum and Oil Shale Reserves, the Secretary of the Navy may continue such assignment notwithstanding the repeal of section 2 of Public Law 96–137 (42 U.S.C. 7156a), except that such assignment may not extend beyond the date of the sale of Naval Petroleum Reserve Numbered 1 (Elk Hills) pursuant to subtitle B of title XXXIV of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note).

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Expenditures From Revolving Fund

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the ''Panama Canal Commission Authorization Act for Fiscal Year 1998''.

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1998.

(b) LIMITATIONS.—For fiscal year 1998, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $85,000 for official reception and representation expenses, of which—

(1) not more than $23,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $12,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $50,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles built in the United States, the purchase price of which shall not exceed $22,000 per vehicle.

SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Subtitle B—Facilitation of Panama Canal Transition

SEC. 3511. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the ''Panama Canal Transition Facilitation Act of 1997''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.).

SEC. 3512. DEFINITIONS RELATING TO CANAL TRANSITION.

Section 3 (22 U.S.C. 3602) is amended by adding at the end the following new subsection:

''(d) For purposes of this Act:

''(1) The term 'Canal Transfer Date' means December 31, 1999, such date being the date specified in the Panama Canal Treaty of 1977 for the transfer of the Panama Canal from the United States of America to the Republic of Panama.

''(2) The term 'Panama Canal Authority' means the entity created by the Republic of Panama to succeed the Panama Canal Commission as of the Canal Transfer Date.''.

PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND EMPLOYEES

SEC. 3521. AUTHORITY FOR THE ADMINISTRATOR OF THE COMMISSION TO ACCEPT APPOINTMENT AS THE ADMINISTRATOR OF THE PANAMA CANAL AUTHORITY.

(a) AUTHORITY FOR DUAL ROLE.—Section 1103 (22 U.S.C. 3613) is amended by adding at the end the following new subsection:

''(c) The Congress consents, for purposes of the 8th clause of article I, section 9 of the Constitution of the United States, to the acceptance by the individual serving as Administrator of the Commission of appointment by the Republic of Panama to the position of Administrator of the Panama Canal Authority. Such consent is effective only if that individual, while serving in both such positions, serves as Administrator of the Panama Canal Authority without compensation, except for payments by the Republic of Panama of travel and entertainment expenses, including per diem payments.''.

(b) WAIVER OF CERTAIN CONFLICT-OF-INTEREST STATUTES.—Such section is further amended by adding at the end the following new subsections:

''(d) The Administrator, with respect to participation in any matter as Administrator of the Panama Canal Commission (whether such participation is before, on, or after the date of the enactment of the Panama Canal Transition Facilitation Act of 1997), shall not be subject to section 208 of title 18, United States Code, insofar as the matter relates to prospective employment as Administrator of the Panama Canal Authority.

''(e) If the Republic of Panama appoints as the Administrator of the Panama Canal Authority the individual serving as the Administrator of the Commission and if that individual accepts the appointment—

''(1) the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), shall not apply to that individual with respect to service as the Administrator of the Panama Canal Authority;

''(2) that individual, with respect to participation in any matter as the Administrator of the Panama Canal Commission, is not subject to section 208 of title 18, United States Code, insofar as the matter relates to service as, or performance of the duties of, the Administrator of the Panama Canal Authority; and

''(3) that individual, with respect to official acts performed as the Administrator of the Panama Canal Authority, is not subject to the following:

''(A) Sections 203 and 205 of title 18, United States Code.

''(B) Effective upon termination of the individual's appointment as Administrator of the Panama Canal Commission at noon on the Canal Transfer Date, section 207 of title 18, United States Code.

''(C) Sections 501(a) and 502(a)(4) of the Ethics in Government Act of 1978 (5 U.S.C. App.), with respect to compensation received for, and service in, the position of Administrator of the Panama Canal Authority.''.

SEC. 3522. POST-CANAL TRANSFER PERSONNEL AUTHORITIES.

(a) WAIVER OF CERTAIN POST-EMPLOYMENT RESTRICTIONS FOR COMMISSION PERSONNEL BECOMING EMPLOYEES OF THE PANAMA CANAL AUTHORITY.—Section 1112 (22 U.S.C. 3622) is amended by adding at the end the following new subsection:

''(e) Effective as of the Canal Transfer Date, section 207 of title 18, United States Code, shall not apply to an individual who is an officer or employee of the Panama Canal Authority, but only with respect to official acts of that individual as an officer or employee of the Authority and only in the case of an individual who was an officer or employee of the Commission and whose employment with the Commission was terminated at noon on the Canal Transfer Date.''.

(b) CONSENT OF CONGRESS FOR ACCEPTANCE BY RESERVE AND RETIRED MEMBERS OF THE ARMED FORCES OF EMPLOYMENT BY PANAMA CANAL AUTHORITY.—Such section is further amended by adding after subsection (e), as added by subsection (a), the following new subsection:

''(f)(1) The Congress consents to the following persons accepting civil employment (and compensation for that employment) with the Panama Canal Authority for which the consent of the Congress is required by the last paragraph of section 9 of article I of the Constitution of the United States, relating to acceptance of emoluments, offices, or titles from a foreign government:

''(A) Retired members of the uniformed services.

''(B) Members of a reserve component of the armed forces.

''(C) Members of the Commisioned Reserve Corps of the Public Health Service.

''(2) The consent of the Congress under paragraph (1) is effective without regard to subsection (b) of section 908 of title 37, United States Code (relating to approval required for employment of Reserve and retired members by foreign governments).''.

SEC. 3523. ENHANCED AUTHORITY OF COMMISSION TO ESTABLISH COMPENSATION OF COMMISSION OFFICERS AND EMPLOYEES.

(a) REPEAL OF LIMITATIONS ON COMMISSION AUTHORITY.—The following provisions are repealed:

(1) Section 1215 (22 U.S.C. 3655), relating to basic pay.

(2) Section 1219 (22 U.S.C. 3659), relating to salary protection upon conversion of pay rate.

(3) Section 1225 (22 U.S.C. 3665), relating to minimum level of pay and minimum annual increases.

(b) SAVINGS PROVISION.—Section 1202 (22 U.S.C. 3642) is amended by adding at the end the following new subsection:

''(c) In the case of an individual who is an officer or employee of the Commission on the day before the date of the enactment of the Panama Canal Transition Facilitation Act of 1997 and who has not had a break in service with the Commission since that date, the rate of basic pay for that officer or employee on or after that date may not be less than the rate in effect for that officer or employee on the day before that date of enactment except—

''(1) as provided in a collective bargaining agreement;

''(2) as a result of an adverse action against the officer or employee; or

''(3) pursuant to a voluntary demotion.''.

(c) CROSS-REFERENCE AMENDMENTS.—(1) Section 1216 (22 U.S.C. 3656) is amended by striking out ''1215'' and inserting in lieu thereof ''1202''.

(2) Section 1218 (22 U.S.C. 3658) is amended by striking out ''1215'' and ''1217'' and inserting in lieu thereof ''1202'' and ''1217(a)'', respectively.

SEC. 3524. TRAVEL, TRANSPORTATION, AND SUBSISTENCE EXPENSES FOR COMMISSION PERSONNEL NO LONGER SUBJECT TO FEDERAL TRAVEL REGULATION.

(a) REPEAL OF APPLICABILITY OF TITLE 5 PROVISIONS.—(1) Section 1210 (22 U.S.C. 3650) is amended by striking out subsections (a), (b), and (c).

(2) Section 1224 (22 U.S.C. 3664) is amended—

(A) by striking out paragraph (10); and

(B) by redesignating paragraphs (11) through (20) as paragraphs (10) through (19), respectively.

(b) CONFORMING AMENDMENTS.—(1) Section 1210 is further amended—

(A) by redesignating subsection (d)(1) as subsection (a) and in that subsection striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)"; and

(B) by redesignating subsection (d)(2) as subsection (b) and in that subsection—

(i) striking out "Notwithstanding paragraph (1), an" and inserting in lieu thereof "An"; and

(ii) striking out "referred to in paragraph (1)" and inserting in lieu thereof "who is a citizen of the Republic of Panama".

(2) The heading of such section is amended to read as follows:

"AIR TRANSPORTATION".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1999.

SEC. 3525. ENHANCED RECRUITMENT AND RETENTION AUTHORITIES.

(a) RECRUITMENT, RELOCATION, AND RETENTION BONUSES.—Section 1217 (22 U.S.C. 3657) is amended—

(1) by redesignating subsection (c) as subsection (e);

(2) in subsection (e) (as so redesignated), by striking out "for the same or similar work performed in the United States by individuals employed by the Government of the United States" and inserting in lieu thereof "of the individual to whom the compensation is paid"; and

(3) by inserting after subsection (b) the following new subsections:

"(c)(1) The Commission may pay a recruitment bonus to an individual who is newly appointed to a position with the Commission, or a relocation bonus to an employee of the Commission who must relocate to accept a position, if the Commission determines that the Commission would be likely, in the absence of such a bonus, to have difficulty in filling the position.

"(2) A recruitment or relocation bonus may be paid to an employee under this subsection only if the employee enters into an agreement with the Commission to complete a period of employment with the Commission established by the Commission. If the employee voluntarily fails to complete such period of employment or is separated from service in such employment as a result of an adverse action before the completion of such period, the employee shall repay the entire amount of the bonus.

"(3) A relocation bonus under this subsection may be paid as a lump sum. A recruitment bonus under this subsection shall be paid on a pro rata basis over the period of employment covered by the agreement under paragraph (2). A bonus under this subsection may not be considered to be part of the basic pay of an employee.

"(d)(1) The Commission may pay a retention bonus to an employee of the Commission if the Commission determines that—

"(A) the employee has unusually high or unique qualifications and those qualifications make it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date, or the Commission otherwise has a special need for the services of the employee making it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date; and

"(B) the employee would be likely to leave employment with the Commission before the end of that period if the retention bonus is not paid.

"(2) A retention bonus under this subsection—

"(A) shall be in a fixed amount;

"(B) shall be paid on a pro rata basis (over the period specified by the Commission as essential for the retention of the employee), with such payments to be made at the same time and in the same manner as basic pay; and

"(C) may not be considered to be part of the basic pay of an employee.

"(3) A decision by the Commission to exercise or to not exercise the authority to pay a bonus under this subsection shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.".

(b) EDUCATIONAL SERVICES.—Section 1321(e)(2) (22 U.S.C. 3731(e)(2)) is amended by striking out "and persons" and inserting in lieu thereof ", to other Commission employees when determined by the Commission to be necessary for their recruitment or retention, and to other persons".

SEC. 3526. TRANSITION SEPARATION INCENTIVE PAYMENTS.

Chapter 2 of title I (22 U.S.C. 3641 et seq.) is amended by adding at the end of subchapter III the following new section:

"TRANSITION SEPARATION INCENTIVE PAYMENTS

"SEC. 1233. (a) In applying to the Commission and employees of the Commission the provisions of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104–208; 110 Stat. 3009–383), relating to voluntary separation incentives for employees of certain Federal agencies (in this section referred to as 'section 663')—

"(1) the term 'employee' shall mean an employee of the Commission who has served in the Republic of Panama in a position with the Commission for a continuous period of at least three years immediately before the employee's separation under an appointment without time limitation and who is covered under the Civil Service Retirement System or the Federal Employees' Retirement System under subchapter III of chapter 83 or chapter 84, respectively, of title 5, United States Code, other than—

"(A) an employee described in any of subparagraphs (A) through (F) of subsection (a)(2) of section 663; or

"(B) an employee of the Commission who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 1217(c) of this Act or who, within the 12-month period preceding the date of separation, received a retention bonus under section 1217(d) of this Act;

"(2) the strategic plan under subsection (b) of section 663 shall include (in lieu of the matter specified in subsection (b)(2) of that section)—

"(A) the positions to be affected, identified by occupational category and grade level;

"(B) the number and amounts of separation incentive payments to be offered; and

"(C) a description of how such incentive payments will facilitate the successful transfer of the Panama Canal to the Republic of Panama;

"(3) a separation incentive payment under section 663 may be paid to a Commission employee only to the extent necessary to facilitate the successful transfer of the Panama Canal by the United States of America to the Republic of Panama as required by the Panama Canal Treaty of 1977;

"(4) such a payment—

"(A) may be in an amount determined by the Commission not to exceed $25,000; and

"(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of an eligible employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section or during the period beginning on October 1, 1998, and ending on December 31, 1998;

"(5) in the case of not more than 15 employees who (as determined by the Commission) are unwilling to work for the Panama Canal Authority after the Canal Transfer Date and who occupy critical positions for which (as determined by the Commission) at least two years of experience is necessary to ensure that seasoned managers are in place on and after the Canal Transfer Date, such a payment (notwithstanding paragraph (4))—

"(A) may be in an amount determined by the Commission not to exceed 50 percent of the basic pay of the employee; and

"(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of such an employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section; and

"(6) the provisions of subsection (f) of section 663 shall not apply.

"(b) A decision by the Commission to exercise or to not exercise the authority to pay a transition separation incentive under this section shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.".

SEC. 3527. LABOR-MANAGEMENT RELATIONS.

Section 1271 (22 U.S.C. 3701) is amended by adding at the end the following new subsection:

"(c)(1) This subsection applies to any matter that becomes the subject of collective bargaining between the Commission and the exclusive representative for any bargaining unit of employees of the Commission during the period beginning on the date of the enactment of this subsection and ending on the Canal Transfer Date.

"(2)(A) The resolution of impasses resulting from collective bargaining between the Commission and any such exclusive representative during that period shall be conducted in accordance with such procedures as may be mutually agreed upon between the Commission and the exclusive representative (without regard to any otherwise applicable provisions of chapter 71 of title 5, United States Code). Such mutually agreed upon procedures shall become effective upon transmittal by the Chairman of the Commission to the Congress of notice of the agreement to use those procedures and a description of those procedures.

"(B) The Federal Services Impasses Panel shall not have jurisdiction to resolve any impasse between the Commission and any such exclusive representative in negotiations over a procedure for resolving impasses.

"(3) If the Commission and such an exclusive representative do not reach an agreement concerning a procedure for resolving impasses with respect to a bargaining unit and transmit notice of the agreement under paragraph (2) on or before July 1, 1998, the following shall be the procedure by which collective bargaining impasses between the Commission and the exclusive representative for that bargaining unit shall be resolved:

"(A) If bargaining efforts do not result in an agreement, the parties shall request the Federal Mediation and Conciliation Service to assist in achieving an agreement.

"(B) If an agreement is not reached within 45 days after the date on which either party requests the assistance of the Federal Mediation and Conciliation Service in writing (or within such shorter period as may be mutually agreed upon by the parties), the parties shall be considered to be at an impasse and shall request the Federal Services Impasses Panel of the Federal Labor Relations Authority to decide the impasse.

"(C) If the Federal Services Impasses Panel fails to issue a decision within 90 days after the date on which its services are requested (or within such shorter period as may be mutually agreed upon by the parties), the efforts of the Panel shall be terminated.

"(D) In such a case, the Chairman of the Panel (or another member in the absence of the

Chairman) shall immediately determine the matter by a drawing (conducted in such manner as the Chairman (or, in the absence of the Chairman, such other member) determines appropriate) between the last offer of the Commission and the last offer of the exclusive representative, with the offer chosen through such drawing becoming the binding resolution of the matter.

"(4) In the case of a notice of agreement described in paragraph (2)(A) that is transmitted to the Congress as described in the second sentence of that paragraph after July 1, 1998, the impasse resolution procedures covered by that notice shall apply to any impasse between the Commission and the other party to the agreeement that is unresolved on the date on which that notice is transmitted to the Congress.".

SEC. 3528. AVAILABILITY OF PANAMA CANAL REVOLVING FUND FOR SEVERANCE PAY FOR CERTAIN EMPLOYEES SEPARATED BY PANAMA CANAL AUTHORITY AFTER CANAL TRANSFER DATE.

(a) AVAILABILITY OF REVOLVING FUND.—Section 1302(a) (22 U.S.C. 3712(a)) is amended by adding at the end the following new paragraph:

"(10) Payment to the Panama Canal Authority, not later than the Canal Transfer Date, of such amount as is computed by the Commission to be the future amount of severance pay to be paid by the Panama Canal Authority to employees whose employment with the Authority is terminated, to the extent that such severance pay is attributable to periods of service performed with the Commission before the Canal Transfer Date (and assuming for purposes of such computation that the Panama Canal Authority, in paying severance pay to terminated employees, will provide for crediting of periods of service with the Commission).".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking out "for—" in the matter preceding paragraph (1) and inserting in lieu thereof "for the following purposes:";

(2) by capitalizing the initial letter of the first word in each of paragraphs (1) through (9);

(3) by striking out the semicolon at the end of each of paragraphs (1) through (7) and inserting in lieu thereof a period; and

(4) by striking out "; and" at the end of paragraph (8) and inserting in lieu thereof a period.

PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL

SEC. 3541. ESTABLISHMENT OF PROCUREMENT SYSTEM AND BOARD OF CONTRACT APPEALS.

Title III of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after the title heading the following new chapter:

"CHAPTER 1—PROCUREMENT

"PROCUREMENT SYSTEM

"SEC. 3101. (a) PANAMA CANAL ACQUISITION REGULATION.—(1) The Commission shall establish by regulation a comprehensive procurement system. The regulation shall be known as the 'Panama Canal Acquisition Regulation' (in this section referred to as the 'Regulation') and shall provide for the procurement of goods and services by the Commission in a manner that—

"(A) applies the fundamental operating principles and procedures in the Federal Acquisition Regulation;

"(B) uses efficient commercial standards of practice; and

"(C) is suitable for adoption and uninterrupted use by the Republic of Panama after the Canal Transfer Date.

"(2) The Regulation shall contain provisions regarding the establishment of the Panama Canal Board of Contract Appeals described in section 3102.

"(b) SUPPLEMENT TO REGULATION.—The Commission shall develop a Supplement to the Regulation (in this section referred to as the 'Supplement') that identifies both the provisions of Federal law applicable to procurement of goods and services by the Commission and the provisions of Federal law waived by the Commission under subsection (c).

"(c) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the Commission shall determine which provisions of Federal law should not apply to procurement by the Commission and may waive those laws for purposes of the Regulation and Supplement.

"(2) For purposes of paragraph (1), the Commission may not waive—

"(A) section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423);

"(B) the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), other than section 10(a) of such Act (41 U.S.C 609(a)); or

"(C) civil rights, environmental, or labor laws.

"(d) CONSULTATION WITH ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.—In establishing the Regulation and developing the Supplement, the Commission shall consult with the Administrator for Federal Procurement Policy.

"(e) EFFECTIVE DATE.—The Regulation and the Supplement shall take effect on the date of publication in the Federal Register, or January 1, 1999, whichever is earlier.

"PANAMA CANAL BOARD OF CONTRACT APPEALS

"SEC. 3102. (a) ESTABLISHMENT.—(1) The Secretary of Defense, in consultation with the Commission, shall establish a board of contract appeals, to be known as the Panama Canal Board of Contract Appeals, in accordance with section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607). Except as otherwise provided by this section, the Panama Canal Board of Contract Appeals (in this section referred to as the 'Board') shall be subject to the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) in the same manner as any other agency board of contract appeals established under that Act.

"(2) The Board shall consist of three members. At least one member of the Board shall be licensed to practice law in the Republic of Panama. Individuals appointed to the Board shall take an oath of office, the form of which shall be prescribed by the Secretary of Defense.

"(b) EXCLUSIVE JURISDICTION TO DECIDE APPEALS.—Notwithstanding section 10(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)(1)) or any other provision of law, the Board shall have exclusive jurisdiction to decide an appeal from a decision of a contracting officer under section 8(d) of such Act (41 U.S.C. 607(d)).

"(c) EXCLUSIVE JURISDICTION TO DECIDE PROTESTS.—The Board shall decide protests submitted to it under this subsection by interested parties in accordance with subchapter V of title 31, United States Code. Notwithstanding section 3556 of that title, section 1491(b) of title 28, United States Code, and any other provision of law, the Board shall have exclusive jurisdiction to decide such protests. For purposes of this subsection—

"(1) except as provided in paragraph (2), each reference to the Comptroller General in sections 3551 through 3555 of title 31, United States Code, is deemed to be a reference to the Board;

"(2) the reference to the Comptroller General in section 3553(d)(3)(C)(ii) of such title is deemed to be a reference to both the Board and the Comptroller General;

"(3) the report required by paragraph (1) of section 3554(e) of such title shall be submitted to the Comptroller General as well as the committees listed in such paragraph;

"(4) the report required by paragraph (2) of such section shall be submitted to the Comptroller General as well as Congress; and

"(5) section 3556 of such title shall not apply to the Board, but nothing in this subsection shall affect the right of an interested party to file a protest with the appropriate contracting officer.

"(d) PROCEDURES.—The Board shall prescribe such procedures as may be necessary for the expeditious decision of appeals and protests under subsections (b) and (c).

"(e) COMMENCEMENT.—The Board shall begin to function as soon as it has been established and has prescribed procedures under subsection (d), but not later than January 1, 1999.

"(f) TRANSITION.—The Board shall have jurisdiction under subsection (b) and (c) over any appeals and protests filed on or after the date on which the Board begins to function. Any appeals and protests filed before such date shall remain before the forum in which they were filed.

"(g) OTHER FUNCTIONS.—The Board may perform functions similar to those described in this section for such other matters or activities of the Commission as the Commission may determine and in accordance with regulations prescribed by the Commission.".

SEC. 3542. TRANSACTIONS WITH THE PANAMA CANAL AUTHORITY.

Section 1342 (22 U.S.C. 3752) is amended—

(1) by designating the text of the section as subsection (a); and

(2) by adding at the end the following new subsections:

"(b) The Commission may provide office space, equipment, supplies, personnel, and other in-kind services to the Panama Canal Authority on a nonreimbursable basis.

"(c) Any executive department or agency of the United States may, on a reimbursable basis, provide to the Panama Canal Authority materials, supplies, equipment, work, or services requested by the Panama Canal Authority, at such rates as may be agreed upon by that department or agency and the Panama Canal Authority.".

SEC. 3543. TIME LIMITATIONS ON FILING OF CLAIMS FOR DAMAGES.

(a) FILING OF ADMINISTRATIVE CLAIMS WITH COMMISSION.—Sections 1411(a) (22 U.S.C. 3771(a)) and 1412 (22 U.S.C. 3772) are each amended in the last sentence by striking out "within 2 years after" and all that follows through "of 1985," and inserting in lieu thereof "within one year after the date of the injury or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997,".

(b) FILING OF JUDICIAL ACTIONS.—The penultimate sentence of section 1416 (22 U.S.C. 3776) is amended—

(1) by striking out "one year" the first place it appears and inserting in lieu thereof "180 days"; and

(2) by striking out "claim, or" and all that follows through "of 1985," and inserting in lieu thereof "claim or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997,".

SEC. 3544. TOLLS FOR SMALL VESSELS.

Section 1602(a) (22 U.S.C. 3792(a)) is amended—

(1) in the first sentence, by striking out "supply ships, and yachts" and inserting in lieu thereof "and supply ships"; and

(2) by adding at the end the following new sentence: "Tolls for small vessels (including yachts), as defined by the Commission, may be set at rates determined by the Commission without regard to the preceding provisions of this subsection.".

SEC. 3545. DATE OF ACTUARIAL EVALUATION OF FECA LIABILITY.

Section 5(a) of the Panama Canal Commission Compensation Fund Act of 1988 (22 U.S.C. 3715c(a)) is amended by striking out "Upon the

termination of the Panama Canal Commission" and inserting in lieu thereof "By March 31, 1998".

SEC. 3546. APPOINTMENT OF NOTARIES PUBLIC.

Section 1102a (22 U.S.C. 3612a) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) The Commission may appoint any United States citizen to have the general powers of a notary public to perform, on behalf of Commission employees and their dependents outside the United States, any notarial act that a notary public is required or authorized to perform within the United States. Unless an earlier expiration is provided by the terms of the appointment, any such appointment shall expire three months after the Canal Transfer Date.

"(2) Every notarial act performed by a person acting as a notary under paragraph (1) shall be as valid, and of like force and effect within the United States, as if executed by or before a duly authorized and competent notary public in the United States.

"(3) The signature of any person acting as a notary under paragraph (1), when it appears with the title of that person's office, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act.".

SEC. 3547. COMMERCIAL SERVICES.

Section 1102b (22 U.S.C. 3612b) is amended by adding at the end the following new subsection:

"(e) The Commission may conduct and promote commercial activities related to the management, operation, or maintenance of the Panama Canal. Any such commercial activity shall be carried out consistent with the Panama Canal Treaty of 1977 and related agreements.".

SEC. 3548. TRANSFER FROM PRESIDENT TO COMMISSION OF CERTAIN REGULATORY FUNCTIONS RELATING TO EMPLOYMENT CLASSIFICATION APPEALS.

Sections 1221(a) and 1222(a) (22 U.S.C. 3661(a), 3662(a)) are amended by striking out "President" and inserting in lieu thereof "Commission".

SEC. 3549. ENHANCED PRINTING AUTHORITY.

Section 1306(a) (22 U.S.C. 3714b(a)) is amended by striking out "Section 501" and inserting in lieu thereof "Sections 501 through 517 and 1101 through 1123".

SEC. 3550. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CLERICAL AMENDMENTS.—The table of contents in section 1 is amended—

(1) by striking out the item relating to section 1210 and inserting in lieu thereof the following:

"Sec. 1210. Air transportation.";

(2) by striking out the items relating to sections 1215, 1219, and 1225;

(3) by inserting after the item relating to section 1232 the following new item:

"Sec. 1233. Transition separation incentive payments.";

and

(4) by inserting after the item relating to the heading of title III the following:

"CHAPTER 1—PROCUREMENT

"Sec. 3101. Procurement system.

"Sec. 3102. Panama Canal Board of Contract Appeals.".

(b) AMENDMENT TO REFLECT PRIOR CHANGE IN COMPENSATION OF ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by striking out the following:

"Administrator of the Panama Canal Commission.".

(c) AMENDMENTS TO REFLECT CHANGE IN TRAVEL AND TRANSPORTATION EXPENSES AUTHORITY.—(1) Section 5724(a)(3) of title 5, United States Code, is amended by striking out ", the Commonwealth of Puerto Rico," and all that follows through "Panama Canal Act of 1979" and inserting in lieu thereof "or the Commonwealth of Puerto Rico".

(2) Section 5724a(j) of such title is amended—

(A) by inserting "and" after "Northern Mariana Islands,"; and

(B) by striking out "United States, and" and all that follows through the period at the end and inserting in lieu thereof "United States.".

(3) The amendments made by this subsection shall take effect on January 1,1999.

(d) MISCELLANEOUS TECHNICAL AMENDMENTS.—

(1) Section 3(b) (22 U.S.C. 3602(b)) is amended by striking out "the Canal Zone Code" and all that follows through "other laws" the second place it appears and inserting in lieu thereof "laws of the United States and regulations issued pursuant to such laws".

(2)(A) The following provisions are each amended by striking out "the effective date of this Act" and inserting in lieu thereof "October 1, 1979": sections 3(b), 3(c), 1112(b), and 1321(c)(1).

(B) Section 1321(c)(2) is amended by striking out "such effective date" and inserting in lieu thereof "October 1, 1979".

(C) Section 1231(c)(3)(A) (22 U.S.C. 3671(c)(3)(A)) is amended by striking out "the day before the effective date of this Act" and inserting in lieu thereof "September 30, 1979".

(3) Section 1102a(h), as redesignated by section 3546(1), is amended by striking out "section 1102B" and inserting in lieu thereof "section 1102b".

(4) Section 1110(b)(2) (22 U.S.C. 3620(b)(2)) is amended by striking out "section 16 of the Act of August 1, 1956 (22 U.S.C. 2680a)," and inserting in lieu thereof "section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)".

(5) Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking out "as last in effect before the effective date of section 3530 of the Panama Canal Act Amendments of 1996" and inserting in lieu thereof "as in effect on September 22, 1996".

(6) Section 1243(c)(2) (22 U.S.C. 3681(c)(2)) is amended by striking out "retroactivity" and inserting in lieu thereof "retroactively".

(7) Section 1341(f) (22 U.S.C. 3751(f)) is amended by striking out "sections 1302(c)" and inserting in lieu thereof "sections 1302(b)".

TITLE XXXVI—MARITIME ADMINISTRATION

SEC. 3601. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1998.

Funds are hereby authorized to be appropriated for fiscal year 1998, to be available without fiscal year limitation if so provided in appropriations Act, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $70,000,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $39,000,000 of which—

(A) $35,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $4,000,000 is for administrative expenses related to loan guarantee commitments under the program.

SEC. 3602. REPEAL OF OBSOLETE ANNUAL REPORT REQUIREMENT CONCERNING RELATIVE COST OF SHIPBUILDING IN THE VARIOUS COASTAL DISTRICTS OF THE UNITED STATES.

(a) REPEAL.—Section 213 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1123), is amended by striking out paragraph (c).

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking out "on—" in the matter preceding paragraph (a) and inserting in lieu thereof "on the following:";

(2) by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively;

(3) by striking out the semicolon at the end of each of those paragraphs and inserting in lieu thereof a period; and

(4) by realigning those paragraphs so as to be indented 2 ems from the left margin.

SEC. 3603. PROVISIONS RELATING TO MARITIME SECURITY FLEET PROGRAM.

(a) AUTHORITY OF CONTRACTORS TO OPERATE SELF-PROPELLED TANK VESSELS IN NONCONTIGUOUS DOMESTIC TRADES.—Section 656(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1187e(b)) is amended by inserting "(1)" after "(b)", and by adding at the end the following new paragraph:

"(2) Subsection (a) shall not apply to operation by a contractor of a self-propelled tank vessel in a noncontiguous domestic trade, or to ownership by a contractor of an interest in a self-propelled tank vessel that operates in a noncontiguous domestic trade.".

(b) RELIEF FROM DELAY IN CERTAIN OPERATIONS FOLLOWING DOCUMENTATION.—Section 652(c) of the Merchant Marine Act, 1936 (46 U.S.C. 1187a(c)) is amended by adding at the end the following: "The third sentence of section 901(b)(1) shall not apply to a vessel included in an operating agreement under this subtitle.".

SEC. 3604. AUTHORITY TO UTILIZE REPLACEMENT VESSELS AND CAPACITY.

Section 653(d)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1187c(d)(1)) is amended to read as follows:

"(1) a contractor or other person that commits to make available a vessel or vessel capacity under the Emergency Preparedness Program or another primary sealift readiness program approved by the Secretary of Defense may, during the activation of that vessel or capacity under that program, operate or employ in foreign commerce a foreign-flag vessel or foreign-flag vessel capacity as a temporary replacement for the activated vessel or capacity; and".

SEC. 3605. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey all right, title, and interest of the United States Government in and to the vessel GOLDEN BEAR (United States official number 239932) to the Artship Foundation, located in Oakland, California (in this section referred to as the "recipient"), for use as a multi-cultural center for the arts.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States Government.

(2) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient of the vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

The CHAIRMAN. No amendments to the committee amendment in the nature of a substitute are in order except

amendments printed in House Report 105–137, amendments considered printed in the report, and amendments en bloc described in section 3 of the resolution.

Except as specified in section 5 of the resolution, each amendment shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as having been read, and shall not be subject to a demand for a division of the question.

Unless otherwise specified in the report or in the resolution, each amendment printed in the report shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on National Security each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

Consideration of amendments 8 and 9 printed in part 1 of the report shall begin with an additional period of general debate, which shall be confined to the subject of the United States forces in Bosnia and shall not exceed 1 hour, equally divided and controlled by the chairman and ranking minority member.

It shall be in order at any time for the chairman of the Committee on National Security or his designee to offer amendments en bloc consisting of amendments printed in part 2 of the report not earlier disposed of or germane modifications of any such amendment. The amendments en bloc shall be considered as having been read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the committee, or their designees, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of amendments made in order by the resolution out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on National Security or a designee announces from the floor a request to that effect.

It is now in order to consider amendment No. 1 printed in part 1 of House Report 105–137.

AMENDMENT NO. 1 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SANDERS:

At the end of the bill (page 540, after line 21) insert the following new section:

SEC. 3606. REDUCTION OF OVERALL AUTHORIZED SPENDING LEVELS

The total amount provided under Divisions A, B, and C respectively of this bill shall each be reduced by 5% in each of the fiscal years 1998 and 1999.

The CHAIRMAN. Pursuant to the rule, the gentleman from Vermont [Mr. SANDERS] and a Member opposed, the gentleman from South Carolina [Mr. SPENCE] each will control 15 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill provides for $268 billion in defense spending for fiscal year 1998, $2.6 billion more than was requested by President Clinton. My amendment provides for an across-the-board 5 percent cut in overall defense spending as authorized by this bill. It will cut $13.4 billion.

Mr. Chairman, this amendment is about national priorities and is the only amendment that has been allowed on the floor which calls for a cut in military spending.

The bottom line that we are discussing here is pretty simple. At a time when the cold war is over, when the Soviet Union no longer exists, when we are militarily outspending all of our so-called enemies by huge amounts, we do not need to continue spending this kind of money for the military. We do not need to fund the military at almost the same level it was at the heart of the cold war.

Mr. Chairman, when we talk about U.S. military spending, we must also put it in the context of the current world situation. While we are now spending $264 billion, our NATO allies are also spending over $200 billion. Combined, we and our allies are spending close to $500 billion on the military.

How much are our so-called enemies spending? Cuba, $300 million; Libya, $1.4 billion; Syria, $1.8 billion; North Korea, $2.4 billion; Iraq, $2.7 billion; Iran, $3.4 billion; China, I do not know that China is an enemy, I gather they are going to get MFN status, they are spending $32 billion. I do not believe that Russia is also our enemy, being that we are heavily funding them, but they are spending $82 billion, just to mention.

What all of this means is that the United States alone is spending many times more than all of our so-called enemies combined, and if we add NATO into the equation, the numbers become absurd. Cuba, Libya, Syria, North Korea, Iraq, and Iran combined spend $12 billion a year on the military, while we are proposing in this budget $268 billion, more than 20 times the combined spending of all of these so-called enemies.

□ 1645

Further, this budget does not include the tens of billions we spend on the intelligence budget.

Mr. Chairman, the question that all of us must ask is when is enough enough?

Yes, all of us want the United States to have the strongest military in the world, but when we spend so much on defense, we are adding to a very large national debt and are terribly ignoring the pressing domestic needs that tens and tens of millions of Americans are facing, needs which are getting worse.

Let us get our priorities straight.

Mr. Chairman, when we spend this much money on the military, we have to cut Medicare by $115 billion. That is wrong. When we spend this much money on the military, we are asked to cut veterans' benefits, veterans' health care over the next 5 years by $5 billion. So we are spending money on B–2 bombers and star wars, and we say, "Thank you," to the men and women who served in World War II, Korea and Vietnam. "We don't care about you; we're worried about B–2 bombers and star wars." That is wrong. When we spend this much money on the military, we are cutting back $13 billion on Medicaid for hospitals that serve the poorest people in America. Yes, let us spend a $100 billion dollars defending Europe, but when someone is poor, they need to go into a hospital, Uncle Sam is not there for them. And when we spend this much money on the military, drastic cut backs take place in housing and other important needs.

There are some people on this Congress who are proposing cuts in Social Security. Yes, more money for B–2 bombers; cutbacks in Social Security. Millions of American families, thousands in the State of Vermont, cannot afford to send their kids to college. We spend $30 billion for higher education, and we are proposing $268 billion for the military. In my view those priorities are absolutely wrong.

Mr. Chairman, this is a great Nation, but our priorities are wrong. People on the other side and on this side talk about balancing the budget. Well, do my colleagues know what? Military spending has something to do with the

deficit, too. So I hope that our deficit hawks who talk about the $5 trillion debt will come on board and say, no, if we are serious about moving toward a balanced budget, we have got to cut military spending.

Mr. Chairman, bottom line is priorities, we are spending too much. Let us cut military spending by 5 percent and still retain by far the strongest military on earth.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I rise in strong opposition to the amendment offered by my colleague, the gentleman from Vermont. This amendment would impose a 5 percent reduction across each of the three major parts of the bill and would have a devastating impact. This amendment would reduce the bill's funding levels by $13.4 billion, leaving us with a bill $10 billion less than even the President asked for.

The amendment would impose draconian cuts to important quality of life modernization and readiness programs that are so critical to insuring that our military forces remain the best trained and equipped in the world. In one stroke it would undo all of Congress' efforts over the last 2 years in trying to revitalize our military forces.

Several weeks ago the House adopted the fiscal year 1998 budget resolution and agreed to abide by spending restrictions. H.R. 1119 complies with the budget agreement and the budget resolution, and representing a real decline of 1.3 percent relative to current spending is not enough in this gentleman's mind. However this Congress reached a bipartisan agreement with the White House on a plan to balance the budget by 2002, and H.R. 1119 complies with the agreement. It is refreshing, it is a refreshing change, to be able to say that the President is not contesting this point.

The amendment distributes the $13 billion in cuts as a 5 percent reduction in each of the three major divisions of the bill. The result would be to slash military construction and family housing projects critical to providing a decent quality of life to our military personnel and their families by over $450 million. We heard Mr. HEFLEY talk about what we are doing right now in that area.

The amendment would also cut over $12.3 billion from already underfunded modernization readiness and personnel accounts further widening the dangerous gap between our Nation's military strategy and its defense program. Such a reduction would require the wholesale cancellation of programs, drastic curtailment of operations and possibly the involuntary separation of service personnel.

Finally, as drafted, this amendment would reduce Department of Energy national security and environmental programs by almost $600 million.

I urge all Members to think carefully about the message this amendment sends to our men and women who are throughout this world trying to defend this country. At a time when they are spending more time away from their families supporting forward deployments and contingency operations around the world this amendment will hit them hard, below the belt I might add. Instead of cutting their resources, we should be taking positive steps to insure that military personnel are getting what they need to do their demanding jobs and provide for their families.

I urge Members to demonstrate their commitment to the men and women in our armed services by opposing this amendment and supporting H.R. 1119.

Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DELLUMS], my friend and colleague.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, first let me say that I rise in support of my distinguished colleague's amendment. Given the constrained balanced budget environment within which we are operating and debating this bill and the strategic realities, we can indeed reduce the military budget by the modest of articulated by my distinguished colleague.

We did our own QDR, Mr. Chairman, and we determined independently that without drastic changes that these cuts could indeed be achieved without the draconian notions that have recently been articulated that has been argued would be the result of the gentleman's amendment.

Now let me underscore for emphasis something that my distinguished colleague who offered the amendment pointed out. Mr. Chairman, people may not know this, but if we balanced on a balanced scale what the United States spends on its military budget and the military budget collectively of the rest of the world, it would be roughly even. We spend as much as every other nation in the world.

Now many of those other nations in the world are our friends and allies in treaties with us, in cooperative relationships. We take them off the other end and place them with us. America and its allies spent in excess of 80 percent of the world's military budget, which means even worse case scenario America and its friends out spend the rest of the world four to one.

Where is our fear? We can indeed cut this budget. This is a modest cut.

I urge my colleagues: the only time we have an opportunity to step up to this and make a cut that American people understand viscerally the military budget can be cut, the cold war is over, Mr. Chairman, and we need to move on with it. We are spending an extraordinary amount of money, and we can sustain this kind of cut. I urge my colleagues to support the gentleman's amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I rise to speak against the amendment.

The military of the United States is not some amorphous thing, it is not a green glob of protoplasm. Mr. Chairman, it is people, my neighbors, my colleagues' neighbors, mostly young men and young women. In speaking against this amendment I speak for the young sergeants and petty officers who come from all across America. In cutting this budget by $13 billion it would cut into the personnel accounts, it would cause that mother of that sergeant to have that sergeant/husband gone more often because the operational tempo would increase. It would cut the O&M that has the ability to fix the appliances in their rundown place in Germany. It would not allow them to live as they should.

I urge a "no" vote on this amendment.

Mr. SANDERS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Chairman, I thank the gentleman from Vermont [Mr. SANDERS], and I thank him for his amendment.

My colleagues, recently this House approved a balanced budget deal. That budget was and is a bad deal for the residents of my town of San Diego and a bad deal for America. Yes, we balance the budget, but we balance the budget on the backs of our Nation's veterans, our children, our elderly, and our working families. That deal put a deep freeze on funding for our Nation's veterans and cut real dollars from our Department of Veterans Affairs. It cut pensions for the neediest of veterans, froze funding for the veterans hospitals for the next 5 years, and permanently cut compensation for service connected disabled veterans.

Mr. Chairman, what happened to the promise that America made with our Nation's veterans? That promise was forgotten in the budget deal, and that budget deal compromises those promises to the past but ignores also our commitments to the future. It underfunds the Nation's infrastructure needs by billions of dollars and dramatically cuts investments in our Nation's future workers. Head Start, summer jobs, education funding, which serve to give all children an opportunity for a brighter future, are cut in this budget deal, and it makes the transition from welfare to work more difficult by eliminating jobs for job training and child care and housing.

Half of the Nation's 10 million uninsured children remain uninsured in that budget, while lavish tax cuts are doled out to those making $500,000 a year. Medicaid is cut $13 billion. Medicaid is cut $115 billion.

Americans deserve a better deal, a real balanced budget through kept promises, shared sacrifices and necessary investments in the future. We should support the Sanders amendment so we Americans can get a better budget deal.

I thank the gentleman for his amendment.

Mr. SPENCE. Mr. Chairman I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in opposition to this amendment.

The ultimate irony here is that I have in fact joined my colleague on efforts involving protecting working people. What he fails to mention is that in our defense in aerospace cuts we have, in fact, caused 1 million union workers in this country to lose their jobs.

Now he talks about compassion. What he does not mention in his amendment are the additional hundreds of thousands of UAW, IAM, IEU, IBEW workers and building trades workers who will walk the streets with the other 1 million workers that have been displaced because of what he wants to do in additional cuts.

Now let me also correct the gentleman. He said that we added over $2 billion above what the President asked for. Well, I would submit to the gentleman he has not done his homework, because after the President gave us his budget he came back and asked for $1 billion of additional money beyond that.

Now if the gentleman would bother to ask the committee, he would have found out that the President asked for $474 million this year, $2.3 billion for everything. That was the President's request after his budget. Or he would have found out the President asked for $300 million for flying hours above his budget. The gentleman would have found out he asked for $30 million for the THEL program above what his budget suggested.

So to stand up here and put out misinformation is just flat out wrong, and to say the Soviet Union no longer exists, I have been to 50 classified briefings this year. I do not know how many the gentleman has been in attendance of, but let me tell you that is not the impression I have. Maybe the gentleman knows about Yermentau Mountain. Maybe he has visited Beloretsk 15 and 16. Maybe he knows what that city of 65,000 people in the Urals has been doing for the past 18 years, spending billions of dollars.

□ 1700

Maybe the gentleman knows all of those answers. Maybe the gentleman knows the instability occurring in the Middle East. Maybe the gentleman is aware of what is happening in North Korea. What we have done, what we have done, is provided for the best defense we can within the budget constraints, and it should be based on fact and not rhetoric for tomorrow morning's newspaper.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time.

One listening to this debate would think that there is not one penny that can be cut from the Pentagon budget without hurting our preparedness, or ignoring the needs of our enlisted families or the working people of America. This cut would total $13.4 billion. That is a lot of money.

However, the Pentagon has $14.6 billion in unneeded inventory that exceeds the war needs of the United States for more than 100 years, and they still have a computer over there placing more orders. Not a penny. This 1 year's cut could be absorbed by their unneeded inventory.

We heard we would have a gap between our strategy and the military program. Well, the strategy is absurd. We are going to fight two wars at once with no allies. Two World War II's at once with no allies. Our budget is two times the total of all our enemies combined. And they are saying we cannot depend on our allies, so we have to be able to fight two wars at once. If we cannot depend on our allies, why are we spending billions of dollars to expand NATO to former Soviet bloc countries.

At one time in my life, we had a great warrior in the White House, and this warrior said it better than anybody else will say it here today. Dwight David Eisenhower. "This world in arms, it is not spending money alone, it is spending the sweat of our labors, the genius of our scientists, the hopes of our children."

That is what this debate is all about. Every gun made, every warship launched, every rocket fired is, in a final sense, a theft from those who hunger, those who are not fed, and those who are cold and not clothed. That was a great warrior, Dwight David Eisenhower, a general who led us to victory in World War II. If he were here today, he would urge Members to support these justified cuts in the bloated Pentagon budget.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Chairman, I thank the chairman for yielding me this time. I rise in opposition to this amendment.

The funding for the defense program for 1998 is essentially a level funding. To take out 5 percent at this point would create undue turbulence. It would mean reductions in essential programs that could not be replaced.

Today the United States has the finest military in the Nation's history. We need to keep it that way. The Sanders amendment will undermine our effort to attract and retain our quality of people, it will undermine our today's readiness by undercutting the operations and maintenance program, and it will undermine tomorrow's readiness by compromising our modernization program.

Our Nation, by providing leadership and shaping the international security environment, can continue to help with the spread of peace and prosperity throughout the world. Only by maintaining our military posture to defend and advance U.S. interests and underwrite our commitments can we retain our preeminent position.

Mr. Chairman, I urge my colleagues to defeat this amendment.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I hope that this amendment sponsored by the gentleman from Vermont is not just another ceremony where we are talking to the wind. I think that the American people, the polls have shown the American people are gradually beginning to understand where the waste is in government. The waste is in the defense budget and we are not doing anything to help national security.

National security right now, the primary component of national security is education. How well-educated our Americans are will determine where we go in the future with respect to our military might, our commercial might, right across the board. A better educated population is what is needed to guarantee that America will be the leader in all areas for the future.

Mr. Chairman, $13.5 billion, we are talking about. Let us stop for a moment and consider the comparative costs. Five percent of the defense budget comes out to $13.5 billion per year, $13.5 billion. One can buy a lot of computers for schools for $13.5 billion. One can wire all the schools in America for $13.5 billion.

We have shown that one of the goals of Congressional Black Caucus budget is to have every child eligible for Head Start, actually be able to go into Head Start by the year 2002. Well, we could get there right away because it would only cost $11 billion to cover every child eligible in America for Head Start. We have a paltry sum of $5 billion that the President proposed for construction, renovation and repair of schools, $5 billion over a 5-year period. The paltry sum of $5 billion was booted out of the budget agreement. It is too much.

Now, ask the American people to take a look at comparative costs. Five

percent of the defense budget is $13.5 billion for 1 year. We cannot afford to have a construction initiative sponsored by the President, $5 billion for 5 years? There is something radically wrong. We are blind men and women of the Congress continuing to go down the same road. If we put military in front of something or behind something, we are all for it, but it really has nothing to do with national security. National security means better education for America's future, and for that you have to spend money.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, to quote Ronald Reagan, there you go again.

Every year, liberals in this body think we can reach into the defense budget and take money for whatever the good things are that we want to do and our defense can continue to absorb the loss. The gentleman from New York [Mr. OWENS] talks about let us spend it on education. Mr. Chairman, let me tell the gentleman, we spend over $300 billion a year on education in this country, more than we spend on the Department of Defense.

Let me point out that this is real money that has real ramifications. Let me just talk about the area that I am most familiar with.

The Sanders amendment would compel a $457 million reduction in military construction and military family housing. What would that mean? The amount is equivalent to the entire Navy and Marine Corps family housing construction program and the added funds the committee recommends for the Army family housing construction. Take all of that away. This amendment will mean a cut of funding for 3,345 family housing units, or 41 percent of the housing improvements in this bill.

Mr. Chairman, a $457 million cut is equivalent to wiping out every American barracks project in the President's request and the entire $2,000 added to committee recommendations for all of the services. It is roughly equal to all of the MILCON provided in this bill for the reserve components, and the added funding recommended by the committee for the Army military construction.

This amendment will severely damage the Nation's military infrastructure. It is easy to be cavalier and say, let us get it out of defense, but it does not work when you boil it down to what it actually means in the defense budget.

Mr. Chairman, I urge a no, no, no on the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, there are 80,000 jobs, high-tech jobs, that cannot be filled right now that are available in America; 80,000, and the number is growing. Our weapons are very sophisticated. If we do not pay more attention to education, we are going to have to call in the Chinese and the Russians to man our weapons, because they will be too sophisticated for our operators to run them.

Education is the number one component of defense and security.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

The previous speaker said real money and real people, so let me tell my colleagues about real money and real people. While we outspent our so-called enemies 20-to-1, 22 percent of the children in this country live in poverty.

We have the highest rate of poverty in the industrialized world, and yet we spend the money on B–2 bombers and star wars and other exotic weapons systems that are not needed today. Real money, real people.

Millions of families in America cannot afford to send their kids to college. The gentleman said $300 million on education; he forgot to say that was at the local level. Local property taxes, State taxes, $30 billion at the Federal level, 8 times more on the military than we spend on education. That is absurd.

Real money, real people. Tens of millions of Americans have no health insurance. They do not know what to do when they get sick, and they are saying, yes, let us take care of the people back home, rather than spending $100 billion a year defending Europe and Asia. Real money, real people.

Real money, real people. Why did my colleagues on the other side cut veterans' programs? They are the people who defended this country. Now they are 70 and 80 and they are dying at VA hospitals. We have cut back on health care for veterans, and yet we have money for exotic weapons systems that we do not need.

Bottom line, Mr. Chairman, we want the strongest military in the world, we have the strongest military in the world, but let us get our priorities straight. Let us talk about health care, education, protect our seniors, protect our veterans, and let us do the right thing and pass, pass, pass this amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I would tell the gentleman from Vermont, I am interested in the same things that he is. Head Start is very important to me. I can assure the gentleman that education is very important to me, so important that I do not want a decline in the education in the military.

I spoke in the general debate a little while ago about the quality of life in the military by making these trips around and what we found. The gentleman would not be very proud of how we are treating the families. Sixty-eight percent, 68 percent of the Army now is married, but guess what is happening?

Let me just tell the gentleman, the biggest thrill that I have, I dug a hole in the ground in an Army post to build three-, four-, and five-bedroom homes. The smiles on those people's faces was unbelievable.

The gentleman talks about education. If he goes aboard an Aegis cruiser, Aegis destroyer or submarine, it is not the captain of the ship that explains the Aegis system, it is the third-class petty officer that explains it. And why? Because of the education we are giving in the military. This is one Member that does not want to decline the education in the military.

Talk about health care. We ought to be ashamed of ourselves. We are pulling back on the retirees in this country in health care. We are not treating the people as we promised them, and now the gentleman wants to cut just a paltry $13.5 billion.

Sure, there is money wasted in the Department of Defense, but I challenge the gentleman or anybody in this room to see where money is not wasted in some of these other programs, including education that we could save money in.

Please, the gentleman from Colorado said no, no, no on this amendment; I say no, no, no, no, no on this amendment. Please vote against it.

Mr. SPENCE. Mr. Chairman, I yield the remainder of my time to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, everybody agrees, even the proponents of this amendment, that we have to have a national defense, and the question is how much? They have cited that we outspend other countries in the world for defense, and therefore, we should be able to take a $13 billion cut without pain and without effect on our military readiness.

But there is another Congress that thought the same thing.

□ 1715

It was a Congress that voted to put together a defense budget just a few months before South Korea was invaded on June 25, 1950. I have read the transcripts from the testimony that came before that Congress. In fact, the Senate was so convinced that we were on top of the world, that we were so powerful, that we had nuclear weapons, high-tech, like the gentleman speaks of, that nobody would mess with us.

So on June 25, 1950, we were invaded by North Korea, and within 3 days they had taken Seoul and were driving south until we met them at the Puchon perimeter right at the tip of the Peninsula and gradually started to push them back up. We were unready for Korea. We committed 7 army divisions to Korea, but we were unready for it,

and 50,000 of those working Americans that the gentleman from Vermont who has propounded this amendment cares about so much came home in body bags.

The folks that fight the wars are the working people of this country, and the greatest benefit we can give them is their return home. We give them a return home when we have overwhelming force, which is what we had in Desert Storm.

We were too strong in Desert Storm. That was the argument. We were too powerful. We had come up with all of these weapons systems that received daily criticism in the Washington Post, like the Apache attack helicopter, the M–1 tank that did not get enough gas mileage, the Patriot missile system that took too long to develop. But when we put those systems in the field, we came home with a minimum of American casualties because we were ready.

We used seven divisions in Korea. We used eight divisions in Desert Storm. So we fought these two regional contingencies. That makes 15 army divisions. We only have 10 today. We have cut from 18 to 10 since Desert Storm. We have cut from 24 to 13 fighter air wings. We have cut from 545 Navy ships to 345.

The President of the United States thinks that our procurement modernization budget should go to $60 billion. I can tell the Members what it was this year, it was $42.6. It was almost $18 billion less than President Clinton thought it should be, and his military advisors.

Let us do what Hallmark Cards says about sending thanks to your friends with respect to our young people in the military. Because we care about them, let us send them the very best, the very best in equipment, and that means that we have to keep this defense budget at a minimum at the level that we have right now. We have really cut too deep.

"Peace through strength" was a motto that we had all the way through the cold war, and it worked. We brought the Soviet Union to the bargaining table because we were strong. We are going to be able to maintain the peace in the future because we are strong. Please vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 89, noes 332, not voting 13, as follows:

[Roll No. 214]

AYES—89

Barrett (WI)	Hastings (FL)	Owens
Becerra	Hilliard	Pascrell
Blumenauer	Hinchey	Paul
Bonior	Hooley	Payne
Brown (CA)	Jackson (IL)	Pelosi
Brown (OH)	Kennedy (MA)	Petri
Campbell	Kilpatrick	Rahall
Capps	Kind (WI)	Ramstad
Carson	Klug	Rangel
Clay	Kucinich	Rivers
Coyne	Lewis (GA)	Rohrabacher
Cummings	Lofgren	Roukema
Danner	Lowey	Royce
Davis (IL)	Luther	Rush
DeFazio	Maloney (NY)	Sabo
Delahunt	Markey	Sanders
Dellums	McCarthy (MO)	Sensenbrenner
Doggett	McDermott	Serrano
Duncan	McGovern	Shays
Engel	McKinney	Stark
English	Meehan	Stokes
Eshoo	Meek	Tierney
Evans	Millender-McDonald	Towns
Farr		Velázquez
Fattah	Minge	Vento
Filner	Mink	Waters
Frank (MA)	Nadler	Watt (NC)
Furse	Neal	Waxman
Gilchrest	Obey	Woolsey
Gutierrez	Olver	Yates

NOES—332

Abercrombie	Combest	Granger
Aderholt	Condit	Green
Allen	Cook	Greenwood
Andrews	Cooksey	Gutknecht
Archer	Costello	Hall (OH)
Armey	Cox	Hall (TX)
Bachus	Cramer	Hamilton
Baesler	Crane	Hansen
Baker	Crapo	Harman
Baldacci	Cubin	Hastert
Ballenger	Cunningham	Hastings (WA)
Barcia	Davis (FL)	Hayworth
Barr	Davis (VA)	Hefley
Barrett (NE)	Deal	Hefner
Bartlett	DeLauro	Hill
Barton	DeLay	Hilleary
Bass	Deutsch	Hinojosa
Bateman	Diaz-Balart	Hobson
Bentsen	Dickey	Hoekstra
Bereuter	Dicks	Holden
Berman	Dingell	Horn
Berry	Dixon	Hostettler
Bilbray	Doolittle	Houghton
Bilirakis	Doyle	Hoyer
Bishop	Dreier	Hulshof
Blagojevich	Dunn	Hunter
Bliley	Edwards	Hutchinson
Blunt	Ehlers	Hyde
Boehlert	Ehrlich	Inglis
Boehner	Emerson	Istook
Bonilla	Ensign	Jackson-Lee (TX)
Bono	Etheridge	
Borski	Everett	Jefferson
Boswell	Ewing	Jenkins
Boucher	Fawell	John
Boyd	Fazio	Johnson (CT)
Brady	Flake	Johnson (WI)
Brown (FL)	Foglietta	Johnson, E. B.
Bryant	Foley	Johnson, Sam
Bunning	Forbes	Jones
Burr	Ford	Kanjorski
Burton	Fowler	Kaptur
Buyer	Fox	Kasich
Callahan	Franks (NJ)	Kelly
Calvert	Frelinghuysen	Kennedy (RI)
Camp	Frost	Kennelly
Canady	Gallegly	Kildee
Cannon	Ganske	Kim
Cardin	Gejdenson	King (NY)
Castle	Gekas	Kingston
Chabot	Gibbons	Kleczka
Chambliss	Gillmor	Klink
Chenoweth	Gilman	Knollenberg
Christensen	Gonzalez	Kolbe
Clayton	Goode	LaFalce
Clement	Goodlatte	LaHood
Clyburn	Goodling	Lampson
Coble	Gordon	Lantos
Coburn	Goss	Largent
Collins	Graham	Latham
LaTourette	Pastor	Smith (NJ)
Lazio	Paxon	Smith (OR)
Leach	Pease	Smith (TX)
Levin	Peterson (MN)	Smith, Adam
Lewis (CA)	Peterson (PA)	Smith, Linda
Lewis (KY)	Pickering	Snowbarger
Linder	Pickett	Snyder
Livingston	Pitts	Solomon
LoBiondo	Porter	Souder
Lucas	Portman	Spence
Maloney (CT)	Poshard	Spratt
Manton	Price (NC)	Stabenow
Manzullo	Pryce (OH)	Stearns
Martinez	Quinn	Stenholm
Mascara	Radanovich	Strickland
Matsui	Redmond	Stump
McCarthy (NY)	Regula	Stupak
McCollum	Reyes	Sununu
McCrery	Riggs	Talent
McDade	Riley	Tanner
McHale	Rodriguez	Tauscher
McHugh	Roemer	Tauzin
McInnis	Rogan	Taylor (MS)
McIntosh	Rogers	Taylor (NC)
McIntyre	Ros-Lehtinen	Thomas
McKeon	Rothman	Thompson
McNulty	Roybal-Allard	Thornberry
Menendez	Ryun	Thune
Metcalf	Salmon	Thurman
Mica	Sanchez	Tiahrt
Miller (FL)	Sandlin	Traficant
Moakley	Sanford	Turner
Molinari	Sawyer	Upton
Mollohan	Saxton	Visclosky
Moran (KS)	Scarborough	Walsh
Moran (VA)	Schaefer, Dan	Wamp
Morella	Schaffer, Bob	Watkins
Murtha	Schumer	Watts (OK)
Myrick	Scott	Weldon (FL)
Nethercutt	Sessions	Weldon (PA)
Neumann	Shadegg	Weller
Ney	Shaw	Wexler
Northup	Sherman	Weygand
Norwood	Shimkus	White
Nussle	Shuster	Whitfield
Ortiz	Sisisky	Wicker
Oxley	Skaggs	Wise
Packard	Skeen	Wolf
Pallone	Skelton	Wynn
Pappas	Slaughter	Young (AK)
Parker	Smith (MI)	Young (FL)

NOT VOTING—13

Ackerman	Herger	Pomeroy
Conyers	Lipinski	Schiff
DeGette	Miller (CA)	Torres
Dooley	Oberstar	
Gephardt	Pombo	

□ 1737

Mrs. KENNELLY of Connecticut, Ms. JACKSON-LEE of Texas, and Messrs. RYUN, SAWYER, GREENWOOD, SMITH of Michigan, WYNN, and BRADY changed their vote from "aye" to "no."

Mr. SHAYS and Mrs. ROUKEMA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. SPENCE was allowed to speak out of order.)

ORDER OF BUSINESS

Mr. SPENCE. Mr. Chairman, I would like to proceed out of order for the purpose of informing Members of the schedule for the remainder of the evening.

Mr. Chairman, in order that Members might be able to plan for the evening, I would like to inform our membership that we plan to continue working. We have had many inquiries as to what our plans are for the evening from many Members.

I would like to inform everyone that we intend to continue working on

amendments tonight but to roll the votes until approximately 9. At that time we would vote on whatever amendments we have to vote on. Depending on how much debate there is on the amendments, we might get through 3 or 4 amendments in this order: the Spence-Dellums amendment on reform; the Spence-Dellums amendment on supercomputers; the Harman amendment on abortion; the Shays-Frank on burdensharing.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part 1 of House Report 105–137.

AMENDMENT NO. 2 OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by MR. SPENCE:

Strike out section 308 (page 47, lines 14 through 21) and, at the end of division A (page 379, after line 19), insert the following new titles:

TITLE XIII—DEFENSE PERSONNEL REFORMS

SEC. 1301. REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 130a. Management headquarters and headquarters support activities personnel: limitation

"(a) LIMITATION.—Effective October 1, 2001, the number of management headquarters and headquarters support activities personnel in the Department of Defense may not exceed the 75 percent of the baseline number.

"(b) PHASED REDUCTION.—The number of management headquarters and headquarters support activities personnel in the Department of Defense—

"(1) as of October 1, 1998, may not exceed 90 percent of the baseline number;

"(2) as of October 1, 1999, may not exceed 85 percent of the baseline number; and

"(3) as of October 1, 2000, may not exceed 80 percent of the baseline number.

"(c) BASELINE NUMBER.—In this section, the term 'baseline number' means the number of management headquarters and headquarters support activities personnel in the Department of Defense as of October 1, 1997.

"(d) MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES PERSONNEL DEFINED.—In this section:

"(1) The term 'management headquarters and headquarters support activities personnel' means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in management headquarters activities or in management headquarters support activities.

"(2) The terms 'management headquarters activities' and 'management headquarters support activities' have the meanings given those terms in Department of Defense Directive 5100.73, entitled 'Department of Defense Management Headquarters and Headquarters Support Activities', as in effect on November 12, 1996.

"(e) LIMITATION ON REASSIGNMENT OF FUNCTIONS.—In carrying out reductions in the number of personnel assigned to, or employed in, management headquarters and headquarters support activities in order to comply with this section, the Secretary of Defense and the Secretaries of the military departments may not reassign functions in order to evade the requirements of this section.

"(f) FLEXIBILITY.—If the Secretary of Defense determines, and certifies to Congress, that the limitation in subsection (b) with respect to any fiscal year would adversely affect United States national security, the Secretary may waive the limitation under that subsection with respect to that fiscal year. If the Secretary of Defense determines, and certifies to Congress, that the limitation in subsection (a) during fiscal year 2001 would adversely affect United States national security, the Secretary may waive the limitation under that subsection with respect to that fiscal year. The authority under this subsection may be used only once, with respect to a single fiscal year.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"130a. Management headquarters and headquarters support activities personnel: limitation.".

(b) IMPLEMENTATION REPORT.—Not later than January 15, 1998, the Secretary of Defense shall submit to Congress a report—

(1) containing a plan to achieve the personnel reductions required by section 130a of title 10, United States Code, as added by subsection (a); and

(2) including the recommendations of the Secretary regarding—

(A) the revision, replacement, or augmentation of Department of Defense Directive 5100.73, entitled "Department of Defense Management Headquarters and Headquarters Support Activities", as in effect on November 12, 1996; and

(B) the revision of the definitions of the terms "management headquarters activities" and "management headquarters support activities" under that Directive so that those terms apply uniformly throughout the Department of Defense.

(c) CODIFICATION OF PRIOR PERMANENT LIMITATION ON OSD PERSONNEL.—(1) Chapter 4 of title 10, United States Code, is amended by adding at the end a new section 143 consisting of—

(A) a heading as follows:

"§ 143. Office of the Secretary of Defense personnel: limitation";

and

(B) a text consisting of the text of subsections (a) through (f) of section 903 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2617).

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"143. Office of the Secretary of Defense personnel: limitation.".

(3) Section 903 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2617) is repealed.

SEC. 1302. ADDITIONAL REDUCTION IN DEFENSE ACQUISITION WORKFORCE.

(a) IN GENERAL.—(1) Chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1765. Limitations on number of personnel

"(a) LIMITATION.—Effective October 1, 2001, the number of defense acquisition personnel may not exceed the baseline number reduced by 124,000.

"(b) PHASED REDUCTION.—The number of the number of defense acquisition personnel—

"(1) as of October 1, 1998, may not exceed the baseline number reduced by 40,000;

"(2) as of October 1, 1999, may not exceed the baseline number reduced by 80,000; and

"(3) as of October 1, 2000, may not exceed the baseline number reduced by 102,000.

"(c) BASELINE NUMBER.—For purposes of this section, the baseline number is the total number of defense acquisition personnel as of October 1, 1997.

"(d) DEFENSE ACQUISITION PERSONNEL DEFINED.—(1) In this section, the term 'defense acquisition personnel' means military and civilian personnel (other than civilian personnel described in paragraph (2)) who are assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58 dated January 14, 1992).

"(2) Such term does not include civilian employees of the Department of Defense who are employed at a maintenance depot.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1765. Limitations on number of personnel.".

(b) IMPLEMENTATION REPORT.—Not later than January 15, 1998, the Secretary of Defense shall submit to Congress a report—

(1) containing a plan to achieve the personnel reductions required by section 1765 of title 10, United States Code, as added by subsection (a); and

(2) containing any recommendations (including legislative proposals) that the Secretary considers necessary to fully achieve such reductions.

(c) TECHNICAL REFERENCE CORRECTION.—Section 1721(c) of title 10, United States Code, is amended by striking out "November 25, 1988" and inserting in lieu thereof "November 12, 1996".

SEC. 1303. AVAILABILITY OF FUNDS FOR SEPARATION PAY FOR DEFENSE ACQUISITION PERSONNEL.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $100,000,000 shall be available only for the payment of separation pay under section 5597 of title 5, United States Code, to civilian employees of the Department of Defense who are defense acquisition personnel (as defined in section 1765(d) of title 10, United States Code).

SEC. 1304. PERSONNEL REDUCTIONS IN UNITED STATES TRANSPORTATION COMMAND.

(a) PURPOSE OF REDUCTION.—The purpose of the reduction in the number of United States Transportation Command personnel is to recognize and continue the effort of the Secretary of Defense to achieve the United States Transportation Command reengineering reform plan to eliminate administrative duplication and process inefficiencies.

(b) REDUCTION IN UNITED STATES TRANSPORTATION COMMAND PERSONNEL.—(1) Effective October 1, 1998, the number of United States Transportation Command personnel may not exceed the number equal to the baseline number reduced by 1,000.

(2) For purposes of this section, the baseline number is the total number of United States Transportation Command personnel as of September 30, 1997.

(c) UNITED STATES TRANSPORTATION COMMAND PERSONNEL DEFINED.—For purposes of this section, the term "United States Transportation Command personnel" means military and civilian personnel who are assigned

to, or employed in, the United States Transportation Command Headquarters, Air Force Air Mobility Command, Navy Military Sealift Command, Army Military Traffic Management Command, and Defense Courier Service.

(d) SOURCE OF REDUCTIONS.—In reducing the number of United States Transportation Command personnel as required by subsection (b), the Secretary of Defense shall limit such reductions to the United States Transportation Command personnel who are in the following occupational classifications established to group similar occupations and work positions into a consistent structure:

(1) Enlisted members in the Functional Support and Administration classification (designated as occupational code 5XX), as described in Department of Defense Instruction 1312.1, dated August 9, 1995, regarding "Department of Defense Occupational Information Collection and Reporting".

(2) Officers in the General Officers and Executives classification (designated as occupational code 1XX), Administrators (designated as occupational code 7XX), and Supply, Procurement, and Allied Officers classification (designated as occupational code 8XX), as described in such instruction.

(3) Civilian personnel in the Program Management classification (designated as occupational code GS–0340), Accounting and Budget classification (designated as occupational code GS–0500 and related codes), Business and Industry classification (designated as occupational code GS–1100 and related codes), and Supply classification (designated as occupational code GS–2000 and related codes), as described in Office of Personnel Management document El–12, dated November 1, 1995, entitled "Federal Occupational Groups".

(e) WAIVER AUTHORITY.—The Secretary of Defense may waive or suspend operation of this section in the event of a war or national emergency.

TITLE XIV—DEFENSE BUSINESS PRACTICES REFORMS

Subtitle A—Competitive Procurement Requirements

SEC. 1401. COMPETITIVE PROCUREMENT OF FINANCE AND ACCOUNTING SERVICES.

(a) COMPETITIVE PROCUREMENT REQUIRED.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2784. Competitive procurement of finance and accounting services

"(a) STUDY AND REPORT.—(1) Not later than December 1, 1997, the Secretary of Defense shall initiate a study regarding the competitive procurement of finance and accounting services for the Department of Defense, including non-appropriated fund instrumentalities of the Department of Defense. The study shall analyze the conduct of competitions among private-sector sources and the Defense Finance and Accounting Service and other interested Federal agencies.

"(2) Not later than June 1, 1998, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under paragraph (1).

"(b) COMPETITIVE PROCUREMENT REQUIRED.—Beginning not later than October 1, 1999, the Secretary of Defense shall competitively procure finance and accounting services for the Department of Defense, including nonappropriated fund instrumentalities of the Department of Defense. The Secretary shall conduct competitions among private-sector sources and the Defense Finance and Accounting Service and other interested Federal agencies. Such a competition shall not involve competition between components of the Defense Finance and Accounting Service.

"(c) IMPROVEMENT OF COMPETITIVE ABILITY.—Before conducting a competition under subsection (b) for the procurement of finance and accounting services that are being provided by a component of the Defense Finance and Accounting Service, the Secretary of Defense shall provide the component with an opportunity to establish its most efficient organization.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2784. Competitive procurement of finance and accounting services.".

SEC. 1402. COMPETITIVE PROCUREMENT OF SERVICES TO DISPOSE OF SURPLUS DEFENSE PROPERTY.

(a) COMPETITIVE PROCUREMENT REQUIRED.—(1) Chapter 153 of title 10, United States Code, is amended by inserting after section 2572 the following new section:

"§ 2573. Competitive procurement of services to dispose of surplus property

"(a) COMPETITIVE PROCUREMENT OF SERVICES.—Beginning not later than October 1, 1998, the Secretary of Defense shall competitively procure services for the Department of Defense in connection with the disposal of surplus property at each site at which the Defense Reutilization and Marketing Service operates. The Secretary shall conduct competitions among private-sector sources and the Defense Reutilization and Marketing Service and other interested Federal agencies for the performance of all such services at a particular site.

"(b) IMPROVEMENT OF COMPETITIVE ABILITY.—Before conducting a competition under subsection (a) for the procurement of services described in such subsection that are being provided by a component of the Defense Reutilization and Marketing Service, the Secretary of Defense shall provide the component with an opportunity to establish its most efficient organization.

"(c) REPORTING REQUIREMENTS.—Not later than 90 days after the end of each fiscal year in which services for the disposal of surplus property are competitively procured under subsection (a), the Secretary of Defense shall submit to Congress a report specifying—

"(1) the type and volume of such services procured by the Department of Defense during that fiscal year from the Defense Reutilization and Marketing Service and from other sources;

"(2) the former sites of the Defense Reutilization and Marketing Service operated during that fiscal year by contractors (other than the Defense Reutilization and Marketing Service); and

"(3) the total amount of any fees paid by such contractors in connection with the performance of such services during that fiscal year.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the requirements regarding the identification or demilitarization of an item of excess property or surplus property of the Department of Defense before the disposal of the item.

"(e) DEFINITIONS.—In this section:

"(1) The term 'surplus property' means any personal excess property which is not required for the needs and the discharge of the responsibilities of all Federal agencies and the disposal of which is the responsibility of the Department of Defense.

"(2) The term 'excess property' means any personal property under the control of the Department of Defense which is not required for its needs and the discharge of its responsibilities, as determined by the Secretary of Defense.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2572 the following new item:

"2573. Competitive procurement of services to dispose of surplus property.".

(b) IMPLEMENTATION REPORT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report—

(1) containing a plan to implement the competitive procurement requirements of section 2573 of title 10, United States Code, as added by subsection (a); and

(2) identifying other functions of the Defense Reutilization and Marketing Service that the Secretary considers suitable for performance by private-sector sources.

SEC. 1403. COMPETITIVE PROCUREMENT OF FUNCTIONS PERFORMED BY DEFENSE INFORMATION SYSTEMS AGENCY.

(a) COMPETITIVE PROCUREMENT REQUIRED.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2474. Competitive procurement of information services

"(a) STUDY AND REPORT.—(1) Not later than December 1, 1997, the Secretary of Defense shall initiate a study regarding the competitive procurement of those commercial and industrial type functions performed before the date of the enactment of this Act by the Defense Information Systems Agency, with particular regard to the functions performed at the entities known as megacenters. The study shall analyze the conduct of competitions among private-sector sources and the Defense Information Systems Agency and other interested Federal agencies.

"(2) Not later than June 1, 1998, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under paragraph (1).

"(b) COMPETITIVE PROCUREMENT REQUIRED.—Beginning not later than October 1, 1999, the Secretary of Defense shall competitively procure those commercial and industrial type functions performed before that date by the Defense Information Systems Agency. The Secretary shall conduct competitions among private-sector sources and the Defense Information Systems Agency and other interested Federal agencies.

"(c) IMPROVEMENT OF COMPETITIVE ABILITY.—Before conducting a competition under subsection (b) for the procurement of information services that are being provided by a component of the Defense Information Systems Agency, the Secretary of Defense shall provide the component with an opportunity to establish its most efficient organization.

"(d) EXCEPTION FOR CLASSIFIED FUNCTIONS.—(1) The requirement of subsection (b) shall not apply to the procurement of services involving a classified function performed by the Defense Information Systems Agency.

"(2) In this subsection, the term 'classified function' means any telecommunications or information services that—

"(A) involve intelligence activities;

"(B) involve cryptologic activities related to national security;

"(C) involve command and control of military forces;

"(D) involve equipment that is an integral part of a weapon or weapons system; or

"(E) are critical to the direct fulfillment of military or intelligence missions (other than

routine administrative and business applications, such as payroll, finance, logistics, and personnel management applications).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2474. Competitive procurement of information services.".

SEC. 1404. COMPETITIVE PROCUREMENT OF PRINTING AND DUPLICATION SERVICES.

(a) EXTENSION.—Subsection (a) of section 351 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 266) is amended—

(1) by striking out "and 1997" and inserting in lieu thereof "through 1998"; and

(2) by striking out "Defense Printing Service" and inserting in lieu thereof "Defense Automation and Printing Service".

(b) PROHIBITION ON SURCHARGE FOR SERVICES.—Such section is further amended by adding at the end the following new subsection:

"(d) PROHIBITION ON IMPOSITION OF SURCHARGE.—The Defense Automation and Printing Service may not impose a surcharge on any printing and duplication service for the Department of Defense that is procured from a source outside of the Department.".

SEC. 1405. COMPETITIVE PROCUREMENT OF CERTAIN OPHTHALMIC SERVICES.

(a) COMPETITIVE PROCUREMENT REQUIRED.—Beginning not later than October 1, 1998, the Secretary of Defense shall competitively procure from private-sector sources, or other sources outside of the Department of Defense, all ophthalmic services related to the provision of single vision and multivision eyeware for members of the Armed Forces, retired members, and certain covered beneficiaries under chapter 55 of title 10, United States Code, who would otherwise receive such ophthalmic services through the Department of Defense.

(b) EXCEPTION.—Subsection (a) shall not apply to the extent that the Secretary of Defense determines that the use of sources within the Department of Defense to provide such ophthalmic services—

(1) is necessary to meet the readiness requirements of the Armed Forces; or

(2) is more cost effective.

(c) COMPLETION OF EXISTING ORDERS.—Subsection (a) shall not apply to orders for ophthalmic services received on or before September 30, 1998.

SEC. 1406. COMPETITIVE PROCUREMENT OF COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS BY DEFENSE AGENCIES .

(a) COMPETITION REQUIRED.—Section 2461 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g) COMPETITIVE PROCUREMENT BY DEFENSE AGENCIES.—(1) Beginning not later than September 30, 1999 (unless an earlier effective date is otherwise required for a specific Defense Agency), the Secretary of Defense shall competitively procure those commercial and industrial type functions performed before that date by a Defense Agency. The Secretary shall conduct competitions among private-sector sources and the Defense Agency involved and other interested Federal agencies.

"(2) Before conducting a competition under subsection (a) for the procurement of a commercial or industrial type function that is being performed by a component of a Defense Agency, the Secretary of Defense shall provide the component with an opportunity to establish its most efficient organization.

"(3) In this subsection, the term 'Defense Agency' means a program activity specified in the table entitled 'Program and Financing' for operation and maintenance, Defense-wide activities, in the budget of the President transmitted to Congress for fiscal year 1998 pursuant to section 1105 of title 31 (and any successor of such activity).".

(b) IMPLEMENTATION REPORT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan to implement the competitive procurement requirements of section 2461(g) of title 10, United States Code, as added by subsection (a).

Subtitle B—Reform of Conversion Process

SEC. 1411. DEVELOPMENT OF STANDARD FORMS REGARDING PERFORMANCE WORK STATEMENT AND REQUEST FOR PROPOSAL FOR CONVERSION OF CERTAIN OPERATIONAL FUNCTIONS OF MILITARY INSTALLATIONS.

(a) STANDARD FORMS REQUIRED.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2474, as added by section 1403, the following new section:

"§ 2475. Military installations: use of standard forms in conversion process

"(a) STANDARDIZATION OF REQUIREMENTS.—(1) The Secretary of Defense shall develop standard forms (to be known as a 'standard performance work statement' and a 'standard request for proposal') to be used in the consideration for conversion to contractor performance of those commercial services and functions at military installations that have been converted to contractor performance at a rate of 50 percent or more, as determined under subsection (c).

"(2) A separate standard form shall be developed for each service and function covered by paragraph (1) and the forms shall be used throughout the Department of Defense in lieu of the performance work statement and request for proposal otherwise required under the procedures and requirements of Office of Management and Budget Circular A–76 (or any successor administrative regulation or policy).

"(3) The Secretary shall develop and implement the standard forms not later than October 1, 1998.

"(b) INAPPLICABILITY OF ELEMENTS OF OMB CIRCULAR A–76.—On and after October 1, 1998, the procedures and requirements of Office of Management and Budget Circular A–76 regarding performance work statements and requests for proposals shall not apply with respect to the conversion to contractor performance at a military installation of a service or function for which a standard form is required under subsection (a).

"(c) DETERMINATION OF CONTRACTOR PERFORMANCE PERCENTAGE.—In determining the percentage at which a particular commercial service or function at military installations has been converted to contractor performance, the Secretary of Defense shall take into consideration all military installations and use the final estimate of the percentage of contractor performance of services and functions contained in the most recent commercial and industrial activity inventory database established under Office of Management and Budget Circular A–76.

"(d) EXCLUSION OF MULTI-FUNCTION CONVERSION.—If a commercial service or function for which a standard form is developed under subsection (a) is combined with another service or function (for which such a form is not required) for purposes of considering the services and functions at the military installation for conversion to contractor performance, a standard form developed under subsection (a) may not be used in the conversion process in lieu of the procedures and requirements of Office of Management and Budget Circular A–76 regarding performance work statements and requests for proposals.

"(e) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to supersede any other requirements or limitations, specifically contained in this chapter, on the conversion to contractor performance of activities performed by civilian employees of the Department of Defense.

"(f) MILITARY INSTALLATION DEFINED.—In this section, the term 'military installation' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2474, as added by section 1403, the following new item:

"2475. Military installations: use of standard forms in conversion process.".

SEC. 1412. STUDY AND NOTIFICATION REQUIREMENTS FOR CONVERSION OF COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE.

(a) NOTIFICATION.—Section 2461 of title 10, United States Code, is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections:

"(a) NOTIFICATION OF CONVERSION STUDY.—(1) In the case of a commercial or industrial type function of the Department of Defense that on October 1, 1980, was being performed by Department of Defense civilian employees, the Secretary of Defense shall notify Congress of any decision to study the function for possible conversion to performance by a private contractor. The notification shall include information regarding the anticipated length and cost of the study.

"(2) A study of a commercial or industrial type function for possible conversion to contractor performance shall include the following:

"(A) A comparison of the performance of the function by Department of Defense civilian employees and by private contractor to determine whether contractor performance will result in savings to the Government over the life of the contract.

"(B) An examination of the potential economic effect on employees who would be affected by the conversion, and the potential economic effect on the local community and the United States if more than 75 employees perform the function.

"(C) An examination of the effect of contracting for performance of the function on the military mission of the function.

"(b) NOTIFICATION OF CONVERSION DECISION.—If, as a result of the completion of a study under subsection (a) regarding the possible conversion of a function to performance by a private contractor, a decision is made to convert the function to contractor performance, the Secretary of Defense shall notify Congress of the conversion decision. The notification shall—

"(1) indicate that the study conducted regarding conversion of the function to performance by a private contractor has been completed;

"(2) certify that the comparison required by subsection (a)(2)(A) as part of the study

demonstrates that the performance of the function by a private contractor will result in savings to the Government over the life of the contract;

"(3) certify that the entire comparison is available for examination; and

"(4) contain a timetable for completing conversion of the function to contractor performance.".

(b) WAIVER FOR SMALL FUNCTIONS.—Subsection (d) of such section is amended by striking out "45 or fewer" and inserting in lieu thereof "20 or fewer".

SEC. 1413. COLLECTION AND RETENTION OF COST INFORMATION DATA ON CONTRACTED OUT SERVICES AND FUNCTIONS.

(a) COLLECTION AND RETENTION REQUIRED.—Section 2463 of title 10, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting after the section heading the following new subsection:

"(a) REQUIREMENTS IN CONNECTION WITH CONVERSION TO CONTRACTOR PERFORMANCE.—With respect to each contract converting the performance of a service or function of the Department of Defense to contractor performance (and any extension of such a contract), the Secretary of Defense shall collect, during the term of the contract or extension, but not to exceed five years, cost information data regarding performance of the service or function by private contractor employees. The Secretary shall provide for the permanent retention of information collected under this subsection.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), as redesignated by subsection (a)(1)—

(A) by striking out the subsection heading and inserting in lieu thereof "REQUIREMENTS IN CONNECTION WITH RETURN TO EMPLOYEE PERFORMANCE.—"; and

(B) by striking out "to which this section applies" and inserting in lieu thereof "described in subsection (c),"; and

(2) in subsection (c), as redesignated by subsection (a)(1)—

(A) by striking out the subsection heading and inserting in lieu thereof "COVERED FISCAL YEARS.—"; and

(B) by striking out "This section" and inserting in lieu thereof "Subsection (b)".

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2463. Collection and retention of cost information data on contracted out services and functions

(2) The item relating to such section in the table of sections at the beginning of chapter 146 of title 10, United States Code, is amended to read as follows:

"2463. Collection and retention of cost information data on contracted out services and functions.".

Subtitle C—Other Reforms

SEC. 1421. REDUCTION IN OVERHEAD COSTS OF INVENTORY CONTROL POINTS.

(a) REDUCTION IN COSTS REQUIRED.—The Secretary of Defense shall take such actions as may be necessary to reduce the annual overhead costs of the supply management activities of the Defense Logistics Agency and the military departments (known as Inventory Control Points) so that the annual overhead costs are not more than eight percent of annual net sales at standard price by the Inventory Control Points.

(b) TIME TO ACHIEVE REDUCTION.—The Secretary shall achieve the cost reductions required by subsection (a) not later than September 30, 2000.

(c) IMPLEMENTATION PLAN.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a plan to achieve the reduction in overhead costs required by subsection (a).

(d) DEFINITIONS.—For purposes of this section:

(1) The term "overhead costs" means the total expenses of the Inventory Control Points, excluding—

(A) annual materiel costs; and

(B) military and civilian personnel related costs, defined as personnel compensation and benefits under the March 1996 Department of Defense Financial Management Regulations, Volume 2A, Chapter 1, Budget Account Title File (Object Classification Name/Code), object classifications 200, 211, 220, 221, 222, and 301.

(2) The term "net sales at standard price" has the meaning given that term in the March 1996 Department of Defense Financial Management Regulations, Volume 2B, Chapter 9, and displayed in "Exhibit Fund—14 Revenue and Expenses" for the supply management business areas.

SEC. 1422. CONSOLIDATION OF PROCUREMENT TECHNICAL ASSISTANCE AND ELECTRONIC COMMERCE TECHNICAL ASSISTANCE.

(a) CONSOLIDATION OF ASSISTANCE.—Chapter 142 of title 10, United States Code, is amended as follows:

(1) Sections 2412, 2414, 2417, and 2418 are each amended by inserting "and electronic commerce" after "procurement" each place it appears.

(2) Section 2413 is amended—

(A) in subsection (b), by striking out "procurement technical assistance" and inserting in lieu thereof "both procurement technical assistance and electronic commerce technical assistance"; and

(B) in subsection (c), by inserting "and electronic commerce" after "procurement".

(b) REQUIREMENT TO USE COMPETITIVE PROCEDURES.—Section 2413 of such title is amended by adding at the end the following new subsection:

"(d) The Secretary shall use competitive procedures in entering into cooperative agreements under subsection (a).".

(c) LIMITATION ON USE OF FUNDS.—Section 2417 of such title is amended—

(1) by striking out "The Director" and inserting in lieu thereof the following: "(b) ADMINISTRATIVE COSTS.—The Director"; and

(2) by inserting before subsection (b) (as designated by paragraph (1)) the following:

"(a) LIMITATION ON USE OF FUNDS.—In any fiscal year the Secretary of Defense may use for the program authorized by this chapter only funds specifically appropriated for the program for that fiscal year.".

(d) CLERICAL AMENDMENTS.—(1) The heading for chapter 142 of such title is amended to read as follows:

"CHAPTER 142—PROCUREMENT AND ELECTRONIC COMMERCE TECHNICAL ASSISTANCE PROGRAM".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are each amended by striking out the item relating to chapter 142 and inserting in lieu thereof the following:

"142. Procurement and Electronic Commerce Technical Assistance Program ..... 2411".

(3) The heading for section 2417 of such title is amended to read as follows:

"§ 2417. Funding provisions".

(4) The table of sections at the beginning of chapter 142 of such title is amended by striking out the item relating to section 2417 and inserting in lieu thereof the following:

"2417. Funding provisions.".

SEC. 1423. PERMANENT AUTHORITY REGARDING CONVEYANCE OF UTILITY SYSTEMS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2687 the following new section:

"§ 2688. Utility systems: permanent conveyance authority

"(a) CONVEYANCE AUTHORITY.—The Secretary of a military department may convey a utility system, or part of a utility system, under the jurisdiction of the Secretary to a municipal, private, regional, district, or cooperative utility company or other entity. The conveyance may consist of all right, title, and interest of the United States in the utility system or such lesser estate as the Secretary considers appropriate to serve the interests of the United States.

"(b) UTILITY SYSTEM DEFINED.—In this section, the term 'utility system' includes the following:

"(1) Electrical generation and supply systems.

"(2) Water supply and treatment systems.

"(3) Wastewater collection and treatment systems.

"(4) Steam or hot or chilled water generation and supply systems.

"(5) Natural gas supply systems.

"(6) Sanitary landfills or lands to be used for sanitary landfills.

"(7) Similar utility systems.

"(c) CONSIDERATION.—(1) The Secretary of a military department may accept consideration received for a conveyance under subsection (a) in the form of a cash payment or a reduction in utility rate charges for a period of time sufficient to amortize the monetary value of the utility system, including any real property interests, conveyed.

"(2) Cash payments received shall be credited to an appropriation account designated as appropriate by the Secretary of Defense. Amounts so credited shall be available for the same time period as the appropriation credited and shall be used only for the purposes authorized for that appropriation.

"(d) CONGRESSIONAL NOTIFICATION.—A conveyance may not be made under subsection (a) until—

"(1) the Secretary of the military department concerned submits to the appropriate committees of Congress (as defined in section 2801(c)(4) of this title) a report containing an economic analysis (based upon accepted life-cycle costing procedures approved by the Secretary of Defense) which demonstrates that the full cost to the United States of the proposed conveyance is cost-effective when compared with alternative means of furnishing the same utility systems; and

"(2) a period of 21 days has elapsed after the date on which the report is received by the committees.

"(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the military department concerned may require such additional terms and conditions in a conveyance entered into under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2687 the following new item:

"2688. Utility systems: permanent conveyance authority.".

TITLE XV—MISCELLANEOUS ADDITIONAL DEFENSE REFORMS

SEC. 1501. LONG-TERM CHARTER CONTRACTS FOR ACQUISITION OF AUXILIARY VESSELS FOR THE DEPARTMENT OF DEFENSE.

(a) PROGRAM AUTHORIZATION.—Chapter 631 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7233. Auxiliary vessels: authority for long-term charter contracts

"(a) AUTHORIZED CONTRACTS.—After September 30, 1998, the Secretary of the Navy, subject to subsection (b), may enter into a contract for the long-term lease or charter of a newly built surface vessel, under which the contractor agrees to provide a crew for the vessel for the term of the long-term lease or charter, for any of the following:

"(1) The combat logistics force of the Navy.

"(2) The strategic sealift program of the Navy.

"(3) Other auxiliary support vessels for the Department of Defense.

"(b) CONTRACTS REQUIRED TO BE AUTHORIZED BY LAW.—A contract may be entered into under this section with respect to specific vessels only if the Secretary is specifically authorized by law to enter into such a contract with respect to those vessels.

"(c) FUNDS FOR CONTRACT PAYMENTS.—The Secretary may make payments for contracts entered into under this section using funds available for obligation during the fiscal year for which the payments are required to be made. Any such contract shall provide that the United States will not be required to make a payment under the contract (other than a termination payment, if required) before October 1, 2000.

"(d) BUDGETING PROVISIONS.—Any contract entered into under this section shall be treated as a multiyear service contract and as an operating lease for purposes of any provision of law relating to the Federal budget and Federal budget accounting procedures, including part C of title II of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), and any regulation or directive (including any directive of the Office of Management and Budget) prescribed with respect to the Federal budget and Federal budget accounting procedures.

"(e) TERM OF CONTRACT.—In this section, the term 'long-term lease or charter' means a lease, charter, service contract, or conditional sale agreement with respect to a vessel the term of which (including any option period) is for a period of 20 years or more.

"(f) OPTION TO BUY.—A contract entered into under the authority of this section may contain options for the United States to purchase one or more of the vessels covered by the contract at any time during, or at the end of, the contract period (including any option period) upon payment of an amount not in excess of the unamortized portion of the cost of the vessels plus amounts incurred in connection with the termination of the financing arrangements associated with the vessels.

"(g) DOMESTIC CONSTRUCTION.—The Secretary shall require in any contract entered into under this section that each vessel to which the contract applies—

"(1) shall have been constructed in a shipyard within the United States; and

"(2) upon delivery, shall be documented under the laws of the United States.

"(h) VESSEL CREWING.—The Secretary shall require in any contract entered into under this section that the crew of any vessel to which the contract applies be comprised of private sector commercial mariners.

"(i) CONTINGENT WAIVER OF OTHER PROVISIONS OF LAW.—A contract authorized by this section may be entered into without regard to section 2401 or 2401a of this title if the Secretary of Defense makes the following findings with respect to that contract:

"(1) The need for the vessels or services to be provided under the contract is expected to remain substantially unchanged during the contemplated contract or option period.

"(2) There is a reasonable expectation that throughout the contemplated contract or option period the Secretary of the Navy (or, if the contract is for services to be provided to, and funded by, another military department, the Secretary of that military department) will request funding for the contract at the level required to avoid contract cancellation.

"(3) The use of such contract or the exercise of such option is in the interest of the national defense.

"(j) SOURCE OF FUNDS FOR TERMINATION LIABILITY.—If a contract entered into under this section is terminated, the costs of such termination may be paid from—

"(1) amounts originally made available for performance of the contract;

"(2) amounts currently available for operation and maintenance of the type of vessels or services concerned and not otherwise obligated; or

"(3) funds appropriated for those costs.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7233. Auxiliary vessels: authority for long-term charter contracts.".

SEC. 1502. FIBER-OPTICS BASED TELECOMMUNICATIONS LINKAGE OF MILITARY INSTALLATIONS.

(a) INSTALLATION REQUIRED.—In at least one metropolitan area of the United States containing multiple military installations of one or more military department or Defense Agency, the Secretary of Defense shall provide for the installation of fiber-optics based telecommunications technology to link as many of the installations in the area as practicable in a privately dedicated telecommunications network. The Secretary shall use a competitive process to provide for the installation of the telecommunications network through one or more new contracts.

(b) FEATURES OF NETWORK.—The telecommunications network shall provide direct access to local and long distance telephone carriers, allow for transmission of both classified and unclassified information, and take advantage of the various capabilities of fiber-optics based telecommunications technology.

(c) TIME FOR INSTALLATION.—The telecommunications network or networks to be installed under this section shall be installed and operational not later than September 30, 1999.

(d) REPORT ON IMPLEMENTATION.—Not later than March 1, 1998, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of subsections (a) and (b), including the metropolitan area or areas selected for the telecommunications network, the estimated cost of the network, and potential areas for the future use of such fiber-optics based telecommunications technology.

SEC. 1503. REPEAL OF REQUIREMENT FOR CONTRACTOR GUARANTEES ON MAJOR WEAPON SYSTEMS.

(a) REPEAL.—Section 2403 of title 10, United States Code, is repealed.

(b) CLERICAL AND CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2403.

(2) Section 803 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2604; 10 U.S.C. 2430 note) is amended—

(A) in subsection (a), by striking out "2403,";

(B) by striking out subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

SEC. 1504. REQUIREMENTS RELATING TO MICRO-PURCHASES OF COMMERCIAL ITEMS.

(a) IN GENERAL.—Section 2304 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(l) MICRO-PURCHASES.—(1) A contracting officer may not award a contract or issue a purchase order to buy commercial items for an amount equal to or less than the micro-purchase threshold unless a member of the Senior Executive Service or a general or flag officer makes a written determination that—

"(A) the source or sources available for the commercial item do not accept a preferred micro-purchase method, and the contracting officer is seeking a source that does accept such a method; or

"(B) the nature of the commercial item necessitates a contract or purchase order so that terms and conditions can be specified.

"(2) In this subsection:

"(A) The term 'micro-purchase threshold' has the meaning provided in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

"(B) The term 'preferred micro-purchase method' means the use of the Government-wide commercial purchase card or any other method for carrying out micro-purchases that Secretary of Defense prescribes in the regulations implementing this subsection.

"(3) The Secretary of Defense shall prescribe regulations to implement this subsection. The regulations shall include such additional preferred methods of carrying out micro-purchases, and such exceptions to the requirement of paragraph (1), as the Secretary considers appropriate.".

(b) EFFECTIVE DATE.—Subsection (l) of section 2304 of title 10, United States Code, as added by subsection (a), shall apply with respect to micro-purchases made on or after October 1, 1997.

SEC. 1505. AVAILABILITY OF SIMPLIFIED PROCEDURES TO COMMERCIAL ITEM PROCUREMENTS.

(a) ARMED SERVICES ACQUISITIONS.—Section 2304(g) of title 10, United States Code, is amended in paragraph (1)(B) by striking out "only".

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)) is amended in paragraph (1)(B) by striking out "only".

SEC. 1506. TERMINATION OF THE ARMED SERVICES PATENT ADVISORY BOARD.

(a) TERMINATION OF BOARD.—The organization within the Department of Defense known as the Armed Services Patent Advisory Board is terminated. No funds available for the Department of Defense may be used for the operation of that Board after the date specified in subsection (c).

(b) TRANSFER OF FUNCTIONS.—All functions performed on the day before the date of the enactment of this Act by the Armed Services Patent Advisory Board (including performance of the responsibilities of the Department of Defense for security review of patent applications under chapter 17 of title 35,

United States Code) shall be transferred to the Defense Technology Security Administration.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect at the end of the 120-day period beginning on the date of the enactment of this Act.

SEC. 1507. COORDINATION OF DEPARTMENT OF DEFENSE CRIMINAL INVESTIGATIONS AND AUDITS.

(a) BOARD ON CRIMINAL INVESTIGATIONS.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 182. Board on Criminal Investigations

"(a) ESTABLISHMENT.—(1) There is in the Department of Defense a Board on Criminal Investigations. The Board consists of the following officials:

"(A) The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

"(B) The head of the Army Criminal Investigation Command.

"(C) The head of the Naval Criminal Investigative Service.

"(D) The head of the Air Force Office of Special Investigations.

"(2) To ensure cooperation between the military department criminal investigative organizations and the Defense Criminal Investigative Service, the Inspector General of the Department of Defense shall serve as a nonvoting member of the Board.

"(b) FUNCTIONS OF BOARD.—The Board shall provide for coordination and cooperation between the military department criminal investigative organizations so as to avoid duplication of effort and maximize resources available to the military department criminal investigative organizations.

"(c) REGIONAL WORKING GROUPS.—The Board shall establish working groups at the regional level to address and resolve issues of jurisdictional responsibility that may arise regarding criminal investigations involving a military department criminal investigative organization. A working group shall consist of managers or supervisors of the military department criminal investigative organizations who have the authority to make binding decisions regarding which organization will conduct a particular criminal investigation or whether a criminal investigation should be conducted jointly.

"(d) AUTHORITY OF ASSISTANT SECRETARY.—In the event that a regional working group or the Board is unable to resolve an issue of investigative responsibility, the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence shall have the responsibility to make a final determination regarding the issue.

"(e) MILITARY DEPARTMENT CRIMINAL INVESTIGATIVE ORGANIZATION DEFINED.—In this section, the term 'military department criminal investigative organization' means any of the following:

"(1) The Army Criminal Investigation Command.

"(2) The Naval Criminal Investigative Service.

"(3) The Air Force Office of Special Investigations.".

(b) BOARD ON AUDITS.—Such chapter is further amended by inserting after section 182, as added by subsection (a), the following new section:

"§ 183. Board on Audits

"(a) ESTABLISHMENT.—(1) There is in the Department of Defense a Board on Audits. The Board consists of the following officials:

"(A) The Under Secretary of Defense (Comptroller).

"(B) The Auditor General of the Army.

"(C) The Auditor General of the Navy.

"(D) The Auditor General of the Air Force.

"(E) The director of the Defense Contract Audit Agency.

"(2) To ensure cooperation between the defense auditing organizations and the Office of the Inspector General of the Department of Defense, the Inspector General of the Department of Defense shall serve as a nonvoting member of the Board.

"(b) FUNCTIONS OF BOARD.—The Board shall provide for coordination and cooperation between the defense auditing organizations so as to avoid duplication of effort and maximize resources available to the defense auditing organizations.

"(c) REGIONAL WORKING GROUPS.—The Board shall establish working groups at the regional level to address and resolve issues of jurisdictional responsibility that may arise regarding audits involving a defense auditing organization. A working group shall consist of managers or supervisors of the defense auditing organizations who have the authority to make binding decisions regarding which defense auditing organization will conduct a particular audit or whether an audit should be conducted jointly.

"(d) AUTHORITY OF UNDER SECRETARY OF DEFENSE (COMPTROLLER).—In the event that a regional working group or the Board is unable to resolve an issue of jurisdictional responsibility, the Under Secretary of Defense (Comptroller) shall have the responsibility to make a final determination regarding the issue.

"(e) DEFENSE AUDITING ORGANIZATION DEFINED.—In this section, the term 'defense auditing organization' means any of the following:

"(1) The Army Audit Agency.

"(2) The Naval Audit Service.

"(3) The Air Force Audit Agency.

"(4) The Defense Contract Audit Agency.".

(c) WORKING GUIDANCE.—Not later than December 31, 1997, the Secretary of Defense shall prescribe such policies as may be necessary for the operation of the Board on Criminal Investigations and the Board on Audits established pursuant to the amendments made by this section.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"182. Board on Criminal Investigations.
"183. Board on Audits.".

SEC. 1508. DEPARTMENT OF DEFENSE BOARDS, COMMISSIONS, AND ADVISORY COMMITTEES.

(a) TERMINATION OF EXISTING ADVISORY COMMITTEES.—(1) Effective December 31, 1998, any advisory committee established in, or administered or funded (in whole or in part) by, the Department of Defense that (A) is in existence on the day before the date of the enactment of this Act, and (B) was not established by law, or expressly continued by law, after January 1, 1995, is terminated.

(2) For purposes of this section, the term "advisory committee" means an entity that is subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(b) REPORT ON COMMITTEES FOR WHICH CONTINUATION IS REQUESTED.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report setting forth those advisory committees subject to subsection (a) that the Secretary proposes to continue. The Secretary shall include in the report, for each such committee, the justification for continuing the committee and a statement of the costs of such continuation over the next four fiscal years. The Secretary shall include in the report a proposal for any legislation that may be required for the continuations proposed in the report.

(c) POLICY FOR FUTURE DOD ADVISORY COMMITTEES.—(1) Chapter 7 of title 10, United States Code, is amended by inserting after section 183, as added by section 1507(b), the following new section:

"§ 184. Boards, commissions, and other advisory committees: limitations

"(a) LIMITATION ON ESTABLISHMENT.—No advisory committee may be established in, or administered or funded (in whole or in part) by, the Department of Defense except as specifically provided by law after the date of the enactment of this section.

"(b) TERMINATION OF ADVISORY COMMITTEES.—Each advisory committee of the Department of Defense (whether established by law, by the President, or by the Secretary of Defense) shall terminate not later than the expiration of the four-year period beginning on the date of its establishment or on the date of the most recent continuation of the advisory committee by law.

"(c) EXCEPTION FOR TEMPORARY ADVISORY COMMITTEES.—Subsection (a) does not apply to an advisory committee established for a period of one year or less for the purpose (as set forth in the charter of the advisory committee) of examining a matter that is critical to the national security of the United States.

"(d) ANNUAL REPORT.—Not later than March 1 of each year (beginning in 1999), the Secretary of Defense shall submit to Congress a report on advisory committees of the Department of Defense. In each such report, the Secretary shall identify each advisory committee that the Secretary proposes to support during the next fiscal year and shall set forth the justification for each such committee and the projected costs for that committee for the next fiscal year. In the case of any advisory committee that is to terminate in the year following the year in which the report is submitted pursuant to subsection (b) and that the Secretary proposes be continued by law, the Secretary shall include in the report a request for continuation of the committee and a justification and cost estimate for such continuation.

"(e) ADVISORY COMMITTEE DEFINED.—In this section, the term 'advisory committee' means an entity that is subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 183, as added by section 1507(d), the following new item:

"184. Boards, commissions, and other advisory committees: limitations.".

SEC. 1509. ADVANCES FOR PAYMENT OF PUBLIC SERVICES.

(a) IN GENERAL.—Subsection (a) of section 2396 of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) public service utilities.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2396. Advances for payments for compliance with foreign laws, rent in foreign countries, tuition, public utility services, and pay and supplies of armed forces of friendly foreign countries".

(2) The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2396. Advances for payments for compliance with foreign laws, rent in foreign countries, tuition, public utility services, and pay and supplies of armed forces friendly foreign countries.".

TITLE XVI—COMMISSION ON DEFENSE ORGANIZATION AND STREAMLINING

SEC. 1601. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Defense Organization and Streamlining" (hereinafter in this title referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of nine members, appointed as follows:

(1) Two members shall be appointed by the chairman of the Committee on National Security of the House of Representatives.

(2) Two members shall be appointed by the ranking minority party member of the Committee on National Security of the House of Representatives.

(3) Two members shall be appointed by the chairman of the Committee on Armed Services of the Senate.

(4) Two members shall be appointed by the ranking minority party member of the Committee on Armed Services of the Senate.

(5) One member, who shall serve as chairman of the Commission, shall be appointed by at least three of the Members of Congress referred to paragraphs (1) through (4) acting jointly.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in organization and management matters.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(e) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 30 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 30 days after the date on which all members of the Commission have been appointed.

(f) SECURITY CLEARANCES.—The Secretary of Defense shall expedite the processing of appropriate security clearances for members of the Commission.

SEC. 1602. DUTIES OF COMMISSION.

(a) IN GENERAL.—(1) The Commission shall examine the missions, functions, and responsibilities of the Office of the Secretary of Defense, the management headquarters and headquarters support activities of the military departments and Defense Agencies, and the various acquisition organizations of the Department of Defense (and the relationships among such Office, activities, and organizations).

(2) On the basis of such examination, the Commission shall propose alternative organizational structures and alternative allocations of authorities as it considers appropriate.

(b) DUPLICATION AND REDUNDANCY.— In carrying out its duties, the Commission shall identify areas of duplication and recommend options to streamline, reduce, and eliminate redundancies.

(c) SPECIAL REQUIREMENTS REGARDING OFFICE OF SECRETARY.—The examination of the missions, functions, and responsibilities of the Office of the Secretary of Defense shall include the following:

(1) An assessment of the appropriate functions of the Office and whether the Office of the Secretary of Defense or some of its component parts should be organized along mission lines.

(2) An assessment of the adequacy of the present organizational structure to efficiently and effectively support the Secretary in carrying out responsibilities in a manner that ensures civilian authority in the Department of Defense.

(3) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the Joint Staff.

(4) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the military departments.

(5) An assessment of the appropriate number of Under Secretaries of Defense, Assistant Secretaries of Defense, Deputy Under Secretaries of Defense, and Deputy Assistant Secretaries of Defense.

(6) An assessment of any benefits or efficiencies derived from decentralizing certain functions currently performed by the Office of the Secretary of Defense.

(d) SPECIAL REQUIREMENTS REGARDING HEADQUARTERS.—The examination of the missions, functions, and responsibilities of the management headquarters and headquarters support activities of the military departments and Defense Agencies shall include the following:

(1) An assessment on the adequacy of the present headquarters organization structure to efficiently and effectively support the mission of the military departments and the Defense Agencies.

(2) An assessment of options to reduce the number of personnel assigned to such headquarters staffs and headquarters support activities.

(3) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and headquarters staffs of the military departments and the Defense Agencies.

(4) An assessment of the possible benefits that could be derived from further functional consolidation between the civilian secretariat of the military departments and the staffs of the military service chiefs.

(5) An assessment of the possible benefits that could be derived from reducing the number of civilian officers in the military departments who are appointed by and with the advice and consent of the Senate.

(e) SPECIAL REQUIREMENTS REGARDING ACQUISITION ORGANIZATIONS.—The examination of the missions, functions, and responsibilities of the various acquisition organizations of the Department of Defense shall include the following:

(1) An assessment of benefits of consolidation or selected elimination of Department of Defense acquisition organizations.

(2) An assessment of the opportunities to streamline the defense acquisition infrastructure that were realized as a result of the enactment of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355) and the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106) or as result of other acquisition reform initiatives implemented administratively during the period from 1993 through 1997.

(3) An assessment of such other defense acquisition infrastructure streamlining or restructuring options as the Commission considers appropriate.

(f) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 1603. REPORTS.

The Commission shall submit to Congress an interim report containing its preliminary findings and conclusions not later than March 15, 1998, and a final report containing its findings and conclusions not later than July 15, 1998.

SEC. 1604. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

SEC. 1605. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 1606. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 1607. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 1608. FUNDING.

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 1998. Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 1609. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its final report under section 1603.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. SPENCE] and a Member opposed, each will control 30 minutes.

Mr. DELLUMS. Mr. Chairman, since no one rises in opposition to the amendment and it is not my intention to rise in opposition, I am in support, but with that explanation, I would ask unanimous consent that the balance of the time be yielded to this gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I join the ranking Democrat on the Committee on National Security, the gentleman from California [Mr. DELLUMS] in jointly offering this amendment.

This amendment is essentially H.R. 1778, the Defense Reform Act of 1997, which was reported out of the House Committee on National Security last week by voice vote with some minor modifications and without provisions in that bill addressing environmental reforms.

Mr. Chairman, I offer this important amendment in the hope and expectation that it will move us closer to effecting significant and much-needed reform of the Department of Defense. At the appropriate time, I will insert in the RECORD the applicable report language explaining the legislative history and intent of the provisions contained in this amendment.

□ 1745

Mr. Chairman, defense spending has suffered 13 consecutive years of real decline. At the same time, the Department of Defense is facing billions of dollars in readiness, quality of life, and modernization shortfalls. Complicating this situation, our military forces have been reduced by one-third over the last 10 years, and the recently released Quadrennial Defense Review recommends further force reductions even though our forces are busier than they have ever been.

These realities have dramatically increased the imperative to aggressively pursue reforms in how the Department of Defense is organized, resourced and conducts its day-to-day business.

The Spence-Dellums amendment builds on past committee initiatives to reform the Department of Defense, and it contains a number of organizational, business practice, acquisition, and policy reforms intended to compel the Department of Defense to operate more efficiently. According to the Congressional Budget Office, just the provisions of this amendment dealing with the downsizing of the bureaucracy will save $15.5 billion over the next 5 years and $5 billion the year thereafter. This does not count any of the expected savings resulting from the various business practices and acquisition reforms contained in the bill.

This amendment proposes action on several fronts: First, it addresses work force reductions. Over the past several years the committee has focused attention on the disproportionate size of the work force assigned to the Office of the Secretary of Defense headquarters staff and acquisition organizations. Retaining such an overstaffed bureaucracy is untenable when troops have been reduced by 33 percent.

Second, this amendment also recognizes that there are many commercial functions which are currently performed by the Department which are neither inherently governmental nor directly related to the war-fighting mission. Accordingly, it imposes business practice reforms by mandating that a number of commercial activities of the department, such as finance and accounting, information services and property disposal, be competitively procured. It does not mandate privatization, just competition. And in recognition of the fact that the private sector is not always more cost-effective than the public sector, the bill ensures that the existing work force will be able to compete.

Spending on infrastructure and support services account for nearly 60 percent of the defense budget. According to GAO, 45 percent of all active duty military personnel are assigned to infrastructure functions. This trend must be reversed. As the war-fighting element or the tooth of the military services becomes smaller by comparison to the infrastructure/support or tail, the risk of a hollow force becomes real. In the current budget environment, maintaining an effective combat capability demands a defense establishment that is smaller, more efficient and able to maintain critical war-fighting capability at a lower cost.

This amendment has received the endorsement of the council for Citizens Against Government Waste and Americans For Tax Reform. I pause after that. That should be of interest to everyone, many of whom vote on the recommendations of these two organizations.

Mr. Chairman, the imperative to reform how the Department of Defense conducts its business has never been greater. The Defense Reform Act of 1997, and this amendment, achieves this goal. I strongly urge a "yes" vote on the Spence-Dellums defense reform amendment.

Mr. Chairman, the report language referred to above, follows herewith:

PURPOSE AND BACKGROUND

Consistent with the recently concluded bipartisan balanced budget agreement, the fiscal year 1998 defense budget will represent the 13th straight year of real decline in defense spending. However, persistent shortfalls in critical defense modernization, readiness and quality of life accounts totaling billions of dollars over the Future Years Defense Program remain with no realistic prospect of solution within the existing budgetary framework. Exacerbating the situation, U.S. military forces have been reduced by one-third over the last ten years and the recently released Quadrennial Defense Review (QDR) recommends further force reductions, even though U.S. forces are busier than they have ever been.

The starkness of the realities facing the defense budget have dramatically increased the imperative to aggressively pursue reforms in how the Department of Defense is organized, resourced and conducts its day to day business. While the drive to achieve meaningful defense reform has existed for

decades, the results have been mixed with only marginal improvements achieved.

During the 104th Congress, the House National Security Committee initiated a number of reforms in the areas of acquisition policy, infrastructure and support services, and DOD organization. These reforms were intended to increase the overall efficiency of the Department while, at the same time, preserving the critical military combat capability.

In the acquisition policy area, the committee streamlined and made more cost efficient the acquisition process through reforms of a number of antiquated and restrictive federal acquisition laws. The committee also mandated numerous studies and pilot programs in the area of infrastructure and support services in an effort to determine the benefits of shifting responsibility for providing certain support services from the public sector to the private. Given the Department's critical national security mission, the committee recognizes there will always be important support functions that must be performed, in part or in whole, by DOD employees. However, with spending on infrastructure and support services accounting for nearly 60 percent of the defense budget, the committee believes that reality should not stand in the way of moving aggressively to achieve greater efficiencies in non-critical support functions such as printing, payroll and travel, just to cite a few.

With respect to DOD organization, the committee is disappointed and concerned that its efforts to effect reform in this area, undertaken with a cooperative spirit, have been met with hostility and consistent noncompliance with statutory direction. The facts underlying the need for DOD organizational reform have not changed. In the same ten year period that active duty military forces have been reduced by 33 percent, the size of the staff and support personnel assigned to the Office of the Secretary of Defense has increased by over 40 percent. This trend of growth in the administrative support functions of the Department undermine the credibility of any internal effort to attack the widely recognized imbalance between combat forces and support infrastructure.

The committee acknowledges the QDR's review of defense reform issues and resulting initiatives. However, the committee notes with disappointment the lack of detail and specifics on implementation of these initiatives. Further, while the committee commends Secretary Cohen's commitment to taking on defense reform through the establishment of the Task Force on Defense Reform, the committee notes that the results of that new review will not be known until late this year.

This legislation builds on past committee initiatives to effect reform in the Department of Defense. It undertakes a number of organizational, structural, defense business practice, acquisition and policy reforms that will make the Department operate more efficiently.

The committee notes that, in implementing the provisions of this bill, the Secretary of Defense may apply any applicable workyear reductions resulting from sections 1401, 1402, 1403, 1405, 1406, and 1421 of this bill to the relevant headquarters reductions and acquisition workforce reductions required by sections 1301 and 1302. Further, the committee is aware that there may be a "double counting" effect, whereby a position being eliminated may, for example, fall into both an acquisition workforce and headquarters definition. It is the committee's intent that reductions in the workforce resulting from this bill shall count toward all relevant affected functions or organizations.

SECTION-BY-SECTION ANALYSIS

TITLE XIII—DEFENSE PERSONNEL REFORMS

SECTION 1301—REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES

This section would require a 25 percent reduction in management headquarters and headquarters support personnel, as defined in DOD Instruction 5100.73, over four years and implemented on an annual basis. In execution of this section, the Department would base its reductions upon personnel levels as of October 1, 1997. This section would also require the Secretary of Defense to examine DOD Instruction 5100.73 and make recommendations to Congress by January 15, 1998 on a revised directive that uniformly applies a DOD-wide definition of management headquarters and headquarters support functions.

The committee continues to be concerned with the size and cost of the Department's management headquarters and headquarters support activities. Ten years after the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433), the committee believes that the Department requires a further reexamination of the structure and size of its management headquarters and headquarters support activities to eliminate unnecessary duplication, outdated modes of organization, and wasteful inefficiencies.

The committee unsuccessfully sought to engage the Department in the 104th Congress on the appropriate size, composition and structure of its Military Department Headquarters staffs. The committee notes with concern that the Department has yet to submit the report and recommendations required by section 904 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201). While the Quadrennial Defense Review (QDR) has cited reducing and streamling management headquarters and headquarters support activities as a priority, it has postponed implementation of reductions until another internal study reviews the issue and makes recommendations to the Secretary of Defense by August 29, 1997.

The committee is encouraged with the QDR's assertion that the reduction of layers of oversight at headquarters and operational commands and elimination of management and support personnel will yield 10,000 military and 14,000 civilian positions. The committee concurs with the need to drawdown unnecessary infrastructure and supports the Department in this regard. However, the committee is concerned the Department may not have an accurate understanding of the costs associated with management headquarters and headquarters support activities. Specifically, the committee questions whether the Department is relying upon the proper definition and whether the governing DOD directive is being adequately implemented. The committee is aware of several organizations that have not been reported by DOD as management headquarters or headquarters support, but appear to be performing those functions. These organizations include the Air Force Studies and Analyses Agency, U.S. Army's Forces Command Field Support Activity, Air Combat Command's Studies and Analyses Squadron, and the U.S. Atlantic Command's Information Systems Support Group. Furthermore, the committee understands only a portion of the headquarters staffs of the DOD Inspector General and some Defense Agencies are reported by DOD as being management headquarters or headquarters support. In addition, none of the headquarters of the numbered air forces are currently reported (although they were in the past), and the Navy's Program Executive Offices apparently have not been reported in spite of the DOD directive requiring their inclusion.

The committee understands the Department intends to address the inadequacies of the current definition of management headquarters and headquarters support activities in its August 29, 1997 report to the Secretary and looks forward to specific recommendations to rectify this situation.

SECTION 1302—ADDITIONAL REDUCTION IN DEFENSE ACQUISITION WORKFORCE

This section would require the Department of Defense to reduce its acquisition workforce by 42 percent by October 1, 2001, based upon projected fiscal year 1997 end-strength, in order to achieve the reductions necessary to take full advantage of legislated acquisition reforms, free up resources for other unfunded priorities and spur needed streamlining in the defense acquisition infrastructure. This provision would also require the Secretary of Defense to submit an implementation plan to Congress by January 15, 1998, containing any recommendations to include legislative proposals the Secretary considers necessary to fully achieve such reductions.

In the 104th Congress, the committee addressed specific concerns with the size and number of acquisition organizations and positions relative to the declining Department of Defense (DOD) budget and modernization program. Many of the acquisition reforms initiated by the committee were intended to ultimately reduce costs both to the private sector as well as the federal government. Full implementation of acquisition reforms can, and should, also result in fundamental changes and reductions in the structure of the Department's acquisition organizations. Specifically, it was the intent of the committee in relieving the Department from the burden of administering various antiquated and restrictive federal procurement laws that substantially fewer acquisition personnel would be required.

In seeking to establish a balance between the Department's diminished modernization program and the Department's acquisition bureaucracy, the committee supported moderate reductions in acquisition personnel in section 906 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) and section 902 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201). The committee understands that in implementing these reductions, the Department exceeded the Congressional mandates in fiscal year 1996 and plans to do so again in fiscal year 1997.

In addition to seeking overall reductions in personnel, the committee sought to engage the Department in determining the appropriate structure of its future acquisition workforce. Section 906 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) required the Department to examine consolidation and reorganization options and report to Congress on its recommendations. Unfortunately, the report provided by the Department demonstrated no real effort to consider the various organizational and management options identified by the law and, not surprisingly, failed to propose significant alternations to the current acquisition infrastructure.

The committee notes that the 1995 Commission on Roles and Missions (CORM)

sharply criticized the Department's acquisition organizations for maintaining redundant staffs and facilities for many types of common acquisition support activities. Therefore, the committee rejects the Department's conclusion in its report to Congress pursuant to section 906 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) that it has adequately assessed and implemented options for restructuring its acquisition organizations for the purposes of improved efficiency.

The committee strongly disagrees with the Department's assertion that increased downsizing of the workforce would place at risk the ability of the Department to equip combat forces and modernize against future threats. Rather, the committee regards the disproportionate size of the defense acquisition personnel workforce and infrastructure relative to the dramatically reduced procurement accounts as a serious drain upon current and future resources. The committee believes that the Department's continued refusal to restructure and streamline acquisition infrastructure will result in the continued squandering of limited resources urgently needed to address modernization, readiness and quality of life shortfalls. In order to obtain independent analysis of these issues and develop specific alternative organizational options, elsewhere in this report, the committee recommends a provision establishing the Commission on Defense Organization and Streamlining to examine these critical issues.

The committee understands the Department's current plan will result in an acquisition workforce of approximately 269,000 by October 1, 2000, using the definition included in section 906 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106). Further, the Department has stated plans to reduce its acquisition workforce in excess of 20,000 positions in fiscal year 1997. This section would result in a reduction of 95,000 acquisition positions in excess of the Department's current plan over the next four years and, specifically, reduce 40,000 personnel in fiscal years 1998 and 1999, and 22,000 in fiscal years 2000 and 2001.

The provision would exempt from the required reductions personnel who are employed at maintenance depots. In addition, the committee expects the personnel covered under the Defense Acquisition Workforce Improvement Act of 1990 (DAWIA) will be protected, to the extent possible, from overall reductions required in this section.

SECTION 1303—AVAILABILITY OF FUNDS FOR SEPARATION PAY FOR DEFENSE ACQUISITION PERSONNEL

This section would make $100 million available for payment of separation pay incentives only to defense acquisition personnel who separate from the Department of Defense as a result of reductions mandated by section 1302. The committee believes the Department should be provided appropriate management devices to implement these reductions equitably while retaining the necessary skill levels and organizational capacity. The committee expects the Secretary of Defense to distribute these funds to the military departments, agencies and organizations which ultimately are responsible for offering the separation pay incentives, and will closely monitor how these additional resources are expended.

SECTION 1304—PERSONNEL REDUCTIONS IN UNITED STATES TRANSPORTATION COMMAND

This section would require the Secretary of Defense to reduce administrative duplication and inefficiencies in the United States Transportation Command (USTRANSCOM) and eliminate 1,000 administrative positions across USTRANSCOM components in addition to the reductions identified in the fiscal year 1998 budget request.

Despite the creation of USTRANSCOM, studies by the General Accounting Office and USTRANSCOM, have reported that traffic management processes within the Department of Defense (DOD) remain fragmented, duplicative, and inefficient, primarily due to the lack of integrated and standard business practices. Personnel in each transportation component continue to perform similar and duplicative functions, resulting in different component staff separately negotiating rates and processing claims often related to the same shipment.

The committee is aware that USTRANSCOM is reviewing options to improve the management of customer requirements and billing through contracted studies and the Joint Mobility Control Group. Both options utilize standard business practices which should improve transportation services, transportation and financing systems, and allocation of scarce resources. As these programs are fully implemented, they will eliminate much of the duplicative work that exists. The committee believes that as workload is reduced so should the personnel performing such workload.

As a result, the committee directs the Secretary of Defense to reduce the workers assigned to USTRANSCOM to 70,755, or 1,000 workers below the estimated fiscal year 1997 endstrength levels. The Secretary should also take care to ensure that the smaller components in USTRANSCOM do not receive an disproportionate share of this reduction. These reductions would not affect the Department's overall endstrength level.

TITLE XIV—DEFENSE BUSINESS PRACTICES REFORMS

Subtitle A—Competitive Procurement Requirements

SECTION 1401—COMPETITIVE PROCUREMENT OF FINANCE AND ACCOUNTING SERVICES

This section would require that the Secretary of Defense study the competitive procurement of the finance and accounting services currently provided by the Defense Finance and Accounting Service and provide a report, by June 1, 1998, on the results of the study. The section also requires the Secretary of Defense to competitively procure, consistent with current procurement laws and regulation, DFAS services starting in fiscal year 2000.

It is the committee's view that there exists a robust capability for the provision of financial and accounting services in the private sector. There are no unique requirements of the Department of Defense for finance and accounting services that preclude the provision of such services by the private sector. In light of these considerations, the committee believes that a full and open competition, consistent with current procurement laws and regulations, between both government and private sector sources for the provision of such services is appropriate. The study undertaken during fiscal year 1998 should be consistent with current laws.

SECTION 1402—COMPETITIVE PROCUREMENT OF SERVICES TO DISPOSE OF SURPLUS DEFENSE PROPERTY

This section would direct that the Secretary of Defense to competitively procure the Defense Reutilization and Marketing Service (DRMS) function of disposing of surplus property, by October 1, 1998, and provide a plan, by March 1, 1998, for implementing this section and to identify other DRMS functions that lend themselves to outsourcing.

Studies by both the Department of Defense (DOD) and the National Performance Review identified DRMS as a non-inherently governmental function to be considered for outsourcing. The committee is aware that the Defense Logistics Agency announced a streamlining strategy for DRMS in April 1997. In support of this strategy, the committee recommends competing, consistent with current procurement laws and regulations, all of the DRMS surplus property sales functions starting in fiscal year 1999.

The sale of surplus property is the last step in the DRMS process, following the proper coding, demilitarization, reutilization, transfer, and donation of property as performed by DRMS federal employees. Prior to this date, the committee directs the Secretary to allow the affected agency or programs to establish their most efficient organizational structure in order to compete with the private sector. The committee expects that standard management systems will be implemented in the surplus sales function to ensure adequate oversight of the function by DRMS, and that all necessary information should be made available to the private sector in order to fully support the sale of surplus property.

SECTION 1403—COMPETITIVE PROCUREMENT OF FUNCTIONS PERFORMED BY DEFENSE INFORMATION SYSTEMS AGENCY

This section would require that the Secretary of Defense study the competitive procurement of all of the Defense Information System Agency's (DISA) unclassified, non-inherently governmental commercial and industrial type activities and provide a report, by June 1, 1998, on the results of the study. The section also requires the Secretary of Defense to competitively procure, consistent with current procurement laws and regulations, DISA services starting in fiscal year 2000.

The committee recognizes that DISA has played a crucial role in providing information technology support to the Department of Defense. Today, however, most of DISA's services are widely available in the private sector, often at significantly lower costs. Current DISA services duplicated by the private sector include data processing operations, automated systems support, technical support, help centers, software development, telecommunications, and executive software management.

The study undertaken during fiscal year 1998 should be consistent with current laws. As part of the competition process beginning in fiscal year 2000, the Secretary shall allow the affected program to establish their most efficient organizational structure for the competitions. In order to ensure continuity of customer service, the committee recommends allowing DISA to complete all customer orders received by September 30, 1999.

SECTION 1404—COMPETITIVE PROCUREMENT OF PRINTING AND DUPLICATION SERVICES

This section would extend, through fiscal year 1998, section 351 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) which directed the Defense Printing Service, now known as the Defense Automation and Printing Service (DAPS), to competitively procure at least 70 percent of its printing and duplication work from private sector sources. This section would also eliminate the current surcharges levied by the DAPS for handling printing orders that

are sent to the Government Printing Office (GPO) or to private contractors.

Although DAPS successfully outsourced 70 percent of its services in fiscal year 1996, the committee has received few assurances that this success represents a permanent change in DAPS business practices. Additionally, the committee has learned that DAPS has placed a surcharge on all customer orders DAPS passes on to its contractors. According to the Air Force and Army, DAPS does not provide any direct value-added services for this surcharge.

SECTION 1405—COMPETITIVE PROCUREMENT OF CERTAIN OPHTHALMIC SERVICES

This section would require the Secretary of Defense to contract for ophthalmic services related to providing military members with single vision and multi-vision eyewear, except those services needed to meet readiness requirements or those that can be accomplished more cost-effectively by the Department of Defense. This provision is based on a recommendation made jointly by the U.S. Army Audit Agency and Naval Audit Service.

SECTION 1406—COMPETITIVE PROCUREMENT OF COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS BY DEFENSE AGENCIES

This section would require the Secretary of Defense to competitively procure the defense agency commercial and industrial functions by fiscal year 2000 and provide, by March 1, 1998, a plan to accomplish the requirements of this section.

The committee is concerned that competition is not being fully explored by the defense agencies. According to the Department of Defense, the defense agencies will outsource an estimated 14 percent of its commercial activities in fiscal year 1997. In comparison, during the same period, the military departments outsourced between 33 to 61 percent of their commercial activities. For these reasons, the committee directs the Secretary of Defense to compete these functions, consistent with current procurement laws and regulations.

Subtitle B—Reform of Conversion Process

SECTION 1411—DEVELOPMENT OF STANDARD FORMS REGARDING PERFORMANCE WORK STATEMENT AND REQUEST FOR PROPOSAL FOR CONVERSION OF CERTAIN OPERATIONAL FUNCTIONS OF MILITARY INSTALLATIONS

This section would require, by October 1, 1998, the creation of standard Office of Management and Budget Circular A–76 performance work statement (PWS) and request for proposal (RFP) requirements for each base operations function and service that the military departments have previously studied and currently outsource on an average of 50 percent or more across all the military departments. The standard PWS and RFP would render the A–76 requirements, as they relate to PWS and RFP, inapplicable at that time. The committee is aware that within the military services, there is little consistency for outsourcing non-inherently governmental base operations functions and services. Specifically, the military services conduct A–76 studies on activities that are similar, if not exactly the same, as extensively studied and outsourced functions in their own service or in the other military services. This practice unnecessarily duplicates effort and is costly.

As discussed in a General Accounting Office report, "Base Operations: Challenges Confronting DOD as It Renews Emphasis on Outsourcing," (GAO NSIAD 97–86), the development of standard "templates" based on previous A–76 studies of similar functional areas, would save the military services time and resources in outsourcing these functions. The following chart illustrates the base operations commercial activities that were outsourced in fiscal year 1996, highlighting the activities that were outsourced an average of 50 percent or more.

[In percent]

Base operating activity	Air Force	Army	Marine Corps [1]	Navy
Natural resource	[2]	45	0	64
Advertising and public relations	[2]	0	0	1
Financial and Payroll	10	0	0	29
Debt collection	[2]	0	[2]	1
Bus services	[2]	48	0	32
Laundry and dry cleaning	100	85	81	94
Custodial services	100	88	82	86
Pest management	23	22	0	37
Refuse collection and disposal services	96	84	67	81
Food services	88	88	42	39
Furniture repair	0	10	[2]	100
Office equipment maintenance and repair	100	75	18	100
Motor vehicle operation	51	16	0	11
Motor vehicle maintenance	47	30	0	21
Fire prevention and protection	1.4	3	0	1
Military clothing	[2]	24	58	0
Guard service	5	22	0	14
Electrical plants and systems O&M	18	17	.02	4
Heating plants and systems O&M	0	38	.01	5
Water plants and systems O&M	[2]	32	.02	14
Sewage and waste plants O&M	14	27	0	18
Air conditioning and refrigeration plants	7	15	30	37
Other utilities O&M	21	25	0	24
Supply operations	26	9	.03	12
Warehousing and distribution of publications	[2]	0	0	7
Transportation management services	25	6	.02	9
Museum operations	[2]	4	0	0
Contractor-operated parts stores and civil engineering supply stores	100	71	100	[2]
Other installation services	8	10	14	22

[1] Marine Corps figures are as of July 1996; all others are as of the end of fiscal year 1996.

[2] Not reported.

Note.—Percentages represent the portion of the workforce that is outsourced for a given function.

Source: GAO analysis of services' commercial activities inventory databases.

SECTION 1412—STUDY AND NOTIFICATION REQUIREMENTS FOR CONVERSION OF COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE

This section would amend section 2461 of title 10, United States Code, to streamline the Department of Defense reporting to Congress on outsourcing activities. The committee believes that the current reporting requirements are burdensome to the point of impeding certain outsourcing reviews.

SECTION 1413—COLLECTION AND RETENTION OF COST INFORMATION DATA ON CONTRACTED OUT SERVICES AND FUNCTIONS

This section would require the Secretary of Defense to collect cost information on all outsourced activities for five years after a contract is awarded and create a permanent storage site for the data.

The committee is concerned with the poor and often lacking data collection for outsourced activities. Department of Defense (DOD) regulations currently require only three years collection of cost information data for all outsourced activities. According to the General Accounting Office, only the Department of the Air Force consistently follows the data collection guidelines. As a result of these inconsistencies, DOD rarely collects or keeps data on outsourced activities. The committee believes that data collection of previous and ongoing outsourcing activities within the DOD is crucial to identifying and developing accurate savings estimates of these activities.

Subtitle C—Other Reforms

SECTION 1421—REDUCTION IN OVERHEAD COSTS OF INVENTORY CONTROL POINTS

This section would require the Department of Defense (DOD) inventory control points (ICP) to reduce their overhead costs to eight percent of net sales by the end of fiscal year 2000, and provide a plan, by March 1, 1998, for achieving this goal.

The current costs of overhead within the DOD inventory control points is significantly greater than the private sector. Even after taking into account the need to maintain a wartime capacity, these costs are excessive. The committee believes that the ICP management and work processes are ideal business re-engineering candidates, given the extensive commercial market for these services and the recent improvements in private sector practices. In doing so, DOD is encouraged to review the General Accounting Office reports comparing DOD's inventory management practices with leading industry practices (GAO/NSIAD 96–5 and 96–156) for revising the way ICPs provide supply services. DOD should make extensive use of such commercial options as consolidation and outsourcing—particularly prime vendor and virtual prime vendor deliveries for most repairable, hardware, and consumable items. The use of prime and virtual prime vendors provide the benefit of lowering distribution, warehousing, and inventory costs, which reduces the customer rates in the supply and distribution business areas of the working capital funds.

SECTION 1422—CONSOLIDATION OF PROCUREMENT TECHNICAL ASSISTANCE AND ELECTRONIC COMMERCE TECHNICAL ASSISTANCE

This section would create the Procurement and Electronic Commerce Technical Assistance Program by combining services of the current Electronic Commerce Resource Centers (ECRC) and the Procurement Technical Assistance Centers (PTAC).

During the last couple of years, the acquisition community has instituted several reforms aimed at streamlining and removing barriers to the federal acquisition process. The passage of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–335) and the Federal Acquisition Reform Act of 1996 (Division D of Public Law 104–106), along with administrative actions taken by the Executive Branch to streamline the acquisition process have helped to fundamentally change the federal acquisition system. However, despite these reforms, little has changed for the DOD programs that support small business, particularly ECRC and PTAC.

Recent findings by the DOD Office of Inspector General (OIG) (Electronic Commerce Resource Centers, Report No. 97–090 and Department of Defense Procurement Technical Assistance Cooperative Agreement Program, report No. 97–007) argue that the ECRC "has not been efficient or cost effective in promoting" the use of electronic commerce or electronic data interchange technologies between small businesses and government organizations. The DOD–OIG also states that PTAC is not complying with its authorizing language in section 2415 of title 10, United States Code, regarding the requirement to award grants based on the comparative ranking of applicants and equitably distribute grants across the Defense Contract Administration Service regions. Finally, the OIG concluded that both ECRC and PTAC functions overlap with services provided elsewhere in the government. For these reasons, the committee believes the programs should be consolidated to improve service delivery and ensure the future of the program is consistent with the rest of the acquisition community.

SECTION 1423—PERMANENT AUTHORITY REGARDING CONVEYANCE OF UTILITY SYSTEMS

This section would authorize the secretary of a military department to convey, with or

without consideration, a utility system, or part of a utility system, to a municipal, private, regional, district, or cooperative utility company or other entity. Such utility systems may include electrical generation and supply systems, water supply and treatment systems, wastewater collection and treatment system, steam, hot or chilled water generation and supply systems, natural gas supply systems, and sanitary landfills or lands to be used for sanitary landfills. The provision would require the secretary concerned to submit a 21-day notice-and-wait announcement, to include a report containing an economic analysis of the proposed conveyance, to Congress prior to entering into any agreement to convey a utility system.

TITLE XV—MISCELLANEOUS ADDITIONAL DEFENSE REFORMS

SECTION 1501—LONG TERM CHARTER CONTRACTS FOR ACQUISITION OF AUXILIARY VESSELS FOR THE DEPARTMENT OF DEFENSE

This section would remove several restrictions placed on the Secretary of Defense that currently impede his ability to enter into contracts for the long-term charter of ships built in the United States to meet Department of Defense (DOD) auxiliary fleet requirements. Specifically, this section would grant the Secretary of the Navy general and permanent authority to enter into contracts for the long term charter of certain classes of logistics, sealift and other support vessels. The Secretary would, however, be required to receive Congressional authorization to enter into contracts for specific vessels. It would also remove the requirement to include the termination liability in the budget request for a 20-year lease or charter, would allow the Secretary to request funds to cover only the annual lease payment of a vessel in the fiscal year in which the payment will actually be made, and would eliminate the role of the Office of Management and Budget in reviewing DOD long-term charter proposals.

By removing these and other restrictions, the Secretary would be able to enter into long-term charters for DOD auxiliary ships which have been built with private sector funds. This program would be virtually identical to the highly successful build and charter program which was used to provide the Marine Corps with its maritime prepositioning ships in the mid-1980s and the Military Sealift Command (MSC) with its T–5 tankers. It would offer the opportunity to replace the aging fleet of MSC auxiliary ships and to replace the prepositioned ammunition container ships for the Army and Air Force in a timely manner.

SECTION 1502—FIBER-OPTICS BASED TELECOMMUNICATIONS LINKAGE OF MILITARY INSTALLATIONS

This section would require the Secretary of Defense to competitively procure and install a dedicated fiber-optics-based network telecommunication service at a minimum of one high military density locale, and report by March 1, 1998 on the implementation of this section.

The communications market has witnessed a rapid change in the last decade. Driven by such proven technologies as fiber-optics and semiconductors, this change has also significantly reduced the cost of telecommunication services while providing greater flexibility and security. Fiber-optics technology, in particular, is used extensively for telecommunications services by the nation's intelligence agencies and to upgrade the base telecommunications infrastructure at four Marine Corps bases in fiscal year 1998.

The committee is aware that fiber-optics technology can also be used to create continuous telecommunication links in areas where there are several similar Department of Defense (DOD) users. Such links could eliminate all Federal Communication Commission (FCC) regulated tolls for communication between the DOD customers and reduce the access tolls for local and long distance calls. In August 1996, the Department of the Navy implemented a pilot study linking, by fiber-optics, the telecommunications services at eleven installations in the Norfolk, Virginia area. An April 1997 Department of the Navy audit report concluded that improved management and services related to this pilot could generate an estimated $21 million in savings, or 22 percent of total costs, over the next six years.

The committee is concerned that DOD has not demonstrated sufficient vision and planning to take full advantage of these cost-effective technologies and a deregulated telecommunications market. Therefore, this section would require the Secretary of Defense to compete among both regulated and unregulated companies for the installation, in at least one area within the United States that contains multiple military facilities and installations, a fiber-optics based telecommunications network linking identified military facilities and installations and achieve operational capability for this network on or before September 30, 1999. The committee is aware that such networks are capable of providing all forms of communication including voice telephony, data applications, video teleconferencing, imaging, and video transmission. The committee believes that the Secretary, in contracting for this fiber-optics telecommunications network, should take advantage of the range of capabilities of this technology wherever feasible and affordable.

SECTION 1503—REPEAL OF REQUIREMENT FOR CONTRACTOR GUARANTEES ON MAJOR WEAPON SYSTEMS

This section would repeal section 2403 of title 10, United States Code, which requires that a contract for the production of a weapon system contain written guarantees unless a waiver is obtained at the Assistant Secretary of Defense level. It also requires Congressional notification in certain circumstances.

Based on work performed by the General Accounting Office and other analysis, the committee is convinced that this provision has not contributed to the effective protection of the taxpayer's interests. To the contrary, the body of evidence supports the conclusion that this provision has led to sizable expenditures by the Department of Defense in the course of purchasing contractor guarantees with little or no concomitant benefit in return. In recommending the repeal of this provision, however, the committee is cognizant of the continuing ability of the Secretary of Defense to pursue contractor guarantees on weapon system acquisitions where it is determined that such an arrangement would protect the government's interest and encourages the Secretary to take such a step wherever warranted.

SECTION 1504—REQUIREMENTS RELATING TO MICRO-PURCHASES OF COMMERCIAL ITEMS

This section would impose a limitation on the use of contracts or purchase orders for commercial items of a value equal to or below the micro-purchase threshold of $2,500 unless a member of the Senior Executive Service or a general or flag office makes a written determination such a contract is necessary. The provision would also grant the Secretary of Defense the discretion to prescribe regulations specifying any further circumstances that may necessitate the used contracts or purchase order below the micro-purchase threshold.

The committee is aware that the Department of Defense has not taken advantage of the authorities provided by the Federal Acquisition and Streamlining Act of 1994 (Public Law 103–712) in dispensing with the administrative burden associated with transactions which occur at or below the micro-purchase threshold. While representing the bulk of the contract actions processed by the Department's financial and contract management bureaucracy, such purchases constitute a small fraction of the value of transactions executed by the Department on an annual basis. The committee believes that aggressive implementation of the micro-purchase threshold authority and of this provision could yield significant savings in eliminating a portion of the administrative overhead associated with defense purchases.

SECTION 1505—AVAILABILITY OF SIMPLIFIED PROCEDURES TO COMMERCIAL ITEM PROCUREMENTS

This section would amend existing law to modify the circumstances under which a contracting officer could utilize simplified procedures for the procurement of commercial items. Currently, the authority to utilize simplified procedures above the simplified acquisition threshold of $100,000 is limited by a requirement for the contracting officer to make a determination that ''only'' commercial items will be proposed for a given procurement. Given that this kind of prospective determination is difficult to make, the restriction serves as an impediment to utilizing above-threshold simplified procedures as intended by the Clinger-Cohen Act of 1996 (Division D of Public Law 104–106). This situation is particularly critical given that this authority for above-threshold simplified procedures was extended by Congress on a three-year test basis. Therefore, the committee believes it is critical that the Department be afforded a realistic opportunity to implement the flexibility and potential benefits realized through the use simplified procedures for commercial item procurements above the simplified acquisition threshold in order to determine whether such authority should be considered on a more permanent basis.

SECTION 1506—TERMINATION OF THE ARMED SERVICES PATENT ADVISORY BOARD

This section would terminate the Armed Services Patent Advisory Board and transfer its functions to the Defense Technology Security Administration (DTSA). The Armed Services Patent Advisory Board is currently responsible for coordinating security reviews of patent applications to determine if they contain sensitive technical information, the public release of which would be detrimental to national security. In performing this function, the Board fulfills the role assigned to the Department of Defense under chapter 17 of title 35, United States Code. The Patent Advisory Board is an unfunded program and as such, is staffed with personnel from the legal offices of the military departments.

The committee notes that DTSA carries out nearly the same technology security review function when reviewing export license applications to determine if the technologies involved would harm national security if exported to foreign entities. In fact, DTSA and the Patent Advisory Board confer with many of the same technical experts at field activities of the military departments. The DTSA

staff possesses technical knowledge that enable it to prescreen items before resorting to military field activities for analyses. A DTSA review can therefore be more expeditious than reviews coordinated by the Patent Advisory Board, since Board personnel are primarily legal staff members with limited knowledge of defense technologies. While the committee recognizes that as an unfunded program the Board's termination would not necessarily result in cost savings, the committee believes that transfer of the security review function to DTSA would result in more expeditious and thorough reviews.

SECTION 1507—COORDINATION OF DEPARTMENT OF DEFENSE CRIMINAL INVESTIGATIONS AND AUDITS

This section would authorize the Department of Defense (DOD) Criminal Investigative Service's Board on Investigations with the Assistant Secretary of Defense for Command, Control, Communications and Intelligence as executor. This provision would also create a similar board for the audit agencies with the DOD Undersecretary for Defense (Comptroller) as its executor.

The committee commends the DOD criminal investigative services on their efforts to increase coordination, reduce duplication, and improve the overall management of resources through the Board on Investigations and the Regional Fraud Working Groups. The committee believes the creation of a Board on Audit would generate the same benefits, allowing DOD to better handle the increasing workload from the Chief Financial Officers Act and the changing accounting systems. The committee directs the Secretary of Defense to finalize the working guidance for the operation of both boards no later than December 31, 1997. The committee believes that DOD is best served by a productive and coordinated effort between the service departments and the DOD Office of Inspector General.

SECTION 1508—DEPARTMENT OF DEFENSE BOARDS, COMMISSIONS, AND ADVISORY COMMITTEES

This section would eliminate, by December 31, 1998, all governing authorities for Department of Defense (DOD) advisory committees other than those established in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) or subsequent authorizations. This provision would also require DOD to submit to Congress a report and a legislative proposal, due March 1, 1998, identifying advisory committees that warrant support and including justification and projected costs associated with specific advisory committees.

The committee is aware the Department has, in response to Presidential Executive Order 12838, "Termination and Limitation of Federal Advisory Committees," reduced discretionary boards and commissions by almost one-third since 1993. In compliance with section 1054 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106), the Department submitted a report to Congress on the merits of remaining DOD boards and commissions. The Department failed, however, to propose any significant further elimination of its advisory committees. The committee notes the current 53 discretionary and statutorily established boards and commissions, to include the Advisory Group on Electron Devices, Armed Forces Epidemiological Board, and Inland Waterways Users Board, will cost an estimated $16.2 million in fiscal year 1997. The committee is concerned that many of the Department's remaining statutory and discretionary boards and commissions may have outlived their original purpose.

The committee recognizes the value of readily available expertise in the execution of the Department's duties. Accordingly, this section would allow the Department of Defense to establish advisory committees for one year or less in duration without Congressional authorization for the stated purpose of examining issues critical to national security.

SECTION 1509—ADVANCES FOR PAYMENT OF PUBLIC SERVICES

This section would expand the list of items that the Department of Defense may pay in advance, from available appropriations, to include public utility services. This provision should lower administrative costs associated with metering and billing for these services.

TITLE XVI—COMMISSION ON DEFENSE ORGANIZATION AND STREAMLING

OVERVIEW

The post-Cold War global security environment has witnessed dramatic reductions in the size and capability of the U.S. military force structure while the organizational composition of the Department, especially at the management level, has remained largely unchanged. Since 1987, the Army has lost eight active divisions, the Navy has decommissioned three carriers and over 200 ships, and the Air Force has cut 12 active and five reserve tactical wings. Notably, 1997 active duty personnel levels are actually equivalent to 1950 pre-Korean War levels. Meanwhile, from 1985 to 1996, the Office of the Secretary increased its staff 40 percent, military department headquarters continue to maintain redundant staffs, and, in spite of a 70 percent drop in procurement accounts since 1985, the Department's acquisition infrastructure has remained largely static.

The committee maintains that the Department currently has sufficient authority to reorganize and restructure itself but has demonstrated little willingness to pursue such reforms. Not since the passage of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433) has the defense establishment undergone significant scrutiny and reform.

To address these trends, the committee undertook a number of initiatives during the 104th Congress to encourage and compel the Department to focus on these matters and arrive at its own options and solutions. The committee deliberately chose not to legislate specific prescriptive remedies on the belief that the Department was better suited to develop such detail on its own. Therefore the committee provided the Department with broad guidance and, where possible, relief from existing statutory limitations and dictates on organizational matters. To the committee's continuing disappointment, the Department's response to these efforts has ranged from passive resistance to outright defiance of statutory direction. After two years of attempting a preferred approach of cooperation and collaboration, the committee finds itself no further along in effecting the necessary change in the Department's management and organizational structure.

SECTION 1601—ESTABLISHMENT OF COMMISSION

In an effort to increase understanding and provide the Congress with implementation options for reforming the Department of Defense, this subtitle would establish a commission to be known as the "Commission on Defense Reorganization and Streamling." The committee believes an independent commission would serve to further the cause of fundamental and much-needed defense organizational reform. The commission would consist of nine members who are private citizens with knowledge and expertise in organization and management matters. Two members would be appointed by the chairman of the House National Security Committee, two members would be appointed by the ranking member of the House National Security Committee, two members would be appointed by the chairman of the Senate Armed Services Committee, and two members would be appointed by the ranking member of the Senate Armed Services Committee.

This section would also provide for three of the four appointing chairmen and ranking members to designate a commission chairman. In addition, this section provides for filling vacancies, and describes the initial organizational requirements of the commission. It would require that all members of the commission be required to hold appropriate security clearance. The committee notes, however, that it is not the intent of this subsection to disqualify those individuals who do not currently hold clearances but who could be provided appropriate clearances in a short period of time. The committee expects that in such circumstances the government would move to secure the necessary clearances as expeditiously as possible.

SECTION 1602—DUTIES OF COMMISSION

This section would establish the duties of the commission, which would be to make recommendations to increase overall organizational effectiveness of the Department of Defense. The commission shall examine the missions, functions, responsibilities, and relationship therein, of the Office of the Secretary of Defense (OSD), the management headquarters and headquarters support activities of the Military Departments and the Defense Agencies, and the Department's various acquisition organizations and propose alternative organizational structures and alternative allocation of authorities where it deems appropriate. In carrying out its duties, the commission shall identify areas of duplication and recommend options to streamline, reduce, and eliminate redundancies.

This section would also require that the commission receive full and timely cooperation of any U.S. government official responsible for providing the commission with information necessary to the fulfillment of its responsibilities.

SECTION 1603—REPORTS

This section would direct the commission to submit an interim report to the Congress by March 15, 1998, and a final report by July 15, 1998, on its findings and conclusions, with a provision for the incorporation of dissenting views.

SECTION 1604—POWERS

This section would establish the commission's authority to hold hearings, take testimony, and receive evidence. The provision would also authorize the commission to secure any information from the Department of Defense and other federal agencies as the commission deems necessary to carry out its responsibilities.

SECTION 1605—COMMISSION PROCEDURES

This section would establish the procedures by which the commission shall conduct its business, describe the number of members required for a quorum and authorize the commission to establish panels for the purpose of carrying out the commission's duties.

SECTION 1606—PERSONNEL MATTERS

This section would establish personnel policies for the commission. Members of the commission would serve without pay. The provision would authorize:

(1) Reimbursement of expenses, including per diem in lieu of subsistence, for travel in the performance of services for the commission;

(2) The chairman to appoint a staff director, subject to the approval of the commission, and such additional personnel as may also be necessary for the commission to perform its duties;

(3) The pay of the staff director and other personnel;

(4) Federal government employees to be detailed to the commission on a nonreimbursable basis and;

(5) The chairman to procure temporary and intermittent services.

SECTION 1607—MISCELLANEOUS ADMINISTRATIVE PROVISIONS

This section would allow the commission to use the United States mails and to obtain printing and binding services in accordance with the procedures used by other federal agencies. The provision would also require the Secretary of Defense to furnish the commission with administrative and support services, as requested, on a reimbursable basis.

SECTION 1608—FUNDING

This section would require the Secretary of Defense to provide such sums as may be necessary for the activities of the commission in fiscal year 1998.

SECTION 1609—TERMINATION OF THE COMMISSION

This section would terminate the commission 60 days after the date of the submission of its report.

Mr. SPENCE. Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my distinguished colleague the gentleman from South Carolina [Mr. SPENCE] has already laid out the specifics of the bill. I shall not be redundant. I simply want to first commend the gentleman from South Carolina for making a significant effort at the very outset to make this reform package a bipartisan effort.

We both would agree that in its present form it is not perfect. Because this was on a fast track, we are only recently hearing from stakeholders in this reform legislation. We have made an effort to respond to them. I would say to my colleagues on this side of the aisle that, while not perfect, I think this product can and should be supported as we move forward further into the legislative process, further having the opportunity to refine this process.

I want to thank the gentleman from South Carolina for heeding the notion that while there was a yeoman effort to make reforms in fundamental environmental legislation, that because of the controversy and jurisdictional issues, that they saw the wisdom to withdraw title III. I deeply appreciate that.

Third, I want to thank and commend the staff persons on both sides of the aisle who, I believe, negotiated with each other in good faith, sometimes when we were not here, negotiated with each other with the characteristics of transparency and openness and conviction. Those are very important factors.

Mr. Chairman, as I have said on more than one occasion, any Member of Congress or any committee that thinks they can operate without competent and capable staff are living in a Never-Never Land. So I want to applaud both the competence, the capability, the integrity and the cooperation that took place between the two staffs as we arrived at this bipartisan effort. I think it was an excellent one.

Given the fact that from time to time this is a contentious place, this may very well be a model of how both parties can work and function and operate when we are of one mind, attempting to address a myriad of problems that need to be discussed.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I offer my strongest endorsement to the build and charter provision in this package of reforms.

This provision is relatively simple and straightforward. It provides the Secretary of the Navy with authority to enter into long-term charters for auxiliary and naval support vessels built in U.S. shipyards. It is modeled after the highly successful build and charter program which allowed the Navy to retain its T–5 tankers and the Marine Corps to obtain its 13 maritime prepositioned vessels.

These ships will be built in privately owned U.S. shipyards using private capital. Upon completion of these vessels, the shipowners will sign a long-term lease with the Navy to provide a fully crewed vessel.

This provision will simply allow the Navy to request funding for the lease payments for these vessels in the year in which those payments are required to be paid. Under current practice, the Navy is required to request the budget authority in the first year of the lease for all of the payments due over the next 20 years. Without the ability to spread these payments over the term of the lease, the Navy will simply be unable to obtain the support capability it needs over the next 10 years.

The Navy will need 10 new fast combat dry cargo support ships just after the year 2000. Requirements for ammunition ships for the Air Force and Army have also been identified, as well as towed-array sensor ships. The reason I mention these various types of vessels is this provision will not only provide the opportunity for the Department of Defense to obtain the needed sealift support, but it also offers U.S.-based shipyards the opportunity to build these vessels in sufficient quantities to gain the efficiencies needed to provide an economical product for the Navy.

The amendment will not just benefit large shipyards but also many small shipyards throughout the country. The Navy is considering using this program for towed-array sensor ships, for replacing this aging class of ships. These ships range in length from 220 to 265 feet, a length that is well within the capability of smaller shipyards.

Thus, this section in the reform amendment benefits large shipyards as well as the smaller yards and American merchant mariners and our national security. I urge my colleagues' support.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent to allow the gentlewoman from California [Ms. HARMAN] the opportunity to manage the balance of the time on this side of the aisle.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume, and I thank the ranking member for yielding time to me and for giving me this opportunity, I again commend him for his professionalism, passion and poetry in the leadership role he serves on this committee.

It is also an honor to serve with him and with our chairman, the gentleman from South Carolina [Mr. SPENCE], and to rise in enthusiastic support of this bipartisan amendment.

Mr. Chairman, we just voted down overwhelmingly an amendment to provide a 5-percent across-the-board cut in our defense budget. I voted against that amendment because I think that that form of cutting is not responsible. But it does not mean that all forms of cutting are not responsible. In fact, the pending amendment would cut at least $5.5 billion from our defense budget and that is very responsible.

I commend to those who voted for the Sanders amendment and to those who voted against the Sanders amendment this particular bipartisan Dellums-Spence amendment.

I spoke earlier in general debate, and I said that I support more effective, less costly defense that is ready for the next war, not the last one. I want the Pentagon to take full advantage of the revolution in military affairs as it modernizes equipment and doctrine for future conflicts, because that will ultimately bring costs down and effectiveness up.

But modernizing requires an initial investment. In today's tight budgetary climate, funding for that investment must come from reductions. And logically, those reductions should be in excess infrastructure and ossified management practices. Right now the Pentagon spends too much on activities

that have nothing to do with national security. I repeat, they have nothing to do with national security.

Sixty percent of the defense budget and 45 percent of all military personnel are dedicated to support, not to warfighting. No business could survive with that ratio of overhead to production. Those of us on the Committee on National Security know that the tooth-to-tail ratio is way out of line, and many other Members know that too.

Reform-minded Pentagon officials need our support. Just before he released the QDR, Secretary Cohen told me that it is important for Congress to keep the pressure on, to help his management team overcome internal resistance to reform. The amendment before us is the best way of keeping the pressure on, to help the Pentagon modernize its management procedures and to bring the tooth-to-tail ratio back to reality.

This amendment has broad support not only within Congress and the civilian leadership in the Department but among concerned outside groups, too. One of these is BENS, Business Executives for National Security, a nonpartisan organization of Democratic and Republican business leaders whose advisers include people like former Secretary of Defense Bill Perry.

In a letter distributed to all Members, BENS urges support of this amendment and underscores the need to reduce headquarters staff. This amendment would reduce those staffs by 25 percent, cut the cost of financial management, encourage cost saving public-private competition, and simplify acquisition procedures.

Mr. Chairman, this amendment moves us toward the objectives of the QDR. It continues the important work on acquisition reform that I think is the cornerstone of the legacy of former Secretary of Defense Bill Perry.

□ 1800

Modernizing our forces to take advantage of the revolution in military affairs requires what Secretary Cohen calls a revolution in business affairs. This amendment provides the ammunition for that revolution.

It makes good defense sense and it makes good business sense to pass this amendment. Let us take advantage of the opportunity it presents, and let us make a real difference in how the Pentagon does business. We can do better, and it can cost us less.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in strong support of the amendment, and I want to again thank the chairman and the ranking member for their leadership in helping us address the need to reduce the infrastructure and better manage the Department of Defense.

The changes that are recommended in this amendment are very serious, they are substantive, and they are needed. It allows us to bring down the cost of those people who oversee purchasing. The DOD civilian personnel, that is still too high. It allows us to make management reforms to bring in privatization where possible.

But let me talk about one portion of this amendment that we dropped, Mr. Chairman, and that deals with environmental costs. Earlier I spoke about one of the most rapidly increasing portions of the defense budget, and that is the cost for environmental protection. I cited a ballpark figure at that time of $12 billion. The actual amount, Mr. Chairman, is $6 billion for DOE environmental costs, $4.8 billion for DOD costs. And those figures do not include the hundreds of millions of dollars that we spend either locally at our bases on research programs, through accounts that are managed by DARPA and a number of other agencies. So, when we add all of that up within DOD, we are spending close to $12 billion.

Mr. Chairman, I take great pride in my environmental voting record, support for things like endangered species, wetlands protection, clean air. But we have to find a way to better utilize defense dollars to clean up our sites. And what we are not addressing in this amendment, but which I know our chairman supports, is an effort down the road to address the increasing environmental costs.

Let me also add that under our chairman and ranking member, we have taken great steps. In fact, we introduced a whole new coordinating initiative with the oceanographic community in this country, not actually spending new money, but having the Navy work with nine other Federal agencies to better coordinate the money they spend on understanding the ocean ecosystem.

It is a better use of DOD's assets, which are primarily for defense and for national security, but which also offers tremendous environmental opportunities. That is in the bill. And that is the kind of success that we take along with our efforts to help solve problems like the nuclear waste disposition problem in the Arctic by the Russians.

So we are not saying that we should not be environmentally sensitive, and we are not saying that we should not be concerned. And where possible, the military, when it does its primary purpose, can also benefit us environmentally, we should take advantage of it. But we have to get control of the increasing costs. We have to find a way to provide flexibility so that, when we shut these bases down, and when one day we have kids playing in a playground or going to school on a military base and the next day after the base is closed we say it is a toxic waste site, that is just unacceptable.

It is causing us to take more money from programs and from quality of life that is important. And I applaud my chairman and the ranking member of the leadership and I ask for consideration of this in the future.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just listened to the last speaker, my good friend, the gentleman from Pennsylvania [Mr. WELDON], and would like to thank him for years of bipartisan cooperation under his leadership in the Subcommittee on Military Research and Development. I happen to agree with him that environmental issues need to be considered down the line.

I was the sole vote on my side of the aisle against deleting all environmental issues from the base bill on which this amendment is based. I did so because, although the provisions in this original bill may not have been perfect, there are provisions that we should pass. There are ways to revise the Superfund law particularly and to provide for less costly, I think less costly, remediation of some of these closed bases and other sites, which will not only save scarce dollars but will get these lands back to community use faster.

So I applaud what he is saying, and I pledge to work with him and anyone else on responsible ways to change the existing environmental practices so that they are more modern, less costly, and better for all the taxpayers.

Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, today represents a culmination of 7 years of effort, bipartisan I would like to say, nonpartisan effort. I particularly want to thank the chairman, the gentleman from Virginia [Mr. BATEMAN]. This has been a dream of his since before I came into the Congress. I have been privileged to work with him on this issue, been privileged to work with the gentleman from California [Mr. HUNTER] and the gentleman from Mississippi [Mr. TAYLOR] to try and put together this legislation which will renew and revitalize American shipbuilding.

Mr. Chairman, people expect in the United States of America that our strategic interests are going to be met, that our national interests are understood in a context of having a modern merchant marine industry. And yet we do not have it. On the contrary, it has been virtually wiped out.

I do not believe, Mr. Chairman, that the average American understood that, even at this time. Yet this legislation and this reform package that has been put together under the leadership of the gentleman from South Carolina

[Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] is going to achieve that.

As a result of the passage of this reform bill, we are going to see American ships built in American shipyards by American workers, flagged in America, and sailed by American seafarers. That is what is going to be accomplished today. We are doing it in a context that marries the public and the private sector. This takes us into a new age of shipbuilding, the revitalization of the American merchant marine.

A vibrant, prosperous American merchant marine is in the direct strategic interests of the United States. Without it, the national interests of the United States, as manifested in military doctrine and material, are served in name only.

Mr. Chairman, by voting for the reform bill today in support of the chairman's innovative amendment, we will give the Navy the authority to enter into long-term charters for the construction of strategic sealift and special mission auxiliary ships. This authority is absolutely essential because the Navy must replace these types of ships in its fleet.

Many of these ships are near the end of their useful life. In fact, the average age of 21 of them is over 30 years. Just as a car, an older ship needs maintenance, Mr. Chairman, it gets more expensive by the age, it becomes less reliable. Unlike our personal cars, however, these ships have a critical mission. And we can ill afford to place our young men and women in harm's way and not have the sealift capability to provide them with the supplies and equipment that are essential during the perilous hours of need.

It does not make good sense to throw good money after bad in trying to make Bandaid repairs to extend the life of a ship that is operating past its time. We are in a new era of fiscal responsibility that is recognized by the chairman where a premium must be placed on finding innovative ways to provide the Navy with the ships they need now, this century, not the next.

Charter and build is the cost-effective answer that will permit the Navy to replace their aging sealift on auxiliary ships. For the last several years, Mr. Chairman, acquisition reform has received well-deserved attention and most particularly in our Committee on National Security. Charter and build is in total keeping with the spirit and intent of acquisition reform; and equally important, it allows the private sector to participate in providing a cost-effective means to meet the auxiliary requirements of the Department of defense. It creates U.S. jobs, which will be filled by taxpayers who fuel the Treasury and our Government with revenue that allows us to provide for the common defense.

For all of these reasons, Mr. Chairman, I request of all of the membership today that they pay close attention to the sea change, no pun intended, Mr. Chairman, that is going to take place with the passage of the reform bill. After today, we will have taken the effective first step in seeing to it that not just reform has come to the American merchant marine, but that a new day, a new dawn is here for the American merchant marine.

We have the chairman to thank. We have all the Members to thank, the gentleman from California [Mr. DELLUMS], as I said, the gentleman from Virginia [Mr. BATEMAN]. I hope that the first ship that comes out will take into consideration the chairman of our merchant marine panel, who has been so crucial in seeing to it that this day has finally come.

Mr. Chairman, this is one of the proud days for this House, I think. We will have taken the steps necessary to see to it that an American merchant marine is reborn. Mr. Chairman, I ask for the full consideration of this reform bill by all the Members.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Chairman, I guess, as with everyone else here today, I rise in strong support of the chairman's amendment on procurement reform. I am proud to serve as chairman of the Defense Work Group of the Committee on the Budget, and I can say that this is precisely the kind of reform that the committee has supported over the years.

As one who has endorsed and introduced procurement reform legislation, I am pleased to see that the Committee on National Security is moving forward with this effort. We assume, and I think it is great, that we are going to see a reduction of 25 percent in the defense managed headquarters. Over 4 years, we will see a reduction of 42 percent in defense acquisition work force over 4 years, and it is not all at the very end. According to the amendment, it will result in a 40,000 person reduction of personnel in fiscal year 1998 alone.

Now, my distinguished colleague from California and others have talked about the fact that our military strength is reduced by 33 percent and we now have 45 percent of those left in support functions, and that is too high. The amendment will save $15½ billion over 5 years and $5 billion each year thereafter. And this responsible amendment does, in fact, free up the necessary resources that we need for readiness, for modernization, and for overdue improvements in pay and benefits for military personnel.

I would just like to say that I rise in strong support of this amendment and urge the House to adopt it.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentlewoman for yielding, and I rise in opposition to a provision in the Spence amendment that threatens one of the basic tenets of our economy, full and open competition. And I hope that this particular provision is revised and improved as the legislation moves through the system.

Section 1505 of the amendment of the gentleman from South Carolina [Mr. SPENCE] would allow the Government to limit competition when it buys noncommercial goods and services. Those are things that are specific to government needs, like aircraft engine spare parts, and government computer programs.

Current law allows simplified procurement procedures for commercial goods and services. That is because prices of these items can be compared in the commercial marketplace. We all know how much to pay for a car, office supplies or furniture, and we can buy it off the shelf. It is anyone's guess how much that spare engine part is worth.

Full and open competition guarantees lower prices, competitive bidding, provides an even playing field for businesses, and helps weed out fraud, favoritism, and abuse. It guarantees the Government the best price and value, while at the same time ensuring the integrity of the system and protecting taxpayers' dollars.

The Government spends $200 billion a year on goods and services. That is $800 for every American taxpayer in the procurement system. The way that money is spent is extremely important. This particular provision, which removes full and open competition for noncommercial items, I believe is bad policy. I hope that this is changed. Otherwise, I support the amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, let me state very strongly that there is no stronger advocate for national security veterans' issues or active duty personnel than the gentleman from South Carolina [Mr. SPENCE]. His fine amendment will bring the Pentagon into the 21st century.

I think they are still living in the fifties over there. They are the world's largest bureaucracy. And I think, with this amendment, we will save considerable resources, $15 billion over the next 5 years, $5 billion a year thereafter, streamlining the work force, making more prudent use of expenditures on everything that is involved with the Department of Defense.

Clearly, this is an outstanding amendment. It should be supported by every Member of Congress to be able to use the limited resources we have to make certain our military personnel are adequately served in the field rather than those serving outside of the beltway.

□ 1815

Ms. HARMAN. Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I thank the gentleman for yielding this time to me.

The gentleman has done a terrific job in putting this amendment together, and I urge my colleagues, regardless of party, ideology within the party, to support the Spence amendment. It is long overdue. Its passage will result in savings for the average taxpayer. Equally important, the Spence amendment will result in an efficient, well run Department of Defense.

Now many of the Armed Services have already faced up to substantial downsizing. Parts of the Pentagon have shaped up as a result of some downsizing. But the fact is that Defense has too many people on the civilian side. They need to learn what every major corporation in America has learned, every large institution has learned.—Whether hospitals or universities—that when one streamlines the central administration, a more efficient organization results. There are less barriers in terms of the internal communications within a management system. And that is exactly what is needed.

As chairman of the Subcommittee on Government Management, Information, and Technology, I have reviewed the Department of Defense on a number of occasions. It has 49 different accounting systems. That has created substantial chaos in trying to account for funds. No one has stolen them, to our knowledge, but no one can match up the expenditures with the purchase orders, the inventory, and all the rest of it that one needs.

The Pentagon needs to learn more about privatizing. The Army has done that in some cases and has become very efficient in certain fleet management areas.

So we need to support the Spence amendment because it is right for the country. It is right for the military. It is right for our defense. And, best of all, it is right for the taxpayers' pockets.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN] who is the son of the Mr. Frelinghuysen I served with earlier.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the chairman's and ranking member's amendment which incorporates many of the provisions of the Defense Reform Act, including a provision that will give the Navy the authority to enter into long-term charters for the construction of combat logistics force, strategic sealift, and special mission auxiliary ships.

The Navy currently has 21 replenishment ships that average over 30 years of age. They are at the end of their useful lives and must be replaced. Continued operation of these old ships have resulted in increased operating costs, decreased operating tempos, and additional maintenance and repair expenses.

Through long-term charters, the Navy can afford to begin the replacement of these ships. Construction of Navy auxiliary ships in the United States will create thousands of shipyard jobs and help to sustain the Navy's core shipbuilding industrial base. This acquisition approach will also maximize the role of the private sector in providing the most cost-effective means of meeting the Department of Defense auxiliary fleet requirements.

Again, I thank the gentleman for the opportunity to speak on behalf of his amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I wanted to thank our great chairman for putting this package together, and the gentlewoman from California [Ms. HARMAN] who has worked so hard on it and all the Members on both sides of the aisle.

I think one theme that we have heard this year on the floor with this national security bill is bipartisanship. We have had to have that because we have had very tough times, the dollars are very scarce, and we have had to come together and find ways to save money so that we can modernize and buy the equipment that everybody, including the Clinton administration, says we need for our people in uniform.

I just wanted to mention one thing that I know Ms. HARMAN has an interest in, and I do. It is the fact that while we have pulled our Army down from 18 divisions to 10 divisions, and almost nobody knows about it, we did it almost under the cover of darkness, we pulled our fighter air wings down from 24 fighter air wings to 13, and our Navy ships from 546 to 346. We have kept an army, literally two Marine Corps of shoppers, of professional acquisition folks, in DOD, and we thought it was prudent and reasonable to have the professional shopping corps in DOD no bigger than the United States Marine Corps. And this reform bill does that. It brings it down to the same force level as the U.S. Marine Corps.

I think that is going to be beneficial, and I think when those end strength cuts come to the tail part of the Pentagon just like they have already come to the tooth part of the Pentagon; that is, the guys that actually carry the weapons and fight the wars, when we pare down the bureaucracy the same way we have pared down the people that are in the field, they are going to get together, and they are going to figure out ways to handle the contract with less than 15 people working that contract. Maybe they can handle it with five, to use computerization, to use simulation to do a lot of things that will bring about efficiencies so that when we have an extra defense dollar, we buy some ammo for that guy in the front lines, we buy that extra piece of equipment, we buy that high-technology equipment that all my colleagues are concerned about.

I thank the gentleman for the time, and I thank the gentlewoman for all the work she has done.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, let me raise, since no one else is, some concerns about this bill.

There are some breathtaking changes here. This bill would cut management personnel in the Department of Defense by 25 percent; it would cut people classified as acquisition management personnel by 42 percent.

Now I think that we need to impose external pressure on the Pentagon, the Department of Defense, in order to effect these cuts so that the overhead, the white-collar workers, are reduced commensurate with the reduction in force of the guys and women that fight the wars; but is 45 percent, 42 percent, a sustainable number?

Exactly whom are we cutting? Engineers? Accountants? And when we cut these people, will we emasculate program management to the point where we cannot oversee defense contractors, costing us money, buying things imprudently, $600 toilet seats again?

And when we find that we have cut too far, if we have, will we go back out and contract the very same people who are now in a different guise as civilians, and we will pay them more because they will earn more and they will have bigger overhead themselves? Are we saving money or are we not?

I do not think we have weighed sufficiently, the pros and cons, delved sufficiently into the Department of Defense to know whether or not we can sustain without some lasting damage a 25 percent cut in management personnel or a 42 percent cut. We are taking 124,000 acquisition management workers off of 269,000.

Then there is the enormous increase from $100,000 to $5 million where we will not have free and open competition. Is that a good idea? Have we adequately explored the risk inherent in that, or what is there?

We have a letter, my colleagues can check everyone's office right now, a letter from the Chamber of Commerce expressing its concern that we are dispensing with free and open competition which is the best way to buy things.

I may vote for it but I hope this is not the last word because I think there

are some assumptions made here that have yet to be validated.

Mr. SPENCE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman is recognized for 11 minutes.

Mr. SPENCE. Mr. Chairman, I would like to first of all thank the gentleman from California [Mr. DELLUMS] and the gentlewoman from California [Ms. HARMAN] for their contribution in this effort.

As has been mentioned before, it is truly a bipartisan effort.

This thing just did not happen. People have talked about reform of this kind for a long time. As a matter of fact, we have had acquisition already. Mr. Clinger and I co-authored a bill on acquisition reform in 1996, that will help us save billions of dollars, as has been pointed out by various people.

We went further than that. We asked people in DOD and GAO and business how we can do things better to save more money, to put where it is needed more, and things that were not inherently military and that the Pentagon was doing, how we can get rid of those things.

We have got ten recommendations from various groups, including, as I said, even DOD itself, GAO, businesses, and others. We put it out for everybody to shoot at for a couple of weeks, to offer amendments to and to give us their ideas about.

But the main thing I wanted to do is just commend the gentleman from California [Mr. DELLUMS] and the gentlewoman from California [Ms. HARMAN] and the others on that side of the aisle for the bipartisanship, for the way in which they have handled this process. This is why it is jointly called the Spence-Dellums amendment, and why it is a bipartisan amendment. I ask our colleagues to vote in favor of the bill.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPENCE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SPENCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 169, further proceedings on the amendment offered by the gentleman from South Carolina [Mr. SPENCE] will be postponed.

It is now in order to consider Amendment No. 3 printed in part 1 of House Report 105–137.

AMENDMENT NO. 3 OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SPENCE:

Page 371, after line 20, insert the following:

SUBTITLE A—GENERAL MATTERS

At the end of title XII (page 379, after line 19), insert the following new section:

SUBTITLE B—MATTERS RELATING TO PREVENTION OF TECHNOLOGY DIVERSION

SEC. 1231. FINDINGS.

Congress finds as follows:

(1) There have been numerous reports of United States-origin supercomputers being obtained by countries of proliferation concern for use in weapon development programs.

(2) China is considered by the United States Government to be a country of proliferation concern.

(3) According to United States officials, China has acquired at least 47 United States-origin supercomputers.

(4) Recent reports indicate that China has purchased hundreds of supercomputers for use in its weapons programs and that the United States is unsure of the location of those supercomputers or the purposes for which they are being used.

(5) China has refused to allow the United States to conduct post-shipment verifications of dual-use items exported from the United States to ensure that those items are not diverted to military use.

(6) China has in the past diverted dual-use items intended for civilian use to military purposes.

SEC. 1232. EXPORT APPROVALS FOR SUPERCOMPUTERS.

(a) PRIOR APPROVAL OF EXPORTS AND REEXPORTS.—The President shall require that no digital computer with a composite theoretical performance of more than 2,000 millions of theoretical operations per second (MTOPS) may be exported or reexported to a country specified in subsection (b) without the prior written approval of the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of State, and the Director of the Arms Control and Disarmament Agency.

(b) COVERED COUNTRIES.—For purposes of subsection (a), the countries specified in this subsection are the countries listed as "computer tier 3" eligible countries in section 740.7(d) of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997.

(c) TIME LIMIT.—The Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of State, and the Director of the Arms Control and Disarmament Agency shall provide a written response to an application for export approval under subsection (a) within 10 days after the application is received. If any such Secretary or the Director declines to approve the export of a computer, the computer may be exported or reexported only pursuant to a license issued by the Secretary of Commerce under the Export Administration Regulations of the Department of Commerce, and without regard to the licensing exceptions otherwise authorized under section 740.7 of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997.

SEC. 1233. REPORT ON EXPORTS OF SUPERCOMPUTERS.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall provide to the congressional committees specified in subsection (d) a report identifying all exports of digital computers with a composite theoretical performance of over 2,000 millions of theoretical operations per second (MTOPS) to all countries since January 25, 1996. For each export, the report shall identify—

(1) whether an export license was applied for and whether one was granted;

(2) the date of the transfer of the computer;

(3) the United States manufacturer and exporter of the computer;

(4) the MTOPS level of the computer; and

(5) the recipient country and end user.

(b) ADDITIONAL INFORMATION ON EXPORTS TO CERTAIN COUNTRIES.—In the case of exports to countries specified in subsection (c), the report under subsection (a) shall identify the intended end use for the exported computer and the assessment by the executive branch of whether the end user is a military end user or an end user involved in activities relating to nuclear, chemical, or biological weapons or missile technology. Information provided under this subsection may be submitted in classified form if necessary.

(c) COVERED COUNTRIES.—For purposes of subsection (b), the countries specified in this subsection are—

(1) the countries listed as "computer tier 3" eligible countries in section 740.7(d) of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997; and

(2) the countries listed in section 740.7(e) of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997

(d) CONGRESSIONAL COMMITTEES.—For purposes of subsection (a), the congressional committees specified in this subsection are the following:

(1) The Committee on Banking, Housing, and Urban Affairs and the Committee on Armed Services of the Senate.

(2) The Committee on International Relations and the Committee on National Security of the House of Representatives.

SEC. 1234. POST-SHIPMENT VERIFICATION OF EXPORT OF SUPERCOMPUTERS.

(a) REQUIRED POST-SHIPMENT VERIFICATION.—The Secretary of Commerce shall conduct post-shipment verification of each supercomputer that is exported from the United States, on or after the date of the enactment of this Act, to a country specified in subsection (c).

(b) COVERED SUPERCOMPUTERS.—Subsection (a) applies with respect to a digital computer with a composite theoretical performance in excess of 2,000 millions of theoretical operations per seconds (MTOPS).

(c) COVERED COUNTRIES.—For purposes of subsection (a), the countries specified in this subsection are the countries listed as "computer tier 3" eligible countries in section 740.7 of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997.

(d) ANNUAL REPORT.—The Secretary of Commerce shall submit to the congressional committees specified in subsection (f) an annual report on the results of post shipment verifications conducted under this section during the preceding year. Each such report shall include a list of all such items exported from the United States to such countries during the previous year and, with respect to each such export, the following:

(1) The destination country.

(2) The date of export.

(3) The intended end use and intended end user.

(4) The results of the post-shipment verification.

(c) EXPLANATION WHEN VERIFICATION NOT CONDUCTED.—If a post-shipment verification has not been conducted in accordance with subsection (a) with respect to any such export during the period covered by a report, the Secretary shall include in the report for that period a detailed explanation of the reasons why such a post-shipment verification was not conducted.

(f) CONGRESSIONAL COMMITTEES.—For purposes of subsection (a), the congressional

committees specified in this subsection are the following:

(1) The Committee on National Security and the Committee on International Relations of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs of the Senate.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. SPENCE] and a Member opposed each will control 20 minutes.

Mr. MANZULLO. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from South Carolina [Mr. SPENCE] and the gentleman from Illinois [Mr. MANZULLO] each will control 20 minutes.

Mr. MANZULLO. Mr. Chairman, I yield half my time to the gentleman from Connecticut [Mr. GEJDENSON] and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1830

Mr. SPENCE. Mr. Chairman, I yield 10 minutes of my time to the gentleman from California [Mr. DELLUMS] and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The time will be distributed in the following manner: The gentleman from South Carolina [Mr. SPENCE] for 10 minutes; the gentleman from California [Mr. DELLUMS] for 10 minutes; the gentleman from Illinois [Mr. MANZULLO] for 10 minutes; and the gentleman from Connecticut [Mr. GEJDENSON] for 10 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield myself 4 minutes.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, I join the gentleman from California [Mr. DELLUMS] in offering this amendment to halt the diversion of sensitive technologies to potential adversaries.

This amendment will fix a serious national security problem caused by the administration's decision last year to decontrol the export of so-called supercomputers. Among many uses, supercomputers can help other countries design, build and test nuclear weapons, and to develop advanced conventional munitions. The administration's decision to relax exports controls has allowed the U.S. supercomputers to be exported to countries of proliferation concern without appropriate safeguards on how they are used.

Earlier this year, the head of Russia's Ministry of Atomic Energy confirmed that Russia had obtained U.S. supercomputers for use at two of Russia's premier nuclear weapons research laboratories. According to the Russian Energy Minister, these supercomputers are 10 times more powerful than any computers the Russians have.

In addition, U.S. officials have stated that at least 47 U.S. supercomputers have been sold to China. At least some of these, it has been reported, are under the control of the Chinese Academy of Sciences, which is involved in nuclear weapons and missile research. In fact, according to a report earlier this week, China has obtained hundreds of U.S. supercomputers, most of which cannot be accounted for by our U.S. officials and could easily be used for Chinese weapons research and development.

As the New York Times, citing intelligence sources, reported earlier this month, the newly acquired computers could be used by the Chinese to design more efficient or lighter nuclear warheads that could be put on missiles capable of reaching the United States. The supercomputers sold to China would allow the country to significantly improve its nuclear weapons.

The Spence-Dellums amendment would put Government officials back into the decision loop before such exports can occur. This amendment would reverse the administration's current honor system policy that relies on industry to figure out who should or should not receive this critical technology.

Mr. Chairman, the national security implications of exporting these technologies are too significant, and the stakes too high, for U.S. policy to be one that leaves our Government blind, deaf and dumb to where our supercomputers are going. The Spence-Dellums amendment would put Government officials back to where they belong, protecting our security interests instead of remaining on the sidelines while Russia, China, and other nations of proliferation concern go on a shopping spree.

Vote "yes" on the Spence-Dellums amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MANZULLO. Mr. Chairman, I yield 3½ minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in reluctant opposition to the Spence amendment. I have a high regard for the gentleman from South Carolina and I want to make certain, I want him to understand that my concern is more with the jurisdiction of this measure.

This amendment, as drafted and submitted to the Committee on Rules, falls truly within the jurisdiction of the House Committee on International Relations. While the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] have held several hearings and briefings on the issue of supercomputer exports, they have not introduced any separate legislation or held any markups of this legislative proposal. In fact, this proposal was drafted and presented to our committee staff only after the conclusion of their markup process of the defense authorization bill.

A spirited debate has already started about the implications of certain provisions contained within this amendment, particularly with respect to proposed changes in the export licensing and approval process. Many of these issues should have been resolved in the normal legislative process, and, I would add, they still can be with discussions among the members of the Committee on International Relations, which has sole jurisdiction over the export licensing and review process.

Concerns have been raised in this debate that the adoption of this amendment is going to create a recipe for bureaucratic gridlock where the energies of our Bureau for Export Administration and the Commerce Department will be focused on reregulation and bureaucratic infighting, rather than on the monitoring and verification of supercomputer exports in countries of concern.

Mr. Chairman, in light of the large number of the so-called tier 3 target countries and their great diversity, ranging from Russia to China to Israel and to many of the countries in the Middle East and Eastern Europe, this amendment's one-size-fits-all approach to supercomputer licensing fails to prioritize among the proliferation threats in these very different countries.

In regard to these very serious allegations of the unauthorized reexport of certain supercomputers to Russian nuclear weapons labs, the proposed amendment would only lead to a process where individual validated licenses would be required for the export or reexport of these items. But a presumption of denial or an outright policy of denial might well be needed in instances where there is a military end user or end use of the supercomputer.

On the other hand, Mr. Chairman, an across-the-board de facto requirement for a validated license for all supercomputers over the 2,000 MTOPS range for all military and civilian end uses and users for all of these countries is too far-reaching. Moreover, it fails to distinguish the real from the apparent proliferation threats.

Mr. Chairman, in light of these views and my standing offer to meet with its authors and direct the Committee on International Relations to hold immediate hearings on and report out legislation addressing this critically important issue of supercomputer exports, I request that my colleagues defeat the amendment.

Mr. MANZULLO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in opposition to the amendment. This amendment proposes to kill a gnat with a bazooka. The amendment sounds good, but ignores technological reality on the world scene.

First, some facts. Fact: Computers of between 2,000 and 7,000 MTOPS are widely available on the world market through individual computers, upgrade boards, parallel processing, and networking. We cannot turn back the technological clock.

Fact: Computers in this range are not supercomputers. Supercomputers are far more advanced, with performance power in the hundreds of thousands of MTOPS, reaching as high as 1 million MTOPS.

Fact: Increasing power levels of computers does not enable anyone to do anything unique. Our entire nuclear weapons arsenal and our pilot space program were designed on computers of two MTOPS or less. Increasing the MTOPS levels does not accomplish any new task. It just simply processes information at a faster rate. If we want to stop foreign military from developing weapons of mass destruction, we do not target computers, we focus on other technologies.

Fact: Personal computers like those we have in our offices or at home will soon cross the 2,000 MTOPS barrier next year. Are we prepared to have the Secretaries of Defense, Commerce, State, Energy, and the Director of the Arms Control and Disarmament Agency give written approval every time someone wishes to sell a personal computer overseas to a tier 3 country?

That brings me to my fifth point. Tier 3 countries consist of 50 nations, including Israel, Saudi Arabia, Pakistan, and India. Are we prepared to turn all of these markets over to our foreign competitors? Are we prepared to have four Cabinet Secretaries sign off on every computer sale of over 2,000 MTOPS to 50 countries? It will be a paperwork nightmare without any measurable reduction in the spread of weapons of mass destruction.

We have to remember the last time we bungled supercomputer export control policy. The United States Government took so long to review a proposed Cray supercomputer sale to India that India turned around and created its own supercomputer industry. Now American firms compete against Indian firms selling so-called supercomputers all over the world, including China and Russia.

I urge my colleagues to cut through the rhetoric and look at the facts. This amendment will not accomplish the goal we all aim to achieve, which is reducing the proliferation threat. I urge its defeat. Otherwise, Congress will surrender America's most innovative industry to our foreign competitors.

Mr. Chairman, I ask unanimous consent that control of the balance of the time delegated to me be given to the gentleman from Connecticut [Mr. GEJDENSON].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, this is a simple amendment, and one might criticize it for not going far enough, because it only deals with computers that have a theoretical performance of more than 2,000 millions of theoretical operations per second, but there are computers with less stated capacity that can be upgraded beyond that and perform the same functions, and they are not covered.

This is a simple amendment that says, these are significant resources. We are transferring them and losing track of them. There are no end users. We do not know where they go, what purpose they are put to. We do know they are capable of helping countries design nuclear weapons faster and more accurately, and to transfer technology that is so advanced without knowing what its purpose is or where it ends up is just wrong. It is stupid.

So this amendment, bipartisanly, seeks to correct that by asking for prior written approval of the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of State, and the Director of the Arms Control and Disarmament Agency.

Now, one may say that that is a lot of paperwork and a lot of hoops to jump through. Well, there ought to be a lot of hoops. Somebody in these sensitive agencies ought to recognize that this transfer of this technology to a country like China or the former Soviet Union countries has consequences, serious consequences.

So I am very pleased to support the amendment of the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS]. I note that it is bipartisan, and it will remedy a dangerous situation that we ought not let persist.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I rise in support of this bipartisan amendment. I am the other side of the amendment, Spence-Dellums.

I want my colleagues to know that I entered into this process as a person committed to arms control and committed to nonproliferation. I am not here nation-bashing, but I am an arms control person. I walked in the door 26½ years ago believing that we ought to deal with the issue of nonproliferation.

Now, there has been a lot of talk about one-size-fits-all. There already is as we speak a licensing regime in place for the sale of high-end computers at the level of 2,000 MTOPS.

□ 1845

Mr. Chairman, there are four different combinations of user and end use: Military to military, license required; military to civilian, license required; civilian to military, license required. So what are we dealing with here? Civilian user to civilian end use, one aspect of a regime that already requires licensing. You already have one size fits all for tier-III countries, all of them. Let us lay that reality on the table. We can talk about that.

Now, Mr. Chairman, the recent sale of a supercomputer to Russia is what brings us here. It calls into question, in this gentleman's opinion, the ability of the current export management system to catch errant sales of these high performance computers. Something must be done to ensure that technology we wish to control is indeed controlled in a way we require.

The amendment, Mr. Chairman, would simply provide the Government with a 10-day opportunity with a peek, if you will, at civilian use to civilian end users to determine whether or not the proposed sale poses any proliferation concerns.

Members ought to be concerned about the transfer of technology that can enhance the problem of proliferation, and if so, require the submission of a license application, the way you have to do in the other three, anyway. This would prevent the mistakes, as I said further. It would provide the Government with the assurance that its national security goal for nonproliferation will be adhered to.

We are not here simply about selling, to make money. We are the Government. We have a responsibility to protect and preserve the prerogatives and the well-being of our people, so we are in the business of national security. Proliferation is a threat.

Further, Mr. Chairman, by requiring postsale verification we can monitor where in fact these computers go, and if they are not ending up where they belong, we can develop new mechanisms to protect our nonproliferation goals. Contrary to the arguments of some, we cannot publish a comprehensive list of all nonsites of proliferation concerns. To do so would probably compromise sources and methods of intelligence. They know that and so do I. Take that off the table. It is a meaningless suggestion. To provide less than a comprehensive list, however, would mislead us into a false sense of confidence that it was sufficient to avoid sites on disclosed lists.

For those who argue, look, computers are moving quickly; six months from now 2000 MTOPS will be obsolete,

7,000, 10,000. Let us just sell them. They can get these things on the open market.

The answer to those who argue that the computing power at these levels of capability is ubiquitous, that is to say, is available everywhere, Mr. Chairman, and that we are not preventing capability from going to a nation but only providing U.S. firms with an opportunity to effectively do business, then have the debate on the issue of raising the threshold for control, if required. That is the answer to that question, lift the threshold. If we have a technology problem and technology is moving quickly, it is not to acquiesce, to say, gee, it is ubiquitous. We are about the business of control, so lift the level.

Further, this amendment would require the administration to put regulations into effect for computers it has decided should be controlled. It only makes these controls more efficient. We can achieve these changes through legislation or administrative order, but they should be achieved for so long as we would continue to decide that the technology should be controlled.

Mr. Chairman, this may not be a perfect instrument, but this is not the end of the process. We would move to conference. There are opportunities to deal with these matters.

Finally, I want to share with my colleagues a slight vignette. I met yesterday or the day before with members of the administration to talk about this matter. I am a reasonable person. I am not here with a cannon to shoot a fly. I want to work these things out. But then I sat and I listened to brilliant people in the administration, and they kept saying, it will not work here, we cannot do this, nobody would want to put themselves on the line, et cetera; we would end up doing this, that, and the other.

We had a brilliant conversation. I suddenly said, you know what? It occurs to me why the brilliance of this form of government, why there are independent branches of government: because you can get so close to this issue that you cannot see how to work your way out of it. You talk about a thousand reasons why it will not work, but that is why some of us have to take an arm's length approach, Mr. Chairman, and be policy makers who challenge the administration to figure out how to do it right.

Because if we all were administrators, if we all just sat there saying there is no way to do it, some of us have to be optimists and idealists and hopeful people who put pressure on the process. That is what this amendment seeks to do. It is not perfect, but it puts it out there. It forces the administration to come to terms, or it forces us to deal with this issue with some kind of legislative clarity. At the end of the day it is our job to protect the American people, put pressure on the process. That is what we have done. I ask my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in reluctant opposition to a well-intended amendment offered by my colleagues, the ranking member and chairman of the Committee on National Security.

Let me explain. I share their goal of preventing harmful proliferation. Of course I share it. As a member of the committee on National Security I spend much of my time, and we all do, trying to protect our country against harmful proliferation. But I do not think this legislation achieves the goal.

In January, 1996, the United States decontrolled export of computers up to a speed of 7,000 MTOPS to so-called tier-III countries. This was done as a consequence of a study by independent experts commissioned by the United States government to determine what level of computer technology existed outside the United States, and what level needed to be controlled for national security purposes.

It was believed, correctly, in my view, that continuing to rigorously license widely available computer technology would undermine efforts to control truly significant technology. That is what is at issue here: how do we control truly significant technology. We all want to keep certain computer technology out of the hands of China and Russia, but this amendment would apply to a much broader group of countries, including Israel, one of our closest allies. It is overkill.

I suggest that the best way to go is to support the existing export control laws. That is right, support the existing laws. Those who violate our export control laws, the ones on the books now, could face a prohibition of all exports for the company of up to 20 years, 10 years in prison, and a $50,000 fine for each violation.

Mr. Chairman, these are strict penalties. Enforcing existing sanctions is the right way to go. This unilateral approach to deny widely available technology will only hurt American companies, and will not help national security.

I urge a "no" vote.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. PORTER GOSS], chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from South Carolina, the chairman, for yielding me this time.

Mr. Chairman, as chairman of the House Permanent Select Committee on Intelligence, my concern is that we should err on the side of caution. While I know that there are very good arguments that are being made by other people, including the distinguished chairman, and this is a debate that is very worthy, it is the same as the debate on encryption, in my view, where we have to make a balance in this House between national security, law enforcement, and our export opportunities and our economic opportunities and our economic muscle overseas.

My view is based on the reports I have. We have three facts. One is that the administration has in fact relaxed controls twice. Where they have relaxed those controls in the case of the Russians, they have given the Russians a capability 10 times greater than anything they ever had before with regard to nuclear weapons. That is what concerns me.

Secondly, I am very concerned that the Chinese academy of sciences, which is involved in nuclear weapons and missile research, has access to these computers also. That is a fact. That bothers me.

Reports, there are reports we have that things are a little out of control in terms of areas of proliferation. This is not a good place to have things out of control. Proliferation of weapons of mass destruction is probably the single biggest categorical threat to our Nation that I can think of.

So I think we ought to err on the side of caution. I think that the proposals in the amendment are definitely reasonable. I do not see anything in there, when talking about approvals and verifications, those are things that seem reasonable to me. I realize this is not the last word on this. I realize there are other sides to be heard on it as well, but I am going to support this amendment because I think it errs on the side of caution, which is where we ought to be on this issue.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentlewoman from Jacksonville, FL [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise today to express my strong support for this amendment. I urge my colleagues to support it also. It is unfortunate that this administration has sacrificed long-term national security for short-term economic gain. That is the bottom line.

It has been verified that the supercomputers that have been sold to the Peoples Republic of China and to Russia can be turned around and used militarily against our young men and women, that we have allowed them to advance their technology by millions of times over what they would have been able to do. This is inexcusable, and we are going to pay the price for it. Our young men and women will pay the price for it.

We need to support this amendment. It is a valid amendment, because the loosening of these export controls is what is going to be doing in our young men and women in uniform.

Mr. Chairman, I rise today to express my strong support for this amendment and urge my colleagues to support it also. One of the great advantages the U.S. military has always had in the past was our technological superiority. U.S. troops have known that they were not only the best-trained in the world, but the best-equipped—and that gave them an edge on the battlefield. To preserve that edge, we carefully guarded much of our sophisticated technology to keep it from falling into the wrong hands.

Unfortunately over the last several years, export controls on sensitive technology have been loosened to such a degree that we are eroding our own technological superiority. And the current rules on supercomputers are one of the worst aspects of the policy.

I am particularly concerned about this policy with regard to the People's Republic of China. As revealed in a recent congressional hearing, the decontrol of highspeed supercomputers has led to the sale of at least 47 of them to the PRC over the last 15 months—and every one of those computers is at least four times as powerful as those currently in use by the majority of U.S. military systems. In addition, recent news reports indicate that perhaps hundreds of other computers nearly as powerful as those 47 have also been sold to China. Since China is not only doing everything possible to increase its military power projection and develop an indigenous military production capability, but is also a major proliferator of arms and technology throughout the world—this situation should be of serious concern to all Americans.

Supercomputers can provide a user with the ability to essentially build a bomb in the basement—in other words, to design and test nuclear weapons without ever leaving the lab. This cuts down the time and expense involved in such activities dramatically—and also eliminates the tell-tale evidence of physical testing that our intelligence organizations can detect. Other uses include: Sophisticated weather forecasting, which is often crucial to military operations, and is very important in conducting studies for the use of chemical and biological weapons; making and breaking codes; miniaturizing nuclear weapons; and finding submarines on the ocean floor.

The present regulations allow high performance computers to be exported without individual export licenses, which must be reviewed by the Department of Defense, and there is no follow-up on the sale. This means we don't know where the computers will end up, or even if they have been sold to another country. Since China has become a regular arms bazaar for rogue nations like Iran, Iraq, and Libya, this is a serious concern, and one which could have an impact on U.S. troops in the near future.

By allowing what are, in effect, indiscriminate sales of powerful computers, the U.S. is giving a high-tech shot in the arm not only to the nation that none-too-gently reminded us last year that it has nuclear weapons pointed at our west coast, but to terrorist nations around the globe who have no respect for human life and who are of even greater concern to our national security in the near future.

Mr. Chairman, I am a strong supporter of business and I believe in free trade. I also think the United States should remain engaged with China, which is an emerging superpower. However, we must not forget that it is a Communist country that is arming itself at a rapid rate and engaging in proliferation activities around the globe—and we should not be assisting with either of those activities. Free trade is to be desired, but commerce at all costs is not—especially when it provides a more level battlefield.

This amendment will require notification of the Federal Government and more rigorous examination of any sales of computers rated at 2,000 MTOPS (M-tops) and above to countries which may violate non-proliferation agreements. It will not put an onerous burden on businesses, since it provides for timely evaluation of such requests; and it also contains a provision which will enable us to gain a more accurate picture of just how many supercomputers have gone to China and other nations since the current policy was established. I will vote for it, and I wholeheartedly encourage my colleagues to do the same.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I strongly urge a no vote on the amendment before us. Much has been said about the change in export regulations. I would point out that the change to the current policy followed an uncontroverted study that determined it was not helpful to anyone to control the export of technology that you could go buy off the shelf someplace abroad.

The change in policy was approved by the Department of Defense, by the State Department, by the Department of Commerce. I would like to quote two other individuals who urged that the policy be changed.

In a letter to President Clinton signed by the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from Georgia [Mr. GINGRICH], they said that "it is difficult to understand the utility of controlling equipment and technology when it is so easily available to those from whom we are trying to keep it. Yet, by imposing controls, we are limiting the ability of American business to export some of their most marketable items."

That was true when the gentleman from Georgia and the gentleman from Missouri wrote to the President, and it is true today. Much has been said about the Chinese who have purchased an American computer that was really not all that super. I would like to note that today in the wire service it has been reported that the Chinese themselves are prepared and have developed a 13,000 MTOP computer for their own use and potentially for later sale. So if a 2,700 MTOP computer was indeed sold to the Chinese, perhaps it was a bargain, but they certainly do not need us to acquire a 13,000 MTOP computer.

Mr. Chairman, I am very opposed to the proliferation of nuclear arms. I love our country and I want us to be safe. But I do not see the point in jeopardizing an entire sector of our economy to gain nothing by way of safety; to preclude the export of equipment that anyone can buy that is produced by rival companies in Italy, in France, in the United Kingdom, in Japan.

This amendment does great damage to the economy for no value whatsoever to our security. I urge a "no" vote.

□ 1900

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. TAUSCHER].

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman from Connecticut for yielding time to me.

I rise reluctantly to oppose the amendment by the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS]. There is no question that we must be diligent about guarding sensitive technology from countries that possess or we believe they possess nuclear weapons. Controlling the spread of nuclear weapons must be our top priority. But it makes no sense whatsoever to impose burdensome regulations on the export of computer technology that is widely available on the world market.

Requiring American companies to secure export licenses which can take anywhere from 3 to 6 months will put them at a competitive disadvantage. The Clinton administration recognized in January 1996 that permitting the export of computers that perform up to 7000 MTOPS should not require a license unless the exporter believed that the end use of the computer would be for proliferation purposes. Adequate civil penalties encourage companies not to violate the law.

Mr. Chairman, current law appropriately balances the interests in selling computers with the need for national security. I urge my colleagues to oppose the Spence-Dellums amendment.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have a very clear situation here. We have lived through it before. The Defense Department at one time told American manufacturers of machine tools, you cannot export these, the quality is too good. Do you know what happened several years later? The Defense Department said, we want to get Japanese machine tools because they are more precise than American machine tools.

This country does not live at the bottom of technology. If we are going to build the last decade's technology, it is

going to come from lots of places around the globe. So this is not as if we are hampering just a few little sales at the top. What we are doing is killing the future of our technical ability. Why? We have been successful as a Nation, not because we have put an iron curtain around our technology understanding that today it is easier and easier to copy it. What we have done is profited off those systems and then developed the technology that has kept us ahead.

Now, COCOM is gone. We have a new group. We are not quite sure what they are doing in Wassenegger. But every time we had a restriction, guess what, the Germans, the French, the English, the Japanese, they sold better stuff than we had. If we think Siemens and Olivetti and Japanese and French and English companies are going to be impressed by the action on the floor today, they will. Just as that German company Brocat was impressed, they said: Thank you, America; we have built a multimillion-dollar company because of your restrictions.

Now, the end result of what will happen here is we will move intelligence and capital offshore so they do not have to come to America's rules and regulations and the Defense Department for a computer that operates at a speed which will be a home computer in 2 or 3 years. This is no place for the Defense Department that has never been able to discern effectively the kind of technical issues at hand.

I remember 6 years ago, Secretary Mosbacher decontrolled 286 computers. Secretary Cheney went ballistic. He says, oh my God. What do we do with a 286 computer today? We could not figure out what to do with it.

We have a situation here where the policies on this floor will drive away the kind of capital that our companies get to stay out in front. There is an American company today that ships its product to Russia so the Russians can add the control portion and then sell it worldwide. Those are jobs and developments that would happen here.

When we take this action on the floor, if this legislation succeeds in the process, we will hurt the largest, most important industry in America, and we will do nothing for national security. By my colleague's own admission, the Chinese already have computers with this capability. The only thing we are going to do is turn the high speed computer market out of this country, hurt America's future and give somebody else control.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself the balance of my time.

I would hope that everyone involved in the debate has read the legislation. If they have, it says that the President shall establish the process of prior approval. The President. So read the legislation.

Now, I have already pointed out, Mr. Chairman, that there is already a licensing regime in place. What we have found is that in one aspect of it there, it is alike.

Now, let me establish another fact. The Commerce Department on behalf of the interagency process, not DOD, the five agencies involved here, Department of Defense, ACDA, Energy, Department of State, and Commerce, the five agencies, move away from the rhetoric, deal with the facts. The Commerce has commissioned a study on the question of appropriate threshold levels for control. That study hopefully will look at whether or not 2000 MTOPS is appropriate or whether it is 3, 5, 7, 10 or whatever. At that particular point, all we are saying is, once you have established a level of threshold control, you need to be able to control it. We do not have to be too bright to understand that.

The debate ought to be over what should be the threshold level. If the argument is that 2000 is obsolete, Commerce has commissioned an independent study to address that question. That is what the debate ought to be about, raising the level. But we are also charged with a fiduciary responsibility. We are the government. At whatever level the threshold is, we ought to agree that we ought to be able to control it. That is all this gentleman says. I am not unreasonable.

Final point, Mr. Chairman, this is one part of the process. This is not the end of the process. We move from here to the conference. We engage. Hopefully the administration engages. And in the give and take, we figure out what is in the best interest of the country. I walk away. But I have a responsibility, as all of us do, to impact the process.

So, A, this is interagency; B, there is also a licensing regime; C, we ought to be talking about threshold levels and not these other extraneous matters. Once we establish a threshold level, whatever it is, we ought to be able to say that we ought to be able to control it.

We have struck in this legislation some midground. Maybe it is not perfect. But we stepped up to our responsibility, and I believe that we stepped up to a midground that at least ought to allow the process to go to the next step. Let us engage both on a bicameral, bipartisan basis and hopefully across the two branches of government and at the end of the day do what is in the best interest of the American people.

Mr. GEJDENSON. Mr. Chairman, I yield myself the balance of my time.

The government and the private sector together made the decision that these systems were not controllable. So for all the rhetoric about our desires, the reality is, when the United States says no, this is buried somewhere in an interagency debate between DOD and Commerce, whether or not this 2000 MTOPS computer is to be sold, the process does not stop. What they do is they knock at another door.

Can my colleagues imagine this debate in the Diet in Japan, the Germans, the French? I do not think so. And even the English.

It makes sense for the United States to take actions that have a consequence. The consequence ought to be denying critical technologies to nations whose policies we do not trust. The action we are taking here today does not achieve that goal because what is clearly and universally available is the very same technology across the globe. The Bulgarians make supercomputers today and have for some time.

So what we are going to do here today is say, well, we are going to ignore what has occurred in the past, the review, we are going to ignore that and we are hoping that somewhere in that whole other conference, it will get better.

Do not bet on it getting better. Do not vote for this which is not defendable, I believe, on the facts, hoping that something good is going to come out of conference. It will only encourage Members who have never had the ability to make that tough decision. At what point are we just hurting ourselves? This is the point where we hurt ourselves.

American industry and the American military have succeeded because we have been at the front end of technology, because we made those sales and we made them carefully. But some of the debates get a little silly. 286 computers? 2000 MTOPS will be our home PC in the next 4 years.

So what we are going to do here today is we are going to raise the proliferation banner, the national security banner wrongly, because I believe this will hurt our ability to compete.

Where we saw one article from one company in Germany saying thank you America for your regulations, we will see more. We will slowly transfer the fastest growing, most important industry in this country offshore. Do Members think that companies that are going to be restricted by this are American hostages? Even the American companies have operations in France and England and across the globe? So what we will simply do is transfer talent, money, resource, and intelligence outside the borders of this country.

We saw it before. The Defense Department would not let Americans export machine tools. And within a 5- to 6-year period, the Japanese had made so much progress, maximizing their markets, that the Defense Department was telling people, buy Japanese machine tools, they are better than ours.

I do not want to be back here in 4 or 5 years trying to figure out how to resuscitate the most important piece of equipment in the information age because we took an easy shot across the bow of technology. We cannot put it back in the bottle. We cannot stop the Germans from selling it. We cannot stop the French from selling it. We cannot stop the Italians from selling it, and we are not going to stop the English from selling it. And we are sure not going to stop the Japanese from selling it.

So what are we going to achieve? We are going to move the profits on these sales to foreign corporations and those corporations will develop the new technologies so that the next time we are debating this issue we will have to say, we hope the Japanese will sell us modern enough computers for America to compete.

We have lost other industries as we sat by in electronics, in television, in machine tools, in so many others because we stumbled.

Let us make sure the stumble does not occur here on the floor of the Congress. There are more jobs today in the information computer industry than there are in the automotive industry. They are growing faster and they are paying better. But we only succeed at the top end of technology because there are lots of developing countries and others who take the bottom of technology. The Chinese, the Indians, they can do it.

Let me close with one other observation. This administration is a good administration. I agree with them on lots of things. When they got elected they denied the Chinese a telephone switching system because it was too fast. They were making ones faster in China and other countries were selling ones even faster. Let us not shoot ourselves in the foot.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me.

As the chairman who held the hearing serving the gentleman from California [Mr. DELLUMS] and the gentleman from South Carolina [Mr. SPENCE] on this supercomputer transfer issue, let me say that they are absolutely right. The gentleman from Connecticut [Mr. GEJDENSON] and others who have spoken in a number of areas are absolutely wrong.

Let us just walk through these. First, it was stated that these sales have been made carefully. They have not been made carefully. The first sales to the Soviet Union, the individuals who made the sales have been, according to the briefings that I have gotten, have been fired for making the sales. There are potential criminal actions for making the sales. So these were not prudent private people making sales.

In interviewing the CEO's who were involved with these companies, there are two things here. First, they say they are confused by our supercomputer policy. Because as the gentleman from California [Mr. DELLUMS] points out, if we are selling the supercomputer to the agriculture department in China, ostensibly that is OK. But we all know that is a fiction because the military in China accesses everything.

□ 1915

So we have to presume conclusively it is going to the military. If they put military on the shipping order, then it is illegal. If they put Agriculture Department on the shipping order, then it is okay.

Second, these sales damaged American security. We have talked to the experts, to our best scientists at our weapons laboratories, and they said two things.

They said the sales to the Soviet Union that the gentleman from Pennsylvania [Mr. MCHALE] held a press conference on, he was so proud about getting this American supercomputer, he did not get a Bulgarian computer or a French computer or Japanese computer. The Japanese have been pretty good about this. He got an American computer, and he was so proud about it that he held a press conference on having that particular computer. Our scientists said that helped the Russians only marginally because they have fairly sophisticated nuclear weapons capability.

They said further, however, that the sales of the 47 supercomputers to China have helped China substantially in their military efforts and their nuclear weapons efforts.

The gentleman from California [Mr. DELLUMS] and the gentleman from South Carolina [Mr. SPENCE] are absolutely right with this amendment. Please vote for this amendment.

Mr. MARKEY. Mr. Chairman, I rise in favor of the Spence-Dellums amendment to this bill.

Last fall, four supercomputers that are powerful enough to design nuclear weapons were sold by an American company to the premier nuclear weapons facility in Russia—Chelyabinsk 70, a place whose very existence was top secret until the end of the cold war. The company said that it didn't know that the facility was a weapons lab, and that they had been told that the supercomputers would be used to forecast the weather. But the only clouds these computers will be modeling will be the mushroom cloud of a nuclear blast. In fact, after the sale was disclosed, Viktor Mikhailov, head of Russia's Ministry of Atomic Energy, or Minatom, which controls the Nation's weapons labs, bragged that Russia had the supercomputers, admitting that they would be useful for mathematical modeling of nuclear blasts. The CEO of the American company had this to say: "It is possible we were duped." I guess so.

U.S. law currently calls for an export license on these powerful supercomputers to be requested by the company seeking the license only if it is suspect that the intended recipient might be a suspicious customer. As the Russian case shows, this honor system method just isn't working. Other than the most infamous foreign weapons facilities, American companies often have no way of knowing which recipients are the weather forecasters and which are the would-be proliferators. Once supercomputers get into the wrong hands, there is absolutely nothing we can do to recover them—all we can do is sit and hope that the nuclear weapons they are designing are never aimed at us.

The Spence-Dellums amendment requires that every supercomputer exported to countries of proliferation concern—like Pakistan, India, China, Russia, and Syria—be accompanied by letters of approval from the Secretaries of Energy, Commerce, Defense and State, and from the Director of the Arms Control and Disarmament Agency. Moreover, it calls for a report to be provided to Congress which lists all exports of such supercomputers since January 25, 1996. If a supercomputer that is being proposed for export really will be used to forecast the weather, the sale will be approved. But if it is determined by the Government agencies charged with collecting such intelligence that the supercomputer sale would endanger U.S. national security, the sale will be denied. What's wrong with that? Let's take the export control job away from private industry and give it back to the people who should be doing it—the U.S. Government. Support the Spence-Dellums amendment.

Mr. HAMILTON. Mr. Chairman, I rise in opposition to the Spence-Dellums amendment.

This amendment would reimpose on certain U.S.-made computers export licensing requirements that the President decided could be safely eliminated last year.

The amendment will put U.S. computer manufacturers at a competitive disadvantage in 50 foreign countries, without doing anything to promote U.S. nonproliferation goals or national security.

In this era of high-technology weaponry, our computer sector is critical to the strength of our defense industrial base. As several speaker have pointed out, if computers fall into the wrong hands, they can be put to military uses that can threaten our security. That is why our Government continues to impose conditions on their export.

Technology and weapons programs are always changing, and U.S. export controls need to adapt. Last year, following a review by experts at Stanford University, the administration, with the support of the Defense Department, reached two important conclusions about computers that perform at and above the levels affected by this amendment First, these computers are widely available from numerous foreign suppliers. Second, only the most powerful of these computers have military applications that pose serious threats to U.S. national security.

On the basis of this review, the administration decided to permit computers below that militarily critical level to be exported without individual approvals to civilian customers. Sales to military customers in 50 countries of concern still have to be individually licensed, a process that requires a Defense Department review.

Earlier this year, we learned that a United States firm had sold high-performance computers to two Russian nuclear weapons labs—a clear violation of the new export control policy. If my understanding is correct, the Spence-Dellums amendment was inspired in part by this improper sale.

But the facts assembled so far do not justify the costly reversal of policy this amendment would require.

The Justice Department and the Customs Service are still investigating the Russian sale. The Commerce Department and our intelligence agencies are still trying to determine whether other high-performance computers have ended up in the wrong hands. So far that does not appear to be the case.

Before it has been proved that this problem extends beyond a single firm and a single country, this amendment proposes to impose burdensome new licensing requirements. This would be a new burden on an entire industry on its sales to 50 different foreign countries, several of which, like Israel, are close friends of the United States.

This amendment is premature and unwarranted. It seeks to fix something that nobody has proved is broken. It seeks to turn back the technological clock. It will reimpose controls on computers that are widely available from foreign suppliers and pose little threat to the United States. This amendment won't make us more secure, but it will hurt our computer industry and the people it employs.

I urge members to oppose the Spence-Dellums amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. SPENCE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GEJDENSON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 169, further proceedings on the amendment offered by the gentleman from South Carolina [Mr. SPENCE] will be postponed.

It is now in order to consider amendment No. 4 printed in part 1 of House Report 105–137.

AMENDMENT NO. 4 OFFERED BY MS. HARMAN

Ms. HARMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. HARMAN:

At the end of subtitle A of title VII (page 267, after line 19), insert the following new section:

SEC. 703. RESTORATION OF POLICY AFFORDING ACCESS TO CERTAIN HEALTH CARE PROCEDURES FOR FEMALE MEMBERS OF THE ARMED FORCES AND DEPENDENTS AT DEPARTMENT OF DEFENSE FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "(a) RESTRICTION ON USE OF FUNDS.—"; and

(2) by striking out subsection (b).

The CHAIRMAN. Pursuant to the rule, the gentlewoman from California [Ms. HARMAN] and a Member opposed each will control 20 minutes.

Mr. BUYER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. BUYER] rises in opposition to the amendment and will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am the mother of four children. I chose motherhood under the constitutional protections and access to medical care guaranteed by Roe versus Wade. Our service women and their dependents deserve the same chances to make their own choices.

Mr. Chairman, my amendment would do this. It would give U.S. servicewomen stationed overseas access to Department of Defense health facilities by repealing a provision of law which bars these women from using their own funds to obtain legal abortion services in military hospitals.

Mr. Chairman, women who volunteer to serve in our armed forces already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health and their basic constitutional rights to a policy with no valid military purpose.

This is about women's health.

Local facilities in foreign nations are not equipped to safely handle certain procedures, and medical standards may be far lower than those in the United States. We are putting some of our own at risk.

And it is about fairness, too. Servicewomen and military dependents stationed abroad do not expect special treatment, only the right to receive the same services guaranteed to American women under Roe versus Wade, at their own expense, that are available in this country.

Mr. Chairman, my amendment does not permit taxpayer-funded abortions at military hospitals, nor does it compel any doctor who opposes abortion on principle or as a matter of conscience to perform an abortion. The amendment merely reinstates the policy that was in effect from 1973 to 1988 and again from 1993 to 1996.

This is an issue with broad bipartisan support, including a majority of women Members of this House and the bipartisan cochairs of our Women's Caucus.

My amendment also has strong support from health care providers, organizations like the American Nurses Association, the American Public Health Association, the American Medical Women's Association, the American College of Obstetricians and Gynecologists, and the Planned Parenthood Federation of America. Mr. Chairman, my amendment is also supported by the Department of Defense.

In sum, Mr. Chairman, this is not about public funding. My amendment only permits women to pay for their choices. The issue is simple: Servicewomen and military dependents deserve equal access to health care procedures regardless of where they are stationed.

Equal access to health care for women, that is the title of this amendment. That ought to be one of the principal objectives of our military in which women play so prominent a part.

Mr. Chairman, I reserve the balance of my time.

Mr. BUYER. Mr. Chairman, I yield myself 2½ minutes.

Over the past three decades, the availability of abortion services at military medical facilities has been subjected to numerous changes and interpretations.

In January of 1993, President Clinton signed an Executive Order directing the Department of Defense to permit privately funded abortions to be performed in military treatment facilities. The changes ordered by the President, however, did not have the effect of greatly increasing access to abortion services. Few abortions were performed at military treatment facilities overseas for two principal reasons:

First, the military had a difficult time finding health care professionals in uniform willing to perform abortions. In 1993, this policy permitting abortionists, when it was first promulgated, these military physicians refused to perform or assist in elective abortions. In response, the administration sought to hire a civilian doctor to do abortions in military facilities.

So we have to ask the question: If the Harman amendment is adopted, not only would taxpayer-funded facilities overseas be used to support abortion on demand, but new personnel would be hired simply so that abortions could, in fact, be performed. Are all the expenses of searching for, hiring and supporting an abortionist to travel from base to base going to be picked up by the private funds? It is an interesting question to ask.

Second, military doctors must in fact obey the laws of the countries where they are providing services, so that they still could not perform abortions in locations where abortions are not permitted even if the Harman amendment were in fact adopted.

The current law is in fact consistent with the Hyde language. It allows military women and dependents to receive abortions in military facilities in cases of rape, incest, or when it is necessary to save the life of the mother. This is the same policy that has been in effect from June of 1988 until President Clinton signed the Executive Order.

The House has voted several times to ban abortions in overseas military hospitals. In fact, between the 1996 defense authorization bill and the defense appropriations bill, the House voted eight

times in favor of the ban. Furthermore, the House voted down the fiscal year 1996 defense appropriation conference report because it did not contain an amendment to ban abortions in the military.

In those overseas areas where the female beneficiaries do not have access to safe, legal abortions, beneficiaries have the option of using the space available travel for returning to the United States or traveling to another overseas location for the purpose of obtaining an abortion.

Mr. Chairman, I would say that this is not an issue of whether it is women's rights or of men's rights, this is an issue of life and the use of those taxpayer funded facilities.

Mr. Chairman, I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I yield myself 30 seconds just to point out to my colleague and good friend from Indiana, who is a lawyer himself, that section 1093(a) of title X, which remains in effect, which is not repealed by my amendment, says, "Restriction on use of funds: Funds available to the Department of Defense may not be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term."

We are not using Federal funds for abortions. We are not repealing that section of law.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DELLUMS], the ranking member of the Committee on National Security and my good friend.

Mr. DELLUMS. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I want to express my strong support for the amendment offered by my distinguished colleague from California. The ban in current law discriminates against women who have volunteered to serve their country by prohibiting them from exercising their legally protected right to choose simply because they are stationed overseas.

In the United States abortion is a legal medical procedure. Whether one agrees with that or not, that is the reality. However, in many of the countries where our troops are stationed abortion is outlawed. Faced with a crisis pregnancy, a military woman or dependent would have to choose between risking an illegal abortion overseas or paying for transportation back to the United States. Sometimes that is not convenient or they do not have the resources.

While DOD policy respects host country laws regarding abortion, to the extent feasible and consistent with legal obligations, service women stationed overseas should have the same access to abortion services as do women in the United States. Women who serve in our military deserve safe and sanitary medical care. They should not have to risk their health because they are forbidden to have access to American military hospitals for a procedure that is constitutionally protected. Now, we may agree or disagree with that, but that is the fact.

This ban may cause a woman stationed overseas, who is facing an unintended pregnancy, to be forced to delay that procedure several weeks until she can travel to a location where safe, adequate care is available. For each week an abortion is delayed, the risk to the woman's health increases.

Mr. Chairman, beyond the issues of health and access to medical care, I would argue that this is a fundamental and basic issue of equity. An American service woman should not have to lose any of the constitutional protections she has while serving the military simply because she is deployed to a U.S. military facility in another country. We should not deprive these women of the very rights they are assigned to protect when we send them overseas.

Mr. Chairman, I urge my colleagues to support the amendment offered by the distinguished gentlewoman from California [Ms. HARMAN].

Mr. BUYER. Mr. Chairman, I yield myself 10 seconds to respond to the gentlewoman that I thoroughly understand that this is an issue about the restrictions on the use of the facilities.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE] the chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding me this time.

My friend from California, [Mr. DELLUMS], said this is an equity issue, and he is right. I listened carefully to his debate, I listened to the gentlewoman from California's debate, and I daresay I listened to everybody on that side in the debate, and none of them will mention a baby. All they mention is the woman. The woman has a problem, the woman wants her privacy, she wants her health taken care of, she has constitutional rights.

What about the baby? The forgotten man or woman. The little tiny innocent human life struggling to live. No, they want to use taxpayer facilities, forget who is going to pay for it. This is the use of taxpayer facilities to kill an innocent unborn child. Some of us find that abhorrent.

I know the woman has rights. I know Roe versus Wade has declared open season on unborn children, but if there is any way this legislation narrows it down and gives that little girl or little boy, even though unborn, a shot at living, we are for it and I am against abortions. It is not a question of funds.

So the gentlewoman talks about choice. Choice? What are you choosing, vanilla, strawberry? Who has the right to choose to kill an innocent unborn child, even if it is their own? They do not own that child. So abortion is wrong.

We are not in the business of having the military facilitate abortion. We are in the business of having the military win wars, not making war on an innocent little baby in the womb.

□ 1930

The choice was exercised when the woman got pregnant. And because you drape her in a uniform does not change the equation of a human life at stake. And another tiny, defenseless, voiceless cannot rise up, cannot vote, cannot escape human being, who ought to have the right to life as promised in our Declaration of Independence.

I oppose the amendment of the gentlewoman of California [Ms. HARMAN], and I implore my colleagues on the other side to occasionally think about the baby and whether the little baby ought to have the right to live.

Ms. HARMAN. Mr. Chairman, I yield myself 10 seconds.

I just would like to say to the gentleman from Illinois [Mr. HYDE] that I respect his deeply held views, and I assume he respects mine. The law of the land is Rowe versus Wade, which was carefully decided by the Supreme Court almost 30 years ago, and that is what is at issue here.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentlewoman from California [Ms. HARMAN] profoundly for her leadership on this issue, which is so vital to the needs of American servicewomen.

Mr. Chairman, denying our military servicewomen their constitutional right to seek safe medical treatment, whether overseas or at home, is wrong. The Harman amendment is not about supporting or paying for abortion. The Government will not put down one single penny to pay for these medical services. This amendment is about restoring access to health care to women in the military while they are away from home.

Restricting access to medical treatment while in a foreign land threatens the very lives of our American servicewomen. Women that are denied health care which can be effectively and safely provided at our military bases will either seek unsafe treatment or will be forced to leave their service duties. Both scenarios undermine our military services.

I urge my colleagues to support this important measure to restore safe and legal abortion to the women who dedicate their lives to serving our country.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS], chairman of the Subcommittee on Health of the Committee on Veterans' Affairs.

Mr. STEARNS. Mr. Chairman, well, here we go again. We have had this debate before and we had this amendment and we won overwhelmingly in the 104th Congress. This evening, this House is going to spend the greater part of the evening and perhaps all tomorrow talking about where are we going to spend billions and billions of dollars for defense. We will probably be covering over 50 amendments to the defense authorization bill. Some will adjust the levels up and down and will be having great debate.

Mr. Chairman, the vote we take today should be made in an effort to provide our Nation with the best defense capabilities in the world. In fact, all but one vote will. What is that lone vote? Surprise, it is an abortion amendment. After overwhelmingly defeating this amendment in the 104th Congress and now putting this into law, we are faced again with this debate.

I ask my colleagues tonight, does the abortion debate have any place in the authorization of billions of dollars for national defense? Of course not. Here is another question: Do they as taxpayers have any place funding facilities to provide abortions? Of course not.

Abortion proponents argue that this is not an issue of taxpayer funding for abortion, that this amendment would require the woman to pay for her own abortion. Well, then, if taxpayers' dollars are not involved, where exactly would these procedures take place? If taxpayers are not involved, then this amendment would have no place in the defense authorization bill. Would it?

The amendment to this bill exists because a part of what we are debating today is a funding level for the U.S. military medical facilities, precisely the place where the abortions must occur. Yes, taxpayers' dollars are very involved in this issue.

Mr. Chairman, let us keep the contents of this bill dedicated to the subject at hand, to provide for a strong national defense in order to protect ourselves and our children. I oppose the Harman amendment and urge my colleagues to do the same.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, first let me thank my friend, the gentlewoman from California [Ms. HARMAN] for her leadership on this issue. She is truly a fighter for equal treatment for women in the military.

Mr. Chairman, make no mistake about it, that is what this issue is really about. It is about equal treatment for servicewomen stationed overseas. This amendment is not about Federal support for abortion services. It is about giving women who have volunteered to serve their country the same protections that civilian women have here at home.

Last Congress, the majority told servicewomen stationed overseas that they could not even spend their own money on abortion services in military hospitals. They sent a message loud and clear to each American servicewoman that their political agenda was more important than her health and her safety. Mr. Chairman, these women fight for our freedom every day. Let us not take their freedoms away.

Mr. BUYER. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. BARTLETT], a member of the committee.

Mr. BARTLETT of Maryland. Mr. Chairman, I would like to make just two very simple points, and I rise in strong opposition to the Harman amendment.

The first point is that the law assures complete health care for our women in the military. If they have a pregnancy problem and their life is at risk, they are assured complete health care. But let me say very emphatically that killing preborn babies is not health care. Let me say it again. Killing preborn babies is not health care.

The second point I want to make is that our military physicians and our military hospitals do not want to perform these abortions. They did not do it when we did not have a law precluding them from doing it. They do not want to do this. I rise in strong opposition to this amendment. The American people are opposed to it. We need to vote it down.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to our colleague, the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I thank the gentlewoman for yielding me the time.

I rise in strong support of this amendment. I think that the law that this Congress put into being is outrageous. It says that if she is a woman in the military serving in Washington, DC, and she needs medical services and the Government will not pay for them, she can use her own money. She can go down to local hospitals and go get that service, but if we put her in uniform overseas in foreign soil, she cannot get that service. If her health is at risk, she cannot get those services. It is outrageous.

It says if she chooses to defend our Constitution, do not expect the Constitution to apply to her if she serves overseas. This is bad law. We ought to amend it. That is what this amendment does. I urge everyone to support it.

Mr. Chairman, I rise in the debate on the Harman amendment.

I think this debate is really not about abortion. I think it is about our national security.

National security assumes that you will have personal security. Existing law puts women in uniform at risk with their own health care when they serve our country on foreign soil.

This amendment corrects that injustice which prohibits these same women in uniform from access to health care when they are in service abroad, even if they use their own money.

Think about it. Women in uniform have pledged to uphold the Constitution of this country, which grants those women choice in these procedures.

But because of existing misguided law which access at home but not abroad when they serve overseas it is taken away from them.

We must not discriminate against women simply because they serve in the defense of our country.

I urge support for this amendment.

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. LEWIS], a member of the committee.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today in opposition to the amendment of Representative HARMAN. It allows abortions at overseas military bases. I commend my colleague on her bipartisan efforts to promote a strong national defense and her hard work on the Committee on National Security. However, this is an issue where I must respectfully disagree.

I have said it before, and I will say it again: Government should not spend one penny to fund abortions. It is an emotionally charged debate that divides this great Nation. Due to that fact alone, it is not just for our Government to spend taxpayers' dollars on an issue that pits so many Americans against each other. Regardless of reimbursement, no Federal facility should be used to end the life of the unborn.

Mr. Chairman, what is the purpose of our medical personnel in the military? Is it to take lives, or is it to protect lives? I believe the military's medical community is in the business of protecting the lives of innocent people. It nurtures those who are injured. It shelters the sick and the weak. And it seeks to make sure lives are saved, and that includes the life of the unborn. We should not stand by and allow abortions on military bases because it contradicts why we have personnel in our military.

Ms. HARMAN. Mr. Chairman, I yield one minute to the gentlewoman from Connecticut [Ms. DELAURO], a former member of the Committee on National Security and a leader in this fight last year.

Ms. DeLAURO. Mr. Chairman, this amendment restores the freedom to choose for military women serving overseas. It is fundamental that those who risk their lives to defend the rights of American citizens should, in fact, enjoy those same rights. Without this amendment, American women living overseas due to service in our military will be discriminated against. Their right to choose, a right which is protected by the Constitution and the Supreme Court, will be denied.

This is not a question of using taxpayers' money to perform abortion.

Women will pay for their abortions out of their own pockets. This is not a question requiring doctors to perform procedures with which they do not agree, because this amendment preserves the conscience clause. This is not a question of imposing a new policy. This has been the policy of this Government.

This amendment ensures that women will have access to safe, sanitary medical care even when they are stationed abroad. This debate is, purely and simply, a question of a woman's right to choose. If American military women living overseas can be denied that right, what will protect the rights of American women living in this country?

I urge my colleagues to support the Harman amendment.

Mr. BUYER. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. PAPPAS], a member of the committee.

Mr. PAPPAS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, the amendment offered by the gentlewoman from California was soundly defeated by a vote of 22 to 33 in the Committee on National Security. As has been the case in previous years, this amendment was defeated because Members recognized that Americans do not want their hard earned tax dollars paying for abortions.

The funds that we appropriate for the Defense Department should be used to support our national security and not for other purposes. Americans do not support the use of public funds to support military hospitals where abortions would be performed. This amendment could mean taxpayer funds could be used to hire personnel to perform abortions as well as subsidies to the facilities where abortions would take place.

Today's debate on the defense bill will be marked by having many Members debating about the lack of funding for certain aspects of our national defense. The Harman amendment would add more expenses to an otherwise tight budget.

I urge my colleagues to defeat this amendment. Our military hospitals are dedicated to healing and nurturing human life. They should not be forced to facilitate the taking of the most innocent of human life.

Ms. HARMAN. Mr. Chairman, I mentioned that this amendment has bipartisan support. I would now like to yield 1 minute to our colleague from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise in strong support of the Harman amendment. It would restore the guarantee that those members serving in our Armed Forces can exercise their full range of constitutionally protected rights. This amendment is not about using U.S. taxpayers' dollars to finance abortion. Rather, it is an effort to assure that service members and their dependents based in countries that do not allow abortion will be able to access the medical facilities which we provide for them to attend to their own medical needs as they see fit.

Even if other servicemen and women are serving in developing countries where abortion is legal, they are not likely to find the same high standards of cleanliness, safety, and medical expertise that is available at a U.S. facility.

The Harman amendment would simply allow service members and their dependents to obtain the same range of health services at those facilities that they can now obtain at home. This is not a complicated issue. The amendment would assure that those in our armed forces need not sacrifice their constitutional rights to serve their country.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. HOSTETTLER], a member of the committee.

□ 1945

Mr. HOSTETTLER. Mr. Chairman, I thank the gentleman for his time.

Mr. Chairman, I rise in strong opposition to this amendment. Just as the Supreme Court said in 1857 in the now infamous Dred Scott decision, that slavery was constitutional, that same institution has told us that for the time being we have to allow the killing of pre-born children. It has not, however, told us that Government has an obligation to provide this service. This amendment would do just that.

This amendment obligates the United States to make sure abortion services and facilities are available at U.S. military bases. It is this obligation that I believe the Committee on National Security and the House soundly rejected last year on so many occasions and should again reject.

Abortion remains a very decisive practice in America and indeed the world. Allowing abortions to be performed on military installation would bring that discord and dissension right on to our military bases complete with pickets and the like.

The core principle at issue today, whether the Government is obligated to provide what is merely a right, is a serious issue with serious ramifications. Does the freedom of the press guaranteed by the first amendment obligate the Federal Government to provide every interested American with a printing press? Does the right to distribute pornography, which has been upheld by the court, obligate the military to distribute it to the troops? I think not.

Congress has the clear responsibility under the Constitution to provide for the rules and regulations of the military. We must not make it the policy of the United States to use its military facilities to destroy an innocent preborn life.

I urge a "no" vote on this amendment, Mr. Chairman.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I too want to add my accommodation to the gentlewoman from California [Ms. HARMAN] for her exceptional leadership in fighting this fight for America's service women; really, really for all women in America, and I rise in strong support of the Harman amendment to the defense authorization bill to repeal the provision in this bill prohibiting abortion services in U.S. military hospitals overseas. This provision is a clear threat to the health and safety of women military personnel and military families and a threat to the constitutional rights of all American women.

Mr. Chairman, women stationed overseas in service to their country depend on base hospitals for medical care. Access to comprehensive reproductive health is essential for all women, civilian or military. These women are citizens ready and willing to sacrifice their lives for our country. Under the bill, as it currently stands, however, these women are treated as second-class citizens. Under this bill these brave women would be denied access to safe medical care.

The Harman amendment is not an issue of taxpayer funding. Women in the military had previously used and would continue to be required to use their own funds to obtain abortion services at military hospitals. The Harman amendment is not an issue of coercing medical providers to perform abortion services. The Harman amendment maintains the conscious clause already in effect. It is, however, the intent of the language in this bill to deny more women the right to choose.

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. ADERHOLT].

Mr. ADERHOLT. Mr. Chairman, I rise today in opposition to the Harman amendment to the national security authorization bill and in support of current law which prohibits abortions in military facilities abroad. The Harman amendment would turn U.S. military hospitals into abortion clinics. How can we justify using U.S. military hospitals, military personnel and hard earned tax dollars for the destruction of innocent human life? Despite the arguments that these abortions would be privately funded, there would be some costs to the taxpayer.

In 1993, when President Clinton argued that the military's policy to allow abortions on these U.S. facilities made many outraged military physicians refuse to perform this procedure. They

rightly believe that this is simply not a procedure that should be performed in U.S. military hospitals.

As Pope John Paul once stated, a nation which kills its own children is a nation without a future. I stand today with those who oppose the Harman amendment and support life.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Harman amendment, and I urge my colleagues to support this amendment.

The fiscal year 1996 Defense Authorization Act went much further than a limitation on the use of government funds for abortion. It actually barred military women and dependents from using their own money to pay for abortion services at military bases, just as they would use their own funds to pay for those services if they were in the United States.

The current law puts the health of our military women at risk. Many of these women are stationed in countries where there is just no access to safe and legal abortions outside of the military hospitals. A woman forced to seek an abortion at local facilities or forced to wait to travel to apply safe abortion services faces tremendous health risks.

This amendment does not force the Department of Defense to pay for abortion. It simply gives women access to health care that they could receive if they were at home. It is unimaginable to me and to the American people that Congress would reward the American service women who have volunteered to serve this Nation by violating their constitutional right to assess abortion.

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding this time to me, and I want to thank the gentleman for his extraordinary leadership of this subcommittee and just echo his feelings here and those that have been given by many Members who are against allowing abortions to take place in military hospitals.

Mr. Chairman, let us not involve the military in abortion. Is that a double standard? Yes, it is a double standard, and the military has a double standard in a number of areas with respect to marital fidelity, with respect to pornography on base, and yes, with respect to abortion. We have our young people focused on duty, honor and country, and that involves a higher standard sometimes than the general public.

But do my colleagues know something? The general public likes that. They respect the military more than any other institution because they have the higher standard. Let us keep that higher standard, and let us stick with the committee's position, and I thank the gentleman for his extraordinary leadership on this issue.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from California for not giving up on this fight. This is very important to women all over this country. Prohibiting women from using their own funds to obtain abortion services at overseas U.S. military facilities endangers their health simply plain and simple. American women stationed overseas depend on their base hospitals for medical care and are often situated in areas where local facilities are inadequate or unavailable. If the defense authorization bill is enacted without this amendment, American military personnel overseas would face the prospect of a long medically dangerous wait to return to the United States if stationed in countries that ban abortions or the prospect of having the procedure done in an unsafe unsanitary foreign hospital, perhaps causing a woman facing crisis pregnancy to seek out a illegal unsafe abortion. This ban may cause a woman stationed overseas who is facing an unintended pregnancy to be forced to delay the procedure and again travel very dangerously.

Let me make a point. No medical providers will be forced to perform these abortions if they do not desire. All three branches of the military have conscience clauses that do not allow them to do it if they do not desire to do so.

Let me say that we need to give fair and equal treatment to the women in the military service. Let us support this amendment.

Mr. Chairman, I rise today in support of the Harman amendment repealing recently enacted provisions of current law that prohibits privately funded abortions at overseas Department of Defense medical facilities and to thank Congresswoman HARMAN for her leadership in bringing this amendment to the House floor.

The ban on privately funded abortions at overseas Department of Defense medical facilities discriminates against women who have volunteered to serve their country by prohibiting them from exercising their legally protected right to choose simply because they are stationed overseas. We must ensure that American female military personnel and dependents of military personnel stationed overseas can exercise the same constitutional right to choose that is available to women in this country.

Prohibiting women from using their own funds to obtain abortion services at overseas U.S. military facilities endangers their health. American women stationed overseas depend on their base hospitals for medical care, and are often situated in areas where local facilities are inadequate or unavailable. If the defense authorization bill is enacted without this amendment, American military personnel overseas would face the prospect of a long, medically dangerous wait to return to the United States if stationed in countries that bans abortions, or the prospect of having the procedure done in an unsafe, unsanitary foreign hospital perhaps causing a woman facing a crisis pregnancy to seek out an illegal, unsafe procedure.

This ban may cause a woman stationed overseas who is facing an unintended pregnancy to be forced to delay the procedure for several weeks until she can travel to a location where safe, adequate care is available. For each week an abortion is delayed, the risk to the woman's health increases.

This is not an issue of taxpayer funding for abortions. Under the amendment the patient, not the Federal Government, would pay for the procedure.

No medical providers will be forced to perform abortions. All three branches of the military have conscience clause provisions which permit medical personnel who have moral, religious, or ethical objections to abortion not to participate in the procedure. These conscience clauses remain intact.

Simply put, current law does not ensure equal health service access for all members of the United States armed services. Barring women living overseas from using their own funds to receive reproductive health care procedures legally available in the United States, is at best hypocritical and at worst a serious danger to their health.

Women in the armed services have committed themselves to protecting the constitutional rights of all the citizens of the United States, yet we choose time and time again to deny them the same rights that we extend to women on U.S. soil.

I urge my colleagues to support the Harman amendment.

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Chairman, I rise in opposition to the distinguished gentlewoman from California's amendment, and I urge my colleagues to support current policy that prevents Department of Defense medical treatment facilities from being used to perform abortions. The current policy does contain exceptions. If the life of the mother is in danger or in the case of rape or in the case of incest abortion is not prohibited.

Yes, the Supreme Court upheld the woman's right to choose. However, the Supreme Court did not require nor commit U.S. taxpayers to pay for the procedure for military personnel or civilians.

When this policy was repealed in 1993, a majority of military physicians refused to perform or assist in elective abortions. Our military doctors should not be obligated or forced to perform abortions, particularly if they are morally opposed to abortion.

Pro-life Americans believe that it is improper that any tax dollars are used to perform abortions. We in Congress should not support any policy that ignores our citizens' unyielding belief in the right to life.

Support current military policy. Support the ideals of our American citizens. Oppose this amendment.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I urge support of the Harman amendment which would reverse the shameful policy of forbidding women in our armed services from using their own money to pay for an abortion in a safe U.S. medical facility abroad. It is disgraceful that we require women who are serving their country to risk their health and lives to exercise their constitutional right to choose an abortion.

Why should not women in the Armed Forces enjoy the same fundamental rights that all other women in the United States enjoy?

This bill would deny our Nation's service women stationed abroad a right they are absoltely entitled to and can exercise when in the United States, but if they are stationed abroad, they are forced to wait until they can return to the United States for an abortion or to go what in many countries are substandard and unsafe foreign medical facilities.

Whatever anyone in this Chamber may think about abortion, it is a constitutionally protected right of every American woman. Our service women are prepared to risk their lives to defend our values and to protect our freedoms. We should not require them to risk their lives to exercise their constitutional right to an abortion.

I urge my colleagues to vote for this amendment and expunge the shame from our statute books.

Mr. BUYER. Mr. Chairman, I yield myself 20 seconds to say that I believe it is shameful and a disgraceful as a policy of the United States, since none of the military doctors would perform an abortion, for us to use taxpayer funds to hire an abortionist. That would be a shameful policy if this Harman amendment would pass.

Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I would like to thank my subcommittee chairman for making this possible.

Mr. Chairman, I rise in opposition to the Harman amendment. That is not what our Nation should be about, and for those of of my colleagues who come to the floor on an annual basis, and this seems to be the only thing in the military that one can speak on, I would encourage my colleagues, if they really want to help the troops, why do you not try to help us find the funds so that we can get those 13,000 soldiers, sailors, airmen, and marines who are on food stamps, and two-thirds of whom have families of their own and children of their own, at least pay them enough so they are not eligible for food stamps?

Where I come from there is a stigma to being on food stamps, and no one who serves our country should have to live with that kind of a stigma.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Chairman, only under a Republican Congress can a woman sign up to serve her country and have her rights denied in return. Last time I looked it was still legal for a woman to have the right to choose in this country, but only if she remains in this country. If she decides to serve her country overseas, then she loses that constitutional right.

If a male member of the armed services needs medical attention overseas, he receives the best. If a female member of the armed services needs a specific medical procedure overseas, then she has to come back to the United States to get that procedure or go to a foreign hospital that may be unsanitary.

This bill will not cost taxpayers one cent. The women will pick up the tab. All they want is the right to do it, and women have waited long enough to receive equal treatment in the military.

I hope my colleagues will support the Harman amendment and give these most deserving soldiers back that which is rightfully theirs.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, today because virtually every military physician deployed around the globe, as a matter of deep conviction and conscience, has refused to facilitate a 1993 Clinton Executive Order on abortion, and because the Dornan amendment was signed into permanent law a few years later on February 10, 1996, overseas military hospitals continue to be havens of healing, nuturing and disease eradication, not baby killing centers.

The Harman amendment, if enacted, would turn these healing facilities into abortion mills where unborn children could be dismembered or chemically poisoned on demand. The Harman amendment makes a false distinction based not on what happens in an abortion, a baby is violently killed, but in who provides the cash. It also completely overlooks costs borne by the taxpayers to facilitate that abortion, like the provision of operating rooms, the hiring of abortionists and the procurement of poisons and potions and suction machines.

□ 2000

This amendment says, in effect, it is okay to tear an unborn child, to rip an unborn child from limb to limb or to apply that baby with deadly poisons using a hypodermic needle, so long as somebody else seems to be footing most of the bill.

Somebody earlier said that this is not about abortion. We hear that kind of excuse and defense every time we hear this on the floor. When the D.C. appropriations bill is up, it is a matter of home rule. When the Federal employees health benefits program ban on abortion comes up, it is labor-management negotiations. When the Hyde amendment comes up, it is a matter of rich versus poor women. Of course, that underscores the fact that the unborn of the poor seem to be more able to be discarded and are more expendable.

Mr. Chairman, let me conclude. The Harman amendment facilitates the killing of unborn children, and there is no doubt about that. It treats helpless, defenseless infant baby boys and girls as a disease, or a cyst, or a tumor that can be excised at will.

Medicine is all about curing and mitigating diseases. This is not maternal health care, this is not prenatal health care, this is killing of unborn children and the exploitation of their mothers.

I urge a "no" vote on the Harman amendment.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Chairman, how arrogant for comfortable male Members of Congress to stand here in such self-righteous judgment over the lives of women who choose to serve our country in the military. We ought to be honest about it. Let us be honest about it. What this bill does is to prevent women, even victims of rape, from being able to exercise the same civil rights that they are granted by law in this country. We are punishing them for choosing to serve in the military, and we know from recent experience that this is not an uncommon situation.

Every one of my colleagues know that they are being hypocritical. If it was their daughter serving in the military who was the victim of a rape, they would not stand in such self-righteous judgment over her.

Grant women who choose to serve our country the same rights that they would be entitled to as American citizens.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, this is the Hyde language, which is the exception for rape. I just wanted to let the gentleman know.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, this is the bill that says that it only applies if the life of the woman would be in danger. This is the bill I was given, and it does not apply to rape.

Mr. BUYER. Mr. Chairman, it does.

Ms. HARMAN. Mr. Chairman, I yield myself 30 seconds. If I could just have a copy of the code that the gentleman from Virginia [Mr. MORAN] was referring to, I would like to read that right now.

Mr. Chairman, the restriction on the use of funds says, the one that remains in the code, "except where the life of the mother would be endangered." There is no exception for rape and incest. I would like to put that in the RECORD.

Mr. Chairman, I yield the remainder of my time to the gentlewoman from Connecticut [Mrs. JOHNSON], the co-chair of the Women's Caucus.

The CHAIRMAN. The gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for 3 minutes.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the Harman amendment. Is this taxpayer funding of abortions? No, it is not. It is the hard-earned dollars of the service men and service women of America choosing, electing, to have a medical procedure. They are paying for it themselves.

Now my colleagues say, but the hospital is there. What hospital in America does not allocate charges for overhead into their charges for a procedure? No hospital does not allocate overhead charges. So do not tell me they are not paying for whole freight, they are paying their whole freight. This is not taxpayer-funded abortions, this is privately funded abortions that women in our armed services overseas may choose or need to have for medical reasons.

What about military personnel? Do we have to hire doctors? Of course we will not. These are overseas bases, service women, serve the dependents, and so they have obstetricians. And all obstetricians are trained, whether my colleagues like it or not, to do abortions as well as to do many other things. So one is not going to hire physicians. This is not taxpayer-funded abortion. This is far more than that.

There was one other argument that was brought up here that I want to speak to. The military has a higher standard. Boy, I would never touch that argument, folks. It is not a higher standard to deny service men and women the same rights as the citizens they defend. That is an abomination of the concept of higher standards in the military, and I believe the military does command of its people very high standards.

So what is this about? It is about discrimination. If one is a colonel or a major, if one is an officer, one can afford to fly home, one can afford to fly one's wife home; one can afford to fly one's 16-year-old daughter that got in trouble home. If one is an enlisted man, one cannot. One is on space available.

I see it as economic discrimination. Officers are not going to be affected, enlisted men are. But what is this really about? Listen to the language of all of the speakers. This is about abortion, pure and simple. This is not about taxpayer-funded abortions, this is about abortion.

Now, I challenge the pro-life Members of this Congress, for God's sakes, bring a bill to the floor that bans all abortions in America, and if they can win it, fine. Then we will not have to keep debating these things. But as long as abortion is legal, let servicemen have the same access to abortion as other citizens do have.

Not one of my colleagues who has spoken today, this is so distressing to me, because I believe it is unconscionable. Not one of my colleagues who has spoken today has introduced a bill that bans all abortions at all institutions. My colleagues want to ban abortions at a military hospital so military service women and the wives of enlisted men have no rights, because they are too far away, unless they want to go to the local hospital and risk death.

I have made my points. If some want to ban abortion, do it, but do not do it selectively and leave military people without the rights of real Americans.

Mr. BUYER. Mr. Chairman, I yield the balance of my time to close this debate to the gentleman from Florida [Mr. WELDON], former United States Army doctor.

Mr. WELDON of Florida. Mr. Chairman, I rise to strongly urge all of my colleagues to vote no on the Harman amendment. I can bring some perspective to this issue because I was in the United States Army Medical Corps when President Reagan ordered that abortions stop in military facilities, an order that was reversed by Bill Clinton in 1993; and then this Congress corrected it. I can tell my colleagues that the men and women, the doctors and nurses in the Army Medical Corps supported the President because they did not want to have anything to do with this procedure. And the reason the people in the healing arts do not want to have anything to do with this procedure is because they know what it is. Even those who claim to be pro-choice will say to me, I would never perform one. And the reason for that is very clear. It is the destruction of a human life.

We have no business in this Congress having anything to do with supporting abortion at military facilities, and I strongly urge my colleagues, let us not roll the clock back. Support the language in the law, oppose the Harman amendment.

Mrs. KELLY. Mr. Chairman, I rise today in strong support for the Harman amendment and thank my colleague for her leadership in the fight to repeal the ban on privately funded abortions for servicewomen and their dependents at overseas military hospitals.

Our servicewomen have volunteered to defend our country, which is a patriotic calling to be admired and, for which, we should be grateful. So how do we thank them? By denying them basic rights that are extended to all other American women—reproductive rights.

This amendment is an access to health care amendment to repeal a harmful public policy for women who deserve our utmost protection. We are talking about women who are serving in countries that do not share America's standards of quality in health care. Furthermore, some of the countries in which they serve do not share America's affection for human rights—especially women's rights.

Some members of this body claim to not want American tax dollars going to abortion, and that claim in this matter would be fine if it were accurate. But we are talking about privately funded abortions.

In addition, no medical provider in the military will be forced to perform an abortion, for all branches of government have a conscience clause permitting medical personnel who have moral, religious or ethical objections to abortion not to participate in the procedure.

How dare we claim not to be a discriminating country and then continue this ban that clearly singles out patriotic women serving the United States of America overseas. We should be ashamed of ourselves. Support the Harman amendment and repeal this misguided and injurious public policy.

Mrs. EMERSON. Mr. Chairman, I rise today to express my strong opposition to the Harman amendment.

In 1996, the people of the United States assured us that they are firmly opposed to having tax dollars which are allocated for the defense of our country, used to perform abortions.

Currently, Federal law prohibits abortions in military facilities, except when the life of the mother would be endangered if the unborn child were carried to term, or in cases of rape or incest. I could stand up here and speak to all of you about how this is a matter of preserving the law, the reason the law was enacted and the amount of times abortion amendments have been voted down in the past few years. None of that matters however, if the folks in our country feel as though their safety is at issue because we spent funding to allow abortions to be performed at the expense of protecting our country.

Military hospitals are important to the health and life of our military. As a result, they are important for the health and well-being of our national security. If individuals feel less protected based upon the funding of our defense dollars, then our military could be less prepared and ready to defend our Nation.

Just as we need to preserve the strength of human life, it is equally important to preserve the security that people have in our Nation's defensive capabilities. Today in Congress, we have the opportunity to assure the people that we will spend their dollars in a responsible and meaningful way. This is the matter before Congress, and this is why we must make certain to continue to enforce that no Federal taxpayer dollars will be used to finance abortions in Department of Defense funding.

Mr. Chairman, I urge my colleagues to vote "no" on the Harman amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from California [Ms. HARMAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. HARMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 169, further proceedings on the amendment offered by the gentlewoman from California [Ms. HARMAN] will be postponed.

It is now in order to consider amendment No. 5 printed in part 1 of House Report 105–137.

AMENDMENT NO. 5 OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SHAYS:

At the end of title XII (page 379, after line 19), insert the following new section:

SEC. . DEFENSE BURDENSHARING.

(a) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving by September 30, 2000, 75 percent of such costs. An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 1998.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 1998.

(4) Increase the amount of military assets (including personnel, equipment, logistics, support and other resources) that it contributes, or would be prepared to contribute, to multinational military activities worldwide.

(b) AUTHORITIES TO ENCOURAGE ACTIONS BY UNITED STATES ALLIES.—In seeking the actions described in subsection (a) with respect to any nation, or in response to a failure by any nation to undertake one or more of such actions, the President may take any of the following measures to the extent otherwise authorized by law:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent duty ashore in that nation.

(2) Impose on that nation fees or other charges similar to those that such nation imposes on United States forces stationed in that nation.

(3) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) the amount the United States contributes to the NATO Civil Budget, Military Budget, or Security Investment Program.

(4) Suspend, modify, or terminate any bilateral security agreement the United States has with that nation, consistent with the terms of such agreement.

(5) Reduce (through rescission, impoundment or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that nation.

(6) Take any other action the President determines to be appropriate as authorized by law.

(c) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other nations to complete the actions described in subsection (a);

(2) all measures taken by the President, including those authorized in subsection (b), to achieve the actions described in subsection (a);

(3) the difference between the amount allocated by other nations for each of the actions described in subsection (a) during the period beginning on March 1, 1996, and ending on February 28, 1997, and during the period beginning on March 1, 1997, and ending on February 28, 1998; and

(4) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(d) REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—(1) In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the United States Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The alliance requirements that are to be found in agreements between the United States and other countries.

(B) The national security interests that support permanently stationing elements of the United States Armed Forces outside the United States.

(C) The stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such alliance requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States make to meeting the stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(H) The annual expenditures of the United States and its allies on national defense, and the relative percentages of each nation's gross domestic product constituted by those expenditures.

(2) The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 1998, in classified and unclassified form.

The CHAIRMAN. Pursuant to the rule, the gentleman from Connecticut [Mr. SHAYS] and a Member opposed each will control 15 minutes.

Who seeks time in opposition to the amendment?

Mr. SPENCE. Mr. Chairman, I do.

Mr. SHAYS. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. FRANK], who is an equal partner in this amendment, control half of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] and the gentleman from Massachusetts [Mr. FRANK] each will control 7½ minutes. The gentleman from South Carolina [Mr. SPENCE] will control 15 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at this time we bring forth an amendment that seeks to have our allies pay more of the share of supporting troops that we have stationed overseas. Presently Japan spends over $3.7 billion a year in direct contributions to the United States to pay for the nonsalaried costs of our troops in the Japanese theater. The total amount, Mr. Chairman, is almost $4.7 billion when we combine it with in-kind contributions.

Korea pays 63 percent of our nonpersonnel costs, our nonsalaried costs. They contribute a total of $1.8 billion, and in direct contributions, $359 million for 37,000 troops. In Japan, we have 45,000 troops.

Europe, on the other hand, contributes 24 percent of the nonpersonnel costs, $2 billion; but that is quite misleading, because for the 116,000 troops, only $46 million of the amount is in direct cash contribution.

Here we have Japan that contributes in direct payment $3.7 billion, Korea $359 million, and all the European nations $46 million. Our amendment seeks to have the President of the United States negotiate with our European allies and have them pay a greater amount of the nonsalaried costs of our maintaining troops in Europe.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, while I am personally opposed to this amendment in its present form, I am prepared to accept it and continue to work with the sponsors as we move toward the conference with the other body.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, that is the toughest argument to counter I have ever been presented with, and I will confess to my friend from South Carolina, I have no answer for him, but I will work on one.

I do want to talk about why this is so important, and I appreciate his spirit of cooperation. The gentleman from Connecticut and I have been working on this. We kind of inherited this from the former Member, the gentleman from Colorado, and others. What we are saying is very important, and we want to get this into the RECORD.

We have signed a budget deal. The budget deal includes some difficult choices. Some of us have rejected it, a great majority have accepted it, but obviously, among those who have accepted it, they are aware, in fact, they are proud of the fact that it will cause some difficulty, it will impose some restraints.

One big set of constraints comes in discretionary spending. Military spending is half of that. Many of those who support a strong military think we are allocating too little to the military. Some of us feel that the military is getting too much and that is constraining other programs. We ought to have virtual unanimity on this point.

If we could get our wealthy allies who are now doing so little in comparison to the American taxpayer to provide for the common defense, we could make funds available that we could use for defense, we could use for domestic discretionary, we could use for foreign economic cooperation; we could use those funds.

I sent out over the weekend, or I sent out on Monday an article from the Washington Post which reported the trend of our European allies, our wealthy and powerful European allies, to cut their military budget. And Klaus Naumann, the Chairman of the NATO military committee, pointed out that the disparity in military spending, both in dollars and as a percentage of gross domestic product between the United States and the Western Europeans, is so great that a little disconnect has grown up.

□ 2015

We spend so much greater a percentage of our gross domestic product on the military than Germany and France and England and Norway and Denmark and Belgium, et cetera, that we no longer have a genuinely integrated military. We have gone too far ahead of them.

Obviously, there are places in this world where the United States must bear the burden: In the Middle East; we must stand by South Korea facing that terrible regime in North Korea. But there is no good reason for the American taxpayer to subsidize Western Europe.

This amendment repeats an amendment that was adopted overwhelmingly by the House in the last budget, with one very important change. We, after conference, for the first time got into law some legislation requiring the administration to try burden-sharing. Let me say, one of the problems we have had, Mr. Chairman, is this administration, as all of its predecessors, has failed to do its job in trying to get an adequate share from the allies.

Mr. Chairman, we set up some criteria to measure what our allies are doing. The administration was told to report, and guess what, Mr. Chairman? This administration, like every previous administration, reported that the allies were doing terrific. They are just wonderful people.

They note that the best is Japan, and by the way, it is not an accident that Japan gives us the most. As my friend, the gentleman from Connecticut [Mr. SHAYS] points out, Japan gives us significantly more than any other country because this Congress singled out Japan and insisted that it does. The time has come now to make sure others do.

The point I want to make is on page 3 of this amendment there is a critical new section beginning on line 21. It now sets up a series of comparisons. We have this year's report. What we hope to do is to now get a series by which we can measure the extent to which administrations have successfully pressed our allies to contribute more.

Mr. Chairman, it is important for us to continue this, to let the administration know and our allies know that especially now that we have so constrained spending here, we do not think it appropriate for the American taxpayers to carry a disproportionate share of the burden.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank my friend, the gentleman from Connecticut [Mr. SHAYS] for yielding time to me.

Mr. Chairman, I rise in support of the Shays-Frank-Upton-Gephardt-Foley-Dellums and I suppose almost everybody, now, amendment.

Clearly, Mr. Chairman, Americans benefit from having our troops strategically stationed around the globe. These men and women protect U.S. interests even as they protect world peace. But these troops also provide enormous benefits to their host countries, not only economic benefits but obviously security benefits. There is no reason why those allies should not pay a greater share, a proportionate share, of the costs.

Mr. Chairman, honestly, I have opposed this amendment sometimes, and I am now supporting it because I believe it is an important statement to the rest of the world as we continue to bear a burden here. And we talk about our taxpayers' burden. This amendment directs the President to ensure that our allies meet at least one of four criteria for sufficient burden-sharing.

Mr. Chairman, I would like to speak about one country, and the gentleman from Massachusetts [Mr. FRANK] mentioned South Korea. I believe that it is important that we have a presence in South Korea. But I also believe that it is important that South Korea bear its burden.

Frankly, we are not universally popular in South Korea, interestingly enough. However, meetings between President Clinton and President Kim Yong-sam in other negotiations, mutual agreement has been reached to increase their support for our troops. Support has already risen, Mr. Chairman, from $150 million in 1991 to $300 million in 1995. That amount is scheduled to increase by 10 percent in each of the next few years.

Mr. Chairman, this is movement in the right direction, but in my opinion it is not enough. Even while troop deployments in other parts of the world are being cut back, we have continued, appropriately, a strong presence in South Korea because of the threat from North Korea.

With United States support, South Korea joined the United Nations in 1992, and in 1995 was added as a nonpermanent member of the United States Security Council. Many South Koreans, nevertheless, still resent the American presence, especially at the base near Seoul. While this makes it tough for the Government to pay its fair share, there is no question that the South Korean economy is strong and positively advantaged by having United States troops in the country.

Mr. Chairman, as I said, I support this amendment. I support it because I think it sends an appropriate message. It does give flexibility, and it does say that America is continuing and will continue to bear its burden, to play its role on which the world relies, and which advantages the United States as well.

Mr. Chairman, I appreciate this time to rise and I appreciate the gentleman from Connecticut [Mr. SHAYS] yielding me the time in support of this amendment.

Mr. Chairman, I rise to support the Shays-Frank-Upton-Gephardt-Foley-Dellums amendment.

Clearly, Americans benefit from having our troops strategically stationed around the globe. These men and women protect U.S. interests even as they protect world peace.

But these troops also provide enormous benefits to their host countries and there is no reason why those allies should not pay a greater share of the costs.

This amendment directs the President to ensure that our allies meet at least one of four criteria for sufficient burdensharing.

I am especially concerned about South Korea.

Through meetings between President Clinton and President Kim Young Sam and other negotiations, mutual agreement has been reached to increase their support for our troops.

Support has already risen—from $150 million in 1991 to $300 million in 1995. That amount is scheduled to increase by 10 percent in each of the next few years.

This is movement in the right direction but it is not enough. Even while troop deployments in other parts of the world are being cut back we have continued a strong presence in South Korea because of the threat from North Korea.

With United States support, South Korea joined the United Nations in 1992 and, in 1995, was added as a nonpermanent member of the U.N. Security Council.

Despite all of this assistance, many South Koreans resent the American presence, especially at the base near Seoul.

While this makes it tough for the Government to pay its fair share, there is no question that the South Korean economy is strong and positively advantaged by having United States troops in the country.

I support this amendment which will continue the pressure on South Korea and other allies to recognize the enormous value of our highly trained Armed Forces.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me thank the gentleman from Connecticut [Mr. SHAYS], the gentleman from Massachusetts [Mr. FRANK], the gentleman from Michigan [Mr. UPTON], the gentleman from Missouri [Mr. GEPHARDT], the gentleman from California [Mr. DELLUMS], the gentleman from Florida [Mr. FOLEY], and the gentleman from South Carolina [Mr. SPENCE] very much. This is an important discussion. It shows the mutual seriousness that all of us have in ensuring the safety and security of this Nation, but the recognition of the importance of the involvement at a more heightened level of our European friends.

Let me say, having visited Europe recently, I agree that there is great prosperity emerging, and certainly existing in Europe today.

In addition, along with our other sites, we can look to Europe to have a unified currency. Therefore, I think it is adequate that this particular amendment gives flexibility to the President to assess how we would in fact increase benefit-sharing. What that means is that a greater amount of moneys are contributed by our allies to this national and world defense.

Let me also say if we are concerned about military personnel, housing, the fact that many of our enlisted men and women are on food stamps, the reordering of funding, taking it away from the hard nuts and bolts of maintaining troops overseas and focusing on military salaries, housing, and the ability to pay our military personnel, it will be a real boost for the morale of our men and women in the United States military, who every day by their commitment offer their lives for our freedom.

So I thank the gentlemen for this very thoughtful amendment that allows the freedom and the expression to do several things in order to assure that there is a balanced perspective on the funding of our defense. I hope that all of my colleagues will support this amendment.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I commend the gentleman from Connecticut [Mr. SHAYS] for this very fine amendment, and also the spirit that is being exhibited on the floor today by both sides of the aisle in recognizing that we do need assistance from our friends and allies in the payment of our expensive defense, to assist them in the defense of their countries.

The gentleman from Florida [Mr. HASTINGS] and I traveled to Korea, to the DMZ, and met with our troops, our fine men and women who make up our military. One of the things they asked us is to come back to Washington and look out for them; look out for their pay; look out for their housing; think about their families. So we are here today to find a way to strengthen our budget for the military and the personnel of this Nation.

I appreciate the comments of the gentlewoman from Texas [Ms. JACKSON-LEE], because clearly if we are able to get our allies to contribute a greater share of our peacekeeping mission, we will then be able to deploy the assets we are currently spending on our personnel, those that desperately deserve it.

Mr. Chairman, this amendment does not call for U.S. troop withdrawal from overseas. It does ask our allies to contribute more to our mutual defense. Although Japan contributes 77 percent of the nonpersonnel costs for the stationing of U.S. troops in that country, our European allies contribute less than 25 percent toward these costs. This amendment ends this discrepancy by calling on all of our allies to gradually bring contributions to 75 percent.

It is in the best interests of the United States to maintain American troops in Europe and Asia to provide for mutual defense. No one denies that fact. But it is time that they step up to the plate, assist in their fair responsibility so we can continue our commitment to providing safety and security for people around the globe. That is what America has been known for. That is one of our greatest strengths.

Our friendship we bring to the international community is because of our strength, the strength of our defense, but again, clearly, if we have extra dollars they should go to military personnel and allow our allies to pay more of the burden.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts [Mr. FRANK] is recognized for 2 minutes

Mr. FRANK of Massachusetts. No one is arguing, Mr. Chairman, that there is no benefit to the United States from our presence in Europe. What we are arguing is that there is at least as much benefit to the Europeans. They simply have not been doing a fair share.

The gentleman from Florida who just spoke cited the contribution we get from the Japanese, but that is a direct result of this Congress, over the objections of the administration then in power, mandating that the Japanese pay us some part of the nonpersonnel costs. I believe we ought to be doing the same with Western Europe.

There is an enormous disparity between the percentage of the American gross domestic product that goes to the military and that of our European allies, and it is all the more important that we do this now, because the Europeans are now facing pressure to cut their budgets, to get their deficits down to 3 percent so they can get into the common European currency.

If we do not send a strong message to this administration, which has been as sadly reluctant as its predecessors seriously to represent the American taxpayers' interest in equity here, then we will see a continued drop in what the Europeans do, with an expectation that we will continue to do more.

Members have noted that we have been promised we would be out of Bosnia some time ago. We are there because the Europeans simply will not live up to their responsibilities. We are not asking Europe to replace us in the Middle East where we take on the burden. We are not asking them to replace us in South Korea. We are not asking them to replace us in many other parts of the world. We are not asking for European troops to come to the United States.

What we are saying is that where we are talking about military presence in Western Europe, it is simply illogical for the United States taxpayer to be doing so much compared to the Western Europeans that do so little. These nations are prosperous, they face no overpowering enemy, they are populous.

We started the policy of America basically picking up all the tab 45 or 50 years ago when Europe was poor and they faced a strong enemy. They are no longer poor and they no longer face a strong enemy. We should not still be picking up so disproportionate a part of the tab.

Mr. SHAYS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] is recognized for 1 minute.

Mr. SHAYS. Mr. Chairman, I would say that this amendment allows for burden-sharing. It is similar in essence to the amendment we passed last year, which passed by a vote of 353 to 62. It is seeking to get the European nations primarily to contribute more to the nonmilitary costs of our troops stationed in Europe, or to provide more defense spending, or to increase their foreign aid, or to increase their funds to national military operations in the United Nations. It is an attempt, a very good attempt, to get the Europeans to do more for the defense of this world and the free world.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana [Mr. BUYER].

The CHAIRMAN. The gentleman from Indiana [Mr. BUYER] is recognized for 5 minutes.

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to take a step back here. One, I want to compliment the gentleman from Connecticut [Mr. SHAYS] and the gentleman from Massachusetts [Mr. FRANK]. I am not really speaking in opposition. What I want to talk about is a little bit about history and our foreign policy dollars and where we are going from here.

When I think about the United States and our emergence upon the world scene, not only from World War I, and in particular World War II, and then how the United States, not only in the Marshall Plan and what we did in Europe, but also in particular what we did in the Pacific Rim and MacArthur and his assistance in helping draft a constitution in Japan, and setting forth different agreements in burden-sharing in Japan, much different than what we find on the Korean Peninsula.

□ 2030

So now over the last 50 years, the United States, while in the cold war, have been providing security and that blanket was a pretty good size in the Pacific, and it was a pretty good size in Europe. We provided their security. We grew the economies of Europe. We grew the economies in the Pacific to the point where they were highly competitive with the United States, to the point where today a lot of the electronic components, highly competitive coming at us from the Pacific Rim. A lot of the Airbus and other things happening in our competition from the European sector. The United States now finds itself the sole remaining superpower in the world.

Now, let us talk about our foreign policy for a second, talk about how it ties into burden sharing. The United States is the sole remaining superpower. I believe, as a vision of foreign policy, the United States, what we should have is, the United States should not engage itself in every little corner of the world and every little hot spot. We in the United States should engage and encourage our regional allies to quiet, to enter regional conflicts that have no tendency to destabilize a region of the world. That is in difference with the administration. I understand that.

But what this issue and what the gentleman from Massachusetts [Mr. FRANK] and the gentleman from Connecticut [Mr. SHAYS] are talking about is asking for our allies to have an increased share of the burden. Increased share of the burden of what? For security. Not the United States carrying the big stick always swooping in. So Bosnia comes to the attention. We are going to debate that here in a few days. We are asking our European allies for a greater share.

My good friend, the gentleman from California [Mr. DELLUMS], is sitting over here. I would love to ask him, Mr. Chairman, if George Foreman was his bodyguard, would he lift weights? He would not have to. The United States, we are the George Foreman. These other countries do not want to have to lift weights so long as we are there providing their security. They do not want to increase the share of the burden.

Let me extend some compliments. I was with the gentleman from South Carolina [Mr. SPENCE] a few years ago when we were in Norway. We signed new burden sharing agreements that were negotiated by the ambassador of burden sharing of the Clinton administration. We were there. They signed them. It did not make the European allies very happy. But that is a good thing. That is a good thing, because we want them to increase their share and their burdens.

I am a little uncomfortable here about the measures and the points out of this bill about, if they do not, it is going to affect our agreements. It will affect our memorandums, our letters of understanding, pretty stressful measures in there. Diplomacy is not that easy, I would say to my colleagues.

The gentleman from Maryland [Mr. HOYER] brought up some points about Korea. What I would like to share about Korea is that next year the new special measures agreement with regard to Korea will be renegotiated. I see my good friend sitting right over here knows exactly what I am talking about. We went ahead and approved some measures for military construction based upon great needs in Korea. Korea, we find ourselves very juxtaposed. We are on the brink of war at the same time we are on the brink of peace. And we have military facilities that meet their tier one responsibilities under a master plan.

Now we have to ask, if we want to sign off onto a master plan with Korea, do we want to spend a billion dollars on the Korean Peninsula? That is a pretty tough question. So what I would ask my colleagues here who are so strongly concerned about the issue of burden sharing, let us take a pretty stern look here at this new master plan about military construction in Korea, over a billion dollars.

Let me jump to the issue about residual value. Think what happened, what we did in Europe upon the reunification of Germany. When it happened, do my colleagues know what the State Department did? The State Department went ahead and negotiated away all of these facilities.

We spent millions and millions and millions of dollars on appropriated and nonappropriated facilities. And what did the State Department do? We did not have a residual value. They negotiated it right away. Let us not start the very same thing, move into a multibillion dollar construction program on the Korean Peninsula without addressing the residual values issues.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me. I appreciate the very thoughtful way he has addressed this.

Let me say, I agree with him and the gentleman from Maryland who mentioned this. It is a great mistake. I would like to connect two dots, if I could.

The gentleman said he was generally supportive of this but he was made uncomfortable by some of the measures. Let me say to him, in an ideal world, we would not be coming up with this amendment because the administration would, as a matter of course, be doing everything it could to get our allies to do it. The problem we have run into, as he alluded to with Germany, is there has been a bipartisan bias on the part of administrations, executive branches, State Departments not to press any of our allies anywhere, any time, until we got into it. So the reason, it seems to me, we have to legislate and legislate with more specificity than would be ideal and to put more pressure on is precisely the kind of attitude that was evinced by the administration that negotiated everything away and that I do not think would protect our interests in South Korea sufficiently unless we intervened.

There is just a constituency problem there, and the State Department and, to some extent, the Defense Department, have a constituency that is not concerned with the taxes here, more concerned with making nice overseas.

And I think that the gentleman has stated it very clearly. I agree with him. That is why we need to do this.

Mr. BUYER. Mr. Chairman, reclaiming my time, I say to the gentleman, we have report language in here that is pretty stern about the issue of residual value, as we move into the negotiations about the special measures agreement on the Korean Peninsula. Let us not repeat the mistakes of Europe. I will work with the gentlemen to make these corrections as we go to conference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. SHAYS].

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 169, proceedings will now resume on those part 1 amendments on which further proceedings were postponed, in the following order:

Amendment No. 2 offered by the gentleman from South Carolina [Mr. SPENCE]; amendment No. 3 offered by the gentleman from South Carolina [Mr. SPENCE]; and amendment No. 4 offered by the gentlewoman from California [Ms. HARMAN].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. SPENCE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina [Mr. SPENCE] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 405, noes 14, not voting 15, as follows:

[Roll No. 215]

AYES—405

Abercrombie	Blagojevich	Cannon
Aderholt	Bliley	Capps
Allen	Blumenauer	Cardin
Andrews	Blunt	Carson
Archer	Boehlert	Castle
Armey	Boehner	Chabot
Bachus	Bonilla	Chambliss
Baesler	Bonior	Chenoweth
Baker	Bono	Christensen
Baldacci	Boswell	Clay
Ballenger	Boucher	Clayton
Barcia	Boyd	Clement
Barr	Brady	Clyburn
Barrett (NE)	Brown (CA)	Coble
Barrett (WI)	Brown (FL)	Coburn
Barton	Brown (OH)	Collins
Bass	Bryant	Combest
Bateman	Bunning	Condit
Becerra	Burr	Conyers
Bentsen	Burton	Cook
Bereuter	Buyer	Cooksey
Berman	Callahan	Costello
Berry	Calvert	Cox
Bilbray	Camp	Coyne
Bilirakis	Campbell	Cramer
Bishop	Canady	Crane
Blagojevich	Bliley	Capps
Bliley	Blumenauer	Cardin
Blumenauer	Blunt	Carson
Blunt	Boehlert	Castle
Boehlert	Boehner	Chabot
Boehner	Bonilla	Chambliss
Bonilla	Bonior	Chenoweth
Bonior	Bono	Christensen
Bono	Boswell	Clay
Boswell	Boucher	Clayton
Boucher	Boyd	Clement
Boyd	Brady	Clyburn
Brady	Brown (CA)	Coble
Brown (CA)	Brown (FL)	Coburn
Brown (FL)	Brown (OH)	Collins
Brown (OH)	Bryant	Combest
Bryant	Bunning	Condit
Bunning	Burr	Conyers
Burr	Burton	Cook
Burton	Buyer	Cooksey
Buyer	Callahan	Costello
Callahan	Calvert	Cox
Calvert	Camp	Coyne
Camp	Campbell	Cramer
Campbell	Canady	Crane
Canady	Cannon	Crapo
Cannon	Capps	Cubin
Capps	Cardin	Cummings
Cardin	Carson	Cunningham
Carson	Castle	Danner
Castle	Chabot	Davis (FL)
Chabot	Chambliss	Davis (VA)
Chambliss	Chenoweth	Deal
Chenoweth	Christensen	DeFazio
Christensen	Clay	Delahunt
Clay	Clayton	DeLauro
Clayton	Clement	DeLay
Clement	Clyburn	Dellums
Clyburn	Coble	Deutsch
Coble	Coburn	Diaz-Balart
Coburn	Collins	Dickey
Collins	Combest	Dicks
Combest	Condit	Dingell
Condit	Conyers	Dixon
Conyers	Cook	Doggett
Cook	Cooksey	Dooley
Cooksey	Costello	Doolittle
Costello	Cox	Doyle
Cox	Coyne	Duncan
Coyne	Cramer	Dunn
Cramer	Crane	Edwards
Crane	Crapo	Ehlers
Crapo	Cubin	Ehrlich
Cubin	Cummings	Emerson
Cummings	Cunningham	Engel
Cunningham	Danner	English
Danner	Davis (FL)	Ensign
Davis (FL)	Davis (VA)	Eshoo
Davis (VA)	Deal	Etheridge
Deal	DeFazio	Everett
DeFazio	Delahunt	Ewing
Delahunt	DeLauro	Farr
DeLauro	DeLay	Fattah
DeLay	Dellums	Fawell
Dellums	Deutsch	Fazio
Deutsch	Diaz-Balart	Filner
Diaz-Balart	Dickey	Flake
Dickey	Dicks	Foglietta
Dicks	Dingell	Foley
Dingell	Dixon	Forbes
Dixon	Doggett	Ford
Doggett	Dooley	Fowler
Dooley	Doolittle	Fox
Doolittle	Doyle	Frank (MA)
Doyle	Duncan	Franks (NJ)
Duncan	Dunn	Frelinghuysen
Dunn	Edwards	Frost
Edwards	Ehlers	Furse
Ehlers	Ehrlich	Gallegly
Ehrlich	Emerson	Ganske
Emerson	Engel	Gejdenson
Engel	English	Gekas
English	Ensign	Gibbons
Ensign	Eshoo	Gilchrest
Eshoo	Etheridge	Gillmor
Etheridge	Everett	Gilman
Everett	Ewing	Gonzalez
Ewing	Farr	Goode
Farr	Fattah	Goodlatte
Fattah	Fawell	Gordon
Fawell	Fazio	Goss
Fazio	Filner	Graham
Filner	Flake	Granger
Flake	Foglietta	Green
Foglietta	Foley	Greenwood
Foley	Forbes	Gutierrez
Forbes	Ford	Gutknecht
Ford	Fowler	Hall (OH)
Fowler	Fox	Hamilton
Fox	Frank (MA)	Hansen
Frank (MA)	Franks (NJ)	Harman
Franks (NJ)	Frelinghuysen	Hastert
Frelinghuysen	Frost	Hastings (FL)
Frost	Furse	Hastings (WA)
Furse	Gallegly	Hayworth
Gallegly	Ganske	Hefley
Ganske	Gejdenson	Hefner
Gejdenson	Gekas	Herger
Gekas	Gibbons	Hill
Gibbons	Gilchrest	Hilleary
Gilchrest	Gillmor	Hilliard
Gillmor	Gilman	Hinchey
Gilman	Gonzalez	Hinojosa
Gonzalez	Goode	Hobson
Goode	Goodlatte	Hoekstra
Goodlatte	Gordon	Holden
Gordon	Goss	Hooley
Goss	Graham	Horn
Graham	Granger	Hostettler
Granger	Green	Houghton
Green	Greenwood	Hoyer
Greenwood	Gutierrez	Hulshof
Gutierrez	Gutknecht	Hunter
Gutknecht	Hall (OH)	Hutchinson
Hall (OH)	Hamilton	Hyde
Hamilton	Hansen	Inglis
Hansen	Harman	Istook
Harman	Hastert	Jackson-Lee (TX)
Hastert	Hastings (FL)	Jefferson
Hastings (FL)	Hastings (WA)	Jenkins
Hastings (WA)	Hayworth	John
Hayworth	Hefley	Johnson (CT)
Hefley	Hefner	Johnson (WI)
Hefner	Herger	Johnson, E. B.
Herger	Hill	Johnson, Sam
Hill	Hilleary	Jones
Hilleary	Hilliard	Kanjorski
Hilliard	Hinchey	Kasich
Hinchey	Hinojosa	Kelly
Hinojosa	Hobson	Kennedy (RI)
Hobson	Hoekstra	Kennelly
Hoekstra	Holden	Kildee
Holden	Hooley	Kilpatrick
Hooley	Horn	Kim
Horn	Hostettler	Kind (WI)
Hostettler	Houghton	King (NY)
Houghton	Hoyer	Kingston
Hoyer	Hulshof	Kleczka
Hulshof	Hunter	Klink
Hunter	Hutchinson	Klug
Hutchinson	Hyde	Knollenberg
Hyde	Inglis	Kolbe
Inglis	Istook	Kucinich
Istook	Jackson-Lee (TX)	LaFalce
Jackson-Lee (TX)	Jefferson	LaHood
Jefferson	Jenkins	Lampson
Jenkins	John	Lantos
John	Johnson (CT)	Largent
Johnson (CT)	Johnson (WI)	Latham
Johnson (WI)	Johnson, E. B.	LaTourette
Johnson, E. B.	Johnson, Sam	Lazio
Johnson, Sam	Jones	Leach
Jones	Kanjorski	Levin
Kanjorski	Kasich	Lewis (CA)
Kasich	Kelly	Lewis (GA)
Kelly	Kennedy (RI)	Lewis (KY)
Kennedy (RI)	Kennelly	Linder
Kennelly	Kildee	Livingston
Kildee	Kilpatrick	LoBiondo
Kilpatrick	Kim	Lofgren
Kim	Kind (WI)	Lowey
Kind (WI)	King (NY)	Lucas
King (NY)	Kingston	Luther
Kingston	Kleczka	Maloney (CT)
Kleczka	Klink	Maloney (NY)
Klink	Klug	Manton
Klug	Knollenberg	Manzullo
Knollenberg	Kolbe	Markey
Kolbe	Kucinich	Martinez
Kucinich	LaFalce	Mascara
LaFalce	LaHood	Matsui
LaHood	Lampson	McCarthy (MO)
Lampson	Lantos	McCarthy (NY)
Lantos	Largent	McCollum
Largent	Latham	McCrery
Latham	LaTourette	McDade
LaTourette	Lazio	McDermott
Lazio	Leach	McHale
Leach	Levin	McHugh
Levin	Lewis (CA)	McInnis
Lewis (CA)	Lewis (GA)	McIntosh
Lewis (GA)	Lewis (KY)	McIntyre
Lewis (KY)	Linder	McKeon
Linder	Livingston	McKinney
Livingston	LoBiondo	McNulty
LoBiondo	Lofgren	Meehan
Lofgren	Lowey	Meek
Lowey	Lucas	Menendez
Lucas	Luther	Metcalf
Luther	Maloney (CT)	Mica
Maloney (CT)	Maloney (NY)	Millender-McDonald
Maloney (NY)	Manton	Miller (FL)
Manton	Manzullo	Minge
Manzullo	Markey	Mink
Markey	Martinez	Molinari
Martinez	Mascara	Mollohan
Mascara	Matsui	Moran (KS)
Matsui	McCarthy (MO)	Morella
McCarthy (MO)	McCarthy (NY)	Murtha
McCarthy (NY)	McCollum	Myrick
McCollum	McCrery	Nadler
McCrery	McDade	Nethercutt
McDade	McDermott	Neumann
McDermott	McHale	Ney
McHale	McHugh	Northup
McHugh	McInnis	Norwood
McInnis	McIntosh	Nussle
McIntosh	McIntyre	Obey
McIntyre	McKeon	Olver
McKeon	McKinney	Ortiz
McKinney	McNulty	Owens
McNulty	Meehan	Oxley
Meehan	Meek	Packard
Meek	Menendez	Pallone
Menendez	Metcalf	Pappas
Metcalf	Mica	Parker
Mica	Millender-McDonald	Pascrell
Millender-McDonald	Miller (FL)	Pastor
Miller (FL)	Minge	Paul
Minge	Mink	Paxon
Mink	Molinari	Payne
Molinari	Mollohan	Pease
Mollohan	Moran (KS)	Pelosi
Moran (KS)	Morella	Peterson (MN)
Morella	Murtha	Peterson (PA)
Murtha	Myrick	Petri
Myrick	Nadler	Pickering
Nadler	Nethercutt	Pickett
Nethercutt	Neumann	Pitts
Neumann	Ney	Porter
Ney	Northup	Portman
Northup	Norwood	Poshard
Norwood	Nussle	Price (NC)
Nussle	Obey	Pryce (OH)
Obey	Olver	Quinn
Olver	Ortiz	Radanovich
Ortiz	Owens	Rahall
Owens	Oxley	Ramstad
Oxley	Packard	Rangel
Packard	Pallone	Redmond
Pallone	Pappas	Regula
Pappas	Parker	Riggs
Parker	Pascrell	Riley
Pascrell	Pastor	Rivers
Pastor	Paul	Rodriguez
Paul	Paxon	Roemer
Paxon	Payne	Rogan
Payne	Pease	Rogers
Pease	Pelosi	Rohrabacher
Pelosi	Peterson (MN)	Ros-Lehtinen
Peterson (MN)	Peterson (PA)	Rothman
Peterson (PA)	Petri	Roukema
Petri	Pickering	Roybal-Allard
Pickering	Pickett	Royce
Pickett	Pitts	Rush
Pitts	Porter	Ryun
Porter	Portman	Sabo
Portman	Poshard	Salmon
Poshard	Price (NC)	Sanchez
Price (NC)	Pryce (OH)	Sanders
Pryce (OH)	Quinn	Sandlin
Quinn	Radanovich	Sanford
Radanovich	Rahall	Sawyer
Rahall	Ramstad	Saxton
Ramstad	Rangel	Scarborough
Rangel	Redmond	Schaefer, Dan
Redmond	Regula	Schaffer, Bob
Regula	Riggs	Schumer
Riggs	Riley	Scott
Riley	Rivers	Sensenbrenner
Rivers	Rodriguez	Serrano
Rodriguez	Roemer	Sessions
Roemer	Rogan	Shadegg
Rogan	Rogers	Shaw
Rogers	Rohrabacher	Shays
Rohrabacher	Ros-Lehtinen	Sherman
Ros-Lehtinen	Rothman	Shimkus
Rothman	Roukema	Shuster
Roukema	Roybal-Allard	Sisisky
Roybal-Allard	Royce	Skaggs
Royce	Rush	Skeen
Rush	Ryun	Skelton
Ryun	Sabo	Slaughter
Sabo	Salmon	Smith (MI)
Salmon	Sanchez	Smith (NJ)
Sanchez	Sanders	Smith (OR)
Sanders	Sandlin	Smith (TX)
Sandlin	Sanford	Smith, Adam
Sanford	Sawyer	Smith, Linda
Sawyer	Saxton	Snowbarger
Saxton	Scarborough	Snyder
Scarborough	Schaefer, Dan	Solomon
Schaefer, Dan	Schaffer, Bob	Souder
Schaffer, Bob	Schumer	Spence
Schumer	Scott	Spratt
Scott	Sensenbrenner	Stabenow
Sensenbrenner	Serrano	Stearns
Serrano	Sessions	Stenholm
Sessions	Shadegg	Stokes
Shadegg	Shaw	Strickland
Shaw	Shays	Stump
Shays	Sherman	Stupak
Sherman	Shimkus	Sununu
Shimkus	Shuster	Tanner
Shuster	Sisisky	Tauscher
Sisisky	Skaggs	Tauzin
Skaggs	Skeen	Taylor (MS)
Skeen	Skelton	Thomas
Skelton	Slaughter	Thompson
Slaughter	Smith (MI)	Thornberry
Smith (MI)	Smith (NJ)	Thune
Smith (NJ)	Smith (OR)	Thurman
Smith (OR)	Smith (TX)	Tiahrt
Smith (TX)	Smith, Adam	Tierney
Smith, Adam	Smith, Linda	Towns
Smith, Linda	Snowbarger	Traficant
Snowbarger	Snyder	Turner
Snyder	Solomon	Upton
Solomon	Souder	Velázquez
Souder	Spence	Vento
Spence	Spratt	Visclosky
Spratt	Stabenow	Walsh
Stabenow	Stearns	Wamp
Stearns	Stenholm	Waters
Stenholm	Stokes	Watkins
Stokes	Strickland	Watt (NC)
Strickland	Stump	Watts (OK)
Stump	Stupak	Waxman
Stupak	Sununu	Weldon (FL)
Sununu	Tanner	Weldon (PA)
Tanner	Tauscher	Weller
Tauscher	Tauzin	Wexler
Tauzin	Taylor (MS)	Weygand
Taylor (MS)	Thomas	White
Thomas	Thompson	Whitfield
Thompson	Thornberry	Wicker
Thornberry	Thune	Wise
Thune	Thurman	Wolf
Thurman	Tiahrt	Woolsey
Tiahrt	Tierney	Wynn
Tierney	Towns	Young (AK)
Towns	Traficant	Young (FL)
Traficant	Turner	
Turner	Upton	
Upton	Velázquez	
Velázquez	Vento	
Vento	Visclosky	
Visclosky	Walsh	
Walsh	Wamp	
Wamp	Waters	
Waters	Watkins	
Watkins	Watt (NC)	
Watt (NC)	Watts (OK)	
Watts (OK)	Waxman	
Waxman	Weldon (FL)	
Weldon (FL)	Weldon (PA)	
Weldon (PA)	Weller	
Weller	Wexler	
Wexler	Weygand	
Weygand	White	
White	Whitfield	
Whitfield	Wicker	
Wicker	Wise	
Wise	Wolf	
Wolf	Woolsey	
Woolsey	Wynn	
Wynn	Young (AK)	
Young (AK)	Young (FL)	
Young (FL)		

NOES—14

Bartlett	Hall (TX)	Moran (VA)
Borski	Jackson (IL)	Neal
Davis (IL)	Kennedy (MA)	Reyes
Evans	McGovern	Talent
Goodling	Moakley	

NOT VOTING—15

Ackerman	Lipinski	Schiff
DeGette	Miller (CA)	Stark
Dreier	Oberstar	Taylor (NC)
Gephardt	Pombo	Torres
Kaptur	Pomeroy	Yates

□ 2059

Messrs. NEAL, TALENT, KENNEDY of Massachusetts, MORAN of Virginia, DAVIS of Illinois, BARTLETT of Maryland, and HALL of Texas changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2100

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 169, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MR. SPENCE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina [Mr. SPENCE] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 332, noes 88, not voting 14, as follows:

[Roll No. 216]

AYES—332

Abercrombie	Ballenger	Bilirakis
Aderholt	Barcia	Bishop
Allen	Barr	Blagojevich
Andrews	Barrett (WI)	Bliley
Archer	Barton	Blunt
Armey	Bass	Boehlert
Bachus	Bateman	Boehner
Baesler	Becerra	Bonilla
Baker	Berman	Bonior
Baldacci	Berry	Bono

Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Deal
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doyle
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
Ensign
Evans
Everett
Ewing
Fattah
Fawell
Flake
Foglietta
Foley
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—88

Barrett (NE)
Bartlett
Bentsen
Bereuter
Bilbray
Blumenauer
Boucher
Brady
Capps
Chabot
Davis (FL)
Davis (VA)
DeFazio
Delahunt
DeLauro
Doggett
Dooley
Doolittle
Dreier
Ehlers
English
Eshoo
Etheridge
Farr
Fazio
Filner
Forbes
Frank (MA)
Frost
Furse
Gejdenson
Gillmor
Gilman
Goodlatte
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hooley
Houghton
Jackson (IL)
Johnson (WI)
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kind (WI)
Levin
Lofgren
Luther
Manzullo
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
Meehan
Minge
Moakley
Moran (VA)
Myrick
Neal
Obey
Olver
Pallone
Paul
Petri
Price (NC)
Ramstad
Rivers
Rohrabacher
Ros-Lehtinen
Sabo
Sanchez
Shays
Sherman
Smith (MI)
Smith, Adam
Stabenow
Tauscher
Thomas
Tierney
Vento
Watt (NC)
White
Woolsey

NOT VOTING—14

Ackerman
DeGette
Gephardt
Lipinski
Miller (CA)
Oberstar
Pombo
Pomeroy
Schiff
Stark
Taylor (NC)
Torres
Weygand
Yates

□ 2110

The Clerk announced the following pair:

On this vote:

Mr. Yates for, with Mr. Ackerman against.

Mr. BENTSEN and Mr. MORAN of Virginia changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WEYGAND. Mr. Chairman, on rollcall No. 216, I was unavoidably detained and unfortunately did not cast a vote on this issue. Had I been present to vote I would have voted in the negative.

AMENDMENT NO. 4 OFFERED BY MS. HARMAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California [Ms. HARMAN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 224, not voting 14, as follows:

[Roll No. 217]

AYES—196

Abercrombie
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Klug
Kolbe
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McInnis
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (FL)
Minge
Mink
Molinari
Moran (VA)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stokes
Strickland
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
White
Wise
Woolsey
Wynn

NOES—224

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Forbes
Fox
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode

Goodlatte	LoBiondo	Ros-Lehtinen
Goodling	Lucas	Royce
Goss	Manton	Ryun
Graham	Manzullo	Salmon
Granger	Mascara	Sanford
Gutknecht	McCollum	Saxton
Hall (OH)	McCrery	Scarborough
Hall (TX)	McDade	Schaefer, Dan
Hamilton	McIntosh	Schaffer, Bob
Hansen	McIntyre	Sensenbrenner
Hastert	McKeon	Sessions
Hastings (WA)	McNulty	Shadegg
Hayworth	Metcalf	Shimkus
Hefley	Mica	Shuster
Herger	Moakley	Skeen
Hill	Mollohan	Skelton
Hilleary	Moran (KS)	Smith (MI)
Hobson	Murtha	Smith (NJ)
Hoekstra	Myrick	Smith (OR)
Holden	Nethercutt	Smith (TX)
Hostettler	Neumann	Smith, Linda
Hulshof	Ney	Snowbarger
Hunter	Northup	Solomon
Hutchinson	Norwood	Souder
Hyde	Nussle	Spence
Inglis	Ortiz	Stearns
Istook	Oxley	Stenholm
Jenkins	Packard	Stump
John	Pappas	Stupak
Johnson, Sam	Parker	Sununu
Jones	Paul	Talent
Kanjorski	Paxon	Tauzin
Kaptur	Pease	Taylor (MS)
Kasich	Peterson (MN)	Thornberry
Kildee	Peterson (PA)	Thune
Kim	Petri	Tiahrt
King (NY)	Pickering	Upton
Kingston	Pitts	Walsh
Kleczka	Portman	Wamp
Klink	Poshard	Watkins
Knollenberg	Quinn	Watts (OK)
Kucinich	Radanovich	Weldon (FL)
LaHood	Rahall	Weldon (PA)
Largent	Redmond	Weller
Latham	Regula	Weygand
LaTourette	Riggs	Whitfield
Lazio	Riley	Wicker
Lewis (CA)	Roemer	Wolf
Lewis (KY)	Rogan	Young (AK)
Linder	Rogers	Young (FL)
Livingston	Rohrabacher	

NOT VOTING—14

Ackerman	Miller (CA)	Stark
DeGette	Oberstar	Taylor (NC)
Gephardt	Pombo	Torres
Lipinski	Pomeroy	Yates
McHugh	Schiff	

□ 2119

Mr. POSHARD and Mr. SKELTON changed their vote from "aye" to "no."

Mr. NEAL of Massachusetts changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. COOKSEY) having assumed the chair, Mr. YOUNG of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes, had come to no resolution thereon.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WORKERS STANDING UP FOR THEIR RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, tonight I want to talk about workers in this country. Workers all over this country are standing up for their rights, organizing and they are demanding justice. From the hog processors in North Carolina to the nurses in San Diego, from the strawberry workers in California to the newspaper workers in Detroit, workers are raising their voices, and those voices are being heard.

This weekend we will again hear those strong voices loud and clear in Detroit. At least 50,000 workers and their families and supporters are expected to participate in Action Motown 1997, which is a mobilization of solidarity for the Detroit community locked out newspaper workers and union members. I am going to be there, and we will be speaking out for the workers, the labor movement in our community, against the management of the Detroit News and the Detroit Free Press. The News and the Free Press have locked out nearly 2,000 hard-working men and women since February of this year when they sought to resolve a 2-year labor dispute by unconditionally offering to return to work.

□ 2130

How were they treated when they tried to jump start contract talks and return to work? They were locked out, replaced, and told to go home.

It is clear to me that the News and the Free Press are willing to lose millions of dollars in an attempt to break the unions. How clear is it? Well, their combined circulation is down almost 300,000 despite a huge ad rate discount. Fifteen hundred advertisers have stayed away from the paper, costing them a 24-percent dip in advertising revenue.

Yet the most startling fact is not a statistic, but a quote made 1 month after the newspaper workers took the stand for justice by the Detroit News editor and publisher Robert Giles. This is what he said: "We are going to hire a whole new work force, go on without unions, or they can surrender unconditionally and salvage what they can."

Now, does that sound like someone who is willing to bargain in good faith?

Despite a 1994 Detroit Free Press editorial which stated that: "The U.S. Senate should approve a bill that would prohibit companies from hiring permanent replacements for striking workers. The right to strike is essential if workers are to gain and preserve wages."

Despite that, they did another editorial. They did another editorial after their workers decided to engage in their rights to collective bargaining. Mr. Stroud at the paper, the editor who talks a good game, but when it comes to standing up for principle and backing up his words, he caved, he caved so quick, in a blink of an aye he caved when they came down to corporate headquarters. In fact, that same paper who claimed to support the right to strike in 1994 did an about-face in 1995, and this is what they said: "We intend to exercise our legal right to hire permanent replacements."

Perhaps our Cardinal, Cardinal Adam J. Maida of Detroit, put it best when he said, "The hiring of permanent placement workers is not an acceptable solution. If striking workers are threatened with being permanently replaced, this practice seems to undermine the legitimate purpose of the union and destroy the possibility of collective bargaining."

I would like to read to my colleagues a quote this evening about a great American who said, "Labor is prior to and independent of capital. Capital is the only fruit of labor and could never have existed if labor had not first existed." That was Abraham Lincoln.

The News and Free Press are owned by two of the biggest media conglomerates in the United States, Gannett and Knight-Ridder, who have deep pockets and are willing to lose millions to set an example in Detroit. They are tying to break the unions and deprive 2,000 workers and their families of a job and a living in a decent community. Their actions are unfair, they are unjust, they are illegal.

We will be marching in Detroit, because many of our parents and our grandparents fought too hard and too long for the gains that unions have made: For the 40-hour work week, for pension benefits, for health care, for the weekend, for safe-working conditions, for overtime pay. That is what people struggled for in this country in the last 100 years, and now people like the News and Free Press want to hire striker replacements in an effort to turn back the clock before we had these benefits.

I encourage everyone to join us for Action. Motown 1997 this weekend.

On another front real quickly, Mr. Speaker, those of us who went out to

California and marched with the strawberry workers, people who make $8,500 a year, who have no representation, who are treated miserably, good news on that front. The biggest company, Coastal Berry, was sold to two new owners and this is what they have said. The new owners want the company to take a neutral position with regard to union organizing campaigns. We want you to know that California law gives you the right to decide if you want to join or support any union organization effort, and we generally respect that right.

We need more of that attitude out there in the corporate world.

UPDATING THE JONES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Am I allowed to whistle, Mr. Speaker, in the Chamber to get everybody's attention?

The SPEAKER pro tempore (Mr. COOKSEY). No. The Chair will get order with the gavel.

Mr. SMITH of Michigan. Mr. Speaker, today we are introducing a bill that changes the law that was passed in 1920 that is now disrupting commerce, that is now putting Americans out of jobs and out of business, that is making American consumers pay much more for their products than they otherwise might pay. That law in 1920 was passed in order to get the United States of America going in terms of building our sea fleet, our ships, in terms of getting a crew of sailors that were trained that could help this country in time of war, in time of commerce. That bill is known as the Jones Act.

That Jones Act bill does several things. It said that one has to have a U.S.-owned ship, that it has to be built in the United States, all the component parts and everything else built in the United States, that it has to be American sailors that pay taxes in this country.

I say some of that is good, but let me tell my colleagues what has happened to this bill as we have lost 60 percent of our fleet that goes from U.S. port to U.S. port in this country. We are forcing sailors out of jobs; we are forcing businesses out of business. I will give my colleagues a couple of examples.

Right now in Michigan, wheat can be purchased from Canada, the same priced wheat, and shipped to other ports through the seaways at a cheaper price than they can buy it much closer in United States ports. I would like to get the gentleman from Maryland [Mr. GILCHREST] to give me the case, because I cannot remember what that was.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding. I am not going to take a position on the Jones Act, but what I would like to describe to the gentleman from Michigan is that there was a ship in Baltimore that was loading cargo, helicopters. One of the helicopter blades that was just loaded onto the ship fell and was damaged. The only place to replace those helicopter blades was in Jacksonville, FL.

Now, the ship was a Norwegian-owned ship. The ship traveling from Baltimore to Florida could take on the new blade, but it could not exchange it for the old blade without a fairly significant fine, because of the Jones Act. We were able to work through this and mitigate that down, which is still in the process of being mitigated.

I think in instances where one can exchange parts under those circumstances, that probably ought to be accomplished.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman. The problem is, what we do in this bill is we keep everything else the same. We say it has to be an American crew, it has to come under all American laws, pay all U.S. taxes. It has to be American owned. But in the cases where an international company can build that ship much cheaper than they can build in this United States, allow that bid to happen. Let us buy American, but where it is unreasonably high and right now the United States in our shipbuilding ports are not interested in building those ships for the Jones trade. They turned down Walt Disney. You might have seen that. They turn down cruise ships. What this bill does is it says that at least some of those component parts, that ship can now be built in another country.

If we want to expand our seaways and our ships, then I think we have to face up to the fact that we are losing jobs in this country.

I yield to the gentleman from Colorado [Mr. SCHAFFER], who has worked a long time on this issue.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I thank the gentleman from Michigan for bringing this issue forward and for his leadership in the effort.

In the conference that we had yesterday to announce the bill, of course we were joined by many people from the agriculture industry, as well as the steel industry, and many individuals, many industries represented that shipping and goods and services throughout the country, and the Jones agent, back in the 1920's is the age on this thing, was described as an act which increases the cost of goods and services to consumers.

Now, I come from a State where we produce a lot of wheat, an awful lot of corn, a lot of cattle, and a lot of pork, and so on, and shipping is an incredibly important mode of transportation for these goods that need to get to market. The wheat farmers, as one example, in Colorado tell me that the cost of a bushel of wheat is increased by upward of $1 per bushel because of the regulatory impact of the Jones Act.

I commend the gentleman from Michigan for bringing this issue forward. By deregulating this particular industry, we stand a chance of turning these numbers around, actually increasing the number of ships produced in the United States, the number of people employed in the industry by appealing to the benefits of the free market, and in the long run, reduce the cost for consumers throughout the country and strengthen our global and competitive position.

Mr. SMITH of Michigan. I thank the gentleman very much.

Mr. Speaker, if I can prove to my colleagues that we are going to end up with more American jobs, that our national security is going to be enhanced by the increased number of ships, will my colleagues support this bill? It is dramatic. Look at it, study it. I would suggest to my colleagues that we do not have this kind of requirement for our trucks, our trains, our airplanes or anything else.

If we had done this to the American automobile industry and shut off any imports coming into this country, we would not have the quality of cars. Today, we have the highest quality, the best price, the best deal car in the world because there is competition.

I would suggest to my colleagues, Mr. Speaker, that we have to face up to the fact that we have an antiquated law that needs to have competition brought into this industry. We are dropping the bill tonight.

ORDER OF BUSINESS

Mr. PASCRELL. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from California [Ms. WOOLSEY].

The SPEAKER pro tempore [Mr. COOKSEY]. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CHINA MOST-FAVORED-NATION STATUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PASCRELL] is recognized for 5 minutes.

Mr. PASCRELL. Mr. Speaker, over the course of the next few days, the Members of this august body will be forced to weigh a great deal of information, withstand a tremendous lobbying effort from both sides of the issue, and eventually cast one of the most critical votes that we will take in this Congress.

I am referring to the vote on extending most-favored-trade status to China. The outcome of this vote, Mr. Speaker,

will say as much about where our priorities lie as any other dozen votes we will cast in the Congress, the 105th Congress.

I am certain that there will be those who will take to this well over the next few days and claim that this vote is not really about anything exceptional. They will no doubt argue that we are already simply extending the same trade status to China that we do to 160 other nations. Such an evaluation of this debate is nothing short of sophomoric and fails to do little more than scratch the surface of the issue.

In reality, the China MFN debate is about nuclear proliferation. It is about human rights. It is about small business in America, and it is about American jobs. We may in fact afford most-favored-nation status to nearly every other country, Mr. Speaker, but China is not any other Nation. China is very different and poses a far different set of issues to deal with as a package than any of the nations with which we have MFN status.

China is one of the world's most dangerous proliferators of nuclear weapons. The Communist Chinese Government has, and is currently, engaged in the transfer of dangerous technology for nuclear weapons to rogue nations. The Chinese Government has provided Iran with advanced missile and chemical weapons technology. They have provided Iraq and Libya with materials used to produce nuclear weapons. They have provided missile-related components to Syria and given the Pakistanis the technology for nuclear weapons at the same time that Pakistanis get poorer and poorer. The Chinese Government has provided the nations with the least stable governments and that pose the greatest threat to the security of the Middle East, to our own security, with weapons of mass destruction.

A vote in favor of MFN for China is a vote to condone nuclear proliferation by China. A vote in favor of extending MFN to China is also a vote to condone China's deplorable record of human rights abuses.

The State Department Country Report on Human Rights for 1996 bluntly stated the Chinese Government continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms stemming from the authorities' intolerance of dissent, fear of unrest, in the absence or inadequacy of laws protecting very basic freedoms.

□ 2145

Voting to extend most favored nation just days before China takes control of Hong Kong sends the wrong message, Mr. Speaker. Human rights, nuclear proliferation, these are important issues. But for thousands in my district in New Jersey, this is a debate about the future of their jobs. It is a debate about whether or not they will still have their jobs.

Part of the reason for the loss of those jobs, Mr. Speaker, has been the incredible trade imbalance we have cultivated with China, Communist China. In 1996, our trade deficit with China ballooned to a record $40 billion. On the same rate, we will move to $50 billion.

Where is the plus for the United States of America? Where is the plus for our families? We are on a path that will soon lead to China replacing Japan as the largest contributor to the overall U.S. merchandise trade deficit.

Renewing Chinese most-favored-nation status means renewing a status quo in which the average Chinese tariff on U.S. goods is 35 percent compared to the United States tariff on Chinese goods as 2 percent. Is this what the State Department and those advocating MFN for China call engagement?

THE SHACKLEFORD BANKS WILD HORSES PROTECTION ACT

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I rise tonight to share with my colleagues an important editorial from a newspaper in my district, the Carteret County News-Times. The editorial, titled "Listen Up, National Park Service," I submit for the RECORD demonstrates the importance of the Shackleford Banks Wild Horses Protection Act, a bill I have introduced to save a group of wild horses in North Carolina.

As the editorial says, the wild horses of Shackleford Banks are believed to be descendents of Spanish mustangs who swam ashore after Spanish galleons wrecked off the coast of North Carolina centuries ago. For years these beautiful horses freely roamed the 3,000 acre barrier islands without trouble until the North Carolina Park Service took control of the area to form the Cape Lookout National Seashore in the 1970's.

Today, the horses are threatened by the National Park Service, which seems to be more concerned with managing the vegetation on the island than the horses. They have already euthanized many of these beautiful animals for questionable reasons.

We must not allow the National Park Service to continue to destroy these horses. The National Park Service's management plan specifies that a representative herd of horses must be maintained, but I fear that this vague term does not sufficiently protect the horses. What is to keep the Park Service from reducing the horse population to a number that may not survive one of the many storms that passes over North Carolina's coast?

When the North Carolina Park Service first took control of the island, the horse population was 104. According to Dr. Dan Rubenstein, chairman of the Department of Ecological and Evolutionary Biology of Princeton University, this number of 104 is appropriate for the overall well-being of the island ecology and, most importantly, for the horses' survival.

Dr. Rubenstein has been studying the herd for more than 15 years. He is the expert on these horses for the Park Service. Even a genetic scientist hired by the Park Service believes that the herd should consist of at least 100 horses to remain a viable herd.

For this reason, my proposed legislation, the Shackleford Banks Wild Horses Protection Act, would require that the number of horses on the islands be maintained at not less than 100 horses, and prohibits the removal of any horses unless their number exceeds 110. It also allows public input in the management of the horses through the nonprofit Foundation for Shackleford Horses, a group that truly cares about the horses and their future.

Mr. Speaker, the wild horses of Shackleford Banks were on this island long before people were. Clearly, they are a true historical treasure, one we must protect, just as we protect other national treasures such as the Grand Canyon.

The Shackleford Banks Wild Horses Protection Act is in the best interest of the horses and it is in the best interest of the visitors and residents who so enjoy viewing them in their natural setting.

As a Carteret County News-Times editorial reports, both Democratic Governor Jim Hunt and Democratic Secretary of North Carolina Department of Cultural Resources Betty MCCAIN support this legislation. I urge my colleagues to do the same.

Let us protect the wild horses of Shackleford Banks for the children and the next generation, and let us save this national treasure.

Mr. Speaker, I include for the RECORD the article I referred to previously.

The article referred to is as follows:

[From the Carteret County News-Times, June 13, 1997]

LISTEN UP, NPS!

Some countians were skeptical when the National Park Service announced plans last year to test wild mustangs on Shackleford Banks for Equine Infectious Anemia, a debilitating disease of horses.

They believed the NPS's real agenda was to remove all the noble animals from the island, part of Cape Lookout National Seashore.

It appeared to many observers, including this newspaper, that those concerns were overblown, if not bordering on paranoia.

After all, it only made good sense to cull sick animals so that the healthy ones might thrive under improved conditions, without fear of contracting EIA from biting insects feeding off the sick horses. NPS said it had

to cull the herd not so much because of the disease but because the horses were overpopulating and damaging vegetation, destroying the ecology of the island.

So the NPS plan went forward, euthanizing 76 of the 184 Shackleford horses who tests positive for the virus that weakens horses' immune systems, sometimes leading to death.

That left 108 health horses free to roam the 3,000-acre barrier island much like their descendants, Spanish mustangs who perhaps swam ashore after Spanish galleons wrecked off the coast centuries ago.

All seemed well, and fears of some countians dissipated while the NPS spoke neighborly about maintaining the remaining herd at about 100 or so members, chiefly through birth control measures.

To be on the safe side, however, Third District Congressman Walter Jones Jr., R-N.C., worked with Carteret County officials and horse lovers whose aim was to participate in managing the herd. It has always been and remains the wishes of countians, with support from the scientific community, to maintain the herd at about 100 horses. Bolstering this are Dr. Dan Rubenstein of Princeton University and Dr. Gus Cothran of the University of Kentucky, Department of Veterinary Science, who believe the horse population should stay at about 100 horses.

Congressman Jones introduced legislation, H.R. 875, specifying that the herd be maintained at not less than 100 horses, prohibits removal of any horses unless their numbers exceed 110 and allows citizen input in the management of the horses through the nonprofit Foundation for Shackleford Horses Inc.

Maureen Finnerty, NPS associate director for Park Operations and Education, told the House Subcommittee on National Parks and Public Lands April 10 that the NPS intends "to maintain a representative herd of free-roaming horses on Shackleford Banks," but if Congressman Jones' legislation passes Congress, NPS will recommend that the president veto the bill.

The NPS management plan turns out to be a sleight of hand trick in that it does not define a "representative herd." NPS could claim to be meeting the management plan by allowing 20 or even fewer horses to remain on the banks.

It does indeed appear that the NPS is more concerned with managing the vegetation on the island than the horses.

This is high-handed arrogance. By law, the NPS owns the horses, but again by law, the NPS is mandated to manage the resources, which includes the island, its vegetation and the horses, all for the public good, not for the good of NPS.

Consider that—

Visitors to Carteret County spend an estimated $150 per day generating over $200 million annually in the county's economy.

Fifteen county businesses make an annual living taking visitors and residents to Shackleford to view the horses.

Both Gov. Jim Hunt and Betty McCain, secretary of the N.C. Department of Cultural Resources, feel it is incumbent to maintain "this cultural resource" for the future. They each support Rep. Jones' legislation.

The underhanded recalcitrance on the part of the NPS has caused us to rethink our initial belief that the NPS was acting in good faith.

It now appears that the initial protesters were correct and that the real NPS goal is to remove the mustangs from Shackleford Banks. What other conclusion can be drawn from the NPS' bull-headedness on this issue?

Congressman Jones will present his bill to the House Committee on Resources Wednesday. In an effort to prevent any citizen input in its management of the horses, the NPS is pulling out all the stops.

For a while, it seemed the NPS favored this management plan as well. But suddenly, the NPS objected to Congressman Jones' legislation. Calling Congressman Jones' legislation a "disturbing precedent that will lead to legislation being proposed each time a management decision is questioned."

If the NPS prevails, it will be a slap in the face to the caring citizens of Carteret County, and possibly a looming death warrant for the wild mustangs who have thrilled generations of countians and tourists who trek to the island to watch these splendid animals in their natural environment.

We strongly urge the NPS to back off and show good faith in this matter. To do less would invite unpleasantness, given the strong community feeling for these animals and their importance to the vanishing heritage of down east Carteret County.

TRIBUTE TO NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise to pay tribute to the National Air Traffic Controllers Association, NATCA, on the occasion of their 10th anniversary. NATCA represents approximately 14,000 air traffic controllers nationwide, including 893 in Florida. NATCA protects air traffic controllers' rights, benefits, and working conditions in nearly 400 facilities in the United States and its territories through strong contract negotiations, labor relations, and litigation.

Since its existence, NATCA has aggressively championed aviation safety with Members of the United States Congress, the White House, the Federal Aviation Administration, the media, and the flying public. I am especially proud to recognize the outstanding performance of the 893 air traffic controllers that work in 25 air traffic facilities throughout Florida.

Aviation safety is paramount for the flying public and this Congress. Air traffic controllers play a critical role in ensuring the safety of all who fly. Therefore, it is my pleasure to honor all of our dedicated air traffic controllers.

DEATH OF TWO ORCA WHALES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I rise today to express my deep concern over the capture of orca whales off the coast of Taiji, Japan. I brought this matter to the attention of the House in February, when five orca whales were netted and separated from their whale family, called a pod. Since that date, two of these orca whales have died, both within the past week.

As Members know, the orca whales are small whales, 20, 25 feet long, and we have them around the Puget Sound area and of course in the north Pacific.

The capture of these orcas was allowed under a permit to gather them for research purposes. However, the whales turned up at a marine amusement park. Clearly, the use of whales for business and entertainment purposes blatantly violates the condition of the permit.

The village near where these whales were captured has a history of annually slaughtering whales. Since the February capture, there have been no sightings of orca whales off the coast of Taiji. It is my understanding that orca pods appear very infrequently in Japanese waters. Therefore, almost nothing is known about those orca populations living off Japan.

I strongly condemn the permanent removal of a family group from an already uncertain ecosystem, where they are definitely not in good supply.

On June 14, the youngest of the captured orcas died, with a female to follow on the morning of June 17. She was pregnant at the time of her capture, and reportedly had a miscarriage in April. She refused to eat during the entire 4 months in captivity, and had become so weak that she could no longer float by herself. At the time of her death, she was held up by a canvas sling in order to breathe.

The Japanese consulate in Seattle yesterday confirmed the death of both orcas. However, the amusement park has neither confirmed nor denied their deaths, nor has the park reported on the three whales still alive. Japanese conservation groups are calling on international animal protection groups to pressure the Japanese Government to return the three remaining Taiji orcas to the wild before they, too, die.

The International Whaling Commission is a world body which governs the harvest of whales worldwide, and has continually asked Japan to end the hunting of whales in the southern Antarctic Whale Sanctuary and other Pacific locations.

While the Japanese whale merchants claim they are conducting research, most of the whales end up on a menu or as an entertainment item. I think this practice is unacceptable. I think that the commercial whaling in the world, we are not ready to go back to real commercial whaling. I think we should do everything we can to urge the Government of Japan to release those whales as soon as possible before they, too, die.

ORDER OF BUSINESS

Mr. ROTHMAN. Mr. Speaker, I ask unanimous consent to assume the time

of the gentleman from Washington [Mr. DICKS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

INTRODUCTION OF THE LIFETIME LEARNING AFFORDABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ROTHMAN] is recognized for 5 minutes.

Mr. ROTHMAN. Mr. Speaker, today is the day that we from Bergen and Hudson Counties in New Jersey are putting forth a plan to solve the education crisis we face as a Nation.

Yesterday's headlines could not have been more timely nor more accurate in describing the hardship our families are experiencing in affording their children's college education and the importance of a college education itself. The New York Times put it best: "Rising college costs imperil the Nation."

A report commissioned by a private company said that at the current rate, tuition will double by the year 2015, effectively shutting off higher education to half of those who are qualified and wish to pursue one.

This report only echoes what I have been hearing around my district for the last 6 months from parents, students, teachers, and college administrators in Hudson and Bergen Counties, New Jersey.

Lisa Kelly, an employment counselor at Hackensack High School, came to a college finance workshop I hosted because she has a young boy 3 years old, and she is scared, scared about how she is going to afford college for him, and scared about the next 15 years and about her ability to save money for his education. But her son is fortunate because Mrs. Kelly is starting to save for college right now.

I met with students in Wallington, New Jersey, like Conrad Sopeelnikov, who finished number one in his class in high school, is a star football player, and has already spoken with Yale's football coach about that school. But that conversation will be in vain if Conrad is not given scholarships and financial aid.

I met with students in North Bergen, New Jersey, like Dana Maurici, who had dreamed of going to Seton Hall University, close to home, but she did not even apply because her family could not afford 4 years of tuition. As she told me in her own words, she said it would be like, here is a bite of candy, but you cannot finish it.

Then there was Judy Hyde, the PTA President of Hudson County, New Jersey, who understands that an education is not just for young people. She organized a parents summit for me in Kearny, New Jersey, where parents told me that in addition to saving for their children's college education, they, the parents, also need help to save for their own retraining and for advanced degrees.

Mr. Speaker, these parents and students understand, as do I, that everyone in America deserves an equal opportunity for a higher education. They know that we rise or sink as a nation together, and that if anyone is left behind, if any child is denied an equal opportunity to learn, then we have failed. We have failed them, we have failed their parents, and we have failed our country. We have failed the ideal of America to provide every American with the equal opportunity to achieve and earn the American dream.

That is why I have produced the Lifetime Learning Affordability Act. This bill would allow working and middle-class parents the ability to set up IRA-like savings accounts for each of their children. They, their parents, their grandparents, their aunts and uncles, could set up tax-deductible accounts up to $4,000 per year until the account has achieved $100,000 in it. That money could then be only withdrawn to pay for tuition and specific education-related expenses.

Here is the unique aspect of my Lifetime Learning Affordability Act. After the student reaches the age of 22 and is earning a living, he or she can then put additional monies into that account, up to $2,000 a year, so if he or she is ever laid off of their job, wants to learn new skills or just wants to go back to school later in life, there will be a nest egg for that person, that older student, to go back to school and to use for that purpose.

To make sure these accounts are not abused as tax shelters for the very rich, there will be a significant penalty for the early withdrawal of those monies, or if the money is spent on something other than education.

□ 2200

Yet even with this tax deductible IRA account of mine, we know that not every family can afford to save for college and not every family can take advantage of a tax deduction. That is why the bill also calls for increasing the Pell grants, not only in the number of Pell grants we issue but in the amount we give to each student. A modest increase such as the one we propose in our bill will help 75,000 low income students in New Jersey alone get a head start on life. The bill also restores the much-needed tax deduction for interest on student loans.

We, as a nation, Mr. Speaker, must understand that investing in education is the best investment we can make as a country and the best investment we can make as individual families.

I urge my colleagues to join me in supporting the Lifetime Learning Affordability Act so that we can unlock the doors of opportunity for every American, the lifetime of opportunities that a college education provides. I urge my colleagues to support me in this adventure.

THE AMERICAN DREAM

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from South Carolina [Mr. SANFORD] is recognized for 5 minutes.

Mr. SANFORD. Mr. Speaker, I have been hearing a fair bit about taxes. I think that is going to be the subject of debate over this next week and the week after.

When we talk about taxes, I think we are talking about something much more important than taxes alone. What we are really talking about is the American dream. It strikes me that there are two ways to get at the American dream. One is to let somebody keep more of what they are earning. The other way is to let somebody earn more on what they are earning.

What do I mean by that? What I mean is, I heard a story here just last week about a woman by the name of Osceola McCarthy. My colleagues may have already heard this story, but Osceola McCarthy was a washerwoman down in the southern part of Mississippi. And she was in her late 70's. She goes to the nearby school. She had spent her life as a washerwoman, her entire lifetime washing people's clothes, never earned much money over the course of her lifetime.

She goes to this nearby university and she said, I would like to help out. And they figure, well, she is going to give us a cloth doily or something. But instead of a cloth doily, she hands them $150,000. Everybody at the university cannot believe it. How in the world did this washerwoman come up with $150,000 for the university?

What she said is, I just put a little bit away over a long period of time. In fact Einstein was once asked, what is the most powerful force in the universe. His reply was, compound interest. It is amazing what you can end up with at the end of a working lifetime if you simply put a little bit away over a long enough period of time and let it grow and compound.

And that simple idea is a very powerful idea that gets at the second part of the American dream, again one part of the American dream being we can get there by letting people keep more of what they are earning, which is what tax cuts are about. But the second part is letting people earn more on what they are earning, because what the Social Security trustees have said is that Social Security today, while it has done a fabulous job for my mother and my grandmother, what they have said is that it will not do such a great job for my three young boys. Marshall is 4; Landon is 3; Bolton is 1.

And what they have said is that for a worker today, the average rate of return is 1.9 percent. And what they have said for my three little boys is that the rate of return is negative. And the fundamentals behind what is driving that are not going to change.

One is that we are living longer as a country. Each of us, average life expectancy when Social Security was created was 62 years of age. Today it is 76. Every year that I grow older, I hope that the medical folks keep making advances so that life expectancy continues to move out. That is a phenomenon we are not going to change. The other phenomenon we are not going to change in terms of Social Security is that people are having fewer kids. We have gone from having big families on the farm to having relatively small families today.

We have got three boys. The idea of mentioning to my wife, Jenny, why do we not have another 6 or 7, I think we could help solve the Social Security problem, is not going to fly at home.

What we have been wondering is, is there a third way out. I think there is. This idea of personal savings accounts, which are built on the simple idea that Osceola McCarthy's wealth was built on. Because what we ultimately want to see in America is everybody building wealth, not just a few people at the top. And this simple idea of personal savings accounts. Personal savings accounts has been tried in a host of countries around the globe. It has been tried in a number of States and counties within our own country, in fact.

Down in south Texas, Galveston, Matagorda and Brazoria Counties down in south Texas, prior to 1983, you could create your own Social Security system. You could stay on the Federal version or you could create your own version at the State or local level. Those counties did. What they found was those county workers got more in the way of disability insurance. They got more in the way of survivor benefits, and they got more in the way of retirement income. In other words, there was a third way out.

And not only was there a third way out in terms of having more in the way of retirement income, there were a whole host of other benefits. For instance, choosing for you when you want to retire. If you stop and think about it, you can go down the grocery store aisle and look at 25 different kinds of detergent. You could look at 35 different kinds of toothpaste. But you cannot pick for you when you want to retire.

Yet you think about it, why should a Congressman or a Senator or a bureaucrat in Washington decide for you when you want to retire. Why do not you get to pick for you when you want to retire?

One of the benefits that would come with the idea of personal savings accounts is somebody making that decision for themselves. There are a host of other benefits that would come with the idea of personal savings accounts. It is not something we want to impose on seniors, but I think it is something we want to begin talking about for people that are juniors.

TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to address my colleagues and have them be part of a dialog on a very important topic. That is tax reform.

This Congress has a historic opportunity to work with American families to make sure that they keep more of their hard-earned money which their jobs have produced, which their investments have produced.

As a broad outline we are talking about a $500 per child tax credit, reduction of inheritance taxes. How many people across Pennsylvania and other States are taking all the money that would be from the farm or the business but they have to sell the farm or the business to pay for inheritance taxes?

We have an opportunity here in the coming weeks to pass the kind of reductions in inheritance taxes so that the heirs of the people who own the businesses and the farm will make sure their children have the benefit of what their hard-earned dollars bought.

We also are talking about the reduction of capital gains tax. This is very important for individuals and businesses. By having this, we increase savings. We increase investment. We increase jobs. You only have to look to the Kennedy and Reagan administrations, Democrat and Republican administrations, last time we had a capital gains tax reduction we saw a great upward mobility of this country. We saw a great growth.

Mr. Speaker, I yield to the gentleman from Georgia [Mr. KINGSTON] for the comments he has from his district as it relates to the need for tax reform.

Mr. KINGSTON. In terms of the hard-working middle class Americans, they do need tax relief. Their tax burden right now is about 38 percent per family. That is up 1 percent from what it was 2 years prior, but it is very important for us to realize that 75 percent of the tax relief proposed goes to families with household income of $75,000 or less. Ninety-one percent of it goes to families with household income of $100,000 or less. And for families with income of $200,000 or more, there is only 1.2 percent of the money for their tax relief.

Mr. FOX of Pennsylvania. Most of the tax reform we are talking about in Congress is for the middle class.

Mr. KINGSTON. Absolutely.

Mr. FOX of Pennsylvania. Hard-working persons who are out there in industry and business.

Mr. KINGSTON. Mr. Speaker, the fraud that is being perpetuated by those who say this is a tax cut for the wealthy is just outrageous. They know better in their heart of hearts. How they can even look themselves in the mirror and say that this is a tax cut for the wealthy is beyond me.

Mr. FOX of Pennsylvania. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PAPPAS]. I know that he has been working hard in this committee and with his constituents in New Jersey to try to make sure we give tax relief.

Mr. PAPPAS. Mr. Speaker, I thank the gentleman for yielding to me. When I go back home, I do not use terms like "budget reconciliation" or "budget resolution" or "CR," which is an abbreviation for continuing resolution. I talk to my constituents about balancing the budget, cutting taxes, plain language that they use every day and that I think we should use more around here.

I am very fortunate, as my friends are here, to be part of this Congress, which I am convinced is going to enact permanent tax relief for American families that really is going to make a difference in quality of life, the lives of the people that we represent.

As we all know, the Committee on Ways and Means, just within the last week or so, has been marking up a bill that will include these things. The gentleman spoke about estate tax reform. Most people are referring to that now as a death tax. That is exactly what it is.

The American dream for many people is to work hard all of your life and to build a business that you can pass on to your kids. That American dream is becoming a nightmare for so many families in our country and that is very unfortunate. We have the opportunity here, I believe we have the obligation in this Congress, in Washington, DC, to enact that kind of tax reform that will enable family-owned businesses, family-owned farms to be passed from one generation to the next.

Mr. FOX of Pennsylvania. Mr. Speaker, I think it is also interesting to note that not only are we talking about tax relief for inheritance taxes, capital gains, the $500 per child tax credit, but also tax deductibility for a college loan. This is a step in the right direction.

Mr. Speaker, I yield to the gentleman from Colorado [Mr. BOB SCHAFFER].

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, it is interesting, when you hear the liberals here in Washington, as we heard all day today talking about the Congress giving something to taxpayers, this notion that government gives something away

when we lower taxes is a fallacy in and of itself.

It really underlies the problems with the arguments that they try to make, insulting our efforts to try to provide tax relief for American families and to allow for families to keep more of what they earn for themselves. This government takes things away from the American people. It confiscates the wealth of families and sends it here to Washington where we distribute it to the charity of the government's choice.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the opportunity to start the dialog on tax reform which is so important to the American people.

ORDER OF BUSINESS

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New York [Mr. FORBES].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

MORE ON TAX RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. BOB SCHAFFER], is recognized for 5 minutes.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I would like to continue on with the discussion that we had a few minutes ago just about this notion of the Federal Government, in fact, confiscating the wealth of American families through our excessive tax policy, bringing those dollars here to Washington and redirecting them to the charity of politicians' choices.

We hear all day long the discussions about whether we should spend money on one charity or another charity. These are all fine things. But the Republican vision and the Republican value, when it comes to this whole debate about taxation, is that we are the ones who fundamentally believe that every taxpayer, every family, every wage earner is eminently more capable of deciding how to spend those dollars in a free market economy than the government is.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the opportunity to expand upon what the gentleman just said. The American people not only send their tax dollars here. We want to make it sure they get more of it back so they can use it for their families.

They also want a new IRS, one that is more taxpayer friendly, one that we would have under a taxpayer Bill of Rights 3 where we change the burden of proof. Instead of the taxpayer presumed to be guilty and the IRS commissioner presumed to be correct, let us switch those burdens and stop the abuses that have existed in the IRS so we make sure that we have not only fairness in our tax policy but fairness by the IRS.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I thank my friend for continuing this debate or this discussion about tax relief, which I believe is what the American people are crying out for. Most of the relief in this bill that we are speaking of is in the form of tax cuts directed at middle income wage earners, which includes families which earn between $20,000 and $70,000 a year.

□ 2215

Lots of folks talk about how this is a tax cut for the rich. That is not the case. It is for middle class working men and women.

I see my friend from South Dakota is here, and would like to yield to him for any comments he might want to make.

Mr. THUNE. Mr. Speaker, I thank the gentleman from New Jersey for yielding, and to my colleagues on the floor this evening, we are talking about something that is very important to the future of this country, and that is what we can do to balance this country's budget and to lower the tax burdens in America.

One of the things I think we are witnessing, and hopefully, if we do our job correctly, in the next couple of weeks, come the 4th of July we will truly have an Independence Day in this country because we will be witnessing a couple of historic firsts.

For the first time in 40 years we will have balanced this Federal Government's budget. That is a significant first. Very important, I think, to most of us who have kids and are concerned about the next generation. We will for the first time in 16 years have brought tax relief to the American families and the working American women of this country.

I think rather than have this debate become a focus of, and we will hear this, a lot of rhetoric over the course of the next several weeks about the politics of class warfare and the politics of division, the politics of despair and the politics of fear, that is not at all what this debate is about. This is about improving the quality of life for all Americans.

I think if we look at any objective standard and any objective measure about the benefits of this tax package and who really receives those benefits, we will find that 75 percent of the tax relief in this package goes to those who make less than $75,000 a year, by any objective standard.

There will be a lot of juicing of numbers by opponents of this, and we are already seeing evidence of that, of padding the numbers and trying to create the perception that, in fact, this is an issue of class warfare, but it is not. It is about improving the quality of life for all Americans.

I think it is perfectly consistent with everything that we came here to do. So when we look at the Independence Day that is ahead of us and, hopefully, we will have completed work on this important project, but two important firsts: balancing the budget for the first time in 40 years, lowering taxes for the first time in 16 years, and saving Medicare for another 10 years and, hopefully, into the next generation.

Those are priorities that I will tell all my distinguished friends and colleagues who are here this evening that I came here to be about, and I think it is an incredibly historic day.

There is always room for improvement in any of these packages, and I would certainly hope that as we go through this process we will be able to address an issue that is important to my home State. There is a tax incentive in the law today that promotes ethanol, and that is something that I think is a good return for the taxpayer, and that is something I hope we can resolve and make this package better.

But in any case, there are so many provisions in here that benefit middle class families, I think really that is consistent with the values, the philosophy, and with the beliefs and the convictions that most of us in the Chamber this evening hold.

Mr. Speaker, I would like to yield to one of my friends, any of whom is at a microphone right now.

TAX RELIEF FOR THE MIDDLE CLASS

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from Indiana [Mr. SOUDER] is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I wanted to speak on the same tune, but with slightly different words.

I think that we have been talking a lot about the importance of this to middle class families. We have been talking about the importance of this to what would be seen as kind of main line American families. But I have been very impressed that our Speaker, the gentleman from Georgia [NEWT GINGRICH], has joined with President Clinton to talk some about the problems of race in America and extending opportunity to all American citizens.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield a minute, I think it is real important what he just said and I want to slow up on it a minute. The gentleman just mentioned that the President and the Speaker are working together.

One of the things that is important for us to realize is that the Republican majority in the House and Senate was reelected but, at the same time, the

same American voters reelected President Clinton. What they want is results. People are independent ticket splitting and they want results.

It is interesting that on issue after issue the gentleman is saying, race, taxes, balancing the budget, the Republican leadership is working with the President, and yet many detractors on the Democrat side, particularly in the House, cannot stand this; that President Clinton is working with Republicans.

I think the President has heard the message of the American people: They want a balanced budget, they want a smaller government, they want tax relief. And the President realizes that, unfortunately, his party is not going to deliver that, so if he wants to move in the direction of the vision of the American people, he has to work with Republicans rather than Democrats.

I think it is interesting the gentleman made this point one more time on race.

Mr. SOUDER. Well, I wanted to put into the RECORD a number of the things the Speaker said last night, because many of these overlap with what we are talking about here on taxes and providing economic opportunity.

He raised some questions that go beyond this: making sure civil rights are enforced, an importance on welfare reform, in reducing crime, as we work on the drug issue. But listen to a number of these categories, and then I will relate it to our package and why this is not a tax break for the rich and the type of tired rhetoric we will hear but, in actuality, an opportunity for all Americans.

He talked about learning, creating better opportunities for all children to learn by breaking the stranglehold of the teachers' unions and giving urban parents a financial opportunity to choose public, private or parochial schools, as millions of black Americans are reaching out to the private Christian schools and building their communities and wanting the choices that other Americans have. That is part of the point of the $500 personal credit, so people can choose the school that is best for their children.

He says on small business that we should have the goal of tripling the number of minority-owned small businesses by eliminating the barriers and providing the tax opportunities.

He talks about 100 renewal communities, and low income scholarships, savings accounts, brownfields cleanup. He talks about economic growth and expanding economic opportunities.

Well, listen to some of the different things in this package. In addition to the tax credit for children, we have a deduction for undergraduate tuition, scholarship tax credits, credit up to 50 percent of $3,000 out-of-pocket tuition expenses phased out at $40,000 to $50,000 singles, $80,000 to $100,000 joint; expanded IRAs that people can not only take out for education but for first time home buying. We have education investment savings opportunities.

And then the businesses that most need the capital gains changes are businesses that are just starting. Many of these minority businesses that start up in an inner city actually increase the property values all around them. Then, when they go to move to the next block, they get punished because they have raised the value of their lands and the area around them. That is the point of capital gains, not to benefit the most wealthy but to get those starting out to move to the next size, to the next size, to the next size.

The inheritance tax reform that will eventually, over a number of years, get up to $1 million. When we have minority businesses and people just starting, many Americans have made it, but millions of Americans have not made it. They want their kids to have the opportunities that my great grandpa worked to get to my grandpa, that gave to my dad and his brother so that I could have the opportunity. That is not done by taking away the family farm, by taking away the small businesses; it is by giving enough exemption that we can pass it through and build it into a little bit.

A person starts with a dry cleaner, builds it a little bit bigger, a little bit bigger. A retail operation may move to another business. My great grandfather set up my grandfather as a harness maker. He moved and bought the building next to him and the building next to him, and we now have a building we lease out to 60 different antique dealers. It is something that came bit by bit. That is what the capital gains means. That is how economic growth occurs, that and inheritance tax.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman, and the fact is he has already shown through his leadership that when we talk about innovation and entrepreneurship, that that is what America is all about. And under this new tax proposal, new businesses will be emerging.

We will have people who have a great idea getting a chance through capital gains tax reduction, through a balanced budget, a real opportunity in the Federal Government to make sure their money goes far and their family has a chance to have a piece of the rock.

ORDER OF BUSINESS

Mr. NEY. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from South Carolina [Mr. GRAHAM].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE COST OF EXCESSIVE REGULATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. NEY] is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, this is a great discussion tonight because we are talking about the American people being able to keep more of their hard-earned money. That is why we came here.

Some of the Members sitting here tonight from the 104th, now in the 105th, and we actually are so close to that goal and that reality, and I hate to even mention what I want to say tonight to put a damper on this, but I think it is important that we at least communicate a little on this issue. That is the fact that while we here in Congress are trying to do this, we have an unelected bureaucrat, Carol Browner, the head of the United States EPA, what she is attempting to do is to put a new wave of requirements on us, on ozone, and once again shut down some jobs.

Somebody in an unelected position, who will not come here to the floor to debate this, is trying to stifle the growth of the American people, is trying to take away their money. And if it did something to help people, I guess it would be a different story we could talk about. But these new regulations, we have lived with them in the Ohio Valley and across the country, and they have really been hurting us.

We have tried to comply. We have tried to do coal bonds in Ohio, about $100 million worth. We have tried to do everything we can do, but, once again, she does not want to be reasonable. Just this week we became aware of some reports in the press about maybe she is cutting deals with a few districts across the country and to let them out of it but the rest of us will pay.

We all have to support a clean environment. We want that, but we surely want a reasonable discussion on it. I think the bigger picture on this too, and it is a frame of mind I guess that this whole government can get into, but the idea that veterans fought so we could have a democracy, so we could have a great energetic give-and-take on public debate, but the veterans did not fight so unelected bureaucrats could make a decision no matter what side of the issue we are on.

So tonight I think we really need to talk about what we are doing for tax relief for the average American, but also we have to be aware that down the street there is someone that is trying to once again dip into the wallet of the working people. And that is why we are here, to protect the wallets of the working people. Because it is what that worker puts into the wallet and what the government tries to take out, and

once again we are trying to give them more of their take home and somebody down the street is trying to take a little more back.

Mr. SOUDER. Mr. Speaker, If the gentleman will yield, I want to commend the gentleman for raising this. It is basically the same subject. Our goal here is to try to help people who are working hard be able to keep their money and advance without Washington standing as big brother and squishing them, either through spending in incredible ways and without their approval, or through regulations in EPA.

Just like Ohio, in Indiana we make, in my district, pickup trucks, axles, tires. These are hard working Americans, multi-generational Americans, who want clean air, they want a healthy society, but they also want to work. And they are proud of what they do. And the idea that somebody in Washington, for not even any proven scientific gain, by the time we get done with this, in fact, I have heard that, for example, by changing the plastic covers on some of the gas tanks we could change some of this, but what gas stations are not in compliance now? Often they are the ones in the inner cities or in the rural areas where they are marginal.

So are we going to close all those gas stations so the people living in the inner cities and out in the rural areas have to drive farther? And that actually pollutes more air. It is not even clear scientifically the solutions solve the problem, except to put a lot of hard working Americans out of work because some bureaucrat decided, an unelected bureaucrat decided that the Midwest should be punished and that we should send these jobs overseas, and that is, bottom line, what happens.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, if the gentleman will yield, I am glad the gentleman brings up this concept of the cost of regulation at the same time we talk about the cost of taxation.

There is a very important date coming up just in the next few weeks. July 3rd is the Cost of Government Day. Now many of us will remember back to May 9. We worked up to May 9 to pay off all of the taxes to satisfy the government. We worked up to that point for the government; the rest of the year we work for our family and the things important to us.

But further down the line, way into the 7th month of the year, July 3rd, is Cost of Government Day. That is the date after which we have surpassed all of our obligations to the Federal Government, not just for taxes but also for regulation. More than 50 percent of an average family's income goes to pay for taxes at the State, Federal, local level, and regulations at the State, Federal and local level.

These new air quality standards the gentleman from Ohio mentions are estimated to cost the agriculture industry alone in America anywhere from $9 to $12 billion a year. That is the government's estimates. That is Carol Browner's estimates. And the people in the industry suggest that those estimates are far too low.

□ 2230

HOME-BASED BUSINESS

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

Mr. PAPPAS. Mr. Speaker, we are talking about common sense things here. Just a few months ago, many of my friends here know, in fact, everyone here, save for two, are cosponsors of the bill that I introduced dealing with the home office deduction. And they know who they are.

I am very happy to see that in the new bill that the Committee on Ways and Means has been bringing forward includes, maybe not the exact language, but the concept of the home office deduction is included. So many individuals in our country are starting home-based businesses. Some people are employed in a corporation or maybe another small business. Yet on their own time they are putting their energy, their creativity to work, which is truly a part of the American entrepreneurial spirit in starting a home-based business. I am excited about the support that that has really across the country from all walks of life.

Seventy percent of the new home-based businesses or small businesses that are started are started by women. And as my colleagues know, there are many single-parent families that are headed by women. And being able to have the home-based business with the deductions that other home-based businesses have had, I think, is fair. I am very encouraged to see so much support among my colleagues here tonight, most of them, and, hopefully, by the end of the night, all of them.

I yield to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX. To enter this discussion as part of this tax reform debate, all of my colleagues have agreed to be part of the Pappas legislation with the home office deduction. But I think that scores the important point about how most small businesses are the engine of the economy. Ninety percent of new jobs come from small businesses. So the Pappas legislation, along with other tax reforms, are what Americans really need. I believe that legislation is going to move forward, and we appreciate the leadership of the gentleman from New Jersey [Mr. PAPPAS] on that issue.

I know the gentleman from Georgia [Mr. KINGSTON] has been working feverishly to make sure that we do get the new package. I believe what the gentleman from South Dakota [Mr. THUNE] said earlier is true, the balanced budget together with tax reform is really going to be historic and make a difference in people's lives.

The balanced budget is important because we are going to see reductions in the interest payments for college loans, in the interest payments for the car, and the interest payments for the home mortgage. That is the key to America.

Mr. KINGSTON. Mr. Speaker, if the gentleman would yield, I wanted to make sure folks understand that under President Clinton in 1993, we experienced the largest tax increase in the history of the country, which I believe was in the figure of somewhere about $250 billion. We are talking about only, unfortunately, an $85 billion decrease in taxes. It does not take us back to the pre-Clinton days, if you will.

Now what is interesting is, as we hear the cries of those that oppose the tax relief, is you would think we are giving away the farm. And it is so important for people to realize it is not our money. The United States Congress does not own money. We, through the force of Government, confiscate money out of people's pocket and we take it.

All we are saying is, hey, let us take less of the middle-class hard earned dollars. That is all we are talking about. And yet people, you would think, are about to give away their first born child the way some of the opponents are fighting this tax relief.

Mr. SOUDER. Mr. Speaker, if the gentleman would yield, I think his point about the home office deduction, as well as the point of the gentleman from Georgia [Mr. KINGSTON] about the general attitude of many in the other party is very perplexing.

One time one parent had their son tell me what he had been taught was the difference between Republicans and Democrats; and that is that Republicans believe in big people and little government, and Democrats believe in big government and little people.

I think President Clinton and some have moved beyond that, but there are many in this body who are still criticizing that. They do not seem to understand how jobs in America are created, how people can have choices. So many millions of American people through Amway, through Discovery Toys, through the many different things that have branched out, as well as new computer-based businesses at home, give not only mothers now the choice to stay home with their kids or women to be able to start a business, but now many men are working at home in different types of businesses.

If we do not recognize these changes, we kill the engine of economic growth of how jobs are created. They are created not by government but by people

looking for creative ways to combine the needs of their life-styles and the needs of capital and the shortage thereof.

With the Internet nowadays and with the ability to use phones and all the different ways, we need to make sure that the home office deduction and things like this reflect the ways of economic growth.

REGULATION OF SMALL BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota [Mr. THUNE] is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, I would like to keep in discussion we have had this evening with respect to regulation. I was sitting in the Committee on Agriculture this morning and we had a number of folks testifying in front of our committee, and it had to do with an issue which is very important in my home State of South Dakota.

We have a tremendous natural resource known as the Black Hills. And interestingly enough, we talk about the heavy hand of Government regulation, as I was listening to the testimony this morning, in 31 cases, the last 31 times, there has been a proposed timber sale in the Black Hills; 31 times that has been appealed.

In every case it has ended up as being a long, protracted fight. In fact, we had what is known as a blow-down in April, a blizzard, that knocked a lot of trees down. Those trees cannot even be harvested until October because that has been appealed. And we think about the hard working men and women in America who are trying to make a living and eke out a livelihood from the natural resource industries that are very prevalent in western South Dakota and the way that the Government is constantly getting in the way.

I think we have to recognize, and one of the questions that was posed this morning, is what can we do? One of the things that came up repeatedly is, dealing in the area, of course, of regulation, what we can do to streamline the appeal process, but, secondly, what can we do in terms of tax policy to make it possible for some of these family owned small businesses to be passed on from one generation to the next.

I think the fundamental question here is, who is for the average American, who is going to stand up to big government, who is going to make sure that government lives within its means, who is for smaller government, for protecting the average American from the heavy hand of government regulation? And I think the answer is very clearly that those are the things that we as Republicans have been talking about for a very long time. Those are the things that many of us came here to do.

I think in the context of this balanced budget, this tax relief package that is in the process of being discussed, we have an opportunity to reinforce the most deeply held values and traditions that we have in America.

We look at the importance, the way we believe in hard work and thrift and family, self-sufficiency and saving for the next generation and freedom, but also in responsibility. And to enjoy freedom, we have got to accept responsibility. I think many of the things that are included in this tax package reinforce those most deeply held values and traditions that the average American possesses.

That is why I believe that the things that we are about and the things that we came here to do, and granted we are getting a lot of cooperation, because I think the message is prevailing out there and people are coming to the conclusion that we need to reduce the size of the Federal Government, that we need to, for the first time in 30 years, get serious about balancing the budget and to bring tax relief to working men and women in this country.

There is going to be a lot of discussion over the next several days, I think, about what the vote is going to be and who is going to be in favor of it and who is not. I would simply say, I hope that we have a wide base of support for this package.

Now, a lot of people are going to want to have the dessert and get the tax relief and not vote for the vegetables. People always want to have their dessert without having to eat the vegetables.

We have the opportunity to do both, and we have to do both because we have to be about the important work of balancing the budget. We can do that and also bring tax relief in the context of the bill that we are going to be voting on in the course of the next several days.

So as we look at this whole context of debate this evening about the cost of Government, and the gentleman from Colorado I think pointed out, July 3rd, by the time we factor in not only tax but also the cost of Government regulations, what I heard this morning repeatedly and what I hear from the people in my State, who are small business people, who are family farmers, who are average working men and women in America, these are the people who are going to benefit from this tax relief package.

So I hope that we can put aside all the discussion about the division and erecting barriers between rich and poor, between this group of people and this group of people, and get about the business of improving the quality of life for all Americans. That is very much the direction in which we are headed.

I am more than happy to join with my colleagues who are here this evening to address this subject and then to get after the work, and that is lessening the regulation, the heavy hand of Government.

There is a guy etched on Mt. Rushmore in my State of South Dakota named Teddy Roosevelt, who I think understood the difference between the heavy hand of Government that stifles competition and the light touch that ensures it. I have heard repeated examples this morning of the heavy hand that stifles competition and stifles the spirit of free enterprise, the thing that has driven and made this country great, has made it the model, the envy of the world all over the world.

I yield to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I thank the gentleman for yielding.

I want to make a brief comment. We have here with us tonight a couple of the pages, they do a great job, and many others who are working here with them over the summer. I think of them and the future that they have. And if we are able to enact this balanced budget plan when they enter the work force, there will be a future that we deserve to provide for them.

TAX SYSTEM THAT ENCOURAGES WORK ETHIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to, on the subject of taxes, say two of the things we need in our tax code is we need responsibility to be encouraged and we need clarity. We need to have a tax system that encourages the work ethic and rewards it.

Now, our welfare system, as my colleagues know, does not do that. Recently, in Savannah, there was a man who was on public assistance. He is 30 years old, and he bragged that he had 16 children. Now he has been very busy. But, of course, he has not been with the same woman for all 16 of these kids. But his comment on it was, "Well, the Lord said be fruitful and multiply." That was his total explanation.

But it is interesting that our tax system would reward that kind of irresponsibility through Government handouts. Right now the President wants to expand the proposed $500 child tax credit from working people who pay taxes to people who do not pay taxes, such as possibly this 30-year-old father of 16 kids. There is no reason in the world why he, who does not pay taxes, should get this credit for irresponsibly siring so many children.

We are parents. I am a father of four. It is very, very difficult to raise kids. And I would say, economically looking after their needs is only the minimum bit; you have to do a lot more for these children emotionally and so forth. But our tax system should support middle-class parents economically for making

responsible decisions, like having a job and having income and having a house, before you go out and have an untold number of children.

Mr. SOUDER. Mr. Speaker, if the gentleman would yield, we are about to head into another debate. There have been ads around the country. We have had quite a bit of turmoil in the Committee on Education and the and Workforce, and it is about to hit the floor too, that supposedly the Republicans are vying to circumvent the minimum wage as it relates to people on welfare.

The issue, in case my colleagues have not heard about it, is this: People on welfare currently can get a package of benefits, depending on their mix of kids, about $15,000. When they take a job, under the new welfare bill, should the benefits that they are continuing to receive, because we have decided that we are not going to completely cut off the benefits, should those benefits count towards their wages?

This is being portrayed as the work cutting the minimum wage, when in fact what we are saying is people who are working for the minimum wage currently and have never been on welfare should not receive up to $7,000 a year less than those people on welfare.

□ 2245

Yet somehow we are portrayed as the mean party. Somehow we are portrayed as being unfair and being mean-spirited when in fact what we have been trying to do is stand up for the working people of America to try to give tax benefits to try to help those people who have been trapped in the welfare system start to move into the private sector but not have these terrible inequities between those people who have been working and those people who are on welfare.

We are going to fight this battle on the tax credits, we are going to fight the battle in the way we count benefits as we go into welfare, and the thrust of our program, by having a balanced budget and by reducing taxes, to try to make people who are working hard that have been bearing the brunt of the economic growth and the job growth in America, to give them some breaks and let them keep some of their own money.

Mr. BOB SCHAFFER of Colorado. You know the middle class families of America feel left out primarily because the White House fails to acknowledge that they even exist. Listen to this:

The Treasury Department says that they will not calculate income based on something they call family economic income.

Now this is not the money you bring home. This is something else. This is how when you hear people talk about tax cuts for the rich, they are actually talking about just about everyone in America because congratulations, we are all rich now as a result of the calculation from the White House.

Listen to this:

They say income includes things like your IRA income, Keogh deductions, AFDC benefits, social security and one more thing, the imputed rent on an owner house.

Now what this means is that if you own a home, the Federal Government, the Clinton administration, is going to assume that if you could earn rent on your house, that that is going to be calculated as your income. That is how a family earning $50,000 a year all of a sudden becomes in the rich category.

So when you hear about tax cuts for the rich that you hear this term a lot, this really does apply to the average American family who the liberals in Washington all of a sudden want to demonize by calling you exceedingly wealthy.

But you know these are the folks who we represent. This is my parents, my retired school teachers, my in-laws, the pipefitter, the Yates family in Mississippi, the Conklin family in Illinois, average American families who work hard every day making middle class incomes. We want to reduce their tax burden. The liberals in Washington want to call them millionaires somehow magically and suggest that they are somehow bad people who do not deserve a break.

WOMEN'S CAUCUS HOLDS HILARIOUS NEWS CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kentucky [Mrs. NORTHUP] is recognized for 5 minutes.

Mrs. NORTHUP. Mr. Speaker, I appreciate the opportunity to address the House tonight about the tax cut and about a rather humorous, if you have a broad sense of humor, news conference that was held today earlier by the Democratic Members of the Women's Caucus here in the House.

You know it must be very terrible if you have to find reasons every day to be against a tax cut considering their popularity, and today this group of Members said that this tax cut would hurt the women of our country. That is especially hilarious when you think that most women are growing up and sharing homes and lives with men. They either have a father, they have a son, they have a brother or they have a spouse, and these women share their economic opportunities, their lives, their incomes, their taxes with men. You do not have tax cuts for very many people that help the men or help the women. You have tax cuts that help homes, they help families.

And so most women get up every morning, and their lives are intertwined with the men, with their sons who they are raising, with their fathers who raise them, with their spouse with whom they are making a life, and they all are in the financial challenges together.

And so as families work out their economic challenges, as middle class families get up every morning, they take kids to day care, they go to work, they pay for a car payment, they pay for their rent, and they wonder if there is going to be any chance that there is going to be money left over this summer so that they can go on that camping trip and go to the State park that they have read about and know would be such a good opportunity for them to share with their family.

It is not the men, it is not the women, it is the families, and I think it is so bad in this country if we try to divide all of us who are in this country together on to teams, whether we have the teams that are the women, the other team that are the men, the team, the racial teams of the minority and the majority. If we, however we divide on teams, what we do is we deny the common goals, the common threads, the fact that we are all working together for common purposes. But we especially do that in tax cuts when we say that certain tax cuts, tax packages would be bad for women because we then begin to try to divide people against their own homes, against their own families, against their own relatives.

So I want to take this opportunity to say with pride how proud I am to be part of a group of people who have listened so carefully to the American people who all of ourselves care so much about our families and our struggles.

I have 6 children. Two of them are now completely on their own, and two in the next 2 years will be on their own. They struggle every day with their finances. Every time they need a new tire, they feel so frustrated and they feel set back, and to have the privilege to have been able to fashion a tax cut that will give their generation and their friends' generation and our friends the opportunity to have a better opportunity to spend their own money, to have government spend less, has been something that I am very proud of.

And it is not a women's issue, it is not a man's issue; it is a family issue, it is an American issue, and the American people are very clear about where they are on this issue.

Mr. FOX of Pennsylvania. If the gentlewoman will yield, your comments are eloquent and certainly timely for this discussion in the House of tax reform. It is so important that we work together because the American people will win together when we reduced by $500, we have the $500 per child tax credit, we reduce inheritance taxes, we reduce the capital gains tax, we provide tax relief for students to go to college, and we are winning also because we have had an agreement with the White House. This is a bipartisan agreement. We have the Republican leadership working with the White

House. President Clinton has seen the wisdom of working with us, and we are going to make positive changes, as you have described.

So your leadership here in the House and helping still accomplish real true tax relief for the American people is certainly a great testimony of why you were elected.

Mr. KINGSTON. Mr. Speaker, if the gentlewoman would yield, I want to point out for those who do not know you are a mother of 6 children; correct?

Mrs. NORTHUP. That is right.

Mr. KINGSTON. So when you say this is a family issue, you know firsthand what a family issue is about.

Mrs. NORTHUP. Mr. Speaker, I certainly understand too, as my children have started on their own, each one of them, they feel so poor, they feel so vulnerable. They go to work every day, and there is never enough money. My husband and I have depended on them to be completely financially independent. We think that is how they grow up. But we certainly hear from them about the cost of insuring their car, about a car repair, about the challenges they face, and we remember those days ourselves.

It is like 2 steps forward and 1½ steps backwards, and you wonder, everybody that goes to work wonders every week if they are making any progress financially. In fact very seldom could my husband and I ever see progress as we looked ahead. It is only after years of work that you can begin to see the progress.

CONCERN ABOUT APPARENT DIRECTION OF UNITED STATES DIPLOMACY IN THE REPUBLIC OF NAGORNO KARABAGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for half of the time remaining before midnight as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I would like to address some of the issues related to the tax bill as well as the minimum wage this evening in the time that remains. I listened to some of the statements that were made by my Republican colleagues over the last 45 minutes or so, and I know they are sincere, but I also think they are very wrong about the implications of this Republican tax bill.

But before I get into that I would like to spend about 5 minutes talking about another issue about a country that is far away from the United States but none the less where the United States, I think, can make a difference and where there is a great need for the United States to play a strong, but neutral, role in trying to resolve a conflict that has the potential for creating an even wider conflict if the United States does not address it in the proper way.

Mr. Speaker, I am talking about a region of the world that many of my colleagues and indeed most Americans may be unfamiliar with but which the United States has identified as an important area of interest, and this is the Republic of Nagorno-Karabagh which was established on September 2, 1991, and declared its independence on January 6, 1992. The State of Nagorno Karabagh is predominantly populated by Armenians which was formally part of the Soviet Union and Nagorno Karabagh fought and won a war with the neighboring Republic of Azerbaijan to gain its independence back in 1991. A ceasefire has for the most part held for the last 3 years, but Azerbaijan has refused to recognize the independence of Nagorno Karabagh and still insists that Karabagh is a part of Azerbaijani territory despite the fact that Karabagh is a functioning State with the government and the proven capacity for self-defense. Negotiations have been brokered by the organization for security and cooperation in Europe with the goal of achieving a political settlement, but so far those negotiations have failed to produce a diplomatic breakthrough.

And, Mr. Speaker, I wanted to mention this on the floor tonight to express my serious concern about the apparent direction of U.S. diplomacy in this region. The United States is a cochair of the OSCE's Minsk group or Minsk conference which is charged with negotiating a political solution to the Karabagh conflict. In this capacity we should be working along with our co-chairs, France and Russia, for a negotiated settlement that recognizes the self determination of the people of Nagorno Karabagh.

But based on media reports that I have recently been reading and recently have surfaced I am fearful that the United States may not be pursuing a neutral course and that U.S. negotiators may, in fact, be trying to impose unacceptable conditions on Nagorno Karabagh and Armenia, and I am calling on the State Department to clarify these reports and to confirm that the United States is working for a fair solution to this issue.

Mr. Speaker, earlier this month the House passed the Foreign Relations Authorization Act, and that legislation included an amendment sponsored by myself and the gentleman from Michigan [Mr. KNOLLENBERG] which would help promote U.S. leadership and neutrality for a just and lasting peace in Nagorno Karabagh. The legislative language reaffirms the current United States position of neutrality, and our rational in offering this bipartisan amendment was that the United States has identified a resolution of Nagorno Karabagh conflict as a vital interest. We believed that Congress should play a positive role in jump starting the negotiating process by going on record in support of a negotiated settlement and by reaffirming U.S. neutrality.

But while it is ultimately up to the parties directly involved; that is, Armenia, Nagorno-Karabagh and Azerbaijan, to agree to a negotiated settlement, I believe that the power and the prestige of the United States can count for a great deal in moving things forward. But that power and prestige has to be accompanied by fairness, by the goal of being a honest broker and not impose solutions that one of the parties will not be able to accept.

President Clinton in a letter to the Armenian American community on March 26 of this year stated, and I would like to quote, Mr. Speaker; he said, quote, I can assure you that our consistent position of neutrality on the tragic Nagorno Karabagh conflict has not changed and will not change.

I have to say, Mr. Speaker, though that I am concerned by recent reports that have come from the media that suggest that the balance may be tilting against the people of Nagorno Karabagh. A report this week from Noyan Tapan, an English language newspaper in Armenia, suggests that the Minsk group, which again the United States cochairs, may be trying to impose on Nagorno Karabagh a unacceptable solution. The newspaper reports that the proposed solution would require Nagorno Karabagh to withdraw its forces from the Azeri firing posts. These were places where the Azerbaijani forces fired on the people of Nagorno Karabagh, and basically what these newspaper reports say is that this proposed solution by the United States and others would force Karabagh to withdraw its forces from these firing posts. I will name them:

Kelbajar, Aghdam, Fizouli, Dzhebrail, Gubatly, Lachin.

Lachin is of course the corridor between Nagorno Karabagh and Armenia that was neutralized by Karabagh's self-defense forces, and also Shoushi, what has historically been part of Nagorno Karabagh for centuries, if not thousands of years.

And ultimately to dissolve the army, this is another one of the conditions, to ultimately dissolve the army, which is the only guarantee of security for the population of Nagorno Karabagh, and also to require that Karabagh remain an enclave within Azerbaijan with the danger of the deportation of the native Armenian population, that danger will always exist as long as Karabagh is considered part of Azerbaijan. The newspaper reports that Karabagh would be granted the right to have its own Constitution, symbol, national anthem, flag, and national guard. This all sounds very nice, but, Mr. Speaker, these trappings, and that is what they are, trappings of nationhood would obviously be hollow symbols if the people of Nagorno had no way of protecting and maintaining their hard-won freedom and independence.

□ 2300

Combined with these newspaper reports, there was a news report last month on CNN that President of Azerbaijan, President Aliyev, was vowing to take control over Nagorno by force if necessary. The United States, and I believe very strongly, the United States must not be in the position of tacitly supporting, much less openly supporting, any government that still advocates the use of force to settle this controversy.

As I indicated, Mr. Speaker, I hope that the State Department will clarify its position and respond to these recent media reports. Deputy Secretary of State Strobe Talbot and our new special negotiator for Nagorno, Ambassador Lynn Pascal were recently in the region. As the cochairman of the Congressional Caucus on Armenia Issues, I am working to get the State Department to make clear where they stand on these negotiations, particularly in light of the fact that this House has gone on record in support of continued U.S. neutrality.

THE REPUBLICAN TAX BILL

Mr. Speaker, on another topic, I listened to some of the comments made by my Republican colleagues for the last 45 minutes or so about the Republican tax bill and also about the minimum wage issue, and I feel very strongly that it is necessary to respond. I am not going to take up the whole time that has been allocated to me tonight, but I am particularly concerned about some of the statements that were made with regard to the tax bill.

As I think my colleagues know, as part of the balanced budget resolution, there is a bill that would basically cut taxes and the issue is how to do it. Obviously, everyone would like to see a tax cut, but there is a major difference between the Republicans and the Democrats on who should benefit from these tax cuts. What I have maintained and my Democratic colleagues maintain, is that the majority of the tax cuts that have been proposed by the Republican leadership, and they of course are in the majority and are likely to hold sway, the majority of those tax cuts basically either favor the wealthy, either individuals who are rather wealthy or corporate interests.

Just to give some statistics, according to an analysis by the Treasury Department, two-thirds of the Republican tax breaks benefit those earning more than $100,000, and the richest 1 percent would receive an average tax break of more than $12,000. More important, the Republican bill uses a number of gimmicks to hide the cost of tax breaks benefiting the wealthy which explode in costs in the second 5 years. The capital gains indexing provision, for example, raises $2.5 billion in the first 5 years, but costs $35 billion over 10 years.

Now, I think this is particularly dangerous, because remember, we are talking about the balanced budget resolution. The whole reason to come up, or the reason why the President agreed and the majority of the Democrats, including myself, voted for this balanced budget resolution, is because we felt it was going to balance the budget and eliminate ultimately the deficit that we have suffered under for a number of years.

Well, if in the course of passing this tax bill, 5 or 10 or 15 years from now the deficit starts increasing again and balloons to even greater than it is now, then obviously we have not accomplished our goal, and that is the fear that many of the Democrats have now, which is that simply that in the first few years, there is going to be an effort to save money, but in the long run, because of the level of tax cuts, particularly those for corporations and wealthy individuals, that in fact the deficit will increase once again.

Just some more information. The Republican bill gives large corporations a $22 billion windfall by scaling back the corporate minimum tax that consistently denies or limits tax relief for working families. A working family with two children earning $25,000 would not receive the $500 child credit. Some working families who take a deduction for child care expenses would be penalized, losing half of every dollar they receive for the child credit. And the value of the HOPE education tax credit, this is the tax credit that would help families pay for their children's college education, well, that would be cut in half and would provide only 50 percent of tuition expenses for millions of students attending community colleges and other low-cost institutions.

Finally, the Republican bill threatens the security of low-wage workers by allowing employers to choose to pay their workers on a contract basis. Millions of workers could be reclassified as independent contractors so that employers can avoid paying the minimum wage and can avoid providing health care and pension benefits to their workers.

I just wanted to talk a little bit about the minimum wage provision, because again I listened to my colleagues earlier this evening and they seemed to suggest that it was the right thing to do to not require the minimum wage for those workers, again workers who are coming off welfare and are entering the work force now, because of the welfare reform bill that we passed in the last session of Congress. I just want to talk a little bit about the ideology, if you will, of getting people off welfare.

The idea was to get people off welfare, off the Government assistance programs and to have them work. Well, I think we all know that people need an incentive to work. In other words, by staying on welfare they do better than if they are working, then why should they work? So when we talk about getting people to work, we want to make sure that they are getting a decent wage. A minimum wage is not really a decent wage, but at least it is something. We want to make sure that if they are parents and they have young children, particularly working mothers who do not have a spouse, that they have adequate child care, and of course we want to make sure that they have health care. Because if they stay on welfare and they get those benefits, but then when they work, they do not, there is no incentive for them to be working as opposed to being on welfare.

Well, a big part of that is to make sure they have the minimum wage, to make sure that they have a decent wage when they are working. In addition to that, if we make it more difficult for them to get child care because we do not give them the credit to get the child care, then again, they do not have the incentive to work.

So I think that by the Republicans saying that we are not going to provide minimum wage for these people coming off welfare or that we are going to make it more difficult for them to get child care, we are defeating the very purpose of the welfare reform bill.

The other thing that the Republicans have done, though, in their budget proposal is that they have created an exception not only for people coming off of welfare or in the workfare program to be exempt from the minimum wage, but also they have created this provision, it is called safe harbor for independent contractors, that basically expands the definition of independent contractors in the Tax Code and allows businesses to reclassify millions of workers as independent contractors rather than employees.

Now, what that means is in addition to being denied a number of benefits, they would lose the basic worker rights such as minimum wage. So here we are creating another big loophole, and I just think that it is wrong. If one group of people are entitled to the minimum wage and are working, then another group of people who are working and doing the same job should also be entitled to the minimum wage.

I just wanted to talk a little bit, if I could, about this message that again some of my Republican colleagues tried to deliver tonight where they were suggesting that their bill managed to make sure that people who were not paying taxes did not get a credit. Well, the reality is, what they are doing is cutting off a lot of people who are making under $30,000 a year from getting any tax cut or tax credit, even though they are paying a significant amount of taxes. I think we have to remember that people pay Federal taxes in a number of ways. They may pay taxes on their income, but they

also pay what we call the FICA, or the payroll tax, which is a significant tax for people at almost every level, at every income level.

In addition to that, people pay all kinds of taxes: State taxes, property taxes, local property taxes. So to suggest that there are some people who are not paying Federal income tax and because they are not paying Federal income tax, that they should not get a tax break is very unfair, because they may be paying thousands of dollars in Federal payroll taxes, in property taxes, in other kinds of State and local taxes.

I just wanted to give some information in that regard, because I think that what my Republican colleagues are trying to do is give the false impression that the Democratic tax alternative is simply giving money back to people that do not pay taxes. In fact, just the opposite is true.

The tax legislation that I am talking about is the legislation that was adopted by the House Committee on Ways and Means and also proposed by the Senate Finance Committee. This is the Republican proposal, and it makes very significant changes in previous Republican proposals with regard to the child tax credit. The new version, this is the new Republican version which is different from their prior version, denies the credit to 4 million children, this is the child tax credit, in middle income families that would have received the credit under previous Republican tax proposals. The new version of the credit also reduces the size of the credit for several million additional children in middle income families. Most of these children live in families that owe Federal taxes. Their tax burdens often amount to several thousands dollars, even after the effects of the earned income tax credit are accounted for, and claims that these families owe no Federal tax are not correct. This is from the Center on Budget and Policy Priorities, and I just wanted to give a little more information about it.

Under the child tax credit that Congress passed in 1995, now remember, this was the Republican Congress, as well as under the child credit contained in the leadership tax package that was introduced this year by the Senate majority leader, a family would receive a credit of up to $500 per child to be applied against the family's income tax liability. The child credit would be applied before the family's eligibility for the earned income tax credit is calculated.

Now, under the more restrictive version of this child credit, the one that the Democrats have been criticizing that has been proposed by Republicans now in the various committees, the child tax credit could be used only to offset any income tax remaining after the earned income tax credit is applied. The family has no income tax liability left after the EITC is applied, the family would be denied the child credit, even if the family owes substantial amounts of other Federal taxes, such as payroll taxes.

What the Republicans are trying to do now is to justify the denial of this child credit to 4 million children by arguing that these children live in families that owe no Federal taxes. But it is not the case. The large majority of the families would either be denied under the child credit under the new proposal or have the size of the credit reduced. Those families do owe Federal taxes. They have large tax bills.

I just want to give an example. The families that would be denied the child credit or have the credit reduced have incomes between $15,000 and $30,000. For example, two-parent families of four with incomes between $17,500 and $27,000 will receive less under this Republican proposal than they would have received under the child credit proposal that Congress adopted in 1995, this is the Republican proposal from the previous year.

Just an example here. Under current law, the family's tax bill just from the income tax and the employee's share of the payroll tax equals $1,700 after the EITC is subtracted. Under the 1995 Republican budget bill, this family would receive a child tax credit of $975, which would have reduced the family's tax bill from $1,700 to $725. But under the new proposal, the family would not receive any child tax credit to help offset this tax bill.

So what we are seeing here is that middle income families, and I think families that are in this category between $17,000 and $27,000 are clearly middle income families, they are not going to be able to take advantage of this child tax credit, even though they may owe significant amounts of Federal taxes, not to mention the fact that most of them are probably paying a significant property tax and possibly other State and local taxes as well.

It is not fair to characterize these people with significant tax burdens, including Federal tax burdens, as people who are not paying taxes. That is what the Republicans are trying to do, and it is wrong. I think we need to constantly bring that up.

Now, I just wanted to, in the small time that I have left, I just wanted to talk about some of the other criticisms that I have of the GOP tax plan.

□ 2315

I think it should be understood that the Democrats have an alternative. The Democrats are going to provide tax relief to middle-income working families, education tax credits, child tax credits, capital gains tax cuts for homeowners, a whole list of tax cuts, if you will, that will benefit middle-income families.

Mr. Speaker, if we look at the Republican tax plan, two-thirds of the capital gains tax cut in their plan will go to the wealthiest 1 percent of families. It would give a windfall of $1 million to many CEOs with big stock options, but only $150 to the average working familiy.

What the Republicans are doing is looking at the capital gains tax and cutting it across-the-board for stocks, for bonds, for the whole portfolio of assets, if you will, that an individual may have. That person can be extremely wealthy.

What the Democrats are saying is if we are going to have a capital gains tax reduction, and we are in favor of it, it should be targeted to homeowners, because most people pay capital gains only when they sell their home. Under the Republican proposal, the wealthiest 1 percent of Americans, those making $600,000 or more, would receive 40 percent of the tax cuts in the plan, nearly as much as the rest of the country combined. Two-thirds of the capital gains tax cut in the Republican plan would go to people with incomes of more than $600,000 per year.

Again, I want to go back to what I was saying from the beginning. Compare the Democratic plan, compare the Republican plan. The Democratic plan is fair to working families. It is targeted to working families. The Republican plan is targeted essentially to the wealthy, but the worst part of the Republican tax plan, in my opinion, is that ultimately it will explode the deficit and not reached the balanced budget, which this is all designed to do.

The cost of the Republican tax cuts will explode in the same years that the baby boom generation starts to retire, and that is going to require, in other words, if we have this huge deficit and the costs explode, the only way we are going to eliminate it then is to do major cuts in Medicare, major cuts even in Social Security. So what the Republicans are doing is essentially putting us further into debt and causing future generations to have to pay double.

The Republicans claim that the tax bill would give everyone a $500 per child tax credit, but millions of families that make less than $50,000 would receive no credit at all, this is what I was talking about before, and the value of the credit would go down in future years. On average, the child credit would be worth only half of what the Republicans claim.

The Republican tax plan has many gimmicks and tricks designed to hide its real impact on the future, and disguise who it would really benefit the most. The public has not been told about the real long-term impact.

Many economists are saying that the Republican tax plan would undermine the new balanced budget agreement because of the hidden costs that would increase the deficit in later years. Essentially what you would have under

this Republican plan is a $1 trillion tax cut, an irresponsible policy which in many ways would hark back to the tax cuts that we had in the 1980's, and would put us back on a path of large and growing deficits.

Mr. Speaker, I just want to conclude, if I could, by pointing to the two tax cuts that I think are the most contentious here in terms of the impact on the wealthy in the case of the Republicans, and the working person in terms of the Democrats.

With regard to the capital gains tax cut, the Republican plan rewards the rich with deficit-busting capital gains tax breaks. The Republican plan grants massive tax breaks to wealthy people who make money by selling their stocks, bonds, and other assets.

What the Democrats are saying is do not give these huge capital gains tax cuts to people with these stock portfolios. Provide a targeted capital gains tax break for homeowners, small business owners, and farmers, because those are the people that would benefit the most and where it would impact the average working familiy.

With regard to estate taxes, only 1.5 percent of families currently pay any estate taxes, and yet the Republican plan would simply expand the estate tax exemption to larger and larger estates, providing large estate tax breaks to very wealthy families. The Democrats are saying, yes, we will reduce the estate taxes, but we are going to target it for family-owned businesses. That is where the relief is needed the most.

So I think whether we look at the education benefits, we look at the capital gains cuts, we look at the estate taxes, we look at the child tax credit, in each case we have a limited amount of money. The Democrats are saying, target those tax cuts to the working people, and the Republicans are saying, no, let us give those tax breaks primarily to wealthy individuals, let us eliminate the tax burden of the corporations. And in the long run, the worst thing of all is that the Republican plan will balloon the deficit and be contrary to the very purpose of this whole process, which is to achieve a balanced budget.

REPORT ON RESOLUTION PROVIDING SPECIAL INVESTIGATIVE AUTHORITIES FOR COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. DREIER (during the special order of the gentleman from New Jersey, [Mr. PALLONE], from the Committee on Rules, submitted a privileged report (Rept. No. 105–139) on the resolution (H. Res. 167) providing special investigative authorities for the Committee on Government Reform and Oversight, which was referred to the House Calendar and ordered to be printed.

ANOTHER LOOK AT ISSUES OF ECONOMIC GROWTH AND A CAPITAL GAINS TAX CUT

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I know the hour is late, but I would like to take just a few minutes to discuss an issue that was being raised earlier by my friend, the gentleman from Pennsylvania [Mr. FOX] and a wide range of other Members who were here discussing the need for us to look at the issue of economic growth. And also I wanted to respond in part to some of the statements that were made just a few minutes ago by my friend, the gentleman from New Jersey.

As we look at the tax package that is moving forward, one of the things that has been discussed is the need for us to pursue a policy that does in fact encourage economic growth, and at the same time recognizes the need to increase the take-home pay of working Americans.

The fact is, there is an important part of this package which, frankly, I wish had gone further, but because of the constraints imposed by the budget agreement it did not go as far as I would like to see it go, and that is one that relates specifically to the capital gains tax.

On the opening day of the 105th Congress I was pleased to join with both Democrats and Republicans in introducing a bill that is numbered H.R. 14. The reason I remember it is that it takes the top rate on capital gains from 28 percent to 14 percent. Mr. Speaker, our goal was to recognize that the tax on capital is one of the most punitive taxes of all, that hurts most not those who are very rich, and I think we have pretty well succeeded in throwing that ludicrous argument out in which people have said reducing the tax on capital gains is nothing but a tax cut for the rich. We have, I believe, very successfully thrown that out because, as we look at the empirical evidence that we have, we have found that roughly 56 percent of those who are realizing capital gains have incomes that are less than $40,000 per year.

If we look at those, those people are obviously not considered rich. What are they? They are people who have homes that may have appreciated in value, they have a mutual fund, they are retirees, they are small business men and women who are the backbone of this country.

I believe that reducing that top rate on the capital gains tax will in fact, based on evidence that we have, increase the take-home pay for the average family in this country by $1,500. Why? It will come about because of the ensuing economic growth. We have got not just theory, which so many have people have said, oh, this is all based on theory, but we have actual facts.

Take this entire century, and go back to the early 1920's. Andrew Mellon was the Treasury Secretary under President Warren J. Harding. At that time there was a reduction in tax rates, it anticipated the tremendous boom of economic growth that we saw through the 1920's, and, guess what, we even saw an increase in the flow of revenues to the Treasury.

Our great chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER] has referred to the fact that this capital gains tax cut is going to increase the flow of revenues to the Treasury. Why? Because of the fact that we do not simply subscribe to that view that the pie is one size and can only be cut up in those little pieces. We subscribe to the view that the pie can grow.

We are enjoying strong economic growth today, but I am convinced that it can be significantly stronger, because there are many Americans who have not been able to benefit from the economic growth that we have seen. Of course, I am referring to those who are in the inner cities in our country.

We see this great talk that has been coming forward from both the President and the Speaker of the House about the need for us to look at the very serious societal problem that we have as race, in race relations. It seems to me, Mr. Speaker, that one of the key things we should do is recognize that a problem that exists in the inner city is primarily due to a lack of capital investment. Reducing the top rate on capital gains is going to play a big role in encouraging investment in a wide range of areas, and I believe it will provide a real boost to those who are in fact in the inner city.

Mr. Speaker, reducing the top rate on capital gains is going to be a win-win all the way around. It is not a tax cut for the rich. It in fact is something that benefits working Americans and at the same time will encourage the $7 to $8 trillion that we have locked in from people who are literally afraid to sell because the tax rate on capital gains is so high today, they will be encouraged to move that.

That capital will play a role in providing the much-needed boost in many parts of this country where people have not been able to benefit, and we will see from that growth an increase in our attempt to move on our glide path towards balancing the budget.

Mr. Speaker, I just want to underscore the importance of this, and say that I hope very much that any of my colleagues who have not joined with the 160 to 165 Democrats and Republicans on board on this will in fact become cosponsors of H.R. 14, and continue to work towards a broad-based reduction in capital gains.

I yield to my good friend, the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I just wanted to take this opportunity to agree with the sentiments of the gentleman, because tax reform is the key to making sure that prosperity for all Americans will come about in this session.

COMMUNICATION FROM THE HONORABLE BOB WISE, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable BOB WISE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 19, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, The Speaker's Rooms, Washington, DC.

DEAR SPEAKER GINGRICH: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Circuit Court of Hardy County, West Virginia, in the case of *West Virginia* v. *Cook*, Crim. Action No. 97–F–20.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Very truly yours,

BOB WISE,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Mr. GEPHARDT) for today after 4 p.m. and the balance of the week, on account of official business.

Ms. DEGETTE (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. MANTON (at the request of Mr. GEPHARDT) for today before 12:30 p.m., on account of medical reasons.

Mr. POMEROY (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 8 p.m., on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. BOB SCHAFFER of Colorado, for 5 minutes each day, today and on June 25.

Mr. JONES, for 5 minutes, today.

Mr. HORN, for 5 minutes each day, on today and June 20.

Mr. METCALF, for 5 minutes, today.

Mr. SANFORD, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes each day, on today and June 25.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. FORBES, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. GRAHAM, for 5 minutes, today.

Mr. EHRLICH, for 5 minutes, today.

Mr. EHLERS, for 5 minutes each day, on June 23, 24, 25, and 26.

Mr. PAPPAS, for 5 minutes, today.

Mrs. NORTHUP, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. NEY, for 5 minutes, today.

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. DICKS, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Mr. ROTHMAN, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CAPPS) and to include extraneous matter:)

Mr. WAXMAN.
Mr. TOWNS.
Mr. VENTO.
Mr. ENGEL.
Mrs. MALONEY of New York.
Mr. PASCRELL.
Mr. ANDREWS.
Mr. KUCINICH.
Ms. Sanchez.
Mr. DELLUMS.
Mr. GEJDENSON.
Mr. BLUMENAUER.
Mr. STOKES.
Mr. TRAFICANT.
Mr. EVANS.
Mr. SHERMAN.
Mr. MARKEY.
Mr. HAMILTON.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. BEREUTER.
Mr. LEACH.
Mr. COLLINS.
Mr. FORBES.
Mr. GILMAN.
Mr. MANZULLO.
Mr. FOX of Pennsylvania.
Mr. YOUNG of Alaska.
Mr. LAZIO of New York.
Mr. FRANKS of New Jersey.
Mr. SPENCE.
Mr. COBLE.
Mr. BOB SCHAFFER of Colorado.
Mr. QUINN.
Mr. GOODLING.
Mr. RADANOVICH, in two instances.

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. GREEN.
Mr.UNDERWOOD.
Mr. PACKARD.
Mrs. MINK of Hawaii.
Mr. ENGLISH of Pennsylvania.
Mr. LEWIS of Georgia.
Mr. ENGEL.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 923. An act to deny veterans benefits to persons convicted of Federal capital offenses; to the Committee on Veterans' Affairs.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Friday, June 20, 1997, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3864. A letter from the Under Secretary for Domestic Finance and Acting Chairman of the Thrift Depositor Protection Board, Department of the Treasury, transmitting a legislative proposal to terminate the Thrift Depositor Protection Oversight Board; to the Committee on Banking and Financial Services.

3865. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 97–B, which relates to the Department of the Army's proposed enhancements or upgrades from the level of sensitivity of technology or capability of defense article(s) previously sold to Korea, pursuant to 22 U.S.C. 2776(b)(5)(C); to the Committee on International Relations.

3866. A letter from the Acting Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–92, "Ivy City Yard Fixed Right-of-Way Mass Transit System Designation Temporary Act of 1997" received June 18, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3867. A letter from the Acting Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–91, "International Registration Plan Agreement Act of 1997" received June 18, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3868. A letter from the Acting Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–93, "Motor Vehicle Excessive Idling Fine Increase Temporary Amendment Act of 1997" received June 18, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3869. A letter from the Acting Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–88, "Closing of a Public Alley in Square 484, S.O. 90–272, Temporary Act of 1997" received June 18, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3870. A letter from the Acting Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–87, "Assessments Initiative Procedures Temporary Amendment Act of 1997" received June 18, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3871. A letter from the Acting Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–86, "Closing of a Public Alley in Square 253, S.O. 88–107, Temporary Act of 1997" received June 18, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3872. A letter from the Acting Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–85, "Children's Defense Fund Equitable Real Property Tax Relief Temporary Act of 1997" received June 18, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3873. A letter from the Acting Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12–90, "Motor Vehicle Biennial Inspection Fund Act of 1997" received June 18, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3874. A letter from the Acting Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—National Capital Region Parks, Special Regulations (National Park Service) (RIN: 1024–AC61) received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3875. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 961107312–7021–02; I.D. 061697A] received June 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3876. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Railroad Consolidation Procedures—Modification of Fee Policy [STB Ex Parte No. 556] received June 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3877. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to permit VA to retain and use, for the purpose of providing medical care and services to veterans, all amounts recovered or collected as a result of medical care and services furnished by VA; to the Committee on Veterans' Affairs.

3878. A letter from the United States Trade Representative, transmitting a draft of proposed legislation to promote the growth of free enterprise and economic opportunity in the Caribbean Basin region, to increase trade and investment between the region and the United States, and to encourage the adoption by Caribbean Basin countries of policies necessary for participation in the Free Trade Area of the Americas; to the Committee on Ways and Means.

3879. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to facilitate the administration and enforcement of voluntary commodity inspection and grading programs, the tobacco inspection program, marketing orders and agreements, and the commodity research and promotion programs; jointly to the Committees on Agriculture and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 1553. A bill to amend the President John F. Kennedy Assassination Records Collection Act of 1992 to extend the authorization of the Assassination Records Review Board until September 30, 1998 (Rept. 105–138 Pt. 1). Ordered to be printed.

Mr. SOLOMON: Committee on Rules. House Resolution 167. Resolution providing special investigative authorities for the Committee on Government Reform and Oversight (Rept. 105–139). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1553. Referral to the Committee on the Judiciary extended for a period ending not later than June 20, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MARKEY:

H.R. 1960. A bill to modernize the Public Utility Holding Company Act of 1935, the Federal Power Act, the Fair Packaging and Labeling Act, and the Public Utility Regulatory Policies Act of 1978 to promote competition in the electric power industry, and for other purposes; to the Committee on Commerce.

By Mr. GILMAN:

H.R. 1961. A bill to amend the Immigration and Nationality Act to authorize the Attorney General to continue to treat certain petitions approved under section 204 of such act as valid notwithstanding the death of the petitioner or beneficiary; to the Committee on the Judiciary.

By Mr. HORN (for himself, Mr. ENGLISH of Pennsylvania, Mr. KLUG, Mr. DAVIS of Virginia, Mr. MICA, Mr. SHAYS, and Mr. SESSIONS):

H.R. 1962. A bill to provide for the appointment of a Chief Financial Officer and Deputy Chief Financial Officer in the Executive Office of the President; to the Committee on Government Reform and Oversight.

By Mr. DAVIS of Virginia (for himself, Ms. NORTON, Mrs. MORELLA, Mr. HORN, Ms. ROS-LEHTINEN, Mr. ALLEN, Mr. WOLF, Mr. MORAN of Virginia, Mr. HOYER, and Mr. WYNN):

H.R. 1963. A bill to realign functional responsibilities between the Federal Government and the government of the District of Columbia, to address funding mechanisms and sources between the Federal Government and the government of the District of Columbia, to address the financial condition of the District of Columbia government in both the short and long-term, to provide mechanisms for improving the economy of the District of Columbia, to improve the ability of the District of Columbia government to match its resources with its responsibilities, to further improve the efficiency of the District of Columbia government, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on Ways and Means, Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 1964. A bill to protect consumer privacy, empower parents, enhance the telecommunications infrastructure for efficient electronic commerce, and safeguard data security; to the Committee on Commerce.

By Mr. HYDE (for himself and Mr. CONYERS):

H.R. 1965. A bill to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HORN (for himself, Mrs. MALONEY of New York, Mr. DAVIS of Virginia, Mr. BAKER, Mr. ENGLISH of Pennsylvania, Mr. MICA, and Mr. SESSIONS):

H.R. 1966. A bill to expand the definition of "special Government employee" under title 18, United States Code; to the Committee on the Judiciary.

By Mr. COBLE:

H.R. 1967. A bill to amend title 17, United States Code, to provide that the distribution before January 1, 1978, of a phonorecord shall not for any purpose constitute a publication of the musical work embodied therein; to the Committee on the Judiciary.

By Mr. COLLINS (for himself, Mr. CARDIN, Mr. ENGLISH of Pennsylvania, Mr. SESSIONS, Ms. LOFGREN, Mr. BARR of Georgia, Mr. KLUG, and Mr. CRAMER):

H.R. 1968. A bill to amend the Internal Revenue Code of 1986 to provide a 2-year applicable recovery period for the depreciation of computers and peripheral equipment, and for other purposes; to the Committee on Ways and Means.

By Mr. COOKSEY:

H.R. 1969. A bill to require the disregard of debt forgiveness that is more than 7 years old in applying the loan and loan servicing limitations under the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. CUMMINGS (for himself, Mr. WATTS of Oklahoma, Mr. CONYERS,

Mr. TOWNS, Mr. WYNN, Mr. DELLUMS, Ms. CHRISTIAN-GREEN, Mr. EVANS, Ms. MILLENDER-MCDONALD, Mr. FORD, Mr. PAYNE, Mr. FROST, Ms. NORTON, Mr. FLAKE, Mr. DIXON, Mr. CLYBURN, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Ms. WATERS, Mr. MCGOVERN, Ms. KILPATRICK, Mr. BISHOP, Mr. PASTOR, Mr. THOMPSON, Mr. SCOTT, Mr. BARRETT of Wisconsin, Mr. STOKES, Mr. CLAY, Mr. JACKSON, Ms. ESHOO, Mr. HASTINGS of Florida, Mr. GONZALEZ, Mr. UNDERWOOD, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. STARK, and Mr. FATTAH):

H.R. 1970. A bill to amend the Higher Education Act of 1965 to provide for the establishment of the Thurgood Marshall Legal Educational Opportunity Program; to the Committee on Education and the Workforce.

By Mr. CUMMINGS (for himself, Mr. TOWNS, Ms. CHRISTIAN-GREEN, Ms. SLAUGHTER, and Mr. BARRETT of Wisconsin):

H.R. 1971. A bill to amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. FRANKS of New Jersey (for himself, Mr. MCHUGH, Mrs. KELLY, Ms. MOLINARI, Mr. EVANS, Mr. FOLEY, Mr. DEAL of Georgia, Mr. COSTELLO, Ms. JACKSON-LEE, Mr. FATTAH, Mr. BRYANT, Mr. PETERSON of Minnesota, Mr. HORN, Ms. GRANGER, Mr. KIM, Mr. KING of New York, Ms. LOFGREN, Mr. CUMMINGS, Mr. OBERSTAR, Ms. FURSE, Mr. DEFAZIO, Mr. BARRETT of Wisconsin, Mr. BAKER, Mr. NORWOOD, Mr. FOX of Pennsylvania, Mr. VENTO, Mr. ROTHMAN, Mr. FAZIO of California, Mr. DUNCAN, Mr. NEY, Mr. ROMERO-BARCELO, Mr. PARKER, Ms. RIVERS, Ms. NORTON, Mr. CLEMENT, Mr. ENGLISH of Pennsylvania, and Mr. WEXLER):

H.R. 1972. A bill to amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes; to the Committee on the Judiciary.

By Mr. GUTKNECHT:

H.R. 1973. A bill to amend the Harmonized Tariff Schedule of the United States to provide for duty-free treatment of oxidized polyacrylonitrile fibers for use in aircraft brake components; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts:

H.R. 1974. A bill to amend the Agricultural Trade Act of 1978 to eliminate current Federal subsidies for alcoholic beverage promotions overseas; to the Committee on Agriculture.

H.R. 1975. A bill to amend the Truth in Lending Act to protect consumers from certain unreasonable practices of creditors which result in higher fees or rates of interest for credit cardholders, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 1976. A bill to require an annual report by the Secretary of Health and Human Services on alcohol advertising practices, and for other purposes; to the Committee on Commerce.

H.R. 1977. A bill to amend the Federal Food, Drug, and Cosmetic Act to require disclosures in alcohol advertising; to the Committee on Commerce.

H.R. 1978. A bill to establish advertising requirements for alcoholic beverages; to the Committee on Commerce.

H.R. 1979. A bill to require health warnings to be included in alcoholic beverage advertisements, and for other purposes; to the Committee on Commerce.

H.R. 1980. A bill to amend the Higher Education Act of 1965 to provide incentives to colleges and universities to develop, implement, and improve alcohol abuse prevention and education programs on their campuses, to strengthen sanctions, and for other purposes; to the Committee on Education and the Workforce.

H.R. 1981. A bill to amend the Internal Revenue Code of 1986 to eliminate tax deductions for advertising and goodwill expenditures relating to alcoholic beverages; to the Committee on Ways and Means.

H.R. 1982. A bill to carry out a comprehensive program dealing with alcohol and alcohol abuse; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself, Mr. YOUNG of Alaska, and Mr. KILDEE):

H.R. 1983. A bill to amend the Rhode Island Indian Claims Settlement Act to conform that act with the judgments of the U.S. Federal Courts regarding the rights and sovereign status of certain Indian Tribes, including the Narragansett Tribe, and for other purposes; to the Committee on Resources.

By Mr. KLINK (for himself, Mr. BOUCHER, and Mr. UPTON):

H.R. 1984. A bill to provide for a four-year moratorium on the establishment of new standards for ozone and fine particulate matter under the Clean Air Act, pending further implementation of the Clean Air Act Amendments of 1990, additional review and air quality monitoring under that act; to the Committee on Commerce.

By Mr. LAFALCE (for himself, Mr. TALENT, Mr. SISISKY, Mr. WEYGAND, and Mr. PASCRELL):

H.R. 1985. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. LEACH:

H.R. 1986. A bill to amend the Internal Revenue Code of 1986 to increase the amount which may be contributed to defined contribution plans; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mrs. MORELLA, Mrs. MINK of Hawaii, Mrs. JOHNSON of Connecticut, Mr. CLAY, Mr. GREENWOOD, Mr. BONIOR, Ms. NORTON, and Ms. KILPATRICK):

H.R. 1987. A bill to amend section 485(g) of the Higher Education Act of 1965 to make information regarding men's and women's athletic programs at institutions of higher education easily available to prospective students and prospective student athletes; to the Committee on Education and the Workforce.

By Mr. MCINNIS:

H.R. 1988. A bill to amend title 38, United States Code, to provide for cost of living adjustments in the rate of special pension paid to recipients of the Congressional Medal of Honor; to the Committee on Veterans' Affairs.

By Mr. SCARBOROUGH (for himself, Ms. BROWN of Florida, Mrs. FOWLER, Mr. STEARNS, Mr. MCCOLLUM, Mr. BILIRAKIS, Mr. CANADY of Florida, Mr. MILLER of Florida, Mr. GOSS, Mr. FOLEY, Mrs. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. SHAW, Mr. HASTINGS of Florida, and Mr. DAVIS of Florida):

H.R. 1989. A bill to amend the Outer Continental Shelf Lands Act to provide for the cancellation of 6 existing leases and to ban all new leasing activities in the area off the coast of Florida, and for other purposes; to the Committee on Resources.

By Mr. SKELTON:

H.R. 1990. A bill to amend title 38, United States Code, to expand the range of criminal offenses resulting in forfeiture of veterans benefits; to the Committee on Veterans' Affairs.

By Mr. SMITH of Michigan (for himself, Mr. COX of California, Mr. BOB SCHAFFER, Mr. MCINTOSH, Mr. NORWOOD, Mr. PETRI, Mr. BEREUTER, Mr. LATHAM, Mr. UNDERWOOD, Mr. KLUG, Mr. STENHOLM, and Mr. SKEEN):

H.R. 1991. A bill to reform the coastwise, intercoastal, and noncontiguous trade shipping laws, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY:

H.R. 1992. A bill to authorize the Secretary of Transportation to convey the property comprising the U.S. Coast Guard Recreation Facility in Nahant, MA, to the town of Nahant, MA; to the Committee on Transportation and Infrastructure.

By Mr. TRAFICANT:

H.R. 1993. A bill to provide for school bus safety, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VISCLOSKY:

H.R. 1994. A bill to amend the act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes" to ensure an opportunity for persons who convey property for inclusion in that national lakeshore to retain a right to use and occupancy for a fixed term, and for other purposes; to the Committee on Resources.

By Ms. WOOLSEY (for herself, Mr. GILCHREST, Mr. DINGELL, Mr. CAMPBELL, Mr. DOOLEY of California, and Mr. CONDIT):

H.R. 1995. A bill to provide for the protection of farmland at the Point Reyes National Seashore, and for other purposes; to the Committee on Resources.

By Mr. YATES:

H.R. 1996. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, and dealers, and pistol clubs; to the Committee on the Judiciary.

H.R. 1997. A bill to require the Secretary of the Treasury and the Attorney General of the United States to be consulted before the

manufacture, importation, sale, or delivery of armor piercing ammunition for the use of a governmental entity; to the Committee on the Judiciary.

H.R. 1998. A bill to disarm lawless persons and assist State and Federal law enforcement agencies in preventing and solving gun crimes by requiring registration of all firearms and firearm transfers and requiring permits for the possession and transfer of firearms and ammunition; to the Committee on the Judiciary.

H.R. 1999. A bill to amend title 18, United States Code, to prohibit the possession or transfer of handgun ammunition capable of being used to penetrate standard body armor; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 2000. A bill to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes; to the Committee on Resources.

By Mr. DAN SCHAEFER of Colorado (for himself, Mr. TAUZIN, Mr. BONO, Mr. HALL of Texas, Mr. HEFLEY, Mr. LINDER, Mrs. MYRICK, Mr. NORWOOD, Mr. PACKARD, Mr. STUMP, and Mr. WICKER):

H.R. 2001. A bill to promote freedom, fairness, and economic opportunity for families by repealing the income tax, abolishing the Internal Revenue Service, and enacting a national retail sales tax to be administered primarily by the States; to the Committee on Ways and Means.

By Mr. RUSH:

H. Con. Res. 101. Concurrent resolution recommending the integration of Lithuania into the North Atlantic Treaty Organization [NATO] at the earliest possible date; to the Committee on International Relations.

By Mr. FILNER (for himself, Mr. BILBRAY, Mr. CUNNINGHAM, Ms. WATERS, Mrs. MINK of Hawaii, and Mr. TORRES):

H. Res. 170. Resolution expressing support for a National Day of Unity in response to the President's call for a national dialog on race; to the Committee on Government Reform and Oversight.

By Mr. KENNEDY of Massachusetts (for himself, Mr. HANSEN, Mr. MARKEY, Mr. CONYERS, Mr. HINCHEY, Mr. MORAN of Virginia, Mr. MCDERMOTT, Mr. DELLUMS, Ms. KAPTUR, Mr. MEEHAN, Mr. LIPINSKI, Mr. MINGE, Mr. UNDERWOOD, Mr. FALEOMAVAEGA, Ms. NORTON, Mr. MURTHA, and Mr. RUSH):

H. Res. 171. Resolution to urge the Federal Communications Commission to commence an inquiry on distilled spirits advertising on television and radio; to the Committee on Commerce.

By Mr. EVANS (for himself, Mr. BLAGOJEVICH, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. FAWELL, Mr. GUTIERREZ, Mr. LAHOOD, Mr. LIPINSKI, Mr. POSHARD, Mr. RUSH, Mr. WELLER, Mr. YATES, Mr. HYDE, Mr. SHIMKUS, and Mr. JACKSON):,

H. Res. 172. Resolution supporting the National Railroad Hall of Fame, Inc., of Galesburg, IL, in its endeavor to erect a monument known as the National Railroad Hall of Fame; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. DELLUMS.

H.R. 15: Ms. RIVERS and Mr. WATT of North Carolina.

H.R. 17: Mr. LEWIS of Georgia.

H.R. 66: Mr. CLEMENT, Mr. GIBBONS, and Mr. HASTINGS of Washington.

H.R. 84: Mr. ROTHMAN.

H.R. 122: Mr. BACHUS and Mr. BOB SCHAFFER.

H.R. 124: Mr. SCARBOROUGH.

H.R. 135: Mr. BAESLER, Mr. POMEROY, Mr. SANDLIN, and Mr. TURNER.

H.R. 143: Mr. HOYER, Mr. GOODLATTE, Mr. LEWIS of California, Mrs. MORELLA, and Ms. SANCHEZ.

H.R. 146: Mr. MARTINEZ, Mr. FORBES, Mr. LAHOOD, Mr. SNOWBARGER, Mr. WEXLER, and Mr. SHUSTER.

H.R. 176: Mr. CUMMINGS, Mr. CARDIN, and Mr. WAMP.

H.R. 192: Mr. POMEROY, Mr. PICKERING, Ms. WOOLSEY, and Mr. BRADY.

H.R. 202: Mr. LIPINSKI.

H.R. 296: Mr. ROYCE.

H.R. 339: Mr. PAUL.

H.R. 371: Mr. DAN SCHAEFER of Colorado.

H.R. 399: Mr. GILCHREST and Mr. PALLONE.

H.R. 404: Mr. DOOLITTLE and Mr. FILNER.

H.R. 414: Ms. WOOLSEY.

H.R. 543: Mr. BORSKI, Mr. FAZIO of California, Mr. KLECZKA, Mr. CHAMBLISS, Mrs. THURMAN, Mr. EHRLICH, and Mr. DOYLE.

H.R. 590: Mr. MALONEY of Connecticut and Mr. ADAM SMITH of Washington.

H.R. 611: Mr. FOLEY, Mrs. MCCARTHY of New York, Mr. PALLONE, Mr. FILNER, Mr. DOOLEY of California, and Mr. WAXMAN.

H.R. 612: Ms. HOOLEY of Oregon, Mr. LAHOOD, Mr. GILCHREST, Ms. WOOLSEY, Mr. SNYDER, and Mr. GREEN.

H.R. 622: Mr. BOB SCHAFFER and Mr. ROHRABACHER.

H.R. 628: Ms. WOOLSEY.

H.R. 659: Mr. REGULA, Mr. PORTER, Mr. TAYLOR of North Carolina, Mr. GUTIERREZ, Mr. ROYCE, Mr. JENKINS, and Mr. KLUG.

H.R. 681: Mrs. TAUSCHER and Mr. MILLER of California.

H.R. 695: Mr. LAMPSON.

H.R. 699: Mr. STUMP, Mr. EVANS, Mr. BILIRAKIS, Mr. CLYBURN, Mr. SPENCE, Ms. BROWN of Florida, Mr. EVERETT, Mr. MASCARA, Mr. STEARNS, and Mr. HAYWORTH.

H.R. 722: Mr. DICKEY, Mr. DOYLE, Mr. COOK, Mr. HAYWORTH, Mr. CANADY of Florida, Mr. COBLE, and Mr. BURTON of Indiana.

H.R. 773: Ms. CARSON, Mr. KENNEDY of Massachusetts, Mr. BERMAN, and Ms. DELAURO.

H.R. 789: Mr. PETERSON of Pennsylvania and Mr. SHIMKUS.

H.R. 836: Mr. BECERRA.

H.R. 875: Mr. TORRES, Mr. BARRETT of Wisconsin, Mr. HOYER, Mr. MCNULTY, and Mr. WATT of North Carolina.

H.R. 910: Mr. CAPPS.

H.R. 916: Mr. JEFFERSON and Mr. RILEY.

H.R. 950: Mr. MOAKLEY and Mrs. LOWEY.

H.R. 953: Mr. BONIOR, Mr. CLAY, Mr. DAVIS of Illinois, Mr. GREEN, Mr. NADLER, and Ms. VELÁZQUEZ.

H.R. 967: Mr. MCGOVERN, Ms. ROS-LEHTINEN, Mr. BARR of Georgia, Mr. LEWIS of Georgia, Mr. STARK, Mr. BLUNT, Mr. PORTER, and Mr. DIAZ-BALART.

H.R. 979: Mr. CARDIN, Mr. DEFAZIO, Ms. SANCHEZ, Mr. RAHALL, Mr. WEYGAND, and Mr. NEAL of Massachusetts.

H.R. 981: Ms. MILLENDER-MCDONALD, Ms. WOOLSEY, Mr. ACKERMAN, and Mr. BLUMENAUER.

H.R. 982: Ms. WOOLSEY, Mr. WALSH, and Mr. MARTINEZ.

H.R. 983: Mr. KILDEE.

H.R. 991: Mr. CLYBURN.

H.R. 1047: Mr. MARTINEZ.

H.R. 1063: Mr. CLEMENT and Mr. BOYD.

H.R. 1114: Mr. FRANK of Massachusetts, Mr. BRADY, and Mrs. THURMAN.

H.R. 1120: Mr. KILDEE.

H.R. 1138: Mrs. CUBIN.

H.R. 1161: Mr. DEAL of Georgia and Mr. JEFFERSON.

H.R. 1173: Mr. KIND of Wisconsin, Mr. DAVIS of Florida, Mr. REYES, Mrs. LOWEY, Ms. RIVERS, Ms. CARSON, Mr. MASCARA, Mr. EHRLICH, Mr. LIPINSKI, Mr. BOYD, and Ms. ROS-LEHTINEN.

H.R. 1176: Mr. FORD and Mr. NEAL of Massachusetts.

H.R. 1203: Mr. LIPINSKI.

H.R. 1206: Mr. JEFFERSON.

H.R. 1215: Mr. DELAHUNT.

H.R. 1227: Mr. PICKERING, Mrs. MYRICK, Mr. SMITH of Texas, Mr. THORNBERRY, and Mr. SALMON.

H.R. 1260: Mr. POMBO and Mr. SOLOMON.

H.R. 1287: Ms. CARSON, Mr. CANADY of Florida, and Mr. CRAMER.

H.R. 1323: Ms. WOOLSEY.

H.R. 1330: Mr. OBERSTAR.

H.R. 1335: Mr. CALVERT and Mr. JEFFERSON.

H.R. 1367: Mr. FORD.

H.R. 1373: Mr. FALEOMAVAEGA, Mr. BROWN of California, Mr. STARK, Mr. EVANS, and Mr. ALLEN.

H.R. 1375: Mr. WATT of North Carolina and Mr. DIXON.

H.R. 1395: Mr. SISISKY.

H.R. 1432: Mr. NEAL of Massachusetts.

H.R. 1437: Mr. MCINTYRE, Mr. WALSH, Mr. PASCRELL, and Mr. ANDREWS.

H.R. 1462: Mr. JEFFERSON.

H.R. 1480: Mr. MCGOVERN and Mr. FORD.

H.R. 1515: Mr. DREIER, Mr. NETHERCUTT, Mr. LIVINGSTON, Mr. BRADY, Mr. SESSIONS, and Mr. HAYWORTH.

H.R. 1525: Mr. RODRIGUEZ and Mrs. MCCARTHY of New York.

H.R. 1532: Mr. PETERSON of Pennsylvania, Mr. BURTON of Indiana, Mr. MURTHA, Mr. WEXLER, Ms. HARMAN, Mr. PALLONE, Mr. GOODE, Mr. BARCIA of Michigan, Mr. SCOTT, Mr. SNYDER, Mr. SOUDER, Mr. ADERHOLT, Mr. TIAHRT, Mr. TAYLOR of North Carolina, Mr. TOWNS, Mr. WATKINS, Mr. SENSENBRENNER, Mr. BRADY, Mr. TURNER, Mr. STEARNS, Mrs. LINDA SMITH of Washington, Mr. SPENCE, Mr. NEY, Mr. MCNULTY, Mr. ETHERIDGE, Mr. HILL, Mr. KENNEDY of Massachusetts, Mr. MCINNIS, Mrs. LOWEY, Mr. DEFAZIO, Mr. BALDACCI, Mr. CAPPS, Mr. EDWARDS, Mr. EVANS, Mr. SISISKY, and Ms. DEGETTE.

H.R. 1576: Mr. CAMPBELL and Mr. FAZIO of California.

H.R. 1592: Mr. CANADY of Florida, Mr. THORNBERRY, and Mr. EVANS.

H.R. 1609: Mr. HOUGHTON.

H.R. 1671: Mr. FARR of California.

H.R. 1700: Mr. HANSEN.

H.R. 1704: Mr. LOBIONDO and Mr. HILL.

H.R. 1716: Mr. EVANS, Mr. LAFALCE, and Ms. CHRISTIAN-GREEN.

H.R. 1726: Mr. THOMPSON, Mr. DAVIS of Illinois, and Mr. FALEOMAVAEGA.

H.R. 1773: Mr. GREEN.

H.R. 1788: Mr. NEAL of Massachusetts, Mr. BORSKI, Mr. FAZIO of California, Mr. DELLUMS, Mrs. KENNELLY of Connecticut, and Ms. MOLINARI.

H.R. 1819: Mr. WEXLER.

H.R. 1873: Mr. BONIOR and Mr. FROST.

H.R. 1884: Mr. HYDE.

H.R. 1885: Mr. EHRLICH.

H.R. 1908: Mr. CONDIT, Mr. WATTS of Oklahoma, Mr. ISTOOK, and Mr. FOX of Pennsylvania.

H.R. 1955: Mr. TAYLOR of North Carolina, Mr. CONDIT, Mr. WATTS of Oklahoma, Mr. COOK, and Ms. CARSON.

H.J. Res. 64: Mr. BARCIA of Michigan.
H.J. Res. 67: Mr. CRAMER.
H.J. Res. 72: Mr. BAKER.
H. Con. Res. 6: Ms. PRYCE of Ohio.
H. Con. Res. 13: Mr. LINDER, Mr. PETERSON of Minnesota, and Mr. LUTHER.
H. Con. Res. 65: Mr. HEFLEY, Mr. DINGELL, Mr. ANDREWS, and Mr. PAYNE.
H. Con. Res. 71: Mr. MILLER of California and Mr. RODRIGUEZ.
H. Con. Res. 75: Ms. WOOLSEY and Mr. DEAL of Georgia.
H. Con. Res. 80: Mr. GREEN.
H. Con. Res. 89: Mr. PRICE of North Carolina, Mr. FARR of California, Mrs. LOWEY, Mr. BALDACCI, Ms. KAPTUR, Mr. REYES, Mr. SERRANO, Mr. TRAFICANT, Mrs. TAUSCHER, Mr. SANDERS, Ms. DANNER, Mrs. MCCARTHY of New York, Mr. BERRY, Ms. ROYBAL-ALLARD, and Mr. LEVIN.
H. Res. 96: Ms. LOFGREN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1119

OFFERED BY: MR. SKELTON

AMENDMENT NO. 3. At the end of title V (page 204, after line 16), insert the following new section:

SEC. 572. EXPANSION OF CRIMINAL OFFENSES RESULTING IN FORFEITURE OF VETERANS BENEFITS.

(a) IN GENERAL.—Section 6105(b) of title 38, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting "32, 37, 81, 175," before "792,"; and

(B) by inserting "831, 842(m), 842(n), 844(c), 844(f), 844(i), 930(c), 956, 1114, 1116, 1203, 1361, 1363, 1366, 1751, 1992, 2152, 2280, 2281, 2332, 2332a, 2332b, 2332c, 2339A, 2339B, 2340A," after "798,";

(2) in paragraph (3)—

(A) by striking out "and 226" and inserting in lieu thereof "226, and 236";

(B) by striking out "and 2276" and inserting in lieu thereof "2276, and 2284,"; and

(C) by striking out "and" at the end;

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph (4):

"(4) sections 46502 and 60123(b) of title 49; and".

(b) CONFORMING AMENDMENTS.—The second sentence of section 6105(c) of such title is amended by striking out "or (4)" and inserting in lieu thereof, "(4), or (5)".

(2) The heading for such section is amended to read as follows:

"§ 6105. Forfeiture: subversive activities; terrorist activities; other criminal activities".

(3) The item relating to section 6105 in the table of sections at the beginning of chapter 61 of that title is amended to read as follows:

"6105. Forfeiture: subversive activities; terrorist activities; other criminal activities.".

(c) APPLICABILITY.—The amendments made to section 6105 of title 38, United States Code, by subsection (a) shall apply to any person convicted under a provision of law added to such section by such amendments after December 31, 1996.

EXTENSIONS OF REMARKS

TOPLINE SUMMARY OF RESULTS: CLASSLINK SURVEY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. GINGRICH. Mr. Speaker, when Americans talk about uses of technology in the classroom, they usually are referring to computers and Internet access. A recent survey found that teachers believe one of the most useful new technologies is a simple cellular phone. I enter the results of this survey into the CONGRESSIONAL RECORD.

TOPLINE SUMMARY OF RESULTS: CLASSLINK SURVEY

BACKGROUND

Surveys were conducted by telephone with teachers, principals, and assistant principals in schools using ClassLink for at least six months. A total of 229 interviews were conducted with teachers; 14 with principals/assistant principals*.

*Due to this small base size, caution should be used in interpreting results of principals.

SUMMARY

Teachers and principals alike feel that ClassLink is very valuable to them. On a ten-point scale, 82% of teachers and 79% of principals rate ClassLink as an 8, 9 or 10.

Furthermore, 48% of teachers and 65% of principals gave it the highest rating of "10—extremely valuable."

In particular, ClassLink is considered to enhance communication between parents and teachers; to be a valuable tool in case of emergency; to enhance teacher-to-teacher communication and to save time.

Teachers estimate that ClassLink saves them 113 minutes a day. This would translate to 339 hours per year, an annual savings estimated to be worth $8,814 per teacher.

RATING VALUE OF CLASSLINK PHONE

[In percent]

	Teachers	Principals
Base=Total Respondents	(229)	(14)*
10—Extremely Valuable	48	65
9	16	7
8	18	7
Top Three Box	82	79
7	5	—
6	4	7
5	5	—
4	1	—
3	1	7
2	1	—
1—Not Valuable At All	1	7
Total	100	100

*Caution: Small Base Size

Question: "Considering the reasons you use the phone, how would you rate the value of ClassLink to you. Please use a scale from 1 to 10, where '1' means not valuable at all, and '10' means extremely valuable. Of course, you may choose any number between 1 and 10."

Source: Statistical Table 5

AGREEMENT RATING OF CLASSLINK PHONE

[In percent]

	Teachers	Principals
Base=Total Respondents	(229)	(14)*

AGREEMENT RATING OF CLASSLINK PHONE—Continued

[In percent]

	Teachers	Principals
Enhances communication between teachers and parents	99	100
Is a valuable tool in case of emergency	98	100
Saves time while at school	97	100
Enhances communication between teachers and other teachers	96	100
Makes information more accessible	93	100
Decreases the isolation of the classroom	91	100
Enhances communication between teachers and administrators	90	93
Makes me feel safer at school	87	93
Increases my ability to be an effective teacher	82	79
Improves the learning environment	76	93

*Caution: Small Base Size

Question: "Now, I would like to read you a list of statements and ask you to give your opinions based on your experience with ClassLink. Please evaluate ClassLink by telling me whether you agree or disagree with each statement. The (first/next) statement is . Would you strongly agree, agree, disagree, or strongly disagree?"

Source: Statistical Table 18

ESTIMATED SAVINGS IN TIME AND DOLLARS

	Teachers	Principals
Base=Total Respondents	(229)	(14)*
Average time saved per day	113 minutes	286 minutes
Estimated yearly time savings	339 hours	**
Average annual salary	$37,436.00[1]	**
Estimated hourly cost	$26.00[2]	**
Estimated value of time saved annually.	$8,814.00	**

[1] National Center for Education Statistics (NCES), Condition of Education Report, 1995, Indicator 55.

[2] Assumes a 40-hour week, 9 months per year.

*Caution: Small Size.

**Data for principals is not annualized and projected, due to the small base size.

Source: Hand Tabulated.

CLASSLINK USAGE

	Teachers	Principals
Base=Total Respondents	(229)	(14)*
Daily average of calls made using ClassLink	5.07	11.42
Daily average of calls received using ClassLink	3.86	9.16

*Caution: Small Base Size

TRIBUTE TO THE EXPLORAVISION AWARDS PROGRAM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. BROWN of California. Mr. Speaker, I rise today to bring the ExploraVision awards program to the attention of my colleagues. This program, sponsored by Toshiba and administered by the National Science Teachers Association [NSTA], is the largest K–12 student science competition in the world. Working in teams of 3 or 4 with a teacher-adviser, students use their imaginations to envision a form of technology 20 years from now, and compete by sharing their vision through written descriptions and story boards.

On June 20 to 21, more than 40 students will come to our Nation's Capital to receive top honors in the 1997 ExploraVision awards and they will exhibit their winning prototypes of future technologies at the special Science Showcase to be held on Capitol Hill.

I have supported this competition since its launch in 1992. As a longstanding member of the House Science Committee, science education has always been one of the top priorities in my legislative activities. The ExploraVision awards program is one great example of a successful business-education partnership that encourages students to pursue careers in science.

I am pleased to see the role this competition takes in developing students' science skills to meet the challenges of the future. I applaud the efforts NSTA and Toshiba put into making the competition meaningful and beneficial to the students.

Mr. Speaker, I ask my colleagues to join me in recognizing this outstanding program and the high quality of scientific work produced by the student winners. Congratulations and best wishes to all for a special Science Showcase and successful awards weekend events.

TRIBUTE TO SPECIAL STUDENTS FROM WILLIAMSBURG BROOKLYN OF NEW YORK'S 12TH CONGRESSIONAL DISTRICT

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Ms. VELÁZQUEZ. Mr. Speaker, It is with great honor that I congratulate some very special students from the 12th Congressional District of New York. I am certain that this day marks the culmination of much hard work and many valiant efforts for these students whose work and efforts have had and will continue to lead them to success. Many have overcome the obstacles of overcrowded and dilapidated classrooms, antiquated and insufficient instructional material. While others have overcome the all too frequent distractions of random violence and pervasive drug activity. However, these students have proudly persevered despite the odds. Their success is a tribute not only to their own strength, but also to the supportive parents and teachers who have encouraged them to succeed.

These students have learned that education is priceless. They know that education will provide them with the tools and opportunities to be successful in any endeavor they pursue. In many respects, this is the most important lesson they will carry with them for the rest of their lives.

In closing, I would like to say that the best and brightest youths in America must be encouraged to stay on course so they can pave the way for a better future of this Nation. Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in congratulating the following academic achievers who have triumphed despite adversity.

Congratulations to: Victor De Jesus—P.S. 16, Anita Rendon, Edwin Hernandez—P.S. 18, Juan Guandique, Robert Gil, Jr., Michelle Detres, James Roman—I.S. 49, Yasmine Grossebacker, Milagros Sanchez—J.H.S. 50, Ivan Villar, Marisa Rodriguez—I.S. 71, Cristian Campoverde, Vanessa Colon—P.S. 84, Zeila Herrera, Evelyn Olivieri—P.S. 147, Eliezer de Leon, Celina Garcia—P.S. 106, Antonio Romero, Amir Hairston—P.S. 250, Jasmine Sepulveda, Jorge Melendez—P.S. 257, Anthony Tejera, Wister Dorta—I.S. 318, Marlene Alvarado, Christina Pagan—P.S. 380, Juan Carmona, Claudia Gusman—E.D. Senior Acadamey, Amzad D. Hosein, Thomas R. Napolitano—Holy Trinity School, Jose Enrique Sequi, Jr., Jessica Martinez—St. Peter & Paul School, Brian Paris, Gladys Alvarado—All Saints R.C. School, Francine Hodgson, Cesarina Paula—Transfiguration School, Iris Trinidad, Amanda Zolon—St. Nicholas Elementary School.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, I rise today in opposition to the Stearns amendment to H.R. 1757; the Foreign Relations Authorization Act.

This amendment urges the United Nations to act as a part-time body with a revolving headquarters. It is bad policy and it is a bad idea.

The United Nations has been instrumental in the promotion of peace and security, economic and social development and human rights around the world. It is not a part-time job.

I'm proud to represent the United Nations and the U.N. community on the upper east side of Manhattan. I am also proud that the United States has had such a tremendous impact on the United Nations. With the new Secretary General in place at the United Nations, we have an outstanding opportunity to continue the United States' influence at the United Nations.

Mr. Speaker, clearly there is room for meaningful reform within the United Nations. But I believe that the only way for the United States to play a major role in this reform effort is to first develop a real package to fulfill our financial obligation to the United Nations.

Currently, the United States owes $1.3 billion in back dues. The prompt payment of the United States arrears owed to the United Nations must remain our priority. I recently learned that failure to pay our dues has forced the United Nations to borrow from its peacekeeping budget to pay its operating expenses. This is outrageous and we must not allow it to continue.

The United Nations has already carried out many critical reforms. It has reduced the number of employees at its headquarters by more than 10 percent, and has maintained a no-growth operating budget for the last 2 years. That amounts to serious reform in a relatively short period of time. And I expect that these and other reforms will continue.

I was pleased to send a letter to the chairman of the Appropriations Committees asking that the United States fulfill its financial obligation to the United Nations. I have also cosponsored a bill to authorize appropriations for the payment of past arrearage and assessed contributions for peacekeeping operations in the future.

I am proud to call the U.N. community my constituents, and I will continue to support any measures aimed at ensuring full U.S. payment of its dues and arrears to the United Nations.

THE STUDENT WINNERS OF THE 1997 EXPLORAVISION AWARDS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

Mr. BROWN of California. Mr. Speaker, for the recognition of their achievement, I am inserting into the RECORD the names of the student winners of the 1997 ExploraVision awards:

1997 FIRST PLACE FINALIST WINNERS

Sacred Heart Academy, Mt. Pleasant, MI; Grade Level: K–3; Project: *Kid Watch;* Students: Ashton Bowlby, Cristianna Caleca, Alisa Cwiek, Lawrence Gross; Community Adviser: Gail L. Caleca; Teacher Adviser: Marla A. Schneider.

Cross Street Elementary School, Williston Park, NY; Grade Level: 4–6; Project: *The Trash Tummy-Digesting Garbage for a Healthy Planet;* Students: Michele Guido, Robert Lupfer, Shannon Murphy, Jessica Napolitano; Teacher Adviser: Sidney W. Burgreen.

Central School of Science, Anchorage, AK; Grade Level: 7–9; Project: *ORACLE: Optical Revolution and Contact Lens Enhancement;* Students: Katie Cueva, Karoline Enzenberger, Christopher Cueva, Nick Shepherd; Community Adviser: Karl A. Augestad; Teacher Adviser: Gail D. Coray.

University Laboratory High School, Urbana, IL; Grade Level: 10–12; Project: *The Artificial Vision Restoration System (AVReS)—Eye of the Future;* Students: Ranjit Bhagwat, Asad Husain, Anand Sarwate; Teacher Adviser: David M. Stone.

1997 SECOND PLACE FINALIST WINNERS

Mandeville Elementary School, Mandeville, LA; Grade Level: K–3; Project: *Meal-O-Meter: The Future Food Reader;* Students: Michael Kelly, Wade Kreider, Kristen Murphy; Community Adviser: Ginny Kelly; Teacher Adviser: Laura K. Fischer.

Read-Turrentine Elementary School, Silsbee, TX; Grade Level: K–3; Project: *Microwave Lunch Kit;* Students: Jason Helton, Jordan Deaver, Shea Sapp; Community Adviser: Andy Haidusek; Teacher Adviser: Nelda Doyen.

Homes Elementary School, San Diego, CA; Grade Level: 4–6; Project: *Robo Buoy;* Students: Melissa Hopkins, Michael Hrenko, Valerie Jaffee, Rebecca Shadwick; Community Adviser: Steve L. Celle; Teacher Adviser: Diana L. Celle.

Clara Byrd Elementary School, Williamsburg, VA; Grade Level: 4–6; Project: *Mission Impossible;* Students: Meghan Antol, Claire Heidt, Kyle Ellis, Chris Wahl; Community Adviser: Jeffery J. Antol; Teacher Adviser: Jennifer E. Kim.

Vancouver Talmud Torah School, Vancouver, BC, Canada; Grade Level: 7–9; Project: *M&M's: Magnetic Medicines Buckyball Therapy in the 21st Century;* Students: Isaac Elias, Carly Glanzberg, Robyn Massel, Barry Wohl; Community Adviser: Sanford M. Wohl; Teacher Adviser: Elazar Reshef.

John Burroughs School, St. Louis, MO; Grade Level: 7–9; Project: *RST-Rapid Salmonella Tester;* Students: Pafi Nemes, Alex Permutt, LeRoy J. Stromberg III, Everett Stuckey; Community Adviser: Dr. Scott S. Heinzel; Teacher Adviser: Mary E. Harris.

University of Detroit Jesuit High School, Detroit, MI; Grade Level: 10–12; Project: *Magnetorheological Fluids in Automotive Applications;* Students: James Kirt, Brett Lee, Bill Schlotter, Daniel Tremitiere; Teacher Adviser: Father James R. Kurtz, SJ.

Lowell High School, San Francisco, CA; Grade Level: 10–12; Project: *New Arms and Legs;* Students: Holly Deng, Wilson Mok, Eric Wong, Jimmy Yam; Teacher Adviser: Ray A. Hill.

A SALUTE TO THE 106TH RESCUE GROUP

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. FORBES. Mr. Speaker, I rise today to salute the 106th Rescue Group, the oldest flying unit in the Air National Guard. The group has an exceptional history which parallels the greatest U.S. military efforts of the 20th century, and its proud members have proven to be a source of outstanding service and dedication to their Long Island neighbors.

In the years immediately following World War I—when aviation first became a powerful force of warfare—Long Island aviators returned from Europe to organize the 102d Observation Squadron. In the following years, they flew observation missions for New York's 27th Division, and then were called to fight in the European and Pacific theaters during World War II, which they did with honor and determination. The valor that American aviators demonstrated in the war, along with the great technological advancements in warfare aviation that had been made since World War I, inspired the creation of the Air National Guard in 1946. Having fought so courageously over the war-torn cities of Germany and the aerial minefields of the Pacific, the 102d Squadron became part of the Air National Guard, and they were assigned to the 106th Bomb Wing in Brooklyn. The 106th became equipped with the era's finest aircraft as the Korean war exploded, and its members piloted the B–29 Superfortress—a great American innovation in the realm of bombers—as they aided in the effort to stave off North Korea.

Returning to Brooklyn after their service to the United States, the 106th Bomb Wing members turned in their bombers for the chance to fly medical airlift missions. Later, the 106th would fly heavy transport missions throughout the world for the Air Force, and then, as conflict arose in Southeast Asia, they were asked to fly regular missions in support of the American forces fighting in Vietnam. While flying refueling missions to support Air Force fighters in Europe in 1970, the 106th moved to its current location at the Suffolk County Airport in Westhampton Beach. Since 1975, the 106th has taken on search and rescue missions, where they have shown true human dedication, perseverance, and the will to succeed. Surely, all of the group's Long Island neighbors have benefited greatly from this work.

They have touched the lives of citizens and military personnel from Brooklyn to Montauk, from Europe to Asia. On the 50th anniversary of the inception of the U.S. Air Force, it is important to note the contribution that some of Long Island's finest—the members of the 106th—have had on the history of military aviation, and the protection of the ideals of liberty and freedom across the globe. The men and women of our Nation's Air National Guard have flown the world's skies proudly for the past 50 years, maintaining peace in times of understanding, and aiding the young men and women of the U.S. military in times of war. The service the 106th provides today is unparalleled in its importance, and I call upon my fellow Members of Congress to join me in honoring them for their work on behalf of the Air National Guard in the past 50 years, and on behalf of the 271 lives they have saved in search and rescue missions since 1975.

TRIBUTE TO DAVID TURLINGTON

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. COBLE. Mr. Speaker, I rise today to recognize a truly distinguished resident of the Sixth District of North Carolina, Mr. David Turlington of Greensboro.

This past spring David was named by the Nathaniel Greene Chapter of the National Society of the Sons of the American Revolution as Guilford County's top Eagle Scout. He then received State honors from the North Carolina Sons of the American Revolution. On July 7, I am pleased to announce, David Turlington will be recognized by the National Society of the Sons of the American Revolution as the top Eagle Scout in the Nation. This prestigious ceremony will be conducted in Baltimore, MD. In addition, David was selected as the American Legion's North Carolina Eagle Scout of the Year.

David is to be commended for his dedication and perseverance in achieving these esteemed honors. With young people such as David striving for such high standards, the future of our great Nation is certain to be in good hands.

David has recently graduated from Grimsley High School and plans to attend North Carolina State University in the fall. He serves as an example of the benefits of hard work and dedication. We salute David for his arduous work, the challenges that he has faced, and the honors that he has justly received. We wish David Turlington the best of luck in the future, and we are certain that he will make us all proud.

HONORING SISTER REGINA MURPHY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. ENGEL. Mr. Speaker, I rise today to acknowledge an outstanding constituent from my district who has been honored as a Woman of Justice. Sister Regina Murphy is one of 25 people nationwide to be honored by Network, a national Catholic social justice lobby.

Sister Regina has displayed her leadership abilities by heading campaigns for the MacBride principles for fair employment in Northern Ireland, the Interfaith Center on Corporate Responsibility and against corporate promotion of infant formula over breastfeeding. Sister Regina Murphy is currently studying at Fordham University in the Bronx.

Once again, Mr. Speaker it is my pleasure to call attention to Sister Regina Murphy for her outstanding honor as a Woman of Justice.

TRIBUTE TO THE NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES LOS ANGELES CHAPTER NO. 3

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in congratulating Los Angeles Chapter No. 3 of the National Association of Retired Federal Employees [NARFE] on its 50th anniversary.

Los Angeles Chapter No. 3 of NARFE was originally chartered in June 1947. Since that time, it has been dedicated to promoting and protecting the interests of civilian individuals and families who have retired from Federal service. With a membership of half-million retirees nationwide, NARFE provides a vital service for the dedicated individuals who have chosen a career in public service.

As Los Angeles Chapter No. 3 celebrates its achievements over the last 50 years, I ask my colleagues to join me in commending it for its substantial contributions on behalf of Federal retirees and for working to improve their quality of life.

TRIBUTE TO PROFESSOR JAMES C. HARDY

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. LEACH. Mr. Speaker, on June 30, 1997, James C. Hardy, Ph.D., professor of pediatrics and speech pathology and audiology at the University of Iowa, in Iowa City, IA, will conclude a distinguished 41-year career of research, teaching, clinical service, and the pioneering of innovative and far-reaching programs for people with disabilities.

In the early 1950's, Dr. Hardy made the decision to enter the field than called speech correction, and discovered that he enjoyed and had a unique gift for working with children with development speech disorders. After doing so in public schools in Missouri for a few years, he came to the University of Iowa for graduate study. While working on his master's degree, he accepted the position of graduate assistant at University Hospital School [UHS] in 1956.

Beginning in 1960, as supervisor of the UHS Speech and Hearing Department, Dr. Hardy directed a 13 year federally funded research program in speech physiology and disorders thereof due to neuromotor dysfunction. One of his publications, "Suggestions for Physiological Research in Dysarthria," published in *Cortex* in 1967, continues to be cited as a guide for research dealing with speech disorders resulting for neuromotor dysfunction of the speech producing musculatures.

Dr. Hardy has also been recognized as an early leader in what was, in the 1960's, the relatively new field of assistive technology. Under his leadership, UHS speech-language pathologists were among the first to advocate for the development of strategies to teach nonoral communications for children whose severe neuromotor dysfunction made oral communication impossible. UHS staff went on to develop the Nation's first specialized clinical service for nonspeaking children in use of augmentative communications devices.

In 1972, Dr. Hardy became director of the University of Iowa's Department of Speech Pathology and Audiology's Wendell Johnson Speech and Hearing Clinic.

James Hardy has continued his clinical work throughout his career, and, in 1970, he and Dr. William LaVelle of Iowa's Department of Otolaryngology-Face and Neck Surgery began expanding on early work in the use of intraoral devices called palatal lifts. These devices are made for persons who have speech disorders, at least in part, due to dysfunctional soft palates that cannot be resolved by surgery. Hardy and LaVelle have continued to provide patients, from young children to elders who have a variety of diagnoses, with palatal lifts since that time, and this work has been designated as a model of contemporary standards of care in prosthodontia.

In 1979, James Hardy was appointed director of professional services at University Hospital School, and for more than 15 years he directed the clinical activities of one of the few programs in the country that provides comprehensive interdisciplinary services for people

with disabilities. He continued his research interests in communication disorders, and, beginning in 1983, he codirected with Dr. Herman A. Hein, professor of pediatrics, a 7 year statewide study, funded by a national private foundation, of early identification of communication disorders in infants and toddlers.

With the increasing recognition of the advantages of assistive technology for people with disabilities to improve their quality of life, Dr. Hardy has become involved in the enhancement of assistive technology services. Since 1988, he has directed the federally funded Iowa Program for Assistive Technology [IPAT], a program that has resulted in significant increases in assistive technology services in Iowa for persons of all ages who have all types of disabilities.

During the four decades of his career, Dr. Hardy has seen what he calls the astronomical development of services for people with disabilities and their families. "I have been privileged to work with people who have disabilities, in programs that provide assistance to them, and with students who also will do so," reflects Dr. Hardy. "And I have also seen our society's all too slow but nevertheless increasing recognition that people with disabilities do indeed have abilities. It would be difficult to ask for more from one's career."

It would also be difficult to find anyone who has given more of himself and his gifts for others than Dr. James Hardy. I know my colleagues join me in expressing profound appreciation for his over 41 years of service as teacher, researcher, clinician and healer.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. ANDREWS. Mr. Speaker, I wish to clarify for the RECORD my reasons for missing the two recorded votes that took place yesterday, Wednesday, June 18, 1997, on the House floor for H.R. 437, the National Sea Grant College Program Authorization and the approval of the House Journal. I was unfortunately delayed in coming to Washington because I was attending the funeral of a friend, Mr. Andrew H. Aman, Sr.

FREEMASONS OF SUFFOLK COUNTY, LONG ISLAND CELEBRATE THEIR COUNTRY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Freemasons of Suffolk County, Long Island, whose celebration of Flag Day will encompass two great remembrances: that of the storied and patriotic past of the United States of America, and that of the honorable role of past and present Masons in American history.

As Americans across the land from New York's First District to Hawaii raise the Stars and Stripes on Flag Day, they will celebrate the birthday of our greatest and most treasured national symbol, and at the same time, they will be honoring the work of those Americans who have built the many important customs and traditions that we honor with each raising of the flag. Since this Nation's inception, the songs we sing and the words we intone in times of war and times of peace have been penned by Freemasons. The names Francis Scott Key and John Philip Sousa are part of our national lore—these men are as revered as the wonderful songs they penned. What often goes unrecognized, however, is the fact that these great Americans were Freemasons, and that their organization made so many important contributions to our national identity. Our children would not recite the Pledge of Allegiance to our flag if not for a Mason's work, and our "Star Spangled Banner," written with such passion at a time when the shores of the United States were under attack in 1812, would never have been put to paper. The organization was a breeding ground for patriotism, and to this day the Freemasons remain true to their initial ideals. Indeed, their group's lore serves as almost a textbook of American history.

On Flag Day, the Freemasons celebrate their country—and their group's contributions to that country's history—in grand style. The entire Long Island community is invited to hear spirited renditions of great patriotic songs, and to be bathed in a sea of red, white, and blue. Revolutionary War-period cannons will be fired, and war veterans and community Boy and Girl Scouts will march side by side, both touched by the legacy of past Freemasons. Americans, both young and old, are affected by the power of the "Star Spangled Banner," for Francis Scott Key's words are so moving that it is not difficult to feel the bombs bursting in air; to see the rockets' red glare. In the years since the Second Continental Congress forged this Nation, dozens of stars have been added to the flag to represent the admittance of new States to the Union.

It seems that with each new star on Old Glory—a term which was also coined by a Mason—a new voice arose from the ranks of the Masons to weave another piece of the great American story. With their Flag Day celebration in Southampton, Suffolk County's Freemasons will be regaled with the same songs and traditions as their fellow Americans from throughout the land, but they can take special pride in knowing that, without their forefathers, our National Anthem, Pledge of Allegiance, and the design of the flag itself would be very different today. I would ask my fellow members of Congress to join me in applauding the work of the Freemasons, who have helped construct American patriotism as we have celebrated it for hundreds of years. And today, they still gather in the name of patriotism, to celebrate the American ideals of liberty, equality, and justice for all. There could be no more fitting tribute to the work of past Masons than this celebration of their works. For when we celebrate Flag Day, we are also celebrating the contributions of men such as Masons John Philip Sousa, Francis J. Bellemy, and Francis Scott Key.

AFFIRMING THAT THE DISTRIBUTION OF PHONORECORDS TO THE PUBLIC BEFORE JANUARY 1, 1978, DID NOT CONSTITUTE PUBLICATION OF THE MUSICAL COMPOSITION EMBODIED IN THAT PHONORECORD UNDER COPYRIGHT LAW

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. COBLE. Mr. Speaker, I am pleased to introduce an important piece of legislation which will affirm that the distribution of phonorecords to the public before January 1, 1978, did not constitute publication of the musical composition embodied in that phonorecord under the 1909 Copyright Act. It is intended to restore the law to what it was before the decision of the Ninth Circuit Court of Appeals in La Cienega Music Co. versus Z.Z. Top.[1]

Until that decision, it was the long-standing view of the Copyright Office and the understanding of the music industry, as reflected in their business practices, that the sale or distribution of recordings to the public before January 1, 1978, did not constitute publication of the musical composition embodied on the recording. This view was confirmed by the Second Circuit Court of Appeals in Rosette versus Rainbo Record Mfg. Corp.[2]

The La Cienega decision has, therefore, placed a cloud over the legal status of a large number of musical works recorded and sold before January 1, 1978. Moreover, it has called into question the long established practices of the Copyright Office. This bill will remove the cloud and bring the law into conformity with the second circuit opinion and Copyright Office practices.

TRIBUTE TO THE HONORABLE NICHOLAS M. ROLLI, MAYOR OF THE TOWNSHIP OF VERONA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the Honorable Nicholas M. Rolli, mayor of the Township of Verona, New Jersey.

Mayor Rolli, a lifelong resident of Verona, was born on September 29, 1954. He has served on the Township Council since 1981 and served as mayor from 1987 to 1989 and 1991 to 1993. He additionally served as deputy mayor from 1993 to 1994. Mayor Rolli was selected to fill a vacancy on the Essex County Board of Chosen Freeholders when James Treffinger resigned to take the position of Essex County executive and was elected to fill that term on November 7, 1995.

Mayor Rolli, who worked his way through college at a supermarket and as a musician,

[1] 44 F.3d 813 (9th Cir.), cert denied, 64 U.S.L.W. 3262 (Oct. 10, 1995).

[2] 354 F. Supp. 1183 (S.D.N.Y.), aff'd per curiam, 546 F.2d 461 (2d Cir. 1976).

graduated from Seton Hall University in 1976 with a B.S. in accounting and is active in alumni affairs, giving back to the school which gave him so much.

Mayor Rolli is the Director of Financial Communications for Philip Morris Co., Inc., the world's largest consumer packaged goods company. He has held this position since 1993. Previously he was the Manager of Financial Communications and prior to joining Philip Morris, Mayor Rolli was the Manager of Investor Relations with the Colgate-Palmolive Co. He is a member of the National Investor Relations Institute and the Association for Investment Management and Research.

Mayor Rolli is the founder of the Verona Mayor's Charity Ball, a nonpolitical, nonprofit fundraising program aimed at supporting civic and youth programs in Verona. The program has raised over $20,000 in its first 3 years.

Mayor Rolli is the President of the Italian-American Club of Verona and received the group's Distinguished Service award in 1991. He was named as one of the outstanding young men of America in 1988 and is a lector at Our Lady of the Lake Church in Verona. Mayor Rolli is a past trustee of the North Jersey Developmental Center, a volunteer position to which he was appointed by Gov. Thomas Kean.

Mayor Rolli and his wife, Judy, are the proud parents of their two children, Deana and Mark, ages 12 and 9 respectively, who attend Verona public schools.

Mr. Speaker, I would like for you to join me, our colleagues, Mayor Rolli's family and friends, the Township of Verona and the County of Essex in recognizing Mayor Nicholas M. Rolli's outstanding and invaluable service to the community.

THE COMPUTER INVESTMENT ACT—COMMONSENSE DEPRECIATION PERIOD FOR COMPUTER EQUIPMENT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. COLLINS. Mr. Speaker, today I rise to introduce important legislation that will return common sense to the Internal Revenue Code by changing the depreciation period for computer equipment.

Currently, for tax purposes computer equipment must be depreciated over a 5-year period. Ironically, rapid technological advancements now being made in the computer industry guarantee that the average useful life of this equipment is 14 to 24 months. Businesses in highly competitive markets must continually replace computer equipment if they are to remain competitive. Although a small business will often purchase a new system after 2 years, it must keep the outdated equipment on the books for 5 years.

This legislation will update the Tax Code to ensure that it acknowledges ongoing, rapid advancements being made in the computer industry. This measure will change the depreciation period from 5 years to 2 years, ensuring that businesses are not penalized for making investments that keep them competitive. This change will serve to promote economic growth and job creation within these competitive industries.

I strongly encourage my colleagues to join Representative BEN CARDIN, me, and other original cosponsors in support of this important legislation.

HONORING THE SAVE OUR YOUTH INITIATIVE, CONGRESSIONAL YOUTH COUNCIL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. TOWNS. Mr. Speaker, I rise today to honor the members of my Save Our Youth Initiative's Congressional Youth Council.

One of the major challenges facing Brooklyn, and other parts of our Nation, is finding ways to open doors of opportunity for youth who constitute a disproportionately large share of the unemployed, underemployed, and incarcerated. Through the Save Our Youth Initiative, I am striving to eliminate this bleak outlook for our youth, and to provide the necessary resources so that youth can build successful lives. An important vehicle in this effort is my Congressional Youth Council.

Since spring 1996, the Youth Council's leadership role in the community encourages youth to become more active citizens. Through organizing community forums such as a Youth Town Hall meeting attended by over 200 youth and adults, participating in public hearings and other local events, and discussing policy issues with public officials such as Mayor Rudolph Giuliani and Brooklyn Borough President Howard Golden, these youth blossomed into dedicated advocates. Each young leader—Macie Black, Keisha Walters, Jerome Jeffrey, Anjanee Pitambar, Alicia Lawrence, Francis Williams, and Akilah Holder—is a shining beacon of hope for the future of our community.

I am tremendously proud of their achievements in both school and the community. This month, five of these dedicated youth advocates will receive their New York State high school diplomas. They have truly shown that Generation X is a generation of excellence.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in saluting all of the members of my Congressional Youth Council.

INTRODUCTION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to offer legislation on amendments to the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes. Last year, the House passed H.R. 2505, however, the U.S. Senate did not consider this legislation in the 104th Congress.

This legislation is identical to H.R. 2505 from the 104th Congress. The Alaska Federation of Natives, the State of Alaska, the administration and members and staff of the Committee on Resources have spent the last year and a half to reach a consensus with noncontroversial provisions.

For example, the bill would amend ANCSA to correct an inconsistency in current Federal law by allowing Regional Corporations to elect to acquire oil, gas, and coal estates reserved to the Federal Government beneath Native allotments surrounded or adjacent to subsurface lands conveyed to the Corporations pursuant to section 12 (a) of (b) of ANCSA.

Another provision would extend the exemption period from estate and gift tax for stock through its period of inalienability.

This bill would also amend ANILCA to extend the automatic land protections to land trades between village corporations, intraregional corporation land trades and Native Corporation land trades with the Federal or State governments.

Mr. Speaker, I offer this bill at this time to begin the process of reviewing each of these important provisions and others which affect Alaskans. I welcome comments on this important bill to ensure that we pass a noncontroversial bill at a later date.

HONORING THE NATIONAL VICTORY OF THE MINNESOTA STATE HIGH SCHOOL MATHEMATICS LEAGUES

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. VENTO. Mr. Speaker, I rise today to celebrate the achievement of the Minnesota State High School Mathematics League's statewide team. The team's Gold squad took first place in the Nation among Division I teams at the American Regions Math League Contest held in Iowa City, IA. This is a proud new achievement for the State of Minnesota, in that Minnesota has never finished first in this national competition which draws nearly 1,000 high school students representing nearly every State across the Nation.

The League hosted two teams from Minnesota, the Maroon and Gold teams, in the tradition of the Golden Gopher spirit and the University of Minnesota's school colors. The Gold team consists of 15 all-star "mathletes," 5 of whom are from St. Paul schools in the Fourth Congressional District which I am honored to represent. The Minnesota Maroon team, which placed seventh in the Division II competition bracket, is composed of 15 excellent math students, 4 of whom also attend schools in my hometown of St. Paul.

As a life-long science educator, I am proud of all these students and feel that the high level of participation by so many students from St. Paul is testimony to the level of support from families, teachers, and the St. Paul community. I would especially congratulate the coaches of these teams, all of whom are

teachers. As an educator in Minnesota, I well understand the hard work, dedication, and determination that added up to success for the Minnesota Gold and Maroon teams at this national mathematics competition.

I am sure my colleagues will join me in commending the fine, hard-working students of the Minnesota State High School Mathematics Leagues for national excellence in mathematics. In a time when budgets are tight, classrooms are overcrowded, teachers are overworked, and students are faced with increasing challenges both in the school and in the home, the national achievement of these Minnesota students and teachers are all the more encouraging. Successes like these serve to remind us of our national priorities and the importance of investing in our children through education.

Congratulations to all the Minnesota students and the students from across the Nation who participated in this year's mathematics competition.

Members of the Minnesota Gold team were: Matt Craighead, St. Paul Academy; Eugene Davydov, St. Louis Park; Dave Freeman, Blake; Keith Frikken, Winona; John Gregg, St. Paul Academy; Matt Hancher, St. Paul Academy; Jesse Kamp, Apple Valley; Tom McElmurry, Irondale; Andy Niedermaier, Benilde-St. Margaret's; Nate Ostberg, St. Thomas Academy; Bill Owens, Rochester Mayo; Lars Roe, St. Paul Central; Joshua VonKorff, St. Cloud Tech; Jin Wang, Rochester John Marshall; and Ben Zweibel, St. Louis Park.

Members of the Minnesota Maroon team were: Chris Arnesen, International School; Michael Born, Mankato East; Matt Colvin, Dassel-Cokato; John De Nero, Blake; Nate Dobel, Mounds View; Susan Dorsher, St. Cloud Tech; Ben Konkel, St. Paul Central; Yael Levi, St. Paul Academy; Sam Linsay-Levine, St. Paul Central; Jon Moon, St. Paul Central; Dan Owens, Rochester Mayo; Tim Rantasha, St. Cloud Tech; Leo Shklovskii, St. Louis Park; Tim Sjoberg, Rosemount; and Vishan Wong, Mounds View.

Team Coachers were: Tom Kilkelly, St. Thomas Academy; Bill Boulger, St. Paul Academy; Marlys Henke, St. Paul Central; and Mike Reiners, a three-time member of the State all-star math team.

IN HONOR OF SALLY A. DELSON

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to Sally A. Delson, executive director of the State of Israel Bonds' Organizations Divisions. Ms. Delson, who is being honored this weekend at a State of Israel Bonds tribute luncheon, has played an integral role in the divisions' growth over the past 30 years.

For the past 30 years, the Israel Bonds' Organizations Division has grown tremendously under Sally's guidance. Originally comprised of Landsmanshaften groups, the division later grew to incorporate a variety of Jewish and Zionist organizations. The organizations division's success can be seen in the high volume of sales—more than $200 million in bonds—sold in New York since 1952.

Sally's first foray into her work for a Zionist cause was prompted by her grandfather's prediction when she was just 9 years old. Her grandfather, a renowned Rabbi, told her that one day after the birth of a Jewish state, she would work for that state. After a visit to the Tomb of Rachel while in Israel following the Six-Day War, Sally remembered her grandfather's prophecy and renewed her commitment to work for the advancement and security of the State of Israel.

Over the 30 years that Sally has been with Israel Bonds, she has proven to be an invaluable crusader working to fulfill its mission of maintaining Israel's economic security. Her colleagues and supporters see her as a source of inspiration and credit her with the organizations division's success.

On Sunday, the State of Israel Bonds will celebrate the 100th anniversary of the First Zionist Congress and the eve of Israel's 50th anniversary of independence. They will also celebrate Sally Delson—wife, mother, grandmother, great-grandmother, and devoted daughter of the Zionist movement.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Sally Delson. The Division of Organizations of State of Israel Bonds and the Jewish community as a whole are fortunate to have a woman such as Sally working for their cause. I am thrilled to have Ms. Delson in my district.

TRIBUTE TO DELTA SIGMA THETA SORORITY, INC.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Delta Sigma Theta Sorority, Inc., Paterson Alumnae Chapter. Delta Sigma Theta Sorority, Inc. is a sisterhood of college educated women of color committed to public service. The sorority was founded at Howard University in Washington, D.C. on January 13, 1913 by 22 women. Chapters of the sorority reach throughout the United States, Germany, Korea, Haiti, and Liberia. Approximately 180,000 women have been initiated into Delta Sigma Theta and are sustained by the bond of sisterhood. The challenges and successes of more than 80 years have assured its members of the organization's endurance.

The Paterson Alumnae Chapter of Delta Sigma Theta, Inc. was chartered on November 12, 1978. It was the 13th chapter chartered in the State of New Jersey. The founders saw a need for a public service organization in the city of Paterson. The chartering ceremony held at the Paterson Boys Club was conducted by past regional director, Chappelle Armstead.

The Paterson Alumnae Chapter has maintained a consistent presence in the city of Paterson since its inception. Through its many projects and service activities, the chapter continually keeps an active interest in the welfare of the lives of Paterson citizens.

The Paterson Alumnae Chapter was a key in the organization of the local chapter of the Northern New Jersey Tri-County Chapter of the National Pan-Hellenic Council whose primary purpose is to coordinate the activities of the eight historically black Greek-lettered sororities and fraternities.

The Paterson Alumnae Chapter believes in coalition building and to that end, has worked with various community organizations on several service projects. A few of the projects and activities the Paterson Alumnae Chapter is involved with include a candidate's forum for local and State political candidates, an annual Dr. Martin Luther King, Jr. Youth Celebration, a Kwanzaa workshop, Adopt-A-Black Business, a School America Literacy Project, and the 1997 Teen Summit.

The current officers of the Paterson Alumnae Chapter are Linda G. Smith, president; Ada Downing, vice president; Sharon Briggs, secretary; E. Florine White, treasurer; and Pamela Davis, financial secretary.

Mr. Speaker, I ask that you join me, our colleagues, the members of Delta Sigma Theta Sorority, Inc., their family and friends, and city of Paterson in recognizing the Paterson Alumnae Chapter of Delta Sigma Sorority, Inc.'s outstanding and invaluable service to the community.

HONORING JOSEPH ANTHONY SWANICK

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor an outstanding individual and honored constituent, Joseph Anthony Swanick, who died recently in his Montgomery County, PA, home with his family all around him. I mention this, Mr. Speaker, because the fact that he was surrounded by those he loved the most, his family, is typical of the way he lived his life and was certainly the way he would choose to die.

During his 78 years on Earth, Joseph Swanick achieved much for which he could be proud. However, his greatest pride and joy came in the accomplishments of his wife, Catherine, and his two children, Patrick, born in 1957 and Anthony, born in 1960.

Joseph Anthony Swanick, a retired business owner and hospice volunteer, died on Monday, June 2, 1997, at 2 a.m. of complications due to emphysema and heart disease at his home in Penllyn, PA. But how he died is not nearly as important as how he lived his extraordinary life.

Mr. Swanick, a decorated veteran of World War II, was born on February 9, 1919, in Philadelphia to Harry and Molly Swanick. After graduating from Northeast Catholic High School, Mr. Swanick attended the University of Pennsylvania for 1 year before volunteering to serve in the U.S. Army Air Corps during World War II.

Stationed in Tibenham, England, during the war as part of the 445th Bomb Group, he participated in numerous air raids on Germany

and the Nazi occupied territory as a waist gunner in a B–24 Liberator. Briefly injured during the war, Mr. Swanick returned to the United States after his tour of duty was completed. He received numerous decorations including the Distinguished Flying Cross, for his wartime service.

In his comments and reflections about his father during the funeral mass, Tony Swanick, who serves as my press secretary and has been my friend for many years, talked about his father's bravery. Citing John F. Kennedy's book, "Profiles in Courage", in which President Kennedy chronicled the lives of American statesmen who stood up for their beliefs against great opposition, Tony reminded us that "courage has many faces and heroes can come from anywhere."

"To me, my Father was a hero, in many ways—a 'profile in courage.' He was honest and kind. He lived his Roman Catholic faith as best he could. He loved his family with a passion I've never seen equaled. * * *" Tony noted that the heroics of war came relatively easily for Joe Swanick. He, along with other brave, young Americans conquered that fear in their youth while defending our Nation against Nazi oppression, tyranny, and inhumanity. "But," Tony added, "the bravery of self sacrifice was something nurtured throughout a lifetime and perfected for his family's sake. He was the most selfless man I've ever known."

Mr. Swanick attended and graduated Temple University where he earned an associate degree in business. Later in life, when his sons were looking at college with some apprehension, he again attended classes at Temple University just to show them that they had nothing to fear. Both went on to college.

In September 1952, Joseph Swanick married Catherine M. McCall with whom he has shared his life since. Together they raised their two children and taught them the lessons, morals, and ideals which would stay with them throughout their lives.

After working as a salesman for Colonial Beef Co., Mr. Swanick founded his own wholesale meat business, Joseph Swanick Inc., in 1960 and remained in business until his retirement in 1984. Because he was a man who believed in doing what was right, Joe Swanick refused to sell to country clubs and places he knew discriminated against blacks or Jewish people. Also, during financial recessions, he would take meat and other items from his own business and deliver it secretly to members of his church who had nothing to eat. As a father and teacher, he brought his children with him to learn the importance of performing charitable works while avoiding the spotlight.

"He taught me tolerance," Tony Swanick said, "that it is okay if you disagree with people or don't even understand them. But, it is not okay to hate them or persecute them for it. From him, I learned to open my mind to new experiences and people who were different and close my heart to bigotry and intolerance."

Joseph Swanick also helped his children discover the beauty of our Earth by taking them on trips to locations throughout the world. But he also taught them to find the beauty within themselves and to trust in their own abilities. Mr. Speaker, we here in Congress often discuss the fact that too many children in America are neglected or abused. Here was a man who taught his children the importance of self worth every day.

Mr. Swanick and his family lived in the Elkins Park section of Abington Township, Montgomery County, for more than 20 years before moving to the Penllyn section of Lower Gynedd Township. Throughout his life, Mr. Swanick remained active in his church parish beginning with St. Stephens in North Philadelphia and including St. Dennis in Havertown, Delaware County. Much of his life with his family was spent at the Montgomery County parishes of St. Jame's Roman Catholic Church in Elkins Park and St. Joseph's Roman Catholic Church in Ambler.

Following his retirement from the wholesale meat business, Mr. Swanick worked as a courier for the Montgomery Publishing Co., publisher of numerous weekly newspapers. Ironically, at the same time, his son, Tony, was an award-winning reporter for the newspapers. Mr. Swanick also believed in giving back to the community in much the way his wife and two sons did.

He was active as a volunteer for Wissahickon Hospice, based at Chestnut Hill Hospital, for more than 5 years, serving as a companion for numerous terminally ill patients in Philadelphia as well as Norristown and various other Montgomery County communities. His role was to ease the burden and emotional distress for both the patient and the family during the patients final months of life. He dedicated much of his free time to helping others—a Swanick family trait. His wife, Catherine, organized and ran a group called Birthright which promoted adoptions. Pat was involved in numerous charities he organized at St. Joseph's University. And Tony worked with me to co-found the Montgomery County AIDS Task Force and to create a public health department for Montgomery County. He still serves on the board of trustees of Norristown State Hospital.

Joe Swanick loved to bring comfort to the ill through Wissahickon Hospice and, perhaps he knew he would need the services of hospice himself as his life came to a close. For the last 6 months, he received outstanding homecare from the Montgomery Homecare/Hospice based at Montgomery Hospital.

But, the real care came from his family, Pat and his wife Diana, Tony and particularly Joseph's wife, Catherine, who was by his side every minute providing him with the best medicine he could have, a warm hand on his, a smile, a prayer. "Dad always said 'I got me a good one,'" Pat said. "And he was right." Catherine and Joe Swanick took vows to care for each other for better or for worse, in sickness and in health and they did just that until in death they did part.

Mr. Speaker, when Joe Swanick died, hundreds came to bid him farewell. There were people from his grade school and his high school. The brave men who flew with him in B–24 Liberators in World War II were also represented as were those who worked for him. Members of Wissahickon Hospice who worked with him to care for others were joined by those from Montgomery Hospice who, ultimately, cared for him until his death.

Joe Swanick's death was not an easy one. In the end, he could barely draw a breath and his heart was weak, perhaps because he gave so much of it to others. Still, despite his pain and discomfort, his family was foremost in his mind. Catherine, Pat, Diana, and Tony gathered around him on his last day on Earth and prayed for him, cried for their loss, sang to him, held his hand, and made certain he left this world feeling loved. But to the end, Joe Swanick was selfless.

"In one of my last conversations with my Father before he became too ill to speak," Tony Swanick said. "He pulled me close and told me he wished there had been more he could have done for me during his life. Can you believe that? This man who gave me everything I value was lying there * * * staring at death * * * barely able to draw a breath * * * and when he did, he didn't use that breath to ask me to help him or to make him more comfortable. He used that breath to tell me that he wanted to do more for me! To do more for me * * *." Mr. Speaker, even at the threshold of death, Joe Swanick put his family first.

Joe Swanick had an incredible wit, loved to tell a good story, was quick with a laugh, and a smile and was for his family the embodiment of humanity, kindness, compassion, understanding, and love. but the consensus at his death was that Joe Swanick wasn't really gone forever. Before he died, Catherine reminded him, "You know Joe, up in Heaven, you'll have a whole new audiences for your World War II stories." Pat said he could see a glimmer in his father's eyes when he imagined the possibilities.

Joe Swanick was proud of his family and would be quick to tell anyone about them—whether or not they wanted to hear it.

"In fact," Pat said, "I've envisioned the scene in Heaven this week over and over again. I can see Dad saying:

'Saint Peter, wait 'til you meet my wife, Cass. She's the best!' or

'Saint Peter, did I tell you about my trip to Cleveland last summer to visit Pat and Diana?' or

'Saint Peter, have you ever been to Washington for Christmas? We visited Tony there last year during the holidays * * *.'

I can just see those conversations going on up there. I just hope Saint Peter doesn't get too tired of hearing about us and he still lets us in when our time comes."

Pat noted that his father was a Christian, faithful in his duties to God and his church. He was a patriot, flying nearly 30 wartime missions in World War II. He was an entrepreneur, "he always like this word—he said it was a fancy word even if he didn't know how to spell it." He was a volunteer, dedicating his time to others in need.

"Dad was a good friend and neighbor and a devoted husband," Pat said. "His best role, and perhaps I'm a bit biased, was simply being a dad. He was real good at it * * * the best. He made a difference and we're all better off for having known him."

Pat is right, Mr. Speaker. I know this family well and I know they were all devastated by this great loss. It was a loss to Montgomery County and the entire Delaware Valley as well as to everyone whose lives Joe Swanick

touched. Joseph Swanick practiced family values before someone turned the phrase into a weapon to attack those who were different.

Tony Swanick summed it up when he noted that many of us, in our youth, try so hard to be different from our parents. "Now," he said, "I've spent much of my adult life wishing I was more like them. To my dad * * * my friend * * * I can say only this. Yours is the most elegant soul I've ever known. Yours is the biggest heart I've ever seen. Yours is the most loving and gentle spirit I have ever encountered. You are the finest man I have ever known and we will miss you more than words could ever say. But now, it is time for you to be at peace with God. And so, I must say 'farewell' my Father, my friend. Farewell."

"BEST TAX-CUT PROPOSAL APPEARS TO FACE ROADBLOCK IN CONGRESS"

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues the following editorial supporting the proposed capital gains tax cut which appeared in the Omaha World Herald on June 18, 1997.

[From the Omaha World Herald, June 18, 1997]

BEST TAX-CUT PROPOSAL APPEARS TO FACE ROADBLOCK IN CONGRESS

Democrats and Republicans on Capitol Hill are negotiating the specifics of legislation to reduce taxes by a net $85 billion over the next five years. Unfortunately, the best proposal in the tax-cut package—reducing the capital-gains tax—is the hardest one to sell politically.

When stocks, homes, farms or small businesses are sold by an individual, an estate or a trust for more than what the seller paid for them, the seller pays a 28 percent tax on the difference in price—the long-term capital gain. While this is less than the current maximum tax rate on ordinary income, 39.6 percent, the 28 percent capital-gains tax rate still causes some holders of capital assets to refrain from investment transactions that could stimulate the economy and create jobs.

Republicans once talked of reducing the capital-gains tax rate to as low as 15 percent as a way to encourage reinvestment. Now they seem resigned to the idea that a reduction of 8 percentage points may be the best they can do.

A capital-gains tax cut is difficult to accomplish because Democrats keep pounding on the idea that only rich people receive income from selling property—a claim that never seems to die no matter how many times it is proven false. House Democrats have said they are willing to consider reducing the tax on the gains from the sale of a small business or family farm but not the tax on the gains from the sale of other capital assets.

Many Americans have legitimate concerns about the excessive compensation going to some large-corporation chief executives—people who receive millions of dollars annually, sometimes even when their company's performance is flat. Republicans are still smarting from the campaign by Democrats who said Republicans were going to "gut health care for the elderly to fund a tax cut for the rich," a campaign that was based on a lie.

For these reasons, some Republicans are skittish about taking a hard line on a capital-gains tax cut.

Bipartisan support exists for a $500-per-child annual tax credit for families, though there is disagreement over the level of annual income at which to cut off the credit. Democrats want to draw the line at $75,000. Republicans favor a ceiling of $100,000. Republicans are challenging the Democratic contention that poor families who do not pay income taxes ought to get the per-child credit anyway, in the form of a government check. There also is disagreement about the age of children for whom the credit could be claimed, with the White House and various factions in Congress proposing top ages from 12 to 18.

President Clinton's proposal for tax breaks tied to college expenses also is difficult for politicians to resist. Democrats want $35 billion in tax credits and deductions for families sending children to college. Families would receive a tax credit of $1,500 for each college student or deduct from their taxable income up to $10,000 a year in college expenses. Republicans offer a more modest plan, with credits for 50 percent of tuition costs up to $3,000 a year.

The final version of the tax legislation is likely to include the popular per-child and college-tuition credits in some form, even though the credits are not large enough for individuals to have much stimulus effect on the economy. Moreover, they probably will have to be modified to fit within the target number of $135 billion in tax cuts. (A proposed $50 billion in tax increases would leave $85 billion in net tax relief over five years.)

Prospects for cutting the capital-gains tax rate to 20 percent are dim. A cut in the inheritance tax rate and an increase in the amount (currently $600,000) that can be passed to heirs free of federal estate tax also are generally opposed by Democrats.

That is disappointing. Republicans are right about the job-creating potential of a significant capital-gains tax cut and the fundamental fairness of reducing the effective inheritance tax rate. Instead, taxpayers with children are likely to get a modest credit of limited value as an incentive to new investment.

The overall tax-cut package could be a similarly bland compromise—a far cry from the bold $200 billion tax cut originally advocated by the GOP.

CAN PEOPLE OF FAITH DIFFER ON MFN FOR CHINA?

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. MANZULLO. Mr. Speaker, political and religious persecution continues in China. These human rights violations, spotlighted as Congress considers extending its trade status with China, are appalling to everyone. But the question of whether we should keep the trade door open or isolate China in trying to bring an end to these abuses is far from unanimous, especially among the faith community.

First, it is important to recognize that the most-favored-nation trade status—up for a vote in Congress in late June—is a misnomer that gives no special treatment to China. In fact, MFN is the normal, unprivileged trade status held by every other nation in the world except six.

But some within the religious community believe even normal trading practices with China are unconscionable. Family psychologist James Dobson and his Washington-based Family Research Council, led by Gary Bauer, former domestic policy adviser to President Ronald Reagan, believe that cutting off trade with China will send a message that will convince the Chinese Government to halt the persecutions of Christians and other people of faith.

Others, however, insist a public Christian stance against MFN is not in the interest of the church in China and will seriously hamper the efforts of Christians from outside China who have spent years seeking to establish a Christian witness among the Chinese people. In fact, they fear the human rights violations will be exacerbated if we cut our ties with China, thereby removing our Western influences from this emerging democracy. Those who share this belief include Joseph M. Stowell, president of the Moody Bible Institute; Don Argue, president of the National Association of Evangelicals; and the China Service Coordinating Office, an umbrella group representing more than 100 missionary groups, many in China, including the Institute for Chinese Studies at Wheaton College's Billy Graham Center.

The United States Catholic Bishops Association issued a statement opposing renewing MFN trade status for China, though not all the bishops agree with the statement. Ironically, Hong Kong's official Catholic newspaper, the Sunday Examiner, reported new contacts between Beijing and Hong Kong's Catholic hierarchy, which could be a major step toward an official recognition of the Catholic Church inside China.

And then there is Father Robert Sirico, president of the Action Institute for the Study of Religion and Liberty, and a signatory to previous advertisements by the Family Research Council protesting religious persecution in China. "Just as religious freedom offers the best hope for Christian social influence, economic freedom is the best hope for spreading that influence around the world," said Sirico, who supports MFN.

Others, such as Ned Graham, son of evangelist Billy Graham and president of the missionary organization East Gates, believe the religious leaders opposing MFN should temper their language in speaking on the situation because it has the effect of bringing more persecution upon the church in China.

As a believer in the freedom of worship and as a United States Congressman, I have written numerous letters and protested religious persecution in Russia, Kuwait, Romania, China, and other parts of the world. I wrote to Secretary of State Albright to ask her to raise the issue of religious persecution during her visit to Russia and China. I cosponsored and voted for legislation that condemned human rights abuses against religious believers around the world. That resolution urged the President to create a special advisory committee for religious liberty abroad or to appoint

a White House special advisor on religious persecution. This battle does not just involve Christians around the world. The persecution of one faith is persecution of all faiths. And wherever and whatever religious beliefs are persecuted, public officials must speak out.

I believe we must engage in trade with China and still publicly condemn their human rights abuses. It is important to remember where China has been and where it is today. Thirty years ago, millions of people were executed following political sham trials in the cultural revolution. Now, thanks to the influence of foreign companies, more Chinese people have the opportunity to work without the shackles of state control. The American presence in China is a force for good, where the vast majority of firms pay their workers higher than average wages and offer a host of benefits, such as health care, housing, recreation, education, and travel. I spoke with the granddaughter of Dr. Sun Yat-Sen, who overthrew the feudal Manchu Dynasty in 1911 and was the first provisional president of the Republic of China. She told me of the many positive changes in China, from the disappearance of neighborhood spies to the destruction of the internal passport system, which prevented people from moving from one job to another or from one town to another. Missionaries with whom I speak say while persecution continues, the churches continue to grow. It is important not to isolate China.

While MFN does not grant China a special trade status, it also does not grant China any special trade rules. While trading with China, we must use our enforcement tools to stop improper trade practices. We did this recently to help Brake Parts in McHenry County, IL, when some Chinese companies were selling brake rotors at below market prices. I advised Brake Parts to file a complaint with the International Trade Commission, which issued a punitive order against those Chinese companies. If goods are found to be made in prison labor camps, then we should enforce our own laws to prohibit their sale in the United States. If the Chinese throw up trade barriers against United States sales in China, then we should impose trade sanctions and retaliate against the Chinese by imposing stiff tariffs.

The debate over China is good. Democracy is at its best when well-meaning people of good intentions are involved on differing sides of an issue. I thank God that in America we have the freedom to debate this issue.

PERSONAL EXPLANATION

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. FORBES. Mr. Speaker, on Wednesday, June 11 and Thursday, June 12, I appreciated being granted an excused absence due to a serious illness in my family. Due to that absence, I missed several rollcall votes.

Had I not been unavoidably absent on June 11, I would have voted in the following manner pertaining to amendments to H.R. 1757, the Foreign Relations Authorization Act.

"Aye" on rollcall vote No. 201, an amendment to express the sense of Congress condemning the policy of Palestinian policy of imposing the death penalty for any Palestinian who sells land to a Jew.

"Aye" on rollcall vote No. 200, an amendment to prohibit funds made available under the Foreign Assistance Act for fiscal years 1998 and 1999 for the Russian Federation if that country transfers an SS–N–22 missile system to the People's Republic of China.

"Aye" on Rollcall vote No. 199, an amendment to prohibit foreign assistance to any country that assists the Libyan Government in circumventing United Nations sanctions. On May 8, Muammar Qadhafi defined the United Nation ban and flew to two neighbors countries.

"Aye" on rollcall vote No. 198, an amendment expressing the sense of Congress that Romania should be considered eligible for assistance under the provisions of the NATO Participation Act of 1984.

"Aye" on rollcall vote No. 197, an amendment expressing the sense of Congress that the United States Government should not prohibit the importation, sale, or distribution of Cuban cigars in the United States, or cigars that are the product of Cuba, at such time as the Government of Cuba has (1) freed all political prisoners, (2) legalized all political activity, and (3) agreed to hold free and fair elections.

"Aye" on rollcall vote No. 196, an amendment to express the sense of Congress that the militant organization Al-Faran should (1) release Donald Hutchings and four western Europeans from captivity; (2) cease and desist from all acts of hostage-taking and other violent acts within the state of Jammu and Kashmir in India.

"Aye" on rollcall vote No. 195, an amendment to require the President to impose financial transaction restrictions on the Government of Sudan and to express that it is the sense of Congress that the religious persecution and support of terrorism by the Government of Sudan is unacceptable.

"Aye" on rollcall vote No. 194, an amendment to restrict assistance to foreign organizations that perform or actively promote abortions and prohibiting the use of any funds authorized in the bill to be made available for the United Nations Population Fund in any fiscal year unless the President certifies that UNFPA has terminated all activities in the People's Republic of China, and during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities.

"Aye" on rollcall vote No. 193, an amendment to prohibit payment of U.S. arrearages to the U.N. until the U.N. complies with requirements that U.N. employees comply with child and spousal support orders issued by the U.S. courts.

"Aye" on rollcall vote No. 192, an amendment expressing the sense of Congress that the government of the Ukraine should be commended for their decision to relinquish the nuclear weapons in its possession after the demise of the Soviet Union, for declining to participate in the construction of nuclear reactors in Iran, and for taking a positive and cooperative position with regard to admission into NATO.

"No" on rollcall vote No. 191, an amendment requiring the Secretary of State to report to Congress every 3 months listing all complaints by the Government of Cuba to departments and agencies of the United States concerning actions taken by U.S. citizens or the U.S. Government.

"Aye" on rollcall vote No. 190, an amendment to require the President to report to Congress on any border closures or the use of an economic or commercial blockade by or against any of the new independent states of the former Soviet Union against any other country.

"Aye" on rollcall vote No. 189, an en bloc amendment consisting of several amendments: (1) expressing the sense of Congress that Peru should respect the rights of prisoners to timely legal procedures; (2) directing the State Department to monitor human rights progress in Ethiopia; (3) establishing special envoys to promote mutual disarmament; (4) expressing the sense of Congress that Taiwan should reconsider its proposed deal to transfer low-level nuclear waste to North Korea; (5) expressing the sense of Congress that the administration should support the Prime Minister of India in strengthening ties with the United States and that the President and Secretary of State should call on the President of Belarussia to defend and protect the sovereignty of Belarussia, (6) authorizing a congressional statement in support of Taiwan's efforts to be admitted to the World Trade Organization; (7) requiring the State Department to report to Congress on allegations of persecution of Hmong and Laotian refugees repatriated to Laos; (8) instituting "buy American" requirements; and (9) calling for the withholding of assistance to countries that provide nuclear fuel to Cuba.

"Aye" on rollcall vote No. 188, an amendment to prohibit funding for UNESCO World Heritage and Man and Biosphere programs.

"No" on rollcall vote No. 187, an amendment to strike the bill's provisions which establish new responsibilities for the office of inspector general at the State Department.

"Aye" on rollcall vote No. 186, an en bloc amendment consisting of several provisions: (1) allow non-Foreign Service Government employees to perform consular functions; (2) specify qualifications for the position of Assistant Secretary for Diplomatic Security; (3) change the authorized strength of the Foreign Service; (4) change the provisions of the bill concerning return of persons to countries where they may be subject to torture; and (5) a technical amendment regarding the ecumenical patriarchate in Istanbul, Turkey.

"Aye" on rollcall vote No. 185, an amendment to require the State Department to report to Congress by March 1 of each year a listing of overseas U.S. surplus properties for sale and require the amounts received from such sales to be used for deficit reduction.

"Aye" on rollcall vote No. 184, an amendment to require the State Department to maintain records on each incident in which an individual with diplomatic immunity from the criminal jurisdiction of the United States under the Vienna Convention committed a serious criminal offense within the United States.

"Aye" on rollcall vote No. 183, an amendment to end funds for continued TV Marti

broadcasts to Cuba at the end of the current fiscal year if the President certifies that continued funding is not in the national interest of the United States.

"Aye" on rollcall vote No. 182, an amendment to express the sense of the Congress that the United States broadcasting through Radio Free Asia and Voice of America increase to continuous, 24-hour broadcasting in Mandarin, Cantonese, Tibetan, and that broadcasting in additional Chinese dialects be increased.

"Aye" on rollcall vote No. 181, an amendment, consisting of several amendments offered en bloc to strike the provisions of the bill allowing the State Department to retain for operating expenses up to $500 million in immigration, passport, and other fees. The amendment would raise authorized funding levels in the bill to compensate for the loss in operation funding.

"Aye" on rollcall vote No. 180, an amendment to modify the bill's provisions to consolidate certain foreign affairs agencies into the State Department.

"No" on rollcall vote No. 179, an amendment to reduce the authorized spending levels in the bill for fiscal year 1998 and fiscal year 1999 to the amount appropriated in fiscal year 1997.

"Aye" on rollcall vote No. 178, an amendment to prohibit funds made available under the Foreign Assistance Act for fiscal years 1998 and 1999 for the Russian Federation if that country transfers an SS–N–22 missile system to the People's Republic of China.

Had I not been unavoidably absent on June 12, I would have voted:

"Aye" on rollcall vote No. 203, making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997.

"Aye" on rollcall vote No. 202, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

AMENDING IMMIGRATION AND NATIONALITY ACT, H.R. 1961

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. GILMAN. Mr. Speaker, I rise today to introduce H.R. 1961, a bill which would amend the Immigration and Nationality Act to authorize the Attorney General to continue to treat certain petitions approved under section 204 of the act as valid, notwithstanding the death of the petitioner or beneficiary.

In the past, circumstances have arisen where a family has been petitioned for the right to immigrate to the United States. In these cases, the papers were in order and preliminary approval was granted. However, before final approval was given, either the head of the family or the family's petitioner died unexpectedly. As a result, under current law, when the beneficiary died, the surviving spouse and children are unable to immigrate and must begin the process again. In cases where the petitioner died, the family wishing to immigrate must likewise restart the application process.

This legislation would allow the Attorney General, acting for humanitarian reasons, to disregard such a death in applying the provisions of this act to either the surviving spouse and children, in the case of a beneficiary's death, or to the beneficiary and family in the case of a petitioner's death.

Accordingly, I urge my colleagues to join me in supporting this legislation which will correct an unforeseen, yet unfortunate injustice in our Nation's immigration laws.

H.R. 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CLASSIFICATION PETITIONS UPON DEATH OF PETITIONER OR BENEFICIARY.

Section 205 of the Immigration and Nationality Act (8 U.S.C. 1155) is amended—

(1) by striking "The Attorney General" and inserting "(a) IN GENERAL.—Subject to subsection (b), the Attorney General"; and

(2) by adding at the end the following:

"(b) EFFECT OF DEATH ON CERTAIN PETITIONS.—

"(1) DEATH OF PETITIONER.—In any case in which a person who has filed a petition under section 204 on behalf of a beneficiary dies after the approval of the petition, the Attorney General may, for humanitarian reasons, disregard such death in applying the provisions of this Act to the beneficiary and any spouse or child of the beneficiary.

"(2) DEATH OF BENEFICIARY.—In any case in which a beneficiary of a petition filed under section 204 dies after the approval of the petition, the Attorney General may, for humanitarian reasons, disregard such death in applying the provisions of this Act to any spouse or child of the beneficiary.".

NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1997

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 437) to reauthorize the National Sea Grant College Program Act, and for other purposes:

Mr. UNDERWOOD. Mr. Chairman, I rise today in support of H.R. 437, to reauthorize the National Sea Grant College Program. The Sea Grant program is one of the few Federal programs that attempts to address specific public needs while simultaneously conducting innovative research through academic institutions.

The program has made measurable contributions in aquatic resource management and sustainable economic development while working for the protection and maintenance of marine and costal resources. As we continue to develop our costal areas, the need for sound marine science as a guide for wise and sustainable growth becomes increasingly vital.

In addition to conducting solid and applicable research, Sea Grant also works to train students for related careers. Many of the students who work with Sea Grant today will be the marine scientists and resource management experts of tomorrow. This investment in costal development and preservation will have tremendous future value.

The Sea Grant program supports research in over 200 participating universities throughout the United States and Territories. But Sea Grant is not just about research, it is about scientifically sound public policy. Through partnerships between academic, government, and business entities, Sea Grant research impacts decisions that effect our costal environments and the people that live there. This is especially important for an island community such as Guam.

Currently, the University of Guam works in collaboration with the University of Hawaii through their Sea Grant program. However, Guam looks forward to having separate Sea Grant status at some point in time.

I urge my colleagues to support this investment in the future of our costal communities. Sea Grant is good for our economy, good for our environment, and good for our students.

IN CELEBRATION OF HAROLD AND MALKAH SCHULWEIS 50TH WEDDING ANNIVERSARY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. SHERMAN. Mr. Speaker, I rise today and ask you and my colleagues to join me in celebrating the 50th wedding anniversary of Rabbi Harold and Malkah Schulweis.

Harold and Malkah were introduced at a seminary prom. Harold was so captivated, he immediately pursued her. A short time later they had their first date and on the second date he asked her to marry him. She said no, but a year later they were happily engaged to be married on June 22, 1947.

Their life together began in a tiny New York apartment. The war had just ended and they were beginning their lives together with nothing but the desire to build a life of love and dedication to one another. It is for this dedication which I honor them today.

When Malkah became pregnant with their first born, Seth, they decided it was time for a change and they moved to Oakland, CA. Eleven months later their second child, Ethan, was born, followed by their only daughter Alisa. Today, they are the proud grandparents of 12 wonderful grandchildren.

Their children recall great memories which illustrate the love which Harold and Malkah share. She has opened the aesthetic world of art and music for him, while he has broadened her spiritual horizons—they complete each other.

Few words come close to describing the love that Harold and Malkah share, but I think Robert Frost said it best when he said "Love at the lips was touch, as sweet as I could

bear; and once that seemed too much; I lived on air."

It is an honor to join the family and friends of Harold and Malkah Schulweis as they reach this milestone and celebrate their 50th wedding anniversary.

A SPECIAL SALUTE TO MARY STRASSMEYER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. STOKES. Mr. Speaker, I am proud to salute Mary Strassmeyer, an outstanding member of the journalistic community and columnist for the Plain Dealer newspaper. After more than 40 years as a journalist, Mary is retiring from the trade. On June 23, 1997, colleagues and friends will gather for a special retirement party in Mary's honor. I take pride in recognizing Mary Strassmeyer for her many achievements, and wishing her well as she brings to a close this chapter of her life.

Mary Strassmeyer is a graduate of Notre Dame College, as well as Cleveland State University's Cleveland-Marshall School of Law. She is a member of the Ohio State Bar and maintains her own law practice. Ms. Strassmeyer joined the Plain Dealer newspaper in 1960 as a feature writer. In the years before she was named society editor in 1965, she also served as beauty editor, assistant travel editor, and interim fashion editor.

Mr. Speaker, readers of the Plain Dealer are the beneficiaries of Mary Strassmeyer's talents as an adept and skilled writer. She has charmed the public with her columns in the newspaper, including her current column, "Mary, Mary." Like many readers, I enjoy the information, insight, and entertainment provided by "Mary, Mary." From society parties to current events, Mary Strassmeyer has covered it all, and with a special flair that she alone possesses. One of the highlights of her career came in 1994 when Mary was inducted into the press club of Cleveland's Journalism Hall of Fame. It is just one of the many honors which have been accorded her during a very distinguished career.

The departure of Mary Strassmeyer from the Plain Dealer also brings to mind the friendship that I have shared with her over the years. Mary Strassmeyer is a woman whom I admire and respect. She is also a person of the highest caliber and integrity. I am grateful for her friendship, and I join her friends and colleagues in wishing her much continued success.

IN HONOR OF "THE FATHER OF BLACK BASKETBALL"

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor John McLendon, Jr., who, played a major role in the integration of college basketball and the development of the fast-paced game we see today.

McLendon attended the University of Kansas in 1933 and was fortunate enough to be enrolled in the final classes taught by the inventor of basketball, Dr. James Naismith, before his death. The 81-year-old McLendon is now the last living link to the era when basketballs were shot into peach baskets.

In 1944, he broke the law, and perhaps more importantly tradition, when he organized the first interracial basketball game between his team at North Carolina College and Duke Navy Medical School. The game was played in Durham, NC at 11 on a Sunday morning, when everyone in town was at church, 21 years before the color barrier was broken in the Atlantic Coast Conference. McLendon's Eagles beat the Blue Devils 88 to 44. The story of this "secret game" is now in production for a movie.

As coach at Tennessee State University in 1954, McLendon again took a stand for integration. His team was invited to participate in a National Association of Collegiate Athletics tournament in Kansas City. McLendon refused to come unless his players were allowed to stay at the same hotel and eat in the same restaurants as the white players. All but two of the maids at the hotel quit when the tournament directors conceded.

These are only two examples of McLendon's boldness and determination to integrate the sport of basketball. Throughout his prestigious career which ranges from coaching basketball at three different universities in the United States and two Malayan universities through a State Department cultural exchange program, to becoming the first black coach in professional basketball for the Cleveland Pipers, and promoting Converse shoes all over the world, McLendon has trailblazed the way for breaking down the color barrier in sports. For his efforts, he became the first black coach inducted into the Naismith Memorial Basketball Hall of Fame in 1978.

He is now back in Cleveland, OH, working as athletic department adviser and teaching a course titled "The History of Sports in the United States and the Role of Minorities in Their Development" at Cleveland State University." My fellow colleagues, please join me in acknowledging John McLendon, Jr., for a lifetime of striving for fairness in sports regardless of race.

TRIBUTE TO COL. MARTIN E. DUPONT

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. SPENCE. Mr. Speaker, I rise today to recognize Col. Martin E. "Marty" Dupont on his last day as chief of the U.S. Air Force House Legislative Liaison Office. Colonel Dupont has served with distinction in this post since June 17, 1993.

Soon after assuming his current position, Colonel Dupont quickly established a solid reputation with Members of Congress and their staffs as an authority on a diverse array of programs and issues relating to the Air Force. Colonel Dupont's understanding of congressional operations, coupled with his sound judgement and keen sense of priority, have been of great benefit to Members. He has provided valuable support whenever he as been called upon, especially, as he has routinely been sought by members of the Committee on National Security to provide briefings concerning national security issues. He has also demonstrated an expertise for organizing and conducting a number of important congressional delegation trips throughout the world.

Mr. Speaker, it has been my distinct pleasure to have worked and traveled with Colonel Dupont. He has earned our respect and gratitude for his many contributions to our Nation's defense. My colleagues and I bid Colonel Dupont a fond farewell and wish him much continued success as he and his family move to Camp Smith, Hawaii, where he will become the director of legislative liaison for the Pacific Command.

IN MEMORY OF ALEXANDER HIEKEN

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. GREEN. Mr. Speaker, I rise today to honor the memory of Alexander Hieken who passed away Sunday, May 25, 1997 in the Methodist Hospital in Houston, TX at the age of 88. Al grew up in St. Louis, MO and graduated from the University of Missouri with a bachelor's degree in journalism in 1929. He worked in El Paso, TX for the *Herald Post*. He was the International Representative for the American Newspaper Guild.

Al served in the United States Navy during World War II. In 1948, he was transferred to Houston, Texas as a Guild representative. In addition, he served as director of the Concentrated Employment Program of Houston, a training and placement division of President Lyndon B. Johnson's war on poverty.

At the time of death, Al was serving in his fourth term as silver-haired legislator from the Harris County Commissioner District II. He was a member of the Houston Press, AARP, National Council of Senior Citizens, AFSCME Local 1550 Retiree Chapter, and the Gray Panthers. He was also a member of the Harris County Area on Aging Advisory Planning Committee.

Al is survived by his wife, Elizabeth Kimmell Hieken, a daughter, Ellen Hinkle, two grandchildren, Chris Hinkle of Wimberly, Texas and Cherrie Hinkle of Houston, and two great-grandchildren, Carli and Austin Hinkle. Also surviving him are his sister, Mary Lavazzi of St. Louis, Missouri, and his brother, George Hieken of New Hampshire.

Alexander Hieken will be remembered as a leader in his community whose ideas reached far and wide. His genuine enthusiasm for the American labor movement prompted people of all ages to become interested in better working conditions for all. Because I experienced Alexander's vitality and wisdom firsthand, I have no doubt that this tireless role model made Houston, Texas a richer place to live.

As friends and family reflect on his lifetime of contribution, it is only fitting that we also pay tribute to this great man and good friend.

INTRODUCTION OF THE CHILDREN'S PRIVACY PROTECTION AND PARENTAL EMPOWERMENT ACT

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. FRANKS of New Jersey. Mr. Speaker, today I am reintroducing the Children's Privacy Protection and Parental Empowerment Act. As the information age continues to unfold, Congress has an obligation to monitor the new technology and make sure that reasonable safeguards are in place to protect the most vulnerable among us—our children.

The safety and privacy of our children is already being threatened by one product of the information explosion. This threat to our children's safety was first brought to my attention by Marc Klaas. Since his daughter's brutal death 2 years ago, Marc has been on a crusade to protect children.

Every time parents sign their children up for a birthday club at a local fast food restaurant or ice cream store, fill out a warranty card for a new toy, complete a consumer survey at the local supermarket, enter their children in a school directory, or lets their child fill out information on the Internet, they could be putting their children at risk.

The fact is that these businesses often turn around and sell that information about children to individuals, companies, and organizations who want to contact children. Currently parents have no way of knowing that the sale of information about their kids is taking place and are powerless to stop it if they disapprove.

List vendors today sell this information to whoever wants to purchase it. Anyone with a mailing address can contact a list vendor and order a specific list. It might be the names, addresses and phone numbers of all children living in a particular neighborhood—or a much more detailed list, such as all 10-year-old boys in a suburban community who have video game systems. And the cost of this information is relatively inexpensive, just a few cents a name.

Although parents have no idea how advertisers or telemarketers have gathered information about their children, it's important for them to understand that there is a danger of this information winding up in the wrong hands.

Worse, often the list brokers themselves don't know to whom they're selling data about children.

The threat to our children is very real and very frightening.

Last May, I introduced the Children's Privacy Protection and Parental Empowerment Act. Specifically, it would prohibit the sale of personal information about a child without the parent's consent.

In addition, the legislation would give parents the right to compel list brokers to release to them all the information they have compiled about their child. List vendors would also have to turn over to the parents the name of anyone to whom they have distributed personal information about their child.

The bill also forces list vendors to be more diligent about verifying the identity of companies and individuals seeking to buy lists of children. Specifically, it would be a criminal offense for a list vendor to provide personal information about children to anyone it has reason to believe would use that information to harm a child.

This provision also addresses a shocking practice recently uncovered at a Minnesota prison. A prisoner, who was serving time for molesting a child, was compiling a detailed list of children—including not only their names, ages and addresses but such personal information as "latchkey child," "cute" or "pudgy." Authorities believe he was planning to sell the list to pedophiles over the Internet.

The bill also requires list brokers to match their data against the list of missing children held by the National Center for Missing and Exploited Children. This provision should help the center fulfill its important mission of finding children who have been kidnaped or exploited.

Finally, there is a provision in the bill to address yet another alarming practice going on in prison. A commercial list company had a contract with a Texas prison for data entry services. Prisoners—including child molesters and pedophiles—were being handed personal information about children to enter into a computer data base. Although that company no longer uses prison labor, our bill would make it unlawful to engage in this dangerous practice.

Prisoners and convicted sex offenders would never again have access to personal information about children.

The bill has the support a broad cross-section of organizations who are dedicated to protecting children including the PTA, privacy groups, and family groups.

Last September, the Crime Subcommittee of the House Judiciary Committee held a hearing on the bill. It's enactment this year is one of my top priorities for this Congress.

Parents are rightfully concerned about the unrestricted sale of their children's data. When parents in my district learn about what happens to data they provide about their children, they are shocked and outraged. The latest Harris/Westin survey showed that 97 percent of people believe it is unacceptable to rent or sell names and addresses of children provided when purchasing products or registering to use a website. Moreover, at the recent FTC hearing on online privacy, the Direct Marketing Association and many industry leaders stated that parental notice and consent should be the standard in collecting and selling children's data in the online world. This should also be the standard in the offline world.

In today's high-tech information age—when access to information on our personal lives is just a keystroke or phone call away—our children need the special protection this legislation provides.

A TRIBUTE TO RABBI ELIJAH J. SCHOCHET

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor Rabbi Elijah J. Schochet for 36 years of dedicated service and leadership in our community and for his distinguished family life and academic achievement.

Rabbi Schochet graduated cum laude from the University of California at Los Angeles in 1955 and then attended Columbia University for further studies in psychology. He soon determined, like his father and grandfather, that he was bound for theological studies and went on to be ordained by the Jewish Theological Seminary and to receive his doctorate in rabbinic literature under his distinguished mentor Prof. Saul Lieberman. His impressive educational background has helped him to provide spiritual aid to many in our community.

In addition to his rabbinical training, Rabbi Schochet is a licensed marriage and child counselor in the State of California. His other accomplishments include the founding of the Kadima Hebrew Academy in the West Valley. Because he believes that education is the key to success, Rabbi Schochet attempts to give every member of our community the chance to expand on this precious gift by teaching.

Rabbi Schochet is a proud husband, to his wife Penina, father to his three children and grandfather to his five grandchildren. He gives freely of his love to his own family, his congregation, and to the students at the Kadima Hebrew Academy.

He is a true believer that "Man is worthy of being called Man only if he is charitable." Rabbi Schochet is indeed giving of his love and knowledge. Thus it is an honor to join the family, friends, and congregation of the Shomrei Torah Synagogue in recognizing Rabbi Elijah J. Schochet for his dedicated years of service to our community.

"LESSONS IN LIFE"

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. STOKES. Mr. Speaker, I read with interest an article which recently appeared in the Plain Dealer newspaper in my congressional district. The article is entitled "Lessons in Life From a Loving Man—Grandpa." In the article, April McClellan-Copeland, a reporter for the newspaper, reflects on the life and legacy of her grandfather, William J. Ware, Sr.

During his lifetime, Mr. Ware was well-known and respected throughout the Cleveland community. Despite the color barrier and other obstacles which confronted him in the 1930's, William Ware successfully opened his own firm, Ware Plumbing and Heating Co. He did so because of his strong belief in black Americans acquiring economic power. From a

30-year battle for the right to join the plumber's union, to teaching his children and grandchildren the importance of education, this trailblazer was, in his granddaughter's words, "* * * a renaissance man, ahead of his time."

Mr. Speaker, reading the article by April McClellan-Copeland brought back fond memories. William J. Ware, Sr., was a friend and someone whom I greatly admired. He was also a stalwart civil rights fighter who taught us many lessons. I am pleased that Ms. McClellan-Copeland decided to honor her grandfather with the writing of this special article. I take pride in sharing "Lessons in Life" with my colleagues and others across the Nation.

[From the Plain Dealer]

LESSONS IN LIFE FROM A LOVING MAN—GRANDPA

(By April McClellan-Copeland)

In Maya Angelou's book "Wouldn't Take Nothing for My Journey Now," Angelou explains how she contemplates the death of her loved ones by asking the question, "What legacy was left that can help me in the art of living a good life?"

On the night my 95-year-old grandfather, William J. Ware Sr., died in April, I didn't have to ask myself that question. All I had to do was scan the faces of my family members who sat in the hospital waiting room to see the rich legacy Grandpa left behind.

It didn't matter whether it was family, friends or business associates, Grandpa Ware inspired others with his strength, his integrity and the honor by which he lived his life.

William J. Ware Sr. was a trailblazer. After graduating from Tuskegee Institute in Alabama in 1928, the trail led Grandpa to Cleveland, where as a plumbing contractor he opened his own firm, Ware Plumbing & Heating Co.

In 1947, when Jackie Robinson broke the color barrier in Major League Baseball, Grandpa had been working for more than 10 years to knock down the formidable racial barriers that stood in the way of his membership in the plumbers union. Grandpa fought for equal rights at a time when racists lynched black men for sport.

Grandpa launched the fight for his union membership in 1933. He knew that with a union shop he could get larger jobs. And he also knew that he was just as skilled if not more so than the men who belonged to the union.

Finally after 30 years, anonymous death threats and the threat of being blacklisted, Grandpa was one of the first blacks to be admitted into Local 55.

IMPORTANT ACCOMPLISHMENTS

The achievements of my grandfather and other strong black men, though they may not have been as monumental in scale as Jackie Robinson's achievement, were just as important. My grandfather and many black men of his time were role models—they raised successful families, spent decades in loving relationships with their wives and made contributions to their communities despite the harrowing adversities they faced because of their color.

William J. Ware Sr. was one of 12 children whose parents were farmers and whose grandparents' homeland was the island of Madagascar off the southeastern coast of Africa.

He left home in Demopolis, Ala., at an early age to "set out on a mission" that would take him to Tuskegee. Grandpa and my grandmother Naomi were college sweethearts and married in 1929. They were married for more than 50 years before she died in 1979.

I liked my grandfather's style. He was a renaissance man, ahead of his time. He wore his signature bolo ties and a beret cocked to the side before it was stylish.

Garlic was part of Grandpa's daily diet. Despite its pungent odor, he was convinced it had medicinal powers and these beliefs overruled the smell.

My grandfather was a man who could not be defined by labels. He was a craftsman who worked with his hands in the trade he learned at Tuskegee, the institute founded by Booker T. Washington decades earlier. Grandpa believed deeply in Washington's message of blacks acquiring economic power through working in agricultural and business trades. My grandfather practiced these beliefs by training hundreds of black plumbers through a school he founded in 1944 and operated until 1962. He taught his only son, William J. Ware Jr., the trade and he has turned it into a lucrative business.

But Grandpa also lived by the words of W.E.B. Dubois, the black intellectual and a founder of the NAACP who, among other things, advocated the importance of protest to fight racial injustice.

My grandfather not only stood up for what was just in his professional life, but he made sure his children received every right and privilege they were entitled to.

In 1947, when my mother, Philomena W. McClellan, was a senior at Notre Dame Academy—now Notre Dame-Cathedral Latin School—one of the nuns told my grandfather, "Philomena Ware will not go to the prom." It was implied that because of my mother's race, she should not be allowed to attend. According to my mother, Grandpa assured the nun, "Philomena Ware will go to the prom."

At 16, my mom wasn't dating yet, so Grandpa went out and arranged a date with a family friend. My mother and her date were the only black couple at the prom—and they danced, too.

Grandpa believed in the importance of education as a means to success. He sent his four daughters to college and encouraged his grandchildren to follow their example.

My grandfather also fostered our appreciation of the fine arts.

In fact Grandpa is responsible for taking me to my first opera—Shakespeare's tragedy "Othello." As an elementary-school student, I barely understood the plot and I remember catching a few winks during part of the production. But as an adult, I will be forever grateful for the experience.

I had other firsts with Grandpa. In 1973, I took my first plane ride in his presence when he and my grandmother took my cousins and me to Houston for a plumbers convention. While there, I went horseback riding, another first.

Grandpa gave us a little taste of rural life when he would take us to his farm in Bath Township. Decades earlier, my grandfather had taught his city-born offspring a thing or two about farming on a piece of land he owned in southeastern Cuyahoga County, about a mile from where my husband and I live today.

And then there were those hot summer nights when Grandpa would pile his grandkids into his car and head to the Miles drive-in for a movie. At the time. I had no idea that this was Grandpa's second time around—in the 1930s and '40s he used to take our parents to the drive-in.

Through my visits to the opera, the travel and my grandfather's entrepreneurship, I learned by example that black people were entitled to the same rights and privileges as anyone else. And Grandpa's perseverance in pursuit of civil rights taught me at an early age that there are times when you must stand up for what you believe in.

Grandpa's health took a turn for the worse on April 22, as he went through a rehabilitation program after heart surgery. My husband and I were attending an Indians game that night when my family had us paged over the loudspeaker, but we were unable to hear the page.

When we arrived home after 11 p.m. there was an urgent message on the answering machine saying that Grandpa didn't have much time left, so we rushed to the hospital.

Moments before Grandpa died, I was able to hold his hand and whisper to him that I loved him.

I am just as grateful for those last few moments as I am for all of the memories of the good times and the things Grandpa did that molded my life and made me who I am today.

Thank you, Grandpa, for teaching me the art of living a good life. I am honored to be a small part of your legacy.

NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1997

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 437) to reauthorize the National Sea Grant College Program Act, and for other purposes:

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of H.R. 437, the National Sea Grant College Program Authorization, which would extend through fiscal year 2000 a valuable program which has vastly improved our knowledge about ocean and coastal resources. Established more than 30 years ago in 1966, the National Sea Grant College Program operates through a network of 26 Sea Grant College programs and three smaller designated institutional programs.

The Sea Grant College Program at University of Hawaii in my State, within the School of Ocean and Earth Science and Technology, has made tremendous economic strides in aquaculture research and development on species such as the freshwater prawn and marine shrimp, working with State agencies. Sea Grant continues to look at marine issues of vital importance to Hawaii and the Pacific Ocean, such as risks of oil spills, coastal pollution, marine mammal strandings and entrapment, and health of reefs and coral populations.

The program's past history includes supporting development of the first State plan for aquaculture and the Pacific Island Network—an entity which assists Pacific Islanders seeking to achieve self-determination and economic self-sufficiency. Recently-retired Dr. Jack R. Davidson served 25 years as the program's director and built a strong reputation for Sea Grant in Hawaii and the Pacific Basin.

Like achievements by other Sea Grant programs nationwide have enjoyed similar success.

I am pleased that the bill before us, with agreement between the Resources and Science Committees, no longer continues a sunset clause that would have taken effect in fiscal year 2002. As stated by Dr. Rose Pfund, University of Hawaii Sea Grant College Program association director, "At a time when our coastal and marine environments and resources are threatened by natural and manmade disasters, the need for academia's knowledge and capabilities for research is greater than ever." To approve a sunset date for the program would be to deny this need and shut down current programs generating valuable information to meet this need.

I also rise to support an amendment that may be offered to H.R. 437 that would reinstate a provision authorizing use of funds for research on all nuisance species, rather than solely on zebra mussels as approved by the Science Committee. This body should call for fairer distribution of the $2.8 million earmark in this bill—the level authorized annually under the 1990 Nonindigenous Aquatic Nuisance Prevention and Control Act.

I strongly urge that my colleagues support this amendment, should it be offered, and vote "aye" on H.R. 437 to reauthorize the National Sea Grant College Program.

ENDING AFFIRMATIVE ACTION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. PACKARD. Mr. Speaker, I rise today to discuss an issue which should concern every American. In the wake of President Clinton's speech in San Diego CA, I want to stress the importance of ending affirmative action.

Treating people differently because of their color used to be called discrimination, today it is called affirmative action. I disagree with the President's stance on affirmative action. I believe the popular support of proposition 209 in California shows our great State's commitment to the historical ideals of liberty and equal justice under law.

President Clinton's speech was symbolic but without the proper substance. If he wants to improve race relations in America he must take something back from California. He should listen to what Californians are saying and end every form of racial preference. I urge the rest of the Nation to follow in California's footsteps and close the doors on affirmative action and open the doors on fairness and equality.

For America to stand united, we must first stand as individuals who are equal in the eyes of the law. In order for us to solve the problems that stand in our Nation's work place and our communities, every American needs to be able to stand balanced under blind justice.

Affirmative action is state sponsored discrimination. As long as it is part of our society, the character, the motivations and achievements of some Americans will remain suspect in the eyes of others Mr. Speaker, I urge my colleagues to reconsider the remarks of the President and to heavily consider the continued failure of affirmative action to heal our Nation's racial discord.

WORKING CLASS ETHIC MADE PUBLIC HOUSING PROUD; IT COULD AGAIN

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. LAZIO of New York. Mr. Speaker, I urge my colleagues to read the attached op-ed from the June 18, 1997, edition of the USA Today. The article asserts that the public housing bill recently passed by the House would return a sense of stability and work ethic to American communities. In fact, the author argues that to leave the current system of public housing intact is "only to punish the poor in the name of protecting them."

In anticipation of House consideration of the conference report on the House and Senate public housing bills later this year, I commend the attached article to Member's attention.

[USA Today, June 18, 1997]

WORKING-CLASS ETHIC MADE PUBLIC HOUSING PROUD; IT COULD AGAIN

By Samuel G. Freedman

On a frigid morning in January 1949, about 500 people lined up, shivering but stoic, to apply for apartments in the first low-income-housing project to be built in New Rochelle, N.Y. War veterans still bunking with relatives, Italian laborers barely recovered from the Depression, blacks working as maids or drivers for the affluent—all had been waiting years for this chance.

None of them saw residence in the Robert Hartley Houses as anything but a privilege, and a privilege that connoted responsibilities. They had to produce wedding licenses and military-discharge papers; they had to submit to a virtual whiteglove evaluation of their housekeeping skills.

And for 240 families who passed muster, there was the rule book. The rule book specified the week each tenant was required to sweep the stairwell and the type of pushpin acceptable for hanging pictures. It dictated the fines for a child who walked across the grass. Where the rule book left off, the building superintendents picked up, enforcing an unofficial curfew for teen-agers with 11 p.m. knocks on the door.

The social compact established in the Hartley Houses and scores of similar developments made public housing one of New Deal liberalism's greatest successes for a time. Hartley was integrated by race and religion and animated by the ethics of hard work and upward mobility. As late as 1964, a single mugging in the complex of five buildings was rare enough to make news.

Just about that time, however, two devastating changes were taking place. The first generation of Hartley residents, having climbed into the working class, moved out, partly because their incomes exceeded the project's upward limits for tenants. Simultaneously, the wave of litigation that came to be known as the "rights revolution" began destroying the honorable bargain between the taxpayers who funded the welfare state and the tenants who enjoyed its benefits.

Individually, the court cases that undermined public housing seemed reasonable enough. They won the rights of various types of people, from political radicals to single parents to welfare clients, to be permitted into public housing and to stave off eviction from it.

Collectively, however, these cases taught the managers of public-housing projects—whether run by the federal government or, like the Hartley Houses, by state and local agencies—that screening current or prospective tenants invited costly litigation. The doors of public housing swung open as long as one was poor enough to qualify.

By the early 1980s, then, the Hartley Houses had gone from a stepladder for the working poor to a sinkhole of the welfare poor, with 85% of the households headed by a single parent and relying on public aid. The local housing authority defaulted on loan payments to the state. An $11 million program of repairs had to be halted due to rampant vandalism. Drug use and violent crime grew so brazen that in 1990 the tenants themselves asked the city to declare a state of emergency in the project.

Sadly, there is nothing new in the saga of the Hartley Houses. It is the story of the Robert Taylor Homes in Chicago, a vast project known locally as "the world's biggest mistake," and of the Flag Houses in Baltimore, which will be razed in 2000. One of its predecessors in demolition, the Columbus Houses in Newark, N.J., had been pronounced by a federal inspector unfit even for animals. And who has lost, after all, in the failure of public housing? In a political sense, liberals have. But day by day, the poor have. They are the ones isolated and beleaguered; they are the ones left to beg for martial law.

So liberals and Democrats, including President Clinton, should not be so quick to dismiss the public-housing bill recently passed by the House of Representatives and headed for the Senate simply because it is the handiwork of the same conservative Republicans who designed the punitive welfare-reform law. The lesson of that law, in fact, is that when liberals refuse to reform failed social programs, they leave correction, by default, to the right.

The housing bill has its flaws, particularly in its intention to alter the Section 8 program that already succeeds in using market incentives with private landlords to distribute poor tenants throughout metropolitan areas rather than concentrating them in bleak, highrise projects. But in direct ways, the measure would restore public housing to its original ideal of placing the fabric of community above the rights of the individual. Among its provisions, the bill would streamline the eviction of dangerous tenants, refuse housing to those with proven histories of sexual violence or substance abuse, and give housing officials unprecedented access to national criminal records in screening applicants.

Most importantly of all, moderate-income tenants would be permitted to rent apartments at market rates alongside the poor. In the heyday of public housing, it was working-class families that established the value system of places like the Hartley Houses. Their return can again provide a critical mass of stability and work ethic.

There is a reason many middle-aged blacks speak almost wistfully about the segregated neighborhoods of their childhood. Those neighborhoods, walled in by white racism, contained all the social classes, from the hod carrier to the teacher to the dentist. With fairhousing laws came black flight, transforming ghetto into slum.

If some of the workers still in the central cities can be enticed by decent rents to live

in public housing, then no one will benefit from their presence more than their impoverished neighbors. It is not sufficient to say, as opponents of the housing bill have, that the needlest people stand to lose. There already are huge waiting lists for public housing, and the federal government has gotten out of the business of building low-income projects. To leave the current system intact is only to punish the poor in the name of protecting them.

PENNSYLVANIA SHERIFF'S ASSOCIATION 75TH ANNIVERSARY

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I want to congratulate the Pennsylvania Sheriff's Association on its 75th anniversary. For 75 years, this association and the sheriffs of Pennsylvania have worked together to improve the office of sheriff so as to better serve the public. Under the dynamic leadership of Butler County sheriff, Dennis Rickard, the association has continued providing a forum for the sheriffs to exchange ideas and experience and provide training and education programs for sheriffs and their deputies. It has done this to ensure that every sheriff has the skills and knowledge to perform his or her duties in a professional, responsible, and efficient manner.

We all know the law and legal procedures have become infinitely more complicated than they were 75 years ago. The increase in volume of work has also imposed more burdens on Pennsylvania's sheriffs.

The association has helped our sheriffs shoulder these burdens in a manner that has reflected well on Pennsylvania. Because of this, I want to congratulate the Pennsylvania Sheriff's Association on its 75th anniversary and commend it and Pennsylvania's sheriffs, for a job well done.

IN HONOR OF GEORGE J. KOURPIAS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to a great friend of working people throughout the world: George J. Kourpias is retiring tomorrow from his post as president of the International Association of Machinists; he will be deeply missed.

As president of the Machinists, Mr. Kourpias has served as a member of several governmental and labor organizations. In particular, I would like to note his service on the board of the Overseas Private Investment Corporation, also known as OPIC. I have fought throughout my career for increasing the export capabilities of our Nation's businesses. At the same time, I have been concerned that we do not trample on labor rights as we make American business more competitive. That is why I was so pleased when President Clinton appointed Mr. Kourpias to the board 4 years ago. This vital organization for the first time has a working voice on the board. We can learn a lot from that example.

Mr. Kourpias also has done tremendous work for our senior citizens, working both with the Secretary of Health and Human Services and the National Council of Senior Citizens to ensure the retirement savings of our retirees.

Mr. Kourpias' dedication to improving the lives of working Americans goes back long before he achieved the highest post with the Machinists. Before his term as president began, he served as vice president at the Machinists, overseeing the National Capital region. As an expert on the IAM's governing document, Mr. Kourpias has been of great help to Presidents before him. Learning the details has always been important to Mr. Kourpias, same as the details are important in the work of the machinists he represents.

His leadership has been clear to the world since the 1950's when he first began taking leadership positions in the union movement. From the local, district, and national levels, George J. Kourpias has served the working men and women of the Machinists for decades, but his legacy will stretch far beyond them.

And so, Mr. Speaker, I honor George Kourpias for a lifetime of commitment to the men and women he served. I know the Machinists will find someone equally dedicated to succeed him, but in a larger sense, they will never be able to find someone to replace him. George Kourpias is that special kind of person who has devoted his life to the proposition that the men and women who work to make this country great deserve a fair reward for their labors.

Mr. Speaker, I wish George and his wife June all the best in retirement and thank him for the service he has provided to this Nation.

TRIBUTE TO REV. DR. BENNETT WALKER SMITH, SR.

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. QUINN. Mr. Speaker, I rise today in honor the Rev. Dr. Bennett W. Smith, Sr., Pastor of St. John Baptist Church on his twenty-five years of dedicated and outstanding service to our community.

In addition to his duties with the St. John Baptist Church in Buffalo, Pastor Smith serves as president of the Progressive National Baptist Convention, Inc., upon being elected to that high honor in August 1994. As president, Pastor Smith provides leadership and guidance to its 3 million members.

As Pastor, Bennett Smith leads the St. John Baptist Church, a 2,700 member congregation, and has emerged as world-renowned evangelist and author.

Pastor Smith has truly served our Western New York community through many charitable endeavors, including the construction of McCarley Gardens, housing for low-income families; the St. John Baptist Church Education wing; and a full-time Christian day school. Further, Pastor Smith's Leadership has brought to our community the Board of Christian Education, Senior Citizens Fellowship, Junior and Senior Youth Fellowship, Youth Church, Prison Outreach Ministry, Singles Ministry, a radio-television broadcast, and Project Gift, an after-school program for youth with special needs.

He has also served in numerous local and national organizations for the betterment of mankind, including a national board member and local chairman of the Virginia-Michigan Housing Development Fund, the Sheehan Memorial Hospital Board of Directors, Buffalo Metropolitan Ministries, the Council of Churches, and the NAACP and Kappa Alpha Psi Fraternity.

In recognition of that commitment to our community, Rev. Dr. Smith has received the Buffalo News Citizen of the Year award, and the prestigious Grammy Award for his famous sermon, "Watch them Dogs." He has also had the high honor of serving as an official election observer in the first free election in South Africa, and has published the widely acclaimed Handbook on Tithing.

Mr. Speaker, today I would like to bring Rev. Dr. Smith's superlative achievements to the attention of my colleagues in the House, and ask that they join me in expressing our heartfelt appreciation and enthusiastic congratulations to Pastor Bennett Walker Smith, Sr., as he celebrates his 25th year of outstanding service in Western New York and throughout the world.

THE NATIONAL RAILROAD HALL OF FAME—HONORING THE MEN AND WOMEN WHO BUILT THE RAILROAD

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. EVANS. Mr. Speaker, I rise today to honor the history and tradition of the Railroad Industry in America. On June 27 and 28, millions of Americans across the country will celebrate Railroad Day by recognizing the American Railroad Industry and its rich history in this country.

Today, I recognize the memory of the men and women who actively participated in the founding and development of the railroad industry—surveyors, mechanics, engineers, teachers, railroad leaders, miners, financiers, inventors, and government leaders. The railroad industry has had a tremendous influence on American society, impacting the economy, science and technology, national defense, and most important, the transportation of our Nation's citizens.

In order to preserve the memory of the efforts of these people, the community of Galesburg, Illinois is erecting a monument dedicated to the accomplishments and contribution of the railroad industry. I have introduced legislation, H. Res. 172 to express the support of this House for this important endeavor. The establishment of a National Railroad Hall of Fame in Galesburg, IL, is a fitting and just reward to

a community that has made significant contributions to the railroad industry.

The National Railroad Hall of Fame will be a privately funded museum and research facility dedicated to promote and encourage a better understanding of the origins and growth of the railroad industry. It will recognize the contributions of the men and women who actively participated in the founding and development of the American railroads. A library and collection of materials that document and preserves the accomplishments and contributions of the railroad industry will also be housed at the proposed facility.

Please join me in recognizing the great value of the railroad industry and its workers have to this country. Please help me celebrate Railroad Days and the importance of the people who built the industry by cosponsoring H. Res. 172, the National Railroad Hall of Fame.

TRIBUTE TO THE COLUMBIA GORGE NATIONAL SCENIC AREA

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. BLUMENAUER. Mr. Speaker, I would like to pay tribute today to a place that is unparalleled in its beauty and wonder, the Columbia River Gorge National Scenic Area in the Pacific Northwest. With its abundant natural beauty, unique economic development opportunities, and cultural significance, the Columbia River Gorge is a national treasure.

The Gorge stretches 85 miles along the Columbia River from the dry eastern region to the dense conifer forests and surging creeks of the west, dazzling wildflower displays, including species found nowhere else on Earth, cover hillsides and plateaus along the river. Diverse ecosystems within the scenic area range from temperate rain forests to arid, pine-oak woodlands.

The scenic beauty of this area offers high-value, low-impact recreational opportunities for biking, hiking, windsurfing, and sightseeing to entertain residents and tourists. Multnomah Falls, the single most visited attraction in the National Forest system, is one of the region's many notable sites. These attractions, combined with the region's role as a source of the Northwest's renowned apples, pears, and cherries, allow unique opportunities to balance this valuable ecosystem with the pressures of economic development.

The region also has a rich cultural heritage dating back to tribal life of 10,000 years ago. Ancient petroglyphs and village sites bear witness to thousands of years of Indian life and commerce. The Gorge figured prominently in the journals of Lewis and Clark, and later, travelers on the Oregon Trail navigated the area.

The unparalleled beauty and geologic wonder of this area inspired Congress to pass the National Scenic Area Act in 1986. It was designed to protect the unique natural resources of the Gorge, while at the same time developing a sustainable economy for an area that had been economically depressed. The act promotes shared responsibility by Federal and local entities for land-use and natural resource management and regional economic development. Since the signing of the act, positive progress has been made toward that goal. Gorge economic development projects have spawned new jobs and increased diversification of the region's economy. The scope of public recreation has been increased through new trails and parks in the Gorge. Over 28,000 acres of wildlife and plant habitat and scenic vistas are now publicly owned. Conferences and workshops have been held to encourage and provide citizens and residents of the Gorge with the skills to take action in their own communities. Thanks to the commitment and effort of Northwesterners, the natural beauty and recreational opportunities of the Gorge will continue to be safeguarded for future generations to enjoy.

Oregonians recently honored the Columbia Gorge during Gorge Appreciation Week in May organized by Friends of the Gorge, a nonprofit organization dedicated to the protection and preservation of this incredible natural resource. This tradition was begun last year in honor of the 10-year anniversary of the Columbia River Gorge National Scenic Area Act. Oregonians showed their appreciation of and commitment to the Gorge by participating in a series of restoration and cleanup projects. This year, over 200 volunteers undertook the job of repairing the damage done to the region by last winter's ice storms. In addition, they worked to restore native plants, re-establish wetlands, clean up the historic Columbia River Highway, and maintain hiking trails. Gorge Appreciation Week is an excellent way of involving citizens in the guardianship of the natural value of their community.

None of this would be possible without the 2,000 members of Friends of the Columbia Gorge from across the country. Through the dedication of these individuals to the preservation of the area, the Gorge continues to be a wonderful place to live and work, as well as a unique place for visitors.

The Gorge holds a special place in both our heritage and our future on a national, regional, and local level. I want to be a strong voice for those, such as the Friends, who support continuing the mission of protecting and enhancing this area. It is a national recreation destination and source of enjoyment and scenic beauty to the many who live, work, and vacation there.

TRIBUTE TO THE STUDENTS OF MARTIN LUTHER KING, JR. MIDDLE SCHOOL

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the students of Martin Luther King, Jr. Middle School in Madera, CA for their awareness and concern for the importance of soil for America's farmers. These students exemplify a care for the community and a dedication to hard work.

The students of Martin Luther King, Jr. Middle School promoted awareness of soil in 1993 through student research and letters to soil scientists in all 50 States. The students received a tremendous response from all over the country about many diverse soils, including information and samples. The students began to initiate conversations with—and enlisted the help of—a number of soil scientists as they looked at the possibilities of writing a solution to the problem of soil awareness.

The title of the interdisciplinary project that was created is "Proposing an Official State Soil—Preserving a Legacy to Future Generations." The program focuses on California soil and the Martin Luther King, Jr. Middle School student body, which studied the processes of promoting legislation, the historical events that have taken place on and the practical uses of California soil.

Students researched the history and origin of soil, worked on statistics utilizing various soil characteristics, and wrote a resolution known as Senate Bill Number 389, which proposed an adoption of the San Joaquin Series Soil as the Official State Soil. On April 17, 1997, the Senate passed SB–389.

The support and guidance of Ron Williams, principal of Martin Luther King, Jr. Middle School, and Alex Lehman, were instrumental in the success of the program. Additional support was provided by additional faculty at Martin Luther King, Jr. Middle School, including: Nadia Samarin; Mike Dawson; Teresa Varlas; and Bill Lutjens.

Mr. Speaker, it is with great honor that I pay tribute to the students of Martin Luther King, Jr. Middle School. Their commitment to raising soil awareness is commendable to say the least. I ask my colleagues to join me in wishing the students of Martin Luther King, Jr. Middle School best wishes for future success.

A TRIBUTE TO MARIO DE LOS COBOS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor Mario de los Cobos for his dedicated service to the Ventura County Economic Development Association [VCEDA] and for his personal and civic leadership in our community.

VCEDA is a nonprofit organization dedicated to providing a link between the private and public sector. They serve our community by focusing on any and all issues which may affect our region from education to the environment. As president of VCEDA, Mario's main contribution was his work with the Economic Development Collaborative, where he was instrumental in assuring that the private sector would have a voice in the use of defense conversion grants and earthquake disaster relief. His dedication to building bridges between the private and public sectors is extraordinary.

Mario has also served as a reserve police officer for 7 years. His desire and work toward making the community a better and safer place to live is greatly appreciated. But most outstanding is Mario's commitment to the leadership of our people. He has served on the

board of directors for the Ventura County Community Foundation, as chairman of the board of the United Way and as a member of the Governor's task force for Camarillo State Hospital. He has done this all in the name of making life better for as many people as possible in our community. It is for this extraordinary dedication to our community that we honor him here today.

Henry David Thoreau once said that doing good was the only full profession. Mario believes that doing good is not only a profession but a way of life. I join Mario's family, friends, colleagues and the citizens of our community in recognizing Mario de los Cobos for his leadership and community service. It is an honor to represent him and I wish him luck on all future endeavors.

HONORING JUNIOR ACHIEVEMENT OF SOUTH CENTRAL PENNSYLVANIA ON THEIR 35TH ANNIVERSARY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. GOODLING. Mr. Speaker, I am pleased to recognize Junior Achievement of south central Pennsylvania on their 35th anniversary. This evening many business leaders, educators, students and families will gather for the 35th Anniversary Celebration of Excellence and Hall of Fame.

Junior Achievement has provided great opportunity to students by helping them learn the basic principles of business and competition, thereby creating the most skilled and competitive work force ensuring America continues as a leader in the world marketplace. They have fostered partnerships in the community and provided a real link between the classroom and the business community by giving students hands-on experience and the chance to work with professionals.

I am also pleased to honor a close friend, Jacqueline Summers, who has been instrumental in making Junior Achievement the quality organization it is. Jackie is a special person whose hard work and determination ensures excellence in everything she does.

I would like to recognize the chairman of the board, Robert Herzberger. Mr. Herzberger is the executive vice president of York Federal Savings and Loan. His knowledge and expertise has fostered the great success Junior Achievement has had in developing partnerships between business and education.

Mr. Speaker, this year two business and community leaders from Pennsylvania's 19th Congressional District will be inducted into the Hall of Fame. I am pleased to announce that Phillip H. Gladfelter II and Henry D. Schmidt will be the very first inductees. These gentlemen were the founders of Junior Achievement of south central Pennsylvania. Their vision and dedication has enabled thousands of young people to have access to the American dream.

What started out with 300 students in 1961 has grown to serve nearly 9,000 students from grades kindergarten through 12 in south central Pennsylvania. As chairman of the House Committee on Education and the Workforce, I am extremely proud to honor and celebrate this example of excellence. Junior Achievement has been a tremendous success and is well deserving of special recognition.

THE SCHOOL BUS SAFETY ACT OF 1997

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. TRAFICANT. Mr. Speaker, since 1985, 1,478 people have died in school bus-related crashes—an average of 134 fatalities per year. Although school bus related travel is the safest mode of transportation on America's roads today, more can, and should, be done to ensure the safety of this country's most cherished resources—our children. That is why I have introduced legislation that improves on existing technologies and maximizes safety for the 24 million children who ride buses to and from school each day.

My bill directs the U.S. Department of Transportation (DOT) to set national proficiency standards for school bus drivers. It directs the National Highway Traffic Safety Administration to develop guidelines on the safe transportation in school buses of children under the age of five. It also applies Federal Motor Carrier Safety Regulations to interstate school bus operations. The bill also requires: a decrease in the flammability of materials used in the construction of the interiors of school buses; the establishment of construction, design, and securement standards for wheelchairs used in the transportation of students in school buses; and that buses be equipped with bumper sensors, wheel guards and a system that detects a trapped obstacle in the door of the vehicle. The legislation requires the establishment of a national criminal history background check system to enable local education agencies, or contractors, to check the criminal background of any person applying for employment as a bus driver. It requires the Transportation Research Board of the National Academy of Science to conduct a study of the safety issues attendant to transportation of school children to and from school and school-related activities by various transportation modes, including public transit vehicles. And finally, my bill establishes a pilot program for one school district in the country to assess the benefits of equipping school buses with shoulder harness mechanisms, similar to the equipment used by flight attendants on passenger aircraft.

My bill makes modest common sense reforms to ensure that the children who ride our school buses each day have the safest mode of transportation possible. I urge my colleagues to support this important piece of legislation.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. ENGEL. Mr. Speaker, I was necessarily absent during rollcall vote 210. If present, I would have voted "aye" on rollcall 210.

TRIBUTE TO THE NEGRO BASEBALL LEAGUE

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. LEWIS of Georgia. Mr. Speaker, it is with great pride that I bring the attention of my colleagues to a very special event occurring in Atlanta, GA, next week. On the weekend of June 27, the Atlanta Braves and BellSouth will host a reunion and recognition event in honor of the legendary teams and players of the Negro Baseball League. Approximately 100 Negro leaguers from around the country, fans and friends will be convening in Atlanta to celebrate the remarkable achievements of an unheralded group of African-American men, members of the Negro Baseball League.

In this 50th anniversary year of Jackie Robinson's historic breaking of the color barrier in major league baseball, it is fitting and appropriate that Congress, citizens of Atlanta, and the entire Nation take a moment to pay tribute to the great African-American teams and players that made sports history. These were athletes who played with teams such as the Kansas City Monarchs, the New York Black Yankees, and the Baltimore Elite Giants. In the South, we had the Atlanta Black Crackers and the Birmingham Black Barons, to name but a few. Their daily triumphs were ignored by major newspapers of the Jim Crow era and their accomplishments have all but been overlooked in the annals of sports history. It cannot be denied, however, that the Negro Baseball League and the players that formed these teams made immeasurable contributions to America's favorite pastime, our national sport, baseball.

The term "Negro Leagues" describes the all-professional, all-Negro baseball teams operating between 1880 and 1955, hundreds of which traveled throughout the United States during that time. The first Negro leagues started out in Kansas City, MO. Despite the hardships imposed by the Nation's rigid racial barriers, the Negro leagues managed not only to survive, but to thrive and grow. Even the prevailing myth of white supremacy could not deny the talents of these men. Author Robert Peterson, who chronicled the story of the leagues, perhaps summed it best with the title of his book, "Only the Ball Was White."

The league served as a showcase of talent and entertainment. The players were truly living legends. Many of the names of the great stars and the teams live on and form an integral part of our cherished sports history. The legendary Satchel Paige was a pitcher whose name is still synonymous with excellence. The

league's Josh Gibson was one of the game's greatest hitters. Willie Mays, Roy Campanella, and the homerun king of all time, Hank Aaron, are all legends of the Negro Baseball League.

The significance of the leagues went far beyond the world of sports. The men who formed these teams were pioneers in nurturing and fostering self-pride among African-Americans. These sports heroes have left a powerful legacy that has enriched American history.

As some of the living legends of Negro baseball gather in Atlanta this month, I know my colleagues will join me in sending these outstanding men our appreciation for their glorious accomplishments and the enduring memories they have inscribed in the hearts and minds of millions of Americans.

IN HONOR OF BOB PRALLE ON HIS EIGHTIETH BIRTHDAY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Ms. SANCHEZ. Mr. Speaker, I would like to take this opportunity to honor Bob Pralle on his 80th birthday, June 29, 1997.

Bob Pralle is a remarkable individual whom I am proud to call a friend. His birthday is an excellent opportunity to recognize the tremendous contributions that he has made to the Orange County community throughout those 80 years.

As a trustee at Chapman University in Orange, CA, which is my alma mater, Bob has given his time and resources to further the educational goals of many individuals. To this extent, he has provided scholarships for college students, including myself, who may not have otherwise had the opportunity to pursue their dreams.

Over the years, Bob has given freely of his time and energy. His contributions as a major benefactor for the Providence Speech and Hearing Clinic have increased the effectiveness of this organization. As a co-founder and major supporter of the Stanton Boys and Girls Club he has provided a place of recreation for young boys and girls while providing them with a sense of community.

His important gifts to society as a fundraiser and philanthropist for the United Way and numerous other community charities in southern California have distinguished Bob as a generous champion of humanity. Time and again Bob has given tirelessly of himself.

Bob Pralle is not only very special to me and to the numerous organizations to which he has given time and service, he is also very special to his family and his loyal friends. In so many ways, he has given time, hope, and inspiration to so many people.

I would like my colleagues to join me in wishing this very special individual, Bob Pralle, a very happy 80th birthday.

COLORADO AND THE TENTH AMENDMENT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today for the benefit of my colleagues and out of respect for the Colorado General Assembly, to enter Colorado House Joint Resolution 97–1027 into the RECORD. As the necessary and long-overdue process of welfare reform moves forward, I believe it is essential that Congress pay special attention to our State governments. Colorado House Joint Resolution 97–1027 passed by a vote of 59 to 6 in the House and unanimously in the State Senate, and I believe my colleagues should consider the opinions expressed by the people of Colorado through the following resolution:

HOUSE JOINT RESOLUTION 97–1027

By Representatives: McPherson, Adkins, George, Kaufman, Pfiffner, T. Williams, Allen, Anderson, Arrington, G. Berry, Clarke, Dean, Epps, Gotlieb, Keller, Lamborn, Lawrence, Miller, Musgrave, Nichol, Paschall, Schwarz, Sinclair, Smith, Sullivant, Swenson, Tool, Udall, and Young.

Also Senators: Lacy, B. Alexander, Ament, Coffman, Congrove, Schroeder, Arnold, Bishop, Blickensderfer, Chlouber, Dennis, Duke, Feeley, Hernandez, Hopper, J. Johnson, Martinez, Matsunaka, Mutzebaugh, Norton, Pascoe, Perlmutter, Phillips, Powers, Reeves, Rizzuto, Rupert, Tanner, Tebedo, Thiebaut, Wattenberg, Weddig, Wells, and Wham.

Whereas, The federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996", Public Law 104–193, herein referred to as the "Act", was passed by the United States House of Representatives on July 18, 1996, and the United States Senate on July 23, 1996, and signed into law by President Clinton on August 22, 1996 and

Whereas, Article III of such Act addresses the several states obligation to provide child support enforcement services and mandates that the state adopt certain procedures for the location of an obligor and the establishment, modification, and enforcement of a child support obligation against such an obligor; and

Whereas, The members of the Sixty-first General Assembly recognize the importance of assuring financial support for minor and dependent children; however, the General Assembly finds that those procedures specified in the Act include such far reaching measures as the following:

(1) The necessity to implement the "Uniform Interstate Family Support Act", as approved by the American Bar Association and as amended by the National Conference of Commissioners on Uniform State Laws, which uniform act allows for the direct registration of foreign support orders and the activation of income-withholding procedures across state lines without any prior verification, certification, or other authentication that the child support order or the income-withholding form is accurate or valid and without a requirement that notice of such withholding be provided to the alleged obligor by any specified means or method, such as by first-class mail or personal service, to assure that the individual receives proper notice prior to the income withholding;

(2) Liens to arise by operation of law against real and personal property for amounts of overdue support that are owed by noncustodial parent who resides or owns property in the state, without the ability to determine if a lien exists on certain property;

(3) The obligation of the state to accord full faith and credit to such liens arising by operation of law in any other state, which results in inadequate notice and the inability of purchasers to have knowledge or notice of such liens;

(4) A duty placed upon employers to report all newly hired employees, whether or not the employee has a child support obligation, to a state directory of new hires within a restricted period after the employer hires the employee;

(5) The requirement that social security numbers be recorded when a person applies for a professional license, a commercial driver's license, an occupational license, or a marriage license, when a person is subject to a divorce decree, a support order, or a paternity determination or acknowledgment, or when an individual dies, whether or not the person has an obligation to pay child support;

(6) A requirement that the child support enforcement agency enter into agreements with financial institutions doing business in the state in order to develop, operate, and coordinate an unprecedented and invasive data match system for the sharing of account holder information with the child support enforcement agency in order to facilitate the potential matching of delinquent obligors and bank account holders;

(7) Procedures by which the state child support enforcement agency may subpoena financial or other information needed to establish, modify, or enforce a support order and to impose penalties for failure to respond to such a subpoena and procedures by which to access information contained in certain records, including the records of public utilities and cable television companies pursuant to an administrative subpoena; and

(8) Procedures interfering with the states' right to determine when a jury trial is to be authorized; and

Whereas, the Act mandates numerous, unnecessary requirements upon the several states that epitomize the continuing trend of intrusion by government into people's personal lives; and

Whereas, the Act offends the notion of notice and opportunity to be heard guaranteed to the people by the Due Process Clauses of the 5th and 14th Amendments to the Constitution of the United States; and

Whereas, the Act offends the 10th Amendment to the Constitution of the United States, which provides that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

Whereas, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, the Act imposes upon the several states further insufficiently funded mandates in relation to the costly development of procedures by which to implement the requirements set forth in the Act in order to preserve the receipt of federal funds under Title IV–D of the "Social Security Act", as amended, and other provisions of the Act; Now, therefore, be it

Resolved by the House of Representatives of the House of Representatives of the Sixty-first

General Assembly of the State of Colorado, the Senate concurring herein: That we, the members of the Sixty-first General Assembly, urge the Congress of the United States to amend or repeal those specific provisions of the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" set forth in this Resolution that place undue burden and expense upon the several states, that violate provisions of the Constitution of the United States, that impose insufficiently funded mandates upon the states in the establishment, modification, and enforcement of child support obligations, or that unjustifiably intrude into the personal lives of the law-abiding citizens of the United States of America. Be it further

Resolved That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives and the President of the Senate of each state legislature, and Colorado's Congressional delegation.

Charles E. Berry, Speaker of the House of Represenatatives.

Tom Norton, President of the Senate.

Judith Rodrigue, Chief Clerk of the House of Representatives.

Joan M. Albi, Secretary of the Senate.

TRIBUTE TO THE FRESNO CITY COLLEGE VOCATIONAL TRAINING CENTER

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Fresno City College Vocational Training Center. The guidance and teachings supplied by this organization improves the economic health of the community, providing high quality education to students and top quality technical workers for employers.

The Vocational Training Center of Fresno City College has been serving residents of Fresno, CA and the surrounding area for more than 20 years. During that time, hundreds of local people have learned new technical skills to improve their careers and become gainfully employed in the business community.

The Vocational Training Center stresses practical skills that are directly employable in local industry. It is the belief of the center that a "hands-on" approach to training best prepares students for their respective careers. In addition, the "on-the-job" atmosphere teaches students the proper care and maintenance of tolls, facilities, and work-place discipline.

Businesses recognize the quality of training graduates receive, and students are learning the skills the industry needs. This has been one of the most important components of the Vocational Training Center's success and is demonstrated by its remarkable placement record, as approximately 80 percent of its graduates move directly into jobs upon graduation.

The Vocational Training Center owes its success to the cooperation between the staff of Fresno City College Vocational Training Center and local business leaders who have worked to make the Center's program reflect the requirements of local industry, while meeting the educational needs of its students. This relationship will ensure the success of future Vocational Training Center graduates.

Mr. Speaker, it is with great honor that I pay tribute to the Fresno City College Vocational Training Center. The education provided by this center contributes to the betterment of the community while providing individuals with resources needed in the industry today. I ask my colleagues to join me in paying tribute to an organization that satisfies the employment and educational needs of the community.

WE MUST BE FAIR TO OUR DISABLED VETERANS WHO WORK FOR OUR UNIFORMED SERVICES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. DELLUMS. Mr. Speaker, I rise to state the reasons why I am a cosponsor of H.R. 303, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have service-connected disabilities to receive compensation from the Department of Veterans Affairs concurrently with retired pay, without deduction from either. The bill efficiently states that it will permit certain veterans with service-connected disabilities who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either.

I believe that additionally we need to articulate why this bill was introduced and why we need to support it. Recent military engagements and conflicts have highlighted again the contributions of this Nation's military and retired veterans. Integral to the success of our military forces are the servicemen and servicewomen who have made a career of defending their country, who in peace time may be called to places remote from their families and loved ones, and who in war or peace keeping actions, face the prospect of death or disabling injury as a constant possibility.

Present law, enacted in the nineteenth century, forbids veterans who are both retired and disabled from receiving concurrent receipt of full retirement pay and disability compensation pay. This law rules that the veteran may receive one or the other or must waive an amount of retirement pay equal to the amount of disability compensation pay. It should be noted that no such deduction applies to the Federal civil service so that a disabled veteran who has held a nonmilitary Federal job for the requisite period receives full longevity retirement pay undiminished by the subtraction of disability pay.

H.R. 303 urges Congress to make the necessary statutory change to correct this injustice and discrimination so that America's occasional commitment to war in pursuit of national and international goals may be matched by an allegiance to those who made sacrifices on behalf of those goals.

IN HONOR OF NORMAN KRUMHOLZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Norman Krumholz on the occasion of his 70th birthday.

Norman Krumholz has been a wise adviser and dedicated public servant to Cleveland, OH. Norm was the planning director for the city of Cleveland from 1969 to 1979. His constant presence at the helm of the city's planning department under three separate administrations was an incredible feat. It testifies to the quality of his vision and of his work.

Norm is a great teacher. He is an outstanding professor in the Levin College of Urban Affairs, Cleveland State University. He is a published author of many professional articles, in such prestigious journals as the "Journal of the American Planning Association," the "Journal of Planning Education and Research," and the "Journal of Urban Affairs." He is also the author of a book, "Making Equity Planning Work: Leadership in the Public Sector," published by Temple University Press.

Norm's contribution has been recognized by his peers. He served as the president of the American Planning Association and received the APA Award for Distinguished Leadership and the Prize of Rome from the American Academy in Rome.

Mr. Speaker, Norman Krumholz left his mark on the city of Cleveland. I had the distinct pleasure of his expertise during my administration. I am grateful for his contribution, and Cleveland is a better city for it.

SENATE—*Friday, June 20, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND.]

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, often we speak of Your omnipotence and omniscience. Today, we contemplate Your loneliness. You created us to know and love You. With vulnerability, You gave us freedom to choose to respond to You and fill the void in Your heart shaped by each of us. We are profoundly moved that there is a place each of us can fill. All through human history You have been seeking, searching, questing for humankind's response of faith and trust in You. You have revealed Yourself and are yearning to have us in a right relationship with You. You have ordained that You would enter the affairs of humankind at our invitation and exercise Your care and guidance through us. You have all power, and yet, You have chosen to work through us. This has great meaning for us.

You have called the Senators to lead this Nation. You will seek entry into the momentous as well as the mundane details of this day through them.

And so, in this quiet moment we all are drawn back to You by the magnetism of Your love and yield all we will do today to Your sovereign guidance. It is awesome to realize how much we mean to You and how much You trust us to seek and do Your will. Here we are: ready, willing, and listening for Your direction, for You are our Lord and Saviour. Amen.

Ms. COLLINS addressed the Chair.

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Maine, is recognized.

SCHEDULE

Ms. COLLINS. Mr. President, on behalf of the majority leader, today the Senate will resume consideration of the defense authorization bill. The majority leader has stated that it is his hope that Members will be present to offer their amendments during today's session. However, no rollcall votes will occur today. Senator LOTT announced last night that any rollcall votes ordered on or in relation to any amendments offered to the defense bill today will be set aside.

In addition, the majority leader has stated that the Senate will begin consideration of the budget reconciliation bill on Monday. Amendments are anticipated to the reconciliation bill. However, any rollcall votes ordered on Monday will be stacked to begin at 9:30 on Tuesday morning as well. Therefore, Senators should be aware that the next series of rollcall votes will begin at 9:30 a.m. on Tuesday.

The majority leader would also like to remind all Members that next week is the last legislative week before the Fourth of July recess. Senators should be prepared for a very busy week of session and rollcall votes beginning on Tuesday and occurring throughout the week as we complete the reconciliation process.

I thank my colleagues for their attention.

Mr. WELLSTONE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

Madam President, I ask unanimous consent that I be allowed and other Senators be allowed to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

THE RECONCILIATION BILL

Mr. WELLSTONE. Madam President, I was on the floor yesterday speaking about the reconciliation bill. I decided to not go forward with an amendment today. The amendment that I was considering offering, and the amendment I offered yesterday to the intelligence bill, speak to the issue of tax fairness. But the reconciliation bill will be on the floor next week, and the DOD reauthorization is not going to come up in any case until after the reconciliation bill. So I will wait until next week and then offer amendments directly to the reconciliation bill.

Madam President, let me just start out with a piece from the National Journal of June 21. The caption is "Fighting Over Taxes."

I quote:

In the coming weeks Wall Street will be lobbying in support of all the new tax measures it likes, notably capital gains tax cuts, expansion of IRA's, and trying especially in the Senate to keep unwanted provisions out of the final bill. "We have to make sure that they are not offered on the floor to pay for some other provisions," said Bruce E. Thompson, Jr., the head lobbyist of the Washington office of Merrill Lynch & Co.

Madam President, I think this is the real question about this tax bill that is before us. The question is, who really has say in this process.

Let me just go back to some charts—again, the Department of Treasury analysis.

Looking at the House bill, the tax cuts disproportionately help those who need help the least. If you look at the share of tax cuts by family income, the top fifth get almost 70 percent of the benefit of the tax cuts, the top fifth. Then the fourth fifth gets 19 percent of the cuts; the third fifth, 9.2 percent; the second fifth, 2.4 percent; the bottom fifth, less than 1 percent. In other words, the bottom 40 percent of the population get a total of about 3 percent of the benefits of these tax breaks; the third fifth, the middle class, gets about 9.2 percent. Then you get to the top fifth, the top 20 percent, they get almost 70 percent of the breaks. So you have about 80 percent of the benefits going to the top 40 percent, and almost 70 percent of the benefits going to the top fifth. This is just unbelievable.

Just look at the next chart. This shows the dollar amount that families get.

Again, the source here is the Department of the Treasury, Office of Tax Analysis: If you have an income of $400,000 a year, or over, you will get about $7,000 a year in benefits under these tax proposals. Congratulations. If you earn $200,000 and up, you are going to get about $3,706. But on the other hand, if you are down here in the $30,000 to $40,000 range, you get $152. If you are $15,000 to $30,000, you get about $52. A buck a week.

If you look at the tax cuts on the House side, and the way in which they are back loaded because of the capital gains cuts and the IRA's, you are talking about an erosion of revenue to the tune of about $950 billion by the time we get to the year 2017. It is not just the first 10 years that matters. It is what happens in the second 10 years that is tragic. This is not my analysis. It is the Joint Tax Committee and the Center on Budget & Policy Priorities.

By the way, Bob Greenstein, who is the director of that Center—people can agree or disagree with some of Bob's views on different issues—but his data analysis is impeccable. Bob received the MacArthur award, the genius award, for the work he does. And you add to his reputation Congress' own Joint Tax Committee.

On the one hand, Members of Congress say they are for deficit reduction, and then they go forward with this erosion of the revenue base via back-loaded tax cuts. That is bad enough. The second thing that is bad enough, or even worse, is what is going to be the tradeoff. We are going to have more and more people that are going to be 65 years of age and over, and more and more people that are 85 years of age

and over. We will have the pressure of supporting them financially and covering their medical costs, and we will end up either running the deficits back up again, or we will be cutting into what little is left by the way of investment and education programs for our children and for our grandchildren.

But what makes this really unconscionable is basically we are talking about tax cuts that go to people on the top.

Let me quote a Washington Times headline from today: from Speaker GINGRICH—"Gingrich Derides Democrats' Tax Cut Proposal As Welfare."

This is unbelievable. What the Speaker is worried about is that Democrats—I hope—are going to be on the floor of the Senate next week, and in the House, focusing on the welfare of working families.

Let's not have a play on words here. This is not a debate about welfare policy. This is a debate about the welfare of working families and their children. That is not rhetoric. That is what this is all about.

So, Madam President, I will suggest to you—and we will see what happens next week—that people in the country are going to be sorely disappointed and people in the country are just going to shake their heads in disbelief. And people in cafes in Minnesota and Maine, when they finally get a look at who is really going to get the benefits, are going to say, "Wait a minute. We thought you were talking about tax cuts for our hard-pressed families." And they are going to find out that is not the case at all.

Apparently, we made some progress in the Finance Committee last night, at least for some of the people who are in the $20,000 to $25,000 range who weren't going to be getting any child care credit because they received earned income tax credit. These are working poor people. At least now they're not going to be a 100-percent offset, and some of these families are going to be able to get some child care credits.

But, Madam President, this still begs the question as to why in the world giving these families a benefit is even controversial. Don't we want to make sure that working families' children also get benefits? Don't we want to make sure that these tax cuts are not tilted and skewed toward the very top—the top fifth—of the population that gets the lion's share of all the benefits? Don't we want to target precious dollars toward middle-income people and toward working families?

That is not what this legislation is all about. That is not what these tax cuts are all about. That is not what is going to be reported out on the floor of the Senate.

Madam President, I just want to mention one other area that I know is near and dear to the Presiding Officer's heart. That is higher education. I want to be critical of Democrats and Republicans on this. I still say that we are making a mistake here by underreaching. If we are going to say that we are concerned about higher education not being affordable, and we are going to claim to focus on getting support for the people who need it most, how can we talk about tax credits that are not refundable? Nonrefundable HOPE tax credits mean that many of these families with incomes of $20,000 to $25,000 a year are not going to get anything because they don't have any tax liability. That is why the Pell grant is a far better way of getting help to the people who need it. The IRA's are great if you can afford to put the money in savings. We already have the tax incentives for working families to do that. They can't do any more.

The problem for many people is they still struggle very hard to earn a decent living and to raise their children successfully. To raise your children successfully means to try to be able to send your kids to college or to a university. But so many struggling families just don't have any money to put into savings.

So let's just not fool anybody here. We don't have, really, anything that I see in this tax cut, in this reconciliation bill, that as a matter of fact is going to make higher education affordable for those families that have had the most difficult time. We have had a flat 8 percent graduation rate for families with incomes under $20,000 a year since about 1979. That is scandalous. We ought to be making sure that those families are part of the American dream as well, and we ought to reach well into the $20,000 and $30,000 range of hard-pressed, middle-income working families. We are not doing that. The President's proposal does not do that and certainly the alternatives we have here do not represent a step forward. They represent a great leap backwards.

Madam President, let me just finish up with a kind of appeal —I will have amendments next week which will be very specific, and we will have up or down votes on them—but right now, I want to make just a broad appeal. I am grateful for whatever improvements have been made in the Finance Committee. I thank all my colleagues for their work. They have made some improvements. However, like my good friend Jim Hightower likes to say, you can put an earring on a hog, but you still can't hide the ugliness. A couple of earrings don't make a hog beautiful. You can put a couple of earrings on this tax cut, this reconciliation bill, but you can't make it beautiful; you cannot hide the ugliness.

Madam President, I ask unanimous consent I have 3 more minutes to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. When you have a tax cut bill, a reconciliation bill that gives the vast majority of the benefits to those people at the very top and gives middle-income and working families the shaft, you don't have justice. You don't have a bill that represents expanding opportunities. And, as I said, fix it up, do your best, but, again, you can put an earring on a hog, but that won't hide the ugliness. You are not going to be able to hide it from people in the country.

Next week we are going to have one heck of a debate. My appeal is that we work together here in this body. But my appeal also is to the President: I hope you will hold the line. During the last campaign the President talked about economic fairness. Boy, if there ever was a place to draw the line and have a debate, it is here. To Democrats, my colleagues, I hope you will come out here with an alternative. I hope we will be united behind it, and I hope we will stay strong. Because this piece of legislation is the exact opposite of what most folks mean by fairness. It is no wonder that most people in the country think there has been a hostile takeover of the government process. They know who has been in there lobbying, they know who is going to get the vast majority of the benefits, and they can see that it does not have a whole lot to do with them. That is the disconnect in American politics today. This reconciliation bill, this tax cut, represents a huge disconnect to middle-income and working families. It is an outrage.

Let me just conclude by asking unanimous consent that a Wednesday, June 18, piece, "Rising College Costs Imperil the Nation, Blunt Report Says," from the New York Times and a Washington Post piece, June 18, "Colleges' Failure to Resolve Funding May Bar Millions from Attending, Study Finds," be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 18, 1997]

RISING COLLEGE COSTS IMPERIL THE NATION, BLUNT REPORT SAYS

(By Peter Applebome)

The nation's colleges and universities need to cut costs dramatically or face a shortfall of funds that will increasingly shut out the poor from higher education and from economic opportunity as well, according to a blunt and far-ranging assessment of American higher education that was made public yesterday.

The report, by a panel of public and private university officials and corporate executives, says that rising costs, falling public spending and a coming surge in demand are making the economics of American higher education increasingly unsupportable.

If current enrollment, spending and financing trends continue, the report said, higher education will fall $38 billion short of what it needs to serve the expected student population in 2015. To sustain current spending, it

said, tuition would have to double by 2015, effectively shutting off higher education to half of those who would want to pursue it.

The report focuses on one of the great unspoken dilemmas in President Clinton's push to make at least two years of college as common as a high school diploma: higher education is expensive, students pay only a small share of their costs and, while bringing increasing numbers of low-income students into higher education will have long-term economic benefits, it will also have enormous short-term economic costs.

On the other hand, the report said, with education increasingly crucial to economic advancement, cutting off access to education—particularly to the poor and to immigrant groups who increasingly dominate the student population of states like California, Florida, New York and Texas—would have enormous consequences for the nation's social fabric.

The report, "Breaking the Social Contract: The Fiscal Crisis in Higher Education," calls for a radical restructuring of universities, including an effort to overhaul university governance to limit the power of individual departments, redefining and often reducing the ambitions of different institutions and a sharing of resources between institutions.

The report also calls for more public financing, but it stresses that changes in the system should be prerequisites to any increases.

"The facts are irrefutable," said Thomas Kean, the former New Jersey Governor who is now president of Drew University and is a co-chairman of the panel that wrote the report. "We are heading for a crisis at the very time we can least afford one."

The panel, the Commission on National Investment in Higher Education, is made up of academic and business leaders convened by the Council for Aid to Education, an independent subsidiary of the Rand Corporation.

Experts say that higher education is already being reshaped by such forces as technology or competition from for-profit institutions, so that a straight-line extrapolation from current economic figures is difficult. And higher education is such a varied enterprise in the United States that a crisis for a public college in California does not necessarily mean a crisis for Harvard or Princeton.

Still, Roger Benjamin, president of the Council for Aid to Education, notes that even rich universities like Yale and Stanford have faced deficits and retrenchment in recent years.

And officials in state systems, which educate the majority of Americans, say the gap between resources and costs in higher education is becoming ever more daunting.

Charles Reed, chancellor of the State University System of Florida, said that over the next 10 years Florida would face a 50 percent increase in students at its public four-year institutions, to 300,000 from 210,000.

Barry Munitz, chancellor of the California State University System, said California was midway through a half-century of population growth and demographic change that would see the number of children in kindergarten through the 12th grade almost double, to about eight million, and go from about 75 percent white in 1970 to about 75 percent minority in 2020.

Population growth will only accelerate the financial problems facing higher education, the report said. It noted that the index measuring the increases in the price paid by colleges and universities for goods and services, like faculty salaries, rose more than sixfold from 1961 to 1995. The annual rate of growth in the cost of providing higher education exceeded the Consumer price Index by more than a percentage point from 1980 to 1995, the report said.

And, while costs have gone up, public support has not. Since 1976, public support per student has just kept up with inflation, while real costs per student have grown by about 40 percent, the report said.

To make up the difference, tuition has risen dramatically, with tuition and fees doubling from 1976 to 1994. But the report said that a similar doubling between now and 2015 would have a catastrophic effect on access, pricing as many as 6.7 million students out of higher education.

"If you were to announce that, given fiscal pressures, the door to social mobility that was good enough for the old generation is really no longer needed by the new one, you might as well stick a ticking bomb inside the social fabric of this country," Chancellor Munitz said.

While calling for more public support, the report said that a solution with colleges and universities themselves.

"Given the magnitude of the deficit facing American colleges and universities, it is surprising that these institutions have not taken more serious steps to increase productivity without sacrificing quality," the report said.

The report's recommendations for restructuring—from sharing a library with other institutions to eliminating weak programs—are not new, but there are enormous political and institutional barriers in the way of a major economic overhaul of higher education. Still, some experts say institutions have no option but to find ways to operate more efficiently.

"The ability to maximize revenue, given the competitive pressures for state dollars on the one hand and the resistance to future increases in tuition on the other, has about run its course," said Stanley Ikenberry, president of the American Council on Education, a leading advocacy group, which was not involved in the report. "All of that's putting more and more pressure on the operating side of the budget."

[From the Washington Post, June 18, 1997]

COLLEGES' FAILURE TO RESOLVE FUNDING MAY BAR MILLIONS FROM ATTENDING STUDY FINDS

(By Rene Sanchez)

A new report on the nation's universities warns that the pressures of growing enrollment, rising tuition, and declining funding have put campuses on a dangerous financial course and threaten to exclude many students from higher education.

The report, by the Rand Corp., draws a bleak portrait of the financial problems facing universities and suggests that many of them are "floundering" in their attempts to solve those problems.

Thomas Kean, a former governor of New Jersey who helped lead the study, said that if current campus trends in funding and enrollment continue into the next century "millions of Americans will be denied the opportunity to go to college."

The report concludes that neither public nor private support of colleges is keeping pace with campus costs or student enrollment. The report projects that by 2015, the number of full-time college students will swell to 13 million, about 3 million more than now.

That growth, spurred largely by the increasing necessity of a college degree in the nation's labor market, is occurring as college tuition costs are continuing to outpace inflation. Nationally, average college tuition per student, adjusted for inflation, has nearly doubled in the past 20 years, the report concludes.

If that pattern were to continue for another 20 years, the report asserts, more than 6 million students "will be priced out of the system."

Higher education officials said yesterday that the long-term analysis of colleges presented in the report appears to be sound.

"It defines the problems well, and speaks candidly about what states and institutions have to do to try to solve them," said Stanley Ikenberry, president of the American Council on Education, a Washington group that represents more than 1,300 colleges and universities.

Leaders of the study faulted both the federal government and, in particular, states for not making stronger financial commitments to higher education. But they also stressed that the management habits of colleges are a substantial part of the problem.

The report sharply criticizes the way many colleges manage their money, arguing that the financial decisions they make are often "cumbersome and even dysfunctional in an environment of scarce resources." The report urges universities to define their missions more precisely, streamline services, and do more to measure faculty productivity. On many campuses, the report notes, the response thus far to growing financial crises has been "partial and ad hoc."

It also recommends that universities share more of each other's resources and try to save money in the years ahead by relying more on new computer technology and the Internet as tools for class instruction and scholarly research.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The PRESIDENT pro tempore. The Senate will now resume consideration of S. 936, which the clerk will report.

The bill clerk read as follows:

A bill (S. 936) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Cochran-Durbin amendment No. 420, to require a license to export computers with composite theoretical performance equal to or greater than 2,000 million theoretical operations per second.

AMENDMENT NO. 420

The PRESIDING OFFICER. The pending question is the Cochran amendment No. 420.

The Senator from South Carolina.

Mr. THURMOND. Madam President, I would like to remind the Members of the Senate if they have amendments to this bill, the Defense authorization bill, they come down and offer them. Now is the time. There is no use to put it off. We have set aside this morning to consider these amendments, and we hope they will not delay.

I yield to the able Senator from West Virginia.

Mr. BYRD. Madam President, I ask unanimous consent that I may speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

EGYPT AND THE MIDDLE EAST PEACE PROCESS

Mr. BYRD. Madam President, the Republic of Egypt has been an outstanding leader in the Arab world in bringing an historic reconciliation between the state of Israel and its neighbors, including the Palestinians. Egyptian leaders, including President Sadat as well as the present leader, President Mubarak, have dedicated substantial energy toward such a reconciliation. There has been constant, difficult opposition to this process in the region. President Sadat's tireless and courageous dedication to peace in the Middle East cost him his life. He paid the supreme sacrifice at the hands of an assassin. And he left a lasting legacy in fashioning the Camp David Accords together with Prime Minister Begin of Israel, through the good offices of President Jimmy Carter.

In the Middle East it has always taken three to tango. Advancing the process of making peace has required the dedication of the leaders of all three countries, Israel, Egypt and the United States. What is so dangerous about the current period is the apparent flagging of this dedication on the part of the government of Prime Minister Netanyahu, which has promoted the construction of new, and entirely unnecessary Jewish settlements in Arab portions of Jerusalem, a development sure to engender violence and the disruption of the peace process. Indeed, as I have said before on this floor, it was just when there appeared to be hopeful momentum toward resolving the outstanding issues between Israel and her neighbors that the right wing in Israeli politics initiated settlement construction activities and pulled the rug out from under this momentum. Unfortunately, attempts by President Clinton to revive this process were less than successful, in part, because of deep inconsistencies in the approach of the United States which appeared only half-heartedly—only halfheartedly—to protest the settlement construction activity on the part of the Netanyahu government. Unfortunately, the United States vetoed United Nations Security Council Resolutions protesting the settlement construction, which has, in effect, taken the United States out of the strong intermediary role that it needs to play for lasting progress to be made.

It was precisely at this point—with the Israeli right acting to put the brakes on the peace process, and only a perfunctory attempt, only a half-hearted attempt by the United States Administration to revive the peace process—that Egypt has stepped in again to use its influence to infuse new energy into the complicated dance steps of the Middle East peace process. President Mubarak arranged for meetings last month at Sharm el-Shiek between Palestinian and Israeli leaders and has shown himself to be in the Egyptian tradition in exercising courage and creativity to bring the parties together again. Indeed, President Mubarak has assigned a key aide to act as a troubleshooter and intermediary between the Israelis and Palestinians, and has sponsored an ongoing dialogue which has been praised by U.S. and Israeli officials alike. This Egyptian initiative, in fact, appears to be the only game in town at this time.

So I think it is very unfortunate that just at the time when Egypt is playing this central and responsible role, the Foreign Operations Subcommittee of the Appropriations Committee has chosen to take the extraordinarily unfair and puzzling step of removing the earmark of funds in the Foreign Operations Appropriations bill for Egypt, while at the same time preserving the earmark for Israel. As my colleagues are aware, those earmarks have been the practice ever since the Camp David Accords, the peace treaty between Israel and Egypt, were signed in 1979.

I was at the signing, and I had had the pleasure and the privilege of talking with President Sadat, the President of Egypt, in 1978, in Egypt. A courageous man, President Sadat, was leader in breaking the ice, and thus giving peace a chance, a chance in the Middle East.

So, the subcommittee action, now, sends precisely the wrong signal to the Egyptians, whose assassinated leader was the pioneer in this peace process, who gave his life that there might be peace in the Middle East.

Egypt should be commended for its diplomatic actions vis-a-vis the Palestinians and Israelis, not seemingly punished for her courage. Is Israel to be symbolically rewarded for the unnecessary and provocative action it has taken in building entirely unnecessary housing settlements in sensitive Arab lands? To add insult to this injury, the subcommittee has also taken the controversial step of approving $250 million for Jordan out of what is understood to be Egypt's account in the bill. While I certainly do not take issue with rewarding Jordan and King Hussein for signing the 1994 peace treaty with Israel and for helping on the matter of Israeli partial withdrawal from the West Bank city of Hebron earlier this year, it is far preferable and much more fair that the money for Jordan come equally from both Egypt's and Israeli's earmarks.

Madam President, I do not agree with the concept of earmarks of the very large magnitude that we have been making for both Israel and Egypt.

In my view, too much money goes to both nations—too much money. For years, this has been considered as something that was due them.

I think such a foreign entitlement program should eventually be phased out and eliminated. But if we are going to give such earmarks as a tool of American diplomacy and foreign policy, at the very least they must fairly reflect this Nation's goals.

These earmarks have been looked upon virtually as entitlements by both nations, Egypt and Israel. And while we in this Chamber struggle annually over the budget deficits in attempts to get them under control, while we cut discretionary spending for America, for the American people, while both the administration and the Republican regime on Capitol Hill continue to reduce discretionary spending, discretionary caps, and to ratchet down the spending for programs and projects beneficial to the American people, the taxpayers of this country, and help to build infrastructure in this country, all kinds of questions are asked and the game of one-upmanship is played as to who can cut the most.

I am an admirer and supporter of Israel. But are there any questions asked when it comes to funding programs in Israel? Are there any questions asked when it comes to this being looked upon as an entitlement figure for Israel and Egypt? No questions asked.

Are the American taxpayers fully aware that Congress and the Administration, every year, without any questions asked—no questions asked—provide $3 billion to Israel and $2 billion to Egypt, no questions asked, while we cut funding for water projects, sewage projects, highways, harbors, bridges, education, health, law enforcement, and Indian programs? We cut those programs. But no questions are asked when it comes to this entitlement of $3 billion annually for Israel and $2 billion annually for Egypt.

I am against those earmarks, but if we are going to have them, at least they must fairly reflect the Nation's goals.

What has been done as of yesterday on this matter by the subcommittee is flagrantly unfair and does a disservice to Egypt, to the United States, as well, and to our national interests in the basic process of making peace in the Middle East. I strongly oppose this action, and I hope that it can be corrected when the bill gets to the full Appropriations Committee next week, and if it isn't corrected there, then the attempt will be made at least to correct it on this floor. The action has not gone unnoticed.

The Ambassador from Egypt and I have discussed this matter. He came to my office a couple of days ago, and then we have been in discussions since on the telephone. I received a thoughtful letter from him which I may wish

to share with my colleagues. The Ambassador is disappointed and perplexed by the subcommittee action, as am I, and as true friends should be, true friends of Israel and Egypt should be. I hope it can be corrected before even more damage is done.

Madam President, I ask unanimous consent that a letter to me, this date, from the Honorable Ahmed Maher El Sayed, the Egyptian Ambassador, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMBASSY OF THE
ARAB REPUBLIC OF EGYPT,
June 20, 1997.

Hon. ROBERT BYRD,
U.S. Senate, Senate Hart Building, Washington, DC.

DEAR SENATOR BYRD: It was, as usual, an intellectual delight to talk to you last Wednesday to share with you the lessons of wisdom from the Bible and ancient Greece, and their meaning in the present circumstances. I particularly appreciate your giving me so much time, in a very busy schedule, so that I may appreciate again your sense of objectivity and fairness, as well as your deep insight of things.

Unfortunately, action was taken by the Foreign Operations Subcommittee to strike the earmark for assistance to Egypt, while keeping it for Israel.

While I know your general position regarding the aid program to Egypt and Israel, I also know that your sense of fairness would not support treating Egypt in such a discriminatory manner.

I would also like to set the record straight concerning Egypt's position in response to certain allegations which were made:

1. The non-attendance by President Mubarak, of the summit held in Washington last September was based on his assessment that Prime Minister Netanyahu was not ready, at this meeting, to take steps conducive to the advancement of the cause of peace. President Clinton clearly understood the motives of President Mubarak, and King Hussein of Jordan was quoted, after the meeting, as saying that in, hindsight, President Mubarak was justified in not attending.

2. The role of Egypt in reaching an agreement on Hebron was crucial. It was an Egyptian proposal which constituted the basis of the agreement. The Jordanian officials have recognized publicly that their proposal which led to the agreement is built on an Egyptian suggestion of a compromise. The American Peace Team recognized the Egyptian vital contribution to the solution.

3. Egypt did not lead an effort to reimpose the boycott on Israel. What happened is that at a regular meeting of the Arab League at its seat in Cairo, a unanimous decision was taken to revise steps taken toward normalization with Israel if it persisted in policies clearly contradicting its obligations. The resolution did not include countries bound by Treaties with Israel, i.e. Egypt and Jordan.

4. Relations between Egypt and Israel are normal, which does require neither subscribing by one party to the policies of the other, nor mandatory trade and travel. There exists on our part no restriction on trade and travel to Isreal, and far from stagnating, the two fields have seen in the last years, significant progress. A warm relation is one that is built through the years given the right circumstances; what is required, and in existence, are normal relations. It is not an unusual state of affairs that relations between countries fluctuate with the acuity of political problems. Egypt and Israel are bound by 16 agreements and protocols which have been implemented or being normally implemented.

5. I would like to remind you that Egypt out of its deep commitment to peace in the region, has embarked on a major effort to create conditions to bring the Palestinians and the Israelis back to the negotiating table. President Mubarak is personally involved in this effort. He has met with Prime Minister Netanyahu in Sharm El Sheikh, and since then contacts have been maintained both with the Israelis and Palestinians.

6. Our ties with Libya are normal relations between neighbors in the context of the respect of UN Resolutions. Our influence has been a moderating one.

All these points have been clearly explained by President Mubarak to distinguished members of Congress he met on various occasions, and thereofre, I do not believe that there is any justification in raising from the dead arguments and misrepresentations that had been laid to rest by the reality as recognized by most Egypt has been and continues to be a pioneer of peace, an anchor of stability in the Middle East, and a fierce defendant of the rule of law and legitimacy for which we fought side by side. Without its contribution and its courageous stands, as well as its cooperation with the US, it would not be envisageable to move towards achieving our common goals of peace and prosperity, and overcome the hurdles which Egypt is working very hard to overcome.

Best and warm regards,
Sincerely,

AHMED MAHER EL SAYED.

Mr. BYRD. Madam President, I yield the floor.

Mr. GRAMS addressed the Chair.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 420

Mr. GRAMS. Madam President, I inquire of the business now before the Senate.

The PRESIDING OFFICER. The pending question is on the Cochran amendment No. 420.

Mr. GRAMS. Madam President, I rise this morning to strongly oppose the amendment by my colleague and friend from Mississippi, Mr. COCHRAN, first for jurisdictional reasons, and most importantly because it is a seriously, I believe, flawed policy.

As chairman of the International Finance Subcommittee of the Senate Banking Committee, I object to the consideration of this matter, since it is within the jurisdiction of my subcommittee and the Committee on Banking. This is a very controversial issue and it should be heard and debated in the normal congressional process, by the proper committee of jurisdiction, not by a floor amendment with little opportunity for opponents to be heard. Many Members of this body may have already returned to their States and will not even have the opportunity to listen to the debate today.

The Senate has not had an opportunity to have a full debate on export controls in the last few years. Members need the benefit of time to fully analyze changes in an area that can have such a negative impact on U.S. companies and on U.S. jobs.

What really concerns me, Madam President, is that this amendment turns back the clock on technology. This amendment indicates it is directed at supercomputers, but computers at the 2,000–7,000 MTOPS level are not supercomputers, a point I will discuss later. The amendment reverses 2 years of effort to decontrol computers that are generally available. You will hear all sorts of talk today about how this amendment improves national security. But it does not. If the goal is to stop the sale of high performance computers to questionable end users in Russia, China, India, Pakistan, and Israel, it will stop the sale of United States computers to those end users—but it will not stop our allies from making those sales.

It is true that there are two companies currently under investigation for alleged sale without license to a questionable end user. Those investigations are still pending and should be pursued, so it seems premature to, in effect, have the Congress find them guilty. Let us let the process work. If they are guilty, they will be penalized. The U.S. companies selling computers abroad at this level are few; they are reputable and they do care about selling to questionable end users. The investigations have also had a positive effect in that they have encouraged companies to seek more validated licenses for uncertain end users. I disagree with my colleagues who believe businesses care only about the almighty dollar, and not national security.

This amendment will bring us back to the cold war days when export controls were required for computers sold in drug stores. A computer at 2,000 MTOPS, which is the level we would control, is a low-end work station which is widely available all over the world. We would establish unilateral controls on any computer over this capability. Our companies would have to obtain a validated license. Their competitors in other nations would not have that requirement. Therefore, European and Japanese companies would have a competitive edge in many, many computer sales in countries where it is important to establish a foothold as a reliable supplier to facilitate future sales. Licenses would be required for every sale above this limit,

not just those to questionable end users. We want to expand markets in those countries, while protecting our national security interests, rather than handing them on a silver platter to our trading partners who will then be seen as reliable suppliers in the future.

I know the argument will be that it is not hard to get an export license and that there are statutory deadlines on agency review of license applications. I can give you quite a list of companies—many of them smaller companies—which have come close to shutting down due to export license delays, even in recent years. We cannot return to this uncertainty and bureaucratic maze. Even the larger companies will see their expenses increase as they will have to hire more high-priced attorneys to facilitate many of the licenses through the process. Export licenses to these countries do not get approved in a couple of months. Many of them take many months and earn the U.S. the designation as an unreliable supplier. While we are pursuing regulatory reform in many areas, what we are doing here is reimposing regulations we eliminated 2 years ago.

What is curious to me is an independent study commissioned in 1995 for the Departments of Commerce and Defense which determined that computers could be decontrolled to the 7,000 MTOPS level without a negative impact on national security. The Departments of State, Defense, Commerce, the intelligence agencies, and ACDA all signed off on this report, and the decontrol was made at that time to 7,000 MTOPS. The determination was made because the 2,000–7,000 range, again, Madam President, was widely available throughout the world.

But you have also heard that we are stopping the sale of supercomputers to tier 3 countries without a license. Again. Madam President, a 7,000 MTOPS computer is not a supercomputer. Supercomputers still need export licenses. I am told that the MTOPS for a supercomputer is in the 20,000 range and can go up to one million MTOPS—a far cry from 7,000.

Let's look at the level the amendment seeks to control—2,000 MTOPS. This is a low-level work station computer. By 1998, personal computers will reach this level. Also, the alpha chip available next year will be 1,000 MTOPS itself. So just two of those in a computer would qualify the computer for an export license. It is very difficult for me to justify that companies will have to jump through so many hoops just to sell fairly low-level computers. We are truly turning back the clock on technology.

I have previously made the point that we are stabbing ourselves in the foot, since computer companies in other countries do not have these controls, and therefore our efforts are futile to say the least. There are four European companies which sell computers in the 2,000–7,000 range as well as Japanese companies. We all know that they will be eager to make these sales.

What is really ironic is that the Chinese themselves have now produced a computer at the 13,000 MTOPS level. They have surpassed the 7,000 current limit the sponsor of this amendment is trying to roll back.

One argument I have heard is that Japan also requires validated licenses for its sales. Yes, that is true, but Japan's validated license system has always been a rubber stamp operation. The entire process takes 24 hours, if that. Ours can take months. And I can show you some unhappy constituents who can verify that.

Another question I have is whether it is good policy to codify export controls at certain levels rather than leaving them to regulation. Do we really want to be in a position to have to change the law each time we need to decontrol? Is the Congress really able to act as quickly and as often as needed to adjust to rapidly changing technology? I think not.

Madam President, I plan to send a second degree amendment to the amendment by my colleague from Mississippi and in a moment will ask for its immediate consideration.

But I again want to mention that this amendment would request the GAO to perform a study of the national security risks that would be involved with sales of computers in the 2,000–7,000 MTOPS range to military or nuclear end users in tier 3 countries. It would also analyze the foreign availability issue to determine whether controls at 2,000 MTOPS and above would make any sense.

Further, the amendment would require the Department of Commerce to publish in the Federal Register a list of end users which would require the filing of a validated license application, except when there is an administration finding that such publication would jeopardize sources and methods.

Madam President, this is a sincere compromise in my position as subcommittee chairman of the committee of jurisdiction over this issue, which will help us decide whether there is a need to recontrol at the 2,000 level. It is far too controversial to decide this question today, or by next Tuesday when we will vote.

I believe Commerce should be asked to publish this list and to further seek ways to work with computer companies to determine whether other end users are questionable in order to alleviate some of the uncertainty that is out there.

Madam President, let us not turn back the clock on technology. Let us make a rational national security decision that also take into account the best interests of our exporters—and the jobs that they represent.

AMENDMENT NO. 422 TO AMENDMENT NO. 420

(Purpose: To require the Comptroller General of the United States to conduct a study on the availability and potential risks relating to the sale of certain computers)

Mr. GRAMS. So, Madam President, I send my second-degree amendment to the desk, and ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. GRAMS] proposes an amendment numbered 422 to amendment No. 420.

Mr. GRAMS. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . GAO STUDY ON CERTAIN COMPUTERS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the national security risks relating to the sale of computers with composite theoretical performance of between 2,000 and 7,000 million theoretical operations per second to end-users in Tier 3 countries. The study shall also analyze any foreign availability of computers described in the preceding sentence and the impact of such sales on United States exporters.

(b) PUBLICATION OF END-USER LIST.—The Secretary of Commerce shall publish in the Federal Register a list of military and nuclear end-users of the computers described in subsection (a), except any end-user with respect to whom there is an administrative finding that such publication would jeopardize the user's sources and methods.

(c) END-USER ASSISTANCE TO EXPORTERS.—The Secretary of Commerce shall establish a procedure by which exporters may seek information on questionable end-users.

(d) DEFINITION OF TIER 3 COUNTRY.—For purposes of this section, the term "Tier 3 country" has the meaning given such term in section 740.7 of title 15, Code of Federal Regulations.

The PRESIDING OFFICER. Is there a sufficient second for the Senator's request for a rollcall vote?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I have listened carefully to the comments of my good friend from Minnesota in support of his second-degree amendment. I must say that the language of the amendment is appealing in some respects, particularly the suggestion that the General Accounting Office ought to be asked to conduct a review of this situation and the apparent risk to our national security caused by the export policies of this administration with respect to the sale of supercomputers and its technology to foreign purchasers.

There is some question in my mind about the efficacy of the last part of

the amendment particularly, because in our hearings in the Governmental Affairs Committee the administration officials talked about the fact that the reason they did not publish and make available a list of end users or potential purchasers of these computers at this time was because of diplomatic considerations and the questions about whether it puts in jeopardy our intelligence-gathering capabilities and a number of other issues that concerned them enough so that they do not now make available this list even privately to exporters of supercomputers.

So to require them to publish it in the Federal Register and to make it available to the general public is probably something that ought to be reconsidered and not approved by the Senate. They should not be compelled to do that. It seems to me that the reasons they gave in our hearing for not doing it even privately was enough and sufficient in my mind to raise questions about whether we should compel them to do it publicly.

But looking back at the earlier complaints and the comments from my friend about the Cochran-Durbin amendment, let me say that this is not an effort on our part to roll back regulatory policy with respect to military end users. It is an effort to change the procedures and to put the onus and the responsibility for determining whether a sale is permissible or consistent with national security concerns on the administration rather than on the sellers of the computers.

Computer companies do not have the capacity to make determinations on their own about the use to which the computers they are selling in the international market will be put, or the relationships between prospective purchasers and governments, particularly in the case of China or Russia. The U.S. Government, though, has the capacity, through its contacts worldwide, to do a much more reliable and accurate job of assessing whether or not someone would be a purchaser who would use these computers to enhance the lethalness of nuclear weapons or missile technology to put our own citizens at risk, the lives of Americans at risk, in a way that they would not otherwise be, but for the sale of our computer technology.

So it is for that reason and that reason alone not to prevent the sale to legitimate purchasers who will use it for civilian or other appropriate purposes. It is in those situations where there is very real concern based on knowledge that we have about the potential harmful use—harmful to our own interests—that we ought to have the power, we ought to have the process reserved to the Federal Government to prohibit that sale in those selected situations.

Right now the policy of our Government is to prohibit the sale of this category of computers if it is for the purpose of being used for a military use or sold to a military organization. It is prohibited under current law, under current regulations. So the suggestion that the Senator makes that we are imposing new restraint on trade in this amendment is not true insofar as it concerns the sales for military purposes.

Current policy simply says to the exporters, if you know it is going to be used by a military organization, you cannot sell it—2,000 to 7,000 MTOPS speed computers cannot be sold under current U.S. law and under current regulations. So this amendment that we are offering does not impose a new definition that restrains the sale of computers. It simply says that the Commerce Department is going to give you the OK. Once you tell us who you will sell it to, they will tell you whether it is permissible or not. That is all we are saying.

The current policy is it is up to the exporter to decide whether this is a military end use or an end user. If they sell it to someone they knew was a military end user, they violate the law right now. The problem is a lot of exporters, the people in the business of manufacturing and marketing supercomputers, do not have the capacity to make this determination.

Also, there are motivations that are different. They are in the business of making money. They are in the business of selling as many as they can. The stockholders of these companies want to see sales go up, and so when there is a close question—we are not questioning anybody's motives here today—but where there is a close question and you really do not know for sure, the temptation is to go on and make the sale, particularly if there is really no hard evidence there.

Now, there have already been those cases where there is enough evidence that people have sold computers to end users who are military organizations or who are involved in nuclear weapons programs, that they are now under investigations by a Federal grand jury. This is serious business. That could have been prohibited, maybe, if you had the Commerce Department saying, "OK, it is fine, go ahead and make this sale. Here is your license." Then the civilian marketer is off the hook. The Commerce Department makes the decision. That is the issue.

Do we leave it up to the honor system that has been developed by the Clinton administration, which is not working—46, we thought it was 46, but it turned out to be 47 as a result of the hearing we held of new information of these computers that are in the hands of Chinese entities and we do not know what they are being used for. Or if our Government knows, they cannot tell us in a public hearing session. We have to go behind closed doors to find out what they really know.

From what we can talk about right now, we know that this policy ought to be changed, and for the business of "this is not the right place, this is not the right time," and the jurisdictional question—well, the Commerce Department has jurisdiction over commerce issues, the Banking Committee has some jurisdiction, our Governmental Affairs Committee has jurisdiction over compliance with nonproliferation treaty provisions. We are constantly monitoring the question of proliferation of weapons of mass destruction in our committee, and we came upon this information through the exercise of our oversight responsibilities.

It is a matter of some urgency, in our view, that this matter be addressed, and we think the U.S. Senate will agree with that. I think we have suggested a very modest but a very necessary first step in the process of reform of our policies over exporting computers. This administration came into office having made a promise to the computer industry that they were going to make some dramatic changes in the rules so that they could sell more computers in the international marketplace. That is fine. That is fine. But they have adopted a policy that is not working. It is not working to protect our national security interests, which is important. It is working in that it has helped sell a lot more computers and a lot of people have gotten rich under this new policy. I do not have a problem with that. No complaints are being made about that. But it was supposed to be a policy that both enhanced our ability to compete in the international computer market but at the same time protected our national security interests. It worked on the one hand, but it has failed on the other.

We now see the Atomic Energy Minister in Russia, whose name is Mikhailov, bragging in a public forum about the new supercomputer technology they have bought from the United States that is 10 times more powerful and sophisticated than anything they have had before. This agency is in the business of modernizing the nuclear weapons that the Russians have.

We have this Nunn-Lugar builddown program supposedly trying to dismantle these weapons of mass destruction, and we are very actively involved with the Russians in that regard. But at the same time, to be selling them the technology to make the weapons, they are more accurate, more lethal, capable of destroying potential adversaries like the United States, it seems we are working at cross-purposes with ourselves. We are trying to work to keep down the proliferation of weapons of mass destruction, and here we are, in this instance, contributing to the proliferation of more lethal nuclear weapon systems. Certainly that is true

in the case of Russia and China. We know that. We know that.

So what do we do about it? Nothing? Have some hearings? Have the GAO spend another year looking at things? We agree GAO ought to look at this. We are asking them to do that, too. They have already begun some work at our request. I agree with the Senator that we need to do more, but to just say the Senate should not act on this suggestion, this is a modest first step. It is not a suggestion for comprehensive reform at this time. We need more information. We need to do more work to decide on the details of a comprehensive, workable policy than is on the books now and administered by our Commerce Department.

So, but for the provisions of the amendment offered by the Senator that I have suggested caused me some concern, I would like to be able to support the amendment so that we could then go on and vote to approve the amendment as amended, but I cannot do that at this point. I hope the Senate will not agree to the amendment.

I know under the announcement that was made earlier today on behalf of the majority leader, there will be no votes on amendments today. They will be set aside and we will come to them later. So there will not be a vote today. Knowing that there will not be, I will not push the issue any further, except to suggest to the Senate that this is an issue that ought to be debated, considered carefully, and we ought to vote for this amendment that I have offered with the cosponsorship of Senator DURBIN.

Incidentally, I asked the other day, after we had described the amendment, that Senator ABRAHAM be added as a cosponsor. I have now been asked to seek unanimous consent that Senator LUGAR be added as a cosponsor. I make that request at this time, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Janice Nielsen, a legislative fellow with Senator CRAIG's office, be granted floor privileges during debate on S. 936, the Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I want to say I appreciate the remarks of my colleague from Mississippi, Senator COCHRAN. We hope to be able to work with him over the weekend and hope to come to an agreement and compromise with him by next week. Like he said, hopefully we can vote on this at that time.

I yield the floor.

Mr. THURMOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. GRAMM. Mr. President, I ask unanimous consent that we may move from this quorum call into morning business for 20 minutes.

The PRESIDING OFFICER. Is there objection to calling off the quorum?

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The bill clerk continued the call of the roll.

Mr. GRAMM. Mr. President, making two separate requests, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent that I can proceed for 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Will the Senator yield for a unanimous-consent request?

Mr. LEVIN. Reserving the right to object, would the Senator add to that, that following morning business that we go back into an automatic quorum call?

Mr. GRAMM. Mr. President, I ask unanimous consent that following my speech, if it ever begins, that we go back into the quorum call, and I also ask unanimous consent that, without losing the floor, I might yield to Senator INHOFE so that he might get a staff member on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—S. 936

Mr. INHOFE. Mr. President, I ask unanimous consent that Jeff Severs be given floor privileges for the DOD bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, with all this folderol, I hope they are not conspiring against me or against Texas. If so, maybe we are in trouble.

SAVING MEDICARE

Mr. GRAMM. Mr. President, I come to the floor today to talk about a very difficult subject that for the next couple years is going to be very unpopular. In the long history of the country it is one of the most important subjects that we have ever debated—and that is trying to save Medicare.

I want to talk about what we did in the Finance Committee. We reported a bill that will be on the floor by the middle of next week. I want to explain to people exactly what we did and exactly why we did it. I want to talk about why it is important to the future of the country and why it is critically important to 38 million people who depend on Medicare. It is something that we have to do, and it was a courageous action taken by the committee. However, it will be a great blot on the courage and leadership of this Congress if we let this effort, started in the Finance Committee this week, die on the floor of the U.S. Senate or in the Congress.

First of all, Mr. President, let me remind people that we have a terrible problem in Medicare. Medicare will be insolvent in 3 years. There are a lot things I may do in my political career that I do not want to do, but there is one thing I am never going to do. I am never going to call up my 83-year-old mother and say, "Well, mama, Medicare went broke today. It went broke today because nobody had the courage to do something about it. I knew it was going broke, but I didn't want to tell anybody because I thought somebody might criticize me for trying to do something about it. So I just stood by thinking, 'Well, when it goes broke in 3 years, maybe something magical will happen, and maybe nobody will blame me.'" I am never going to make that telephone call.

I am proud to say that we took two steps in the Finance Committee this week that will go a long way. If we continue to show the courage that we showed in committee on the floor of the Senate, then I will never have to call my mother and tell her Medicare went broke, and she will never be without the benefits that she has become accustomed to and that she needs.

And let me outline the two things we did.

First of all, as my colleagues will remember, we had a crisis in Social Security in 1983. We set up a commission which was almost unable to agree on what to do about putting Social Security back in the black. We were on the verge halting Social Security checks. However, one of the reforms which arose from the process resulted from a recognition that Americans are healthier, and are living longer.

So as part of that Social Security solvency package, those of us who were in Congress at the time swallowed hard and voted to raise the retirement age from 65 to 67 over a 24-year period.

I remind my colleagues that when Social Security started, the average American lifespan was less than the eligibility age for Social Security. So the Social Security system protected people who lived longer than the average.

Obviously, thank goodness, the average lifespan of Americans has grown dramatically since 1935. So we now have in law where beginning in the year 2003 through the year 2027, we are going to very gradually raise the retirement age from 65 to 67. That was part of a program to keep Social Security solvent.

It was heavy lifting at the time. Medicare was still in the black, and nobody wanted to make the lifting any heavier.

Now we are reaching a point where this phase-in for Social Security is going to start in the year 2003. So the Finance Committee, in what I believe was a courageous vote, voted to begin phasing up the eligibility age for Medicare in the same way as Social Security. That is the first significant change we made. I think there is something historic about that change which goes beyond it being the most dramatic change we have ever made in Medicare's history to keep the program solvent.

The second dramatic thing about this reform is that we did not do it to save money. We did not do it to fund tax cuts. We did not do it to balance the budget. We do not even count the savings that come from it in our budget. Every penny we save goes into the hospital insurance trust fund to protect benefits.

Let me say to our colleagues who might be listening to this speech, with Medicare within 3 years of going broke, with Medicare within 7 years of having a $100 billion deficit per year, with a projected deficit in Medicare over the next 10 years of $1.6 trillion—counting both part A spending and part B spending—it is an absolute certainty that we will ultimately conform the eligibility age for Medicare with the retirement age under Social Security. That is a certainty. That is going to happen.

But if we wait 2 or 3 more years before doing so, we are not going to have time for people to plan for the future. One of the cruelest things we could do is to wait and delay and let a crisis occur so that we find ourselves forced to change the eligibility age for those who had planned to retire in a year or 2 or 3.

If we make this change now, people will have several years to adjust to an increase in the retirement age. The changes that will occur will occur very slowly over the next 24 years.

The impact of this provision on the solvency of the Medicare hospital insurance trust fund is dramatic. It will reduce the projected deficit in the Medicare trust fund by about 10 percent in and of itself, by the year 2025.

The second change that we made is an equally dramatic change and recognizes that there are two parts to Medicare. We all pay 2.9 percent of our wages in payroll taxes during our working lives in order to qualify for coverage under the Medicare Hospital Insurance Program.

There is a voluntary part of Medicare that nobody pays for in payroll taxes, but that is funded by a payment that people make in a part B premium.

Mr. President, there are two types of Medicare benefits. One type is the trust fund that we pay for during our working lives. We pay 2.9 percent of wages into that trust fund. That pays primarily for hospital care. Coverage for physician services is a separate system for which you do not start paying until you retire. When it was set up in 1965, the idea was for retirees to pay 50 percent of program costs in premiums, while taxpayers would pay the other 50 percent. Over the years that retiree payment has fallen to 25 percent of Medicare.

Currently, there is a deductible of $100 which people have to pay before Medicare part B, the voluntary part of Medicare, kicks in. Under the second reform adopted by the Finance Committee, as income rises from $50,000 to $100,000 for an individual—or from 75,000 to $125,000 as a couple—very high-income retirees—that deductible would phase up from $100 to an amount equal to the full taxpayer subsidy of this voluntary health insurance program. That would make the deductible about $1,700 a year for very high-income retirees.

Now, those are the two changes we have made. As was true with the retirement age phasein, none of the savings that come from having a higher deductible for very high-income retirees goes to the deficit. None of it goes to fund tax cuts. None of it is even counted in the budget. Every penny of the savings goes to protect the trust fund.

Now, why do we need to do this? I read in the newspaper this morning where one of our colleagues said it is hogwash to say we have to make these kind of changes to save Medicare. Well, let me explain why we are going to have to make some dramatic changes and we are going to have to make them quickly if we are going to save Medicare. The two changes that we made in the Finance Committee will not save Medicare by themselves. They are major steps forward. They are the only real reforms we have made since 1965.

I am sure when we debate this next week people will say, but we have savings in the budget. Well, we assume we are cutting payments to hospitals and providers. We have done that about a dozen times. It has never saved any money because they find a way to get around it. Then our biggest savings is that we take the fastest growing part of Medicare, home health care, out of the trust fund and put it in general revenue. Then we say, well, we have helped save the trust fund. So the only two real permanent reforms that have a long-term impact are the two reforms which we are not counting as part of the budget. We do have another major long-term change in Medicare by giving our seniors more choices.

Let me, very briefly, go through the problems in Medicare. First, Medicare expenses are exploding. They are growing at over twice the cost of medicine in the private sector. We have a program that by and large was designed in 1965 based on an old Blue Cross-Blue Shield policy that is no longer available. Medicare is a system that has tremendous inefficiencies and has grown faster than any other major program in the Federal budget. We started off paying for Medicare with a 0.7-percent payroll tax on the first $6,600 of income earned. We are now paying 2.9 percent of every $1 they earn, and still Medicare will be broke in 3 years. So our first problem is exploding costs.

The second problem is a time bomb we know as the baby boomer generation. I want to ask people to look at this chart because this explains what is going to happen and why there is nothing conjectural about it. It is not somebody merely claiming that the sky is going to fall; the sky is already falling.

Currently, in 1997, we are at the point where all the babies born in 1932 are retiring. 1932 was not a banner year for having children in America. We were in the middle of a depression. The birth rate was very low—one of the lowest birth rates in American history. So for the next few years, as depression era babies retire, we are going to have relatively few people who are retiring. These should be great years in terms of solvency for Medicare. However, these are the years where Medicare is going broke.

But notice what happens, beginning during the war and then immediately after the war we had an explosion in the birth rate in America. Fourteen million men came home from the war. They had defeated Nazism. America was the dominant power on Earth. People had new confidence in the future, and they made the greatest investment you can have in the future—they had babies, millions of them. Most Members of Congress were either in the sort of pre-baby-boomer generation during the war or they were in the generation right after the war. There was a huge explosion in the birth rate.

When we created Medicare in 1965, we were looking at this huge avalanche of young people coming into the labor market. In 1965 we had about four times as many people turn 19 as we had had 2 years before. It looked as if this tidal wave of people would never end. Actually, had Congress gone down to the Census Bureau in 1965 and asked if this baby boom would ever end, they would have discovered that it already had. But when we wrote Medicare with this huge number of people coming to the labor market, they made a decision not to fund it. They opted for a pay-as-you-go system where young workers would pay into the system without building up trust funds to pay for the benefits. This baby boomer generation turned out to be a godsend for programs like Medicare.

But now we come to the problem. This chart shows the projected increases in the population 65 and over. If you look at this chart, we are down here now where only 200,000 people are

going to turn 65 this year, but within 14 years 1.6 million people will turn 65 and that number will not change for 20 years. We are going to go from 5.9 workers per retiree on the day Medicare started—we are down now to 3.9 and we are headed to 2.2—2.2 workers for every retiree in America.

The financial impact of that is absolutely cataclysmic. If we do not act, the young people who are sitting down here as pages are going to have to pay a payroll tax three times the current level. We are going to have an average tax rate in America—average tax rate in America—of about 50 cents out of every dollar. America is not going to be America when you have that kind of tax burden.

Now, this is a problem we must address. We know it is coming. We can fix it. We can preserve benefits. We can make the system better. But we are going to have to be courageous in order to do it, and we are going to have to make some tough decisions.

Here is what the financial status of Medicare looks like. As you can see, we are in the last years of its solvency. We are looking at an explosion in the cumulative deficit of Medicare because we guaranteed two generations of Americans medical coverage during retirement, and nobody ever set aside any money to pay for it. Now the baby boomer generation is headed into retirement, they want these benefits, and there is no money to pay for them. That is the crisis.

Let me give an idea of how big this is. If we reform Medicare right now, and change the system by improving efficiency, thereby bringing the cost of Medicare down to the general inflation rates, even under the best of circumstances, to pay off this debt to baby boomers, we would have to borrow $2.6 trillion. If we wait 10 years, it goes up to $3.9 trillion. If we wait 20 years, it goes up to $6.1 trillion. Now, the whole debt of the country today is less than $6.1 trillion. So this is a crisis. This is a crisis that is happening right now.

We have made two changes in the Finance Committee which produce savings that are dedicated, every penny, to strengthening the hospital insurance trust fund. One is raising the eligibility age for Medicare as we have done for the retirement age under Social Security. I can guarantee you that is going to have to happen sooner or later. Within 10 years we are going to vote to do it. If we wait 10 years, we will have Americans who literally are on the verge of retiring who are going to find out they cannot retire. That is not fair, and it is not right. If we do it today, we will catch the political heat today but people will have 30 years to adjust to working 2 years longer. So it will be unpopular in the short run, we will be criticized for it in the short run, but within 10 years when people fully understand this, they are going to be very grateful that we did it, and it will be the right thing to do.

Second, asking very high-income people in a voluntary program to pay more of the cost of providing that benefit is not unreasonable. Nobody is required to participate in part B Medicare. No one pays a penny in the part B Medicare during their working life. It is a voluntary program. I have been stunned when listening to the criticism of this that somehow there is something wrong with asking people who have income of $100,000 a year in retirement to pay a $1,700 deductible for the best medical care policy that money can buy. I do not think that is unreasonable.

Let me tell you something. We are going to have to do it. But do we have to wait until our seniors are scared to death because they are not sure Medicare is going to be in place next month? Do we have to wait until the wolf is at the door, until the house is on fire, to make a tough decision? Can't we make the decision while there is time to adjust to it so that we can prevent the system from going broke? Does it have to go broke for us to have the courage to do something that we know has to be done?

So, we are going to be debating these things next week, and we will have Members of the Senate standing up and saying we are breaching an agreement by asking people with $100,000 a year income to pay $1,700 for a voluntary health insurance program.

We are going to have a lot of people say the world is going to come to an end because we are asking people to pay more if they can to save a system that is critical. I am ready to debate it. I don't know if we can save these reforms. But we are going to be awfully embarrassed some day if we don't.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. THURMOND. Mr. President, what is the pending business?

AMENDMENT NO. 422

The PRESIDING OFFICER. The pending business is the Grams substitute for the Cochran amendment.

Mr. THURMOND. Mr. President, I consider this a matter of national security and, therefore, I support the efforts of the Senator from Mississippi to require export licenses for computers —in short, supercomputers to tier 3 countries, such as Russia, China, India, and Pakistan.

For several years, both the Strategic Subcommittee and the Acquisition and Technology Subcommittee, chaired by the Senator from New Hampshire, Senator SMITH, have conducted hearings on the administration's export policies on dual-use technologies with military applications. The concerns expressed by Senators COCHRAN and DURBIN is one of the issues which Senator SMITH was concerned about, and which he explored during his hearings.

The export of the high-performance computers to countries of concern could have a significant and potentially detrimental impact on United States and allied security interests.

The alleged export of the high-performance computers to Russia and China recently causes me great concern. The computers are more capable than any computer known to have been in use in those countries. The export of these computers was accomplished without export licenses. Evidently, the Russian Government told the companies that sold the computers that they would be used for modeling of Earth water pollution. However, subsequent to the sale, officials from the Russian Ministry of Atomic Energy stated that the computers would be used to maintain its nuclear weapons stockpile, to confirm the reliability of its nuclear arsenal, and to ensure the proper working order of the nuclear stockpile under the Comprehensive Test Ban Treaty.

Mr. President, according to U.S. export policy, the sale of high-powered computers that would directly or indirectly support nuclear weapons activities is prohibited.

Mr. President, I believe the Senator's amendment to require a license to export high-powered supercomputers with a 2,000 million theoretical operation range is appropriate.

I ask unanimous consent that I be added as an original cosponsor of the amendment offered by the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that the Grams and Cochran amendments be temporarily set aside and it be in order for Senator COVERDELL to offer an amendment No. 423 to the bill on behalf of himself and Senators INHOFE and CLELAND.

I further ask that following 2 minutes for explanation by Senator COVERDELL, the amendment be set aside, and further, that the call for regular order with respect to the Inhofe-Coverdell amendment only be in order after the

concurrence of the chairman and ranking member and Senators from the following States: Georgia, Utah, Oklahoma, California, and Texas.

Mr. LEVIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 423

(Purpose: To define depot-level maintenance and repair, to limit contracting for depot-level maintenance and repair at installations approved for closure or realignment in 1995, and to modify authorities and requirements relating to the performance of core logistics functions)

Mr. COVERDELL. Mr. President, I call up amendment 423.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia (Mr. COVERDELL), for himself, Mr. INHOFE and Mr. CLELAND, proposes an amendment numbered 423.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle B of title III, add the following:

SEC. . DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§ 2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means materiel maintenance or repair requiring the overhaul or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes all aspects of software maintenance and such portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services that are described in the preceding sentence.

"(b) EXCEPTION.—The term does not include the following:

"(1) Ship modernization activities that were not considered to be depot-level maintenance and repair activities under regulations of the Department of Defense in effect on March 30, 1997.

"(2) A procurement of a modification or upgrade of a major weapon system."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

SEC. 320. RESTRICTIONS ON CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR AT CERTAIN FACILITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair"; and

(2) by adding at the end the following new subsection:

"(d) RESTRICTION ON CONTRACTS AT CERTAIN FACILITIES.—

"(1) RESTRICTION.—The Secretary of Defense may not enter into any contract for the performance of depot-level maintenance and repair of weapon systems or other military equipment of the Department of Defense, or for the performance of management functions related to depot-level maintenance and repair of such systems or equipment, at any military installation of the Air Force where a depot-level maintenance and repair facility was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note). In the preceding sentence, the term 'military installation of the Air Force' includes a former military installation closed or realigned under the Act that was a military installation of the Air Force when it was approved for closure or realignment under the Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to an installation or former installation described in such paragraph if the Secretary of Defense certifies to Congress, not later than 45 days before entering into a contract for performance of depot-level maintenance and repair at the installation or former installation, that—

"(A) not less than 75 percent of the capacity at each of the depot-level maintenance and repair activities of the Air Force is being utilized on an ongoing basis to perform industrial operations in support of the depot-level maintenance and repair of weapon systems and other military equipment of the Department of Defense;

"(B) the Secretary has determined, on the basis of a detailed analysis (which the Secretary shall submit to Congress with the certification), that the total amount of the costs of the proposed contract to the Government, both recurring and nonrecurring and including any costs associated with planning for and executing the proposed contract, would be less than the costs that would otherwise be incurred if the depot-level maintenance and repair to be performed under the contract were performed using equipment and facilities of the Department of Defense;

"(C) all of the information upon which the Secretary determined that the total costs to the Government would be less under the contract is available for examination; and

"(D) none of the depot-level maintenance and repair to be performed under the contract was considered, before July 1, 1995, to be a core logistics capability of the Air Force pursuant to section 2464 of this title.

"(3) CAPACITY OF DEPOT-LEVEL ACTIVITIES.—For purposes of paragraph (2)(A), the capacity of depot-level maintenance and repair activities shall be considered to be the same as the maximum potential capacity identified by the Defense Base Closure and Realignment Commission for purposes of the selection in 1995 of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990, without regard to any limitation on the maximum number of Federal employees (expressed as full time equivalent employees or otherwise) in effect after 1995, Federal employment levels after 1995, or the actual availability of equipment to support depot-level maintenance and repair after 1995.

"(4) GAO REVIEW.—At the same time that the Secretary submits the certification and analysis to Congress under paragraph (2), the Secretary shall submit a copy of the certification and analysis to the Comptroller General. The Comptroller General shall review the analysis and the information referred to in subparagraph (C) of paragraph (2) and, not later than 30 days after Congress receives the certification, submit to Congress a report containing a statement regarding whether the Comptroller General concurs with the determination of the Secretary included in the certification pursuant to subparagraph (B) of that paragraph.

"(5) APPLICATION.—This subsection shall apply with respect to any contract described in paragraph (1) that is entered into, or proposed to be entered into, after January 1, 1997.".

SEC. 321. CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF DEFENSE.

Section 2464(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a logistics capability (including personnel, equipment, and facilities)" and inserting in lieu thereof "a core logistics capability that is Government-owned and Government-operated (including Federal Government personnel and Government-owned and Government-operated equipment and facilities)";

(2) in paragraph (2)—

(A) by inserting "core" before "logistics"; and

(B) by adding at the end the following: "Each year, the Secretary of Defense shall submit to Congress a report describing each logistics capability that the Secretary identifies as a core logistics capability."; and

(3) by adding at the end the following new paragraphs:

"(3) Those core logistics activities identified under paragraphs (1) and (2) shall include the capability, facilities, and equipment to maintain and repair the types of weapon systems and other military equipment (except systems and equipment under special access programs and aircraft carriers) that are identified by the Secretary, in consultation with the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the contingency plans prepared under the responsibility of the Chairman of the Joint Chiefs of Staff set forth in section 153(a)(3) of this title.

"(4) The Secretary of Defense shall require the performance of core logistics functions identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities the minimum workloads necessary to ensure cost efficiency and technical proficiency in peacetime while preserving the surge capacity and reconstitution capabilities necessary to support fully the contingency plans referred to in paragraph (3).".

Mr. COVERDELL. Mr. President, amendment No. 423 is language in the DOD authorization bill that would have the effect, in the judgment of the Senators that coauthored it from Georgia and Oklahoma—and I am pleased that Senator CLELAND, my colleague from Georgia and a member of the Armed Services Committee, has coauthored the amendment—this language would, in our minds, have the effect of concluding and carrying out what we believe were the findings of the last round of the Base Realignment and Closure Commission.

Because of the structure of the unanimous consent, it is designed to encourage the Senators of the States so enumerated in the unanimous consent to work arduously to try to resolve the differences that currently exist between our separate views of what the final Base Realignment and Closure Commission was and how it was carried out. It is a strong statement, following the lead of the good Senator from Oklahoma, who has been in pursuit of this issue for an extended period of time. Of course he is the principal author of the amendment.

Mr. President, I yield the floor, according to the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from South Carolina.

MORNING BUSINESS

Mr. THURMOND. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

Mrs. HUTCHISON. Mr. President, reserving the right to object, let me ask just one question. In the last unanimous consent it was agreed amendment No. 423 would be set aside, subject to all of the unanimous consent requirements. Has it been now set aside?

The PRESIDING OFFICER. The amendment has been set aside.

Mrs. HUTCHISON. Thank you, Mr. President. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kentucky.

Mr. FORD. I understand we are in a period of morning business?

The PRESIDING OFFICER. We are in a period for morning business.

Mr. FORD. I may take a little longer. I don't see anybody here to object—excuse me, the Senator from Pennsylvania may, but we will start.

The PRESIDING OFFICER. The Senator from Kentucky.

PRINCIPLES FOR TAX LEGISLATION

Mr. FORD. Mr. President, when we start debating tax legislation on the floor, I hope our debate will be governed by a few basic principles. Let me state those questions which are most important to me personally. Each of these questions needs a satisfactory answer.

Are the tax benefits spread evenly across all income levels?

Is the tax legislation consistent with the budget agreement?

Does the tax package undermine a balanced budget after 10 years?

We need answers which meet basic standards of fairness and sound public policy. These are the standards I think we should use to judge any tax bill that comes to this floor.

Today, I would like to talk a little more about the first concern I have mentioned how evenly the benefits of the proposed tax bills will fall across income levels.

A distribution table put out by the Senate Finance Committee claims that 74 percent of the tax benefits in the proposal pending before that Committee go to those making under $75,000; 74 percent. That sounds pretty good.

On the other hand, our analysis shows that 43 percent of the benefits go to the wealthiest 10 percent, and two-thirds of the benefits go to the top 20 percent.

How can the two analysis be so different? Well, let's look at some of the differences.

First, the Republican claims about who gets the tax cuts are based only on 5-year projections—before many of the backloaded tax breaks are fully implemented. Our analysis looks at the tax cuts when fully implemented. Let me repeat that. They cut their analysis off after 5 years, before many of the tax breaks are fully implemented. You can play a lot of games by cutting off the analysis after 5 years. What happens after 10 years? Under the Republican income distribution, they will never tell you. But why not?

Our income distribution looks at these new tax breaks when they are fully implemented. What a difference it makes. Apparently the most backloaded tax breaks provide very little benefit for low and middle income workers.

Second, because the Republican claims are only based on 5 years, they treat capital gains cut as hardly any tax cuts at all. In fact, the Republican analysis of the House tax package claims that the capital gains tax cut is actually a tax increase for upper income taxpayers during the first 5 years. Imagine that—a capital gains cut that counts as a tax increase.

Third, the Republican claims about who gets the tax cuts ignore the impact that estate tax cuts will have in individual taxpayers. It simply ignores them. They don't count estate tax benefits at all.

The Republican claims about who gets the tax cuts ignore the fact that many of the proposed tax cuts are backloaded—meaning that the full impact is not felt until well after the first 5 years, and in some cases not until well after 10 years. This means they have essentially ignored not only the impact of capital gains cuts, but also the backloaded IRA's, and the phase-in of estates taxes.

Mr. President, the Center on Budget and Policy Priorities has produced a more detailed analysis of the distribution tables prepared by the Joint Committee on Taxation on the House tax bill. That analysis contains essentially the same flaws as the Senate analysis. I ask unanimous consent that this document, entitled "Joint Tax Committee Distribution Tables Produce Misleading Results," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CENTER ON BUDGET AND POLICY PRIORITIES—JOINT TAX COMMITTEE DISTRIBUTION TABLES PRODUCE MISLEADING RESULTS

TABLES FAIL TO ACCOUNT FOR ANY OF THE BENEFITS FROM THE TAX CUTS WORTH THE MOST TO HIGH-INCOME TAXPAYERS

According to distribution tables the Joint Committee on Taxation has prepared the tax cuts proposed by Rep. Bill Archer, chairman of the House Ways and Means Committee, would concentrate their benefits among middle-class Americans. This finding is sharply at odds with the content of the legislation. Four of the largest tax cuts—the capital gains, Individual Retirement Account, estate, and corporate alternative minimum tax provisions—provide the large majority of their benefits to households with high incomes.

The Joint Committee's handling of these four provisions is fundamentally flawed. In effect, its distribution tables do not reflect any of the benefits that taxpayers would receive from the four provisions.

The Joint Tax Committee distribution tables ignore the effects of reductions in estate and corporate taxes. The Joint Committee did not examine the distributional effects of these tax changes.

The Joint Tax Committee distribution tables do consider the effects of the changes in the capital gains tax and the IRA provisions. The distribution tables, however, go only through 2002. Because the capital gains tax cuts and the IRA provisions are heavily backloaded, they do not result in net reductions in revenue collections during the time period the Joint Tax Committee examined. (For example, taxpayers would not begin to receive tax cuts from capital gains indexing until 2004). And because they do not result in net revenue reductions, the Joint Tax Committee assumes these provisions produce no net tax cut benefits in these years.

In fact, the Joint Tax Committee estimates that during the period through 2002, net capital gains tax payments would rise $1 billion due to the Archer capital gains tax provisions. In its distributions tables, the Joint Tax Committee treats this $1 billion as a tax increase, primarily on taxpayers at high income levels. As a result, under the Joint Tax Committee tables, high-income taxpayers appear to be the victims of a tax increase imposed by the Archer capital gains tax cuts.

By considering a time period in which the capital gains provisions cause a short-term increase in revenue collections and the IRA provisions result in no significant net change in revenue collections (the IRA provisions lose only $33 million cumulatively in the years through 2002), the Joint Tax Committee's distribution tables dramatically understate the benefits of the tax package to high-income taxpayers.

While the capital gains and IRA proposals produce no net revenue loss in the years through 2002, the combined revenue loss from these provisions is $51 billion from 2003 through 2007, years the Joint Tax Committee distribution tables do *not* examine. The large cost of these provisions during this second five-year period stands in sharp contrast to the $1 billion net gain in revenue from the

capital gains and IRA provisions from 1998 to 2002, years the Committee's distribution tables do examine.

By 2007, the combined cost of the capital gains and IRA provisions exceeds $15 billion a year and is growing at a rate of nearly $3 billion a year.

If the Joint Tax Committee had examined the capital gains and estate tax provisions when they were fully in effect—and if it also had distributed the effects of the reductions in the estate and corporate alternative minimum taxes—the degree to which the tax benefits of the Archer plan accrue to high-income taxpayers would be shown to be vastly larger than the Joint Committee on Taxation tables indicate.

Like the capital gains and IRA tax cuts, the estate tax provisions of the Archer plan are heavily backloaded. (The corporate alternative minimum tax provisions are the only provisions principally benefitting high-income taxpayers that are not heavily backloaded.)

As a consequence of the backloading, the four upper-income tax cut provisions account for a growing proportion of the tax package over time. Specifically, in 2003, the capital gains, IRA, estate and corporate alternative minimum tax provisions account for 30 percent of the gross cost of the tax package. By 2005, they account for 35 percent of the gross tax cuts in the tax package. By 2007, the figure is 42 percent. By about 2010, the upper-income provisions, which concentrate the bulk of their benefits among a small fraction of the population, would account for a majority of the gross tax cuts in the package.

Furthermore, these percentage figures do not reflect several other major tax cuts in the package that would confer a sizable share of their tax cut benefits on high-income taxpayers—such as the provision weakening the individual alternative minimum tax and the $10,000-a-year education tax deduction, which includes no income limit on the taxpayers who can claim it. Eventually, the Archer plan becomes a piece of legislation whose predominant effect is to provide upper-income tax relief and enlarge the after-tax incomes of those in the wealthiest strata of society.

CHANGES IN JOINT TAX COMMITTEE METHODOLOGY SKEW THE DISTRIBUTION TABLES

Also of significance, the methodology the Joint Tax Committee has used in preparing the distribution tables on the Archer plan differs in important ways from the methodology the Joint Committee employed until late 1994.

Tax bills have been introduced on numerous previous occasions that phase in the tax cuts they contain. Accordingly, the Joint Tax Committee had to address on many prior occasions the question of how to estimate the distributional effects of tax provisions whose full effects would not be felt for more than five years. Until the end of the 103rd Congress, the Joint Tax Committee traditionally addressed this issue by examining the distributional effects of the proposed tax changes when the changes were fully in effect. This also is the approach most tax analysts endorse and the approach the Treasury Department continues to use. But the Joint Tax Committee did not use this approach in analyzing the distributional effects of the Archer tax package. It thereby has significantly understated the effects of the backloaded tax cuts in the Archer plan that primarily benefit high-income taxpayers.

The Joint Tax Committee also has changed its methodology in another key respect. The capital gains and IRA provisions of the Archer tax package are designed so they increase tax collections in the period from 1998 to 2002. This increase in collections does not reflect an increase in tax rates or a change in tax law under which previously exempt income is made subject to taxation. Rather, the increased collections reflect voluntary changes in behavior by taxpayers who choose to make tax payments in the next five years that they would have made in later years in return for very generous tax cuts for years to come.

For example, the Joint Tax Committee estimates that the Archer capital gains provisions would produce a net increase in revenues in the years through 2002. In the first two years, these provisions would raise revenues because some investors would decide to take advantage of the new, lower capital gains tax rate to sell more assets than they otherwise would have sold in those years. The increased tax collections that result from the sale of an increased volume of assets in these two years do not represent a tax increase the government has required investors to pay. To the contrary, the increase in tax collections would occur because some investors would elect to sell in the next two years some assets they otherwise would have sold at a later date. The investors would sell these assets because they concluded it was in their interest to do so.

Similarly, the capital gains indexing proposal offers investors the *option* of paying capital gains tax in 2001 and 2002 on the increase in the value of various assets they hold between the time the assets were purchased and January 1, 2001, in return for large capital gains tax cuts when they sell these assets in later years. Because this offers such a sweet deal to investors, many would use it. They would pay capital gains taxes in 2001 and 2002 that they would otherwise have paid in future years when the assets are actually sold, and they would reap large tax cut benefits as a result. Here, too, the additional revenue collections in 2001 and 2002 do not represent tax increases the government has imposed on these individuals. To the contrary, these investors are securing large tax cuts for themselves.

The Archer IRA proposals also have this characteristic. They are engineered so taxpayers can opt to pay taxes during 1999 through 2002 that they otherwise would pay in future years in return for very generous tax breaks for years to come. Here, also, taxpayers would choose to accelerate some tax payments into the next several years because it would be in their interest to do so.

Under the traditional methodology the Joint Tax Committee used in the past, these accelerated tax payments that individuals would elect to make in the next few years, in return for large future tax breaks, would *not* be treated as tax increases imposed upon these individuals. Under the new methodology it adopted in late 1994, however, the Joint Tax Committee treats these additional revenue collections as tax increases. As a result, the Joint Tax Committee's distribution tables reflect the incongruous assumption that the net effect of the Archer capital gains and IRA proposals on wealthy individuals is to saddle them with a tax increase.

LEADING ANALYSTS REJECT NEW JOINT TAX METHODOLOGY ON THE DISTRIBUTION OF CAPITAL GAINS TAX BENEFITS

Many of the leading analysts in the field reject the new Joint Tax Committee method as producing severe distortions in the distribution of the benefits that a capital gains tax cut produces. Among those rejecting the new Joint Tax Committee approach are: Robert Reischauer, former director of the Congressional Budget Office; Henry Aaron, senior fellow at the Brookings Institution; and Jane Gravelle, the Congressional Research Service's leading tax expert and analyst. In addition, several years ago Gravelle co-authored an article on this matter with Lawrence Lindsey, a noted conservative economist who served until recently on the Federal Reserve Board and who supports a capital gains tax cut. In their article, Lindsey and Gravelle explicitly rejected the methodology the Joint Tax Committee has now adopted.

As Aaron has observed, investors who respond to a capital gains tax cut by selling more assets are people who face one set of opportunities under the current capital gains tax rates—and find it financially advantageous not to make additional asset sales—but face a more generous set of opportunities when capital gains tax rates are reduced and choose to follow a different course. "Since they have the option of doing what they did before (i.e., not selling additional assets), but the new, more favorable tax rates induce them to do something else, they must be better off," Aaron explains. "It is logically absurd to count them as worse off in any way whatsoever."

Aaron's view is supported by an article Gravelle and Lindsey co-authored in 1988 before Lindsey joined the Fed. In the article they stated:

"* * * suppose a reduction in the capital gains tax rate led to substantially more capital gains realizations [i.e., more sales of assets] and actually increased the tax revenue paid by upper-income groups. * * * it would be totally inappropriate to say that their tax burden had increased. After all, with a lower tax rate, these upper-income taxpayers are less burdened than they were before, even though they pay more taxes."[1]

In addition, in a more recent analysis examining the new Joint Tax Committee methodology, Gravelle notes that the standard methodology, if anything, understates the benefits that investors would secure from a capital gains tax cut because it does not reflect the tax benefits they would receive when they voluntarily sell more assets to take advantage of a lower capital gains tax rate. She also observes that economists generally would reject the new methodology.

Mr. FORD. Mr. President, let's not cook the books. Let's have a straightforward debate about who is getting the tax breaks that have been proposed, and whether we can do better. We hear a lot about income tax, but what about payroll tax?

Let's not ignore payroll taxes when we talk about who is carrying the tax burden today. Workers in this country pay a 7.65-percent payroll tax to finance the Social Security Program. They pay an additional 1.45 percent payroll tax to finance the Medicare Program. Social Security taxes are collected on the first dollar earned—up to $62,700. Medicare taxes are collected on all earned income.

[1] This quote is from Jane G. Gravelle and Lawrence B. Lindsey, "Capital Gains," Tax Notes, January 25, 1988, p. 399. Gravelle included this quote in Jane G. Gravelle, "Distributional Effects of Tax Provisions in the Contract with America as reported by the Ways and Means Committee," CRS Report for Congress, April 3, 1995.

The majority of workers in this country pay more in payroll taxes than they do in income taxes. So it is insulting for many of these workers to hear some around here talk about low income workers as if they pay no taxes. You will actually hear some Members come to this floor and argue that lower income workers do not get much of a tax break because they do not pay many taxes. They will say lower income workers do not get a full $500 per child tax credit because they do not pay enough in taxes.

This is just not true. A tax is a tax for most folks—whether they are income taxes or payroll taxes or estate taxes or something else. But by counting only income taxes and ignoring payroll taxes, it means that upper income taxpayers get more of the tax breaks, while lower and middle income workers get less.

So we have to do better.

Now, we will also hear that the top 10 or 20 percent get most of the tax benefit because they generate most of the income. Well, let's put that in perspective as well. According to the Congressional Budget Office, in 1994 the wealthiest 20 percent of families made about 48.1 percent of family income in this country. Yet under the Senate Finance Committee bill, they get 67 percent of the tax breaks.

Or let me put it another way—from a middle class perspective. Again according to CBO, in 1994 the bottom 60 percent of families made 27.3 percent of the income. Yet under the Senate Finance Committee bill, they get only 12 percent of the tax benefit. So I think we are a little out of balance. When the bill reaches the floor, I hope we can do better. I hope we can make it a little more fair. It is the least we can do.

Last, Mr. President, when we talk about the fairness of this package, we need to talk about how the revenue raisers in the Senate Finance Committee tax package affect different income groups.

Last night, the Finance Committee voted to increase excise taxes on cigarettes by 20 cents per pack. I understand that it's politically correct to attack the tobacco industry. And we're going to see plenty of piling on over the next few months regarding tobacco.

But let's talk for a minute about how this cigarette tax affects various income groups. It's well documented that cigarette excise taxes are the most regressive of all taxes—meaning they hit poor folks a lot harder than they hit upper income folks. According to a 1997 KPMG Peat Marwick study, U.S. families earning about $30,000 or less earned about 16 percent of all income generated, but paid 47 percent of all tobacco taxes. Let me say it again. Families earning less than $30,000 pay 47 percent of all cigarette excise taxes.

The changes in the tax bill made last night will make the disparity among poor families even greater.

On average, low income persons pay 15 times more in tobacco taxes than upper income individuals.

And what was this tax increase on low income people going to be used for? To accelerate the increase in estate tax relief, which goes primarily to upper income individuals. This is a reverse-Robin Hood amendment. We are taxing the poor to help the wealthy.

The amendment will also reportedly be used to provide $8 billion in additional spending for health insurance. Just a couple of weeks ago we heard how this would violate the budget agreement. We voted 55 to 45 against an amendment that would raise taxes in order to raise spending on health insurance. Phone calls were made to the President of the United States to tell him how this would violate the budget agreement and how he better announce he was opposed to the amendment. Yet last night, some of the very same Senators who made those arguments on the floor a few weeks ago apparently voted in favor of a very similar amendment. How could it violate the budget agreement a few weeks ago and not now?

Last, Mr. President, the timing of this tax increase is most interesting. Later today we may hear an announcement of a "global settlement" of tobacco litigation. The agreement will require congressional action. As I understand it, this agreement completely fails to address the interests of tobacco farmers and factory workers, nearly all of whom are low to moderate income workers. But we will have that debate on another day.

What is interesting today, however, is the impact of that agreement on all these proposed cigarette tax increases. The tobacco settlement, if implemented, will have an immediate impact on prices, raising the price of a pack of cigarettes by somewhere in the neighborhood of a dollar. This, of course, will depress consumption—which in turn will reduce revenues by about 20 to 25 percent, or maybe even higher. So any proposals in the reconciliation bill to raise revenues by raising cigarette taxes will prove to be overly optimistic as soon as any global settlement is implemented. This means less revenue will actually be raised, and our deficit problems will be worse—particularly in the out years. So there is a great ripple effect as work here if these tax increase proposals succeed.

But last, Mr. President, let me return to my initial point. The tax package considered by the Finance Committee benefits upper income individuals too heavily. The cigarette tax adopted last night makes matters even worse, because it is primarily a tax on low income individuals. So not only do low income folks get virtually none of the tax breaks—but they will now get a tax increase.

I hope my colleagues who claim great concern for low income people will keep this in mind as they prepare to vote on the tax reconciliation bill. As for this Senator, I think a bad bill was made worse by the Finance Committee last night, and it is simply not a package I can support in its current form.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMERICANS DISABLED FOR ATTENDANT PROGRAMS TODAY

Mr. SPECTER. Mr. President, I have sought recognition today to discuss programs proposed by the Americans Disabled for Attendant Programs Today, a group known as ADAPT, that is working to help people who are disabled live normal lives.

There is a curious provision in the Medicaid laws, one of many curious provisions in the Medicaid laws, which does not permit people to live at home in community-based settings as opposed to being in nursing homes. I have sought to persuade the Secretary of Health and Human Services to change that program with a letter which I wrote to her on February 28, 1997, pointing out that "it has been brought to my attention that considerable savings to the Medicaid Program could be achieved by redirecting long-term care funding toward community-based attendant services, and by requiring States to develop attendant service programs meeting national standards to assure that all people with disabilities have full access to such services and can live at home."

When the Secretary came for a hearing, the question was propounded and the response has been that "HHS is currently considering such programs as a policy option but has not yet put them into effect. The Robert Wood Johnson Foundation is funding a demonstration program that will be operational next year, and the Department is looking toward the results of that program before acting."

It is my thought, Mr. President, that there is a clear-cut need for this kind of a program to be put into effect forthwith, and if the Department of Health and Human Services does not do so, then it may be necessary to enact legislation which would require the Department to act in that way. In the meantime, the appropriations subcommittee, which I chair, has increased the funding for the independent living program by some $2.1 million for a $74.6 million allocation this year.

I had occasion earlier this year to visit a group of people who are living at home and told them that I would display on the Senate floor their sweat shirts and send to them a video cassette. Sweat shirts are very popular these days. This one says, for those

who might not be able to read it on C-SPAN2: "Our Homes, Not Nursing Homes." Underneath the logo is "ADAPT," which is Americans Disabled Attendant Programs Today.

They are a very courageous group. They are principally in wheelchairs, with very, very substantial disabilities, struggling to live independent lives and doing a great job at it. What they want is the flexibility to be able to live at home and to have home services.

I think this is another area where Medicaid ought to have a little flexibility, understanding the needs of people. One way or another, Mr. President, we intend to get there and reasonably soon.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 943 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. SPECTER pertaining to the introduction of Senate Concurrent Resolution 34 are located in today's RECORD under "Submissions of Concurrent and Senate Resolutions.")

Mr. SPECTER. I thank the Chair. I note the absence of any other Senator seeking recognition and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent in the period of morning business, the following Senators be permitted to speak for up to the following periods of time: Senator MURKOWSKI, 30 minutes, and Senator COVERDELL or his designee for up to 60 minutes from the hour of 2 o'clock to 3 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX RELIEF

Mr. COVERDELL. Mr. President, we are in the midst of a great deal of history in the 105th Congress. As most people now realize early out, the Congress, the leadership of the Congress and the President of the United States and his administration reached an agreement that they would work together to produce, finally, after well over a decade, tax relief, and that we would produce by the year 2002 a balanced budget which would, of course, by definition, produce constrained spending, and that we would take steps to protect the solvency of Medicare at least for upward to a decade, and begin to reduce spending in order to reach these balanced budget goals.

By and large, I believe the American people are pleased with the concept of this agreement. I suspect that not all of them realize that was only one step in a 1,000-mile journey, and that once those basic parameters had been established then you had to begin the business of having the committees of jurisdiction produce the actual legislation that would produce this effect.

Mr. President, this has been a long goal of the Republican majority of this Congress that came here in 1994, to produce balanced budgets and to produce tax relief for America's families and workers that we believe are under the most severe economic pressure in contemporary history. They are paying more taxes. An average family is paying higher taxes today than at any time in contemporary history.

This agreement comes in the context of a longstanding battle between this Congress and the President. I am going to take just a moment or two to remind us of the general milestones in that battle. In 1992, 5 years ago, when the President was first seeking election, he promised the American people, particularly the middle class, that he would lower their taxes, that if he were elected President, he was going to reduce the economic tax pressure on middle-class America. In August of 1993, in his first year of the Presidency, that promise to lower taxes became, in reality, the largest tax increase in American history. I repeat, the promise to lower taxes was fulfilled by raising taxes to the highest level in American history.

Then came the elections of 1994 and the American public said, "Now, wait a minute here. We were told we were going to have tax relief, and our tax bill has gone up. We were told that American Government would shrink, and we just witnessed the single largest proposal to enlarge the Federal Government in American history."

So we had the largest tax increase, which passed by one vote—that of the Vice President, seated in the very chair that the Presiding Officer occupies right now, and that was followed by a suggestion that we should expand the Federal Government to take over every aspect of health care, which was narrowly defeated.

So in 1994, the American public sent new leadership to the Congress, and they turned the Congress over after three decades of dominance by the other party, and they elected a new majority.

The new Congress, Mr. President, designed a balanced budget, reduced the size of the Federal Government, reduced Federal spending, and offered to lower taxes by the equivalent amount of money that the President had raised taxes. He raised taxes in 1993 by about $250 billion, and the new Congress came in and lowered taxes by $245 billion. So what it in effect was was a refund of that galloping tax increase that hit the American public in 1993.

That went to the President and the President took his pen and struck it down. He vetoed the tax relief, he vetoed the balanced budget, and he vetoed all the constraints that were represented in the balanced budget. Now, even though it was vetoed, it was a historic achievement because it was the first time in over 30 years that a Congress proved that it could, indeed, muster the courage and the muscle to pass a balanced budget and at the same time lower working families' taxes. But it was vetoed.

Now we have two major events that have occurred here—in 1993, taxes were raised to historical levels; in 1995, the Congress tries to refund that and the President vetoes it.

We have another election. The President is reelected and he is reelected under the theme: The era of big Government is over; the era of big Government is over. The Congress is reelected in the House and the Senate, the Congress that was committed to balanced budgets and tax relief. The leadership of this Congress and the newly elected President, for his second term, decided to sit down, and they had historical meetings, both in the Capitol and at the White House, and they announced a historical agreement that both will work for a balanced budget, for tax relief and constrained spending.

Last night, the Senate Finance Committee passed to the full floor of the Senate a proposal that honors the agreement for tax relief in the range of $135 billion. That tax relief is not enough, but keep in mind it is an agreement between an institution—the White House is not all that enamored with tax relief per the discussion we just had—and a Congress that would like it to be substantially more. At the end of the day, the proposal that will be coming to the Senate floor will be about a refund equivalent of about 40 percent of that tax increase that was put in place by the President in 1993. So it is very meaningful and very significant.

Just to remind the American public—no one can see this chart, but it goes from 1950 to 1997, and you can see the trend. The percentage of the Nation's wealth consumed by taxes has gone from 23.4 to almost 32 percent—up, up, up, and up.

This proposal that we will have coming before us is the first in well over a decade that would significantly lower that burden. A little later on in my remarks I will talk further about the condition of the average family, but we will take a moment and talk about some of the details of this tax relief. First of all, Mr. President, it is for kids. This is tax relief for children. The $500 per child tax credit will help parents—that is per child—will help parents meet the needs of children and teenagers. We figure teenagers probably have the highest economic impact

on the family than even the real little ones, and that is the difference between us and the President. The President's proposal does not include tax relief for teenagers, but we do and this proposal does. So it is a $500 per child tax credit to help parents meet the needs of children and teenagers because parents can decide their children's needs better than Washington bureaucrats.

We are leaving the money in their checking account, not dragging it up here and then micromanaging it as to what is important in that family. Obviously, it is for the parents of these children. We make it easier in this tax relief for parents to afford their children's higher education by building on the President's Hope education proposal and improving it. We make it easier for parents to save and to invest for their own future by expanding IRA's and including a homemaker IRA that will help either mothers at home or working mothers.

This is a plan for the grandparents in their retirement years. Those who have worked hard and played by the rules and saved for retirement should be rewarded, not punished, as is the current law. Some say, on the other side of the aisle, you are rich—which is often characterized in an uncomplimentary fashion. I am also often amused by what is considered wealthy, and you do not have to have much to be targeted as being a wealthy person in America around this Washington establishment. On the other side of the aisle they say you are rich if you put money into mutual funds or contributed to a company retirement plan or built a small business with your own sweat and labor, or run your own farm. An average farmer would be categorized as rich, according to the other side of the aisle.

More than half of all taxpayers claiming capital gains have incomes under $50,000. I want to repeat that. More than half of all taxpayers who claim capital gains have incomes of less than $50,000, and most, or many, are seniors who live a better life by converting their lifelong investments. Over the years, as we have heard argument after argument against lowering the tax on capital gains, we have heard time and time again that that is just something for wealthy people; that is just something for rich people.

I repeat: More than half of all who claim capital gains earn less than $50,000 a year.

Mr. President, I have noted the arrival of the distinguished chairman of the Senate Budget Committee, who has played just a massive role in these agreements and has been following the details of their fulfillment in great detail. I yield up to 15 minutes of our time—unless he needs more—to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. First, I compliment Senator COVERDELL, so soon after completion of the tax package and deficit reduction package, for him being on the floor encouraging Senators to evaluate it and to speak out. I think it is fair to say that no one has had an opportunity to review, in detail, the tax bill that was written last night. Sometimes people confuse the Budget Committee with the Finance Committee. The Finance Committee is the tax-writing committee. It has a lot of additional jurisdiction, including Medicare and Medicaid in the Senate. The Budget Committee does not write the laws. It writes the budget resolution. But we try our best to keep abreast of what is going on.

The reconciliation bills will be up next week, and there are some very technical rules about these bills. We will be careful to advise everyone on how to apply those technical rules and the way that is best to get the issues framed in the Senate and get the votes proceeding.

Today, I want to indicate that the package of tax cuts that the Finance Committee passed last night, from this Senator's standpoint, is a very exciting package. In the Finance Committee package, approximately 82 percent of the tax relief is made up of a family tax cut that we Republicans have been promoting for almost 5 years, and education assistance priorities, which we all share. Let me repeat that we are going to hear a lot about some of the other tax proposals in this bill. But our American citizens ought to understand that out of every dollar in tax reductions in this bill, no matter what is said about the remainder of the package, 82 percent of the tax relief is made up of the $500 child credit and education assistance in this bill.

It represents the biggest tax cut in 16 years.

Now, some complain that it is not big enough. The American people should know that, in our efforts to get a balanced budget put together, this is not a huge tax cut. In the first 5 years, it is around $85 billion. To put that into perspective, we spend about $1.6 billion every year. Our gross domestic product, the sum of all input into the economy, is well over $5 trillion, moving toward $6 trillion. So this is a tax cut that permits us to do some good things for the American taxpayers, and I repeat that approximately 82 percent of the package goes to families that are raising children; they get a tax cut of $500. We call it this fancy name, "tax credit." But, essentially, a tax credit means that if you owed $5,000 in income taxes, you can take $500 off of that $5,000. There is no other way to say it than it is a tax cut. Most of it is for working men and women in America who are not particularly wealthy.

We are never going to be able to produce a tax cut package that some Senators—particularly on the other side of the aisle—are not going to moan about. They are going to moan that it goes to the wrong people. Well, some of them don't want a tax cut at all. Some just have to find something to make sure that the poor in the country believe that the other party is serving the poor better than we are. That is just too bad, because it is obvious in this American society, to most people that look at our economic situation, that we ought to be doing more on the capital formation side of this equation.

So while this bill is finally and firmly tax relief for middle-class families, it does include some relief from capital gains taxes, and for people with a home. It gives them a very generous $500,000 exclusion from capital gains tax for people who sell their house. But it also provides some capital gains relief for many millions of Americans who sell an asset, be it a few shares of stock, a piece of real estate, a family lot that they inherited from their parents, or stock on the stock market. And we have not gone wild with reference to this capital gains tax. It is a pretty reasonable one, considering that we don't have an awful lot of money to spend.

Obviously, no matter what is done with reference to death taxes, there will be some who complain that you ought not change death taxes, even though we haven't changed the basic exemption for many, many years. While inflation has built up, we have left it just like it was, and now millions of Americans—not a few hundred thousand—are looking out there saying that 50 to 55 percent of what they have accumulated on death is going to go to the Federal Government. We don't think that is exactly right—most of us—on our side. We think there ought to be much more concern about the energizing of society and this economy that comes with people who work hard because they want to accumulate wealth. We don't want to take that away by making the death tax so onerous. We haven't been able to change it very much in this bill, but there is some improvement. It will take 10 years to be fully implemented. Frankly, we will hear some more about that, too. It is obvious that it is easy to talk about that as if it were something bad for us to try to give some relief to these kinds of Americans who worked hard to build a business up, who have been smart and accurate on how they have done things. We are going to give them some tax relief. It is a small portion of this package. It is something we want to do. I am sure there are many Democrats that want to do this also, and I am quite sure something like the death tax relief in this bill is going to become law.

Now, let me repeat, this bill provides a $500 tax credit per child, beginning the day the child is born. By making changes in the order that the earned-income tax credit and new child credit

are taken, the Finance package adds about 900,000 more children who will be eligible for this tax relief than the House version of this bill. I believe that this change that we now have a bill that we will not be accused of being unfair to a very large part of the working people in the country.

The earned-income tax credit—although it has been dramatically increased—was a Republican idea, incidentally, for those who wonder. Ronald Reagan was a staunch supporter of saying to those who want to work for a living that we want to encourage you to work, even though you are not making a lot of money. We want to discourage you from going on welfare by giving you this earned-income tax credit. So it is for working adults who are not earning enough in the eyes of Congress and past Presidents, and so we give them that earned-income tax credit.

When you look at the rest of this bill—at least the major components—the cost of a college education has increased 234 percent since 1980. The bill helps families save for college, helps students pay for college and pay back certain loans, helps employers pay for their employee's education, which many of us have thought for a long time is a very prudent thing to do. If you need more education in this society for better jobs and for the transition required in today's job market, if an employer wants to pay for it, we don't understand why the employer should not be able to deduct that and why the employer should be paying for that as if they earned money. So we are fixing that, to some extent. It includes tax relief for education assistance provided by the employer side, which I have just alluded to, and it helps employees maintain what many think is a new characteristic of American society, which is maintaining a lifelong learning opportunity.

It provides capital gains to help people generate more incentive to invest in U.S. companies that provide jobs and help grow this economy. One of the interesting things is that people can be in favor of jobs, but oftentimes it is very difficult to make the case that there are a lot of ways to create jobs, and they are not singularly—in fact, the worst way in terms of cost effectiveness is for the Government to provide programs that create jobs. We do that sometimes. In fact, in the bill before us, we are going to have a $3 billion, 5-year program on welfare jobs. Frankly, we agreed to it. I have very slim hope this initiative will succeed. But we agreed on some things that I did not believe in and this was one of them.

When you invest in capital formation and help American companies grow, they can build new modern plants, install efficient technology, you, as an investor and a citizen, are deserving of an accolade that you are helping create jobs. And so a capital gains tax cut should recognize that jobs were created and the country benefited from the investing and risk taking that the investor was willing to take.

Actually, the capital gains provisions are pretty good. Last night the committee partially corrected the discrimination against real estate—real estate that is depreciable, whether it is a building, whether it is an office storage, or an office building, we came very close to mistreating those investments. Thanks to some amendments last night, it is getting closer to at least a reasonable treatment of the gain that comes when you sell that kind of an asset. It won't be the same as the other asset sales, be it stock equity or your home, or other things, but we are moving in the right direction.

So I am pleased that the Senate bill treats capital gains investment on real estate better than the House bill. I hope we keep that. It lowers the recapture rate to 24 percent. I actually believe that, in due course, it ought to be the same as the overall capital gains rate. I know my friend from Georgia agrees with that. You only have so much money to go around and you can't do everything.

Now, I understand that one of the things we have problems with in our country—and I don't stand here saying that the IRA's in this bill are going to solve it. But America is now becoming known, worldwide, as the country that doesn't save. We love to spend, but we don't like to save. We are very fortunate that, for the last 15 or 20 years, or so, our credit has been so great, and our economy so stable, and the country so stable, that a lot of foreign money flows into America to pay our debts.

But essentially, so long as we run big deficits—and hopefully we are putting a stop to that—and so long as the American people do not save otherwise, we are still going to be the world's largest borrower and the world's worst saver; that is, as a people and as business and as Government goes.

On the other hand, we are moving in the right direction. I for one think that we ought to have universally IRA's. But we are not going to get there until we totally reform the Tax Code. But there are some powerful IRA provisions in this package. I am not sure that all of them will stay through conference, and I am not sure that some won't be attacked here on the floor. But, nonetheless, the idea of doing something to encourage savings by middle-income Americans instead of just those who are at the top of the ladder is very exciting to me. Countries with the highest saving rates are moving in the direction of greatest economic growth. Greater economic growth translates into better jobs, bigger paychecks and higher standards of living. For the higher the savings rate—Japan has a high savings rate—some people say, "Well, they don't do it voluntarily." It is almost mandated by their government. But at least they do, and the government almost tells them how much of their paycheck has to go into savings.

Some of the other countries in the Pacific rim have great savings prospects for their people. We have to do better. And we will be doing better, if this bill becomes law.

I alluded earlier to the death tax, and I am not going to say much more about that.

But I do want to comment that I wish today I could tell people of New Mexico—and I wish everybody could know in their States—the exact impact of this tax bill on their States and their constituents. I understand, however, that the Tax Foundation has done that for the House bill.

So, if you want to know what the House bill has done in terms of the citizens of your sovereign States, you can get that. It looks to me from what I can discern in terms of my State of New Mexico that the tax relief numbers attributable to the people of my State from the Ways and Means bill are worthy of stating because I think the final package will result in bigger tax cuts for New Mexicans. I think the Senate Finance package will result in bigger tax cuts than the Ways and Means package. So I will be able to say to New Mexicans that we are going to do at least this and probably better.

Let me just recite to show how important it is to a small State like mine. New Mexicans will save $388 million over 5 years because of the child credit in the House bill. New Mexicans will have $388 million of their own money to spend on their families as a result of this tax package. We are doing a little better under the Senate version.

It is common knowledge that, if you look at New Mexico you discover that we have a lot of children in the families of the working poor. So I would assume for the working people who pay taxes that my State will get a higher benefit as a result of the ways the Finance Committee "stacked" the earned income and new child credit. That is a pretty good chunk of money that will stay in New Mexico rather than coming to Washington because of the $500 credit. That makes it kind of understandable. Mr. President, $338 million-plus will never leave our taxpayers' pockets in New Mexico and come to Washington. It will stay there.

Mr. President, New Mexicans will also save $229 million in additional dollars of their own money to spend on education for their children.

There are a couple of glitches in the bill. There will be a big debate about should there be an IRA for education after the 13th year or 14th year. But when it is all taken into account the House bill has $229 million that will

stay with New Mexico families to use on education that they would otherwise send to Washington for us to determine how to spend it. And, obviously, we are very convinced on this side of the aisle that both the child credit, the education-type deductibles, and the like are better determined there in my home State—and the Senator's State of Georgia by his people, and our people. So as much of that as we can leave there the better we feel and the better we think the lives of our people will be.

So while this bill has a road ahead of it that may be thorny and may be contentious—I am not speaking only of the tax bill—I believe it is not too soon to come here and say, "Well, this is what I am going to try." There will be some additional spending money on child health care. And I know that. I have an open mind. I want to hear the committee talk about it and report on it. I am of the opinion—and I know it doesn't set well with some States—but I think the cigarette tax portion of it was inevitable. We could see that coming. And I think the committee took 20 cents instead of 43 cents, which was proposed by Senator KENNEDY and Senator HATCH, or Senator HATCH and Senator KENNEDY. And then it used that money for very good purposes, I think, of the bill. It spent some. And that is why many would like it all to have gone for tax cuts.

But, you know, the bill came out with total bipartisan support. And I am not sure we need total bipartisan support on every major measure as it goes through the Senate. But I believe we started this budget exercise with a strong suggestion that we might get the package adopted. Frankly, that was because we recognized that the President was not of our party and that we had to work with Democrats here in an effort to get something that the President would sign. There is no use going through another process as in 1993 where Democrats just passed a huge tax increase or 1995 where just Republicans voted for an enormous tax reduction plan with reforms in every area only to find that it would get vetoed.

The reality of it is—and Republicans are beginning to understand—that we have a President who is not of our party. He is the President. If we want to make a point, we can make a point. When we want to get something done, it is pretty obvious that we have to have him as a part in getting it done as a team.

So I am hopeful. We are moving in that direction.

I thank the Senator for arranging the time.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senator from New Mexico for, as usual, his eloquent description of this proposal.

I would make one comment. And then I am going to yield to the distinguished Senator from Utah.

When you talk about savings, in my judgment, the force that has more to do with destroying savings is Uncle Sam. When something marches through an average person's checking account and takes over half, as they do today—a 45-percent tax is the cost of Government, and higher interest rates because of the deficit—there isn't anything left to save in an average family. You can look at every data and see exactly what has happened as we ratchet up the amount that the Government takes out of that checking account. We closed savings accounts all over the country. Until we start moving resources, as the Senator described, for New Mexico back into their savings accounts, we are never going to have them open savings accounts.

Mr. DOMENICI. The Senator should also add that as the deficit turns into debt—that is the accumulation of the deficit, the debt—you have to go out and borrow that money. And essentially that is not saving. To the extent that you have to go borrow the money, you have to get it from somewhere. And our biggest activity for not saving has been the deficit. It gobbles it up, and it isn't available. It is used for that, if nothing else, plus the fact that high taxes prevent you from being able to have any left over, which is your premise here today. We are not in the greatest shape in just that one area. The economy looks pretty good. It looks like we are moving in the right direction in how we treat our American business. It seems like they have a little more freedom than European companies. We find that they do better for us and better for workers that way. That is better than most countries. But saving is still something that we are working very hard on. If we can get the deficit down to zero, we are surely moving in the direction of putting more savings into the total pot of savings for growth, prosperity, and other uses.

I yield the floor.

Mr. COVERDELL. I thank the Senator from New Mexico.

I yield up to 10 or 12 minutes to the Senator from Utah, or, if he needs 15, I will yield that as well.

Mr. BENNETT. I thank the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have come here because I have seen a series of articles that have appeared in the newspapers. I am not a believer in a conspiracy theory. But I think there is a movement afoot to give us a steady drumbeat of repetition of a particular theme coming out of those who are opposed to any kind of tax relief. And I picked two examples to show what this drumbeat is.

The first one appeared in the Washington Post, written by Alan Blinder. Alan Blinder, Mr. President, used to be the Vice Chairman of the Federal Reserve Board. He is now a professor of economics at Princeton.

He starts his presentation this way:

> I have always opposed cutting the capital gains tax, and still do. The case is simple and compelling. No one has yet produced evidence that lower capital gains taxes will lead to higher savings and investment; claims that they are just hunches. But we do know that a lower capital gains tax will shift some of the tax burden from the haves to the have-nots just when income disparities are at postwar highs.

Then he goes on to say how terrible the capital gains tax rate is and laments the fact that he and others like him have lost the debate.

A few days later Robert Kuttner wrote the following, again in the Washington Post. I would tell you who Robert Kuttner is, if I knew. But I am not as familiar with him as I am Alan Blinder.

He says, referring to capital gains tax:

> . . . with the stock market setting new records, the timing is a bit off.
>
> It's hard to argue with a straight face that the prospect of paying capital gains tax is deterring much productive investment.

Again, another drumbeat along the idea that cutting the capital gains tax is really nothing more than a way of putting more money into the pockets of the rich—that it will not increase investment, that it will not increase savings. Those who say that it will are ignoring the economic evidence. And these economists make this case over and over again. I submit to you, Mr. President, that they are shooting at a straw man. Either they do not understand the impact of capital gains taxes in the economy, or they don't want us to know what capital gains taxes really do to the economy because I am not going to stand here and argue with Professor Blinder on his turf. I want to take him to my turf, which is the marketplace. I want to take him to the marketplace where real people make real economic decisions in real life, and not the classroom where people argue about it.

Let's start out with a little bit of classroom conversation, however, to set the context for this. I submit to you this truth, Mr. President: All wealth comes from accumulated capital.

If someone somewhere does not stop spending everything he creates in the way of product and saves some of it, accumulates some of it, there will never be any wealth. Out of accumulated capital comes factories. Out of accumulated capital comes machine tools. Out of accumulated capital

comes the infrastructure that then produces more wealth.

The argument in society in the last century or so has not been over that truth. It has been over the question of who should own the accumulated wealth.

Karl Marx, and others, said that society as a whole should accumulate wealth but that individuals should not. We have already seen one society give us an example of what happens when society holds all of the accumulated wealth and does not allow individual property accumulation. That example was called the Soviet Union, and it is the premier economic basket case of this century. It has wreaked absolute havoc in the lives of all of its people.

Still the notion that society should own accumulated wealth has some currency in the world, and there are those who call themselves Socialists based on their notion that society should own everything and that the wealth should be accumulated by society. We have a different notion in this country. We go back to the writings of Adam Smith, who coincidentally wrote his book, "The Wealth Of Nations" in 1776, which was a good year for this country: The wealth should be held in private hands, that when private people accumulate wealth, they do better things with it than when society as a whole accumulates wealth.

Why is this important? Because the capital gains tax is a tax on movement of accumulated wealth. It is not a tax on the wealth itself, it is only a tax that is levied when there is a movement of that wealth from one entity to another; or, in our circumstance, from one individual to another, one private corporation to another private corporation.

I now give you the second great truth that applies in the marketplace. All wealth comes from risk-taking. If someone is not willing to take a risk and invest his or her accumulated wealth in that factory or that machine tool or that plow, with no guarantees that the investment is going to pay off, the wealth that comes from the factory or the machine tool or the plow will never be there. So these two principles guide what we are doing: All wealth comes from accumulated capital and all wealth comes from risk-taking.

So, what happens when a private individual or corporation accumulates some wealth, accumulates some capital, takes some risk and creates some wealth, and then decides to move that from one investment to another? The Government steps in and says we will tax that movement. That is what the capital gains tax is all about. We will tax the movement of accumulated capital from one investment to another.

This is what happens—real example, real world, not classroom stuff now. I will give you an example of a friend of mine who invested at great risk in a new venture. He is that kind of fellow. He is an entrepreneur. He takes risks. I'll keep the numbers very simple. Obviously there are more accounting details to this, but the illustration is accurate. He made, let us say, $100,000, and to keep it simple let's rule out the tax base. Let's say he has a cost of zero. In fact it was not that, but a gain of $100,000.

So now he has $100,000 of accumulated wealth, but what has happened to his investment? Over the years that it has grown from zero to $100,000, it has become what we call a mature investment. That is, it is now earning 10 percent a year and that's about the prospect for this investment from now on. And this guy, because he is an entrepreneur, is restless with a 10 percent return. He wants to take some bigger risks and do some other things with his money. He sees an opportunity over here that will produce him a 20 percent return. Yes, it has a risk. He is willing to take the risk. He is willing to move his accumulated capital from company A to company B. And the Feds step in and say, "We want 28 percent of that, or $28,000." And the States, of course, follow right along. He is going to end up, moving his capital from company A to company B, with $65,000 worth of accumulated capital instead of $100,000.

Now, if he earns a 20 percent return on $65,000, for 3 years he will not even break even, back up to his $100,000 where he was. And the $100,000, if he had left it alone, would have earned an additional $30,000. He has to earn a 20 percent return on his $65,000 investment for 5 years just to get even with where he would be if he had left his capital alone.

Well, you say, so what? This is a rich man, he has $100,000; why are you concerned about him? I am concerned—not about him. He can take care of himself just fine. I am concerned about the people in company B who will not get jobs because they cannot attract investors. Why can't they attract investors? Because the entrepreneurs have their money locked up in the investment that only earns 10 percent.

He can find somebody who can buy investment A very easily. There are lots of people to say we would be satisfied with a 10 percent return in a mature company, absolutely. We will buy your stake and let you go out and run the risk to do something else. But, no, the capital, by virtue of the capital gains tax, is locked into investment A, because the entrepreneur says I can't afford the tax hit to move my investment capital from investment A to investment B. Therefore, I will not be backing the new rising company that needs funds.

These people whom I quoted at the beginning say the stock market is going through the roof, and what do they offer as proof of that? The Dow Jones averages. How many people understand the Dow Jones averages are derived from 30 stocks? The Dow Jones Corp. picks 30 companies, baskets them together into a single average, and what happens to the prices of those 30 stocks is described as what is happening to the market as a whole. Yes, they are probably doing a pretty good job of picking some representative stocks, but understand they have only picked 30 companies. The Standard & Poor's index has 500 companies in it, and you know what? It's not going up quite as much as the Dow. Then there is the little known, little followed stock index called the Russell 2000, and as the name indicates, it has 2,000 stocks. But none of the Russell 2,000 stocks are in the Standard & Poor's 500 or even in the Dow 30. These are the new entrepreneurial companies where the jobs for the next decade are going to be created. Do you know what is the story in the Russell index? It is down. It is not up the way the Dow is. It is not up the way the Standard & Poor's is. It is down.

These little companies, struggling along, entrepreneurial efforts, need money. Where are they going to get the investment? Are they going to get it from the big venture capitalists who like to back them? Maybe, if they can make their presentation. But they will find, time and again, that the venture capitalists who would otherwise be taken with their presentation and give them backing will say to them, "I'm sorry, I am locked in by the capital gains tax. I am locked in with an investment that would cost me so much in tax, if I were to sell and back you, that I will not make that money available to you." I have personally seen this phenomenon take place. I have been present when discussions of this have gone on, and I know, very differently from the way it may appear in a classroom, that in the real market the capital gains tax at its present level is stopping entrepreneurs from moving their capital from one investment to the other and making capital available to the entrepreneurial companies that would create the jobs of the future.

I said on this floor before and I repeat here again, I challenge every Member of this body to go home to his or her home State, gather the venture capitalists in the home State together, gather the real estate investors, if you will, in the home State together, and ask this one question: Are there deals that should be done not being done because of the capital gains tax? I have asked that question in my home State and I am told, almost with a laugh: All over, Senator. Everywhere you look there are deals that should be done, certainly could be done, but are not being done because of the capital gains tax.

Now, ask this question: Are the deals that should be done the deals that have

the greatest potential for job creation in the future? And the answer is, once again: Yes. So then I ask the question: What is going on? And I am told, look, Senator, there are so many cockamamie trade-outs being done, ways to avoid a realization of any kind of a gain that are being put together by lawyers and accountants because they want to back this in one way or another but they cannot take the hit that will come if they move their capital from investment A to investment B, so they are jerry-rigging all kinds of deals that will ultimately rise up and bite them in ways that will be detrimental.

I started off by quoting Alan Blinder, with whom I disagree, and identifying him as a former Vice Chairman of the Federal Reserve Board. I close by quoting the Chairman of the Federal Reserve Board, Alan Greenspan. Alan Greenspan has a reputation of his own. He has a reputation that has brought him praise from Members of this body on both sides of the aisle. I have sat in the Banking Committee and on the Joint Economic Committee and heard my Democratic colleagues congratulate Mr. Greenspan for the deft and intelligent way he has handled monetary policy in this country.

Mr. Greenspan tells us what the capital gains tax rate ought to be for the greatest benefit of the economy. He recommends a capital gains tax rate, not of 18 percent, as proposed out of the Finance Committee, not of 14 percent, as proposed by the Dole campaign, but zero. Because he understands the basic principles that I outlined in the beginning: All wealth comes from the process of investing accumulated capital and all wealth comes from risk-taking with that capital. The capital gains tax is a tax on that process. The capital gains tax by definition is a tax that will hold down the creation of wealth.

Alan Greenspan understands that the greatest boon that can come for this country is the creation of more and more wealth and that is why he calls for a capital gains tax rate of zero. I think we are being very modest when we call for a capital gains tax rate of 18 percent. I hope those responsible for these articles and these comments in the Washington Post would go back to school at the feet of Professor Greenspan and learn again where wealth comes from and what we need to do in the Government to foster its creation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COVERDELL). Will the Senator from Utah withhold?

Mr. BENNETT. I withdraw my request.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, on behalf of the present occupant of the chair, I will yield myself 10 minutes and also ask unanimous consent the order be extended by the same amount.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Wyoming.

Mr. ENZI. Mr. President, I congratulate you and thank you for providing this opportunity for us to talk a little bit today about taxes to our colleagues and to the American people. I do rise in support of the tax reform proposals that have been offered by the Republican Congress. Yesterday I presided over the Senate for an hour and listened to an hour of Republican bashing on taxes. I am here today to proudly say that if it were not for Republicans in this body, we would not be debating tax cuts for the American people at all. We would only be talking about increased spending—not increased spending that the American people helps to decide on, just increased spending. And increased spending leads to increased taxes.

So, I am proud to be working on a tax cut proposal for this Congress. The American people have not received serious tax relief for 16 years. Earlier this year I had the pleasure of chairing a committee hearing in Wyoming on small business. One of the groups that appeared there was the Society of CPA's. They asked for tax simplification and tax cuts for the American people.

You might say that's kind of a strange bunch to want tax simplification, but I have to tell you it is so complicated that their liability is hanging out. It is difficult for them to meet the needs of the people. If you call the Internal Revenue Service on successive days with a tax question, you will most likely get different answers on that tax question. But they were reluctant to ask for the simplification because every time they have worked on simplification in this country, we have wound up with tax increases. That is one of the things we are here to guard against, is tax increases. And we are proposing a tax package that provides for nearly $85 billion in net tax cuts over the next 5 years. It is the first step in providing the American people with the tax relief they so richly deserve.

This tax package provides broad-based tax relief for America's families. This is just the first step toward peeling back the monumental tax hike passed by the Democratic Congress and President Clinton in 1993.

It should come as no surprise that the administration and many of my colleagues on the other side of the aisle began bashing the Republican's tax proposal almost as soon as it was unveiled.

A brief review of the last 5 years illustrates that this administration believes that a bloated Federal Government knows better how to spend your money than you do. President Clinton's tax hike in 1993 punished the American people by burdening them with more than $240 billion—billion—in new taxes. The President's tax increase was the largest in American history and it came after—after—the President had promised that he would offer middle-class tax relief. The Republican tax package would give Americans back some of the hard-earned money that was taken from them 4 years ago.

We in Washington must never forget that we are talking about the people's money. As an accountant—and I am the only accountant in the U.S. Senate, which I like to humorously say probably accounts for the difficulty in getting tax cuts and balanced budgets—I hear people talk about how happy they are that the Government gave them a tax refund this year. I have to remind some of them that that wasn't the Government giving them a tax refund, that was them overpaying their taxes, the already overexorbitant taxes overpaid, and they were getting back their own money. We get confused, particularly in Washington, and we have to remember that we are talking about the people's money.

Some of my friends on the other side of the aisle seem to have forgotten this. They apparently believe it is the job of the Federal Government to take as much money away from the private citizens as they possibly can and then set themselves up as a "committee of Government" who divides that money up to take care of everyone as they see fit.

Mr. President, this is wrong. We should allow citizens to keep more of their own money and make their own decisions on how it should be spent. Government often purports to know more about our own needs than we do. But you know best how to spend your own money. History has demonstrated that the American people will use their money more wisely and more efficiently than we in Congress will. While they are doing that, they will be very compassionate, as well as constructive.

The Republican tax package is aimed at providing broad-based tax relief for the majority of the American people. The $500-per-child tax credit would provide $81 billion in tax relief for America's families over the next 5 years. This idea has been championed by the Republican Party as a means of helping America's families. The President thought it was such a good idea that he has even campaigned on it.

Many families today have two parents working: one of them works to pay the bills, the other one works to pay the taxes. We should be working to strengthen our American families in any way that we can. Taxes are our tax policy, and we should be disappointed and embarrassed by what our tax policy says. We should not be strangling American families with a punitive Tax

Code that penalizes marriages. It provides very little tax relief for families with children. It punishes people with a further tax on interest income when they try to save for their kids' college educations or for their own retirement. To add insult to injury, we even tax people when they die.

We kind of have this tax policy in the United States that if it moves, you tax it, and if it won't move, you tax it; when you buy it, you tax it; when you sell it, you tax it; and if you happen to die owning something, we're going to tax half of that, too.

I listened to much of the debate yesterday by my colleagues on the other side of the aisle who claim this is a tax cut for the wealthy. This claim has absolutely no basis in fact unless you play with statistics. I watched the charts yesterday. We should have truth in advertising on the Senate floor. We saw charts that indicated that people earning $30,000 a year would only get a $50-a-year tax credit. That is playing with the truth. They said that people who earned $400,000 would get $7,000 in tax relief. That is also lying with statistics.

Take the $500 tax credit all by itself. If you earn $30,000 and you have kids, you would get a tax credit of $500 per child, and as I heard so eloquently explained earlier by my colleague from New Mexico, that is a tax credit. That means you don't take it off the income part of your tax statement, you take it off the taxes that you owe. You get to fill it out clear down to the balance first, and that is where you get the biggest tax cut. You figure your tax bill, and then you get to subtract from your tax bill this $500-per-child tax credit.

I assure you that people who are earning $30,000, as most of you know, pay taxes, and if you pay taxes and you have kids, you get the tax credit, you get a $500-a-year credit for that child. That is quite a bit bigger than the $50 that was claimed here yesterday.

If you take and lump everybody together, there are a whole bunch of people who are earning money who are not even married yet and don't have kids. They are looking forward to that tax credit, but they are not earning it. If you combine all of those, maybe you can get it down to an average of $50 per person who pays taxes in the $30,000 tax bracket. I would like to see a lot more detail on the kind of charts that we saw.

We did pass welfare reform. That was the American people saying that we do expect people in this country to work and pay taxes. The credit would not go to people who do not pay taxes. We are not going to pay people not to work. What we are talking about here is the ability of the people in the United States to still enjoy the American dream. The American dream of owning their own home, their own car, to be able to be an entrepreneur; have an idea, go out and start a business and have that business grow into one of the biggest in the country. When they start that business, they are hoping that they can be doing it for their kids as well; that there will be money that can go to their kids.

They are hoping to be able to pass some money on to the next generation. They are worried about their kids. I know a lot of people who have homesteaded in the West and spent every dime that they have earned off their farm or ranch to buy more land so that they would have land to pass on to their kids. Something interesting is happening out in the West, and that is, a whole bunch of people are moving into Wyoming from other States, and they are willing to pay a lot more for land than what the cows will produce on the land. The price of land has been increasing greatly. That is what they have to pay an inheritance on. They are taking away their ability to pass it on to their kids, a way of life, a way their kids anticipated earning money.

I saw a program the other night about the new millionaires. Millionaires, we consider them to be rich. I can tell you—not from personal experience I can't—but from looking at people's returns, today's millionaires are not nearly as rich as years-ago millionaires. It is happening today, and the way it is happening is people who are working on assembly lines or in small business are taking a little bit of money out of their check—I know it is difficult to do—but they are taking that money and investing it, and when they get to retirement age, some are now finding because of these investments they have been doing for years and years, the business has been successful enough, they worked hard enough at their job to make that business successful, that the stock they bought is worth over $1 million. And then they die just at the time they get to their retirement, and the Federal Government says your kids aren't entitled to that, even though you worked for it for yourself and your kids all of that time. We, the Federal Government, are entitled to almost half of that money. We didn't do anything to help it, but we get it.

The fact is that the overwhelming majority of the tax cut contained in the Senate's tax package go to middle-income families. According to the Joint Committee on Taxation, which is Congress' official tax estimator, 74 percent of the benefits of the tax relief bill will go to individuals and families making $75,000 or less. Moreover, 82 percent of the benefits would go to families with educational needs, these middle-income families who were hardest hit by the Democrats' radical tax hike in 1993, and this is the group that is in most need of serious tax relief.

What many of my colleagues on the other side of the aisle really want to return to is welfare. They want to raise the taxes on people who are now paying taxes to give more money to those who aren't paying any taxes at all. That is not tax relief, it is welfare. Moreover, the budget proposal already provides for $1⅘10 trillion in spending for the next 5 years. The tax proposal would be a good first step in allowing families and small businesses and those who save to keep more of their own.

We need to get beyond the misstatements and distortions and give the American people meaningful tax relief. As we prepare for the debate on the tax package next week, I ask my colleagues to join me in this endeavor.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair and wish the Chair a good afternoon.

THE 20TH ANNIVERSARY OF THE TRANS-ALASKA PIPELINE

Mr. MURKOWSKI. Mr. President, I advise my colleagues that 20 years ago today, a truly historic event occurred in my State of Alaska that had much to do with the shaping of the character of our State probably as much as the majestic and unique parts of our State, whether it be in the mountains or glaciers.

On June 20, 1977, at 10:06 a.m. at Prudhoe Bay, AK, the crude oil discovered on the North Slope 9 years earlier began to flow. It began its journey south some 800 miles to the ice-free port of Valdez through the Trans-Alaska pipeline. That first trip, which now takes about 5 days for the oil to move, took over 1 month to complete and marked the culmination of the largest private construction project ever undertaken in the history of North America.

Since that time, every citizen has benefited from this marvel of American engineering, but few really understand how significant this feat was and how much it has contributed to our Nation. The pipeline took 3 years of construction.

The total cost was about $8 billion. The initial estimate was just under $1 billion. However, in today's dollars, that would equate to about $22 to $25 billion. It was truly a marvel, one of the engineering wonders of the world. It took 2,215 State and Federal permits to proceed. Today, it is estimated to take over 5,000. Approximately 70,000 people were used as a work force; over 3 million tons of materials were shipped to Alaska for construction; 73 million cubic yards of gravel were used; 13 bridges, ranging from 177 feet to 2,295 feet had to be constructed going across the Yukon River; 834 rivers were crossed; three mountain ranges as well.

Since that time, Mr. President, that pipeline has been subject to earthquakes, it has been subject to bombing,

dynamite has been wrapped around it, it has been shot at so many times too numerous to count—but it has withstood those rigors of Mother Nature as well as mankind.

While there was a terrible accident associated with the grounding of the *Exxon Valdez*, which was of course due to negligence on behalf of those who were operating that vessel, the Prince William Sound is cleaned up today, and it is continuing its contributions as one of the most productive bodies of water on Earth. From the standpoint of the renewability of the fisheries and marine resources of the area—I do not mean to belittle the significance of that tragedy—but Mother Nature has a way of cleansing, and it was helped by a good deal of funding, commitment and expertise from Alaskans and those outside. But the fact remains, this pipeline continues to contribute a great deal to the economy of this country.

Certainly much of the permitting process, and to a large degree the continuity of maintaining quality and environmental concerns, are a responsibility of the Federal Government as well as the State government which watched over the construction and the operation and made sure it was done responsibly. But those groups did not stand in the way of construction.

Since the pipeline first flowed on June 20, 1977, the pipeline has produced and provided the United States with over 25 percent of the domestic crude oil produced in the United States and about 10 percent of total U.S. daily consumption of crude oil, to give you some idea of the significance of this particular and unique all-American pipeline.

So, as a consequence, as we look at our situation today, this pipeline has contributed significantly to U.S. energy independence and, I might add, energy independence that is in serious jeopardy.

Consider this for just a moment, Mr. President. In 1994, domestic flow production dropped to 6.6 million barrels a day, the lowest since 1954. National demand has increased to more than 17.7 million barrels per day, the highest level since the mid-1970's. The United States imported 51 percent of its oil in 1994. Today, we are importing a little over 52 percent, but according to the Department of Energy, U.S. dependence on foreign oil is expected to rise to nearly 70 percent by the year 2000.

If not for the trans-Alaska pipeline, we might have already reached 70 percent imported oil. How much higher would our gasoline prices be without that pipeline? How much more likely would we be putting our children and grandchildren in harm's way on foreign soil to protect our domestic interests if we were importing more than 70 percent of our oil? Because, make no mistake about it, Mr. President, the Persian Gulf conflict was about keeping the flow of oil for the benefit of the world.

We have always had an environmental concern over the pipeline. It was predicted that this pipeline, going through permafrost, which is frozen ground, and being a hot pipeline carrying warm oil, would cause heat generation and melt the permafrost, and, therefore, the pipeline would continually go further and further down, to fulfill perhaps a self-propelling prophecy that was suggested it would end up in China some day. Didn't we always know as kids, if you went down far enough, you would end up in China? Well, clearly that has not happened, Mr. President.

The pipeline operates in permafrost. The hot oil flows through the pipeline, but the pipeline was clearly engineered to withstand that. It was suggested that this pipeline across 800 miles of Alaska would cause the animals, the wildlife associated with it, be it the polar bear, the grizzly bear, the brown bear, the black bear, the caribou, or the moose, to somehow have a fence they could not cross. The facts are, at the pipeline and the buried sections, the animals browse on it in the early spring because the small amount of heat generated causes the grasses to come up first, and it has become a sight and attraction. We see the caribou in their migration standing on top of the buried pipeline because there is more wind there and there are less opportunities for mosquitoes. So to suggest that it has somehow restricted the natural flow of wildlife certainly has not occurred.

One can bottom line it and simply say the predictions of the environmental groups who said this was going to be some kind of environmental disaster have not occurred. It has been successful. It has done its job, and continues.

To suggest it has not had its share of problems or there have not been mechanical failures and there have not been human failures—of course there have. I have always supported stringent oversight of the pipeline. We have been working with the Joint Pipeline Office and the Department of Transportation, and the effort has been successful.

But every now and then we find opponents of development in Alaska who are looking for a cause, the cause of membership or cause of dollars or perhaps they bring up some of the young attorneys from Harvard or Brown to do missionary work in Alaska by representing one or another of the environmental groups. I think we have some 62 in Anchorage now.

They need a cause. And one of their favorite topics, when things are slow, is to come out with a report that somehow the pipeline is in peril, somehow the pipeline is not being operated in the most efficient manner from the standpoint of the public interest.

First of all, Mr. President, those who own the pipeline, the major owners—ARCO, Exxon—produce petroleum. Their interest is moving oil, moving oil safely, moving oil economically. To do anything less than that would be detrimental to their own interest.

The State of Alaska maintains an oversight, the Federal Government maintains an oversight. But nevertheless, we continually see reports that purposely mislead the public about the Trans-Alaska pipeline.

Those of us in the Senate know that if you do not have your electric code book up to date—and there are 25,000 or 30,000 separate entries—you can be classified by an agency as having 25,000 or 30,000 violations. It does not mean that your code book has not been updated during the last year for any number of reasons.

So we have had critics of the pipeline from time to time issuing reports intended to portray some of these problems as standard operating procedure for pipeline management rather than an exception. Of course, it generates for those particular organizations contributions and in some cases generates membership. But these claims are in stark contrast to recent oversight reports by responsible State and Federal agencies tasked with the oversight responsibility.

In 1995, the U.S. Department of Transportation audited the Office of Pipeline Safety to determine its effectiveness in ensuring the Trans-Alaska pipeline operations minimize risk to life and property. The audit concluded the operation "is effectively monitoring and inspecting [the pipeline]. Also, when violations were identified, OPS took enforcement actions against Alyeska" and made corrections.

In August of 1995, at the request of Congress, the GAO completed an audit of the pipeline operators and their response to identified deficiencies. The report concluded that "Alyeska has taken substantive actions that, if carried through to completion, appear to be adequate to correct the problems."

Last year, the Joint Pipeline Office concluded that Alyeska has implemented its revised quality control for the pipeline sufficiently to allow its full approval.

So, Mr. President, these are the responsible agencies and current reports we have on hand. We have no reason to doubt their accuracy.

Finally, Mr. President, Alaska truly is a great State, a great big piece of real estate. We have many great assets, including our people and the resources that we have. On this date, I would like to especially recognize the role the Trans-Alaska pipeline has had in shaping our State and the benefits it has provided to this Nation's energy and natural security interests.

Finally, Mr. President, on July 18–20, I am going to be leading a number of our colleagues to Alaska to look at the issues related to resource development of Alaska's Arctic, specifically the Trans-Alaska pipeline and other areas where truly the wealth of North America is coming from the Arctic.

I remind the Presiding Officer that Alaska just happens to be the only State with any Arctic in it. So as part of that trip, we will take a close look at the marvels of the Trans-Alaska pipeline, what it has meant to this Nation. I look forward to leading this group, and I encourage my colleagues to join with me on this important trip.

Finally, in conclusion, on the 20th anniversary of the Trans-Alaska pipeline, I would like to congratulate those workers who operate and have operated this pipeline for the last 20 years against tremendous odds, extraordinary climactic conditions, and have done it in a manner of recognizing that American technology and ingenuity and can-do spirit can just about overcome any adversity and any particular challenge of the time.

The successful operation of the Trans-Alaska pipeline for the last 20 years, I think, has proven that indeed the men and women who are associated with the pipeline and the Alyeska crew are certainly up to the task.

I thank the Chair.

Mr. President, I yield the floor.

134TH BIRTHDAY OF THE STATE OF WEST VIRGINIA

Mr. BYRD. Madam President, today is the 134th birthday of the State which I have been so pleased and so proud and so privileged and so honored to represent in Congress since January 1953. Born of the turmoil of the Civil War, West Virginia has never had an easy time of it. Although blessed with great beauty and rich in natural resources, my State's rugged terrain and isolated geography have worked to make her people a breed apart.

Their independent views—they are a mountain people; mountain people traditionally have independent views, whether they live in Switzerland or Afghanistan or in Scotland or in West Virginia—their independent views, their impoverishment, their fierce loyalty to their communities, to their State and to their country have made them fodder for bad jokes, degrading sitcoms and derogatory nicknames.

Well, I am here to tell those who would perpetuate such hackneyed stereotypes that it is they—it is they—who are backward, because in West Virginia's hollows and on her mountains live some of the finest people in all of God's great creation.

For the most part, West Virginians are religious. They don't have, as some would like to portray, rattlesnakes in their church services. They are traditional in their outlook, they are reverent about their tried-and-true customs and patriotic about their Nation.

In World War II, West Virginia ranked fifth among the States in the percentage of its eligible male population participating; first among the States in eligible male population participating in the Korean war; second among the States in the percentage of its eligible male population participating in the Vietnam war. Also, West Virginia ranked first among the States in the percentage of deaths its eligible male population suffered during both the Korean and Vietnam wars.

West Virginians are generally quiet. They are not loud talkers. I don't like loud talkers. They are not loud talkers. You would not hear them from one end of the Capitol to the other talking with loud voices in the corridors. They don't do that. They are generally quiet, courteous, sincere, and accommodating.

There is a presence of basic values among her residents that is scarce in much of the Nation in many places. West Virginians value hard work. They are not afraid of it. They love their families. They have a respect for authority. We don't burn flags in Weirton, WV, where there are at least 30 ethnic groups from the old world. They have respect for their communities and a love for their country and reverence for a Creator.

They don't go around wearing their religion on their sleeves. They don't make a big whoop-de-doo of it, and, as far as I am concerned, most are not the religious right or the religious left. They are simply respectful of a Creator and quietly religious.

More and more people are discovering our State. The crime is low in West Virginia, life is slower there and stress seems to float away, to be replaced by the serenity of beauty, charm and uncomplicated courtesy. Our unique mountain crafts attract attention nationwide, as do our scenic parks and our recreational activities.

West Virginia really is a world apart. My State has come a long way from the days when she was plundered by industrial barons who lived outside her borders, plundered for her rich natural resources, and many of her citizens were used as little more than indentured servants in those days in the dangerous dirty work of mining coal, for example. Today, she is experiencing new economic growth and prosperity as a result of new roads.

When I was a member of the West Virginia House of Delegates, the lower house of the West Virginia Legislature in 1947, West Virginia had 4 miles—West Virginia had 4 miles—of divided four-lane highways—4 miles. That was when I was starting out in politics, now 51 years ago. Four miles, and then one need not wonder why West Virginians become indignant when a few dollars are appropriated by the Federal Government to build safe, modern four-lane divided highways in West Virginia; a few dollars compared with the billions of dollars that go for airports, go for mass transit and other modes of transportation elsewhere.

So she is experiencing new economic growth. Travel our highways now, view the scenery now, experience the hospitality now, see the historic places, stand on the tops of those mountains and view the creative works of an omnipotent God. Look at her sunrises, pause at her tranquil sunsets and view the land where the early pioneers crossed the Alleghenies with a Bible in one hand and a rifle in the other, carrying a bag of seeds.

They used the forests, dredged the rivers, and built a great State—a great State—a State that was born during the struggle between the States, the war between the States, the war among the States.

So she is experiencing new economic growth and prosperity as a result of new roads, technology, and forward-looking leadership. In fact, West Virginia boasts four cities in the top 200 of Money magazine's 1997 list of the best places in America to live. And there are many more than four cities there and towns and rural communities that I would categorize as the best places in America to live.

So today I say to all of those who have never tasted our glorious country cooking or danced at our traditional mountain festivals to tunes that are played by mountain musicians, never skied our shimmering slopes or paddled our wild white water, never heard the rich notes of our mountain music or gazed at our phenomenal sunsets, come to West Virginia. We will show you the way.

Happy birthday. Happy birthday, West Virginia. May you grow, and may your people never, never change.

Madam President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I want to commend the able Senator from West Virginia on his devotion and dedication to his State. He has just paid a wonderful eulogy to that State and the people of that State. I am sure the people of the United States are very proud of West Virginia and the people of West Virginia and the able Senator who represents them here in the Senate.

Mr. BYRD. Madam President, I thank my friend, my senior colleague, for his gracious and kind remarks concerning my State and my people.

CHEMICAL WARFARE DEFENSE DOCTRINE

Mr. BYRD. Mr. President, one year ago tomorrow, on June 21, 1996, in a hastily called press conference, the Department of Defense revealed that

United States troops may have been exposed to Iraqi chemical nerve and mustard agents as a result of the post-war demolition of an Iraqi ammunition storage depot at Kamisiyah, Iraq. By September 1996, the DOD estimate of the number of soldiers who may have been exposed had climbed to just over 20,000, and the DOD announced that studies were still under way that could push that number even higher. This announcement raised new fears that Iraqi chemical warfare agents may have played a role in causing the illness among United States and coalition veterans of the Persian gulf war that has come to be called gulf war syndrome, and it exposed flaws in the manner in which the Department of Defense tracked the locations and medical histories of units and individual troops. The Department of Defense and the Presidential Advisory Committee on gulf war illnesses have subsequently attempted to address this and many other possible causes of gulf war syndrome, as have a number of congressional committees. There is still considerable uncertainty and controversy surrounding this issue.

As a result of that announcement, I offered an amendment to the Fiscal Year 1997 Department of Defense authorization bill to provide $10 million for independent scientific research into the possible relationship between chemical agent exposure, particularly to low levels of chemical agent exposure, and gulf war syndrome. My amendment was adopted without debate by the Senate and supported through the conference with the House, and I thank my colleagues for sharing in my concern that our veterans be provided with the independent medical research on this subject that had not previously existed. I am eager, as I know our sick veterans and their families are also, to learn the results of these studies.

But, Mr. President, although efforts to improve medical records management techniques in order to better understand and treat future post-war illnesses among United States troops—efforts already undertaken by the Department of Defense—are a step in the right direction, I believe that the most effective course of action is to prevent the exposures from occurring. We must not settle for just closing the barn door after the horse has bolted. We must find out why the door failed to contain the horse, and fix it. In that regard, the effectiveness of current doctrine and technology is questionable. It is not certain that our chemical detectors will provide a sufficient warning for low levels of chemical agent, and it is not certain that our military doctrine and procedures are adequate to fully protect our troops in a scenario that is not immediately life-threatening. Nor is it certain that the military anticipates the synergistic effects of different factors, such as the administration of vaccines and anti-chemical warfare agent drugs, in combination with the use of pesticides or exposure to other battlefield effluents, including chemical and biological agents.

I am concerned that United States military doctrine has not changed to reflect these lessons learned from the gulf war experience and its aftermath. My concern is, I know, shared by many of my colleagues, who over the years have pursued these issues in hearings. Indeed, even the Special Assistant for gulf war illnesses at the Department of Defense has admitted in testimony before Congress that "We [DOD] need to learn from our Gulf experience and make the necessary changes in policies, doctrine, and technology."

I am pleased, therefore, that two of my colleagues on the Armed Services Committee, Senator LEVIN and Senator GLENN, have joined me in requesting that the General Accounting Office [GAO] initiate an evaluation of this very issue. Both of these very able Senators have, over the last several years, questioned the ability of our military to fight and win on a chemical battlefield. We have asked the GAO to address the adequacy of current policies, procedures, and technologies to first adequately defend United States military forces against single, repeated, or sustained exposure to low levels of chemical warfare agent, and to second identify, prepare for, and defend against the possible adverse effects of chemical warfare agent exposure in combination with other compounds commonly found in the battlefield, including pesticides, oil and diesel exhaust, biological warfare agents, low level radiation, medically administered vaccines, and other occupational hazards.

It is my hope that this study will lay the foundation upon which we might make effective and targeted adjustments in next year's Department of Defense authorization bill that will give our soldiers the ability and confidence to fight and win on a chemically contaminated battlefield.

IN MEMORY OF BILLY N. STEPHENS

Mr. FORD. Mr. President, on Sunday, May 18, a soldier was laid to rest in a small Kentucky community along the banks of the Ohio River. But this wasn't to be any small affair. Billy Stephens had served his country and community with distinction and he would be honored for those contributions by a 17-man team from Ft. Knox.

Once the rifles were fired, the bugle sounded taps, and the flag from the casket was presented to his widow, those present couldn't help but feel the enormity of his life. A son of Hawesville in Hancock County, if you met Billy Stephens on the street, you might not suspect him of greatness.

But it is because of him and others like him, that you and I enjoy freedom today.

In 1940, he joined the Army and served for the duration of the war. Before the war ended, he would participate in seven campaigns and earn seven battle stars. In addition to the EAME theater with seven Bronze Stars, his military decorations included the American Defense Service Medal and the Good Conduct Ribbon.

When he left the Army his commitment to service continued, not only as the Hancock County Sheriff, but also in his dedication to seeing the community grow, while preserving its solid rural values. It was that unyielding devotion that earned him the Citizen of the Year award in 1992 by the Hancock County Chamber of Commerce.

Perhaps his commitment to country should come as no surprise. His father served in the Army during World War One, and both of his brothers served in World War II, where one narrowly escaped death at Pearl Harbor. Both of his sons served in Viet Nam, as did his daughter's husband. His grandson continues the tradition as an Air Force Academy graduate.

Mr. President, Billy Stephen's contributions will be felt for generations, both as soldier and community leader. He was a good father, husband, friend, and fighter for America, and his presence will be sorely missed.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, June 19, 1997, the Federal debt stood at $5,330,018,602,378.07. (Five trillion, three hundred thirty billion, eighteen million, six hundred two thousand, three hundred seventy-eight dollars and seven cents)

One year ago, June 19, 1996, the Federal debt stood at $5,120,985,000,000. (Five trillion, one hundred twenty billion, nine hundred eighty-five million)

Five years ago, June 19, 1992, the Federal debt stood at $3,933,120,000,000. (Three trillion, nine hundred thirty-three billion, one hundred twenty million)

Ten years ago, June 19, 1987, the Federal debt stood at $2,293,351,000,000. (Two trillion, two hundred ninety-three billion, three hundred fifty-one million)

Twenty-five years ago, June 19, 1972, the Federal debt stood at $426,191,000,000 (Four hundred twenty-six billion, one hundred ninety-one million) which reflects a debt increase of nearly $5 trillion—$4,903,827,602,378.07 (Four trillion, nine hundred three billion, eight hundred twenty-seven million, six hundred two thousand, three hundred seventy-eight dollars and seven cents) during the past 25 years.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:18 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following bill:

H.R. 956. An act to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2253. A communication from the Chairman of the Tennessee Valley Authority, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–2254. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the Federal Republic of Yugoslavia; to the Committee on Foreign Relations.

EC–2255. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of two rules including a rule entitled "Visas" received on June 10, 1997; to the Committee on Foreign Relations.

EC–2256. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–2257. A Communication from the Assistant Secretary of Defense, transmitting, pursuant to law, a response to a report relative to tax deductibility of nonreimburseable expenses; to the Committee on Finance.

EC–2258. A communication from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Offset of Tax Refund Payments to Collect Past-due, Legally Enforceable Nontax Debt", received on June 18, 1997; to the Committee on Finance.

EC–2259. A communication from the Chair, Federal Energy Regulatory Commission, transmitting, pursuant to law, a rule relative to nuclear plant decommissioning trust fund, received on June 16, 1997; to the Committee on Energy and Natural Resources.

EC–2260. A communication from the Acting Deputy, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, a rule entitled "National Capital Region Parks-Kennedy Center and Distribution of Literature" (RIN1024–AC61), received on June 18, 1997; to the Committee on Energy and Natural Resources.

EC–2261. A communication from the Director of Defense Procurement, Acquisition and Technology, Secretary of Defense, transmitting, pursuant to law, a report of 43 rules relative to the Defense Acquisition Circular 91–12, received on June 16, 1997; to the Committee on Armed Services.

EC–2262. A communication from the Director, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a rule entitled "Scope of Rules: National Security; Prevention of Acts of Violence and Terrorism" (RIN1120–AA54), received on June 19, 1997; to the Committee on the Judiciary.

EC–2263. A communication from the Congressional Review Coordinator, Marketing and Regulatory Programs, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a report of a rule entitled "Mediterranean Fruit Fly; Addition to Quarantined Areas; Regulated Articles", received on June 19, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2264. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's Accountability for fiscal year 1996, received on June 19, 1997; to the Committee on Governmental Affairs.

EC–2265. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule relative to Fisheries of the Exclusive Economic Zone Off Alaska, received on June 19, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2266. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, a report relative to the Tongass National Forest; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 949. An original bill to provide revenue reconciliation pursuant to section 104(b) of the concurrent resolution on the budget for fiscal year 1998 (Rept. No. 105–33).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. 947. An original bill to provide for reconciliation pursuant to section 104(a) of the concurrent resolution on the budget for fiscal year 1998.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 942. A bill to repeal the requirement that the Secretary of the Navy maintain a dairy farm for the Naval Academy; to the Committee on Armed Services.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 943. A bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation accidents; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S. 944. A bill to require the Secretary of Housing and Urban Development to establish procedures for requesting waivers on behalf of qualified international medical graduates of the 2-year foreign residency requirement; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mr. GRAHAM):

S. 945. A bill to eliminate waste, fraud, and abuse in the medicaid program; to the Committee on Finance.

By Mr. CRAIG:

S. 946. A bill for the relief of Pyonghui Gonion Arrington; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 947. An original bill to provide for reconciliation pursuant to section 104(a) of the concurrent resolution on the budget for fiscal year 1998; from the Committee on the Budget; placed on the calendar.

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 948. A bill to amend the Older Americans Act of 1965 to improve the provisions relating to pension rights demonstration projects; to the Committee on Labor and Human Resources.

By Mr. ROTH:

S. 949. An original bill to provide revenue reconciliation pursuant to section 104(b) of the concurrent resolution on the budget for fiscal year 1998; from the Committee on Finance; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. SANTORUM, and Ms. MOSELEY-BRAUN):

S. Con. Res. 34. A concurrent resolution recognizing the importance of African-American music to global culture and calling on the people of the United States to study, reflect on, and celebrate African-American music; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 943. A bill to amend title 49, United States Code, to clarify the application of the act popularly known as the "Death on the High Seas Act" to aviation accidents; to the Committee on Commerce, Science, and Transportation.

DEATH ON THE HIGH SEAS REFORM ACT

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation which will provide equitable treatment for families of passengers involved in international aviation disasters. I am very pleased that my colleague, Senator SANTORUM, is joining me as an original cosponsor of this bill. Companion legislation is being introduced in the House of Representatives by Congressman JOE MCDADE and 10

other members of the Pennsylvania congressional delegation.

As my colleagues know, the devastating crash of Trans World Airlines flight 800 on July 17, 1996 took the lives of 230 individuals. Perhaps the community hardest hit by this tragedy was Montoursville, PA, which lost 16 students and 5 adult chaperones from Montoursville High School who were participating in a long-awaited French Club trip to France.

It has been brought to my attention by constituents who include parents of the Montoursville children lost on TWA 800 that their ability to seek redress in court is hampered by a 1920 shipping law known as the Death on the High Seas Act, which was originally intended to cover the widows of seafarers, not the relatives of jumbo-jet passengers embarking on international air travel.

Under the Warsaw Convention of 1929, airlines do not have to pay more than $75,000 to families of passengers who died on an international flight. However, domestic air crashes are covered by U.S. law, which allow for greater damages if negligent conduct is proven in court.

The Warsaw Convention limit on liability can be waived if the passengers' families show that there was intentional misconduct which led to the crash. This is where the Death on the High Seas Act comes into play. This law states that where the death of a person is caused by wrongful act, neglect, or default occurring on the high seas more than 1 marine league which is 3 miles from U.S. shores, a personal representative of a decedent can sue for pecuniary loss sustained by the decedent's wife, child, husband, parent, or dependent relative. The act, however, does not allow families of the victims of TWA 800 or other aviation incidents to obtain other types of damages, such as recovery for loss of society or punitive damages, no matter how great the wrongful act or neglect by an airline or airplane manufacturer.

My legislation would amend Federal law to provide that the Death on the High Seas Act shall not affect any remedy existing at common law or under State law with respect to any injury or death arising out of an aviation incident occurring after January 1, 1995. In effect, it would clarify that Federal aviation law does not limit remedies in the same manner as maritime law, and permits international flights to be governed by the same laws as domestic flights.

My legislation is not about blaming an airline or airplane manufacturer. It is not about multimillion dollar damage awards. It is about ensuring access to justice and clarifying the rights of families of victims of plane crashes such as TWA 800. I am open to exploring with my colleagues the possibility of expanding the retroactive relief provided in this legislation, bearing in mind that many of the plaintiffs in cases arising out of previous airplane disasters, such as the Korean Air Lines 007 incident in 1983, have agreed to out-of-court settlements.

The need for this legislation is suggested by the most recent Supreme Court decision on this issue, *Zicherman* v. *Korean Airlines*, 116 S. Ct. 629 (1996), in which a unanimous Court held that the Death on the High Seas Act of 1920 applies to determine damages in airline accidents that occur more than 3 miles from shore. By contrast, the Court has ruled that State tort law applies to determine damages in accidents that occur in waters 3 miles or less from our shores. *Yamaha* v. *Calhoun*, (1996 WL 5518)

I believe it is inequitable to make such a distinction at the 3 mile limit in civil aviation cases where the underlying statute predates international air travel. I would note that the Gore Commission on Aviation Safety and Security noted in its final report this February that "certain statutes and international treaties, established over 50 years ago, historically have not provided equitable treatment for families of passengers involved in international aviation disasters. Specifically, the Death on the High Seas Act of 1920 and the Warsaw Convention of 1929, although designed to aid families of victims of maritime and aviation disasters, have inhibited the ability of family members of international aviation disasters from obtaining fair compensation."

I would further note that in an October 1996 brief filed at the Department of Transportation by the Air Transport Association, the trade association of U.S. airlines, there is an acknowledgment that the Supreme Court in Zicherman did not apparently consider 49 U.S.C. 40120 (a) and (c), which preserve the application of State and common law remedies in tort cases and also prohibit the application of Federal shipping laws to aviation. My legislation amends 49 U.S.C. 40120(c) to clarify that nothing in the Death on the High Seas Act restricts the availability of remedies in suits arising out of aviation disasters.

At a time when so many Americans live, work, and travel abroad, taking part in the global economy or seeing the cultural riches of foreign lands, they and their families should know that the American civil justice system will be accessible to the fullest extent if the unthinkable occurs.

I urge my colleagues to support this legislation and look forward to working with them to ensure its ultimate enactment during the 105th Congress.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEATH ON THE HIGH SEAS ACT.

Section 40120(c) of title 49, United States Code, is amended to read as follows:

"(c) ADDITIONAL REMEDIES.—

"(1) IN GENERAL.—Nothing in this part or the Act entitled 'An Act relating to the maintenance of actions for death on the high seas and other navigable waters' approved March 30, 1920 (46 U.S.C. App. 761 et seq.), popularly known as the 'Death on the High Seas Act', shall, with respect to any injury or death arising out of any covered aviation incident, affect any remedy—

"(A) under common law; or

"(B) under State law.

"(2) ADDITIONAL REMEDIES.—Any remedy provided for under this part or the Act referred to in paragraph (1) for an injury or death arising out of any covered aviation incident shall be in addition to any of the remedies described in subparagraphs (A) and (B) of paragraph (1).

"(3) COVERED AVIATION INCIDENT DEFINED.—In this subsection, the term 'covered aviation incident' means an aviation disaster occurring on or after January 1, 1995.".

By Mr. D'AMATO:

S. 944. A bill to require the Secretary of Housing and Urban Development to establish procedures for requesting waivers on behalf of qualified international medical graduates of the 2-year foreign residency requirement; to the Committee on the Judiciary.

THE COMMUNITY HEALTH CARE ACCESS ACT OF 1997

• Mr. D'AMATO. Mr. President, I introduce the Community Health Care Access Act of 1997. This act will help ensure that the residents of our inner-city and rural areas, in New York and across the Nation, will have increased access to affordable health care. This legislation will establish a procedure within the Department of Housing and Urban Development [HUD] for foreign medical students, who are granted temporary residency status in order to complete their medical education, to retain their legal status in exchange for practicing in areas with serious physician shortages.

Mr. President, throughout my home State of New York, there are numerous inner-city and rural communities which face a real crisis in the availability of qualified physicians. Too often, these communities face enormous difficulty attracting physicians to help serve the needs of their residents. Physicians are desperately needed to help cope with the growing incidence of drug-resistant tuberculosis, HIV, and other infectious diseases, as well as other critical health care needs such as pre-natal and neo-natal care.

The act I am introducing today will help address this crisis by requiring the Secretary of the Department of Housing and Urban Development to request a J–1 visa waiver for any qualified medical professional who agrees to practice in an underserved area. This bill will

allow hundreds of qualified doctors who are willing and able to serve in these communities to partner with existing health care facilities in order to serve needy populations who lack access to affordable health care.

This legislation will help hospitals which are located in areas which are designated by the Department of Health and Human Services [HHS] as "Health Professional Shortage Areas" to draw upon a pool of doctors who are among the best and the brightest in the world. Currently, there is a severe shortage of U.S. medical residents who are willing to serve in these areas. These urban and rural areas often have large uninsured populations with a variety of critical unmet health needs.

In a nation with the greatest health care system in the world, there exist communities which are unfairly denied access to affordable quality health care. This disparity can be seen both in isolated rural areas and in the high-impact urban cores of some of our largest cities. Too often, the members of these communities have been left out of the American dream. It is intolerable that certain parts of many American cities are experiencing higher infant mortality rates than many third-world countries.

The costs of providing health care increase as hospitals struggle to attract qualified physicians. As costs rise, the unmet health care needs of local residents are exacerbated. Thus, the supply shortage of qualified physicians creates a vicious cycle in which local residents are trapped.

My legislation will help break this cycle by increasing the availability of doctors in underserved areas while reducing health care costs.

Let me briefly provide some background information. Under the J–1 visa program, foreign medical students are temporarily admitted to the United States in order to complete their medical education and clinical training. Upon completion of their education, these students are required to leave the United States for a minimum of 2 years before they can become eligible for an extension of their legal residency status. However, current law provides an exception to this 2-year foreign residency requirement if the medical graduate agrees to practice in a designated "Health Professional Shortage Area."

Congress reaffirmed its commitment to the J–1 program, as well as to the waiver of the 2-year foreign residency requirement for international medical graduates who agree to practice in underserved areas, when it passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996—Public Law 104–208. This Act was signed into law on September 30, 1996.

Mr. President, in December 1996, the General Accounting Office [GAO] released a report assessing the J–1 visa waiver program. This report, entitled "Foreign Physicians: Exchange Visitor Program Becoming Major Route to Practicing in U.S. Underserved Areas" noted the growing use of the visa waiver process and made several recommendations for improvement.

In conjunction with the reforms enacted last year as part of the Immigration Reform Act, the legislation I introduce today will effectively implement several of the recommendations made by the GAO. As noted in the report, last year's Immigration Reform Act required Federal agencies to utilize the same criteria for approval that previously applied to State health departments seeking such waivers. These new safeguards required physicians to: First, agree to work for at least 3 years for the health facility named in the application; second, work in an area designated by the Secretary of HHS as having a shortage of health care professionals; third, commence work within 90 days of receipt of the waiver; and fourth, maintain a nonimmigrant status until the completion of the 3-year commitment term. In addition, physicians who fail to comply with the terms of their agreements would face a termination of their residency status and a loss of eligibility to apply for legal immigrant status in the future.

This legislation would further improve compliance with the waiver requirements. This act will address the GAO report's finding that Federal agencies need to improve coordination in granting waivers. The act requires HUD to report to HHS on the number and location of physicians requesting waivers. I fully expect the Department of Health and Human Services to utilize this information in its annual designations of physician underserved areas. In addition, the legislation would require the sponsoring hospitals to provide HUD with periodic notices as to the compliance of physicians with the terms of the waiver agreements. Hospitals will also be required to provide HUD with immediate notice of the termination or cessation of compliance with these terms.

The addition of these reforms will ensure the effective continuation of this vital program. The GAO noted that, as of January 1, 1996, there were approximately 1,374 physicians admitted to practice in underserved areas through the J–1 visa waiver program. These physicians served in 49 States and the District of Columbia. According to a survey conducted by the General Accounting Office, approximately 40 percent of these physicians served in nonprofit community or migrant health care centers. Almost all of these physicians were practicing in primary care specialties. More than half were practicing in internal medicine. The other major specialties were pediatrics and family practice.

Mr. President, it is important to note the outstanding caliber and the unique qualifications of the doctors participating in this program. In order to receive a J–1 visa, many of the participants were accepted into medical universities and world-renowned teaching hospitals with rigorous acceptance standards. In some cases, the admitted physicians are often specifically recruited by particular health facilities on the basis of their superior foreign language skills and cultural familiarity. For instance, the GAO cited a migrant health center in eastern Washington which actively recruited native-Spanish speakers for its program.

HUD plays a critical role in the reduction of health care costs. The agency operates a number of programs which benefit hospitals, nursing homes, and other health care organizations. The role played by HUD's hospital insurance program, for instance, is absolutely essential for many health care institutions in obtaining private market financing for hospital construction, renovation, and modernization. The credit enhancement provided by this program results in a tangible reduction in health care costs at little or no cost to the taxpayer.

I believe it is essential for Congress to continue to act expeditiously to address the valid concerns raised by the GAO. At the same time, we must remain cognizant of the basic soundness of the waiver program and strive to improve and reform it. The waiver process has made basic health care available to many communities with desperate needs.

Mr. President, in conclusion I would emphasize the hardships which face many of our Nation's urban and rural residents as a result of the crisis in health care availability. The J–1 visa waiver program is an important tool to address these needs. The reforms to the current waiver process are also critical to ensuring that any noncompliance within the program is eradicated. I urge my colleagues to support the Community Health Care Access Act of 1997 in order to ensure that the waiver program remains a viable option in addressing our country's local health care needs for years to come.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Health Care Access Act of 1997".

SEC. 2. PROCEDURES.

(a) ESTABLISHMENT.—Pursuant to section 212(e) and section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1182(e) and 8 U.S.C. 1184(l)), the Secretary shall establish procedures under which an individual may apply to the Secretary to request the Director of the United States Information Agency

to recommend a waiver of the foreign residence requirement under section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) for that individual.

(b) REQUIREMENTS.—The procedures under subsection (a) shall require the Secretary to issue a request on behalf of an applicant whenever the applicant—

(1) meets the requirements under section 214(l) (8 U.S.C. 1184(l)) of the Immigration and Nationality Act; and

(2) meets such other terms and conditions established by the Secretary, which may include a requirement for the applicant to include as part of the waiver application a written agreement on the part of the health facility or health care organization named in the application to provide the Secretary with—

(A) periodic notification of the applicant's continued employment; and

(B) immediate notification of a failure on the part of the applicant to comply with the terms of the contract between the applicant and the health facility or health care organization.

SEC. 3. HHS REPORTING REQUIREMENT.

At least biannually, the Secretary shall submit a report to the Secretary of Health and Human Services setting forth the number of requests issued under section 2 and identifying the geographic areas in which aliens serve under those requests.

SEC. 4. IMPLEMENTATION.

Not later than 90 days after the date of enactment of this Act, the Secretary shall issue final regulations to implement the provisions of the Act. Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code, regarding notice or opportunity for comment.

SEC. 5. DEFINITIONS.

In this Act:

(1) APPLICANT.—The term "applicant" means an alien as described in clause (iii) of section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Department of Housing and Urban Development.●

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 948. A bill to amend the Older Americans Act of 1965 to improve the provisions relating to pension rights demonstration projects; to the Committee on Labor and Human Resources.

THE PENSION ASSISTANCE AND COUNSELING ACT OF 1997

Mr. GRASSLEY. Mr. President, today I am introducing legislation to achieve one of my primary objectives as chairman of the Special Committee on Aging: to help workers and retirees achieve a secure retirement.

As with any discussion about retirement planning, it is the norm to point to the "three-legged stool" of retirement—Social Security, personal savings, and a pension. Unfortunately, the legs of the stool may be getting warped.

Just this week, the Aging Committee confronted an issue that is affecting hundreds of thousands of workers and retirees—miscalculation of their hard-earned pensions. This hearing was intended to raise consumer awareness about the need to be proactive about policing your pension. As one of our witnesses said, "never assume your pension is error-free."

While it is impossible to know how many pension payments and lump sum distributions may be miscalculated, we know the number is on the rise. An audit conducted by the Pension Benefit Guaranty Corporation—focused on plans that were voluntarily terminated—showed that the number of people underpaid has increased from 2.8 to 8.2 percent. Anecdotal evidence suggests that the number of people receiving lump sum distributions who end up getting shortchanged could be 15 to 20 percent. Those numbers are very disturbing. The practical impact is that retirees, and young and old workers alike, are losing dollars that they have earned.

Workers and retirees need to be aware that they are at risk. They can help themselves by knowing how their benefits are calculated, that they should keep all the documents their employer gives them, and to start asking questions at a young age—don't wait until the eve of retirement.

Unfortunately, policing your pension is not easy. Employers are trying to do a good job but they are confronted with one of the most complex regulatory schemes in the Federal Government. Pensions operate in a complex universe of laws, rules, and regulations. Over the last 20 years, 16 laws have been enacted that require employers to amend their pension plans and then notify their workers of changes. It is not a simple task. If employers have problems trying to comply with Federal requirements, it is understandable that workers and retirees are having trouble getting a grasp on how their pension works.

Trying to educate yourself about pensions implies that someone is out there providing information to those who need it. That is where the legislation that I am introducing today comes in. People who are concerned about their pensions—whether it's an unintentional mistake or outright fraud—often don't have anywhere to go for expert advice.

Fortunately, there is an answer. Already authorized by the Older Americans Act, seven pension counseling projects have assisted thousands of people around this country with their pension problems. These projects provide information and counseling to retirees, and young and old workers in a very cost-effective manner.

Each project received $75,000 of Federal assistance over a 17-month period. As is normal for other programs under the Older Americans Act, these dollars were supplemented by money raised from private sources. During their operation, the projects recovered nearly $2 million in pension benefits and payments. That is a return of $4 for every $1 spent.

My legislation contains two key provisions: First, it updates the Older Americans Act to encourage the creation of more pension counseling projects. Seven projects are not enough to reach the 80 million people who are covered by pensions in this country. Hopefully, more counseling projects can be established to provide more regionally comprehensive assistance.

Second, the legislation would create an 800 number that people could call for one-stop advice on where to get assistance. Jurisdiction over pension issues is spread across three government agencies—none of which are focused on helping individuals with individual problems—especially if the problem does not seem to be a clear fiduciary breach or indicate that there may be criminal wrongdoing. An 800 number linking people to assistance will help close that gap.

I look forward to working with the Labor Subcommittee on Aging, the entity with jurisdiction over the Older Americans Act—to get these changes enacted as part of the reauthorization this year.

It is also crucial to emphasize the need for pension counseling projects with congressional appropriators. The projects have not received earmarked funding since the end of fiscal year 1996 and we simply cannot afford to lose the expertise that has been developed over the last 3½ years—especially in light of the growing concern over pension security.

My committee has been focusing on preparing for the retirement of the baby boom generation—it can be anticipated that the need for assistance with pensions will increase as that generation begins to retire. Social Security, by itself, was never intended to be the primary source of income for a retiree. A pension from an employer can prove to be a determining factor in whether retirees are able to maintain a decent standard of living. If there is no one to go for assistance to get all of the pension they have earned, their chances at a secure retirement are gloomy indeed.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. DORGAN], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 537

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 537, a bill to amend title

III of the Public Health Service Act to revise and extend the mammography quality standards program.

S. 570

At the request of Mr. NICKLES, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 570, a bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the mandatory electronic fund transfer system.

S. 738

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 738, a bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

S. 770

At the request of Mr. NICKLES, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 770, a bill to encourage production of oil and gas within the United States by providing tax incentives, and for other purposes.

S. 832

At the request of Mr. KOHL, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 832, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal limitations on hours of service.

S. 861

At the request of Mr. INHOFE, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 861, a bill to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of Federal law enforcement canines that are no longer needed for official purposes to individuals with experience handling canines in the performance of law enforcement duties.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the names of the Senator from Oregon [Mr. SMITH] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

AMENDMENT NO. 420

At the request of Mr. COCHRAN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of amendment No. 420 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. THURMOND, his name was added as a cosponsor of amendment No. 420 proposed to S. 936, supra.

SENATE CONCURRENT RESOLUTION 34—RECOGNIZING THE IMPORTANCE OF AFRICAN-AMERICAN MUSIC

Mr. SPECTER (for himself, Mr. SANTORUM, and Ms. MOSELEY-BRAUN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON. RES. 34

Whereas artists, songwriters, producers, engineers, educators, executives, and other professionals in the music industry provide inspiration and leadership through their creation of music, dissemination of educational information, and financial contributions to charitable and community-based organizations;

Whereas African-American music is indigenous to the United States and originates from African genres of music;

Whereas African-American genres of music such as gospel, blues, jazz, rhythm and blues, rap, and hip-hop have their roots in the African-American experience;

Whereas African-American music has a pervasive influence on dance, fashion, language, art, literature, cinema, media, advertisements, and other aspects of culture;

Whereas the prominence of African-American music in the 20th century has reawakened interest in the legacy and heritage of the art form of African-American music;

Whereas African-American music embodies the strong presence of, and significant contributions made by, African-Americans in the music industry and society as a whole;

Whereas the multibillion dollar African-American music industry contributes greatly to the domestic and worldwide economy; and

Whereas African-American music has a positive impact on and broad appeal to diverse groups, both nationally and internationally: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of the contributions of African-American music to global culture and the positive impact of African-American music on global commerce; and

(2) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the majesty, vitality, and importance of African-American music.

Mr. SPECTER. Mr. President, this resolution, being cosponsored by my distinguished colleague from Pennsylvania, Senator SANTORUM, and our distinguished colleague from Illinois, Senator MOSELEY-BRAUN, is a resolution to recognize the importance of African-American music to global culture and to our Nation.

This is especially important because this month of June is celebrated as Black Music Month, and the designation is particularly important to the city of Philadelphia, which is the home of the International Association of African-American Music.

At the conclusion of the Civil War, military band instruments were abundant and could be purchased for petty cash or labor. It was during this time that the first age of African-American music, Ragtime, was born, and when Eubie Blake composed his famous "Charleston Rag." Jazz artists flourished later, including W.C. Handy, Duke Ellington, and Count Basie. Dozens of African-American female singers contributed their talents as well—among them Bessie Smith, followed by Ella Fitzgerald.

Today, African-American music's universal popularity and appeal is evidenced through the appreciation of other cultures. Non-African-American musical artists, such as Elvis Presley, the Beatles, and Bonnie Raitt, have cited African-American artists as inspiration for their own music. Globally, African-American music is appreciated for its impact on language, dance, art, and media, as well as social and cultural values.

Its impact on our Nation's economy is just as great. The African-American music industry supports and creates countless jobs worldwide, from publishing companies to concert and club venues to advertisers. The Recording Industry Association of America reports that, in 1995, combined sales of what it terms "urban music"—including soul, dance, funk, and reggae—amounted to $1.4 billion. Furthermore, if jazz, gospel, and rap are combined—all genres in which there are significant African-American contributions—the total rises to nearly $3 billion.

The work of Philadelphia's International Association of African-American Music helps to share the virtues of African-American music with people around the world. This resolution recognizes the work of those who help foster understanding of African-American culture through music, including the generations of African-American musicians whose talents have enriched America.

It is my hope that the Senate will adopt this resolution. A companion resolution has been introduced in the House by Congressman CHAKA FATTAH and it has bipartisan support from 58 House Members. In conclusion, I urge my Senate colleagues to join me in supporting this important recognition of African-American music.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

GRAMS AMENDMENT NO. 422

Mr. GRAMS proposed an amendment to amendment No. 420 proposed by Mr. COCHRAN to the bill (S. 936) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . GAO STUDY ON CERTAIN COMPUTERS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the national security risks relating to the sale of computers with composite theoretical performance of between 2,000 and 7,000 million theoretical operations per second to end-users in Tier 3 countries. The study shall also analyze any foreign availability of computers described in the preceding sentence and the impact of such sales on United States exporters.

(b) PUBLICATION OF END-USER LIST.—The Secretary of Commerce shall publish in the Federal Register a list of military and nuclear end-users of the computers described in subsection (a), except any end-user with respect to whom there is an administrative finding that such publication would jeopardize the user's sources and methods.

(c) END-USER ASSISTANCE TO EXPORTERS.—The Secretary of Commerce shall establish a procedure by which exporters may seek information on questionable end-users.

(d) DEFINITION OF TIER 3 COUNTRY.—For purposes of this section, the term "Tier 3 country" has the meaning given such term in section 740.7 of title 15, Code of Federal Regulations.

INHOFE (AND OTHERS) AMENDMENT NO. 423

Mr. COVERDELL (for Mr. INHOFE, for himself, Mr. COVERDELL, Mr. CLELAND, and Mr. BENNETT) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle B of title III, add the following:

SEC. . DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§ 2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means materiel maintenance or repair requiring the overhaul or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes all aspects of software maintenance and such portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services that are described in the preceding sentence.

"(b) EXCEPTION.—The term does not include the following:

"(1) Ship modernization activities that were not considered to be depot-level maintenance and repair activities under regulations of the Department of Defense in effect on March 30, 1997.

"(2) A procurement of a modification or upgrade of a major weapon system."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

SEC. . RESTRICTIONS ON CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR AT CERTAIN FACILITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair"; and

(2) by adding at the end the following new subsection:

"(d) RESTRICTION ON CONTRACTS AT CERTAIN FACILITIES.—

"(1) RESTRICTION.—The Secretary of Defense may not enter into any contract for the performance of depot-level maintenance and repair of weapon systems or other military equipment of the Department of Defense, or for the performance of management functions related to depot-level maintenance and repair of such systems or equipment, at any military installation of the Air Force where a depot-level maintenance and repair facility was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note). In the preceding sentence, the term 'military installation of the Air Force' includes a former military installation closed or realigned under the Act that was a military installation of the Air Force when it was approved for closure or realignment under the Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to an installation or former installation described in such paragraph if the Secretary of Defense certifies to Congress, not later than 45 days before entering into a contract for performance of depot-level maintenance and repair at the installation or former installation, that—

"(A) not less than 75 percent of the capacity at each of the depot-level maintenance and repair activities of the Air Force is being utilized on an ongoing basis to perform industrial operations in support of the depot-level maintenance and repair of weapon systems and other military equipment of the Department of Defense;

"(B) the Secretary has determined, on the basis of a detailed analysis (which the Secretary shall submit to Congress with the certification), that the total amount of the costs of the proposed contract to the Government, both recurring and nonrecurring and including any costs associated with planning for and executing the proposed contract, would be less than the costs that would otherwise be incurred if the depot-level maintenance and repair to be performed under the contract were performed using equipment and facilities of the Department of Defense;

"(C) all of the information upon which the Secretary determined that the total costs to the Government would be less under the contract is available for examination; and

"(D) none of the depot-level maintenance and repair to be performed under the contract was considered, before July 1, 1995, to be a core logistics capability of the Air Force pursuant to section 2464 of this title.

"(3) CAPACITY OF DEPOT-LEVEL ACTIVITIES.—For purposes of paragraph (2)(A), the capacity of depot-level maintenance and repair activities shall be considered to be the same as the maximum potential capacity identified by the Defense Base Closure and Realignment Commission for purposes of the selection in 1995 of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990, without regard to any limitation on the maximum number of Federal employees (expressed as full time equivalent employees or otherwise) in effect after 1995, Federal employment levels after 1995, or the actual availability of equipment to support depot-level maintenance and repair after 1995.

"(4) GAO REVIEW.—At the same time that the Secretary submits the certification and analysis to Congress under paragraph (2), the Secretary shall submit a copy of the certification and analysis to the Comptroller General. The Comptroller General shall review the analysis and the information referred to in subparagraph (C) of paragraph (2) and, not later than 30 days after Congress receives the certification, submit to Congress a report containing a statement regarding whether the Comptroller General concurs with the determination of the Secretary included in the certification pursuant to subparagraph (B) of that paragraph.

"(5) APPLICATION.—This subsection shall apply with respect to any contract described in paragraph (1) that is entered into, or proposed to be entered into, after January 1, 1997.".

SEC. . CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF DEFENSE.

Section 2464(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a logistics capability (including personnel, equipment, and facilities)" and inserting in lieu thereof "a core logistics capability that is Government-owned and Government-operated (including Federal Government personnel and Government-owned and Government-operated equipment and facilities)";

(2) in paragraph (2)—

(A) by inserting "core" before "logistics"; and

(B) by adding at the end the following: "Each year, the Secretary of Defense shall submit to Congress a report describing each logistics capability that the Secretary identifies as a core logistics capability."; and

(3) by adding at the end the following new paragraphs:

"(3) Those core logistics activities identified under paragraphs (1) and (2) shall include the capability, facilities, and equipment to maintain and repair the types of weapon systems and other military equipment (except systems and equipment under special access programs and aircraft carriers) that are identified by the Secretary, in consultation with the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the contingency plans prepared under the responsibility of the Chairman of the Joint Chiefs of Staff set forth in section 153(a)(3) of this title.

"(4) The Secretary of Defense shall require the performance of core logistics functions identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities the minimum workloads necessary to ensure cost efficiency and technical proficiency in peacetime while preserving the surge capacity and reconstitution capabilities necessary to support fully the contingency plans referred to in paragraph (3).".

GORTON (AND MURRAY) AMENDMENT NO. 424

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1014. SELECTION PROCESS FOR DONATION OF THE USS MISSOURI.

(a) FINDINGS.—Congress makes the following findings:

(1) The USS Missouri is a ship of historical significance that commands considerable public interest.

(2) The Navy has undertaken to donate the USS Missouri to a recipient that would memorialize the ship's historical significance appropriately and has selected a recipient pursuant to that undertaking.

(3) More than one year after the applicants for selection began working on their proposals in accordance with requirements previously specified by the Navy, the Navy imposed two additional requirements and afforded the applicants only two weeks to respond to the new requirements, requirement never previously used in any previous donations process.

(4) Despite the inadequacy of the opportunity afforded applicants to comply with the two new requirement, and without informing the applicants of the intention to do so, the Navy officials gave three times as much weight to the new requirements than they did to their own original requirements in evaluating the applicants.

(5) Moreover, Navy officials revised the evaluation subcriteria for the "public benefits" requirements after all applications had been submitted and reviewed, thereby never giving applicants an opportunity to address their applications to the revised subcriteria.

(6) The General Accounting Office criticized the revised process for inadequate notice and causing all applications to include inadequate information.

(7) In spite of the GAO criteria, the Navy has refused to reopen its donation process for the Missouri.

(b) NEW DONEE SELECTION PROCESS.—(1) The Secretary of the Navy shall—

(A) set aside the selection of a recipient for donation of the USS Missouri;

(B) initiate a new opportunity for application and selection of a recipient for donation of the USS Missouri that opens not later than 30 days after the date of the enactment of this Act; and

(C) in the new application and selection effort—

(i) disregard all applications received, and evaluations made of those applications, before the new opportunity is opened;

(ii) permit any interested party to apply for selection as the donee of the USS Missouri; and

(iii) ensure that all requirements, criteria, and evaluation methods, including the relative importance of each requirement and criterion, are clearly communicated to each applicant.

(2) After the date on which the new opportunity for application and selection for donation of the USS Missouri is opened, the Navy may not add to or revise the requirements and evaluation criteria that are applicable in the selection process on that date.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a markup on the HUBZone Act of 1997 and the Small Business Reauthorization Act of 1997. The markup will be held on June 26, 1997, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224–5175.

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Youth Violence, of the Senate Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, June 20, 1997, at 9 a.m. to hold a hearing at the St. Louis Fire Department Headquarters, 1421 N. Jefferson, St. Louis, MO, on: "Combating Youth Violence: Tracking Violent Juveniles and Targeting Adults Who Use Them."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AMERICA'S RELATIONS WITH VIETNAM

• Mr. COCHRAN. Mr. President, it was my pleasure last week to welcome back to Washington, His Excellency, Desaix Anderson, who has returned from Vietnam where he served for almost 2 years as our Government's Chargé d'affaires in Hanoi.

He worked very effectively to help establish a new relationship between our two countries and in the process created a bond of friendship and mutual trust that will serve us well as we build on that well-laid foundation.

He is now writing a book on the United States-Vietnam relationship and because of his experience and intelligence, I'm sure it will be an important contribution to our understanding of this unique subject.

Before he left he discussed his impressions of the current situation and recent events at a meeting of the United States-Vietnam Trade Council on April 7. It gives such an encouraging assessment of the possibilities for the future in that country Senators should take note of it.

I ask that a copy of Mr. Anderson's remarks be printed in the RECORD.

The remarks follow:

AMERICA'S RELATIONS WITH VIETNAM—ACCOMPLISHMENTS, CHALLENGES, AND POTENTIAL

(Remarks of Desaix Anderson)

In the year and half since normalization, Vietnamese and Americans, working together, have laid the foundations for a totally different relationship between our two countries. While cognizant of our tortuous history of the past fifty years, our leaders agreed in 1995 to look to the future, to build on common goals seeking peace, stability, and prosperity in our nations and in the East Asia Pacific region. We realized that building trust and mutual confidence was the most important requirement to construct this new relationship.

On that basis we began to pick up the links of personal and non-governmental contacts which emerged and survived over the years, despite the estrangement between our governments, and to call on the goodwill which we have found to be widely flourishing in both countries, and to begin to construct the foundation for a friendly, contemporary relationship. To enjoy a normal relationship, that foundation has to be composed of hundreds of thousands of expanding networks not just between governments but between our peoples, as well.

So, I salute the US-Vietnam Trade Council, Virginia Foote, the NGO's, the Vietnam vets, the Vietnam Veterans Association, hundreds of American businessmen and women, the media, itinerant English teachers, universities, tour groups, the Vietnam-America Friendship Association, individual Americans, as well as the Government officials and leaders who have played their roles in initiating this new relationship.

ACCOMPLISHMENTS

All we have sought to do and accomplished fits nicely under the rubric former National Security Advisor Anthony Lake brought to Vietnam last July, in saying, "America's vision of Vietnam is of a strong and prosperous country, well integrated into regional and global institutions."

Hear the breadth of what has been going on.

We are cooperating diligently with the Vietnamese to account for missing Americans—our top priority—even as we work to find ways to strengthen further bilateral and unilateral efforts to reach successful conclusions.

We adopted for cooperation two important Vietnamese goals—strengthening health and education. The Centers for Disease Control, the National Institutes of Health, with strong support from HHS Secretary Donna Shalala, are spearheading efforts contributing to Vietnam's health system. A CDC doctor will soon join the embassy staff to work full time on public and private health cooperation between our countries. The embassy, through some 30 Fulbright scholarships and 25 international visitor grants annually and the contribution of an American studies collection to Hanoi University, is strengthening bilateral educational ties. In addition, thirty or so American universities are working with Vietnamese counterparts to upgrade Vietnam's education system.

Our Agriculture ministries are cooperating closely to exchange information, develop policy alternatives, and promote exchanges such as the 18 upcoming Cochran fellowships for young Vietnamese to study in professional fields in the US.

FAA is working with the CAAV to upgrade security and safety at Vietnam's airports, looking to the day, soon we hope, to have daily flights between American and Vietnamese cities. A creative Vietnamese approach can facilitate this important goal.

Representatives from the Departments of State and Commerce, the Federal Communications Commission and the U.S. Trade Representative have initiated exchanges with DGPT/VVPT on the Telecom regulatory environment.

DEA, Customs, and State are all at work with Vietnamese counterparts in common purpose to stem illicit narcotics use and flow. The Secret Service is cooperating with Vietnamese authorities to stem crimes such as counterfeiting and credit card fraud.

USAID is helping to supply prosthetic devices and assist displaced children.

We have burgeoning cooperation in science, technology, energy, and the environment, involving some nine US Government agencies.

Military-to-military relations now consist of discussions of regional security perceptions and the exchange of visits.

Hundreds of thousands of Vietnamese have resettled in the US under the Orderly Departure Program or "ODP", and in January, we reached agreement on an arrangement called ROVR, under which certain Vietnamese returnees from SE Asian camps can be interviewed under ODP for possible resettlement in the US.

We are working at common purposes in multilateral fora—such as in the ASEAN regional forum to build confidence and promote peaceful resolution of disputes in the region. We also manage to discuss candidly and quietly some of the most sensitive issues of concern on each side.

Over 400 American companies last year promoted over one billion dollars in US-Vietnam trade in goods and services. US investment topped US 1.2 billion. By their association and employment by US companies, thousands of eager young Vietnamese are learning the way we think and do business in a market economy.

Finally, a Secretary Rubin and Finance Minister Hung this morning signed a significant debt agreement, overcoming this major obstacle to advancing our economic relations.

THE CHALLENGES

These developments should not be seen as fragile, but challenges to developing the kind of friendly, constructive relationship we envisage between Vietnam and the United States remain clear and formidable. We must overcome residual wariness, animosities and distrust in both countries. Vietnamese must trust that we have come with good will, have no ulterior motives or conspiracies to subvert or overthrow their system, and recognize that American economic activities support their own "DOI MOI" or renovation policy. Americans must recognize the extraordinary efforts Vietnam is making to help us in accounting for the missing from the war; continuing suspicion is misplaced. We must all put the past to rest and concentrate on the challenges and opportunities of the present and future.

I have noticed and welcomed the greater openness and diversity of Vietnam's society today than when I arrived. There is a commitment to developing the rule of law. The National Assembly and locally elected Peoples' Councils gradually are gaining stature as deliberative, representative bodies. I have observed more candid public and private debate on the burning issues of the day, and expansion of the amount and kinds of information available domestically and from abroad. There is a vibrant artistic scene, and the government has arrived at a formula for access to internet, albeit controlled. Private citizens are allowed to worship in their faith, have more latitude to make their own choices, and are travelling abroad for business and pleasure in increasing numbers. The result is a society taking on increasing complexity and verve.

Continuing and expanding these trends will help Vietnam's long term stability, economic health and growth, and its ability to take full advantage of the genius of its people.

We can contribute positively to that process. Vietnam's dramatic change from a centrally controlled economy to rule of law and a market economy is still a work in progress. Vietnam's society will ultimately be shaped by economic growth, education, access to information including through a free press, extended interaction with the rest of the world, and, most importantly, its own culture and history.

To this end, we must get to know each other and be candid about our perceptions one of the other, always in a spirit of mutual respect and tolerance. Honest words may not always be so welcome, but it is important for each to understand what the other is about, what its values are, what its principles are, what it stands for; while tolerating valid differences in approach.

Finally, we are challenged to work in partnership to conclude economic normalization (a comprehensive trade agreement; MFN, EXIM, OPIC, and TDA) and a civil aviation agreement so that our societies can enjoy the kind of extensive links of which two such culturally rich societies are capable.

For us to realize the full potential of our relationship, Vietnam is challenged to move briskly to fulfill its self-announced policy goal of establishing a market economy; to this end, I would suggest the following:

(1) Rapid reform of the State-owned enterprise system, which currently sustains inefficient, uncompetitive enterprises, often oriented to import-substitution, and which diverts both domestic and foreign investment from potentially more productive uses. Effective equitization of State-owned enterprises would create the basis for a stock market, the necessary mechanism for realizing Vietnam's potential to mobilize its own domestic savings and absorb the considerable amount of portfolio investment available from abroad.

(2) Create a genuinely level domestic playing field for Vietnam's multisector economy, including equal encouragement of the private sector in which most new employment and growth has occurred.

(3) Open the trading and investment systems to require Vietnam's economy to learn competitiveness, perhaps the hard way, but looking to the long term, to avoid falling further behind its neighbors and putting at risk continued foreign investment.

(4) Accelerate opening of the agricultural sector to foreign investment, and liberalize the rice export market. Eliminating the state sector middlemen and their rents would raise income to the farmers from rice perhaps by 20 percent, and help curb the huge 30 percent losses to pests, rodents, spoilage and poor transportation which occur now because of the current export system. In one stroke such changes would raise rural incomes for the eighty percent of all Vietnamese who live in rural areas, reduce the rural-urban gap, and curb the dislocations resulting from urban migration.

(5) Accelerate reform of the financial system—including making available equity credit and credit for export financing.

(6) Finally, make the environment for foreign business more hospitable, transparent, and objective with clear avenues for dispute resolution.

THE POTENTIAL

Marking clearly Vietnam's intentions in these directions would accelerate conclusion of the US-Vietnam Trade Agreement and, through, MFN, provide Vietnam access to the huge US market for Vietnamese goods and trade—a prerequisite for getting on the fast track to "tiger status"—and pave the way for another of Vietnam's avowed policy goals, accelerated entry into WTO. The complementarity of the US and Vietnamese Economies would ensure rapid growth of bilateral trade and investment, benefitting both sides; the US would certainly become one of the major investors in Vietnam's economic and human resource development.

We can anticipate increasing consonnance in our strategic views of Vietnam integrates into ASEAN. There are generally no major disagreements in our respective national interests. The basis for cooperative efforts to seek peaceful solutions to transnational and other problems in the region already exists.

1.5 million Vietnamese-Americans ensure growing human contacts between our two countries. The opportunities for rich cultural, educational, scientific and technological exchange between our dynamic societies will inexorably be enhanced.

Finally, the spirits of our two countries can overcome the anguish of the past and we can enjoy the friendly, constructive relationship which our two peoples deserve.

I invite you all to share in such a vision. With the good will and commitment by people such as yourselves, a strong partnership between Vietnam and the United States is not just possible. It becomes probable.

Thank you.●

BUDGET RECONCILIATION LEGISLATION

● Mrs. MURRAY. Mr. President, today the Budget Committee is scheduled to report out the budget reconciliation spending bill. Unfortunately, I was unable to be present for the final vote, but had I been here I would have voted "aye."

Several months ago I made a commitment to the graduating class at North Seattle Community College that I would be honored to be their 1997 commencement speaker. This commitment was extremely important to me and the graduating class, I simply could not back out at the last minute. Today's Budget Committee mark up was not finalized until last night.

I am extremely troubled by some of the provisions within the reconciliation package as I believe that they violate the bipartisan balanced budget agreement that was recently adopted. I am also disappointed that the committee will not have final legislative language and final CBO numbers on parts of the Finance Committee sections. It is difficult to understand why the leadership is in such a rush to complete action on major changes to Medicare and Medicaid. This rush to bring this bill to the floor does jeopardize our efforts to enact a balanced budget.

As we all know the Budget Committee cannot amend the reconciliation legislation. This will be done on the floor next week. At that time I will be supporting amendments that ensure this package is in compliance with the agreement and that it does not violate our commitment to our Nation's senior citizens and our children. We must seize on this unique opportunity to balance the budget, reform Medicare and expand health benefits for children. Unfortunately, as it stands now it does not appear that the current reconciliation language will achieve these goals.

Today's action by the Budget Committee is an important step in the process which is why I would have voted to report the measure to the full Senate. This does not mean that the package is one I will support when it

reaches the floor. I am simply acting to move us closer to achieving a balanced budget.

I am disappointed that this legislation does violate the agreement that we worked so hard to achieve. But, I am hopeful that significant improvements will be made on the floor and that we can sent to the President a bill that he can sign.●

COPYRIGHT TERM EXTENSION ACT OF 1997

● Mr. ABRAHAM. Mr. President, today, I rise to express my support for the Copyright Term Extension Act of 1997. This legislation enjoyed unanimous support from members of the Judiciary Committee and I am hopeful the full Senate will share our views.

In the area of copyrights, patents, and other sources of intellectual property, our Nation is now at a tremendous competitive disadvantage in the global marketplace. Despite the fact the United States is the worldwide leader in intellectual property production, American authors, musicians, filmmakers, and other creative artists will not get their fair share of royalties due to them. Simply stated, U.S. copyright law protects the life of the author plus 50 years. In the European Union [EU], however, copyright terms cover life plus 70 years. Here lies the problem.

Four years ago the European Union issued a directive mandating member countries to implement a copyright term of protection equal to the life of the author plus 70 years by July 1, 1995. Currently eight countries in the EU have complied with this policy and many others are following suit.

With the advent of the Internet, digital communications, increased satellite technology, and other communications devices, the longevity of creative works has dramatically increased. Now anyone in the world can access and use an American work with merely a click of a finger. Because of these high-technology machines, the United States continues to see dramatic rises in illegal duplication cases and millions of dollars lost.

The Copyright Term Extension Act will reverse this disturbing trend by putting Americans at an equal footing with the rest of the world. This important legislation gives U.S. copyright owners parity with the European Union by adopting a life plus 70 year term. I strongly feel this act will help balance the inadequacies that currently exist between the United States and the European Union.●

AMENDING SECTION 2118 OF THE ENERGY POLICY ACT OF 1992

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 82, H.R. 363.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 363) to amend section 2118 of the Energy Policy Act of 1992 to extend the electric and magnetic fields research and public information dissemination program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. I ask unanimous consent that the bill be deemed read the third time, passed, and the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 363) was deemed read the third time, and passed.

AUTHORITY FOR FINANCE COMMITTEE TO REPORT

Mr. MURKOWSKI. I ask unanimous consent that the RECORD remain open until the hour of 12 o'clock midnight tonight for the Finance Committee to file an original bill and written report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I believe we are waiting for clearance from the minority, so I am sure in a moment or two we can conclude the session of the Senate today, and I will proceed to act as acting leader in concluding the closing requests.

ORDERS FOR MONDAY, JUNE 23, 1997

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Monday, June 23d. Further, I ask unanimous consent that on Monday, immediately following the prayer, the routine requests for the morning hour be granted and the Senate then be in a period of morning business until 12 noon, with Senators permitted to speak up to 5 minutes with the following exceptions: Senator DASCHLE, or his designee, 60 minutes, from the hour of 10 to 11 o'clock; Senator THOMAS, or his designee, 60 minutes, from the hour of 11 to 12 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I further ask unanimous consent that at the hour of 12 noon, the Senate proceed to consideration of S. 947, the budget reconciliation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. For the information of all Senators, Monday the Senate will be in a period of morning business until the hour of 12 noon. By previous consent, at 12 o'clock the Senate will begin consideration of S. 947, the budget reconciliation bill. As previously announced, all votes ordered with respect to that bill on Monday will be stacked to occur on Tuesday, June 24, at 9:30 a.m. Therefore, rollcall votes will occur beginning at 9:30 a.m. on Tuesday or very close thereafter, as the majority leader announced Thursday evening.

There is a lot of work to be done prior to the Senate adjourning for the Fourth of July recess. Therefore, Senators' cooperation in scheduling of floor action would be appreciated.

ADJOURNMENT UNTIL 10 A.M., MONDAY, JUNE 23, 1997

Mr. MURKOWSKI. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:32 p.m., adjourned until Monday, June 23, 1997, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Friday, June 20, 1997*

The House met at 9 a.m.

The Chaplain, Rev. James David FORD, D.D., offered the following prayer:

We begin this day, O gracious God, with thankful hearts for the days that have passed, with anticipation for what tomorrow will bring, and with appreciation for the opportunities of today. With all the pressures of modern life and with all the needs that are yet undone, we know that You grant us the resources for the responsibilities of the day and You free our hearts and souls with grace and peace and love. Grant to us and every person, O God, these gifts and bless us along life's way. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DREIER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. BALLENGER] come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 858. An act to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minutes on each side.

REPUBLICAN TAX BILL NEEDS LOTS OF WORK

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the House is expected to vote next week on a Republican tax bill that gives more than half of its benefits to the wealthiest 5 percent of Americans. Because the Republicans do not know how to defend themselves against charges that their bill short-changes working families, Republicans are firing back with the blatantly false charge that tax breaks for millions of working families would be welfare payments.

I would tell my colleagues that the Republican bill denies the $500 child tax credit to 20 million working families, because it does not let them count the credit against their payroll taxes. This is the Federal taxes that are deducted from the worker's paycheck.

I do not understand why the Republicans are so desperate to keep these working families from getting tax breaks. I suspect it is because they are trying to funnel every dollar they can right back to their wealthy contributors.

I would say, Mr. Speaker, we should welcome ourselves to the Republican Congress where tax breaks for struggling working families are welfare, but massive capital gains and estate tax breaks for the very rich are an important national policy.

NO TAX BREAKS FOR THOSE WHO DO NOT PAY TAXES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, there are actually some Democrats who are outraged that those who pay no Federal income tax will not benefit from the tax credits that are contained in the Republican tax cut plan.

Let us think about this for a minute. If one pays no Federal income tax, should I be upset because I am not getting a tax cut? This, in my view, is what we call the mother of all entitlement mentalities. It is kind of like complaining about not having a headache because some great new aspirin product is not going to do anything for you. Talk about not fair.

So let us see if I got this straight. It is about 9 o'clock on the night of April 14 and I am filling out my 1040 and I finally get through the form, and at first I am happy as a lottery winner when I find that there is no income tax this year being paid by me. Fat zero. Then I realize hey, wait a minute. This is not fair. If Congress passes a tax cut, I will not get one because I do not pay any taxes. Suddenly now I am sad. I guess I am not as lucky as I thought.

FAIR PAY ACT

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, while the Republicans are trying to give huge tax breaks to the rich, working people struggle to make ends meet. While the Republicans attempt to deny the minimum wage to women trying to move from welfare to work, the challenge for working women to achieve pay equity becomes more difficult.

For Hispanic women, the challenge is greater still. Tomorrow, June 21, will mark the day when Hispanic women earn what white men earned the year before for comparable work, and Hispanic women, they pay payroll taxes. That is taxes.

We know that discrimination is wrong, but employers continue to get away with wage discrimination despite the passage of the Equal Pay Act 30 years ago.

Today I rise in support of the Fair Pay Act, which requires employers to pay equal wages for compatible work.

While the Republicans try to keep women from even earning the minimum wage, the Democrats are fighting to provide fairness for working women.

ANY EXCUSE IS A GOOD EXCUSE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, any excuse is a good excuse if one does not want to do something. Let us see. What

is today's excuse for voting against tax relief?

Well, the tax relief is going for the wealthy. We cannot give the rich a tax break. Well, who are these so-called rich? Liberals say that if one makes more than $40,000 per year, one is rich. Well, that is bad news for the aircraft workers in Wichita, the air capital of the world, bad news because this will be the third weekend this month that single mothers have gone to work to work overtime, the third weekend they will miss spending time with their three children. They are just working to make ends meet, and somehow, somehow they thought being rich would be just a little bit better.

No tax relief for the wealthy. Mr. Speaker, any excuse is a good excuse when you do not want to do something.

□ 0915

SUPPORT DEMOCRACY IN ALBANIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, since 1992 Albania has evolved into a democracy. Inspired by their dynamic leader, Speaker of Parliament Arbnori, who spent 25 years in prison struggling for democracy, they were able to set communism aside. Mr. Speaker, those great triumphs are now in danger. The Communist Party in Albania vowed to disregard the outcome of the June 29 elections unless the Communist Party wins.

Mr. Speaker, this is a great tragedy, and this is a danger for the entire free world. Albania can become the next Bosnia. Congress must ensure free and open elections in Albania. Congress must support Speaker Arbnori, and in addition, the Congress of the United States should support admitting a free, open, and democratic Albania into NATO. The Albanians have set communism aside. Congress must join to help the freedom fighters in Albania.

REDUCE TAXES ON SMALL BUSINESSES

(Mr. PAPPAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAPPAS. Mr. Speaker, most people on Main Street in my district in central New Jersey understand who the real job creators are. They know that the little shops just starting out, small businesses struggling to get by, and people who have decided to work out of their homes are aware of where most of the jobs are. More jobs are created in those areas than anywhere else in the economy.

The kicker is that these small businesses, mom and pop enterprises that are slowly built up over a lifetime, sometimes cannot get passed on to their children when they die. For all these reasons we need tax relief for the real engines of our economy, small businesses: death tax relief, capital gains tax relief, and the new home office tax deduction for people giving it a go on their own. Let us pass this kind of tax relief this year. That is why I am here. That is what the American people expect.

TAX RELIEF FOR THOSE WHO NEED IT MOST

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the American people want tax relief. They want lower taxes, but Mr. Speaker, the American people want a tax cut that goes to the people who need it most, American working families. The Republican tax bill is a boom for Wall Street, but a bust for Main Street.

The Republican tax bill gives little relief to the working people, people struggling to pay a mortgage, a car loan, their credit card bills, and send their kids to college. The Republican tax bill gives most of the tax breaks to the wealthiest people in America. Almost 60 percent of the Republican tax credits goes to the the wealthiest 5 percent of Americans, people who on average earn $250,000 a year.

That is not right, it is not fair, and it is not just. That is not what the American people want. Democrats want a tax cut for the middle class, for working families. These are the people who deserve tax relief. Let us not give away the store to millionaires like Rush Limbaugh and other yacht-owning junk bond traders and Rolls Royce drivers. Say no to the Republican tax break bill.

BIG HAT, NO CATTLE; NOT MUCH BEHIND THE DEMOCRATS' RHETORIC

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I am told in Texas they have a saying that means "All talk but no action." In classic Texan, they say, "Big hat, no cattle." To me that means there is not much behind the rhetoric.

Mr. Speaker, I am from the great State of Nevada, but I am pretty sure that the people of Texas are talking about the Democrats when they talk about taxes. Sure, they are all for them, they say, but when it comes to giving the middle-class families some real tax relief, all of a sudden the middle-class tax cuts get magically transformed into tax cuts for the wealthy. Middle-class taxpayers in my district are starting to scratch their heads when they hear that some people in Washington think they should not get tax relief because suddenly they are the rich.

I think I understand what so many of them start questioning, whether some of the people who claim to be for middle-class tax cuts are really sincere. Big hat, no cattle. I think Texans are onto something here.

REPUBLICANS WILL PROVIDE TAX BREAKS AND TAX CUTS TO THE RICHEST IN AMERICA

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, let us be clear about the bogus arguments of my colleagues on the other side of the aisle. The fact of the matter is that if you do not pay Federal taxes, income tax or a payroll tax, you are not eligible for a child tax credit in the Democratic proposal. If you do work and pay taxes, in fact you are eligible for the child tax credit.

Let them not pull the wool over peoples' eyes, while they want to provide tax breaks and tax cuts to the richest 1 percent of the people in this country, those who make over $247,000. That is where the bulk of their tax break goes.

What they have done is they have cut back on the child care tax credit for working families; two people in the workplace who have to be there for economic reasons, they have cut back that child care tax credit. They have cut back the education tax credit, the HOPE scholarships to allow working families to get their children to school, in an effort to provide a tax cut to the richest 1 percent of the people in this country. It is wrong and we should not let it happen.

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PAPPAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 336, nays 49, not voting 49, as follows:

[Roll No. 218]

YEAS—336

Aderholt	Evans	Livingston
Allen	Everett	Lofgren
Andrews	Ewing	Lowey
Archer	Farr	Lucas
Armey	Fattah	Luther
Bachus	Fawell	Maloney (CT)
Baesler	Flake	Manton
Baker	Foley	Manzullo
Baldacci	Ford	Mascara
Ballenger	Fowler	Matsui
Barcia	Frank (MA)	McCarthy (MO)
Barr	Frelinghuysen	McCarthy (NY)
Barrett (NE)	Frost	McCollum
Barrett (WI)	Furse	McCrery
Bartlett	Gallegly	McGovern
Barton	Ganske	McHale
Bass	Gejdenson	McHugh
Bateman	Gibbons	McInnis
Bentsen	Gilchrest	McIntosh
Bereuter	Gilman	McIntyre
Berman	Gonzalez	McKeon
Berry	Goode	McKinney
Bilbray	Goodlatte	Meehan
Bilirakis	Goodling	Metcalf
Bishop	Gordon	Mica
Blagojevich	Graham	Millender-McDonald
Bliley	Granger	Miller (FL)
Blumenauer	Greenwood	Minge
Boehlert	Hall (OH)	Mink
Boehner	Hall (TX)	Moakley
Bonilla	Hamilton	Molinari
Bonior	Hansen	Mollohan
Bono	Harman	Moran (VA)
Boswell	Hastert	Morella
Boucher	Hastings (FL)	Murtha
Boyd	Hastings (WA)	Myrick
Brady	Hayworth	Nadler
Bryant	Hefner	Neal
Bunning	Hill	Nethercutt
Burton	Hilleary	Neumann
Buyer	Hinchey	Ney
Callahan	Hinojosa	Northup
Calvert	Hobson	Norwood
Camp	Holden	Obey
Campbell	Hooley	Olver
Canady	Horn	Ortiz
Cannon	Hostettler	Owens
Capps	Houghton	Oxley
Cardin	Hoyer	Packard
Carson	Hunter	Pappas
Castle	Hutchinson	Parker
Chabot	Hyde	Pastor
Chambliss	Inglis	Paul
Christensen	Istook	Paxon
Clement	Jackson (IL)	Payne
Clyburn	Jackson-Lee (TX)	Pease
Coble	Jefferson	Pelosi
Coburn	Jenkins	Peterson (MN)
Collins	John	Peterson (PA)
Combest	Johnson (CT)	Petri
Condit	Johnson (WI)	Pickering
Cook	Jones	Pitts
Cooksey	Kanjorski	Portman
Costello	Kaptur	Price (NC)
Cox	Kasich	Pryce (OH)
Cramer	Kelly	Quinn
Cummings	Kennedy (MA)	Radanovich
Cunningham	Kennedy (RI)	Rahall
Danner	Kennelly	Rangel
Davis (FL)	Kildee	Redmond
Davis (IL)	Kilpatrick	Regula
Davis (VA)	Kim	Reyes
Deal	Kind (WI)	Riley
Delahunt	King (NY)	Rivers
DeLauro	Kingston	Rodriguez
DeLay	Kleczka	Roemer
Dellums	Klink	Rogan
Deutsch	Klug	Rogers
Diaz-Balart	Knollenberg	Rohrabacher
Dickey	LaFalce	Ros-Lehtinen
Dicks	LaHood	Rothman
Dingell	Lampson	Roukema
Doggett	Lantos	Roybal-Allard
Dooley	Largent	Ryun
Doyle	Latham	Salmon
Dreier	LaTourette	Sanders
Duncan	Lazio	Sandlin
Edwards	Leach	Sanford
Ehlers	Levin	Sawyer
Ehrlich	Lewis (CA)	Saxton
Emerson	Lewis (KY)	Schaefer, Dan
Eshoo	Linder	Scott
Etheridge		

Sensenbrenner	Solomon	Upton
Serrano	Souder	Velázquez
Sessions	Spence	Vento
Shadegg	Spratt	Walsh
Shaw	Stabenow	Watkins
Shays	Stokes	Watts (OK)
Sherman	Strickland	Waxman
Shimkus	Stump	Weldon (FL)
Shuster	Stupak	Weldon (PA)
Sisisky	Talent	Wexler
Skaggs	Tanner	Weygand
Skeen	Tauscher	White
Skelton	Thomas	Whitfield
Slaughter	Thornberry	Wicker
Smith (MI)	Thune	Wise
Smith (TX)	Thurman	Wolf
Smith, Adam	Tierney	Woolsey
Smith, Linda	Towns	Wynn
Snowbarger	Traficant	Young (FL)
Snyder	Turner	

NAYS—49

Abercrombie	Gutierrez	Pickett
Borski	Gutknecht	Poshard
Brown (CA)	Hefley	Ramstad
Brown (OH)	Hilliard	Rush
Chenoweth	Hoekstra	Sabo
Clay	Hulshof	Schaffer, Bob
DeFazio	Johnson, E. B.	Stearns
English	Kucinich	Sununu
Ensign	Lewis (GA)	Taylor (MS)
Fazio	LoBiondo	Thompson
Filner	Maloney (NY)	Tiahrt
Foglietta	McDermott	Visclosky
Forbes	McNulty	Wamp
Fox	Meek	Watt (NC)
Gephardt	Moran (KS)	Weller
Gillmor	Nussle	
Green	Pallone	

NOT VOTING—49

Ackerman	Gekas	Royce
Becerra	Goss	Sanchez
Blunt	Herger	Scarborough
Brown (FL)	Johnson, Sam	Schiff
Burr	Kolbe	Schumer
Clayton	Lipinski	Smith (NJ)
Conyers	Markey	Smith (OR)
Coyne	Martinez	Stark
Crane	McDade	Stenholm
Crapo	Menendez	Tauzin
Cubin	Miller (CA)	Taylor (NC)
DeGette	Oberstar	Torres
Dixon	Pascrell	Waters
Doolittle	Pombo	Yates
Dunn	Pomeroy	Young (AK)
Engel	Porter	
Franks (NJ)	Riggs	

□ 0945

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I was necessarily absent during rollcall vote 218. If present, I would have voted "aye" on rollcall 218.

PROVIDING SPECIAL INVESTIGATIVE AUTHORITIES FOR COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 167 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 167

Resolved,

SECTION 1. APPLICATION.

This resolution shall apply to the investigation by the Committee on Government Reform and Oversight of political fundraising improprieties and possible violations of law.

SEC. 2. HANDLING OF INFORMATION.

Information obtained under the authority of this resolution shall be—

(1) considered as taken by the Committee on Government Reform and Oversight in the District of Columbia, as well as at the location actually taken; and

(2) considered as taken in executive session.

SEC. 3. DEPOSITIONS AND INTERROGATORIES.

The chairman of the Committee on Government Reform and Oversight, after consultation with the ranking minority member of the committee, may—

(1) order the taking of depositions or interrogatories anywhere within the United States, under oath and pursuant to notice or subpoena; and

(2) designate a member of the committee or an attorney on the staff of the committee to conduct any such proceeding.

SEC. 4. INTERNATIONAL AUTHORITIES.

The chairman of the Committee on Government Reform and Oversight, after consultation with the ranking minority member of the committee, may—

(1) order the taking of depositions and other testimony under oath anywhere outside the United States; and

(2) make application for issuance of letters rogatory, and request, through appropriate channels, other means of international assistance, as appropriate.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], my good friend and the distinguished ranking minority member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 167, and that I may be permitted to insert extraneous materials in the RECORD following my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, House Resolution 167 is a straightforward resolution designed to provide special investigative authorities for the Committee on Government Reform and Oversight. In most cases, the standing rules of the House provide committees with the tools they need to carry out formal investigations, including the power to issue subpoenas. But in circumstances such as this, the complexity and scope of congressional inquiry require that special authorities be granted to ensure that investigations are conducted thoroughly and that they are not unduly prolonged.

This resolution applies only to the Committee on Government Reform and Oversight's current investigation of political fund-raising abuses and possible violations of Federal law, and it is divided into three basic parts:

First, the resolution states that information obtained under its authority shall be considered as taken by the committee in the District of Columbia and that the information shall be considered as taken in executive session of the committee.

Second, the resolution authorizes the chairman, after consultation with the ranking minority member, to order the taking of depositions or interrogatories anywhere within the United States, under oath and pursuant to notice or subpoena, and to designate a member of the committee or staff attorney to conduct any such proceeding.

Finally, because it may be necessary to seek evidence beyond our borders, the resolution authorizes the chairman, again after consultation with the ranking minority member, to order the taking of depositions and other testimony, under oath, anywhere outside the United States, and to make application for issuance of letters rogatory, and to request, through the appropriate channels, other means of international assistance.

In the view of the Committee on Rules, the need for deposition authority in this case is clearly justified. The investigation concerns a series of complex matters that necessitate the taking of testimony of numerous key witnesses under oath. For major wide-ranging investigations such as this, the House has historically provided deposition authority in order to facilitate the fact-finding process.

Because of the potentially hundreds of witnesses who will need to be deposed, it would not only be impractical but physically impossible for Members to be present at every step and to engage in time-consuming depositions. In this way, staff depositions will allow the committee to obtain sworn testimony quickly and confidently without the need for lengthy and possibly unfocused hearings.

The Committee on Government Reform and Oversight at the present time is deeply involved in a massive investigation focused on the use of illegal foreign contributions to influence American policy, which also includes matters relating to potential illegal or improper political fund-raising, related activities involving the White House and other Federal agencies, the improper use of official resources, potential interference with Government investigation, and many other related matters. As the principal investigatory body of the House, this is the committee's statutory obligation.

As our colleagues know, serious questions of national policy and national security have arisen as daily revelations disclose more troubling facts about the unusual access that questionable individuals had to high-ranking White House and administration officials. The threats to national security are a very troubling matter, Mr. Speaker, and I know the gentleman from New York [Mr. SOLOMON] will have more to say about that in just a few minutes.

These disturbing questions and allegations clearly point to the need for the resolution that is now before us. Due to the sheer magnitude and severity of the revelations from the executive branch, and the need to bolster the ability of the Committee on Government Reform and Oversight to properly investigate this matter, the Committee on Rules is compelled to bring this resolution today.

Mr. Speaker, when the Committee on Rules marked up this resolution yesterday, our colleagues in the minority raised several concerns, and I recognize their sincerity; but I would hasten to add this resolution is not only backed by ample precedent, it is also justifiably warranted given the enormous amount of ground that the Burton investigation must cover. We owe it to the integrity of Congress' investigatory process to make certain that the investigation is conducted as officially as possible and in a manner that will guard against any dilatory tactics that may be employed by those who oppose this investigation.

Mr. Speaker, as a former judge, I recognize the importance of basing our actions on past precedent, and our committee staff has worked diligently to ensure that this resolution is in keeping with previous House practice. As our committee report points out, there have been many cases where special investigative authorities were granted. Since 1974, there have been at least 10 major investigations undertaken by the House where the membership determined that additional authorities beyond those provided in House rules were needed to ensure a thorough and complete inquiry.

In at least six major investigations since 1975, the House concluded that the need to gather evidentiary information from abroad justified granting special authorities to the investigating committee. In just the last Congress, staff deposition authority and the ability to gather evidence abroad were granted for the Bosnia select subcommittee, investigating the White House Travel Office matter, for the Senate Whitewater investigation, and the list goes on.

Like so many Americans, we on the Committee on Rules are very concerned about the numerous allegations that lay at the heart of this investigation, and we are equally alarmed that our national security may have been severely compromised in this affair. As a result, the Committee on Rules has responded with a fair, responsible resolution that, No. 1, conforms with the investigating committee's own rules; No. 2, does not depart in any significant way from previous House practice; and, No. 3, that is designed to assist the investigating committee in finding answers to these and other troubling questions.

In closing, Mr. Speaker, I would urge my colleagues to support this straightforward resolution. It is an honest attempt to balance efficiency, expediency and fairness without trampling on the rules of the House or on the basic rights of the minority. I urge a "yes" vote on this very important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague and dear friend, the gentlewoman from Ohio [Ms. PRYCE] for yielding me the customary half hour.

Mr. Speaker, I want to begin by complimenting my chairman, the gentleman from New York [Mr. SOLOMON], for making some improvements to the first draft of this resolution that came to the Committee on Rules. That proposal was even more outrageous than this one. The Committee on Government Reform and Oversight actually wanted access to tax records of all the witnesses that appear before them, but the gentleman from New York wisely, living up to his name, said no, and he was right to do so.

But despite that improvement, I am urging my colleagues to defeat this resolution and not to grant special investigative powers to the Committee on Government Reform and Oversight. My colleagues say they want to clean up campaign practices. We should certainly do that, but the additional powers we are considering today far exceed what is required to ensure clean campaign practices, if that is indeed the goal.

I am not sure, Mr. Speaker, what the goal is, because although the scope of the investigation is political fundraising improprieties, what worries me is how that scope is defined. It seems to be only alleged improprieties on the part of Democrats, not improprieties on the part of Republicans.

In the report the Committee on Rules presented to us just yesterday, 12 pages were dedicated to a long list of alleged Democratic activities and there was only mention of one Republican activity, although we know that there are more than just a few of those activities out there.

□ 1000

So in terms of this investigation, the Republican committee does not know what exactly they are investigating, they just know who they are investigating. They do not seem to be out to get facts as much as they are out to get

Democrats. It is very clear to me, Mr. Speaker, after the number of subpoenas that have been issued, it is very clear who they are after in the way the Committee on Rules report is written. It is clear they are after who they are after in the questioning of witnesses.

Mr. Speaker, if it is clear who the Republican leadership is after but it is not exactly clear what they are after, then this is a lot more partisan fishing expedition and a lot less of a serious investigation. We seriously, certainly, do not need any more partisan fishing expeditions, particularly partisan fishing expeditions that violate the rights of the witnesses and virtually ignore the minority.

The chairman of the committee, and I would like everybody to pay attention to this, the chairman of the committee has already issued more unilateral subpoenas than any other Member in the history of the House of Representatives, 165 unilateral subpoenas to be exact; and he has also conducted interviews. But the Democrats on that committee do not know exactly how many because they were not consulted.

Mr. Speaker, this is no way to conduct a fair bipartisan investigation. I realize that none of this investigating is very pleasant business. Frankly, I do not think Congress should conduct so many investigations and pass so few laws. But if that is the way the Republican leadership wants to do things, if they want to spend millions upon millions of dollars looking for something, then by all means they should be fair about it, they should protect the rights of the witnesses and at least pretend the investigation is bipartisan.

Because if they do not, Mr. Speaker, if they continue the way they are going, absolutely no one is going to believe the outcome of this so-called investigation, if anything other than opposition research is left for the next campaign. And it is very possible, Mr. Speaker, to conduct a better investigation.

The Iran-Contra hearings, the October Surprise hearings, and even the Bosnia arms transfer investigation were conducted with joint cooperation of the majority and minority. They managed to protect witnesses' rights. They managed to define the scope. And they managed to cut with the minority. And since the committees and the last Congress managed to complete their investigations without being granted these very unusual powers, I believe that the Committee on Government Reform and Oversight in this Congress should be no different.

For that reason, Mr. Speaker, I will try to defeat the previous question in order to require that the Committee on Government Reform and Oversight adopt the same rules that Chairman Clinger used last Congress. These rules worked perfectly, and they protected the rights of the witnesses and they protected the rights of the minority. This investigation should be no different.

So I urge my colleagues to oppose granting unprecedented powers to the Committee on Government Reform and Oversight and defeat the previous question.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Speaker, I rise to support this resolution. It is a resolution that provides tools needed by the Committee on Government Reform and Oversight so that it may conduct a proper, fair, and thorough investigation of political fund-raising improprieties and other possible violations of the law.

Staff deposition authority is not something new for a committee to be granted. There are several examples from a few Republican, but mostly Democratic, controlled majorities in which this practice was used, consistent with what this resolution provides. The impeachment proceedings of President Nixon, the House assassinations inquiry, and Koreagate are all instances from the 1970s in which similar staff deposition authority was utilized.

In the 1980's, there were, among others, the Iran-Contra committee and the Abscam investigations. And more recently, this authority for the taking of depositions by staff attorneys was practiced by the October Surprise Task Force, the White House Travel Office matter investigation, and the Bosnia select subcommittee.

As for the international aspects of the investigation, there are also several cases of similar precedence, including the Church Committee, the House assassinations inquiry, Koreagate, Abscam, Iran-Contra, the October Surprise Task Force, and the Senate Whitewater investigation.

It is important to keep in mind why deposition authority is needed by the Committee on Government Reform and Oversight. This investigation, Mr. Speaker, concerns matters of very serious national security which require the sworn testimony of numerous key witnesses.

Let us remember that there are serious allegations that even national security secrets were leaked, for example, to the Chinese Government in exchange for campaign contributions. In serious investigations such as this, the House has historically provided deposition authority in order to expedite the fact-finding process. As opposed to lengthy and possibly unfocused hearings, the deposition process allows the committee to obtain testimony under oath both quickly and confidentially.

Mr. Speaker, this is a very serious matter. I think it is important that we all support it. We are simply trying to provide tools for the committee to make it easier, to make it possible, in fact, for the committee to get to the truth. I strongly urge the adoption of this resolution and urge my colleagues to vote for it.

Mr. MOAKLEY. Mr. Speaker, I yield 4½ minutes to the gentleman from California [Mr. WAXMAN], the ranking member of the Committee on Government Reform and Oversight.

Mr. WAXMAN. Mr. Speaker, I rise in strong opposition to this resolution. The majority is establishing procedures for the House campaign finance investigation that have no precedent. Those procedures allow the gentleman from Indiana [Mr. BURTON] to act unilaterally, and they ensure that the minority will have no real voice in the committee's work.

The gentleman from Indiana [Mr. BURTON] alone is being given the authority to subpoena any document he wants or any witness he chooses to depose. He can make those decisions without any committee debate or any committee vote. These procedures deny the minority even the chance of debating or appealing the decisions of Chairman BURTON to the other 23 Republican members of the committee. And when the minority wants to issue a subpoena of its own, it can only ask Chairman BURTON to do so. If he says no, there is no opportunity for the minority to debate the issue or take it to a committee vote.

That is all the minority is asking for, an opportunity for the committee, and not just the chairman, to decide important questions. That is why in committee we offered the Clinger language adopted by the Republican majority in 1996, when the Committee on Government Reform and Oversight used subpoena power for depositions for the very first time in its history.

That precedent, which Chairman Clinger wrote, memorializes the longstanding practice of this committee to seek a consensus on the issuance of a subpoena, provided that subpoenas for depositions would only be issued if the minority concurred or if the committee voted to issue one.

Last year, that language was proposed by a Republican chairman, ratified by the Republican majority in committee and in the House, and implemented without any problem during the travel office investigation. This year, we told Chairman BURTON that we would support his request for subpoena power if he followed that common-sense process. It did not give the minority a veto, it only gave us a chance to be heard.

That is why the House has always conducted its investigations in this manner. As this chart indicates, from 1971 to 1994, no Democratic chairman ever issued a unilateral subpoena, never. But since February, Chairman BURTON has issued 156 unilateral subpoenas for documents. And he is now

threatening to issue hundreds and hundreds of subpoenas without any debate or committee approval for depositions.

No Member of Congress, no American has ever had that breadth of power. It is a terrible idea even if it were being handled responsibly. But it is not. The record of these past 4 months proves that it is being used as a raw partisan tool.

The second chart, this one over here, shows that Chairman BURTON has sent over 280 subpoenas and letters seeking information to Democratic targets. Only 10 Republican targets have received subpoenas or letters seeking information. The third chart, over at the end here, shows the Democratic targets have submitted over 320,000 pages of documents to the committee. Republican targets, as my colleagues can see from that chart, have given us a total of 15 pages.

There is not even a pretense of fairness. If there were, our request to subpoena Haley Barbour would have been granted weeks ago. Instead, it was refused by the chairman.

So this is what we have. The chairman finds the Clinger precedent set just 1 year ago too personally confining. He has decided to contend that longstanding practice Chairman Clinger articulated no longer exists, and he is refusing to allow any debate or votes on his subpoena decision.

This multi-million-dollar partisan crusade has no legitimacy. I urge my colleagues to follow their conscience, follow the House precedence, follow ordinary fairness, and defeat this resolution.

Mr. Speaker, I insert for the RECORD the following:

The number of subpoenas issued unilaterally by Democratic chairmen, 0—1971–1994.

The number of subpoenas issued unilaterally by Chairman DAN BURTON, 156—February–June 1997.

Ms. PRYCE of Ohio. Mr. Speaker, in response to the gentleman from California [Mr. WAXMAN], smoke follows fire. The subpoenas follow the trouble. That is why they are directed at the White House.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, the last sentence of the last speaker, saying that there is no basis for this investigation, I think speaks to the problem here today, and it is why we need the Solomon resolution on this floor, giving the authority to the Committee on Government Reform and Oversight.

Mr. Speaker, at the outset of this debate, I want to commend the gentleman from Indiana [Mr. BURTON]. He has one of the toughest jobs in this Congress. And I would remind my minority colleagues of the grave institutional importance of this inquiry. Anybody that does not think so had better think twice.

As my colleagues know, Congress' authority to investigate is derived principally from the authority to legislate; and our ability to conduct effective investigations is absolutely crucial to our legislative function.

Mr. Speaker, my friend, the gentlewoman from Ohio [Ms. PRYCE], has more than ably explained this resolution, but I must emphasize that in the development of this resolution, the Committee on Rules insisted, and I want you to listen to this back in your offices or the White House, wherever everybody is, that the Committee on Government Reform and Oversight adopt committee rules in advance which specify the right of the minority to participate in staff depositions in protection for witnesses, very important to me, provisions for notice, among other things.

The Committee on Government Reform and Oversight, after an extensive and lengthy debate on Tuesday, adopted rules as I have just described, and I went over them thoroughly. The Committee on Rules believes that this procedure which we have before us today, in which the committee of jurisdiction is free to adopt its own specific rules in its own committee, while at the same time the House grants the broader authority necessary under the Solomon resolution on the floor here right now, is the proper manner, and it is the manner that has been followed by precedent, in which this body should grant additional authority to committees when necessary.

The Committee on Rules also insisted, and this is very important, that the rules of the Committee on Government Reform and Oversight be consistent with House rules. In other words, we cannot vary from that, we must stick to the precedent to protect the integrity of this House and to be consistent with past precedence; and these requirements have clearly met all of that.

Let me read the first sentence of the statement of the gentleman from Florida [Mr. MICA] which cites the comparison of Iran-Contra, October Surprise, and the GRO committee subpoena authority. Let me read the first sentence to my colleagues, because this is the precedent in all eight of the last previous investigations:

Unless otherwise determined by the select committee the chairman, upon consultation with the ranking minority member, or the select committee, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena.

And it goes on and on.

Mr. Speaker, the staff deposition authority provided in this resolution is consistent with 10 House precedents in major congressional investigations, dating all the way back to 1974, in addressing investigations of Republicans and Democratic administrations.

My colleagues, there has been a reluctance, even a refusal, of some to cooperate in perfectly necessary and legitimate congressional inquiry. The committee has been faced with fifth amendment claims, people taking the fifth, over a dozen of them. Why are they taking the fifth amendment? Assertions of executive privilege. Why? And the flight from the country of other key figures in this scandal, such as, well I could name a bunch, but I will not take the time right now. I will submit it for the RECORD afterwards.

Mr. Speaker, I insert for the RECORD the following:

COMPARISON OF IRAN-CONTRA, OCTOBER SURPRISE, AND GRO COMMITTEE SUBPOENA AUTHORITY

IRAN-CONTRA—RULE 7.1

"Unless otherwise determined by the select committee the chairman, upon consultation with the ranking minority member, or the select committee, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena. Such authorization may occur on a case-by-case basis, or by instructions to take a series of affidavits or depositions. The chairman may either issue the deposition notices himself, or direct the chief counsel to do so."

OCTOBER SURPRISE—RULE 7.1

"The chairman, upon consultation with the ranking Republican member, or the Task Force, may authorize the taking of affidavits, and of depositions, pursuant to notice or subpoena. Such authorization may occur on a case-by-case basis, or by instructions to take a series of affidavits or depositions. The chairman may either issue the deposition notices himself, or direct the chief counsel to do so."

GOVERNMENT REFORM AND OVERSIGHT COMMITTEE—EXCERPT FROM PROPOSED RULE 20

"The chairman, upon consultation with the ranking minority member, may order the taking of interrogatories or depositions, under oath and pursuant to notice or subpoena. Such authorization may occur on a case-by-case basis, or by instructions to take a series of interrogatories or depositions. Notices for the taking of depositions shall specify the date, time, and place of examination. Answers to interrogatories shall be answered fully in writing under oath and depositions shall be taken under oath administered by a member or a person otherwise authorized by law to administered oaths. Consultation with the ranking minority member shall include three day's notice before any deposition it taken. All members shall also receive three day's notice that a deposition has been scheduled."

□ 1015

Mr. Speaker, because of the obstructionist tactics that the gentleman from Indiana [Mr. BURTON] has encountered, the deposition authority contained in this resolution is necessary to take quick evidence in confidentiality. The limited abilities to seek information overseas also contained in this resolution before the House today conforms with all eight previous congressional investigations, again dating back to 1975.

During the consideration of this resolution before the Committee on Rules, we heard a great deal from the minority about the internal proceedings of the Committee on Government Reform and Oversight. In fact, when pressed, the minority admitted that they had no problem with this resolution on the floor here today.

Mr. Speaker, there has been a great reluctance on the part of the minority to address the international evidence-gathering techniques in this resolution, which are so vitally important to enable the committee to do its job.

Let me be perfectly clear, the Committee on Rules intends that if the Committee on Government Reform and Oversight seeks letters rogatory or other means of international assistance to question a recalcitrant witness through official channels, such as the State Department, then the committee is given all necessary assistance in the furtherance of such a request. We must get to the bottom of this.

The executive branch, if called upon for such a mechanism, would be very wise to cooperate with this effort to conduct worldwide discovery just as they should be cooperative in the McIntosh investigation on the data base.

Mr. Speaker, because certain witnesses have chosen to leave this country rather than cooperate, the committee needs these international evidence-gathering techniques to adequately investigate the complicated financial dealings of the Clinton administration.

Mr. Speaker, I might ask my friends in the minority who occasionally ensnare one of our rules that I bring on the floor in nongermane debate relating to campaign finance reform, I want them to come over here and vote for this resolution. If my colleagues assert that there is a problem in the manner in which campaigns are financed in this country, then here is the opportunity to give the Congress the effective tools it needs to investigate the extent of which current law has been ignored by the Clinton administration.

What I read about in the newspapers, and what my constituents in the Hudson Valley are asking me about, is not campaign financing, but rather, has the White House obeyed the law? These are the questions that need to be answered here.

Mr. Speaker, the campaign finance improprieties which have been documented in the media are serious enough, but I am truly alarmed at the flood of daily revelations which indicate that national security has been compromised by high-ranking political appointees serving in the Clinton administration.

Mr. Speaker, breaches of national security and economic espionage by people in the Clinton administration have real consequences to Americans and this country's security but, more than that, jobs back in my colleagues' districts. Mr. Speaker, these are not merely ethical violations or moral transgressions. These are crimes which have led to breaching of our security by foreign governments and it is American jobs and our economic well-being that suffers.

Let me just say, passage of this resolution is absolutely essential so we can go home and tell the American people that they can have confidence in the executive branch of this Government. Governments have an obligation to investigate our national security, whether it has been compromised by a foreign government.

Mr. Speaker, I want my colleagues to come over here and vote for this resolution. We made absolutely sure that it does not violate House rules and we will continue to see to it that it does not through our own personal oversight.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Speaker, first let me clearly state that I fully support an investigative look and review of any wrongdoing. I think we ought to do that. But let me tell my colleagues, when we were in committee a couple of days ago, it sounded sort of like this:

"Last year you did this, so that means we do this."

"Two years ago they did that, so we do this."

"Twenty years ago, you did it that way, so we ought to do it this way."

"Twenty-five years ago that's the way it was."

Mr. Speaker, we have been there, we have done that, and we ought to be wiser for the fact that we have been through this many, many times.

Investigations ought not to be about drama and theater. It ought not to be a search and destroy mission. It ought to be about trying to find the truth in an efficient and effective way. We have urged this committee, we have urged and pleaded with the committee not to duplicate what the Senate is doing. We have asked them to work with Senator THOMPSON, to try to figure out, not to call all these people up here to be witnesses and be subpoenaed and be deposed two times. It is a tremendous cost to the committee and to the taxpayers of this country, and they are confused why we cannot work together. They cannot figure that out. Neighbors can share a lawn mower, but we cannot share information. How silly. They think we are silly because we cannot share information.

That is what is wrong with this resolution. That is what is wrong with the investigative process, is that we do not want to share information. We do not want to save money for the taxpayers. We can do that if we force ourselves to do it.

Mr. Speaker, we ought to be against this resolution. We will have a recommit motion later today. The recommit motion will have that language in there. We will not have duplication. I ask my colleagues to vote against this resolution and for the motion to recommit.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. HORN].

Mr. HORN. I thank the gentlewoman for yielding me this time. As was noted, she is a former judge and she correctly cited the precedents of this House. I am a former professor of political science and primarily a historian with some expertise on Congress, and obviously when I get into a situation like this, I like to look at what various Members of the House said.

One of the people in this House for whom I have the highest regard and whom I regularly showed my students on videotapes, one of the most respected Members for the last several decades, I want to quote from what he had to say. He is a leading Democrat. During the October surprise resolution, when a similar situation was on the floor, he said:

"My final reason for urging Members to oppose the substitute, and the substitute is in essence what the minority wants to do here, is because it provides for rules and procedures that would severely hamstring the investigation. The procedures proposed in the substitute are a recipe for an ineffective investigation. The substitute would in fact deprive the task force of the same tools that have been given other congressional investigative bodies. First, requiring a majority vote for each subpoena would be extremely time consuming and difficult to arrange. It would be impractical. It has been common practice in special congressional investigations to give the chairman responsibility for issuing subpoenas."

Now, who said that? Was it some conservative? No, it was the gentleman from Indiana [Mr. HAMILTON], speaking on the October surprise resolution, one of the most respected Members of this House, a leading member of the Democratic Party. Follow his advice.

Mr. MOAKLEY. Mr. Speaker, I would just like to correct a statement that the gentleman from California [Mr. CONDIT] said. He talked about the vote on the motion to recommit. There is no motion to recommit. His amendment will be in the previous question. The gentleman is asking to defeat the previous question.

Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I in no way want to impede this hearing process. Like everybody else in the country, I want to make sure that the political process in the United States is as good as it can be, but I want to

speak to the committee process, if I may.

Protecting the civil liberties and the civil rights of the citizens of the United States is our job. We write the laws here that people count on to do just that. Also, the importance of the committee hearing is almost a religious belief in the United States. A congressional hearing carries the weight of truth and honor with it.

I served on this Committee on Government Reform and Oversight in the last term of Congress when we had the Waco hearings, and to our great surprise when we had those hearings, we found that persons who identified themselves as being with the committee were instead with the National Rifle Association, having no connection whatever with Congress. Yet they felt free and were allowed to call witnesses and ask them questions about the hearing before they came to testify. This was a terrible breach of Congressional process. Was the committee chair disturbed? Not at all. Did the Justice Dept. care. Not at all. It is only the protection of minority and majority working in concert that keeps the process honest. For the first time in the history of the House, that consultation and concurrence of the majority and minority has been breached. This is a perilous step to take. As long as outside sources or special interest groups are allowed to pose as Government officials, we abrogate our authority as Members. We are not entitled to do that.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, why do we need this deposition authority? First, the scope of this scandal, I submit, is unprecedented in the history of this Congress or any administration, Republican or Democrat. Second, nearly every individual subpoenaed has fled the country or pled the fifth amendment. Third, in an unprecedented fashion, everything possible has been done to block, intimidate, destroy, obstruct, and block this investigation and get to the truth of this matter.

The investigative authority sought here today is no different than what the Democrats had under Iran Contra and October Surprise. Congress, the American people and responsible media should be outraged that this administration and certain members of the other party are trying to close down this investigation and this outrageous corruption of our political process. What every American should be asking is, why are they trying to block this investigation? Why are they trying to keep us from talking to foreign nationals who fled the country and corrupted this process? Why are they trying to keep us from questioning those who have corrupted our elections process on a scale unprecedented in American history?

This week brings the latest threat to disrupt and destroy this process. The Democrats have said they will block attempts to grant immunity with those who hope to cooperate.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to begin by saying that this is not about our effort to prevent an investigation. We believe in this investigation. It must go forward. We believe in staff depositions. They must be taken. We believe that this investigation should be pursued as far as it can go. That is not the issue in front of this Congress today.

The gentlewoman from Ohio began this debate by talking about the importance of precedent. Several Members on the other side have stood up and talked about the importance of precedent. Mr. Speaker, there is precedent. There is absolutely solid precedent on the issue that we are confronted with today. I would simply read from the CONGRESSIONAL RECORD. The rule adopted by the Committee on Government Reform and Oversight last year concerning subpoenas for depositions, the rule approved by this House said simply:

"The chairman shall not authorize and issue a subpoena for a deposition without the concurrence of the ranking minority member or the committee."

That was the rule that applied in the White House Travel Office case. That is the rule that the Republicans proposed and this House adopted. It was good enough last year. It is good enough for this year.

Mr. Speaker, I would also point out that last year, March 6, 1996, the chairman of the Committee on Government Reform and Oversight, Bill Clinger, wrote to Cardiss Collins, the ranking minority member, and described the precedent for issuing subpoenas for deposition. He said:

"The proposed rule requires that if a subpoena is required in the case of an affidavit or a deposition in the Travel Office matter, I shall not authorize such subpoena without your concurrence or the vote of the committee. I believe that this new rule memorializes the longstanding practice of this committee to seek a consensus on the issuance of subpoenas."

Mr. Speaker, we have precedent, it is directly relevant, and we should follow it. That is what the minority is asking for.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, of course this investigation should be getting at the truth. We should be investigating allegations against both Democrats and Republicans of campaign finance misuse. The current system is wrong. It is a disgrace. But there should not be a person in this room who is going to leave this room today who think that the Democrats have done something wrong and the Republicans have raised all their money from widows and altar boys. That is not the case. But we should have and what we do not have is a fair investigation. There is nothing fair about this investigation at all. Look at this graph.

□ 1030

Ever since we started having investigations there has not been a single chairman, either a Democrat or a Republican, who has not failed to get concurrence from the minority members, not a single one until the current chairman of this committee; and in the last 4 months we have had 156 subpoenas without any input from the Democrats, without any input at all.

Why is input important? The reason it is important is we cannot have a committee chairman who attempts to intimidate witnesses simply for giving money to Democrats, and that is what this is. This is campaign finance reform, Republican style.

What they are going to do is try to intimidate anybody who has ever given money to Democrats, and they are not just going to do it once. They will hit them over in the Senate, and they will make them hire an attorney here in the House as well. They are going to waste taxpayers' dollars by having these people who have been forced not only to be interrogated by the Senate committee, but also to be interrogated here.

Mr. Speaker, that is wrong; that is something that has never occurred in the history of this country. There has never been a chairman in the history of this country who has issued these subpoenas without either concurrence of the minority Members or by having the approval by the House.

We should not be taking a step off this cliff. It is dangerous not because Republicans are in control, not because the Democrats are in control, but because of the need for checks and balance in this system. We have to have checks and balances in the system. There should not be one man who has this power.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. BLAGOJEVICH].

Mr. BLAGOJEVICH. Mr. Speaker, let me just reiterate briefly the issue which we have to decide today, and that is very simply whether or not this committee, the Committee on Government Reform and Oversight, and whether or not this Congress will give to a committee chairman of an investigative committee the right to unilaterally issue subpoenas for people to appear for depositions.

Will we decide to do something that has never ever been done before in the

history of Congress? And I would like to, if I can, piggyback briefly on what the previous speaker from Wisconsin said.

The issue fundamentally is one of fairness and the credibility and the integrity of this investigation. If this investigation does not have the fundamental fairness and integrity, then the fruits of the investigation will not be believed; and they will not be credible and, therefore, they will be tainted. These are serious allegations.

I love my country more than I love my political party, and I am as outraged by some of these allegations as most Americans ought to be. But before we decide whether these allegations are in fact true, let us make sure that we find and have a factfinding committee that is going to do this in a fair way that includes all Members.

This ought to be a joint undertaking to find the truth, not a partisan effort to find dirt.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TIERNEY], a member of the committee.

Mr. TIERNEY. Mr. Speaker, let me just say that as a member of the committee, I think that it is important to note that everybody on the Democratic side of this committee is perfectly willing to step forward and investigate any alleged abuses of our campaign finance reform system, whether they be Democratic or Republican. What we are not willing to do is to proceed with an investigation that is overly partisan, which lacks any credibility and which is not inclusive. Whether my colleagues are a prior judge or a prior professor or whatever their background is, I think everybody can recognize that there is no value to the outcome of any investigation that does not have integrity, that is not credible and that was not inclusive of the entire committee that was charged with the investigation.

Mr. Speaker, from the first time we sat down in this committee, we suggested that we not duplicate the efforts of the Senate, that we work with them, that we not spend twice as much money. A strictly partisan vote defeated that idea, and it has been that way every day in that committee since then. I should think that if my colleagues want to have an investigation that means anything, they want to have an investigation that the people can have confidence in, they will get off the partisanship and move toward the credibility; and we ask that the committee do that.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, let me begin by saying that I was hoping that when we got involved in this process that maybe something positive would come out of it. But we are starting out in a way that we have no credibility right from the outset, that we are just starting out, chairman subpoenaed everybody, people that really had nothing to do. The only thing they did was make a contribution to the Democratic Party. He subpoenaed them. And the fact is that we are wasting money.

The Senate side is doing the same thing that we are doing, that if somebody lives in Alaska, they would come here because they are being subpoenaed by the Senate, and as soon as they get back home, within 24 hours they could be subpoenaed to come back by our committee.

Mr. Speaker, that is a very obvious waste of money, waste of time, and also the fact that we are not really accomplishing anything.

The other part which I think that, if we are going to do something, we should at least have credibility. It is very obvious that this is a situation where the Republican Party is trying to gain advantage over the Democratic Party. I am not interested in any kind of campaign reform, so I urge my colleagues to vote "no".

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, I have been told that there is a principle which states that power corrupts and absolute power corrupts absolutely.

It seems to me that we ought to be trying to find corruption and ferret it out, not create an opportunity to further it.

And so it is clear, Mr. Speaker, that if we are looking for corruption, then we ought to have an open and fair investigation, not give all of the power to one person. Let us vote down this resolution and give the American people a fair process, an honest process, an open process. Let us give them fairness.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, when Oliver North was called in front of the Iran Contra Committee, he complained that he would not be a potted plant. When we pass these rules, we are going to make the Democratic side an entire garden because that is what these rules are designed to do.

I want to talk about the precedent of practice. I have heard a lot about what the rules were in the past. Let us look at the precedent of practice.

The precedent of practice says that from 1971 to 1994 no Democratic chairman issued a unilateral subpoena; they went and they got the concurrence of the minority, the other side, as well.

In this year alone, February to June of 1997, our chairman has issued 156 unilateral subpoenas. "Unilateral" means one person.

Nobody argues about issuing subpoenas. I want subpoenas issued when it is valid, too. But I think in order to have a credible investigation, a bipartisan investigation, both sides have to be involved in which we bring it to the minority member for concurrence, and if we do not get that, then we bring it to the full committee for a vote.

As a Democrat, I am very concerned about the allegations and the possible cloud that may hang over fund-raising practices of my party. As a Republican, I would be even more concerned, being in the majority, that their significant allegations are not even going to be looked at.

Ms. PRYCE of Ohio. Mr. Speaker, I would like to let the gentleman to know it was not Oliver North; it was his attorney who stated he was not a potted plant.

Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON] chairman of the Committee on Government Reform and Oversight who has a great job ahead of him to conduct this investigation.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentlewoman from Ohio for yielding this time to me.

I would just like to say to my colleagues on the other side of the aisle, we are not going to try to intimidate anybody. That is first; and second, we are going to be working with the Senate wherever possible. I am going to be meeting with Senator THOMPSON next week and his staff to coordinate our activities.

Mr. Speaker, let me tell my colleagues a few of the things about which this committee is going to be investigating and why.

We are investigating a possible massive scheme of funneling millions of dollars in foreign money into the U.S. electoral system. We are investigating allegations that the Chinese Government at the highest levels decided to infiltrate our political system. We are investigating allegations of gross misuse of our national security structure including the national security council and the CIA. We are investigating the White House that became a frequent stop for major donors with foreign ties, who have now fled the country or taken the fifth amendment.

Here are some key facts to prove the critical importance of this investigation, and I hope my colleagues will look at this chart.

Charlie Trie, a friend of the President for 20 years, has reportedly fled the country and is in the People's Republic of China, Communist China, to avoid being questioned about wire transfers of over $1 million from Asian banks to him at the same time that he was giving in excess of $200,000 to the Democrat National Committee and more than $600,000 to the President's legal defense fund. All of the more than $600,000 the legal defense fund has been returned.

John Huang, a friend of the President's who is pleading the fifth amendment raised between $3 and $4 million

for the Democratic National Committee. The DNC is currently pledged to return almost half of that money. Huang is also under investigation for allegedly disclosing secret information to his former employer the Lippo Bank and possibly the Chinese Government itself, and he did this while he was at the Commerce Department and the Democratic National Committee.

Roger Tamraz, who was recently detained by the Government of Georgia because there was an international arrest warrant for him issued by Lebanon, received repeated meetings with President Clinton at a time when he was trying to get the administration's support to build a pipeline in Asia despite objections by the National Security Council. A NSC staffer was recently reported as saying that she felt pressured to cooperate with Mr. Tamraz because of $200,000 in Democrat contributions.

Former DNC chairman Don Fowler, reportedly, tried to manipulate the CIA to provide favorable information about Roger Tamraz so that the National Security Council would back off their objections to his going to the White House to meet with the President. The NSC lost that battle, and so did our national security, because he did go to the White House and he did meet with the President.

Another example of national security concerns being brushed aside in favor of campaign cash is the case of Johnny Chung. He raised $366,000 in contributions returned by the DNC. He visited the White House 49 times despite warnings by the National Security Council that he was a hustler and should not be there.

Yogesh Gandhi was barred from giving money to President Clinton at the White House because of his dubious background, but that did not stop the White House. Craig Livingstone and John Huang arranged a meeting two blocks away from the White House at a hotel where the President did meet with him and $325,000 was subsequently given to the DNC.

Former third ranking Justice Department official and convicted felon, Webster Hubbell, is a key witness in this investigation. Between June 21, 1994, and June 25, 1994, there were 10 meetings at the White House, some involving the President, regarding what he was going to be doing between the time he left the Justice Department and was indicted, and after the tenth meeting, 2 days later, the Lippo Group controlled by the Riadys gave him $100,000 in legal fees, and many people believe, myself included, that it might have been hush money. In fact Abe Rosenthal, a supporter of the President, said in a New York Times column it would not take a particularly suspicious mind, let alone a prosecutor's, to see high paying jobs as hush money to keep a defendant silent.

Pauline Kanchanalak, the mysterious contributor from Thailand, was one of John Huang's associates. She visited the White House 30 times, raised money for the DNC, and she fled the country. We cannot get her even with a subpoena.

Ted Sioeng, yet another dubious DNC contributor, is reportedly in Hong Kong now. He has avoided any questions about his contributions totaling $355,000 to the DNC.

□ 1145

He is under investigation right now, but we cannot get to him. He also worked with the Chinese Government, we believe, trying to acquire influence for China.

Mark Middleton has also pled the Fifth. He was a key player with Huang and the Riady family in fundraising for the Democratic Party. After he left the White House and started his own business specializing in Asian affairs, he was allowed to keep his White House telephone voice mail for months.

And so there is no confusion, we are investigating foreign contributions to both political parties. We are going to follow the facts wherever they lead. This scandal is wide-ranging. It is international. It is about the potential corruption of the electoral system. We need the tools to investigate it. We need deposition authority. We will respect the rights of witnesses. We will respect the rights of every member of this Committee.

Let me just say in closing, there is substantial reasons why this investigation must go forward. We must depose these witnesses and we need the help of this body to get that job done.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, my intentions were to reiterate some of the arguments made by myself and other members of the committee, but actually, after having heard the 5 minutes from the chairman of this committee, the question comes to my mind, why do we need an investigation? The chairman has just written the conclusions and the facts that he intends to find in his opening statement here trying to justify why we need an investigation.

We could save an awful lot of money if the chairman of the committee just writes the report up, as the chairman has said it now. Obviously, his facts are found, his conclusions are made, and the purposes for this investigation are for no other purpose but for political purpose.

The majority has an opportunity today, a simple opportunity. If it wants any credibility in this investigation, if it wants any appearance of fairness, it could adopt the rule that Mr. Clinger and past examinations of this Congress have always honored; that is, the majority chairman and the ranking member, with concurrence, would issue subpoenas. That is the only process that should be used. I urge that this is not going to be an investigation to find fact. This is a political witch-hunt.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, the resolution that we are considering today gives the Chairman of the Committee on Government Reform and Oversight broad and unprecedented powers. This resolution does not have an underlying premise of uncovering the truth in a bipartisan manner; but rather, its goal is to arm its bearers with overreaching congressional authority.

My colleagues, if we vote to approve this resolution, we are creating a dangerous precedent. There has never been a single instance in which a chairman of any House or Senate committee has ever unilaterally issued subpoenas for depositions.

Common Cause stated, "Fairness will be ensured only if the committee follows congressional precedents for investigative procedures and gives the minority Members a voice in the investigation."

The League of Women Voters stated, "The House is headed towards a partisan sideshow. These are the kind of political games that disgust the American people."

Let us return comity to this committee and resurrect what is left of this investigation. Let us work in a legitimate fact-finding manner. I urge my colleagues to reject this resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, I think that what we have here is maybe not what it appears to be, because what I am getting concerned about now is that perhaps the gentleman from Indiana [Mr. BURTON] is being used as some kind of fall guy. We know that he is over eager to investigate the Democrats and especially Bill Clinton.

The majority gives him three times the amount of money, some $15 million, $17 million to investigate. They want to give him all of the rights individually to decide on who should be subpoenaed, who should be deposed, unprecedented powers. No one else on the committee will have to risk their career, put their career on the line to vote on behalf of subpoenaing anyone, no one will have to take responsibility for the actions in this investigation.

So what I suggest is that our view here in the minority is that we need to have everyone share the responsibility, not just put the gentleman from Indiana [Mr. BURTON] out in front of this, as if he is the only one conducting this train and the only one responsible for what is going to be in the final analysis something that defamed seriously the credibility and the integrity of this Congress and this committee.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, if my majority colleagues have their way this morning, we will empower the chair of the Committee on Government Reform and Oversight as never before, and I have just one question to ask my colleagues: Can anyone tell me when in the history of this Congress has this kind of authority been exercised unilaterally?

Mr. COX of California. Mr. Speaker, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from California.

Mr. COX of California. Mr. Speaker, the rules of the 103d Congress state the following.

Mrs. MALONEY of New York. Mr. Speaker, reclaiming my time, I did not ask about rules, I asked when was this power used unilaterally?

Mr. COX of California. Mr. Speaker, does the gentlewoman mean when did the Republicans in the minority not go along with what the Democrats wished to do?

Mrs. MALONEY of New York. Mr. Speaker, my question is, when was it used? When in the history of this Congress did a chairman go out and unilaterally issue subpoenas? Never in the history of this Congress has it happened. The numbers speak for themselves. Zero to 156.

Furthermore, 156 of those subpoenas had been issued for Democrats, 9 are targeting Republicans. The numbers speak for themselves. We should not be wasting $12 million to $15 million on a partisan investigation.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I commend the gentleman from Indiana [Mr. BURTON] and his staff for their diligent work and their important work in bringing this resolution to the floor at this time that would authorize the chairman of the Committee on Government Reform and Oversight, after consultation with the ranking minority member, to order the taking of depositions and interrogatories.

My colleagues in the minority have raised the argument that such depositions in the committee's current subpoena authority is an abuse of majority power. In fact, during consideration of the October Surprise resolution, on February 5, the Democrats opposed and voted down the Republican substitute which would have authorized a majority vote before issuing any subpoenas.

During that debate, it was stated, it has been common practice in special congressional investigations to give the chairman responsibility for issuing subpoenas. If such a limiting substitute was not impractical then, it certainly should not be impractical now.

Accordingly, I urge my colleagues to support the resolution and allow the Committee on Government Reform and Oversight to get on with its work.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL], the ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, over a period of 14 years, the Committee on Commerce, under my chairmanship, conducted hundreds of investigations, issued thousands of subpoenas, and never were any of these events done without full participation by the minority, without full consultation, and without a vote of the minority.

The public wants a good investigation of the election process and the fundraising. They will expect this Congress to do an honorable and a decent job. Let us investigate everybody.

Let us see to it that we find out where the wrongdoing is, when it was done. Let us not have a carefully cooked investigation wherein only one side is investigated. Let us find all of the wrongdoing, and let us use this as what the American people want it to be, an investigation to lay the predicate for meaningful reform of our campaign laws. To do less brings shame upon the investigation, brings shame upon this body, and I would urge that this body make the kind of investigation that the American people want, where we get to the bottom of the facts and we conduct it in a fashion in which the American people may say, the Congress did well, and trust us to do well in the future. That is not to be seen here.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

If the previous question is defeated, I will offer an amendment which will do two things. First, it will require the Committee on Government Reform and Oversight to adopt the same rules that Mr. Clinger used in the last Congress and, second, prohibit the subpoena of any witness already deposed by the Senate unless the committee votes, unless the committee votes, to issue that subpoena.

This is the taxpayer protection and antiduplication amendment of the gentleman from California [Mr. CONDIT], which was defeated in the committee, but it is a very, very good idea. I urge my colleagues to support it by defeating the previous question.

Mr. Speaker, I insert my amendment and extraneous materials in the RECORD.

Mr. SPEAKER, if the previous question is defeated I will offer an amendment to do two things: First, require the Government Reform Committee to adopt the same rules Chairman Clinger used last Congress and second, prohibit the subpoena of any witness already deposed by the Senate unless the committee votes to issue the subpoena.

This is Mr. CONDIT's taxpayer protection and antiduplication amendment which was defeated in committee but is a very good idea, I urge my colleagues to support it by defeating the previous question.

PREVIOUS QUESTION FOR HOUSE RESOLUTION 167

Amendment text:

Page 3, after line 2, insert the following new sections:

SEC. 5. IMPLEMENTING RULES.

The Committee on Government Reform and Oversight shall implement this resolution by adopting rules identical in substance to those adopted by the Committee on Government Reform and Oversight in the 104th Congress to implement H.Res. 369 as printed in the CONGRESSIONAL RECORD of March 7, 1996.

SEC. 6. ANTI-DUPLICATION PROVISIONS.

The Committee on Government Reform and Oversight is directed to amend its rules that implement this resolution to require that the chairman and ranking member shall make a formal request to the chairman of the Senate Committee on Government Affairs to coordinate efforts to avoid duplication in the deposition process. If the Senate Committee accepts this request, the chairman shall consult with the Senate Committee on Governmental Affairs prior to deposing a witness that the Senate Committee has deposed or scheduled to depose. If after such consultation the chairman seeks to depose such witness, a Committee vote shall be required before a notice or subpoena is authorized or issued for the deposition of the witness. The chairman shall include the ranking minority member in any consultations with the Senate Committee and shall provide the ranking minority member with a copy of any deposition transcripts obtained from the Senate Committee. In turn, the chairman shall provide upon request to the Senate Committee on Governmental Affairs a copy of any transcript of a deposition taken by the House Committee.

To: Members of the Government Reform and Oversight Committee.

From: William F. Clinger, Jr., Chairman.

Date: March 6, 1996.

Re: House Resolution 369 to provide for deposition authority in the White House Travel Office investigation and committee rules to implement such authority.

On Thursday, March 7, 1996, the Committee will vote on adopting a new Committee Rule to allow for special affidavits and depositions. The Rule will be voted on in anticipation of passage of House Resolution 369, which is expected to have floor consideration on Thursday, March 7 or Friday, March 8, 1996. (See attached copy of Draft Rule.)

House Resolution 369 will provide authority to the Committee on Government Reform and Oversight to conduct depositions and submit interrogatories under oath in the process of conducting the ongoing White House Travel office investigation. The Resolution only applies to the White House Travel Office investigation. Rules to conduct the depositions and interrogatories have been developed in consultation with the minority ranking member of the Committee.

Deposition authority is sought to obtain testimony in a timely and efficient manner and curtail the need for extensive hearings. Such depositions will help resolve the numerous discrepancies that have arisen in the course of civil and criminal investigations into the White House Travel Office matter over the past two and a half years.

RULE 19.—SPECIAL AFFIDAVITS AND DEPOSITIONS

If the House provides the committee with authority to take affidavits and depositions, the following rules apply:

(a) The Chairman, upon consultation with the ranking minority member of the committee, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena. Such authorization may occur on a case-by-case basis, or by instructions to take a series of affidavits or depositions. Notices for the taking of depositions shall specify a time and place for examination. Affidavits and depositions shall be taken under oath administered by a member or a person otherwise authorized by law to administer oaths. Consultation with the ranking minority member will include three (3) business days written notice before any deposition is taken unless otherwise agreed to by the ranking minority member or committee.

(b) The committee shall not initiate procedures leading to contempt proceedings in the event a witness fails to appear at a deposition unless the deposition notice was accompanied by a committee subpoena authorized and issued by the chairman. Notwithstanding committee Rule 18(d), the chairman shall not authorize and issue a subpoena for a deposition without the concurrence of the ranking minority member or the committee.

(c) Witnesses may be accompanied at a deposition by counsel to advise them of their constitutional rights. Absent special permission or instructions from the chairman, no one may be present in depositions except members, staff designated by the chairman or ranking minority member, an official reporter, the witness and any counsel; observers or counsel for other persons or for the agencies under investigation may not attend.

(d) A deposition will be conducted by members or jointly by

(1) No more than two staff members of the committee, of whom—

(1.a) One will be designated by the chairman of the committee, and

(2.b) One will be designated by the ranking minority party member of the committee, unless such member elects not to designate a staff member.

(2) Any member designated by the chairman.

Other staff designated by the chairman or ranking minority members may attend, but are not permitted to pose questions to the witness.

(e) Questions in the deposition will be propounded in rounds. A round will include as much time as necessary to ask all pending questions, but not more than one hour. In each round, the member or staff member designated by the chairman will ask questions first, and the member or staff member designated by the ranking minority member will ask questions second.

(f) Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to answer, the members or staff may proceed with the deposition, or may obtain, at that time or at a subsequent time, a ruling on the objection by telephone or otherwise from the chairman or his designee. The committee shall not initiate procedures leading to contempt for refusals to answer questions at a deposition unless the witness refuses to testify after his objection has been overruled and after he has been ordered and directed to answer by the chairman or his designee upon a good faith attempt to consult with the ranking minority member or her designee.

(g) The committee staff shall insure that the testimony is either transcribed or electronically recorded, or both. If a witness' testimony is transcribed, he shall be furnished with an opportunity to review a copy. No later than five days thereafter, the staff shall enter the changes, if any, requested by the witness, with a statement of the witness' reasons for the changes, and the witness shall be instructed to sign the transcript. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, D.C. Affidavits and depositions shall be deemed to have been taken in Washington, D.C. once filed there with the clerk of the committee for the committee's use. The ranking minority member will be provided a copy of the transcripts of the deposition once the procedures provided above have been completed.

(h) Unless otherwise directed by the committee, all depositions and affidavits received in the investigation shall be considered nonpublic until received by the committee. Once received by the committee, use of such materials shall be governed by the committee rules. All such material shall unless otherwise directed by the committee, be available for use by the members of the committee in open session.

(i) A witness shall not be required to testify if they have not been provided a copy of the House Resolution and the amended Committee Rules.

(j) Committee Rule 19 expires on July 8, 1996.

HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC, March 6, 1996.

Hon. CARDISS COLLINS,
Ranking Minority Member, Committee on Government Reform and Oversight, U.S. House of Representatives, Washington, DC.

DEAR MS. COLLINS: Thank you and your staff for working with my office to develop a new committee rule to provide for the implementation of the affidavit and deposition authorities provided in H. Res. 369. Your office has asked that I provide you with the supplemental information regarding how I interpret some provisions of the proposed committee rule.

19(a). Regarding the right of the minority to recommend witnesses to be deposed, it is my intention that for any witness you would recommend, I will either agree to issue a subpoena or place the question before the full committee for a vote.

19(b). The proposed rule requires that if a subpoena is required in the case of an affidavit or deposition in the Travel Office matter, I shall not authorize such subpoena without your concurrence or the vote of the committee. I believe that this new rule memorializes the longstanding practice of this committee to seek a consensus on the issuance of a subpoena.

19(c). The question has arisen as to whether a witness may be represented by counsel employed by the same government agency as the witness. I further understand that the White House Counsel's office has indicated that it will not seek to personally represent any White House employee during the course of this investigation. It is my intention to discuss with you on case by case basis the ability of Justice Department attorneys to represent Justice Department witnesses. I respect the ability of a witness to have an attorney of their choice, but I also must avoid any conflict of interest between an agency under investigation and a witness' individual rights.

19(d). The proposed committee rule is draft under the assumption that most, if not all, depositions will be conducted by staff. Any members who wish to participate in a deposition should notify me before the scheduled day of the deposition. I will, of course, designate the minority member of your choice. However, in no way are the proposed committee rules intended to limit the ability of a member to participate and ask questions.

19(f). The term "designee" is intended to imply a member, and not staff. Furthermore, let me confirm to you my strongest intention to consult with you before ruling on an objection raised by a witness. In the instance that you are uncontrollably indisposed. I will certainly listen to any concerns expressed by your senior staff.

19(h). The depositions will be assumed to be received in executive session. Members and their staff will not be permitted to release a copy or excerpt of the deposition until such time that is entered into the official record of the committee, under penalty of House sanction. Witnesses will be given the opportunity to edit their transcript but will not be given a copy.

Finally, a question has arisen regarding what steps occur if a witness fails to appear for a deposition under subpoena or fails to respond to a question notwithstanding the chairman's ruling. It will be my intent, under such circumstances, to subpoena the witness before the full Committee to explain why he/she should not be held in contempt of Congress. The scope of such a hearing would not extend to the factual questions of the Travel Office matter, but would be limited to the question of contempt of the prior contempt.

I hope that this answers any outstanding questions you may have. Please feel free to discuss this matter with me further. And, again, thank you for your kind cooperation.

Sincerely,

WILLIAM F. CLINGER, Jr.,
Chairman.

Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. WAXMAN].

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California [Mr. WAXMAN] is recognized for 1½ minutes.

Mr. WAXMAN. Mr. Speaker, not a single Democrat is against investigating the campaign finance abuses of the 1996 campaign. That is not what this debate is all about. It is about whether a chairman ought to be given the power unilaterally to issue subpoenas. It has never happened before. No chairman has ever issued subpoenas unilaterally in the House, the Senate, Democrat or Republican. This is the first time that we have seen such an activity.

This is about wasting money. I was impressed over and over again by the points made by the gentleman from California [Mr. CONDIT]. He has worked on a bipartisan basis on fiscally conservative measures to save taxpayer's funds, and what he suggested is that we ought to coordinate our investigation with the Senate and not waste this money through duplication.

We ought to defeat the amendment that is before us, defeat the previous

question, so that we can offer the amendment that the gentleman from California [Mr. CONDIT] offered in committee, to simply have coordination and saving of taxpayers' dollars in a reasonable campaign finance investigation process so that we can return to the precedents of this House and this Congress, that all investigations will be determined by the members of a committee, even if the majority of the members want to vote on a party line basis, the members conduct the investigation, not one single person who happens to be chairman. Giving that kind of power to one person invites abuse, and we ought not to let that happen.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Government Reform and Oversight has been compelled by substantial allegations in the media, an accumulating body of evidence and an ensuing public outcry to undertake a thorough investigation of campaign financing improprieties and threats to national security. Because of the serious magnitude of the revelations that continue to surface in this scandal, the Committee on Rules has responded by crafting this very effective, but very limited resolution. So I would urge my colleagues on both sides of the aisle to support it so we can get to the bottom of this complicated and complex affair.

RULE 20.—INTERROGATORIES AND DEPOSITIONS

The chairman, upon consultation with the ranking minority member, may order the taking of interrogatories or depositions, under oath and pursuant to notice or subpoena. Such authorization may occur on a case-by-case basis, or by instructions to take a series of interrogatories or depositions. Notices for the taking of depositions shall specify the date, time, and place of examination. Answers to interrogatories shall be answered fully in writing under oath and depositions shall be taken under oath administered by a member or a person otherwise authorized by law to administer oaths. Consultation with the ranking minority member shall include three business day's written notice before any deposition is taken. All members shall also receive three business day's written notice that a deposition has been scheduled.

The committee shall not initiate contempt proceedings based on the failure of a witness to appear at a deposition unless the deposition notice was accompanied by a committee subpoena issued by the chairman.

Witnesses may be accompanied at a deposition by counsel to advise them of their rights. No one may be present at depositions except members, committee staff designated by the chairman or ranking minority member, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons or for agencies under investigation may not attend.

A deposition shall be conducted by any member or committee staff attorney designated by the chairman or ranking minority member. When depositions are conducted by committee staff attorneys, there shall be no more than two committee staff attorneys of the committee permitted to question a witness per round. One of the committee staff attorneys shall be designated by the chairman and the other shall be designated by the ranking minority member. Other committee staff members designated by the chairman or the ranking minority member may attend, but are not permitted to pose questions to the witness.

Questions in the deposition will be propounded in rounds. A round shall include as much time as is necessary to ask all pending questions. In each round, a member or committee staff attorney designated by the chairman shall ask questions first, and the member or committee staff attorney designated by the ranking minority member shall ask questions second.

An objection by the witness as to the form of a question shall be noted for the record. If a witness objects to a question and refuses to answer, the member or committee staff attorney may proceed with the deposition, or may obtain, at that time or a subsequent time, a ruling on the objection by telephone or otherwise from the chairman or a member designated chairman. The committee shall not initiate procedures leading to contempt proceedings based on a refusal to answer a question at a deposition unless the witness refuses to testify after an objection of the witness has been overruled and after the witness has been ordered by the chairman or a member designated by the chairman to answer the question. Overruled objections shall be preserved for committee consideration within the meaning of clause 2(k)(8) of House Rule 11.

Committee staff shall insure that the testimony is either transcribed or electronically recorded, or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days thereafter, the witness may submit suggested changes to the chairman. Committee staff may make any typographical and technical changes requested by the witness. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter requesting the changes and a statement of the witness's reasons for each proposed change. A letter requesting any substantive changes, modifications, clarifications, or amendments must be signed by the witness. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, D.C. Interrogatories and depositions shall be considered to have been taken in Washington, D.C. as well as at the location actually taken once filed there with the clerk of the committee for the committee's use. The chairman and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

All depositions and interrogatories received pursuant to this rule shall be considered as taken in executive session.

A witness shall not be required to testify unless the witness has been provided with a copy of the committee's rules.

This rule is applicable to the committee's investigation of political fundraising improprieties and possible violations of law, and is effective upon adoption of a resolution, in the House of Representatives, providing the committee with special investigative authorities.

RULE 21.—LETTERS ROGATORY AND INTERNATIONAL GOVERNMENT ASSISTANCE

The chairman, after consultation with the ranking minority member, may obtain testimony and evidence in other countries through letters rogatory and other means of international government cooperation and assistance. This rule is applicable to the committee's investigation of political fundraising improprieties and possible violations of law, and is effective upon adoption of a resolution, in the House of Representatives, providing the committee with special investigative authorities.

Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. COX], a member of the Committee on Government Reform and Oversight.

□ 1100

Mr. COX of California. Mr. Speaker, it is well, as we conclude debate and prepare to vote, that we recall what it is that is contained in the resolution before us. This is a resolution that will grant the staff attorneys, not the staff but the staff attorneys, former U.S. attorneys, of the Committee on Government Reform and Oversight, the ability to conduct depositions in preparation for hearings by the full committee.

The previous speaker spoke instead to the issue of subpoenas, and he said, incorrectly, that never before in history has the chairman had the power unilaterally to issue subpoenas. I first point out, that is not what this resolution provides. It does not provide anything about subpoenas.

But for the record, I would also point out that for the entirety of the Democratic control of Congress over a 40-year period that was precisely what was the rule, and for the most recent Democratic Congress, the 103d Congress, let me quote from the Committee on Government Operations, the House of Representatives, rule XVIII: "The chairman of the full committee shall authorize and issue subpoenas." It does not say anything even about consultation with the minority, let alone concurrence.

Second, with respect to staff depositions themselves, over and over and over again this authority has been granted by this Congress in precisely this way. This was the rule for the Iran-Contra investigation. Let me quote the rule: "* * * the chairman, upon consultation with the ranking minority member * * * may authorize the taking * * * of depositions. * * *"

That was the rule for Iran-Contra, and it is the very same rule we are adopting here, with consultation; not a veto, not concurrence, which means agreement, which means if we do not agree, as the minority, then we have to have a full committee vote on every one, but consultation.

In fact, in this rule we provide something that the Democratic Party, for all the years they controlled Congress, never provided us when we were in the minority, and that is 3 full business days advance notice and consultation. This rule, therefore, is better than anything that the Democrats had when they were in charge.

October Surprise, we have heard that mentioned out here before. Let me read the rule for the October Surprise investigation when the Democrats were in the majority: "The chairman, upon consultation with the ranking Republican member * * * may authorize the taking of * * * depositions. * * *

But that is not the rule they are offering. They wanted a veto power to kick it to full committee. Why should it not be kicked to full committee? Let me read from a leading Democrat, the gentleman from Indiana, Mr. LEE HAMILTON, whose statement it seems to me speaks for itself:

* * * requiring a majority vote for each subpoena would be extremely time-consuming and difficult to arrange. It would be impractical. It has been common practice in special congressional investigations to give the chairman responsibility for issuing subpoenas. * * *

So we need to focus once again on what is in the resolution before us; nothing about subpoena authority, but the authority to take staff depositions. Let me add also that we have an opportunity to cooperate and to make this the kind of bipartisan investigation that so much of the debate has focused on here today.

Mr. Speaker, recall what went on in the October Surprise investigation. It was an election year. This is not. The charges were not about Webster Hubbell receiving hush money from the Lippo Group and the Riadys, people that have taken the fifth amendment and fled the country, and whose grievous offenses, apparent grievous offenses have been drawn to the Nation's attention by the New York Times.

Rather, it was alleged that President George Bush met secretly in Paris with the Ayatollah and begged that he not release our hostages. That absurd premise was dismissed because we cooperated in that investigation. Please cooperate with us in this one. Vote yes for the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

Ms. PRYCE of Ohio. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 196, not voting 21, as follows:

[Roll No. 219]

YEAS—217

Aderholt	Gilchrest	Pappas
Archer	Gillmor	Parker
Armey	Gilman	Paul
Bachus	Goodlatte	Paxon
Baker	Goodling	Pease
Barr	Graham	Peterson (PA)
Bartlett	Granger	Petri
Barton	Greenwood	Pickering
Bass	Gutknecht	Pitts
Bateman	Hansen	Porter
Bereuter	Hastert	Portman
Bilbray	Hastings (WA)	Pryce (OH)
Bilirakis	Hayworth	Quinn
Bliley	Hefley	Radanovich
Blunt	Herger	Ramstad
Boehlert	Hill	Redmond
Boehner	Hilleary	Regula
Bonilla	Hobson	Riggs
Bono	Hoekstra	Riley
Brady	Horn	Rogan
Bryant	Hostettler	Rogers
Bunning	Houghton	Rohrabacher
Burr	Hulshof	Ros-Lehtinen
Burton	Hunter	Roukema
Buyer	Hutchinson	Royce
Callahan	Hyde	Ryun
Calvert	Inglis	Salmon
Camp	Istook	Sanford
Campbell	Jenkins	Saxton
Canady	Johnson (CT)	Scarborough
Cannon	Jones	Schaefer, Dan
Castle	Kasich	Schaffer, Bob
Chabot	Kelly	Sensenbrenner
Chambliss	Kim	Sessions
Chenoweth	King (NY)	Shadegg
Christensen	Kingston	Shaw
Coble	Klug	Shays
Coburn	Knollenberg	Shimkus
Collins	Kolbe	Shuster
Combest	LaHood	Skeen
Cook	Largent	Smith (MI)
Cooksey	Latham	Smith (NJ)
Cox	LaTourette	Smith (OR)
Crane	Lazio	Smith (TX)
Crapo	Leach	Smith, Linda
Cubin	Lewis (CA)	Snowbarger
Cunningham	Lewis (KY)	Solomon
Davis (VA)	Linder	Souder
Deal	Livingston	Spence
DeLay	LoBiondo	Stearns
Diaz-Balart	Lucas	Stump
Dickey	Manzullo	Sununu
Dreier	McCollum	Talent
Duncan	McCrery	Thomas
Dunn	McDade	Thornberry
Ehlers	McHugh	Thune
Ehrlich	McInnis	Tiahrt
Emerson	McIntosh	Traficant
English	McKeon	Upton
Ensign	Metcalf	Walsh
Everett	Mica	Wamp
Ewing	Miller (FL)	Watkins
Fawell	Molinari	Watts (OK)
Foley	Moran (KS)	Weldon (FL)
Forbes	Morella	Weldon (PA)
Fowler	Myrick	Weller
Fox	Neumann	White
Franks (NJ)	Ney	Whitfield
Frelinghuysen	Northup	Wicker
Gallegly	Norwood	Wolf
Ganske	Nussle	Young (FL)
Gekas	Oxley	
Gibbons	Packard	

NAYS—196

Abercrombie	Bentsen	Boswell
Allen	Berman	Boucher
Andrews	Berry	Boyd
Baesler	Bishop	Brown (CA)
Baldacci	Blagojevich	Brown (FL)
Barcia	Blumenauer	Brown (OH)
Barrett (WI)	Bonior	Capps
Becerra	Borski	Cardin
Carson	Jackson (IL)	Pallone
Clay	Jackson-Lee (TX)	Pascrell
Clement	Jefferson	Pastor
Clyburn	John	Payne
Condit	Johnson (WI)	Pelosi
Conyers	Johnson, E. B.	Peterson (MN)
Costello	Kanjorski	Pickett
Coyne	Kaptur	Poshard
Cramer	Kennedy (MA)	Price (NC)
Cummings	Kennedy (RI)	Rahall
Danner	Kennelly	Rangel
Davis (FL)	Kildee	Reyes
Davis (IL)	Kilpatrick	Rivers
DeFazio	Kind (WI)	Rodriguez
Delahunt	Kleczka	Roemer
DeLauro	Klink	Rothman
Dellums	Kucinich	Roybal-Allard
Deutsch	LaFalce	Rush
Dicks	Lampson	Sabo
Dingell	Lantos	Sanchez
Dixon	Levin	Sanders
Doggett	Lewis (GA)	Sandlin
Dooley	Lofgren	Sawyer
Doyle	Lowey	Schumer
Edwards	Luther	Scott
Engel	Maloney (CT)	Serrano
Eshoo	Maloney (NY)	Sherman
Etheridge	Manton	Sisisky
Evans	Markey	Skaggs
Farr	Martinez	Skelton
Fattah	Mascara	Slaughter
Fazio	Matsui	Smith, Adam
Filner	McCarthy (MO)	Snyder
Flake	McCarthy (NY)	Spratt
Foglietta	McDermott	Stabenow
Ford	McGovern	Stenholm
Frank (MA)	McHale	Stokes
Frost	McIntyre	Strickland
Furse	McKinney	Stupak
Gejdenson	McNulty	Tanner
Gephardt	Meehan	Tauscher
Gonzalez	Meek	Taylor (MS)
Goode	Menendez	Thompson
Gordon	Millender-McDonald	Thurman
Green	Minge	Tierney
Gutierrez	Mink	Towns
Hall (OH)	Moakley	Turner
Hall (TX)	Mollohan	Velázquez
Hamilton	Moran (VA)	Vento
Harman	Murtha	Visclosky
Hastings (FL)	Nadler	Waters
Hefner	Neal	Watt (NC)
Hilliard	Obey	Waxman
Hinchey	Olver	Wexler
Hinojosa	Ortiz	Weygand
Holden	Owens	Wise
Hooley		Woolsey
Hoyer		Wynn

NOT VOTING—21

Ackerman	Johnson, Sam	Schiff
Ballenger	Lipinski	Stark
Barrett (NE)	Miller (CA)	Tauzin
Clayton	Nethercutt	Taylor (NC)
DeGette	Oberstar	Torres
Doolittle	Pombo	Yates
Goss	Pomeroy	Young (AK)

□ 1121

The Clerk announced the following pairs:

On this vote:

Mr. Ballenger for, with Ms. DeGette against.

Mr. McIntosh for, with Mr. Stark against.

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 194, not voting 24, as follows:

[Roll No. 220]

AYES—216

Aderholt	Gilchrest	Packard
Archer	Gillmor	Pappas
Armey	Gilman	Parker
Bachus	Goode	Paul
Baker	Goodlatte	Paxon
Barr	Goodling	Pease
Bartlett	Graham	Peterson (PA)
Barton	Granger	Petri
Bass	Greenwood	Pickering
Bateman	Gutknecht	Pitts
Bereuter	Hall (TX)	Porter
Bilbray	Hansen	Portman
Bilirakis	Hastert	Pryce (OH)
Bliley	Hastings (WA)	Quinn
Blunt	Hayworth	Radanovich
Boehlert	Hefley	Ramstad
Boehner	Hill	Redmond
Bono	Hilleary	Regula
Brady	Hobson	Riggs
Bryant	Hoekstra	Riley
Bunning	Horn	Rogan
Burr	Hostettler	Rogers
Burton	Houghton	Rohrabacher
Buyer	Hulshof	Ros-Lehtinen
Callahan	Hunter	Royce
Calvert	Hutchinson	Ryun
Camp	Hyde	Salmon
Campbell	Inglis	Sanford
Canady	Istook	Saxton
Cannon	Jenkins	Scarborough
Castle	Johnson (CT)	Schaefer, Dan
Chabot	Jones	Schaffer, Bob
Chambliss	Kasich	Sensenbrenner
Chenoweth	Kelly	Sessions
Christensen	Kim	Shadegg
Coble	King (NY)	Shaw
Coburn	Kingston	Shays
Collins	Klug	Shimkus
Combest	Knollenberg	Shuster
Cook	Kolbe	Skeen
Cooksey	LaHood	Smith (MI)
Cox	Largent	Smith (NJ)
Crane	Latham	Smith (OR)
Crapo	LaTourette	Smith (TX)
Cubin	Lazio	Smith, Linda
Cunningham	Leach	Snowbarger
Davis (VA)	Lewis (CA)	Solomon
Deal	Lewis (KY)	Souder
DeLay	Linder	Spence
Diaz-Balart	Livingston	Stearns
Dickey	LoBiondo	Stump
Dreier	Lucas	Sununu
Duncan	Manzullo	Talent
Dunn	McCollum	Taylor (MS)
Ehlers	McCrery	Thomas
Ehrlich	McDade	Thornberry
Emerson	McHugh	Thune
English	McInnis	Tiahrt
Ensign	McKeon	Traficant
Everett	Metcalf	Upton
Ewing	Mica	Walsh
Fawell	Miller (FL)	Wamp
Foley	Molinari	Watkins
Forbes	Moran (KS)	Watts (OK)
Fowler	Morella	Weldon (FL)
Fox	Myrick	Weldon (PA)
Franks (NJ)	Neumann	Weller
Frelinghuysen	Ney	White
Gallegly	Northup	Whitfield
Ganske	Norwood	Wicker
Gekas	Nussle	Wolf
Gibbons	Oxley	Young (FL)

NOES—194

Abercrombie	Bonior	Condit
Allen	Borski	Conyers
Andrews	Boswell	Costello
Baesler	Boucher	Coyne
Baldacci	Boyd	Cramer
Barcia	Brown (CA)	Cummings
Barrett (WI)	Brown (FL)	Danner
Becerra	Brown (OH)	Davis (FL)
Bentsen	Capps	Davis (IL)
Berman	Cardin	DeFazio
Berry	Carson	Delahunt
Bishop	Clay	DeLauro
Blagojevich	Clement	Dellums
Blumenauer	Clyburn	Deutsch
Dicks	Kind (WI)	Price (NC)
Dingell	Kleczka	Rahall
Dixon	Klink	Rangel
Doggett	Kucinich	Reyes
Dooley	LaFalce	Rivers
Doyle	Lampson	Rodriguez
Edwards	Lantos	Roemer
Engel	Levin	Rothman
Eshoo	Lewis (GA)	Roukema
Etheridge	Lofgren	Roybal-Allard
Evans	Lowey	Rush
Farr	Luther	Sabo
Fattah	Maloney (CT)	Sanchez
Fazio	Maloney (NY)	Sanders
Filner	Manton	Sandlin
Flake	Markey	Sawyer
Foglietta	Martinez	Schumer
Ford	Mascara	Scott
Frank (MA)	Matsui	Serrano
Frost	McCarthy (MO)	Sherman
Furse	McCarthy (NY)	Sisisky
Gejdenson	McDermott	Skaggs
Gephardt	McGovern	Skelton
Gonzalez	McHale	Slaughter
Gordon	McIntyre	Smith, Adam
Green	McKinney	Snyder
Gutierrez	McNulty	Spratt
Hall (OH)	Meehan	Stabenow
Hamilton	Meek	Stenholm
Harman	Menendez	Stokes
Hastings (FL)	Millender-McDonald	Strickland
Hefner	Minge	Stupak
Hilliard	Mink	Tanner
Hinchey	Moakley	Tauscher
Hinojosa	Mollohan	Thompson
Holden	Moran (VA)	Thurman
Hooley	Murtha	Tierney
Hoyer	Nadler	Towns
Jackson (IL)	Neal	Turner
Jackson-Lee (TX)	Obey	Velázquez
Jefferson	Olver	Vento
John	Ortiz	Visclosky
Johnson (WI)	Owens	Waters
Johnson, E. B.	Pallone	Watt (NC)
Kanjorski	Pascrell	Waxman
Kaptur	Pastor	Wexler
Kennedy (MA)	Payne	Weygand
Kennedy (RI)	Pelosi	Wise
Kennelly	Peterson (MN)	Woolsey
Kildee	Pickett	Wynn
Kilpatrick	Poshard	

NOT VOTING—24

Ackerman	Herger	Pomeroy
Ballenger	Johnson, Sam	Schiff
Barrett (NE)	Lipinski	Stark
Bonilla	McIntosh	Tauzin
Clayton	Miller (CA)	Taylor (NC)
DeGette	Nethercutt	Torres
Doolittle	Oberstar	Yates
Goss	Pombo	Young (AK)

□ 1140

The Clerk announced the following pairs:

On this vote:

Mr. Ballenger for, with Ms. DeGette against.

Mr. McIntosh for, Mr. Stark against.

Ms. MCKINNEY changed her vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BONILLA. Mr. Speaker, on rollcall No. 220, I was unavoidably detained. Had I been present, I would have voted "aye."

ALTERING ORDER OF CONSIDERATION OF AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SPENCE. Mr. Speaker, pursuant to section 5 of House Resolution 169, I ask unanimous consent that during further consideration of H.R. 1119 in the Committee of the Whole, and following consideration of the Luther amendment referred to in part 1 of House Resolution 169, the following amendments be considered in the following order:

Amendments No. 22 and 41, printed in part 2 of House Report 105–137;

The amendment printed in section 8(e) contained in House Resolution 169; and

Amendment 15, printed in part 2 of House Report 105–137, as modified by section 8(b) of House Resolution 169.

And, Mr. Speaker, I ask unanimous consent that this be considered sufficient notice for the purposes of section 5 of House Resolution 169.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from South Carolina?

Mr. DELLUMS. Mr. Speaker, reserving the right to object, and I do not intend to object, but I would simply like to ask the question: Have all of the persons who the distinguished Chair has laid out as authors of amendments that we will address during the remaining period of this session today been notified as to the agreement?

Mr. SPENCE. Yes, we have made every attempt to notify them and we believe they have been. I have not checked every one to make sure, but we, as we talk, will be contacting the others.

Mr. DELLUMS. Mr. Speaker, I withdraw my reservation of objection and, with those admonishments, trust the word of the Chair.

The SPEAKER pro tempore. Without objection, the notice shall be considered sufficient.

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The SPEAKER pro tempore. Pursuant to House Resolution 169 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1119.

□ 1144

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel

strengths for fiscal years 1998 and 1999, and for other purposes, with Mr. YOUNG of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 19, 1997, amendment No. 5, printed in part 1 of House Report 105–137, offered by the gentleman from Connecticut [Mr. SHAYS], had been disposed of.

It is now in order to consider amendment No. 6, printed in part 1 of House Report 105–137.

AMENDMENT NO. 6 OFFERED BY MR. LUTHER

Mr. LUTHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. LUTHER:

At the end of title I (page 23, before line 7), insert the following new section:

SEC. 123. TERMINATION OF NEW PRODUCTION OF TRIDENT II (D–5) MISSILES.

(a) PRODUCTION TERMINATION.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1997 may not be obligated or expended to commence production of additional Trident II (D–5) missiles.

(b) AUTHORIZED SCOPE OF TRIDENT II (D–5) Program.—Amounts appropriated for the Department of Defense may be expended for the Trident II (D–5) missile program only for the completion of production of those Trident II (D–5) missiles which were commenced with funds appropriated for a fiscal year before fiscal year 1998.

(c) FUNDING REDUCTION.—The amount provided in section 102 for weapons procurement for the Navy is hereby reduced by $342,000,000.

The CHAIRMAN. Pursuant to the rule, the gentleman from Minnesota [Mr. LUTHER] and a Member opposed, the gentleman from California [Mr. HUNTER] each will control 15 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. LUTHER].

□ 1145

Mr. LUTHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Members of the House, I am pleased today to join with my fellow Minnesotan [Mr. RAMSTAD] in offering this bipartisan amendment to the fiscal year 1998 defense authorization bill to terminate further production of the Trident D–5 submarine launched ballistic missile.

The Trident D–5 is a ballistic missile with a range of more than 4,000 nautical miles. Each is capable of carrying up to 8 independently targetable nuclear warheads at speeds in excess of 13,000 miles per hour. The U.S. Navy currently operates a force of 17 Ohio-class fleet ballistic missile submarines with an eighteenth boat scheduled to join the force later this summer. Eight of these submarines, homeported at Bangor, WA, carry the older C–4 missile system. The other 9 Ohio-class subs and the new sub being deployed this year are homeported at Kings Bay, GA, and carry the new Trident D–5 missile system. Each submarine carries 24 missiles.

In order to comply with the START II Treaty, the Navy is planning to retire four of the older subs carrying the C–4 missiles, but the Navy is currently planning to back-fit the other four with the new D–5 missiles. Although the Navy has already an inventory of 350 D–5 missiles, it nevertheless plans to procure an additional 84 Trident D–5's through the year 2005, unless Congress intercedes.

We believe the responsible course is for our Navy to cancel the proposed back-fit of the older C–4 subs and, over time, reduce its fleet of Ohio-class submarines to 10 vessels. With a fleet of 10 Ohio-class submarines carrying the new D–5 missiles, the Navy will no longer need the additional 84 missiles they have requested through fiscal year 2005. The current inventory of 350 missiles will be sufficient, 240 for the 10 Trident D–5 subs and 110 for testing purposes.

There are very important reasons why this amendment should be approved by the House of Representatives. The Trident D–5 missile is a cold war weapon specifically designed to destroy hardened missile silos and other military targets found in the former Soviet Union. But today the nuclear threat from the former Soviet Union is dramatically reduced.

While there is still an important role for strategic nuclear weapons in our arsenal, that role is dramatically reduced from what it was in the past, and weapon procurement should reflect that.

The Congressional Budget Office estimates that this amendment would save taxpayers with this act this year and with future subsequent acts more than $5.7 billion over 10 years, including $342 million in fiscal year 1998. This savings would then be available for personnel readiness and military training purposes or to reduce the deficit.

Members of the House, the United States has an unchallenged world lead in the area of submarine-launched ballistic missiles. Only Russia, China, France, and Great Britain have this capability. China has just one submarine with 12 ballistic missiles, and the Russian fleet is outmoded and largely rusting away in port. A fully modernized fleet of 10 Ohio-class subs carrying Trident D–5 missiles will continue our leadership in this critical area of strategic defense.

Balancing the budget requires continuing scrutiny of every dollar the Government spends. We need to maintain a strong military and an absolutely credible nuclear deterrent force, but we must maintain that defense while keeping in mind the realistic threats facing our country. A 10 Trident submarine fleet, carrying the new D–5 missile, is enough to secure our interests. And saving over $5.7 billion by canceling the production of more D–5 missiles will make it much easier to balance the budget in the year 2002.

I ask that we think about the way we think about military spending. Times have changed, and I hope this amendment that the gentleman from Minnesota [Mr. RAMSTAD] and I are proposing will help move us into the future.

I urge my colleagues to join Taxpayers for Common Sense in support of this bipartisan amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have great respect for both proponents of this amendment, but I have to tell my colleagues that this amendment is not grounded in common sense, for a couple of reasons. There are a lot of things with respect to arms control that we disagree with, conservatives, liberals, Democrats, Republicans, arms control proponents, and people who are very skeptical of the arms control process.

But there are certain cornerstones of our deterrent force and our overall strategy of deterrents that we all agree on. When I say, "we all agree on," I am speaking of not only of the majority in the Congress but also the President of the United States, whether he is a Democrat or Republican, and his respective military leaders in the Pentagon.

I have a lot of disagreements with President Clinton on security, but this is not one of them. The President, and I have several letters, one from his CNO and one from his director of the Commander in Chief, the U.S. Strategic Command, President Clinton does not want to see our strategic force, and the most important part of our triad, which is our submarine force, upon which we are going to rely for 50 percent of our deterrent counterstrike force under START II, he does not want to see that force reduced, and especially to reduce it unilaterally.

So let us review the bidding here. We have three legs of the triad. We have our missiles based on land. We have our bomber force. But the most survivable forces of our triad, our deterrent system that has worked for so many years, is undersea. It is difficult to target. It is difficult to preempt. And that deterrent force will become more and more important under START II if the Russians ever approve START II.

Now here is what my colleagues should reflect upon: START II has not yet been approved by the Russian Duma. Our friends who are offering this amendment are proposing to cut back on the number of ballistic missile submarines, in anticipation that at some point in the future there will be a START III and the Russians will give us reciprocity on this cut and will somehow come through with cuts of their own.

That is a very dangerous thing to do. Let us leave all the chips on the side of our negotiators so that, as we work down our strategic forces, they give a chip, we give a chip, they give a chip, we give a chip, and we still guard or act to detour not only the Russians but others who are now developing nuclear systems around the world.

And there are others developing those systems. The Chinese, for example, are not a part of the START II agreements. They are developing nuclear systems aimed at American cities. So it is a very dangerous thing to try to get a jump-start on arms negotiations and start unilaterally to pull down our strategic forces, especially the underwater part of our strategic forces.

All of our military experts, the White House leadership, the Pentagon, and the majority in Congress, agree the undersea part of our ballistic missile submarines are the most survivable part of our triad. And to do away with the large portion of those in anticipation of some future concession on the part of our negotiating partners makes no sense.

Mr. Chairman, I yield to my friend, the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise in opposition to the Luther amendment and in support of the committee's position on this.

One of the problems here is that we have a missile on these older Tridents. The Pacific Tridents were built first. And the older missile, the C–4 missile, has a lifetime up to about 2004. Then, if we do not build the D–5 and replace the C–4's with the D–5's, we are going to have to go out and spend billions of dollars to fix up the C–4 missile.

In fact, I have been told that that course is more expensive than buying the newer, more capable missiles. So why would we not want to retrofit? The other problem is, if we have two missiles, then we have to have two infrastructures for the missiles, the D–5's. And if we can go to an all D–5 force, than we can have one missile, one set of repair parts, and it is actually, in terms of ownership, less expensive.

I would agree with my friend from California [Mr. HUNTER] that until we see what happens in the START talks, we would, in my judgment, be premature to go even from 18 to 14 in terms of the number of submarines that we have. And the D–5 program is in place. We should buy these missiles now while the line is open. We need to keep this open until we see whether, in fact, we are going to get an arms control agreement.

To cut it off now would be premature and we would have a situation where the submarines in the Atlantic have D–5's and none of the submarines in the Pacific would. The D–5 is a more capable missile, and we need to have that capability, in my judgment, in both oceans.

So I understand the intent here to try to save some money. We all want to save money. But there is a lot more to this, and it goes right to the security of the country. The D–5 and the Trident submarine are the most survivable part of our triad. I think until we get these arms control agreements in place we should stay with this program, support the administration, who strongly is committed to keeping the D–5 program going.

Mr. HUNTER. Mr. Chairman, I yield as much time as he may consume to my friend, the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I appreciate my friend from California [Mr. HUNTER] yielding me the time.

Mr. Chairman, here we go again. It seems like we always go through this every year or so on what to do with the D–5. I think the point has been made, and made very well, that as we finally had the cold war come to an end, the thing that did it was the triad system, or the system where we figured out how we were going to handle this problem.

We had the aircraft, and we looked at the old B–52, which is a very, very old airplane, came out with the B–1 and now the B–2. We got the land-based missiles, and now we are going to take the MX and take it out of the silos and all we will have is the Minuteman III.

But the ace in the hole, all this comes down to, is the D–5. I think most people, when they look at this, find out that if you can take a boat and hide it somewhere and just sit it somewhere, fine. But I still recall, when Les Aspin was the chairman of the committee, bringing in some admirals and generals from the old Soviet Union, as it was then constituted, and talked about how difficult it was to stay up with the modernization of the United States. And the key to this whole thing is modernization. C–4 has been a reliable missile, but it is the D–5 that now gives us the ace in the hole.

It would seem to me that now we have the opportunity to finish out all 14 boats, get them up to this very, very accurate missile, a missile with more range, a missile that can do the job that gives us that deciding edge that we finally won with the Soviet Union years ago. It would be very foolish, in my humble opinion, to do away with it. It also puts our negotiators in a very bad position when we have Congress micromanaging what they are going to do and what type of armament they would use.

I have great respect for my friend from Minnesota, but in my humble opinion, it would be a smart thing to defeat this amendment and go ahead with the production of the D–5.

Mr. LUTHER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. RAMSTAD], cosponsor of the amendment.

Mr. RAMSTAD. Mr. Chairman, I thank my colleague for yielding me this time.

Mr. Chairman, I rise today in strong support of the Ramstad amendment to terminate further production of the Trident D–5 submarine launched ballistic missile. As we continue our efforts here to balance the budget and reduce the Federal debt, each and every Government program, including defense, must be scrutinized for potential savings. The further production of the Trident D–5 missile is one such program.

We already have over 350 Trident D–5's in service. At a cost of over $50 million each, we simply cannot afford to continue increasing the size of this missile force, nor do we need to, as our missile capability is more than adequate. By ending production of this missile, we will save taxpayers $5.7 billion over the next 10 years, without sacrificing our national security.

We must all strongly support the need for a strong national defense. But, at the same time, we cannot continue to fund programs that excessively spend scarce resources.

□ 1200

Mr. Chairman, let me read from this letter from Taxpayers for Common Sense:

As the United States moves to a balanced budget, it is unacceptable for taxpayers to finance an outdated missile program originally designed to counter Cold War threats. With 350 D–5 missiles already in service, the U.S. Navy is well-equipped, making further D–5 purchases unnecessary. Only a select few nations possess SLBM capabilities. The United States already leads the world in this area, with 4 other nations, Russia, China, France and Great Britain, all trailing in the distance. To the extent that the SLBM remains a viable strategic weapon in the redefined global arena, the United States possesses an adequate deterrent capability.

Let us save the taxpayer $5.7 billion. Please vote for this amendment.

Mr. Chairman, I include for the RECORD the letter from Jill Lancelot from Taxpayers for Common Sense:

TAXPAYERS FOR COMMON $ENSE,
June 19, 1997.

SUPPORT LUTHER-RAMSTAD AMENDMENT TO DOD BILL: CUT D–5 MISSILE—SAVE $5.7 BILLION

DEAR REPRESENTATIVES LUTHER AND RAMSTAD: Taxpayers for Common $ense is pleased to support the Luther-Ramstad amendment to the FY98 Defense Authorization Bill to end further procurement of the D–5 submarine-launched ballistic missile (SLBM) and deactivate eight Trident submarines currently equipped with an older missile system. This amendment would both eliminate future purchases of a weapon costing $50 million per missile and cancel the backfitting of submarines with older missile systems, leading to ultimate savings of $5.7 billion.

As the United States moves to a balanced budget, it is unacceptable for taxpayers to finance an outdated missile program originally designed to counter Cold War threats.

With 350D–5 missiles currently in service, the U.S. Navy is more than well-equipped, making further D–5 purchases unnecessary. Only a select few nations possess SLBM capabilities. The U.S. already leads the world in this area, with four other nations, Russia, China, France and Great Britain, all trailing in the distance. To the extent that the SLBM still remains a viable strategic weapon in the redefined global arena, the U.S. possesses an adequate deterrent capability.

To ensure that we achieve the goal of a balanced budget, Congress must make difficult decisions regarding each and every dollar. Your amendment represents a sensible balance between sound defense policy and sound budget policy.

Sincerely,

JILL LANCELOT,
Legislative Director.

Mr. HUNTER. Mr. Chairman, I yield myself 1½ minutes to respond briefly to the gentleman from Minnesota.

Mr. Chairman, the gentleman from Minnesota cited a taxpayer group and their decision, their unilateral decision to disarm approximately one-third of America's most important leg of the strategic triad on the basis that they think it is a good deal and it makes sense. I might remind my colleagues that of all of the hundreds of arms control experts and military experts and deterrent experts that we rely on, including our scientists and our policymakers, whether they are liberal, conservative, Democrat, Republican, in the administration or in the Congress, none of those people have been cited as justifying or backing up this unilateral decision to jump start or prejump the negotiators by sacrificing one-third of our underwater deterrent. No experts have been cited. It just looks like it is a good deal for a taxpayers group.

I would suggest that the reason this defense budget today is $140 billion less than the defense budget in 1985 is because we were strong, and we built lots of *Tridents* and we put them in the water. That brought the Russians to the negotiating table. The Russians were never brought to the negotiating table by us making unilateral concessions. They were brought to the negotiating table by us being strong and then doing one for one, under Ronald Reagan and George Bush and now under Bill Clinton. That means they give a chip, we give a chip. We do not unilaterally pull the rug out from under our negotiators by giving up big pieces of our triad.

Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, in fact I think Secretary Longuemare makes a good point in support of what the gentleman just said:

Delaying the backfit of 4 SSBNs with D–5 missiles sends the wrong message to Russia. It removes Russia's incentive to ratify START II in a timely manner and begin START III negotiations as agreed in Helsinki.

I have to agree. I think this would send the wrong message. If we are going to bring down the strategic forces, we want to bring them down on both sides.

I also would take some umbrage about the status of the Russian Navy. As the ranking Democrat on the Permanent Select Committee on Intelligence and someone who has served 19 years on defense appropriations, this is one area in the submarine area where the Russians are still making significant investments. I would not characterize their submarine capabilities as defective or weak. They have very capable submarines, particularly in the attack area.

Mr. LUTHER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, in the past Members of Congress were oftentimes reluctant to propose decreases in defense spending. Those who had the temerity to suggest that we cut the spending that we do for the military or in areas of weaponry could pretty much expect to see a 30-second ad attacking their courage, their character, and their patriotism.

Things are changing here in Washington. This is a new Congress and it is a new era. No longer do we have programs that are immune from scrutiny. No longer do we not look at how we spend taxpayers' dollars. Every dollar spent must be justified.

I join the gentleman from Minnesota in supporting their proposal to strip the unnecessary and ultimately wasteful proposal within this Department of Defense budget to continue production of *Trident* D–5 missiles, and in doing so, to save the American taxpayer $5.7 billion. Thomas Jefferson said many, many, many years ago:

Sound principles will not justify our taxing the industry of our fellow citizen to accumulate treasure for wars to happen we know not when and which might not ever happen but from the temptation offered by that treasure.

I think that is still true today. With this amendment, we are not hurting our capability to wage war in the future should that become necessary. Even if we choose to retire our aging vessels, we are left with 10 modern submarines equipped with 240 D–5 missiles. More appropriately we have the appropriate number left behind for testing and replacement and we will save the public $5.7 billion.

This DOD proposal is a poor use of resources. By eliminating the backfitting of the C–4 subs, we will stop what is essentially a plan to put old wine in new bottles. The C–4 subs are too old to have a lot of service life left in them and they are likely to be eliminated as has been suggested by START II. But even if we keep the C–4's, a 1992 DOD study said that the current C–4 missiles would last until 2015. This proposal in no way will do what others have suggested, that we are stripping some of our submarines of arms. The internal documents of the Department of Defense suggest that that is just not true.

I support this cut. I hope others will as well. I think they should stand up for the principle here and feel secure in their patriotism because Calvin Coolidge once said, "Patriotism is easy to understand in America. It means looking out for yourself by looking out for your country."

This amendment is good for our country.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I want to join my colleagues, the gentleman from California [Mr. HUNTER] and the gentleman from Washington [Mr. DICKS], and others, in opposing the amendment. I know the amendment is genuinely offered. I was an opponent of the D–5 missile at the beginning of the program because frankly I felt the original missile was adequate. The reality, however, is that the argument that the gentleman from Washington [Mr. DICKS] makes about a unified system without the complexities and costs of supporting two missiles in the same operation really has to win the day here. There was a time when I thought we could have done without the D–5 missile. But now as we have moved to a point where it is the dominant system out there and we need to make sure we complete that work here today because of the effect overall on the cost of maintenance, supply, of training, it adds a complication to a smaller Navy that frankly is bothersome and frankly is something that we cannot afford to do.

I would join my colleagues in opposing the amendment.

Mr. LUTHER. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I am especially pleased to speak on behalf of this amendment because it represents a cause that I have taken up in the past. I thank the gentleman from Minnesota [Mr. LUTHER] and the gentleman from Minnesota [Mr. RAMSTAD] for bringing it back to the floor yet again.

Mr. Chairman, the issue here is simple. We no longer need the Trident D–5 missile to defend our country. This missile was designed specifically to counter the threat of the Soviet Union, a threat which no longer exists. Under this amendment, Mr. Chairman, the United States will retain its current inventory of Trident D–5 missiles and submarines. All this amendment will do is stop further production of this costly missile, saving Americans $342 million next year and saving over 10 years $5.7 billion.

Mr. Chairman, we should be reducing our nuclear stockpile, not building it up. Stopping production of the Trident

will send a clear message that the United States is truly committed to a nuclear nonproliferation policy.

Mr. Chairman, let us not fool ourselves. Production of the Trident missile is the equivalent of flushing $5.7 billion down the toilet over the next 10 years when we should actually be funding programs that we truly need, such as education, job training, health care, and environmental protection.

The cold war is history, Mr. Chairman. I urge my colleagues to join me in closing this chapter of the history book by supporting the Luther-Ramstad amendment.

Mr. LUTHER. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise in support of the Luther-Ramstad amendment. We can safely reduce our fleet of Trident submarines to 10 and that will make us save $344 million. I would say that nuclear weapons are becoming obsolete, but that is not important. What is important is what the experts say. This last December, 60 generals and admirals, including Gen. Lee Butler, who was the former Commander of the U.S. Strategic Air Command, called for the eventual elimination of nuclear weapons.

General Butler's statement reads in part: "With the end of the cold war, these weapons are of sharply reduced utility, and there is much to be gained by substantially reducing their numbers." He went on to say, "We should explore the feasibility of their ultimate complete elimination."

Obviously, we should not be putting in new nuclear weapons. What do the American people say? In an April poll, 77 percent of those questioned favored the elimination of all nuclear weapons.

Mr. LUTHER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 3½ minutes.

Mr. LUTHER. Mr. Chairman, I want to first of all express my thanks to the gentleman from South Carolina [Mr. SPENCE], the chairman of the committee; the gentleman from California [Mr. DELLUMS], the ranking member; and the gentleman from Washington [Mr. DICKS] for their consideration. Also, I want to thank the gentleman from Minnesota [Mr. RAMSTAD] and all of the other speakers who spoke so eloquently on behalf of this amendment.

Before we move to a vote on this issue, I would like to leave just a couple of thoughts with the Members of the House. First of all, please keep in mind that unlike the B–2 bomber, the D–5 missile is not a dual-use weapons system. There is no conventional warfare role for the D–5. Its sole utility is as a strategic nuclear weapon. If my colleagues are interested in voting to cut a weapons system that will not affect our ability to wage the conventional or regional wars that we must be prepared for, this is the system.

Second, keep in mind our experience with the Minuteman III land-based ICBM. Many of my colleagues will remember the plans in the 1980's to replace the Minuteman with the MX. We decided to scrap those plans. Today the Minuteman III serves as the backbone of our land-based leg of the triad. The C–4 missiles we are retiring are much more modern weapons than the Minuteman III's.

Under this amendment we will continue to have 18 Trident subs through the year 2001 and we will not be down to 10 subs until 2005. Until that date, the C–4 missile will continue to serve its important role in our strategic defense just like the Minuteman III.

The opponents of this amendment have made the same arguments here on the floor that have been made over the years, to run our defense budget up to the level that it is at today and to run the debt of this country up to the $5.3 trillion of debt that we have today.

I urge Members of the House to reject that approach today. A vote for this amendment will save $5.7 billion of unnecessary spending. My colleagues have made that commitment to their constituents to do away with unnecessary spending.

□ 1215

And we can use that money for other more important purposes or to help balance the budget.

I thank my colleagues for their consideration.

The CHAIRMAN. The remaining time is 3½ minutes to the gentleman from California [Mr. HUNTER] who has the right to close.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this is an example of snatching defeat from the jaws of victory. We have an arms control process that is walking down the line that has taken us to the point where we are waiting for the Soviet Union to ratify the second arms agreement. We have got a situation where we can get a quid pro quo; that means when we take down a weapons system, the Soviet Union, now Russia, will take down a weapons system, and I want to answer just a couple of things that the proponents of this amendment made that are just not the case, a couple of their arguments.

First, this does not save any money. According to the Navy it is $2.3 billion to upgrade the C–4 missile. If we are not going to have the D–5, we are going to have to upgraded the C–4. That is $2.3 billion. According to the Navy, if we add all the termination costs, we are actually going to pay, the taxpayers will pay, 60 million more dollars to maintain the old C–4 missile then to complete the project on the D–5 missile. So we do not save money for the taxpayers according to the Navy. We spend an extra $60 million.

But second and most importantly, there have been no experts here that have said that we should unilaterally eliminate this program without getting anything from the Soviet Union. The assembled admirals and generals who were quoted here simply said we should eventually do away with nuclear weapons. Well, the best way to eventually do away with nuclear weapons is to have something to negotiate with to get the Soviets to and the Russians to walk down on their inventory.

This is giving up something unilaterally that means we will not get a concession from Russia for it, we will not get an SS–18 removed, we will not get one of their strategic boats removed, we will simply make a unilateral concession.

So we get nothing for it economically, we get nothing for it in terms of arms control; it is not an amendment of value, it is a dangerous amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I just want to compliment the gentleman. He has got this exactly right. This is one of those ironies. If we kill the D–5, we are going to spend more on the existing missile which is less capable. It is less capable. And then we got 2 systems, we are going to have the duplication in repair, spare parts and everything else.

So let us stay with the program. At some point in the future, as my colleagues know, we may get down to 14, but that is going to be when we have agreed to it, when there is a negotiated agreement between the 2 sides.

To do it unilaterally I think would be a very serious mistake, and I urge a no vote on the Luther Ramstad amendment.

Mr. HUNTER. I thank the gentleman from Washington [Mr. DICKS] for his very articulate statement.

Mr. Chairman, I yield back the balance of my time and urge a no vote on this amendment.

The CHAIRMAN. All time has expired.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Under section 2(c) of the rule, the gentleman does have that right and is recognized for 5 minutes.

Mr. DELLUMS. Mr. Chairman, I have listened very carefully to both sides of this debate, and I would like to indicate to my colleagues that I rise in strong support of the amendment offered by my distinguished colleague.

Now let us have the discussion.

I would ask my colleagues:

"Would you authorize new construction on a base you're going to close?"

The point I make here is that if we know where we are headed, we know where we are going, the only issue is

how do we get there most efficiently, most effectively, and, in this limited dollar environment, most economically.

I would suggest, Mr. Chairman, that we think boldly, not this incremental cautious step that ends up costing the American taxpayers billions and billions of dollars at a time when we do not need to spend them.

Now, when my colleagues on this side of the aisle in support of the amendment have indicated that it would save them $5.67 billion, Mr. Chairman, that is only part of the savings.

My colleagues who oppose this amendment said: But we will have to upgrade C–4 missiles.

Think boldly. I am going to give my colleagues a proposal that does not require them to improve C–4 missiles.

Think boldly. I am going to give my colleagues a proposal that does not require them to retrofit.

Think boldly. I am going to give my colleagues a proposal that does not allow them to have to worry about two missiles.

We are sitting here debating about whether it is boats or missiles. It is about warheads. The boats and the missiles are only the delivery system. What we are looking at, at this point, are a large number of boats with few warheads.

Think boldly. Few boats, greater number of warheads, saving the American taxpayers not just $5.7 billion, but two to three times more money at a time that we live in a limited dollar environment.

What is the proposal? Go now to 10 boats. The Navy could then with 10 boats meet essential requirements under START II today and the anticipated requirements under START III framework tomorrow. We can do both simultaneously.

Think boldly. Not from 16, 14, 13, 12; go to 10. My colleagues know where they are headed. Save the money.

We have been talking about a 5-year budget agreement where we have to scrutinize every dollar. Well, get out of this little cautious approach that we have and save people money. By varying the number of missiles outloaded per boat and the number of warheads uploaded per missile this can be accomplished within the current 350-missile inventory.

This approach would save us, as I said, from expensive C–5 retrofit for four to eight boats. That is not necessary, the multibillion-dollar cost to buy 84 D–5 missiles planned through the year 2005, and the operation and support costs associated with the above.

Do the math on that, Mr. Chairman; we have saved the American taxpayer $10, $15 billion.

But move beyond the point that they are trying to make. We all know that we are trying to go to a new world. We all know that we are moving toward fewer and fewer nuclear weapons and greater capability.

My colleague from California says this is unilateral disarmament. That is bizarre. What we are looking at, at this point, is the Navy buying a fixed amount of missiles and then varying the boats.

Now, one does not have to be too smart to recognize that a boat costs a hell of a lot of money, a lot more money than the missile. I say turn it around, think rationally, vary the number of missiles, fix the number of boats. Go quickly to 10. I know it is bold, but I want to shake my colleagues up some. We have been talking about saving American people money. This is not about unilateralism. Those are euphemisms and hot-button words, but rational intelligent, thought says that we ought to go someplace, save money.

With those thoughts I am in enthusiastic and overwhelming support to the gentleman's amendment.

One last point. If there is any problem with the gentleman's amendment, it is that he has thought further out than most people have thought. He got here faster than anybody got here. This debate is a preview of a debate that we are going to have next year and the year after next. I compliment the gentleman for his over-the-horizon forward thinking. He got there before everybody did. He put before this body what needs to be discussed, and it needs to be discussed now, and the earlier we start to think about it, the better off we will be.

Mr. HUNTER. Mr. Chairman, I ask unanimous consent to exercise the authority to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The chair recognizes the gentleman from California for 5 minutes.

Mr. HUNTER. Mr. Chairman, I just wanted to take this time to engage with my colleague and with the other side, and I just want to go over the points that have been made earlier and the points that he spoke to.

First, according to the Navy, and if we are going to save money, we have got to put a pencil to the balance sheet and we have to try to figure out whether extending the life of the C–4 is going to be cheaper or more expensive than buying the rest of the D–5. If money, and I would submit there is a lot more to this debate than just money, but if money is the object, we have got to put a pencil to it and see if it works. According to the Navy it does not work, and we end up spending $60 million more extending the life of the C–4 missile then completing the program on D–5. Now that is the fact.

Second, let me just say to my friend, as my colleagues know, this is a long debate that we have been in; he and I have debated arms control for 16 years now, and I can recall the early days of the 1980's when Ronald Reagan was building a stronger strategic deterrent. My friend answered "No, that is not the way to go, and you are driving the Russians away from the bargaining table," and when the Russians were lining our European allies' borders with SS–20 missiles and Ronald Reagan said we are going to put in ground-launched cruise missiles and Pershings to meet them, and there was enormous debate in Europe in the mid 1980's, there were many people on this side of the ocean, many pundits, many journalists, many Members of Congress who said, "You are driving the Russians away from the negotiating table," but by being strong and by establishing a reinforced strategic triad, and that included our land based systems, going with the B–1 bomber on our air breathing systems and putting more capability into our undersea systems we brought the Russians to the negotiating table, and one day the phone rang and all of a sudden the Russians wanted to talk, and we started down this trail of arms negotiations.

But the genius of our side in the arms negotiations and reductions has been that we have gotten a quid pro quo for everything we have given up, we have gotten something in return. The President of the United States said "Trust but verify." We do not unilaterally make concessions. That has worked, Mr. Chairman. We are now walking the Russians down on arms control.

So the gentleman's ascertation that this is a brilliant thing for Congress to unilaterally start giving up pieces of the strategic triad in anticipation of a third arms control agreement when the second arms control agreement has not even been ratified by the Russian Duma does not make any sense in that it is totally inconsistent with our history. And I think my friend wants to talk, and I am going to yield to him.

Mr. Chairman, I yield to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. One very quick response to the gentleman is: The logic. Do we build up to build down. To build up we are going to spend billions of dollars and we know we are ultimately going to build down. That is the answer to the gentleman's point, that is the central part of this debate, and that is what needs to be developed. If we accept the logic of spending money going up so we negotiate to go down, the gentleman may have a point.

I do not see the point in that, I do not see the wisdom, and I certainly do not see the economics.

Mr. HUNTER. Mr. Chairman, I will explain what I think is the wisdom there.

We are going to a smaller and smaller strategic triad. Both sides have

agreed that part of the triad that remains is going to be as modern and effective and as reliable as possible.

Now our experts have determined that the most reliable part of the strategic triad is the undersea part; it is certainly the most invulnerable part, and that the D–5 missile is an important component of that part of the strategic triad. It is the most modern, the most accurate, the most effective, the most reliable.

So when we are going to build down and we are going to get down to a smaller number of units, carrying that very important American deterrent, we want to have the best.

Now the Russians, I would offer to my friend, have done exactly the same thing. They have not thrown away their modern stuff and left their old stuff. They have kept the most modern part of their own strategic triad in place.

It is our right under the arms control agreement to stay strong in that respect. I think we owe it to the American people to stay strong in that respect.

Mr. Chairman, I yield to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. To establish some reality to people who are listening to this debate, we already have 350 of these missiles. The debate is whether we buy 84 additional ones. I am saying that is the build up to build down.

In my proposal we can stay within the anticipated requirements of START II, of the START II negotiation, and what we anticipate in START III, we can do that within the current inventory of 350. Why buy 84 more because we know we are going to come down again?

That logic escapes me; the gentleman cannot make me understand that.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Minnesota [Mr. LUTHER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LUTHER. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 169, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. LUTHER] will be postponed.

The point of no quorum is considered withdrawn.

□ 1230

The CHAIRMAN. Pursuant to section 5 of House Resolution 169, it is now in order to consider amendment No. 22 in part 2 of House Report 105–137.

AMENDMENT NO. 22 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. HEFLEY: At the end of title XXXIV (page 504, after line 3), insert the following new section:

SEC. 3404. TRANSFER OF JURISDICTION, NAVAL OIL SHALE RESERVES NUMBERED 1 AND 3.

(a) TRANSFER REQUIRED.—Chapter 641 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7439. Certain oil shale reserves: transfer of jurisdiction and petroleum exploration, development, and production

"(a) TRANSFER REQUIRED.—(1) Upon the enactment of this section, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over all public domain lands included within Oil Shale Reserve Numbered 1 and those public domain lands included within the undeveloped tract of Oil Shale Reserve Numbered 3.

"(2) Not later than one year after the date of the enactment of this section, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over those public domain lands included within the developed tract of Oil Shale Reserve Numbered 3, which consists of approximately 6,000 acres and 24 natural gas wells, together with pipelines and associated facilities.

"(3) Notwithstanding the transfer of jurisdiction, the Secretary of Energy shall continue to be responsible for all environmental restoration, waste management, and environmental compliance activities that are required under Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

"(4) Upon the transfer to the Secretary of the Interior of jurisdiction over public domain lands under this subsection, the other provisions of this chapter shall cease to apply with respect to the transferred lands.

"(b) AUTHORITY TO LEASE.—(1) Beginning on the date of the enactment of this section, or as soon thereafter as practicable, the Secretary of the Interior shall enter into leases with one or more private entities for the purpose of exploration for, and development and production of, petroleum (other than in the form of oil shale) located on or in public domain lands in Oil Shale Reserves Numbered 1 and 3 (including the developed tract of Oil Shale Reserve Numbered 3). Any such lease shall be made in accordance with the requirements of the Mineral Leasing Act (30 U.S.C 181 et seq.) regarding the lease of oil and gas lands and shall be subject to valid existing rights.

"(2) Notwithstanding the delayed transfer of the developed tract of Oil Shale Reserve Numbered 3 under subsection (a)(2), the Secretary of the Interior shall enter into a lease under paragraph (1) with respect to the developed tract before the end of the one-year period beginning on the date of the enactment of this section.

"(c) MANAGEMENT.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall manage the lands transferred under subsection (a) in accordance with the Federal and Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other laws applicable to the public lands.

"(d) TRANSFER OF EXISTING EQUIPMENT.—The lease of lands by the Secretary of the Interior under this section may include the transfer, at fair market value, of any well, gathering line, or related equipment owned by the United States on the lands transferred under subsection (a) and suitable for use in the exploration, development, or production of petroleum on the lands.

"(e) COST MINIMIZATION.—The cost of any environmental assessment required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with a proposed lease under this section shall be paid out of unobligated amounts available for administrative expenses of the Bureau of Land Management.

"(f) DISTRIBUTION OF RECEIPTS.—Notwithstanding any other provision of law, all moneys received from a lease under this section (including sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) shall be paid and distributed under section 35 of the Mineral Leasing Act (30 U.S.C. 191) in the same manner as moneys derived from other oil and gas leases involving public domain lands other than naval petroleum reserves.".

(b) CLERICAL AMENDMENT.—The tale of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7439. Certain oil shale reserves: transfer of jurisdiction and petroleum exploration, development, and production.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Colorado [Mr. HEFLEY] and a Member opposed, the gentleman from Virginia [Mr. BATEMAN] each will control 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

I have an amendment that would transfer the administrative jurisdiction over oil shale reserves 1 and 3 from the Department of Energy to the Bureau of Land Management at the Department of the Interior. It would direct the leasing of oil and gas, natural gas rights on two reserves and the outright sale of some existing equipment.

The bill is based upon discussions between the two departments. It embodies four points of agreement between the two agencies. It reflects recommendations of an Energy Department report entitled "Report and Recommendations on Management and Disposition of Naval Petroleum Oil Shale Reserves." This report was a request from the Subcommittee on Military Readiness of the Committee on National Security last year.

The Department of Energy would be responsible for 50 acres of cleanup at the NOSR site 3. The amendment specifies that any environmental assessment costs for the leasing program will be funded out of unobligated administrative funds at the Bureau of Land Management. The amendment will allow a continuing revenue stream to the United States Transfer and leasing would, at worst, result in no loss to the Treasury and has the potential to rake in as much as $126 million in Federal revenues over the next 10 years. Even the CBO's conservative estimates give this amendment a positive score of $10 million.

The State of Colorado has done a study which appears to show that the Federal share of royalty revenues through the first 5 years of the leasing program could total up to $53.1 million. Later revenues could run that total to $126.6 million.

Leasing under my amendment would be conducted under the Mineral Leasing Act of 1920. Precedent has been set for a 50–50 royalty split under that act. This split was developed through negotiations on leasing of oil on National Petroleum Reserve No. 4 in Alaska in the 1970's, and it took 40 years to develop this agreement. The split is also endorsed by the Energy Department.

The Committee on Resources apparently has no problem with inclusion in the defense authorization, as long as the 50–50 split is maintained.

In conclusion, this is an issue that has been around for at least 8 years that I have been involved in it. Senator CAMPBELL first introduced it over here, and I got a bill in the past two Congresses. Two years ago I asked that it be included in the defense mark. It was believed more study was needed and ordered the Energy Department to study the issue. This spring the Energy Department delivered this report which I showed earlier, and its findings mirrored this amendment. I am trying to do in this amendment what the Energy Department in their study and the Department of the Interior have suggested that we do.

Despite these findings, this proposal has not been seriously considered, and despite the fact its central premise is endorsed by the very report the subcommittee commissioned. The amendment offers us the opportunity to benefit the State, private industry, and the Federal Treasury, and that is a rare opportunity. Therefore, Mr. Chairman, I ask for the support of the body.

Mr. Chairman, I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman, I yield myself such time as I may consume.

I rise in reluctant opposition to the gentleman's amendment and wish that I had more than 5 minutes in order to explain the background and the reason why.

I am not in disagreement with the gentleman's amendment insofar as it calls for the leasing of the naval oil shale petroleum reserves. I agree with him that this is the better disposition of these properties in terms of the benefit to the taxpayers of the United States, whose resource or asset this is.

These properties were set aside by the Federal Government after the turn of the century when the Navy turned from coal-fired to oil-fired vessels. They are no longer recorded as necessary to national security purposes, and the property, therefore, can appropriately be disposed of. But it ought to be disposed of in a way that the profit or the income derived therefrom redound to the benefit of all of the people and all of the States of the United States.

The problem that I have with the gentleman's amendment is that, by transferring the properties from the Department of Energy to the Department of the Interior and directing their leasing under the Mineral Leasing Act, it essentially has the practical effect of saying that 50 percent of all of the revenues generated from the leasing will redound to the State of Colorado, and only 50 percent, instead of 100 percent, will redound to the benefit of all of the other States of the Union.

We are dealing here with property which has always been Federal property. It was Federal when Utah, Colorado, and California entered the Union; it has been Federal through all of the years since. Now that it is not necessary for national security purposes and should be disposed of, it should be disposed of in a way that redounds best to the interest of all of the States of the Union and its taxpayers.

While I have no disagreement with any equitable claims that Colorado may mount as to having added value that generates additional revenue and there being recompense for it, nor would I have any objection, since we are dealing with a resource that we are using only for purposes of generating revenue, to Colorado receiving income in lieu of taxes as they would on private property that was being leased. But I do not see the reason, nor the equity, of the taxpayers of America, whose asset this is, receiving only 50 percent of the benefit.

There is a further problem with the amendment in that it deals only with the Naval Oil Shale Petroleum Reserves 1 and 3 in Colorado. It does not deal with the Naval Petroleum Reserve No. 2 in California, nor with the naval petroleum reserves in Utah, nor Naval Oil Shale Reserve No. 2 in, I believe, Wyoming. This is a defect in the bill in the context of how to work out a total solution of the proper and most sound disposition of these resources.

It is for those reasons that I would ask for a no vote on the gentleman's amendment, and hope that we will be able to work with the Senate, which has a different provision in their bill, in order to see that an equitable and comprehensive disposition is made of these properties.

Mr. Chairman, I reserve the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Virginia [Mr. BATEMAN] and I agree on most aspects of this. He is just scared to death that Colorado might get something that it does not deserve.

I make no argument when the State of Virginia gets help cleaning up the Chesapeake Bay, which we did not pollute, but I think it is important that we clean it up. But he seems to be afraid that we are going to get something in the West that we should not have.

This amendment mirrors the recommendations of a report delivered to the Subcommittee on Military Readiness in March. That report recommended the transfer and leasing of all three Navy oil shale reserves, the two involved in this amendment and one in Utah. The Energy Department endorsed transfer and leasing because it says in the report BLM management would yield a wide variety of economic and noneconomic benefits to the Nation. The amendment also retains the split, as we have already talked about.

Let me explain why this is a good thing. First, it is the law. The Mineral Leasing Act provides an exemption for a revenue split on strategic properties, but the only time the subject has arisen under the Department of Energy involved NPR No. 4 in Alaska in the 1970's. After lawsuits and much negotiations, the two sides settled on the 50–50 split.

Mr. Chairman, I yield whatever time I have remaining to the gentleman from Colorado [Mr. MCINNIS].

The CHAIRMAN. The gentleman from Colorado [Mr. MCINNIS] is recognized for 10 seconds.

Mr. MCINNIS. Mr. Chairman, what the good gentleman from Colorado [Mr. HEFLEY] has said is absolutely correct. This is the recommendation of the Department of Energy and I urge my colleagues to support it. It makes budgetary sense, and again, it follows the recommendations of the Department of Energy.

Mr. BATEMAN. Mr. Chairman, I yield myself such time as I may consume.

No. 1, let me say that these properties were exempted at all times up to the present time from the provisions of the Mineral Leasing Act. They have always been Federal properties, Federal assets, and I think the disposition of them should redound to the benefit of all of the people of the United States. This is not a Virginia issue versus Colorado; this is 49 States versus Colorado in terms of a fair disposition of the properties.

Let me conclude by saying that, while, yes, the Department of Energy recommends for these properties what the gentleman from Colorado is suggesting, it is with some significance that the Secretary of Energy, the new Secretary of Energy is the former mayor of the city of Denver, which the last time I checked, was in Colorado.

What I am suggesting is a more equitable disposition that is in keeping with the findings of the General Accounting Office, and I would again ask for a "no" vote on the amendment.

Mr. SKAGGS. Mr. Chairman, I urge support of this amendment. There are many reasons, but three are particularly important:

First, because it cuts red tape. DOE isn't a land-management agency, and the Interior Department's Bureau of Land Management (BLM) already does most of the management of these lands, under an agreement with DOE. Our amendment would simply make BLM's role permanent, and end duplication.

Second, because it's good for multiple-use management: Oil shale isn't a realistic energy source now, but some of these lands also have potential for natural gas. Under our amendment, BLM would make these areas available for leasing, under the same laws that govern leasing of other lands BLM manages. At the same time, other uses (like grazing, hunting, and fishing) would continue under experienced BLM management.

And, third, because it's good for the environment: Part of these lands have high environmental values, including many rare plants and animals. Under our amendment, BLM, through its planning process, will provide for their continued protection and will consider whether some of these lands should be set aside as wilderness or given other special protected designation.

Mr. Chairman, transferring these lands to BLM makes sense, and has been recommended by the administration. I urge the House to follow that recommendation and to approve this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 169, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Pursuant to section 5 of House Resolution 169, it is now in order to consider amendment No. 41 in part 2 of House Report 105–137.

AMENDMENT NO. 41 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. WELDON of Pennsylvania:

At the end of title XII (page 379, after line 19), insert the following new section:

SEC. 1205. PRESIDENTIAL CERTIFICATIONS CONCERNING DETARGETING OF RUSSIAN INTERCONTINENTAL BALLISTIC MISSILES.

(a) REQUIRED CERTIFICATIONS.—Not later than January 1, 1998, the President shall submit to Congress a report containing a certification by the President of each of the following:

(1) Whether it is possible for the United States to verify by technical means that a Russian ICBM is or is not targeted at a site in the United States.

(2) The length of time it would take for a Russian ICBM formerly, but no longer, targeted at a site in the United States to be retargeted at a site in the United States.

(3) Whether a Russian ICBM that was formerly, but is no longer, targeted at a site in the United States would be automatically retargeted at a site in the United States in the event of an accidental launch of such missile.

(b) RUSSIAN ICBMS DEFINED.—For purposes of subsection (a), the term "Russian ICBM" means an intercontinental ballistic missile of the Russian Federation.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WELDON] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to support this amendment, which may seem unimportant to some, but which is perhaps in my opinion one of the most important statements that this body will make in this bill this year.

Mr. Chairman, as all of us know, the funding level for what our military needs are is largely determined by the threat that is perceived by the American people and by Members of Congress. So if the American people perceive that there is no threat, then in fact they want us to cut defense spending. If they in fact think there is an emerging threat, then they respond and say increase defense spending.

Now, our colleagues are going around saying well, the American people are satisfied; we are spending too much on defense.

Mr. Chairman, my question is, why would they think that? Well, Mr. Chairman, my amendment gets right to the heart of why they think that, because this President, over the last 5 years, has used the bully pulpit to drive home a message that I seriously question, and let me get at the heart of my amendment.

On 130 occasions, actually it is 130 and counting, this President has made the statement; so it is not just once, three times in this pulpit, at universities across the country, in 36 of our States, to women's groups, to environmental groups, on college campuses, he has said, and I quote: There are no longer Russian missiles pointed at America's children.

Now, he has made this statement not one time, 130 times; and his chief advisers in the security operation and the Vice President have made that contention 22 more times in public speeches. So the President is clearly trying to get the point across to America, do not worry; as the Commander in Chief, I certify to you that there are no Russian missiles pointed at America's children.

Mr. Chairman, in testimony before my subcommittee, Bruce Blair, a former targeting officer, said that one can retarget a Russian missile in 10 seconds. Ed Bradley on CBS News, "60 Minutes" interviewed General Sergev who in fact headed up strategic command and space for Russia and who now is the defense minister.

□ 1245

He has said there is no way to verify whether or not they are targeting their missiles at our children, just like they cannot verify ours. But yet the President continues to make this statement, that there are no missiles pointed at our children, so all of our constituents back home in our districts think, well, if the Commander in Chief said they are no longer pointing their missiles at us, that must be true.

My amendment is very simple, Mr. Chairman. It requires the President to certify to the Congress that in fact there are no missiles pointed at America; that in fact we have a way of verifying that, and also what the time would be to retarget a missile, even if we did know.

Why is this so important? Because when the top leaders of this country on 152 occasions on every major media network in every major media outlet tell the stories in our cities and towns that we no longer have a threat, they respond. They criticize us when we say that we need to deal with that threat.

This amendment is very simple. It says, Mr. President, certify what you are saying. You said from this pulpit on three occasions that you are confident there are no missiles pointed at America's kids. This amendment says, certify that, put that in writing, and verify that for this Congress. If you cannot do that, Mr. President, you had better stop misinforming the American people.

Nothing is more fundamental to this debate, because that speech, given 130 times by the President, 22 times by the Vice President, by the heads of security for this administration, has misled the American people. The President has a chance to rectify it. All he has to do is give us an official certification that in fact he can certify that there are no Russian missiles pointed at our children.

General Sergeyev from Russia says you cannot do that. Bruce Blair says you cannot do that. General Shalikashvili says you cannot do that. Secretary Perry told us you cannot do that. But yet the President has said it 130 times.

What we are saying in effect, Mr. Chairman, is, put up or shut up. If you cannot verify the statement that you are making to the American people about one of the most severe threats facing this country, then do not mislead the American people, because from the bully pulpit that drives the debate in this country, to have the American people believe that they no

longer have to worry, that drives the debate on missile defense, it drives the debate on the threat, and it drives the debate on the systems that we want to fund.

I ask my colleagues to vote for this very simple amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] is recognized for 5 minutes.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to say to my distinguished colleague, the gentleman from Pennsylvania [Mr. WELDON], I appreciate the gentleman's effort to offer this amendment. I share the gentleman's concern about the issue of targeting. I rise in opposition not to the substance of what my colleague is trying to do, but rather, on technical grounds.

My staff and I have attempted to work with the gentleman's staff in trying to achieve some accommodation on this matter on technical grounds. We would believe that a report, rather than certification, is much more in the realm of reality. Let me tell the gentleman what I am thinking and then he can respond.

I heard the gentleman's speech, but at some point this gets drafted into legislative language. Legislative language is very important. The gentleman mentioned, required certification. The President must certify. Now, what is the President's first certification, whether it is possible for the United States to verify by technical means that a Russian ICBM is or is not targeted at a site in the United States?

We can try to verify that it is possible or that it is not possible, but trying to verify whether it is possible, I would suggest that that is language and a technical change, that it is impossible to verify whether. You either certify that something is or it is not, but whether it is, I think is inappropriate language. I think that is technically flawed.

Second, how do we verify the length of time it would take for an ICBM, a Russian ICBM, formerly but no longer targeted at a site in the United States, to be retargeted at a site in the United States? How in the real world do you really certify that?

What I am saying is, I agree with the gentleman with respect to the substance of what he is trying to do. I have a technical concern that he raises a hurdle beyond which no one, that no one can jump.

In the real world, I respect the gentleman's sense of fairness and fair play. We do not want to set a hurdle that no one can cross and then say, gee, you cannot jump the hurdle. There is something inappropriate about that. We want to establish a hurdle that makes sense with the Government. We are trying to do something reasonable. I would think if we could move away from certification to report, that makes sense.

I would like to work with the gentleman, if this amendment goes forward, in the context of the conference with the other body to try to resolve these matters.

There is one other thing that I would like to see in the legislation. Additional efforts to achieve verifiability, efforts to achieve confidence in these matters, if we could put that in, it seems to me that would make sense. I am just raising a technical question, not a substantive issue.

I think we are talking about trying to verify some things we cannot verify. We ought to, in the legislative process, try to achieve things that are achievable, rather than to assert matters that we want to try to achieve that in the real world we know we cannot. I know the gentleman is not trying to play games in that regard. That is why I am prepared to give and take on that. How does he think about those things and what is his response?

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, I appreciate the gentleman and my friend for raising these issues. I pledge to work with him through the conference process.

I would not raise this issue if the President had made this statement only one or two times, and I have the actual citation for every time he has made the statement. Mr. Chairman, the President has raised this issue specifically 130 times. The Vice President and his staff have raised it 22 times.

There is a very deliberate effort on the part of the administration to make this same statement, which the gentleman, I think, agrees with me on, we cannot verify it, but yet the President continues to make this statement. And that drives the mood and the feeling of my constituents, because they think, well, if the Commander in Chief says this, it must be true.

I understand the gentleman's concern with the wording, and I would say he is probably correct, no wording will probably satisfy this, because in the end he knows what the President is going to come back and say. We asked DOD to do a report last year on this same issue. They came back and said to us in a report, you cannot verify it.

My point is, even though DOD in a report certified that to us, the President, between last year's bill and this year, has made that statement time and time again across the country. I have no other recourse. I would like to go to the President and say, Mr. President, please stop saying this, not just because it is not true, but you send the wrong message.

As the gentleman knows, I am not an alarmist. I have spent a lot of time working with Russia. But I would like to be frank and candid and open and honest with them. I will confront them on this issue, but I think when the President makes this statement, in the context of the number of times he has made it since, it is wrong, but I will pledge to work with the gentleman through the conference process.

Mr. DELLUMS. Mr. Chairman, I appreciate the gentleman's candor.

Mr. WELDON. Mr. Chairman, I include for the RECORD the following:

ONE HUNDRED THIRTY AND COUNTING: PRESIDENT CLINTON ASSURES US NO NUCLEAR MISSILE THREAT EXISTS

President Clinton has assured the American people on at least 130 separate occasions that Russian nuclear missiles no longer threaten the United States. On dozens of those occasions—including his October 6, 1996 debate with Senator Bob Dole—he said that no nuclear missiles of any kind threaten America. The following quotes are excerpted from his speeches, interviews, and radio addresses, as downloaded from the "White House Virtual Library" on the World Wide Web and other electronic databases.

1. "I was proud to go to Russia and sign an agreement where we agreed that for the first time in decades we would no longer even point our missiles at each other."—President Clinton, Remarks to the Citizens of Atlanta, May 3, 1994.

2. "* * * there are no nuclear missiles pointed at us from the Soviet Union [sic], but there are other countries trying to develop nuclear programs."—President Clinton, Remarks at the Small Business Person of the Year Announcement, Old Executive Office Building, May 4, 1994.

3. "And now, for the first time, our nuclear missiles are no longer targeted at Russia, nor theirs ours [sic]."—President Clinton, Remarks on CNN Telecast, "A Global Forum with President Clinton," May 4, 1994.

4. "* * * the nuclear arsenal in Russia is no longer pointed at the United States, nor are our missiles pointed at them."—President Clinton, Remarks to the People of Warwick, Rhode Island, May 9, 1994.

5. "* * * the United States and Russia at last no longer aim their nuclear weapons at each other."—President Clinton, Speech at the U.S. Naval Academy Graduation Ceremony, May 25, 1994.

6. "* * * for the first time since the dawn of the atomic age, the United States and Russia no longer have nuclear missiles pointed at each other."—President Clinton, Remarks at Swearing-In Ceremony for the President's Council on Physical Fitness and Sports, Rose Garden, May 31, 1994.

7. "We are reducing nuclear stockpiles, and America and Russia no longer aim their nuclear missiles at each other."—President Clinton, Address to the National Assembly, Paris, France, June 7, 1994.

8. "For the first time since World War II * * * Russian and American missiles no longer target each other's people. Three of the four nuclear members of the former Soviet Union have agreed to remove all nuclear weapons from their soil."—President Clinton, Address to the 49th Session of the United Nations General Assembly, September 26, 1994.

9. "Our missiles no longer target each other's people for destruction; instead they are being dismantled."—President Clinton, Remarks at arrival ceremony for Russian President Boris Yeltsin, South Lawn, the White House, September 27, 1994.

10. "We've got Russian missiles that are no longer pointed at the United States for the first time since World War II."—President Clinton, Radio interview with Eileen Ratner, October 7, 1994.

11. "* * * Russian President Boris Yeltsin came to further the partnership between our two nations so well expressed by the fact that now Russian and U.S. missiles are no longer pointed at each other's people, and we are working to reduce the nuclear threat even more."—President Clinton, Address to the Nation, The Oval Office, October 10, 1994.

12. ". . . for the first time the missiles of Russia are no longer pointed at the American people. . . ."—President Clinton, Speech to the Citizens of the Bridgeport Area, Stratford, Connecticut, October 15, 1994.

13. "The United States and Russian missiles missiles are no longer targeted at each other."—President Clinton, Saturday Radio Address, October 15, 1994.

14. "Russian missiles are no longer pointed at the United States."—President Clinton, Speech to the International Association of Chiefs of Police, Albuquerque, New Mexico, October 17, 1994.

15. "I know that this country is a safer and more secure place because Russian missiles aren't pointing at us and we're making peace in Haiti, the Middle East, Northern Ireland."—President Clinton, Interview with WLIB radio, New York, October 18, 1994.

16. "We also clearly are working to make the world a safer and a more democratic and a freer place. For the first time since the dawn of the nuclear age, Russian missiles are no longer pointed at the United States."—President Clinton, Remarks to the Governors Leadership Conference on the Future of the Economy, New York, October 19, 1994.

17. "Is the fact that Russian missiles are not pointed at your children for the first time since the dawn of the nuclear age an abnormal thing? I think that's pretty good."—President Clinton, Remarks at dinner honoring Kathleen Brown, San Francisco, October 22, 1994.

18. "I wanted you to be safer. And that's why I'm so proud of the fact that these little children are the first generation of Americans since the dawn of nuclear power that do not have Russian missiles pointing at them. I'm proud of that."—President Clinton, Remarks at the Washington State Coordinated Campaign Rally, Seattle, October 23, 1994.

19. "...we've had the success in no Russian missiles are pointed at American children for the first time."—President Clinton, Interview, Cleveland Plain Dealer, October 24, 1994.

20. "For the first time since nuclear weapons were developed, no Russian missiles are pointed at the children of Ohio and the United States this year."—President Clinton, Reception honoring Congressman Thomas Sawyer, Akron, Ohio, October 24, 1994.

21. "Russian missiles aren't pointed at Americans for the first time since the beginning of the nuclear age."—President Clinton, Interview, KYW radio, Philadelphia, from Pittsburgh, October 31, 1994.

22. "For the first time since nuclear weapons came about, there are no Russian missiles pointed at our people."—President Clinton, Interview, WDIV-TV, Detroit, October 31, 1994.

23. "The Russian missiles aren't pointing at us for the first time since we've had nuclear weapons."—President Clinton, Interview, Pittsburgh Post-Gazette, October 31, 1994.

24. ". . . we've increased trade and reduced the nuclear threat-for the first time since the dawn of the nuclear age, no Russian missiles are pointing at your children or grandchildren."—President Clinton, speech to Senior Citizens, Portuguese Social Club, Pawtucket, Rhode Island, November 2, 1994.

25. "Here's what the Contract [With America] says—now, pay attention. The contract says, vote for the Republicans, put us in charge in Washington, and here is what we will do. We'll give everybody a tax cut, but mostly people in the upper-income groups—they'll get 70 percent of it. We will increase defense; we will bring back Star Wars; and we will balance the budget. Well, how much does that cost? A trillion dollars. How are we going to pay for it? We'll tell you after the elections. (Laughter.) . . . We [in the administration] have reduced the nuclear threat. For the first time since nuclear weapons were developed, there are no missiles pointed at the children of Iowa and the United States."—President Clinton, Remarks to the People of Des Moines, Iowa, November 3, 1994.

26. "And for the first time since the dawn of the nuclear age there are no Russian missiles pointed at the children of Iowa. This is a great country."—President Clinton, Remarks at Reception for Democratic Candidates, Des Moines, November 3, 1994.

27. "Here's what they [the Republicans] promise . . . we're going to increase defense and we're going to bring back Star Wars. And then we're going to balance the budget. (Laughter). And how much does that cost? . . . I want you to think about this—we're also moving forward overseas. No Russian missiles are pointed at the children of Minnesota and the United States for the first time since the dawn of the nuclear age."—President Clinton, Duluth Campaign rally, Duluth, Minnesota, November 4, 1994.

28. "I think it makes a difference that for the first time since the dawn of the nuclear age, there are no Russian nuclear missiles pointed at these children here."—President Clinton, "Rally for Victory," Oakland, California, November 5, 1994.

29. "And we're a lot closer toward having a safer, more democratic, more free world. Russian missiles aren't pointing at us . . ."—President Clinton, Interview with Larry King, CNN, November 6, 1994.

30. ". . . there are no Russian missiles pointed at these children for the first time since the dawn of the nuclear age . . ."—President Clinton, Speech at the Delaware Democrat Rally, Wilmington, Delaware, November 7, 1994.

31. "So I think it matters that for the first time since the dawn of the nuclear age, there are no Russian missiles pointed at these children here."—President Clinton, Speech at "Get Out the Vote" rally, Flint, Michigan, November 7, 1994.

32. ". . . for the first time since the drawn of the nuclear age there are no Russian missiles pointed at the people of the United States."—President Clinton, Speech on the 75th anniversary of the Edmund J. Walsh School of Foreign Policy, Georgetown University, Washington, D.C. November 10, 1994.

33. "For the first time since the dawn of the nuclear age, not Russian missiles are pointed at Americans."—President Clinton, Radio Address to the Nation, Elmendorf AFB, Anchorage, Alaska, November 12, 1994.

34. ". . . getting the nuclear agreement between Russia and Ukraine which led to no Russian missiles pointed at the United States for the first time since the dawn of the nuclear age."—President Clinton, Remarks at Press Conference, Jakarta, Indonesia, November 15, 1994.

35. "For the first time since the dawn of the nuclear age, no Russian missiles are pointed at the children of the United States."—President Clinton, Remarks to U.S.—Pacific Business Community Members and Leaders. November 16, 1994.

36. ". . . if you look at the fact that in Russia for the first time since nuclear weapons came on the face of the earth, there are no Russian missiles pointed at American children, you'd have to say we're on the move."—President Clinton, Remarks to Military Personnel and Families at Hickam Air Force Base, Honolulu, Hawaii, November 16, 1994.

37. "This is the first Thanksgiving since the dawn of the nuclear age when parents can tuck their children into bed at night knowing that no Russian missiles are pointed at the children of the United States."—President Clinton, Radio Address from Camp David, November 26, 1994.

38. "This is the first State of the Union address ever delivered since the beginning of the Cold War when not a single Russian missile is pointed at the children of America."—President Clinton, State of the Union address, January 24, 1995.

39. "There are no Russian missiles pointed at America now for the first time since the dawn of the nuclear age."—President Clinton, Interview with Tom Brokaw, NBC Nightly News, January 26, 1995.

40. "As a result of an agreement President Yeltsin and I reached, for the first time in a generation Russian missiles are not pointed at our cities or our citizens. . . . [Per the terms of START I] Both our countries are dismantling the weapons as fast as we can. And thanks to a far-reaching verification system, including on-site inspections which began in Russia and the United States today, each of us knows exactly what the other is doing."—President Clinton, Remarks to the Nixon Center for Peace and Freedom Policy Conference, Washington, D.C., March 1, 1995.

41. "And for the first time since the dawn of the Nuclear Age, there are no nuclear missiles pointed at the children of the United States of America."—President Clinton, Address to the Faculty and Students of Hillsborough Community College, Tampa, Florida, March 30, 1995.

42. "And for the first time since the dawn of the nuclear age, there are no nuclear missiles pointed at the children of the United States today."—President Clinton, Remarks to the Florida State Legislature, Tallahassee, Florida, March 30, 1995.

43. "I am proud of the fact that since I've been President there are no Russian missiles pointed at the children of the United States for the first time since the dawn of the nuclear age."—President Clinton, Remarks at the Dean B. Ellis Library Dedication, Arkansas State University, Jonesboro, Arkansas, April 3, 1995.

44. "The second thing that we have to pay attention to is the security of our people—our security from attack from abroad, and our security from within. I'm proud of the fact that since I have been president, for the first time since the dawn of the nuclear age there are no Russian missiles pointed at the children of the United States of America."—President Clinton, Remarks to the National Building and Construction Trades Department Conference, Washington, D.C., April 5, 1995.

45. "The American people are marching toward more security because there are no Russian missiles pointed at the children of our country for the first time since the dawn of the nuclear age."—President Clinton, Remarks to the American Society of Newspaper Editors, Dallas, Texas, April 7, 1995.

46."For the first time since the dawn of the nuclear age, there are no Russian missiles pointed at the children of the United States of America."—President Clinton, Remarks to California Democratic Party, Sacramento, California, April 8, 1995.

47. ". . . this is the first time since the dawn of the nuclear age when no Russian missiles are pointed at the children of America. . . ."—President Clinton, Remarks at Luncheon with the Jewish Federation, Beverly Hills, California, April 9, 1995.

48. "There are nuclear weapons—large numbers of them now—being destroyed in Russia, weapons from Russian and the states of the former Soviet Union that had them before. And we are destroying weapons. For the first time, there are no Russian nuclear missiles pointed at the United States."—President Clinton, Press Conference, East Room, The White House, April 18, 1995.

49. "For the first time since the dawn of the nuclear age, there are no Russian missiles pointed at America's children. And those nuclear weapons are being destroyed every day."—President Clinton, Address to the Iowa State Legislature, State Capitol, Des Moines, April 25, 1995.

50. ". . . no Russian missiles pointed at the people of the United States for the first time since the dawn of the nuclear age."—President Clinton, Remarks to Students at Iowa State University, Ames, Iowa, April 25, 1995.

51. "Oh, we knew so clearly when we had the Soviet Union, the Cold War, and the massive nuclear threat. Today, no Soviet Union, no Cold War, and for the first time since the dawn of the Nuclear Age, no Russian missiles are pointed at the children of the United States."—President Clinton, Remarks at World Jewish Congress Dinner, New York, April 30, 1995.

52. ". . . for the first time since the dawn of the nuclear age there are no Russian missiles pointing at the American people."—President Clinton, Remarks to the White House Conference on Aging, Washington, D.C., May 3, 1995.

53. "Some of you may not know this, but because of the agreement we made last year between the United States and Russia, for the first time since the dawn of the nuclear age, there are no Russian missiles pointed at the citizens of the United States."—President Clinton, Speech to AIPAC Policy Conference, Washington, D.C., May 7, 1995.

54. "For the first time since the dawn of the nuclear age, no Russian missiles are pointed at our children."—President Clinton, Remarks at V–E Day Celebration, Fort Myer, Virginia, May 8, 1995.

55. "I am very proud to say that for the first time since the dawn of the nuclear age, no Russian missiles are pointed at the people of the United States."—President Clinton, Remarks at Commencement Ceremony at Michigan State University, East Lansing, Michigan, May 8, 1995.

56. "I am proud that for the first time since the dawn of the nuclear age, no Russian missiles are pointed at the children of America. And now that I am here, I might paraphrase what your Foreign Minister told me in Washington last month—I am also proud that no American missiles are pointed at you or me for the first time since the dawn of the nuclear age."—President Clinton, Remarks to the Students of Moscow State University, Moscow, Russian Federation, May 10, 1995.

57. ". . . for the first time since the dawn of the nuclear age, no Russian missiles are pointed at the people of the United States of America."—President Clinton, Remarks at a Memorial Day ceremony, Arlington, Virginia, May 29, 1995.

58. ". . . at the end of the Cold War, the first thing we have to do is to finish the work of removing the nuclear threat. In the last two years we can say for the first time that there are no nuclear missiles pointed at the United States. We are destroying parts of our nuclear arsenal and so are the Russians."—President Clinton, Telephone interview with Colorado Springs Gazette, May 30, 1995.

59. "We are dramatically reducing the nuclear threat. for the first time since the dawn of the nuclear age, there are no Russian missiles pointed at the people of the United States."—President Clinton, Remarks at U.S. Air Force Academy Graduation Ceremony, Colorado Springs, May 31, 1995.

60. "I am very proud of the fact that in the last two years, for the first time since the dawn of the nuclear age, there are no Russian missiles pointed at the people of the United States of America."—President Clinton, Remarks at the Dartmouth College Commencement, Hanover, New Hampshire, June 11, 1995.

61. "One of the things that I am proudest of is that during our administration, for the first time since the dawn of the nuclear age, there are no Russian missiles pointed at the people of the United States. So we're celebrating."—President Clinton, Remarks at Chicago Presidential Gala, Chicago, June 29, 1995.

62. "The Cold War is over. That means we don't have to worry about nuclear annihilation. For the first time since the dawn of the nuclear age, there are no Russian missiles pointed at Americans, no American missiles pointed at Russians."—President Clinton, Remarks to the 1995 Annual Convention of the American Association of Physicians From India, Chicago, June 30, 1995.

63. ". . . agreement with Russia that now mean that both our nations no longer target our missiles at each other."—President Clinton, Announcement of Comprehensive Nuclear Weapons Test Ban, Washington, D.C., August 11, 1995.

64. "I'm proud of the fact that there are no Russian missiles pointed at this country for the first time since the dawn of the Nuclear Age, since our administration came in."—President Clinton, Remarks at Clinton-Gore Fundraiser, Mayflower Hotel, Washington, D.C., September 7, 1995.

65. "We don't now fear a bomb dropping on us from the Soviet Union. I am proud to say that since I've been president, for the first time since the dawn of the nuclear age there are no Russian missiles pointed at the people of the United States."—President Clinton, Remarks at the Pennsylvania Presidential Gala, Philadelphia, September 18, 1995.

66. "I'm proud of the fact that there are no Russian missiles pointed at our kids for the first time since the dawn of the nuclear age."—President Clinton, Speech at Southern California Presidential Gala, Los Angeles, California, September 21, 1995.

67. ". . . there are no Russian missiles pointed at our people . . ."—President Clinton, Interview with the San Diego Union-Tribune, en route to San Diego, California, September 22, 1995.

68. ". . . there are no missiles pointed at the people of the United States since the dawn of the nuclear age."—President Clinton, Remarks at 25th Anniversary Dinner of the Congressional Black Caucus, Washington, D.C., September 23, 1995.

69. ". . . "for the first time since the dawn of the nuclear age there are now no foreign missiles pointed at the people of the United States of America."—President Clinton, Remarks to the Hispanic Caucus Institute Board and Members, Washington, D.C., September 27, 1995.

70. "Russian nuclear missiles are no longer pointed at our citizens and there are no longer American missiles pointed at their citizens."—President Clinton, Speech to Freedom House, Washington, D.C., October 6, 1995.

71. "And America has been gratified to be a part of making peace in the Middle East, progress in Northern Ireland, the cease-fire in Bosnia, making sure that for the first time since the dawn of the nuclear age there aren't any missiles pointed at Americans or their children tonight."—President Clinton, Speech to the Business Council, Williamsburg Inn, Williamsburg, Virginia, October 13, 1995.

72. ". . . and I tell you there are no Russian missiles pointed at the people of the United States for the first time since the dawn of the nuclear age because of the things that we've been doing. . . ."—President Clinton, Remarks at Presidential Gala Luncheon, Meridien Hotel, Dallas, Texas, October 16, 1995.

73. "There are no Russian missiles pointed at anyone in America for the first time since the dawn of the nuclear age."—President Clinton, Remarks at Presidential Gala Dinner, Westin Galleria Hotel, Houston, Texas, October 17, 1995.

74. ". . . America is safer tonight because we didn't give up our leadership, because we are in a situation where we're destroying nuclear missiles more rapidly. And for the first time since the dawn of the nuclear age, there is not a single, solitary nuclear missile pointed at an American child tonight. Not one. Not one. Not a single one."—President Clinton, Remarks at Iowa Jefferson-Jackson Dinner, Des Moines, October 20, 1995.

75. "The United States has made a real contribution to the march of freedom, democracy and peace, in accelerating the dismantling of our nuclear weapons so that now, for the first time since the dawn of the nuclear age, there's not a single nuclear missile pointed at a single American citizen."—President Clinton, Remarks at Dedication of the National Czech and Slovak Museum, Cedar Rapids, Iowa, October 21, 1995.

76. "For the first time since the dawn of the nuclear age, there's not a single solitary nuclear missile pointed at the people of the United States of America. And I'm proud of that."—President Clinton, Remarks to the AFL–CIO Convention, New York, October 23, 1995.

77. "We can be very thankful that on this Veterans Day, for their first time since the dawn of the nuclear era, there are no Russian missiles pointed at the children of America."—President Clinton, Remarks at Wreath-Laying Ceremony, Tomb of the Unknown Soldier, November 11, 1995.

78. "For the first time since the dawn of the Nuclear Age, there is not a single nuclear missile pointed at an American child."—Remarks to the Democratic Leadership Council, Washington, D.C., November 13, 1995.

79. "For the very first time since the dawn of the Nuclear Age, there is not a single Russian missile pointed at an American

child."—President Clinton, Remarks in satellite feed to Florida Democratic Party Convention, Little Rock, Arkansas, December 10, 1995.

80. "I am proud of the fact there are no Russian missiles pointed at any Americans during this administration for the first time since the end of the Cold War."—President Clinton, Dinner for the National Democratic Club, Capital Hilton Hotel, Washington, January 9, 1996.

81. "For the first time since the dawn of the nuclear age, there is not a single, solitary nuclear missile pointed at an American child, and I am proud of that."—President Clinton, Remarks at Clinton-Gore Luncheon, Opryland Hotel, Nashville, Tennessee, January 12, 1996.

82. "I am proud of the fact that, with the leadership of the Vice President, for the first time since the dawn of the nuclear age, there is not a single nuclear missile pointed at an American child today."—President Clinton, To Workers of the Peterbilt Truck Plant, Nashville, January 12, 1996.

83. "For the first time since the dawn of the nuclear age—for the first time since the dawn of the nuclear age—there is not a single Russian missile pointed at America's children."—President Clinton, State of the Union address, January 23, 1996.

84. ". . . for the first time since the dawn of the nuclear age, there are no Russian missiles pointed at our people."—President Clinton, Statement on Senate Ratification of the START II Treaty, January 26, 1996.

85. "You look at the fact that we now have almost 180 nations committed not to get involved in the nuclear arms race, and the fact that the Russians and others have detargeted their nuclear missiles so that now there are no more nuclear missiles pointed at any American homes for the first time since the dawn of the nuclear age."—President Clinton, Remarks to the People of the Salem Area, Salem, New Hampshire, February 2, 1996.

86. ". . . for the first time in the last two-and-a-half years, for the first time since the dawn of the Nuclear Age, there is not a single nuclear missile pointed at an American city, an American family, an American child. That is not being done any more."—President Clinton, Remarks to Students, Parents and Teachers of the Concord Schools Community, Concord, New Hampshire, February 2, 1996.

87. ". . . people see that there are no Russian missiles pointed at our children for the first time since the dawn of the nuclear age. . . ."—President Clinton, Remarks at Louisiana Economic Development Brunch, Washington, D.C., February 9, 1996.

88. "I'm grateful that there are no nuclear missiles pointed at the United States any more."—President Clinton, Remarks to the Iowa City Community, Iowa, February 10, 1996.

89. ". . . let's look at the march of the world toward peace after the Cold War. There are no nuclear missiles pointed at the people of the United States."—President Clinton, Remarks to the People of Des Moines, February 11, 1996.

90. "There are no more nuclear missiles pointed at any children in the United States. I'm proud of that."—President Clinton, Remarks at Presidential Gala, Sheraton New York, New York City, February 15, 1996.

91. "I asked you to give me a chance to try to give America a more secure future and a more peaceful, more democratic world. And the fact that there are not nuclear missiles pointed at any American children for the first time since the dawn of the nuclear age is evidence of that commitment."—President Clinton, Remarks to the People of Southeast New Hampshire, Rochester, New Hampshire, February 17, 1996.

92. "We won the Cold War, and there are no missiles pointed at the United States or any of its people tonight."—President Clinton, Speech to the people of Manchester, New Hampshire, February 17, 1996.

93. "More than anything else I am grateful that now there is not a single nuclear weapon pointed at any American citizen."—President Clinton, Remarks to the Community in Keene, New Hampshire, February 17, 1996.

94. "We won the Cold War. There are no missiles pointed at America's children."—President Clinton, Telephone speech to the National Emergency Management Association, February 26, 1996.

95. ". . . I am proud of the fact that there are no Russian missiles pointed at the United States."—President Clinton, Speech at Democratic Congressional Campaign Committee Dinner, St. Regis Hotel, New York City, March 11, 1996.

96. "There's not a single nuclear warhead pointed at an American citizen today, for the first time since the dawn of the nuclear age, and I am proud of that."—President Clinton, Remarks at Dedication Ceremony of the New Nashville Wharf, Port of New Orleans, March 18, 1996.

97. "Today, there are no Russian missiles pointed at our cities and citizens."—President Clinton, Address to Members of the University of Central Oklahoma Community, April 5, 1996.

98. "Because of my agreement with President Yeltsin, for the first time since the dawn of the nuclear age, no Russian missiles are targeted at United States cities."—President Clinton, News Conference in Moscow, Russia, April 20, 1996.

99. ". . . Russian and American missiles are not pointed at each other's cities or citizens."—President Clinton, News Conference with Russian President Boris Yeltsin, Moscow, Russia, April 21, 1996.

100. ". . . for the first time since the dawn of the nuclear age there is not a single, solitary nuclear missile pointed at an American child tonight. And I am proud of that and you should be proud of that."—President Clinton, Remarks to a Democratic Reception at the Franklin Institute, Philadelphia, Pennsylvania, April 26, 1996.

101. "There are no nuclear missiles pointed at America's children for the first time since the dawn of the nuclear age."—President Clinton, Speech to the Democratic National Dinner, Coral Gables, Florida, April 29, 1996.

102. ". . . there are no Russian missiles pointed at our cities or our citizens."—President Clinton, Commencement address to the U.S. Coast Guard Academy, May 22, 1996.

103. "I have made reducing the nuclear threat one of my highest priorities. As a result, for the first time since the dawn of the nuclear age, there are no Russian missiles pointed at our people."—President Clinton, Statement on the Comprehensive Test Ban Treaty, June 28, 1996.

104. "I'm proud of the fact that there are no nuclear missiles pointed at the United States for the first time since the dawn of the nuclear age."—President Clinton, Speech to the Northern California Democratic National Committee Gala, San Francisco, July 23, 1996.

105. "Today not a single Russian missile is pointed at our citizens or cities."—President Clinton, Speech at the George Washington University, Washington, D.C., August 5, 1996.

106. "If the test is, no nuclear missiles pointed at the American people for the first time since the dawn of the nuclear age, we're better off."—President Clinton, Speech to the Saxophone Club, Armand Hammer Museum of Art, Santa Monica, California, August 9, 1996.

107. "We've got a more peaceful world where there are no nuclear missiles pointed at the people of the United States since the dawn of the nuclear age."—President Clinton, Remarks to the Citizens of Ashland, Kentucky, August 25, 1996.

108. ". . . for the first time since the dawn of the nuclear age, on this night, this beautiful night, there is not a single nuclear missile pointed at a child in the United States of America."—President Clinton, Remarks to the Citizens of Toledo, Ohio, August 26, 1996.

109. "I am proud to say that tonight there is not a single Russian nuclear missile pointed at an American child."—President Clinton, Speech accepting his nomination to run for a second term, Democratic National Committee Convention, Chicago, August 29, 1996.

110. "We finally succeed in removing most of the nuclear weapons from any place within the old Soviet Union. There are no nuclear missiles pointed at the children of the United States tonight for the first time since the dawn of the nuclear age."—President Clinton, Remarks to the Citizens of St. Louis, Missouri, September 10, 1996.

111. ". . . today no Russian missiles are pointed at our cities or our citizens."—President Clinton, Remarks to reporters upon departure from Kansas City International Airport, September 10, 1996.

112. ". . . for the first time since the dawn of the nuclear age in the last four years, there's not a single nuclear missile pointed at the children of America."—President Clinton, Speech to the Community of the Sun City Area, Sun City, Arizona, September 11, 1996.

113. "I'm proud of the fact that there are no nuclear missiles pointed at America's children since the dawn of the nuclear age. . . ."—President Clinton, Speech to the Rancho Cucamonga Community, Rancho Cucamonga, California, September 12, 1996.

114. "Today, there are no Russian missiles pointed at America, and no American missiles pointed at Russia."—President Clinton, Speech to the 51st General Assembly of the United Nations, New York, September 24, 1996.

115. "There are no Russian missiles pointed at the children of the United States."—President Clinton, Remarks to the Citizens of Freehold, New Jersey, September 24, 1996.

116. "There are no Russian missiles pointed at America for the first time since the dawn of the nuclear age."—President Clinton, Speech to the Citizens of Fort Worth, Texas, September 27, 1996.

117. "There are no nuclear missiles pointed at the children of the United States tonight and have not been in our administration for the first time since the dawn of the nuclear age."—President Clinton, Debate with Senator Bob Dole, Hartford Connecticut, October 6, 1996.

118. ". . . we have reduced the nuclear danger to Americans, and today there are no Russian nuclear missiles targeted at our children."—President Clinton, Response to Readers' Questions, USA Today, October 8, 1996.

119. "Today, no Russian missiles are pointed at America's children."—President Clinton, Remarks on Fox Network's Free Campaign Air Time, October 12, 1996.

120. ". . . today not a single Russian missile targets America. We are cutting our nuclear arsenals by two-thirds."—President Clinton, Speech to the People of the Detroit Area, Detroit, Michigan, October 22, 1996.

121. ". . . today, as we stand here in Macon, Georgia, there are no Russian missiles targeted at the United States of America."—President Clinton, Speech to the People of the Macon Area, Macon, Georgia, October 25, 1996.

122. ". . . there are no Russian missiles targeted at the young people of the United States of America."—President Clinton, Speech to the People of the Atlanta Area, Atlanta, Georgia, October 25, 1996.

123. "You just think—just think about this world we're moving into—the Cold War in the background, no Russian missiles pointed at the children of the United States for the first time since the dawn of the nuclear age."—President Clinton, Speech to the People of the Chicago Area, Chicago, Illinois, October 28, 1996.

124. "But we are standing up for peace and freedom and there's not a single Russian missile pointed at an American child tonight in part because of what we're doing."—President Clinton, Speech to the People of the Denver Area, Denver, Colorado, October 30, 1996.

125. "America is stronger today than it was four years ago. No Russian missiles are pointed at our children today, for the first time since the dawn of the nuclear age, and we're moving in the right direction there."—President Clinton, Speech to the People of the Las Vegas Area, Las Vegas, Nevada, October 31, 1996.

126. "I know that I've been criticized for some of the things that I've tried to do, but I know that there are no Russian missiles pointed at the children of America for the first time since the dawn of the cold war."—President Clinton, Remarks at Santa Barbara City College, Santa Barbara, California, November 1, 1996.

127. "Today there's not a single Russian nuclear missile pointed at an American child."—President Clinton, Remarks on Dateline NBC's "Presidential Face-Off," November 1, 1996.

128. "If I were a Republican president—after all the rhetoric they've used—with . . . no Russian missiles pointed at our kids, by the way; and a stronger America with a stronger military, they'd be saying it's morning in America."—President Clinton, Remarks to the Citizens of San Antonio, Texas, November 2, 1996.

129. ". . . there are no Russian missiles pointed at any American children tonight for the first time since the dawn of the nuclear age."—President Clinton, Speech to the People of the Springfield Area, Springfield, Massachusetts, November 3, 1996.

130. ". . . we must move strongly against new threats to our security. . . . With Russia, we dramatically cut nuclear arsenals and we stopped targeting each other's citizens."—President Clinton, State of the Union Address, February 4, 1997.

Compiled by the American Foreign Policy Council, 1521 16th Street NW, Washington, DC 20036 USA.

"Today there's not a single Russian nuclear missile pointed at an American child."—President Clinton, Remarks by President Clinton on Dateline NBC's "Presidential Face-Off", November 1, 1996

"If I were a Republican President—after all the rhetoric they've used—with . . . no Russian missiles pointed at our kids, by the way; and a stronger America with a stronger military, they'd be saying it's morning in America."—President Clinton, Remarks to the Citizens of San Antonio, Texas, November 2, 1996

VICE PRESIDENT AL GORE

"Less than three weeks ago, for the first time in almost fifty years, nuclear missiles were no longer targeted on American cities."—Vice President Gore, Commencement Speech at Harvard University, June 9, 1994

"We've seen . . . the taking of Russian missiles off alert so that for the first time in my lifetime no Russian missiles are targeted on American soil."—Vice President Gore, Interview with Tim Russert on "Meet the Press", September 4, 1994

"Today, Russian missiles are no longer targeted at America's cities or homes."—Vice President Gore, Remarks at U.S. Military Academy at West Point, October 17, 1995

"And our strength at home has led to renewed respect abroad: nuclear missiles no longer pointed at our cities . . ."—Vice President Gore, Speech to the Democratic National Convention, Chicago, Illinois, August 28, 1996

(FORMER) NATIONAL SECURITY ADVISOR ANTHONY LAKE

"Our rhetoric must not outpace reality. When it does, we risk creating a climate of disillusion like the one that descended upon us in the 1920s . . . As a result of our engagement Russian missiles no longer target American cities or citizens."—Anthony Lake, Remarks in "Woodrow Wilson Speech", as quoted in Department of State Dispatch, December 5, 1994

". . . without that relationship, the Presidents, Clinton and Yeltsin, would not have been able to negotiate the agreement which now results in there not being American and Russian missiles targeted at each other."—Anthony Lake, Statements at White House Press Briefing, May 11, 1995

"Today, American cities and American citizens no longer live under direct targeting of Russian missiles."—Anthony Lake, Speech at George Washington University, March 8, 1996

"Today, because of our steady engagement America's cities and America's families are no longer targeted by Russian missiles."—Anthony Lake, Speech to the U.S./Russia Business Council, Washington, DC, April 1, 1996

"Today, because of our engagement with Russia and the new independent states, America's cities and families are no longer targeted by Russia's missiles."—Anthony Lake, Remarks at Fletcher School of Law and Diplomacy, April 25, 1996

"Because of our steady engagement with Russia and the new independent states, no Russian missiles are targeted at America's cities or citizens."—Anthony Lake, Speech to the Chicago Council on Foreign Relations, May 24, 1996

"Then: Russia's missiles were targeted at American cities and citizens; now: their detargeting has eliminated the risk to us of an accidental launch."—Anthony Lake, Speech at the Institute for the Study of Diplomacy, Georgetown University, Washington, DC, October 7, 1996

(FORMER) SECRETARY OF STATE WARREN CHRISTOPHER

"Russian missiles are no longer targeted on us."—Warren Christopher, Speech on Year End Review of U.S. Foreign Policy as quoted in Department of State Dispatch, January 2, 1995

". . . we need to remember the tremendous advantage there is in no longer having Russian or Soviet missiles targeted on the United States."—Warren Christopher, Interview with Associated Press, May 5, 1995

"Our cooperation has produced a number of things for the american people—most dramatically, the reduction in our nuclear arsenals and the absence of any nuclear missiles being targeted at the United States."—Warren Christopher, Remarks with Russian Foreign Minister Primakov, Helsinki, Finland, February 10, 1996

"Today, Russian missiles are no longer targeted on our cities."—Warren Christopher, Statement to the House International Relations Committee, July 31, 1996

(FORMER) SECRETARY OF DEFENSE WILLIAM PERRY

"Russia's nuclear missiles are no longer aimed at us, nor are our missiles targeted on them"—William Perry, Commentary Piece in Los Angeles Times, May 10, 1995

DEPUTY NATIONAL SECURITY ADVISOR SAMUEL BERGER

"Because of President Clinton's agreement with President Yeltsin, Russian missiles no longer target American cities."—Samuel Berger, Remarks at the Wilson Center, June 18, 1996

PRESS SECRETARY MICHAEL MCCURRY

". . . we don't have Russian strategic intercontinental missiles aimed at the United States any more."—Michael McCurry, Remarks at Press Briefing, March 10, 1995

Secretary of State Madeline Albright—Madeline Albright, Statements Before House International Relations Committee, ??? February 12, 1996

ED BRADLEY: Is there verification on both sides?

GENERAL SERGEYEV: No, we don't have these kind of systems of verification or control. For the first time, we do it on total confidence to one another.

ED BRADLEY: So, we take your word, you take our word?

GENERAL SERGEYEV: Yes.

ED BRADLEY: This is a Russian topal being test fired, able to reach its old U.S. targets in just 30 minutes. We're told that they're no longer aimed at America, but how much comfort can we take from that?

How long will it take to re-target?

GENERAL SERGEYEV: The same period of time it will take the Americans to do it. Same time.

ED BRADLEY: Minutes? Hours?

"It depends on the missile," he told us, but for most, only a matter of minutes.

GENERAL SERGEYEV: Yes, we can return it all back to the way it was.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WELDON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WELDON of Pennsylvania. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 169, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. WELDON] will be postponed.

The point of no quorum is considered withdrawn.

Pursuant to section 5 of House Resolution 169, it is now in order to consider the amendment printed in section 8(e) of House Resolution 169.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT:

At the end of subtitle C of title X (page 326, after line 6), insert the following new section:

SEC. 1032. ASSIGNMENT OF DEPARTMENT OF DEFENSE PERSONNEL TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

§ 374a. Assignment of personnel to assist border patrol and control

"(a) ASSIGNMENT AUTHORIZED.—The Secretary of Defense may assign up to 10,000 Department of Defense personnel at any one time to assist—

"(1) the Immigration and Naturalization Service in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

"(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States.

"(b) REQUEST FOR ASSIGNMENT.—The assignment of Department of Defense personnel under subsection (a) may only occur—

"(1) at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service; and

"(2) at the request of the Secretary of the Treasury, in the case of an assignment to the United States Customs Service.".

"(c) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of Department of Defense personnel assigned under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

"374a. Assignment of personnel to assist border patrol and control.".

SEC. 9. Notwithstanding section 2(e) of this resolution, the additional period of general debate on the subject of United States forces in Bosnia shall precede the offering of amendments numbered 8 and 9 in part 1 of the report of the Committee on Rules rather than the amendments numbered 1 and 2 in part 1 of the report.

The Chairman. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] and a Member opposed each will control 5 minutes.

Does the gentleman from California [Mr. DELLUMS] seek the 5 minutes in opposition?

Mr. DELLUMS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California, [Mr. DUNCAN HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I support the amendment offered by the gentleman from Ohio [Mr. TRAFICANT]. We have had more shootings on the southwest border in the last several weeks. In fact, we had two attempted shootings yesterday from across the border. One border patrolman has been hit so far. We have had more violence there and more gunfire exchanged than we have had in Bosnia in the same period of time.

What this allows us to do is, on request of the Attorney General, in the case where you have a national security problem for the Attorney General to request up to 10,000 military personnel at the southwest border. I think it is prudent. It requires a request of the Attorney General. Obviously, it is at the discretion of the Commander in Chief.

I strongly support the Traficant amendment.

Mr. DELLUMS. Mr. Chairman, I yield the balance of my time to my distinguished colleague, the gentleman from Texas [Mr. REYES].

The CHAIRMAN. The gentleman from Texas [Mr. REYES] is recognized for 5 minutes.

Mr. REYES. Mr. Chairman, I thank my esteemed colleague, the gentleman from California, for yielding time to me.

Mr. Chairman, I rise in strong opposition to the Traficant amendment this morning. Mr. Chairman, if the amendment of the gentleman from Ohio is adopted, the Department of Defense will be allowed to send 10,000 troops to our southern border. With more than 26 years of experience in the U.S. Border Patrol, I can tell the Members that this is a very, very bad idea.

Exactly 1 month ago today a young 18-year-old boy was shot and killed by a Marine assisting the Border Patrol in Redford, TX. Ezequiel Hernandez is the first American killed by troops on U.S. soil since 1970, in the Kent State incident. Unfortunately, we cannot do anything to bring him back, but we can and we should do everything we can to keep this from happening again.

We already have almost 7,000 Border Patrol agents patrolling our Nation's border. Congress, this Congress, has authorized an additional 1,000 agents every year until the year 2001. What we need to do is make sure that these men and women are professional, bilingual, well-trained law enforcement officers, properly trained to deal with situations and problems along our border.

Their mission is dramatically different from the mission of the U.S. military. It does not make any sense to me or any of my former colleagues in the U.S. Border Patrol to put 10,000 troops on the southern border. By putting armed troops on our border, we will be forced to deal with a new set of problems: Problems of jurisdiction, problems of authority, and problems of responsibility and personal liability for those troops.

Mr. Chairman, this body should focus its time and energy on giving the Border Patrol the resources they need, instead of jeopardizing our troops and civilians alike. The cost of doing this is, furthermore, outrageous. According to our own Department of Defense, if this amendment is adopted, it will cost the U.S. taxpayers $650 million a year to deploy 10,000 troops to our southern border. The military already spends more than $800 million per year assisting law enforcement with drug interdiction and border security, mostly through support and high-tech equipment.

For example, the U.S. Air Force provides AWACs aircraft to monitor the southwest border. Some of these missions are dedicated solely to detecting drug traffickers. Last year, the AWACs provided information that led up to a seizure of 945 million dollars worth of cocaine. That is about 35 percent of the cocaine intercepted into the United States.

This issue that we are talking about here with the Traficant amendment is dramatically different. We are talking about putting troops to patrol our border, and jeopardizing citizens in the districts such as mine that I represent along the border with Mexico.

Mr. Chairman, I think, finally, that since the end of the cold war the military's mission deployments have increased by about 300 percent. We are doing this with a substantially reduced number of soldiers. We cannot and should not be able to afford to pull 10,000 men and women away from other missions, and further adding to the aggravation and pain of family separation, to help the efforts of the U.S. Border Patrol that is already provided for by this Congress.

□ 1300

I strongly urge my colleagues to remember that I have 26½ years of experience along our border fighting drug trafficking and illegal immigration. I think this is the wrong thing to do at the wrong time.

The Attorney General does not support this amendment. The Secretary of the Treasury does not support this amendment. The Commissioner of INS does not support this amendment, and neither do the colleagues that I worked with for 26½ years.

I would ask, Mr. Chairman, if you have any influence, please beam this gentleman up.

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I would like to speak directly to the gentleman from Texas, because I support 99.9 percent of his position.

I have fought against military on the border. If they get to anywhere close to what your fears are, the perception, which I do not think is a reality, of this amendment, I will stand there toe to toe with you in my word to fight against exactly your fears.

This amendment does not do that, in my opinion. The gentleman is one of, if not one of, I think the most respected expert on border patrol issues. I would say that up front. But we do have a lot of different agencies working with us. I would oppose a marine with a rifle that does not know the difference between alto and stop. My whole opinion is, we need more border patrol that are trained to help civil rights and do those kinds of things. But I do believe in the secondary missions and in the cases where not that we are saying put 10,000, I would oppose that now today, but where we need to protect our people from being fired at, at the Government, the people that are opposing, they have the right to say that, that to protect our border patrol, I would support it.

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I rise in support of the amendment.

Let me point out again, Mr. Chairman, this does not mandate that these resources be put at the border. It only allows them to be put at the border if the administration determines it needs to be done.

Let me tell my colleagues, as someone who lives within a quarter mile of the border, my children and my wife are in that neighborhood today. It is quite unfair and quite inappropriate for us to say that our U.S. capabilities will defend the neighborhoods of every nation in the world, but we will not defend the neighborhoods of south San Diego.

Mr. Chairman, I have here the record of 251 Members of Congress who voted that Mexico is not doing enough on drug interdiction; 250 Members of Congress who pointed fingers at Mexico and said they need to do more.

Mr. Chairman, Mexico has put troops at the border because that is what it takes to stop the drug traffic. All this amendment says, if the President feels that it needs to be done, he is authorized to do that. As somebody who is at the border every weekend, let me point out it is getting more violent. American agents are being shot from a foreign country. We are getting people killed along the border today. All this does is prepare the way that, if the administration sees a crisis, that crisis can be addressed with American resources.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 2 minutes.

Mr. TRAFICANT. Mr. Chairman, the amendment does not mandate troops on the border. It is only an option. Those troops, if they go to the border, cannot make an arrest. They must only detain.

I appreciate the fine gentleman who was in the border patrol. But poor illegal immigrants coming from Central America are not bribing Customs, and they are not bribing the border patrol. I am talking about narcoterrorists, Congress. You talk about a drug war. We have got kids overdosing on the nod in Chicago, Los Angeles, New York, Youngstown. When are we going to fight? Enough is enough. They do not go to the border unless there is an emergency. And our President said, we need 25,000 more border patrol agents to secure our border. We are paying money to secure the borders in Bosnia. We are paying money to secure the borders all around the world, and we are going to hell literally.

I am tired of all the ethnic comments being made here. I want to help every one of those people in Central America. Those who can come here legally, come in. But do not come in illegally. But that is not my focus.

We are not going to stop these big narcotic kingpins with the program we have been operating. My colleagues know it and I know it. Now we have a chance for the debate. This amendment came up rather quickly, before Members could have a chance to really study this baby. I want their vote.

If they stand for stomping out narcotics, cocaine, heroin in this country, then stand up today. I hear all this big mouth rhetoric. Stand up today. This is not about the border patrol; it is not about Central Americans. This is about our national security. And dammit, if we are not going to act here today, there will be no opportunity to act.

I would say one last thing about cost: What do Members think 25,000 border patrol are going to cost? We have got our troops cashing checks in Tokyo, going to dinner in Frankfurt. We are overrun with narcotics here. Enough is enough.

I am asking for an aye vote, and I am asking for those leaders who may feel disposed, because of the White House's position, to stand tall today. If it was up to the White House, who the hell knows what would be going on.

Mr. REYES. Mr. Chairman, I would just like to say, in the brief time that I have got left, that this is not an emotional argument. This is an argument that needs rationality.

This is an argument where we need to vote against this amendment because those very people that are enforcing our laws on our southern border are not in favor of this amendment. We do not need it. We do not want it. We should not tolerate this kind of rhetoric on the floor of Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. REYES. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 169, further proceedings on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 169, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Part 1 amendment No. 6 offered by the gentleman from Minnesota [Mr. LUTHER]; part 2 amendment No. 22 offered by the gentleman from Colorado [Mr. HEFLEY]; part 2 amendment No. 41 offered by the gentleman from Pennsylvania [Mr. WELDON]; and the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. LUTHER.

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. LUTHER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 253, not voting 36, as follows:

[Roll No. 221]

AYES—145

Abercrombie	Delahunt	Hinchey
Allen	Dellums	Hobson
Baldacci	Dingell	Hoekstra
Barrett (WI)	Doggett	Hooley
Becerra	Dooley	Jackson (IL)
Bentsen	Doyle	Jackson-Lee (TX)
Berman	Duncan	Johnson (WI)
Blagojevich	Ehrlich	Kanjorski
Blumenauer	English	Kelly
Bonior	Eshoo	Kennedy (MA)
Brown (OH)	Evans	Kildee
Camp	Farr	Kilpatrick
Campbell	Fattah	Kind (WI)
Capps	Filner	Kleczka
Cardin	Foglietta	Klink
Carson	Foley	Klug
Coble	Ford	Kucinich
Collins	Frank (MA)	LaFalce
Conyers	Franks (NJ)	Lampson
Costello	Goodlatte	Lantos
Coyne	Green	Latham
Cummings	Greenwood	Leach
Danner	Gutierrez	Levin
Davis (FL)	Gutknecht	Lewis (GA)
Davis (IL)	Hall (OH)	LoBiondo
DeFazio	Hilliard	

Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Menendez
Minge
Mink
Moakley
Moran (VA)
Morella
Nadler
Neumann
Norwood
Nussle
Obey
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Porter
Poshard
Price (NC)
Ramstad
Rangel
Rivers
Roemer
Rohrabacher
Rothman
Roukema
Rush
Sabo
Sanchez
Sanders
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Stabenow
Stokes
Strickland
Stupak
Tauscher
Tierney
Towns
Upton
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wynn

NOES—253

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Clement
Clyburn
Combest
Condit
Cook
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dreier
Dunn
Edwards
Emerson
Engel
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Flake
Forbes
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Graham
Granger
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones
Kaptur
Kasich
Kennedy (RI)
Kennelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Maloney (CT)
Manzullo
Martinez
Matsui
McCollum
McDade
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Molinari
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Ney
Northup
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Roybal-Allard
Royce
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—36

Ackerman
Ballenger
Barrett (NE)
Bliley
Brown (CA)
Buyer
Chenoweth
Clay
Clayton
Coburn
Cooksey
DeGette
Deutsch
Doolittle
Ehlers
Furse
Gephardt
Goss
Johnson, Sam
Largent
Lipinski
McCrery
McIntosh
Miller (CA)
Nethercutt
Oberstar
Pombo
Pomeroy
Rahall
Schiff
Stark
Tauzin
Taylor (NC)
Torres
Wise
Yates

□ 1327

The Clerk announced the following pairs:

On this vote:

Mr. Rahall for, with Mr. Deutsch against.

Mr. Stark for, with Mr. McIntosh against.

Messrs. CRANE, METCALF, MILLER of Florida, and NEAL of Massachusetts changed their vote from "aye" to "no."

Ms. CARSON, Messrs. PAYNE, RUSH and HILLIARD, and Mrs. KELLY, changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 22 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 248, noes 146, not voting 40, as follows:

[Roll No. 222]

AYES—248

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Barr
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bishop
Blunt
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clement
Clyburn
Coble
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Eshoo
Ewing
Farr
Fawell
Fazio
Flake
Foley
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jefferson
Jenkins
John
Johnson, E. B.
Jones
Kasich
Kelly
Kennedy (RI)
Kim
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Maloney (NY)
Manzullo
Martinez
Matsui
McCollum
McDade
McHale
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Millender-McDonald
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Neumann
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Paul
Paxon
Payne
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)

NOES—146

Allen
Andrews
Baesler
Barcia
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Bunning
Callahan
Collins
Conyers
Coyne
Crapo
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
Delahunt
DeLauro
Dellums
Dingell
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Everett
Fattah
Filner
Foglietta
Forbes
Ford
Frost
Furse
Ganske
Gejdenson
Gilman
Gonzalez
Goode
Goodlatte
Gutierrez
Hall (TX)
Hamilton

Hastings (FL)
Hefner
Hilliard
Hinchey
Hoekstra
Holden
Hyde
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Lantos
Leach
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Manton
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek
Menendez
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Ney
Obey
Olver
Owens
Pallone
Parker
Pascrell
Pastor
Pelosi
Peterson (MN)
Porter
Poshard
Price (NC)
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Slaughter
Spence
Spratt
Stabenow
Strickland
Taylor (MS)
Tierney
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn
Young (FL)

NOT VOTING—40

Ackerman
Ballenger
Barrett (NE)
Bliley
Boehner
Brown (CA)
Buyer
Chenoweth
Clay
Clayton
Coburn
Cooksey
DeGette
Deutsch
Doolittle
Ehlers
Gephardt
Gillmor
Goss
Johnson, Sam
Largent
Lipinski
McCrery
McIntosh
Miller (CA)
Nethercutt
Oberstar
Pombo
Pomeroy
Rahall
Schiff
Stark
Stokes
Tauzin
Taylor (NC)
Torres
Weldon (FL)
Wexler
Wise
Yates

□ 1335

The Clerk announced the following pairs:

On this vote:

Mr. McIntosh for, with Mr. Stark against.
Ms. DeGette for, Mr. Deutsch against.

Mr. PALLONE and Mrs. LOWEY changed their vote from "aye" to "no."

Mr. SHAYS and Ms. HARMAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 41 OFFERED BY MR. WELDON OF PENNSYLVANIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania [Mr. WELDON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 290, noes 100, not voting 44, as follows:

[Roll No. 223]

AYES—290

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Blagojevich
Blunt
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Christensen
Clement
Coble
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McDade
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Morella
Murtha
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sanders
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thornberry
Thune
Thurman
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOES—100

Allen
Baldacci
Barcia
Barrett (WI)
Becerra
Berman
Bishop
Blumenauer
Bonior
Borski
Brown (FL)
Capps
Cardin
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
Delahunt
DeLauro
Dellums
Dingell
Dixon
Doggett
Dooley
Engel
Etheridge
Evans
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gonzalez
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinojosa
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kilpatrick
Kind (WI)
Kleczka
Lampson
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Manton
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
Meek
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Obey
Olver
Owens
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sawyer
Serrano
Skaggs
Snyder
Stupak
Thompson
Tierney
Towns
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Woolsey

NOT VOTING—44

Ackerman
Ballenger
Barrett (NE)
Bliley
Boehner
Brown (CA)
Brown (OH)
Buyer
Callahan
Chenoweth
Clay
Clayton
Coburn
Cooksey
DeGette
Deutsch
Doolittle
Ehlers
Gephardt
Gillmor
Goss
Johnson, Sam
Largent
Lipinski
McCrery
McIntosh
Miller (CA)
Nethercutt
Oberstar
Pombo
Pomeroy
Rahall
Sandlin
Schiff
Stark
Stokes
Tauzin
Taylor (NC)
Tiahrt
Torres
Weldon (FL)
Wexler
Wise
Yates

□ 1342

The Clerk announced the following pair:

On this vote:

Mr. McIntosh for, with Mr. Stark against.

Mr. FORD changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Chairman, on rollcall No. 223, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. SANDLIN. Mr. Chairman, on rollcall vote No. 223, the Weldon amendment, I would like for the RECORD to reflect that I was in the House, in the Chamber available to vote; I signaled the Chair to vote. As I approached, the vote was closed despite my signaling.

I want the RECORD to reflect that I would have voted "aye." I was available to vote, in the Chamber.

AMENDMENT OFFERED BY MR. TRAFICANT

The CHAIRMAN. The pending business is the demand for a recorded vote

on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 269, noes 119, answered "present" 1, not voting 45, as follows:

[Roll No. 224]

AYES—269

Abercrombie	Fattah	Lewis (KY)
Aderholt	Fawell	Livingston
Andrews	Flake	LoBiondo
Archer	Foley	Lowey
Armey	Forbes	Lucas
Bachus	Fowler	Luther
Baesler	Fox	Maloney (CT)
Baker	Franks (NJ)	Maloney (NY)
Barcia	Frelinghuysen	Manton
Barr	Frost	Manzullo
Bartlett	Gallegly	Mascara
Barton	Gekas	McCarthy (MO)
Bass	Gibbons	McCarthy (NY)
Bateman	Gilchrest	McCollum
Bereuter	Gilman	McDade
Bilbray	Goode	McHugh
Bilirakis	Goodlatte	McInnis
Bishop	Goodling	McIntyre
Blunt	Gordon	McKeon
Boehlert	Graham	McNulty
Bono	Granger	Metcalf
Boswell	Greenwood	Mica
Boucher	Gutknecht	Miller (FL)
Boyd	Hall (OH)	Minge
Brady	Hall (TX)	Moakley
Bryant	Hansen	Molinari
Bunning	Harman	Moran (KS)
Burr	Hastert	Morella
Burton	Hastings (WA)	Myrick
Calvert	Hefley	Neumann
Camp	Hefner	Ney
Campbell	Herger	Northup
Cannon	Hill	Norwood
Castle	Hilleary	Nussle
Chabot	Hobson	Obey
Chambliss	Hoekstra	Owens
Christensen	Holden	Oxley
Clement	Horn	Packard
Clyburn	Hostettler	Pallone
Coble	Hulshof	Pappas
Collins	Hunter	Parker
Combest	Hutchinson	Pascrell
Condit	Hyde	Paxon
Cook	Inglis	Pease
Costello	Istook	Peterson (MN)
Cox	Jefferson	Peterson (PA)
Cramer	Jenkins	Petri
Crane	John	Pickering
Crapo	Johnson (CT)	Pickett
Cubin	Jones	Pitts
Cummings	Kaptur	Porter
Cunningham	Kasich	Portman
Danner	Kelly	Poshard
Davis (VA)	Kim	Price (NC)
Deal	Kind (WI)	Pryce (OH)
DeLay	King (NY)	Quinn
Diaz-Balart	Kingston	Radanovich
Dickey	Klink	Ramstad
Dicks	Klug	Rangel
Doyle	Knollenberg	Redmond
Dreier	Kucinich	Regula
Duncan	LaFalce	Riggs
Dunn	LaHood	Riley
Emerson	Lantos	Rivers
Engel	Latham	Roemer
English	LaTourette	Rogan
Ensign	Lazio	Rogers
Eshoo	Leach	Rohrabacher
Etheridge	Levin	Ros-Lehtinen
Everett	Lewis (CA)	Roukema
Royce	Skeen	Thomas
Ryun	Skelton	Thornberry
Salmon	Smith (MI)	Thune
Sanchez	Smith (NJ)	Thurman
Sandlin	Smith (OR)	Tiahrt
Sanford	Smith (TX)	Traficant
Saxton	Smith, Adam	Turner
Scarborough	Smith, Linda	Upton
Schaefer, Dan	Snowbarger	Walsh
Schaffer, Bob	Solomon	Wamp
Schumer	Souder	Watkins
Sensenbrenner	Spence	Watts (OK)
Sessions	Stearns	Weldon (PA)
Shadegg	Stenholm	Weller
Shaw	Strickland	White
Shays	Sununu	Wicker
Sherman	Talent	Wolf
Shimkus	Tanner	Young (AK)
Shuster	Tauscher	Young (FL)
Sisisky	Taylor (MS)	

NOES—119

Allen	Hamilton	Murtha
Baldacci	Hastings (FL)	Nadler
Barrett (WI)	Hayworth	Neal
Becerra	Hilliard	Olver
Bentsen	Hinchey	Ortiz
Berman	Hinojosa	Pastor
Berry	Hooley	Paul
Blagojevich	Houghton	Payne
Blumenauer	Hoyer	Pelosi
Bonior	Jackson (IL)	Reyes
Borski	Jackson-Lee (TX)	Rodriguez
Brown (FL)	Johnson (WI)	Rothman
Capps	Johnson, E. B.	Roybal-Allard
Cardin	Kanjorski	Rush
Carson	Kennedy (MA)	Sabo
Conyers	Kennedy (RI)	Sanders
Coyne	Kennelly	Sawyer
Davis (FL)	Kildee	Scott
Davis (IL)	Kilpatrick	Serrano
DeFazio	Kleczka	Skaggs
Delahunt	Kolbe	Slaughter
DeLauro	Lampson	Snyder
Dellums	Lewis (GA)	Spratt
Dingell	Linder	Stabenow
Dixon	Lofgren	Stump
Doggett	Markey	Stupak
Dooley	Martinez	Thompson
Edwards	Matsui	Tierney
Ehrlich	McDermott	Towns
Evans	McGovern	Velázquez
Farr	McHale	Vento
Fazio	McKinney	Visclosky
Filner	Meehan	Waters
Foglietta	Meek	Watt (NC)
Ford	Menendez	Waxman
Frank (MA)	Millender-McDonald	Weygand
Furse	Mink	Whitfield
Gejdenson	Mollohan	Woolsey
Gonzalez	Moran (VA)	Wynn
Green		
Gutierrez		

NOT VOTING—45

Ackerman	DeGette	Nethercutt
Ballenger	Deutsch	Oberstar
Barrett (NE)	Doolittle	Pombo
Bliley	Ehlers	Pomeroy
Boehner	Ewing	Rahall
Brown (CA)	Ganske	Schiff
Brown (OH)	Gephardt	Stark
Buyer	Gillmor	Stokes
Callahan	Goss	Tauzin
Canady	Johnson, Sam	Taylor (NC)
Chenoweth	Largent	Torres
Clay	Lipinski	Weldon (FL)
Clayton	McCrery	Wexler
Coburn	McIntosh	Wise
Cooksey	Miller (CA)	Yates

□ 1351

The Clerk announced the following pair:

On this vote:

Mr. McIntosh for, with Mr. Stark against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BOEHNER. Mr. Chairman, unfortunately, I was not present to record votes on rollcalls No. 222, 223, and 224. Had I been present, I would have voted "aye" on rollcall 222, the Hefley amendment, "aye" on rollcall 223, the Weldon amendment, and "aye" on rollcall 224, the Traficant amendment.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Chairman, I was unavoidably detained today during rollcall vote Nos. 220, 223, and 224. Had I been present I would have voted "nay" on each of these votes.

(By unanimous consent, Mr. HUNTER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. HUNTER. Mr. Chairman, let me just announce on behalf of the gentleman from South Carolina [Mr. SPENCE] what his intent is for the schedule for debate of amendments next week with respect to the rest of the National Security bill.

On Monday afternoon, after doing suspensions and any other necessary business, it is his desire to continue with the consideration of amendments to H.R. 1119; and it is further his intent to have the following amendments debated during Monday afternoon with the votes rolled until after 5 p.m. Monday afternoon.

That is the Frank amendment on NATO expansion, amendment No. 10 offered by Mr. GILMAN on POW-MIA issues, amendment No. 11 offered by Mr. BUYER and Mr. KENNEDY of Rhode Island on Persian Gulf illness, and possibly an en bloc package of amendments from part 2 of the rule that have been worked out and are acceptable to the committee.

Then, after voting, around the 5 p.m. time frame, it is further his intent to resume the consideration of amendments from part 1 of the rule as late into Monday evening as the schedule will permit; and it is his hope to finish consideration of amendments on Monday evening, and that would mean considering the following amendments on Monday evening after the 5 p.m. votes. That is amendment No. 7, offered by the gentleman from California, the ranking member, Mr. DELLUMS, on the B–2 bomber; amendment No. 8, offered by Mr. BUYER; and No. 9, offered by Mr. HILLEARY, on Bosnia. And under the rule these 20-minute amendments would be preceded by 1 hour of general debate, and the amendment made in order yesterday in the amended rule offered by Mr. EVERETT on depot policy and any remaining part 2 amendments, either in an en bloc package or consideration individually, as 10-minute amendments under the rule.

So it is his desire to dispose of all amendments on Monday evening so that we can finish consideration of the bill sometime in the Tuesday morning timeframe.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding to

me, and I am very sorry that most of our colleagues have probably left for their weekend schedules in their various districts, but I must make this observation, that I cannot remember a Monday night in this session that we have worked, and if we have, not a bill of this extraordinary magnitude.

The gentleman has laid out a number of significant and important, often contentious, difficult issues that we must deal with. This gentleman will be here prepared to do a job; that is what I have to do. But I want to say on behalf of myself and other Members that the fact that we are now suddenly finding ourselves in such a constrained schedule, that we have to push all of these issues into a Monday night I think flies in the face of what I think is reasonableness.

Now, I understand that there may be some time left over on Tuesday, but we now rush to judgment on a whole range of issues. I just want to make the observation, Mr. Chairman, and to my colleague, that I am not comfortable with the way this is proceeding. I have said at the outset, I do not like the rush to judgment on a $263 billion budget, and now we are constrained into one day. When we went before the Committee on Rules, they said Thursday, Friday, Monday and Tuesday, try to finish this bill up on Tuesday. Now maybe there is an hour or two on Tuesday. We are forced to deal with a myriad of incredible issues.

Now, the reality is that 300 or 400 of our colleagues are already gone, heading home; many of them are going to fly back in here to be back on the floor at 5 o'clock. They are not going to know what we are debating. Many of them will be tired from the weekend and tired from their flights, and we are going to get into issues like the B–2 bomber, like Bosnia, like the whole range of critical questions that are very contentious and important here.

I think we ought to be at our best when we are dealing with these issues, not when we are tired and not when we are making votes based on our ignorance by not being here. I just want to make that statement. I am not running the show here, those folks are, but I just want my colleagues to know from this side of the aisle that I am very uncomfortable with the way this process is going. It is the first Monday that we are dealing with this level of significance, and I would like for my colleague to at least respond in some manner to that concern.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from California [Mr. DELLUMS]. Let me just say personally, as the gentleman who has engaged the gentleman in these major arms control issues and the B–2 bomber issue for a number of years, I too look forward to a robust debate on the B–2 bomber, and I think it is our duty to force as many colleagues as we can to listen to us one more time on that issue, and I think we will be able to do that.

I understand that the reason that we are trying to keep this thing out of Tuesday's schedule as much as possible, that the chairman has that desire; it is because we have got another issue coming up that is supposed to be engaged on Tuesday. So we may be bumping up against the schedule.

I want to assure my colleague that it is my desire to have a robust debate, especially on the B–2 issue, and I know the depot issue is one that has a lot of claimants and will have a great deal of debate offered, and the chairman of the full committee is a very gracious individual, and I am sure if the gentleman talks to him, if we can get an extra hour or two on Tuesday morning from the leadership and maybe push that other issue up a little bit, we can have a more robust debate on B–2, Bosnia and the depot issue.

So the gentleman has got my assurance that I will sit with him and the chairman, and my desire is to have as big a debate and as full a debate as possible.

So that is what I would offer to the gentleman, but I understand that the chairman of the full committee had the problem of bumping up against the next bill, and that is why he is trying to get our amendments finished and get the bill finished by Tuesday morning.

Mr. DELLUMS. If the gentleman will yield, I appreciate his response. I understand that this committee is operating within the framework of a much larger structure. I just felt compelled to make that observation. I think that disadvantages a number of Members on both sides of the aisle, but that is just my observation, and leadership going to have to make the judgment that they choose to make. Unfortunately, we will of to live with them, but I do not think that they are good judgments.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from California [Mr. DELLUMS].

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1400

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. CALVERT] having assumed the chair, Mr. YOUNG of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material in the RECORD on H.R. 1119.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I yield to the gentleman from Texas (Mr. Armey), the majority leader, for the purpose of inquiring about the schedule for next week.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, before proceeding to the House schedule, I would like to have everyone's attention for a very important announcement.

My son and my lovely daughter-in-law last night graced me with a new little fishing buddy. David and Laurie Armey became the proud parents of a beautiful baby boy, as yet without a name, my first grandson, my first grandchild. And even though I am not a registered lobbyist, I would like to make a pitch to the new parents. Richard, a great name, a name of kings, presidents, race car drivers and country music singers. I would hope that the distinguished gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader, would join me in this lobbying effort to add one more Richard to this world.

Mr. FAZIO of California. Reclaiming my time, I would certainly like to indicate I will intercede with him, and the gentleman from Texas has my commitment to help him in the lobbying for another little Richard.

Mr. ARMEY. I thank the gentleman, and I thank him for his timely reminder of even one more classification, pop singers named Richard as well as country singers.

Now, Mr. Speaker, if I can return to less important matters, the business of this House, we have finished the last vote for the week. We will meet for legislative business on Monday, June 23; let me reiterate, we will meet for legislative business on Monday, June 23. We will start morning hour at 10:30 a.m. and consideration of legislation will commence at 12 noon.

Members should note that we will not hold any recorded votes before 5 p.m. on Monday. On Monday, June 23, we plan to take up a number of bills under suspension of the rules, a list of which will be distributed to Members' offices this afternoon. The House will then resume consideration of H.R. 1119, the National Defense Authorization

Act, for fiscal years 1998 and 1999. We expect to work well into the evening on Monday, probably until 10 or 11 p.m., on DOD amendments.

On Tuesday, June 24, the House will meet at 9 a.m. for morning hour and 10 a.m. for legislative business. We will take up the following bills: H.R. 1316, the Federal Fishery Clarification Act on the Corrections Day Calendar; House Joint Resolution 79, to Disapprove Most-Favored-Nation Treatment to the Products of the People's Republic of China, which will be subject to a rule; and the House will then continue consideration of H.R. 1119, the National Defense Authorization Act. We hope to finish DOD on Tuesday evening.

On Wednesday, June 25, and Thursday, June 26, the House will meet at 10 a.m. to consider the fiscal year 1998 budget reconciliation. We expect to take up the spending component of reconciliation on Wednesday and the tax cut component on Thursday. We should finish the week's business by 6 p.m. on Thursday and have Members on their way back to their districts for the July Fourth district work period.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, if I could ask the distinguished majority leader, we have just been informed by the colloquy between the gentleman from California [Mr. HUNTER] and the gentleman from California [Mr. DELLUMS] about the concern that a number have, I am sure on both sides of the aisle, about extremely important amendments being voted on on the defense authorization bill late Monday night.

Is it possible that since we have some time on Tuesday dedicated for the defense bill, we could take the 3 items that the gentleman from California [Mr. HUNTER] mentioned: Bosnia, the depot issue, and the B–2, and designate them on Tuesday, so that the majority of the Members who might not make it on Monday, certainly maybe the overwhelming share of them, would be here for those three very important debates.

Mr. ARMEY. Mr. Speaker, again, if the gentleman would yield, obviously the management of the bill within the time slots granted to it is at the direction, and should be, of the committee floor managers. This office is always ready to stand willing to work with the floor managers of a bill to assist in any way to help them achieve the flexibility that will give them the greatest opportunity to manage their bill in the most effective and responsive way possible, and we will do that in this case on this subject as well.

Mr. FAZIO of California. Mr. Speaker, I appreciate that. Since the gentleman from California [Mr. HUNTER] believes that the gentleman from South Carolina [Mr. SPENCE] may be able to accommodate the concerns expressed about so many important votes so late Monday night, I would hope that the gentleman from Texas [Mr. ARMEY] would intercede with the chairman and we could assure the Members, who may not have been prepared to come back on Monday, that they will have an opportunity on the key issues and final passage perhaps on Tuesday.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield further, I will encourage the gentleman from South Carolina [Mr. SPENCE] in every way possible and assist him in any way that I may.

If I might just add, I certainly would like to do everything I can on behalf of my good friend, the gentleman from California [Mr. DELLUMS], to have the body fully informed about his amendments that it might make the most judicious vote possible, and I am sure he appreciates my interest in the matter.

Mr. FAZIO of California. Mr. Speaker, the gentleman from California [Mr. DELLUMS] says he understands, Mr. Leader, and I appreciate the fact that you did not further reference the depot issue.

I would like to inquire a bit about reconciliation and the tax bill. It has been my understanding and I think the understanding of many Members that we were going to have separate votes on the reconciliation package and the tax package.

Just to clarify, is there a continuation of that commitment, or is there some move afoot to perhaps combine two separate bills into one and have one vote on the package?

Mr. ARMEY. Mr. Chairman, if the gentleman would continue to yield, our current plan is to take the two components, reduction in spending and reduction in taxes of reconciliation as two separate bills. The House has retained the option to treat that as a single reconciliation bill and we do that, although I must say I have no indication now that there would be a movement in that direction.

I do think it is only fair, though, to recognize that while we currently plan to have them in two bills, that that option still remains and should there be a decision to make a change, obviously we would notify the minority as quickly as possible.

Mr. FAZIO of California. Mr. Speaker, so it is fair to say at the moment there is no intention of doing so, but the gentleman from Texas [Mr. ARMEY] retains, he believes, the option of doing so?

Mr. ARMEY. Mr. Speaker, the gentleman is absolutely correct.

Mr. FAZIO of California. Mr. Speaker, I know the gentleman understands that Members on this side of the aisle feel very strongly about the commitment that they believe has been made that we deal with them on a separate level, and I think that is a broadly-believed feeling on this side from one end of the political spectrum on the other.

The gentleman has indicated that we are going to be having very late nights next week. What nights would we be expected to be here and how late would we be?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I believe Monday night would probably, as I anticipate, be the only night where we would expect to stay late. Of course partially because in order to accommodate the people's travel requirements, we really effectively begin the day late, but the other evenings of next week I do not believe our work requirements would require us to go late, and I do not anticipate that there would be anything that would cause that to happen.

So I would think that generally 6, 7 p.m. on the other evenings would be approximately, until Thursday, of course, where it is our hard and fast hope to complete our work by 6 p.m. in order to accommodate the travel arrangements that Members like to make.

Mr. FAZIO of California. Mr. Speaker, I thank the leader. I believe Members appreciate the firm commitment for departure time, and I appreciate the degree to which the gentleman has been sticking to that. On behalf of the minority we appreciate very much that commitment consistently being made and kept.

Mr. ARMEY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I want to thank my colleague, the gentleman from California [Mr. FAZIO], who helped all of us Richards get it right, and I encourage people to understand the importance of the name Richard in the lives of little children.

Mr. FAZIO of California. Mr. Speaker, I am very happy to have had this colloquy.

ADJOURNMENT FROM SATURDAY, JUNE 21, 1997, TO MONDAY, JUNE 23, 1997

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Saturday, June 21, 1997, it adjourn to meet at 10:30 a.m. on Monday, June 23, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

MOST FAVORED NATION STATUS FOR CHINA

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. DREIER. Mr. Speaker, I wish to share with my colleagues an extraordinary letter that I received last night. Over the past several weeks there has been a perception that virtually all Christian leaders in this country support revocation of Most Favored Nation trading status for the People's Republic of China.

Just yesterday we heard here in the Capitol from many Christian missionaries who have been on the ground in China working to spread the gospel, and then last night I received what I believe to be an unprecedented letter from the Reverend Billy Graham, and I am going to ask unanimous consent to have it included in the RECORD and I will have copies of it here for my colleagues on the House floor.

Mr. Speaker, in this letter he says, "I am in favor of doing all we can to strengthen our relationship with China and its people. China is rapidly becoming one of the dominant economic and political powers in the world and I believe it is far better for us to keep China as a friend than to treat it as an adversary."

This is a very potent message. While the Reverend Graham does not want to get involved in the MFN debate, he makes his position very, very clear about the need to maintain engagement. I urge my colleagues to oppose the resolution of disapproval when it comes up next week.

Montreat, NC, June 19, 1997.

Hon. DAVID DREIER,
Congress of the United States, House of Representatives, Washington, DC.

DEAR CONGRESSMAN DREIER, Thank you for the telephone calls concerning the People's Republic of China that you have made recently to both me and my son, Ned, who heads a ministry which works closely with the churches of China. Ned and I have discussed the issue and felt that it was important enough for me to write directly to you. Like you, I have great respect for China's long and rich heritage, and I am grateful for the opportunities I have had to visit that great country. It has been a privilege to get to know many of its leaders and also to become familiar with the actual situation of religious believers in the P.R.C.

The current debate about renewing China's "Most Favored Nation" trading status no doubt raises many complex and difficult questions, and it is not my intention to become involved in the political aspects of this issue. However, I am in favor of doing all we can to strengthen our relationship with China and its people. China is rapidly becoming one of the dominant economic and political powers in the world, and I believe it is far better for us to keep China as a friend than to treat it as an adversary. Furthermore, in my experience, nations respond to friendship just as much as people do.

While I will not be releasing a formal public statement on the M.F.N. debate, you should feel free to share my sentiments with your colleagues. May God give you and all your colleagues His wisdom as you debate this important issue.

With every good wish,

BILLY GRAHAM.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CALVERT). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INSOLVENCY IN SOCIAL SECURITY AND MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I would like to spend a couple of minutes talking about some of the things that were not in the budget agreement that should have been in the budget agreement. One is the problem that we are facing on the insolvency of Social Security; and another is the situation developing with an increasing insolvency problem for our Medicare Program.

What we are doing in this country now is we are asking young working families to pay in additional taxes to pay for the benefits going to senior citizens in such areas as Medicare and Social Security. I am especially concerned with Social Security because according to statistics, more and more young people are depending on that Social Security for retirement benefits as they are saving less than past generations for their own retirement.

□ 1415

Let me briefly discuss the problem that we are running into on Social Security. Since it is a pay-as-you-go program, the taxes paid in by workers are taken by the Social Security Administration. Those Social Security taxes, those FICA taxes, are then paid out to existing retirees. So despite what many Americans think, that there is some kind of savings, there is not.

Since 1983 when we substantially increased the Social Security tax on working Americans, we have had a surplus coming into that fund. For every penny of surplus that has come in, we have seen the Federal Government—the U.S. Congress and the President spend every cent of that surplus coming in from Social Security taxes for other social spending that this Government has suggested it needs.

Here is the problem. When some of us brag that we are actually balancing the budget in the year 2002, the fact is that in that year, 2002, we are actually borrowing $110 billion from the Social Security Trust Fund. So the budget is not truly in balance. Truly what we are doing is pretending that we are in balance because we are using money that is coming into the Social Security Trust Fund and spending it for other purposes.

Mr. Speaker, there are only two ways to deal with the insolvency of Social Security. We either in some fashion increase revenues or we decrease benefits.

I have introduced a Social Security bill in this last session. It is the only bill introduced in the House that deals with the problem of the insolvency of Social Security. That bill has been scored by the Social Security Administration to keep Social Security solvent for the next 75 years.

Somehow we have to get the message out to the American people, especially the younger people working, that they had better look at what their retirement benefits are. They had better look at the transfer of wealth from the working generation to the retired generation; and as we have more and more retirees in relation to the number of workers, the problem is compounding.

Here is what is happening. No. 1, people are living longer. Our medical technology has done a great job. When we started Social Security, the average age at death was 62-years-old. Today, guess what the average age at death is? The average age at death today is 75-years-old. Once you live to be 65 and start collecting Social Security, then, on the average, you are gong to live to be 84 So you have, No. 1, people who are living longer, and then, No. 2, we had the biggest increase in the birth rate ever before in our history with the baby boomers, the children of the veterans of World War II.

Those baby boomers are now in their maximum earnings years. They are going to start retiring around 2008, and when they start retiring, of course, two things happen. Many more people will collect benefits and the maximum earnings of those people are not going to be taxed anymore for Social Security to pay out benefits.

So the experts are suggesting we are going to run short of money as early as 2005. Maybe it is going to be 2011 or 2012, but it could be as early as 2005. Then what do we do? How does this Federal Government, how does this Congress, Democrats and Republicans, start paying back what they have borrowed from the Social Security Trust Fund? How do we come up with the additional money necessary to pay existing benefits?

Look, politicians are going to have to take their heads out of the sand and start dealing with these tough, real problems that are facing us in the future. It is not politically popular, so many Members think they are going to be beat up back home, and I suggest that they may be right. But we have to take our heads out of the sand. Let us start dealing with these problems.

THE ECONOMY: PAST, PRESENT AND FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, in the interests of true bipartisan cooperation, I yield 10 minutes to my good friend, the gentleman from Minnesota [Mr. MINGE].

THE FEDERAL GOVERNMENT POLICY TOWARD THE ETHANOL PROGRAM

Mr. MINGE. Mr. Speaker, I would like to thank the gentleman from Wisconsin for yielding to me.

Mr. Speaker, I rise this afternoon to discuss a topic which has become increasingly controversial in this country. The topic is the policy that this Government, the Federal Government, ought to have toward the ethanol program.

This policy was initiated in the 1970's. It was recognized that this country ought to be more energy self-sufficient. One way to achieve that was to produce a fuel that could be used in motor vehicles from crops that are grown in this country. That fuel is ethanol.

Over the last 25 years, hundreds of millions of dollars have been invested in the production of ethanol. At this point in time, most of the ethanol produced in this country comes from corn, the largest single crop that is grown in the United States. In 1997, there has been a considered attack against the ethanol tax credits that are part of the Internal Revenue Code.

This week the Committee on Ways and Means has passed and forwarded on to the Committee on the Budget a reconciliation bill that would eliminate the ethanol tax cut by the year 2000, but more importantly, would substantially complicate that particular tax credit. I would like to take my remaining time to briefly speak about some aspects of this legislation.

Mr. Speaker, I really think we can best characterize it by an allusion to a program that talks about stupid pet tricks. This is really stupid tricks that is being played on the American farmer and on the ethanol industry. It is strangulating ethanol. This is occurring for several reasons and in several ways.

First of all, I think it is important to note that the legislation coming out of the Committee on Ways and Means of this body is a repudiation of market principles. We may ask, why is it a repudiation of market principles? This occurs because the legislation states that any ethanol produced in the United States in excess of an artificially designated base will be subject to a 51-cent-a-gallon penalty, a penalty that is not even a business expense that can be recognized in calculating taxable income. As a result, we find that the production of ethanol would essentially be frozen at current levels.

We also find that it is a repudiation of market principles, because what is happening is that petroleum-based fuel and additives are not subject to such a penalty. So as a consequence, rather than relying on the market system, we simply have an effort by legislative fiat to destroy the industry. The market is not present at all. We have, for the last several years, attempted to steer this country's economy to market principles, the basic concepts of supply and demand. This is a repudiation of that principle.

The second point, which is closely allied, is the destructive character of this penalty itself. Ethanol simply cannot be produced if there is a 51-cent-a-gallon penalty on that production. To be sure, the base quantity of ethanol can be produced. For that base quantity, there is still for a temporary period of time a tax credit. But any additional production would be subject to this confiscatory or destructive penalty.

The third point that I would like to make is that this is a reversal of the principles of the freedom to farm legislation that passed this body in 1996. Not all of us agreed with the 1996 farm bill, but I think most of us agreed that market principles ought to be the cornerstone of the Federal farm program for the next 5 years. Let us try it, let us see if it works. Corn has probably been the crop that has received more assistance over the years than any other crop.

So what are we saying? We ought to be trying the market. As farmers, you ought to be in freedom to farm, producing for the market. The farmers have gone out, they have attempted to help establish a market. They have been innovative, they have invested in consumer-owned cooperatives. Now we are saying to those farmers: Tough; we fooled you, did we not?

Indeed, we ought to recognize the freedom to farm principles. We ought to recognize the market principles. We ought to let farmers produce ethanol from the corn they are growing and market that. Somehow the destruction of this market has to be recognized by all as a repudiation of the principles that we have told these farmers that they ought to follow in the wake of the repeal of the traditional Federal farm programs.

The fourth point that I would like to make is that this is a breach of faith with the automobile industry. The American automobile industry was not initially enthusiastic about alcohol or ethanol. Consumers were wary of the product. There were stories about what it might do to engines. It turned out most of them were not accurate, they were rumors. But nonetheless, these stories persisted.

Over the last few years ethanol has gained a foothold. Now we find the Ford Motor Co. has announced that it is producing Taurus cars and pickups that will operate on 85 percent ethanol. Chrysler Corp. has announced it is moving in that direction. In Brazil, much of the country's vehicle fleet operates on ethanol or alcohol fuels.

Now that the automobile industry is making that commitment, we are pulling the rug out from underneath the automobile industry. Instead of being able to expand production, we are forcing the curtailment of production.

The fifth point that I would like to make is that this is death by ambiguity. There are ambiguous provisions in the law as it comes out of the Committee on Ways and Means that make it very difficult for the farmer-owned cooperatives to know whether or not they will be able to continue production, for the farmers who are interested in investing in cooperatives to manufacture ethanol to know whether or not that investment is worth making, and for cooperatives and investor-owned facilities that are already in place to know whether or not they can continue to produce at their capacity, as opposed to some previous level that was not the capacity of that plant.

This, in turn, is going to undermine the ability of the American economy, the agricultural economy particularly, to make the investment that is so important to ensure that this fuel is available to the American consumer, and that rural America can continue to participate in the prosperity of this Nation.

Finally, I would like to say that this proposal as it comes out of the Committee on Ways and Means is an example of creative accounting. Why so? It is creative accounting because the committee decided that by extending the ethanol tax credit until the year 2007 and then simultaneously repealing that tax credit back to the year 2000, they can realize approximately $3 billion of savings that can be used to finance or offset tax cuts.

What they are doing is artificially extending a credit that is sunsetting in the year 2000, and then claiming that due to the termination of this artificial extension, they have generated $3 billion of savings to the U.S. Treasury. This is fictitious. This is smoke-and-mirrors accounting. This is the type of thing we have been decrying as undermining our ability to balance the budget.

Mr. Speaker, I submit that what the Committee on Ways and Means proposal has done to the American farmer, the American consumer, American industry and candor in budgeting is tragic.

□ 1430

What we must do in Congress, Mr. Speaker, is forthrightly address this

problem and make sure that this proposal from the House Committee on Ways and Means moves no further and that instead we embrace the proposal that has come from the U.S. Senate which recognizes the importance of the ethanol program.

I thank my colleague from Wisconsin for yielding this time to me.

Mr. NEUMANN. Mr. Speaker, I yield to the other gentleman from Minnesota [Mr. GUTKNECHT] who has an announcement on this very topic.

Mr. GUTKNECHT. Mr. Speaker, I would echo virtually everything that my colleague from Minnesota has just said. I would add that we have had meetings this morning both with the Speaker of the House as well as the chairman of the Committee on Ways and Means, and we have had assurances from both that the ethanol program, as we have known it, will survive, at least through the end of the century.

Obviously, we still have our work cut out for us, to continue to resell the benefits of the program, but I think by the time this bill ultimately is settled on in the House, the ethanol program will be saved.

I happen to agree. I think ethanol is a great product. I think it is good for the farmer. But more importantly, it is good for our economy, good for our balance of trade and, more importantly, I think, perhaps than anything else, it is good for the environment.

I have had assurances from both the Speaker and the gentleman from Texas [Mr. ARCHER]. I met with him personally not more than an hour and a half ago. He assured me that by the time this bill ultimately is finalized, that the ethanol program will be protected as it is today, at least through the end of the century. We are making progress and our voices are being heard.

Mr. NEUMANN. That is certainly good news for the farmers in the Midwest, which all of us represent.

With that, we will turn our attention to the reason that we are here today, that is to talk about the budget process, the debt, the deficit, where we have been, where we are today, and where we are going to, and we are going to divide this into three separate parts today as we talk about first the past, where we have come before, before any of us who are here on the floor right now were here in Congress. But I think it is important that we talk about the past and that we take note of how fast and how much of this debt has accumulated.

I start with the chart that I have here. This chart shows the growth in Federal debt. It can be readily seen that from 1960 to 1980, there was very little growth in Federal debt. As a matter of fact, it is almost a flat line. But from 1980 forward, this thing has grown right off the charts. Before my colleagues react to this, I know 1980 is the year Ronald Reagan became President and all the Democrats will blame him. I know 1980 is the year that all the Republicans say the Democrats ran spending out of control and ran the deficit up.

The bottom line is today we as a Nation stand way up here on this deficit chart. And the facts are that whether you are Republican or Democrat, this is a problem that we as a nation must now address. That is the reason that many of us, the three of us here on the floor and many of the rest of us, came to Congress in the first place. The size of this debt is somewhat staggering. We currently stand about $5.3 trillion in debt. That is a number too big almost for anyone to comprehend. I used to teach math. Let me put this in perspective the way we used to in the math classroom.

If we divide the debt by the number of people in this country, we would find that every single man, woman, and child in the United States of America is responsible for $20,000 of debt. Let me put that another way. The Federal Government has primarily over the last 15 years spent $20,000 for every man, woman, and child more than what it has collected in taxes. They have run up $100,000 of debt for a family of five like mine. The real kicker in this thing is the real impact it has on the family. A family of five like mine sends $580 a month to Washington, DC to do nothing but pay the interest on the Federal debt. A lot of folks out there are going: I do not pay that much in taxes, and they feel pretty good. That is not entirely true. The fact of the matter is, when you walk into a grocery store and you buy a loaf of bread, the store owner makes a small profit on that loaf of bread. And part of that money that you paid to the store owner gets sent down here to Washington in the form of taxes because that is part of his profit margin. The bottom line is when people add up all of the money that they are paying in taxes to the Federal Government to Washington, a family of five like mine is in fact paying $580 every month to do nothing but pay the interest on the Federal debt.

It is somewhat a staggering number, and in the past Members of this body have talked about fixing this problem. They have had all kinds of different proposals. The most remembered perhaps is what is called the Gramm–Rudman-Hollings. In 1985, we passed a bill through this body called the Gramm–Rudman-Hollings Act and it promised the American people that we would have a deficit stream that goes along this blue line and reach a balanced budget in the year 1991. But in fact what happened is they did not meet the deficit stream and in fact what happened is the deficit ballooned.

So they passed a new bill. They called it Gramm–Rudman-Hollings 1987. And they again promised the American people a balanced budget that a deficit stream that would follow this blue line reaching zero this time in 1993. Again, the red line shows the actual deficit and they did not meet the targets.

This city is the most amazing place in the world. We look back on this track record where promises were made and promises were not kept to the American people. And for some reason the American people seem a little cynical right now about whether or not they should believe what they are being told here in Washington.

It does not take me long to figure out exactly why the American people are as cynical as they are. Frankly, it is this chart that caused me to leave a very good business in the private sector and run for Congress in the first place with no prior involvement in politics in any way, shape or form.

I am a homebuilder by trade. But when I heard these promises out here and realized how important it was we get to a balanced budget and after hearing these promises the first time and seeing the deficit balloon and then hearing the promises the second time and seeing the deficit balloon again, I realized that we as a nation had to do something about this. That is what caused me to leave the private sector and to run for this office.

I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, I think there is another point that needs to be made. We are working on a chart in my office that demonstrates what a big part of the problem has been. The history has been for about a 20-year period for every dollar that Congress would take in, it would spend about $1.22. In fact many people made the point, I think it is a good one, that the problem was not that the Government was not taking in enough money. In fact one farmer in my district said it so well. He said the problem is not that we are not sending enough money into Washington. The problem is that Washington spends it faster than we can send it in.

And that has been the problem, the problem has always been on the spending side because many of those fixed programs involve some kind of, quote, revenue enhancement or tax increase; and for every dollar that tax revenues were supposed to go up, Congress just spent another $1.22, $1.23 of that. And that is the history of this place. I think we want to talk about what is happening now.

Mr. NEUMANN. Before we get there, I think my colleague has made another very important point that needs to be brought out here. In both 1990 and especially in 1993, we saw the biggest tax increase in American history. In 1993, people started looking at these deficit lines and realized we had to do something about the deficit and in clear Washington-style thinking, they concluded what we ought to do is raise

taxes on the American people. They said: We have an idea here. To balance the budget we will reach into the back pockets of the American people, take more money out and maybe that somehow will help us to balance the budget.

This is the past we are talking about. In the past the way to move to a balanced budget was to raise taxes. In fact, that bill passed this body, the House of Representatives, in 1993, the biggest tax increase in history; that bill passed this body by one single solitary vote. I think it is important to note it went over to the Senate. Not many Members agreed with it over there either. It passed the Senate by one single solitary vote also. So that past kind of Washington thinking that the right way to go to a balanced budget is to raise taxes, to reach into the back pockets of the American people. That thinking is not here anymore but it was sure prevalent in 1993 before we got here.

In 1994, pretty amazing thing happened. For the first time in 40 years, the Republicans were elected to control the House of Representatives. First time in 40 years. And I do not like this to be partisan at all but it was a very significant change in control of what was going on out here. A whole new philosophy came in with the Republicans. We brought with us a theoretical model. I want to lay that model out as we talk about the present, as we talk about where we are at today and what is happening in 1995, 1996, 1997. We brought with us this theoretical model and it worked like this. We do not want to raise taxes on the American people. Instead what we are going to do is curtail the growth of spending in Washington, DC. We are going to keep this Government from growing rapidly, instead we are going to curtail that growth.

And if we could curtail the growth of spending in Washington, that would mean the deficits would be lower and the Government would borrow less money out of the private sector. When the Government borrowed less money out of the private sector, that of course left more money out there in the private sector. More money available led to lower interest rates. Lower interest rates of course meant people could afford to buy houses and cars, the American dream. They could afford to do these things and, very important, when people bought more houses and cars, somebody had to go to work building those houses and cars.

And the theory went like this. When they went to work they would leave the welfare role, reducing the cost to the Federal Government for welfare and they would get into a job paying taxes. So the theory was curtail the growth of Government spending, Washington would spend less and therefore borrow less out of the private sector. Borrowing less out of the private sector would leave more money available there. More money available would keep the interest rates down. Lower interests rates meant people would buy more houses and cars, and when they bought more houses and cars that meant people would have to go to work building them. More jobs meant people left the welfare roll and went into the work force and this whole picture should work without raising taxes on the American people. That brings us to the present. What has happened?

Mr. Speaker, I yield to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, in the present we are enjoying one of the strongest economies we have had for a long time. Our gross domestic product is up. Unemployment is at an all-time low in Wichita, KS, it is approximately 3 percent. We have the stock market setting new goals every week. And a lot of our economy is based on a perception. Right now the perception is that we are going to do something about the Federal debt.

We are going to do something about the $355 billion that we will spend this year just to pay the interest on the Federal debt. By stopping the growth in our Federal debt, we will eventually get a lower interest level and that will mean more money available to build highways or provide for national defense or provide health care dollars or nutrition programs, the things that traditional people think that ought to be done by our Federal Government.

So we have this very strong economy, and it is based on the perception that we will get to a balanced budget. There is finally hope out there that we are going to control the spending at the Federal level and that we are going to allow people to have more control of their own money. People do two things when they are more in control of their own money. They either spend it or save it, and both things are good for the company. If they save it, that makes more capital available. That capital is then invested in innovative ideas which become in reality new jobs, and they provide more goods, or people spend the money.

If they spend the money, then that is also good because they create jobs to make the goods. And my colleague pointed out earlier that they want to buy for themselves or their children or their home or an automobile. So in today's economy, we have a very strong sense of hope, and people are having faith that we are going to continue to have a strong growth in our economy; and it is, I believe, based on the perception that we will control Federal spending and balance our budget and eliminate the Federal debt.

Mr. NEUMANN. I think it is important again, we have moved into the present and what is happening and how is it different than the past. The Gramm-Rudman-Hollings chart shows when the targets were not met. We have moved into the new theoretical model that we need to control the growth of Government spending. Have either one of my colleagues heard about cuts in Government spending?

Mr. GUTKNECHT. Mr. Speaker, we heard a lot about it in the last campaign about these draconian cuts. The truth of matter is, we have made some reductions. We eliminated 279 programs here. We replaced the welfare state with the opportunity society. We have had serious, real welfare reform. There have been some serious changes but there have not been the draconian cuts that some of our colleagues on the left have said.

Some of the Members who ultimately believe that Washington knows best, their end of that debate is losing. The American people no longer believe that. They believe that the decisions are best left to families and to communities and to States, and that is what we are trying to do, is to send more of the authority, the responsibility and the resources back so they will have more accountability for that money. And as a result we have a stronger economy. There is more consumer confidence. They understand that Washington is limiting the growth of entitlements, that we are cutting some of those duplicative programs, that we are trying to streamline Government and as a result there is more confidence.

They see the deficit coming down because revenues to the Federal Government are going up. I hate to steal your numbers here but I love this number so much. If we compare what happened in the past when Congress would take in a dollar, it would spend $1.22. But I think the numbers that we have come up with about what has happened over the last 2 years when we passed our budget resolution in 1995, this Congress, this House said that in fiscal year 1997, we were going to spend $1,624 billion on Government programs. That is still a lot of money. But what has really happened is because of the fiscal discipline, because the demands for welfare and so forth are less, we are actually only going to spend in fiscal year 1997, $1,622 billion.

This Congress is actually going to spend less money in this fiscal year than we said we were going to spend just 2 years ago. That is good news. But the news gets even better when we apply what is happening on the revenue side. Because of the growing economy, because we have offered more opportunity to more people, we have actually taken in over $100 billion more than we expected.

□ 1445

That is incredibly good news. I guess good news does not always make the national news, but hopefully the American people, without this being a major

headline story, are beginning to figure out that this Congress is actually doing what it said it was going to do: It is limiting the growth of Federal spending, it is allowing taxpayers to keep more of their own money. We have a stronger economy, and we are going to apply these additional revenues, rather than to new Federal programs that waste so much, we are going to give a big chunk of that back to the American people and apply some of it to the debt.

Mr. NEUMANN. If the gentleman will allow me to reclaim my time, I cannot help but think that, first off, we are all here yet because we are waiting for a Committee on the Budget meeting to actually carry this to the next step, and I will not see my wife Sue until later.

The first time I called my wife and said I just looked at the 1995 projections, and for 1997 they said we should spend $1,624 billion and we actually spent $2 billion less than that. Then I looked at the other side and we had received $100 billion more in revenue, and this means we received this extra revenue and did not spend it, we applied it to the deficit. She said I should check the numbers, that somebody was lying to me out here.

I have to accept that as kind of the reaction of the American people. The American people do not understand that we did lay out this track record in 1995 when we came here. They are so used to the Gramm-Rudman-Hollings thing, where they never met their targets and never did what they said, that they failed to recognize that we have in fact curtailed the growth of government spending.

I have a chart that shows what is actually happening, and all of this talk about the cuts and the government spending as being draconian cuts, the reality of the picture is this. Before we came here government spending was growing each year by 5.2 percent. That is this red column. That is the last 7 years before we got here. In the first 7 years after we got here, it has only grown by 3.2 percent.

Is it still growing? Yes. Would some of us like to see a zero in this column? Yes. But the reality is, what we have done has slowed the growth of government by about 40 percent. Folks, that is our first 2 years here. We have slowed the growth of government spending by about 40 percent.

If anyone is interested in inflation-adjusted dollars, it was going up by about 1.8 percent before we got here. It has now gone up by about .6 percent.

Again, would I prefer to see that as zero out there, that there is no real growth in government spending? Yes. But do I think we should recognize the very significant progress that has been made, the fact we have reduced the real growth of government spending by two-thirds in 2 short years? I think that should be recognized.

I think the American people should be cheering, because here is what that has led to. Again, I cannot emphasize enough, as I show this next chart, keep in mind the Gramm-Rudman-Hollings promises that were never met. This chart shows what we promised in 1995 for a deficit stream. In 1995 we made a projection for 1996. We made a promise, just like they did in Gramm-Rudman-Hollings. This red column shows what we promised. The blue column shows the actual deficit. Again, I emphasize, we not only met our target but we were ahead of schedule by almost $50 billion.

So we go into year 2 of our plan, and year 2 of our plan is 1997. Fiscal year 1997 is virtually over. We said that the deficit stream, in order to reach a balanced budget by 2002, had to be less than 174, again, this red column. The blue column shows actual. We are not only on track in year 2, but we are ahead of schedule.

This is why we are still out here on Friday afternoon. We are about to put this plan into place. The third year of our 7-year plan to balance the budget, the red column again shows what was promised to the American people. I would emphasize that we are once again on schedule, not only on track but ahead of schedule with this deficit stream.

I will make a projection right here and now today. This theoretical model of curtailing the growth of government spending, to leave more capital available in the private sector, leading to lower interest rates, so people buy more houses, and cars and other people go to work building them and start paying taxes instead of drawing welfare, that is reflected in this chart. The fact they have left the welfare rolls means lower costs, and the fact they are in a job paying taxes means more revenue. That is why we are not only on track but ahead of schedule.

We are in the third year of our 7-year promise to the American people. We are on track and ahead of schedule in each of those 3 years. My prediction is this: We will not only reach our 7-year goal of balancing the budget, but the budget will, in fact, be balanced by the year 2000. We will run our first surplus since 1969 in the year 2000.

I just want to add one more thing to this that I think is real important. We are doing this, we are laying down this track record of staying ahead of schedule, and at the same time turning to the American people and saying that they are sending too much of their hard-earned money to Washington, to keep some more of it themselves.

The tax cuts we are implementing, the reason we are still here is to get these to the next level so they are actually implemented into law. A family with children gets to keep $500 more a year of their own money. It is not a gift from Washington. This is the taxpayers' hard-earned dollars that stay in their house, to maybe buy a nicer house or maybe use it for education for their children. It is their money. They should spend it.

So tax cuts are being implemented at the same time we move along this track to a balanced budget, and in fact we are going to balance the budget by the year 2000 and provide additional tax cuts to the American people, $500 per child. If someone plans to die and pass their estate on to their children or the next generation, that is a tax that will be lowered. Capital gains is lowered. If folks have college students out there, they are going to get to keep an extra $1,500 of their own money if they are paying college tuition for one of their children.

That is not a bad tax cut package. I assure my colleagues of this. In this town they are having all kinds of fights about this, saying the American people really do not want tax cuts. When I go to church on Sunday and I see my friends with kids and they are sitting there in the pews, I know good and well these families that are earning between 30, 40 and $50,000 a year, that they are going to get to keep an extra $500 per child. In a family with three kids, they keep $1,500 a year.

If someone is earning $40,000 a year, getting up, going to work everyday, and maybe both spouses are working in the house, $1,500 a year cash in their pocket is a lot of money, and the people in this country understand what we are doing here.

We are on track, we are ahead of schedule, we are going to balance the budget. We are in the third year of this plan to balance the budget. We are ahead of schedule, and we are doing it while we are fulfilling the rest of our promises to the American people, and that is the tax reductions as promised.

I would be happy to yield to my good friend from Kansas.

Mr. TIAHRT. In January of 1995, when the three of us were sworn in in the 104th Congress, the projected budget that we were looking at from the administration said we would have a $200 billion deficit in fiscal year 1996. And it pretty much continued all the way out to 2002 as a deficit of $200 billion per year every year.

We then came forward, and all of us supported this plan, which is indicated by the red columns in the chart the gentleman has shown us, and said that we would get to a balanced budget by 2002. I think that was made with a reasonable set of judgments that could be called conservative, and, apparently, we have gone even beyond those expectations.

The very first year of the plan we were ahead of schedule by $50 billion, I believe the gentleman told us; by the second year of the plan, we were ahead by over $100 billion of what we had projected; and now, as we approach the next 5 years of the plan, starting with

fiscal year 1998, the gentleman is making the prediction that we will be ahead of schedule, of our new updated projections, and even get to a balanced budget by the year 2000. So we have 3 more years.

Based on the judgment or the past experience in fiscal year 1996 and 1997, where we were $50 billion ahead of schedule and then $100 billion ahead of schedule, it looks very likely that we will get to a balanced budget by the year 2000 instead of waiting until 2002.

Mr. GUTKNECHT. If the gentleman will yield, I think it is interesting to see how much the rhetoric around this building has changed since we first came here. If my colleagues will recall, when we first started talking about balancing the budget in 7 years, there were a lot of people that said we could not balance the budget in 7 years; that it will take at least 8 years, maybe 9, maybe 10.

In fact some of us recall seeing the President on several different occasions say, well, maybe we could do it in 9, maybe we could do it in 10. And then there were an awful lot of people here in the body who said, well, maybe we can balance the budget, we might be able to do it in 7 years, but we cannot do it and provide tax relief for American families. That just cannot be done.

I think we are demonstrating not only can we balance the budget in less than 7 years, as we first stated, but we can do it while we provide tax relief for American families.

I want to point out one other argument we have had here in Congress over the last several years, and that is about saving and securing Medicare, not only for our parents but hopefully into the next generation. All of us are baby boomers, and we want to make certain our fellow baby boomers are not left out completely in the cold as it relates to Medicare.

But the debate last year was that we could not offer seniors the kinds of choices that Members of Congress get as it relates to Medicare, and save the system and do all these other things. My colleagues will remember some of the ads run against people like my colleagues and I. I think all three of us were the recipients of some of the advertising and all the negative nay saying about what we were doing to Medicare.

But it is interesting that the Medicare plan that we are going to vote on in the Committee on the Budget, hopefully in a few minutes, is essentially the same in both policy and in price tag that, A, was vetoed just a year and a half ago but, more importantly, was demagogued in the last election.

So it is really interesting for me to see how much the debate has changed from, A, we cannot balance the budget; B, we cannot balance in 7 years; C, we cannot balance it and give tax relief; and, D, we certainly cannot save Medicare along the way. Well, the beauty of all of that is, as we begin to work on this reconciliation package and this budget agreement between the White House and the Congress and the Republicans and the Democrats, the interesting thing is that virtually everything we talked about 2 years ago is now coming to fruition. We are balancing the budget, we are saving Medicare and, more importantly, we are going to start to lay the groundwork of actually paying off the debt.

If I can say one more point, because I have to leave, I know there were an awful lot of children here and there were some on the floor earlier. Sometimes we forget. We start talking about numbers and balancing the budget, and 2.3 and 3.8, and $1624 billion, and all these big numbers. We lose track of what this debate really is about, and what the debate really is all about is preserving the American dream for our kids.

Because what was happening in Congress for so many years is that we were mortgaging their future so that we could have more and more Washington spending. And the American people in 1994 said enough is enough, because they understand who can spend the money better.

So we are making tremendous progress. We are keeping our promise. We are going to balance the budget no later than 2002. We will provide honest tax relief. And I think in terms of seniors and baby boomers, the other good news is, we are going to save and secure Medicare.

Mr. NEUMANN. If the gentleman will allow me to reclaim my time, I think it is real important now we move to the future and talk about the future. The past is the promises that were not kept. We had Gramm-Rudman-Hollings. They never hit their targets. We had all sorts of promises out there. The past was that we had to reach into the pockets of the American people and take more money to get to a balanced budget. That is the past.

The present is we lay down a track record of actually meeting our targets, staying ahead of schedule and keeping our commitment to lower taxes on the American people. And how do we do that? We curtail the growth of Government spending. That is the present. That is what is actually happening today, and in fact we are going to reach a balanced budget by at least the year 2002 and probably sooner.

So I think it is time to start thinking about the future, because even if we reach a balanced budget, we still have a $5.3 trillion debt hanging over our heads. It is not right that our generation has borrowed $5 trillion, has spent $5 trillion and is now willing to pass that debt on to the next generation. So I think it is time we start thinking about what we might do about that.

Shortly I will be introducing a bill called the National Debt Repayment Act, and there are two real parts to the National Debt Repayment Act. The first part does this: It says once we reach a balanced budget, we will then cap the growth of Government spending at a rate 1 percent below the rate of revenue growth. Once we reach a balanced budget, we then cap the growth of government spending 1 percent below the rate of revenue growth. That creates a surplus.

Now, in fact, and I brought this other chart with me, revenue for the last 3 years has been growing by over 7 percent. So for those afraid of this, that somehow that will curtail Government spending too much, that will not happen. For the last 5 years, the average growth has been 7 percent. For the last 10 years it has been 6.2 percent. For the last 17 years it has been 6.8.

So all we are really saying in the first part of this bill is that we are going to look at the growth of revenue and we are going to cap the growth of Government spending at least 1 percent below that number.

Here is what happens: If we cap the growth of Government spending 1 percent below the rate of revenue growth, we create a surplus. That brings us to the second part of the National Debt Repayment Act.

We take that surplus and we dedicate two-thirds to repaying the debt and one-third toward additional tax cuts for the American people. So two-thirds to debt repayment; one-third to additional tax cuts.

Now, there are some important things that start developing. The first one is obvious. When we devote part of the surplus to additional tax cuts, the American people can start thinking of keeping even more of their own money in their house and in their home, to provide a better house or maybe a better education for their kids. So the first part of this bill, what happens is they keep more of their money in their own home, to spend it as they see fit, as opposed to sending it down here to Washington.

So the bill creates a surplus. The first third of that surplus goes to additional tax relief. The other two-thirds goes to paying down that $5.3 trillion debt, so that we in our generation live up to our responsibility, so we can pass this Nation on to our children debt free.

Under this plan, by the year 2026 the debt would be repaid in its entirety. Just think about this. We, in our generation, before I leave the work force, can literally pay off the entire Federal debt and pass this Nation on to our children debt free.

What does that actually mean? A couple of things. First off, we talked before about a family of 5 sending $500, $600 a month down to Washington to do nothing but pay the interest on the

Federal debt. If we had the Federal debt paid off, there would be no reason for the families to send $600 a month to Washington to pay that interest, so they could keep that money in their own home.

Just think about $600 a month. Of course, that would be adjusted for inflation, but $600 a month in the home to do what the families see fit with. Whether that is better education or a better home or a new car or whatever that is, that stays out there for them to make the decision on how they spend their money, instead of sending it here to Washington for us to make the decision of how we are going to spend it.

□ 1500

So the first ramification of paying off the debt is there is no need for families to send $600 a month to Washington to pay the interest. But there is another ramification that is very, very important for our senior citizens.

Social Security today collects more money than it pays back out to our seniors in benefits. That extra money is supposed to be sitting in a savings account out here. Well, there is no savings account. There is only IOU's in that savings account, and it is all part of that $5.3 trillion debt.

It follows that if we are going to repay the Federal debt, we will be putting the money back into the Social Security trust fund that has been confiscated by the people in this community over the last 15 to 20 years.

So think about this. By simply capping the growth of Government spending 1 percent below the rate of revenue growth, we literally pay off the entire Federal debt, our children receive this Nation debt free, they have no reason to send $500 a month down here to Washington to pay interest on the Federal debt; and the good news for seniors is that the Social Security trust fund that is supposed to have a savings account with real money in it, we will be putting the real money back into the Social Security trust fund so Social Security would once again be solvent for the future of our senior citizens in this great country.

Mr. TIAHRT. Mr. Speaker, if the gentleman would yield, if we go back to what we are currently paying this year on interest on the Federal debt, it is about $355 billion. That is our gross payments. It is not the net payment. But if we were to eliminate this debt and gradually pay it off, that means that our interest payments would actually become less and less and less. So right now it consumes about 20 percent of the Federal budget; is that not correct?

Mr. NEUMANN. If the gentleman would yield, about 17.

Mr. TIAHRT. About 17 percent of the Federal budget. Well, as that becomes less and less, it will make more money available to pay off more of the Federal debt. So it kind of gains momentum as we go on. As we pay off a portion of the debt, we pay less in interest payments. That makes more money available to pay off other parts of the debt and releases some of the burden that is on our children and on ourselves who are paying those additional taxes. So it is a pretty good plan. We are going to limit the growth of Government and allow extra revenue, surplus revenue that will be used to pay off the mortgage that this company has already taken.

Mr. NEUMANN. If the gentleman would yield, he might be interested to know my background as a home builder. And this not a whole lot different than what folks did when they came into our office and bought a home from us, they put it on a 30-year mortgage and paid the home off.

So this idea conceptually of paying down the Federal debt over a period of time, it is not a lot different what every American family goes through when they go out and buy the American dream or home. This is not a farfetched idea that cannot happen. In fact, we have reached a point in this Nation where it can happen and should happen.

All we have to do is pass what is called the National Debt Repayment Act. We are hoping that that actually gets added into the reconciliation bill next week. We are hoping that this portion of the reconciliation bill will be put in so we actually get on this path to repay the Federal debt, thereby passing the Nation on to our children debt free and ensuring that Social Security is solvent again.

Mr. TIAHRT. If the gentleman would yield, I am also an original cosponsor of this legislation. But I want to go back to some things he said here, because now the projections that we are making for the future are based on revenue growth of about 4 percent increase each year. And yet our history over the last decade and a half has been at about 6.8, 6.5, over 6 percent.

So if it does grow at 6 percent, which is a very reasonable thought pattern, a very conservative view, we could get to this surplus by as early as 2000. And then at 2000, we start into the National Debt Repayment Act, which then takes a third for tax relief for working Americans.

And again, that is a good thing, because people do two things with their money once they have tax relief. They either save it, which is more capital and, therefore, more jobs that are created, or they spend it; and when they spend it, that stimulates our economy and, once again, creates more jobs.

So we have one-third going to tax relief and then two-thirds goes to repay the debt. And that kind of gains momentum. As we pay off the debt, the interest goes down and we have more money available. So it is a very conservative plan. Historically, it looks like it very well could work, barring any unforeseen circumstances.

Mr. NEUMANN. If the gentleman would yield, that is really what this chart shows. It shows the growth of revenue to the Federal Government. It has been 7.3 percent the last 3 years, 7.3 over 5 years, 6.2 over 10, 6.8. Those are all numbers.

But what is significant is to note the difference in those numbers versus what is actually in our budget agreement. We are only projecting growth at 4 percent. Our budget agreement is very, very conservative when compared to his historical perspective. In fact, if it grows at 6 percent, still slower than what we see up here, but if it were to grow at 6 percent, we would in fact have a balanced budget by the year 2000 and run our first surplus.

Just think what a wonderful situation. Just think, as we get to the turn of the century, instead of being burdened with the $300 billion deficit we were looking at when we came here 2 short years ago, if instead of that, this working model of controlling the growth of Government spending, not the old model of reaching into the back pockets of the American people back in 1993, with the biggest tax increase in history, the new model of controlling the growth of Washington spending, that model is working so well that we reach a balanced budget at the turn of the century and we get up on January 1, 2000, realizing that our Government has changed completely from where it was in 1994 and 1993 and back in this new model of controlled Government spending, as opposed to runaway Government spending, the new model of leaving more money in the pockets of the people instead of reaching into their back pocket and getting more money out for Washington, that new model where we control Government spending instead of raising taxes, that in the year 2000, on January 1, we get up in the morning and we realize that it actually has happened. It is going to be a startling day for America, because they are going to get up and they are going to see this come to reality.

These projections are very, very conservative. And I fully expect on January 1, 2000, the American people will get up and we will be talking about what we are doing with the surplus.

Mr. TIAHRT. If the gentleman would yield, when I think about how this is in relationship to the people in Wichita, KS, which is a big part of my congressional district, I think about a young woman that I met who works second shift at the Raytheon Plant. She has three children, and she is a single mom. When I asked her, "What is the most important thing that the Federal Government could do for you?" she said, "If you could give me some tax relief so I could take care of my three kids, I would be very happy."

At that time, we were talking about a lot of other issues, raising the minimum wage; we were talking about whether we should work on some other social programs, how we could save Medicare, et cetera. But the most important thing to her was that she could take care of her family. And I think most Americans are that way, they would like to be able to financially take care of their family.

Under the plan that we have put in place, we can achieve the goals that this country thinks is very important, balancing the Federal budget, paying off the debt we have, and giving more money to working Americans so they can take care of their families and take care of themselves.

This plan we have on the National Debt Repayment Act achieves those goals that we have in common here in America. It reduces the debt and it gives tax relief and restores integrity to very important funds that we have now, the trust fund for transportation and social security, very important issues. So as we move forward into the next few years, it is very exciting to see our economy doing well, that our plans are starting to take shape, that there is promise and hope for the future.

I think this is a wonderful time to be in Congress and to be in America because we see this plan coming into shape. It provides hope, does it not?

Mr. NEUMANN. If the gentleman would yield, it surely does. I think as we near the end of our hour here, I think it is important that we wrap this up.

We now have been talking about the future. This is not just a series of promises being made by people here in Washington. I think it is very important that we remember that, in the present, we are in the third year of our plan to balance the Federal budget. The first year, the red was promised, the blue was achieved; we were ahead of schedule. The second year, the red was promised, the blue was achieved; we are ahead of schedule.

I am about to head over to join somebody who I think is an American hero, and that is the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget. He is right now crafting this third-year plan, and we are about to go and pass it, I hope this afternoon. But in the third year, we are not only on track, but again we are ahead of schedule. I think it is very important.

We just dedicated about 10 minutes here to the future and the National Debt Repayment Act. This is not just a series of empty promises like back in the past with Gramm–Rudman-Hollings, and it is not a series of promises based on the past model of how much more money can we confiscate from the American people. These are discussions being held, based on a 3-year track record that have us not only on track but ahead of schedule from what was promised.

I think it is very, very important as we near the end of our hour here that we go back to the past, we cover the present, and we look to the future again and make sure we remember what that means. I cannot help, as we near the end here, thinking about our families back in Janesville, WI, and thinking about our friends in church with three kids, one headed off to college, and they look at the package that is now on the table, it is not fiction, it is here and now, that they are going to get that $1,500 help to send that student to college. They get to keep $1,500 more, instead of sending it out here to Washington. And the two kids they still have in their house back in Janesville, WI, they get $1,000 for them, $500 for each one of those kids.

This is not the past, it is the present, and it is happening here and now. We are on track to balancing the budget and reducing the taxes.

The first time I ever saw this really work, I was a little cynical of can we actually reduce taxes and balance the budget. But Tommy Thompson did it out in the great State of Wisconsin. If he can do it out there, this is just kind of a Wisconsin carry-through out here in Washington, DC.

The past is a series of promises that were broken, made by people here in Washington. The past and those broken promises motivated people like us to leave the private sector and come out here and serve in this Government to change it. The past and those broken promises of Gramm–Rudman-Hollings, where they promised to balance the budget and never did it. The past, 1993, the biggest tax increase in history, how much more money can we get out of the pockets of the American people to say that we are making progress towards balancing the budget? That is the past.

The present is our now-working model of controlling the growth of Government spending, because we know when the Government spends less, it leaves more money available in the private sector. More money in the private sector keeps the interest rates down. And this means something in Janesville, WI. This means lower interest rates so people can afford to buy more houses. And when they buy more houses and cars, somebody has to go to work building those houses and cars. And those people are leaving the welfare roles, getting jobs and paying taxes. And that is this working model that is making this whole thing happen.

That is the present. The present is not the old ways of the past, reaching into the pockets of American people. It is this new model of curtailing the growth of Government spending. This new model has us not only on track of fulfilling our commitments, but ahead of schedule. It has got us providing the tax relief to American families that had been promised 2 years ago. It is here and now and it is the present. It is not an empty set of promises, but it is actually happening now, as we speak.

The future holds an even brighter picture for our children and for future generations of Americans. The future holds us continuing down this path, passing a bill called the National Debt Repayment Act where we generate a surplus and that surplus is used one-third for additional tax reduction and two-thirds to pay down the debt. Under this plan, by the year 2025, this is our future, before I leave the work force, before I retire, good Lord willing, we will have paid off the debt in its entirety so we can pass this Nation on to our children debt free.

That means no interest payments out here to Washington. That means the Social Security system is revived and restored so our seniors can count on getting the money that has been promised. That is what this is all about, and that is my dream for the future of this country.

Mr. TIAHRT. Mr. Speaker, in conclusion, when Thomas Jefferson sent Merriwether Lewis and William Clark off to the great Northwest, he had a great deal of hope for the future of this country. He saw it growing and prospering.

Now, as we stand here in 1997, on the brink of a strong economy, we look forward and we have a great deal of hope, a hope of balancing the Federal Government, of controlling Federal spending, of giving a great deal of hope for the future for our country.

I want to thank the gentleman from Wisconsin [Mr. NEUMANN] for coming down here and showing us in very clear terms where we came from in the past as far as Federal Government spending, where we are today, and what we are looking for in the future, which I believe is very optimistic. Again, it is a picture of hope, the same type of hope that Thomas Jefferson saw when he looked toward the West back in the early 1800's, and it is the same type of hope, I think, as we look at the new century. We should have hope for a strong economy, of a way of paying off the debt so our children have a strong future, strong economy, with plenty of opportunity and a way that they can see that they can grow.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CLAYTON (at the request of Mr. GEPHARDT), for today, on account of a death in the family.

Mr. STARK (at the request of Mr. GEPHARDT), for today, on account of illness in the family.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of personal reasons.

Mr. BLILEY (at the request of Mr. ARMEY), for today, on account of personal reasons.

Mr. GOSS (at the request of Mr. GEPHARDT), for today, on account of attending his daughter's wedding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:

Mr. DREIER, for 5 minutes, today.

Mr. KOLBE, for 5 minutes, on June 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SANDLIN) and to include extraneous matter:)

Mr. SKELTON.

Mr. DOYLE.

Mr. KILDEE.

Mr. KUCINICH.

Mr. DEUTSCH.

Ms. HARMAN.

Mr. STARK.

Mr. WEXLER.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Mr. FORBES.

Mr. HILL.

Mr. GILMAN.

Mr. GINGRICH.

Mr. WOLF.

Mr. MCDADE.

Mr. BOB SCHAFFER of Colorado.

(The following Members (at the request of Mr. TIAHRT) and to include extraneous matter:)

Mr. UPTON.

Mr. GILLMOR.

Mr. MORAN of Kansas.

Mr. HALL of Texas.

Mr. PACKARD.

Mrs. FOWLER.

Ms. DELAURO.

Ms. VELÁZQUEZ.

Mr. CRANE.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 956. An act to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

ADJOURNMENT

Mr. TIAHRT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Saturday, June 21, 1997, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3880. A letter from the Administrator, Rural Utilities Service, transmitting the Service's final rule—Distance Learning and Telemedicine Loan and Grant Program (RIN: 0572–AB31) June 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3881. A letter from the Administrator, Rural Utilities Service, transmitting the Service's final rule—Streamlining the Rural Utilities Service Water and Waste Program Regulations (RIN: 0572–AB20) received June 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3882. A letter from the Assistant Secretary for Environmental Management, Department of Energy, transmitting the annual report on research and technology development activities supporting defense waste management and environmental restoration, pursuant to Public Law 101—189, section 3141(c)(1), (2) (103 Stat. 1680); to the Committee on National Security.

3883. A letter from the General Counsel, Department of Defense, transmitting drafts of eight proposed items of legislation that address various management concerns of the Department of Defense; to the Committee on National Security.

3884. A letter from the Secretary of Defense, transmitting the Department's report on the impact of limiting the service area of a facility designated as a Specialized Treatment Services (STS) to not more than 100 miles from the facility; to the Committee on National Security.

3885. A letter from the Secretary of Energy, transmitting the thirteenth Annual Report on the activities and expenditures of the Office of Civilian Radioactive Waste Management, pursuant to 42 U.S.C. 10224(c); to the Committee on Commerce.

3886. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Maine; Final Authorization of State Hazardous Waste Management Program Revisions [FRL–5845–1] received June 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3887. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas; Virginia; Redesignation of Hampton Roads Ozone Nonattainment Area, Maintenance Plan and Mobile Emissions Budget [VA–066–5024 and VA–068–5024; FRL–5846–7] received June 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3888. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; 15% Rate of Progress Plan for the Northern Virginia Portion of the Metropolitan Washington D.C. Area [VA045–5022; FRL–5846–8] received June 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3889. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC–56–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3890. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–76–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3891. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Saudi Arabia (Transmittal No. DTC–6–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3892. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the Authority's Resolution disapproving the Council's revised financial plan and budget in D.C. Act 12–94, "Revised D.C. Act 12–76, Fiscal Year 1998 Budget Request Act of 1997," and the Authority's recommended financial plan and budget for fiscal year 1998; to the Committee on Government Reform and Oversight.

3893. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture (RIN: 3209–AA00) received June 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3894. A letter from the Secretary of the Treasury, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1996, through March 1, 1997, and the Secretary's semiannual report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3895. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to reduce the fractionated ownership of Indian lands; to the Committee on Resources.

3896. A letter from the Acting Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting the Department's final rule— Redress Provisions for Persons of Japanese Ancestry: Guidelines Under *Ishida* v. *United States* [Order No. 2077–97] received June 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3897. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Scope of Rules: National Security; Prevention of Acts of Violence and Terrorism [BOP–1046–F; BOP–1059–F] (RIN: 1120–AA47; RIN: 1120–AA54) received June 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3898. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998, 1999, and 2000, pursuant to 31 U.S.C. 1110; to the Committee on the Judiciary.

3899. A letter from the Director of Publications, The American Council of Learned Societies, transmitting the Council's Annual Report for the year 1995–1996, pursuant to 36 U.S.C. 1101(56) and 1103; to the Committee on the Judiciary.

3900. A letter from the the Assistant Secretary of the Army (Civil Works), the Department of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 27, 1996, submitting a report on Cook Inlet, Alaska, together with accompanying papers and illustrations, pursuant to Public Law 104—303, section 101(b)(2) (110 Stat. 3666—3667); (H. Doc. No. 105—99); to the Committee on Transportation and Infrastructure and ordered to be printed.

3901. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to establish a presumption of total disability for certain individuals for purpose of nonservice-connected disability pension; to the Committee on Veterans' Affairs.

3902. A letter from the Attorney-Advisor, Financial Management Service, transmitting the Service's final rule—Offset of Tax Refund Payments to Collect Past-due, Legally Enforceable Nontax Debt (RIN: 1510–AA62) received June 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3903. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax forms and instructions [Rev. Proc. 97–31] received June 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3904. A letter from the Director, Office of Administration and Management, Department of Defense, transmitting the annual report of cross-servicing and acquisition actions undertaken pursuant to Acquisition and Cross-Servicing Agreements with countries that are not part of the North Atlantic Treaty Organization (NATO) or its subsidiary bodies, pursuant to 10 U.S.C. 2349; jointly to the Committees on National Security and International Relations.

3905. A letter from the Administrator, National Highway Traffic Safety Administration, transmitting the Administration's Report on Establishing a Federal Motor Vehicle Safety Standard for Frontal Offset Crash Testing; jointly to the Committees on Commerce, Transportation and Infrastructure, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1278. A bill to authorize appropriations for the activities of the National Oceanic and Atmospheric Administration for fiscal years 1998 and 1999, and for other purposes; with an amendment (Rept. 105–66 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. House Joint Resolution 79. Resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; adversely (Rept. 105–140). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on the Judiciary discharged from further consideration. H.R. 1553 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 1276. Referral to the Committee on Commerce extended for a period ending not later than June 26, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BACHUS (for himself, Mr. PICKERING, Mr. BLUNT, Mrs. NORTHUP, and Mr. THOMAS):

H.R. 2002. A bill to amend trade laws and related provisions to clarify the designation of normal trade relations; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself, Mr. MINGE, Mr. STENHOLM, Mr. WAMP, Mr. ANDREWS, Mr. BALLENGER, Mr. BOYD, Mr. CASTLE, Mr. TANNER, Mrs. TAUSCHER, Mr. VISCLOSKY, Mr. CONDIT, Mr. LUTHER, Ms. SANCHEZ, Mr. RAMSTAD, Mr. NEUMANN, and Mr. GRAHAM):

H.R. 2003. A bill to reform the budget process and enforce the bipartisan balanced budget agreement of 1997; to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER (for himself and Mr. EVANS):

H.R. 2004. A bill to amend title 38, United States Code, to provide for the reinstatement of eligibility for dependency and indemnity compensation for certain surviving spouses of veterans; to the Committee on Veterans' Affairs.

By Mr. McDADE (for himself, Mr. HINCHEY, Mr. KING of New York, Mr. BORSKI, Mr. GEKAS, Mr. HOLDEN, Mr. GREENWOOD, Mr. PETERSON of Pennsylvania, Mr. EHRLICH, Mr. KLINK, Mr. MANTON, Ms. FURSE, Mr. ROTHMAN, Mr. SHAYS, Mr. DELAHUNT, Mr. BILIRAKIS, Mr. ARCHER, Mr. ACKERMAN, Mr. MALONEY of Connecticut, Mr. FORD, Mr. CRAMER, Mr. ENGLISH of Pennsylvania, Mr. KILDEE, Mr. DOYLE, Mr. KANJORSKI, Mr. FATTAH, Mr. MURTHA, Mrs. ROUKEMA, Mr. MOLLOHAN, Mr. MCHALE, Mr. GOODLING, Ms. DEGETTE, Mr. MASCARA, Mr. RIGGS, Mr. BLILEY, Mr. MILLER of Florida, Mr. FORBES, Ms. DELAURO, and Mr. HOYER):

H.R. 2005. A bill to amend title 49, United States Code, to clarify the application of the act popularly known as the Death on the High Seas Act to aviation incidents; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER (for herself, Mrs. LOWEY, Mr. ACKERMAN, Mr. DAVIS of Illinois, Ms. DEGETTE, Ms. ESHOO, Mr. FROST, Ms. KILPATRICK, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Ms. MILLENDER-MCDONALD, Mrs. MORELLA, Ms. NORTON, Ms. PELOSI, Ms. RIVERS, Mr. RUSH, Mr. SERRANO, Mr. TRAFICANT, Mr. TOWNS, and Mr. UNDERWOOD):

H.R. 2006. A bill to amend the Public Health Service Act to establish a program of providing information and education to the public on the prevention and treatment of eating disorders; to the Committee on Commerce.

By Mr. THORNBERRY (for himself and Mr. COMBEST):

H.R. 2007. A bill to amend the act that authorized the Canadian River reclamation project, Texas, to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project; to the Committee on Resources.

By Ms. BROWN of Florida (for herself, Mr. DELLUMS, Ms. KILPATRICK, Mr. BONIOR, Mr. ADAM SMITH of Washington, Mr. HASTINGS of Florida, Mr. FROST, Mr. DIXON, Mr. HILLIARD, Ms. MILLENDER-MCDONALD, Mr. BLUMENAUER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NEAL of Massachusetts, Ms. WOOLSEY, Mr. FILNER, Mr. BARRETT of Wisconsin, Mrs. MEEK of Florida, and Ms. CHRISTIAN-GREEN):

H. Res. 173. Resolution honoring the inaugural season of the U.S. women's professional basketball leagues; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

136. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 203 memorializing Congress to suspend implementation of the vehicle emissions provisions of the Clean Air Act Amendments of 1990 and subsequent regulations promulgated by the Environmental Protection Agency until October 1, 1998; to the Committee on Commerce.

137. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 174 memorializing the President and Congress to take whatever steps are necessary to protect the rain forests from further destruction; to the Committee on International Relations.

138. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 53 memorializing the U.S. Congress to appropriate funds for the replacement of the Chickamauga Lock; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WELLER introduced a bill (H.R. 2008) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Mar Y Paz;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 37: Mr. BILBRAY and Mr. HERGER.
H.R. 44: Mrs. NORTHUP.
H.R. 51: Mrs. FOWLER, Mr. FROST, Mr. STUMP, Mr. ENGLISH of Pennsylvania, and Mr. PARKER.
H.R. 65: Mrs. NORTHUP.
H.R. 96: Mr. HERGER, Mr. LINDER, and Mr. LIVINGSTON.
H.R. 107: Mrs. FOWLER.
H.R. 108: Mr. WALSH.
H.R. 122: Mr. HASTINGS of Washington.
H.R. 158: Mr. TAYLOR of North Carolina and Mr. NEUMANN.
H.R. 284: Mr. WATT of North Carolina.
H.R. 303: Mr. GOODLING and Mrs. NORTHUP.
H.R. 304: Ms. ESHOO.
H.R. 465: Mr. QUINN.
H.R. 475: Mr. BARTLETT of Maryland and Mr. MALONEY of Connecticut.
H.R. 630: Mr. MCKEON, Ms. WATERS, and Mr. SHERMAN.
H.R. 689: Mr. JEFFERSON.
H.R. 715: Mr. LEWIS of Georgia.
H.R. 716: Mr. ROYCE.
H.R. 768: Mr. MCCOLLUM and Mr. BUYER.
H.R. 857: Mr. ROGAN, Mr. DICKEY, and Ms. GRANGER.
H.R. 881: Mr. COYNE.
H.R. 893: Mr. JEFFERSON and Ms. HARMAN.
H.R. 894: Mr. JEFFERSON.
H.R. 901: Mr. PICKERING, Mr. BASS, Mr. THUNE, Mr. SISISKY, Mr. REDMOND, Mr. SCHIFF, and Mr. INGLIS of South Carolina.
H.R. 939: Mrs. JOHNSON of Connecticut.
H.R. 953: Ms. BROWN of Florida and Mr. FORD.
H.R. 961: Mr. BLILEY, Mr. CANADY of Florida, and Ms. PRYCE of Ohio.
H.R. 970: Mr. GIBBONS, Mr. FROST, and Mr. PASTOR.
H.R. 1018: Mr. PARKER.
H.R. 1053: Mr. GIBBONS.
H.R. 1059: Mr. LINDER.
H.R. 1070: Mr. ALLEN and Mr. JACKSON.
H.R. 1104: Ms. WOOLSEY and Mr. STRICKLAND.
H.R. 1168: Ms. DUNN of Washington, Mrs. KELLY, Mr. SKELTON, Mr. CLEMENT, and Mr. BURR of North Carolina.
H.R. 1231: Mr. DOYLE.
H.R. 1315: Mrs. LATHAM.
H.R. 1327: Mr. CALVERT and Mr. FOX of Pennsylvania.
H.R. 1356: Ms. DUNN of Washington, Mr. STUPAK, Mr. PICKERING, Mr. DIAZ-BALART, Mr. MCINTYRE, and Mr. HAYWORTH.
H.R. 1357: Mr. STUPAK.
H.R. 1362: Mrs. MORELLA, Mr. DAVIS of Illinois, Mrs. LOWEY, Mr. DIAZ-BALART, Mrs. THURMAN, Mr. MCINTYRE, Mr. GILCHREST, Mr. RODRIGUEZ, Mr. CRAMER, Mr. CHRISTENSEN, Mr. MOAKLEY, and Mr. LEWIS of Kentucky.
H.R. 1383: Ms. BROWN of Florida, Mr. CLAY, Mr. DAVIS of Illinois, Mr. FLAKE, Ms. MILLENDER-MCDONALD, Mr. SCOTT, Mr. SNYDER, Mr. STOKES, Mr. DIXON, Mr. JACKSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, Mr. PAYNE, Mr. SERRANO, and Mr. THOMPSON.
H.R. 1437: Mr. HASTINGS of Florida and Mr. PAYNE.
H.R. 1440: Mr. DAVIS of Illinois.
H.R. 1441: Mr. CAMP and Ms. CARSON.
H.R. 1507: Mr. MILLER of California, Mr. WEXLER, Ms. DANNER, Mrs. TAUSCHER, Mr. CAPPS, Mr. BEREUTER, Mr. DAVIS of Illinois, Ms. CHRISTIAN-GREEN, and Mr. JEFFERSON.
H.R. 1532: Mrs. JOHNSON of Connecticut, Mr. HEFNER, Mr. BONIOR, Mr. EHRLICH, Mr. PARKER, and Mr. JEFFERSON.
H.R. 1619: Mr. LAHOOD, Mr. WELLER, Mr. MCINTOSH, Mr. ROEMER, Mr. MCHUGH, Mr. MANZULLO, Mr. EVANS, Mr. NUSSLE, and Mr. GILLMOR.
H.R. 1689: Mr. CRAPO, Mr. STEARNS, Mr. BOEHNER, Mr. MORAN of Virginia, Mr. BLUMENAUER, Mr. GORDON, Mr. GREEN, Mr. HALL of Texas, Ms. MCCARTHY of Missouri, Mr. HOYER, Mr. DAVIS of Virginia, and Mr. WYNN.
H.R. 1710: Mr. FAZIO of California, Mr. GEKAS, Mr. HOLDEN, Mr. SAWYER, Mr. PETERSON of Minnesota, Mr. CUNNINGHAM, Mr. MCGOVERN, Mr. CAMPBELL, Mr. BUYER, Mr. ARCHER, Mr. GUTKNECHT, Mr. FARR of California, Mr. FROST, Mr. FRANK of Massachusetts, Mr. CANADY of Florida, Mr. CRAMER, Mr. MCHALE, Mr. FOLEY, Mr. NEAL of Massachusetts, Mr. HAYWORTH, and Mr. MCKEON.
H.R. 1732: Mr. EVANS, Mr. DELLUMS, Mr. ROMERO-BARCELÓ, and Ms. FURSE.
H.R. 1788: Mr. MATSUI, Mr. SANDERS, and Mr. GREEN.
H.R. 1839: Mr. MORAN of Virginia, Mr. GILLMOR, and Mr. ADAM SMITH of Washington.
H.R. 1858: Mrs. THURMAN.
H.R. 1863: Mr. SHIMKUS, Mr. TIAHRT, Mr. RYUN, Mr. STUMP, Mr. CRAMER, Mr. SISISKY, Mr. OXLEY, and Mr. PARKER.
H.R. 1908: Mr. SKAGGS.
H.R. 1951: Mr. SABO, Mr. TOWNS, Mr. BARRETT of Wisconsin, Mr. PARKER, and Mr. SANDERS.
H.R. 1955: Mr. CHRISTENSEN, Mr. CAMP, Mr. CALLAHAN, Mr. MCHUGH, Ms. LOFGREN, Mr. KING of New York, Mr. DINGELL, Mr. DAVIS of Virginia, Mr. TRAFICANT, and Mr. MILLER of Florida.
H.R. 1963: Mr. GINGRICH.
H.R. 1984: Mr. DOYLE, Mr. HOLDEN, Mr. MASCARA, Mr. MOLLOHAN, Mr. RAHALL, Mr. DOOLEY of California, and Mr. CHRISTENSEN.
H. Con. Res. 97: Ms. DELAURO, Mr. ENGEL, Mr. MILLER of California, Mr. FRANK of Massachusetts, Mr. LAMPSON, Mr. ANDREWS, Mr. BARRETT of Wisconsin, Mr. DEFAZIO, Mr. FARR of California, Mrs. MINK of Hawaii, Mr. OLVER, Mr. MARKEY, Ms. WOOLSEY, Ms. CARSON, Mr. KENNEDY of Massachusetts, and Mr. TIERNEY.
H. Con. Res. 100: Mr. FRELINGHUYSEN and Mr. ROHRABACHER.
H. Res. 37: Mr. CARDIN and Mr. DAVIS of Virginia.
H. Res. 139: Mr. BOB SCHAFFER and Mr. DICKEY.

EXTENSIONS OF REMARKS

COMMENDING CHAIRMAN ARCHER FOR HIS WORK ON THE TAX BILL

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. GINGRICH. Mr. Speaker, next week, the House will take a historic series of votes on balancing the budget, saving Medicare, and cutting taxes. The Christian Coalition yesterday sent a letter commending Chairman ARCHER for his work on this bill and describing the importance of these tax cuts to its members. I enter that letter into the CONGRESSIONAL RECORD.

CHRISTIAN COALITION,
June 19, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: The Christian Coalition was pleased to support the Ways and Means tax bill. As Chairman Archer correctly noted, there are $254 billion worth of pro-family tax cuts in the bill, from the $500 per child tax credit to the education tax incentives to death tax relief. These are significant and meaningful tax cuts for America's families.

As you know, the $500 per child tax credit has been our highest legislative priority since 1993. Under Chairman Archer's bill, taxpayers with children will be able to keep $150 billion of their own money thanks to the $500 per child tax credit. Most significantly, this includes taxpayers with children in the most expensive age group, teenagers. The $500 per child tax credit will go a long way to relieve the crushing federal tax burden on the family and will enable parents to make their own decisions on how best to meet the financial needs of their children. We also note that the bill contains $75 billion in education tax incentives and $29 billion in death tax relief that will be welcome news to families. These are important pro-family provisions. Lastly, we note that we have always supported capital gains tax relief. While the capital gains provisions are not specifically targeted to families, families will definitely benefit from the capital gains relief.

We are concerned, though, about President Clinton's reaction to date. I just cannot imagine that he would veto a bill that provides such significant tax relief to middle class families. That would be a severe disappointment to families with children. We are urging him to support your bill.

Thank you and Chairman Archer for all your hard work on behalf of America's families. We look forward to working with you through out this process to sign long awaited tax relief into law.

Sincerely,

BRIAN LOPINA,
Director, Governmental Affairs Office.

HONORING EARL W. STEPHENS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to pay tribute to Earl W. Stephens, the Illustrious Potentate of Oman Temple No. 72. The Ancient Egyptian Arabic Order Nobles of the Mystic Shrine will hold their 43d Annual Potentate's Ball in honor of Mr. Stephens on June 21, 1997.

Earl Stephens was born in 1943 to Dock and Jerlyn Stephens in Gilliam, LA, as the second oldest of 12 children. He began his education at Hale Elementary School in Hosston, went on to attend Pine Valley School of Rodessa, LA, and graduated from Herndon High School of Belcher, LA, in 1962. Upon graduation, Mr. Stephens enlisted in the U.S. Air Force where he served our country honorably for 4 years. He married the former Ceatrice Williams and settled in Flint, MI, where he began his 30-year career at Buick Motor Division.

Mr. Stephens' commitment and generosity are evidence by his involvement in numerous community organizations. Earl has been a member of Gospel Temple Baptist Church since 1969 and is currently cochairman of the Deacon Board. Earl's other affiliations include By-Laws Committee chairman of Unity for Justice, and treasurer and award chairperson for the Greater Flint Afro-American Hall of Fame. In addition, Earl has been active with the Boy Scouts of America, where he now serves as commissioner of the Norwegian District of the Tall Pine Council. In addition, Earl is a member of UAW Local 599 and holds the chairmanship of the Veterans Committee. Earl also serves as cochairman of the Credit Committee at Security Federal Credit Union. In all of these endeavors, Mr. Stephens has uplifted us all with his kind spirit, knowledge, and effective leadership.

Mr. Stephens has held membership with the John W. Stevenson Lodge No. 56 Prince Hall Affiliated since September 1988 and served as master in 1995–96. He joined the Saginaw Valley Consistory No. 71 in 1989 and now serves as chancellor. In 1988, Mr. Stephens began his affiliation with the Ancient Egyptian Arabic Order Nobles of the Mystic Shrine. In each of these roles, Mr. Stephens has worked tirelessly to achieve the goal of equal opportunity for all. He has been a mentor and a counselor to many of our young people.

Mr. Speaker, I ask you and my fellow Members of Congress to join me in honoring the Illustrious Potentate, Mr. Earl Stephens. His devotion to making this Nation a better place to live should reinforce our strong commitment to our communities. We owe a debt of gratitude to Earl, his wife Ceatrice, and their two children, Latricia and Royce.

SALUTE TO DON LEGG

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. HALL of Texas. Mr. Speaker, it is a privilege to rise today to honor an east Texan, Don Legg of Kemp, who is a legendary hometown figure. Don was recognized this year at a county-wide celebration of his 90th birthday and of the many years spent in service to the people of Kemp, TX, and Kaufman County.

Don has served his community in a variety of ways over the years. He has served multiple years on the Kemp City Council, the Kaufman County Improvement Commission, the county board of the Visiting Nurses Association, the Kaufman County Senior Citizens Advisory Committee, and the North Central Texas Council of Governments. He has served as either president or secretary of the Kemp Chamber of Commerce since 1970, has been a deputy voter registrar and even has helped take the census. Since 1992 Don has served as a reporter, photographer, and proofreader for the Monitor, Kemp's newspaper. He is still an active, working member of the press.

Don also served his Nation well. During World War II he was the director of personnel of the American Red Cross and was responsible for the entire Pacific Theater. He supervised the efforts of almost 2,000 Red Cross workers and served with the Red Cross for 17 years.

At 90 years of age, Don is still an active supporter of school functions and area students activities. During his younger years he was a teacher and a coach, and he has been an active member of the Kemp Athletic Boosters Club for many years. He has received numerous awards from State and local officials but says that the honors he most cherishes are those given by students, as they are our Nation's future leaders.

Mr. Speaker, I am honored to join Don Legg's many friends and supporters in celebration of his 90th birthday this year and in wishing him continued health and happiness for many years to come.

TRIBUTE TO STUDENTS AT ST. LEO'S SCHOOL

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pleasure that I rise today to pay a special tribute to a distinguished pair of students from St. Leo's School, who reside in my district. Christopher and Jonathan Cadena are brothers who attend St. Leo's which is located at 104–19 49th Avenue in Corona, Queens.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Christopher Mark Cadena was born on January 6, 1989 and has just completed the second grade. As a second grader, in homeroom 2–2 instructed by Ms. Maria Delledera, Christopher has managed to excel in all of his subjects and achieve a record of straight A's. With the recent results of the National Achievement Test, Christopher ranked higher than 82 percent of 2d graders nationwide. Overall he is performing much higher than average in basic skills, reading, language and mathematics. It is my hope his achievement is a testament to his commitment to learning. Christopher's prospects of becoming an NBA basketball player for the New York Knicks will hopefully be realized but not without a solid educational background first. In spirit of the former Senator of New Jersey and former Knicks star the Honorable Bill Bradley. I wish him well.

Jonathan Cadena, born on September 4, 1991, has completed his first step in what promises hopes to be a long, successful, and prosperous road to law school or a doctorate degree in the field of his choice. He has completed his kindergarten K–2 class, instructed by Mrs. Mancuso, and will be entering first grade in September. Christopher and Jonathan Cadena's continued hard work and effort will lead them to a successful future filled with hope and opportunity. None of this could be possible without the constant attention and support of their family. Mr. and Mrs. Hector and Amparo Cadena have the lifelong responsibility to ensure that their children always maintain a high standard in education. This should come easy as their grandparents, Mr. and Mrs. Fausto and Beatriz Rosero have also committed themselves to raising and educating their children at St. Leo's. This is the second generation of the Rosero family to attend St. Leo's School. I hope it won't be the last.

The students at St. Leo's School must learn that the value of education is priceless. St. Leo's has long provided the community of Corona and their students with the foundation necessary to be successful in all their endeavors. The next generation of graduates must not only be encouraged to complete their education, but to do it well. They are responsible for paving the way for a better and brighter future for their Nation, community, family, but most of all for themselves.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in encouraging the following students who have started down the right path toward a successful future: Jonathan Cadena—K–2; Christopher Cadena—2–2; Christopher Hernandez—3–1; Stephanie Hernandez—K–1; Ariana Medina—2–2; Andres Patino—1–1; Jessica Patino—3–2; Elizabeth Correa—2–1; Antony Paredes—3–1.

On behalf of Mr. Paul Corsello principal, and Father Charles P. Keeney pastor of St. Leo's Parish, the students and most of all the teachers whose commitment to education are the most inspirational of all lessons, I congratulate everyone, especially the graduating class of 1997 for their dedication in achieving high standards and excellence in education. I wish all of them the best of luck in all their future endeavors.

ORANGE, CONNECTICUT CELEBRATES ITS 175TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Ms. DELAURO. Mr. Speaker, on Sunday, June 22, the town of Orange will hold a Jubilee Celebration to commemorate its 175th anniversary. I am proud to rise today to recognize the town of Orange and its people on this very special occasion.

Orange has a long, rich history and its residents can look with pride on a community that has retained its traditional style and appeal. Incorporated in 1822, the town of Orange was originally composed of the parish of North Milford in Milford and the parish of West Haven in New Haven. Named for William, Prince of Orange, the community has a history which dates back to the early 1600's.

Industry arrived in Orange in 1776 but, for the most part, the town remained a farming community. A great source of pride for all the residents of Orange, the Hine farm is the Nation's oldest business continuously operated by the same family. Founded in 1639 by Thomas Hine, the farm has been worked by 11 generations of the family. The farm serves as a reminder of Orange's past and is also an example of how the town of Orange will unite in support of members of the community. When the Hines lost their historic barn to fire last summer, the town rallied around the family. This is truly a heartwarming example of how a community can come together to help members who are trying to get back on their feet.

Orange has a number of annual festivals and traditions which bring the community together. In addition to the yearly Memorial Day parade, there is a volunteer firemen's carnival which is not only popular with residents of Orange but also draws people from all over the region. In September, the town gathers to honor its agrarian past with the annual Orange Country Fair. The fair features traditional rural competitions and craft exhibitions. It is clear that the residents of Orange are very proud of the town's rich history.

Perhaps the best indication of the community spirit in Orange is the number of families who have chosen to live there for generations. They form a close-knit, caring community of exceptional citizens with solid values.

I am very pleased to recognize the town of Orange on its 175th anniversary. My very best wishes to all the residents as they celebrate this landmark occasion.

CONGRATULATIONS TO DICK FAUX, MILPITAS' 1997 BUSINESS PERSON OF THE YEAR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. STARK. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Dick Faux who has recently been selected as the 1997 Business Person of the Year by the Milpitas Chamber of Commerce. Mr. Faux is the co-owner of the Bankers Mortgage Network of Milpitas located in California's 13th Congressional District.

Dick as been a dedicated member of our community for over 29 years. He has been an active member of the Milpitas Chamber since February 1998 who can always be counted on to volunteer for such duties as the annual crab feed and serving on the golf tournament committees. He is also a well-known member of the Chamber's Ambassador Committee.

Dick also served as president of the Milpitas Rotary Club for the 1996–97 year. Throughout his years as a Rotarian he has been a member of many of the Club's committees, chaired numerous projects for the Club and served in a variety of leadership roles. He has also been an active member of numerous other community organizations including the Milpitas YMCA, Women and their Children Housing [W.A.T.C.H], the American Cancer Society, the American Heart Association, Big Brothers, and the First Presbyterian Church in Milpitas.

Dick Faux will be honored by his friends and colleagues at the Milpitas chambers' annual installation and awards banquet to be held on Friday, June 19, 1997. I am proud to recognize Mr. Dick Faux as the 1997 Milpitas Business Person of the Year.

CONGRATULATIONS TO THE PLANTATION SCHOOL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate the team from the Plantation Key School from the Florida Keys which was recently awarded a top prize in the worldwide Odssey of the Mind competition held at the University of Maryland.

In March the team won first place in Florida's statewide Odyssey of the Mind competition, thus qualifying them to represent Florida in the 18th annual world finals competition in early June. At the worldwide level, the team competed against 5,000 students representing 740 schools from across the United States and throughout the world. More than one million students participate each year in localized competitions before the winners are selected to compete in the international finals.

The Plantation School group surpassed 54 U.S. and international teams in their division to receive the top award for exceptional creativity in team problem solving. Only 7 of the 740 participating teams were given this award.

Team members received individual gold medals at an awards ceremony attended by more than 20,000 spectators. In addition, team members' names will appear on a trophy on permanent display in the Explorer's Hall at the National Geographic Society headquarters in Washington, DC. The Gold Medalist student team members are Tehani Pestalozzi, Sarah Otto-Fitzdam, Jamie Shiereck, Kerry Clark, Leah Ekblom, Grant Turner, and Michael Ratliff.

Mr. Speaker, I applaud these students for months of diligent work and for their excellent

representation of Florida in this unique international competition. Also to be commended is the team's longtime teacher and coordinator, Harriet Robbins, along with the team's coaches, parents, and school principal, Sandi Bisceglia, who gave their time and support.

HONORING ROBERT W. HOWALD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. KILDEE. Mr. Speaker, I rise today to ask my colleagues to join me in honoring a man who has blessed our community with his dedication for many, many years. After a long and distinguished record of leadership, Robert W. Howald will retire on June 20, 1997 from his position as dean of continuing education at Charles Stewart Mott Community College in Flint, MI.

Before pursuing his career in education, Bob distinguished himself as an employee of General Motors. Over the course of 31 years, Bob worked in a number of positions including, labor relations supervisor, education and training supervisor, time study engineer, and plant safety director. Bob's responsibilities were many yet he always found the time to listen to a co-worker or to help a friend in need.

Bob's committment to educational opportunities for all, led him to teaching positions at Mott Community College and Mott Adult High School. Bob's experience and skillful teaching methods were recognized by many. He was a frequent guest lecturer for graduate courses on labor relations at Eastrn Michigan University. He continues to serve as a proctor at Central Michigan University.

In addition to his work in industry and education, Bob has provided leadership in Flint through a wide range of activities. He was appointed to serve on the Michigan Selective Service Board, served as chairman of Public Affairs for the Michigan Committee, Employer Support of the National Guard and Reserve, and is a member of the American Legion. In addiiton, he served our ocuntry proudly in the U.S. Army Chemical Corps. Bob also is an active member of the United Auto Workers Union of America, Mott College Local No. 2102.

It is indeed my pleasure to stand in front of this Nation's House and speak of my dear friend, who through his thoughts, deeds, and actions has provided our community with an invaluable resource and an indomitable spirit. Although he is retiring, I know that he will remain active in our community.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in wishing Bob and his loving wife of 42 years, Betty, well in their retirement. I know that Bob and Betty will enjoy spending time with their children Gwen, Jeffrey, Brian, and Timothy, and their four beautiful grandchildren, Angie, Adam, Kyle, and Kody.

IN HONOR OF VIRGIL E. BROWN, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the lifetime achievement of Virgil E. Brown, Sr., of Cleveland, OH.

Virgil Brown dedicated his adult life to public service. He has been active in his community, in the city, in business, and in charity.

Virgil has served as chairman of the board of Bethany Baptist Church, city council member, Cuyahoga County Commissioner, and director of the County Board of Elections.

He has also served as a board member on the St. Lawrence Seaway Development Board, as a board member of the Greater Cleveland Roundtable and as an executive board member of the March of Dimes.

His record of service has won him the praise and respect of his peers. Virgil was named to the Hall of Fame of the National Forum for Black Public Administrators and the Ohio Senior Citizen Hall of Fame.

Mr. Speaker, Virgil E. Brown's life has been a gift to Cleveland, of whom the whole city is extremely proud.

TRIBUTE TO ROBERT KRIEBLE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. HALL of Texas. Mr. Speaker, it is an honor for me to pay tribute today to a great American, a great man, and a good friend—the late Robert Krieble. Many in this body had the privilege of knowing Bob Krieble, and many more undoubtedly know of his many accomplishments. As a scientist, entrepreneur, and supporter of freedom throughout the world, Bob Krieble influenced thousands of lives, helped make the world a better place in which to live, and helped change the course of history.

Bob Krieble first made his mark as a scientist, inventing super adhesives that revolutionized the manufacturing industry. From a $100,000 investment borrowed from family and friends in the 1950's, he built a multinational, billion-dollar corporation that created tens of thousands of jobs throughout the world. That success was the foundation for a life-long support of the free enterprise system and for investments both at home and abroad to further that cause.

Bob generously supported dozens of prodemocratic and pro-free market institutions. He was an early supporter of both the Heritage Foundation and the Free Congress Foundation, based here in Washington. He also supported many of the dissident pro-democratic groups in Eastern Europe and the Soviet Union, even in the face of criticism and skepticism at home. His vision, however, proved prophetic, as his efforts contributed to the fall of communism and helped pave the way for pro-democratic candidates. His Krieble Institute spent millions of dollars on political and economic training and on helping develop viable candidates, including Boris Yeltsin.

Bob also helped individuals in need and helped countless entrepreneurs throughout the world. He was particularly devoted to helping private businesses in newly freed economies and transition countries.

Bob's generosity was matched only by his dedication and his boundless energy, and until he was stricken last month, he continued to work tirelessly in these many endeavors. Though some might not have the capacity to understand his full contributions to our Nation, politically and strategically, I believe that all would recognize Bob Krieble's significant accomplishments, his dedication to free-market principles, and his extraordinary life.

Mr. Speaker, it is an honor for me to pay my last respects to this man of many talents, this great American and defender of freedom throughout the world—the late Robert Krieble.

MONTANA—AT LARGE

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. HILL. Mr. Speaker, I rise today to make my colleagues aware of a project currently underway in my State of Montana, the "One Good Cow Project."

As we all know, the Dakotas and eastern Montana were hit by devastating winter weather which caused the loss of more than 275,000 cattle in the Dakotas and 24,000 in Montana.

Michelle Tebay and Lisa Schmidt of Whitehall, MT, have developed "The One Good Cow Project." This project helps citizens help one another by donating cattle to producers in the Dakotas and eastern Montana. Their goal is to deliver 80,000 healthy, running-age cows to farmers and ranchers who have experienced livestock loss. In pursuit of this goal, hundreds of farmers associations, corporations, and small businesses throughout the West have already come together for this good cause. It is my sincere hope that calling your attention to this terrific effort will compel others to make contributions.

Mr. Speaker, let us applaud this citizen-based effort. I commend both Michelle and Lisa and all those who are contributing to the success of this program. It is a fine example of Americans coming together, selflessly assisting one another, and contributing to those who have experienced hardship.

GOOD LUCK AND CONGRATULATIONS TO MORRIE BOYD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. SKELTON. Mr. Speaker, today, I pay tribute to a great Army officer, and a great soldier. This month Morrie Boyd will depart Washington to assume new duties as the deputy commanding general, III Corps. Fort Hood,

TX. For the past 18 months he has served as the Chief of Army Legislative Liaison where he has proven himself to be a trusted adviser to the Secretary of the Army and the Chief of Staff.

During his tour as the Chief, Army Legislative Liaison, he guided the Army's relationship with Congress, wielding a deft and skillful touch during a period of tremendous change. Throughout this period, Morrie Boyd ably assisted the Army's senior leadership in dealings with Members of Congress and their staffs in helping them to understand the needs of the Army as it transforms itself from a forward deployed force to a power projection force. Drawing on years of experience, he skillfully charted the way for an enhanced understanding of the Army's role in the legislative process and for telling the Army story. His leadership resulted in cohesive legislative strategies, responsiveness to constituent inquires, well-prepared Army leaders and a coherent Army message.

Morrie Boyd's career has reflected a deep commitment to our Nation, which has been characterized by dedicated selfless service, love for soldiers and a commitment to excellence. Major General Boyd is a consummate professional whose performance in over three decades of service, in peace and war has personified those traits of courage, competency, and integrity that our Nation has come to expect from its Army officers. The Pentagon and the Army Secretariat loss will be Fort Hood's gain, as Major General Boyd continues to serve his Nation. On behalf of the Congress of the United States and the people of this great Nation, I offer our heartfelt appreciation for a job well done over the past 18 months and best wishes for continued success, to a great soldier and friend of Congress.

NATIONAL GAMBLING IMPACT STUDY COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. WOLF. Mr. Speaker, earlier today I had the opportunity to address the National Gambling Impact Study Commission's first meeting and I would like to place my remarks in the RECORD. They follow:

GAMBLING IMPACT STUDY COMMISSION HEARING

Good morning. I am delighted to be here. As a matter of fact, I can't begin to tell you just how delighted I am.

You are about to begin an important journey and one of your first steps will be to prepare a road map to guide you. There are some important things you should know at the beginning and I am pleased to have this opportunity to speak with you. I appreciate your kindness and your attention. I will not take up too much of your time but there are matters of consequence which I must address.

The task before you is as important as it is enormous. But your goal is really very simple. Today, when a community, town, city, or even a State is considering the pros and cons of letting some kind of gambling activity start up, they have nowhere to go to obtain reliable, factual, and unbiased answers to their questions.

Your job is merely to make that information easily available to them. That's it. Congress has given you 2 years and an adequate budget to uncover, compile, and digest all the available information and I have every confidence that you are up to the task.

I hope you will all take a look at Gambling in America. This is the final report of the 1976 Commission on the Review of the National Policy Toward Gambling. This 3-year study, completed over 20 years ago when legalized gambling was in its infancy, was the last time government took a hard look at gambling. This report would be a good starting point for you. In the preface, commission executive director James E. Ritchie concluded that "we can no longer afford to be ill-informed and complacent about a matter of such manifest national concern." Yet today, over two decades later, we are still having difficulty shining the light of the day on this dubious enterprise.

Let me say at the outset, I oppose gambling. I think it is anti-family, anti-business and does much more harm than good. I certainly don't want it in my community or in my State and would fight it from coming there with all my energy.

But I don't have any right to make that decision for other communities or other places. That's up to the people who live there to decide for themselves. But I'm not asking you to be against gambling. What I do ask, though, and what America demands of you, is to be open minded, fair, undaunted in the pursuit of knowledge based upon solid research and courageous enough to air the truth in the face of what I know will be enormous pressure from special interests and "spin artists."

In your search for information, I hope you will be out on the road. I urge you to hold hearings all across America. The answers to your questions do not lie here in Washington but in the gambling centers of Las Vegas, Atlantic City, and Biloxi; and in regions which are learning to live with casinos and their effects such as New Orleans, St. Louis, and Milwaukee. You should travel to the small towns of Illinois, Iowa, and Missouri to see what river boat casinos are doing to local economies. You should visit States hosting tribal casinos and States which have been recent battlegrounds in the debate over allowing gambling to expand within their borders such as New York, Pennsylvania, and Florida. These are the places where you will meet the people who will help you form your conclusions and where you should set up shop.

I do want to share with you a few observations. I first became interested in this issue some years ago when there was an effort to bring river boat casino gambling to my State of Virginia. Truthfully, I didn't think it was a good idea but I wasn't sure. And there were no good answers to my questions. The preponderance of information that was available was provided by gambling interests which I found suspect and of dubious reliability. And as I dug further into this issue, I was confronted with an army of high priced advocates representing gambling interests. No one was there to represent the people who live in the area and their families.

As a matter of fact, this was about the same time Disney was trying to build a new theme park in my congressional district. This was a high profile and very controversial initiative and the joke around town was that if you were a lawyer or lobbyist this was "the" place to find work. Yet, I happened to read in the paper that Disney was out-spent by a good margin by the pro-river boat gambling interests lobbying Virginia's General Assembly. Again, while no one was there representing the people who live and work in the area, gambling interests were pouring money into their effort to get a toe hold in Virginia.

And no wonder. Once gambling sets up shop, it's almost impossible to get rid of it. In fact, there's a history of things going the other way. Communities begin to rely on their share of the revenues and local politicians cave in to demands from the gamblers for longer hours, more facilities and more tables or slots or wheels. And they have the money to do it. This is about a $500 billion per year industry with profits of $50 billion. That's billion with a "B."

Too much of this money is spent in the high stakes game of influencing lawmakers and other government officials. According to the Federal Elections Commission, during the 1995–96 election cycle, the casino gambling industry poured more than $4.4 million into federal political contributions including $2.6 million in "soft money" to the Democratic and Republican parties. State and local campaigns, too, are awash in gambling dollars. Some $100 million over the past five years has gone to influence state legislatures around the country.

The more I worked on this issue, the more concerned I became. All the evidence I could gather pointed to the conclusion that gambling was harmful to people and to communities. It led to crime, to corruption, to cannibalization of existing business and it caused social ills. The response to my concerns from gambling interests was to note that all my evidence was anecdotal and gambling really jacked up the local economy and they were working to solve whatever problems gambling might contribute to—such as addiction.

I felt their response was unsatisfactory and introduced, with others, legislation to create this commission which, I believed, would quickly pass. Who could be against taking a look at the impact gambling might be having on America?

The answer, I swiftly learned, was the well-heeled and determined industry itself. Fronted by a virtual army of well paid and well connected Washington lobbyists with access to almost every door in this town, they fought this legislation every step of the way. First they tried to kill it in the House and then the Senate. Then they tried to de-fang the commission by denying it the power to subpoena relevant documents and when that failed they worked to have gambling proponents appointed to this body—to stack the commission, if you will. But I believe you are up to this task. I am counting on you to do a good job. America is counting on you.

One of the first hurdles you must overcome is that the gambling industry has done such a good job of selling themselves as a good neighbor, a creator of revenue and jobs. They pay taxes and governments get hooked on the revenue. Politicians are reluctant to walk away from this money that feeds government spending. But this is a problem, not a solution. As Robert Goodman asks in the preface of his book, The Luck Business, "Do we really want a government so dependent on gambling that they are forced actively to promote an activity that takes disproportionately from those who can afford it least, does the greatest damage to existing economies and can be highly addictive?"

No, I do not believe we do. Various studies indicate that perhaps 30 percent of all gambling revenue comes from that 5 percent or

so of problem gamblers addicted to its lure. Even though the gambling industry claims to care about this addiction problem, new games and new attractions are always coming on-line which further sharpen the craving of compulsive gamblers drawing them deeper into the web of self destruction.

After you complete your work, I think you will agree.

Let me close with this. As you begin your search for truth and fairness you will not have to look far to find those who will present the gambler's views. You will find their arguments and presentations, on the surface, most compelling and easy to go down; they have the money to hire the very best to do this sort of thing. I hope you will look beyond the glossy presentations; ask for the research information you need and don't be put off by dodges that it isn't available, isn't relevant or you really don't need it. You do. Stick to your guns and use your subpoena power.

You must avoid being led down the wrong path in your quest for the truth. I predict you will need to search much harder to find witnesses and experiences depicting the downside of gambling. How are you going to find the theater owner who went out of business when the casino opened up? How eager to testify will be the woman whose husband became addicted to gambling, squandered their life savings, ran up incredible debts and then, when he could bear no more, took his own life?

The father of recently slain Sherrice Iverson, the 7-year old whose strangled body was found in a Nevada casino restroom, after she had been allowed to roam unsupervised for long periods while he played the tables, might not be a willing witness. It may be difficult to persuade an indicted state legislator to sit before you to relate how he sold out those he represented for an under-the-table payoff from those wanting to bring a casino to town. Will Missouri's former House Speaker of 15 years who resigned in the face of a federal investigation into financial ties with casinos be eager to tell his story?

Two prominent Kansas City clergy who resigned their pastorates recently due to problem gambling may be reluctant to tell their stories. According to Kansas City Reverend Ben Skinner, one stole $60,000 from his congregation and lost it at the casinos and the other was discovered gambling while disguised in a wig and glasses. They may not be eager to meet with you.

But too many people with stories like these are out there and you need to hear from them.

I hope you do. I wish you well and pray for your success. Thank you.

REMARKS OF REPRESENTATIVE TILLIE K. FOWLER REGARDING A TRIBUTE TO J.L. CULLEN

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mrs. FOWLER. Mr. Speaker, the Russell Caucus Room was filled to overflowing this morning with Members, staff, and other friends of J.L. Cullen, who came to pay tribute to her memory. Since I was unable to participate in that event due to votes here in the House, I would like to submit my remarks for the RECORD.

There is an old saying that kindness is like snow—it makes everything it covers beautiful. To all of us who knew J.L. Cullen, it is no exaggeration to say that she made the world a more beautiful place, because she was one of the kindest people I have ever known.

J.L. was one of those individuals who sets a standard to which the rest of us mortals can only aspire. She was what my mother, another Southern lady, would call a lovely person—in every way. She was smart as a whip and had an encyclopedic knowledge of the legislative process and the way this town works. She knew just about everybody in Washington, and was liked and admired by same. She had a great sense of humor, was a lot of fun, and—in addition to being a hard worker—had a rich and satisfying personal life. Any of us who enjoyed her lovely paintings or were privileged to taste her cooking can attest the latter. In addition, J.L. was a lady through and through—tough as nails when she needed to be, but always gracious and tolerant toward others.

I know that many of my colleagues in the House and Senate knew her, and they all have great things to say about her and great memories of her. Most of all, though, I think that my favorite memories of J.L. will be of her warm heart and her generosity. In spite of her schedule, she always had time to lend a hand or a shoulder—depending upon which was needed—and it seemed to me that she truly spent most of her time thinking not about herself, but about what she could do for other people. She was a friend to anyone who would let her be a friend, regardless of party affiliations or anything else. She was very creative, and she was always coming up with ways to help others—even people she didn't know very well. She loved to take new Members under her wing and share her knowledge with them, and I am sure that several congressional careers were saved or at least enhanced by her timely advice and admonitions. I know that the little oasis of fun and fellowship that she created for the women Members through her dinner parties was a real source of refreshment and inspiration to all of us.

I suppose I am trying to say that J.L. was the kind of person that parents hope their children will grow up to be—smart, successful, substantial and savvy—but above all, selfless. I was honored to call her my friend; I miss her; and I think that Washington is a little duller, a little colder, and a lot less fun without her.

REPUBLICAN TAX RELIEF

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. PACKARD. Mr. Speaker, I rise today to speak on behalf of Republican tax relief. I urge my colleagues to put themselves in the shoes of working class America when you consider this bill.

Working class, middle-income Americans struggle to make ends meet. For President Clinton, to consider middle-class Americans that earn $75,000 a year as rich is simply ludicrous. Many middle-class families that earn that much are double income families.

Our plan provides tax relief for working women in double-income families. It also provides tax relief for parents with children in child care by indexing the dependent care tax. Senior citizen couples who make under $41,200 a year will enjoy a 10 percent capital gains rate under the Republican proposal.

With our bill, middle-income families will benefit from a $500 per child tax credit. A family that has a child today will receive an estimated $10,309 in tax relief under the Republican plan by the time that child is 18. The tax relief will also create education investment accounts that will allow parents to save tax-free for their children's higher education.

Just 4 years ago under a Democrat-controlled Congress, American families were hit with the largest tax increase in the history of the world. It has been 16 years since Americans had any meaningful tax relief. Mr. Speaker, it is time to give Americans what they deserve and the Republican plan for tax relief delivers for America's families. I urge my colleagues and the President to strongly support it.

PAYING TRIBUTE TO RICHARD M. DRISCOLL

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. MORAN of Kansas. Mr. Speaker, I rise today to reflect on the passing of an outstanding man, Richard M. Driscoll of Russell, KS, who died last week at the age of 78.

Mr. Driscoll was born on May 9, 1919, on a farm in southeastern Russell County, and graduated from Russell High School in 1937. "Dick," as his friends called him, attended the University of Kansas from 1937 to 1940 and was a letterman on both the track and football teams.

Mr. Driscoll enlisted in the U.S. Marine Corps after graduating from Washburn Law School and served 2 years with the First Marine Division in the Pacific theater. Upon discharge from the Marines, he returned to Russell County and began to practice law. He was a well respected attorney in Kansas and was also active in farming, oil, and banking.

Dick Driscoll served most of his life in public service. He was a commissioner of the Kansas Highway Department from 1958 to 1962 and from 1973 to 1975. He was a former commissioner on the Economic Development Commission of the State of Kansas from 1969 to 1973 and a member of the Kansas Trade Commission to Japan in 1973. He always enjoyed and was active in local, State, and national politics and was chairman of the Russell County Democratic Central Committee for 35 years. He was also a delegate to two Democratic National Conventions.

He was admitted to the Kansas Bar on July 1, 1943, and received his 50-year certificate and pin of active service in 1993. He was named a counselor to the U.S. Supreme Court in 1971.

Mr. Speaker, men like Dick Driscoll made this country great as soldiers in war and stewards in peace. He will be missed by his family,

friends, and fellow residents of the first district. I ask you to join me in paying tribute to Richard M. Driscoll and his lifetime of service to his Nation and State.

IN MEMORY OF JAMES FRANCIS McFARLAND

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. DOYLE. Mr. Speaker, I rise today to honor the memory of Jim McFarland, a member of my staff who passed away last week. For over 2 years, Jim had served the people of Pennsylvania's 18th Congressional District as a member of my staff, but his years of service to the people of Pennsylvania and the Nation began long before my election to Congress.

Jim was born in 1928 in McKeesport, PA, and lived his entire life in the area of western Pennsylvania known as the Mon-Valley. He bravely served our country as a member of the Army Air Force during the Korean war and after the war returned to the Mon-Valley where he worked as a tool and die maker for the next 40 years at Fisher Body. His public service continued throughout his life exemplifying his commitment and concern for improving the lives of all people.

For 20 years, Jim served as a councilman in his hometown of Jefferson Boro, which honored him with the Crossweight Award in recognition of this service. He also served as a trustee at his church, as the chairman of the Jefferson Boro Democratic Committee, and as president of Local No. 544 of the United Auto Workers. In truth, however, this collection of titles and official positions, while impressive, barely scratches the surface in terms of defining the man.

Jim McFarland was a truly compassionate individual the likes of which this world is rarely lucky enough to see. His presence graced the lives of everyone he came in contact with including his wife, Garnet, his son, Kevin, and his brothers, sisters, and grandchildren. On a personal level, I considered Jim to be one of my most trusted and valued friends. I only knew Jim for a small part of his 68 years, but from the day I first met him some 5 years ago I was struck by his rare combination of dedication, intellect, and extraordinary compassion. I was truly honored to have Jim consider me his friend. I know that I speak no only for myself, but for everyone that knew Jim, in saying that while we will miss him terribly, there is still a sense of joy because the world is a better place because of the life of Jim McFarland.

AIRLINE DISASTER RELIEF ACT

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. McDADE. Mr. Speaker, I rise today to introduce, with 38 members of a bipartisan coalition, the Airline Disaster Relief Act, a measure which will provide equitable treatment for families of passengers involved in aviation disasters regulated by the Death on the High Seas Act of 1920 [DOHSA].

The White House Commission on Aviation Safety and Security in its February 1997 report stated, "Certain statutes and international treaties, established 50 years ago, historically have not provided equitable treatment for families of passengers involved in international aviation disasters. Specifically, the Death on the High Seas Act of 1920 and the Warsaw Convention of 1929, although designed to aid families of victims of maritime and aviation disasters, have inhibited the ability of family members of aviation disasters to obtain fair compensation."

The Airline Disaster Relief Act will reverse the injustice of the Death on the High Seas Act by allowing plaintiff families of air disaster victims to obtain a fair jury trial and receive just compensation for loss of companionship, loss to society, and punitive damages for the death of their loved ones which claimants are currently restricted from obtaining. It is time to bring sanity and justice to the application of the Federal laws and international treaties which regulate airline disaster claims. Passage of the Airline Disaster Relief Act will be an important first step in achieving this objective.

Currently, there are two legal hurdles which families must overcome to obtain financial compensation for a lost loved one. The first is the Warsaw Convention of 1929 which is the primary vehicle to initiate lawsuits related to airline disasters. The second, is the Death on the High Seas Act which the Supreme Court recently ruled is the Federal law that determines the categories of damage awards. Under the Warsaw Convention, which governs the liability of airlines for airline disasters, families of passengers who died on international flights, such as TWA Flight 800, can receive no more than $75,000 for the loss of their loved one unless they can prove willful misconduct on the part of the airline. In November 1996, the airline industry waived the $75,000 cap and the need to prove willful misconduct for all future compensation cases. The airlines are to be commended for this action. However, in the case of the TWA 800 families, the waiver does not apply since the air disaster occurred in July 1996 and the tariff waiver agreement was signed the following November 1996. The lack of retroactive application of the waiver to TWA 800 means the $75,000 cap is still in place and willful misconduct is still the threshold under the Warsaw Convention to be proven for greater compensation. It is my hope that the administration, the Airline Transportation Association and the airline will work to reverse his injustice and grandfather the TWA families into the November 1996 Tariff Agreement.

Although the Warsaw Convention is the primary vehicle through which plaintiffs initially seek compensation, the Supreme Court has ruled that damage awards will be based on the antiquated federal law the Death on the High Seas Act [DOHSA]. In 1920, the Death on the High Seas Act was designed for the immediate family of sailors lost at sea to obtain compensation for lost income before a U.S. District Judge under maritime law. Additionally, DOHSA restricts the circle of claimants to those family members who are economically dependent upon the decedent. It took the Supreme Court 77 years to fold major civil aviation related tragedies occurring more than 3 miles from the shores into the Death on the High Seas Act, which was passed at a time when international civil aviation did not exist. DOHSA is invoked when a crash occurs more than a marine league, roughly 3 miles, offshore as in the case of TWA Flight 800.

When the $75,000 cap of the Warsaw Convention and the compensatory restriction of only seeking loss of income under DOHSA are combined, family members of TWA 800 victims may receive minimal or no compensation through the courts. The interactions of these archaic and arcane laws are dealing families a grave and cruel injustice.

As in the case of TWA 800 and the families of the 21 high school students and chaperons from Montoursville High School, PA, the application of DOHSA will mean that the families of the students will receive minimal compensation since children generally contribute little economically in support of their families. If your children are not supporting you or it is proven in court that they would not have the ability or inclination to support the parents, there will be no compensation. Additionally under DOHSA, surviving parents will be unable to obtain compensation for loss of companionship, loss to society, pain and suffering or punitive damages for lost loved ones. Furthermore, family members of adult victims may receive no compensation unless that individual was directly contributing to the economic welfare of the parents or siblings.

Clearly, under most state tort laws, these limits on categories and thresholds of compensation would be viewed as inequitable, unfair, and inhuman. This inequality is best demonstrated in the State of Pennsylvania. On January 9, 1996, the Supreme Court ruled in Yamaha versus Calhoun that State tort law applies when an accident occurs within 3 miles from the shore, and on January 16, 1996, the same Supreme Court decided in Zicherman versus Korean Airlines that the Death on the High Seas Act governs tragedies beyond the 3-mile territorial limit. Thus, in Yamaha versus Calhoun, Pennsylvania State law applies which allows numerous categories compensation for injury or death of a family member. In Zicherman versus Korean Airlines, where DOHSA is applied, families such as those involved in the KAL 007 and TWA 800 air disasters will be restricted to obtaining only one category of compensation—loss of income. The application of DOHSA to the TWA 800 incident will have a draconian impact on the families of the Montoursville High School students and chaperons since they will receive minimal compensation for the loss of their children. DOHSA also applies to all civil air flights, whether domestic or international, such as the airports in Boston, New York, San Francisco, and Los Angeles, where approaches and landings are often over water.

Both the Supreme Court in Zicherman versus Korean Airlines and the White House Commission on Aviation Safety and Security recommend that Congress correct these inequities—as other countries have done already, considering that DOHSA was enacted in 1920 to protect widows of seamen—at a

time when civil aviation did not exist. The Airline Disaster Act will abrogate the impact of the Death on the High Seas Act and allow families to seek just compensation under State and common law. I therefore urge my colleagues to join me in supporting passage of the Airline Disaster Relief Act, a measure whose time has come, to correct the judicial injustices which the application of the Death on the High Seas Act inflicts on families of air disaster passengers. Mr. Speaker, thank you for your consideration and support of this timely and badly needed legislative initiative.

CONGRATULATIONS TO 1997 GRADUATES OF SAN PEDRO/NARBONNE COMMUNITY ADULT SCHOOL

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Ms. HARMAN. Mr. Speaker, I rise today to congratulate the 1997 graduating classes of the San Pedro/Narbonne Community Adult School. I was sorry to miss the ceremonies on Wednesday evening which honored students who successfully met the requirements for ESL competency certificates, eighth grade diplomas, and high school diplomas. I also congratulate principal Camilla Kocol and all the faculty and staff of the San Pedro/Narbonne Community Adult School.

It is my pleasure to share with my colleagues a poem that was written by one of the students of the school's creative writing class. This poem was recited by author and adult school student, Bette Ann Schroeder, at Wednesday's graduation ceremony:

I AM AN AMERICAN

I am an American.
My grandfather came from China in the 1800s and helped build the railroads of the West.
I am an American.
My grandfather came from England in the 1800s and worked in the coal mines of Illinois.
I am an American.
My grandfather came first over the Bering Strait and the Isthmus of Panama to roam the forests and valleys of this great land.
I am an American.
My grandfather came from Germany in the 19th Century and started Kindergartens.
I am an American.
My grandfather was captured in Africa and brought to slave in the cotton fields of the South.
I am an American.
My grandfather came from Japan in the 1900s and founded the abalone fishery in San Pedro.
I am an American.
My grandfather fled Pancho Villa in Mexico and worked in the fields of the Imperial Valley.
I am an American.
It was not easy to forget the homeland, to learn the language, to make a living, to struggle against bigotry, to change my ways.
I am an American.
I am all the cultures of the world, all the religions of the world, all the legends and lore of the world, all the struggles for freedom everywhere.
I am all of these, and all of these make me an American.

TRIBUTE TO RAY BURKHOLDER ON THE OCCASION OF HIS 80TH BIRTHDAY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding citizen of northwest Ohio. On June 22 of this year, the family and friends of Ray Burkholder will gather to celebrate his 80th birthday which will occur on July 3.

Ray lived and farmed most his life in Pandora, OH. A member of the Grace Mennonite Church in Pandora, Ray has been a leader in his community. He was an instrumental part of the Menmonite disaster team, always available to lend a hand to others. He served for many years as the Sunday school treasurer and is a recipient of both the Community Service Award of Pandora and the Outstanding Citizen Award of Pandora. This past year he served as First Grand Marshal of the Riley Creek Festival.

Birthdays are a wonderful time to recount memories and to look toward new horizons. Since Ray's birth he has been witness to tremendous revolutions in politics, technology, and society. However, I know his favorite memories are of his family and friends.

Americans would not be able to enjoy the blessings of our country without the tireless dedication of those who have the talent and willingness to work for their community. Ray Burkholder, through his example of leadership and humility has enriched the lives of his neighbors in countless ways over the years. It is with great fondness that they will take a day to thank him for his warmth and generosity.

I ask my colleagues to join me in extending best wishes to Ray and his family for continued happiness and best wishes.

ISRAEL—A CORNERSTONE OF U.S. NATIONAL SECURITY POLICY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. FORBES. Mr. Speaker, I submit for my colleagues' consideration remarks I made June 8, 1997 before the Great Neck Synagogue Men's Club. My support for Israel is no secret among my friends in Congress. We cannot ignore the challenge that has been placed before us if we are to see Israel survive as a free and flourishing democratic state. Israel has always been, and must remain, a cornerstone of United States national security policy.

ISRAEL AND THE MIDDLE EAST: A VIEW FROM CAPITOL HILL

Good morning ladies and gentlemen. It is a pleasure to be here among so many friends at a congregation known throughout the greater New York area for its strong ties to the Land of Israel. Your record of generous giving to Israeli causes and your commitment to a strong U.S.-Israeli relationship are well known.

Your congregation has always embodied the essence and vitality of "Am Yisrael Chai" and the sharing, giving spirit "Tikkum Olam." By your very example you have been a light unto our community. Through good times and bad, times of sadness and hope, the Great Neck Synagogue has stood by Israel in its eternal quest for peace with security.

Though many of you share different political opinions about how peace in the Middle East might finally be achieved, you stand united—indeed America stands united—on the need to maintain Israel's economic and military strength as a hedge against the uncertainties of the future.

My friends, we can never allow politics of the moment to obscure three essential facts of our time: first, that Israel exists today as a sovereign, democratic, and Jewish state precisely because it has never allowed its fundamental security interests to be compromised; second, that peace, particularly in the Middle East, has never flowed from weakness; and third, that support for a strong, self confident Israel has always been, and must remain, a cornerstone of United States national security policy.

Israel exists today not because of the world's caring or generosity toward the Jewish People, but in spite of its neglect and indifference. We must never forget the basic truth.

As we commemorate the fiftieth anniversary of the Marshall Plan this week, we must remember that the United States stepped forward to rebuild Europe after the war—and particularly Germany—a full year before it gave any thought to relief for Germany's victims through the creation of a Jewish state. The lesson is clear: Israel's fate must always rest with Israel and with those who care for her; it can never be entrusted to the presumed good will of others.

History, my friends, is sometimes a cruel, but honest teacher. I am particularly honored to be here today to share with you some thoughts on the state of U.S.-Israeli relations, the Oslo process, and events unfolding in the Middle East, from the vantage point of Capitol Hill. At the outset, I must confess that I stand before you with more than a little concern.

Concern because a century after the First Zionist Congress, nearly 50 years since the founding of Israel, 30 years after the miraculous triumph of the IDF in the Six Day War, 20 years since Camp David and 4 years since the Oslo process began—Israel still does not know peace.

As we sit here this morning amid these comfortable and serene surroundings, Israel is facing perhaps the greatest threat to her survival yet experienced. It is a threat born not only of external enmity and aggression, but sadly, of internal division, social strife, political indecision and confusion, and the calamity of peace gone unfulfilled.

It is an unfortunate consequence of Israel's proud, but troubled history that we have grown all too accustomed to the hatred which her enemies harbor for the Jewish State—a state whose very existence continues to be the anathema to the 110 million Moslems who surround her.

Terrorist bombs in Jerusalem and Tel Aviv, the murder of Jewish school girls on a class outing, the knifing of Yeshiva students on their way to the Kotel—these sights have become as familiar to the younger generation of Israelis as the weekly Vietnam body count was to my generation. My friends, we are living a tragedy today with no satisfactory end in sight.

Lamentably, we have learned the sad truth that weapons and military might alone can not bring peace. Sadder still, we have learned that a peace reluctantly born and brazenly violated by Israel's enemies is not peace either. There are no good choices left for Israel today. She has been cheated of the very hope, Hativka, for which her people proclaim in song and for which all Jews everywhere yearn.

Like you I have tried to make sense of the many contradictions that have arisen as a result of the Oslo process. I say Oslo process, and not peace process, because while there exists today only one process, I believe that there are many paths to peace—and I am a fervent believer in peace. But for it to be real, it must be lasting; for it to be lasting, it must be honest; for it to be honest, it must demonstrate at every turn the resolve of all of the parties to abide by the commitments they made on the day of the signing and in the subsequent agreements. Tragically, for all concerned, this has not happened.

Those Palestinians who had the chance to share in the prosperity of a reconstructed Middle East, and in doing so to accept something less than the full measure of their political demands, have opted instead for a more sinister path. They have chosen to use the dove of peace to conceal their more menacing intentions, just as Mr. Arafat, himself, chose to conceal a pistol beneath his jacket when he appeared before the United Nations General Assembly in the mid-seventies.

This song of peace is well worn in tune. Born of Hitler's deception at Munich in the 1938, it survives today in the guise of those who would have peace at any price, even if it meant admitting the Trojan Horse of the PLO terrorism inside the gates of the city. If we are to begin to understand what is now happening to Israel and to grasp the historic forces now at work to undo the dream of the last 100 years, we must first see that there is a distinction between negotiation and extortion, between reality and illusion, and between trust and deception.

I stand before you this morning as one who lives this ordeal every day in Congress. My heart is heavy with the pain and suffering endured by Israelis as together we struggle to make sense of the turmoil that is gripping the region. And yes, I grieve for the Palestinians, too, who have been deceived by their leaders into believing that a terror organization like the PLO can ever bring peace. It can't. And the reason is simple. Terror and the ways of the gun are an integral part of the PLO's identity, a past it can never leave behind.

The Palestinian community has yet to produce leaders whose commitment to peace is more than simply a means of seeking tactical advantage. It is a community which continues to be dominated by revolutionaries, guerrilla fighters and scoundrels of every stripe—and not true statesmen who understand the art of compromise, are committed to a true reconciliation, and tolerate dissent.

I wish this were not so, but the record of the last four years speaks of different reality. While Israel has demonstrated a willingness to retreat from some of its most cherished sites like Hebron and Shechem (Nablus), to accept the presence of armed Palestinian militia at checkpoints around the country, and to concede that a final status talks will include Jerusalem, the PLO has only shown increasing reticence to carry out its side of the bargain.

The PLO has answered Israel's deeply rooted security concerns with provocation after provocation, even questioning whether there will even be room for a sovereign Jewish State in the Middle East once the Oslo process is concluded. If you doubt what I am telling you, you need look no farther than the maps which the PLO uses at countless functions, both official and unofficial, on its monuments, on its stationary letterhead and on its television broadcasts.

It is a map showing a sovereign State of Palestine stretching from the Mediterranean to the Jordan River and from the Banyas to Eliat, encompassing all of the present day State of Israel. If this were not bad enough, the President's own Special Coordinator for the Middle East, Mr. Dennis Ross, has been photographed with Yasir Arafat sitting beneath these maps apparently unmoved by the implication of their sinister message.

I believe that at no time during the Cold War would an American diplomat ever have been found posing beneath a map of the Baltic States, festooned in the colors of the former Soviet Union. The same might be said for Berlin and Afghanistan—for South Korea and Hong Kong in the case of China—and for South Vietnam when it came to claims made by the Hanoi Government before our withdrawal from the War.

My friends, I am deeply concerned that Israel and the United States are now living an Alice in Wonderland existence, where up is down and down is up—where is good is bad and bad is good. It is a contradiction that has bedeviled me for the past four years about which I refuse to remain silent.

As the principal House sponsor of the Middle East Peace Compliance Act of 1995, I tried to bring some sense to our nation's Middle East policy. I asked my colleagues to consider the folly of providing the terrorist PLO with $500 million in U.S. Government assistance while making virtually no provision for the accountability of the funds and providing no honest mechanism to assess whether the PLO was in fact complying with the spirit and the letter of Oslo.

For this I was widely chastised by many Members as well as by Administration officials: for attempting to bar all funding to the PLO, for insisting that no funds go to individuals alleged to have killed or injured Americans or for trying to prevent projects and activities that were not strictly humanitarian in nature.

Well, time has vindicated my position. Just two weeks ago an audit conducted the PLO itself found that $350 million dollars in international aid has been stolen from the Palestinian coffers or misused by their leaders—many of them took money to buy grand villas and fancy automobiles. At the same time we see that incidences of PLO-inspired violence are continuing to increase with not only Israelis being killed, but also Palestinians who dare to sell land to Jews.

Yasir Arafat continues to undermine Oslo by praising Palestinian suicide bombers as martyrs and heroes and by paying homage to Hamas leader Sheik Yassin. Arafat calls upon his public to unite around the cause of Jerusalem—all of Jersualem—as the capital of a Palestinian state.

Would you believe that a senior Arafat official recently leveled the absurd accusation that Israel sells gum in the West Bank and Gaza laced with an aphrodisiac! Unfortunately, this is but a mild version of the anti-Israel vitriol which regularly pours out from the Egyptian Press and is frankly indistinguishable from the anti-Semitic diatribes of medieval European demagogues or Der Stuerner, the Nazi propaganda paper.

My friends, I can go on and on listing the PLO violations of Oslo and Arafat's incendiary rhetoric. This is a matter of public record and the record is indisputable. That is, unless you hail from the U.S. State Department, which continues to insist in report after report to the Congress that Arafat and the PLO are in virtual compliance with their Oslo commitments.

Though the New York Times has only recently acknowledged that the PLO has not changed its covenant calling for the destruction of Israel, the State Department continues to cling to the vain notion that Arafat's word is his bond. The Administration still insists that the promise of the Palestinian National Council (PNC) to change the covenant is an adequate substitute for actually changing the covenant.

We cannot ignore the challenge that has been placed before us if we are to see Israel survive as a free and flourishing state.

To the extent that the United States is complicit in helping Arafat achieve his objectives, we are obliged as citizens, as friends of Israel, as Americans concerned with the moral, political and strategic posture of our own country, to act soon to restore common sense to our otherwise misguided Middle East policy.

These are the actions which I am now talking, and which I intend to pursue in the weeks ahead, toward this goal:

First, I have notified the Foreign Operations Appropriations subcommittee, of which I am a member, of my desire to suspend U.S. aid to the PLO until it meets the compliance standards laid down in the Oslo Accords. Last month I added my name to a bi-partisan letter co-signed by 15 House members urging the president to cut aid to the PLO;

Second, I do not endorse the current effort by the Administration to cut $50 million from Israel's aid package for next year—aid which is sorely needed to maintain Israel's strong defense posture in the face of renewed threats by Syria and Iraq and vote to ensure that adequate funds are made available to facilitate the eventual move of the U.S. Embassy from Tel Aviv to Jerusalem as directed by Congress in legislation last year;

Third, I am continuing to support efforts to bolster counter-terrorism cooperation between the U.S. and Israel. To this end, I urge the Justice Department to conduct a review of all cases in which current or past members of the PLO are alleged to have harmed Americans or their property. I want to know the level of cooperation that U.S. law enforcement agencies have received from the PLO in their investigation and in requests for extradition; and, urge the Administration to examine the threat to U.S. security posed by the increasing numbers of weapons pouring into the Palestinian controlled areas. In particular, I am concerned by reports that the PLO has acquired surface-to-air missiles which have the potential to down civilian air traffic transiting through the Middle East and elsewhere. With the cause of the TWA disaster still unknown, I feel it is prudent to keep a spotlight on this critical national security issue.

Dear friends, let me conclude by saying that I feel privileged to be able to lead the

fight for a cause in which I believe so deeply. For me, the U.S.-Israel relationship is more than just a slogan, it is an historic commitment of two nations to the cause of peace, freedom, and security. I don't have to tell you we are living through difficult times. They are difficult times for many nations around the world, particularly for Israel, which continues to live under the threat of war.

Just last week Israel's Chief of Staff spoke publicly of the increasingly menacing military build-up along the border with Syria. Likewise, countries from Egypt to Saudi Arabia, and Iraq to Iran, continue to acquire advanced long-range weaponry, capable of striking anywhere in Israel, despite the region's supposed move toward peace. Therefore, it is all the more important that we not forget the history which brought us to this point in time—and the lessons learned—as we begin to build a new future.

It was exactly 30 years ago this week that the Jewish State found itself caught in a life or death struggle as the Arab armies of Egypt, Jordan and Syria, backed by the Soviet Union and its allies sought to destroy her. I remember those terrifying hours of the 1967 war well, as do most of you in this room. They are seared into our collective consciousness.

Many of you probably can recall in vivid detail what you were doing at precisely the moment when news flashed across our television sets that the fledgling was now fighting for its life against seemingly unsurmountable odds. Today, as we recall those fateful hours, we must renew our pledge to fight for Israel's survival, in our homes, in our places of worship, in our State and on Capitol Hill.

We must do everything in our power to see that the insecurity of those years do not return. For my part, I am committed to do whatever is necessary to perpetuate a strong Israel and a strong U.S.-Israel relationship. It is my hope that during the difficult weeks and months ahead I will be able to call upon each and every one of you, your rabbis and synagogue leaders, to guide me through the thicket of Middle East politics so that I can better serve the cause of peace and U.S.-Israel friendship. Together, we can achieve miraculous things.

Thank you for the opportunity to share a few thoughts with you this morning. May the coming festival of Shavuot pass peaceful for Israel. May you all know peace. Shalom.

FREE TRADE AND THE G8 SUMMIT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to alert my colleagues to the upcoming challenges and opportunities of the G8 Summit in Denver. Anticipating the economic boost from this week's G8 Summit, Denver area merchants hope to rake in big revenues from the thousands of visitors expected. Yet how well Colorado fulfills its role as gracious host will be but one measure of the State's achievement during the historic event.

More important than the short-term economic surge associated with the summit, success in advancing the Nation's trade objectives will have a far greater impact on Colorado's long-term economy and job growth. Among the leaders assembled, the most pivotal exchange to watch is the one between President Clinton and Japanese Prime Minister Hashimoto.

Hashimoto's visit will highlight the close alliance the United States and Japan have established throughout the cold war years, and maintain today. However, while United States interests remain tightly linked with those of Japan on many fronts, such as containment of North Korea, the Hashimoto visit may serve as a springboard for talks on other issues that divide us.

Despite the close ties we have forged, the bilateral relationship between the United States and Japan has been marred by a series of ongoing trade disputes that are of major concern to United States interest—especially the interests of Colorado.

Specifically, the United States Trade Representative is challenging 30 years of Japan's Government-supported market barriers that have prevented, and continue to prevent international competitors from gaining fair access to the Japanese market for consumer film and paper products. The massive array of evidence reveals for the first time, an elaborate system designed to exclude foreign competitors from Japanese markets.

So what does film and paper have to do with Colorado? In a word, Kodak. Eastman Kodak Co. employs over 2,700 people in northern Colorado. Their photographic products are sold all over the world.

Much of what Kodak sells overses is manufactured at their plant in Windsor, CO. where Kodak exports color paper and medical x-ray film directly to Japan. Expanding this market share would certainly create more jobs in Colorado and expand economic prosperity.

One year ago, the United States Government determined that Japan has engaged in unreasonable trade practices in the lucrative market. Rather than retaliating directly, the United States filed a case with the newly formed World Trade Organization [WTO]. The case is regarded as the most comprehensive well-documented trade case in history—the resolution of which could substantially change the way America does business with Japan. The case is expected to be decided in October, this year.

For those of us who are WTO skeptics, the episode is the first real test of the panel's capacity to address structural and access barriers. The precedent that could be set might have a profound impact on literally hundreds of Colorado-based exporters seeking broader markets in Japan.

George M.C. Fisher, Kodak CEO expressed optimism about the case against Japanese protectionism. "We believe that the WTO, upon examination of the evidence, will conclude that the laws and measures exacted by the Government of Japan to restrict foreign competition in its consumer photographic produce market, are inconsistent with the country's international obligations under the GATT," he said. "The ramifications of this historic case are potentially of landmark proportions,"

Still, it is unfortunate that Kodak must go to such exhausting lengths to gain fair market access in Japan. An assertive United States President would have dealt more firmly with Japan rather than defer the Kodak case to the WTO as Clinton chose to do.

If Prime Minister Hashimoto is any less stubborn, the G8 meeting right here in Colorado might prove to be the perfect place to announce the loosening of trade restrictions, to allow greater competition in the Japanese market, to allow Japanese consumers the advantage of lower prices, and to shore up the otherwise good relationship between the United States and Japan. It would be a Kodak moment, that all of Colorado could take to the bank.

FREEDOM FOR ALL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. CRANE. Mr. Speaker, there is an alarming trend that has occurred the past several months, led by some social conservative organizations in Washington who have called for the revocation of China's most-favored-nation [MFN] status. They argue we should revoke this status, which is simply normal trade relations between countries, to retaliate against the Chinese Government for interfering with the practice of religion.

I, too, am very concerned about the persecution of anyone who practices religion in China. It is for this very reason that I have the firm conviction that MFN must be renewed. In fact, missionaries in China, who are closest to the issue, say that MFN is essential for maintaining the positive work they do. As a conservative, as a Christian, and as the chairman of the Ways and Means Subcommittee on Trade I am absolutely convinced that by bringing the influence of the outside world into China, free trade will create opportunities for freedom of religion to take root.

Trade has helped to expose millions of the Chinese people to values such as human rights and religious freedom by opening a door to the People's Republic of China. In the June 11, 1997, edition of the Wall Street Journal, Rev. Robert A. Sirico addressed many of these concerns and concluded that "Just as religious freedom offers the best hope for Christian social influence, economic freedom is the best hope for spreading that influence around the world." I applaud his thinking and submit his article into the RECORD. I urge my colleagues to consider the points he raises here and to vote to renew China's MFN status.

[From the Wall Street Journal, June 11, 1997]

CHINA AND THE TRADE WARRIORS

(By Robert A. Sirico)

Despite occasional tensions between social conservatives and economic conservatives, most social and cultural goals have an economic dimension about which the two camps are generally in agreement. But now a leader of the socially conservative camp has proposed that there is an issue that pits morality and prosperity irreconcilably against one another—U.S. trade with China, a nation known for human-rights violations, and particularly for religious persecution.

Gary Bauer of the Family Research Council is demanding that the U.S. government wage economic war against China with sanctions, boycotts and embargoes. In his campaign for trade restrictions with China, Mr. Bauer and a few other conservative leaders are working hand in glove with labor unions and other left-liberal protectionists, normally die-hard opponents of the religious right.

BARRICADES HAVE COLLAPSED

The usual political barricades have collapsed as Mr. Bauer's comrades join forces to oppose congressional attempts to continue normal trading relations with China. In a recent letter, Mr. Bauer compares the urgency of imposing sanctions to issues such as ending slavery and defeating Hitler.

How restricting trade with China will help strengthen American families, faith and morality is unclear. What is clear is that Mr. Bauer finds China's treatment of Christians morally objectionable. I do, too. And he is to be commended for his efforts at raising the public's awareness of Chinese persecution. Christians are threatened, jailed, expelled and even killed in China. Whether this occurs more or less today than in decades past is in dispute. But one human-rights violation is one too many.

That's why I, along with many others, signed an open letter from the Family Research Council to Vice President Al Gore that appeared in major newspapers. It objected to Mr. Gore's failure to emphasize China's poor human-rights record during his March visit. The letter particularly highlighted China's vicious suppression of rights of Roman Catholics to worship in freedom. The letter said nothing about a broader trade agenda.

I would have signed a similar letter about the appalling treatment of Christians in Egypt (which receives U.S. aid), Saudi Arabia (which the U.S. has defended militarily) and Iraq (where a Kurdish convert to Christianity, Mansour Hussein Sifer, was recently martyred). Friends of freedom should oppose restrictions on worship and religious speech anywhere they may appear, including the U.S.

When I signed the letter on China, however, I did not know that it was a prologue to a full-blown political campaign that would seek to curtail commercial ties between China and the rest of the world. Mr. Bauer's position has evolved from a strong moral stand in favor of religious freedom to waging total trade war.

A charge often leveled against the Christian right is that it is not sensitive to the difference between urging certain moral ends and using government coercion to bring them about. It's usually a canard: In the case of the arts, for example, the religious right seeks not censorship but an end to taxpayer subsidies for blasphemy and obscenity. I regret having to say that this time, however, the Family Research Council has lived up to the stereotype. It is attempting to enlist government power, at the expense of everyone who benefits from U.S.-Chinese commercial relations, thus choosing an inappropriate means to achieve a moral end.

What's more, trade sanctions would be counterproductive. Sanctions won't bring freedom for religious expression in China. They won't end China's cruel policies limiting family size. They won't stop the horrific policy of forced abortions. They won't bring democracy. They can only further isolate China and close off avenues for greater Western influence.

The growth of Western businesses in China, however, would dilute the power of China's communist rulers. As commercial networks develop, Chinese businesspeople are able to travel more freely, and Chinese believers have more disposable income with which to support evangelistic endeavors.

No one understands this better than evangelical missionaries currently working in China. Mr. Bauer's passionate campaign has elicited pleas from many of them for Congress not to cut off trade. Such an action would endanger their status there, and possibly lead China to revoke their visas. It would severely limit opportunities to bring in Bibles and other religious materials. These missionaries understand that commercial relations are a wonderfully liberating force that allow not only mutually beneficial trade but also cultural and religious exchanges. Why doesn't Mr. Bauer listen to those who know far more about China than Washington think tanks and labor unions do? "They may be too close to the situation," he answers, somewhat flippantly.

Until recently, trade warriors have cited the case of the U.S. Catholic bishops, who have opposed renewing normal trade status with China. At the same time, however, Hong Kong's official Catholic newspaper, the Sunday Examiner, reports new contacts between Beijing and Hong Kong's Catholic hierarchy. These contacts are a major step toward an official recognition of the Catholic Church on the mainland.

TO THE GOOD

This would all be to the good. Diplomacy and international trade strengthen people's loyalties to each other and weaken government power. Beijing has shown itself to be supremely interested in fostering prosperity at home. Christians must take advantage of this impulse, rather than recklessly treating China as a monster that must be slain.

This need not be an issue that divides social conservatives from economic conservatives. Economic prosperity through free trade is the most effective distributor of wealth and power, and trade with China is the surest way to break the gap of centralized political power. Religious conservatives should broaden their focus beyond purely social and cultural issues. Mr. Bauer and his supporters are right to decry the immoral treatment of believers in China. But allowing themselves to be used by protectionist and labor lobbies is an imprudent approach. Just as religious freedom offers the best hope for Christian social influence, economic freedom is the best hope for spreading that influence around the world.

MEETING OF THE COUNCIL OF FREELY ELECTED HEADS OF GOVERNMENT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. GILMAN. Mr. Speaker, I was pleased recently to participate in this year's meeting of the Council of Freely Elected Heads of Government in Atlanta, GA. This meeting dealt with a number of important issues facing the Western Hemisphere, but I would like to focus the attention of my colleagues on one issue the conference addressed: The importance of freedom of the press.

Freedom of speech and of the press is a basic American value. It is enshrined in the first amendment to our Constitution. As countries around the world struggle to achieve a transition to democracy, we must never forget the importance of this freedom. We must strive to protect and foster the rights of expression of peoples everywhere.

It was in this spirit that the council endorsed a declaration on press freedom that was adopted on March 11, 1994, at the Hemisphere Conference on Free Speech held at Chapultepec Castle in Mexico City.

Known as the Declaration of Chapultepec, it has been endorsed by news organizations and prominent leaders throughout the Western Hemisphere, including President Clinton.

The Declaration describes the importance of a free press in a free society, and lays down 10 principles for ensuring the continuance of press freedom. It is only when individuals take responsibility for protecting their liberties that we can all be assured of the continuation of the freedoms that we cherish.

I commend the Declaration to my colleagues and ask that it be printed in the RECORD at this point:

No people or society can be free without freedom of expression and of the press. The exercise of this freedom is not something authorities grant, it is an inalienable right of the people.

Every person has the right to seek and receive information, express opinions and disseminate them freely. No one may restrict or deny these rights.

The authorities must be compelled by law to make available in a timely and reasonable manner the information generated by the public sector. No journalist may be forced to reveal his or her sources of information.

Freedom of expression and of the press are severely limited by murder, terrorism, kidnaping, intimidation, the unjust imprisonment of journalists, the destruction of facilities, violence of any kind and impunity for perpetrators. Such acts must be investigated promptly and punished Harshly.

Prior censorship, restrictions on the circulation of the media or dissemination of their reports, arbitrary management of information, the imposition of obstacles to the flow of news, and restrictions on the activities and movements of journalists directly contradict freedom of the press.

The media and journalists should neither be discriminated against nor favored because of what they write or say.

Tariff and exchange policies, licenses for the importation of paper or news-gathering equipment, the assigning of radio and television frequencies and the granting or withdrawal of government advertising may not be used to reward or punish the media or individual journalists.

The membership of journalists in guilds, their affiliation to professional and trade associations and the affiliation of the media with business groups must be strictly voluntary.

The credibility of the press is linked to its commitment to truth, to the pursuit of accuracy, fairness and objectivity and to the clear distinction between news and advertising. The attainment of these goals and the respect for ethical and professional values may not be imposed. These are the exclusive responsibility of journalists and the media. In a free society, it is public opinion that rewards or punishes.

No news medium nor journalist may be punished for publishing the truth or criticizing or denouncing the government.

MORATORIUM ON THE EPA'S PROPOSED NEW AIR QUALITY STANDARDS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 1997

Mr. UPTON. Mr. Speaker, I rise today to join my colleagues RON KLINK and RICK BOUCHER in introducing legislation that will place a 4-year moratorium on the Administrator of Environmental Protection Agency's [EPA] authority to promulgate new or revised ambient air quality standards for ozone or fine particulate matter. We are introducing this legislation because the Administrator of the EPA appears determined to finalize the highly controversial new standards she proposed in November—in spite of widespread disagreement within the scientific community that they will produce any measurable improvement in human health and widespread certainty among State and local government officials across the Nation and even within other agencies of the Federal Government that the proposed new standard will wreak economic and social havoc.

Consider, for example, these excerpts from an November 20, 1996, letter from the Assistant Secretary of Transportation to Sally Katzen, Director of the Office of Management and Budget [OMB] office responsible for reviewing and signing off on the EPA's regulatory impact analysis of the proposed new standards. The letter calls into question not only the EPA's estimate of the cost of these new standards, but also its determination of the standards' positive impact on public health and the environment:

> The social and economic disruption that the proposed changes will cause are not understood. The costs associated with the standards changes, both in terms of cost of compliance as well as economic impacts, will likely be large. . . . [It] is critical that the Administration understand the implications associated with such costs up front.
>
> The impacts of the Clean Air Act sanctions on highway funding, as well as on stationary sources, could affect much larger areas, going well beyond those envisioned when the 1990 Amendments were passed. The enforcement consequences of these mandates would thus likely be profound. Better estimates of the impacts on transportation programs and the economy in general are necessary before the Administration commits to far more stringent standards.
>
> There are substantial uncertainties and numerous subjective judgments required about the health effects and levels and form of the proposed standards . . .
>
> Control measures needed to meet the standards could have significant economic impacts on industry, including previously unregulated businesses, and require lifestyle changes by a significant part of the U.S. population.

Or consider these excerpts from an November 18, 1996 letter from the Small Business Administration to the Administrator of the EPA;

> [Regarding the EPA's conclusion that the proposed rules will not have a significant economic impact on small entities] Considering the large economic impacts suggested by the EPA's own analysis that will unquestionably fall on tens of thousands, if not hundreds of thousands of small businesses, this would be a startling proposition to the small business community.
>
> . . . EPA's own draft November 3 analysis (admittedly very approximate) reveals shockingly high impacts . . . Furthermore, these costs are in addition to the costs required by the current standards. Thus, this regulation is certainly one of the most expensive regulations, if not the most expensive regulation faced by small business in ten or more years. (emphasis in original)

The grave concerns these and other Federal agencies, offices, and advisory councils—such as the Departments of Agriculture, Commerce, and Defense, the Office of Science and Technology Policy, and the Council of Economic Advisors—have expressed about the proposed new standards underscore the concerns felt by communities across my district, my State, and this Nation. For example, Michigan currently has six ozone nonattainment counties. According to information provided by the Michigan Department of Environmental Quality, under the EPA's proposal, an additional 11 counties would violate the standard, based on data from the 1994–96 ozone monitoring seasons. When all associated urbanized areas and adjacent counties are included, most of lower Michigan would be thrust into nonattainment status, seriously undermining and perhaps reversing the progress we have made in recent years to diversify and develop our economy and produce good jobs.

The proposed new standard pose a particular problem for western Michigan, which is overwhelmingly affected by transient ozone from Gary, Chicago, and Milwaukee. No matter how many costly restrictions and regulations might be imposed on many western Michigan communities to reduce local emissions, they would still not meet the proposed new standards. Take Muskegon County, for example. We could close down every factory, turn off every car, douse every backyard grill, and remove every occupant and the county would still fail to meet the standards because of transient ozone from the other side of Lake Michigan. The proposed regulations do not appear to provide any regulatory relief for such areas victimized by transient ozone, in spite of the fact that the 1990 Clean Air Act amendments gave the Administrator the authority to take such situations into account in promulgating regulations.

Instead of imposing stringent new air quality standards that will thrust many communities now in attainment back into nonattainment and that will be impossible for areas impacted by transient air pollution from heavily polluted cities to meet, no matter how stringent their pollution reduction restrictions, the EPA ought to be focusing its efforts on the nearly 50 percent of cities that have not yet come into compliance with the current standards for ozone and particulate matter. That is only common sense.

I am also concerned that imposing new standards when many areas have yet to come into compliance with the current standards could actually slow progress toward cleaner air. The promulgation of new standards will require the development and implementation of new State implementation plans and will reset the compliance clock.

The Administrator of the EPA is rushing to judgment, imposing new standards which will wreak havoc on economic growth, jobs, and even personal lifestyles without solid evidence that these sacrifices will be worth it in improved health. That is why the legislation my colleagues and I are introducing today is vital to the future of my State and the nation. I encourage you to join us in cosponsoring this bill.

HOUSE OF REPRESENTATIVES—*Saturday, June 21, 1997*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. RADANOVICH].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 21, 1997.

I hereby designate the Honorable GEORGE P. RADANOVICH to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of Charles Brooks:

God bless our native land;
Firm may it ever stand
Through storm and night.
When the wild tempests rave,
Ruler of wind and wave,
Do Thou our country save
By Thy great might.
So shall our prayers arise
To God above the skies,
On whom we wait.
Thou who art ever nigh,
Guarding with watchful eye,
To Thee aloud we cry:
God save the State. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RADANOVICH) and to include extraneous matter:)

Mr. DELAHUNT.

Mr. PALLONE.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

On June 20, 1997:

H.R. 956. An act to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10:30 a.m. on Monday, June 23, 1997, for morning hour debates.

There was no objection.

Accordingly (at 9 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Monday, June 23, 1997, at 10:30 a.m. for morning hour debates.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 748. A bill to amend the prohibition of title 18, United States Code, against financial transactions with terrorists; with an amendment (Rept. 105–141). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 1532. A bill to amend title 18, United States Code, to create criminal penalties for theft and willful vandalism at national cemeteries; with amendments (Rept. 105–142). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII,

Mr. DELAY (for himself, Mrs. KELLY, Mr. EHRLICH, Ms. GRANGER, Mr. GOODLATTE, Mr. DOOLITTLE, Mr. PACKARD, Mr. MCINTOSH, Mr. CUNNINGHAM, Mr. DICKEY, Mr. GIBBONS, Mr. HERGER, Mr. BOEHNER, Mr. MCCRERY, Mr. ROYCE, Mr. COBURN, Mr. MILLER of Florida, Mr. DREIER, Mr. GILCHREST, Mr. CHAMBLISS, Mr. COX of California, Mrs. NORTHUP, Mr. CANNON, Mr. BURR of North Carolina, Mr. PETERSON of Pennsylvania, Mr. TALENT, Mr. ISTOOK, Mr. WATTS of Oklahoma, Mr. PAUL, Mr. POMBO, Mr. DEAL of Georgia, Mr. BALLENGER, Mr. CAMP, Mr. JONES, Mr. THORNBERRY, Mr. BRADY, Mr. ROHRABACHER, Mr. ARCHER, Mr. CHRISTENSEN, Mr. RADANOVICH, Mr. CRAPO, Mr. MANZULLO, Mr. EWING, Mr. HALL of Texas, Mr. RYUN, Mr. GOSS, Mr. SHADEGG, Ms. DUNN, Mr. WAMP, Mr. GREENWOOD, Mr. NEY, Mr. BARTLETT of Maryland, Mr. SCARBOROUGH, Mr. PAXON, Mr. TIAHRT, Mr. ROGAN, Mr. HILLEARY, Mr. BARTON of Texas, Mr. BASS, Mr. CASTLE, Mr. HEFLEY, Mr. COOK, Mr. ENSIGN, Mr. HUTCHINSON, Mr. LEWIS of Kentucky, and Mr. WELDON of Pennsylvania) introduced a concurrent resolution (H. Con. Res. 102) expressing the sense of the Congress that the cost of government spending and regulatory programs should be reduced so that American families will be able to keep more of what they earn; which was referred to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 165: Mrs. MORELLA.

H.R. 674: Mr. ROHRABACHER and Mr. REYES.

H.R. 1064: Mr. JEFFERSON.

H.R. 1126: Mr. LOBIONDO, Mr. KENNEDY of Massachusetts, and Ms. LOFGREN.

H.R. 1283: Mr. CAMP, Mr. HASTERT, and Mr. STUMP.

H.R. 1288: Mr. JEFFERSON.

H.R. 1416: Mr. FOX of Pennsylvania and Mr. DELLUMS.

H.R. 1620: Mr. NEUMANN.

H.R. 1693: Mrs. MORELLA, Mr. OLVER, Mr. BARRETT of Wisconsin, Mr. BENTSEN, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, Mr. FORD, Mr. FROST, Mr. BONIOR, Mr. ENSIGN, Mr. UNDERWOOD, Mr. MCGOVERN, Ms. SANCHEZ, Ms. WOOLSEY, Ms. ESHOO, and Mr. FALEOMAVAEGA.

H.R. 1730: Mr. STARK.

H.R. 1748: Mrs. LOWEY, Mr. FALEOMAVAEGA, Mr. PETERSON of Minnesota, Mr. MATSUI, Mr. WELDON of Pennsylvania, and Mr. FRELINGHUYSEN.

H.R. 1880: Mr. MCGOVERN.

H. Con. Res. 19: Ms. CARSON, Mr. MENENDEZ, Ms. MOLINARI, Mr. MARTINEZ, Mr. MARKEY, Mr. BARRETT of Wisconsin, Mr. MCNULTY, Mr. OLVER, and Mr. PALLONE.

H. Con. Res. 80: Ms. CARSON.

EXTENSIONS OF REMARKS

MONMOUTH MEDICAL CENTER DEDICATES NEW HEALTH CARE CENTER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, June 21, 1997

Mr. PALLONE. Mr. Speaker, on June 18, 1997, Monmouth Medical Center in Long Branch, NJ, hosted a dedication of the new community health center. This center's main purpose is to benefit the residents of the Long Branch area that are currently medically underserved.

The new community-based center represents a major outreach from Monmouth Medical Center. This expansion is proof positive that Monmouth Medical Center is true to its commitment to the Long Branch community. Residents of the city and the immediate surrounding area will be able to share and experience high quality, convenient and comprehensive medical care.

I am delighted that several organizations and agencies joined together to bring about this endeavor. I would like to pay tribute in particular to some of the individuals whose efforts have made this dedication possible, including the executive director of the Long Branch Housing Authority, David A. Brown, Lisa Thornton, president of the Long Branch NAACP, Phyllis Kinsler, executive director of Planned Parenthood, Joseph Ferraina and other administrators from the Long Branch Board of Education, Antonia Alvarez, from Hispanic Affairs, Rodney O'Neal and Webster Tremell of the Monmouth County Urban League, representatives from my congressional office, and so many others that have contributed enormously to this endeavor.

PROVINCETOWN'S 50TH BLESSING OF THE FLEET

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, June 21, 1997

Mr. DELAHUNT. Mr. Speaker, I rise today, far from the salt air and sea breeze, to pay tribute to the rich heritage in southeastern Massachusetts—and across the Nation—of Americans of Portuguese ancestry, whose courageous forebears set sail over uncharted waters to explore and settle in the Americas.

Their resolve to set new roots here ensured our Nation would be enriched by the profound and diverse influence of Portuguese enterprise and culture—from our commercial fishing and whaling industries, to the work of John Dos Passos and John Philip Sousa.

The melting pot which is our Nation consists of many strong and enduring flavors. From the 1500's, when Portuguese navigators mapped the New World; to colonial days, when Portuguese Jews in Newport worshipped with President Washington; to the wave of immigration here from the Azores, Madeira, and the Cap Verde Islands; to an exhibit of maps and photos honoring this remarkable history which now adorns the Halls of Congress—there is a great deal to learn from the principles of family, faith, and self-reliance that has sustained a very proud people.

It is thus a particular pleasure to note, with much personal anticipation, the first Annual Portuguese Festival to be held later this month in Provincetown, MA, where you can always get the best kale soup on this side of the Atlantic. This long weekend of reflection and recreation is scheduled to coincide with another wonderful milestone: The 50th anniversary of the celebration of the blessing of the fleet in Provincetown.

As Portuguese sailors first reached North America, who could have imagined the determination and productivity of their descendants?

From the familiar faces at the donut counter at Adams drug store, or the enticing aroma of the linguica roll tray at the Portuguese bakery; the immediacy of the response when the firehouse sirens ring, or an SOS crackling over the ship-to-shore; the zeal for the sea and for local history embodied by the Heritage Museum model of the *Rose Dorothea;* even the sometimes life-threatening adventure called Provincetown Town Meeting—from all these, and much more, the tangible tradition of extended family in this extraordinary community makes the blessing and the festival very special celebrations for all of us.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—*Monday, June 23, 1997*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord, we commit this day to making other people happy. So often our prayers are for what we need You to do to make us happy. Now in this quiet time, inspire us to think imaginatively about how we can bring happiness to those with whom we work and those whose friendship we enjoy.

Lord, our tendency is to think of some big, grand thing we could do and then because of the immensity of it, we never get it done. Help us forgo these grandstanding feats of herosim and do something that simply makes life more of a joy to the people in our lives. We want to make this a day free of uncreative, unproductive criticism. Today, we will not be a nagging, fault-finding source of distress. Whatever we do that causes anxiety, help us to change.

We confess that often it is what we fail to do that causes unhappiness. We know people need encouragement and affirmation. Today we give up the control we get by withholding the attitude or the words of approval not just of what people are tying to do, but what they are striving to become. May the end of this day be a time for remembering the happy memories we gave others. That's what it's all about, and that's what we're going to be about today. In the name of Him who called us to serve others. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the Senator from Wyoming [Mr. ENZI] is recognized.

SCHEDULE

Mr. ENZI. Mr. President, for the information of all Senators, today the Senate will be in a period of morning business until the hour of 12 noon. By previous consent, at 12 noon, the Senate will begin consideration of S. 947, the budget reconciliation bill. Amendments will be offered to the reconciliation bill today. However, no rollcalls will occur during today's session of the Senate. All votes ordered today with respect to amendments to the reconciliation bill will be stacked to occur on Tuesday, June 24, beginning at 9:30 a.m. Senators should, therefore, be prepared for a series of stacked votes beginning at 9:30 a.m. tomorrow.

Under the rules, the budget reconciliation bill is limited to 20 hours for debate, and it is the majority leader's hope that the two leaders will be able to reach an agreement to yield back some of that time.

Once the Senate completes the action on the first reconciliation bill, we will begin consideration of the second reconciliation bill, which is also limited to 20 hours for debate.

The leader has stated for the past several weeks that Senators should be prepared for a busy week of session. It is the leader's intention to remain in session until both reconciliation bills are completed. The Senate will adjourn for the Fourth of July recess once we finish our business this week. But the majority leader warns his colleagues that we will remain in session into the evening throughout this week and into the weekend, if necessary, until the reconciliation process is completed.

I thank all Senators for their attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for up to 5 minutes each. The Senator from Wyoming is recognized to speak for 60 minutes.

Mr. THOMAS. Thank you, Mr. President. Don't be alarmed, I expect to have some of my associates here to share in that time.

TAX RELIEF

Mr. THOMAS. Mr. President, we do want to talk this morning, however, about an item of great importance to all of us—the citizens and to all of us as Members of the Senate—and that is taxation, the question that will be before the Senate this week, as the Finance Committee has completed their work on the reconciliation bill, and we will now be addressing that.

We will be talking about tax relief, which I suspect is perhaps one of the most important topics we will talk about this entire year, not only because of the tax aspect of it because, as you go into the budget process, it seems to me that budgets are much more than just numbers, they are much more than various spending proposals, they sort of set the parameters of what we will be doing in Government for at least the coming year; in this case, at least 5 years.

These decisions will frame the size of the Government over time. If you prefer smaller governments or larger governments—I happen to prefer smaller ones—the budget has to do with that. The budget has to do with the kinds of priorities that we will set among programs, among the kinds of things that we do. Of course, if we are going to be responsible, as we should be, over time to pay for what we want—which we haven't done for 25 years—and seek to balance the budget, then revenues and expenditures and tax relief are all part of this package, and probably, in the broad sense, are the most important decisions that we will make with respect not only to taxpayers, but program recipients and everyone else over this next 5 years.

(Mr. ROBERTS assumed the chair.)

Mr. THOMAS. So, Mr. President, we will be talking about the taxes that are generally going to be in the reconciliation bill, such as some relief on the cost of education, in terms of deductions, in terms of credits for parents who have youngsters in school. We will be talking also about the family credit, the $500-per-child credit, so that families can retain and then use that money in their own way to raise their children. We will be talking, hopefully, about capital gains tax relief, the idea that investments would not be taxed at as high a level as they have been, the idea of encouraging investments so that we create jobs and so that we strengthen the economy, and capital gains has a good deal to do with that.

Hopefully, we will also be talking about estate taxes, the kind of taxes that are levied on property and assets that people have worked their entire life to accumulate and then, in many cases, have to spend more than 50 percent of the value of those assets in taxes and are unable, often, to pass them on to their families. They are particularly important, I think, Mr. President, in areas such as your State of Kansas and my State of Wyoming, where small business and agriculture is very prominent. Often the assets of families, small businessmen, ranchers,

farmers, are tied up in fixed assets, such as land and so on, and they have to sell their property in order to pay the taxes.

So these are the kinds of decisions with which we will be dealing. I look forward to it, frankly. It has been a very long time, it has been a very long time since we have had a fundamental reduction in taxes.

The concept in this place, in this Senate, in this Government, until the last couple of years, is let's have more taxes, let's have more money, let's have more Government, and now we have an opportunity to seek to start to turn that around and, hopefully, over time reduce the size of Government, move more and more functions to the State where they belong and can be best implemented, and then give taxpayers a break.

We will be caught up, Mr. President, as we go into this over the next week or more, in great details, as we should be. But I hope we don't forget the concept of what we are seeking to do. We will be caught up in details. We will be caught up in the great political spin that goes on, seemingly has gone on with more fervor in the last year or two than I ever recall. Everything is sort of couched in terms that are designed to package it and sell it. It is not really basic stuff. It is all fluff. We shouldn't do that.

For instance, we will hear the idea that every tax reduction is a tax break for the rich. Well, now, that isn't the case. If it is, then there are an awful lot of us who apparently are rich and didn't know it. People at $40,000 get some kind of tax break, and it is termed then as a tax break for the rich. That is not true.

We need to talk a little bit about really what the facts are. There is a notion that will be talked about, that, "Well, we don't need any tax reductions, we need to keep the revenue coming so we can continue to spend and spend more," and that has been the philosophy. It is not the principle philosophy of this country. The country was to have a constitutional government that does those things that are provided in the Constitution, and those things that are not provided in the Constitution should be done by the States or by the citizens. That is what the Constitution says.

Rather than talk about the facts and philosophy of government, we will be talking about political aspects of it. We will be talking about spin. We will be talking about the message that has come over the last months from the White House with the message merchants that are the result of the polling experts. I hope we can cut through that and just talk like we do in Wyoming, frankly. I was there yesterday. Those folks don't spin it, they just say, "Hey, let's just talk about what it really is," and that is what we ought to do here.

One of the things we ought to understand as we take a look at taxes and tax burden for working Americans is that it is higher than it has ever been. It, as a matter of fact, represents over 30 percent of GDP—over 30 of gross domestic product in taxes. I don't think we imagined that that would be the case in this country with limited government. It is three times as high as the highest tax burden during Roosevelt's New Deal—three times as high. So we ought to be talking about some kind of tax changes philosophically.

We will talk about income tax relief. That is what we are basically talking about, income tax relief. We are talking about people who pay it. You are not going to get income tax relief unless you pay taxes, and there is this idea that whenever we want to do anything to relieve the burden on those people who pay taxes, that somehow it is a big tax break for the rich. Everybody, of course, wants to help folks who need help to help themselves. That is not the issue here. We are not talking about how you do that. We are not talking about welfare; we are not talking about those kinds of things. We are talking about tax relief.

We ought to talk about that. It is very legitimate to talk about helping those who need help, and we should do that and we do that. But we ought not to tie everything together and not be able to clearly look at what we are talking about. We are talking about tax relief. We are talking about tax fairness. We are talking about opportunity. We are talking about encouraging investment to create jobs. Those are the things that we are talking about.

Tax relief is designed to allow people who work hard, people who, because they work hard, are successful to keep more of what they earn. We are talking about the incentive to work harder, the incentive to invest, the incentive to invest to strengthen the economy and to create new jobs. That is what we are talking about. So we ought to strip the other stuff away and really think about it a bit.

Tax relief is part of, it seems to me, a historical American philosophy of limited government, of allowing people to keep what they earn after they have paid the necessary costs of the services they want from government. That is a philosophy that I think is strong.

President Clinton in Denver this weekend boosted, as he should, about this economy, about the growth of a market economy, the growth of a free-enterprise economy, and yet, often the White House ignores the very thing that allows this economy to be stronger than the economies you see around the world, because it is an incentive-driven-private-enterprise-market economy. That is part of what we are talking about when we talk about taxes, when we talk about the level of taxes and when we talk about tax relief.

It is tax relief from that 30 percent of GDP that is collected in taxes. Keep that in mind. Every family pays nearly 40 percent of their income in taxes. That is very hard. I am not opposed, nor is anyone I know of opposed, to taxes. If we are going to have a government which is legitimate, if we are going to do the things in government that needs to be done, we have to pay for it. That is what taxes are for. We raise revenues to pay for those legitimate functions of government and, if we are responsible, we will do that.

We have not been as responsible as we should have been over the years. When we wanted some programs, when we wanted some services, when we wanted something to be done for us, rather than pay for it, we put it on the old credit card, and the credit card is now maxed out, of course. So you have to pay for it. There is nothing wrong with that. But there is a concept of taxation that I hope we will consider, that I hope we will take a look at. Taxation ought to generally be for the purpose of creating revenues to do the things that we are supposed to do to be responsible in government. Let's pay for it.

Unfortunately, over a period of time, it seems to me—and we continue to do that—tax policy is designed as much to influence behavior as it is to raise revenues, so that each tax relief has a great deal of conditions attached. "If you will do this, then we will give you tax relief." "If you behave in this way, we will give you some tax relief." So we have created then a complicated and inefficient and, frankly, unfair tax system which brings about, of course, a great deal of debate about how we simplify the tax system.

We are not going to talk about that much this week. That is OK. That is OK. We are dealing with the short term. We are dealing with something we have not talked about for years, and that is tax relief. We ought to do that. And I am pleased with what has been done in the budget.

I am pleased with what has been done in the Finance Committee to move in that direction. That is not as far as we ought to go. Our next step then ought to be to take a broader look at how we simplify taxes. I do not have a favorite way of doing it. There are a number out there that are possible, whether they be flat taxes, whether they be sales taxes, whatever. But we ought to do that. We ought to see if we cannot move away from this idea that taxes are designed to impact and direct behavior and get to something that is much more simple, much more collectible, much more less intrusive on people's lives. But, as I said, that is not the issue that will be before us this week.

The issue is to seek to get some tax relief for taxpayers in this country. You say, well, that sounds pretty simple. What is so complicated about that?

Just listen over this week and you will hear all kinds of things about tax breaks for the rich, about those people do not need it, we should not have tax breaks because we ought to have more programs. And you will see all that, hear that coming from the White House and hear that coming from all over. And so it is not easy. It is not simple. The idea of tax relief, which sounds very simple, is not.

Most everyone agrees there ought to be some progressiveness in the tax system. And there is. Today's Code is more progressive than it was in 1950. The lower half of taxpayers pay less than 5 percent in total taxes. And 25 percent of the taxpayers pay 80 percent of the taxes. Those that have over $42,000 in income are in that category. So we do have a progressive tax system. And we should have. And we will continue to. But we ought not to confuse tax relief with all of the other kinds of issues that happen.

As I mentioned, the typical family of four forfeits nearly 40 percent of their income, more than they spend on food, shelter and clothing combined. So it is tough. It is tough to raise a family. It is tough to send your kids to school. It is tough to save for retirement. Nearly 3 hours out of every 8-hour workday are spent financing Government—money that is spent on Washington's priorities, not yours.

More taxes, more government—that is one of the things that causes us to take a look at how you make government more efficient, that you require more efficiency, makes us take a look at the idea of private contracting rather than having an increased size of government because it is more efficient, because it costs less, but unless you have some reason to do that, the government continues to get larger.

So we need to balance the budget, but keep in mind that you can balance the budget by raising revenues, that that is not what we ought to do. We ought to balance the budget while controlling and reducing the size of government. That is the challenge. And that is the challenge that we need to undertake.

Unfortunately, we have not balanced our budget. But we now are in a position to do that. We now have a budget in place that will do that over 5 years. We will also allow for some tax relief. And that is what we will be talking about this week.

I think there is a considerable amount of history that we ought to take into account. As we do it, we ought to talk about how long it has been since we have talked about tax relief. It has been a number of years. We ought to keep in mind the fact is, over the last several years that the movements in taxes have been simply to raise them. We ought to keep in mind the fact that there are ways to reduce spending.

We have accomplished a good deal in the last little over 2 years. We have moved to change welfare from an entitlement. We moved to cause it to be moved back to the States where it can be more effectively handled. We have done something about the entitlement of agriculture and farm programs. The Presiding Officer was the Senator who had the most leadership and impact on the changes in the farm bill. That is a fundamental change that we have made over a period of time.

We have talked in the last 2 years, and now, having moved toward essentially balancing the budget—we have not done that for a very long time—this Congress and last year's Congress have caused that movement to where we are now talking about how we balance the budget and when we balance the budget. Prior to that time, there was no talk about balancing the budget.

So we have made a lot of progress. We have made a great deal of progress in the last 2½ years. Does it go fast enough to suit everyone? Of course not. Will this tax bill suit everyone? Of course not.

There will be arguments about whether there is enough in there for capital gains. There will be arguments if there is enough in estate taxes. There will be arguments as to why we do not do something else. I had a call from a lady yesterday in Cheyenne who is retired whose home is valued so it already comes under the estate taxes. She says, "I sent my kids to college and I didn't get a credit." She says, "There's nothing really in there for me much." Well, there are a few things.

But it is true, it is true, it will not suit everyone. But I say to my colleagues, let us move forward with this great opportunity for the first time in several decades that really makes some meaningful kind of adjustments in tax relief, to pursue the idea that Americans should be able to keep their hard-earned money, to pursue the idea that we ought to reduce the size of government and therefore the demand on taxes, to pursue the idea that being able to keep more of the money that you work for and earn is part of the incentive in this system.

So, Mr. President, this will be a very important week, and the week after, when we really decide the direction that we will take on budgets and tax relief and how it will be adjudicated.

Mr. President, I am pleased to be joined by my friend and associate from Nebraska.

I yield the floor to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, thank you.

I wish to offer my thanks to my friend and colleague from across the prairie from the great State of Wyoming.

People in Wyoming and Nebraska and all over America, I think, rather plainly understand and sense what we are doing this week in this body in this Congress; and that is addressing their issues.

You know, Mr. President, I am amused at much of the debate that has been raging in the Congress the last few months on the budget and taxes. And, you see, I define this down rather simply. Whose money is this? Whose money are we talking about? Is it the President's money? Is it my money? Is it the distinguished Presiding Officer's money? Is it Congress' money? No. No.

You see, this is about the people's money. This is about the hard-earned money of taxpayers. The Government should be accountable to the people. Our taxpayers, our citizens should not be accountable to government. And we are living at a time when we are taxed as highly as at any time, except in World War II, in the history of this country. We are living during a time when we are taxed that highly. A median family of four, total tax paid out, over 40 percent. These struggling young families are paying more in taxes than they are in combined efforts to ensure that they have enough for shelter or clothes or food and other necessities.

At some point, Mr. President, we will not only bankrupt our country, but we will surely bankrupt the opportunities for our young people. These young people starting out in life in our country, a country of promise, of hope, of opportunity—always has been—are looking at a very bleak future unless this Congress steps up and honestly deals with the challenges that take us into this bold new great century.

And it does start with tax cuts. It starts with real tax relief. And what we will be debating this week is tax relief for families, for lower middle-income people, people who need tax relief, people who pay the bills in this country. But let us not also be unmindful of what else is attached to what we will be debating.

Real budget cuts, putting this country on the trajectory for fiscal responsibility, we have an opportunity here for the first time in 30 years to agree to a balanced budget, a budget that would be in balance within 5 years, put this country on a course to balance our budget as far out as the eye can see. We also have an opportunity to cut government.

Government is too big. Government is unresponsive. Government cannot possibly do everything we have asked government to do. We have overloaded our circuits, Mr. President. Not government's fault. But we have asked government over the last 30 years to do everything.

And who has paid the bill? Who has paid the bill? Well-intentioned programs, but this is an era of prioritizing

our resources. And we start with giving our people, our taxpayers, the people who have been doing the heavy lifting and paying the bills in this country the last 30 years, especially, a break, give them some of their money back.

My goodness, they understand how to spend their money better than government does. Let us decentralize power. Let us put power back where the people are. Let us make government accountable and make it responsible. So all of this is a total package.

Mr. President, I serve on the Foreign Relations Committee. Before I came to this body, I was a businessman. I started my own companies, international/national companies. And the opportunities that lay ahead for this country, for our people, and the world, if we are wise enough to understand and seize the moment, the potential for our people is unlimited if—if—we are wise enough to cut our taxes, to cut our spending, to balance our budget, and take the burden of government off the backs of our people who produce.

Oh, we will be able to get along for the next 5, 10 years. But we are entering a time like no other in the history of man. It is a time full of hope; but it is a time of great competitiveness. This next generation coming in behind us will have to compete in a complete global economy. And as we look all around the world, on every continent—and it is not just Asia—South America, Eastern Europe, the former Soviet Republics, all of the areas in the world are doing well and will continue to explode with opportunity. They are disciplined. They are focused. And the movement of most of the governments in the world today is less government.

The countries in trouble today are in trouble because of the burden of taxes and the burden of government. We have an opportunity here, as my distinguished colleague from Wyoming said earlier, to change that. Imperfect? Yes. Do the taxes go deep enough, far enough? No. But it is a beginning. It is a start. It is tangible. It is real.

We can build on that. And we can show America that, in fact, we can govern and lead and do the people's business, that we do not get all tangled up in esoterics, in tactics and nonsense that goes on in this town. But, in fact, we can stay focused and clear-headed and do the people's business, and do what we are required to do on behalf of the people of this country.

Mr. President, I want to also address for a moment some of the weekend television on this issue of tax cuts. I was a little amused that I saw our distinguished Secretary of the Treasury, Bob Rubin, who is a great public servant, who is dedicated, who has done a good job as Secretary of the Treasury, talk about the White House modeling of our proposed tax cuts that show most of the benefits going to the higher income and the wealthy. That is just not true, absolutely not true.

I note here, for example, a press release sent out on Friday from one of the big six accounting firms, Deloitte & Touche. In the first paragraph it talks about:

> Families with household incomes between $20,000 and $50,000 are the biggest beneficiaries on a percentage basis under the Senate tax plan, according to a new analysis by Deloitte & Touche.
>
> The big winners are middle-class families with kids.

And it goes on and on.

The scoring, the methodology, the models that the Members used are the same models that the Congressional Budget Office uses, that we use, that most everybody uses. I want to take issue with my friend, the Secretary of the Treasury, when he talks about some scoring model he referred to over the weekend. That, in fact, is rather bizarre. It imputes income from unrealized capital gains. It talks about rent back income. If you own your house and you actually put that house on the market for rent—that is just nonsense. What we are talking about here is real tax relief for real people. If we do this right, we can give the American public, for the first time in 16 or 17 years, a tax cut, a real tax cut that we can build on.

Mr. President, in my final comments, I will reference my weekend back in Nebraska. I was, on Saturday, in North Platte, NE, the home of Buffalo Bill. Being a good Kansan, Mr. President, you probably understand that and have probably been across the border and paid homage to Buffalo Bill's home ranch. It was amazing to me, all day in North Platte, NE, farmers, ranchers, small business people, and families would come up to me during the day and talk about this issue. Farmers, ranchers, and small business people asked me, "Senator, do you think I consider myself rich because I support capital gains tax or inheritance tax relief? You see I don't think I am very rich. I have an income of $50,000, $40,000, or $60,000, but I would like to leave my children something. Why is it fair, Senator, for the Government to take these big chunks out of an estate that the Government did not do anything to produce? I paid my taxes, and my father and mother paid their taxes all along the way. Yet in the end, the Government automatically comes in and gets half."

Mr. President, being the former chairman of the House Agriculture Committee, you understand what it has done to agriculture in this country, what it has done to devastate farms being passed along from generation to generation, ranches, and small businesses. It is unfair and wrong.

Anybody who has an asset is going to deal with a capital gains tax. You do not have to be a millionaire. It is a sense of fairness, a sense of getting ahead in this country, a sense of doing the right thing. We have a Tax Code in this country that essentially penalizes success. We give disincentive to savings and investment.

Now, are we going to change the Tax Code this week? I doubt it. But this is surely a darn good start. It is a very tangible, real beginning for the people of this country who deserve it most. I hope my colleagues during the debate this week will rivet in on this debate because it will be, as Senator THOMAS said, one of the most important debates not only of this Congress but, I think, of the last 10 years and into the next century because we have an opportunity to truly shape and mold the future of this country, the future for our young people.

We cannot leave them the mounds of debt that we are now leaving them, the burden of regulation, the burden of big Government, the burden of high taxes, and think they are going to succeed. They will not. We must get at it. This is a good start. I strongly support what we have done so far and what has been produced out of the Finance Committee and over in the House Ways and Means Committee.

With that, I yield back my time to Senator THOMAS of Wyoming.

Mr. THOMAS. Mr. President, I just want to say the three of us here, and probably whoever else joins us, have not been in the Senate very long, a couple of years. Most of us came in 1994. I want to say I am very proud of what has happened in these last 2 years, not because of us entirely, but we have been here to see a substantial change in the direction that this Congress has taken. One of the reasons has been people coming, I think, in real close contact with the folks at home who want to see some change, who want to see some change in the Tax Code, who really have been able to communicate the needs that have to take place if we are going to realize the successes that we want.

So I have been very proud of the commitment of the freshman and the sophomore class in this place over the last couple of years. We hope to continue to do that, and one of the areas is the size of government, the cost of government, the opportunity for people to keep the money that they have earned. We are pleased to be a part of that.

One of the persons who has been very effective in doing that over these 2 years is the Senator from Arizona. I am delighted he is here to join us this morning. I yield the floor to Senator KYL.

Mr. KYL. Mr. President, I thank my colleague for organizing this session this morning for us to talk about the importance of tax cuts and the activity that the Senate is about to engage in finally providing the tax cuts to the American people.

Throughout my campaign in 1994, that was one of the central features of

every meeting that I attended—people calling for tax cuts. I will get back to that in a moment.

I was reminded, when the Senator from Nebraska was talking about being in North Platte, NE, this weekend and hearing from his constituents there, that I flew over North Platte, NE yesterday. That is what the pilot of the airplane said, and it reminded me that I had just been to a meeting in Colorado where people from all over the country were saying the same thing. Nebraska is my State of birth, and I literally flew right over the area where I was born. It does not matter whether you are from Kansas, Nebraska, or Wyoming, people around this country have galvanized around a couple of central thoughts these days, one of which is that the Government is taking too much of their money and they would like a little bit more freedom as to how they spend their own money.

It is interesting that the announcement last week by the American Taxpayers Union, a group that identifies a day called Tax Freedom Day, the day that we finally begin working for ourselves and our families rather than the Government, that day has now been moved back. It was April 29 back when I entered the Congress. It is now May 9. What that means is that the average family has to work until May 9 to pay the Federal Government everything it owes, and after that it can begin paying the State governments and other governments and eventually begin working for itself.

It is high time, Mr. President, that the Congress initiate the action and that the President support the action to reduce taxes for hard-working American families. I think we find that throughout the country, whatever State we are from, that is what our constituents are telling us.

Now, we had tax cuts in 1981 and in 1986, but we had big tax increases in 1990 and 1993. Those two tax increases were ostensibly for the purpose of balancing the Federal budget. What we found is that the tax increases did not help to balance the Federal budget at all. What has really helped to move us toward a balanced budget are two things. One, a robust economy producing wealth, producing jobs, and producing revenues to the Treasury, and also a Congress that has been more willing to hold the line on spending. Through a combination of those two things we can achieve a balanced budget, and that is what the budget agreement was all about.

Unfortunately, we are not spending enough of that revenue generated by a robust economy on the tax relief that should be provided to American families. As a result, the budget agreement only provides for $85 billion over a period of 5 years in tax relief to American families, not nearly enough to do the job we should be doing. That represents about 1 percent of the $8.6 trillion that will be coming into the Federal Treasury during this 5-year period. So, clearly, we could use more of the increase in revenues to offset the tax burden on the American family.

But at least the negotiators who put this together in the Finance Committee, which has put together a good package of tax relief for American families, has recognized that a thriving economy is one of the keys to not only continued economic growth but also getting rid of the deficit, that the economy producing wealth also translates in revenues to the Treasury that will enable us to achieve a balanced budget. What they have also recognized is it will enable us to provide tax relief.

Now, there is another aspect of good news in this, Mr. President. Not only does a thriving economy bring in more revenue and therefore enable us to balance the budget and provide tax relief, but that very tax relief helps to fuel the economy to grow even more, produce even more jobs, produce even more wealth, and therefore more revenues to the Treasury. So, it is a very positive and constructive cycle—tax relief can assist the economy to continue to thrive to produce more wealth to produce more revenue to the Treasury.

Therefore, we ought to consider that this is just the beginning of tax relief. For those of us who have been preaching this for a long time, I think we should at least get a little bit of credit for the theory that has resulted in the good situation that we are in right now, and that perhaps those who said no, the only way you can have a balanced budget is by raising taxes, will now acknowledge that those of us who have been proposing cutting taxes have had something to say for these last several years.

The original budget agreement here that we are trying to implement calls for $85 billion in tax relief over a 5-year period. That is not enough to do everything that everyone would like. As a matter of fact, the original Republican plan called for a reduction in capital gains taxes, estate tax relief, $500 per child tax credit, and some educational and IRA benefits to American taxpayers. That would cost about $188 billion over the 5-year period if you do not count increased revenues that would be produced as a result of capital gains reductions. So you can see from a program that would theoretically cost the Treasury $188 billion, trying to squeeze all of that into $85 billion is going to mean that this tax relief is not as robust as we would like it to be, and that is a fact.

But I do compliment the Finance Committee for making the most out of the $85 billion it was provided. I think, as we will see as this is debated on the floor this week, the benefits to the American taxpayers, as the Senator from Nebraska has pointed out, are significant. Most of them go to working families. There are some that go to the risk-takers in our society, but after all, if there is not some reward for risk-taking in our economy, people are not going to take risks, they will not make those investments that eventually produce the great companies that hire the people that produce the wealth and end up creating revenues for the Treasury.

So it is a combination of providing most of the tax relief for American working families and, in addition to that, some reward for the risk-takers in our society.

The American Council for Capital Formation has estimated that the capital gains relief that is provided for in our bill would reduce the cost of capital by at least 8 percent. What that would do is permit the creation of 150,000 new jobs each and every year. So that is one of the benefits of this capital gains reduction we are talking about, Mr. President. It is to enable capital to be more efficiently used in our economy. Instead of having $7 trillion in pent-up assets that nobody wants to sell or dispose of because they will have to pay a big tax on it of 28 percent, if we reduce that to 20 percent for higher bracket taxpayers and 10 percent for lower bracket taxpayers, that is an incentive for them to finally sell that asset that they have been holding on to, and by that sale we actually not only help to put the money into more productive enterprises but also eventually create more revenue to the Treasury as a result of the tax that is paid every time one of those assets sells.

A lot of economists today will criticize the current capital gains policy because what it has done is to tie up capital in older industries, in businesses that were created a long time ago. People do not want to sell when they have to pay the capital gains tax on it and invest it in a more contemporary kind of business. But America has led the world in enterprise, in new businesses—in our high tech computer industry, for example—and if we are going to continue to maintain that lead, we need to have the capital to invest in these new and emerging industries. The only way that will be possible is if there is an incentive for people to get rid of the investment in the older industry or business and invest that in one of the new emerging businesses.

Interestingly enough, this American Council for Capital Formation notes that the cost of capital would be reduced by 8 percent, which would create new jobs. It will also help the Treasury. It should be noted, between 1978 and 1985, the top margin of tax rate on capital gains was cut by almost 45 percent—it went from 35 percent down to 20 percent—but total individual capital gains receipts tripled, from $9.1 billion to $26.5 billion annually.

Obviously, a capital gains tax cut is a winner for investors, for job seekers, as well as for the U.S. Treasury. That is why we believe that the capital gains components of tax relief, as the Senator from Nebraska pointed out, has to be one of the critical components and will benefit all American families as well as the U.S. Treasury.

We have talked about the other aspects of this tax proposal, my colleagues have, but I wanted to specifically single out the capital gains tax because it does not help just the wealthy, as some folks say, but will provide benefits to all taxpayers in this country and all workers.

One last word, Mr. President. I have sponsored the bill to repeal the estate tax, or the so-called death tax. My bill has more cosponsors than any of the other bills relating to the estate tax in the Senate and, likewise, the corresponding bill in the House. The Senator from Nebraska, the Senator from Kansas, and the Senator from Wyoming have all been very supportive because of the impact on farms and small businesses in their States. It is the same throughout the country. We need to do something about this.

Unfortunately, because of the original budget agreement limiting the tax cuts to only $85 billion over the 5-year period, or 1 percent of tax revenues, the administration made sure that there wasn't too much tax relief in the agreement. The Senate leaders were trying to push for more, but because there was an agreement we are not going to be able to do everything we should. All we are going to be able to do on estate tax relief is very, very modest relief. I regret that. All of us do.

Basically, what we are doing is raising the exemption from $600,000 up to a million dollars over a 10- or 11-year period. Inflation alone will mean that not even this legislation will keep pace with inflation. So that is totally inadequate. In order for us to do what we do in the other areas, I guess we are going to have to be willing to accept that. What it means, Mr. President, is that there is still going to be a big incentive for those people concerned about the estate tax to come in with a second round of reforms, beginning next year.

As a result of an amendment I was able to get passed in the budget, and which stayed in the budget, we are not precluded from offering additional tax relief beginning next year. One of the first things I am going to do—and I think my colleagues will support me on this—is get additional estate tax relief beyond that which is agreed to in this bill. We all recognize that it is totally inadequate in this bill. We support the tax relief, but we don't, for a minute, contend that it is adequate.

So those are the two points I wanted to make—first, that the capital gains relief in this legislation will be enormously beneficial to working families, to the risk-takers in our society, and even to the Treasury, which will enable us to continue to be on a track to balance the Federal budget.

Second, this whole package is just the beginning. We begin the process of reducing the tax burden on working Americans, but even beginning next year we will have proposals to continue that process. It is the right thing to do. It is what our constituents asked us to do, and for future generations it is the only thing we can do to fully comply with our obligation to leave this country a better place than we found it. I thank the Senator from Wyoming for the time.

Mr. THOMAS. Mr. President, we are joined by the Senator from Alabama, who is also new here. I yield the remainder of our time to the Senator from Alabama, Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Thank you, Mr. President. It is an honor to be here to talk about one of the most important issues facing this country, and that is the tax burden on working Americans. Many people think that it is just a political gimmick when we talk about the need to reduce taxes. They think that is just a gimmick to get votes, that we are trying to appeal to the people in a way that somehow is less than honest and forthright, or that we are seeking to buy votes by promising a tax cut. Mr. President, it is much, much deeper than that.

The problem in this country is that we are reaching a tax burden that is unacceptable. An excessive tax burden has the capacity to diminish our competitiveness in the world, while an easing of that tax burden has the potential to increase our productivity as a nation. All we have to do is let people keep more of their hard-earned money. Taxes are, in a way, a penalty, a punishment on hard work. If you want to reduce something, you tax it. If you want to encourage something, you subsidize it. One of the problems with our country is that we have been penalizing good behavior. We have been penalizing people who work hard—husbands and wives who have jobs, or maybe they have two jobs each. They work and make money to take care of their children. We are taxing them to a degree that we have never taxed them before. We have diminished their strength and hurt those families that are struggling to get by. We subsidize people that don't work, give money to people who choose not to work, and we have wasted money on programs that are actually counterproductive. The U.S. Government is not an efficient entity. We do not use dollars wisely. But families do. They are struggling to get by.

Let me ask you, how bad is the situation we are currently dealing with? First of all, I don't think anybody would be surprised to know that this Government brings in more money today than it ever has in its history. Every month, every year that goes by, we bring in more money than the month and the year before. That will not change, even when we pass these tax breaks for working Americans. So we are bringing in more money. We are not trying to shut down this Government. We are going to allow it to bring in more money. We are going to allow this Government to bring in more money, even with these tax cuts. So this is not an extreme position.

What you may not know is this: When President Clinton took office in 1992, 19 percent of this Nation's gross domestic product went to the Government. That is a very large sum, no doubt about it. Since that time, and since his 1993 tax increase—the largest tax increase in history—we have gone from, last year, 20.9 percent of the gross domestic product—the gross domestic product is the total of all goods and services produced in this Nation—going to government, to, this year, over 21 percent. This 21 percent is paid by the taxpayers and working citizens of this Nation to the Government in the form of taxes.

I think it is important, Mr. President, for us to think about this in historical terms. What does this mean?

Bruce Bartlett of the National Center for Policy Analysis wrote recently about this. He made this point: Never in the history of this Nation have we reached the point where 21 percent of the Federal gross domestic product is paid to this Government in the form of taxes—not during the height of World War II did we reach that level, not during the Korean war did we reach that level, not during the Vietnam war did we reach that level, and not during the recessions when the economy has slowed down did we reach that level; none of those times have we reached the point where we paid the highest level in history—21 percent of the gross domestic product—to this country.

Last year, when I ran for office and I asked people for their support, I talked to them about the future and the direction this country ought to take. They expressed to me their desire to have less Government, a return to local government, and a reduction in the power and influence and waste and mismanagement of the Federal Government. The trends are clear, and the trends are not good.

What this tax proposal does is, it says to this giant bureaucracy of the Federal Government that we want to bring you under control. We don't want 22 percent of GDP going to the government next year, 24 the next, 26 the next, and 28 the next and, finally, a third, or even a half of our money going to the Federal Government. That is not the way to keep this Nation strong. We need to do better.

Taxes are too high. We are not claiming they are too high because we are trying to get people's support by promising some political tax gimmick. This is a fundamental, governmental policy change. That is what I was sent here to do, to be a part of that. I wish that the tax cuts that have been proposed and are being pushed by my Republican colleagues could be bigger. But we know we have to have bipartisan support and be able to overcome a Presidential veto. As a result, we have had to work hard and compromise to reach a significant tax cut. This is significant tax cut, but I wish it were bigger. It is a good tax cut; we need to have it and we need to proceed with it.

One complaint that has been made, Mr. President, is that this is a tax cut for "rich" people. It doesn't help the poor people. Well, a tax cut can only be applied to those who pay taxes. This is a tax cut, not a welfare program. We have welfare programs. We still have our Food Stamp Program. We still have our Aid to Families With Dependent Children. We are going to provide more money this year than ever and provide health insurance for those who don't have it. We are going to continue Medicare and strengthen that and make it a sounder policy to help poor people in America. This is not a welfare program. We are talking about a tax cut for people that are working and paying taxes. That is who needs a break right now—middle America. We need to be right up front about it. This is not a welfare program. It is a tax cut for people who are paying more taxes than they ought to pay.

Federal income taxes are graduated. The highest income people do pay more taxes. A family of four making $20,000 does not pay income taxes. Most families of four will not pay any taxes with a $20,000 income. Our idea is to allow those middle-class Americans, who are working and struggling to get by, to keep more of their money.

I have traveled Alabama in the last few years and I have talked to people. I have seen studies and all of the economic data that we get around here. I have served on the Joint Economic Committee of the Senate and the House, where we have dealt with economic reports from the Department of Labor and various other departments of the Government. We have analyzed those figures, and what my instincts tell me, and what I have learned from campaigning throughout Alabama, as well as from what the statistics show, is that middle-class, working families are struggling to a degree they have never struggled before.

In 1950, 70 percent of a middle-class, average family's income was shielded from Federal income tax. They paid no taxes on 70 percent of the money they earned. Today, only 30 percent is shielded. The percentage that you pay on the amount that you earn is higher. Taxes have gone up. In 1950, the average working family only paid 2 cents out of every dollar to the U.S. Government in the form of taxes—2 cents. Today, it is 25 cents. That is a dramatic change in American policy. I submit to you, Mr. President, that it is unacceptable.

I think it is time for us to be frank with ourselves, to be honest, to realize that we can't keep increasing tax burdens so that we politicians here in this Senate and this Congress can pass programs and pass out money and claim we are heroes. It is not our money we are passing out. It is money that we took from some family that needed that money.

Let's think about this $500 per child tax credit. A family of three, at $1,500 per year, can divide that up per month and it will be over $100 per month, tax free. Tell me a family making $30,000 can't use an extra $100 per month. Frankly, I am concerned about the idea that we ought to mandate in later years, at age 13 or 14, that they be required to apply that tax credit toward college savings. I am telling you that is not realistic. Working families in America today are concerned about getting by; they are not always concerned about college. They have a car that needs tires on it. They might need to fix the muffler. The children might need to go on a school trip. Where are they going to get the money for that? This could provide that. I think we ought to trust the families with these decisions and let this be their tax cut. We, in Congress, should not try to manage what they are going to do with it. A lot of kids don't go to college. A lot of kids work their own way through college. Maybe that family desperately needs that money now for personal items just to get by. That is who we ought to be supporting.

So, Mr. President, I feel very strongly about this. I am most proud to be associated with a group of Senators who are committed to realistically reducing the tax burden on America.

I was so proud to be associated with Senator KYL from Arizona who spoke previously. Senator KYL has been a champion for estate tax reduction. And I was pleased to join with him as an original cosponsor on his bill to eliminate this estate tax. I think that is an unfair tax. The estate tax only brings in about 1 percent of the Federal Government's income. Considering the amount of money it brings in compared with the cost of administering that program and the great gymnastics that people go through to try to avoid it, the estate tax is just inefficient and unfair. We could eliminate that tax and make this country and this economy more healthy.

Total Federal Government and State government taxes now amount to over 30 percent of the gross domestic product. In my opinion, measuring the tax rate to the growth domestic product is a good and just way to determine just how significant our tax burden is.

Finally, Mr. President, I want to share this story. I think it is a very important story. I serve on the Joint Economic Committee. Alan Greenspan, Chairman of the Federal Reserve System, testified at one of the first committee hearings I attended. It appeared he was about to raise interest rates, and everyone was most anxious. The economy was going along well. We were all pleased about the growth of the economy. There were a number of discussions about why the economy was doing so well. Some joked that it was President Clinton, and some said it was Mr. Greenspan. It was just a lighthearted conversation.

When it came my time to ask him questions, I asked him about an article that I had read in USA Today. They interviewed business people from Germany, England, and Japan. They asked them why the American economy was doing better than the economies of those three nations. When you boiled it down, those representatives from those three nations gave three reasons. They said the American economy is stronger because we have lower taxes, less regulation, and a greater commitment to the market economy, to the free market.

I asked Mr. Greenspan if he agreed with that. He said, "Yes, I absolutely agree with that." He said that without hesitation.

Those are the cornerstones of a strong and vibrant economy. We cannot keep raising our taxes every year so that we take a larger and larger portion of our gross domestic product. We will end up like Germany with unemployment over 12 percent instead of around 5 percent. That is what we will be heading to.

So this drive, this imperative to reduce taxes is not just to see if we can buy votes for letting people have more money; it is to try to invigorate and maintain the competitive capacity of this Nation. That is why we are doing better than the rest of the world.

I don't know who you could say deserves credit for this economy. We could have a lot of different ideas. But I would say that the Republican Party and Presidents Reagan and Bush, who spent a whole career fighting to reduce regulations and to contain the growth of taxes, even reduce taxes, played an important role in this economy. We need to remember that and maintain our historical position as a nation that will fight to keep its tax burden from going up.

So, Mr. President, I am pleased to be here today to express my excitement and primacy of support for legislation that will allow Americans who work hard every day to keep more of their money. They can spend it on the things they want to spend it on and not on

something that somebody in Washington wants to spend it on. It will be good for them. It will be good for their families, and it will be good for the competitive and productive capacity of this Nation.

I think this is an extremely important issue. We should not minimize it. Lower taxes will make us a stronger and more competitive Nation. We will have a greater increase in our economic growth. And out of that growth, we will have the capacity to serve those who are less fortunate. If we kill the goose that laid the golden egg, if we continue to tax this economy to the degree that it drives its growth down, we will not have that strength and that capacity to meet the challenges of our Nation.

Just look at the economies of Europe and Japan. You will see what can happen to us if we are not careful.

I am excited about what is happening. I look forward to having the opportunity to vote on many of these issues. I hope that the result will be that this economy will be free from further taxation, that we will have more growth and more productivity, and that we will be more competitive in the world.

Thank you, Mr. President.

I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, June 20, 1997, the Federal debt stood at $5,331,587,514,810.20. (Five trillion, three hundred thirty-one billion, five hundred eighty-seven million, five hundred fourteen thousand, eight hundred ten dollars and twenty cents)

One year ago, June 20, 1996, the Federal debt stood at $5,108,536,000,000. (Five trillion, one hundred eight billion, five hundred thirty-six million)

Twenty-five years ago, June 20, 1972, the Federal debt stood at $426,219,000,000 (Four hundred twenty-six billion, two hundred nineteen million) which reflects a debt increase of nearly $5 trillion—$4,905,368,514,810.20 (Four trillion, nine hundred five billion, three hundred sixty-eight million, five hundred fourteen thousand, eight hundred ten dollars and twenty cents) during the past 25 years.

THE PROBLEM OF GLOBAL CLIMATE CHANGE

Mr. BYRD. Mr. President, on Thursday, June 19, I appeared before the Subcommittee on International Economic Policy, Export and Trade Promotion to testify on Global warming and on behalf of my sense-of-the-Senate resolution on the same matter which now has 61 cosponsors including myself.

I was pleased to appear on the same panel with my good friend, Congressman JOHN DINGELL. I ask unanimous consent that my testimony and that of Congressman DINGELL on that occasion be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ROBERT C. BYRD

Mr. Chairman, I thank you for the opportunity to appear before the subcommittee to discuss the critically important issue of the negotiations aimed at signing a protocol during the third session of the Conference of the Parties to the United Nations (UN) Framework Convention on Climate Change, which is scheduled to be held in December in Kyoto, Japan. I am concerned that the protocol that results from these negotiations could have a serious impact on American industry and on our economy, while at the same time failing to address a looming threat to the global environment.

On June 12, I introduced a Sense of the Senate Resolution, together with Senator Hagel and a bipartisan group of my colleagues, which addresses the conditions for U.S. agreement to revisions to the United Nations Framework Convention on Climate Change. The resolution has been cosponsored by 60 Senators from both sides of the aisle. This resolution states the Sense of the Senate that the developing world must fully participate in the treaty negotiations and commitments and play a meaningful role in effectively addressing the problem of global climate change.

In essence, the resolution accepts the thesis, which is still the subject of some dispute, that the increasing release of carbon dioxide (CO_2) and its accumulation in our atmosphere are causing a very gradual heating of the globe, which has many adverse consequences for us all. I believe the Administration should be commended for its efforts on this issue, and I commend this subcommittee for its attention to this matter. If substantial steps are going to be taken to influence carbon dioxide and other greenhouse gas emissions, we need to accelerate new technologies, anticipate new developments, and encourage public/private sector participation.

President Bush signed the United Nations Framework Convention on Climate Change, the so-called Rio Pact, in 1992, which was subsequently approved by the Senate, and calls on the industrialized nations to aim to reduce their greenhouse gas (GHG) emissions to their 1990 levels by the year 2000, a goal which will not be achieved by the U.S. nor by the vast majority of the industrialized nations unless further steps are taken.

The parties to the Framework Convention met in Berlin in 1995 to discuss the future direction of the treaty in light of this projected failure to meet the voluntary objectives, agreeing that any new commitments would be binding upon the signatories. Specifically excluded from any new commitments, however, would be the countries that comprise the developing world. The rationale for the so-called Berlin Mandate was that it is the industrialized OECD (Organization for Economic Cooperation and Development) nations that have been the major emitters of greenhouse gases in the past, and will continue to be in the next decade.

There are two intrinsic problems with the Berlin Mandate. First, while the industrialized world is the primary contributor to the current problem, that will not be the case in only a few years. As this chart demonstrates, the emissions of the developing world are rapidly increasing on a sharp, upward slope. These emissions will actually surpass those of the industrialized OECD nations by the year 2015. In short, the developing world is rapidly becoming a clone of the OECD nations.

Let us assume that the current negotiations for a new protocol, which are to be concluded in Kyoto this December, result in a binding commitment that the OECD nations must reduce their emissions to 1990 levels by 2010. This chart demonstrates that under such a scenario the OECD nations will sharply reduce our emissions of greenhouse gases. The price we will pay in order to achieve these reductions is open to debate, as estimates differ. Nonetheless, the key point is that this responsibility will not be shared because of the Berlin Mandate, for the chart clearly shows that the emissions of the developing world continue on their inexorable upward track, even as we in the OECD group make the painful and costly adjustments necessary to force down our emissions.

This demonstrates the second problem with the Berlin Mandate, which is that we gave away the store, and we received nothing in return. Many of the biggest emitters of greenhouse gases in the developing world have refused to even discuss, let alone seriously consider, taking any emissions limitations commitments upon themselves. In what can only be viewed as an act of environmental irresponsibility, the developing nations have adamantly refused to recognize that they will, over the next two decades, become the primary cause of the problem, in terms of annual emissions.

The refusal of the developing world to discuss any future emissions limitations commitments has become a central issue, for any attempt to bring them into the process is labeled by some as a "treaty killer." I have a different perspective. My resolution is not a treaty killer. It is, in fact, a treaty enhancer. It calls upon the Administration not to agree to a protocol, unless it includes new commitments to limit or reduce greenhouse gases emissions for developing country parties within the same compliance period. My resolution improves the treaty. For any treaty that does not include emissions limitations provisions for the developing world is inherently unsound and ineffectual on its face. Environmentally, we are all in the same global boat. What good does it do for the United States and other developed nations to work feverishly to plug the holes in the boat, if the developing nations are drilling holes at the other end just as fast as we plug them? Be assured that the global boat will sink just as rapidly and we are all going to be in for a long, long swim.

Bringing the developing world in under the climate change tent, as part of any future treaty, will not only increase the prospects of Senate ratification, it will also be enormously beneficial for the international environment. Let me further clarify that point. This chart shows the world of 1995, in terms of world carbon emissions in millions of metric tons of carbon. The United States and OECD nations, shown in red, are responsible for a little over half of that total. The next chart projects the world as it might be after the currently proposed treaty is adopted, with only the developed world taking action to reduce greenhouse gas emissions. The difference is startling. The developing world, shown in purple, has assumed the U.S. and OECD nations' place as the biggest global polluters. The problem remains the same, only the names have changed. And again, because of the flawed Berlin Mandate, all of these emissions from the developing world

will be completely uncontrolled, and free to increase even further. From this perspective, it is the Berlin Mandate—and the fact that it lets the developing world off the hook scott-free—that will seriously harm the global environment in future years.

Finally, let us examine the role of China. Despite possessing a strong and growing economic and industrial base, despite possessing the ability to launch satellites into orbit, China is still counted among the family of developing nations. But its industrial growth is matched by its growing contribution to global pollution. This chart compares China's contribution to global carbon emissions to the contribution made by the United States. On the left, we can see that based upon current trends, China will surpass the United States in carbon emissions by 2015. On the right, we can see that if current proposals are adopted, under which we would reduce our carbon emissions to 1990 levels, while imposing no requirements upon the developing world and China, China all by itself will greatly exceed the United States in metric tons of carbon emitted.

I find it disturbing that despite its future role as the world's leading contributor to the problem of carbon emissions, China has indicated steadfast refusal to apply any type of binding obligations upon its own economy and industries. I believe that if the treaty we are negotiating today does not equally commit developing nations like China to binding commitments, there will be no incentive for China and the other nations of the developing world to make responsible and environmentally sound choices as they develop. You can be sure that after China assumes its role as a leading carbon emitter, she will not be very eager to make the tough and costly corrections to retrofit her industries to reduce emissions of greenhouse gases. Indeed, she may expect to benefit from a treaty in which she escapes binding commitments, because it may allow her to import industries from OECD nations that would choose to relocate there rather than change their ways and clean up their acts at home.

My message to U.S. negotiators is that all nations, but particularly those that are making and will make a significant contribution to greenhouse gas emissions, need to (1) make commitments at Kyoto that unequivocally demonstrate an action program to tackle this problem, and (2) to start with aggressive efforts to act on those commitments immediately and not settle for vague promises to return to a future negotiation to get serious. Finally, while countries have different levels of development, each must make unique and binding contributions of a pace and kind consistent with their industrialization. The developing world must agree in Kyoto to some manner of binding targets and commitments which would begin at the same time as the developed world in as aggressive and effective a schedule as possible given the gravity of the problem and the need for a fair sharing of the burden.

In closing, I note that my resolution states than any treaty presented to the Senate be accompanied by a "detailed explanation of any legislation or regulatory actions that may be required to implement the protocol or other agreement and should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the agreement." There surely will be costs if the United States is to make the changes to our existing industrial base and to our existing lifestyle necessary to meet the goals of this treaty. Our smokestacks must be cleaner and our automobiles more efficient. There are many ways to achieve these goals. We must be able to tell the American people what will be required to meet any proposed commitment.

Politically, I believe that there needs to be a strong consensus between the President and Congress about any plan of action. The Administration's policy of follow-on multilateral negotiations to deepen the impact of the Rio Pact requires very substantial consensus-building with the Congress, and broad educational activities to bring the American public along. To impose effective, legally-binding measures on the U.S. economy, will mean having the strong support of the Senate. We Senators need to be deeply concerned over the alarm that has been expressed to us by a very broad range of American industry and labor over the impacts on our economy of a treaty which commits the United States to deep emission reductions, and which does not spread the burden of responsibility equitably across the globe. These assessments by bedrock American industry must be taken seriously. I hope that this hearing will result in new Senate attention to the progress of these negotiations, and that this Committee will serve to interact regularly with the State Department and Administration policy-makers as our negotiating strategy is developed and refined.

The resolution that Senator HAGEL and I introduced, and which has won the support of a majority of sixty Senators, is aimed at that negotiation, and beyond. Since carbon and other greenhouse gases can accumulate in the atmosphere and persist for long periods, we will not as a community of nations get a handle on these threats to our global climate unless everyone participates and does their share to solve the problem. We all share our earth in common. We breath the same air, and we are exposed to the same global climate system. We must all accept our share of the responsibility for the global climate. We must keep this fragile boat afloat, together, and the sooner we have commitments from all its passengers to work together in that effort, the better.

TESTIMONY OF THE HONORABLE JOHN D. DINGELL, SENATE FOREIGN RELATIONS COMMITTEE, SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION, JUNE 19, 1997

Mr. Chairman, I appreciate your holding this hearing. I consider it a great honor to testify beside my good friend and highly respected colleague from West Virginia, Senator Byrd.

I do not appear before this Subcommittee as a critic of the idea that we are engaged in climate change negotiations and that we are moving forward. I'm critical of the idea that we are negotiating without the full and proper information that we need.

With respect to the climate change negotiations, I have several questions to which I have yet to receive satisfactory answers.

One: Have we overreached on the science?

The State Department has concluded that current science proves that global warming is "dangerous" and requires immediate emissions reductions. But the official U.N. scientific body has gone only so far as to identify a link between human activity and warming, but their own document on the science states, and I quote, "our ability to quantify the human influence on global climate is currently limited." In other words, we don't know with any degree of precision how big the problem is, we don't know how fast it's moving, or how it can be mitigated.

My friend and former colleague Tim Wirth, who will testify later this morning, agrees on this point. At a public forum this February he said there is "no doubt about the theory" of climate change and that "we don't know where, how much or how fast."

Two: Is what we're seeing here a classic example of mission creep?

We've seen a shift from voluntary to mandatory policies. Initially, the Administration's policy was based on voluntary agreements with industry and reliance on "joint implementation" of mutually beneficial partnerships between U.S. industry and developing countries. For instance, U.S. companies would get credit for helping developing countries build clean power plants. But sometime early in 1996, the tone changed. Mandatory emissions reduction became the goal.

Three: Who is representing America's interests? Are we setting ourselves up for an economic fiasco?

In a letter to me in 1995, President Clinton promised not to agree to anything which would adversely affect U.S. competitiveness. But the State Department has signed onto agreements that are procedurally and substantively disadvantageous. The outcome may be an agreement late in 1997 in Kyoto imposing mandatory emissions reductions on developed countries, and at best only voluntary steps for developing nations.

We've already committed ourselves to steps to control emissions and potentially harm our competitiveness. The developing countries are scot-free. We've gotten not a single, solid, binding commitment from them.

My friends in the Administration argue that they are being hard-nosed because they have rejected the more extreme proposals advanced by groups such as the Association of Small Island States, or AOSIS. But I find scant reason to congratulate our negotiators for refusing the chance to submit our unconditional surrender.

Four: Even if you disagree that climate change is a problem, is the Administration really doing anything to protect the environment?

The theory of global warming holds that greenhouse gases have an effect no matter where in the world they are emitted. This is not like the debate over acid rain or ozone, where emissions from one part of the country were thought to cause problems in another, identifiable region. China will surpass us in terms of emissions early in the next century. If you accept the theory of global warming, those emissions will cause as much harm to the climate as emissions from the developed countries today.

Five: How is all this going to work?

I've yet to see a proposed negotiating text that includes specific dates and numbers. Those are important matters, but there are some other fundamental issues at hand: Who will have to do what? Who will enforce the agreement, and how timely would enforcement be? If we establish a trading system, is China or any other developing country going to be allowed to keep credits for themselves as a country? Or will companies be allowed to use them to offset operations elsewhere in the world? Does anyone seriously believe China, or any other country for that matter, will act on altruistic motives?

This leads me to my sixth and final question. Why are we doing this before we have the most basic information about how climate change policies will affect our economy? In short, has the Administration bothered to do its homework?

We were supposed to have the vaunted analysis and assessment of the impact of climate change policies on the U.S. economy by the end of last year. It has not been completed yet, despite repeated promises to Congress and industry that it would be available before important policy decisions are made. But the State Department formally proposed a cap-and-trade negotiating position in January. In short, the analysis is self-evidently too late to inform the process, and likely will be used to justify what the Administration has already decided to do. Just as clearly, public participation and comment on the analysis and assessment is irrelevant. And the Department of Commerce official in charge of the analysis and assessment has moved on to pursue other career opportunities.

I have asked the Administration whether, when they go to Kyoto next December, they will refuse to sign any agreement that binds the U.S. to new emissions obligations unless it holds our economic competitors in the developing world to equivalent obligations. I cannot in all truth say that I have received a reassuring answer.

My concerns very closely parallel those of American labor, and I am delighted that you will be hearing from Secretary-Treasurer Trumka of the AFL-CIO. I commend to you the resolution on climate change adopted by the AFL-CIO Executive Council, as well as the Senate resolution offered by Senator Byrd.

Let me close by noting again that I am not opposed to our being part of international negotiations on climate change. But I would approach those negotiations the way I would approach a high-stake poker game: with an open mind, but not with a blank check.

CHARLES BEATTY'S DEDICATED SERVICE TO THE SENATE

Mr. BYRD. Mr. President, I would like to commend a fellow West Virginian, Charles E. ("Chuck") Beatty for his significant contributions to the Senate on the occasion of his recent retirement from the Bell Atlantic Telephone Company after more than 32 years of service.

During the past 11 years, Chuck has faithfully served this institution. He was assigned to the Senate in 1986 when he was involved in the digital telephone switch installation. He has worked diligently and tirelessly throughout these years on any project required by the Senate, regardless of the deadline. Some of his other major accomplishments include overseeing the installation of telecommunications service for the last three Presidential Inaugurations and implementation of the state-of-the-art rewiring of the Russell Senate Office Building, which is nearly completed. No job was ever too big or too small or required too quickly. Chuck always provided the Senate whatever was needed as soon as necessary.

Chuck was born in Cheat Neck, West Virginia, outside of Morgantown, where his parents still reside. He frequently returns to a cabin near Moorefield to enjoy the West Virginia scenery and air as well as canoeing on the North Fork of the Potomac River.

I want to take this opportunity to thank Chuck for his dedicated service to the Senate and wish him well in his future endeavors.

SMALL BUSINESS LOANS FOR INNER CITY

Mr. ALLARD. Mr. President, recently, the Rocky Mountain News reported on a new program in Colorado, the Community Entrepreneurial Program, which provides small business loans to inner city Denver entrepreneurs.

The Community Entrepreneurial Program uses private and nonprofit funds, not government money, to fund these micro-loans. It is part of an international effort to set up small businesses around the world, Enterprise Development International, headquartered in Arlington, VA.

As we continue to find ways to help people help themselves, this program is leading the way in helping individuals with the initiative and drive to start a small business.

To quote Wil Armstrong, a Denver business leader who is very active in the Community Entrepreneurial Program, "We're backing one little business at a time, trying to make a difference for just one person or one family at a time."

I ask unanimous consent that the Rocky Mountain News story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News, May 25, 1997]

MICRO-LOANS AID DENVER POOR

(By Al Lewis)

Micro-loans have long been heralded as a solution to Third World economic woes. Now a handful of micro-lending organizations are bringing them to Denver.

"We call ourselves the investment banker to the ghetto," said Stephen Rosenburgh, chief executive officer of Arlington, Va.-based Enterprise Development International.

"We seek to enable the poorest of the poor."

Since 1985, his group has helped 660,000 people set up small businesses around the world. It has helped first-time entrepreneurs purchase everything from rickshaws to trucks, hand tools to laptops.

Now the group is contributing to a $240,000 loan pool that will finance small start-ups in low-income areas of Northeast Denver.

The Community Entrepreneurial Program, launched last week, will make 16 to 20 loans of up to $15,000 to entrepreneurs in the Whittier, Five Points, Park Hill and City Park East neighborhoods, said Bill Bridges of Belay Enterprises.

"A lot of inner-city people find it hard to connect with a bank," Bridges said. "But with welfare reform on the horizon, home-based businesses and self-employment are going to become very important."

Belay received $20,000 from Enterprise Development International to launch the program. it also received $20,000 from Agape Christian Church, Church in the City, Jubilee Community Church and Loving Saints Christian Church; and it received $40,000 from a statewide organization called Colorado Capital Initiatives.

The $80,000 from the various groups will be used to secure $240,000 worth of loans from Northwest Bank Colorado.

The three-year loans carry interest rates of just one point above the prime lending rate.

They will help start businesses ranging from painting and carpentry contractors to home-based medical billing and mortgage brokerage services, Bridges said. Loan candidates will be referred by participating churches.

Micro-lending programs like Belay's may be the wave of the future for corporate charity.

Business people sometimes scoff at the idea of a handout, but they are usually happy to donate money to programs that cultivate an entrepreneurial spirit in beneficiaries, Rosenburgh said.

They also offer their time and expertise.

"I want to use business in a way that impacts others," said Wil Armstrong, vice president of Cherry Creek Mortgage Co. Inc.

Armstrong, who once volunteered at Mother Teresa's home for the destitute in India, is director of Enterprise International. His father, former Colorado Republican Sen. William Armstrong, serves on the group's international advisory board, which is chaired by Jack Kemp.

"Mother Teresa was out to change the world for one person at a time," Armstrong said. "In a lot of ways, that's what I believe Enterprise does. We're backing one little business at a time, trying to make a difference for just one person or one family at a time."

Mr. ALLARD. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

BALANCED BUDGET ACT OF 1997

The PRESIDING OFFICER. The Senate will now proceed to the consideration of S. 947, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 947) to provide for reconciliation pursuant to section 104(a) of the concurrent resolution on the budget for the fiscal year 1998.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum, and I ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Parliamentary inquiry, Mr. President. I understand we are on the reconciliation bill?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Time has been running?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. How much time has run?

The PRESIDING OFFICER. Thirty minutes.

Mr. DOMENICI. I understand that the leadership has indicated there will be no votes today, which does not mean there will not be amendments offered. We hope that we will take a few amendments and debate them and then put them over in some stacked regime for tomorrow.

I also understand there are 20 hours of debate equally divided on this bill. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. And that there is also an agreement between the leaders that we will use 10 hours of that 20 today before we recess. So I think that sort of sets the stage for those who are interested in attempting to modify the bill before us.

I have a couple of technical consents.

Mr. President, I ask unanimous consent that the presence and use of small electronic computers be permitted on the floor during the debate and discussions on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DOMENICI. Mr. President, I ask unanimous consent that the following staff of the Budget Committee be permitted to remain on the Senate floor during consideration of S. 947 and the list be printed in the RECORD. This list contains both the majority and minority staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

MAJORITY STAFF

Victor Block, Scott Burnison, Amy Call, Jim Capretta, Lisa Cieplak, Kay Davies, Kathleen M. Dorn, Beth Felder, Alice Grant, Jim Hearn, Bill Hoagland, Carole McGuire, Anne Miller, Mieko Nakabayashi, Cheri Reidy, Ricardo Rel, Karen Ricoy, Brian Riley, Mike Ruffner, Andrea Shank, Amy Smith, Austin Smythe, Bob Stevenson, Donald Marc (Javits) Sumerlin, Winslow Wheeler.

MINORITY STAFF

Amy Peck Abraham, Matt Greenwald, Phil Karsting, Bruce King, Jim Klumpner, Sander Lurie, Daniela Mays, Martin S. Morris, Sue Nelson, Jon Rosenwasser, Barry Strumpf, Mitchell S. Warren.

Mr. DOMENICI. In addition, we have two others we want to have full access to the floor. I ask unanimous consent the privilege of the floor be granted to Austin Smythe and Anne Miller during the pendency of S. 947 on the day of Monday, June 23.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, might I inquire, am I correct in assuming that Senator ROTH and Senator MOYNIHAN intend to come to the floor early this afternoon with a modification, an amendment?

Mr. LAUTENBERG. We have heard that Senator MOYNIHAN will be here, as will, I assume, Senator ROTH, at about 1:30.

Mr. DOMENICI. That might be the first matter we take up, I understand, since it is the chairman and ranking member.

Mr. LAUTENBERG. That could be very well the case.

Mr. DOMENICI. What I would like to do is make a few opening remarks, yield to my friend and colleague Senator LAUTENBERG, and see where it turns out.

Today the Senate begins consideration of S. 947, the Balanced Budget Act of 1997. Some people wonder, when we had the debate and told the American people that we finally had reached an agreement, 5 years in duration, that would get us to a balanced budget, some people wanted us to tell them precisely what the agreement contemplated when, as a matter of fact, the agreement covered only a portion of what must be done by Congress. Then, in addition, a budget resolution was taken up on the Senate floor. During the discussion of that budget resolution, people would ask questions like, "What changes are there going to be in Medicare to make it solvent for the 10 years that are being promised?" They might ask the question, "What is going to happen to Medicaid under this budget proposal and this agreement?"

Frankly, for the most part, we told them what we knew and we told them that, in due course, a piece of legislation would be coming through that would change various laws of the land and would accomplish the goals, the savings required over the first 5 years and estimated over 10. And now, today, to put it into perspective and so the process is understood better, the committees that were charged under that budget resolution to do things—for the most part to decrease the cost of programs within their jurisdiction, within their authority; in a couple of instances they were asked to increase slightly, the expenditures—essentially those committees, eight in number, have done their work and now what we have is a law, what could be a law, that is a bill, not a budget resolution.

The bill before us is a very special bill. It is called a reconciliation bill. That is significant in the U.S. Senate, more significant than in the House, because in the U.S. Senate this proposed bill, this reconciliation bill, is granted some very powerful immunity from the rules of the Senate. The biggest one is the bill cannot be filibustered. So you see right off, when I asked the question, is it not correct that there are 20 hours of debate on this bill?—and the Parliamentarian answered yes—that is by law. In other words, we came along and said these bills should not be delayed. They are part of getting you the budget changes you need, and they deserve a privilege of being immune from filibusters. So the law set down how much time would be used for debate.

In addition, you will hear throughout the next 2 days some interesting verbiage. We will talk about amendments to the bill. Again, this bill is not an ordinary bill. Either by the statute that created the process or by subsequent enactment of the Congress, we have said that it is very difficult to amend this bill. So, essentially almost anything you try to do to this bill that changes matters of real substance that are in it are generally subject to a point of order and require 60 votes, if the point of order is made on a waiver, to make them germane and thus subject to being added to this bill.

In the meantime, since that law, we adopted another rule for ourselves. The more we did these the more we found that Senators found ways to get around what was contemplated. So, what we did, with the cooperation and assistance of the distinguished Senator from West Virginia, Senator BYRD, we adopted a rule for ourself about this bill and we have now named it after the Senator. It is called the Byrd rule. Essentially what it says is that matters within this bill or matters attempted to be added to this bill that do not substantially decrease the deficit—that is, if you introduce them, for instance, to do away with a commission, but it really isn't there to save money—then the Parliamentarian will rule that it takes 60 votes to pass them.

This is very different from an ordinary bill that comes before this body, which is the most generous parliamentary body in the world in terms of permitting Members to make amendments and argue what one might even call irrelevant matters to a bill pending. So, as an example, you can have a bill coming through here on education and somebody can get up and say, "I would like to debate the troops in Bosnia." They would get up and they could introduce a resolution or a statute on that education bill that says we are going to be out of Bosnia in 6 months. Frankly, it is debatable for as long as the Senate wants to debate it and it cannot be stricken for germaneness or

relevance because, under the Jeffersonian rules that we adopted and parliamentary interpretations, we are free to offer nongermane, extraneous amendments to the bill.

In any event, Members now are familiar enough that they do go ask for some assistance before they up and offer an amendment to just change this reconciliation bill and do things their way. On the other hand, they may offer them even if they are not germane and subject to the Byrd rule, and everybody knows they are apt to be defeated because it requires 60 votes to concur in their adoption.

So that is about where we are. Again, getting back to where we are, this legislation is the first reconciliation bill that was instructed by that budget resolution that we talked to the American people about, in terms of getting to balance. It was about 2 weeks ago we adopted that resolution. It told these eight committees of the U.S. Senate to do some work to change some laws. In a sense, this represents the first leg of a three-legged stool that must be constructed to implement the balanced budget, and the bipartisan budget agreement that attended it, that the Speaker of the House and the majority and minority leaders of the Senate agreed and concurred on on May 15.

I characterize this as the first leg, because that historic agreement, to be fully implemented, requires changes both to entitlement spending, that is this first reconciliation bill; changes to our tax laws, that is the second reconciliation bill; and then, in due course, there will be 13 appropriations bills that are annual spending of money that will have to be kept within the limits prescribed in this agreement and also will have to provide some priority items that were agreed to between the President and Congress for matters that pertain to crime, education, and about 13 different items. Some are small, some are large. We have to try to put those in their appropriate place in the appropriations bills. So, I characterize this as the first leg because the historic agreement, to be fully implemented, requires changes in both the entitlement spending and changes to our tax laws and, also, limits on the annual appropriations spending account.

Obviously, it is complex. I do not know if we could get anywhere near where we are if we did not have these bills, which are privileged, as I indicated, for many of them would go on in debate for 3 or 4 weeks and many of them would be so burdened down with amendments that you would not recognize the bill when you finished. So, we are ready to take the cumbersome nature of it all and work as hard as we can so that by September 1 we have all three legs completed and perhaps the procedural changes that we must get to enforce it, which will come along here shortly, and thus be where we ought to be to reconfirm to the public we are on a path to a balanced budget.

Last week these committees of the Congress completing this bill, this first leg, were quietly adopting spending limits established in the agreement for the upcoming fiscal year. Later in the debate on this reconciliation bill, I will offer an amendment, hopefully with my ranking member, Senator LAUTENBERG, to establish appropriation limits for the next 5 years as required by the agreement. I understand Senator LAUTENBERG is concerned about one aspect of that. We will try to work together on that.

So, before the week is out, the Senate, in rapid succession, will have built the three legs of the stool necessary to carry out the bipartisan agreement which we negotiated over a period, generally now understood to be as long as 5 months of negotiating. Among those three legs, first the entitlement spending bill is before us today and, I repeat, immediately after it the second leg, the tax reduction bill, will follow, and then in due course the appropriations. When completed into law and signed by the President—and I am hopeful the two reconciliation bills will be, and I am hopeful that before September 1 arrives we will have passed all the appropriations bills, thus enabling Government to operate for another year—what we will have is we will have set about to balance the Federal budget by 2002.

If that works, and I have no reason to believe it will not, it will be the first such accomplishment since 1969. Reducing Federal spending compared to current Federal spending projections, spending will slow by nearly $290 billion over the next 5 years. And if the reform policies we adopt this week continue unchanged, we will have reduced Federal spending by nearly $1.1 trillion over the next 10 years, counting the debt service that we will not have to make because of reduced borrowing. Changing the scope of spending measured by the size of a growing economy resulting from this balanced budget plan, Federal spending will decline from 20.8 percent in 1996 to 18.9 percent in 2002.

Frankly, when I started, in 1974, as a member of the Budget Committee, I really was skeptical as to whether we would ever break this 20 or 21 percent of spending versus the gross domestic product. We will be down to 18.9 when this budget agreement is fully implemented. Again, that will be the lowest level since 1974, and, more important, 52 percent of the 5-year savings will be derived from reduced entitlement growth, particularly through the reforms and changes made to Medicare and Medicaid Programs and, in particular, on Medicare, to avoid the bankruptcy of that program.

Funding priority programs will achieve balance in 2002, and the agreement does assume some directing of our limited Federal resources to priority programs, such as children's health, assistance to disabled citizens, education, environment, transportation, crimefighting, and international affairs.

Reducing Federal taxes. When we complete the second reconciliation bill, the agreement will have been achieved to reduce taxes on American families and businesses to provide incentives, savings and investments and to provide relief for families with education expenses.

Enforcing the agreement, when we finally complete work this week, will be extended and strengthened because we are going to add to the Budget Enforcement Act of 1990 and give the American people assurances—as sure as we can—that we will live by these decisions, because to break any of these caps over the next 5 years will require a waiver of this agreement and will require a supermajority of 60 votes.

So, Mr. President, I say to fellow Senators, in short, this could turn out to be a very busy and, hopefully, a very successful week. It will be a week in which the fiscal policy decisions we make will resonate for many years to come. As it relates to the immediate bill before us, I thank the eight committees, their chairmen and ranking members, for acting as quickly as they did to report to the Budget Committee their legislative pieces which will carry out the agreement.

The legislation before us is, in very large part, consistent with the agreement. However, in a few areas, the legislation does not comport with the agreement. An argument can be made that certain provisions are inconsistent with the agreement. Obviously, we will work on those over the next 2 days. Under the Budget Act, the Budget Committee could only bundle the eight committees and the language given to us for this report, and I quote from the statute, "without any substantive revision."

It falls to the leadership and us in the full Senate to attempt, where necessary, and to the extent the rules of the Senate permit, to make changes that might result in it being made more consistent with the agreement and, I also want to mention, to the extent it is not totally inconsistent in some areas. There is one additional opportunity to fix it, and that will be when we go to conference with the House. They will be working on their bills simultaneous with this, and they will be off the mark in a few areas. When we go to conference, we will attempt to reconcile those differences and make them as consistent with the agreement as possible.

I remind all Senators and their staffs, again, that this bill is on a special fast track, as I have alluded to. It is actually the paramount special fast-

track legislation provided for in the laws and rules of the Senate. So amending can be tricky. I have already indicated that germaneness and not being extraneous are very important, and you can violate those standards only with 60 votes.

So over the next 20 hours allowed on this legislation, I anticipate we will have four broad areas of amendments, and not all will be germane and probably many will be extraneous, but nonetheless, we will need to consider, first, as I mentioned earlier, the agreement calls for enforcement under the strict rules of the reconciliation budget process. Enforcement could not be considered in the committee. Any enforcement legislation similar to 1990 and 1993 will need to be considered on the floor. The joint Budget Committee staffs and the administration officials have been preparing such an amendment, and other Senators will probably also offer their amendments to enforce the agreement.

Second, there will be a group of amendments that may need to be considered to bring legislative language into compliance. I will work with the leadership and the affected committee chairmen and ranking members to make sure that these amendments are necessary and consistent with the agreement.

Third, the legislation before us falls short of the deficit reduction target assumed in the agreement. It may be necessary to consider some amendment that would bring the legislation before us into compliance, or modifications to the agreement will have to be considered.

Finally, the legislation before us includes provisions on which the agreement was silent. Some of these in the Medicare area have been controversial, such as means testing of the Medicare deductible or gradually increasing the age when individuals will be eligible for Medicare. I am sure we will have some hearty discussions about these provisions, and there will, obviously, be amendments to them.

So now, Mr. President, the Senate business and work lies before us. It is important work for the country's fiscal future. After nearly 2 years of debate with the administration on how to achieve a balanced budget, it is work that, once completed, I think, will become law and will balance the budget. It has been way too long in coming. I look forward to closing a chapter in the Senate at the end of this week, perhaps as late as Saturday, and immediately upon return from the Fourth of July recess, to reconcile with the House our differences and get this completed as early after the Fourth of July as possible.

I thank the Chair, and I thank the Senators for listening. I yield the floor at this point.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair. I want to say, Mr. President, this is my first year as ranking member on the Budget Committee to process the budget resolution, and it has been an interesting experience. It is a fairly complicated process. I had a lot of learning to do. I still feel that I am playing catchup in some areas, but it was largely through the good work of Senator DOMENICI that the process moved fairly expeditiously. We work well together. The relationship, on a personal basis, is excellent. We disagreed without being disagreeable, and we completed this arduous task. It has gone on for several months and I think probably will be a milestone mark in the way a budget is developed because of the target that it has, a balanced budget in the year 2002, 5 years hence. There will be enormous change as we go along.

Mr. President, I have to point out that this comes at a time when things are pretty good. Since President Clinton has been in office, we have seen dramatic changes in our fiscal condition. For instance, the annual deficit came down from $290 billion, in round terms, in 1992, to an expected $70 billion level for the year 1997.

So we have had dramatic declines in the deficits. Our unemployment is at a low point in decades. America is very competitive. We are sending out the kind of high-valued products that we like to see being shipped to other countries, in terms of international commerce. We have the lowest deficit to GDP among all countries of the world, running around 1.5 percent, the envy of almost every nation on this globe. Our ratio of taxes to GDP is the lowest of any nation on the globe. We are talking about large societies, advanced societies.

We just saw completion of the gathering of the heads of government in Denver, eight countries, including ours, in which I guess America boasted a little bit because we have been leading the way. Countries that were so envied for so many years, like Germany and Japan, are trying to figure out how we did it and with a tax base that enables people certainly to succeed, acquire, in some cases, incredible fortunes, fortunes far larger than we ever dreamed possible.

There used to be a time in America when if someone was a billionaire, that was a stand-out person. It is not all inflation, but today they are counting billionaires and multibillionaires. There is success after success of people going into the corporate world, from whence I came, and work a few years with a company and walk out with $20 million, $50 million, some people being paid $25 million a year on a regular routine.

It is quite incredible and quite different, by the way, than the guy who works hard every day and tries to support his family and thinks about where he is, whether his kids are going to be able to get an education so they can move up the economic ladder. He worries about his old age, "Will my pension be there when I am ready to retire?" "Will I be able to give a hand to my mother if she falls sick beyond the capacity of the system as it is presently designed to take care of her?" "Will I be able to continue to live on a little plot of land and maintain my home, our home?" Or, "Will my wife and I have to work shifts so that she can be home when I am not, and vice versa, to take care of our kids?"

That is the picture we see in America today, with all the good results. People at the top are doing very, very well, and people at the bottom are doing slightly better but still very worried. The price of a college education, the opportunity for the kind of jobs that can sustain a family—it is quite different in the levels of income.

So, Mr. President, when we look at a bill like this which we will be considering very soon, the tax consequences of our deliberation—and we will be running into some difficult discussions here, because I know a lot of my colleagues are worried about tax breaks for those who don't need them and tax opportunities for those who do.

Today, we are talking about the first of the two reconciliation bills, this one called the spending reconciliation bill. Senator DOMENICI went through some explanatory statements to let people understand what it is about this arcane system of ours—frankly, it is a mystery to most and to many even inside this place—about the budget resolution, the reconciliation, enforcement, and all of the terminology that becomes routine when you are working with it every day, and talking about germaneness and relevance. Around here, relevance, to steal a phrase, when they talk about beauty in the eyes of the beholder, relevance here is in the eyes of the bellower. That is where often debate comes about—relevance. But we have a process by which we determine whether or not something is relevant. So that will be considered as we go along.

So, Mr. President, I want to just say once again that I commend the chairman of the Budget Committee for his hard work and cooperative attitude over the past many months. We have spent long days in tight quarters working on this—by the way, no longer smoke-filled; that's out, as we see now with the tobacco legislation in front of us.

Senator DOMENICI is one of the most competent, serious, hard-working Senators in this body. I enjoyed, as I said earlier, working with him over these past few months. The reconciliation

bill before us includes provisions that have been, as the chairman noted, reviewed and developed by eight different authorizing committees. Our colleagues on those committees deserve real credit for moving fairly quickly to put these pieces together. I commend them for their hard work.

When I look at the final product, there is much in this legislation to be pleased with. It makes some improvements in Medicare solvency and extending the trust fund. It restores some important benefits to legal immigrants. It includes $3 billion to move people from welfare to work. We want that to happen. And it softens the law that denies food stamps to those who try but are unable to find work.

Despite these positive elements, Mr. President, I have serious concerns about this legislation in its current form. It is blatantly inconsistent in parts with the bipartisan budget agreement. Once again, I have to say that we labored long and hard and honestly, I believe, in trying to establish agreements. They did not always go down easy. Some of these were bitter pills to swallow. But we inched our way at first to get there, and finally it evolved into a consensus that we felt we could live with.

The bipartisan budget agreement had some problematic provisions that now we are seeing—frankly, I would have to use the word "attacked"—in some ways. I want to touch on a few examples.

First, I think this bill does challenge or violate the provision in the budget agreement that protects senior citizens with modest incomes from increases in Medicare premiums. The bipartisan negotiators set aside $1.5 billion specifically for this purpose. But the Finance Committee has refused to allocate this money. Now, this must be fixed. I understand they are considering it even as we speak.

Second, the bill violates the provision in the budget agreement that protects those who have come into our country legally, paid taxes, played by the rules, who suffer at a future time from a disability, accident, sickness, or otherwise. The budget agreement clearly requires that these innocent victims be protected. However, the Finance Committee has refused to include that in their agreement and included only a temporary restoration of benefits. This, too, must be fixed.

Third, the bill fails to provide Medicaid coverage for the 30,000 children who are losing SSI benefits under last year's welfare bill. This runs counter to the goal of ensuring that America's children have health care coverage. It is another blatant violation of the bipartisan budget agreement.

Mr. President, it is up to the congressional leadership, not the leadership of the committees, to correct these problems and to bring the reconciliation bill back into compliance with the budget agreement. Senators LOTT and DASCHLE have agreed in writing to do this through bipartisan leadership amendments. I am confident that this commitment is going to be fulfilled. But as I mentioned earlier, Mr. President, I am concerned about other provisions as well in this reconciliation bill that go beyond the bipartisan budget agreement. I want to outline some of these.

First, the bill changes the age for eligibility in Medicare from 65 to 67. Mr. President, that may be a worthwhile subject, but not here, not in this bill. There is no legislation to protect the seniors who will be aged 65 and 66 as they wait for eligibility going from one place to another. For many companies, for many situations, the retirement period is age 65. It is common. I do not think it is right to be in here. The issue was never discussed during the negotiations on the budget agreement. So while there may be an argument for considering related proposals as part of a broad review of health care and entitlements, this is not something that we ought to be doing now on a fast-track reconciliation bill. Our senior citizens deserve more than that, or one day to be senior citizens.

Nor, Mr. President, should we be considering a fundamental change in the universal nature of the Medicare Program as part of a fast-track bill? This legislation would introduce means testing to Medicare. Again, I realize that there are Senators here who support this proposal. But the long-term implications for this move are enormous. They deserve much more thorough debate than is possible in this legislation.

Mr. President, the bill before us also includes several other provisions that go beyond the bipartisan budget agreement that are of concern.

The bill would increase the financial burdens on some of our most vulnerable senior citizens, poor people, people impoverished by establishing a new copayment for home health visits.

It would authorize medical savings accounts, a new approach to Medicare that could, in my view, harm its long-term viability, harm the viability of the whole Medicare Program, because it would give people choices outside the system and perhaps would pull out those who are in good health and leave the rest to those who are not quite up to snuff. It would make excessive burdens for them. It cuts the Medicaid payments. The hospitals also would be curtailed, and they serve a disproportionate share of poor and uninsured patients.

So, Mr. President, these and other problematic provisions should not be in a reconciliation bill—again, I remind you, fast track; this will be done sometime tomorrow—that is designed to implement a bipartisan budget agreement. I hope that many of these things can be eliminated before the Senate has to vote on final passage of the legislation.

I want, Mr. President, to caution my colleagues that they are to get here with their amendments because the time continues to pass. As Senator DOMENICI has said, at some point the 20 hours that is allocated for the debate will be consumed by just wasting time. If that is the case, those who have amendments that they care about will be here in the final moments of the time that we have allocated to this debate and they will not be able to bring them up. They may be able to introduce them and get a vote on them, but they are not going to be able to discuss them, they are not going to be able to argue the merits. I think that is something that people ought to pay a lot of attention to if they are serious about the amendments that they are proposing.

So, I plead with our colleagues, get over here, get your amendments in. The fact that there will be no votes today does not have anything to do with the time schedule. If these issues are going to be voted upon, these amendments, that can be done tomorrow, but the debate will have to be held before we run out of time.

So I conclude, Mr. President, by saying this to my friend and colleague, the chairman of the Budget Committee, that despite the various controversies that have pitted our two parties against each other, we have managed to maintain a spirit of bipartisanship in our efforts to balance the budget in the proper way. I believe that we will maintain that cooperative approach. But if we are going to do it, many of these problems will have to be addressed before this legislation is sent to President Clinton. I look forward to working with Senator DOMENICI and with the leadership on both sides of the aisle to make it happen.

Let us get a bill that we can live with, a consensus bill, much in the manner that we shook hands on; maybe with a grimace or two across the table, but we did it. We arrived at a consensus. I need not go to such elementary teachings to say a consensus really reflects a give-up by all parties to a discussion. A consensus is not I win, you lose; it is we both win a little and we both lose a little. That is what we did to get to where we are. Therefore, I express some disappointment in the changes that have been made in the process of reconciliation and hope that we will be able to change the changes and get on with this bipartisan budget agreement that we concluded here on the floor not too long ago.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. I just want to thank Senator LAUTENBERG for his observations and his comments. Whatever words he had to say about me, I appreciate.

I say, I have just an evaluation that is mildly different. I think, considering the great bulk of things the committees had to do—and, you know, we had an agreement for the first time that told them they had to do certain things; before it was a very vague instruction—I think they did fairly well. I mean, I think we can count on the fingers of our hands—probably even if we did not have all five fingers, we could even on less than five—the areas that they did not comply with. I think they are going to work with us to try to get those done.

Obviously, there is one that is difficult that has to do with the radio and television spectrum. That is a little more difficult. The administration told us we could get a lot of money and, if we did not go that far, it would not last. It turns out it is very hard to do that. But we are working on that, in a bipartisan fashion also.

I say to Senator WELLSTONE, you have been here for a while. Senator JUDD GREGG has indicated that it was all right with you if he proceeded.

Mr. WELLSTONE. That is correct.

I just want to ask the managers—it is fine with me if Senator GREGG proceeds. It is my understanding that Senator MOYNIHAN will be coming to the floor seeking a modification.

Is that correct?

Mr. DOMENICI. Yes. He and Senator ROTH or somebody.

Mr. WELLSTONE. When do we expect them to come to the floor?

Mr. DOMENICI. I thought it was 1:30 to 2 o'clock. I think we will have some time for statements before that if you want to make a statement before that.

Mr. WELLSTONE. I say to both my colleagues, I potentially am ready to do an amendment or two. But I would rather wait until after some discussions with other Senators. Also, Senator MOYNIHAN and Senator ROTH will be here.

I thank the Senator for his courtesy.

Mr. DOMENICI. I say to Senator GREGG, how much time would you like?

Mr. GREGG. Fifteen minutes.

Mr. DOMENICI. I will yield the Senator 20 minutes.

I wonder if you could do me a favor. I am going to sneak out and get something to eat. Would you manage the floor for about 15 minutes?

Mr. GREGG. Certainly.

Mr. DOMENICI. I thank the Senator. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire for 20 minutes.

Mr. GREGG. First, I rise to congratulate the Senator from New Mexico and the Senator from New Jersey, the chairman and ranking member of the Budget Committee, for getting us to this point where we are in the process of voting on and hopefully reaching a conclusion on two very important reconciliation bills which deal with the critical elements of how we manage entitlement spending and how we manage tax policy here at the Federal level, and which lead, hopefully, to a conclusion that we can say with certainty that the balanced budget agreement which was reached has been met and that we will therefore have a balanced budget which our children can look to as a benefit and which we can look to as a success.

I want to speak specifically about two elements of the reconciliation bill which I consider to be important, two different bills, the one that deals with the spending, the entitlement bill, and the one that deals with tax policy, and talk about the Medicare Choice Program, reform program, and the pension language within these two bills, because I think these bills have made giant strides in both these areas toward addressing some fundamental public policy needs.

I commend Senator ROTH and the Finance Committee for including these important provisions on both Medicare and on pension reform.

Earlier this year I introduced S. 246, the Choice care bill. It was essentially similar to legislation that I had introduced in the last Congress, which was included in the Balanced Budget Act that year, which unfortunately was vetoed by the President. The Medicare savings achieved in this reconciliation bill represent only a tentative start, however, toward placing the Medicare system on a path toward long-term solvency. But they are an important start. There are still trillions of dollars of unfunded Medicare liability awaiting us, and this legislation does not address it all, but it does get us off on the right foot.

I am pleased we have taken this opportunity to enact some of the structural reforms that are key to real substantive Medicare reform and the stabilization of the Medicare trust funds. In my Choice care bill and in the provisions contained in this legislation, seniors will be able to choose from a large variety of health care purchasing options. They can remain in their traditional Medicare plan, they could instead buy an HMO, or they could buy from a competing medical plan provided that it meets the benefit standards of the present Medicare system. So seniors will have a wide variety of new and exciting choices.

When we offer seniors this great array of choices, we benefit not only the seniors but the system as a whole by bringing it into the marketplace. Traditional Medicare must then effectively compete for the right for seniors' health care spending in the marketplace and the people in the marketplace who are willing to give other options to seniors. Suppose, for example, there are plans that can deliver services more effectively and more efficiently than Medicare in a particular region of this Nation. If they can do that, then they can offer a more substantial package of benefits for the same costs, and, therefore, seniors will have an incentive to buy from these plans.

Take, for example, if a plan was able to offer the seniors not only the basic Medicare benefit but also maybe an eyeglass benefit or a prescription drug benefit. That option is now going to be available to the seniors. This benefits the health of the system because, at the same time, this legislation gains control over the rate of growth of the per capita spending in the Medicare Program. So whenever seniors move into these plans that can offer them a better benefits package, the entire system will save money because the Medicare system will be spending less money per capita on these seniors than it would under the traditional Medicare system.

If they are getting a stronger package, you might say, how can that be? It is called the marketplace, it is called capitalism, it is called what is happening in the private sector today, in the health care system generally. But, unfortunately, it is not helping Medicare, which was designed for a 1960's health care delivery system, which simply is not operable in the 1990's or as we go into the year 2000.

This legislation begins to flatten the wide disparity in reimbursement levels that exist between geographic regions in this country by gradually blending over time local and national reimbursement rates. If we do this, then we make spending patterns in Medicare more fair and reward those regions of the country that have already done well in holding down costs. The disparity between regions is really excessive. For example, in some parts of this country, like New Hampshire and Oregon, and I suspect in Wyoming, where the Presiding Officer is from, the costs of Medicare benefits are significantly lower than in areas like Staten Island. In fact, it is lower by almost $500 a month.

It is imperative we include such reform as a component of the Medicare Choice Program because only by doing so can we be sure that seniors in low-cost areas will ultimately have access to a wide array of benefit packages. As long as reimbursement rates in some parts of the country are unfairly low, it will be difficult to entice plans into those regions to compete for seniors' dollars even though the health care benefits in those areas today are being maintained at a high level.

I believe we should have increased the incentives available to seniors to become cost conscious by offering

them opportunities to save money in the manner in which they buy Medicare. That is the incentive that truly moves shoppers, and I believe that Medicare Choice would be a greatly strengthened reform if we had included a cash-rebate incentive. Under my original bill, S. 246, every time a senior bought from a less expensive plan, even though the benefit package in that plan had to meet the same benefit package or exceed the benefit package of the present Medicare system, if the plan costs less because of competition and efficiencies within that plan, then 75 percent of the savings would have gone to the individual, and the remaining 25 percent would have been deposited in the trust fund. Thus, the trust fund would never lose money due to such rebates.

On the contrary, the trust fund would receive money every time a senior sees this incentive to make a cost-conscious decision. Unfortunately, this language was left out of this bill, and, in fact, there is some language in this bill which undermines the ability to create incentives in the Medicare system under the Medicare Choice plan. I expect I will be offering an amendment to correct this, an amendment to strike that section which limits the ability to offer incentives, because lacking that important incentive we cannot, in my opinion, create the huge marketplace forces which we need in order to significantly control the costs of health care and to create marketplace forces within the health care systems.

Even considering that, this package still offers the incentive to seniors that where their plan can be more efficient, they will be offered an enhanced package of benefits. That is a significant incentive. While perhaps not as powerful a purchasing incentive as an actual cash rebate, for example, it is my hope that the prospect of strengthened benefits will prove a powerful enticement that allows seniors to move more comfortably into buying Medicare Choice plans.

I am reminded of the old saying that you begin a trip, a long journey, with one small step. Well, this package that has been brought forth by the Finance Committee is a series of small steps. It has gotten us well into the journey. It has not gotten us to the end, but it has gotten us down the road by giving seniors more choices and more opportunities in the way they purchase their health care.

At the same time that the Finance Committee has made significant strides in the area of Medicare by making Choice care available to them in the Choice care plan which I introduced, it is also contained in the tax resolution which will be coming forward later in the week, a significant incentive to increase retirement savings. I congratulate, again, and thank Senator ROTH, the chairman of the Finance Committee, for including so many of the ideas and initiatives which I was able to participate in pulling together as chairman of the Retirement Task Force. I also want to particularly thank Senator BOB GRAHAM and other members of the bipartisan working group for their aggressiveness in promoting pension reform which will promote savings.

Some months ago, I was asked by Majority Leader TRENT LOTT to chair the Republican task force on retirement security, and in that capacity I worked with Senator ROTH and the rest of the task force to develop a package of proposals introduced a week ago as Senate bill S. 883.

I will not use this time here to describe again the dire circumstances of this Nation with respect to retirement savings. When we introduced S. 883, we detailed the vast gap between our Nation's retirement income and the inadequate amount of funding we are currently putting aside to meet those retirement needs. Approximately $7 trillion of unfunded liability sits in our different retirement accounts. I am very pleased to note that no fewer than 13 of the provisions, 13 of the provisions of S. 883 have been included in some form in this budget reconciliation package. While many of them are small or technical corrections without significant revenue impacts, enacting these reforms will do much to improve the prospects for expanding pension coverage and retirement savings.

Because time is limited, let me list only a few of the reforms that have come to be included in this package which I think are positive for encouraging people to save for their retirement.

This budget reconciliation package includes the first title of the WISE bill, S. 260. This part of the WISE bill—the WISE bill being a bill directed at giving more equity to women in the area of being able to save for their retirement—strengthens the homemaker IRA. I, personally, have placed a higher priority on this provision than on any other of our task force savings initiatives, so I am particularly pleased to see it was included. This provision received the active support of a bipartisan group of Senators, including, most notably, Senator CAROL MOSELEY-BRAUN from the other side of the aisle.

This provision, Mr. President, will sever the link between the homemaker's ability to make a fully tax deductible contribution to IRA and allow her to make that contribution whether or not her husband or her spouse who is in the workplace has a pension plan. This is an important provision not only because it will stimulate additional savings but because it will enable homemakers, especially women, to generate additional savings in their own name. It is about time we do that. I especially want to congratulate, of course, Senator ROTH, the chairman of the Finance Committee, who has been a tireless advocate for this idea.

This reconciliation bill also will gradually raise the income limits on the tax deductible contributions to IRA's. Our Republican task force endorsed the Roth-Breaux legislation that would have completely phased out the income limits so that every American will be eligible to fully deduct their IRA contributions. I believe that Finance Committee Chairman ROTH exerted every effort to achieve as much as he could in this area, and I am pleased he included at least a version of the language from the task force bill, gradually phasing up the income limits, doubling them by the year 2004. This will do a tremendous amount to spur savings in our marketplace and as people head toward retirement.

This budget reconciliation package also includes the backloaded IRA, an important new option in retirement savings in which the contributions are not tax deductible and the tax advantages come up upon withdrawal. This expands the capacity of individuals to take advantage of retirement incentives in a way that works best for them. It also limits the revenue loss in the short term from IRA expansion, because the contributions today will be taxed when they are made. I know many individuals will wish to use this alternative backloaded-IRA structure, and thus this will be an important incentive for additional long-term savings.

Mr. President, one thing we must do as a nation is simply make it easier and more convenient for people to save. The fact is that if we do not do this, we as a nation are going to face bankruptcy as a result of the costs of our pension systems as the postwar baby-boom generation fully retires in the year 2010 and beyond. One reason why the thrift savings plan worked so well for Federal employees is that it has the feature of automatic deduction from one's payroll, automatic investment, automatic savings. I am pleased that the Finance Committee has also included the provision to allow for automatic payroll deductions into IRA accounts. This will also stimulate additional retirement savings simply by making IRA investment easier.

I am also pleased this reconciliation package recognizes we must continue to do more to stimulate retirement savings not only through individual savings but also through employer-provided pensions. I have long been troubled by the limitations that have been placed on employer funding of future pension liabilities. Employers must fund these liabilities sooner or later, and it is good policy to put more of the funding upfront to allow that funding to be invested and to use the compounding interest to increase the

investment and to assure an adequate amount of funds when people retire.

The reconciliation package picks up most of the provisions authored by the task force to raise the limits on full funding by 5 percent every 2 years. I believe that our Nation's workers will be more secure by their pension benefits being funded more fully. This is a critical point because so many of our pension benefits are underfunded. The capacity of the employer to be able to fully fund the pension benefits at an earlier time in the cycle is critical to assure people will have a pension when they retire.

Some of the technical changes made by this bill are very significant. This reconciliation bill would exempt State and local government plans from the cumbersome nondiscrimination rules. This was a prime example of how many of our pension laws and regulations have been unduly complicated. Nondiscrimination rules were not created to apply to Government plans, where it is difficult to find exactly who the employer is and thus to compare employer and employee benefits. This type of commonsense change will make it easier for States and local governments to plan for functions around the country.

Another task force-endorsed reform picked up by the reconciliation bill will do much to help small business. Until now, the matching contributions made by the self-employed were treated differently under tax law than the matching contributions made by employers. By straightening out the discrepancy, we will remove another obstacle from among the many that deter small business owners from providing pension coverage. As we all know, small business is where we most need to increase participation in pension plans.

There is not time, Mr. President, to discuss every reform that was inserted into this reconciliation bill in the pension area. But I am pleased that this bill draws from reform initiatives in a variety of areas. In the area of portability—I am talking now about the tax bill coming to us after we complete the bill on spending—this bill will add extra protection to defined benefit plans that accept rollovers, protecting them from disqualification if they do facilitate that kind of portability. Moreover, the bill includes a few provisions that will streamline the paperwork process. The bill will facilitate the use of new technologies to replace old paperwork filing, and also eliminate some paperwork requirements that should no longer be required. Finally, various technical inconsistencies within the law will be eliminated if we retain those provisions in conference.

Let me close by thanking Chairman ROTH for his extraordinary effort and for his willingness to include so many provisions to promote pension reform and Medicare Choice in both reconciliation bills, as well as several other Finance Committee Senators, including Senators BOB GRAHAM, CHUCK GRASSLEY, ORRIN HATCH, JIM JEFFORDS, and others. Although I am not on the Finance Committee, I was certainly pleased to be able to work with this group to advance efforts to increase retirement savings. Savings incentives are an effective and important use of tax relief—one of the very best things that we can do with our opportunity this year to relieve the tax burden on American taxpayers. I do hope and expect that we can retain these critical provisions in these two bills.

Now let me express one area that I have concern about, and that is the area of how we handle the Medicaid expansion, or the new program for the purposes of assisting child health. I have read the bill. I understand that States have the right to choose between a capped grants program and the expansion of the Medicaid Program. It is not, however, clear to me what the requirements are relative to coverage, and how demanding the Federal Government is going to be on each State as to how and what must be covered on each child. I would have serious reservations if we have created a new entitlement program. This would be a mistake, at a time when we are trying to control the rate of growth of the Federal Government and growth of the most explosive side of the Federal Government, the entitlement accounts of this Government; it would be a serious error for us to embark on a new entitlement program.

It is not clear to me, after having read this, whether or not we have done that. It is clear to me that there was an intention not to do that. At least, in the language of the bill, and in the explanation of the bill, statements were made that it was not the intention of the committee to move down the road of a new entitlement program. Whether or not the operable language in fact creates such an event, demanding that certain action be taken, that certain expenditures be made and not funding those, or creating a situation where people can come in and demand those expenditures in a way that creates an entitlement or a mandatory program is not absolutely clear. As we go forward with this debate, I hope we will get clarification on this point. Should it turn out that this is a new entitlement program, I hope we will change that, either here on the floor or in conference, so that the intent of the language is clear, which is to create a grant program to benefit children and their health needs.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, is the time being controlled?

The PRESIDING OFFICER. Yes. The Senator would need time yielded to him to speak, but could offer an amendment that would then be debated for 2 hours equally divided.

Mr. DOMENICI. How much time would the Senator need?

Mr. GREGG. I would need about 15 minutes.

Mr. DOMENICI. Would the Senator be agreeable at a later date, in the stacking process, to rearrange the order of his amendment if the Committee on Finance wants to have an amendment before it?

Mr. GREGG. Absolutely. I would agree to a unanimous consent to place my amendment behind whatever amendments are offered by the chairman and ranking members of the committee.

Mr. DOMENICI. Would the Senator also agree that it can be sequenced in a manner that helps the manager work this bill through? It won't take a long time. But it may be second or third.

Mr. GREGG. As long as it is not eliminated.

Mr. DOMENICI. Right.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, it is my intention to shortly offer an amendment which is technical in nature but goes to one of the philosophies of the Choice care issue. The Choice care, as presented in this bill which is an excellent step forward in trying to make the Medicare system more viable, efficient, and most importantly more effective for our senior citizens, is a concept where seniors are going to be given an opportunity to go out in the marketplace and choose between the variety of different care providers.

Today under the Medicare system, basically seniors are limited to the traditional Medicare and to a very limited HMO option. The traditional Medicare, of course, is a 1960's program designed to meet a 1950's medical system structure. It is not current or effective for today. It is a cost-plus system, for all intents and purposes. It is extraordinarily inefficient, and it does not allow very much flexibility in the marketplace.

The pre-Medicare system, as is structured today for the delivery of its different options to seniors, is like driving a 1961 Chevrolet down a highway in 1997 with the understanding that you are going to have to go into the year 2000 still driving a 1961 car. Everything on the car has been replaced. Very little of it works. It is blowing out a lot of smoke. It is chugging along at 45 miles an hour top speed. It simply isn't working correctly.

So, in order to try to redress that, the committee has put in place a very creative initiative in the area of Choice care, which essentially says that seniors are now going to have the ability to go out in the marketplace and choose between a variety of different health care providers. That variety of health care providers could involve an HMO. It could involve a PPO where a group of physicians get together. It can be called a PSO, again, a group of physicians getting together. Or it could involve some new way, I suspect, where hospital and doctors and somebody else designs a new way of delivering services. But the services they deliver must equal the benefits package which is presently under the Medicare system.

So seniors lose nothing in the definition of the size or nature of their benefits package. And it must equal the benefits package in the area of quality so that seniors lose nothing in the area of quality of their health care.

What they get is a marketplace which will come forward and compete for the seniors' health care. What does that do? Well, as we have seen in the private sector, that will give the seniors a whole new variety of choices, a whole new panoply of choices, from which to choose the health care provider group that they want to give them Medicare.

They may get options coming at them which say, "Here, we are going to give you the basic Medicare package, but we are going to also throw in eyeglass care. We are also going to throw in pharmaceutical care. It is not going to cost you any more, but we will put that in to try to attract you to our supplier of health care, to our HMO, to our PPO."

So seniors are going to get more choices. Under this benefits structure, as put forward in the reconciliation bill, new benefits can be added on top of the benefits that are supplied by the basic Medicare plan. That is a given. That is an incentive that can be put in. But what is not allowed under this package, or what is specifically disallowed, is the concept that a senior could pay less for the same benefit package.

You have to remember here that what you are dealing with is the market system. So it is more than likely—in fact, it is expected—that a variety of health care providers, as a result of being efficient, as a result of cost-saving structures which they put in place, are going to be able to supply the health care basic benefits structure of the Medicare system to a senior citizen for less than what it costs today.

For example, we pay out $4,800 a year for health care benefit. Insurance pays about $4,800 a year for insurance for seniors. That is a very high price, by the way. It is very likely that you are going to see provider groups come forward at $4,300 a year. There is going to be a $500 saving in that provider group.

Under this bill, the way the provider group adjusts for that is they must put more benefits into the package. That is the only option they have. They have to put in eyeglasses. They have to put in drug benefits. That is a reasonable approach. Yes; to give the senior more options at the same price for more health care types of health care. But another option, of course, would be let's sell it to the senior for less. That is probably going to happen, too. You are going to probably see some health care providers give the same package of options but be able to give it at less than $4,800. Under this bill as it is presently structured, if that were to occur, the health care provider would get all the savings. There would not be any incentive for the health care provider to turn some of that savings back to the Government or back to the senior citizen.

In the original Choice care plan that I drafted—I do not say this to try to be too expansive about my own efforts—I believe was essentially one of the cores from which this plan was put together, which is in the reconciliation bill. In my original health care plan, I had language which said, if a senior is able to purchase their health care—the same package, the same benefit structure—from a health care provider, that health care provider cannot use that for selection. They cannot try to pick and choose seniors. It must take all comers. If a senior is able to find a health care provider who is willing to charge less—and the quality must be maintained under the standards we have here—then the senior, rather than having only the option of getting more benefits, would also have the option of getting a return on the lower cost premium.

So, if you paid $4,800 for seniors' health care but you could purchase health care at say $4,300, there would be a $500 savings annually. We would take that $500 savings. And the health care provider could as an option, rather than buying eyeglass care for the senior or buying health prescription drugs for a senior, could say to the senior, "We are going to turn that $500 back to you." If the health care provider decided to do that, then the senior, under my original bill, would get to keep 75 percent of that and 25 percent goes back to the Federal Treasury.

That was the plan of the original bill.

This language of this bill says a Medicare Choice organization is not authorized to provide cash or other monetary repayments as an inducement for enrollment. That makes it impossible for an incentive system to be put in place. Markets work on incentives, not only benefit incentives but money incentives.

Thus, I believe that subject to the limitations of what HCFA will put on the provider, subject to the limitations that it has to be a quality system, subject to the limitations that it has to be a system which meets a health care insurance plan that meets the basic Medicare requirements of what must be covered, subject to the fact there cannot be adverse selection, there is no disincentive, no downside to creating a marketplace in force beyond added benefits of added cash, of the potential of refunding cash.

So, basically, I think this language is counterproductive to the basic goal of Choice care, which is to create market forces not only on behalf of the provider groups but within the senior community to go out and be cost-conscious purchasers. The whole idea of Choice care is to give seniors more options to choose from and create a more efficient marketplace, which will in turn create a lower cost of health care for the basic benefits package of Medicare, or at least slow the rate of growth of the cost of that health care package.

That is the whole concept of Choice care. But if you take out of Choice care any financial incentive to save, if you say to seniors: Your only incentive to purchase another plan may be additional benefits, which they may not need, then you have reduced dramatically the marketplace forces. If you take out of the system any incentive for the provider group to rebate those savings, then you have created an atmosphere where provider groups may generate savings, but they will keep them themselves. In that way, I think you skew the marketplace because in an open market when somebody is able to sell a product for less, they pass the benefit of that lower cost on to the consumer, and that is what we are trying to do in the language of the original bill—pass the benefit of the lower cost of health care on to the consumer.

So in order to address that, without putting in place the incentive system that I design in my bill—we are not suggesting that that incentive system should go in as I designed it. We are just suggesting there should be the opportunity for HCFA and for the regulatory agencies to be able to look at incentive systems and not be barred from looking at incentive systems, cash incentive systems, monetary incentive systems. In order to allow that to occur, we need to remove this language. In order to make this Choice care more effective, a potentially more dynamic force to create more of a marketplace event where seniors are actually out there thinking, hey, I intend to look around and see how much I can buy insurance for, and one of the reasons I am looking around is while I might get better benefits, the second reason I am looking around is I may get it at less cost—in order to create that type of market dynamic, which is absolutely critical if you are going to have Choice care work effectively, you cannot have language which says under no circumstances, even if HCFA were

to find that it would work, can you in any way create an incentive system that involves monetary consideration.

So this language, I believe, is counterproductive to the basic goal of Choice care. I think it should be noted as an aside here also that the concept of Choice care is to make seniors more cost-conscious purchasers, but in doing that you have to remember that, yes, those seniors who are on the system today probably are not going to change. They probably are not going to change their health care system. They have been there. They have been in the system. They came out of the 1950's and 1960's when they had a sole care provider. They are used to less health care. That is the way they are brought up, most of the seniors on the system today. So we are not really targeting the Choice care concept at that group. What we are targeting the Choice care concept at is the next generation of seniors coming into the system, that generation which has already been through the health care explosion of the late 1980's and early 1990's. A variety of health care providers were made available to them, where HMO's became commonplace in the private sector and in the marketplace. These folks are going to be familiar with the concept of a PPO, PSO, or HMO as a provider group, so they are going to be comfortable with going out and shopping around.

If we create a disincentive for them to do that by saying, well, if you shop around, you do not get any of the benefits of shopping around other than some higher benefit package which you may not want to begin with, then we will be undermining a culture which already exists. We will be saying to people who are coming out of the private sector, having been used to shopping around—maybe they were in a cafeteria program where they actually got a refund of some of the costs of the lower cost health insurance since they purchased it. We are going to be saying to those people, when you get into the public system, it is basically a cost-plus system and you are not going to be able to get any of benefits of the thoughtful purchase of lower priced health care in relationship to your needs or in relationship to a one-size-fits-all package.

So I do believe that to leave this language in not only undermines one of the options that might make Choice care much more effective, but it undermines the natural, inherent attitude that is going to be coming with this new generation of people who receive funds from Choice care, who participate in Medicare, and who have been brought up in a marketplace where Choice care is the typical type of health care approach.

AMENDMENT NO. 426

So, in light of that explanation, Mr. President, which I know the Presiding Officer was closely following, which I very much appreciate, I would send the amendment to the desk.

The PRESIDING OFFICER (Mr. COATS). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 426.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 213 strike all of (d) and insert the following:

"(d) TERMS AND CONDITIONS OF IMPOSING PREMIUMS.—Each Medicare Choice organization shall permit the payment of net monthly premiums on a monthly basis and may terminate election of individuals for a Medicare Choice plan for failure to make premium payments only in accordance with section 1851(g)(3)(B)(i)."

Mr. GREGG. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that no second degree amendments be in order relative to the amendment which I just offered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GREGG. I yield the floor and make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 426, AS MODIFIED

Mr. DOMENICI. Mr. President, I understand that the unanimous consent request Senator GREGG proposed with reference to his amendment is technically insufficient to accomplish the purposes that we intended when we concurred, and so in lieu thereof I ask unanimous consent that with respect to amendment 426 no amendments be in order to the amendment or the language proposed to be stricken and the amendment be modified to reflect a straight strike of all after (i) through line 16.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I would like to ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. First the Chair would ask, is there objection to the unanimous consent request of the Senator from New Mexico to modify the amendment?

Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 213, line 13, strike beginning with "A Medicare" through the period on line 16.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I am pleased by the work and cooperation that was exhibited last week in the Senate Finance Committee. It was an encouraging display of bipartisanship—both sides of the aisle working together to craft a proposal that meets the guidelines of the budget agreement and achieves needed reforms in spending programs while protecting America's vulnerable.

Out of this tremendous effort that went into the Finance Committee markup of the budget came two distinct themes that we would do well to keep in mind as we take this issue up to the floor. First, that the time has come, as President Clinton expressed in an earlier State of the Union Address, to end big Government as we know it. This is no longer an objective held by one side of the aisle over the other. It is a necessity.

We are blessed with the greatest Nation on Earth. We have the most productive citizens, the finest resources and materials, and we have the ingenuity and spirit of enterprise. We realize, however, that our resources are finite and Government's role is limited. Yet, we are willing, on both sides of the aisle, to make certain that Government efficiently and effectively provides for those with whom Government has a contractual or moral obligation to provide. Medicare is contractual. Medicaid, when it serves the most vulnerable, particularly America's children, is moral. And these feelings are shared mutually by Republicans on the committee as well as Democrats. This became obviously clear last week.

Second, we demonstrated the power of bipartisanship. I can safely say that no one, but no one, on the Finance Committee got everything he or she wanted. No one was completely satisfied with everything, as it is a compromise between differing political philosophies and between deeply held views. So while what we have passed and addressed on the floor today is not the budget package that any of us would have drafted, it represents a major step forward, a step forward that, through balancing the budget, can help assure continued growth, jobs and opportunity.

As we worked on the committee to report out this budget, I was led by two primary goals. First, to implement the budget agreement in such a manner that we not only balance the budget but that we do so in a manner that preserves and strengthens the programs impacted. As I said during the committee markup, "It is not enough to reduce the cost of such critical programs as Medicare and Medicaid, but it must be done in a way that provides better service to beneficiaries of these programs."

My second objective was to implement the budget agreement in a manner that assured bipartisan support for the program. I believe we have accomplished both of these. What we offer today is a workable balance, a critical balance that protects our most vulnerable populations while addressing necessary reforms in important entitlement programs.

Let me give some specifics. The largest program we concerned ourselves with was, of course, Medicare. Much has been written and said about the future of this program and the need to strengthen it for the long term. We did this. We took a critical first step towards addressing the long-term solvency of the Medicare Program while at the same time making certain that the program meets the needs and expectations of its current beneficiaries. The changes we made in Medicare actually allow us to expand Medicare coverage for certain important preventive services including mammography, colorectal screening, bone mass measurement and diabetes self-management. We are able to offer this expanded coverage and protect and preserve Medicare by incorporating choice and competition into the current program, and by slowing Medicare's rate of spending growth. Our measures will save Medicare from bankruptcy for another 10 years, while still increasing Medicare spending per beneficiary from $5,450 this year to $6,950 in the year 2002.

In expanding choice in the Medicare Program, we have used the highly successful Federal Employees Health Benefit Program as a model. Under our new Medicare Choice Program, seniors will have the opportunity to choose from a variety of private health plan options and select the health care plan that best suits their needs and preferences. These choices will include the whole range of health plan options available to the under-65 population—fee-for-service, varieties of managed care, and medical savings accounts. Through these options, seniors will be able to obtain important benefits, like prescription drugs, that are not covered by traditional Medicare.

It is clear to see how these commonsense and, again, I want to say, these bipartisan solutions will preserve and strengthen the program. We were not content to stop there. The Finance Committee proposal calls for a National Bipartisan Commission on the Future of Medicare. This will be a 15-member commission, established for 1 year, charged with making recommendations to Congress on actions necessary to ensure the long-term fiscal health of the Medicare Program, something of great concern to the ranking member, PAT MOYNIHAN, and myself.

The Finance Committee report also creates a demonstration project within the Medicare Program for medical savings accounts. This demonstration project will allow up to 100,000 Medicare beneficiaries to opt into an MSA program, a program that will allow them to choose a high-deductible Medicare Choice plan.

These changes to Medicare will result in a net savings of $115 billion, savings that will not only help us meet the budget compromise but savings and reforms that will preserve the Medicare Program while ensuring that it continues to serve those who depend on it now. Again, these important reforms were made possible only through sincere bipartisan efforts, and it is my hope that such bipartisanship will continue as we address these reforms on the floor.

Such bipartisanship also marks our treatment of Medicaid. Working together, we passed reforms that will control the growth of the program, resulting in a net savings of over $13 billion. For more than a decade, there has been a constant tug of war between the Federal Government and the States over Medicaid, as each side has asserted its will over the other. From the mid-1980's through the early 1990's, the Federal Government imposed mandates on the States and, in turn, the States shifted costs to the Federal Government. The result was devastating to all of our budgets as Medicaid routinely grew at a double-digit pace, reaching as high as a 29-percent increase in 1992. This Finance Committee proposal signals an important change in the program.

Having said this, let me be clear. We are not cutting Medicaid. Under this proposal, Medicaid spending will continue to grow. The Federal commitment to Medicaid will grow from $99 billion in fiscal year 1997 to $140 billion in 2002. The President originally proposed $22 billion in savings in the Medicaid Program. We achieved approximately $14 billion in savings.

The first part of our Medicaid reform is to give the Governors the tools they need to control this program. This will be able to move more individuals into managed care without waiting years for waivers from the Federal Government. They will be able to contract with selected providers for service. The States will be able to ask families to take some responsibility for the decisions they make when seeking health care services.

In short, our plan gives the States many of the same tools that the private sector has in stretching health care dollars. The fact is, health care as a whole has changed, and the Medicaid Program needs to catch up. Our proposal gives the States the tools necessary to act as many large employers do, to get the greatest value for Medicaid dollars. So we are taking the important next step to move both the States and the Federal Government out of the waiver process.

But we also want to ensure that as the old program requirements are replaced, quality is still assured. As I have said, in addressing the Medicaid Program, we also provided many of the reforms requested by the bipartisan National Governors' Association. These include repealing the Boren amendment provision. The history of the Boren amendment is a classic example of unintended consequences as it has been used to increase the costs of the program, rather than control costs.

The Governors and the administration agree on the repeal of this provision. It will take the providers and the States out of the Federal courts and put them back at the contract negotiating table.

As we repeal the Boren amendment, we must be very careful that we do not simply create a new round of lawsuits over what Congress means in terms of Medicaid payments to facilities.

Another major provision of our plan to control the growth of Medicaid is the reduction in spending on the Disproportionate Share Hospital Program. This DSH Program provides funding for indigent individuals who are not enrolled in Medicaid. Under current law, DSH spending is projected to increase from $10.3 billion in fiscal year 1998, to $13.6 billion in 2002. In 1990, Federal and State DSH spending combined totaled less than $1 billion, and in 1995, Federal and State DSH payments totaled nearly $19 billion.

Without reform, Federal DSH payments alone will total nearly $60 billion over the next 5 years, and we need to exert some discipline in this program.

This bill reforms the DSH Program through a combination of controls.

First, a State which spends less than 3 percent of its Medicaid Program on DSH will be frozen at its 1995 level. For these States, there will be no reduction, but also no growth.

Second, beginning in 1999, high-DSH States and low-DSH States will be reduced from their 1995 actual spending levels. A high-DSH State or a State that spends more than 12 percent of its Medicaid dollars on indigent hospital costs will be reduced from its 1995 spending levels for inpatient hospitals only. It will not be allowed to count spending on institutes for mental diseases. These high-DSH States will be reduced from 1995 spending by 14 percent in 1999 and by 20 percent in the years thereafter.

Low-DSH States are those that spend less than 12 percent, but more than 3 percent of the Medicaid dollars will be reduced from their 1995 spending by 2 percent in 1999. In the year 2000, they will be reduced 5 percent from the 1995 level. In 2001, the reduction will be 10 percent, and in 2002, it will be 15 percent.

As I mentioned, our proposal places restrictions on the States' ability to fund their State mental health facilities with Federal funds. Over the past few years, the States have shifted the cost of these facilities to the Federal Government. As you check with your State, many will find huge increases in Federal costs associated with these facilities. It is time to close this loophole.

Let me say that the President proposed $22 billion in savings from the Medicaid Program. Two-thirds of these savings were to be realized out of the DSH Program and one-third from per capita caps. The savings target has been reduced, but the potential reforms for achieving these savings are also limited.

I believe there is general agreement that through the DSH Program, the use of DSH payments had been expanded well beyond the original intent. The DSH formula has been developed with consultation and in bipartisan cooperation. The formula has been carefully designed, based on past problems in this program and with input from Members.

Concerning the steps which we take in this package to address children's health, let me begin by saying that we all share the same goal of increasing access to health care for as many children as we can. And it is clear that Members on both sides of the aisle are committed to finding an answer to the problem of uninsured children in this country.

Of the 71 million children in the United States, more than 86 percent are covered by some type of health insurance; two-thirds are covered by insurance through the private sector; 23 percent of all children in the United States under age 18 are covered by Medicaid, and another 3 percent are covered by other public insurance programs.

Of the 9.8 million children who are not insured, 2.9 million children live in families with incomes above 200 percent of the Federal poverty level. Half of these children live in families with incomes of about 300 percent of the Federal poverty level. Mr. President, 300 percent of the poverty level is over $48,000 for a family of four. This tells us that insurance coverage is more than an issue of family income. It is, in fact, a complex issue which does not yield easy to Washington-knows-best solutions.

The proposal we offer today provides the States with a choice concerning how they will expand coverage to more children. They can expand their Medicaid coverage, or they can offer a package of benefits which is actuarially equivalent to the Federal Employees Health Benefits Program.

Our intention is to build on the successes the States have been realizing. This year, the States will be increasing coverage to more than 800,000 children through initiatives proposed by the Governors.

We should learn from these initiatives and encourage the States to develop them. This proposal will allow the States to choose how best to extend coverage to children.

Expanding Medicaid is certainly a choice States have made. Thirty-nine States have expanded Medicaid eligibility for pregnant women and children beyond the Federal requirement, but States are also developing other strategies for increasing coverage of children as well. There are already public-private partnerships in more than half the States.

There are successful programs, such as New York's Child Health Plus and Florida's Healthy Kids. These innovative programs, and programs like them, can grow with additional resources.

The Children's Health Initiative that we include in our committee proposal is a bold new approach to support the States in the drive to provide coverage for more of our Nation's children. As I have said, the States will be given a choice to expand coverage through the existing Medicaid Program or through a new initiative in which they can subsidize private programs for children or provide a new benefit package which is actuarially equivalent to what Federal employees receive.

Under either choice, the Federal Government will provide the same matching rates to the States. A State would pay the same rate as it does currently in the Medicaid Program. We recognize this may not be enough to encourage States to participate. Therefore, under this proposal, the Federal Government would send to the States an additional incentive bonus for each child who is covered in this new initiative. We call this an enhanced match. The State will receive a 10-percent bonus for each new child they cover and 5 percent for a child who is already covered under a State health program for children. These bonuses will be provided for children who are receiving health care coverage from the State that is beyond Federal Government requirements for Medicaid.

A critical component of this agreement is what type of health insurance coverage is provided. Let me stress that this truly is insurance. A State would be required to provide either its current Medicaid benefits package or one which is equal to what the children of Federal employees receive. The Secretary of Health and Human Services will review these plans to ensure that they meet this test.

The welfare of our children was a critical component in the bipartisan plan we achieved in the Finance Committee. The result of our work will be to cover more children and to provide them with real health insurance. Again, this children's health care initiative will build upon the leadership in the States. It passed the Senate Finance Committee with strong bipartisan support, and I thank all the Members who made a contribution to this special effort.

As you see, Mr. President, each of these reforms is necessary. Together they meet the requirements and responsibilities that were given to us. During the next 5 years, we reduce deficit spending by $100 billion, including Medicare reductions of $115 billion, and net Medicaid reductions by $13.6 billion.

At the same time, we increase spending for children's health care in this bill by $16 billion, SSI support for elderly and disabled immigrants by $10.4 billion and welfare to work by $3 billion. We extend the solvency of the part A trust fund for Medicare for at least 10 years, while introducing structural reform to give beneficiaries more choice among competing health plans.

Our goal is to give the Medicare beneficiary the same choices that Federal employees have within our Federal health program, including the traditional fee-for-service, and this is an excellent beginning.

We were able to produce such a strong bipartisan package because of the spirit of cooperation shared by members of the Finance Committee. Views were solicited actively, from all members of the Finance Committee. They were asked to submit in writing the recommendations as to how the budget agreement should be implemented, and their ideas were incorporated in the initial chairman's mark. Informal meetings were then held to seek the further advice and recommendations from Members. These, in turn, were incorporated into the proposal we address today.

As chairman of the Finance Committee, I say with certainty that this proposal has substantial support on both sides of the political aisle and it is, again, my sincere hope that the spirit of bipartisanship that existed within our committee will prevail as we move forward. I hope the objectives that guided us will remain those that carry us through the next few days as we consider this budget. I particularly express my sincere appreciation to Senator MOYNIHAN for his leadership in this monumental effort, as well as my appreciation to all the members of the committee who reported this proposal out of the Finance Committee unanimously. Senator GRAMM provided invaluable leadership on the Medicare Subcommittee, and I thank all the committee staff members who worked around the clock day after day to ensure that the objectives we were given to meet would be met in the most efficient and effective way possible.

Mr. President, I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I would like first to thank our revered chairman for his concise and comprehensive account of this epic legislation. It comes to the floor from a unanimous Finance Committee.

These are the first substantive changes made in Medicare and Medicaid since these measures were enacted a generation ago. I was present in 1965. I am here in 1997. I so state, our problem —and it is a curious problem in social policy, is that I am not sure we will be heard because we are not making enough noise. And we are not making enough noise, Mr. President, for the simple reason that we are in agreement. We have changed our minds about certain basic things. We have recognized the events of the past generation that require us to do so.

We came into these programs little expecting how much they would come to take over in the Federal fisc at a time when medicine was just on the verge of a great shift in its capacity, its ability to cure, to treat, to heal. Fee for service was the only form of medicine available to most persons, not otherwise known, and Medicaid was thought to be a very minor aside.

We reached a point where health care, partly because we have so much better health care, became hugely expensive. The chairman noted that in 1992, Medicaid grew by 29 percent.

Mr. President, that means it doubles every 3 years, or more accurately, doubles every 30 months. You cannot sustain that. We are therefore profoundly reforming the system, not so much returning it to an earlier good state, as bringing it forward to deal with the present realities and possibilities offered by managed care and the general change in medicine of recent years.

I say again, before there was agreement in these matters, we could have had a markup in our committee that went on for 3 months, we could have had rallies, speeches, petitions, filibusters, heavens knows what, because there was not in fact agreement. When agreement is arrived at, when there is consensus, the most extraordinary changes can take place in a seemingly everyday manner, without a voice raised or a single dissent. This is also particularly owed to the work of the Senator from Texas, who chairs the Subcommittee on Health, as the chairman observed, and whom I am happy to note is here on the floor. He found that agreement and he put it in place.

There are other things in the legislation. I do want to note that we have added $8 billion for child health care in the form of insurance, for a total in the two reconciliation bills of $24 billion. I can recall the days when Wilbur Cohen assured us the whole program would cost $24 billion a year, and indeed for a while there it did. I think it should be clear that this was the work of Senator HATCH, who cares so very much about this matter. Equally, Senator ROCKEFELLER was able to bring about an increase in the moneys that will be available to low-income families as part of the child tax credit in combination with the earned-income tax credit.

Senator BOB KERREY, who does not intend that things should always be done the way they always have been done—save perhaps in the U.S. Navy—proposed, and we agreed, that the time had come to begin to ask higher income persons to pay a higher premium to get this insurance, which they do not have to take. It is optional, but which if they can afford to pay something more like the original anticipated contribution, well then, they ought to. That is just good sense. I think this will be understood by the Senate and in time by our colleagues in the House. We also move the Medicare eligibility age from age 65 to 67, bringing it into conformity with Social Security.

Finally, Mr. President, I think it has to be said—and I know the chairman will agree with me—that we did miss an opportunity of lasting consequence for Federal finance this year by failing to take action on how we measure the cost of living.

Our chairman has been an outspoken advocate of developing an accurate cost-of-living index, which we do not now have. We have cost-of-living indexes all over the place. You find them in the Department of Labor, the Department of Commerce, and the Health Care Financing Administration.

But we had agreement, from an initiative taken in the Finance Committee, to produce an adjustment to the Consumer Price Index—which is not cost of living—by 1.1 percentage points. It would have produced $1 trillion in 12 years, and it would have put the Social Security trust funds in actuarial balance until the year 2052. This was in our hands, and it was let slip at the last moment. We blinked, and the opportunity is now history.

But part of that history is also that the chairman of the Finance Committee and the members of the Finance Committee—I do not speak for all of them; I certainly speak for myself—realized this should be done. It is a correction that should be made. The sooner we do, the more we will be able to address other problems that remain because, as the chairman said, we have a series of measures here that ensure the viability of Medicare for 10 years. But we mean to be around more than 10 years, and we will have to address this subject also.

Finally, there are exceptional measures in this bill to make provision for teaching hospitals and medical schools. One of the unanticipated consequences, to use the chairman's phrase, the phrase of Robert K. Merton in 1935, I think, that the economic rationalization of health care has been that the teaching hospitals and medical schools, which necessarily must charge more for the care they provide because they are teaching and training and do research, find themselves in an exposed situation which we can take care of from the gains we acquire in the course of rationalization. But if we do not, we shall find that one of the unanticipated consequences is that we spoiled our medical schools at this moment in the great age of medical science. This bill precisely addresses the matter in ways I think are constructive. And we will look into the issue further in the commission which the chairman proposes.

It remains for me, sir, simply once again to congratulate our revered chairman. If you would so measure the quality of his achievement, observe the silent awe which is now observed in the Nation.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Texas.

Mr. GRAMM. Mr. President, I want to join our distinguished colleague from New York in commending the chairman of the Finance Committee.

The PRESIDING OFFICER. If the Senator would suspend.

The Chair would like to know who yields time to the Senator.

Mr. ROTH. I yield to the distinguished Senator 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. GRAMM. Mr. President, I want to join our colleague from New York in commending our chairman of the Finance Committee for his excellent work and leadership. I think it is a great testament to his leadership that we have before us a bill that will spend less money on Medicare than another

bill we debated 2 years ago which was deemed to be a partisan effort which ruptured the bipartisan nature of our work on health care.

Today we have before us a bill that is superior in virtually every way to that bill. And this bill that is now before us passed the Finance Committee on a unanimous vote and was strongly supported and praised by every member of the Finance Committee.

I think it is a testament to the leadership and fairness of the chairman that we have achieved this goal. I can say, as a person who has watched now many chairmen work, both in the House and the Senate, I have never seen anybody be fairer to every single member of the committee from the most senior member to the most junior member than Senator ROTH was.

I think it is a lesson to all of us. That is, when you have heavy lifting to do, if you give people an opportunity to speak their mind, to have a fair hearing for their ideas, in the end they are a lot more willing to be part of that effort than if they feel you are trying to ram it down their throat or treat them unfairly. We have all heard, from our teenage years, if you want me with you on the landing, you need to have me there on the takeoff. But we often forget it in real life. And I think our chairman has reminded us of it again here.

We have before us a very thick bill which is the composite of all of the so-called reconciliation bills that are supposed to save money. I want to note that there is only one bill in here that saves any real money, and that is the bill that we are talking about today, the bill that came out of the Finance Committee.

Now, lest someone jump up and say the Commerce Committee saved money, what the Commerce Committee did was to sell spectrum, the right to broadcast. We had the Agriculture Committee that was actually ordered to spend $1.5 billion, and remarkably they had no trouble doing it. But the Finance Committee portion of the bill that is before us saves $100 billion with a "b" dollars. And it does it in some of the most sensitive programs of the Federal Government. I want to talk very briefly about some of these changes because they are important.

We are going to have a lot of debate here in the Senate tomorrow when we start shooting real bullets and start having amendments offered about Medicare. We are going to have questions about the need for long-term reform. I am proud to say that the bill before us is the most dramatic reform of Medicare in the history of the program, and, in fact, if you combine all of the other reforms in Medicare that we have adopted in the last 32 years into one package, it is relatively insignificant as compared to this bill.

I know there will be those who question the need for this dramatic reform, but I just want to remind my colleagues that over the next 10 years Medicare will be a $1.6 trillion drain on the Federal Treasury. If you take all the money we collect in payroll taxes and you compare that to how much money we are going to spend on Medicare over the next 10 years, we are going to fail to pay for the program by a cumulative total of $1.6 trillion.

We have an unfunded liability in Medicare under the best of circumstances. With all the right reforms, if they could be made and done immediately, we still have an unfunded liability bigger than the current inflation adjusted costs of winning World War II. We have promised Medicare to two succeeding generations and we have set no money aside to pay for those benefits. As the baby-boomer generation—79 million people strong—begins to go into retirement 11 years from now, we are going to go from 5.9 workers to 3.9 workers to 2.2 workers per retiree, and the impact of it is going to be cataclysmic on the Federal budget.

That is why this bill is so important because it takes the first step toward saving Medicare. I believe if we can save these reforms not just in the Senate but through the House and to the President with his signature, that every Member of the Congress will be able to say of this bill that they truly did something worthy of being remembered.

Now, let me outline some of the major components of the bill that I think are important. First of all, this bill gives our seniors who qualify for Medicare a broad range of choices. Today they have two choices. They can stay in the old fee-for-service Medicare policy or they can go into a massive all-encompassing HMO. What we do is fill in all the areas in between by giving our seniors the same kind of competitive choices that are available in private medicine today. I think this is a dramatic reform. I think it is a reform that is going to enhance the quality of health care. It is certainly going to expand freedom. Since we know competition has an impact on health care costs because the competition of the last 8 years in the private sector has driven the medical price index that measures inflation in medicine below the Consumer Price Index which measures the costs of all goods and services in the economy, we are confident that expanded choice, expanded competition, and the efficiency that it will ultimately bring will benefit every Medicare beneficiary and will benefit the 110 million people that are paying Medicare taxes.

This is a very important reform. It is a reform that now, I think, we can be proud to say, is virtually noncontroversial.

One thing we have done in the bill which I say that had it been left up to me I would not have done is we have transferred home health care out of the trust fund into general revenue. Those who have wanted to be unkind have said it is a phony reform; not only are they unkind, they are correct. In fact, when we initially debated this so-called reform I said that you can buy 10 years of solvency in Medicare by taking the fastest growing item in Medicare out of the trust fund and putting it in general revenue and not counting it as part of Medicare anymore as part of the part A trust fund. If that is real reform, I can save Medicare for 100 years by simply taking hospital care out of the trust fund and putting it into general revenue and not counting it as part A Medicare, but would anybody believe that I had done anything when I did it?

So, one part of this bill which was dictated by the budget agreement is the transfer of home health care. But there are two things that we have done as part of this transfer which really represents an accounting gimmick, but two things we have done are real. No. 1, we are going to build over time 25 percent of the cost of home health care into the Medicare premium that people pay for part B services or physician services after retirement; and also for the first time in this bill we have a $5 copayment for home health care. Now I know that there will be an amendment offered and that people will scream and holler that this $5 copayment represents the end of the world. But I want to remind my colleagues that home health care now spends more money than the National Institutes of Health. It now spends more money than the space program. This is a massive uncontrolled program.

Some of you probably saw the big article in the Wall Street Journal about how people have gotten out of the garbage collection business and gone into home health care and become instant millionaires, how fraudulent much of this program is in terms of people who were providing services and overbilling and how the whole system is completely out of control. We are trying to begin to tighten up on that but there is nothing that will be better for tightening up on it than asking for a small nominal payment so that people will look at the cost, so that people will make rational choices. So it is a small copayment. But if we know anything about the world we live in, it is that small costs affect behavior on a substantial basis.

We have very important long-term reform in this bill. The reform has already been denounced by most of the major special interest groups in the country that tend to speak out on these issues, and I want to talk about the two long-term reforms. The first reform has to do with retirement age. I remind my colleagues that we changed the retirement age in 1983 for Social

Security. I remind you of the circumstances. We were on the verge of having Social Security go bankrupt. We were down to the point where we could not have sent out the July checks. We had a commission that had not reached any kind of conclusion, and under the leadership of Ronald Reagan we were ultimately able to get a recommendation to make some changes. The only real substantive change that the commission made and Congress adopted was changing the retirement age. They set out to change the retirement age over a 35-year period where, as we recognize that people are living longer, as we are healthier, as we are working longer, that ultimately Social Security had to change.

People forget that when Social Security went into effect in 1935 the average American worker did not have a life expectancy that was high enough that they would ever receive any benefits from Social Security. It was the exceptional person who lived longer than normal who ever got a penny out of Social Security. Our lifetimes, thank God, have grown tremendously since 1935 due to improvements in public health, due to improvements in medical care, due to improvements in nutrition, and due to the improvements that would come as income has risen with our strong free-enterprise economy and we have all been able to do a better job taking care of ourself and our children.

But we raised the retirement age to 67 for Social Security—that will become effective in the year 2027—but we did not raise the eligibility date for Medicare. In this bill we make the conforming changes so that Social Security and Medicare will again be brought together. What it means is for people who were born in 1960 and who are, therefore, 37 years old today, they will know, with 30 years to plan for it, that they are not going to qualify for Social Security and for Medicare until they are 67. So they have 30 years to plan for that change. In my case, I was born in 1942. So I know that if this bill is adopted, along with the changes that have already been made in Social Security, that I will not be eligible to retire until I am 65 years and 10 months old. So I have 11 years to adjust to the fact that under this bill I am going to be required and can expect to work 10 months longer.

Now, we have a lot of people who are saying that this is unreasonable, outrageous, that the end of the world is going to come as a result of it, but this is the reality of the world we live in. We are healthier, we are working longer, and we are living longer. So if this program that we all depend on is going to be there to serve us, this is a change that needs to be made. I intend to defend it vigorously.

The second change that was made had to do with asking very high-income retirees to pay the full cost of the voluntary part of this program. Some people will recall that the part A of the trust fund, the hospital part, you pay for during your working life by paying 2.9 percent of your wages into a trust fund, and that pay is for part A. Actually it is a long way from paying for it but that is the system. The part A section of Medicare which pays for hospital care, you do not pay for while you are working, you pay 25 percent of the costs of the part B premium. When the program was started in 1965 it was going to be 50 percent of the costs.

What we do under this bill is ask our high-income seniors, who as individuals, make between $50,000 and $100,000 a year and as couples from $75,000 to $125,000, to phase up that part B premium from that 25 percent of the cost which is $526 a year to approximately $2,100 a year of costs, which is the full cost of that voluntary program.

Now, again, some people will say this is an outrage, but the plain truth is this is a voluntary program. It is still a better buy than anybody can get in the marketplace. Nobody paid for this program during their working life. It makes no sense for my son in the labor market and 21 years old to be paying taxes to subsidize voluntary insurance for a senior who is making $125,000 a year. It is just not right. This is a good Government program. I note that the savings from this higher part B premium for very high-income seniors and from the retirement age change, that the savings from those two programs we do not even count them in this bill. They are not counted for budget purposes. We are not using them to balance the budget. We are not using them to fund tax cuts. We are simply doing them and dedicating all the savings to the Medicare trust fund to keep the system solvent. No one has ever done anything like this before in the name of trying to save Medicare.

Finally, we did have a provision that would have used the higher costs for very high-income seniors as a deductible instead of as a payment. We have had so many questions raised about it that I have decided, along with others, to go ahead and simply charge the premium and then do a study and a test of using the deductible instead of the premium. I will submit for the RECORD two letters, one from the American Enterprise Institute and one from the Heritage Foundation, explaining why doing it where we would raise the deductible instead of the premium would be better and would save more money and would improve the efficiency of the system. The logic which seems to escape many people is that if I am a high-income retiree and I pay $1,577 more for an insurance policy, once I paid that, then the cost of medical care that I would then buy with that policy is totally unchanged.

So all the Government did that helped Medicare was it got $1,577 out of my pocket and put it into the trust fund to help keep the program alive—good work, important work, but by doing it as a deductible, which I hope some day we can do when people understand it, you are going to get high income seniors who will be more cost conscious because they will be paying the first $2,100 as a deductible, and so they will actually be consuming medical care more efficiently, getting out their bills and reading them, and reporting when somebody over charges them. They will actually be shopping around for the best buy. That is what we want people to do. But this whole idea is so important, I don't want a new idea to threaten it.

So I will submit these two letters for the RECORD. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE HERITAGE FOUNDATION,
June 20, 1997.

Hon. PHIL GRAMM,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR GRAMM: I was delighted to hear that your amendment concerning the Medicare Part B deductible was added to the Finance Committee bill.

We have long argued, as you have, that raising the Part B deductible for upper-income Americans is wise policy. Moreover, given the choice between raising the deductible and raising premiums, increasing the deductible makes far more sense. While raising the premium for upper-income retirees, like raising the deductible, would reduce the taxpayer-financed subsidy now going to people who do not need it, raising the deductible would have the added advantage of also significantly changing patient incentives. That would lay the groundwork for long term structural reform of Medicare.

I should add that the criticisms leveled at your amendment are quite remarkable. At a time when Medicare is increasingly incapable of promising continued service to lower-income retirees, it seems incredible that some liberal members and organizations are defending a huge subsidy to the rich. And it is almost amusing to hear the claim that the amendment is unworkable. We have been means-testing programs for the poor for many years, but now we are told that designing an income-adjusted Medicare deductible for the rich is beyond the capability of the human mind.

Keep up the good work, Senator!

Sincerely,

STUART BUTLER, Ph.D.,
Vice President, Director of
Domestic and Economic Policy Studies.

AMERICAN ENTERPRISE INSTITUTE
FOR PUBLIC POLICY RESEARCH,
Washington, DC, June 20, 1997.

Hon. PHIL GRAMM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMM: I would like to congratulate the Senate Finance Committee on its recent action to introduce income-related deductibles into the Medicare program. In my personal view, this proposed change is long overdue for the following reasons:

The original Part B deductible was $50. After over 30 years, it has only been allowed

to increase to $100. If it had been indexed to per capita health care costs, it would today be about $1,200.

75 percent of Part B is now financed from general revenues. This means that each Medicare recipient receives a subsidy from other taxpayers of about $1,700 per year. It is highly appropriate that higher income Medicare recipients pay a higher portion of the cost of their insurance coverage.

The long-term reform of Medicare is not just a matter of raising more revenue from payroll taxes or premiums. It will require reforms that give recipients incentives to seek more cost-effective providers when they need care and to avoid using medical care unless it is actually needed. Higher deductibles are a useful first step on the long road to reform since they will give those with the greatest ability to pay an incentive to use medical care more carefully. You will not get these behavioral effects from higher premiums.

Since Medigap policies impose extra costs of approximately $1,000 per beneficiary on the Medicare program and reduce the behavioral effects of deductibles and co-payments, I urge the Congress to investigate and eventually pass reforms affecting the Medigap insurance market.

The views expressed here are my own and do not necessarily reflect the views of the American Enterprise Institute or any of my colleagues.

Sincerely yours,

ROBERT B. HELMS,
Resident Scholar,
Director of Health Policy Studies.

Mr. GRAMM. Madam President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Madam President, I ask unanimous consent that I be allowed to yield 20 minutes from the majority time for purposes of making remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

COMMUNIST CHINA: AMERICA'S MOST FAVORED NATION

Mr. ASHCROFT. Madam President, freedom is, and always has been, the great moving force of American history. It was freedom that inspired patriots to give their lives at Concord and Lexington. Freedom that compelled American Rangers to scale the cliffs at Normandy. And freedom that filled Ronald Reagan's heart in Berlin as he exhorted Mr. Gorbachev to "tear down this wall."

Freedom. The essential ingredient of what Reagan called "the American purpose." At our highest and best, we Americans are believers in the "blessings of liberty," the idea that "all men are endowed by their Creator with certain unalienable rights." And these rights are not America's alone, but extend to all those who would seek to know freedom's warm embrace.

So today, from Stettin in the Baltic to Trieste on the Adriatic, the Iron Curtain has lifted, and a wave of democracy has descended on the globe. The "simple, vivid, peaceable world" of which John Cheever wrote is more a reality today than at any time in our history.

But evil knows no resting place. The cold war is over. And still how many have yet to taste the fruit of freedom? For there is a regime in the world today that runs against the tide of history; that denies liberty and human dignity to its people; a regime whose brutal repression at home betrays its intentions abroad; a regime that aspires to superpower status.

I am speaking of Communist China. And I rise today to say, "No more." No more should we watch as China uses its illegitimate gains to purchase military hardware and weapons of mass destruction. No more should we ignore Beijing's mercantilist trade policies that block U.S. products and destroy American jobs. No more should we accept a playing field for our products that is not level. No more, Mr. President. No more unconditional most-favored-nation status for Communist China.

My decision to oppose most-favored-nation status was not an easy one. It was reached after countless meetings with foreign policy experts, economists, and the CEO's of major corporations. To the businessmen whose passion for the status quo was surprising, I posed many questions.

Has China embraced the rule of law, put their regulations and laws in writing, stopped subjecting them to differential application? No. Are her people more free? Well, not really. Is America more secure with China selling weaponry to rogue nations and extending its own influence far beyond appropriate levels into the South China Sea? Tragically, those I questioned could only plead for more time. But time alone cannot heal these wounds. We must say: No more.

The truth is, America has dedicated over two decades to the policies of engagement, and the results have been far from compelling or convincing. Less than 2 percent of United States exports went to China last year. America sold more goods and services individually to Belgium, Brazil, and Singapore than to the People's Republic of China. Meanwhile, the United States took more than 30 percent of China's exports creating a $39.5 billion merchandise trade deficit. This represents a threefold increase since 1990. A 200-percent increase in just 6 years!

On Friday, more bad news. The Commerce Department reported that our trade gap is widening—fully 41 percent higher in the first 4 months of this year than in 1996. This led the Wall Street Journal to speculate that China will soon have the largest deficit of any United States trading partner, surpassing even Japan.

If our growing trade deficit has been the source of great attention, the causal factors behind the inequity have gone all but ignored. At their core, they are twofold. The first element is the anti-American, predatory trade practices of the Chinese Government. The second is a United States-China policy that has been an abject failure, a case study in what not to do. A United States policy that has, in truth and reality, made Communist China America's most favored nation.

American access to the other Asian market is growing every day. The Mongolian Government has aggressively sought United States investment, and soon will allow foreign "stakes in infrastructure" and the purchase of "shares in privatized companies." In Taiwan, AT&T and GTE have won stakes in cellular telephone licenses that will allow both to provide telecommunications services to the Taiwanese.

China is the exception, erecting barriers to entry surpassed only by the Great Wall itself. This begs the question: if United States products are good enough for Mongolia, Taiwan, and the other Asian democracies, developing and developed, why are they not good enough for Communist China? And when will we have the courage to say, "No more"?

Consider China's treatment of information technologies. The United States tariff on cellular phones from China is 1.6 percent. China's tariff? Seven times as high. Chinese telephone answering machines: 1.6 percent. The tariff on United States firms? A whopping 50 percent, over 25 times as high. Chinese-made computers: 2.7 percent. The import tax on Silicon Valley? Almost six times as high. And the list goes on and on and on.

In March, 39 countries, including Taiwan, Singapore, Malaysia, and South Korea, signed the Information Technology Agreement which will phase out all tariffs on such products as semiconductors, computer hardware, and electronic components by century end. China's concession was nowhere to be found. And yet, we rewarded China's belligerence by providing the same access to our market as we do to those Asian countries that have agreed to welcome our goods.

Now the administration and the ivory tower academicians like to whine about how misleading the "most-favored-nation" designation is. "If we could only change the name," they wail, "our China troubles would be over." But if ever there were a country that deserved the label "most favored nation," it is Communist China. It is time for America to say, "No more."

Unfortunately, rather than sound a clarion trumpet for American goods, the administration has hoisted the flag of defeat. Today, the United States allows China to slap punitively high tariffs on our goods while other countries are trying to treat us equitably. Australia, for instance, has tariffs on

United States goods that are roughly equal to America's 4-percent rate. And yet, Australia's access to the United States market is no better than China's.

In fact, the People's Republic of China is deriving more benefits from United States trade than even our closest trading partners. Mexico places tariff rates on American goods that are only 2 percent higher than comparable United States rates. China's tariffs, however, are 19 percent higher. But again, Mexico and China enjoy virtually identical access to the United States market. We are literally inviting China to be involved in our market while China is slamming the door in the face of American business. China is truly "America's most-favored-nation."

This stems at least in part from the willingness of the United States to trade with China under a bilateral agreement that was signed in 1979—a time when Jimmy Carter still called the White House home. The agreement predates the commercial availability of information technologies such as cellular phones and portable computers.

Madam President, this bilateral agreement is the first of a two-tier test that all nonmarket economies must meet if they are to be extended most-favored-nation status. The second deals with the emigration provisions of the Jackson-Vanik amendment. There are currently 15 nonmarket economies, including China, that have technically complied with this two-tier test in order to get MFN status.

All of the other 14 designees, however, have bilateral agreements that were developed in the 1990's. In fact, every United States trading partner save China has trade agreements that were negotiated in the last 7 years.

Only China operates with a favorable status of not having to comply with a modern bilateral agreement. Only China enjoys this most favored among most-favored-nations position. It is this decades-old agreement that is failing to safeguard our capacity to deal on a level playing field with the Chinese. It is this agreement that is failing to allow for free and unfettered trade.

Last Wednesday, Madam President, I asked Undersecretary of State for Economic, Business, and Agricultural Affairs, Stuart Eizenstat, to tell me why the administration has failed to hold the Chinese to the same standards as other most-favored-nation designees by requiring a modern bilateral trade agreement. "This is," Eizenstat said, "one of the things we are now negotiating."

Madam President, "now negotiating?" A bilateral trade agreement is a precursor to the extension of MFN. It was one of the basis upon which MFN is extended. It is a core requirement. Why is Congress being asked to renew most-favored-nation status before a modern bilateral trade agreement is in place? Why in the world is Congress being pushed to embrace an agreement that disadvantages U.S. products and ensures a trade imbalance into the foreseeable future? China's preferential status coupled with her discriminatory conduct has improperly made the PRC a nation favored above all others, the most-favored among most-favored nations.

Perhaps China's past and current transgressions could be overlooked if Beijing's ambitions were more humane. Instead, the hard currency created by China's trade surplus is being used to pursue a massive military modernization program, nothing less than a blue-water navy, long-range aircraft, and precision-guided munitions and missiles. The Russians alone have sold billions of dollars of military technology to the Chinese. And, as Prof. Arthur Waldron notes, this includes "cruise missiles capable of defeating the anti-missile defenses of the U.S. Navy."

These force-projection technologies are not about "providing for the common defense." They are about providing an uncommon capacity to project power—power all across Asia. They will threaten not just the Asian democracies, but also the sailors of the 7th Fleet who call the waters of the South China Sea home.

I intend to address the emerging threat posed by Beijing's military build-up in the days and weeks ahead. I also plan to speak about an administration policy that fails to defend what Thomas Paine called the rights of man, all but ignoring Beijing's cruel campaign of persecution and repression aimed at crushing internal dissent.

We will never tame the Chinese dragon—no more than we subdued the Soviet bear—with the policies of appeasement. The way to bring China into the community of nations is to talk truthfully and forcefully about the evils found there; challenge China to open her doors to the commerce of the Western world; and maintain an American military superiority that makes peace not only possible but probable.

And to those who say this debate cannot be won, that the forces amassed against us are too great, I take issue. "Any spot is tenable," said John Kennedy, "if men—brave men—will make it so." It is time to turn retreat to advance; to fight for a new China policy steeped in the principles of our old American Republic. Because truly free trade can only exist between free peoples. And the Chinese who watched treachery take hold in Tiananmen Square are most certainly not free. It is time for America to say, "No more."

In 1946, Winston Churchill came to America to warn of the Soviet subjugation of Eastern Europe. At the request of President Truman, he chose small Westminster College in Fulton, MO as the site where Britain would pass the baton of Western leadership to "the American democracy."

In this most Churchillian of Churchill speeches—made famous by its "iron curtain" coinage—he called America to her highest and best in defense of freedom and the rights of man. And if I might beg the Chair's indulgence, I would like to read a portion of the words he offered that warm and windy Tuesday a half century ago in Fulton, MO, my home State.

Winston Churchill challenged the United States:

"The United States," said Churchill, "stands at this time at the pinnacle of world power. It is a solemn moment for the American democracy. For with this primacy in power is joined an awe-inspiring accountability to the future. As you look around you, you must feel not only the sense of duty done, but also you must feel anxiety lest you fall below the level of achievement. Opportunity is here now, clear and shining * * * To reject it or ignore it or fritter it away will bring us all the long reproaches of the aftertime."

Madam President, Churchill's words are America's words. For ours is a passionate belief in human possibility, an abiding devotion to freedom. "Opportunity is here now, clear and shining." Let us not trade liberty for the false idol of foreign commerce. Let us not allow freedom's song to die on our lips. "For all sad words of tongue and pen, the saddest are these: 'It might have been.'"

I yield the floor.

BALANCED BUDGET ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Madam President, parliamentary inquiry: How much time has been used by each side?

The PRESIDING OFFICER. The Senator from New Mexico has 7 hours and 19 minutes left on his side, and the Senator from New Jersey has 9 hours and 14 minutes remaining.

Mr. DOMENICI. I suggest the absence of a quorum and ask that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, do I understand that under the procedure now in effect we can lay down amendments this afternoon? Is that the case?

The PRESIDING OFFICER. There is a pending amendment that would have to be laid aside.

Mr. HARKIN. And that would have to be done by unanimous consent, right?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Madam President, I have an amendment. I know the Senator from Arkansas wants to speak, and I will be as brief as I can.

Mr. LAUTENBERG. Will the Senator yield?

Mr. HARKIN. I would like to speak very briefly and lay down the amendment.

Mr. LAUTENBERG. Will the Senator yield for just a moment?

Mr. HARKIN. Yes.

Mr. LAUTENBERG. In this case I think there is a question about whether the Senator from Arkansas had a commitment to speak at this time.

I would ask the Senator from Arkansas how much time he needed.

Mr. HUTCHINSON. I intend to speak about 15 minutes.

Mr. LAUTENBERG. About 15 minutes. Apparently the Senator from Iowa would be all right if the Senator from Arkansas—it had been apparently agreed to before he came.

Mr. HARKIN. I didn't know such an agreement was in effect. That would be fine.

Mr. LAUTENBERG. I apologize to the Senator from Arkansas for messing things up.

Mr. HARKIN. Mr. President, since I still have the floor, if I might, this Senator was unaware that a previous agreement had been made by the Senator from Arkansas for this time slot. What I would ask is that when the Senator from Arkansas finishes, then I would be recognized to make my statement.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered. The Senator from Arkansas.

Mr. LAUTENBERG. Mr. President, I understand that the time is going to be yielded by that side of the aisle and should be appropriately recorded.

The PRESIDING OFFICER. The Senator from New Jersey is correct.

Mr. LAUTENBERG. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I express my gratitude to the Senator from Iowa for being so understanding, allowing me to proceed. I would like for it to be clear that my 15 minutes would come from the majority's time.

MOST-FAVORED-NATION TRADE STATUS FOR CHINA

Mr. HUTCHINSON. Mr. President, the House of Representatives votes tomorrow on whether or not to extend most-favored-nation trade status to China. In a more desirable world, revoking China's MFN status might be less advisable than handling national security and human rights as well as economic issues in more traditional ways. Unfortunately, the experience of the last 3 or 4 years, in fact experience going back much farther than that, has demonstrated that the administration's policy of constructive engagement has failed. The constructive engagement policy has in fact degenerated. We have seen conditions in China worsened annually.

The logic behind constructive engagement is, indeed, appealing. It goes something like this. If we will expand trade with China, the result will inevitably be political liberalization and ultimately an improvement in the conditions of the Chinese people, there will be an expansion of human rights opportunities, there will be less repression, there will be less religious persecution, there will be a warmer and more cordial relationship between China and the United States.

When I was first confronted with the issue of MFN upon my election to Congress in 1993, I was almost persuaded by that logic. In fact, I wanted to be persuaded by that logic, and I was looking for any indication that the policy of constructive engagement was, in fact, having the desired results and that, in fact, conditions were improving, treatment of the Chinese people had improved, there was less repression, and that trade, expanded trade, was in fact having that kind of result. Had there been any sign in the last 4 years that this policy of constructive engagement was having the intended result, I would be voting for MFN this year. Were I given the opportunity, I would be supporting most-favored-nation trade status for China.

But the facts are very clear and the State Department's own report makes it abundantly clear that conditions have deteriorated, that the policy of linkage has not had the result that we all wanted it to have. So it is argued that economic freedom frequently leads to political freedom, and in fact it does frequently lead to political freedom. There are examples in which that has happened. But in China's case, market economics has become nothing but an utilitarian exercise to ensure the continuation of a totalitarian regime. They have seen if they keep the iron grip upon the Chinese people, that a market economy will help them accomplish that; that expanded trade, higher incomes, economic opportunities for Chinese people—that makes it easier for them to maintain an absolute repression of any kind of free expression within China.

Proponents of MFN say we all have the same goal, expanded human rights, we just have a different approach on how we best attain that. Russia is often pointed to, the old Soviet Union, where there was a little hole in the dike called perestroika and from that little hole in the dike the floodgates opened and freedom could not be contained. But in China, perhaps they learned the lesson from the Russian experiment or from the Soviet Union's experience, for in China there has been no perestroika; there has been only repression.

There are, I believe, many flaws in the policy of constructive engagement. First and foremost, it has simply not improved the status of the Chinese people; it has worsened it. The administration's decision not to consider human rights abuses when granting MFN status has proven disastrous for the people of China. As they have been removed from the threat of any repercussions in the trade relationship with the United States, the Chinese Communist leaders have succeeded in jailing or executing every last dissident in a country of over 1 billion people, according to the State Department's own 1996 China report. As we have turned a blind eye, the atrocities have escalated and the oppressive government has strengthened its hold on a full one-fifth of the world's population. The constructive engagement policy has produced more persecutions of Christians, more forced abortions, more sterilizations of the mentally handicapped, more incarcerations of political dissidents, and the near extinction of the expression of any opinions contrary to those of the Communist regime.

I have on this chart, I think, a very clear illustration of the failure of the constructive engagement policy. On the left of this chart we see a dramatic increase of trade with China, a less dramatic increase of imports from the United States, and a very dramatic increase in exports. We see, in a very graphic manner, while trade has increased from 1987 to 1996, we have also seen that human rights abuses in China have increased almost in a parallel manner. Homeless children—in 1993 over 600,000, in 1997 almost three times as many homeless children, homeless children being the result of those who are incarcerated and those who are executed. Religious persecution in China—in 1993, 2.4 million believers, those people of faith persecuted. In 1997, 4 years later, under the policy of constructive engagement, 4.5 million, almost doubling.

So, while trade increased—the logic of constructive engagement would say trade increasing, more trade opportunities will mean greater human rights and fewer abuses in China. Just the opposite has occurred.

Reeducation camps—in 1993, 200,000 were in these forced reeducation labor camps; in 1997, over 5 million have been detained, according to Amnesty International and according to the Congressional Research Service. I believe this in fact demonstrates that constructive engagement has been very destructive.

Second, this delinkage has also resulted in a loss of leverage with the Chinese Government. I want to pause to read from an editorial that appeared

in my hometown paper today, the Arkansas Democrat Gazette. It says:

But they may not realize that a carrot-and-stick approach isn't likely to be effective if the carrot is always offered and the stick is always withheld.

That has been the result of this delinkage policy. They would say, and they do say: Your words are empty because there is nothing to back them up. Delinkage has not worked because, in effect, there has been no stick. So, is it any wonder that, in effect, we hear the Chinese Government say we don't care what you say because in the end we get what we want and we can continue to do what we please? Mr. President, that delinkage has resulted in a loss of leverage is clearly evident in that State Department report of 1996, in which they said, "No dissidents were known to be active at the year's end."

When most-favored-nation status reaches the point that it is no longer conditioned, then it becomes absolutely meaningless. When we look at China and our own State Department says by every measure conditions are worse, yet we say we are still going to extend most-favored-nation trade status, then that annual exercise becomes nothing more than an annual joke that we play in Congress, where we go through the process, we go through the debate, all the time knowing most-favored-nation trade status will be extended, MFN will be extended regardless of what conditions may have occurred within China.

In a flagrant act of intimidation, China effectively blockaded Taiwan during a missile testing exercise off its coast in March of 1996. Many examples could be given of where the Chinese Government acts with impunity toward our Nation because our policy has been one of coddling.

Third, constructive engagement supposes a true free enterprise system in China and that system just does not exist. The logic behind constructive engagement is flawed because it assumes that in fact they have a free enterprise system. They do not have that. They have protectionist trade policies, they have an enormous trade deficit with the United States, and the People's Liberation Army controls many of the industries in China. So the assumption is wrong and the policy is flawed.

Fourth, constructive engagement supposes a fair trade relationship that does not exist. How can you have a fair trade relationship when there are 5 million people in slave labor camps? Forced reeducation camps, the old gulag in the Soviet Union, the concentration camps, that's what they are, with prison industries. Though it is against the law, there is no way that we can totally detect what products are made in prison factories and what products are not. So there is no fair trade relationship with China.

Then, fifth, constructive engagement ignores the military buildup in China. If you reject everything else, the fact is we have a compelling national security interest as we see China's defense budget growing. United States Ambassador to China James Sasser recently stated that fact. The Chinese themselves have announced an increase in that budget, which will bring total defense outlays to $10 billion and many believe it is closer to $40 billion. So I say, as you look at China's military buildup, their willingness to export weapon components, chemical weapon components, selling those weapon components to Iran, nuclear weapon technology to Pakistan, advanced jet aircraft to Russia and on and on, it is clear that our national security interest would say we ought not extend again most-favored-nation status to China.

Sixth, constructive engagement is flawed because it assumes that gentle treatment will elicit good behavior while firmness will result in escalating tensions. Let me say that again. The assumption is that if we will give to China gentle treatment, it will elicit good behavior, but that if we dare to take a firm stand, it will escalate tensions. In an earlier day that philosophy was called appeasement, and it has never worked. It did not work in the days of Chamberlain, and it will not work in our day. There is no greater example of it, perhaps, or image of it, at least, than when Vice President GORE toasted Premier Li Peng.

Arthur Waldron wrote in his essay "How Not to Deal with China," he said:

China is involved in disputes around the full circumference of its border, disputes which, like burners on a stove, Beijing may turn up or down, but never turns off.

So they toy as we grant MFN. The logic behind this policy is flawed. I believe it deserves a vote of no confidence. I hope the Senate will have the opportunity to cast that vote. China has created a dichotomy. They say, on the one hand, give us trade. They say give us sales. They say give us dollars. And on the other hand, they practice political repression, slave labor, forced abortion and religious persecution. Between those two statements there is the great wall of China: Yes, market economy, free trade, but political repression and slave labor. To the extent that free markets lead to free minds, China, in recognizing that, built a wall between. And, as we continue to grant most-favored-nation status, we allow that wall to exist.

Mr. President, 2 years ago, I was present, as many of my colleagues were, at the dedication of the Korean War Veterans Memorial, the latest war memorial on the Mall in Washington, DC. At the edge of the memorial is a low wall upon which is inscribed this reminder, I think a good reminder for all Senators, a good reminder for all our colleagues in the House of Representatives on this eve of the MFN vote. On that memorial is inscribed these words: "Freedom is not free."

To those who would say that profits are the ultimate arbiter of American policy, I say it is time that, once again, values and principles be the determinant of what our national policy is and what our trade policy should be. Freedom is not free.

Thank you, Mr. President. I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa is to be recognized.

BALANCED BUDGET ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. HARKIN. Mr. President, who yields me time?

Mr. President, I ask unanimous consent that my time be taken off the minority's time on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, for many years, I have been working hard to identify and combat fraud, waste, and abuse in the Medicare Program. Starting in 1990, when I took over as chairman of the appropriations subcommittee that funds and has jurisdiction over the administrative funding of Medicare, I began holding hearings, and I held several hearings through those years, released report after report, documenting the unnecessary losses to the Medicare Program. These losses are truly staggering. I have taken the floor many times over the last several years to document this for other Senators. The General Accounting Office estimates that up to 10 percent of Medicare payments could be lost to fraud, waste, and abuse. That adds up to about $18 billion a year.

The HHS inspector general just concluded a comprehensive audit of Medicare claims paid last year. It is the most comprehensive review of claims ever made. They found that up to $23 billion of those payments, or about 14 percent, should not have been paid. This is last year, 1 year. The HHS inspector general said that up to $23 billion should not have been paid. So the problem may even be worse than we originally thought.

There are many components to this problem. Mr. President, if you can dream up a scam or a ripoff, it has probably already been tried in Medicare. We have uncovered losses due to out-and-out fraud—billing for services that weren't administered, providers paying and receiving kickbacks, double billing. We now even have evidence that organized crime has entered the Medicare fraud business. Clearly, there is a lot of criminal activity that is going on out there which is costing us billions of dollars each year.

However, we found, with help from the GAO and inspector general, that even greater losses are due to waste

and abuse. That's right, waste and abuse is even bigger than fraud in the Medicare Program, and those losses are often directly due to or encouraged by wasteful Medicare payment policies and practices.

At long last, it appears that the bill before us will address some of the most glaring problems. It would make changes that I have been advocating since the beginning of this decade, changes, I might add, that this body has previously defeated. I have offered amendments on the floor in the past to provide for competitive bidding for Medicare, just like the Veterans Administration has, and I was not successful.

So now with the competitive bidding, plus a streamlining of Medicare's authority to pare back excessive payment rates, these two steps can cut waste and save taxpayers billions of dollars. I commend Senator GRAHAM of Florida for offering the amendment in committee on competitive bidding. He had cosponsored my proposals in the past. Senator GRAHAM has done us all a great service for his action, and I commend the full committee for adopting it and having it in the bill before us.

The need for these reforms could not be clearer. Let me just give you an idea of what I am talking about. Last year, I released a report prepared by my staff on waste in Medicare payments for medical supplies. Remember the $500 toilet seats from the Pentagon of a decade or two decades ago? The good news is, the Pentagon isn't buying them anymore. The bad news is, Medicare is.

Our analysis of Medicare payments for a sample of medical supplies and equipment from saline solution to hospital beds reveals that Medicare is paying up to six times more for these items than other Government or private-sector entities. For just 18 items reviewed, Medicare could save over 50 percent, or up to $236 million this year. Let me repeat that. We reviewed 18 items—just 18—out of the tens of thousands that Medicare pays for. In just those, we could save $236 million this year if we paid the same rates in Medicare as we paid in the Veterans' Administration. Same item.

If Medicare were just to pay wholesale rates offered to others around the country, it could save $218 million this year. In fact, it was so bad, we found that if Medicare just went down to the local drugstore and paid retail rates, it could save $371 million over the next 7 years; $371 million over 7 years if they just paid retail rates for the 18 items that we looked at.

For example, we found that Medicare pays up to $182.80 to rent an air mattress, more than six times the wholesale price of $29.95, three times the price of $53.88.

Medicare is paying $99.35 for a simple commode chair that the VA is able to buy for $24.12.

Medicare is paying $7.90 for a bottle of sterile saline solution; the VA buys it for $2.38.

I have a chart here which just shows some of these items and the potential savings. Here is an irrigation syringe which Medicare is paying $2.93 for; the VA is paying $1.89.

Here is a walker. This is one of those plain walkers that elderly people use. It has four legs on it. Medicare is paying $75.52 for them; the Veterans' Administration is paying $25.40 for the same one, the exact same walker made by the same company.

A commode chair. You know what a commode chair is; if you can't get to the bathroom, you have it by your bed. Medicare is paying $99.35 for it; the same commode chair, identical, the Veterans' Administration is paying $24.12 for it.

Here is the sterile saline solution I talked about. Medicare is paying $7.90 for it; the same item, the Veterans Administration is paying $2.38 for it.

Why? Why would the Veterans' Administration pay $25.40 for a walker that Medicare is paying $75 for? Same item, same town. Why? Because the Veterans' Administration is engaging in good old-fashioned competitive bidding. If you want to sell it, put out a bid for what you are selling it for, we will take the lowest bid. That is why Medicare pays bloated prices based on historical charges and the VA, which has much less purchasing power than Medicare, puts it out for both quality and cost control. So the Veterans' Administration is able to save money, because they use competitive bidding to assure it is getting the best rate possible.

Right now, under law, Medicare is prohibited—prohibited—from using this measure. Medicare is prohibited from engaging in competitive bidding. But the bill before us now gives them that much-needed authority. It doesn't mandate it. I think we ought to mandate it, but the bill at least gives HCFA the authority to engage in competitive bidding.

In the hearings that I have held in the past, Mr. Vladeck, the Administrator of HCFA, has testified that if given the authority, they would use it. So I think this will be sufficient and will get the Health Care Financing Administration to start engaging in competitive bidding.

Another important reform that is in this bill is the streamlining of Medicare's authority to reduce grossly excessive payment for items it purchases. It is called the inherent reasonableness authority. Under current law, the authority is tortuous to complete. As a result, it has only been used once.

Three years ago, we found that Medicare was paying up to $211 for a home diabetes monitor. At that time, I sent a staff person of mine out to the local K-mart and bought the same item for $49.99 that Medicare was paying $211 for.

After several hearings, we got Medicare to begin the process of using their authority, the authority that they call inherent reasonableness authority. We got them to use that to reduce this gross overpayment for these blood glucose monitors. It took them 2 full years to go through all of the hurdles set up in the law. They finally reduced the payment to around $50, and that alone is saving taxpayers $25 million over 5 years. But it took 2 years just to get that done. That delay cost taxpayers $10 million.

The bill before us includes a streamlining of this process that I have been suggesting for years. It would allow Medicare to respond quickly when it finds that it is paying prices that are out of line with what everyone else pays. So I am pleased that this finally is before this body, and I hope it is agreed to.

Mr. President, I have an amendment that I will be asking to send to the desk, after I give a brief explanation. They are changes that will help to reduce the massive losses due to waste, fraud, and abuse. All of these are based on reports and recommendations by the General Accounting Office and the inspector general of Health and Human Services. I don't believe it will be controversial to anyone, and I hope it will be accepted by the managers of the bill.

First of all, Mr. President, the first part of the amendment has to do with improving information to beneficiaries. Under current law, beneficiaries are sent a statement, an explanation of charges and payments. They are brief summaries of the actual bills and payments. There are several shortcomings of these current statements that are sent to beneficiaries. The first thing that you will notice, if you look at a statement, it says in big bold letters: "This is not a bill."

So you are an elderly person, you get this, it says, "This is not a bill." Hey, I get a lot of things in the mail that is not a bill. I'm not going to worry about it. So many beneficiaries don't take the time to examine them for the mistakes. In addition, the statements do not provide the number of the toll-free hot line operated by the Medicare contractor to receive reports of errors or fraud or abuse. Finally, there is no requirement that beneficiaries can get copies of complete itemized bills submitted by providers.

So what my amendment does is it requires that each explanation of benefits sent to beneficiaries, including the statement, because billing errors do occur and there is significant waste, fraud, and abuse, that the beneficiary should carefully review the statement for errors or other questionable billings and report those to Medicare.

It also requires that the statement include the toll-free hotline number to

report the suspected problems. These toll-free lines already exist. I am not setting anything up that does not exist. They already exist, but many seniors do not know about it. All I am saying is, the phone number ought to be put on the statement of benefits.

My amendment provides that a beneficiary may, if they request, be provided an itemized bill within 30 days of their request when the beneficiary suspects irregularities from having read the summary provided to them.

My amendment also requires that any specific allegations of errors or other problems made by beneficiaries based on a review of the itemized bill be reviewed and any appropriate recoveries made for the trust fund.

Second, Mr. President, Medicare payments are supposed to be limited to those that are reasonable, necessary, and related to patient care. That is the law, and those are the regulations. However, while most other Federal agencies specifically prohibit indirect cost allowances for gifts, entertainment expenses, education costs for spouses and dependents, Medicare does not prohibit this.

In addition, Medicare does not explicitly prohibit indirect cost reimbursement for fines and other penalties imposed by Federal, State, or local governments on health care providers. As such, providers can escape a fine by simply charging them back to Medicare. Well, as documented by the General Accounting Office and the Office of Inspector General, this lack of clarity in Medicare policy invites confusion and abuse.

For example, a report by the Office of Inspector General found that Medicare had been billed for a portion of the cost of a sailing regatta for hospital employees, reimbursement for ballet tickets, reimbursement for Tiffany crystal pitchers, reimbursement even for a trip to Italy to inspect a piece of art for an executive office.

This amendment explicitly prohibits Medicare reimbursement for indirect costs related to entertainment, gifts, donations, personal use of motor vehicles, costs for fines and penalties, and tuition for spouses or dependents of health care providers. In other words, it brings it into line with other Federal law.

The next part of my amendment goes to the losses due to frequently abused items. Currently under the law, the Secretary may—may; does not say "shall"—may make a list of medical supply and equipment items that she finds to be frequently subject to unnecessary utilization. In other words, you see something popping up all the time, it keeps being utilized, well, the Secretary may develop a list of suppliers found to have business practices that result in a pattern of utilization.

So the Secretary's power is she may. The Secretary has failed to use this authority, thereby missing potential for significant savings. I do not mean to point at this Secretary. The Secretary before this one did not use it either. And therein lies the problem.

My amendment simply changes the word "may" to "shall" and requires the Secretary to develop the list of overutilized medical supply items and questionable suppliers.

Lastly, in OBRA 1993, it provided for certain medical supplies, including surgical dressings, to be reimbursed based on a fee schedule. As a result, providers must submit to fiscal intermediaries claims that itemize the specific supplies and quantities billed. However, this provision does not apply to items billed by home health care agencies. So since 1993, for certain medical supplies, like surgical dressings, reimbursed on a fee schedule, it does not apply to home health agencies.

Now, in addition, current law prohibits the Secretary—prohibits the Secretary—from using her inherent reasonableness authority to reduce grossly excessive payment rates for surgical dressings. Why that was left out we do not know, but it was left out.

The General Accounting Office has documented that these two exceptions to Medicare law result in considerable unnecessary losses. They found, for example, that items as diverse as pacemakers were being billed as medical supplies, and those claims were paid because Medicare does not know what specific items they are being billed for.

In addition, the GAO found that payments for surgical dressings could be reduced by half if more reasonable prices were paid. For example, they found that Medicare pays $2.32 for a gauze pad whose wholesale price is 19 cents and that another Government agency buys for 4 cents, in this case the Veterans' Administration. Again, Medicare is paying $2.32 for a gauze pad; the VA is paying 4 cents for the same one.

My amendment would say the home health agencies would be required to submit to fiscal intermediaries claims that itemize the specific supplies and the quantities billed for surgical dressings. All other providers are currently required to do the same, but not home health agencies. Mine would just bring the home health agencies in under this umbrella.

Finally, the loophole that for some reason is there that excludes surgical dressings from the Secretary's inherent reasonableness authority would be closed. She would have that authority to pay on a reasonable basis, to get that down to the same level that the Veterans' Administration is paying.

Mr. President, I am going to be asking unanimous consent to set aside the pending amendment and lay down my amendment. We are now discussing it with the Finance Committee. I am hopeful it can be cleared without the need for a vote in the next day or two.

AMENDMENT NO. 428

(Purpose: To reduce health care fraud, waste, and abuse)

Mr. HARKIN. So, Mr. President, I ask unanimous consent to have the pending amendment laid aside so that I may lay down my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I say to the Senator, I need you to further agree, if you would please, that we can, with the assurance that your amendment will be placed in a stacked order to leave us the range of offering the two major committee amendments first. They are going to be offered this afternoon.

Mr. HARKIN. Sure.

Mr. DOMENICI. Then we will stack them, and perhaps yours will be the third or fourth. But you will get it in that manner.

Mr. HARKIN. Absolutely.

Mr. DOMENICI. Is that sufficient for you to understand the unanimous-consent request?

The PRESIDING OFFICER. The Chair understands the request.

Mr. HARKIN. I understand it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. We are working with the Finance Committee. What I suggested I hope will be accepted in the next day or two.

Mr. DOMENICI. You are going to work with them on that account, right?

Mr. HARKIN. Yes.

Mr. DOMENICI. Have you sent your amendment to the desk?

Mr. HARKIN. Yes; I sent it to the desk.

Mr. DOMENICI. There is time still reserved in opposition to it. We have not yielded back.

The PRESIDING OFFICER. The Chair understands.

Mr. DOMENICI. We will probably need a couple minutes, so let us leave it to the reservation time. And he has time, too.

Should the clerk report his amendment so it will be ready?

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 428.

Mr. HARKIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

SEC. . IMPROVING INFORMATION TO MEDICARE BENEFICIARIES.

(c) CLARIFICATION OF REQUIREMENT TO PROVIDE EXPLANATION OF MEDICARE BENEFITS.—

Section 1804 of the Social Security Act (42 U.S.C. 1395b-2) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall provide a statement which explains the benefits provided under this title with respect to each item or service for which payment may be made under this title which is furnished to an individual, without regard to whether or not a deductible or coinsurance may be imposed against the individual with respect to such item or service.

"(2) Each explanation of benefits provided under paragraph (1) shall include—

"(A) a statement which indicates that because errors do occur and because medicare fraud, waste and abuse is a significant problem beneficiaries should carefully check the statement for accuracy and report any errors or questionable charges by calling the toll-free phone number described in (C)

(B) a statement of the beneficiary's right to request an itemized bill (as provided in section 1128A(a)); and

"(C) a toll-free telephone number for reporting errors, questionable charges or other acts that would constitute medicare fraud, waste, or abuse, which may be the same number as described in subsection (b).".

(b) REQUEST FOR ITEMIZED BILL FOR MEDICARE ITEMS AND SERVICES.—

(1) IN GENERAL.—Section 1128A of the Social Security Act (42 U.S.C. 1320a-7a) is amended by adding at the end the following new subsection:

"(m) WRITTEN REQUEST FOR ITEMIZED BILL.—

"(1) IN GENERAL.—A beneficiary may submit a written request for an itemized bill for medical or other items or services provided to such beneficiary by any person (including an organization, agency, or other entity) that receives payment under title XVIII for providing such items or services to such beneficiary.

"(2) 30-DAY PERIOD TO RECEIVE BILL.—

"(A) IN GENERAL.—Not later than 30 days after the date on which a request under paragraph (1) has been received, a person described in such paragraph shall furnish an itemized bill describing each medical or other item or service provided to the beneficiary requesting the itemized bill.

"(B) PENALTY.—Whoever knowingly fails to furnish an itemized bill in accordance with subparagraph (A) shall be subject to a civil fine of not more than $100 for each such failure.

"(3) REVIEW OF ITEMIZED BILL.—

"(A) IN GENERAL.—Not later than 90 days after the receipt of an itemized bill furnished under paragraph (1), a beneficiary may submit a written request for a review of the itemized bill to the appropriate fiscal intermediary or carrier with a contract under section 1816 or 1842.

"(B) SPECIFIC ALLEGATIONS.—A request for a review of the itemized bill shall identify—

"(i) specific medical or other items or services that the beneficiary believes were not provided as claimed, or

"(ii) any other billing irregularity (including duplicate billing).

"(4) FINDINGS OF FISCAL INTERMEDIARY OR CARRIER.—Each fiscal intermediary or carrier with a contract under section 1816 or 1842 shall, with respect to each written request submitted to the fiscal intermediary or carrier under paragraph (3), determine whether the itemized bill identifies specific medical or other items or services that were not provided as claimed or any other billing irregularity (including duplicate billing) that has resulted in unnecessary payments under title XVIII.

"(5) RECOVERY OF AMOUNTS.—The Secretary shall require fiscal intermediaries and carriers to take all appropriate measures to recover amounts unnecessarily paid under title XVIII with respect to a bill described in paragraph (4).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to medical or other items or services provided on or after January 1, 1998.

SEC. . PROHIBITING UNNECESSARY AND WASTEFUL MEDICARE PAYMENTS FOR CERTAIN ITEMS.

Notwithstanding any other provision of law, including any regulation or payment policy, the following categories of charges shall not be reimbursable under title XVIII of the Social Security Act:

(1) Entertainment costs, including the costs of tickets to sporting and other entertainment events.

(2) Gifts or donations.

(3) Personal use of motor vehicles.

(4) Costs for fines and penalties resulting from violations of Federal, State, or local laws.

(5) Tuition or other education fees for spouses or dependents of providers of services, their employees, or contractors.

SEC. . REDUCING EXCESSIVE BILLINGS AND UTILIZATION FOR CERTAIN ITEMS.

Section 1834(a)(15) of the Social Security Act (42 U.S.C. 1395m(a)(15)) is amended by striking "Secretary may" both places it appears and inserting "Secretary shall".

SEC. . IMPROVED CARRIER AUTHORITY TO REDUCE EXCESSIVE MEDICARE PAYMENTS.

PAYMENT FOR SURGICAL DRESSINGS.—Section 1834(i) of the Social Security Act (42 U.S.C. 1395m(i)) is amended by adding at the end the following new paragraph:

"(3) GROSSLY EXCESSIVE PAYMENT AMOUNTS.—Notwithstanding paragraph (1), the Secretary may apply the provisions of section 1842(b)(8) to payments under this subsection.".

SEC. . ITEMIZATION OF SURGICAL DRESSING BILLS SUBMITTED BY HOME HEALTH AGENCIES.

Section 1834(i)(2) (42 U.S.C. 1395m(i)(2) is amended to read as follows:

"(2) EXCEPTION.—Paragraph (1) shall not apply to surgical dressings that are furnished as an incident to a physician's professional service.".

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I see the floor manager.

I was wondering if we could follow the same procedure with an amendment that I would send to the desk in regard to the copayment on home health services. I ask unanimous consent for that.

Would that be agreeable?

Mr. DOMENICI. That would be satisfactory, so long as it is understood, I say to the Senator, that it may be the fourth, fifth, but it will be in order.

Mr. KENNEDY. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 429

(Purpose: To strike the provision relating to the imposition of a copayment for part B home health services)

Mr. KENNEDY. Mr. President, I send to the desk an amendment for myself and Senator WELLSTONE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. WELLSTONE, proposes an amendment numbered 429.

The amendment is as follows:

Strike section 5362.

Mr. KENNEDY. Mr. President, I thank the floor manager.

As I understand the procedure that we are following now, amendments are being sent in and there will be an order that will be worked out by the managers, both the Republican manager and the Democratic manager, so that there will be time so that Members will know when the vote will be expected. As I understand from the previous discussions, there is the best expectation it will be sometime either in the morning or in the early afternoon.

Mr. DOMENICI. The Senator is correct.

Mr. KENNEDY. I would not, in cooperating with the managers, obviously, take much additional time. I would like to be able to at least preserve some time to allow for a brief comment. But I will follow our leaders on these issues, and try to ensure we are able to move in an expeditious way.

Mr. DOMENICI. Would Senator KENNEDY just yield?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. My impression, with a brief observation, is that the amendment is subject to a point of order. There is no intention at this point in any discussion to in any way waive points of order against the amendment if they lie.

Is that correct, Mr. President?

The PRESIDING OFFICER. The points of order are not made by these arrangements.

Mr. DOMENICI. I say to Senator KENNEDY, each amendment has an hour on each side, and I am not attempting to change that.

Mr. KENNEDY. Fine. Good. I appreciate that.

Mr. DOMENICI. I think tomorrow we will narrow it down.

Mr. KENNEDY. We will cooperate with the floor managers.

Mr. DOMENICI. Thank you.

Mr. KENNEDY. We believe this is in order. But we will have an opportunity to address that issue at the appropriate time.

Mr. President, I rise this afternoon to offer an amendment to strike the new copayment for Medicare's home health patients. Without warning, the Finance Committee has imposed a tax on America's seniors of nearly $5 billion in new copayments for part B home health services.

This cruel and unexpected provision, which was not debated or voted on in the committee and is not necessary to meet the committee's reconciliation

targets, will fall primarily on the oldest, poorest, and sickest Medicare beneficiaries.

Let me repeat that. The nearly $5 billion that is raised by this provision is not necessary to meet the requirements of the budget agreement. Nonetheless, it was put into the agreement. Why? The best estimate is that those will be used for tax reductions, perhaps for the wealthier individuals.

I am sure that some in the Senate will justify to the American people this change and the other dangerous proposals in this bill by claiming they are needed to preserve Medicare for future generations. This could not be further from the truth.

As I understand, the agreement worked out in the bipartisan budget negotiations was to stabilize the Medicare trust fund for at least 10 years and to establish a commission that will make recommendations to preserve Medicare for the future.

The proposal we are debating now does neither of these things. It establishes a $5 copay that will affect the oldest, the sickest, and the poorest senior citizens. This provision preys primarily on the elderly women who are dependent upon Medicare and the home health care system.

The assault on Medicaid that began last Congress is continuing with full force. Congress should reject this just as we rejected it last year. There is no rationalization, none whatsoever, for Congress to rush forward with ill-considered changes in Medicare under the thinly veiled pretext of balancing the Federal budget. None of these basic changes in Medicare were part of the budget agreement.

It is the height of hypocrisy for those who voted against including the Hatch-Kennedy children's health plan in the agreement last month to make this assault on Medicare part of the agreement this month.

When we brought that measure up here, we were told that this is going to break the budget agreement, even though it is completely paid for. Now, we have before us a plan to collect $5 billion in copays from elderly widows and the poorest in our society. Under this proposal, we would collect $5 billion that is not even necessary to meet the terms of the budget agreement.

In 1996, Mr. President, Medicare beneficiaries spent an average of $2,605 on health care. However, the sicker seniors spent $5,600 out of their own pockets for cost-sharing related only to Medicare coverage services. Now the Senate Finance Committee is asking them to spend up to $760 more.

I understand that some of my colleagues are interested in increasing cost sharing because they feel it would lead to a reduction in utilization and, therefore, a reduction in Medicare spending. It is important to note, however, that cost-sharing is a blunt tool to express change. It may reduce utilization but the goal is to reduce unnecessary utilization. It is almost certain this policy will fail to meet this objective.

Let me remind my colleagues that home health services were exempted from part B coinsurance in 1972 to encourage use of less costly noninstitutionalized services. Reimposing a copayment will undermine that effort. We removed cost-sharing requirements on home health care in 1972 specifically to reduce utilization, to the extent that we could in an appropriate health context, of services in acute hospitals and in high-cost medical delivery systems. We wanted to encourage the provision of home health care, which provides very important services and does so less expensively than in acute care settings.

It was the belief at that time, and it is my belief now, that burdensome cost-sharing can seriously threaten the health of the frail elderly, particularly those who are hard pressed to make ends meet. Imposing a $5 new copayment will reduce access for those who need the services the most. If we are interested in reducing home health care utilization we ought to first look at ways to alter the behavior of providers, as we have done in the bill's proposed payment reform, before forcing the sickest beneficiaries to pay more.

Mr. President, just a few moments ago we had some excellent commentary from Marian Brown, an 82-year-old widow who lives independently in Marlow Heights, MD. She has numerous health ailments and is confined to a wheelchair. She is treated three times a week by a home health aide who tends to her physical troubles, spending 2 to 3 hours in her home on each visit. Her annual income is $6,786. She simply cannot afford to spend an additional $15 a week, $60 a month, or $720 a year on copayments for these necessary visits. She spoke articulately and compellingly about what this particular proposal would mean to her. She has difficulty with her hip, but doctors do not want to operate because of a serious heart condition. Yet her hip prevents her from being able to move in and out of the bathtub. It prevents her from being able to wash her own feet.

She is a very proud individual who takes great delight in living where she does with her friends and associates, and has a great sense of joy about her and in her optimism about the future. She is not asking for very much. She is just saying, "I can just about make ends meet now, but, if you pass this copayment, I will have to give up stretching exercises to keep me from further disability, or the ability to be able to get out of bed and get dressed and cleaned up in a manner that allows me to retain my sense of respect and dignity and self-value and joy, or cut back on prescription drugs or food or heating of my apartment during the winter." She makes that case, Mr. President.

We have to ask ourselves what was the sense of urgency in this legislation. Those funds were not even needed in terms of balancing the budget. We ought to look at all the provisions—not only of this bill, which is the cutting of the spending programs—but also in the tax bill, to see who will benefit, where the pain is coming, where the fairness is.

I daresay I think those in the majority will be hard pressed at the end of the day to think that this kind of financial burden and anxiety—even though these are only $5 payments that the individual will have to pay—that ought to be used to balance the budget. The amendment that I offer, joined by Senator WELLSTONE, will give the opportunity for the Senate to go on record opposing this proposal.

Finally, Mr. President, this new copayment will be an unfunded mandate on the States. I ask for the attention of our colleagues who are so concerned about unfunded mandates on the States. Medicare beneficiaries who qualify for assistance from State Medicaid programs have higher use of home health care services. In fact, the very poorest, who are eligible for Medicare and Medicaid, are twice as likely as other Medicare beneficiaries to use the home health benefits. As a result, State Medicaid programs will have to absorb the new copayments for these beneficiaries.

CBO estimates, Mr. President, that the additional State and local costs of home health copayment would amount to $700 million over the next 5 years. I hope we are going to have the time and opportunity to hear the rationale and justification for this misguided proposal. States are usually quite clear in their opposition to unfunded mandates.

Mr. President, Medicare is still one of the most successful social programs ever enacted. It has brought health care and health security to tens of millions of senior citizens. We can deal with the financial problems of Medicare but we must do it the right way, not the wrong way.

Our goal is to save Medicare, not destroy it. Our priority should be to keep the promise of medical and financial security for senior citizens that Medicare provides. We are the guardians of that promise and we should oppose any schemes that violate it.

There is no question that Medicare will face serious challenges in the next century as a result of the retirement of the baby-boom generation. Today there are nearly four adults of working age for every senior citizen. By the year 2030, that ratio will be down to two workers for every senior citizen. There is a right way and a wrong way to respond to that challenge, and the wrong

way is to destroy the program under the guise of saving it.

I urge my colleagues to vote to strike these unfair and unnecessary provisions from the reconciliation bill.

Mr. LAUTENBERG. Mr. President, I want to commend my colleague from Massachusetts for being on the alert here. I worked very hard with my distinguished chairman from the Budget Committee to try and assemble a consensus agreement that we could all support, and suddenly now we are offered a change and that change says, "Well, senior citizens who have home health care pay $5." It sounds trivial almost, but Mr. President, when we have someone who needs sometimes two, sometimes three visits a day to keep them going, $100 a week, when the average for many of these people, whose income is $15,000 a year or less—you get up to $3,000, $4,000, or $5,000 a year, that is torment. That takes away their very life sustenance because they cannot afford the rent, they cannot afford the heat, they cannot afford the nutrition.

On top of that, to impose this new burden, I say, Mr. President, the Senator from Massachusetts is always on the lookout for a balance in our society to try and provide equal service to those who need help—the promise for the future, an education for their children—Senator KENNEDY is always there. In this case I must tell you, I heartily agree with him.

The target group are people, usually women, 75 on balance in years, with incomes of under $15,000. They are old, very often frail, sick people who do not take home health care if they can get out of their homes, if they have any mobility, if they have any opportunity to go visit the doctor. These are often critical, life-sustaining services that they need.

Some argue, Mr. President, that most people subject to this copayment will not really pay because they have Medigap policies that cover copayments and deductibles. That is misleading because a new copayment would lead to increased Medigap premiums. So seniors would either have to pay the new copayment or their insurance bills would go up. Either way, the bottom line would be higher out-of-pocket costs. Already, seniors typically pay more than 20 percent of their income on these costs.

As the Senator from Massachusetts said, unfunded mandates, States will have to come up with $700 million, I think is the figure the Senator used. This is not a particularly good way to get this bill back on track, especially when we know immediately hereafter in the next part of the reconciliation we will be looking at tax relief for lots of folks who do not need it, who can get by very comfortably without it, and here we are talking about $5 out of the pockets of the poverty stricken, typically those who need help, and whose only contact often with the outside world is with these groups, and they want to charge them $5 to have somebody come by.

I commend the Senator from Massachusetts and I support him. I yield the floor.

Mr. KENNEDY. If I could, and I see Senator WELLSTONE ready to speak on this, but just before the Senator sits down, does the Senator understand what the Finance Committee was doing since this is a benefit that comes from part B. They are using the deductible limit in A which is $760, which is a lot more, obviously, than part B which is just $100.

Here they are taking something which is basically a benefit, they are tying it to the higher deductible to make the seniors pay more. I find that somewhat troublesome, as well. It is just a way of maneuvering the system.

I am just wondering if the Senator also is struck by the fact that States are going to be involved in collecting this? Even in the poorest of the circumstances, they are going to have a requirement to do so. We will not be helping any of the States to do it. We hear a great deal about mandates around here, I would have thought this would be a matter of concern to some of those that were troubled by unfunded mandates.

Mr. LAUTENBERG. The Senator is correct. The one thing that I found most disturbing about the proposals that have come in the reconciliation is the fact that suddenly we are in to a whole new area having very little to do with the mission that we have set out for us, to get a balanced budget, to try at the same time to invest in education, to try at the same time to make sure impoverished senior citizens do not have to pay more as a result of the transfer of home health services to part B—all of those things.

Suddenly, now we are seeing that something might be called bait and switch, where senior citizens are being told now, well, you may have to pay a higher premium for your part B, your deductible may be going up, that the most modest-income person would have to pay $5, perhaps to get an insulin shot or something like that. Five bucks, when you ain't got it, to put it crudely, is an awful lot of money. These people do not have it. They do not have contact with the outside world. They are frail, they are elderly. For God's sake, where is our conscience on these things?

Mr. KENNEDY. I think the statement that the Senator makes is enormously important, since he is the ranking member of the Budget Committee. As I understand what he is saying, this was not part of the budget agreement. We do not need that $5 billion to meet the terms of the budget agreement.

Mr. LAUTENBERG. The Senator is correct.

Mr. KENNEDY. Also this was not voted on specifically in the Finance Committee, and it is not necessary to balance the budget. It was added on in the Finance Committee, as I understand, without even an up-or-down vote, and here we are faced with the fact that millions of our seniors will be faced with this issue unless we move to strike it on the floor.

Now, since I have the Senator's attention, am I correct in my understanding that $1.5 billion in premium assistance for low-income beneficiaries was included in the agreement?

Mr. LAUTENBERG. Yes, that is true. That was designed originally to pay, through Medicaid, for those who were up to 150 percent of poverty, any increase in premium that might occur.

Mr. KENNEDY. So the agreement included $1.5 billion to offset that increased premium, but it was not done under the Finance Committee's bill, am I correct?

Mr. LAUTENBERG. The Senator is correct.

Mr. KENNEDY. So this bill has short-changed low-income senior citizens $1.5 billion, and then asked them to pay $5 billion on top of that. And then created an MSA demonstration, which is going to cost about $400 million. We already have an MSA demonstration project.

Mr. LAUTENBERG. Not for the Medicare Program.

Mr. KENNEDY. My point exactly. The Kassebaum-Kennedy bill created a demonstration for those in the private market. We ought to first evaluate that proposal, on which we are already spending nearly $1.5 billion, before doling out scarce Medicare funds in a wild experiment sure to benefit only insurance companies and the healthy and wealthy.

And then we are going to return to the days of balanced billing. Certain private plan options will allow doctors to overcharge, or balance bill. We have, over a long period of time, prohibited Medicare providers from balanced billing and encouraged them to take Medicare payment as payment in full. Releasing these important consumer protections will undoubtably force seniors to pay more. It doesn't take any stretch of the imagination—and I ask my friend and colleague if he would agree with me—to envision doctors moving out of Medicare to form one of these private plans and invite their Medicare patients to "come into our program." Seniors will follow their doctors and find themselves being overcharged in those circumstances. That is what happened in the past. Is the Senator concerned about that?

Mr. LAUTENBERG. Yes. They are going to have to pay additional funds for services that, otherwise, they might not. And it's true that, in the

past, we have not permitted the so-called balanced billing, which simply says the service was advertised or talked about at this level and now it is at a higher level, so you are going to get a bill for it.

Mr. KENNEDY. Was that in the budget agreement? Balanced billing was debated last year, in the last Congress here, and we were given assurances that it wasn't going to be part of the budget agreement when we were talking then. I don't remember much discussion about that prior to the time that we voted on this issue here. I think that what is important here—we have not even talked about the issue of the part B deductible and what that will mean to seniors and the additional out-of-pocket expenses they will have in that area—is that these provisions are going to have a dramatic adverse impact on seniors, and it was not mandated in the budget agreement. This is all in anticipation of a commission that the bill sets up to try and review the Medicare system for the future.

Mr. LAUTENBERG. If I may ask the Senator a question, this isn't, I take it, your idea of a particularly good way to make reforms in something as complicated as Medicare, and I could not agree with you more. This is fast-track legislation, which means—for those who are not familiar with the terminology—that this is supposed to zip through this place. This was not part of the consensus agreement we labored over for months in order to strike a budget agreement that could pass muster and would be a consensus bill. This now is recommended by the Finance Committee in terms of their reconciliation on expenditures.

I have been a loyal trooper in defending the consensus agreement. But this, in my view, is certainly outside the pale. I am not any happier than the Senator is.

Mr. KENNEDY. I appreciate that. We will have a chance to address these in accordance with the way the amendment process goes during the next couple of days. I am very grateful for the Senator's comments because I think it is important, as we address these issues, not to confuse what is necessary to preserve the financial integrity of the Medicare system—as this bill does for at least 10 years—with these other proposals that could destroy it. I daresay that those additional costs to seniors will reflect themselves by the end of the week, along with the additional tax relief for very wealthy individuals and corporations.

I daresay I was so interested when my friend, the majority leader, was talking about how the amendment that Senator HATCH and I offered to extend health insurance to children would be a budget buster because it is financed by an increase on the cigarette tax. And then the Finance Committee, with his support, turned right around and offered a 20-cent per pack cigarette tax increase. It's only a small part of it, but it is amazing the way all of this is being proposed.

I thank my colleague and friend from New Jersey for his response. He has been a leader in terms of responsible economic policy and has a challenging position in representing our side through these negotiations. We have great respect for someone who understands this process so well. I am grateful for his response. I thank my friend and colleague, Senator WELLSTONE, also, for his strong support for this particular amendment.

How much time does the Senator need?

Mr. LAUTENBERG. Mr. President, I thank the Senator. I am prepared to yield as much time as the Senator from Minnesota needs.

Mr. KENNEDY. I think I have time on my own, is that correct, Mr. President, on the amendment?

The PRESIDING OFFICER. The Senator from Massachusetts controls 33 more minutes on his amendment.

Mr. KENNEDY. I see both the manager on his feet and also I have my friend and colleague who wanted to speak. The floor manager is perhaps the busiest person. I want to be accommodating to him. Otherwise, I will yield 7 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Thank you, Mr. President. I just want to put this in a little bit of context. There was a piece today in the New York Times headlined, "Study Shows Tax Proposal Would Benefit the Wealthy." This is when we get to the tax part of the reconciliation bill.

I quote:

> The changes in Federal tax and benefit policies now working their way through Congress would eventually be worth thousands of dollars a year to the 5 million wealthiest families in America, while the 40 million families with the lowest incomes would actually lose money, a new study shows.

This is the Center on Budget and Policy Priorities. Their work, generally respected in academic circles, indicates that after-tax incomes of the richest 1 percent of Americans—those with incomes above $300,000 a year for a family of three—would ultimately be increased by an average of $27,000 a year.

"Families of three with incomes below about $17,000 a year would end up with about $60 a year less than they have now."

Mr. President, let me just say that, in this context, I know colleagues worked very hard in the Finance Committee, and I also know people were up very late, and we did not have a chance to study every particular proposal. The copay for home health services makes no sense at all. This proposal is profoundly mistaken.

I am very proud to support Senator KENNEDY's amendment. Sixty-six percent of the recipients of home health services are over the age of 75; 43 percent of them have incomes under $10,000 a year; 66 percent are women and 33 percent live alone. As Senator LAUTENBERG pointed out, a $5 copay may not sound like much to people who have pretty high incomes, and it may not sound like much to those of us in the Senate, because we earn a fair amount of income; but to people living on maybe $500 a month, and that's it, this $5 copay for a home health visit is really worry about it. I am hoping that we will have very strong support here on the floor of the Senate.

Mr. President, I think that part of the direction of where we are heading in health care—and I wish there had been more discussion. Part of the problem is that these reconciliation bills that are fast-tracked don't give us much of an opportunity to really talk about policy and its impact on people's lives. Too much of the discussion is adding and subtracting numbers. Too much of the discussion is statistics. I don't think we are looking at some of these proposals—I am not saying all of them—very carefully. To that extent, some of the things in this bill are a rush to recklessness, which I think this is.

Mr. President, if anything, we want to make sure that as many elderly people as possible—or, for that matter, people with disabilities—can live at home with dignity. That is what we are trying to do. And what we are doing here is, we are saying to senior citizens—especially low-income, and the income profile of elderly people is not that high—we are saying, you know, we are going to start charging a $5 copay. And for a lot of these people, this isn't going to work. What is going to happen is, they are not going to get the help they need; it is that simple.

I don't think this amendment is about party strategy or taking shots at somebody. I don't think it is about any of that. This amendment speaks to a policy discussion that I don't think we have had. I actually think that is part of the problem. I just think it is hard to do that on these bills. But this particular proposal—on this provision that was put in by the Finance Committee, I don't think there was an up-or-down vote. I think it was part of an overall chairman's mark. I think it is profoundly mistaken. I just think it was a mistake. I don't think this is the way we need to be generating revenue. This is not the place where we want to make the cuts.

I could carry on, and I will later on by marshaling a lot of evidence about the tax part, which I still think is way too tilted to those at the top. But for right now, let me simply say, since we are talking about Medicare, let me enter into a policy discussion and just

say to all Senators—Democrats and Republicans alike—I hope there will be strong support for this amendment that Senator KENNEDY has introduced and that I am a cosponsor of. In this particular case, it is not a matter of numbers. You are really talking about a provision or proposal that could have a very, very negative impact on some of the most vulnerable citizens in this country. I don't think there is one Senator in here who wants to do that.

Now, if there are some alternatives and other proposals, fine. But this was a mistake. We ought not to be doing this $5 copay on home health visits for very elderly people, most of them very vulnerable, most of them very low-income.

So I rise to speak on behalf of this amendment. I am proud to be an original cosponsor, and I hope we will get a tremendous amount of support for it tomorrow.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I should note that the members of the Finance Committee who support the proposal that is here before us will be here tomorrow to debate the issue.

Senator ROTH is here now. I assume he will present his amendment and not argue against the Kennedy amendment, but I assume in due course there will be adequate opportunity to present the views.

Mr. ROTH. Mr. President, will the Senator yield?

Mr. DOMENICI. Of course.

Mr. ROTH. I would like to make a comment or two on the question——

Mr. DOMENICI. On the question of the Kennedy amendment?

Mr. ROTH. Yes.

Mr. DOMENICI. Of course I will yield whatever time the Senator desires.

Mr. ROTH. The problem that has been faced in Medicare is the explosion of costs in home health care. It has been going up something like 30 percent a year. Obviously, that kind of increase cannot be permitted if we are going to salvage and strengthen the Medicare Program.

Just let me point out that Medicare spending on home health services increased most dramatically in the last decade. In 1989–90, it went up 53 percent; 1990–91, it went up 44 percent; 1991–92, it went up 40 percent again; 1992–93, 30 percent; 1993–94, 30 percent; 1994–95, 19 percent. So, basically, it has been going up roughly 30 percent.

There has been an increase in beneficiaries using home health care. There has been an increase in the number of visits per beneficiary. There has been an increase in the number of agencies providing care. So the payment system has not controlled the utilization of home care. There is the reason that we have put this $5 copayment.

Let me point out that it is particularly important to understand that those who are 100 percent of poverty or less will have this $5 fee paid by Medicaid. So those who are under poverty are protected.

And that is the idea of the program. We want those who are over 100 percent of poverty to be careful in their utilization. The program is there. It is a good program. In many cases, it can save money because it is better to have home health care than to put a person into a hospital.

But the problem is that the costs have exploded. Somehow we have to make sure that the beneficiaries are more careful in their utilization of this program. And that is the reason for this change.

Again, I want to stress the fact that those who are 100 percent of poverty or less will have this copayment of $5 paid by Medicaid. And they will not be out of pocket. So they are protected.

Mr. DOMENICI. I thank the Senator.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I reserve 5 minutes of my time, and then I want to yield to Senator ROTH if he is ready to offer the amendment.

Let me just make a couple of points. Obviously, the seniors in the country, and even the AARP—not specifically with reference to this $5 deductible, but with reference to home health care—there was a general understanding that when we moved a part of home health care from the trust fund to the part B, which is paid for by the general taxpayers, working men and women with kids who do not have any insurance and nobody gives them any, when we moved it to the general fund and the ratio of payment was 25 percent for seniors and 75 percent for the rest of the taxpayers, that in exchange for moving the home health care to that part B, there would be some additional fee.

I am not arguing that every fee that was imposed—it seems like there were two—that those were agreed upon, nor am I speaking for anyone whose name I just used. But, obviously, the agreement contemplated that if we moved part of some or all of that home health care that was under 100 days, it more likely belonged with a doctor instead of with the hospital, that there would be some additional premium paid into the part B, the 25 to 75 ratio that I have just described.

Second, the Senator from Massachusetts, Senator KENNEDY, raised $1.5 billion on the agreement, and says that when the new fee is imposed we will use $1.5 billion to accommodate the lower income seniors so they won't be burdened by the new fee. I understand the distinguished chairman of the Finance Committee, when he offers a broad amendment in some other areas, is going to take that $1.5 billion into cognizance and do something about rectifying what is clearly a misunderstanding and a shortcoming in the Finance Committee bill vis-a-vis the agreement.

With reference to the agreement that we worked out, it is clear that there is no restriction on the Finance Committee or any other committee to do more than contemplated in the agreement. So we cannot look to the agreement every time a committee does something. What we do is we look at it to make sure they did at least as much as we asked. And, in the case of the issue before us, I understand it was almost unanimous in the committee.

You all can argue that as a committee later this evening or tomorrow. This was not all Republicans. It was Republicans, and all the Democrats supported the fact that something had to be done about these spiraling costs of home health care. Am I somewhat correct?

Mr. ROTH. I would just point out that the Senator is absolutely correct. The proposal was adopted unanimously by the committee, both Democrat and Republican. As I said, it was done in such a way as to try to make the beneficiaries be more careful in its utilization.

I would point out that the question was raised, why did we use the $760 limitation? The reason for that is that under part A, many people, after being in a hospital for 3 days, will utilize home health care. They do not pay the $5 fee, but instead they pay $760. So that was the ceiling that was set under part A, and we carried that over to part B. There the beneficiary pays $5 per visit but not in excess of $760.

Mr. DOMENICI. I wonder if I might inquire for my own management reasons. I understand that the Senator is working on two amendments from the committee that he would like to get in today before we close. Is that correct?

Mr. ROTH. That is correct. We are waiting for certain figures from the Congressional Budget Office. As soon as we have those, we expect to be in a position to offer those amendments.

Mr. DOMENICI. Might that be relatively soon?

Mr. ROTH. That is my understanding, I say to the distinguished chairman.

Mr. DOMENICI. Senator KENNEDY, I see, is still on the floor. I wonder if I might ask a question regarding some management aspects.

What we have been doing is, we haven't been finishing the debates on any of these amendments, and we are holding them until tomorrow and will be stacking the amendments in managementwise sequence. I myself am very desirous of leaving the Senate shortly and leaving it to Senator ROTH to offer two additional amendments, and perhaps the Senator from Minnesota wanted to offer one more. And that would be all we would do this evening.

How much more time would the Senator like to use this evening?

Mr. KENNEDY. I would just make a brief comment, maybe 5 or 7 minutes, perhaps.

Mr. DOMENICI. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts

Mr. KENNEDY. Mr. President, the Senators respond that there has been an increase in the utilization of home health care. Well, it isn't the patient who says, "Look, I want to go home instead of going to the hospital." The person that does that is the doctor.

If you have problems with overutilization, do something about the provider but not the patient. The patient follows what the doctor recommends. If the provider says either you have to go to the hospital or we can take care of this back home, it isn't the patient that is overutilizing. They are responding to options prescribed by the medical profession. So we shouldn't penalize our senior citizens and our frail senior citizens for behavior they can't necessarily modify.

There are those who say, "Look, Medicaid will take care of the costs of the poorest seniors." That may be true, first of all, if the beneficiaries know about the financial assistance. But we see many people fall through the cracks because they are not aware of this assistance. Some estimates indicate that only 10 percent of eligible senior citizens take advantage of this offer. And, basically, you are talking about individuals whose income rests near $7,700. So, even if those in poverty may be taken care of by Medicaid, what do we do about the near poor?

What about the senior citizen whose income is $8,000? What about the senior citizen whose income is $9,000, $10,000, $11,000, $12,000? We are asking them to pay up to $760 more this year, and the cap will rise each year according to the rise in the inpatient hospital deductible. For what reason? It was never explained to us. It was never voted on.

With all respect to the deliberations of the Finance Committee, this wasn't even debated.

Here we are on the floor of the U.S. Senate at 5 o'clock, with an hour's debate on something that is going to affect millions of elderly, frail senior citizens, many of whom are widows between 75 and 80 years old. Look at the profile of who is going to be affected by this.

It wasn't even discussed. We weren't voting and saying, "Look, vote for this because we are going to collect $5 on the frail elderly." To help pay for what? For a tax break.

We wouldn't be having this debate if it were not for the tax break for wealthy individuals. The reason we are having this is because of the next bill that we are going to consider provides tax breaks for wealthy individuals. The Finance Committee has said "We need to squeeze the elderly." Otherwise, we wouldn't have this debate.

No one was saying at the beginning of the session, we really have to go out and stop our elderly from overutilizing health care services. No one said, by God, one of the real problems we are facing in this country is to get those frail seniors to pay more so they won't use it. No, no, no. That wasn't even talked about by the proponents of the balanced budget.

Who are the people now that use the home health services? Sixty-six percent are over 75 years of age. Almost half of them have incomes below $10,000. Sixty-six percent are women, and 33 percent live alone.

So there you have it. You are talking about women 75 to 80 years old. You are talking about those with incomes of $7,000, $8,000, $9,000, or $10,000, that need these home health services to stay out of the hospital. That saves our health care system a great deal.

This comes at the same time that the Finance Committee ignored instructions to honor a clear commitment to provide $1.5 billion in premium assistance for low-income elderly.

Time is not going to erase this injustice. You can say that the clock will be tolled at noontime on Wednesday, but it is not going to erase the fact that in that bill tonight frail seniors are required to pay $5 billion more, that the $1.5 billion to defray premiums for low-income seniors is nowhere to be found, and that the bill costs Medicare $400 million in trial MSA's.

This is where we are. This is where we come in order to have a balanced budget? In order to have tax breaks of billions of dollars—billions of dollars—just 3 days from now.

That is the dichotomy here. This is the light Republican effort. Last year, we had the major Medicare cuts for major tax breaks and now we have smaller cuts to see how much they can get away with. You only have 20 hours on the floor of the Senate for this bill. The majority has decided to see what it can get away with in this first bill, and then move to provide the goodies later in the week.

This is a bad deal. This is a bad deal for senior citizens. It is a bad deal for parents. It is a bad deal for aunts and uncles. It is a bad deal for children. And at the end of the week, we are going to see the distribution of these tax breaks going, again, to the upper incomes.

It is absolutely, fundamentally wrong, and we are not going to let this go along without getting rollcall votes and having Members make a judgment and decision on those items so that they will hear it when they go back to their constituents and the elderly people and answer to them why they wanted to move ahead in that direction. It is wrong.

We will continue this debate tomorrow. Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I yield myself such time as I may take. I say to the distinguished Senator from West Virginia I will be brief so that he can be recognized.

Again, I want to emphasize what the factual situation is. The fact is that home health care has been exploding at roughly 30 percent a year or more, and this kind of increase in cost cannot be permitted if we are going to strengthen and preserve Medicare for the long term. So the proposal has been made to put a $5 copayment fee on each health care up to a limitation of $760, which is what is paid as a deductible under part A.

This matter was discussed and unanimously agreed to in the Finance Committee by Republicans and Democrats alike. The reason it was agreed to is because it is important that these visits be available but they be used prudently and not without consideration to the cost. That is the reason we added it.

Again, I want to emphasize that those 100 percent under poverty will not pay this $5 fee. It will be paid by Medicaid for them, so they are protected. But again, in reforming and restructuring Medicare, we are trying to do it in such a way that it strengthens and preserves the program for the long term. That in turn means it is essential that the utilization be done carefully, and that is what we seek to do and that is what the Finance Committee unanimously adopted.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. ROTH. Yes.

Mr. KENNEDY. Will the Senator yield? Are you using the $5 billion for other Medicare benefits for our elderly? Are you saying we will use the $5 billion raised through the new copayment to try to help the elderly, for example, on prescription drugs, foot care, dental care, or eye care? Are we taking the $5 billion, which you say is a result of overutilization, and investing it in the elderly for their health care needs, or are we taking the $5 billion and putting it aside to be used for tax breaks?

Mr. ROTH. I point out to the distinguished Senator from Massachusetts we have added a number of preventive services for the sick. For example, we now permit mammography testing to be made, colorectal testing or screening; we also permit diabetes home care matching. So we have added a number of things. But again, overall, we are trying to put this program in such shape that it will survive in the long term. Unfortunately, in the area of

home health care, the costs have exploded. Let me mention again that home health care in 1989–90 went up 53 percent; 1990–91, it went up 44 percent; 1991–92, 40 percent; 1992–93, 30 percent; 30 percent again in 1993 and 1994; 19 percent in 1994 and 1995.

Let me point out further that other groups, such as the Commonwealth Fund, support the idea of a $5 copay. In a report issued by the Commonwealth it says that "this is a sensible approach which would make beneficiaries sensitive to use but not form a barrier to care."

I yield back the floor.

Mr. KENNEDY. Mr. President, I know we are going to have a statement by the Senator from West Virginia, but the point is that the preventive services, which I commend, were included in the President's proposal and are paid for under the budget that had been submitted by the President.

So this investment, while I support it, does not quite jell, because the preventive programs that have been mentioned now were already included prior to the creation of this new copayment.

Second, I did not think we were looking at the overall long-term changes in Medicare. We wanted to get the 10 years of solvency that had been supported by the President and other Members of the Congress and then deal with the long-term issues. I think if the Senator wanted to, we could spend some time looking at the increase of home health care and the decrease in hospitalization.

But the bottom line is patients go, by and large, in the health care system where the doctor tells them. If the doctor tells them, you need to get to that hospital tonight, by and large, patients go there. If the doctor says, you need to have those services, by and large, the patients get them. When we are talking about individuals who have incomes of roughly $7,700 being told they can get an offset in the State. We know the number of children, for example, that fall under the Medicaid proposals that are not covered by Medicaid. And the seniors are facing the same thing.

So I just think that, let alone, as the chairman has pointed out, the very poor can get some of this offset or will get it offset in terms of the Medicaid that is requiring the States to collect it. We have heard a great deal about putting additional burdens on the States, but it seems we are willing to do so as long as we get the additional funds for the tax cuts.

I thank the chairman of the Finance Committee for his response, and I appreciate his courtesy in responding to these questions. I will be glad to yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order for not to exceed 10 minutes without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

CLIMATE ISSUES AT THE DENVER SUMMIT

Mr. BYRD. Mr. President, press reports today from the annual economic summit of the world's major industrial powers in Denver indicate that there was pressure on the United States from some of our allies to make new commitments to deep cutbacks on greenhouse gas emissions, specifically, carbon dioxide emissions. It is unfortunate that some of our allies, including the French in particular, chose this forum to change the terms of international dialogue on this issue. I commend President Clinton for resisting these surprising, new pressure tactics to shortcut the progress towards a reasonable solution at Kyoto and to try to force the United States to endorse an immediate commitment to unworkable new goals, thereby, shredding the negotiating process. We and the French are both part of negotiations intended as a follow-up to the United Nations Framework Convention on Climate Change, the so-called Rio Pact, signed in 1992, and approved by the Senate. The Rio Pact called upon the industrialized nations to aim to reduce their greenhouse gas emissions to their 1990 levels by the year 2000, a goal which will not be achieved by the U.S. or by most of the industrialized nations.

As a result of the failure of most of the industrialized world to meet this voluntary commitment to reduce Carbon dioxide emissions, the parties met in Berlin in 1995 to discuss the future direction of the treaty. In Berlin, the United States agreed that new commitments should be binding upon the signatories, but the developing world was excluded from any new commitments. Unfortunately, excluding the developing world, which will be the most important emitter of carbon dioxide emissions by the year 2015, exceeding the emissions of the OECD nations, was a mistake. The solution, if it is to be effective, must include all major emitting nations or it will fail to really get the problem under control. More than that, the perceived unfairness of forcing limits on the economies of only some nations, but not others, will cause political pressure to frustrate the approval and implementation of any treaty that is signed in Kyoto this December. The temptations of industries to flee from the U.S. for example, behind the safe non-binding walls of Mexico, for instance, or other developing nations, will both frustrate the goals of a treaty and unfairly penalize the developed economies.

Therefore, Mr. President, the distinguished Senator from Nebraska, Mr. HAGEL, and I authored a Sense of the Senate Resolution indicating that it is imperative for the developing world to be parties to any binding commitments made in Kyoto, that those so-called commitments should demonstrate unequivocally an action program to approach this problem in a realistic way, and that everyone should start with aggressive efforts to act on those commitments immediately and not settle for vague promises to return to future negotiations to get serious. While some countries have different levels of development, each must make unique and binding contributions of a kind consistent with their industrialization. The developing world must agree in Kyoto to some manner of binding commitments which would begin at the same time as the developed world with as aggressive and effective a schedule as possible given the gravity of the problem and the need for a fair sharing of the burden.

Mr. President, in Denver during the last two days, some nations put pressure on the United States to agree to a whole new set of commitments beyond those agreed to in Rio, beyond the target of stabilizing at 1990 levels by the year 2010. Those nations sought to get the U.S. to agree to a 15 percent reduction by 2010, a level of reduction which would have very serious impacts on major sectors of the U.S. economy. There were no discussions of bringing the developing world into the play. I highly commend President Clinton for resisting these surprising new pressures to deviate from the Kyoto track, and set targets for very sharp new levels of reductions. Those nations should know that the United States Senate stands strongly behind the President in resisting these pressures. Reductions must be fair, well-managed, well-planned, and spread across the globe—spread across the globe. In addition, Mr. President, a wide-ranging new set of initiatives is needed to harness technology, to engage in new crash research and development technologies to mitigate the carbon dioxide emissions from fossil fuel combustion, as well as new energy efficiency programs, and cooperative programs between the developed and developing world. We have only begun to match the targets of carbon dioxide reductions and limitations with our technological genius and to engage in pioneering a new energy frontier type program aimed at using man's genius to tackle this global problem from every conceivable angle.

I reiterate, Mr. President, that President Clinton is to be commended for resisting the pressure for these sudden draconian commitments.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. LAUTENBERG. Mr. President, I yield to my colleague from New Mexico so much time as he needs to make his remarks.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank the Senator from New Jersey for his courtesy, as always.

Let me speak for a few moments on a motion, or amendment, that is going to be offered by the Senator from Illinois, Senator DURBIN, the Senator from Rhode Island, Senator REED, and myself. This is a motion to strike one provision that is in this reconciliation bill which would change the age at which senior citizens become eligible for Medicare. It raises that age from 65 to 67. Our amendment would propose to strike that provision from the reconciliation bill. In my view this is an unacceptable provision, it is very misguided, and one that we should not continue to keep in this legislation if we send this legislation on through the legislative process.

Mr. President, there are no budgetary savings that would accrue as a result of this provision until the year 2003, after the target date for reaching the balanced budget. I am informed that this section would fall under the Byrd rule, and for that reason a vote of 60 Senators or more will be required to keep this provision in the bill, so I hope that a substantial majority of the Senate will agree with us that this provision should be stricken from the legislation.

Raising the eligibility age for Medicare, first of all, is not necessary in order to balance the budget. The extra budget savings that this provision might generate are not necessary to meet any of the targets set by the budget negotiators in the earlier negotiation. While this change is described as being something that was done in order to bring Medicare into line with Social Security changes that were earlier made, there are obviously very real differences between Medicare and Social Security. Social Security allows an individual to receive early retirement benefits at age 62. Unlike Social Security, Medicare does not provide any other option for the retiree who wants to retire at age 65. Either the person has insurance or they do not. To make this change in Medicare, I believe, would visit a real hardship on many seniors who have planned for their entire careers to be able to retire at age 65 and to have Medicare available to them at that time. For us to make this kind of change, even though there is a long period for the phase-in of the change, I think will be breaking faith with many of those Americans and many of the people in my State.

Raising the eligibility age creates, also, the specter of a new group of uninsured Americans. We have spent much time in the previous Congress and in this Congress debating how we can cover more Americans with health care insurance. We have too many Americans today—in my State we have way too many Americans—who do not have health care coverage. We have talked about how to cover more children, how to cover more working families, how to cover more seniors before they are eligible for Medicare. This provision that we are going to propose to strike from the reconciliation bill adds to that pool of uninsured Americans who would be without health insurance at a very critical time in their careers. Essentially, it says to them that between the age of 65, when they would normally expect to retire, and the age of 67, the responsibility for health care will be theirs.

There are different groups of Americans and people have different circumstances. There is a large group that has no health care coverage in their employment. This would provide that there is an additional 2-year period in which they continue to have no health care coverage as they approach their senior years. There is another group that has health care coverage but that health care coverage terminates at the time they quit their jobs. That group, of course, would have the financial responsibility. They would have the choice to either go out and buy private health care coverage, which would be very expensive, to cover that interim period of 2 years, or they would have the choice, of course, of trying to get through that period without health care coverage, either depending upon Medicaid or hoping against hope that they do not get sick and do not need medical attention.

Of course there are others, I should point out, who have health care coverage and whose employers have agreed to maintain that health care coverage until they reach the eligible age for Medicare. Those individuals, of course, would continue to have health care coverage under their employer but the provision we are trying to strike here would visit a hardship on the employers in that case. The provision would have an immediate impact on employers right now, who provide health benefits to individuals until they reach the age for Medicare. Companies are required today, under Financial Accounting Standard 106, to estimate their liabilities for all future retiree health benefits. Companies determine the present value of their future liabilities for those health benefits and have to report that. These figures are reported as part of the financial statements the companies make. All of those liabilities would have to be rolled into those financial statements immediately upon the adoption of this provision, if this provision were to remain part of the reconciliation bill.

So the change that we are proposing here not only would visit a hardship on the employees, the senior citizens who are ready to retire or who have retired, it also visits a financial hardship on employers and constitutes, in many ways, an unfunded mandate on the private sector. I am sure that issue will be discussed to a great extent by the other sponsors of this legislation. A higher Medicare eligibility age would actually create a disincentive for employers to hire or retain older workers, and it would also create an additional incentive, perhaps, for them to cut back on health care benefits at an earlier time.

Mr. President, we are in the period where employers are cutting back on additional benefits that go with employment. That trend has continued, now, for some time. I do not think there is any doubt that it is a lower percentage. I have one figure here that the American Association for Retired Persons put out that in 1973, 71 percent of large employers covered early retirees with health care coverage. By last year, that proportion was no longer 71 percent, it was down to 63 percent. Of course, that only applies to large employers. Most of the small employers in my State do not provide that coverage and most of the employees in my State, accordingly, do not have that benefit.

Mr. President, I believe very strongly that we need to make necessary changes in the structure of Medicare in order to keep it solvent as we go forward. I support efforts to do that. I do not, though, believe it would be appropriate for us to try to improve the solvency of Medicare by reducing the number of individuals who are eligible to receive Medicare, reducing the pool of individuals who are eligible to receive those health benefits. This provision which we are trying to strike from the reconciliation bill has that exact effect. I hope very much the Senate will agree with us on this proposed amendment to strike this provision. I think this would substantially improve the legislation if we did strike this provision.

I urge my colleagues to support the amendment when the vote is taken on the amendment. As I understand that will be tomorrow morning.

Mr. President, I ask unanimous consent that five letters and a report on this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, June 16, 1997.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR ROTH: The National Association of Manufacturers has been a strong supporter of the May bipartisan balanced budget agreement and the subsequent House Ways and Means Committee markup of proposals to preserve Medicare's solvency to 2007. The proposal being considered by the Senate Finance Committee is nearly identical with at least one major exception: conforming the eligibility age for Medicare with that for Social Security, which is scheduled to rise from 65 to 67 beginning in 2003. No budgetary savings would accrue until that time, well after the target date for achieving a balanced budget.

Beyond the pending short-term fixes, Medicare's survival depends on making long-term structural changes. Increasing the eligibility age could well fall into that category and should be studied along with other proposals by the Baby Boom Generation Medicare Commission. Increasing the eligibility age now would not contribute to a balanced budget, while it would do harm to early retirees and employers who provide retiree health coverage.

Medicare currently has no option for early access to a reduced benefit and, thus, a shift in the eligibility age would create a major shifting of medical costs from Medicare to retirees. Only about one-third of Medicare enrollees have employer-sponsored retiree medical coverage, largely through jobs in manufacturing, which typically pay higher wages. Persons without such coverage, typically in lower-wage industries, would be particularly affected and least able to cope with this delay in Medicare coverage.

On the employer side, companies now paying full medical benefits prior to Medicare eligibility would have to continue paying unreduced benefits for the duration of the age increase. These companies would see an immediate increase in their Financial Accounting Standards (FAS) 106 liability. Thus, while any increase in the Medicare-eligibility age may not begin to take effect for several years, the impact on companies' book value would be immediate.

Current proposals to increase the Medicare-eligibility age contribute nothing to budget savings until 2003. Therefore, we urge that this proposal be studied by the Baby Boom Generation Medicare Commission with a focus on its effect on early retirees, employers and the Medicare program. Should such a change be recommended, the implementation date should allow companies and individuals sufficient time to plan accordingly for this program change.

Sincerely,

JERRY J. JASINOWSKI,
President.

INCREASE IN MEDICARE ELIGIBILITY AGE SHOULD BE DELETED FROM THE BUDGET RECONCILIATION BILL

Issue: A provision to increase the Medicare eligibility age from 65 to 67 was included in the budget reconciliation bill approved by the Senate Finance Committee. The provision is identical to one which the Senate rejected during its consideration of the 1995 balanced budget act. Removing the provision from the current budget bill would have no scoring consequences because the phase-in to the increased eligibility age would not begin until 2003. However, there would be an immediate adverse impact for employers which provide health benefits until an individual becomes eligible for Medicare. Shifting these costs from Medicare to private coverage is likely to result in a reduction in health benefits for active workers, retirees or both.

Discussion: The Senate bill provision would increase the Medicare eligibility age over a 24 year period to conform it to the revised Social Security age. The consequences of such a long term change appropriately belong on the agenda of the Bipartisan Commission on the Future of Medicare, a panel which would be established by both the House and Senate budget reconciliation bills to make recommendations to Congress on the changes that need to be made to prepare Medicare for the demographic impact of the Baby Boom generation.

The provision has no scoring consequences for the current budget bill because the phase-in to the new eligibility age would not begin until 2003, the year after the five-year period of budget reconciliation bill. However, its effects on private health coverage would be immediate. Employers must comply with financial accounting standard (FAS) 106 which requires companies to determine the present value of their future liabilities for the health benefits provided to their active workers and retirees. Increases in the Medicare eligibility age would result in increased liabilities for employer-sponsored coverage, including those firms which agree to continue coverage for early retirees until they become eligible for Medicare benefits. Because FAS 106 standards require that companies must account for their increased financial exposure immediately—even though the increase in the eligibility age would take place over many years—the impact to employers' bottom line would occur long before the full phase-in period.

Shifts in health care costs from the federal government to the private sector can have profound and unanticipated effect and are very likely to result in lower coverage for active workers, retirees or both. That is why any change in the Medicare eligibility age must be carefully considered and compared with other long term financial and structural changes needed in Medicare to prepare the program for its future beneficiaries.

Congress and the President reached an historic bipartisan agreement to balance the budget by 2002 and expressly decided that long term Medicare changes would be addressed only after an expert panel provides much needed guidance on the best set of choices to secure Medicare's future. Clearly, increasing Medicare's eligibility age should be given the further consideration that such a fundamental change deserves.

NYNEX,
New York, NY, June 18, 1997.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MOYNIHAN: NYNEX urges you to delete the Medicare eligibility retirement age increase from the Senate Finance Committee's bill. As you know, a provision in the Chairman's mark would increase the Medicare eligibility age from 65 to 67. Besides public policy concerns about insurance coverage for senior citizens, this provision would also have a significant and immediate adverse financial impact on NYNEX.

NYNEX provides health care coverage to its employees, retirees and their dependents. Our retirees receive full health care benefits at retirement and supplemental benefits that are integrated with Medicare once they become eligible for Medicare. Under the Finance Committee proposal, NYNEX would ultimately be responsible for paying for the additional two years of full benefits for its retirees.

There is also a more immediate concern. Companies are required under Financial Accounting Standard (FAS) 106 to estimate their liabilities for all future retiree health benefits and "book" (recognize on their financial statements) the present value of these liabilities, net of any assets dedicated to retiree health. This figure is deducted from earnings. As a result, responsible companies providing generous retiree health benefits will be penalized and viewed as less profitable compared to their competitors who do not provide retiree health benefits.

The impact of this legislation will be to discourage companies like NYNEX from offering comprehensive retiree health benefits to their employees.

Changes to the Medicare eligibility age should be considered in the context of overall Medicare reform. It is not necessary for the Finance Committee to adopt this proposal to meet its budget reconciliation commitments, since the proposal does not raise any revenue over the short-term.

Again, NYNEX urges you to delete the Medicare eligibility age provision from the Finance Committee bill. This issue should be considered in the context of comprehensive reform to ensure all aspects of the issue, including the concerns of employers providing retiree health benefits, are addressed.

Sincerely,

MORGAN KENNEDY,
Vice President,
Government Relations.

BELL ATLANTIC,
Charleston, WV, June 18, 1997.

Hon. JOHN D. ROCKEFELLER IV,
Hart Senate Office Building,
Washington, DC.

SENATOR JAY ROCKEFELLER: Bell Atlantic urges you to delete the Medicare eligibility retirement age increase from the Senate Finance Committee's bill. As you know, a provision in the Chairman's "mark" would increase the Medicare eligibility age from 65 to 67. Besides public policy concerns about insurance coverage for senior citizens, this provision would also have a significant and immediate adverse financial impact on Bell Atlantic.

Bell Atlantic provides health care coverage to its employees, retirees and their dependents. Our retirees receive full health care benefits at retirement and supplemental benefits that are integrated with Medicare once they become eligible for Medicare. Under the Finance Committee proposal, Bell Atlantic would ultimately be responsible for paying for the additional two years of full benefits for its retirees.

There is also a more immediate concern. Companies are required under Financial Accounting Standard (FAS) 106 to estimate their liabilities for all future retiree health benefits and "book" (recognize on their financial statements) the present value of these liabilities, net of any assets dedicated to retiree health. This figure is deducted from earnings. As a result, responsible companies providing generous retiree health benefits will be penalized and viewed as less profitable compared in their competitors who do not provide retiree health benefits.

The impact of this legislation will be to discourage companies like Bell Atlantic

from offering comprehensive retiree health benefits to their employees.

Changes to Medicare eligibility age should be considered in the context of overall Medicare reform. It is not necessary for the Finance Committee to adopt this proposal to meet its budget reconciliation commitments, since the proposal does not raise any revenue over the short-term.

Again, Bell Atlantic urges you to delete the Medicare eligibility age provision from the Finance Committee bill. This issue should be considered in the context of comprehensive reform to ensure all aspects of the issue, including the concerns of employers providing retiree health benefits, are addressed.

Sincerely,

DENNIS BONE,
PRESIDENT AND CEO.

CORPORATE HEALTH CARE COALITION,
Washington, DC, June 16, 1997.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: We would like to bring to your attention the concerns of our companies about a provision we believe is included in the Senate Finance Committee Proposal for Budget Reconciliation. This provision—to raise the Medicare Eligibility Age—could have a serious effect on our corporate liabilities and book value.

As you know, many companies today provide their retirees with health benefits. In most plans, retirees receive full benefits at any early retirement age and supplemental benefits that are integrated with Medicare beginning at the Medicare eligibility age. Under the Senate provision, companies now paying full benefits prior to Medicare eligibility would eventually have to continue paying the unreduced benefits for two more years.

Companies are currently obligated under Financial Accounting Standard (FAS)106 to estimate their liabilities for all future retiree health benefits that may be paid to active and retired workers, and "book" the present value of these liabilities, net of any assets dedicated to retiree health. These net liabilities, which are estimated today to exceed $300 billion, must reflect all current law requirements and existing plan provisions, even though companies may be planning to make changes in their plan.

Even though the Senate's increase in the Medicare Eligibility would not begin until 2003, and then would proceed gradually over the next 24 years, the impact on corporate book liabilities would be immediate. Under FAS106, companies would have to re-estimate their future liabilities and account for any addition to their liabilities as a result of this change. The impact on FAS106 liabilities would vary greatly depending on the type of plan and age of work force, but would range from a 5 to a 25 percent increase in FAS106 liabilities.

This would create a serious financial and accounting problem for companies currently operating retiree health plans, and could cause many to move to limit or eliminate their commitment to retirees. While there is some logic to coordinating Medicare and Social Security retiree ages, we ask that we take up this task after Budget Reconciliation is completed and we have time to consider provisions to avoid the FAS106 liability effects.

Since we do not believe this provision contributes to meeting the Budget Reconciliation instructions to the Committee, we urge you to drop this provision altogether.

Sincerely,

ELLEN GOLDSTEIN,
Chairman.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,
Washington, DC, June 23, 1997.

DEAR SENATOR: Today the Senate is scheduled to take up the budget reconciliation legislation dealing with spending reductions. The UAW strongly opposes this bill because it incorporates a number of anti-worker, anti-senior provisions. We urge you to support amendments to delete the objectionable provisions; If they are not eliminated, we urge you to vote against the bill on final passage.

This budget reconciliation legislation contains a massive attack on the Medicare program that would be extremely harmful for the elderly and for working men and women. In particular, the UAW strongly opposes the provisions that would; Increase the Medicare eligibility age to 67; this provision would greatly increase the number of Americans without health insurance coverage; it would also impose huge new costs on those employers who currently provide pre-Medicare retirees with health insurance coverage, and impose additional pressure on these employers to drop this coverage; means test the Medicare program by imposing drastic increases in the Part B deductible for beneficiaries with higher incomes; this provision would be extremely difficult to administer, while raising relatively little revenue; in addition, it unfairly penalizes seniors who are ill, and would generate increased pressure to totally abandon the social insurance nature of the Medicare program; impose a $5 per visit copay for home health care visits; this provision would impose enormous costs on seniors who depend on home health care; and establish a dangerous pilot program for 100,000 Medical Savings Accounts, which would allow insurance companies to engage in skimming practices that would threaten to fragment the Medicare program.

Taken together, these provisions would undermine the social insurance nature of the Medicare program, and would represent the first step towards converting it into a welfare program that would lack broad based political support. In addition, these provisions would impose significant and unacceptable new costs on many senior citizens. At the same time, the budget legislation fails to provide adequate assistance to low income seniors in paying their Part B premiums. It is also important to note that the provisions increasing the Medicare eligibility age and means testing the Part B premium were approved without adequate public hearings and debate, and are outside the scope of the budget agreement. For all of these reasons, the UAW urges you to support amendments to strike all of these objectionable Medicare provisions from this reconciliation legislation.

The UAW also opposes the provision in this reconciliation legislation that would overturn the federal court decision in the Pennington case. This decision prohibited the states from using accounting devices to make certain groups of workers, especially part time employees, ineligible for unemployment benefits. By overturning this decision, the reconciliation legislation would reduce coverage under state unemployment compensation programs by about six percent. We urge you to support efforts to strike this provision from the budget legislation so that laid off workers are not denied this essential assistance.

The UAW also opposes the provisions in the reconciliation legislation that would: allow Texas to privatize the administration of its Medicaid and food stamp programs; this represents a dangerous precedent that would allow private companies to make decisions regarding the eligibility of individuals for government benefits; establish an open-ended block grant program to encourage the states to provide expanded health insurance coverage to children; the funds provided for this effort are inadequate; in addition, we believe that the most cost effective way to provide health insurance coverage to uninsured children would be by expanding the Medicaid program; deny SSI coverage in the future to elderly and disabled legal immigrants; this would unfairly penalize extremely vulnerable populations who genuinely need public assistance; and allow HHS to administer the Welfare to Work program, while failing to emphasize the importance of job training; we believe that this program can be better administered by the Department of Labor; in addition, the funds available under this program should be made available for job training, which is critically important to moving individuals off to welfare and into the work force.

Lastly, the UAW strongly urges you to oppose any amendment that would exempt individuals in workfare programs from coverage under the minimum wage and other provisions of the Fair Labor Standards Act. As a matter of basic social justice, we believe that all workers should be entitled to these fundamental protections. We are also concerned that this type of exception would undermine these protections for other workers.

Accordingly, the UAW urges you to support amendments that would eliminate the objectionable provisions discussed above, and to oppose any amendments that would further undermine protections for seniors and working men and women. Unless the objectionable provisions are stricken from the legislation, the UAW urges you to vote against this budget reconciliation legislation on final passage.

Thank you for considering our views on this vital legislation.

Sincerely,

ALAN REUTHER,
Legislative Director.

[From the Association of Private Pension and Welfare Plans, June 20, 1997]

INCREASE IN MEDICARE ELIGIBILITY AGE SHOULD BE DELETED FROM THE BUDGET RECONCILIATION BILL

A provision to increase the Medicare eligibility age from 65 to 67 has been included in the budget reconciliation bill approved by the Senate Finance Committee. The provision is identical to one which the Senate rejected during its consideration of the 1995 Balanced Budget Act. While removing the provision from the current budget bill would have no scoring consequences because the phase-in to the increased eligibility age would not begin until 2003, if the provision remains, there would be an immediate adverse impact on employers who provide health benefits until an individual is eligible for coverage under Medicare. Shifting these costs from Medicare to private coverage is likely to result in a reduction in health benefits for active workers, retirees or both.

Any changes in the Medicare eligibility age must be carefully considered and compared with other long term financial and

structural changes needed in Medicare to prepare the program for its future beneficiaries and we oppose including an eligibility age increase in the budget package for the following reasons:

A Long-Term Agenda Issue. The Senate bill provision would increase the Medicare eligibility age over a 24 year period. The consequences of such a long term change more appropriately belong on the agenda of the Bipartisan Commission on the Future of Medicare, a panel which would be established by both the House and Senate budget reconciliation bills to make recommendations to Congress on the changes that need to be made to prepare Medicare for the demographic impact of the Baby Boom generation.

Immediate, Negative Effects on Employees. Because the phase-in to the new eligibility age would not begin until 2003, the provision has no scoring consequences for the current five-year budget reconciliation bill. However, private health coverage would be affected immediately. Employers must comply with financial accounting standards (FAS) 106 which requires companies to determine the present value of their future liabilities for the health benefits provided to their active workers and retirees. Increases in the Medicare eligibility age would result in increased liabilities for employer-sponsored coverage, including those firms which agree to continue coverage for early retirees until they become eligible for Medicare benefits. Because FAS 106 standards require that companies must account for their increased financial exposure immediately—even though the increase in the eligibility age would take place over many years—the impact to employers' bottom line would occur long before the full phase-in period.

The Costly Effects of Cost Shifting. Shifts in health care costs from the federal government to the private sector can have profound and unanticipated effects and are very likely to result in lower coverage for active workers, retirees or both. In addition, the provision would leave many individuals with a costly gap in health coverage until they turn 67 which would further discourage companies from providing health benefits to retirees.

Congress and the President reached an historic bipartisan agreement to balance the budget by 2002 and expressly decided that long term Medicare changes would be addressed only after an expert panel provides much needed guidance on the best set of choices to secure Medicare's future. Clearly, increasing Medicare's eligibility age should be given the further consideration that such a fundamental change deserves.

Mr. BINGAMAN. I yield the floor and I suggest the absence of a quorum. I request the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. I yield the Senator from Nebraska as much time as he needs.

Mr. KERREY. I thank the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, first, I would like to praise the chairman of the Finance Committee, Senator ROTH, and the ranking Democrat on the Finance Committee, Senator MOYNIHAN, as well as the chairman and ranking member on the Budget Committee, Senator DOMENICI and Senator LAUTENBERG.

The bill we are debating right now makes a substantial contribution to deficit reduction. The goal of all this deliberation is to balance the budget by the year 2002, the purpose of which is to enable us to continue with an economy that is growing and continue creating jobs and continue the prosperity that we are currently enjoying in the United States.

I am saying all this because we will be debating all kinds of reasons why this bill is bad, and I think it is very important for us to begin by saying there is a purpose here.

We know Medicare is a very substantial program in terms of cost, and any attempt to balance the budget has to look at this program. Chairman ROTH has done, I think, an exceptional job of producing a proposal that not only contributes to deficit reduction, but does a number of other things which I believe are very important.

First of all, one of the things this bill does, in addition to contributing to deficit reduction, is there are a number of provisions that Chairman ROTH and Senator MOYNIHAN put in this bill that directly affect our capacity in rural America to get good health care. That has been a bit of a problem. There are a number of issues we have identified over the years, and Chairman ROTH has made some changes in law in this bill that will benefit those of us who represent rural States. I would like to list some of those provisions.

First, rural hospitals and physicians will be able to form their own networks, independent of larger managed care companies, and contract directly with Medicare on a capitated basis. These provider-responsive organizations would not only provide competition, but they will enable us to increase coverage and increase health care delivery in the rural areas.

Second, the proposal is one that will increase managed care payments in rural areas. The increase in payments will be detailed during the course of this debate, but it is critical, if we are going to get managed care in rural areas, that the payments be increased, and Chairman ROTH has made certain in this bill that happens.

Third, it creates a single designation for small rural limited service hospitals that would be paid on a reasonable-cost basis. This new authority will include the current—called EACH/RPCH—demonstration hospitals. Once again, we have been asked by rural hospitals and rural providers for this provision. Chairman ROTH and Senator MOYNIHAN have included it in their bill, and for those of us who represent rural States, we are going to be able to say, correctly so, that this law is going to make it more likely that we are going to get good care in the rural community.

Next, it allows sole community hospitals to opt for a fourth payment option based upon the costs from fiscal year 1994 or fiscal year 1995. It is a detail that I will not go into at length here today, but again on the ground at the community level this will make a tremendous difference in most States where rural health care shortages are a problem.

Next, it reinstates the Medicare dependent hospital program through 2002. This means that hospitals with less than 100 beds and where 60 percent or more of the discharge is paid for by Medicare will be paid on the same basis as sole community hospitals. It is a very important provision. There are lots of hospitals in Nebraska sort of hanging on the edge with fewer than 100 beds. This will give them a fighting chance to survive.

Last, it allows rural referral centers greater flexibility to receive payments based on rates for the nearest germane area.

Mr. President, I just say again that this provision is one last thing in the bill that will enable us to say that in addition to eliminating this deficit that has plagued us for so many years, this proposal will increase the likelihood that managed care and good health care will reach the rural area. I thank Chairman ROTH and I thank Senator MOYNIHAN and Senator DOMENICI and Senator LAUTENBERG. It is a terribly important provision for those of us who represent rural States.

Second, and I will not go at length in describing this, this bill grants authority to the Secretary of Health and Human Services to bring more competition into this system. Competition in my judgment will not solve all of the problems, but it is a tremendously useful tool to bring costs out of the system. It is more likely to get it done in an efficacious fashion. Again, Senator ROTH and Senator MOYNIHAN have included this in the mark. And I believe it represents substantial reform and important reform in the Medicare system.

Third, this committee, the Finance Committee, again under Senator ROTHS's and Senator MOYNIHAN's leadership, has paid attention to the unique problems that low-income Medicare beneficiaries face. And it can be a tremendously difficult problem.

It is relatively easy for us to get caught up in all the numbers and presume that all we are doing is trying to find numbers savings. But for an individual out there at the community

level, Medicare really can be a lifesaver.

I have a woman in Omaha, NE, that I pulled from our file, we are working with at the moment, that faces some problems, a very common situation. A widow on Medicare, she has $610 a month in Social Security. She has $182 in rent subsidized through section 8. Her utilities and phone are $55 a month. Her Medicare part B is $43 a month. She has a Medigap cost on top of that. By the time she is done, she has $4,000 left over for everything, for food, clothing, and other expenses. It does not take much in the way of prescription drugs and additional costs for health care for her to find herself with almost no money left over.

So this mark, for those of us concerned about low-income people, continues the dual eligibility system for Medicare and Medicaid. It continues both the SLMB and the QMB Programs that enables lower-income people to get payment. And I believe the managers' amendment will make it more likely that the SLMB Program will enable low-income people to find themselves able to accommodate the increases in premiums that will occur as a consequence of the shift of some home-based coverage from part A to part B.

Though I would argue there is still some room for improvement, this bill represents a good-faith effort to acknowledge that there are low-income beneficiaries out there who are faced with different problems than higher-income beneficiaries.

There is still one out of seven Americans over the age of 65 who live in poverty. Medicare and Social Security reduces the rate of poverty from 50 percent to about 12 percent in the country. But still, for those 12 percent, life can be quite difficult. And I assure you, Chairman ROTH and Senator MOYNIHAN have paid attention to that problem and, I think, have enabled us to say that we have at least tried to make certain that low-income beneficiaries are given full consideration.

The next thing that I would like to spend most of my time talking about is, this mark, this piece of legislation does acknowledge, as well, that we have long-term problems, that we cannot stick our heads in the sand and ignore that the Medicare Program not only promises to make payments for the next 5 and for the next 10 years but it promises to make payments for the long-term as well, promises to make payments especially for that baby-boom generation that will begin to retire in 2010, 2011, depending upon when you mark the generation. It is either 1945 to 1965 or 1946 to 1965. In that 20-year period, about 2010 to 2030, under current forecasts, even as we have adjusted the program—I note there will be some that try to knock out the increase in the eligibility age. There will be some that try to knock out the income-related test on part B, the copayment on home health, the $5 fee on home health, and make compelling arguments. But you can only make those arguments persuasive if you ignore where this program is going.

Mr. President, the current cost of Medicare represents about 10 percent of this budget. And from 2010 to 2030, Medicare costs will go from about 10 percent to 35 percent of the budget. That is the kind of growth that we see out in the future. It is a demographic problem. And when you move the eligibility age from 65 to 67, in order to bring it into line with where Social Security is going, we are making and recommending an adjustment that takes into account where this program is going, what the future looks like out there.

I acknowledge that there are problems when you move the eligibility age for people who are between the ages of 60 and 66 or 67. There is a problem. This legislation has in it not only a commission, but in law we recommend that the commission consider doing what Kerrey–Danforth recommended, which is to allow seniors between the ages of 62 and eligibility age to be able to buy into the Medicare Program. I think it is the sort of thing that we are going to have to consider whether we adjust the eligibility age or not.

But I will give this evening—I suspect I am going to have plenty of opportunity to argue this when the amendment is offered to strike it on the eligibility age—I give this evening one set of facts. Between the years 2010 and 2030, the number of people in the work force will grow by 5 million, a 5-million-person increase between 2010 and 2030. But the number of people who are retiring who will be eligible for payments will increase by 22 million. That is a problem, Mr. President, that we face with our program. And we can either ignore it and say we do not want to make change or we can acknowledge, in order to preserve and protect Medicare for the long term, these kinds of changes will be necessary.

The change does not impact anyone over the age of 58 today and does not fully impact anyone over the age of 36. I say that because I have already seen interviews given to current Medicare beneficiaries, people who are 65, people who are 70, receiving Medicare that are beneficiaries today, and the question is put to them, "What do you think about moving the eligibility age?" as if it is going to affect them. And very often again they will find themselves concerned about losing their Medicare, about whether or not they are going to be paying more for their Medicare. And there is a presumption made that this change is going to have an impact on them.

Mr. President, this movement of the eligibility age is one of the easiest. Right along with that, a change that I believe should be made is to bring a new accounting to the cost of living index. We debated it earlier on in the year. We were not able to get it. Some objected to the so-called "politicization" of the CPI. The CPI was imposed in 1973 for political reasons.

I want a good formula, a good calculation. Unfortunately, we were not able to get that because we ended up being opposed both on the left and on the right. But these are the kinds of changes that are necessary to accommodate demographics.

There was a piece in the New York Times Sunday magazine yesterday. I think it was Ben Wattenberg that made a couple of suggestions. And if Members want to bring that kind of suggestion to the floor, why it will be an interesting debate. He suggested that we change our tax and our spending laws to encourage Americans to have more babies or we open our borders and accept more people in the United States as immigrants, trying to increase the number of workers per retiree.

Or one can walk to the floor if they choose to and propose a tax increase. Many people who have honestly evaluated this program have suggested that all we need to do is increase the payroll tax just a little bit and that will solve the problem.

Mr. President, I intend in this debate to repeatedly point out to colleagues that the tax-cut provisions in this bill addresses the income tax. It does not address what is for many Americans the largest tax of all, and that is the payroll tax.

And I have been in Nebraska many times in townhall meetings and talked about this movement of the eligibility age and the income-related test on part B, which is also in the chairman's mark. And very often it provokes a big debate. And some do not like it.

I say, let me just ask the audience, How many of you would support increasing the payroll tax? And it is rare where you will find more than one or two people holding up their hand, Mr. President. And the reason is, that for a family of four in Nebraska, earning $34,000 a year, husband, wife, two children, they will pay $2,719 in Federal income tax; they will pay $5,358 in payroll taxes, $4,300 of which is FICA and $1,000 of which is the Medicare tax. Mr. President, that is almost twice as much in payroll taxes.

One of the reasons that we find people say to us that this system has to be fixed with these kinds of changes is that they acknowledge that this payroll tax is taking a substantial bite out of the income of the working families of America.

So the bill has a change in the eligibility age. I defend it strongly. I intend to come down when the amendment is

offered to strike and explain at greater length why those who are arguing to strike it will not help strengthen this program. I intend to argue as well, by the way, that I, having studied this a long time, believe long term it is going to be difficult for us to maintain Medicare and Medicaid, the VA, and the income-tax deductions as intact programs.

I think it is going to be difficult for us to not, at some time, relatively soon, begin to examine once more whether or not we should change the law and change the way people become eligible.

It is very revealing when you talk about moving the eligibility age, Mr. President. The law says if you have reached the age of 65 in America you are eligible for Medicare. If you can prove you are poor, under the law, the law says you are eligible for Medicaid. If you get blown up in a war, as I did, the law says you are entitled to the VA system. If you work for the right employer, the law says you can get a subsidy through the income tax system. If you work for the Government very often, the law says you also have a right to health care.

Mr. President, I believe, though it may seem counterintuitive for those of us who have been worried about the growing cost of the mandatory programs and entitlements and that interest, that we need to consider rewriting the social contract for Federal health care and establishing a simplified eligibility. If you are an American or legal resident, you pay according to your capacity to pay. Everybody has to pay the true cost of health care.

We ought to allow competition to control the cost. And we ought to allow consumers to get far more information about what the health care system is both doing for them and sometimes doing to them.

I think it is very difficult for me to stand here and say that we can preserve Medicare as an intact program unless some demographic change occurs between now and 2010.

I believe it is inescapable you look at these kinds of choices, otherwise you are basically going to prolong the due date and at some point we are going to be facing choices that are far more difficult than the choices that are being presented by the committee in this budget.

Mr. President, another change that we have in this proposal is a change that says that we are going to make the Medicare part B more progressive than it currently is by asking Americans who have higher incomes to pay more, to be subsidized less, in short, by Americans with lower income for that part B premium.

Initially, Senator GRAMM of Texas and I, who worked on this proposal, had an offering that we would use the deductible as a basis for change, in short, that we were going to try to affect utilization. It got a bit confusing. And as a result of that confusion, both he and I have agreed to change it so that it will be an adjustment in the part B premium for Americans under $50,000 a year. They will not be affected at all. Roughly 94 percent of beneficiaries are somewhere in that range. It does not fully affect any individual under $100,000. We phase the subsidy out over $100,000 for an individual and $125,000 for a couple.

I appreciate the sacred nature of Medicare, but nowhere do I find it persuasive that we ought to ask people with lower incomes to subsidize people of higher incomes. Very often the people of lower incomes do not even have health insurance. They are struggling to pay the cost of health care themselves out of pocket, and part of their taxes—again, the larger share of their taxes coming from payroll taxes being delivered to pay the health care of individuals with a capacity to be able to take care of themselves.

I do not believe this challenges the Medicare system. I do not believe it is a slippery slope to destroying Medicare. I believe it is consistent with what Medicare attempts to do, which is to say that the market will not provide insurance for all of our citizens, that we have to, on a progressive basis, write a law that enables us to do that. This change will make the system more progressive, not less. I emphasize that.

For all those who will come to the floor and argue that this package is not sufficiently progressive, they will find themselves, in my judgment, turning their arguments inside out in proposing this test of income on part B. How can you defend a change, a simple change at a relatively high income, Mr. President, $100,000 for an individual and $125,000 for a couple? Mr. President, this is a substantial first-step change, once again, to acknowledge that we have a long-term problem with Medicare, and we are going to have to begin to make more difficult choices if we want to arrive out there in the future and say we have solved future problems as well.

Very importantly, under this change, we did not do it for budgetary reasons. Neither the move of the eligibility age nor the change in part B premiums has been done in order to generate budget savings. Indeed, the revenue that we get from the part B premium will go into the health insurance trust fund, strengthening the health insurance trust fund. We have not had it scored. We are not using it to pay for other things. We are using it to strengthen the Medicare Program and, as I say, to make the program more progressive.

Mr. President, finally, as we go through this debate, I intend to repeatedly come to the floor and call to my colleagues' attention another terrifying fact. People come and they will argue, well, in 1965 when we passed Medicare, we intended the following—and whatever it is that the colleague wants to offer in opposition to either moving the eligible age or in opposition to putting an income test on part B, will suggest there was something in 1965 that caused us to say we would do something and never come back and change it. There have been lots of changes that have occurred since 1965.

I will in the midst of the debate have plenty of opportunity to go through many of those changes that I think dictate that we change the program again. The one that is the most impressive of all is that in 1965, 30 percent of the Federal budget went to mandatory programs. That is entitlement programs plus net interest, and 70 percent of our budget went to discretionary spending. Mr. President, in the year 2002, when this budget agreement ends, we will have exactly the opposite—70 percent will be mandatory spending and 30 percent will go to discretionary. It does not stop there. It will continue to grow until 100 percent of the budget is mandatory, until we have converted the Federal Government into an ATM machine, collecting taxes and merely transferring back out.

Mr. President, for all those who care about investing in our future, who want to invest more in education, who are concerned about productivity, we have all kinds of other things we believe this Nation needs to be addressing, unless we come to grips with the growing cost of mandatory programs, it will be impossible for us to do all the things that most of us would like to do in order not only to make our country fair but also to make our country more prosperous and productive.

I believe the legislation that Chairman ROTH and Senator MOYNIHAN have presented to the chairman of the Budget Committee, Senator DOMENICI, and Senator LAUTENBERG, the ranking member, is a fair proposal. It will enable us to say we will balance the budget by the year 2002. It is more progressive than the current law, taking greater account both of low-income Americans as well as upper-income Americans' capacity to pay. It is a terrific package that will enable us in rural America to increase the quality of care that we see our citizens getting. It moves more toward a competitive model, not only giving Health and Human Services more power, but giving consumers more power by giving them the data and the information that they need to make choices. There is substantial reform not just for budgetary reasons but for the purpose of improving the quality of this program that has been so enormously beneficial for our country.

I appreciate the opportunity to work with the chairman and the ranking member, Senator MOYNIHAN, and I look

forward to the opportunity of returning to the floor to debate some of the specific amendments that are offered.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I yield 20 minutes to the Senator from Illinois.

Mr. DURBIN. I thank my colleague from New Jersey for yielding.

PRIVILEGE OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Ann Marie Murphy of my staff be accorded privileges of the floor during debate on S. 947.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, let me say at the outset I want to acknowledge the leadership role that has been played by my colleague, the Senator from Nebraska, who preceded me on the floor. He is calling on us as Members of the Senate and the House to face the reality that entitlement programs need reform. Senator KERREY has oftentimes been a lonely voice in that effort. It is not altogether a popular position to take and yet it is necessary. I admire him for his leadership and his candor, and I think that we in the Senate should heed his advice that we must resolve ourselves into the business of addressing the needs of these entitlement programs—Social Security and Medicare in particular—on a long-term basis.

What I am about to speak to today in no way should reflect on Senator KERREY's effort or the effort of others for meaningful reform with Medicare. But the issue which I address is one included in this reconciliation bill which I feel is fundamentally wrong and fundamentally unfair. It is a provision which is included in this bill which would over a period of time raise the eligible age for Medicare.

By way of background, many years ago we raised the eligibility age for Social Security. The reason the people still think in terms of Social Security eligibility at age 65 is that this change to age 67 will be implemented during a transition period from the years 2003 to 2027. It is a gradual change adding, over 24 years, 24 months before a person can be eligible for Social Security. During the course of its deliberations, the Senate Finance Committee entertained a motion by my colleague from Texas, Senator GRAMM, to add an amendment which would increase the eligible age for Medicare from 65 to 67. It is said in the report of the Finance Committee—and I am sure this reflects the nature of the debate—that an attempt was being made to find some symmetry between the increase in eligibility age for Social Security and the increase in eligible for Medicare. If there is any parallel or any symmetry between these two programs it is only that they both serve elderly Americans, and there it ends. I think we should view this suggestion of raising the eligible age for Medicare from 65 to 67 in the context of the people who are affected.

This package that raises that age to 67 for Medicare literally reneges on our promise to provide Medicare to seniors at the age of 65. There is no budgetary impact in this provision. There is no money to be saved, because whatever is going to be saved, if it is ever implemented, will not occur until the next century, far beyond the 5 years when we measure the impact of this bill.

This change does not parallel the Social Security change which I described. Individuals have the ability now to begin their Social Security benefits at age 62. Of course, those benefits are diminished, but should a person reach that point in life and say, "I'm ready to retire. I do not want to wait until 65. I have talked it over with my spouse. I'm going to retire at age 62." It is perfectly legal. They can do it. The Social Security benefits start flowing to their family based on what they have paid in.

There is no corresponding option for Medicare. Medicare begins at 65. Unless you are disabled and thereby qualify for Medicare, you cannot touch this program until you are age 65.

Currently, 1.6 trillion individuals in America between the ages of 55 and 65 are uninsured. How do people find themselves in this predicament? Well, I bet you everyone listening, those viewing, can probably think of someone in their family or a friend who reached that situation. I have a situation in my own family, a person who had worked for years and years for a major company and decided he would retire at age 60 and the company said, "Well, here is your watch. Here is your package of benefits. Good luck in your retirement." Within 12 months they notified him there had been a change in the program, and no longer would they offer health insurance to him as a retiree. His recourse? None, zero, no place to turn. Age 60, retired, out of work, no health insurance. Then the trouble began for him personally, heart problems, leading to serious heart surgery. He literally put his life savings into his medical care and counted the days until he reached the age of 65. He had been critical of a lot of "big government" and big government programs, but now a big government program was coming to his rescue and his family's rescue. He finally made it and reached age 65 and reached eligibility.

Is this an isolated case of one person who did not have good luck when he retired? I am afraid not. A 1997 Commonwealth Fund study indicates in 1994 only 30 percent of retirees had health insurance from a previous employer, compared with 44 percent in 1988. The trend, unfortunately, is in the direction of uninsured people at the age of 60 and beyond. Even coverage by larger employers has declined. In 1993, 71 percent of large employers provided coverage. But then again by 1996, this figure had dropped to 63 percent. Many retirees, incidentally, do not retire voluntarily and may not have much chance of future employment. Private insurance for this group of seniors is very expensive.

In my home State of Illinois, I checked in the city of Chicago, and the average cost of health insurance for a healthy male age 60 to 64 is $6,520—healthy male. What if they had a preexisting condition, a serious medical condition? The cost goes up over $10,000 a year. You are retired, you are going fishing, you are taking it easy, all of a sudden, no health insurance. Where do you turn? You just had a diagnosis that says you have a medical problem—$10,000 a year and you wait, counting the days until you are eligible for Medicare.

This bill does not help seniors. This bill does not help retirees. This bill does not help working families, and this provision is totally unfair. If we lived in a country where everyone had health insurance, universal health coverage and you did not have to worry about whether you lost it through changing a job or retirement, that is one thing, but we do not live in that nation. We live in a country where any one of us with the loss of a job could be vulnerable to no health insurance coverage, and the suggestion of the majority that we raise the eligibility age for Medicare leaves more people vulnerable—vulnerable, of course, to the cost of health insurance if they can buy it.

That is why I oppose this provision and why I will make a point of order when I have concluded these remarks. I yield for debate only to my colleague, Senator REED.

Mr. REED. I thank the Senator from Illinois for yielding. I join him in my opposition to this provision in the bill. I also have great respect and regard for Senator KERREY, the primary sponsor of this provision. He has courageously identified many issues with respect to Medicare and has provided great insight, but in this particular situation I believe that to raise the eligible age for Medicare is going in exactly the wrong direction. It forgets why we created Medicare in the first place in the mid-1960s.

The overwhelming reality was that seniors at that age could not get health care. That is why the Government stepped in. Private insurance companies were unwilling to sell insurance to those people at any reasonable price. Many things have changed since the mid-1960s—the demographics of our population, the efficacy of a health care program, the longevity of our citizens—but one thing has not changed, and that is the unwillingness of private insurance to step in and provide affordable and accessible health insurance to seniors.

Today, 13 percent of the 21 million people aged 55 to 64 lack health insurance, and by adopting this provision we will simply add to that number because, now, from age 65 to 66, they will not have access to the Medicare system. Therefore, we have to, I think, maintain a situation where the Medicare system begins at age 65.

Indeed, I hope that we will endeavor to try to develop programs that would broaden the base of health care insurance for all Americans. It is quite disturbing to listen to the statistics cited by my colleague from Illinois, and to point out that many, many companies are now no longer insuring, as a matter of routine, their employees and, consequently, the percentage of insured Americans, particularly in the later years of their work life, is declining. We would add to that precipitous decline by adopting this particular amendment.

Indeed, also, we have to understand that the majority of Medicare beneficiaries between the ages of 65 and 67, who would be affected by this amendment, have incomes below $30,000. They certainly would not be in a position to pay a $10,000 a year private insurance premium, as is evident in some States, like Illinois. Often they are single, poor, unemployed. They would have no recourse. And this is not the way to fix the Medicare system—by denying health care insurance to people, by essentially pushing them out of the system of health care with the idea that we will somehow stabilize and increase the longevity of our health care system.

There is another aspect of this that should be studied much more deeply before we embark on such a change; that is, many employers have provided health care benefits to their employees until they reach the Medicare age of eligibility. As a result, if we were to push back the eligibility table, we would require corporations throughout this country to immediately recognize, because of accounting rules, an increase in their liability, a significant increase in their liability. This could force them to rethink their overall health care strategy to accelerate the decline of health care not only for seniors but for working Americans, as companies simply say, "we can't afford to shoulder this burden any longer." As a result, we also, I think, have to recognize the significant impact this would have on the application of health care insurance throughout our society. As one employer wrote to me, "The impact of this legislation will be to discourage companies from offering comprehensive retiree health benefits to their employees."

I think we have to be very careful and thoughtful about how we reform Medicare. We all want to stabilize the system, to ensure solvency. We can do that without adopting this amendment. To move away from a guarantee of health care for seniors, beginning at 65, is a retreat that I don't think we should make and I don't think we have to make. Therefore, I join my colleague from Illinois in objecting to this provision of the bill before us today. I thank the Senator and yield back my time.

Mr. DURBIN. I thank my colleague, the Senator from Rhode Island, for his remarks. I want to really follow up on one of his last points. I say to Senator REED, I have in my hand a letter signed by some 80 businesses and business organizations objecting to the increase in the Medicare eligibility age from 65 to 67. These are not just a few odds and ends when it comes to the business profile of America. We not only have a letter signed by the U.S. Chamber of Commerce, but also the National Association of Manufacturers, companies like ARCO and Bell Atlantic, Chrysler Corp., Ford, General Motors, and the list goes on and on. Making the point my colleague from Rhode Island made, they have already made a commitment to their employees and it is this: We will protect you with health insurance as a member of our family, our corporate family, after retirement until you are eligible for Medicare. Now, if we raise the Medicare eligibility 2 years, these companies having made that commitment have a new liability that they had not anticipated. It is not only a cost but a disincentive to these and other companies to make that kind of promise. That is the real world. For people to see the simple symmetry between Social Security and Medicare—oh, it is going to 67 by the year 2027 on Social Security, and let's go to 67 for eligibility on Medicare—is to overlook the real world that people live in. The employees who are faced with troubling medical conditions late in their lives who may not have health insurance coverage, who cannot afford to buy it at that point in their lives, where are they? Who speaks for them in this Chamber? Who will stand up and say that these people deserve protection and coverage? Well, we have it today—at least beginning at age 65.

I hope that, in the name of balancing the budget and having some budget impact in the next century, we will not throw away a basic commitment to those in our country who have worked so long and so hard. I will be making a point of order at this point in the debate, unless others would like to speak.

Mr. REED. If the Senator will yield one more time. The fact is that this will create a significant system impact. For example, private companies may change their insurance packages, et cetera. There is another impact, also. In this country, sick people—and I hope in this country they will still get care someplace. As a result, without the Medicare Program, they will be thrust upon the hospitals for uncompensated care and thrust upon—if they are low-income citizens—Medicaid programs or special programs at the State level. So as we hope to save at the Federal level, we very well may generate other costs, and perhaps larger costs, at local-State levels and in other insurance programs. So, essentially, our commitment to Medicare, I feel, should be maintained. I, again, concur with the Senator and thank him for yielding me this time to further comment.

Mr. DURBIN. I thank my colleague. Senator BARBARA BOXER of California and Senator TOM HARKIN of Iowa could not be here for this debate, but they wanted to have their names joined in support of our effort.

In conclusion, I will say that my colleague from Rhode Island brings home the conclusion to this debate; that is, if we shirk our responsibilities to these working families, if we walk away from a Medicare promise of over three decades, we will end up with people in unfortunate circumstances, many of them sick, presenting themselves for care without any health insurance, without Medicare. Of course, most hospitals and most health care providers in this country will do their best to treat them anyway. Then the cost of that care will be borne by everyone, borne by those who pay into insurance and those Government programs that insure, as well. Unfortunately, people wait until they are in acute and critical conditions before they come to a hospital under those circumstances. Then the care is more costly, and many times they sacrifice their health and their lives. In the name of balancing the budget, let us not include a provision raising the eligibility for Medicare that creates such a disadvantage and such pain and suffering for so many working families across America. This is not an idea whose time has come. This is an idea that should be shelved until our commission working on the future of Medicare can come up with sensible suggestions that really reflect the reality of the world that many seniors face today.

Mr. President, at this point, I understand that before I make my point of order I must ask that all pending amendments be laid aside. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

POINT OF ORDER

Mr. DURBIN. Mr. President, I raise a point of order that section 5611 of the bill, S. 947, contains provision that produces no change in outlays or revenues during the required period of time and therefore violates section 313 (b)(1)(A) of the Congressional Budget Act of 1974.

Mr. ROTH. Mr. President, pursuant to section 904 (c) of the Congressional Budget Act of 1974, I move to waive the point of order, and ask that debate on

the waiver be postponed until tomorrow following any votes ordered for tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask for the yeas and nays on the Senator's motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the reconciliation bill before us today seeks to raise the age of eligibility for Medicare from 65 to 67. If we allow this increase to remain in the bill, we will be breaking a compact made with millions of future beneficiaries. For 32 years, we have said to working Americans "pay into this program and we will provide you with health security at age 65." During the drafting of this bill, however, this promise was callously and capriciously cast aside.

Proponents will claim that they are merely conforming the eligibility age for Medicare to that of its sister program, Social Security. Yet, the manner in which we are approaching this change and the final outcome differ dramatically and dangerously.

First, it is important to note that the change in the age of eligibility for Social Security, which begins to rise in 2003, was enacted in 1983. Therefore, individuals affected by the Social Security change will have had a minimum of 20 years to adjust their retirement planning. By changing Medicare at this late date, we are giving future beneficiaries only 6 years notice to absorb in their retirement planning a change that could eat up a significant portion of their retirement income, should they actually be able to purchase insurance. It could also bankrupt them, if they are forced to go without insurance and suffer a devastating illness.

Second, under Social Security, individuals will still be able to receive reduced benefits at age 62, the age of early retirement, if they choose to retire before they are eligible for full benefits. Under this proposal, however, senior citizens will be unable to receive any Medicare benefits until they reach the new age of eligibility.

A delay in eligibility for Medicare could throw millions of senior citizens into the ranks of the uninsured. Unless we are willing to enact simultaneous insurance reforms to guarantee access to affordable and comprehensive coverage for this group, these senior citizens will be forced to forgo health security in their retirement.

In 1992, employer-related retiree health plans paid for only 6 percent of health expenditures for persons over age 65. There is no reason to expect this number to increase. In fact, many employers are now reducing or canceling retiree health coverage for both early retirees and Medicare-eligible retirees. According to one study, in 1988, 62 percent of firms offered retiree coverage to those under age 65, and 55 percent offered benefits to those eligible for Medicare. In just 4 years, by 1992, the numbers of firms offering retiree health coverage had dropped nearly 10 percent in both categories—to 52 and 46 percent, respectively.

Members of the Corporate Health Care Coalition have ominously issued a warning that this provision could hasten the loss of employer-sponsored coverage. In a letter of June 16, 1997, they state that raising the eligibility age ". . . could cause many [companies] to move to limit or eliminate their commitment to retirees."

It is difficult to know why the Finance Committee proposed this step, since it does not contribute a single penny toward their reconciliation instructions. A change of this magnitude deserves careful study and planning. The age of eligibility is precisely the type of issue that ought to be considered by the National Bipartisan Commission on the Future of Medicare, which this bill will create. To change the age of eligibility suddenly, on the spur of the moment, on this reconciliation bill, is an unwise, unfortunate, and unnecessary attack on all senior citizens.

The provision also violates the Byrd rule because it does not affect spending within the budget window. We eliminated this proposal 2 years ago, and Senator DURBIN's point of order should strike it from the bill again.

Mr. LAUTENBERG. Mr. President, I rise to support removing the provision on the increase in Medicare eligibility. I would like to see that removed. This provision, as we all know, calls for increasing the eligibility age for Medicare from 65 to 67.

Throughout our negotiations on the bipartisan budget agreement, there was no serious discussion—none—of increasing the eligibility age for Medicare. And, if there was, even the most casual discussion didn't wind up in the bill. So it wasn't believed in the contentious review that it would be appropriate. Nor has this issue been the subject of hearings or serious debate in the 105th Congress. There is nothing in the budget resolution that calls for dealing with the issue, as I said.

Nevertheless, the bill before us would increase the eligibility age for Medicare and would do so without protecting the seniors aged 65 and 66 to make sure that they will have access to affordable health insurance as they age. Typically corporations now have men aged 65 to offer retirement in many cases, and that is the vulnerable age. If there is an illness that befalls someone or they run into economic differences during that period of time, that is a very harmful experience. I think it would be a serious mistake to do that without making certain that the those aged 65 and 66 are protected.

Before going further, I want to acknowledge that the Senators who are responsible for this proposal are trying in good faith to confront the long-term problems facing the Medicare Program. They deserve real credit for that. I, too, would like to have a comprehensive review on Medicare.

I think we have made a good first step back when we finally had the policy behind the development. That was to add years of solvency to the Medicare Program while we engaged in a comprehensive review. So this is not the time, frankly, nor the place on our agenda to do that. So I disagree with their approach.

My concern is that if we simply exclude 65- and 66-year-olds from Medicare, what do these folks do? At that age private health insurance can be prohibitively expensive, if it is available at all. Without Medicare, these people may have nowhere else to turn.

Mr. President, I point out that more and more businesses are dropping health insurance coverage for their retirees. The trend has been accelerating in recent years, and it may well continue into the future.

I know lots of people who face retirement who want to engage in a business or continue to work productively. But in almost no case can they be assured that they are going to get private health insurance to take them over if they wanted to go beyond Medicare protection. So private insurance doesn't look like it is a real course for those in that 65–66 category.

It is a frightening prospect. I have never heard so many conversations from people about their concerns about health insurance. It is a continuing subject. Notice that in job opportunities very often the health insurance discussion is no longer one that is available. Lots of small companies can't afford to provide it, and they don't.

So people are worried about the prospect of bankruptcies as a result of a catastrophic illness, about being put out on a limb and not getting the coverage that they need. We know that hospital services in this area are expensive. We also know that there has been a major change in the psychology of our society; that is, people in their sixties no longer expect to be put out to pasture. They can do lots of good things. Take it from an expert here,

they can do lots of good things. And they want to know that their health is protected.

So it is a scenario that could face millions of Americans if we are not careful.

If the Congress decides, Mr. President, that the Medicare eligibility age should be changed, there are ways to protect senior citizens in the process. Some have suggested allowing uncovered seniors to pay a reasonable premium in return for Medicare coverage. Others have suggested subsidizing private insurance or other options.

I am not advocating any single program at this point. My focus is that we should not pull the rug out from millions of Americans without ensuring that they have at least a basic safety net.

I also believe that a fast-track reconciliation bill is the wrong vehicle to be considering a fundamental change like this. For those who are not familiar with our terminology, "fast track" means get it done, try to zip it through the place—not undercover but to try to get it done. The reconciliation bill is one that kind of commands an enforcement mechanism for achieving the objectives that we set out for ourselves—in this case the balanced budget by the year 2002, to try to extend the solvency of Medicare, take care of legal immigrants who are here, to provide insurance coverage for children that are not ensured.

Those are the missions that we encompass in this bill. They were negotiated over a long period of time—several months. They were very difficult negotiations—difficult not because we were at each other's throat but because we tried to deal with reason and thought and arrived at a consensus that would take care of most of the needs that we provide for our citizens, including a massive infusion into our education programs to provide young people with opportunities for the future, and again to protect senior citizens who are perhaps impoverished and can't afford increased premiums. Suddenly this is a new factor introduced from the Finance Committee which is an amendment to the basic bill.

In addition to the limit on amendments to the reconciliation, it would be very difficult even for Senators to consider fully various options.

The proponents of rating the eligibility age in this bill argue that we must act now to give Americans adequate notice about a change that is coming in the future. However, I would note that this bill includes a commission to look at the long-term issues involving the Medicare Program. The commission is required to report within 1 year of this bill's enactment. If the commission determines that a delay in the eligibility age is required, Americans will have plenty of notice about that possibility to be able to respond with their community and with their organizations. They will be able to send in considered opinions. I think we must do that.

So I hope that my colleagues will support the effort to remove this provision from the reconciliation bill. It would be wrong to leave older Americans without health care coverage. We certainly shouldn't do so on something that is going to move as rapidly as this is without an opportunity for having adequate public input and a full debate.

So, Mr. President, again I salute the effort of those who are offering the change because they think that it is essential for the solvency and for the long-term survival of Medicare. But, on the other hand, if it is that important and that crucial, then we ought to make sure that we allow enough time and allow enough review to make certain that the step we are going to choose is the correct one.

Mr. President, I see nothing is going on at this moment. I therefore, note the absence of a quorum, and I ask that it be charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOME HEALTH CARE PROSPECTIVE PAYMENT ACT OF 1997

Mr. HATCH. Mr. President, over the past several months, I have been developing legislation to dramatically reform the way Medicare pays for home health services. This effort builds on my work in the Finance Committee during 1995 where I strove to see a prospective payment system for home health services included in the Balanced Budget Act agreement.

The culmination of this year's efforts is a bill I introduced on June 16, the Home Health Care Prospective Payment Act of 1997 (S. 913). The Home Health Care Prospective Payment Act is intended to achieve three primary goals:

First, the bill will create incentives for providers to behave in a more cost effective manner.

Second, it will help assure that the federal government achieves the necessary savings it seeks in order to ensure the solvency of the Medicare program well into the next century.

And third, perhaps most importantly, my bill accomplishes these first two goals while protecting the quality and continuity of home health care services for beneficiaries.

As my colleagues are aware, I have been a strong supporter of home health care services ever since I came to this body. I have applauded changes that have made it easier to treat Medicare patients in the most cost-effective setting. The changes we have made to the system have benefited many patients who would otherwise have not received care. In other cases, these individuals would have had to wait until their health deteriorated to the point of having to be admitted to a hospital. This outcome was neither cost effective nor good health care policy.

We have learned a great deal about Medicare reimbursement since we passed the prospective payment system [PPS] for hospitals in 1983. We now know the value of a proper transition period so that providers will be able to manage their operations toward a permanent system.

We also know that we can model a payment system that encourages providers to manage costs and utilization better. We realize that moving to a new reimbursement system is a massive undertaking. The amount of data, time, and expense is enormous. It is especially important not to unnecessarily burden health care providers, Government, or patients with administrative requests.

My legislation proposes to begin a transition to a home health care PPS immediately, rather than waiting until fiscal year 2000. Instead of relying on cost limits, we can begin using predetermined rates in an initial PPS system during fiscal years 1998 and 1999.

The principle behind prospective payment is to shift the risk from the Government to providers. This is done by rewarding providers for keeping their costs below the rates—or having them absorb the loss if their costs are over the rates. Therefore, I propose we incorporate a limited shared savings plan during the initial 2 years of the PPS to encourage more cost effective behavior by health care providers.

In addition, there needs to be greater sensitivity to the data demands and consequences in our proposal. For example, there needs to be some discretion for the Secretary of the Department of Health and Human Services to designate a different base year for extraordinary situations that may arise in a particular case. There are other proposals that may be considered that might be good ideas in and of themselves. Some proposals, however, may impose data, time, or cost demands that are unnecessarily burdensome to providers, patients, or the Government—but may not be necessary for PPS implementation.

The changes I am proposing in my legislation are not new to the Senate, but merely reflect the information and legislative history we have gained through our consideration of Medicare payment reforms. My legislation will make home health care reform consistent with that history.

Mr. President, for the benefit of my colleagues I ask unanimous consent that a section-by-section analysis of S. 913 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Provides a short title and a table of contents.

Section 2. Provides that amendments made by the Act are to the Social Security Act.

Section 3. Provides for the recapture of savings from the temporary freeze on payments for home health payments from 1994 to 1996 in updating home health costs limits for FY 1998 and subsequent years.

Section 4. Provides for the establishment of an initial prospective payment system for home health services beginning in FY 1998. Payments would be based on rates equal to the lower of—

Costs determined under the current reimbursement system (revised to limit costs to 105 percent of the median of visit costs for freestanding home health agencies and eliminating annual rate updates); or

An agency-specific per-beneficiary annual limit based on 1993 cost reports, multiplied by the agency's unduplicated patient census.

Annual limits for new providers would be based on an average of limits applied to other home health agencies. Incentive payments would be available to agencies equal to 50 percent of the amount by which its year end reasonable costs are below its per-beneficiary annual limit.

Section 5. Provides for the establishment of a permanent prospective payment system for home health services beginning in FY 2000. Payments would cover all services included in the Medicare home health benefit, including medical supplies. In determining payment amounts, the Secretary of Health and Human Services would be required to determine an appropriate unit of home health service, to provide for adjustments based on variations in the mix of services provided, and to assure continued access to quality services. Payments would be subject to annual adjustments based on the home health market basket index. The Secretary would be authorized to develop a payment provision for outliers based on unusual variations in the type or amount of medically necessary services.

Initial payment rates for a permanent prospective payment system would be required to be developed in a manner that would assure the achievement of the scorable savings of the act.

Section 6. Provides for home health services to be reimbursed on the basis of the geographic location where the service is furnished.

Section 7. Provides for the elimination of periodic interim payments for home health services upon implementation of a permanent prospective payment system.

Section 8. Provides for limiting Part A coverage of home health services to the first 100 visits following a hospital stay. Clarifies coverage of intermittent and part-time nursing care. Provides for the exclusion of the costs of home health services from the calculation of Part B monthly premiums. Provides a new definition of the term "homebound". Authorizes the Secretary to deny coverage of home health services which are in excess of normative standards for the frequency and duration of care.

SKILLED NURSING FACILITIES PROSPECTIVE PAYMENT ACT OF 1997

Mr. HATCH. Mr. President, on June 16, 1997, I introduced legislation, S. 914, proposing to revise the present system in which the Medicare Program pays for services provided by skilled nursing facilities [SNF's]. This legislation builds on my work in the Finance Committee in 1995 when the committee included a proposal I authored to implement a prospective payment system for nursing home payments.

As currently structured under Medicare, seniors receive up to 100 days of skilled nursing facility services following a 3-day hospitalization stay. Currently, those services are reimbursed on a cost-plus basis. As Medicare has evolved, however, so have systems of cost-plus reimbursement.

For many years, I have worked with my colleagues in the Senate to provide seniors with the services they need in a skilled nursing facility setting. I have worked to modify the Medicare reimbursement methodology in order to provide economic incentives to SNF providers to provide the highest quality of care at a reasonable and affordable price to the Medicare Program.

My legislation will accomplish that goal.

Congress initially began requiring prospective payments for skilled nursing facilities in the early 1980's. However, the Health Care Financing Administration [HCFA] has not been able to identify an appropriate payment methodology, and how best to define the services provided to seniors in a comprehensive way. Nevertheless, we have come a long way since the mid 1980's in understanding the proper structure of prospective payment systems. We are now on the verge of fundamentally revamping the current cost-plus payment system for these important services.

Let me briefly describe the key parts of my legislation.

First, during fiscal year 1998, the Health Care Financing Administration will begin phase one of a per diem, prospective payment system [PPS] for skilled nursing facilities. Such payment would be based on historical data regarding a particular facility's costs and services provided. While it is expected that the new rate is an all-inclusive rate, encompassing routine costs, ancillary services, and capital-related expenses, during the first year, HCFA is likely to adjust both the inclusion of ancillary services and capital costs only when they have sufficient data to adequately measure and quantify the level of those services.

It would be unfortunate for HCFA to put into effect a system that did not adequately account for the medical services offered to residents within a skilled nursing home. I urge HCFA to implement and include all ancillaries only when the data and the information are adequate.

Second, during the 4 four years the prospective payment system will evolve into a full PPS system where the services for an individual in a skilled nursing facility bed will be adjusted for their medical and nursing needs. This legislation calls on HCFA to develop a case-mix methodology that adequately reflects the medical needs of each patient. I have heard from many experts that the current case mix methodology does not adequately reflect certain medical needs of many skilled nursing home patients. It is my intention that the case-mix methodology be current and reflect all services provided.

And third, once this system is in place, it will provide the right kind of economic incentives so that providers will seek all services medically necessary. The Medicare Program will not be in a situation of overpaying for such services; it will provide a competitive balance so that all skilled nursing services, regardless of whether they are hospital SNF beds or freestanding SNF beds, will have comparable incentives to provide high quality services to beneficiaries.

It is extremely important that we change the existing and limited incentives in the Medicare system so that providers will offer services in the most cost-effective way. Hospitals are already under a PPS system; physicians are reimbursed on a predetermined rate as well. This approach is now the next important step in our continuing effort to ensure appropriate fiscal responsibility by the Federal Government while also ensuring that seniors have access to the important health benefits offered under the Medicare Program.

Mr. President, for the benefit of my colleagues, I have prepared a section-by-section summary of my bill and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Establishes a prospective payment system for skilled nursing facility (SNF) services and provides for consolidated billing of Part B services provided to residents of such facilities.

Subsection (a): Provides for the establishment of a prospective payment system for services covered by the Medicare skilled nursing facility benefit, including routine service, ancillary services (except diagnostic services), and related capital costs, beginning with cost reporting periods starting on

or after July 1, 1998. Payment would be based on per diem rates established by the Secretary of Health and Human Services.

Provides a four-year transition period for shifting the calculation of payments rates from facility-specific historic cost data to average national or regional costs. During the first year of the new system, payments would be based on facility-specific per diem rates. For the second through fourth years, payments would be based on a blend of facility-specific and federal rates. In the fifth year and thereafter, payments would be based exclusively on federal per diem rates.

Payments to new facilities would be based on federal per diem rates.

Federal per diem rates would be determined by the Secretary on the basis of 1995 cost data for all SNF settings and would include an estimate of amounts that would be payable under Part B for services furnished to SNF residents. Rates would be adjusted by variations in wage levels and case mix and could be computed separately for urban and rural areas based on national or regional classification. Rates would be updated annually by the skilled nursing facility market basket index.

Federal payment rates would be applied to individual facilities subject to adjustments for case mix and geographic variations in labor costs. A method of making adjustments based on case mix variations would be required to be developed by the Secretary in the form of a regulation subject to public notice and comment.

SNFs would be required to provide to the Secretary with resident assessment data as may be necessary to develop and implement per diem rates.

The Secretary would be required to develop an appropriate method of applying a prospective payment system to Medicare low volume SNFs and swing bed hospitals.

Subsection (b): Provides for consolidated billing of most Part B services furnished to residents of a skilled nursing facility, including services provided by other entities under arrangement. Claims for such services would be required to be submitted directly by the SNF and include a code or codes identifying the items or services delivered. Payment would be made to the SNF based on the Part B payment methodology (such as fee schedules) applicable to the particular item or service. Facilities would be permitted to reassign such payments when the item or service was furnished by another entity. Payments for therapy services would be required to reflect the new salary equivalency guidelines for physical, occupational, and respiratory therapy and speech-language pathology after such guidelines are finalized through the regulatory process.

The Secretary would be required to establish a medical review process to examine the effects of the changes made by the Act on the quality of skilled nursing facility furnished to Medicare beneficiaries.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON FEDERAL ADVISORY COMMITTEES FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 47

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Government Affairs.

To the Congress of the United States:

As provided by the Federal Advisory Committee Act, as amended (Public Law 92–463; 5 U.S.C., App. 2, 6(c)), I am submitting my third *Annual Report on Federal Advisory Committees*, covering fiscal year 1995.

Consistent with my commitment to create a more responsive government, the executive branch continues to implement my policy of maintaining the number of advisory committees within the ceiling of 534 required by Executive Order 12838 of February 10, 1993. As a result, my Administration held the number of discretionary advisory committees (established under general congressional authorizations) to 512, or 36 percent fewer than the 801 committees in existence at the time I took office.

During fiscal year 1995, executive departments and agencies expanded their efforts to coordinate the implementation of Federal programs with State, local, and tribal governments. To facilitate these important efforts, my Administration worked with the Congress to pass the "Unfunded Mandates Reform Act of 1995" (Public Law 104–4), which I signed into law on March 22, 1995. The Act provides for an exclusion from the Federal Advisory Committee Act (FACA) for interactions between Federal officials and their intergovernmental partners while acting in their official capacities. This action will directly support our joint efforts to strengthen accountability for program results at the local level.

Through the advisory committee planning process required by Executive Order 12838, departments and agencies have worked to minimize the number of advisory committees specifically mandated by statute. There were 407 such groups in existence at the end of fiscal year 1995, representing a 7 percent decrease over the 439 at the beginning of my Administration. However, we can do more to assure that the total costs to fund these groups, $46 million, are dedicated to support high-priority public involvement efforts.

My Administration will continue to work with the Congress to assure that all advisory committees that are required by statute are regularly reviewed through the congressional reauthorization process and that remaining groups are instrumental in achieving national interests. The results that can be realized by working together to achieve our mutual objective of a better, more accessible government will increase the public's confidence in the effectiveness of our democratic system.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 23, 1997.*

MESSAGES FROM THE HOUSE

At 1:29 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1902. An act to immunize donations made in the form of charitable gift annuities and charitable remainder trusts from the antitrust laws and State laws similar to the antitrust laws.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2267. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Outer Continental Shelf Lease Sales: Evaluation of Bidding Results and Competition"; to the Committee on Energy and Natural Resources.

EC–2268. A communication from the Acting Deputy, Assistant Secretary for Fish and Wildlife and Parks, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, a report relative to the El Camino Real de Tierra Adentro; to the Committee on Energy and Natural Resources.

EC–2269. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Amtrak Restructuring Act of 1997"; to the Committee on Commerce, Science, and Transportation.

EC–2270. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The Regional Attorney Pilot Project"; to the Committee on Commerce, Science, and Transportation.

EC–2271. A communication from the Assistant Secretary of Commerce for Legislative and Intergovernmental Affairs, transmitting, a draft of proposed legislation entitled "The NOAA Corps Disestablishment Act"; to the Committee on Commerce, Science, and Transportation.

EC–2272. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation that would clarify the treatment of military and National Guard aircraft as public aircraft; to the Committee on Commerce, Science, and Transportation.

EC–2273. A communication from the Executive Director of the U.S. Olympic Committee, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Commerce, Science, and Transportation.

EC–2274. A communication from the Secretary of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law,

a rule requiring child-resistant packaging for ketoprofen received on May 22, 1997; the Committee on Commerce, Science, and Transportation.

EC–2275. A communication from the Director of Resource Management and Planning Staff, Trade Development, International Trade Administration, Department of Commerce, transmitting, pursuant to law, a rule concerning the Market Development Cooperator Program (RIN0625–ZA05) received on June 3, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2276. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the use of Advanced Telecommunications Services for medical purposes; to the Committee on Commerce, Science, and Transportation.

EC–2277. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report of its accomplishments for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC–2278. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Limes Grown in Florida" (FV97–911–1A–IFR) received on June 5, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2279. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, Department of Defense, transmitting, pursuant to law, a report relative to reducing the cost of Base Operating Support; to the Committee on Armed Services.

EC–2280. A communication from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, Department of Defense, transmitting, pursuant to law, a report relative to cost comparison of the Housing Maintenance function at Ramsten Air Base, Germany; to the Committee on Armed Services.

EC–2281. A communication from the Chief, Programs and Legislative Division, Office of Legislative Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, Department of Defense, transmitting, pursuant to law, a report relative to initiating cost comparisons of the Telephone Operations functions; to the Committee on Armed Services.

EC–2282. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, U.S. Environmental Protection Agency, transmitting, pursuant to law, a report of three rules relative to Air Quality Implementation Plans, received on June 20, 1997; to the Committee on Environment and Public Works.

EC–2283. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, a report of a rule relative to prescribed rates for federal income tax purposes, received on June 20, 1997; to the Committee on Finance.

EC–2284. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled "Investigational New Drug Application; Exception from Informed Consent; Technical Amendment", received on June 20, 1997; to the Committee on Labor and Human Resources.

EC–2285. A communication from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, a resolution relative to the disapproval of financial plan and budget Act 12–94; to the Committee on Governmental Affairs.

EC–2286. A communication from the Director, U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Standards for a Merit System of Personnel Administration" (RIN3206–AH90), received on June 20, 1997; to the Committee on Governmental Affairs.

EC–2287. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–85 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC–2288. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–86 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC–2289. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–87 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC–2290. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–90 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC–2291. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–88 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC–2292. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–91 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC–2293. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–92 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC–2294. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–93 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC–2295. A communication from the Director, U.S. Office of Governmental Ethics, transmitting, pursuant to law, a report of a rule entitled "Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture" (RIN3209–AA00), received on June 18, 1997; to the Committee on Governmental Affairs.

EC–2296. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the Inspector General's Act for the period of October 1, 1996 to March 31, 1997; to the Committee on Governmental Affairs.

EC–2297. A communication from the Office of the Chairman, Board of Directors, Panama Canal Commission, transmitting, pursuant to law, a report under the Inspector General's Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2298. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a rule relative to the Thrift Savings Plan, received on June 16, 1997; to the Committee on Governmental Affairs.

EC–2299. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the Financial Plan and Budget for Fiscal Year 1998; to the Committee on Governmental Affairs.

EC–2300. A communication from the Director, U.S. Office of Personnel Management, transmitting, a draft of proposed legislation relative to judicial review to protect the merit system; to the Committee on Governmental Affairs.

EC–2301. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–79 adopted by the Council on May 6, 1997; to the Committee on Governmental Affairs.

EC–2302. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–80 adopted by the Council on May 15, 1997; to the Committee on Governmental Affairs.

EC–2303. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report under the Inspector General's Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2304. A communication from the Federal Co-Chairman, Appalachian Regional Commission, transmitting, pursuant to law, a report under the Inspector General's Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2305. A communication from the Chairman and General Counsel, U.S. Government National Labor Relations Board, transmitting, pursuant to law, a report for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2306. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law a report relative to the period ending March 31, 1997; to the Committee on Governmental Affairs.

EC–2307. A communication from the Secretary of Energy, transmitting, pursuant to law, sixteen reports relative to the period of October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2308. A communication from the Public Printer, U.S. Government Priniting Office, transmitting, pursuant to law, a report relative to the period from October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2309. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules including a rule entitled "Correction of Implementation Plans" (FRL5847–8, 5848–4, 5844–3) received on June 23, 1997; to the Committee on Environment and Public Works.

EC–2310. A communication from the Regulatory Policy Official, National Archives and Records Administration, a report of a rule relative to Reproduction Fee Schedule (RIN3095–AA71), received on June 17, 1997; to the Committee on Governmental Affairs.

EC–2311. A communication from the Regulatory Policy Official, National Archives and Records Administration, transmitting, pursuant to law, a report of a rule entitled "Domestic Distribution of United States Information Agency Materials in the Custody of the National Archives" (RIN3095–AA55), received on June 17, 1997; to the Committee on Governmental Affairs.

EC–2312. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the period of October 1, 1996 to

March 31, 1997; to the Committee on Governmental Affairs.

EC–2313. A communication from the Inspector General, U.S. Office of Personnel Management, transmitting, pursuant to law, a report relative to the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCONNELL (for himself, Mr. HATCH, Mr. KYL, and Mr. SESSIONS):

S. 950. A bill to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes; read the first time.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself, Mr. HATCH, Mr. KYL and Mr. SESSIONS):

S. 950. A bill to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes; read the first time.

THE CIVIL RIGHTS ACT OF 1997

Mr. MCCONNELL. Mr. President, I am pleased today to announce the introduction of the Civil Rights Act of 1997. President Clinton has asked for a national dialog on the issue of race in America. I applaud his efforts and welcome this opportunity.

Any discussion of race must begin with the basic principle that all are created equal. In fact, the Constitution, our Nation's most cherished document, mandates that all individuals receive the equal protection of the laws.

No one in our history understood the principle of equality better than the Reverend Martin Luther King, Jr. Reverend King spoke eloquently about a time when people would be judged by the "content of their character" and not the "color of their skin." He, like so many of us do today, prayed for America to become a colorblind society.

This fundamental principle of equality is the foundation for the Civil Rights Act of 1997, which declares that: the Federal Government shall not discriminate against or grant a preference to any individual or group based on race, color, national origin, or sex.

The Federal Government must lead by example. We must promote a nation where our citizens are seen as individuals and not as mere members of a group. We must declare that the immutable traits of race and sex will not be relevant in Federal contracting and employment. Simply put, the Federal Government should not decide who gets the contract or who gets the job based on race and gender.

NO WINNERS IN A WORLD OF GOVERNMENT PREFERENCES

Throughout our nation's long history, we have established that certain immutable traits should be irrelevant in life. Yet, in direct defiance of this principle, the Federal Government has engineered policies and programs to award valuable Federal dollars, jobs, and contracts to individuals based on the immutable traits of race and gender. In fact, last summer, the Congressional Research Service found that the Federal Government runs approximately 160 race and gender preference programs.

These preference practices and programs serve to divide, rather than unite. There are no winners in a world of government-sponsored set-asides and quotas.

First, Government preferences harm the very ones it seeks to help. Minorities who receive affirmative action preferences are often stigmatized and stereotyped. And, the stigma doesn't stop with those who receive the preferences. The cloud also unfairly hovers over the heads of all the other minorities whose accomplishments are not based on their race or gender, but purely on merit. All of this serves to reinforce group stereotypes at a time when we so desperately need to move beyond division.

Second, every time the Government grants a preference to one person based on race or gender, it discriminates against another based on race and gender. Discrimination by any other name is still discrimination. And, it still strikes at the very heart and soul of the person being discriminated against.

Let me put a face on this discrimination, as reported recently in the Wall Street Journal:

> Michelle Doe is a 16-year-old girl and a straight-A student from a humble background in Corpus Christi, TX. She decided that she wanted to go to summer camp. The camp was called Camp Planet Earth, and was funded by the Federal Government's National Science Foundation.
>
> Michelle applied and became a finalist. Her hopes were dashed, however, during the interview stage where it became clear that she wasn't eligible for the camp. Why wasn't she eligible? Was it her grades? No, she was a straight-A student. Was it her application form? Did she forget to answer a question on her application? No.
>
> Michelle was denied the opportunity to go summer camp because of her race. You see, "the program was for 'minorities' only," and Michelle was not a minority.

In the words of the Wall Street Journal, "[w]hen Michelle went looking for some productive way to spend her summer, she soon discovered that the government divides people according to skin color."

Third, race and gender preferences create a downward spiral of division and animosity in our national melting pot. Government preferences put individuals into little group boxes and then pit them against each other. African-Americans against Hispanic-Americans against Asian-Americans against Caucasian-Americans.

Some have even gone so far to calculate the amount of money that one race owes to another. For example—and I promise that I'm not making this up—Richard America, a lecturer at the Georgetown University School of Business, has written a book that he calls, "Paying the Social Debt: What White America Owes Black America." According to the Washington Post, Mr. America has estimated that "White America Owes Black America" five to ten trillion dollars.

With all due respect to Mr. America, I cannot imagine a mentality that is more un-American. Our Nation cannot survive and thrive with this type of ledger sheet mentality. Justice Scalia summed up this point very poignantly in Adarand, and I quote:

> Individuals who have been wronged by unlawful racial discrimination should be made whole; but under our Constitution there can be no such thing as either a creditor or debtor race. * * * In the eyes of the government, we are just one race here. It is American.

COURTS AND THE AMERICAN PEOPLE UNDERSTAND THE DANGER AND DIVISIVENESS OF RACIAL PREFERENCES

The courts and the American people understand the danger and divisiveness of racial preferences.

First and foremost, the Supreme Court has ruled that racial preferences deserve the most exacting and strict scrutiny. In the landmark case of Adarand, the Court ruled that racial preferences will be allowed to stand only where they meet a compelling government interest that is narrowly tailored to redress specific past discrimination.

Just this month, the district court in Adarand ruled that the Federal highway construction program at issue in that case did not meet the Supreme Court's strict scrutiny standard and, thus, violated of the equal protection clause.

Second, lower courts, including the third, fourth, and fifth circuits, have recently struck down affirmative action programs. Additionally, a panel of the ninth circuit has upheld the decision of the California voters to ban preferences in California State government.

Last, and most importantly, the American people understand that preferences forever defer the dream of a colorblind society. Public opinion polls show that large majorities of Americans oppose racial preferences, including a large percentage of minorities. For example, a recent Washington Post-ABC News survey showed that not even a majority of African-Americans favor preferences.

A recent Zogby poll asked Americans about their view of this legislation.

The question asked "Would you support a federal law to ban discrimination and preferential treatment in the government?" An overwhelming 83 percent of Americans stated that they would support such a law, including 79 percent of African-Americans.

The American people and the courts understand this issue and I am hopeful that the Congress and the President will understand this issue as well as they do.

CONCLUSION

The President said over the weekend that he wants to "break down the barriers in our lives, our minds, and our hearts." The President must realize that the Federal Government has to take the lead in removing these barriers. He must realize what the American people know—that is—race and gender preferences serve only to raise barriers and to widen the breach.

I firmly believe that, in a matter of years, we will look back upon our Government's current race and gender preferences and shake our heads and wonder how we could have ever allowed such discriminatory and divisive practices to occur for so long. The Civil Rights Act of 1997 is the next step in our Nation's struggle to overcome discrimination and to achieve unity as a nation of individual Americans, not groups.

We must provide genuine opportunities to all disadvantaged individuals, regardless of race or gender. These opportunities can become a reality through a comprehensive empowerment strategy that includes: strict enforcement of the laws against discrimination, court-ordered remedial action for victims of specific acts of discrimination, and targeted outreach and recruiting efforts to encourage all qualified minorities to apply for Federal employment and contracts. We must also: improve our education system through competition and school choice, provide economic opportunities through reduced regulatory and tax burdens, move more and more persons from the welfare roll to the payroll, and finally, make the streets safer for every American child.

I would like to close today by quoting Ward Connerly, who so valiantly led the fight in California to end discrimatory preferences. In his recent letter to the President, Mr. Connerly wrote:

For the American experiment with democracy to succeed and for every American to have an equal chance to compete to fulfill our dreams, it will be necessary for the factory worker, the bus driver, the police officer, the fire official, the secretary, and all other Americans to embrace the principle of equality and to believe fervently in the proposition that "race has no place in American life or law."

I also want to say a special word of gratitude to Senators HATCH, KYL, and SESSIONS for their co-sponsorship of this civil rights legislation. Their leadership and integrity will be invaluable in our fight for all Americans to be treated as equal in the eyes of the law.

I ask unanimous consent that the text of the bill and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the fifth and fourteenth amendments to the Constitution guarantee that all individuals are entitled to equal protection of the laws, regardless of race, color, national origin, or sex;

(2) the Supreme Court, in Adarand Constructors, Inc. v. Pena, 515 U.S. 200 (1995), recently affirmed that this guarantee of equality applies to Federal actions;

(3) the Federal Government currently conducts over 150 programs, including contracting programs, that grant preferences based on race, color, national origin, or sex; and

(4) the Federal Government also grants preferences in employment based on race, color, national origin, or sex.

(b) PURPOSE.—The purpose of this Act is to provide for equal protection of the laws and to prohibit discrimination and preferential treatment in the Federal Government on the basis of race, color, national origin, or sex.

SEC. 3. PROHIBITION AGAINST DISCRIMINATION AND PREFERENTIAL TREATMENT.

Notwithstanding any other provision of law, neither the Federal Government nor any officer, employee, or agent of the Federal Government shall—

(1) intentionally discriminate against, or grant a preference to, any person or group based in whole or in part on race, color, national origin, or sex, in connection with—

(A) a Federal contract or subcontract;

(B) Federal employment; or

(C) any other federally conducted program or activity; or

(2) require or encourage a Federal contractor or subcontractor, or the recipient of a license or financial assistance, to discriminate intentionally against, or grant a preference to, any person or group based in whole or in part on race, color, national origin, or sex, in connection with any Federal contract or subcontract or Federal license or financial assistance.

SEC. 4. AFFIRMATIVE ACTION PERMITTED.

This Act does not prohibit or limit any effort by the Federal Government or any officer, employee, or agent of the Federal Government—

(1) to encourage businesses owned by women and minorities to bid for Federal contracts or subcontracts, to recruit qualified women and minorities into an applicant pool for Federal employment, or to encourage participation by qualified women and minorities in any other federally conducted program or activity, if such recruitment or encouragement does not involve granting a preference, based in whole or in part on race, color, national origin, or sex, in selecting any person for the relevant employment, contract or subcontract, benefit, opportunity, or program; or

(2) to require or encourage any Federal contractor, subcontractor, or recipient of a Federal license or Federal financial assistance to recruit qualified women and minorities into an applicant pool for employment, or to encourage businesses owned by women and minorities to bid for Federal contracts or subcontracts, if such requirement or encouragement does not involve granting a preference, based in whole or in part on race, color, national origin, or sex, in selecting any individual for the relevant employment, contract or subcontract, benefit, opportunity, or program.

SEC. 5. CONSTRUCTION.

(a) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—Nothing in this Act shall be construed to prohibit or limit any act that is designed to benefit an institution that is an historically Black college or university on the basis that the institution is an historically Black college or university.

(b) INDIAN TRIBES.—This Act does not prohibit any action taken—

(1) pursuant to a law enacted under the constitutional powers of Congress relating to the Indian tribes; or

(2) under a treaty between an Indian tribe and the United States.

(c) CERTAIN SEX-BASED CLASSIFICATIONS.—This Act does not prohibit or limit any classification based on sex if—

(1) the classification is applied with respect to employment and the classification would be exempt from the prohibitions of title VII of the Civil Rights Act of 1964 by reason of section 703(e)(1) of such Act (42 U.S.C. 2000e–2(e)(1)); or

(2) the classification is applied with respect to a member of the Armed Forces pursuant to statute, direction of the President or Secretary of Defense, or Department of Defense policy.

(d) IMMIGRATION AND NATIONALITY LAWS.—This Act does not affect any law governing immigration or nationality, or the administration of any such law.

SEC. 6. COMPLIANCE REVIEW OF POLICIES AND REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the head of each department or agency of the Federal Government, in consultation with the Attorney General, shall review all existing policies and regulations that such department or agency head is charged with administering, modify such policies and regulations to conform to the requirements of this Act, and report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the review and any modifications to the policies and regulations.

SEC. 7. REMEDIES.

(a) IN GENERAL.—Any person aggrieved by a violation of section 3 may, in a civil action, obtain appropriate relief (which may include back pay). A prevailing plaintiff in a civil action under this section shall be awarded a reasonable attorney's fee as part of the costs.

(b) CONSTRUCTION.—This section does not affect any remedy available under any other law.

SEC. 8. EFFECT ON PENDING MATTERS.

(a) PENDING CASES.—This Act does not affect any case pending on the date of enactment of this Act.

(b) PENDING CONTRACTS AND SUBCONTRACTS.—This Act does not affect any contract or subcontract in effect on the date of enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

SEC. 9. DEFINITIONS.

In this Act, the following definitions apply:

(1) FEDERAL GOVERNMENT.—The term "Federal Government" means executive and legislative branches of the Government of the United States.

(2) PREFERENCE.—The term "preference" means an advantage of any kind, and includes a quota, set-aside, numerical goal, timetable, or other numerical objective.

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically Black college or university" means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

THE CIVIL RIGHTS ACT OF 1997—SUMMARY

The Civil Rights Act of 1997 is designed to bring the Federal Government into compliance with the Equal Protection Clause of the United States Constitution, and to ensure that the federal government treats all people equally, without regard to their race or sex.

The bill contains two main operative provisions:

(1). Prohibits the Federal Government from discriminating against, or granting preferences to, individuals based in whole or in part on race, color, national origin, or sex, in connection with federal contracts, employment, or other programs or activities.

(2). Prohibits the Federal Government from requiring or encouraging federal contractors, subcontractors, licensees, or recipients of federal assistance, to discriminate, or grant preferences to individuals on the basis of their race, color, national origin, or sex.

The Act defines "preference" as "an advantage of any kind" including quotas, setasides, goals, timetables, and other numerical objectives.

The bill expressly protects the Federal Government's ability to engage in outreach, recruiting, and marketing efforts—the original form of affirmative action.

The bill maintains the full range of judicial remedies currently available to proven individual victims of race or sex discrimination.

The bill contains exemptions for historically Black colleges and universities, Indian tribes, and for sex-based bona fide occupational qualifications that are already exempt under Title VII of the Civil Rights Act of 1964 or applied in the Armed Forces.

The Act requires the heads of each department or agency to modify all existing policies and regulations to comply with the Act and report to the Senate and House Judiciary Committees the results of the modification.

The Act is limited to Federal Government actions and would not affect voluntary programs adopted by State and local governments, or private sector entities.

Mr. HATCH. Mr. President, last year, I stated on the Senate floor that "our country stands at a crossroads on the path it travels in relations among the different races and ethnic groups that make up the American people. Down one path is the way of mutual understanding and goodwill; the way of equal opportunity for individuals; the way of seriously and persistently addressing our various social problems as America's problems. * * * Down the other path is the way of mutual suspicion, fear, ill will, and indifference; the way of group rights and group preferences."

I am proud to stand today with my colleagues in the House and the Senate, and others who have worked so hard for the cause of equal opportunity, to announce the introduction of the Civil Rights Act of 1997. The act represents our best efforts to recommit the Nation to the ideal of equal opportunity for every American—to emphasize that we must resist the temptation to define the Nation's problems in narrow racial terms, and rather must roll up our sleeves and begin the hard work of dealing with our problems as Americans, and as fellow human beings.

Of course, our critics will imply that those of us who today reject divisive racial preferences and distinctions do so because we underestimate the social, economic, and discriminatory obstacles some Americans face. President Clinton, for example, told his audience in San Diego last week that "[t]he vast majority of [Californians who supported that state's Proposition 209] did it with a conviction that discrimination and isolation are no longer barriers to achievement." But that is just plain wrong.

To the contrary, last week in the Senate Judiciary Committee we heard from a panel of ordinary citizens who movingly told us of their experiences with discrimination in America. Among them was a Chinese-American mother from San Francisco, Charlene Loen, who told us how her young son Patrick was denied admission to an elite public magnet school, Lowell High School, because he is Chinese. The school district's efforts to ensure diversity among its students led it to employ a system of racial preference that had the effect of capping Chinese enrollment in many of its schools, forcing Chinese children to score much higher on entrance exams than children of other races. At virtually every public school Ms. Loen approached, she was first asked whether Patrick was Chinese, and when learning that he was, would inform Ms. Loen that Patrick need not apply. The Chinese quota was in effect full. Ladies and gentlemen, that is not the promise of America.

There should be no question that discrimination indeed continues to deny opportunities to too many Americans. At the Judiciary Committee's recent hearing we heard from black Americans, white Americans, Asian-Americans, and even a victim of an outrageous hate crime. But the question that we all must answer is whether one American's racial suffering should be valued above another's. It is a question that will only become more complicated and more urgent as our population grows ever more diverse.

As we in the Judiciary Committee now know, when we prefer individuals of one race, we must by definition discriminate against individuals of another. But America's great social divide can never be crossed until we begin the work of building a bridge of racial reconciliation. By saying today, with the introduction of this act, that the Federal Government stands for the principle that racial discrimination in all its forms is wrong, we hope to take a small step forward on the path to healing the Nation's racial wounds by recognizing that every American is equal before the law.

ADDITIONAL COSPONSORS

S. 278

At the request of Mr. GRAMM, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 278, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 350

At the request of Mr. THURMOND, the names of the Senator from Oklahoma [Mr. INHOFE], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 350, a bill to authorize payment of special annuities to surviving spouses of deceased members of the uniformed services who are ineligible for a survivor annuity under transition laws relating to the establishment of the Survivor Benefit Plan under chapter 73 of title 10, United States Code.

S. 433

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 433, a bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws.

S. 496

At the request of Mr. CHAFEE, the names of the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Louisiana [Ms. LANDRIEU] were added as cosponsors of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 541

At the request of Mr. ALLARD, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 541, a bill to provide for an exchange of lands with the city of Greely,

Colorado, and The Water Supply and Storage Company to eliminate private inholdings in wilderness areas, and for other purposes.

S. 548

At the request of Mr. ROBERTS, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 548, a bill to expand the availability and affordability of quality child care through the offering of incentives to businesses to support child care activities.

S. 648

At the request of Mr. GORTON, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 648, a bill to establish legal standards and procedures for product liability litigation, and for other purposes.

S. 755

At the request of Mr. CAMPBELL, the names of the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Missouri [Mr. ASHCROFT] were added as cosponsors of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997 and to make other improvements to that chapter.

S. 832

At the request of Mr. KOHL, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 832, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal limitations on hours of service.

S. 876

At the request of Mr. GREGG, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 876, a bill to establish a nonpartisan commission on Federal election campaign practices and provide that the recommendations of the commission be given expedited consideration by Congress.

S. 891

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 891, a bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes.

AMENDMENTS SUBMITTED

THE BALANCED BUDGET ACT OF 1997

DODD AMENDMENT NO. 425

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 947, to provide for reconciliation pursuant to section 104(a) of the concurrent resolution on the budget for fiscal year 1998; as follows:

On page 874, between lines 7 and 8, insert the following:

SEC. 5817A. CONTINUATION OF MEDICAID ELIGIBILITY FOR DISABLED CHILDREN WHO LOSE SSI BENEFITS.

(a) IN GENERAL.—Section 1902(a)(10(A)(i)(II) (42 U.S.C. 1396a(a)(10(A)(i)(II)) is amended by inserting "(or were being paid as of the date of enactment of section 211(a) of the Personal Responsibility and Work Opportunity Act of 1996 (Public Law 104–193; 110 Stat. 2188) and would continue to be paid but for the enactment of that section)" after "title XVI".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to medical assistance furnished on or after July 1, 1997.

GREGG AMENDMENT NO. 426

Mr. GREGG proposed an amendment to the bill, S. 947, supra; as follows:

On page 213, strike all of (d) and insert the following:

"(d) TERMS AND CONDITIONS OF IMPOSING PREMIUMS.—Each Medicare Choice organization shall permit the payment of net monthly premiums on a monthly basis and may terminate election of individual for a Medicare Choice plan for failure to make premium payments only in accordance with section 1851(g)(3)(B)(i)."

DEWINE AMENDMENT NO. 427

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, S. 947, supra; as follows:

At the appropriate place in chapter 3 of subtitle F of division 1 of title V, insert the following:

SEC. . MEDICARE SPECIAL REIMBURSEMENT RULE FOR PRIMARY CARE COMBINED RESIDENCY PROGRAMS.

(A) IN GENERAL.—Section 1886(h)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(G)) is amended—

(1) in clause (i), by striking "and (iii)" and inserting ", (iii), and (iv)"; and

(2) by adding at the end the following:

"(iv) SPECIAL RULE FOR PRIMARY CARE COMBINED RESIDENCY PROGRAMS.—

(I) In the case of a resident enrolled in a combined medical residency training program in which all of the individual programs (that are combined) are for training a primary care resident (as defined in subparagraph (H)), the period of board eligibility shall be the minimum number of years of formal training required to satisfy the requirement for initial board eligibility in the longest of the individual programs plus one additional year.

"(II) A resident enrolled in a combined medical residency training program that includes an obstetrics and gyhecology and gynecology program qualifies for the period of board eligibility under subclause (I) if the other programs such resident combines with such obstetrics and gynecology program are for training a primary care resident.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to combined medical residency training programs in effect on or after July 1, 1996.

HARKIN AMENDMENT NO. 428

Mr. HARKIN proposed an amendment to the bill, S. 947, supra; as follows:

At the end of the bill, add the following:

SEC. . IMPROVING INFORMATION TO MEDICARE BENEFICIARIES.

(a) CLARIFICATION OF REQUIREMENT TO PROVIDE EXPLANATION OF MEDICARE BENEFITS.—Section 1804 of the Social Security Act (42 U.S.C. 1393b–2) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall provide a statement which explains the benefits provided under this title with respect to each item or service for which payment may be made under this title which is furnished to an individual, without regard to whether or not a deductible or coinsurance may be imposed against the individual with respect to such item or service.

"(2) Each explanation of benefits provided under paragraph (1) shall include—

"(A) a statement which indicates that because errors do occur and because medicare fraud, waste and abuse is a significant problem, beneficiaries should carefully check the statement for accuracy and report any errors or questionable charges by calling the toll-free phone number described in (C)

(B) a statement of the beneficiary's right to request an itemized bill (as provided in section 1128A(n)); and

"(C) a toll-free telephone number for reporting errors, questionable charges or other acts that would constitute medicare fraud, waste, or abuse, which may be the same number as described in subsection (b).".

(b) REQUEST FOR ITEMIZED BILL FOR MEDICARE ITEMS AND SERVICES.—

(1) IN GENERAL.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended by adding at the end the following new subsection:

"(m) WRITTEN REQUEST FOR ITEMIZED BILL.—

"(1) IN GENERAL.—A beneficiary may submit a written request for an itemized bill for medical or other items or services provided to such beneficiary by any person (including an organization, agency, or other entity) that receives payment under title XVIII for providing such items or services to such beneficiary.

"(2) 30-DAY PERIOD TO RECEIVE BILL.—

"(A) IN GENERAL.—Not later than 30 days after the date on which a request under paragraph (1) has been received, a person described in such paragraph shall furnish an itemized bill describing each medical or other item or service provided to the beneficiary requesting the itemized bill.

"(B) PENALTY.—Whoever knowingly fails to furnish an itemized bill in accordance with subparagraph (A) shall be subject to a civil fine of not more than $100 for each such failure.

"(3) REVIEW OF ITEMIZED BILL.—

"(A) IN GENERAL.—Not later than 90 days after the receipt of an itemized bill furnished under paragraph (1), a beneficiary may submit a written request for a review of the itemized bill to the appropriate fiscal intermediary or carrier with a contract under section 1816 or 1842.

"(B) SPECIFIC ALLEGATIONS.—A request for a review of the itemized bill shall identify—

"(i) specific medical or other items or services that the beneficiary believes were not provided as claimed, or

"(ii) any other billing irregularity (including duplicate billing).

"(4) FINDINGS OF FISCAL INTERMEDIARY OR CARRIER.—Each fiscal intermediary or carrier with a contract under section 1816 or 1842 shall, with respect to each written request submitted to the fiscal intermediary or carrier under paragraph (3), determine

whether the itemized bill identifies specific medical or other items or services that were not provided as claimed or any other billing irregularity (including duplicate billing) that has resulted in unnecessary payments under title XVIII.

"(5) RECOVERY OF AMOUNTS.—The Secretary shall require fiscal intermediaries and carriers to take all appropriate measures to recover amounts unnecessarily paid under title XVIII with respect to a bill described in paragraph (4).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to medical or other items or services provided on or after January 1, 1998.

SEC. . PROHIBITING UNNECESSARY AND WASTEFUL MEDICARE PAYMENTS FOR CERTAIN ITEMS.

Notwithstanding any other provision of law, including any regulation or payment policy, the following categories of charges shall not be reimbursable under title XVIII of the Social Security Act:

(1) Entertainment costs, including the costs of tickets to sporting and other entertainment events.

(2) Gifts or donations.

(3) Personal use of motor vehicles.

(4) Costs for fines and penalties resulting from violations of Federal, State, or local laws.

(5) Tuition or other education fees for spouses or dependents of providers of services, their employees, or contractors.

SEC. . REDUCING EXCESSIVE BILLINGS AND UTILIZATION FOR CERTAIN ITEMS.

Section 1834(a)(15) of the Social Security Act (42 U.S.C. 1395m(a)(15)) is amended by striking "Secretary may" both places it appears and inserting "Secretary shall".

SEC. . IMPROVED CARRIER AUTHORITY TO REDUCE EXCESSIVE MEDICARE PAYMENTS.

PAYMENT FOR SURGICAL DRESSINGS.—Section 1834(i) of the Social Security Act (42 U.S.C. 1395m(i)) is amended by adding at the end the following new paragraph:

"(3) GROSSLY EXCESSIVE PAYMENT AMOUNTS.—Notwithstanding paragraph (1), the Secretary may apply the provisions of section 1842(b)(8) to payments under this subsection.".

SEC. . ITEMIZATION OF SURGICAL DRESSING BILLS SUBMITTED BY HOME HEALTH AGENCIES.

Section 1834(i)(2) (42 U.S.C. 1395m(i)(2)) is amended to read as follows:

"(2) EXCEPTION.—Paragraph (1) shall not apply to surgical dressings that are furnished as an incident to a physician's professional service.".

KENNEDY (AND WELLSTONE) AMENDMENT NO. 429

Mr. KENNEDY (for himself and Mr. WELLSTONE) proposed an amendment to the bill, S. 947, supra; as follows:

Strike section 5362.

GRAMS AMENDMENT NO. 430

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill, S. 947, supra; as follows:

At the end of chapter 4 of subtitle F of division 1 of title V, insert the following:

SEC. . EXCLUDING GENERAL SERVICE WAGES AND HOURS ASSOCIATED WITH A SEPARATE SKILLED NURSING FACILITY IN DETERMINING MEDICARE GEOGRAPHIC RECLASSIFICATION OF CERTAIN HOSPITALS.

In the case of a hospital that is owned by a municipality and that has been reclassified as an urban hospital under section 1886(d)(10) of the Social Security Act for fiscal year 1996, in calculating the hospital's average hourly wage for purposes of continued geographic reclassification under such section for subsequent fiscal years, the Secretary of Health and Human Services shall exclude the general service wages and hours of personnel associated with a skilled nursing facility that is owned by the hospital or the same municipality and that is physically separated from the hospital to the extent that such wages and hours of such personnel are not shared with the hospital and are separately documented. A hospital that applied for and was denied reclassification as an urban hospital for fiscal year 1998, but that would have received reclassification had the exclusion required by this section been applied to it, shall be reclassified as an urban hospital for fiscal year 1998.

ADDITIONAL STATEMENTS

TRIBUTE TO MARLENE BURKE

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Marlene "Molly" Burke of Rutland, VT. After 40 years of dedicated service to the teachers and students of Vermont, Molly has decided to retire.

Molly began her distinguished career, inspired by her father, in 1956 at Pittsford High School when she was 22 years old. After a summer abroad, she taught at Essex Junction High School for a short while, then moved to Proctor High in 1959. In 1964, she began teaching at my alma matter, Rutland High, where she remained for three decades. Molly taught history in the classroom, however her interaction with her students did not end in the classroom. Molly coached cheerleading, and directed class plays as well. Her commitment to excellence and dedication to the students beyond normal classroom hours is in the finest tradition of Vermont's educational system.

It was in recognition of her excellence that the Vermont teachers elected Molly president of the State chapter of the National Education Association in 1989. She moved to Montpelier where she headed the largest teachers union in Vermont because she believes that people should be treated fairly and equally and she made enormous efforts to improve the working conditions within all of Vermont's schools.

Molly Burke embodies what all educators should strive to achieve. Once again, I would like to extend my thanks for her service to Vermont and best wishes in her retirement.

Mr. President, I ask that an article from June 2, 1997, in the Rutland Daily Herald be printed in the RECORD.

The article follows:

[From the Rutland Daily Herald, June 2, 1997]

GOODBYE, MOLLY

(By Kevin O'Connor)

Here in history class, Rutland High teacher Marlene Burke is relating the story of a seemingly hapless rookie instructor of 40 years ago.

Miss Reichelt, age 22, taught English, math and social studies, coached cheerleading, directed class plays, snuck short afternoon naps and spent long nights marking papers and lesson plans, all for $8,000 a year.

Miss Reichelt, barely afloat by June, decided to bail out. Escaping to Europe, she capped her summer with a startling revelation:

She was born to teach.

Burke laughs at the punch line. Before she married, she was Miss Reichelt. She gave the classroom another chance. It, in return, gave her a career.

Burke has taught history for four decades, three of them at Rutland High. Colleagues elected her president of the state's 7,000-member teachers union three times from 1989 to 1995. She now heads the association's 200-member local arm.

Call her The Unsinkable Molly Burke. But exactly 40 years after first leaving the classroom, the teacher has decided to do it again.

She's retiring.

"I love what I do," she says, "but I think it's time."

Burke's career was inspired by her father, a German immigrant who believed in the American dream.

"He said with education you can do everything, without it you can do nothing," she recalls.

Burke entered public school after graduating from the parochial St. Michael's High School in Montpelier and Trinity College in Burlington. She started teaching Sept. 4, 1956 at Pittsford High, long since replaced by Otter Valley union High in neighboring Brandon.

Students couldn't pronounce "Miss Reichelt," so she wrote a few hints on the chalkboard:

Rye (like bread)

Kelt (like felt)

They worked too well.

"Some of them would spell it Ryekelt."

Miss Reichelt returned from Europe to teach at Essex Junction High before marrying Robert Burke and moving to Proctor High in 1959 and Rutland High in 1964.

Make that the "old" Rutland High. Burke taught at the Library Avenue campus until 1989, when Vermont teachers elected her president of their chapter of the National Education Association. Moving to Montpelier, she headed the state's largest teachers union for six years.

"Working conditions are big issues with teachers," she says. "I believe people need to be treated fairly and honestly."

(U.S. Sen. James Jeffords, R-Vt., confirmed the union's influence in an impromptu comment last week: "Teachers can really move things if they get together—Molly Burke can tell you that.")

When Burke returned to Rutland High in 1995, her colleagues had moved to an $8.7 million facility on Stratton Road.

Times had changed from her days at Pittsford High, where her old classroom featured a bulletin board.

"I used to try to change it at least twice a year."

Burke's new classroom has a bulletin board—and a computer with e-mail, a telephone with answering machine, a television with video-cassette recorder.

"The good old days." she concludes, "were terrible."

Burke may teach the past, but she touts progress. She likes today's longer class periods. Today's collaborative contract negotiations. And, an occasional nose ring or tongue stud aside, today's students.

"They say kinds have changed—they really haven't. Kids are kids. There were kids who misbehaved then, there are kids who misbehave now. Most of them are good."

Burke teaches a 130-year period of American history from the end of the Civil War to the end of the Cold War. For her, the last half isn't a lecture, it's her life.

"I remember exactly where I was when Kennedy was assassinated, when the space shuttle Challenger blew up . . . I try to give the kids the facts, and then bring in the emotions because I lived through it. I think it brings it alive."

And sparks questions. Take a recent lesson on the Vietnam War.

"One of my 16-year-olds said, You were alive then? You were teaching school?' I could have been talking about the Peloponnesian War."

That happens right up to Reagan's election in 1980—the year most of her juniors were born.

"I always say, 'You remember when . . .' Of course, they don't."

That's why students must study.

"If you don't learn from history, you're condemned to repeat it." she says, paraphrasing the famous quote.

Several of Burke's past students are parents of her present students. Alumni also sign her paycheck. Michael Dick, class of 1966, is president of the School Board. David Wolk, class of 1971, is school superintendent.

Although graduates always recognize her, she doesn't always recognize them.

"You had one history teacher for a year," she replies. "You forget I had 120 students a day."

They also forget she has a life outside the classroom. Burke recalls shopping with her son and daughter when a student approached.

"She said, 'Whose are these?' She never thought of me as anything but a woman in a room teaching history."

(Let alone a grandmother to a 2-year-old boy.)

Retirement will bring the former Miss Reichelt full circle.

"I want to go to Europe," she says, "and out West, and ski in the middle of the week, and not get up at 6 o'clock."

Once more she won't be teaching history.

"I'll be living it."•

THE 75TH ANNIVERSARY OF THE AHEPA

• Mr. LEVIN. Mr. President, I rise today to pay tribute to the American Hellenic Educational Progressive Association [AHEPA], which is celebrating its 75th anniversary this year. The AHEPA, whose mission is in part, "To promote good fellowship, and endow its members with a spirit of altruism, common understanding, mutual benevolence, and helpfulness to their fellow man," is an important organization with a strong chapter, district 10, located in my home State of Michigan.

In 1922, the AHEPA was formed in response to antiimmigrant sentiments directed toward United States immigrants of Greek descent. The AHEPA's primary goal was to help newly arrived Greeks become United States citizens and to share in the civic life of our country. To do so, the AHEPA formed schools which taught English and the principles of American government to new immigrants. In the process, the AHEPA also hoped to educate all Americans about the significant heritage and contributions immigrants of Greek descent add to the American community.

Today, the AHEPA is an international organization with chapters in Australia, the Bahamas, Canada, and Greece, as well as the United States. There are more than 1,000 chapters in North America alone, comprised of more than 60,000 members. The AHEPA promotes goodwill and positive relations between these countries by providing significant financial resources to a number of civic-improvement programs. These include charities, scholarships and other educational programs, cultural activities, athletic programs, local Greek communities and the church, and patriotic activities. Membership is not limited to people of Greek descent, although most members do share that ancestry.

The AHEPA has counted many notable political leaders as members, including former Presidents Franklin Roosevelt and Harry Truman and former Vice Presidents Hubert Humphrey and Spiro Agnew. Several Members of this body are or were members of AHEPA, including my good friend from Maryland, PAUL SARBANES, and a man we all deeply miss, the late Paul Tsongas from Massachusetts.

Mr. President, the American Hellenic Educational Progressive Association is truly a remarkable organization. Born out of the need to help new Greek immigrants assimilate into American culture, today the AHEPA encourages all of us to aspire to great things, to help those in need and to strengthen channels of communication between cultures. I know my colleagues will join me in saluting the men and women of the AHEPA and its auxiliaries for 75 years of commitment and dedication.•

FLOODING BRINGS TRAGEDIES TO IDAHO

• Mr. CRAIG. Mr. President, I rise to report a sad event in my State of Idaho that claimed the lives of two Guardsmen: Maj. Don Baxter of Boise, commander of the 124th Communications Flight, 124th Wing of the Idaho Air National Guard, and 1st Lt. Will Neal of Picabo, platoon leader with A Company, 1st-183 Aviation Battalion Army National Guard in Boise.

They were flying reconnaissance over the floods in southwest Idaho where their helicopter crashed. As the natural disaster rages through Idaho, as the communities band together, as we strive to save lives and property, we now must struggle with the reality that these men lost their lives, and CWO Shellby Wurthrich, with A Company, 1st-183 Aviation Battalion Army National Guard of Boise, is still fighting for his life.

These distinguished men had served their State and communities before. Major Baxter, a full time Guardsman, received many decorations, including the State of Idaho Emergency Ribbon in support of the Fire Suppression in 1994. Lieutenant Neal, a cattleman, received amongst his numerous decorations, the Army Commendation Medal, Army's Achievement Medal, National Defense Service Medal, and twice Army Reserve Component Medal. He was also airborne qualified.

A neighbor who saw the crash, without fear for her life, Ms. Sherry Lang, risked her own life to rescue Chief Warrant Officer Wurthrich before the helicopter exploded into flames. The heroism she displayed exemplifies the spirit of a community pulling together.

Chief Warrant Officer Wurthrich, recipient of the Army Commendation Medal, Army's Achievement Medal, National Defense Service Medal, twice, Army Reserve Component Medal, and many other decorations, is today being transferred to a burn treatment center in Utah. We pray for his strength during his recovery and ask everyone to remember him in the weeks and months to come.

As we mourn for the deceased, we mourn our loss and we sympathize with the sorrow of the bereaved. We search for the good things to remember as solace. Most of the richness of the human experience is in what is handed down from one to another—not things of wood and stone, but memories of what they did or said or felt.

We must remember and emulate these individuals for the best of their lives. As National Guardsmen, they sought out opportunities to safeguard and help the people of Idaho, in times of disasters and distress. With every mission, they risked of danger and injury. Ultimately, they gave their lives in helping their neighbors and their community.

This is why Idaho mourns their deaths and grieves with their families and understand their loss, for it is our loss, too. We will remember them and their heroic efforts. Life ends, but memories live on.•

MEASURE READ FOR THE FIRST TIME—S. 950

Mr. ROTH. Mr. President, I understand that S. 950, introduced today by Senator MCCONNELL, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 950) to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes.

Mr. ROTH. I now ask for its second reading, and I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. The bill will be read for a second time on the next legislative day.

NATIONAL LITERACY DAY

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 81, Senate Resolution 92.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 92) designating July 2, 1997, and July 2, 1998, as "National Literacy Day."

The Senate proceeded to consider the resolution.

Mr. ROTH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 92) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 92

Whereas 44,000,000 United States citizens today read at a level that is less than the level necessary for full survival needs;

Whereas there are 40,000,000 adults in the United States who cannot read, whose resources are left untapped, and who are unable to make a full contribution to society;

Whereas illiteracy is growing rapidly, as 2,500,000 persons, including as many as 1,300,000 immigrants, 1,500,000 high school dropouts, and 100,000 refugees, are added to the pool of illiterate persons annually;

Whereas the annual cost of illiteracy to the United States in terms of welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated at $230,000,000,000;

Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;

Whereas there is a direct correlation between the number of illiterate adults who are unable to perform at the standard necessary for available employment and the money allocated to child welfare and unemployment compensation;

Whereas the percentage of illiterate persons in proportion to population percentage is higher for African Americans and Hispanics, resulting in increased economic and social discrimination against these minorities;

Whereas the prison population represents the highest concentration of adult illiteracy;

Whereas 1,000,000 children in the United States between the ages of 12 and 17 years old cannot read above a third grade level, 13 percent of all 17-year-olds are functionally illiterate, and 15 percent of graduates of urban high schools read at less than a sixth grade level;

Whereas 85 percent of the juveniles who appear in criminal court are functionally illiterate;

Whereas the 47 percent illiteracy rate among African American youths is expected to increase;

Whereas ½ of all heads of households cannot read above an eighth grade level and ⅓ of all mothers on welfare are functionally illiterate;

Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves due to the lack of support the children receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have been able to reach only 5 percent of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the illiteracy problem and the detrimental effects of illiteracy on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and;

Whereas it is necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterate persons in need of assistance: Now, therefore, be it;

Resolved, That the Senate—

(1) designates July 2, 1997, and July 2, 1998, as "National Literacy Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe "National Literacy Day" with appropriate ceremonies and activities.

ORDERS FOR TUESDAY, JUNE 24, 1997

Mr. ROTH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Tuesday, June 24. I further ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of the budget reconciliation bill, with 10 hours of debate equally divided remaining under the statutory time limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I further ask unanimous consent that there be 15 minutes equally divided prior to a vote in relation to Gregg amendment No. 426.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. I further ask unanimous consent that immediately following the 9:45 a.m. vote, Senator ROTH be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROTH. Mr. President, for the information of all Senators, tomorrow morning the Senate will resume consideration of the reconciliation bill, and at 9:45 a.m., the Senate will proceed to a rollcall vote on, or in relation to, Senator GREGG's amendment No. 426. There are several other amendments that need to be disposed of; therefore, votes will occur throughout Tuesday's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ROTH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:45 p.m., adjourned until Tuesday, June 24, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 23, 1997:

DEPARTMENT OF STATE

MARTIN S. INDYK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE ROBERT H. PELLETREAU, JR., RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 531:

TO BE MAJOR

CORNELIUS S. MCCARTHY, x...
*TODD A. MERCER, x...

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be colonel

THOMAS W. SPENCER, x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be lieutenant colonel

DENNIS M. ARINELLO, x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be major

CARLO A. MONTEMAYOR, x...

HOUSE OF REPRESENTATIVES—*Monday, June 23, 1997*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 23, 1997.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 363. An act to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination Program.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES] for 5 minutes.

MOST-FAVORED-NATION STATUS FOR CHINA NOT DESERVED

Mr. JONES. Mr. Speaker, the debate about granting most-favored-nation status to China is not just about trade, it is about human rights. We in the United States place great value on our freedoms. The freedom of speech and the freedom to practice religion are ideals on which our country was founded.

The United States is the greatest, freest nation in the world. We enjoy the status, and yet we continue to support the oppressive Chinese Government through trade. This is not right.

The Government of the People's Republic of China is one of the most oppressive governments in the world. We have all seen footage of the terrible massacre in Tiananmen Square. Unfortunately, such massacres are hardly rare occurrences in China.

The Chinese people suffer horrible violations of their basic human rights every day. Citizens have been arrested for crimes such as signing petitions to protect human rights and speaking out peacefully in favor of democracy. Thousands of those arrested for supporting democracy or human rights become political prisoners in Chinese jails where they are beaten and tortured.

To make matters worse, Mr. Speaker, China's human rights violations extend well beyond the political realm. The Chinese people are often arrested as criminals simply for holding religious beliefs. The government continues to increase its persecution of evangelicals, Protestants, Buddhists, and Roman Catholics who choose to worship independently from the government-controlled church, a church that does not recognize the Pope.

Hundreds of Protestants and Roman Catholics were detained last year for practicing their faith. Forty Roman Catholics, for example, were arrested by police officers during Easter celebrations, and many of them were beaten. The police in China have conducted raids on nunneries and monasteries, detaining and torturing many of these people of God.

Furthermore, the Chinese Government maintains a policy of forced abortions and sterilizations. The government is not only killing supporters of freedom and religion, it is killing innocent babies.

As a man of deep religious faith and as a citizen of the United States, I cannot stand for this. By continuing to grant most-favored-nation status to China, the United States is bolstering an oppressive government that is constantly violating the basic human rights of its people.

Most-favored-nation status for China also bolsters a government that works against America's national security interests. Evidence suggests that the Chinese Government is heavily involved in missile and weapons technology transfers to Iran, one of our enemies. This is not a practice that the United States should support in any way.

A recent Louis Harris poll shows that 67 percent of Americans are opposed to renewing China's MFN status. Let me repeat that, Mr. Speaker. A recent Louis Harris poll shows that 67 percent of the American people are opposed to renewing China's MFN status.

As representatives of the people, I believe that Congress should follow the will of the people and revoke this status. It is high time that we follow the will of the people of America and send a real message to the Chinese Government. For the sake of democracy, religious freedom, the lives of the good people of China, and America's national security, I urge my colleagues to vote against renewing most-favored-nation status for the oppressive Chinese Government.

B–2 BOMBER NECESSARY FOR NATION'S DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Washington [Mr. DICKS] is recognized during morning hour debates for 5 minutes.

Mr. DICKS. Mr. Speaker, today the House will be taking up a very important issue, the B–2 bomber, and I want to read a letter that was just sent to the gentleman from California [Mr. HUNTER] from General Brent Scowcroft, who has just done an independent bomber force review:

You requested my colleagues and I provide your committee with an independent look at the adequacy of the Nation's heavy bomber force. This is an important issue as we move into the new security era and we greatly appreciate the opportunity to offer our counsel to you and your committee.

In our review, we first examined the planned future of the bomber force, its role in supporting U.S. national security, and the potential offered by the B–2's. We then examined the sources of Pentagon opposition to additional B–2's production and the recent series of studies the Department of Defense has sent to Congress regarding the bomber force.

We reached two fundamental conclusions. First, long-range air power will be more important than ever in the decades ahead. Consequently, we do not believe that the planned force of 21 B–2's will satisfy foreseeable U.S. national security requirements. Second, Pentagon opposition to further B–2's production is shortsighted and parochial. It reflects a consensus across the services that long-range air power can be safely abandoned in the long run—a view with which we strongly disagree.

Based on these conclusions, we offer a set of legislative recommendations regarding the bomber force.

The following contains an executive summary and overall report.

And I would like to just read a few paragraphs from this executive summary.

If this decision (on the B–2's) is allowed to stand, the end result will be a shift to a force structure that relies almost entirely on short-range air power.

Yet current plans will perpetuate a bomber force which will not contain enough modern survivable bombers to support our national interests around the globe. The need for the prompt, global reach of heavy bombers was starkly demonstrated in the 1994 and 1996 Iraq crisis, both of which surprised our military planners and exposed the continuing weakness of our bomber-deficient forces to fast-breaking conflicts located great distances away.

Investing in the revolutionary B–2's offers the potential for a radical change in the way in which we think about and employ military power—a change which opens the door to a much more affordable and effective military posture.

We believe that being able to strike the enemy promptly and accurately from a distance is the preferable choice, particularly since it appears the long-range option is cheaper over the long term.

This is not the way to conduct rational national security decisionmaking. By allowing organizational politics and short-term affordability concerns to dominate the B–2's debate, we will turn our backs on the future. Moreover, we will needlessly risk U.S. national security interests and the lives of thousands of young Americans.

Additional B–2's are affordable. The Pentagon plans to increase procurement spending approximately 50 percent by 2001 and those funds should be spent on the most cost-effective systems, such as additional B–2's.

So, Mr. Speaker, I would just say again today, I think this vote this afternoon is critically important. General Scowcroft is a person who I have enormous respect for, who was national security adviser to President Ford and to President Bush. His group also with General Burpee and others have come forward with a devastating criticism of this administration's long-range bomber policy.

I would say of all the weapons we are buying today, none has more conventional military potential than the B–2's. When combined with smart conventional weapons, like JDAM's at $13,000 per weapon, it gives us an ability to attack an enemy who is invading, stop the invasion, destroy his army in the field, and also attack his national security leadership, and his operational and tactical targets as well. It gives the opportunity for simultaneous warfare with a plane that can operate autonomously without a huge package of supporting conventional aircraft.

I think this is a crucial issue. I think this administration has made a terrible, tragic mistake in not recommending to the Congress to keep this program going, especially now with the line open out there in Palmdale, CA. We can get these bombers today at the cheapest price possible because the line is still open. I believe that buying an additional nine B–2's over 6 years is the right thing to do for the security of the country. It will give us a force of 30 bombers, three squadrons of 10, and I think it will markedly improve our national defense capability.

TIME LIMIT OF INVOLVEMENT OF UNITED STATES TROOPS IN BOSNIA NECESSARY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Washington [Mr. METCALF] is recognized during morning hour debates for 5 minutes.

Mr. METCALF. Mr. Speaker, last December I came to this floor to oppose the deployment of troops to Bosnia because I felt that the mission had no chance of solving their problems. Stability in that troubled area will not be achieved easily, and only achieved with the solid support of those people in the former Yugoslavia and the neighboring nations in Europe.

In my speech last December, I stated, "We have learned through sad experience that it is easy to rush troops into an area of contention, but it is extremely difficult to solve the problems once we get there, and even more difficult to get out in a timely and honorable way."

I still stand by that statement. It is absolutely true.

Mr. Speaker, unfortunately this has become indeed the reality in Bosnia.

Unfortunately, the President failed, before sending our troops there, to outline our goals specifically that our military had to achieve before they could safely leave. We went in there with an ill-defined mission. A well-defined exit strategy based on the achievement of a set of tactical goals has been lacking from the start. Now the President, after breaking his promise to have them out by the end of the year, has extended the deployment at least 18 months from the promised 1-year deadline.

Two amendments that will be debated today are consistent with the policy of previous Congresses.

The Fiscal Year 1994 Department of Defense Appropriation Act, Public Law 103–139, section 8158(a), stated: It is the sense of Congress that none of the funds appropriated or otherwise made available by this act should be available for the purposes of deploying the United States Armed Forces to participate in the implementation of a peace settlement in Bosnia-Hercegovina unless previously authorized by Congress.

Further, Fiscal Year 1994 Department of Defense Appropriation Act, section 8151, cut off funds for the military operation in Somalia after March 31, 1994. This is similar to the proposals presented by the amendments today. Congress is using its constitutional power to not provide for the authorization of funds.

Mr. Speaker, the time for Congress to act is now. We cannot continue to shirk our responsibility. No one can stand on this floor and say that this Congress has not given the President more than enough chance for his plan in Bosnia, whatever it was, to work. It would also be inappropriate for anyone to come to claim that we are on the verge of real progress in this region. Unfortunately, the current situation is a continuation of the same stalemate that has plagued the mission for a majority of its existence. We must bring our troops home at the earliest possible time, be that December 1997 or June 1998.

The troops deserve Congress' support, and the best way to show that support is to bring them home.

LEGISLATION PREVENTING GOVERNMENT SHUTDOWNS NECESSARY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Pennsylvania [Mr. GEKAS] is recognized during morning hour debates for 5 minutes.

Mr. GEKAS. Mr. Speaker, it is no secret by now to most of the Members of the House that for some 8 years I have been introducing legislation on a regular basis, appearing in many different forums, presenting myself and the proposition in front of the Committee on Rules, both when it was controlled by the Democrats and now by the Republicans, to press the point that we need legislation to prevent Government shutdowns.

Now that has, of course, been a phenomenon that we have tested in the Congress many times. Not just this last time, which received such notoriety in this last session of Congress, but seven times before that since I have been a Member of Congress, eight times since I have come to the Congress. Not only that, but we have been operating on temporary funding resolutions when the government is about to shut down 53 times during the course of the incumbency which I so pleasurably try to serve for the people of my district.

What am I trying to do again? I have reintroduced the legislation for this term. Now, an important thing and a surprising thing happened this time around. The Republican leadership decided that they were going to embrace my prevent-shutdown-legislation, and so very competently, very properly, they added this prevent-shutdown-legislation to the supplemental appropriations bill that comes up every year in one form or another, and this time the supplementals included aid to Bosnia, not to Bosnia, but to our efforts in Bosnia, and disaster relief, long term, for the people who are afflicted by the floods of the Midwest, in the Midwest just very recently.

Here is what galls me, Mr. Speaker, and I must spread this on the RECORD

again. The President vetoed the bill, the supplemental appropriations, because it had in his words in the veto message, the extraneous provisions of prevent-shutdown-legislation; while at the same time he said in 1996, in his weekly radio address to the Nation in January of that year, "It is deeply wrong to shut the Government down under the illusion that somehow it will affect the decisions that I would make on specific issues. It is wrong to shut the Government down."

This is what President Clinton said. Then when he vetoes the supplemental appropriations, in which there was a prevent-shutdown-provision, he says, "I urge the Congress to remove these extraneous provisions," meaning the shutdown legislation and a census provision, "and to send me," now, get this, Mr. Speaker, this is important; and the President says, "and send me a straightforward disaster relief bill that I can sign promptly."

Straightforward disaster relief bill, in his language, means one that does not contain the prevent-shutdown-legislation which I offered and which was adopted by the House.

Now, here is the rub. In this bill that he finally signed after we, the Republicans, removed the shutdown legislation that had passed the House in order to achieve a compromise and allow the disaster relief bill to be signed, in the final bill that was signed were provisions like this: $3 million for allocation by the Attorney General to the appropriate unit of Government in Ogden, UT, for necessary expenses for the Winter Olympic Games. I ask, Mr. Speaker, what does that have to do with disaster relief?

Now, the President signed the bill that had Winter Olympics funding in it, even though, in my judgment, please correct me if I am wrong, that is extraneous to disaster relief, but did not allow through his veto the inclusion of prevent-shutdown-legislation which he says is extraneous to disaster relief.

Now, Mr. Speaker, he signed the bill that had marine mammal protection in it. Now, what does this have to do with disaster relief? I say, Mr. Speaker, that mammal protection, although laudable in its own right, just like shutdown legislation, prevent-shutdown-legislation, was extraneous to disaster relief. But the President vetoed a measure because it had prevent-shutdown-legislation which he calls extraneous, and signed the bill that contained mammal protection as part of disaster relief.

Is that an extraneous provision, Mr. Speaker? This is double talk, Mr. Speaker. We need provisions to prevent the shutdown of Government, and I aim to do it time and time again until the Congress and the President come to terms.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 10 o'clock and 50 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. PETRI] at 12 noon.

PRAYER

The Chaplain, Rev. James David FORD, D.D., offered the following prayer:

Enable us, O gracious God, to comprehend the vast reservoir of Your grace and to be fed by the height and depth and width of Your blessings to us and to all people. When we stumble and fall, You are there; when we stand on the mountain with accomplishment and pride, You are there; when we walk through the valley of the shadow of despair, Your spirit is with us. In our prayer this day we offer our thanksgivings and gratitude for Your presence with us in all the moments of our lives. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada [Mr. GIBBONS] come forward and lead the House in the Pledge of Allegiance.

Mr. Gibbons led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

FOLLOWING THROUGH ON PLEDGE FOR SMALLER GOVERNMENT AND LOWER TAXES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today the House will consider a bill that simply says that the Federal Government is too large, too intrusive, and too expensive, and that the hardworking men and women of this country should be able to keep more of their money, the money they earn. I am proud to be an original cosponsor of this bill.

But, Mr. Speaker, this is an easy vote. It is easy to endorse the idea of smaller government. It is easy to say that we pay too much in taxes every year. The real challenge will come later this week and this month when we vote on the reconciliation bill. This is the opportunity to deliver to the American people the truth, the truth about the status of the Federal Government, the truth they so richly deserve.

I urge every Member that pledges his or her desire for smaller government and lower taxes to follow through when the reconciliation bills come to the floor.

AMERICA'S POOR ARE LOOKING FOR WORKFARE WHILE AMERICA'S WORKERS ARE FALLING INTO WELFARE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the White House said the economy is great; they said the stock market is at a record high, spending is at a record high, and there have been 10 million new jobs since 1992. Now, that sounds great, except the stock market is a lot of paper, individual debt is at a record high, the trade deficit is at an all-time record, and most families need three or four of those jobs just to make ends meet. The truth is, Mr. Speaker, America's poor are looking for workfare while America's workers are falling into welfare.

Cite this: Since 1992, there have been 6 million jobs lost. And of those 6 million workers who have tried to reenter the work force, they have. And they earn less than 50 percent on their new job than what they made on their old job.

Now, if that is great, beam me up, Mr. Speaker.

TRADE WITH CHINA

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, tomorrow the House will again debate the continuation of normal trade relations with China. This debate has become the whipping post on which to affix our concerns with a host of issues which we have affecting China.

Some opponents of trade with China, while doing a good job in publicizing the Chinese Government's atrocities, are short-sighted. So, we cease trading with China? Then what? Do we end diplomatic relations with China? Do we

blockade China? Our relations are far, far too complicated to be lumped into a single vote on continuing normal trade relations with China.

The House should debate a comprehensive China bill that will give the American people and China full knowledge of the consequences of their behavior and what our response will be. I urge my colleagues to continue normal trade relations with China. We cannot burn our trade with China on the shortsighted assumption that China, a new China, will be born of its ashes.

TWO CHEERS FOR TITLE 9, WITH MORE TO COME

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, today is the 25th anniversary of a landmark civil rights statute. Title 9 is singularly responsible for remarkable progress in eliminating sex discrimination from athletic and sports programs in schools and colleges.

Two years before title 9's effective date, an estimated 50,000 men, but only 50 women, were attending college on athletic scholarships. Today, women account for $137 million in Division I athletic scholarships but men get $407 million. Way to go; but a long way to go, too.

Title 9 requires equal allocation between male and female athletes. There are very good reasons for insisting upon strict enforcement, and many of them have little to do with athletics. Girls who participate in sports are more likely to graduate from high school and from college and have less depression.

Surely these are reasons enough to restore enforcement funds for States that Congress ripped out of title 9 last year. For now, only two cheers for title 9, with more to come.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

FEDERAL TORT CLAIMS CLARIFICATION ACT

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1901) to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission.

The Clerk read as follows:

H.R. 1901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICABILITY OF FEDERAL TORT CLAIMS PROVISIONS.

Section 6 of the National Gambling Impact Study Commission Act (18 U.S.C. 1955 note) is amended by adding at the end the following:

"(e) APPLICABILITY OF FEDERAL TORT CLAIMS PROVISIONS.—For purposes of sections 1346(b) and 2401(b) and chapter 171 of title 28, United States Code, the Commission is a 'Federal agency' and each of the members and personnel of the Commission is an 'employee of the Government'.".

SEC. 2. CONSTRUCTION.

The amendment made by section 1 shall not be construed to imply that any commission is not a "Federal agency" or that any of the members or personnel of a commission is not an "employee of the Government" for purposes of sections 1346(b) and 2401(b) and chapter 171 of title 28, United States Code.

SEC. 3. EFFECTIVE DATE.

The amendment made by section 1 shall be effective as of August 3, 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers H.R. 1901, a bill to clarify that the protections of the Federal Tort Claims Act apply to members and employees of the National Gambling Impact Study Commission.

Last year, we authorized the Commission to conduct a comprehensive 2-year study of the impact of gambling on the United States. The members of the commission have now been appointed and the commission held its first meeting last Friday. Two members of the commission have called me regarding their concerns about incurring personal liability as a result of their work on the commission.

Normally, under the Federal Tort Claims Act, when someone sues a Federal employee for acts occurring within the scope of his or her employment, the United States substitutes itself as the party, defends the action, and pays any judgment. I believe that the commission is covered under the FTCA because it is an independent establishment of the United States.

For that reason, I initially believed we could resolve this matter by an exchange of letters with the Department of Justice. After several weeks of study, the Department has not been able to come to a clear resolution of whether the commission is or is not covered by the FTCA. With the commission having already begun its work, I believe we must move forward with a legislative solution.

H.R. 1901 simply provides that for purposes of the Federal Tort Claims Act, the commission is a Federal agency and its members and employees are Federal employees. At the suggestion of the gentleman from Michigan, Mr. JOHN CONYERS, we have added language that makes it clear that by acting explicitly in this case we will not by implication affect the FTCA's status of any other commission.

As it does in all FTCA cases, the Department of Justice will still make the determination of whether the particular conduct at issue is within the scope of employment. Thus, members and employees of the commission will not receive any special treatment; rather, they will receive the same treatment as all other Federal employees. This treatment will apply equally to all members and employees of the commission. The members and employees should not have to put their personal assets at risk in order to serve their country. For that reason, I urge the house to suspend the rules and pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with what the gentleman from Illinois [Mr. HYDE] has said about this bill. I do feel constrained to point out that I think these are unnecessary Federal employees doing an unnecessary job. I still do not understand why the Federal Government thinks the States cannot handle this. But as long as we have set up this commission, over my objection, there is no reason to immunize these commissioners.

The Federal Tort Claims Act is a perfectly sensible approach. I have to say it is unlikely that any of the commissioners are going to get sued. I am not sure for what. I do not think counting cards at a casino where they play blackjack is a suable offense. But in case it is, if the commissioners are sued for tortious interfering with other people's gambling, they will be able to defend themselves under the Federal Tort Claims Act. This seems to me a perfectly reasonable solution to a problem which we should not have allowed to arise in the first place.

Mr. CONYERS. Mr. Speaker, I rise in support of this legislation amending the National Gambling Impact Study Commission. Chairman HYDE introduced this bill after two of the Commissioners, James Dobson, president of Focus on the Family, and Kay James, dean of Regent University, refused to serve on the commission unless they were assured that they cannot be sued for their work on the Commission. Apparently, Mr. Dobson served on a pornography commission in the 1980's at

which time he was sued over his work on the commission. Although the Department of Justice eventually did defend him, it was only because the Attorney General had been named in the same suit.

Now, because the Department of Justice will not agree that a member of the Gambling Commission is a Federal employee for purposes of liability under the Federal Tort Claims Act, Chairman HYDE has introduced this legislation specifically providing that the Gambling Commission is a Federal agency under FTCA and that all members and personnel of the Commission are Federal employees under the act.

The legislation also includes a rule of construction making it clear that this bill does not imply that other commissions or other members or personnel on other commissions are not covered by the FTCA.

Given the fact that two commissioners may resign without assurances that they will not be sued for their work, I understand the desire to quickly pass this legislation. Nonetheless, I do have some concerns.

When we have created other commissions in the past, we have been silent as to whether or not the commissioners were covered by the Federal Tort Claims Act. I don't know whether we assumed they were covered or we assumed they weren't covered, but it seems to me that we should consider the consequences of what it means to change the law to clearly cover such individuals. This issue is likely to come up again since I would imagine that other people might also be hesitant to serve on future commissions without assurances that they will be defended in the event of suits, particularly given that at least the Gambling Commissioners now have this protection.

I think it would be very useful for the committee to hold hearings considering the definitions of Federal agency and employee of the Government under the Federal Tort Claims Act. There are questions not only as to whether commissions are covered, but as to whether committees, boards and other quasi-governmental organizations are covered as well. Since the Federal Tort Claims Act is unclear in this regard, perhaps the best course of action would be to amend that act itself to be clear as to which governmental and quasi-governmental entities are covered.

The bottom line is that we shouldn't have to guess as to whether or not a certain entity is covered by the Federal Tort Claims Act. If the law is unclear, we should determine what should be covered and then make certain that those entities are covered. I hope the chairman will consider holding hearings and perhaps even moving legislation—should it be appropriate—to clear up this morass.

In the meantime, however, I support the passage of this legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I have no further requests for time and I yield back the balance my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. HYDE] that the House suspend the rules and pass the bill, H.R. 1901.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1901.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CHARITABLE DONATION ANTITRUST IMMUNITY ACT OF 1997

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1902) to immunize donations made in the form of charitable gift annuities and charitable remainder trusts from the antitrust laws and State laws similar to the antitrust laws.

The Clerk read as follows:

H.R. 1902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Charitable Donation Antitrust Immunity Act of 1997".

SEC. 2. IMMUNITY FROM ANTITRUST LAWS.

The Charitable Gift Annuity Antitrust Relief Act of 1995 (15 U.S.C. 37 et seq.) is amended—

(1) by amending section 2 to read as follows:

"SEC. 2. IMMUNITY FROM ANTITRUST LAWS.

"(a) INAPPLICABILITY OF ANTITRUST LAWS.—Except as provided in subsection (d), the antitrust laws, and any State law similar to any of the antitrust laws, shall not apply to charitable gift annuities or charitable remainder trusts.

"(b) IMMUNITY.—Except as provided in subsection (d), any person subjected to any legal proceeding for damages, injunction, penalties, or other relief of any kind under the antitrust laws, or any State law similar to any of the antitrust laws, on account of setting or agreeing to rates of return or other terms for, negotiating, issuing, participating in, implementing, or otherwise being involved in the planning, issuance, or payment of charitable gift annuities or charitable remainder trusts shall have immunity from suit under the antitrust laws, including the right not to bear the cost, burden, and risk of discovery and trial, for the conduct set forth in this subsection.

"(c) TREATMENT OF CERTAIN ANNUITIES AND TRUSTS.—Any annuity treated as a charitable gift annuity, or any trust treated as a charitable remainder trust, either—

"(1) in any filing by the donor with the Internal Revenue Service; or

"(2) in any schedule, form, or written document provided by or on behalf of the donee to the donor;

shall be conclusively presumed for the purposes of this Act to be respectively a charitable gift annuity or a charitable remainder trust, unless there has been a final determination by the Internal Revenue Service that, for fraud or otherwise, the donor's annuity or trust did not qualify respectively as a charitable gift annuity or charitable remainder trust when created.

"(d) LIMITATION.—Subsections (a) and (b) shall not apply with respect to the enforcement of a State law similar to any of the antitrust laws, with respect to charitable gift annuities, or charitable remainder trusts, created after the State enacts a statute, not later than December 8, 1998, that expressly provides that subsections (a) and (b) shall not apply with respect to such charitable gift annuities and such charitable remainder trusts."; and

(2) in section 3—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (1);

(C) by inserting after paragraph (1), as so redesignated, the following:

"(2) CHARITABLE REMAINDER TRUST.—The term 'charitable remainder trust' has the meaning given it in section 664(d) of the Internal Revenue Code of 1986 (26 U.S.C. 664(d)).";

(D) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(E) by inserting after paragraph (3) the following:

"(4) FINAL DETERMINATION.—The term 'final determination' includes an Internal Revenue Service determination, after exhaustion of donor's and donee's administrative remedies, disallowing the donor's charitable deduction for the year in which the initial contribution was made because of the donee's failure to comply at such time with the requirements of section 501(m)(5) or 664(d), respectively, of the Internal Revenue Code of 1986 (26 U.S.C. 501(m)(5), 664(d)).".

SEC. 3. APPLICATION OF ACT.

This Act, and the amendments made by this Act, shall apply with respect to all conduct occurring before, on, or after the date of the enactment of this Act and shall apply in all administrative and judicial actions pending on or commenced after the date of the enactment of this Act.

SEC. 4. STUDY AND REPORT.

(a) STUDY AND REPORT.—The Attorney General shall carry out a study to determine the effect of this Act on markets for noncharitable annuities, charitable gift annuities, and charitable remainder trusts. The Attorney General shall prepare a report summarizing the results of the study.

(b) DETAILS OF STUDY AND REPORT.—The report referred to in subsection (a) shall include any information on possible inappropriate activity resulting from this Act and any recommendations for legislative changes, including recommendations for additional enforcement resources.

(c) SUBMISSION OF REPORT.—The Attorney General shall submit the report referred to in subsection (a) to the Chairman and the ranking member of the Committee on the Judiciary of the House of Representatives, and to the Chairman and the ranking member of the Committee on the Judiciary of the Senate, not later than 27 months after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would state that in 1995, Congress learned of an assault on charitable giving that was being waged in a class action lawsuit underway in the Federal court in Texas. The defendants in the case, a collection of charitable organizations which included the Lutheran Church, the United Way, and Northwestern University, stood accused of violating the antitrust laws by agreeing to use the same annuity rate when is offering donors charitable gift annuities.

Charitable gift annuities are a vehicle for charitable giving. The donor gives a charitable organization a sum of money. In return, the donor receives a charitable deduction and the agreement of the donee to pay back a fixed income for life. Depending on the annuity rate used, the value of the life income in relation to the total donation fluctuates, as does the amount of the charitable deduction.

Finding that there were strong public policy reasons to protect charitable organizations from antitrust suits in this context, the 104th Congress enacted the Charitable Gift Annuity Antitrust Relief Act of 1995. That act specifies that it is not a violation of the antitrust laws for section 501(c)(3) organizations to agree to use the same annuity rate when issuing charitable gift annuities. The bill was unanimously approved in the House by a vote of 427 to 0; the Senate passed the House bill by voice vote. The expectation was that the act would lead to the dismissal of the class action suit and an end to the Texas case.

Alas, this has not been the result. When the 1995 act was asserted as a defense in the case, the judge denied the motion to dismiss, citing new allegations and issues of fact which were allegedly raised under the act. The Court's rulings make it clear that in order to achieve the goal we originally intended, that is, to protect this kind of charitable fundraising from the antitrust laws, we must act again. Two issues in particular must be clarified: that all activity related to the issuance of a charitable gift annuity is protected, and that the Internal Revenue Service, not the district court, is the arbiter of whether a particular annuity meets the criteria of a charitable gift annuity.

□ 1215

The bill before us today, the Charitable Donation Antitrust Immunity Act of 1997, amends the 1995 act for that purpose. H.R. 1902 provides antitrust protection for charitable gift annuities and charitable remainder trusts, and grants immunity from antitrust suit to any person involved in issuing or selling those annuities or trusts. It establishes a conclusive presumption that a particular instrument is a charitable gift annuity or charitable remainder trust if the donor has treated it as one in filings with the Internal Revenue Service, or if the donee has treated it as one in documents provided to the donor. However, the conclusive presumption would not be available if the Internal Revenue Service has made a final determination that the annuity or trust was not qualified under the revenue laws.

H.R. 1902 is a bipartisan effort to redraft legislation to ensure that the courts will interpret the law in a manner consistent with congressional intent. The gentleman from Michigan [Mr. CONYERS], the ranking member, and I have worked closely on this legislation to ensure that the exemption is drawn as narrowly as possible while still achieving our goal. A companion bill has been introduced in the Senate by Senators COVERDELL, DODD, and DEWINE, and I anticipate it will receive swift consideration in that body. I also should mention the Antitrust Division of the Department of Justice has indicated they have no objection to the new language.

Mr. Speaker, in these days of fiscal conservatism we are asking our communities to do more and more. With the help of charitable organizations, we stretch our government dollars to feed more hungry people, build homes for the poor, and care for the less fortunate. Every dollar raised by these organizations is needed to help in the mission of the charity. By enacting H.R. 1902, we are making sure that these scarce resources are not used to pay lawyers to defend a lawsuit that Congress has deemed meritless, but instead to contribute to the strength of our communities.

Mr. CONYERS. Mr. Speaker, as the Members of this House well know I am a strong supporter of vigorous enforcement of the antitrust laws, and as a general matter I do not favor any exemptions or exclusions from the antitrust laws or legislation which would impact pending cases.

However, when it comes to beneficial cooperative activity by charities I believe there is no legitimate role for the antitrust laws. This is why when I learned last year that a group of plaintiffs had brought an unfounded antitrust action against a large number of charities who had agreed to use a common formula in offering gift annuities, I cosponsored with Chairman HYDE H.R. 2525. That legislation granted an antitrust immunity for charities offering gift annuities and eventually passed the Congress unanimously and was signed into law by the President.

Unfortunately, subsequent to the law's enaction, the plaintiffs amended their complaint to allege that the charities' accountants and lawyers had also participated in the antitrust conspiracy and charged that the charities' tax exempt status was fraudulent. Despite Congress' clear intent, rather than throw these frivolous allegations out, the courts have continued to allow the case to proceed, allowing the parties to engage in discovery. As a result, the charities continue to face the risk of billions of dollars in damages and millions of dollars in legal fees.

This bill would strengthen last year's law to clarify that actions by professionals associated with charitable gift annuities are not subject to the antitrust laws, and create a conclusive presumption of coverage to entities treated as charities by the IRS. This should end the wasteful litigation and allow the charities to focus their resources on better serving our communities.

This law is narrowly crafted and specific. It will do no damage to the letter or spirit of our antitrust laws. The language has been carefully reviewed by the Justice Department and they have voiced no objections to the bill. I urge the Members to join me in supporting this important legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I believe that the distinguished chairman has explained this quite adequately.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. PETRI]. The question is on the motion offered by the gentleman from Illinois [Mr. HYDE] that the House suspend the rules and pass the bill, H.R. 1902.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VETERANS' CEMETERY PROTECTION ACT OF 1997

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1532) to amend title 18, United States Code, to create criminal penalties for theft and willful vandalism at national cemeteries, as amended.

The Clerk read as follows:

H.R. 1532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Cemetery Protection Act of 1997".

SEC. 2. SENTENCING FOR VANDALISM AT NATIONAL CEMETERIES.

(a) *General Rule.*—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the sentencing guidelines to provide a sentencing enhancement for any offense against any property of a national cemetery—

(1) by at least 4 levels if the offense involves the willful injury to or depredation against such property, and

(2) by at least 6 levels if the offense involves the knowing theft, conversion, or unlawful sale or disposition of such property.

(b) COMMISSION DUTY.—In carrying out subsection (a), the Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of offenses described in subsection (a) are appropriately severe and reasonably consistent with other relevant directives and with other guidelines.

(c) DEFINITION.—For the purposes of this section, the term "national cemetery" means a cemetery in the National Cemetery System established under section 2400 of title 38 and a cemetery under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of the Interior.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the goal of H.R. 1532, the Veterans' Cemetery Protection Act, is one which I wholeheartedly support, sending a strong message to criminals who would desecrate or destroy property at a national cemetery, that the United States will not tolerate such disrespect of its veterans. Such cowardly crimes can only be performed by people who choose to ignore the sacrifices of those men and women who have served proudly and bravely in the U.S. Armed Forces.

As originally introduced by the gentleman from California [Mr. CALVERT], H.R. 1532 created a new Federal crime of vandalism and theft at a national cemetery. The Committee on the Judiciary adopted an amendment which instructs the Sentencing Commission to review and amend its guidelines to provide a sentencing enhancement for any offense against property of a national cemetery. Under this approach, vandals who destroy national cemetery property will still receive the strong, swift punishment they deserve.

This issue strikes a national nerve, and I am grateful to the gentleman from California [Mr. CALVERT] for his dedication and concern for our veterans. He introduced H.R. 1532 on May 6, 1997, only 1½ months ago, and today his bill has nearly 250 cosponsors. The gentleman from Hawaii [Mr. ABERCROMBIE] has also been actively supporting this legislation.

The bill, as amended, directs the Sentencing Commission to increase a sentence by at least four levels if property of a national cemetery is injured or defaced, and by at least six levels if such property is stolen or unlawfully sold. Criminals will still be charged and convicted under the existing sections of the criminal code. However, in the case of theft or damage of property at a national cemetery, the Sentencing Commission will ensure that those persons are punished more severely than if the damage was to less significant and sacred Federal property.

I believe this approach is the most effective way to express Congress's disgust with vandals and thieves who have no regard for the sacrifices made by this country's veterans. Many of our veterans gave their lives to protect our cherished freedoms, and when their grave sites are desecrated by foul words and pictures and graffiti, it offends the dignity and sense of honor shared by all Americans.

In a speech called "Vision of War" given in Indianapolis in 1876, Robert Green Ingersoll eloquently honored our veterans when he said:

> These heroes are dead. They died for liberty; they died for us. They are at rest. They sleep in a land they made free, under the flag they rendered stainless, under the solemn pines, the tearful willows, the embracing vines. They sleep beneath the shadows of the clouds, each in a windowless palace of rest. Earth may run red with other wars; they are at peace. In the midst of battles, in the roar of conflict, they found the serenity of death.

Mr. Speaker, when our national cemeteries are desecrated and destroyed, the peace that our veterans, their spouses, children, and friends so richly deserve, is disturbed. We honor our Nation's heroes today by passing this legislation which underscores our intolerance of damage and theft at our national cemeteries.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the desecration of graves is a particularly despicable act. It clearly bespeaks simply malice. No one can ever claim any necessity. No one can ever claim to be driven by circumstances to do so vicious a thing. The harm it does to survivors is intolerable. I think it is entirely appropriate that we express our desire that the sentences be increased. I concur with this piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. HYDE], the chairman, for the good work in moving this important bill forward.

Mr. Speaker, I rise today with the gentleman from Hawaii [Mr. ABERCROMBIE] in support of the Veterans' Cemetery Protection Act. I would like to thank the gentleman from Florida [Mr. MCCOLLUM], chairman of the Subcommittee on Crime, for moving this bill forward, and again certainly the gentleman from Illinois [Mr. HYDE] for their help and guidance in getting this bill to the floor so quickly. I particularly want to thank the Committee on the Judiciary for the perfecting amendment at the subcommittee markup.

Mr. Speaker, whenever a young man or woman decides to enter the military, they do so voluntarily, in order to protect our country and guard us against the uncertainties of the world. Sometimes they make the ultimate sacrifice. Over 1 million Americans have died fighting this country's wars. That is why it sickens me when I hear of degenerates desecrating our national cemeteries.

In June 1996, Riverside National Cemetery, the second largest in the Nation next to Arlington, fell prey to a thief who stole bronze markers from 128 graves, who later sold them for a profit. Horribly, this theft was discovered on Father's Day by family members who had come to pay their respects. On April 19, vandals spray-painted racist and profane words on cemetery walls at the National Memorial Cemetery of the Pacific in Hawaii, located inside the district of the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. Speaker, enough is enough. The Veterans' Cemetery Protection Act would stiffen criminal penalties for theft and malicious vandalism at national cemeteries.

H.R. 1532 will require the U.S. Sentencing Commission to review and amend the sentencing guidelines to enhance penalties resulting from national cemetery desecrations and theft. The bill increases by four levels the punishment levied by a judge if the offense involves the willful injury or depredation against a national cemetery. It also increases by six levels the punishment levied by a judge if the offense involves the knowing theft, conversion, or unlawful sale or disposition of national cemetery property. Judges will continue to have the discretion of applying fines up to $250,000 in such cases.

H.R. 1532 seeks to protect the 114 VA national cemeteries, along with other cemeteries under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force and the Secretary of the Interior.

Joseph Frank, national commander of the American Legion, stated,

> Deliberate acts of vandalism against the final resting place of America's fallen comrades must not be tolerated. According to the Paralyzed Veterans of America News, Demeaning and degrading the final resting place of veterans who made the ultimate sacrifice for the Nation and their loved ones strikes at all veterans and all Americans.

This bill addresses their concerns. The Veterans' Cemetery Protection Act has received the endorsement and support of numerous veterans and military organizations. I wish to recognize and thank the men and women of the Non-Commissioned Officers Association of the United States of America, the Paralyzed Veterans of America, the American Legion, the Fleet Reserve Association, the Enlisted Association of the National Guard, the Veterans of Foreign Wars, the Disabled American Veterans, the Blinded Veterans Association, AM-VETS and others who

have expressed their support for this legislation. Let there be no doubt, this is Congress' gift to them.

I also wish to thank over 250 Members of Congress who cosponsored this bill. Being so close to Independence Day, I invite my colleagues to support passage of the Veterans' Cemetery Protection Act as a small gift to our Nation's veterans.

Again, I would like to thank the gentleman from Hawaii [Mr. ABERCROMBIE] for moving this bill forward and getting it done before Independence Day.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 8 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, before I make my remarks, I would like to extend my gratitude to the gentleman from California [Mr. CALVERT]. I have had the pleasure of working with him in the Subcommittee on Energy and Mineral Resources of the Committee on Resources where he was the chair and I was the ranking member on that committee. We got to know each other very well, able to understand our problems and work to solve them in a mutual fashion. It turns out by sad coincidence that we had a mutual interest in the Veterans' Cemetery Protection Act.

Mr. Speaker, I will relate to Members in the course of my remarks the circumstances that took place at Punchbowl and elsewhere out in the Hawaiian Islands with respect to the desecration of our cemeteries there. It was with an equal degree of sadness that I learned that the gentleman from California [Mr. CALVERT] had experienced similar problems and difficulties in Riverside and we found out that this was in fact a nationwide problem. With his usual regard for acting quickly on matters, the gentleman from California [Mr. CALVERT] and I were able to put together this bill and receive the kind and prompt attention of the gentleman from Illinois [Mr. HYDE] in the Committee on the Judiciary. I am sure I am speaking for the gentleman from California [Mr. CALVERT] and myself in expressing not only our personal regard to the gentleman from Illinois [Mr. HYDE], but with respect to this particular legislation, the promptness with which the gentleman and his staff dealt with this particular bill is something to be admired and we are very, very grateful to him.

I want to thank the gentleman from Florida [Mr. MCCOLLUM] as well for making a significant contribution in improving the bill. I am sure that the gentleman from California [Mr. CALVERT] agrees with me that the amendments that were put in during committee have been very, very beneficial to the bill.

□ 1230

I want to thank the gentleman from Arizona [Mr. STUMP] for his interest right from the very, very beginning, obviously with his background and experience in the Committee on Veterans' Affairs; nonetheless, his approval of and support for the bill has been very valuable in moving it forward to this point. I want to thank the gentleman from Massachusetts [Mr. FRANK] for his interest in the bill.

Obviously, Mr. Speaker, my colleagues can tell from the list of individuals that I have spoken about today that this is a nonpartisan bill. It has nothing to do with political parties; it has everything to do with our regard for the United States of America and the symbolic importance of what is involved in the Veterans' Cemetery Protection Act.

Mr. Speaker, today then I rise to voice my strong support for H.R. 1532, the Veterans' Cemetery Protection Act of 1997 which I am introducing, as I indicated, along with my colleague from California [Mr. CALVERT]. This bill instructs the U.S. Sentencing Commission to significantly increase the criminal penalties for theft and wilful vandalism at national cemeteries. The penalties under this bill are clear and would send an unmistakable message to those who chose to desecrate the final resting place of our veterans.

In a national cemetery anyone convicted of vandalism that causes a damage of less than $1,000 can be fined and serve a maximum prison term of 1 year. Anyone convicted of vandalism that exceeds $1,000 can receive penalties of a maximum 10-year prison term and a fine. In addition, anyone convicted of hiding, stealing or selling national cemetery property could be sentenced to a maximum 15-year prison term and corresponding fine.

Mr. Speaker, I know for some Members this may be almost the first time they are hearing this kind of discussion. It may sound to them almost impossible that anyone would be hiding, stealing or selling national cemetery property, but unfortunately this is a fact of contemporary life. The time to act on this legislation therefore is now. How many more times do we want to open the newspaper, listen to a radio account, or watch the evening news and learn of another act of shocking desecration occurring at one of our national cemeteries?

Let me recount the most recent examples for my colleagues. In 1994, a grave was opened at Ball's Bluff National Cemetery, and the remains of the soldier were scattered about presumably by a relic hunter.

In 1996, Riverside National Cemetery, as the gentleman from California [Mr. CALVERT] indicated, the second largest national cemetery in the Nation, was vandalized by a person or persons who stole engraved bronze markers from 128 graves. A few months before, thieves stole over 500 markers from a storage facility at the cemetery. They attempted to sell the markers to a recycling plant for financial gain.

Finally, the most recent act of wilful vandalism, which occurred in Hawaii and New Jersey. On April 19, 1997 seven Oahu cemeteries, including the Hawaii Veterans' Cemetery in Kaneohe and the National Memorial Cemetery of the Pacific at Punchbowl were vandalized. Racist and profane words were spraypainted on grave markers, cemetery walls and even on the chapel of the National Memorial Cemetery. These acts were an insult to the people buried there, their families and the entire Hawaii community. I feel deeply for the relatives who are still experiencing the pain caused by this outrage.

Mr. Speaker, I can scarcely get across today in words the anguish that people felt when viewing the circumstances of the vandalism at Punchbowl and elsewhere. What still gives one faith in the human spirit to triumph over tragedy is the pure unselfishness of the State and local government, veterans groups and community individuals who stepped up to the task of repairing the damage. Currently the estimated costs of repairing and cleaning up these cemeteries is between $20,000 and $25,000.

Almost immediately Governor Benjamin Cayetano pledged to mobilize veterans, active duty U.S. military, the Hawaii National Guard and youth groups like the Hawaii Youth Challenge. He asked Maj. Gen. Edward Richardson, the State Adjutant General, and Walter Ozawa, Veterans Services Director, to work with Adm. Joseph Prueher, the Pacific Commander in Chief, to enlist help in the joint cleanup effort.

The human spirit was renewed by the efforts of the Paralyzed Veterans of America, whose president, Ken Huber, called the desecration of the national cemetery an unconscionable act and affront to all the men and women in the Armed Services. The Paralyzed Veterans notified Secretary of Veterans Affairs Jesse Brown that on behalf of the PVA members and in recognition of the sacrifices of all veterans the PVA would cover the cost of repairing and restoring the national cemetery. Other local Hawaii veterans groups posted reward moneys for information leading to the apprehension and conviction of these vandals.

The spirit was further renewed by the actions of individuals, more than 700 of whom signed up to help at Punchbowl Cemetery. Because of the expertise and harmful chemicals required for most of the cleanup, only a handful could be used at any one time. But that did not stop Vi DeCaires from working to clean a grave, scrubbing the granite marker with a toothbrush. She said the people buried here have given so much to us. I just wanted to give back.

Dorothy Tamashiro volunteered because her husband Harold is buried at

Punchbowl. He was a member of the World War II 100th Infantry Battalion. According to Dorothy, "when I saw the news I started to cry. So when the phone number came up on the screen I volunteered."

Then there was Lilla LeVine, who worked to clean the grave of Army Sgt. Maj. Earl R. Davidson, a veteran of World War II, Korea, and Vietnam. "How sad to think he did all this and this would happen to him," she said. "He is a person, not just a stone." "He is a person, not just a stone. He had a life and a family and he fought for his country through three wars. I hope he knows we are taking care of this as much as we can."

And most recently, on May 18, vandalism estimated at $10,000 darkened the sky of the 133-year-old Beverly, New Jersey National Cemetery where Veterans of Foreign War posts from throughout the State have come together on each Memorial Day for 52 years. Vandals tore down flagpoles, pulled memorial benches from their cement foundations and ruined the entrance garden. Here again veterans groups have posted reward moneys for information leading to the apprehension of the vandals as well as money to repair the damages to the cemetery.

I am pleased to inform my colleagues on both sides of the aisle that because of the efforts of a number of individuals and groups, the last of the hate messages and graffiti was removed just prior to Memorial Day at Punchbowl with the help of the $21,000 donated thus far to the cleanup. Vandals can never "tarnish what our heroes have left us," Honolulu Mayor Jeremy Harris said during the Memorial Day ceremony.

Today we are responding to the call to keep our heroes untarnished with the introduction of this act. Our Constitution provides many freedoms and rights. It does not provide us the right to physically destroy what is not ours, even if it is to send a message. With rights come responsibilities, and it is our responsibility today as Members of Congress to ensure the right to be laid to rest in hallowed ground, like those men and women who have made the ultimate sacrifice for our Nation, is not compromised or profaned.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume before yielding to the gentleman from Arizona [Mr. STUMP] simply to say that while we are on the subject of the Punchbowl Cemetery, which is one of the most beautiful places in the world, it seems to me we ought to have at the grave sites crucifixes and Stars of David and other appropriate markers. They have a flat marker on the ground, and if one stands there and look, they would not know it was a cemetery because they cannot see the graves. One has to walk up and look at each marker.

Mr. Speaker, if we go to Normandy or we go out here to Arlington, we know that we are in a very special place and the emotions that are reached by looking at the proper grave markers; I think the people buried at Punchbowl ought to have those too.

Mr. Speaker, I look forward to the day when whoever is in charge of that agrees with me, and instead of flat, unseeable grave stones we will see either a cross or a Star of David or whatever is appropriate.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I would certainly take that issue up with Mr. Gene Castenetti, who is the director at Punchbowl, and would be delighted to work with you and the gentleman from Arizona [Mr. STUMP] and anyone else who is interested in seeing to it that we might make those kinds of improvements.

Mr. HYDE. I hope more than I am interested in that because the impact, the emotional impact on seeing it at Normandy or in Arlington is powerful, and it ought to be reproduced, in my opinion, in Punchbowl.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Speaker, I rise in strong support of H.R. 1532, the Veterans Vandalism Act of 1997.

At the end of the 50th anniversary celebration of World War II, I had the privilege of visiting this cemetery along with the gentleman from Illinois [Mr. HYDE] and the gentleman from Hawaii [Mr. ABERCROMBIE], and it truly is one of the most beautiful in our system, and I would like to associate myself with the remarks he made as far as proper markings on these headstones.

This cemetery is the final resting place for more than 39,000 members of our armed services and their families. The cemetery also has a wall inscribed with the names of more than 28,000 servicemen, both men and women, who are missing in action, lost, or buried at sea during World War II, the Korean war, and the Vietnam war.

Mr. Speaker, these veterans' cemeteries are national shrines. The appalling acts of one of America's most significant cemeteries in Hawaii defies comprehension. Surviving members of the families and the other 5 million annual visitors should not be subjected to such disrespectful acts.

I would like to especially thank the gentleman from Illinois [Mr. HYDE], chairman of the committee, for bringing this bill to the floor and all of his work, the gentleman from California [Mr. CALVERT] for introducing the bill, and also to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. CANADY of Florida. Mr. Speaker, I rise today in support of the Veterans' Cemeteries Protection Act of 1997.

I was deeply concerned when I learned that vandals had cruelly defaced the graves of our Nation's fallen heroes in five veterans' cemeteries in Hawaii. These were despicable acts of cowardice that desecrated the memory of great Americans who gave their lives for our country.

The most severe damage was done to the National Memorial Cemetery of the Pacific, where hundreds of men and women who lost their lives in the bombing of Pearl Harbor were laid to rest. A group of vandals scrawled messages in red paint on hundreds of tombstones and walls in five separate cemeteries. We must send a message that this type of behavior cannot be tolerated.

Mr. Speaker, today I urge my colleagues to support the Veterans' Cemeteries Protection Act, which would create specific criminal penalties for acts of vandalism at national cemeteries.

It is only because of the sacrifice of American's veterans that we enjoy the blessings of liberty today. It is now our duty to honor their memory by swiftly and severely punishing those who deface their graves.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Illinois [Mr. HYDE] that the House suspend the rules and pass the bill, H.R. 1532, as amended.

The question was taken.

Mr. DICKS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NEED-BASED EDUCATIONAL AID ANTITRUST PROTECTION ACT OF 1997

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1866) to continue favorable treatment for need-based educational aid under the antitrust laws.

The Clerk read as follows:

H.R. 1866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Need-Based Educational Aid Antitrust Protection Act of 1997".

SEC. 2. CONTINUATION OF FAVORABLE TREATMENT FOR NEED-BASED EDUCATIONAL AID UNDER THE ANTITRUST LAWS.

(a) AMENDMENTS.—Section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended—

(1) in the heading of subsection (a) by striking "TEMPORARY",

(2) by striking subsection (d), and

(3) by redesignating subsection (e) as subsection (d).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately before September 30, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr.SMITH].

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers H.R. 1866, the Need-based Financial Aid Antitrust Protection Act of 1997. Beginning in the mid-1950's, a number of private colleges and universities agreed to award institutional financial aid; that is, aid from the school's own funds, solely on the basis of demonstrated financial need. These schools also agreed to use common principles to assess each student's financial need and to give essentially the same financial aid award to students admitted to more than one member of the group.

From the 1950's through the late 1980's the practice continued undisturbed. In 1989, the Antitrust Division of the Department of Justice brought suit against nine of the colleges that engaged in this practice. After extensive litigation the parties reached a settlement in 1993. In 1994, Congress passed a temporary exemption from the antitrust laws that basically codified that settlement. It allowed agreements to provide aid on the basis of need only, to use common principles of needs analysis, to use a common financial aid application form, and to allow the exchange of the student's financial information through a third party.

□ 1245

It also prohibited agreements on awards to specific students. It provided for this exemption to expire on September 30, 1997.

Under this exemption, the affected schools have recently adopted a set of general principles to determine eligibility for institutional aid. These principles address issues like expected contributions from noncustodial parents, treatment of depreciation expense which may reduce a parent's income, evaluation of rental properties, and unusually high medical expenses. Common treatment of these types of issues makes sense and, to my knowledge, there are no complaints about the existing exemption. H.R. 1866 would make the exemption passed in 1994 permanent. It would not make any change to the substance of the exemption.

The need-based financial aid system serves social goals that the antitrust laws do not adequately address, namely making financial aid available to the broadest number of students solely on the basis of demonstrated need. Without it the schools would be required to compete, through financial aid awards, for the very top students. Those very top students would get all of the aid available, which would be more than they need. The rest would get less or none at all. Ultimately such a system would serve to undermine the principles of need-based aid and need-blinded missions.

No student who is otherwise qualified ought to be denied the opportunity to go to one of the Nation's most prestigious schools because of the limited financial institution of his or her family. H.R. 1866 will help protect need-based aid and need-blinded missions and preserve that opportunity.

Mr. Speaker, I urge the House to suspend the rules and pass this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I express my appreciation to the gentleman from Texas [Mr. SMITH]. I think this is a mistake on the part of the Justice Department, and I am glad that Congress is appropriately stepping in to let universities do as they think best with the funds they have. We should note that this is twice today that we have legislated to say that antitrust rules should not be used in effect to interfere with charity. We did it earlier on the annuity question. Universities that are trying to maximize the extent to which they can help people go to school who could not otherwise afford it deserve a lot of credit.

Mr. Speaker, I admire the willingness of the universities to persevere. I want to particularly say the Massachusetts Institute of Technology it seems to me showed a good deal of courage in this whole incident by not simply bucking under when they were sued. All the universities here, we should understand, the ones involved are fighting on behalf of themselves and other universities for the right to try to address the economic problems of people who could not afford to go to these schools. This is an effort by them to maximize the extent to which they give scholarship aid to people who genuinely need it and for whom it would be a necessity in going to school. They deserve credit for that. What they basically said is they will take on this fight and come to Congress for the right to be charitable in the best sense. So I am glad we are acting.

Mr. Speaker, I appreciate the leadership that the gentleman from Texas [Mr. SMITH], a member of the majority took, in making sure we could bring this forward. I am delighted this is going forward now.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I want to commend Mr. SMITH and Mr. FRANK for their diligent work in bringing this bill to our attention. H.R. 1866 simply makes permanent a limited antitrust exemption for educational institutions.

Congress acted to provide the exemption after court decisions in 1991 and 1994 found that Ivy League schools who were sharing aid information concerning applicants were violating the antitrust laws. The 1994 law is scheduled to expire on September 30 of this year unless Congress first acts to extend it.

Under the terms of the current antitrust exemption, universities are permitted to develop common aid forms and exchange student financial data through a third party so long as they agree to admit students on a need-blind basis. This means that participating schools are able to make maximum use of their available funds and ensure that the largest number of students are able to receive some form of aid. The law specifically prohibits schools from comparing the amount or terms of specific aid offers made to students.

The 1994 law has worked well. Because of the law, financial aid officers have been able to develop a common set of principles for awarding aid and a common aid form. This has simplified the financial aid procedures for both students and their families as well as the colleges. In part, as a result, last year colleges and universities provided an estimated $8.6 billion in grants from their own funds, or 30 percent more than the $6.6 billion in aid provided by the Federal Government. This aid is absolutely vital at a time of ever diminishing Federal resources.

The exemption is narrowly drafted—allowing antitrust enforcers to pursue anticompetitive conduct while protecting socially beneficial activities by colleges—and deserves to be made permanent. I understand that the Justice Department has expressed no concerns with the bill, and I urge the Members to join me in supporting this well-intended legislation.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. FRANK], for his generous comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 1866.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REAUTHORIZING PROGRAM RELATING TO ARBITRATION

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1581) to reauthorize the program established under chapter 44 of title 28, United States Code, relating to arbitration.

The Clerk read as follows:

H.R. 1581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 905 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note; Public Law 100-702) is amended in the first sentence by striking "for each of the fiscal years 1994 through 1997" and inserting "for each fiscal year".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. COBLE], and the gentleman from Massachusetts [Mr. FRANK], each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE].

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1581.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1581, a bill introduced to reauthorize the existing Federal court arbitration programs established in chapter 44 of title 28 of the United States Code. This bill reauthorizes 20 pilot arbitration programs which have been in existence in U.S. district courts around the country for 20 years.

These programs have been unquestionably successful over the years in resolving Federal litigation in a fair and expeditious manner and improving the efficiency of those Federal courts which participate in the program. The current authorization expires on September 1 of this year, and thus there is some urgency in reauthorizing these very successful programs prior to that date.

I urge my colleagues to vote in favor of this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the gentleman from North Carolina.

Mr. COBLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the bill, H.R. 1581.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REGARDING COST OF GOVERNMENT DAY

Mr. SESSIONS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 102) expressing the sense of the Congress that the cost of government spending and regulatory programs should be reduced so that American families will be able to keep more of what they earn.

The Clerk read as follows:

H. CON. RES. 102

Whereas the total cost of government spending and regulations (total cost of government) consumers 36.2 percent of the Nation's net national product;

Whereas the total cost of government now exceeds $3,520,000,000,000 annually;

Whereas Federal regulatory costs now exceed $785,000,000,000 annually;

Whereas the cost of government in general and excessive regulations in particular place a tremendous drain on the economy by reducing worker productivity, increasing prices to consumers, and limiting the economic choices and individual freedoms of our citizenry;

Whereas, if the average American worker were to spend all of his or her gross earnings on nothing else besides meeting his or her share of the total cost of government for the current year, that total cost would not be met until July 3, 1997;

Whereas July 3, 1997, should therefore be considered Cost of Government Day 1997; and

Whereas it is not right that the American family has to give up more than 50 percent of what it earns to the government: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, as part of balancing the budget and reevaluating the role of government, Federal, State, and local elected officials should carefully consider the costs of government spending and regulatory programs in the year to come so that American families will be able to keep more of what they earn.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SESSIONS] and the gentleman from California [Mr. WAXMAN] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SESSIONS].

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are recognizing the Cost of Government Day. Next week, Americans will have more than one reason to celebrate the ideals of freedom and independence. July 3 is the day on which we will be free to work for ourselves instead of the Government because this is the Cost of Government Day in 1997.

From January 1 to July 3, Americans will work to pay for all levels of government, plus the volumes of regulations brought into effect this last year. That is over half the year, or 183 days working to pay for the cost of government.

The total cost of government this year translates into $13,500 for each man, woman, and child in America. Federal regulations consume at least $3,000 of that total. It is simply disgraceful to force the hard-working Americans in each of our districts to fork over half of their earnings to pay for government.

I call on all Members to resolve to stop the chronic overspending and overregulating by supporting this cost of government resolution.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution has had no hearings before our committee. It was just introduced last Friday. The whole idea of it is that we should not have a waste of taxpayer's money because taxes are too high. Well, this is a pretty silly bill, and, if anything, it is wasting some taxpayers' money by even having it processed.

I would not argue against the bill because there is no harm, I suppose, that could be seen in this legislation. It will have very little impact.

So on our side of the aisle, representing the Democrats on the committee, we never had this before the committee, and this is more a political statement by the Republicans on how they do not want to waste money. To me, it is an ineffective bill that is wasting taxpayers' money to even bring it before us.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY], the author of this resolution.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I must say, the comments from the gentleman from California [Mr. WAXMAN], do not surprise me a bit, because it is his party that has led us to this point over the last 30 or 40 years, that have controlled this Chamber, that had led us to the point that we have to introduce legislation like this to call attention to the American people what they already know by looking at their bank statements every month and trying to balance their checkbooks and paying their taxes on April 15.

Mr. Speaker, I just wonder how many hard-working Americans really know just how long it takes them to earn enough income to pay for the cost of government. Many Americans mistakenly associate April 15 with the end of their financial obligations to the Government. Some believe Tax Freedom Day is the day which marks the end of their financial obligations to pay for the cost of Government.

But, unfortunately, both of these dates are wrong, because it takes until July 3, more than half the year, to free yourself and your family from the heavy burden of government spending

at all levels, plus the cost of regulation.

Now, according to the Americans for Tax Reform Foundation, the cost of this Government this year equals $3.5 trillion, or 36.2 percent of our country's net national product. Now, that amounts to $13,500 for every man, woman, and child in America, $13,500 a year per individual to run this Government.

Mr. Speaker, that means that the average American will work 183 days this year to pay for the government's insatiable spending appetite and the thousands of regulations that emanate from this town every year.

In the last 14 months, over 4,700 new regulations have been issued by Federal agencies of the Clinton administration. The era of big government goes on and on and on. Over 50 percent of a family's hard-earned income goes to the country. Fifty cents out of every hard-earned dollar a family makes goes to the government. No wonder it takes one parent to work for the Government while the other parent works for the family. So, Mr. Speaker, no American should have to work more than half the year to pay the cost of government. We need to commit ourselves to reducing this burden.

This week, when the House passes the Taxpayer Relief Act, we will have begun to make a down payment on providing middle-income American families the tax relief that they need, tax relief that they have not seen in 16 years, since Ronald Reagan was President of the United States.

But I emphasize, Mr. Speaker, this is only a small down payment. We have to continue to reduce the tax and regulatory burden on working Americans because they are constantly struggling to hold on to their earnings. Whereas the parents' generation, their parents' generation got to keep 80 percent or more of the fruits of their labor, today's families are lucky to keep 50 percent of their earnings, and, for most families, that is with both parents working full time.

Speaker GINGRICH was right on the mark this weekend when he said that we would strive to make sure that no working American should have to turn over more than 25 percent of their hard-earned income to pay for taxes or other government costs. The Lord God only wants 10 percent, and the Government should have no more than 25 percent.

Also this week, Mr. Speaker, we will receive recommendations on the IRS from the National Commission on Restructuring the IRS. That will provide the necessary framework to begin the national debate on what kind of tax structure we need to rephrase today's 800,000 word maze, that takes 480 forms with 8 billion pages of instructions to administer.

□ 1300

So, Mr. Speaker, make no mistake about it, this government is too big, it costs too much, and it increasingly impinges on the earnings and freedoms of our constituents.

I just urge my colleagues to think seriously about the implications of the Cost of Government Day, and to consider that any tax and regulatory relief that we can send to working families in our districts is much deserved and much needed and much demanded.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to point out as a public service that when we talk about the cost of Government, we are talking about the salary of the gentleman from Texas [Mr. DELAY] and the cost of his staff, but we are also talking about protecting our national defense and supporting the brave men and women who are on duty for that purpose; we are talking about the cost to pay for our Social Security system, which has done more to stop the poverty rates among the elderly than anything else, as well as with the Medicare Program. We are talking about the expenditures to protect the environment, help students go to college; all of the things that people would have to pay for on their own if they could afford it.

If we did not have these Government services, a lot of people would not be able to afford it, and we would find that large numbers of people would be denied the benefits that they look to Government to provide.

Mr. Speaker, I yield 2½ minutes to the gentleman from the State of Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, first I want to correct the gentleman from Texas. He used the figure of families spending more than 50 percent of their income, but that depends on the family. If one is rich enough, thanks to the Tax Code, one is spending a much smaller percentage of one's income, and by the time we get through with the tax bill, if one is rich enough, that will be even less. The CEO's who are making a couple of million dollars are not spending 50 percent of their income. We have very differential effects according to how much money one makes.

Second, I do welcome, though, the gentleman from California is of course correct. I do not think we are spending enough on the environment, I do not think we are spending enough on, for instance, the Cops on the Street Program, which is so helpful, or helping kids going to school. But we can economize.

We will be voting today and tomorrow on the military bill. The military bill, the National Security bill, represents 50 percent of the discretionary spending of the Federal Government. If we set aside Medicare, we set aside Medicaid and Social Security, 50 percent of what is left spent by the Federal Government will be voted on by this House over the next couple of days, and I am delighted at this spending, cutting zeal on the other side. I look forward to them helping us defeat the unnecessary B–2 bomber at the cost of tens of billions.

I will be offering an amendment, along with a Republican cosponsor, the gentleman from Connecticut, and the gentleman from California [Mr. CONDIT], to put a limit on the amount that we spend for NATO so that our European allies stop getting subsidized. We continue to subsidize our European allies.

So I agree we should be conscious of that spending, and while I hope we will not be passing a Tax Code that will make it more unfair, so that the bigger income families will in fact pay a bigger share, I also look forward to seeing some of this spending reduction zeal which we are hearing voiced today. I trust that the spending zeal in general we are hearing will not disappear when we get to the particular, because remember, the National Security bill represents 50 percent of the discretionary spending of the Federal Government.

The bill we are going to vote on today will contain more spending than the Department of Transportation and the Department of Labor, the Department of Housing and Urban Development, the Department of Veterans Affairs, and several other major Federal departments put together; throw in the Environmental Protection Administration.

So let us see some more of that cost-cutting zeal, and we will begin today when we start to vote on the military budget.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

I thought that having this bill up today would be a useless exercise, but I think it is quite valuable in light of the comments that the gentleman from Massachusetts [Mr. FRANK] has made about how we need to cut back on spending in areas where we are spending too much.

I also want to point out that if we look at some of those higher income Americans who are going to get a huge tax break, rather than find July 3 as their tax independence day, some of them are going to celebrate on Valentine's Day, because at that point they will have paid all they are going to pay in for the Government funding for all of these different services, while a lot of hard-working Americans, especially middle-income Americans, will continue to pay on into the months to the summertime.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Once again today, Mr. Speaker, we have an argument, we have a discussion, we have a debate here on the floor

of the House of Representatives, to talk about not only Government, but its performance and how that works. As we have seen for many, many years, the other side refuses to understand that what we are talking about here is that we need a Government that works, a government that does not put more rules and regulations on people. Even if Government were free, there were certain parts of it that I would not want.

I would like to bring us back to what is germane about this argument, and that is the gentleman from Texas [Mr. DELAY], in offering House Concurrent Resolution 102, talks about expressing the sense of Congress that the cost of Government spending and regulatory programs should be reduced. We are talking about the governmentwide programs. We are not just talking about the military today. We are not just talking about the men and women who preserve freedom for America.

What we are talking about is the Government that is made up of bureaucrats, those faceless, nameless people who we never see in our lives, but who have a controlling factor on us.

Mr. Speaker, what this is all about is a resolution by the House of Representatives that this is a sense of Congress that is part of balancing the budget and reevaluating the role of Government. Federal, State, and local elected officials should also carefully consider the cost of Government spending and regulatory programs in the coming year. That is exactly what this resolution is all about.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Speaker, many Americans mistakenly associate April 15 with the end of their financial obligation to the Government. Some believe Tax Freedom Day is a day which marks the end of our financial obligation to pay for the cost of government. Unfortunately, it takes until July 3, more than half the year, to free yourself and your family from the heavy hand of the Government's costs.

The average American will be working 183 days this year to pay for the ever-growing spending and regulations that originate from this town every year. According to the Americans for Tax Reform Foundation, Government spending at all levels equals more than $3.5 trillion.

The resolution of the gentleman from Texas [Mr. DELAY] sends a message to American taxpayers that this Congress understands their burden and we are committed to doing everything possible to deliver tax relief as well as relief from the web of regulations that burden so many Americans each year.

I urge my colleagues to support resolution 102.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from North Carolina. I appreciate his comments.

In summary, I would like to say that House Concurrent Resolution 102 talks directly about the problem that we have about Government spending and overregulation in our Government. Whereas there are $3 trillion 520 billion that are spent each year, of this, $785 billion is related to Federal regulatory costs. This body will be taking under hand the opportunity just in the coming weeks to talk about a tax cut for hard-working Americans that is only $85 billion. Mr. Speaker, of that figure, we can see that $785 billion, a larger, much larger figure, is just for regulation. We can do a better job.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, we have no further requests for time.

I yield myself such time as I may consume only to point out that this resolution does not save a dime of taxpayers' money. It simply tells the American people we feel your pain, and we are spending a little bit more money to process a resolution on the House floor to tell you that. I do not know what other purpose it serves, and I have no other point to make.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Texas [Mr. DELAY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 102.

The question was taken.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 102.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENDING AUTHORIZATION OF JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

Mr. SESSIONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1553) to amend the President John F. Kennedy Assassination Records Collection Act of 1992 to extend the authorization of the Assassination Records Review Board until September 30, 1998.

The Clerk read as follows:

H.R. 1553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORIZATION OF ASSASSINATION RECORDS REVIEW BOARD.

The President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended—

(1) in section 7(o)(1), by striking "September 30, 1996" and all that follows through the end of the paragraph and inserting "September 30, 1998,"; and

(2) in section 13(a), by striking "such sums" and all that follows through "expended" and inserting "to carry out the provisions of this Act $1,600,000 for fiscal year 1998".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SESSIONS] and the gentleman from California [Mr. WAXMAN] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SESSIONS].

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1553 is extension of authorization of the Assassination Records Review Board. Mr. Speaker, the House is considering a very important piece of legislation, H.R. 1553, which extends the authorization of the Assassination Records Review Board for 1 year and authorizes $1.5 million for the review board to complete its final work, which will be done during fiscal year 1998.

This bill was introduced by the gentleman from Indiana [Mr. BURTON], chairman of the Committee on Government Reform and Oversight on May 8, 1997, and included as its original cosponsors the gentleman from California [Mr. WAXMAN] and the gentleman from Ohio [Mr. STOKES], who sponsored the President John F. Kennedy Assassination Reports Collection Act, and who also chaired the House Select Committee on Assassinations.

In 1992, almost 30 years after the assassination of President Kennedy, nearly 1 million records compiled by official investigators of the assassination still have not been made public. Congress decided to set up a process for reviewing and releasing to the public the records surrounding the Kennedy assassination. The result was that on October 26, 1992, President Bush signed the President John F. Kennedy Assassination Records Collection Act of 1992 into law. The original act provided a 3-year timetable for a review board to complete its work.

Unfortunately, extensive delays in the appointment of the review board's members delayed the board from beginning its work in a timely manner. In 1994, Congress restarted the clock and extended the 1992 law's termination date for 1 year until September 30, 1996. The review board subsequently exercised its authority under the statute to continue operating for 1 additional year.

I believe that the public has a right to know what is contained in the Federal Government's records on the Kennedy assassination. By releasing these documents to the public, we advance the cause of total accountability to the citizens of our country. As a representative of the city of Dallas, TX, I want to assure the American people that all Texans from all over the State will stop at nothing less than knowing the whole truth about this tragedy as it occurred in our Nation's history.

Mr. Speaker, H.R. 1553 extends the authorization of the Assassination Review Board for just one year to allow the board to finish reviewing, and then to make public, the records relating to the assassination of our President John F. Kennedy. Under current law, the authorization expires at the end of fiscal year 1997.

In his testimony last month before the Subcommittee on National Security, International Affairs and Criminal Justice, review board chairman John Tunheim assured the members of this subcommittee that only 1 additional year would be needed for the board to finish reviewing and releasing the remaining documents related to the Kennedy assassination and to issue its final report. I believe that it is important that we see this progress through to its conclusion, and accordingly, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

□ 1315

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the reauthorization of the JFK Assassination Review Board. The board has performed a valuable service to the public in guiding the release of over a million pages of information relating to the assassination of President Kennedy. Unfortunately, the work is not complete. This bill will give the review board an additional year to finish the task, and the board has assured us that 1 year is sufficient.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of H.R. 1553, which I introduced in May, along with Congressman HENRY WAXMAN and Congressman LOUIS STOKES.

H.R. 1553 amends the John F. Kennedy Assassination Records Collection Act of 1992 to provide one additional year for the Assassination Records Review Board to complete its work, which is to review and publicly release documents relating to the Kennedy assassination at the earliest possible date. The American people have a right to demand accountability by the Federal Government regarding the Kennedy assassination records. By allowing the Review Board to finish its work and make the Kennedy assassination documents public, Congress will demonstrate to Americans that the Government has nothing to hide.

H.R. 1553 would extend the Review Board's September 30, 1997, termination date under current law to September 30, 1998. H.R. 1553 authorizes $1.6 million in fiscal year 1998 for this purpose. I would note that Congressman STOKES, who is an original cosponsor of my bill, sponsored the 1992 act in the House and chaired the House Select Committee on Assassinations that was established in 1976.

The purpose of the 1992 legislation was to publicly release records relating to the Kennedy assassination at the earliest possible date. The Assassination Records Review Board was set up to review and release the voluminous amounts of information in the Government's possession. The FBI, the Secret Service, the CIA, the Warren Commission, the Rockefeller Commission, the Church Committee in the Senate, and the House Select Committee on Assassinations have all held assassination records, and related documents have also been in the possession of certain State and local authorities as well as private citizens.

When the 1992 legislation was considered, nearly 1 million pages of data compiled by official investigations of the assassination had not been made available to the public, some 30 years after the tragedy. In creating the Review Board, Congress believed that simply making all relevant information available to the public was the best way to respond to the continuing high level of interest in the Kennedy assassination, and was preferable to undertaking a new congressional investigation. The 1992 law requires the Review Board to presume that documents relating to the assassination should be made public unless there is clear and convincing evidence to the contrary.

As a result of the Review Board's efforts, more than 14,000 documents have been transferred to the National Archives and Records Administration for inclusion in the JFK collection. That collection now totals approximately 3.7 million pages and is used extensively by researchers from all over the United States. The Review Board was in the news in April of this year when it voted to make public the Abraham Zapruder film of the Kennedy assassination.

The John F. Kennedy Assassination Records Collection Act of 1992 originally provided a 3-year timetable for the Assassination Records Review Board to complete its work. Unfortunately, there were lengthy delays in the appointment of board members, and as a consequence, the Review Board was scheduled to cease operations before it began its work. Therefore, in 1994, Congress "restarted the clock" by extending the 1992 law's termination date for 1 year, to September 30, 1996. The Review Board subsequently exercised its authority to continue operating for one additional year, until September 30, 1997. Because the review process proved to be more complex and time-consuming than anticipated, the President included in his fiscal year 1998 budget a request for a 1-year extension of the Review Board's authorization.

I support the Assassination Records Review Board's request for a 1-year extension of its authorization so that it can complete its mission in a professional and thorough manner. However, let me make it very clear that, as chairman of the Government Reform and Oversight Committee, I do not intend to support any additional extension of the Review Board's life beyond September 30, 1998. On June 4, 1997, the chairman of the Review Board, John Tunheim, testified before the National Security, International Affairs, and Criminal Justice Subcommittee, and in his testimony he assured the subcommittee that one additional year would be sufficient for the Review Board to finish its work.

I urge my colleagues to support H.R. 1553.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Texas for yielding to me. I rise in support of this bill and I want to commend Chairman BURTON and ranking Member Mr. WAXMAN for bringing this bill to the floor. As an original cosponsor of this legislation, and as the former chairman of the House Select Committee on Assassinations, I have a strong interest in this issue.

In 1978, the House Select Committee on Assassinations completed a 2-year investigation of the facts and circumstances surrounding the assassination of President John F. Kennedy. The completed investigation included the publishing of 9 volumes of hearings with the testimony of 55 witnesses and 619 exhibits.

In the years following the Assassination Committee's work, old issues and new theories continued to surface about the assassination of President Kennedy. Therefore in 1992, I authored, and the Congress passed, the President John F. Kennedy Assassination Records Collect Act. This law created the Assassination Records Review Board which was given the responsibility to identify, secure, and make available, all records related to the assassination of President Kennedy. We felt that an independent board would represent the most effective and efficient vehicle to make all assassination records available to the public.

To date, the Assassination Records Review Board has acted to transfer more than 14,000 documents to the JFK collection at the National Archives. The collection currently totals 3.7 million pages. It is used extensively by researchers from all over the United States. Further, by the end of fiscal year 1997, the Review Board will have reviewed and processed assassination records that more than 30 different government offices have identified, not including files of the Federal Bureau of Investigation and the Central Intelligence Agency.

Becase of the Review Board's diligent efforts, some very important documents have been made public. They include: thousands of CIA documents on Lee Harvey Oswald and the assassination of President Kennedy; thousands of records from the House Assassinations Committee, including a staff report of Oswald's travel to Mexico City; thousands of records from the FBI which document the agency's interest in Oswald before the Kennedy assassination; and extensive FBI files on its investigation of the assassination.

Mr. Speaker, it is our understanding that the Review Board will need more time to process the classified records that remain, primarily records from the Central Intelligence Agency, and the Federal Bureau of Investigation. The additional year will permit the review board to complete this work, close out the operation, and submit its final report.

It is a credit to this institution that we can provide historians and the American public

with all relevant information concerning the assassination of President Kennedy. It is my belief that we should allow the Assassination Records Review Board to complete this important undertaking. I urge my colleagues to join me in supporting the passage of H.R. 1553.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Texas [Mr. SESSIONS] that the House suspend the rules and pass the bill, H.R. 1553.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NOTICE OF ALTERATION OF ORDER OF CONSIDERATION OF AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. STUMP. Mr. Speaker, pursuant to section 5 of House Resolution 169 and as the designee of the chairman of Committee on National Security, I request that during further consideration of H.R. 1119 in the Committee of Whole and following consideration of amendment No. 15, printed in part 2 of House Report 105–137, as modified by section 8(b) of House Resolution 169, the following amendments be considered in the following order:

Amendment No. 1, printed in part 2 of House Report 105–137; amendment No. 34, printed in part 2 of House Report 105–137; amendment No. 10, printed in part 1 of House Report 105–137; amendment No. 11, printed in part 1 of House Report 105–137; amendment No. 7, printed in part 1 of House Report 105–137, as modified by section 8(a) of House Resolution 169; the amendment printed in section 8(c) of House Resolution 169; amendment No. 35 printed in part 2 of House Report 105–137.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The SPEAKER pro tempore. Pursuant to House Resolution 169 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1119.

□ 1319

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes, with Mr. YOUNG of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, June 20, 1997, amendment No. 43, printed in section 8(e) of House Resolution 169, offered by the gentleman from Ohio [Mr. TRAFICANT] had been disposed of.

Pursuant to section 5 of House Resolution 169, it is now in order to consider amendment No. 15, printed in part 2 of House Report 105–137, as modified by section 8(b) of House Resolution 169.

AMENDMENT NO. 15 OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. FRANK of Massachusetts:

At the end of title XII (page 379, after line 19), insert the following new section:

SEC. 1205. LIMITATION ON PAYMENTS FOR COST OF NATO EXPANSION.

(a) The amount spent by the United States as its share of the total cost to North Atlantic Treaty Organization member nations of the admission of new member nations to the North American Treaty Organization may not exceed 10 percent of the cost of expansion or a total of $2,000,000,000, whichever is less, for fiscal years 1998 through 2010.

(b) If at any time during the period specified in subsection (a), the United States' share of the total cost of expanding the North Atlantic Treaty Organization exceeds 10 percent, no further United States funds may be expended for the costs of such expansion until that percentage is reduced to below 10 percent.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] and a Member opposed, each will control 10 minutes. The gentleman from Arizona [Mr. STUMP] will be recognized in opposition.

The Chair recognizes gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2 minutes and 30 seconds.

Mr. Chairman, I offer this on behalf of my colleague, the gentleman from Connecticut [Mr. SHAYS] and the gentleman from California [Mr. CONDIT]. We are about to vote a budget deal, some of us will vote no but it will pass. It will severely constrain spending, including defense spending. We can differ over how much defense spending ought to be, but we all acknowledge that we are about to adopt in this budget resolution a binding constraint that will mean far less for the national security part of this budget than many Members think. Given that, it is essential that we not spend money unwisely. One way to spend unwisely is to spend money which instead should be spent by our wealthy allies in Western Europe. I believe America has been insufficiently active in the international front in many ways. But one area where we have erred on the other side is in Western Europe, where we have allowed Germany and France and Norway and Belgium and Denmark and many other now quite prosperous nations to do less than they should. NATO expansion is a test of this. NATO expansion will cost money. I am not talking now about the money that nations will have to spend on their own military equipment. We are talking about what NATO itself will have to spend on telecommunications and in other ways.

We believe, those of us who have offered this amendment, the gentleman from Connecticut [Mr. SHAYS], the gentleman from California [Mr. CONDIT] and myself, that it is unfair for the American taxpayers to continue to pay disproportionately in Western Europe, particularly if had we have adopted a budget agreement which leaves many Members convinced that defense itself will have too little. I do not agree with that. I would like to be able to free up money for other purposes, but we certainly do not want our defense dollars spent unnecessarily. The administration has said, the Clinton administration, that the cost to the United States of NATO expansion over the next 12 years will be a total of $2 billion. I take them at their word.

This amendment takes what the administration has told us NATO expansion will cost, $2 billion, and makes that a cap. It does say and the administration is proposing that we spend about 7 or 8 percent. I go them one better. The amendment says that, if costs are considerably less than we expect, that could happen, although it rarely does, we would cap our contribution at 10 percent. So I have an amendment here, along with the gentleman from Connecticut [Mr. SHAYS] and the gentleman from California [Mr. CONDIT], which conserves American defense spending for purposes that we may feel necessary by taking the President at his word and saying we will spend a maximum of $2 billion on NATO expansion, or 10 percent, the higher percentage that he says, if that should be less than $2 billion.

Finally, for those who say what if there is an unforeseen emergency, that is why we have a Congress, people can come back to us. This does not say you can never have another penny, it says you cannot have a blank check.

Mr. STUMP. Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Mr. Chairman, I rise in support of the Frank amendment.

As Europe melds together economically through the European Union, I

believe they need to meld together militarily and accept more responsibility for their own defense. The United States cannot afford to lead the effort both financially and militarily on a continent that has the resources, and I believe the responsibility, to accept this burden themselves.

According to a recent article in the Wall Street Journal, the Congressional Budget Office estimates that admitting the three former Warsaw Pact nations could ultimately cost the United States of America as much as $150 billion, I repeat that, $150 billion over 10 years, at a time when the recently passed budget resolution calls for cuts in Medicare spending of $115 billion, Medicaid cuts of $13.5 billion, and cuts in the student loan program of $1.8 billion.

When, at the same time, Social Security is said to be in jeopardy, how can we justify providing billions of U.S. dollars to protect foreign nations from a potential, not actual, a potential threat?

We must not forget the original purpose of NATO, which was to provide for the collective security in the European theater in a time of Communist threat and cold war tensions. To force the U.S. taxpayer to foot the bill for a new NATO is illogical and, in addition, in the words of Henry Kissinger, a dilution of the traditional NATO purposes.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DELLUMS], extremely knowledgeable and thoughtful ranking minority member of this committee.

Mr. DELLUMS. Mr. Chairman, I thank my colleague for his generosity.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK]. I think it is a meritorious amendment and his remarks are very poignant and very much to the point. I would like to simply make a few brief remarks in support of the amendment.

First, Mr. Chairman, I am sure that you are aware the United States provides disproportionate support for NATO in many capacities, making available naval forces as well as communications, transportation and logistics capabilities, and strategic nuclear forces that we are all aware of. As a result, it pays a substantially larger portion of its GDP on its military account than our European allies. Several of our European allies are wealthy nations and can contribute more to the burdens of the alliance than they currently do.

Second, new members of NATO should be expected to contribute along the terms of existing Members. And if they are going to be members, it seems to me across the board of responsibilities they ought to be able to contribute. And it seems to me that that is important in terms of their financial capability as well as military, political and foreign policy.

Third, the amounts contained in the amendment reflect the administration's current estimates of the probable U.S. share. The amendment would establish that in law for a period through the year 2010, after which a review can be made of the continuing appropriateness of that level of commitment/restraint.

Finally, Mr. Chairman, the legislative initiatives have in the past provided important leverage to the U.S. Government in negotiations with NATO partners on burdensharing arrangements, and on numerous occasions we in this body have voted to give our Government that kind of leverage. The gentleman from Massachusetts simply provides us with one additional opportunity to do it. I rise in enthusiastic support.

Mr. STUMP. Mr. Chairman, I include a statement by the chairman of the committee for the RECORD.

Mr. SPENCE. Mr. Chairman, I too am concerned about the costs of NATO expansion and have serious doubts about the estimates advanced by the Clinton administration. While I have some doubts about the practicality of this amendment as written, I look forward to working with all Members who have concerns about the numerous implications of NATO expansion.

As my colleagues may be aware, Mr. DELLUMS and I wrote a letter to the President, as yet unanswered, and published a jointly authored editorial highlighting these concerns.

Both the letter and editorial take cost as an important factor in NATO expansion, but secondary to questions of national security and military strategy. I believe as many others do that NATO is perhaps the most successful alliance in history, and I am concerned that the administration's focus on the process of NATO expansion diverts attention from understanding the purpose of an expanded alliance.

Personally, I am a strong supporter of NATO, and inclined to support its expansion, for moral, military, and strategic reasons. However, too many fundamental questions remain unanswered about the implications for United States national security strategy, force structure, defense budgets and relations with Russia, and other states.

For example: In addition to military criteria such as equipment interoperability, the administration has stressed other factors such as "adherence to market democracy" as necessary for admission to NATO. While opening European markets may be a worthy U.S. policy objective, it is hardly a traditional security consideration and could pose obstacles to admission that actually prove unsettling to European stability.

There are also questions of treaty commitments. The heart of NATO's charter is article V, which was interpreted through the cold war to mandate the use of armed force to defend NATO members. In fact, the actual language of article V is ambiguous, and thus, perhaps requires the United States and our current and future alliance partners to come to a mutual understanding of what article V means in this changed security environment.

There are calculations of military force structure and capabilities, as well. Considering reductions in U.S. defense budgets and military force structure on the one hand and the expansion of security commitments that would flow from enlarging NATO on the other, how prudent is it for the United States to commit to these expanded security guarantees?

I could go on at length about the serious political, strategic, and military issues raised by the prospect of NATO expansion. Certainly, with U.S. defense budgets in their 13th consecutive year of decline, and with no end to defense cuts in sight, the cost of NATO expansion is a significant concern, but just one of many.

Mr. STUMP. Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I too am concerned about the costs of NATO expansion and have serious doubts about the estimates advanced by the Clinton administration. While I have some doubts about the practicality of this amendment as written, I look forward to working with all Members who have concerns about the numerous implications of NATO expansion.

As my colleagues may be aware, Mr. DELLUMS and I share a number of concerns over the process and purpose of NATO expansion. Recently, we wrote a joint letter to the President, as yet unanswered, and published a jointly authored editorial highlighting these concerns. I ask that the letter and copy of the editorial be submitted for the record and printed immediately following my remarks in the CONGRESSIONAL RECORD.

Both the letter and editorial take cost as an important factor in NATO expansion, but secondary to questions of national security and military strategy. I believe as many others do that NATO is perhaps the most successful alliance in history, and I am concerned that the administration's focus on the process of NATO expansion diverts attention from understanding the purpose of an expanded alliance.

Personally, I am a strong supporter of NATO, and inclined to support its expansion, for moral, military, and strategic reasons. However, too many fundamental questions remain unanswered about the implications for United States national security strategy, force structure, defense budgets, and relations with Russia and other states. For example:

In addition to military criteria such as equipment interoperability, the administration has stressed other factors such as "adherence to market democracy" as necessary for admission to NATO. While opening European markets may be a worthy U.S. policy objective, it is hardly a traditional security consideration and could pose obstacles to admission that actually prove unsettling to European stability.

There are also questions of treaty commitments. The heart of NATO's charter is article V, which was interpreted through the cold war to mandate the use of armed force to defend NATO members. In fact, the actual language of article V is ambiguous, and thus, perhaps requires the United States and our current and

future alliance partners to come to a mutual understanding of what article V means in this changed security environment.

There are calculations of military force structure and capabilities, as well. Considering reductions in U.S. defense budgets and military force structure on the one hand and the expansion of security commitments that would flow from enlarging NATO on the other, how prudent is it for the United States to commit to these expanded security guarantees?

I could go on at length about the serious political, strategic, and military issues raised by the prospect of NATO expansion. Certainly, with U.S. defense budgets in their 13th consecutive year of decline, and with no end to defense cuts in sight, the cost of NATO expansion is a significant concern, but just one of many.

COMMITTEE ON NATIONAL SECURITY,
Washington, DC, April 25, 1997.

The Honorable WILLIAM J. CLINTON,
President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: Recent statements by Administration officials indicate that the United States will propose the expansion of NATO to include several central European states by 1999 at the upcoming NATO Ministerial meeting in July 1997.

We are strong supporters of NATO and are inclined to support its expansion. We think there is a strong moral case to be made for expanding the alliance and there are compelling geopolitical reasons in favor of alliance enlargement as well. Americans have long recognized the importance of a peaceful Europe to the United States, a condition that serves the aforementioned U.S. national interests.

However, we believe that the purpose of the alliance is as important as the process of expansion. We are concerned that thus far, the Administration has failed to explain in much detail what a fully expanded NATO entails in terms of its function, structure and membership. There remain a number of important unanswered questions about the implications of such a course on U.S. national security strategy, force structure, defense budgets, and relations with Russia and other states. Understanding the answers to these questions is central to understanding the far reaching consequences of NATO expansion.

As the House National Security Committee will increasingly focus on this important matter in the months ahead, we would appreciate written answers, classified and unclassified as required, to the following questions:

STRATEGY

1. Will an expanded NATO continue to play its traditional role in protecting the security interests of the United States and our allies? What risks to those interests exist because of expansion plans? How do the benefits of NATO expansion outweigh the risks? How do you envision a fully-expanded NATO? Describe its function, structure, and membership?

2. Identify the various states seeking NATO membership and provide your perspective on their reasons for seeking membership. Does fear of a resurgent Russia play a part? What do you believe they hope to gain by joining NATO? With reference to each prospective member, please explain whether their candidacy is supported by the current members of the alliance. If there are differences of opinion among current NATO members regarding the candidacies of prospective members, please identify those areas where differences exist, and which member countries have concerns.

3. What military, geostrategic, or other benefits might new NATO members bring to the alliance? What might be the liabilities associated with their membership?

4. The current strategy for NATO expansion is a high-profile, protracted process, requiring many years to implement. How long will it take to complete this process, and what indices will show that it is completed? How many intermediate stages of expansion do you envision, and which states are likely to become NATO members at these stages? Were alternative strategies that would speed the process rejected? If the expansion process were interrupted prior to completion, would NATO remain strategically viable at each stage of expansion? What measures factor in that judgment?

5. The Administration's February 1997 Report to the Congress On the Enlargement of NATO describes the process of NATO enlargement as part of a broader strategy to adapt the alliance to the post-Cold War security environment, which includes a willingness to conduct out-of-area peacekeeping-type operations. To what degree are prospective NATO members willing and able to participate in peacekeeping operations, including those that are "out of area"? Does the United States intend to seek significant participation in such operations by newly-admitted NATO member states? Is such participation a viable substitute for American involvement in such peace-keeping like operations?

6. The Administration's report to Congress also concludes that failing to enlarge NATO would lead to feelings of "isolation and vulnerability" among prospective members, would be "destabilizing," and "would encourage nationalist and disruptive forces throughout Europe." On what evidence are these conclusions based? Please identify the specific nationalistic and disruptive forces of concern.

MEMBERSHIP CRITERIA

1. What criteria have been established to determine which states are ready to be integrated into the formal NATO security structure? What are the relative weights as between political, economic and military reform in making a judgment on eligibility for membership? Will current members be expected to meet these criteria for continued membership?

2. To what degree is economic integration with the European Community a prerequisite to NATO membership? Why is this, or why is this not, important?

3. Which states are the most likely candidates for NATO membership and why? Are former Soviet republics, like Ukraine and the Baltic states, or even Russia itself, possible candidates for NATO admission? If we seek to avoid a new European division, can we afford to proceed with enlargement without a fully developed view as to our ultimate goal for enlargement?

4. There have been reports that some prospective NATO member states have sold arms to so-called rogue regimes like Iran. How does this affect their prospects for membership? Is the halting of such sales or arms deliveries a prerequisite for alliance membership? Does a discussion of these issues create a climate to help reduce proliferation of technology capable of aiding programs for weapons of mass destruction or advanced conventional weapons by current members?

TREATY COMMITMENTS

1. What exactly will U.S. treaty obligations be to new NATO members? What types of assurances, if any, have been discussed with prospective members regarding the U.S. commitment to their security?

2. Article V of the North Atlantic Treaty states that, in response to an armed attack, a NATO member "will assist the Party or Parties so attacked by taking forthwith individually and in concert with the other Parties, such actions as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area." What is the Administration's interpretation of Article V? Does it mandate the use of U.S. armed force to defend other NATO members? What representations have been made by the Administration to prospective members regarding the meaning of Article V? Would the interpretation of Article V differ for new NATO members?

FORCE STRUCTURE AND MILITARY CAPABILITY

1. Will the United States and its NATO allies have the military wherewithal to honor the security guarantees implied by Article V of the North Atlantic Treaty for new NATO members located in central and eastern Europe?

2. The Administration's *Report to the Congress On the Enlargement of NATO* declares that the United States will "extend solemn security guarantees to additional nations," but that "there will be no need for additional U.S. forces." Considering on-going cuts in the defense budget and U.S. military force structure on the one hand and the expansion of security commitments that would flow from expanding NATO on the other, can the U.S. prudently commit to these expanded security guarantees? How? And at what cost to the U.S. national military strategy?

3. Have the United States and NATO developed contingency plans for the defense of new NATO members under various scenarios, including a resurgent Russia? What forces and operational capabilities would be needed to satisfy the most demanding of these scenarios, including nuclear scenarios?

4. Under an expanded NATO, will the U.S. "nuclear umbrella" extend to new members in central and eastern Europe? Since the United States has reportedly pledged not to deploy tactical nuclear weapons on the territories of these new NATO members, does this mean that any nuclear guarantees extended to these states must be satisfied by U.S. strategic nuclear weapons? Will the nuclear forces of other NATO states provide similar extended deterrence to new members? Has there been any discussion regarding withdrawal of tactical nuclear weapons from the theater as an element to calm possible Russian concerns?

5. It has been reported that the defense of new NATO member states will be based on the principle of rapidly deploying other NATO forces to those countries in the event of conflict, rather than pre-deploying substantial force enhancements in-country. It has further been reported that this strategy was chosen as a result of Russian concerns over NATO encroachment on their borders and Congressional concerns over the cost to the United States of expansion. Are these reports accurate? More generally, please explain the rationale for preferring rapid deployment capabilities to pre-positioning.

FUNDING

1. What are the underlying assumptions that resulted in the Administration's cost estimate for NATO expansion and how credible do you believe those assumptions are for the long term? In particular, please identify the number of countries, the types of activities, and the assumed level of threat on

which the estimates are based. Also, please supply a similar analysis based upon your projections for a fully expanded NATO, and for any intermediate steps envisioned for the expansion process.

2. Will other NATO countries share in the costs of an expanded NATO and how will costs be apportioned among them?

3. What arrangements are in place or being negotiated to ensure that the new financial commitments from NATO members are kept? Who will pay these costs in the event new members or current members are unable to keep their commitments to do so?

4. How and why does the Administration's cost estimate for NATO expansion significantly differ from the estimates prepared by the Rand Corporation and the Congressional Budget Office?

5. What will be the source of the U.S. funding for NATO expansion? What costs will be apportioned to the 050 budget function as opposed to the 150 budget function?

RELATIONS WITH RUSSIA

1. How do you anticipate Russia will react to an expanded NATO? How does the Administration weigh the likelihood that Russia will renege on its commitments to abide by the CFE, INF, ABM, and START treaties, forward deploy nuclear weapons, invade the Baltic states, or accelerate the formation of alliances of its own, perhaps with China?

2. Will NATO expansion aggravate Russian threat perceptions and increase the possibility of nuclear miscalculation? What assurances have been given by the Administration to Russia in order to ameliorate Russia's concerns over expansion? Has the United States pledged not to deploy nuclear weapons on the territory of new NATO members? What guarantees have the Russians sought regarding NATO expansion and which have been agreed to by the Administration? Will the Russians have a veto over any NATO decision? What procedures will be put in place to give Russia a voice in NATO deliberations and the alliance decision-making process, including decisions on peacekeeping? What confidence building measures, if any, will be implemented to lessen Russian concerns and insecurities?

3. Russian statements indicate that Russia may feel isolated and vulnerable if NATO expands, and may revert to a more nationalistic security posture. Does the Administration share this view? If so, does the Administration judge the security risks of an insecure, more nationalistic Russia to be less than those of an insecure eastern Europe if NATO fails to expand?

4. Has the United States promised Russia that the Baltic countries would not be allowed into NATO for the foreseeable future? Will there be any U.S. security commitment to the Baltic states? If so, what form will it take? If not, why not?

5. There have been reports that the United States will seek to alleviate Russian concerns over NATO expansion by agreeing to significant reductions in the ceilings on NATO conventional arms imposed by the Conventional Forces in Europe (CFE) Treaty or by freezing the level of NATO military forces deployed near Russia. Are these reports accurate? What constraints will be imposed on the military force levels of new NATO members? Does the Administration plan to seek comparable constraints on forces deployed in Ukraine, Belarus, and the Russian region of Kaliningrad?

6. How does the Administration see Russia's relations with an expanded NATO? How does the Administration plan to integrate Russia into a unified European security structure and what is the timeline for this integration? Will the Partnership for Peace program remain the primary vehicle for accomplishing this objective? Can the Administration envision Russian NATO membership in the future, assuming all conditions for membership are met? If so, would more explicit recognition of this possibility ease Russian concerns with current plans for enlarging NATO?

7. What is the nature of the proposed NATO-Russia Charter? The Joint Statement signed by Presidents Clinton and Yeltsin at Helsinki notes there should be "consultation, coordination and, to the maximum extent possible where appropriate, joint decision-making and action on security issues of common concern." Can the Russians insist on participating in NATO discussions on any issue of concern? Does this give Russia a veto power over NATO decisions? At a minimum, would the NATO-Russian Charter complicate the NATO decision-making process in ways detrimental to the alliance, especially if there existed a lack of common purpose between NATO and Russia?

8. Doesn't a separate NATO-Russia forum undermine the effectiveness of the existing NATO Council? Because Russia will apparently be able to participate in NATO decisions before new members are admitted, is the Administration concerned whether the NATO-Russian forum might unfairly penalize prospective members by giving greater voice to Russian concerns earlier in the process?

RELATIONS WITH OTHER NATO MEMBERS

1. What reservations have been expressed, if any, by the current NATO states regarding the expansion of the alliance? Are there differences of opinion regarding which states should be included in an expanded NATO and/or the timeframe for their inclusion? If so, please identify the specific positions of the individual member countries.

2. What unresolved tensions or rivalries might new NATO members bring into the alliance that could cause fractures within NATO, as exist now between Greece and Turkey? Might these tensions or rivalries lead to potential American military involvement in intra-alliance hostilities? Does the Administration prefer for purposes of European stability to seek to resolve such conflicts within the security architecture of the NATO alliance? If so, would similar tensions (e.g., Baltic-Russian problems) be better resolved in this context as well?

We appreciate your prompt attention to these important questions and ask that answers be provided not later than May 30, 1997.

Sincerely,

FLOYD D. SPENCE,
Chairman.

RON DELLUMS,
Ranking Minority Member.

[From the Washington Times, May 29, 1997]

IS A BIGGER NATO ALSO BETTER?

(By Floyd D. Spence and Ronald V. Dellums)

In just a few months, the Clinton administration is set to commit the United States to the expansion of NATO, and consequently expand America's role in guaranteeing stability and security in Europe.

We are strong supporters of NATO and are inclined to support its expansion. We think there is a strong moral case to be made for expansion and find compelling geopolitical reasons in favor of alliance enlargement as well. From the nation's founding, Americans have long recognized the importance to this country of a peaceful Europe. Since its founding, the NATO alliance has been the primary vehicle for protecting our own national interests on the continent.

However, we believe that NATO's fundamental purpose, even in the post-Cold War world, is more important than the process of expansion. We are concerned that the discussion to date of expansion has failed to illuminate the purpose, function, structure and membership of an expanded NATO. To us, it makes little sense to embark upon such an ambitious endeavor without first having a better understanding of where we want to go and the obstacles likely to be encountered.

We are troubled by the number of important questions that have not been publicly addressed concerning the implications of expansion on U.S. national security strategy, military force structure, defense budgets, and relations with Russia and other states. The administration and the Congress owe it to all Americans to explain as fully as possible the far-reaching consequences of NATO expansion and to set forth a vision of a fully expanded Atlantic alliance.

We believe that at least seven basic sets of questions must be addressed more thoroughly. The first, and most basic, concerns the role that the alliance will play in U.S. national security strategy. Will an expanded NATO continue in its traditional role as a defensive military alliance? The administration, in its recent report to Congress on the costs of NATO expansion, speaks of "broader adaption of NATO" for the purpose of "evolution of a peaceful, undivided and democratic Europe." What, exactly, does that mean, especially if expansion is accomplished one step at a time?

A second set of questions revolve around the criteria for membership in the alliance. For example, in addition to military criteria such as equipment interoperability, the administration has stressed other factors such as "adherence to market democracy" as necessary for admission to NATO. While open European markets may be a worthy U.S. policy objective, it is hardly a traditional security consideration and could pose obstacles to admission that actually prove unsettling to European stability.

Third, there are questions of treaty commitments. The heart of NATO's charter is Article V, which was interpreted through the Cold War to mandate the use of armed force to defend NATO members. In fact, the actual language of Article V is ambiguous, and thus, perhaps requires the United States and our current and future alliance partners to come to a mutual understanding of what Article V means in this changed security environment.

A fourth set of questions involves calculations of military force structure and capabilities, and applies to the United States as well as to any alliance partner, current or prospective.

Considering reductions in U.S. defense budgets and military force structure on the one hand and the expansion of security commitments that would flow from enlarging NATO on the other, how prudent is it for the U.S. to commit to these expanded security guarantees? Considering the similar reductions that have occurred in the military budgets and forces of our NATO partners, how do they intend to support expanded security commitments? And under an expanded NATO, will the U.S. "nuclear umbrella" extend to new members in central and eastern Europe? Since the U.S. has reportedly pledged not to deploy tactical nuclear weapons on the territories of these new NATO members, would this mean that any

nuclear guarantees extended to these states must be satisfied by U.S. strategic nuclear weapons?

Funding questions raise a fifth category of uncertainties. The administration's recent report on the costs of NATO expansion was based upon very optimistic political assumptions about the likelihood of conflict in Europe, and only calculated the costs of expansion based upon the admission to the alliance of three nations, probably Poland, Hungary, and the Czech Republic. Even if the cost estimates are accurate, a more fully expanded NATO will surely come at a much higher price tag. However, cost studies done by the Congressional Budget Office and Rand Corporation have used more conservative assumptions and projected much higher costs than has the administration.

Sixth, how will Russia react to an expanded NATO? The process of expansion promises to be a protracted one, quite possibly extending over decades. If the current Russian attitude toward expansion persists, NATO expansion will become a permanent source of tension in already complex U.S.-Russia relations. The projected NATO-Russia charter is unlikely to permanently solve this problem.

Finally, there is the matter of relations within the NATO alliance itself. To date, the process of expansion has been driven almost exclusively by the United States. We need to know, for example, if our current allies have differences of opinion regarding which states should be included in an expanded NATO or the timeframe for their inclusion. What unresolved tensions or rivalries might new members bring into NATO that could cause fractures within the alliance, as exist now between Greece and Turkey? Will these tensions or rivalries lead to potential American military involvement, crisis management, or even intra-alliance hostilities, or will they be stabilized in the context of alliance management?

These questions raise profound issues of U.S. national security and defense policy, provide insight into the grave commitment that the expansion of NATO entails, and underscore the need for a more thorough airing of the issue and a frank assessment of the attendant risks. The Atlantic Alliance remains the cornerstone of U.S. policy toward Europe, and has been responsible for one of the most peaceful periods in European history. On many matters of national security policy we hold widely divergent political views, but we have a common recognition of the continuing value and future potential of NATO. It should be possible to reach a common understanding of the purpose of the alliance in a vastly changed Europe, and the best paths to achieve that purpose without needlessly redividing Europe. But the time to come to grips with the serious implications of an expanded NATO is now, not after the process of expansion is underway.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 169, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] will be postponed.

The point of no quorum is considered withdrawn.

□ 1330

Mr. STUMP. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. HANSEN] having assumed the Chair, Mr. Young of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes, had come to no resolution thereon.

SUFFICIENCY OF NOTICE CONCERNING ORDER OF AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. STUMP. Mr. Speaker, I ask unanimous consent that the notice I gave in order of amendments notice be considered sufficient in terms of compliance with requirements of section 5 of House Resolution 169.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. DELLUMS. Reserving the right to object, Mr. Speaker, I shall not object, but I simply reserve the right to object to yield to my distinguished colleague to explain the basis of his unanimous consent request so that Members can understand.

Mr. STUMP. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Arizona.

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, under the rules, we have to give an hour's notice. That was the reason for it.

Mr. DELLUMS. I thank the gentleman.

Mr. Speaker, is the next Member that will be offering an amendment prepared to offer an amendment?

Mr. STUMP. Yes, Mr. Speaker.

Mr. DELLUMS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The SPEAKER pro tempore. Pursuant to House Resolution 169 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1119.

□ 1333

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes, with Mr. YOUNG of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, Amendment No. 15 printed in Part 2 of House Report 105–137, as modified by section 8(b) of House Resolution 169, by the gentleman from Massachusetts [Mr. FRANK].

Pursuant to the order of the House earlier today, it is now in order to consider amendment No. 1 in part 2 of House Report 105–137.

AMENDMENT NO. 1 OFFERED BY MR. BACHUS

Mr. BACHUS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2 Amendment No. 1 offered by Mr. BACHUS:

At the end of title X (page 360, after line 8), insert the following new section:

SEC. . PROHIBITION OF PERFORMANCE OF MILITARY HONORS UPON DEATH OF PERSONS CONVICTED OF CAPITAL CRIMES.

(a) MILITARY FUNERALS.—The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, may not provide military honors at the funeral of a person who has been convicted of a crime under State or Federal law for which death is a possible punishment and for which the person was sentenced to death or life imprisonment without parole.

(b) APPLICABILITY OF SECTION.—This section applies without regard to any other provision of law relating to funeral or burial benefits.

The CHAIRMAN. Pursuant to the rule, the gentleman from Alabama [Mr. BACHUS] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is a simple amendment. It simply states that someone convicted of a crime and sentenced to death or life imprisonment shall not be entitled to a full honors funeral in one of our national cemeteries.

In considering this amendment, I think we all need to do some serious soul searching. Who is in entitled to a hero's funeral? I think when we ask ourselves, who are our heroes, in this

country, who do we honor? I think we can go back to the summer of 1994 to tell us that we may be doing the wrong thing, we may have confused celebrities with heroes, we may have confused notoriety with character.

In 1994, on a Sunday afternoon, we will recall that there was a famous chase on an L.A. freeway and, in that chase, fully three-quarters of the news media in the country was focused on it. As almost what appeared to be half of the L.A. police force chased someone down that highway, America was transformed on to that event.

At the same time, on our other shore, here in Washington, there was another ceremony going on at the very same time. At the White House, two young Army Rangers were being awarded the Medal of Honor. It was a posthumous ceremony. They had given their lives in Somalia. When they left the protection of their unit and tried to save some of their fellow soldiers, they were killed. And they and their families were at the White House receiving the Medal of Honor. There was no live TV coverage. There was no mention of it in my hometown paper, which was full of talk about what happened on that L.A. freeway.

We really have to ask ourselves, who in our country are our heroes? Some people are saying that the fact that Timothy McVeigh did what he did in Oklahoma City, that he is still a military hero. I would remind my colleagues that our country's oldest military force is our National Guard; and when it was formed, the word was said that to be a good soldier, one had to be a good citizen, too; to fight for the country, you had to do it both at home and abroad.

This amendment is not offered out of disrespect for any one person. It is offered out of respect, respect for the victims of those that we would honor in our cemeteries with a 21- or 12-gun salute, a chaplain, requiring military honor guard to be present. This amendment, the catalyst, is not Oklahoma City. The catalyst was Mobile, AL, where last week a man named Henry Francis Hayes was given a full military honor funeral and laid to rest at the Mobile National Cemetery, over the protest of several of the people serving in the unit who attended.

Henry Francis Hayes was not a hero. He was electrocuted in Alabama on June 7 for the murder of a young black man, 19 years old, in Mobile, AL, who Henry Francis Hayes and other Ku Klux Klanners pulled from the safety of his family, took him to another county, beat him half to death with sticks, slit his throat, brought him back to Mobile County, put a hangman's noose around his neck, and hung him.

A jury in the State of Alabama said that he was not a hero. But last week, in a military ceremony, we said to our children and grandchildren, we are overlooking this. This is a good soldier. This is a hero. And he got a hero's funeral, and he is buried in the Mobile cemetery.

I will simply say, who is entitled to a hero's funeral? Who are our heroes?

Mr. LUCAS of Oklahoma. Mr. Chairman, I rise as a cosponsor of Mr. BACHUS' timely amendment that would not allow individuals who commit capital crimes where the death penalty is an option to be eligible for a full military burial.

Regardless of whether you support or oppose the death penalty, it is an affront that an individual who, in the case of Timothy McVeigh, has been convicted of murdering fellow Americans, to receive the same honors to which our veterans are entitled. Active members of the military and veterans embody the very virtues we as Americans cherish. They are the guardians of liberty and the caretakers of the freedoms we all hold dear. Convicted murderers do not represent these ideals and should not be honored for their service to our Nation.

Currently, there are restrictions regarding what veterans are eligible for military burials. Anybody convicted of treason, espionage, mutiny, or assisting an enemy of the United States cannot request a military burial. It is morally right to add to this list those who have wantonly disregarded the sanctity of human life and have been convicted of a capital crime by a jury of their peers. Anything less would be a slap in the face of our veterans.

Last week, I supported a constitutional amendment to prohibit physical desecration of the U.S. flag. This week, I urge my colleagues to support this amendment which would prohibit the adornment of the flag on individuals who have rejected the very ideals which America represents.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

The question is on the amendment offered by the gentleman from Alabama [Mr. BACHUS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 169, further proceedings on the amendment offered by the gentleman from Alabama [Mr. BACHUS] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 34 printed in part 2 of House Report 105–137.

AMENDMENT NO. 34 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2 Amendment numbered 34 offered by Mr. SKELETON:

At the end of title V (page 204, after line 16), insert the following new section:

SEC. 572. EXPANSION OF CRIMINAL OFFENSES RESULTING IN FORFEITURE OF VETERANS BENEFITS.

(a) IN GENERAL.—Section 6105(b) of title 38, United States Code, is amended—

(1) in paragraph (2)—

A by inserting "32, 37, 81, 175," before "792,"; and

(B) by inserting "831, 842(m), 842(n), 844(c), 844(f), 844(i), 930(c), 956, 1114, 1116, 1203, 1361, 1363, 1366, 1751, 1992, 2152, 2280, 2281, 2332, 2332a, 2332b, 2332c, 2339A, 2339B, 2340A," after "798,";

(2) in paragraph (3)—

(A) by striking out "and 226" and inserting in lieu thereof "226, and 236";

(B) by striking out "and 2276" and inserting in lieu thereof "2276, and 2284"; and

(C) by striking out "and" at the end;

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph (4):

"(4) sections 46502 and 60123(b) of title 49; and".

(b) CONFORMING AMENDMENTS.—(1) The second sentence of section 6105(c) of such title is amended by striking out "or (4)" and inserting in lieu thereof, "(4), or (5)".

(2) The heading for such section is amended to read as follows:

"§6105. Forfeiture: subversive activities; terrorist activities; other criminal activities".

(3) The item relating to section 6105 in the table of sections at the beginning of chapter 61 of that title is amended to read as follows:

"6105. Forfeiture: subversive activities; terrorist activities; other criminal activities.".

(c) APPLICABILITY.—The amendment made to section 6105 of title 38, United States Code, by subsection (a) shall apply to any person convicted under a provision of law added to such section by such amendments after December 31, 1996.

The CHAIRMAN. Pursuant to the rule, the gentleman from Missouri [Mr. SKELETON] and a Member opposed, the gentleman from Arizona [Mr. STUMP] each will control 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer the amendment at this time, which changes the law as it relates to veterans and veterans' burials. It is like the amendment that was passed in the Senate at the behest of Senator TORRICELLI, the gentleman from New Jersey.

As my colleagues know, the statute of our law state that certain veterans are prohibited from being buried in national cemeteries as a result of certain acts and convictions under the criminal law. The statute includes a good number of crimes that prohibit some veterans from being so interned.

However, the crimes of which Timothy McVeigh was convicted in Denver, CO, just a few days ago, the destruction of property and the killing of innocent people by mass destruction, and also the intentional killing of Federal law enforcement officers, is not included in that list. And that is the purpose of my amendment.

It has come to my attention, however, Mr. Chairman, that subsequent to

my offering this amendment and putting it in line to be taken up at this time, there are some veterans organizations that are concerned. And the gentleman who is the chairman of the Committee on Veteran' Affairs, Mr. STUMP, and I have conferred about this; and as my colleagues know, this particular amendment is outside the immediate scope of the Department of Defense bill, however, would be and has been authorized by the Committee on Rules to be taken up today.

However, in deference to the gentleman from Arizona [Mr. STUMP], because there are to be hearings on this in an attempt to make sure that the door is battened down fully and correctly on this issue, I will in a moment ask unanimous consent to withdraw this amendment.

□ 1345

Mr. Chairman, I reserve the balance of my time.

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rose in opposition not because I am in opposition to the gentleman's amendment but merely to express my thanks to him for withdrawing his amendment or he is about to.

In the rush to deal with the McVeigh issue, everyone drafted a bill very rapidly and all fell short. The bill that was passed out of the Senate, for instance, will not prevent McVeigh from being buried in the common area in Arlington National Cemetery. There are other factors that are involved in this issue. For instance, do we really want to penalize a widow or dependent children because of what that veteran may or may not have done? If the man had committed suicide before he was convicted, this would not cover the situation.

In an effort to try to put all these ideas together, I asked everyone to withdraw their amendments, my good friend the gentleman from Missouri did this, and we will be ready to draw up a bill in the next day or so, have hearings on it and proceed as rapidly and expeditiously as possible.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman on this. I think that this is something that the Congress needs to deal with, but the gentleman from Arizona, chairman of the Committee on Veterans' Affairs, I think makes a very valid point. We want to do this carefully and properly. I urge him to keep up his good work and look forward to voting in favor of his amendment when it comes to the floor.

Mr. STUMP. I thank the gentleman.

Mr. SKELTON. Mr. Chairman, at this time, realizing that we all seem to be singing from the same sheet of music and unanimous in our attempt to make this law clear and understandable, I do ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words as I understand under the rule whenever the chairman of the committee moves to strike the requisite number of words, the member from the other side automatically, if he chooses to claim it, has 5 minutes, and I would like to claim those 5 minutes.

The CHAIRMAN. The Chair would respond to the gentleman that that is when an amendment is under consideration, and technically the gentleman from Arizona was using the 5 minutes allocated to him in opposition to the amendment.

Mr. DELLUMS. Then I move to strike the requisite number of words.

The CHAIRMAN. Does the gentleman ask unanimous consent?

Mr. DELLUMS. I would ask unanimous consent to strike the requisite number of words.

Mr. CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. DELLUMS. Mr. Chairman, first I would like to concur in the remarks of my distinguished colleague from Arizona and in the remarks of my distinguished colleague from Washington and compliment the gentleman from Missouri [Mr. SKELTON] for withdrawing his amendment. There clearly were some unintended consequences to the gentleman's amendment, and I think withdrawing is the better part of valor at this point.

Second, I would like to take this opportunity just to make an observation and a comment, Mr. Chairman. This is a terrible way to do business. It was precisely for this reason that this gentleman rose on Friday last to suggest that Monday is an inappropriate time to debate a bill totaling $263 billion with enormous long-term policy implications. To sit here in a virtually empty Chamber where we are dealing with substantive matters on Monday when Members are traveling from all over the country trying to get back here is simply an inappropriate way to do business.

I know the gentleman from Arizona and I will continue to do our best to try to move the process forward, but I just want the record to show that one more time for the purposes of emphasis, Mr. Chairman, that I think that this is a wholly inappropriate way to do business, and at one level it is rather embarrassing as a member of this body who certainly came here to be substantive and deliberative and who wants to engage at a serious level that there is something fatally flawed about this process.

The CHAIRMAN. Pursuant to section 5 of House Resolution 169, it is now in order to consider amendment No. 10 printed in part 1 of House Report 105–137.

AMENDMENT NO. 10 OFFERED BY MR. TALENT

Mr. TALENT. Mr. Chairman, I offer an amendment as the designee of the gentleman from New York [Mr. GILMAN].

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. TALENT:

Strike out section 568 (page 192, line 9, through page 201, line 9) and insert in lieu thereof the following:

SEC. 568. IMPROVEMENT OF MISSING PERSONS AUTHORITIES APPLICABLE TO DEPARTMENT OF DEFENSE.

(a) APPLICABILITY TO DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES.—(1) Section 1501 of title 10, United States Code, is amended—

(A) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

"(1) Any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(2)(A) Any other person who is a citizen of the United States and is described in subparagraph (B) who serves with or accompanies the armed forces in the field under orders and becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(B) A person described in this subparagraph is any of the following:

"(i) A civilian officer or employee of the Department of Defense.

"(ii) An employee of a contractor of the Department of Defense.

"(iii) An employee of a United States firm licensed by the United States under section 38 of the Arms Export Control Act (22 U.S.C. 2778) to perform duties under contract with a foreign government involving military training of the military forces of that government in accordance with policies of the Department of Defense."; and

(B) by adding at the end the following new subsection:

"(f) SECRETARY CONCERNED.—In this chapter, the term 'Secretary concerned' includes—

"(1) in the case of a person covered by clause (i) of subsection (c)(2)(B), the Secretary of the military department or head of the element of the Department of Defense employing the employee;

"(2) in the case of a person covered by clause (ii) of subsection (c)(2)(B), the Secretary of the military department or head of the element of the Department of Defense contracting with the contractor; and

"(3) in the case of a person covered by clause (iii) of subsection (c)(2)(B), the Secretary of Defense.".

(2) Section 1503(c) of such title is amended—

(A) in paragraph (1), by striking out "one military officer" and inserting in lieu thereof "one individual described in paragraph (2)";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) An individual referred to in paragraph (1) is the following:

"(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

"(B) A civilian, in the case of an inquiry with respect to a civilian employee of the Department of Defense or of a contractor of the Department of Defense.".

(3) Section 1504(d) of such title is amended—

(A) in paragraph (1), by striking out "who are" and all that follows in that paragraph and inserting in lieu thereof "as follows:

"(A) In the case of a board that will inquire into the whereabouts and status of one or more members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.

"(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

"(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS–13 of the General Schedule under section 5332 of title 5; and

"(ii) such members of the armed forces as the Secretary considers advisable.

"(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

"(i) the board shall include at least one officer described in subparagraph (A) and at least one employee of the Department of Defense described in subparagraph (B)(i); and

"(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board's inquiry to the number of civilians who are subjects of the board's inquiry."; and

(B) in paragraph (4), by striking out "section 1503(c)(3)" and inserting in lieu thereof "section 1503(c)(4)".

(4) Paragraph (1) of section 1513 of such title is amended to read as follows:

"(1) The term 'missing person' means—

"(A) a member of the armed forces on active duty who is in a missing status; or

"(B) a civilian employee of the Department of Defense or an employee of a contractor of the Department of Defense who serves with or accompanies the armed forces in the field under orders and who is in a missing status.

Such term includes an unaccounted for person described in section 1509(b) of this title, under the circumstances specified in the last sentence of section 1509(a) of this title.".

(b) REPORT ON PRELIMINARY ASSESSMENT OF STATUS.—(1) Section 1502 of such title is amended—

(A) in subsection (a)(2)—

(i) by striking out "10 days" and inserting in lieu thereof "48 hours"; and

(ii) by striking out "Secretary concerned" and inserting in lieu thereof "theater component commander with jurisdiction over the missing person";

(B) in subsection (a), as amended by subparagraph (A)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(ii) by inserting "(1)" after "COMMANDER.—"; and

(iii) by adding at the end the following new paragraph:

"(2) However, if the commander determines that operational conditions resulting from hostile action or combat constitute an emergency that prevents timely reporting under paragraph (1)(B), the initial report should be made as soon as possible, but in no case later than ten days after the date on which the commander receives such information under paragraph (1).";

(C) by redesignating subsection (b) as subsection (c);

(D) by inserting after subsection (a), as amended by subparagraphs (A) and (B), the following new subsection (b):

"(b) TRANSMISSION THROUGH THEATER COMPONENT COMMANDER.—Upon reviewing a report under subsection (a) recommending that a person be placed in a missing status, the theater component commander shall ensure that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person. Not later than 14 days after receiving the report, the theater component commander shall forward the report to the Secretary of Defense or the Secretary concerned in accordance with procedures prescribed under section 1501(b) of this title. The theater component commander shall include with such report a certification that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person."; and

(E) in subsection (c), as redesignated by subparagraph (C), by adding at the end the following new sentence: "The theater component commander through whom the report with respect to the missing person is transmitted under subsection (b) shall ensure that all pertinent information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person is properly safeguarded to avoid loss, damage, or modification.".

(2) Section 1503(a) of such title is amended by striking out "section 1502(a)" and inserting in lieu thereof "section 1502(b)".

(3) Section 1504 of such title is amended by striking out "section 1502(a)(2)" in subsections (a), (b), and (e)(1) and inserting in lieu thereof "section 1502(a)".

(4) Section 1513 of such title is amended by adding at the end the following new paragraph:

"(8) The term 'theater component commander' means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command.".

(c) FREQUENCY OF SUBSEQUENT REVIEWS.—Subsection (b) of section 1505 of such title is amended to read as follows:

"(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

"(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

"(B) not later than every three years thereafter.

"(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

"(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

"(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502(a) of this title; or

"(B) if, before the end of such 30-year period, the missing person is accounted for.".

(d) INFORMATION TO ACCOMPANY RECOMMENDATION OF STATUS OF DEATH.—Section 1507(b) of such title is amended adding at the end the following new paragraphs:

"(3) A description of the location of the body, if recovered.

"(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.".

(e) MISSING PERSON'S COUNSEL.—(1) Sections 1503(f)(1) and 1504(f)(1) of such title are amended by adding at the end the following: "The identity of counsel appointed under this paragraph for a missing person shall be made known to the missing person's primary next of kin and any other previously designated person of the person.".

(2) Section 1503(f)(4) of such title is amended by adding at the end the following: "The primary next of kin of a missing person and any other previously designated person of the missing person shall have the right to submit information to the missing person's counsel relative to the disappearance or status of the missing person.".

(3) Section 1505(c)(1) is amended by adding at the end the following: "The Secretary concerned shall appoint counsel to represent any such missing person to whom such information may be related. The appointment shall be in the same manner, and subject to the same provisions, as an appointment under section 1504(f)(1) of this title.".

(f) SCOPE OF PREENACTMENT REVIEW.—(1) Section 1509 of such title is amended by striking out in subsection (a) and inserting in lieu thereof the following:

"(a) REVIEW OF STATUS.—(1) If new information is found or received that may be related to one or more unaccounted for persons described in subsection (b) (whether or not such information specifically relates (or may specifically relate) to any particular such unaccounted for person), that information shall be provided to the Secretary of Defense. Upon receipt of such information, the Secretary shall ensure that the information is treated under paragraphs (2) and (3) of section 1505(c) of this title and under section 1505(d) of this title in the same manner as information received under paragraph (1) of section 1505(c) of this title. For purposes of the applicability of other provisions of this chapter in such a case, each such unaccounted for person to whom the new information may be related shall be considered to be a missing person.

"(2) The Secretary concerned shall appoint counsel to represent each such unaccounted for person to whom the new information may be related. The appointment shall be in the same manner, and subject to the same provisions, as an appointment under section 1504(f)(1) of this title.

"(3) For purposes of this subsection, new information is information that—

"(A) is found or received after the date of the enactment of the the National Defense Authorization Act for Fiscal Year 1998 by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title; or

"(B) is identified after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 in records of the United States as information that could be relevant to the case of one or more unaccounted for persons described in subsection (b).".

(2) Such section is further amended by adding at the end the following new subsection:

"(d) ESTABLISHMENT OF PERSONNEL FILES FOR KOREAN CONFLICT CASES.—The Secretary of Defense shall ensure that a personnel file is established for each unaccounted for person who is described in subsection (b)(1). Each such file shall be handled in accordance with, and subject to the provisions of, section 1506 of this title in the same manner as applies to the file of a missing person.".

(g) WITHHOLDING OF CLASSIFIED INFORMATION.—Section 1506(b) of such title is amended—

(1) by inserting "(1)" before "The Secretary";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) If classified information withheld under this subsection refers to one or more unnamed missing persons, the Secretary shall ensure that notice of that withheld information, and notice of the date of the most recent review of the classification of that withheld information, is made reasonably accessible to family members of missing persons.".

(h) WITHHOLDING OF PRIVILEGED INFORMATION.—Section 1506(d) of such title is amended—

(1) in paragraph (2)—

(A) by striking out "non-derogatory" both places it appears in the first sentence;

(B) by inserting "or about unnamed missing persons" in the first sentence after "the debriefing report";

(C) by striking out "the missing person" in the second sentence and inserting in lieu thereof "each missing person named in the debriefing report"; and

(D) by adding at the end the following new sentence: "Any information contained in the extract of the debriefing report that pertains to unnamed missing persons shall be made reasonably accessible to family members of missing persons."; and

(2) in paragraph (3)—

(A) by inserting ", or part of a debriefing report," after "a debriefing report"; and

(B) by adding at the end the following new sentence: "Whenever the Secretary withholds a debriefing report, or part of a debriefing report, containing information on unnamed missing persons from accessibility to families of missing persons under this section, the Secretary shall ensure that notice that the withheld debriefing report exists is made reasonably accessible to family members of missing persons.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Missouri [Mr. TALENT] and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to introduce an amendment to H.R. 1119 the fiscal year 1998 National Defense Authorization Act. This amendment mirrors and expands on the language of H.R. 409, the Missing Persons Authorities Improvement Act of 1997.

Mr. Chairman, last year this body secured a victory for U.S. service personnel, their families and the families of POW/MIA's by winning the passage of H.R. 945, the Missing Service Personnel Act. That bill received unanimous support in the House as part of the defense authorization bill for that year.

The amendment would restore the provisions stricken from the Missing Service Personnel Act by a Senate amendment that was offered and passed last year. Last year this legislation was introduced as H.R. 4000. It received 280 cosponsors and passed unanimously in the House before failing to come to the Senate floor.

Mr. Chairman, I will briefly describe the provisions of the amendment. I do not believe that they are controversial. The first provision to be restored requires that military commanders report and initiate searching for a missing service personnel member within 48 hours, rather than 10 days as stated in current law, unless prevented by combat conditions.

That bears repeating, Mr. Chairman. The requirement does not apply if the local commander is engaged in an ongoing combat situation, especially one on a large scale. But it is entirely appropriate for peacekeeping operations. Captain O'Grady, for example, was missing for 6 days before being found. Had he not been reported missing in a timely fashion, his story would surely have had a different outcome.

The second provision in the amendment covers civilian employees of the Defense Department and Defense Department civilian contractors in the same way that active duty personnel are covered. These civilians are in the field under orders to assist our military, Mr. Chairman. They deserve the same protections afforded our men and women in uniform. Moreover, with the downsizing of our Armed Forces that has been occurring during the post-cold-war period, the Department of Defense has been increasingly turning to civilian contractors for technical support with equipment during operations in the field.

These contract employees face the same conditions in the front lines as our men and women in uniform. Since they are assuming the same risks, it only makes sense that they are allowed the knowledge that the Pentagon places the same priority on their recovery as it does for military personnel.

The third key provision in the amendment states that if a body is recovered and cannot be identified by visual means, a certification by a credible forensic authority has to be made before the DPMO can certify that the person is dead. This provision is simple common sense. There have been too many cases where misidentification of remains has caused undue trauma for families.

The last provision I want to mention specifically, Mr. Chairman, may be the most important of all. The amendment contains provisions relating to pre-enactment cases, cases that occurred before the enactment of the Missing Service Personnel Act in 1995. These are primarily from the Korean and the Vietnam wars. Should any new information be found on such a case and be presented to the Department of Defense, the MIA in question must have counsel present at any hearing called to decide on the convening of a review board.

Furthermore, such counsel must be revealed to the MIA's family which can then provide the counsel with additional information as warranted. Finally, the DOD should treat any new information from pre-enactment cases in the same manner as for future cases that may occur. More importantly, the law requires that personnel files be established for those servicemen last known alive in Korea.

In recent years, Mr. Chairman, information has been declassified which revealed that the United States Government knew that over 900 soldiers had been left behind in Korea. The United Nations has had a similar list available for years, albeit with a much smaller number. Mr. Chairman, if that is the case, we need to do everything in our power to locate and return these individuals. The establishment of personnel files for these cases is a small step in that direction, but it does help to organize the information that does exist and begins to allow for coordination so that our efforts at personnel recovery are as efficient as possible.

Mr. Chairman, I will not go on about the amendment or about the underlying issue. We have a lot of other business to do today. I just want to urge my colleagues today to join me in supporting the amendment to this year's defense authorization bill and thus show support for MIA's, POW's, their families and for the Missing Persons Authorities Improvement Act of 1997.

Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. I thank the gentleman from Missouri [Mr. TALENT] for yielding me this time.

Mr. Chairman, I rise in support of the Gilman amendment. The Missing Persons Act, as originally signed into law

by the President, had two major objectives: First to ensure that any member of the Armed Forces, and any Department of Defense civilian employee or contractor employee who serves with or accompanies the Armed Forces in the field under orders, who becomes a prisoner of war or missing is ultimately accounted for by the United States, and, second, as a general rule, such missing persons are not declared dead solely because of the passage of time.

The Gilman amendment would ensure that the Missing Persons Act is restored to those objectives. The need for the amendment is supported by an extensive hearing record. In eight hearings conducted in the last 2 years, numerous witnesses testified in support of the need to improve the current process for accounting for POW/MIA's.

The amendment also makes changes to law that make sense in the post-cold-war era. For example, DOD civilians and contractors, as well as other nonmilitary personnel like those United States citizens now in Bosnia are playing an ever increasing role in the support of United States military operations. When deployed in support of the U.S. military, these people are as much at risk to capture and hostile action as military personnel. They ought to have the same protections under the law.

As many of my colleagues know, the United States is in a belated effort to fully account for thousands of POW/MIA's throughout the cold war era. This amendment would give emphasis and direction to that long needed effort. In addition, the amendment would also provide family members and others greater access to information about missing persons. Finally, the amendment unequivocally makes a clear and strong congressional commitment to achieving the fullest possible accounting for persons missing as a result of hostile action today and in the future.

I extend a great compliment to the gentleman from Missouri [Mr. TALENT] for his leadership on this issue and that of the gentleman from New York [Mr. GILMAN]. For these reasons, I urge my colleagues to support the Gilman amendment.

Mr. TALENT. Mr. Chairman, I yield myself such time as I may consume.

I will close, Mr. Chairman, by saying this is an issue that we have been working on on the House side on a bipartisan basis for a number of years. We have made real progress in trying to make sure that what has happened in the past to many of our men who have been lost overseas and never returned, never came home, does not happen again. I want to thank and congratulate the gentleman from Indiana [Mr. BUYER], chairman of the Subcommittee on Military Personnel of the Committee on National Security, for his comments and for his very hard work and his leadership in this.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TALENT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to commend the gentleman for his leadership on this issue. I rise in very strong support of his amendment.

Mr. TALENT. I am happy to hear that and I thank the gentleman for his comments.

Mr. GILMAN. Mr. Chairman, I rise today in strong support of this amendment to H.R. 1119, the Fiscal year 1998 National Defense Authorization Act. I was unavoidably detained while returning to Washington from my district, and I thank the gentleman from Missouri, [Mr. TALENT] for offering this amendment in my absence. This amendment parallels and broadens the language of H.R. 409, the Missing Persons Authorities Improvement Act of 1997.

Early last year, the Congress secured a victory for U.S. Service Personnel, their families, and the families of POW/MIA's by passing H.R. 945, the Missing Service Personnel Act.

H.R. 945 received unanimous support in the House as part of the Department of Defense Authorization Act of 1996.

When they were unable to prevent the passage of H.R. 945, the opponents of the legislation attached a Senate amendment to the 1997 Defense Authorization Conference Report. This amendment removed several key provisions of the Missing Service Personnel Act.

This amendment being offered today would restore those provisions deleted from the Missing Service Personnel Act by that Senate amendment. In the closing days of the 104th Congress, this legislation was introduced as H.R. 4000. That bill received 280 cosponsors and passed unanimously in the House before being blocked in the Senate.

The first provision being restored requires that military commanders report and initiate searching for a missing service personnel member within 48 hours, rather than 10 days as stated in current law, unless prevented by combat conditions.

Although current regulations require local commanders to report any individual missing for more than 24 hours, individuals often fall through the cracks, especially during military operations.

It should be noted that this requirement does not apply during ongoing combat situations. However, it's application and enforcement are entirely appropriate for peacekeeping operations. If my colleagues would recall Captain O'Grady was missing for 6 days before being rescued. Had he not been reported missing for 10 days, it is highly doubtful that he would have been rescued alive.

The second provision in this Amendment covers civilians employees of the Defense Department and Defense Department civilian contractors. These civilians are in the field under orders to assist our military, and they have earned the same protections afforded our men and women in uniform.

Moreover, with the downsizing of our Armed Forces that has been occurring since the end of the cold war, the DOD has been increasingly turning to civilian contractors for technical support with equipment during operations in the field.

These contract employees are facing the same conditions on the front lines as our men and women in uniform. Since they are assuming the same risks, it only makes sense that they are allowed the knowledge that the Pentagon places the same priority on their recovery as it does for military personnel.

The third provision to be restored by this Amendment states that if a body were recovered and could not be identified by visual means, that a certification by a credible forensic authority must be made.

This provisions is simply common sense. There have been too many cases where misidentification of remains has caused undue trauma for families.

Finally, this amendment would restore the provision which would impose criminal penalties for those Government officials who knowingly and willfully withhold information related to the disappearance, whereabouts and status of a missing person.

Prompt and proper notification of any new information is essential to the successful investigation of each POW/MIA case. This cannot be achieved if individuals deliberately seek to derail the process.

it should be noted that these penalties would only apply to future cases, and then only if the individual in question deliberately and willingly withheld such information. It is not our intent to penalize someone for any honest mistake or simple oversight. At the same time, and clear, deliberate obstruction should be punished.

This amendment also contains provisions relating to preenactment cases, those from the Korean and Vietnam wars. Should any new information be found on such a case, and is presented to the Secretary of Defense, the MIA family in question must have counsel present at any hearing called to decide on the conveying of a review board.

Furthermore, such counsel must be revealed to the MIA's family, which can then provide the counsel with additional information as warranted. Finally, the DOD should treat any new information from preenactment cases in the same manner as for future cases that may occur.

More importantly, the law requires that personnel files be established for those servicemen last known alive in Korea.

In recent years, information has been declassified which revealed that the U.S. Government knew that over 900 soldiers had been left behind in Korea, who were last known to be alive. The United Nations has had a similar list available for years, albeit with a much smaller number.

I realize that many of these individual POW's are no longer alive, and that it will probably be impossible to ever definitely prove when how these men died. The North Koreans were a brutal group of captors with an abysmal record of prisoner treatment. Yet there exists the possibility that some of these men may still be alive.

If that is the case, we need to do everything in our power to locate and return these individuals. While the establishment of personnel files for these cases is a small step in this direction, it does help to organize the morass of information that exists.

More importantly it begins to allow for coordination so that our efforts at personnel recovery are as effective as possible.

The opponents of the Missing Service Personnel Act, including many in the Pentagon, believes that these requirements would be overburdensome and inhibit America's war fighting abilities. I do not believe that this is a credible argument. Rather than create more red tape I believe that provisions will help streamline the bureaucracy and improve the investigation process.

Recordingly, I urge my colleagues today to join me in supporting this amendment to the Fiscal Year 1998 National Defense Authorization Act, and thus show your support for the Missing Persons Authorities Improvement Act of 1997.

Mr. TALENT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. TALENT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 169, further proceedings on the amendment offered by the gentleman from Missouri [Mr. TALENT] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 11 printed in part 1 of House Report 105–137.

AMENDMENT NO. 11 OFFERED BY MR. BUYER

Mr. BUYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. Buyer:

At the end of title VII (page 288, after line 21), insert the following new subtitle:

Subtitle F—Persian Gulf Illness

SEC. 751. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Gulf War illness" means any one of the complex of illnesses and symptoms that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term "Persian Gulf War" has the meaning given that term in section 101 of title 38, United States Code.

(3) The term "Persian Gulf veteran" means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(4) The term "contingency operation" has the meaning given that term in section 101(a) of title 10, United States Code, and includes a humanitarian operation, peacekeeping operation, or similar operation.

SEC. 752. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN GULF VETERANS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall prepare a plan to provide appropriate health care to Persian Gulf veterans (and their dependents) who suffer from a Gulf War illness.

(b) CONTENTS OF PLAN.—In preparing the plan, the Secretaries shall—

(1) use the presumptions of service connection and illness specified in paragraphs (1) and (2) of section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note) to determine the Persian Gulf veterans (and the dependents of Persian Gulf veterans) who should be covered by the plan;

(2) consider the need and methods available to provide health care services to Persian Gulf veterans who are no longer on active duty in the Armed Forces, such as Persian Gulf veterans who are members of the reserve components and Persian Gulf veterans who have been separated from the Armed Forces; and

(3) estimate the costs to the Government to provide full or partial health care services under the plan to covered Persian Gulf veterans (and their covered dependents).

(c) FOLLOW-UP TREATMENT.—The plan required by subsection (a) shall specifically address the measures to be used to monitor the quality, appropriateness, and effectiveness of, and patient satisfaction with, health care services provided to Persian Gulf veterans after their initial medical examination as part of registration in the Persian Gulf War Veterans Health Registry or the Comprehensive Clinical Evaluation Program.

(d) SUBMISSION OF PLAN.—Not later than March 1, 1998, the Secretaries shall submit to Congress the plan required by subsection (a).

SEC. 753. COMPTROLLER GENERAL STUDY OF REVISED DISABILITY CRITERIA FOR PHYSICAL EVALUATION BOARDS.

Not later than March 1, 1998, the Comptroller General shall submit to Congress a study evaluating the revisions made by the Secretary of Defense to the criteria used by Physical Evaluation Boards to set disability ratings for members of the Armed Forces who are no longer medically qualified for continuation on active duty so as to ensure accurate disability ratings related to a diagnosis of a Persian Gulf illness. Such revisions were required by section 721(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note).

SEC. 754. IMPROVED MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS IN CONTINGENCY OR COMBAT OPERATIONS.

(a) SYSTEM REQUIRED.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074d the following new section:

"§ 1074e. Medical tracking system for members deployed overseas

"(a) SYSTEM REQUIRED.—The Secretary of Defense shall establish a system to assess the medical condition of members of the armed forces (including members of the reserve components) who are deployed outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or combat operation.

"(b) ELEMENTS OF SYSTEM.—The system shall include the use of predeployment medical examinations and postdeployment medical examinations (including an assessment of mental health and the drawing of blood samples) to accurately record the medical condition of members before their deployment and any changes in their medical condition during the course of their deployment. The postdeployment examination shall be conducted when the member is redeployed or otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

"(c) RECORDKEEPING.—The results of all medical examinations conducted under the system, records of all health care services (including immunizations) received by members described in subsection (a) in anticipation of their deployment or during the course of their deployment, and records of events occurring in the deployment area that may affect the health of such members shall be retained and maintained in a centralized location to improve future access to the records.

"(d) QUALITY ASSURANCE.—The Secretary of Defense shall establish a quality assurance program to evaluate the success of the system in ensuring that members described in subsection (a) receive predeployment medical examinations and postdeployment medical examinations and that the recordkeeping requirements are met.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074d the following new item:

"1074e. Medical tracking system for members deployed overseas.".

SEC. 755. REPORT ON PLANS TO TRACK LOCATION OF MEMBERS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan for collecting and maintaining information regarding the daily location of units of the Armed Forces, and to the extent practicable individual members of such units, serving in a theater of operations during a contingency operation or combat operation.

SEC. 756. REPORT ON PLANS TO IMPROVE DETECTION AND MONITORING OF CHEMICAL, BIOLOGICAL, AND SIMILAR HAZARDS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan regarding the deployment, in a theater of operations during a contingency operation or combat operation, of a specialized unit of the Armed Forces with the capability and expertise to detect and monitor the presence of chemical, biological, and similar hazards to which members of the Armed Forces may be exposed.

SEC. 757. NOTICE OF USE OF INVESTIGATIONAL NEW DRUGS.

(a) NOTICE REQUIREMENTS.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1107. Notice of use of investigational new drugs

"(a) NOTICE REQUIRED.—(1) Whenever the Secretary of Defense requests or requires a member of the armed forces to receive an investigational new drug, the Secretary shall provide the member with notice containing the information specified in subsection (d).

"(2) The Secretary shall also ensure that medical providers who administer an investigational new drug or who are likely to treat members who receive an investigational new drug receive the information required to be provided under paragraphs (3) and (4) of subsection (d).

"(b) TIME FOR NOTICE.—The notice required to be provided to a member under subsection (a)(1) shall be provided before the investigational new drug is first administered to the member, if practicable, but in no case later than 30 days after the investigational new drug is first administered to the member.

"(c) FORM OF NOTICE.—The notice required under subsection (a)(1) shall be provided in writing unless the Secretary of Defense determines that the use of written notice is

impractical because of the number of members receiving the investigational new drug, time constraints, or similar reasons. If the Secretary provides notice under subsection (a)(1) in a form other than in writing, the Secretary shall submit to Congress a report describing the notification method used and the reasons for the use of the alternative method.

"(d) CONTENT OF NOTICE.—The notice required under subsection (a)(1) shall include the following:

"(1) Clear notice that drug being administered is an investigational new drug.

"(2) The reasons why the investigational new drug is being administered.

"(3) Information regarding the possible side effects of the investigational new drug, including any known side effects possible as a result of the interaction of the investigational new drug with other drugs or treatments being administered to the members receiving the investigational new drug.

"(4) Such other information that, as a condition of authorizing the use of the investigational new drug, the Secretary of Health and Human Services may require to be disclosed.

"(e) RECORDS OF USE.—The Secretary of Defense shall ensure that the medical records of members accurately document the receipt by members of any investigational new drug and the notice required by subsection (d).

"(f) DEFINITION.—In this section, the term 'investigational new drug' means a drug covered by section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1107. Notice of use of investigational new drugs.".

SEC. 758. REPORT ON EFFECTIVENESS OF RESEARCH EFFORTS REGARDING GULF WAR ILLNESSES.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report evaluating the effectiveness of medical research initiatives regarding Gulf War illnesses. The report shall address the following:

(1) The type and effectiveness of previous research efforts, including the activities undertaken pursuant to section 743 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1074 note), section 722 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note), and sections 270 and 271 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 110 Stat. 1613).

(2) Recommendations regarding additional research regarding Gulf War illnesses, including research regarding the nature and causes of Gulf War illnesses and appropriate treatments for such illnesses.

(3) The adequacy of Federal funding and the need for additional funding for medical research initiatives regarding Gulf War illnesses.

SEC. 759. PERSIAN GULF ILLNESS CLINICAL TRIALS PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) There are many ongoing studies that investigate risk factors which may be associated with the health problems experienced by Persian Gulf veterans; however, there have been no studies which examine health outcomes and the effectiveness of the treatment received by such veterans.

(2) The medical literature and testimony presented in hearings on Gulf War illnesses indicate there are therapies, such as cognitive behavioral therapy, which have been effective in treating patients with symptoms similar to those seen in many Persian Gulf veterans.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall establish a program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions. Such protocols shall include a multidisciplinary treatment model, of which cognitive behavioral therapy is a component.

(c) FUNDING.—Of the funds authorized to be appropriated in section 201(1) for research, development, test, and evaluation for the Army, the sum of $4,500,000 shall be available for program element 62787A (medical technology) in the budget of the Department of Defense for fiscal year 1998 to carry out the clinical trials program established pursuant to subsection (b).

The CHAIRMAN. Pursuant to the rule, the gentleman from Indiana [Mr. BUYER] and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment as it relates to Persian Gulf war illnesses.

Since the end of the Persian Gulf war in 1991, a number of service members who were deployed to the Persian Gulf theater, both active and reserve, have experienced a range of illnesses and symptoms, such as fatigue, muscle and joint pain, memory loss, severe headaches and many other symptoms. Despite the fact that the Department of Defense and the Department of Veterans Affairs have spent millions of dollars on medical research, the nature and causes of these illnesses remain unclear, and in fact remain multifaceted.

In fact, the final report of the Presidential Advisory Committee on Gulf War Veterans' Illnesses concluded that many of the health concerns of gulf war veterans might never be fully resolved because of a lack of data. One of the reasons there is a lack of data is because the Persian Gulf war medical records were incomplete and inaccurate with regard to documenting all medical events for service members while deployed to the Persian Gulf.

□ 1400

As a result of poor medical recordkeeping during the Persian Gulf, the General Accounting Office, GAO, has recommended that the Department of Defense, using the lessons learned from the war, promptly complete and implement a DOD-wide policy for medical surveillance for all major deployments of U.S. forces. A medical surveillance system that collects, analyzes and disseminates health information will greatly facilitate DOD's ability to intervene in a timely manner to address health care problems experienced by military personnel.

As a result of this poor medical recordkeeping and consistent with the General Accounting Office's recommendations, this amendment includes the requirement for the Secretary of Defense to establish a medical tracking system to be used during all overseas contingencies or wartime operations, plus humanitarian operations for all deployed military members, including reservists. I believe this is critical. If we are going to send our service members to foreign lands for combat, humanitarian, or contingency operations, we must make sure we know the health status of those members, what it is going into and coming out of the area of operations.

Another GAO study on the effectiveness of the clinical treatment of ill veterans found that both while DOD and VA have tried to measure or insure the quality of veterans' initial examinations, neither agency can determine the appropriateness or the effectiveness of the care veterans have subsequently received. The Presidential Advisory Committee also cited shortcomings in the availability of treatment for gulf war veterans experiencing symptoms from gulf war illnesses and recommended better followup care for these members. Additionally, according to the drafted GAO report, neither agency has any plans to establish a mechanism to monitor these veterans' progresses.

Therefore, this amendment directs the Secretary of Defense and Secretary of Department of Veterans Affairs to develop measures to be used to monitor the effectiveness and the quality of followup health care services provided to the Persian Gulf veterans experiencing symptoms of gulf war illnesses. Every effort must be made to follow up on the care provided to these veterans to make sure the treatment they receive is effective in treating the symptoms of these illnesses.

To address the longstanding concerns of many Members of Congress, including myself, about whether the Department of Defense is appropriately treating ill Persian Gulf service members, particularly with regard to physical disability separation process, this amendment directs the GAO to study the physical evaluation board process to insure accurate disability ratings for diagnosis of the Persian Gulf illnesses. I believe it is very important for us to make sure that the services are not separating Persian Gulf veterans for medical reasons who have no clear diagnosis of their illnesses and without providing them adequate disability ratings and compensation.

As I mentioned earlier, millions of dollars have been spent on medical research that has yet to produce clear

evidence of what has caused those illnesses. I have no objection, Mr. Chairman, to a shotgun approach in our medical research, but now we need to analyze and narrow the research and do an analysis of the overall medical projects.

We do not thoroughly understand, despite all of the research, what all of the symptoms are. As the GAO has said, since much of the research was not begun until well after the war ended, the results are not yet available. I think that is an important question for us to answer: What is the right research?

My amendment therefore directs the Secretary of Defense to evaluate the effectiveness of all the research done to date on the potential causes of gulf war illnesses and to identify requirements for additional research on possible causation and appropriate treatments. I sincerely believe this amendment addresses many of the criticisms and recommendations relating to the Government's investigation into and responses to gulf war illnesses. It takes a dramatic step toward ensuring that our service members and the veterans are treated properly. It has strong support not only from the American Legion, but also the Veterans of Foreign Wars.

I want to thank my colleagues and the gentleman from Illinois [Mr. EVANS] and the gentleman from Rhode Island [Mr. KENNEDY]. I would also like to give a special thank you to the chairman of the Committee on National Security, the gentleman from South Carolina [Mr. SPENCE] and for the leadership of the chairman of the Committee on Veterans' Affairs, the gentleman from Arizona [Mr. STUMP] for their support in this effort. I strongly encourage adoption of the comprehensive, bipartisan amendment, and let us show the support for our veterans in this regard.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent to claim the 30 minutes that no one rose in opposition on the gentleman's amendment. I am not in opposition, but I rise to claim the time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] will control 30 minutes.

PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. BUYER. Mr. Chairman, I believe there were 30 minutes on this amendment to be divided 15 and 15. Therefore, I would have 15 and the gentleman from California would have 15, not the entire 30.

The CHAIRMAN. Under the rule, the time allocated to the amendment was 30 minutes on each side for a total of 1 hour.

Mr. DELLUMS. Mr. Chairman, I yield 10 minutes to my distinguished colleague from Washington [Mr. DICKS].

Mr. DICKS. I certainly appreciate the courtesy of the gentleman from California. I want to rise in strong support of this amendment. This has been one of the most difficult issues that all of us have faced.

I serve on the Subcommittee on National Security and on the Permanent Select Committee on Intelligence as the ranking Democrat, and we have asked for an investigation of this: What did we know, and when did we know it, and was there an attempt at the Pentagon not to really come clean with the American people on this issue? I have worried about the veterans that are out there, many of which came from my State, my district, who served in the gulf war, who were told that, well, there was no exposure to chemical weapons; they are also told that they may be suffering from a post war mental syndrome.

Well, I do not think that is accurate, and I think the studies that have been done and the work that has been done by doctors all over the country who have treated Gulf War veterans proves conclusively that there are some other problems than the ones that have been suggested by the Defense Department.

Out in California, for example, Dr. Garth Nicholson has treated many patients who have had infectious microplasmas, and this would mean that somehow they were exposed to an infectious agent while they were in the gulf and brought it back. In fact, some have given it to their children, their wives and even their pets, and again the Pentagon has been very slow to acknowledge this possibility.

Now they are doing a study of this; they are looking into Dr. Nicholson's research, and I have talked, in trying to help Dr. Nicholson I have talked, to doctors all over the country who are treating gulf war veterans at the various veteran's hospitals, and they are incredulous by the way that Washington, DC, has treated this.

Now in recent months, the last several months, the administration I think has, and I do not blame the President for this, but people over at the Defense Department have finally gotten the message that the American people want to see every one of these possible causes for gulf war diseases to be investigated, and this Congress has given them the money to do that, the Committee on Appropriations has given them the resources to do that, and still there has been resistance over there, saying we have to study, and we have to do this.

I am all for professional studies, I am all for peer review, but I do not want it to be a way of saying we can only afford to do this much. If there is other good, credible, possible answers out there, I want the Pentagon to come and ask for the resources necessary to do the investigation.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, I appreciate the gentleman's comments on the issue. I would ask of him to never refer to this as a gulf war syndrome. A syndrome infers a sole source causation. I would ask for the gentleman to always refer to this as the gulf war illnesses, because in fact it is multifaceted.

Mr. DICKS. That is my point. I agree with that. I think it is multifaceted; I completely concur with that.

Mr. BUYER. Mr. Chairman, if the gentleman will yield further, I appreciate the gentleman's endorsement of many of the ongoing studies. The difficulty when we took on this issue in the beginning was that there were a lot of stonewalling, not only from private medical institutions, but also within the medical institutions of the Department of Defense and within the VA. It has taken them awhile, they are slowly coming along, and we have had, it seems like every time we are plowing new ground, somebody is filling in the furrow right behind them, and we have so many what I refer to as a shotgun approach right now, and there are as many different areas.

The gentleman from Washington [Mr. DICKS] mentioned one of the doctors, one of them who has been highly scrutinized, but, as my colleague knows, what may be unusual today in medical research is when we are pressing the bounds of science it may become the norm of tomorrow.

So I think we in the face of causation for which we have some ambivalence, because we do not know, we do not understand the science, we better be as open in our thought as much as we can. So now we have done this huge shotgun with all of our medical research, we better try to figure out our analysis of so many studies that are going on, and that is our attempt.

Mr. DICKS. Reclaiming my time, the other problem that I found out is that we do not have the best technology, I believe, for the detection of when an enemy uses chemical or biological weapons. This is not something that we are very skilled at. We are pretty good in chemicals, but certainly weak in the biological area, so there are some other areas that the Congress needs to look at so that when we deploy forces we have a better idea of what they may be exposed to, and we also need to be careful about the shots that are given. There are some indications that there may have been some problems with that.

And so there are problems in the detection area. There also is something

that has plagued soldiers from time eternal, and that is when we take somebody and put them into a new area, there may be background infectious agents or parasites, another problem that could have affected our troops.

And so I concur very strongly with my colleague's point that we should look at this as a multifaceted problem and not look at it as just one issue, and I think that is where we got off track. We were not willing to have a pragmatic, open mind about this and to look at all these possibilities, and I think also I worry on the intelligence side did we give advanced warning to our commanders in the field about the possibilities that when they destroyed at Khamisiyah, when they destroyed those weapons, who knew exactly what was there? Was it just chemical weapons? Could there have been some low-grade biological weapons or other infectious disease?

As my colleagues know, Saddam made a number of speeches in which he said, "If you come after me, I'm going to do things that will affect you, your families, your wives," da-da-da-da. So it is a strong indication that he may have used something that we still do not have full knowledge of.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Indiana.

Mr. BUYER. Being very pragmatic, following the gentleman's thought process, why did we give inoculations to over 10,000 soldiers in the Persian Gulf actually for botulism and then require all soldiers in the gulf to receive two shots of anthrax if, in fact, we are not potentially going to face a biological threat?

Mr. DICKS. I think we knew. We certainly understood that he possessed chemical and biological weapons, and this is another problem, by the way. As my colleague knows, people say all this was a great victory. I have heard people get up and say it showed the great might of the U.S. military forces. I would point out we had 500,000 troops out there who were, if Saddam had had accurate Scud launchers and missiles, that he could have devastated us because we did not possess adequate theater missile defense.

So when we talk about these issues and talk about deployment of troops in the future, as my colleagues know, we could be faced by someone who would use chemical and biological weapons. That is why I also worry about the potential of lockout, of not being able to get our reinforcements in in a timely way, because an enemy could use chemical or biological weapons on our airfields and therefore stop us from bringing troops and tactical aircraft into the region.

So this is an area where we need a lot of work. We also need to make sure we have adequate gear and equipment for our soldiers when we are deploying them. We are pretty good on chemical again, and somewhat weak again on biological. So there are a lot of things that need to be done here, but I have never been as frustrated on any issue except maybe for one, in trying to get the Pentagon to listen as I have been on this one.

And recently I want to compliment Dr. Berger out at Walter Reed. He is one of the few officials who had an open mind about this who convened a panel, brought in experts, and we had him review Dr. Nicholson's work, and the funny part of it is the people who were in the Government all said, well, we are skeptical, but all the people from around the country who had open minds from the top universities said, yes, there is enough here, we should investigate it. And so now they are doing a protocol, they are looking into it. But that was only because as a senior member of the defense appropriations committee I personally intervened, went to the meeting 2 days before Christmas, got Dr. Berger to come back from New York.

I mean we had to go to those lengths to try to get them to pay attention to this and to realize that we in the Congress were simply not going to let them get away with not doing this job and not looking at these possibilities in order to take care of these veterans. I still worry that these kids are coming into VA hospitals where they still think there really is not a problem and it is all psychosomatic and not really giving them the kind of treatment that Dr. Nicholson and other skilled practitioners out there are giving them, giving these soldiers, in order to get them over the various symptoms that they have had from the Gulf War.

So again I rise in strong support of this. We cannot let this happen again, and I think that is the intent of the gentleman's amendment, and I appreciate the ranking Democratic Member, the gentleman from California [Mr. DELLUMS] for yielding me this time.

□ 1415

Mr. BUYER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, two comments I want to make. One other individual I want to give special recognition to is Dr. Ron Blanc, now the Surgeon General of the Army. If there was an individual early on that was a good listener, it was Dr. Blanc. I extend great compliments to him.

The other thing I wanted to share with the gentleman is that I went to London. I met with the Minister of Defense there. I testified before the Select Committee on the Gulf War in the House of Commons. I want you to know we are working in a cooperative effort with our allies.

We would be very naive to think we would not be a future ally of the United Kingdom or Canada in a conflict, and if we do not take the time now to understand the science and take care of those who bore the risk of battle, shame on us. I believe that we are now moving in that cooperative effort, not at the speed that I would like, but it is there, and I wanted to share that with you and my colleagues so we can keep moving on the issue.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Washington.

Mr. DICKS. I wanted to commend the gentleman for his leadership. He will certainly have bipartisan support. My colleague, the gentleman from Washington [Mr. METCALF], has been a leader on this issue. We will give us as much help from our side of the aisle.

Mr. BUYER. Mr. Chairman, I yield 4 minutes to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Buyer amendment and of our veterans and service members afflicted with gulf war illness. The Buyer amendment represents a positive step toward finding answers for many Americans affected by this tragic disease.

Mr. Chairman, I have an amendment which will be included en bloc later this afternoon regarding the gulf war illness. My amendment shows Congress' resolve that the Department of Defense should embrace all technologies and treatments in the relentless pursuit of a resolution to the dire consequences of the gulf war on our troops and their families.

The most sobering experience I have had since being in Congress has been to sit in a room with outstanding young men and women who served this Nation honorably and hear about their experiences in the gulf and their lives since their return. Here is one example:

A constituent of mine, Butch, was a seasoned combat medic during Vietnam. He served as a surgical operating room technician during the gulf war. Six months after his return from the gulf, he began to experience problems with his health, and since that time has been treated for a long list of serious medical problems.

Amazingly, he has been prescribed to take over 35 pills a day. Fortunately, he has been awarded disability, but his rating is primarily for posttraumatic stress disorder. Can you believe it? Thirty-five pills a day for posttraumatic stress disorder? That is ridiculous.

He feels "like an old beaten down man with no future and nothing to look forward to but pain." He is afraid of being around his grandchildren for fear he could pass something on to them. Mr. Chairman, this tragedy must be dealt with before it becomes an epidemic.

I have also had extensive conversations with medical experts, and you have mentioned several of them here, doctors both in and out of Government looking at this issue. These share the opinion that the Government at this point is failing to address the central issues surrounding the gulf war illness.

Mr. Chairman, the certainty of chemical and the probability of biological agents being interjected into the Persian Gulf theater of operations is something that cannot be overlooked and must be investigated by our Government. The medical professionals I have been in contact with believe that only by investigating these possibilities will we move closer to a cure.

My amendment makes a clear statement that this Congress has as its primary interest those Americans afflicted with these illnesses. As I have shared with every Member in this body, Mr. Chairman, in a "Dear Colleague" letter earlier this year, we must consider all treatment alternatives and open our minds to search outside the paradigm in pursuit of cures.

The time for Congress to step up and exercise its oversight responsibilities is now, and my amendment, in concert with the Buyer amendment which I support, accomplishes this.

I would like to congratulate Chairman SPENCE and subcommittee Chairman BUYER on an excellent bill, and thank them for their support both of my amendment and of all military service members and veterans.

Mr. DELLUMS. Mr. Chairman, I yield 6 minutes to the distinguished gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Chairman, I would first like to commend those who are sponsoring this amendment on both sides of the aisle for their good work, and I rise to support the amendment and urge that this is just the first step of some very important efforts that we need to bring together in a bipartisan basis on behalf of those who served us in the gulf war and have come back and are now suffering as a result of what happened to them there.

According to the Departments of Defense and Veterans Affairs, more than 70,000 veterans out of the 697,000 who served in the gulf have reported persistent illnesses. Seventy-four percent of them were turned down for disability coverage because doctors say they either have no visible illness or cannot show their ailments are related to the gulf war.

Thousands of veterans are suffering from illness as a result of chemical exposure during the Persian Gulf conflict and they cannot get the medical care that they need. They cannot even get recognition of their problem, recognition of a problem that they did not create, and it is incredibly important that this recognition be given to them.

In my own Eighth District in Michigan, Tom and Nancy Burnett have been fighting to save their son Scott, who is a gulf war veteran. The Burnetts were proud when Scott decided to enlist in the Army in 1988. As a member of the 101st Airborne Division, he served for 6 months in Saudi Arabia.

Since returning from the gulf, Scott has experienced intestinal problems, headaches, muscle and joint pains, shortness of breath, eye problems, night sweats, reoccurring illnesses, and congestive heart failure. And this was a healthy young man when he served our country.

In October 1995, Scott was diagnosed with double pneumonia. While he was in the hospital, the doctors discovered that his heart was functioning at only 10 to 20 percent of its normal capacity and the doctors thought that a heart transplant was his only chance of survival.

In their desperation to save their son's life, the Burnetts launched an intensive fact-finding mission. They contacted everyone they could think of to find out what Scott had been exposed to during his time in the gulf. They found one doctor at a private hospital who had been researching the illness of gulf war veterans, and he was able to evaluate Scott's case. This doctor thought that an antibiotic, doxycylene, could help heal Scott's heart. After a month of taking this drug, Scott Burnett's heart function had increased to 39 percent. He had been told that a heart transplant was his only hope, but, in truth, a simple antibiotic was the answer.

As a gulf war veteran in the United States, if you get sick, your best and sometimes only hope is that you and your family can contact enough people and do enough research on your own to discover the best course of treatment.

In testimony presented to the Presidential Advisory Committee on Gulf War Illness in 1996, Mr. Burnett said, "If my son Scott had been aware of the problems that had been known to exist for several years, he would have sought more aggressive treatment prior to his pneumonia and he would not have had the problems that he has today."

Scott's main health problems are idiopathic cardiomyopathy and congestive heart failure and problems with his immune system, which are incredibly serious. These problems are rare in the general population, and especially rare for someone his age. Scott Burnett went into the Army as a healthy young man, and left 4 years later as a seriously and chronically ill veteran.

This amendment is long overdue. It is a first step in recognizing and treating the illnesses that our gulf war veterans are suffering. However, it is not enough. The National Commander of the American Legion says:

Plans to create a new Gulf War illness czar will not help disabled Gulf War veterans one bit. They need medical care, not a running debate in Washington.

We need to help these veterans and their families who are suffering. This amendment is a good first step, but it is only a first step. They need help now.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. STABENOW. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the gentlewoman on her very good statement. This is the same situation we had with Dr. Nicholson out in California. When these people came in, he found that they possessed an infectious mycoplasma. He then ordered massive doses of antibiotics and was able, with many of them, to cure them of the symptoms.

Now, if this was a chemical weapon, obviously, antibiotics would not have worked, so there had to be something else that these soldiers were exposed to. The thing that is worrisome about infectious disease is it is something you can give to your family or wife and others.

So, again, many doctors, all over the country, have found that by using antibiotics they were able to cure these veterans of their symptoms. But the problem is, when they go in, unless you have a doctor who is creative, he has basically been told that this is not a possibility. So I think it has really slowed down the treatment of the soldiers, which is what I worry about most here.

Mr. Chairman, I appreciate the gentlewoman yielding, and compliment her on her very fine statement.

Ms. STABENOW. Mr. Chairman, reclaiming my time, this is what is so important about this issue. First, we have to acknowledge it happened and make sure people are being diagnosed and treated for what is actually occurring to them, because we cannot begin to help them get the treatment they need unless we own up to the fact it happened.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to comment to the gentlewoman from Michigan, part of the problems that we have here, I first met you at a VFW post in Michigan. While I was at that VFW post a gentleman came up to me at that post whom I then recognized. He worked for me in the gulf, and when I asked him how he was doing, he took my hand and put it at the base of the stem of the back of his neck and I felt all these knots, and he said, "I am dying."

Now, how do you respond to someone that you know, that you care about, and when you say how are you doing, that is not the response you typically get?

What is difficult for us on this issue is what we do not know, and what we do not know is, is he dying from a cancer that he would have normally received had he never been deployed to

the gulf, or was there something in the gulf that is somehow some form of a causation? That is the science for which we do not understand.

So when a veteran asks me will we ever know, I do not have the answer for that. It pains me. But we have to make decisions here with regard to disability, with regard to causation, and with regard to science. And when we draw those lines, people will say you are cold, you are callous, you do not care, and that is wrong, because we are trying to make calculated decisions in an area for which we do not have the specific answer.

I would also share with the gentlewoman this is not a first step. This is about the 22d step. We have the gentleman from California, the former chairman of the Committee on National Security, Mr. DELLUMS, here; the former chairman of the Subcommittee on Personnel, the gentleman from Missouri, Mr. SKELTON, directly behind you; the gentleman from South Carolina, Chairman SPENCE; and the gentleman from Arizona, Chairman STUMP.

I cannot begin to tell you how many hearings we have had on the Committee on Government Oversight with the gentleman from Connecticut [Mr. SHAYS], with a lot of people. It was so wonderful, is there are so many people involved in this issue. That is great. Many of their initiatives, when you go out and move out on initiative, you better stay in touch with it, because there is someone else that may not believe in it or they take two steps back or try to knock it down.

One of the reasons for this amendment right now is an initiative that came from the gentleman from Missouri [Mr. SKELTON] and under the leadership of the gentleman from California [Mr. DELLUMS]. The active duty were saying this was a problem with reservists and the National Guard, as if there is some institutional bias. This is just against them.

No, too many active duty soldiers were grabbing me in the stairwells, pulling me aside in private, to tell me about their health care, when they were afraid of coming forward because of the downsizing process. It was the gentleman from Missouri [Mr. SKELTON] who stepped forward and put into his mark a physical disability separation process that said, "You are going to care for the soldiers on active duty, take care of them, and not kick them out. It is a veteran problem. BOB STUMP, you take care of it, or Sonny Montgomery, you take care of it."

□ 1430

So I just want to share with the gentlewoman that we are in about our 23d step and we are nursing this issue with a great deal of effort and care.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the thing that bothers me the most about this is going back to what we said originally, and that is we should have been doing this 6 years ago. The war has been over for 6 years. Now, 6 years have gone by, and we were kind of lulled into a sense of complacency for the first few years, and so now, when we have to do all of this research, it may take us 2 or 3 additional years to really get the answers.

So I hope what we can do is remember these lessons the next time we deploy American forces into a situation like this, so that we do not have to have this big gap in time before we get down to serious work.

Mr. BUYER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. EVANS].

Ms. STABENOW. Mr. Chairman, will the gentleman yield?

Mr. EVANS. Mr. Chairman, I yield to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Chairman, I just want to associate myself with the comments that were just made.

I understand that things are happening and that hearings have been held, but it has been 6 years, and for Tom and his son Scott, that has been 6 years of agony. I am concerned about having a sense of urgency that when the day is done we will have done something that touched their lives and has made it better.

Mr. EVANS. Mr. Chairman, reclaiming my time, I first want to thank the gentleman from Indiana [Mr. BUYER] for his leadership on this issue and for his hard work to help our Persian Gulf veterans.

This amendment, and our work together in the past, demonstrates a strong, bipartisan effort to come to grips with this issue. I thank the gentleman from Indiana [Mr. BUYER], and I am proud to join him as a cosponsor of this amendment.

I also want to thank the gentleman for including my provision which would fund clinical trials to evaluate current health care provided to Persian Gulf veterans and examine other potential treatment methods. Unfortunately, DOD and VA research efforts have not completely addressed the efficacy of treatment or the wide variety of treatments used in public and private medicine for undiagnosed illnesses.

This point was made by the American Legion in testimony before the House Committee on Veterans' Affairs on February 11, 1997. There is no data available on the effectiveness of treatment on Persian Gulf veterans. While this lack of data is disturbing, there is one thing that is perfectly clear: Gulf veterans do not feel that the care currently provided them is making them feel better.

I appreciate the gentleman's leadership, his amendment, and strongly urge my colleagues to support it.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume. I urge all of my colleagues to support the Buyer amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment. As has been stated earlier, there is a wide range of interest in this issue across the panorama of Members in this body. Mr. Chairman, I would like to single out for special commendation the gentleman from Indiana [Mr. BUYER], the gentleman from Illinois [Mr. EVANS] and the gentleman from Rhode Island [Mr. KENNEDY], who came together in a bipartisan effort to move beyond the shortcomings of how the Department of Defense is presently addressing this significant and serious issue. I think this is an important and strong effort on their part. They ought to be commended, and I think that the best way that we can commend them is to overwhelmingly support this amendment.

Mr. QUINN. Mr. Chairman, I rise today in strong support of Mr. BUYER and Mr. KENNEDY's amendment to the Fiscal Year 1998 Defense Authorization Act, which would require the Departments of Defense and Veterans Affairs to improve their research into Persian Gulf war illnesses and their treatment of suffering Persian Gulf war veterans.

Our veterans, who have so bravely served our country in the Persian Gulf war, have been suffering for far too long. They have been waiting patiently for answers and we are letting them down.

As the chairman of the House Veterans' Affairs Subcommittee on Benefits, I have been holding hearings to look into the often frustrating claims process for Persian Gulf war veterans.

What I have detected is that there are far too many delays in the system. By working with the VA, claims processing has now been centralized which is expected to improve the chances of our veterans' receiving the proper benefits.

The lack of coordination of the various research programs conducted by the Government is presenting another obstacle. As Federal Representatives, I believe that it is our responsibility to insure that all research programs fit together to solve this issue of undiagnosed illnesses.

The Buyer-Kennedy amendment is a surefire way to bring us one step closer to resolving this problem by taking care of our ailing veterans.

The bottom line is that our veterans are sick and their families are suffering—they are due the health care they have earned.

I urge my colleagues to vote "yes" on the amendment.

Mr. BUYER. Mr. Chairman, I rise in strong support of Mr. BUYER's amendment to provide for a series of initiatives to improve the Department of Defense and the Department of

Veterans' Affairs investigation of Persian Gulf illnesses, and the treatment of ill gulf war veterans.

This amendment first, authorizes $4.5 million to establish a cooperative DOD/VA program of clinical trials to evaluate treatments which might relieve the symptoms of gulf war illnesses; second, requires the Secretaries of both departments to develop a comprehensive plan for providing health care to all veterans, active-duty members and reserves who suffer from symptoms of gulf war illnesses.

This amendment is particularly important because it cuts to the heart of the matter regarding the DOD's response to this issue. Along with I'm sure many of my colleagues, I have heard numerous stories from my constituents about the poor initial response to veteran's concerns from both DOD and the VA.

Yet, when we in Congress raised these issues, time and time again, the CIA and DOD assured members of both the House and Senate that there was no evidence that any troops were exposed to chemical weapons in the gulf. Moreover, the VA was eager to accept these statements, so eager in fact, that VA officials did not feel exposure to chemical agents even merited consideration when ascertaining the causes behind the symptoms experienced by the affected personnel.

Then, last year, when faced with overwhelming evidence to the contrary, officials at the Pentagon reversed themselves and stated that 400 soldiers at the Khamisiyah ammunition site were exposed to chemical agents. This figure later grew to approximately 20,000.

Since this initial revelation, additional disturbing facts have come out as the CIA and DOD have engaged in a contest of finger-pointing and blame shifting over what was known at the time, and what was communicated.

To me, the most shocking fact is the revelation to subcommittee staff last January that 80 percent of the nuclear-biological-chemical logs from the theater of operations, 165 of the 200 total pages, are missing.

For one, I am losing patience with the DOD in this issue. It was troubling enough that Pentagon officials were categorically denying troop exposure to chemical agents despite overwhelming evidence to the contrary.

Now, however, we find out that most of the record logs, which were intended to track these incidents, are missing. The charges of coverup no longer seems so farfetched.

These facts, as they have dribbled out over the past 6 years, point to the following conclusion. Simply put, we were not prepared to handle the contingency of widespread chemical use by Iraqi forces during the gulf war, and that it was only by the grace of God that Saddam Hussein did not resort to the use of such devices.

Mr. Chairman, we in Congress need some straight, honest answers from the DOD. For too long, we have been dealing with commanders who were more interested in protecting their career and reputations than in looking out for the welfare of the men under their command. It was bad enough to discount the thousands upon thousands of detections that occurred during the war.

What is worse is the pattern of deceit and misrepresentation they have waged with the Congress and the American people. If we had a problem in addressing widespread chemical exposures during the gulf, fine. Let's admit it and move on.

The hand-writing, doublespeak, and finger-pointing that has occurred over the last 12-months is pointless and counterproductive. More importantly, it does nothing to help the veteran who put his life, and now it appears both his and his family's future health, on the line for his country.

Accordingly, I urge my colleagues to support this amendment which will hopefully provide answers and relief to our veterans suffering from gulf war syndrome.

Mr. DELLUMS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. BUYER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BUYER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 169, further proceedings on the amendment offered by the gentleman from Indiana [Mr. BUYER] will be postponed.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [MR. BUYER] having assumed the chair, Mr. YOUNG of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. SPENCE. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to submit extraneous materials in the RECORD on the amendments to H.R. 1119 considered today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 2 o'clock and 35 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1736

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MILLER of Florida) at 5 o'clock and 36 minutes p.m.

MAKING IN ORDER ON TUESDAY, JUNE 24, 1997, CONSIDERATION OF HOUSE JOINT RESOLUTION 79, DISAPPROVAL OF MOST-FAVORED-NATION TREATMENT FOR CHINA

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that it be in order at any time on June 24, 1997, to consider in the House the joint resolution, House Joint Resolution 79, disapproving the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of the People's Republic of China; that the joint resolution be considered as read for amendment; that all points of order against the joint resolution and against its consideration be waived; that the joint resolution be debatable for 3½ hours equally divided and controlled by the chairman of the Committee on Ways and Means, in opposition to the joint resolution, and a Member in support of the joint resolution; that pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question be considered as ordered on the joint resolution to final passage without intervening motion; and that the provisions of section 152 and 153 of the Trade Act of 1974 shall not otherwise apply to any joint resolution disapproving the extension of most-favored-nation treatment to the People's Republic of China for the remainder of the first session of the 105th Congress.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from New York?

Ms. PELOSI. Mr. Speaker, reserving the right to object, and I do not intend to object, but I just seek clarification in the unanimous-consent request from the distinguished gentleman from New York [MR. SOLOMON], chairman of the Committee on Rules, that in the paragraph about who controls the time that the Member in support of the joint resolution be designated as the gentleman from California [MR. STARK] of the Committee on Ways and Means.

Mr. SOLOMON. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would inquire of the gentlewoman, a Member in opposition to the amendment?

Ms. PELOSI. Mr. Speaker, no, in support of the joint resolution. The gentleman from California [Mr. STARK] is in support of the joint resolution.

The joint resolution be debatable for 3½ hours equally divided and controlled by the

chairman of the Committee on Ways and Means in opposition to the joint resolution and a Member in support of the joint resolution.

I am just seeking clarification that that be designated as the gentleman from California [Mr. STARK].

Mr. SOLOMON. Mr. Speaker, if the gentlewoman would yield once again, it is intended that that Member be a member of the minority of the Committee on Ways and Means, the gentleman from California [Mr. STARK], and it is understood that he would yield half of his time to the gentleman from Kentucky [Mr. BUNNING], also a member of the Committee on Ways and Means, from this side of the aisle.

I might just say to the gentlewoman, since she and I have been the leaders in this effort to disapprove most-favored-nation treatment for China, that the gentlewoman and I both would seek time from the gentleman from California [Mr. STARK] and the gentleman from Kentucky [Mr. BUNNING] respectively, but that is the intent of this unanimous consent request.

Ms. PELOSI. Mr. Speaker, hopefully we can divide the time in half.

Mr. Speaker, I want to thank the gentleman from New York [Mr. SOLOMON] for his leadership in reaching this arrangement to bring his important resolution of disapproval to the floor. I will say, though, with great regret that we will be debating this resolution tomorrow morning, depriving the American people of the opportunity over the break next week to have office visits with Members, depriving the grassroots from weighing in. I think it is an attempt to keep this a Beltway business deal.

I do not know what the administration is afraid of on this issue, if they are afraid that the figures about the trade deficit that were just announced, 41-percent higher trade deficit with China for the first few months of this year than last year; whether they are afraid of the report on religious persecution which the State Department is holding until after this vote, which is highly critical of Beijing; or whether they are concerned about the report in Time magazine today about the secret missile deal,

The CIA has discovered that China is helping Pakistan build a missile plant, will the U.S. object?

Whether it is trade proliferation or human rights, the American people have a message: 77 to 27 they support conditioning most-favored-nation status on improvement in human rights. It is unfortunate that they will not have an opportunity to weigh in, and I am afraid that the administration and the leadership in the House is afraid of the truth.

With that, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 169 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1119.

□ 1740

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes, with Mr. YOUNG of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, further proceedings were postponed on amendment No. 11 printed in part 1 of House Report 105–137 by the gentleman from Indiana [Mr. BUYER].

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 169, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Part 2, amendment No. 15 offered by the gentleman from Massachusetts [Mr. FRANK]; part 2 Amendment No. 1 offered by the gentleman from Alabama [Mr. BACHUS]; part 1, Amendment No. 10 offered by the gentleman from Missouri [Mr. TALENT]; and part 1, Amendment No. 11 offered by the gentleman from Indiana [Mr. BUYER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 15 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. FRANK], as modified by section 8(b) of House Resolution 169, on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

Mr. DICKS. Mr. Chairman, I ask unanimous consent to withdraw the ordering of a recorded vote.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

So the amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. BACHUS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama [Mr. BACHUS] on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Mr. DICKS. Mr. Chairman, I ask to withdraw my request for a recorded vote.

The CHAIRMAN. The gentleman may withdraw his request for a recorded vote.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 18, as follows:

[Roll No. 225]

AYES—416

Abercrombie	Callahan	Dicks
Ackerman	Calvert	Dingell
Aderholt	Camp	Dixon
Allen	Campbell	Doggett
Andrews	Canady	Dooley
Archer	Cannon	Doolittle
Armey	Capps	Doyle
Bachus	Cardin	Dreier
Baesler	Carson	Duncan
Baker	Castle	Dunn
Baldacci	Chabot	Edwards
Ballenger	Chambliss	Ehlers
Barcia	Chenoweth	Ehrlich
Barr	Christensen	Emerson
Barrett (NE)	Clay	Engel
Bartlett	Clayton	English
Barton	Clement	Ensign
Bass	Clyburn	Etheridge
Bateman	Coble	Evans
Becerra	Coburn	Everett
Bentsen	Collins	Ewing
Bereuter	Combest	Farr
Berman	Condit	Fattah
Berry	Conyers	Fawell
Bilbray	Cook	Fazio
Bilirakis	Cooksey	Filner
Bishop	Costello	Flake
Blagojevich	Coyne	Foglietta
Bliley	Cramer	Foley
Blumenauer	Crane	Forbes
Boehlert	Crapo	Ford
Boehner	Cubin	Fowler
Bonilla	Cummings	Fox
Bonior	Cunningham	Frank (MA)
Bono	Danner	Franks (NJ)
Borski	Davis (FL)	Frelinghuysen
Boswell	Davis (IL)	Frost
Boucher	Davis (VA)	Furse
Boyd	Deal	Gallegly
Brady	DeFazio	Ganske
Brown (CA)	DeGette	Gejdenson
Brown (FL)	Delahunt	Gekas
Brown (OH)	DeLauro	Gephardt
Bryant	DeLay	Gibbons
Bunning	Dellums	Gilchrest
Burr	Deutsch	Gillmor
Burton	Diaz-Balart	Gilman
Buyer	Dickey	Gonzalez

Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Barrett (WI)
Blunt
Cox
Eshoo
Gordon
Kilpatrick
Lipinski
Maloney (NY)
McIntosh
Mollohan
Nadler
Pryce (OH)
Sabo
Schaefer, Dan
Schiff
Schumer
Stark
Yates

□ 1804

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Mr. Chairman, on rollcall No. 225, I was inadvertently detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, on rollcall No. 225, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. COX of California. Mr. Chairman, I was necessarily absent for this vote for medical reasons.

AMENDMENT OFFERED BY MR. TALENT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri [Mr. TALENT] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 2, not voting 17, as follows:

[Roll No. 226]

AYES—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran (KS)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt

Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—2

Moran (VA)
Murtha

NOT VOTING—17

Barrett (WI)
Blunt
Cox
Eshoo
Gordon
Kilpatrick
Lipinski
Maloney (NY)
Manton
McIntosh
Mollohan
Nadler
Owens
Schiff
Schumer
Stark
Yates

□ 1812

Mr. MORAN of Virginia changed his vote from "aye" to "no".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COX of California. Mr. Chairman, I was necessarily absent for this vote for medical reasons.

AMENDMENT OFFERED BY MR. BUYER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana [Mr. BUYER] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 0, not voting 17, as follows:

[Roll No. 227]

AYES—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Barrett (WI)
Blunt
Cox
Eshoo
Gordon
Kilpatrick
Lipinski
Maloney (NY)
McDade
McIntosh
Mollohan
Nadler
Riggs
Schiff
Schumer
Stark
Yates

□ 1819

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LAFALCE. Mr. Chairman, on the night of June 19 when the House held a series of votes in succession on the DOD authorization bill, I was given incorrect information and mistakenly voted "yes" on rollcall No. 217. I had intended to vote "no."

PERSONAL EXPLANATION

Mr. COX of California. Mr. Chairman, I was necessarily absent for this vote for medical reasons.

PERSONAL EXPLANATION

Mr. BARRETT of Wisconsin. Mr. Chairman, on rollcall No. 225, the Bachus amendment, had I been present I would have voted "aye."

Mr. Chairman, on rollcall No. 226, the Talent amendment, had I been present I would have voted "aye."

Mr. Chairman, on rollcall No. 227, the Buyer-Kennedy of Rhode Island amendment, had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. NADLER. Mr. Chairman, earlier today I was unavoidably out of the Chamber when three rollcalls occurred, and I want to ask that it would be reflected in the RECORD that had I been present I would have voted in the affirmative. I would have voted "aye" on rollcall No. 225, and "aye" on rollcall No. 226, and "aye" on rollcall No. 227.

PERSONAL EXPLANATION

Ms. ESHOO. Mr. Chairman, I was unavoidably detained on rollcall votes 225, 226 and 227. Had I been present, I would have voted "aye" on each one of the three.

The CHAIRMAN. Pursuant to section 5 of House Resolution 169, it is now in order to consider amendment No. 7 printed in part 1 of House Report 105–137, as modified by section 8(a) of House Resolution 169.

AMENDMENT NO. 7 OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. DELLUMS:

At the end of title I (page 23, before line 7), insert the following new sections:

SEC. 123. B–2. AIRCRAFT PROGRAM.

(a) PROHIBITION OF ADDITIONAL AIRCRAFT.—None of the amount appropriated pursuant to the authorization of appropriations in section 103(1) may be obligated for advanced procurement of B–2 aircraft beyond the 21 deployable aircraft authorized by law before the date of the enactment of this Act.

(b) PRODUCTION LINE CURTAILMENT.—None of the amount appropriated pursuant to the authorization of appropriations in section 103(1) may be obligated for reestablishment of the production line for B–2 aircraft. The Secretary of the Air Force may use up to $21,800,000 of funds available for the B–2 aircraft program for curtailment of the B–2 production line.

(c) FUNDING REDUCTION.—The amount provided in section 103(1) for procurement of aircraft for the Air Force is hereby reduced by $331,200,000.

SEC. 124. INCREASE IN AMOUNT FOR GUARD AND RESERVE EQUIPMENT.

The amount provided in section 105 for procurement of equipment for the reserve components is hereby increased by $331,200,000.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DELLUMS] and a Member opposed, the gentleman from South Carolina [Mr. SPENCE] each will control 45 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield 22½ minutes of the 45 minutes allocated to this gentleman for the purposes of debate to the distinguished gentleman from Florida [Mr. FOLEY] and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is perhaps the most significant vote that Members will make on the Department of Defense authorization bill for this fiscal year. Contained in this budget is $331,200,000 to begin advance procurement for 9 additional B–2 bombers. That is what is in the bill. What this amendment does is to strike that $331,200,000 from the B–2 account and places it in another account that I will discuss a little later.

What is clearly before us, Mr. Chairman, is whether or not we ought to go forward with the B–2 bomber. The debate is not about having B–2 bombers. We already have 21 of them that we have paid for, that we have either developed, or are in the final stages of development. It is not about do we have B–2's. It is about spending $27 billion to restart production for an additional 9 B–2's for which significant authorities have not asked for, stated that they do not want, and stated that they do not need. A $27 billion program that nobody has asked for, no one wants, except the contractor and the subcontractors.

This is a weapons system that no one wants. Where do we get this $27 billion figure? From the Congressional Budget Office, the people with figures so accurate that a number of my colleagues in these Chambers were prepared to shut down the Government if the CBO was not part of providing the statistical basis, the budgetary basis for what we have done. That means that people have great faith in their figures. $27 billion, $13.6 billion that will be spent in the 5 years of the so-called budget agreement, $13.2 billion beyond the 5 years for maintenance and operation, to a tune of nearly $27 billion.

Mr. Chairman, there is a point that I will make throughout this debate that the world has now significantly changed. It is no longer the same. This is a zero sum game.

You cannot have a 5-year balanced budget, strap on your back a $27 billion program and try to force it into the budget unless you force something out. You do not have to be too smart to realize that. Just plain old mother whip helps you understand that.

Balanced budget. You did not budget for this program because somebody wants to push it in. You push in $27 billion, you push out something. I am going to keep repeating that. This is a new day, it is a different world, it is a zero sum game.

The budget resolution, Mr. Chairman, that Members went home and lauded as they voted for this 5-year budget agreement adds over and above the President's request $17.5 billion. The Quadrennial Defense Review sweeps up all of that $17.5 billion for their 5-year defense plan. Now here comes a program that will spend $13.6 billion on a new weapons system that nobody budgeted for.

What about unbudgeted and unforeseen circumstances, like pay raises for the military, not budgeted? Mr. Chairman, my colleagues may not know this, but 3 years ago when I was the chairman of this committee, my colleagues submitted letters requesting $10 billion for programs above and beyond the budget request. This year my colleagues sent letters to the distinguished chair and the ranking member totaling $20 billion, add-ons, above and beyond what the Pentagon requested, what the administration requested, what Members wanted. In the real world, those add-ons and those Members' requests are going to keep on coming. Emergency crises are going to keep coming. Desire for pay raises and other things are going to keep coming.

□ 1830

I would assert aggressively, Mr. Chairman, that the $17.5 billion is already overly subscribed. Colleagues already competed for this money two or three times. They can only spend a buck in one place, they cannot spend the same dollar in three different places. Now only a fool can accept that argument.

This is real, Mr. Chairman. As I said, the world is changed. This is different. We cannot cram $27 billion.

Now, Mr. Chairman, I want to come directly on this budget issue to a number of my colleagues here.

To those who have said in the past I am going to give my vote on the B–2 to a friend of mine, that charge is going to cost $27 billion. It cannot be given away any more because in the context of a balanced budget, we push something in, we push something out. We cannot just turn our vote over for $27 billion for a friend, my colleagues handicap their own constituents, and I am going to argue that point aggressively before I finish.

For those of my colleagues who said, well, I am doing a Member a favor; they came to me first, and I am just going to give them my vote. Twenty-seven billion dollars; we cannot just give away our vote. My colleagues are in a balanced budget environment; push something in, push something out.

For those of my colleagues who have interests in military affairs and who have interests in other weapons system and other programs, they cannot just give away their vote.

I served on the Committee on Armed Services. I have watched the horse trading and the dealing for years. When Members did not have any problem: "I'll buy your B–2, you buy my F–16, my F–22," ad infinitum. That day is over, it is dead, it is gone. My colleagues are in a balanced budget environment. Colleagues push $27 billion in, colleagues push something out.

And then there are Members who want the B–2, the F–22, they want the joint strike fighter, they want every weapon system on the face of the Earth, but they do not want to make a decision as to which one they had rather have as opposed to something else. The balanced budget now forces them into this. This is now a tradeoff, my colleagues, no more skinning and grinning, no more smiling, my colleagues have got to make a serious decision.

For those Members in these Chambers who represent the poorest constituency in America, how do they then go home in the context of a balanced budget and say they took welfare reform, they reduced welfare, they reduced education, they reduced housing, they reduced jobs, when somebody can march into the well and say, "But you voted for a $27 billion budget program that ripped across a 5-year budget plan. How can you argue on both sides?"

For those who represent constituents who have thousands and thousands of young people at risk, who need the right to a good education, good training, good employment and living in a

good environment, how do they then say in the context of a 5-year budget agreement that they embraced a $27 billion weapon system that is going to come out?

Mr. Chairman, my colleagues have two options. Adding B–2's will force tradeoff of higher priority programs in the Defense Department. I have already tried to make that argument. The Department of Defense makes this argument. But I also want to talk to those people who are really not interested that much in all these things. They say, "Ron, you take care of the military budget. I'm interested in domestic programs." Remember this: We are in a 5-year budget agreement where there are so-called fire walls for the first 2 years. That means there is a wall between defense spending and nondefense discretionary spending. My colleagues cannot take money out of the military budget and put it in domestic programs or vice versa for 2 years.

Now this is a 5-year budget deal. My colleagues, I just said this is a $27 billion program. Wake up. Where do my colleagues think this $27 billion is going to come on the other side of those 2-year budget walls? Out of education, out of housing, out of the programs to serve our rural Americans, suburban Americans, and urban Americans.

My colleagues have got to be smart enough to understand this is a zero sum game. They may not like it because they think I am the skunk at the party raising these issues, but, my colleagues, I have got to put it in their face because that is the reality. We have got to wake up. There is no more dreaming any more. When my colleagues decided to go into a balanced budget environment, they put themselves there. Dignity and integrity and honesty require that they step up to that.

If my colleagues want this B–2, then it is so that they do not want other systems. If they want this B–2, absorb that we may not have other programs. For those of my colleagues who are concerned about the fragile nature of our ecological system and the environment, understand that in this bill we took $2.6 billion out of the Department of Energy's budget, a lot of it to clean up the environment where we have a responsibility to clean up some of the worst waste in America on these military reservations and bases, to buy more weapon systems.

This is a big one, my colleagues. It is coming out of our hide one place or the other.

So if my colleagues got these poor people, if they got these children at risk, if they have got people who are concerned about their health and their welfare, if they got people who are concerned about the environment, if they have got in their district other weapons systems, if they are committed to other policies, understand that my colleagues are jamming a $27 billion weapon system into a budget that cannot stand it.

Now, Mr. Chairman, let me go further. On the B–2 program itself there were five, not four, not three, not two, not one, five independent studies that all said we cannot make a case for more B–2 bombers. We had one study in 1995, the heavy bomber force study by the Institute for Defense Analysis. It said, quickly, did not make the case for more B–2's, additional quantities of precision-guided standoff munitions are more cost effective than additional B–2's, planned upgrades to the B–1 are more cost effective than additional B–2's, planned bomber force with precision-guided standoff munitions can meet the requirements of the two major regional contingencies.

Second study, 1995, Commission on Roads and Missions, did not make a case for more B–2's. Additional B–2's are less cost effective than additional precision-guided munitions, on and on.

Third study, heavy bomber industrial capability study, because many Members said, gee, we have got to build B–2's because we are going to lose the industrial base. Do my colleagues know what the study pointed out? There is no such thing as a bomber industrial base. If someone can build a plane, they can build a bomber. The people that built the B–2 did not build the B–1. The people that built the B–1 did not build the B–2. There is no such thing as a bomber base.

Finally, from 1962 to 1986, from 1962 to 1982 we never built a bomber, 20 years. But do my colleagues know what? When we needed to build one, we built one. A bomber is just a plane, bigger, longer, or whatever. But it is just a plane. So that argument about bomber base does not make sense.

Now the question of the technology, we need stealth. Well, that stealth technology that we learned out of the B–2 is going into the F–22, the joint strike fighter, and it is also in our technology base.

Third study is the quadrennial defense review. They came up with the same notion. Forces with more B–2's cost more than currently planned forces, et cetera, et cetera, and then the deep strike weapons mix study also this year concluded, 1997, same thing. Forces with more B–2's were less capable in strike warfare than those traded off, et cetera. Forces traded off perform roles the B–2 cannot.

My colleagues will argue that, well, we can trade off some of these other weapons systems for B–2's because we urgently need them. Mr. Chairman, we are not going to have these nine B–2's for 10 years. So if it is all that important for us to have them, then what about these 10 years, what do we do? Do we go in a closet because we are fighting to death that we do not have these nine additional B–2's? We got 21. We have a silver bullet.

And remember, when we flew in the Persian Gulf, Mr. Chairman, we fought what President Bush said was the fourth largest army in the world. We never flew one B–2, we never flew one B–1, and within 24 hours we had air superiority; within 72 hours, diminish.

My colleagues may not know this; I think you do, Mr. Chairman, because I know of your position: We have greater accuracy in our standoff capability, more of that accuracy and more of it deployed than when we were in the Persian Gulf. Five studies.

Now one thing: When I was chairman of the committee 3 years ago, I walked in a room with Sam Nunn. He is the most articulate supporter of the B–2. They thought I was the most articulate opponent. They said if Sam Nunn and RON DELLUMS can walk in a room and work something out, everybody can live with it on a bipartisan, bicameral basis. We walked in, I shook hands with Sam and said, "Let's do it fair, let's have an honest study, Mr. Chairman, an independent study. If you win, you win."

Guess what? A lot of my colleagues, including the gentleman from Ohio, said "RON, you just bought into a sucker bet. That study is going to come out, it is going to blow you away."

Do my colleagues know what happened? The study came out and supported me, and that ended it for the most part, and Sam Nunn supported it at that point. He said, well, if the administration does not want it, the study does not support it, he started to walk away.

I put all my chips on the table with honesty and integrity, Mr. Chairman, and I said let the study determine it. If my arguments do not make sense, if no one else carries my argument, then maybe I am talking to myself.

But I was not. Five additional, five independent, studies pointed this out.

Now I could talk about the B–1. I hope someone else does. The B–1 carries more of these weapons, flies the same distance, but let us come down to the last point: Jobs.

Some people have argued that this is going to keep more people employed in these communities that are presently building B–2. Not true, Mr. Chairman. This is a restart, not industrial-based preservation. Air Force sources have estimated that the production capability for the B–2 right now as we speak is no more than 30 percent, 30 percent. Only 6 percent of the personnel required to produce nine B–2's are currently on the program. Not according to RON DELLUMS, not according to Mr. FOLEY, or Mr. KASICH or the Pentagon. Do my colleagues know whose data? The contractor's data.

Mr. Chairman, I am sorry, 16 percent.

Many vendors and suppliers began exiting the program early in 1992. When

we make a contribution and have done it, we exit. People have been walking away from this program since 1992.

Summarize, Mr. Chairman. This is not an argument about B–2. We have 21 of them. We have got 95 brandnew shiny B–1's converted with the capability to destroy life beyond comprehension.

Mr. Chairman, this is a budget buster. Mr. Chairman, we cannot sell, we cannot rope-a-dope people, we cannot push $27 billion into a weapons system, into a budget and assume that it is not going to come out hurting somewhere, and if the people on the committee work it out and manage to buy each others B–2's and F–22's and joint strike fighters, I say to the gentleman from New York, "Who do you think they are coming after after the end of 2 years?" He knows. Jump on the other side of those fire walls and come after domestic programs, hurt us, hit us where we hurt across the board, and that is what this whole thing is about.

We cannot push this forward. No one wants this program except a few Members pushing it, the contractor and the subcontractor. Two Presidents did not want it, two Secretaries of Defense did not want it, Chairman of the Joint Chiefs did not want it, the CINC's do not want it. Who wants it? Why would we push a $27 billion program? If our warriors do not want it and we are not out there fighting wars, what makes us think we want to supplant them? We all know what this is about.

But the day is different now. This is a zero sum game. Make a deal, pay for it. Make a deal, the community pays for it. Make a deal, the constituency pays for it.

Mr. Chairman, I urge my colleagues to support this amendment. It is the right thing to do, it is the intelligent thing to do. It is assuming our fiduciary responsibilities. It is the economical thing to do.

Mr. Chairman, with those arguments I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I might consume.

Mr. SPENCE. Mr. Chairman, as a famous commentator recently said, "Now it is time for the other side of the story."

Mr. Chairman, I rise in opposition to the amendment to strike the B–2 funding from the bill. I oppose efforts to terminate the B–2 program as I did 2 years ago when the House twice rejected similar amendments. Although buying an additional nine B–2 bombers will not come inexpensively, the case for another squadron of these stealthy bombers that the Nation will rely on for the next 40 years is compelling.

This debate reminds me, I just listened to the gentleman refer to the fact that the President, the Chairman of the Joint Chiefs, the Secretary of Defense, all these people in the Pentagon do not want the B–2 bomber. Reminds me of another President, Jimmy Carter. We were debating this B–1 bomber the gentleman referred to at that time. And the same situation prevailed. The President, Chairman of the Joint Chiefs, the Secretary of Defense all of them were opposed to the B–1 bomber, and the Congress voted for it.

□ 1845

It was overturned by the President. He vetoed the bill and we did not get it. Then, later on, President Reagan was elected, and the same question came back up, and President Reagan held over the Chairman of the Joint Chiefs at that time, General David Jones, who sat down before the committee and said we do not want this B–1 bomber. But guess what? Under President Reagan, that same man who said we did not want it then said he wanted it, because President Reagan wanted it.

I have to make the point that these people in the administration have to carry water for the administration. They cannot very well take the opposing view from the President on matters of this kind.

As a supporter of the B–2, I would like to quote from a letter that retired Senator Sam Nunn wrote to the Committee on National Security earlier this year. Senator Nunn's letter stated, and I quote, "I continue to believe that the 21 B–2 bombers will not constitute an adequate force level to deal with many likely future contingencies and crises, and that no other military systems in existence or on the drawing boards can adequately substitute for the capabilities that the B–2 bomber offers."

While many share this view, unfortunately, as I said earlier, most current and former Clinton administration Secretaries of Defense do not. Consequently, the fate of the B–2 bomber, like the fate of the nuclear submarine, the conventional cruise missile, the F–117, and the V–22 before it, rests with Congress, for only Congress can intervene in these matters and has in the past.

It intervened, for instance, with Admiral Rickover, the father of the nuclear Navy, able to build the nuclear submarine because Congress dictated it; were options to build the conventional cruise missiles not negotiated away, thus protecting Tomahawk cruise missiles, whose performance in Desert Storm and in Bosnia were exceptional; a second squadron of F–117 Stealth fighters procured. The cancellation of the V–22 tiltrotor, the Marine Corps' future air transport, all of these things overturned because of Congress when the administrations were opposed to it.

Mr. Chairman, I only hope that the wisdom of Congress today and the wisdom Congress exhibited in reaching these historic decisions on these weapon systems will prevail here today on the B–2.

We will hear a lot of stories in this debate about the expense of buying more B–2's. We will hear that procuring nine more aircraft will cost $10 billion or $15 billion and that operating them for the next 20 years will cost another $10 billion to $15 billion. Even if these figures are correct, they need to be put in proper context.

Consider the capability the B–2 will provide this Nation well into the next century, and then consider the cost in the context of the funding that our country will spend on just three tactical aircraft programs: The F–22, the F/A–18E/F, and the Joint Strike Fighter. These three programs are slated to cost $350 billion, a figure which is not even adjusted for inflation, just to procure in the decades ahead. And they will probably cost a like amount to operate over their 20 or so year life spans. In this context, $20 billion to $25 billion to buy and operate another squadron of B–2's over the next 20 years seems small.

So while cost should be a critical variable in any debate over a major weapons system, I urge my colleagues to consider first the capability. If the B–2 provides a capability that the Nation needs, and I believe that it will for decades to come, we ought to be able to find the money in an annual defense budget of $250 billion to do it. If we do not believe that the Nation will want a more robust B–2 capability than the currently planned 21 aircraft in the decades ahead, then my colleagues should vote for this amendment.

I believe that another squadron of B–2's represents a prudent investment in our future, and therefore, I urge all of my colleagues to vote no on the amendment.

Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. HUNTER], the chairman of our Subcommittee on Procurement, control the remainder of the time in opposition to this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. FOLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this issue is not about simply the defense of our country. This is not about short-changing the men and women who serve our military. This is not about military preparedness. This is about a discussion that needs to go forward on a weapons program, the B–2 bomber, that is clearly a very, very expensive budgetary item.

There will be a lot of rhetoric about the pros and cons of the B–2 bomber, and there is divided opinion. We read the editorial papers, we listen to defense experts, we listen to our colleagues, and one can come to the conclusion that the B–2 is the best thing

we have ever invented, or that it is an extreme waste of money.

We have to start talking about the budget of this Nation like we talk to our families at home, about making priorities fit within the confines of money available.

Now, clearly, if we have an unlimited Treasury, which we have proven we do not, in fact, my side of the aisle has been one of the strongest proponents of balancing the Federal budget and saying no to other things that we cannot afford. Well, I think clearly, if we want to put something right on the table as a meaningful attempt to save the taxpayers' dollars, the B–2 comes to the top of the list.

According to the Pentagon, again, I have to suggest that many in this body suggest let the experts decide, let sound science rule the day, and let those charged with determining the future success of our military operations be brought into the discussion and make recommendations. The current fleet of 21 B–2 bombers, according to the Pentagon, is sufficient to meet the two-war scenario, the ability to fight and win two wars at the same time.

The B–1 bomber was mentioned earlier, which offers a greater payload and essentially the same range and weapons suite as the B–2. It is a logical complement to the 21 B–2 bombers authorized under current law. Again, we have 21 B–2 bombers. It is not as if we are on the floor today to determine should we get a B–2 bomber. We have 21 B–2 bombers that we paid for.

Now, we received a letter. The gentleman from Ohio [Mr. KASICH] asked the Congressional Budget Office that was referred to by my colleague:

> At your request, the Congressional Budget Office has estimated the cost to acquire and operate nine additional B–2 bombers. CBO estimates that adding nine bombers to the currently-planned fleet and operating each of them for 20 years would cost about $27 billion.

Some may assume that today's budget item of $331 million is what we are talking about. We are not talking about $331 million; we are talking about a total outlay over 20 years of $27 billion.

Most importantly, we have to discuss the fact that there are 95 B–1's in the fleet already bought and paid for by the U.S. taxpayer. The massive deep-attack weapons mix study conducted by the Pentagon concluded that it would not be cost effective, not be cost effective, to buy more B–2 bombers.

The Dellums-Kasich-Foley amendment is important because it eliminates the $331.2 million in B–2 funding that would be allocated this year, but again, that figure is a mere fraction of the real cost. No money is programmed in any balanced budget plan to pay for the outyear cost, as was mentioned by the gentleman from California [Mr. DELLUMS] that would be forced by authorization of nine additional B–2's. Small down payment today, folks, to keep the line operating; the big ticket comes in the outyears. Can we face the taxpayers to tell them the bill is in the mail and it is on its way?

If Congress allows this fiscally imprudent spending to occur, we will be forced to confront untold trade-offs in the future. Balancing the budget is a very difficult task. We have seen it on the floor, we have read about it in the newspapers, we have heard from our constituents, so yes, we do have to make some spending decisions now, not later.

Let me tell my colleagues what we could buy for one B–2 bomber. One B–2 bomber costs about $1.5 billion. Now, the proponents of the B–2 say that is because we are not ordering enough of them and we can get the cost down on a relative per-unit cost if we can just buy a lot more of them. The argument is not about buying efficiency in weapons system, it is about do we even need them to begin with.

But let us go over what a B–2 bomber will provide the United States of America taxpayers as a trade-off for something else. Fifty-six thousand, six hundred and four elementary school teachers at $26,000 a year, that is what one B–2 bomber buys; 86,108 deputy sheriffs to patrol our streets at $17,420 per year; 57,692 clergymen to go out and spread the message of the Bible in our communities at $26,000 per year; 46,000 firemen to protect our buildings and our public safety. Here is one some may not agree with, but 47,928 newspaper reporters. We may not agree that we need that many, but they are there at $31,297 per year.

Thirty-six thousand, five hundred eighty six new prison beds to lock up our most violent offenders in prisons with the price of 1 B–2 bomber; not the fleet, one. Take those numbers forward and see what they will do for us. Buy 188,372 brand-new GEO economy cars. Buy groceries for 1 full year for 360,577 families. For one B–2 bomber, I am going to tell 360,577 families, no groceries for a year. Now, we can go to public education, 224,000 students for 1 full academic year at a public 4-year college.

Why do I mention these figures? Because it is about choices. It is about a parent sitting down with their children and saying yes, I want to take you to Disney World this summer, and yes, we are going to try hard, but, kids, if we do that, we are going to sacrifice a little bit this year. Maybe not go to the movies during the weekend, maybe not order the pizza from the delivery man, maybe sacrifice a few items in order to do what we would like to do as a family, go to Disney World.

Now, maybe this is a simple analogy, but I got elected to Congress from a small town in Florida. I used to drive a tow truck, I worked at a gas station pumping gas, I opened my own restaurant at the age of 20. I found that every cent mattered in my life, because for me to open up the following Monday my restaurant caused me to be economical in my pursuit of excellence in that restaurant, and I could not waste money.

I got to Washington, DC, and people talk about billions as if we are talking about somebody's walking around money. It is only $27 billion, or maybe less, maybe $20 billion. CBO says 27 billion, the proponents of the program may say it is only a couple billion dollars. Members decide. Members decide. Because April 15 every year when I ask people to send their money to the IRS to run this Government, part of those dollars they are sending, Mr. Chairman, is for things like the B–2 bomber.

Now, we can spend billions of dollars to build up our society in public education, in housing, in infrastructure. Imagine that, building and creating our roads in America, strengthening our bridges, fixing the potholes in Washington, DC. What a novel thought, to think the American taxpayers will actually see some of their dollars at work domestically rather than flying planes we cannot see over in the Middle East somewhere.

Let us talk about our personnel. I was on the floor proudly supporting the flag burning amendment, because our veterans, our military personnel, went to war and died for the symbol of our democracy, the flag. I went home and they said, that is just rhetoric. The Constitution gives us the right of free speech, so putting a constitutional amendment about flag burning is just a gesture. Men and women died for that flag, and the debate today is about do we treat them as human beings.

□ 1900

Do we give them the housing they so richly deserve for protecting our Nation? Do we get our own personnel off of food stamps so they can proudly raise their own children? Do we give them the flight training and equipment up to standards that they desperately need? Or do we go off on a tangent and buy more weapons that the President and others have clearly said we do not need?

The Boston Globe, Pentagon's high tech delusions. The Pentagon insists on purchasing weapons systems that have little utility in a real crisis because they either are irrelevant to the threat or technologically wholly disproportionate to the threat or so costly that commanders are inhibited from using them. The B–2 stealth bomber is the obvious and controversial case in point.

Kansas City Star, hardware versus troops. Pentagon continues against all logic to insist no tough choices be made between the two.

Kansas City Star, again, with the cold war over, the need does not exist for all three fighters.

I can read from almost every editorial regarding this expenditure. Defense Secretary William Cohen, a Republican, is constantly being urged to kill sacred cows and must do so. Our own recommendation for cuts, including dropping the joint strike fighter and the B–2 bomber and cutting back the Marine Corps to free money for urgent needs particularly airlift and sea transportation.

Mr. Chairman, if we look at the facts, look at the groups supporting the Dellums-Kasich amendment, we will clearly come to the conclusion that while the B–2 is a very valuable weapons system, the fact remains we have 21. The fact remains we are equipped. The fact remains we have not shirked our duty to protect our Nation. The fact remains we are advancing technologically to develop weapons systems that are more adequate for today's needs. We are looking at conflicts that are arising around the globe.

I just got back from Asia with the Speaker of the House. We talked to people in China about their defense capabilities. The average pilot in China trains 2 hours a month. Their equipment is antiquated. Their resources are limited. So who is the threat? I am not suggesting China is not a threat. Understand, there are components within China that could operate to our detriment. Russia is broke. Boris Yeltsin was at the summit. He is broke. They are broke. They do not have the money to put toward weapons systems. They are no longer a threat.

There are threats, I recognize that. I am not so naive to suggest that this is a perfect world. Iran, Iraq, other nations pose threats to us. But is the B–2 going to be called into service for those nations that may be hostile to us or will it be an F–22, which I do support? Will it be a more versatile, more mobile force?

Let me read a letter that went to the gentleman from South Carolina [Mr. SPENCE] from the Secretary of Defense on June 18, 1997. Let me just underscore one statement: The loss in combat capabilities from retiring current weapons systems to pay for additional B–2's, the loss due to forgoing investment in other needed capabilities and the additional cost of the B–2 far outweigh the benefits from adding more B–2 aircraft to the fleet.

I will read that once more. Bill Cohen, appointed by President Clinton, Republican Senator from Maine, a thought conscious, strong individual who has supported our military. The loss in combat capabilities, our young men and women on the front line, from retiring current weapons systems to pay for additional B–2's, the loss due to forgoing investment in other needed capabilities and the additional cost of the B–2 far outweigh the benefits from adding more B–2 aircraft to the fleet.

The only former Defense Secretary that I think they could find to sign the letter of support was Cap Weinberger under the Reagan administration. I may stand corrected and I would look forward to it if I am.

Mr. Chairman, the debate is significant. The debate is about providing moneys, supplies, necessary weapons to our troops to defend America's interests both here and abroad. We are going down a path of spending billions of dollars on a weapons system that we clearly do not need by most all recognizable experts.

I hope my colleagues will join on the side of the righteous, if you will, and support the Dellums-Kasich-Foley amendment. It is a financially significant opportunity to show both our support for the defense of this Nation and for the conservative principle of saving money in a time when our budget is extremely stressed.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let us start with stealth because, that is an important part of the B–2 story. In Vietnam, we lost 2,300 aircraft. In fact, in the last phases of the war, when we threw B–52's against surface-to-air missile systems from Russia, then the Soviet Union, we lost 10 percent of our B–52 force that was used in that theater in 11 days. And America turned to her scientists and said, we may be on the verge of having our Air Force become obsolete if you do not figure out a way to beat those Soviet-made radar systems and surface-to-air missile systems.

And our scientists, the great scientists that we have in this country, responded. They came up with something developed by Democrat and Republican administrations, announced first by President Jimmy Carter, with what was known as stealth. Stealth is the ability to avoid enemy radar. That means very simply that a guy like the gentleman from Texas, Mr. SAM JOHNSON, who is sitting right here, who was a POW for a number of years in Hanoi, could fly an aircraft through a SAM missile battery without it acquiring him, without it seeing him and shooting him down. It gave survivability to American pilots. So we started developing stealth. And that is what the B–2 is.

My colleagues have talked about these wonderful ways to give quality of life to the people who serve in the Armed Forces. The way to give quality of life to the people who serve in the Armed Forces is to bring them back. And the way you bring them back is by letting them fly the best equipment.

Let me just put this argument in perspective in terms of cost. President Clinton has a program to buy short range aircraft over the next 20 years for $350 billion. Many Members here who are arguing on the other side have signed on at least initially to that program. We need those aircraft. That is short range theater aircraft.

President Clinton says we need $35 billion for short range aircraft and for long range aircraft, for bomber aircraft that can go from the United States to stop an armored invasion in another country thousands of miles away. He put down zero. Not a dime for long range aircraft. That is why the study that I think is the best study, the independent study, not a budget-driven study but the independent study by General Scowcroft recommends that we continue to build the B–2 line.

So here is what we are recommending today, what is in our budget, one thirty-fifth of the amount of money that is spent on short range aircraft of that $350 billion, that is about $12 billion for the construction, according to CBO, of B–2 bombers, one thirty-fifth of what we are spending for short range aircraft, let us spend it for long range aircraft so you have the ability to move from the United States to stop an armor attack halfway around the world.

I am a Navy guy. I come from a Navy town, San Diego. I am an advocate of carrier air power. However, it takes a long time to steam a carrier someplace. You cannot count on an enemy like Saddam Hussein being right out of central casting and waiting for you to build up in theater with these 200- and 300 mile airfields that are just a couple hundred miles away from your targets. You have to stop armor early.

Does the military want it? My colleagues, the gentleman from California [Mr. DELLUMS] and the gentleman from Florida [Mr. FOLEY], have said the military does not want that. Here is what President Clinton's chief of staff, General Fogleman says, at a hearing just a few weeks ago: More B–2's would be extremely valuable in the halt phase, that is when you stop his armor attack, and in fact in all phases, as we would go.

My question back, and would they save lives? General Fogleman, yes.

So to my friend the gentleman from Florida [Mr. FOLEY], if we want to give the best quality of life to a person in uniform, that is, to save his life, then you want to have B–2's.

Let us go back to the Clinton administration's proposal if this Congress does not act, does not keep our package intact. President Clinton had a problem. The problem is, how are we going to maintain our long range bomber force if we are spending $350 billion for short range aircraft and not a dime over the next 20, 30 years for long range aircraft. The answer was, we are going to fly B–52's. Those are the planes that were shot down easily by SAM batteries in 1968. We are going to fly them for 80 years. So the pilot that the gentleman from Florida [Mr. FOLEY] cares so much about is going to

be flying an airplane that is older than his great grandfather.

We have talked about cost a little bit. Let us talk about bases. We had 81 bases for our short range aircraft in 1961. As the years went by, we lost those bases, sometimes because of political action, sometimes because we just could not afford to operate them.

We have gone from 81 major overseas U.S. air bases to 14. Let me tell you what is going to happen on the Korean peninsula. We all know this. It is in all the open reports. The North Koreans have the capability to put nerve gas on every single short range airfield on the Korean peninsula. Limited detoxification capability. The first crew that dies because of nerve gas on the runway at one of those tactical air bases is going to eliminate us as a tactical presence on the Korean peninsula.

Last week the Japanese started to hedge on our ability to base our fighter aircraft in Japan in a second Korean war. We Americans have to be able to rely on our technology to stop an enemy, to deter an enemy with a flight that comes out of the United States and goes to that particular area, wherever it is around the world.

So the Air Force does not want it. That is not what the Air Force says. General Fogleman says, more B–2's would be extremely valuable in the halt phase and in fact in all phases as we would go.

Last part of the cost argument, every Member of this House has voted just a few days ago on the reform package that reforms the Pentagon, that cuts the bureaucracy. CBO's estimate of that reform package is that we save in 5 years $15 billion. That means in 5 years we have saved $3 billion more than CBO says we would need to build this entire tranche of nine B–2's.

So, no, we are not going to take it out of Geo sales in America. We are not going to take it out of pay. We can afford to get by spending one thirty-fifth of what we are spending on short range aircraft by spending that $12 billion on long range aircraft and taking that from the reform package.

Mr. Chairman, let me just say that this will be the first time, if we do not keep the B–2 in the budget, this is going to be the first time that this Nation has had the technology to allow our pilots to survive in an adverse environment and we have not given it to them. Let us give it to them. Let us give them the very best.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman from California. I think it was a very thoughtful statement. I think all the statements this evening have been very well thought out.

I happen to agree with his statement. Let me also make another point. In the gulf war, for the first time we used the F–117. The Air Force wanted 27. Congress said no. We think you should buy more. You need 54. We are going to make you buy two squadrons. The Chairman tonight was one of the leading figures in that decision, and we went out and we bought 54.

In the first 14 days of the gulf war, they represented 2 percent of the assets, but because they were stealthy, because, as the gentleman pointed out, they could go into the target and come back out without that large package of aircraft, they destroyed 40 percent of the targets and all the most difficult ones. It proved that stealth works.

And what the B–2 gives us is a plane that goes five times as far, carries eight times as many weapons, and weapons, by the way, that are $13,000 apiece. JDAM's are $13,000. Sixteen of them are $208,000. That is one-sixth the cost of a cruise missile. What the gentleman from California suggests is that we rely on the old bombers that are not stealthy. That means we have to use these very expensive weapons.

But what would it allow us to do? Saddam stopped himself. He gave us the time to build up our forces and then we destroyed him with air power.

□ 1915

They came out and surrendered to a Marine Corps RPV. What the B–2 does is allow us to hit those same tanks, that same army that Saddam had from 41,000 feet, day and night, no matter what circumstances, no matter what the weather is. This is a revolutionary military capability. We can destroy a country, and we can destroy the army that it sends in the field by air power. We have never been able to do this before. What that does, to make this point, what that does is to allow us to save American lives.

To my friends on the Democratic side, what I believe this gives us is the potential of having a conventional deterrent. Think if we had had the B–2, which we did not have in the gulf war, and the President could have deployed it to the Gulf and said, Saddam, if you come south, I will destroy your division before you get into Kuwait; and we now have the military capability with centrifuged weapons to do just that. We could have not had to fight the war. We would not have had to send 500,000 kids to the Gulf. We could have saved $10 billion it cost us to move them out there and $60 billion to fight the war.

The B–2 gives us the potential, a revolutionary conventional potential, to have a deterrent; and that is a capability worth having. Yes, it is expensive. But it is not as expensive as losing American lives. I would guarantee my colleagues today that at some future date, if the proponents win this amendment tonight, there will be a circumstance in which we will not have the capability that we needed, and that will mean that we will lose more lives than had to be lost and that would be a tragedy.

The gentleman from California [Mr. HUNTER] is right; let us send them in our best. Stealth means survival. Stealth means survival.

And I will just tell my colleagues this. I have studied this issue. I was there when Harold Brown, a Democrat, came up. By the way, there is a letter here signed by Mel Laird, Jim Schlesinger, Donald Rumsfeld, Harold Brown, Cap Weinberger, Frank Carlucci and Dick Cheney saying, keep the B–2 program going. That is seven Secretaries of Defense, not one.

This is an important issue that demands the attention of this House.

Mr. HUNTER. Mr. Chairman, if the gentleman will yield, along with seven Secretaries of Defense, Gen. Chuck Horner, who ran the air war, if we are going to listen to the war fighters, to the warriors, who now is free to speak his mind because he does not have to do what the President tells him to do, has said very strongly that the B–2 should be supported. That is the guy who ran the air war in Iraq.

Mr. DICKS. Mr. Chairman, if the gentleman would yield, and 50 former generals of the Strategic Air Command also wrote the President saying, keep this capability alive, keep this line open. And they talk about building stealth bombers like it is just a piece of cake. I want my colleagues to know something. That is not true. I went to my friends at Boeing and they said it is very difficult, putting stealth into an aircraft is enormously difficult.

When we shut this down, we would have shut down the ability to build these kind of bombers, which is worth saving. This is something we need. What if a crisis occurs over the next 10 years? Then we have to come back to this. It will cost us $40 billion to pay for the R&D to do a B–3. So get the right number while the production line is open and it will save us money in terms of avoiding taxpayer cost.

So we save money that way, we save American lives, and we do the right thing. This is the most important conventional weapon that has ever been developed by any country anywhere, and it gives America an enormous advantage.

What we are going to do is not get the right number. The studies that were done by Rand, the studies that were done by Gen. Jasper Welch, say that the right number is significantly more than 21. We are here saying let us do at least three squadrons, three squadrons so that we could have 20 for the first major regional contingency and 10 for the second.

This a very reasonable proposal. And the gentleman mentions the numbers. The contractor says we can do it for about $9 billion. The Defense Department I think says $12 billion. And I

think over a period of years, that is affordable. Any plane we buy has to have life cycle cost. And we may take out some of the older planes to offset and make room for it.

Mr. HUNTER. Mr. Chairman, if the gentleman would yield, even if we take the highest number, even if we take the CBO number, we are asking in the committee's package to spend 1/35, that is 3 percent, for long-range aircraft, that is our B–2, of what we are spending for short-range aircraft. At a time when our overseas bases have shrunk from 81 overseas bases to 14, that makes sense.

Mr. DICKS. Mr. Chairman, the gentleman from California mentioned something else called lockout. What if the enemy uses chemical and biological weapons on those tactical airfields so we cannot get the airlift in to set up the TAC air? Then we bought the wrong weapon system. We need something that can come from outside the theatre, assuredly, to be able to protect and stop the enemy before he gets there.

I think the possibility of lockout is something that we need to study, that the National Defense Policy Panel needs to study, because that is a very real potential. By the way, in the deep attacks weapons mix study, in every scenario in which there was lockout or very little warning, the B–2 was better than any other conventional weapon. And we lost some of the wars because we did not have enough B–2's.

So let us, at least, buy the nine additional we are talking about here. It will save lives and save money. I support the chairman in this. We need to keep this money in the budget. We need to keep this option alive.

Mr. Chairman, I include the following for the RECORD:

Congressman DUNCAN HUNTER,
Chairman, Military Procurement Subcommittee, House National Security Committee.

DEAR MR. CHAIRMAN: You requested that my colleagues and I provide your committee with an independent look at the adequacy of the nation's heavy bomber force. This is an important issue as we move into the new security era and we greatly appreciate the opportunity to offer our counsel to you and your committee.

In our review, we first examined the planned future of the bomber force, its role in supporting U.S. national security, and the potential offered by the B–2. We then examined the sources of Pentagon opposition to additional B–2 production and the recent series of studies the Department of Defense has sent to the Congress regarding the bomber force.

We reached two fundamental conclusions. First, long-range air power will be more important than ever in the decades ahead. Consequently, we do not believe that the planned force of 21 B–2s will satisfy foreseeable U.S. military requirements. Second, Pentagon opposition to further B–2 production is shortsighted and parochial. It reflects a consensus across the services that long-range air power can be safely abandoned in the long-run—a view with which we strongly disagree.

Based on these conclusions we offer a set of legislative recommendations regarding the bomber force.

The following contains an executive summary and the overall report.

Sincerely,

BRENT SCOWCROFT.

INDEPENDENT BOMBER FORCE REVIEW

I. INTRODUCTION

Whether the United States should retain enough modern, heavy bombers to support U.S. national security strategy is, foremost, a strategic choice. We believe strongly that the future of America's long-range bomber force should be decided fundamentally on the basis of what best serves the national defense. Unfortunately, the Department of Defense (DoD) has made this strategic choice on a de facto basis in light of short-term funding and force structure preferences. If this decision is allowed to stand, the end result will be a force structure that relies almost entirely on short-range air power.

Pentagon preferences for short-range instead of long-range air power raises a puzzling contradiction. The long-range bomber fleet is an element of the force structure that appears ideally suited to the demands of the new security environment and national military strategy. We also have a weapon system—the B–2—which is now in production and if produced in substantial quantities, could revitalize and sustain that force. Yet the DoD has consistently opposed continued B–2 production.

Our analysis addresses this contradiction to help the Congress make a vital decision over the future of the bomber force. We first examine the planned future of the bomber force, its role in supporting U.S. national security, and the revolutionary potential offered by the B–2. We then examine the sources of Pentagon opposition and how this opposition has manifested itself in the recent series of studies the DoD has put forth to the Congress. We then offer a set of recommendations regarding legislation.

II. THE FUTURE OF THE BOMBER FORCE

To put the matter simply, under current plans the bomber has no future. A de facto strategic choice has been made to rest the future of American air power on short-range fighters. Unless immediate corrective action is taken, the long-range heavy bomber will gradually disappear as a meaningful element of America's armed forces.

The clearest evidence of the bomber fleet's condition is its size and age. Since the late 1950s, the general trend has been for U.S. force structure to shrink, with capability sustained or improved with advancing technology. But in recent years, bombers have been reduced more than any other major force element (such as army divisions, aircraft carriers, and USAF fighters). There were 360 active bombers in 1980. The force dropped to about 300 in 1990. Under current plans, the operational bomber force in the year 2001 will consist of 130 aircraft: 44 B–52s, 70 B–1Bs, and 16 B–2s.

Unlike the fighter force, bomber force shrinkage is not being offset by substantial deployments of new planes and new models. So as the fighter force is improved, bomber force capabilities will inevitably decline over the long-term. The average bomber is already roughly twice the age of the average fighter, and current USAF plans are to maintain the remaining B–52s in service until they are at least 60 years old, and possibly as old as 100. We may soon be in the extraordinary circumstance where America's bombers will be older than America's oldest aircraft carriers.

The bomber's loss has been the fighter's gain. Although in Congressional testimony the distribution of Air Force procurement is frequently portrayed as a cycling among transports, bombers, and fighters, in reality fighters have consistently maintained a plurality of the budget, and will overwhelmingly dominate the budget over the next two decades.

TABLE 1: APPROXIMATE SHARE OF USAF PROCUREMENT BUDGET

[In percentages]

	Airlifters	Bombers	Fighters
1970's	<5	5	95
1980's	10	40	50
1990's	30	35	35
2000–2020	<5	<5	95

A corresponding indicator of fighter dominance is the steadily growing ratio of fighters to bombers in the USAF operational inventory. This ratio increases from about 4–1 in the 1950's, to 6–1 in the 1970's, to 10–1 in the 1990's, and trending toward about 14–1 in the near future.

With rare exceptions, Air Force actions on existing bomber programs illustrate an underwhelming amount of concern about the bomber's future. The B–1B bomber, which entered service in 1986, was not used in the Gulf War because of conventional mission deficiencies. Moreover, its upgrade program has been so stretched out that a 20-year gap between deployment and conventional upgrade is entirely likely (leaving only 10 years of expected system life until planned retirement). The B–2 fleet, which had been planned for 132 aircraft as late as 1990, was capped at 20 planes in 1992, with little Air Force dissent. Even more remarkable, the Air Force has actively resisted efforts by Congress to authorize production of additional B–2s. USAF leaders have even gone so far as to exclude bombers from their "wish list" of desired but unbudgeted items supplied to Congress every year. In 1996, for example, the Air Force included requests for re-engineering the RC–135 and the AWACS, and production of additional F–16 fighters, on the same wish list that omitted production of more B–2s.

The DoD has no plan to keep the bomber force viable in the long run. Every other major weapon system—fighter, submarine, destroyer, carrier, tank, etc.—has either a system in continuing production or a planned, programmed replacement. JSF will replace F–16. The New Attack Submarine will replace the Los Angeles (688) class attack submarine. But no new bomber model is planned in the numbers required to replace the B–52 or B–1B. The current, uncontested DoD plan will inexorably vitiate the bomber force through age, attrition, and obsolescence.

Furthermore, recent congressional testimony by Air Force Chief of Staff General Ronald Fogleman revealed that the Air Force has no plan for replacing the mission capabilities lost as the bomber force disintegrates. When questioned about bomber replacement General Fogleman said, "between now and 2020, we have lots of things we're going to look at." But the General concurred that no replacement was actually in the Air Force plan—meaning no funding in either the Five Year Defense Plan (FYDP) or the Ten Year Plan. With no planned funding there will no more B–2s, and almost certainly no B–3.

In sum, all evidence indicates that bombers have no future:

The bomber force structure has been cut disproportionately.

Budgetary investment in bombers has shrunk almost beyond visibility.

All bomber production programs have been capped and terminated.

All Congressional efforts to initiate new bomber production programs have been actively opposed.

The Air Force has consciously excluded any new, future bomber type from both the FYDP and the ten year plan.

There is no plan of any kind to replace the bomber capabilities being lost by any other means.

The bomber force is aging, shrinking from attrition, and glaringly absent from future R&D and procurement plans. With no funding, no modernization plan, and no evident concern for their absence, the bomber force faces inevitable extinction. Whether by active choice or default, this evidence means that the DoD has indeed made the fundamental strategic choice to rely in the future almost exclusively on short-range fighter aviation. Unfortunately, emerging trends in the security environment identified by the Pentagon would seem to call for a renewed emphasis on long-range air power.

III. THE BOMBER FORCE IN THE NEW SECURITY ENVIRONMENT

During the Cold War, long-range heavy bombers proved to be vitally important assets to U.S. national security. Not only did these aircraft support nuclear deterrence as part of the "triad" of nuclear forces, but their flexibility also allowed them to also conduct conventional bombing missions in three separate conflicts (Korea, Vietnam, and Desert Storm). We believe that modern long-range bombers will be of increasing value in the coming decades. Many of the reasons are spelled out in the recent Quadrennial Defense Review (QDR), which provides a useful overview of the future security environment and national military strategy.

Through 2015, the QDR postulates that the United States will face a variety of regional dangers and "foremost amongst these is the threat of coercion and largescale, cross border aggression against U.S. allies and friends in key regions by hostile states with significant military power." Beyond 2015, a "near-peer" global competitor could also emerge.

The QDR posits that three elements—shaping, responding, and preparing—define U.S. defense strategy. But boiled down to essentials, the QDR observed that the "primary purpose of U.S. forces is to deter and defeat the threat of organized violence against the United States and its interests." If deterrence fails, "the high end of the crisis continuum is fighting and winning major theater wars. This mission is the most stressing requirement for the U.S. military."

The QDR offered a strong rationale for the need to deal with two near simultaneous regional conflicts. And in fighting such wars, the QDR strategy stated that two aspects deserved special attention—(1) stopping the enemy advance as quickly as possible; and (2) dealing with the "likely conditions" that future wars will involve "the threat or use of chemical and biological weapons (CBW) * * * including in the early stages of war to disrupt U.S. operations and logistics."[1] Forces best able to halt aggressors armed with weapons of mass destruction, then, should logically enjoy highest priority.

We would add that forces capable of executing this operation independent of theater bases and under conditions of surprise would be of even greater value. A range of powerful foreign and economic pressures will inevitably cause a further contraction in the U.S. overseas basing infrastructure and forward-based force levels. Indeed, planners should also assume that we will be taken by surprise in future conflicts; this was highlighted in the 1993 Bottom Up Review and is the recommendation of all analysts who have studied surprise attack in any detail. The wisdom of such a policy can be seen in the 1990 invasion of Kuwait and the two recent crises with Iraq (October 1994 and September 1996), all of which took us by surprise. The lessons from the two more recent crises are particularly relevant.

In 1994, Iraq rapidly mobilized forces near the frontier with Kuwait. Despite intensive intelligence focus on Iraq since the Gulf War, we not only failed to recognize this buildup early on, but also were unable to deploy sufficient forces until well after Iraq was in a strong position to attack. According to the Joint Chiefs of Staff, the United States and its allies faced at least a 2–3 day "window of vulnerability" through which Iraq could have invaded Kuwait and possibly threatened the Saudi oil fields.

In September of 1996, Iraq mobilized forces in its northern areas and pressed an attack into the Kurdish "safe haven." Once again we were taken by surprise. Worse yet, for various reasons all members of the Gulf War Coalition denied immediate access to their bases for combat operations against Iraq, leaving our land-based fighters on the scene without suitable bases from which to strike the invading force. Carrier-based fighters located in the Gulf apparently did not possess the range to reach the scene of combat and the lack of stealthy carrier-based assets raised survivability concerns. In the end, we were reduced to largely symbolic strikes against Iraqi air defenses in the south using ill-suited cruise missiles launched from ships and B–52 bombers. Iraq was free to do as it wished in the north.

The lessons of these two crises in combination with the evolving security context reveal that bombers are ideally suited for the new era. They are the only force element capable of stopping surprise enemy aggression while operating outside the range of theater weapons of mass destruction. They do not require bases in the immediate combat theater (which also has the benefit of minimizing the number of Americans placed at risk). Finally, as explained below, bombers, though expensive when viewed on a per-unit basis, are extremely cost-effective compared to other force elements.

Bombers like the B–52, B–1B, and B–2 typically feature unrefueled ranges and payloads 5–10 times greater than fighters. Long range is a vital attribute for the new security era. Long range allows bombers to respond more rapidly than any other force element—from the CONUS if necessary—in the case of surprise aggression. Long range provides strategic agility; bombers can shift firepower from one theater to another. Long range also allows bombers to fight from beyond the range of adversary weapons, which will be of increasing importance as weapons of mass destruction proliferate. In the Gulf War, for example, Iraqi missiles in development or service outranged all of our land-based and sea-based fighter aircraft (whose operating locations were thus at risk). And just as long range provides a sanctuary to the bomber force, it denies any sanctuary to the enemy, who cannot base assets outside the reach of bombers. Finally, long range also greatly expands the number of basing options available to the force should we wish to deploy the bomber force forward to signal resolve (and increase sortie rates). The longer the range, the greater the number of potential bases that are available, and the greater the number of countries available for negotiating access to bases.

The large payload of bombers allows a small number of aircraft to assume a disproportionate amount of the warfighting burden. In Vietnam, for example, the bomber force comprised on average only 7 percent of the force and delivered 44% of the bomb tonnage. In the Gulf War, the B–52 force only represented 4% of the force, but delivered 32% of the bomb tonnage (more than twice as much as the entire carrier force combined).

Previously, a primary virtue of these massive bomber payloads was their shattering psychological effect on enemy forces; in the Gulf War, for example, General Schwarzkopf drew on his Vietnam experience with B–52 strikes to demand that Iraqi forces be exposed to the same kinds of heavy bombardments which had proven so devastating to North Vietnamese forces. In future wars, the advent of precision weapons will allow bombers to accurately strike many different targets on a single sortie, which dramatically increases the bomber's value to the warfighting commander. The Gulf War illustrated the revolution afforded by precision, which increases air power's lethality by several orders of magnitude compared to unguided weapons.

In an era of declining budgets, the nation must procure the most cost-effective weapons possible. The ability to deliver large payloads of precision weapons makes each bomber sortie extremely effective; the low life-cycle cost of bombers (compared to other force elements) makes them extremely cost-effective. Bombers are very expensive weapon systems; producing a new B–2 costs about $1 billion, roughly the cost of a DDG–51 destroyer. But like warships, bombers enjoy long useful service lives and can operate effectively for three decades or more; the initial investment in the force is thus spread over many more years than most other systems. In addition, bombers are not people-intensive to operate. Personnel costs are typically a driving force in determining life-cycle costs for military forces. The annual personnel costs of a B–2 wing are about half that of a fighter wing and substantially less than that of an aircraft carrier or division. Overall, a B–2 wing's 35 year life-cycle cost (that is, total personnel, operations, and procurement cost) is about the same as a fighter wing; about ⅓ that of an aircraft carrier battle group; and about ¼ that of a heavy division.[2]

Personnel issues are related to casualty considerations, which typically play a critical role in crisis decision-making (and accordingly should also play an equally important role in determining what sorts of forces the nation should invest in). Bombers from this standpoint also are very attractive assets, since they only place a small number of people in harm's way. For example, deploying a wing of fighters to a theater base can put 2,500 people or more at risk; a carrier battle group up to 10,000 people; a division 15,000 or more. Each member of these units is at risk to attack by enemy weapons. A chemical warhead delivered by a ballistic missile against a theater airbase or deployed division has the potential to kill thousands; as would a strike by a sea-skimming cruise missile against an aircraft carrier. In contrast, the 1,300 personnel associated with a bomber wing would typically be operating from bases well beyond the strike range of an adversary, thus exposing the lives of the aircrew only.

Footnotes at end.

In this same light we should also recognize the nuclear capability of the bomber force. If American theater forces were to be attacked by weapons of mass destruction—and particularly if they were attacked by nuclear weapons—there are compelling reasons why the United States might have to reply in kind. Bombers are the weapon of choice for nuclear response because the weapons remain under strict human control up to the very moment of launch near the target, and because the variable payload of the bomber gives it the widest possible variety of weapon delivery options. Moreover, since strategic arms control with the former Soviet Union and with Russia strictly limits the size of our nuclear arsenal, bombers could be used in counter-strikes without depleting our far more limited, single-use ICBM and SLBM assets. Inasmuch as our plans must hedge against the eventual emergence of a "near-peer" competitor, preservation of our remaining nuclear forces is a relevant consideration. Looking to the longer term, and understanding that no other nuclear-capable delivery systems are in production or planned, the bomber's dual capability (both conventional and nuclear) would allow a strengthened bomber force to sustain the nation's nuclear capability as other nuclear force elements inevitably age and retire.[3]

Overall, bombers appear uniquely well-suited to satisfy America's strategic requirements in the future security environment.

IV. SPECIFIC ADVANTAGES OF THE B–2

In looking at the bomber force, we need to discuss one additional, but revolutionary characteristic that the B–2 brings to the bomber force: stealth. Stealth shrinks the effective detection distance of a variety of sensors, particularly radar, and the basic physics involved in this set of technologies argues against the development of effective affordable counters. The B–2 thus combines four key characteristics—range, payload, stealth, and precision—in one platform. Range, payload, and precision allow a single B–2 sortie to strike with the effectiveness of multiple fighter sorties; stealth opens the door to a military revolution.

The traditional operational style that we have developed for the employment of air power relies upon large force packages to suppress enemy air defenses and shoot down enemy fighters. Stealth reduces the need for such support packages, which has a number of important effects. First, it greatly increases the cost-effectiveness of stealth platforms. Analysis conducted for the Commission on Roles and Missions (CORM) showed that the 42 F–117 sorties (which combined both stealth and precision capabilities) flown on the opening night of the Gulf War were almost equivalent in terms of target coverage to the rest of the land-based air-strike forces combined.[4] Another way to look at this is that each F–117 sortie was worth 16 non-stealth sorties.[5] The Air Force illustrated this same point after the Gulf War by showing that one or two B–2s can do the job of 60 fighters and 15 tankers.[6] This greatly reduces the costs of executing the mission; according to CORM analysis of the Air Force data, a B–2 would be seven times more cost-effective than the 75-aircraft force package.[7]

Stealth enables appropriately configured B–2s the potential to operate autonomously, which places this aircraft in a totally different category than the B–52 and B–1B. These older bombers must be supported with theater-based fighters until enemy air defenses are eliminated or equipped with expensive cruise missiles that can be fired from outside the range of enemy air defenses. Dependence on land-based fighters makes the non-stealthy bombers dependent on the United States gaining base access in a timely manner and raises a whole host of political and operational constraints. Cruise missiles, though valuable, suffer from a variety of operational constraints (targeting flexibility, ability to deal with relocatable targets, warhead size, etc.) and are too expensive to rely on to fight a sustained conflict (the conventional Air Launched Cruise Missile carried by the B–52 force, for example, is over 100 time more expensive than a Joint Direct Attack Munition delivered by a B–2).

This autonomous capability puts the B–2 in an entirely new class as of weapon system. It is truly the nation's only "modern" bomber and the nation's only global precision strike asset. Indeed, we believe that the B–2 has the potential to revolutionize this nation's very approach to strategy making and force structuring. As General Michael Loh, then the commander of Air Combat Command, stated in late 1994: "I see the B–2 as the centerpiece of an emerging national security strategy that places increasing importance on projecting immediate, responsive power from the U.S. to a regional crisis anywhere in the world. The B–2's qualities of range, payload, stealth, and sense of immediacy are uniquely applicable to be the centerpiece of this strategy."

A substantial force of B–2s would allow the United States to project overwhelming and decisive power against any adversary anywhere on the planet. To put matters in perspective, the addition of one more B–2 squadron (8 operational aircraft) would give the B–2 force sufficient punch to strike the same number of aimpoints as those targeted by over 1,200 combat aircraft over the first 24 hours of the Gulf War. Clearly, procuring even greater numbers would open up new strategic avenues. As former Air Force Secretary Dr. Donald Rice has written, such a force would "allow the nation to seize this rarest of opportunities: a revolutionary leap in military capability, and with it, long term global military pre-eminence—American style."[8] No nation could confidently launch an armored assault on its neighbors. No dictator could think that his most prized strategic assets were immune to attack. No target would be more than a few hours away from attack. No defense could be counted on to protect key targets. In response to heightened tensions, the mere possession of a substantial force of B–2s could provide a new way to manage crises. Instead of going through the complex and risky steps of gaining base access, deploying forces, and escalating tensions, the President could simply order B–2s in the United States to be placed on higher alert. Even under the prevailing conditions of surprise and base access denial, a substantial force of B–2s could have made an enormous difference in the Iraq crisis of 1994 and 1996.

The first job of the American military is to provide our political leadership with tools for deterrence and coercion so the nation does not need for fight wars. Preventing wars is far superior to fighting wars. A substantial force of B–2s would have a unique conventional deterrent capability. As two noted scholars of deterrence have written:

"If U.S. national military strategy is designed with regional deterrence in mind, forward presence and/or rapid crisis response become key elements in this strategy. . . . Optimally, this . . . means stationing all the forces necessary between the adversary and his objective, but even the United States lacks the resources to meet such a requirement in more than a few cases simultaneously. Therefore, strong incentive exists for the United States to explore capabilities that . . . are so rapidly deployable into an area as to be 'virtually' stationed there.[9]

This is the potential capability offered by the B–2. And that is the potential vision that the Pentagon is turning its back on my making the fundamental strategic choice to rely on short-range fighter aviation.

V. WHY DOES THE PENTAGON OPPOSE ADDITIONAL B–2S?

If additional B–2 bombers could make a revolutionary contribution, why does the Pentagon oppose them? Basic principles of bureaucratic politics go far in explaining the Pentagon's position. We believe there is such strong opposition to the B–2 precisely because it is so revolutionary—because supporting the B–2 would imply far reaching changes in core organizational interests, such as manpower, budget roles, missions, and autonomy. It is helpful to begin with the perspective of the service that develops the B–2.

The B–2 is an Air Force system and one might imagine that the Air Force would be predisposed to support is continued production and improvement. The oppose is true. In any large bureaucracy, interests and programs tend to be identified with a particular organizational entity or bureaucracy. Historically, Strategic Air Command (SAC) was the heart and strength of bomber advocacy in the Air Force. Through the 1960s and into the 1970s, SAC influence in the Air Force R&D and procurement budgets. Accordingly, "bomber generals" often held top service positions.

When SAC and Tactical Air Command (TAC) were nominally "merged" into Air Combat Command in 1992, it was in reality much more akin to a hostile corporate takeover: TAC absorbed SAC. With the dissolution of SAC, the institutional foundation for bombers disintegrated. Consequently, bomber advocacy within the Air Force has virtually collapsed, and no funds have been budgeted to support any major new bomber program. Furthermore, as in the corporate world, management personnel from the leasing entity discovered that they had little power. In the words of retired Air Force General Chuck Horner, bomber-oriented officers have been "funneled out of the Air Force.[10] Today the top service positions are typically held by "fighter generals," with hardly a bomber general to be found.

The roots of "fighter" opposition to the bomber force are complex. First, many officers with predominantly fighter backgrounds simply do not believe that the B–2 can perform as advertised. Having served all their lives in an Air Force where bombers were basically old, vulnerable and obsolete, they find it difficult to accept that the B–2 is different—that it can truly penetrate safety through defenses, or that it can strike targets at least as accurately as fighters. Their skepticism is reinforced by intense personal attachment to fighters and fighter operations. At a time when the Air Force budget has been in decline for more than a decade and so many fighters are on the verge of retirement, accepting the B–2 revolution might in their minds mean cutting fighter procurement programs. It might also mean accepting an entirely new approach to warfare in which the fighter sometimes might not even be relevant, let alone the dominant air instrument. Thus the number of fighter aircraft, fighter squadrons and wings—ultimately fighter pilots could be substantially reduced.

It is crucial to understand the USAF "fighter opposition" to the B–2 is well meaning. Everyone, Air Force officers included, have a powerful human tendency to trust in what they know, in what they have invested their careers, and in what has worked in the past. For the current Air Force leadership, this means a strong predisposition to trust in fighters.

The failure of the bomber revolution to succeed in the Air Force precluded any possibility of wider acceptance in the Pentagon. The inevitable consequence of an expanded role for bombers is an expanded bomber budget, and the new funds could come only by diversion from other existing military accounts. More bluntly, for bombers to receive increased funding, the non-bomber Air Force, the Army, the Navy, and Marines believes they may have to accept less. If the Air Force has not yet accepted changes in air power strategy implicit in the B–2, how much more would the Navy and Army refuse the even greater changes which a revolutionary bomber force would mean for broader national military strategy, and hence for their budgets?

The Army continues to maintain its traditional view that the decisive battles of any war are fought on the ground. Victory is achieved through mass troop deployments and close-in engagements, with the Air Force providing "support." If the Air Force doesn't believe in long-range strike, arguing instead for the importance of air superiority and the primacy of air-to-air platforms, one certainly can not expect the Army to believe that air power has become the decisive combat arm (with the army providing "support" in consolidating the victory). An Air Force dedicated to air superiority and strikes near the forward edge of battle will remain dedicated to supporting the army.

In like manner, the Navy continues to believe that "presence" in an irreducible Navy mission, and that carriers will generally be first on the scene and first to fight in any theater conflict. The Navy has no reason to relinquish this view so long as the Air Force insists on making war with fighter assets that take weeks to months to deploy, and so long as the bomber force is so small and feeble that it provides no meaningful alternative for performing "carrier missions." And the Navy is right. Unless the Air Force builds more bombers and changes its strategy, the Navy must continue to have full responsibility for fulfilling all of its traditional missions.

Seen from this perspective there is in fact an inter-service consensus on which to resist the B–2 revolution. An Air Force that believes in applying air power using short-range fighters must have forward access, forward basing, and extensive logistical support. This in turn requires a massive ground presence, and inherently perpetuates a ground-warfare strategy. It also requires a massive sea-borne logistical tail, inherently perpetuating traditional navy views on sea control and sea power.

Overall the bomber force and the B–2 in particular has suffered from two major problems. First, it has lost any institutional, bureaucratic advocate with the demise of Strategic Air Command. Support for the B–2 means that something else must suffer—and no institutional champion or leader has emerged to lead that struggle. Second, support for the B–2 inherently means recognition of a revolutionary new form of warfare which threatens all other services and non-bomber interest groups. Affirming the B–2 ultimately implies major changes in strategy, in service budget shares, in service size and manpower, and in strongly held personal convictions. United Pentagon opposition to the B–2 is thus perfectly understandable.

VI. THE PENTAGON STUDIES

Understanding the institutional resistance to the B–2 within the Pentagon helps shed light on the recommendations of three studies recently conducted by the DoD on the B–2. These studies were not done willingly. The triggering event was congressional legislation in 1994 mandating that the Pentagon prepare an evaluation of the adequacy of the nation's bomber force. This action resulted in the three DoD studies that are evaluated below: (1) the DoD's 1995 Heavy Bomber Force Study; (2) the 1995 Heavy Bomber Industrial Capabilities Study; and (3) the 1997 Quadrennial Defense Review's study of the B–2 issue. In addition, we examined one additional study conducted by the staff of the Commission on Roles and Missions (CORM), entitled Future Bomber Force.

In examining the DoD studies, we would like to emphasize two points. First, the studies studiously ignored the fundamental strategic choice at hand: should we maintain a bomber force or go to a force structure based primarily on short-range air power? Second, in formulating scenario and modeling assumptions (which inherently drive study outcomes) the analysts had to go to extreme lengths to ensure that study results supported the status quo and recommend against additional B–2s.

Our overall assessment of the DoD studies is that Pentagon politics took precedence over analytical objectivity and national security concerns. The basic problem with the Pentagon studies is that they fly in the face of common sense. The following seems to be an appropriate analogy for the current situation. We must plan to face an adversary armed with a sawed off shotgun (a metaphor for weapons of mass destruction). Given a choice between short-range pistols and long-range rifles, the Pentagon studies try to argue that pistols are preferable, even though this choice requires that we move within shotgun range to shoot the adversary. We believe that striking the enemy promptly and accurately from a distance is the better choice in many scenarios, particularly since it appears the long-range option is cheaper over the long term.

The 1995 Heavy Bomber Force Study and its industrial base counterpart were carefully constructed to come up with the desired answer (no additional B–2s required). The CORM bomber study came up with the wrong answer (additional B–2s are very attractive) and was quietly shuffled aside. The 1997 study initially came up with the wrong answer (additional B–2s was the most cost-effective option available), and was reshaped to provide the desired answer (no more B–2s required).

THE 1995 HEAVY BOMBER STUDY

The 1995 Heavy Bomber Study was conducted by the OSD, the Joint Staff, and the Institute for Defense Analyses.[11] Following its chilly reception in Congress, the Department has so far proven reluctant to publish a final scripted report of the study. As noted by Dr. Glenn Buchan, a distinguished and experienced bomber analyst at the RAND Corporation,

"The fundamental problem with the heavy bomber study is . . . whoever framed the study cooked the books. They allowed a set of assumptions that led to a preordained outcome by essentially ruling out all the things that would have led them to other results."[12]

Buchan also noted that once the assumptions were laid out,

"one could have concluded in somewhere between 30 seconds and, perhaps if one were very careful and thoughtful, two or three minutes, how this was going to come out, not necessarily having to go through all the computer runs and all the analysis."[13]

The Heavy Bomber Study assumed the following scenario as its base case. The United States would receive approximately two weeks of strategic warning. Acting immediately on this warning, the United States would have these two weeks to deploy large numbers of fighters and aircraft carriers to the theater (without encountering any base access or logistical support problems). The enemy, having watched and waited as the U.S. deployed overwhelming force into the theater (at unprecedented rates) would then attack anyway. American fighters would then fly at sortie rates far beyond those achieved during the Gulf War to defeat these enemy forces.

To the thousands of fighters in combat, the analysts then added 20 additional B–2s to planned bomber force (for a total of 40 B–2s). Using a land war simulation, the analysts then assessed the impact of the additional B–2s (which were flown at lower sortie rates than that achieved by B–52s in the Gulf War) on the overall campaign. In other words, the capabilities of 20 B–2s, an approximately $25 billion investment over the next two decades, were compared to those of a force structure costing about $5 trillion over the same period. As Dr. Paul Kaminski, the study leader, observed in his briefing: ". . . we have ten times more tactical aircraft than bombers. . . . After everything has arrived, the bomber results get lost in the overall aggregate."[14]

The conclusion of the study was that the planned bomber force could meet all demands "for anticipated scenarios and reasonable excursions." But testimony revealed that the excursions were carefully scripted. For example, one scenario was supposed to look at the effects of a no tactical air power case—that is, if we encountered difficulties in deploying fighters or were concerned that an adversary might strike our bases or carriers with weapons of mass destruction. But it was revealed in testimony that through some unexplained development, a wing of fighters were always assumed present to support B–52 and B–1B bombers. What would happen if those fighters weren't there? This case, dismissed as "unreasonable", was never considered.

Moreover, results that showed the B–2 in a favorable light were never considered in the decision-making process. For example, in testimony to the Senate Armed Services Committee, Senator Sam Nunn asked Dr. Kaminski about the likely results if the U.S. was taken by surprise and theater access was a problem. Kaminski replied: "Then I am going to need a lot more bombers than I have in the current force." But this conclusion was never incorporated into the study recommendations.

The second major conclusion of the study was that it would be more cost-effective to invest in additional munitions, not additional B–2s, since additional weapons increased overall force effectiveness. This is an odd argument. By the same logic, one could argue that it would make more sense to invest in jet fuel stocks rather than fighter aircraft, since sufficient jet fuel is needed to make the force more effective.

What the study should have looked at was how an additional buy of B–2s compared to

buys of other planned force elements. But this is something the Pentagon resisted. Simply discussing the tradeoffs ended up causing such internal friction in the Pentagon that the topic was removed from the study. An unbiased analysis would quickly illustrate the B–2's superior cost-effectiveness compared to other planned (and preferred) force elements—and thus would throw the careful balance of interests in the Department into disarray.

THE 1995 BOMBER INDUSTRIAL CAPABILITIES STUDY

The Bomber Industrial Capabilities Study was directed by Congress, chartered by the DOD, and conducted by The Analytic Sciences Corporation (TASC). The study concluded that additional B–2 production was not necessary to maintain the bomber industrial base because, with enough time and money, we could eventually recreate the capability to build B–2s in the future.

Eliminating time and money from consideration avoids the dominant real world issues. Obviously, with enough time and money, we can recreate anything. The real question is: how much time and money compared to the option under consideration by Congress—continued production. On that question, the industrial base study was entirely silent.

Although used to validate the decision against more B–2s, the TASC industrial study provides critical strategic data. The dominant Pentagon argument against the B–2 is affordability. Yet their own industrial study estimates that building a new bomber type, a B–3, could easily cost in excess of $35 billion for research and development alone (with unit flyaway costs about the same as a B–2) and raised questions about the affordability of such a program. If building more B–2s—with research and design already complete—is too expensive, then certainly the cost of a B–3 is prohibitive. Deciding against B–2 production is therefore a de facto decision against any future bomber production. It is a strategic decision to abandon the bomber force.

THE QUADRENNIAL DEFENSE REVIEW AND THE 1997 B–2 STUDY

Congress clearly had little confidence in the preceding Pentagon analyses, and in 1995 appropriated funds to resume B–2 production. In February 1996, President Clinton ordered these funds spent on bringing the original test B–2 (Air Vehicle 1) up to operational configuration. In addition, and at Congress' behest, he ordered the Pentagon to once again re-examine the B–2 issue. This time, the Pentagon was to compare the B–2's cost-effectiveness to that of other deep attack systems. The absence of such a cost-effectiveness comparison was widely viewed by critics as one of the 1995 Heavy Bomber Study's major failings.

The Pentagon, though receiving this direction in February 1996, conducted no specific B–2 analysis until March 1997. Over the space of several weeks, analysts from the Joint Staff, OSD, and the Institute for Defense Analyses—the same group that conducted the 1995 bomber force study—ran their computer models and developed a summary briefing. The analytic results of this study obviously caused alarm bells among the Pentagon hierarchy. Simply put, the results showed that B–2s were more cost-effective than any other force element.

Before proceeding further, let us examine the analysis. Four scenarios were developed: a two conflict scenario with warning (allowing time for deployment), a similar scenario with short warning, a similar scenario with short warning and base-access problems; and a two conflict scenario with warning where one of the conflicts featured a "near peer" competitor.

The Pentagon then assumed the immediate retirement of the following forces: 2 fighter wings (plus 10 percent of Marine air); 4 fighter wings (plus 20 percent respectively of Marine air); 2 carriers and their air wings (though not the entire battle group); 3 carriers and their air wings; and all the B–1Bs.

With the funds freed up by these individual retirements over the next 20 years, the study then looked at how many B–2s could be purchased. In general, retiring a carrier would allow the purchase of 12–14 B–2s; a fighter wing about 8–12 B–2s.

Using a complex computer simulation, the analysts then looked at how many B–2s were needed to replace the various retired force elements in each of the four scenarios. In almost every case, savings enabled more B–2s to be purchased than were required to replace the retired systems' military capability in the conflict scenarios. In other words, B–2s proved more cost-effective than the planned forces.

These were not the desired answers. What the analysis showed in general was that very small numbers of B–2s could potentially replace large groups of planned—and thus preferred—forces (such as the entire B–1B fleet). And the cost of those B–2s was substantially less than the forces they were replacing. In the wrong hands, these results could be used to argue that a B–2-based force structure could support U.S. national security at lower budget levels—exactly what had been predicted by B–2 supporters in Congress after the Heavy Bomber Study debacle. Accordingly, arguments were developed to counter these results.

One tactic was to break up the warfighting results into two phases: (1) the halt phase; and (2) the counter-offensive. The halt phase—the period during which U.S. forces would stop an enemy offensive—was highlighted by the QDR strategy as being extremely crucial and the results once again showed the B–2s cost-effectiveness; very few B–2s were needed to replace carriers, fighters, or B–1Bs. For the counter-offensive (that is, the period when our ground forces had built up and had launched an offensive after months of aerial bombardment), the analysts calculated the number of weapons each force element could deliver compared to a cost-equivalent number of B–2s. These results showed that the other forces would be able to deliver more weapons in a given period of time (unlike the fighter forces, however, the B–2s were not allowed to deploy forward to increase their sortie rates).

But the counter-offensive results really showed how carefully the metrics had to be arranged to achieve the desired outcome. Weapons delivery potential after we have stopped the enemy advance, destroyed his army, ripped apart his strategic infrastructure, chopped up his lines of communication, attacked his leadership, and destroyed his air force and air defenses, hardly matters. The issue of winning or losing is no longer in doubt. Assuming performance in the counter-offensive to be as important as in the halt phase contradicts the QDR strategy that presents the halt phase as being absolutely vital to meeting national security objectives. In addition, if the analysis had used ton-miles as a metric instead of just tons, the B–2 would have proven superior. Ton-miles, which is calculated by taking tons of weapons delivered times miles flown, is a useful measure because it incorporates the important metric of range.

However, the most revealing illustration of the Pentagon's orchestration of the results was found in the "capability gap" charts, which emerged as the centerpiece of the arguments used against the B–2 since the quantitative results had proven so problematic. Here, the Pentagon claimed that retiring a single aircraft carrier, for example, would greatly reduce the nation's capability to do drug interdiction, peace enforcement, anti-ship warfare, the sea control, among others. Similar claims were made for the retirement of fighter wings. This line of argument raises more questions than it answers. First, the "capabilities" were completely undefined and the B–2s unjustifiably excluded as potential contributors. Why couldn't the B–2s contribute to some of these missions? For example, B–2s could destroy drug manufacturing facilities with precision bombs, provide sea surveillance, or fire anti-shipping missiles to assist in sea control. Second, it is unclear that a small reduction in the total force would have any effect on these missions. Indeed, but a small fraction of the force would be required to fly a few "drug interdiction" missions. Third, and most important, the missions selected are hardly core missions. What is more important, conducting drug interdiction or preventing the seizure of the Persian Gulf oil fields? What the Pentagon was trying to obfuscate was the fact that the B–2 was more cost-effective than the planned forces in fighting major theater wars. And that was an unacceptable answer.

The clearest illustration of the bias inherent in the 1997 study can be found in a closer examination of the "capability gap" issue. Specifically, not a single chart was dedicated to highlighting the capabilities currently missing from the current and planned force that would be generated by expanding the B–2 fleet. For example, we currently cannot halt a large-scale armored assault without tactical air forces in-theater prior to the outbreak of hostilities. How do we plan to do so in the case of a surprise attack? How do we plan on conducting a large-scale preemptive strike against an adversary's facilities for producing weapons of mass destruction? How do we plan on deploying forces in the face of chemical and biological attack—something the QDR says should be assumed? How do we plan on conducting a large-scale pre-emptive strike against an adversary's facilities for producing weapons of mass destruction? How do we plan on striking facilities that lie outside fighter range, such as terrorist camps in northwestern Iran? Nowhere in the briefing are the advantages of an expanded B–2 fleet articulated, much less highlighted. How could the Pentagon advertise this as an unbiased analysis if no consideration was ever given to the formidable advantages offered by the B–2? The lack of such consideration is the clearest evidence that the Pentagon planners preferred to stay rooted in the concepts and force structures of the past—and not consider the future.

THE 1995 CORM BOMBER STUDY

In 1994 legislation, the Congress also appointed a Commission on Roles and Missions (CORM). As one of their tasks, the CORM was asked to provide an opinion on the size of the B–2 force. The CORM sidestepped this issue in their final report—only stating that if one believed the assumptions of the Heavy Bomber Force Study study, one could believe its conclusions. But what the CORM staff did conduct was a most interesting study—primarily, it seems, because it was performed outside of the DOD's influence. Future

Bomber Force, however, was filed away until published by the Air Force Association in 1996.

Future Bomber Force offered a fresh view of the B–2 issue. It was the only government study to provide empirical insights into the value of stealth technology. Like the QDR's quantitative results, it showed that B–2s were the most cost-effective weapon system available when compared to other preferred forces. However, it did so using simple "spreadsheet" calculations instead of complex computer simulations. Most significantly, Future Bomber Force was the only bomber study to show a grasp of the revolutionary potential offered by the B–2. Listed below is its "Summary of Findings":

"The synergy of advanced munitions with the range and payload of long-range bombers may be more important to the Department of Defense in the years ahead than at any time during the Cold War. Combined with the stealth of the B–2, precision munitions with long-range bombers have the potential to provide key capabilities not available from any other forces to meet critical future national security requirements. Specifically, these capabilities include:

"The potential to halt an armored force in a matter of days from long-range; the ability to survivably operate against an enemy from beyond reach of enemy weapons (particularly missiles armed with weapons of mass destruction); guaranteed responsiveness—independent from forward basing or carrier prepositioning; the ability to achieve strategic or operational surprise quickly, imposing wide-spread attack and paralysis upon an aggressor with minimum exposure of friendly personnel; the ability to swing survivable and effective force from one MRC to another rapidly; the psychological impact of strike without notice; the ability to induce enough uncertainty in a potential aggressor to deter hostile activity conventionally while the U.S. is militarily engaged elsewhere; and greatly reduced support assets, personnel, and basing requirements to achieve equivalent effects with non-stealth and/or smaller payload, shorter range aircraft."

VII. CONCLUSIONS AND RECOMMENDATIONS

Our review of the bomber issue concludes that current plans for the long-range air power force are woefully deficient. We believe that the nation's long-range air power capabilities will be more important in the future than they have been in the past. Indeed, the changing shape of the security environment makes long-range air power ideally suited to the protection of American security interests in the decades ahead. Moreover, we believe that proper exploitation of the B–2 could radically change the way in which we think about and employ military power, leading ultimately to a much more affordable and effective military posture.

The only option for maintaining the viability of the bomber force over the long term is to continue production of the B–2 stealth bomber. Our review of the DoD's studies indicates that the B–2 issue has become so captive to Pentagon bureaucratic politics that the Department has made the wrong strategic choice. By following the DoD's recommendations, the bomber force itself becomes a wasted asset. The nation will be abandoning a weapon system that is becoming very cost-effective as precision weapons are introduced. This capability will become increasingly vital to supporting U.S. national security in this very challenging new era. This is not the way to conduct rational national security decision-making. By allowing organizational politics and short-term affordability concerns to dominate the B–2 debate, we will turn our backs on the future. Moreover, we will risk U.S. national security interests and the lives of thousands of young Americans.

We believe Pentagon opposition will eventually ameliorate once military planners gain greater appreciation of the advantages offered by the B–2. But until that time, the future of the bomber force and this revolutionary weapon system lies with Congress. The situation is similar to that of the F–117 in the 1980s. The Air Force insisted that a single squadron of these revolutionary aircraft was all that was needed; Congress directed a doubling of the buy, an action that saved many American and allied lives in the Gulf War. Today, once again, only Congress can set in motion the steps needed to maintain production of the B–2.

Additional B–2s are affordable within planned budgets. The Pentagon plans to increase procurement spending approximately 50% by 2001 and those funds should be spent on the most cost-effective systems, such as additional B–2s. We make the following recommendations:

Fund at a minimum one additional B–2 squadron (9 aircraft), but keep open the possibility of increasing the production rate and planned force size;

Direct the Department of Defense to develop and provide to the Congress a five-year procurement plan that contains a full funding plan for one additional squadron of B–2s; and

Hold a hearing to assess whether to re-establish an operational command in the Air Force dedicated to long-range strike, headed by a four star general, who can ensure that bomber issues are given appropriate consideration in national security decision-making.

The fundamental strategic choice is up to you in Congress. An enhanced bomber force centered on a larger B–2 fleet could make revolutionary contributions to our national security. We urge you to take the steps necessary to make sure that the opportunity afforded by the B–2—a better, more effective, and more affordable military—becomes reality.

FOOTNOTES

[1] William S. Cohen, Report of the Quadrennial Defense Review, May 1997, p. 13.

[2] See Charles Perry, et. al, *Long-Range Bombers and the Role of Airpower in the New Century*, Institute for Foreign Policy Analysis, 1995, p. 57.

[3] An expanded version of the "nuclear argument for bombers" can be found in Stephen Cambone and Colin S. Gray, "The Role of Nuclear Forces in U.S. National Security Strategy: Implications of the B–2 Bomber," *Comparative Strategy*, 15:207–231, 1996.

[4] *Future Bomber Force*, Commission on Roles and Missions, 1995, p. 3.

[5] Ibid.

[6] "The Value of Stealth," Headquarters, United States Air Force, 1991.

[7] See *Future Bomber Force*, Commission on Roles and Missions, 1995, p. 11.

[8] Donald B. Rice, "To B–2 or not B–2, That is the Question," *The Washington Times*, November 5, 1995.

[9] Ken Watman and Dean Wilkening, *Regional Deterrence Strategies*, RAND, 1995.

[10] Charles Horner, "Unmatched Survivability," *The Washington Times*, June 13, 1995.

[11] For a detailed assessment, see Kurt Guthe, *A Precisely Guided Analytic Bomb: The Defense Department's Heavy Bomber Study*, National Institute for Public Policy, September 1996.

[12] Testimony to Military Procurement Subcommittee, House National Security Committee, September 12, 1996.

[13] Cited in Kurt Guthe, *A Precisely Guided Analytic Bomb: The Defense Department's Heavy Bomber Study*, National Institute for Public Policy, September 1996, p. 41.

[14] DoD Special Briefing, May 1995.

[15] Donald B. Rice, "To B–2 or not B–2, That is the Question *"The Washington Times*, November 5, 1995.

Mr. HUNTER. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has 4½ minutes remaining, the gentleman from Florida [Mr. FOLEY] has 7½ minutes remaining, and the gentleman from California [Mr. HUNTER] has 23½ minutes remaining.

Mr. DELLUMS. Mr. Chairman, I yield myself 30 seconds to make a response to the gentleman from Washington [Mr. DICKS], who just spoke.

Mr. Chairman, when the gentleman talked about conventional deterrents, it is not in the platform, it is in the weapons. And the weapons are standoff smart bombs and precision-guided missiles. Second, remember, we do not have zero, we have 21 of these planes. I think it is a flight into fantasy, it is a bit of hyperbole to think if we jump from 21 to 30, the world will tremble. If that is the case and we cannot see the Stealth bomber, tell the world we have a thousand of them. They cannot see it. How would they know? That would really be a deterrent and we would save a whole lot of money.

Mr. HUNTER. Mr. Chairman, I yield myself 30 seconds to respond to the comments of the gentleman from California [Mr. DELLUMS].

The standoff weapons, Mr. Chairman, are extremely expensive. They are over $1 million apiece. That is our air launch cruise missiles. In fact, closer to a million and a half apiece. That is compared to $23,000 for the short-range weapons once your bomber has penetrated.

Mr. Chairman, we are sending out our Navy ships that have missile tubes with no missiles in them because the Navy and the other services have not bought enough missiles. It is difficult to get these very expensive standoff weapons that the gentleman says we are going to be buying. The smart buy is the B–2 bomber.

Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. SKELTON], the ranking member of the subcommittee.

Mr. SKELTON. Mr. Chairman, I was sorry to hear a few moments ago the gentleman from Florida [Mr. FOLEY] say this is not about the defense of our country. It is about the defense of the young men and young women in uniform, those who are on the firing line, those who are nearing battle, those who may be called upon unless we have a weapons system that slows down or stops the enemy. The question is asked by my friend from California, who wants it? The young men and young women on the ground want it. Talk to the young soldiers who saw the bombardment and what the F–117's did to help them win in the Persian Gulf war.

Mr. Chairman, this is an important decision. It is not something we should take lightly. We should also be very

careful in what we do this evening and not do something against the interest of America. Often, historically, this Congress has done that. We should not step into that hole once begin.

It is rather interesting that the replay of something back in 1925, a courageous Brigadier General by the name of Billy Mitchell spoke openly and forcefully for a bomber force. And here we are again, in 1997, saying the same thing, only with a more sophisticated bomber force that has stealth, that has long range, that can save American lives.

It is interesting that the second part of this amendment has not been alluded to, the $331 million that goes elsewhere. I say to my colleagues that the Senate in conference I think will invade this budget for $331 million for their programs because not one helicopter, not one truck, not one artillery piece is singled out for these dollars.

This Stealth B–2 bomber has a mission, it has an important mission to fulfill the strategy set forth in the recent quadrennial defense review of shaping, responding and preparing. Insofar as shaping the battlefield, the F–117, the Stealth, did work. It had short range. We had several air bases nearby. And as time goes by, as already has been mentioned, those will be fewer and fewer. This allows us to respond within hours rather than the days and the weeks it takes to get fighter bombers, to get aircraft carriers into position. We cannot count on local host airfields.

Mr. Chairman, long-range air power will be more important than ever in the decades ahead. Consequently, we do not believe that a mere force of 21 B–2's will satisfy foreseeable U.S. military requirements. The changing shape, the security environment makes long-range stealthy precision strike power ideally suited to the protection of American security interest in the decades ahead and that the Nation's long-range air power capabilities will be more important in the future than they have been in the past.

The B–2's ability to strike independently within hours anywhere in the globe from bases in the United States leaves it uniquely well-suited among all U.S. force elements for dealing with unexpected challenges. And we have had those in our history: Pearl Harbor, Kuwait. They are there.

The only realistic option for maintaining the viability of the long-range stealthy precision strike force over the long-term is to continue production of the B–2. The B–2 is there for a critical national asset which is uniquely capable of performing these vital missions. That is reality. That is reality, Mr. Chairman. Being able to strike the enemy promptly and accurately from a distance is the best choice in many scenarios, particularly since it is more effective and less costly than other options when all costs are considered.

Mr. Chairman, I urge a no vote on this amendment.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], Navy top gun, my seat mate from San Diego.

Mr. CUNNINGHAM. Mr. Chairman, Shoeless John Kasich, tell me it is not so. Tell me an individual who is a caring individual would send our men and women off to combat. In Vietnam, we lost 10 percent of our bomber force in 11 days, B–52s. And that is what we are asking our kids to go forward in. Not with standoff weapons, like the gentleman says, but our kids are going to die.

Shoeless JOHN KASICH, put yourself in an airplane that is on fire, coming down, not knowing if you are going to die or you are going to be a prisoner of war. I cannot tell my colleague, I have been through that. And there is no Benson and Hedges in white scarf. When they told my mom I was shot down, they had to take her to the hospital; she had a nervous breakdown.

That is what we are talking about in these families. And why, why the B–52 in the first place? You take an F–22 which the Air Force is going to escort a bomber in, the SU–27, the SU–35, and the SU–37, which Russia is shipping all over the country today, with its big radar, can knock down our airplanes. That puts us inside the envelope when they shoot their AA–12, which outranks and outflies our RAM. Our kids are going to make it because the F–22 and the B–2 get in undetected before the MIG's, and they are going to die instead of ours.

□ 1930

But put them there with a B–52 and that thing is going to illuminate the whole sky. Everybody is going to know where your force is and they are going to attack it, and our kids are going to die.

Shoeless John Kasich, tell me it ain't so. Tell me that you would not put our kids in harm's way and put them out there where they are not going to come back.

The gentleman from Florida says he supports the flag. I appreciate that. But we damn near died for the flag, and I do not want our kids to die coming back in B–52's and antiquated B–51's, or B–1's. Give us a chance, Mr. Chairman.

Mr. FOLEY. Mr. Chairman, I yield 7½ minutes to the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget.

Mr. KASICH. Mr. Chairman, let me just suggest to all the people that talk about the fact that people's lives are being put at risk, I do not know whether my colleagues know it or not, but the military does not want this plane. They do not want it. If they wanted it, they would ask for it and they would make space for it. Why? Because they think there are other priorities that are going to protect people's lives, that there are other requests that ought to be honored, that are going to work to save people in time of conflict.

By attacking the people who do not support buying more planes, and to somehow bring into question the fact that there is some question about our commitment to the ability of the United States to succeed in war, is not just to attack us but to attack the military, the Pentagon, the ones that fight the war. They do not want the plane. They do not want it because they do not believe we can afford it and, frankly, a number of them believe that it is a cold war relic.

The B–2 was built. Its purpose was to fly inside the Soviet Union in the middle of a nuclear war to hunt down mobile targets. We could not find mobile targets in Iraq. Here we were to fly into the middle of the Soviet Union, in the middle of a nuclear war. That is why the plane was designed. That was its purpose. I was there when we first heard about what its purpose was. Any other new mission is a mission that was created here, in this House, by some people who were concerned about national security and some people who were concerned about jobs. I respect that, but I do not support jobs bills coming out of the Federal Government. I used to fight them up here. Jobs are to be created in the private sector. That is why we are trying to balance the budget and get lower interest rates.

The simple fact of the matter is it does not have a mission anymore. I will suggest to Members that I was engaged in the negotiations with our Secretary of Defense and with the people at the Pentagon and we signed up to an agreement, 20 planes. That is what they said they needed. I talked with our former Secretary of Defense, Mr. Cheney, who said, contrary to any letter he signed, "I want 20." We made an agreement to build 20. We are going to spend $44 billion to buy 21 B–2's. Every time I look at the math, the math gets creative. We get creative math. "Well, the next set is going to cost less." I know this. Show me the money. The money is, for 21 planes, we spent $44 billion, and we will have 21 of these planes that will function.

Second, the bombers. The last time I checked, the bombers worked pretty good in Iraq. In fact, the statement was it made the rubble bounce. They worked well.

We need standoff weapons. If we want to talk about putting people at risk, why would we want to develop a system where you fly over the enemy if you can actually stand outside, away from the enemy, and destroy the same targets? The response to that is, "We can't afford those standoff weapons."

Well, if we did not spend another $27 billion on a plane that the Pentagon does not want, maybe we could buy the standoff weapons. The last time I

checked, there was a big report that came out that said we had a severe readiness problem that jeopardized the ability of the military to function effectively. In this bill, we have not significantly increased the amount of money for readiness. Some people argue we cut it. There was a study that just came out and said we were not ready.

I would suggest we take the $351 million we have and put it into readiness, help the guard, the reserve. Help them. Give them the money they need. The fact is, is that passing more B–2 bombers in my judgment undermines the ability to have a strong national defense because it puts our money in the wrong priority items.

I am a supporter of the F–22 for one reason: Air superiority. We need it. I am for it. I believe in it. I believe in the F–16. Did my colleagues see the number of F–16's that would have to be canceled over the lifetime of this to buy a weapon the Pentagon does not want? I know this in my career around here. When the Pentagon wants something, we give it to them. And when the Pentagon does not want something, we give it to them.

The simple fact is, is that my friend, the gentleman from California, I hold in the highest regard. He is absolutely committed to a strong national defense and I salute him for it. And I salute a lot of my opponents on this issue. I really do. I have high regard for the work that they do in the House. But this is really a matter of judgments and a matter of priorities, not a matter of who is more for us to win and be effective and provide for the security of our people.

We firmly believe that with the B–1's, with the 21 B–2's, and with B–52's that have not flown, that in fact there are appropriate missions for all of those bombers. Just this last week we defeated additional D–5 missiles that go in the submarines, that are another standoff weapon.

The age of the future is about technology, and it is about air superiority, and it is about mobility. But not necessarily mobility as it relates to a plane like the B–2, which the military itself says does not fit in their plans for mobility. The fact is we are going to move into the next century. The cold war is over, and the cold war relics that are associated with the cold war have to be put in their place.

Do we have a hedge? Do we have a hedge against some potential threats out in the future? The answer is yes. But what we should not do is undermine our ability to allow the Department of Defense in working with the Congress to set the right priorities for the next century, to have a military budget that right now cannot all be funded and not to stick another program in that costs $27 billion, that will in fact undermine our ability to have effective conventional weapons and our ability to have a high state of readiness for the American soldier and sailor and airman.

I would say to my colleagues, the debate is not over the 21 bombers. Mr. Chairman, I am not asking the House to kill the 21 B–2's that cost the $44 billion. I am asking the House to stay with the agreement. I am asking the House to reject the idea that we can afford another $27 billion to buy additional B–2's.

I am asking the House to cast a vote for national security, for national defense, and for the fighting men and women, so that in fact we can be more effective. Let us not undermine the ability to win the wars and to pursue a good national security strategy by putting too many things in a bill that the military itself says we do not need.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume, just to respond briefly to the remarks of the gentleman from Ohio [Mr. KASICH].

Mr. Chairman, first, the gentleman from Ohio [Mr. KASICH], for whom I have great respect, said the cold war is over and the B–2 is a cold war relic.

The problem with the Soviet Union dissolving is they did not dissolve their SAM production. That is surface-to-air missiles. They are designed to do one thing, and that is kill American aircraft. That is how they shot down Scott O'Grady over Bosnia. Basically a little batch of teenagers in uniform with 3 weeks' training time in SAM missiles delivered from the Soviet Union, now Russia, were able to shoot down an American high-performance aircraft.

Mr. Chairman, the red on this map of the world denotes all of the nations that have SAM sites: Libya, Syria, North Korea, and China have lots of SAM sites. That means that if Americans drive nonstealth aircraft into those SAM sites as the gentleman from California [Mr. CUNNINGHAM] said, a number of them are going to die. Second, the gentleman from Ohio [Mr. KASICH] should be happy to know that we have saved in the reform part of this budget according to CBO $15 billion over the next 5 years. That is enough according to CBO to purchase the $12 billion buy of B–2's and, once more, it is 1/35th of what we are going to spend for short-range aircraft.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. The gentleman from Ohio [Mr. KASICH] says stealth does not matter. Stealth helped us win the gulf war. But this was after Saddam had already grabbed Kuwait. We then blew him out of the ground, in essence, with the F–117. What we are saying is with the B–2, we can stop him from getting Kuwait. That is the big difference.

Mr. HUNTER. The gentleman makes a good point. Saddam Hussein gave us 6 months to build airfields and acquire airfields. We cannot guarantee that in every situation.

Mr. DICKS. If we could stop him before he gets there, we could save billions of dollars and save many, many lives.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN], a very articulate member of the committee.

Ms. HARMAN. Mr. Chairman, the gentleman from Ohio [Mr. KASICH] was talking about priorities. I rise in support of the B–2 and its priority role in American military strategy. This amendment offers us the wrong choices. This issue is not about the reserve components or about whether the B–2 is capable of doing what it is advertised to do. In future warfare, technology will be more important than manpower. Using large forces, whether for combat or to support forces engaged in combat, will be very risky given the lucrative target they present for weapons of mass destruction.

The reserve components are being drawn down, and that is an appropriate course of action given likely warfare scenarios. Trading the B–2, a vital asset for all parts of our strategy, to fund reserve component accounts that will be substantially reduced in the future does not make much sense. The question is not whether the B–2 does what is promised, as some would have us believe, or whether other platforms can do the same job, because B–2 performance exceeds standards. We have heard about its stealth, we have heard about how it can meet the QDR requirements of shape, respond and prepare. It is the only system that can fly great distances, penetrate hostile airspace and deliver massive amounts of munitions on key targets with acceptable, even minimal, risks.

During last week's debate on the defense authorization bill, I repeatedly stated my view that we can buy a better defense for less money. We can. We can and we must fund essential weapons systems including long-lead funding for 9 more B–2s. We can and we must cut outmoded weapons systems and excess infrastructure. That is the right trade. The trade in this amendment is the wrong trade.

I urge a "no" vote.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, this amendment cuts $331 million, a down payment on 9 B–2 bombers that we do not need, and it moves the money to the guard and reserve. It is simply that simple. But this is not about just $330 million. This will remove a $27 billion time bomb from the budget.

□ 1945

In my view, this provision represents Congress at its very worst. It jams

more weapons into this bill without having any way to pay for those weapons over the long term, it gives the contractors the goodies that they have lobbied for for so hard and long, but it does not cut out other low-priority items in order to pay for the long-term costs of the system, and we are not talking about loose change.

For the cost of just one of these bombers, we could pay for the undergraduate tuition for every single student at the University of Wisconsin for the next 11 years. Now that is not small potatoes. For the cost of just two of these bombers, we could double the cost of cancer research in this country.

Which investment do my colleagues think will protect more families from the threat that they really face? An investment in two more B–2 bombers or a doubling of cancer research in this country?

There have been five studies that have indicated that this weapon is not needed in preference to other weapons. There have been five studies which say do not go ahead with it. Secretary Cohen's quarterly defense review or quadrennial defense review said this in part in opposing the B–2: It said existing forces would have to be retired immediately to pay for the additional B–2's. Even then the savings from retiring the forces are not enough to offset the large upfront investment for the B–2's, and there would be a loss in war-fighting capacity during the decade or more between when the outgoing forces were retired and all the B–2's were delivered.

Mr. Chairman, that alone ought to tell my colleagues vote for this amendment.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. SAM JOHNSON, former POW, great Thunderbird driver, and great pilot.

Mr. SAM JOHNSON of Texas. Mr. Chairman, as my colleagues know, we forgot what we are here for, and that is to protect the United States of America. The B–2 is expensive, but we know it is the only available system that can directly attack heavily defended areas anywhere in the world from the United States within hours. We do not have to deploy, we do not have to escort, we do not have to create a big force. It means that B–2 is likely to carry most of the burden in any war.

To say that we have 21 and that should be enough is naive and dangerous. That number was kind of pulled out of the air anyway, I think. The gentleman from California, Mr. DUNCAN HUNTER, mentioned earlier that 10 percent of our B–52's missions were destroyed in Vietnam.

I was in Vietnam. I was a POW there for nearly 7 years, and let me tell my colleagues something. I watched the missiles fired around us until we thought the sky was going to be like daylight. It was night. I watched three B–52's get hit in the air. Do my colleagues know what? That airplane is old. It cannot get in anywhere without getting hit. They exploded right there in the air, right in front of my eyes, and I saw some of our countrymen die on the spot, burn to death, and those that got out, bailed out, got to Earth, and do my colleagues know what? They got imprisoned just like I was, and one of the tail gunners had his leg cut off by a Vietnamese because they were mad at him.

Do we want that? I do not think so. I think we want to protect our men. We need to provide the equipment, the military equipment, the most modern equipment that we can provide for them so that if we ever get into any situation like that again, and it does not have to be like Vietnam, it can be as was stated before, a mission to destroy the tanks in a place like Iraq before they get moving.

We must protect our troops. Give them the airplane. Vote against this amendment.

Mr. HUNTER. Mr. Chairman I yield 2 minutes to the gentleman from California [Mr. MCKEON] a very articulate Member.

Mr. MCKEON. Mr. Chairman, I want to thank the gentleman for all the work he has done on this bill. As my colleagues know, I had a speech prepared, but I think we are to the point on this debate after many years, that everything has been said and everyone has not said it yet, so I would like to say something a little different.

I had a new grandson born today, John Wells Morrison III, and as my colleagues know, my big concern is that when he is my age he is still here, and I am really concerned that when we determine that we can foresee 20 and 30 years out into the future and say that we no longer need this kind of equipment, I have real concern because it is not going to matter to me, I am not going to be here. But I am concerned about my 15 grandchildren, and I think that I have been where this plane is built, I have seen the capability of this plane. And then when we hear like the gentleman from Texas, Mr. SAM JOHNSON, who had to go to war, fly a mission that he was ill-equipped to fly, the plane was not the right plane for the mission, and yet he had to fly into harm's way and then spend 7 years in a prisoner-of-war camp, I think it is criminal that we would send our young people out with equipment that is not the best that we can provide them with.

Mr. Chairman, we need this plane, and we are talking about nine, nine planes. How many planes did we have flying in World War II? And in Vietnam? And in Desert Storm? We are talking nine planes to give us three wings, three divisions, that we can place around the world that would be a strong deterrent, strong help.

We need this. Defeat this amendment.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. TIAHRT] a B–2 proponent and expert.

Mr. TIAHRT. Mr. Chairman, I appreciate the opportunity because I have kind of a unique perspective. I am probably the only Member in Congress, I believe I am the only Member in Congress, that actually came out of aerospace, and I worked on some of the specifications for the B–2 so I know that the mission was not just to fly over Russia. It was to fly anywhere globally and attack any target that was protected by surface-to-air missiles.

But the reason I support the B–2 is really twofold. No. 1, it is economical in terms of human risk. If my colleagues look at the initial strike in Desert Storm, there were in excess of a dozen targets. It took 75 aircraft, placing more than 140 servicemen at risk by those initial strikes, and yet that same group of tasks, those same targets, could have been accomplished by just two B–2's, placing only four pilots at risk. So in human terms of human risk, this is a very economical weapon to have in our inventory.

And the second one is just the pure cost of maintaining the 75-plus aircraft, the procurement, the maintenance, the keeping them up. If we balance that with the cost of B–2's, it is more economical.

So it may be costly, but yet it is economical, and vote no on the amendment.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER], my friend.

Mr. ROHRABACHER. Mr. Chairman, first of all let me say I respect my colleagues, the gentleman from California [Mr. DELLUMS] and the gentleman from Ohio [Mr. KASICH] but I disagree with them on this issue.

We are making a decision today of what options our leaders will have 20 years from now. That is what is important when the gentleman from California's, Mr. MCKEON's, grandson is around and we are not. Twenty years from now we do not want the option of our American political leaders just to be to go nuclear or to put hundreds of thousands of Americans at risk on the ground or to send in aircraft carriers with thousands of Americans on those and putting those people at risk.

I was in the White House when President Reagan was forced to bomb Libya. We put thousands of Americans on American aircraft carriers at risk. We had to fly out of American bases in England. We are not going to have those American bases in England throughout the world 20 years from now. We need weapon systems today for our leaders 20 years from now that will project power from the United

States of America and put the fewest Americans at risk that can possibly be put at risk.

This is a cost-effective weapon when we look at the cost of this as compared to thousands of American lives in an aircraft carrier. We want to give future American leaders the option. I ask to defeat this amendment.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to my friend, the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I did not originally support the B–2. I once made a statement, "Why build them? Tell the Soviets we have 500. They can't see them, they can't hear them; how are they going to know?"

The wisdom of this House built the B–2. B–2 is an advantage. B–2 gives us the edge. Yes, it is costly, but how do you quantify the value of the lives of our troops? How many more Scot O'Gradys, America, might experience those types of disasters?

But there is one other thing today because today's debate is not about money, it is maintaining the position of strength to negotiate.

Ronald Reagan said America must always negotiate from a position of strength. The B–2 maintains America's position of strength. That is the greatest deterrent we have in international possible conflict.

Now, yes, we must balance the budget, but our major job here is to protect the national security. And, my colleagues, America cannot do it with the Neighborhood Crime Watch. We have got to step up.

The time to kill B–2 was at the beginning. Congress went ahead. Now to kill the B–2 is not cost effective. The major production costs have already taken place. Now the copies can come forward.

We cannot protect America with the Neighborhood Crime Watch. We must negotiate from a position of strength. Ronald Reagan was right about that. B–2 gives us the edge. Take the edge.

I oppose the amendment.

Mr. HUNTER. Mr. Chairman, I yield 45 seconds to my friend, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I do not think I need 45 seconds to tell everybody to come over here and vote for this vital piece of weaponry that we need desperately in this country.

I associate my remarks with the gentleman from Ohio [Mr. TRAFICANT]. He makes more sense every day. I hope he does not run for Governor, I hope he stays here. But let me tell my colleagues something.

For those like my good friend from Florida, Mr. FOLEY, who sat in my office listening a few minutes ago, as my colleagues know, if they wonder, I suggest they put on a uniform every week and go and fly on those B–52 bombers that are in such bad condition that we do not know whether they are going to stay in the air from one day to the next. And my colleagues talk about young men and women serving in the military and giving the best money can buy. That is what we need to do right now is to come over here and vote for this B–2 piece of legislation.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, we do have a very important choice to make tonight, and it is a choice between a policy that shortchanges the men and women that risk their lives in defense of our Nation or it is a policy that will provide those men and women with equipment and the tools that they need to ensure that our Nation remains the protector of democracy and freedom around the world.

Now we live in an age where when dictators are alive and well, they are busy stockpiling nuclear biological chemical weapons; and as leaders, we have to make sure that we send American soldiers into combat against these tyrants with the best possible chance of success.

And as Cap Weinberger noted, the Air Force has estimated that a B–2 with two crewmembers could conduct an attack normally involving 75 tactical aircraft and 147 crewmembers. The procurement and lifecycle costs of 75 tactical aircraft approaches $7.5 billion and the comparable costs for one B–2 is $1.1 billion.

Now clearly the B–2 provides us with the best opportunity to protect U.S. interests at the lowest costs with the best possible technology, and I just hope that my colleagues will make the right choice tonight. A vote against keeping the B–2 line open and operational is a very shortsighted vote, and in this dangerous day and age we cannot afford to make such ill-considered and shortsighted choices. We need to make the right choice for our service men and women and for the future of this country.

So, Mr. Chairman, I urge a "no" vote on this amendment.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. SISISKY].

□ 2000

Mr. SISISKY. Mr. Chairman, I do not have much time. I do not think I have to apologize to anybody for supporting weapons systems that protect our young men and women.

It is amazing what we are arguing about. Like we do not have any sophisticated weapons in our arsenal, that we do not have any plans to build any sophisticated weapons in our arsenal. I cannot believe what is going on. I have heard somebody say, and I do not know who it is, that we are going to pay for this by the reform package of $15 billion that we are going to save. My friends, that is why we are in trouble today. That is why we are in trouble today. We are already spending the money that we might save.

I want to tell my colleagues something. I thought that this weapons system saw its end. I am going to tell my colleagues what is at stake tonight. Either we stop it now, we stop it now, or we are not going to stop at 9, we are going to have 60 and we are going to be talking about $100 billion.

Vote "aye."

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, during the course of this debate there have been times when it seemed if the question was whether the B–2 was a valuable plane, whether stealth technology was a valuable technology. That is not the issue. Stealth technology proved itself during the gulf war. We have 21 B–2 bombers. We do not need more. We cannot afford anymore than we have right now. We have difficult choices to make here today and that is why we are here. Mr. Chairman, $27 billion we are looking at, not $331 million; $27 billion needed just for nine planes.

An earlier speaker said we need 20 B–2's for 1 major regional conflict and 10 for another. I submit that 20 is enough, it will do the job, it is a good technology, we do not need more, and what we need to do is make sure that we are investing in our training and equipment for our troops, that we are providing the other alternatives that will keep our forces strong, and that we are not robbing domestic programs to buy nine more B–2's.

Mr. HUNTER. Mr. Chairman, I yield myself the last 2 minutes of my time.

Mr. Chairman, let me just answer my friend that there are a number of experts who disagree that 20 B–2's is enough. Brent Scowcroft with the Scowcroft Study that the gentleman has a copy of is one of those leaders who believes that. General Chuck Horner who ran the air war in the Persian Gulf, who utilized stealth and utilized precision-guided munitions, is on the Hill visiting Members' offices because he believes very strongly in having enough B–2's.

Let us get straight what we are talking about because Members have gone over a lot of things. We are talking about maybe 2 months worth of Wal-Mart sales. We are talking about one thirty-fifth of the amount of money that we are spending on short-range aircraft.

Interestingly, we are moving to short-range aircraft as we lose our bases around the world. We are down to 14 bases. Nobody has an idea as to

whether or not we are going to be guaranteed those bases in Japan, for example, in a second Korean conflict. Nobody knows exactly how we are going to detox the airfields because we do not have enough detoxification equipment.

This is going to be the first time in our modern history when we have had the ability to make our pilots survivable and we told them no, and ironically, we said we do not want a relic flying, so we are going to fly 80-year-old B–52's, older than the great-grandparents of the pilots who wear the uniform of the United States of America.

We have the money. We saved $15 billion in the reform bill. I know that the gentleman from California [Mr. DELLUMS] will be pleased with that, over 5 years. That more than pays for the entire B–2 program.

Finally, the National Guard, which was supposed to benefit by the money that would be cut out of the B–2, says that they have an excellent modification program because of what the committee and the Congress has given them. We have messages there from the National Guard for every Member if we want to look at that. There is no problem there. Let us give our pilots the very, very best because we care about them.

Mr. Chairman, I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Pursuant to the rule, the gentleman, as the ranking minority member, is recognized for 5 minutes.

Mr. DELLUMS. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding. I rise in favor of the Dellums-Kasich-Foley amendment.

Mr. Chairman, restarting the B–2 bomber production line cannot be justified on any known grounds. The Joint Chiefs of Staff have testified that more B–2's are unnecessary.

Just last week, Defense Secretary William Cohen told us he opposes this astronomically expensive project. Further, the price tag for the B–2's in this bill is misleading.

The $331 million is just a small downpayment for nine additional bombers.

The Congressional Budget Office estimates that the cost of this project will explode to $27 billion in inflation adjusted dollars over 20 years—for each of those nine bombers, $1.5 billion for procurement and $1.5 billion for maintenance. We are told the CBO is a highly reliable unbiased body or is that only when CBO tells us what we want to hear?

For each additional B–2, we could fund prenatal care for 1½ million women or immunizations for nearly 10 million babies, or Head Start for 330,000 students or health care for ½ million children or summer jobs for more than a million teenagers.

If we cannot afford to give the proposed child tax credit to millions of poor working families who need help buying food, housing, and medical care, then how can we afford to waste $27 billion on B–2 bombers.

I urge my colleagues to save our limited resources for something of value—something we need.

Mr. DELLUMS. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, let me thank my friend from California, Mr. DELLUMS, for the marvelous job he has done on this bill not only this year, but in years in the past, and I hope tonight he is successful for all the efforts that he has made almost single-handedly at one time on this House floor to defeat the B–2, and we ought to acknowledge his efforts. I say to my friend, he has done a great job.

I come here as a strong supporter of domestic spending. We stood up this year and watched our housing cuts go by 25 percent. We have seen billions of dollars cut out of health care, WIC Program cuts, and fuel assistance cuts.

I am here to tell my colleagues that I believe that I would withstand all of those cuts and I would stand by the people that are in those programs who they themselves would give up those funds if they thought the national security of this country was at risk. If they thought we needed the B–2 bomber, they would vote for the B–2 bomber and they would be willing to spend the taxes to pay for it.

But this is not about the B–2 bomber, this is about a symbol. It is about a symbol of American might and freedom, it is about a symbol that is plain wrong. All we have to do is look at the Pentagon studies themselves to determine that the Pentagon is opposed to this. We ought to defeat the B–2 bomber and stand with the people of our country.

Mr. DELLUMS. Mr. Chairman, I rarely walk into the well; I generally speak from where the ranking member and the chair speak, but I choose to speak from the well because I want to speak to each and every one of my colleagues face-to-face.

First of all, for those of my colleagues who are the freshmen and the sophomore Members, that is half of this Congress, I would remind each and every one of them that they campaigned diligently on the integrity of balancing the budget. My colleagues were elected, Republican and Democrat, freshman and sophomore, on that basis.

This was not contemplated in the 5-year balanced budget agreement. This is not about B–2's. We have 21. All of this hyperbole, as if some way we are this Third World country technologically, is bizarre, extreme, absurd and ridiculous. We have 21 B–2 bombers. My colleagues leap quickly from the B–2 to the B–52, but they do not pause at the 95 B–1B bombers that you spent $20.5 billion building and billions of additional dollars giving them conventional capability.

Someone said the B–2 is the only long-range bomber. They know that is not true. The B–1 can fly as far as the B–2 flies. Both of them need tankers to refill them.

What is this about? It is not even about the $331 million that I transferred. I just made a transfer. It could have been transferred anyplace. The point I am making is that this is not about transfer. It is about trade-off. It is about $27 billion. We cannot go home saying we embrace a 5-year budget agreement that did not contemplate a $27 billion weapons system and push it into that budget and assume that we cannot push something out. We have to. We are going to have to push out other military priorities, and my colleagues know that is true. Integrity and truth demands that my colleagues answer yes to that.

For those of us who are not keenly interested in all of these issues, but are interested in domestic programs, with impoverished communities, at-risk children, undereducated people, underemployed, underhoused, inadequately fed, how can we say I voted for a $27 billion weapons system that no one wanted and 2 years down the road when the fire walls go down and they start raiding these budget programs, I hope someone gets up in the floor and points a finger and says how can we have that kind of hypocrisy.

We have to face it now. I am not coming back to the floor next year on this amendment, because this is it, folks. We have to stop it right now if we are going to stop it. I tell my colleagues, I bet every single thing that I have, and I am broke, that this will not come to just 30 planes. They will nickel and dime us to death and billion-dollar us to death. There will be 40 and 50 and 60, because once you start building these planes, the places where they get built, people do not want to stop them getting built. This is a $27 billion program.

Now, if we want to employ people, then let us go in the back room and dream up a $27 billion jobs program. I will show my colleagues how we can certainly put many more people to work than are presently working on these handful of B–2's. This is inappropriate, my colleagues, those of us who voted for a balanced budget, stand up with dignity and integrity and oppose this.

Mr. Chairman, no one wants it except the contractors and a handful of people. This is not about the balanced budget. That day is now over. There are no free rides. If we buy this, we are not going to buy something else, and it is either domestic or it is some of our other weapons systems. But the day of scratching each other's backs is over. I have lived long enough to see us being forced to the hard choices. Make me

believe in this institution, make me believe in the integrity of the balanced budget. Oppose this B–2 and support this amendment.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina, as chairman of the Committee on National Security, is recognized for 5 minutes.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding. Let me just say to all Members of the House, sure, after the Air Force Chief of Staff and the Joint Chiefs were told by the President that they would not support a B–2, they saluted and they came down and they sat before us and said, we do not have the B–2 in our budget. Then we asked the Air Force Chief of Staff, in the words that are over on the side of the room here, would B–2's be valuable in war, and he said, B–2's would be extremely valuable in the Hawk phase; that is, when we stop the enemy tanks from rolling. Then he hesitated and he said, and in all other phases. I asked him the question, would the B–2's save lives, and he said yes, they would save lives.

My friends, we are going through really what is kind of a microcosm of defense itself. We had the war to end all wars, I guess that is the post-cold-war world that my friend from California refers to in the early 1900's. We called it the war to end all wars, and we were unprepared for the Second World War, where we did not get the 2-week warning time that the study that he refers to says we should have. Then we threw away our weapons after World War II, went from a military of 9 million people to a group that could not hold a third-rate military as it pushed us down the Korean peninsula. And we were not able to stop those tanks. After the world war was over, we cut again.

We have cut and we have cut the defense budget on an annual basis by $140 billion, from $404 billion in 1985, real money, to about $268 billion today.

Within those confines of the $268 billion, with the reform package we put together, a real reform package, we have enough money, $15 billion over 5 years, to buy all of those B–2's. We are asking for basically Wal-Mart sales for 2 months so that our pilots do not have to fly under the Bill Clinton scenario, 80-year-old B–52's, older than their great-grandfathers. Vote "no" on this amendment.

Mr. SPENCE. Mr. Chairman, I yield to the distinguished gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

Mr. GINGRICH. Mr. Chairman, I thank my friend from South Carolina for yielding, and I thank my friend from California for the dignity and the way in which he has conducted this entire debate and the issue he is raising.

Mr. Chairman, I would like all of my colleagues to ask themselves a very basic question: Why do we buy weapons? In the end, as my friend said, it is not for pork, it is not for jobs; we have lots of ways to create jobs, and certainly the Congress, in its ingenuity over 200 years, has found many ways to do that.

Why do we buy weapons? We buy weapons to defend America. We buy weapons to prevent wars, when possible. We buy weapons to win wars, when necessary. We buy weapons to save American lives.

Now, in the 1920's and 1930's the Congress was antitechnology, antimilitary, consistently cheap, self-righteously certain; saw the world as one where there was no danger, and in 1941, 1942 at Pearl Harbor, Wake Island, Guam, the Philippines, Guadalcanal, we paid in blood, the blood of young Americans, because we were not ready.

□ 2015

Then immediately after World War II, this Congress forgot every lesson. We stripped the military. We cut out procurement. We weakened the system. And in 1950, a bunch of young kids in a thing called Task Force Smith were put on the Korean peninsula in an emergency, and they were slaughtered. And we paid in blood.

But in 1990, with an appropriate military investment, with adequate military forces, we put the finest professional military in the world with the finest technology on the field. We won a decisive victory with 100,000 casualties on the enemy side and less than 200 Americans dying. And we won decisively.

Why would you build a B–2? Not for today, but for tomorrow. For a time not very many years from now when a B–1B is going to be in desperate trouble trying to penetrate a sophisticated ground-to-air system. By 2010, you are going to have to suppress that system with enormous firepower for a B–1B to be there. And the weapon you are going to use to suppress that system is either going to be a missile or a B–2.

What if we are not based in the region? Many of my friends who are going to vote yes on this amendment do not want us to be in the regions that they want a short-legged aircraft to defend in. What if we do not have time to build up our force? We had from Labor Day until the spring of 1991, Labor Day of 1990 to the spring of 1991 to build up Desert Storm. But what if we have an opponent that studies our model and does not give us the time? What if we need to move decisively, quickly and win in a controlled manner? What if the President has the kind of threat that he says, I need something now, not in three months?

Here is the advantages of the B–2. It threatens a lot of current systems. The B–2 does not need a carrier battle group. It is less expensive per bomb delivered by any standard. The B–2 does not need an airfield close to the enemy. And it is less expensive than moving an airwing to the region by any standard. The B–2 does not need a huge complex air armada to surround it, to protect it, to suppress the ground-to-air missiles.

But finally, I would say to all of my friends, there is a good argument for voting yes for this amendment. There is a rational argument. I respect those who make it. If they are wrong and 10, 15, 20 years from now we do not have the weapons, we do not have the capability, we cannot project the power, either our allies could lose, we could lose, or the price of victory could be the blood of a lot of young Americans. If those of us who want to build a few extra aircraft are right, we will have saved those lives.

If we are wrong the truth is we will have wasted the money. Consistently in the history of this Congress, it is cheaper in the long run to build one more weapon and save American lives than it is to build too few weapons and run the risk. You decide which responsibility you want to answer. I would rather be wrong in favor of too good a defense with too good an airplane saving too many Americans, and I would rather vote in favor of giving our kids the best possible equipment.

Ms. FURSE. Mr. Chairman, I wish to insert into the RECORD an article that appeared in the May 27 edition of Defense Week. It details a new problem the $2.4 billion B–2 bomber is experiencing in actually being stealthy. Last October, Air Force officials ordered 6 days of repair time be performed for every flying day. In addition, 8 years of test data accumulated at Edwards Air Force Base indicates that it took at least 50 hours of maintenance for every flying hour.

Author Tony Capaccio serves the defense industry, as well as policymakers well in his investigative reporting work. This is a vital role we all count on members of the fourth estate to provide.

[From the Defense Week, May 27, 1997]

THE B–2'S STEALTHY SKINS NEED TENDER, LENGTHY CARE

(By Tony Capaccio)

Maintaining the $2.4 billion B–2 bomber's stealthy skins has proven so difficult that Air Force officials last October, directed six days of repair time be performed for every flying day, accordingly to test data made available to Defense Week.

The order was mandated to reduce a mounting backlog of low observable, or LO, repairs, at the 509th Bomb Wing, Whiteman AFB, Mo., the unit that earned worldwide publicity last month after its first six B–2s were declared ready for combat.

The extent of the B–2 maintenance problems went unpublicized. It could not be learned to what extent. if any, the LO maintenance problems have hampered the wing's current training operations.

"Maintenance is a concern due to both the time to repair LO discrepancies and the manpower required to effect LO repairs," The Pentagon's operational testing office said in a detailed May 13 statement.

The mounting backlog at Whiteman was in addition to eight years of test data accumulated at Edwards AFB, Calif., indicating that it took at least 50 hours of maintenance for every flying hour. The number seems high, but is within Air Force expectations at this stage of the program, said a Pentagon official.

About 19 of those hours were consumed making repairs to the aircraft's sensitive skin necessary to meet its military stealth, or LO low observable, requirements—the largest repair category, according to Air Force figures.

The data did not, however, indicate if the LO repair hours met or exceeded expectations. But the figure has been improved, according to a Pentagon official. He was not, however, aware of the current time to repair figure.

The data, which is the most current available, was based on 2,601 flight hours accumulated at Edwards when the first B-2 was delivered for development testing in July 1989 through May 1996.

THE PRICE OF STEALTH

The data indicates not a serious, unexpected design problem but more intense than expected efforts to maintain the $2.4 billion bomber's most relevant feature. To date, the most widely known fact about B-2 maintenance was that it is performed in special hangars.

[The price tag quoted here is the 20-year program life cycle cost. It includes everything from early development through two decades of operations, maintenance, support and eventual disposal.]

The U.S. will buy 21 bombers for about $44 billion. Thirteen should be delivered by year's end. The Quadrennial Defense Review last week reaffirmed the Pentagon's position that it cannot afford more than 21.

Aside from the LO repair problems, the aircraft has demonstrated good to exceptional reliability with electronics, its landing gear and door, the data shows.

The B-2 needs a baby-smooth skin to maintain its stringent, bumble-bee sized radar profile. A major driver of B-2 LO maintenance is the curve time for materials, including sealants used to fill gaps between panels, adhesives and tapes to cover joints.

Cure times for some materials exceed 72 hours. If successive layers of material are applied, cure times can take several hundred hours, according to test data.

SOLUTIONS IN THE WORKS

Both the Air Force and Northrop Grumman Corp. are crafting solutions, such as a faster curing time for radar absorbing tapes and chalking. And Northrop recently delivered to Whiteman a maintenance management system called a Low Observable Combat Readiness computer program for evaluating radar cross section degradation.

"The MC rate at Whiteman has improved as a result" of introducing the computer program, said the Pentagon test office. "In spite of the MC improvement resulting from [the computer program], the backlog of LO discrepancies at Whiteman is increasing."

Asked to outline the backlog's extent and its operational significance, citing classification issues, the Air Combat Command declined May 16 to specify.

"However, let us say that as with any emerging weapon system, ACC is gaining experience as we field the Air Force's newest technology bomber," it said in a statement to Defense Week.

"We feel the B-2, which is on the leading edge of low observable technology, has not presented maintenance challenges beyond those associated with fielding any new system. The knowledge we've gained from fielding the B-2 has adjusted our maintenance approach accordingly and will continue to do so," said the ACC.

The Air Force wrote Sen. Dale Bumpers (D-Ark.) in March when he asked about maintenance problems that "although low observable systems maintenance has affected mission capable rates, recent trends show an overall increase. The latest mission capable rate as of January is much greater than 20 percent."

It also told Bumpers the 509th BW was flying low altitude B-2 missions but failed to note that six days of repairs were being executed for every flying day.

The planes' high-tech terrain following radar allows it to go that low. Given that capability and 6,000-mile unrefueled range, a B-2 can strike heavily defended Libyan, Iraqi and North Korean targets.

But the low flight profile also is exacerbating the LO maintenance woes, the testers said. "Flight experience has shown that the durability of the LO is also related to the environment the B-2 is flown in," said the testers. "Low level flight places the most demand on the LO materials."

According to data compiled by Pentagon testers, during one snapshot, between December 1995 and February 1996, Whiteman B-2 mission capable rates was at a low 37 percent. If LO system readiness was not included, the readiness rates were a more acceptable 73 percent, the data showed. Acceptable B-52 and B-1B mission capable rates are over 80 percent.

MAINTENANCE AND READINESS

ACC claims notwithstanding, the test figures and detailed statement from the Pentagon's operational test office indicate that the upkeep of the B-2's primary selling point—its stealth—is proving difficult and has affected readiness.

"LO maintenance problems are the primary factors affecting B-2 readiness. The materials used are sensitive to the methods of application and to the temperature and humidity when applying them," said the May 13 Pentagon statement prepared in response to Defense Week questions.

"The high LO system failure rate indicates that material durability could be improved". Concern has also recently arisen over the quality of the LO repairs that can be accomplished in the operational environment," the test office wrote.

"The large number of B-2 LO system unscheduled maintenance events, combined with LO maintenance difficulties, significantly reduce aircraft availability," the testers said.

Seven second-generation bombers are at Whiteman AFB. They can fly down to 600 feet above ground, pop up and drop a family of 500- to 2,000-pound satellite-guided bombs. Those bombs can fall within 20 feet of their intended aimpoints.

Concerning the October 1996 policy change directing six days of repair for one flying day, the statement noted "as a result of LO maintenance difficulties and backlog, the 509th BW in the fall of 1996 had limited the sortie rates on its aircraft to permit more time for repairs.

"This reversed a previous policy aimed at maintaining high [pilot training] sortie rates at the expense of deferring LO repairs," said the statement.

"To alleviate manpower problems, the Air Force has brought 18 Northrop Grumman workers to Whiteman to augment the Air Force LO maintenance personnel." the statement said.

Mr. DICKS. Mr. Chairman, I rise in opposition to the Dellums amendment to eliminate further production of the B-2 bomber. I believe this is the most important defense procurement vote of the decade.

The B-2 with smart conventional weapons gives us the potential for a conventional deterrent. The B-2 when fully equipped with smart conventional weapons will be able to devastate a country and an advancing army at the same time.

This bomber will give us a war-stopping capability. The war-stopping or preventing capability will save American lives. The B-2 can give us a huge technological advantage over potential enemies.

Twenty-one B-2 bombers is not enough. We need to keep the production line open to build nine additional B-2's. Every independent study indicates that additional B-2's are needed.

The Dellums amendment stops the production line, which is in California. We would need to spend billions to re-open this line once it is closed.

Gen. Brent Scowcroft, National Security Adviser to Presidents Ford and Bush, has written a devastating report on the lack of a bomber policy on the part of this administration. Let me quote from General Scowcroft's report:

The B-2's ability to strike independently within hours anywhere on the globe from bases in the United States leaves it uniquely well-suited among all U.S. force elements for dealing with unexpected challenges. The need for such a capability is basic to the national 2 Military Regional Conflict [MRC] strategy.

The only realistic option for maintaining the viability of the long range, stealthy, precision strike force over the long term is to continue production of the B-2. The B-2 is therefore a critical national asset, which is uniquely capable of performing these vital missions.

Under the U.S. Constitution, the Congress has the ultimate responsibility to fund and govern the military. Under article I, section 8, the Congress shall have power "To raise and support Armies * * * To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces."

In closing, I again want to quote from General Scowcroft's report:

Additional B-2s are fully affordable within planned budgets. The Pentagon plans to increase procurement spending approximately 50 percent by 2001. Those funds should be allocated to and spent on the most cost-effective systems, such as additional B-2's. The situation is similar to that of the F-117 in the 1980's. The Air Force insisted that a single squadron of these revolutionary aircraft was all that was needed; Congress directed a doubling of the buy, an action that saved many American and allied lives in the gulf war. Today, once again, only Congress can set in motion the steps needed to maintain production of the B-2.

Help us today and defeat the Dellums amendment.

Mr. GILMAN. Mr. Chairman, I rise today in opposition to the amendment brought to the floor by the honorable gentlemen from California, Ohio, and Florida. This amendment would eliminate $331.2 million from the B–2 Stealth Bomber Program and additionally would prohibit other funds from being used for advanced procurement or production line expenses for more aircraft beyond the 21 aircraft previously authorized.

The cost of this program as outlined in the National Defense Authorization Act for fiscal year 1998 would authorize $505.3 million to reestablish elements of the B–2 production line that have been shut down, for advance procurement, and for various support, training, and management costs. I believe that the cost of reestablishing these programs is justified in light of the military advantages the aircraft provides to our men and women in the Armed Forces.

The B–2 is the only heavy bomber currently in production or development. In fact, the Pentagon has no other plans for modernizing or supplementing our existing and aged bomber fleet of B–52's and B–1's. With the youngest B–52 bomber being 33 years old, many U.S. pilots are flying aircraft that are older than they are. Due to the time and extreme costs associated with designing another bomber, it is important that we retain our capability to produce bombers should events require them.

In addition, the stealth capabilities of the B–2 are unmatched, allowing this two person plane to operate without fighter or enemy air-defense suppression escorts, thereby limiting the total number of airmen placed in harm's way. The B–2 can also strike multiple targets from heights out of range of anti-aircraft weapons with precision and accuracy. This combination of features will also minimize the risks both to noncombatants and to American bomber crews in the air.

Finally, some argue that in the post-cold war era, we no longer need aircraft of this kind. However, the U.S. cannot afford to let its guard down. The world is still a dangerous place, as Saddam Hussein proved a few years ago and as North Korea, in its quest for nuclear weapons, reminds us today. By introducing additional B–2s now, we are preparing ourselves for the next threat that we unfortunately are likely to face. Accordingly, I strongly urge my colleagues to rise in opposition to the Dellums, Kasich, and Foley amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 216, not voting 10, as follows:

[Roll No. 228]

[Roll No. 228]

AYES—209

Abercrombie	Archer	Ballenger
Allen	Baesler	Barrett (WI)
Andrews	Baldacci	Barton
Bass	Gutknecht	Pastor
Becerra	Hall (OH)	Paul
Bereuter	Hamilton	Payne
Berry	Hastings (FL)	Pelosi
Blagojevich	Hilliard	Peterson (MN)
Blumenauer	Hoekstra	Petri
Boehlert	Hooley	Pickett
Bonior	Houghton	Pomeroy
Boswell	Jackson (IL)	Porter
Boucher	Johnson (WI)	Portman
Boyd	Kanjorski	Poshard
Brown (CA)	Kaptur	Price (NC)
Brown (OH)	Kasich	Pryce (OH)
Burr	Kennedy (MA)	Quinn
Camp	Kennedy (RI)	Rahall
Capps	Kennelly	Ramstad
Cardin	Kildee	Rangel
Carson	Kilpatrick	Regula
Castle	Kind (WI)	Rivers
Chabot	Kleczka	Roemer
Christensen	Klink	Ros-Lehtinen
Clay	Klug	Rothman
Clayton	Kolbe	Roukema
Clement	Kucinich	Roybal-Allard
Coble	LaFalce	Rush
Coburn	Lampson	Sabo
Combest	Lantos	Sanders
Condit	Largent	Sanford
Conyers	Latham	Sawyer
Costello	LaTourette	Scott
Coyne	Lazio	Sensenbrenner
Cummings	Leach	Serrano
Danner	Levin	Shays
Davis (FL)	Lewis (GA)	Shuster
Davis (IL)	LoBiondo	Sisisky
DeFazio	Lofgren	Skaggs
DeGette	Lowey	Slaughter
Delahunt	Luther	Smith (MI)
DeLauro	Markey	Smith, Adam
Dellums	Mascara	Smith, Linda
Deutsch	McCarthy (MO)	Snyder
Dingell	McCarthy (NY)	Spratt
Doggett	McDermott	Stabenow
Doyle	McGovern	Stark
Duncan	McHale	Stenholm
Edwards	McKinney	Stokes
Ehlers	McNulty	Strickland
Engel	Meehan	Stupak
Eshoo	Menendez	Sununu
Evans	Miller (CA)	Tanner
Farr	Miller (FL)	Tauscher
Fattah	Minge	Tierney
Flake	Mink	Towns
Foglietta	Moakley	Upton
Foley	Molinari	Velázquez
Ford	Moran (VA)	Vento
Frank (MA)	Morella	Wamp
Franks (NJ)	Nadler	Watt (NC)
Furse	Neal	Waxman
Ganske	Ney	Weldon (PA)
Gejdenson	Nussle	Wexler
Gephardt	Oberstar	Weygand
Goode	Obey	White
Goodlatte	Olver	Wise
Goodling	Owens	Woolsey
Greenwood	Pallone	Wynn
Gutierrez	Pascrell	

NOES—216

Ackerman	Callahan	Dunn
Aderholt	Calvert	Ehrlich
Armey	Campbell	Emerson
Bachus	Canady	English
Baker	Cannon	Ensign
Barcia	Chambliss	Etheridge
Barr	Chenoweth	Everett
Barrett (NE)	Clyburn	Ewing
Bartlett	Collins	Fawell
Bateman	Cook	Fazio
Bentsen	Cooksey	Filner
Berman	Cramer	Forbes
Bilbray	Crane	Fowler
Bilirakis	Crapo	Fox
Bishop	Cubin	Frelinghuysen
Bliley	Cunningham	Frost
Boehner	Davis (VA)	Gallegly
Bonilla	Deal	Gekas
Bono	DeLay	Gibbons
Borski	Diaz-Balart	Gilchrest
Brady	Dickey	Gillmor
Brown (FL)	Dicks	Gilman
Bryant	Dixon	Gingrich
Bunning	Dooley	Gonzalez
Burton	Doolittle	Goss
Buyer	Dreier	Graham
Granger	Manton	Sandlin
Green	Manzullo	Saxton
Hall (TX)	Martinez	Scarborough
Hansen	Matsui	Schaefer, Dan
Harman	McCollum	Schaffer, Bob
Hastert	McCrery	Sessions
Hastings (WA)	McDade	Shadegg
Hayworth	McHugh	Shaw
Hefley	McInnis	Sherman
Hefner	McIntyre	Shimkus
Herger	McKeon	Skeen
Hill	Meek	Skelton
Hilleary	Metcalf	Smith (NJ)
Hinchey	Mica	Smith (OR)
Hinojosa	Millender-McDonald	Smith (TX)
Hobson	Mollohan	Snowbarger
Holden	Moran (KS)	Solomon
Horn	Murtha	Souder
Hostettler	Myrick	Spence
Hoyer	Nethercutt	Stearns
Hulshof	Neumann	Stump
Hunter	Northup	Talent
Hutchinson	Norwood	Tauzin
Hyde	Ortiz	Taylor (MS)
Inglis	Oxley	Taylor (NC)
Istook	Packard	Thomas
Jackson-Lee (TX)	Pappas	Thompson
Jefferson	Parker	Thornberry
Jenkins	Pease	Thune
John	Peterson (PA)	Thurman
Johnson (CT)	Pickering	Tiahrt
Johnson, E. B.	Pitts	Torres
Johnson, Sam	Pombo	Traficant
Jones	Radanovich	Turner
Kelly	Redmond	Visclosky
Kim	Reyes	Walsh
King (NY)	Riggs	Waters
Kingston	Riley	Watkins
Knollenberg	Rodriguez	Watts (OK)
LaHood	Rogan	Weldon (FL)
Lewis (CA)	Rogers	Weller
Lewis (KY)	Rohrabacher	Whitfield
Linder	Royce	Wicker
Livingston	Ryun	Wolf
Lucas	Salmon	Young (AK)
Maloney (CT)	Sanchez	Young (FL)

NOT VOTING—10

Blunt	Maloney (NY)	Schumer
Cox	McIntosh	Yates
Gordon	Paxon	
Lipinski	Schiff	

□ 2037

Mr. ORTIZ and Mr. CALLAHAN changed their vote from "aye" to "no."

Mr. ARCHER and Mr. COBLE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COX of California. Mr. Chairman, I was necessarily absent for this vote for medical reasons.

The CHAIRMAN. Pursuant to section 5 of House Resolution 169, it is now in order to consider the amendment by the gentleman from Alabama [Mr. EVERETT] printed in section 8(c) of House Resolution 169.

AMENDMENT OFFERED BY MR. EVERETT

Mr. EVERETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in section 8(c) of House Resolution 169 offered by Mr. EVERETT:

Strike out sections 332 through 335 (page 68, line 10 through page 77, line 21).

The CHAIRMAN. Pursuant to the rule, the gentleman from Alabama [Mr. EVERETT] and a Member opposed, the

gentleman from South Carolina [Mr. SPENCE] each will control 30 minutes.

MODIFICATION TO AMENDMENT OFFERED BY MR. EVERETT

Mr. EVERETT. Mr. Chairman, I ask unanimous consent that the amendment be modified to correct the drafting error. The modification is at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. EVERETT:

The amendment as modified is as follows:

Strike out sections 333 through 335 (page 69, line 3 through page 77, line 21).

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. EVERETT. Mr. Chairman, I ask unanimous consent that 15 minutes of my time be controlled by the gentleman from Minnesota [Mr. SABO].

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. EVERETT. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, my amendment, cosponsored by the gentleman from California [Mr. FAZIO], the gentleman from Wisconsin [Mr. KLUG], and the gentleman from Minnesota [Mr. SABO], relates to DOD's depot maintenance policy. This amendment simply strikes the depot maintenance provisions that were added to the bill by the depot caucus members in subcommittee.

□ 2045

Mr. Chairman, the result of the amendment will leave intact the current 60/40 policy that splits repair work between the public and private sectors.

Let me say in the beginning that those of us who opposed the language as reported out by the subcommittee come from differing viewpoints. My objection is to what I see as the vastly expansive new definition of "core logistics capability" and the redefining of "workload," to name but a few.

The Depot Caucus says that their provisions simply block the President's disregard of the 1995 Base Closure Act at Kelly and McClellan Air Force Bases. I am in agreement with the caucus that the President violated at least the intent of BRAC 1995. However, the provisions go much further than Kelly and McClellan.

The bill redefines "depot level maintenance" to include "interim contractor support" and "contractor logistics support" and software maintenance which has principally been performed by contractors. The bill further defines "core logistics activities" to include all new weapons systems within 4 years of reaching their initial operating capability.

These provisions clearly go beyond the scope of Kelly and McClellan, and are not based on military requirements set out by the war fighter. These provisions will force DOD to place more repair and maintenance work in the public depot system without regard for military necessity or cost to the government. In other words, by forcing DOD to place more repair work in the public depots without regard to military requirements, DOD will be forced to take deeper cuts in personnel and training and in modernization of our weapons systems.

I support the need for an in-house public depot system to support the core repair and maintenance needs established by the military. However, if this work is not core and can be performed by the private sector, we should at least give the military leadership the ability to compete the work for best value and best price. The current provisions of this bill work against that philosophy.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Alabama [Mr. EVERETT].

The supporters of this amendment will argue that by striking the provisions in the bill relating to depot policy, the amendment would merely ensure the continuation of current law under which the Nation's depot system would continue to be managed within the framework of the so-called 60/40 policy. The problem, however, which continues to preclude a meaningful discussion about the role and future of our public depots, remains the administration's politicization of the base closing process of 2 years ago.

Thus, the fundamental issue before the House is not the appropriate ratio of public to private workloads. Instead, the issue is the determined effort of the administration to politicize the base closure process for its own political benefit. If the President had not injected himself very directly into the BRAC process, it is unlikely the House would even be debating this amendment today.

The 1995 Base Closure Commission considered the question of the Air Force public depot system and came to a determination that 2 of the 5 Air Force depots should close. Those 2 depots were located at Kelly Air Force Base in Texas and McClellan Air Force Base in California. The Commission's recommendations were very clear: close the depots and consolidate their workloads at other public depots or at private sector commercial activities as determined by the Defense Depot Maintenance Council.

Contrary to the President's assertions during his campaign for a second term, the Commission did not recommend privatization-in-place and it certainly did not attempt to guarantee the jobs of thousands of workers at these 2 depots, depots located in 2 States with substantial numbers of electoral votes. Privatization-in-place was not an unknown concept to the Commission. In fact, the Commission recommended it in a limited number of instances, but those instances did not include Air Force depots.

The President's transparent attempt to circumvent the intent of the 1995 BRAC process for political reasons has caused grave harm to what had been essentially a nonpolitical process. By his actions, the President has undermined support in Congress for future base closures and caused the committee to overwhelmingly recommend the provisions which the Everett amendment proposes to strike.

Congress has resisted all attempts over the years to overturn legislatively the results of the BRAC process. The President had a similar obligation to carry out faithfully the decisions of the BRAC Commission which are now the law. Depot workloads at these two facilities may be competed in the private marketplace, but the President cannot, I repeat, cannot rig the competition to ensure electoral political advantage.

I urge my colleagues to support the committee and oppose the Everett amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in support of the amendment. I am not one who automatically supports privatization. In some cases it does not make sense. In other cases it does. If it involves trying to switch jobs from people who have benefits to people who do not have benefits, I have deep concern.

However, here we are talking about competition between the private and public sector, where both have highly skilled, well paid employees with decent benefits, health and pension benefits. As we try to squeeze ever-increasing demands into restricted dollars, this is a case where competition between private and public sector clearly makes sense. I hope my colleagues vote "yes" on the Everett amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, this language which is in the bill and which the amendment would remove was placed in the bill in the Subcommittee on Military Readiness of which I am the chairman. I cannot tell my colleagues that this is the provision that I would have written had I been given the grace to have articulated the best, wisest policy with reference to depot maintenance. This provision in the bill is not, in my view, the wisest and the best. It does reflect the will of the subcommittee by an

overwhelming vote. It also reflects changes from the original proposal of the Depot Caucus which they made, at my request, in order to improve what is in the bill. Looking at this very difficult issue in balance, I would ask the committee to support the bill as it comes to the floor and to reject the amendment that has been offered.

This issue is one of the most contentious issues which will be dealt with in the conference that is coming between this body and the other body. Certainly I hope and believe that this will be improved upon as we go through that process. I can assure my colleagues that I will be working to do that but in a way which protects the legitimate concerns of those who represent areas which have government-owned and operated maintenance depots. I do not represent such a depot, but I can tell my colleagues that it is my very firm belief that the national security interests of this country require a robust capability in the government-owned and operated depots, and that ability to serve our national security must be safeguarded. It must be met. For those reasons, I would urge a "no" vote on the amendment.

Mr. EVERETT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Chairman, everyone in this Chamber should understand that this has absolutely nothing to do with the base closing process. In Texas, we are willing to take our medicine. We felt that our depot should stay open at Kelly Air Force Base, but we were chosen to be closed and we must now face the music and deal with reality.

But what is wrong, and I appeal to the people in this body who have any sense of fiscal conservatism, or any sense of competition and supporting private sector involvement in government contracts, what is wrong with having us set up shop at the former base, to invite private contractors to come in and bid for business? What is wrong with that? And if the depots that are surviving this process do indeed come forward with a lower bid, then they win. What is more American than having competition out there to bid for business in this country? That is what we are talking about.

I can appreciate the parochial interest of the States that have the remaining depots. They want it all. And they want the law to say they will get it all without any competition. But I say to any Member in this body who believes in fiscal conservatism, fiscal responsibility, free enterprise or competition, they must see our plan on this and support what we are trying to do.

If Members stand with those who want to save money for the Air Force, with those who believe in free enterprise, with those who believe in competition, with those who stand with the United States Air Force at trying to control costs, they will support, as I will, the Everett amendment. I thank the gentleman from Alabama for offering this amendment, and we certainly hope it succeeds.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I hope my colleagues here will realize that what we are looking at is the integrity of BRAC that was passed by the gentleman from Texas [Mr. ARMEY], now our majority leader. The law is very clear of what we can and cannot do. The President of the United States had 15 days, an up or down. There was no privatization in place. The idea that Members can find themselves in a position to say that we are saving money here is amazing to me. I cannot imagine anyone saying that.

Here is something called the GAO report. The Air Force by their own admission says the amendment by the gentleman from Alabama would cost $689 million a year. It is impossible to accept that.

Mr. Chairman, let me point out, the issue before us today comes down to this: Can the President hide his politically motivated job program behind the shield of privatization and trick enough of us to look the other way? Each side is going to have their share of letters and quotes to support their argument. I would ask my colleagues all to stay focused on the central question: Does it make sense for the Air Force to continue to operate 5 depots at under 50 percent capacity when the closure and consolidation of the 2 least efficient will save over $689 million per year?

I would hope that each and every one of us would give some real thought to what this really does and does not do. I wrote this language. I think I can speak with authority on this thing. It does not prevent anyone from bidding on non-core work.

Do you want to bid on all the core work? What do we tell the big companies of the world when we have another Persian Gulf? Get into a C–141 and go over there? Hey, if you want to privatize everything, there are a whole bunch of Soviet pilots that do not have jobs anymore. Let us see if we can get them to fly our F–22s for us. We have got to get down to the point where we draw the line between core and noncore and talk about privatization. Everyone can bid on it. All we are doing is distinguishing between the two issues. I would hope my colleagues would vote "no" on the Everett amendment and save the taxpayers a whole bunch of money.

□ 2100

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman for this time.

The Secretary of Defense has made it very clear that the modernization and the readiness of our Armed Forces will be paid for by base restructuring. So the realignment process must be conducted in a way that will save the most money, and the best way to do this is through the public-private competition that is currently under way.

History has shown that competition saves money. The ongoing public-private competition will guarantee the best defense for the dollar.

And so, Mr. Chairman, I urge my colleagues to support the military, support the taxpayer and support the Everett-Sabo amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Chairman, let me say that I have a lot of respect for the Members who happen to be on the other side of this issue, but I would just like to tell my colleagues something on these two charts that I have. Do my colleagues see these 2 charts here? It has got the names of all the bases that were shut down by the BRAC Commission during the past 4 years.

And my question is this: "Did some of your bases that you had, did they get a second chance to keep those jobs open?" I am not against contracting out when it makes sense. But what we are seeing here debated does not make sense.

As my colleagues know, what about the workers at these facilities? Did they get a second chance? No, they did not. Will this amendment save money? No, this amendment will not save any money.

Now let us look and see as to how much money this amendment will cost the taxpayers. The Air Force estimates that the Everett amendment will cost the taxpayers $689 million annually. The GAO estimates that it will cost $468 million. In Ohio, at a base where privatization in place is occurring, the Air Force estimated that it will cost $40 million more annually, same work, same place, same equipment.

We cannot afford the Everett amendment.

What about the workers of both bases? Kelly? What about Sacramento? I have letters to show my colleagues that they do not support this amendment. These are workers who at one time or another served our country in the front lines. They know the kind of equipment that is needed. They know that they need well-maintained equipment. What better than to have these veterans to work on this maintenance that is required?

Vote against the Everett amendment. It will be a great vote.

Mr. EVERETT. Mr. Chairman I yield 1½ minutes to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank my colleague for yielding this time to me.

Mr. Chairman, this amendment is about competition. It is about saving American taxpayers billions of dollars. Language currently contained in the defense authorization bill is anti-competition. It would prohibit any military facility that was closed by BRAC in 1995 from entering into any private contract for depot level work. This wastes taxpayers' money.

Fiscal responsibility requires that we allow the competitive process to determine the most effective and efficient depot while maintaining the highest level of national security. Should the American taxpayer pay for maintenance work at one depot when the work can be done at another for 20 to 30 percent less?

Mr. Chairman, competition saves money. In the next 5 years the Air Force alone will need almost $97 billion to modernize its equipment and force structure. Where is that money going to come from? This amendment savings will help pay for future military modernization.

Mr. Chairman, I urge my colleagues to vote for competition and savings. Vote yes on this much needed amendment.

Mr. SPENCE. Mr. Chairman I yield 2 minutes to the gentlewoman from Jacksonville Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise to strongly oppose the Everett-Fazio amendment.

The 1995 Base Closure Commission voted to close the depots at Sacramento and San Antonio. As their report noted, the commission found that the significant excess capacity and infrastructure in the Air Force depot system requires closure of both Sacramento and San Antonio. But President Clinton, concerned about the impact of these closures on his 1996 campaign, instead sought privatization in place at these 2 bases. By his actions he undercut the integrity of the BRAC process to achieve political gain.

Was privatization in place a valid option for these bases? The BRAC report specifically did not authorize this approach for San Antonio or Sacramento despite doing so for two other bases. No commission vote was held, and when the GAO looked at this issue, it concluded that privatizing these operations would cost the Air Force $468 million a year more than transferring this work to other depots or privatizing it elsewhere. Subsequently, the Air Force's own Materiel Command projected that the cost of privatizing these facilities in place would actually be $689 million a year.

Now, Mr. Chairman, the language adopted by the Committee on National Security would require the President to abide by the BRAC. I do not support Secretary Cohen's call for additional BRAC rounds, but if we are going to have them, we must first restore integrity to the BRAC process.

The proponents of this amendment are asking us to flush $689 million a year of hard earned taxpayer money down the drain rather than spending it to modernize our forces or to provide better family housing for our military dependents. Oppose the Everett-Fazio amendment.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as many of my colleagues will tell us, it is rare that I rise to talk in this House, but I felt a need to do that today to express my strong support for the Fazio-Everett amendment.

This amendment simply strikes the unprecedented and reaching Hansen language that was adopted during the markup of the defense authorization bill. I join with the distinguished ranking member of the full committee, as well as Secretary of Defense William Cohen, in supporting this amendment.

If we approve the current language in the defense bill, it would allow a government monopoly on depot maintenance work. It would also require the government to make overwhelming new capital investments in government facilities which would simply duplicate what exists in the private sector today.

Now, I am on the Committee on National Security, and I have been looking and listening to the testimony. I have looked at the discussions that have gone on before. I end by saying that I urge my colleagues to join me in voting in favor of this amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I am the ranking member of the Subcommittee on Military Readiness, and I work with the gentleman from Virginia [Mr. BATEMAN] and those that represent depots for 3 years. We have tried to maintain a balance between public and private depots and at the same time to protect our national security industrial base.

I am from Hampton Roads, Virginia, the largest naval base in the whole world. I have the largest public yard in the country, I have the largest private shipyard in the country, so I think I understand the public-private competition.

And the word is competition. In 1993, 4500 Americans were told at the Naval Air at Norfolk that they were out of a job, the BRAC commission, we could not save them. We tried valiantly to save them.

Now I am a little sensitive about that because of what happened in the BRAC committee. Why did we privatize? A million and a half square feet right in the middle of the Norfolk Naval Base, which by the way is still empty and we did not privatize. But let me tell my colleagues what we did privatize. Very interesting enough, last year the 2 depots that they do, and by the way it does not take a rocket scientist to understand instead of 2 overheads you got 4 overheads, but they privatize Louisville. In Louisville, privatization in place took place at the Naval Surface Waterfront Depot in Louisville, where they work on five-inch guns.

Now BRAC said the exact same thing about Louisville and guess what? They offered a contract with no competition, no cost data, and I hate to tell my colleagues what they are losing now. I had to stop them almost, threatened to go to court to do it, but they stopped it. In two-three weeks they got some cost data that they brought back.

This is about competition. I implore my colleagues to vote against this amendment and keep the BRAC commission from politicization as it is.

Mr. EVERETT. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I listened. I have friends on both sides of this debate, and I happen to be on one of the sides, but it is almost as if we were debating two completely different sets or had two different sets of facts because the representations are so dramatically opposite.

I would just observe, if my colleagues think about it, when has not privatization resulted, or competition, in a lowering of costs? I mean, we know that has been the case in the electricity industry. We know it has been the case in a number of other industries, transportation. We have seen it dramatically displayed, and countries all across this world are racing toward competition and privatization.

But I am reminded when I hear the opponents oppose this amendment, all this amendment does is strike out some bad language that was inserted in the underlying bill. We know that privatization and competition result in a lowering of costs. Indeed, the Pentagon's own Defense Science Board has estimated that public-private competition will produce taxpayer savings of 20 to 30 percent regardless of whether public depots or private industry win the competition.

McClellan and Kelly have already been slated for closure. The vote has been taken, they are in the process of closing. So they will not be Federal depots, but they are vast reservoirs of technology and of technological expertise in the employees that work there. Contractors can come in; we can have competition, and the Pentagon's own Defense Science Board says we will cut costs 20 to 30 percent. Why is that important? It is important obviously for the Federal Treasury, but specifically for defense it is important because the defense sector of the Federal budget is shrinking and has been for some time.

So we will have to do more with less. How do we do that? Competition. Privatization. That is what the Everett amendment represents.

I would just like to point out the Governor of our State which represents areas with closed depots like Sacramento and areas with healthy vibrant depots like San Diego and Twenty-nine Palms. He has just sent out in a letter dated June 19 his support for this amendment. He is the Governor of the whole State. Populationwise, it is probably greater than the existing depot areas and in the Sacramento area, but the fact of the matter he points out that this is important. He also observes, "The existing bill may also involve hundreds of millions of dollars in hidden costs to the taxpayers because the 3 installations targeted for growth would have to undergo military construction upgrades to meet the 80 percent goal that is in this legislation."

□ 2115

So, Mr. Chairman, this is a very important amendment. It is an amendment that will lower our costs, that will be for the benefit of the military and the benefit of the taxpayers, and I urge people to approve it.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Chairman, on Thursday of last week, the White House threatened to veto H.R. 1119, the defense authorization bill, if it included language that will force the President to obey the Base Realignment and Closure Commission, the BRAC law. This law mandates the closure of Kelly Air Force Base in Texas and McClellan Air Force Base in California, mandates the closure of those two facilities.

Now, according to the GAO, their reports say that the continued operation of these two bases will cost us around $468 million. Now, the Air Force's very own internal report said that the continued operation of these two bases will cost us about $689 million.

At the same time, the President maintains that the defense budget and the number of soldiers must be reduced in size beyond the hollow force that he is currently creating, but President Clinton offers no explanation, none, for this obvious contradiction, and he denies that he is in violation of the law.

The President is wrong on both counts. Congress must vote to preserve the fairness and nonpartisanship inherent in the BRAC process that the President would destroy. The only way to preserve the fairness of the BRAC process is to vote against the Everett-Fazio amendment to H.R. 1119.

I ask my colleagues to vote for fairness in the base closing process, vote to preserve our national security, and vote no on the Everett-Fazio amendment.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Chairman, the question before us is quite simple. It is whether we will allow the Department of Defense to implement a base closure recommendation in the manner it deems most effective. Opponents of the Everett amendment claim it will undermine the BRAC process, but the recommendations of the Commission regarding both McClellan and Kelly Air Force Bases is absolutely clear.

In calling for the closure of these facilities, the Commission directed the DOD to either consolidate the workloads of other DOD depots or to allow private sector commercial activities. It is very clear what the language says.

Let no one in this Chamber be misled. As the gentleman from California [Mr. DOOLITTLE] said, McClellan and Kelly Air Force Bases will be closed as of July 2001, and they will no longer be Air Force facilities. Nothing in the Everett amendment will change that.

What this amendment will do, however, is to strike a provision in the underlying bill that disallows the conducting of competition for some of the work now at Kelly and McClellan Air Force Bases.

Let me just respond, if I may, to the GAO study that has been talked about time and time again by the opposition. In fact, the last speaker from Oklahoma talked about the $468 million that will be lost if, in fact, these bases do not close. These bases will close. The issue is whether or not to allow competition.

This will save money. The GAO study is totally irrelevant to this discussion, because these bases will close. In fact, it will cost more if we disallow private competition in this situation, because these employees, the mission, will have to be moved to these other bases, whereas if, in fact, we allow private competition, many of these employees that have the technical skills that go back 20, 30 years will be able to stay at these particular bases in a private sector capacity, not in a public sector capacity. These bases are in fact going to close. We all know that.

Mr. Chairman, I urge support of the Everett amendment.

Mr. Chairman, the question before us is quite simple. It is whether we will allow the Department of Defense to implement a base closure recommendation in the manner it deems most effective.

Opponents of the Everett amendment claim it will undermine the BRAC process. However, the recommendations of the Defense Base Closure and Realignment Commission regarding both McClellan and Kelly Air Force Bases are absolutely clear. In calling for closure of these facilities, the Commission directed DOD to either "[c]onsolidate the remaining workloads to other DoD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council."

Let no one in this Chamber be misled. McClellan and Kelly Air Force Bases will close. As of July 2001, they will no longer be Air Force facilities. Nothing in the Everett amendment will alter that fact in any way.

What this amendment will do, however, is strike provisions of the underlying bill that prevent the Department of Defense from conducting competitions for some work now performed at McClellan and Kelly. The Air Force is currently seeking detailed bids from public depots and private industry for this work. Public-private competition will allow the Air Force to accurately determine which of its options under the 1995 BRAC law makes the most sense for our national security.

Without the Everett amendment, the DOD would be barred from privatizing, even if that course proves to be the best value for the taxpayer. Ironically, while the opponents of this amendment accuse us of subverting the BRAC process, it is the language of this bill itself that does so. Despite the clear direction of the Commission that privatization was an acceptable course of action for McClellan and Kelly workloads, the Congress would be effectively foreclosing this option. We must not take the precedent-setting step of limiting DOD flexibility in its implementation of a BRAC recommendation.

Many experts—including the 1995 BRAC Commission itself—have concluded that our national security would be best served by allowing the private sector a larger role in defense industrial activities. The Commission's Report to the President noted: "Privatization of [DoD industrial and commercial] functions would reduce operating costs, eliminate excess infrastructure, and allow uniformed personnel to focus on skills and activities directly related to their military missions."

Yet the Department is not moving blindly to privatization based on the many voices that have called for it in the past. It will take that step only if competition proves that the private sector will produce savings and protect readiness for the workload in question. Even the December 1996 General Accounting Office report, so often cited by opponents of the Everett amendment during this debate, concluded by calling for the use of "competitive procedures, where applicable, for determining the most cost-effective source of repair for workloads at the closing Air Force depots."

In a recent letter to Speaker GINGRICH on this issue, Secretary of Defense William Cohen wrote, "Our initiatives to increase competition and free funds for modernization are vital to our national security." If we do not pass the Everett amendment, we will be denying DOD a critical tool in controlling its costs. This body would be taking the untenable position of commanding our armed forces to manage their assets with complete disregard for the national interest. I urge my colleagues to reject that course and to support this important amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, I rise in strong opposition to the Everett amendment. Let there be no mistake, this vote is on the integrity of the BRAC process. A vote for the Everett

amendment will only serve to improve the profits of the defense industrial base at the expense of military readiness.

As a Commandant of the Marine Corps, General Krulak has said time and again, depots are a critical element in Marine Corps combat readiness. The depots are the Nation's only ready and controlled source providing our war fighters with the highest quality maintenance and repair, on time and at least cost, wherever and whenever needed.

Let us not forget that the defense contractors who have come to us asking to get more of the workload now done by the depots are the same defense contractors that say that cost should not be an issue when it comes to providing their product. Why would their way of doing business change now? Can we afford this way of doing business?

A vote for the Everett amendment will destroy the BRAC process. It would cost the taxpayers millions of dollars each year, and it will cost the United States their national security.

Please vote "no" on the Everett amendment.

Mr. EVERETT. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Everett amendment. This amendment embodies many of the ideas that we all claim to stand for: open competition and smaller government. While this amendment does not require privatization, it merely ensures that the competition process remains on a level playing field between private industry and public military depots.

I believe the provisions of this bill specifically target Sacramento's McClellan Air Force Base in my home State of California and Kelly Air Force Base in Texas. As currently drafted, this bill prevents the public-private competitions that are now taking place at McClellan and Kelly.

Secretary of Defense Cohen has stated unequivocally that the significance of privatization is part of DOD's efforts to save taxpayer dollars. In addition, these provisions would be anticompetitive and would frustrate the integrity of the BRAC process. Furthermore, privatization at McClellan and Kelly is fully consistent with the BRAC recommendations.

I urge the support of the Everett amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Chairman, I thank the gentleman for yielding me this time.

Unlike my friend from Minnesota for whom I have such great respect, I do support privatization. I think we have got to look for areas of our operation of the Federal Government to seek to privatize in ways that we can save money. But I do not support privatization when it affects the readiness of our military might, nor when it injects politics into an issue which must not be political if it is going to work, such as the BRAC process.

Now, the Everett amendment is about two issues. The first issue is whether or not privatization in place should be allowed at Kelly Air Force Base and McClellan Air Force Base, and whether or not that was provided for in the BRAC process.

Last year, during the defense authorization bill, the current Secretary of Defense, the Honorable William Cohen, who was a Senator at that point in time, a gentleman who was a great Senator and who is doing an excellent job as Secretary of Defense, stated the following in the RECORD, and I quote. "The BRAC did not recommend or authorize privatization in place at Kelly or McClellan." He is right. He is absolutely right. It is not authorized.

Second, this amendment is about one other issue: Does privatization in place save the taxpayers money?

In December 1996, the General Accounting Office did a report; this is it right here. In this report it cites the Air Force's own numbers wherein the Air Force has stated itself that the privatization in place initiative that the administration supports at Kelly and McClellan will cost the American taxpayers $700 million a year.

Folks, we are in tight, tight times with respect to budgets. We have been arguing about balancing the budget around here for the 2½ years that I have been here. We cannot afford to spend $700 million on politics. $700 million will buy us somewhere around 8, 9, or 10 F–22's. $700 million will add a lot of pay increases for our military personnel. That is where the money should be spent. I ask my colleagues to vote "no" on this amendment.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. RODRIGUEZ].

Mr. RODRIGUEZ. Mr. Chairman, I thank the gentleman for yielding me the time.

We have before us an amendment, and basically one of the things that it does is it allows to preserve the existing law. There are some discussions that are out there regarding the privatization in place, but let me set my colleagues straight. The bids are out in San Antonio. We have both the private and the public sector participating, and I ask my colleagues, why are they afraid of that? We have the bids that are out there and it does not call for privatization in place; it just asks to see what the best bid is. Why are my colleagues so afraid of doing that? So what we have before us is an attempt to get the language and clean up the language.

There is some discussion by some of the Members regarding the integrity of the BRAC process. The chairman, when he first started, read out what the process said, and I am going to read it to my colleagues again. It said, consolidate the workloads to other DOD depots or to private sector commercial activities as determined by the Defense Department.

We have both options of doing the private sector or the depot, whichever is the most cost effective. It is pretty straightforward and pretty democratic. But now we come through the legislative process and since we have the bids that are out there, we want to say no, we do not want to play that game, we want to get the contract without having to go out for the bids.

Well, I say to my colleagues, we have an opportunity to vote for the Everett amendment and we have the opportunity to withhold the integrity of the BRAC process by voting "no" on the Everett amendment.

I also want to share with my colleagues that in the process, the discussions about Kelly and about San Antonio and Sacramento, they have been closed, and in some cases in San Antonio some of the projects have been realigned. That is going to happen. That is going to occur. Out of the five depots, there are only three left. San Antonio is closed and Sacramento is closed. What we have before us is an opportunity to make sure that the integrity of BRAC is taking place by voting for the Everett amendment; No. 2, by assuring that we have the most cost-effective method of making sure that we put that into effect.

Secretary Cohen has talked about the importance of readiness, as some of the Members have mentioned here, and he has talked about the fact that some of the existing laws like this one is detrimental for the process of readiness and to assure that our troops have the resources. So it becomes really important that my colleagues vote, and I would ask my colleagues to vote in favor of the amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. RILEY], a new and very able member of our committee.

Mr. RILEY. Mr. Chairman, this debate is not about depots, it is not about 60/40, it is not about privatization, it is not about competition. This debate is a debate on fairness. This is a vote on restoring the integrity to the BRAC process. This is a vote on taking politics out of the BRAC process.

Mr. Chairman, our national defense is too important to trust the politicians. That was the very reason we set up the BRAC process in the first place.

Mr. Chairman, a few minutes ago, the ranking minority member, before the B–2 vote, asked us to vote for integrity,

to vote for trust, and vote for fairness. That is what this debate is about, returning trust, integrity, fairness to the process. I agree with the ranking minority member, and that is the very reason I will vote "no" on the Everett amendment.

□ 2130

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I thank the distinguished chairman for yielding me the time.

To be prepared for war is one of the most effectual means of preserving peace. These words were uttered some 200 years ago by George Washington. They are just as poignant today as they were then. The issue is one of national security. In other words, regardless of the rhetoric that we are going to hear, the truth of the matter is that America simply cannot afford this amendment. Here is why.

Under current law, all core duties and no less than 60 percent of the annual depot maintenance workload must be performed by Federal employees. This amendment proposes elimination of this requirement so that more maintenance work can be contracted out to private firms. It sounds like a good idea. However, the 60–40 rule ensures that the Department of Defense has an in-house capability to maintain America's readiness, crucial in times of national emergency. Our security cannot depend on private companies subject to the whims of the market. This is an extremely important point, and a point that cannot be forgotten.

Doing away with the 60–40 rule is a misguided proposal which could adversely affect the abilities of the Naval Aviation Depot in Jacksonville, the employer in my home district of 3,900 Floridians. I am opposed to this amendment not just because I am worried about local jobs, but as a veteran I am concerned about our national security.

Mr. Chairman, here we are debating tonight an amendment offering a solution to a problem that does not exist. It sounds neat, sounds plausible, but it is wrong. I urge my colleagues to oppose this amendment.

Mr. EVERETT. Mr. Chairman, I yield myself 15 seconds to remind my friend from Florida that this does not, my amendment does not repeal 60–40, reverse the current law.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, let us try to put this all in perspective for a minute, if we can, because I think if we are listening to the debate in this Chamber, it is a little hard exactly to figure out what is at issue. Opponents of this amendment, I think, have quite correctly characterized the President interfered in the BRAC Commission situation and essentially tried to keep open two bases for political reasons.

I will concede that. But let me argue that I think what opponents of this amendment are trying to do is to simply close down two bases in the country so that we can then ship work to other bases to keep those depots open. This is in its fundamental perspective, I think, a battle over not whether we are going to privatize work done by the United States armed forces or whether we are going to create and guarantee make-work in order to keep government jobs working.

I am astonished to hear my good friend from Florida talk about the idea of exposing the Defense Department to the whims of the marketplace. That is what Republicans are supposed to argue for, that we think we can save money. And the gentleman from California [Mr. DOOLITTLE] is exactly right that privatization always does save money. Now, if we do not strike this language that is in the report done by the committee, what it will essentially say is that a billion and a half dollars worth of work is off the table. One cannot compete for it. One cannot privatize it. It is government workers who have to do it.

If we continue to follow this line of thought, we are going to take $15 billion in depot work and essentially say it is off limits; it is only government workers who can get it done, which I think is an absolutely astonishing position for members of the Republican Party to argue.

Who supports this idea of what we are talking about? Here is what the United States Chamber of Commerce said in sending a letter to the other body: As a matter of policy, the U.S. Chamber favors privatization of tasks performed by the Government in order to provide new business opportunities to the private sector and to take advantage of cost efficiencies afforded through modern business practices.

In brief, the U.S. Chamber thinks privatizing depot operations will save United States taxpayers money.

Here is what the BRAC Commission said: This Commission believes reducing infrastructure by extending privatization to other DOD industrial and commercial activities will reduce the cost of maintaining and operating a ready military force.

Those are dollars that can be saved for the United States taxpayers. Those are dollars that can be spent on other weapons systems, on other kinds of training programs for our troops on readiness. In short, we save money and make the United States military even better prepared in the event of war, which is what the gentleman from Florida [Mr. STEARNS] was arguing about.

This I think is an extraordinarily bad precedent because, if the President made a mistake, we in this body are going to repeat a mistake tonight if we do not follow forward and pass the Everett amendment because what we are going to say is that $15 billion in potential privatization contracts are off the board. Make no mistake about it. This is not about trying to save two places last year and whether the President made a mistake. I think he did make a mistake. But what we are going to do with this amendment is to set the hurdle so high that we will protect other bases and guarantee that privatization will never ever happen.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I have got friends on both sides of this issue. I am a Californian. Let me tell Members why I am opposed to this amendment.

First of all, remember that every BRACC base closed is for privatization. Every one closed. That is what we are saying. We are closing them. We do not want the Federal Government to take care of them. We initially had six Air Force and six Navy depots. In the first BRACC round the Navy closed down three. The Air Force did not close any. So there was three and six in the next round, the Air Force closed three. So there was three and three. And yet there is still a 50 percent overhead or excess, so that we are operating at only 50 percent capacity. And now we want two other depots to come in and privatize. That is going to cost $700 million a year to compete against the ones that have and that is core military. Let me tell my colleagues why from personal experience.

During the Vietnam war, we privatized because we could not do the work to build F–14 or FB4's to F–4N's. Six months before we got ready to go, four airwings of Phantoms could not go to Vietnam because they found wing cracks. If we would have flown those airplanes, our pilots would have been killed. That never would have happened in a depot. Not in a military depot. It would not have got through.

So it is not only readiness, the core capability that we need to fight the war, and this is wrong. It is just as wrong to privatize this as it is to give the Communist Chinese Long Beach Naval Shipyard to control. That is privatization but it is wrong. It is bad policy. It is bad economics. And it is bad for national security. I would ask my colleagues on both sides of the aisle and, yes, those from California, my colleagues, oppose this amendment.

Mr. SABO. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair would advise that the gentleman from Minnesota [Mr. SABO] has 7 minutes remaining, the gentleman from Alabama

[Mr. EVERETT] has 2 minutes remaining, and gentleman from South Carolina [Mr. SPENCE] has 5 minutes remaining and has the right to close.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise to oppose this amendment.

As a member of the Subcommittee on National Security of the Committee on Appropriations, I know firsthand our defense budget is inadequate. Training for our men and women in uniform, purchase of modern weapons systems, research and development to hold our technological knowledge in the military, proper facilities for our troops, all these and more are underfunded.

Every dollar for defense is precious. So when the General Accounting Office reports that we will pay an extra $468 million each year if we fail to do both of two things, if we fail both to close those depots in Texas and in California and also transfer the work to the surviving three depots, if we do not do both of them, we lose the $468 million a year.

The work has to be shifted. Why? Very simple: Three overheads are cheaper than five. And if we do not transfer the work, we are paying for more overhead multiple times. If we pass this amendment, we are playing politics and more, wasting 468 million badly needed dollars for defense.

What does it mean? For example, each year it is 18 F–16 fighters we cannot buy. Each year it is 58 M–1 main battle tanks that we cannot upgrade. Each year we cannot get the upgrades of 56 Kiowa Warrior helicopters. We cannot buy those. We cannot upgrade other military facilities. We cannot take care of the troops. We cannot supply proper facilities, all because people wanted excess overhead and undercut our military's ability to get the most bang for our buck.

Mr. Chairman, it also means less training, less preparedness and less readiness for national defense. A vote for the amendment is a vote to waste this money. I ask my colleagues to join me and vote no.

Mr. SABO. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. FAZIO].

The CHAIRMAN. The gentleman from California [Mr. FAZIO] is recognized for 7 minutes.

Mr. FAZIO of California. Mr. Chairman, I rise today in strong support for the Everett-Sabo amendment. I want to go right to the heart of the matter, because I know that many of my friends and colleagues on the floor here are torn over the facts of this case.

McClellan and Kelly Air Force Bases are closing. Nothing we do in this bill is going to change that. It is a done deal. As McClellan closes, 15,000 jobs will disappear from the Sacramento economy. That is on top of thousands of other jobs we have lost from two prior Base Closing Rounds, recent BRACC rounds.

I think it is safe to say that no community has been more adversely impacted by the Base Closing Commission than Sacramento has. But that is not why we are offering this bipartisan amendment. It is more than that, and I would say much more than that.

The reason Republicans and Democrats, liberals and conservatives are joining here is to restore competition and preserve the integrity of the Base Closing Commission and, at the same time, ensure that the Department of Defense saves millions of taxpayers' dollars and protects our Nation's military readiness through competition.

There has been a lot of misinformation tossed around about the politics of the Base Closing Commission in the past hour. But the facts are indisputable.

This amendment is explicitly following the Commission's recommendation. Read Chairman DIXON's letter to Secretary White. It expressly says, BRACC gave DOD the flexibility to privatize at McClellan and Kelly.

Also look at what the experts say. It is overwhelming. The list is endless. Make no mistake about it. Our amendment simply maintains the status quo. Unlike the language put forth by the depot caucus in this bill, our amendment does not affect the 60–40 calculation that is so important to so many of our colleagues in this body.

Contrary to the gentleman from Florida [Mr. STEARNS], the committee language changes the 60–40, we do not. The depot caucus language, if adopted, would eliminate public-private competition, sole source billions of dollars worth of contracts to public depots without the benefits of competition and, finally, force the military to pay huge construction costs to accommodate the workload from the closing installations.

Let me give my colleagues an example of what I mean. For Warner Robbins Air Logistics Center in Georgia to take away the C–5 work at Kelly without competition, as this amendment would have it, more than $100 million worth of new military construction will have to be undertaken at the Georgia facility. That is right. The American taxpayer will have to pick up a multimillion dollar tab for a new hanger and a paint shop. It seems to me that is a colossal waste of money.

Let us put it into modernizing weapons systems, increasing military readiness or some other pressing needs.

There are two other issues I want to address. Labor: Some Members on my side of the aisle have made much of the AFG's opposition to this amendment. They of course, the union, are interested in not just preserving but expanding government jobs. But when Newark Air Force Base in Ohio and the Naval Air Warfare Center at Indianapolis were privatized in 1995, AFG organized the workers there. No union jobs were lost.

And while we are on the subject of labor, the Hansen language in the bill will pull jobs from the private sector and put them in a government-run facility. Jobs that are being held by aerospace workers, machinists, for example, would be in jeopardy. And that is why the machinists union supports the Everett-Sabo amendment. That is another reason why both the minority leader, the gentleman from Missouri [Mr. GEPHARDT], and the ranking member of the Committee on National Security, the gentleman from California [Mr. DELLUMS] oppose this amendment offered by the committee and support the Everett amendment.

□ 2145

I also want to know, why is it okay to privatize the House beauty salon but no non-corps depot work done by defense contractors that build the same weapons system? They simply want to maintain it after it is procured. I will tell my colleagues why.

One example is because the Speaker, the gentleman from Georgia [Mr. GINGRICH], who almost succeeded in precluding us from having this debate, is against this amendment. He is really, frankly, against privatization in Georgia, his home State.

The Speaker, the most prominent member of the privatization task force, is for competition and privatization, but not when it comes to his region. If there was an issue that I thought the House leadership would be for, it would be for competition, privatization, and saving American taxpayers millions of dollars. But pork barrel politics seem to be paramount whenever this issue comes up.

In the next several days, we will be debating how to achieve a balanced budget. With defense dollars being severely constrained for at least the next several years, it is critical we spend every dollar prudently. And that is why the Secretary of Defense, William Cohen, and all defense sector organizations strongly support our amendment to strike this onerous and harmful language in this bill.

They know the GAO report is erroneous because they know these bases will not be open, as the GAO assumes, but will be closed. And all this rhetoric about the cost according to the GAO is not even on target. The question they answered was not even relevant. Do not put our military readiness at risk. Do not let a parochial issue take priority over our national defense.

Support the Nation's military leaders who made the tough choice. Support 60/40 as it has always been. And keep a decent balance of the workload between the private sector, that might yet have to ramp up in procurement, and also

give those in the public facility their chance to live in the future. Let us not bias the decision by taking action on a bill like this. Let us leave it up to the Defense Department and commissions that have been assigned the role of making these judgments.

Join us and support the Everett-Sabo-Klug-Fazio amendment. Make sure you stand up for a BRACC process that has not been adulterated. And in more important terms, do not bias how work gets done. Let competition prevail. Let those who can do it for least cost and best quality benefit by getting the workload of the defense establishment in the future.

I urge my colleagues to support this amendment.

Mr. EVERETT. Mr. Chairman, I yield myself my final 2 minutes.

Mr. Chairman, my colleagues heard my colleague, the gentleman from Wisconsin [Mr. KLUG], say the U.S. Chamber of Commerce supports privatization between private sector and depot level maintenance.

Let me tell my colleagues who supports this amendment. Aerospace Industries Association, American Defense Preparedness Association of National Security, the Industrial Association, American Electronics Association, American Shipbuilding Association, Business Executives of National Security, Contract Services Association, Electronic Industries Association, Professional Services Council, and Shipbuilders Council of America.

Mr. Chairman, the last two amendments, without question, are truly the two hardest amendments this body has to debate. The debate on this amendment has moved across party lines, it has moved across philosophical views, and it has moved across lines of friendship. It is not easy to be on different sides of an issue with friends you trust and admire and who you know debate our true convictions.

Yet, my colleagues, I suggest that that is what this House is all about, a place where sincere people can hold different views and express them openly and freely. I offered this amendment not to get even with anyone; I offered this amendment because of what I see to be serious problems contained in the language of this bill. I have tried to make it clear to my colleagues on both sides of this issue that if this language simply calls for the closing of two of our Air Force bases, I would not be standing here tonight. But, in my opinion, it goes much farther than that.

I could ask no more than each Member to vote his conscience.

Mr. Chairman, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, I would like to enter my objection to this amendment, this provision, which is the beginning of the end of 60/40.

Mr. Chairman, this amendment is the beginning of the end for the 60/40 provision which protects national security interests by ensuring the majority of mission critical maintenance is conducted by government employees. Further privatization of depot work would restrict the maintenance capability available to our forces in times of crisis.

60/40 is an excellent example of private and public partnerships. Contractors benefit by being allowed to perform core work where they have a comparative advantage, and government employees offer their own acquired learning curve in addition to reliability in times of crisis.

If the Everett amendment passes it will open the door to full privatization in the military. Most of us know that privatization rarely benefits the middle class working family. Additionally, there is no evidence that shows that this type of privatization saves any money. I urge you to support the BRAC process, national security, and our hard working constituents and oppose the Everett amendment.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPENCE] for yielding me the time.

Mr. Chairman, this is a debate that I would much rather not find myself participating in. Any of my colleagues that were here in the legislative years of 1987 and 1988 will recall that I spent almost my entire time during those two years working on the base-closing legislation that resulted in the BRAC Commission. And I recall vividly that I spoke to every Member of the House during that period of time many times. And in each and every case, in each and every conversation, my job, as an advocate of base closures, was to convince the Members that the process would be apolitical, that nobody, no President would have the ability to intercede in the process on behalf of a base to be closed as a punishment against a Member or a base to be left open as a reward against a Member. No politics.

We had three rounds of base closing, and we are all very proud of the process because politics never intruded into the process. That ended in round four. And all of my colleagues knew at the time, and we know now, that the special conditions for McClellan and Kelly, California and my own State of Texas, where you might think I have a parochial interest, were in a political invention.

We talk about this being privatization. No, it is not. It is a new concept. It is privatization in place, created specifically for these two bases in an election year for no purpose other than politics. And that is an intrusion against the process that, if we allow to stand, might put in jeopardy any future base closures through a lack of confidence on the Members of Congress that it will be as it was intended to be, politically aloof and out of the control of people for politics, rewards, or punishments.

This amendment that is offered, that was put into the mark by the members of the committee, is the necessary response to that politicization of the process in the last round. It is not a perfect response and a response that we intend to work on to fix and repair. Because in another time and another part of my service here, I had the great honor of creating the privatization caucus.

I believe in privatization. I believe in full, objective, competitive privatization, not some creation that has a clear, precise, and mandatory geographic locale called privatization in place. So, on behalf of both the concept of privatization and the integrity of the base-closing process, I ask my colleagues to please vote no on the Everett amendment. Let the committee mark stand.

I have been assured by the members of the committee and each of those that wrote the amendment that we can do a perfecting of that language so that we can simultaneously preserve the integrity of base closing for future base-closing efforts and the integrity of the concept of privatization.

This is not a matter of what is best or desire for each and every one of us from a parochial point of view. This is certainly not a matter of me, as a Texan, taking care of my Texan interests. It is a matter of demonstrating that this Congress can build a process with integrity and, against even the most powerful influences in our government, can stand to preserve the integrity of that process for our children's future, for safer defense, for cost-ready defense, and a defense that will in fact will meet the needs of our Nation.

We have overcome old legislative barriers. We have overcome old politics to do what is right in the allocation of scarce defense dollars. Let us not lose that game now. Vote no on the Everett amendment. Let us fix the committee language in conference, and let us save this process for another round or two.

Mrs. CLAYTON. Mr. Chairman, I recognize that there are good people on both sides of this issue.

However, I rise in strong opposition to this amendment which would strike the bipartisan bill language on depot maintenance regulations.

As written the bill's language would:

Ensure that efficient capacity exists in both the public and the private sector to meet our depot maintenance needs,

Restore the integrity of the Base Realignment and Closure process,

Support the independent Base Realignment and Closure process.

The current provision of 60/40 has worked well during the harsh economic environment we experienced during the years of BRAC closure years.

The Everett amendment would erode the 60/40 provision and will only benefit private contractors and two Air Force bases.

The BRAC Commission found that closure of these two Air Force Bases would significantly improved utilization of the remaining depots and reduce DOD operating costs.

We must respect and abide by the BRAC process we cannot allow it to become corrupted. The BRAC closure process was meant to be insulated from political influence.

If you support the non-politicized, nonpartisan BRAC process vote no on this amendment.

[From the Wall Street Journal, June 20, 1997]

U.S. TRADE DEFICIT WIDENED IN APRIL, AS GAP WITH CHINA CONTINUED TO GROW

(By Christina Duff)

WASHINGTON.—American businesses imported lots of clothing, toys and sporting goods in April—mostly from China—which helped to expand modestly the U.S. trade deficit to a seasonally adjusted $8.36 billion from $7.76 billion in March.

The deficit with China was 41% higher in the first four months of this year than it was in the year-earlier period; in April, tat gap widened to $3.45 billion from $2.41 billion the year before. The year-earlier comparison is a more accurate gauge than month-to-month figures because country breakdowns aren't seasonally adjusted.

As Congress gets set to debate the extension of normal trade relations with Beijing, the widening trade gap with China is sure to incite the measure's opponents, such as organized labor. "This will make the fight a little more fierce on the floor," said economist Brian Horrigan of Loomis Sayles & Co., Boston.

GAP WITH JAPAN WIDENS

The China gap is expected sometime this year to surpass the trade deficit with Japan, which swelled in April to $4.84 billion, the highest since last October. It widened even further in May, based on figures released earlier this week by the Japanese government. The once-contentious trade gap with Tokyo has begun widening again, after narrowing over the past few years mainly because a strong yen made U.S. exports to Japan more competitive and raised prices of goods Japan sells here. But the rise of the dollar against the yen, until two months ago, altered that balance.

Total imports increased 0.9% in April to a record $86.72 billion, following a 2% jump in March. Since consumer demand looks to have slowed in the second quarter, many of these imported goods may be "winding up in inventory," said economist Mark Vitner of First Union Corp., Charlotte, N.C. As a result, retailers may have to cut back their orders.

Imports would have been stronger if not for a sharp drop in oil prices. In April, the average price per barrel of imported oil fell to $16.78 and is down $5.97 since January. The Labor Department reported yesterday, however, that petroleum prices climbed back up 1.2% in May. Excluding fuel, import prices slipped 0.1% in May, the fifth consecutive monthly drop, led by declining prices for capital goods and cars. Overall import prices were unchanged.

EXPORTS ALSO SET RECORD

Total exports, meanwhile, rose a slight 0.2% in April to $78.36 billion, also a record, after surging 5.1% in March. April's gain was driven by shipments of capital goods, including telecommunications equipment and industrial machinery.

All told, the April deficit was 14% below the first-quarter average of $9.7 billion. The better-than-expected rise in exports suggests that trade should add to second-quarter economic growth, after subtracting from it in the first quarter, said economist Cheryl Katz of Merrill Lynch & Co., New York. Ms. Katz is looking for growth this quarter of about 2% at an annual rate; in the first, the economy soared at a 5.8% rate.

Also yesterday, the Commerce Department said the deficit in the broadest measure of U.S. foreign trade totaled $40.97 billion in the first quarter, compared with a revised $36.87 billion in the final quarter of 1996. The quarterly current-account deficit is considered the most comprehensive gauge of trade performance because it measures not only trade in goods and services, but also investment flows between nations, as well as foreign aid.

TEN-YEAR REVISION

The first-quarter report included annual data revisions that show the U.S. current-account deficit was substantially smaller during the past 10 years than previously reported. The government revised the current-account deficit downward by $72.59 billion for the 10-year period. For all of 1996, the U.S. registered a revised $148.18 billion current-account deficit, down from the $165.10 billion shortfall previously reported.

Meanwhile, other sectors of the economy are easing. The Labor Department reported yesterday that the number of Americans applying for state unemployment insurance rose 8,000 last week to a seasonally adjusted 347,000, reflecting some slackening in the labor market.

The four-week moving average of jobless claims, considered a better gauge of labor-market conditions because it adjusts for weekly fluctuations, rose 6,250 in the latest week to 335,500, the highest level since early May.

PARTNERS IN TRADE

[U.S. merchandise trade balances by region; in billions of dollars, not seasonally adjusted]

	April, 1997	April 1996
Japan	−$4.84	−$4.47
China	−3.45	−2.41
Mexico	−1.40	−1.64
Canada	−0.97	−1.55
NICs[1]	−0.81	−0.37
So./Central America	−0.80	−0.09
W. Europe	−0.49	−0.69

[1] Newly industrialized countries: Singapore, Hong Kong, Taiwan, South Korea.

Source: Commerce Department.

Mr. LUCAS of Oklahoma. Mr. Chairman, I am concerned with the ramifications of this amendment. If this is approved, we will be endorsing the President's decision to contravene the 1995 BRAC law and giving the green light to future administrations to do the same thing in subsequent rounds of base closings.

We are engaged today in a regional battle because the President refused to implement the very law he signed. Congress must have the fortitude to stand up and force the President to abide by the law and not give special treatment to two bases which were to be closed under the last BRAC.

There is a lot of talk these days about forming BRAC-like commissions on a whole host of topics. The reason is that BRAC worked, or at least it used to work. Independent, objective, fair—these are words that were used to describe BRAC. Can we really apply these terms anymore?

I urge my colleagues not to give the President a free ride on this matter. You had to vote yes or no on BRAC without conditions. Don't hold the President to a lower standard. Vote No!

Mr. BISHOP. Mr. Chairman, I rise in strong opposition to the Everett amendment and urge my colleagues to support the depot maintenance provisions included in this bill. This amendment is an attempt to circumvent the independent BRAC process and put in place a privatization-in-place plan for two bases ordered closed by the BRAC. If we allow these bases to privatize-in-place rather than close, we will sustain a costly excess capacity within our depot system.

There has been a great deal of misinformation circulated about the language in the bill. I'll take this opportunity to make a few points of clarification for the body. This bill does not affect any current private contracts and does not require any work to be moved into the public sector; it does not increase the percentage of depot workload performed by the public sector; it does not require all maintenance on all new weapons systems to be performed in public depots; nor does it preclude the further downsizing of the government owned depots for future BRAC rounds.

The bill does allow us to move forward with the intentions and recommendations of the BRAC regarding excess capacity in the depot system. By complying with recommendations of BRAC, it also enables us to save the taxpayer's over $689 million a year. In tough budgetary times, we must act to achieve savings where we can.

Additionally, the bill clarifies what operations are included in the "term depot maintenance" and offers new flexibility by allowing core workload requirements to be performed by private sector employees in partnership with organic depots. It also restricts the Secretary of Defense's ability to privatize any workload currently performed in depots closed or realigned by BRAC at those depots unless the Secretary certifies that, at the time the contract is signed, each of the services depots is operating at an efficiency level of 80 percent, that the total cost to Government is less than continuing to consolidate the workload in existing depots, and that none of the workload is core. Finally, it directs the Secretary to establish policies to enable public private partnerships at our depots.

I urge my colleague to support the provisions of the bill. They provide much needed capabilities and enhance our military readiness while saving the money for the American taxpayer. Please vote no on the Everett amendment:

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Alabama [Mr. EVERETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. EVERETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 278, not voting 11, as follows:

[Roll No. 229]

AYES—145

Andrews	Granger	Pastor
Baldacci	Hamilton	Paul
Barrett (WI)	Harman	Pelosi
Barton	Herger	Peterson (MN)
Becerra	Hilleary	Pombo
Bentsen	Hinchey	Pomeroy
Berman	Hinojosa	Radanovich
Berry	Hooley	Rangel
Blagojevich	Hoyer	Reyes
Blumenauer	Jackson (IL)	Riggs
Boehlert	Jackson-Lee (TX)	Rodriguez
Bonilla		Roemer
Boyd	John	Rogan
Brady	Johnson (WI)	Rothman
Brown (CA)	Johnson, Sam	Roybal-Allard
Brown (OH)	Kennedy (RI)	Sabo
Burton	Kennelly	Sanchez
Campbell	Kilpatrick	Sanders
Capps	Kim	Sandlin
Cardin	Kind (WI)	Sawyer
Clay	Kleczka	Serrano
Clyburn	Klug	Sessions
Combest	LaFalce	Sherman
Condit	Lampson	Skaggs
Costello	Lantos	Slaughter
Cramer	Levin	Smith (TX)
Davis (FL)	Lofgren	Smith, Adam
DeFazio	Lowey	Snyder
DeLauro	Luther	Spratt
Dellums	Maloney (CT)	Stabenow
Dingell	Manton	Stark
Dixon	Matsui	Strickland
Doggett	McCarthy (MO)	Stupak
Dooley	McDermott	Tanner
Doolittle	McHale	Tauscher
Duncan	McKeon	Thompson
Edwards	Meehan	Thornberry
Eshoo	Millender-McDonald	Thurman
Everett		Tierney
Farr	Miller (CA)	Torres
Fattah	Minge	Turner
Fazio	Moakley	Velázquez
Foglietta	Mollohan	Vento
Frank (MA)	Moran (VA)	Visclosky
Frost	Nadler	Waxman
Furse	Oberstar	Wexler
Gejdenson	Obey	Weygand
Gephardt	Owens	Wise
Gonzalez	Pascrell	Woolsey

NOES—278

Abercrombie	Chenoweth	Flake
Ackerman	Christensen	Foley
Aderholt	Clayton	Forbes
Allen	Clement	Ford
Archer	Coble	Fowler
Armey	Coburn	Fox
Bachus	Collins	Franks (NJ)
Baesler	Conyers	Frelinghuysen
Baker	Cook	Gallegly
Ballenger	Cooksey	Ganske
Barcia	Coyne	Gekas
Barr	Crane	Gibbons
Barrett (NE)	Crapo	Gilchrest
Bartlett	Cubin	Gillmor
Bass	Cummings	Gilman
Bateman	Cunningham	Goode
Bereuter	Danner	Goodlatte
Bilbray	Davis (IL)	Goodling
Bilirakis	Davis (VA)	Goss
Bishop	Deal	Graham
Bliley	DeGette	Green
Boehner	Delahunt	Greenwood
Bonior	DeLay	Gutierrez
Bono	Deutsch	Gutknecht
Borski	Diaz-Balart	Hall (OH)
Boswell	Dickey	Hall (TX)
Boucher	Dicks	Hansen
Brown (FL)	Doyle	Hastert
Bryant	Dreier	Hastings (FL)
Bunning	Dunn	Hastings (WA)
Burr	Ehlers	Hayworth
Buyer	Ehrlich	Hefley
Callahan	Emerson	Hefner
Calvert	Engel	Hill
Camp	English	Hilliard
Canady	Ensign	Hobson
Cannon	Etheridge	Hoekstra
Carson	Evans	Holden
Castle	Ewing	Horn
Chabot	Fawell	Hostettler
Chambliss	Filner	Hulshof
Hunter	Mica	Scarborough
Hutchinson	Miller (FL)	Schaefer, Dan
Hyde	Mink	Schaffer, Bob
Inglis	Molinari	Scott
Istook	Moran (KS)	Sensenbrenner
Jefferson	Morella	Shadegg
Jenkins	Murtha	Shaw
Johnson (CT)	Myrick	Shays
Johnson, E.B.	Neal	Shimkus
Jones	Nethercutt	Shuster
Kanjorski	Neumann	Sisisky
Kaptur	Ney	Skeen
Kasich	Northup	Skelton
Kelly	Norwood	Smith (MI)
Kennedy (MA)	Nussle	Smith (NJ)
Kildee	Olver	Smith (OR)
King (NY)	Ortiz	Smith, Linda
Kingston	Oxley	Snowbarger
Klink	Packard	Solomon
Knollenberg	Pallone	Souder
Kolbe	Pappas	Spence
Kucinich	Parker	Stearns
LaHood	Paxon	Stenholm
Largent	Payne	Stokes
Latham	Pease	Stump
LaTourette	Peterson (PA)	Sununu
Lazio	Petri	Talent
Leach	Pickering	Tauzin
Lewis (CA)	Pickett	Taylor (MS)
Lewis (GA)	Pitts	Taylor (NC)
Lewis (KY)	Porter	Thomas
Linder	Portman	Thune
Livingston	Poshard	Tiahrt
LoBiondo	Price (NC)	Traficant
Lucas	Pryce (OH)	Upton
Manzullo	Quinn	Walsh
Markey	Rahall	Wamp
Martinez	Ramstad	Waters
Mascara	Redmond	Watkins
McCarthy (NY)	Regula	Watt (NC)
McCollum	Riley	Watts (OK)
McCrery	Rivers	Weldon (FL)
McDade	Rogers	Weldon (PA)
McGovern	Rohrabacher	Weller
McHugh	Ros-Lehtinen	White
McInnis	Roukema	Whitfield
McIntyre	Royce	Wicker
McKinney	Rush	Wolf
McNulty	Ryun	Wynn
Meek	Salmon	Young (AK)
Menendez	Sanford	Young (FL)
Metcalf	Saxton	

NOT VOTING—11

Blunt	Lipinski	Schumer
Cox	Maloney (NY)	Towns
Gordon	McIntosh	Yates
Houghton	Schiff	

□ 2214

The Clerk announced the following pair:

On this vote:

Mr. McIntosh for, with Mr. Blunt against.

Mr. FORD and Mr. GUTIERREZ changed their vote from "aye" to "no."

Messrs. BROWN of Ohio, STARK, and SESSIONS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COX of California. Mr. Chairman, I was necessarily absent for this vote for medical reasons.

□ 2215

The CHAIRMAN. Pursuant to section 5 of House Resolution 169, it is now in order to consider amendment No. 35 printed in part 2 of House Report 105–137.

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, as the designee of the gentleman from New York [Mr. SOLOMON] I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Rohrabacher: At the end of title XI (page 371, after line 18), insert the following new section:

SEC. 1112. PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES IN CASE OF TRANSFER OF MISSILE SYSTEM BY RUSSIA.

(a) IN GENERAL.—No fiscal year 1998 Cooperative Threat Reduction funds may, notwithstanding any other provision of law, be obligated or expended to carry out a Cooperative Threat Reduction program in Russia after the date on which it is made known to the Secretary of Defense that Russia has transferred to the People's Republic of China an SS–N–22 missile system.

(b) APPLICABILITY.—This section shall apply with respect to any transfer by Russia of an SS–N–22 missile system to the People's Republic of China that occurs on or after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from California, Mr. ROHRABACHER, and a Member opposed Mr. DELLUMS, each will control 5 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from South Carolina [Mr. SPENCE] for the purpose of an announcement.

Mr. SPENCE. Mr. Chairman, I would just like to inform the House that this vote on this amendment, I would just like to announce that after this amendment, a 10-minute amendment, there will be a vote, if called for, and that will be the last vote for the evening. Even though we will be considering the en bloc amendments, that would be the last vote after this one.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the SS–N–22 missile known as the Sunburn was created by the Soviet Union to attack American warships that are equipped with Aegis cruiser radar and battle management systems.

This missile system, the Sunburn system, is a system designed to kill American sailors. The supersonic sea skimming missile is extremely difficult to defend against, and a long-range version of the missile is a dangerous threat to our military personnel, especially those on aircraft carriers and other naval personnel.

In December 1996 a secret agreement was made between what was the Soviet Union, now it is Russia, and China to transfer from Russia to China this deadly American-killing weapon system. Basically, if the Chinese deploy this in the Straits of Taiwan, it will put our naval personnel in danger. Then if it is put in place to threaten our people in the Straits of Hormuz, American naval operations there will be threatened because China is itself a supplier of weapons to the Iranians.

This deadly weapon system, if it is transferred from Russia to China, will have horrible implications for the safety of our naval personnel all over the world and terrible implications for the peace of mankind.

The amendment being offered by my friend, the gentleman from New York [Mr. SOLOMON] and I does not cut off the Nunn-Lugar funding. I want to stress that the GAO tells us that there is still more than $1 billion in the Nunn-LUGAR pipeline. At current spending rates, that should cover the program for the next 4 years.

If this amendment is adopted, it will not affect in the slightest the number of Russian nuclear weapons that will be dismantled in 1998; but what this amendment does do, it says that we will not add another $200 million to the pipeline if this deadly weapon system that the Russians now possess is transferred to the Chinese. We are basically saying that the Russians cannot expect to sell deadly weapons, high-technology weapon systems, aimed at killing Americans and expect us to add another $200 billion to the foreign aid pipe line.

I would ask my colleagues to vote "yes" on the Solomon-Rohrabacher amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I rise in strong opposition to the gentleman's amendment. This amendment would stop, stop any funds for the so-called Nunn-Lugar program from being spent if the Russians dare to sell the SS–N–22 antiship cruise missile to China. The Nunn-Lugar program, sometimes known as cooperative threat reduction, helps the Russians to smile at ballistic weapons and store their deadly components. Nunn-Lugar is not foreign aid, it is not a gratuity. Nunn-Lugar helps U.S. national security in very direct and substantial ways.

Listen to this list. So far Nunn-Lugar has helped deactivate 4,500 nuclear warheads, put over 200 ICBM silos out of operation, destroyed 20 heavy bombers, eliminated 64 submarine-launched ballistic missiles and sealed 58 nuclear testing tunnels. Nunn-Lugar has helped the three former nations of the Soviet Union, Ukraine, Belarus, and Kazakhstan totally denuclearize.

This is really one of the crowning successes of the post-cold-war world. It has not gotten nearly the attention and acclaim that it deserves, and there is much more that Nunn-Lugar has to do.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I think it is important to point out there is a difference between this and just general foreign aid. I am not sure that is clear.

Mr. SPRATT. This is not foreign aid. This is an investment in our own national security.

Here is what is left on the agenda. These are Nunn-Lugar projects on the agenda.

Dismantle 130 SS–19 heavy throw-weight ICBM's, dismantle 54 SS–24 mobile ICBM's, fill in 148 SS–18 silos in Kazakhstan, eliminate 492 SLBM silos, destroy 10 more heavy bombers, complete the construction of a facility in Siberia to safely store over 12,000 nuclear warheads, dispose of 100,000 metric tons of liquid propellants, scrap 916 ballistic rocket motors.

That is a concrete list, that is the work order.

Mr. SKELTON. If the gentleman would yield one more time, in other words this is in our national interests to do this.

Mr. SPRATT. These are the accumulated work orders for the Nunn-Lugar program ready to be executed if the gentleman does not stop the funds with this ill-considered amendment. For somewhere between $300 and $400 million a year we can destroy nuclear missiles that were targeted to us and could have destroyed us throughout 50 years of the cold war. That in my book is money well spent.

This amendment would have us cut off an investment in our own security if the Russians were to sell to the Chinese, listen to this, a cruise missile with a range of 60 nautical miles. This type of missile is already deployed by the Indian Navy. It cannot be ignored or dismissed. It is not state-of-the-art, however, by any means, and though it can be tipped with a small nuclear warhead, it more often carries a conventional warhead, and it does not constitute by any stretch of the imagination a strategic threat to the United States.

Russian ICBM's, however, and Russian SLBM's and the fissile materials that must be secured from nations hostile to the United States are a strategic threat. This is not a good amendment, it is not a good idea. I urge all Members to vote against the Solomon amendment. It is not in our national security interests.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just state for the record this does not cut off Nunn-Lugar funds. There are over a billion dollars of American taxpayer funds in the Nunn-Lugar channel in the pipeline. It does not touch that billion dollars. It simply says that if they sell this missile aimed at killing American sailors to the Chinese in order to kill American sailors, we will not add another $200 million to that fund.

Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. DELLUMS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. DELLUMS. Mr. Chairman, as I understand the rule because we are standing in defense of the committee position, that we on this side, have the opportunity to close debate.

Is that not correct?

The CHAIRMAN. The gentleman is correct.

Mr. DELLUMS. Then I would suggest that the gentleman use the balance of his time. I have one more speaker.

Mr. ROHRABACHER. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, if I heard the last speaker correctly, he said that the sale of this kind of missile, the SS-N–22, poses no threat to American strategic concerns. I think that is what the gentleman just said.

Let me just say this. Remember the U.S.S. *Stark*. Ask any of the 37 dead sailors that were killed by a missile just like this.

Mr. Chairman, any Member around here who is concerned about missile proliferation should support this.

□ 2230

I want my colleagues to make no mistake about it. China wants these missiles to intimidate and possibly sink American ships or kill American sailors. America is engaged in an extraordinary act of generosity, giving American taxpayers' dollars, and in spite of repeated anti-American Russian activities like this too numerous to mention, the Clinton administration has opted to maintain an uninterrupted flow of taxpayer money to Russia.

This time, the Russians have gone too far in selling this kind of deadly weapon to the Chinese, and if our aid cannot induce the Russian government to refrain from making this kind of a sale which is such a direct threat to American citizens, we obviously are getting nowhere.

Let me make the point clear. There is $1 billion in the pipeline. This does not cut that off; this simply says to Russia, sends them a message, $180 million more is not going to be forthcoming if you directly intimidate the United States and sell this kind of missile to China.

Mr. Chairman, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, I yield the final 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I have the utmost respect for the gentleman from North Carolina and the gentleman from Missouri. I think it has been a good debate. But I want my colleagues to remember last year when

China had missiles at Taiwan. Remember the minister when he said, you prefer Los Angeles or Taiwan when our ships start going through the straits? They can use this missile. It is very difficult to intercept a terminal supersonic missile coming inbound at a ship, and our Air Force and Navy pilots have to intercept these and it cuts down their orders of doing that.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Texas [Mr. THORNBERRY] to close debate on this issue.

Mr. THORNBERRY. Mr. Chairman, I voted for the Rohrabacher amendment to the foreign affairs authorization bill a week or so ago. I think it is appropriate to use foreign aid as a carrot to try to get Russia to do what we want them to do. But the most important thing Members have to know about this amendment is it is not foreign aid. It is spending that is in our best national security interests. It is not a gift. It is money spent that will reduce the threat of nuclear weapons which could be used against us.

As the gentleman has already let us know, it has been used to eliminate missiles and silos and bombers and submarines aimed against us. It is being used to tighten security on nuclear warheads which could be used against us. It tightens security on nuclear materials which could be sent to other countries, which could also be used against us. It is used to help make sure the expertise on how to build these nuclear weapons is not spread throughout the world and could be used against us.

Now, which of those things is not in the national security interests of the United States? This money is spent for us, and it does not matter where else Russia sends missiles, this money is still spent for us.

It is cheaper and wiser to spend money now to prevent nuclear materials from spreading throughout the world and to keep them out of the hands of terrorists and rogue nations than to deal with the consequences after they already get them.

Of course there is no guarantee the Russians are not going to waste some of the money. Of course there is no guarantee they are not going to modernize their submarines at the same time, but there is a guarantee that if we do not do everything we possibly can now to contain the nuclear weapons and the nuclear materials that one day we will regret it.

I think this is a big mistake to cut off the money that needs to be done to do that, and I urge my colleagues to vote against the amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. DELLUMS] is recognized for 5 minutes as the ranking minority member.

Mr. DELLUMS. Mr. Chairman, I yield to my distinguished colleague from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding. We have a clear choice tonight. We have a clear choice to continue along with cutting out the nuclear arsenal that the Soviet Union has built up. It would be foolish not to continue dismantling that.

This program is the cooperative threat for reduction. It funds support of physical elimination of hundreds of nuclear weapons and silos and bombers and submarines from which weapons can be launched. If we do not dismantle them, they stay there, and if they stay there, what can they be used for? This is an easy vote. It is a vote against this amendment to support the dismantling. If they are there, they can be sold and used for purposes that would not be in our national interests. Continue our national interests by opposing this amendment.

Mr. DELLUMS. Mr. Chairman, in the remaining time that I have, and I will move very quickly, first, a letter to the Speaker of the House from the Secretary of Defense, Mr. Cohen, I read in part:

> One of the administration's highest priorities is to prevent the proliferation of weapons of mass destruction, particularly from Russia and other states of the former Soviet Union. The CTR program is one of the most critical parts of that effort. Congress would do serious harm to our counter-proliferation programs if it denied DOD the use of CTR funds to reduce weapons of mass destruction in Russia that stem the threat of their proliferation because of Russia's short-range transfers. This does not mean that the administration condones such transfers. On the contrary, we are waging a vigorous campaign on all fronts to prevent weapons proliferation. However, it would be folly to respond to an instance of proliferation by removing an essential counter-proliferation tool.

Secondly, just to reiterate a point made by my distinguished colleague from South Carolina, nuclear warheads deactivated, 4,500; ICBMs destroyed, 81; ICBM silos eliminated, 125; bombers destroyed, 20; SLBM launchers eliminated, 64; nuclear warhead test terminals sealed, 58. Three states of the former Soviet Union denuclearized, Mr. Chairman. In 1991 the four states, nuclear states in the former Soviet Union had a total of 10,910 missiles. Today, there are 6,705.

Finally, the United States has a direct and powerful and urgent interest in assisting the Russians in continuing to dismantle their nuclear weapons and contain their nuclear materials. The CTR investment is a pennies on the dollar investment in enhancing U.S. national security.

Finally, Mr. Chairman, whatever policy objections we may have to the Russian PCR technical weapons transfers, it does not justify, nor warrant, terminating a successful program calculated to meet U.S. strategic objectives.

For all of those reasons and those enunciated by my distinguished colleagues who have spoken in opposition to this amendment, I urge my colleagues to oppose the amendment.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Under the rule, the gentleman from South Carolina [Mr. SPENCE], as chairman of the committee, is entitled to 5 minutes.

Mr. SPENCE. Mr. Chairman, I will not use the whole 5 minutes. I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I rise on behalf of the Solomon-Rohrabacher amendment. Let me just remind my colleagues, the reason why this is a reasonable amendment is simply this: All of the reductions in Soviet weaponry that the gentleman enumerated have been agreed to by the Soviet Union as part of our arms reductions talks. The Soviets agreed to do those reductions on their own with their own taxpayer dollars. They do not necessarily have a right to our money; we are giving them a great deal of money, which is perhaps a good thing, to effectuate these reductions.

In light of the money that we are giving the Soviet Union, the hundreds of millions of dollars, is it reasonable for us to ask them at the same time to refrain from giving a very effective ship-killing capability to China? I think, in light of the enormous dollars we have given them, this is a reasonable request to make to the Russians. And because of that, I strongly support the Solomon-Rohrabacher amendment. This is reasonable; this is judicious, let us do it.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 215, noes 206, not voting 13, as follows:

[Roll No. 230]

AYES—215

Aderholt	Boehner	Castle
Archer	Bonilla	Chabot
Armey	Bono	Chambliss
Bachus	Brady	Chenoweth
Baker	Bryant	Christensen
Ballenger	Bunning	Coble
Barcia	Burr	Coburn
Barr	Burton	Collins
Barrett (NE)	Buyer	Combest
Bartlett	Callahan	Condit
Barton	Calvert	Cook
Bass	Camp	Cooksey
Bilbray	Campbell	Costello
Bilirakis	Canady	Crane
Bishop	Cannon	Crapo
Bliley	Carson	Cubin

Cunningham	Jones	Radanovich
Danner	Kaptur	Ramstad
Davis (VA)	Kasich	Redmond
Deal	Kelly	Regula
DeLay	Kim	Riggs
Diaz-Balart	Kingston	Riley
Dickey	Klug	Rogan
Doolittle	Knollenberg	Rogers
Dreier	LaHood	Rohrabacher
Duncan	Largent	Ros-Lehtinen
Dunn	Latham	Roukema
Ehlers	LaTourette	Royce
Ehrlich	Lazio	Ryun
Emerson	Leach	Salmon
English	Lewis (CA)	Sanford
Ensign	Lewis (KY)	Saxton
Everett	Livingston	Scarborough
Ewing	LoBiondo	Schaefer, Dan
Fawell	Lucas	Schaffer, Bob
Foley	Manzullo	Sensenbrenner
Forbes	McCollum	Sessions
Fowler	McCrery	Shadegg
Fox	McHugh	Shaw
Franks (NJ)	McInnis	Shimkus
Gallegly	McIntyre	Skeen
Ganske	McKeon	Smith (MI)
Gekas	McNulty	Smith (OR)
Gibbons	Metcalf	Smith (TX)
Gillmor	Mica	Smith, Linda
Gilman	Miller (FL)	Snowbarger
Goode	Molinari	Solomon
Goodlatte	Moran (KS)	Souder
Goodling	Myrick	Spence
Goss	Nethercutt	Stearns
Granger	Neumann	Stenholm
Greenwood	Ney	Stump
Gutknecht	Northup	Sununu
Hall (OH)	Norwood	Talent
Hall (TX)	Nussle	Tauzin
Hansen	Packard	Taylor (NC)
Hastings (WA)	Pappas	Thomas
Hayworth	Parker	Thune
Hefley	Pascrell	Tiahrt
Herger	Pastor	Traficant
Hill	Paul	Upton
Hilleary	Paxon	Walsh
Hobson	Pease	Wamp
Hoekstra	Peterson (PA)	Watkins
Hostettler	Petri	Watts (OK)
Hulshof	Pickering	Weldon (FL)
Hunter	Pitts	Weller
Hutchinson	Pombo	Wicker
Inglis	Portman	Wolf
Istook	Poshard	Young (AK)
Jenkins	Pryce (OH)	Young (FL)
Johnson, Sam	Quinn	

NOES—206

Abercrombie	Delahunt	Hefner
Ackerman	DeLauro	Hilliard
Allen	Dellums	Hinchey
Andrews	Deutsch	Hinojosa
Baesler	Dicks	Holden
Baldacci	Dingell	Hooley
Barrett (WI)	Dixon	Horn
Bateman	Doggett	Hoyer
Becerra	Dooley	Hyde
Bentsen	Doyle	Jackson (IL)
Bereuter	Edwards	Jackson-Lee (TX)
Berman	Engel	Jefferson
Berry	Eshoo	John
Blagojevich	Etheridge	Johnson (CT)
Blumenauer	Evans	Johnson (WI)
Boehlert	Farr	Johnson, E.B.
Bonior	Fattah	Kanjorski
Borski	Fazio	Kennedy (MA)
Boswell	Filner	Kennedy (RI)
Boucher	Flake	Kennelly
Boyd	Foglietta	Kildee
Brown (CA)	Ford	Kilpatrick
Brown (FL)	Frank (MA)	Kind (WI)
Brown (OH)	Frelinghuysen	King (NY)
Capps	Frost	Kleczka
Cardin	Furse	Klink
Clay	Gejdenson	Kolbe
Clayton	Gephardt	Kucinich
Clement	Gilchrest	LaFalce
Clyburn	Gonzalez	Lampson
Conyers	Graham	Lantos
Coyne	Green	Levin
Cramer	Gutierrez	Lewis (GA)
Cummings	Hamilton	Linder
Davis (IL)	Harman	Lofgren
DeFazio	Hastert	Lowey
DeGette	Hastings (FL)	Luther
Maloney (CT)	Owens	Smith, Adam
Manton	Oxley	Snyder
Markey	Pallone	Spratt
Martinez	Payne	Stabenow
Mascara	Pelosi	Stark
Matsui	Peterson (MN)	Stokes
McCarthy (MO)	Pickett	Strickland
McCarthy (NY)	Pomeroy	Stupak
McDade	Porter	Tanner
McDermott	Price (NC)	Tauscher
McGovern	Rahall	Taylor (MS)
McHale	Rangel	Thompson
McKinney	Reyes	Thornberry
Meehan	Rivers	Thurman
Meek	Rodriguez	Tierney
Menendez	Roemer	Torres
Millender-McDonald	Rothman	Turner
Miller (CA)	Roybal-Allard	Velázquez
Minge	Rush	Vento
Mink	Sabo	Visclosky
Moakley	Sanchez	Waters
Mollohan	Sanders	Watt (NC)
Moran (VA)	Sandlin	Waxman
Morella	Sawyer	Weldon (PA)
Murtha	Scott	Wexler
Nadler	Serrano	Weygand
Neal	Shays	White
Oberstar	Sherman	Whitfield
Obey	Sisisky	Wise
Olver	Skaggs	Woolsey
Ortiz	Skelton	Wynn
	Slaughter	
	Smith (NJ)	

NOT VOTING—13

Blunt	Lipinski	Shuster
Cox	Maloney (NY)	Towns
Davis (FL)	McIntosh	Yates
Gordon	Schiff	
Houghton	Schumer	

□ 1057

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COX of California. Mr. Chairman, I was necessarily absent for this vote for medical reasons.

AMENDMENTS EN BLOC OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, pursuant to section 3 of House Resolution 169, I offer an en bloc amendment consisting of the following amendments printed in part 2 of House Report 105–137:

Amendments 2 and 3; Amendments 4 and 5 each as modified; Amendments 6, 7, 8, 9, 10, 11, 12 and 13; Amendment 14, as modified; Amendment 16 and 17; Amendment 18, as modified; Amendment 19; Amendment 20, as modified; Amendments 21 and 23; Amendment 24, as modified; Amendments 25 and 26; Amendment 27, as modified; Amendments 28, 29, 30; Amendment 31, as modified; Amendment 32; Amendment 33, as modified; Amendments 36, 37 and 38; Amendment 39, as modified; Amendment 40; and the Amendment printed in section 8(d) of House Resolution 169, as modified;

The CHAIRMAN. The Clerk will designate the amendments en bloc and report the modifications.

The Clerk designated the amendments and reported the modifications, as follows:

Amendments en bloc offered by Mr. SPENCE of South Carolina consisting of the following amendments in part 2 of House Report 105–137: Amendment 2, 3; 4, as modified; 5, as modified; 6, 7, 8, 9, 10, 11, 12, 13; 14, as modified; 16, 17; 18, as modified; 19; 20, as modified; 21, 23; 24, as modified; 25, 26; 27, as modified; 28, 29, 30; 31, as modified; 32; 33 as modified; 36, 37, 38; 39, as modified; 40; and the amendment in order under section 8(d) of House Resolution 169, as modified.

Amendments En Bloc to H.R. 1119, as Reported
Offered by Mr. Spence
of South Carolina
(Amdts in Part 2 of House Report 105–137)

Amendment #2
Amendment #3
Amendment #4, as modified
Amendment #5, as modified
Amendment #6
Amendment #7
Amendment #8
Amendment #9
Amendment #10
Amendment #11
Amendment #12
Amendment #13
Amendment #14, as modified
Amendment #16
Amendment #17
Amendment #18, as modified
Amendment #19
Amendment #20, as modified
Amendment #21
Amendment #23
Amendment #24, as modified
Amendment #25
Amendment #26
Amendment #27, as modified
Amendment #28
Amendment #29
Amendment #30
Amendment #31, as modified
Amendment #32
Amendment #33, as modified
Amendment #36
Amendment #37
Amendment #38
Amendment #39, as modified
Amendment #40
Amendment in order under section 8(d) of H.Res. 169, as modified

AMENDMENT TO H.R. 1119, AS REPORTED
OFFERED BY MR. BARRETT OF NEBRASKA

(Amdt #2 in Part 2 of House Report 105–137)

At the end of title X (page 360, after line 8) insert the following new section:

SEC. 1060. STUDY OF UNITED STATES CAPACITOR AND RESISTOR INDUSTRIES.

The Secretary of Defense shall conduct a study to assess the capacitor and resistor industries in the United States in order to determine—

(1) the importance of such industries to the national defense and the defense mobilization base; and

(2) whether such industries are in danger of being critically weakened because of the removal of tariffs on imports under the Information Technology Agreement.

AMENDMENT TO H.R. 1119, AS REPORTED
OFFERED BY MR. BARTLETT OF MARYLAND

(Amdt #3 in part 2 of House Report 105–137)

Strike out section 217 (page 33, lines 13 through 23).

MODIFICATION TO THE AMENDMENT OFFERED BY MR. BEREUTER OF NEBRASKA

(Amdt #4 in Part 2 of House Report 105–137)

The amendment as modified is as follows:

At the end of title XII (page 379, after line 19), insert the following new section:

SEC. 1205. SENSE OF THE CONGRESS RELATING TO LEVEL OF UNITED STATES MILITARY PERSONNEL IN THE ASIA AND PACIFIC REGION.

(a) FINDINGS.—The Congress finds the following:

(1) The stability of the Asia-Pacific region is a matter of vital national interest affecting the well-being of all Americans.

(2) The nations of the Pacific Rim collectively represent the United States largest trading partner and are expected to account for almost one-third of the world's economic activity by the start of the next century.

(3) The increased reliance by the United States on trade and Middle East oil sources has reinforced United States security interests in the Southeast Asia shipping lanes through the South China Sea and the key straits of Malacca, Sunda, Lombok, and Makassar.

(4) The South China Sea is a vital conduit for United States Navy ships passing from the Pacific to the Indian Ocean and the Persian Gulf.

(5) Maintaining freedom of navigation in the South China Sea is a fundamental interest of the United States.

(6) The threats of proliferation of weapons of mass destruction, the emerging nationalism amidst long-standing ethnic and national rivalries, and the unresolved territorial disputes combine to create a political landscape of potential instability and conflict in this region that would jeopardize the interests of the United States and the safety of United States nationals.

(7) A critical component of the East Asia strategy of the United States is maintaining forward deployed forces in Asia to ensure broad regional stability, to help to deter aggression, to lessen the pressure for arms races, and to contribute to the political and economic advances of the region from which the United States benefits.

(8) The forward presence of the United States in Northeast Asia enables the United States to respond to regional contingencies, to protect sea lines of communication, to sustain influence, and to support operations as distant as operations in the Persian Gulf.

(9) The military forces of the United States serve to prevent the political or economic control of the Asia-Pacific region by a rival, hostile power or coalition of such powers, thus preventing any such group from obtaining control over the vast resources, enormous wealth, and advanced technology of the region.

(10) Allies of the United States in the region can base their defense planning on a reliable American security commitment, a reduction of which could stimulate an arms buildup in the region.

(11) The Joint Announcement of the United States-Japan Security Consultative Committee of December 1996, acknowledged that "the forward presence of U.S. forces continues to be an essential element for pursuing our common security objectives".

(12) The administration has committed itself on numerous occasions to maintain approximately 100,000 troops in the region, most recently by the President in Australia, the Secretary of Defense in the Quadrennial Defense Review, and the Secretary of State in the Republic of Korea.

(13) The United States and Japan signed the United States-Japan Security Declaration in April 1996, in which the United States reaffirmed its commitment to maintain this level of 100,000 United States military personnel in the region.

(14) The United States military presence is recognized by the nations of the region as serving stability and signaling United States engagement.

(15) The nations of East Asia and the Pacific consider the commitment of the forces of the United States to be so vital to their future that they scrutinize actions of the United States for any sign of weakened commitment to the security of the region.

(16) The reduction of forward-based military forces could negatively affect the ability of the United States to contribute to the maintenance of peace and stability of the Asia and Pacific region.

(17) Recognizing that while the United States must consider the overall capabilities of its forces in its decisions to deploy troops, nevertheless any reduction in the number of forward-based troops may reduce the perception of American capability and commitment in the region that cannot be completely offset by modernization of the remaining forces.

(18) During time of crisis, redeployment of forces previously removed from the area might itself be deemed an act of provocation that could be used as a pretext by a hostile power for armed aggression within the region, and the existence of that possibility might hinder such a deployment.

(19) Proposals to reduce the forward presence of the United States in Asia or drastically subordinate security interests to United States domestic budgetary concerns can erode the perception of the commitment of the United States to its alliances and interests in the region.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States should maintain approximately 100,000 United States military personnel in the Asia and Pacific region until such time as there is a peaceful and permanent resolution to the major security and political conflicts in the region.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. BRADY OF TEXAS

(Amdt #5 in Part 2 of House Report 105–137)

The amendment as modified is as follows:

At the end of title X (page 360, after line 8), insert the following new section:

SEC. ___. SENSE OF CONGRESS ON DEPLOYMENT OF UNITED STATES ARMED FORCES ABROAD FOR ENVIRONMENTAL PRESERVATION ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that United States Armed Forces should not be deployed outside the United States to provide assistance to another nation in connection with environmental preservation activities in that nation.

(b) SCOPE OF SECTION.—For purposes of this section, environmental preservation activities do not include activities undertaken for humanitarian purposes, disaster relief activities, peacekeeping activities, or operational training activities.

AMENDMENT TO H.R. 1119, AS REPORTED OFFERED BY MR. BUYER OF INDIANA

(Amdt #6 in Part 2 of House Report 105–137)

At the end of subtitle B of title VI (page 247, after line 13), insert the following new section:

SEC. 623. EXPANSION OF RESERVE AFFILIATION BONUS TO INCLUDE COAST GUARD RESERVE.

Section 308e of title 37, United States Code, is amended—

(1) in subsection (a), by striking out "Under regulations prescribed by the Secretary of Defense, the Secretary of a military department" and inserting in lieu thereof "The Secretary concerned";

(2) in subsection (b)(3), by striking out "designated by the Secretary of Defense for the purposes of this section" and inserting in lieu thereof "designated for purposes of this section in the regulations prescribed under subsection (f)";

(3) in subsection (c)(3), by striking out "regulations prescribed by the Secretary of Defense" and inserting in lieu thereof "the regulations prescribed under subsection (f)"; and

(4) by adding at the end the following new subsection:

"(f) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

AMENDMENT TO H.R. 1119, AS REPORTED OFFERED BY MR. COBURN OF OKLAHOMA

(Amdt #7 in Part 2 of House Report 105–137)

At the end of subtitle A of title X (page 320, after line 12), add the following new section:

SEC. 1008. UNITED STATES MAN AND THE BIOSPHERE PROGRAM LIMITATION.

No funds appropriated pursuant to this Act shall be used for the United States Man and Biosphere Program, or related projects.

AMENDMENT TO H.R. 1119, AS REPORTED OFFERED BY MR. EVERETT OF ALABAMA

(Amdt #8 in part 2 of House Report 105–137)

At the end of subtitle B of title II (page 34, after line 7) insert the following new section:

SEC. 219. COMANCHE PROGRAM.

The Congress supports the Army in its Comanche program technology transfer and acquisition efforts, which—

(1) offer potential RAH–66 Air Vehicle and T800 engine cost, schedule, and technical risk reduction; and

(2) include cooperative efforts with other Government agencies such as the National Guard (UH–1H engine technology insertion), the Defense Advanced Research Projects Agency, and other research and development programs of the military departments.

AMENDMENT TO H.R. 1119, AS REPORTED OFFERED BY MR. FALEOMAVAEGA OF AMERICAN SAMOA

(Amdt #9 in Part 2 of House Report 105–137)

At the end of title V (page 204, after line 16), insert the following new section:

SEC. 572. REPORT ON MAKING UNITED STATES NATIONALS ELIGIBLE FOR PARTICIPATION IN SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate a report on the utility of permitting United States nationals to participate in the Senior Reserve Officers' Training Corps program.

(b) REQUIRED INFORMATION.—The Secretary shall include in the report the following information:

(1) A brief history of the prior admission of United States nationals to the Senior Reserve Officers' Training Corps, including the success rate of these cadets and midshipmen and how that rate compared to the average success rate of cadets and midshipmen during that same period.

(2) The advantages of permitting United States nationals to participate in the Senior Reserve Officers' Training Corps program.

(3) The disadvantages of permitting United States nationals to participate in the Senior Reserve Officers' Training Corps program.

(4) The incremental cost of including United States nationals in the Senior Reserve Officers' Training Corps.

(5) Methods of minimizing the risk that United States nationals admitted to the Senior Reserve Officers' Training Corps would be

later disqualified because of ineligibility for United States citizenship.

(6) The recommendations of the Secretary on whether United States nationals should be eligible to participate in the Senior Reserve Officers' Training Corps program, and if so, a legislative proposal which would, if enacted, achieve that result.

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. FRELINGHUYSEN OF NEW JERSEY

(Amdt #10 in Part 2 of House Report 105–137)

At the end of title XXXVI (page 540, after line 3), insert the following new section:

SEC. ___. DETERMINATION OF GROSS TONNAGE FOR PURPOSES OF TANK VESSEL DOUBLE HULL REQUIREMENTS.

Section 3703a of title 46, United States Code, is amended by adding at the end the following:

"(e) For purposes of this section, the gross tonnage of a vessel for which a tonnage certificate was issued or accepted by the Secretary under this title before July 1, 1997, shall be the gross tonnage of the vessel stated on the most recent such certificate.".

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. FARR OF CALIFORNIA

(Amdt #11 in Part 2 of House Report 105–137)

Page 411, in the table in section 2702(b) relating to extension of Army National Guard project authorizations, add an item, in the amount of $3,910,000, for the modify record fire range/maintenance shop construction project at Camp Roberts, California.

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MRS. FOWLER OF FLORIDA

(Amdt #12 in Part 2 of House Report 105–137)

Page 377, after line 4, insert the following:

(4) Efforts by the People's Republic of China to enhance its capabilities in the area nuclear weapons development.

Page 377, after line 16, insert the following:

(7) Development by the People's Republic of China of capabilities in the area of electronic warfare.

Page 378, after line 12, insert the following:

(12) Efforts by the People's Republic of China in the area of telecommunications, including common channel signaling and synchronous digital hierarchy technologies.

(13) Development by People's Republic of China of advanced aerospace technologies with military applications (including gas turbine "hot section" technologies).

Page 379, after line 3, insert the following:

(17) Efforts by the People's Republic of China to develop its anti-submarine warfare capabilities.

Page 379, after line 6, insert the following:

(19) Efforts by the People's Republic of China to enhance its capabilities in such additional areas of strategic concern as the Secretary identifies.

(c) ANALYSIS OF IMPLICATIONS OF SALES OF PRODUCTS AND TECHNOLOGIES TO ENTITIES IN CHINA.—The report under subsection (a) shall include, with respect to each area for analyses and forecasts specified in subsection (b)—

(1) an assessment of the implications of sales of United States and foreign products and technologies to entities in the People's Republic of China; and

(2) the potential threat of developments in that area to United States strategic interests.

Redesignate the paragraphs of section 1203(b) accordingly.

Page 379, line 7, strike out "(c)" and insert in lieu thereof "(d)".

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. FOX OF PENNSYLVANIA

(Amdt #13 in Part 2 of House Report 105–137)

At the end of section 1054 (page 348, after line 18), insert the following new subsection:

(j) DAILY DISPLAY OF FLAG AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.—In addition to the display required by subsection (a), the POW/MIA flag shall be displayed on, or on the grounds of, each Department of Veterans Affairs medical center on every day on which the flag of the United States is displayed.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

(Amdt #14 in Part 2 of House Report 105–137)

The amendment as modified is as follows:

At the end of subtitle C of title III (page 67, after line 19), insert the following new section:

SEC. 323. VETERANS' PREFERENCE STATUS FOR CERTAIN VETERANS WHO SERVED ON ACTIVE DUTY DURING THE PERSIAN GULF WAR.

(a) DEFINITION OF VETERAN FOR PURPOSES OF PREFERENCE ELIGIBLE STATUS.—Section 2108 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "or" at the end of subparagraph (A);

(B) by inserting "or" at the end of subparagraph (B); and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) served on active duty as defined by section 101(21) of title 38 in the armed forces during the period beginning on August 2, 1990, and ending on January 2, 1992;"; and

(2) in paragraph (3)(B), by inserting "or (C)" after "paragraph (1)(B)".

(b) ADDITIONAL POINTS.—Section 3309(2) of such title is amended by striking "2108(3)(A)" and inserting "2108(3)(A)-(B)".

(c) TECHNICAL AMENDMENTS.—Section 2108(1)(B) of such title is further amended—

(1) by striking "the date of enactment of the Veterans' Education and Employment Assistance Act of 1976," and inserting "October 15, 1976,"; and

(2) by striking "511(d) of title 10" and inserting "12103(d) of title 10".

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. GALLEGLY OF CALIFORNIA

(Amdt #16 in Part 2 of House Report 105–137)

At the end of title X (page 360, after line 8), insert the following new section:

SEC. ___. STUDY OF TRANSFER OF MODULAR AIRBORNE FIRE FIGHTING SYSTEM.

Not later than six months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit to Congress a report evaluating the feasibility of transferring jurisdiction over units of the Modular Airborne Fire Fighting System from the Department of Agriculture to the Department of Defense.

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. GEKAS OF PENNSYLVANIA

(Amdt #17 in Part 2 of House Report 105–137)

Page 411, in the table in section 2702(b) relating to extension of Army National Guard project authorizations, add an item, in the amount of $6,200,000, for a barracks construction project at Fort Indiantown Gap, Pennsylvania.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. HALL OF OHIO

(Amdt #18 in Part 2 of House Report 105–137)

The amendment as modified is as follows:

At the end of title XXXI (page 493, after line 17), add the following new section:

SEC. 3152. TRANSFERS OF REAL AND PERSONAL PROPERTY AT CERTAIN DEPARTMENT OF ENERGY FACILITIES.

(a) TRANSFER GUIDELINES.—(1) The Secretary of Energy shall issue guidelines for the transfer by sale or lease of real and personal property at Department of Energy defense nuclear facilities in consultation with the community reuse organizations associated with the facilities and the local governments within whose jurisdiction the facilities are located. The Secretary shall issue the guidelines not later than 90 days after the date of the enactment of this Act.

(2)(A) The Secretary of Energy may not transfer real or personal property under the guidelines issued under paragraph (1) until—

(i) the Secretary submits a notification of the proposed transfer to the congressional defense committees; and

(ii) a period of 30 days of continuous session of Congress has expired following the date on which the notification is submitted.

(B) For purposes of subparagraph (A)(ii), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 30-day period.

(b) INDEMNIFICATION.—(1) In the sale or lease of real or personal property pursuant to the guidelines issued under subsection (a), the Secretary of Energy may indemnify a transferee against an action for injury to person or property resulting from the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Energy activities. Before such a sale or lease, the Secretary shall notify the transferee that the Secretary has authority to provide indemnification to the transferee under this subsection. The Secretary shall include in an agreement for such a sale or lease a provision addressing indemnification for such an action.

(2) Nothing in this section shall be construed as affecting or modifying in any way section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(c) DEFINITIONS.—In this section:

(1) The term "Department of Energy defense nuclear facility" has the meaning provided by section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

(2) The term "transferee" means a person to which real property is transferred pursuant to the guidelines issued under subsection (a).

(3) The terms "hazardous substance", "release", and "pollutant or contaminant" have the meanings provided by section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. HASTERT OF ILLINOIS

(Amdt #19 in Part 2 of House Report 105–137)

At the end of subtitle C of title X (page 326, after line 6), insert the following new section:

SEC. 1032. ANNUAL REPORT ON DEVELOPMENT AND DEPLOYMENT OF NARCOTICS DETECTION TECHNOLOGIES.

(a) REPORT REQUIREMENT.—Not later than December 1st of each year, the Director of the Office of National Drug Control Policy shall submit to Congress and the President a report on the development and deployment

of narcotics detection technologies by Federal agencies. Each such report shall be prepared in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of the Treasury.

(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall include—

(1) a description of each project implemented by a Federal agency relating to the development or deployment of narcotics detection technology;

(2) the agency responsible for each project described in paragraph (1);

(3) the amount of funds obligated or expended to carry out each project described in paragraph (1) during the fiscal year in which the report is submitted or during any fiscal year preceding the fiscal year in which the report is submitted;

(4) the amount of funds estimated to be obligated or expended for each project described in paragraph (1) during any fiscal year after the fiscal year in which the report is submitted to Congress; and

(5) a detailed timeline for implementation of each project described in paragraph (1).

MODIFICATION TO THE AMENDMENT OFFERED BY MR. HASTINGS OF WASHINGTON

(Amdt #20 in Part 2 of House Report 105–137)

The amendment as modified is as follows:

At the end of title XXXI (page 493, after line 17), insert the following new section:

SEC. 3152. REQUIREMENT TO DELEGATE CERTAIN AUTHORITIES TO SITE MANAGER OF HANFORD RESERVATION.

Section 3173(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2848; 42 U.S.C. 7274k) is amended—

(1) in paragraph (1), by striking out "In addition" and inserting in lieu thereof "Except as provided in paragraph (5), in addition"; and

(2) by adding at the end the following new paragraph:

"(5) In the case of the Hanford Reservation, Richland, Washington, the Secretary shall delegate to the Site Manager the authority described in paragraph (1). The Secretary may withdraw the delegated authority if the Secretary—

"(A) determines that the Site Manager of the Hanford Reservation has misused or misapplied that authority; and

"(B) the Secretary submits to Congress a notification of the Secretary's intent to withdraw the authority.".

AMENDMENT TO H.R. 1119, AS REPORTED OFFERED BY MR. HASTINGS OF WASHINGTON

(Amdt #21 in Part 2 of House Report 105–137)

Strike out section 3143 (page 484, line 10 through page 485, line 16) and insert in lieu thereof the following:

SEC. 3143. STUDY AND FUNDING RELATING TO IMPLEMENTATION OF WORKFORCE RESTRUCTURING PLANS.

(a) STUDY REQUIREMENT.—The Secretary of Energy shall conduct a study on the effects of workforce restructuring plans for defense nuclear facilities developed pursuant to section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h).

(b) MATTERS COVERED BY STUDY.— The study shall cover the four-year period preceding the date of the enactment of this Act and shall include the following:

(1) An analysis of the number of jobs created under workforce restructuring plans developed pursuant to section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h).

(2) An analysis of other benefits provided pursuant to such plans and through community reuse organizations.

(3) A description of the funds expended, and the funds obligated but not expended, pursuant to such plans as of the date of the report.

(4) A description of the criteria used since October 23, 1992, in providing assistance pursuant to such plans.

(5) A comparison of the benefits provided pursuant to such plans—

(A) to employees whose employment at facilities covered by such plans is terminated; and

(B) to employees whose employment at facilities where more than 50 percent of the revenues are derived from contracts with the Department of Defense is terminated.

(c) CONDUCT OF STUDY.—(1) The study shall be conducted through a contract with a private auditing firm with which the Department of Energy has no other auditing contracts.

(2)(A) The Secretary of Energy may not enter into the contract for the conduct of the study until—

(i) the Secretary submits a notification of the proposed contract award to the congressional defense committees; and

(ii) a period of 30 days of continuous session of Congress has expired following the date on which the notification is submitted.

(B) For purposes of subparagraph (A)(ii), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 30-day period.

(3) The Secretary of Energy shall ensure that the firm conducting the study is provided access to all documents in the possession of the Department of Energy that are relevant to the study, including documents in the possession of the Inspector General of the Department of Energy.

(d) REPORT ON STUDY.—The Secretary of Energy shall submit a report to Congress on the results of the study not later than January 30, 1998.

(e) FUNDING.—In addition to amounts available pursuant to the authorization of appropriations in section 3103(6), the Secretary of Energy may use an amount not exceeding $44,000,000 for implementation of the workforce restructuring plans for contractor employees, to be derived from excess unobligated and available funds.

(f) REVISIONS TO DEFENSE NUCLEAR FACILITIES WORKFORCE RESTRUCTURING PLAN REQUIREMENTS.—

(1) REVISION OF PERIOD FOR NOTIFICATION OF CHANGES IN WORKFORCE.—Section 3161(c)(1)(B) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h(c)(1)(B)) is amended by striking out "120" and inserting in lieu thereof "90".

(2) REPEAL OF REQUIREMENT FOR SUBMISSION TO CONGRESS.—Subsection (f) of section 3161 of such Act is repealed.

(3) PROHIBITION ON USE OF FUNDS FOR LOCAL IMPACT ASSISTANCE.—None of the funds authorized to be appropriated to the Department of Energy pursuant to section 3103(6) may be used for local impact assistance from the Department of Energy under section 3161(c)(6) of such Act (42 U.S.C. 7274h(c)(6)) until—

(A) with respect to assistance referred to in section 3161(c)(6)(A) of such Act, the Secretary of Energy coordinates with and obtains approval of the Secretary of Labor; and

(B) with respect to assistance referred to in section 3161(c)(6)(C) of such Act, the Secretary of Energy coordinates with and obtains approval of the Secretary of Commerce.

(4) SEMIANNUAL REPORT TO CONGRESS OF LOCAL IMPACT ASSISTANCE.—Every six months the Secretary of Energy shall submit to Congress a report setting forth a description of, and the value of, all local impact assistance provided under section 3161(c)(6) of such Act.

(g) EFFECT ON USEC PRIVATIZATION ACT.—Nothing in this section shall be construed as diminishing the obligations of the Secretary of Energy under section 3110(a)(5) of the USEC Privatization Act (Public Law 104–134; 110 Stat. 1321–341; 42 U.S.C. 2297h–8(a)(5)).

(h) DEFINITIONS.—In this section:

(1) The term "defense nuclear facility" has the meaning provided the term "Department of Energy defense nuclear facility" in section 3163 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274j).

(2) The term "contractor employee" means an employee of a contractor or subcontractor of the Department of Energy at a defense nuclear facility.

AMENDMENT TO H.R. 1119, AS REPORTED OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

(Amdt #23 in Part 2 of House Report 105–137)

At the end of subtitle C of title V (page 142, after line 3), insert the following new section:

SEC. 524. REPORT ON FEASIBILITY AND DESIRABILITY OF CONVERSION OF AGR PERSONNEL TO MILITARY TECHNICIANS (DUAL-STATUS).

(a) REPORT REQUIRED.—Not later than January 1, 1998, the Secretary of Defense shall submit to Congress a report on the feasibility and desirability of conversion of AGR personnel to military technicians (dual-status). The report shall—

(1) identify advantages and disadvantages of such a conversion;

(2) identify possible savings if such a conversion were to be carried out; and

(3) set forth the recommendation of the Secretary as to whether such a conversion should be made.

(b) AGR PERSONNEL DEFINED.—For purposes of subsection (a), the term "AGR personnel" means members of the Army or Air Force reserve components who are on active duty (other than for training) in connection with organizing, administering, recruiting, instructing, or training their respective reserve components.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. METCALF OF WASHINGTON

(Amdt #24 in Part 2 of House Report 105–137)

The amendment as modified is as follows:

At the end of title VII (page 288, after line 21), insert the following new section:

SEC. ___. SENSE OF CONGRESS CONCERNING GULF WAR ILLNESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Americans served in the Persian Gulf Conflict of 1991 in defense of vital national security interests of the United States.

(2) It was known to United States intelligence and military commanders that biological and chemical agents were in theater throughout the conflict.

(3) An undetermined amount of these agents were released into theater.

(4) A large number of United States military veterans and allied veterans who served in the Southwest Asia theater of operations have been stricken with a variety of severe illnesses.

(5) Previous efforts to discern the causes of those illnesses have been inadequate, and

those illnesses are affecting the health of both veterans and their families.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all promising technology and treatments relating to Gulf War illnesses should be fully explored and tested to facilitate treatment for members of the Armed Forces and veterans who served the United States in the Persian Gulf conflict and are stricken with unexplainable illness.

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. PICKETT OF VIRGINIA

(Amdt #25 in part 2 of House Report 105–137)

At the end of subtitle B of title II (page 34, after line 7), insert the following new section:

SEC. 219. LAND ATTACK STANDARD MISSILE.

Of the amount provided in section 201(2) for research, development, test, and evaluation for the Navy—

(1) the amount available for program element 63695N for the Land Attack Technology program is increased by $10,000,000, to be available for flight test demonstration and risk reduction activities for the Land Attack Standard Missile;

(2) the amount available for program element 62317N (Air Systems and Weapons Advance Technology) is reduced by $5,000,000; and

(3) the amount available for program element 63508N (Ship Hull Mechanical and Electrical Technology) is reduced by $5,000,000.

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. PICKETT OF VIRGINIA

(Amdt #26 in part 2 of House Report 105–137)

At the end of title VIII (page 303, after line 2) insert the following new section:

SEC. 824. ALLOWABILITY OF COSTS OF EMPLOYEE STOCK OWNERSHIP PLANS.

(a) PROHIBITION.—Under section 2324 of title 10, United States Code, the Secretary of Defense may not determine the allowability of costs of employee stock ownership plans under contracts with the Department of Defense in accordance with the rule described in subsection (b).

(b) RULE.—The rule referred to in subsection (a) is the rule that was—

(1) proposed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council on November 7, 1995, and referred to as FAR Case 92–024, Employee Stock Ownership Plans (60 Federal Register 56216); and

(2) withdrawn by such Councils on April 3, 1996 (61 Federal Register 14944).

MODIFICATION

TO THE AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. RILEY OF ALABAMA

(Amdt #27 in part 2 of House Report 105–137)

The amendment as modified is as follows:

At the end of subtitle B of title II (page 34, after line 7) insert the following new section:

SEC. 219. REPORT ON OPERATIONAL FIELD ASSESSMENTS PROGRAM.

(a) FINDING.—Congress recognizes the potential value that the Department of Defense Operational Field Assessments program, which is managed by the Director of Operational Test and Evaluation, provides to the commanders of the Unified Combatant Commands with respect to assessment of the effectiveness of near-term operational concepts and critical operational issues in quick-response operational tests and evaluations.

(b) REPORT.—Not later than March 30, 1998, the Secretary of Defense shall submit to the congressional defense committees a report on the Operational Field Assessments program.

(c) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the Operational Field Assessments program which describes the goals and objectives of the program, assessments by the program conducted as of the date of the submission of the report, and the results of those assessments.

(2) A description of the current management and support structure of the program within the Department of Defense, including a description of how program responsibilities are assigned within the Office of the Secretary of Defense and a description of the roles of the Joint Staff, the commanders of the Unified Combatant Commands, and the military departments.

(3) A description of future plans for the program and funding requirements for those plans.

(4) Recommendations regarding additional statutory authority that may be required for the program.

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. SAXTON OF NEW JERSEY

(Amdt #28 in Part 2 of House Report 105–137)

Strike out title XXIX (page 442, line 15, through page 457, line 13), and insert in lieu thereof the following new title:

TITLE XXIX—SIKES ACT IMPROVEMENT

SEC. 2901. SHORT TITLE.

This title may be cited as the "Sikes Act Improvement Amendments of 1997".

SEC. 2902. DEFINITION OF SIKES ACT FOR PURPOSES OF AMENDMENTS.

In this title, the term "Sikes Act" means the Act entitled "An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations", approved September 15, 1960 (16 U.S.C. 670a et seq.), commonly referred to as the "Sikes Act".

SEC. 2903. CODIFICATION OF SHORT TITLE OF ACT.

The Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before title I the following new section:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Sikes Act'.".

SEC. 2904. INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.

(a) PLANS REQUIRED.—Subsection (a) of section 101 of the Sikes Act (16 U.S.C. 670a) is amended to read as follows:

"(a) INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—

"(1) PLANS REQUIRED.—The Secretary of Defense shall carry out a program to provide for the conservation and rehabilitation of natural resources on military installations. To facilitate the program, the Secretary of each military department shall prepare and implement an integrated natural resources management plan for each military installation in the United States under the jurisdiction of the Secretary, unless the Secretary determines that the absence of significant natural resources on a particular installation makes preparation of such a plan inappropriate.

"(2) COOPERATIVE PREPARATION.—The Secretary of a military department shall prepare the integrated natural resources management plans for which the Secretary is responsible in cooperation with the Secretary of the Interior, acting through the Director of the Fish and Wildlife Service, and the head of the appropriate State fish and wildlife agency or agencies for the State in which the military installation involved is located. The resulting plan for a military installation consistent with paragraph (4) shall reflect the mutual agreement of the parties concerning conservation, protection, and management of fish and wildlife resources.

"(3) PURPOSE OF PLANS.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, the Secretaries of the military departments shall carry out the program required by this subsection to provide for—

"(A) the conservation and rehabilitation of natural resources on military installations;

"(B) the sustained multipurpose use of these resources, to include hunting, fishing, trapping, and nonconsumptive uses; and

"(C) subject to safety requirements and military security, public access to military installations to facilitate these uses.

"(4) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as modifying or repealing the provisions of any Federal law governing the conservation or protection of fish and wildlife resources, nor as enlarging or diminishing the responsibility and authority of the States for the protection and management of fish and resident wildlife. Except as elsewhere specifically provided in this section and section 102, nothing in this Act shall be construed as authorizing the Secretary of a military department to require a Federal license or permit to hunt, fish, or trap on a military installation.

(b) CONFORMING AMENDMENTS.—Title I of the Sikes Act is amended—

(1) in section 101(b)(4) (16 U.S.C. 670a(b)(4)), by striking out "cooperative plan" each place it appears and inserting in lieu thereof "integrated natural resource management plan";

(2) in section 101(c) (16 U.S.C. 670a(c)), in the matter preceding paragraph (1) by striking out "a cooperative plan" and inserting in lieu thereof "an integrated natural resource management plan";

(3) in section 101(d) (16 U.S.C. 670a(d)), in the matter preceding paragraph (1) by striking out "cooperative plans" and inserting in lieu thereof "integrated natural resource management plans";

(4) in section 101(e) (16 U.S.C. 670a(e)), by striking out "Cooperative plans" and inserting in lieu thereof "Integrated natural resource management plans";

(5) in section 102 (16 U.S.C. 670b), by striking out "a cooperative plan" and inserting in lieu thereof "an integrated natural resource management plan";

(6) in section 103 (16 U.S.C. 670c), by striking out "a cooperative plan" and inserting in lieu thereof "an integrated natural resource management plan";

(7) in section 106(a) (16 U.S.C. 670f(a)), by striking out "cooperative plans" and inserting in lieu thereof "integrated natural resource management plans"; and

(8) in section 106(c) (16 U.S.C. 670f(c)), by striking out "cooperative plans" and inserting in lieu thereof "integrated natural resource management plans".

(c) CONTENTS OF PLANS.—Section 101(b) of the Sikes Act (16 U.S.C. 670a(b)) is amended—

(1) by striking out "Each cooperative plan" and all that follows through paragraph (1) and inserting in lieu thereof the following:

"(b) REQUIRED ELEMENTS OF PLANS.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, each integrated natural resources management plan prepared under subsection (a)—

"(1) shall, where appropriate and applicable, provide for—

"(A) fish and wildlife management, land management, forest management, and fish and wildlife-oriented recreation;

"(B) fish and wildlife habitat enhancement or modifications;

"(C) wetland protection, enhancement, and restoration, where necessary for support of fish or wildlife;

"(D) integration of, and consistency among, the various activities conducted under the plan;

"(E) establishment of specific natural resource management objectives and time frames for proposed action;

"(F) sustained use by the public of natural resources to the extent such use is not inconsistent with the needs of fish and wildlife resources management;

"(G) public access to the military installation that is necessary or appropriate for the use described in subparagraph (F), subject to requirements necessary to ensure safety and military security;

"(H) enforcement of natural resource laws and regulations;

"(I) no net loss in the capability of military installation lands to support the military mission of the installation; and

"(J) such other activities as the Secretary of the military department considers appropriate;"

(2) by striking out paragraph (3);

(3) by redesignating paragraph (4) as paragraph (3); and

(4) in paragraph (3)(A) (as so redesignated), by striking out "collect the fees therefor," and inserting in lieu thereof "collect, spend, administer, and account for fees therefor,".

SEC. 2905. REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.

(a) REVIEW OF MILITARY INSTALLATIONS.—

(1) REVIEW.—The Secretary of each military department shall, by not later than nine months after the date of the enactment of this Act—

(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military installations for which the preparation of an integrated natural resource management plan under section 101 of the Sikes Act, as amended by this title, is appropriate; and

(B) submit to the Secretary of Defense a report on those determinations.

(2) REPORT TO CONGRESS.—The Secretary of Defense shall, by not later than 12 months after the date of the enactment of this Act, submit to the Congress a report on the reviews conducted under paragraph (1). The report shall include—

(A) a list of those military installations reviewed under paragraph (1) for which the Secretary of the military department concerned determines the preparation of an integrated natural resource management plan is not appropriate; and

(B) for each of the military installations listed under subparagraph (A), an explanation of the reasons such a plan is not appropriate.

(b) DEADLINE FOR INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.—Not later than two years after the date of the submission of the report required under subsection (a)(2), the Secretary of each military department shall, for each military installation for which the Secretary has not determined under subsection (a)(2)(A) that preparation of an integrated natural resource management plan is not appropriate—

(1) prepare and begin implementing such a plan in accordance with section 101(a) of the Sikes Act, as amended by section 2904; or

(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of the enactment of this Act, complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to that plan that are necessary for the plan to constitute an integrated natural resource plan that complies with that section, as amended by section 2904.

(c) PUBLIC COMMENT.—The Secretary of each military department shall provide an opportunity for the submission of public comments on—

(1) integrated natural resource management plans proposed pursuant to subsection (b)(1); and

(2) changes to cooperative plans proposed pursuant to subsection (b)(2).

SEC. 2906. ANNUAL REVIEWS AND REPORTS.

Section 101 of the Sikes Act (16 U.S.C. 670a) is amended by adding at the end the following new subsection:

"(f) REVIEWS AND REPORTS.—

"(1) SECRETARY OF DEFENSE.—The Secretary of Defense shall, by not later than March 1 of each year, review the extent to which integrated natural resource management plans were prepared or in effect and implemented in accordance with this Act in the preceding year, and submit a report on the findings of that review to the committees. Each report shall include—

"(A) the number of integrated natural resource management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;

"(B) the amount of moneys expended on conservation activities conducted pursuant to those plans in the year covered by the report; and

"(C) an assessment of the extent to which the plans comply with the requirements of this Act.

"(2) SECRETARY OF THE INTERIOR.—The Secretary of the Interior, by not later than March 1 of each year and in consultation with State agencies responsible for conservation or management of fish or wildlife, shall submit a report to the committees on the amount of moneys expended by the Department of the Interior and those State agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resource management plans.

"(3) COMMITTEES DEFINED.—For purposes of this subsection, the term 'committees' means the Committee on Resources and the Committee on National Security of the House of Representatives and the Committee on Armed Services and the Committee on Environment and Public Works of the Senate.".

SEC. 2907. TRANSFER OF WILDLIFE CONSERVATION FEES FROM CLOSED MILITARY INSTALLATIONS.

Subsection (b)(3)(B) of section 101(b) of the Sikes Act (16 U.S.C. 670a(b)), as redesignated and amended by section 2904, is further amended by inserting before the period at the end the following: ", unless that military installation is subsequently closed, in which case the fees may be transferred to another military installation to be used for the same purposes".

SEC. 2908. FEDERAL ENFORCEMENT.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended—

(1) by redesignating section 106, as amended by section 2904(b), as section 109; and

(2) by inserting after section 105 the following new section:

"SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.

"All Federal laws relating to the conservation of natural resources on Federal lands may be enforced by the Secretary of Defense with respect to violations of those laws that occur on military installations within the United States.".

SEC. 2909. NATURAL RESOURCE MANAGEMENT SERVICES.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting after section 106 (as added by section 2908) the following new section:

"SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.

"The Secretary of each military department shall ensure, within available resources, that sufficient numbers of professionally trained natural resource management personnel and natural resource law enforcement personnel are available and assigned responsibility to perform tasks necessary to comply with this Act, including the preparation and implementation of integrated natural resource management plans.".

SEC. 2910. DEFINITIONS.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting after section 107 (as added by section 2909) the following new section:

"SEC. 108. DEFINITIONS.

"In this title:

"(1) MILITARY INSTALLATION.—(A) The term 'military installation' means any land or interest in land owned by the United States and administered by the Secretary of Defense or the Secretary of a military department (except civil works lands). The term includes all public lands withdrawn from all forms of appropriation under public land laws and reserved for use by the Secretary of Defense or the Secretary of a military department.

"(B) The term does not include any lands otherwise covered by subparagraph (A) that are subject to an approved recommendation for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(2) STATE FISH AND WILDLIFE AGENCY.—The term 'State fish and wildlife agency' means an agency or agencies of State government that is responsible under State law for managing fish or wildlife resources.

"(3) UNITED STATES.—The term 'United States' means the States, the District of Columbia, and the territories and possessions of the United States.".

SEC. 2911. COOPERATIVE AGREEMENTS.

Section 103a of the Sikes Act (16 U.S.C. 670c–1) is amended—

(1) in subsection (a) by striking out "Secretary of Defense" and inserting "Secretary of a military department";

(2) by striking out subsection (b) and inserting in lieu thereof the following new subsection:

"(b) Funds appropriated to the Department of Defense for a fiscal year may be obligated to cover the cost of goods and services provided either under a cooperative agreement entered into under subsection (a) or through an agency agreement under section 1535 of title 31, United States Code, during any 18-month period beginning in that fiscal year, without regard to whether the agreement crosses fiscal years.".

SEC. 2912. REPEAL OF SUPERSEDED PROVISION.

Section 2 of the Act of October 27, 1986 (Public Law 99-651; 16 U.S.C. 670a-1), is repealed.

SEC. 2913. CLERICAL AMENDMENTS.

Title I of the Sikes Act, as amended by this title, is amended—

(1) in the heading for the title by striking out "MILITARY RESERVATIONS" and inserting in lieu thereof "MILITARY INSTALLATIONS";

(2) in section 101(b)(3) (16 U.S.C. 670a(b)(3)), as redesignated and amended by section 2904—

(A) in subparagraph (A), by striking out "the reservation" and inserting in lieu thereof "the installation"; and

(B) in subparagraph (B), by striking out "the military reservation" and inserting in lieu thereof "the military installation";

(4) in section 101(c) (16 U.S.C. 670a(c))—

(A) in paragraph (1), by striking out "a military reservation" and inserting in lieu thereof "a military installation"; and

(B) in paragraph (2), by striking out "the reservation" and inserting in lieu thereof "the installation";

(5) in section 102 (16 U.S.C. 670b), by striking out "military reservations" and inserting in lieu thereof "military installations"; and

(6) in section 103 (16 U.S.C. 670c)—

(A) by striking out "military reservations" and inserting in lieu thereof "military installations"; and

(B) by striking out "such reservations" and inserting in lieu thereof "such installations".

SEC. 2914. AUTHORIZATIONS OF APPROPRIATIONS.

(a) PROGRAMS ON MILITARY INSTALLATIONS.—Subsections (b) and (c) of section 109 of the Sikes Act (as redesignated by section 1408) are each amended by striking out "1983" and all that follows through "1993," and inserting in lieu thereof "1983 through 2000,".

(b) PROGRAMS ON PUBLIC LANDS.—Section 209 of the Sikes Act (16 U.S.C. 670o) is amended—

(1) in subsection (a), by striking out "the sum of $10,000,000" and all that follows through "to enable the Secretary of the Interior" and inserting in lieu thereof "$4,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of the Interior"; and

(2) in subsection (b), by striking out "the sum of $12,000,000" and all that follows through "to enable the Secretary of Agriculture" and inserting in lieu thereof "$5,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of Agriculture".

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. SAXTON OF NEW JERSEY

(Amdt #29 in Part 2 of House Report 105-137)

Strike out section 2839 (page 434, line 9, through page 435, line 3) and insert in lieu thereof the following new section:

SEC. 2839. LAND CONVEYANCES, FORT DIX, NEW JERSEY.

(a) CONVEYANCES AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to the Borough of Wrightstown, New Jersey (in this section referred to as the "Borough"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 39.69 acres located at Fort Dix, New Jersey, for the purpose of permitting the Borough to develop the parcel for economic purposes.

(2) The Secretary may convey, without consideration, to the New Hanover Board of Education (in this section referred to as the "Board"), all right, title, and interest of the United States in and to an additional parcel of real property (including improvements thereon) at Fort Dix consisting of approximately five acres for the purpose of permitting the Board to develop the parcel for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the survey in connection with the conveyance under subsection (a)(1) shall be borne by the Borough, and the cost of the survey in connection with the conveyance under subsection (a)(2) shall be borne by the Board.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. SISISKY OF VIRGINIA

(Amdt #30 in Part 2 of House Report 105-137)

At the end of title VII (page 288, after line 21), insert the following new section:

SEC. 747. COMPTROLLER GENERAL STUDY OF REQUIREMENT FOR MILITARY MEDICAL FACILITIES IN NATIONAL CAPITAL REGION.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to evaluate the requirement for Army, Navy, and Air Force medical facilities in the National Capital Region (as defined in section 2674(f)(2) of title 10, United States Code). The study shall—

(1) specifically address requirements with respect to geography, facilities, integrated residencies, and medical environments; and

(2) provide specific recommendations with respect to how medical and health care provided by these facilities may be better coordinated to more efficiently serve, throughout the National Capital Region, members of the Armed Forces on active duty and covered beneficiaries under chapter 55 of title 10, United States Code.

(b) SUBMISSION OF REPORT.—Not later than six months after the date of the enactment of this Act, the Comptroller General shall submit to Congress and the Secretary of Defense a report containing the results of the study required by subsection (a).

MODIFICATION TO THE AMENDMENT OFFERED BY MR. SKELTON OF MISSOURI

(Amdt #31 in Part 2 of House Report 105-137)

The amendment as modified is as follows:

At the end of subtitle D of title X (page 327, after line 6), insert the following new section:

SEC. 1043. REPORT ON ANTI-TERRORISM ACTIVITIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report, in classified and unclassified form, describing—

(1) the programs designed to carry out anti-terrorism activities of the Department of Defense;

(2) any deficiencies in those programs; and

(3) any actions taken by the Secretary to improve implementation of such programs.

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. SKELTON OF MISSOURI

(Amdt #32 in Part 2 of House Report 105-137)

At the end of title V (page 204, after line 16), insert the following new section:

SEC. 572. COMMUNITY COLLEGE OF THE AIR FORCE.

(a) LIMITED EXPANSION.—Paragraph (1) of subsection (a) of section 9315 of title 10, United States Code, is amended to read as follows:

"(1) prescribe programs of higher education for enlisted members described in subsection (d) designed to improve the technical, managerial, and related skills of those members and to prepare them for military jobs which require the use of those skills; and ".

(b) ELIGIBLE MEMBERS.—Such section is further amended by adding at the end the following new subsection:

"(d) Subsection (a)(1) applies to the following members:

"(1) Enlisted members of the Air Force.

"(2) Enlisted members of other armed forces attending Air Force training schools whose jobs are closely related to Air Force jobs.

"(3) Enlisted members of other armed forces who are serving as instructors at Air Force training schools.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to enrollments in the Community College of the Air Force after March 31, 1996.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. SKELTON OF MISSOURI

(Amdt #33 in Part 2 of House Report 105-137)

The amendment as modified is as follows:

At the end of title X (page 360, after line 8), insert the following new section:

SEC. 1060. OVERSIGHT OF COUNTER-TERRORISM AND ANTI-TERRORISM PROGRAMS AND ACTIVITIES OF THE UNITED STATES.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(1) establish a Government-wide reporting system with respect to the budget and expenditure of funds by executive departments and agencies for the purpose of carrying out counter-terrorism and anti-terrorism programs and activities; and

(2) collect information on—

(A) the budget and expenditure of funds by executive departments and agencies during fiscal years 1995 through 1997 for purposes of carrying out counter-terrorism and anti-terrorism programs and activities; and

(B) the specific programs and activities for which such funds were expended.

(b) REPORT REQUIREMENT.—Not later than March 1st of each year, the Director of the Office of Management and Budget shall submit to the President and to Congress a report, in classified and unclassified form, describing, for each executive department and agency and for the executive branch as whole—

(1) the amounts proposed to be expended directly for counter-terrorism and anti-terrorism programs and activities for the fiscal year beginning in the calendar year in which the report is submitted;

(2) the amounts proposed to be expended directly for counter-terrorism and anti-terrorism programs and activities for the fiscal year in which the report is submitted and the amounts that have already been expended for such programs and activities for that fiscal year;

(3) the amounts proposed to be expended directly and the amounts actually expended directly for counter-terrorism and anti-terrorism programs and activities for the three fiscal years preceding the fiscal year in which the report is submitted; and

(4) the specific counter-terrorism and anti-terrorism programs and activities being implemented, any priorities with respect to such programs and activities, and whether there has been any duplication of efforts in implementing such programs and activities.

AMENDMENT TO H.R. 1119

OFFERED BY MR. SPRATT OF SOUTH CAROLINA

(Amdt #36 in Part 2 of House Report 105–137)

At the end of title VIII (page 303, after line 2), insert the following new section:

SEC. 8___. EXPANSION OF PERSONNEL ELIGIBLE TO PARTICIPATE IN DEMONSTRATION PROJECT RELATING TO ACQUISITION WORKFORCE.

(a) AMENDMENT TO PURPOSE OF PROJECT.—Section 4308(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 1701 note) is amended by adding before the period at the end the following: "and supporting personnel assigned to work directly with the acquisition workforce".

(b) AMENDMENT TO ELIGIBLE WORKFORCE.—Section 4308(b)(3)(A) of such Act is amended by inserting before the semicolon the following: "or involves a team of personnel more than half of which consists of members of the acquisition workforce and the remainder of which consists of supporting personnel assigned to work directly with the acquisition workforce".

(c) COMMENCEMENT OF PROJECT.—Section 4308(b)(3)(C) of such Act, as redesignated by subsection (b)(2), is amended by striking out "this Act" and inserting in lieu thereof "the National Defense Authorization Act for Fiscal Year 1998".

(d) LIMITATION ON NUMBER OF PARTICIPANTS.—Section 4308 of such Act is amended by adding at the end the following:

"(d) LIMITATION ON NUMBER OF PARTICIPANTS.—The total number of persons who may participate in the demonstration project under this section may not exceed the number that is equal to the total number of persons who are members of the acquisition workforce.".

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. THUNE OF SOUTH DAKOTA

(Amdt #37 Part 2 of House Report 105–137)

At the end of part III of subtitle D of title XXVIII (page 439, after line 6) add the following new section:

SEC. 2864. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Air Force may convey, without consideration, to the Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in subsection (b).

(b) COVERED PROPERTY.—(1) Subject to paragraph (2), the real property referred to in subsection (a) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 53.32 acres and comprising the Skyway Military Family Housing Area.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 137.56 acres and comprising the Renal Heights Military Family Housing Area.

(C) A parcel of real property, together with any improvements thereon, consisting of approximately 14.92 acres and comprising the East Nike Military Family Housing Area.

(D) A parcel of real property, together with any improvements thereon, consisting of approximately 14.69 acres and comprising the South Nike Military Family Housing Area.

(E) A parcel of real property, together with any improvements thereon, consisting of approximately 14.85 acres and comprising the West Nike Military Family Housing Area.

(2) The real property referred to in subsection (a) does not include the portion of real property referred to in paragraph (1)(B) that the Secretary determines to be required for the construction of an access road between the main gate of Ellsworth Air Force Base and an interchange on Interstate Route 90 located in the vicinity of mile marker 67 in South Dakota.

(c) CONDITIONS OF CONVEYANCE.—The conveyance of the real property referred to in subsection (b) shall be subject to the following conditions:

(1) That the Corporation, and any person or entity to which the Corporation transfers the property, comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(2) That the Corporation convey a portion of the real property referred to in paragraph (1)(A) of that subsection, together with any improvements thereon, consisting of approximately 20 acres to the Douglas School District, South Dakota, for use for education purposes.

(d) REVERSIONARY INTEREST.—If the Secretary determines that any portion of the real property conveyed under subsection (a) is not being utilized in accordance with the applicable provision of subsection (c), all right, title, and interest in and to that portion of the real property shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) LEGAL DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. TRAFICANT OF OHIO

(Amdt #38 in Part 2 of House Report 105–137)

At the end of subtitle A of title VIII (page 299, after line 16) add the following new section:

SEC. 810. AUDIT OF PROCUREMENT OF GOODS BY MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) AUDIT REQUIREMENT.—Not later than September 30, 1998, the Inspector General of the Department of Defense shall perform a random audit of the procurement of goods by military installations during fiscal years 1996 and 1997 to determine the extent to which such installations procured goods made in a country other than the United States during those fiscal years.

(b) DEFINITION.—For purposes of this section, the term "random audit of the procurement of goods by military installations"—

(1) means an audit of the procurement of goods (not including goods obtained from the Defense Logistics Agency) by not less than four and not more than twelve military installations in the United States;

(2) shall include an audit of the procurement of goods by a military installation of each of the Army, Navy, Air Force, and Marine Corps.

(c) REPORT.—Not later than October 31, 1998, the Inspector General of the Department of Defense shall submit to Congress a report on the results of the audit performed under subsection (a).

MODIFICATION TO THE AMENDMENT OFFERED BY MR. TRAFICANT OF OHIO

(Amdt #39 in Part 2 of House Report 105–137)

The amendment as modified is as follows:

At the end of title VIII (page 303, after line 2), insert the following new section:

SEC. ___. TIME FOR SUBMISSION OF ANNUAL REPORT RELATING TO BUY AMERICAN ACT.

Section 827 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 41 U.S.C. 10b–3) is amended by striking out "120 days" and inserting in lieu thereof "60 days".

AMENDMENT TO H.R. 1119, AS REPORTED

OFFERED BY MR. WAMP OF TENNESSEE

(Amdt #40 in Part 2 of House Report 105–137)

At the end of subtitle E of title X (page 360, after line 8), insert the following new section:

SEC. 1060. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

(a) EXPANSION OF PURPOSES OF INITIATIVE.—Section 193(b) of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended by adding at the end the following new paragraph:

"(10) To allow for the use of ammunition manufacturing facilities by other entities for the purpose of modernization, development, and restoration of the facilities.".

(b) AUTHORITY TO ENTER INTO AGREEMENTS.—Section 194(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(3) to enter into agreements (which may include contracts, leases, or other arrangements for a period of not more than 99 years) with other entities with respect to the ammunition manufacturing facility, or a part of such facility.".

(c) REPORTING REQUIREMENT.—Not later than January 1, 1998, the Secretary of the Army shall submit to Congress a report on progress with respect to the implementation of the amendments made to the Armament Retooling and Manufacturing Support Act of 1992 by this section.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. WELDON OF PENNSYLVANIA

(Amdt in order under sec. 8(d) of H. Res. 169)

The amendment as modified is as follows:

At the end of title XII (page 379, after line 19), insert the following new section:

SEC. ___. SENSE OF CONGRESS ON NEED FOR RUSSIAN OPENNESS ON THE YAMANTAU MOUNTAIN PROJECT.

(a) FINDINGS.—Congress finds as follows:

(1) The United States and Russia have been working in the post-Cold War era to establish a new strategic relationship based on cooperation and openness between the two nations.

(2) This effort to establish a new strategic relationship has resulted in the conclusion or agreement in principle on a number of far-reaching agreements, including START I, II, and III, a revision in the Conventional

Forces in Europe Treaty, and a series of other agreements (such as the Comprehensive Test Ban Treaty and the Chemical Weapons Convention), designed to further reduce bilateral threats and limit the proliferation of weapons of mass destruction.

(3) These far-reaching agreements were based on the understanding between the United States and Russia that there would be a good faith effort on both sides to comply with the letter and spirit of the agreements, that both sides would end their Cold War competition, and that neither side would seek to gain or maintain unilateral strategic advantage over the other.

(4) Reports indicate that Russia has been pursuing construction of a massive underground facility of unknown purpose at Yamantau Mountain and the city of Mezhgorye (formerly the settlements of Beloretsk-15 and Beloretsk-16) that is designed to survive a nuclear war and appears to exceed reasonable defense requirements.

(5) The Yamantau Mountain project does not appear to be consistent with the lowering of strategic threats, openness, and cooperation that is the basis of the post-Cold War strategic partnership between the United States and Russia.

(6) Russia appears to have engaged in a campaign to deliberately conceal and mislead the United States about the purpose of the Yamantau Mountain project, as shown by the following:

(A) General and Bashkortostan, People's Deputy Leonid Akimovich Tsirkunov, commandant of Beloretsk-15 and Beloretsk-16, stated in 1991 and 1992 that the purpose of the construction there was to build a mining and ore-processing complex, but later claimed that it was an underground warehouse for food and clothing.

(B) M.Z. Shakiorov, a former communist official in the region, alleged in 1992 that the Yamantau Mountain facility was to become a shelter for the Russian national leadership in case of nuclear war.

(C) Sources of the Segodnya newspaper in 1996 claimed that the Yamantau Mountain project was associated with the so-called "Dead Hand" nuclear retaliatory command and control system for strategic missiles.

(D) Then Commander-in-Chief of the Strategic Rocket Forces General Igor Sergeyev denied that the facility was associated with nuclear forces.

(E) R. Zhukov, a Deputy in the State Assembly, in 1996 claimed that the Yamantau Mountain facility belonged to "atomic scientists" and posed a serious environmental hazard.

(F) Russia's 1997 federal budget lists the project as a closed territory containing installations of the Ministry of Defense, while First Deputy Defense Minister Andrey Kokoshin recently stated that the Ministry of Defense has nothing to do with the project.

(7) Continued cooperation and progress on forging a new strategic relationship between the United States and Russia requires that both nations make transparent to one another major projects underway or plans under consideration that could alter the strategic balance sought in arms control agreements or otherwise be construed by the other side as an important new potential threat.

(8) The United States has allowed senior Russian military and government officials to have access to key strategic facilities of the United States by providing tours of the North American Air Defense (NORAD) command at Cheyenne Mountain and the United States Strategic Command (STRACOM) headquarters in Omaha, Nebraska, among other sites, and by providing extensive briefings on the operations of those facilities.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that—

(1) the Russian government should provide to the United States a written explanation on the principal and secondary purposes of the Yamantau Mountain project, specifically identifying the intended end user and explaining the heavy investment in that project;

(2) the Russian government should allow a United States delegation, including officials of the executive branch, Members of Congress, and United States experts on underground facilities, to have access to the Yamantau Mountain project to inspect the facility and all rail-served buildings in the southern and northern settlements located near Yamantau; and

(3) the Russian government should direct senior officials responsible for the Yamantau Mountain project to explain to such a United States delegation the purpose and operational concept of all completed and planned underground facilities at Yamantau Mountain in sufficient detail (including through the use of drawings and diagrams) to support a high-confidence judgment by the United States delegation that the design is consistent with the official explanations.

Mr. SPENCE (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] each will control 10 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH] for the purpose of a colloquy.

Mrs. CHENOWETH. Mr. Chairman, I rise to engage the chairman of the Committee on National Security in a colloquy. Our soldiers need dependable, high resolution flat panel technology in order to display the rapidly growing quantity of battlefield information. These displays are an essential interface between man and machine to permit rapid, efficient transfer of information. Without adequate displays, the objective of digitization will never be achieved.

Mr. SPENCE. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, the gentlewoman is correct.

Mrs. CHENOWETH. Mr. Chairman, H.R. 1119 provides funding to continue the development of field emission, full color, high resolution flat panel display technology for military applications. It also provides funding to the Army for integration of that technology into the Abrams tank and other Army ground combat vehicles. The Armed Services recognize that this technology holds the promise of providing significantly improved displays that are less expensive than current military models. As the committee report noted, "Field emission flat panel display technology is of increasing importance as the Army incorporates digitization technology into its fleet of vehicles. The committee strongly supports development of this technology.

I firmly believe that it is critical for us to provide funding for this technology that will allow development to be completed and will permit testing of these displays for the Abrams tank in fiscal year 1999. I would urge the distinguished gentleman from South Carolina [Mr. SPENCE] to help ensure that this program is appropriately funded during the conference process.

Mr. SPENCE. Mr. Chairman, I thank the gentlewoman from Idaho [Mrs. CHENOWETH] for her observations and agree that this technology is of great importance to the success of defense modernization. I will continue to work to ensure that the appropriate level of funding is provided for these efforts.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I at this time wish to discuss very briefly amendments 32, 32 and 33. The first: In an effort to collect, evaluate, and assess the efforts of the U.S. Government to combat international terrorism, the amendment requires the director of the Office of Management and Budget to submit to Congress an appropriate report regarding the programs and funding levels throughout the Federal system. The full report, due no later than 120 days from the date of enactment, should assess the amount of duplication or gaps in the overall effort. The amendment would also establish an annual reporting requirement.

Regarding the second amendment, it is aimed at ensuring the safety and security of our personnel. It directs the Secretary of Defense to report to Congress about achievements and findings to date regarding our effort to protect our forces abroad and our anti-terrorism initiatives therefor.

My third amendment deals with the authority of granting degrees to individuals participating in the programs of the community college of the Air Force. With this language, all participants can receive an associate degree.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I simply want to rise to commend the full committee chairman

and the ranking member for this en bloc amendment. There are a number of very significant and important items that are covered. I would like to comment on a number of them, but we do not have the time. But I would like to single out one that was accepted through a bipartisan agreement on the floor, and that deals with a project in the Ural Mountains in Russia.

Mr. Chairman, as most of my colleagues know, I take great effort at working with the Russian Government and, in fact, under some serious pressure, voted against two recent amendments, one which was just voted on, that I felt went too far with Russia; and proactively, my goal is to foster a better relationship with the Russian Government and the Russian military and the Russian people.

However, Mr. Chairman, it has come to my attention over the past 5 years that a major project is underway in the Ural Mountains that we need to have more transparency on. This project is one that has been very secretive. There have been hundreds of millions, if not billions, of dollars spent mining out a huge operation in Yamantau Mountain, formerly known as Beleretz 15 and 16.

As recently as a month ago, I was in Moscow and met with the Minister of Natural Resources, Orlov; the Minister of Atomic Energy, Mikhaylov; the Deputy Defense Minister, Mikoshin; and number two Chief of the General Staff, General Melov. And I expressed to them our concern about what is happening in this project.

They all encouraged me to proceed to President Yeltsin to get more transparency on this initiative. I have since written to him and asked for him to allow a bipartisan delegation to visit this site to better understand what Russia is, in fact, accomplishing.

One of the amendments in this en bloc series which I introduced, in fact, calls for Russia to be more transparent. As a sense of the House resolution, it says that we need to understand more clearly what Russia is doing in Yamantau Mountain to make sure it is not a destabilizing project and one that will not upset the balance of our relationship.

So I thank both the chairman and ranking member for accepting this amendment and the spirit that I bring to the floor of one of cooperation with Russia. I hope that Russia will respond positively and allow our people and our leaders to better understand what their ultimate objectives are at Yamantau Mountain.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Chairman, I certainly want to commend the gentleman from South Carolina [Mr. SPENCE], the chairman of the Committee on National Security, and my good friend, the gentleman from California [Mr. DELLUMS], the ranking Democrat, for their support and endorsement of this Amendment No. 9.

I also want to thank my good friend, the chairman of the Subcommittee on Military Personnel of the Committee on National Security, the gentleman from Indiana [Mr. BUYER], and the ranking Democrat of that subcommittee, the gentleman from Mississippi [Mr. TAYLOR] for their endorsement and bipartisan support of this amendment.

Mr. Chairman, American Samoa over the years has established a very active Junior Officer Reserve Training Corps program among our high schools. Many thousands of high school students have had the opportunity to experience a facet of military training early enough in their lives to enable them to make informed decisions on whether to pursue the armed services as a career. Thousands of American Samoans have gone through the junior ROTC program in Samoa, and some of these have gone on to a senior ROTC program in the United States and then on to become excellent military officers.

Mr. Chairman, most of my colleagues know that the U.S. territories have consistently had very high rates of enlistment in our Armed Forces. I know of at least 10 Samoans who should achieve the rank of E–9, command sergeant majors, the highest enlisted rank in all of our armed services. I am also very aware of a couple recipients of the Silver Star for valor and bravery in the Korean and Vietnam conflicts.

Mr. Chairman, my amendment is very simple. It directs the Secretary of Defense to study again the issue of making U.S. nationals. We have the distinction of being the only people under the American flag that are classified as U.S. nationals. It means that we owe permanent allegiance to the United States but we are neither citizens nor aliens.

Congress has not yet established a law to allow us to become U.S. citizens. I do not know when, if ever, that is going to happen, Mr. Chairman. But at this point, this time, this amendment just simply allows the Secretary of Defense to study the issue again, making U.S. nationals eligible for the senior ROTC program, and then issuing a report and recommendation to the Congress. I thank both the chairman and the senior ranking member for allowing me to speak on this issue.

Mr. Chairman, as most of my colleagues know, the U.S. territories have consistently had very high rates of enlistment in our armed forces, and many of these service members have served with distinction over a period of decades including in all of our major conflicts since World War I.

I know of at least ten Samoans from American Samoa who have achieved the rank of E–9, the highest enlisted rank in either the Army, Navy, Air Force, or Marine Corps. I am also aware of a couple of recipients of the Silver Star for valor and bravery in the Korean and Vietnam conflicts.

Mr. Chairman, among those who have served with distinction from the Island of Guam is retired Gen. Ben Blaz, who received his commission in the U.S. Army upon graduation from the ROTC program at Notre Dame, and rose to the rank of Brigadier General. General Blaz also served as Guam's delegate to this House from 1985–1992.

Mr. Chairman, until 1996 the residents of all the insular areas were eligible to participate in the Senior ROTC program, but in that year a judge advocate in the U.S. Army issued an opinion that resulted in U.S. nationals no longer being considered as eligible for scholarships in the program. This determination is based on statutes which appear to limit eligibility to U.S. citizens. Persons born in American Samoa whose parents are not U.S. citizens are given U.S. national status by our government, and American Samoans are the only persons given this status. Persons born in all the other U.S. insular areas are U.S. citizens. I believe that the status of U.S. nationals was not considered when the laws governing the ROTC program were drafted.

This amendment would direct the Secretary of Defense to study the issue of again making U.S. nationals eligible for the Senior ROTC program and then issue a report, with recommendations to Congress within 180 days.

Mr. Chairman, this is a compromise from my original amendment which would have changed the law to make it clear that U.S. nationals are eligible to participate in the Senior ROTC program.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the chairman for yielding. It is with gratitude to the chairman and to the ranking member for inclusion of my specific amendment in the en bloc amendments that I rise on this occasion.

Fort Indiantown Gap, in Pennsylvania, has an ongoing academic complex program whereby about 4,000 soldiers are trained and educated every year in every aspect of our military defense. There is an authorization that ends on September 30 for completion of the barracks complex to house these individuals who receive this special training.

What my amendment does, and which the chairman and the ranking member have graciously accepted, would extend the authorization to permit the completion of the barracks complex, thus ensuring that the trainees will have the adequate billeting space and quality to pursue the studies.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. STRICKLAND], my distinguished colleague.

Mr. STRICKLAND. Mr. Chairman, I rise to engage the chairman of the Committee on National Security in a colloquy.

Mr. Chairman, our military vehicles need dependable, high-powered economical engines to support the increasing requirements for mobility on the modern digitized battlefield.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STRICKLAND. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, as the chairman of the Subcommittee on Research and Development of the Committee on National Security, I agree with the gentleman.

Mr. STRICKLAND. H.R. 1119 provides funding to support a unified effort by academic, commercial, and governmental entities administered by the National Automobile Center to develop and assess promising alternative vehicle propulsion technologies that provide innovative improvement for military applications.

The Army has recognized that Giesel technology holds the promise of significantly improved propulsion. I firmly believe it is critical for us to provide funding for this technology that will allow development to be completed and will permit testing of these engines.

I would urge that an appropriate portion of these funds be used for further development of the Giesel.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STRICKLAND. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. I thank the gentleman from Ohio [Mr. STRICKLAND] for his observations and for his leadership and agree that improved engines are of great importance to the success of defense modernization. And I promise that I will continue to work to ensure that appropriate level of funding is provided for such efforts in the future.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I thank the chairman of the Committee on National Security, Mr. SPENCE, and also the gentleman from California, Mr. DELLUMS, for their leadership in bringing this important defense authorization bill to the floor.

I also would like to say a few words on behalf of my amendments that I have included in the manager's en bloc amendments. My first amendment would call for the POW/MIA flag to be flown in all Departments of Veterans Affairs medical centers. This flag, as my colleagues know, serves as a reminder. We have yet to receive a full accounting of our all of our Nation's prisoner-of-war and missing-in-action soldiers. There are currently 2,123 Americans still unaccounted for from the Vietnam War. The flag also represents our commitment to obtaining that full accounting of the whereabouts of our missing soldiers.

□ 2315

I believe that we owe it not only to them but to our veterans who did return home safely, to reaffirm that commitment. The POW/MIA flag already flies above the VA Medical Center in Coatesville, PA. I believe that it has a positive impact on the veterans who are treated there. I am proud to fly the flag outside my own office here on Capitol Hill.

The second amendment, Mr. Chairman, would extend veterans preference points to reservists who served on active duty during Operation Desert Storm. There are many fine men and women who were a large part of the success of the overall operation that did not receive veterans preference points because they were not in the theater of operation through no fault of their own. To exclude them from the benefits of service is an injustice, and this amendment will address that in a positive way. There is precedence, I would remind my colleagues, for this extension from the Vietnam era.

In the 102d Congress, this measure was introduced by Representative Tim Penny, and we are proud to move forward on this legislation to make sure that it becomes accomplished.

I want to thank the gentleman from Florida [Mr. MICA] and the gentleman from Indiana [Mr. BUYER] for their assistance with this particular amendment. I believe it is in the best interests of our veterans.

I want to again thank the gentleman from South Carolina [Mr. SPENCE], the chairman, and the gentleman from California [Mr. DELLUMS] for all their work for our House and for this defense authorization bill which is definitely in the public interest and in the interest of defense in our country.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRADY], a new Member of this body.

Mr. BRADY. Mr. Chairman, should America further weaken its national defense strategy by deploying our military to guard rain forests and endangered species in foreign countries as the State Department recently proposed? The answer is clearly no. At a time when our defense forces are being reduced, when we lack the resources to protect our service men and women from terrorist attacks abroad, as our military bases close while those remaining face shortages in everything from base housing to training ammunition, at a time when our armed forces are called upon to keep peace throughout the world and to help fight the war on international drug trafficking, we cannot afford to divert our precious military resources for frivolous environmental crusades in foreign countries.

The environment is important, but the unique mission of America's armed forces, first and foremost, must always be military readiness dedicated to protect the freedom and security of our Nation. The amendment by the gentleman from California [Mr. POMBO] and myself included in the amendments en bloc preserves that priority. I thank the chairman and the ranking member for its inclusion and I urge its passage.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding and for including my amendment as part of his en bloc amendment.

Mr. Chairman, my amendment closes an unintended loophole in the Oil Pollution Act of 1990 big enough to sail an oil tanker through. After the *Valdez* oil spill, Congress passed comprehensive oil spill legislation requiring that single-hull tankers, based on their age and tonnage, be phased out of operation in U.S. waters. That law required the construction of new environmentally safe double-hulled tankers. Since enactment of the double-hull requirement, some ship owners and operators have searched for ways to get around this existing requirement.

One method being used to extend the life of a single-hull tanker is to adjust the vessel's gross tonnage allowing it to fall under a lower size category and be able to operate past its scheduled phase-out date. For example, some vessel owners have had their vessels remeasured to exclude certain spaces originally included in the vessels existing measurement—such as water ballast tanks, certain machinery spaces, and spacing between frames of the hull. Once a vessel is measured by a classification society, that measurement is submitted to the Department of Transportation for a new tonnage certificate.

My amendment requires that an existing tank vessel's gross tonnage is that listed on its tonnage certificate as of July 1, 1997, for purposes of the double-hull phase-out date. This amendment would uphold the integrity of the double-hull law, protect our environment, and ensure that those owners who have complied with the law by building doubled-hulled tankers are not placed at a competitive disadvantage.

I urge my colleagues to support this amendment.

Ms. McCARTHY of Missouri. Mr. Chairman, I rise today in support of the amendment to the Defense Authorization bill which I am offering with Mr. HASTINGS, Mr. CRAPO, Mr. SKAGGS, and Mr. HALL, and which was included in the set of en bloc amendments from National Security Committee Chairman SPENCE. The Hastings amendment will reinstate the funds which were cut for the operation of the Department of Energy's Office for Worker and Community Transition. This amendment will restore much of the funding requested by the President, while requiring the Department of Defense to employ a private contractor to examine the impact of the program and to suggest changes which will make the program more efficient. The funding from the program will come from excess administrative funds which the Secretary will set aside for this use instead of being taken from military procurement.

This essential program provides workers who have been displaced by military downsizing with the training that they will need

to make the transition to the private sector. In Kansas City, Allied Signal has downsized early 3,000 positions in the span of the last few years and later this year will be required to lay off up to 700 additional workers. Those who will lose their jobs are more than just statistics, they are men and women with families who have dutifully served our Nation.

The men and women who work at the Kansas City plant in my district ensure that the United States utilizes the most advanced technology on the planet. They are a highly skilled, award-winning, quality workforce. The quality assurance program consistently ranks the Kansas City plant at the top of the Department of Energy's operation. Years of training and investment have helped produce the quality and experience that exists there, and it would be wasteful to ignore the valuable contributions that this special workforce could make. In these ever-changing economic times, we must recognize the opportunities to direct our human resources through a smooth transition to the most productive and appropriate use. Not only am I confident that their skills could be used elsewhere within the Department, but feel certain that, with the proper assistance, they will be a productive part of the private sector economy in my District, and to the Nation as well.

Mr. Speaker, I urge my colleagues to support this important amendment. We must carefully prioritize our funding decisions and guard against sacrificing these individuals in our quest to achieve a budget target.

Mr. CRAPO. Mr. Chairman, today, I rise in support of Worker and Community Transition Program language contained in the en bloc amendment. The amendment would change the language pertaining to the Worker and Community Transition program in the National Defense Authorization Act for fiscal year 1998. The amendment restores $44 million to this program, keeping a commitment to help the workers and communities who sacrificed to produce our nuclear arsenal during the cold war.

Mr. Chairman, the Worker and Community Transition Program, commonly called 3161, provides former Department of Energy nuclear weapons production workers preference for new Department of Energy cleanup jobs. It is important to recognize the contribution that these workers have made in defeating our enemies during the cold war and provide them with job preference protection during the transition of the Department of Energy mission from bomb-making to nuclear waste cleanup.

Over the last 5 years, the Department of Energy has reduced its prime contractor work force by more than 40,000 employees, from about 150,000 to less than 110,000. These reductions save taxpayers approximately $2.5 billion each year. While this is good, we must not forget the human impact that restructuring is having on real people.

The Worker and Community Transition Program has assisted approximately 15,000 workers directly affected by changes in the nuclear weapons production mission. In addition, the program has been very helpful in assisting communities, including my home town of Idaho Falls, in reducing their economic dependence on Department of Energy work by moving toward a more diversified economic base.

In its current form, the National Defense Authorization Act for fiscal year 1998 would reduce the Worker and Community Transition Program by nearly $50 million from the President's request. The bill would also terminate the program effective September 1999, and would also prohibit the use of worker and community transition funds for local economic impact assistance.

It is upon this last provision that I want to focus the remainder of my remarks. Under the landmark nuclear waste agreement between the State of Idaho and the Department of Energy, $30 million dollars is to be spent for community transition purposes. These funds have in the past come from the worker and community transition program by way of payment from the Department of Energy to the State of Idaho. This money is currently being paid to the State of Idaho in annual installments of $6 million. The Department of Energy is contractually obligated to make these payments. Both the Governor of the State of Idaho and I expect the Department of Energy to continue making these payments—either through the 3161 funds or by other means. If the Department of Energy decides to continue making these payments through 3161, the language contained in H.R. 1119 must be changed to reflect the Worker and Community Transition language contained in this amendment.

Mr. Chairman, since the Department of Energy has not clarified their intent as to which budget area they intend to make these payments through, I ask your support for this amendment which simply provides another avenue by which the Department of Energy can meet its contractual agreements.

Mr. Chairman, I urge my colleagues to support the workers and the communities who helped the United States win the cold war by supporting this amendment.

Mr. EVERETT. Mr. Chairman, I rise in support of the en bloc amendment which includes my amendment relating to the Comanche helicopter program. This should have been included in the report accompanying the bill, but the language did not fit neatly within the parameters of one subcommittee since it involves procurement, R&D, and National Guard issues.

By way of background, the Army's Comanche program has been restructured four times over the past 10 years purely for budgetary considerations. As a result of pushing the program off to the right, the development of the T–800/801 engine has outpaced that of the airframe. This production gap will give the Army a unique opportunity to initiate a number of risk reduction and cost avoidance initiatives. By placing the Comanche engine into Army Guard Huey's (UH–1's), the Army can validate logistics support and operational data of the engine. This effort will also sustain the T–800/801 industrial base until the Comanche comes on line, which is estimated to save $107 million. The second feature of this effort is that it provides the National Guard with the ability to procure a light utility helicopter [LUH] that is far superior to the current Huey's in range, payload, and performance.

My amendment is very straight forward and involves no additional funding; it merely states support of the Army's efforts to minimize costs and technical risks of the very important Comanche program.

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from South Carolina [Mr. SPENCE].

The amendments en bloc were agreed to.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. TAYLOR of North Carolina) having assumed the chair, Mr. YOUNG of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question de novo on the motion to suspend the rules and pass the bill, H.R. 1532, on which further proceedings were postponed earlier today.

The Chair announces that further proceedings on the motion to suspend the rules and agree to House Concurrent Resolution 102 will be postponed until Wednesday, June 25, 1997.

VETERANS' CEMETERY PROTECTION ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1532, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. HYDE] that the House suspend the rules and pass the bill, H.R. 1532, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to direct the United States Sentencing Commission to provide sentencing enhancement for offenses against property at national cemeteries."

A motion to reconsider was laid on the table.

ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES, FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform and Oversight:

To the Congress of the United States:

As provided by the Federal Advisory Committee Act, as amended (Public Law 92–463; 5 U.S.C., App. 2, 6(c)), I am submitting my third *Annual Report on Federal Advisory Committees*, covering fiscal year 1995.

Consistent with my commitment to create a more responsive government, the executive branch continues to implement my policy of maintaining the number of advisory committees within the ceiling of 534 required by Executive Order 12838 of February 10, 1993. As a result, my Administration held the number of discretionary advisory committees (established under general congressional authorizations) to 512, or 36 percent fewer than the 801 committees in existence at the time I took office.

During fiscal year 1995, executive departments and agencies expanded their efforts to coordinate the implementation of Federal programs with State, local, and tribal governments. To facilitate these important efforts, my Administration worked with the Congress to pass the "Unfunded Mandates Reform Act of 1995" (Public Law 104–4), which I signed into law on March 22, 1995. The Act provides for an exclusion from the Federal Advisory Committee Act (FACA) for interactions between Federal officials and their intergovernmental partners while acting in their official capacities. This action will directly support our joint efforts to strengthen accountability for program results at the local level.

Through the advisory committee planning process required by Executive Order 12838, departments and agencies have worked to minimize the number of advisory committees specifically mandated by statute. There were 407 such groups in existence at the end of fiscal year 1995, representing a 7 percent decrease over the 439 at the beginning of my Administration. However, we can do more to assure that the total costs to fund these groups, $46 million, are dedicated to support high-priority public involvement efforts.

My Administration will continue to work with the Congress to assure that all advisory committees that are required by statute are regularly reviewed through the congressional reauthorization process and that remaining groups are instrumental in achieving national interests. The results that can be realized by working together to achieve our mutual objective of a better, more accessible government will increase the public's confidence in the effectiveness of our democratic system.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 23, 1997.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMEMORATING 25TH ANNIVERSARY OF TITLE IX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, I want to take a moment at the outset to thank the gentlewoman from Hawaii [Mrs. MINK] for all the work she has done on title IX. The gentlewoman from Hawaii [Mrs. MINK] was here in 1972, and was involved in title IX from its very beginning. She has made a big difference in the lives of women throughout this country. I respect her both for her leadership and for her determination.

We are here gathered today to commemorate the 25th anniversary of title IX, the landmark civil rights legislation that has opened the doors for young women in our Nation's high schools, colleges and universities.

I was on an athletic scholarship in 1963 to the University of Iowa, on a football scholarship. Back then we did not have one woman who was on an athletic scholarship. They were on the sidelines. Back then young women, because of their gender and despite their talent, were denied access to the game. Women were discouraged from playing catch or mixing it up or from clinching the title. In 1963 that was the reality for women.

Today we are in a new world. Today young girls are turning out in droves to see the Silver Bullets, hungry to watch women play baseball. Seventy-six thousand fans pack a stadium in Athens, GA to watch the U.S. women's Olympic soccer team defeat China for the gold. The daughters of women who were relegated to half-court, 3-dribble basketball just began just this week their inaugural season of the WNBA, a women's professional basketball league.

Everywhere in this country girls are playing sports with an intensity their mothers did not have the opportunity to learn. The lessons they are learning, that growing sense of physical power, is strengthening the rest of their lives.

We are all familiar with the cliches that we want our daughters to grow up so they can be doctors and lawyers and Presidents of the United States, and now basketball players. But that is really what this law and this struggle is all about.

We have spent the last 25 years not only fighting barriers, bringing down walls and opening doors, but also trying to establish a norm. With every freshman class, with every graduation, young women are establishing another layer of accomplishments, another layer of firsts and another layer for younger girls to see, so that by the time their turn comes, they feel not fortunate to be given a chance, but that it is their right to have a chance.

We are reaching a crucial point where young girls are not only being given the resources they need to succeed but also can look to role models, people like the Mia Hamms and Sally Rides and Sheryl Swoopes, and then look inside themselves and wonder if they have those same abilities.

Before title IX in 1972, only 9 percent of the medical degrees went to women, only 1 percent of the dental degrees went to women, only 7 percent of the law degrees. Now women are receiving 38 percent of medical and dental degrees and 43 percent of law degrees.

Title IX has opened doors and allowed our daughters to entertain big dreams. For many girls these dreams are evolving into reality. But while we are getting there, we are not there yet. There is still a wage gap. There are still too many doors closed to young women today.

There are still too many places where title IX is not enforced. Twenty-five schools are now under scrutiny by the Women's National Law Center for being out of compliance. And even though in the last 5 years women's sports participation at the collegiate level has soared to 37 percent, women are still only getting 23 percent of the operating expenditures.

Oftentimes we can get lost in those statistics, but if we think of these not as statistics but as our daughters, and if we think of the wage gap not as a pie chart but as a message of worth, and if we think of the operating expenditures not as numbers on a ledger but as the tools and the support our daughters need to succeed, then we can begin to understand where we are today, why it is not good enough, why we have to move forward.

Today millions of girls play on the soccer fields, are involved in little leagues and compete in gymnastics. They do not know that title IX is the reason that they have these opportunities, but title IX was passed for them. From the field and from their games and from their meets, they will learn lessons about commitment and concentration and energy which they will use throughout their lives. In the next 25 years, may we help our daughters use these lessons to continue laying the foundation for a better tomorrow.

With that, Mr. Speaker, I am just pleased to join my colleagues, the gentlewoman from Hawaii [Mrs. MINK] and the gentlewoman from New Jersey [Mrs. ROUKEMA] in offering today a bipartisan resolution which not only celebrates the 25th anniversary of title IX but also looks to the future with a promise to uphold and enforce this legislation in order to ensure equal opportunity for all Americans.

SUPPORT H.R. 1984 TO LIMIT POWER OF EPA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. KLINK] is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, I rise tonight to beg of my colleagues on both sides of the aisle to join me in an effort, and I have spoken on this during the last several weeks. We have a bill called H.R. 1984. That is the number. I thought it was very unusual that we end up with the No. 1984, because there are those of my colleagues who remember the George Orwell novel about Big Brother peering into our lives. This really is to deal with Big Brother peering into our lives in the form of the Environmental Protection Agency.

All of us agree with the goals, I believe, of the EPA and, that is, that we should have clean water to drink and to use and we should have clean air to breathe, and we have all been working to that end. However, many of us are concerned that at a time when States across this Nation are working to clean the air, when the Clean Air Amendments of 1990 and the Clean Air Act itself are showing themselves to be working, than here comes the EPA, about to change the finish line in the middle of this race. We fear that they are about to propose a tightening of the standards for something called particulate matter. Particulate matter is a fancy word for the soot that comes out of the smokestacks of this Nation or for the dust that blows off of fields in agricultural areas. And also for changing the standards for something called ozone which is nothing more than smog.

□ 2330

Now you see the problem is that industries in this Nation, that locales and States are implementing plans aiming at hitting the targets that have been set since 1987 in some instances, and now at a time when we are about to come into compliance, when many counties across this great Nation are beginning to come into compliance, the EPA is about to take a action we feel that will throw 400 counties out of compliance.

Now what happens if your county, Mr. and Mrs. Congressman, is one of those counties or the counties in your region are those counties well, what happens is first of all that your State that is about to implement a plan to clean up the air says wait a minute, we are going to stop, we are not going to take the action to clean up the air, and as a result we will have dirtier air for a longer period of time. The other result is if you are out of compliance the day these new regulations will take effect it will be harder for the local governing body, whether it is the county commissioners, whether it is a city, a township, a bureau, would not be able to issue building permits to industries that want to expand or new industries that want to locate in your region, and so the dramatic impact, even if they said let U.S. Put these new regulations on the book but we are not going to enforce them today, does not matter because the day those regulations are put on the books industries and local government leaders are going to have to begin to react to them in ways that will cost jobs across this Nation, in ways that will cause local governing bodies to spend more money, industry to spend more money.

And so this bill that I am talking about that I would like to encourage my colleagues to join me on is a bipartisan bill. The gentleman from Michigan [Mr. UPTON] on the Republican side, myself on the Democratic side, along with the gentleman from Virginia [Mr. BOUCHER] have introduced H.R. 1984 that says simply this: Rather than spending billions of dollars and really ending up having dirtier air for a longer period of time and costing a million jobs or more, let U.S. Authorize the expenditure of $75 million a year over the next 5 years, and during that period of time we will ask that we build the new PM monitors that will measure the air across this Nation.

Right now for this particulate matter there are only 50 monitors that exist across the whole country. Let U.S. Build enough monitors that we can get the scientific data and that we can then analyze it.

The reason the EPA is moving in this direction is that they were sued by the American Lung Association that said every 5 years under the act you are supposed to go back and take a look at this. Does not mean you have to change the standards, does not mean you have to tighten the standards, but every 5 years you have to go back and review the standards, and they said, EPA, you have not done this since 1987, and now we are in 1997, so it has been 10 years. And what we are saying is that until you build those new monitors, until you deploy those monitors across this Nation, gather the data, another 5 years will pass.

Why do we want to spend billions of dollars changing the target of clean air in the middle of this race to achieve it? It makes no sense at all.

And so, Mr. Speaker, I would request that our colleagues join me and say for 5 years let U.S. Not implement the new regulations, let U.S. Get good science, let U.S. Study the issue, let U.S. Deploy these monitors, and then after 5 years we will take a look at this issue again and the health and the air of this Nation will be much better for it.

REPORT ON THE ACTIVITIES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE DURING THE 104TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I am pleased to transmit herewith, pursuant to clause 1(d) of rule XI of the Rules of the House of Representatives, a report on the activities of the Permanent Select Committee on Intelligence during the 104th Congress.

REPORT

This report covers the activities of the House Permanent Select Committee on Intelligence during the One Hundred Fourth Congress. Larry Combest (Republican, Texas) served as Chairman; Norman D. Dicks (Democrat, Washington) served as Ranking Democratic Member.

In carrying out its mandate from the House regarding oversight of U.S. intelligence and intelligence-related activities, the Committee created two subcommittees:

SUBCOMMITTEE ON HUMAN INTELLIGENCE, ANALYSIS AND COUNTERINTELLIGENCE

Jerry Lewis (Republican, California), Chairman
C.W. Bill Young (Republican, Florida)
Porter J. Goss (Republican, Florida)
Bud Shuster (Republican, Pennsylvania)
Bill McCollum (Republican, Florida)
Michael N. Castle (Republican, Delaware)
Ronald D. Coleman (Democrat, Texas)
Bill Richardson (Democrat, New Mexico)
Julian C. Dixon (Democrat, California)
David E. Skaggs (Democrat, Colorado)

SUBCOMMITTEE ON TECHNICAL AND TACTICAL INTELLIGENCE

Robert K. Dornan (Republican, California), Chairman
James V. Hansen (Republican, Utah)
Jerry Lewis (Republican, California)
Bud Shuster (Republican, Pennsylvania)
Bill McCollum (Republican, Florida)
Michael N. Castle (Republican, Delaware)
Nancy Pelosi (Democrat, California)
Norman D. Dicks (Democrat, Washington)
Robert G. Torricelli (Democrat, New Jersey)
David E. Skaggs (Democrat, Colorado)

The stated purpose of H. Res. 658 of the 95th Congress, which created the House Permanent Select Committee on Intelligence, was to establish a committee "to oversee and make continuing studies of the intelligence and intelligence-related activities and programs of the United States Government and to submit to the House appropriate proposals for legislation and report to the House concerning such intelligence and intelligence-related activities and programs."

H.Res. 658 also indicated that the Committee "shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and

vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence and intelligence-related activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States."

REPORT

SCOPE OF COMMITTEE REVIEW

U.S. intelligence and intelligence-related activities under the jurisdiction of the Committee include the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP) and the Department of Defense Tactical Intelligence and Related Activities (TIARA).

The National Foreign Intelligence Program consists of activities in the following departments, agencies or other intelligence elements of the government: (1) the Central Intelligence Agency (CIA); (2) the Department of Defense; (3) the Defense Intelligence Agency (DIA); (4) the National Security Agency (NSA); (5) the National Reconnaissance Office (NRO); (6) the Departments of the Army, Navy and Air Force; (7) the Department of State; (8) the Department of Treasury; (9) the Department of Energy; (10) the Federal Bureau of Investigation (FBI); (11) the Drug Enforcement Administration; and (12) the National Imagery and Mapping Agency (NIMA).

The Joint Military Intelligence Program (JMIP) was established in 1995 to provide integrated program management of defense intelligence elements that support defense-wide or theater-level consumers. Included within JMIP are aggregations created for management efficiency and characterized by similarity, either in intelligence discipline (for example, Signals Intelligence, Imagery Intelligence) or function (for example, satellite support or aerial reconnaissance). The programs comprising JMIP also fall within the jurisdiction of the National Security Committee.

The Department of Defense Tactical Intelligence and Related Activities (TIARA) are a diverse array of reconnaissance and target acquisition programs that are a functional part of the basic military force structure and provide direct information support to military operations. TIARA, as defined by the Joint Chiefs of Staff and the Secretary of Defense, include those military intelligence activities outside the defense intelligence program that respond to requirements of military commanders for operational support information as well as to national command, control, and intelligence requirements. The programs comprising TIARA also fall within the jurisdiction of the National Security Committee.

INTELLIGENCE AUTHORIZATION ACTS FOR FISCAL YEARS 1996 AND 1997

During the 104th Congress, the Committee authorized funding and personnel levels for fiscal years 1996 and 1997. This activity was carried out at the full Committee level, rather than through a separate subcommittee, as had been the practice in past years.

The Committee conducted detailed and extensive reviews of the President's fiscal year 1996 and fiscal year 1997 budget requests for intelligence and intelligence-related activities. These reviews included substantive and programmatic hearings member briefings and numerous staff briefings. The Committee conducted hearings organized across functional lines within the Intelligence Community rather than by agency. This permitted the Committee to take a broader view of each of the issues and analyze how the various intelligence functions relate to one another.

Testimony on the President's budget submission was taken from the Director of Central Intelligence; the Assistant Secretary of Defense for Command, Control, Communications and Intelligence (CI); the Directors of the DIA, NSA and the FBI; and major intelligence program managers.

The Committee began its review of these budget submissions with the view that the Committee's recommended authorization levels for the past several years had been driven to some degree by political considerations as to an "acceptable" intelligence budget level. For the fiscal years 1996–1997, the Committee emphasized the future needs and requirements of the Intelligence Community, believing firmly that the U.S. must start building now for the Intelligence Community we will need in the 21st century.

Four themes were central to the Committee's budget deliberations: (1) evaluating each budget line solely on the merits of that program; (2) eschewing the practice of establishing an arbitrary budget ceiling and then forcing program trade-offs to remain within the ceiling; (3) giving increased emphasis to "downstream" activities (the processing, exploitation and dissemination of intelligence data and analysis) in order to create a better balance between these activities and collection; and (4) thinking about longer term intelligence priorities.

As a result of these themes and its detailed reviews, the Committee recommended very modest increases for both fiscal years in order to reverse the decline of past years and to create some stability in which intelligence program managers could make necessary and appropriate plans for the future.

AREAS OF SPECIAL INTEREST

The following issues were of special interest to the Committee during the 104th Congress:

IC21: The Intelligence community in the 21st century

IC21 was a major focus of the Committee's activities during the 104th Congress—a review of the roles, functions, missions and capabilities of the Intelligence Community with an emphasis on how well suited these were to likely national security concerns in the 21st century. IC21 started from the premise that the United States continues to need a strong, highly capable and increasingly flexible Intelligence Community and that this need has not diminished with the end of the Cold War. IC21 emphasized *opportunity*—a propitious time for us to undertake such a review and to implement recommended changes, not reform. All facets of the Intelligence Community were subject to scrutiny; there were no preconceptions as to the "right answer" to this study.

The IC21 effort was buttressed by a significant intellectual underpinning. Over 40 current and former national security officials, academics and intelligence veterans were queried in order to shape the initial inquiry. It was decided that a functional approach (requirements; the management of resources, collection, production; systems development, the various collection disciplines; analysis; infrastructure; evaluation) to intelligence was preferable to an agency-by-agency review. The committee believed that an agency-by-agency review would more likely lead to either a confirmation or rejection of the *status quo* without providing a basis for projecting future intelligence needs and how best to meet them.

IC21 was, to the fullest extent possible, an open and public process. The Committee held seven open hearings and one closed hearing that has since been declassified. Witnesses included the Director of Central Intelligence (DCI) and six of his eight predecessors, representing a wealth of professional experience; experts in future technologies; and former senior policy and intelligence officials. The Committee also drew upon the extensive work that had been done for the fiscal year 1996 and 1997 intelligence budgets. Committee staff also conducted dozens of interviews and held several staff panels with other intelligence experts.

Majority staff used this functional approach as a template for 14 staff studies, which were published in April 1996. The IC21 staff studies included 87 findings and 105 recommendations. Chief among them was the need for a more "corporate" Intelligence Community, *i.e.*, an Intelligence Community in which all components understand that they are part of a larger coherent process aiming at a single goal: the delivery of timely intelligence to policy makers at various levels.

The staff studies also identified continued shortcomings in and recommended strengthening the authorities (versus responsibilities) of the DCI, particularly in the areas of budget and personnel, where individual program managers often appear to have greater independence. The study also recommended designating the Director, DIA as the Director of Military Intelligence (DMI) and supporting him with a DMI Staff, in order to improve corporate thinking in that major part of the Intelligence Community.

Among the more controversial proposals were several in the area of intelligence collection, including the creation of a Technical Collection Agency (TCA), combining signals intelligence imagery intelligence and measurement and signatures intelligence in a single agency so as to break down the "stovepipes" in which these collection disciplines are often bound and the creation of a Technology Development Office (TDO), to be responsible for all research and development of collection-related technology. IC21 also recommended that the Clandestine Service be organizationally separated from the CIA, giving the DCI direct authority over that service.

The concept of a TCA was in contrast to the proposal made by the DCI to create a National Imagery and Mapping Agency (NIMA) that would combine all imagery assets, including collection, processing, exploitation and analysis in a single Defense Department combat support agency. A majority of the Committee did not support NIMA, citing concerns about the ability of a Defense combat support agency to serve all national customers. Similarly, concerns about the possibility of tactical intelligence needs overwhelming competing national needs for imagery was a key consideration in the Committee's opposition to the creation of NIMA. There were also concerns about putting imagery analysts within the collection agency and the NIMA would reinforce the concept of separate and competing collection "stovepipes," rather than a more corporate and cooperative system. Despite the opposition of a majority of this Committee, NIMA was created as part of the FY1997 Defense Authorization Act.

As reported by the Committee in June 1996, the IC21 bill advanced more modest changes in six main areas: (1) improving the support structure for the DCI to carry out his Community-wide responsibilities, including a second Deputy DCI for Community Management and an enhanced Community Management Staff; (2) limited increases in the SCI's

authority to transfer personnel and money within the National Foreign Intelligence Program; (3) establishing the Director, DIA as the DMI, with a DMI Staff; (4) improving executive guidance and direction, creating two committees on the National Security Council, Foreign Intelligence and Transitional Threats; (5) creating a Civilian Intelligence Personnel Management System in the Defense Department; and (6) authorizing the DCI and Secretary of Defense to undertake a study on the future of intelligence collection, including the concepts put forward in the IC21 study.

The IC21 staff study also recommended changes in the House rules for this Committee. Specifically, it recommended that the system of rotating membership on this Committee be ended and that membership be made permanent, although still selected by the Speaker and the Minority Leader.

The Senate Select Committee on Intelligence incorporated its own proposals for "intelligence community reform and renewal" in its version of the FY1997 Intelligence Authorization Act. The conference over these bills then became the venue in which final decisions ere made about IC21 issues and alternative Senate proposals.

H.R. 3259 enacted the following provisions related to Intelligence Community management and structure:

Created National Security Council Committees on Foreign Intelligence and on Transnational Threats;

Created a Deputy DCI for Community Management, subject to confirmation by the Senate;

Under this new Deputy DCI, created three Assistant DCIs: Collection; Analysis & Production; Administration. Each will be subject to confirmation by the Senate;

Strengthened the evaluation function of the National Intelligence Council;

Enhanced the DCI's authority over Intelligence Community budget and personnel;

Made the General Counsel of the CIA a statutory position, subject to Senate confirmation;

Required the concurrence of the DCI in the appointment of the Directors of the National Security Agency, the National Reconnaissance Office and the National Imagery & Mapping Agency; and

Required consultation with the DCI in the appointment of the Director of the Defense Intelligence Agency; the Assistant Secretary of State for Intelligence & Research; and the Assistant Director of the FBI for the National Security Division.

The main thrust of these provisions is to enhance of the DCI's ability to carry out his Community-wide responsibilities either directly or through the enhanced Community Management function.

The National Reconnaissance Program

In perhaps no area did the Committee have greater success in meeting its goal of shaping a 21st century Intelligence Community than in the National Reconnaissance Program (NRP), which is responsible for the development, launch and operation of spaceborne collection systems.

Beginning with its work on the fiscal year 1996 intelligence budget, the Committee raised serious questions about current management practices of the NRO and the future of collection systems. Although the Committee approved 99% of the funds requested for the NRP in that fiscal year, these funds were significantly redistributed, a reordering that was not without controversy on the Committee.

The Committee and, ultimately, Congress also mandated in the fiscal year 1996 Authorization Act that the DCI create a panel to assess the feasibility of moving to smaller satellites in the future. In asking for this report the Committee was not advocating an immediate shift to such satellites. Rather, the Committee believed the time was ripe to look at the feasibility of such a step in the future, with the clear understanding that if a panel of experts advised against it, then it would not be an option. Nonetheless, the Committee was gratified when the panel reported to the DCI in May 1996 "that now is an appropriate time to make a qualitative change in the systems architecture of the nation's reconnaissance assets." The panel stated that capabilities currently exist to build an imagery satellite 75% lighter but with 50% more capacity than the currently planned systems. The Committee agrees with the DCI that much more work and study need to be done on the transition to such systems. However, this change offers the prospects of satellite systems that will be more flexible and less expensive in terms of launch costs—both of which will be important contributors to an improved Intelligence Community.

Guatemala

The Committee undertook an extensive review of allegations concerning CIA involvement in certain activities in Guatemala, especially the murder of U.S. citizen Michael DeVine and the disappearance of Efrain Bamaca, a Guatemalan guerrilla. The Committee also investigated allegations of the destruction of documents by U.S. Army officers purported to prove U.S. human rights violations in Guatemala, and a possible circumvention of U.S. laws relating to the cutoff of assistance to Guatemala via intelligence liaison relationships. Many of these allegations were raised publicly by Representative Torricelli.

A draft report of the results of the investigation was prepared by Committee staff but not considered by the Committee during the 104th Congress. The draft report concluded that there was no evidence to support these allegations. There was no evidence that U.S. Government personnel played any role in either the death of DeVine or the disappearance of Bamaca, or that the U.S. Government concealed any action that might have constituted a violation of U.S. law. Further, the allegations concerning document destruction by two Army officers appear to have been fabricated by the person who provided them to Representative Torricelli. This fabrication remains under investigation by the U.S. Attorney in Baltimore, Maryland. The draft report also concluded that the U.S. did not use intelligence channels to unlawfully compensate Guatemala for the cutoff of overt assistance.

Finally, although there was no evidence that any U.S. government employee knowingly misled Congress's intelligence oversight committees, the draft report concluded that the CIA failed in its obligation under 50 U.S.C. 413 to keep those committees "fully and currently informed." The President's Intelligence Oversight Board which also conducted a review of these activities, made note of this failure in its report.

The draft report will be reviewed and released, as appropriate, at the beginning of the 105th Congress.

Haiti

The Committee undertook an investigation as to whether intelligence collection and reporting on Haiti was being politicized by policy officials. The Committee heard testimony from a variety of witnesses, including representatives of CIA, DIA and the State Department. A report has not been prepared pending further investigation and the completion of an inquiry on Haiti by the Inspector General of the Department of State.

Iran/Bosnia

In April 1996, press articles asserted that the Clinton administration had not objected to the shipment of arms from Iran into Bosnia. Specifically, the U.S. ambassador, when asked by Croatian government officials for the U.S. position regarding such shipments, was ordered by senior State Department and NSC officials to respond to the Crotians that he had "no instructions." The Committee voted to investigate "those aspects of the transfer of arms to Bosnia that fall within the committee's responsibilities to conduct oversight of the intelligence activities of the United States Government." Specifically, the Committee's investigation focused on the following issues:

How was the "no instructions" policy implemented?

How did the State Department, National Security Council (NSC) and CIA react to this policy?

What effect did the CIA's lack of understanding of the policy have on events in the region and on relations within the embassy itself?

Did the implementation of this policy constitute a covert action?

The Committee will review the findings of the investigation and issue a report in the 105th Congress.

The Ames espionage case

The Committee continued to work on issues that arose as a result of the espionage of Aldrich Ames. One issue, identified in the Committee's 1994 report on this case, was the failure of the CIA to keep the oversight committees fully and currently informed of the 1985–86 losses of assets and of important developments in its efforts to determine the cause of those losses. This failure was made more egregious by the fact that, in several instances prior to Ames' arrest, members of the Committee had asked pointed questions about ongoing counterintelligence problems.

Acting DCI Admiral William Studeman stated that the CIA had failed to meet its obligation under Section 502 of the National Security Act, requiring that Congress be informed of all intelligence activities including "any significant intelligence failure." The Committee then investigated whether this failure to notify was intentional. The Committee, as a result of the inquiry, did not find that any senior CIA official ever directed the withholding of information from Congress. The investigation did reveal, however, that CIA officials did not consider bringing the issue of espionage problems to the attention of Congress. Not all CIA officials understood the requirement of Section 502. Congress does not have to "ask the right questions" in order for information to be conveyed the Intelligence Community must be forthcoming.

A second issue relating to Ames' espionage concerned whether intelligence reporting that may have come from controlled Soviet sources influenced U.S. decision making. The Committee's investigation revealed management problems in the dissemination of certain reports and the degree to which these were conveyed to policy makers with accurate and proper caveats. However, neither this Committee, the Defense Department nor the CIA were able to discover any U.S. decisions that were influenced by controlled-source reports. Indeed, given the inherent

complexity of Defense acquisition decisions, it would be highly unusual—if not impossible—for this process to be influenced solely by such reports alone, whether accurate or controlled.

Finally, the Committee asked the Inspector General of the Department of Justice to conduct a review of the FBI's performance in the Ames case. The Department of Justice agreed to do this in February 1995. However, by the end of the 104th Congress the Justice IG had not yet finalized what has been described as a voluminous and weighty report that the Committee expects to be of great value in its review of the Nicholson and Pitts espionage cases.

CIA drug trafficking investigation

In August 1996, the San Jose Mercury News published a series of articles regarding the introduction, financing, and distribution of crack cocaine into communities of Los Angeles. The articles alleged that one of the drug trafficking rings responsible for introducing crack cocaine to Los Angeles was operated by a Nicaraguan who used some of his drug profits to provide lethal and non-lethal assistance to the Contras. Furthermore the Mercury News articles implied that the CIA either backed, or at least condoned, the drug trafficking activity. In September 1996, the Committee began a formal investigation into these allegations. Separate investigations were also begun by the Inspectors General (IG) of the Department of Justice and the CIA.

The scope of the Committee's investigation focuses on the following questions:

Were any CIA operatives/assets involved in the supply or sale of drugs in the Los Angeles area?

If CIA operatives or assets were involved, did the CIA have knowledge of the supply or sale of drugs in the Los Angeles area by anyone associated with the Agency?

Did any other U.S. Government agency or employee within the Intelligence Community have knowledge of the supply or sale of drugs in the Los Angeles area between 1979–1969?

Were any CIA officers involved in the supply or sales of drugs in the Los Angeles area since 1979?

Did the Nicaraguan Contras receive any financial support, through the sale of drugs in the United States, during the period when the CIA was supporting the Contra effort? If so, were any CIA officials aware of this activity?

What is the validity of the allegations in the San Jose Mercury News?

The Committee, in keeping with past practice, also stated that it would await the completion of the two IG investigations and review the results as part of the Committee's inquiry into this matter before issuing a report.

Since the beginning of its investigation, the Committee has engaged in many activities to gather information, including: tasking the Congressional Research Service for background data related to the Iran-Contra investigations; taking the IGs of the Department of Justice and CIA to provide access to all material that they compile in the course of their investigations conducting several interviews in Washington, Los Angeles, and attending and participating in two "town hall" meetings in South Central Los Angeles.

The Committee's investigation will continue into the 105th Congress, with much more data to be reviewed and interviews to be conducted. For example, the CIA IG has identified over 6000 documents available for Committee review. The Committee also anticipates additional travel related to this investigation, including additional trips to California and Nicaragua. As previously mentioned, the Committee will not complete its investigation until it has had the opportunity to review the results of the two separate IG investigations that will likely not be completed until the end of 1997.

URGING PASSAGE OF THE NATIONAL DEFENSE AUTHORIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to urge the adoption and final form of the National Defense Authorization Act for fiscal year 1998. The challenge we have is to protect U.S. interests in an uncertain world, Mr. Speaker. The continued decline in defense spending and ongoing reductions in the size of U.S. armed forces combine that increasing pace of operations especially in peacekeeping and humanitarian relief missions are compelling the U.S. military to do more with less. Managing budgetary military and strategic risks in this environment requires the defense program that balances the imperatives to maintain forces ready to deploy and fight today to sustain a decent quality of military life and to prepare now for these certain challenges of the future.

H.R. 1119 helps restore a measure of balance to the Nation's defense program by doing the following: Sustain the readiness of U.S. combat forces safeguarding the resources and the training required for victory in high intensity combat which is what makes U.S. troops the best in the world, providing a decent quality of life to service members and their families to ease the men and problems associated with the high level of activity and numerous operations for an all-volunteer military that is 65 percent married, striving for adequate modernization to insure today's technological edge for the U.S. troops on tomorrow's battlefields and implementing real defense reform by downsizing unnecessary defense bureaucracy and making defense business practices more efficient.

I believe this legislation, Mr. Speaker, helps to restore balance to America's defense program essential for managing the risks to U.S. national security in an uncertain world. I am especially pleased that certain amendments have been included within this bill not least of which is the veterans preference which was adopted earlier in a voice vote that I offered and as well the recognition, remembrance to the POW/MIA's from the Vietnam war, as well as the resolution and amendment from the gentleman from Indiana [Mr. BUYER] and the gentleman from Rhode Island [Mr. KENNEDY] to improve the Department of Defense and Department of Veterans Affairs' investigation of Persian Gulf illnesses and the treatment of ill gulf war veterans. Specifically, the amendment will authorize $4.5 million to establish a cooperative DOD-VA program of clinical trials to evaluate treatments which might relieve the symptoms of gulf war illnesses, require the Secretaries of both Departments to develop a comprehensive plan for providing health care to all veterans, active duty members and reservists who suffer from the symptoms of the gulf war illnesses.

And finally, Mr. Speaker, the gentleman from Alabama [Mr. BACHUS] and I worked together on an amendment to deny military benefits to any person who has been convicted of a State or Federal crime where death is a possible punishment or sentenced to imprisonment without parole, and this of course is in the case of Timothy McVeigh, where you have seen someone who caused the tragic deaths of so many people in Oklahoma, over 168, and this is certainly not someone who is fitting to have a military funeral and a military burial befitting a hero, and this legislation will certainly address that particular oversight.

I submit to you this legislation to help our defense is appropriate, it will keep U.S. at the cutting edge of technology and will correctly and properly make sure that we care for and attend to the needs of our servicemen and women who are doing so much in the defense of this country.

SUPPORT MFN FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, in about 15 hours we will be casting one of the most important national security, trade, foreign policy votes of this year, and I am referring of course to the vote which will call for ending normal trade relations with the People's Republic of China. It is very important this year because, as we sit here on the verge of the reversion of Hong Kong to China, the termination of a 99-year-old lease, it seems to me that we have a responsibility to recognize the plight of the people of Hong Kong.

It is very fascinating to observe the message which has emerged from Hong Kong. There is no more respected fighter for political pluralism, human rights and economic freedom than Martin Lee. Martin Lee has been an outspoken advocate, having fought diligently in Hong Kong for all of these things, and he has sent a very strong message on this vote which we are going to face tomorrow. He said, "The nonrenewal of MFN would hurt U.S. Badly. This is something we cannot afford when we are already undergoing a critical transition." No one, no one is fighting on

the front line for human rights and those things which we as Americans feel so strongly about than Martin Lee.

The Governor of Hong Kong, Chris Patten, has said, "I say to you on behalf of the whole community in Hong Kong that you will not help U.S. by damaging our economy and damaging confidence in our future. The best way to help U.S. is by renewing MFN and continuing the policy of engagement towards China."

Now these are two people who are right there on the scene. It is very easy for the U.S. to sit here in Washington, DC and do what makes the U.S. feel good rather than doing good. The fact of the matter is there are people there and there are people here in this House who fortunately understand how important it is.

Today in the Wall Street Journal there was a great piece written by some extraordinarily patriotic Americans. Ronald Reagan's Ambassador to the United Nations Jeane Kirkpatrick, our former colleague and former HUD Secretary Jack Kemp, former Defense Secretary Donald Rumsfeld, former presidential candidate and great business leader Steve Forbes, the former Secretary of Education Lamar Alexander; in today's Wall Street Journal they wrote:

China has undergone significant liberalization and reform that have resulted in greater freedom for the Chinese people, and we believe that China is well on the road to major development, modernization and fuller participation in the processes of the democratic and law-abiding nations of the world. We know it is not there yet. The U.S. debate should focus on what policies we should follow to enhance, and not hinder, these favorable trends, and on what policies are most effective in dealing with problem areas.

Now, Mr. Speaker, that is why today the gentleman from Pennsylvania [Mr. FOX], my colleague, has joined along with the gentleman from Illinois [Mr. PORTER], chairman of the Human Rights Caucus, the gentleman from California [Mr. MATSUI] from the other side of the aisle, the gentleman from Arizona [Mr. SALMON], someone who came up with many of the great ideas, the gentleman from Arizona [Mr. KOLBE], in putting together legislation that we will be introducing called the China Human Rights and Democracy Act, geared toward that last sentence that I mentioned in the Wall Street Journal piece that appeared today.

We should look at positive ways. We have been dealing with Members who have opposed MFN like the gentleman from New York [Mr. SOLOMON], the gentleman from New Jersey [Mr. SMITH], and others. I am hoping that they will join as cosponsors of this legislation when we introduce it because all it is, is positive movement by increasing funding for the National Endowment for Democracy which has played a role in encouraging village elections, where 800 million Chinese have participated with secret ballots, with noncommunist candidates in generating and selecting their own leaders, and we also called for increasing that very important message which we have all fought for through Radio Free Asia and the Voice of America.

So I hope that many will join this legislation that the gentleman from Illinois [Mr. PORTER] and I and others are introducing, and let me close, Mr. Speaker, by addressing an issue which has gotten a great deal of attention.

There is a view that religious leaders in this country stand en masse opposing normal trade relations with China. Well, I was very pleased last week to have received a letter from the Great Reverend Billy Graham who does not want to get involved in the MFN debate and he made that very clear. But he did say the following in his letter to me.

I am in favor of doing all we can to strengthen our relationship with China and its people. China is rapidly becoming one of the dominant economic and political powers in the world, and I believe it is far better to keep China as a friend than to treat it as an adversary.

Mr. Speaker, I hope very much that my colleagues will join tomorrow by voting no on the resolution of disapproval.

THE 25th ANNIVERSARY OF TITLE 9 OF THE EDUCATION ACT AMENDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, today marks the 25th anniversary of Title 9 of the Education Act Amendments of 1972 which prohibits sex discrimination in educational institutions receiving Federal funds. To commemorate the 25th anniversary of Title 9 the gentleman from Michigan [Mr. BONIOR], the gentlewoman from New Jersey [Mrs. ROUKEMA] and I along with 61 other cosponsors have introduced a concurrent resolution which celebrates the accomplishments of Title 9 supporting efforts to continue pursuing the goals of educational opportunity for women and girls. I will ask that the resolution be printed at the end of my special order this evening.

Since its enactment Title 9 has opened the doors of educational opportunity to literally millions of girls and women across the Nation. Title 9 helped tear down inequitable admission policies, increase opportunities for women in nontraditional fields of study such as math and science, law and medicine, improve vocational educational opportunities for women, reduce discrimination against pregnant students and teen mothers, protect female students from sexual harassment in our schools and increase athletic opportunities for girls and women.

□ 2345

As a member of the Education and Labor Committee in 1972, I helped to craft Title IX and worked diligently throughout the years to promote this law and fight against efforts to weaken its impact. I certainly consider Title IX one of my most significant accomplishments while I served in Congress from 1965 until 1977.

We have heard so much in recent years about the accomplishments of Title IX, particularly in the area of athletics, and many do not realize the history of this legislation and the battles that were fought to keep this law intact. On the occasion of the 25th anniversary of Title IX, I thought it would be appropriate to share this history and to recount its origins, its battles and its achievements.

The origins of Title IX began with a series of hearings on the House Education and Labor Committee beginning in the late 1960s and in 1970. In particular, there was a hearing conducted by Congresswoman Edith Green who was the chair then of the Special Subcommittee on Education which dealt with higher education matters.

In June of 1970 the subcommittee held a hearing on legislation introduced by the chair Edith Green, H.R. 16098 to amend Title VI of the Civil Rights Act of 1964, which included a prohibition against sex discrimination in any program or activity receiving Federal financial assistance.

We have to put this initiative in the context of the times. It was right around that time that there was this big push for ERA, the Equals Rights Amendment. The women's movement was very active, pursuing all avenues to gain equal rights and protections in the law. Representative Green's bill would have provided that protection under the Civil Rights Act.

At the hearing on July 3, 1970, Assistant Attorney General for Civil Rights, Jerris Leonard, testified before the subcommittee stating that quote, "while we are not able to support this language, we suggest an alternative." He suggested that the committee should not amend Title VI of the Civil Rights Act, but enact separate legislation to prohibit sex discrimination in education only. This is the genesis of Title IX.

The House Education and Labor Committee had a large body of evidence of discrimination against girls and women in our educational system. Since the time I came to Congress in 1965 we began systematic hearings on textbooks to illustrate the discrimination against girls, women, and also the ethnic minorities.

We scrutinized the textbooks. We looked at the films and the books and other kinds of brochures that were

being produced by yes, our U.S. Department of Education, Office of Education. We scrutinized the admission policies and vocational education courses which taught girls home economics, and essentially there were cooking courses to prepare girls for homemakers, while the boys learned skills in order to enter into careers and to sustain their future ambitions. We had to fight in all areas to open up opportunities for women. We had to fight for equal participation in the poverty program, in the Job Corps Center.

So the proposal of the Assistant Attorney General to focus legislation to prohibit discrimination in education was a logical step for the committee to take. We had considerable debates. The Committee on Education finally reported the legislation in 1971, which then led to negotiations with the Senate and the conference committee that finally yielded Title IX, which is in its historic celebration today for its 25th anniversary.

Mr. Speaker, today marks the 25th anniversary of title IX of the Education Act Amendments of 1972, which prohibits sex discrimination in educational institutions receiving Federal funds.

To commemorate the 25th anniversary of title IX, Congressman DAVID BONIOR, Congresswoman MARGE ROUKEMA, and I, along with 61 other cosponsors are introducing a concurrent resolution which celebrates the accomplishments of title IX and support efforts to continue pursuing the goal of educational opportunity for women and girls.

Since its enactment, title IX has opened the doors of educational opportunity to literally millions of girls and women across the Nation. Title IX helped tear down inequitable admissions policies, increase opportunities for women in nontraditional fields of study such as math and science, improve vocational education opportunities for women, reduce discrimination against pregnant students and teen mothers, protect female students from sexual harassment in our schools, and increase athletic opportunities for girls and women.

As a member of the Education and Labor Committee in 1972, I helped to craft title IX and worked diligently throughout the years to promote this law and fight against efforts to weaken its impact. I consider title IX one of my most significant accomplishments while in the Congress and take special pride and pleasure tonight in recognizing the accomplishment of title IX.

We have heard so much in recent years about the accomplishments of title IX, particularly in the area of athletics, but so many don't really know the history of this legislation and the battles that were fought to keep this law intact. On the occasion of the 25th anniversary of title IX I thought it would be appropriate to share the history of this landmark law, and recount its origins, its battles and its achievements.

The origins of title IX began in a series of hearings on sex discrimination in the House Education and Labor Committee in 1970, led by Congresswoman Edith Green, who was chair of the Special Subcommittee on Education at that time.

In June 1970 the subcommittee held a hearing on legislation introduced by Congresswoman Green, H.R. 16098, to amend title VI of the Civil Rights Act of 1964 to include a prohibition against sex discrimination in any program or activity receiving Federal financial assistance.

We have to put this initiative in the context of the times. This was right around the time of the big push for the equal rights amendments. The women's movement was activated and pursuing avenues to gain equal rights protection in the law. Representative Green's bill would have provided such protection through the Civil Rights Act which had been passed six years prior to this time, but only covered race, color, and national origin.

On July 3, 1970, Assistant Attorney General for Civil Rights Jerris Leonard testified before Green's subcommittee stating that "while we are not able to support this language * * * we suggest an alternative." He suggested that the committee should not amendment title VI of the Civil Rights Act, but enact separate legislation to prohibit sex discrimination in education only. This is the genesis of title IX.

The House Education and Labor Committee had a large body of evidence of discrimination against girls and women in our education system. Since I came to the Congress and the committee in 1965 the committee had been involved in hearings related to equal educational opportunities for girls and women. We scrutinized textbooks which only portrayed successful men, admissions policies which excluded women from graduate and professional schools, and vocational education courses.

Consideration of amendments to the Higher Education Act in 1971 provided us with an opportunity to pursue language on sex discrimination in schools. Edith Green and I worked on language to include in the House bill (H.R. 7248) which would prohibit discrimination on the basis of sex in any educational program receiving Federal funds.

This provision which was initially title X of H.R. 7248 included the sex discrimination prohibition, authorized the Civil Rights Commission to investigate sex discrimination, removed the exemption of teachers from the equal employment coverage of the 1964 Civil Rights Act and eliminated the exemption of executives, administrators and professions from the Equal Pay Act.

The bill was reported out of the House Education and Labor Committee on September 30. The committee report filed on October 8 and the bill was considered by the full House beginning on October 27, 1971.

During consideration by the full House Rep. John Erlenborn offered an amendment to exempt undergraduate admissions policies of colleges and universities from the prohibition on sex discrimination in title X. The amendment won by a 5-vote margin of 194 to 189.

A provision (section 1007) which authorized the Civil Rights Commission to investigate the problem of sex discrimination was eliminated during the floor debate on a point of order by House Judiciary Committee Chairman Emanual Celler, who objected to the provision because it came under the jurisdiction of his committee.

The Senate was also working on amendments to the Higher Education Act in 1971. The Senate Committee on Labor and Public Welfare reported out its bill (S. 659) without any provisions prohibiting sex discrimination.

However, during the Senate floor debate on August 6, 1971, Senator Birch Bayh offered an amendment along with Senators KENNEDY and Hart to ban sex discrimination in any public higher education institutions or graduate program receiving federal funds. Senator McGovern also submitted an amendment prohibiting sex discrimination in education, but did not offer his amendment and supported the Bayh amendment.

A point of order was raised against the Bayh amendment by Senator STROM THURMOND, on the grounds that the Bayh amendment was not germane. The point of order was sustained by the Chair, who ruled that the amendment was not germane because "The pending amendment deals with discrimination on the basis of sex. There are no provisions in the bill dealing with sex." A 50-to-32 rollcall vote sustained the ruling of the Chair that his amendment was not germane.

The Senate reconsidered its Higher Education legislation in early 1972, because the House had included provisions prohibiting the use of Federal education funds for busing which the Senate objected. Again, the bill coming out of committee did not include provisions banning sex discrimination in schools.

However, during the Senate floor debate which began on February 22, 1972, Senator Birch Bayh offered an amendment to prohibit sex discrimination in educational institutions receiving federal funds. The Bayh amendment exempted the admissions policies of private institutions, and a Bentsen amendment to the Bayh amendment provided an exemption for public single sex undergraduate institutions. Both amendments passed by voice vote.

The House Senate Conference was held in the spring of 1972. The conferees retained provisions prohibiting sex discrimination, reconciling the differences between the House and Senate version. The final version of the Education Act Amendments of 1972 included title IX which prohibits sex discrimination in all Federal education institutions receiving Federal funds, except for undergraduate admissions policies of private higher education institutions and public institutions of a traditional single-sex policy. The conference report was filed in the Senate on May 22 and in the House on May 23. The Congress approved the bill on June 8 and President Nixon signed the bill on June 23, 1972—25 years ago today.

Most people recognize the accomplishments of title IX in the area of athletics. Certainly, one of the most spectacular achievements of title IX has been the increased athletic opportunity for girls and women at every level of the educational experience. However, the impact of title IX in the sports arena was not controversial at first. The most controversial items during the original title IX debate centered around admissions policies.

It wasn't until a few years later that college athletics began to experience the impact of title IX that we had our first big challenge to the law. When the coaches, and male athletes

realized that they would have to share their facilities and budgets with the women, they became outraged.

In 1975, opponents of title IX's impact on athletics proposed an amendment to the education appropriations bill to prohibit the Department of Health, Education and Welfare from promulgating the title IX regulations as it applies to athletics in colleges and universities.

They paraded a number of college and professional athletes through the Committee room to testify that title IX hurt men's athletics. At the time women athletes were so few and unknown, that the only well-known athlete we had to testify was Billy Jean King. The fact that there were virtually no prominent women athletes in our country was a testament in itself of the necessity of title IX.

The amendment was included in the House appropriations bill (H.R. 5901), but stricken in conference. On July 12, 1975, I managed the House debate against a motion by Rep. Casey to insist on the House position. In the midst of the vigorous debate on the issue, I was sent word from the cloakroom that my daughter was in a life threatening car accident while in college in New York. I left the floor immediately to go to my daughter. The Casey motion carried on a vote of 212 to 211. The newspapers reported that I had left the floor "crying" in the face of defeat. But in reality I was facing a tremendous family crisis.

The next day Speaker Carl Albert took the floor and explained the circumstances of my departure from the floor. Congressman Flood offered a motion to reject the Casey position which carried by a vote of 215 to 178, preserving the regulations and title IX's application to athletes.

Mr. Speaker, as I have recounted this experience, you can see that the pursuit of title IX and its enforcement has been a personal crusade for me. Equal educational opportunities for women and girls is essential for us to achieve parity in all aspects of our society. For the last 25 years title IX has been the great defender of equity, let us celebrate its accomplishments and continue to work toward its goal of equal educational opportunity for all women and girls.

H. CON. RES.—

Whereas 25 years ago, on June 23, 1972, title IX of the Education Act Amendments of 1972 was signed into law by the President of the United States;

Whereas title IX prohibits discrimination on the basis of sex in the administration of any education program in any educational institution receiving Federal aid;

Whereas remarkable gains have been made to ensure equal opportunity for girls and women under the inspiration and mandate of title IX;

Whereas title IX serves as the nondiscrimination principle in education;

Whereas title IX has moved this Nation closer to the fulfillment of access and opportunities for women and girls in all aspects of life;

Whereas title IX has increased educational opportunities for women and girls, resulting in improved graduation rates, increased access to professional schools and nontraditional fields of study such as math and science, and improved employment opportunities;

Whereas title IX has increased opportunities for women and girls in sports, leading to greater access to competitive sports, and building strong values such as teamwork, leadership, discipline, work ethic, self-sacrifice, pride in accomplishment, and strength of character;

Whereas 25 years of progress under title IX is widely acknowledged, but there is still much work to be done if the promise of title IX is to be fulfilled: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress celebrates—

(1) the accomplishments of title IX of the Education Act Amendments of 1972 in increasing opportunities for women and girls in all facets of education; and

(2) the magnificent accomplishments of women and girls in sports.

Mr. TOWNS. Mr. Speaker, I rise today to join my colleagues in celebrating the 25th anniversary of title IX of the Education Act Amendments of 1972.

With the passage of this landmark civil rights law, millions of women and girls in our Nation have enjoyed increased social and economic opportunities. There is no doubt that Title IX has made it possible for them to become important players in the world of sports and in other arenas. Today, 2.4 million American girls participate in high school sports, a tenfold increase from two decades ago. It is much better today, and it will be much better 25 years from now.

However, we must not forget that the struggle continues. Sexual harassment and discrimination against women in our schools has not been obliterated. Yes, we still have much to accomplish—as a recent NCAA report made abundantly clear—and we must aggressively continue to pursue equality. Give women fair playing time and opportunity and the trends indicate they will show the same levels of desire and ability in athletics as men.

Mr. Speaker, as Members of Congress, we must continue to support title IX. Our future generations are counting on us to uphold the mantle of equal rights for all Americans.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT) for today, on account of personal reasons.

Mr. MCINTOSH (at the request of Mr. ARMEY) for today, on account of official business.

Mr. COX of California (at the request of Mr. ARMEY) for today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KLINK) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

Mrs. Mink of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes each day, on June 24 and 25.

Mr. UPTON, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, on June 24.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mrs. KELLY.

Mr. RADANOVICH.

Mr. EWING.

Mr. PITTS.

Mr. WICKER.

Mr. PACKARD.

Mr. KNOLLENBERG.

Mrs. LINDA SMITH of Washington.

Mr. BOB SCHAFFER of Colorado.

Mr. GINGRICH.

(The following Members (at the request of Mr. KLINK) and to include extraneous matter:)

Ms. DANNER.

Mr. POSHARD.

Mr. TORRES.

Mr. DAVIS of Florida.

Mr. CAPPS.

Mr. BARRETT of Wisconsin.

Mr. RAHALL.

Mr. KLINK.

(The following Members (at the request of Mr. FOX) and to include extraneous matter:)

Mr. POMEROY.

Mrs. KELLY.

Mr. BALLENGER.

Mr. PACKARD.

Mr. MEEHAN.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 24, 1997, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3906. A letter from the Secretary of Defense, transmitting notification that the Department proposes to obligate FY 1997 funds

to implement the Cooperative Threat Reduction (CTR) Program under the FY 1997 Defense Appropriations Act, Public Law 104–208, pursuant to 22 U.S.C. 5955; to the Committee on National Security.

3907. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland 1990 Base Year Emission Inventory; Correction [MD033–7157; FRL–5844–3] received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3908. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Indiana [IN79–1A; FRL–5848–4] received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3909. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's Final Rule—Correction of Implementation Plans; American Samoa, Arizona, California, Hawaii, and Nevada State Implementation Plans [AS-AZ-CA-HW-NV–000–0002; FRL–5847–8] received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3910. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Technical Amendment [Docket No. 75N–0333] received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3911. A communication from the President of the United States, transmitting his supplemental report on the deployment of combat-equipped U.S. Armed Forces to Bosnia and other states in the region in order to participate in and support the North Atlantic Treaty Organization-led Stabilization Force (SFOR), and on the beginning of the withdrawal of the NATO-led Implementation Force (IFOR), which completed its mission and transferred authority to the SFOR on December 20, 1996; (H. Doc. No. 105–100); to the Committee on International Relations and ordered to be printed.

3912. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Periodic Participant Statements [5 CFR Part 1640] received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3913. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Thrift Savings Plan Vesting [5 CFR Part 1603] received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3914. A letter from the Chairman, President and Chief Executive Officer, National Railroad Passenger Corporation (Amtrak), transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3915. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for North Carolina [Docket No. 960805216–7111–06; I.D. 061797B] received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3916. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; 1997 Harvest Guideline [Docket No. 970612136–7136–01; I.D. 060297B] (RIN: 0648–AJ61) received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3917. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Spearfish, SD, Black Hills—Clyde Ice Field; Correction (Federal Aviation Administration) [Airspace Docket No. 97–AGL–6] (RIN: 2120–AA66) received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3918. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Santa Ynez, CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–19] (RIN: 2120–AA66) received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3919. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 340B and SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–76–AD; Amendment 39–10052; AD 97–13–06] (RIN: 2120–AA64) received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3920. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream American (Frakes Aviation) Model G–73 (Mallard) Series Airplanes Modified in Accordance with Supplemental Type Certificate (STC) SA2323WE (Federal Aviation Administration) [Docket No. 96–NM–282–AD; Amendment 39–10049; AD 97–13–03] (RIN: 2120–AA64) received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3921. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 340B and Model SAAB 2000 Series Airplanes [Docket No. 96–NM–177–AD; Amendment 39–10048; AD 97–13–01] (RIN: 2120–AA64) received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3922. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28922; Amdt. No. 1801] (RIN: 2120–AA65) received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3923. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28923; Amdt. No. 1802] (RIN: 2120–AA65) received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3924. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company GE90 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 97–ANE–22–AD; Amendment 39–10046; AD 97–12–04] (RIN: 2120–AA64) received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3925. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company GE90 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 97–ANE–23–AD; Amendment 39–10047, AD 97–12–05] (RIN: 2120–AA64) received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3926. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E5 Airspace; Utica, NY and Establishment of Class E5 Airspace; Rome, NY (Federal Aviation Administration) [Airspace Docket No. 95–AEA–16] (RIN: 2120–AA66) received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3927. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Manitowish, WI, Manitowish Waters Airport (Federal Aviation Administration) [Airspace Docket No. 97–AGL–7] (RIN: 2120–AA66) received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3928. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 97–27] received June 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3929. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 97–35] received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3930. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Special Rule for U.S. Permanent Residents Receiving Compensation or Pensions from the Government of France [Announcement 97–61] received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3931. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting [Rev. Proc. 97–30] received June 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 1581. A bill to reauthorize the program established under chapter 44 of title 28, United States Code, relating to arbitration (Rept. 105–143). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 1866. A bill to continue favorable treatment for need-based educational aid under the antitrust laws (Rept. 105–144). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 1901. A bill to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission (Rept. 105–145). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 1902. A bill to immunize donations made in the form of charitable gift annuities and charitable remainder trusts from the antitrust laws and State laws similar to the antitrust laws (Rept. 105–146). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 849. A bill to prohibit an alien who is not lawfully present in the United States from receiving assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; with an amendment (Rept. 105–147). Ordered to be printed.

Mr. KASICH: Committee on the Budget. H.R. 2014. A bill to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998 (Rept. 105–148). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASICH: Committee on the Budget. H.R. 2015. A bill to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998 (Rept. 105–149). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAPPS (for himself and Mr. GILMAN):

H.R. 2009. A bill to amend the Social Security Act to waive the 24 month waiting period for Medicare coverage of individuals disabled with amyotrophic lateral sclerosis [ALS], to provide Medicare coverage of drugs used for treatment of ALS, and to amend the Public Health Service Act to increase Federal funding for research on ALS; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKEY:

H.R. 2010. A bill to designate the bridge over lock and dam numbered 4 on the Arkansas River as the "Lawrence Blackwell Memorial Bridge"; to the Committee on Transportation and Infrastructure.

By Mr. HUTCHINSON:

H.R. 2011. A bill to impose certain sanctions on the People's Republic of China, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 2012. A bill to amend the National Labor Relations Act, to establish the National Public Employment Relations Commission, and to amend title I of the Employment Retirement Income Security Act of 1974 to provide for joint trusteeship of single-employer pension plans; to the Committee on Education and the Workforce.

By Mr. WEYGAND:

H.R. 2013. A bill to designate the facility of the U.S. Postal Service located at 551 Kingstown Road in South Kingstown, RI, as the "David B. Champagne Post Office Building"; to the Committee on Government Reform and Oversight.

By Mrs. MINK of Hawaii (for herself, Mr. BONIOR, Mrs. ROUKEMA, Mr. ABERCROMBIE, Mr. BLAGOJEVICH, Ms. CARSON, Ms. CHRISTIAN-GREEN, Mrs. CLAYTON, Mr. CONYERS, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELAHUNT, Mr. DELLUMS, Mr. DIXON, Mr. DOOLEY of California, Mr. ENGEL, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. GEPHARDT, Mr. GREEN, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. JACKSON, Mr. JEFFERSON, Mrs. KENNELLY of Connecticut, Ms. KILPATRICK, Mr. LANTOS, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MARTINEZ, Mr. MATSUI, Ms. MCCARTHY of Missouri, Ms. MCKINNEY, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. MILLER of California, Mrs. MORELLA, Mr. NADLER, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. REYES, Mr. ROMERO-BARCELÓ, Mr. RUSH, Ms. SANCHEZ, Mrs. THURMAN, Mr. TOWNS, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WOOLSEY, Mr. WYNN, Mr. YATES, Mr. KILDEE, Mr. TORRES, and Mr. RANGEL):

H. Con. Res. 103. Concurrent resolution celebrating the accomplishments of title IX of the Education Act Amendments of 1972, and recognizing the need to continue pursuing the goal of educational opportunities for women and girls; to the Committee on Education and the Workforce.

By Mr. TRAFICANT:

H. Con. Res. 104. Concurrent resolution expressing the sense of the Congress relating to the elections in Albania scheduled for June 29, 1997, and the admission of a free and democratic Albania to the North Atlantic Treaty Organization [NATO]; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mrs. TAUSCHER.

H.R. 145: Mr. WISE, Mr. OBEY, Mr. LOBIONDO, and Mr. LUTHER.

H.R. 195: Mr. CRAPO.

H.R. 197: Mr. SOUDER.

H.R. 230: Mr. ETHERIDGE, Mr. THOMAS, Mr. CALVERT, Mr. GALLEGLY, and Mr. BONO.

H.R. 614: Mr. POSHARD.

H.R. 679: Mr. EHRLICH.

H.R. 695: Mr. BRADY, Mr. SMITH of New Jersey, Mrs. CHENOWETH, Mr. COBURN, Mrs. CUBIN, and Mr. JONES.

H.R. 699: Mr. PICKERING.

H.R. 789: Mr. PALLONE and Mr. WHITE.

H.R. 804: Mrs. THURMAN.

H.R. 849: Mr. MANZULLO, Mr. FOLEY, Mr. SOUDER, and Mr. SHERMAN.

H.R. 907: Mr. STUMP.

H.R. 953: Ms. ESHOO, Mr. HORN, Mr. OLVER, Mrs. TAUSCHER, and Mr. WYNN.

H.R. 978: Mrs. THURMAN and Mr. SESSIONS.

H.R. 992: Mr. ARCHER, Mr. LEWIS of Kentucky, Mr. BARTON of Texas, Mr. PAUL, and Mr. BRADY.

H.R. 1060: Mr. YOUNG of Alaska, Mr. DOYLE, Mr. SESSIONS, Mr. RODRIGUEZ, Mr. BRADY, Mr. EHRLICH, Mr. ROYCE, and Mrs. MALONEY of New York.

H.R. 1114: Mr. ALLEN and Mr. BROWN of Ohio.

H.R. 1147: Mr. HAYWORTH.

H.R. 1165: Mr. MCGOVERN, Mr. DEFAZIO, and Ms. SLAUGHTER.

H.R. 1371: Mr. STUMP.

H.R. 1413: Mr. LOBIONDO.

H.R. 1437: Mrs. KELLY.

H.R. 1450: Mr. ENGEL.

H.R. 1456: Mr. MCINTYRE.

H.R. 1534: Mr. BONILLA, Mr. COMBEST, Mr. HOLDEN, and Mr. RIGGS.

H.R. 1632: Mr. FROST, Mr. THOMPSON, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, Mr. MCGOVERN, Mr. DELLUMS, Mr. EVANS, Mr. ANDREWS, and Ms. LOFGREN.

H.R. 1689: Mr. NORWOOD.

H.R. 1715: Ms. STABENOW, Mr. BARTON of Texas, Mrs. MYRICK, Mr. RODRIGUEZ, and Mr. MATSUI.

H.R. 1719: Mr. HAYWORTH.

H.R. 1763: Mr. FILNER.

H.R. 1802: Mr. TOWNS, Mr. ROHRABACHER, and Mr. PETERSON of Minnesota.

H.R. 1814: Mr. MINGE, Ms. WOOLSEY, Mr. HINCHEY, Ms. MCKINNEY, Ms. VELÁZQUEZ, Mr. CONYERS, Mr. NADLER, Ms. RIVERS, Mr. VENTO, and Ms. SLAUGHTER.

H.R. 1822: Mr. ETHERIDGE, Mr. JOHN, Ms. WOOLSEY, Ms. VELÁZQUEZ, and Ms. PELOSI.

H.R. 1839: Mr. DAN SCHAEFER of Colorado.

H.R. 1902: Mr. GALLEGLY, Mr. SESSIONS, and Mr. MORAN of Virginia.

H.R. 1951: Mr. OLVER, Mr. COYNE, Mr. MILLER of California, Mr. VENTO, Mr. DELLUMS, and Ms. FURSE.

H.R. 1970: Mr. JEFFERSON.

H.R. 1983: Mr. MILLER of California.

H.R. 1984: Mr. WISE, Ms. DANNER, and Mr. MCINTOSH.

H.R. 1989: Mr. YOUNG of Florida, Mr. WELDON of Florida, and Mrs. THURMAN.

H.J. Res. 26: Mr. KIM.

H. Con. Res. 89: Mr. MANTON and Mr. MCNULTY.

EXTENSIONS OF REMARKS

TRIBUTE TO MR. JAMES E. WHITE

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. EWING. Mr. Speaker, I rise today in honor of Mr. James E. White, rural housing specialist of the USDA, rural development. Mr. White retired on May 31, 1997 after a distinguished 26-year career.

He began his Federal career with Farmers Home Administration in 1971 as an assistant county supervisor in Lincoln, Il. He was promoted to county supervisor in Golconda/Metropolis in 1975. His final career move was to rural housing specialist in the Illinois State office in 1976. Mr. White remained in that position until his retirement.

Mr. Speaker, today I would like to bring the achievements of James White to the attention of my colleagues in the House, and ask that they join me in expressing our appreciation and congratulations to Mr. White for his tremendous service to the people of Illinois.

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. TORRES. Mr. Speaker, I was unavoidably detained on official business on Thursday afternoon, June 19, and Friday, June 20, and had to miss rollcall votes on the floor of the House.

Had I been present on June 19, I would have voted as follows: "Aye" on rollcall votes 214, 215, 216, and 217.

Had I been present on June 20, I would have voted as follows: "Nay" on rollcall vote 219, "no" on rollcall vote 220, "Aye" on rollcall vote 221, and "no" on rollcall votes 222, 223, and 224.

CHIEF SMITH: LOYAL SERVICE TO SOUTH LYON

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a loyal and dedicated officer to the community of South Lyon in Oakland County, MI. Chief of Police Gerald L. Smith, in his 19th year of service as chief, will retire on August 26th.

After serving in the U.S. Navy from 1960 to 1963, Smith began his career in law enforcement for Waterford Township in 1964 and served until 1971.

Smith was Oakland County's senior substance abuse program coordinator from 1971 to 1979 where he worked with the County's health department to fight the scourge of drugs.

In 1979, he was appointed director of public safety and police chief for the city of South Lyon. When the Public Safety Department was dissolved in 1985, he continued to serve the community as chief.

Gerald Smith has dedicated more than 37 years of his life to protecting others. His leadership, courage and bold vision have been an inspiration not only to those who worked for him, but to the community he served.

The dedication of Gerald Smith exemplifies his committee to making South Lyon a safer place for our families. He is a loyal public servant who deserves the recognition, honors and accolades he receives.

TO A DEDICATED HERO SHERIFF RIECK KENDALL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. POSHARD. Mr. Speaker, I rise today to honor a true hero, Sheriff Rieck Kendall of Moultrie County, IL. He is responsible for saving two young children, Timothy and Cheryl Poplett, after they were abducted by their father from their custodial mother in July 1994.

In 1996, Sheriff Kendall discovered money that was intended for the abductor which was regularly funneled to an address in the Honduras. He contacted Honduran authorities and persuaded them to assist in the investigation. International cooperation, involving Interpol and fostered by Sheriff Kendall, led the authorities to discover that the children were living on a small island off the coast of Honduras with no electricity, running water, routine medical attention, or schooling. When word got to the children's father that the authorities were on to him, he piled them and their few belongings into a boat and headed for another hideaway. During the escape, the boat capsized. Local fishermen found the children and their father floating in the water and clinging to a gas can. Police rescued the children and arrested their kidnapper.

Truly, finding Tim and Cheryl was no easy task. Sheriff Kendall's devotion to recovering the Poplett children involved more than following leads, but taking the time to make daily phone calls and reassuring the Poplett family that he was pursuing their children's case. It takes a brave and dedicated man to not give up and simply go home after his other work is done. He persevered and put the Poplett children and their family first. Mr. Speaker, because of Sheriff Kendall the Poplett children were recovered and are home with their family

Mr. Speaker, I want to honor Sheriff Kendall for all his valiant efforts and persistence. According to the National Crime Information Center [NCIC] there were a total of 955,252 missing persons in 1996 alone. In that same year more than 99 percent of all missing child cases were resolved successfully. We can thank people like Sheriff Kendall for his inspiring statistic, because they refused to give up and provided support for the families who had to struggle through such terrible crises. It is an honor to represent Rieck Kendall in the U.S. Congress.

PAYING TRIBUTE TO MR. MARVIN HARPER AND AMERICAN LEGION POST NO. 102 OF BARNARD, MO

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Ms. DANNER. Mr. Speaker, for the benefit of my colleagues, I would like to have printed in the RECORD the following article from the Nodaway News Leader paying tribute to Mr. Marvin Harper and American Legion Post No. 102 at Barnard, MO, for their efforts in providing Nodaway R–IV students an unique public speaking program.

[From the Nodaway News Leader, Mar. 8, 1997]

SOUTH NODAWAY FIRST GRADE STUDENTS LEARN PUBLIC SPEAKING EARLY

You're never too young to learn, especially when it comes to communication. The America Legion is helping South Nodaway R–IV students get a head start on developing their speaking skills.

Marvin Harper, who serves on the Department of Missouri Oratorical Commission for the American Legion, has created a unique program that provides young students an opportunity to speak in public.

"The point of this is to develop skills to learn how to talk in front of people," Harper told South Nodaway's first grade students.

Harper visited the class last week and discussed the American Legion and the importance of being an effective communicator in everyday conversations. Each child was then given a chance to stand up in front of the class and speak for about 30 seconds. Many of them talked about the U.S. flag, Abraham Lincoln and President Clinton.

First grade teacher Bonny Acklin believes the program is very beneficial.

"It's a good experience for them," she said. "It is different for the students to talk in front of someone else they don't know."

This is the third year Harper has conducted the program. During the first year, he worked with a few students in a pilot program. Last year, the kindergarten all had a chance to give a short speech. This year, Harper has visited both the kindergarten and first grade class.

"Hopefully we'll work right on up to the sixth grade," he said. Harper said he was not

aware of any other program of this type in the United States. Later this year he will submit a report to the state oratorical commission about the effectiveness of the project.

The American Legion sponsors a national oratorical contest for high school students. Participants in that contest speak about the U.S. Constitution and can earn scholarship money. Harper stressed that the project for elementary students was not a contest.

"We want to develop students so they can have effective communication skills in whatever they want to do," he explained.

Kindergarten teacher Barb Sherry said she has seen growth in the student's public speaking skills. Both she and Acklin believe the program also provides an opportunity to highlight the importance of patriotism.

"We try to teach a sense of community and respect for our country," Acklin said. "Every morning we say the Pledge of Allegiance and talk about how lucky we are to live in a free country."

Harper told the first grade students he was so impressed with their accomplishment of speaking in front of a group that they would have a party and talk about how to take care of the flag.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. BALLENGER. Mr. Speaker, on Friday, June 20, I missed rollcall votes 221, 222, 223, and 224. Had I been present I would have voted "no" on rollcall vote 221; "aye" on rollcall vote No. 222; "aye" on rollcall vote No. 223; and "aye" on rollcall vote No. 224.

RECOGNITION OF SHERIFF FRED SCORALICK, INCOMING PRESIDENT OF THE NATIONAL SHERIFF'S ASSOCIATION

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mrs. KELLY. Mr. Speaker, on June 25, 1997, the National Sheriff's Association will inaugurate Sheriff Fred W. Scoralick of Dutchess County, NY, as its new president. It is a distinct pleasure for me to join the residents of Dutchess County in recognizing my constituent Sheriff Scoralick, who has devoted his life to law enforcement.

Sheriff Scoralick first entered the law enforcement community in 1961, as a part-time deputy sheriff. Through diligence and ability, Fred Scoralick achieved the rank of undersheriff in April 1976, and, in November 1978, he was elected sheriff of Dutchess County, NY.

Sheriff Scoralick has an impressive background in law enforcement. He is a graduate of the National Sheriff's Institute. In addition, he has completed specialized training at Iona College in New Rochelle, NY, and John Jay College of Criminal Justice. Throughout his law enforcement career, he has also studied safety, management, and corrections under the auspices of the Municipal Training Council, the New York State Commission of Corrections, the New York City Police Department, and the FBI Academy.

Mr. Speaker, Sheriff Scoralick has brought the same dedication to the wider law enforcement community that he brings to his duties in Dutchess County. He has served as the chairman of the executive committee of the New York State Sheriff's Association. Indeed, Sheriff Scoralick has held every office within this organization, including president. In 1987, he was elected to the NSA's Board of Directors. Currently, Sheriff Scoralick serves as the chairman of the NSA Insurance Committee, cochairs the NSA Board and the Educational Foundation Committee, and is active on the Budget, Traffic Safety and Management Subcommittees.

Mr. Speaker, Sheriff Scoralick has made invaluable contributions to our community. He has succeeded in bringing new services to Dutchess County, including DARE, Youth Support, Crash Management, Arson investigation, County Wide Drug Task Force, and the Senior Citizen "Are You OK?" Service. Besides spearheading these programs, Sheriff Scoralick also oversaw the construction of a new jail.

He has repeatedly demonstrated his ability as a leader and public guardian. In 1970, he won the American Legion Heroism Medal. In addition, Sheriff Scoralick is also a past recipient of the Police Benevolent Association President's Award. In 1985, his able leadership was recognized by President Ronald Reagan. Sheriff Scoralick was the 1996 recipient of the Multi-County Community Development Corporation Award.

Mr. Speaker, I ask you and all Members to join me in paying tribute to Sheriff Fred Scoralick. He is an exemplary public servant who has devoted his life to making his community a better place. I applaud Sheriff Scoralick's dedication and wish him continued success in his endeavors.

TRIBUTE TO FANCHER CREEK ELEMENTARY SCHOOL

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Clovis Unified School District's Fancher Creek Elementary for being named a 1997 California Distinguished School. The faculty and students of Fancher Creek Elementary exemplify excellence with exceptional student achievement and staff development.

The mission of Fancher Creek Elementary School is to educate all students in a challenging, disciplined, and supportive environment, enabling them to reach their potential of becoming productive citizens who will make positive life-long contributions to society.

A positive school climate is the essential factor of Fancher Creek's environment. The school's motto, Falcons Have Pride, sets such a tone for the students. Monthly award programs recognize students who achieve goals in academics, athletics, and cocurricular activities. Expectations are clear and consistent, and the standards for student achievement and conduct are high.

Fancher Creek has over 900 students of which 61 percent receive free or reduced lunch and 33 percent are English Language learners. The student body is composed of 23.8 percent Asian (Hmong), 32 percent Hispanic, 34.9 percent white, 8.2 percent African-American, and 0.7 percent American Indian. Despite facing cultural diversity, language differences, a high transiency rate (46.4 percent), and other economic problems, Fancher Creek Elementary has maintained tough standards, as measured by the Clovis Unified School District accountability model, which is the Clovis assessment system for sustained improvement [CLASSI].

Fancher Creek Elementary received the Clovis Unified School District Exemplary School Award, the district's highest honor. This award is given for overall excellence in student achievement, school management, community involvement, and cocurricular priorities.

Mr. Speaker, it is with great honor that I pay tribute to Clovis Unified School District's Fancher Creek Elementary. The students and faculty of this school share both a care for the community and a dedication to hard work. I ask my colleagues to join me in wishing Fancher Creek Elementary many more years of successful teaching.

IN HONOR OF THE 40TH ANNIVERSARY OF THE CITY OF INDUSTRY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize the city of Industry on its 40th anniversary. On Saturday, June 21, 1997, the residents and businesses of the city of Industry will join to celebrate this momentous occasion.

The city of Industry was incorporated June 18, 1957. A city devoted to the business community, its basic purpose is to provide a well organized center for industry and commerce of all types. During the last decade, the city of Industry has emerged as one of the leading industrial centers of the "Pacific Empire Industrial Corridor."

In 1990, the residential population of the city of Industry was 631. This small residential community is represented by five city council members: Mayor Tom J. Durant, Mayor Pro Tem John P. Ferrero, Councilman Lawrence Mayo, Councilman Manuel Garcia, and Councilman Dean M. Winn.

The community will pause its celebration, on Saturday, in remembrance of a dear friend and outstanding civic leader of the city of Industry. Mayor John Ferrero, 1912–96, served as mayor of the city of Industry for 39 years. His distinguished service on the city council is marked with dedication and commitment to the city of Industry.

Among Mayor Ferrero's many accomplishments during his tenure was the official public

opening of the Workman House Homestead. The homestead is a testimonial to the rich history of the region. Through interpretative programs, history comes alive as visitors explore the social and cultural life of three decades, significant to the site and the Nation: the 1840's, 1870's, and 1920's.

The business community of the city of Industry is served by the Industry Manufactures Council [IMC], originally formed as the Industry chamber of commerce in 1962. In 1970, the chamber expanded to include the IMC and retained its name. The IMC is composed of individual firms located in the city and governed by the board of directors: President William White, Vice President Boyd Clarke, Secretary Treasurer David Perez, Director Carl Bennitt, Director John Byers, Director Carl Erb, Director Tom Hoffman, and Director Howard Welch.

Mr. Speaker, it is with pride that I ask my colleagues to join me in congratulating the city of Industry on the 40th anniversary of its incorporation and sending our best wishes to the residents and businesses of the city of Industry for many more years of continued growth and prosperity.

UNIVERSITY OF MISSISSIPPI CONCERT SINGERS WIN GRAND PRIZE IN INTERNATIONAL COMPETITION

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. WICKER. Mr. Speaker, I rise to pay tribute to the University of Mississippi Concert Singers who won their fourth international choral title in May in competition in Varna, Bulgaria. The Ole Miss Concert Singers were the only group representing the United States in the competition, which included 21 choirs from 11 countries.

In addition to winning the grand prize, a panel of international judges also gave the group a first place prize in the chamber choir category, first place in the mixed choir category, and a special award for the most innovative music interpretations.

Taking the top award in this event also qualified the group to participate in the European Grand Prize competition to be held in Italy in July 1998.

Mr. Speaker, the young men and women in this extraordinary group an their director, Dr. Jerry Jordan, deserve high praise for their accomplishments. I am placing in the RECORD a press release from the University of Mississippi which details the recent success this group has had in international competition.

OLE MISS CONCERT SINGERS WOW JUDGES, CAPTURE INTERNATIONAL COMPETITION

UNIVERSITY MS.—The University of Mississippi Concert Singers have done it again.

The choir won its fourth international choral title, this time in Varna, Bulgaria, at the International May Choir Competition.

The Ole Miss choir, the only group representing the United States, wowed judges as they sang music in seven languages from a number of musical periods and competed against 21 choirs from 11 countries, including Italy, Portugal, Russia and the Ukraine. The competition was the conclusion to the 48-member choir's two-week, five-country tour.

A panel of international judges awarded the singers three awards in addition to the Grand Prize. The choir placed first in the chamber choir category, first in the mixed choir category (men and women) and was awarded a special prize given by the judges for the first time for the most innovative musical interpretations.

"I am measurably proud of our students and for the University that we won one of the top six choral competitions in the world," said Dr. Jerry Jordan, director of the Concert Singers and director of Choral Programs at Ole Miss. "We may come from the poorest state in the Union, but it is tremendously gratifying to have the world's top authorities in choral music judge our Southern guys and gals as the best choral singers in world competition. We hope to continue to keep the strong choral tradition going here at Ole Miss."

The Varna win qualifies Concert Singers to compete in the European Grand Prize in Gorizia, Italy, in July 1998. The Grand Prize, the world's most prestigious choral competition for nonprofessionals, is widely recognized as the litmus test for the best singers in the world.

Concert Singers competed for the Grand Prize in 1995 as one of the winners of the six top international competitions and tied for top honors with the Japanese choir. The competition was held in Arezzo, Italy.

Concert Singer Delilah Martineau of Louisville said the competition in Varna was a test of the group's talents, skills and stamina.

"I came to win and no less," she said. "However, to win we had to reach down deeper inside than we ever had and experience the music. "We had to live through each note. It was one of the most awesome musical experiences I have ever had."

Martineau's feelings were shared by a number of the singers. Chalis Pomeroy of Dickinson, ND, said singing on an international level was a rewarding experience.

"Being able to perform music at a quality level fit for the international stage is a fantastic feeling. Winning with that music is even better," she said.

But the trip was not just about winning, said singer Shannon Quon of Moorhead.

He said the best part about the competition and the trip in general was "seeing that no matter what nationality we are, what language we speak or how wealthy or poor we are we can all come together and enjoy good music. It is amazing to see how we can touch so many people through our music."

The trip had a particular sentimental attachment for Jordan, who met Istvan Parkai, a specialist in Hungarian music whose choral direction Jordan has admired for 25 years.

"Twenty five years ago I bought some recordings of Hungarian choirs and they have been my favorites," Jordan said. "He was the person I was most honored to meet on this trip because I found that he was the director for some of those recordings I had admired for so long."

Parkai was one of the judges at the competition and cried during the Concert Singers' rendition of a Hungarian piece. Following the performance Parkai said he was touched by the choir's expression during the song.

"It was as if they were understanding not just each phrase, but every word. I have rarely heard it sung with such expression and detail from even a Hungarian choir," he said.

The cultural experiences during the 14-day trip brought to life many of the differences between European and North American life. Brian Wells of Vicksburg said, "The Europeans' love for music is one of a kind.

"We did not have to wait for the competition to be around people who appreciated music," he said. "The Europeans loved and respected us on the streets, in the airports, in the hotels, churches and anywhere we sang."

The choir is no stranger to success. In 1994, the Ole Miss Concert Singers captured the top five awards in Tours, France, where they competed against 30 choirs from 17 countries to win the judge's choice for best overall choir and the audience's top choice, among other awards.

Choir members also garnered the audience's award at the same competition in 1989, and they won the Chester Music Festival in Chester, England, in 1984. Other performances have included those at the Vatican, Lincoln Center and Carnegie Hall.

Jordan has played a significant role in the choir's success and was named one of the 10 most highly recommended choral clinicians in the United States in a national survey conducted by the American Choral Directors Association. He has directed the choir for the past 17 years and made his New York City debut in Lincoln Center with the American Symphony Orchestra in 1988. Jordan is regularly featured as a guest conductor at Carnegie Hall.

TRIBUTE TO HON. ROBERT C. McEWEN, M.C.

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. McHUGH. Mr. Speaker, it is with a heavy heart that I inform you and our colleagues of the passing of my good friend, Robert C. McEwen of Ogdensburg, NY, on Sunday, June 15. Bob McEwen served as a Member of the House of Representatives from northern New York from 1965 until 1980. Prior to that, he served as a member of the New York State senate for 11 years. Elected to the 89th Congress, Bob McEwen first served on the Committee on Public Works and the Committee on House Administration. As he gained seniority, he served with distinction as a member of the Committee on Appropriations. At the time of his retirement, he served as the ranking minority member of its Subcommittee on Military Construction.

Bob McEwen was not the kind of man who could easily retire from public service, however. President Ronald Reagan called him back into public service in 1981, appointing him to serve as the U.S. chairman of the International Joint Commission, an assignment he undertook with enthusiasm.

I feel privileged to have occupied his seat in the New York State senate and am honored to represent today the district which he served with such distinction for so many years. Bob McEwen served in elected office for three quarters of his adult life and never lost an election. In making his retirement announcement in 1980, Bob McEwen said, "Serving in an elected office is more than a way of making a living, it is a way of life." He dedicated

his life to public service and exemplified the very best traditions of this institution. He is survived by his wife, Peg, and two daughters, Mrs. Nancy McEwen Wax of Easton, CT, and Mrs. Mary McEwen Fitzpatrick of Lawrenceville, NJ.

Mr. Speaker, I am proud to say that three members of Bob McEwen's original staff are still serving his North Country Congressional District as members of my staff, Cary R. Brick, my chief of staff; Miss Donna M. Bell, my administrative secretary, and Mrs. Joann Ellis Humphries, my caseworker and office manager, all served Bob McEwen with distinction and join me in expressing our most sincere sympathies to the McEwen family.

Mr. Brick delivered a eulogy for Bob McEwen at the interment service which was held on Friday in Ogdensburg. It spoke eloquently of the high regard in which he was held by all of those who were privileged to know him. Mr. Brick's remarks follow:

TRIBUTE TO ROBERT C. MCEWEN

(By Cary R. Brick)

Thirty-seven days ago, many of us gathered at the Robert C. McEwen Customs House, the oldest building in America occupied by agencies of the Federal government, to commemorate National Historic Preservation Week.

I was honored to have been asked to participate in that ceremony. I took the opportunity to speak about the man whose name graces the historic structure, our friend, Bob McEwen. Characteristic of Bob, he called both my wife and my mother the next day to tell him how pleased he was with the event, and being the consummate gentleman that he was, added some gracious comments that any wife or mother would want to hear about her husband or son.

He called me, as well, to thank me. I remember his words: "Mr. Brick," he said, "it is not every man who gets to hear his own eulogy, thank you for letting me hear mine. I hope I won't give you reason to change your opinion of me when the time comes."

I responded by telling him he couldn't change anyone's feelings for him!

I didn't consciously prepare those remarks of 37 days ago as a eulogy. I prepared them because I wanted Bob McEwen to hear what I, and all of his friends, thought of him. But, I guess Bob knew I would repeat some of those thoughts when the time came.

One of the displays in the Customs House notes "historic buildings serve as symbols of the patriotism and pride Americans feel for their country."

I asked then and I ask again today that we acknowledge that historic building as a permanent monument to one of Ogdensburg's most prominent native sons, a gentleman who spent more than a quarter of a century serving in legislative bodies—11 years in the State Senate and 16 in the United States Congress.

May that building which Congress determined in 1980 should bear his name always serve as a memorial to his public service. May it stand strong and with dignity and class as he did for so many years.

He served more than three-fourths of his adult life in the service of New York and the nation. Bob was an American patriot and a North Country treasure whose senior statesman status was deserved because it was earned through 16 successive victories in special, primary and general elections. There might have been 17 or 18 or more, but Bob McEwen knew when it was time to come home to stay. Today, as Bob has made his final journey, we join together to celebrate his life, his contributions and his lessons.

Bob McEwen stood as a symbol of what makes our democracy survive. He was selected by his neighbors to be their voice in government, and he met their mandate with distinction. Success came easily to him because, as several newspapers have reported in the past few days, he never forgot where he came from and who he represented. He knew his district, whether it was one county or ten. His elections took him to Albany and Washington, but he never forgot his roots.

Bob knew that when the time came for him to answer his final roll call, as a veteran and former Member of the House of Representatives, he could be interred beside some of our nation's greatest national heroes, statesmen, Supreme Court Justices and other veterans from every American war in Arlington National Cemetery. He knew that he was entitled to an interment with pomp and circumstance.

But Bob was a man of our North Country. He wanted it simple. He wanted it here.

And we honor his wishes today.

Had he let us, we could have filled Ogdensburg's largest house of worship to the rafters, and then some.

He wanted it private and brief.

And we respect his wishes today. We do so just as Bob respected the people of the North Country—the men and women who, he liked to joke, had the opportunity to renew his employment contract every two years.

Bob McEwen reflected the best of our public servants.

His honesty, his personal integrity and high morals and love for his family, combined with his respect for others—even those who may not have shared his beliefs or character—reflect what our Founding Fathers had in mind when they created the experiment which we call the American democracy.

I ask you to join me in thinking of the Customs House on the shore of Bob's beloved St. Lawrence as a monument to his countless contributions to the North Country. There is not a community or institution in the vast landscape between Lake Ontario and Lake Champlain which has not felt the influence of Bob McEwen.

It was Bob McEwen who singlehandedly laid the groundwork for the creation of the new Fort Drum which occurred after he retired from Congress. He built the foundation upon which Dave Martin and the Army created the only military installation in the United States built from scratch since World War II.

In an April, 1985, letter to his successor he called the new Fort Drum "the project that had been my greatest hope for our North Country." At this very hour, as we pay tribute to Bob, John McHugh and his colleagues in Congress are continuing that effort by debating the 1998 defense bill which contains nearly $25 million for additional Fort Drum development.

Bob McEwen served in the Congress during a remarkable and exciting time in American history. He went to Congress in 1965 when Lyndon Johnson was transforming John Kennedy's New Frontier into his own Great Society, creating hundreds of new social programs and expanding the role of the federal government to address every social ill. Like his neighbors back home, he supported some and opposed others. He feared that some of them could contribute to uncontrollable deficits for future generations. Time has proven him to be a man of foresight.

He witnessed the expansion of our involvement in Vietnam and stood behind our servicemen even when the tide was turning against their involvement in an endless war on the other side of the globe.

He grieved when his President lost the faith of the American people. He thought there was no greater offense than abusing the trust of the people.

Bob McEwen never served in the majority party in the Congress, but there was never any doubt that he served the interests of the majority of his constituency—which he saw as his extended family.

To his immediate family, I say we all share in your loss. You have lost a husband, father and grandfather. We have lost a friend.

To Peg, we are grateful that you came into Bob's life when you did and for being a devoted wife and partner. Illness presented many challenges to Bob in recent years—challenges which would have devastated a weaker man. Peg, you were there to provide the emotional support which allowed Bob to fight his illnesses with the same vigor that he demonstrated in every campaign. You were challenged, as well, by illness and demonstrated that there was always reason to hope for better days.

To Nancy and Mary: Bob so enjoyed your success as career women and the successes of your husbands. Having lost your wonderful mother, a warm and grand lady, you already know that the loss of a parent creates a void which can only be filled by memories.

Your father frequently talked about his father, a man from whom he drew great inspiration and learned many lessons. Your father was a student of his family's heritage. I recall walking through the McEwen cemetery in the Town of Lawrence with him one summer evening and listening to him describe the life and times of each of your ancestors buried there. (To really know Bob McEwen, you had to know how to listen!)

Your father understood that the McEwen family tree has very deep roots, its branches are ever expanding, its leaves sometimes colorful, as was he, and takes its strength from the rich earth beneath it.

As you mourn the loss of your father, you will draw upon the strength of that heritage and you will find peace. You are, after all, Bob McEwen's daughters. I can think of no greater tribute to both of you.

To all the McEwen grandchildren, I say you are blessed. I hope in the years to come, as you become young adults and mothers and fathers, you will study your grandfather's career, learn from it, and if you are so inclined, emulate it in any way you can while maintaining your individuality. Whatever you do will make him proud.

Lastly, to my mentor and our friend Bob:

Speaking for all of those who were privileged to work for and with you in Albany and Washington, I thank you for allowing us the privilege of being a part of your team. We are better people for having had that honor. We're not here to say goodbye, as solemn as this moment is for all of us. We are here to remember you, to celebrate your life and to find joy in having walked the road of life with you. Our memories of you shall live forever.

We will pay tribute to you by cherishing your ideals and your principles.

May God grant that your memory ever inspire us.

And may peace and bliss be granted to you until we meet again.

A RESOLUTION IN HONOR OF THE ORDER OF THE PATRONS OF HUSBANDRY

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mrs. SMITH of Washington. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

A RESOLUTION IN HONOR OF THE ORDER OF THE PATRONS OF HUSBANDRY

(By the Honorable Linda A. Smith)

Whereas membership in the Grange is synonymous with good citizenship and fraternal respect for others.

Whereas for almost 130 years the Grange has remained one of the best examples of a grass-roots, bottom-up organization, whose strength lies in the more than 3,000 local Granges in over 30 states which offer a wide range of community-oriented programs and activities for children, youth and adults, and hold regular meetings where local and national issues are often discussed. For over a century Grange halls have been community centers where residents gather for educational events, dances, potlucks, town meetings, political rallies and other meetings and have allowed Junior Grange, 4–H, FFA, scouting and Camp Fire groups to thrive; and each year tens of thousands of Grange members participate in numerous community service projects.

Whereas the Grange is one of the first major national organizations which allowed women to vote and sought the membership and involvement of everyone in the family, and Grange members have an equal voice and an equal vote at meetings regardless of their age, sex or position within the organization.

Whereas the Grange's activities with regard to legislative action sets it apart from all other fraternities, service and family organizations, and since its earliest years, the Grange has included legislative involvement—from a strictly non-partisan position—as one of its distinctive characteristics such that all policies which the Grange fights for on the local, state and national levels are decided upon by the grass-roots membership.

Whereas the Order of the Patrons of Husbandry, the National Grange, was founded in 1867, through the vision of Oliver Hudson Kelley, who recognized that farmers, because of their independent and scattered nature, needed representation and a voice at all levels of government as well as a means of coordinating social interaction, which is especially important to rural residents.

Whereas the Grange has been responsible for promoting cooperatives which had the potential of helping farmers economically; undertaken efforts to ensure that the voice of the farming community is heard by lawmakers at the local, state and national level which led to the Extension Service, Rural Free Delivery, and the Farm Credit System, among other nationally significant benefits; and has served rural America in many other ways such as championing the education of rural residents, which led to dramatic improvements in rural schools.

Be it therefore resolved the Grange should receive special recognition and thanks for its many activities, programs and functions benefitting its members, rural America and the nation as a whole;

Be it further resolved that on this day, June 23, 1997, this resolution will be printed in the CONGRESSIONAL RECORD as part of the public record recognizing the civic achievements of the Grange and its membership and extending the gratitude and thanks of the nation.

VALUABLE INSIGHT ON THE MFN ISSUE

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. PITTS. Mr. Speaker, I rise today to submit the following into the CONGRESSIONAL RECORD. The first is an excellent response from the Reverend Daniel Su on extending most-favored-nation trade status to China. Rev. Daniel Su, a Chinese Christian, has lived in China and has valuable insight on the MFN issue. As Reverend Su states in his letter, "To sacrifice ourselves for the sake of principles is heroic, but to sacrifice other people for our principles is insensitive." With this letter, Reverend Su is responding to an open letter on China's persecution of Christians written by Gary Bauer, president of Family Research Council. I am submitting a letter from Mr. Bauer also. Thank you, Mr. Speaker.

A RESPONSE TO THE "OPEN LETTER" BY G. BAUER AND OTHERS

(By Daniel B. Su)

I. AN OVERALL RESPONSE:

This Open Letter as well as other anti-MFN efforts are valuable in that they remind us of the important principles such as freedom and human dignity. They enhance the public awareness of China's human rights situation thus creating more pressure on Beijing and making the message of the MFN debate even stronger. It also gives the US government greater bargaining power with Beijing. NGOs should continue to speak out; the louder, the better.

However the Letter miscalculates the overall impact if the MFN should be revoked. Revocation would create more problems than what it may solve. It defies all logics that Beijing government would turn around and improve its human rights situation if it were humiliated with its loss of MFN.

The Letter scores high in preaching moral principals, but we need to make one important distinction: To sacrifice ourselves for the sake of principles is heroic, but to sacrifice other people for our principles is insensitive—to say the least.

We all deplore the gross human rights violation in China. But the Letter does not want to address the most important question in this serious debate: Will revoking China's MFN improve or worsen its human rights situation and religious freedom? By avoiding this serious question and relying more on emotional appeal, the Letter becomes less serious and relevant.

While the views of those who signed the Letter should be respected, we also notice that many other well respected Christian leaders' names are not on it. And that in itself is a reflection of the healthy diversity among Christian leaders' opinions over the MFN issue.

II. SPECIFIC RESPONSES TO THE LETTERS' ARGUMENTS (PAGE AND PARAGRAPH NUMBERS IN BRACKETS):

[p. 1, par.2]: We may agree that many Christian leaders may not think it appropriate to voice their pro-MFN views in public, but let's not underestimate the integrity of those who do speak our. Missions leaders understand China better; that is why they tend to favor renewing China's MFN.

[p. 1, par.3]: We agree that the US should and could have engaged China in a more effective way to improve its human rights; relying on trade and other current policies is not enough. On the other hand, our ideals need to be tempered with a sense of realism. The US leverage is limited; contrary to our wishes, the US government is not able to solve all the problems of the world. After all, we live in a fallen world where all countries have fallen short of the higher standards.

[p. 1, par.4]: We should continue to be the voice for the voiceless in China despite Beijing's threats, for the persecuted find strength and consolation in knowing that we care and are speaking up for them. However, on the abortion issue, unless the US government first outlaws abortion on its own land, it has no moral authority to teach other nations how to do abortion. (The NGOs are better qualified to do the job.) The US and China differ only in how abortion is achieved, but in both cases does it not end up depriving the baby's inalienable rights of life, liberty and the pursuit of happiness? Let's pray for the day when the US regains its moral ground to address such issues.

[p. 1, par.5]: A serious warning should be given to those who try to exploit the plight of Chinese Christians and make them look like the archenemy of the Beijing government. What's at stake here is the cause of Christ and

[p. 1, par.5]: A serious warning should be given to those who try to exploit the plight of Chinese Christians and make them look like the archenemy of the Beijing government. What's at stake here is the cause of Christ and the lives of many Chinese Christians! China's Christians are simple religious people who do not have a political agenda, and they despise those who try to put a political label on them. There is indeed a serious danger that the arguments made by the Letter may be sized upon by those China bashers and new hawks whose only interest is to make an enemy out of China—now that the Soviet enemy is no more—and to demand sacrifices from American people.

[p.2, par.1] With the fall of communism, it may well be the panic reaction of some elite intellectuals to suggest "strangling the baby [the church] while it is still in the manger," yet we still need to be truthful enough to acknowledge that the current Beijing government policy is only to control and contain the growing church, thus allowing for some limited freedom.

[p.2, par.2] NGOs should be commended for speaking up for the Chinese persecuted.

[p.2, par.3] Of course, things can be much worse in China—anyone who understands China knows that. Christian gatherings of worship could have been forced to close totally; those political dissidents in jail today could have been executed; dissidents could have been sentenced to 15 years instead of 5; families of the prisoners could have faced much more harassment and discrimination.

[p.2, par.4] While we protest against the inhumane treatment of Pastor Wong, we can agree that this is an exceptional case rather than the rule. We all know that technology cuts both ways. While the Chinese police become better equipped, Chinese Christians and political dissidents also benefit from having access to computers, copying and fax machines, Internet, and so on, making it difficult for police to control people.

[p.2, par.5] It sent a wrong message to Beijing and Chinese people when President Clinton declared to delink human rights concerns from the MFN. However, revoking China's MFN can only backfire.

[p.3, par.1] Let's quit making the US the model to all nations and instead take an honest look at reality. The US is part of the fallen world where we see rampant abortions, racial tension and violent crimes, partisan spirit and demogarchy in politics, divisions and scandals within the church, consumerism and hedonism in society, and alarming moral decay in culture. Christian leaders should know better than to display the US as a model. Let's make a distinction between the United States and Christian faith. The early America did share biblical aspirations for justice, equality, and human dignity, but such aspirations are Christian, not American. Though America's sins, past and present, in no way justify Beijing's abuse of power, they do help keep us humble, don't they?

III. CONCLUSION

China today is in a critical stage. It can either evolve into a more open and democratic nation or an enemy to the US. If the Soviet Union could evolve into a democracy, why can't China? Let's not be like the pessimists who say things won't change; instead, let's work to turn possibilities into realities. What's crucially needed today is for American leaders to unite in formulating a consistent, comprehensive China policy that helps China get on the right track without turning it into an enemy. That is a moral obligation the leaders owe to America and America's children.

[Rev. Daniel B. Su is from China and now works in the US as the assistant to the president, China Outreach Ministries, Inc., Fairfax, Virginia]

OPEN LETTER ON CHINA'S PERSECUTION OF CHRISTIANS

DEAR MEMBERS OF CONGRESS: Recently, letters have circulated on Capitol Hill from some groups and leaders involved in missions in China. These letters urge Members not to vote to revoke China's Most-Favored Nation (MFN) trade status. They cite potential dangers to the missions if the U.S. responds to Bejing's terrible record on human rights, national security and workers' rights.

There are points of agreement between us and those missions organizations. We can agree, for example, to put no individual at risk of retaliation. We should take great care in dealing with a regime that has demonstrated its willingness to settle disagreements with tanks and with bullets in the back of the head. We can also agree that those Christians directly involved in work in China are not necessarily the ones to lead the fight against MFN. They may be too close to the situation for prudence or safety to permit open opposition to the regime.

But the letters make other arguments. They suggest that a forceful response by the United States government to what everyone acknowledges is an appalling Chinese government record would be counter-productive. We cannot accept those arguments. As deeply as we respect Christian missionaries in China and throughout the world, we must disagree with a policy which allows China's rulers to manipulate the United States of America simply by threatening reprisals against these innocent, godly people. It is a form of hostage-taking.

For the U.S. to surrender to such threats would be to assure that Bejing will use threats whenever Americans cry out against the cruelty and injustice of the communist Chinese regime. Should we all keep silent about China's massive campaign of forced abortions and compulsory sterilizations? Should we avoid criticizing China's use of slave labor in the Laogai? Should we turn aside from China's latest violations of chemical weapons agreements, including shipments to Iran of poison gas? Is the United States truly the leader of the Free World? Or are we merely the "moneybag democracy" the Chinese rulers contemptuously call us?

There is a real danger that the arguments made by some U.S.-based missions may be seized upon by those whose only interest in China is profits. Some multi-national corporations have allowed the brutal Chinese birth control policies to be run in their factories. Some have also accommodated Chinese repression by banning religion in the workplace. And some have exploited prison laborers.

We wholeheartedly support missions throughout the world, and especially in China. We think it's necessary, however, to take a clear-eyed view of the conduct of the Chinese government. While missionaries seek no conflict with the government, the reality is that China's rulers do not view Christians so benignly.

Paul Marshall, in his well-received book "There Blood Cries Out," describes the attitude of China's elites. "In 1992, the Chinese state-run press noted that 'the church played an important role in the change' in Eastern Europe and warned, 'if China does not want such a scene to be repeated in its land, it must strangle the baby while it is still in the manger."

We are proud to note the consistent and principled stance of the U.S. Catholic Conference in opposing MFN for China. Catholics are brutally repressed in China, as are Evangelicals, Muslims and Buddhists. But the USCC has never allowed Beijing's threats to deter it from its duty to speak up for the oppressed. Nor should we.

We know that we are not on "the front line" in confronting Chinese repression. Because we have a freedom to speak out that is not granted to those on the Mainland, we must use our God-given freedom to speak out for those who cannot speak for themselves. When it is argued that the situation will be worsened if America takes action, we must ask candidly, how can it be worse for the Chinese dissidents? Our own State Department reports that all dissidents have been either expelled, jailed of killed.

We rejoice in the fact that American missionaries hold U.S. passports. We pray that a strong United States will help to safeguard our fellow Americans' lives while they do the Lord's work in China. But Chinese Christians are not so protected. For Pastor Wong, leader of 40 Evangelical churches, MFN has brought no benefits. He has been arrested four times for spreading the Gospel. The last time he was jailed, his fingers were broken with pliers. While Vice President Gore was preparing to visit Beijing in March, Chinese secret police invaded the apartment of Roman Catholic Bishop Fan Zhongliang in Shanghi, seizing Bibles and other religious articles. The move against the nation's highest Catholic prelate was clearly intended to intimidate millions of faithful Chinese Catholics. MFN has only made the Chinese police more efficient in denying basic human rights to Bishop Fan and his flock.

President Clinton's 1994 "delinking" of trade and human rights concerns has actually increased repression in China. Now, even if missionaries plant churches, the Chinese secret police can disrupt them. This view is affirmed by New York editor A.M. Rosenthal. He has written:

Knowing Washington would not endanger trade with China, even though it is mountainously in China's favor, Beijing increased political oppression in China and Tibet—and its sales of missiles, nuclear material and chemical weaponry.

Rosenthal refers to the president as Beijing's "prisoner." Let us assure, by our steadfastness, that the rest of us do not wear such claims.

From the beginning of this debate, we have recognized that the argument over MFN is not just about what kind of country China is, it is also a dispute about what kind of country America is. We believe Americans have a moral obligation to stand up for human rights, for the rule of law and for the rights of workers. We know, from long and tragic experience in this blood-stained century, that a regime which brutalizes its own people is virtually certain to threaten its neighbors.

Sincerely yours,

Gary L. Bauer, President, Family Research Council; Ralph E. Reed, Executive Director, Christian Coalition; Rev. Richard John Neuhaus, President, Institute for Religious and Public Life; Keith A. Fournier, Esq., President, Catholic Alliance; D. James Kennedy, President, Coral Ridge Ministries; Joseph M.C. Kung, President, Cardinal Kung Foundation; James C. Dobson, Ph.D., President, Focus on the Family; Phyllis Schlafly, President, Eagle Forum; Chuck Colson, President, Prison Fellowship Ministries; Gov. Robert P. Casey, Chairman, Campaign for the American Family; Steve Suits, South Carolina Family Policy Council; William Donohue, President, Catholic League for Civil and Religious Rights.

Richard D. Land, President, Christian Life Commission; Steven W. Mosher, President, Population Research Institute; Gerard Bradley, Professor, Notre Dame Law School; John DiIulio, Professor, Princeton University; Robert P. George, Professor, Princeton University; John Davies, President, Free the Fathers; Kent Ostrander, Director, The Family Foundation (KY); Matt Daniels, Executive Director, Massachusetts Family Institute.

Rev. Donald E. Wildmon, President, American Family Association; Deal W. Hudson, Publisher & Editor, Crisis Magazine; Bernard Dobranski, Dean, Columbus Law School; Rev. Steven Snyder, President, International Christian Concern; Ann Buwalda, Director, Jubilee Campaign; P. George Tryfiates, Executive Director, The Family Foundation (VA); Randy Hicks, Executive Director, Georgia Family Council; Marvin L. Munyon, President, Family Research Institute (WI).

William T. Devlin, Executive Director, Philadelphia Family Policy Council; William Held, Executive Director, Oklahoma Family Council; William A. Smith, President, Indiana Family Institute; Thomas McMillen, Executive Director, Rocky Mountain Family Council; Michael Heath, Executive Director, Christian Civic League of Maine; David M. Payne, Executive Director, Kansas Family Research Institute; Gary Palmer, President, Alabama Family Alliance.

Jerry Cox, President, Arkansas Family Council; Dennis Mansfield, Executive Director, Idaho Family Forum; Michael Howden, Executive Director, Oregon Center for Family Policy; William Horn, President, Iowa Family Policy Center; Joseph E. Clark, Executive Director, Illinois Family Institute; John H. Paulton, Executive Director, South Dakota Family Policy Council; Mike Harris, President, Michigan Family Forum.

CENSUS SHOULD BE CONDUCTED IN PROPER PERSPECTIVE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. GINGRICH. Mr. Speaker, the attached editorial from the Washington Times puts the issue of how the 2000 census should be conducted in proper perspective. Considering how many administration departments have been politicized, we cannot risk having possibly millions of Americans disenfranchised because of census sampling. I submit the editorial into the CONGRESSIONAL RECORD.

[From the Washington Times, June 12, 1997]

POLITICS AND CENSUS NUMBERS

After the fiasco involving the Clinton administration's utter politicization of the Immigration and Naturalization Service's last-minute, pre-election blitz last year to enfranchise felons and other likely Democratic-voting immigrants, is there really any wonder why Republicans fear approving this crowd's use of sampling for the 2000 census? Sadly, New Hampshire Republican Sen. Judd Gregg was not stretching it a bit when he questioned whether Dick Morris would have a role in any population sampling conducted by this administration.

Having politicized everything in sight, from the White House Travel Office to international trade missions at the Commerce Department (which, by the way, also oversees the Census Bureau), President Clinton now criticizes the Republican Congress for "weighing [the disaster-relief bill] down with a political wish list." One provision that upsets Mr. Clinton would prohibit the Census Bureau from employing statistical sampling techniques to adjust the 2000 census, which, among other things, would be used to determine the population of states for the purpose of apportioning congressional seats and distributing federal dollars. For the first time ever, the Clinton administration wants to use sampling to adjust the "actual enumeration" that the Census Bureau obtains in 2000 from mail-in forms and subsequent door-to-door data collections, proposing only to count 90 percent of the population and apply statistical projection to the remaining 10 percent.

Everybody agrees that the census is not accurate. Supplemental research after the 1990 census revealed that about four million people, 1.6 percent of the U.S. population, were not counted. According to that sample, 2.3 percent of Asian-Americans (173,000), 4.4 percent of blacks (1.40 million), 4.5 percent of Native Americans (96,000), 5 percent of Hispanics (1.16 million) and 0.7 percent of non-Hispanic whites (1.33 million) were not counted in 1990. Contrary to popular belief, however, undercounting is as prevalent in rural areas as it is in urban areas. The Clinton administration, backed by the American Statistical Association, the Association of American Geographers and the National Academy of Sciences, argues that the use of sampling would produce the most accurate, cost-efficient census. Even the Census Bureau admits, however, that introducing sampling may simply substitute one type of error for another.

Moreover, even if sampling is more accurate, it addresses neither the political question nor the constitutional question. Politically, potentially two dozen House seats lie in the balance—meaning, for all practical purposes, majority control of the House, its agenda and all the committee and subcommittee chairmanships. Why should a Republican Congress commit political suicide by relinquishing its authority over the census to a hyper-politicized administration that has treated the Census Bureau's parent, the Commerce Department, as the Democratic National Committee's (DNC) soft-money subsidiary? The fact is that the Secretary of Commerce office has been occupied for five years by a who's who of Democratic fund-raisers: former DNC Chairman Ron Brown, California money maven Mickey Kantor and Chicago rainmaker William Daley. Looking for a place to stuff the likes of John Huang, Mr. Clinton appropriately selected Commerce.

This is hardly idle speculation. As the nonpartisan Statistical Assessment Service observed recently, "[O]nce the sampling precedent is set, what is to prevent us, in principle, from lowering the actual enumeration from 90 percent to 80 percent or 70 percent or lower? . . . This creates a powerful temptation for the party in power to skew the sampling adjustment its way. The ability to 'create' or 'eliminate' millions of strategically placed citizens with the stroke of a pen introduces a potent and disturbing new political weapon . . . and a dangerous new set of political temptation."

Constitutionally, the Supreme Court only last year (Department of Commerce v. City of New York et al.) confirmed that the Constitution confers wide authority and discretion upon Congress in conducting the census. The Court unanimously ruled that former Commerce Secretary Robert Mosbacher, by virtue of authority delegated to him by Congress, properly refused to adjust the 1990 census to correct its undercount. Interestingly, the Clinton administration argued on behalf of Mr. Mosbacher's use of the authority Congress had delegated to him. Now, Congress merely seeks to exercise its authority. Moreover, it is by no means certain that the Supreme Court would permit a census to be adjusted by sampling. The Constitution mandates an "actual Enumeration," and last year's Supreme Court decision did not address this issue. As a practical matter, any cost savings from sampling would be overwhelmed by a Supreme Court decision rejecting the practice.

If the Clinton administration has demonstrated it cannot be trusted to process citizenship applications of immigrants properly—heretofore a very nonpolitical undertaking—how can it be remotely trusted not to politicize "a potent and disturbing new political weapon"?

HONORING GREEK-AMERICANS

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. KLINK. Mr. Speaker, I rise today to honor a vital, but far too frequently unacknowledged, segment of the American mosaic: Greek-Americans.

In their short existence in this Nation as an ethnic group, they have excelled in every field that they have applied themselves. From business to the arts; from athletics to the media; from public service to education; Greek-Americans have made vital and lasting contributions to America's rich civic life.

The Pancretan Association of America represents a portion of the Greek-American community whose ancestry comes from a historic island of Crete. Throughout history, the people of Crete have valiently fought to defend their soil, their heritage, religion, and democratic ideals against tyrannical invaders and occupiers.

True to these ideals, Cretan-Americans have proudly served in the Armed Forces of the United States of America, defending the very same principles that have guided their ancestors throughout history.

Mr. Speaker, I encourage my colleagues to join me in honoring these historic Cretan-American veterans. They have fought with courage, honor, and conviction to preserve and defend the ideals that have bound the United States and Greece in a historic partnership for peace, stability, and democratic values.

MOTHER TERESA AND THE GOLD MEDAL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to acknowledge the profound effect a recent event had on me. As a Roman Catholic serving in the U.S. House of Representatives, my heart swelled with pride when Congress awarded Mother Teresa the Congressional Gold Medal.

The rare ceremony took place in the rotunda of the U.S. Capitol on June 5. Without question, it was one of the most powerful events I have ever witnessed.

Of course, one did not have to be Christian to take inspiration of the moment. Believers of many faiths crowded the space to see Mother Teresa, and to be moved by her prayer for the "poorest of the poor."

The Gold Medal is no ordinary recognition. It is the highest honor bestowed by Congress, approved by bill on behalf of the people of the United States.

Leaders of both chambers and parties were on hand as Representative HENRY HYDE described the one he called a living saint. "You believe that every human being, no matter how abandoned, no matter how poor, no matter how 'useless' or 'inconvenient,' * * * is an

image of the invisible God, is invested with an innate and inalienable dignity and value, and thus commands our attention, our respect, and our care, and you have poured out your life in the service to that belief."

Indeed, she has. The ministry she founded, the Missionaries of Charity, extends to 120 countries with 568 houses dedicated to the unwanted, the unclothed, and the unfed. In Calcutta alone she and her sisters have provided for the successful adoption of 8,000 children. Of the hundreds of Congressmen and Senators assembled before her, she asked only our prayers for her and her ministry.

"The more we help the poor, the more we honor God," she told us. She thanked America for the parents who have given the "gift of daughters and sons to do the work of missionaries, to serve the poor, to serve Jesus."

Instantly, my mind took me back to February 4, 1994. Mother Teresa was the keynote speaker at the annual National Prayer Breakfast. At my table were legislators from five other States and ambassadors from four foreign countries. Flanked by President Clinton and Vice President GORE, she delivered a speech that rocked Washington.

Amid her discussion of charity and the church's special preference for the poor, she quickly turned the topic, "But, I feel that the greatest destroyer of peace today is abortion, because it is a war against the child." A grenade of truth tossed into a room full of politicians, her remarks caused 3,000 of us to squirm in unison. I remember it as yesterday.

Then, she returned us to ease with the simplicity of her response. "Each child is created in the special image and likeness of God for greater things—to love and to be loved," she said. "I will tell you something beautiful. We are fighting abortion with adoption."

"Please don't kill the child," she begged. "I want the child. Please give me the child. I am willing to accept any child who would be aborted, and to give that child to a married couple who will love the child and be loved by the child." True to her word, her Sisters of Charity have yet to refuse a child, anywhere.

Mother Teresa is a profile in contradiction; a light in the darkness, strength among the weak, courage among fear. Standing at the seat of democracy, in the strongest nation of the world, the terms of secular power—military, economic, and bureaucratic—became tiny by her greatness.

Clearly endowed by God, the power of Mother Teresa's heart transcends the power of the world.

STATEMENT ON ALS RESEARCH, TREATMENT AND ASSISTANCE ACT

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. CAPPS. Mr. Speaker, together with my colleague BEN GILMAN, I am today introducing the Amytrophic Lateral Sclerosis [ALS] Research, Treatment and Assistance Act of 1997. This bill is designated to assist individuals with ALS, encourage advances in treatment, and accelerate research support at NIH.

The terrible nature of ALS was recently brought home to me through a very close friend of mine, Tom Rogers, who is suffering from this disease. Tom has been an able and compelling legislator, and a leader in the environmental movement in Santa Barbara County. His struggle with this disease has been heroic and an inspiration to all who know him. During my campaign for Congress, Tom gave me his running shoes which he said he no longer had any use for due to the debilitating aspects of ALS. I wore those shoes through the months leading up to my election. To this day, that gesture of friendship and support has continued to be a source of inspiration for me.

While most of us know of the famed baseball star for which this disease is named, many of us are unaware of the tragic consequences of Lou Gehrig's Disease. First diagnosed over 130 years ago, ALS is a progressive, fatal neuromuscular disease afflicting 25,000 to 30,000 individuals in the United States today. Approximately 5,000 new cases are reported every year.

Victims of the disease are struck by a creeping paralysis that eventually leaves them unable to eat or even breathe. There is no cure for ALS and researchers are just now beginning to understand what kills the nerve cells in the brain and spinal cord that lead to the disease's destructive effects. ALS usually strikes people in their 50's or later and life expectancy is a mere 3 to 5 years.

My bipartisan bill would waive the 24-month waiting period for Medicare eligibility on the basis of disability for ALS patients. This is only fair since life expectancy following diagnosis is often shorter than the waiting period and most ALS patients will have paid into the Social Security system well before the onset of ALS.

Disabled people under age 65 are eligible for Social Security Disability Insurance and Medicare benefits. However, there is a 5-month waiting period from the onset of the disability until SSDI benefits are granted and then a further 24-month waiting period for Medicare eligibility. Unfortunately, since ALS patients' life expectancy is only 36 to 60 months, the 29-month waiting period leave them little time to participate in Medicare. This is unfair as most ALS patients have had productive working lives prior to onset of the disease and an estimated 17,000 of them are not age-eligible for Medicare. The cost of assisted living care and various effects of the disease can leave many patients' families financially drained. Victims of end stage renal disease, who experience a similar life expectancy as ALS patients, are granted this waiver.

The Capps-Gilman bill would provide Medicare coverage for outpatient drugs and therapies for ALS. This provision would ensure patient access to such treatments and help spur the development of new treatments for ALS. Currently, Medicare part B provides drug coverage for five other afflictions: oral cancer, clotting factors, immuno suppressives, osteoporosis, and hemophilia.

Finally, this legislation would double Federal funding of research into the cause, treatment, and cure of ALS. NIH-sponsored ALS research totaled only $12 million in fiscal year 1996. Clearly, more must be done. Recent advances in ALS research have produced promising leads, many related to shared disease processes that appear to operate in many neurodegenerative diseases. Increased research funding for NIH can speed up work on these promising leads.

Mr. Speaker, I urge the support of my colleagues for this critically important legislation.

A TRIBUTE TO U.S. WEATHER BUREAU'S NORTH ATLANTIC PATROL

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mrs. KELLY. Mr. Speaker, my fellow colleagues: I would like to call your attention to a great service rendered to this country by the men who served as civilian weather observers with the U.S. Weather Bureau's North Atlantic Patrol during the Second World War. These men significantly impacted the success of D-day, and many other battles of World War II, and yet, they have never been given the public appreciation they so richly deserve.

One of my constituents, Mr. Ray McCool, told me of these men, serving in the North Atlantic Weather Patrol aboard Coast Guard vessels, who obtained and transmitted essential weather data to Washington, DC. As a result, they made possible the preparation of weather maps used throughout the war. In fact, their long-range forecasts provided vital information needed to plan the D-day invasion. Their knowledge and talents made an enormous difference in the success of the overall mission and ultimately in an Allied victory.

Their service was not without danger and sacrifice. Under the Geneva Convention Articles of War, the rules for treating military prisoners did not apply to civilians. Therefore capture by the enemy most likely meant being treated as a spy and shot. To prevent this, they were outfitted in Coast Guard uniforms, carried as chief petty officers and enlisted into the service as "U.S. Coast Guard Temporary Reserves."

If capture by the enemy wasn't worry enough, they had the high seas and enemy ships to face. A typical mission took these men out to sea for 4 to 6 weeks at a time where they dealt with hurricanes and attacks from depth charges, U-boats, and German submarines.

To date, the United States have never fully recognized the invaluable job these civilian weather observers performed.

Today, let the record show we salute these unsung heroes and acknowledge their service to our Nation. Further, in order to show our proper recognition, I am recommending that each local veteran's office present a U.S. flag to the family of a deceased member of this elite ensemble of men. In the face of danger and against the odds, these men stood tall and answered our country's call to freedom, and for that the United States of America is forever grateful.

PERSONAL EXPLANATION

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. RAHALL. Mr. Speaker, I was unable to be present for rollcall Nos. 224, 223, 222, and 221 on June 20, 1997. Had I been present and voting, I would have noted in favor of these four amendments to the Defense authorization bill, H.R. 1119.

OPEN LETTER OF SENATOR NANCY KASSEBAUM BAKER AND VICE PRESIDENT WALTER MONDALE TO THE PRESIDENT AND MEMBERS OF CONGRESS CONCERNING BIPARTISAN CAMPAIGN REFORM

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. MEEHAN. Mr. Speaker, last week two of America's most respected and distinguished senior statespeople, Senator Nancy Kassebaum Baker and Vice President Walter Mondale, visited with several bipartisan reform leaders on Capitol Hill, including myself and several of my fellow cosponsors of the Bipartisan Campaign Reform Act of 1997. The purpose of their visit was to discuss an open letter they wrote to the President and to Members of Congress on the topic of campaign reform. For my colleague Representative CHRISTOPHER SHAYS of Connecticut and myself, I enter Senator Kassebaum Baker and Vice President Mondale's letter into the CONGRESSIONAL RECORD.

AN OPEN LETTER TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES FROM NANCY KASSEBAUM BAKER AND WALTER F. MONDALE,

Washington, DC, June 18, 1997.

DEAR MR. PRESIDENT AND MEMBERS OF CONGRESS: In March, the President asked that we help in the cause of campaign finance reform. Since then we have observed closely the national discussion of this issue, which we believe is central to the well-being of American democracy. We would now like to report about our initial recommendations, with a plea, in the best interests of our political process, that the Executive and Legislative Branches commit themselves to a course of urgent debate leading to early and meaningful action.

One of us is a Republican. The other is a Democrat. We are inspired by the bipartisan efforts of Senators John McCain and Russell Feingold, and Representatives Christopher Shays and Martin Meehan, to achieve campaign finance reform. The bipartisan effort of new members of the House, led by Representatives Asa Hutchinson and Thomas Allen, is also a foundation for hope. We are mindful that no change will occur unless there is a consensus in both parties that reform is fair to each. We also believe the imperative task of renewing our democracy requires that we all look beyond party. Guided by basic lessons from our Constitution and national experience, we must identify specific measures and commit ourselves to action where agreement is within our grasp, even as we identify other questions for further consideration.

The Constitution, in this as in all public affairs, is our first teacher. It directs that the Congress shall make no law abridging the freedom of speech. The Supreme Court has provided substantial guidance how that command applies to campaign finance laws. Whether any of us might wish that the Court had decided particulars of prior cases differently, our national legislative task is to give full honor to its free speech decisions.

The Constitution also enshrines political democracy. One of its central purposes is to ensure that every individual has the right to participate fully in the electoral process. As Madison said of the Congress in The Federalist Papers (No. 52), "the door of this part of the federal government is open to merit of every description, ... without regard to poverty or wealth." Our campaign finance system must respect, and do everything it can to bolster, the constitutionally rooted primacy of individual citizens in our political democracy.

In applying constitutional values to campaign finance, we do not have to start from scratch. We have had a century of debate and legislation about several essential matters, including what we now describe as "soft money." From early in the twentieth century, federal law has prohibited contributions from corporate treasuries to federal election campaigns. Starting in the 1940s, this bar has been applied equally to contributions to federal election campaigns from union treasuries. The basic principle of these constraints, upheld by the Supreme Court, is that organizations which are granted special privileges and protections, provided by federal or state law for economic advantage, should not be permitted to leverage that advantage to cast doubt on the integrity of our national government.

In the 1970s, in response to the constitutional crisis that began twenty-five years ago this week, the Congress established limits on individual contributions to candidates and political parties, and barred large individual contributions to them that threatened to undermine governmental integrity in reality or appearance. Though it subsequently invalidated several other reform provisions of that time, the Supreme Court sustained this central element of our campaign finance law.

At the end of the 1970s, the Federal Election Commission began to erode these important protections. The Commission authorized national party committees to spend the proceeds of a new category of contributions which we now know as "soft money." This allowed previously prohibited corporate and union treasury contributions, and also unlimited contributions from individuals, to the national political parties. The theory has been that if contributions are not used directly in a federal election, federal campaign finance laws do not limit them. At first, the amounts of soft money involved were relatively small. But as happens with cracks in dikes, the power behind the breach has overwhelmed all defenses. The resulting flood of money to the national parties and their campaign organizations now threatens the credibility of our entire electoral process.

We believe that Congress, as a matter of high priority must stop, unambiguously, all "soft money" contributions to the national parties and their campaign organizations. The Congress should also prohibit the solicitation of soft money by those parties and organizations, any federal office holder, or any candidate for federal office for the seeming benefit of others, but in truth to circumvent the prohibition of soft money to the national parties. These interrelated acts would do much to reinvigorate the basic concept of the Federal Election Campaign Act: that, while we must remain mindful of the political parties' needs for resources to perform their vital role in the political process, it is individuals, subject to contribution limits established by Congress, who are the heart of the system of private contributions for federal elections. The prompt end to soft money solicitations by presidential candidates, among others, would also assure that the public gets full value for its investment in publicly financed presidential elections.

A recurring observation about the 1996 and other recent federal elections is that candidates have lost control of the conduct of their campaigns. Indeed, many candidates are at risk of becoming bystanders to campaigns waged by others in the name of "issue advocacy." As a result, the accountability of the candidates for the conduct of campaigns is seriously compromised. Part of the problem is the need to sharpen definitions, that may have worked twenty years ago, to distinguish campaigning for candidates from a more general public debate of issues. Another part is the need to update the disclosure requirements of the Federal Election Campaign Act. Progress on both counts is necessary to assure that our political process achieves the substantial benefits that should result from an end of the "soft money" system.

First, it is essential that Congress establish, on the basis of the experience of recent elections, an appropriate test consistent with the First Amendment for distinguishing advocacy about candidates from the general advocacy of issues. The purpose of this test should be to identify for consistent treatment under the Federal Election Campaign Act significant expenditures for general communications to the public, at times close to elections, that are designed to achieve specific electoral results. The Supreme Court has said that Congress may regulate federal campaign activity to avoid corrupting influences or appearances. In doing so, the Congress should look at reality, not the self-applied labels of partisans. Our objective should be to assure that comparable expenditures are treated comparably.

The gains from ending "soft money" will be incomplete if money currently spent by parties is only redirected into so-called issue advertisements, including those by surrogate organizations established to circumvent campaign finance laws. A tightened, realistic definition of statutory terms will not foreclose communications to the pubic on behalf of the interests of business enterprises and unions even up to Election Day, under regulations evenly applied to their political action committees. It will mean that communications to the general public in periods close to elections that are designed to achieve electoral wins or losses are financed through the voluntary contributions of individuals, such as to their parties, political action committees, or candidates.

Second, disclosure is an essential tool because it allows citizens to hold candidates accountable for the means by which campaigns are financed. On election day voters can only express themselves about candidates on the ballot. Even candidates, however, may not know the true identity of entities that dominate the airwaves during the closing weeks of a campaign with electoral

message patently targeted to favor or disfavor them or their opponents. Broader disclosure of the sources of financing of campaign advertisements would contribute to the robustness of political debate. It would ensure that candidates know to whom they might respond, and that the electorate knows who can be held accountable for the accuracy or demeanor of advertisements.

Additionally, we should take advantage of an electronic age in which information can be transmitted rapidly from, and updated frequently by, party and campaign officials, and made readily available to the public with equal rapidity.

No limitations and no disclosure requirements are worth much in the absence of timely and effective enforcement. Indeed, the absence of credible enforcement causes damage beyond the campaign finance laws by engendering real doubts about the application of the rule of law to powerful members of our society. The American public believes resolutely that a fundamental premise of our constitutional democracy is that high elected officials, like ordinary citizens, are subject to the rule of law, and to the timely application of it. The Congress and the President need to work together to assure the public that campaign finance laws are not pretenses.

The President and the Senate should take immediate action to assure that vacancies on the Federal Election Commission are filled by knowledgeable, independent-minded individuals who are not subject to the suggestion that they are appointed to represent political organizations. We say this because we need a clean break from the past, not to be critical of any former, present, or potential member of the Commission. It is within the President's power to accomplish this new start for the Commission, beginning today. We urge the President, in consultation with the leadership of the Congress, to name an advisory panel of citizens whose task would be to recommend highly qualified candidates for the President's consideration for appointment to the Commission, subject of course to the Senate's advice and consent.

Congress can take further steps to protect the independence of the Commission. If commissioners were limited to one term, they would have no occasion to measure the impact of their decisions on the possibility of reappointment. The independence of the Commission can also be furthered by placing its funding on a more secure, longer term basis.

The potential for deadlock inheres in the requirement that the Commission have an even number of commissioners. Because the Congress also has made the Commission the official gatekeeper to the United States courts, judicial action to resolve complaints under the Federal Election Campaign Act is impeded unless permitted by a majority of commissioners. Thus, a deadlocked Commission is an obstacle to the adjudication of meritorious claims. It is important to rely on the expertise of the Commission, but when the Commission is unable to resolve complaints, our respect for the rule of law requires that complainants have the right to a fresh start through a direct action in the United States courts against alleged violators. The law should be amended to provide for this in the event that the Commission in unable to act because of deadlock or a lack of resources.

We have not attempted to set out an exhaustive list of reforms which may be attainable and would make a significant contribution. Other important proposals by members of Congress or students of campaign finance reform merit consideration, such as encouraging small contributions through tax credits, or providing greater resources to candidates through enhanced access to communications media or through flexibility by the parties in supporting candidates with expenditure of hard money contributions. Rather, our purpose is to illustrate that it is possible to identify and act on particular, achievable improvements, which should not be postponed or neglected. We very much encourage and support a larger debate about other changes at the federal and state levels in the manner in which political campaigns are financed. Additional changes will be essential to renewing American democracy. The enactment of immediate reforms may give us a measure of time to address other reforms, but should never become an excuse for avoiding them.

We urge that the work of the Congress over the next few months be spurred by one overriding thought: no one would create, or should feel comfortable in defending, the campaign finance system that now exists. Public cynicism about our great national political institutions is the inevitable product of the gaps that exist between our principles and the law, and between the law and compliance with it. The trend lines, also, are all wrong. If we were unhappy about campaign financing in the election of 1996, as the public is and as members of both parties ought to be, then we should anticipate with great trepidation the election of 2000, absent prompt reforms.

The challenge for this Congress is to put in place changes for the presidential and congressional election cycle that will start the day after next year's elections, a little more than sixteen months from now, to enable an election in the year 2000 in which we will have pride and the public will have confidence. Your leadership in that endeavor will serve the interests of American democracy, and command the enduring appreciation of all of us who know how needed that leadership is.

Sincerely,

NANCY KASSEBAUM BAKER.
WALTER F. MONDALE.

AN OPTION WORTH WATCHING

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. GINGRICH. Mr. Speaker, the gentleman from Texas, the Ways and Means Chairman, Mr. ARCHER, has developed a tax relief plan to help restore our Nation's Capital, the District of Columbia. I enter into the CONGRESSIONAL RECORD an editorial from the Washington Post which, recognizing that a tax incentive plan is the sole solution to the troubles of the District, still concludes that it is an option "worth watching."

[From the Washington Post, June 11, 1997]

MR. ARCHER'S PLAN FOR THE DISTRICT

House Ways and Means Committee Chairman Bill Archer's tax incentive plan for the District has encouraged a chorus of carping from city officials who predict that the measure won't stem the middle-class exodus to the suburbs. Perhaps to their surprise, Rep. Archer agrees. "The single biggest thing that the District of Columbia needs to do," he told a press conference at the bill's unveiling, "is to create an environment that is healthy for people to live and to work and to educate their children. * * * There are no changes in the tax code that are going to be enough to accomplish that."

Rep. Archer's appraisal was both candid and realistic. The District's tax code isn't the chief reason more than 50,000 residents have fled the city in the 1990s alone. A host of problems—including poor schools, crime, broken city services and abysmal local leadership—are responsible. The District's survival will depend less on tax cuts than on a wide variety of policies and actions that directly address those ills. Fixing the school system, imposing financial accountability and management reforms in the government, improving public safety and adopting the president's plan to take over some burdensome state-level responsibilities and costs will go a long way toward creating a stable and livable city.

Tax cuts, whether they benefit the majority of residents or are focused on the city's poorest neighborhoods, aren't going to provide the city with a sustainable revenue base. Yet to dismiss the GOP tax-break proposals out of hand may be shortsighted and self-defeating too.

Businesses are leaving town, and the city is having trouble attracting new firms. Much the same applies to middle-income residents. Rep. Archer believes tax relief could become a magnet for residents and businesses in certain economically depressed areas of the city such as Anacostia, Mount Pleasant and Chinatown. Whether tax breaks would keep and attract new residents or spur investment and job creation in the District's struggling areas is an open and untested question in this city. At $325 million in tax relief spread out over five years and targeted on about 80,000 of the city's 554,000 residents, it's an expensive gesture, if not gamble.

Control board chairman Andrew Brimmer believes the plan's economic impact would be "slight." House Speaker Newt Gingrich, on the other hand, reportedly views the D.C. tax package as a "demonstration project that Republican free-market solutions are the best way to solve the problems of our nation's inner cities." It's an experiment worth watching.

THANKS TO PHIL JACKSON AND NATIONAL ASSOCIATION OF BROADCASTERS

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. POMEROY. Mr. Speaker, I rise today to thank those who helped the victims of the flood that hit the upper Great Plains this spring. I would especially like to point out the public service announcement filmed by Chicago Bulls coach and former North Dakotan Phil Jackson and distributed by the National Association of Broadcasters.

In the midst of the Chicago Bulls run for a fifth NBA title in 7 years. Coach Jackson took the time to film a public service announcement asking Americans to help the flood victims of his former State. Teaming up with the National Association Broadcasters, we got the work out about this PSA, and about how broadcasters could join the flood relief effort.

While the PSA was playing in cities across the United States asking individuals to give what they could to help the flood victims, broadcasters were also becoming involved in the campaign. In Fargo, ND, a TV station's telethon raised $1.2 million. In Minneapolis, 21 radio morning shows raised $500,000. In Omaha, a DJ got listeners to fill a 53-foot truck with donations. While in Grand Forks, KCNN Radio continued its round the clock effort to answer any and all questions for flood victims and provide the community with the latest in local and national news affecting its listeners.

To Phil Jackson of the Chicago Bulls and to the broadcasting community I extend my thanks.

A TRIBUTE TO EUNICE KINDRED

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. DAVIS of Florida. Mr. Speaker, I rise to recognize and congratulate Eunice Kindred, a rising senior at Tampa Preparatory School, on her first-place finish in the Congressional Art Competition for high school students of the 11th Congressional District. Her painting will be hung in the Capitol here in Washington, DC. For many students, this honor might be his or her first recognition of talent, but for Eunice, this is one addition to a long list of accomplishments within as well as outside the realm of art.

Eunice has excelled at art throughout her life, showing a unique talent for expression through canvas since age 5. She has received countless awards for her artistic abilities, at the local and national levels. Her artwork has been displayed in various exhibitions in the Tampa area; the list continues. Recently, Eunice has entered the world of business, starting her own design company. Undoubtedly she will enhance and fulfill her entrepreneurial skills to the level of her artistic skills.

Aside from these talents Eunice has the distinction of being one of the top young bowlers in the United States today. Eunice bowled a 299 game in 1992, consistently places highly in tournaments, and was recognized in 1994 as being in the top 5 percent of all young bowlers in the United States and Canada, an honor for which she received a letter of recognition from the President of the United States.

Eunice's extraordinary abilities also extend into musicianship. She is an accomplished violinist, having held the first violin chair of the Tamp Bay Youth Orchestra.

What is impressive about this young lady is the fact that despite her extensive extracurricular activities, Eunice maintains an excellent academic record; her induction into numerous honor societies is reflective of this record.

Eunice is truly an exceptional person. Her abilities run the gamut, ranging from aesthetics to athletics. Young people all across America such as Eunice embody the American spirit and will help lead the way into the 21st century. I, along with the rest of the 11th District of Florida, congratulate Eunice on her fine accomplishment.

REGARDING THE UPPER GREAT PLAINS FLOOD OF 1997

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 23, 1997

Mr. POMEROY. Mr. Speaker, I rise today to offer my appreciation to the people who have helped the disaster-stricken communities of North Dakota. Whenever a community suffers from a disaster, people often look to their local leadership to help them get through trying times and help them get back on their feet. With the blizzards and floods of 1997, local leaders in North Dakota have not only risen to the task, they've become heroes to the people they serve. Few can forget the images of Grand Forks Mayor Pat Owens working around the clock as her community suffered the worst disaster in North Dakota history. And between working endless hours helping her city through this time and numerous trips to Washington to make a case for Federal support, she was always available to also lend a shoulder to the Grand Forks resident who needed comfort.

Many other mayors across North Dakota, Minnesota, and South Dakota showed their unshakeable commitment to the people they serve. Mayor Lynn Stauss of East Grand Forks, Mayor Bruce Furness of Fargo, Mayor Hetty Walker of Pembina, Mayor Dan Rood of Wahpeton, and so many other community leaders deserve our thanks and our praise.

When our communities needed their leadership the most, they were there for us—providing strength, courage, and leadership that has truly made a difference to the lives of the people they represent.

The flood of 1997 on the Upper Great Plains brought out the best in people as neighbors helped neighbors get through some very difficult times. People from around the country stepped forward to lend a hand and show the residents of Grand Forks that they weren't alone. I would also like to recognize the incredible help provided by the men and women of the Grand Forks Air Force Base. From acting as the mass care shelter to hosting the senior prom, the assistance from the air base to the community continues. The response activities, and now the ongoing recovery efforts, could not happen without those extraordinary efforts.

Other groups that contributed to the disaster far above the normal call-of-duty include the men and women who worked to restore power after the blizzard. Linemen who in some cases were wearing snowmobile helmets as they worked to restore power lines during the height of the ice storms deserve our thanks for a job well done. The thousands of volunteers who fought the flood, in some cases even while their own homes were being inundated, should be remembered for their selfless acts and hard work.

Donations poured in from every corner of the United States as the magnitude of this disaster and suffering became known. Other acts of kindness from individuals and corporations were commonplace, their generosity at times truly defying description.

At the same time, other agencies stepped forward to do their usual jobs of helping people recover. Unfortunately, the Red Cross and the Salvation Army all too often are taken for granted for the support they provide. Let me tell you that in North Dakota, and especially in Grand Forks, they are not taken for granted. They set new standards for caring and commitment.

To all those who stepped forward to help those in need I say thank you.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 24, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 25

9:30 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on international satellite reform proposals.
SR–253

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine emerging fraud in the Medicare program.
SD–342

Rules and Administration
To hold hearings to examine campaign financing, focusing on whether political contributions are voluntary.
SR–301

Veterans' Affairs
To hold hearings to review a recent General Accounting Office (GAO) report entitled "Gulf War Illnesses: Improved Monitoring of Clinical Progress and Re-examination of Research Emphasis Needed".
SH–216

Indian Affairs
To hold oversight hearings on the Administration's proposal to restructure Indian gaming fee assessments.
SD–562

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the District of Columbia.
SD–192
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold oversight hearings to examine Social Security investment in the securities markets.
SD–538
Foreign Relations
To hold hearings on pending nominations.
SD–419
Judiciary
To hold hearings to examine encryption, key recovery, and privacy protection in the information age.
SD–226
2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the United States Fire Administration, Federal Emergency Management Agency and the Office of Associate Administration for Commercial Space Transportation.
SR–253
Judiciary
To hold hearings on pending nominations.
SD–226

JUNE 26

9:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253
9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 783, to increase the accessibility of the Boundary Waters Canoe Area Wilderness.
SD–366

JUNE 26

9 a.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold oversight hearings on recent administrative changes and judicial decisions relating to Section 404 of the Federal Water Pollution Control Act.
SD–406
Small Business
Business meeting, to mark up S. 208, to provide Federal contracting opportunities for small business concerns located in historically underutilized business zones, and proposed legislation authorizing funds for the Small Business Administration.
SR–428A
10:00 a.m.
Judiciary
To hold hearings to review the Global Tobacco settlement.
SD–226
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine the threat of domestic terrorism, focusing on allegations from the recent trial of Timothy McVeigh in the Oklahoma City bombing.
SD–226
2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 308, to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges, and S. 360, to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area.
SD–366
Judiciary
Immigration Subcommittee
To hold hearings on proposals to extend the Visa Waiver Pilot Program, including S. 290, to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States.
SD–226

JULY 10

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings to review the preliminary findings of the General Accounting Office concerning a study on the health, condition, and viability of the range and wildlife populations in Yellowstone National Park.
SD–336

JULY 23

9:00 a.m.
Finance
International Trade Subcommittee
To hold hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

JULY 30

9:00 a.m.
Finance
International Trade Subcommittee
To resume hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.
SD–215

CANCELLATIONS

JUNE 24

9:30 a.m.
Small Business
To hold hearings on proposed legislation authorizing funds for the Small Business Administration.
SR–428A

JUNE 25

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SR–430

JUNE 26

9:30 a.m.
Labor and Human Resources
Children and Families Subcommittee
To hold oversight hearings on the implementation of the Family and Medical Leave Act.
SR–430